

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: August 15, 2024
RE: Temporary Use Permit Application – Electoral Area “E” (E2024.006-TUP)

Administrative Recommendation:

THAT Temporary Use Permit No. E2024.006-TUP, to allow a vacation rental use at 6851 Indian Rock Road be approved.

Legal: Lot 8, Plan KAP13417, District Lot 212 391, SDYD Folio: E-02329.040

OCP: Low Density Residential (LR) Zone: Residential Single Family Three (RS3)

Proposed Development:

This application is seeking to allow a vacation rental use on the subject property through the issuance of a Temporary Use Permit (TUP).

In support of this proposal, the applicant has stated (amongst other things) that:

- We are grateful for the opportunity to apply for a TUP. We have abided by the RDOS rules and completed our health and safety inspection, in addition to fulfilling all the TUP application requirements.*
- We have built a family home in Naramata, my mother’s principal residence, and are so thankful to join this community. Specifically on Indian Rock, we would be honoured to join the other 5+ homes that are running vacation rentals on our street, especially as we have been very fortunate to stay at a few of them over the last few years, and would love to open our own doors to invite guests to stay, and cherish the Naramata wineries and local small businesses, just as we did before moving here and becoming residents.*
- We are applying for a 5 bedroom vacation rental. The secondary suite is not included, and is for the owner’s use only. Our plans have been due diligently verified to meet the bylaw requirements, and we have attached professional letters to support our application such as the letter from our septic system engineer. We have abided by and fulfilled the RDOS rules for the TUP application, and have had our TUP application board sign up in front of our home since February 2024.*

Site Context:

The subject property is approximately 1599 m² in area and is situated on the south side of Indian Rock Road, approximately 6km north of Naramata. It is understood that the parcel is comprised of a single detached dwelling with a secondary suite.

The surrounding pattern of development is generally characterised by similarly sized residential parcels that have been development with single detached dwellings, with the exception of the parcel

immediately to the north which is a larger small holdings parcel that appears to be used for agriculture.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on August 7, 1968, while available Regional District records indicate that a building permits have previously been issued for a single detached dwelling (2022) and alterations to a secondary suite/ basement (2023).

BC Assessment has classified the property as “Residential” (Class 01).

Electoral Area “E” OCP

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 3010, 2023, the subject property is currently designated Low Density Residential (LR), and is the subject of a Watercourse Development Permit (WDP) Area.

General TUP Criteria

Section 22.3.4 of Electoral Area “E” OCP Bylaw establishes the following criteria in evaluating a Temporary Use Permit (TUP) application:

- The use must be clearly temporary or seasonal in nature;
- Compatibility of the proposal with adjacent uses;
- Impact of the proposed uses on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas;
- Intensity of the proposed use;
- Opportunity to conduct the proposed use on land elsewhere in the community; and
- The remedial measures to be carried out to mitigate any damage to the natural environment as result of the temporary use.

Vacation Rental Criteria

In addition to the general TUP evaluation criteria at Section 22.3.4 of the OCP, Section 10.6.2 specifies criteria the Regional District Board may use to assess vacation rental proposals respectively:

- capability of accommodating on-site domestic water and sewage disposal
- mitigating measures such as screening and fencing
- provision of adequate off-street parking
- confirmation that the structure proposed complies with the BC Building Code
- benefits that such accommodation may provide to the community.

Okanagan Valley Zoning Bylaw

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Three (RS3) which lists “single detached dwelling” as a permitted principal use and “secondary suite” as a permitted accessory use.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is partly within the floodplain associated with Okanagan Lake.

Bylaw Enforcement

The Regional District has received written complaints regarding “the operation of a vacation rental use without a valid temporary use permit”.

At its meeting of July 25, 2024, the Regional District Board considered this application and moved to defer to the following meeting to allow Bylaw Enforcement staff to speak to enforcement activity on the property.

Board Consideration:

At its meeting of July 25, 2024, the Regional District Board resolved to defer consideration of Temporary Use Permit No. E2024.006-TUP to its meeting of August 15, 2024, in order to “allow for clarification on a number of items.”

Public Process:

Adjacent property owners will have received notification of this application with written comments being accepted up until one (1) week prior to the Board’s regular meeting at which the application is to be considered. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

In considering this proposal, Administration notes that the Electoral Area “E” OCP includes policies supporting the ongoing vacation rental use of residential parcels through the issuance of temporary use permits and outlines criteria against which the board will consider such proposals.

The intent of the Regional District’s Vacation Rental Temporary Use Permit Policy is to allow for a new vacation rental use to operate for one season to determine if such a use is appropriate at that particular location.

Accordingly, where a vacation rental use has been determined to be appropriate, this policy allows for the temporary use permit to be renewed or reissued for a maximum period of three years.

Where a vacation rental use has been determined to be inappropriate, this policy allows for the temporary use permit to lapse without renewal and for the use to be discontinued.

In considering this proposal, Administration notes that proposed vacation rental use aligns with the temporary use permit and vacation rental evaluation criteria established by the Electoral Area “E” OCP.

Regarding the TUP criteria, the proposed use is seasonal in nature and is unlikely to adversely impact the natural environment as it is confined to an existing single detached dwelling.

Regarding the Vacation Rental criteria, the applicant has provided confirmation that the proposed structure complies with the BC building code, has provided proof of adequate sewage disposal and has demonstrated that adequate off-street parking can be provided.

Alternative

Conversely, limitations on commercial operations like vacation rentals are intended to ensure that intrusive or intensive tourist accommodation is not introduced into residential neighbourhoods.

Summary

In summary, the proposed vacation rental use aligns with Electoral Area "E" Official Community Plan policies and for this reason it is recommended that the temporary use permit be approved.

Alternatives:

1. THAT the Board of Directors deny Temporary Use Permit No. E2024.006-TUP.

Respectfully submitted:

Ben Kent

Ben Kent, Planner II

Endorsed By:



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Agency Referral List

No. 2 – Site Photo

No. 3 – Aerial Photo

Attachment No. 1 – Agency Referral List

Referrals to be sent to the following agencies as highlighted with a , prior to the Board considering adoption of Temporary Use Permit No. E2024.006-TUP.

<input checked="" type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" type="checkbox"/>	Fortis
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	City of Penticton
<input type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Energy, Mines & Petroleum Resources	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing	<input type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Ecosystem Section)	<input type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input type="checkbox"/>	Ministry of Transportation and Infrastructure	<input type="checkbox"/>	Penticton Indian Band (PIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Upper Similkameen Indian Band (USIB)
<input type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	Lower Similkameen Indian Band (LSIB)
<input type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Environment Canada
<input checked="" type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	Kootenay Boundary Regional District	<input type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>	Fraser Valley Regional District	<input type="checkbox"/>	Irrigation District / improvement Districts / etc.
<input checked="" type="checkbox"/>	Naramata Volunteer Fire Department	<input type="checkbox"/>	

Attachment No. 2 – Site Photo (Google Streetview – 2023)



Attachment No. 3 – Aerial Photo

