

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: July 25, 2024
RE: Temporary Use Permit Application – Electoral Area “E” (E2024.007-TUP)

Administrative Recommendation:

THAT Temporary Use Permit No. E2024.007-TUP, to allow a vacation rental use at 4395 Mill Road, Naramata, be denied.

Legal: Lot 4, Plan KAP3889, District Lot 211, SDYD Folio: E-02279.000
OCP: Low Density Residential (LR) Zone: Residential Single Family Two (RS2)

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 simply would like to try and mitigate the cost of owning and have chosen to offer our little slice of paradise to people visiting this wonderful area. With the new BC regulations coming into effect May 1st there will be an extreme shortage of accommodation in the tourist industry. We hope our cottage can alleviate just a bit of that shortage.*
- *We had Karen of Quality Control Management come to inspect the system for purposes of our TUP application. We were advised that per your requirements that we could only sleep 2.5 persons. So in order to sleep 6 persons we would have to do a \$60,000 plus septic upgrade. This is not an option at this point in time.*
- *We intend to only sleep 4 persons for our STR. My family is large and more times than not we are 10 persons when we are enjoying the cottage. The system more than deals with my large family. We are a lakefront cottage. Only one bathroom.*
- *We would like to address the septic system. This system was installed by permit in 1982. We have had it completely inspected, updated with a new pump and overflow alarm. It is pumped out yearly.*

Site Context:

The subject property is approximately 488m² in area and is situated on the west side of Mill Road, in Naramata. It is understood that the parcel is comprised of a single detached dwelling.

The surrounding pattern of development is generally characterised by similarly sized lakefront properties to the south that have been developed with single detached dwellings. Land immediately to the north comprises vacant shoreline, which has been designated Parks, Recreation and Trails (PR).

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on June 28, 1947, while available Regional District records indicate that building permits have previously been submitted for alterations to the single detached dwelling (1980) and renovation of the single detached dwelling (1982).

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 the entire property is subject to 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 Two (RS2) which lists “single detached dwelling” as a permitted principal use.

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

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 property owner has provided a letter dated June 25, 2024, from Karen Halliday, ROWP of Quality Control Management stating that:

“The existing septic system was permitted and designed for a maximum flow rate of 1000 litres/ day. The minimum required flow rate for a vacation rental is 400 litres/day/person, therefore the maximum allowable occupancy would be 2.5 persons.”

In response, the applicant has submitted a rationale letter in support of this proposal specifically requesting to not replace the existing system with a new system that has adequate capacity for the proposed use due to the associated cost.

Capability of accommodating on-site domestic sewage disposal is listed as an evaluation criterion for vacation rental uses in the Electoral Area “E” OCP and for this reason, administration does not support the proposed temporary use.

Further, and in light of the comments from the ROWP, Administration has concerns about intensifying the use of an aging sewage disposal system beyond its originally intended capacity in such close proximity to Okanagan Lake.

Alternative

Conversely, Administration recognises that the proposed vacation rental use otherwise aligns with the vacation rental policies in the Electoral Area “E” OCP pertaining to seasonal use, number of bedrooms/ guests, parking and compliance with the Building Code.

Summary

In summary, the proposed vacation rental use is requesting to utilize a deficient septic system, and for this reason Administration is recommending that the temporary use permit be denied.

Alternatives:

1. THAT the Board of Directors approve Temporary Use Permit No. E2024.007-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 (2017)
- No. 4 – Aerial Photo

Attachment No. 1 – Agency Referral List

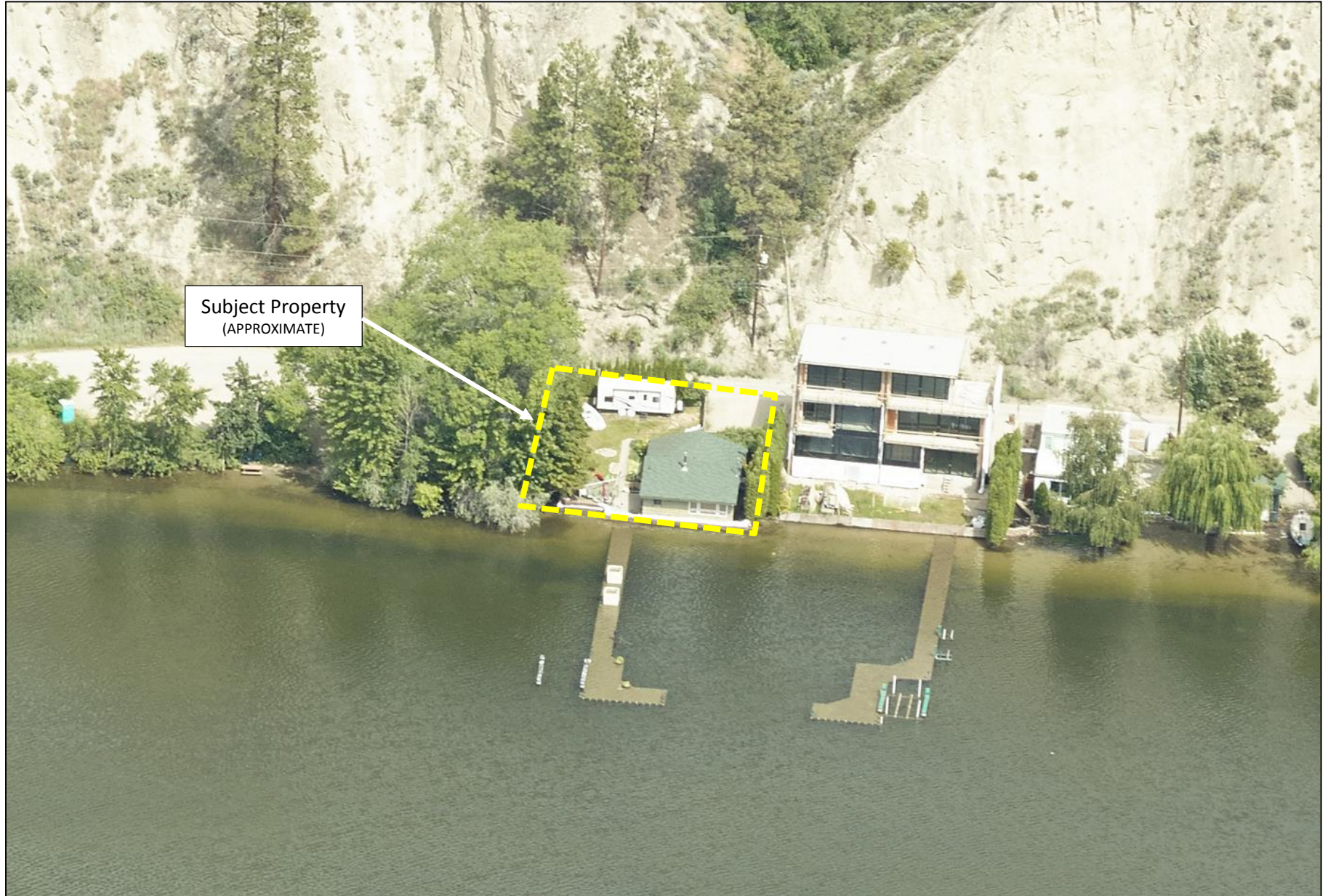
Referrals have been sent to the following agencies as highlighted with a , regarding Temporary Use Permit No. E2024.007-TUP:

<input 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 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



Attachment No. 3 – Aerial Photo (2017)



Attachment No. 4 – Aerial Photo

