

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: 22 September 2022

RE: Temporary Use Permit Application – Electoral Area “E” (E2022.017-TUP)

Administrative Recommendation:

THAT Temporary Use Permit No. E2022.017-TUP, to allow vacation rental use at 2589 Naramata Road, be approved.

Legal: Lot 2, Plan KAP34735, District Lot 209, SDYD Folio: E-02156.020

OCP: Agriculture (AG) Zone: Agriculture One (AG1)

Proposed Development:

The applicant has stated that “the reason for the temporary use is to help us cover some of the costs of the vineyard, to make use of the home when we are not there, and to help bring additional visitors into the region to support local businesses ... The proposed use is only for the single family dwelling and does not impact the farming activity in any way.”

Site Context:

The property is 3.58 ha in area and is situated on the west side of Naramata Road. The parcel is comprised of a single detached dwelling, a pool and vineyard.

The surrounding pattern of development is generally characterised by similarly sized residential parcels to the south that have been developed with single detached dwellings. There are smaller residential parcels with single detached dwellings to the north.

Background:

The property was created May 7, 1994, while available Regional District records indicate that building permits for a single family dwelling (2004), renovations to a single family dwelling (2018) and pool (2019) have previously been issued for this property.

The property is designated Agriculture (AG) and is the subject of a Watercourse Development Permit (WDP) and an Environmentally Sensitive Development Permit (ESDP) Area designation.

The OCP Bylaw is supportive of the use of a residence for short-term vacation rental use through the issuance of a Temporary Use Permit. The OCP Bylaw establishes the following criteria in evaluating a Temporary Use Permit application:

- The use must be clearly temporary or seasonal in nature;
 - Compatibility of the proposal with adjacent uses;
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- 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.

The property is zoned Agriculture One (AG1) which, among other uses, allows for single detached dwellings as a principal use, with “bed and breakfast operations” as a secondary use. The property is within the Agricultural Land Reserve (ALR), however, the ALC does not regulate tenure of a principal residence which has received all necessary permits. BC Assessment has classified the property as part Residential (Class 01) and part Farm (09).

April 18, 2019 - a Temporary Use Permit for a vacation rental on the property was approved. This TUP expired on December 31, 2019, and was not renewed.

September 2, 2021 – a Temporary Use Permit for a vacation rental on the subject property was approved, to expire on December 31, 2022.

Public Process:

In accordance with Schedule 5 Section 2.4 of the Development Procedures Bylaw, an application to renew a Temporary Use Permit does not require referral to the appropriate Advisory Planning Commission (APC) prior to the application being considered by the Board.

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:

The proposed vacation rental use on the subject property was previously approved and the Regional District has not received any complaints on the operation during the tenure of the previous owners in 2019 or under the current owners in 2022.

It is also noted that the vacation rental use does not remove any land from agricultural production and no structures are being proposed for the use. In response to the criteria contained in Section 22.3.4 of the Electoral Area “E” OCP bylaw, the proposed use is seasonal in nature (May 1st – October 31st) and the impact on the natural environment is minimized by being contained within the existing building and parking area on the parcel

The applicant has provided a septic compliance inspection from a Registered Onsite Wastewater Practitioner (ROWP), dated January 22, 2018, advising that upgrades were installed to the existing septic system and that "the new system can handle the additional loading of a vacation rental with maximum occupancy of 10 guests. A maintenance plan and operations manual were provided to the owner and letter of certification was accepted by Interior Health."

Building Inspection staff have completed a Health and Safety Inspection of the dwelling and confirmed that it meets the standards for health and safety.

Changing the duration of stay within an existing dwelling unit is not anticipated to introduce any land use conflicts that would not be present if the dwelling were used for residential purposes.

Alternatives:

1. THAT the Board of Directors deny Temporary Use Permit No. E2022.017-TUP.

Respectfully submitted:

Fiona Titley

Fiona Titley, Planner II

Endorsed By:

CG

C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List

No. 2 – Aerial Photo (2007)

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Temporary Use Permit No. D2022.005-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 checked="" type="checkbox"/>	Public Works (Naramata Water System)
<input checked="" type="checkbox"/>	Naramata Volunteer Fire Department		

Attachment No. 2 – Aerial Photo (2007)



Subject Property
(YELLOW DASHED LINE – APPROX.)