ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: July 20, 2023

RE: Temporary Use Permit Application – Electoral Area "E" (E2023.014-TUP)



Administrative Recommendation:

THAT Temporary Use Permit No. E2023.014-TUP, to allow vacation rental use at 980 Tillar Road, Naramata, be approved.

Legal: Lot 4, Plan KAP20721, District Lot 209, SDYD Folio: E-02155.015

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

Proposed Development:

To allow the operation of a vacation rental on the subject property through the issuance of a Temporary Use Permit (TUP).

In support of this proposal, the applicant has stated that "we wish to rent out the house during the times we are not using it as our own vacation spot to help with costs. The house was renovated and decorated with that purpose in mind. We would like to provide a luxury and comfortable gathering home for those who want easy access to local wineries. Our decoration and amenities were carefully thought out to attract families and those who appreciate the quiet and peace of the neighbourhood."

Site Context:

The subject property is approximately 1098 m² in area and is situated on the south side of Tillar Road, approximately 484 m east of Okanagan Lake. The parcel is comprised of a single detached dwelling. The surrounding pattern of development is generally characterised by similarly sized residential parcels that have been development with single detached dwellings.

Background:

The property was created on September 30, 1970, while available Regional District records indicate that building permits for a single family dwelling (1977) and an addition (1981) have previously been issued for this property.

The property is currently designated Low Density Residential (LR) and sections 22.3.5 and 22.3.6 of the OCP specify conditions for temporary use permits and short-term vacation rentals respectively.

Section 11.6 of the OCP provides for Vacation Rental policies for lands designated as Residential and supports the provision of paid accommodation for visitors through the short-term rental of residences provided that community and neighbourhood residential needs and other land use needs can be addressed.

Section 11.6.2 of the OCP Bylaw also indicates support for short-term vacation rentals on lands designated as Residential where permitted by a Temporary Use Permit and provides the following criteria for the Board to assess such applications:

- 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; and
- benefits that such accommodation may provide to the community.

The property is zoned Low Density Residential Three (RS3) which permits a single detached dwelling as a principal use.

The Regional District has received written complaints regarding the operation of a vacation rental without a TUP at the subject property. A search of enforcement records indicate that there were no noise or other vacation rental related complaints that were investigated.

While the subject property is located within the Agricultural Land Reserve (ALR), Section 23(1) (Exceptions) of the *Agricultural Land Commission Act*, states that restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the *Land Registry Act* (1960), less than 2.0 acres (0.81 ha) in area.

BC Assessment has classified the property as "Residential" (Class 01) and the property has been identified under the G.G. Runka Soil Stability report as having hazard of materials sliding or slumping.

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:

Te proposed use is seasonal in nature (June - November) and is not intensive in scale. The impact on the natural environment and neighbouring uses is minimized by being contained within an existing building. The property is connected to the Naramata water system.

The applicant submitted a letter of compliance from a Registered On-site Wastewater Professional indicating that "the new sewerage disposal system as designed is suitable to service a 4 bedroom vacation rental".

The property is largely screened from the property to the east and west due to the presence of trees and fencing. As it relates to the provision of off-street parking, the applicant has indicated that one parking space is available under the carport and three (3) parking spaces would be provided within the driveway, which would satisfy the minimum parking requirement for this use.

The intent of the Regional District's "Vacation Rental Temporary Use Permit Policy" and supportive OCP policies is to allow for a new vacation rental use to operate for one "season" to determine if such a use is appropriate, compatible, or viable at a particular location. Following the initial "season", the Board would then have the opportunity to determine whether it would be appropriate to allow for a renewal of the permit.

Alternatives:

1. THAT Temporary Use Permit No. E2023.014-TUP, to allow vacation rental use at 980 Tillar Road, Naramata, be denied.

Respectfully submitted:

Endorsed By:

Fiona Titley, Planner II

C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Agency Referral List

No. 2 – Site Photo (Google Maps 2012)

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a ☑, regarding Temporary Use Permit No. E2023.014-TUP:

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

Attachment No. 2 – Site Photo (Google Maps 2012)

