



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: June 15, 2023

RE: Temporary Use Permit Application – Electoral Area “E”

Administrative Recommendation:

THAT Temporary Use Permit No. E2023.015-TUP, to allow a vacation rental use at 1135 McPhee Road, Naramata, be approved.

Legal: Lot 2, Plan KAP17934, District Lot 207, SDYD, Except Plan 22152 Folio: E-02093.010

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

Proposed Development:

This application is seeking to allow 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're fulltime Naramata residents and are proposing this mid-century modern home as a 2 bedroom, 4 person occupancy, vacation rental, not longer than 6 months, for when we are taking short trips in 2023 and 2024... For the first time in more than 30 years we don't have kids or pets as dependents (in March 2023 our last dog died) so we plan to travel more before getting a puppy next year...Our neighbours...(1165 McPhee) have offered to meet & greet our guests/visitors on arrival and be available in the event of an emergency.”

Site Context:

The subject property is approximately 1103 m² in area and is situated on the north side of McPhee Road approximately 670 km east of Okanagan Lake and 2.2 km south east of Naramata Townsite. It is understood that 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 and larger agricultural parcels to the south.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on March 15, 1968, while available Regional District records indicate that a building permit for an addition (1982) has previously been issued for this property.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is currently designated Low Density Residential (LR).

Section 22.3.4 of Electoral Area “E” OCP Bylaw contains criteria in evaluating a temporary use permit application. Sections 22.3.5 and 22.3.6 specify conditions for temporary use permits and short-term vacation rentals respectively.

Section 11.6 of the OCP Bylaw further provides for Vacation Rental policies for lands designated as Residential; more specifically, that the Regional District Board 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.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Three (RS3) which permits single detached dwelling as a principal use.

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).

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:

While the property is in the ALR, the proposed vacation rental use is on a parcel of land historically used for residential purposes and does not remove any land from agricultural production.

In response to the criteria contained in Section 22.3.4 of the OCP, the proposed use is seasonal in nature (July to December) and is not intensive in scale. The impact on the natural environment and neighbouring uses is minimized by being contained within an existing building. Further the property is connected to the Naramata water which is adequate for the proposed use.

The applicant submitted a letter of compliance from a Professional Engineer (Peng) stating that he “is confident that the existing sewerage system is functioning as required for the proposed vacation rental”.

McPhee Road is a cul-de-sac (dead end). As it relates to the provision of off-street parking, the applicant has indicated that more than two (2) parking spaces would be provided within the driveway, which would satisfy the minimum (2 spaces) 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 the Board of Directors deny Temporary Use Permit No. E2023.015-TUP.

Respectfully submitted:

Fiona Titley

Fiona Titley, Planner II

Endorsed By:

CG

C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List

No. 2 – Site Photo

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , regarding Temporary Use Permit No. E2023.015-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 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 Fire Department	<input type="checkbox"/>	

Attachment No. 2 – Site Photo

