

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** September 17, 2020  
**RE:** Temporary Use Permit Application – Electoral Area “E”

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### **Administrative Recommendation:**

**THAT the Board of Directors approve Temporary Use Permit No. E2020.007-TUP**

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Purpose: To allow for a short-term vacation rental use through issuance of a TUP.

Owners: Valerie and Chad Taylor                      Agent: n/a                                      Folio: E-00604.000

Civic: 345 Kathleen Avenue                      Legal: Lot 3, Block 14, Plan 519, District Lot 210, SDYD

OCP: Low Density Residential (LR)                      Zone: Residential Single Family One (RS1)

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### **Proposed Development:**

This application is seeking a temporary use permit to authorize the operation of a short-term vacation rental use of a single detached dwelling, from May 1<sup>st</sup> to October 31<sup>st</sup> and which is to be comprised of three (3) bedrooms and a maximum occupancy of 6 people within the existing single detached dwelling with accommodation for three (3) parking stalls.

### **Site Context:**

The subject property is approximately 836 m<sup>2</sup> in area and is situated on the north side of Kathleen Avenue with vehicular access from the lane at the rear of the parcel. It is understood that the parcel is comprised of a single detached dwelling and accessory structures (single car garage and shed).

The surrounding pattern of development is generally characterised by similarly sized residential parcels that have been development with single detached dwellings in the immediate vicinity. The broader neighbourhood includes Manitou Park and select parcels with high density residential towards Naramata Townsite and larger residential/agricultural parcels to the east toward Naramata Road.

### **Background:**

#### Parcel Information

The current boundaries of the subject property were created by the Plan of Naramata Townsite in July 8<sup>th</sup>, 1908, while available Regional District records indicate that a building permits for an addition to a single detached dwelling (1990) and a woodstove (2001).

In support of this TUP application, a Health & Safety Inspection was completed on August 28, 2020.

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An assessment from a ROWP regarding the septic system was provided and the property is serviced by a community water system.

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

#### Electoral Area “E” Official Community Plan

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 of the Electoral Area “E” OCP Bylaw contains the objective to consider allowing on-going short-term vacation rental uses on properties designated Residential through the issuance of Temporary Use Permits.

This is also supported under Section 11 of the Electoral Area “E” OCP bylaw, which includes vacation rental policies that support paid accommodation for visitors through the short-term rental of residences provided that community and neighbourhood needs and other land use needs can be addressed (Section 11.6.1).

Evaluation criteria in Section 11.6.2 of the Electoral Area “E” OCP bylaw for assessing applications includes:

- a) Capability of accommodating on-site domestic water and sewage disposal;*
- b) Mitigating measures such as screening and fencing;*
- c) Provision of adequate off-street parking;*
- d) Confirmation that the structure proposed complies with the BC Building Code; and*
- e) Benefits that such accommodation may provide to the community.*

Section 22.3.4 of the Electoral Area “E” OCP bylaw contains further criteria in evaluating temporary use permit applications. Section 17.3.5 and 17.3.6 specify conditions for temporary use permits and short-term vacation rentals respectively. Conditions specific to short-term vacation rentals are summarized as:

- a) The provision of screening or fencing in order to address potential impacts or to address neighbour privacy issues;*
- b) The provision of the manager or owner’s contact information, as well as a copy of any issued TUP, to each neighbour whose property is located within 100 metres of the subject property;*
- c) The availability or accessibility by telephone of the manager or owner;*
- d) The posting of information for the property (i.e. noise, fire safety, location, garbage, septic system care, pet control);*
- f) Maximum accommodation (occupancy of two per bedroom, up to 10 persons)*
- g) Provision of one parking space per bedroom*
- h) Prohibition of RV use or camping;*
- i) Confirmation of minimum standard for health and safety; and*
- j) Other requirements, as appropriate*

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## Electoral Area “E” Zoning Bylaw

Under the Electoral Area “E” Zoning Bylaw No. 2459, 2008, the property is currently zoned Residential Single Family One (RS1) which permits single detached dwellings as a principal use, with limited accommodation for commercial uses in the form of “home occupations” and “bed and breakfast operations” as permitted secondary uses.

### COVID-19

The Province of British Columbia has declared a state of emergency in response to the COVID-19 pandemic. The Province has entered into “Phase 3”, which calls for those within BC or travelling from another province or territory to travel safely and respectfully.

### **Public Process:**

On August 5, 2020, a Public Information Meeting (PIM) was held electronically and was attended by no members of the public (RDOS staff, applicant and Area Director were present).

Due to COVID-19, an Area “E” Advisory Planning Commission (APC) meeting was not held. Area “E” APC members were provided the opportunity to comment individually on this application.

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until the commencement of the regular Board meeting.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

### **Analysis:**

In considering this proposal, Administration notes that the Electoral Area “E” OCP Bylaw includes supportive policy for vacation rental uses in residential areas and outlines a number of criteria against which the Board will consider such a use.

In response to the criteria outlined in Section 11.6.2, the applicant has provided a letter from a Registered On-site Wastewater Practitioner (ROWP) inspecting the septic tank and stating that “existing system should be sufficient” for intended use.

With regards to screening and fencing, there is low fencing along the property boundary and established vegetation on the property.

In terms of off-street parking, the applicant has submitted a site plan which shows provision of three parking stalls accessed from the lane at the rear of the subject parcel. This includes a single car garage and two on-site surface parking spaces.

A Health and Safety inspection was completed on August 28, 2020 and no deficiencies were noted.

Conversely, Administration recognises that operation of a vacation rental will attract non-residents to the area and into an established residential neighbourhood during a Provincial State of Emergency for COVID-19.

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” in order to determine if such a use is inappropriate, incompatible or unviable at a particular location and, if so, to allow for the permit to lapse or not be renewed within a relatively short period.

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Given the Electoral Area “E” OCP Bylaw generally supports vacation rentals in residential areas, and the applicant has satisfied the criteria requirements for a three-bedroom vacation rental, it is recommended that the vacation rental be approved, with conditions. It is recommended that the following conditions are included in the TUP:

- Term of Permit (To Expire December 31, 2021, to provide for one “full season”);
- Vacation rental operator and guests adhere to provincial health orders during the Provincial State of Emergency for COVID-19;
- Period of use (May –October);
- Posting of information within vacation rental;
- Maximum number of bedrooms (3);
- Maximum occupancy (6);
- Minimum number of on-site parking stalls (3);
- Prohibition of camping or use of RVs or accessory buildings for vacation rental occupancy; and
- Providing TUP and contact information to neighbours.

**Alternatives:**

1. THAT the Board of Directors deny Temporary Use Permit No. E2020.007-TUP; or
2. THAT the Board of Directors defer consideration of Temporary Use Permit No. E2020.007-TUP for the following reasons:
  - i) *TBD*

**Respectfully submitted:**

  
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JoAnn Peachey, Planner I

**Endorsed By:**

  
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C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (Google Streetview)

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