

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** October 7, 2021  
**RE:** Temporary Use Permit Application – Vacation Rental – Electoral Area “E” (E2021.021-TUP)

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### **Administrative Recommendation:**

**THAT Temporary Use Permit No. E2021.021-TUP for a “vacation rental” use at 4785 Mill Road, Naramata be approved.**

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Legal: Lot 3, Plan KAP12051, District Lot 211, SDYD

Folio: E-02293.005

OCP: Small Holdings (SH)

Zone: Small Holdings Five (SH5)

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### **Proposed Development:**

To allow for 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 that the “proposed Temporary Use is an occasional vacation rental during the shoulder seasons as this is the owner's full-time summer residence. Rentals will be locally professionally hosted by a vacation rental manager. Preferred months are Sept/Oct and March-June ...”

### **Site Context:**

The subject property is approximately 0.13 ha in area and is situated on the south-west end of Mill Road. It borders on Okanagan Lake with approximately 47 m of lake front. It is understood that the parcel is comprised of a single-detached dwelling that is in the RDOS water service area and serviced by an on-site septic system.

The surrounding pattern of development is generally characterised by residential to the north along the Lake and agricultural on all other sides.

### **Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on January 23, 1962, while available Regional District records indicate that building permits for demolition of the previous dwelling (February 2006) and building the new single family dwelling (March 2006).

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is currently designated Small Holdings (SH), and is the subject of a Watercourse Development Permit (WDP) Area designation.

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Section 22.0 of Electoral Area “E” OCP Bylaw contains criteria in evaluating a temporary use permit application. Section 22.3.5 and 22.3.6 specify conditions for temporary use permits and short-term vacation rentals, respectively.

Under the Electoral Area “E” Zoning Bylaw No. 2459, 2008, the property is currently zoned Small Holdings Five (SH5) which allows a “single detached dwellings” as the principle use as well as “bed and breakfast operation” and “secondary suites” as secondary uses.

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

**Public Process:**

On September 23, 2021, a Public Information Meeting (PIM) was held via WebEx and was not attended by any members of the public.

At its meeting of September 13, 2021, the Electoral Area “E” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved, subject to the conditions of vacation rental TUPs.

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 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.

The proposed use is seasonal in nature (May-June and September-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 and parking area on the parcel. A health and safety inspection has successfully been completed.

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 inappropriate, incompatible, or unviable at a particular location and, if so, to allow for the permit to lapse or not be renewed.

The applicant has been unable to retain a Registered On-site Wastewater Practitioner (ROWP) to write a positive compliance letter for the septic system to support the proposed vacation rental use.

The professional Engineer who designed the septic system and a local ROWP have confirmed that the system was designed for a four-bedroom home. However, there are inconsistencies with a recent real estate listing for the property and the original Interior Health Record of Sewerage that lead the ROWP to fail the system without conducting a site-visit due to assumptions the home has been modified.

Administration considers the real estate listing to be a marketing tool that inflated the actual usable size of the home and should not be used to inform calculations for the septic system. Further, an RDOS Building Inspector conducted a Health and Safety Inspection of the home and confirmed that no modifications have been made since the building permit was issued in 2006 and the system was installed in 2008.

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This application has highlighted the need for greater clarity in the Regional District's Development Procedures Bylaw regarding confirmation of septic compliance when a new use, a change of use or new development (i.e. dwelling addition) is being proposed on a parcel.

**Alternatives:**

1. THAT the Board of Directors deny Temporary Use Permit No. E2021.021-TUP; or
2. THAT the Board of Directors defer consideration of Temporary Use Permit No. E2021.021-TUP for the following reasons:
  - i) *TBD*

**Respectfully submitted:**

D. DeVries  
Danielle DeVries, Planner 1

**Endorsed By:**

  
C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List

No. 2 - Applicant's Site Plan

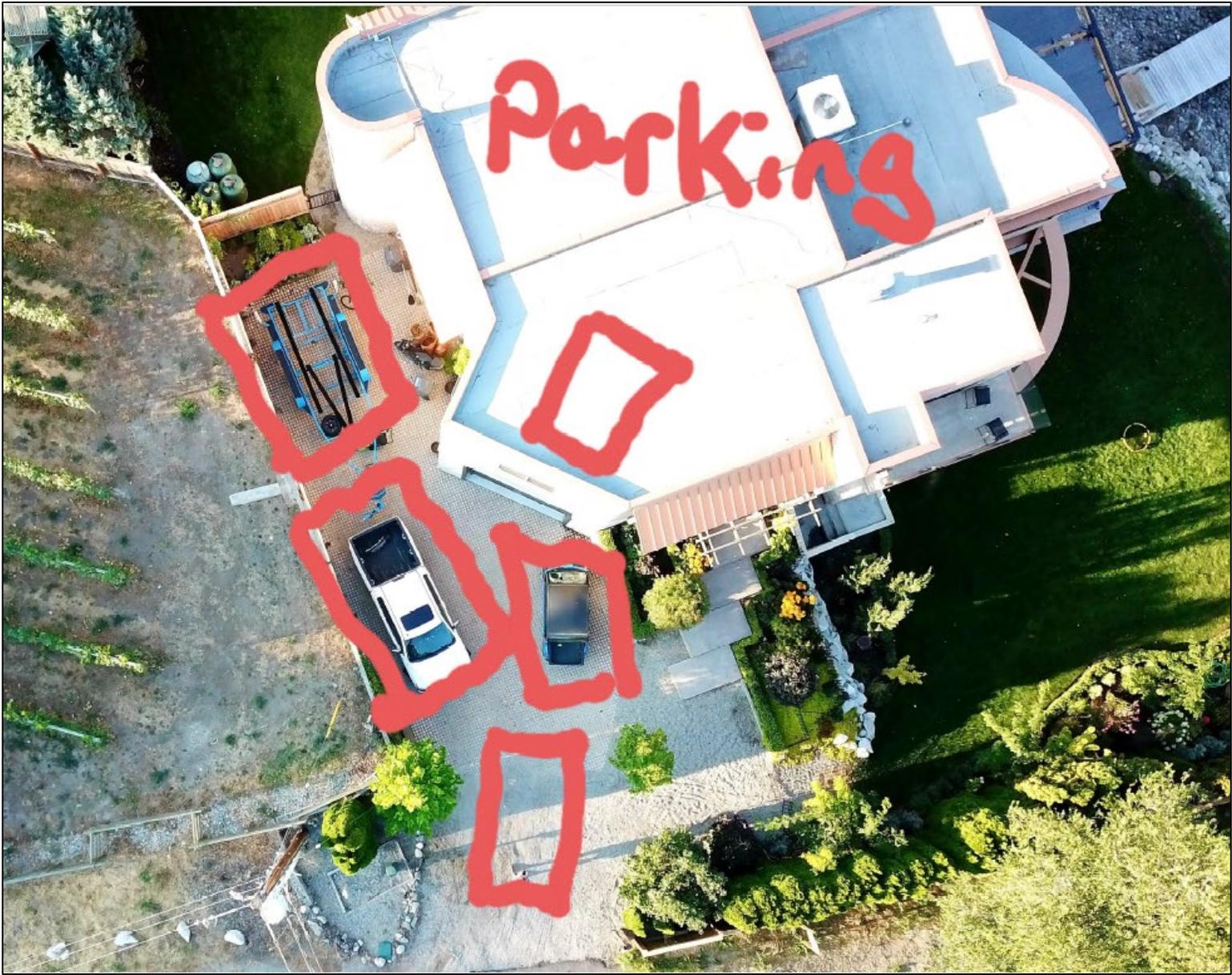
No. 3 – Site Photo (2017)

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , prior to Board consideration of TUP No. E2021.019-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 Environment & Climate Change Strategy	<input type="checkbox"/>	Town of Princeton
<input checked="" 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 type="checkbox"/>	Irrigation District / improvement Districts / etc.
<input checked="" type="checkbox"/>	Naramata Fire Department		

Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Site Photo (2017)

