

Question and Answer Sheet

Regional District of Okanagan-Similkameen

Housing & Economic Development – Electoral Area “E” OCP Review

March 24, 2022

Housing

Q1: Is the process for simple structures like yurts different from others, and is there a way to fast track applications for them?

A1: It is an ongoing discussion. Much of the time constraints are related to staffing and application volume, which has increased yearly. When applications come in they go through the planning department to confirm zoning, then goes to building inspectors to confirm building code. Smaller projects do finish quicker as they require less work, but are still subject to queuing.

Q2: What can the OCP do to address the environmental impact of development and housing affordability in Naramata? In other words, what control do we have to shape our community? Can that be defined?

A2: The OCP can guide the types of development we do and do not want. Rezoning and subdivision applications will be measured against the policies in the OCP and zoning, which trickles down from the OCP. However, there are not necessarily strong controls in place to define what type of house someone can put on a lot. Regional Growth Strategies determine where the growth should go and the OCP states the types of uses that can go in each area and how the community will grow, and the Zoning dictates specific requirements for each use.

In addition, we need a growth boundary in the new OCP we currently do not have one.

Q3: What can be done to create more affordable housing in Naramata?

A3: Some things that Communities can consider within their OCP and Planning process to support affordable housing developments are:

- Parking variances, especially given affordable housing developments are likely to have lower vehicle requirements than market housing
- Height variances
- Property Tax Waivers
- DCC and Municipal Waivers
- Land contributions
- Covenants and zoning restrictions on identified sites to mandate affordable housing requirements
- Partnering with Societies to encourage development of affordable housing

- Be able to accept Letters of Indemnity (particularly from BC Housing) in lieu of a Letter of Credit (if this is a planning requirement)

In addition there are some supportive programs that can be accessed:

- CMHC provides opportunities for financing and grants to support affordable housing developments
- The Housing Hub is another BC Housing program, which is designed to partner with private developers to assist in the provision of affordable housing. [HousingHub: Partnering with BC Housing to Build Affordable Housing](#)

Q4: Most of the presenters focused their presentations on how to maximize the number of persons who can dwell on each legal lot. Our current OCP has a mandate of 1.5% population growth each year. There is a significant disconnect between our growth parameters and the presentations. I believe that many of us in the Advisory Group are very concerned about the development pressure in Naramata and the rapid changes in our community. So, it is very concerning to have the presenters focus on doubling down on our current population. This new OCP is our chance to address what the community wants in terms of slowing our growth rate down. Is our group able to voice their concerns about population density and growth during this process?

A4: Yes, the Community Advisory Group can voice any and all concerns throughout this process.

The presentations were responding to the current affordable housing crisis in BC. Last year, the RDOS completed a [Housing Needs Assessment](#), which showed that the growth rate in Electoral Area “E” is under 1% per year (0.7%), there are 8.6% more seniors (+65) than the rest of the Province, and that 81% of households are owner-occupied. The assessment estimated that 45 new housing units were needed between 2016 and 2021 and that if the current growth continued that 32 more units would be required by 2026.

Since then, the [2021 census statistics](#) have been released, which showed that the growth between 2016 and 2021 was higher than anticipated. The growth is still under the OCP projection of 1.5% at approximately 1.2% per year.

Q5: In reviewing the current OCP I was concerned when I learned that Naramata is designated as a Primary Growth Area. What exactly does that legally mean? What process is necessary to remove Naramata as a Primary Growth Area?

A5: Under the current [Regional Growth Strategy](#) (RGS), Electoral Area “E” is a Rural Growth Area, not a Primary Growth Area. The RGS requires that the boundary for this area be established through the OCP, which has not yet been done. The goals and objectives of rural growth areas include focusing housing development within the boundaries, protecting the character of rural areas and the agricultural land base, protecting biodiversity, and more.

The RGS is currently under review and will be discussed further at the May 26th Deep Dive.

Q6: What is the definition of infill area(s) in the OCP?

A6: Infill areas are any properties that have not been built out to their full potential as permitted in the Zoning bylaw. Infill is considered as the development of underused or vacant land in urban areas to increase density and place new development near existing resources and infrastructure

Q7: Have the containment boundaries for the Naramata townsite growth area been defined?

A7: Not yet. Establishing growth boundaries for the Naramata Rural Growth Area is to be part of the OCP Bylaw Review project.

Q8: Is the suitability of maintaining Naramata (townsite) as a designated Rural Growth Area not perhaps questionable, as was expressed by Area “A” OCP for certain locations?

A8: This is a question for the community to provide direction on through the OCP Bylaw Review project. We will be discussing the growth area at the May 26 deep dive at the Naramata Fire Hall.

Q9: Is the policy for medium density residential uses in the NVC attainable in the absence of: a) community sewage treatment system(s) and b) available vacant land within NVC?

A9: In the absence of a community sewer system, increasing densities in the Naramata Village Centre is not possible. However, as a designated Rural Growth Area under the RGS Bylaw, the RDOS will seek to provide such infrastructure to the Village Centre area.

Q10: What are the triggers to insist on a Comprehensive Development Plan?

A10: The Comprehensive Development Plan (CDP) is unique to the Electoral Area “E” OCP and likely will be excluded from the next iteration. Now, the other electoral areas use discretionary “Development Approval Information” permitted through the OCPs and [Development Procedures Bylaw](#). The current triggers for a CDP are the creation of 20 or more housing unit or development involving more than 20 hectares of land.

Q11: The 2020 Housing Needs Assessment mentions that “There are too many single-family dwellings and not enough housing diversity, such as multi-family to help with the affordability.” [p.32]. What will have to be done, and by whom, to “provide more housing variety and options”?

A11: The RDOS must ensure that the OCP and Zoning Bylaws designate land where it is possible to build forms of housing other than single family dwellings. Then, property owners and/or developers can build various forms of housing as permitted through the zoning.

Q12: The 2020 Housing Needs Assessment also mentions that “Eliminating core housing need for these households (18% of households spend >30% of income on shelter) may be achieved through combination of new builds, rental subsidies, dwelling repairs, and dwelling expansions.” Realistically speaking, where in Naramata is this achievable?

A12: There are a variety of unfilled development opportunities in Naramata. There is a Land Use Inventory and infill map forthcoming that identify lands that have not built to the full potential that is allowed in the zoning for the property. For example, most homes in Naramata are permitted to have a suite, though only a small proportion have built one.

Q13: From 2016 to 2026 (four years from now) the seniors population is forecast to increase from 26% to 33%. Is there indeed a solution to be found for “seniors housing, group homes, and community care housing within the Naramata Village Centre” as per the OCP?

A13: It is possible that there are opportunities for this type of housing in the Naramata Village Centre and/or Naramata Centre Society Lands. The OCP policy is there to show support for this type of housing should a developer or non-profit be interested in creating it. The OCP could designate more lands for medium density uses like seniors housing, direct this elsewhere, or direct this to the City of Penticton.

Vacation Rentals

Q1: Can the complaint link for bylaw enforcement be highlighted on the homepage of mynaramata.com?

A1: Deb, who runs mynaramata.com is in meeting and that comment has been noted. You can submit a written bylaw complaint form about other vacation rental issues on the RDOS website: <https://www.rdos.bc.ca/> or call the bylaw enforcement line 24/7 at 250-492-0911.

Q2: Does bylaw enforcement actively monitor vacation rental sites to see if properties are listed that should not be?

A2: We do not have the resources available to do that. Our policy does speak to submissions of written complaint. Current resources are focusing on vacation rentals that are not operating properly and that are intrusive to the neighborhood. If more resources were available at a later date, then we may consider monitoring vacation rental sites.

Q3: Can any dwelling unit be available for VRBO?

A3: The intention of the bylaw is that any legal dwelling unit on the property including: principle dwelling, secondary suite, or an accessory dwelling could be used to apply for a Temporary Use Permit (TUP).

Q4: How many complaints have been received since 2014 and how big of an issue are vacation rentals for the RDOS?

A4: Many complaints have been received over the past 8 months. One complainant lodged about 75 complaints alone. Vacation rental owners were informed that they needed TUPs, but no active enforcement took place on all of those as the complainant was not directly impacted. Resources are focused on complaints that impact the neighbourhood or adjacent owners over multiple ones that are received from the same person.

There were 10 investigations launched based on the complaints.

For more information, see the [vacation rental fact sheet](#).

Q5: How many vacation rentals are in Naramata, and how many of the complaints might be related to only a select few owners?

A5: There are currently 14 permitted vacation rentals in Naramata and five pending applications. It is possible that multiple complaints are related to the same owners. This has been the case for at least one property.

For more information, see the [vacation rental fact sheet](#).

Q6: How come reno-victions are not allowed, but vacation-victions do happen? Doesn't seem fair to long-term community.

A6: Under the Residential Tenancy Act reno-victions are prevented a number of ways like requiring four months of notice and one month free rent. Likewise, any eviction of a long term rental must provide one to two months of notice and potential payment, depending on the reason of the eviction.

The above only applies to month to month and ongoing leases. If a lease is for a fixed term, then the landlord can require the tenant to leave at the end of that term because the tenant agreed to it. This later is likely the case for vacation rentals and owner vacation properties where they allow a fixed term lease for six to ten months to cover the off season and then require the tenant to leave.

Q7: Apex area has another criteria that the vacation rental shall not provide a nuisance/quiet enjoyment of their property. Why is this not included in the Area “E” OCP?

A7: Apex has zones that currently allow vacation rentals where Area “E” does not. Likely the additional criterion in their bylaw is related to the fact that vacation rentals are allowed there all the time. This is something that can be added into the new OCP.

Q8: How come the notification is limited to 100 meters from the property? This doesn’t seem like enough because more people in the community are affected.

A8: 100 meters is a standard at the RDOS. The 100 meters applies to VoyentAlert! And mailed letters only. This can be increased or decreased at the Planner’s discretion if it is apparent that there should be more of the community notified. The entire community is notified through Facebook, newspaper ads, and MyNaramata.

Q9: We can phone the bylaw enforcement line for excessive, ongoing noise. If it is a vacation rental with a TUP registered, the complaints will go toward renewal consideration. What about if they do not have a permit? How is that handled? Are they required to apply for a TUP?

A9: If the complainant mentions that the noise is related to a known or suspected vacation rental, then this will be noted and investigated. If it is found that the property is operating an illegal vacation rental, then they will be required to apply for a TUP. The Regional District Board will determine whether or not the TUP is granted.

Q10: TUPs require one spot per bedroom. But complaints about on street parking have to go to MoTI. So if we can’t do anything about it, then why is it a requirement?

A10. The minimum number of parking spots are assessed through the TUP application and must meet the requirement. If there are more than one vehicle per bedroom and the excess cars park on the street, then this is in excess of the requirement.

Q11: Is a vacation rental allowed in an accessory dwelling since an accessory dwelling is not a building and a vacation rental is not allowed in an accessory building?

A11: An “accessory dwelling” is defined separately from an “accessory building and structure” under Section 4.0 (Definitions) of the Zoning Bylaw and also listed separately as a permitted use under certain zones.

Accordingly, we do not treat them as the same thing and there is no expectation, as you suggest, that an “accessory dwelling” is going to be located within an “accessory building or structure”. In other words, an “accessory dwelling” is its own, separate type of building.

Q12: Is “vacation rental” a secondary use?

A12: “vacation rental” is a prohibited use in all zones in Zoning Bylaw No. 2800, with the exception of the zones that apply to the residential lands around Apex Mountain Resort. In the Apex Mountain Resort zones, “vacation rental” is a principle use.

Through the issuance of a TUP or a rezoning, “vacation rental” may become a permitted principle use on a specific property.

Q13: Could the term “temporary or seasonal”, similar to “seasonal or short term” used elsewhere, simply be interpreted to allow rentals year round, provided it does not exceed 30 consecutive days per stay?

A13: The RDOS preference is generally not to rely on expansive “interpretations” to allow a use to occur in a zone. Instead, we would propose formal amendments to the zoning bylaw to allow year-round tourist accommodation if that was the Board’s intent for a zone.

Q14: Does “temporary” mean a total of six year period (maximum of three years, plus one single renewal — under the assumption the extension also is for maximum of three years)?

A14: Please see Division 8 (Temporary Use Permits) of the Local Government Act. As you will see, the legislation uses the language “temporary” to describe this category of permit. The legislation also sets out the duration for which a permit may be issued (e.g. up to 3 years in length).

Q15: Does “temporary” mean that a fresh application (per property, or new owner) can be submitted every six years, perpetually repeating, and thereby circumventing the OCP and its zoning?

A15: Please see Division 8 (Temporary Use Permits) of the Local Government Act. As you will see, the legislation does not prohibit the continuous submission of TUP applications to a local government. The decision to not issue a TUP is ultimately a discretionary one of the Board and, in the case of “vacation rentals” you are likely aware that the Board has adopted a policy of authorizing these through the issuance of a TUP. Accordingly, it is not clear to me that such decisions on “vacation rental” TUPs are, as you suggest, a circumvention of the OCP Bylaw.

A TUP, whether the first application or the eighth, is still “temporary” in the sense that it will last a maximum of three years. A renewal or subsequent application is not guaranteed to be approved, especially if the policy direction for vacation rentals changes.

The other option, that is not temporary, is to rezone the property, which will allow the use in perpetuity and regardless of whether the zoning is subsequently changes (as the use would then enjoy non-conforming use rights under the Local Government Act).

Q16: The 2020 Housing Needs Assessment mentions various issues with housing stock being used for vacation rentals and there does not appear to be any reference in this document related to vacation rentals with a real positive undertone. What criteria need to be applied to determine the “benefits that such accommodation may provide to the community”?

A16: In general, this criteria is assessed through the public consultation process. Where a neighbour who complains may illustrate that there is a dis-benefit to the community. Otherwise, the approach taken to date is that vacation rentals are providing tourist accommodation that boosts the local economy.

Q17: Could there be a point of saturation where there will be a cap on the number and or location of TUPs being issued?

A17: Yes, this is an option that could be included in an OCP policy.

Q18: What enforcement of short term rental policies is in place?

A18: The vacation rental policies are used to make sure applications are complete and address all the concerns in the OCP criteria. It is then used to create the reports and recommendations for whether the application should be approved or not.

For illegal vacation rentals, the bylaw enforcement team investigates complaints made by neighbours and may lead to the property owner stopping their vacation rental or applying for a temporary use permit to comply with the policies.

Q19: Is there a renewal fee for short term rental permits or just the application fee?

A19: Yes, the current application fee is \$2,500 and the renewal fee is \$1,250.

Q20: Is there a public list of properties with permits?

A20: Yes, all current applications and past applications with active permits are available on the website at: <https://www.rdos.bc.ca/development-services/planning/current-applications-decisions/electoral-area-e/>

Q21: Since medium density housing is being concentrated in the village, could short term rentals be restricted to larger properties on the bench where there is more space between houses and less disturbances in higher density areas?

A21: Yes, this is an option that could be included in an OCP policy.

Economic Development

Q1: Is it correct that there are four development projects ready to go in the near future in Okanagan Falls, but the vast majority of them are for vacation rentals?.

A1: The majority of them are three to four story condos. They are appropriately located towards the lake. It is possible that they will be purchased as second or third homes or holiday homes. It is an expectation that many of these will end up becoming short term rentals. However, a portion will probably be purchased for long term family use,

Q2: Are produce stands permitted at residences in the village core?

A2: If the zoning for the property allows a home occupation or agriculture, then they may have a produce stand as long as it meets the criteria set out in the [Zoning Bylaw](#).