

## ADMINISTRATIVE REPORT



**TO:** Advisory Planning Commission  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 11, 2021  
**RE:** Temporary Use Permit – Electoral Area “D”

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

Owners: Terrence and Donna-May Scramstad Agent: n/a Folio: D-06752.290

Civic: 128 Saliken Drive Legal: Lot A, Plan KAP86573, District Lot 2710, SDYD

OCP: Large Holdings (LH) Zoning: Site Specific Large Holdings One (LH1s)

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### **Proposed Development:**

This application is seeking to authorize the operation of a short-term vacation rental use of a four-bedroom dwelling on the subject property for a one season term to expire on December 31, 2021, through the issuance of a Temporary Use Permit (TUP).

In support of this proposal, the applicant has stated that “this is our inaugural season, and our demographic is a family-oriented holiday to a maximum of 6 people. Stipulating in our rules, no parties, or gatherings and a designated outside quiet time.”

### **Site Context:**

The subject property is approximately 3,107 m<sup>2</sup> in area and is situated on the southwest side of Saliken Drive and approximately 100 metres from the City of Penticton municipal boundary.

The surrounding pattern of development is generally characterised by rural residential parcels that have been developed with single detached dwellings.

### **Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on May 9, 2008, while available Regional District records indicate that building permits for a single detached dwelling (1998), garage (2010), deck addition (2015) and porch/deck enclosure (2015) have previously been issued for this property.

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Large Holdings (LH), and is the subject of a Environmentally Sensitive Development Permit (ESDP) Area designations on a portion of the parcel and is within the Hillside Development Permit Area.

Section 23 of the Electoral Area “D” OCP Bylaw contains the objective to consider allowing on-going vacation rental uses on properties designated Residential through the issuance of Temporary Use Permits.

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This is supported under Section 10.3.9 Rural Holdings, Policies-General, which includes vacation rental policies that support 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 (with the exception of areas on Eastside Road North and Eastside Road South which such uses are generally discouraged).

Evaluation criteria in Section 8.6.2 of the Electoral Area “A” 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.*

A Health and Safety Inspection was completed on March 10, 2021 and the Building Inspector identified no deficiencies.

A letter prepared by a Registered On-site Wastewater Practitioner (ROWP) has been provided stating “the septic system is designed for, and can handle flow of 1818 liters per day. Therefore at 450 liters per day, per person a 4 person/3-bedroom rental will have no negative effects on the onsite wastewater system”.

Section 23.0 of Electoral Area “D” OCP Bylaw establishes the following criteria in evaluating a Temporary Use Permit application:

- The use must be clearly temporary or seasonal in nature;
- Compatibility of the proposal with adjacent uses;
- Impact of the proposed uses on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas;
- Intensity of the proposed use;
- Opportunity to conduct the proposed use on land elsewhere in the community; and
- The remedial measures to be carried out to mitigate any damage to the natural environment as result of the temporary use.

Section 23.2.5 and 23.2.6 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);*

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- e) Maximum accommodation (occupancy of two per bedroom, up to 10 persons)*
  - f) Provision of one parking space per bedroom*
  - g) Prohibition of RV use or camping;*
  - h) Confirmation of minimum standard for health and safety; and*
  - i) Other requirements, as appropriate*

Under the Electoral Area “D” Zoning Bylaw No. 2455, 2008 the property is currently zoned Site Specific Large Holdings One (LH1s) which permits single detached dwellings as a principal use.

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

**Analysis:**

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

In response to the criteria outlined in Section 23, in favour of the application, a vacation rental is considered a seasonal use as it only occurs for a portion of the year (i.e. May-September), is located outside of designated environmentally sensitive areas, and is contained within an existing dwelling.

In response to the criteria outlined in Section 8.6.2, in favour of the application, the applicant has submitted a site plan which shows provision of adequate parking on-site, including a garage and additional spaces in front, exceeding the four parking space requirement.

Further, a health and safety inspection was completed and did not identify any deficiencies.

With regards to mitigations measures such as screening and fencing, the applicant has noted the land is fully fenced with a designated backyard that has a separate fenced area.

However, Administration has concerns regarding the capability of accommodating on-site domestic sewage disposal based on the ROWP letter provided and the number of bedrooms in the dwelling.

The ROWP letter stated existing onsite sewage disposal system can handle daily flow of 4 persons, which is half of the capacity required of a 4-bedroom rental with an 8-person occupancy (based on an occupancy of 2 people per bedroom).

Although the TUP application could be modified to reduce the occupancy to a maximum of 4 persons to reflect the on-site septic system limitations, Administration does not support this approach as it places a matter of public health in the hands of behavioural compliance and enforcement of TUP condition (i.e. 4-person occupancy) that is at odds with the built form (i.e. 4-bedroom house).

Conversely, 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.

The Electoral Area “D” OCP Bylaw supports vacation rentals in rural residential areas, and the applicant could satisfy the evaluation criteria for a 2-bedroom (4-person occupancy) vacation rental with the existing on-site septic system.

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In summary, Administration does not support the use of this 4-bedroom dwelling for a vacation rental use, based on known on-site septic system limitations.

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**Administrative Recommendation:**

**THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be denied.**

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**Options:**

1. THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be approved with the following conditions:
  - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be denied.

**Respectfully submitted:**



JoAnn Peachey, Planner I

**Endorsed By:**



C. Garrish, Planning Manager

**Attachments:** No. 1 – Context Maps

No. 2 – Applicant’s Site Plan

No. 3 – Applicant’s Floor Plan (First Floor)

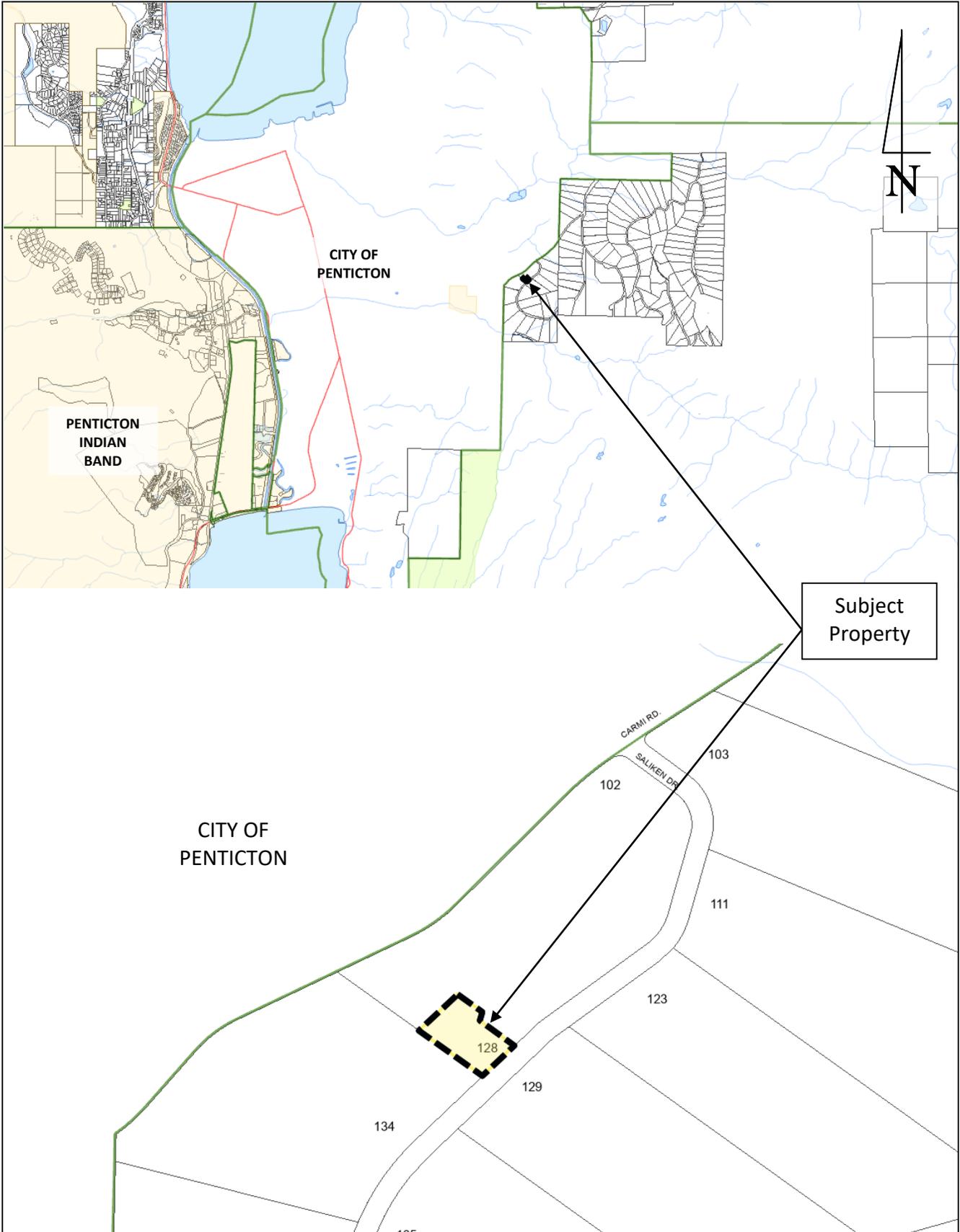
No. 4 – Applicant’s Floor Plan (Second Floor)

No. 5 – Applicant’s Floor Plan (Third Floor)

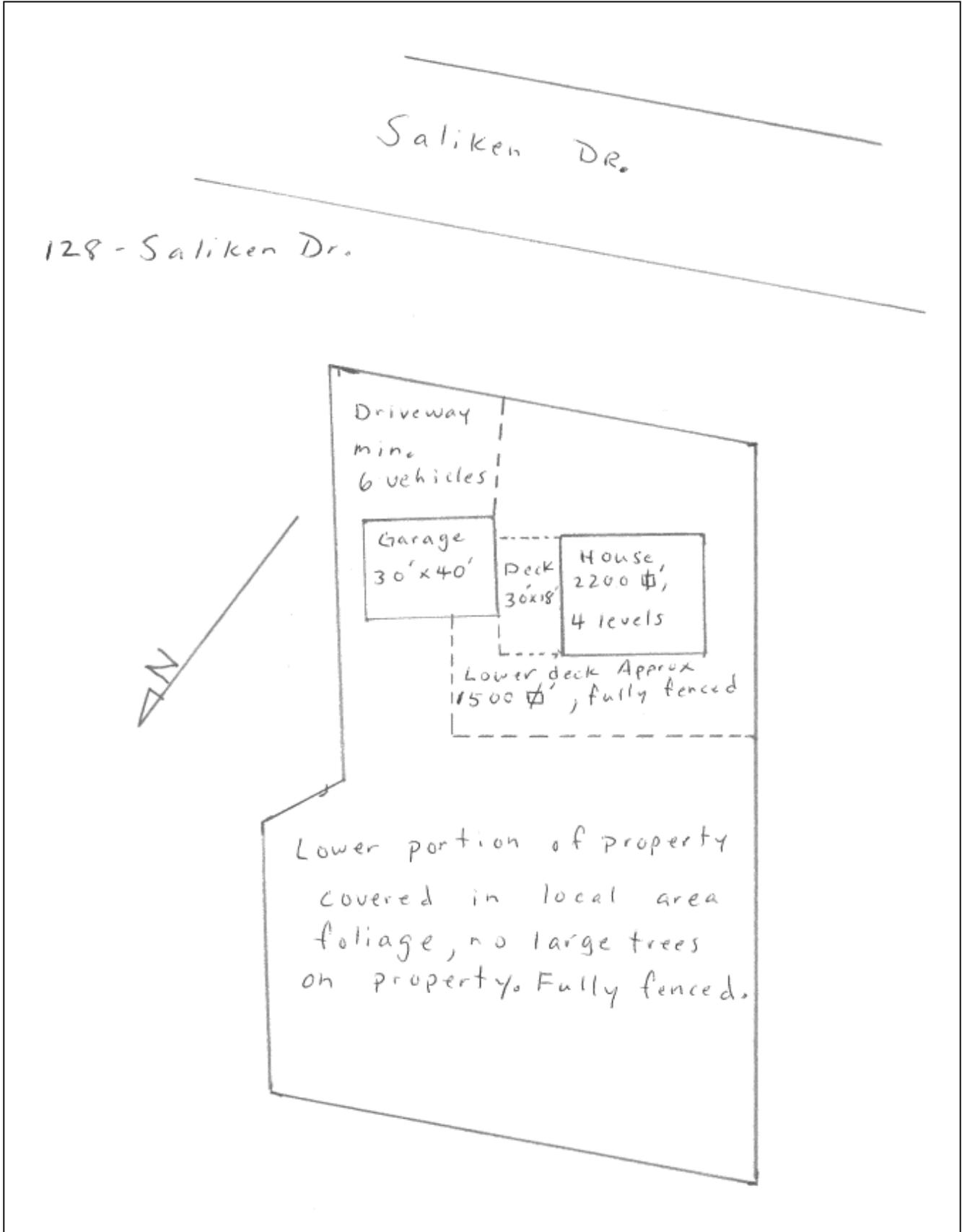
No. 6 – Applicant’s Floor Plan (Fourth Floor)

No. 7 – Site Photo

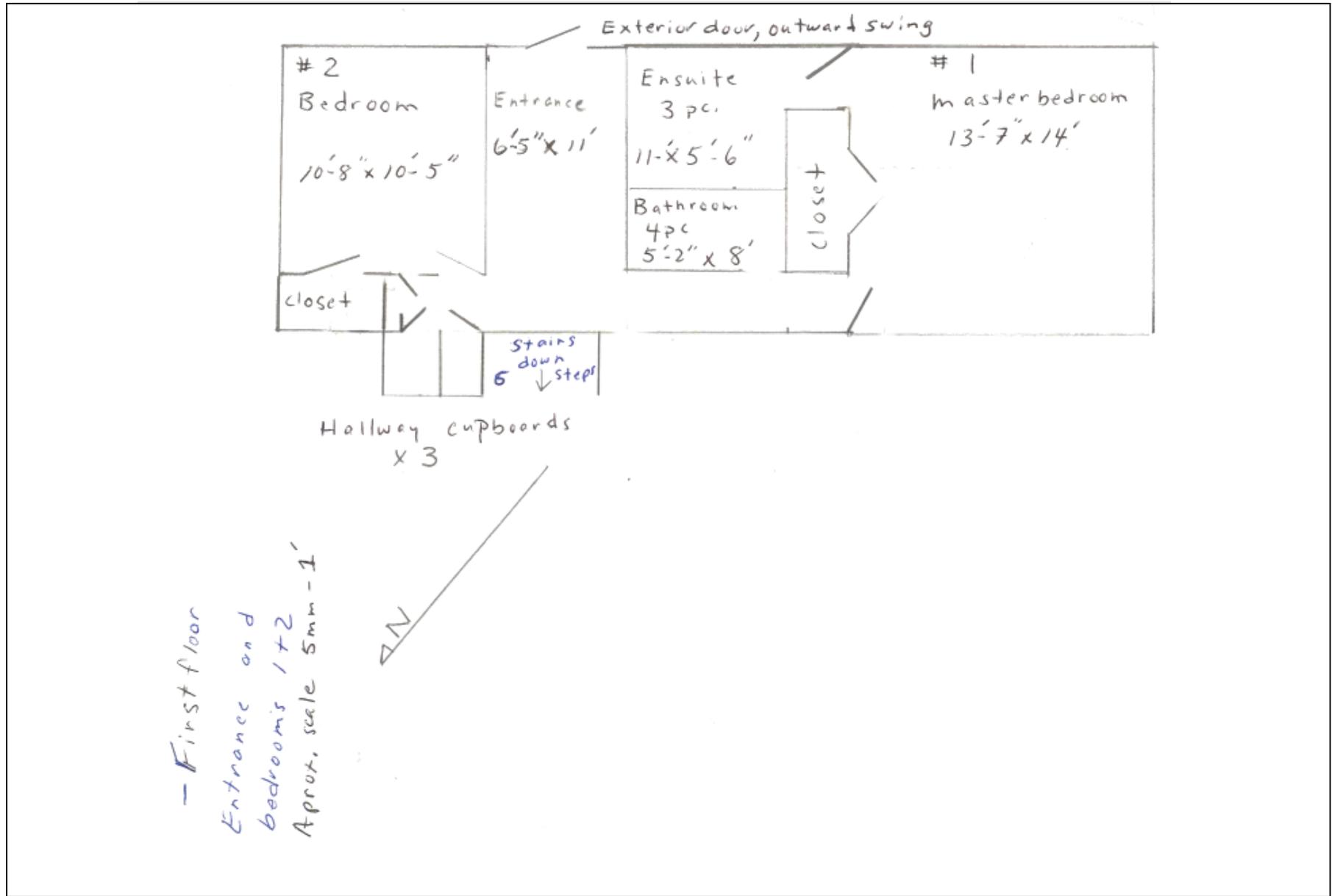
Attachment No. 1 – Context Maps



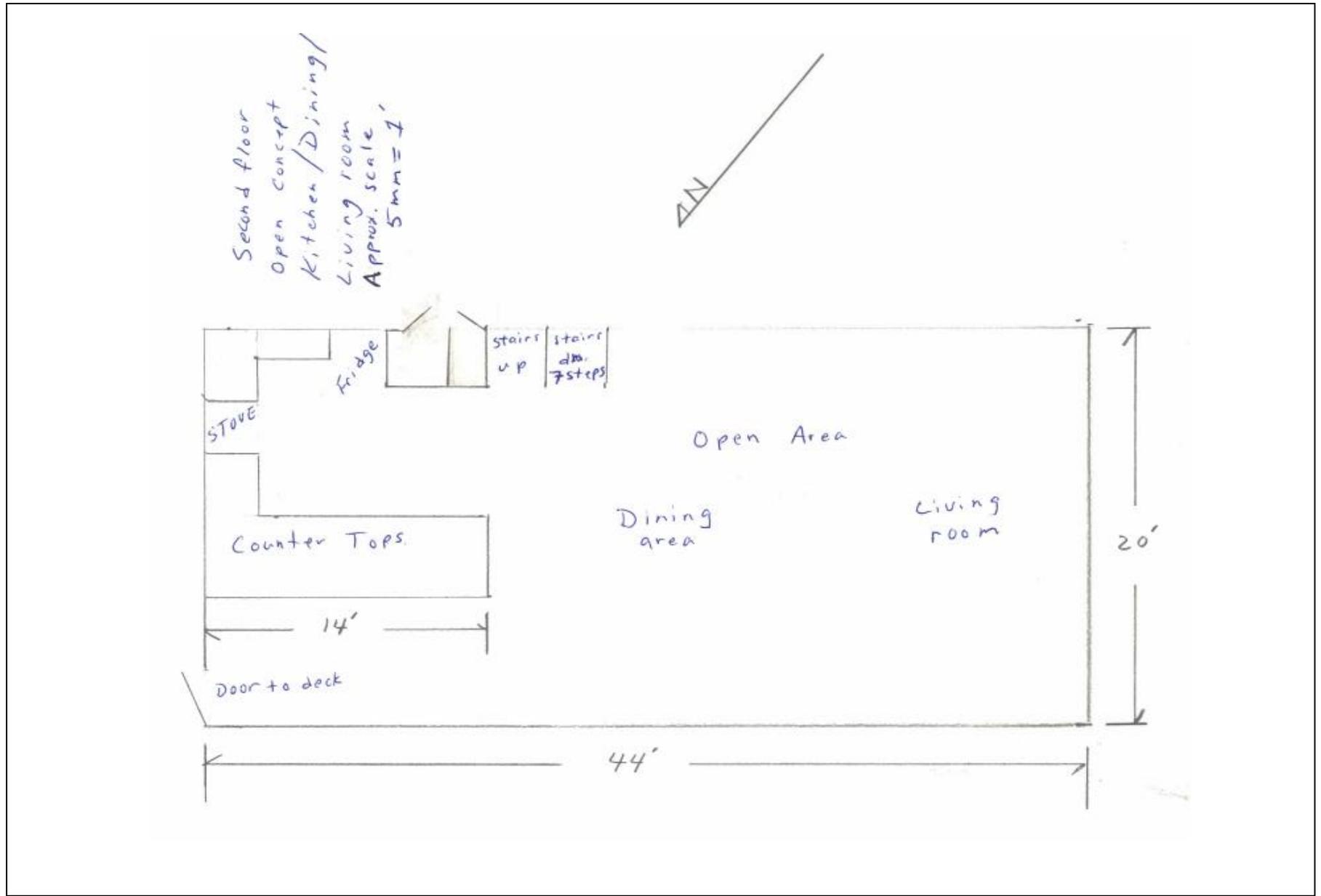
Attachment No. 2 – Applicant's Site Plan



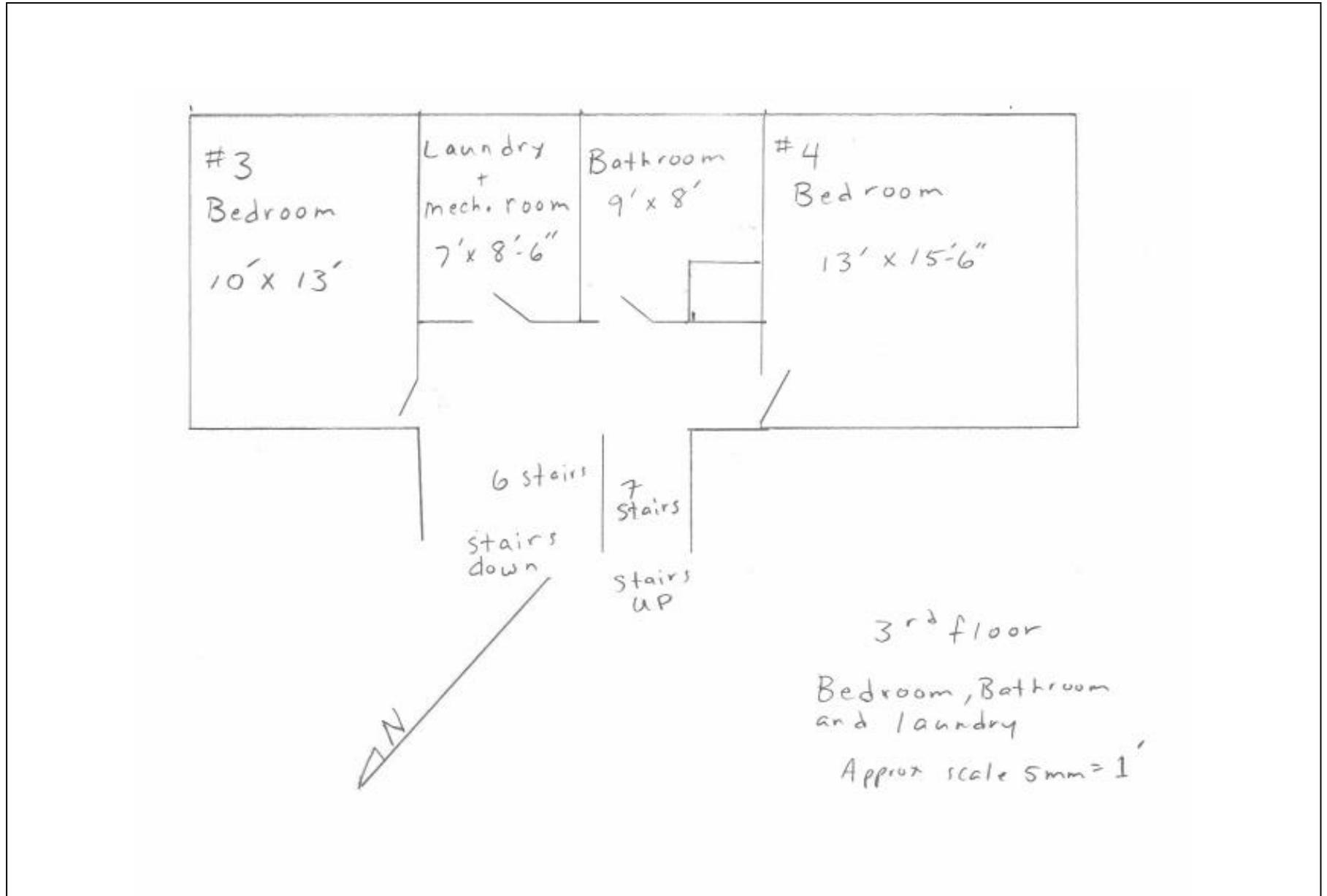
Attachment No. 3 – Applicant's Floor Plan (First Floor)



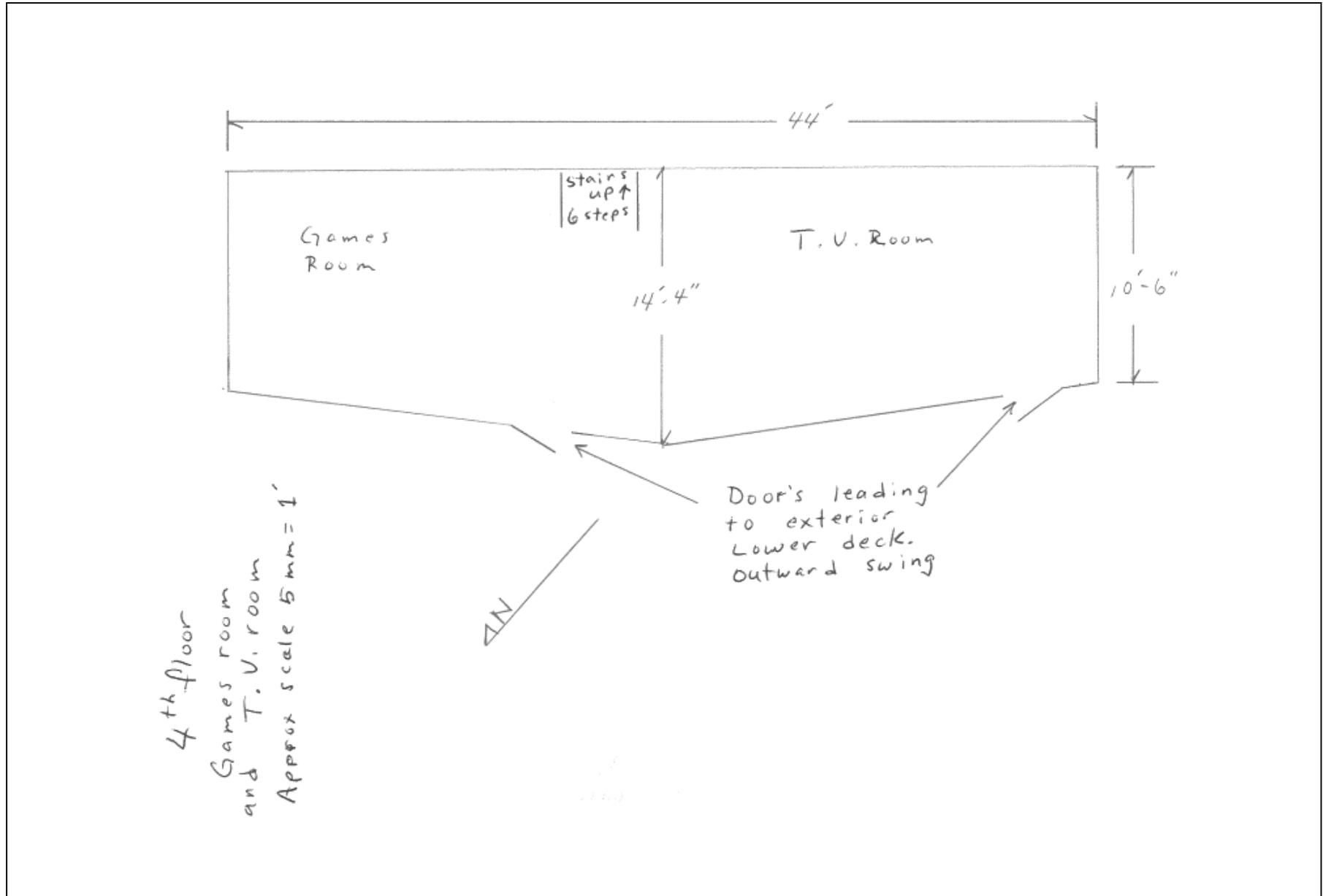
Attachment No. 4 – Applicant's Floor Plans (Second Floor)



Attachment No. 5 – Applicant's Floor Plan (Third Floor)



Attachment No. 6 – Applicant's Floor Plan (Fourth Floor)



Attachment No. 7 – Site Photo

