

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: June 3, 2021

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

Administrative Recommendation:

THAT Temporary Use Permit No. D2021.005-TUP to allow a short-term vacation rental in a 4-bedroom house at 128 Saliken Drive be denied.

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)

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 m² 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.

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

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 and supportive policy under Section 10.3.9 Rural Holdings, provided that community and neighbourhood residential needs and other land use needs can be addressed

Evaluation criteria under 10.3.10 includes the capability of accommodating on-site sewage disposal, among other criteria.

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.

Public Process:

On May 11, 2021, a Public Information Meeting (PIM) was held electronically and was attended by approximately 3 members of the public.

At its meeting of May 11, 2021, the Electoral Area “D” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be denied.

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. Any comments will be on the agenda as separate item.

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 “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 10.3.10, 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 on March 10, 2021 and did not identify any 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”.

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 1818 liters per day. Therefore at 450 liters per day, per person, a 4 person/3-bedroom rental will have no negative effects”. This is half of the capacity required of a 4-bedroom rental, which is based on 2 people per bedroom (8-person occupancy).

Although the TUP 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.

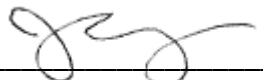
The Electoral Area “D” OCP Bylaw supports vacation rentals in rural residential areas, and the applicant could satisfy the evaluation criteria for a 2-bedroom (4-person occupancy) vacation rental with the existing on-site septic system.

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, and is recommending that the permit be denied.

Alternatives:

1. THAT the Board of Directors approve Temporary Use Permit No. D2021.005-TUP; or
2. THAT the Board of Directors defer consideration of Temporary Use Permit No. D2021.005-TUP for the following reasons:
 - i) *TBD*

Respectfully submitted:


JoAnn Peachey, Planner I

Endorsed By:


C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List
No. 2 – Applicant’s Site Photo

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a ☒, regarding D2021.005-TUP:

<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" type="checkbox"/>	Fortis
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)	<input checked="" 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 checked="" type="checkbox"/>	Ministry of Environment & Climate Change Strategy	<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 type="checkbox"/>	Oliver Fire Department		

Attachment No. 2 – Applicant's Site Photo

