



BOARD REPORT

TO: Chair and Directors

File No: TUP 850-11
PL20180150

SUBJECT: Electoral Area B: Temporary Use Permit (TUP) No. 850-11 (Moore)

DESCRIPTION: Report from Dan Passmore, Senior Planner dated November 16, 2018.
3108 Airport Way, South Revelstoke.

RECOMMENDATION: THAT: in accordance with Section 493 of the Local Government Act, Temporary Use Permit No. 850-11 for Lot A, Section 14, Township 23, Range 2, W6M, KD, Plan NEP20670, be authorized for issuance this 7th day of December, 2018, for the temporary use of a 5 bedroom Bed and Breakfast operation within a single family dwelling proposed to be constructed on the property, subject to the applicant providing documentation fulfilling the following conditions:

- a) proof of an adequate sewer system for the proposed new development;
- b) water servicing documentation advising that the IHA has approved a small water system for the proposed development; and,
- c) that the TUP stipulate that proposed construction complies with Obstacle Limitation Surfaces for safety requirements involving both the outer surface and the take-off/landing surface of the Revelstoke aerodrome.

SHORT SUMMARY:

The applicant is applying for a 3 year Temporary Use Permit (TUP) to allow a 5 bedroom Bed and Breakfast operation on the subject property. The property is currently vacant, and the Bed and Breakfast is proposed to be in a proposed new single family dwelling. A Home Occupation use is also proposed to be contained within a garage/accessory building on the property. The home occupation would consist of an 88 m² yoga studio in the second floor of the garage.

VOTING:	Unweighted Corporate	<input type="checkbox"/>	LGA Part 14 (Unweighted)	<input checked="" type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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BACKGROUND:

PROPERTY OWNER:
Curtis Moore and Michelle De Agrela

ELECTORAL AREA:
B

CIVIC ADDRESS:

3108 Airport Way, South Revelstoke

LEGAL DESCRIPTION:

Lot A, Section 14, Township 23, Range 2, W6M, KD, Plan NEP20670

PID:

018-355-552

SIZE OF PROPERTY:

0.43 ha

DESIGNATION:

Electoral Area B Official Community Plan Bylaw No. 850
RR2 Rural Residential 2

ZONE:

Electoral Area B Zoning Bylaw No. 851
RR2 Rural Residential 2

CURRENT USE:

Vacant

PROPOSED USE:

Single Family Dwelling with a 5 bedroom bed and breakfast and a future garage with second storey 88 m² yoga studio as a home occupation

SURROUNDING LAND USE PATTERN:

North: Small Holdings, Vacant

South: Small Holdings, ALR, Residential

East: Residential, RR2

West: Airport Way/City of Revelstoke/Columbia River/Airport

AGRICULTURAL LAND RESERVE:

11% (a strip of ALR along the south property boundary)

See "Maps_Plans_TUP850-11.pdf" attached.

POLICY:**Agricultural Land Commission Act**

Permitted uses for land in an agricultural land reserve

3(d) bed and breakfast use of not more than 4 bedrooms for short term tourist accommodation or such other number of rooms as specified in a local government bylaw, or treaty first nation government law, applicable to the area in which the parcel is located.

(Note: the proposed B & B is not sited on the portion of the property in the ALR.)

Electoral Area 'B' Official Community Plan Bylaw No. 850

RR2 Rural Residential 2

See "BL850_BL851_Excerpts_TUP850-11.pdf" attached.

Electoral Area 'B' Zoning Bylaw No. 851

RR2 Rural Residential 2

See "BL850_BL851_Excerpts_TUP850-11.pdf" attached.

RR2 zone permits a 3 bedroom B&B as a secondary use. The RR2 zone also permits a home occupation as a secondary use, including a yoga studio. The following is Section 3.14 of the general Regulations dealing with Bed and Breakfast:

3.14 BED AND BREAKFAST

- (1) A *bed and breakfast* must comply with the following regulations:
 - (a) there may be a maximum of one (1) *bed and breakfast* on a *parcel*;
 - (b) a *bed and breakfast* shall not be operated in conjunction with a *vacation rental*;
 - (c) a maximum of three (3) bedrooms in a *single family dwelling* may be used for a *bed and breakfast* and no more than six (6) guests are permitted in a *bed and breakfast* at any one time;
 - (d) a *bed and breakfast* must be operated by a permanent resident of the *single family dwelling* with which it relates;
 - (e) a maximum of one (1) person who is not a resident of the *single family dwelling* may be on the *parcel* at any one time to assist a resident in the operation of a *bed and breakfast*;
 - (f) a *bed and breakfast* shall not produce a nuisance for surrounding residents, including but not limited to noise, light or traffic that is disruptive to surrounding residents quiet and enjoyment of their property;
 - (g) meet all provincial and Interior Health requirements regarding water and sewer servicing; and
 - (h) total signage (excluding framing) used for the purpose of advertising the *bed and breakfast* on each *parcel* shall not exceed 0.5 m² in area. *Signs* shall have a minimum setback of 1 m from *parcel* lines.

FINANCIAL:

There are no financial implications to the CSRD with regard to this application.

KEY ISSUES/CONCEPTS:

According to the applicant, a Bed and Breakfast operation needs to have 5 bedrooms to accommodate 10 guests to be financially viable. The yoga studio would be constructed at some future date.

Water Supply and Sewage Disposal

The single family dwelling with the 5 bedroom bed and breakfast is proposed to be constructed on the subject property. The applicant is proposing an 8 bedroom single family dwelling. As a requirement of issuance of a Building Permit, the owner is required to provide documentation that the sewerage system

will be designed and constructed to be adequate for the proposed use. As a result staff are confident that sewerage issues will be accommodated, or the building permit will not be issued.

With respect to water servicing, Columbia Shuswap Regional District Building Bylaw No. 660 (Bylaw No. 660) requires the owner to provide an affidavit that a source of potable water will be provided.

Staff have included a condition in the Temporary Use Permit that information is required from the property owner regarding a water source. In response the applicant has submitted some information about a well installed on the property to satisfy subdivision requirements. No current testing of this well exists. This information is available. See "Well_Records_TUP850-11.pdf", attached.

The applicant has indicated that he is amenable to providing documentation regarding the drinking water source and required/proposed treatment systems to provide adequate water for his family and guests.

Interior Health Authority (IHA)

The IHA sent a revised referral response regarding this proposal. The revised referral response omitted a paragraph regarding compliance with BC Food Premises Regulation (BC Reg 210/99) upon the owner contacting IHA about their proposed operation.

The IHA advised that the proposal would need to be serviced with an On-site Wastewater Disposal System (OWDS) adequate for the proposal.

Finally, the IHA advised that the level of operation will require that the proposed groundwater source meets the definition of a water supply system under the BC Drinking Water Protection Act, and that the following approvals would be required from IHA:

- New drinking water source assessment or approval
- Waterworks Construction Permit from a Public Health Engineer
- Water System Operating Permit from a Drinking Water Officer

The conditions for issuance of the TUP reflect that documentation of these approvals is provided to CSRD Development Services staff.

Access and parking

Access to the subject property is off Airport Road. The owner has provided a site plan indicating that the required 10 parking spaces can be accommodated on the site. A referral was sent to Ministry of Transportation and Infrastructure (MoT) for them to determine if an access permit is required for this proposed use. They have indicated that residential access requirements are adequate for the proposed use and that no access permit is therefore required.

Revelstoke Airport

The subject property is located just off the runway for the Revelstoke Airport which is on the west side of Airport Way. As such the proposed development on the subject property could interfere with airport flight activities, depending on the proposed height of the structures.

Operations Management, Team Leader Community Services provided the following referral comments:

"2 storey structure may interfere with glide path to airport runway. Details of house location and house plans require review by airport manager. Obstacle survey currently in progress at the airport. 11.5 m structure may become an obstacle. Concerns regarding small jets approaching airport will create noise for homeowner who should be advised."

Aerodrome operations involve a number of safety oriented impacts that would restrict the proposed height of structures as they impact flight operations, such as glide paths and approach paths. As a result the Federal Government publishes a set of guidelines to ensure safe flight operations. The guidelines are the TP 1247 E Aviation - Land Use in the Vicinity of Aerodromes publication, which can be obtained from staff upon request.

To map out the aerodrome obstacle surfaces and hazards, based on this publication, the CSRD has retained a consultant to map out the relevant obstacle limitation surfaces around the airport. Staff has provided the relevant map to the applicant who will have a surveyor determine the elevation of the ground at the location of the proposed structures, and advise if the required obstacle limitation surfaces impose any constraints on the proposed height of the structures. Since the TUP places a condition on the height of the proposed structure, the proposed building will be required to comply with this height limitation.

South Revelstoke policies within the OCP discuss flight plan options and the need to consider safety of approaches as well as the impact of the airport operations on neighbours (noise).

There are no current restrictions in the Electoral Area 'B' Zoning Bylaw No. 851 that would limit the maximum height of new buildings and structures to comply with Federal guidelines, as previously mentioned, and attached. In future, this would need to be addressed either by zoning, or in a separate airport bylaw.

Agricultural Land Reserve

A small strip of land on the south side of the property is currently shown within the Agricultural Land Reserve. The proposed development on the property will not be situated on the ALR portion.

Electoral Area B Advisory Planning Commission

The Advisory Planning Commission (APC) met on November 7, 2018, the following is a record of the meeting:

"APC members expressed concern that TUP's were not intended for new development but for a change of use on existing developments. Members felt the use of a TUP for this development wasn't appropriate and a formal re-zoning application to meet the proposed use would be necessary. Since the use does not meet residential zoning, the zoning would need to be commercial and meet such requirements from Interior Health. Also the 5 bedroom B&B was beyond the approved 3 bedroom maximum in the bylaws.

Concerns for adequate drinking water supply, septic management, and potential impacts of a large development on the neighboring properties was also expressed. Precedent for future developments of larger B&B's was also of concern.

The Airport flyway was also discussed and the need for height restrictions needed to be identified and adapted by the City and the CSRD.

- Moved by M Cummings, second by J. Maitre and resolved that:

The Board of the Columbia Shuswap Regional District be advised that:

To not approve TUP 850-11 as TUP's were not designed for new development and that 5 bedroom B&B is not an approved residential use.

for the motion 6
opposed 0"

Electoral Area B Official Community Plan Bylaw No. 850 - TUPs

Section 14 of the OCP provides staff direction with respect to considering Temporary Use Permits. The APC expressed concerns that the Temporary Use Permit was not intended to be for new development, and therefore would not be appropriate. While staff appreciate this concern, it is not explicitly expressed in the OCP, and therefore when an application for a TUP for new development is proposed, staff do not have the policy discretion to simply not consider the application.

However, the APC also raised the issue of the proposed size of the single family dwelling (8 bedrooms) which was felt would not be in keeping with development existing in the neighbourhood. A policy guideline in the OCP speaks to not creating an unacceptable level of impact on surrounding permanent uses. Staff have considered this guideline with respect to neighbouring airport flight operations and required the buildings comply with safety provisions, but do not feel that the large single family dwelling with 5 bedrooms used for bed and breakfast with owner/occupation would trigger this policy on the basis of the use. It should be noted, the current RR2 zone currently permits an 8 bedroom single family dwelling, with three bedrooms used as a Bed & Breakfast.

Staff have expressed concerns to the owner regarding the location of the proposed development and the current level of operations of the airport, and the likely increase of these operations, as the Revelstoke area experiences tourism destination growth, and the impact these operations may have on the use and enjoyment of the property. It appears that it is the proximity to the airport and the nearby skihiil which the owner feels will be a benefit to the business operation.

Electoral Area B Official Community Plan Bylaw No. 850 – B&B Use

OCP Policy 4.3.31 supports Bed and Breakfast use as a home occupation, and home occupations in general, however, draws a line between what is considered a B&B residential operation (3 bedrooms or less) and a Resort B&B (more than 3 let units to a maximum of 15 units). OCP Policy 4.3.33 only supports resort B&Bs when situated on a major highway (TCH, Hwy 6, Hwy 23 South or Hwy 31). This TUP is for a resort B&B that is not situated on a major highway, but is in close proximity to a major transport hub (Revelstoke Airport).

Where considering a Resort B&B Bylaw No. 850 states that the B&B has good highway visibility and approved access; buildings and structures are to be setback a minimum of 10.0 m from neighbourhood properties; comply with ALC regulations (for ALR properties); be subject to local health authority requirements; and have a minimum parcel size of 4 ha.

Through the conditions of approval recommended by staff, servicing factors will be dealt with. The MoT have advised that they do not require enhanced access, beyond that for a single family dwelling, so this issue is also addressed.

The small size of the property 0.43 ha. and the narrow width of the lot (36.6 m) do not comply with these policy considerations. However, the issuance of Temporary Use Permits need not conform with either an OCP Bylaw or a Zoning Bylaw, in terms of use or density, as long as the conditions of issuance considered by the Board factor in such considerations and are either reflected in the permit conditions or in the decision to authorize issuance.

City of Revelstoke

The City of Revelstoke recommended not approving the TUP for the following reasons:

- The development has poor interface with the surrounding rural neighbourhood and ALR lands. The scale of the development would disrupt the rural character of the neighbourhood, and potentially have an impact on how the nearby property owners use and enjoy their property, including those within municipal limits;
- The City of Revelstoke cannot support commercial development on the municipal boundary, given the current rural land use on the fringe;
- The development will generate substantially more traffic than a normal single-family home, with those staying at the B&B taking vehicle trips into town, and those visiting the yoga studio making trips from town to the site, utilizing almost entirely municipal roads. Engineering estimates that this could account for approximately 50-60 vehicle trips per day, which will not be covered by any additional municipal revenue;
- The size of the septic system has not yet been determined. Given that there will be two commercial activities on site, a comprehensive septic plan would be necessary. The City is concerned that it could be responsible for the provision of sanitary services in the future;
- There is a lack of a conducive and coordinated policy for land-use planning between the City of Revelstoke and the Columbia Shuswap Regional District. Given the proximity to the municipal boundary, it would be ideal to have coordinated policies in place before larger-scale development occurs with respect to the proposed land use; and,
- The City is concerned with the use of short-term vacation rentals, given the overwhelming feedback received at City Hall with regard to their direct and indirect impacts on the community. The proximity to the municipal boundary would likely mean that these effects are felt by residents within city limits. At this time, the City is reviewing its policies and procedures for short-term vacation rentals, and until such time as a policy framework is in place, cannot endorse the proposal.

SUMMARY:

Staff is recommending that the Board authorize for issuance this 3-year Temporary Use Permit, subject to the applicant fulfilling the following 3 conditions:

- a) proof of an adequate sewer system for the proposed new construction;
- b) water servicing documentation advising that the IHA has approved a small water system for the proposed development; and,
- c) that the TUP stipulate that proposed construction complies with Obstacle Limitation Surfaces for safety requirements involving both the outer surface and the take-off/landing surface of the Revelstoke aerodrome.

Documentation resolving these servicing issues will address some of the APC concerns, with the proposal, as well as satisfying OCP policies and City of Revelstoke servicing concerns.

Staff have some concerns with this proposed resort B&B approval conforming with current policy requirements, but note that the proposal exceeds what is allowed in the OCP and Zoning Bylaw by only 2 bedrooms (4 guests) and would not, in any event be considered a commercial operation as it is proposed to be operated out of a single family dwelling. While the single family dwelling is proposed to be larger, or as large as others in the area, it would not otherwise be out of keeping with neighbouring development. If this were a vacation rental situation and not an owner/operated B&B operation, the same could not be said.

IMPLEMENTATION:

If the Board authorizes issuance of TUP 850-11, the owners will be notified of the decision and advised of the conditions of issuance. Once the documentation is provided to staff, staff will issue the permit and documentation will be forwarded to the Land Title Office for registration against the title of the property. The 5 bedroom bed and breakfast operation would be permitted for a 3-year period from date of issuance of the TUP. The permit may be extended only for one additional period up to 3 years in duration, upon application and subsequent approval by the CSRD Board of Directors.

COMMUNICATIONS:

Neighbouring property owners first became aware of this application when a sign was posted on the subject property, in accordance with Section 7.2 of the Development Services Procedures Bylaw No. 4001 as amended. As of the date of this report, no written submissions have been received. Further, as per Section 466 and 494 of the Local Government Act, local government must give notice to owners and tenants within 100 m of the subject property, and must publish a notice in a newspaper at least 3 days prior to Board consideration of this TUP.

Agency referral responses have been included in "Agency_referral_Responses_TUP850-11.pdf"

Written submissions regarding this proposal will be forwarded to the Board.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

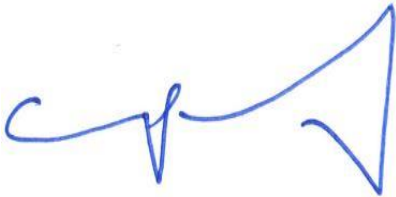
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Electoral Area B Official Community Plan Bylaw No. 850
2. Electoral Area B Zoning Bylaw No. 851
3. TP 1247 E Aviation - Land Use in the Vicinity of Aerodromes publication

Report Approval Details

Document Title:	2018-12-07_Board_DS_TUP850-11_Moore.docx
Attachments:	<ul style="list-style-type: none">- TUP850-11.pdf- BL850_BL851_Excerpts_TUP850-11.pdf- Well_Records_TUP850-11.pdf- Agency_Referral_Responses_TUP850-11.pdf- Maps_Plans_TUP850-11.pdf
Final Approval Date:	Nov 23, 2018

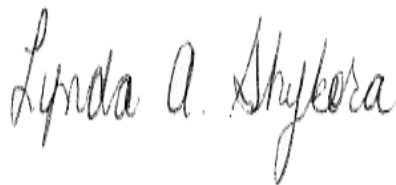
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Nov 22, 2018 - 3:27 PM



Gerald Christie - Nov 22, 2018 - 5:10 PM



Lynda Shykora - Nov 23, 2018 - 11:07 AM



Charles Hamilton - Nov 23, 2018 - 3:30 PM