



# BOARD REPORT

**TO:** Chair and Directors

**File No:** TUP850-03  
PL2019092

**SUBJECT:** Electoral Area B: Temporary Use Permit No. 850-03 (Renewal)

**DESCRIPTION:** Report from Candice Benner, Planner II, dated May 28, 2019.  
1624 and 1630 Mt. Begbie Road, Revelstoke

**RECOMMENDATION:** THAT: in accordance with Section 493 of the Local Government Act, Temporary Use Permit No. 850-03 (Renewal) for Lot 1, Township 23, Range 2, W6M, Kootenay District, Plan NEP21998, for a vacation rental, be approved for renewal for the term May 20, 2019 to May 20, 2022, this 20<sup>th</sup> day of June, 2019..

## SHORT SUMMARY:

The Board approved issuance of a TUP850-03 for the subject property located at 1624 and 1630 Mt. Begbie Road on April 14, 2016, subject to conditions. The conditions were fulfilled and the TUP was issued on May 19, 2016. The TUP is for vacation rental use which is operated out of the second single family dwelling at 1630 Mt. Begbie Road. The applicant has applied to renew the TUP for another 3 year-term.

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## VOTING:

Unweighted  
Corporate

☐

LGA Part 14  
(Unweighted)

☒

Weighted  
Corporate

☐

Stakeholder  
(Weighted)

☐

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## BACKGROUND:

### PROPERTY OWNERS:

Harry Scott Renaud and Michelle Anne Renaud

### ELECTORAL AREA:

B

### CIVIC ADDRESS:

1624 and 1630 Mt. Begbie Road

### LEGAL DESCRIPTION:

Lot 1 Section 21 Township 23 Range 2 W6M Kootenay District Plan NEP21998

### SIZE OF PROPERTY:

4.0 ha

### DESIGNATION:

SH Small Holdings

**ZONE:**

SH Small Holdings

**CURRENT USE:**

Residential and Vacation Rental

**PROPOSED USE:**

Residential and Vacation Rental

**SURROUNDING LAND****USE PATTERN:**

North: Residential

South: Residential

East: Crown Land

West: Mt. Begbie Road, Residential, Agriculture

**ALR:**

0%

**SITE COMMENTS:** Development Services staff visited the site on November 6, 2015. The property contains steep slopes and contains a few flat areas that have been built on. There are two single family dwellings, a large two car garage, and a couple of sheds located on the property. Each single family dwelling is connected to its own separate septic system and well.

**POLICY:**

See "BL850\_BL851\_Excerpts\_TUP850-03.pdf" attached.

Local Government Act

Division 8 Temporary Use Permits

Term of permit and renewal of permit

497(1) The owner of land in respect of which a temporary use permit has been issued has the right to put the land to the use described in the permit until the earlier of the following:

- (a) the date that the permit expires;
- (b) 3 years after the permit was issued.

(2)A person to whom a temporary use permit has been issued may apply to have the permit renewed, subject to the restriction that a temporary use permit may be renewed only once.

(3)Subsection (1) and sections 495 [*permit conditions: undertaking respecting land*] and 496 [*permit conditions: additional security requirements*] apply in relation to a renewal under subsection (2).

**FINANCIAL:**

The owners have provided proof of adequate vacation rental and liability insurance for 2019. Insurance is renewed on an annual basis and the owners have provided proof of insurance the last three years.

**KEY ISSUES/CONCEPTS:**

See "2016-04-16\_Board\_DS\_TUP-03\_Renaud.pdf" attached.

In August 2018 staff notified the owners of the upcoming May 19, 2019 expiry of TUP850-03 and presented the options to either renew the TUP for one more term or to apply to rezone the property. Staff had not heard back from the owners so followed up in April 2019 to confirm if they wished to continue operating the vacation rental. The owners wished to continue and were advised by staff that due to timing constraints on the upcoming May 2019 expiry, the only option available to them, if they wanted to continue to operate the vacation rental without interruption, was to apply to renew the TUP, which they subsequently applied for. In consideration of staff processing and report deadlines, the June 20, 2019 Board meeting is the earliest meeting that this renewal could be placed on the agenda. The renewal date of the TUP850-03 permit reflects a date of May 20, 2019, in consideration of the May 19, 2019 expiry date.

The owners have indicated that they reside in the primary single family dwelling year-round (1624 Mt. Begbie Road), and the second single family dwelling (1630 Mt. Begbie Road) is currently being used as a vacation rental.

The owners have been operating a vacation rental out of the second single family dwelling on the subject property for the last three years. The vacation rental allows for a maximum of 8 guests, staying for a minimum of 3 days at a time.

As part of the original TUP application, the owners were required to provide proof of adequate servicing for both dwellings on the subject property; documentation was received confirming that both dwellings on the property had adequate servicing.

The Local Government Act allows for one renewal application of a Temporary Use Permit; if the Board approves this renewal the owners may operate the vacation rental use for the next three years from May 20, 2019 to May 20, 2022. If they want to continue to operate beyond the three years, they will be required to make an application to rezone the property to permit permanent vacation rental use on the subject property.

**SUMMARY:**

Staff are recommending that this TUP renewal be issued for the following reasons:

- No complaints have been received from the public over the last three years regarding the vacation rental use; and
- The owners have complied with the originally issued TUP requirements over the last three years including obtaining the required liability insurance coverage.

**IMPLEMENTATION:**

If the Board issues the TUP renewal the owners will continue to operate their vacation rental use for another three years. If the owners want to continue to operate this use beyond the three years they will need to apply to rezone the property.

**COMMUNICATIONS:**

Neighbouring property owners first became aware of this application when a sign was posted on the subject property on May 13, 2019, in accordance with Section 7.2 of the Development Services Procedures Bylaw No. 4001 as amended. 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.

This file has been referred to APC B for review; staff will provide a verbal update on the APC recommendation at the Board meeting.

As of the date of this report, no written submissions or complaints have been received regarding the vacation rental use.

**DESIRED OUTCOMES:**

That the Board endorse staff recommendation to renew TUP850-03.

**BOARD'S OPTIONS:**

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

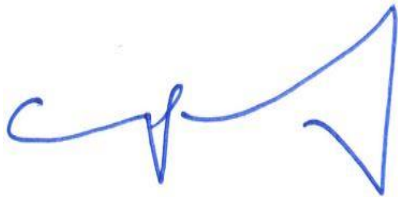
**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. Electoral Area B Official Community Plan Bylaw No. 850
2. Electoral Area B Zoning Bylaw No. 851

**Report Approval Details**

Document Title:	2019-06-20_Board_DS_TUP850-03_renewal_Renaud.docx
Attachments:	<ul style="list-style-type: none"><li>- TUP850-03_renewal.pdf</li><li>- BL850_BL851_Excerpts_TUP850-03_renewal.pdf</li><li>- 2016-04-06_Board_DS_TUP-03_Renaud.pdf</li><li>- Maps_Plans_Photos_TUP850-03_renewal.pdf</li></ul>
Final Approval Date:	Jun 10, 2019

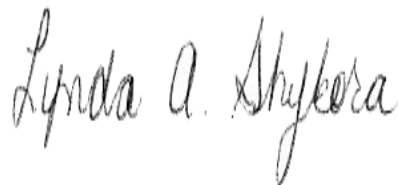
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Jun 7, 2019 - 12:15 PM**



**Gerald Christie - Jun 7, 2019 - 1:15 PM**



**Lynda Shykora - Jun 10, 2019 - 1:48 PM**

**No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora**

**Charles Hamilton - Jun 10, 2019 - 1:48 PM**