

**BOARD REPORT**

**TO:** Chair and Directors

**FROM:** Jennifer Sham  
Planner

**SUBJECT:** Temporary Use Permit

**File No:** TUP850-3

**Date:** March 30, 2016

**RECOMMENDATION #1: THAT:**

In accordance with Section 493 of the Local Government Act, Temporary Use Permit No. 850-3 for Lot 1, Section 21, Township 23, Range 2, W6M, KD, Plan NEP21998, for a vacation rental be issued this 14<sup>th</sup> day of April, 2016, subject to the applicant fulfilling the following conditions:

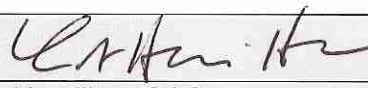
- a) Proof of adequate vacation rental and liability insurance with a minimum of \$5 million dollars in coverage for the vacation rental house, and naming the CSRD as an additional insured;
- b) Registration of a suitably worded Section 219 Covenant on the title of the subject property agreeing to obtain the acceptable insurance and agreeing to a release and indemnification to the CSRD for any damage that occurs as a result of the temporary use/vacation rental; and,
- c) Written confirmation of an adequate and functioning septic system for the owner's house located at 1624 Mt. Begbie Road.

**RECOMMENDATION #2: THAT:**

The Board empower the authorized signatories to execute discharge documents for Section 219 covenant (LA017854).

**APPROVED for Board Consideration:**

Meeting Date: April 14, 2016

  
Charles Hamilton, CAO

**SHORT SUMMARY:**

On July 23<sup>rd</sup>, 2015, Development Services staff held a meeting in Revelstoke to present options on how to bring existing vacation rentals into compliance with Electoral Area 'B' Zoning Bylaw No. 851. Owners of properties being used for vacation rentals were contacted and invited to this meeting. The applicants attended the meeting and subsequently are applying for a 3 year Temporary Use Permit (TUP) to allow a vacation rental on the subject property. There are currently two single family dwellings on the property, and the applicants reside in one of the single family dwellings.

**VOTING:**

Unweighted ☐  
Corporate

Weighted ☐  
Corporate

Stakeholder ☐  
(Weighted)

LGA Part 14 ☒  
(Unweighted)

**BACKGROUND:**

PROPERTY OWNERS: Harry Scott Renaud and Michelle Anne Renaud  
ELECTORAL AREA: 'B'  
CIVIC ADDRESS: 1624 & 1630 Mt. Begbie Road, Revelstoke  
LEGAL DESCRIPTION: Lot 1 Section 21 Township 23 Range 2 W6M KD 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 sheds located on the property. Each single family dwelling is connected to its own separate septic system and well. The applicants have indicated that the property is within the Revelstoke Fire Services area. The applicants have indicated that they reside in the primary single family dwelling year-round, and the other single family dwelling is currently being used as a vacation rental.

**POLICY:****Electoral Area 'B' Official Community Plan Bylaw No. 850**Residential**4.1 Community Context**

Minimum parcel size for SH Small Holdings is 4 ha.

The majority of the residential development in the plan area is low density, single family development set in a rural context on large lots.

**4.3 Land Use & Density Policies****4.3.5 Support a range of residential dwelling types.****4.3.9 Support a process to initiate implementation of a Building Inspection Process.**

**4.3.10** One primary dwelling unit and one secondary dwelling unit shall be permitted in the primary dwelling in all residential zones subject to the relevant parking requirements, the requirements of the Agricultural Land Commission Act, and the BC Building Code. Once building permits are mandatory and the requirements of the BC Building Code can be addressed, sewage disposal systems must be designed or upgraded to accommodate the total combined number of bedrooms to be serviced by the system.

Small Holdings

4.3.20 The principal use shall be residential or agricultural.

4.3.22 One primary dwelling and one secondary dwelling unit shall be permitted per parcel.

4.3.23 The minimum parcel size for subdivision of Small Holdings shall be 4 ha.

#### Secondary Dwelling Units

4.3.28 Owing to the remote and recreational nature of this area, residents may have need for additional accommodation on site. The CSRD supports secondary dwelling units including carriage houses, and secondary suites as strategies to provide one additional dwelling unit per parcel. Secondary dwelling units are required to address the following:

- accessory to a single family dwelling where accessory is less than 60% of the floor area of the principle dwelling;
- register a covenant against the title of the subject property to specify that there shall be no intent to subdivide to create separate parcels for each dwelling;
- where the second dwelling is an independent structure, sites shall be a minimum of 2 ha to allow sufficient area for independent sewer systems as required by the Interior Health Authority. Sewage disposal systems shall be designed or upgraded to accommodate the total combined number of bedrooms to be serviced by the system;
- connected to the approved on-site utilities, including water, sewer and hydro;
- the addition of an accessory dwelling unit will trigger additional regulatory approvals and all of these must be met; and
- provide one additional parking space.

#### Vacation Rental

4.3.34 Vacation Rentals allow the use of temporary accommodation in residential areas on a commercial basis and are regulated either by a temporary use permit or through the zoning bylaw. Vacations Rentals shall:

- a. first be considered on a three year trial basis by the use of a temporary use permit (refer to Section 14);
- b. not create an unacceptable level of negative impact on surrounding residential uses;
- c. comply with all applicable regulations of the Provincial Agricultural Land Commission when located within the Agricultural Land Reserve; and
- d. be subject to local health authority requirements.
- e. be subject to all Ministry of Transportation and Infrastructure Access Permit requirements.

#### 4.4 Community Specific Policies

##### Begbie Bench

4.4.17 Recognize the strong community interest in maintaining the rural character of the area and continue to support the existing minimum parcel size of 4 ha with lands designated as Small Holdings.

4.4.18 Minimum parcel sizes may be reduced in the Begbie Bench area to 2 ha subject to applications meeting the guidelines outlined in Section 4.3.24.

#### Section 14: Temporary Use Permits

Temporary use permits may be considered by the Regional Board to allow specific land uses to occur for a short period of time. The permit can contain very detailed requirements such as indicating the buildings that can be used, the time frame of the permit, and other conditions.

##### 14.1 Objectives

There are important objectives that form a framework for the policies.

14.1.1 Allow opportunity for the consideration of the issuance of a temporary use permit in order to permit a temporary use to continue while a more suitable location for the use is determined or a rezoning application is completed.

14.1.2 Allow opportunity for the consideration of interim activities such as gravel extraction prior to development.

14.1.3 Ensure that temporary permits are not considered a substitute for a rezoning application.

#### 14.2 Policies

The specific policies are:

14.2.1 Consider the issuance of temporary use permits based upon the following general conditions:

- a. The use must be clearly temporary or seasonal in nature;
- b. The temporary use should not create an unacceptable level of impact on surrounding permanent uses;
- c. In the case of the discovery of a use already underway that does not conform with zoning regulations, there is either an undertaking to initiate a rezoning application, or, an outline provided of when and how the temporary use in that location will be ended.

14.2.2 Consider applying conditions in the temporary permit such as, but not limited to; the buildings to be used, the area of use, the hours of use, appearance, site rehabilitation, noise control, and means of ensuring compliance.

14.2.3 The issuance of temporary use permits can be considered in all Official Community Plan designations.

Staff note that Section 4.3.34 states that a vacation rental first be considered on a three year trial basis; however, the Board may issue a TUP for a period of less than three years. Further, if the terms or conditions of the TUP are not adhered to, the TUP may be revoked prior to the expiration date of the permit.

Development Services staff is currently working on a policy for issuing TUPs in areas with no building inspection for Board consideration at a future Board meeting.

### **Electoral Area 'B' Zoning Bylaw No. 851**

#### Section 5.5

#### SH - Small Holdings

##### Principal Uses

The uses stated in this subsection and no others are permitted in the Small Holdings zone as principal uses, except as stated in Part 3: General Regulations:

- agriculture
- day care
- horticulture
- single family dwelling
- standalone residential campsite
- timber harvesting

##### Secondary Uses

The uses stated in this subsection and no others are permitted in the Small Holdings zone as secondary uses, except as stated in Part 3: General Regulations:

- accessory use
- bed and breakfast
- home occupation
- small-scale sawmill
- residential campsite
- secondary dwelling unit

Minimum parcel size created by subdivision: 4 ha

Maximum parcel coverage: 25%

Maximum number of single family dwellings per parcel (subject to Section 3.15 of this bylaw): 1

Maximum number of secondary dwelling units per parcel (subject to Section 3.15 of this bylaw): 1

Maximum gross floor area of secondary dwelling unit: less than 60% of the floor area of the principal dwelling unit

Definitions:

Dwelling unit is the use of one or more habitable rooms in a building that constitute a single self-contained unit with a separate entrance, and used together for living and sleeping purposes for not more than one family, and containing a bathroom with a toilet, wash basin, and a bath or shower and only one room which due to its design, plumbing, equipment and furnishings may be used primarily as a kitchen. Dwelling unit does not include camping unit, park model, tourist cabin, or sleeping unit in a hotel, lodge or motel;

Guest accommodation is the use of a secondary dwelling unit on the same parcel as a single family dwelling or two-family dwelling, for temporary free accommodation on a non-commercial basis by guests of the permanent residents living on that same parcel.

Secondary dwelling unit means one or more rooms located within a single family dwelling or in an accessory building (where permitted by this bylaw) for either guest accommodation or long-term/seasonal rental accommodation. A secondary dwelling unit has direct access to outside without passing through any part of the principal dwelling unit and may have its own separate cooking, sleeping and bathing facilities.

Single family dwelling is the use of land, structures and one detached building used exclusively for one dwelling unit, except where additional uses are specifically permitted in this Bylaw as a part of a single family dwelling.

Vacation Rental is the use of a residential dwelling unit or secondary dwelling unit for temporary accommodation on a commercial basis.

Required parking spaces and loading spaces:

Dwelling unit – two per dwelling unit

Vacation rental – one per sleeping unit

**FINANCIAL:**

There are no direct financial implications to the CSRD, the TUP application is not the result of a Bylaw Enforcement action. The cost of preparing legal documents, and obtaining insurance will be borne by the property owners. However, there could be future financial implications in terms of risk management, and therefore the requirement for the property owners to obtain the minimum liability insurance naming the CSRD as an additional insured is required.

**KEY ISSUES/CONCEPTS:**

According to the owners, the proposed vacation rental house located at 1630 Mt. Begbie Road was constructed in 1998 and the primary house located at 1624 Mt. Begbie Road where the owners live, was constructed in 2007.

**Water Supply and Sewage Disposal**

Each single family dwelling is connected to its own separate septic system and separate well. Staff is in receipt of a Sewerage System Letter of Certification dated April 26, 2007 for 1630 Mt. Begbie Road (applicant's primary house). According to the applicant, a new house number was assigned (1624 Mt.

Begbie Road) after the house was built. Further, staff is in receipt of a letter from Sam LeRose, Registered On-site Wastewater Practitioner dated November 8, 2015 (for the rental house), stating that the system appears to be functioning properly and appears to be adequate for the existing rental home.

Staff has been in contact with Mr. LeRose regarding information about the primary house. Mr. LeRose confirms that the septic system for the main house was pumped within the last 2 years, but he did not inspect the system at that time. Further, Mr. LeRose said that he would inspect the system and send a letter after he has completed it. To date, staff has not received the letter from Mr. LeRose. Confirmation of an adequate and functioning septic system for the existing main house will be required as a condition of issuance of the permit, if the Board issues TUP850-3.

#### **Access and parking:**

Access to both single family dwellings is off Mt. Begbie Road. The proposed vacation rental home contains 5 bedrooms and 3 bathrooms; therefore, the required number of parking spaces will be 5. This is in addition to the required 2 parking spaces for the applicant's single family dwelling. The applicant has indicated that there is ample room for parking on the property and has included the parking spaces on the site plan.

#### **Covenant:**

The vacation rental house was originally the primary single family dwelling. The second single family dwelling, currently occupied by the applicants, was built in 2007; however, in 2006, the owners registered a Section 219 covenant on title (LA017854) stating that the new single family dwelling shall not be entitled to be occupied until the existing single family dwelling has been converted to an accessory building and will not be used for human habitation. The vacation rental house is currently being rented out on a short-term basis. The Section 219 covenant (LA017854) restricts the vacation rental from being approved, so the owner's lawyer will need to have the CSRD's permission to discharge this covenant from the title of the subject property. If the Board issues TUP850-3, an additional resolution will be required authorizing staff to sign the necessary documents to discharge this covenant.

#### **Proposal:**

To allow a year-round vacation rental for a maximum of 8 guests, staying for a minimum of 3 days in the second single family dwelling on the subject property.

#### **IMPLEMENTATION:**

If the Board denies issuance of TUP850-3, the vacation rental will not be permitted and the property will be the subject of a Bylaw Enforcement case.

If the Board chooses to issue this TUP, upon receipt of the adequate vacation rental insurance, registration of a suitably worded Section 219 covenant, and proof of an adequate septic system, TUP850-3 will be registered on title of the subject property. Further, staff will discharge the Section 219 covenant (LA017854) registered on title.

#### **LIST NAME OF REPORT(S) / DOCUMENT(S):**

1. TUP850-3, including location map and site plan 2. Maps: Location, OCP, Zoning 3. Orthophoto, photos	Attached to Board Report: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
4. Additional photos 5. Application	Attached to Board Report: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>



**DESIRED OUTCOMES:**

That the Board endorse staff recommendations.

**BOARD'S OPTIONS:**

1. *Endorse staff recommendation to authorize issuance of TUP850-3, subject to the applicant satisfying the conditions of the TUP, and to discharge the covenant (LA017854).*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

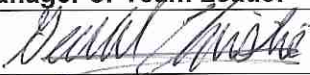



**COMMUNICATIONS:**

Neighbouring property owners first became aware of this application when a sign was posted on the subject property on November 5, 2015, 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.

If the Board issues TUP850-3, the owner will be notified of the Board's decision, and upon satisfying any necessary conditions, the TUP will be registered at the Land Title Office.

The application was also forwarded to the following agencies:

Agency	Comments
Advisory Planning Commission 'B'	Recommended approval of the TUP with the condition that the secondary dwelling be less than 60% in size of the primary dwelling.
Interior Health	Interests are unaffected
CSRD Operations Management	Fire Services: Revelstoke Fire Dept should be advised of temporary use change in order to update property information and prepare new pre incident tactical planning information. Owner should verify all fire extinguishers and smoke alarms are inspected annually.

REVIEWED BY:	Date Signed Off (MO/DD/YR)	Approval Signature of Reviewing Manager or Team Leader
Manager, Development Services	04/04/16	
Team Leader, Development Services	Mar 30, 2016	
Operations Management	Mar 30, 2016	
Financial Services	Mar 30, 2016	



TEMPORARY USE PERMIT NO. 850-3

Registered Owners: Harry Scott Renaud  
Michelle Anne Renaud



1. This Temporary Use Permit is issued subject to compliance with all the Bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies only to the lands described below:

Legal Description: Lot 1 Section 21 Township 23 Range 2 W6M KD Plan NEP21998  
PID: 019-165-072

which property is more particularly shown on the map attached hereto as Schedule 'A'.

3. The owners of the subject property have applied for a Temporary Use Permit for a vacation rental in one of the two single family dwellings on the subject property. The owners reside in the single family dwelling at 1624 Mt. Begbie Road. The vacation rental will be conducted in the single family dwelling at 1630 Mt. Begbie Road, as shown on the site plan attached hereto as Schedule 'B'
4. The use authorized by this Temporary Use Permit may be carried out only in accordance with the terms and conditions set out herein.
5. If the terms of this permit are not adhered to, this permit may be revoked prior to the expiry date of the permit.
6. In addition to Section 3.21 Vacation Rental regulations and the permitted uses in the SH Small Holdings Zone in the Electoral Area 'B' Zoning Bylaw No. 851, the subject property may be used for a year-round vacation rental subject to compliance with the following conditions:
  - a) Limited to the single family dwelling at 1630 Mt. Begbie Road.
  - b) Maximum number of guests at one time is 8.
  - c) Quiet time is from 11 PM to 6 AM daily.
  - d) Vacation rental signage shall be limited to one sign.
  - e) All parking must be accommodated on site; no parking shall occur on Mt. Begbie Road.
  - f) The owner is wholly responsible for the proper disposal of all garbage, recycling, and yard waste created by the operation of the vacation rental.

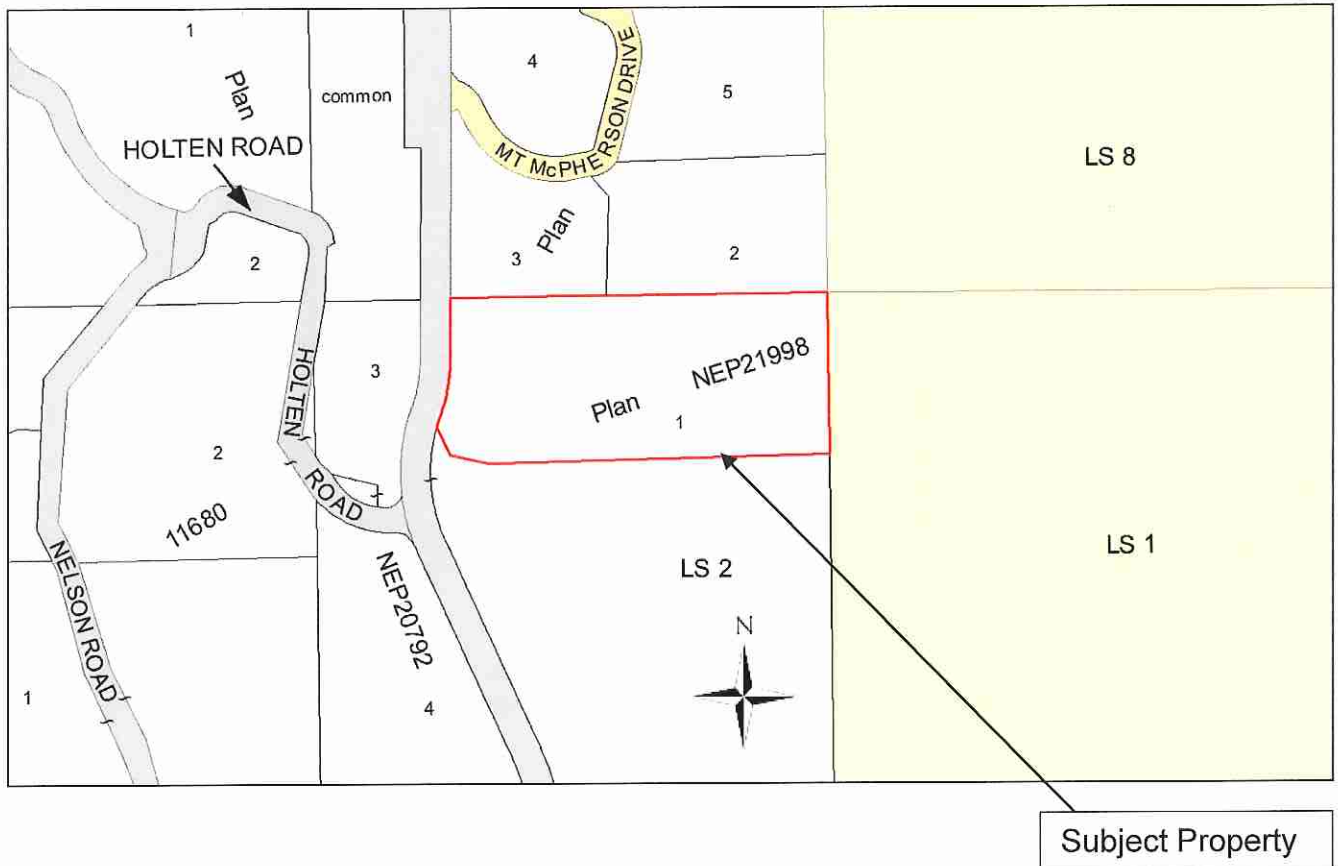


7. This Temporary Use Permit is subject to proof of adequate vacation rental and liability insurance, with a minimum of \$5 million dollars in coverage, naming the CSRD as an additional insured, and providing a release and indemnification agreement to the CSRD for any damages arising from or relating to the issuance of the Temporary Use Permit. Proof of renewal of the vacation rental insurance is required on an annual basis.
8. This Temporary Use Permit is not a Building Permit, nor shall it be construed as providing warranty or assurance that the property or any of the structures complies with the BC Building Code or any other applicable enactments.
9. Issuance of a Temporary Use Permit does not relieve the property owner of the responsibility to comply with applicable acts, regulations, or bylaws of the CSRD, or other agencies having jurisdiction under an enactment (e.g. Interior Health, Ministry of Transportation).
10. This permit, issued as per Section 493 of the Local Government Act, is valid for a 3 year period. This 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.
11. This permit is valid from \_\_\_\_\_ 2016, and shall expire on \_\_\_\_\_ 2019.

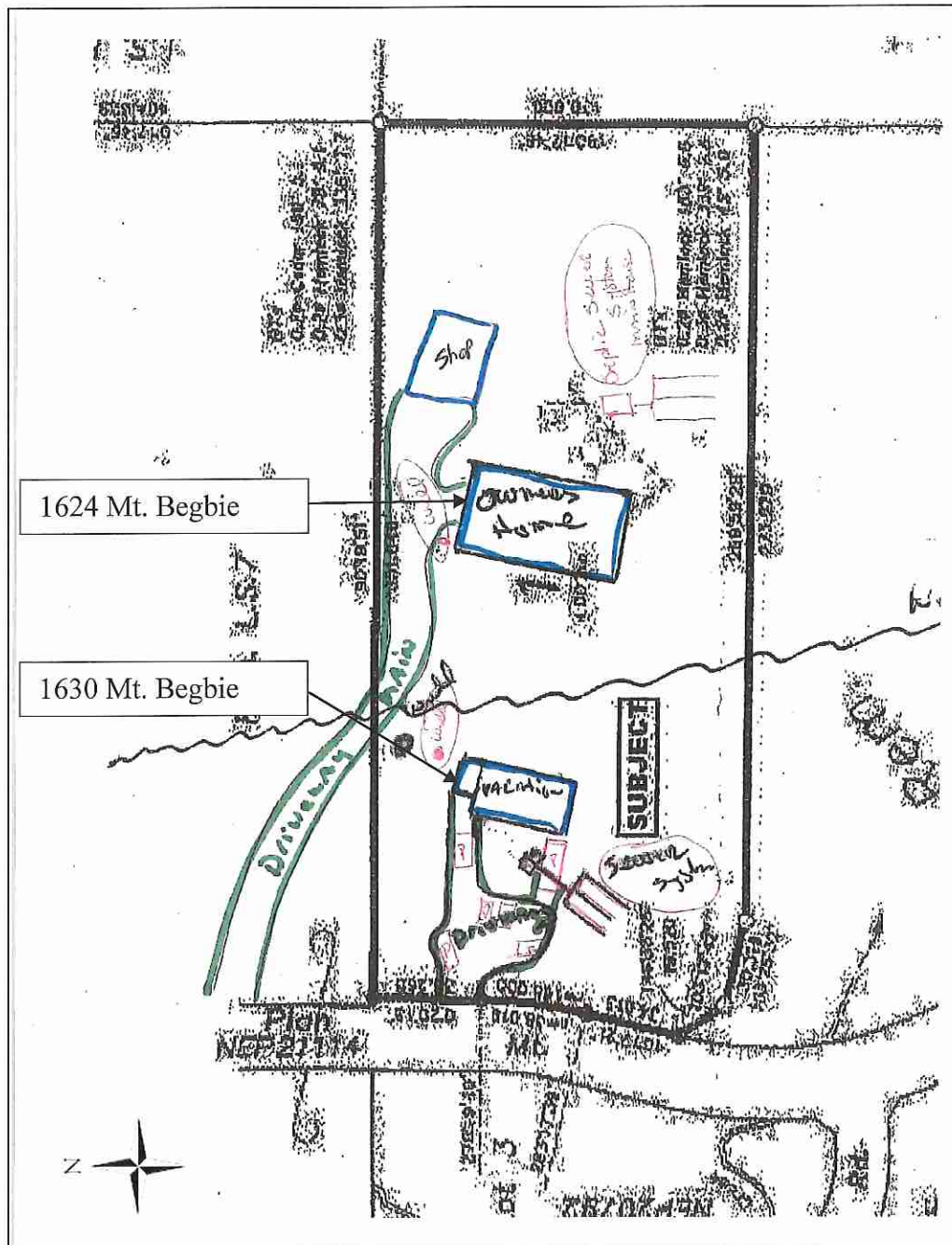
AUTHORIZED AND ISSUED BY RESOLUTION NO. \_\_\_\_\_ of the Columbia Shuswap  
Regional District Board on the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
CORPORATE OFFICER

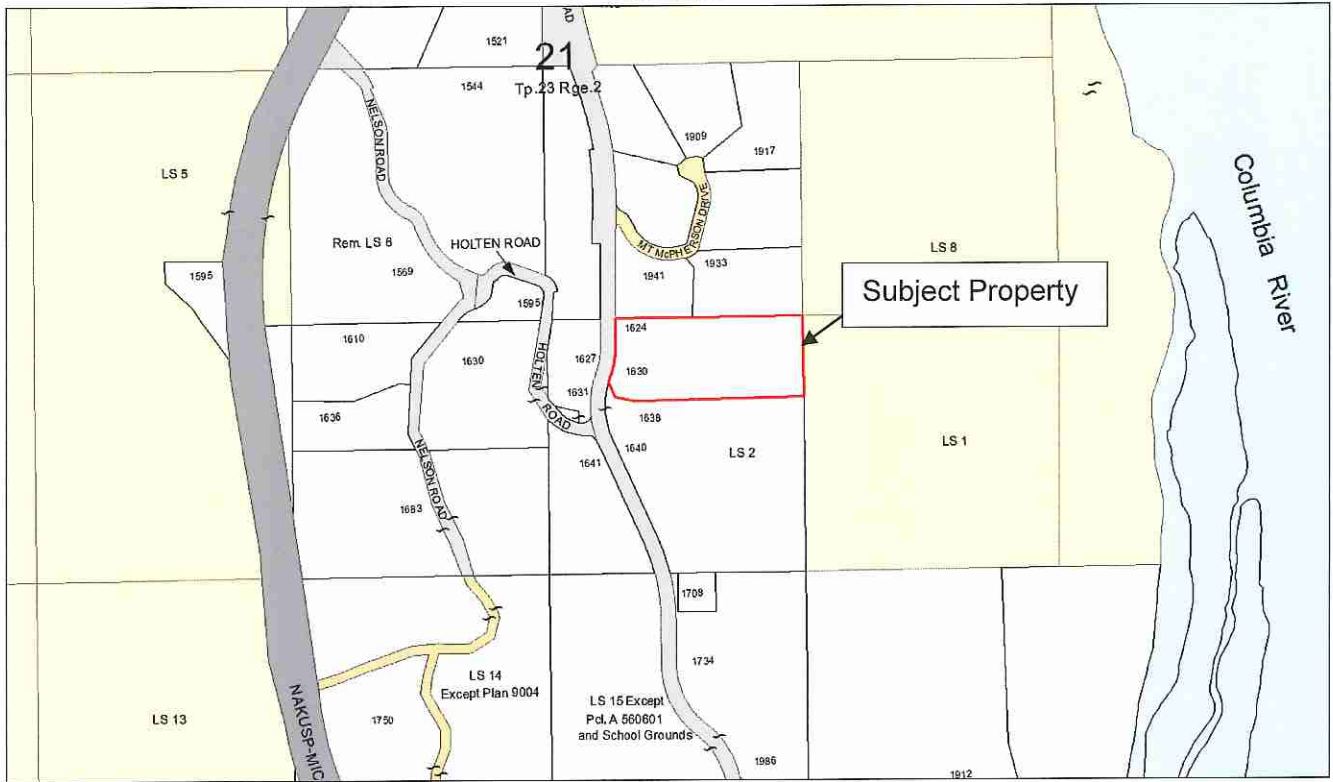
TUP 850-3  
Schedule 'A'



TUP850-3  
Schedule 'B'



Location







Orthophoto



Photos



Facing east at the vacation rental house

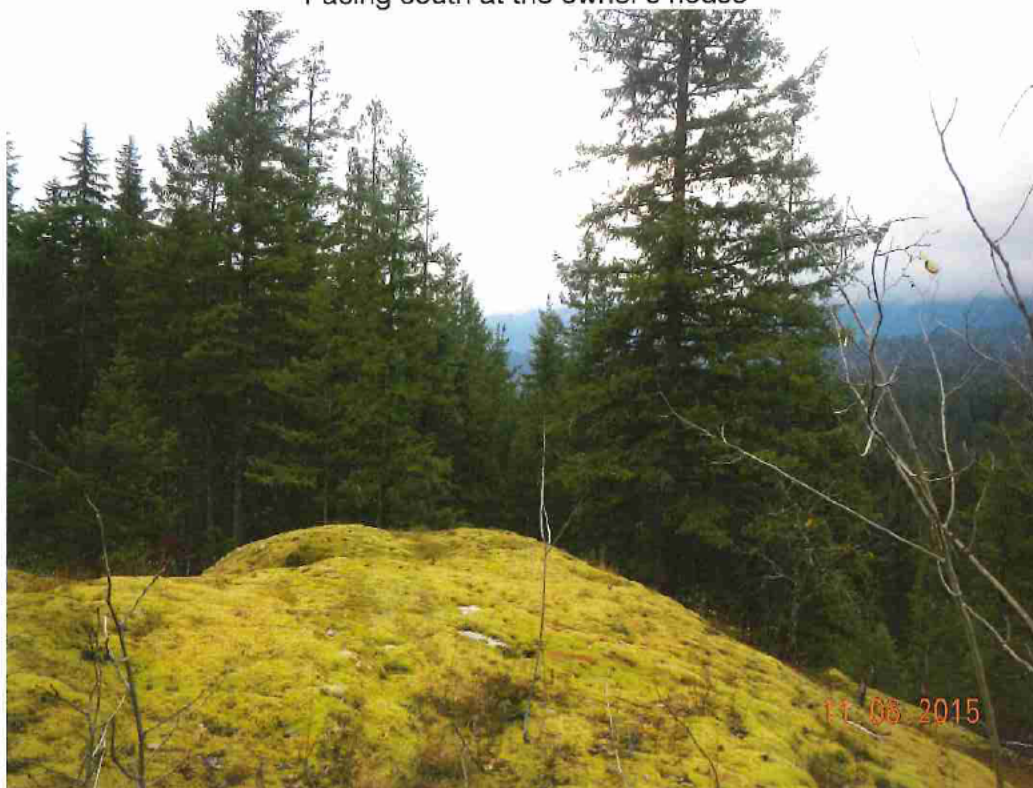


Facing east from the driveway to the owner's house





Facing south at the owner's house



Facing south from the side of the owner's house