



BOARD REPORT

TO:

Chair and Directors

File No: TUP830-15
PL20220097

SUBJECT:

Electoral Area F: Temporary Use Permit No. 830-15

DESCRIPTION:

Report from Jan Thingsted, Planner III, dated August 2, 2022.
2600 Eckerman Road, Magna Bay

RECOMMENDATION:

THAT: In accordance with Section 493 of the Local Government Act, Temporary Use Permit No. 830-15 for Lot A Section 19 Township 23 Range 9 West of the 6th Meridian Kamloops Division Yale District Plan KAP65160, be authorized for issuance this 18th day of August, 2022, for a vacation rental use of a guest cottage, with issuance subject to the applicant fulfilling the following conditions:

- a) Proof of adequate vacation rental and liability insurance, with a minimum of \$3 million in coverage;
- b) Registration of a covenant on title to the subject property pursuant to s. 219 of the Land Title Act releasing and indemnifying the CSR D for any damages arising from or relating to the issuance of the Temporary Use Permit;
- c) Submission of a Record of Sewerage System to confirm adequate performance, condition, size and location for the intended use of the onsite disposal system; and,
- d) Proof that water quality and quantity is sufficient for the use intended.

SHORT SUMMARY:

The subject property is located at 2600 Eckerman Road in Magna Bay of Electoral Area F. The owners are proposing to build a single family dwelling and guest cottage on the subject property and have applied for a 3-year Temporary Use Permit (TUP) to allow year-round vacation rental of the guest cottage.

VOTING:

Unweighted
Corporate

☐

LGA Part 14
(Unweighted)

☒

Weighted
Corporate

☐

Stakeholder
(Weighted)

☐**BACKGROUND:**

ELECTORAL AREA:

F

LEGAL DESCRIPTION:

Lot A Section 19 Township 23 Range 9 West of the 6th Meridian Kamloops Division Yale District Plan KAP65160

PID:

024-585-734

CIVIC ADDRESS:

2600 Eckerman Road, Magna Bay

SURROUNDING LAND USE PATTERN:

North = Rural (single family dwelling)

South = Secondary Settlement Area/Public Institutional (Camp Grafton)

East = Rural (single family dwelling)

West = Agriculture (cattle)

CURRENT USE:

Vacant (previously used as a standalone residential campsite)

PROPOSED USE:

Construction of a single family dwelling and guest cottage. The guest cottage is proposed to be used as a vacation rental.

PARCEL SIZE:

3.57 ha

DESIGNATION:

Electoral Area F Official Community Plan Bylaw No. 830

RSC – Rural and Resource Lands

ZONE:

Magna Bay Zoning Bylaw No. 800

R – Rural

AGRICULTURAL LAND RESERVE:

0%

SITE COMMENTS:

The subject property is generally flat and mostly treed. McLellen Creek crosses the property from the northwest to southeast and is located over 30 m away from the proposed guest cottage and single family dwelling. An outhouse and pumphouse are the only existing structures on the property. The nearest neighbouring single family dwelling is located approximately 125 m north of the proposed guest cottage. CSRD building regulation does not apply to the property. See attached "TUP830-15_Maps_Plans_Photos.pdf."

BYLAW ENFORCEMENT:

No

POLICY:

See attached "TUP830-15_ BL830_ BL800_Excerpts.pdf".

Electoral Area F Official Community Plan Bylaw No. 830

- Section 7.3 - Tourism
- Section 14 - Temporary Use Permits
- Section 11 - Managing Growth: North Shuswap
- Section 11.4 – Rural and Resource Lands

Magna Bay Zoning Bylaw No. 800

- Part 1 – Definitions
- Part 3 – General Regulations
 - 3.13 Guest Accommodation
- Part 5 – Zones
 - 5.3 R - Rural Zone

FINANCIAL:

There are no financial implications to the CSRD as a result of this application.

KEY ISSUES/CONCEPTS:Background

The subject property was previously used as a standalone residential campsite which is a permitted use in the Rural zone. An outhouse and pumphouse are the only existing structures on the property.

Proposal

The owners are proposing to build a 167.2 m² single family dwelling and 50 m² guest cottage on the subject property and to use the guest cottage as a year-round vacation rental. The owners intend to reside in the single family dwelling on a permanent basis and will be present during the time in which the guest cottage is rented.

Policy

Through the authority of the Local Government Act, the Regional District may consider issuing TUPs. A TUP allows a use or uses not permitted by a zoning bylaw and specifies conditions under which the temporary use may be conducted. Electoral Area F Official Community Plan Bylaw No. 830 allows TUPs in all designations. Section 14 (Temporary Use Permits) of Bylaw No. 830 provides guidelines to be considered when reviewing TUPs for vacation rentals. These guidelines include but are not limited to:

- Demonstrate that the proposed use will not alter the general character of the neighbourhood;
- Screen, fence or provide vegetative buffers between the proposed use and adjacent properties for greater privacy and noise reduction;
- Show proof of adequate servicing (water & sewer) for the proposed use at maximum capacity for the entire duration of the permit. This may include a required inspection by a registered professional;
- Demonstrate adequate parking. Generally, one parking space should be provided per let bedroom;
- Supply an occupancy permit or provide written proof from a qualified professional that the dwelling meets the fire code and is appropriate for the proposed use.

See attached "TUP830-15_ BL830_ BL800_Excerpts.pdf" for complete list of guidelines.

Screening, fencing, and vegetative buffers are not deemed necessary for this guest cottage since it is small, located in the trees, and well away from the parcel boundary and any neighbouring houses.

Proof will not be required that construction meets the BC Fire Code, however, adequate vacation rental and liability insurance, with a minimum of \$3 million in coverage, will be required prior to issuance of the TUP.

A statement in Section 7.3 (Tourism) provides support for the Shuswap Tourism Development Plan (March 2010) and providing diverse accommodation options.

There are no development permits required for the proposed single family dwelling and guest cottage.

Zoning

The subject property is zoned R – Rural in Magna Bay Zoning Bylaw No. 800 which permits guest accommodation in a basement suite or a guest cottage on the same parcel as a single family dwelling, for temporary rent free accommodation on a non commercial basis by guests of the residents of the single family dwelling. Guest accommodation must have a floor area of less than 50 m² and comply with building setbacks, height requirements, and parking requirements.

Notwithstanding the vacation rental use, the proposed guest cottage meets all the regulations of Bylaw No. 800.

Building Inspection

The subject property is located outside the area regulated by Building Bylaw No. 660-3 and is therefore not subject to CSRD building regulations and permit requirements. Nonetheless, the BC Building Code still applies to new construction.

Parking

The site plan submitted by the applicant shows parking spaces for 8 vehicles which exceeds the requirement of 1 parking space for guest accommodation in Bylaw No. 800.

Servicing

Prior to issuing TUP830-15, the applicant will need to provide:

- a) Record of Sewerage System to confirm adequate performance, condition, size, and location for the intended use of the onsite disposal system; and,
- b) Proof that water quality and quantity is sufficient for the use intended.

The has applicant has been made aware of these requirements but has not given a timeline for when documentation will be provided.

Electoral Area F Advisory Planning Commission (APC)

The Electoral Area F APC reviewed TUP830-15 at a meeting held on July 27, 2022 at the Scotch Creek Fire Hall. The APC did not have any concerns with the proposal and passed a motion recommending that the Board of the Columbia Shuswap Regional approve Temporary Use Permit No. 830-15.

Analysis

TUP830-15 is the first application that the CSRD has received for a vacation rental in Electoral Area F. Electoral Area B, the only area in the CSRD where vacation rental TUPs have been issued, has provided staff a model for which to review vacation rental proposals in other areas.

Section 14 (Temporary Use Permits) in Bylaw No. 830 provides 13 guidelines that vacation rental TUP applicants may be required meet. Staff believe that the vacation rental proposal being considered will meet these requirements once the sufficient documentation for insurance, the S. 219 covenant, and servicing has been provided by the applicant.

Given the small scale of the proposed vacation rental cottage (1 bedroom/2 guests), long distance to nearest residence (125 m), forested nature of the subject property, and presence of owners in the single family dwelling, it is very unlikely that the proposed use will alter the general character of the neighbourhood.

SUMMARY:

The owners are proposing to build a single family dwelling and guest cottage on the subject property and have applied for a 3-year Temporary Use Permit (TUP) to allow year-round vacation rental of the guest cottage. Staff recommend approval of TUP830-15 for the following reasons:

- Guest cottage is a permitted use in the Rural zone;
- It is not expected that a one bedroom vacation rental guest cottage will have significant negative impacts to the neighbouring properties or significantly alter the character of the neighbourhood.
- The proposed guest cottage is to be located 125 m away from the nearest residence.
- The owners' intent to reside in the single family dwelling on a permanent basis and will be present during the time in which the guest cottage is rented.
- Notwithstanding the vacation rental use, the proposed guest cottage meets all the regulations of Bylaw No. 800.
- Electoral Area F APC recommended that the Board support the application.

Staff recommend issuance be withheld until:

- a) Proof of adequate vacation rental and liability insurance, with a minimum of \$3 million in coverage;
- b) Registration of a covenant on title to the subject property pursuant to s. 219 of the Land Title Act releasing and indemnifying the CSRD for any damages arising from or relating to the issuance of the Temporary Use Permit;
- c) Submission of a Record of Sewerage System to confirm adequate performance, condition, size and location for the intended use of the onsite disposal system; and,
- d) Proof that water quality and quantity is sufficient for the use intended.

IMPLEMENTATION:

If the Board chooses to authorize issuance of this TUP, the owner will be notified of the Board's decision and upon fulfillment of the conditions described above, the TUP will be issued and a notice of permit will be registered on title for the subject property.

COMMUNICATIONS:Public Notice

The CSRD is in receipt of photographs verifying that a notice of application sign was posted on the subject property on June 25, 2022, in accordance with the Development Services Procedures Bylaw No. 4001, as amended. Further, in accordance with the Local Government Act, notices of the TUP application will be sent to owners and tenants in occupation of properties within 100 m of the subject property at least 10 days prior to the Board meeting. A newspaper ad informing the local residents about the application will be published seven days prior to the Board consideration of this TUP along with ads posted on the CSRD website and social media platforms.

As of the date of this report, no written submissions regarding TUP830-15 have been received. Any written submissions received by the Tuesday, August 16, 2022, 4:00 PM deadline will be added to the revised Board agenda.

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.*

Report Approval Details

Document Title:	2022-08-18_Board_DS_TUP830-15.docx
Attachments:	<ul style="list-style-type: none">- TUP830-15_Redacted.pdf- BL830-BL800_Excerpts_TUP830-15.pdf- TUP830-15_Maps_Plans_Photos.pdf
Final Approval Date:	Aug 9, 2022

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



Corey Paiement



Gerald Christie



Jennifer Sham



Jodi Pierce