

# BOARD REPORT

**TO:** Chair and Directors

**File No:** BL851-11  
PL20170000165

**SUBJECT:** Electoral Area B: Electoral Area B Zoning Bylaw Amendment (Sievwright) Bylaw No. 851-11

**DESCRIPTION:** Report from Candice Benner, Development Services Assistant, dated October 31, 2017.  
4785 Airport Way, South Revelstoke

**RECOMMENDATION #1:** THAT: "Electoral Area B Zoning Bylaw Amendment (Sievwright) Bylaw No. 851-11" be read a first time this 16<sup>th</sup> day of November, 2017.

**RECOMMENDATION #2:** THAT: the Board utilize the simple consultation process for Bylaw No. 851-11, and it be referred to the following agencies and First Nations:

- Area 'B' Advisory Planning Commission;
- Interior Health Authority;
- Ministry of Transportation and Infrastructure;
- Ministry of Environment;
- Ministry of Forests, Lands and Natural Resource Operations;
- Ministry of Forests, Lands and Natural Resource Operations – Water Rights Branch;
- Ministry of Forests, Lands and Natural Resource Operations, Archaeology Branch;
- CSR D Operations Management;
- CSR D Financial Services;
- City of Revelstoke;
- All relevant First Nations Bands and Councils.

**SHORT SUMMARY:**

The subject property is located south of the City of Revelstoke in Electoral Area 'B' on Airport Way. The owner has been operating a vacation rental use on the property for several years. This is not a permitted use in the current Small Holdings zone and, therefore, the property owner has applied to rezone the parcel to the Vacation Rental zone.

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

PROPERTY OWNER:  
Julia Sievwright

ELECTORAL AREA:

B

**CIVIC ADDRESS:**

4785 Airport Way, Rural Revelstoke

**LEGAL DESCRIPTION:**

Lot 1 Sections 30 and 31 Tp 22 Rg 1 W6M Kootenay District Plan NEP72289

**SIZE OF PROPERTY:**

4.10 ha

**DESIGNATION:**

Small Holdings –SH

**ZONE:**

Small Holdings-SH

**ALR:**

100%

**SURROUNDING LAND**

**USE PATTERN:**

North: Rural, Residential

South: Rural, Residential

East: Rural, Residential

West: Columbia River

**CURRENT USE:**

Vacation rental (illegal use)

**PROPOSED USE:**

Vacation rental

**SITE COMMENTS:** The property is flat with landscaped lawn and trees. An asphalt driveway leads to the house which is located centrally on the property. There is a house, detached garage, and small outbuildings on the parcel.

The parcel is surrounded by larger low density rural residential parcels to the north, south and east and by the Columbia River to the west.

**POLICY:**

**Rural Revelstoke Official Community Plan Bylaw No. 850**

**2.1 Growth Patterns**

**South Revelstoke**

At present the South Revelstoke area has a rural character that is highly valued by the residents. The area contains a mixture of lot sizes from small half acre parcels to large agricultural acreages. There is abundant forested upland area framing the valley and providing context for the proposed ski resort.

The settled area contains a mixture of housing types and sizes but the majority of development is single family residential. There are some properties that are designated as agricultural and are within the Agricultural Land Reserve but there is little active farming taking place.

#### 4.1 Residential

##### Small Holdings Designation

4.3.20 The principal use shall be residential or agricultural.

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

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

##### 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.

##### South Revelstoke

4.4.9 The Regional District recognizes the development pressure currently being experienced on the ALR lands below the Revelstoke Mountain Resort; however the ALC has indicated that it does not support a review of these lands for exclusion from the ALR. The ALC has indicated that it would only consider a review under the following conditions:

- specific information is provided as to the capacity of non ALR land in the City of Revelstoke to accommodate growth (i.e. more land is required to service growth pressures); and
- the land is proposed for incorporation into the City of Revelstoke.

Recognizing the current ALR status, lands within the ALR south of Revelstoke are to be designated Small Holdings (SH).

#### 10.1 Agriculture

Agricultural lands in Electoral Area 'B' are primarily located in the Arrow Lakes Valley. The Regional District recognizes that some lands in the Electoral Area 'B', particularly in South Revelstoke may have limitations for agriculture, however, the ALC is not supportive of ALR exclusions at this time.

Although there is limited evidence of existing agricultural activity in the plan area there is a history of agriculture, particularly in the river valleys. The CSRD recognizes this history and the role of the ALC and the plan is supportive of agriculture, particularly where agriculture can contribute to sustainability and local food production.

#### 10.2 Objectives

10.2.1 To support the preservation of the agricultural land base where lands have continuing value for agriculture.

10.2.2 To promote options for the production and marketing of locally grown foods.

10.2.3 To minimize conflicts between agriculture and other land uses.

### 10.3 Policies

10.3.1 The Regional District supports the preservation, maintenance and enhancement of lands for agricultural use within the Agricultural Land Reserve. Current Agricultural Land Reserve designations are inventoried in Schedule C.

10.3.3 Agriculture, including but not limited to agricultural food production, forage crops, livestock operations and accessory commercial uses, is permitted in the Rural Resource, Small Holdings, and Rural Residential 2 designations.

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

### 1.0 Definitions

BED AND BREAKFAST is the use of not more than three (3) bedrooms within a principal single family dwelling to provide temporary accommodation to the traveling public, and includes food service to guests

HOTEL is the use of land, buildings and structures to provide accommodation on a temporary basis to the travelling public, within a building, and may also contain meeting rooms & restaurant

LODGE is a building which complies with the definition of a "hotel" except that a lodge does not include a restaurant and areas used for public retail and public entertainment purposes

VACATION RENTAL is the use of a residential dwelling unit or secondary dwelling unit for temporary accommodation on a commercial basis

### 3.6 Agricultural Land Reserve

In addition to the regulations established in this Bylaw, all lands within the Agricultural Land Reserve are also subject to the provisions of the Agricultural Land Commission Act, regulations and orders of the Agricultural Land Commission (thereby not permitting the subdivision of land or the development of non-farm uses unless approved by the Agricultural Land Commission).

### 3.21 Vacation Rental

(1) A vacation rental may be permitted in both the single family dwelling and the secondary dwelling unit. Residential campsites, camping units, and park models shall not be used for vacation rental unless otherwise permitted in this Bylaw;

(2) Where a vacation rental is permitted, a maximum of five (5) bedrooms per parcel may be used for a vacation rental and no more than ten (10) guests are permitted in a vacation rental at any one time;

(3) A vacation rental located in a detached secondary dwelling unit is only permitted on a parcel 2 ha in size or larger;

(4) A vacation rental shall not be operated in conjunction with a bed and breakfast;

- (5) A vacation rental shall not include ancillary uses typical of a hotel, motel, lodge or inn. These uses include, but are not limited to: meeting rooms, restaurant, concierge, and retail sales;
- (6) A vacation rental 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;
- (7) A vacation rental must not alter the residential character of the dwelling unit or property in which it is operated;
- (8) One (1) on-site parking space shall be provided for each bedroom used for vacation rental;
- (9) Total signage (excluding framing) used for the purpose of advertising the vacation rental on each parcel shall not exceed 0.5 m<sup>2</sup> in area and 2 m in height if free standing. Signs shall have a minimum setback of 1 m from parcel lines; and
- (10) A vacation rental must be sited in accordance with setback regulations and meet all provincial and Interior Health requirements regarding water and sewer servicing.

#### Current Zone:

##### 5.5 Small Holdings (SH) Zone

#### Principal Uses

- (1) 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:
- (a) agriculture
  - (b) day care
  - (c) horticulture
  - (d) single family dwelling
  - (e) standalone residential campsite
  - (f) timber harvesting

#### Secondary Uses

- (2) 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:
- (a) accessory use
  - (b) bed and breakfast
  - (c) home occupation
  - (d) small-scale sawmill
  - (e) residential campsite
  - (f) secondary dwelling unit

#### Regulations

- |  |     |
|--|-----|
| (c) Maximum parcel coverage:                               | 25% |
| (d) Maximum number of single family dwellings per parcel:  | One |
| (e) Maximum number of secondary dwelling units per parcel: | One |

#### Proposed Zone:

##### 5.15 Vacation Rental (VR) Zone

#### Principal Uses

- (1) The uses stated in this subsection and no others are permitted in the Vacation Rental zone as principal uses, except as stated in Part 3: General Regulations:
- (a) single family dwelling
  - (b) horticulture
  - (c) vacation rental

### Secondary Uses

(2) The uses stated in this subsection and no others are permitted in the Vacation Rental zone as secondary uses, except as stated in Part 3: General Regulations:

- (a) accessory use
- (b) home occupation
- (c) secondary dwelling unit

### Regulations

- (c) Maximum parcel coverage: 20%
- (d) Maximum number of single family dwellings per parcel: One
- (e) Maximum number of secondary dwelling units per parcel: One

### **FINANCIAL:**

This file initially started as bylaw enforcement as the current owners were operating a vacation rental out of the existing single family dwelling. Bylaw enforcement has been held in abeyance, pending the outcome of this application.

### **KEY ISSUES/CONCEPTS:**

The Board has reviewed two ALR applications for this property in the past; Eagle Pass heli-skiing completed a non-farm use application to operate their heli-ski operation including using the existing dwelling as a commercial lodge. Eagle Pass was renting the property from the current owners at the time. The Board recommended approval of this application and the ALC approved this use.

The second ALR application the Board reviewed was also for non-farm use for a permanent vacation rental; the application was made by the current owners who wish to have a permanent vacation rental use for the property. The ALC determined during its review of this application that the footprint of the vacation rental within the existing dwelling is no different than that of a bed and breakfast, which is a permitted use in the ALR.

With the decision of the ALC, the owners are now continuing with the compliance process by applying to rezone the parcel to a zone appropriate for their vacation rental use. In consultation with the owners and in review of the existing vacation rental use on the property, staff believe that the Vacation Rental zone is an appropriate zone for the property.

The existing single family dwelling has been operated as a four to six bedroom and six bathroom vacation rental for several years; the owners understand that should the property be rezoned to Vacation Rental, they will be required to limit the use to a maximum of ten (10) guests and five (5) bedrooms, along with compliance with all vacation rental regulations stipulated in the zoning bylaw. The owners do not intend to operate helicopter pick/up drop off like that of Eagle Pass heli-skiing and the owners understand that the Vacation Rental zone does not permit this use.

OCP policy suggests that a Temporary Use Permit be the first step in an application for vacation rental prior to rezoning a parcel. The owners have chosen to apply directly for rezoning as they have been operating a vacation rental on the property for several years already and they intend to continue this use on a permanent basis. The ALC has also historically shown support of similar applications on the property. Subject to this application receiving first reading and receiving referral comments from

applicable agencies, staff may require further servicing information at second reading, regarding the proposed vacation rental use, from the owners.

### **SUMMARY:**

The subject property is located south of the City of Revelstoke in Electoral Area 'B' on Airport Way. The owner wants to rezone the parcel to Vacation Rental to permit the existing vacation rental use.

### **IMPLEMENTATION:**

If the Board gives this bylaw first reading and approves the simple consultation process, staff will send referrals out to the applicable agencies and First Nations.

### **COMMUNICATIONS:**

If the bylaws are given first readings they will be forwarded to the referral agencies. Agency comments will be provided with a future Board report.

•Area 'B' Advisory Planning Commission;	•CSRD Financial Services;
•Interior Health Authority;	•City of Revelstoke; and,
•Ministry of Transportation and Infrastructure;	•All relevant First Nations Bands and Councils, including:
•Ministry of Environment;	Lower Kootenay Band; Lower Similkameen Indian Band, Neskonlith Indian Band, Okanagan Indian Band, Okanagan Nation Alliance, Penticton Indian Band, Shuswap Indian Band, Simpcw First Nation, Splots'in First Nation, St. Mary's Indian Band, Tobacco Plains Indian Band.
•Ministry of Forests, Lands and Natural Resource Operations;	
•Ministry of Forests, Lands and Natural Resource Operations – Water Rights Branch;	
•Ministry of Forests, Lands and Natural Resource Operations, Archaeology Branch;	
•CSRD Operations Management;	

### **DESIRED OUTCOMES:**

That the Board endorse staff recommendation(s).

### **BOARD'S OPTIONS:**

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

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

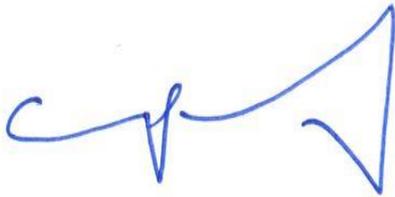
1. Application
2. Electoral Area B Official Community Plan Bylaw No. 850
3. Electoral Area B Zoning Bylaw No. 851



**Report Approval Details**

Document Title:	2017-11-16_Board_DS_BL851-11_Siewwright.docx
Attachments:	- BL851-11_First.pdf - Maps_Plans_BL851-11.pdf
Final Approval Date:	Nov 6, 2017

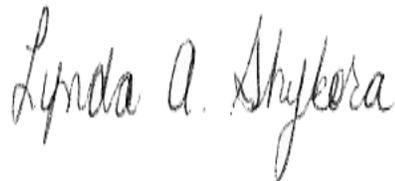
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Nov 3, 2017 - 4:03 PM**



**Gerald Christie - Nov 6, 2017 - 7:20 AM**



**Lynda Shykora - Nov 6, 2017 - 2:35 PM**



**Charles Hamilton - Nov 6, 2017 - 3:30 PM**