



BOARD REPORT

- TO:** Chair and Directors
- SUBJECT:** Electoral Area B: Electoral Area B Official Community Plan Amendment Bylaw No. 850-20 and Electoral Area B Zoning Amendment Bylaw No. 851-30
- DESCRIPTION:** Report from Christine LeFloch, Planner III, dated July 22, 2024. 4762 Airport Way, South Revelstoke
- RECOMMENDATION #1:** THAT: "Electoral Area B Official Community Plan Amendment Bylaw No. 850-20" be read a third time, this 15th day of August, 2024.
Stakeholder Vote Unweighted (LGA Part 14) Majority
- RECOMMENDATION #2:** THAT: "Electoral Area B Zoning Amendment Bylaw No. 851-30" be read a third time as amended, this 15th day of August, 2024.
Stakeholder Vote Unweighted (LGA Part 14) Majority

SUMMARY:

The applicant would like to change the Official Community Plan (OCP) designation for the subject property from SH Small Holdings to RC Resort Commercial and rezone the subject property from SH Small Holdings to RC2 Resort Commercial 2 to facilitate development of tourist accommodations in the form of a 6-bedroom lodge and 4 tourist cabins. Like nearby SH zoned properties, the proposed RC2 zone permits a single detached dwelling and a secondary dwelling unit. The applicant has indicated that the single detached dwelling would be used by the owner-operator of the tourist accommodations and the secondary dwelling unit would be used by the parents of the owner-operator. The zoning amendment bylaw has been updated to include that the owner-operator reside on the property as part of the special regulation for this property.

The Board gave second reading to the amending bylaws at their meeting held on March 21, 2024 and delegated a public hearing. The public hearing was held on May 2, 2024 at the Revelstoke Community Centre. Notes from the public hearing and written submissions are attached to this Board report.

It is now appropriate for the Board to consider the amending bylaws for third reading as amended. Prior to adoption of the bylaw amendments the applicant will need to apply and receive approval for a Commercial Form and Character Development Permit for the proposed development.

BACKGROUND:

Please see Item [17.1 on the October 19, 2023 Board Agenda](#) for the staff report recommending First Reading. This report provides the full background and supporting documents for this application including maps, plans and photos.

Please see [Item 17.4 on the March 21, 2024 Board Agenda](#) for the staff report recommending Second Reading and delegation of a public hearing and supporting documents.

POLICY:

[Electoral Area B Official Community Plan Bylaw No. 850](#) (Sections 2.1, 5.2.5, 5.2.6, 5.3.10, 5.4)

- Growth Patterns – South Revelstoke
- Commercial Objectives, Resort Commercial Policies
- Commercial Development Permit Area

[Electoral Area B Zoning Bylaw No. 851](#) (Sections 1.0, 3.16, 5.15, 5.4)

- Definitions
- General Regulations
 - Tourist Cabins
- SH – Small Holdings Zone
- RC2 – Resort Commercial Zone

See "[BL850-20 BL851-30 Excerpts BL850 BL851.pdf](#)" for all applicable policies and regulations related to this application.

FINANCIAL:

There are no financial implications associated with this application. Section 477 of the Local Government Act requires that after first reading the local government must consider the proposed OCP amendment in conjunction with their current financial and waste management plans. Financial Services and Environmental and Utilities Services have provided referral comments indicating that they have reviewed the proposal and that it is in concurrence with these plans.

KEY ISSUES/CONCEPTS:

Public Hearing

A public hearing was held on Thursday, May 2, 2024 at 6:00 PM at the Revelstoke Community Centre to hear representations from the public regarding the proposed bylaw amendments. There were 18 members of the public in attendance (16 in person and 2 via Zoom). The meeting was chaired by Electoral Area B Director David Brooks-Hill. Eleven written submissions from the public were received before the close of the public hearing, including 6 in support of the proposal and 5 opposed. Notes from the public hearing and all written submissions received before the close of the public hearing are attached to this Board agenda item as:

"BL850-20_BL851-30_Public_Hearing_Notes_redacted.pdf", and
"BL850-20_BL851-30_Public_Submissions_redacted.pdf".

Concerns raised at the public hearing and in the written comments received by those opposed to the proposal included the following:

- potential for increased traffic on Airport Way,
- changing the nature of the rural neighbourhood to become more commercial,
- wildfire concerns,
- whether the owner would be living on the property,
- events being held at vacation rental properties in the neighbourhood, and,
- that approval of this application may set a precedent for future applications for similar uses in South Revelstoke.

Concerns were also mentioned regarding the timing and advertising of the public information meeting, which was held on December 21, 2023, and that not all people on Airport Way were contacted by the applicant to discuss the proposal. *It should be noted that there is no requirement for an applicant to individually contact people in their neighbourhood regarding their proposal. This is discussed further in the analysis below.

Those in support of the proposal both at the public hearing and in the written comments received by those in support expressed the following:

- appreciation that it is small scale,
- that the applicant took the time to speak with the immediate neighbours about the proposal, and,
- the desire for a covenant registered on title to limit the development to the current proposal so that it cannot expand was also indicated.

Analysis

Traffic Concerns

The proposal includes an additional 3 tourist cabins in the shorter term and a 6-bedroom lodge in the longer term for a total of 9 additional sleeping units for the property. The owner has indicated that he intends to market the resort as a quiet retreat primarily to couples. At times when the resort is fully booked, this would be an increase of 9 additional vehicles travelling to and from the property. The application was referred to the Ministry of Transportation and Infrastructure for their comments. They indicated that the owner would require a Commercial Access Permit but did not indicate the need for a traffic study. This suggests that the proposal is not expected to result in a dramatic increase in traffic for this area. The Ministry of Transportation and Infrastructure noted in their referral comments that they will be requiring a covenant as part of the required application for Commercial Access Permit. Similar to the proposed special regulation, the covenant would limit the scale of the development to what is currently proposed for the property. See "[BL850-20 BL851-30 Agency First Nations Referral Responses.pdf](#)"

Rural/Commercial Neighbourhood Concerns

Comments expressed at the public hearing included concern over the South Revelstoke area changing from a rural residential neighbourhood to more of a resort commercial area. There are multiple vacation rentals in the South Revelstoke area that have been operating under Temporary Use Permits. The OCP provides direction for issuance of TUPs for vacation rentals. These are specific to the proposal and the property under application. The OCP does not include any policies to deal with cumulative impacts related to having many vacation rentals in one neighbourhood. Most people in opposition indicated that they are not happy with the number of vacation rental properties currently operating in the South Revelstoke area and are concerned that if this application is approved it will pave the way for future applications of a similar nature to also be approved. Two property owners not in support live nearby but not immediately abutting the subject property. The rest of the comments received that were opposed to the proposal were from residents living further north on Airport Way. It should be noted that there are a number of additional vacation rental properties located closer to the southern boundary of the City of Revelstoke.

The comments received from neighbours immediately abutting the subject property were all in support of the proposal. Three of the abutting properties have been issued TUPs for vacation rentals. One of these TUPs expired in April 2024 and cannot be renewed a third time. The owners had previously indicated to staff prior to the expiry of the TUP that they would be applying for rezoning but have not yet made an application. It appears that they may still be operating as the unit is still listed on Airbnb and has reviews from May and June 2024. This matter has been referred to Bylaw Enforcement for follow up. The other two are in their first term and will expire in December 2024 and March 2025. These two may be renewed once for an additional 3-year term.

This application is not for a vacation rental, however there are similarities between a vacation rental and a small resort. Both offer commercial accommodations with the main difference being scale. That

is, a resort typically has multiple accommodation units while vacation rentals typically include only 1-2 accommodation units for short term rental.

Wildfire Concerns

A few of the written submissions indicated concerns about the susceptibility of the area to wildfire, and one of the submissions questioned the wildfire risk assessment submitted prior to second reading in support of the application prepared by Pioneer Forest Consulting Ltd. Specifically, they raised concerns that the report did not reference a report prepared for the City of Revelstoke in 2018. Development Services staff discussed these concerns with Protective Services staff and were advised that the report prepared for the subject property was written by a Registered Professional Forester that is experienced in wildfire matters. They also noted that the report prepared for the City of Revelstoke was written by a different consultant for a different purpose. They did not believe there was a need for the Pioneer report to reference the City of Revelstoke report.

Owner-Operator Concerns

At the public hearing the owner was asked by an attendee if he lives on the subject property. The owner indicated that he does live on the property and will continue to live there as the owner/operator. He has also advised that his parents reside in the secondary dwelling unit on the property and the resort will be run by them as a family. The applicant is amenable to adding a provision to the amending bylaw stating that the owner/operator must reside on the property. The amending bylaw has been changed accordingly and it is recommended that it be read a third time as amended.

Events on Vacation Rental Properties

At the public hearing it was noted that other properties in the neighbourhood who are operating vacation rentals are hosting events, and that these are noisy and contribute to traffic on Airport Way. It was asked if the applicant would be hosting events on the property. Staff explained that some of the other properties in the neighbourhood are in the ALR, which permits owners to host up to 10 events per year in accordance with Section 17 of the Agricultural Land Reserve Use Regulation. These regulations specify that the property must have farm status in order to be eligible to host events. The hosting of events is a permitted non-farm use that cannot be prohibited by the local government. It was also asked by an attendee of the public hearing if CSRD Bylaw Enforcement does anything to enforce noise concerns related to events. Staff advised that enforcement is done on a complaint basis. However, upon further inquiry with Bylaw Enforcement staff it was learned that the CSRD's noise bylaw is enforced by the RCMP. The owner of the subject property indicated that he is not interested in hosting events at his property and further emphasized that his focus is on renting cabins to couples seeking a quiet getaway.

Precedent Setting

Staff note that all applications are reviewed based on their own merits. Precedent should not automatically be set based on previous approvals, although there are times when conditions between applications are similar, and staff may recommend an approval for the same reasons as a previous approval. It should be recognized that local conditions may change over time and what is acceptable in a neighbourhood at one time may not be in the future. The Board may choose to approve or deny future applications for a variety of reasons.

Public Information Meeting

Regarding the short time frame between the advertisement of the public meeting and the date of the public meeting, staff note that the current public information meeting requirements in the Development Services Procedures Bylaw No. 4001-2, as amended does not specify a timeline for advertising.

Applicants are usually advised to follow notification requirements that are more consistent with the CSRD Public Hearing process, which is to advertise at least 10 days prior to the public hearing, but this was not communicated to this applicant. To provide more guidance for staff, applicants, and the public, the Development Services Procedures Bylaw No. 4001-2, as amended, and Policy P-18 Consultation Processes - Bylaws are identified to be reviewed and updated as a future planning project.

Summary

Staff support this proposal because it is in alignment with current OCP policies for Resort Commercial uses and is considerably smaller in scale than the proposed RC2 zoning may permit making it a better fit for the neighbourhood. The applicant is amenable to the proposed special regulation which would limit the scale to what is currently being proposed (4 tourist cabins and a 6-bedroom lodge) and require that an owner-operator reside on the property. It is noted that the 7.5-hectare property has the potential for up to 40 tourist cabins and a lodge with up to 15 bedrooms under the proposed RC2 zoning, however staff believe that scale of development would not be a good fit within the surrounding neighbourhood.

The OCP policies support Resort Commercial uses anywhere within the plan area, subject to conditions which either exist on the property or can be addressed by the applicant. A discussion of these conditions relevant to the subject property can be found on Page 5 of the [October 19, 2023 Board Report](#) which recommended first reading. Further, the applicant has provided the information requested prior to consideration of second reading including a wildfire risk assessment and sewage disposal report in support of the proposal.

The concerns raised by the public with regard to this application reflect that the OCP does not capture the changing nature of the South Revelstoke area since the expansion of Revelstoke Mountain Resort. Since that time, the popularity of vacation rentals has seen a dramatic increase and there is significant interest from property owners interested in becoming operators. The OCP includes conditions for issuance of TUPs for vacation rentals for specific properties, but the OCP does not provide policy considerations about the cumulative impacts to neighbourhoods associated with this use. For example, the OCP does not provide any guidance for determining how many vacation rentals are too many for Area B or for specific neighbourhoods in proximity to Revelstoke.

The agenda for the Committee of the Whole (COW) meeting on August 14, 2024 includes a staff presentation on Short Term Rentals (STRs) that is intended to provide an update to the Board about STRs in the CSRD Electoral Areas and initiate Board discussion about the issues related to STRs (aka vacation rentals). It is recognised that while there are many questions and issues around this topic that need to be addressed, the applicant in this case has completed everything required to date with regard to the rezoning process.

If the Board agrees with the staff recommendation and reads the amending bylaws a third time, the applicant will then need to make application for, and be issued a Commercial Development Permit prior to adoption of the bylaws. This type of development permit addresses how the property looks from public areas, ensures that there is adequate off-street parking, landscape buffering and screening where applicable and other details related to the form and character of the development. Development Permits are reviewed against the guidelines for Commercial Development Permits and approved at the discretion of the Board. There is no requirement for public notification and no opportunity for public input. Staff would bring both the Development Permit and the recommendation of adoption to the Board for review at the same meeting.

Rationale for Recommendation

Staff are recommending that the Board consider the amending bylaws for third reading for the following reasons:

- The proposal for the subject property aligns with the OCP policies regarding resort commercial uses;
- The size and scale of the proposed development is appropriate for this location and property and a special regulation is proposed to limit the development to what is being proposed (one 6-bedroom lodge and 4 tourist cabins), and require that the resort have an owner-operator residing on the property;
- The applicant has had a sewage system feasibility study and a wildfire risk assessment completed for the proposed development as requested. The applicant is aware that the water system for the proposed development will need to be designed to meet Interior Health standards and requires an operating permit; and,
- Concerns raised at the public hearing help to inform the Board and community discussion regarding short term rentals which may result in new CSRD policies that could influence the outcome of future applications for temporary use permits or rezoning for short term rental and resort commercial uses.

IMPLEMENTATION:

If the Board agrees with the staff recommendation the applicant will be advised of the decision. The applicant will then need to make application for a Commercial Development Permit. This application would be brought to the Board for approval at the same time as the amending bylaws are brought forward for adoption.

If the Board does not read the amending bylaws a third time the applicant will be advised of the decision and the file will be closed.

COMMUNICATIONS:

Minutes from the Board meeting will be posted on the CSRD website and will be available to interested members of the public who may wish to learn the outcome of this decision.

DESIRED OUTCOMES:

That the Board endorse the staff recommendations.

BOARD'S OPTIONS:

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

Report Approval Details

Document Title:	2024-08-15_Board_DS_BL850-20_BL851-30_Third.docx
Attachments:	- BL850-20_Third.pdf - BL851-30_Third_amended.pdf - BL850-20_BL851-30_Public Hearing Notes_Signed_redacted.pdf - BL850-20_BL851-30_Public_Submissions_redacted.pdf - BL850-20_BL851-30_Maps_Plans_Photos.pdf
Final Approval Date:	Aug 6, 2024

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



Corey Paiement

No Signature - Task assigned to Gerald Christie was completed by assistant Jennifer Sham

Gerald Christie



Jennifer Sham



John MacLean