



BOARD REPORT

TO: Chair and Directors

SUBJECT: Electoral Area G: Temporary Use Permit No. 725-01

DESCRIPTION: Report from Laura Gibson, Planner II, dated February 24, 2025
2302 Eagle Bay Road, Blind Bay

RECOMMENDATION: THAT: in accordance with Section 493 of the Local Government Act, Temporary Use Permit No. 725-01 for Lot 3 Section 19 Township 22 Range 10 West of the 6th Meridian Kamloops Division Yale District Plan 9025, be authorized for issuance this 20th day of March 2025, for the temporary use of the existing single detached dwelling as a short term rental, with issuance subject to the applicant fulfilling the following conditions:

- Submitting proof of adequate short-term rental and liability insurance, with a minimum \$3 million in coverage; and,
- Registration of a covenant on title for 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 issuance of the Temporary Use Permit.

Stakeholder Vote Unweighted (LGA Part 14) Majority

SUMMARY:

The subject property is located at 2302 Eagle Bay Road in Blind Bay in Electoral Area G. The owners have applied for a Temporary Use Permit (TUP) to seek approval to use the existing single detached dwelling as a year-round short term rental (STR) for up to 10 guests. If approved, the TUP will allow the STR for up to 3 years.

BACKGROUND:

ELECTORAL AREA:
G

LEGAL DESCRIPTION:

Lot 3 Section 19 Township 22 Range 10 West of the 6th Meridian Kamloops Division Yale District Plan 9025

PID:
009-757-741

CIVIC ADDRESS:

2302 Eagle Bay Road, Blind Bay

SURROUNDING LAND USE PATTERN:

North = Rural Residential (single detached dwelling)

South = Rural Residential (single detached dwelling)
East = Rural Residential (single detached dwelling)
West = Eagle Bay Road, Shuswap Lake

CURRENT USE:
Single detached dwelling

PROPOSED USE:
Use the single detached dwelling as an STR

PARCEL SIZE:
0.4ha (0.98 ac)

DESIGNATION:
[Electoral Area C Official Community Plan Bylaw No. 725](#), as amended (Bylaw No. 725)
RR2 – Rural Residential 2

ZONE:
[South Shuswap Zoning Bylaw No. 701](#), as amended (Bylaw No. 701)
RR1 – Rural Residential (0.4ha)

SITE COMMENTS:
See attached "TUP725-01_Maps_Plans_Photos.pdf".

BYLAW ENFORCEMENT:
Yes, this application stems from a bylaw contravention for a short-term rental which is not permitted in the RR1 zone in Bylaw No. 701.

POLICY:
See attached "TUP725-01_BL725_BL701_Excerpt.pdf".

Bylaw No. 725 policies include that a TUP may be issued for temporary uses that are not supported by the OCP or Zoning Bylaw.

FINANCIAL:
This application is a result of bylaw enforcement. If the TUP is not approved and the owners resume the short term rental use and/or do not bring the secondary dwelling unit into compliance, bylaw enforcement staff would action this file as per direction noted within Bylaw Enforcement policy A-69.

KEY ISSUES/CONCEPTS:
Background

The property owners have applied for a TUP for a STR in the single detached dwelling. This will be one of the first TUP applications in Electoral Area G that the Board reviews where the owner will not reside on the property.

This application was submitted after CSRD initiated bylaw enforcement due to complaints received about the short-term rental. The subject property has received seven complaints in the last year from multiple local residents about the past STR operation. Themes of the complaints included that the STR use is unpermitted, excessive noise from guests of the STR, too many vehicles parking too close to the road, a campfire occurred on the beach during fire bans, too many guests for the septic system, and that there are too many STRs in the local area.

Proposal Summary

See attached "TUP725-01_STR_TUP_Form_Redacted.pdf".

Type of dwelling	Single detached dwelling
Any new construction?	No
Seasonal or year-round?	Seasonal (June 15 to September 15)
Number of bedrooms	4
Maximum number of guests	10
Has the STR operated in the past?	Yes, STR was operated by current owners, without TUP, from June to August 2025. See additional comments, below.
Will the owner/operator live on the subject property?	No
Water servicing	Shuswap lake water intake Water dispenser in kitchen
Sewage disposal	Onsite septic system

Additional Comments

The applicants have submitted a letter attached to the STR form with additional details of the history of the STR (see attached "TUP725-01_STR_TUP_Form_Redacted.pdf"). According to the applicants' letter, they received a complaint about noise when they had friends and family staying at the home. They added large dividers to the deck to help with privacy and noise, started displaying house rules, and added two outside cameras to the deck and driveway to monitor noise levels and number of vehicles. They also state they have hired a manager who can send updates to the owners or stop in at the STR as needed to speak with guests directly. The applicant notes in the letter that they found those who rented through a platform such as AirBnb or VRBO followed the rules much better than friends and family, which they believe is due to the rating system through the platforms. The applicant notes that platforms also allow reservations to be cancelled or end early if rules are not being followed, and guests can be fined and banned if not respectful. The owners state that they are confident that with these additional measures in place they can avoid being a nuisance to neighbours and the community. They have also provided a copy of their house rules which are provided to guests of the STR (see attached "TUP725-01_House_Rules_Redacted.pdf").

Public Submissions

As of the date of this report, three public submissions have been received from the two owners of an adjacent property that are opposed to the proposed STR TUP. The authors describe how their primary residence is adjacent to the subject property and detail the negative impacts they have experienced

because of the past STR use of the subject property. One written submission requests that the TUP not be approved by the CSRD if it cannot be revoked. Staff note that a TUP can be revoked if the conditions of the permit are not being followed. The public submissions also express concerns with the existing septic system, however, staff have received a septic report from a Registered Onsite Wastewater Professional to support the TUP that confirms the septic system is suitable for the proposed use (described in Analysis section below).

Analysis

Bylaw No. 725 includes policies about considerations for TUPs as well as TUPs specifically for STRs. These policies have been incorporated into the CSRD considerations for STR TUPs (for all Electoral Areas). The following is an analysis of the proposal with respect to the [CSRD considerations for STR TUPs](#).

- a) Is the primary use of the property residential, rural or agricultural?

Yes, the subject property is residential.

- b) Will the STR keep with the residential, rural or agricultural character of the neighbourhood and not cause a nuisance or disturbance?

Yes. The property owners have described in their application how they will maintain the residential character of the neighborhood and avoid the STR causing a nuisance or disturbance to the neighbourhood, including:

- Exterior cameras installed on the deck and driveway to ensure quiet hours are respected and to check the number of vehicles;
- Clear rules have been posted in the home, a binder, and are in a signed contract prior to guest arrival;
- Have a manager close by (5 minutes) to check on any problems;
- Private screens for noise reduction on the deck
- Using a platform to control the amount of people in booking and with the ability to fine guests if there are more guests than allowed at the property
- Using a platform to read review and screen guests prior to accepting any bookings
- Use platform to request ID and license plates so the manager can make sure extra vehicles and guests not booked are not on the property.

- c) Is the season of use specified in the TUP?

Yes, the proposed STR will be June 15 to September 15. The property owners will also stay at the property 4-5 weeks of the summer.

- d) Is the STR located within a dwelling unit permitted by the zone that applies to the property?

Yes, the single detached dwelling is a permitted use on the property.

- e) Is the STR limited to one dwelling unit on the property?

Yes, the proposed STR in the existing single detached dwelling will be the only STR on the subject property. There are no other dwelling units on the property.

- f) Has the applicant confirmed there is no Bed and Breakfast already existing on the property?

As the STR is the whole single detached dwelling, a Bed and Breakfast will not operate in

conjunction with the STR.

- g) Have the applicants acknowledged that the STR owner/operator shall, during operation of the STR, follow all applicable statutes, regulations and standards applicable to sewage disposal for the dwelling unit used for the STR?

Yes, the property owners have acknowledged that they shall, during operation of the STR, follow all applicable statutes, regulations and standards applicable to sewage disposal for the dwelling unit used for the STR. The applicant is also required to engage an Authorized Person (i.e. Registered Onsite Wastewater Practitioner or qualified Professional Engineer) to confirm in a sealed memo that the existing septic system is fit for the proposed use.

A Septic Report prepared Oscar Long, Registered Onsite Wastewater Practitioner (ROWP), dated January 21, 2025, has been submitted with this application (see attached "TUP725-01_Septic_Report_Redacted.pdf"). The ROWP confirms they attended the subject property to assess the compliance and performance of the onsite septic system, with the aim of determining its suitability for additional flow from a 4-bedroom residence with a maximum of 10 persons on a short-term rental basis. The letter confirms that single detached dwelling is serviced by an existing septic system described as a conventional gravity system. The report notes that the dispersal areas appear to be operating below the designed intent. The ROWP is confident that the system has not been used in an abusive manner and has not malfunctioned in any way. A sewage filing search was able to confirm documentation for the system. The onsite wastewater system substantially meets the standards in place at the time of construction. While no records of maintenance were provided, the owners stated that the system was pumped at intervals of approximately 2 years, which is appropriate for the system. The report concludes that based on the results of the inspection, the onsite wastewater system should not be negatively affected by 10 occupants using the 4 bedroom residence.

- h) Have the applicants acknowledged that the STR owner/operator shall, during operation of the STR, follow all applicable statutes, regulations and standards applicable to drinking water supplied to occupants of the STR?

Yes, the property owners have acknowledged they are responsible for providing drinking water to guests.

- i) Have the applicants identified a local contact person who will be available to address issues that may arise any time that STR accommodation is provided?

Yes, the property owners have informed staff that they have hired a local manager who will be available to assist in addressing issues that may arise from the STR use. As described in the submitted complaint response plan, the owners will reach out to the guests first and if unsuccessful the manager will drive over to assess the situation (see attached "TUP725-01_Complaint_Response_Plan_redacted.pdf"). If necessary, the local authorities will be contacted or a complaint will be issued with the platform (AirBnb or VRBO). If the problem continues, the reservation will end early and fines will be issued.

- j) Have the applicants provided a complaint response plan detailing how concerns and complaints will be addressed?

Yes, a complaint response plan has been received. See attached "TUP725-01_Complaint_Response_Plan_Redacted.pdf".

- k) Has the maximum number of guests permitted in a STR been specified?

Yes, the maximum number of guests for the proposed STR will be 10. The owners originally requested 8-12 guests. The Septic Report prepared Oscar Long, Registered Onsite Wastewater Practitioner (ROWP), dated January 21, 2025, confirmed the septic system is suitable for 10 guests, therefore that will be the maximum number of guests the permit will allow for, if approved.

- l) Has the quiet time been specified?

Yes, the owners will require a quiet time of 10 PM to 8 AM daily. This will be posted in a visible place within the STR.

- m) Have the owners acknowledged that only one (1) sign advertising the STR may be placed on the subject property? The maximum sign area is 1 m² (0.5 m² for each side).

Yes, the owners have acknowledged that only one sign, a maximum of 1 m², is permitted for the STR.

- n) Have the applicants identified on-site parking spaces for the STR?

Yes, four off-street parking spaces are available for guest of the STR, which meets the minimum number of required parking spaces for an STR for four guests as outlined in the CSR's STR TUP considerations.

- o) Are the owners aware that the TUP issuance is subject to proof of adequate STR and liability insurance (minimum of \$3 million in coverage)?

Yes, the property owners have acknowledged that the TUP issuance is subject to proof of adequate STR and liability insurance (minimum of \$3 million in coverage).

- p) Have the owners acknowledged that TUP issuance is subject to registration of a s. 219 covenant on title releasing and indemnifying the CSR for any damages arising from or relating to the issuance of the TUP?

Yes, the property owners have acknowledged that TUP issuance is subject to registration of a s. 219 covenant on title releasing and indemnifying the CSR for any damages arising from or relating to the issuance of the TUP.

- q) The STR should comply within all applicable regulations of the Agricultural Land Commission when located within the Agricultural Land Reserve.

N/A. The subject property is not in the Agricultural Land Reserve.

- r) Have the owners acknowledged that the owner/operator shall be wholly responsible for the proper disposal of all garbage, recycling, and yard waste created by the operation of the STR.

Yes, the property owners have acknowledged they are wholly responsible for the proper disposal of all garbage, recycling, and yard waste created by the operation of the STR.

- s) Where appropriate, the owner/operator may be required to reside on the property.

N/A. The owners cannot reside on the property as the STR is in the only dwelling unit on the property.

- t) Screening or fencing may be required to address potential impacts of the STR or to address privacy concerns of adjacent properties.

N/A. Planning staff do not consider this a requirement for the subject application. The owners have described how they added large dividers to the deck to help with privacy and noise, but the adjacent neighbours noted in their public submission that while this helps prevent guests from looking at them all day it gives them the idea that they are alone (does not help with noise).

The Board may choose to include additional conditions in the STR TUP to mitigate concerns identified in the written public submissions.

- u) Other measures may be required to minimize potential conflicts with neighbouring properties.

N/A. Planning staff do not consider this a requirement for the subject application. However, written public submissions received may identify concerns that could possibly be mitigated. The Board may choose to include additional conditions in the STR TUP.

See attached "TUP725-01_Redacted.pdf" for a list of the conditions that the TUP is subject to if the permit is issued.

If the CSRD Board authorizes for issuance this TUP application, the conditions required to be fulfilled prior to issuance will include:

- Submitting proof of adequate short-term rental and liability insurance, with a minimum \$3 million in coverage; and,
- Registration of a covenant on title for 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 issuance of the Temporary Use Permit.

The property owners have acknowledged that the above conditions will be required prior to issuance of the TUP. Proof of renewal of the vacation rental insurance is required on an annual basis, or if there is a change in the registered owners.

Rationale for Recommendation

The property owners have applied for a TUP to use the existing single detached dwelling as an STR. Staff are recommending that the Board consider issuance of TUP725-01 for the following reasons:

- The property owners have completed the STR TUP form, addressing and/or acknowledging each of the CSRD considerations for STR TUPs;
- The property owners have plans in place to reduce the likelihood of the STR causing any negative impacts to nearby property owners, including a complaint response plan;
- The property has the required servicing and parking areas to support the proposed STR use,
- The conditions in the permit should minimize negative impacts to neighbouring properties, and the permit may be revoked if the owners do not follow the conditions of the permit.

IMPLEMENTATION:

If the Board authorizes the issuance of TUP725-01, the property owners will be notified of the Board's decision. Upon receipt of proof of adequate short-term rental and liability insurance with a minimum of \$3 million in coverage and registration of a Section 219 covenant indemnifying the CSRD for any

damages arising from or relating to the issuance of the TUP, the TUP will be issued, and notice will be registered to the title of the subject property.

Prior to the expiration of TUP725-01, the property owners have the option to apply for a one-time renewal for up to another 3-year term. TUP renewals may be considered by the Manager of Development Services where there are no additional changes to the initial permit, there are no issues of non-compliance with the original permit, and the permit renewal application has been received at least three months prior to the expiration of the permit. Prior to the expiry of that TUP, the property owners have the option to apply for a bylaw amendment to seek rezoning approval to permanently allow for the short-term rental use on the subject property.

COMMUNICATIONS:

Neighbouring property owners will have first become aware of the proposal when the applicant posted a notice of application sign on the subject property for the TUP. [Development Services Procedures Bylaw No. 4001-2](#), as amended, requires one notice of application sign for every 400 m of street frontage for a Temporary Use Permit application. The subject property has approximately 31 m of street frontage and requires one sign. The sign was posted on February 13, 2025.

In accordance with the CSRD [Public Notice Bylaw No. 5893](#), a notice will be placed on the CSRD website advising the public of the TUP application and the deadline for written public submissions. Interested persons may also choose to sign up for notifications through the email subscription service available on the CSRD website. In accordance with Development Services Procedures Bylaw No. 4001-2, as amended, staff prepared and mailed notices to all owners of property located within 100 m of the subject property, notifying them of the TUP application and the deadline for written public submissions. Copies of any written public submissions received by the deadline of 4 PM on Tuesday, March 18, 2025, will be provided to the Board on the late 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:	2025-03-20_Board_DS_TUP725-01.docx
Attachments:	<ul style="list-style-type: none">- TUP725-01_Redacted.pdf- TUP725-01_BL725_BL701_Excerpts.pdf- TUP725-01_STR_TUP_Form_Redacted.pdf- TUP725-01_Complaint_Response_Plan_Redacted.pdf- TUP725-01_House_Rules_Redacted.pdf- TUP725-01_Septic_Report_Redacted.pdf- TUP725-01_Maps_Plans_Photos.pdf
Final Approval Date:	Mar 11, 2025

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

No Signature - Task assigned to Corey Paiement was completed by assistant Crystal Robichaud

Corey Paiement



Gerald Christie



Jennifer Sham



John MacLean