

BOARD REPORT

TO: Chair and Directors

File No: TUP850-07
CV20160101

SUBJECT: Electoral Area B: Temporary Use Permit No. 850-07 (Revell)

DESCRIPTION: Report from Jennifer Sham, Planner, dated February 21, 2018.
3401 Catherwood Road, South Revelstoke

RECOMMENDATION: THAT: In accordance with Section 493 of the Local Government Act, Temporary Use Permit No. 850-07 for Lot 1, Section 11, Township 23, Range 2, W6M, KD, Plan 7126, except part included in Plan 7169, be issued this 29th day of March, 2018, for a vacation rental 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; and,
- 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.

SHORT SUMMARY:

The applicant is applying for a 3 year Temporary Use Permit (TUP) to allow a seasonal vacation rental on the subject property.

VOTING:	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/APPLICANT:
Stephen Revell

AGENT:
Robert Lundberg

ELECTORAL AREA:
B

CIVIC ADDRESS:
3401 Catherwood Road, Revelstoke

LEGAL DESCRIPTION:
Lot 1, Section 11, Township 23, Range 2, W6M, KD, Plan 7126 except part included in Plan 7169

PID:

014-006-511

SIZE OF PROPERTY:

3.16 ha

DESIGNATION:Electoral Area B Official Community Plan Bylaw No. 850
SH Small Holdings**ZONE:**Electoral Area B Zoning Bylaw No. 851
SH Small Holdings**CURRENT USE:**

Residential, Seasonal Vacation Rental

PROPOSED USE:

Residential, Seasonal Vacation Rental

SURROUNDING LAND USE PATTERN:

North: Agriculture, Residential, Small Holdings, ALR

South: Small Holdings, ALR, treed

East: Agriculture, Residential, Small Holdings, ALR

West: Agriculture, Small Holdings, ALR

AGRICULTURAL LAND RESERVE:

100%

SITE COMMENTS:

A site visit was conducted on June 24, 2016 for Agricultural Land Commission (ALC) application No. 2518. The property is generally flat and heavily treed in the south portion of the property. Currently there are a number of structures on the property: 5 bedroom single family dwelling; 3 car garage with 2 bedrooms*; and three old accessory buildings/structures. According to the caretaker during the site visit, the single family dwelling is connected to a septic system and a well. The caretaker indicated that the single family dwelling is currently being used as a seasonal vacation rental, while one of the bedrooms in the garage is rented out long term and the other one is available to the owner when the owner visits. The property is within the Revelstoke Fire Services area.

*staff did not enter the garage building and cannot confirm the layout.

See "Maps_Plans_Photos_TUP850-7.pdf" attached.

POLICY:

Agricultural Land Commission Act

Permitted uses for land in an agricultural land reserve

3(d) bed and breakfast use of not more than 4 bedrooms for short term tourist accommodation or such other number of rooms as specified in a local government bylaw, or treaty first nation government law, applicable to the area in which the parcel is located.

Electoral Area 'B' Official Community Plan Bylaw No. 850 (Bylaw No. 850)
SH Small Holdings

See "Policies_BL850_TUP850-07.pdf" attached.

Electoral Area 'B' Zoning Bylaw No. 851 (Bylaw No. 851)
SH Small Holdings

See "Policies_BL851_TUP850-07.pdf" attached.

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 agent, the vacation rental house located at 3401 Catherwood Road was constructed in 1995. The current owner purchased the property in 2007. According to the FireSmart Assessment completed by the agent, the Wildfire Hazard level for this property is 12 or Low and the property is located within the Revelstoke Fire Service area.

Policy 4.3.34 Vacation Rentals, in Bylaw No. 850 states that vacation rentals shall be first considered on a three year trial basis by the use of a temporary use permit; that the vacation rental not create an unacceptable level of negative impact on surrounding uses; comply with ALC regulations (for ALR properties; be subject to local health authority requirements; and subject to all Ministry of Transportation and Infrastructure (MOT) Access Permit requirements.

Sewage Disposal

The single family dwelling and detached garage are connected to a shared septic system and a new shared well. Staff is in receipt of a Sewage Dispersal System Assessment dated November 29, 2016 by Rich Deans, Registered On-site Wastewater Practitioner (ROWP) of DeansTech Consulting Ltd. confirming that there is sufficient infiltrative surface present, and that the dispersal fields "appear to be in good operating condition." See "Septic_report_2016-11-29_TUP850-07.pdf" attached.

Staff noted that the assessment stated that there was only one bedroom in the garage and contacted DeansTech Consulting to request further information. In an email dated September 11, 2017, Mr. Deans stated that "with regards to the size of the dispersal field it is our opinion the field is large enough to handle the capacity of a 2 bedroom suite as well... it is our opinion that the sewage system has the ability to handle the flows for the house and two bedroom suite."

Water Supply

The original well used for the single family dwelling and the detached garage appeared to be within 30 m of a neighbouring septic system; therefore, a new well was constructed on May 9, 2017. Staff is in

receipt of a hydrogeology assessment dated July 15, 2017 from Daniel Watterson of Watterson Geoscience Inc. (WGI) stating that "because of the well location and design, distance from local potential sources of contamination, local sediment and groundwater flow characteristics, and the addition of a protective sleeve, water from the new well will not be negatively impacted by nearby septic system operation. In addition, water quality analyses demonstrate the water meets all potable water quality standards." WGI recommended that a protective sleeve be installed around the septic system discharge line; and, the original well be abandoned if no longer used. See "Hydrogeologist_report_2017-08-15_TUP850-7.pdf" attached.

The agent has indicated that a general contractor (and now current local contact person for this property), Chuck Ferguson, installed the recommended protective sleeve. Staff is in receipt of a well record stating that Moore's Well and Pump Service decommissioned the original well on May 25, 2017.

Access and parking

Access to the subject property is from Catherwood Road. The vacation rental home contains 5 bedrooms and the garage contains 2 bedrooms; therefore, the required number of parking spaces will be 7. The agent has indicated that there are 6 designated parking spaces on the subject property, but there appears to be ample room for parking on the property.

Proposal

To allow a seasonal (December to April) vacation rental use on the subject property for 3 years; for a maximum of 10 guests, for a minimum of 3 nights stay, in the existing single family dwelling only. The proposal appears to meet the conditions listed in Policy 4.3.34 of Bylaw No. 850, except the access permit; however, the owner may contact MOT regarding the access permit if this TUP is issued. 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.

SUMMARY:

The applicant has applied for a Temporary Use Permit to allow a seasonal vacation rental in the single family dwelling on the subject property. Staff are recommending that the Board consider issuing TUP850-07, subject to the following conditions:

- That the owner obtain adequate vacation rental and liability insurance with a minimum of \$5 million dollars in coverage and name the CSRD as additional insured;
- Registration of a Section 219 covenant regarding insurance and release and indemnification to the CSRD for any damage that occurs as a result of the vacation rental.

IMPLEMENTATION:

If the Board denies issuance of TUP850-07, the vacation rental will not be permitted and the property may be the subject of a Bylaw Enforcement case.

If the Board chooses to issue this TUP, upon receipt of the adequate vacation rental insurance, and proof of registration of a suitably worded Section 219 covenant, the owner will be notified of the Board's decision and TUP850-07 will be registered on title of the subject property. Prior to the expiration of TUP850-07, the owner has the option to apply for one-time renewal of up to 3 years, or commence the bylaw amendment process to permanently allow the vacation rental use on the subject property.

COMMUNICATIONS:

Neighbouring property owners first became aware of this application when a sign was posted on the subject property on July 13, 2016, in accordance with the Development Services Procedures Bylaw No. 4001, as amended. As of the date of this report, no written submissions regarding this TUP application have been received.

Further, in accordance with the Local Government Act, local government must give notice to owners 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.

The application was also forwarded to the following agencies:

Advisory Planning Commission B

Recommended approval of TUP850-07 subject to the following conditions:

1. Another water sample be taken by a qualified professional to confirm potable water;
2. The recommendations in the DeansTech Consulting report be implemented prior to issuance of the TUP;
3. Approval by the ALC for the vacation rental and confirmation of number of bedrooms permitted; and,
4. Quiet time to begin at 10 PM instead of 11 PM.

Interior Health

Interests unaffected by bylaw.

CSR D Operations Management

Utilities: the dispersal field seems to be of adequate size for the expected sewage flows and Utilities agrees with the report recommendations from DeansTech Consulting. Utilities does have some concerns regarding the well location in relation to the lift station and discharge piping, it has been proposed to be mitigated through the use of a protective sleeve around the discharge piping however it is still concerning to have raw sewage that close to the water source.

Agricultural Land Commission

A landowner may rent out the primary dwelling for vacation rentals to a single party, provided that no additional alterations are made to the property in conjunction with the rental and no other non-farm related activities (commercial weddings, other non-farm businesses, special events, etc.) are conducted. Based on the information provided with CSR D TUP850-07, the ALC has no objection to the use of the single family dwelling as a vacation rental as proposed.

See "Agency_responses_TUP850-07.pdf" attached.

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.*

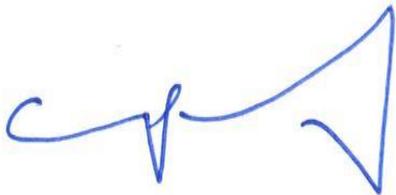
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

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

Report Approval Details

Document Title:	2018-03-29_Board_DS_TUP850-07_Revell.docx
Attachments:	<ul style="list-style-type: none">- TUP850-7.pdf- Policies_BL850_TUP850-07.pdf- Policies_BL851_TUP850-07.pdf- Hydrogeologist_report_2017-08-15_TUP850-07.pdf- Septic_Report_2016-11-29_TUP850-07.pdf- Agency_responses_TUP850-07.pdf- Maps_Plans_Photos_TUP850-07.pdf
Final Approval Date:	Mar 17, 2018

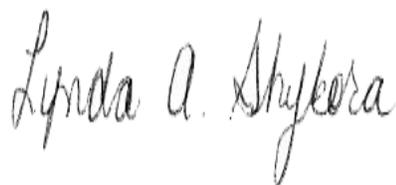
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Mar 13, 2018 - 3:56 PM



Gerald Christie - Mar 15, 2018 - 8:27 AM



Lynda Shykora - Mar 16, 2018 - 2:05 PM



Charles Hamilton - Mar 17, 2018 - 9:30 AM