



BOARD REPORT

TO: Chair and Directors

SUBJECT: Electoral Area E: Temporary Use Permit No. 840-01

DESCRIPTION: Report from Laura Gibson, Planner II, dated April 3, 2024.
5570 Avoca Road, Craigellachie

RECOMMENDATION: THAT: in accordance with Section 493 of the Local Government Act, Temporary Use Permit No. 840-01 for Lot 2 Section 31 Township 23 Range 5 West of the 6th Meridian Kamloops Division Yale District Plan NEP62093 Except Plan EPP37414, be authorized for issuance this 18th day of April 2024, for the temporary use of the single family dwelling as a vacation rental, with issuance subject to the applicant fulfilling the following conditions:

- Proof of adequate vacation rental and liability insurance, with a minimum of \$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 the issuance of the Temporary Use Permit.

Stakeholder Vote Unweighted (LGA Part 14) Majority – Electoral Area Directors

SUMMARY:

The subject property is located in Craigellachie at 5570 Avoca Road and is zoned 'MH – Medium Holdings' in the Electoral Area E Zoning Bylaw No. 841 (Bylaw No. 841). There is one single family dwelling existing on the subject property which was constructed in 2022. The property owners are proposing to use the single family dwelling as a vacation rental when they are not occupying the dwelling themselves. Vacation Rental is not a permitted use in the MH zone. If approved, this Temporary Use Permit (TUP) will allow the vacation rental use for up to 3 years.

BACKGROUND:

ELECTORAL AREA:
E

LEGAL DESCRIPTION:

Lot 2 Section 31 Township 23 Range 5 West of the 6th Meridian Kamloops Division Yale District Plan NEP62093 Except Plan EPP37414

PID:
024-182-974

CIVIC ADDRESS:
5570 Avoca Road, Craigellachie

SURROUNDING LAND USE PATTERN:

North = Avoca Road
South = Trans Canada Highway
East = Medium Holdings (Vacant)
West = Bowolin Road

CURRENT USE:

Single family dwelling

PROPOSED USE:

Use single family dwelling as a vacation rental

PARCEL SIZE:

3.47 Ha (7.94 ac)

DESIGNATION:

[Electoral Area E Official Community Plan Bylaw No. 840](#)

MH – Medium Holdings

ZONE:

[Electoral Area E Zoning Bylaw No. 841](#)

MH – Medium Holdings

AGRICULTURAL LAND RESERVE:

0%

SITE COMMENTS:

The subject property is bordered by three roads (Avoca Road to the north, Bowolin Road to the west, and the Trans Canada Highway to the south) and there is a vacant lot to the east (see attached "TUP840-01_Maps_Plans_Photos_redacted.pdf"). A wetland takes up the southern portion of the lot and the property is heavily vegetated with trees between the house and wetland. There is also a buffer of trees between each of the roads and the house. A Covenant (KM057280) has been registered on title by the Province stating that no building can occur within 30 m of the top of the wetland as there is a risk of flooding. The existing single family dwelling is situated 80 m from the wetland. The property is not within a fire service area. The property has access from Bowolin Road and Avoca Road.

BYLAW ENFORCEMENT:

There is no bylaw enforcement related to this file.

POLICY:

[Electoral Area E Official Community Plan Bylaw No. 840](#)

4.1.2 General Policies

.13 Vacation Rentals involve the use of dwelling units for temporary accommodation in residential areas on a commercial basis and are regulated either by a temporary use permit or through the Zoning Bylaw. Vacation Rentals may be considered in the following designations: Rural Resource (RSC), Medium Holdings (MH) Agriculture (AG), and Residential (RR, MD, and VC). In areas not zoned for vacation

rentals, it is recommended that they first be considered on a three year trial basis by the use of a Temporary Use Permit prior to applying to rezone. Vacation Rentals shall:

- a. Not create an unacceptable level of negative impact on surrounding residential uses;
- b. Comply with all applicable regulations of the Agricultural Land Commission (ALC) when located within the ALR;
- c. Be subject to provincial servicing requirements; and,
- d. Be subject to all Ministry of Transportation and Infrastructure permit requirements.

[Electoral Area E Zoning Bylaw No. 841](#)

Part 1 – Definitions

VACATION RENTAL is the use of a residential dwelling unit for temporary accommodation on a commercial basis. Vacation Rental does not include meeting rooms, eating and drinking establishment, concierge, or retail sales.

TEMPORARY means less than 28 consecutive days.

FINANCIAL:

There are no financial implications associated with this application.

KEY ISSUES/CONCEPTS:

Background

The single family dwelling on the subject property was constructed in 2022 and the Building Department issued an Occupancy Permit in December 2022 (see attached "TUP840-01_Maps_Plans_Photos.pdf".)

The single family dwelling has 4 bedrooms. According to the property owners, the proposed maximum allowable stay will be 28 days. The maximum number of guests permitted will be 10. The property owners have stated that they hope the vacation rental allows for families and outdoor enthusiasts to visit the local area.

Analysis

The property is zoned MH in Zoning Bylaw No. 841. Electoral Area E Official Community Bylaw No. 840 (Bylaw No. 840) states that vacation rentals may be considered in the MH zone and that it is recommend vacation rentals first be considered on a three year trial basis through a TUP. Bylaw No. 840 policies include conditions relating to the use of vacation rentals. The first is that the vacation rental use should not create an unacceptable level of negative impact on surrounding residential uses. Due to the nature of the property being surrounded by three roads and having at least a 70 m buffer of trees between the only adjacent parcel (currently vacant), the proposed vacation rental should have no negative impacts to surrounding residential uses. Vacation Rental TUPs are also subject to compliance with a number of conditions which help reduce any negative impact to neighbouring properties, including quiet time from 10 PM to 6 AM daily, that all parking must be accommodated on site, and that the maximum number of guests is 10.

Other policies of the OCP include that the vacation rental shall be subject to provincial servicing requirements and all Ministry of Transportation and Infrastructure permit requirements. The property owners have contacted the Ministry of Transportation and Infrastructure regarding any permit requirements and they are not required to obtain a commercial access permit for the proposed use.

The property is serviced by groundwater well and has a water purifier. Staff are in receipt of a well log dated November 11, 2022, which confirms the well has a sustainable yield (estimated 3.8 litres per minute or 5472 litres per day). A Type 2 septic system was designed by Registered Onsite Wastewater Practitioner Frank Hay for the 4-bedroom residence. The CSRD is in receipt of a copy of the septic design and the Record of Sewerage System that is filed with Interior Health.

Zoning Bylaw No. 841 requires 1 parking space per bedroom for a vacation rental, and each parking space must be a minimum of 3 m wide and 5.5 m long. The single family dwelling has 4 bedrooms and therefore requires 4 parking spaces. The large gravel driveway has a width of at least 28 m, which provides more than enough area for at least 4 parking spaces along the southwest side of the single family dwelling.

Further to the conditions described above regarding quiet time, on site parking, and maximum number of guests, the TUP will also include the following conditions: vacation rental is permitted year-round, is limited to the single family dwelling at 5570 Avoca Road, maximum number of bedrooms to be used for guests is four, vacation rental signage shall be limited to one sign, and the owner is wholly responsible for the proper disposal of all garbage, recycling, and yard waste created by operation of the vacation rental. The TUP is also subject to proof of adequate vacation rental and liability insurance, with a minimum of \$3 million in coverage, and 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 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.

The TUP also specifies that issuance of a TUP does not relieve the property owner of the responsibility to comply with applicable acts, regulations, or bylaws of the CSRD, or other agencies having jurisdiction under an enactment (e.g. Interior Health, Ministry of Transportation, Provincial Short Term Rental Legislation).

Rationale for recommendation

The property owners have applied for a TUP to use the existing 4-bedroom single family dwelling as a vacation rental. Staff are recommending the Board consider issuing TUP840-01 for the following reasons:

- OCP Bylaw No. 830 supports consideration of vacation rentals in the MH designation;
- The property has the required servicing and parking spaces to support the proposed vacation rental use; and,
- The subject property is bordered by three roads and has a 70 m buffer of trees between the existing dwelling and the only neighbouring (currently vacant) MH property, and the TUP includes a condition of quiet time from 10 PM to 6 AM daily; therefore, the vacation rental use should have no negative impact to other properties in the area.

IMPLEMENTATION:

If the Board authorizes the issuance of TUP840-01, the property owners will be notified of the Board's decision and the conditions they are required to complete prior to the TUP being issued. Upon receipt of proof of adequate vacation 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 TUP840-01, the property owners have the option to apply for a one-time renewal for up to another 3-year term. 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 vacation rental use on the subject property.

COMMUNICATIONS:

Neighbouring property owners will have become aware of the proposal when the applicant posted a notice of development sign on the subject property for the TUP and when required CSRD notification letters were received by property owners within 100 m of the subject property. An advertisement will be placed in the April 5 and April 12 editions of the Shuswap Market News regarding the TUP application. Copies of any written submissions received by the deadline of 4 PM on Tuesday, April 16, 2024, will be provided to the Board on the revised agenda.

Development Services Procedures Bylaw No. 4001-2 requires one notice of application sign for every 400 m of street frontage. The subject property has more than 400 m of street frontage, however, the access to properties in the local area is only by Bowolin Road. It was therefore considered appropriate for only one notice of application sign to be placed on the subject property along Bowolin Road.

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:	2024-04-18_Board_DS_TUP840-01.docx
Attachments:	- TUP840-01_redacted.pdf - TUP840-01_Maps_Plans_Photos_redacted.pdf
Final Approval Date:	Apr 9, 2024

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



Gerald Christie



Jennifer Sham



John MacLean