



PLANNING

TO: Council
DATE: May 17, 2022 **DIVISION:** 3
TIME: Morning Appointment
FILE: 10013010 - 10013320 **APPLICATION:** PL20210172
SUBJECT: Direct Control District 123 Textual Amendment

APPLICATION: To amend to Direct Control Bylaw C-6586-2007 (DC 123) to allow Vacation Rental as a use.

GENERAL LOCATION: Located on the southwest corner of the intersection of Highway 1A and Range Road 60.

EXECUTIVE SUMMARY: Council gave first reading to Bylaw C-8254-2021 on January 11, 2022.

There are no technical concerns in relation to the proposed amendment to allow vacation rentals as a use within DC 123, with no requirements for upgrades or additions to local infrastructure. Sections 7, 12 and 14 of the Conceptual Scheme indicate the recreational, residential, and seasonal nature of the Cottage Club area; amending the land use district to include vacation rental would be compatible with the area's use. While there is no other explicit policy support for the vacation rentals either within the Cottage Club Ghost Lake Conceptual Scheme or any higher order statutory plan, the proposal would bring the Direct Control District into consistency with all other residential land use districts in the County. Of note, there are concerns surrounding the current and past instances of vacation rentals operating at Cottage Club, and enforcement action has been taken by the County in response. Including vacation rentals as a land use within the Direct Control District would still require those wishing to operate such a business to apply for a Development Permit.

As such, Administration recommends approval in accordance with Option #1. Council may equally consider that such an amendment would adversely impact the intent of the Conceptual Scheme and planning for the area; in that case, Option # 2 to refuse this land use textual amendment application is available.

ADMINISTRATION RECOMMENDATION: Administration recommends approval in accordance with Option #1.

OPTIONS:

- Option # 1: Motion #1 THAT Bylaw C-8254-2021 be given second reading.
 Motion #2 THAT Bylaw C-8254-2021 be given third and final reading.
- Option # 2: That application PL20210172 be refused.

Administration Resources

Reynold Caskey, Planning & Development Services



AIR PHOTO & DEVELOPMENT CONTEXT:



APPLICATION EVALUATION:

The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

<p>APPLICABLE POLICY AND REGULATIONS:</p> <ul style="list-style-type: none"> • <i>Municipal Government Act;</i> • Municipal Development Plan (County Plan); • Cottage Club Ghost Lake Conceptual Scheme • Direct Control District 123; and • County Servicing Standards. 	<p>TECHNICAL REPORTS SUBMITTED:</p> <ul style="list-style-type: none"> • None.
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POLICY ANALYSIS:

The subject lands are not located within an Area Structure Plan, but a conceptual scheme does provide a planning framework for the area. The application has been evaluated in accordance with the policies of the Conceptual Scheme document and the Direct Control District regulations.

Municipal Development Plan (County Plan)

The County Plan was the prevailing policy document at the time of creation of Cottage Club and the Conceptual Scheme complied with County Plan policies of the time.

Cottage Club Ghost Lake Conceptual Scheme

The Cottage Club Ghost Lake Conceptual Scheme was drafted to promote seasonal residential use on the lands and was commissioned to provide guidance around development of the area. The Conceptual Scheme is not appended to any Area Structure Plan and, as such, is not a statutory plan.

Section 7 speaks to the development concept and vision to design a recreational community, provide open space, amenity, and residence on a seasonal basis. Policy 7.4.2 states that development shall provide for a variety of single-detached cabins that cater to a variety of recreational lifestyle options. While vacation rental was not considered a use at time of creation of the district, the recreational and seasonal nature of the conceptual scheme and development does not conflict with this use or the intent of the Conceptual Scheme.



Policy 12.0.1 states that any land use amendments within the plan area shall establish land uses, appropriate building setbacks and development regulations and shall be consistent with the intent of the Conceptual Scheme. Administration considers that the vacation rental use is consistent with other residential communities within the County.

Residential Policy 14.5 states that it "... will create a lifestyle opportunity currently unavailable in the Municipality. Residents will be able to "go to the lake" knowing they will be interacting with other families who share their values and their desire to interact in a safe, liveable recreational community." The inclusion of vacation rental would most likely lead to an increase in the number of people using amenities within the community and thus capitalizes on the intent of the Conceptual Scheme.

Based on review of the DC Bylaw and the Conceptual Scheme, neither document speaks to vacation rentals, but rather to maintaining a community for recreational and seasonal use. However, based on review of the relevant documents and the Conceptual Scheme, there is nothing that prevents vacation rentals from being considered as part of the overall intent of the Conceptual Scheme.

Direct Control District 123

The Direct Control Bylaw was originally adopted to provide for a comprehensively planned 'recreation-based' residential development with limited service and seasonal occupancy. Amendments to the Bylaw over the past decade have been to include water and gas servicing, to reduce setbacks, to allow basements, and to increase deck heights and size. Through this application, there is no change to the DC area as identified in the Bylaw and in the maps attached to the application.

Land use regulations listed within the residential area Cell 'A' include dwellings, accessory buildings, and the park among others. Definitions listed do not include vacation rentals or any reference thereto. Other land uses in Cell 'B' relate to boat docking and launch, the private open space, signs, and utility infrastructure. The proposed textual amendment does not relate to Cell 'B' as that area provides access to the lake and amenity areas.

The purpose of DC Districts is to provide for development with unique characteristics, unusual site conditions, or innovative design that requires specific regulations unavailable in other districts. The proposal to include vacation rental as a use consistent with land use districts relating to all residential (R-RUR, R-CRD, R-URB, R-SML, R-MID, R-MRU), all agriculture (A-GEN, A-SML) land uses, as well as the S-FUD and C-MIX districts.



Respectfully submitted,

“Brock Beach”

Acting Executive Director
Community Development Services

RC/rp

Concurrence,

“Dorian Wandzura”

Chief Administrative Officer

ATTACHMENTS

- ATTACHMENT ‘A’: Application Information
- ATTACHMENT ‘B’: Application Referrals
- ATTACHMENT ‘C’: Bylaw C-8254-2021 and Schedule A
- ATTACHMENT ‘D’: Map Set
- ATTACHMENT ‘E’: Public Submissions