



Alberni-Clayoquot Regional District

ELECTORAL AREA DIRECTORS COMMITTEE MEETING WEDNESDAY, OCTOBER 5, 2016, 10:00 AM

Regional District Board Room, 3008 Fifth Avenue, Port Alberni, BC

AGENDA

	PAGE #
1. <u>CALL TO ORDER</u>	
Recognition of Traditional Territories.	
2. <u>APPROVAL OF AGENDA</u> <i>(motion to approve, including late items requires 2/3 majority vote)</i>	
3. <u>ADOPTION OF MINUTES</u>	
a. Electoral Area Directors Committee Meeting held March 22, 2016	3-5
<i>THAT the minutes of the Electoral Area Directors Committee meeting held on March 22, 2016 be received.</i>	
4. <u>CORRESPONDENCE FOR ACTION/INFORMATION</u>	
a. REQUEST FOR INPUT	6-9
Association of Vancouver Island and Coastal Communities (AVICC), August 25, 2016 request for Input for an Electoral Area Forum at AVICC Convention.	
<i>(Committee Direction Requested)</i>	
5. <u>REQUEST FOR DECISIONS & BYLAWS</u>	
a. REQUEST FOR DECISION	10-13
Update on Short Term Vacation Rentals	
<i>THAT the Electoral Area Directors Committee direct staff to conduct public input sessions in Sproat Lake and Bamfield to garner community input into options for dealing with short term vacation rentals.</i>	
b. REQUEST FOR DECISION	14-15
Building Inspection Update	
<i>THAT the Electoral Area Directors Committee receive the staff report and request staff to report back to the Committee in three months.</i>	

6. REPORTS

a. **Update on Zoning Bylaw Project**

16-17

THAT the Electoral Area Directors Committee receives reports this report.

b. **Other Reports**

7. LATE BUSINESS

(requires 2/3 majority vote)

8. IN CAMERA

Motion to close the meeting to discuss matters relating to:

- i. Litigation or potential litigation affecting the Regional District;*
- ii. Law enforcement, if the Regional District considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment.*

9. RECOMMENDATIONS FROM IN-CAMERA

10. ADJOURN



Alberni-Clayoquot Regional District

MINUTES OF THE ELECTORAL AREA DIRECTORS COMMITTEE HELD ON TUESDAY, MARCH 22, 2016, 4:00 PM

Regional District Board Room, 3008 Fifth Avenue, Port Alberni, BC

DIRECTORS PRESENT: Lucas Banton, Chairperson, Director, Electoral Area "F" (Cherry Creek)
Keith Wyton, Director, Electoral Area "A" (Bamfield)
Mike Kokura, Director, Electoral Area "B" (Beaufort)
Tony Bennett, Director, Electoral Area "C" (Long Beach)
Penny Cote, Director, Electoral Area "D" (Sproat Lake)
John McNabb, Director, Electoral Area "E" (Beaver Creek)
Josie Osborne, Mayor, District of Tofino (by teleconference)

STAFF PRESENT: Russell Dyson, Chief Administrative Officer (CAO)
Andrew McGifford, Acting Manager of Finance/Manager of Environmental Services
Mike Irg, Manager of Planning & Development
Tracy Bond, Administrative Assistant

1. CALL TO ORDER

The Chairperson called the meeting to order at 4:01 pm.

The Chairperson recognized the meeting today is being held in the Tseshaht First Nation and the Hupacasath First Nation Traditional Territories.

2. APPROVAL OF AGENDA

MOVED: Director McNabb

SECONDED: Director Wyton

THAT the agenda be approved as circulated.

CARRIED

3. ADOPTION OF MINUTES

a. **Electoral Area Directors Committee Meeting held February 4, 2016**

MOVED: Director Kokura

SECONDED: Director Cote

THAT the minutes of the Electoral Area Directors Committee meeting held on February 4, 2016 be adopted.

CARRIED

4. PETITIONS, DELEGATIONS & PRESENTATIONS (10 minute maximum)

5. CORRESPONDENCE FOR ACTION/INFORMATION

6. REQUEST FOR DECISIONS & BYLAWS

a. Request for Decision regarding Gas Tax Funding Allocations.

MOVED: Director Bennett

SECONDED: Director Cote

THAT the Electoral Area Directors review the CAO's report and further the discussion of gas tax funds, priorities and policy.

CARRIED

R. Dyson provided an overview of the Gas Tax Funding Allocation report. Discussion took place regarding how the gas tax should be allocated.

MOVED: Director Bennett

SECONDED: Director Kokura

THAT the Electoral Area Directors direct staff to provide a report for consideration by the Board of Directors allocating \$80,000 to the Cherry Creek Trail, \$40,000 for the Beaver Creek Community Hall playground and \$100,000 for Sproat Lake Community Trails, and \$600,000 to the Bamfield Water System from the 2016 Gas Tax Funding Allocation with the remainder of the funding being used for water systems.

CARRIED

MOVED: Director McNabb

SECONDED: Director Kokura

THAT a dialogue with the City of Port Alberni be initiated to discuss a possible future funding contribution from the Gas Tax Allocation for the Alberni Valley Regional Airport improvements.

CARRIED

7. REPORTS

- a. L. Banton made a short presentation with regards to Cherry Creek Trail and the work needed to be done. The trail would be a bike and pedestrian path. Work is being done on the grant application now but there are still hurdles to overcome.

8. **UNFINISHED BUSINESS**

9. **LATE BUSINESS**

10. **ADJOURN**

MOVED: Director Kokura

SECONDED: Director Bennett

THAT this meeting be adjourned at 5:10 pm.

CARRIED

Certified Correct:

Lucas Banton,
Chairperson

Russell Dyson,
Chief Administrative Officer



August 25, 2016

Electoral Area Services Committees - by email

Re: Electoral Area Forum at AVICC Convention – Input Requested

At the 2016 AVICC AGM and Convention, we held a Saturday afternoon break-out session for Electoral Area Directors to discuss issues of common interest. This is the first time we have held a separate session for Electoral Area Directors at the AVICC Convention, and we received very positive feedback. It is something we'd like to continue, and may move to a Friday morning pre-conference session to allow more time for discussion.

AVICC EA Representative, Noba Anderson and Cowichan Valley RD CAO, Brian Carruthers facilitated the session, and notes from the session are attached. The key issues identified were: Rural Roads; Rural Pathways; RD challenges with the Community Charter and Local Government Act; Derelict Vessels; and Impacts from Closure of Federal Facilities.

We are writing to the Electoral Area Services Committee of each of the AVICC member Regional Districts for your input on how we should follow up to the session:

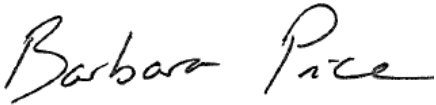
- Do you wish the AVICC to take some action on any of these issues;
- Would you provide an update to AVICC on what you are currently doing on each issue;
- What are your priorities around these key issues.

Some participants expressed a desire to reconvene before the next AVICC Convention set for April 7-9, 2017 in Campbell River, and we are trying to gauge the level of interest.

Could you advise if you would send representatives (and estimate of how many) to an in-person session, and your preference for location and time of year. Would representatives be interested in meeting on-line via a webinar instead of an in-person session?

We look forward to your response.

Sincerely,



Councillor Barbara Price
President, AVICC



Director Noba Anderson
EA Representative, AVICC

Attachment:
Summary – April 9, 2016 EA Forum

cc:
Alberni-Clayoquot Regional District – Electoral Area Directors Committee
Capital Regional District – Electoral Area Services Committee
Central Coast Regional District – Electoral Area Services Committee
Comox Valley Regional District – Electoral Area Services Committee
Cowichan Valley Regional District – Electoral Area Services Committee
Mount Waddington Regional District – Electoral Area Services Committee
Nanaimo Regional District – Electoral Area Services Committee
Powell River Regional District – Electoral Area Services Committee
Strathcona Regional District – Electoral Area Services Committee
Sunshine Coast Regional District – Electoral Area Services Committee

AVICC Electoral Area Forum (April 9, 2016) - Summary

1. Rural Road and Pathways

Discussion among participants regarding their experiences with/need for rural road pathways. Varying degrees of success, depending on location but consistently expressed desire to pursue long-term strategy and commitment of funding for rural pathways as well as better upkeep of existing roads and shoulders. The issue is far more challenging for regional districts as there is no local government control/ownership of roadways, unlike municipalities.

Recommendation:

Rural Roads Forum at 2016 UBCM – speak with senior MOTI reps about needs of rural communities and opportunities for planning/funding to develop critical rural pathways and the need to take a strategic approach in cooperation with regional districts/electoral areas.

2. Regional District Challenges with CC and LGA

General discussion about challenges for EA Directors in terms of Board interactions as well as limitations associated with the LGA. Specific issues/concerns included the need for business licencing powers, approvals of subdivisions by MOTI, bylaws requiring Inspector approval, etc.

Recommendation:

Continue to work with UBCM (through AVICC and EA Rep) on specific areas of concern rather than focusing on an overhaul of the LGA.

3. Derelict Vessels

Concern with derelict vessels in many coastal communities. No mandate for Federal Government (Coast Guard) beyond there being an imminent danger or hazard to navigation. Need a coordinated effort between Federal, Provincial and local governments. Support for MP Sheila Malcomson and MP Pamela Goldsmith Jones in their efforts to address the issue with the Federal Government.

Recommendation:

AVICC to encourage UBCM and FCM to advocate on behalf of coastal communities and request Federal Government to provide funding for FCM to coordinate the development of a national strategy for derelict vessels.

4. Impacts from Closure of Federal Facilities

Concerns expressed with the safety and economic impacts resulting from closures of federal facilities (Coast Guard stations, radio facilities, light stations, wharves). Closure of Comox Coast Guard Radio will lose resources on the mid-Island direct radio traffic and maydays to Victoria or Prince Rupert. Closure of Federal wharves often results in local government having to take over the facility/service at increased cost to taxpayers.

Recommendation:

Advocate for continued operation of federal facilities, particularly for continuation of Comox Coast Guard Radio.



MEMORANDUM

To: Russell Dyson, Chief Administrative Officer; and
Electoral Area Directors Committee

From: Alex Dyer, Planner

Date: September 30, 2016

Subject: Update on Short Term Vacation Rentals

Recommendation:

THAT the Electoral Area Directors Committee direct staff to conduct public input sessions in Sproat Lake and Bamfield to garner community input into options for dealing with short term vacation rentals.

Background:

Short term vacation rental uses in primarily residential areas have become a growing concern for local governments throughout the province. Rentals in the form of nightly, weekend or weekly accommodation are commonly advertised online and this type of accommodation is growing in popularity among visitors. Within the ACRD, short term rentals (STRs) are primarily concentrated within the Sproat Lake and Bamfield areas and primarily located on residential properties not zoned for rental accommodation. This report is provided upon direction from the Board of Directors directing staff to investigate options for dealing with STRs. The intent of the report is to provide an opportunity for the committee to discuss methods for dealing with vacation rentals.

Regional District staff are increasingly receiving more complaints regarding short term vacation rental of properties inconsistent with zoning for single family dwellings. The complaints are a result of the properties being overcome with holiday visitors and behaviour associated with these renters. The complaints range from the properties being overcrowded, noisy, issues with vehicle and boat parking, public intoxication, traffic and inadequately designed sewage disposal systems.

The Regional District is limited in its ability to control behaviour, but has regulations pertaining to land use and noise. This memo discusses the land use policy options available to the Regional District.

Land Use Policy Options:

The Regional District has two options for regulating STRs within the Zoning Bylaw. The Regional District can require a property owner to apply for rezoning to a zoning district that would permit the operation of an STR on a permanent basis and under certain parameters or the property owner can apply for a temporary use permit (TUP) to allow for the operation of an STR on a temporary basis.

Under Section 493 of the *Local Government Act*, the Regional District may issue a temporary use permit, by resolution, in areas that are designated in an Official Community Plan. A TUP may allow for a use not permitted under the Zoning Bylaw and specify conditions under which the temporary use may be carried. A TUP may be issued for a period of up to 3 years and may be renewed once by the Regional District. Prior to issuing the permit by resolution, the Regional District must give notice to the public by way of notifying the neighbouring property owners and residents within 100 metres of the subject property and publishing a notice in the newspaper.

The TUP provides a good opportunity for a use to be monitored on a temporary basis while a zoning amendment would be permanent and run with the land until such a time that another zoning amendment is adopted by the Regional Board. The TUP also allows the Regional District to place a number of conditions on the temporary use including occupancy load, length of stay and seasonal limits, sewage disposal confirmation, caretaker availability, parking, signage, etc. most of which cannot be built into a zoning amendment.

The temporary use permit as a first option to legalize or develop a short term vacation rental use is the preferred option for staff as it will provide the option of monitoring the use over a fixed period of time. The Regional District would have the option of issuing the TUP for one period of up to 3 years and then renew the permit for a second period of up to 3 years after which the property owner would need to either cease the use or apply for a zoning amendment to allow the use on a permanent basis.

While the TUP application is staff's preferred method for dealing with vacation rentals, staff is recommending that the first step be a series of public consultation meetings in Sproat Lake and Bamfield. Staff would like to gather input from the community before coming back to the Board of Directors with a draft short term vacation rental policy. There is significant community interest in regulating STRs with varying levels of opinion on how to deal with the issue.

Other Jurisdictions:

A number of local governments across BC have adopted strategies and land use policies to deal with STRs. Many municipalities regulate STRs through business licensing – if the property is not zoned to allow an STR, a business license is not issued and enforcement action may proceed. The Regional District does not require business licenses which limits the STR regulation to land use and regulatory bylaws and a complaint process for bylaw enforcement.

Columbia Shuswap Regional District

The CSRD regulates STRs within two Electoral Areas, one of which includes the Revelstoke Mountain ski resort. The CSRD has created a Vacation Rental zone and has defined Vacation Rental use as the use of a residential dwelling unit for temporary accommodation (less than 4 consecutive weeks) on a commercial basis. If a property owner wishes to operate an STR, they are encouraged to apply for either a temporary use permit or a rezoning to bring their property into the Vacation Rental zone. The CSRD has adopted guiding principles for vacation rentals which may be included as conditions of a temporary use permit. These include screening, fencing, approval from Agricultural Land Commission, proof of adequate sewage disposal, parking, caretaker availability, occupancy permit for the dwelling.

Islands Trust – Hornby Island

The Islands Trust provides three options for STRs on Hornby Island:

- 1) From May to September, vacation home rentals are allowed through zoning regulations on any residential or agricultural lot. Summer rentals are limited to only one rental per property during any 7-day period and a maximum of 3 bedrooms on lots less than one hectare or a maximum of 4 bedrooms on lots larger than one hectare. A sign must be posted providing the name and phone number of the owner or agent of the owner. A letter from a Registered On-Site Wastewater Practitioner must also be provided stating that the sewage disposal system is capable of providing adequate treatment for the rental use.
- 2) Year round vacation home rentals are permitted on lots where an owner or tenant resides in one dwelling while a second legal dwelling is made available for rental on the same property. The same regulations in the summer rentals apply to year round rentals.
- 3) Commercial level vacation home rentals at a scale exceeding that which is described in the previous options are permitted where a property owner applies for and receives a temporary use permit. This would accommodate year-round rentals on a single dwelling lot, a higher level of occupancy or a more frequent turnover of rentals.

Islands Trust – Gabriola Island

Through community consultation regarding STRs, the Islands Trust has adopted a process in which property owners may apply for a temporary use permit to allow for an STR on their property. The Islands Trust developed a specific temporary use permit application form for vacation rentals which includes an assessment of water supply and on-site sewage disposal, occupancy permit, requires copies of information posted for guests on site regarding noise bylaws, water conservation, fire safety, garbage and control of pets. The applicant must also provide the name, address and phone number of the owner or agent of the owner who must reside on Gabriola Island and be available 24-7 to respond to concerns about the operation of the vacation rental.

Regional District of Okanagan-Similkameen

The RDOS has implemented a temporary use permit policy for new vacation rentals which states that a term limit of no greater than 18 months for a vacation rental will be supported. This essentially allows for the operation of an STR over one rental season. Should it be determined that a vacation rental use is inappropriate or incompatible with the neighbourhood the permit may be allowed to lapse within a relatively short period. If the rental use is deemed to be compatible, the property may apply for a second temporary use permit for a period of up to 3 years or apply to rezone the property.

Time Requirements – Staff & Elected Officials:

There will be a significant staff time required to gather input from public information meetings in Sproat Lake and Bamfield. The public input would be compiled and any required bylaw amendments and a draft short term vacation rental policy would be prepared for consideration by the Board of Directors.

Financial:

Bylaw enforcement costs for dealing with STRs have varied over time as the Regional District has pursued legal action in some cases. It is expected that in the long term, a clear process for allowing STRs by temporary use permit under set conditions will reduce bylaw enforcement costs. There will always be some bylaw enforcement costs allocated for STRs that operate without a permit or operate outside of the parameters of a permit.

Options Considered:

- 1) No defined policy to deal with short term vacation rentals and continue enforcing the Zoning Bylaw through the bylaw enforcement process.

Prepared by:



Alex Dyer, Planner



Reviewed by:

Mike Irg MCIP RPP, Manager of Planning & Development



Russell Dyson, Chief Administrative Officer

REQUEST FOR DECISION

To: Electoral Area Directors Committee

From: Mike Irg, Manager of Planning and Development

Meeting Date: October 5, 2016

Subject: Building Inspection Update

Recommendation:

The Electoral Area Directors Committee receive the staff report and request staff to report back to the Committee in three months.

Summary:

The ACRD has contracts to assist with building inspection with the City of Port Alberni, the District of Ucluelet, the District of Tofino, and is being asked to renew a contract with Toquaht Nation. The contract with the City of Port Alberni is a reciprocal agreement providing holiday backup coverage on an as needed basis. Toquaht building inspection requirements will be minimal. Tofino and Ucluelet currently do not have a building inspector on staff and are relying on the ACRD for building inspection services.

Given the current levels of building in Tofino and to a lesser degree Ucluelet, they are reviewing how best to provide building inspection services. The contracts the ACRD has with the two west coast municipalities were drafted to provide intermittent coverage. If Tofino and/or Ucluelet require permanent building inspection services, ACRD staff would recommend a new contract be drafted.

To meet ACRD operational requirements, Jason Kevis has been assisting with property maintenance to allow Luc Stefani to dedicate additional time to building inspection. The time charged to Tofino and Ucluelet is offsetting these costs so that there is no impact on the building inspection budget.

Time Requirements – Staff & Elected Officials:

City of Port Alberni contract is a reciprocal agreement and requires a limited amount of time, to date in 2016 - 3.5 hours.

District of Tofino currently is utilizing ACRD building inspection approximately 1 ½ days per week, to date in 2016 – 169.5 hours.

District of Ucluelet currently utilizing ACRD building inspection approximately 1 ½ days per week, to date in 2016 - 160.5 hours.

Toquaht Nation has not requested any building inspection service in 2016.

Financial:

All of the contracts are based on the same template; to recover ACRD costs, provide plan checks and inspections for building code compliance only, indemnify the ACRD, and provide building inspection

services subject to ACRD operational requirements being met first.

Policy or Legislation:

The ACRD has the ability to enter into agreements with other governments. All of the building inspection service contracts can be reviewed and there is a clause that allows either party to provide notice and terminate the contract. Building inspections services under all of the contracts are subject to meeting the operational needs of the ACRD building inspection service first.



Submitted by: _____

Mike Irg, MCIP, RPP
Manager of Planning and Development



Approved by: _____

Russell Dyson, Chief Administrative Officer



MEMORANDUM

To: Electoral Area Directors

From: Charity Hallberg Dodds, Planning Assistant and Mike Irg, Manager of Planning and Development

Date: September 28, 2016

Subject: Update on Zoning Bylaw Project

Below is a progress update for the Zoning Bylaw project:

- Initial Advisory Planning Commission (APC) Introduction and Review of Project – completed in August 2015
- Consultation with First Nations – initial consultation request letters sent to 10 First Nations on September 24, 2015
- Consultation with Property Owners who are affected by a change in their Zoning – in progress
- Consultation with property owners who's properties are currently under a 'Land Use Contract' – letters sent to all LUC properties (except for Headquarters Bay) on October 7, 2015. Letters sent to owners at Headquarters Bay November 27th, 2015.
- First Round of Public Open Houses – completed as follows: Beaufort/Beaver Creek on October 13th, Sproat Lake on October 14th, Cherry Creek on October 15th, Long Beach on October 21st, and Bamfield on October 22nd.
- Second Round of Public Open Houses – completed as follows: Beaufort on June 14th, Cherry Creek on June 15th, Beaver Creek on June 16th, Long Beach on June 20th, Bamfield on June 23rd and Sproat Lake on June 27th.
- Legal review – in progress

The following steps are yet to complete:

- Preliminary Agency Referral Request
- Legal Review
- Amendments to Official Community Plans as Required
- Second APC Review
- First Reading of Zoning Bylaw

- Official Agency Referral Request
- Public Hearing
- Second and Third Readings of Zoning Bylaw
- Adoption of Zoning Bylaw