



# ALBERNI-CLAYOQUOT REGIONAL DISTRICT

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## MEMORANDUM

TO: ACRD Board of Directors

FROM: Amy Anaka, Junior Planner

DATE: November 15, 2017

RE: Short Term Vacation Rentals Consultation Summary and Recommendations Report

### Recommendations:

1. THAT the Board of Directors receive the Short Term Vacation Rentals Consultation Summary and Recommendations Report;
2. THAT the Board of Directors direct staff to:
  - Prepare a policy document for consideration by the Board requiring that Short Term Rental (STR) applications are first considered by Temporary Use Permit;
  - Draft an amendment to the Development Procedures Bylaw to increase the application fee for a STR Temporary Use Permit from \$300 to \$600; and
  - Include a potential increase to bylaw enforcement resources to the 2018 budget discussions.

### Background

Nightly, weekend, and weekly short term vacation rental (STR) accommodations on residential properties are increasing within the Alberni-Clayoquot Regional District (ACRD). These rentals are primarily concentrated within the Sproat Lake, Bamfield and Long Beach Electoral Areas, and mainly located on properties not zoned for rental accommodation. Regional District staff are increasingly receiving more complaints regarding STR of properties inconsistent with residential zoning for single family dwellings.

In response, the Short Term Vacation Rentals Consultation Summary and Recommendations Report (Attachment A) gives the ACRD Board the opportunity to discuss methods for managing STRs, and is provided:

- upon direction from the Electoral Area Directors in September 2016 directing staff to investigate options for dealing with STRs;
- to address various complaints received regarding STRs; and
- upon direction from the ACRD Board of Directors at the October 11, 2017 meeting instructing staff to submit a report to the Board with options for addressing STRs.

## Public Consultation

In September and October 2017, the ACRD undertook a series of public consultation initiatives to explore stakeholder input and insights on the local issues related to STRs, learn from other communities' experiences, and determine how to move forward in managing these types of rentals in the ACRD.

Public consultation initiatives included a series of open houses, display boards at the ACRD office, and an online comment form to gain input on the following policy options for STRs:

- Permit STRs by rezoning the property
- Permit STRs with a Temporary Use Permit (TUP)
- Continue to not permit STRs and enhance enforcement

During the public consultation period, the ACRD had approximately 250 interactions through in person conversations, online comment forms and paper comment sheets, emails and phone calls. These interactions enabled ACRD staff to hear resident and property owner input on STRs. The feedback received is summarized into five categories: Benefits of STRs; Challenges of STRs; Enforcement; Policy/Regulation; Education/Research; and Recommendations.

Open houses were held in Sproat Lake, Bamfield and Long Beach, with approximately 130 people in attendance, and 45 paper comment sheets were received. An additional 75 online comment forms were also received. Responses from the open houses and online comment forms included 91 respondents (64%) indicating they prefer the ACRD permit STRs with a TUP, followed by 36 (25%) prefer the ACRD continue to not permit STRs and enhance enforcement, and 15 (11%) prefer permitting STRs by rezoning the property.

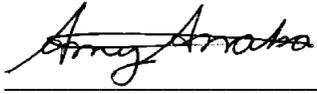
## Recommendations

The ACRD recognizes that STRs provide economic opportunities but also needs to address the public health and safety concerns they may pose. STRs must also be an appropriate fit and not negatively impact the surrounding residential neighbourhood. Taking into consideration the public consultation as outlined in the summary and recommendations report, ACRD staff have the following recommendations:

- **Prepare a policy document for consideration by the Board requiring that Short Term Rental applications are first considered by Temporary Use Permit** – this option provides the opportunity for the ACRD to set conditions of use that cannot be included in a Zoning Bylaw, and permits the use on a temporary basis to allow the ACRD to monitor impacts;
- **Draft an amendment to the Development Procedures Bylaw to increase the application fee for a STR Temporary Use Permit from \$300 to \$600** – this will assist with the administrative cost of managing development applications to allow STRs by TUP; and
- **Include a potential increase to bylaw enforcement resources to the 2018 budget discussions** – this will assist with the likely increase to bylaw enforcement costs relating to STRs, including monitoring and managing of approved STRs as well as investigating complaints of STRs operating without ACRD approval.

### Next Steps

If the Board decides the policy document requiring the TUP option is the preferred method for dealing with STRs, the policy could be drafted by staff and adopted by the Board at one meeting. Prior to adopting the policy, the Board would have the option to seek input by referral to the area Advisory Planning Commissions, referral to affected agencies and/or holding a public meeting.

Prepared by:   
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# Short Term Vacation Rentals Consultation Summary & Recommendations

November 2017



ALBERNI-CLAYOQUOT  
REGIONAL DISTRICT

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## Executive Summary

### Background

Nightly, weekend, and weekly short term vacation rental (STR) accommodations on residential properties are increasing within the Alberni-Clayoquot Regional District (ACRD). These rentals are primarily concentrated within the Sproat Lake, Bamfield and Long Beach Electoral Areas, and mainly located on properties not zoned for rental accommodation. Regional District staff are increasingly receiving more complaints regarding STR of properties inconsistent with residential zoning for single family dwellings.

In response, this report gives the ACRD Board the opportunity to discuss methods for managing STRs, and is provided:

- upon direction from the Electoral Area Directors in September 2016 directing staff to investigate options for dealing with STRs;
- to address various complaints received regarding STRs; and
- upon direction from the ACRD Board of Directors at the October 11, 2017 meeting instructing staff to submit a report to the Board with options for addressing STRs.

### Public Consultation

In September and October 2017, the ACRD undertook a series of public consultation initiatives to explore stakeholder input and insights on the local issues related to STRs, learn from other communities' experiences, and determine how to move forward in managing these types of rentals in the ACRD.

Public consultation initiatives included a series of open houses, display boards at the ACRD office, and an online comment form to gain input on the following policy options for STRs:

- Permit STRs by rezoning the property
- Permit STRs with a Temporary Use Permit (TUP)
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During the public consultation period, the ACRD had approximately 250 interactions through in person conversations, online comment forms and paper comment sheets, emails and phone calls. These interactions enabled ACRD staff to hear resident and property owner input on STRs. The feedback received is summarized into five categories: Benefits of STRs; Challenges of STRs; Enforcement; Policy/Regulation; Education/Research; and Recommendations.

Open houses were held in Sproat Lake, Bamfield and Long Beach, with approximately 130 people in attendance, and 45 paper comment sheets were received. An additional 75 online comment forms were also received. Responses from the open houses and online comment forms included 91 respondents (64%) indicating they prefer the ACRD permit STRs with a TUP, followed by 36 (25%) prefer the ACRD continue to not permit STRs and enhance enforcement, and 15 (11%) prefer permitting STRs by rezoning the property

### Recommendations

The ACRD recognizes that STRs provide economic opportunities but also needs to address the public health and safety concerns they may pose. STRs must also be an appropriate fit and not negatively

impact the surrounding residential neighbourhood. Taking into consideration the public consultation as outlined in this report, ACRD staff have the following recommendations:

- **Prepare a policy document for consideration by the Board requiring that Short Term Rental applications are first considered by Temporary Use Permit** – this option provides the opportunity for the ACRD to set conditions of use that cannot be included in a Zoning Bylaw, and permits the use on a temporary basis to allow the ACRD to monitor impacts;
- **Draft an amendment to the Development Procedures Bylaw to increase the application fee for a STR Temporary Use Permit from \$300 to \$600** – this will assist with the administrative cost of managing development applications to allow STRs by TUP; and
- **Include a potential increase to bylaw enforcement resources to the 2018 budget discussions** – this will assist with the likely increase to bylaw enforcement costs relating to STRs, including monitoring and managing of approved STRs as well as investigating complaints of STRs operating without ACRD approval.

### **Next Steps**

If the Board decides the policy document requiring the TUP option is the preferred method for dealing with STRs, the policy could be drafted by staff and adopted by the Board at one meeting. Prior to adopting the policy, the Board would have the option to seek input by referral to the area Advisory Planning Commissions, referral to affected agencies and/or holding a public meeting.

# 1 | Project Scope

## What is happening?

Nightly, weekend, and weekly short term vacation rental (STR) accommodations on residential properties are increasing. Within the Alberni-Clayoquot Regional District (ACRD) STRs are primarily concentrated within the Sproat Lake, Bamfield and Long Beach Electoral Areas, and mainly located on properties not zoned for rental accommodation.

## What is the issue?

Regional District staff are increasingly receiving more complaints regarding STR of properties inconsistent with residential zoning for single family dwellings. Complaints include the properties being overcrowded, noisy, issues with vehicle and boat parking, public intoxication, traffic and inadequately designed sewage disposal systems.

Most vacation rentals currently do not comply within regulations set out in the Zoning Bylaw. Many properties on Sproat Lake, and in Bamfield and Long Beach, are zoned Acreage Residential (RA1 & RA2) District or similar rural residential zoning districts. These zones permit uses such as a single family dwelling and an accessory dwelling unit (secondary suite, carriage home, cabin, cottage, garden suite, etc.), provided the lot is 1 acre or greater. An accessory dwelling unit is intended to be occupied as a permanent home, and not on a temporary/short term (less than a month) basis. These zones also allow B&Bs where bedrooms within the home are rented to not more than four people at a time, and are not intended to be rented as a separate unit.

## What can be done?

A number of local governments across BC have adopted strategies and land use policies to manage STRs, which are outlined in Section 3. Many municipalities regulate STRs through business licencing, where if a property isn't zoned to allow an STR, a business licence isn't issued and enforcement action may proceed. Regional Districts do not have the ability to issue business licences under Provincial legislation. This limits the STR regulation to land use and regulatory bylaws, and a complaint process for bylaw enforcement.

## Progress to date

In September 2016, ACRD staff presented a memo to Electoral Area (EA) Directors providing an update on STRs. It was recommended that the EA Director's Committee direct staff to conduct public input sessions to garner community input into options for dealing with STRs.

This report is provided:

- upon direction from the EA Directors in September 2016 directing staff to investigate options for dealing with STRs;
- to address various complaints received regarding STRs; and
- upon direction from the ACRD Board of Directors at the October 11, 2017 meeting instructing staff to submit a report to the Board with options for addressing STRs.

The intent of the report is to provide an opportunity for the ACRD Board to discuss methods for managing STRs.

## 2 | Public Consultation

### WHO & HOW

In September and October 2017, the ACRD undertook a series of public consultation initiatives to explore stakeholder input and insights on the local issues related to STRs, learn from other communities' experiences, and determine how to move forward in managing these types of rentals in the ACRD.

Public consultation initiatives included a series of open houses, display boards at the ACRD office, and an online comment form to gain input on policy options for STRs. Through these initiatives the ACRD received valuable feedback from residents and property owners living in the ACRD, and other areas across Canada and the United States.

During the public consultation period, the ACRD had approximately 250 interactions through in person conversations, online comments forms and paper comment sheets, emails and phone calls. These interactions enabled ACRD staff to hear resident and property owner input on STRs, which has been incorporated and summarized into this report.

Throughout the public consultation process, participants at the open houses were asked to review the display boards, then tell which option for managing STRs they prefer by placing a sticky dot in one of the boxes. Online comment form respondents were also asked to choose which option they prefer. Details on each of the policy options are outlined in Section 3, and include the following:

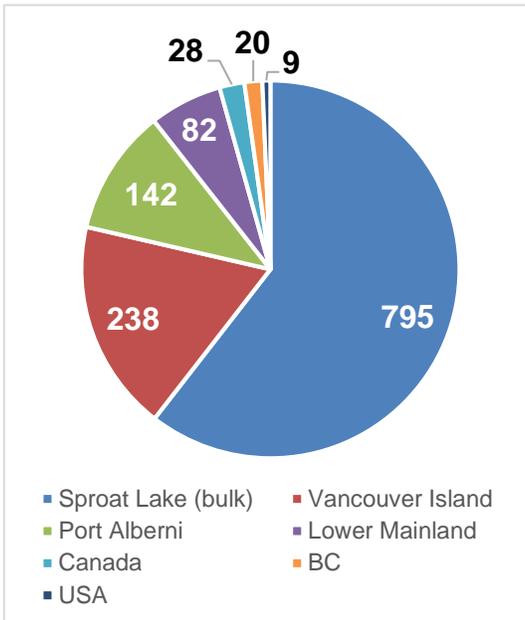
- Permit STRs by rezoning the property
- Permit STRs with a Temporary Use Permit (TUP)
- Continue to not permit STRs and enhance enforcement

### Advertising

To ensure residents and property owners in the ACRD were given the opportunity to provide input on STRs, the ACRD advertised for the open houses and online comment form through:

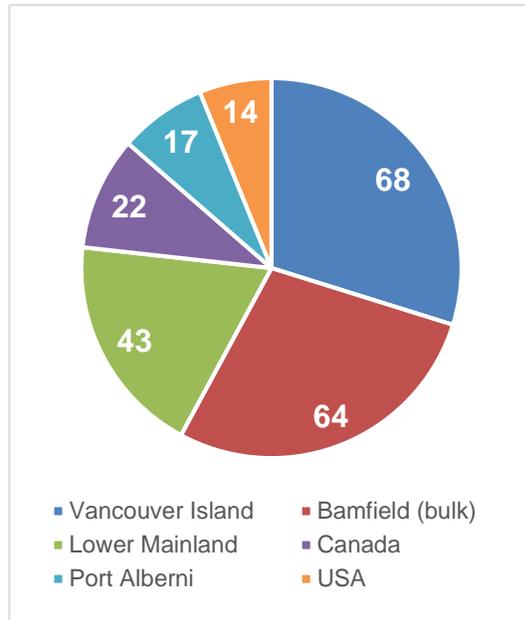
- A direct and bulk mail out to Sproat Lake and Bamfield property owners and residents
- The ACRD website (home page and created a new STR web page): [www.acrd.bc.ca/str](http://www.acrd.bc.ca/str)
- Alberni Valley News: September 27, 2017 and October 4, 2017 issues
- Tofino-Ucluelet Westerly News: October 18, 2017 issue
- Twitter
- Facebook
- Sandwich board signs at Sproat Lake, and in Bamfield and Long Beach

Sproat Lake direct mail to property owners and bulk mail to residences.



519 flyers were directly mailed to non-resident property owners, 795 flyers were bulk delivered to residences, for a total of 1,314 flyers distributed.

Bamfield direct mail to property owners and bulk mail to residences.



164 flyers were directly mailed to non-resident property owners, 64 flyers were bulk delivered to residences, for a total of 228 flyers distributed.

### Open houses

The ACRD hosted three open houses in October 2017:

1. Sproat Lake | October 5, 2017 from 5:30 to 8:30pm, Sproat Lake Community Hall
2. Bamfield | October 12, 2017 from 5:30 to 8:30pm, Bamfield Community School
3. Long Beach | October 26, 2017 from 5:00 to 7:00pm, Ucluelet Community Centre

The open houses were well attended with a total of approximately 130 people in attendance:

- 74 people signing in at the Sproat Lake open house, and approximately 85 in attendance.
- 18 people signing in at the Bamfield open house, and approximately 25 in attendance.
- 11 people signing in at the Long Beach open house, and approximately 20 in attendance.



## Online information & comment form

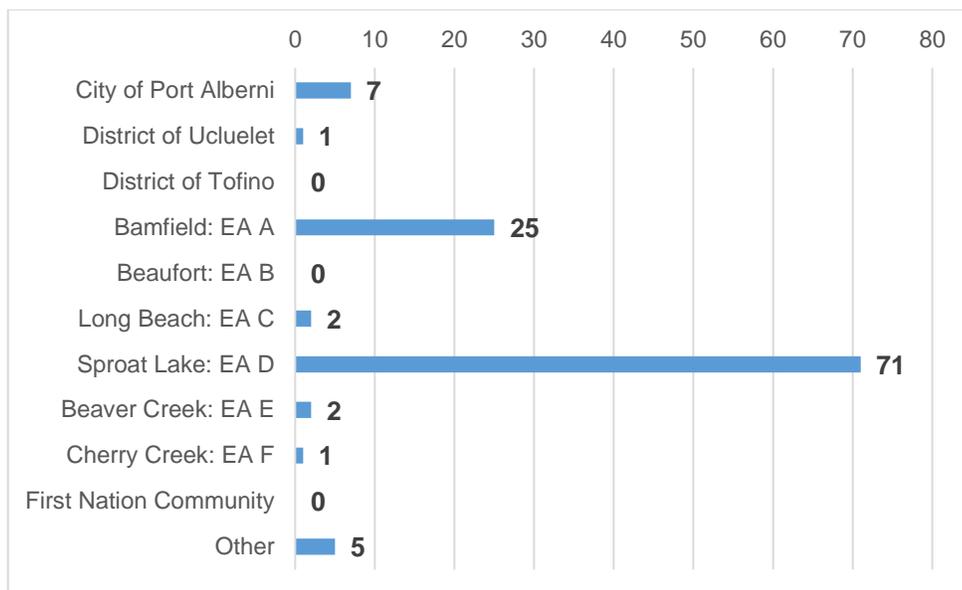
Information on STRs was added to the ACRD website on September 20, 2017. This included creating a new web page on STRs with an online comment form. The comment form was available for anyone to give input from September 20 to October 31, 2017.

### Who provided input?

- 31 comment sheets were completed at the Sproat Lake open house.
- 11 comment sheets were completed at the Bamfield open house.
- 3 comment sheets were completed at the Long Beach open house.
- 75 online comment forms were received, asking respondents to choose which policy option they prefer.

### Where do respondents live?

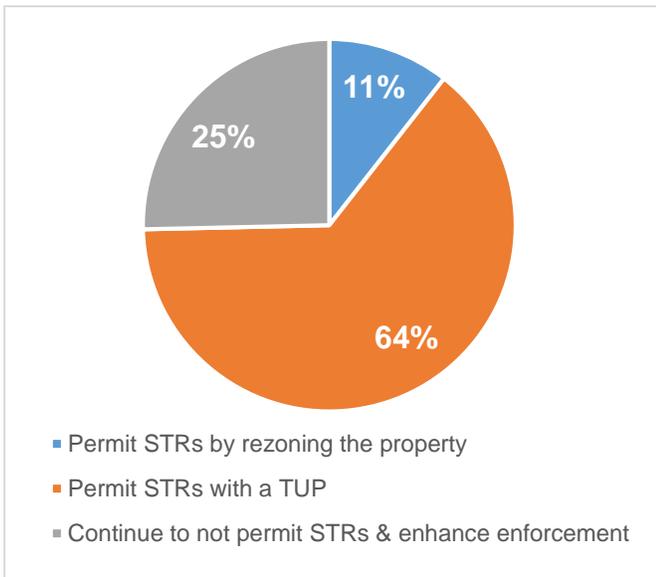
114 people indicated where they live on the online comment forms and open house comment sheets.



## WHAT WE HEARD

The following chart summarizes the responses from the open houses and online comment forms. Respondents included 142 people answering within the three options, while four people suggested that a balanced approach combining rezoning and TUP is preferred.

91 respondents (64%) indicated they prefer the ACRD permit STRs with a Temporary Use Permit (TUP), followed by 36 (25%) prefer the ACRD continue to not permit STRs and enhance enforcement, and 15 (11%) prefer permitting STRs by rezoning the property.



The approximately 250 interactions the ACRD had with stakeholders through in person conversations, online comment forms and paper comment sheets, emails and phone calls are summarized below into five categories.

<b>Benefits of STRs</b>	
<b>Provide accommodations</b>	During high season in particular.
<b>Diversification of accommodation type</b>	Some respondents indicated STRs provide accommodation for families, and amenities not serviced by hotels/motels, etc.
<b>Help supplement income</b>	Many respondents identified as an important source of income.
<b>Bring tourism and provide economic benefits</b>	Many respondents identified as an important part of bringing tourism and contributing to the tax base in the ACRD, including critical economic benefits for the surrounding areas. Some respondents indicated that low key and low impact STRs are an asset.

<b>Challenges of STRs</b>	
<b>Detract from quality of life and/or impact neighbours</b>	Many respondents identified as a main concern on Sproat Lake, and some stressed that they often require extra police to handle complaints.
<b>Potentially impact property values</b>	
<b>Absentee owners lead to problems</b>	
<b>Contribute to boating problems and traffic</b>	Many respondents identified as a main concern on Sproat Lake, and suggested increased police presence on the lake for boaters.
<b>Contribute to loud noise</b>	Many respondents identified loud cars, music, boats, parties, etc. at Sproat Lake as a main concern. Dogs were also mentioned as a concern.
<b>Contribute to problems with drinking water, sewage, and septic</b>	
<b>Contribute to parking problems</b>	
<b>Contribute to overcrowding</b>	Some respondents indicated that houses are often full and there are also RVs on the property.

<b>Reduce year round housing available for residents</b>	Respondents mentioned this as a concern in Bamfield.
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<b>Enforcement</b>	
<b>Increased enforcement needed</b>	Many respondents indicated that the ACRD doesn't have available resources to handle STRs, and whichever option is chosen will require increased enforcement.
<b>Strengthen/enforce existing Zoning Bylaw</b>	Many respondents indicated the ACRD should focus on strengthening and/or enforcing the existing Zoning Bylaw to not permit STRs. Also confirmed that the ACRD is limited in ability to control behaviours, and if no funds are available to enforce existing there's no point in making new regulation.
<b>Find appropriate and effective enforcement approach</b>	
<b>Enforcement will be difficult if permitted</b>	Some respondents expressed concerns with cost, taxes and staffing.

<b>Policy/Regulation</b>	
<b>Need to control actions of property owners</b>	Respondents suggested as a main concern.
<b>B&amp;B regulation</b>	Some respondents suggested keeping B&B regulation separate, while others questioned why B&Bs are allowed and not STRs, as guest is a guest and B&Bs contribute to more traffic.
<b>Don't limit number of applicants or approvals</b>	Some respondents indicated the market will take care of itself.
<b>Have a sales tax on vacation rentals and/or different property tax classification</b>	Some respondents suggested having a sales tax, possibly going towards regional tourism. Some respondents indicated that non-conforming properties should be taxed equal to commercial properties, while others suggested residential properties shouldn't be taxed like commercial as they can't do as much business.
<b>Don't do anything</b>	Respondents suggested if there aren't any complaints, leave as is.
<b>Preference for monthly rentals</b>	
<b>Allow as a secondary use of a residential property</b>	
<b>Aren't appropriate in residential areas</b>	Some residents indicated they aren't appropriate at Sproat Lake in particular. Others indicated not to commercialize residential neighbourhoods.
<b>Issue should be addressed differently for each area, without a blanket approach for the entire ACRD</b>	
<b>Rezoning option:</b>	
<ul style="list-style-type: none"> <li>Permanent rezoning will fix issue and simplify process</li> </ul>	

<ul style="list-style-type: none"> <li>• Spot rezoning could lead to rise in property values and increased income</li> <li>• Too costly, time consuming, and permanent</li> <li>• Change zoning to allow trailers/smaller houses on property</li> </ul>	<p>Some respondents suggested rezoning all of a specific area such as Sproat Lake.</p>
<p><b>TUP option:</b></p> <ul style="list-style-type: none"> <li>• May result in new buildings or expansion without permits</li> <li>• Seems to be simplest, cheapest and/or most flexible</li> <li>• Should be good for as long as possible, renewable one year in advance</li> <li>• Charge a yearly fee, which could be directed back into community to help pay for services, etc.</li> </ul> <p><b>Permit with certain conditions:</b></p> <ul style="list-style-type: none"> <li>• Based on property size</li> <li>• One rental per property</li> <li>• Maximum number of people per room, suite and house</li> <li>• Owner or caretaker on-site</li> <li>• Minimum one week rentals</li> <li>• Adequate on-site parking</li> <li>• Adequate on-site sewage</li> <li>• Assessment of water supply/drinking water source</li> <li>• Clear noise rules and quiet times</li> <li>• Three types of licences: annual, summer, commercial</li> <li>• 24/7 contact information available</li> <li>• Copies of information posted for guests (noise bylaw, pets, boater safety and regulation including signage at launching areas, etc.)</li> <li>• Rescind/terminate TUP if not adhering and ability for fines</li> <li>• Yearly inspection</li> </ul>	<p>Many respondents indicated preference for the owner or a caretaker to be required to live on-site. Some suggested allowing out buildings or trailers for their accommodation.</p>

<b>Education/Research</b>	
<b>Increased education needed for property owners</b>	
<b>ACRD staff should continue to investigate other areas</b>	

### 3 | Options for Managing STRs

A number of local governments across BC have adopted strategies and land use policies to manage STRs. Many municipalities regulate STRs through business licencing, where if a property isn't zoned to allow an STR, a business licence isn't issued and enforcement action may proceed. Regional Districts do not have the ability to issue business licences under Provincial legislation. This limits the STR regulation to land use and regulatory bylaws, and a complaint process for bylaw enforcement.

#### OTHER REGIONAL DISTRICT & LOCAL GOVERNMENT EXAMPLES

ACRD staff looked into how other regional districts and local governments manage STRs. Detailed descriptions of the approaches can be found in Appendix A, and a summary is provided below.

##### **Columbia Shuswap Regional District: [Rezone or TUP](#)**

- If a property owner wants to operate an STR, they can apply for a TUP or rezone to vacation rental.
- Created a vacation rental zone defining vacation rental use as the use of a residential dwelling unit for temporary accommodation (less than four consecutive weeks) on a commercial basis.
- Created guiding principles for vacation rentals, which may be used as conditions of a TUP.



##### **Islands Trust – Hornby Island: [Permitted in summer months without rezoning or TUP](#)**

- From May to September, vacation home rentals are allowed through zoning regulations on any residential or agricultural lot to help address the summer demand. Limitations and requirements include: one rental per property, one rental per seven day period, maximum number of beds per bedrooms, signs with contact information, letter confirming sewage capability.
- Year round vacation rentals permitted on lots where the owner or a tenant resides in one dwelling while second legal dwelling is rented. Summer regulations apply.
- Commercial level vacation home rentals are permitted with a TUP.

##### **Regional District of Okanagan-Similkameen: [TUP](#)**

- TUP identified as the preferred option after consultation as it provides opportunity for community input, conditions of use, and regular review of an operation to ensure it's not causing conflict with adjacent residential uses.
- Community consultation before permit is issued: notification signs, and possible public information meeting.
- TUP policy applies for new vacation rentals for a term no greater than 18 months (one rental season).
- If inappropriate or incompatible with neighbourhood, permit may be allowed to lapse early.



##### **Islands Trust – Gabriola Island: [TUP](#)**

- TUP identified as the preferred option after consultation, with conditions such as assessment of water supply and on-site sewage disposal, occupancy permit, copies of information posted (noise bylaws, water conservation, fire safety, garbage, control of pets).

- Owner contact information posted and they must reside on Gabriola Island and be available 24/7 to respond to concerns.

**District of Tofino: Zoning and business licence regulation**

- Regulations were established in 2005 to allow in certain residential zones, with a valid business licence, where there is a primary resident, only one STR or B&B per property, and with conditions.
- Launched a plan to proactively educate and enforce regulations in 2016, which included amending business licence fees to meet enforcement costs.

**City of Nelson: Business licence regulation**

- Permitted in residential and commercial zones with a short term or tourist accommodation business licence, renewed annually.
- After consultation, three types of STRs permitted: annual, summer (May to August), 31-day, with the following conditions:
  - Cap of 110 annual and 40 summer licences, no cap on 31-day (only one per property per year).
  - Maximum of three licences in total per block (combined annual and summer) – doesn't include 31-day.
  - All require a primary resident, except summer.
  - One property can have one annual, and one summer or 31-day.
  - Manager of Development Services can approve or not approve summer licences.
  - All licences require a \$500 deposit, and building and fire inspection every three years.
  - Maximum two adults per room, four per suite, and six per guest house.
  - Contact person must respond within 15 minutes and live within 30 km of property.
  - Need to apply by December 15 each year to ensure spot is maintained in queue for the next year. After December 15, subject to caps.
- Consolidated STRs with B&Bs.

**ACRD POLICY OPTIONS**

The ACRD is limited in its ability to control behaviours, but has regulations pertaining to land use and noise. The ACRD has two options for regulating STRs within land use regulations, and a third option is continuing to not permit these types of rentals and enhance enforcement.

**1. Permit STRs by rezoning the property**

- The ACRD can require a property owner to apply for rezoning to a zoning district that would permit the operation of a STR on a permanent basis or under certain parameters, such as Cottage Residential (RC) District.
- Rezoning runs with the land until such a time that another zoning amendment is adopted by the Regional Board.

**2. Permit STRs with a Temporary Use Permit (TUP)**

- The property owner can apply for a TUP to allow for the operation of a STR on a temporary basis.
- The ACRD may issue a TUP, by resolution, in areas that are designated in an Official Community Plan (ie. Sproat Lake, Bamfield, and Long Beach).
- A TUP may allow for a use that's not permitted in the Zoning Bylaw and specify conditions for which the use may be carried. The ACRD may include conditions to a TUP which can't be included in a rezoning.

- Conditions on the temporary use could include: occupancy load, length of stay and seasonal limits, sewage disposal confirmation, caretaker availability, parking, signage, etc.
- A TUP can be issued for up to three years, and renewed once for another three years. After which the property owner could apply to rezone to allow the use on a permanent basis.
- Prior to issuance of the TUP, there would be a public notification process.

### **3. Continue to not permit STRs and enhance enforcement**

- The ACRD currently deals with enforcement of non-conforming uses in the Zoning Bylaw under a complaint basis.
- If a complaint is received, a letter is sent to the property owner and the Bylaw Enforcement Officer works with them to resolve the issue.
- In circumstances where the Bylaw Enforcement Officer can't resolve the issue, the ACRD Board has the option to proceed with legal action.

#### **Options for strengthening enforcement action include:**

- Implementing a ticketing bylaw which would allow the Bylaw Enforcement Officer to issue fines for non-compliance
- Increased seasonal bylaw enforcement presence at Sproat Lake, and in Bamfield and Long Beach
- Increased legal action in persistent situations

### **COST**

The administrative cost of managing development applications to allow STRs by either TUP or zoning amendment may dictate an increase to the application fee. The current application fee for a temporary commercial or industrial use permit is \$300. Appendix B includes information on what the ACRD and other regional districts/local governments charge for TUPs, rezoning amendments and/or business licences. Planning staff are recommending that the application fee be increased to a fee in the range of \$600 to \$1,000.

There will also likely be an increase to bylaw enforcement costs relating to STRs. This will include increased monitoring and management of approved STRs as well as investigating complaints of STRs operating without ACRD approval. The increase in costs may be partially offset by implementation of a ticketing bylaw for approved STRs operating outside their approved parameters and for STRs operating without approval. A ticketing bylaw would also provide an additional resource to seek compliance with the ACRD's requirements for STRs. Planning staff is recommending that the consideration of additional bylaw enforcement costs be included in the 2018 budget discussions.

## 4 | Recommendations & Next Steps

### SUMMARY

The ACRD recognizes that STRs provide economic opportunities but also needs to address the public health and safety concerns they may pose. STRs must also be an appropriate fit and not negatively impact the surrounding residential neighbourhood. The Temporary Use Permit (TUP) option provides the opportunity for the ACRD to set conditions of use that cannot be included in a Zoning Bylaw. This may include caretaker availability, sewage confirmation based on occupancy, minimum/maximum number of nights, and area specific requirements.

The TUP also provides the opportunity to permit the use on a temporary basis to allow the ACRD to monitor the impacts on the neighbourhood and surrounding community. If the property owner is contravening a condition of use within the TUP there may be a revocation clause. There may be a need for increased resourcing of bylaw enforcement to manage STRs, which may include a ticketing bylaw.

### RECOMMENDATIONS

Taking into consideration the public consultation as outlined in this report, ACRD staff have the following recommendations:

- Prepare a policy document for consideration by the Board requiring that Short Term Rental applications are first considered by Temporary Use Permit;
- Draft an amendment to the Development Procedures Bylaw to increase the application fee for a STR Temporary Use Permit from \$300 to \$600; and
- Include a potential increase to bylaw enforcement resources to the 2018 budget discussions.

Additional recommendations to consider include:

- Refer draft policy document to the Advisory Planning Commissions in each area for their consideration;
- Hold a public meeting to discuss draft policy document prior to consideration by the Board;
- Add a clear definition of short term vacation rentals to the Zoning Bylaw – this will be added to the updated Zoning Bylaw which is currently underway;
- More clearly articulate the permitted uses in each zone in the Zoning Bylaw to ensure use cannot be misconstrued with allowing short term vacation rentals – this will be added to the updated Zoning Bylaw which is currently underway; and
- Have an education or social marketing campaign once the new rules are in place to ensure all residents and property owners are aware of what is or is not permitted.

### NEXT STEPS

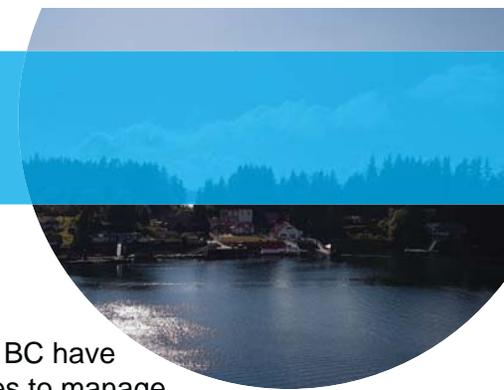
If the Board decides the policy document requiring the TUP option is the preferred method for dealing with STRs, the policy could be drafted by staff and adopted by the Board at one meeting. Prior to adopting the policy, the Board would have the option to seek input by referral to the area Advisory Planning Commissions, referral to affected agencies and/or holding a public meeting.

## Appendices

**APPENDIX A: OPEN HOUSE DISPLAY BOARDS**

**APPENDIX B: APPLICATION/LICENCE FEES**

# SHORT TERM VACATION RENTALS



## What is happening?

Nightly, weekend, and weekly short term vacation rental (STR) accommodations on residential properties are increasing.

Within the Alberni-Clayoquot Regional District (ACRD) STRs are primarily concentrated within Sproat Lake, Bamfield and Long Beach (Electoral Area C), and mainly located on properties not zoned for rental accommodation.

## What is the issue?

Regional District staff are increasingly receiving more complaints regarding STR of properties inconsistent with zoning for single family dwellings.

Complaints include the properties being overcrowded, noisy, issues with vehicle and boat parking, public intoxication, traffic and inadequately designed sewage disposal systems.

Most vacation rentals currently do not comply within regulations set out in the Zoning Bylaw. Many properties on Sproat Lake, and in Bamfield and Long Beach, are zoned Acreage Residential (RA1 & RA2) District. These zones permit uses such as a single family dwelling and an accessory dwelling unit (secondary suite, carriage home, cabin, cottage, garden suite, etc.), provided the lot is 1 acre or greater.

An accessory dwelling unit is intended to be occupied as a permanent home, and not on a temporary/short term (less than a month) basis.

## What can be done?

A number of local governments across BC have adopted strategies and land use policies to manage STRs, which are outlined on the following boards.

Many municipalities regulate STRs through business licencing, where if a property isn't zoned to allow an STR, a business licence isn't issued and enforcement action may proceed.

Regional Districts can't issue business licences. This limits the STR regulation to land use and regulatory bylaws, and a complaint process for bylaw enforcement.

## Public consultation

The ACRD is hosting open houses in Sproat Lake, Bamfield and Long Beach, and providing online information to:

- inform residents on what is going on with STRs
- share research on what other Regional Districts and local governments are doing to manage these rentals
- gain input on the options available to the ACRD to permit, or not permit and enhance enforcement for these rentals



# OTHER REGIONAL DISTRICT EXAMPLES

## COLUMBIA SHUSWAP REGIONAL DISTRICT

- Regulates STRs within two Electoral Areas, one of which includes the Revelstoke Mountain ski resort.
- Created a vacation rental zone, defining vacation rental use as the use of a residential dwelling unit for temporary accommodation (less than four consecutive weeks) on a commercial basis.
- If a property owner wants to operate a STR, they can apply for a Temporary Use Permit (TUP) or rezone to vacation rental.
- Guiding principles for vacation rentals were established, which may be used as conditions of a TUP (ie. screening, fencing, proof of adequate sewage disposal, parking, caretaker availability, occupancy permit for the dwelling, etc.)



## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

- Following a review in 2012, it was decided that TUP's were the preferred way to address vacation rental use as it provides an opportunity for community input, conditions of use (maximum occupancy, landscaping, etc.) and for regular review of an operation to ensure it's not causing conflict with adjacent residential uses.
- Community consultation before the permit is issued includes: posting a notification sign with details of the proposal, and a possible public information meeting.
- The vacation rental TUP policy applies to new vacation rentals for a term of no greater than 18 months (over one rental season).
- If it's determined that the vacation rental use is inappropriate or incompatible with the neighbourhood, the permit may be allowed to lapse early. If compatible, the property may apply for a second TUP for a period of up to three years or apply to rezone.



# OTHER REGIONAL DISTRICT EXAMPLES

## ISLANDS TRUST - HORNBY ISLAND

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

- From May to September, vacation home rentals are allowed through zoning regulations on any residential or agricultural lot. Summer rentals have limitations and requirements such as: one rental per property, a maximum number of bedrooms, signs with contact information, and a letter confirming sewage capability.
- 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. Same regulations as summer rentals apply.
- Commercial level vacation home rentals are permitted where a property owner applies for and receives a TUP. 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 adopted a process in which property owners may apply for a TUP to allow for a STR on their property. The TUP application form for vacation rentals 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 contact information 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.



# OTHER LOCAL GOVERNMENT EXAMPLES

## DISTRICT OF TOFINO

After an extensive study and community consultation in 2004, short term rental regulations were established in 2005, primarily through zoning and business licence regulation bylaws.

### STRs are subject to the following:

- Must be in 1 of 6 residential zones
- Must have a valid business licence (properties with current licences are listed on Tofino's website)

- 1 per property, can't operate B&B and STR
- STR can be operated in principal or secondary dwelling
- Must provide sufficient off-street parking
- Maximum 3 sleeping units, 6 guests
- Other bylaws (public nuisance, etc.)

In 2016, Tofino launched a plan to proactively educate and enforce STR regulations.

## CITY OF NELSON

In 2016, the City engaged on STRs through consultation, education, and new regulations effective January 2017. The City focused on:

- ensuring a level playing field for accommodators
- safe accommodation facilities for visitors and tourists
- that they are meeting the housing needs of local long-term renters

The regulations establish a robust and transparent licencing mechanism, while still retaining discretion for exceptional circumstances.

City Council has made it a priority to accommodate these operations for the benefit of visitors, residents, and neighbourhoods, while at the same time mitigating the potential detrimental impacts on communities.

### STR regulations include:

- 3 types of STR licences: annual, summer (May to August), 31-day
- Cap of 110 annual licences and 40 summer licences, no cap on 31-day licences (only 1 per property per year)
- 3 types of STR dwellings: guest homes, guest rooms and guest suites (secondary or detached secondary suites)
- Except for summer licences, they all require a primary resident
- Each property can have up to 1 annual licence and another less than 6 months (summer or 31-day)
- All licences require a \$500 deposit, and building and fire inspection every 3 years
- Maximum of 2 adults per room, 4 per suite, and 6 per guest house
- Must have contact person to respond within 15 minutes to calls and lives within 30 km of the property



ALBERNI-CLAYOQUOT  
REGIONAL DISTRICT

SHORT TERM VACATION RENTALS  
Sproat Lake, Bamfield & Long Beach

# ACRD POLICY OPTIONS

The ACRD is limited in its ability to control behaviours, but has regulations pertaining to land use and noise.

The ACRD has two options for regulating STRs within land use regulations, and a third option is continuing to not permit these types of rentals and enhance enforcement.

## 1 PERMIT: REZONE THE PROPERTY

- The Regional District can require a property owner to apply for rezoning to a zoning district that would permit the operation of a STR on a permanent basis or under certain parameters, such as Cottage Residential (RC) District.
- Rezoning runs with the land until such a time that another zoning amendment is adopted by the Regional Board.

## 2 PERMIT: TEMPORARY USE PERMIT

- The property owner can apply for a temporary use permit (TUP) to allow for the operation of a STR on a temporary basis.
- The Regional District may issue a TUP, by resolution, in areas that are designated in an Official Community Plan (ie. Sproat Lake, Bamfield, and Long Beach).
- A TUP may allow for a use that's not permitted in the Zoning Bylaw and specify conditions for which the use may be carried. The ACRD may include conditions to a TUP which can't be included in a rezoning.

- Conditions on the temporary use could include: occupancy load, length of stay and seasonal limits, sewage disposal confirmation, caretaker availability, parking, signage, etc.
- A TUP can be issued for up to three years, and renewed once for another three years, after which the property owner would need to either cease the use or apply to rezone to allow the use on a permanent basis.
- Prior to issuance of the TUP, there would be a public notification process.

## 3 NOT PERMIT: ENHANCE ENFORCEMENT

The ACRD currently deals with enforcement of non-conforming uses in the Zoning Bylaw under a complaint basis. If a complaint is received, a letter is sent to the property owner and the Bylaw Enforcement Officer works with them to resolve the issue. In circumstances where the Bylaw Enforcement Officer can't resolve the issue, the ACRD Board has the option to proceed with legal action.

### Options for strengthening enforcement action include:

- Implementing a ticketing bylaw which would allow the Bylaw Enforcement Officer to issue fines for non-compliance
- Increased bylaw enforcement presence at Sproat Lake, and in Bamfield and Long Beach
- Increased legal action in persistent situations



# HAVE YOUR SAY



Now that you've reviewed the display boards, hopefully you have a better understanding of the three options the ACRD has for managing short term vacation rentals.

**Tell us which option you prefer by placing a sticky dot in one of the boxes below.**

**PERMIT STRs BY REZONING  
THE PROPERTY**

**PERMIT STRs WITH A  
TEMPORARY USE PERMIT**

**CONTINUE TO NOT  
PERMIT STRs & ENHANCE  
ENFORCEMENT**

**Place a sticky note below to explain why you chose the option, or if you have any additional comments.**

# THANK YOU & NEXT STEPS

Thank you for your input!

## How will we use your feedback?

Input received throughout the short term vacation rentals public consultation process will be compiled into a report for the ACRD Board.

Options following Board direction could include:

- Zoning Bylaw amendment,
- policy implementation, or
- further public input

The goal is to provide clarity on land use regulations and present options to the Regional Board before the 2018 vacation rental season.

## Stay informed and involved

Residents are invited and encouraged to participate in the STR public consultation process. We want to hear from you!

Be sure to sign in at the open house and leave your email, or contact us, to stay in touch on next steps and project updates.

## Contact us!

☎ 250-720-2700

✉ [planning@acrd.bc.ca](mailto:planning@acrd.bc.ca)

🌐 [www.acrd.bc.ca/str](http://www.acrd.bc.ca/str)



**ALBERNI-CLAYOQUOT  
REGIONAL DISTRICT**

**SHORT TERM VACATION RENTALS**  
Sproat Lake, Bamfield & Long Beach



## APPENDIX B: APPLICATION/LICENCE FEES

Regional District / Local Government	TUP fee	TUP renewal fee	Zoning Bylaw amendment	Business licence fee	Additional fee
ACRD	\$300	\$300	\$750		
Regional District of Okanagan-Similkameen	\$700	\$350			
Columbia Shuswap Regional District	\$1,000 (+ \$150 registration fee)		\$1,500		Additional fee for public notification
Islands Trust – Gabriola Island	\$900	\$150			
Islands Trust – Hornby Island	\$1,100	\$165			
City of Nelson				Annual licence: \$200-800 Summer licence: \$110-400 31-day: \$160	Building & fire inspection: \$30  STR deposit for all licences: \$500 (refunded upon written notification of end of STR operation)
District of Tofino				STR with 1 sleeping unit: \$450 + \$150 for each additional sleeping unit	