



Alberni-Clayoquot Regional District

SHORT TERM VACATION RENTALS TEMPORARY USE PERMIT POLICY

Policy Issued by: Board of Directors
Date Adopted: January 24, 2018
Date(s) Amended:

1.0 POLICY GUIDELINE

The intent of this policy is to provide guidance to the public and Alberni-Clayoquot Regional District's (ACRD) when considering Temporary Use Permit (TUP) applications for short term vacation rentals (STRs).

The ACRD preference for managing STR's, where it is appropriate, is with TUPs. If the ACRD issues a TUP, a term limit of not greater than three years shall apply (two years in the South Long Beach 'Area C' Official Community Plan area) to TUPs issued for STR use on land within an Official Community Plan (OCP) area.

When considering a temporary use permit for a STR, the ACRD recognizes that the primary use of the property is residential. A STR TUP is a way to allow residents and residential property owners to participate in the tourism economy.

2.0 PURPOSE

TUPs may be considered by the Regional Board to allow STR uses to occur for a short period of time (less than a month). The permit contains detailed requirements at the discretion of the Regional Board and is only in effect for a limited period of time. TUPs allow a use on a temporary basis that would otherwise not be permitted in the Zoning Bylaw.

Should it be determined that a STR use is inappropriate, incompatible or unviable at a particular location, or if there is a change in property ownership, a TUP may be allowed to lapse or not be renewed (subject to application) within a relatively short time period (ie. within one year of operation). If an STR is being operated contrary to the conditions of use in the TUP, there will be an option for the ACRD to consider revoking the TUP.

It is the Board's policy to consider STR TUPs for properties in zones that allow permanent residence in single family dwellings and not for properties in zones that allow seasonal, recreational or vacation residential use including, but not limited to, the Salmon Beach (SB) District and Vacation Home (RVH) District.

3.0 POLICY

3.1 Regulation

Properties within all of the land use designations in the ACRD Electoral Area OCPs (Bamfield, Beaufort, South Long Beach, Sproat Lake, Beaver Creek and Cherry Creek) are designated under the *Local Government Act* (LGA) (s. 492) as areas in which TUPs may be issued.

The LGA (s. 493) permits, on application by an owner of land, the ACRD to issue a TUP by resolution to land within a designated OCP area to:

- allow a use not permitted by a Zoning Bylaw; and
- specify conditions under which the temporary use may be carried on.

ACRD OCPs include policy permitting issuing TUPs for commercial or industrial use in appropriate areas within all land use designations. A TUP may be considered within ACRD OCP areas. If a property owner within an Electoral Area wants to apply for a TUP, and the property is not within an OCP area, approval of the TUP is by bylaw and subject to a Public Hearing.

The ACRD Zoning Bylaw No. 15 was adopted in 1973 and does not include regulation on STRs in residential districts, as these types of rentals were not an issue at that time. Certain “Commercial” and “Cottage” zones permit the operation of a STR on a permanent basis or under certain parameters.

3.2 Notification and referral

If the ACRD Regional Board passes a resolution to consider issuing a TUP, it must give notice to all neighbouring property owners and residents within 100m, and post a notice in the newspaper (as per the *Local Government Act* and ACRD Development Procedures Bylaw P1342).

Prior to the Regional Board issuing a TUP, the application will be reviewed and discussed at the Electoral Area (EA) Advisory Planning Commission (APC) meeting. A public information meeting may also occur prior to the issuance of a TUP, if deemed necessary by the EA APC or Regional Board.

3.3 Term and renewal

A property owner can apply for a TUP, which can be issued for up to three years, and can be renewed once for a further three years. The South Long Beach (Area C) OCP permits TUPs for a period up to two years, with consideration for renewal for another two years. At the end of the two or three years, the property owner may have the option of applying for a subsequent TUP. The issuance of a TUP should not be interpreted as eventually leading to permanent zoning, however, a property owner can apply to rezone their property to a zone that permits the operation of a STR on a permanent basis or under certain parameters.

3.4 Criteria

In evaluating a TUP application submitted to the Regional Board by the applicant, the Regional District may consider the following criteria:

- a. the use must be clearly temporary or seasonal in nature;
- b. the use must not alter the residential appearance of the property;
- c. one STR permitted per property;
- d. compatibility of the proposal with adjacent uses; and
- e. impact of the proposed use on the natural environment, including groundwater.

3.5 Conditions

3.5.1 In issuing a TUP, the Regional District may specify conditions including, but not limited to:

- a. the buildings to be used;
- b. the area of use;
- c. the hours of use;

- d. form and character; and
- e. environmental protection.

3.5.2 In issuing a TUP for a STR, the Regional District may specify conditions, in addition to those listed under sub-section 3.5.1, including, but not limited to:

- a. Screening or fencing in order to address potential impacts or to address neighbour privacy issues;
- b. The owner or caretaker's contact information, with availability or accessibility by phone 24 hours a day and 7 days a week, as well as a copy of any issued TUP, posted in a visible public location;
- c. The owner or caretaker living on-site or available within 20 minutes;
- d. Where appropriate, the owner or a permanent resident may be required to live on-site;
- e. The posting of the following information in a form specified in the TUP at a site accessible and visible to the public:
 - I. any applicable Regional District noise control and sign bylaws;
 - II. clear noise rules and quiet times;
 - III. measures to address water conservation;
 - IV. fire safety regulations;
 - V. boater safety and marine patrol information;
 - VI. storage and management of garbage;
 - VII. control of pets (if pets are permitted); and
 - VIII. Contact phone number for the STR caretaker to respond to public complaints;
- f. Confirmation of adequate on-site sewage system capable of accommodating the STR;
- g. Confirmation that the dwelling has adequate safety for occupation (which may include review by a ACRD Building Inspector);
- h. A maximum occupancy of two (2) persons per bedroom within a dwelling unit when such a dwelling unit is being occupied as a STR;
- i. A maximum of one (1) boat per STR rental, if adequate dock space is provided;
- j. The provision of on-site parking available for STR (for example, one parking space for each bedroom);
- k. With the exception of an Accessory Dwelling Unit, the prohibition of the use of recreational vehicles or camping on the property or any use of accessory buildings for STR occupancy;
- l. Rescinding and/or terminating the TUP if the STR is not adhering to the conditions, or if there is a change of ownership; and
- m. Other requirements that the Regional District Board may consider appropriate.

3.1 APPLICATION

This policy applies to all properties within the ACRD.

3.2 RESPONSIBILITY

Planning and Development Services Department.

4.0 DEFINITIONS

“**short term vacation rental**” means the use of a dwelling unit for the temporary commercial accommodation of paying guests for a period of less than one month. This use does not include bed and breakfast.

“dwelling unit” means habitable space consisting of one or more rooms which constitute one self-contained unit with a separate entrance and complete living facilities, occupied or intended to be occupied as a home or residence by one or more persons, including provisions for living, sleeping, cooking, eating and sanitation.

5.0 POLICY AMENDMENT

This policy may be amended by the Board of Directors as needed.