



## NOTICE OF TEMPORARY USE PERMIT

The Alberni-Clayoquot Regional District's Board of Directors will consider issuing a Temporary Use Permit at their next meeting.

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### MEETING DETAILS

**When:** July 26, 2023 at 1:30 pm

**Where:** Alberni-Clayoquot Regional District (ACRD) office located at 3008 Fifth Avenue, Port Alberni, BC  
Electronic, call-in, or in-person attendance options are available.

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### WHAT'S THIS ABOUT?

**File #:** TUP18012

**Property Owner(s)/Applicant(s):** Kristina Uher and Tharen Taylor

**The subject property** is located at 1430 Port Albion Road and is legally described as LOT 1, SECTION 18, CLAYOQUOT DISTRICT, PLAN VIP57050.

**The property owner has applied for a Temporary Use Permit renewal to continue operation of a short term vacation rental in an accessory dwelling unit (cabin) for a term of three (3) years.**

### HOW CAN I LEARN MORE?

All related information, including background documents, report and permit, is available at the ACRD office and on the ACRD website at [www.acrd.bc.ca/events/26-7-2023/](http://www.acrd.bc.ca/events/26-7-2023/).

Planning staff can answer questions in person, through email, or by phone during regular office hours 8:00 am to 4:30 pm, Monday through Friday, excluding statutory holidays.

If you would like to watch the Board of Directors Meeting, you can do so in person at the ACRD

office, or electronically on our website at [www.acrd.bc.ca/events/26-7-2023/](http://www.acrd.bc.ca/events/26-7-2023/).

### PROVIDE INPUT!

Providing an opportunity for public input is a top priority for the ACRD. Written correspondence can be submitted by:

- Hard copy delivered to the ACRD office in person or by mail
- Email sent to [planning@acrd.bc.ca](mailto:planning@acrd.bc.ca)

Email submissions will only be considered received if receipt confirmation is provided by ACRD staff.

Written submissions must be received by **10:00 am on July 26, 2023**. Submissions provided after this time will not be considered by the Board before issuing the temporary use permit

Alternatively, if you wish to present your views to the Board in person, please contact Wendy Thomson, General Manager of Administrative Services, before **4:30 pm on July 20, 2023** at [admin@acrd.bc.ca](mailto:admin@acrd.bc.ca) or by phone at 250-720-2700.

### ASK US!

If you have questions or experience technical difficulties with website access, Planning staff are available to provide assistance during regular office hours 8:00 am to 4:30 pm, Monday through Friday, excluding statutory holidays. We can be reached at:

### Alberni-Clayoquot Regional District

Planning Department

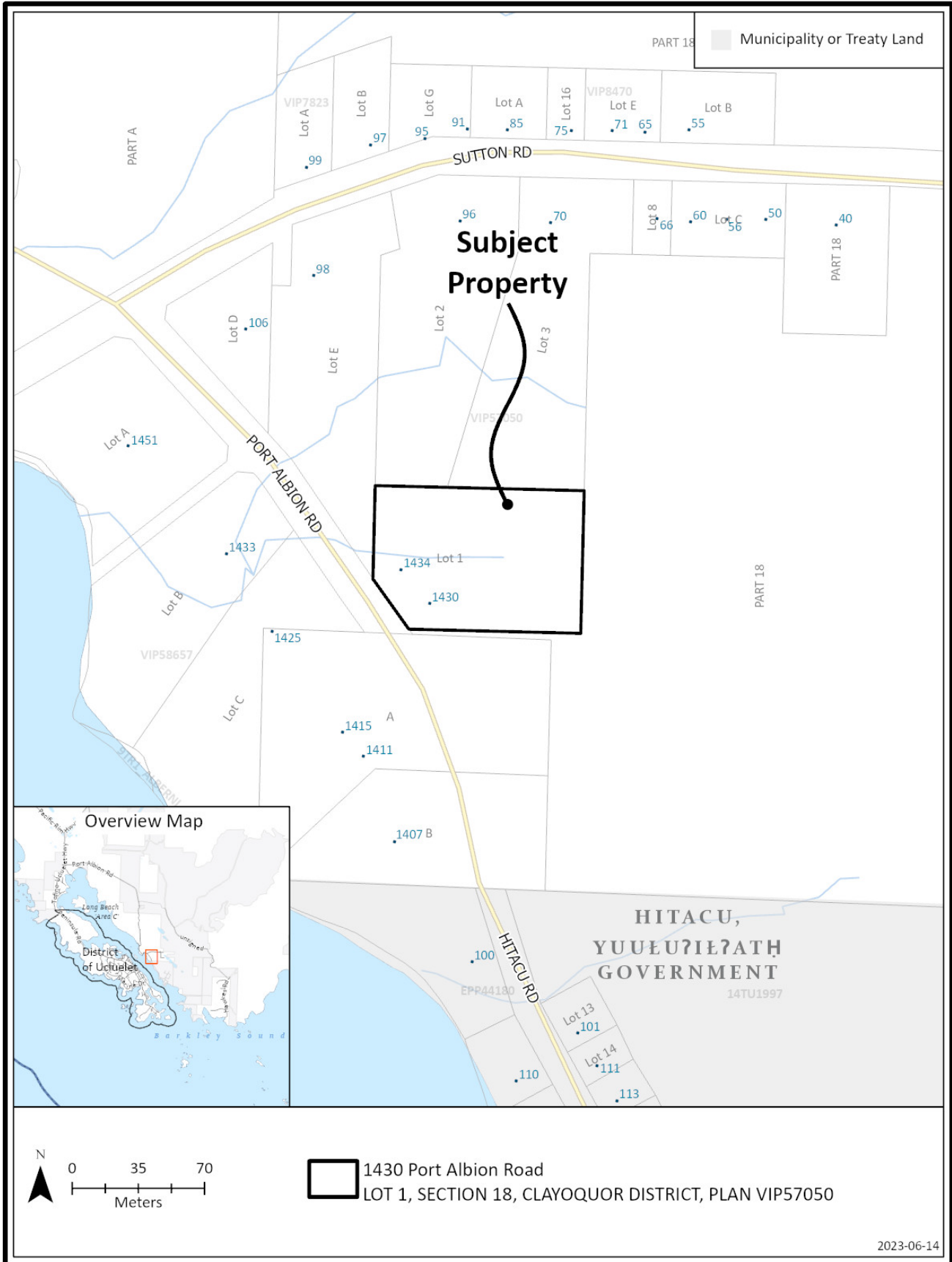
3008 Fifth Avenue

Port Alberni, BC V9Y 2E3

Phone: 250-720-2700

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

# SUBJECT PROPERTY MAP





# Alberni-Clayoquot Regional District

3008 Fifth Avenue, Port Alberni BC, CANADA V9Y 2E3

**PLANNING REPORT**  
Telephone (250) 720-2700 Fax (250) 723-1327

**To:** ACRD Board of Directors

**Meeting Date:** June 28, 2023

**From:** Amy Needham, Sustainability Planner

**File #:** PL20180053/TUP18012R

**Application Type:** Temporary Use Permit (TUP) Renewal

**Electoral Area:** 'C' Long Beach

**Development Proposal:** The property owners have applied for a TUP renewal to continue operation of a short term vacation rental in an accessory dwelling unit (cabin) located at 1430 Port Albion Road.

### Recommendation:

*THAT the Board of Directors consider issuing a three-year renewal of Temporary Use Permit TUP18012, subject to neighbouring properties being notified as per Local Government Act s. 494.*

**Advisory Planning Commission Recommendation:** The Long Beach APC reviewed this application at their meeting held June 20, 2023. A motion passed to support staff's recommendation with all in favour.

**Property Owner(s)/Applicant(s):** Tharen Taylor & Kristina Uher

### Property Information:

Civic Address	1430 Port Albion Road						
Legal Description	LOT 1, SECTION 18, CLAYOQUOT DISTRICT, PLAN VIP57050						
PID	018-359-108	Folio	3182.011	ALR? (Y/N)	No	Lot Size	0.8 ha (2 ac)
Current Zoning	Small Holdings (A1) District			Proposed Zoning	N/A		
Current OCP	Residential Use			Proposed OCP	N/A		
Development Permit Area(s)	DPA II – Freshwater Riparian Areas Protection						
Current Use & Description	The property is 0.8 ha (2 ac) in size and located at 1430 Port Albion Road. There is a cabin located next to the driveway at the south end of the property and the driveway wraps around to the cleared east end of the property where the single family dwelling is located. There is a manmade pond and drainage ditch in the vicinity of the house. Drainage is directed toward the natural watercourse on the west side of the driveway where it draws down a gully and eventually drains into a culvert under Port Albion Road and into the Ucluelet Inlet. Most of the property is treed apart from the driveway, a cleared area surrounding the house and shed and the septic field area located in the western portion of the property.						

Surrounding Zoning and Land Use			
North	Small Holdings (A1) District	South	Forest Rural (A3) District
East	Forest Rural (A3) District	West	Cottage Residential (RC) District

### PL20180053/TUP18012R

Members: City of Port Alberni, District of Ucluelet, District of Tofino, Yuułu?it?ath Government, Huu-ay-aht First Nations, Uchucklesaht Tribe, Toquaht Nation  
Electoral Areas "A" (Bamfield), "B" (Beaufort), "C" (Long Beach), "D" (Sproat Lake), "E" (Beaver Creek) and "F" (Cherry Creek)

**Services:**

- a) **Sewage Disposal:** Onsite sewage disposal. A new sewage system was installed in 2011 to accommodate both the single family dwelling and the cabin. The system is designed for a total of four bedrooms.
- b) **Water Supply:** Onsite water
- c) **Fire Protection:** None
- d) **Access:** From Port Albion Road.

**Planning Policy Discussion:**

- a) **Official Community Plan:** The South Long Beach OCP designates the property as ‘Residential Use.’ The Residential designation in the OCP supports a number of uses, including single family residential, bed and breakfast accommodation and a second dwelling subject to regulation by the ACRD Zoning Bylaw.

The OCP designates a Development Permit Area (DPA) that impacts development on this property: “Development Permit Area II – Freshwater Riparian Areas Protection.” This DPA is intended to minimize negative environmental impacts from development activities. The issuance of this TUP renewal will not trigger DPA requirements as it will not result in any new development.

***This proposal complies with the policies and objectives of the South Long Beach OCP.***

- b) **Zoning:** The property is zoned Small Holdings (A1) District. This zoning designation does not allow short term vacation rentals, but the proposed TUP renewal would address this non-compliance and allow the STR use to continue on a temporary basis.

	Current:	Proposed:
Minimum Lot Area (ha)	0.8	n/a
Minimum Lot Width (m)	50	n/a
Principal & Accessory Front Yard Setback (m)	7.6	n/a
Principal Side Yard Setback (m)	1.5	n/a
Principal Rear Yard Setback (m)	9	n/a
Accessory Side Yard Setback (m)	4.5	n/a
Accessory Rear Yard Setback (m)	4.5	n/a
Watercourse Setback (m)	30.5	n/a

Under Section 493 of the *Local Government Act*, the Regional District may issue a Temporary Use Permit, by resolution, in areas designated in an Official Community Plan. Where a TUP is designated in an OCP, the Regional District must give notice to the public in accordance with the requirements of the *Act*, which includes notifying the neighbouring property owners and tenants, and publishing a notice in the newspaper. The South Long Beach OCP was amended by Bylaw P1447 in April 2023, which increased the time period for which a Temporary Use Permit may be considered within the OCP area from two (2) years to three (3) years. The TUP renewal application is proposed to proceed for a three-year time period.

The original TUP was issued in 2018 and, in order to keep operating this short term rental, must now be renewed for up to three years. After this renewal time expires, the property owner must apply to rezone the property to allow for the continued use or discontinue the specified use. A Short Term Vacation Rental Temporary Use Permit Policy was adopted by the Board on January 24, 2018, which specifies regulatory areas, notification requirements, terms and renewals, criteria for evaluation, and conditions that the permit is subject to.

**PL20180053/TUP18012R**

***The intended use is not permitted by the current A1 zoning. If approved, the TUP renewal would allow continued operation of the STR, under specific conditions, for the three-year term of the renewal.***

**Comments:**

This TUP application is a renewal of TUP18019, issued in September 2018. The applicant wishes to continue the use of the accessory dwelling unit (ADU) as a short-term rental (STR). The applicant provided staff with all required documentation with their initial application, including a site plan, documents detailing sewer system capacity, and other relevant information that appear to satisfy policy conditions.

As the lot is heavily treed and the owners live on site, disturbance to neighbours is expected to be minimal. No neighbourhood issues have been raised with the ACRD during the time this short-term rental has been operating

Planning staff are supportive of the site continuing to be used as a STR and recommend proceeding with neighbour notification per Section 494 of the *Local Government Act*.

*Amy Needham*

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Submitted by: Amy Needham, P. Ag, Sustainability Planner

*Alex Dyer*

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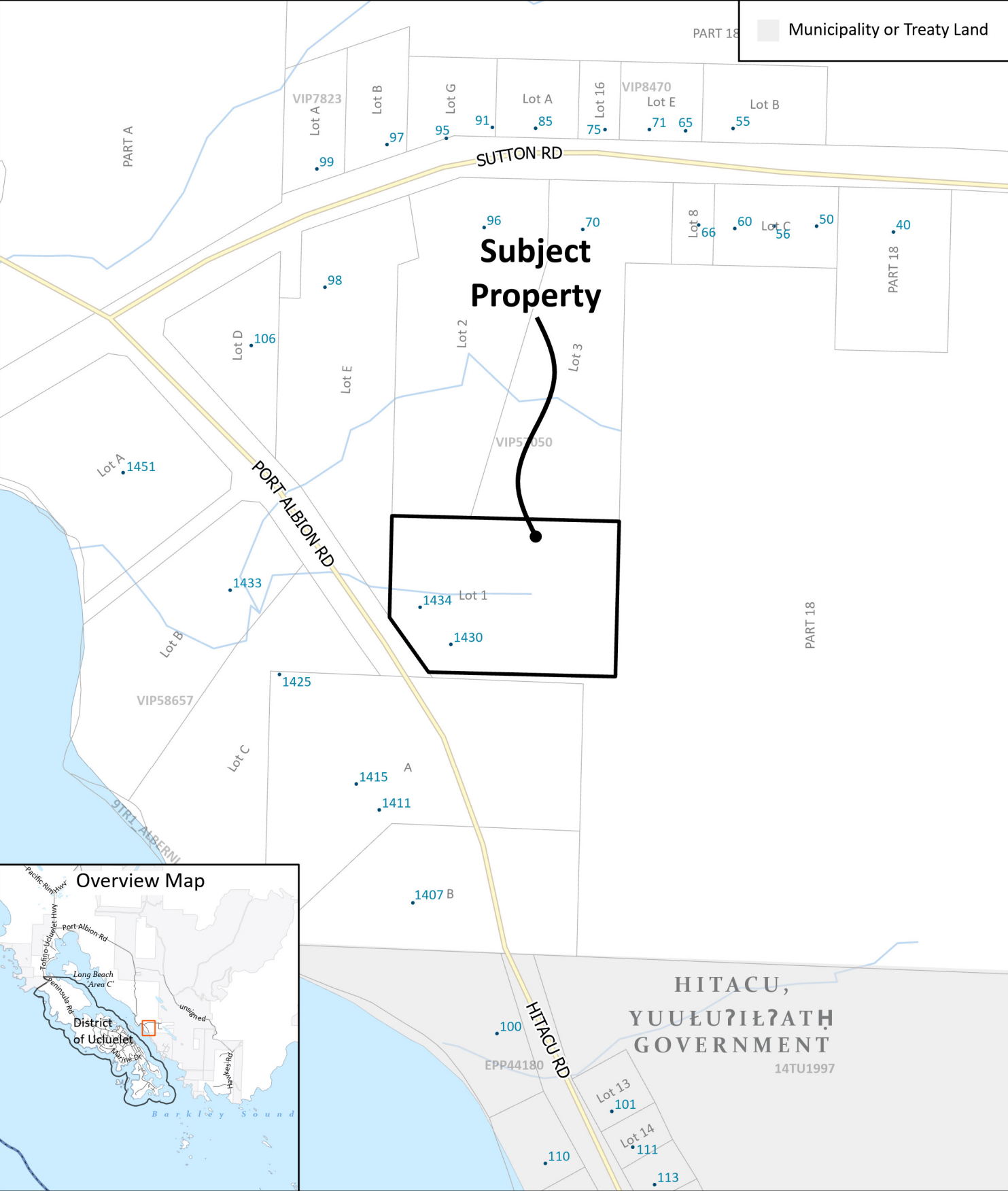
Reviewed by: Alex Dyer, MCIP, RPP, Planning Manager

*Daniel Sailland*

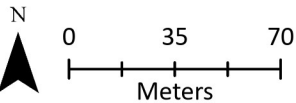
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Approved by: Daniel Sailland, MBA, Chief Administrative Officer

■ Municipality or Treaty Land



Overview Map

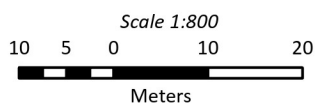



**1430 Port Albion Road**  
**LOT 1, SECTION 18, CLAYOQUOR DISTRICT, PLAN VIP57050**



1430 Port Albion Road  
LOT 1, SECTION 18, CLAYOQUOR DISTRICT, PLAN VIP57050

 Subject Property



Prepared 2023-06-14  
Sources: © OpenStreetMap  
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ParcelMapBC; GeoBC; ACRD

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# ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni BC, CANADA V9Y 2E3

Telephone (250) 720-2700 Fax (250) 723-1327

## TEMPORARY USE PERMIT NO. TUP18012R

Whereas, pursuant to Section 493 of the *Local Government Act*, a local government may by resolution, on application of a property owner, issue a temporary use permit;

A Temporary Use Permit renewal is hereby issued to:

**Name:** Kristina Uher and Tharen Taylor

**Address:** 1430 Port Albion Road

With respect to:

**Legal Description:** LOT 1, SECTION 18, CLAYOQUOT DISTRICT, PLAN VIP57050

**PID:** 018-359-108

The Regional District of Alberni-Clayoquot hereby issues a Temporary Use Permit renewal to Kristina Uher and Tharen Taylor with respect to the property legally described as LOT 1, SECTION 18, CLAYOQUOT DISTRICT, PLAN VIP57050 subject to the conditions as follows:

1. This permit is issued for the operation of a 1 bedroom short-term vacation rental unit at the subject property.
2. The rental unit is limited to the existing cabin on the subject property.
3. The rental unit shall not change the residential appearance of the single family dwelling.
4. The owner or a caretaker must reside on site during operation of the rental unit or be available within 20 minutes.
5. Contact information for the owner or caretaker and a copy of the TUP must be visible in a public location.
6. This permit is valid for three (3) years from the date of execution.
7. At the time this permit expires, the property owner must return the property to a use permitted under the current zoning or apply to rezone their property to a zone that permits the operation of a STR on a permanent basis or under certain parameters.
8. If the conditions of this permit are not met or if there is a change of ownership of the property, the ACRD may rescind or terminate the TUP.

In accordance with the provision of Section 493 of the *Local Government Act*, approval of this permit was given by resolution of the Regional District of Alberni-Clayoquot Board of Directors on , 2023.

This permit was issued under the seal of the Regional District of Alberni-Clayoquot on , 2023.

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Daniel Sailland, MBA  
Chief Administrative Officer

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Chair of the Regional Board

**TUP18012R/PL20180053**

Members: City of Port Alberni, District of Ucluelet, District of Tofino, Yuułuʔiłiʔatł Government, Huu-ay-aht First Nations, Uchucklesaht Tribe, Toquaht Nation  
Electoral Areas "A" (Bamfield), "B" (Beaufort), "C" (Long Beach), "D" (Sproat Lake), "E" (Beaver Creek) and "F" (Cherry Creek)



Site Pictures



Site Pictures



Site Pictures

