



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.

MEETING DETAILS

When: Wednesday, April 24, 2024 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.

WHAT'S THIS ABOUT?

File #: TUP20004R

Property Owners/Applicants: Joshua Dahling & Heather Mohan

The subject property is located at 5458 Highland Drive and is legally described as LOT 17 DISTRICT LOT 23 ALBERNI DISTRICT PLAN VIP79780.

The property owners have applied for a temporary use permit (TUP) to allow them to operate a short-term vacation rental (STR) in the lower level of their home.

HOW CAN I LEARN MORE?

All related information, including background documents, report and permit, is available at the ACRD office and linked as supplementary information on the ACRD website at www.acrd.bc.ca/events/24-04-2024/.

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 attend 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/24-04-2024/.

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

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

Written submissions must be received by **4:30 pm on April 23, 2024.**

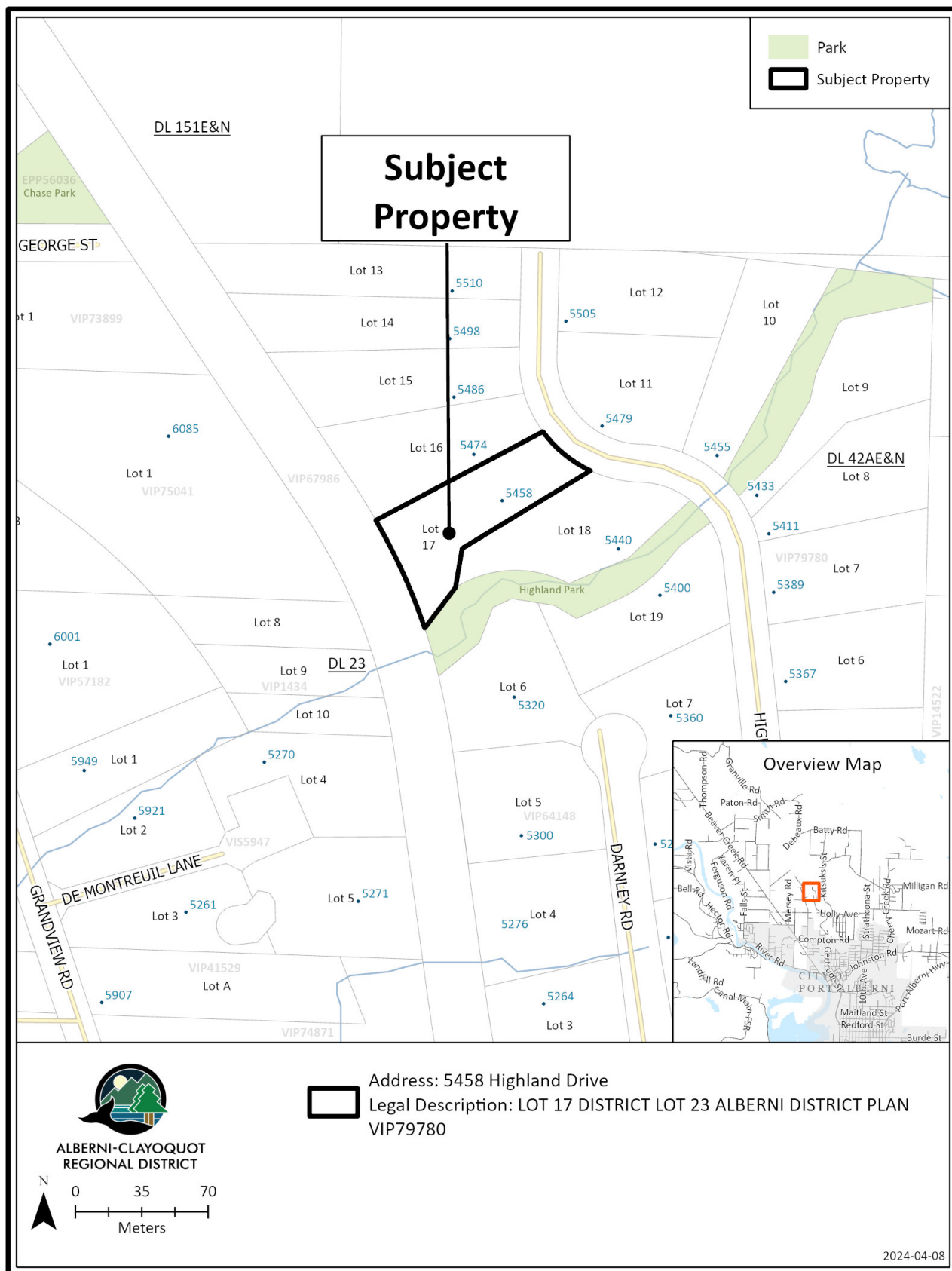
Alternatively, if you wish to appear as a delegation to present your views to the Board in person, please fill out the Delegation Request Form on the ACRD website at www.acrd.bc.ca/delegation and submit the completed form by **12:00 pm on Thursday, April 18, 2024.** For further information or assistance with the Delegation Request Form contact us 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 Ave, Port Alberni, BC V9Y 2E3
Phone: 250-720-2700
Email: planning@acrd.bc.ca

SUBJECT PROPERTY MAP





To: ACRD Board of Directors

Meeting Date: March 13, 2024

From: Brooke Eschuk, Jr. Planner

File #: PL20230064/TUP20004R

Application Type: Temporary Use Permit Renewal

Voting Structure: Electoral Area Directors

Electoral Area: "E" Beaver Creek

Subject: Short Term Rental Temporary Use Permit Renewal Application – 5458 Highland Drive (Dahling/Mohan)

Recommendation: *THAT the Board of Directors consider issuing TUP20004R subject to public notification as per the Local Government Act s. 494.*

Development Proposal: The property owners have applied to renew a temporary use permit issued in May 2021 to allow for the continued operation of a short term rental located in the lower level of their home located at 5458 Highland Drive.

Advisory Planning Commission (APC) Recommendation: The Beaver Creek APC reviewed the application at their February 26, 2024 meeting where the APC passed a recommendation to support the application as presented.

Property Owner(s)/Applicant(s): Joshua Dahling and Heather Mohan

Property Information:

Civic Address	5458 Highland Drive						
Legal Description	LOT 17, PLAN VIP79780, DISTRICT LOT 23, ALBERNI LAND DISTRICT						
PID	026-502-194	Folio	855.077	ALR? (Y/N)	N	Lot Size (ha)	0.4

Current Zoning	Acreage Residential (RA2) District	Proposed Zoning	n/a
Current OCP	Residential Use	Proposed OCP	n/a
Development Permit Area(s)	n/a		
Current Use & Description	The parcel is surrounded by properties designated as Residential Use by the Beaver Creek Official Community Plan and zoned RA2. The property is the applicant's primary residence. An Accessory Dwelling Unit (ADU) located within the lower level of the three-level home is used as a short term rental under a current TUP.		

Surrounding Zoning and Land Use			
North	Residential (RA2) District	South	Highland Drive Park area surrounding Greig Creek zoned Park and Public Use (P2) District
East	Residential (RA2) District	West	E&N Railway Right-of-Way

PL20230064/TUP20004R

Alberni-Clayoquot Regional District | 3008 Fifth Avenue, Port Alberni, BC V9Y 2E3 | 250.720.2700 | www.acrd.bc.ca

Serving Port Alberni, Tofino, Ucluelet, Treaty First Nations: Huu-ay-aht, Yuułu?iḡath, Uchucklesaht Tribe Government, and Toquaht Nation, and Six Electoral Areas: "A" (Bamfield), "B" (Beaufort), "C" (Long Beach), "D" (Sproat Lake), "E" (Beaver Creek) and "F" (Cherry Creek).

Services:

- a) **Sewage Disposal:** On-site septic system. A letter from a Registered On-site Wastewater Practitioner dated 2020, confirms the system has been appropriately constructed and installed given the size and current/projected demand from the primary residence. The septic system was installed when the house was constructed in 2008.
- b) **Water Supply:** The property is serviced by the Beaver Creek Community Water System.
- c) **Fire Protection:** The parcel is within the Beaver Creek Fire Protection Area.
- d) **Access:** Access to the property is off Highland Drive. The Short Term Rental (STR) shares a driveway and parking area with the single family dwelling. The ADU has secure, private access directly to the unit that is separate from the remainder of the house and available to the renters.

Planning Policy Discussion:

- a) **Official Community Plan:** The Beaver Creek Official Community Plan (OCP) designated this property as “Residential Use”. Section 3.2.8 permits one accessory Dwelling Unit (ADU) on all lots in all designations where the principal use is single-family dwelling, not less than 0.4 ha in size and satisfies all building code, and health requirements. Section 3.2.10 of the Beaver Creek Official Community plan allows for the issuance of Temporary Use Permits in appropriate areas within all land use designations in accordance with section 493 of the *LGA*.

The Beaver Creek OCP allows the issuance of a TUP to allow for the short term rental use for a period of up to three years. A TUP renewal may be issued to allow for the continued operation of a short term rental.

- b) **Zoning:** The property is zoned Acreage Residential (RA2) District. This zoning designation does not allow short term vacation rentals. The proposed TUP renewal would allow the STR use to continue on a temporary basis under specific conditions. The Short-Term Rental Temporary Use Permit policy was adopted by the ACRD Board of Directors in 2018. The policy specifies regulatory areas, notification requirements, terms and renewals, criteria for evaluation, and provides guidelines for the conditions that may apply to the permit.

Where a Temporary Use Permit is considered within an area designated in an OCP, the Regional District must give notice to the public in accordance with the requirements of the *Act* and the Development Procedures Bylaw, which includes notifying the neighbouring property owners and residents within 100 metres of the property and publishing a notice in the newspaper. Within the Beaver Creek OCP area, a TUP can be issued for up to 3 years and renewed upon application by the property owner. After the expiry of the TUP, the property owner must apply to rezone the property to allow for the continued STR use or discontinue the use.

This proposal does not comply with the ACRD zoning bylaw. A TUP may be reissued to allow for the continued STR use subject to the conditions outlined in the TUP..

Temporary Use Permit conditions: The Temporary Use Permit to operate the existing Accessory Dwelling Unit as a Short Term Rental may be subject to the following conditions and any other conditions that the ACRD Board of Directors deems appropriate at the time of issuance:

1. This permit is issued for the operation of a two (2) bedroom short term vacation rental (STR) unit within the existing single family dwelling located at the subject property.
2. A maximum occupancy of two (2) persons per bedroom shall be permitted when the dwelling unit is

- being occupied as an STR.
3. The rental unit is limited to the Accessory Dwelling Unit within the single family dwelling.
 4. The rental use of the property shall not change the residential appearance of the single family dwelling.
 5. The owner or a caretaker must live on-site or be available within 20 minutes.
 6. Contact information for the owner or caretaker and a copy of the TUP must be visible in a public location.
 7. This permit is valid for three (3) years from the date of execution.
 8. At the time this permit expires, the property owner may apply to rezone the property or return the property to the original use permitted under the current zoning.
 9. 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.

Comments: The applicants were issued a TUP to operate a Short Term Rental in May 2021. The permit is valid until May 2024 and the applicants have applied for the renewal to continue the use. To date, the ACRD has not received any complaints regarding the operation of the STR. The application generally complies with the guidelines set out in the STR TUP policy provided the proposed TUP conditions of use are followed.

As part of the original TUP application in 2020, the applicants provided the following documents to support their application:

- A building permit, issued January 18, 2021, for alterations to the suite and for the legalization of the existing basement suite as an Accessory Dwelling Unit in compliance with the Zoning Bylaw and the Building Bylaw.
- Registered On-Site Wastewater Practitioner assessment, dated November 3, 2020, that confirms that the 2008 system is appropriate given the size and demand from the house and that the system is functioning as expected.
- Site plan for the single family dwelling indicating that the location of the house complies with the required setbacks in the RA2 District.

Staff recommend that the ACRD Board consider renewing Temporary Use Permit TUP20004R, subject to neighbouring properties being notified as per *Local Government Act, 494*. The rental of a portion of the dwelling in which the property owners reside provides an opportunity for a short term rental use that does not reduce housing availability within the community and mitigates potential nuisance concerns.

Alex Dyer

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

Cynthia Dick

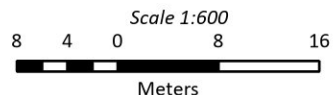
Reviewed by: Cynthia Dick, General Manager of Administrative Services





Daniel Sailland

Approved by: Daniel Sailland, MBA, Chief Administrative Officer



5458 Highland Drive
 LOT 17, PLAN VIP79780, DISTRICT LOT 23, ALBERNI
 LAND DISTRICT



-  Subject Property
-  Parcel Map BC Cadastre
-  AV Stream Atlas
-  Park



Prepared 2023-12-05
 Sources: © OpenStreetMap
 (and) contributors, CC-BY-SA;
 ParcelMapBC; GeoBC; ACRD

This product is intended for general reference use only and should not be used for navigation or legal purposes.

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MR. RICHARD PREVOST,
1750 FAIRDOWNE ROAD,
ERRINGTON, B.C.
V0R 1V0

DEAR SIR:

RE: HOUSE UNDER CONSTRUCTION ON LOT 17, D.L. 23, ALBERNI DIST., PLAN VP-79780,
5458 HIGHLAND DRIVE.
(PREVOST).
OUR FILE NO. :- 15,184.

SITE CERTIFICATE

ACRES+POLLOCK

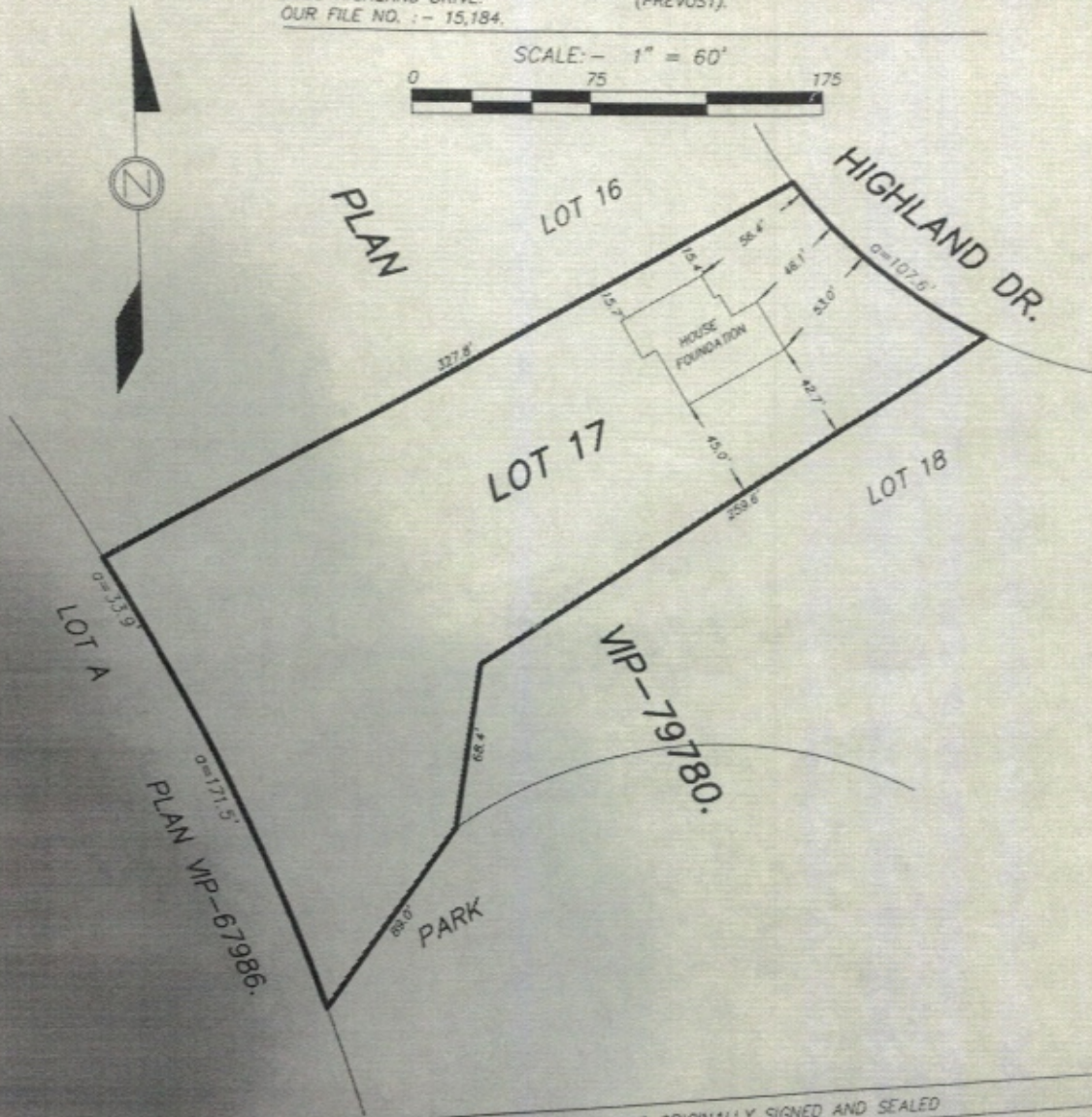
BRITISH COLUMBIA LAND SURVEYORS

SUB-DIVISION DESIGN

LEGAL, TOPOGRAPHICAL, RIGHT-OF-WAY AND FORESHORE SURVEYS

4710 ROGER STREET,
PORT ALBERNI, B.C.
V9Y 3Z2

250-723-5412 (phone)
250-723-1500 (fax)



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CERTIFIED CORRECT THIS 24TH DAY OF APRIL, 2008.

[Signature] B.C.L.S.

NOTE: - The measurements shown are the shortest distances between the FOUNDATION of the building and the adjacent boundaries of the parcel. This document is not intended for property line re-establishment and we accept no responsibility for unauthorized use.









