



June 15, 2023

LONG BEACH ADVISORY PLANNING COMMISSION

A meeting has been scheduled for **Tuesday, June 20th, 2023 at 7:00 pm.**

Please find enclosed the following applications for your review and consideration:

- RC23003 – 2401 Grant Avenue (Bialous & Lipsztajn)
- TUP18012R – 1430 Port Albion Road (Uher)
- TUP18019R – 70 Sutton Road (MacDonald)
- TUP18012R – 244 Albion Crescent (Maltby)

Your recommendations will be provided to the Board of Directors at the June 28th, 2023 Board meeting.

If you have any questions or need additional information, please reach out to the ACRD Planning Department.

Phone: 250-720-2700

Email: planning@acrd.bc.ca



To: ACRD Board of Directors

Meeting Date: June 28, 2023

From: Amy Needham, Sustainability Planner

File #: RC23003/PL20230019

Application Type: Rezoning

Electoral Area: "C" Long Beach

Subject: Rezoning application RC23003 – 2401 Grant Ave. (Bialous & Lipsztajn)

Recommendation:

THAT the Board of Directors consider first reading of Bylaw P1478, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw at a future date, and that notice be given in accordance with section 467 of the Local Government Act.

THAT the Board of Directors confirm that adoption of Bylaw P1478 is subject to:

- a. Confirmation from a Registered On-Site Wastewater Practitioner that the property is capable of accommodating on-site sewage disposal for a single family dwelling and up to four cottages;*
- b. Confirmation of adequate water on-site to service a single family dwelling and up to four cottages;*
- c. Meeting technical referral agency requirements.*

Note: If the Board wishes to proceed with the public hearing process, the appropriate motion would be:

THAT Bylaw P1478, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw be read a first time;

THAT the public hearing for Bylaw P1478 be delegated to the Director for Electoral Area 'C', the Alternate Director or the Chairperson of the Regional District;

THAT the Board of Directors confirm that adoption of Bylaw P1478 is subject to:

- a. Confirmation from a Registered On-Site Wastewater Practitioner that the property is capable of accommodating on-site sewage disposal for a single family dwelling and up to four cottages;*
- b. Confirmation of adequate water on-site to service a single family dwelling and up to four cottages;*
- c. Meeting technical referral agency requirements.*

Development Proposal: The property owners are applying to rezone their 1.1 hectare (2.7 acre) parcel located at 2401 Grant Avenue in the Millstream Area of Long Beach from Small Holdings (A1) District to Cottage Residential (RC-2) District to accommodate construction of a principal dwelling and an additional cabin.

Advisory Planning Commission Recommendation: This application will be considered by the Long Beach Advisory Planning Commission (APC) at their June 20, 2023 meeting. The APC recommendation will be included in this report following the meeting.

Property Owner(s)/Applicant(s): Kamil Bialous & Urszula Lipsztajn

PL20230019/RC23003

Property Information:

Civic Address	2401 Grant Avenue						
Legal Description	LOT 2, DISTRICT LOT 468, CLAYOQUOT DISTRICT, PLAN 1692						
PID	007-109-491	Folio	3445.000	ALR? (Y/N)	No	Lot Size	1.1 ha (2.7 ac)

Current Zoning	Small Holdings (A1) District	Proposed Zoning	Cottage Residential (RC-2) District
Current OCP	Residential Use	Proposed OCP	N/A

Development Permit Area(s)	DPA III – Coastal Riparian Areas Protection DPA IV – Natural Hazard Areas Protection
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Current Use & Description The 1.1 ha (2.7 acre) property is located on the north end of the Ucluelet Inlet. There is an unbuilt portion of road right-of-way along the western border of the property to allow for the future development of Grant Avenue. The property is mostly treed apart from the area cleared for the existing improvements.

There is one (1) cabin and two (2) accessory buildings on the property which were constructed in 2021. The buildings adhere to the 30 m ocean natural boundary setback and a geotechnical assessment by Lewkowich Engineering Associates that recommends a flood construction level of 8.95 meters for all habitable spaces. There is a covenant registered to the property which intends to ensure that flood and tsunami safety is incorporated into future construction and that appropriate rezoning occurs before future construction begins.

Surrounding Zoning and Land Use

North	Small Holdings (A1) District	South	Two Family Residential (R2) District
East	Forest Rural (A3) District – Ucluelet Inlet	West	Small Holdings (A1) District

Services:

- a) **Sewage Disposal:** On-site sewage disposal system. A new septic system was installed in 2020 to accommodate the sewage disposal capacity for a single family dwelling and up to four cottages.
- b) **Water Supply:** On-site water. The property owners submitted a report that estimates the well output at 75 L/minute.
- c) **Fire Protection:** South Long Beach Fire Protection Service Area (under agreement with the District of Ucluelet Fire Department).
- d) **Access:** The property is accessed off Grant Avenue which is a mostly unbuilt road that connects to Albion Crescent. The current buildings on the property are accessed by private driveway.

Planning Policy Discussion:

- a) **Official Community Plan:** The South Long Beach Official Community Plan designates the property as “Residential Use” which permits single-family homes, cottage residential, mobile homes, group homes, home-based businesses and home industry. The property is affected by two Development Permit Areas – DPA III for Coastal Riparian Areas Protection and DPA IV for Natural Hazard Areas Protection. Development permits may be required at the building permit stage, depending on final lot layout for the principal dwelling and additional cottage.

PL20230019/RC23003

This proposal complies with the policies and objectives of the South Long Beach OCP. No development permit requirement is triggered by the rezoning proposal.

- b) Zoning:** This parcel is currently zoned Small Holdings (A1) District, which has a minimum allowable lot size of 0.8 ha (2 acres) and allows one principal dwelling unit and one accessory dwelling unit (ADU) on properties greater than 1 acre in size. Rezoning to Cottage Residential (RC-2) District will allow one principal dwelling and up to four cottages on the property.

	Current:	Proposed:
Minimum Lot Area (ha)	0.8	0.404
Minimum Lot Width (m)	50	27
Principal & Accessory Front Yard Setback (m)	7.6	12
Principal Side Yard Setback (m)	1.5	4.5
Principal Rear Yard Setback (m)	9	9
Accessory Side Yard Setback (m)	4.5	0.91
Accessory Rear Yard Setback (m)	4.5	0.91

This proposal requires a rezoning of the subject property from Small Holdings (A1) District to Cottage Residential (RC-2) District to facilitate the proposed construction of a principal dwelling unit and an additional cabin.

Comments: Rezoning is the first step in the applicant’s proposal to construct a principal dwelling unit and an additional cabin on the subject property. If the rezoning application proceeds, the following items would need to be addressed at the building permit stage:

- Issuance of a development permit for Coastal Riparian Areas Protection if building occurs within the DPA III (30 meters of the natural boundary of the ocean).
- Issuance of a development permit for Natural Hazard Areas Protection for tsunami inundation if building occurs at an elevation less than 20 meters above the natural boundary of the ocean.
- Submission of building plans accounting for the Flood Construction Level of 8.95 m established by the geotechnical report drafted by Lewkowich and Associates on June 14, 2019.
- Provision of a minimum of one (1) off-street parking space per dwelling unit and cottage.

A text amendment (Bylaw P1477) to the zoning bylaw has been drafted to create the Cottage Residential (RC-2) District that would align the permitted uses and conditions of use with the existing RC District but would increase the minimum lot size to 0.4 hectare (1 acre) in order to comply with the South Long Beach OCP.

The proposed cottage use complies with the policies and objectives of the Residential Use designation in the South Long Beach OCP. The rezoning provides an opportunity to provide cottages for short term vacation rentals and seasonal staff accommodation while maintaining permanent accommodation for the property owner and their family and not removing any housing stock from the community. Staff recommend that the Board consider first reading of Bylaw P1478 at a future date, and that neighbour notification be provided.

PL20230019/RC23003

Amy Needham

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

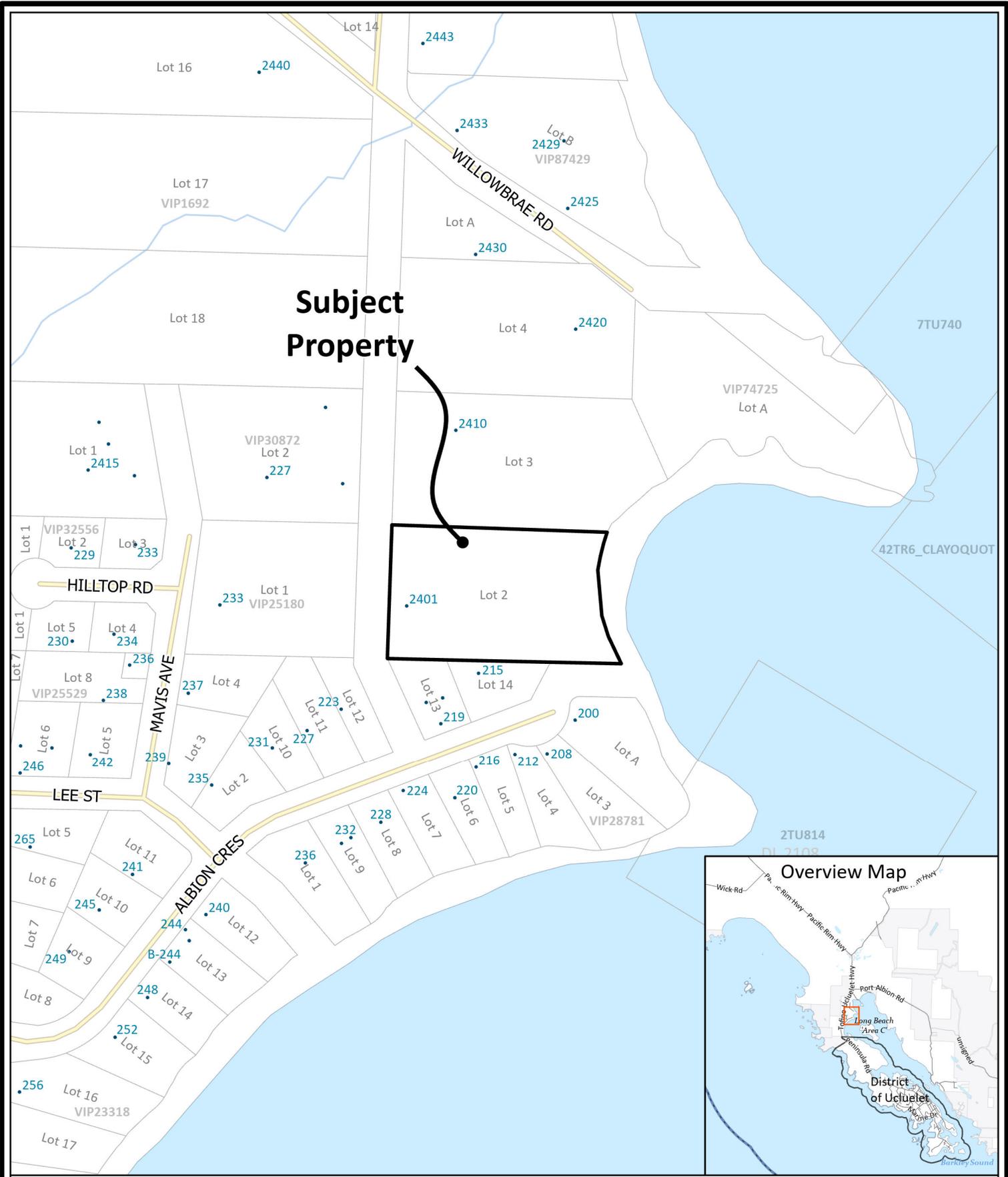
Alex Dyer

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

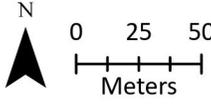
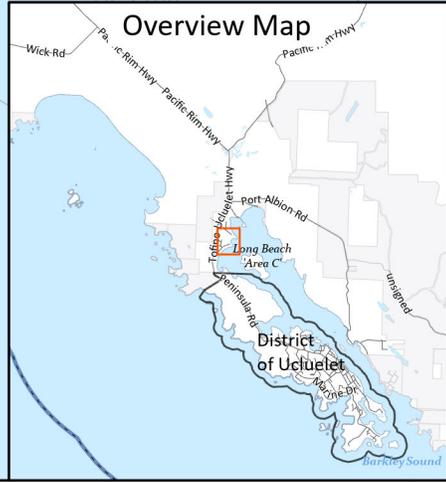
Approved by: Daniel Sailland, MBA, Chief Administrative Officer

PL20230019/RC23003

Members: City of Port Alberni, District of Ucluelet, District of Tofino, Yuułuʔiłʔatḥ 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)



Subject Property

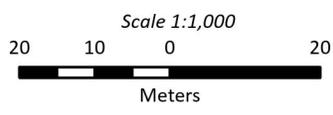


 LOT 2, DISTRICT LOT 468, CLAYOQUOT DISTRICT, PLAN 1692



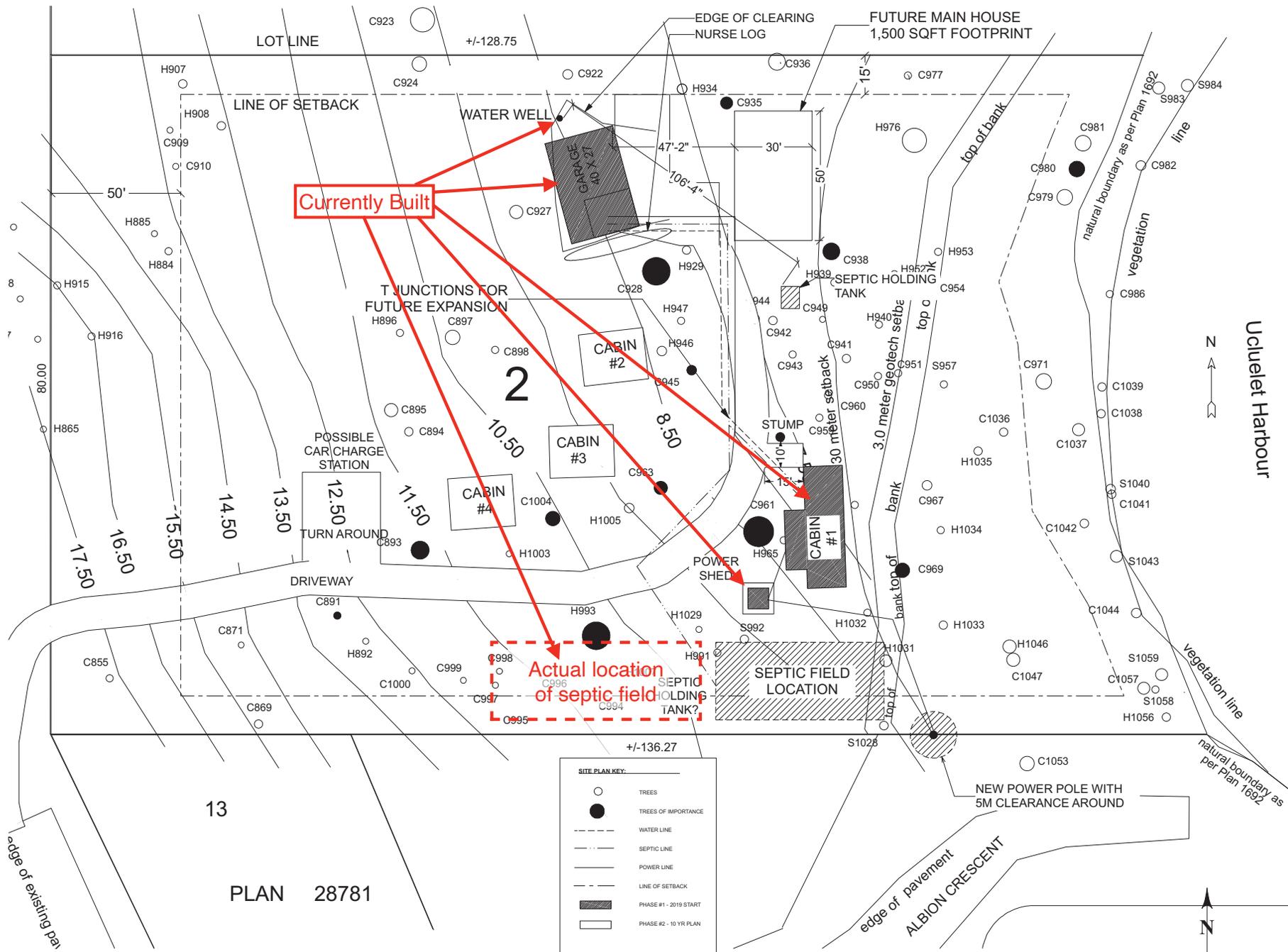
2401 Grant Ave
LOT 2, DISTRICT LOT 468, CLAYOQUOT DISTRICT, PLAN 1692

 Subject Property



Prepared 2023-06-07
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ParcelMapBC; GeoBC; ACRD

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PLAN 28781

SITE PLAN KEY:

○	TREES
●	TREES OF IMPORTANCE
---	WATER LINE
- - -	SEPTIC LINE
—	POWER LINE
- - -	LINE OF SETBACK
▨	PHASE #1 - 2019 START
□	PHASE #2 - 10 YR PLAN

PEACE CABIN
2401 GRANT AVE
UCLULET, BC V0R 3A0

PROJ:	PEACE
DRAWN:	JPF
SHEET SIZE:	24X36
DATE:	05-05-2020
REVISIONS:	

FOR:	CONSTRUCTION
SHEET TITLE:	PLANS SITE

SCALE: 1/16" = 1'-0"
SHEET NUMBER: **A1.01**

Picture of existing cabin; the second cabin will be the same



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. P1477

OFFICIAL ZONING TEXT AMENDMENT

A bylaw of the Regional District of Alberni-Clayoquot to amend Bylaw No. 15, being the “Regional District of Alberni-Clayoquot Zoning By-law No. 15, 1971”.

WHEREAS the *Local Government Act* authorizes the Regional Board to amend a zoning bylaw after a public hearing and upon the affirmative vote of the directors in accordance with Sections 464, 465, 470 and 479 of the *Local Government Act*;

AND WHEREAS the Board of Directors of the Regional District of Alberni-Clayoquot, in open meeting assembled, enacts the following amendment to the text of the Regional District of Alberni-Clayoquot Zoning By-law No. 15, 1971:

1. TITLE

This bylaw may be cited as the Regional District of Alberni-Clayoquot Zoning Text Amendment Bylaw No. P1477.

2. Bylaw No. 15 of the Regional District of Alberni-Clayoquot is hereby amended by:

- a. Adding section “110F Cottage Residential (RC-2) District” and subsections to read as follows:

110F Cottage Residential (RC-2) District

This district provides for small scale cottage development, compatible with residential neighbourhoods, and primarily intended to provide temporary accommodation on a short term basis to visitors and seasonal workers.

110F.1 Uses Permitted

- (1) One single family dwelling
- (2) Cottages, subject to section 110F.2, below
- (3) Home occupations, subject to section 6.7
- (4) Accessory buildings and uses subject to Section 6.5

110F.2 Conditions of Use

- (1) For single family dwellings, the minimum floor area on the main floor shall be 83.6 square metres (900 square feet).
- (2) For cottages, the minimum floor area on the main floor shall be 27.8 square metres (300 square feet) and the maximum floor area on the main floor shall be 46.5 square metres (500 square feet).
- (3) No cottage shall be constructed within a required front, rear or side yard.
- (4) There shall be a separation distance of at least 9.14 metres (30 feet) between

cottages and between cottages and a permitted single family dwelling on the same legal parcel.

- (5) There shall be a maximum of five units per legal parcel or a density of one unit per 1,000 square metres (10,763 square feet) of lot area, whichever is the lesser. For the purposes of this section, a “unit” refers to both single family dwellings and cottages.
- (6) In no circumstances shall Section 110F apply to any lot not having a single family dwelling constructed and located thereon; nor shall Section 110F apply to any lot less than 2 acres in area having 2 separate single family dwellings constructed and located thereon by virtue of Section 6.1(3) or Section 6.5(2)(h) of the Bylaw 15.
- (7) For clarity, cottages permitted under Section 110F.1(2) are intended to be occupied on a short term temporary basis only by transient visitors. Cottages are not intended to be occupied as the permanent residence of one or more persons.

b. By amending Section 200, Schedule II – Bulk and Site Regulations, to include the following line item:

Zoning District or Use	Minimum Lot Width (feet)	Minimum Lot Area	Maximum Lot Coverage	Minimum Setbacks (Feet)			Maximum Height (feet)
				Front	Rear	Side	
RC-2	90	1 acre	30%	40	30	15	35

c. By amending Section 4.3, Interpretation, to include “RC-2” on the line that references “R districts.”

d. By amending Section 5.1, Designation of Districts, to include “110F Cottage Residential (RC-2) District” in the Residential Section.

3. This bylaw shall come into force and take effect upon the adoption thereof.

Read a first time this day of , 2023
 Public hearing held this day of , 2023
 Read a second time this day of , 2023
 Read a third time this day of , 2023

Adopted this day of , 2023

Daniel Sailland, MBA, CAO

Chair of the Regional Board



A BYLAW TO AMEND THE REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT ZONING BYLAW NO. 15, 1971

WHEREAS the *Local Government Act* authorizes the Regional Board to amend a zoning bylaw after a public hearing and upon the affirmative vote of the directors in accordance with Sections 464, 465, 470 and 479 of the *Local Government Act*;

AND WHEREAS an application has been made to rezone a property;

AND WHEREAS the Board of Directors of the Regional District of Alberni-Clayoquot, in open meeting assembled, enacts the following amendment to the Official Zoning Atlas of the Regional District of Alberni-Clayoquot Zoning Bylaw No. 15, 1971:

1. TITLE

This bylaw may be cited as the Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw P1478.

2. Bylaw No. 15 of the Regional District of Alberni-Clayoquot is hereby amended by rezoning: LOT 2, DISTRICT LOT 468, CLAYOQUOT DISTRICT, PLAN 1692 from Small Holdings (A1) District to Cottage Residential (RC-2) District as shown on Schedule 'A' which is attached to and forms part of this bylaw.

3. This bylaw shall come into force and take effect upon the adoption thereof.

Read a first time this day of , 2023

Public hearing held this day of , 2023

Read a second time this day of , 2023

Read a third time this day of , 2023

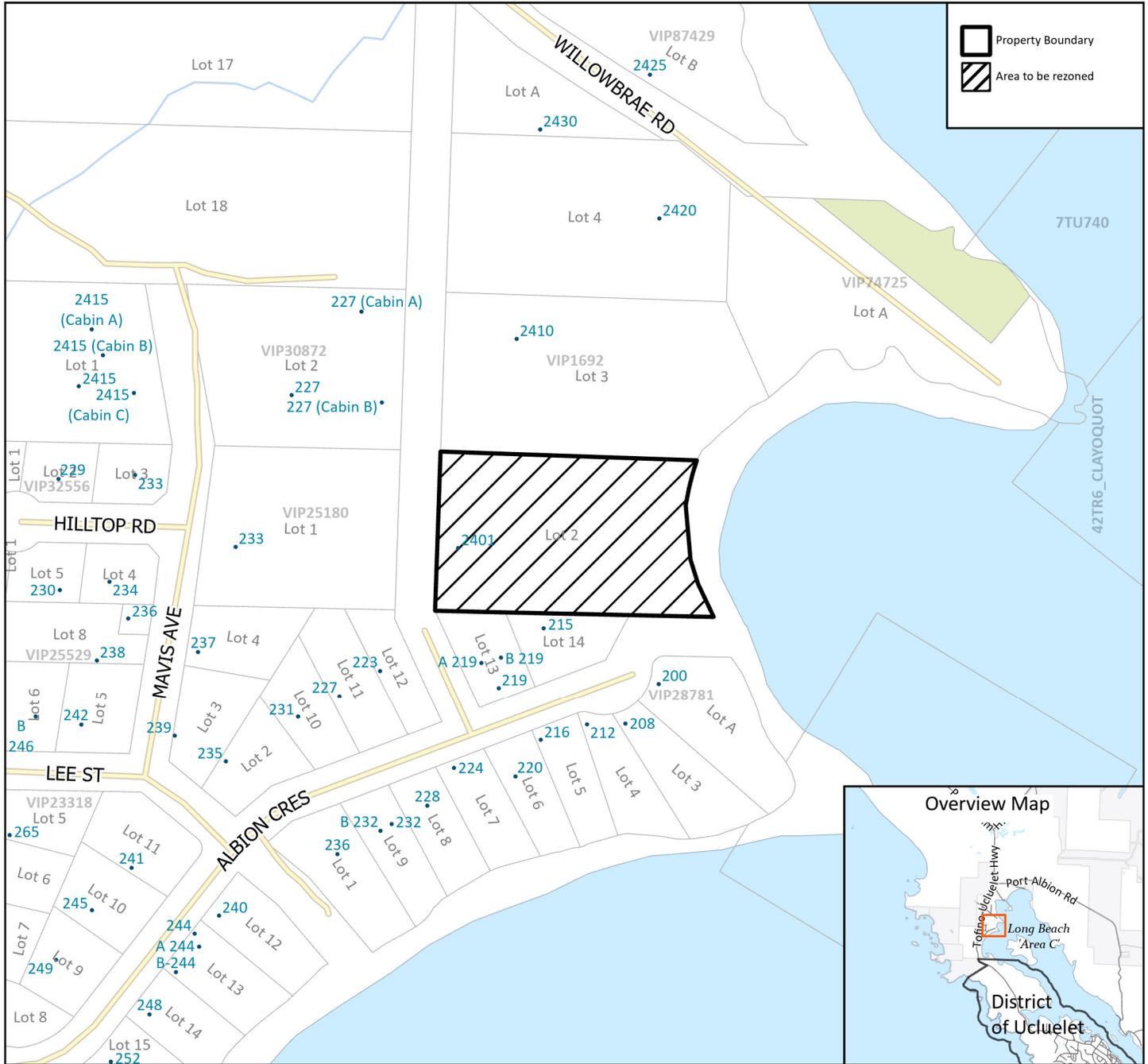
Adopted this day of , 2023

Corporate Officer

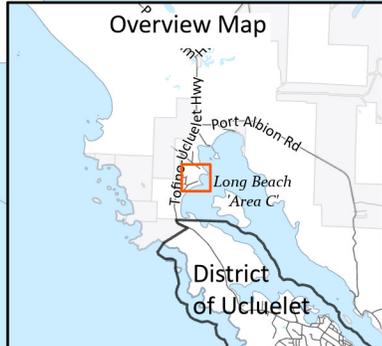
Chair of the Regional Board

Schedule 'A'

This schedule is attached to and forms part of Bylaw No. P1478, Zoning Atlas Amendment Bylaw, 2023

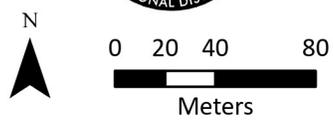


Property Boundary
Area to be rezoned



Legal description: LOT 2, DISTRICT LOT 468, CLAYOQUOT DISTRICT, PLAN 1692

To be rezoned from Small Holdings (A1) District to Cottage Residential (RC-2) District.





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 19, 2023. Their recommendation will be included in this report after the meeting.

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
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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.
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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

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

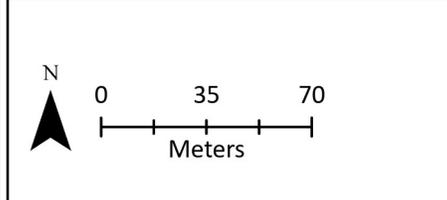
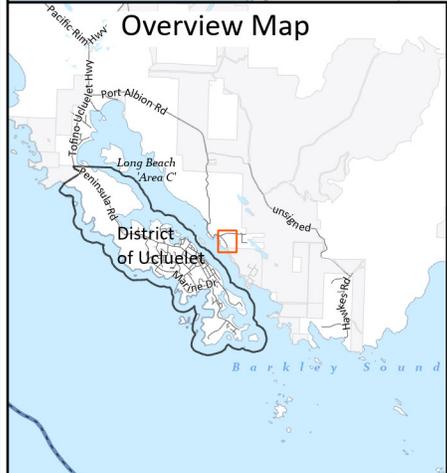
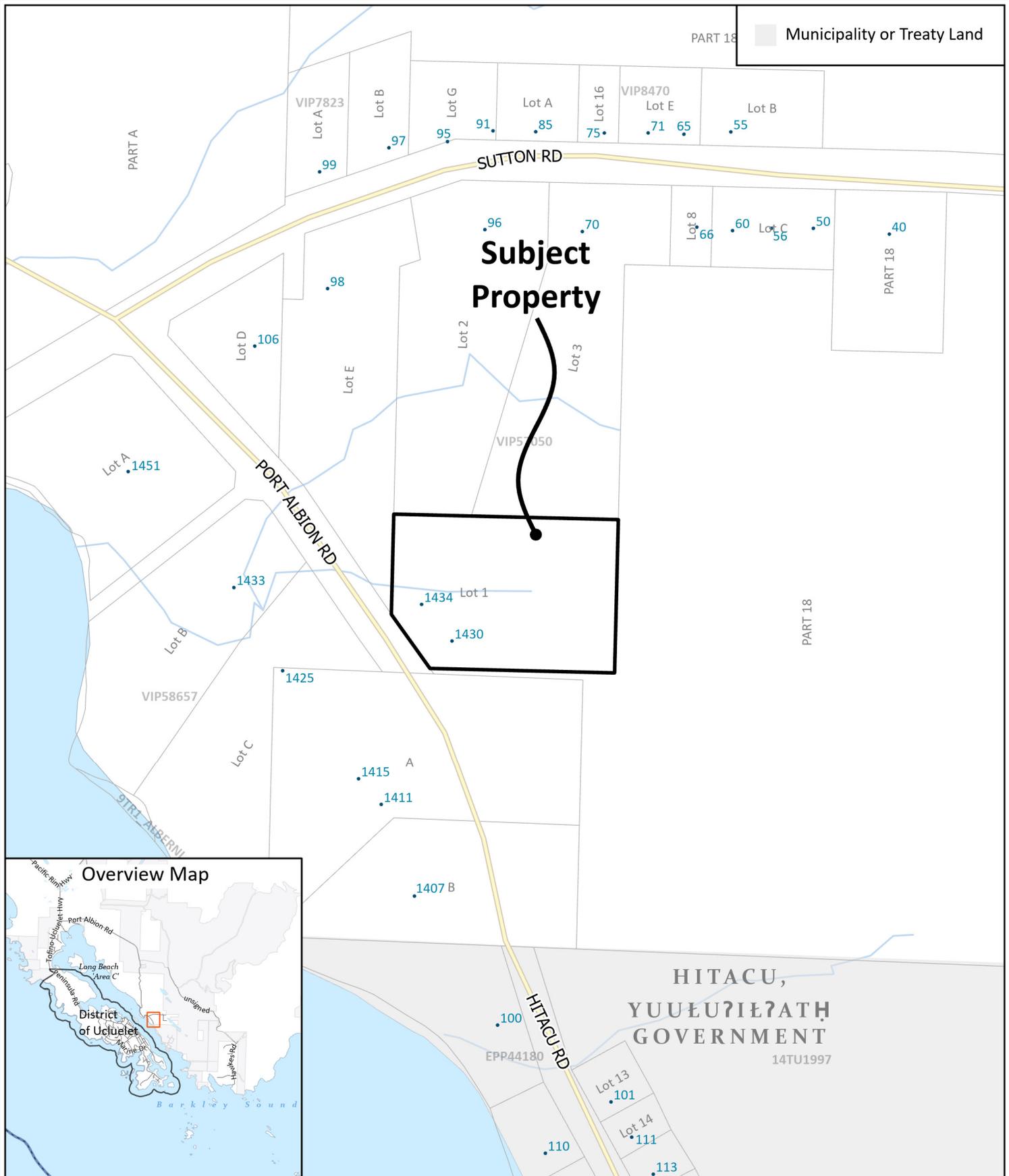
Submitted by: Amy Needham, P. Ag, Sustainability Planner

Alex Dyer

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

Approved by: Daniel Sailland, MBA, Chief Administrative Officer

■ Municipality or Treaty Land

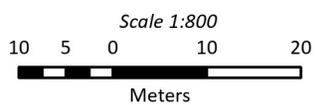


1430 Port Albion Road
 LOT 1, SECTION 18, CLAYOQUOR DISTRICT, PLAN VIP57050



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

 Subject Property



Prepared 2023-06-14
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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.

Daniel Sailland, MBA
Chief Administrative Officer

Chair of the Regional Board

TUP18012R/PL20180053

Members: City of Port Alberni, District of Ucluelet, District of Tofino, Yuułuʔiłiʔath 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





To: ACRD Board of Directors

Meeting Date: June 28, 2023

From: Amy Needham, Sustainability Planner

File #: PL20180086/TUP18019R

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 a portion of a single family dwelling located at 70 Sutton Road.

Recommendation:

THAT the Board of Directors consider issuing a three-year renewal of Temporary Use Permit TUP18019, subject to neighbouring properties being notified as per Local Government Act s. 494.

Advisory Planning Commission Recommendation: The Long Beach APC will review this application at their meeting on June 20, 2023. Their recommendation will be added to this report after the meeting.

Property Owner(s)/Applicant(s): John (Scott) & Michelle MacDonald

Property Information:

Civic Address	70 Sutton Road						
Legal Description	LOT 3, SECTION 18, CLAYOQUOT DISTRICT, PLAN VIP57050						
PID	018-359-141	Folio	3182.013	ALR? (Y/N)	No	Lot Size	0.9 ha (2.3 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
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Current Use & Description	The subject property is 0.9 hectares (2.3 acres) in size, mostly flat, and treed except for the area around the existing house, shop, and driveway. There is a watercourse which bisects the middle of the property. The house is located in the northern portion of the lot, facing Sutton Road, with the shop located to the southeast. To the north, across Sutton Road, are smaller residential lots, to the east are other residential lots and a large rural lot, to the south is a residential lot with an existing short term rental unit (TUP18012), and to the west is a similar residential lot.
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Surrounding Zoning and Land Use			
North	Small Holdings (A1) District	South	Forest Rural (A3) District
East	Small Holdings (A1) District & Forest Rural (A3) District	West	Small Holdings (A1) District

PL20180086/TUP18019R

Services:

- a) **Sewage Disposal:** Onsite sewage disposal. A septic inspection report from a ROWP was submitted on December 17, 2018 that confirms the septic system is fully functioning and able to service the short term rental unit.
- b) **Water Supply:** Onsite water
- c) **Fire Protection:** None
- d) **Access:** From Sutton 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 2019 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.

PL20180086/TUP18019R

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 March 2019. The applicant wishes to continue the use of the two bedroom accessory dwelling unit (ADU) as a 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. Since the original TUP application, the South Long Beach OCP has been amended to support Accessory Dwelling Units in the OCP area on lots within a 0.4 hectare (1 acre) minimum lot size.

As the lot is heavily treed and the owners live on site in an attached dwelling, 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

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

Alex Dyer

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

Approved by: Daniel Sailland, MBA, Chief Administrative Officer

■ Municipality or Treaty Land

Sec 18

Subject Property

PART 18

PART A

VIP7823
Lot A
.99

Lot B
.97

Lot G
.95

Lot A
.91

Lot A
.85

Lot B
.75

VIP8470
Lot E
.71 .65

Lot B
.55

SUTTON RD

Subject Property
Lot 3
VIP57050
.70

Lot 8
.66

Lot C
.60

Lot C
.56

Lot C
.50

PART 18
.40

Lot E
.98

Lot D
.106

Lot A
.1451

PORT ALBION RD

Lot B
.1433

Lot 1
.1434

Lot 1
.1430

PART 18



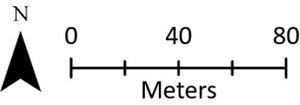
Overview Map

1415 A
1411

1407 B

EPP44180

HITACU, YUULU?IE?ATH
GOVERNMENT
14TU1997



70 Sutton Road
LOT 3, SECTION 18, CLAYOQUOT DISTRICT, PLAN VIP57050



SUTTON RD

N

96

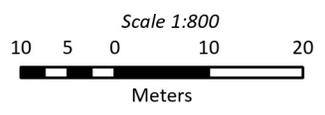
70

66

60

70 Sutton Road
LOT 3, SECTION 18, CLAYOQUOT DISTRICT, PLAN VIP57050

 Subject Property



Prepared 2023-06-14
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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. TUP18019R

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: John (Scott) and Michelle MacDonald

Address: 70 Sutton Road, Port Albion

With respect to:

Legal Description: LOT 3, SECTION 18, CLAYOQUOT DISTRICT, PLAN VIP57050

PID: 018-359-141

The Regional District of Alberni-Clayoquot hereby issues a Temporary Use Permit renewal to Scott and Michelle MacDonald with respect to the property legally described as LOT 3, SECTION 18, CLAYOQUOT DISTRICT, PLAN VIP57050 subject to the following conditions:

1. This permit is issued for the operation of a 2 bedroom short term vacation rental unit at the subject property.
2. The rental unit is limited to the existing suite within the single family dwelling 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 renewal 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.

Daniel Sailland, MBA
Chief Administrative Officer

Chair of the Regional Board

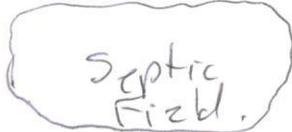
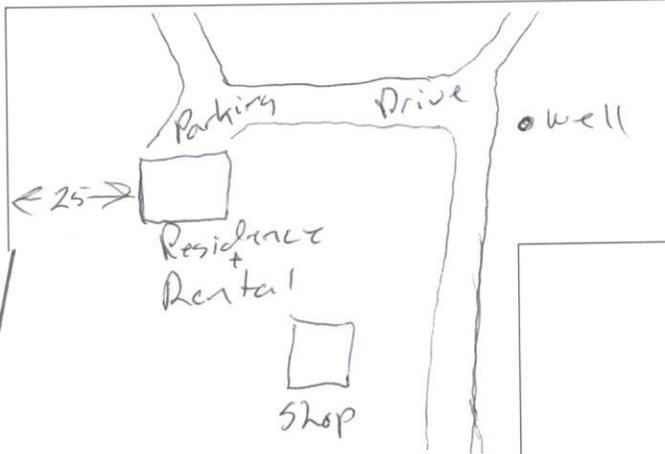
TUP18019R/PL20180086

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)

Lot 3, Plan VIP57050
Sec. 18
Clayoquot Land Dist.

0.933 HA

70 Sutton Road
Port Albion



Refer to septic
Permit for
Distances.

2 story building; 2200 square feet above crawlspace

Rental; approx 800 square feet
Residence approx; 1400 square feet

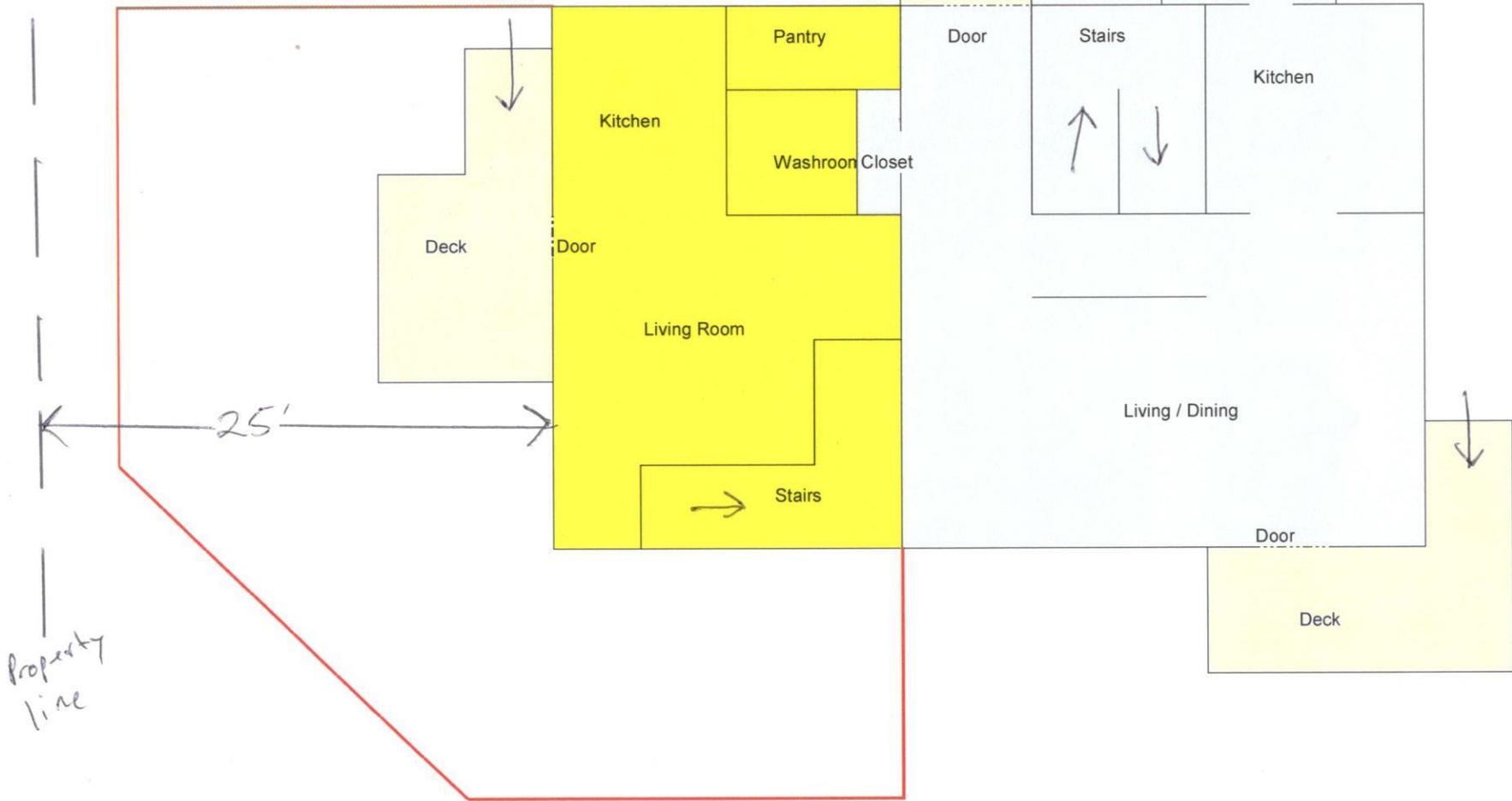
Fenced area is outlined in red

Rental	
Residence	
Decks	

Guest Parking

Resident Parking

First Floor

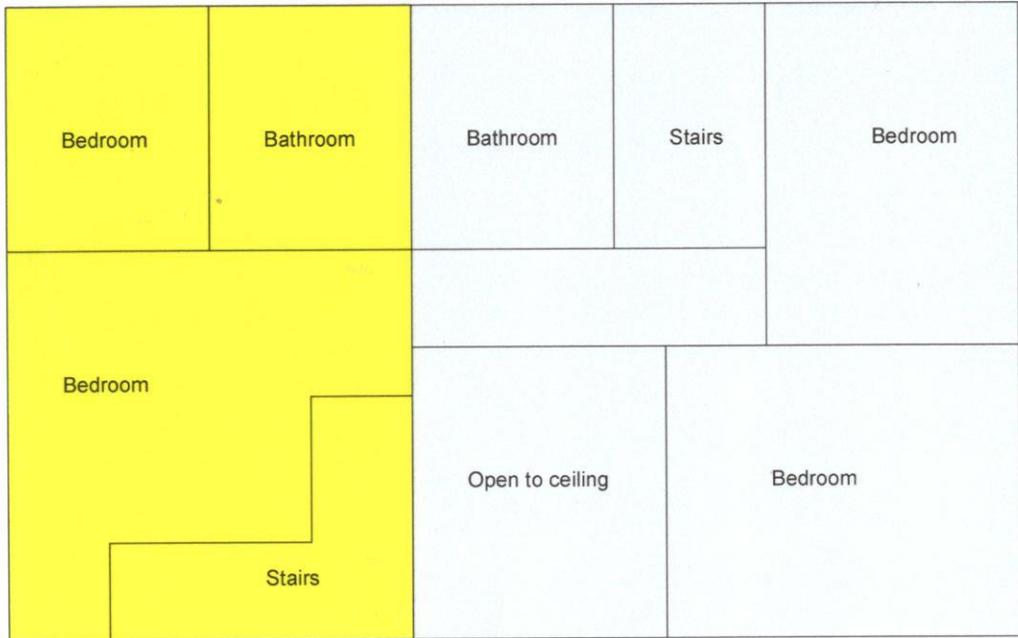


2nd Floor 40' x 26'

Rental



Residence





To: ACRD Board of Directors

Meeting Date: June 28, 2023

From: Amy Needham, Sustainability Planner

File #: PL20190018/TUP19013R

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 a portion of a duplex dwelling located at 244 Albion Crescent.

Recommendation:

THAT the Board of Directors consider issuing a three-year renewal of Temporary Use Permit TUP19013, subject to neighbouring properties being notified as per Local Government Act s. 494.

Advisory Planning Commission Recommendation: The Long Beach APC will review this application at their meeting on June 20, 2023. The APC recommendation will be added to this report after the meeting.

Property Owner(s)/Applicant(s): Jonathon & Joanna Maltby

Property Information:

Civic Address	244 Albion Crescent						
Legal Description	LOT 13 DISTRICT LOT 469 CLAYOQUOT DISTRICT PLAN 23318						
PID	003-080-617	Folio	3449.026	ALR? (Y/N)	No	Lot Size	0.17 ha (0.42 ac)

Current Zoning	Small Holdings (A1) District	Proposed Zoning	N/A
Current OCP	Residential Use	Proposed OCP	N/A

Development Permit Area(s)	DPA III – Coastal Riparian Areas Protection DPA IV – Natural Hazard Areas Protection
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Current Use & Description	The subject property is approximately 0.17 hectares (0.42 acres) in size and fronts onto Ucluelet Inlet. There is a duplex on the subject property which has been operated as a short term rental (STR) under the current TUP. Within each duplex unit there are two bedrooms, a kitchen, living room, and deck. There are a total of 4 parking spaces on the subject property which are available to guests. However, the current TUP restricts the rental of the STR to one group at a time. The owners do not live on-site but spend holidays at the property and have been spending an increased amount of time there since 2020 as remote work and study have become common place. The top, northwestern portion of the property slopes towards the inlet. The property is mostly cleared, apart from light vegetation along the foreshore and a treed buffer along the northwestern property and southwestern property lines and Albion Road. To the northwest and northeast are other residential units, to the southwest is a vacant lot, and to the southeast is the Ucluelet Inlet.
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PL20190018/TUP19013R

Surrounding Zoning and Land Use			
North	Two Family Residential (R2) District	South	Two Family Residential (R2) District
East	Forest Rural (A3) District – Ucluelet Inlet	West	Two Family Residential (R2) District

Services:

- a) **Sewage Disposal:** Onsite sewage disposal. A septic construction letter of certification was submitted indicating a new septic service was installed on October 31, 2019.
- b) **Water Supply:** Millstream Water Service Area
- c) **Fire Protection:** South Long Beach Fire Protection Service Area (under agreement with the District of Ucluelet Fire Department).
- d) **Access:** From Albion Crescent.

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 two Development Permit Areas (DPAs) that impact development on this property: Development Permit Area III – Coastal Riparian Areas Protection and DPA IV – Natural Hazard Areas Protection. 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 Two Family (R2) 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)	0.07	n/a
Minimum Lot Width (m)	20	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)	0.91	n/a
Accessory Rear Yard Setback (m)	0.91	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.

PL20190018/TUP19013R

The original TUP was issued in 2020 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.

The intended use is not permitted by the current R2 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 TUP19013, issued in February 2020. The applicant has advised in their application letter that the subject property continues to be operated as a STR and there have been no significant changes to the property. The applicant provided staff with the required documentation with their initial application, including drawings of the units, a site plan, documents detailing sewer system capacity, and other relevant information that appear to satisfy policy conditions.

The lot is buffered on all sides by trees, includes separate driveway entrances to the units and sufficient parking per unit. A caretaker and housekeeper lives in the area and is available within 20 minutes. There is a firewall separating the two units to enhance safety and to provide sound proofing. The applicants replaced the septic tank in October 2019 to accommodate the STR. While the applicants currently use the property as an STR and personally for vacations, they have been spending more time there since 2020 when remote work and learning has become commonplace.

The applicants rent out the entire subject property as an STR year-round. The structure on the property is a duplex and guests may use the entire building and grounds. Both sides of the duplex are not rented to separate groups at the same time. Each unit of the duplex has 2 bedrooms, a kitchen, living room, and large deck, and is limited to 8 guests for the entire property (2 per bedroom). Under the initial TUP application, the board considered allowing both sides of the duplex to be rented concurrently but it was decided that the STR use would be restricted to the operation of one (1) short-term vacation rental unit at a time within the existing duplex in order to comply with the ACRD STR policy. From the accompanying application letter, the applicant has indicated they are renting the entire property to one group at a time and not renting both sides of the duplex to different groups.

Based on staff's review of this application and a site visit performed to the property in 2019, staff are supportive of the site continuing to be used as a STR and recommend proceeding with neighbourhood notification per Section 494 of the *Local Government Act*. Staff recommend continuing with the restriction that the STR may be rented to only one group at a time in order to comply with the ACRD STR policy. No neighbourhood issues have been raised with the ACRD during the time this short-term rental has been operating.

Amy Needham

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

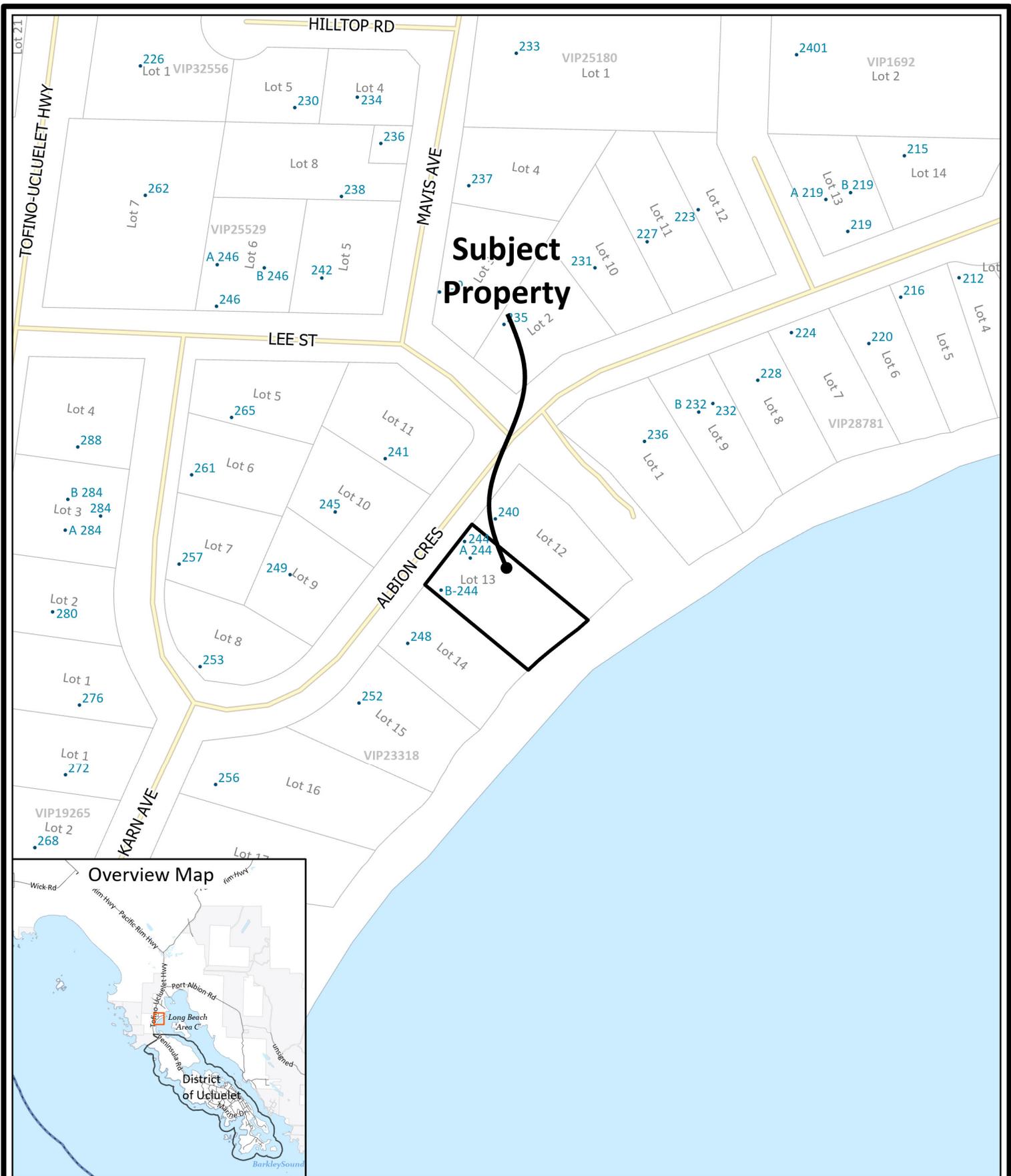
Alex Dyer

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

Approved by: Daniel Sailland, MBA, Chief Administrative Officer

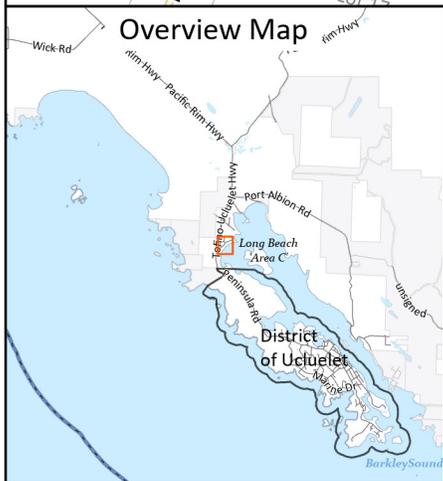
PL20190018/TUP19013R

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)

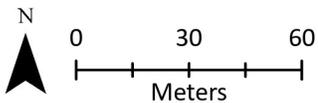


**Subject
Property**

244
A-244
Lot 13
B-244



Overview Map

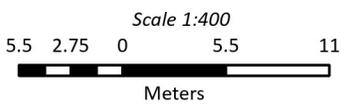


 244 Albion Crescent
LOT 13 DISTRICT LOT 469 CLAYOQUOT DISTRICT PLAN 23318



244 Albion Crescent
LOT 13 DISTRICT LOT 469 CLAYOQUOT DISTRICT PLAN 23318

 Subject Property



Prepared 2023-06-14
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ParcelMapBC; GeoBC; ACRD

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244 ALBION CRESCENT PROPOSED TEMPORARY USE:

We were granted a TUP for our property to be used as vacation rental in 2019. We are applying for a TUP renewal for three more years.

Usage has not changed since our initial application in 2019, nor has there been any significant changes to the property. All information submitted in our previous application should still be applicable.

We are hoping that this renewal will help bridge us to the time where there are zoning amendments to the South Long Beach OCP to accommodate vacation rentals.

As a recap-we use 244 Albion Cres as a holiday and vacation home and have used it as a vacation rental throughout the year. As a family (and extended family) we go there during holidays, school breaks or any time we can. During COVID we found ourselves here more due to increased adoption of remote work & learning. This trend continues. We have been renting our home for over a decade and we would like a TUP for the next 3 years as we await the development of zoning bylaws to apply for vacation rental zoning.

Highlights of Beachwood:

- The property has been owned by The Maltby family since 1999.
- The home was completely redesigned and rebuilt 14 years ago by Peter & Jon Maltby with proper permits allowing for ample parking and sewage to be compliant. All windows face the waterside (away from the street) making for increased privacy at the street side.
- The owners cap the maximum number of guests. There are strict rules: no smoking, no pets, no parties, quiet hours 10pm to 9am.
- Beachwood has many regular/repeat guests from all over the world that come year after year.
- Beachwood has as management/cleaning company who lives close-by and can respond to issues in a timely manner.
- Over the past 12 years Beachwood has an average rating of 4.9/5.0 stars on both VRBO and Airbnb, and has never received a complaint about renters or the property.
- Beachwood is well maintained and employs local businesses for cleaning, property management, property repair, property maintenance, yard services, local gifts, and provisions.
- We have commercial Insurance

We are very selective in who we allow to visit, be they friends, relatives or guests, and we impose restrictions on them as we respect that Millstream is a quiet family neighbourhood.

Guests may use the entire building and grounds. There is adequate on-site parking and storage. We attached the following information in our prior application.

1. Building areas
2. Site survey
3. Sewerage System Letter of Certification from new septic install in 2019

We submit our application in the spirit of your intent and hope the ACRD will create a zone for Vacation Rentals, which we are hopeful that such a zone or permitted use will be grandfathered through in our case.

Our vacation home has been a welcome retreat for many years by ourselves, family, friends and guests. To our knowledge there have been no complaints and we have made our small contribution to the West Coast economy.

244 A&B ALBION CRESCENT

Waterfront duplex with north & west neighbours, vacant treed lot to the east of the property. Windows and outdoor space are oriented to the water to encourage less activity to the street side of the home. Each unit has parking for two cars on the property, as well as clear space for parking directly in front of the house.

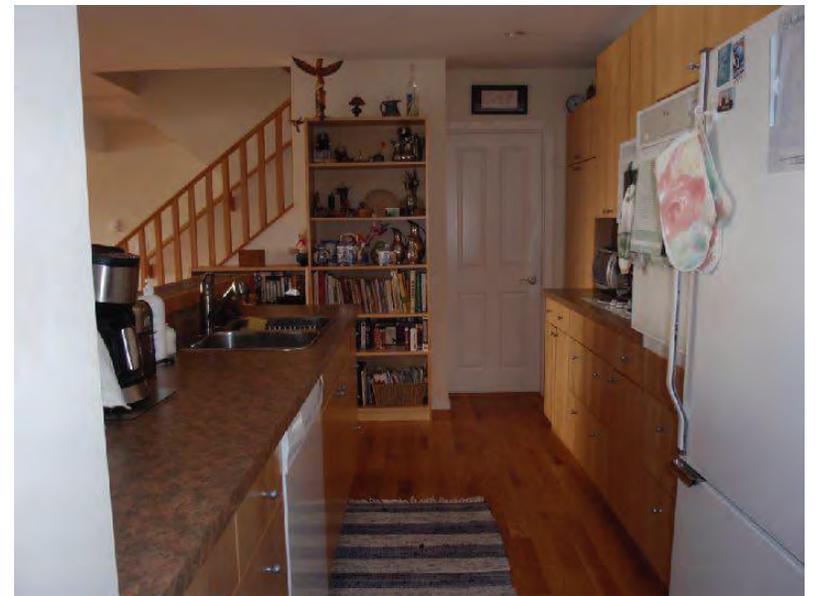




SUITE A

MAIN FLOOR:

- living
- dining
- kitchen
- 1/2 bath
- loft



WALKOUT BASEMENT:

- 1 bedroom
- full bath
- laundry
- study



SUITE B

MAIN FLOOR:

- living
- dining
- kitchen
- 1/2 bath
- loft





MAIN FLOOR:

- living
- dining
- kitchen
- 1/2 bath
- loft



MAIN FLOOR:

- living
- dining
- kitchen
- 1/2 bath
- loft





WALKOUT BASEMENT:

- 2 bedrooms
- full bath
- laundry

