



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT
**NOTICE OF INTENT TO ISSUE
TEMPORARY USE PERMIT**
ELECTORAL AREA "B" – BEAUFORT

**Proposed Temporary Use Permit
TUP21005 – 8865 BEAVER CREEK ROAD, PORT ALBERNI
ELIZABETH SHANNON, PROPERTY OWNER**

Public Notice is hereby given that the Regional District of Alberni-Clayoquot (ACRD) will consider issuing a Temporary Use Permit at the Board of Directors meeting to be held on **Wednesday, May 11, 2022 starting at 1:30 pm**. This meeting will be held electronically using Zoom and will be livestreamed on our website at www.acrd.bc.ca/events/11-5-2022/.

The proposed permit will allow for short-term vacation rental of an existing two bedroom house in accordance with the agri-tourism accommodation regulations of the Agricultural Land Reserve Use Regulation. The subject property is legally described as THE EAST 1/2 OF DISTRICT LOT 102, ALBERNI DISTRICT, EXCEPT PART IN PLAN 12885 and located at 8865 Beaver Creek Road.

A copy of the proposed Temporary Use Permit and supporting documents are available for review on our website at www.acrd.bc.ca/events/11-5-2022/.

Providing an opportunity for public input is a top priority for the ACRD. Consider written submissions as an effective means to do so. Correspondence must be received by the ACRD by **10:00 am on Wednesday, May 11, 2022** and can be submitted by one of the following methods:

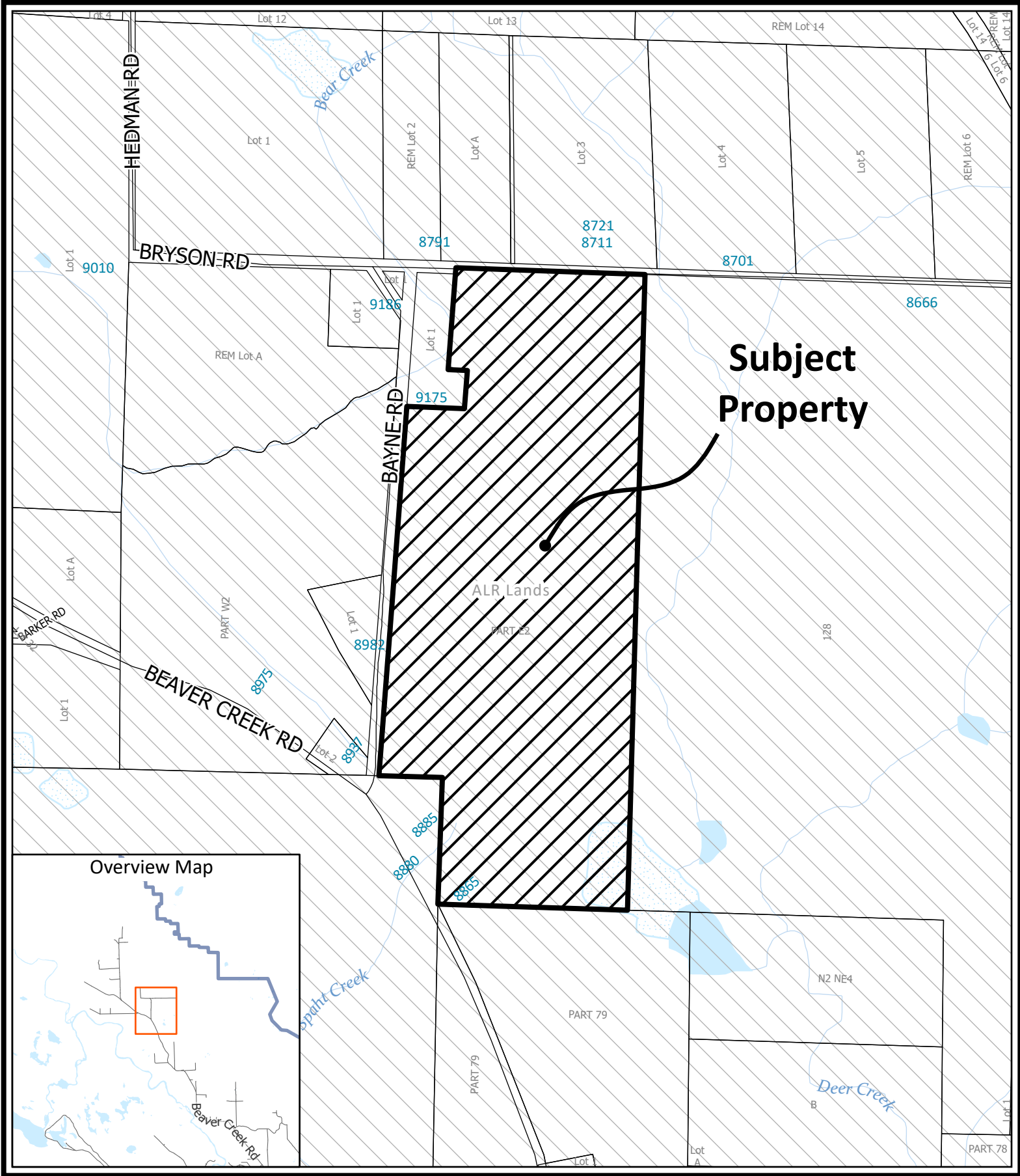
- Hard copy to the ACRD office delivered in person, in the drop slot or by mail to the Planning Department at the address below.
- Email sent to planning@acrd.bc.ca. Email correspondence will only be considered received if receipt confirmation is provided by ACRD staff.
- Fax sent to 250-723-1327. Fax correspondence will only be considered received if receipt confirmation is provided by ACRD staff.

Questions? Please call 250-720-2700 and ask for the Planning Department.

PLANNING DEPARTMENT

Regional District of Alberni-Clayoquot, 3008 Fifth Avenue, Port Alberni, BC V9Y 2E3
Email: planning@acrd.bc.ca Telephone: 250-720-2700 Fax: 250-723-1327

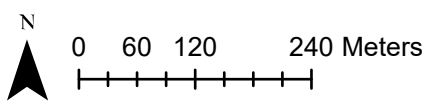
Date of Notice: April 28, 2022




Subject Property

ALR Lands

Overview Map



 Legal description: THE EAST 1/2 OF DISTRICT LOT 102, ALBERNI DISTRICT, EXCEPT PART IN PLAN 12885



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

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

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

TEMPORARY USE PERMIT APPLICATION

TO: ACRD Board of Directors

MEETING DATE: April 27, 2022

ACRD FILE NO.: TUP21005

APPLICANTS: Elizabeth Shannon (agent: Tanya Shannon)

LEGAL DESCRIPTION: THE EAST 1/2 OF DISTRICT LOT 102, ALBERNI DISTRICT, EXCEPT PART IN PLAN 12885

LOCATION: 8865 Beaver Creek Road

ELECTORAL AREA: "B" Beaufort

Applicant's Intention: To obtain a temporary use permit to allow for the short-term rental of a 2 bedroom house located on the subject property in accordance with the agri-tourism accommodation regulations of the Agricultural Land Reserve Use Regulation.

Recommendations:

- THAT the Board of Directors consider issuing Temporary Use Permit TUP21005, subject to neighbouring properties being notified as per *Local Government Act* s. 494.

Advisory Planning Commission Recommendation: The Beaufort APC considered this application at a meeting held on April 20th where they passed a motion to support the application as presented.

Procedure: Prior to the issuance of a temporary use permit (TUP), the Board must first pass a resolution to consider issuing the permit. Staff will then notify the neighbouring property owners and residents and publish a notice in the newspaper to afford the public an opportunity to make written or verbal submissions to the Board. At the subsequent meeting, the Board issues or denies the Temporary Use Permit.

Observations:

- 1. Status of Property:** The subject property is 33.2 hectares (82 acres) and forms part of a large dairy farm operation, located along Beaver Creek Road. The subject property is bordered by Bayne Road to the west, Bryson Road to the north, and Beaver Creek Road in the south west corner. There is an existing single family dwelling and a shop located in the south west corner of the property. The house is located on a small hill along a driveway that slopes up away from Beaver Creek Road in a 2+ acre portion of the property that is surrounded by trees, providing a buffer from the road and the surrounding agricultural lands. The remainder of the property is primarily cleared for pasture and silage/hay fields and is utilized as part of the dairy farm operation. A portion of Spaht Creek dissects the south west corner of the property with the creek located approximately 60 metres from the existing house.

TUP21005

2. Services

- a. **Sewage Disposal:** On-site septic system. The applicants have submitted a septic performance inspection and maintenance assessment from a Registered On-Site Wastewater Practitioner for the existing system.
- b. **Water Supply:** On-site water.
- c. **Fire Protection:** Not within a fire protection area.
- d. **Access:** The portion of the property where the house is located is accessed via Beaver Creek Road.

3. Existing Planning Policies Affecting the Site

- a. **Agricultural Land Reserve:** The property is located entirely within the ALR. Agri-tourism accommodation uses are permitted under Section 33 of the Agricultural Land Reserve Use Regulation under the *Agricultural Land Commission Act*.

Section 33(2) permits the use of agricultural land for providing accommodation in relation to an agri-tourism activity provided that: the accommodation is located on agricultural land that is classified as a farm under the *Assessment Act*, the total developed area to be used for accommodation is less than 5% of the parcel area, the accommodation is limited to 10 sleeping units in total, and that the accommodation is provided on a seasonal or short-term basis only.

Section 12 of the Regulation permits the use of agricultural land for conducting agri-tourism activities provided that: the agri-tourism activity is conducted on agricultural land that is classified as a farm under the *Assessment Act*, members of the public are ordinarily invited to the activity, and no permanent structures are constructed in connection with the activity. Agri-tourism activities include agricultural heritage exhibits, farm tours and demonstrations, tractor rides, activities that promote or market livestock, dog trials, corn mazes, and harvest festivals and other seasonal events intended to promote or market farm produce.

The primary agricultural production of the Shannon farm is dairy with over 400 cows located on the farm. The property owners conduct pre-arranged farm tours of the dairy parlour, barns and property throughout the year to educate and demonstrate how dairy farming works. The property owners also tap maple trees and produce maple syrup on the farm, for which they conduct tours and demonstrations on tapping the trees and processing the sap. The property owners have also held a seasonal event on the farm to promote yoghurt produced from the dairy milk, maple syrup and other farm products. The properties associated with the farm are classified as a farm under the *Assessment Act*. The existing house that is proposed for agri-tourism accommodation is a 2 bedroom home that was previously rented to a long term tenant.

The short term rental of the existing 2 bedroom home on the subject property appears to comply with the agri-tourism accommodation requirements of the Agricultural Land Reserve Use Regulation.

- b. **Official Community Plan:** The Beaufort Official Community Plan (OCP) designates this property as "Agricultural Use". This designation promotes agriculture and food production as the primary use of the property. Objectives of the Agricultural Use designation include maintaining and fostering agricultural use and food production (4.1.1), promoting the diversification of agricultural products (4.1.2), and facilitating activities identified in the Alberni Valley Agricultural Plan (4.1.3). The Agricultural Plan includes goals and actions to improve access to markets for farmers and to increase consumer education and outreach.

The OCP designates a Development Permit Area (DPA) that impacts development on this property: "Development Permit Area I – Riparian Areas Protection". This DPA extends to areas within 15 metres of Spaht Creek, located along the west and south west boundaries of the subject property. This DPA is

TUP21005

intended to minimize negative environmental impacts from development activities. There is no new development proposed as part of the TUP application and the issuance of this TUP would not trigger any development permit requirements.

The proposal complies with the policies and objectives of the Beaufort OCP.

- c. **Zoning:** The property is zoned Rural (A2) District. This zoning designation does not allow short-term vacation rentals, though a TUP may be issued to allow this use.

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. Policy 3.2.11 of the Beaufort OCP supports the issuance of temporary use permits in all land use designation. A TUP may allow a use not permitted under the Zoning Bylaw, specify conditions under which the temporary use may be carried out, and/or allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.

Where a temporary use permit 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. A TUP is valid for up to 3 years and may be renewed by the Regional District once.

A Short-term Vacation Rentals Temporary Use Permit Policy was adopted by the Board in January 2018. This policy specifies regulatory areas, notification requirements, terms and renewals, criteria for evaluation, and conditions that the permit is subject to. For the subject property in the Beaufort area, a TUP may be issued for up to 3 years and renewed once provided the use is seasonal in nature and compatible with the surrounding uses, area, and environment. The submitted application complies with the conditions and requirements set out in the policy.

Agri-tourism accommodation is permitted within the ALR under Section 33 of the Agricultural Land Reserve Use Regulation. Planning staff highlight that the current draft of the updated Zoning Bylaw P1333 would permit agri-tourism accommodation on the subject property in accordance with the requirements of the ALR Use Regulation. If the Regional District were to proceed with adopting the updated Zoning Bylaw P1333 as currently drafted, the short-term rental use of the existing house on the subject property would be permitted under the proposed zoning and would not require the issuance of a TUP.

Temporary Use Permit TUP21005:

The TUP for the property legally described as THE EAST 1/2 OF DISTRICT LOT 102, ALBERNI DISTRICT, EXCEPT PART IN PLAN 12885 and located at 8865 Beaver Creek Road may be subject to the following conditions and any others that the ACRD Board of Directors considers appropriate at the time of issuance:

1. This permit is issued for the short-term vacation rental use of a 2 bedroom single family dwelling located on the subject property.
2. The short-term rental shall be operated in accordance with the requirements of the Agricultural Land Reserve Use Regulation under the *Agricultural Land Commission Act* and all other Provincial regulations.
3. The short-term rental use is limited to the single family dwelling currently existing on the subject property at the date of issuance.
4. The short-term rental use shall not alter the residential appearance of the single family dwelling.
5. The property owner, or a caretaker, must be available within 20 minutes of the short-term rental.
6. Contact information for the owner or caretaker and a copy of the TUP must be visible in a public location.

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7. This permit is valid for three (3) years from the date of execution.
8. At the time this permit expires, the property owner must apply to renew the TUP or return the property to the use permitted under the Zoning Bylaw.
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 existing 2 bedroom house on the property was previously rented to a long-term tenant. The property owners have now applied for the temporary use permit in order to allow the short-term vacation rental of the house as an agri-tourism accommodation unit. The applicant has provided a number of benefits to the flexibility of the short-term rental use of the house including: availability for staff accommodation if needed, availability for accommodation of farm and veterinary personnel traveling from out of town if needed, off-season availability for family, the use of the existing shop for farm equipment storage and the exclusive use of the driveway to access the field during busy silage/hay seasons.

The applicant lives on the adjacent property, less than a minute away, and will be the main contact for any guests. The applicant has provided documents including a letter describing the proposed use, site plan, floor plan layout, septic performance inspection and maintenance assessment from a Registered On-Site Wastewater Practitioner, and other documents that appear to satisfy the STR TUP application policy guidelines. Subject to final approval, an ACRD Building Inspector may request to perform a walk-through of the house to confirm compliance with safety requirements.

The TUP application to allow for the short-term rental use of the existing home aligns with the proposed wording to allow agri-tourism accommodation uses in the draft updated Zoning Bylaw P1333. The draft updated bylaw would permit agri-tourism accommodation uses in Rural zones, on land in the ALR, on land classified as a farm by the Province, and in accordance with the Agricultural Land Commission regulations. If the Regional District were to proceed with the updated Zoning Bylaw as currently drafted, the short-term rental use of the house would be permitted without the issuance of a TUP.

Planning staff are supportive of proceeding with the neighbour notification process for this application to gather public input on the proposed Temporary Use Permit. The agri-tourism accommodation use aligns with the policies of the Beaufort OCP and the intended agri-tourism accommodation use wording proposed within the draft updated ACRD Zoning Bylaw P1333. Staff recommend that the Board consider issuing Temporary Use Permit TUP21005 subject to neighbouring properties being notified as per Section 494 of the *Local Government Act*.

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

Reviewed by: *Michael Irg*
Mike Irg, MCIP, RPP, General Manager of Planning & Development

Approved by: *Daniel Sailland*
Daniel Sailland, MBA, Chief Administrative Officer

TUP21005

August 20, 2021

Planning Department,
Alberni-Clayoquot Regional District
3008 Fifth Ave
Port Alberni, BC V9Y 2E3

Dear Planning Department,

The property that we are applying to get a Temporary Use Permit (TUP) for a short-term rental for, is located within the Agriculture Land Reserve.

Our primary agricultural production is dairy – we have over 400 cows altogether, including calves, heifers, dry cows, and milking cows (we are currently milking just over 200). We do conduct tours throughout the year of our dairy parlour, barns, and property to educate and demonstrate how dairy farming works. Our dairy herd is a closed herd, and for their health and general biosecurity of our farm, we do tours by prearranging them to ensure guests are aware our procedures before their visit.

While on a much smaller scale, we also tap the maple trees on our property, and make maple syrup. We do tours/demos for tapping and processing the sap.

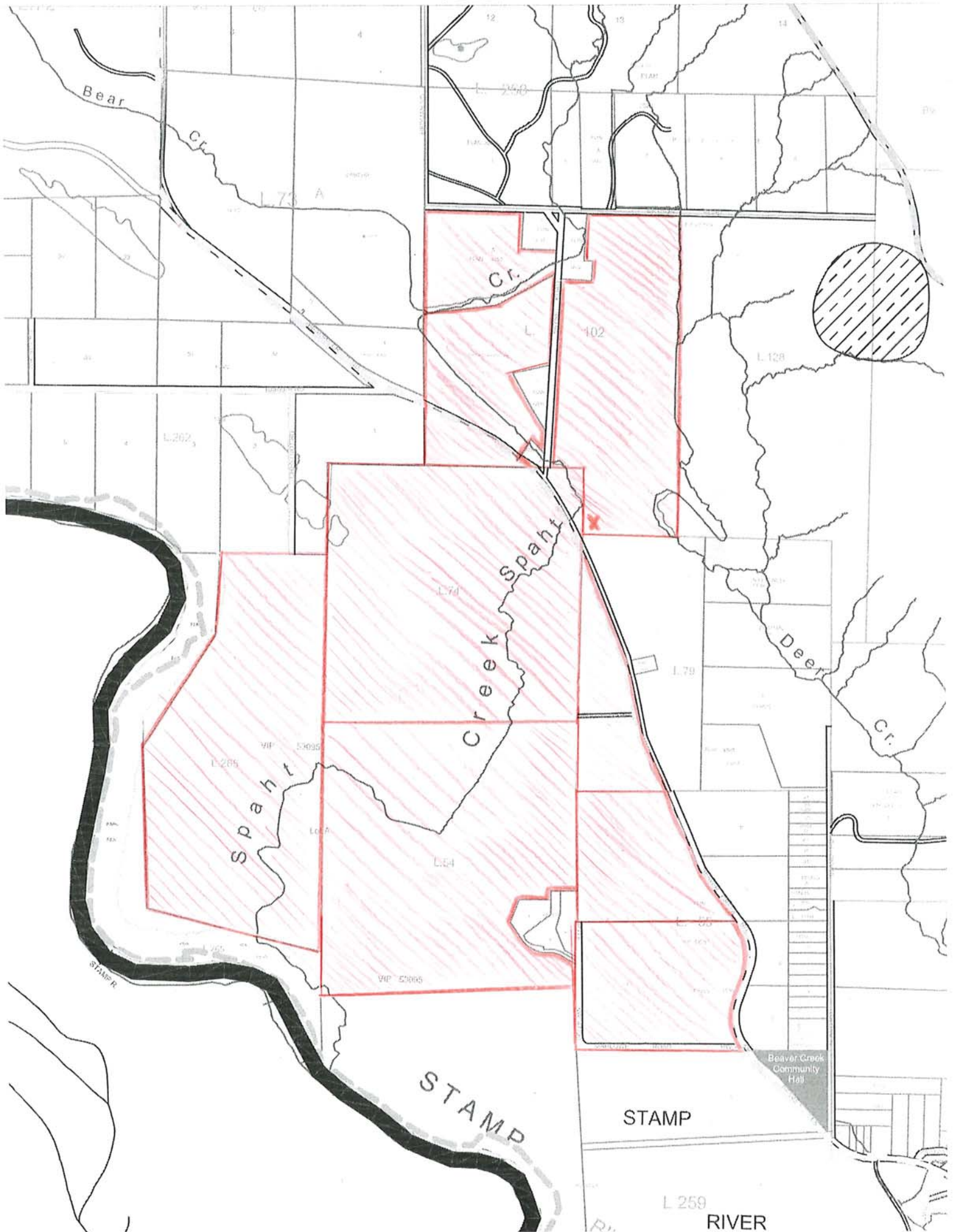
The property on which we would like to have the TUP is 82 acres, and is classified as a farm under the Assessment Act. The two-bedroom home and shop sit on a treed hill, in the southwest corner of the property (approximately 1.5-2 acres).

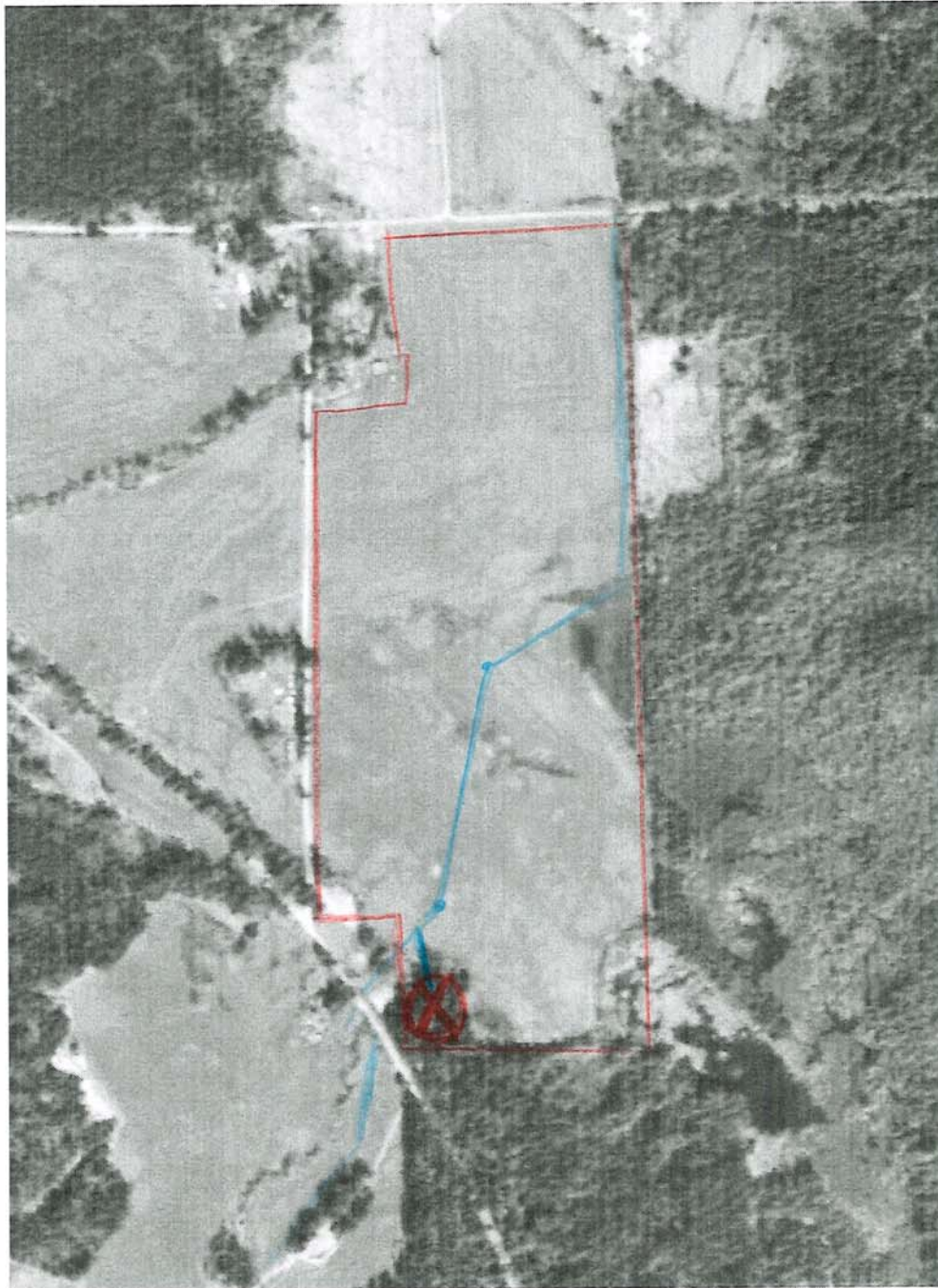
Please find the map attached showing this property (and house) in relation to the other parcels owned and utilized by our dairy farm, that are also classified as farm under the Assessment Act, for reference.

Thank you for your time and consideration,

Tanya Shannon
Shannon Dairy 1988 Ltd



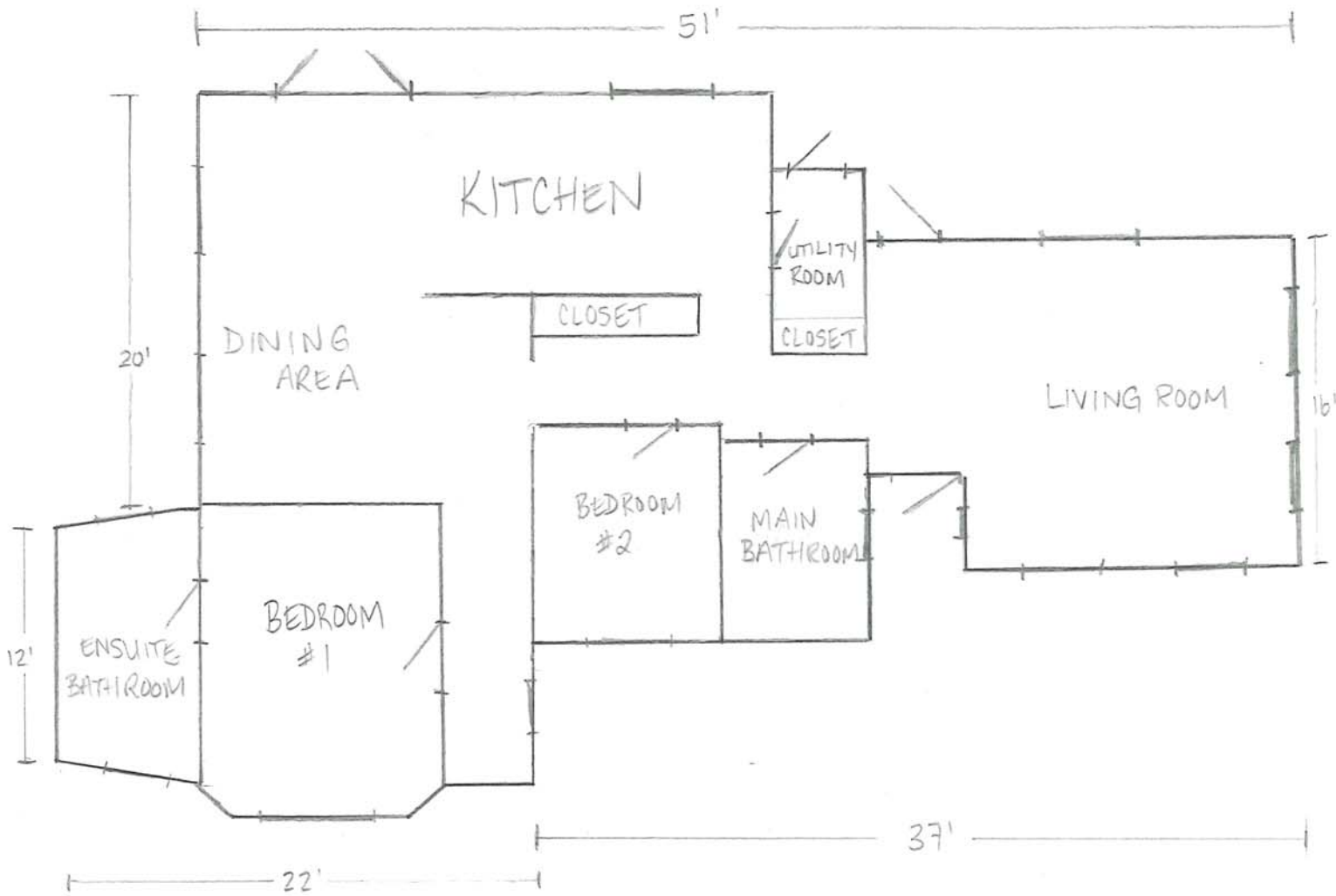


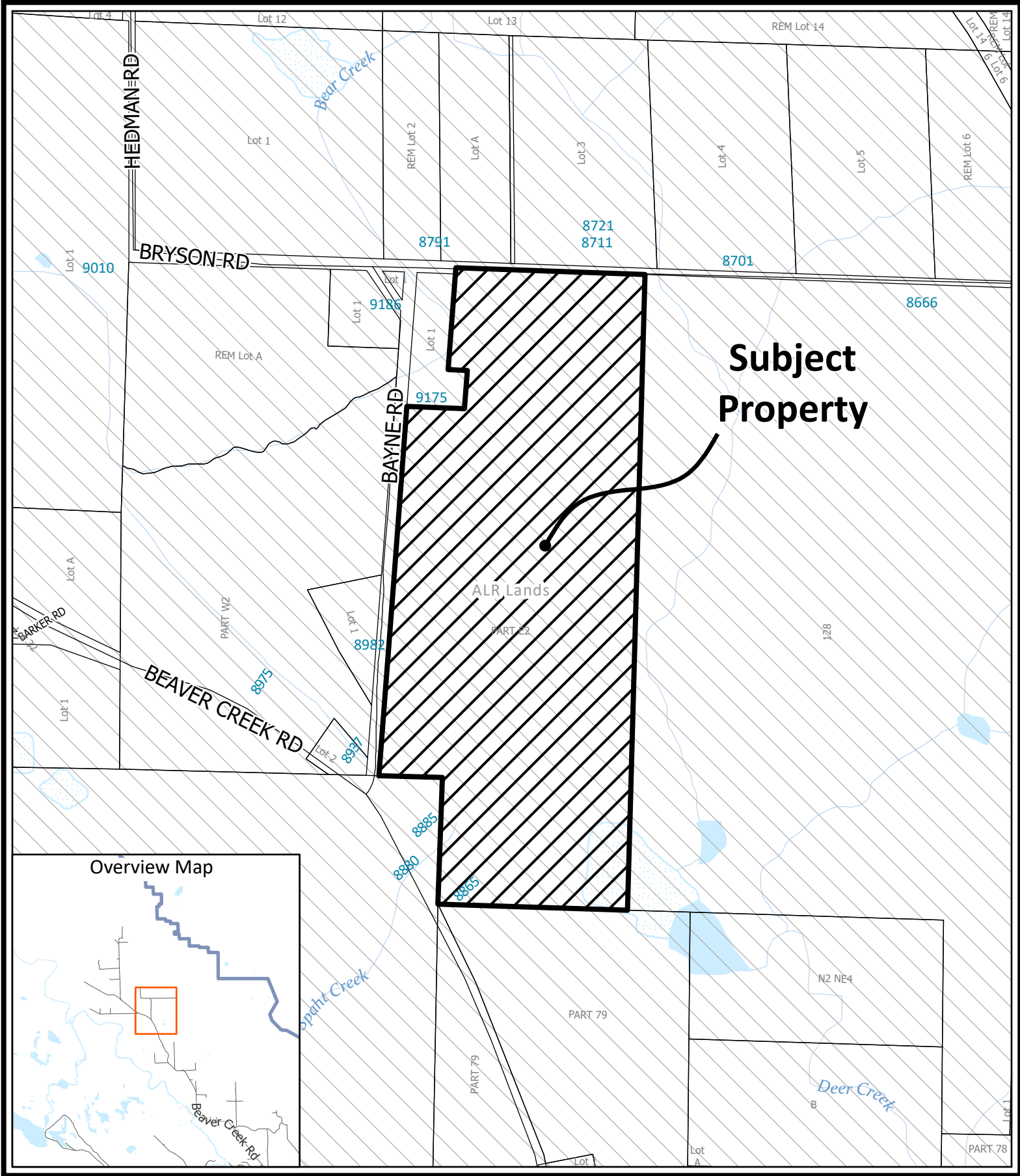


— H₂O Line

BACK OF HOUSE

FLOORPLAN

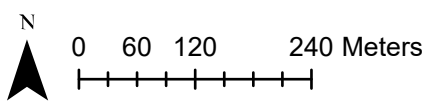
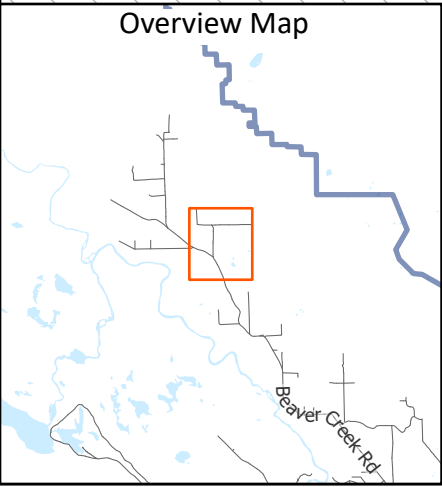





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ALR Lands

Overview Map



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