



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: July 27, 2022

TUP APPLICATION: TUP22004

APPLICANT: Amanda and Justin Miller

LEGAL DESCRIPTION: LOT 8, SECTION 18, CLAYOQUOT DISTRICT, PLAN 8470

LOCATION: 66 Sutton Road

ELECTORAL AREA: "C" Long Beach

Applicant's Intention: The applicant intends to utilize the 3 bedroom single family house on the 0.08 ha (0.2 acre) property located at 66 Sutton Road as a short-term vacation rental (STR).

Recommendation: *That the Board of Directors consider issuing Temporary Use Permit TUP22004 subject to:*

- *Neighbour notification as per Local Government Act s.494.*
- *Applicant providing contact details of property caretaker who can access the property within 20-minutes.*
- *Assessment by a building inspector to ensure safety of guests on the property.*

Advisory Planning Commission Recommendation: The Long Beach APC considered this application at a meeting on July 19th. The APC passed a motion to concur with the staff recommendation and support the application with the added conditions that the applicants confirm that the three-bedroom rental is limited to one family or group, rather than the short-term rental of individual bedrooms, and that fire suppression materials are to be provided for guests. The additional conditions have been added into the TUP conditions provided in the report.

Procedure: Prior to the issuance of a Temporary Use Permit, the Board must first pass a resolution to consider issuing the permit. Staff then notify neighbouring property owners and tenants and publish a notice in the newspaper to afford the public an opportunity to make written or verbal submissions to the Board. At a subsequent meeting, the Board can issue or deny the Temporary Use Permit.

Observations:

1. Property Description: The 0.08 ha (0.2 acre) property is located on the to the east side of the

TUP22004

Ucluelet Inlet in the Port Albion area. The property contains a 3 bedroom single family dwelling, grass area, and is bordered by trees which screen the house from the road and neighbouring properties.

2. Services:

- (a) **Sewage Disposal:** On-site sewage disposal system. There is a 2007 Island Health sewerage system filing for the existing septic system.
- (b) **Water Supply:** On-site water.
- (c) **Fire Protection:** Not within a fire protection area.
- (d) **Access:** The property is accessed from Sutton Road.

3. Existing Planning Documents Affecting the Site:

- A. **Agricultural Land Reserve:** Not within the ALR.
- B. **Official Community Plan:** The South Long Beach OCP designates the property as Rural Residential. The Rural Residential designation in the OCP supports a number of uses including single family residential and limited bed and breakfast accommodation.

This property is not impacted by any Development Permit Areas.

- C. **Zoning:** The property is zoned Small Holdings (A1) District. The A1 zoning permits a single family dwelling but does not permit short-term vacation rentals.

The Temporary Use Permit application would permit the use of the property for short-term vacation rental uses.

- D. **Temporary Use Permits:** 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. A TUP may do one or more of the following:
 - i. Allow a use not permitted under the Zoning Bylaw;
 - ii. Specify conditions under which the temporary use may be carried out;
 - iii. Allow and regulate the construction of buildings or structures with respect to the use for which the permit is issued.

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. For the subject property in the South Long Beach OCP area, a TUP can be issued for up to 2 years and renewed by the Regional District once. After this time has expired, the property owner can apply to rezone the property to allow for the continued use or discontinue the use specified in the TUP.

The applicants intend to use the existing house as a short term vacation rental for part of the year. They currently use this property as a part time residence. No significant physical changes to the existing property are proposed as part of the TUP. Once the TUP expires it can be renewed once more, or the property owner can pursue a rezoning application, or the property owner can stop using the property as a short term vacation rental.

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A Short Term Vacation Rentals Temporary Use Permit Policy was adopted by the Board on January 24, 2018. This policy specifies regulatory areas, notification requirements, terms and renewals, criteria for evaluation, and conditions that may apply to individual permits.

When issuing an STR TUP, the ACRD may specify conditions that restrict the permit including: the buildings to be used, area of use, form and character of the development, environmental protection, site-related restrictions, and any other relevant conditions determined by the ACRD.

Temporary Use Permit: Should the Board of Directors wish to support this application, the Temporary Use Permit for LOT 8, SECTION 18, CLAYOQUOT DISTRICT, PLAN 8470 to permit short term rentals 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 to allow for the subject property to be operated as a short term vacation rental (STR) unit.
2. A maximum of two (2) persons shall be permitted per bedroom when the property is being occupied as an STR and the rental unit is limited to one group or family at a time.
3. The owner or a caretaker must live on-site or be available to attend the property within 20 minutes.
4. Contact information for the owner or caretaker and a copy of the TUP must be visible in a public location.
5. Fire suppression materials must be maintained and provided for the use of guests.
6. This permit is valid for two (2) years from the date of execution.
7. At the time this permit expires, the property owner may apply to the Regional District to re-issue the TUP or return the property to the original use permitted under the zoning.
8. The operation of the STR must be in compliance with all Provincial Health Officer orders.
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 applicant has discussed the possibility of allowing the existing dwelling to be used for short term rentals. The Zoning Bylaw does not currently permit short term rentals. Properties in close proximity to the subject property are zoned Cottage Residential (RC) District which allow for temporary short term accommodation, and other short term rentals have been allowed in the Port Albion area by the issuance of Temporary Use Permits. The property lies outside of the South long Beach Fire Protection Service Area and there will be no fire service available in case of emergency.

Once caretaker contact information has been received and a building inspector has assessed the property, 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 use of the property as a temporary short term rental aligns with the South Long Beach OCP policies to retain a rural feel while allowing for small scale tourist accommodation in residential areas. The short-term vacation rental use would provide the applicant with the flexibility to operate the property as a vacation rental or as their part time residence.

Submitted by: 
 Sarah Foulkes, Junior Planner

TUP22004

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

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

TUP22004

Jurisdiction: **Alberni Rural (770)**

Title: **Freehold**

Zoning:

Zone Desc: **Residential**

PID: **005-565-782**

Roll No: **3189000**

Lot:

Block:

Plan Number:

District Lot:

Land District: **09**

Legal Description: **Lot 8, Plan VIP8470, Section 18, Clayoquot Land District, PORT ALBION**

Media/Miscellaneous

Virtual Tour 1: <https://www.youtube.com/watch?v=ng52zJbgEyU>

Addnl Photos:

Feature Sheet:

Sales Brochure:

Sound Bite:

Foreign MLS® No:

Foreign Board:

Open Houses:

Legacy MLS® No:

Photos





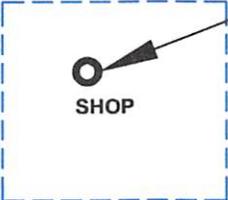


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SUTTON ROAD

7 8 9



WELL

SHOP

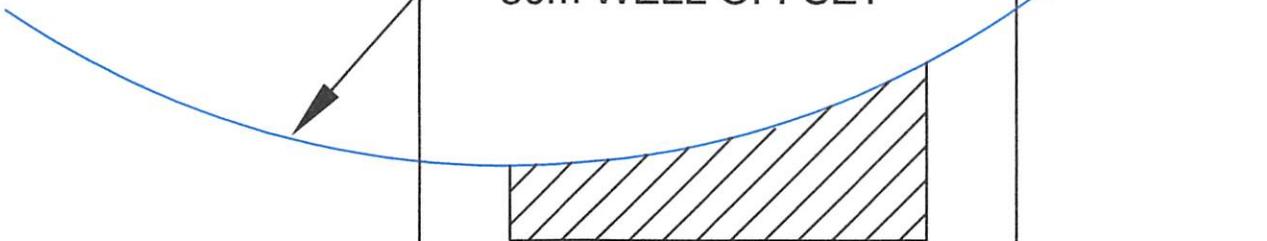
PRELIMINARY
SITE PLAN
ONLY



HOUSE

EXISTING SEPTIC FIELD

30m WELL OFFSET



PROPOSED SEPTIC FIELD



LEWKOWICH GEOTECHNICAL ENGINEERING LTD.

SITE PLAN
LOT 8, PLAN 8470, SECTION 18
66 SUTTON ROAD
PORT ALBION, BC

Date:

NOV 06

Drawn By:

IS/BS

Project Number:

G4765

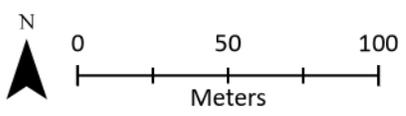
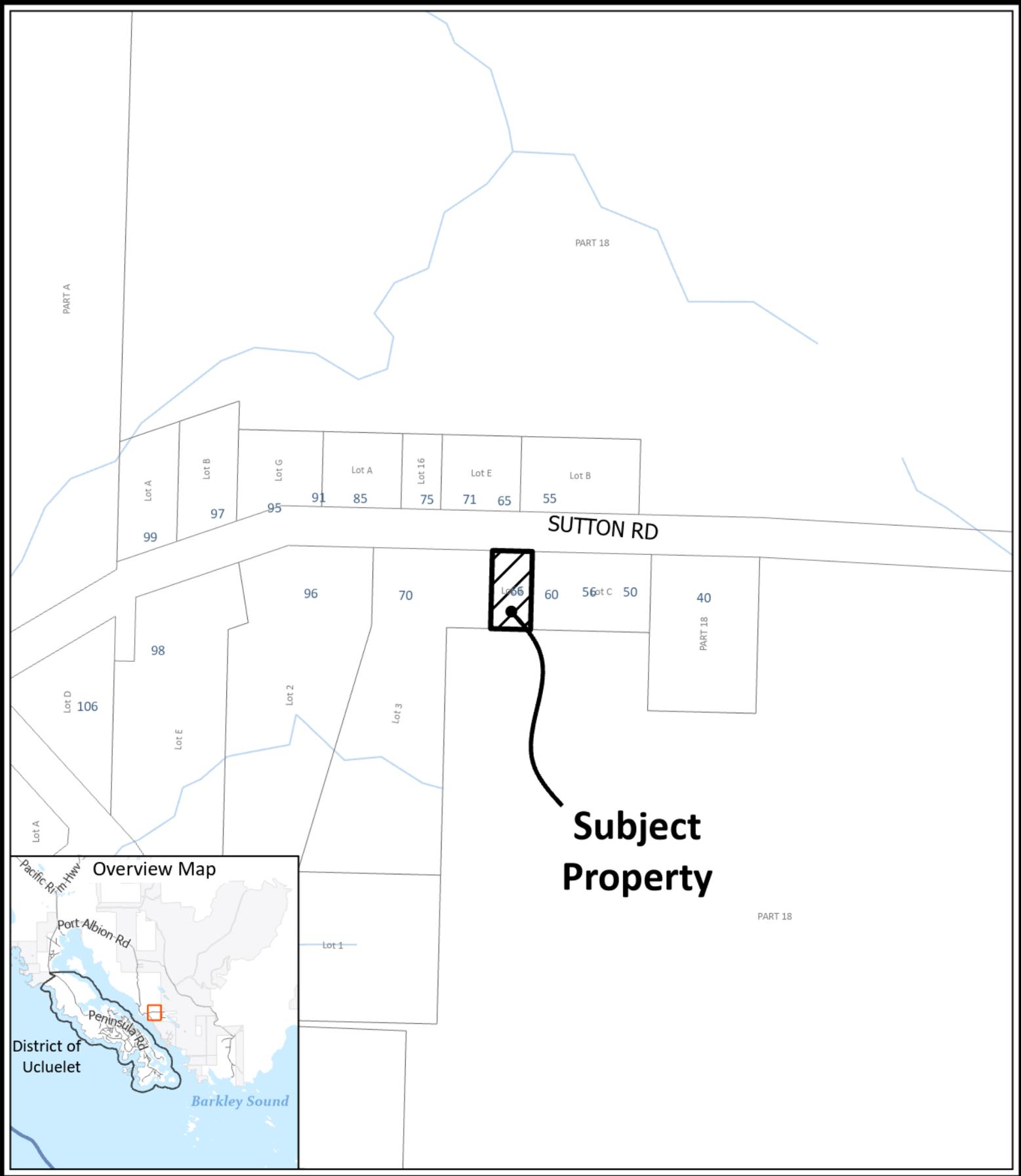
Reviewed By:

Drawing Scale:

1:250

Drawing Number:

FIGURE 1



 Legal description: LOT 8, SECTION 18, CLAYOQUOT DISTRICT, PLAN 8470



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005-565-782

