



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: TUP21004

APPLICANT: Kamil Bialous and Urszula Lipsztain

LEGAL DESCRIPTION: LOT 2, DISTRICT LOT 468, CLAYOQUOT DISTRICT, PLAN 1692

LOCATION: 2401 Grant Ave

ELECTORAL AREA: "C" Long Beach

Applicant's Intention: The applicant intends to utilize the existing 46.5 square meter (500 square foot) cabin on the 1.1 ha (2.7 acre) property located at 2401 Grant Ave as a short-term vacation rental (STR).

Recommendation: *That the Board of Directors consider issuing Temporary Use Permit TUP21004 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.*

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 as presented.

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 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 natural boundary setback and a

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geotechnical assessment by Lewkowich Engineering Associates 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 is acquired before future construction begins.

2. 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.
- (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.

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.

Two Development Permit Areas impact development on the property: DPA III – Coastal Riparian Areas Protection, and DPA IV – Natural Hazard Areas.

Two development permits were issued in 2020 to facilitate the construction of the cabin and detached garage. The professional geotechnical assessment that accompanied the development permit applications recommended a flood construction level of 8.95 meters for all habitable spaces. As the proposed buildings were more than 30 meters from the natural boundary there was no assessment of the environmental impacts of the construction.

- 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

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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 cabin as a short term vacation rental when they are not using it themselves. 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.

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 2, DISTRICT LOT 468, CLAYOQUOT DISTRICT, PLAN 1692 to permit a short term rental 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 the existing cabin located on 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.
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. This permit is valid for two (2) years from the date of execution.
6. 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.
7. The operation of the STR must be in compliance with all Provincial Health Officer orders.
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.

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. The Temporary Use Permit would allow the applicant to generate income from this property while they proceed with rezoning the property. They wish to rezone the property to allow for the construction of four (4) cabins situated behind the current single family home. The cabins will be used for short term rental units, and the property owners will use the existing single family home as their permanent residence.

The structure has been built during the last two years and there has been multiple inspections of the

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property throughout the process. Planning staff are supportive of proceeding with the neighbour notification process for this application to gather public input on the proposed Temporary Use Permit.

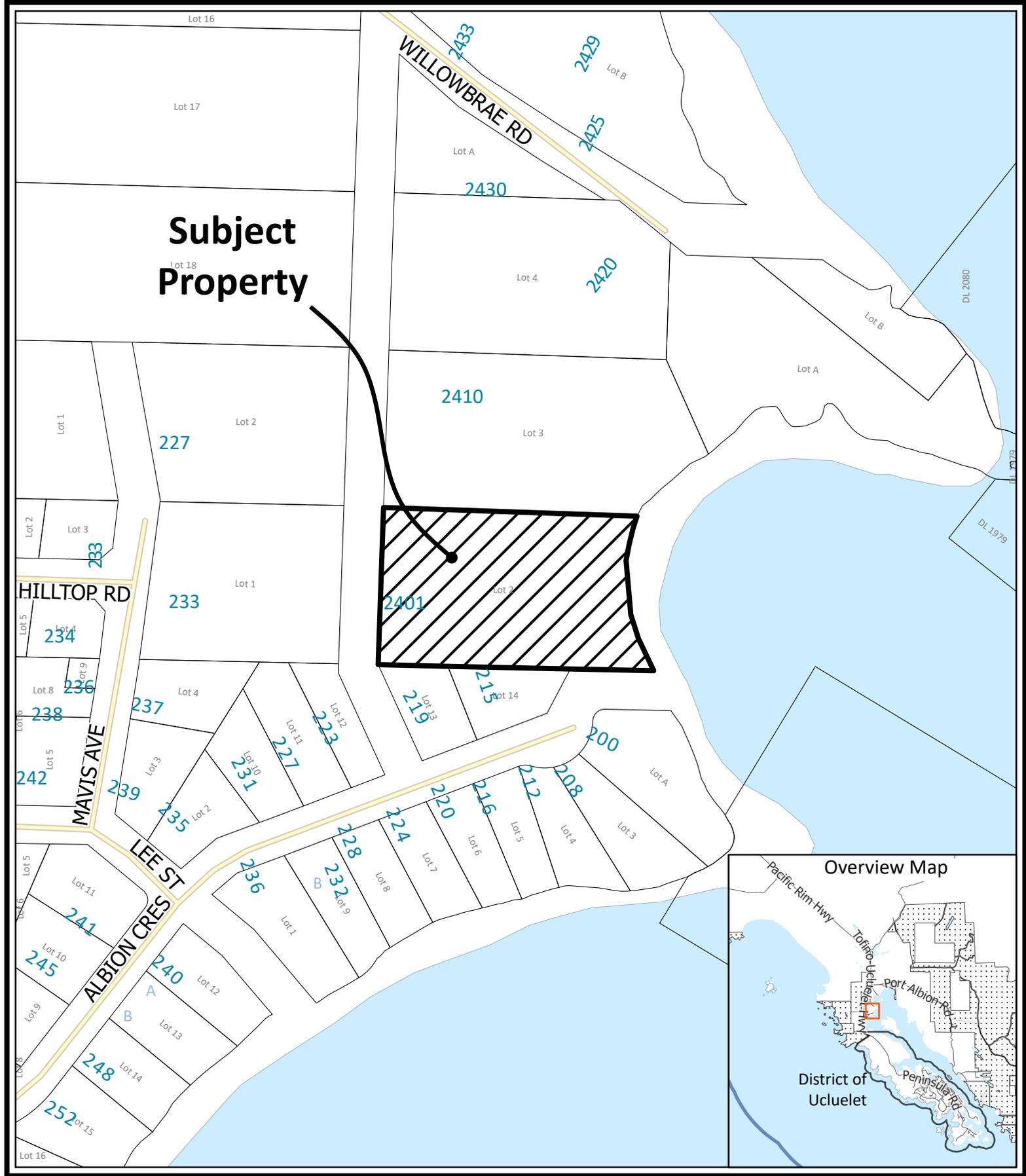
The use of the property as a temporary short term rental aligns with the South Long Beach OCP policies to retain a rural feel while allowing for small scale tourist accommodation in residential areas. The short-term vacation rental use would provide the applicant with the flexibility to operate the property as a vacation rental over the short term while transitioning to a different land use in future.

Submitted by: *S Foulkes*
Sarah Foulkes, Junior Planner

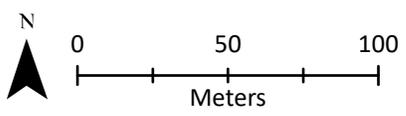
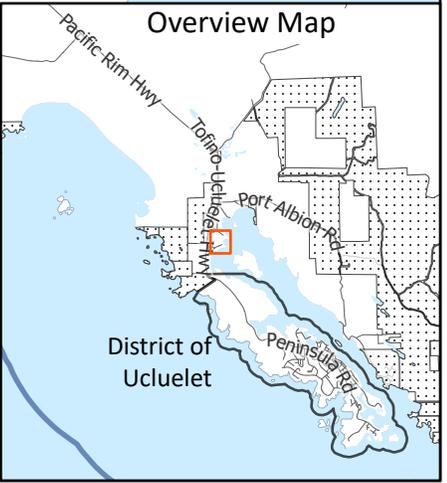
Reviewed by: *Alex Dyer*
Alex Dyer, MCIP, RPP, Planning Manager

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

TUP21004



**Subject
Property**



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

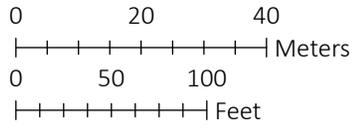


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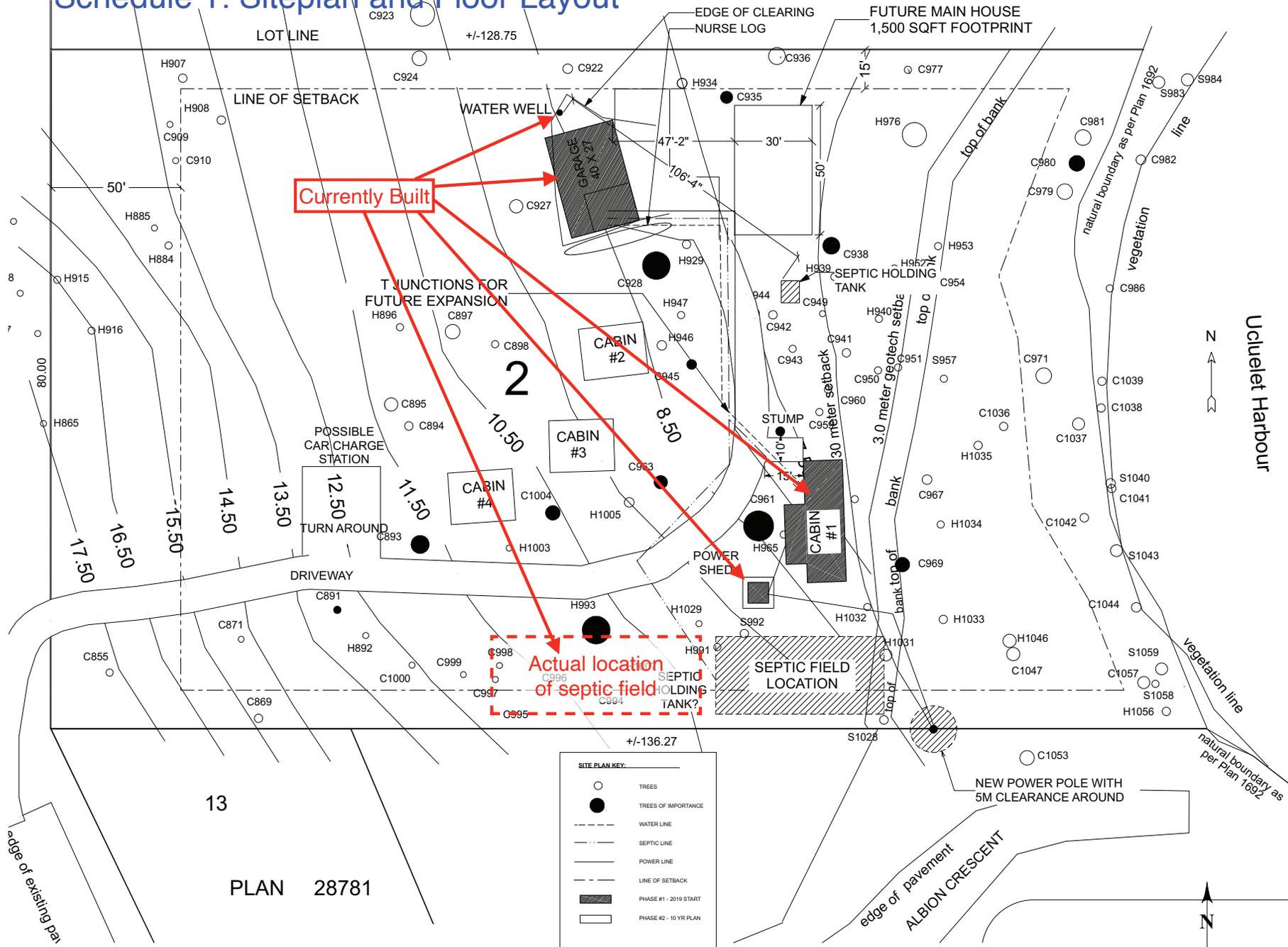
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 2401 Grant Ave, Ucluelet

Prepared March 15, 2021, ACRD
 Google satellite imagery



Schedule 1: Siteplan and Floor Layout



PO Box 1067
 Tolfo, BC V0R 2Z0
 info@nectardesign.co
 www.nectardesign.co

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

SITE PLAN KEY:	
○	TREES
●	TREES OF IMPORTANCE
- - -	WATER LINE
- · - · -	SEPTIC LINE
—	POWER LINE
- - -	LINE OF SETBACK
■ (grey)	PHASE #1 - 2019 START
□ (white)	PHASE #2 - 10 YR PLAN

Schedule 1: Siteplan and Floor Layout



WALL OPENINGS WITH SHUTTERS ON BARN DOOR TRACKS

PRIVACY SCREEN 1X2 NATURAL CEDAR

METAL POST



CONCEALED BEAM WRAPPED IN SIDING

PAINTED CORTEN LOOK PANEL

METAL POST

WALL OPENINGS

CONCRETE DECK

STAIRS DOWN TO COVERED STORAGE/ BEACH. NATURAL LANDSCAPED STEPS



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

REVISIONS:

FOR: CONSTRUCTION

SHEET TITLE:
 EXTERIOR PERSPECTIVES

SCALE: AS NOTED

SHEET NUMBER:

A9.01