

**AGENDA ITEM SUMMARY**

TO: Chair and Directors, Cariboo Regional District Board

AND TO: Janis Bell, Chief Administrative Officer

FROM: Rick Brundrige, Manager of Planning Services DATE: January 15, 2010

DATE OF MEETING: January 22, 2010

SHORT SUMMARY: Staff were requested to provide a mechanism and permitting process for temporary accommodation (short-term vacation rentals) in the Interlakes Area Official Community Plan.

VOTING: Stakeholder weighted – all Electoral Areas

MEMORANDUM: At the December 11, 2009 Board meeting, this item was referred back to staff for clarification with regard to commercial vs. non-commercial use.

*The revised amendments throughout this agenda item summary will be in **bold italics***

In 2008 the Board adopted the following resolution:

“That the South Cariboo land use bylaws be amended to allow a temporary accommodation zoning. Further that the subject amendment be pursued at such time as an applicant submits a development proposal necessitating temporary accommodation zoning. Further, that the Board indicate its preference to establishing temporary accommodation zoning as a commercial use or as a residential use. Further, that while investigating the option of a temporary accommodation zone in the south Cariboo, staff also determine the possibility of a permitting process in this regard”.

For background, the CRD received a number of complaints in 2007 and earlier regarding rental of vacant homes for purposes of temporary accommodation, all located in the South Cariboo. As a result, the Board adopted Bylaw 4237 in February 2008 that prohibited ‘temporary accommodation’ as defined:

*“TEMPORARY ACCOMMODATION” means rental, lease or accommodation for consideration for a period of less than four consecutive weeks in a calendar year or, with respect to a time share plan, as defined in the Real Estate Act, a period of less than 6 consecutive months.*

***Staff have revised the above definition to read as follows:***

***“TEMPORARY ACCOMMODATION” means rental, or accommodation for consideration obtained by means of internet, newspaper or other advertising for a period of less than four consecutive weeks in a calendar year or, with respect to a time share plan, as defined in the Real Estate Act, a period of less than 6 consecutive months.***

Bylaw 4237 also prohibited temporary accommodation in any R 1, R 2, R 3, RL, RL 2, or RR 3 zone except for Bed and Breakfast Accommodations or Rooming and Boarding Accommodations where specifically permitted in the applicable zone.

This Bylaw only pertained to the South Cariboo Area.

***Staff do note that the OCP is the senior document despite the language in Bylaw 3501 regarding prohibition. However, for clarification, staff do recommend a change in the wording of Bylaw 3501 as follows:***

#### **4.17 TEMPORARY ACCOMMODATION**

***No Temporary Accommodation is permitted in any R 1, R 2, R 3, RL, RL 2 or RR 3 zone except for Bed and Breakfast Accommodations or Rooming and Boarding Accommodations where specifically permitted in the applicable zone, or permitted within the applicable Official Community Plan.***

Staff analysed a number of options to address a permitting process for temporary accommodation, including rezoning to a specified use, bylaw enforcement, temporary commercial permit, and home occupation provisions. The most appropriate process was a temporary commercial permit, such as has been employed in the Islands Trust area for several years. As neighbourhood concerns brought the issue of short-term vacation rentals forward, it seemed appropriate to have an application process that involves the direct neighbours. The Temporary Commercial Permit process does have a newspaper advertisement component and the neighbours have the opportunity to review a draft resolution regarding the use. If necessary, the Board can hold a public meeting on the application. Another advantage to a temporary permit is that it is valid for a maximum of 2 years and can be renewed for an additional period of up to 2 additional years. Should short-term vacation rental operators create problems in the community, their permit could be revoked or refused to be renewed upon the two year expiration. A more permanent venture would require an OCP amendment and rezoning.

In proposing options to deal with short term accommodation the CRD staff did propose a temporary commercial permit. Our office did receive complaints from one of the South Cariboo vacation rental management firms about the cost of a Temporary Permit. The fee was \$1100 per application up until early 2009, when the Board adopted an amended fee schedule that, amongst other things, reduced the Temporary Commercial Permit fee to \$700. Part of the fee reduction was due to the comprehensive public consultation process and significant number of conditions that was undertaken by the Islands Trust, perhaps not necessitating public meetings on many applications.

The most effective method of establishing Temporary Permit Areas is within an Official Community Plan. In non-OCP areas, it is required to prepare an official bylaw and seek approval of the Ministry of Community and Rural Development.

Within the South Cariboo Area, three OCP's are in place: Lac La Hache Area, South Cariboo Area, and the Interlakes Area. The only OCP that has language where Temporary Permits have already been

introduced into the OCP is the Interlakes Area, the most recent of these bylaws. As new and revised OCP's are being written, we are including Temporary Permits in all of them.

As a trial, the South Cariboo CRD Directors suggested that additional wording be added to the current temporary permit section with regard to short term vacation rental.

The current section of the Interlakes Area OCP is indicated below, with additional wording highlighted in yellow.

## **9.0 TEMPORARY COMMERCIAL AND INDUSTRIAL PERMITS**

### Background

The *Local Government Act* makes provisions for Temporary Commercial and Industrial permits. The intent of these permits is to provide for the ability to locate a commercial or industrial use on a temporary basis. Rational for such a permit can be a short-term contract requiring only an activity for a limited duration. Legislation can permit a conditional permit for up to 2 years, with the ability to apply for one extension for up to another two-year period. Further extensions are not permitted.

Upon expiry of the permit, the use must be removed, unless a zoning and plan amendment has been adopted.

### 9.1 Objective

To consider the issuance of temporary commercial and industrial permits in specified areas of the Plan area.

#### 9.2.1 Policies

1. To consider the issuance of temporary commercial or industrial permits within properties designated as Rural Residential 1, Rural Residential 2, Commercial, Industrial, Agricultural, and Resource Areas on Schedule 'B'.
2. To consider issuance for temporary accommodation commercial vacation rental permits pursuant to Policy 9.2.2 for properties designated as Lakefront Residential and Deka Lake Settlement Area and Rural Residential 3, on Schedule 'B'
3. To stipulate conditions on the permit which minimizes the intrusion of the use on adjoining Agricultural and Resource Area designed properties, as applicable, including the possible requirement of sound and visual mitigation measures where the development is within 600 metres of a Rural Residential 3, Lakefront Residential or Deka Lake Settlement Area designated property.
4. The Regional Board may require the proponent to invite the local community to a public meeting prior to consideration of a resolution to conditionally approve the temporary use.

5. Should the applicant wish the continuation of the use beyond the expiry of a permit, or expiry of a renewal, an application to amend the zoning bylaw and/or official community plan must be submitted well in advance of permit expiry in order to assure non-interruption of land use. It is recommended that applications be submitted six (6) months prior to permit expiry.

#### 9.2.2 Temporary Accommodation (Vacation Rental) policies and guidelines

1. the Regional Board will consider the cumulative effects on the neighbourhood of all the temporary use permits issued for commercial vacation rentals;
2. the Regional Board may consider issuance of a temporary use permit for commercial vacation rental if the proposal does not alter the residential appearance of neighbourhood;
3. the Regional Board may require mitigating measures to address neighbour concerns, such as screening and fencing where the proximity of dwelling under consideration for a commercial vacation rental to a neighbouring dwelling is such that screening or fencing is practical or able to mitigate potential impacts or address neighbour privacy issues;
4. the landowner will be required to provide proof that the property is able to accommodate a minimum of two vehicles, excluding on-street parking;
5. the landowner will be required to provide documentation from a Registered Onsite Wastewater Practitioner or Professional Engineer with appropriate background that the septic disposal system has been inspected to show it is working properly and capable of supporting the proposed occupancy load;
6. the landowner will be required to provide proof of an occupancy permit and written proof that the dwelling meets the building code;
7. the owner or a local contact/manager will be required to reside within the South Cariboo area and a condition of the permit requires that the owner or a local contact/manager be available by telephone 24 hours/day, seven days per week;
8. a condition of the permit will require that the owners or local contact/manager must provide neighbours within a 100 metres radius of the vacation rental with the owners or local contact/manager phone number, and a copy of the temporary use permit;
9. a condition of the permit will require that the landowner posts for guests information on noise bylaws, water conservation, fire safety, transfer station location, and septic system care;
10. a condition of the permit will restrict the maximum number of occupants that can stay to a maximum of two guests per bedroom with limits of 3 bedrooms or 6 occupants on lots less than 2.0 hectares and limits the number of bedrooms to 4 bedrooms or 8 occupants for lots greater than 2.0 hectares;

11. a condition of the permit will restrict the maximum number of signs advertising the commercial vacation rental to one sign, with a maximum area of 0.2 square metres (2.15 square feet) be made of wood and not illuminated;

12. a condition of the permit will prohibit the rental or provision of motorized personal watercraft to rental clients;

13. a condition of the permit will prohibit recreational vehicles or camping; and

14. such other considerations as the Regional Board deems applicable with respect to a specific commercial vacation rental application.

The proposed additional wording is derived mostly from the policy adopted in the Islands Trust. Some of the above provisions should address concerns of neighbours and regulatory agencies, such as the proposed notification distance of 100 m where neighbours will be informed on the application (current rezoning applications are 60 m); the neighbours within 100 m being provided the name of the local agent; requirement for building code and septic inspections; limited occupancy of the dwelling unit and required off-street parking; in restrictions to bring additional recreation vehicles or provide camping, and the ability to add any other condition based upon public consultation.

Staff undertook a referral to Interior Health regarding the proposed policies, with it commented that “I think that you have done a great job on this OCP and it is definitely a step forward”. Staff also consulted with building inspection and bylaw enforcement when preparing these proposed conditions.

It is recommended that the proposed Bylaw amendment be considered by the Board and approved in principle. Should this occur, staff will refer the draft Bylaw to the Ministry of Transportation, Area “L” Advisory Planning Commission and any other agency that the Board determines is appropriate.

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For information, should the Bylaw become adopted, staff will prepare a specific application for Temporary Vacation Rental Accommodation that requires documentation regarding:

- i) septic disposal inspection
- ii) proof of occupancy permit and proof that building meets building code;
- iii) interior diagram of dwelling indicating number and location of beds
- iv) proof of ability for parking two vehicles on site;
- v) name, address and phone number of property manager or owner’s designate who is available 24 hours per day, 7 days per week.

Assessing applications for permit issuance is based on the following steps:

- 1) receive application

2) refer to APC, Directors and other agencies

3) refer to Board with reports to request approval in principle and place newspaper advertisement for either soliciting comments prior to a specified

Board meeting, or deny application. Mailing to all property owners within 100 m also recommended.

4) review comments from public at a specified Board meeting and consider issuance of the permit with or without added conditions.

Regarding part 4, the Board is able to delegate a TCIP to a one or more of its members, an officer or staff (pursuant to Section 176 of the *Local Government Act*), with the Board having authority of an appeal body. Currently, three CRD managers have been delegated authority for Aquatic Habitat Development Permits. The delegation does save the applicant some time in that it not necessary to await two Board meetings to receive the final decision on an application.

Should the proposed Bylaw amendment be successful, staff will consult with the Board on an application process at a later date.

For information, please find attached a copy of a hearing ad for a property on Gabriola Island as well as the issued permit.

ATTACHMENT: Gabriola Island Public Notice for Temporary Use Permit and copy of resultant issued Permit

POLICY IMPLICATIONS: Will provide a mechanism to enable temporary dwelling permits in one area of the South Cariboo.

FINANCIAL IMPLICATIONS: None

OPTIONS:       1) Receipt;  
                  2) Endorse recommendation;  
                  3) Defer.

RECOMMENDATION: That the agenda item summary from Rick Brundrige, Manager of Planning Services, dated January 15, 2010 regarding a draft Bylaw amendment for establishing Temporary Accommodation as a Temporary Commercial use in the Interlakes Area Official Community Plan and a draft Bylaw amendment regarding the definition of Temporary Accommodation in the South Cariboo Zoning Bylaw, be received.

Further, that the draft Bylaws be approved in principle and referred to agencies such as the Ministry of Transportation and Infrastructure and Area 'L' Advisory Planning Commission.