



**To: Port Alberni Advisory Planning Commission**

Ken McRae (Chair)	Chief Councillor Cynthia Dick (Tseshah First Nation)
John Douglas (Vice-Chair)	Chris Washington - (SD #70)
Amy Anaka	Sgt. Clive Seabrook, (R.C.M.P. Liaison)
Jim Tatoosh (Hupacasath First Nation)	Rick Newberry (P.A.F.D. Liaison)
Stefanie Weber	Rob Gaudreault (Parks Liaison)
Callan Noye	Councillor Deb Haggard (Council Liaison)
Ed Francoeur	

**From:** Katelyn McDougall, Manager of Planning

**Copy:** Councillor Helen Poon - (Alternate - Council Liaison)  
Larry Ransom - (Alternate - School District #70)  
Sgt. Peter Dionne – (Alternate – R.C.M.P. Liaison)  
Steven Tatoosh (Alternate – Hupacasath First Nation)  
Darren Mead-Miller (Alternate – Tseshah First Nation)  
City Clerk Dept.: Davina Hartwell; Twyla Slonski, Tanis Feltrin, Sara Darling  
City Staff: Cara Foden, Brian McLoughlin, Tim Pley

**Date:** July 9, 2020

**Re:** Advisory Planning Commission Meeting  
**Thursday, July 16, 2020 at 12:00 pm (via remote access)**

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A meeting of the Advisory Planning Commission has been scheduled for **Thursday, July 16, 2020** at 12:00 pm via Zoom. Please see email notification for details regarding meeting access. If you have questions or are unable to attend please contact Brian McLoughlin (Tel: 250-720-2806 / email: [brian.mcloughlin@portalberni.ca](mailto:brian.mcloughlin@portalberni.ca)) or Cara Foden (Tel: 250.720.2850 / email: [cara.foden@portalberni.ca](mailto:cara.foden@portalberni.ca)).

**AGENDA**

1. **Acknowledgements** and Introductions- This APC meeting is being held within the un-ceded traditional territories of the Hupačasath and the Tseshah (č išaaʔath) First Nations
2. **Minutes** of the June 18, 2020 meeting of the Advisory Planning Commission.
3. **DEVELOPMENT APPLICATION:** Zoning Bylaw amendments  
**City Wide** - Short Term Rentals  
**Applicants:** City of Port Alberni
4. **Status Update** – Manager of Planning
5. **Other business**
6. **Adjournment** - The next APC meeting is scheduled for **August 16, 2020**.



**Summary Report / Minutes of the Advisory Planning Commission Meeting**  
**(Held on Jun 18, 2020)**  
**Via remote access through Zoom, at 12:00 p.m.)**

**Commission Members Present**

Ken McRae (Chair)  
John Douglas (Vice-Chair)  
Amy Anaka  
Callan Noye  
Jim Tatoosh, Hupačasath F.N.  
Stefanie Weber  
Ed Francoeur  
Chris Washington, S.D.70 Liaison  
Rick Newberry, P.A.F.D. Liaison  
Rob Gaudreault, Parks Liaison  
Councillor Deb Haggard, Council Liaison  
Sgt. Clive Seabrook, R.C.M.P. Liaison

**Guests**

Members of the Public: None  
Applicant: K. Rai representing the applicants

**Staff**

Katelyn McDougall, Manager of Planning  
Cara Foden, Planning Technician  
Brian McLoughlin, Development Planner

**Regrets**

Cynthia Dick, Tseshah (č išaa?ath) F.N.

**Alternates (not in attendance)**

Larry Ransom (Alternate–SD70)  
Councillor Helen Poon (Alternate–Council)  
Peter Dione (Alternate–R.C.M.P.)  
Darren Mead-Miller (Alternate – Tseshah F.N.)



**1. Acknowledgements and Introductions –**

- Acknowledgement, by the Chair, that this APC meeting is being held within the un-ceded, traditional territories of the Hupačasath and the Tseshah (č išaa?ath) First Nations.
- The Manager of Planning introduced Brian McLoughlin, MCP, recently hired for the position of Development Planner for the City of Port Alberni.

**2. MINUTES - Adoption of May 21, 2020 Minutes**

**MOTIONS:**

*That the City of Port Alberni Advisory Planning Commission adopt the minutes of the May 21, 2020 regular meeting.*

**( Washington / Noye ) CARRIED**

**3. DEVELOPMENT APPLICATION: Development Variance Permi**  
**4191 Bute Street - Lot 1, District Lot 1, Alberni District, Plan VIP81030 (PID: 026-679-043)**  
**Applicant:** Ragbir S. Dhaliwal and Balbir K. Dhaliwal

- The Development Planner presented a summary of the report dated June 10, 2020.
- APC discussed the proposed amendments and report as follows:
  - Several members expressed their support for the requested Variance.
  - Fire safety was discussed with respect to the implementation of a requirement for a Building Location Certificate and the preference for a close working relationship between the Building Inspector and the Fire Department.
  - The Fire Department indicated proximity of the houses was not ideal but met the Building Code requirements.

- The Fire Department is working closely with the Building Inspector and the requirement for a Building Location Certificate (BLC) will help prevent future similar problems with building siting. The APC members were pleased to know that a BLC is now required and that sentiment was echoed by the Manager of Planning.
- The APC asked if adjacent houses presented the same need for a Variance. The Manager of Planning indicated that the other homes in the subdivision are essentially grandfathered with respect to siting.
- The Fire Department indicated that a Building Permit was issued for a garage.

**MOTIONS:**

1. *That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with the necessary Development Variance Permit to vary Zoning Bylaw 4832 as follows:*

*Vary 'Section 5.13.2 R3 – Small Lot Single Family Residential Minimum Setbacks, Side Yard (East Side)', from 1.5 m to 0.8 m, a variance of 0.7 m for development on land legally described as Lot 1, District Lot 1, Alberni District, Plan VIP81030 (PID: 026-679-043) and located at 4191 Bute Street.*

2. *That City Council direct staff to give notice of intent to consider the issuance of Development Variance Permit No. 102 for 4191 Bute Street.*

**( Douglas / Washington ) CARRIED**

**4. STATUS UPDATE:**

- DP issued – 5119 Athol Street
- DP pending – Low Energy Housing project on Maitland
- OCP/Rezoning application received for Carlson building

Coming to Council:

- Uptown District Revitalization Strategy - survey findings, funding announcement and next steps (600 people completed the survey)
- DVP – 5200 Gertrude St coming to Council June 22nd
- Train station RFP draft in June or early July

**5. OTHER BUSINESS**

6. **ADJOURNMENT** – The meeting adjourned at 12:30 pm. The next meeting is scheduled for 12:00 pm on **July 16, 2020.**

**( Washington / McRae ) CARRIED**

Ken McRae (Chair)





# CITY OF PORT ALBERNI

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## PLANNING DEPARTMENT REPORT TO THE ADVISORY PLANNING COMMISSION

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TO: Advisory Planning Commission

FROM: Brian McLoughlin, Development Planner

DATE: July 9, 2020

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**SUBJECT: Short Term Rentals – Zoning Bylaw Amendment**

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### **ISSUE**

At issue is the consideration of changes to the City's Zoning Bylaw (*Bylaw 4832*) to introduce Short Term Rentals as a permitted use within city limits. The Advisory Planning Commission and City Council have previously given high-level input and direction on how to introduce this use, and the following report is the next step in implementing that direction.

The proposed amendments in this report would introduce new definitions, identify specific zones, and provide other regulations for Short Term Rentals.

### **BACKGROUND**

The City of Port Alberni does not currently permit Short Term Rental (STR) accommodations in any zone. In early 2019, the City started to consider changes to the Zoning Bylaw and Business License Bylaw to introduce STRs. However, no research or policy analysis was conducted by staff at that time, and proposed changes to the Zoning Bylaw were not formally considered by the Advisory Planning Commission and City Council. The project was returned to the Planning Department for further review.

Later in 2019, the Planning Department conducted research into STRs with the help of an intern from Vancouver Island University's Master of Community Planning Program. The resulting report demonstrated various approaches to STR regulations by analyzing tourism statistics, policies, and the bylaws of other municipalities.

The latest staff report on STRs was presented to Council at the January 13, 2020 regular meeting. This report summarized the research of the intern student, and contained a proposal to proceed with additional public and stakeholder engagement to help develop a regulation scheme for STRs. At that meeting Council directed staff to proceed immediately with preparing amendments to the Zoning Bylaw that would enable STRs. Staff are now seeking input from the Advisory Planning Commission before bringing the proposed amendments to Council for further consideration.

It is important to note that Zoning Bylaw amendments are one component in a broader regulatory scheme. Local examples of STR regulation, such as in Tofino, indicate the success of STR regulation is dependent on a City's ability to enforce it. Typically, this occurs through business

licensing and taxation. The introduction of this specific type of use can require additional staff resources to be effectively managed.

## **ZONING BYLAW AMENDMENTS**

Staff have developed amendments to the Zoning Bylaw to introduce STRs. The proposed amendments take into consideration industry research and best practices implemented by other communities.

The proposed approach would permit STRs as an accessory use in rural residential and some single-family residential zones (R1, R2, RR1, RR2, RM1, RM2, and RM3 zones). STRs would be regulated much like a bed and breakfast, which is currently a permitted accessory use. The proposed amendments include new parking requirements, occupancy limits, and other general regulations specific to the operation of STRs. The purpose is to help mitigate potential impacts STRs may have on the community, the housing market, and the hotel industry. Additionally, the amendments put bed and breakfasts at parity with STRs, by allowing them to operate the same number of bedrooms (an increase from two to three bedrooms).

As per Council's direction, staff propose adding the following text to the Zoning Bylaw.

## **DEFINITIONS**

Under **Section 4 Definitions of the Zoning Bylaw**, add the following text:

**"SHORT TERM RENTAL"** means all or part of a dwelling unit used to provide sleeping accommodations for any rental period that is less than twenty-nine (29) consecutive days in exchange for payment. This excludes B&Bs, hotels, and motels.

## **ESTABLISHMENT OF ZONES**

Under **Section 5 Establishment of Zones** of the Zoning Bylaw, add the following text:

To section 5.11.1 (the list of Accessory Permitted Uses) in the **R1 – Single Family Residential** zone:

*"Short term rental"*

To section 5.11.3(c) (Conditions of Use) in the **R1 – Single Family Residential** zone:

*"Only one (1) of the five (5) following accessory uses is permitted on any lot: bed and breakfast OR home occupation OR secondary suite OR supportive housing, OR short term rental."*

To section 5.12.1 (the list of Accessory Permitted Uses) in the **R2 – One and Two Family Residential** zone:

*"Short term rental"*

To section 5.12.3(c) (Conditions of Use) in the **R2 – One and Two Family Residential** zone:

*"Only one (1) of the five (5) following accessory uses is permitted on any lot: bed and breakfast OR home occupation OR secondary suite OR supportive housing, OR short term rental."*

To section 5.12.3(c) (Conditions of Use) in the **R2 – One and Two Family Residential** zone:

*"Short term rentals are not permitted in a duplex."*

To section 5.9.1 (the list of Accessory Permitted Uses) in the **RR1 – Rural Residential** zone:  
*“Short term rental”*

To section 5.9.3(d) (Conditions of Use) in the **RR1 – Rural Residential** zone:  
*“Only one (1) of the five (5) following accessory uses is permitted on any lot: bed and breakfast OR home occupation OR secondary suite OR supportive housing, OR short term rental.”*

To section 5.10.1 (the list of Accessory Permitted Uses) in the **RR2 – Semi Rural Residential** zone:  
*“Short term rental”*

To section 5.10.3(c) (Conditions of Use) in the **RR2 – Semi Rural Residential** zone:  
*“Only one (1) of the five (5) following accessory uses is permitted on any lot: bed and breakfast OR home occupation OR secondary suite OR supportive housing, OR short term rental.”*

To section 5.14.1 (the list of Accessory Permitted Uses) in the **RM1 – Low Density Multiple Family Residential** zone:  
*“Short term rental”*

Add section 5.14.3(g) (Conditions of Use) in the **RM1 – Low Density Multiple Family Residential** zone:  
*“Short term rentals are permitted only within a single-family dwelling.”*

Add section 5.14.3(h) (Conditions of Use) in the **RM1 – Low Density Multiple Family Residential** zone:  
*“Only one (1) of the two (2) following accessory uses is permitted on any lot with a single-family dwelling: home occupation OR short term rental.”*

To section 5.15.1 (the list of Accessory Permitted Uses) in the **RM2 – Medium Density Multiple Family Residential** zone:  
*“Short term rental”*

Add section 5.15.3(g) (Conditions of Use) in the **RM2 – Medium Density Multiple Family Residential** zone:  
*“Short term rentals are permitted only within a single-family dwelling.”*

Add section 5.15.3(h) (Conditions of Use) in the **RM2 – Medium Density Multiple Family Residential** zone:  
*“Only one (1) of the two (2) following accessory uses is permitted on any lot with a single-family dwelling: home occupation OR short term rental.”*

To section 5.16.1 (the list of Accessory Permitted Uses) in the **RM3 – High Density Multiple Family Residential** zone:  
*“Short term rental”*

Add section 5.16.3(g) (Conditions of Use) in the **RM3 – High Density Multiple Family Residential** zone:  
*“Short term rentals are permitted only within a single-family dwelling.”*

Add section 5.16.3(h) (Conditions of Use) in the **RM3 – High Density Multiple Family Residential** zone:

*“Only one (1) of the two (2) following accessory uses is permitted on any lot with a single-family dwelling: home occupation OR short term rental.”*

To section 8.1.1 (the list of Accessory Permitted Uses) in the **CD1 – Comprehensive Development** zone - **Uplands Phase 2 – Burde Street**:

*“Short term rental”*

To section 8.1.2 (Minimum Lot Area) in the **CD1 – Comprehensive Development** zone - **Uplands Phase 2 – Burde Street**:

*“Single Family dwelling with Short term rental 350 m<sup>2</sup> m (3,767 ft<sup>2</sup>)”*

To section 8.1.2 (Minimum Lot Frontage) in the **CD1 – Comprehensive Development** zone - **Uplands Phase 2 – Burde Street**:

*“Single Family dwelling with Short term rental 15 m (49.2 ft)”*

To section 8.1.3(c) (Conditions of Use) in the **CD1 – Comprehensive Development** zone - **Uplands Phase 2 – Burde Street**:

*“Only one (1) of the five (5) following accessory uses is permitted on any lot: bed and breakfast OR home occupation OR secondary suite OR supportive housing, OR short term rental.”*

## GENERAL REGULATIONS

Under **Section 6 General Regulations** of the Zoning Bylaw, add the following text and illustration:

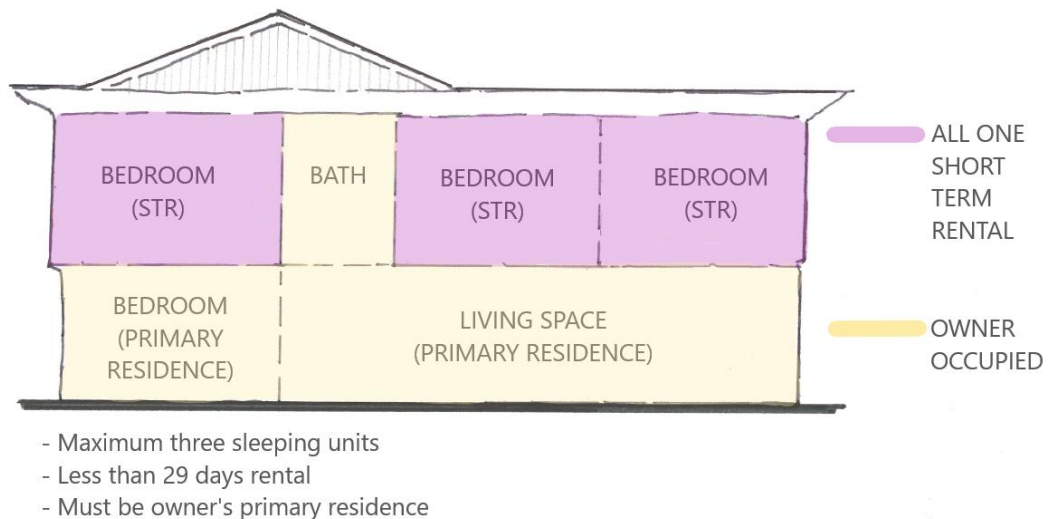
### **Section 6.28 Short Term Rentals**

*All Short Term Rentals shall conform to the following:*

- 6.28.1 The principal dwelling of a property containing a short term rental must remain occupied by the property owner as their primary residence.
- 6.28.2 Must be conducted within part of a single-family dwelling as an accessory use.
- 6.28.3 A Secondary Suite may not be used for the purpose of providing a short term rental.
- 6.28.4 Are prohibited within any vehicle, tent, temporary structure, or accessory building.
- 6.28.5 A maximum of up to three (3) sleeping units may be provided for rent at a time to a maximum of six (6) guests in total.
- 6.28.6 No more than two (2) adults may occupy a sleeping unit used for short term rental accommodation.
- 6.28.7 No more than one (1) booking or reservation for short-term rental accommodation is permitted in each dwelling unit at one time.

- 6.28.8 Parking must be provided in accordance with the parking and loading regulations of Section 7. One (1) off-street parking space must be provided for each sleeping unit used for short term rental accommodation. This is in addition to amount of parking required for the principle use of the property. Tandem parking may be used up to two (2) deep.
- 6.28.9 Signage must be posted on any property used for the operation of a short term rental. All signs must:
- a) display the name, phone number, and email contact of the owner of the property;
  - b) comply with the City of Port Alberni's Sign Bylaw.
- 6.28.10 Must be operated by the property owner. This prohibits operation of a short term rental by a tenant, property management company or employee of the owner.

*Short term rental in a single family dwelling*



Under section 6.14 **"Bed and Breakfast and Guest House Operations"** add the following text:

To sub-section 6.14.3:

"Bed and breakfast operations shall have a maximum of three (3) bedrooms for bed and breakfast accommodations, being provided to a maximum of 6 guests in total".

### PARKING REGULATIONS

With regards to the number of parking stalls provided on site, under the 'Residential' part of subsection **7.9 Required Amount of Parking** add the following text:

*Short Term Rental: 1 space per sleeping unit to a max of 3 spaces.*

### PUBLIC ENGAGEMENT

No public and stakeholder engagement process was initiated to help develop STR regulations as Council previously directed staff to prepare Zoning Bylaw amendments without any further



community consultation. Public feedback is an important part of developing meaningful regulations, and STR regulations would be best determined by engaging the public as broadly as possible.

## **CONCLUSIONS**

The City of Port Alberni is considering implementing regulations to permit Short Term Rental (STR) units within city limits. Staff have developed recommendations based on best practices demonstrated in other communities. The proposed approach will permit certain STRs in rural, semi-rural and some single-family zones. Additional regulations are being proposed to mitigate concerns about noise, parking, and safety.

If the Advisory Planning Commission is supportive of the proposed amendments, staff will prepare an amending bylaw that reflects those changes and bring them to Council for consideration. The Zoning Bylaw amendments will require further public input at the time of a public hearing before final adoption of the Bylaw can be considered by Council.

## **OPTIONS**

1. Recommend to Council that they support the recommendations as presented, and direct staff to prepare an amending bylaw for Council's consideration.
2. Recommend to Council that staff further refine the recommendations.
3. Provide an alternative recommendation.

## **RECOMMENDATION**

The Planning Department recommends Option #1.

*That the City of Port Alberni Advisory Planning Commission recommends to City Council they support the proposed Zoning Bylaw amendments to introduce Short Term Rentals as a permitted use.*

Respectfully,

Prepared by:



Brian McLoughlin  
Development Planner

Reviewed by:



Katelyn McDougall, M.Urb  
Manager of Planning

**ATTACHMENT 1**

The following table contains a high-level comparison of Short Term Rental regulations in various communities on Vancouver Island and across of the province.

City / Town	Duration	Zones	Business License Req?	Principal Residence Req?	Building Code Req?	In Sublets?	In Suite?	Parking Req?	Other Req.
<b>Fernie</b>	Less than 30 days	Zones where dwelling units permitted	Yes	Yes	Yes	Yes w/ permission	No	2 stalls. Existing spaces provided for dwelling may be counted toward total.	Emergency contact info, fire egress map provided. Display license # on ads, snow clearing from parking spots required.
<b>Squamish (proposed bylaw)</b>	Less than 30 days	Residential, multi-family, mixed use zones	Yes	Yes	Yes	Yes w/ permission	No	1 stall per STR unit for SFHs, none for STR in multi-family	1 STR per property, max 2 adults per room. Fire safety plan, emergency contact info provided,
<b>Powell River</b>	Less than 28 days	Residential, rural, mixed use zones	Yes	Yes	Yes	-	Yes	1 stall per bedroom up to a max of 3 stalls for 4 or more bedrooms.	1 STR per lot, 2 adult guest limit per sleeping unit (8 max per dwelling unit), sign bylaw applies to outdoor ads. Entire house rental is permitted as "vacation rental" (max. 10 licenses) Must submit floor plan, display license # on ads.
<b>Nelson</b>	31 days or less	Residential, mixed use, CD zones. Created an R6 zone for STR up to six rooms.	Comm. zones require business license as "tourist accommodation".	Yes	-	-	SS not mentioned, but laneway houses not permitted as STR	1 stall per guest room. 1 stall can be on another lot. Two spaces required for a full home rental. 1 stall downtown.	Operator must be the sole manager of the STR, but may hire 1 employee. Max 2 adults per guest room, 4 per suite, 6 per home. One year-round STR per lot, and a 2nd for 6 months or less.

City / Town	Duration	Zones	Business License Req?	Principal Residence Req?	Building Code Req?	In Sublets?	Permitted in SS?	Parking Req?	Other Req.
<b>Tofino</b>	Less than 1 month	Residential single-family zones.	Yes	Yes	-	-	Yes	1.5 stalls per unit	B&B and STR can't exist on same lot at same time. Limit 1 STR per lot. STR only permitted in separate dwelling units. and in a dwelling with less than three bedrooms. Must display BL # on ads/marketing. Not allowed in mobile homes.
<b>Victoria</b>	Less than 30 days	SFH	Yes	Yes	-	yes w/ permission	No. Cannot occupy an entire dwelling unit. STRs meant to for room rentals.	-	Dwelling unit must be occupied by the operator. 2 bedroom max. STR cannot occupy entire dwelling unit. Entire residence can be STR when operator is away. No signs permitted. No alcohol can be served.
<b>Kelowna</b>	29 days or less	Residential, multi-family, mixed use, and tourist commercial zones	Yes	Yes, except tourist commercial zone. BL fee is double for non-principle residence STR.	Yes	-	No	1 space per 2 sleeping units. Where the STR is principle use it exempt as long as 2 space min. req. is met.	Requires a Good Neighbour Agreement, Parking Plan must be provided.
<b>Golden</b>	Draft regulations under review.	SFH residential only.	Yes	Yes	-	-	No	2 per single detached dwelling plus 1 per additional STR	No STR in multi-family buildings, or secondary dwellings (ie. carriage homes).
<b>Uclulet</b>	STRs not regulated. Only vacation rentals and Guest Rooms. No limit in place.	In special vacation, and guest room zones. All low to medium density residential zones allow SS and B&B accessory uses.	-	-	-	-	Yes, if property is zoned for vacation rental	1 space per room or vacation rental unit	-

City / Town	Duration	Zones	Business License Req?	Principal Residence Req?	Building Code Req?	In Sublets?	Permitted in SS?	Parking Req?	Other Req.
Nanaimo	Currently under review	-	-	-	-	-	-	-	-
Vernon	Currently under review	-	-	-	-	-	-	-	-
Campbell River	Not currently regulated	-	-	-	-	-	-	-	-
Cumberland	Not currently regulated.	-	-	-	-	-	-	-	-
North Cowichan	Not currently regulated or defined.	-	-	-	-	-	-	-	-
Duncan	Not currently regulated or defined.	-	-	-	-	-	-	-	-