



July 17, 2024

CHERRY CREEK ADVISORY PLANNING COMMISSION

A meeting has been scheduled for **Monday, July 22, 2024 at 7:00 pm.**

Please find enclosed the following applications for your review and consideration:

- DVF24007 – 6860 Cypress Blvd (Palmer)
- DVF24009 – 6635 Cypress Blvd (Dockendorff)

Your recommendations will be provided to the Board of Directors at the July 24, 2024 Board meeting.

If you have any questions or need additional information, please reach out to the ACRD Planning Department.

Phone: 250-720-2700

Email: planning@acrd.bc.ca



To: ACRD Board of Directors

Meeting Date: July 24, 2024

From: Brooke Eschuk, Jr. Planner

File #: PL20240051 / DVF24007

Application Type: Development Variance Permit

Voting Structure: Electoral Area Directors

Electoral Area: 'F' Cherry Creek

Subject: Development Variance DVF24007 – 6860 Cypress Boulevard (Palmer)

Recommendation:

THAT the Board of Directors consider issuing Development Variance Permit DVF24007 subject to neighbouring properties being notified as per Local Government Act s. 499.

Development Variance DVF24007:

- i. Development variance of the ACRD Zoning Bylaw, Section 6.2(4)(a), to reduce the watercourse setback from 30 m (100 ft) to 15 m (50 ft) for a single family dwelling on the subject property.

Development Proposal: The applicants intend to construct a new single family dwelling on the 3.8 ha (9.5 ac) property. They have applied for a variance to reduce the required watercourse setback from 30 m to 15 m to allow for optimal siting of the dwelling on the parcel. The proposed location does not encroach into the 15 m Development Permit Area I (DPA I) – Riparian Areas Protection. Once the new home has been constructed the original home will be demolished.

Advisory Planning Commission Recommendation: The Cherry Creek Advisory Planning Commission (APC) will review this application at their July 22, 2024 meeting and staff will provide a verbal recommendation and update at the Board meeting.

Property Owners/Applicants: Mark and Patricia Palmer (Dave Knudsen – Agent)

Property Information:

Civic Address	6860 Cypress Boulevard						
Legal Description	LOT A (DD ES36271) DISTRICT LOT 111 ALBERNI DISTRICT PLAN 1731						
PID	025-036-700	Folio	01288.100	ALR? (Y/N)	Y	Lot Size (ha)	3.8 (9.5 ac)

Current Zoning	Small Holdings (A1) District	Proposed Zoning	n/a
Current OCP	Rural Use	Proposed OCP	n/a
Development Permit Area(s)	DPA I – Riparian Areas Protection (minor 15 m)		
Current Use & Description	The 3.8 ha parcel contains a single family dwelling and accessory buildings. A minor watercourse runs along the east and southeast portion of the parcel. The parcel is entirely within the Agricultural Land Reserve and is mostly covered with mature trees. The new SFD will require the removal of trees to take advantage of sunlight and optimal siting on the parcel.		

PL20240051 / DVF24007

Surrounding Zoning and Land Use			
North	Small Holdings (A1) District	South	Small Holdings (A1) District
East	Rural (A2) District	West	Rural (A2) District

Services:

- a) **Sewage Disposal:** Onsite Sewage disposal.
- b) **Water Supply:** Cherry Creek Community Water System.
- c) **Fire Protection:** Cherry Creek Fire Protection Area.
- d) **Access:** Cypress Boulevard.

Planning Policy Discussion:

- a) **Official Community Plan:** The Cherry Creek Official Community Plan (OCP) designates this property as 'Rural Use'. This designation aims to maintain the predominately rural character of the area. The parcel is impacted by DPA I – Riparian Areas Protection (15 m) however, the property owners do not intend to develop within the DPA.

The proposal complies with the Cherry Creek OCP.

- b) **Zoning:** The parcel is zoned Small Holdings (A1) District. The A1 District supports the development of single family dwellings as well as rural farming activities.

The siting of the proposed house is within the required 30 m watercourse setback outlined in the ACRD zoning bylaw, but outside the 15 m DPA I – Riparian Areas Protection. The current Zoning Bylaw requirements for a 30 metre setback from all watercourses does not align with the OCP guidelines for minor and major streams. Any construction within 30 metres of a watercourse requires a variance.

	Current: A1	Proposed:
Minimum Lot Area (ha)	0.8	-
Minimum Lot Width (m)	50.2	-
Principal & Accessory Front Yard Setback (m)	7.6	-
Principal Side Yard Setback (m)	1.5	-
Principal Rear Yard Setback (m)	9.1	-
Accessory Side Yard Setback (m)	4.5	-
Accessory Rear Yard Setback (m)	4.5	-
Watercourse Setback (m)	30	15

This proposal is not in compliance with the ACRD Zoning Bylaw. A development variance permit is required to reduce the watercourse setback from 30 m to 15 m to allow for the siting of a proposed single family dwelling.

Comments:

The proposed dwelling will be sited outside the 15 m DPA I – Riparian Areas Protection, as designated in the Cherry Creek OCP, but within in the 30 m watercourse setback set out in the ACRD zoning bylaw.

Planning staff feel the variance is reasonable given the existing watercourses dissecting the property and the applicant's preferred siting of the house. The location of the dwelling would align with the DPA I requirements for the protection of riparian areas along minor watercourses. Staff recommends that the Board consider issuing the variance following the neighbour notification process.

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

Reviewed by: _____
Cynthia Dick, General Manager of Administrative Services

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

Site Photos

Taken May 28, 2024



Looking west, the proposed SFD will be sited here. Existing SFD is to the right of the mature cedar trees.



Looking northeast at proposed site of SFD. Existing SFD is to the rear of the stand of trees. Driveway to Cypress Boulevard extends to the right of the photo.



Looking northeast at proposed site of SFD (beyond garden). Existing SFD is visible in the rear.



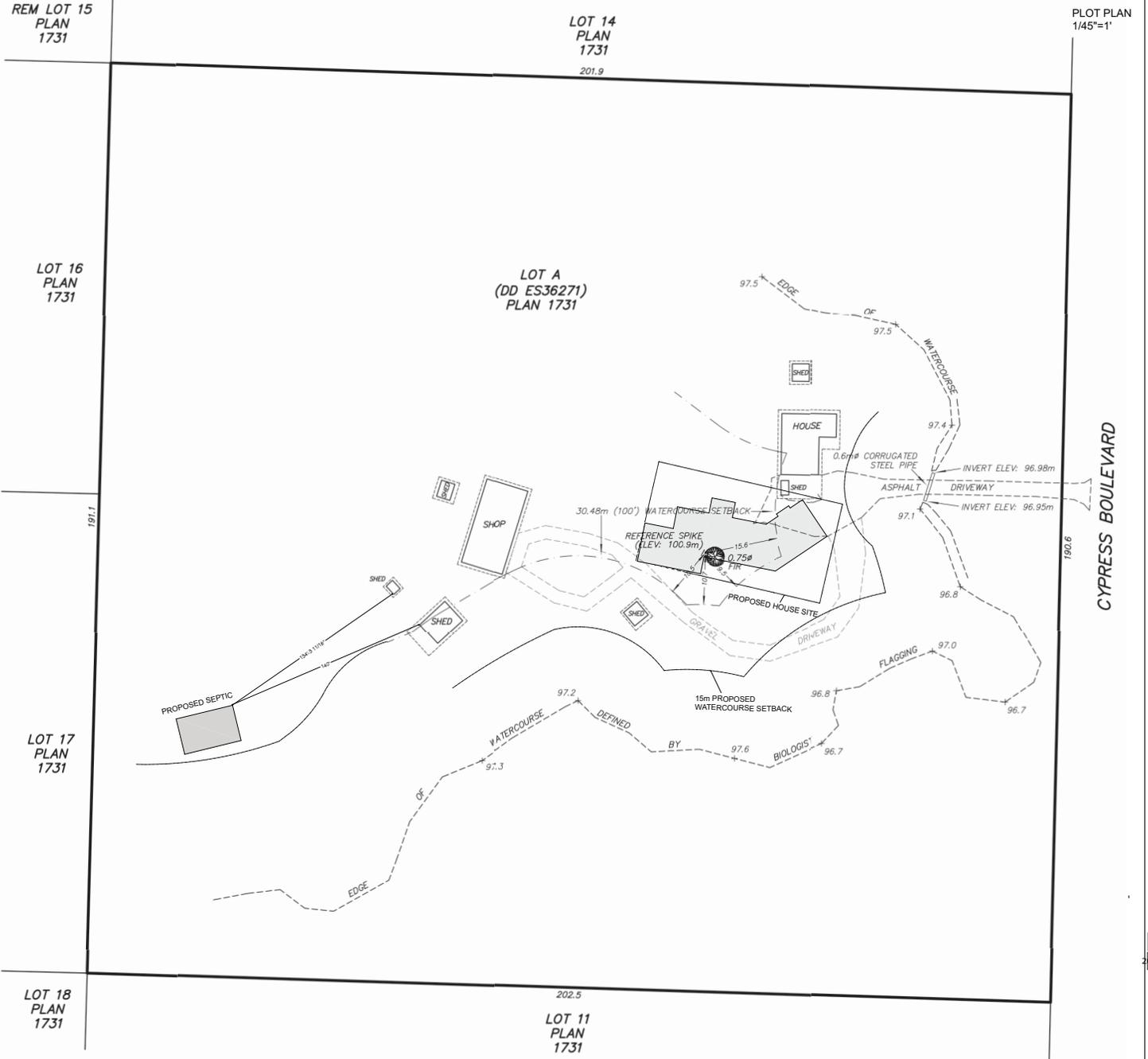
Looking Southeast at minor watercourse (DPA I – Areas Protection).

NOTES:

THIS PLAN IS NOT TO BE USED TO RE-ESTABLISH PROPERTY LINES.
 ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF AND ARE DERIVED FROM PLANS 1731 AND EPP112393.
 ELEVATIONS ARE GEODETIC IN METRES, REFERENCED TO CGVD28 DATUM, DERIVED FROM DIFFERENTIAL DUAL FREQUENCY GNSS OBSERVATIONS POST-PROCESSED USING NATURAL RESOURCE CANADA'S PRECISE POINT POSITIONING (PPP) SERVICE.
 JURISDICTION: JURISDICTION:
 PARCEL ZONING: SMALL HOLDINGS DISTRICT (A 1)
 PID NO: 025-036-700
 THIS LOT IS SUBJECT TO LTO CHARGE NUMBER: M76300.
 CIVIC ADDRESS: 6860 CYPRESS BOULEVARD, PORT ALBERNI, BC

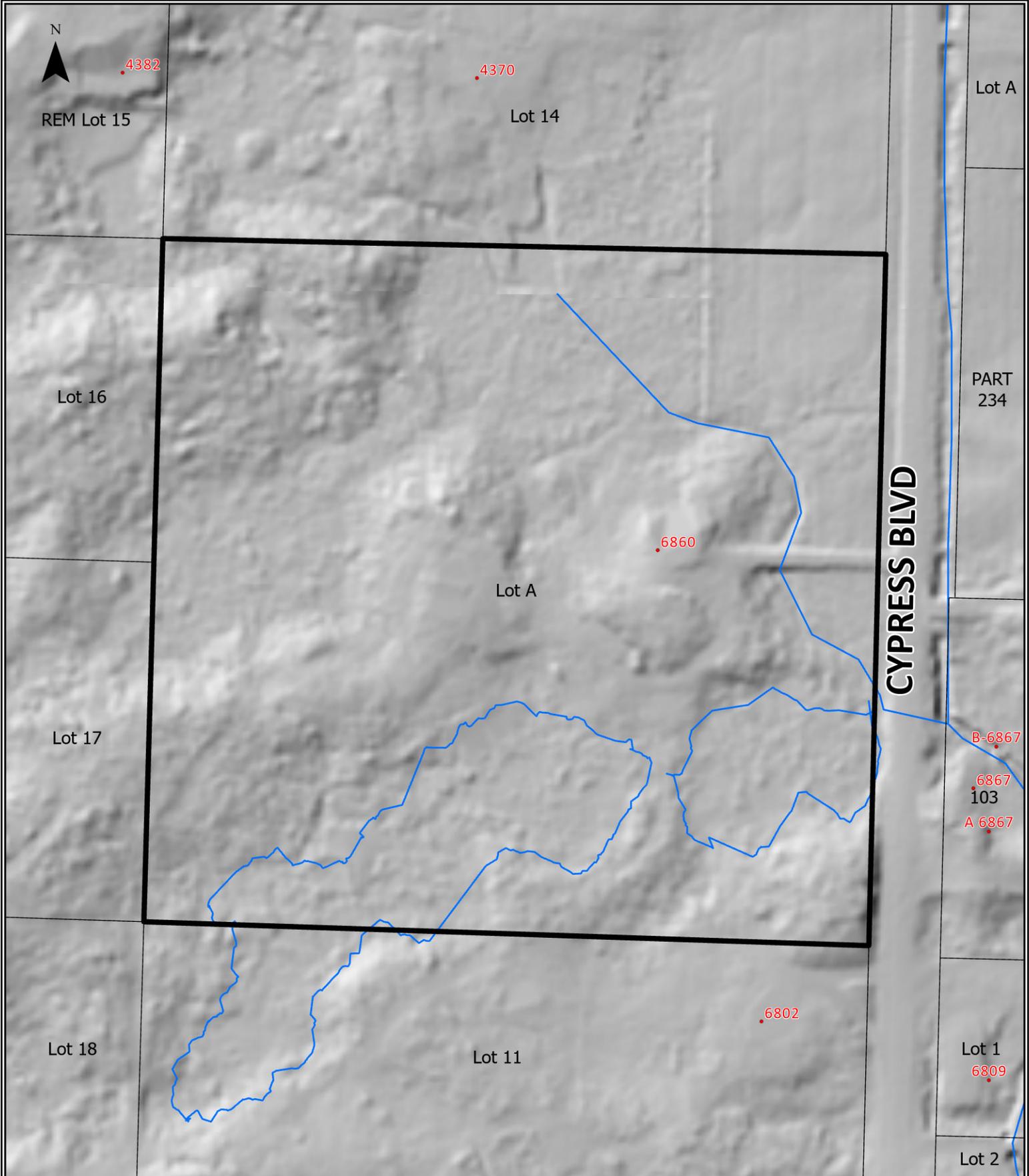
LEGEND:

- DENOTES ROOF OVERHANG
- + 00.0 DENOTES SPOT ELEVATION
- 0.75φ DENOTES TREE DIAMETER (IN METRES) AND SPECIES

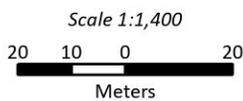


**KNUDSEN
 HOMES & DESIGN**
 6860 CYPRESS BLVD

NO. DESCRIPTION	DATE
BY	DATE
VERSION 1.2	
PROJECT DESCRIPTION: 6860 CYPRESS BLVD WEST COAST RANCHER - PALMS	
SHEET TITLE: PLOT PLAN - VARIANCE APPLICATION	
DRAWINGS PROVIDED BY: KNUDSEN HOMES & DESIGN	
DATE: 2024-05-22	
SCALE: 1/45"=1'	
SHEET: A-1	



6860 Cypress Blvd
 LOT A (DD ES36271) DISTRICT LOT 111 ALBERNI
 DISTRICT PLAN 1731



-  Subject Property
-  AV Stream Atlas
-  Parcels

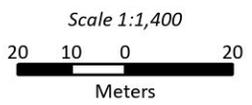


Prepared 2024-06-24
 Sources: ParcelMapBC; GeoBC;
 ACRD

This product is intended for general reference use only and should not be used for navigation or legal purposes.



6860 Cypress Blvd
 LOT A (DD ES36271) DISTRICT LOT 111 ALBERNI
 DISTRICT PLAN 1731



-  Subject Property
-  AV Stream Atlas
-  Parcels

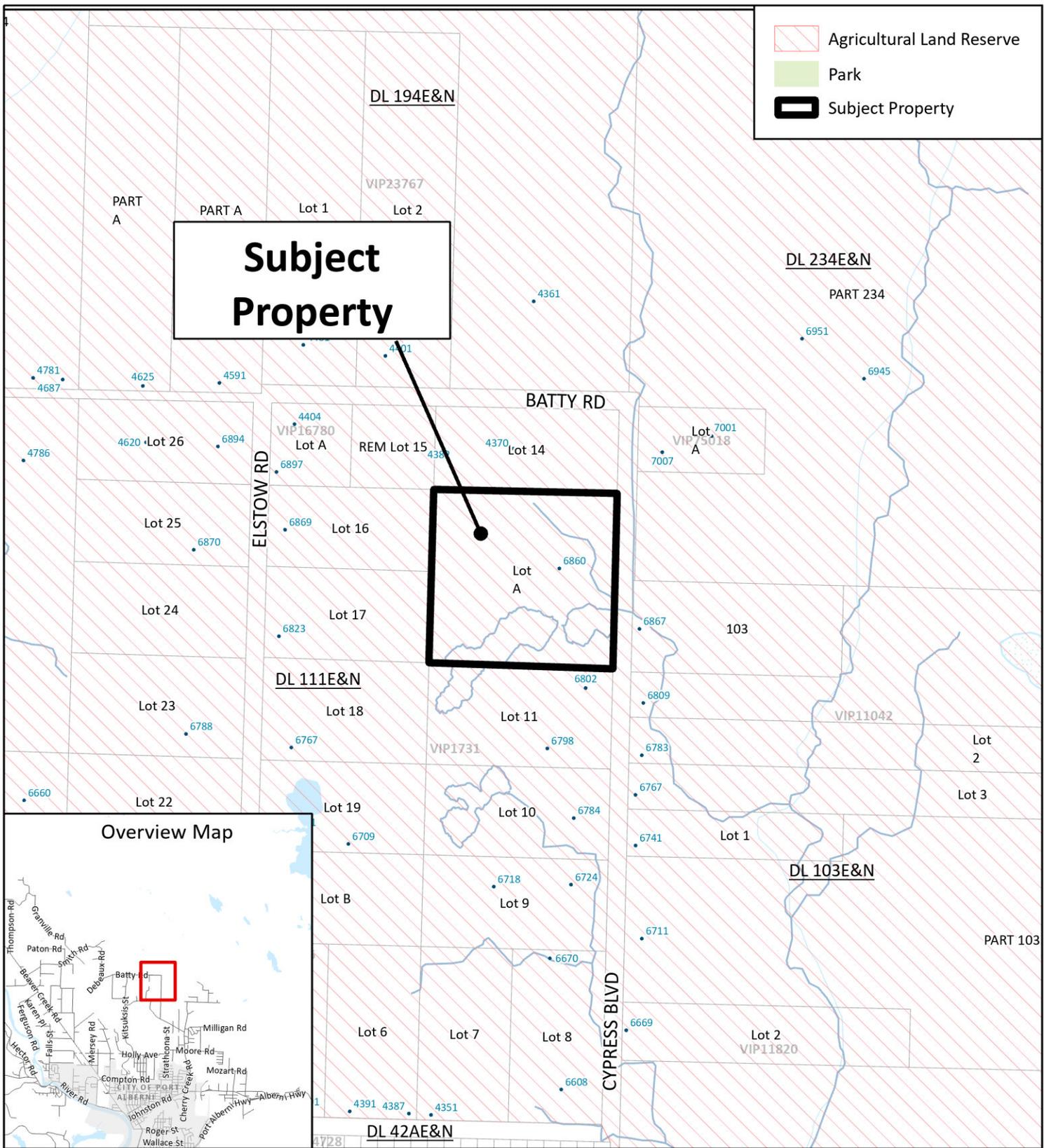


Prepared 2024-06-24
 Sources: © OpenStreetMap (and) contributors, CC-BY-SA, ParcelMapBC; GeoBC; ACRD

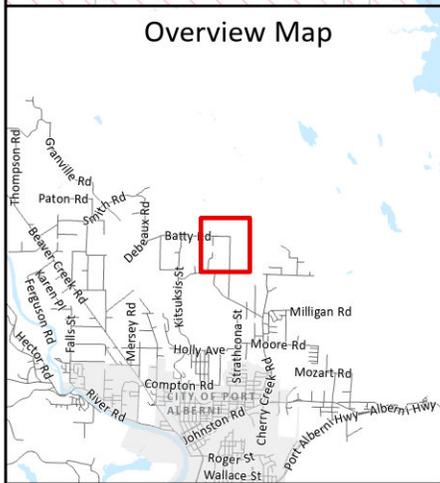
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-  Agricultural Land Reserve
-  Park
-  Subject Property

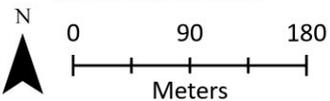
**Subject
Property**



Overview Map



**ALBERNI-CLAYOQUOT
REGIONAL DISTRICT**



**Civic Address: 6860 Cypress Blvd
Legal Description: LOT A (DD ES36271) DISTRICT LOT 111
ALBERNI DISTRICT PLAN 1731**



To: ACRD Board of Directors

Meeting Date: July 24, 2024

From: Charity Hallberg Dodds, Planning Technician

File #: PL20240064 / DVF24009

Application Type: Development Variance Permit

Voting Structure: Electoral Area Directors

Electoral Area: 'F' Cherry Creek

Subject: Development Variance DVF24009 – 6635 Cypress Boulevard (Dockendorff)

Recommendation:

THAT the Board of Directors consider issuing Development Variance Permit DVF24009 subject to neighbouring properties being notified as per Local Government Act s. 499.

Development Variance DVF24009:

- i. Development variance of the ACRD Zoning Bylaw, Section 6.2(4)(a), to reduce the watercourse setback from 30 m (100 ft) to 25 m (82 ft) to allow for construction of an accessory building to be used as a pool shed.

Development Proposal: The applicants intend to construct an accessory building to be used as a pool shed. The proposed shed is sited within 30 m of the present natural boundary of a watercourse but outside the 15 m Development Permit Area I (DPA I) – Riparian Areas Protection as identified in the Cherry Creek Official Community Plan.

Advisory Planning Commission Recommendation: The Cherry Creek Advisory Planning Commission (APC) will review this application at their July 22nd meeting and staff will provide a verbal recommendation and update at the Board meeting.

Property Owners/Applicants: Dwight and Candace Dockendorff (Cory Kozlowski – Agent)

Property Information:

Civic Address	6635 Cypress Boulevard						
Legal Description	LOT 103, ALBERNI DISTRICT, EXCEPT THE NORTH 26 CHAINS 25 LINKS AND EXCEPT THOSE PARTS DESCRIBED AS (1) THE WEST 50 LINKS AND (2) THAT PART OF THE SOUTH 50 LINKS LYING WEST OF THE EXTENSION NORTHERLY OF THE EAST BOUNDARY OF ARLINGTON STREET SHOWN ON PLAN 1768						
PID	001-169-467	Folio	01224.000	ALR? (Y/N)	Y	Lot Size (ha)	21.6 (53.4 ac)
Current Zoning	Rural (A2) District			Proposed Zoning	n/a		
Current OCP	Agricultural Use			Proposed OCP	n/a		
Development Permit Area(s)	DPA I – Riparian Areas Protection (minor 15 m)						
Current Use & Description	The parcel is relatively level and partly cleared with remaining forested areas. Improvements include a single family dwelling accessed from Cypress						

PL20240064 / DVF24009

Boulevard on the west side of the property and a mobile home and large accessory shop structure accessed from Mountain View Road on the east side of the property. A watercourse runs north/south in the western portion.

Surrounding Zoning and Land Use			
North	Rural (A2) District	South	Rural (A2) District
East	Acreage Residential (RA3) District / Small Holdings (A1) District	West	Forest Rural (A3) District / Small Holdings (A1) District

Services:

- a) **Sewage Disposal:** Onsite Sewage disposal.
- b) **Water Supply:** Cherry Creek Community Water System.
- c) **Fire Protection:** Cherry Creek Fire Protection Area.
- d) **Access:** Cypress Boulevard and Mountain View Road.

Planning Policy Discussion:

- a) **Official Community Plan:** The Cherry Creek Official Community Plan (OCP) designates this property as ‘Agricultural Use’. This designation aims to maintain and support agricultural use and food production, promote diversification of products, protect groundwater, and facilitate activities identified in the AV Agricultural Plan. The parcel is impacted by DPA I – Riparian Protection Areas (15 m) however, the property owners do not intend to develop within the DPA.

This proposal complies with the Cherry Creek OCP.

- b) **Zoning:** The parcel is zoned Rural (A2) District. The A2 district supports the conservation of agricultural and non-urban land in large parcels.

The siting of the proposed accessory building is within the required 30 m setback outlined in the ACRD zoning bylaw, but outside the 15 m DPA I – Riparian Protection Areas. The current Zoning Bylaw requirements for a 30 metre setback from all watercourses does not align with the OCP guidelines for minor and major streams. Any construction within 30 metres of a watercourse requires a variance.

	Current: A2	Proposed:
Minimum Lot Area (ha)	2	-
Minimum Lot Width (m)	100.5	-
Principal & Accessory Front Yard Setback (m)	15.2	-
Principal Side Yard Setback (m)	4.5	-
Principal Rear Yard Setback (m)	9.1	-
Accessory Side Yard Setback (m)	4.57	-
Accessory Rear Yard Setback (m)	4.57	-
Watercourse Setback (m)	30	25

This proposal is not in compliance with the ACRD Zoning Bylaw. A development variance permit is required to reduce the watercourse setback from 30 m to 25 m to allow for the siting of a proposed accessory building to be used as a pool shed.

Comments:

The applicants have submitted a building permit application for a pool. As part of the project, they intend to build an accessory building to be used as a pool shed. The proposed accessory building will be sited outside the 15 m DPA I – Riparian Areas Protection, as designated in the Cherry Creek OCP, but within in the 30 m watercourse setback set out in the ACRD zoning bylaw.

The reduction in the watercourse setback from 30 m to 25 m represents a relatively minor variance and aligns with the DPA I requirements for the protection of riparian areas along minor watercourses. Staff recommends that the Board consider issuing the variance following the neighbour notification process.

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

Reviewed by: _____
Cynthia Dick, General Manager of Administrative Services

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

Site Photos
Taken July 17, 2024



Excavation and site prep area for pool and accessory pool shed structure.



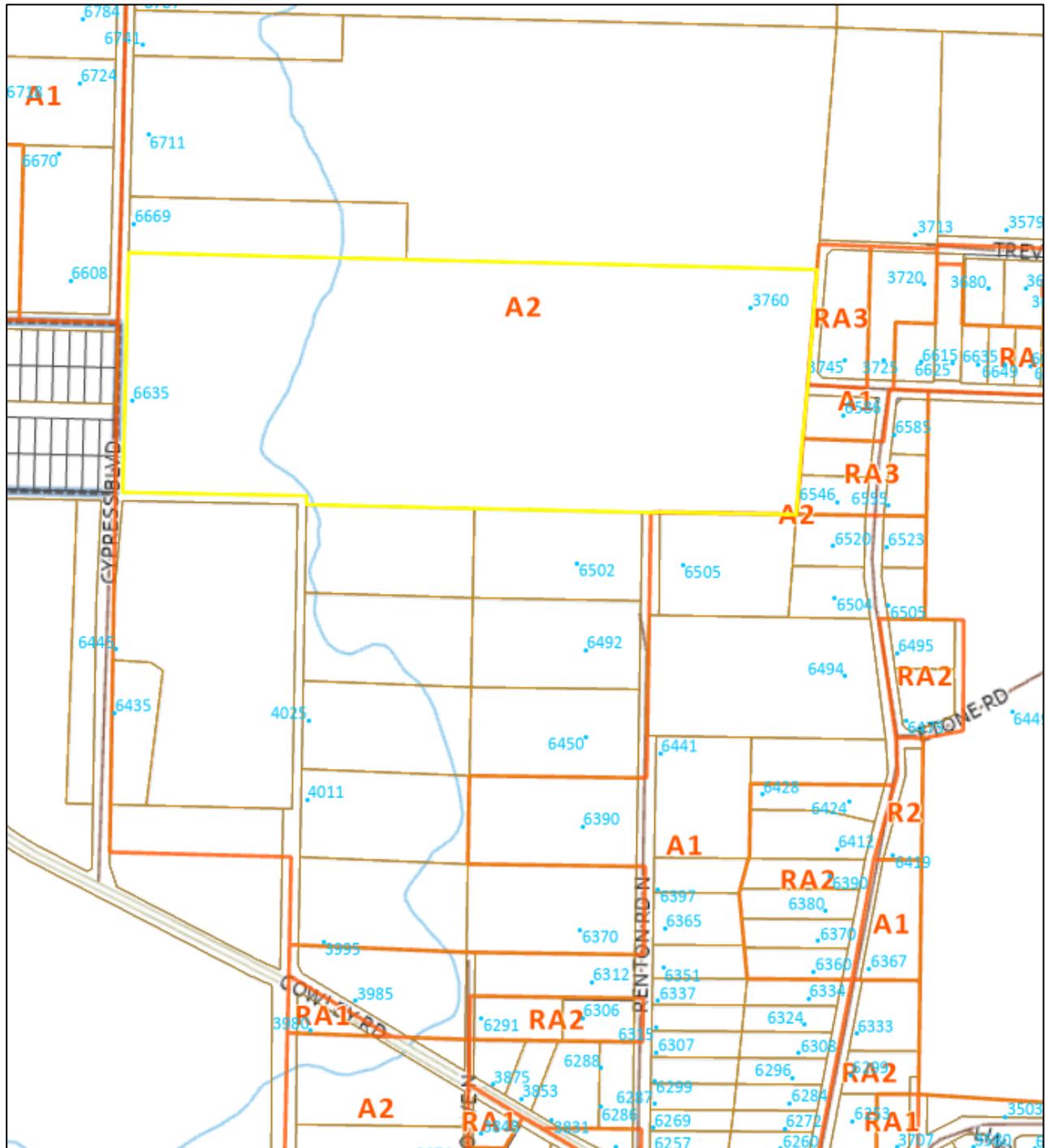
Site prep area for accessory pool shed location at its nearest point to the watercourse.

**6635 CYPRESS BOULEVARD
Satellite Image Map**

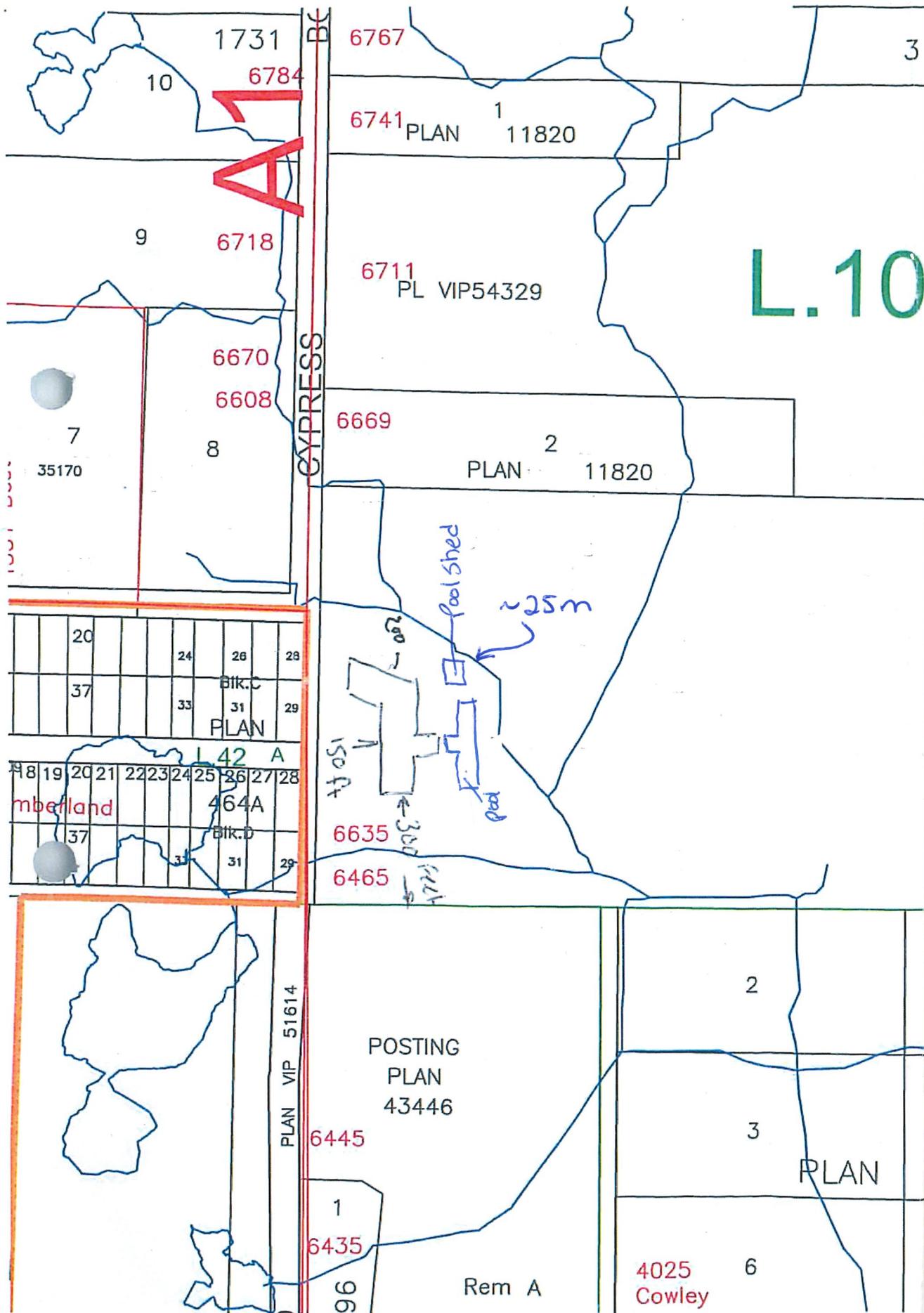


Legal Description: LOT 103, ALBERNI DISTRICT, EXCEPT THE NORTH 26 CHAINS 25 LINKS AND EXCEPT THOSE PARTS DESCRIBED AS (1) THE WEST 50 LINKS AND (2) THAT PART OF THE SOUTH 50 LINKS LYING WEST OF THE EXTENSION NORTHERLY OF THE EAST BOUNDARY OF ARLINGTON STREET SHOWN ON PLAN 1768

6635 CYPRESS BOULEVARD Subject Property Map



Legal Description: LOT 103, ALBERNI DISTRICT, EXCEPT THE NORTH 26 CHAINS 25 LINKS AND EXCEPT THOSE PARTS DESCRIBED AS (1) THE WEST 50 LINKS AND (2) THAT PART OF THE SOUTH 50 LINKS LYING WEST OF THE EXTENSION NORTHERLY OF THE EAST BOUNDARY OF ARLINGTON STREET SHOWN ON PLAN 1768



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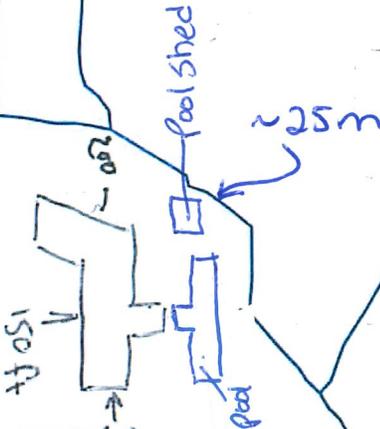
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