



## ALBERNI-CLAYOQUOT REGIONAL DISTRICT

# NOTICE OF DEVELOPMENT

The Alberni-Clayoquot Regional District (ACRD) Board of Directors will consider first reading of **Bylaw P1488, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw** at their regular meeting as scheduled below:

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### MEETING DETAILS

**When:** June 26, 2024 at 1:30 PM

**Where:** ACRD office at 3008 Fifth Avenue, Port Alberni, BC.

Electronic, call-in, or in-person attendance options are available.

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### WHAT'S THIS ABOUT?

**Property Owners/Applicants:** John Mass & Cheryl Ferguson

**Subject Property:** 245 Bamfield Boardwalk & 217 Cape Beale Trail

**Legal Description:** BLOCK 6, SECTION 19, TOWNSHIP 1, BARCLAY DISTRICT, PLAN 942 & BLOCK 32, SECTION 19, TOWNSHIP 1, BARCLAY DISTRICT, PLAN 942, EXCEPT THAT PART OUTLINED IN RED ON PLAN 2315 OS

**Bylaw P1488** will rezone the two subject properties to facilitate consolidation of the two parcels, totaling 2.5 hectares (6.2 acres) in lot area, followed by subdivision into seven (7) bare-land strata lots with common property.

### HOW CAN I LEARN MORE?

Copies of Bylaw P1488 and all relevant background information are available at the ACRD office and on the ACRD website at:

<https://www.acrd.bc.ca/events/26-6-2024/>

Planning staff can answer questions in person,

through email, or by phone during regular office hours 8:00 am to 4:30 pm, Monday through Friday, excluding statutory holidays.

### PROVIDE YOUR INPUT!

Providing an opportunity for public input is a top priority for the ACRD.

A public hearing will not be held for Bylaw P1488 as it is consistent with the Bamfield Official Community Plan.

If you would like to provide your input on this bylaw, please submit your comments to the ACRD by:

- Hard copy delivered to the ACRD office in person or by mail
- Email sent to [planning@acrd.bc.ca](mailto:planning@acrd.bc.ca)

Email submissions will only be considered received if receipt confirmation is provided by ACRD staff. Written submissions must be received by **4:30 pm on June 25, 2024**. Submissions provided after this time will not be considered by the Board before first reading of the bylaw.

### ASK US!

If you have questions or experience technical difficulties with website access, Planning staff are available to provide assistance during regular office hours 8:00 am to 4:30 pm, Monday through Friday, excluding statutory holidays. We can be reached at:

**Alberni-Clayoquot Regional District**

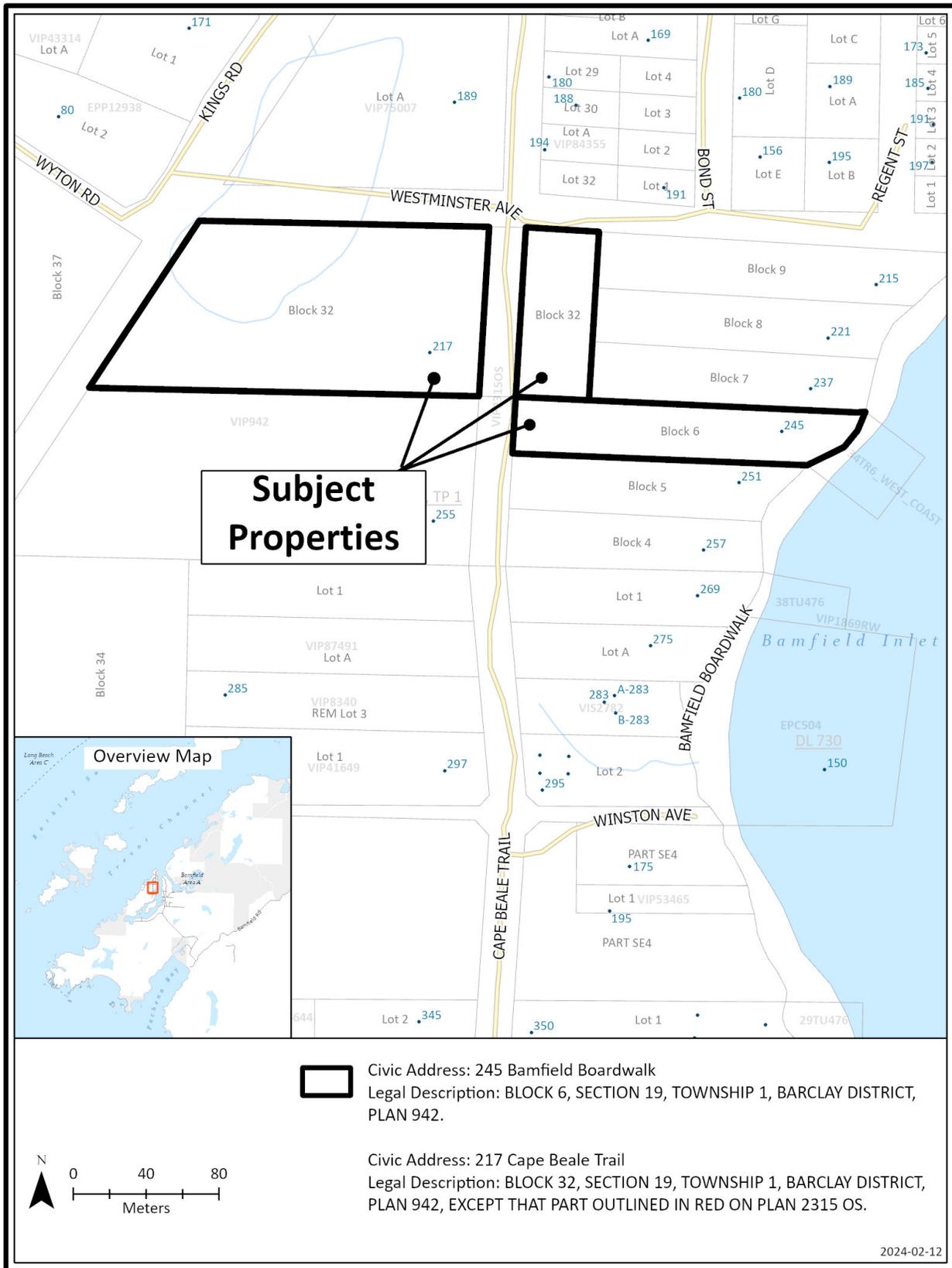
Planning Department

3008 Fifth Ave, Port Alberni, BC V9Y 2E3

Phone: 250-720-2700

Email: [planning@acrd.bc.ca](mailto:planning@acrd.bc.ca)

# SUBJECT PROPERTY MAP





**To:** ACRD Board of Directors

**Meeting Date:** March 13, 2024

**From:** Charity Hallberg Dodds, Planning Technician

**File #:** PL20230027/RA23004

**Application Type:** Rezoning

**Voting Structure:** Electoral Area Directors

**Electoral Area:** A - Bamfield

**Subject:** 245 Bamfield Boardwalk & 217 Cape Beale Trail  
(Mass, Ferguson & Far From Average Management & Development Ltd)

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**Recommendation:**

*THAT the Board of Directors consider first reading of Bylaw P1488, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw at a future date, and that notice be given in accordance with section 467 of the Local Government Act.*

*THAT the Board of Directors confirm that adoption of Bylaw P1488 is subject to:*

- a) Confirmation from a Registered On-Site Wastewater Practitioner (ROWP) that the subject properties are capable of supporting on-site sewage disposal for the proposed development;*
- b) Meeting all servicing requirements for connection to the Bamfield Water System;*
- c) Confirmation of adequate off-street parking of 12 spaces in a location suitable to the ACRD on the east side of Bamfield; and*
- d) Meeting technical referral agency requirements.*

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**Development Proposal:** The property owners intend to rezone the two subject properties to facilitate consolidation of the two parcels, totaling 2.5 hectares (6.2 acres) in lot area, and the adjacent water lease area, followed by subdivision into seven (7) bare-land strata lots with common property. Six of the strata lots would be zoned for single family residential use, and the seventh would be zoned to permit construction of a two-family dwelling (duplex). It is the applicant's intention that the lot containing the duplex would be owned by the members of the strata and rented out on a long-term basis to provide financial support to the operation and maintenance of the strata facilities.

**Advisory Planning Commission (APC) Recommendation:** The Bamfield APC reviewed this application at their February 29<sup>th</sup> meeting and made the motion to support the proposal as presented.

**Property Owners/Applicants:** John Mass and Cheryl Ferguson (217 Cape Beale Trail), and Far From Average Management & Development Ltd (245 Bamfield Boardwalk)

**Primary Contacts:** John Mass and Cheryl Ferguson

**Property Information:**

Civic Address	245 Bamfield Boardwalk
Legal Description	BLOCK 6, SECTION 19, TOWNSHIP 1, BARCLAY DISTRICT, PLAN 942

**PL20230027/RA23004**

PID	008-168-814	Folio	02821.002	ALR? (Y/N)	N	Lot Size (ha)	0.522 (1.29 ac)
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Current Zoning	Park and Public Use (P2) District & Acreage Residential (RA2) District	Proposed Zoning	Acreage Residential (RA3) District
Current OCP	Mixed Use	Proposed OCP	n/a
Development Permit Area(s)	DPA I – Riparian Areas Protection, DPA II – Natural Hazard Protection, DPA III – Form & Character, and DPA IV – Coastal Protection		
Current Use & Description	The property is mostly forested. The eastern waterfront portion has been cleared and landscaped and includes 2 dwellings located on the east side of the property adjacent to the waterfront. The Bamfield Boardwalk runs along the shoreline on this property.		

Surrounding Zoning and Land Use			
North	Acreage Residential (RA2) District & Two Family Residential (R2) District	South	Two Family Residential (R2) District
East	Bamfield Inlet – Rural (A2) District	West	Acreage Residential (RA2) District

Civic Address	217 Cape Beale Trail						
Legal Description	BLOCK 32, SECTION 19, TOWNSHIP 1, BARCLAY DISTRICT, PLAN 942, EXCEPT THAT PART OUTLINED IN RED ON PLAN 2315 OS						
PID	008-174-148	Folio	02846.495	ALR? (Y/N)	N	Lot Size (ha)	1.98 (4.9 ac)

Current Zoning	Acreage Residential (RA2) District	Proposed Zoning	Acreage Residential (RA3) District & Two Family Residential (R2) District
Current OCP	Residential Use	Proposed OCP	n/a
Development Permit Area(s)	DPA I – Riparian Areas Protection and DPA II – Natural Hazard Protection		
Current Use & Description	Primarily undeveloped and forested. There is an old cabin and small cleared area adjacent to the road. There is a low-lying wetland area in the north west corner of the parcel. The parcel is dissected by Cape Beale Trail with a ~0.375 ha portion lying to the east of the Trail.		

Surrounding Zoning and Land Use			
North	Cottage Residential (RC) District	South	Acreage Residential (RA2) District
East	Cottage Residential (RC) District & Two Family Residential (R2) District	West	Acreage Residential (RA3) District

#### Services:

- a) **Sewage Disposal:** Onsite sewage disposal. The applicant is proposing a communal sewage disposal system that would service the 7 strata lots. Confirmation from a Registered Onsite Wastewater Practitioner (ROWP) that the subject property is capable of supporting the sewage disposal system will be required prior to adoption.
- b) **Water Supply:** Bamfield Community Water System. Compliance with Bamfield Community Water System Bylaw F1157 including payment of required fees will be necessary prior to subdivision approval. It is recommended that the property owners contact the ACRD Community Services Department and follow direction to complete a

water model analysis in the early stages of development to ensure connection to the community water system is possible and feasible. Any necessary upgrades to the water system required to connect the new lots would be the responsibility of the developer.

- c) **Fire Protection:** Bamfield Fire Protection Area.
- d) **Access:** The properties would be accessed by water (Bamfield Inlet) and by Cape Beale Trail. Since the west side of Bamfield is inaccessible by road, provision of parking for strata members must be accommodated on the east side of Bamfield. Confirmation of this off-street parking location and an agreement with the property owner will be required prior to adoption of Bylaw P1488.

The property owners have a lease area for private moorage fronting 245 Bamfield Boardwalk. They have proposed development of a wharf with multiple boat slips for private use by members of the strata. Provincial approval of the new wharf and a development permit will be required prior to installation and replacement.

- i. **Parcel Frontage Waiver:** Section 512 of the *Local Government Act* requires that a minimum of 10% of the parcel's perimeter be located along road frontage. If any of the proposed lots do not meet this requirement, a parcel frontage waiver will be necessary and will be considered by the Bamfield APC and Board of Directors. Issuance by the Board will be required.

#### **Planning Policy Discussion:**

- a) **Official Community Plan:** The Bamfield Official Community Plan (OCP) designates the properties Residential Use and Mixed Use. These designations support residential development that complies with zoning. The proposed strata lots along with the surrounding common property and shared dock facility satisfies many of the objectives and policies within Residential Use. Policy 13.2.2 supports a range of residential densities based on good planning principles and infrastructure capabilities. The OCP supports a minimum lot size less than 0.24 hectare where community/communal water and sewer are provided. The applicants intend to connect the lots to the Bamfield Water System and service the development with communal sewage disposal.

The common property will provide separation and privacy for the strata lots while maintaining the form and character of the existing residential development of West Bamfield. A shared dock and wharf will maximize use for strata owners while minimizing impacts to the foreshore. Policy 13.2.7 encourages the development of shared community docks over individual docks and moorage.

The subject properties are impacted by four development permit areas (DPA's):

- DPA I – Riparian Areas Protection;
- DPA II – Natural Hazard Protection;
- DPA III – Form & Character; and
- DPA IV – Coastal Protection.

Issuance of a development permit satisfying all applicable DPA's will be required prior to subdivision approval and/or construction. DPA III only applies to commercial, industrial and multi-family development on subject property 245 Bamfield Boardwalk.

***This proposal complies with the Residential Use and Mixed Use policies and objectives in the Bamfield Official Community Plan.***

- b) **Zoning:** The subject properties are currently zoned Park and Public Use (P2) District and Acreage Residential

(RA2) District. The P2 zoning covers approximately 0.2 ha (0.5 ac) of the eastern (waterfront) portion of the subject property at 245 Cape Beale Trail. The remaining area of both properties is zoned RA2. The lease area for the existing wharf is zoned P2 and is not being included in this application for rezoning.

- i. Parkland Dedication: Section 510 of the *Local Government Act* requires that an owner of land being subdivided provide park land dedication or cash in lieu where the subdivision will create at least 3 additional lots and where the smallest parcel is less than 2 hectares (5 acres) in size. Prior to subdivision approval, the Bamfield APC and Board of Directors will have the opportunity to consider the applicant's proposal to satisfy this requirement. Acceptance by the Board will be required.

	Current P2:	Current RA2:	Proposed RA3:	Proposed R2:
Minimum Lot Area (ha)	0.056 (0.14 ac)	0.4 (1 ac)	0.24 (0.6 ac)	0.07 (0.18 ac)
Minimum Lot Width (m)	15.24 (50 ft)	36.58 (120 ft)	30 (98.43 ft)	20.12 (66 ft)
Principal & Accessory Front Yard Setback (m)	6.1 (20 ft)	12.192 (40 ft)	15 (49.21 ft)	7.62 (25 ft)
Principal Side Yard Setback (m)	1.52 (5 ft)	4.572 (15 ft)	5 (16.4 ft)	1.52 (5 ft)
Principal Rear Yard Setback (m)	9.14 (30 ft)	9.14 (30 ft)	10 (32.8 ft)	9.14 (30 ft)
Accessory Side Yard Setback (m)	0.914 (3 ft)	0.914 (3 ft)	0.914 (3 ft)	0.914 (3 ft)
Accessory Rear Yard Setback (m)	3.05 (10 ft)	0.914 (3 ft)	0.914 (3 ft)	0.914 (3 ft)
Watercourse Setback (m)	30.48 (100 ft)	30.48 (100 ft)	30.48 (100 ft)	30.48 (100 ft)

***This proposal does not comply with the current zoning. Rezoning the property to RA3 and R2 will support the 7-lot development as proposed.***

**Comments:** The proposed strata subdivision complies with the Bamfield Official Community Plan's objectives and policies for Residential Use and Mixed Use. It is the property owner's intention to create residential parcels for long-term rental and/or permanent residence use. Construction of the duplex, to be owned by all members of the strata, will provide much-needed long-term rental accommodation in West Bamfield as well as provide financial support to maintain utilities required to service the development.

The final subdivision layout will depend on a thorough assessment of the subject properties with consideration to natural features including topography and wetland areas. Testing and capability confirmation by a ROWP to determine the best location for the sewage disposal system will be required prior to bylaw adoption. Completion of a water model analysis to service the development with water from the Bamfield community water system is recommended as a condition of rezoning to ensure provision of water is possible and feasible.

The *Housing Statutes (Residential Development) Amendment Act* (Bill 44) was enacted in November 2023 as part of a number of legislative changes relating to housing. The new legislation phased out one-off, site-by-site public hearings for housing projects that are consistent with area OCPs. The subject properties to be rezoned are designated as Residential Use and Mixed Use in the Bamfield OCP and the policies and objectives in the OCP broadly support a range of housing options and subdivision to a 0.24 hectare density where community water is provided. As this rezoning is consistent with the Bamfield OCP, a public hearing cannot be held. The neighbour notification and public notice advertising provides the opportunity for public input on the application process.

The proposed strata subdivision aligns with the current focus and direction towards the creation of available housing options. Staff recommends proceeding with neighbour notification following the Board's first consideration.

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

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

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

## Addendum to Application for Development Blk 6 & Blk 32

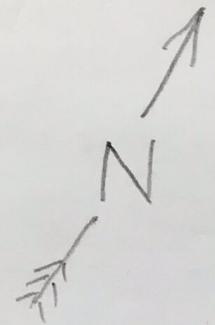
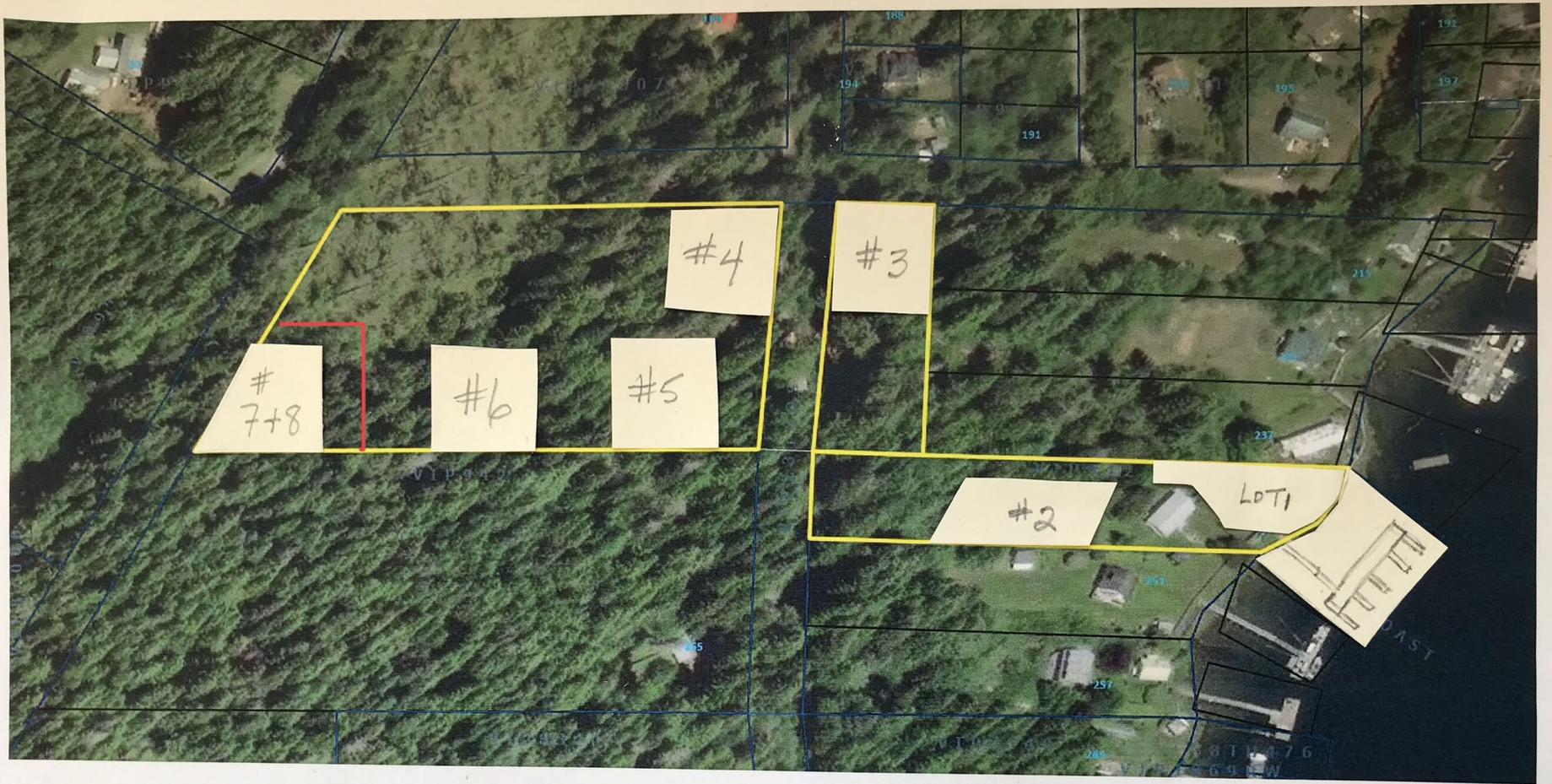
Far from Average Management and Development Ltd. & Ferguson/Mass

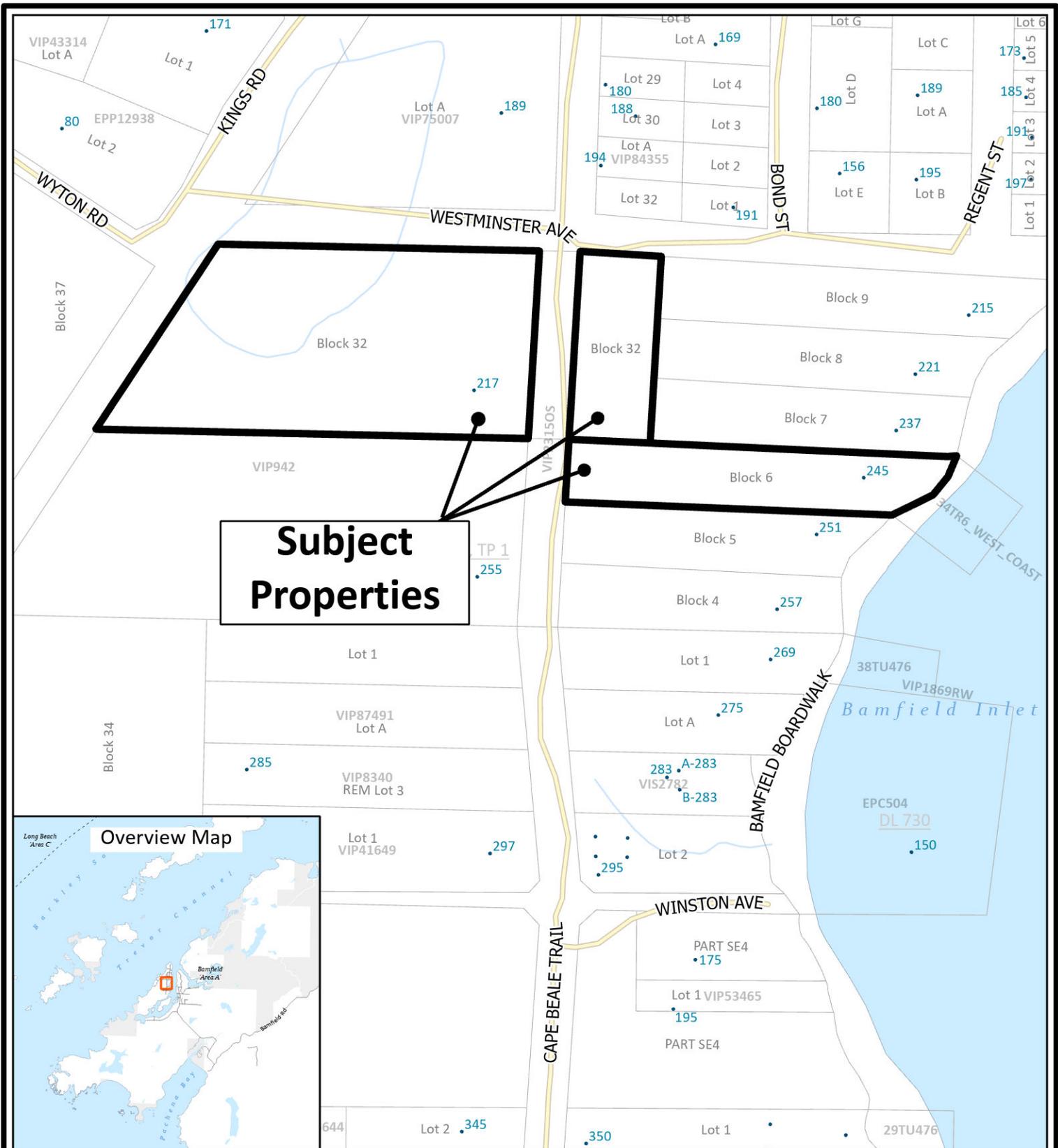
- **Other particulars** – proposed sewage facility will be common to all lots or in the case of further development to the community sewage system, all lots will be connected to the community system.
- **Describe Existing Land Use – Blk. 6** - A two story single family dwelling and a small cottage, occupy the Eastern end , while the remainder of the lot with the exception of an access road is undeveloped forest.

**Blk. 32** – This lot straddles Cape Beale Trail and contains a Right Of Way for public water supply to Lots 7 & 8 to the East. The central section of the lot contains an uninhabited old cabin now used for storage, two plastic Quonset type buildings for storage / work space, and some cleared space used for aggregate and equipment storage. The remainder of the lot is undeveloped forest and some swamp developed as a result of water being blocked by the construction of a section of Kings Road many years ago.

**Describe the proposed development of subject property.** – The plan for development includes 6 single family dwellings situated on bare land strata lots and a two family dwelling (duplex) situated on common property in the Bare Land Strata Development. None of the dwellings will be used for short term rental purposes, while the two family dwelling (duplex) is planned for long term rental and will be owned by the Strata Corporation. The proposed size for each bare land strata lot is approximately .4 acre, with the balance of the roughly 6.5 acres will be common property including sewage processing, moorage and the long term rental duplex. All dwellings will have access to the moorage facility (common property) in Bamfield Inlet. The existing two story single family dwelling and a portion of land that surrounds it will become a strata lot. The existing cottage that is now long term rental is planned for common use as a storage facility for boating related items and recreation center.

**Reasons and comments in support of the application** – the concept of this property development retains the low density of the surrounding development, provides increased community moorage and contributes to the much needed long term rental crisis solutions, while maintaining a park-like setting.



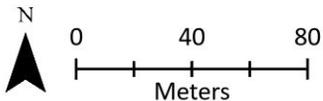


**Subject Properties**



Civic Address: 245 Bamfield Boardwalk  
 Legal Description: BLOCK 6, SECTION 19, TOWNSHIP 1, BARCLAY DISTRICT, PLAN 942.

Civic Address: 217 Cape Beale Trail  
 Legal Description: BLOCK 32, SECTION 19, TOWNSHIP 1, BARCLAY DISTRICT, PLAN 942, EXCEPT THAT PART OUTLINED IN RED ON PLAN 2315 OS.



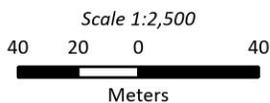


245 Bamfield Boardwalk  
 BLOCK 6, SECTION 19, TOWNSHIP 1, BARCLAY DISTRICT, PLAN 942, and  
 217 Cape Beale Trail  
 BLOCK 32, SECTION 19, TOWNSHIP 1, BARCLAY DISTRICT, PLAN 942, EXCEPT  
 THAT PART OUTLINED IN RED ON PLAN 2315 OS.

-  Subject Property
-  Parcels



Prepared 2024-02-12  
 Sources: Airbus DC 2023;  
 ParcelMapBC; GeoBC; ACRD



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

## September 12, 2023 Pictures



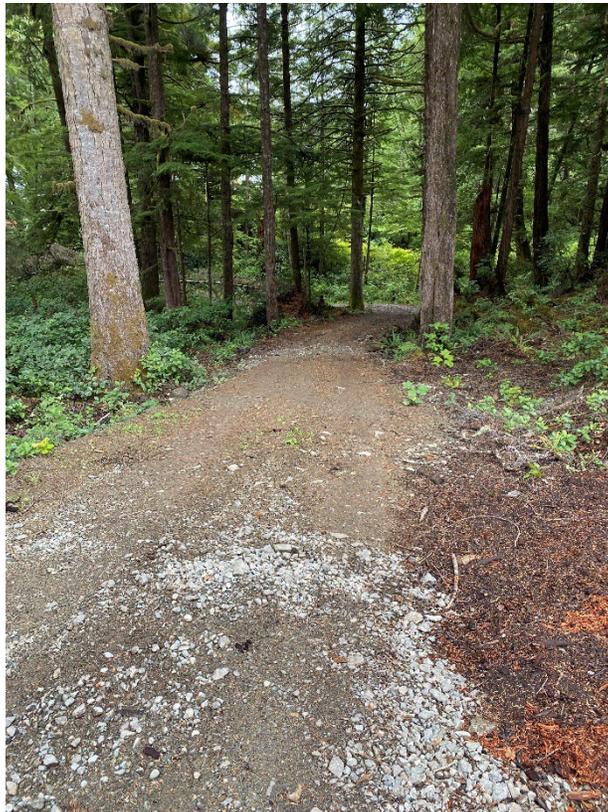
Dwellings located at waterfront on 245 Bamfield Boardwalk



Dwellings located at waterfront on 245 Bamfield Boardwalk



Existing moorage and dock access



Driveway access through 245 Bamfield Boardwalk



Cleared storage area and old cabin on 217 Cape Beale Trail



Partially constructed access road into west end of 217 Cape Beale Trail



Wetland area in north west corner of 217 Cape Beale Trail



Road frontage along Cape Beale Trail



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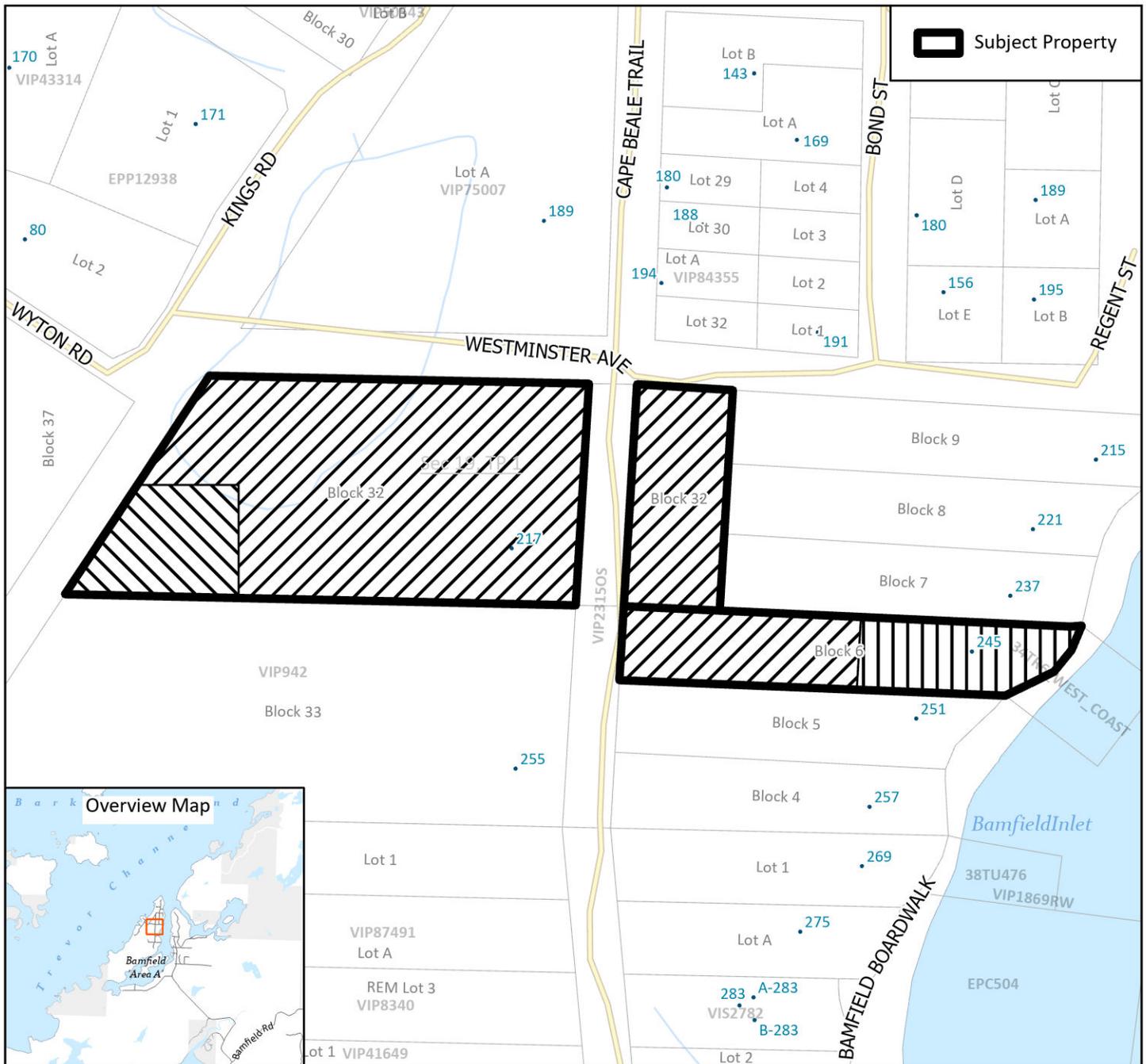
Corporate Officer

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Chair of the Regional Board

# Schedule 'A'

This schedule is attached to and forms part of Bylaw No. P1488, Zoning Atlas Amendment Bylaw, 2024



245 Bamfield Boardwalk and 217 Cape Beale Trail  
 BLOCK 6, SECTION 19, TOWNSHIP 1, BARCLAY DISTRICT, PLAN 942, and  
 BLOCK 32, SECTION 19, TOWNSHIP 1, BARCLAY DISTRICT, PLAN 942, EXCEPT  
 THAT PART OUTLINED IN RED ON PLAN 2315 OS.

-  To be rezoned from Acreage Residential (RA2) District to Acreage Residential (RA3) District.
-  To be rezoned from Acreage Residential (RA2) District to Two Family Residential (R2) District.
-  To be rezoned from Park and Public Use (P2) District to Acreage Residential (RA3) District.

