



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

NOTICE OF DEVELOPMENT

The Alberni-Clayoquot Regional District (ACRD) Board of Directors will consider first reading of **Bylaw P1477, Regional District of Alberni-Clayoquot Zoning Text Amendment Bylaw** and **Bylaw P1478, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw** at their regular meeting as scheduled below:

MEETING DETAILS

When: July 26, 2023 at 1:30 PM

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

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

WHAT'S THIS ABOUT?

Property Owners/Applicants: Kamil Bialous & Urszula Lipsztajn

Subject Property: 2401 Grant Avenue (Millstream)

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

Bylaw P1477 will amend the ACRD Zoning Bylaw No. 15 to include section 110F Cottage Residential (RC-2) District allowing cottage use on properties that are 0.404 ha or greater in size in the South Long Beach Official Community Plan area.

Bylaw P1478 will rezone the subject property from Small Holdings (A1) District to Cottage Residential (RC-2) District to facilitate construction of a principal dwelling and an additional cabin.

HOW CAN I LEARN MORE?

Copies of Bylaws P1477 and P1478 and all related correspondence are available at the ACRD office and on the ACRD website at:

www.acrd.bc.ca/events/26-7-2023/.

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 is not required for Bylaws P1477 and P1478 as they are consistent with the South Long Beach OCP.

If you would like to provide your input on these bylaws, 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

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 July 25, 2023**. Submissions provided after this time will not be considered by the Board before first reading of the bylaws.

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

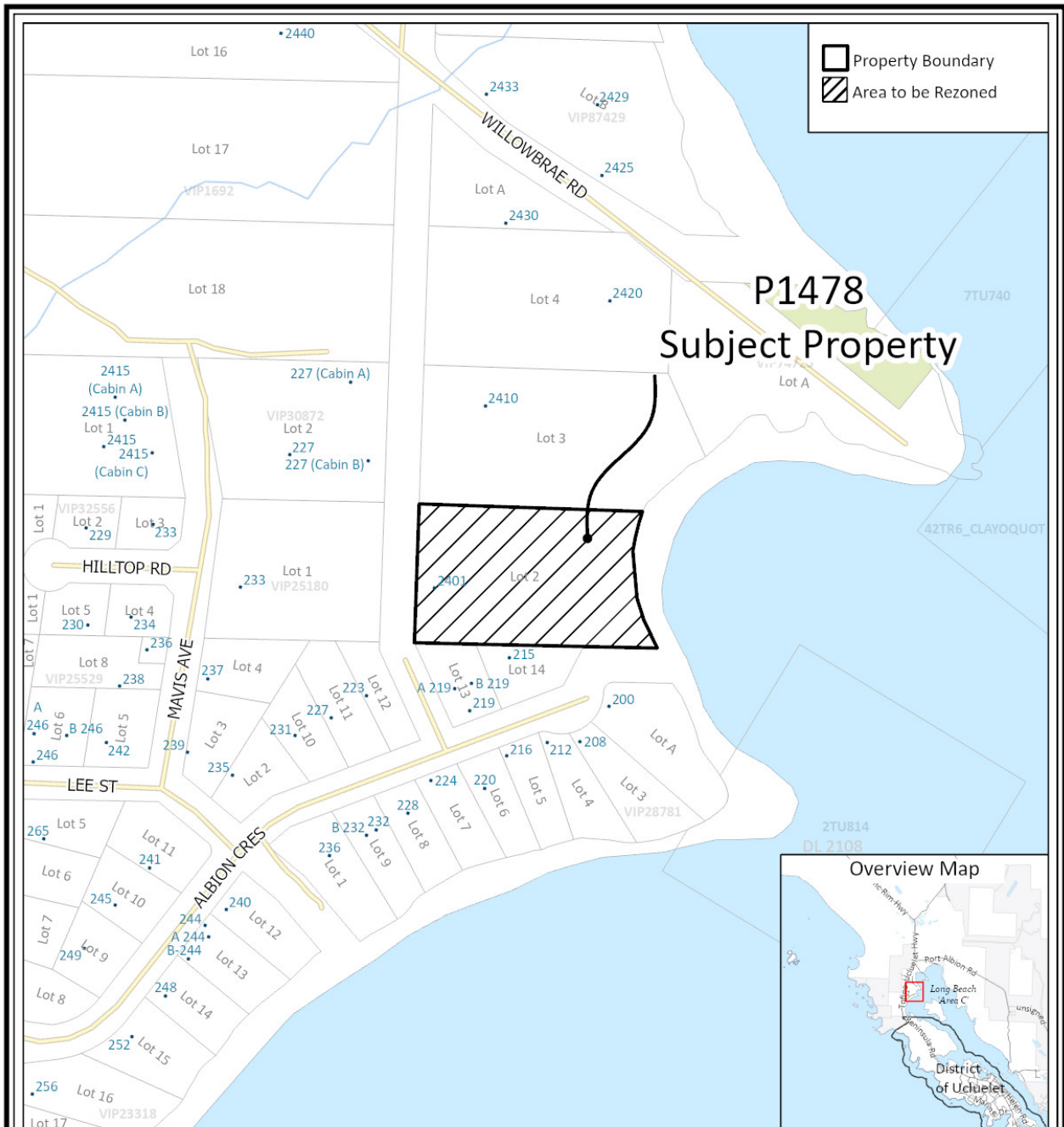
Planning Department



3008 Fifth Ave, Port Alberni, BC V9Y 2E3

Phone: 250-720-2700

Email: planning@acrd.bc.ca

SUBJECT PROPERTY MAP



 Property Boundary
 Area to be Rezoned

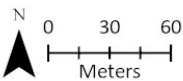
P1478
Subject Property


Bylaw P1478 (Bialous & Lipsztajn) - 2401 Grant Ave

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



ALBERNI-CLAYOQUOT
REGIONAL DISTRICT



 To be rezoned from Small Holdings (A1) District to Cottage Residential (RC-2) District.



To: ACRD Board of Directors

Meeting Date: June 28, 2023

From: Amy Needham, Sustainability Planner

File #: RC23003/PL20230019

Application Type: Rezoning

Electoral Area: "C" Long Beach

Subject: Rezoning application RC23003 – 2401 Grant Ave. (Bialous & Lipsztajn)

Recommendation:

THAT the Board of Directors consider first reading of Bylaws P1477 and P1478 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 Bylaws P1477 and P1478 is subject to:

- a. Confirmation from a Registered On-Site Wastewater Practitioner that the property is capable of accommodating on-site sewage disposal for a single family dwelling and up to four cottages;*
- b. Confirmation of adequate water on-site to service a single family dwelling and up to four cottages;*
- c. Meeting technical referral agency requirements.*

Note: If the Board wishes to proceed with the public hearing process, the appropriate motion would be:

THAT Bylaw P1477, Regional District of Alberni-Clayoquot Zoning Text Amendment Bylaw be read a first time

THAT Bylaw P1478, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw be read a first time;

THAT the public hearing for Bylaws P1477 and P1478 be delegated to the Director for Electoral Area 'C', the Alternate Director or the Chairperson of the Regional District;

THAT the Board of Directors confirm that adoption of Bylaws P1477 and P1478 is subject to:

- a. Confirmation from a Registered On-Site Wastewater Practitioner that the property is capable of accommodating on-site sewage disposal for a single family dwelling and up to four cottages;*
- b. Confirmation of adequate water on-site to service a single family dwelling and up to four cottages;*
- c. Meeting technical referral agency requirements.*

Development Proposal: The property owners are applying to rezone their 1.1 hectare (2.7 acre) parcel located at 2401 Grant Avenue in the Millstream Area of Long Beach from Small Holdings (A1) District to Cottage Residential (RC-2) District to accommodate construction of a principal dwelling and an additional cabin.

Advisory Planning Commission Recommendation: This application was considered by the Long Beach Advisory Planning Commission at their June 20, 2023 meeting. A motion to support staff's recommendation passed with all in favour.

Property Owner(s)/Applicant(s): Kamil Bialous & Urszula Lipsztajn

PL20230019/RC23003

Members: City of Port Alberni, District of Ucluelet, District of Tofino, Yuułu?iit'ath Government, Huu-ay-aht First Nations, Uchucklesaht Tribe, Toquaht Nation
Electoral Areas "A" (Bamfield), "B" (Beaufort), "C" (Long Beach), "D" (Sproat Lake), "E" (Beaver Creek) and "F" (Cherry Creek)

Property Information:

Civic Address	2401 Grant Avenue						
Legal Description	LOT 2, DISTRICT LOT 468, CLAYOQUOT DISTRICT, PLAN 1692						
PID	007-109-491	Folio	3445.000	ALR? (Y/N)	No	Lot Size	1.1 ha (2.7 ac)

Current Zoning	Small Holdings (A1) District	Proposed Zoning	Cottage Residential (RC-2) District
Current OCP	Residential Use	Proposed OCP	N/A

Development Permit Area(s)	DPA III – Coastal Riparian Areas Protection DPA IV – Natural Hazard Areas Protection
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Current Use & 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 30 m ocean natural boundary setback and a geotechnical assessment by Lewkowich Engineering Associates that 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 occurs before future construction begins.

Surrounding Zoning and Land Use

North	Small Holdings (A1) District	South	Two Family Residential (R2) District
East	Forest Rural (A3) District – Ucluelet Inlet	West	Small Holdings (A1) District

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. The property owners submitted a report that estimates the well output at 75 L/minute.
- 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.

Planning Policy Discussion:

- a) **Official Community Plan:** The South Long Beach Official Community Plan designates the property as “Residential Use” which permits single-family homes, cottage residential, mobile homes, group homes, home-based businesses and home industry. The property is affected by two Development Permit Areas – DPA III for Coastal Riparian Areas Protection and DPA IV for Natural Hazard Areas Protection. Development permits may be required at the building permit stage, depending on final lot layout for the principal dwelling and additional cottage.

PL20230019/RC23003

This proposal and the Cottage Residential (RC-2) District zoning comply with the policies and objectives of the Residential Use designation in the South Long Beach OCP. No development permit requirement is triggered by the rezoning proposal.

- b) Zoning:** This parcel is currently zoned Small Holdings (A1) District, which has a minimum allowable lot size of 0.8 ha (2 acres) and allows one principal dwelling unit and one accessory dwelling unit (ADU) on properties greater than 1 acre in size. Rezoning to Cottage Residential (RC-2) District will allow one principal dwelling and up to four cottages on the property.

	Current:	Proposed:
Minimum Lot Area (ha)	0.8	0.404
Minimum Lot Width (m)	50	27
Principal & Accessory Front Yard Setback (m)	7.6	12
Principal Side Yard Setback (m)	1.5	4.5
Principal Rear Yard Setback (m)	9	9
Accessory Side Yard Setback (m)	4.5	0.91
Accessory Rear Yard Setback (m)	4.5	0.91

This proposal requires a rezoning of the subject property from Small Holdings (A1) District to Cottage Residential (RC-2) District to facilitate the proposed construction of a principal dwelling unit and an additional cabin.

Comments: Rezoning is the first step in the applicant’s proposal to construct a principal dwelling unit and an additional cabin on the subject property. If the rezoning application proceeds, the following items would need to be addressed at the building permit stage:

- Issuance of a development permit for Coastal Riparian Areas Protection if building occurs within the DPA III (30 meters of the natural boundary of the ocean).
- Issuance of a development permit for Natural Hazard Areas Protection for tsunami inundation if building occurs at an elevation less than 20 meters above the natural boundary of the ocean.
- Submission of building plans accounting for the Flood Construction Level of 8.95 m established by the geotechnical report drafted by Lewkowich and Associates on June 14, 2019.
- Provision of a minimum of one (1) off-street parking space per dwelling unit and cottage.

A text amendment (Bylaw P1477) to the zoning bylaw has been drafted to create the Cottage Residential (RC-2) District that would align the permitted uses and conditions of use with the existing RC District but would increase the minimum lot size to 0.4 hectare (1 acre) in order to comply with the Residential Use policies in the South Long Beach OCP. The RC-2 zone would be specific to the South Long Beach OCP area.

The proposed cottage use complies with the policies and objectives of the Residential Use designation in the South Long Beach OCP. The rezoning provides an opportunity to provide cottages for short term vacation rentals and seasonal staff accommodation while maintaining permanent accommodation for the property owner and their family and not removing any housing stock from the community. Staff recommend that the Board consider first reading of Bylaws P1477 and P1478 at a future date, and that neighbour notification be provided.

PL20230019/RC23003

Amy Needham

Submitted by: Amy Needham, P. Ag, Sustainability Planner

Alex Dyer

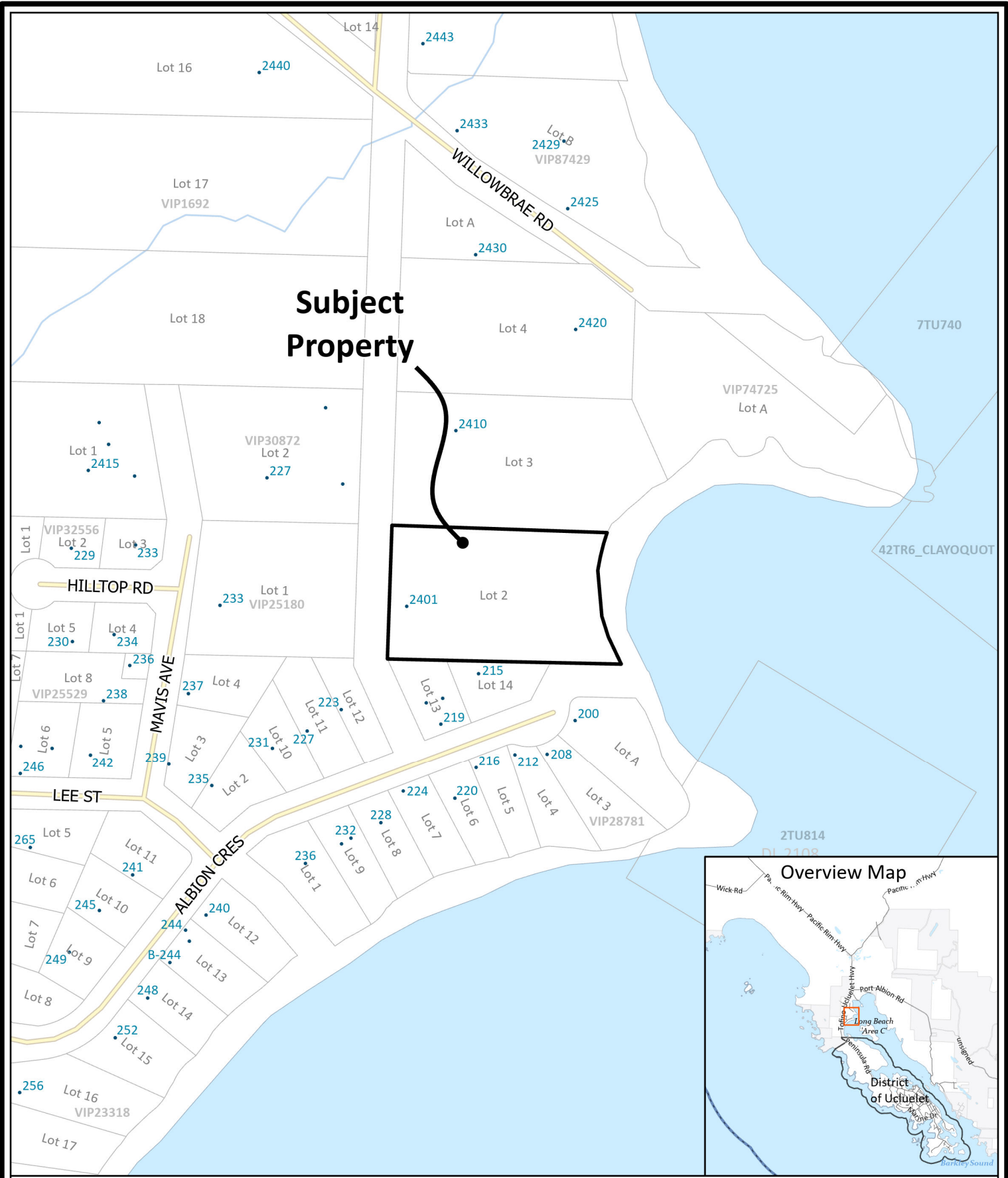
Reviewed by: Alex Dyer, MCIP, RPP, Planning Manager

Daniel Sailland

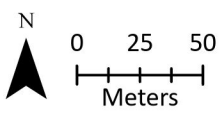
Approved by: Daniel Sailland, MBA, Chief Administrative Officer


PL20230019/RC23003

Members: City of Port Alberni, District of Ucluelet, District of Tofino, Yuułuʔiłʔatḥ Government, Huu-ay-aht First Nations, Uchucklesaht Tribe, Toquaht Nation
Electoral Areas "A" (Bamfield), "B" (Beaufort), "C" (Long Beach), "D" (Sproat Lake), "E" (Beaver Creek) and "F" (Cherry Creek)



Subject Property

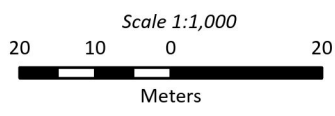


 LOT 2, DISTRICT LOT 468, CLAYOQUOT DISTRICT, PLAN 1692



2401 Grant Ave
LOT 2, DISTRICT LOT 468, CLAYOQUOT DISTRICT, PLAN 1692

 Subject Property



Prepared 2023-06-07
Sources: © OpenStreetMap
(and) contributors, CC-BY-SA;
ParcelMapBC; GeoBC; ACRD

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

Schedule 1. Describe the existing land use of the subject property:

We developed the 3 acre property from raw land / old growth forest, maintaining a very forested and secluded feel. Our future goal for the property is to build our main home, and have a couple cottages (this requires rezoning to Cottage Residential.) For now, there is one 500 sqft new-build cottage and one main large new-build garage. The property has been kept densely forested to offer privacy to us and neighbours. The utilities that we put in place (septic, water-well and water treatment, and electricity 600amp) are already scaled to allow for up to 4 other buildings and garage and main house. For now this is a quiet large forest lot that we use as our recreational 2nd home, and we have also obtained a TUP to rent it out when we are not there.

Schedule 2. Describe the proposed development of the subject property:

We are requesting the zoning amendment to RC Cottage Residential / R6 Residential 6. This would allow us to build 1 more cottage as well as a main home in which we can live. This is a goal we've had since buying the property in 2018, for this to be our forever home, and have a couple of cabins in which visitors, be it friends or family, or vacationers could use.

Schedule 3. Reasons and comments in support of the application:

Intent: In 2018 we committed to building our forever when we purchased this raw forest property and became a part of the community. We built a 500 sqft cabin as our second home and recreational property to enjoy kayaking and paddle boarding on Ucluelet inlet while we transitioned jobs to allow us to move here full time. Our intent is to build a main home, a second cabin (for a total of 2), as well as an art studio. We are in this for the long haul and intend to live here forever.

Size/Location: The property size is 2.73 acres exactly, 80mx130m approximately, and there are several similar sized other properties which already have the RC/R6 zoning in the immediate vicinity. This demonstrates that large treed lots can have a couple cabins without any negative impacts in the community. To add to this, our property is fully treed and on its own access road. All parking is on the property, and the buildings and driveway are invisible from outside the property. Setbacks are large, and there is no impact whatsoever to neighbours.

Infrastructure/Utilities: When we started putting in utilities, we made sure to size everything for the future. This means that the electricity was sufficient for several future buildings (600 amp), the septic tanks and field was designed and installed for up to 6 buildings (please see attached Schedule 5), and the new on-site water-well has sufficient flow to supply all these buildings (please see attached Schedule 6.) There is absolutely no impact on the neighbourhood water system.

2401 Grant Ave Rezoning - Bialous & Lipsztajn

Implications: We have conducted ourselves with utmost care for this neighbourhood. We have made good friendships and have care for keeping the neighbourhood feel rural and the natural environment at the forefront. This was done with minimal clearing of trees, as well as respecting all DPAs and setbacks as instructed by ACRD Planners and Inspectors. By improving raw land in a way that maintains the neighbourhood, but builds in a modern and efficient manner that incorporates great design, we hope that our neighbours' property values can benefit from an improvement of what used to be just forest.

Thank you.

2401 Grant Ave Rezoning - Bialous & Lipsztajn

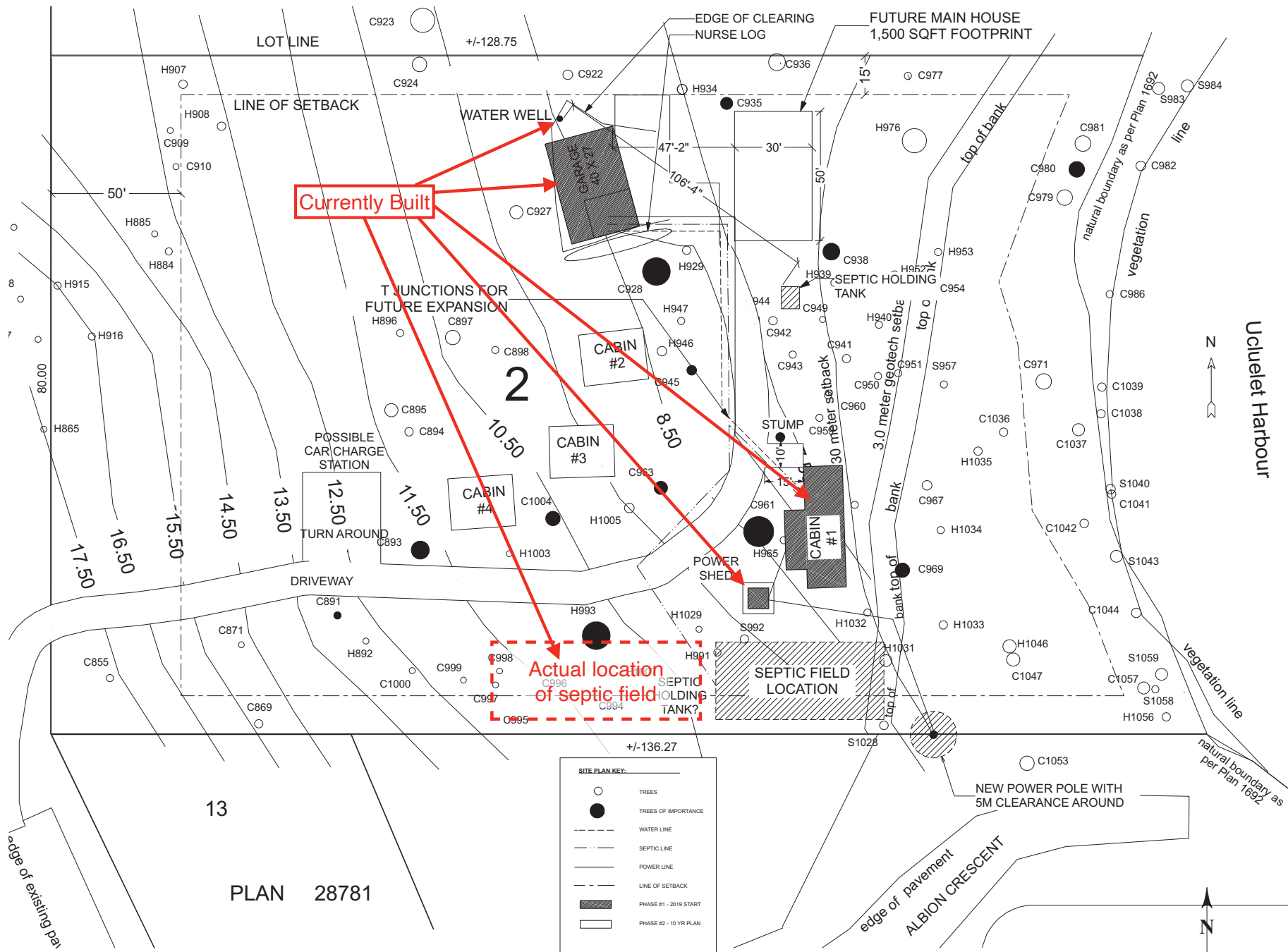
The images below serve to show our minimal development impact.

The first Google Earth image below is recent and was taken after our build was complete. It shows how much of a rural character we've kept with our property improvements. The property 2401 Grant Ave is marked in pink outline.



The second Google Earth image below is from 2016 before we bought the property, and how the forest was remained unchanged. The property 2401 Grant Ave is marked in pink outline.





PLAN 28781

SITE PLAN KEY:

○	TREES
●	TREES OF IMPORTANCE
- - -	WATER LINE
- · - · -	SEPTIC LINE
—	POWER LINE
- - -	LINE OF SETBACK
▨	PHASE #1 - 2019 START
□	PHASE #2 - 10 YR PLAN

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**

Picture of existing cabin; the second cabin will be the same



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. P1477

OFFICIAL ZONING TEXT AMENDMENT

A bylaw of the Regional District of Alberni-Clayoquot to amend Bylaw No. 15, being the “Regional District of Alberni-Clayoquot Zoning By-law No. 15, 1971”.

WHEREAS the *Local Government Act* authorizes the Regional Board to amend a zoning bylaw after a public hearing and upon the affirmative vote of the directors in accordance with Sections 464, 465, 470 and 479 of the *Local Government Act*;

AND WHEREAS the Board of Directors of the Regional District of Alberni-Clayoquot, in open meeting assembled, enacts the following amendment to the text of the Regional District of Alberni-Clayoquot Zoning By-law No. 15, 1971:

1. TITLE

This bylaw may be cited as the Regional District of Alberni-Clayoquot Zoning Text Amendment Bylaw No. P1477.

2. Bylaw No. 15 of the Regional District of Alberni-Clayoquot is hereby amended by:

- a. Adding section “110F Cottage Residential (RC-2) District” and subsections to read as follows:

110F Cottage Residential (RC-2) District

This district provides for small scale cottage development, compatible with residential neighbourhoods, and primarily intended to provide temporary accommodation on a short term basis to visitors and seasonal workers in the South Long Beach Official Community Plan area.

110F.1 Uses Permitted

- (1) One single family dwelling
- (2) Cottages, subject to section 110F.2, below
- (3) Home occupations, subject to section 6.7
- (4) Accessory buildings and uses subject to Section 6.5

110F.2 Conditions of Use

- (1) For single family dwellings, the minimum floor area on the main floor shall be 83.6 square metres (900 square feet).
- (2) For cottages, the minimum floor area on the main floor shall be 27.8 square metres (300 square feet) and the maximum floor area on the main floor shall be 46.5 square metres (500 square feet).
- (3) No cottage shall be constructed within a required front, rear or side yard.

- (4) There shall be a separation distance of at least 9.14 metres (30 feet) between cottages and between cottages and a permitted single family dwelling on the same legal parcel.
- (5) There shall be a maximum of five units per legal parcel or a density of one unit per 1,000 square metres (10,763 square feet) of lot area, whichever is the lesser. For the purposes of this section, a “unit” refers to both single family dwellings and cottages.
- (6) In no circumstances shall Section 110F apply to any lot not having a single family dwelling constructed and located thereon; nor shall Section 110F apply to any lot less than 2 acres in area having 2 separate single family dwellings constructed and located thereon by virtue of Section 6.1(3) or Section 6.5(2)(h) of the Bylaw 15.
- (7) For clarity, cottages permitted under Section 110F.1(2) are intended to be occupied on a short term temporary basis only by transient visitors. Cottages are not intended to be occupied as the permanent residence of one or more persons.
- (8) The RC-2 District only applies to the South Long Beach Official Community Plan area in Electoral Area “C”.

b. By amending Section 200, Schedule II – Bulk and Site Regulations, to include the following line item:

Zoning District or Use	Minimum Lot Width (feet)	Minimum Lot Area	Maximum Lot Coverage	Minimum Setbacks (Feet)			Maximum Height (feet)
				Front	Rear	Side	
RC-2	90	1 acre	30%	40	30	15	35

- c. By amending Section 4.3, Interpretation, to include “RC-2” on the line that references “R districts.”
- d. By amending Section 5.1, Designation of Districts, to include “110F Cottage Residential (RC-2) District” in the Residential Section.

3. This bylaw shall come into force and take effect upon the adoption thereof.

Read a first time this day of , 2023
 Read a second time this day of , 2023
 Read a third time this day of , 2023

Adopted this day of , 2023

Daniel Sailland, MBA, CAO

Chair of the Regional Board



A BYLAW TO AMEND THE REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT ZONING BYLAW NO. 15, 1971

WHEREAS the *Local Government Act* authorizes the Regional Board to amend a zoning bylaw after a public hearing and upon the affirmative vote of the directors in accordance with Sections 464, 465, 470 and 479 of the *Local Government Act*;

AND WHEREAS an application has been made to rezone a property;

AND WHEREAS the Board of Directors of the Regional District of Alberni-Clayoquot, in open meeting assembled, enacts the following amendment to the Official Zoning Atlas of the Regional District of Alberni-Clayoquot Zoning Bylaw No. 15, 1971:

1. TITLE

This bylaw may be cited as the Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw P1478.

2. Bylaw No. 15 of the Regional District of Alberni-Clayoquot is hereby amended by rezoning: LOT 2, DISTRICT LOT 468, CLAYOQUOT DISTRICT, PLAN 1692 from Small Holdings (A1) District to Cottage Residential (RC-2) District as shown on Schedule 'A' which is attached to and forms part of this bylaw.

3. This bylaw shall come into force and take effect upon the adoption thereof.

Read a first time this day of , 2023

Read a second time this day of , 2023

Read a third time this day of , 2023

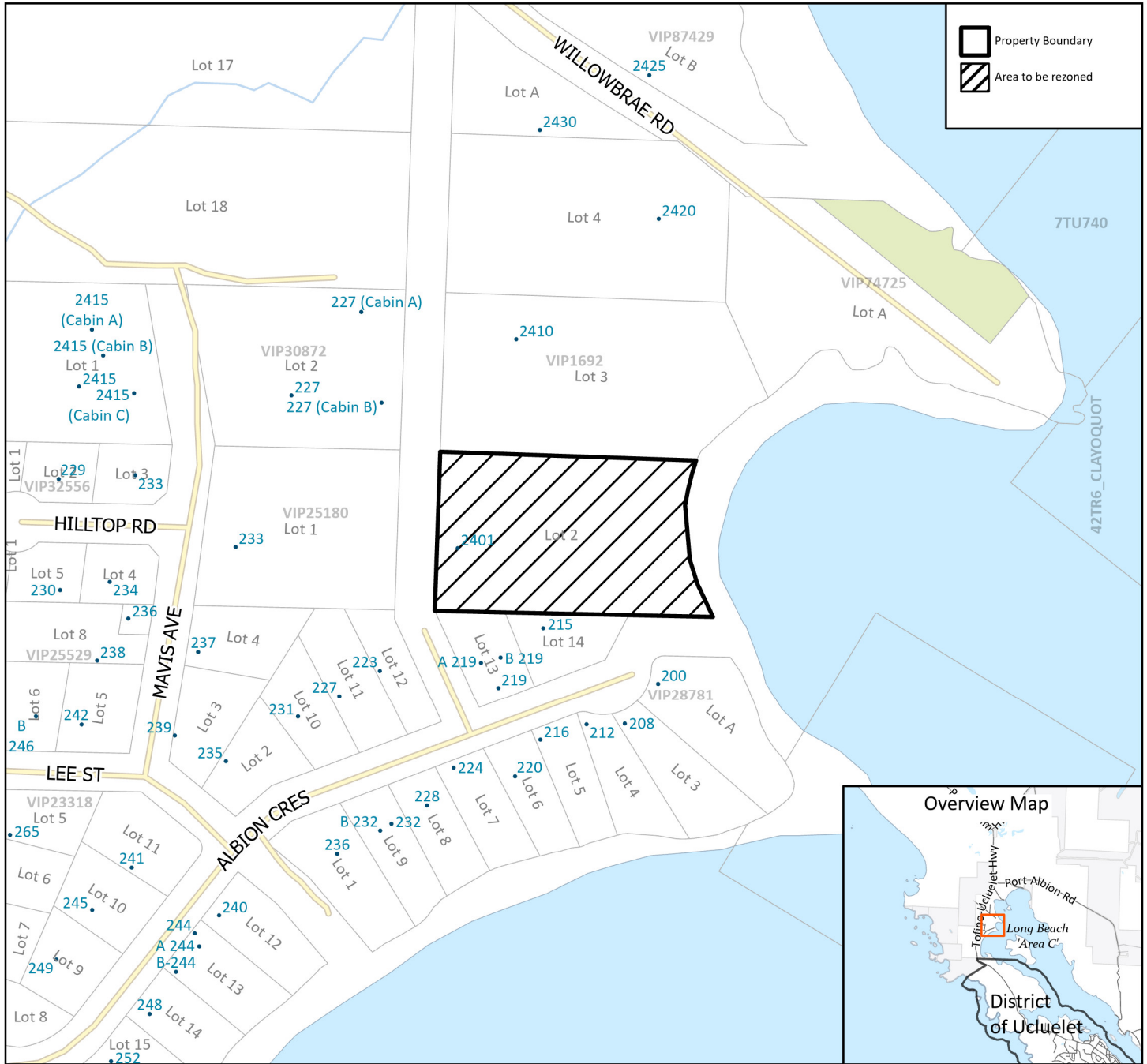
Adopted this day of , 2023

Corporate Officer

Chair of the Regional Board

Schedule 'A'

This schedule is attached to and forms part of Bylaw No. P1478, Zoning Atlas Amendment Bylaw, 2023



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



To be rezoned from Small Holdings (A1) District to Cottage Residential (RC-2) District.

