



## ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni BC, CANADA V9Y 2E3

Telephone (250) 720-2700 Fax (250) 723-1327

June 2, 2021

### CHERRY CREEK ADVISORY PLANNING COMMISSION

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

- TUP20005 – 3133 Alberni Highway (1047819 BC LTD/Heather Powell)

Please review this application so that your Director can submit your recommendations to the Board of Directors on Wednesday, June 9<sup>th</sup>, 2021.

Your next meeting is scheduled for **Monday, June 7th at 7:00 pm** through Zoom Video Conferencing. Please refer to the email for details and Zoom invitation.

Thanks in advance!

Sincerely,

Mike Irg, MCIP, RPP  
General Manager of Planning and Development

Enclosures

Cc Applicants



## TEMPORARY USE PERMIT APPLICATION

**TO:** ACRD Board of Directors  
**DATE:** June 9, 2021  
**FROM:** Mike Irg, GM of Planning and Development

### TEMPORARY USE PERMIT

**APPLICATION #:** TUP20005 (Application to Renew TUP17010)

**APPLICANTS:** Heather Powell

### LEGAL

**DESCRIPTION:** LOTS 21 & 22, DISTRICT LOT 18, ALBERNI DISTRICT, PLAN 906

**LOCATION:** 3133 Alberni Highway

**ELECTORAL AREA:** "F" Cherry Creek

**Applicant's Intention:** A TUP application for a campground with a maximum of 22 RV sites on the non-ALR portion of the properties adjacent to the Alberni Highway was approved in 2017. The owner has applied to renew the TUP and then intends to apply for rezoning.

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**Recommendation:** *THAT the Board of Directors is, at this time, disposed to deny this temporary use permit application. Prior to doing so, the Board wishes to offer the applicants the opportunity to present their own case as to why this matter should be supported.*

If the Board is considering denying an application, the Board's policy is to defer a decision on the application until the next meeting and invite the applicant to address the Board prior to a decision being made on the application.

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**Procedure:** If the Board is considering proceeding with this application, the process is: Prior to the issuance of a Temporary Use Permit, the Board must first pass a resolution to consider issuing the permit. Staff then notifies neighbouring property owners and tenants, and publishes a notice in the newspaper to afford the public an opportunity to make written or verbal submissions to the Board. At the subsequent meeting, the Board issues or denies the Temporary Use Permit.

### Observations:

- 1. Property Description:** This property is approximately 4 hectares (10 acres), with an existing golf course and a temporary campsite. The non-ALR portion of the property is approximately 0.4 hectares (1.99 acres). The property has been used as an RV campground since May 24, 2017.

## TUP20005

## 2. Services:

- (a) **Sewage Disposal:** On-site septic or pump and haul.
- (b) **Water Supply:** Within the Cherry Creek Improvement District.
- (c) **Fire Protection:** Cherry Creek Fire Department
- (d) **Access:** Highway 4 and Old Nanaimo Highway.

## 3. Existing Planning Documents Affecting the Site:

- A. **Agricultural Land Reserve:** Partially within ALR. The application is for the non-ALR portion of the property.
- B. **Official Community Plan:** Within the Cherry Creek Official Community Plan area. The property is designated "Recreational Use".

Policy 3.2.12 "Consider issuing temporary use permits in appropriate areas in all land use designations, in accordance with section 921 (now Section 463) of the LGA."

This property is within a Development Permit Area under Section 16.6 DPA III – Form and Character. A development permit is only required for this property if there is commercial building or exterior building alterations.

Under Section 463 of the *Local Government Act*, the Regional District may issue a Temporary Use Permit, by resolution, in areas designated in an Official Community Plan. A Temporary Use Permit may do one or more of the following:

- i. Allow a use not permitted under the Zoning Bylaw;
- ii. Specify conditions under which the temporary use may be carried;
- iii. Allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.

Where a temporary use permit is designated in an OCP, the Regional District must give notice to the public in accordance with the requirements of the *Act*, which includes notifying the neighbouring property owners and tenants, and publishing a notice in the newspaper.

The Temporary Use Permit is valid for up to 3 years and may be renewed by the Regional District once. After this time has expired, the property owner must apply to rezone the property to allow for the continued use or discontinue the specified use.

- C. **Zoning:** The property is zoned a combination of Rural (A2) District, Small Holdings (A1) District and Recreation Commercial (C7) District. Campgrounds are not a permitted use.

**Controlled Access Highway approval:** A temporary use permit requires approval from the Ministry of Transportation and Infrastructure under Section 505 of the *Local*

## TUP20005

*Government Act* and Section 52 of the *Transportation Act* as the property lies within 800 metres of a controlled access highway.

**A. Temporary Use Permit:**

In May 2017, the ACRD issued temporary use permit TUP17010 with the following conditions:

1. This permit is only applicable to that part of the lands not within the Agricultural Land Reserve.
2. This permit is issued for a seasonal commercial campground for a maximum of 22 camping sites.
3. All campsites are to be clearly marked and delineated.
4. There is to be no vegetation removal within 15 metres of any streams.
5. No campsites to be located within the Agricultural Land Reserve.
6. Access within the campground to be maintained and clearly marked.
7. No permanent structures to be erected within the individual campsites.
8. A 5-metre vegetation buffer be maintained on the west and east sides of that portion of the properties that are subject to the temporary use permit.
9. This permit is valid until May 24, 2020.

**Comments:**

TUP17010 was issued in May of 2017. The owner did not contact the ACRD when the TUP expired. Once ACRD bylaw staff became involved, an application to renew was submitted. The original application was for a temporary commercial use permit for a 22 sites campground / RV park. The current number of RVs now exceeds the 22 permitted in the original TUP. Once the TUP expired, the number of RV campsites increased. On December 10, 2020 staff observed 26 RVs onsite and fill that has been brought on to the property. On March 29, 2021, staff observed 31 RVs onsite (one of the RVs is owned by the applicant), and on April 21 there were 30 RVs. Staff noted that the campsites are not clearly marked and delineated. (The campground layout from the original 2017 application is attached).

Island Health accepted an on-site sewage filing in June of 2019. If The Board wishes to proceed with renewing this TUP, staff recommend one of the conditions be confirmation that the septic system construction meets Island Health regulations.

The Ministry of Transportation and Infrastructure must approve any temporary use permit renewal under Section 505 of the *Local Government Act* and Section 52 of the *Transportation Act*.

It is noted that the original limit of 22 campsites was based on the limited amount of non-ALR available for this temporary commercial use. Given that there are now 30 RVs on-site, which is well in excess of number of campsites allowed under the original temporary use permit, staff does not recommend renewing this temporary use permit. Since TUP17010 expired, the number of RVs and size of the campground has increased significantly. In 2017, staff recommended the Board issue TUP17010 based on a number of conditions, including limiting the maximum number of RV

**TUP20005**

campsites to 22.

**Options:**

1/That the Board resolves to proceed with renewing TUP17010. If the Board is considering renewing this TUP, an appropriate motion would be:

“That the Board refer this application to staff to provide appropriate conditions and referral to Island Health.”

2/ That the Board denies the TUP renewal application and provides a grace period for the property owner to return the property to the original use permitted under the current Zoning recognizing that some tenants appear to be residing at the site seasonally or permanently.



Prepared by:

\_\_\_\_\_  
Mike Irg MCIP, RPP, GM of Planning and Development



Reviewed by:

\_\_\_\_\_  
Douglas Holmes BBA, CPA, CA, Chief Administrative Officer

**TUP20005**



# ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni, BC V9Y 2E3  
Phone: (250) 720-2700 Fax: (250) 723-1327

## APPLICATION FOR DEVELOPMENT

- Official Community Plan Amendment
- Zoning Map Amendment
- Zoning Text Amendment
- Development Permit
- Development Variance
- Minimum Parcel Frontage Waiver
- Board of Variance Application
- Temporary Commercial Use Permit
- Temporary Industrial Use Permit
- Other: \_\_\_\_\_

Applicant/Property Owner Information	Agent Information (if applicable)
Name: <u>1047819 BC LTD</u>	Name:
Mailing Address: <u>1-924 ISLAND HWY East Parksville BC V9P 1R6</u>	Mailing Address:
Telephone: <u>250-607-7054</u>	Telephone:
Fax:	Fax:
Cell: <u>250-607-7054</u>	Cell:
Email: <u>heather.riverbend@shaw.ca</u>	Email:

- Legal Description: LOT-21 DIST Lot 18 Alberni Dist, Plan 906 Except Part in Plan 3051  
RW and Lot 22 Dist Lot 18, Alberni Dist, Plan 906
- Particulars of Proposed Development:

- > Existing OCP Designation: \_\_\_\_\_
- > Proposed OCP Designation: \_\_\_\_\_
- > Text Amendment: \_\_\_\_\_
- > Existing Zone: \_\_\_\_\_
- > Proposed Zone: \_\_\_\_\_
- > Within the Agricultural Land Reserve (ALR)?:  No  Yes
- > Within a Development Permit Area?:  No  Yes
- > Method of Sewage Disposal:  Community System  Onsite Septic System  Other
- > Method of Water Supply:  Community System  Onsite Water System  Other

- Other (explain): I WISH TO APPLY TO THE REGIONAL DISTRICT TO RE-13514
- Describe the existing land use of the subject property: TEMPORARY USE RV SITE PERMIT  
For an additional 3 years while we apply for rezoning.  
Current use is a Golf Course / RV site Campground

- Describe the existing land use of lands adjacent to the subject property:

North: Farm

South: Highway - Alberni Hwy

East: Residential lots / Many Commercial

West: Residential / Many Commercial

- Describe the proposed development of the subject property (attach additional pages if necessary):

I propose to continue recreational use of the property along the highway corridor

- Reasons and comments in support of the application (attach additional pages if necessary):

this particular type of business is able to provide both accommodation in the growing tourism industry as well as

- The following information is required. Failure to provide any of the following may delay the application.

A sketch/plan of the subject property showing:

- > the legal boundaries and dimensions of the subject property; For temporary workers
- > boundaries, dimensions, and area of any proposed lot (if subdivision is being proposed);
- > the location of permanent building and structures on the subject property with distances to property lines;
- > the location of any proposed building, structures, or additions hereto, with distances to property lines;
- > the location of any existing sewage disposal systems and/or property water source; and
- > topographic features (rock outcroppings, etc.).

- Additional or more detailed information may be requested by the Regional District following review or your application.

If the Regional District believes it to be necessary for the property boundaries and the location of buildings and structures to be more accurately defined, a plan prepared by a registered BC Land Surveyor may be required.

I accept responsibility for delays in processing caused by incorrect or insufficient submission. Personal information contained on this form is collected under the *Local Government Act*. Contact the Planning Department if you have any further questions.

I hereby grant Regional District staff full right of access to the subject property, during the hours of 8:00 am until 4:30 pm, Monday to Friday, except statutory holidays, while this application is in effect; and

I/We hereby declare that the information provided in this application is, to the best of my/our knowledge, true and correct in all respects, and I/we enclose the required fee with this application.

NOTE: All items submitted as part of the application will not be returned to the applicant and are subject to the *Freedom of Information and Privacy Act*. All relevant correspondence will be provided to both the applicant and the agent when applicable.

Applicant/Owner Signature: NEATHER POWELL. Heather Powell

Applicant/Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Alberni -Clayoquat Regional District

Application for Re-Issue of Development Permit

Hollies Golf Course: Lot 21 Dist. Lot 18 Alberni Dist. Plan 906 except Part in Plan 2051  
Lot 22 Dist. Lot 18, Alberni Dist. Plan 906

Good afternoon Mike Irg and Jason Kevis,

We would like to apply for the re-issue of the temporary RV Site at Hollies RV and Golf.

I really feel that having this RV Park along the highway corridor does provide the travelling public with additional options for accommodation. It supports local tourism in providing a place to stay for RV travelers adventuring throughout Vancouver Island.

We have also provided accommodation for temporary workers in our local industries. Most recently, we have been able to provide a temporary low-income housing option, when there has been a shortage of housing options.

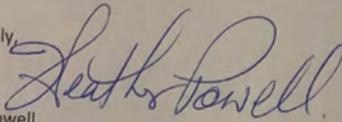
From feedback during our original application we learned that our neighbors were particularly concerned, with smoke from camping fires, noise and landscape screening. We addressed these concerns by allowing only propane fires, being diligent with our quiet time hours and keeping exiting landscaping in place.

To address your concern about RV sites outside of the area requested, I do personally own one RV that is parked along side the club house. I also have a couple of boats parked on the property. I hope that these items are not an eyesore to any of our neighbors.

We are working with Sims and Company to put forth a rezoning application for both of these lots as we would really like to do more landscaping and provide better and more services to our tourism industry while filling in the gaps of temporary accommodation and housing options.

Please feel free to contact me with any concerns or recommendations.

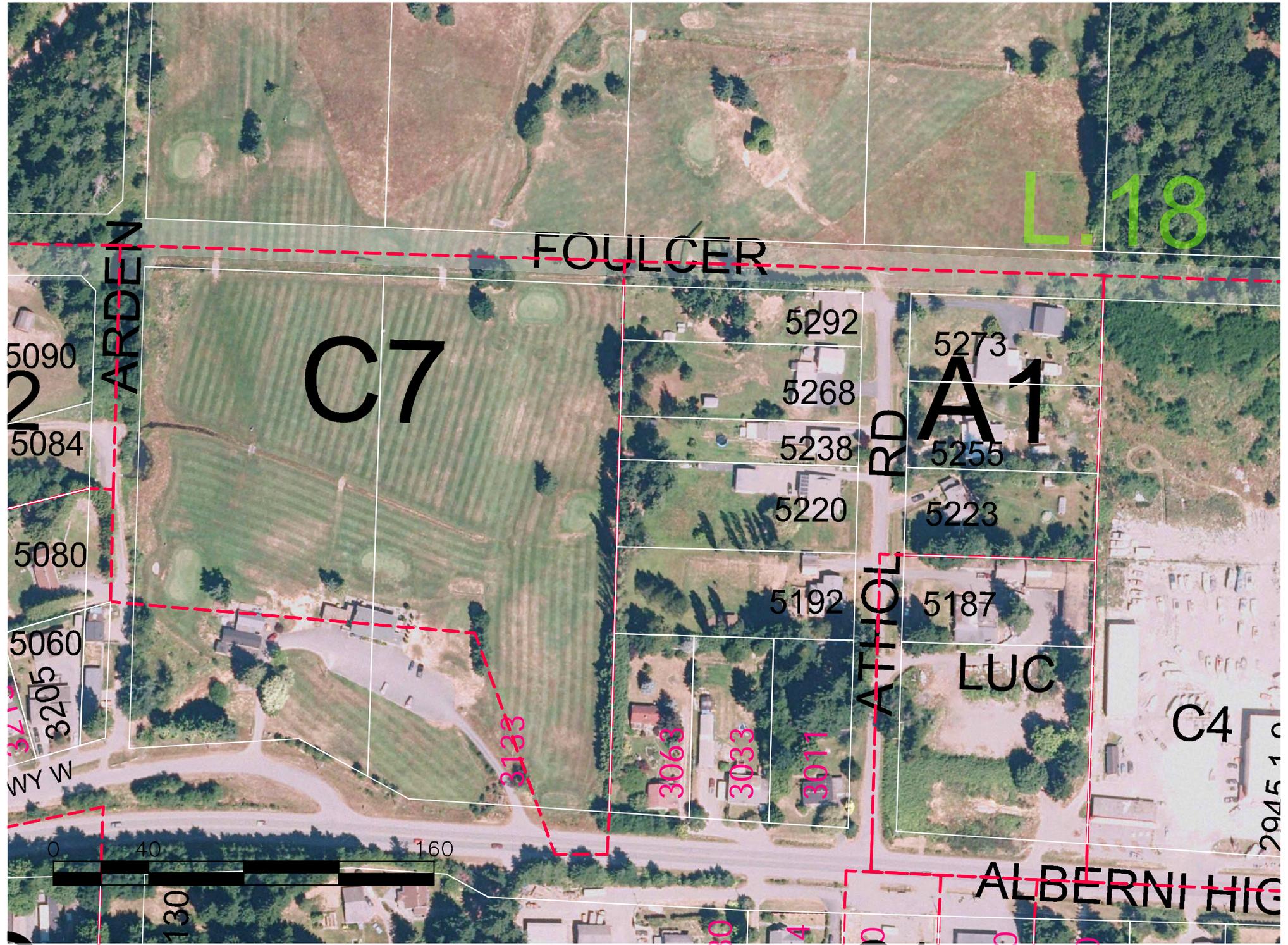
Respectfully,



Heather Powell

250-607-7054

Heather.riverbend@shaw.ca



L.18

FOULCER

C7

A1

ARDEN

ATHOL RD

LUC

C4

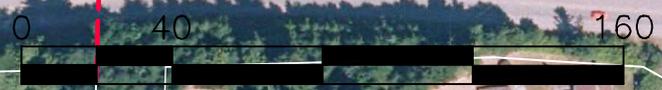
ALBERNI HIGH

5090  
5084  
5080  
5060  
3205  
WY W

5292  
5268  
5238  
5220  
5192  
3063  
3033  
3017

5273  
5255  
5223  
5187

3133



130

2945

ARDEN

FOULC

22

21

3

3063

3130

1

7833.32m<sup>2</sup>

1.99 acres

3133

59.88m

31.60m

39.29m

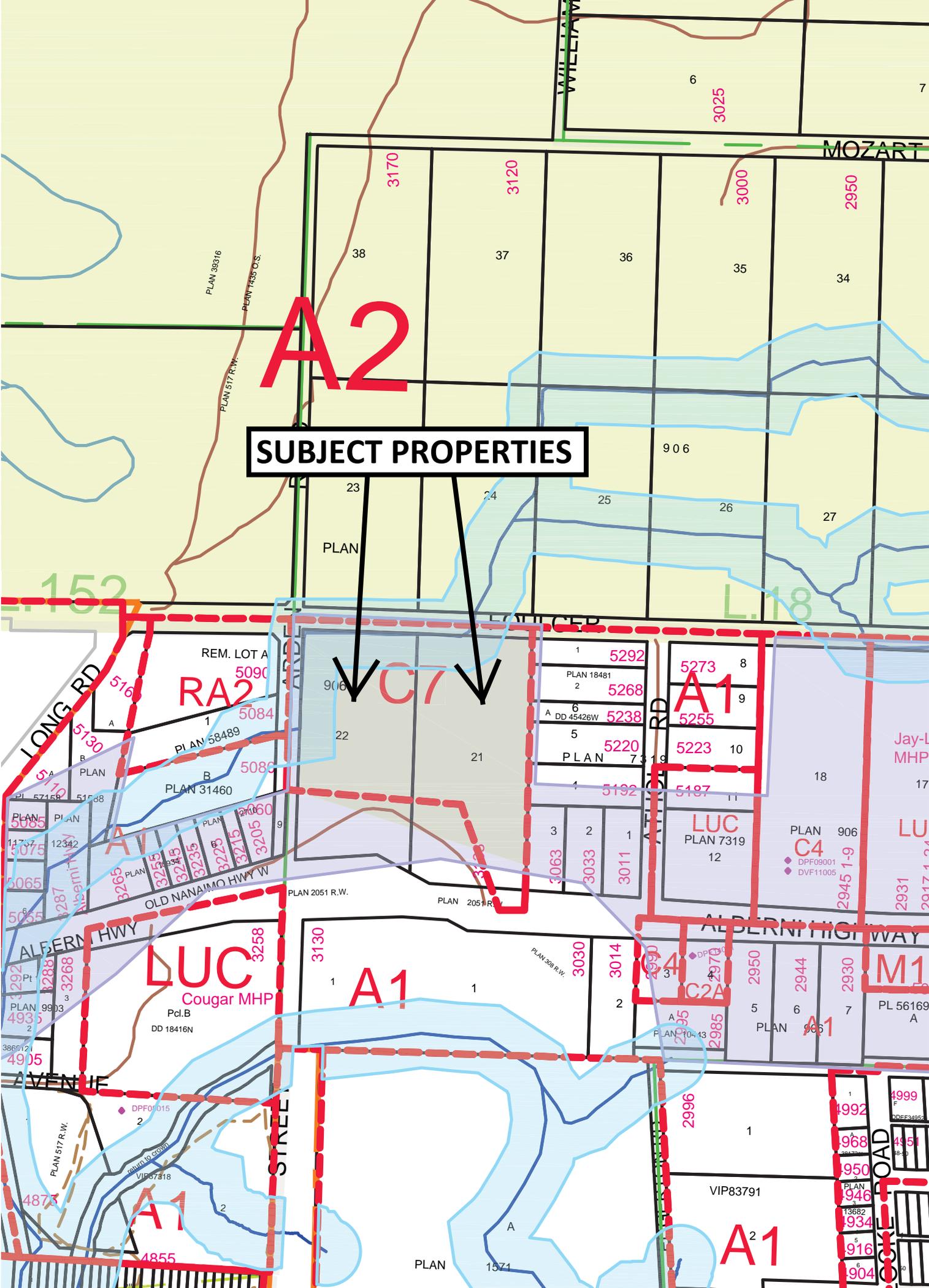
21.79m



A



A  
0  
4  
30  
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9  
D



**A2**

**SUBJECT PROPERTIES**

**RA2**

**C7**

**A1**

**LUC**  
Cougar MHP

**A1**

**C4**

**C2A**

**A1**

**M1**

**A1**

**A2**

**ROCKE ROAD**

**L.152**

**L.18**

**LONG RD**

**ALFERM HWY**

**AVENUE**

**STREET**

**MOZART**

**WILLIAM**

**ALBERTA RD**

**ALBERTA HIGHWAY**

**ROCKE ROAD**

PLAN 39816

PLAN 7438 O.S.

PLAN 5177 R.W.

PLAN

PLAN 18481  
A DD 45426W

PLAN 7319

PLAN 906  
DPF09001  
DVF11005

PLAN 2051 R.W.

PLAN 2051 R.W.

PLAN 308 R.W.

PLAN 10443

PLAN 517 R.W.

VIP07318

VIP83791

PLAN 1571

PLAN 13682

PLAN 1904

PLAN 1999

PLAN 1968

PLAN 1950

PLAN 1946

PLAN 1934

PLAN 1992

PLAN 1968

PLAN 1950

PLAN 1946

PLAN 1934

PLAN 1992

PLAN 1968

PLAN 1950

PLAN 1946

PLAN 1934