



Rezoning Application

TO: Regional Board of Directors

MEETING DATE: July 22, 2020

FROM: Mike Irg, GM Planning and Development

ACRD FILE NO: RD19010

APPLICANTS: Terri Fleming, Kristin Fleming, Amber Day, Leanne Frechette, Tina Dirocco, Lorie Day, Debra Coates, and Rick Sherwood (Agent: Sims Associates)

LEGAL DESCRIPTION: LOT 771, CLAYOQUOT DISTRICT

LOCATION: Beauty Island, Great Central Lake

ELECTORAL AREA: "D" Sproat Lake

Applicants Intention: This application concerns an OCP amendment, zoning text amendment and a zoning map amendment. The applicants intend to rezone the property from Forest Reserve (A4) District to the proposed site-specific zone, Beauty Island (BI RVH) District in order to facilitate a three (3) lot subdivision.

Recommendation:

- THAT Bylaw P1405 Sproat Lake Official Community Plan Amendment Bylaw be read a first time.
- THAT Bylaw P1406 Regional District of Alberni-Clayoquot Zoning Text and Atlas Amendment Bylaw be read a first time.
- THAT the public hearing for Bylaws P1405 and P1406 be delegated to the Director for Electoral Area 'D', the Alternate Director or the Chairperson of the Regional District.
- THAT the Board of Directors confirm that adoption of Bylaws P1405 and P1406 are subject to:
 - a. Support from the Tseshaht First Nation and Hupacasath First Nation;
 - b. Confirmation of suitable parking facilities at the east end of Great Central Lake;
 - c. All docks complying with the Provincial standards;

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- d. The uninhabited cabin being demolished or brought into compliance with the BC building code; and
 - e. Meeting all technical referral agency requirements.
-

Observations:

i) **Status of Property:** The subject property includes all of Beauty Island, a 5.4 ha (13.34 ac) island located in the easternmost third of Great Central Lake, northwest of Brown's Bay. Beauty Island rises in elevation 20 m above the natural boundary of the shoreline. The island is mostly treed and does not include marked watercourses.

Improvements include four (4) cabins, two of which are legally non-conforming as they predate the ACRD Zoning Bylaw. One cabin was built with a building permit. Construction on the fourth cabin commenced and received a Stop Work Order for unauthorized construction in 2008. No application has been made for construction of the cabin to date. Obtaining a building permit and bringing the non-conforming cabin into compliance with the Building Bylaw or demolishing the cabin is a condition of rezoning.

Beauty Island is zoned Forest Reserve (A4), along with the surface of Great Central Lake and the nearest surrounding parcels are also zoned Forest Reserve (A4) District. The intent of the proposed rezoning is to facilitate a three (3) lot, water access only, subdivision.

ii) Services

- a. **Sewage Disposal:** On-site sewage disposal. Information provided by a Registered On-Site Wastewater Practitioner (ROWP) confirms that each of the proposed 3-lots demonstrate adequate soils for sewage treatment. Additionally, the ROWP confirmed "all current on-site seasonal sewage disposal show no signs of any potential Health Hazards as prescribed by the Regulations 326/04."
- b. **Water Supply:** Lake intake.
- c. **Fire Protection:** Outside fire protection districts
- d. **Access:** Water access only. Ministry of Transportation and Infrastructure to determine access requirements at the time of subdivision approval. The Regional District will require confirmation of suitable parking on the east end of Great Central Lake recognizing that the Island is water-access only.

iii) Existing Planning Policies Affecting the Site

- A. **Agricultural Land Reserve:** Not within the ALR.
- B. **Official Community Plan:** The Sproat Lake Official Community Plan designates

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the lands as “Recreational Residential Use”. The objective of the Recreational Residential Use designation is to provide opportunities for seasonal residency.

While section 11.2.2 states the ACRD’s policy to “only permit the development of new lots for part-time residential use where access is provided either by dedicated roads or by forestry roads” the intention of this policy is to limit development to areas with existing access. This section does not contemplate water access only sites and therefore does not apply to Beauty Island.

Under the Sproat Lake OCP, a property must maintain a minimum lot size of 1 hectare for subdivision purposes if serviced with on-site well and septic. Each of the proposed lots exceed this minimum lot size requirement.

The OCP also designates a development permit area (DPA) which may impact development of the properties: “DPA I – Riparian Areas Protection”. DPA I includes all lands within 30 metres of Great Central Lake, Boot Lagoon and the Stamp River.

Staff recommends changing the OCP to “comprehensive development” to allow for a site-specific zone that limits lot the number of lots to four(4). Bylaw P1404 meets the intent of the OCP.

- C. **Zoning:** The property is zoned Forest Reserve (A4) District which permits a minimum lot area of 16 ha (40 ac) and one single family dwelling per lot for properties of this size. The Island therefore cannot be subdivided unless it is first rezoned.

The applicants have applied to rezone the property to a seasonal recreational zone that would facilitate a maximum of (4) four lots, although the applicant has stated they intend to create three (3) lot subdivision in accordance with their respective shares on title. The proposed new zoning designation, Comprehensive Development, Beauty Island (BI RVH) District, would facilitate the subdivision of Beauty Island into large lots with a 1.0 ha (2.47 ac) minimum area.

The property includes two legally non-conforming cabins, one cabin built with a building permit and one cabin that was built without a building permit application. The cabin constructed without a Building Permit is in contravention of the ACRD Building Bylaw. Bringing the non-conforming cabin into compliance with the Building Bylaw will be a condition of subdivision approval.

The existing buildings are approximately 7.0 m, 27.0 m, and 11.4 m from the present natural boundary of Great Central Lake. As such, they may require Development Variance Permits to comply with the lot lines and setback requirements of the proposed rezoning. The siting of any non-conforming

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structures built prior to the adoption of the ACRD Zoning Bylaw may be maintained and repaired within their existing footprints subject to Section 529 of the Local Government Act.

	Current Zoning Forest Rural (A4) District	Proposed Zoning Comprehensive Development, Beauty Island (BI RVH) District
Minimum Lot Size:	40 acres	1.0 ha
Minimum Lot Width:	660 feet	150 feet
Lot Coverage:	-	5%
	Minimum Setbacks	
Front:	50 feet	50 feet
Rear:	30 feet	30 feet
Side:	15 feet	15 feet
	Maximum Height	
feet	35 feet	30 feet

Uses permitted under the proposed zoning include one single family home per lot and accessory building and associated uses.

Note: Accessory dwelling units and vacation rental are not permitted under the proposed zone.

The applicant is applying to rezone the property from Forest Reserve (A4) District to, Beauty Island (BI RVH) District in order to facilitate the subdivision of the property into four lots with a minimum area of 1.0 ha parcels.

Comments:

The proposal consists of a plan to amend the ACRD Zoning Bylaw text amendment and an ACRD Zoning Bylaw map amendment to facilitate a three-lot subdivision with a 1.0 ha (2.47 ac) minimum parcel size with an OCP amendment. The proposed zoning would allow for a maximum of 4 lots on the subject property. The Sproat Lake OCP requires a 1.0 ha (2.47 ac) minimum lot size for lots that are serviced with on-site water (lake in-take) and septic.

Section 18.0 Marine Use provides a list of objectives and policies for waterbodies, including Great Central Lake. This includes section 18.1.2 “maintain the unique physical and biological characteristics of the shoreline environments”. Recognizing the ecological importance of the riparian environment, Development Permit Area DPA 1 – Riparian Area Protection applies to the 30-meter foreshore of Beauty Island.

The cabin constructed without a Building Permit is in contravention of the ACRD

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Building Bylaw. Obtaining a building permit and bringing the non-conforming cabin into compliance with the Building Bylaw or demolishing the structure is a condition of rezoning.

The applicants have asked for (2) dwellings per lot. Staff are not supportive of a zone that would allow for (8) dwellings on this property. This is an Island in Great Central Lake accessible only by water. If the two existing cabin are on the same lot following subdivision approval, their legal non-conforming status would continue.

Staff are supportive of zoning as presented, which would allow for a maximum of four lots, limit the dwelling size, and allow for residential recreational use.

Submitted by:



Mike Irg, MCIP, RPP
GM of Planning and Development

Approved by:



Douglas Holmes, BBA, CPA, CA
Chief Administrative Officer

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Subject
Property

DL 771

Great Central Lake















Fern Road Consulting Ltd.



Our File: 19-032-Z

2019-12-12

RD19010

PL20200001

Alberni-Clayoquot Regional District
3008 – Fifth Avenue
Port Alberni, BC
V9Y 2E3

Attention: Mike Irg

Dear Mike:

**RE: Proposed Zoning Amendment of District Lot 771, Clayoquot District
Beauty Island**

On behalf of our clients, Tina Dirocco, Leanne Frechette, Terri Fleming, Kristin Fleming, Amber Day and Lorie Day, Rick Sherwood and Debra Coates we are applying for a zoning amendment for Beauty Island.

BACKGROUND

Beauty Island in Great Central Lake was created as District Lot 771 in 1908. The island is treed, has 3 cabins and various sheds. The current owners all belong to the same family.

Sims Associates (Sims) has surveyed the island and has determined the present natural boundary (PNB). Sims has prepared a proposed subdivision plan showing locations of buildings, current PNB and amount of Return to Crown (due to the lake level being much higher than where it was previously surveyed).

PROPOSAL

There are 8 people on title as owners and shares are as follows:

- 50% share Rick Dale Sherwood and Debra Agnes Coates
- 25% share Tina-Marie Dirocco and Leanne Tracey Frechette
- 25% share Terri Lynn Flemming, Kristin Jean Flemming, Lorie Lee Day and Amber Lynn Day

The owners would like to subdivide so that the ownership is the same as the share percent. Currently the island is zoned A-4 Forest Reserve with a minimum parcel size of

40 acres. We propose rezoning the property to Cottage and Seasonal Residential with a minimum parcel size of 3 acres (1.2 ha).

The owners would like to have 2 cottages per lot with each cottage a maximum of 1500 sq ft. Although "Vacation Rental" is part of this zone, the owners do not want to rent and suggest this option be eliminated from the zone.

We felt it would be prudent to have the soil checked for percability. Mr. Glenn Gibson of Gibsons & Sons inspected the property and determined that it "demonstrates adequate soils for on-site sewage treatment that meet the intent of both Standards".

We have completed an application form but are unsure of the fee. We request you review the file and inform us of the fee and we will then collect it from the owners.

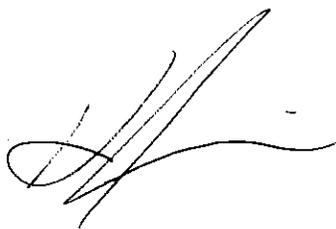
ENCLOSURES

In support of this application, we are enclosing:

- Application form
- 3 Title Searches
- Signed Letters of Authorization
- Report prepared by Gibson & Sons
- Proposed Subdivision Plan prepare by Sims

Please do not hesitate to contact me if there are any questions or you would like to discuss further.

Sincerely,



Helen MacPhail Sims
Office Manager
/tj

Enclosure

Attached Sheet

Applicant/Property Owner Information

Name: Rick Sherwood and Debra Coates

Mailing Address: 2596 Alberni Highway, Site 215, C-7, Port Alberni, BC, V9Y 7L6

Name: Tina Dirocco and Leanne Frechette

Mailing Address: 5696 Arvay Road, Port Alberni, BC, V9Y 8H4

Name: Terri Flaming, Kristin Fleming, Lorie Day and Amber Day

Mailing Address: 7641 Beaver Creek Road, Port Alberni, BC, V9Y 8M9

Gibson and Sons Consulting
811 Wildgreen Way, Parksville
250 240 1724 gibsonandsons65@gmail.com

Mario + Tina Di Rocco
Arway Rd Port Alberni
m+rocco@shaw.ca

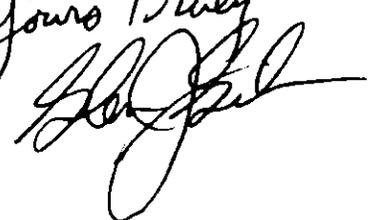
April 25/19

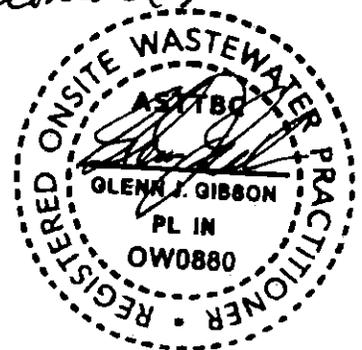
Re: Proposed 3 lot Subdivision of Beauty Island

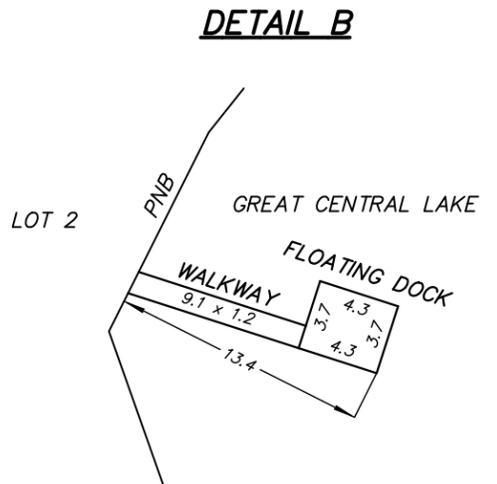
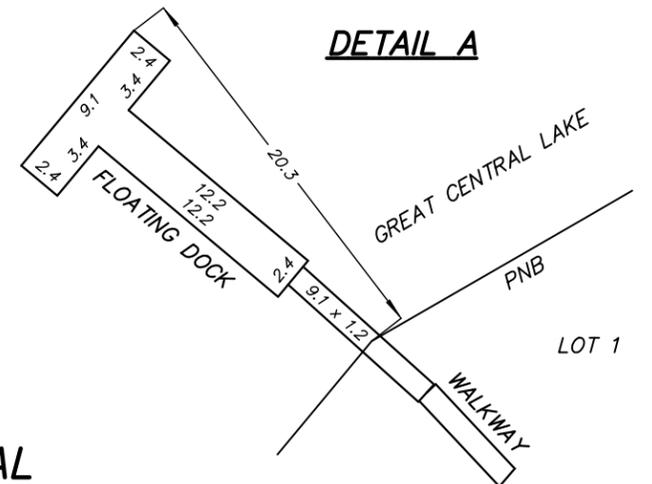
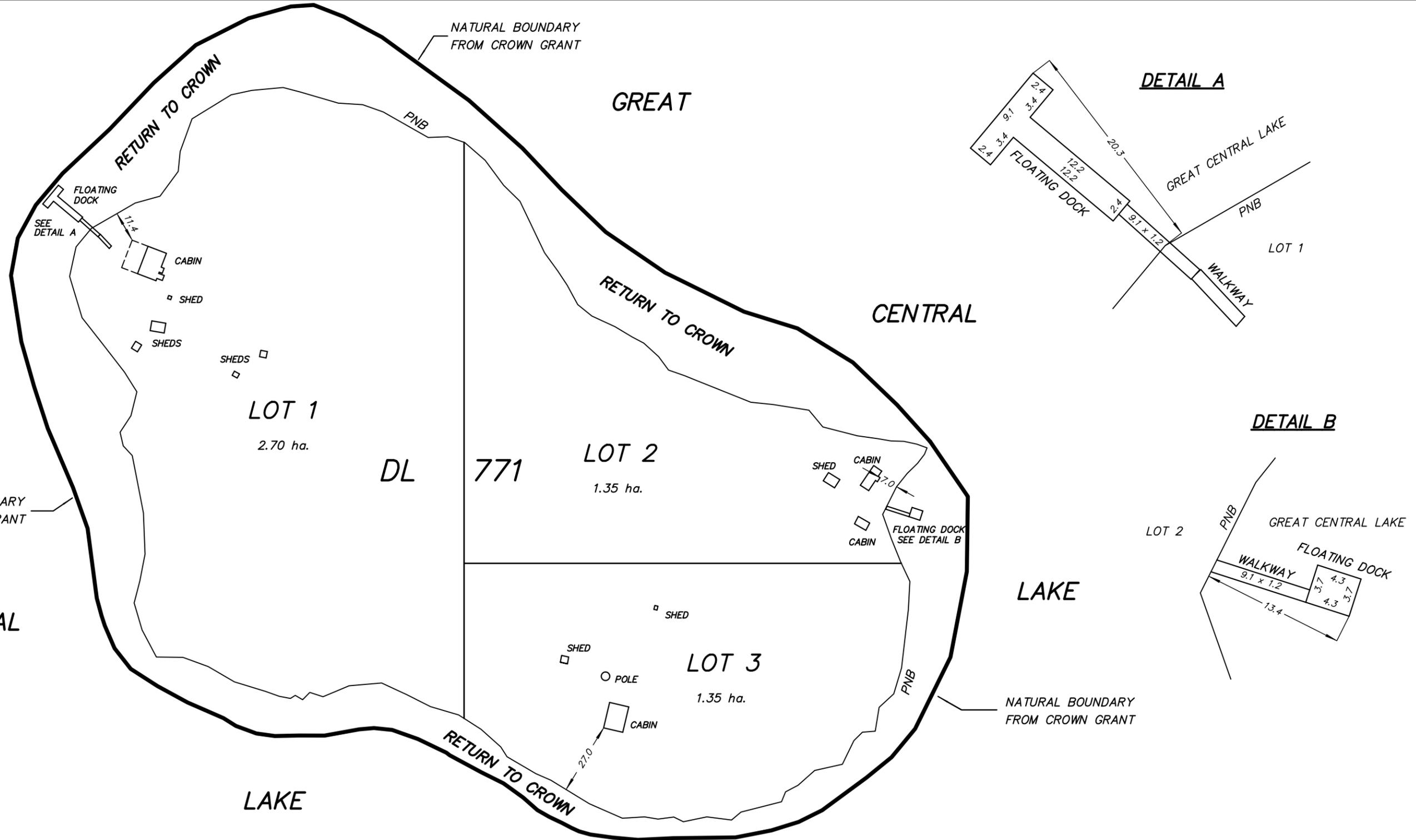
On April 25/19 we dug percolation and observation holes by hand on each of the 3 lots to demonstrate adequate soils for on-site sewage treatment that meet the intent of both Standards.

The soils are defined as loamy sands, the holes were dug to 24" + and the percolation rates ranged from 2-6 minutes.

I believe these site conditions meet the intent of both Standards. All current on-site seasonal sewage disposal show no signs of any potential Health Hazard as prescribed by the Regulations 326/04.

If you have any questions please contact me.
Yours Truly






**PROPOSED SUBDIVISION PLAN OF
DISTRICT LOT 771,
CLAYOQUOT DISTRICT.
SCALE 1:1500**



LEGEND
 ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF
 ALL DISTANCES ALONG CURVES ARE ARC DISTANCES
 ALL DIMENSIONS AND AREA ARE SUBJECT TO FINAL SURVEY.
 DL DENOTES DISTRICT LOT
 REM DENOTES REMAINDER
 ha DENOTES HECTARES
 PNB DENOTES PRESENT NATURAL BOUNDARY

No.	DATE	REVISION
1	2019/10/31	
2	2021/08/05	ADD DOCK LOCATIONS

PRISM
 LAND SURVEYING LTD.
 223 FERN ROAD W.
 QUALICUM BEACH, B.C. V9K 1S4
 PHONE: 250-752-9121
 FAX: 250-752-9241
 FILE NUMBER: XX-XXX-S
 DRAWING NUMBER: 19-032 P2.DWG
 DATE: 2021/08/05

P1405 REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. P1405

**A BYLAW TO AMEND BYLAW NO. P1310
SPROAT LAKE OFFICIAL COMMUNITY PLAN**

WHEREAS by Section 478(2) of the *Local Government Act*, all bylaws enacted by the Regional Board must be consistent with an existing official community plan;

AND WHEREAS the Regional Board may amend an existing official community plan;

NOW THEREFORE the Board of Directors of the Regional District of Alberni-Clayoquot in open meeting assembled enacts as follows:

1. TITLE
This bylaw may be cited as the Sproat Lake Official Community Plan Amendment Bylaw No. P1405.
2. Schedule B, the plan map, is hereby amended by redesignating LOT 771, CLAYOQUOT DISTRICT from "Recreational Residential Use" to "Comprehensive Development Area" 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 , 2020
Public hearing held this day of , 2020
Read a second time this day of , 2020
Read a third time this day of , 2020

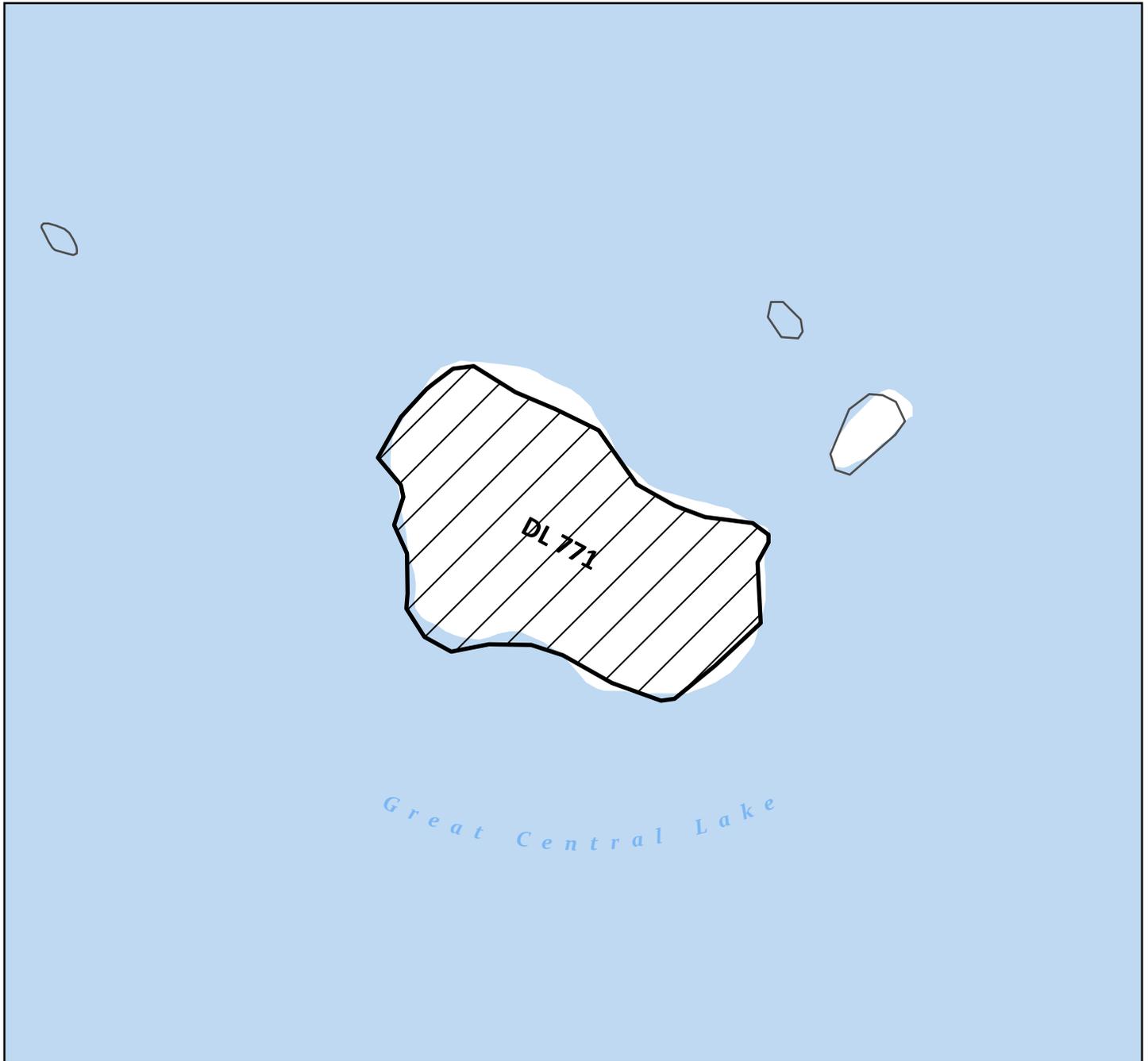
Adopted this day of , 2020

Douglas Holmes, BBA, CPA, CA
Chief Administrative Officer

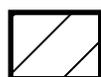
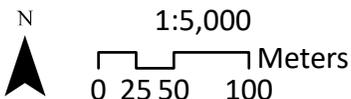
Chair of the Regional Board

Schedule 'A'

This schedule is attached to and forms part of Bylaw P1405 to Amend Sproat Lake OCP



P1405 - Beauty Island
Legal Desc.: Lot 771, Clayoquot District



Re-designating from "Recreational Residential Use" to "Comprehensive Development Area"

REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. P1406

**OFFICIAL ZONING TEXT AMENDMENT AND
OFFICIAL ZONING ATLAS AMENDMENT NO. 723**

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 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 amendments to the Official Zoning Text and the Official Zoning Atlas 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 and Atlas Amendment Bylaw No. P1406.

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

- a. Adding a new section 166 Beauty Island (BI RVH) District” to read as follows:

“ 166 Beauty Island (BI RVH) District

This District provides for low-density development of large parcels intended for recreational use without the provision of water, sewer, sewage disposal, drainage or fire protection services by the Regional District. The natural setting and environmental features will be protected and preserved through large lot sizes and low density.

166.1 Permitted Uses

- (1) One Single Family Dwelling per lot which is constructed on the site on which it will be occupied, which is not to be occupied as the permanent home or residence of any family, but rather as a vacation or seasonal residence for a family maintaining a permanent residence elsewhere;
- (2) One Accessory building;

166.2 Density

- (1) One (1) Single Family Dwelling per lot;
- (2) the minimum lot size shall be one (1) hectare (2.47 acres);
- (3) the maximum number of lots shall not exceed four (4) lots;
- (4) the maximum floor area of a Single Family Dwelling unit shall not exceed 150 square meters (1,614 square feet) in floor area;
- (5) the maximum floor area for an accessory building shall not exceed 40 square meters (430 square feet) and the height shall not exceed 3.66 meters (12 feet).”

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

Zoning District or Use	Minimum Lot Width (feet)	Minimum Lot Area	Maximum Lot Coverage	Minimum Setbacks (feet)			Maximum Height (feet)
				Front	Rear	Side	
BI RVH	150	2.5 acres	5%	50	30	15	30

c. Including “BI RVH” on the line that references “R” Districts in Section 4.3, Interpretation.

d. Including “166 Beauty Island RVH (BI RVH) District” in Section 5.1, Designation of Districts, under Comprehensive Development Use.

- 3. Bylaw No. 15 of the Regional District of Alberni-Clayoquot atlas is hereby amended by rezoning LOT 771, CLAYOQUOT DISTRICT from Forest Reserve (A4) District to Beauty Island (BI RVH)) District as shown on Schedule A which is attached to and forms part of this bylaw.
- 4. This bylaw shall come into force and take effect upon the adoption thereof.

Read a first time this day of 2020
 Public Hearing held this day of 2020
 Read a second time this day of 2020
 Read a third time this day of 2020

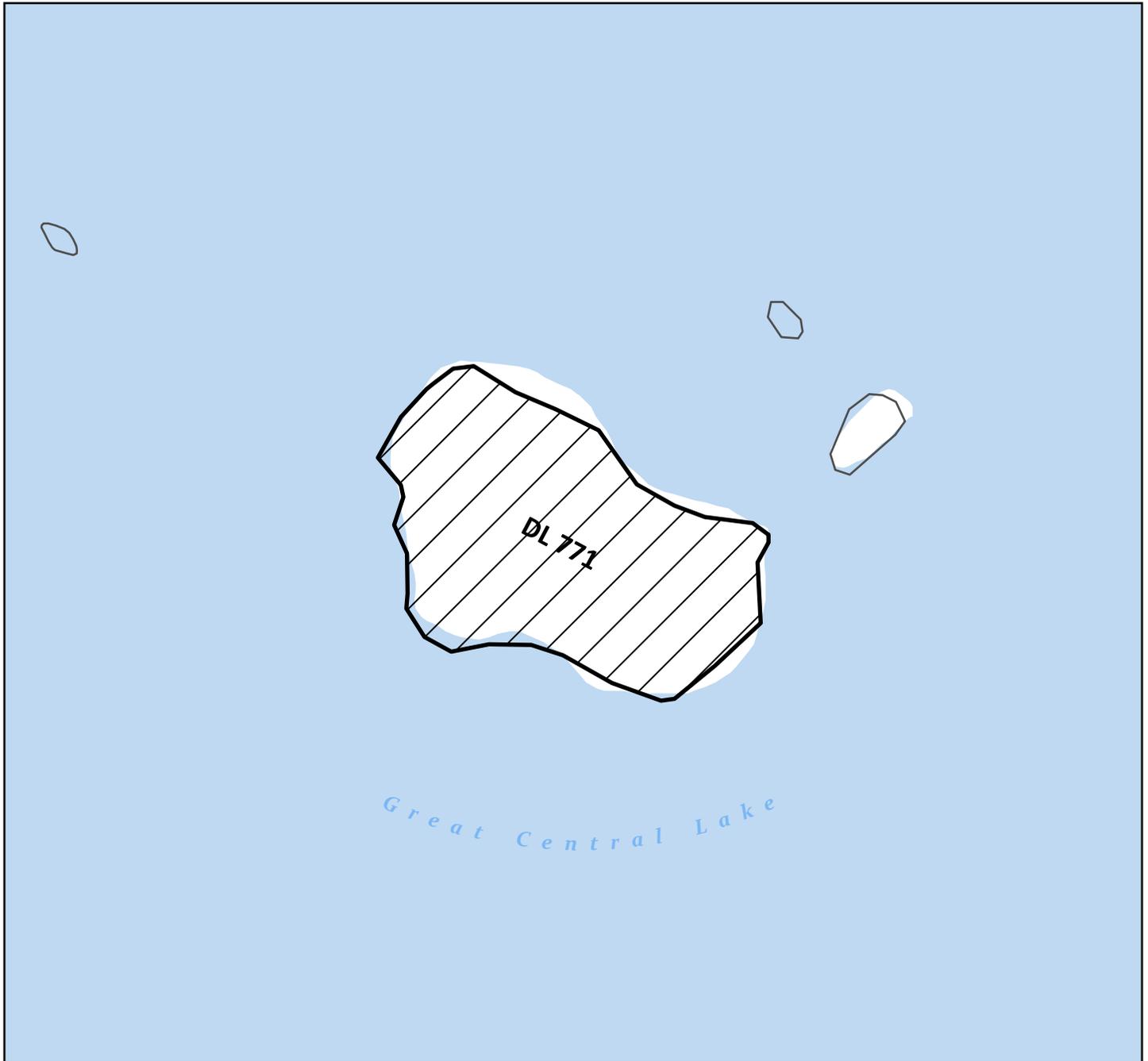
Adopted this day of 2020

Douglas Holmes, BBA, CPA, CA
 Chief Administrative Officer

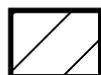
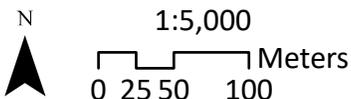
Chair of the Regional Board

Schedule 'A'

This schedule is attached to and forms part of
Bylaw P1406 to Amend Official Zoning Atlas



P1406 - Beauty Island
Legal Desc.: Lot 771, Clayoquot District



Re-zoning from "Forest Reserve (A4) District" to
"Beauty Island (BI RVH) District"