



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

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

Rezoning Application

MEETING DATE: August 24, 2022

ACRD FILE NO.: RB22001

APPLICANTS: Frederick Boyko

LEGAL

DESCRIPTION: LOT A, DISTRICT LOT 116, ALBERNI DISTRICT, PLAN 8822, EXCEPT PART IN PLAN VIP86640

LOCATION: 8102 Wellham Road

ELECTORAL AREA: "B" Beaufort

Applicant's Intention: The property owners are applying to rezone the +/- 2.3 hectare (5.7 acre) portion of the +/- 6.7 hectare (16.67 acre) property located outside of the Agricultural Land Reserve (ALR) from Rural (A2) District to Acreage Cottage Residential 1 (ARC 1) to facilitate the development of up to four (4) cottages, each 350-750 sq ft in size, alongside the existing single family dwelling and accessory building.

Recommendations:

- THAT Bylaw P1450 Regional District of Alberni-Clayoquot Zoning Text Amendment Bylaw be read a first time.
- THAT Bylaw P1467 Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw be read a first time.
- THAT the public hearing for Bylaws P1450 and P1467 be delegated to the Director for Electoral Area 'B', the Alternate Director or the Chairperson of the Regional District.
- THAT the Board of Directors confirm that adoption of Bylaws P1450 and P1467 is subject to:
 - a. Confirmation of adequate water supply for four cottages;
 - b. Confirmation from a Registered On-Site Wastewater Practitioner that the property is capable of accommodating on-site sewage disposal for four cottages; and
 - c. Meeting technical referral agency requirements.

Advisory Planning Commission Recommendation: The Beaufort APC will review this application at their August 11 meeting. The resolution will be added following the meeting.

RB22001

Observations:

i) **Status of Property:** The +/- 6.7 hectare (16.67 acre) subject property was created by subdivision in 2009. The lot is accessed by a driveway in the south east portion of the lot off Wellham Road. The lot is mostly covered by trees and other vegetation, apart from the driveway access, clearings around the main dwelling and accessory buildings, and a pond. The area in which the proposed cottages will be constructed has also been partially cleared. The pond was determined by a biologist report in 2016 to be man-made. Therefore, any future development on the property does not have to adhere to a watercourse setback in relation to this pond. There was previously a covenant on this property which did not allow for construction within 15 meters of any watercourse or wetted area, but this was amended in 2016 to only apply to riparian areas. The property is surrounded by Rural (A2) District zoned lots to the north and east, ALR land to the west and south, with a parcel of land zoned as Small Holding (A1) District to the southeast of the property on the opposite side of Wellham Road.

ii) **Services**

- a. **Sewage Disposal:** On-site sewage disposal.
- b. **Water Supply:** On-site water.
- c. **Fire Protection:** Beaver Creek Volunteer Fire Department.
- d. **Access:** Driveway access off Wellham Road.

iii) **Existing Planning Policies Affecting the Site**

- a. **Agricultural Land Reserve:** The western +/- 4 ha (9.9 ac) portion of the property is located within the ALR. The area to be rezoned is the +/- 2.3 ha (5.7 ac) eastern portion of the property located outside of the ALR.
- b. **Official Community Plan:** The Beaufort Official Community Plan (OCP) designates the property as "Rural Use". The objectives of this land use designation are to maintain the predominantly rural character of the area (8.1.1) and allow a range of housing options (8.1.2). Rural land use policies are to ensure that the principal use in rural areas remains residential or agricultural (8.2.2) and to permit a variety of compatible uses on rural lots in order to make their retention viable (8.2.4). The applicant intends to develop a primarily residential lot with low impact cottages. The cottages will all be located 50 feet or more from the property boundary and will be screened from the neighbouring property by trees.

The property has two watercourses which run north to south through the property. The applicant may be required to apply for a Development Permit for Riparian Areas Protection prior to any proposed construction of cottages within 15 metres of a natural watercourse.

- c. **Zoning:** The property is zoned Rural (A2) District and the property owner is applying to rezone the eastern 2.3 hectare (5.7 acre) portion of the property located outside of the ALR to Acreage Cottage Residential 1 (ARC 1) District to facilitate the development of up to four (4) cottages.

ARC 1 is a new zone which has been created to accommodate the same uses as ARC District but on a minimum 2 hectare (5 acre) parcel so the zoning is compliant with the Beaufort OCP.

RB22001

	A2 District (existing)	ARC 1 District (proposed)
Minimum Lot Area:	5 acre	5 acre
Minimum Lot Width:	330 feet	200 feet
Lot Coverage:	-	10%
Minimum Setbacks		
Front:	50 feet	40 feet
Rear:	30 feet	30 feet
Side:	15 feet	15 feet

The applicant intends to rezone the property to facilitate the development of up to four (4) cottages, each 350-750 sq ft in size, alongside the existing single family dwelling and accessory buildings located on the property. Rezoning the property from Rural (A2) District to Acreage Cottage Residential 1 (ARC 1) District would support this proposed use.

The ARC 1 District is intended to provide for low impact cottage development, compatible with rural uses, that would allow for temporary accommodation on a short-term basis to visitors and seasonal workers. The conditions of use allow for one single family dwelling and up to four (4) cottages on a lot with a 5 acre minimum lot size. The cottages are limited to between 350 square feet and 750 square feet of floor area on the main level with a half story permitted above the main level limited to 50% of the main floor area. The siting of the cottages must comply with the required building setbacks and include a separation distance of 30 feet between cottages, and between cottages and the single family dwelling.

The proposed development requires a rezoning of the subject property from Rural (A2) District to Acreage Cottage Residential 1 (ARC 1) District.

Comments:

The property is surrounded by large acreage Rural (A2) District zoned lots to the north and east, ALR land to the west and south, and Small Holding (A1) District zoned land to the south of the property on the opposite side of Wellham Road.

The lot currently contains a single family dwelling and a pole barn which the applicant intends to retain. A building permit was issued in April 2022 for the construction of a 35 foot by 125 foot detached accessory building to be used for personal vehicle and equipment storage. Access to the property is via driveway from Wellham Road.

Zoning Bylaw Text Amendment

- The Acreage Cottage Residential (ARC) District is not compliant with the Beaufort OCP as the minimum lot size for ARC District is 1.2 hectares (3 acres), and the Beaufort OCP requires a minimum of 2 hectares (5 acres) for all lots with a "Rural Use" designation.
- To resolve this issue a new zone has been created: Acreage Cottage Residential 1 (ARC 1) District which has a minimum size of 2 hectares (5 acres).

Proposed Cottage Development:

- The applicant intends to build four (4) cottages, with floor areas between 350-750 sq. ft., as per the ACRD Zoning Bylaw.
- All the new development will occur on the eastern portion of the lot which is outside of the ALR.

RB22001

- The cottages will all be located 50 ft or more from the property boundary and will be screened from the neighbouring property by trees.
- The property owner resides on the property and staff expect that there will be minimal noise disturbance from the short-term rental of the cottages.
- The existing driveway is expected to accommodate the increased traffic from the four (4) rental cottages.

Water Considerations:

- The lot is currently not serviced by community water and the applicant will require confirmation that the current water supply can adequately provide for the 4 new cottages.
- Applicant should consider developing a private water system in accordance with the regulations of Island Health.

Septic Considerations:

- The lot is currently on a septic system which will accommodate a 4-bedroom, 4-bathroom house. The applicant will require a second sewage disposal system on the property or an addition to the existing system to accommodate any increased capacity.
- As a condition of rezoning, staff recommend that the applicants provide confirmation from a Registered On-Site Wastewater Practitioner that the property is capable of accommodating on-site sewage disposal for four (4) cottages

Safety Considerations

- A civic address change should be requested to change the address from 8102 Wellham to something in the range of 8221 Wellham to facilitate emergency services routing.

Rezoning this property from Rural (A2) District to Acreage Cottage Residential 1 (ARC 1) District will allow for the proposed development, but will restrict development to a maximum of four (4) limited footprint cottages in addition to the existing structures. This proposed development aligns with the policies of the Beaufort OCP to maintain a primary residential use while permitting a diversity of compatible uses and allowing the owners to participate in the tourism economy. Planning staff see cottage development as a use that will support short-term accommodation and tourism in rural areas. ACRD staff are supportive of the application as it provides additional accommodation uses while retaining the rural character of the Beaufort Electoral Area.

Submitted by:

S. Foulkes

Sarah Foulkes, Junior Planner

Reviewed by:

M. Irg

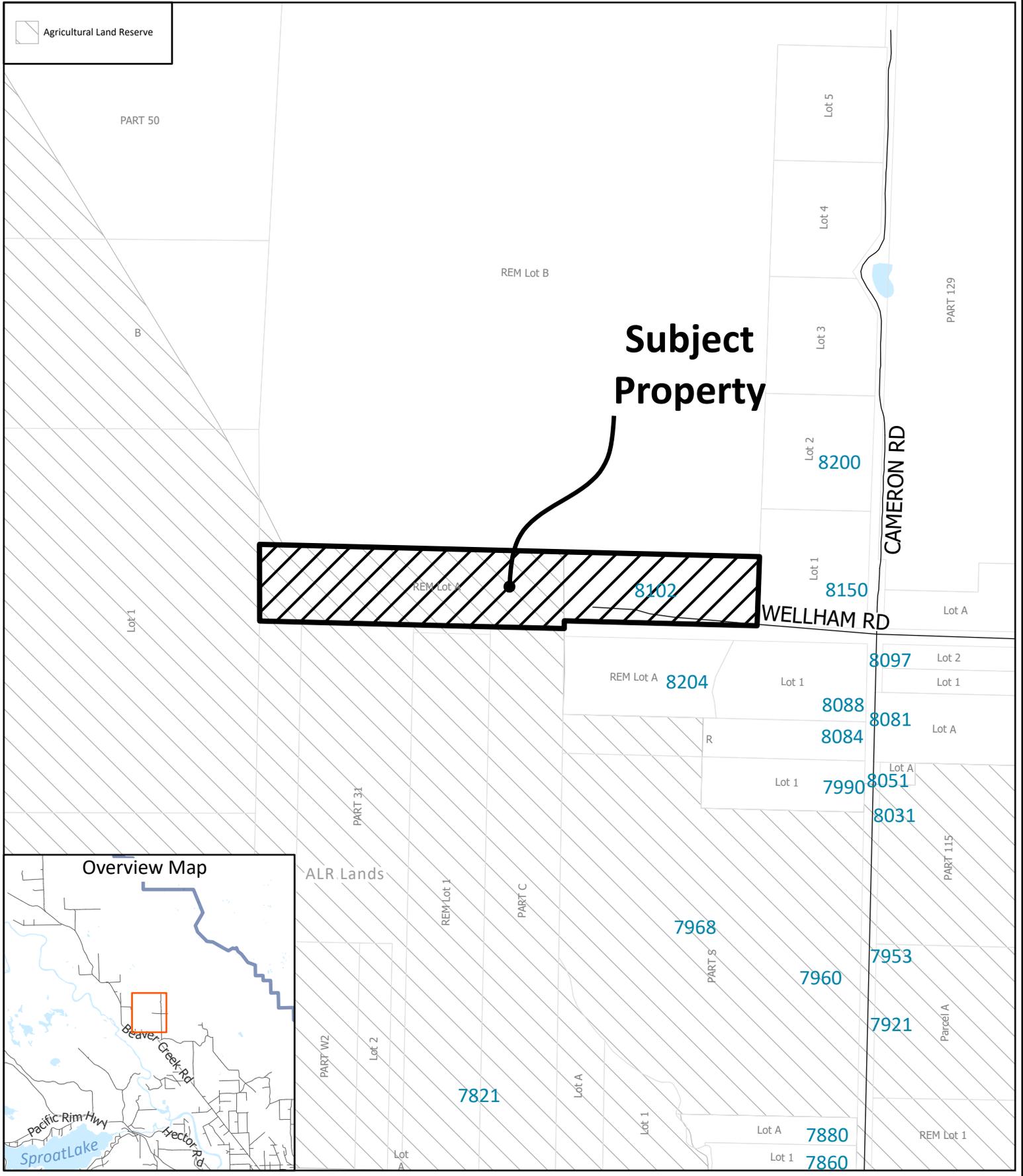
Mike Irg, MCIP, RPP
General Manager of Planning and Development

Approved by:

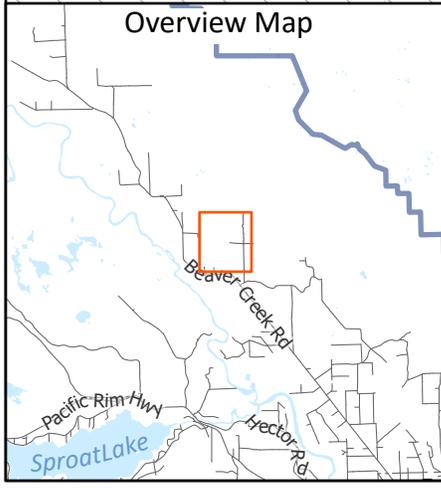
Daniel Sailland, MBA
Chief Administrative Officer

RB22001

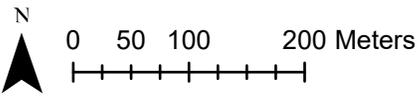
 Agricultural Land Reserve

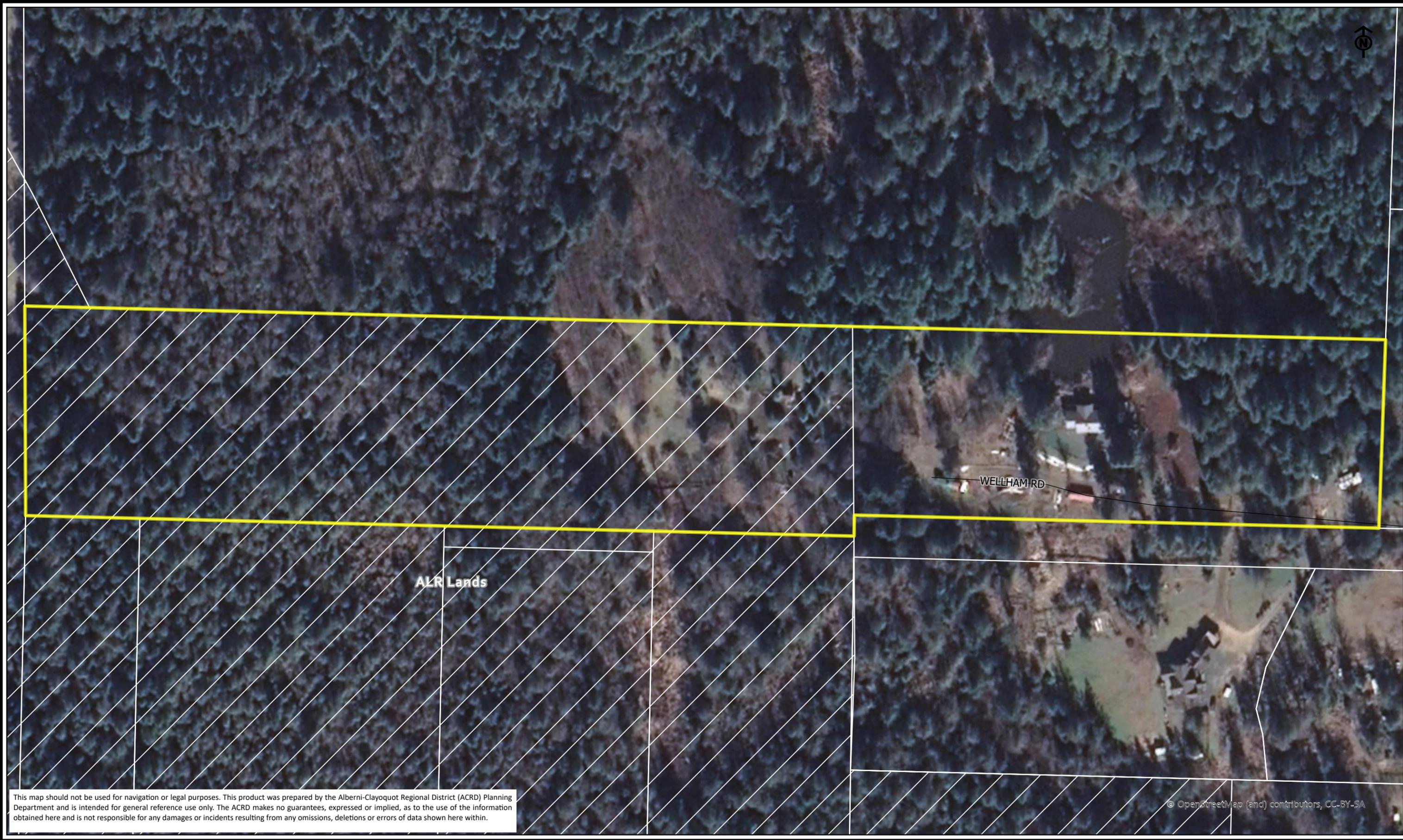


Subject Property



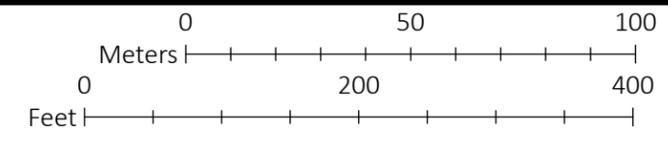
 Legal description: LOT A, DISTRICT LOT 116, ALBERNI DISTRICT, PLAN 8822, EXCEPT PART IN PLAN VIP86640

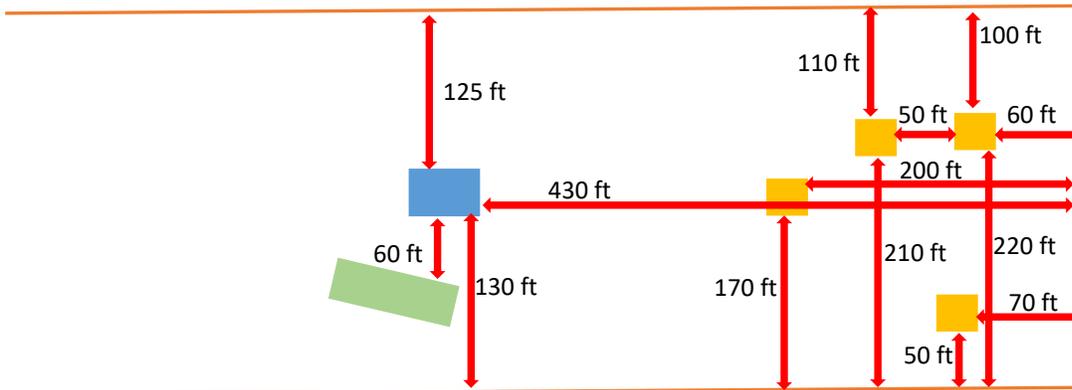




This map should not be used for navigation or legal purposes. This product was prepared by the Alberni-Clayoquot Regional District (ACRD) Planning Department and is intended for general reference use only. The ACRD makes no guarantees, expressed or implied, as to the use of the information obtained here and is not responsible for any damages or incidents resulting from any omissions, deletions or errors of data shown here within.

© OpenStreetMap (and) contributors, CC-BY-SA





Note: Cottage dimensions are approximate, will be confirmed after application is approved to minimize tree removal, ease of access, etc.





Entrance to proposed cottage area from current drive way



Entrance to proposed cottage area from inside build area looking towards driveway.



Proposed cottage area.



Proposed cottage area.



Proposed cottage area.



Proposed cottage area.



Proposed cottage area.



Proposed cottage area.

REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. P1450

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 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 Amendment Bylaw No. P1450.

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

- a. Adding a new Section 110D “ACREAGE COTTAGE RESIDENTIAL 1 (ARC 1) District” to read as follows:

110D ACREAGE COTTAGE RESIDENTIAL 1 (ARC 1) District

This district provides for low impact rural cottage development, compatible with rural uses, and primarily intended to provide temporary accommodation on a short term basis to visitors and seasonal workers.

110D.1 Uses Permitted

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

110D.2 Conditions of Use

- (1) For single family dwellings, the minimum floor area on the main floor shall be 83.6 square meters [900 square feet].
- (2) For cottages, the minimum floor area on the main floor for each cottage shall be 32.515 square meters [350 square feet] and the maximum floor area on the main floor shall be

69.67 square meters [750 square feet] and each cottage shall be limited to a one and a half stories and 6.7 metres (22 feet in height).

(3) For section 110D, a half story means a habitable space or loft constructed above the main floor limited in total floor area to no more than 50% of the main floor.

(4) No cottage shall be constructed within a required front, rear or side yard.

(5) 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.

(6) No cottages will be permitted on lots less than 20234 square metres (5 acres) in area.

(7) In no circumstances shall Section 110D apply to any lot not having a single family dwelling constructed and located thereon; nor shall Section 110D apply to any lot less than 5 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) (I) of By-law 15.

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	
ARC 1	200	5 acres	10%	40	30	15	35 2 1/2 storeys

c. Including “ARC 1” on the line that references “R” Districts in Section 4.3, Interpretation.

d. Including “110D ACREAGE COTTAGE RESIDENTIAL 1 (ARC 1) District” in Section 5.1, Designation of Districts, under Rural Use.

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

Read a first time this day of , 2022

Public Hearing held this day of , 2022

Read a second time this day of , 2022

Read a third time this day of , 2022

Adopted this day of , 2022

Corporate Officer

Chair of the Regional Board

REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. P1467

OFFICIAL ZONING ATLAS AMENDMENT NO. 752

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 amendment to 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 Atlas Amendment Bylaw No. P1467.

2. Bylaw No. 15 of the Regional District of Alberni-Clayoquot is hereby amended by rezoning a portion of LOT A, DISTRICT LOT 116, ALBERNI DISTRICT, PLAN 8822, EXCEPT PART IN PLAN VIP86640 from Rural (A2) District to Acreage Cottage Residential 1 (ARC 1) 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 , 2022
Public Hearing held this day of , 2022
Read a second time this day of , 2022
Read a third time this day of , 2022

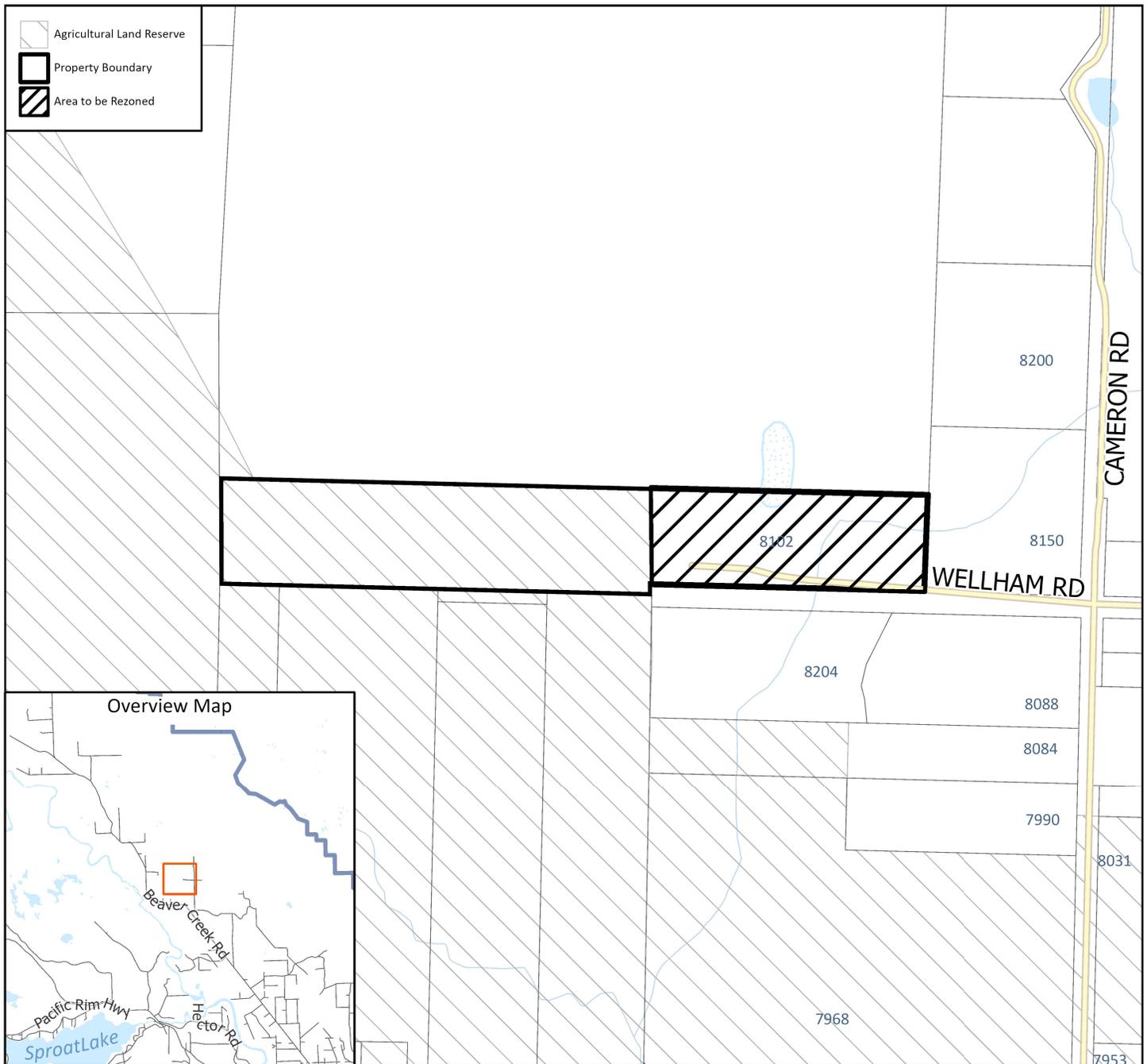
Adopted this day of , 2022

Corporate Officer

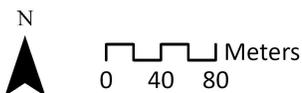
Chair of the Regional Board

Schedule 'A'

This schedule is attached to and forms part of Bylaw P1467,
Zoning Atlas Amendment Bylaw



Legal description: a portion of LOT A, DISTRICT LOT 116, ALBERNI DISTRICT, PLAN 8222, EXCEPT PART IN PLAN VIP86640



 To be rezoned from Rural (A2) District to Acreage Cottage Residential 1 (ARC1) District.