



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

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MEMORANDUM

To: ACRD Board of Directors

From: Amy Anaka, MURP, MCIP, RPP, Planner
Alex Dyer, MCIP, RPP, Planning Manager

Meeting Date: April 13, 2022

Subject: Bylaw P1445 – Bamfield Official Community Plan Amendment Bylaw

Recommendation:

- THAT Bylaw P1445, Bamfield Official Community Plan Amendment Bylaw be read a first time.
- THAT the public hearing for Bylaw P1445 be delegated to the Director for Electoral Area 'A', the Alternate Director or the Chairperson of the Regional District.

Background:

As part of the Zoning Bylaw Review Project, amendments were made to the Bamfield Official Community Plan (OCP) to align OCP policies and objectives with the updated Zoning Bylaw. The review process included multiple opportunities for engagement with members of the public, stakeholders, members of the Bamfield Advisory Planning Commission, Board members, and an agency and First Nation pre-referral. This engagement generated valuable community input and has resulted in revisions and updates to the Bamfield OCP.

Highlights of updates to the Bamfield OCP include:

- Added policies relating to the construction of docks and moorage facilities and included coastal riparian development permit area (DPA IV) guidelines for the development of docks and moorage facilities. Extended coastal riparian area from 15 metres to 30 metres.
- Reduced the minimum lot size in the Resource Use designation from 20 hectares to 16 hectares to align with the RE zoning in the updated Zoning Bylaw.
- Standardized policy wording across the six OCPs, where appropriate.
- Updated *Local Government Act* references.
- Updated Agricultural Land Commission references.
- Statement about the consideration of the Housing Needs Reports in the area OCPs.
- Revised wording in definitions to align with Zoning Bylaw including accessory dwelling units, flood construction level, home occupations and home industry.
- Revised riparian and coastal riparian development permit areas to be measured from the natural boundary of a watercourse.
- Revised flood construction level guidelines in the natural hazard development permit areas to align with the Zoning Bylaw.

Bylaw P1445 – Bamfield OCP Amendment

Members: City of Port Alberni, District of Ucluelet, District of Tofino, Yuuutu?i?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) & "F" (Cherry Creek)

- Map 2 Land Use Designations and Map 3 Development Permit Areas updated with new formatting, improved labelling, data source tracking and new mapsheet tile format for improved readability.

A comprehensive line-by-line list of all amendments to the Bamfield OCP is included as Schedule 'A' forming part of the OCP Amendment Bylaw P1445. The revised April 2022 version of the Bamfield Official Community Plan Bylaw P1309 incorporating all of the proposed amendments is included separately and uploaded to the ACRD website.

Planning staff recommend that the Board proceed with first reading of the Bamfield OCP Amendment Bylaw P1445 and delegate a public hearing to be held to consider the bylaw. Each of the six Electoral Area OCP amendment bylaws are presented separately for the Board's consideration with recommendations for first reading and the delegation of individual public hearings to be held for each bylaw. Adoption of the OCP amendment bylaws is necessary prior to the Board considering the updated ACRD Zoning Bylaw P1333 for adoption.

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

Reviewed by: *Michael Irg*
Mike Irg, MCIP, RPP, GM of Planning and Development

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

Bylaw P1445 – Bamfield OCP Amendment

Members: City of Port Alberni, District of Ucluelet, District of Tofino, Yuułu'it̓ Government, Huu-ay-aht First Nations, Uchucklesaht Tribe, Toquaht Nation
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REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. P1445

**A BYLAW TO AMEND BYLAW NO. P1309
BAMFIELD 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 Bamfield Official Community Plan Amendment Bylaw No. P1445.
2. Bamfield Official Community Plan Bylaw P1309, Schedule A, has been amended to include all revisions as outlined in P1445 Schedule 'A' – List of Amendments to the Bamfield Official Community Plan, 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 ,
Public Hearing held this day of ,
Read a second time this day of ,
Read a third time this day of ,

Adopted this day of ,

Corporate Officer

Chair of the Regional Board

REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

P1445 SCHEDULE 'A' – LIST OF AMENDMENTS TO THE BAMFIELD OFFICIAL COMMUNITY PLAN

- Cover: Added “Adopted: October 22, 2014, Revised: April 2022”.
- Footer: Updated to “Revised: April 2022”.
- Table of Contents: Updated and added “Bamfield Official Community Plan, Bylaw No. P1309”.
- Map List:
 - Replaced “Bamfield OCP Map No. 2 Land Use Designations”.
 - Replaced “Bamfield OCP Map No. 3 Development Permit Areas and Development Approval Information Areas”.
 - Updated Map No. 4 title from “Infrastructure, Sand and Gravel Resources & Community Services” to “Infrastructure and Community Services”.
- 1.1 Plan Preparation:
 - Added: “In 2022, minor amendments were made to Bylaw No. P1309 as part of the Zoning Bylaw Review project to align OCP policies and objectives with the updated Zoning Bylaw.”
- 1.3 Legislative Assembly:
 - Updated LGA Section “877” to “473”, “878” to “474”, and “850 (2) (a) to (c)” to “429”.
 - Added: “Section 473(2.1) of the LGA also requires that an OCP “must consider the most recent housing needs report the local government received, and the housing information on which the report is based” when developing or amending an OCP in relation to statements, map designations or housing policies included in Section 473(1) of the LGA. In 2021, the ACRD Board received the Bamfield Electoral Area ‘A’ Housing Needs Report. The report includes key recommendations and a high level approach to address housing gaps in Bamfield and across the region. In consideration of the Housing Needs Report, housing statements and policies will be updated or added to Bylaw No. P1309 as part of future comprehensive OCP updates.”
- 1.4 Jurisdiction:
 - Updated “Activities on land within the Agricultural Land Reserve (ALR) are regulated by the Agricultural Land Reserve Act and fall under the jurisdiction of the Agricultural Land Commission (ALC) and the Agricultural Land Commission Act.” to: “Activities on land within the Agricultural Land Reserve (ALR) are subject to the Agricultural Land Commission Act (ALCA), Regulations and any Orders or decision of the Agricultural Land Commission (ALC).”
 - Updated “Agricultural Land Reserve” to “ALR”.
- 1.5 The Plan: Updated “Bylaw No. 1309” to “Bylaw No. P1309”.
- 1.7 Definitions:
 - Accessory dwelling unit: Updated to: “means a second dwelling unit, incidental or ancillary to a principal dwelling on a lot, in accordance with regulations for accessory dwelling units in the Zoning Bylaw.”
 - Community water or sewer system: Updated “five connections” to “two connections”.

- Flood construction level: Updated to “means the minimum elevation above the natural boundary of a water body to the underside of a floor system, or to the top of a slab on grade, for buildings located within an area that is subject to, or likely to be subject to, flooding. An area below flood construction level is not to be used for habitation, mechanical or electrical infrastructure, business or storage of goods damageable by flood water.” and removed diagram image.
- Home industry: Updated to “means a business or industry, conducted in an accessory building, structure or outside, that is incidental and ancillary to the principal residential use of a lot, may include accessory retail sales and may include processing, assembly and manufacturing of products, in accordance with the provisions of home industry in the Zoning Bylaw.”
- Home occupation: Updated to “means a business or occupation conducted entirely within a principal dwelling unit, accessory dwelling unit, accessory building or in a combination, that is incidental and ancillary to a principal residential use of a lot, and may include accessory retail sales, in accordance with the provisions of home occupation regulations in the Zoning Bylaw. Includes boarding and lodging, and bed and breakfast, where guest bedrooms are rented, with the tenant or owner residing in the building.”
- Policy 3.3.19: Removed “commercial or industrial” and updated to “Consider issuing temporary use permits in appropriate areas within all land use definitions.”
- 4.0 Planning & Land Use Designations:
 - Updated “Parks, Trails and Recreation” to “Parks and Recreation”.
- Policy 5.3: Changed “accessory residential dwelling unit” to “accessory dwelling unit”.
- Policy 6.2.17: Added “When Required” and updated to “When required, work with the federal government to manage the moorage of vessels in the harbour, both to manage environmental impacts and to reduce negative economic impacts for existing businesses and services.”
- Policy 6.2.21: Updated LGA Section “936 and 941” to “567 and 510”.
- Policy 6.4.6:
 - Removed “Recognize that the any docks or ramps must obtain a license to construct a private moorage facility from the appropriate provincial or federal agency;”
 - Updated to “Construction of private and group moorage facilities (docks or boat-lifts) on all land in the ACRD, including Crown and private land, must meet the requirements of the Zoning Bylaw, and where applicable on Crown land must meet Provincial General Permission. A property owner must obtain a tenure from the Province for a Specific Permission dock, Commercial Marina or group moorage facility, where applicable on Crown land.”
 - Changed “ownership” to “Ownership”.
- Policy 9.2.1: Changed “20 ha” to “16 ha” and updated to “Maintain a minimum lot size of 16 hectares in areas designated Resource Use.
- 16.0, 16.1 and 16.2: Changed “Parks, Trails & Recreation” to “Parks and Recreation”.
- 17.1 Development Permit Areas: Updated LGA Section “919.1” to “488”.
- 17.2 DPA Guidelines: Updated LGA Section “920 (2)” to “490”.
- 17.4 DPA I – Riparian Areas Protection:
 - Changed “Fish Protection Act” to “Riparian Areas Protection Act”.
 - Updated LGA Section “919.1(a)” to “488”.
 - Changed “high water mark” to “natural boundary”.

- Removed outdated website link “The following website should be referred to: http://www.agf.gov.bc.ca/resmgmt/publist/800Series/823400-1_Agriculture_Building_Setback_Factsheet.pdf” and updated to “Refer to the provincial ministry responsible for agriculture for setback distances for farm buildings and streams on existing farmland and for new agricultural buildings.”.
- 17.5 DPA II – Natural Hazard Areas Protection:
 - Updated LGA Section “919.1(b)” to “488”.
 - Changed “high water mark” to “natural boundary”.
 - Updated Guideline iii: “The recommended flood construction level for coastal areas in the ACRD is 10 metres or as determined by a qualified professional taking into consideration the slope of the land, foreshore conditions, anticipated sea-level rise, storm surges and freeboard, in accordance with the Zoning Bylaw.”.
 - Updated Guideline d) to replace “or specifying a geodetic elevation, or by a combination of both.” with “where a location is determined to be safe by a qualified professional and in accordance with the Zoning Bylaw.”.
- 17.6 DPA III – Form and Character:
 - Updated LGA Section “919.1 (e) and (f)” to “488”.
 - Removed: “Schedule III and IV” Zoning Bylaw reference for parking and loading.
- 17.7 DPA IV – Coastal Protection:
 - Updated LGA Section “919.1” to “488”.
 - Guideline i: Updated from 15 m to 30 m to “This DPA applies to all lands within 30 metres, measured horizontally in both landward and seaward directions, from the natural boundary of the ocean.”
 - Guideline ii:
 - Added: “Environmental” to “An assessment report that has been prepared by a Qualified Environmental Professional, with demonstrated experience regarding the subject matter.”
 - Added: “private, group or commercial moorage facilities (docks or boat lifts)”.
 - Guideline xi: Moved to ix “Parking areas shall contain oil/water separators and be landscaped to absorb runoff, and proof of a maintenance program for these will be provided.”
 - Guideline iv: Added “private, group or commercial moorage facilities”.
 - Added new Guideline x:
 - To include: “The construction of a private, commercial and group moorage facility are permitted in DPA I subject to the following conditions:
 - a) Refer to the Province for General Permission for private moorage facilities, and authorization for Specific Permission, or under the Residential Policy or Commercial Marina Policy for group moorage, or under the Adventure Tourism Policy for moorage for adventure tourism activities, where applicable on Crown land.
 - b) Commercial moorage facilities must be designed and constructed in compliance with the applicable best management practices of the province.
 - c) Before construction of a dock in marine waters the property owner must obtain and adhere to a Marine Habitat Assessment Report for the site which must be completed by a qualified registered professional biologist, where applicable on Crown land.”
 - Renumbered “ix” to “d” and added: “docks, boat lifts”.

- Renumbered “xi through xvii” to “f through k”.
 - Renumbered “xviii” to “l” and updated to: “Styrofoam used in the construction of floats and docks is discouraged. Any styrofoam, plastic foams or other non-biodegradable materials used in construction of floats and docks shall be fully encased within sealed rigid plastic shells to prevent escape into the natural environment”.
 - Added p): “Placement of docks must remain sensitive to views, impacts on neighbours, and orientation to neighbouring docks.”
 - Added q): “Keep the dock and land beneath the dock safe, clean and in sanitary condition.”
 - Renumbered “xxii” to “r”.
 - Renumbered “xxiii” to “s)” and changed “parcel” to “lot”.
 - Renumbered “xxiv” to “xi”.
- 17.8 Development Approval Information: Updated LGA Section “920.01” to “484” and “920.1” to “485”.