



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 P1446 – Cherry Creek Official Community Plan Amendment Bylaw

Recommendation:

- THAT Bylaw P1446, Cherry Creek Official Community Plan Amendment Bylaw be read a first time.
- THAT the public hearing for Bylaw P1446 be delegated to the Director for Electoral Area 'F', the Alternate Director or the Chairperson of the Regional District.

Background:

As part of the Zoning Bylaw Review Project, amendments were made to the Cherry Creek 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 Cherry Creek 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 Cherry Creek OCP.

Highlights of updates to the Cherry Creek OCP include:

- 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.
- Defining the Alberni Inlet as a "major stream".
- 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 flood construction level, home occupations, home industry, manufactured home, mobile home and modular home.
- Revised riparian development permit areas to be measured from the natural boundary of a watercourse.
- Included riparian development permit area guidelines for the development of docks and moorage facilities.
- Revised flood construction level guidelines in the natural hazard development permit areas to align with the Zoning Bylaw.

Bylaw P1446 – Cherry Creek OCP Amendment

Members: City of Port Alberni, District of Ucluelet, District of Tofino, Yuuʔuʔiʔaʔ 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. New Map 2 and Map 3 formats replace existing 2/2A maps and 3/3A maps.

A comprehensive line-by-line list of all amendments to the Cherry Creek OCP is included as Schedule 'A' forming part of the OCP Amendment Bylaw P1446. The revised April 2022 version of the Cherry Creek Official Community Plan Bylaw P1278 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 Cherry Creek OCP Amendment Bylaw P1446 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 P1446 – Cherry Creek OCP Amendment

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

P1446 SCHEDULE 'A' – LIST OF AMENDMENTS TO THE CHERRY CREEK OFFICIAL COMMUNITY PLAN

- Cover: Updated “Last Revised: September, 2012” to “Revised: April 2022”.
- Footer: Updated to add “Revised: April 2022”.
- Table of Contents: Updated.
- Map List:
 - Updated Map No. 2 from “Land-Use Designations” to “Land Use Designations”.
 - Removed Map No. 2a Land-Use Designations (Cherry Creek Community Core Area).
 - Replaced “Cherry OCP Map No. 2 Land Use Designations”.
 - Removed Map No. 3a Development Approval Information Areas and Development Permit Areas (Cherry Creek Community Core Area).
 - Replaced and updated title “Cherry Creek OCP Map No. 3 Development Permit Areas and Development Approval Information Areas”.
- 1.1 Plan Preparation:
 - Updated “has undertaken” to “undertook”.
 - Added: “In 2022, minor amendments were made to Bylaw No. P1278 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”.
 - 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 Cherry Creek Electoral Area ‘F’ Housing Needs Report. The report includes key recommendations and a high level approach to address housing gaps in Cherry Creek and across the region. In consideration of the Housing Needs Report, housing statements and policies will be updated or added to Bylaw No. P1278 as part of future comprehensive OCP updates.”
- 1.4 Jurisdiction:
 - Updated “Activities on land within the Agricultural Land Reserve (ALR) are subject to the *Agricultural Land Commission Act* and BC Regulation 171/2002, both of which are administered by the Agricultural Land Commission (ALC). Section 46 of the ALC Act requires local governments ensure consistency of their bylaws with the Act, regulations and ALC orders. The Regional District has referred this OCP to the ALC and is of the opinion that it is consistent with the *Agricultural Land Commission Act*.” to “Activities on land within the Agricultural Land Reserve (ALR) are subject to the *Agricultural Land Commission Act* (ALCA), the Agricultural Land Reserve General Regulation, the

Agricultural Land Reserve Use Regulation, and any Orders of the Agricultural Land Commission (ALC).”

- 1.7 Definitions:
 - Changed “Accessory residential dwelling unit” to “accessory dwelling unit” and 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.”
 - Carriage home: Updated “accessory residential dwelling unit” to accessory dwelling unit”.
 - Community water or sewer system: Updated “five connections” to “two connections”.
 - Density bonusing: Updated LGA Section “904” to “482”.
 - 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.”
 - Added:
 - ““Manufactured home” means a single family dwelling that conforms to either the Canadian Standards Association Z240-MH standard as a mobile home, or to the Canadian Standards Association A277 standard as a modular home.
 - “Mobile home” means a factory-built manufactured home that is used, or intended to be used, as a single family dwelling and which conforms to the Canadian Standards Association (CSA) Z240-MH series standard. A mobile home excludes trailers and recreational vehicles.
 - “Modular home” means a factory-built manufactured home that is used, or intended to be used, as a single family dwelling and which conforms to the Canadian Standards Association (CSA) A277 standard. A modular home excludes trailers or recreational vehicles.”
- 2.1 Setting the Stage: Removed “existing” from 2005 Cherry Creek OCP reference.
- 2.3 Land-Use Designations:
 - Changed “Manufactured Home Park” to “Mobile Home Park”.
 - Changed “Parks” to “Parks and Recreation”.

- Policy 3.2.10, 9.0, 9.2.2, 9.2.9, 9.2.10, 15.0, 15.3: Changed “accessory residential dwelling unit” to “accessory dwelling unit”.
- Policy 3.2.10: Changed “Accessory residential dwelling units within the ALR require approval from the ALC.” to “For land in the ALR, an accessory dwelling unit may only be permitted if permitted in the Agricultural Land Commission Act and Regulations, or approved through application to the ALC.”
- Policy 3.2.12: Updated LGA Section “921” to “493”.
- Policy 5.2.1: Changed “20 ha” to “16 ha”.
- Policy 9.2.8: Changed “manufactured” to “mobile”.
- Policy 10.2.2: Updated LGA Sections “904, 905.1” to “517, 518”.
- 12.0 Parks and Recreation Use and Policy 12.2.4: Updated LGA Section “941” to “510”.
- 14.0 Natural Environment & Conservation:
 - Updated “&” to “and”.
 - Updated LGA Section “877(3)” to “473”.
- 16.1 Development Permit Areas:
 - Updated LGA Section “919.1” to “488”.
 - Updated “Objectives for Form and Character” to “Form and Character”.
- Guideline 16.2.3: Updated LGA Section “920(2)” to “490”.
- 16.4 DPA I – Riparian Areas Protection:
 - Changed “Fish Protection Act” to “Riparian Areas Protection Act”.
 - Updated LGA Section “919.1(1)a” to “488”.
 - Changed “high water mark” to “natural boundary”.
 - Added “Alberni Inlet” to major streams.
 - Added guidelines:
 - “viii. Refer to the Province for General Permission for the construction of 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.
 - ix. Commercial moorage facilities must be designed and constructed in compliance with the applicable best management practices of the Province.
 - x. 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.
 - xi. The consideration of the issuance of a Development Permit by the ACRD in no way exempts the property owner from obtaining all necessary permits and approvals from provincial and federal agencies.”
 - 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.”.
- 16.5 DPA II – Natural Hazard Areas Protection:

- Updated LGA Section 919(1)(b)” to “488”.
- Changed “high water mark” to “natural boundary”.
- Guideline iv.: Updated to “The recommended flood construction level for coastal areas in the ACRD is 10 metres or as determined by a qualified environmental 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 vii. to add “in accordance with the Zoning Bylaw and”.
- Updated Guideline xii. to “Where lands within DPA II areas subject to seasonal flooding are proposed for development, the flood construction level should be a vertical elevation at least three metres (3 m.) above the natural boundary, in accordance with the Zoning Bylaw and with provincial regulations.”.
- Added Guideline xiii.: “Where applicable, flood construction levels should be provided by prescribing an elevation above the natural boundary of a watercourse or natural ground elevation at the building site, where a location is determined to be safe by a qualified professional and in accordance with the Zoning Bylaw.”.
- 16.6 DPA III – Objectives for Form and Character:
 - Updated “Objectives for Form and Character” to “Form and Character”.
 - Updated LGA Section 919(1)(f)” to “488”.
- 16.7 Development Approval Information: Updated LGA Section “920.01 and 920.1” to “484 and 485”.