



To: ACRD Board of Directors

Meeting Date: November 22, 2023

From: Alex Dyer, MCIP, RPP, Planning Manager

File #: RB21013 / PL20210036

Application Type: Rezoning

Voting Structure: Electoral Area Directors Only

Electoral Area: "B" Beaufort

Subject: Rezoning Application RB21013 – 5400 Kingston Street (Andreeff/Triller)

Recommendation:

THAT Bylaw P1468, Beaufort Official Community Plan Amendment Bylaw be read a first time.

THAT Bylaw P1469, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw be read a first time.

THAT the public hearing for Bylaws P1468 and P1469 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 P1468 and P1469 is subject to:

- i. Registration of an easement over the neighbouring property to provide road access to the western portion of the property from Drinkwater Road.*
- ii. Agreement to include the property within the Beaver Creek Fire Protection Service Area.*
- iii. Confirmation from a Registered On-site Wastewater Practitioner that the property can accommodate on-site sewage disposal to a 2-acre minimum lot size.*

Development Proposal: The property owners are applying to rezone the 3.5 ha (8.7 ac) property from a mix of Rural (A2) District and Forest Rural (A3) District to Small Holdings (A1) District in order to facilitate a two-lot subdivision. The property is split by the E&N Railway right-of-way which would serve as the dividing line for the two lots. The lot east of the railway would be 2.4 hectares (5.9 acres) in area containing the existing house and improvements accessed from Kingston Street and the lot west of the railway would be a vacant 1.1 hectare (2.7 acres) parcel accessed via driveway easement through the neighbouring property and connecting to the end of Drinkwater Road.

Advisory Planning Commission Recommendation: The Beaufort Advisory Planning Commission considered this application at their November 14, 2023 meeting where the APC resolved to support the rezoning application as presented.

Property Owner(s)/Applicant(s): Deborah Andreeff & Ferdinand Triller

Property Information:

Civic Address	5400 Kingston Street
Legal Description	BLOCK 14, DISTRICT LOT 168, ALBERNI DISTRICT, PLAN 439, EXCEPT THE RIGHT OF WAY OF THE

RB21013 / PL20210036

Alberni-Clayoquot Regional District | 3008 Fifth Avenue, Port Alberni, BC V9Y 2E3 | 250.720.2700 | www.acrd.bc.ca

Serving Port Alberni, Tofino, Ucluelet, Treaty First Nations: Huu-ay-aht, Yuułu?ił?ath, Uchucklesaht Tribe Government, and Toquaht Nation, and Six Electoral Areas: "A" (Bamfield), "B" (Beaufort), "C" (Long Beach), "D" (Sproat Lake), "E" (Beaver Creek) and "F" (Cherry Creek).

ESQUIMALT AND NANAIMO RAILWAY COMPANY, CONTAINING 1.3 ACRES AS SHOWN ON PLAN
DEPOSITED UNDER DD 4608N

PID	009-041-559	Folio	1971.000	ALR? (Y/N)	N	Lot Size	3.5 ha (8.7 ac)
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Current Zoning	Rural (A2) District Forest Rural (A3) District	Proposed Zoning	Small Holdings (A1) District
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Current OCP	Agricultural Use and Rural Use	Proposed OCP	Small Lot Rural Use
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Development Permit Area(s)	No DPAs
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Current Use & Description	<p>The property is +/- 3.5 ha (+/- 8.7 ac) in lot area and is split by the E&N Railway right-of-way. There is an existing single family dwelling, mobile home and a number of accessory buildings located on the 2.4 ha (5.9 ac) portion of the property east of the railway. The area is relatively level and partially cleared and is accessed from Kingston Street via a driveway over Crown Land authorized by a Provincial license of occupation.</p>
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The 1.1 ha (2.7 ac) portion of the property located west of the railway is vacant, undeveloped and entirely treed with second growth conifers. The western portion of the property is landlocked with no legal road access. The applicants have entered into an agreement with the neighbouring property owner to the south to register an easement to allow for the use of the neighbour's existing driveway at the end of Drinkwater Road to provide road access to this portion of the property.

Surrounding Zoning and Land Use			
North	Crown Land – A3 District	South	Crown Land & Acreage Residential – RA2 District
East	Crown Land & Agricultural – A3 District	West	Agricultural – A2 District

Services:

- a) **Sewage Disposal:** On-site sewage disposal. As a condition of rezoning, staff recommend that the applicants be required to engage a Registered On-site Wastewater Practitioner to assess the capability of the land to accommodate on-site sewage disposal to a 2-acre density.
- b) **Water Supply:** On-site water. The property is located outside of the Beaver Creek Water Service area although the western portion of the property is adjacent to lots to the west and south serviced by Beaver Creek Water.
- c) **Fire Protection:** The property is serviced by the Cherry Creek Fire Department. If the property is to be subdivided, the portion located to the west of the railway would be better served by the Beaver Creek Fire Department as it would be accessed off Drinkwater Road. There would be no physical road access from the areas that the Cherry Creek Fire Department serves north east of the railway grade. As a condition of rezoning, staff recommend that the applicants petition the ACRD to bring the western portion of the property into the Beaver Creek Fire Protection Area.
- d) **Access:** The existing house, mobile home and other improvements on the east side of the property are accessed by a licensed driveway over Crown Land that connects with Kingston Street. There is no road access to the landlocked west side of the property. The applicants have agreed with the neighbour to the south to utilize their existing driveway for access to that portion of the property. As a condition of rezoning, staff recommend that

the applicants provide confirmation that an easement has been registered over the neighbouring property to provide access to the western portion of the subject property. The Ministry of Transportation & Infrastructure has indicated that they would support a reciprocal access agreement between the two neighbours to provide road access to the proposed new lot at the subdivision application stage.

Planning Policy Discussion:

- a) **Official Community Plan:** The Beaufort Official Community Plan (OCP) designates the western portion of the property as Agricultural Use and the eastern portion of the property as Rural Use. Both the Agricultural Use and Rural Use designations include policies to support maintaining a 2 ha (5 ac) minimum lot size for subdivision.

The property owners have applied to redesignate the entire property to Small Lot Rural Use in order to facilitate the proposed rezoning and subdivision of the property. The objective of the Small Lot Rural Use designation is to maintain the predominantly rural character of the area. Policy 9.2.1 supports a minimum 0.8 ha (2 ac) lot size for subdivision.

There is a discrepancy in the Plan maps for the Beaufort and Beaver Creek OCPs that shows the property being split into two separate OCPs divided along the railway grade. However, the entire property is located within the Beaufort OCP. Section 1.6 of the Beaufort OCP states that the entire Electoral Area is included within the Plan area and Map 2 Land Use Designations includes the split Agricultural Use/Rural Use designations for the property.

The property owners have applied to redesignate the property from a mix of Agricultural Use and Rural Use to Small Lot Rural Use in order to facilitate subdivision to a 0.8 ha (2 ac) minimum lot size.

- b) **Zoning:** The western portion of the property is zoned Rural (A2) District, which requires a 2 ha (5 ac) minimum lot size, and the eastern portion of the property is zoned Forest Rural (A3) District, which requires a 4 ha (10 ac) minimum lot size for subdivision. The applicants intend to rezone the entire property to Small Holdings (A1) District in order to subdivide the property along the railway grade creating a 1.1 ha lot to the west and a 2.4 ha lot to the east. Staff note that the 0.8 ha minimum lot size proposed for the east 2.4 ha of the property could facilitate additional subdivision on the east side of the property.

	West Side	East Side	
	Current: A2	Current: A3	Proposed: A1
Minimum Lot Area (ha)	2	4	0.8
Minimum Lot Width (m)	100	100	50
Principal & Accessory			
Front Yard Setback (m)	15	15	7.6
Principal Side Yard Setback (m)	4.5	4.5	1.5
Principal Rear Yard Setback (m)	9.1	9.1	9.1
Accessory Side Yard Setback (m)	4.5	4.5	4.5
Accessory Rear Yard Setback (m)	4.5	4.5	4.5
Watercourse Setback (m)	30	30	30

The property owners intend to rezone the property from a mix of Rural (A2) District and Forest Rural (A3) District to Small Holdings (A1) District in order to facilitate the proposed subdivision.

Comments: The zoning amendment and OCP amendment applications are the first step in the applicant's proposed development. The applicants intend to subdivide off the landlocked 1.1 ha (2.7 ac) portion of the property located west of the E&N Railway to create a separate vacant parcel. This area has no legal road access and is physically separated from the rest of the property. The proposed lot would be accessed from the end of Drinkwater Road by easement over the neighbouring property located to the south.

Staff have highlighted technical aspects to the proposed subdivision that should be considered as a condition of rezoning approval.

- The western portion of the property is landlocked with no legal road access. The applicants have entered into an agreement with a neighbouring property to register an easement over their property to provide legal access to the proposed lot. The Ministry of Transportation & Infrastructure has indicated that they would consider a reciprocal access agreement as part of a future subdivision application and staff recommend that the easement be registered at the rezoning stage.
- Assessment by a Registered On-Site Wastewater Practitioner to confirm that the property is capable of accommodating on-site sewage disposal to a 0.8 ha (2 ac) minimum density.
- The entire property is located within the Cherry Creek Fire Department's service area and the portion of the property west of the railway is alienated from the road network within the Cherry Creek Fire Protection Area. Including this portion of the property within the Beaver Creek Fire Protection Area is a more practical solution to providing effective fire protection to the proposed lot.

This application requires a public hearing process as there is an OCP amendment involved. Staff are initially supportive of proceeding with the public hearing process for this rezoning application. The addition of the new 1.1 ha vacant lot would benefit housing supply in the community creating an opportunity for additional housing units. It would also allow for a more functional use of the alienated portion of the subject property west of the railway that currently has no road access.

Michael Irg

Reviewed by: Mike Irg, MCIP, RPP, General Manager of Planning & Development

Wendy Thomson

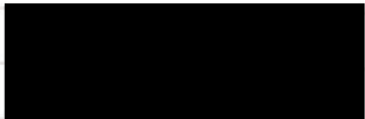
Reviewed by: Wendy Thomson, General Manager of Administrative Services

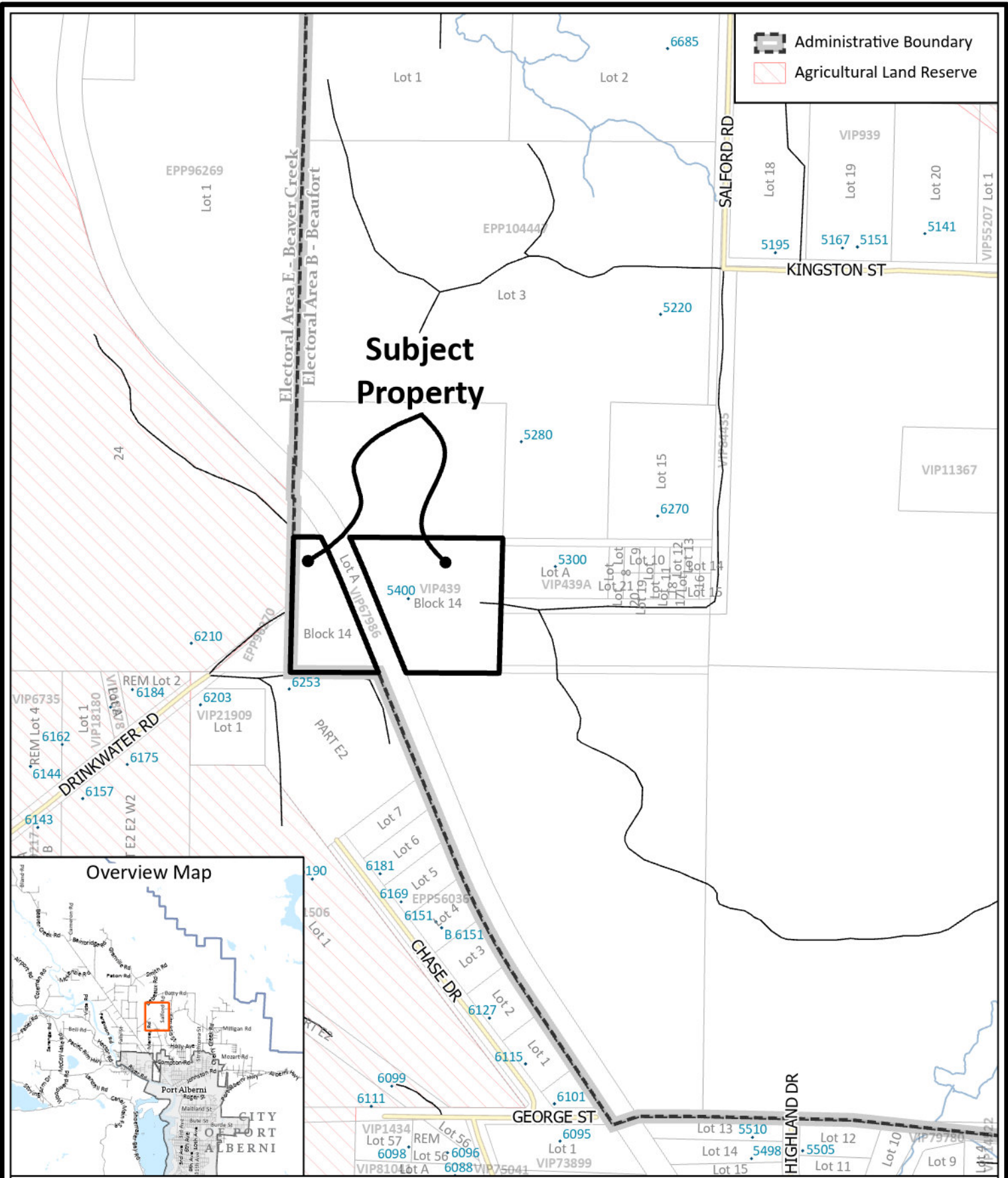
Daniel Sailland



Approved by: Daniel Sailland, MBA, Chief Administrative Officer

2.4 acres on the west side of the railway is not accessible from 5400 Kingston St. I have an application in progress for driveway easement through 6252 Drinkwater Rd. I have spoken with Tim Herdy at MOTI, he supports this application due to circumstances. Property is split by E&N railway, part in Beaver Cr. and part in Beaufort.

6.3 acres on east side of railway I would like to subdivide off 2 acres

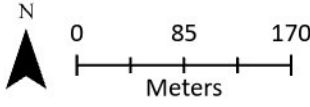




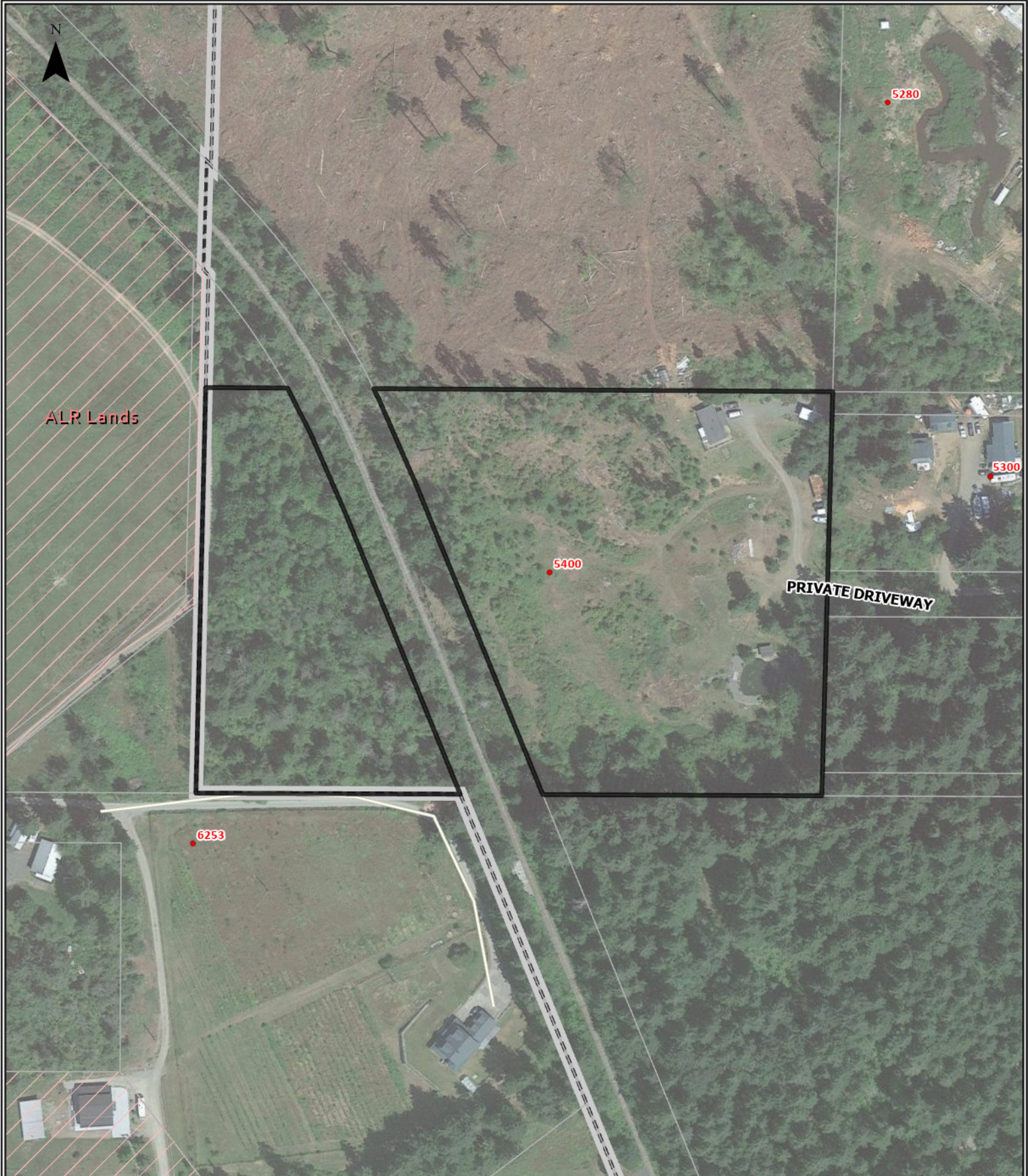
-  Administrative Boundary
-  Agricultural Land Reserve



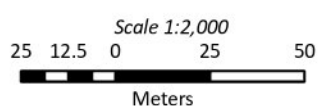
Overview Map




Address: 5400 Kingston Street
 Legal Description: BLOCK 14, DISTRICT LOT 168, ALBERNI DISTRICT, PLAN 439, EXCEPT THE RIGHT OF WAY OF THE ESQUIMALT AND NANAIMO RAILWAY COMPANY, CONTAINING 1.3 ACRES AS SHOWN ON PLAN DEPOSITED UNDER DD 4608N



5400 Kingston Street
 BLOCK 14, DISTRICT LOT 168, ALBERNI DISTRICT, PLAN 439, EXCEPT THE RIGHT
 OF WAY OF THE ESQUIMALT AND NANAIMO RAILWAY COMPANY, CONTAINING
 1.3 ACRES AS SHOWN ON PLAN DEPOSITED UNDER DD 4608N



-  Subject Property
-  Agricultural Land Reserve



Prepared 2023-11-08
 Sources: © OpenStreetMap
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 ParcelMapBC; GeoBC; ACRD

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 only and should not be used for navigation or legal
 purposes.*



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. P1468

**A BYLAW TO AMEND BYLAW NO. P1287
BEAUFORT 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 Beaufort Official Community Plan Amendment Bylaw No. P1468.

2. Schedule B, the plan map, is hereby amended by redesignating BLOCK 14, DISTRICT LOT 168, ALBERNI DISTRICT, PLAN 439, EXCEPT THE RIGHT OF WAY OF THE ESQUIMALT AND NANAIMO RAILWAY COMPANY, CONTAINING 1.3 ACRES AS SHOWN ON PLAN DEPOSITED UNDER DD 4608N from "Agricultural Use" and "Rural Use" to "Small Lot Rural Use" 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 22nd day of November, 2023

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

BYLAW NO. P1469

OFFICIAL ZONING ATLAS AMENDMENT NO. 764

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. P1469.

2. Bylaw No. 15 of the Regional District of Alberni-Clayoquot is hereby amended by rezoning BLOCK 14, DISTRICT LOT 168, ALBERNI DISTRICT, PLAN 439, EXCEPT THE RIGHT OF WAY OF THE ESQUIMALT AND NANAIMO RAILWAY COMPANY, CONTAINING 1.3 ACRES AS SHOWN ON PLAN DEPOSITED UNDER DD 4608N from Rural (A2) District and Forest Rural (A3) District to Small Holdings (A1) 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 22nd day of November, 2023

Public Hearing held this day of ,

Read a second time this day of ,

Read a third time this day of ,

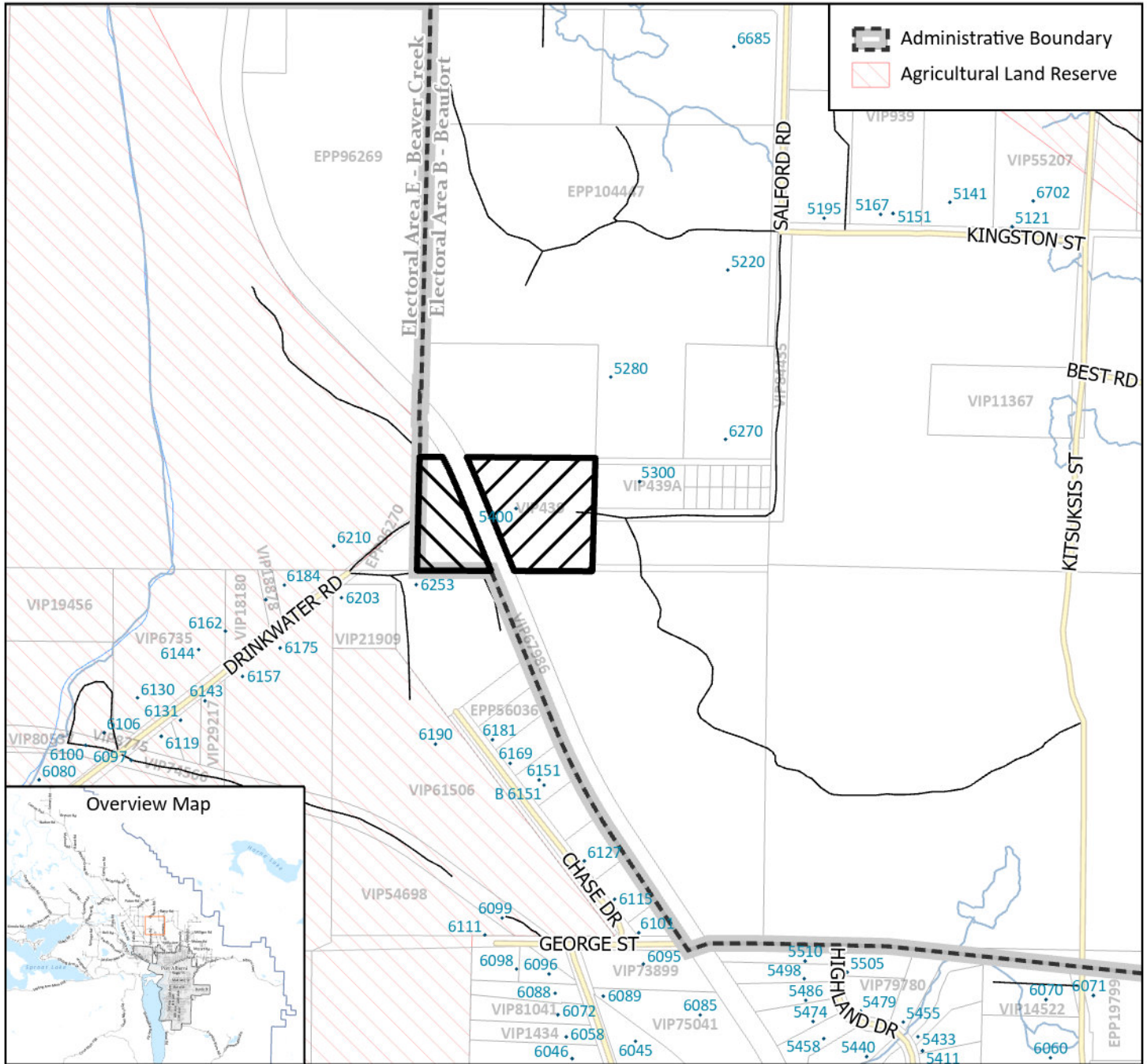
Adopted this day of ,

Corporate Officer

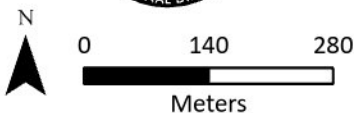
Chair of the Regional Board



Schedule 'A'

This schedule is attached to and forms part of Bylaw No. P1469, Zoning Atlas Amendment Bylaw, 2023



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-  To be rezoned from Rural (A2) District to Small Holdings (A1) District.
-  To be rezoned from Forest Rural (A3) District to Small Holdings (A1) District.