



June 15, 2023

## **CHERRY CREEK ADVISORY PLANNING COMMISSION**

A meeting has been scheduled for **Monday, June 19th, 2023 at 7:00 pm.**

Please find enclosed the following application for your review and consideration:

- RF22011 – Lot 1, Old Nanaimo Hwy (0499369 BC Ltd.)

Your recommendations will be provided to the Board of Directors at the June 28th, 2023 Board meeting.

If you have any questions or need additional information, please reach out to the ACRD Planning Department.

Phone: 250-720-2700

Email: [planning@acrd.bc.ca](mailto:planning@acrd.bc.ca)



**To:** ACRD Board of Directors

**Meeting Date:** June 28, 2023

**From:** Amy Needham, Sustainability Planner

**File #:** RF22011/PL20220052

**Application Type:** Rezoning

**Electoral Area:** "F" Cherry Creek

**Subject:** Rezoning application RF22011 – Lot 1, Old Nanaimo Highway (DeLuca)

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**Recommendation:**

*THAT the Board of Directors consider first reading of Bylaw P1472, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw at a future date, and that notice be given in accordance with section 467 of the Local Government Act.*

*THAT the Board of Directors confirm that adoption of Bylaw P1472 is subject to:*

- a. Confirmation from a Registered On-Site Wastewater Practitioner that the property is capable of accommodating on-site sewage disposal to a minimum 0.6-acre density;*
- b. Approval from the Ministry of Transportation & Infrastructure as the property lies within 800 metres of a Controlled Access Highway;*
- c. Meeting technical referral agency requirements.*

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Note: If the Board wishes to proceed with the public hearing process, the appropriate motion would be:

*THAT Bylaw P1472, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw be read a first time;*

*THAT the public hearing for Bylaw P1472 be delegated to the Director for Electoral Area 'F', the Alternate Director or the Chairperson of the Regional District;*

*THAT the Board of Directors confirm that adoption of Bylaw P1472 is subject to:*

- a. Confirmation from a Registered On-Site Wastewater Practitioner that the property is capable of accommodating on-site sewage disposal to a minimum 0.6-acre density;*
- b. Approval from the Ministry of Transportation & Infrastructure as the property lies within 800 metres of a Controlled Access Highway;*
- c. Meeting technical referral agency requirements.*

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**Development Proposal:** The property owner is applying to rezone a small portion of their 21 hectare (52 acre) parcel located at the junction of the Old Nanaimo Hwy and Mann Road from Forest Rural (A3) District to Acreage Residential (RA3) District in order to accommodate a two-lot subdivision to sever off a 0.48 ha (1.2 acre) non-ALR panhandle portion of the property.

**Advisory Planning Commission Recommendation:** This application will be considered by the Cherry Creek Advisory Planning Commission (APC) at their June 19, 2023 meeting. The APC recommendation will be included in this report following the meeting.

**PL20220052/RF22011**

**Property Owner(s)/Applicant(s):** 0499369 BC LTD

**Agent:** Darren DeLuca

**Property Information:**

Civic Address	No Civic Address						
Legal Description	LOT 1, DISTRICT LOT 135, ALBERNI DISTRICT, PLAN 6543						
PID	005-853-397	Folio	1701.000	ALR? (Y/N)	Yes	Lot Size	21 ha (52 ac)

Current Zoning	Forest Rural (A3) District	Proposed Zoning	Forest Rural (A3) & Acreage Residential (RA3) District
Current OCP	Residential/Resource Use	Proposed OCP	N/A

Development Permit Area(s)	None
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**Current Use & Description** The vacant 21 ha (52 ac) property is mostly level and has been recently logged, including the panhandle portion in the southeast corner. The square-shaped ALR portion of the property is +/- 511 m on its east and west sides and +/- 400 m along the north and south sides. The panhandle, non-ALR portion of the property in the southeast corner is rectangular in shape, measuring 141 m along its east and west sides, 30 m along its south side on Old Nanaimo Hwy and 37 m along its north boundary with the ALR portion of the property.

The property is situated in an area comprised of Small Holdings (A1) District and Acreage Residential (RA1/RA2) District lots of various sizes to the south and west, and large Forest Rural (A3) lots to the north and east.

**Surrounding Zoning and Land Use**

North	Forest Rural (A3) District	South	Small Holdings (A1) & Acreage Residential (RA1) Districts
East	Forest Rural (A3) District	West	Small Holdings (A1) & Acreage Residential (RA2) Districts

**Services:**

- a) **Sewage Disposal:** Onsite sewage disposal. As a condition of rezoning, planning staff recommend that the applicants be required to engage a Registered On-site Wastewater Practitioner to assess the capability of the proposed subdivision land to accommodate on-site sewage disposal to a 0.6-acre density (minimum lot size for the RA3 District).
- b) **Water Supply:** Cherry Creek Waterworks District
- c) **Fire Protection:** Cherry Creek Fire Department Service Area
- d) **Access:** The proposed panhandle subdivision is accessed from the Old Nanaimo Highway and the larger ALR portion of the property from Dundalk Ave. North.

**Planning Policy Discussion:**

- a) **Official Community Plan:** The Cherry Creek Official Community Plan designates the property as having two land use designations - "Residential Use" for the non-ALR panhandle portion and "Resource Use" for the large ALR portion. The objective of the Residential Use designation is to provide a range of housing options within the plan area, which fits well with the proposed future subdivision and leaves the Resource Use portion intact. Residential Use supports a 0.24 hectare (0.6 acre) minimum lot size for lots serviced by community/communal water or sewer. The proposed residential lot would be connected to the Cherry Creek Water System. The property is not affected by any Development Permit Areas.

**PL20220052/RF22011**

***This proposal complies with the policies and objectives of the Cherry Creek OCP.***

- b) Zoning:** This parcel is currently zoned Forest Rural (A3) District, which has a minimum allowable lot size of 4 ha (10 acres). Rezoning the non-ALR portion to Acreage Residential (RA3) District will allow a minimum lot size of 0.24 ha (0.6 acres).
  - i.** Parkland Dedication: N/A

	Current:	Proposed:
Minimum Lot Area (ha)	4	0.24
Minimum Lot Width (m)	100	30
Principal & Accessory Front Yard Setback (m)	15	15
Principal Side Yard Setback (m)	4.5	5
Principal Rear Yard Setback (m)	9	10
Accessory Side Yard Setback (m)	4.5	0.91
Accessory Rear Yard Setback (m)	4.5	0.91

***This proposal requires a rezoning of the non-ALR portion of the subject property from Forest Rural (A3) District to Acreage Residential (RA3) District to facilitate the proposed two lot subdivision.***

**Comments:** The rezoning is the first step in the applicant’s proposal to subdivide the property into two lots. If the rezoning application proceeds, the following items would need to be addressed at the subdivision application process:

- Meeting all requirements for connection to the Cherry Creek Water System.
- Meeting all technical agency requirements.

As a condition of rezoning, the applicants will be required to engage a Registered On-site Wastewater Practitioner to assess the capability of the land in accommodating on-site sewage disposal to a 0.6-acre density. Confirmation will be required prior to the public hearing. The zoning amendment would also require approval from the Ministry of Transportation & Infrastructure as the property lies within 800 metres of a Controlled Access Highway.

The proposed development complies with the policies and objectives of the Residential Use designation in the Cherry Creek OCP. The rezoning provides an opportunity for serviced, in-fill development that is in keeping with the character of the surrounding area and staff recommend that the Board consider first reading of Bylaw P1472 at a future date, and that neighbour notification be provided.

*Amy Needham*

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Submitted by: Amy Needham, P. Ag, Sustainability Planner

*Alex Dyer*

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Reviewed by: Alex Dyer, MCIP, RPP, Planning Manager

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Approved by: Daniel Sailland, MBA, Chief Administrative Officer

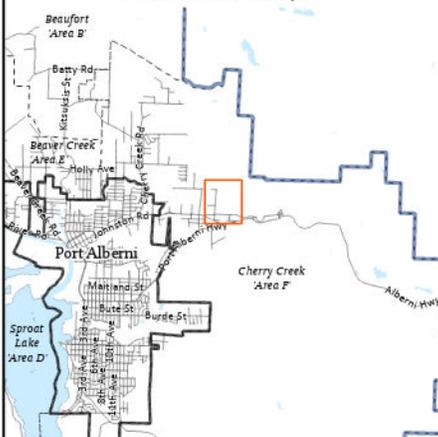
**PL20220052/RF22011**

Members: City of Port Alberni, District of Ucluelet, District of Tofino, Yuułuʔiłʔatḥ 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) and "F" (Cherry Creek)

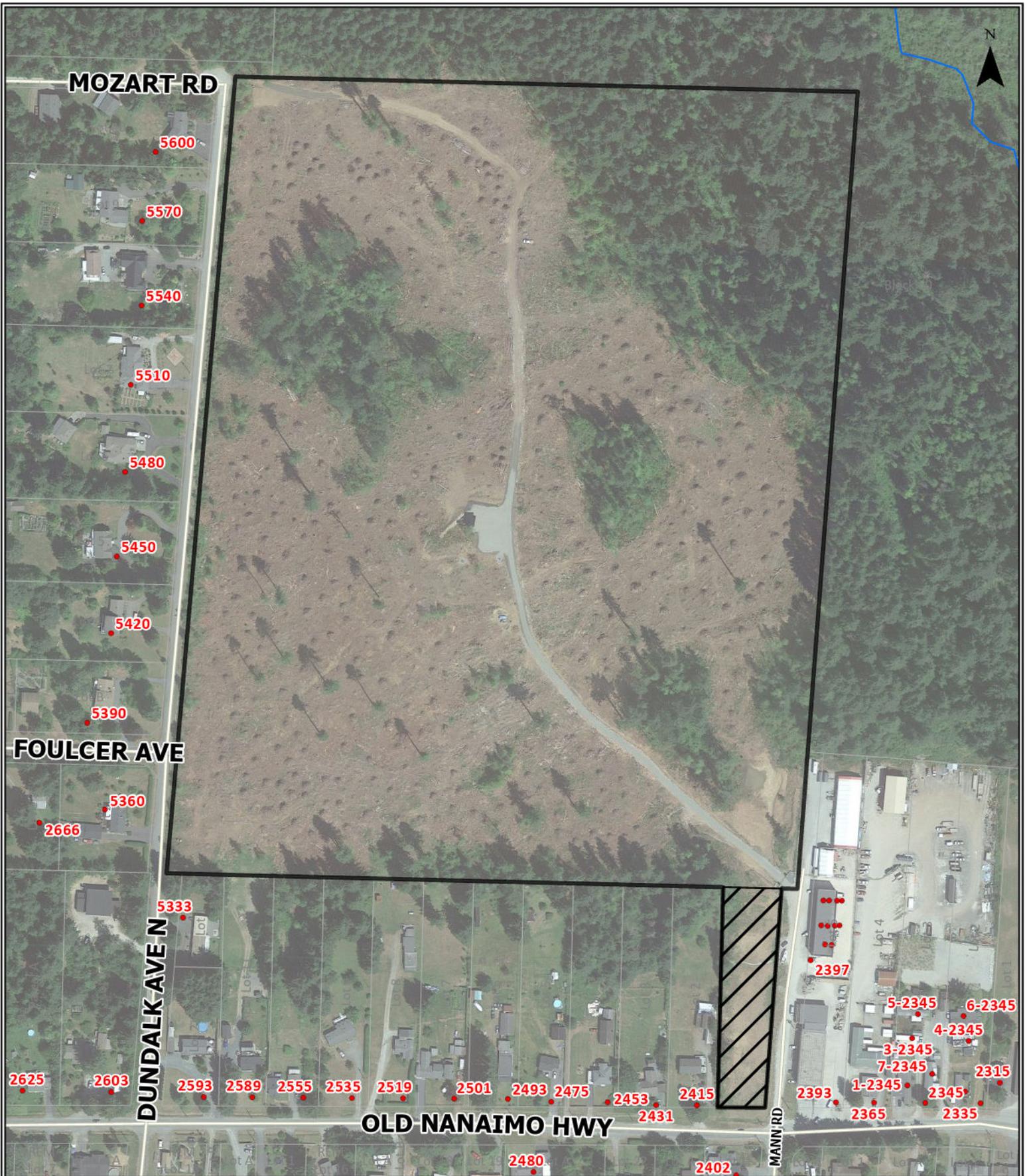
 Agricultural Land Reserve

**Subject Property**

**Overview Map**

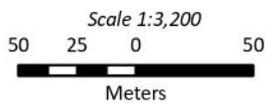


 LOT 1, DISTRICT LOT 135, ALBERNI DISTRICT, PLAN 6543



LOT 1, DISTRICT LOT 135, ALBERNI DISTRICT, PLAN 6543

-  Subject Property
-  Area to be Rezoned



Prepared 2023-06-01  
Sources: © OpenStreetMap  
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ParcelMapBC; GeoBC

*This product is intended for general reference use only and should not be used for navigation or legal purposes.*

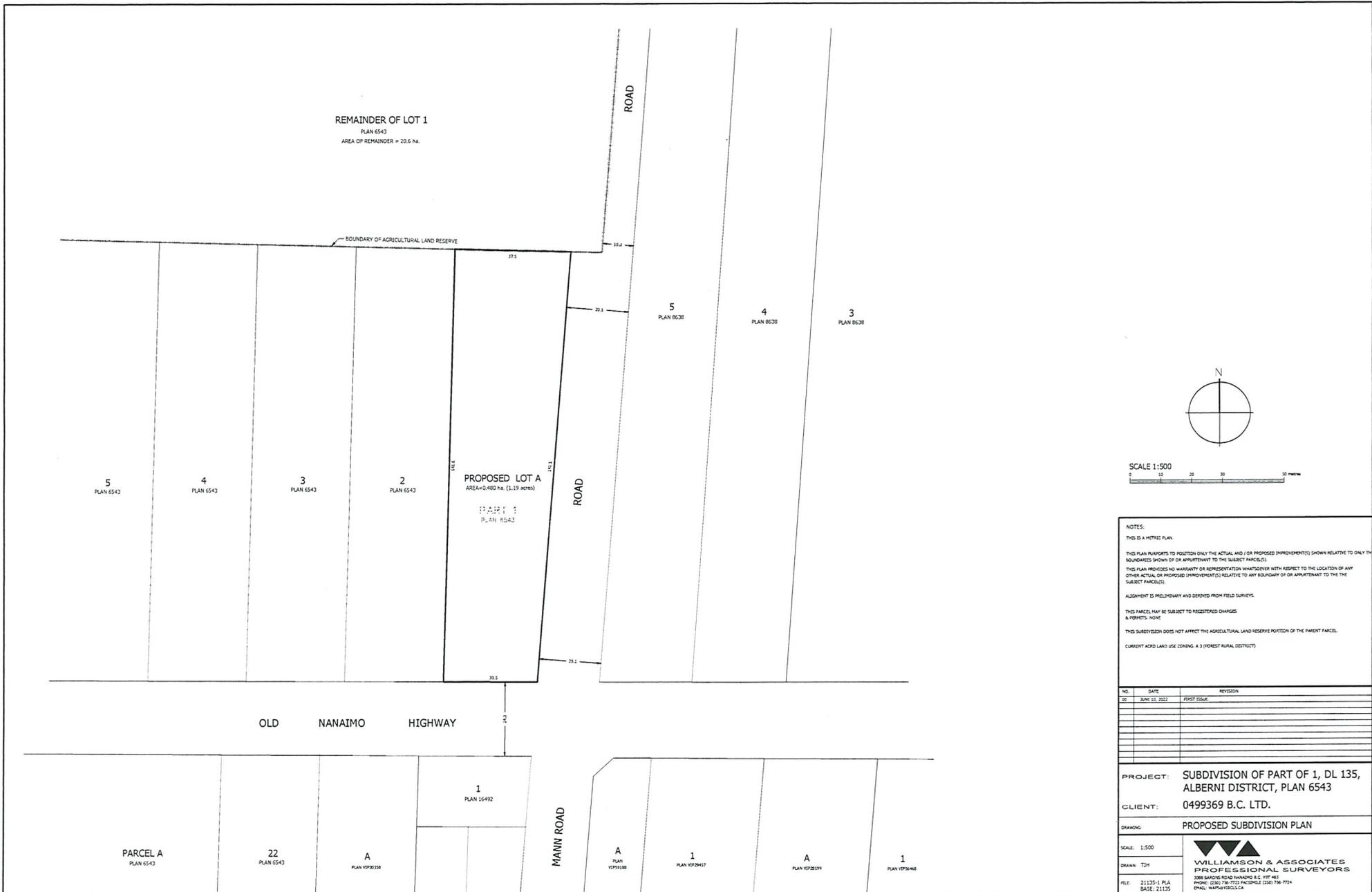
Site Pictures



Recently logged ALR portion of property



Non-ALR panhandle – proposed subdivision



NOTES:

THIS IS A METRIC PLAN

THIS PLAN REPORTS TO POSITION ONLY THE ACTUAL AND / OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE TO ONLY THE ADJACENT SHOWN OF OR APPURTENANT TO THE SUBJECT PARCELS.

THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE SUBJECT PARCELS.

ALIGNMENT IS PRELIMINARY AND DERIVED FROM FIELD SURVEYS.

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES & EASEMENTS. NONE

THIS SUBDIVISION DOES NOT AFFECT THE AGRICULTURAL LAND RESERVE PORTION OF THE PARENT PARCEL.

CURRENT AGRICULTURE ZONING: A 3 (FOREST RURAL DISTRICT)

NO.	DATE	REVISION
01	JUNE 10, 2022	FIRST ISSUE

PROJECT: SUBDIVISION OF PART OF 1, DL 135, ALBERNI DISTRICT, PLAN 6543

CLIENT: 0499369 B.C. LTD.

DRAWING: PROPOSED SUBDIVISION PLAN

SCALE: 1:500

DRAWN: TJH

FILE: 21135-1 PLA  
DATE: 21135

WILLIAMSON & ASSOCIATES  
PROFESSIONAL SURVEYORS  
2388 SANDS ROAD NANAIMO B.C. V9T 4K5  
PHONE: (250) 756-7722 FACSIMILE: (250) 756-7724  
EMAIL: WAP@WAPRO.SA



A BYLAW TO AMEND THE REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT ZONING BYLAW 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 Bylaw No. 15, 1971:

1. TITLE

This bylaw may be cited as the Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw P1472.

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

LOT 1, DISTRICT LOT 135, ALBERNI DISTRICT, PLAN 6543 from Forest Rural (A3) District to a split-zone of Forest Rural (A3) District and Acreage Residential (RA3) 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	,
Public hearing held this	day of	,
Read a second time this	day of	,
Read a third time this	day of	,
Adopted this	day of	,

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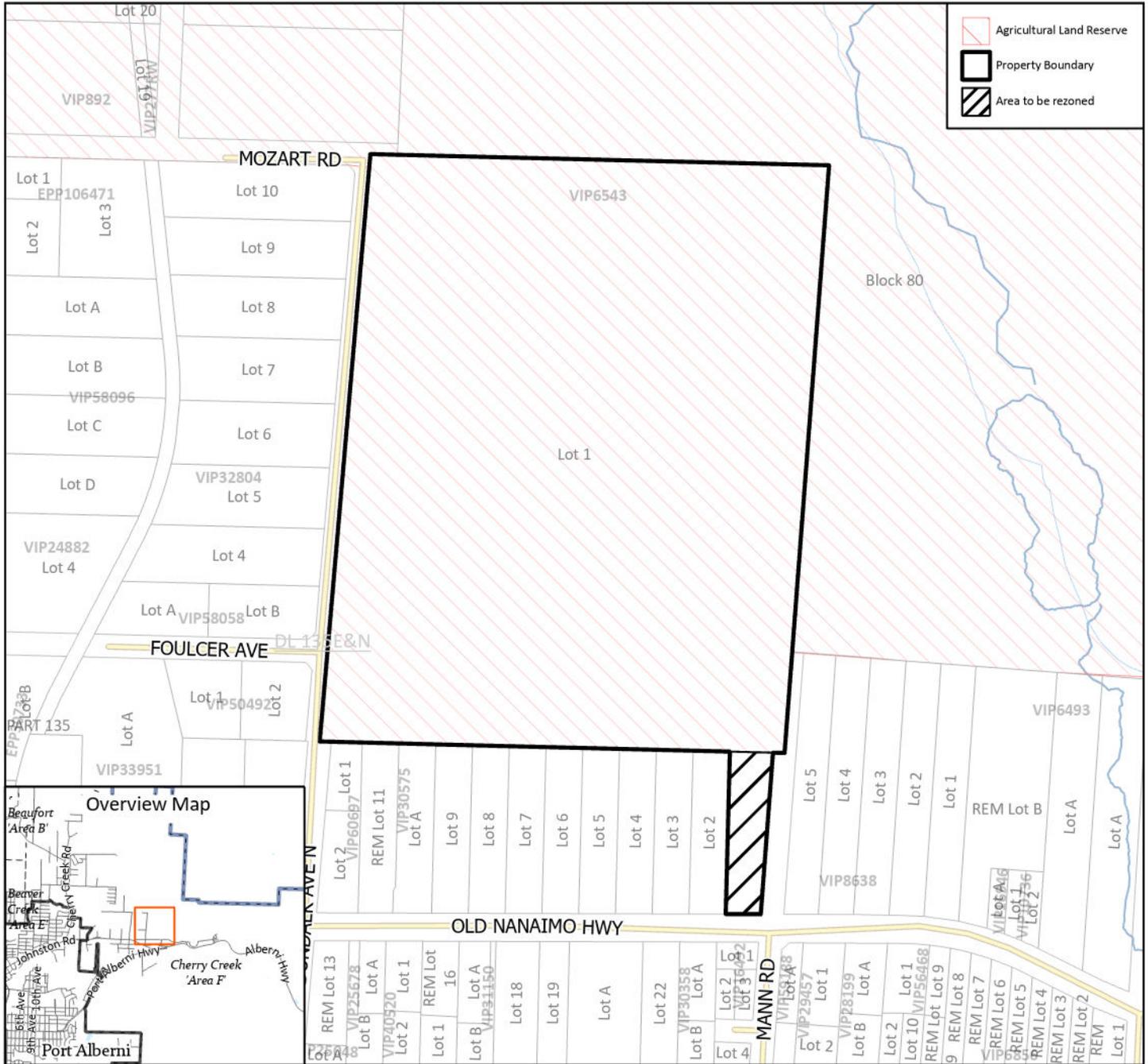
Corporate Officer

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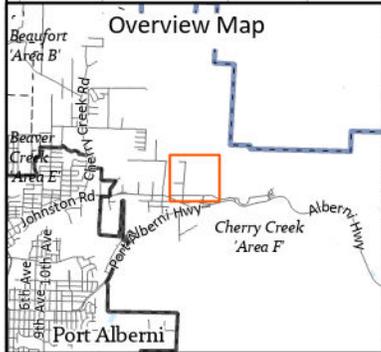
Chair of the Regional Board

# Schedule 'A'

This schedule is attached to and forms part of Bylaw No. P1472, Zoning Atlas Amendment Bylaw, 2023



-  Agricultural Land Reserve
-  Property Boundary
-  Area to be rezoned



Legal description: LOT 1, DISTRICT LOT 135, ALBERNI DISTRICT, PLAN 6543



To be rezoned from Forest Rural (A3) District to Acreage Residential (RA3) District.

