



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: May 26, 2021

ACRD FILE NO.: RE21002

APPLICANTS: Elton Muma

LEGAL

DESCRIPTION: LOT A, DISTRICT LOT 162, ALBERNI DISTRICT, PLAN 28232

LOCATION: 6640 Beaver Creek Road

ELECTORAL AREA: "E" Beaver Creek

Applicant's Intention: The property owner is applying to rezone the 0.67 hectare (1.67 acre) property from the current zoning of Small Holdings (A1) District to Acreage Residential (RA3) District in order to accommodate subdivision to a 0.6 acre minimum lot size. The applicant intends to subdivide the property into two parcels: a +/- 0.8 acre vacant parcel and the remainder (0.9 acre) with the existing house and improvements in the east side of the property adjacent to Beaver Creek Road.

Recommendations:

- THAT Bylaw P1425 Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw be read a first time;
- THAT the public hearing for Bylaw P1425 be delegated to the Director for Electoral Area 'E', the Alternate Director or the Chairperson of the Regional District;
- THAT the Board of Directors confirm that adoption of Bylaw P1425 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. Meeting technical referral agency requirements.

Advisory Planning Commission Recommendation: The Beaver Creek APC considered this application at their May 17, 2021 meeting where a motion was passed to concur with the staff recommendation and support the application.

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Observations:

i) **Status of Property:** The property is mostly level with the improvements located on the east portion of the property adjacent to the intersection of Beaver Creek Road and Grigg Road, including an existing residence and detached shop. The remainder of the property is buffered by trees and partially cleared surrounding the improvements. The property is bordered by Beaver Creek Road to the east and Grigg Road to the north and is surrounded by rural residential and agricultural properties.

ii) **Services**

- a. **Sewage Disposal:** On-site sewage disposal. 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 to accommodate on-site sewage disposal to a 0.6 acre density. Confirmation will be required prior to the public hearing.
- b. **Water Supply:** Beaver Creek Community Water. If the rezoning is successful and the property owner proceeds with subdivision, the applicant will need to satisfy the requirements of Beaver Creek Water System (BCWS) Development Cost Charge Bylaw F1133, including a development cost charge of \$5,023, and any BCWS water connection requirements.
- c. **Fire Protection:** Beaver Creek Volunteer Fire Department.
- d. **Access:** The existing residence is accessed from Grigg Road. The proposed new lot would also be accessed from Grigg Road, further to the west. The final lot layout and orientation of the access driveway would be determined at the subdivision stage.

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

- a. **Agricultural Land Reserve:** Not within the Agricultural Land Reserve. There is ALR land to the south west of the property.
- b. **Official Community Plan:** The Beaver Creek Official Community Plan designates the property as “Residential Use”. The objective of this land use designation is to provide a range of housing options within the plan area. The Residential Use designation supports a 0.24 hectare (0.6 acre) minimum lot size for lots serviced by community/communal water or sewer. The lots would be connected to the BCWS. The east corner of the property is bisected by Plested Creek. The Beaver Creek OCP designates a 15 metre Development Permit Area I – Riparian Areas Protection surrounding the creek. As this development permit area appears to intersect with the property, a development permit may be required as part of any future subdivision application.
The zoning amendment complies with the policies and objectives of the Beaver Creek OCP. A development permit application to satisfy the requirements of DPA I – Riparian Areas Protection may be required at the time of subdivision.

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- c. **Zoning:** The property is zoned Small Holdings (A1) District. The property owner is applying to rezone to Acreage Residential (RA3) District to facilitate a proposed 2 lot subdivision.

	A1 District (existing)	RA3 District (proposed)
Minimum Lot Area:	2 acres	0.6 acres
Minimum Lot Width:	165 ft.	98.4 ft.
Lot Coverage:	-	15%
Minimum Setbacks		
Front:	25 ft.	49.2 ft.
Rear:	30 ft.	32.8 ft.
Side:	5 ft.	16.4 ft.

The property is currently non-conforming to the A1 district as the lot size is 1.67 acre. Rezoning the property to RA3 would bring the lot into conformity with the Zoning Bylaw and facilitate subdivision to a minimum 0.6 acre density to allow for a two lot subdivision of the property.

The RA3 District zoning requires a maximum combined lot coverage of 15% for all structures located on a property. There is an existing house and accessory building located on this property. The future subdivision design will need to consider floor areas of existing buildings to ensure that the proposed lot with the existing improvements will meet the lot coverage requirements of the RA3 District.

The proposed development requires a rezoning of the subject property from Small Holdings (A1) District to Acreage Residential (RA3) District.

Comments: The rezoning is the first step in the applicant's proposal to subdivide the property into 2 lots. If the rezoning application proceeds, the following items would need to be addressed at the subdivision application process:

- Development Permit application to address any impact to the Plested Creek tributary, which is adjacent to the east corner of the property.
- Development Cost Charge payment of \$5,023 for the new lot created, to satisfy the requirements of ACRD Bylaw F1133 and confirmation that the new lot can be serviced by the Beaver Creek Water System.

Planning staff are generally supportive of proceeding with the public hearing process for the application as it complies with the policies and objectives of the Beaver Creek OCP and provides an opportunity for infill development that is in keeping with the character of the surrounding area. Planning staff recommend that confirmation of on-site sewage disposal capability to a 0.6 acre minimum density be required as a condition of rezoning approval.

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

Approved by: 
Douglas Holmes, BBA, CPA, CA, Chief Administrative Officer

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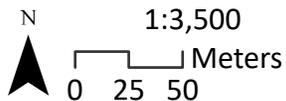
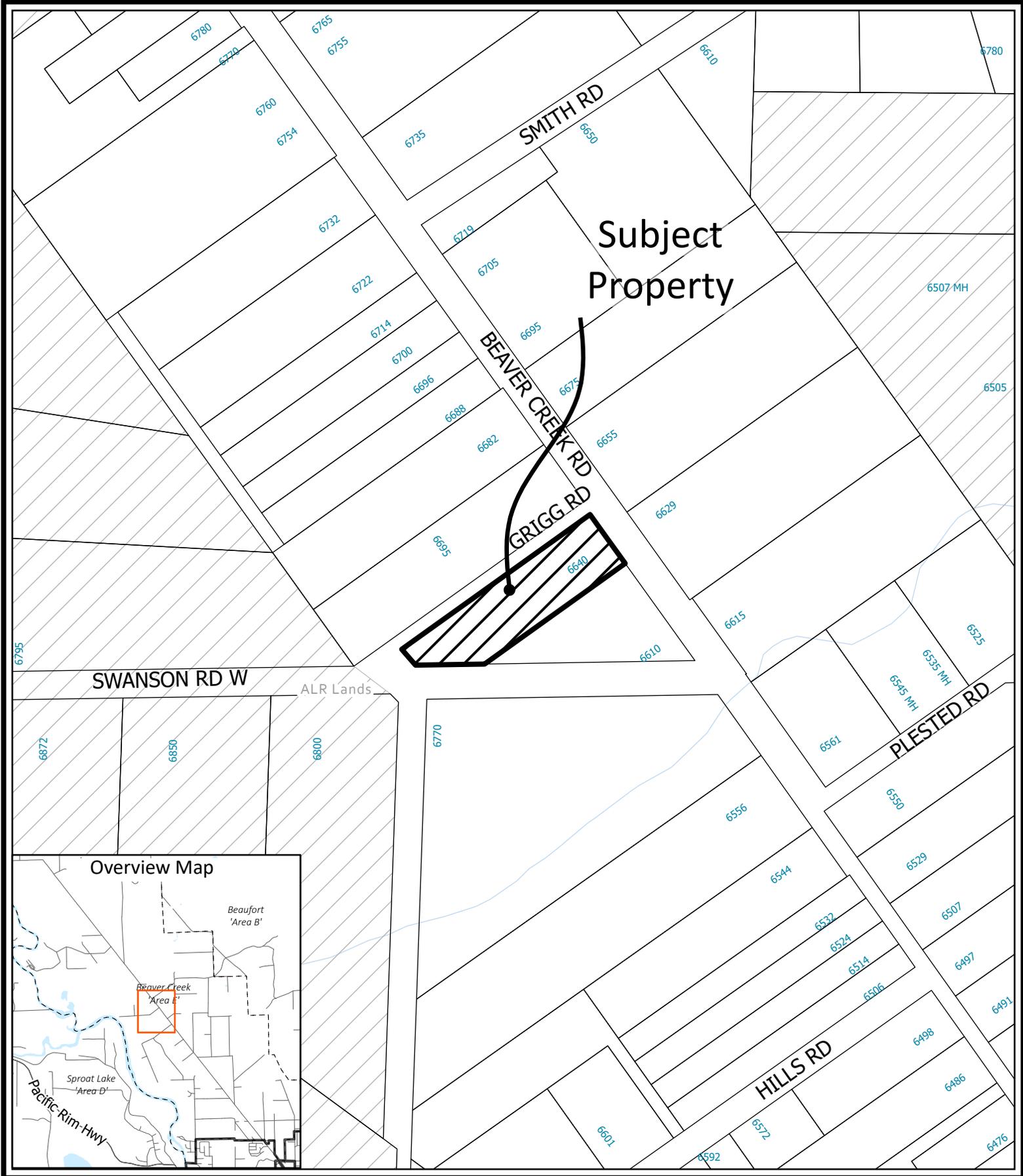
Notes: Application Addendum Rezoning:

Rezoning "A1" to "RA3" to facilitate 2 lot subdivision:

- Lot as it sits is legally non-conforming with "A1" zoning (size and width):
- Change to "RA3" conforms to/with OCP designation presently in place:
- Such potential rezoning and S/D is compatible with neighborhood spatially:
- B/L's seem to indicate SE corner of property is "tagged" with riparian area D.P by virtue of a road culvert (under Beaver Creek)

However:

- i) On lot vegetation is negligible;
 - ii) There are no fish in that trib of Plested
 - iii) That area abuts the main residence septic field which, obviously, can't have major vegetation;
- The position and siting of main shop (with setbacks) pretty much determines S/D lines:
 - Discrepancy seems to exist pertaining to Swanson Road closure on RDAC mapping and the actual lot configuration:
 - Septic approval can be obtained, confirmation will happen as process goes on:
 - All services to proposed new lot easily and cheaply provided with no/little public funds or utility upgrades required.
 - A straight ½ and ½ split is not feasible, totally due to position/location of main workshop/stable accessory buildings: (extension of previous accessory buildings on site)
 - N.B. Dedication on Swanson partially gazetted closed Sept 74:
 - Rear lot line position for new "parent" parcel to be determined accurately in due course.

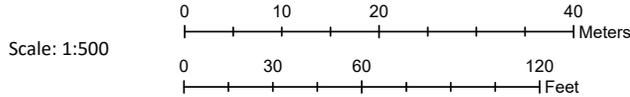


Legal Description: LOT A, DISTRICT LOT 162, ALBERNI DISTRICT, PLAN 28232



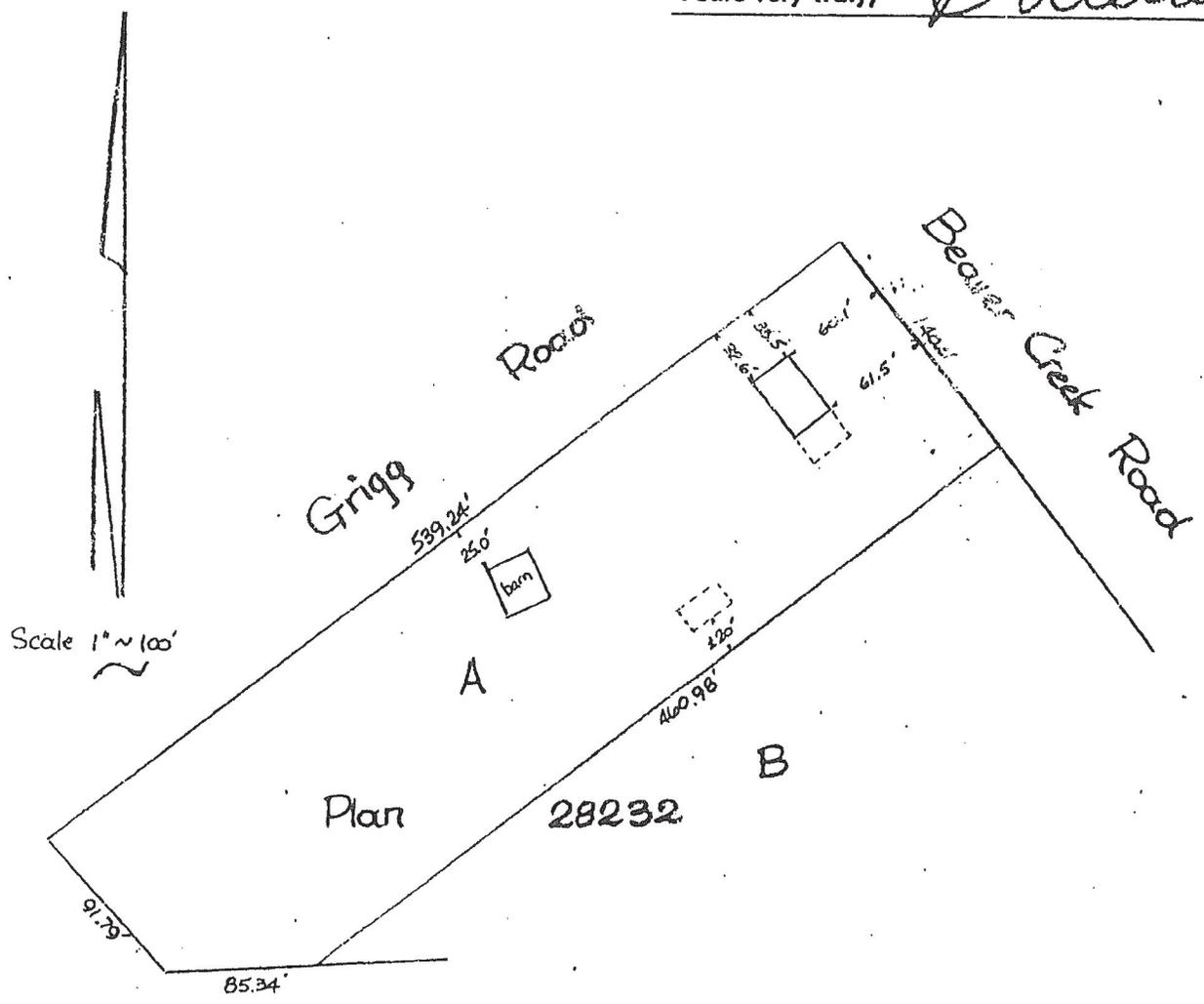
RE21002 – 6640 Beaver Creek Road

Prepare 13 May 2021, ACRD
Orthophoto 2012, TRIM



The measurements shown on the sketch below are the shortest distances between the foundation of the building and the adjacent boundaries of the parcel. The sketch also shows the dimensions of the parcel and the street or streets on which it fronts.

Yours very truly, *[Signature]*
 B.C.L.S.



The most northerly corner of this parcel is at the most southerly intersection of Grigg Road and Beaver Creek Road.

NOTE: This certificate is issued for the protection of the mortgagee and does not constitute a definition of boundaries for other purposes.

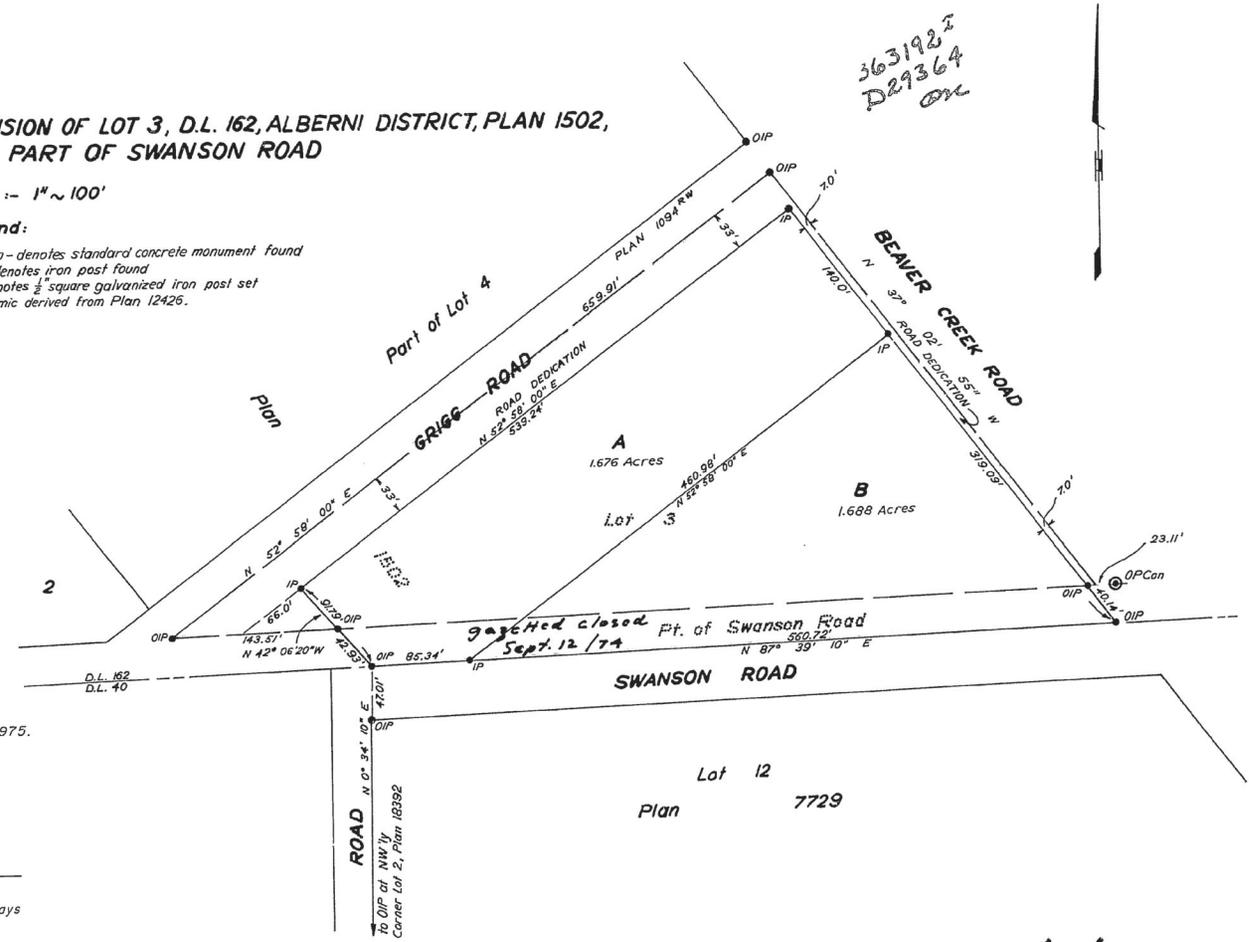
Plan No **28232**

PLAN OF SUBDIVISION OF LOT 3, D.L. 162, ALBERNI DISTRICT, PLAN 1502, TOGETHER WITH PART OF SWANSON ROAD

Scale :- 1" ~ 100'

Legend:

- ⊙ OIP - denotes standard concrete monument found
 - OIP - denotes iron post found
 - IP - denotes 1/2" square galvanized iron post set
- Bearings astronomic derived from Plan 12426.



Deposited in the Land Registry Office of Victoria, B.C. this 25 day of Feb 1974

H. Emery
Registrar

Reapproved under the Land Registry Act this 11th day of February, 1975.

M.G. Elton

Approving Officer
Provincial Department of Highways

This plan lies within the Alberni-Clayoquot Regional District.

Approved under the Land Registry Act this 10 day of Oct. 1974.

A. Murray

Approving Officer
Provincial Department of Highways.

I, David Michael Pollock, of the City of Port Alberni, British Columbia Land Surveyor, make oath and say that I was present at and did personally superintend the survey represented by this plan, and that the survey and plan are correct. The said survey was completed on the 24th day of April, 1974.

Ted S. Hilmo
Ted S. Hilmo owner

R. Macrae

Witness occupation

Port Alberni

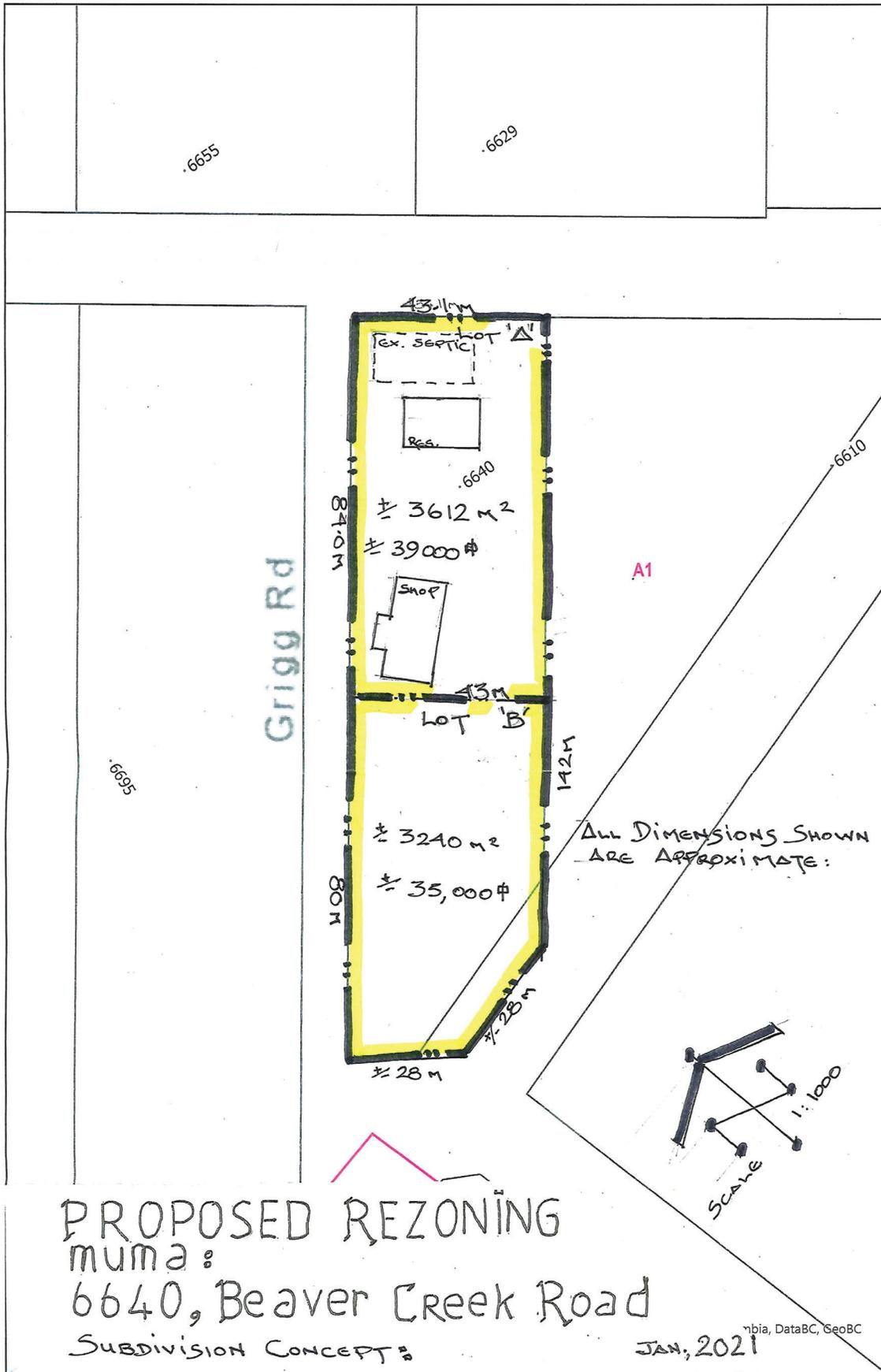
witness' address

D.M. Pollock
D.M. Pollock
B.C.L.S.

Sworn before me this 13th day of MAY 1974.

[Signature]

A Commissioner for taking affidavits within the Province of British Columbia.



6640 Beaver Creek Road



Scale: 1:1,000





6640 Beaver Creek Road

2012 BC TRIM Ortho

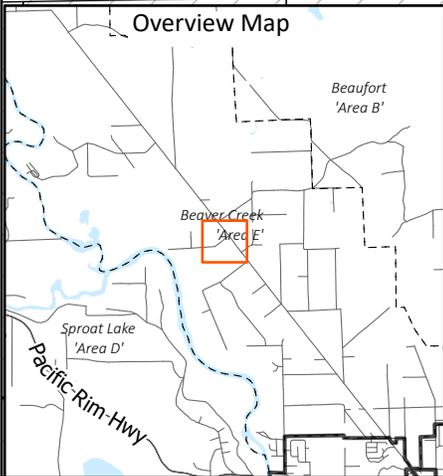
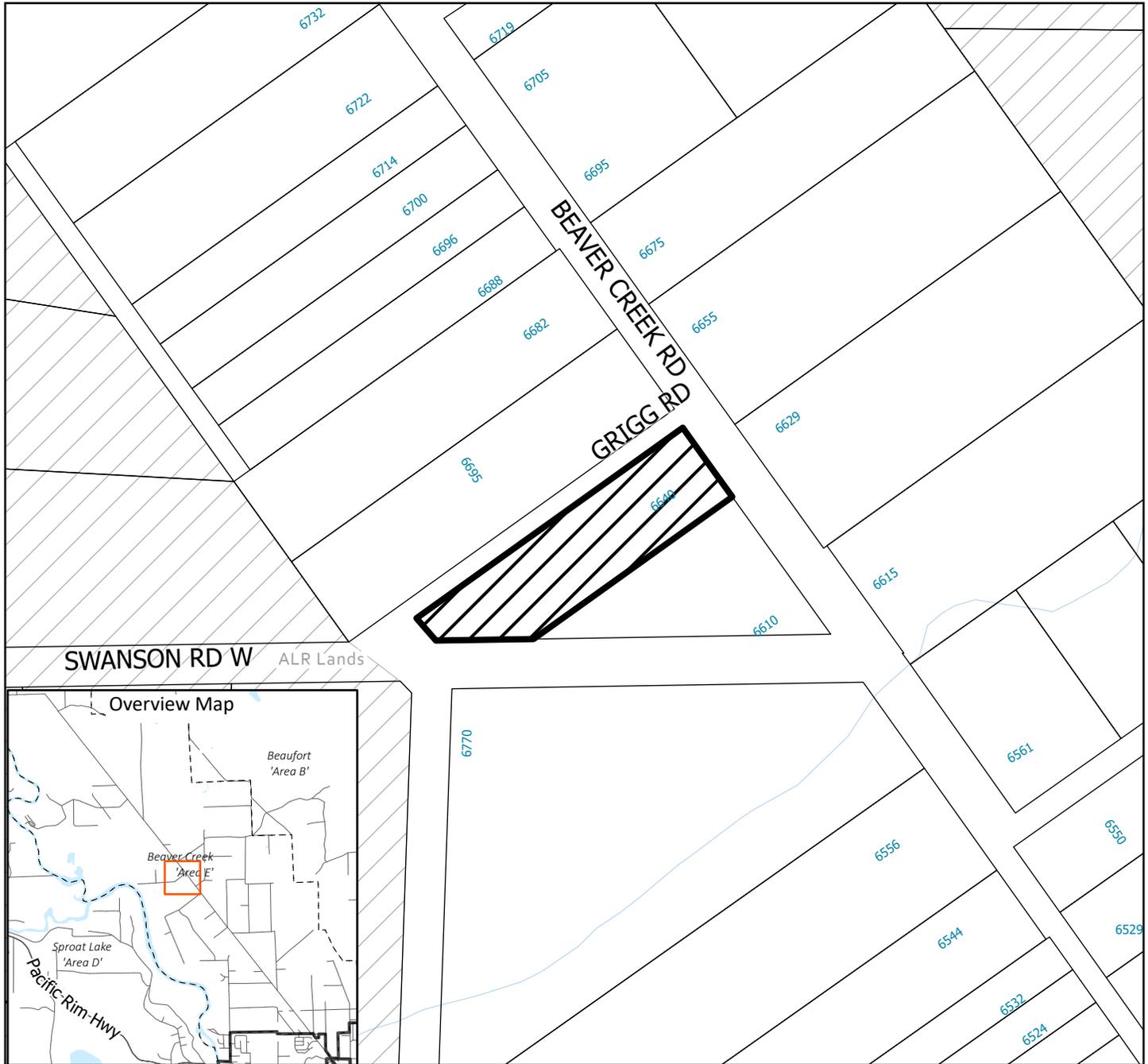


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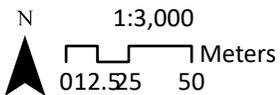


Schedule 'A'

This schedule is attached to and forms part of
Bylaw P1425



P1425 Muma
Legal Description: LOT A, DISTRICT LOT 162, ALBERNI DISTRICT, PLAN 28232



 To be rezoned from Small Holdings (A1) District to
Acreage Residential (RA3) District