



# 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.:** RE21003

**APPLICANTS:** Rajbahadur Singh Brar & Gurdev Singh Brar (agent Fern Road Consulting Ltd.)

### LEGAL

**DESCRIPTION:** DISTRICT LOT 24 ALBERNI DISTRICT EXCEPT THE WEST 10 CHAINS THEREOF AND EXCEPT THE RIGHT OF WAY OF THE ESQUIMALT AND NANAIMO RAILWAY COMPANY AS SAID RIGHT OF WAY IS SHOWN ON PLAN DEPOSITED UNDER DD 19321 EXCEPT EPP96269

**LOCATION:** 6210 Drinkwater Road

**ELECTORAL AREA:** "E" Beaver Creek

**Applicant's Intention:** The property owner is applying to rezone a 1.08 hectare (2.67 acre) portion of the 35.6 hectare (88 acre) subject property from the current zoning of Forest Rural (A3) District to Acreage Residential (RA2) District in order to facilitate subdivision. The applicant intends to subdivide to create two +/- 0.5 hectare (1.2 acre) vacant parcels in the north half of the property outside of the Agricultural Land Reserve (ALR), leaving the remainder lying within the ALR as a +/- 34.6 hectare (85.5 acre) parcel. The zoning amendment application also involves an amendment to the Beaver Creek Official Community Plan.

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### Recommendations:

- THAT Bylaw P1426 Beaver Creek Official Community Plan Amendment Bylaw be read a first time;
- THAT Bylaw P1427 Regional District of Alberni-Clayoquot Zoning Atlas Amendment be read a first time;
- THAT the public hearing for Bylaws P1426 and P1427 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 Bylaws P1426 and P1427 is subject to:
  - a. Confirmation from a Registered On-Site Wastewater Practitioner that the

## RE21003

- property is capable of accommodating on-site sewage disposal to a minimum 1 acre density;
- b. Meeting technical referral agency requirements.

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

**Observations:**

- i) **Status of Property:** The 35.6 hectare (88 acre) subject property is located at the end of Drinkwater Road bordered by the E & N Railway right-of-way to the east and by Kellow Road to the north. The property was created by subdivision in 2019 when a 10.7 hectare portion of the parent parcel lying to the east of the rail right-of-way was subdivided off as one parcel to be used for future development. The west end of the property is level and cleared for pasture and the property slopes up toward the north and east where there is a buffer of trees along the railway corridor. There is an existing single family dwelling, barn and smaller accessory buildings located on the slope along the east side of the property.

The majority of the property is within the ALR with the exception of the 1.08 hectare (2.67 acre) portion in the north end of the property, which is the area that the property owner is applying to rezone, and a +/- 0.4 hectare (1 acre) portion in the south east corner of the property.

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 1 acre minimum 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 per new lot created, and satisfy any BCWS water connection requirements.
- c. **Fire Protection:** Beaver Creek Volunteer Fire Department.
- d. **Access:** The two proposed vacant parcels would be accessed from the Kellow Road right-of-way bordering the north side of the property. The site plan provided by the applicants proposes a panhandle driveway access to one of the proposed parcels. 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:** The 1 hectare portion of the property that the property owner is applying to rezone is not within the ALR. The remaining 34 hectares of the

**RE21003**

property are located within the ALR. The proposed zoning boundary would border the existing ALR boundary.

- b. **Official Community Plan:** The Beaver Creek Official Community Plan currently designates the property as “Agricultural Use”. In order to facilitate subdivision, the applicant has applied to redesignate the property to “Residential Use”. The Agricultural Use designation is primarily intended for land within the ALR with policies to discourage the removal of land from the ALR and to discourage subdivision of land within the ALR to lots smaller than 2 hectares in order to support economically-viable land for agriculture.

The portion of the property subject to this application is outside of the ALR and lies adjacent to neighbouring lands to the east that are currently designated as Residential Use. The objective of the Residential 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 property is dissected by a tributary of Lugin Creek. The creek crosses into the property in the vicinity of the Kellow Road access in the north end of the property and drains to the south through the pasture located within the ALR portion of the property. The Beaver Creek OCP designates a 15 metre Development Permit Area I – Riparian Areas Protection as a buffer surrounding the creek. As this development permit area intersects with the property, a development permit will be required as part of any future subdivision application.

***In order to facilitate the rezoning proposal, an Official Community Plan amendment to redesignate the property from Agricultural Use to Residential Use is required. A development permit application to satisfy the requirements of DPA I – Riparian Areas Protection will be required at the time of subdivision.***

- c. **Zoning:** The property is zoned Forest Rural (A3) District. The property owner is applying to rezone to Acreage Residential (RA2) District to facilitate a proposed subdivision to create two parcels with a 1 acre minimum lot size.

	<b>A3 District (existing)</b>	<b>RA2 District (proposed)</b>
Minimum Lot Area:	10 acres	1 acre
Minimum Lot Width:	330 ft.	120 ft.
Lot Coverage:	-	25%
Minimum Setbacks		
Front:	50 ft.	40 ft.
Rear:	30 ft.	30 ft.
Side:	15 ft.	15 ft.

The adjacent property to the east of the railway right-of-way was rezoned for future

## RE21003

development to a 1 acre minimum density in 2011. That portion of the property, being 10.7 hectares (26.4 acres) in lot area, was subdivided off the parent parcel in 2019 to facilitate further subdivision to a 1 acre lot size. The current proposal to subdivide two parcels from this portion of the remaining property fits with the overall character of the future development to the east and with the existing rural residential lots located along Walker Road to the west.

Depending on the final lot layout at the subdivision stage, a development variance application and a parcel frontage waiver may be required to accommodate the proposed lot widths and road frontages of the two proposed parcels.

***The proposed development requires rezoning of a 1.08 hectare (2.67 acre) portion of the subject property from Forest Rural (A3) District to Acreage Residential (RA2) District.***

**Comments:** The OCP amendment and zoning amendment application are required in order to facilitate the applicant's proposal to subdivide the property into three lots: two +/- 0.5 hectare (1.2 acre) vacant parcels in the north half of the property outside of the ALR and the 34.6 hectare (85.5 acre) remainder lying within the ALR. If these applications proceed, the following items will need to be addressed at the subdivision application stage:

- Development permit application to address any impact from development on the Lugin Creek tributary, which dissects the property from north to south.
- Development Cost Charge payment of \$5,023 per new lot created, to satisfy the requirements of ACRD Bylaw F1133 and confirmation that the new lots can be serviced by the Beaver Creek Water System.
- Depending upon the final lot layout of the two proposed new parcels, a potential development variance application to reduce the required lot width in the RA2 District and a potential parcel frontage waiver application to waive the *Local Government Act* requirement that a lot must have a minimum of 10% of road frontage.

Planning staff are supportive of proceeding with the public hearing process for the application as this proposal would provide for an opportunity for development outside of the ALR that would be similar in character with the existing rural residential lots located on Walker Road to the west and with the proposed 1 acre minimum lot size development taking place to the east of the property on the east side of the railway right-of-way. Planning staff recommend that confirmation of on-site sewage disposal capability to a 1 acre minimum density be required as a condition of rezoning approval.

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

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

### RE21003

# Fern Road Consulting Ltd.

Our File: 20-233-S

2021-01-18

Alberni-Clayoquot Regional District  
3008 Fifth Avenue  
Port Alberni, BC  
V9Y 2E3

Attention: Alex Dyer

Dear Alex:

**RE: Rezoning/OCP Amendment Application for District Lot 24 Alberni District  
Except the West 10 Chains Thereof and Except the Right of Way of the  
Esquimalt and Nanaimo Railway Company as Said Right of Way is Shown  
on Plan Deposited Under DD 19321 Except EPP96269  
6210 Drinkwater Road**

On behalf of our clients, Rajbahadur Singh Brar and Gurdev Singh Brar, we are applying for a zoning and OCP amendment for the non-ALR portion at the northeast corner of the above property to change the zoning from A3, with a 10 acre (4 ha) minimum parcel size to a RA2 which would reduce the minimum parcel size to 1 acre (.4 ha). We are also requesting an OCP amendment as the existing OCP designation is agricultural use.

## **BACKGROUND**

This property was part of a recent subdivision (ACRD File: SE18008). This Remainder property is predominately in the ALR, with the exception of triangle shaped portions in the northeast and southeast corners of this property.

The portion of the property defined on the Proposed Subdivision Plan prepared by Sims Associates Land Surveying Ltd. (Sims Associates), is bound by RA2 zoning to the east, A2 zoning to the north, and A2 (ALR property) to the south and west.

The property slopes from the east down towards the west and is mostly cleared. There are no watercourses or eagle/heron trees identified by our client.

The property will be serviced by Beaver Creek Water District and individual septic systems. Glenn Gibson of Gibson and Sons Consulting will be conducting perc tests to

ensure primary and reserve septic areas on each lot meet Island Health Subdivision Standards. We will forward ACRD the results when they are available. In speaking with Glenn Gibson, he feels there will be no issues as he has performed perc tests on neighbouring properties and there were no concerns with the soil quality.

## **PROPOSAL**

Our clients propose to amend the zoning to allow for higher density to facilitate a 2-lot subdivision. We also understand the OCP will have to be amended as the property is currently designated as Agricultural.

As Kellow road isn't fully constructed, we understand there will be discussions with MOTI and potentially the ALC to discuss road construction standards to access the proposed 2-lot subdivision.

The ACRD and OCP supports higher density and recognizes there may be a need for additional housing and a diversity of house types to increase supply and affordability. This proposal provides an opportunity for infill development which will provide continued economic growth in the area. The proposed zoning would also be consistent with many properties in the area.

The subject property is not within a Development Permit Area.

## **ENCLOSURES**

- Application for Development form
- Title search
- Letter of authorization
- Proposed Subdivision Plan prepared by Sims Associates Land Surveying Ltd.

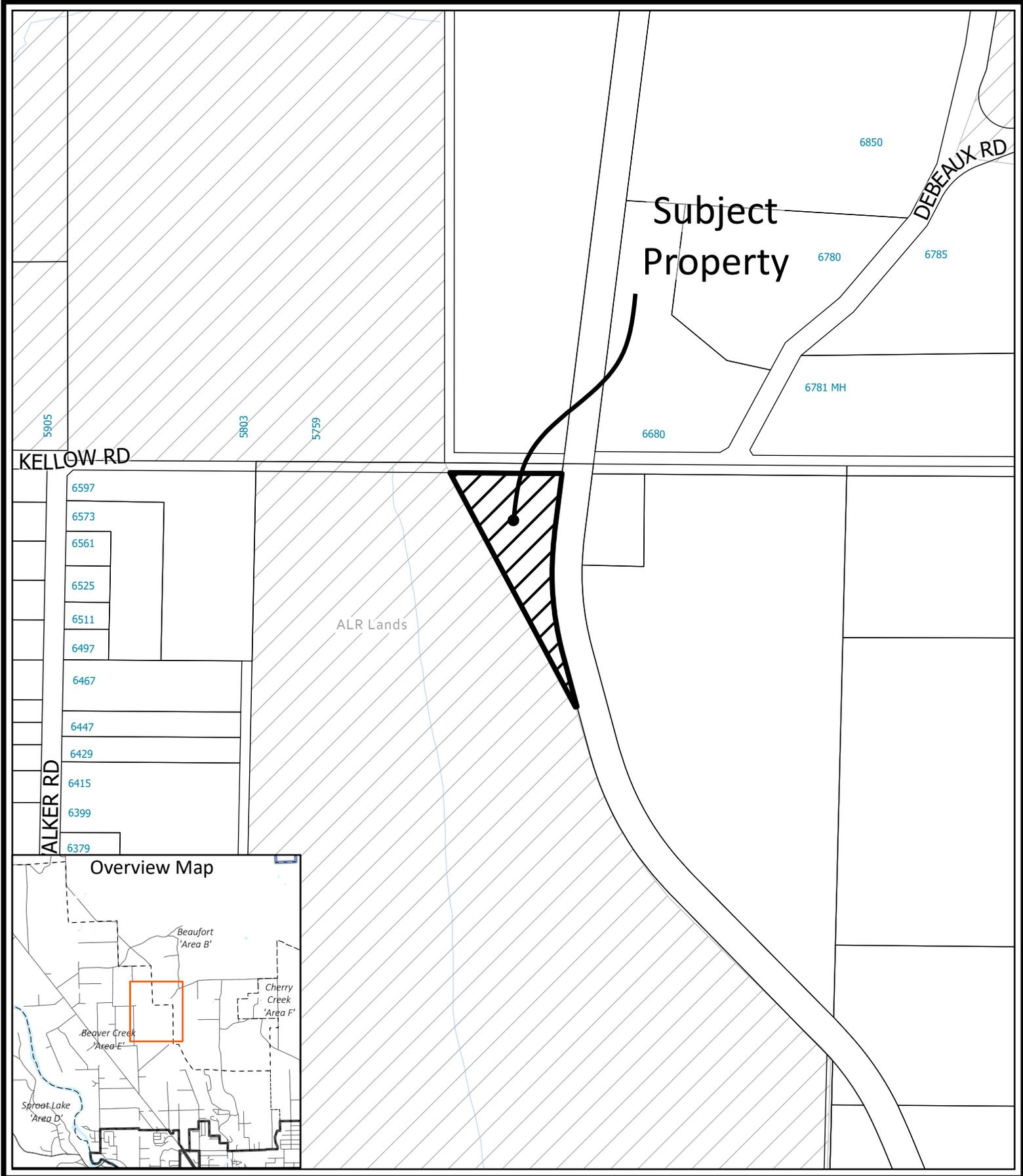
Please note: Raj Brar will be calling in his credit card information on Monday to satisfy the \$800.00 application fee for the zoning and OCP amendment.

We look forward to working with the ACRD on this development.

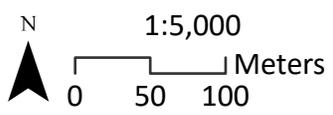
Sincerely,

  
 Rachel Hamling  
 Project Coordinator

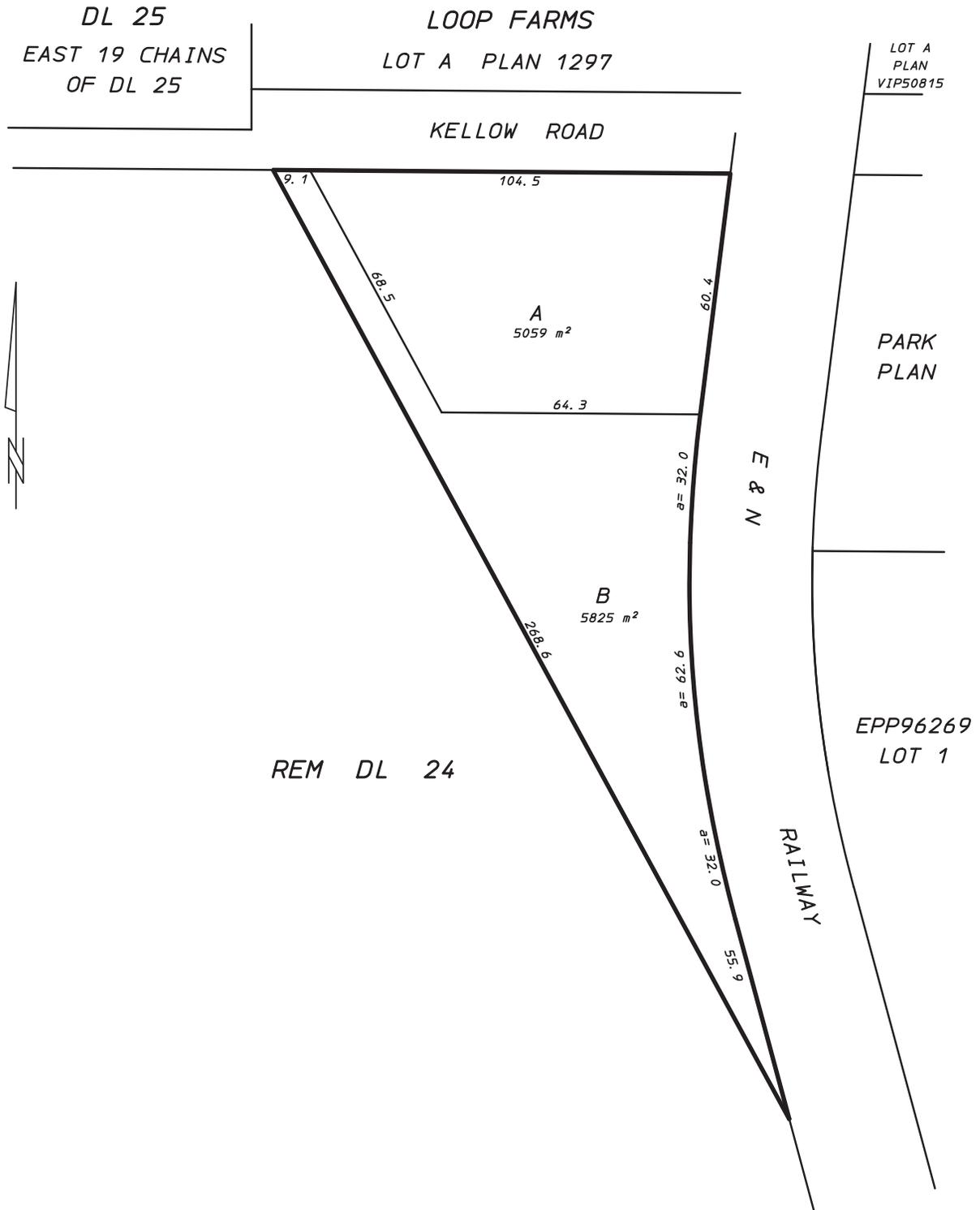
RH:ka  
 Enclosures



Legal Description: A portion of DISTRICT LOT 24 ALBERNI DISTRICT EXCEPT THE WEST 10 CHAINS THEREOF AND EXCEPT THE RIGHT OF WAY OF THE ESQUIMALT AND NANAIMO RAILWAY COMPANY AS SAID RIGHT OF WAY IS SHOWN ON PLAN DEPOSITED UNDER DD 19321 EXCEPT EPP96269



PROPOSED SUBDIVISION PLAN OF PART OF DISTRICT LOT 24,  
EXCEPT THE WEST 10 CHAINS THEREOF AND EXCEPT THE RIGHT  
OF WAY OF THE ESQUIMALT AND NANAIMO RAILWAY COMPANY  
AS SAID RIGHT OF WAY IS SHOWN ON PLAN DEPOSITED UNDER  
DD 19321 AND EXCEPT PART IN PLAN EPP96269.

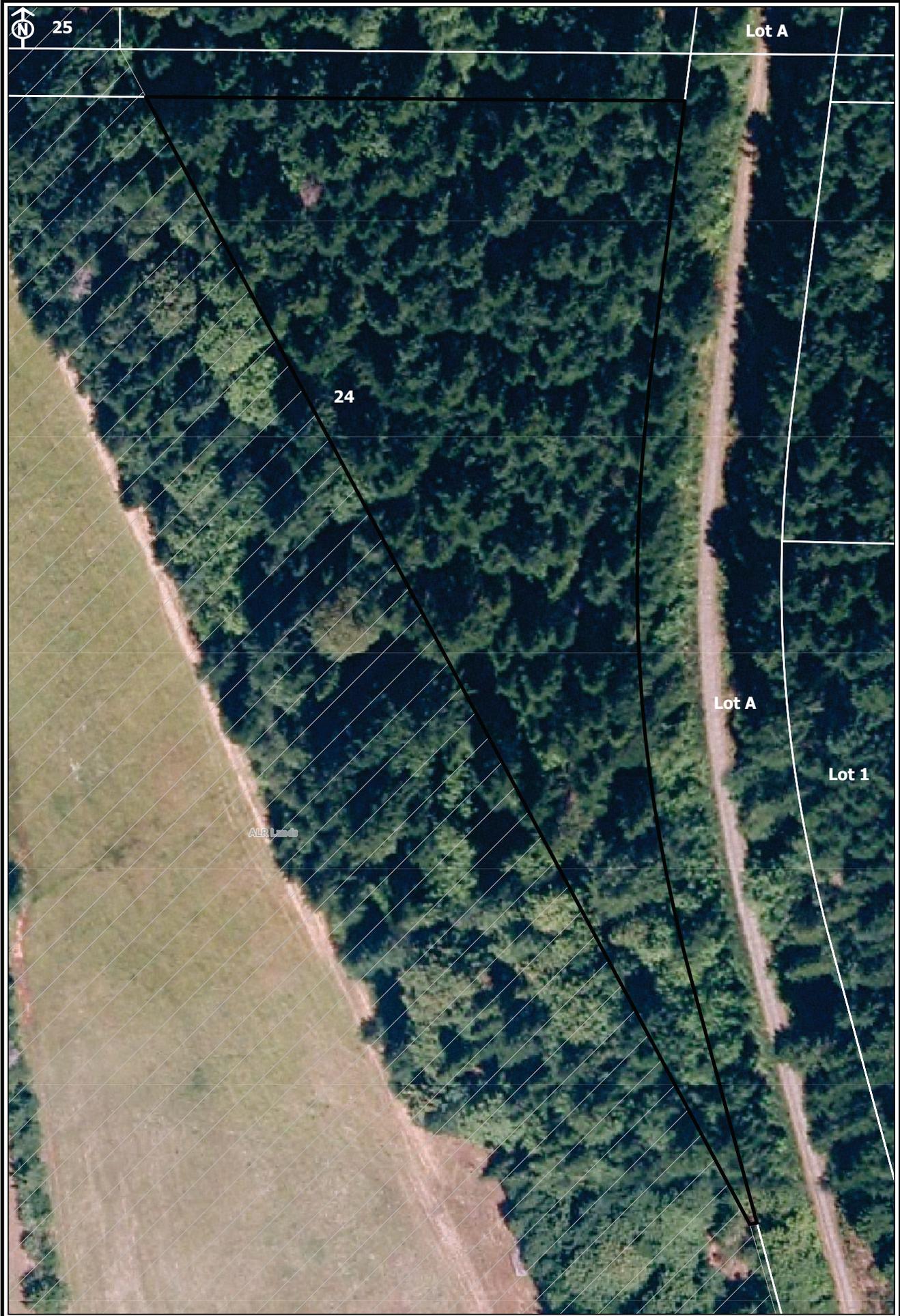


**SCALE 1: 1000**  
ALL DISTANCES ARE IN METRES.  
ALL DIMENSIONS AND AREAS ARE  
SUBJECT TO FINAL SURVEY.

No.	DATE	REVISION
1	2020/12/18	

**SIMS ASSOCIATES**  
LAND SURVEYING  
223 FERN ROAD WEST  
QUALICUM BEACH B.C.  
V1K 1S4  
PHONE: (250) 752-9121  
FAX: (250) 752-9241  
FILE: 20-233-5  
COMP: 20-233\_P3



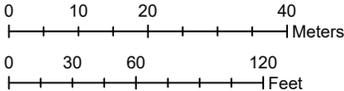


RE21003 – 6210 Drinkwater Road

Area to be rezoned

Prepare 13 May 2021, ACRD  
Orthophoto 2012, TRIM

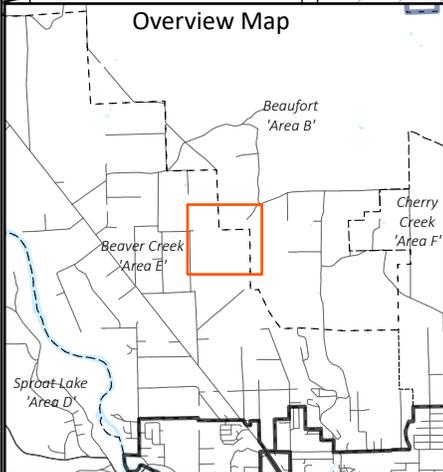
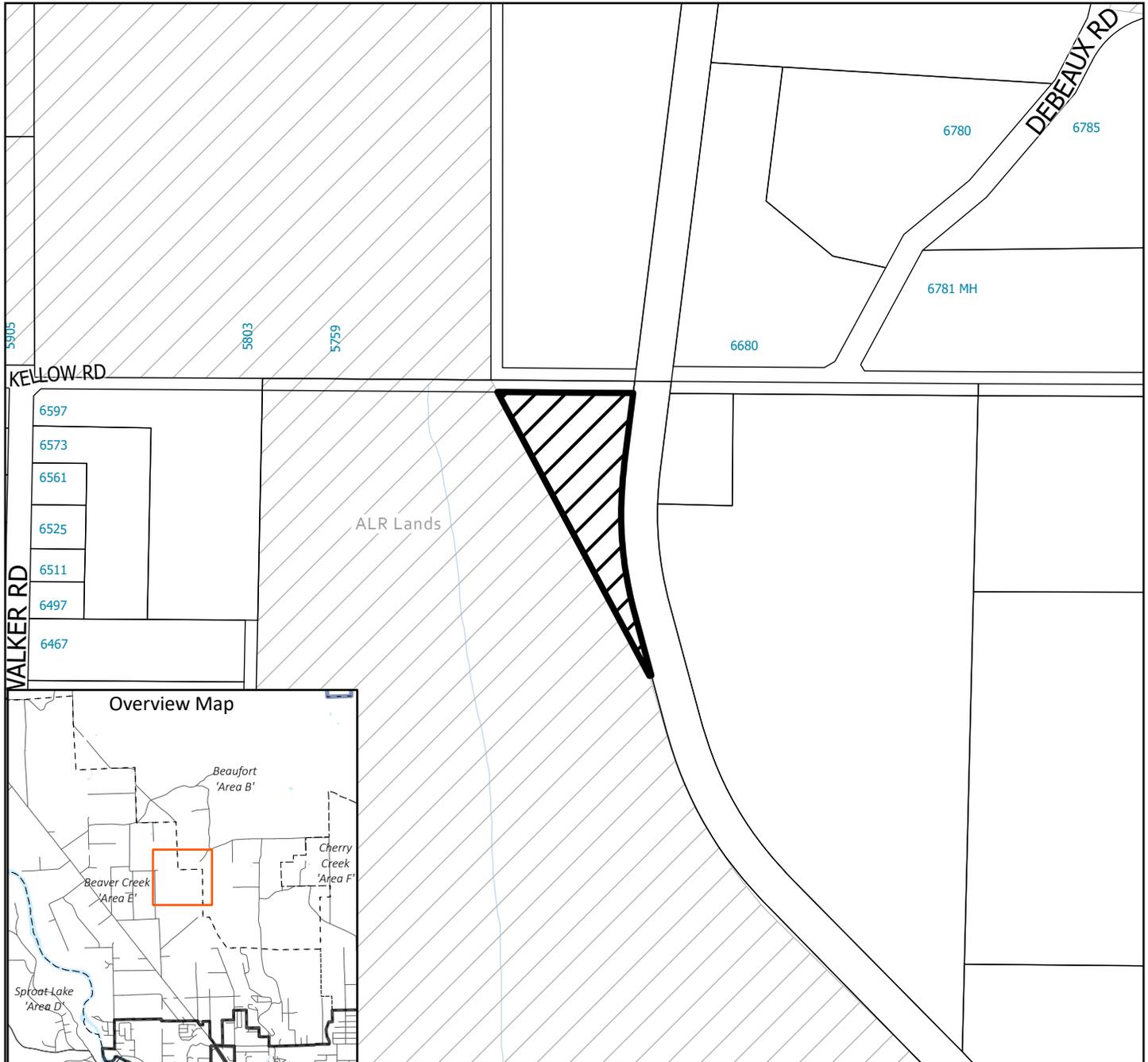
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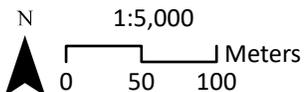
# Schedule 'A'

This schedule is attached to and forms part of  
Bylaw P1426



P1426 Brar

Legal Description: A portion of DISTRICT LOT 24 ALBERNI DISTRICT EXCEPT THE WEST 10 CHAINS THEREOF AND EXCEPT THE RIGHT OF WAY OF THE ESQUIMALT AND NANAIMO RAILWAY COMPANY AS SAID RIGHT OF WAY IS SHOWN ON PLAN DEPOSITED UNDER DD 19321 EXCEPT EPP96269

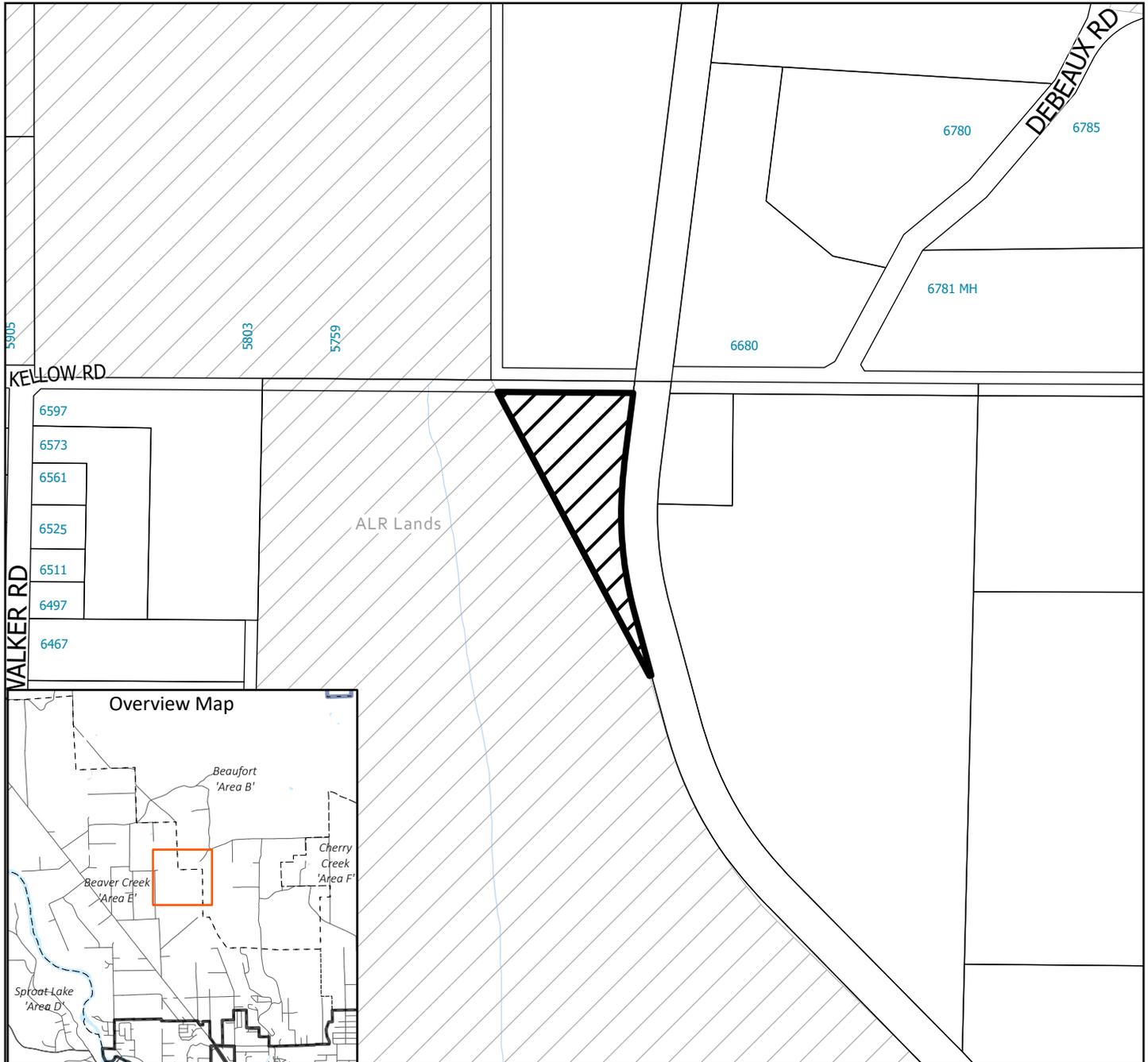


To be redesignated from "Agricultural Use" to "Residential Use"



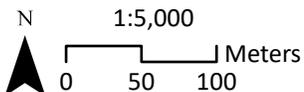
# Schedule 'A'

This schedule is attached to and forms part of  
Bylaw P1427



P1427 Brar

Legal Description: A portion of DISTRICT LOT 24 ALBERNI DISTRICT EXCEPT THE WEST 10 CHAINS THEREOF AND EXCEPT THE RIGHT OF WAY OF THE ESQUIMALT AND NANAIMO RAILWAY COMPANY AS SAID RIGHT OF WAY IS SHOWN ON PLAN DEPOSITED UNDER DD 19321 EXCEPT EPP96269



 To be rezoned from Forest Rural (A3) District to  
Acreage Residential (RA2) District