



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: July 28, 2021

ACRD FILE NO.: RF17010 (2021 update)

APPLICANTS: Davin Aspell (agent: Dionne Aspell)

LEGAL DESCRIPTION: LOT 1 DISTRICT LOT 19 ALBERNI DISTRICT PLAN VIP83791

LOCATION: 2996 Highmoor Road

ELECTORAL AREA: "F" Cherry Creek

Recommendations:

- THAT Bylaw P1433, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw be read a first time.
- THAT the public hearing for Bylaw P1433 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 P1433 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 1 acre minimum lot size;
 - b) Approval of the zoning amendment by the Ministry of Transportation & Infrastructure in accordance with Section 52 of the *Transportation Act* for development adjacent to a Controlled Access Highway;
 - c) Meeting technical referral agency requirements.

Applicant's Intention: The property owner has applied to rezone the 1.36 hectare (3.36 acre) property from Small Holdings (A1) District to Acreage Residential (RA2) District in order to facilitate subdivision to a 1 acre minimum lot size. The applicants intend to subdivide the property into three lots, creating two vacant 1 acre parcels and a 1.3 acre remainder encompassing the existing single family dwelling.

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July 2021 Update and APC Recommendation: The applicants previously applied to rezone the property to Acreage Residential (RA2) District in 2017 in order to accommodate a two lot subdivision. The ACRD Board gave first reading to zoning amendment Bylaw P1368 on February 28, 2018. After first reading and before a public hearing was held, the applicants chose not to proceed with their rezoning application at that time. The application was dormant until the property owner contacted the ACRD in 2021 to advise that they now wish to proceed with rezoning and move forward with a three lot subdivision proposal. The Cherry Creek APC discussed the application on July 5, 2021 and the comments received from APC members were in support of the rezoning application.

Observations:

i) **Status of Property:** The 1.36 ha (3.36 acre) parcel is relatively flat, sloping gently upwards along the eastern edge towards the smaller residential lots along Locke Road. There are some trees near the eastern property line, but the lot is otherwise cleared. There is a single family dwelling in the northwest corner of the lot, and a shed along the western edge of the property. The rest of the property is vacant.

ii) **Services**

- a. **Sewage Disposal:** On-site sewage disposal. As a condition of rezoning, planning staff recommend that the property owner seek confirmation from a Registered On-Site Wastewater Practitioner that the property is capable of accommodating on-site sewage to a 1 acre minimum density.
- b. **Water Supply:** Cherry Creek Waterworks District.
- c. **Fire Protection:** Cherry Creek Fire Department.
- d. **Access:** Access to the property is off Highmoor Road. As the property lies within 800 metres of a Controlled Access Highway, the Ministry of Transportation & Infrastructure (MOTI) must approve the zoning amendment prior to the Board considering the bylaw for final adoption.

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

- a. **Agricultural Land Reserve:** Not within the Agricultural Land Reserve.
- b. **Official Community Plan:** The Cherry Creek Official Community Plan designates the property as “Residential Use”. This designation permits a minimum parcel size of 0.24 hectares (0.6 acres) for properties connected to a community water system. The property is within the Cherry Creek Waterworks District.

The OCP designates a Development Permit Area (DPA) that impacts development on this property: “Development Permit Area I – Riparian Areas Protection”. This DPA extends 15 m on either side of the high water mark of a minor creek. A small tributary of Rogers Creek extends near the northwest region of the property. This tributary is considered a minor creek, and a small portion of the 15 m buffer extends into the northwest corner of the subject property.

The zoning amendment and proposed subdivision complies with the policies and

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objectives of the Cherry Creek OCP. A development permit may be required at the subdivision stage.

Zoning: The property is zoned Small Holdings (A1) District. The applicant intends to rezone the property to Acreage Residential (RA2) District to allow for a three lot subdivision with a 1 acre minimum density.

	A1 District (existing)	RA2 District (proposed)
Minimum Lot Area:	2 acres	1 acre
Minimum Lot Width:	165 feet	120 feet
Lot Coverage:	-	25%
Minimum Setbacks		
Front:	25 feet	40 feet
Rear:	30 feet	30 feet
Side:	5 feet	15 feet

At present, the residence on the property does not conform to the required zoning setbacks. The residence pre-dates the Zoning Bylaw and would be considered a legal non-conforming structure as it relates to setbacks. The proposed subdivision will not increase the non-conformity, however any new construction on the property will need to comply with the setbacks required by the proposed RA2 zoning.

The zoning map amendment to Acreage Residential (RA2) District is required to facilitate subdivision of the property to a 1 acre minimum density.

Comments: Planning staff recommend that confirmation from a Registered On-Site Wastewater Practitioner that the property is capable of accommodating on-site sewage disposal to a minimum 1 acre density is required as a condition of rezoning approval. Also, as the property lies within 800 metres of a Controlled Access Highway, the bylaw must be approved by MOTI as per Section 52 of the *Transportation Act*.

Planning staff are supportive of proceeding with the public hearing process for the application as the zoning amendment generally complies with the policies and objectives of the Cherry Creek OCP and provides an opportunity for in-fill development that is similar in character with the surrounding area.

Submitted by:



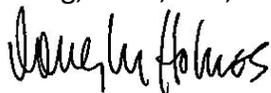
Alex Dyer, MCIP, RPP, Planning Manager



Reviewed by:

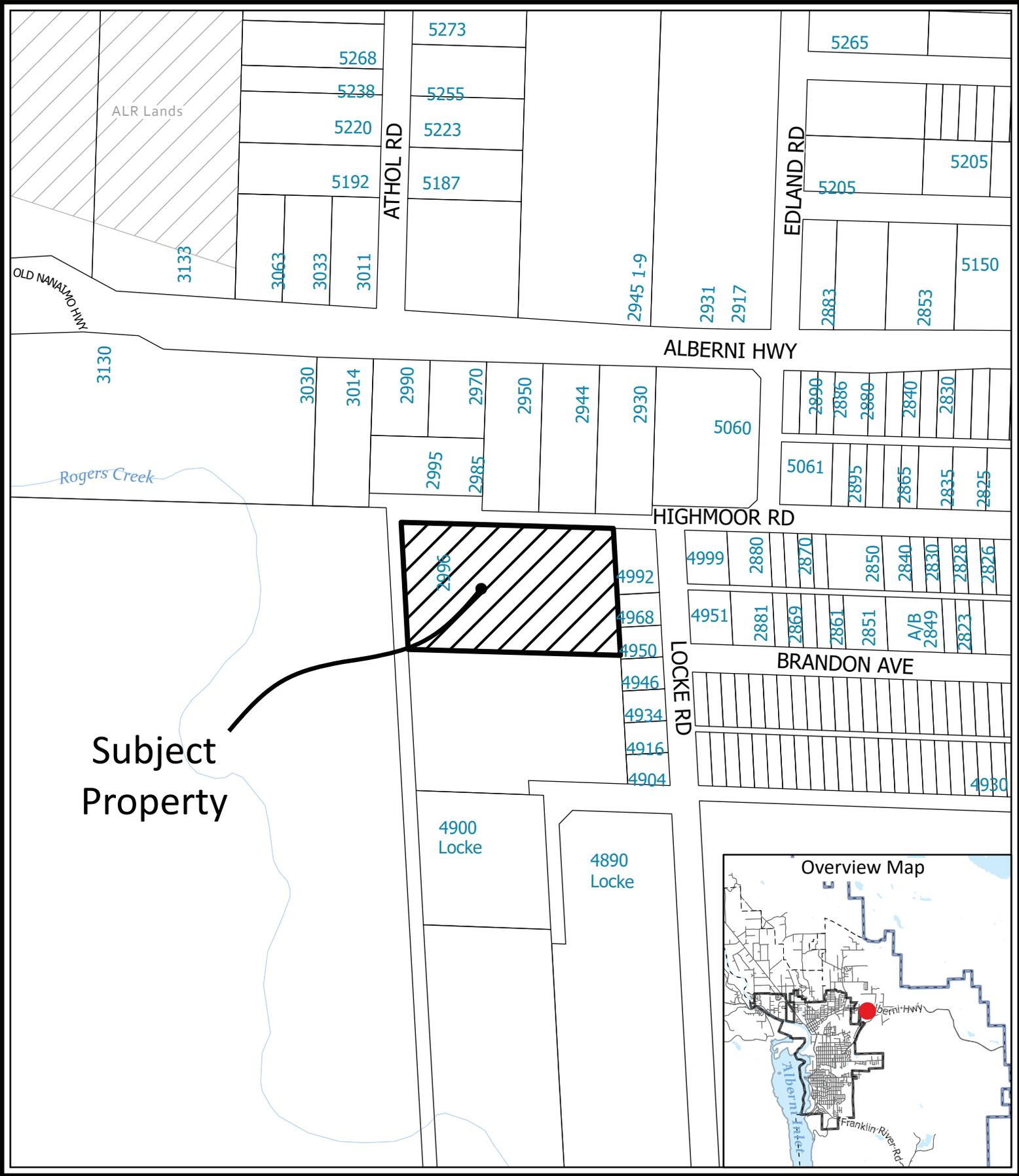
Mike Irg, MCIP, RPP, General Manager of Planning & Development

Approved by:

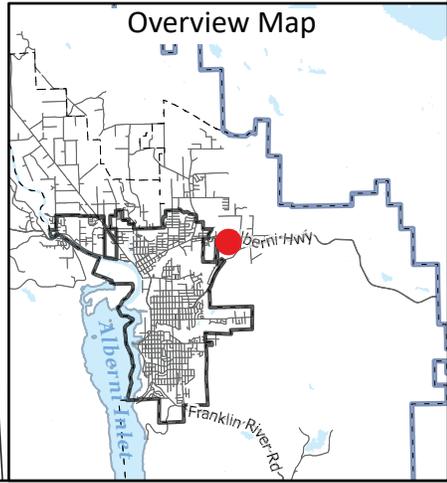


Douglas Holmes, BBA, CPA, CA, Chief Administrative Officer

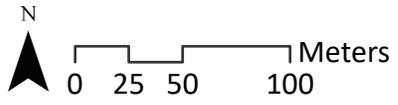
RF17010



Subject
Property



6411 Beaver Creek Road
 Legal Description: LOT 1, DISTRICT LOT 19, ALBERNI DISTRICT, PLAN
 VIP83791

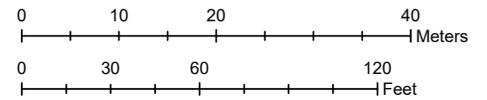




2996 Highmoor Road

Prepared 29 June 2021, ACRD.
30 cm Orthophoto 2012, TRIM

Scale: 1:500



2018 Pictures

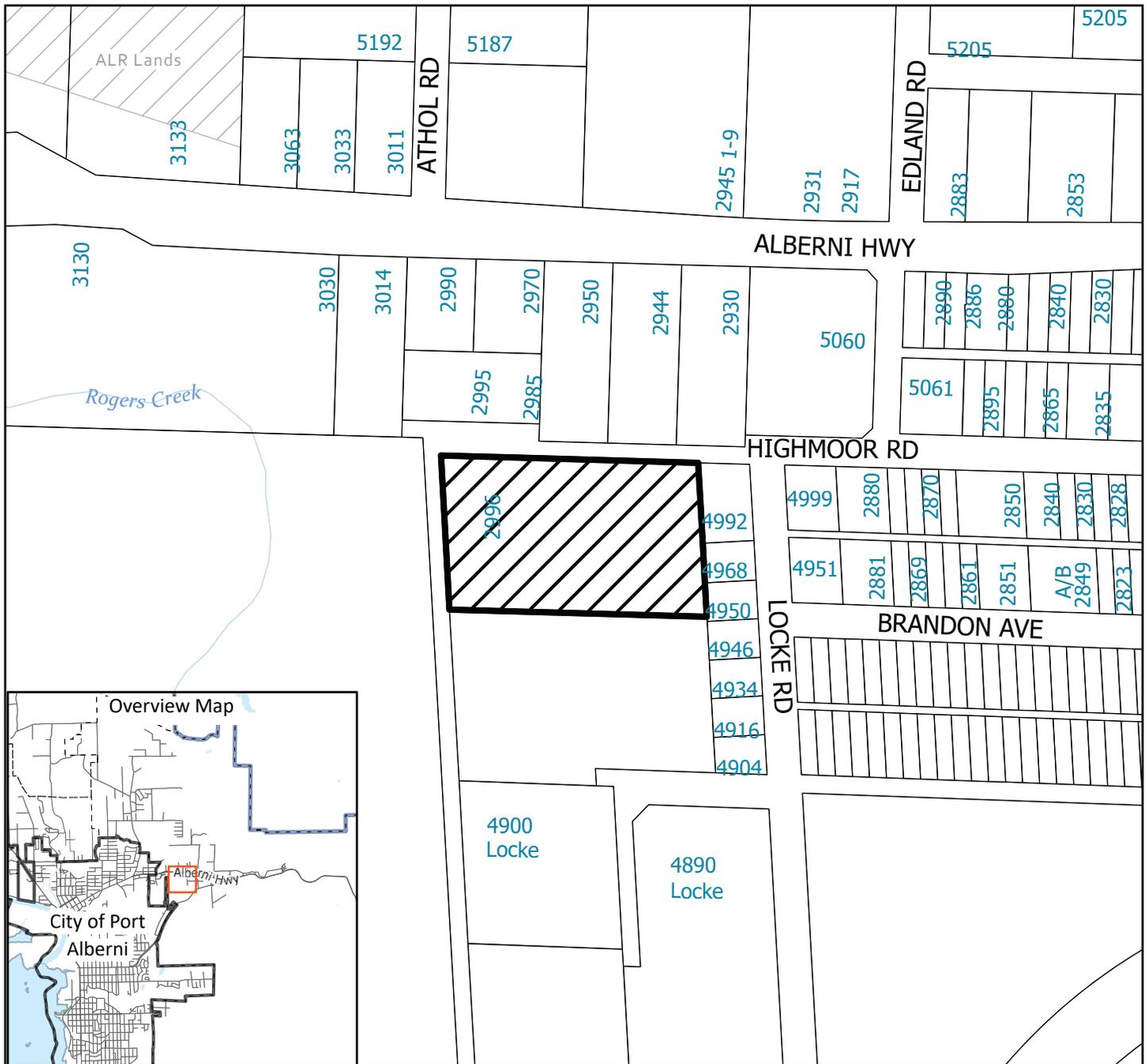






Schedule 'A'

This schedule is attached to and forms part of
Bylaw P1433



P1433 Aspell
Legal Description: LOT 1 DISTRICT LOT 19 ALBERNI DISTRICT PLAN
VIP83791



0 40 80 Meters



To be rezoned from Small Holdings (A1) District to Acreage Residential (RA2) District