



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: February 23, 2022

ACRD FILE NO.: RE21012

APPLICANTS: Justin Brooks

LEGAL

DESCRIPTION: LOT 15, DISTRICT LOT 162, ALBERNI DISTRICT, PLAN 1502

LOCATION: 6629 Beaver Creek Rd

ELECTORAL AREA: "E" Beaver Creek

Applicant's Intention: The property owner is applying to rezone the 2.02 hectare (5 acre) property to Acreage Residential (RA2) District to facilitate subdivision to a 1 acre minimum lot size. The applicant intends to subdivide the property into two parcels: a +/- 3.5 acre vacant parcel at the rear of the property accessed via panhandle and the remainder +/- 1.5 acre parcel with the existing house and improvements adjacent to Beaver Creek Road.

Recommendations:

- THAT Bylaw P1439, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw be read a first time;
- THAT the public hearing for Bylaw P1439 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 P1439 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 1 acre density;
 - b. Meeting technical referral agency requirements.

Advisory Planning Commission Recommendation: The Beaver Creek APC considered this application at a meeting held February 15th where they passed a motion to support the staff recommendation to proceed with first reading of the bylaw as proposed.

RE21012

Observations:

i) **Status of Property:** The property is 100.5 metres (330 feet) wide by 201 metres (660 feet) deep. The property slopes up away from Beaver Creek Road with the majority of the property being mostly level. There is an existing residence and a large, roofed structure with no walls located on approximately 1.5 acres adjacent to Beaver Creek Road. The property is surrounded by trees, but the interior has been mostly cleared. A portion of Plested Creek and a tributary to the creek dissect the north side of the property and the adjacent land slopes down towards the creek. There is a small area of low-lying marshy land roughly in the middle of the property in an area that was previously cleared.

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 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 additional BCWS water connection requirements.
- c. **Fire Protection:** Beaver Creek Fire Department.
- d. **Access:** The existing residence is accessed from Beaver Creek Road. The proposed new lot would also be accessed from Beaver Creek Road via a 10 metre wide panhandle proposed along the southern boundary of the property. The final lot layout would be determined at the subdivision stage. Due to the proximity of Plested Creek, and the limited sightlines along Beaver Creek Road, it may be advisable to recommend a shared driveway access for the existing and proposed lots.

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

- a. **Agricultural Land Reserve:** Not within the Agricultural Land Reserve. The property is adjacent to ALR land at the north east boundary 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.

Plested Creek and a tributary run through the property, approximately following the northern boundary and dissecting the north west corner of the lot. The Beaver Creek OCP designates a 15 metre Development Permit Area I – Riparian Areas Protection along the creek and tributary. The development permit area covers most of the north half of

RE21012

the property, and a development permit will be required as part of any future subdivision application and prior to any development or land clearing.

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 will be required at the time of subdivision.

- c. **Zoning:** The property is zoned Small Holdings (A1) District. The property owner is applying to rezone to Acreage Residential (RA2) District to accommodate a proposed two-lot subdivision.

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

The property and structures on it conform to the existing A1 District and the siting of the house and existing accessory buildings would appear to comply with the RA2 District requirements following subdivision. The existing single family dwelling is located +/- 75 feet from the southern boundary. If the property is subdivided with a 30 foot wide panhandle along the southern boundary, the house would be located +/- 45 feet from the new parcel along the side lot line.

The proposed +/- 3.5 acre vacant parcel will comply with the minimum lot size and minimum average lot width required by the RA2 District zoning. The road frontage of the panhandle lot will not meet the minimum 10% road frontage requirements of the *Local Government Act* and a parcel frontage waiver application will be required at the time of subdivision.

Planning staff note that the 1 acre minimum density supported by the RA2 District zoning could facilitate subdivision of the 5 acre property in up to five lots. The applicant has only proposed a two-lot subdivision with the rezoning to RA2 required to allow the flexibility in creating a 1.5 acre lot with the existing improvements. There would be challenges to be addressed at the subdivision application stage if the property owner were to pursue the creation of any additional lots including: minimum lot width and road frontage requirements, road access, water connection, building and riparian setbacks and parkland dedication where applicable.

The proposed two-lot subdivision to a 1 acre minimum lot size requires a rezoning of the subject property from Small Holdings (A1) District to Acreage Residential (RA2) District.

RE21012

Comments: The rezoning is the first step in the applicant's proposal to subdivide the property to a 1 acre density. 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 riparian area of the Pleased Creek and tributary that run through the property. The watercourse riparian area dissects the length of the north west side of the property.
- Depending on the final lot layout, a Parcel Frontage Waiver may be required to waive the 10% minimum road frontage required by the *Local Government Act* for the proposed vacant lot accessed via panhandle. Safe access to the proposed vacant parcel will be confirmed with the Ministry of Transportation & Infrastructure at the subdivision stage.
- 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 supportive of proceeding with the public hearing process to gather public input on the application. The proposed development complies with the policies and objectives of the Beaver Creek OCP and is located close to residentially zoned lands that support small acreage lot sizes. The ACRD Board approved a similar rezoning for a two lot subdivision on the property directly across Beaver Creek Road in August 2021 and a rezoning for another small acreage subdivision approximately 300 metres to the north along the Beaver Creek Road corridor in 2020. The rezoning provides another opportunity for infill development that is in keeping with the character of the surrounding area.

Submitted by: *Alex Dyer* Type text here
Alex Dyer, MCIP, RPP, Planning Manager

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

Approved by: *Daniel Sailland*
Daniel Sailland, MBA, Chief Administrative Officer

RE21012



Property viewed from Beaver Creek Road



Looking northeast towards the rear of the property

RE21012

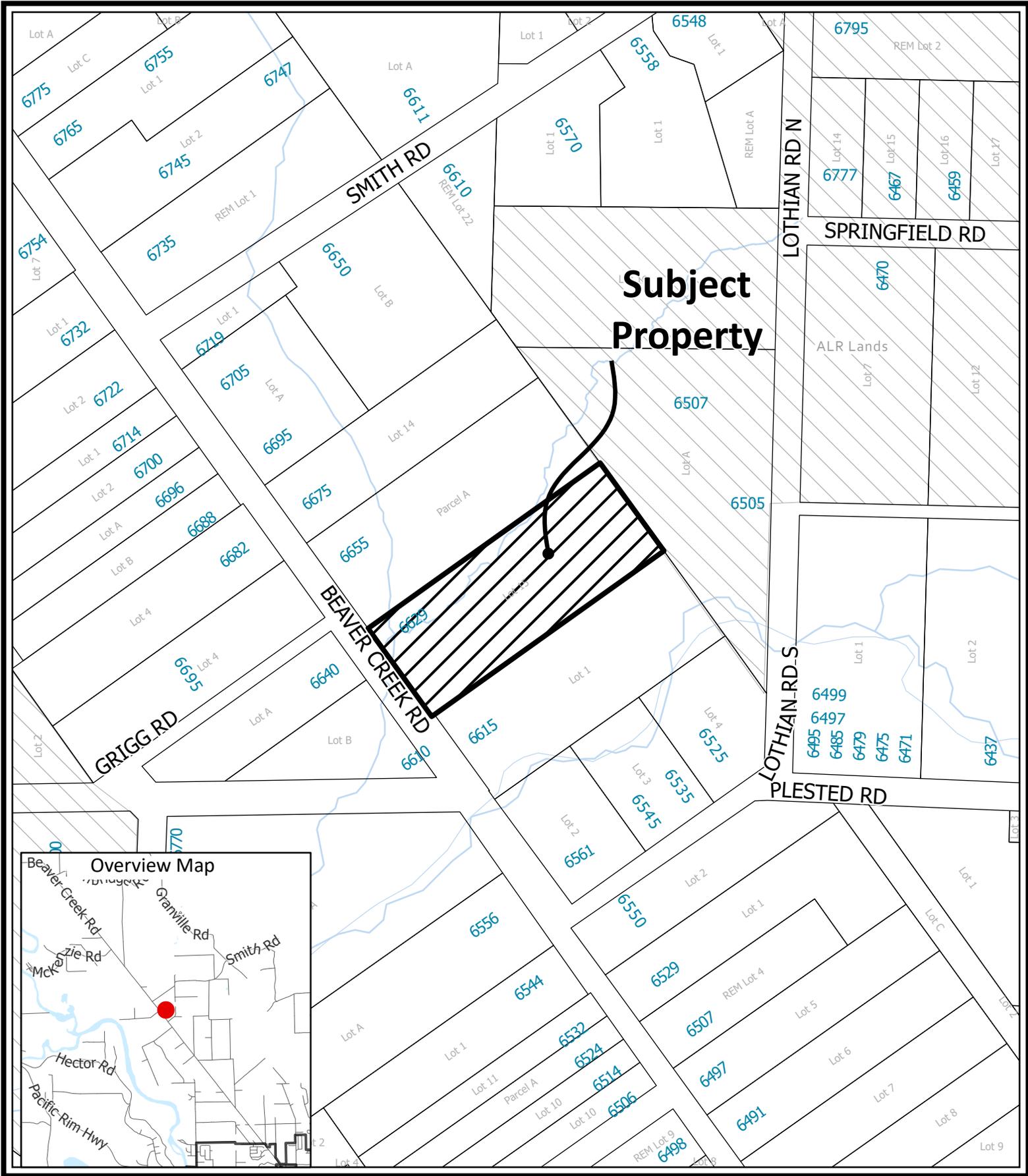


Looking towards the rear of the property from the centre.



Looking northeast towards the creek. The marshy area can be seen in the foreground.

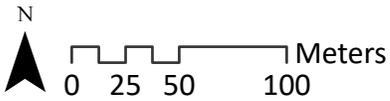
RE21012

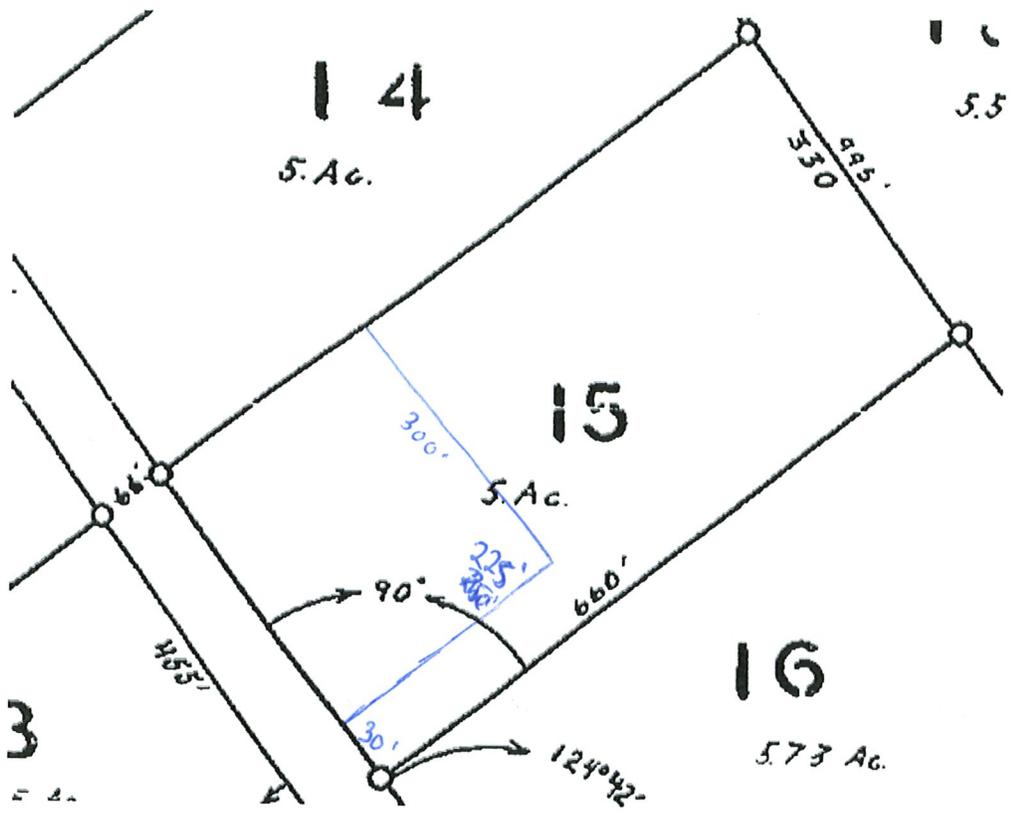


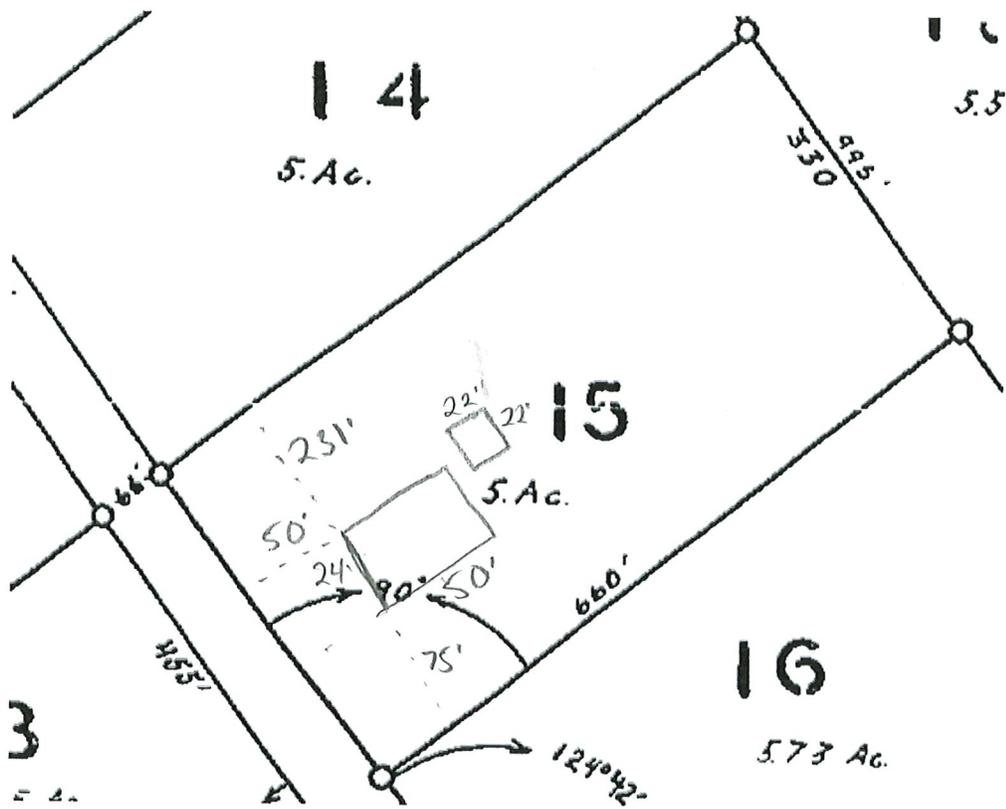
Subject Property



Legal description: LOT 15, DISTRICT LOT 162, ALBERNI DISTRICT, PLAN 1502





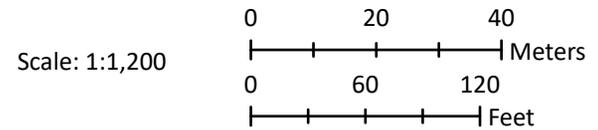




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6629 Beaver Creek Road



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. P1439

OFFICIAL ZONING ATLAS AMENDMENT NO. 747

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. P1439.

2. Bylaw No. 15 of the Regional District of Alberni-Clayoquot is hereby amended by rezoning LOT 15, DISTRICT LOT 162, ALBERNI DISTRICT, PLAN 1502 from Small Holdings (A1) District to Acreage Residential (RA2) 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 , 2022
Public Hearing held this day of , 2022
Read a second time this day of , 2022
Read a third time this day of , 2022

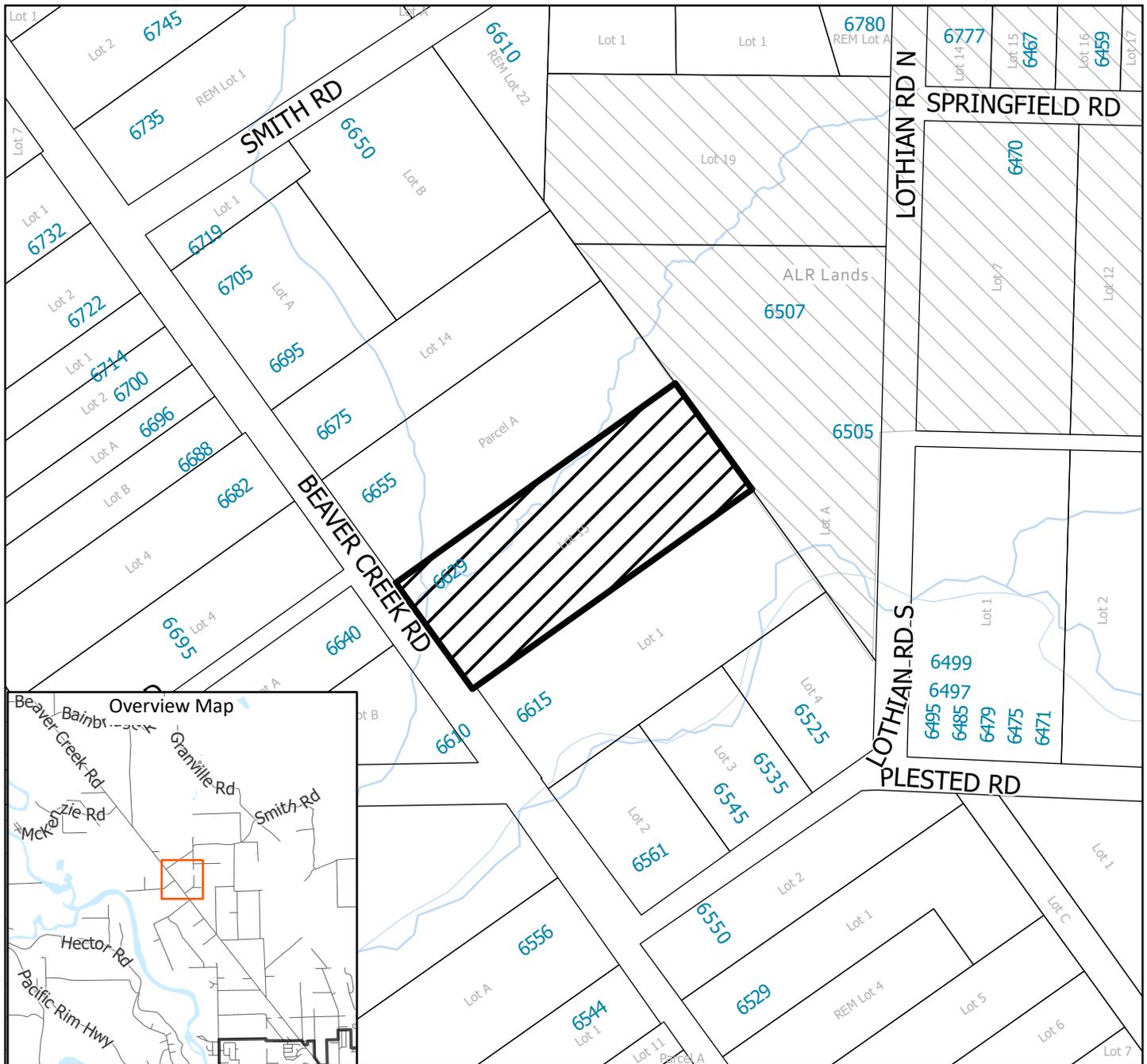
Adopted this day of , 2022.

Corporate Officer

Chair of the Regional Board

Schedule 'A'

This schedule is attached to and forms part of
Bylaw P1439



P1439 Brooks

Legal description: LOT 15, DISTRICT LOT 162, ALBERNI DISTRICT,
PLAN 1502



0 25 50 100 Meters



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