



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:	September 7, 2022
ACRD FILE NO.:	RE21020
APPLICANTS:	Bryan Oscienny
LEGAL DESCRIPTION:	LOT 3, DISTRICT LOTS 40 AND 162, ALBERNI DISTRICT, PLAN 20492
LOCATION:	6535 Plested Road
ELECTORAL AREA:	"E" Beaver Creek

Applicant's Intention: The property owner is applying to rezone the +/- 0.54 hectare (+/- 1.34 acre) property from Small Holdings (A1) District to Acreage Residential (RA3) District to facilitate subdivision to a 0.6 acre minimum lot size. The applicant intends to subdivide the property into two parcels both +/- 0.27 hectare (+/- 0.67 acre) in size and fronting Plested Road. The lot which will be on the northeast half is currently occupied by an accessory structure. The lot which will be on the southwest half contains the existing house and improvements.

Recommendations:

- THAT Bylaw P1464, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw, be read a first time;
- THAT the public hearing for Bylaw P1464 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 P1464 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 July 11th meeting and the APC passed a motion to support the rezoning application as presented subject to meeting all requirements of adoption.

Observations:

- i) **Status of Property:** The property is +/- 60 meters (+/- 196 feet) wide by +/- 91 meters (+/- 300 feet) deep. It is bordered by Plested Road on the south and residential properties on the other 3 sides.

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The property is fairly level adjacent to Plested Road and then drops steeply down to Plested Creek. The creek ravine cuts off approximately the rear half of the property. The steeply sloping land adjacent to the creek is forested, and there is a path that leads down to the water's edge. The developed portion of the property is mostly clear of trees. There is an existing mobile home and a detached shed located on the west half of the property, and a detached garage/shop located on the east half of the property adjacent to an area where an older mobile home was removed by a previous owner of the property.

ii) Services

- a. **Sewage Disposal:** On-site 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 land to accommodate on-site sewage disposal to a 0.6-acre density.
- b. **Water Supply:** Beaver Creek Water Service. If the rezoning is successful and the property owner proceeds with subdivision, the applicant will need to apply for a new Beaver Creek Water System (BCWS) service, satisfy the requirements of Development Cost Charge Bylaw F1133 which includes a development cost charge of \$5,023, and satisfy any BCWS water connection requirements identified by the ACRD Community Services department.
- c. **Fire Protection:** Beaver Creek Fire Department.
- d. **Access:** The existing residence is accessed from Plested Road. The proposed new lot would also be accessed from Plested Road. The final lot layout would be determined at the subdivision stage.

iii) Existing Planning Policies Affecting the Site

- a. **Agricultural Land Reserve:** Not within the Agricultural Land Reserve.
- 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 Beaver Creek OCP designates a 15 metre Development Permit Area I – Riparian Areas Protection along designated creeks and approximately two-thirds of the subject property falls within this DP area. A development permit will 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 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 (RA3) District to accommodate a proposed 2 lot subdivision. The property does not conform to the minimum lot size in the A1 district, as it is only 1.35 acres. Rezoning the property would bring it into conformity with regards to the lot size and a site survey would be required to determine whether the existing structures meet the building setback requirements of the RA3 district.

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	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.

At the time of subdivision, the applicants will be required to provide a survey plan to confirm the location of existing building in relation to the proposed new lot line. The RA3 District zoning does not permit the siting of an accessory building on a lot without a principal dwelling. At the time of subdivision, the existing accessory building located within the proposed vacant lot on the east side of the property will need to be removed.

The proposed development requires a rezoning of the subject property from Small Holdings (A1) District to Acreage Residential (RA3) District to facilitate a 2 lot subdivision.

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:

- A Development Permit Application to address any impact to the riparian area of the Plested Creek that cuts through the property.
- BC Land Survey to confirm the siting of existing buildings on the property in relation to the proposed new lot line and the removal of the existing accessory building located along the east lot line within the proposed vacant lot.
- 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.

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.

The creek ravine that dissects the property limits the available building envelope considering the 30 metre creek setbacks currently required by the Zoning Bylaw and the 15 metre front yard setback required by the RA3 District. Planning staff have prepared a sample building envelope map that indicates there does appear to be a suitable building envelope for one single family dwelling to be located on each of the proposed +/- 0.67 acre lots. The average depth of the building envelope for a dwelling on each lot ranges from 47 feet to 80 feet. The draft updated Zoning Bylaw proposes to reduce the required building setback from a minor watercourse to 15 metres, rather than 30 metres from all watercourses, which would further expand the building envelope if the updated Zoning Bylaw proceeds as drafted.

The proposed development complies with the policies and objectives of the Residential Use designation in the Beaver 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 proceed with first reading of the bylaw and proceeding with the public hearing process for the rezoning application.

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Submitted by: *Sarah Foulkes*
Sarah Foulkes, Junior Planner

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

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



West half of the property viewed from Plested Road, showing the mobile home and detached accessory structure.

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East half of the property viewed from Plested Road, showing the detached workshop and second driveway.

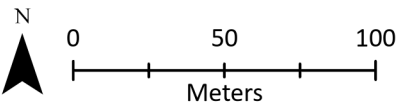
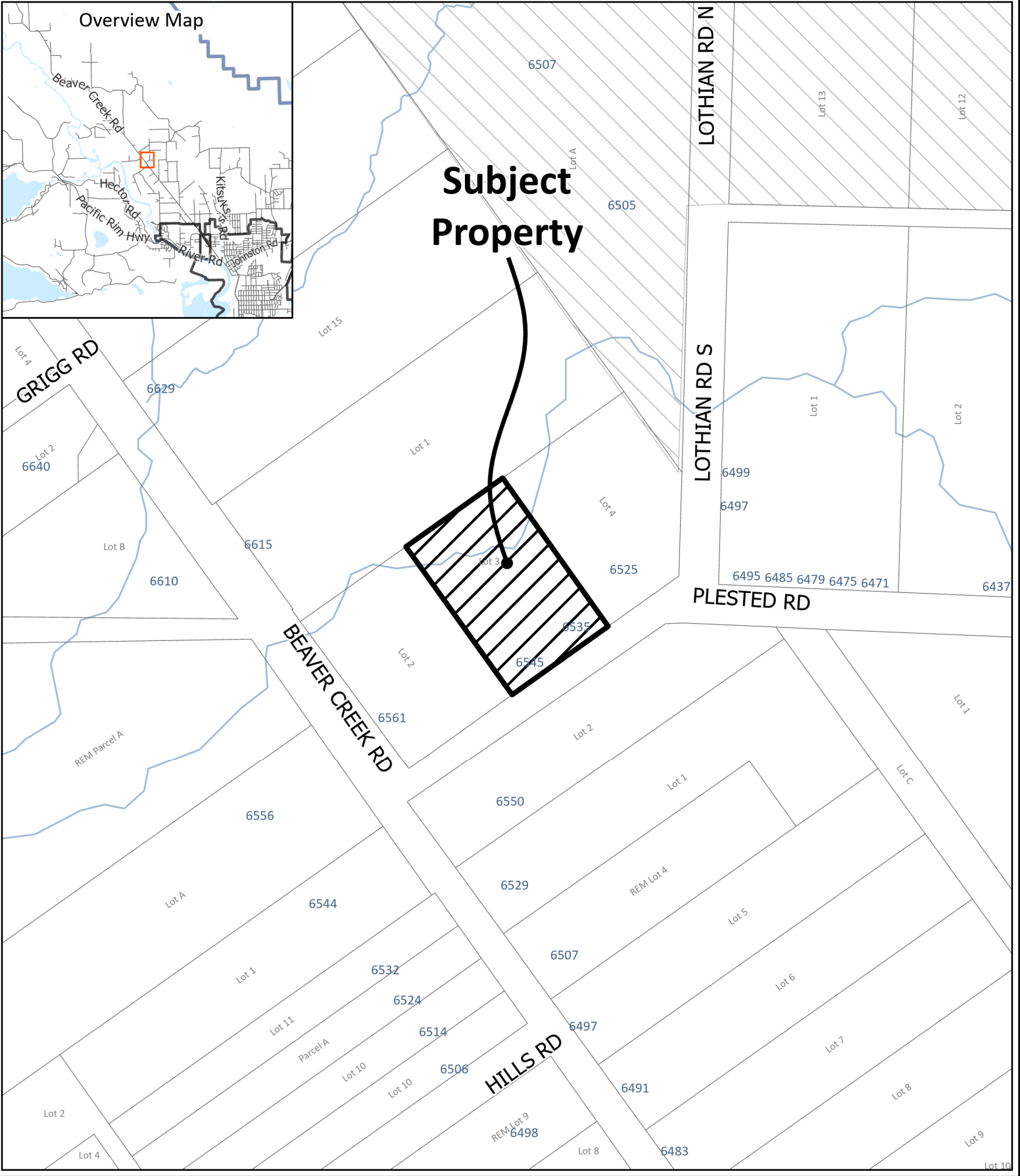


Looking down at Plested Creek from the rear yard. The property continues on the other side of the creek.

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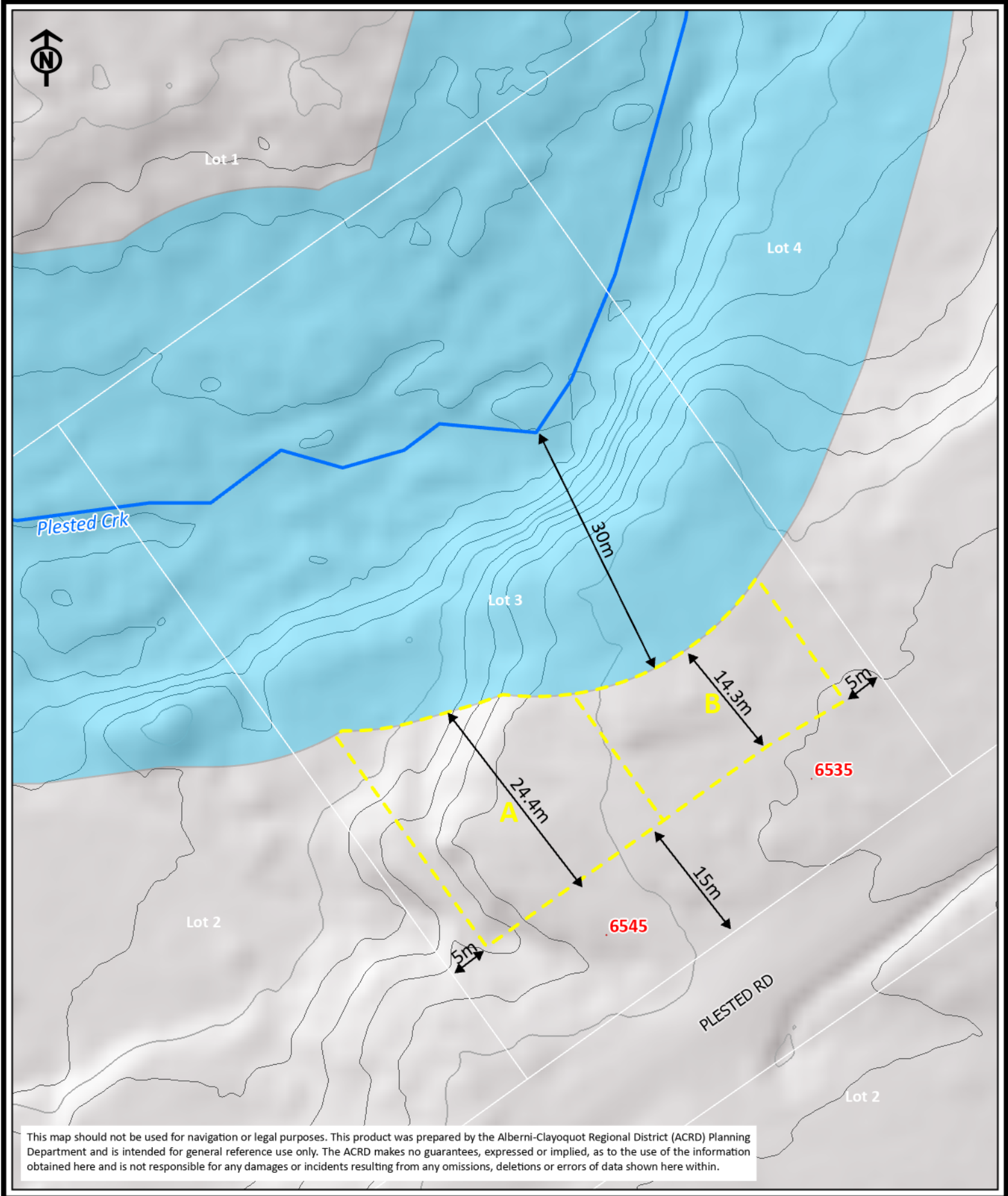


Subject Property



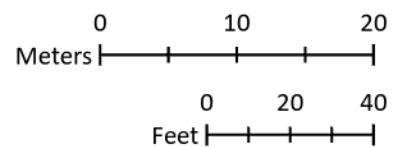
Legal description: LOT 3, DISTRICT LOTS 40 AND 162, ALBERNI DISTRICT, PLAN 20492





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6535 Plested Road - Sample building setbacks



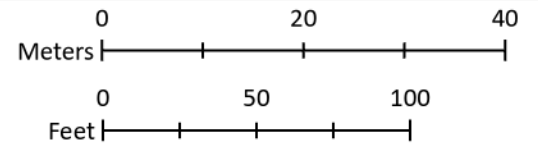


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Prepared 28 June 2022, ACRD
 Imagery: TRIM, 2012, Prov. BC



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. P1464

OFFICIAL ZONING ATLAS AMENDMENT NO. 762

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. P1464.
2. Bylaw No. 15 of the Regional District of Alberni-Clayoquot is hereby amended by rezoning a portion of LOT 3, DISTRICT LOTS 40 AND 162, ALBERNI DISTRICT, PLAN 20492 from Small Holdings (A1) District to 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 , 2022
Public Hearing held this day of , 2022
Read a second time this day of , 2022
Read a third time this day of , 2022

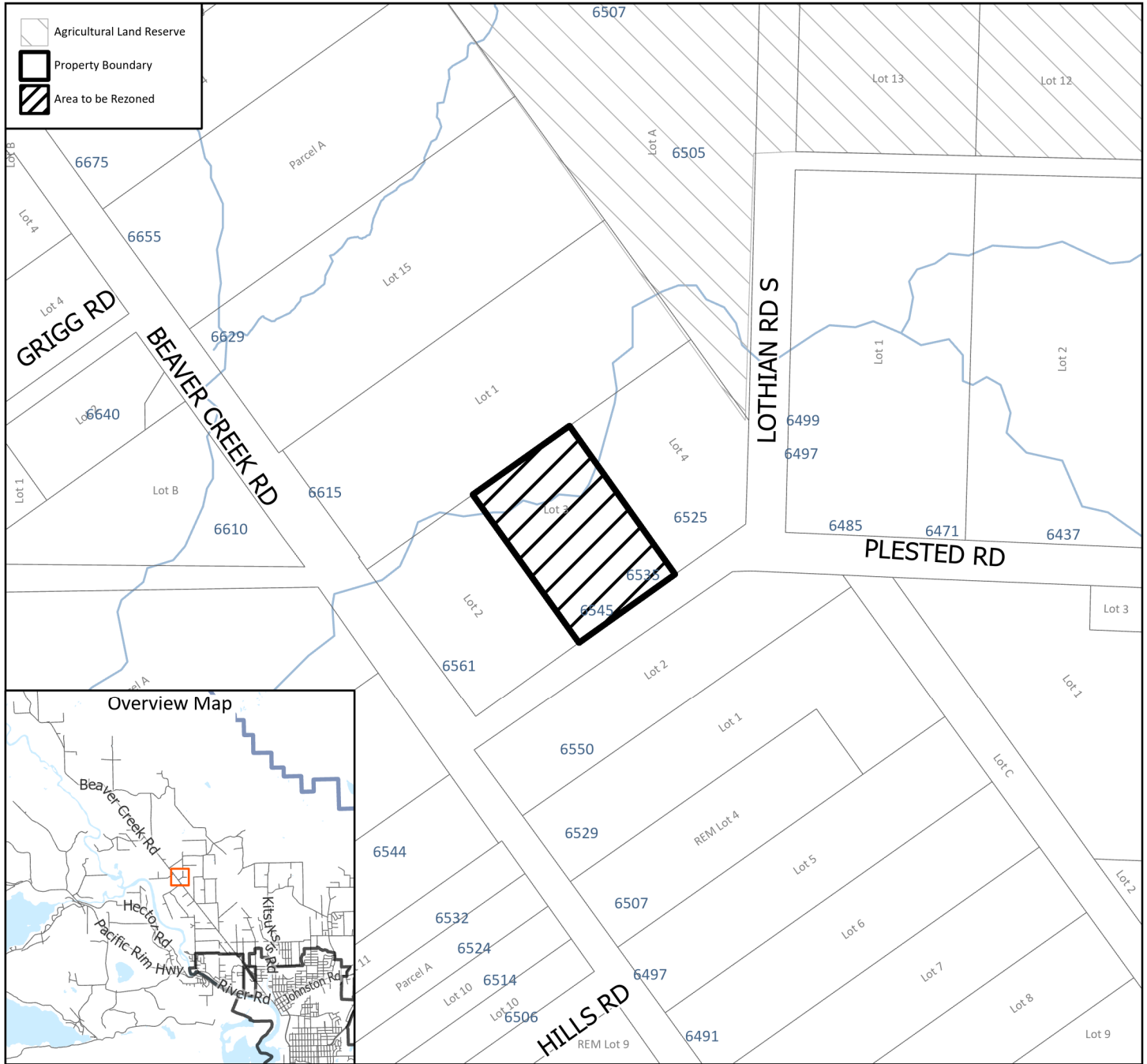
Adopted this day of , 2022

Corporate Officer

Chair of the Regional Board


Schedule 'A'

This schedule is attached to and forms part of Bylaw P1464,
Zoning Atlas Amendment Bylaw



Legal description: LOT 3, DISTRICT LOTS 40 AND 162, ALBERNI DISTRICT, PLAN 20492



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