



**To:** ACRD Board of Directors

**Meeting Date:** February 22, 2023

**From:** Alex Dyer, Planning Manager

**File #:** RE22006/PL20220024

**Application Type:** Rezoning

**Electoral Area:** "E" Beaver Creek

**Subject:** Rezoning application RE22006 – 5605 Mersey Road (Colyn)

**Recommendation:**

- THAT Bylaw P1456, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw be read a first time;
- THAT the public hearing for Bylaw P1456 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 P1456 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.

**Development Proposal:** The property owners are applying to rezone their 1.6 hectare (4 acre) property located at 5605 Mersey Rd from Small Holdings (A1) District to Acreage Residential (RA3) District in order to accommodate a five (5) lot subdivision. The conceptual subdivision plan provided includes three 0.27 ha (0.67 ac) vacant lots at the east end of the property accessed from Strick Road and two 0.4 ha (1 ac) lots on the west side of the property accessed from Mersey Road, one lot being vacant and one lot containing the existing single family dwelling and accessory building.

**Advisory Planning Commission Recommendation:** This application will be considered by the Beaver Creek Advisory Planning Commission (APC) at their February 16, 2023 meeting. The APC recommendation will be included in this report following the meeting.

**Property Owner(s)/Applicant(s):** Willem and Helle Colyn

**Agent:** Rachel Hamling c/o Prism Land Surveying

**Property Information:**

Civic Address	5605 Mersey Road						
Legal Description	LOT 4, DISTRICT LOT 21, ALBERNI DISTRICT, PLAN 927						
PID	008-168-334	Folio	548.000	ALR? (Y/N)	No	Lot Size	1.6 ha (4 ac)

Current Zoning	A1 – Small Holdings District	Proposed Zoning	RA3 – Acreage Residential District
Current OCP	Residential Use	Proposed OCP	N/A

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Development Permit Area(s)	DPA II – Protection From Natural Hazards
Current Use & Description	The 1.6 hectare (4 acre) property is mostly level with a slight decrease in elevation from west to east. There is a single family dwelling and barn structure located in the south west corner and the remainder of the property is cleared with the exception of a stand of deciduous trees in the north west portion and a buffer of hedge screening along the perimeter of the parcel. The property is bounded by Mersey Road to the west, Pierce Road to the south and Strick Road to the east. The property is situated in an area with a mix of Rural and Residential zoning and the south west corner and the south east side of the property abuts the City of Port Alberni boundary across Pierce Road.

Surrounding Zoning and Land Use			
North	RA2 District – One-acre parcels	South	A1 District and City of Port Alberni lands
East	A2 District – Five-acre parcel	West	Two Family Residential (R2) District – smaller Residential lots.

**Services:**

- a) **Sewage Disposal:** Onsite 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 Community Water. If the rezoning is successful and the property owner proceeds with subdivision, the applicant will need to apply for new Beaver Creek Water System (BCWS) services, satisfy the requirements of Development Cost Charge Bylaw F1133 which includes paying all development cost charges, and satisfy any BCWS water connection requirements identified by ACRD Community Services staff.
- c) **Fire Protection:** Beaver Creek Fire Department
- d) **Access:** The property is bounded by three constructed roads with 91 metres of frontage onto Mersey Road to the west, 180 metres of frontage onto Pierce Road to the south and 91 metres of frontage onto Strick Road to the east. The house on the property is currently accessed by a wraparound driveway in the south west corner of the property that connects to both Mersey and Pierce.
  - i. **Parcel Frontage Waiver:** Each of the proposed lots appear to meet the minimum road frontage requirements of the *Local Government Act*.

**Planning Policy Discussion:**

- a) **Official Community Plan:** The Beaver Creek Official Community Plan designates the property as “Residential Use”. The objective of the Residential Use designation is to provide a range of housing options within the plan area. The designation supports a 0.24 hectare (0.6 acre) minimum lot size for lots serviced by community/communal water or sewer. These proposed lots would all be connected to the Beaver Creek Water System.

The east half of the subject property lies within the outer extent of the tsunami inundation zone identified in Development Permit Area (DPA) II – Protection from Natural Hazards. If the proposal proceeds to the subdivision stage, a development permit application will be required that would include

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a qualified environmental professional preparing an assessment identifying and describing any hazards which may affect the safe development of the land and certifying that the land is safe for the intended use as it relates to tsunami risk.

***The property to be rezoned complies with the policies and objectives of the Beaver Creek OCP. A development permit application would be required for this development at the subdivision application stage as the subject property lies within DPA II – Protection from Natural Hazards.***

- b) **Zoning:** This parcel is currently zoned Small Holdings (A1) District, which has a minimum allowable lot size of 0.8 ha (2 acres). Rezoning to Acreage Residential (RA3) District would permit a minimum lot size of 0.24 ha (0.6 acres).
  - i. **Park land Dedication:** The property is being rezoned in order to subdivide a total of five lots. Park land dedication will be required at time of subdivision as per Section 510 of the *Local Government Act* which requires that park land or cash-in-lieu of park land be provided where a property is subdivided creating three or more new lots.

	Current: A1	Proposed: RA3
Minimum Lot Area (ha)	0.8 ha	0.24 ha
Minimum Lot Width (m)	50 m	30 m
Principal & Accessory Front Yard Setback (m)	7.6 m	15 m
Principal Side Yard Setback (m)	1.5 m	5 m
Principal Rear Yard Setback (m)	9 m	10 m
Accessory Side Yard Setback (m)	4.6 m	0.91 m
Accessory Rear Yard Setback (m)	4.6 m	0.91 m

The existing single family dwelling is sited 8.8 metres (28.8 feet) from the front lot line on Mersey Road, which complies with the current requirements of the A1 District. Rezoning the property to RA3 District would increase the required setback to 15 metres resulting in the existing siting of the house being non-conforming. Any new development would need to comply with the requirements of the RA3 District.

***This proposal requires a rezoning of the subject property from Small Holdings (A1) District to Acreage Residential (RA3) District to facilitate the proposed five lot subdivision.***

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

- Development Permit application to address potential tsunami risk and to satisfy the guidelines in DPA II – Protection from Natural Hazards.
- Meeting all parkland dedication requirements per s. 510 of the *Local Government Act*.
- Development Cost Charge payment to satisfy the requirements of ACRD Bylaw F1133, and meeting all requirements for connection to the Beaver Creek Water System.

As a condition of rezoning, staff recommend that the applicants be required to engage a Registered On-site Wastewater Practitioner to assess the capability of the land in accommodating on-site sewage disposal to a 0.6-acre density.

Planning staff are initially supportive of the rezoning application and recommend that the Board give first reading to the bylaw and proceed with the public hearing process to gather public input on the proposal. The proposed development complies with the policies and objectives of the Residential Use designation in the Beaver Creek OCP. The subdivision provides an opportunity for additional housing in the community and in-fill development in an area that abuts the boundary of the City of Port Alberni. The property is bounded on three sides by constructed roads with level access and is in close proximity to services provided in the City. Staff highlight that the property is also situated directly adjacent to an existing BC Transit route.

*Alex Dyer*

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

*Michael Irg*

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

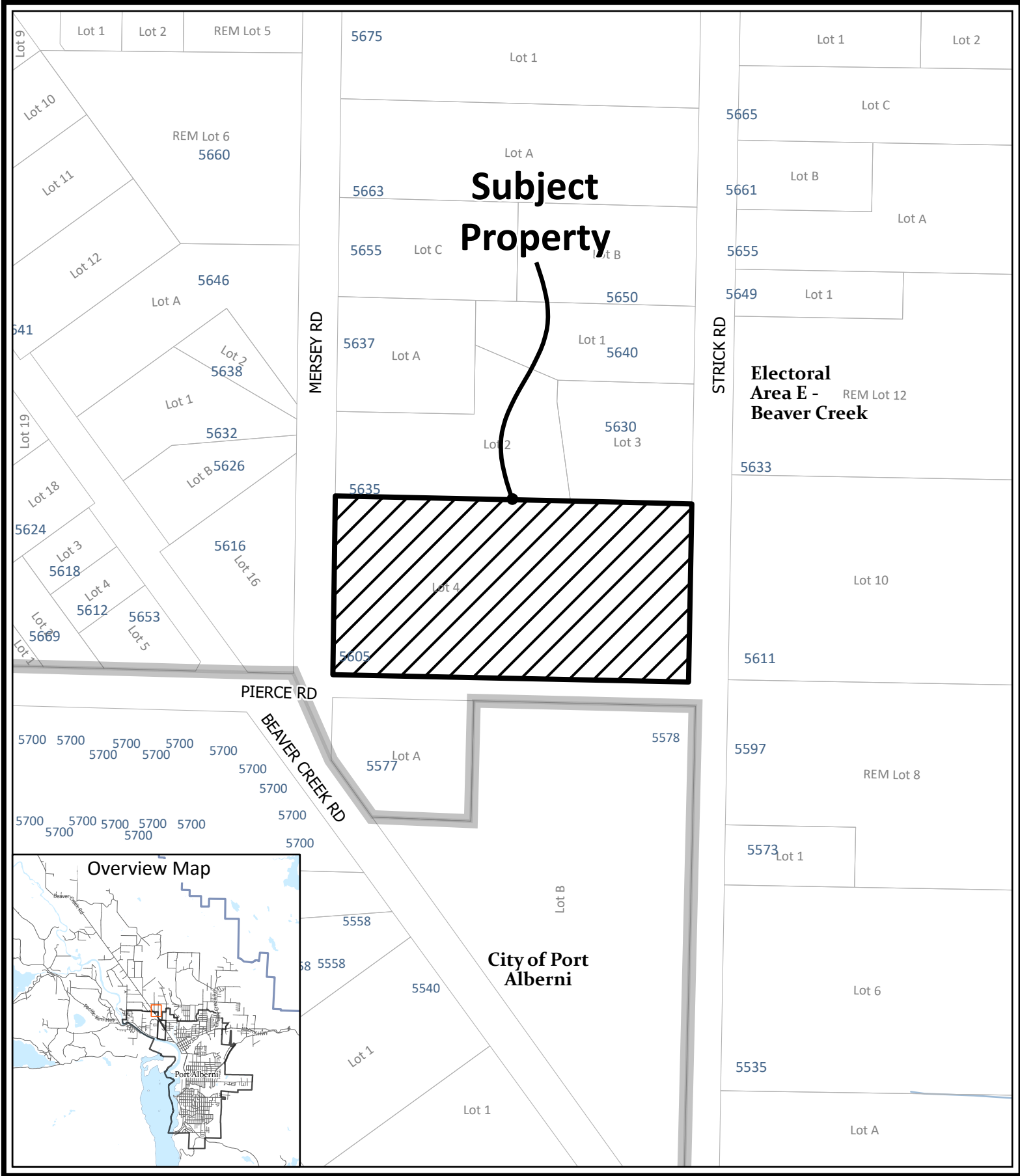
*Daniel Sailland*

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Approved by: Daniel Sailland, MBA, Chief Administrative Officer

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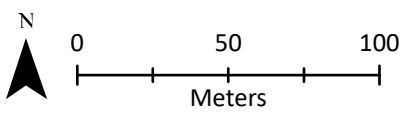
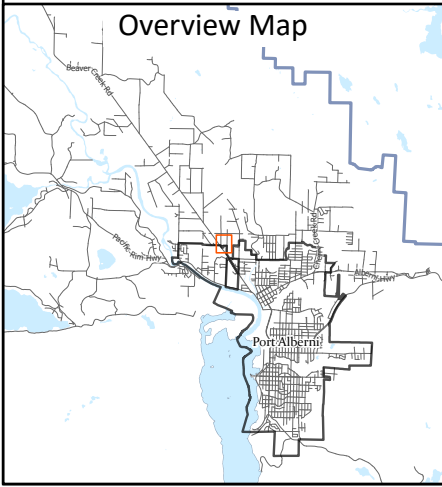
Members: City of Port Alberni, District of Ucluelet, District of Tofino, Yuułuʔiłʔatḥ Government, Huu-ay-aht First Nations, Uchucklesaht Tribe, Toquaht Nation  
Electoral Areas "A" (Bamfield), "B" (Beaufort), "C" (Long Beach), "D" (Sproat Lake), "E" (Beaver Creek) and "F" (Cherry Creek)




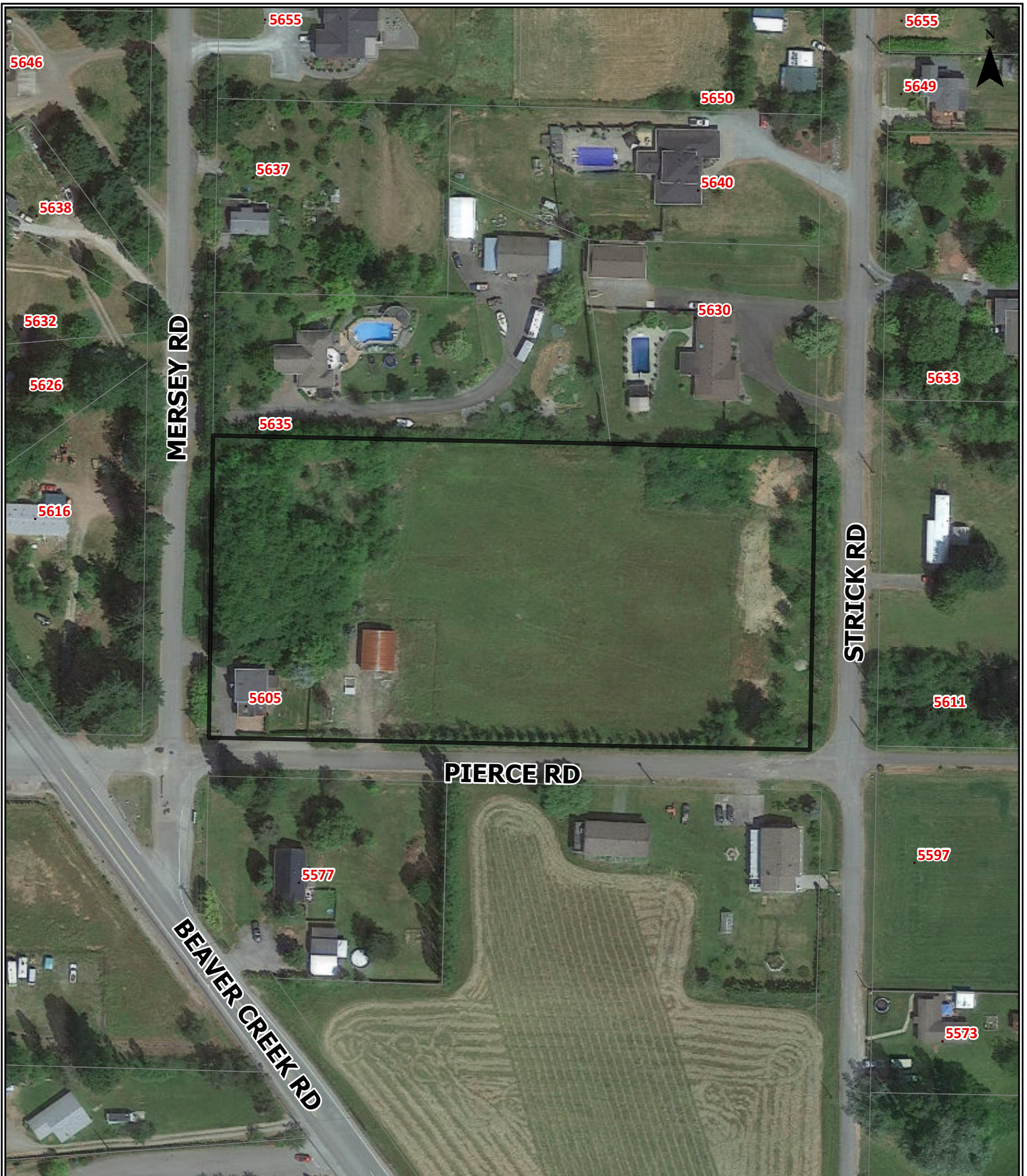
**Subject  
Property**

**Electoral  
Area E -  
Beaver Creek**

**City of Port  
Alberni**




 5605 Mersey Rd  
 LOT 4, DISTRICT LOT 21, ALBERNI DISTRICT, PLAN 927



5605 Mersey Rd  
 LOT 4, DISTRICT LOT 21, ALBERNI DISTRICT, PLAN 927

Scale 1:1,500  
 10 5 0 10  
 Meters

 Subject Property



Prepared 2023-01-30  
 Imagery: © OpenStreetMap  
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 Maxar, Microsoft

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 only and should not be used for navigation or legal  
 purposes.*

RE22006

RECEIVED

MAR 18 2022



Our File: 22-015-S

2022-03-16

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

Attention: Alex Dyer

Dear Alex:

**RE: Zoning Amendment Application for Lot 4, District Lot 21, Alberni District, Plan 927  
5605 Mersey Road, Port Alberni**

On behalf of our clients, Willem and Helle Colyn, we are applying for a zoning amendment of the above property to change the zoning from A1, with a 2 acre (.81ha) minimum parcel size to RA3, which would reduce the minimum parcel size to .59 acre (.24ha). The zoning amendment is to facilitate a 5-lot subdivision as shown on the Proposed Subdivision Plan prepared by Prism Land Surveying Ltd. (Prism).

## **BACKGROUND**

This 4.05 acre (1.64ha) property is mostly flat and cleared. There is a forested area at the northwest corner. The property occupies an existing dwelling and shop as shown on the Proposed Subdivision Plan. The property is surrounded by similar rural residential properties in all directions.

There are no eagle/heron nesting trees identified by our client.

The property will be serviced by Beaver Creek Water District and individual septic systems. Blair Pletti, a Registered On-Site Wastewater Practitioner, will be assessing the soils for on-site sewage disposal to ensure primary and reserve septic areas on each lot meet Island Health Subdivision Standards. We will forward ACRD the results when the information is available.

## **PROPOSAL**

Our clients propose to amend the zoning to allow for higher density to facilitate a 5-lot subdivision.

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223 FERN ROAD WEST, QUALICUM BEACH, BC, V9K 1S4

Tel: (250) 752-9121 Fax: (250) 752-9241

Email: [rachel@prismlandsurveying.ca](mailto:rachel@prismlandsurveying.ca)/[kelly@prismlandsurveying.ca](mailto:kelly@prismlandsurveying.ca)

The ACRD and Official Community Plan 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 lies within the Protection from Natural Hazards Development Permit Area due to the tsunami zone. As such, we will be retaining the services of a geotechnical engineer to provide us with a report to ensure that the land is safe to be subdivided and built upon.

## ENCLOSURES

In support of this application, we enclose:

- Application for Development form
- Title search
- Letter of authorization
- Proposed Subdivision Plan prepared by Prism Land Surveying Ltd.
- Site Profile

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

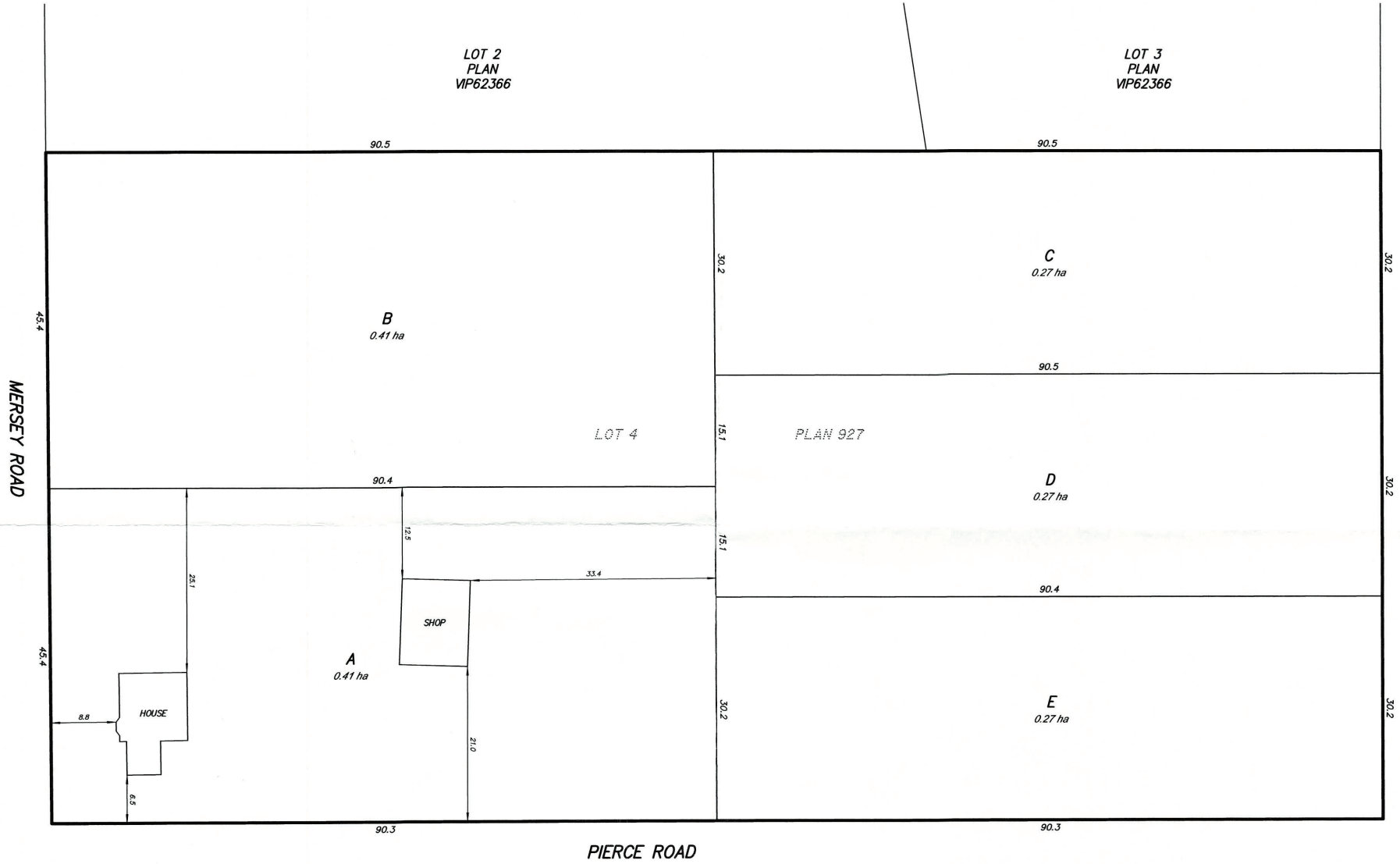
Sincerely,



for:

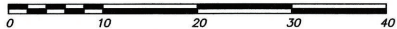
Rachel Hamling  
Land Development Consultant

RH:ka  
Enclosures



**PROPOSED SUBDIVISION PLAN  
OF LOT 4, DISTRICT LOT 21,  
ALBERNI DISTRICT, PLAN 927.**

**SCALE 1:400**



**NOTES**

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.  
ALL DISTANCES ALONG CURVES ARE ARC DISTANCES.  
ALL DIMENSIONS AND AREA ARE SUBJECT TO FINAL SURVEY.

**LEGEND**

DL DENOTES DISTRICT LOT  
REM DENOTES REMAINDER  
ha DENOTES HECTARES

No.	DATE	REVISION
1	2022/03/02	INITIAL 5 LOT PROPOSAL

**PRISM**  
LAND SURVEYING LTD.  
223 FERN ROAD W.  
QUALICUM BEACH, B.C. V9K 1S4  
PHONE: 250-752-9121  
FAX: 250-752-9241  
FILE NUMBER: 22-015-S  
DRAWING NUMBER: 22-015 P1B.DWG  
DATE: 2022/03/02



A BYLAW TO AMEND THE REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT ZONING BYLAW 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 Bylaw No. 15, 1971:

1. TITLE

This bylaw may be cited as the Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw P1456.

2. Bylaw No. 15 of the Regional District of Alberni-Clayoquot is hereby amended by rezoning: LOT 4, DISTRICT LOT 21, ALBERNI DISTRICT, PLAN 927 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	,
Public hearing held this	day of	,
Read a second time this	day of	,
Read a third time this	day of	,
Adopted this	day of	,

\_\_\_\_\_  
Corporate Officer

\_\_\_\_\_  
Chair of the Regional Board

