



To: ACRD Board of Directors

Meeting Date: February 22, 2023

From: Amy Needham, Junior Planner

File #: RE22012/PL20220058

Application Type: Rezoning

Electoral Area: "E" Beaver Creek

Subject: Rezoning application RE22012 – 6038 Kirkpatrick Road E (Hetherington)

Recommendation:

- THAT Bylaw P1471, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw be read a first time;
- THAT the public hearing for Bylaw P1471 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 P1471 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 owner is applying to rezone their 1.13 hectare (2.8 acre) parcel located at 6038 Kirkpatrick Road East from Small Holdings (A1) District to Acreage Residential (RA3) District in order to accommodate a three-lot subdivision – two vacant lots (0.36 ha and 0.25 ha) and the remaining 0.53 ha (1.3 ac) containing the single family dwelling and accessory buildings.

Advisory Planning Commission Recommendation: This application was considered by the Beaver Creek Advisory Planning Commission (APC) at their February 16, 2023 meeting. The APC passed a recommendation to support the rezoning application as presented and to concur with the staff recommendation.

Property Owner(s)/Applicant(s): Aaron Paul Hetherington

Agent: Rachel Hamling c/o Prism Land Surveying

Property Information:

Civic Address	6038 Kirkpatrick Road E						
Legal Description	LOT A, DISTRICT LOT 88, ALBERNI DISTRICT, PLAN 15897						
PID	002-395-029	Folio	1083.000	ALR? (Y/N)	No	Lot Size	1.13 ha (2.8 ac)
Current Zoning	A1 – Small Holdings District			Proposed Zoning	RA3 – Acreage Residential District		
Current OCP	Residential Use			Proposed OCP	N/A		
Development Permit Area(s)	None						

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Current Use & Description	<p>The 1.13 hectare (2.8 acre) property is mostly level and treed, apart from the area that occupies the single family dwelling, shop, shed and pool in the northeast corner. The property has a regular rectangular shape, with 100.6 meters (330 feet) of road frontage on Kirkpatrick Road E to the north, 112.8 meters (370 feet) along both the east and west boundary, and 100.6 meters (330 ft) along the south boundary.</p> <p>The property is situated in an area mainly comprised of Small Holdings (A1) District lots, which are generally acreage residential parcels. The Beaver Creek Fire Hall and Nordstrom Park (zoned P2) are located across the road to the north, and there is a Commercial zoned lot located to the southeast.</p>
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Surrounding Zoning and Land Use

North	Park & Public Use (P2) District	South	Small Holdings (A1) District
East	Small Holdings (A1) District	West	Small Holdings (A1) District

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 Service Area
- d) **Access:** The house on the property is currently accessed from Kirkpatrick Road East. Future access to proposed Lots 2&3 will also be off Kirkpatrick Road East, with Proposed Lot 3 being accessed at the rear of the property via a panhandle driveway.
 - i. **Parcel Frontage Waiver:** Proposed Lot 3 is shown with panhandle frontage only and a parcel frontage waiver will be required at the subdivision stage.

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 property is not affected by any Development Permit Areas.

This proposal complies with the policies and objectives of the Beaver Creek OCP.

- 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 will allow minimum lot sizes of 0.24 ha (0.6 acres),

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which all three proposed lots achieve.

- i. Parkland Dedication: This property is being rezoned in order to subdivide a total of three lots. Parkland dedication will not be required.

	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

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

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

- A Parcel Frontage Waiver may be required to waive the 10% minimum road frontage required by the *Local Government Act* for proposed Lot 3.
- 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, the applicants will 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. Confirmation will be required prior to the public hearing.

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.

Amy Needham

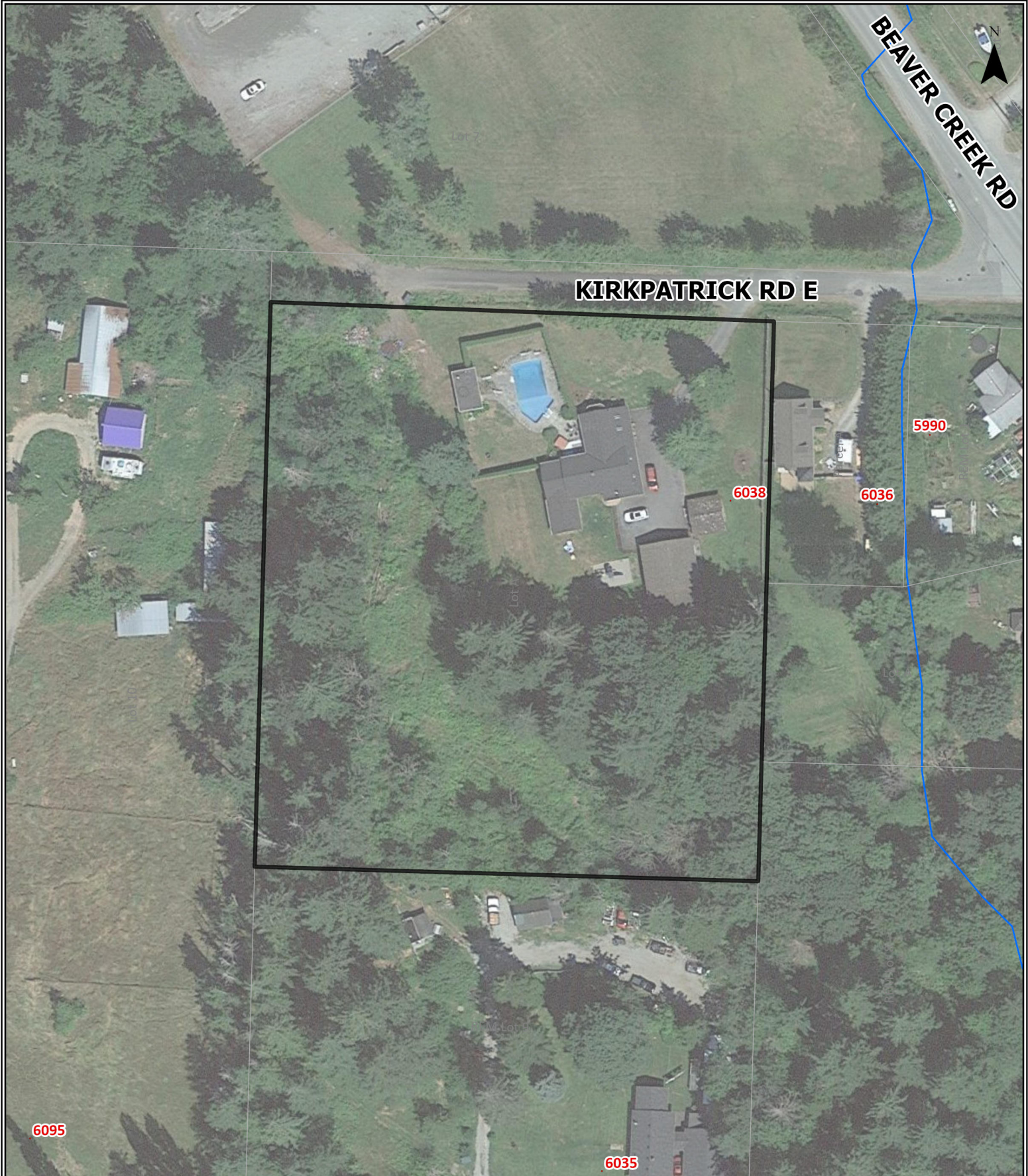
Submitted by: Amy Needham, Junior Planner

Alex Dyer


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

Daniel Sailland

Approved by: Daniel Sailland, MBA, Chief Administrative Officer

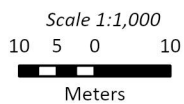


6038 Kirkpatrick Road E
LOT A, DISTRICT LOT 88, ALBERNI DISTRICT, PLAN 15897

 Subject Property



Prepared 2023-02-08
Imagery: © OpenStreetMap
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RE 22012
PL 20220058



Our File: 22-012-Z

2022-07-27

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

Attention: Alex Dyer

Dear Alex:

**RE: Rezoning Application for Lot A, District Lot 88, Alberni District, Plan 15897
6038 Kirkpatrick Road, Port Alberni**

On behalf of our client, Aaron Paul Hetherington, we are applying for a zoning amendment of the above property to change the zoning from Small Holdings District (A1), with a 1.97 acre (.80ha) minimum parcel size to Acreage Residential District (RA3), which would reduce the minimum parcel size to .59 acre (.24ha). The zoning amendment is to facilitate a 3-lot subdivision as shown on the Proposed Subdivision Plan prepared by Prism Land Surveying Ltd. (Prism).

BACKGROUND

This 2.965 acre (1.2ha) property is mostly flat and treed, apart from the area of the parcel that occupies the existing dwelling, shop, shed and pool area. The property is surrounded by A1 zoned properties to the south, east and west, and Park and Public Use District (P2) to the north.

There are no watercourses or eagle/heron trees identified by our client on the property. We understand this property lies just outside the Riparian Areas Protection Development Permit Area so a Development Permit is not required.

The property will be serviced by Beaver Creek Water District and individual septic systems. 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 they are available. We understand this report will be required before the public hearing.

PROPOSAL

Our clients propose to amend the zoning to allow for higher density to facilitate a 3-lot subdivision.

The property is accessed from Kirkpatrick Road. Proposed Lot 3 at the rear of the property would be accessed via a 6.0m wide panhandle along the westerly boundary of the property. A frontage waiver for Proposed Lot 3 will be required during the subdivision stage.

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.

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,



Rachel Hamling
Land Development Consultant

RH:ka
Enclosures

**PROPOSED SUBDIVISION PLAN OF LOT A, DISTRICT LOT 88,
ALBERNI DISTRICT, PLAN 15897.**

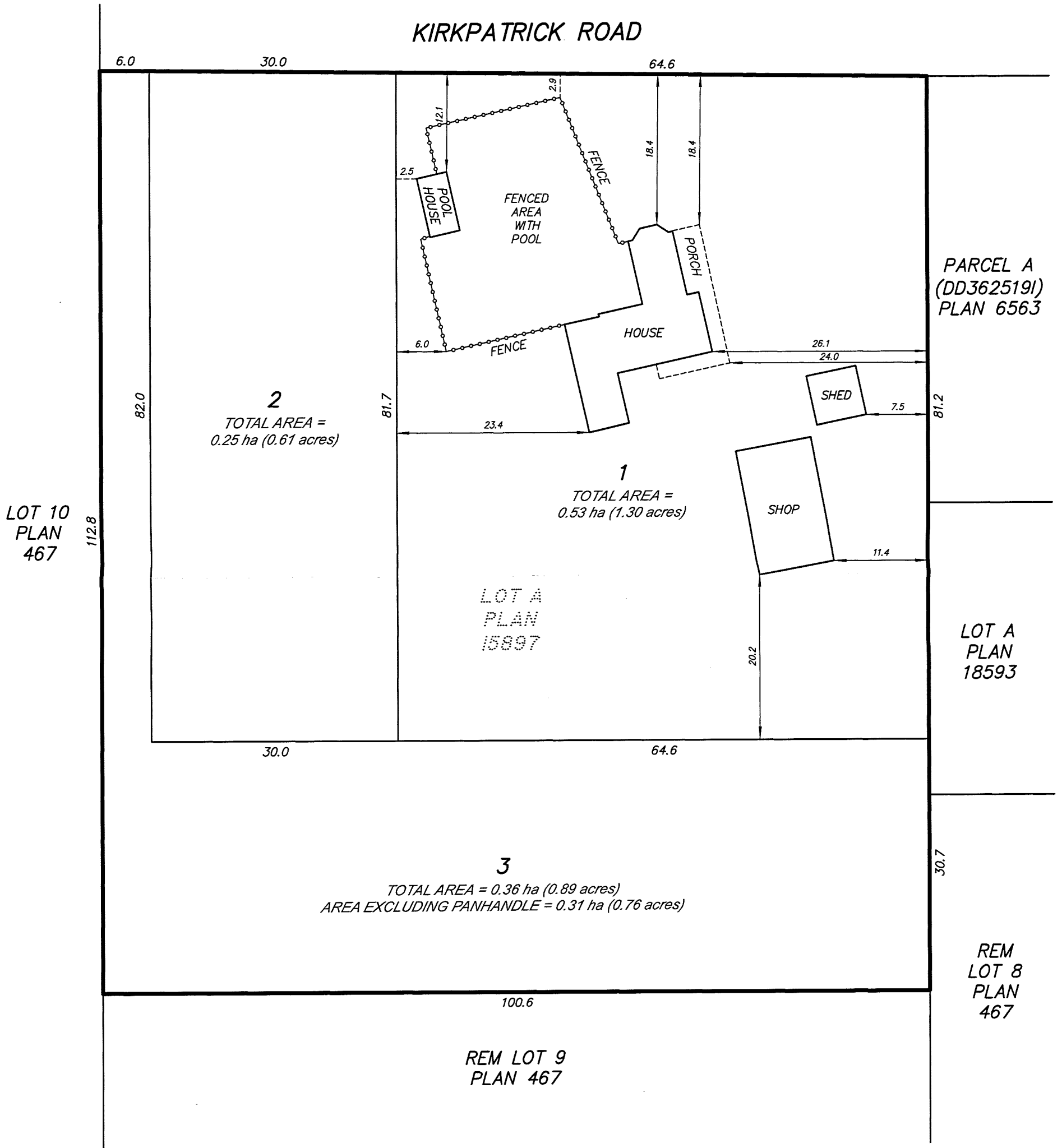
SCALE 1:500

NOTE

THE SUBJECT PROPERTY IS PROPOSED
TO BE REZONED TO ACRD RA3 ZONING.



KIRKPATRICK ROAD



LEGEND

ALL DISTANCES ARE IN METRES
AND DECIMALS THEREOF
ALL DISTANCES ALONG CURVES
ARE ARC DISTANCES
ALL DIMENSIONS AND AREAS ARE
SUBJECT TO FINAL SURVEY.
DL DENOTES DISTRICT LOT
REM DENOTES REMAINDER
ha DENOTES HECTARES

No.	DATE	REVISION
1	2022/05/12	INITIAL PROPOSAL
2	2022/05/12	ALTERNATE LAYOUT

PRISM
LAND SURVEYING LTD.
223 FERN ROAD W.
QUALICUM BEACH, B.C. V9K 1S4
PHONE: 250-752-9121
FAX: 250-752-9241
FILE NUMBER: 22-012-Z
DRAWING FILE: 22-012 P2.dwg
DATE: 2022-05-12

Site Pictures – 6038 Kirkpatrick Road East

February 9, 2023



Single family dwelling access off Kirkpatrick Road (looking south)



Road frontage looking west down Kirkpatrick Rd.



Proposed Lot 2 looking south – pool house visible on the left and access from Kirkpatrick on the right



Proposed Lot 2 looking north towards Kirkpatrick Rd.



Proposed Lot 3 looking east



Proposed Lot 3 looking west



The west end of Kirkpatrick Road E. Proposed panhandle access to Lot 3 would be past the sign.



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 P1471.

2. Bylaw No. 15 of the Regional District of Alberni-Clayoquot is hereby amended by rezoning:

LOT A, DISTRICT LOT 88, ALBERNI DISTRICT, PLAN 15897 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.

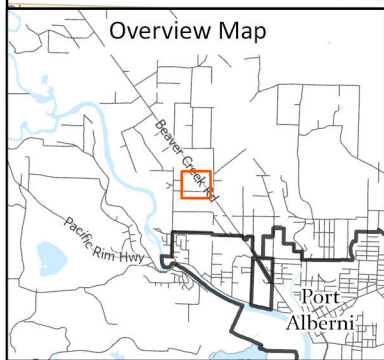
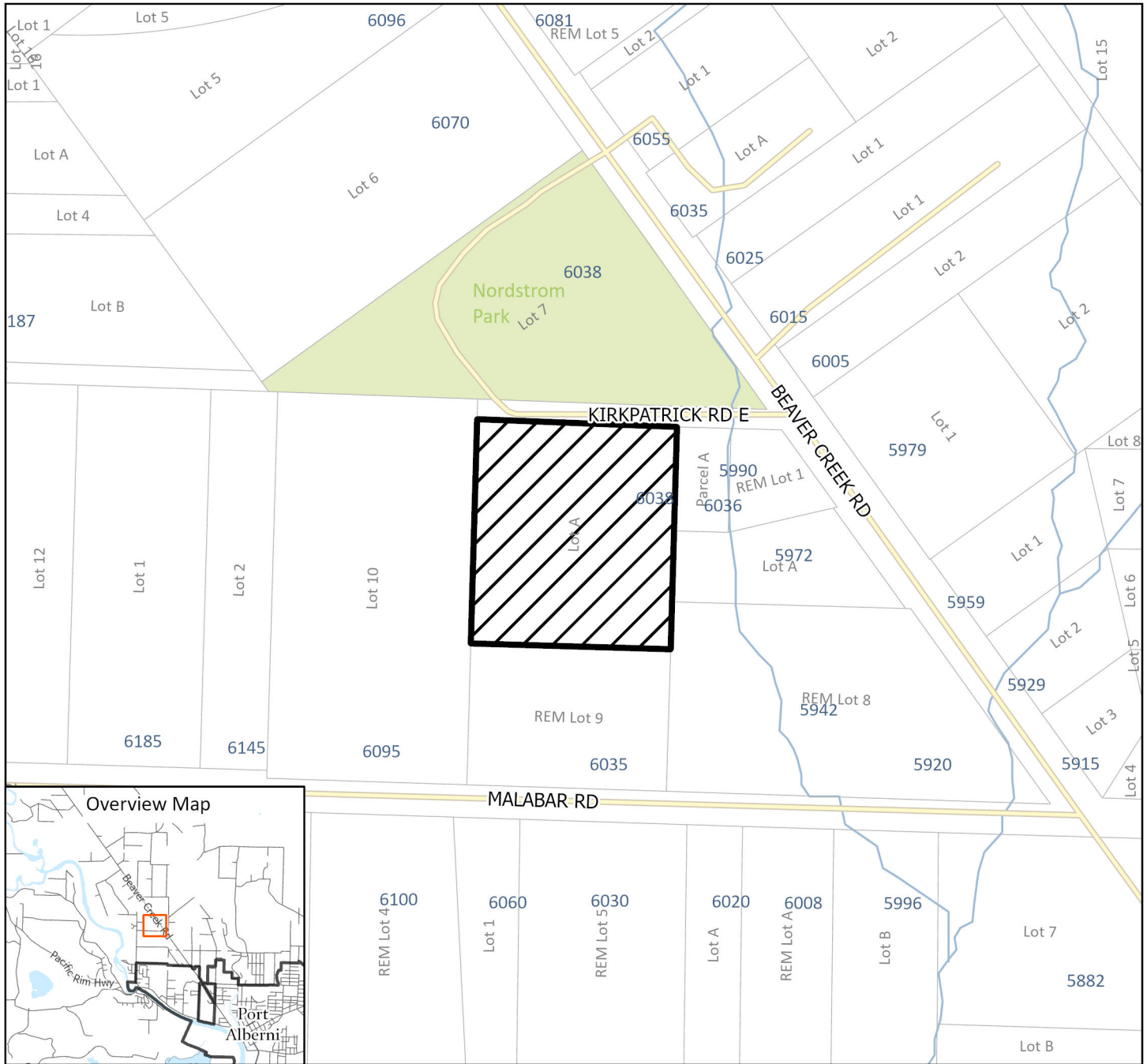
Read a first time this	day of	,
Public hearing held this	day of	,
Read a second time this	day of	,
Read a third time this	day of	,
Adopted this	day of	,

Corporate Officer

Chair of the Regional Board

Schedule 'A'

This schedule is attached to and forms part of Bylaw No. P1471, Zoning Atlas Amendment Bylaw, 2023



Legal description: LOT A, DISTRICT LOT 88, ALBERNI DISTRICT, PLAN 15897



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

