



June 13, 2024

SPROAT LAKE ADVISORY PLANNING COMMISSION

A meeting has been scheduled for **Monday, June 17, 2024 at 7:00 pm.**

Please find enclosed the following applications for your review and consideration:

- RD23016 – Lot 2, Stirling Arm Crescent (Coulson Forest Products Ltd.)
- DVD24004 – 8682 Stirling Arm Drive (Hermansen and Faulkner)
- TUP24002 – 10250 Stirling Arm Drive (Pichor)

Your recommendations will be provided to the Board of Directors at the June 26, 2024 Board meeting.

If you have any questions or need additional information, please reach out to the ACRD Planning Department.

Phone: 250-720-2700

Email: planning@acrd.bc.ca



To: Sproat Lake Advisory Planning Commission

Meeting Date: June 17, 2024

From: Alex Dyer, MCIP, RPP, Planning Manager

File #: RD23016

Application Type: Rezoning Application

Voting Structure: Electoral Area Directors

Electoral Area: "D" Sproat Lake

Subject: Rezoning Application RD23016 – Lot 2, Stirling Arm Crescent (Coulson Forest Products Ltd.)

Recommendation:

THAT Bylaw P1506, Sproat Lake Official Community Plan Amendment Bylaw be read a first time.

THAT Bylaw P1507, Regional District of Alberni-Clayoquot Zoning Text Amendment Bylaw be read a first time.

THAT Bylaw P1508, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw be read a first time.

THAT the public hearing for Bylaws P1506, P1507 and P1508 be delegated to the Director for Electoral Area 'D', the Alternate Director, or the Chairperson of the Regional District.

THAT the Board of Directors confirm that adoption of Bylaws P1506, P1507 and P1508 is subject to:

- a. Confirmation from the Sproat Lake Fire Department that access and fire safety measures are in place to provide adequate fire protection to the site.*
- b. Meeting all technical referral agency requirements.*

Development Proposal: The application is presented for initial discussion with the Sproat Lake Advisory Planning Commission. The property owners have applied to rezone the property to a site-specific Stirling Arm Crescent Comprehensive Development (SA CD) District in order to construct a 1,714 square metre (18,450 square foot) personal storage and clubhouse facility. The applicants intend to utilize the building to primarily store personal vehicles and equipment. The scale of the larger structure requires a Light Industrial-type designation in the Building Code rather than a residential accessory structure. The applicants also intend to include a clubhouse area in the structure that would be used on an intermittent basis to host guests and business clients.

Advisory Planning Commission Recommendation: The Sproat Lake APC will consider this application at their June 17, 2024 meeting.

Property Owner(s)/Applicant(s): Coulson Forest Products

Agent: Tanis Frame, Architect

Property Information:

Civic Address	Lot 2, Stirling Arm Crescent
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Legal Description	LOT 2 SECTION 88 CLAYOQUOT DISTRICT PLAN VIP63604
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PL20240011 / RD23016

Alberni-Clayoquot Regional District | 3008 Fifth Avenue, Port Alberni, BC V9Y 2E3 | 250.720.2700 | www.acrd.bc.ca

Serving Port Alberni, Tofino, Ucluelet, Treaty First Nations: Huu-ay-aht, Yuuluw̓il̓ath, Uchucklesaht Tribe Government, and Toquaht Nation, and Six Electoral Areas: "A" (Bamfield), "B" (Beaufort), "C" (Long Beach), "D" (Sproat Lake), "E" (Beaver Creek) and "F" (Cherry Creek).

PID	023-488-891	Folio	3260.170	ALR? (Y/N)	N	Lot Size	1.46 ha (3.62 ac)
Current Zoning	Acreage Residential (RA1) District			Proposed Zoning	Stirling Arm Crescent Comprehensive Development (SA CD) District		
Current OCP	Residential Use			Proposed OCP	Comprehensive Development Area		
Development Permit Area(s)	n/a						
Current Use & Description	The 1.46 hectare (3.62 acre) property is vacant with an access driveway connecting to Stirling Arm Crescent. The property lies adjacent to a three-lot strata development that is also owned by the applicants and the primary access into the site would be from the internal common strata road that currently provides access to the applicants' neighbouring residences. The topography of the site slopes up from Stirling Arm Crescent to a level bench area at the south end of the property. This area has been cleared and a large gravel pad has been leveled where the proposed building would be located. There is a tall chain-link fence bordering the perimeter of the property and, aside from the cleared area and driveway, the remainder of the property is mostly treed. The proposed building site in the southern corner of the property does not appear to be visible from the road; the building would be visible to the neighbouring residences to the east and south.						

Surrounding Zoning and Land Use					
North	Acreage residential lands zoned RA1		South	Acreage residential lands zoned RA1	
East	Acreage residential lands zoned RA1		West	Three-lot bare land strata development zoned RA1	

Services:

- a) **Sewage Disposal:** On-site sewage disposal. The storage structure would include bathroom and kitchen facilities and an individual on-site septic system would need to be designed and installed as part of the building permit process.
- b) **Water Supply:** On-site water.
- c) **Fire Protection:** Sproat Lake Fire Protection Area. The rezoning would be referred to the Fire Department to review and ensure that adequate access to the building is provided and that fire safety measures are in place to facilitate adequate fire protection for the site.
- d) **Access:** There is public road access to the property from Stirling Arm Crescent. There is also internal access from the privately-owned common strata road to the west in the three-lot development where the applicants reside. The primary access to the building would be through the common strata road.

Planning Policy Discussion:

- a) **Official Community Plan:** The property is designated as Residential Use in the Sproat Lake OCP. The Residential Use designation supports a range of housing options in the Plan area. In order to facilitate the rezoning to the large-scale personal storage use, the application includes an amendment to the Sproat Lake OCP to redesignate the property as a Comprehensive Development Area. The Comprehensive Development policies support site-specific land use design that allows for a range of uses and respects the topography and uniqueness of each parcel.

There are no Comprehensive Development-designated lands in the area; the uses in the immediate area along Stirling Arm Crescent, Stirling Arm Drive, and Faber Road are primarily residential. The proposed use of the subject property is unique as it would be principally used for personal closed storage but the scale of the

building requires an industrial building classification. The range of uses proposed, with the large-scale personal storage use and the clubhouse use, are suited to a site-specific Comprehensive Development zone.

There are no development permit areas that impact development on the property. The Sproat Lake OCP Map 3: Development Permit Areas mapping indicates there is a minor watercourse that dissects the property in an east-west direction. There is no physical indication of any natural watercourse on the property. The drainage has been assessed by a Professional Biologist as part of a previous development application and it was confirmed that there is no natural watercourse requiring riparian area management.

This proposal includes an amendment to the Sproat Lake OCP to redesignate the property from Residential Use to Comprehensive Development Area to facilitate the rezoning.

- b) Zoning:** The current zoning of the property is Acreage Residential (RA1) District. In order to facilitate the proposed use and to comply with the density requirements in the Sproat Lake OCP, a site-specific Stirling Arm Crescent Comprehensive Development (SA CD) District has been drafted. The SA CD zoning would permit closed personal storage of vehicles and equipment, a clubhouse limited to social uses, client meetings, and private events, one single family dwelling, and accessory buildings and uses.

	Current: RA1	Proposed: SA CD
Minimum Lot Area (ha)	0.167	1 ha
Minimum Lot Width (m)	27.4	30.5
Principal & Accessory Front Yard Setback (m)	12.1	15
Principal Side Yard Setback (m)	4.5	6
Principal Rear Yard Setback (m)	9.1	10
Accessory Side Yard Setback (m)	0.91	0.91
Accessory Rear Yard Setback (m)	0.91	0.91
Lot Coverage	25%	15%

The scale of the proposed structure, and the mix of uses incorporating the clubhouse use, requires the rezoning to a Comprehensive Development zone. The proposed building has a Major Occupancy Classification of a Group F, Division 3 building or “Light Industrial” as designated by the BC Building Code. This scale and use of the structure is not permitted as a residential accessory building within a residential zone. The floor area of the proposed structure is equivalent to 11.6% of the lot area. This exceeds the 5% maximum required for accessory structures in a residential zone.

The Stirling Arm Crescent Comprehensive Development (SA CD) District has been drafted to include the following definitions, permitted uses, conditions of use, and site development regulations:

Definitions Specific to the SA CD District

“Clubhouse” means a building used by an association or business for social purposes, client meetings, and private events. A clubhouse shall be used on an intermittent basis and shall exclude any office space used for the corporate administration of a business enterprise, and exclude any regular or frequent commercial, industrial, or institutional uses.

Uses Permitted in the SA CD District

- (1) Closed indoor storage for personal vehicles and personal equipment, excluding open storage.
- (2) Clubhouse, excluding office space.
- (3) One single family dwelling.
- (4) Accessory buildings and uses.

Conditions of Use in the SA CD District

- (1) Closed indoor storage uses shall be for personal vehicles and personal equipment only. There shall be no commercial rental of storage space.
- (2) All permitted uses shall be housed completely within an enclosed building except for permitted parking areas. A minimum of four (4) parking spaces and a maximum of ten (10) parking spaces shall be provided on the property.
- (3) A minimum 5-metre-deep landscaped area, or combination of landscaping, solid screening and native vegetation, shall be provided and maintained along all lot lines except for necessary vehicular access/egress points.
- (4) Vehicle parking areas shall not be located within any required front, rear, or side yard setback.

Site Development Regulations in the SA CD District

Zoning District or Use	Minimum Lot Width (feet)	Minimum Lot Area	Maximum Lot Coverage	Minimum Setbacks (Feet)			Maximum Height (feet)
				Front	Rear	Side	
SA CD	200	1 hectare	15%	50	32.8	19.7	32.8 2 storeys

This proposal requires rezoning to a site-specific Stirling Arm Crescent Comprehensive Development (SA CD) District zone.

Comments:

The applicants intend to construct a large two-storey structure with a 1,714 square metre (18,450 square foot) footprint on the vacant 1.46 ha (3.62 ac) property. The structure would be used primarily for closed storage of personal vehicles and equipment. The structure would also incorporate a clubhouse area to be used on an intermittent basis for meeting with clients of the applicant’s group of businesses and private events. The range of uses proposed, with the light industrial-scale personal storage use and the clubhouse use, are highlighted in a site-specific Stirling Arm Crescent Comprehensive Development (SA CD) District zone drafted for the APC’s consideration.

The current zoning on the property is Acreage Residential (RA1) District. Considering the 1.46 hectare parcel size and the 0.24 hectare minimum lot size supported in the Residential Use designation in the Sproat Lake OCP, where communal

services are provided, the property owner could potential subdivide the property into six (6) bare land strata lots under the current RA1 zoning. The proposed SA CD zoning would keep the property as one parcel by requiring a 1 hectare minimum lot size for subdivision. The SA CD zoning would restrict the maximum lot coverage to 15%; the proposed 1,714 square metre structure would account for 11.6% of the total lot coverage on the property.

The proposed closed storage use would be limited only to personal vehicles and personal equipment. There would be no commercial rental of storage space and no storage of vehicles and equipment associated with applicant's group of businesses. The clubhouse use would only be utilized intermittently for social purposes, client meetings, and private events. There would be no regular or frequent commercial, industrial, or institutional uses at the site and the clubhouse would not be used for any office space relating to the corporate administration of the applicant's businesses. There would be minimal traffic to the site with the majority of any traffic coming from the gated internal access road through the neighbouring bare land strata development.

The proposed structure would be situated on the south end of the lot in an area that would be screened from the road. The structure would be visible from the neighbouring acreage residential properties to the east and south and there are components of the proposed SA CD zoning that would intend to mitigate the impact on neighbouring residential uses. The zoning includes a 10 metre (32.8 foot) minimum building setback in the rear yard and a 6 metre (19.7 foot) minimum setback in the side yard. The zoning would also require a 5-metre-deep landscaped area, or combination of landscaping, solid screening and native vegetation, along all lot lines.

Given the technical requirements included in the SA CD zoning and the site characteristics of the property, Planning staff are initially supportive of moving forward with the public input process to gather neighbourhood input on the proposal. Staff recommend that the Board proceed with first reading of the bylaws and delegate a public hearing to be held. A public hearing is required for this rezoning application as it involves an OCP amendment to redesignate the property as Comprehensive Development Area.

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

Reviewed by: Cynthia Dick, General Manager of Administrative Services

Approved by: Daniel Sailland, MBA, Chief Administrative Officer



Building site for proposed personal storage structure. Picture looking south.



Building site for proposed personal storage structure. Picture looking south west.



Fencing along east lot line.



Internal access road into the property from the bare land strata development located to the west.



Driveway access into the property from Stirling Arm Crescent.

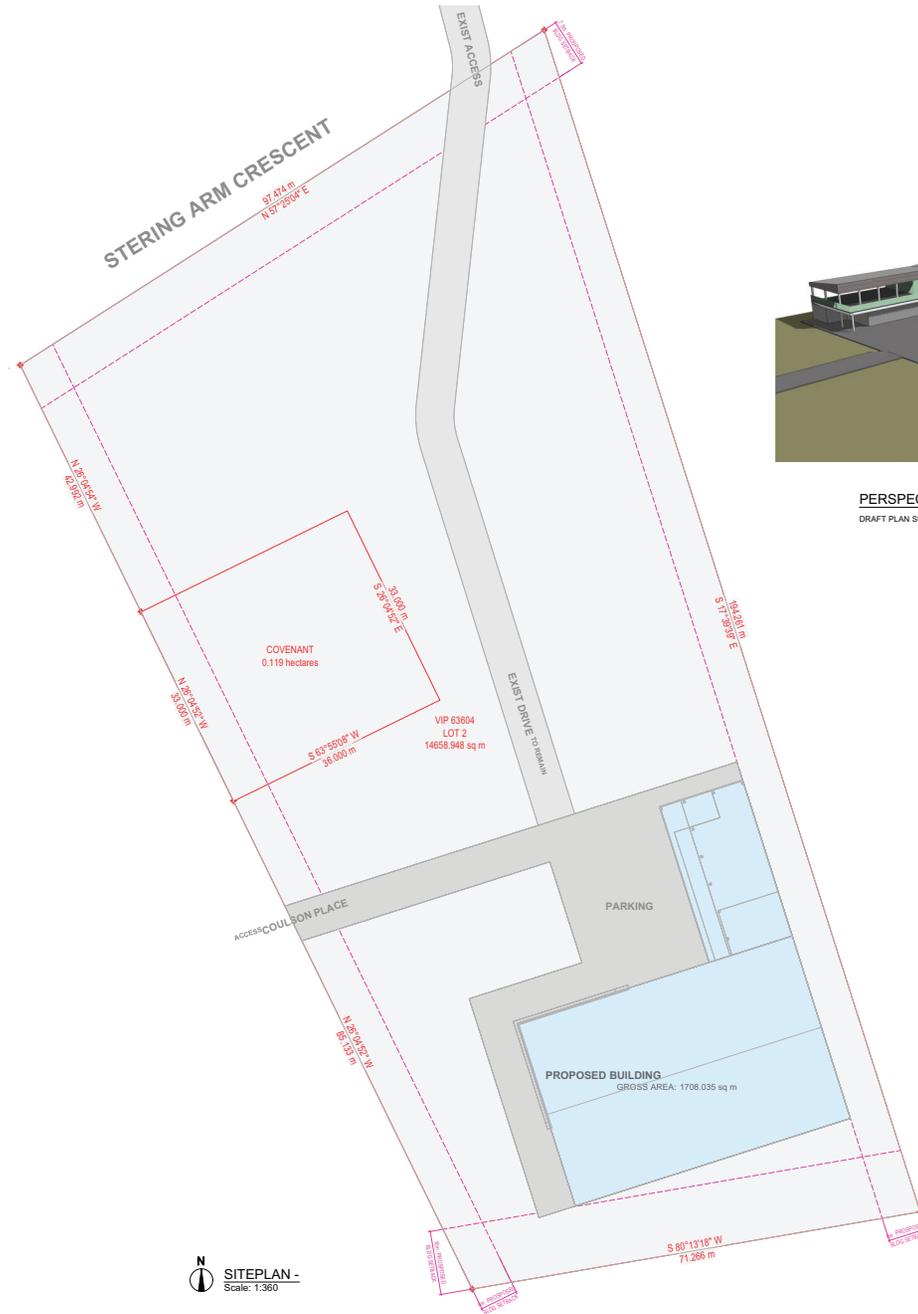
CONTRACTOR TO VERIFY ALL LINES, LEVELS, SURVEY, DIMENSIONS, LOCATION OF BUILDING ON SITE AND LOCATION OF ALL SERVICES PRIOR TO CONSTRUCTION. ALL WORK TO BE DONE IN ACCORDANCE WITH THE B.C. BUILDING CODE, CURRENT EDITION AND ALL LOCAL BUILDING BYLAWS.

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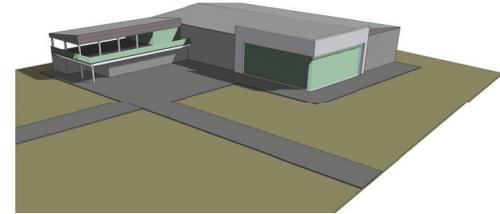


SITING CONTEXT
Scale: 1:1200

PROJECT DATA	
LEGAL ADDRESS	LOT 2 SECTION 88 CLAYOQUOT DISTRICT PLAN V163604
PARCEL IDENTIFIER	_023-488-891
CIVIC ADDRESS	STERLING ARM CRESCENT
ZONING	RA1
PROPOSED ZONING	COMPREHENSIVE DEVELOPMENT ZONE T.B.D.
LOT SIZE	1.466 ha - 3.622 ACRES
BUILDING AREA	1708.04 m ²
BUILDING COVERAGE	11.65% (14,658.95m ² / 1708.04m ²)
BUILDING HEIGHT	10m



SITEPLAN
Scale: 1:360



PERSPECTIVE VIEW
DRAFT PLAN SUBJECT TO REVISION



THUJA
architecture + design

Tanis Frame Architect AIBC LEED AP
PO BOX 1326 Cumberland BC V0R 1S0
T: 250.650.7901 E: info@thujaarchitecture.ca

NO. DATE
SITE PLAN REVIEW 09-21-2023
RELEASED FOR DEVELOPMENT REVIEW 11-07-2023

PROJECT
COULSON STORAGE

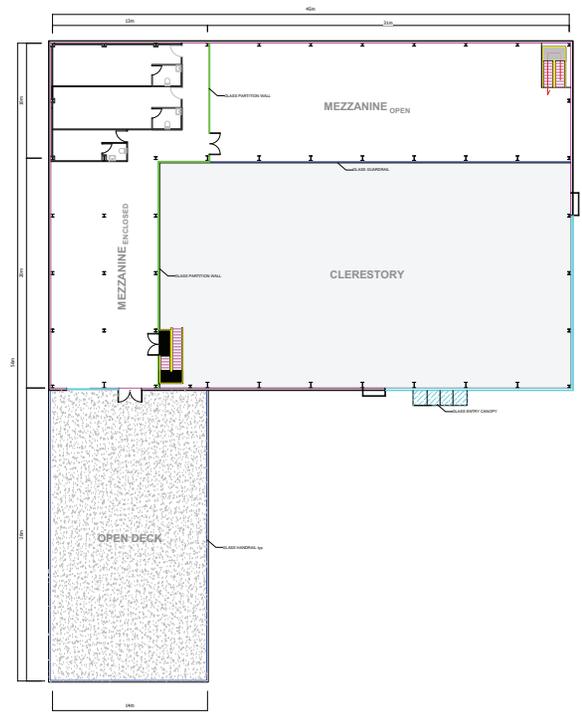
DRAWING
SITEPLAN

SCALE AS NOTED PROJECT NO. 21--
DATE DRAWN BY TFJS
SHEET

PR1

CONTRACTOR TO VERIFY ALL LINES, LEVELS, SURVEYS, DIMENSIONS, LOCATION OF BUILDING ON SITE AND LOCATION OF ALL SERVICES PRIOR TO CONSTRUCTION. ALL WORK TO BE DONE IN ACCORDANCE WITH THE B.C. BUILDING CODE, CURRENT EDITION AND ALL LOCAL BUILDING BYLAWS.

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MEZZANINE LEVEL 2 Scale: 1:200
DRAFT PLAN SUBJECT TO REVISION



MAIN LEVEL 1 Scale: 1:200
DRAFT PLAN SUBJECT TO REVISION



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NO.	DATE
STEPHAN REVIEW	09-21-2023
RELEASED DEVELOPMENT PERMIT REVIEW	11-07-2023

PROJECT
COULSON STORAGE

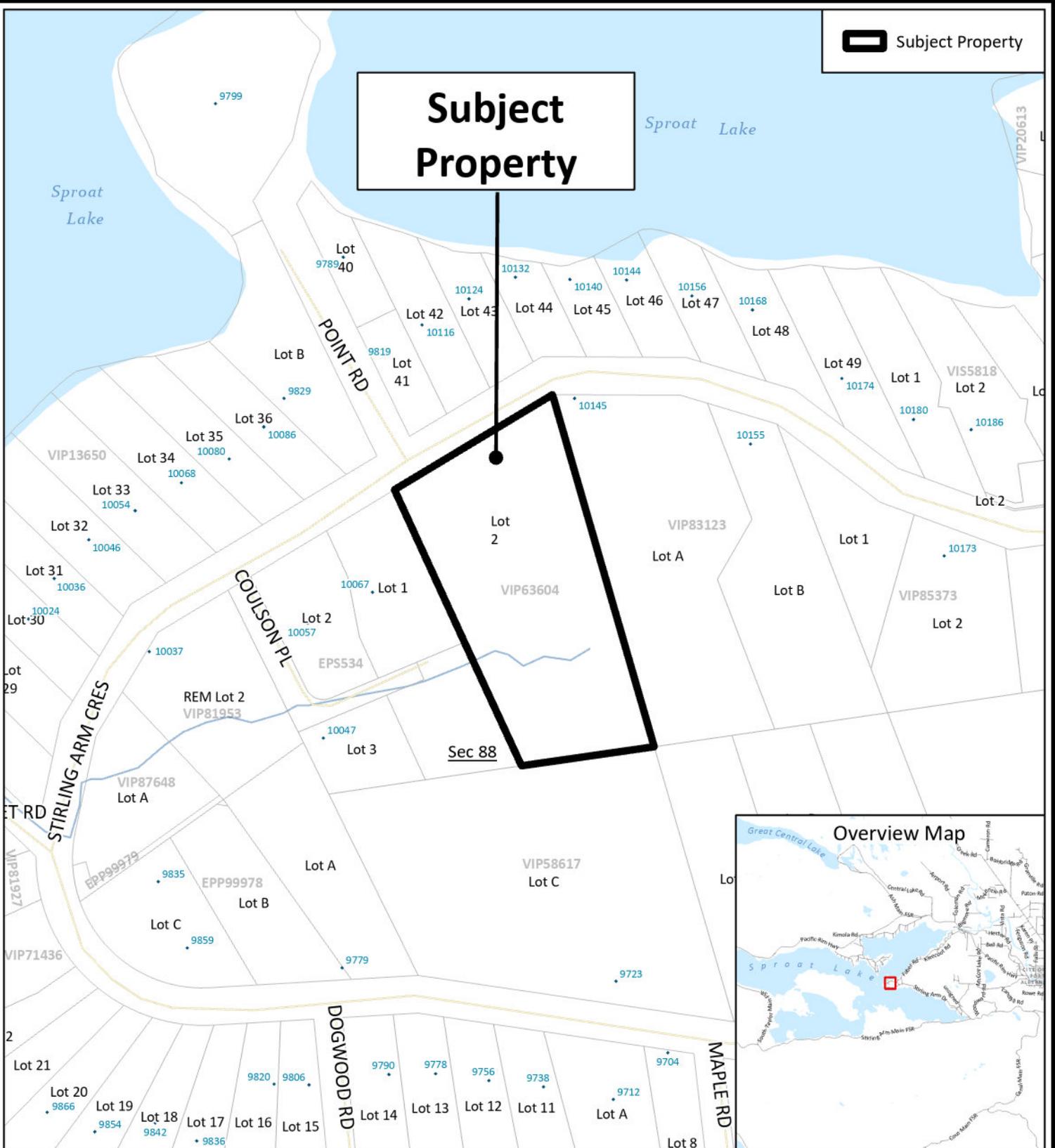
DRAWING
FLOORPLANS

SCALE	PROJECT NO.
AS NOTED	21--
DATE	DRAWN BY
	TFJS

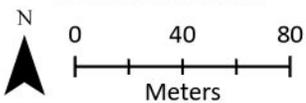
SHEET
PR²

 Subject Property

Subject Property



ALBERNI-CLAYOQUOT
REGIONAL DISTRICT



Legal Description: LOT 2 SECTION 88 CLAYOQUOT
DISTRICT PLAN VIP63604



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. P1507

OFFICIAL ZONING TEXT AMENDMENT

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 upon the affirmative vote of the directors in accordance with Sections 464, 465, 470 and 479 of the *Local Government Act*;

AND WHEREAS the Board of Directors of the Regional District of Alberni-Clayoquot, in open meeting assembled, enacts the following amendment to the text 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 Text Amendment Bylaw No. P1507.

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

- a. Adding Section “167 Stirling Arm Crescent Comprehensive Development (SA CD) District” and sub-sections to read as follows:

167 Stirling Arm Crescent Comprehensive Development (SA CD) District

This site-specific Comprehensive Development District provides for large-scale closed storage of personal vehicles and equipment with screening and buffering guidelines designed to minimize conflict with surrounding uses and to minimize the visual impact of the personal storage use.

167.1 Definitions Specific to the SA CD District

“Clubhouse” means a building used by an association or business for social purposes, client meetings, and private events. A clubhouse shall be used on an intermittent basis and shall exclude any office space used for the corporate administration of a business enterprise, and exclude any regular or frequent commercial, industrial, or institutional uses.

167.2 Uses Permitted

- (1) Closed indoor storage for personal vehicles and personal equipment, excluding open storage.
- (2) Clubhouse, excluding office space.
- (3) One single family dwelling.
- (4) Accessory buildings and uses.

167.3 Conditions of Use

- (1) Closed indoor storage uses shall be for personal vehicles and personal equipment only. There shall be no commercial rental of storage space.
- (2) All permitted uses shall be housed completely within an enclosed building except for permitted parking areas. A minimum of four (4) parking spaces and a maximum of ten (10) parking spaces shall be provided on the property.
- (3) A minimum 5-metre-deep landscaped area, or combination of landscaping, solid screening and native vegetation, shall be provided and maintained along all lot lines except for necessary vehicular access/egress points.
- (4) Vehicle parking areas shall not be located within any required front, rear, or side yard setback.

b. By amending Section 200, Schedule II – Bulk and Site Regulations as follows:

Zoning District or Use	Minimum Lot Width (feet)	Minimum Lot Area	Maximum Lot Coverage	Minimum Setbacks (Feet)			Maximum Height (feet)
				Front	Rear	Side	
SA CD	200	1 hectare	15%	50	32.8	19.7	32.8 2 storeys

- a. By amending Section 4.3, Interpretation, to include “SA CD” on the line which references “CD districts”.
- b. By amending Section 5.1, Designation of Districts, to include “167 Stirling Arm Crescent Comprehensive Development (SA CD) District” in the Comprehensive Development Use Section.

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



To: ACRD Board of Directors

Meeting Date: June 26th, 2024

From: Brooke Eschuk, Jr. Planner

File #: PL20240039 / DVD24004

Application Type: Development Variance Permit

Voting Structure: Electoral Area Directors

Electoral Area: "D" Sproat Lake

Subject: 8682 Stirling Arm Drive (Hermansen and Faulkner)

Recommendation:

THAT the Board of Directors consider issuing Development Variance Permit DVD24004 subject to:

- *Neighbouring properties being notified as per Local Government Act s. 499; and*
- *Approval of an encroachment permit from the Ministry of Transportation and Infrastructure for developments extending onto the right-of-way.*

Development Variance DVD24004:

- i. Development variance of the ACRD Zoning Bylaw:
 - a. Section 6.2 (4) (a) to reduce the required setback to the natural boundary of Sproat Lake from 7.6 m (25 ft) to 4.2 m (13.7 ft) for a retaining wall and steps that are attached to and form a part of the single family dwelling; and
 - b. Schedule No. II - Bulk and Site Regulations to reduce the required front yard setback in RA1 District from 12.1 m (40 ft) to 4.2 m (13.7 ft) for a retaining wall and steps that are attached to and form a part of the single family dwelling; and
 - c. Schedule No. II - Bulk and Site Regulations to reduce the required side yard setback in RA1 District from 4.6 m (15 ft) to 0 m, on both the east and west property boundaries, for a retaining wall and steps that are attached to and form a part of the single family dwelling.

Development Proposal: The applicants have applied for a development variance permit to legalize the encroachment of a retaining wall and steps that are attached to and form a part of the single family dwelling, into the required setback to the natural boundary of Sproat Lake, front yard setback, and side yard setback on both the east and west property boundaries. On the west side, the development also encroaches onto right-of-way owned by the Ministry of Transportation and Infrastructure (MOTI).

Advisory Planning Commission Recommendation: The Sproat Lake Advisory Planning Commission will review the application at their June 17th meeting.

Property Owners/Applicants: David Hermansen and Charlotte Faulkner

Agent: Kevin Lee, Wilco Construction Ltd.

PL20240039 / DVD24004

Property Information:

Civic Address	8682 Stirling Arm Drive						
Legal Description	LOT 10, DISTRICT LOT 120, ALBERNI DISTRICT, PLAN 42043, EXCEPT PART IN PLAN 45044						
PID	001-104-578	Folio	01558.000	ALR? (Y/N)	N	Lot Size (ha)	0.34 (0.93 ac)
Current Zoning	Acreage Residential (RA1) District			Proposed Zoning	n/a		
Current OCP	Residential Use			Proposed OCP	n/a		
Development Permit Area(s)	DPA I – Foreshore and Riparian Areas Protection						
Current Use & Description	The parcel slopes from Stirling Arm Drive to the foreshore of Sproat Lake. The parcel contains a single family dwelling and a detached shed, carport and garage located midway between the road and the lake on the east side of the parcel. The outbuildings encroach on the neighbouring property to the east and easements EE111036 and CA6244763 are registered to title.						
Surrounding Zoning and Land Use							
North	Forest Reserve (A4) District			South	Waterfront (WF1) – Sproat Lake		
East	Acreage Residential (RA1) District			West	Acreage Residential (RA1) District		

Services:

- a) **Sewage Disposal:** Onsite sewage disposal.
- b) **Water Supply:** Onsite water system.
- c) **Fire Protection:** The parcel is within the Sproat Lake Fire Protection Area.
- d) **Access:** Stirling Arm Drive.

Planning Policy Discussion:

- a) **Official Community Plan:** The property is designated as Residential Use in the Sproat Lake OCP. The Sproat Lake area contains many residential uses and lot sizes. This diversity provides for a mix of housing options. The subject property is affected by DPA I – Foreshore and Riparian Areas Protection. As the work has been completed within DPA I, and exceeds what was supported by previous development permit DPD20014, a new development permit is required.

This proposal complies with the objectives and policies of the Sproat Lake OCP. Issuance of a development permit for the completed work is required.

- b) **Zoning:** The parcel is zoned Acreage Residential (RA1) District. The applicants have constructed a retaining wall and steps that encroach into the front yard setback and side yard setbacks on both sides of the subject property. Additionally, the development encroaches into the required setback to the natural boundary of Sproat lake as per Section 6.2 (4)(a) of the ACRD Zoning Bylaw, and 1 m into MOTI right-of-way along the west side of the property.

	Current: RA1	Proposed:
Minimum Lot Area (ha)	0.16	-
Minimum Lot Width (m)	27.4	-
Principal & Accessory Front Yard Setback (m)	12.1 (40 ft)	4.2 (13.7 ft)
Principal Side Yard Setback (m)	4.57 (15 ft)	0
Principal Rear Yard Setback (m)	9.1	-

Accessory Side Yard Setback (m)	0.91	-
Accessory Rear Yard Setback (m)	0.91	-
Watercourse Setback (m)	30.5	-
Natural Boundary Setback (m)	7.6 (25 ft)	4.2 (13.7 ft)

This proposal is not in compliance with the ACRD Zoning Bylaw. A development variance permit is required to reduce the front yard and side yard setbacks for the RA1 District as well as the setback to the natural boundary of Sproat Lake to accommodate completed development of a retaining wall and steps that are attached to and form a part of the single family dwelling.

Comments: The applicants were issued a development permit and building permit in 2020 for minor alterations to the single family dwelling and attached decks / patios. The building permit application stated the area of the deck will decrease and will not project any further than the existing decks. The original application met setback and development permit requirements.

Upon recent inspection by ACRD Building staff, it was observed that the applicant constructed a large interlocking brick retaining wall, with extended patios and steps, and a raised dock landing within the setback to the natural boundary of Sproat Lake and within required front and side yard setbacks. This work is contrary to the building permit and development permit and exceeds the approved works.

Development permit DPD20014 was issued in September of 2020 and included an environmental report completed by Toth and Associates. The report provided a development plan that would satisfy the requirements of Development Permit Area I (DPA I) – Foreshore and Riparian Areas Protection. The QEP indicates that the wall must be located above the natural highwater mark, pervious pavers should be used, and no disturbance is permitted below the highwater mark without DFO authorization. The applicants have since submitted an additional development permit application and updated report, including revegetation and restoration plans, for the work that has been completed.

ACRD Planning and Building staff advised the property owners of the steps required to potentially bring the property into compliance including application for the second development permit, a development variance permit for setback encroachments, approval of a MOTI encroachment permit and an updated building permit to address the significant deviation from the original building plans.

Planning staff recommend proceeding with consideration of the development variance permit subject to neighbour notification and MOTI approval of an encroachment permit.

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

Reviewed by: _____
Cynthia Dick, General Manager of Administrative Services

Reviewed by: _____
Daniel Sailland, MBA, Chief Administrative Officer

Site Photos

Photos and map provided by Toth and Associates Environmental Consulting.



View from side yard setback prior to construction. MOTI road Right of way to right of image.



View from dock approach and DPA I –
Foreshore and Riparian Areas
Protection prior to development.



Satellite view of property showing encroachment of newly constructed retaining wall and staircase on MOTI road right of way. ACRD zoning bylaw requires a side yard setback of 4.57m. The ACRD will require comment from MOTI prior to approval of variance.

Photos taken by ACRD staff.



View from MOTI road right of way. Also visible is the raised dock approach constructed within DPA I without DFO approval.



View from east side of parcel within DPA I, below highwater mark.



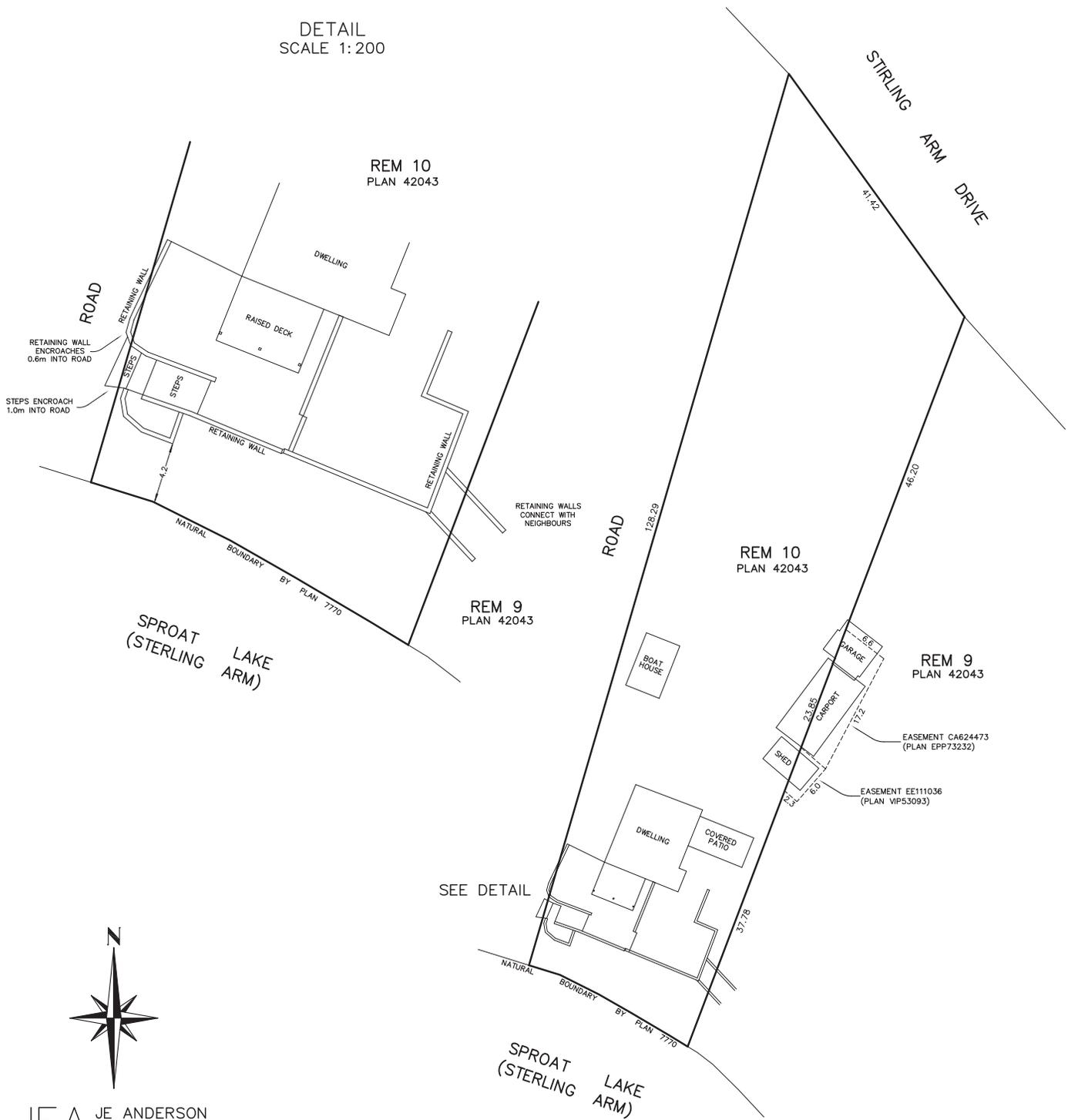
View looking east from within MOTI road right of way within DPA I, and below highwater mark. The staircase encroaches 1m into right of way. Required RA1 setback for accessory buildings and uses is 0.91m.

This sketch has been prepared for building location purposes and does not constitute a redefinition of the legal boundaries hereon described.
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 No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory.
 This Plan has been Prepared in Accordance with the Professional Reference Manual and is Certified Correct this 8th Day of February, 2024.

Guy Fletcher
 Guy Fletcher
 BYKU53
 Digitally signed by Guy Fletcher BYKU53
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DETAIL
 SCALE 1:200



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SITE PLAN SHOWING RETAINING WALLS

**LOT 10, DISTRICT LOT 120, ALBERNI DISTRICT,
 PLAN 42043. EXCEPT PART IN PLAN 45044**

PID 001-104-578

PREPARED FOR
WILCO CONSTRUCTION

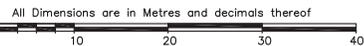
OUR FILE : 62215-1

REVISION :

LEGAL NOTATIONS:
 EASEMENT CA624473 OVER PART OF REM 9
 EASEMENT EE11036 OVER PART OF REM 9

ELEVATIONS

Elevations are geodetic and reference the Canadian Geodetic Vertical Datum (1928).

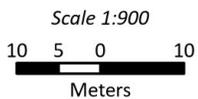


All Dimensions are in Metres and decimals thereof
 The Intended Scale of this Plan is 1:400
 when plotted on a C size (22"x17") Sheet

DETERMINATION OF NATURAL BOUNDARY ELEVATION
 THE ALBERNI-CLAYOQUOT REGIONAL DISTRICT HAS DETERMINED THAT AN APPROPRIATE ELEVATION TO BE USED FOR THE NATURAL BOUNDARY OF SPROAT LAKE SHALL BE 25.1 FEET (7.65 METRES) BELOW A BRASS CAP IN FRONT OF THE FIRE HALL ON FABER ROAD. THE GEODETIC ELEVATION OF THE BRASS CAP HAS BEEN DETERMINED AT ELEVATION 36.1 METRES. THEREFORE AN APPROPRIATE ELEVATION FOR THE NATURAL BOUNDARY HAS BEEN DETERMINED AT ELEVATION 28.45 METRES.



8682 Stirling Arm Drive
 LOT 10, DISTRICT LOT 120, ALBERNI DISTRICT, PLAN
 42043, EXCEPT PART IN PLAN 45044



-  Subject Property
-  AV Stream Atlas
-  Parcels

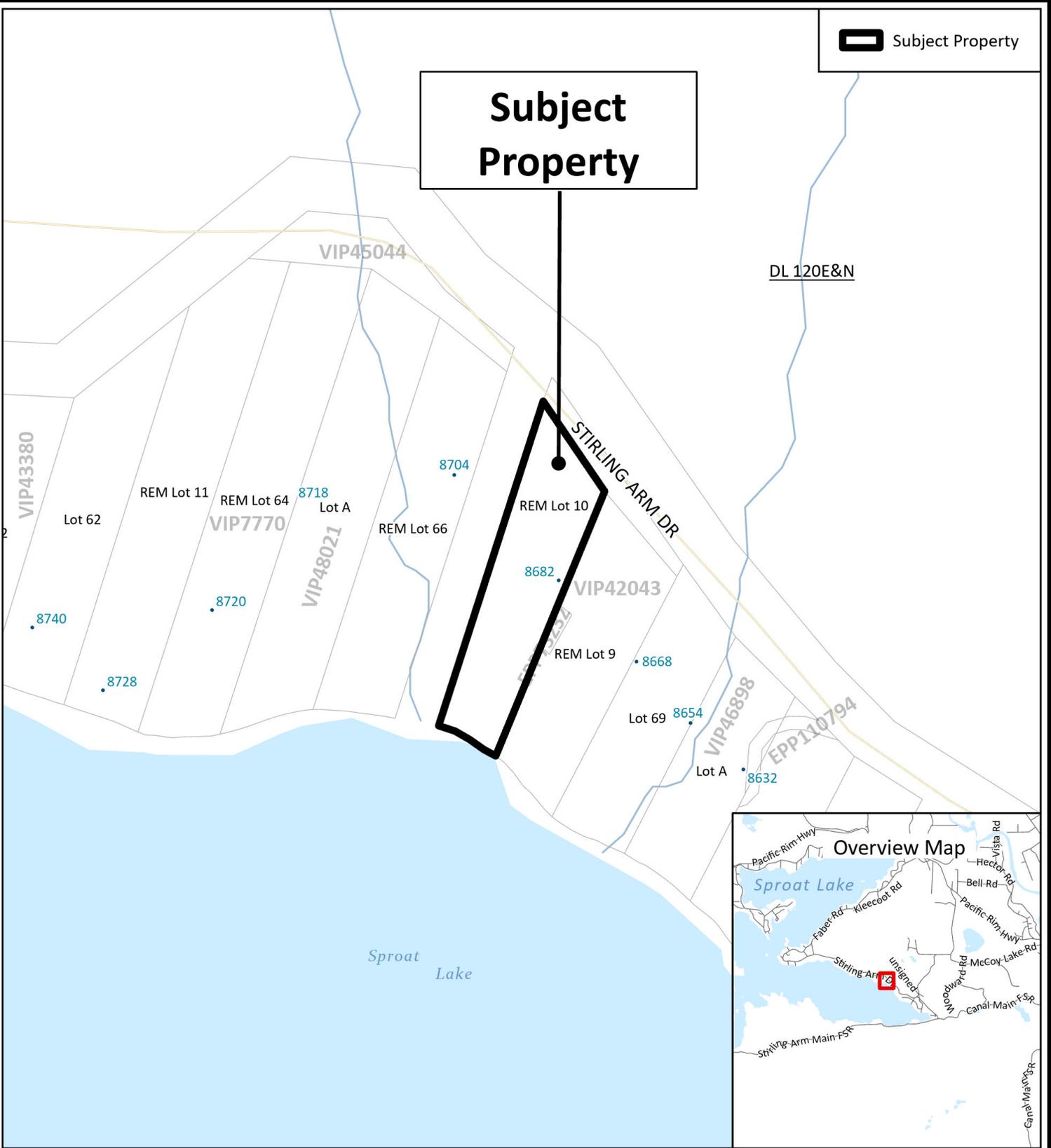


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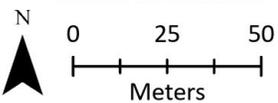
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 Subject Property

Subject Property



ALBERNI-CLAYOQUOT
REGIONAL DISTRICT



Civic Address: 8682 Stirling Arm Drive
Legal Description: LOT 10, DISTRICT LOT 120, ALBERNI DISTRICT,
PLAN 42043, EXCEPT PART IN PLAN 45044



To: Sproat Lake Advisory Planning Commission

Meeting Date: June 17, 2024

From: Brooke Eschuk, Jr. Planner

File #: PL20240032 / TUP24002

Application Type: Temporary Use Permit

Voting Structure: Electoral Area Directors

Electoral Area: 'D' Sproat Lake

Subject: Temporary Use Permit Application TUP24002 – 10250 Stirling Arm Crescent (Pichor)

Recommendation:

THAT the Board of Directors consider Temporary Use Permit application TUP24002 subject to the following:

- *Neighbourhood notification as per Local Government Act s. 494.*
- *Confirmation from Island Health that the on-site management of any sewage or grey water from the recreational vehicle complies with the Sewerage System Regulation.*

Development Proposal: The applicants intend to continue using an existing recreational vehicle (RV) for personal seasonal recreational use on the 0.18 ha (0.44 ac) property. There is no dwelling located on the property and the applicants intend to continue to use the RV as a temporary dwelling intermittently over the summer months. The Acreage Residential (RA1) District zoning does not permit dwelling in an RV for a period exceeding 24 hours and the property owners have applied for a Temporary Use Permit to allow for the use.

Advisory Planning Commission Recommendation: The Sproat Lake APC will consider this application at their June 17th, 2024 meeting.

Property Owner(s)/Applicant(s): Dora Pichor

Agent: Darren Johnston

Property Information:

Civic Address	10250 Stirling Arm Crescent						
Legal Description	LOT 15, DISTRICT LOT 120, ALBERNI DISTRICT, PLAN 20613						
PID	003-613-976	Folio	1468.038	ALR? (Y/N)	N	Lot Size (ha)	0.18
Current Zoning	Acreage Residential (RA1) District			Proposed Zoning	N/A		
Current OCP	Residential Use			Proposed OCP	N/A		
Development Permit Area(s)	DPA I – Foreshore and Riparian Areas Protection						
Current Use & Description	The 0.18 ha (0.44 ac) parcel is used for seasonal recreation and is zoned for residential use. The property contains a 5 th wheel RV used for family accommodation during the summer months in addition to a small dock. The property has been owned by the applicant for longer than 30 years. The applicant added a wooden deck in front of the 5 th wheel in 2011. No further development for the parcel is planned. The applicant is aware they require a						

PL20240032 / TUP24002

development permit should their plans change.

Surrounding Zoning and Land Use

North	WF1 Sproat Lake	South	Acreage Residential (RA1) District
East	Acreage Residential (RA1) District	West	Acreage Residential (RA1) District

Services:

- a) **Sewage Disposal:** The parcel does not have a septic system installed on the property. The applicants place a portable toilet on the parcel each summer which is emptied as required from May through September by a disposal company. Any on-site disposal of grey water or sewage would not be permitted without an approved on-site sewage disposal system or an approved pump and haul system authorized by Island Health.
- b) **Water Supply:** Onsite water from the lake.
- c) **Fire Protection:** The parcel is included in the Sproat Lake Fire Protection Area.
- d) **Access:** The parcel is accessed from Stirling Arm Crescent. The driveway is steep, curving down to the property from Stirling Arm Crescent. There is a small parking area at the bottom of the driveway.

Planning Policy Discussion:

- a) **Official Community Plan:** The parcel is designated as Residential Use in the Sproat Lake Official Community Plan (OCP). This designation provides for a range of residential uses and housing types within the Plan area.

The parcel is impacted by DPA I – Riparian Protection Areas. The applicant has submitted an email from Ministry of Water, Land and Resource Stewardship staff indicating that the stream on the property should not be considered a watercourse and that the watercourse does not trigger Riparian Areas Protection Regulations (RAPR). Planning staff note that the RAPR does not apply to development in the Alberni-Clayoquot Regional District; the ACRD relies on the development permit guidelines outlined in the OCP for riparian area protection.

The property owner does not intend to complete any development on the parcel. If the applicant chooses to begin any work within DPA I (30m from the foreshore of Sproat Lake), or any dock construction, they must apply for a development permit.

Section 3.2 of the OCP discusses general planning policies which apply to all properties within the OCP area. Section 3.2.11 allows the ACRD Board of Directors to issue Temporary Use Permits in accordance with s. 493 of the *Local Government Act*.

This proposal generally complies with the requirements of the Sproat Lake Official Community Plan. The OCP supports the consideration and issuance of TUPs in all land use designations for a period of up to three years.

- b) **Zoning:** The current Acreage Residential (RA1) District zoning only allows the applicant to use an RV as a dwelling for a twenty-four (24) hour period as listed in section 6.6 (1) of the ACRD Zoning Bylaw. The applicants wish to use the trailer for multiple nights throughout the summer for visiting family.

	Current: RA1
Minimum Lot Area (ha)	0.4
Minimum Lot Width (m)	36.5
Principal & Accessory Front Yard Setback (m)	12.1

Principal Side Yard Setback (m)	4.5
Principal Rear Yard Setback (m)	9.1
Accessory Side Yard Setback (m)	0.9
Accessory Rear Yard Setback (m)	0.9
Watercourse Setback (m)	30

The proposed use is not permitted within the RA1 zone. As such, the property owner is applying for a temporary use permit to allow the use of an RV on the property for multiple days over the summer months.

Temporary Use Permit Conditions: The Temporary Use Permit to utilize the existing recreational vehicle for multiple nights over the summer months (May through September) may be issued subject to the following conditions and any other conditions that the Board deems appropriate at the time of issuance:

1. This permit is issued to allow the use of one (1) recreational vehicle for personal temporary recreational accommodation on the property.
2. The temporary recreational use of the RV is limited to the time period between May 1st and September 30th.
3. Short-term vacation rental, or any commercial use, of the RV is not permitted.
4. The on-site management of any sewage or grey water from the recreational vehicle must comply with Island Health's *Sewerage System Regulation*.
5. No additional RVs shall be parked on the property.
6. A minimum of two (2) off-street parking spaces shall be provided for the parking of personal vehicles.
7. The owner or a caretaker must be available to attend the property within 20 minutes.
8. Any development within 30 metres of the natural boundary of Sproat Lake, measured in both upland and foreshore directions, is not permitted without a valid development permit.
9. This permit is valid for a term of three (3) years from the date of execution.
10. At the time the permit expires, the property owner may apply to renew the TUP, apply to rezone the parcel, or return the property to the original use permitted under the current zoning.
11. If the conditions of this permit are not met or if there is a change of ownership of the property, the ACRD may rescind or terminate the TUP.

Comments: The property owner has applied for a Temporary Use Permit in order to continue using an existing RV for seasonal recreational use for themselves and their family members. The property is vacant except for the RV and a deck attached to the RV. The ACRD Zoning Bylaw does not permit an RV to be used as a dwelling for a period exceeding 24 hours in the residential zones. The property owner intends to use the RV for temporary accommodation for multiple days at a time, similar to a campground use. The use would be limited to the one RV located on the property.

The parcel does not have a septic system installed on the property. The applicants have indicated that they place a portable toilet on the parcel each summer which is emptied as required from May through September by a disposal company. Staff have noted that any on-site disposal of grey water or sewage would not be permitted without an approved on-site sewage disposal system, or an approved pump and haul system authorized by Island Health. As part of the consideration of the TUP, staff recommend that Island Health be referred on the proposal to confirm that all health requirements have been met.

Staff recommend that the ACRD Board consider issuing Temporary Use Permit TUP24002, subject to the terms and conditions of the proposed temporary use permit, and subject to neighbouring properties being notified as per *Local Government Act Section 494*.

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

Reviewed by: _____
Cynthia Dick, General Manager of Administrative Services

Reviewed by: _____
Daniel Sailland, MBA, Chief Administrative Officer



Looking toward Sproat Lake from top of driveway on Stirling Arm Crescent



Blackwater tank (no longer used). Applicants rent a portable toilet placed on the parcel for the duration of the summer.



Location of piped stream the Ministry of Water Land and Resource Stewardship sates provides no habitat value, and no stream boundary exists. Not to be considered a watercourse that would trigger implantation of DPA I – Foreshore and Riparian Protection Areas (SL OCP).



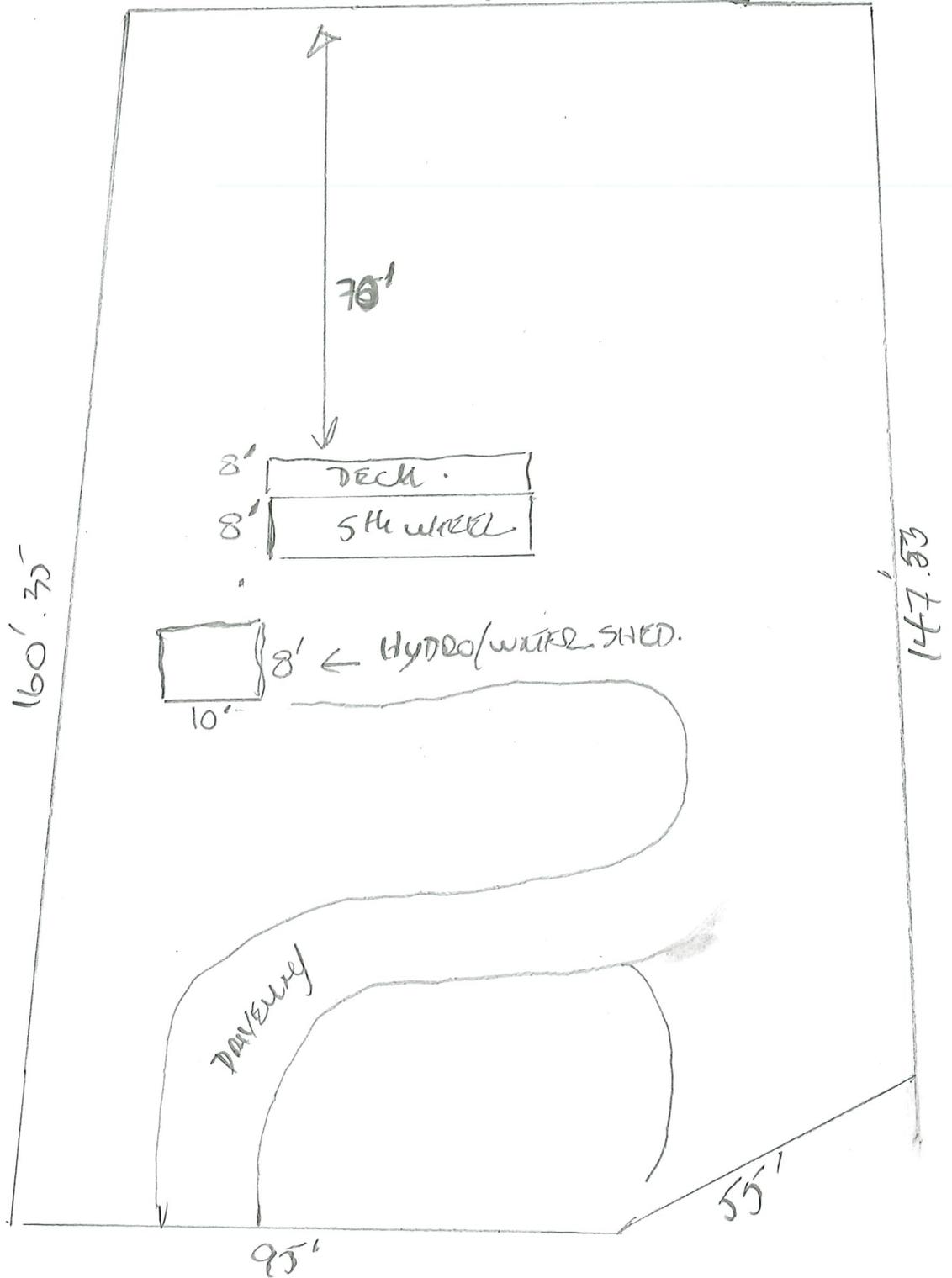
Looking from the foreshore just below the property line toward RV and Stirling Arm Crescent at the top of the parcel.



Looking from the foreshore just below the property line toward RV and Stirling Arm Crescent.

LAKE

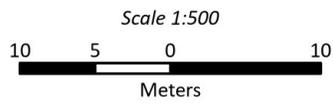
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10250 SORLING ARM CRESCENT



10250 Stirling Arm Crescent
 LOT 15, DISTRICT LOT 120, ALBERNI DISTRICT, PLAN
 20613



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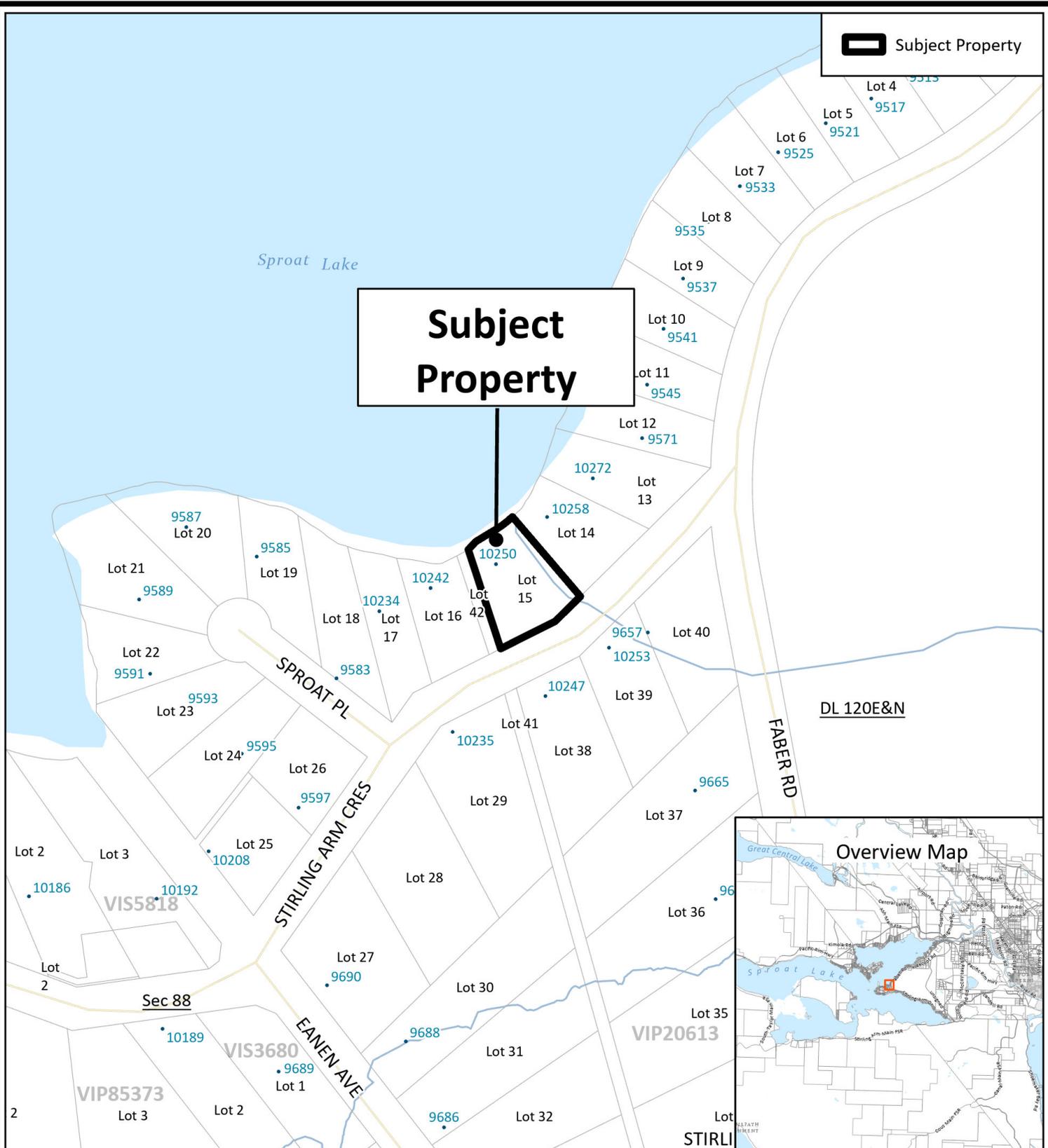


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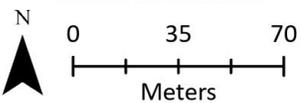
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ALBERNI-CLAYOQUOT
REGIONAL DISTRICT



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