



August 14, 2024

## SPROAT LAKE ADVISORY PLANNING COMMISSION

A meeting has been scheduled for Monday, August 19, 2024 at 7:00 pm.

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

- DVD24004 – 8682 Stirling Arm Drive (Hermansen and Faulkner)
- RD24005 – 10787 Kimola Road (Strachan)

Your recommendations will be provided to the Board of Directors at the August 28, 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](mailto:planning@acrd.bc.ca)



To: ACRD Board of Directors

Meeting Date: August 28<sup>th</sup>, 2024

From: Brooke Eschuk, Planner I

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)

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**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.**

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.

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**Note:** If the Board is considering denying an application, the appropriate motion would be:

*"THAT the Board of Directors is, at this time, disposed to deny this application. Prior to doing so, the Board wishes to offer the applicants the opportunity to present their own case as to why this matter should not be denied."*

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**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 encroaches onto right-of-way owned by the Ministry of Transportation and Infrastructure (MOTI). The original environmental report from Toth and Associates dated June 2020, recommended the retaining wall would need to be located outside the 7.62 m setback from the natural boundary required by the ACRD Zoning bylaw to avoid the need for a development variance permit.

The applicant has applied for an additional Development Permit to address the siting of the raised concrete dock

PL20240039 / DVD24004

approach, depositing fill below the natural boundary, as well as the removal of all vegetation from the foreshore and riparian area of Sproat Lake. The latest of three (3) environmental reports from Toth and Associates indicates the concrete raised dock approach should be removed and replaced with a piling system or, if possible, the approach should be connected to the retaining wall and patio. The applicant has been working to address the ACRD's concerns.

**Advisory Planning Commission Recommendation:** The Sproat Lake Advisory Planning Commission will review the application at their August 19<sup>th</sup> meeting.

**Property Owners/Applicants:** David Hermansen and Charlotte Faulkner

**Agent:** Kevin Lee, Wilco Construction Ltd.

**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	<p>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. In addition, a concrete staircase as part of a retaining wall on the west side of the parcel encroaches on Ministry of Transportation and Infrastructure (MOTI) road right-of-way. The applicants have since received a permit from MOTI allowing the encroachment.</p> <p>Under a previous development permit, the applicants constructed the substantial retaining wall (&gt; 3m in height) and mostly impervious patio which greatly exceeded the instructions of the biologist and what was approved by the ACRD. The applicants are working to lessen the impacts of these works by revegetating the foreshore and removing the concrete raised dock approach according to instructions in the most recent environmental report. The report does not indicate the retaining wall should be removed or relocated.</p>						
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.

Work has been completed within DPA I and exceeds what was supported by previous development permit DPD20014. A new development permit is required. The applicants have submitted a restoration plan from a Qualified Environmental Professional (QEP) which satisfies the requirements of the DPA to the extent possible. Above the retaining wall, there is no area available for restoration as it consists of decks and impervious patio. The toe of the retaining wall is constructed below the highwater mark making revegetation of the foreshore challenging. The complete restoration plan is detailed in the report from Toth and Associates dated May 1<sup>st</sup>, 2024.

***The Sproat Lake OCP requires issuance of a development permit for the completed work that exceeded what was permitted in the original 2020 development permit.***

- 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	-
<b>Principal &amp; Accessory Front Yard Setback (m)</b>	<b>12.1 (40 ft)</b>	<b>4.2 (13.7 ft)</b>
<b>Principal Side Yard Setback (m)</b>	<b>4.57 (15 ft)</b>	<b>0</b>
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	-
<b>Natural Boundary Setback (m)</b>	<b>7.6 (25 ft)</b>	<b>4.2 (13.7 ft)</b>

***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.

Development permit DPD20014 was issued in September of 2020 and included an environmental report completed by Toth and Associates. The report provided a restoration plan that would satisfy the requirements of Development Permit Area I (DPA I) – Foreshore and Riparian Areas Protection as much as possible. The QEP indicated 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.

Upon 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. 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 bring the property into compliance.

Based on concerns about further environmental damage that could result in removing and remedying the works encroaching into the setbacks, it is recommend that the Board proceed with consideration of the development variance permit subject to neighbour notification. The applicants have received approval from the Ministry of Transportation and Infrastructure regarding intrusion on the ministry road right of way.

Reviewed by: Michael Irg  
Mike Irg, MCIP, RPP, GM of Planning And Development

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.



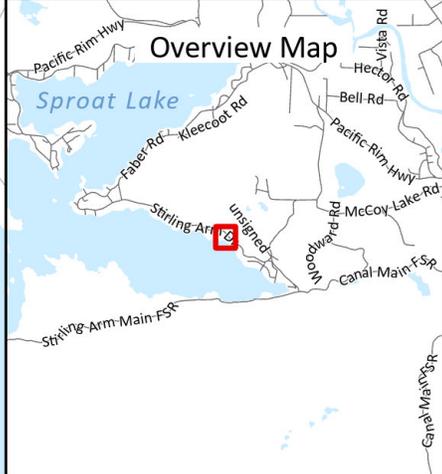
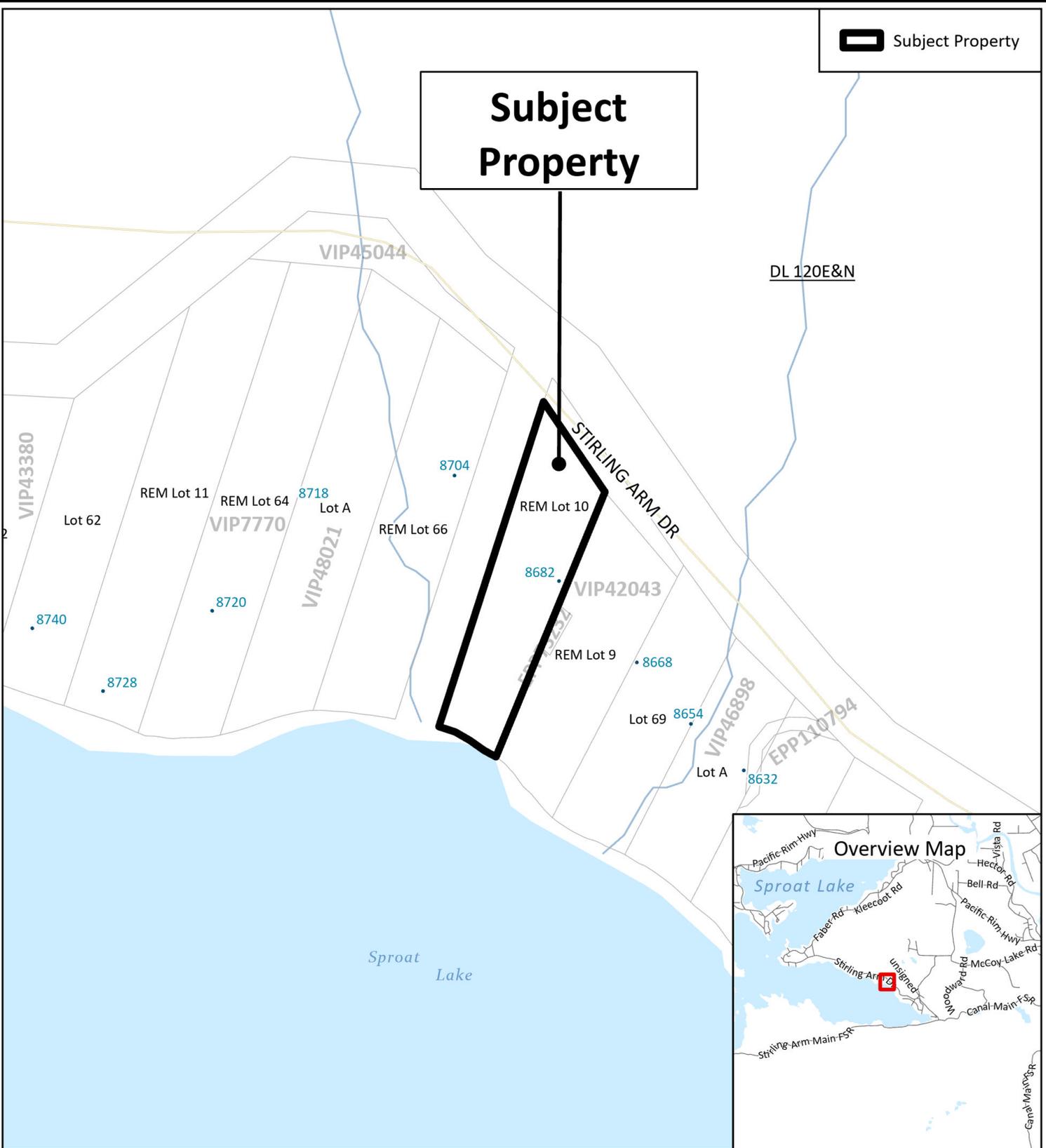
View from east side of parcel within DPA I, below highwater mark.



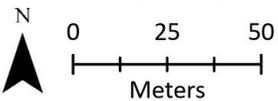
View looking east from within MOTI road right of way within DPA I, and below highwater mark. The staircase encroaches 1m into right of way. Required RA1 setback for accessory buildings and uses is 0.91m.

 Subject Property

# Subject Property



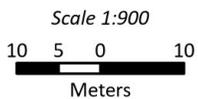
ALBERNI-CLAYOQUOT  
REGIONAL DISTRICT



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



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

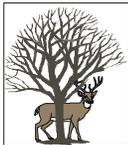


-  Subject Property
-  AV Stream Atlas
-  Parcels



Prepared 2024-05-16  
 Sources: © OpenStreetMap (and)  
 contributors, CC-BY-SA,  
 ParcelMapBC; GeoBC; ACRD

*This product is intended for general reference use  
 only and should not be used for navigation or legal  
 purposes.*



# **Toth and Associates Environmental Services**

6821 Harwood Drive, Lantzville, B.C. V0R 2H0

Tel: (250) 390-7602

E-mail: stoth@shaw.ca

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May 1, 2024

## **Wilco Construction Ltd.**

3-315 Upper Ganges Road

Salt Spring Island, BC V8K 2X4

**Att:** Kevin Lee

**Re: Restoration Plan for the ACRD's Riparian Areas Protection DPA on 8682 Stirling Arm Drive (PID# 001-104-578), Sproat Lake.**

## **1.0 INTRODUCTION**

On June 11, 2020 Toth and Associates Environmental Services (Steve Toth, AScT, R.P.Bio) conducted a survey for the proposed renovation of the existing single family dwelling and construction of a retaining wall on the 0.34 ha property located at 8682 Stirling Arm Drive. We provided an environmental assessment report on June 29, 2020 to support the Development Permit application for the Alberni Clayoquot Regional District's (ACRD's) 15 m Riparian Areas Protection Development Permit Area (DPA 1) on the subject property.

It is our understanding that the ACRD subsequently issued development permit # DPD20014 for the proposed works and that the renovation of the existing single family dwelling and construction of a retaining wall were completed. However, we also understand that the work that was completed on site had not received a final inspection and the inspector believes the retaining walls that were constructed are outside the scope of our original report. Therefore a post-development assessment was required to review the works that were completed within the Riparian DPA on the subject property. To aid in the post-development assessment Wilco Construction Ltd provided us with a copy of the recent as-built survey plan by JE Anderson & Associates (Figure 1).

We conducted a post-development assessment on March 7, 2024. Our assessment concluded that "it would appear that portions of the retaining wall and possibly the entire base of the wall intrude within the ACRD Zoning Bylaw's 7.62 m setback from natural boundary. It also appears that the concrete staircase float ramp anchor structure is located below natural boundary and could require authorization from DFO and / or general permission for private moorage from the province".

On April 17, 2024 we received an e-mail from Wilco Construction Ltd indicating that the ACRD had reviewed our March 26, 2024 post-development assessment report and has specified that "*in order to proceed with your application, we require you to submit a detailed environmental remediation and restoration plan that meets or exceeds the guidelines listed in the Sproat Lake OCP in Section 20.4. You will need to work with a Qualified Environmental Professional (QEP) to provide us with this report*".

## **1.1 Background**

The natural boundary of Sproat Lake has been established by the ACRD to be 7.65 m below the brass survey monument (36.1 m Geodetic) in front of the Fire Hall on Faber Road, or 28.45 m. The natural boundary shown on the J.E. Anderson survey plan is 28.45 m.

On April 12, 2023 the Sproat Lake Official Community Plan (OCP) was amended by Bylaw P1443. The new Foreshore & Riparian Area Protection DPA has been increased to include all lands within 30 m of the natural boundary in both upland and foreshore directions of major streams, including Sproat Lake. For the purposes of this assessment we have considered only the area within the former 15 m Riparian DPA as it was at the time of issuance of DPD20014. We note that the former 15 m Riparian DPA included all lands within 15 m of the high water mark. The difference between the natural boundary and the annual high water mark on Sproat Lake is significant and can extend a considerable distance upland, particularly on properties with little slope.

Section 6.2 of the *Alberni-Clayoquot Zoning By-law 1971* indicates that “Notwithstanding anything else contained in this By-law, except where relief is granted by the Water Resources Service of the Department of Lands, Forests and Water Resources, no building shall be constructed:

- a) Within 7.62 meters [25 feet] of the natural boundary of a lake or within 30.48 meters [100 feet] of the natural boundary of any other natural water course or source of water supply (other than a well, which is governed by the Sanitary Regulations, 1917), or
- b) On ground surface less than 0.609 meters [2 feet] above 200 Year flood level (other than flood caused by tsunami) where it can be determined, or, where it cannot be determined, 3.048 meters [10 feet] above the natural boundary of a lake or any other natural water course in the immediate flood hazard area”.

The Zoning Bylaw defines a “Building” as “a structure, located on the ground, which is designed, erected or intended for the support, enclosure, or protection of persons or property. When a structure is separated by party walls located upon lot lines, then each portion of such structure shall be deemed a separate building”.

The Zoning Bylaw defines a “Structure” as “anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, but shall not include fences and walls that are less than the maximum fence height permitted in any district”.

The undeveloped Right-of-way of Baycup Road runs adjacent to the west side of the subject property. Map F8 of the ACRD's Alberni Valley Maps indicated a watercourse with a Riparian DPA originating in forest lands approximately 170 m north of Stirling Arm Drive, running across 8714 and 8704 Stirling Arm Drive and discharging to Sproat Lake at the south end of Baycup Road adjacent to the subject property. Our June 2020 assessment documented that this very small watercourse discharges from a buried pipe on 8704 Stirling Arm Drive, and runs approximately 40 m within an open channel to Sproat Lake. While fish were not observed in the watercourse, no barriers to fish passage were noted within the 40 m section of open channel.

The as-built survey plan by JE Anderson & Associates shows that the concrete retaining wall and the staircase at the west side of the property encroach into the Baycup Road right-of-way by 0.6 m and 1.0 m, respectively.

## **1.2 Field survey results**

Our March 7, 2024 field survey found that a substantial and continuous concrete retaining wall has been constructed across the entire shore end of the subject property and ties-in to the retaining wall on the adjacent property at the east side of the property. Photographs 1 – 6 at the end of this report provide comparison between pre and post construction conditions.

The area upland between the house and top of retaining wall has been filled and developed as decks / patios (Photograph 7). An elevated set of concrete stairs leading to the float ramp is clearly below the present natural boundary indicated on the survey plan (Photograph 8). Based on the evidence of high water mark documented on site (Photographs 9 & 10), the base of retaining wall is most likely below high water mark. Based on our mapping, at least 16 m of the west end of the retaining wall intrudes within the 7.62 m watercourse setback, and possibly the entire length of the retaining wall (Figure 2).

Fill (gravel) has been added to the beach. While it seems to have become commonplace for lake front property owners on Sproat Lake to add rounded gravel and sand to “their” beach area, it is as far as we are aware illegal to place this material below the natural boundary or destroy / cover riparian vegetation in the process. As the area below titled natural boundary is in most cases Crown Land, any proposed works below the titled natural boundary require review and permitting by the province. Also, Section 35 of the federal *Fisheries Act* indicates that “No person shall carry on any work, undertaking or activity that results in the harmful alteration, disruption or destruction of fish habitat” and defines fish habitat as “water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas”.

## **2.0 RESTORATION PLAN**

The area of the property within the 15 m Riparian DPA located above the retaining wall consists of decks and patio, so there is essentially no area above the retaining wall available for restoration. Therefore restoration will need to focus on the area between the base of the retaining wall and the water's edge. As this area is subject to seasonal flooding during winter and drought-like conditions during the summer months there is a limited number of native plant species suitable for this area. There is also limited availability for most of the suitable species from native plant nurseries.

As the base of the retaining wall is likely below the annual winter high water level, there is potential that vegetation planted in this area could be subject to damage from wave erosion and drift logs.

The success of the restoration plan will be partially dependent upon management of invasive plant species within the restored area. There are many invasive plant species that have become established within the riparian area of Sproat Lake and each year our list of invasive species grows longer. Invasive species present within the Riparian DPA on the subject property include Creeping Jenny, Yellow Flag Iris, Bugleweed, Aaron's beard, Goldmoss Stonecrop, Purple Deadnettle, Ribwort, and likely several others.

Our recommended areas for restoration are shown on Figure 2. A list of recommended native plant species, quantities, sizes, and cost for security bonding purposes is provided in Table 1.

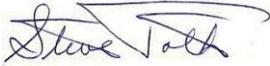
The planting instructions provided by the plant supplier should be followed. The restoration area should be prepared first by removing invasive plants. Knowledge of identification of invasive plants will be necessary.

There will be areas between plantings that will require establishment of a ground cover in order to discourage the re-establishment of invasive plants. As all of the commercially available native grass seed mixes include tall grasses that would compete with or strangle the restoration plantings we recommend a low growing commercial turf seed mix or white clover. While these are not native species, they should not compete with the restoration plantings and should help inhibit re-establishment of invasive species.

Plantings should be maintained for a minimum of 2 years from the date of completion of the planting, including regular watering during the first growing season. Invasive, non-native weeds should be removed at least twice annually. Any plants that die during the maintenance period should be replaced.

Please contact us if you have any questions regarding the contents of this report.

Sincerely,  
Steve Toth, R.P.Bio.



**Toth and Associates Environmental Services**  
Tel. (250) 390-7602  
E-mail: [stoth@shaw.ca](mailto:stoth@shaw.ca)



Table 1. Recommended native plant species for restoration of the 15 m Riparian DPA on 8682 Stirling Arm Drive

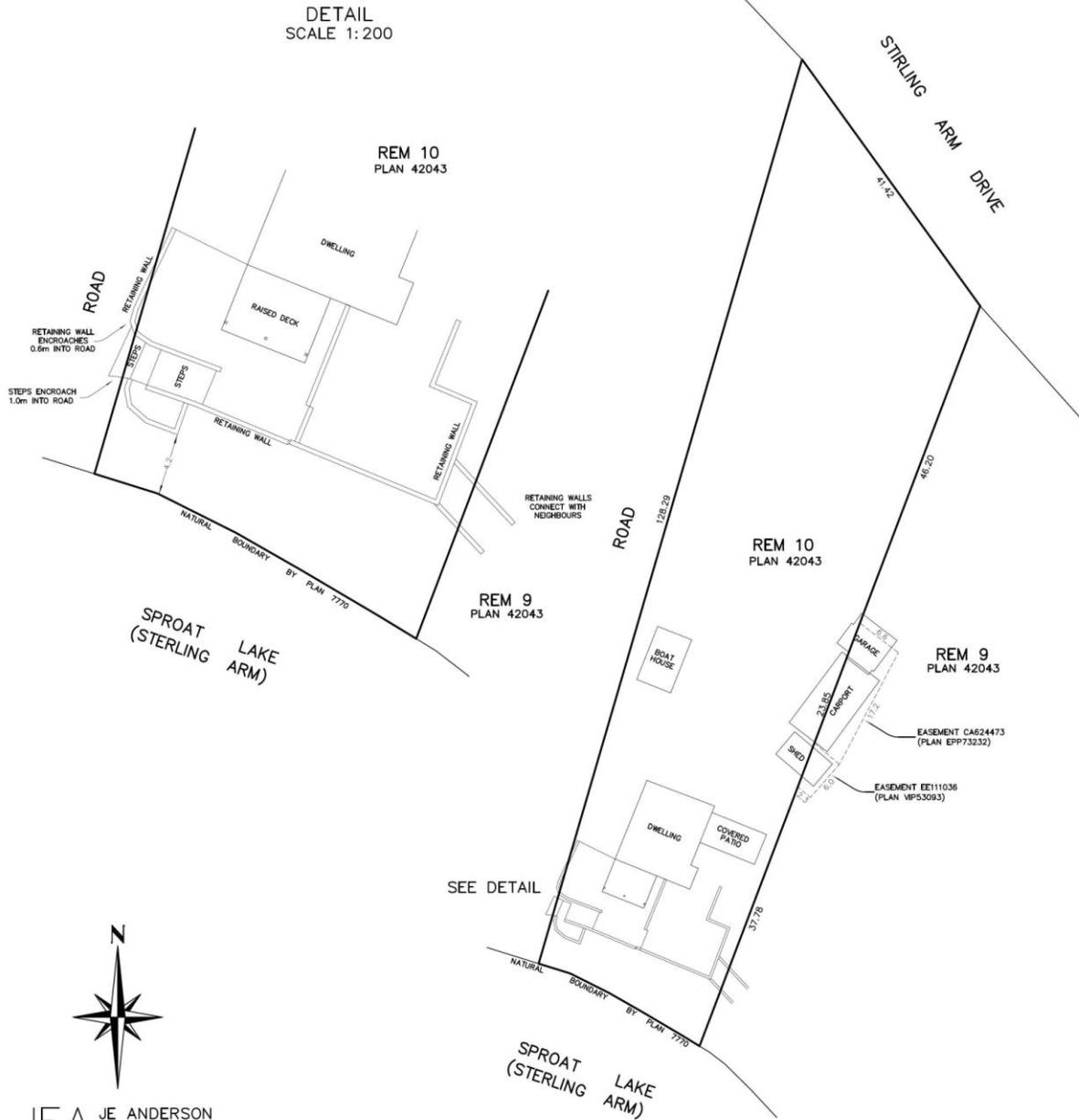
Botanical Name	Common Name	Location comments	Area*	Quantity	Size	Price**	Cost
<b>Evergreen Trees</b>							
<i>Pinus contorta v. contorta</i>	Shore Pine	Along or upland of natural boundary	1	10	2 gal	\$25	\$250
<b>Evergreen Shrubs</b>							
<i>Gaultheria shallon</i>	Salal	Upland of natural boundary, generally under canopy	1	25	1 gal	\$12	\$300
<i>Mahonia aquifolium</i>	Tall Oregon Grape	Upland of natural boundary	1	25	1 gal	\$12	\$300
<i>Vaccinium ovatum</i>	Evergreen Huckleberry	Upland of natural boundary	1	10	1 gal	\$12	\$120
<b>Deciduous Trees</b>							
<i>Cornus nutallii</i>	Pacific Dogwood	Along high water mark	1	5	2 gal	\$25	\$125
<i>Malus fusca</i>	Pacific Crab Apple	Along or immediately upland of natural boundary	1	10	2 gal	\$25	\$250
<b>Deciduous Shrubs</b>							
<i>Amelanchier alnifolia</i>	Saskatoon	Along base of retaining wall	1	10	1 gal	\$12	\$120
<i>Myrica gale</i>	Sweet Gale	Along or immediately upland of natural boundary	2	15	1 gal	\$12	\$180
<i>Rosa nutkana</i>	Nootka Rose	Along or immediately upland of natural boundary	2	15	1 gal	\$12	\$180
<i>Spirea douglasii</i>	Hardhack	Along or immediately upland of natural boundary	2	15	1 gal	\$12	\$180
<b>Ground Covers</b>							
<i>Arctostaphylos uva-ursi</i>	Kinnikinnick	Along base of retaining wall	1	10	1 gal	\$12	\$120
<b>Wetland Plants</b>							
<i>Carex kelloggii</i>	Kellogg's Sedge	Along or below natural boundary	2	20	1 gal	\$12	\$240
<i>Carex mertensii</i>	Merten's Sedge	Along or below natural boundary	2	20	1 gal	\$12	\$240
<i>Carex obnupta</i>	Slough sedge	Along or below natural boundary	2	10	1 gal	\$12	\$120
<i>Carex rostrata</i>	Beaked Sedge	Along or below natural boundary	2	20	1 gal	\$12	\$240
<i>Scirpus microcarpus</i>	Small-flowered bulrush	Along or below natural boundary	2	20	1 gal	\$12	\$240
<i>Juncus effusus</i>	Common rush	Along or below natural boundary	2	20	1 gal	\$12	\$240
<i>Juncus ensifolius</i>	Dagger-leaf Rush	Along or below natural boundary	2	10	1 gal	\$12	\$120
<b>Totals:</b>				<b>270</b>			<b>\$3,565.00</b>

\*See Figure 2. Area 1 is measures approximately 100 m<sup>2</sup> and Area 2 measures approximately 82 m<sup>2</sup>.

\*\*Price based on retail prices available at Streamside Native Plants (<http://www.streamsidenativeplants.com/>) in Bowser. The website indicates a 20% discount on retail sales >\$1,000

Figure 1. As-built Site Plan

This sketch has been prepared for building location purposes and does not constitute a redefinition of the legal boundaries hereon described.  
 © Copyright 2024 J.E. Anderson & Associates. All rights reserved.  
 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.  
 Digitally signed by the Practitioner  
 Guy Fletcher  
 BYKUS3  
 Date: 2024.02.08 16:53:28 -0800  
 This document is not valid unless digitally signed.



**JEA** JE ANDERSON & ASSOCIATES  
 SURVEYORS AND ENGINEERS  
 # 203 - 177 WELD ST., PO BOX 247  
 PARKSVILLE, B.C. V9P 2G4  
 250-248-5755 parks@jeanderson.com

**SITE PLAN SHOWING RETAINING WALLS**

LOT 10, DISTRICT LOT 120, ALBERNI DISTRICT,  
 PLAN 42043. EXCEPT PART IN PLAN 45044  
 PID 001-104-578

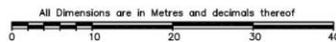
PREPARED FOR  
**WILCO CONSTRUCTION**

OUR FILE : 62215-1 REVISION :

**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 23.1 FEET (7.05 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.

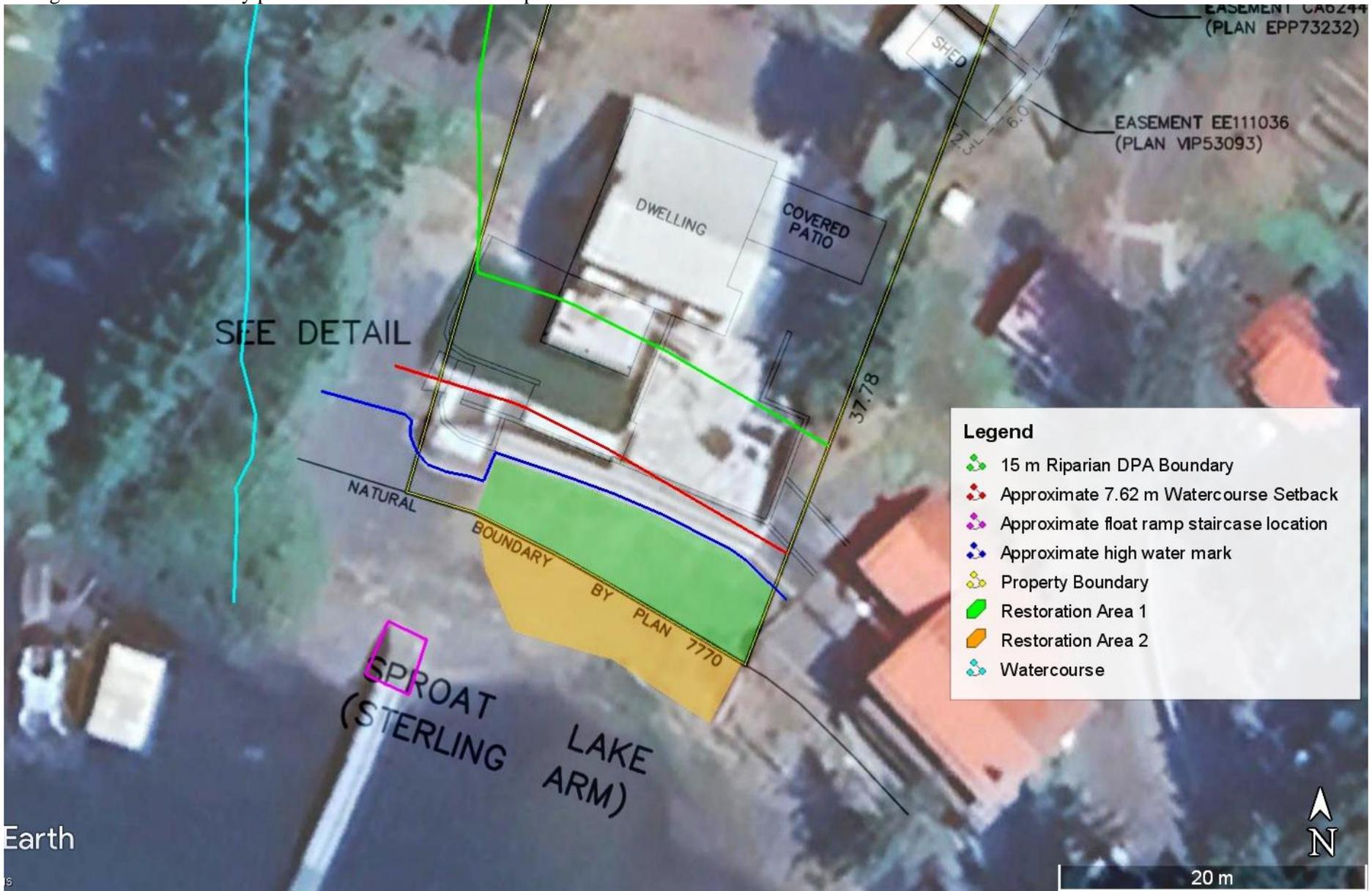
**LEGAL NOTATIONS:**  
 EASEMENT CA624473 OVER PART OF REM 9  
 EASEMENT EE111036 OVER PART OF REM 9

**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

Figure 2. As-built survey plan overlaid on June 2023 air photo with recommended restoration areas





Photograph 1. June 11, 2020. View from Baycup R/W to decks, docks and Riparian DPA.



Photograph 2. March 7, 2024. View from Baycup R/W to constructed decks, docks and Riparian DPA.



Photograph 3. June 11, 2020. View from dock to house, decks and bed of St. John's wort.



Photograph 4. March 7, 2024. View from shoreline to constructed decks and retaining wall.



Photograph 5. June 11, 2020. View west along deck and bed of St. John's wort.



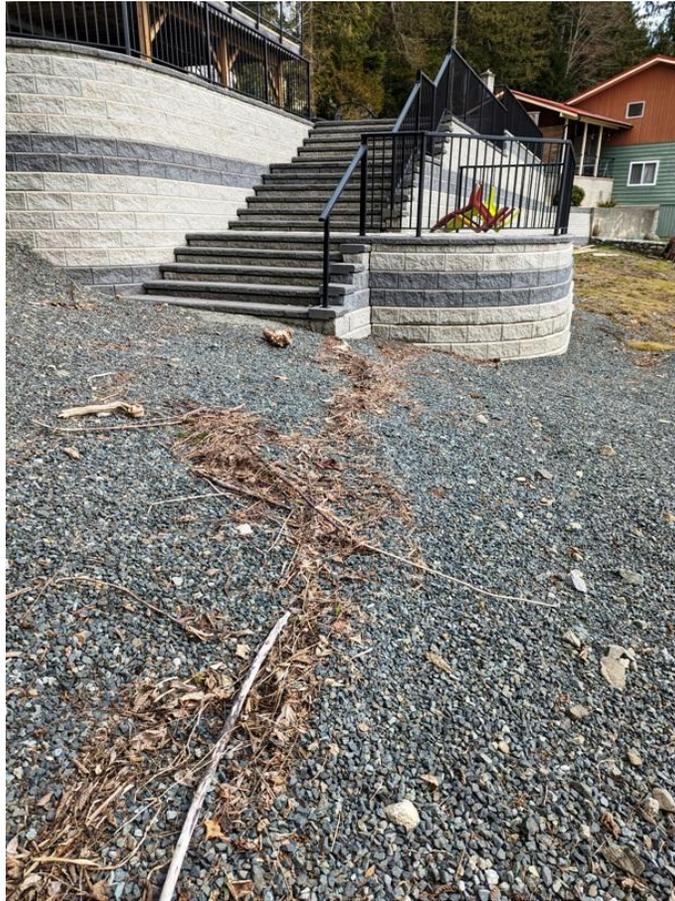
Photograph 6. March 7, 2024. View west along approximate same alignment as Photo 5, above.



Photograph 7. March 7, 2024. View of extensive patio fill area upland of retaining wall.



Photograph 8. March 7, 2024. View of projection from retaining wall on left and concrete stairs to float ramp on right.



Photograph 9. March 7, 2024. View east along high water line from Baycup Road to retaining wall.



Photograph 10. March 7, 2024. View from lake shore to high water line.



To: ACRD Board of Directors

Meeting Date: August 28<sup>th</sup>, 2024

From: Brooke Eschuk, Planner I

Voting Structure: Electoral Area Directors

Electoral Area: 'D' Sproat Lake

Subject: Rezoning Application RD24005 – 10787 Kimola Road (Strachan)

**Recommendation:**

*THAT Bylaw P1509, Sproat Lake Official Community Plan Amendment Bylaw be read a first time;*

*THAT P1510, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw be read a first time;*

*THAT the public hearing for Bylaw P1509 be delegated to the Director for Electoral Area 'D', the Alternate Director, or the Chairperson of the Regional District; and*

*THAT the Board of Directors confirm that adoption of Bylaws P1509 and P1510 are subject to:*

- a. Confirmation from a Registered On-Site Wastewater Practitioner that the parcel can accommodate on-site sewage disposal to a 0.8 hectare minimum lot size.*
- b. Meeting all technical referral agency requirements.*

**Development Proposal:** The property owners intend to rezone the property from A3 to A1 to facilitate a future 3 lot subdivision. The proposed rezoning will require an amendment to the Sproat Lake Official Community Plan designation from Rural Use to Residential Use.

The proposed subdivision plan indicates panhandle access to the original lot from Kimola Road requiring a parcel frontage waiver. Each of the three proposed lots meet the minimum size requirements for the Small Holdings (A1 ) District.

**Advisory Planning Commission Recommendation:** The Sproat Lake APC will consider the application at the August 19<sup>th</sup> meeting and forward their recommendation to the ACRD Board of Directors.

**Property Owner(s)/Applicant(s):** Les and Sue Strachan

**Property Information:**

Civic Address	10787 Kimola Road						
Legal Description	LOT A SECTION 91 CLAYOQUOT DISTRICT PLAN EPP2899						
PID	028-132-653	Folio	3269025	ALR? (Y/N)	N	Lot Size	3.2 ha

PL240044 / RD24005

Current Zoning	Forest Rural (A3) District	Proposed Zoning	Small Holdings (A1) District
Current OCP	Rural Use	Proposed OCP	Residential Use
Development Permit Area(s)	DPA I – Riparian Areas Protection (15m)		
Current Use & Description	The property is approximately 140m by 230 metres and contains a single family dwelling, accessory buildings – a workshop, a power shed and some open storage. The parcel is mostly forested and is impacted by DPA I – Riparian Areas (15m) in the southeast corner of the property. The applicants must apply for a development permit to address DPA I as a condition of subdivision approval.		

Surrounding Zoning and Land Use			
North	Kimola Road Forest Reserve (A4) District	South	Forest Rural (A3) District
East	Forest Rural (A3) District	West	Forest Rural (A3) District

**Services:**

- a) **Sewage Disposal:** onsite septic system
- b) **Water Supply:** onsite water system
- c) **Fire Protection:** Sproat Lake Fire Protection Area
- d) **Access:** The parcel is accessed from Kimola Road

**Planning Policy Discussion:**

- a) **Official Community Plan:** The parcel is designated Rural Use. The applicants intend to redesignate the parcel to Residential Use with a minimum lot size requirement of 0.8 ha to facilitate a future subdivision. Sproat Lake is predominately a residential area surrounded by rural and resource use parcels. The applicant’s property and neighbouring parcels to the north of highway 4 are designated as Rural or Resource Use and range between 3 and 5 ha in size. Though the parcel meets minimum size requirements for Residential Use and a future subdivision, the subject property would be the only parcel north of highway 4 with a Residential Use designation. Parcels south of highway 4 are primarily designated as Residential and Commercial Use.

If the zoning is successful, and if property owners proceed with subdivision, they must adhere to Policy 10.2.7 of the OCP which requires that lots created by subdivision one (1) hectare or greater are to be serviced with on-site water and sewer disposal systems. The redesignation from Rural to Residential Use will require a public hearing.

The parcel is impacted by DPA I – Riparian Areas Protection (15m). Prior to Subdivision approval, the applicant must apply for a development permit to satisfy the requirements of the DPA. The DPA consists of a water course as well as a wetland area to the southeast of the property line.

***This proposal does not comply with the objectives and policies of the Sproat Lake Official Community Plan***

- b) **Zoning:** The parcel is zoned Forest Rural (A3) District. To facilitate a three lot subdivision to allow further residential development on Kimola Road, the parcel must first be rezoned to Small Holdings (A1) District which will allow a minimum lot size of 0.8 ha. The rezoning would increase the density of the area as neighbouring parcels range from 3-5 ha in size. The applicant will propose three (3) 1 ha lot parcels to allow each lot to have one (1) single family dwelling and an accessory dwelling unit.

	Current: A3	Proposed: A1
Minimum Lot Area (ha)	4	0.8
Minimum Lot Width (m)	100.5	50.2
Principal & Accessory Front Yard Setback (m)	15.2	7.6
Principal Side Yard Setback (m)	4.5	1.5
Principal Rear Yard Setback (m)	30	9.1
Accessory Side Yard Setback (m)	4.5	4.5
Accessory Rear Yard Setback (m)	4.5	4.5
Watercourse Setback (m)	15	15

***The proposal to create three (3) 1 ha parcels does not comply with the minimum parcel size requirements set out in the ACRD zoning bylaw. The applicants require an amendment to the bylaw to rezone the parcel from A3 to A1.***

**Comments:** Subdividing the parcel into three (3) 1 ha lots will allow for the future development of housing within the Sproat Lake Electoral Area. The applicants must address the development permit area at the rear of the property at the subdivision stage of development.

The parcel is approximately 140 m wide by 230 m long. Creating three lots will necessitate the development of panhandle access to the original lot and will require a parcel frontage waiver as a condition of subdivision.

A public hearing must be held before the OCP designation can be amended from Rural Use to Residential Use.



Looking southeast toward DPA I Riparian Areas Protection (15 m) at the rear of the parcel.



Looking southeast toward the proposed centre lot.



Looking south toward the proposed centre lot.



Looking east toward proposed easternmost lot according to subdivision plan.



Looking South from top of driveway on Kimola Road. Proposed lots to the east of the image. The driveway would be the panhandle access to the original property.

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

Reviewed by: \_\_\_\_\_  
Cynthia Dick, General Manager of Administrative Services

Approved by: \_\_\_\_\_  
Daniel Sailland, MBA, Chief Administrative Officer



**ALBERNI-CLAYOQUOT  
REGIONAL DISTRICT**

**APPLICATION FOR DEVELOPMENT**

- Official Community Plan Amendment
- Zoning Map Amendment
- Zoning Text Amendment
- Development Permit
- Development Variance

- Minimum Parcel Frontage Waiver
- Board of Variance Application
- Temporary Commercial Use Permit
- Temporary Industrial Use Permit
- Other: \_\_\_\_\_

Applicant/Property Owner Information	Agent Information (if applicable)
Name: <u>Les + Sue Strachan</u>	Name:
Mailing Address: <u>10787 KIMOLA RD. PORT ALBERNI V9Y 8Z8</u>	Mailing Address:
Telephone: [REDACTED]	Telephone:
Fax: <u>-</u>	Fax:
Cell: <u>-</u>	Cell:
Email: [REDACTED]	Email:

• Civic Address: \_\_\_\_\_

• Legal Description: LOT 3 SEC 91 CLAYOQUOT DIST. PL 2634

• Particulars of Proposed Development:

○ Existing OCP Designation: Rural Use

○ Proposed OCP Designation: Residential Use

○ Text Amendment: n/a

○ Existing Zone: A3

○ Proposed Zone: A1

○ Within the Agricultural Land Reserve (ALR)?:  No  Yes

○ Within a Development Permit Area?:  No  Yes

○ Method of Sewage Disposal:  Community System  Onsite Septic System  Other

○ Method of Water Supply:  Community System  Onsite Water System  Other

• Other (explain): \_\_\_\_\_

• Describe the existing land use of the subject property: Residential

- Describe the existing land use of lands adjacent to the subject property:

North: Road then community forest  
South: Marsh.  
East: Res.  
West: Res.

- Describe the proposed development of the subject property (attach additional pages if necessary):

Three 1.0 or greater ha lots each with access to existing road.

- Reasons and comments in support of the application (attach additional pages if necessary):

To provide home building sites on unused land.

- The following information is required. Failure to provide any of the following may delay the application.

A sketch/plan of the subject property showing:

- the legal boundaries and dimensions of the subject property;
- boundaries, dimensions, and area of any proposed lot (if subdivision is being proposed);
- the location of permanent building and structures on the subject property with distances to property lines;
- the location of any proposed building, structures, or additions hereto, with distances to property lines;
- the location of any existing sewage disposal systems and/or property water source; and
- topographic features (rock outcroppings, etc.).

- Additional or more detailed information may be requested by the Regional District following review or your application.

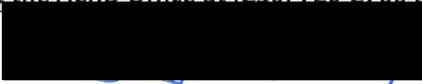
If the Regional District believes it to be necessary for the property boundaries and the location of buildings and structures to be more accurately defined, a plan prepared by a registered BC Land Surveyor may be required.

I accept responsibility for delays in processing caused by incorrect or insufficient submission. All items submitted as part of the application will not be returned to the applicant. All relevant correspondence will be provided to both the applicant and the agent when applicable.

I hereby grant Regional District staff full right of access to the subject property, during the hours of 8:00 am until 4:30 pm, Monday to Friday, except statutory holidays, while this application is in effect; and

I/We hereby declare that the information provided in this application is, to the best of my/our knowledge, true and correct in all respects, and I/we enclose the required fee with this application.

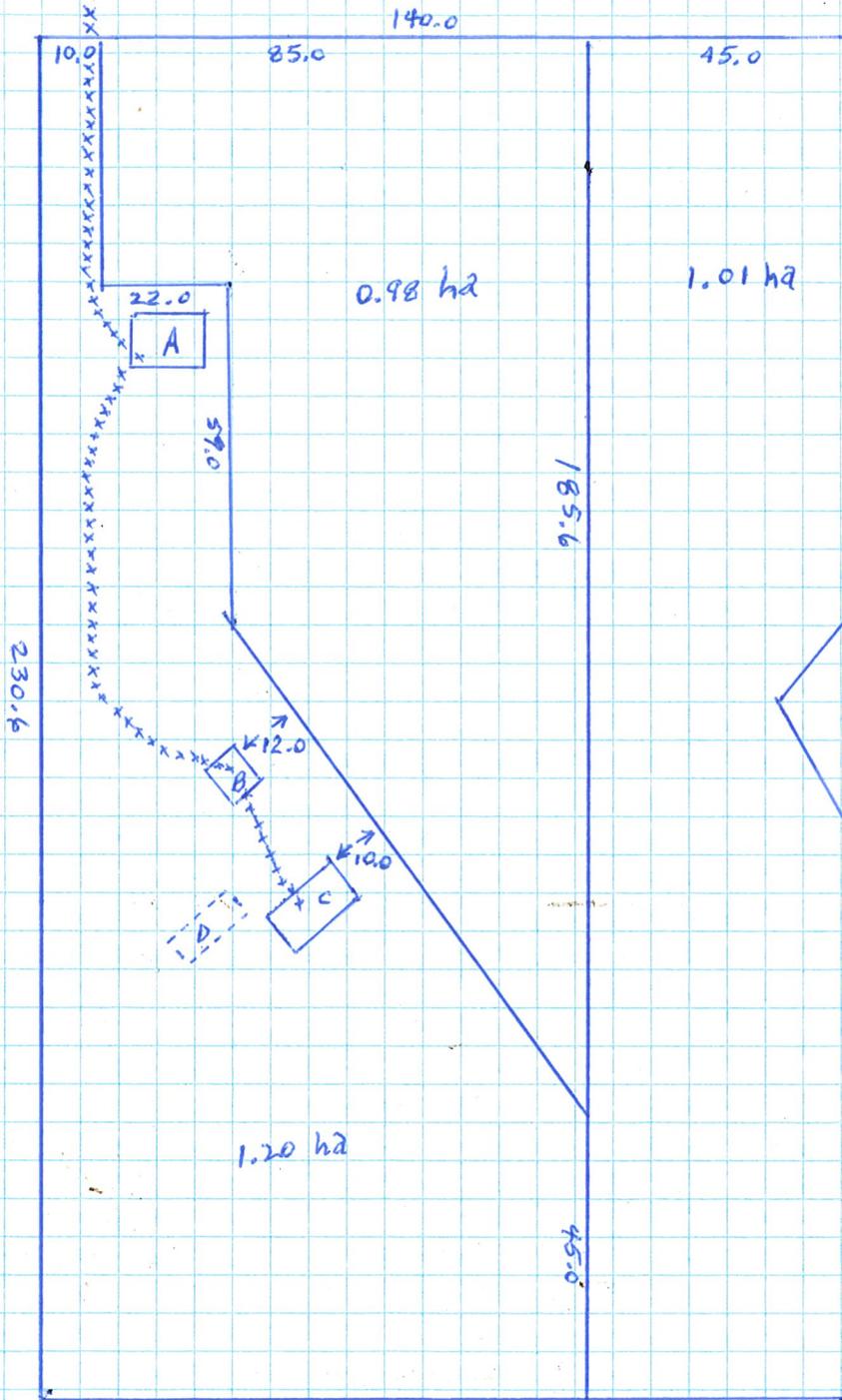
NOTE: The personal information is collected pursuant to Section 26 of the Freedom of Information and Protection of Privacy Act and is only collected for the purposes of processing this development application and will not be used or disclosed for any other purpose. If you have any questions about the collection, use or disclosure of your personal information, please contact the ACRD Office at (250) 720-2700 or email: [administration@acrd.bc.ca](mailto:administration@acrd.bc.ca)

Applicant/Owner Signature:  Sue Strachan

Applicant/Owner Signature: \_\_\_\_\_

Date: Apr 23 / 2024

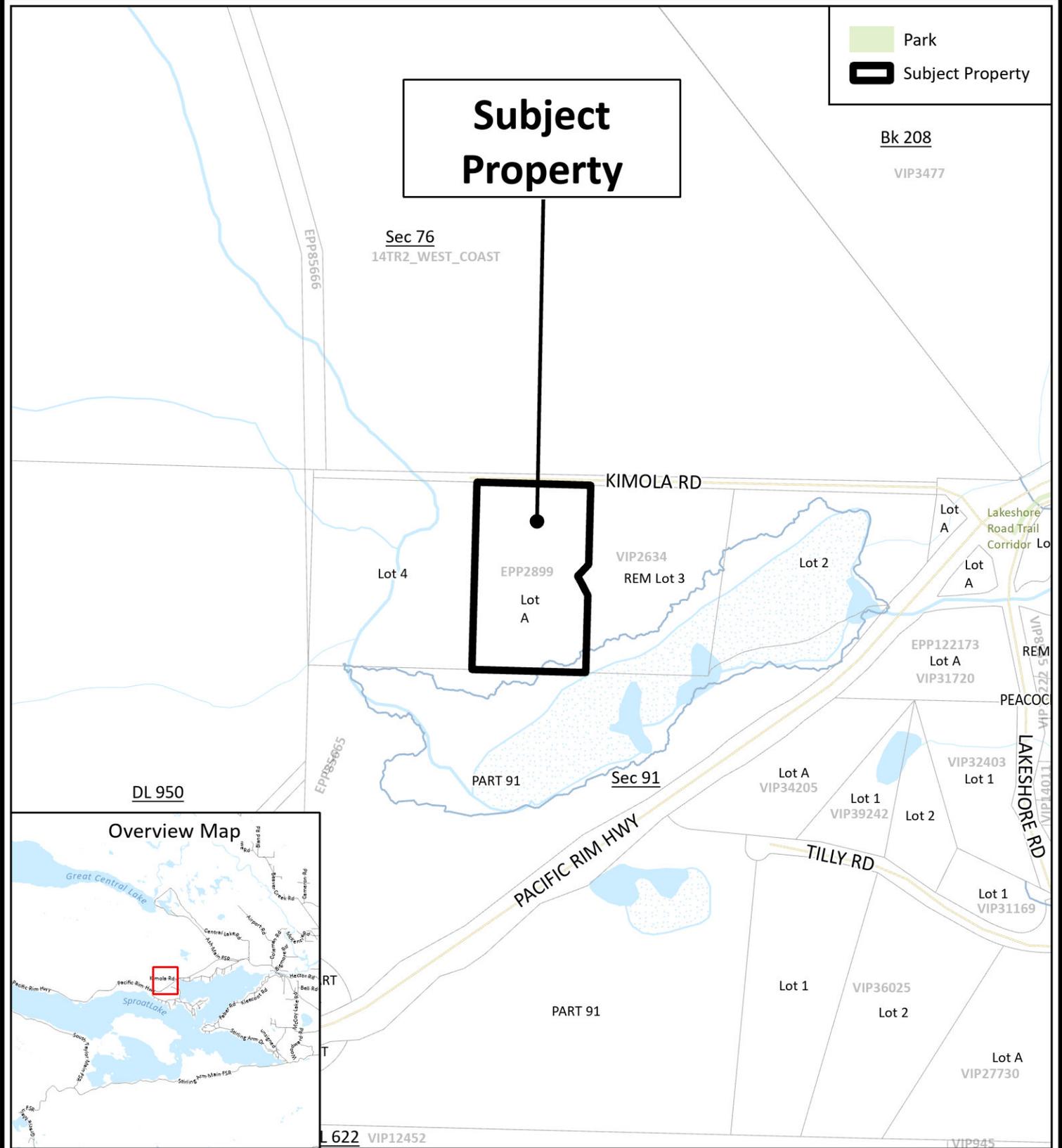
LOT 3, SEC 91, PL. 2634



- A - WORKSHOP
- B - POWER SHED
- C - DWELLING
- D - SEPTIC FIELD

-  Park
-  Subject Property

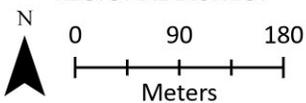
# Subject Property

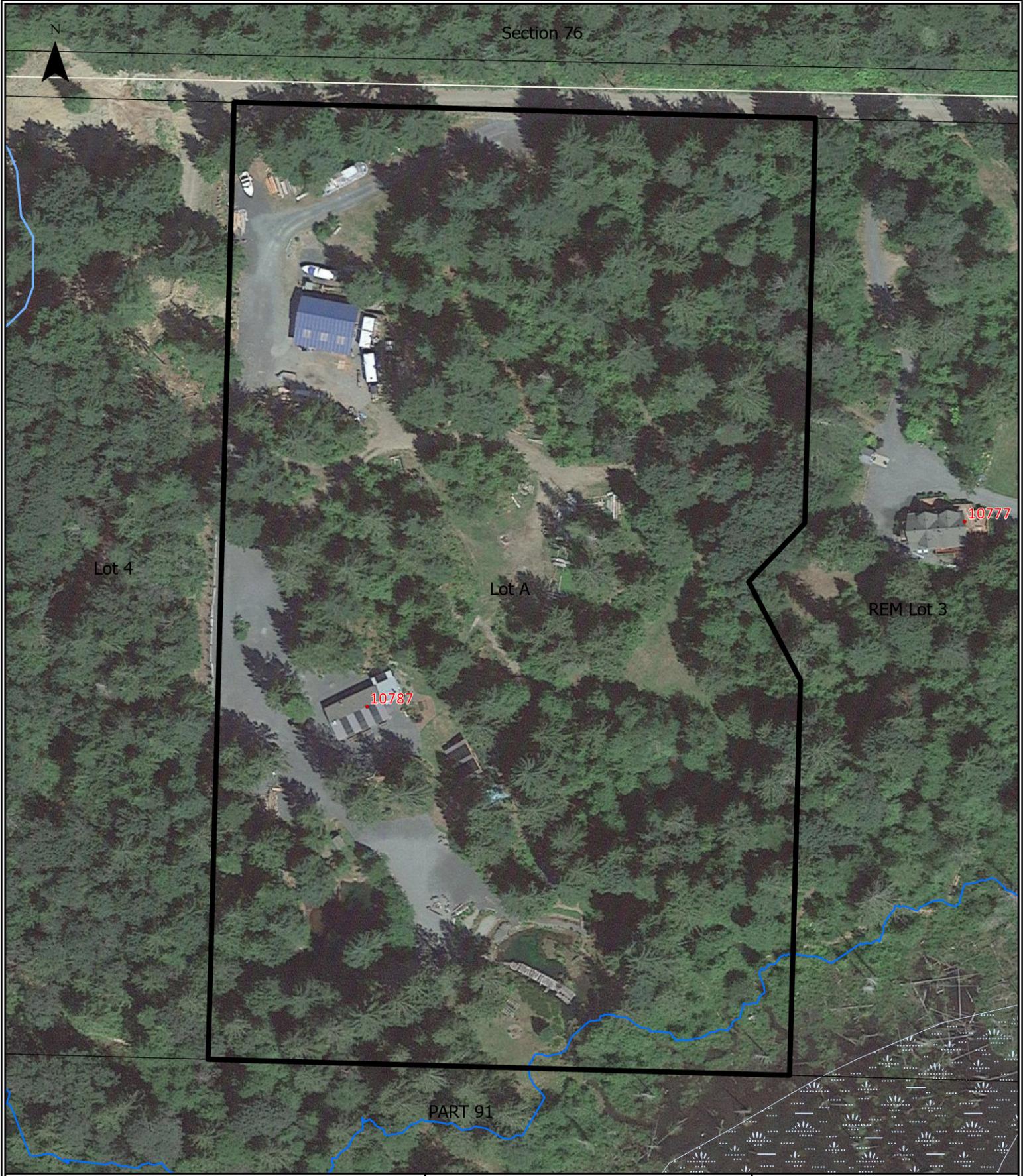


 Civic Address: 10787 Kimola Road  
 Legal Description: LOT A SECTION 91 CLAYOQUOT DISTRICT PLAN EPP2899

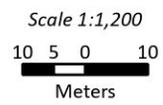


ALBERNI-CLAYOQUOT REGIONAL DISTRICT





10787 Kimola Road  
 LOT A SECTION 91 CLAYOQUOT DISTRICT PLAN  
 EPP2899



- Subject Property
- AV Stream Atlas
- Parcels



Prepared 2024-06-17  
 Sources: © OpenStreetMap (and) contributors, CC-BY-SA, ParcelMapBC; GeoBC; ACRD

*This product is intended for general reference use only and should not be used for navigation or legal purposes.*

N

Section 76

Lot 4

Lot A

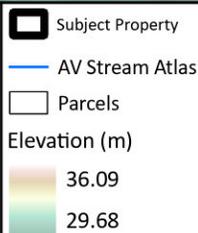
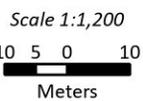
REM Lot 3

.10787

.10777

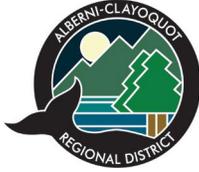
PART 91

10787 Kimola Road  
LOT A SECTION 91 CLAYOQUOT DISTRICT PLAN  
EPP2899



Prepared 2024-06-17  
Sources: ParcelMapBC; GeoBC;  
ACRD

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**REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT**

**BYLAW NO. P1509**

**A BYLAW TO AMEND BYLAW NO. P1310  
SPROAT LAKE OFFICIAL COMMUNITY PLAN**

---

WHEREAS by Section 478(2) of the *Local Government Act*, all bylaws enacted by the Regional Board must be consistent with an existing official community plan;

AND WHEREAS the Regional Board may amend an existing official community plan;

NOW THEREFORE the Board of Directors of the Regional District of Alberni-Clayoquot in open meeting assembled enacts as follows:

1. TITLE  
This bylaw may be cited as the Sproat Lake Official Community Plan Amendment Bylaw No. P1509.
2. Schedule A of Bylaw P1509, Map No. 2 Land Use Designations, is hereby amended by redesignating LOT A SECTION 91 CLAYOQUOT DISTRICT PLAN EPP2899 from "Rural Use" to "Residential Use" 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, 2024

Read a second time this day of ,

Read a third time this day of ,

Adopted this day of ,

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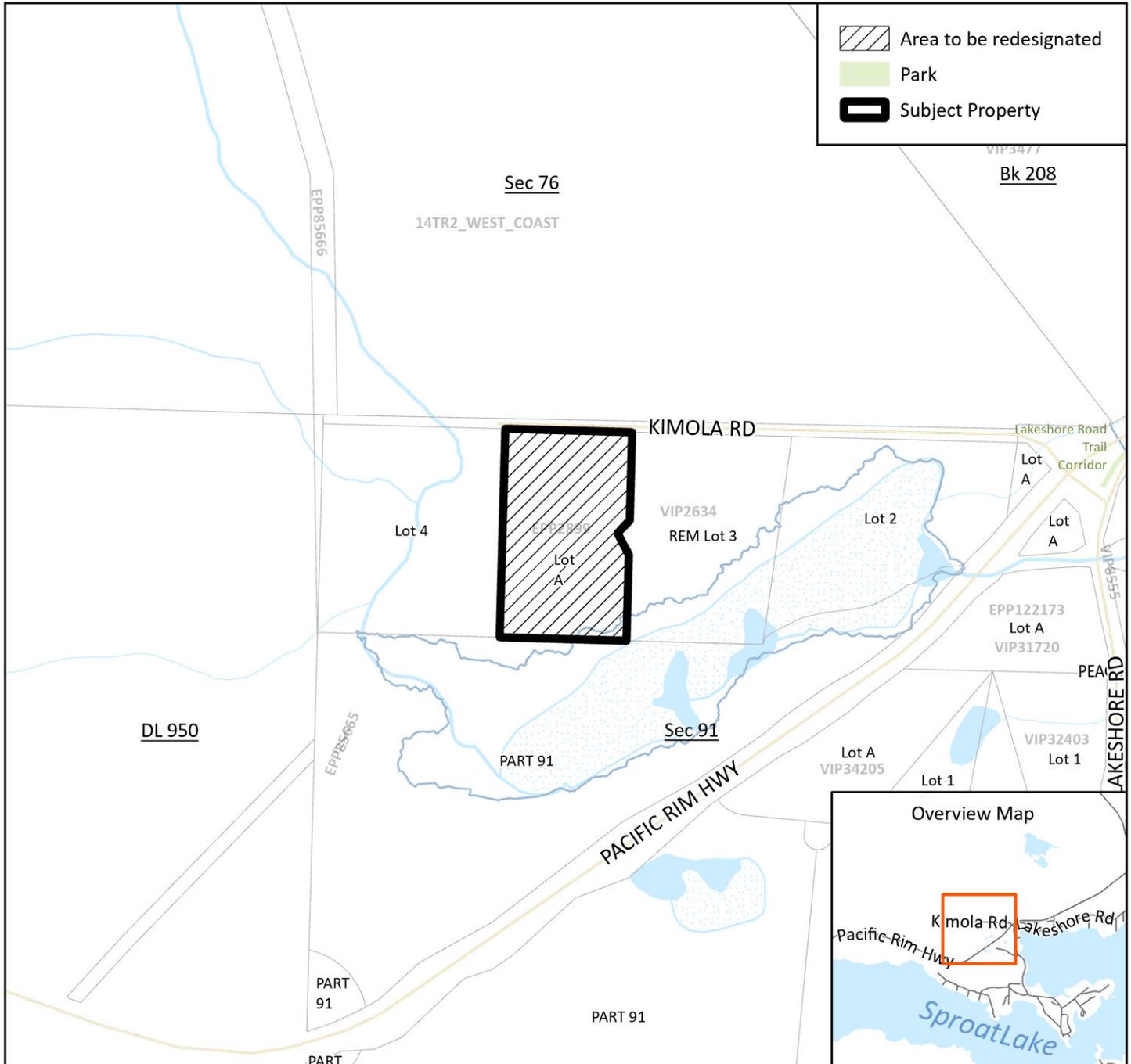
Corporate Officer

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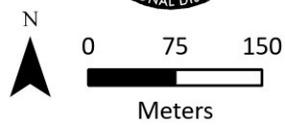
Chair of the Regional Board

# Schedule 'A'

This schedule is attached to and forms part of Bylaw No. P1509, Sproat Lake Official Community Plan Amendment Bylaw, 2024



Civic Address: 10787 Kimola Road  
Legal Description: LOT A SECTION 91 CLAYOQUOT DISTRICT PLAN EPP2899



 To be redesignated from Rural Use to Residential Use.



**REGIONAL DISTRICT OF ALBERNI-**

**CLAYOQUOT BYLAW NO. P1510**

**OFFICIAL ZONING ATLAS  
AMENDMENT NO. 787**

---

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. P1510.

2. Bylaw No. 15 of the Regional District of Alberni-Clayoquot is hereby amended by rezoning: LOT A SECTION 91 CLAYOQUOT DISTRICT PLAN EPP2899 from Forest Rural (A3) District to Small Holdings (A1) 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, 2024

Read a second time this day of ,

Read a third time this day of ,

Adopted this                      day of                      ,

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Corporate Officer

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Chair of the Regional Board

