



## ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni BC, CANADA V9Y 2E3

Telephone (250) 720-2700 Fax (250) 723-1327

June 7, 2021

### SPROAT LAKE ADVISORY PLANNING COMMISSION

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

- RD20003 – 7956 Pacific Rim Highway (Stevens)
- RD21005 – Lot 45, Taylor Arm Drive (Mykyte)
- DVD20011 – 9648 Stirling Arm Crescent (Mykyte)

Please review this application so that your Director can submit your recommendations to the Board of Directors on Wednesday, June 23rd, 2021.

Your next meeting is scheduled for **Thursday, June 10th at 7:00 pm** through Zoom Video Conferencing. Please refer to the email for details and Zoom invitation.

Thanks in advance!

Sincerely,

Alex Dyer, MCIP, RPP  
Planning Manager

Enclosures

Cc Applicants



## Rezoning Application

**TO:** Sproat Lake Advisory Planning Commission

**MEETING DATE:** SLAPC meeting June 10, 2021. Board meeting June 23, 2021.

**FROM:** Alex Dyer, Planner

**ACRD FILE NO:** RD20003

**APPLICANTS:** Ross & Shary Stevens (agent: Jim McManus)

**LEGAL DESCRIPTION:** LOT 1, DISTRICT LOT 149, ALBERNI DISTRICT, PLAN 1647

**LOCATION:** 7956 Pacific Rim Highway, Port Alberni

**ELECTORAL AREA:** "D" Sproat Lake

**Applicants Intention:** The application includes an Official Community Plan amendment and a zoning map amendment. The applicant had initially applied to redesignate the property from "Rural Use" to a mix of "Residential Use" and "Industrial Use" and to split-zone the existing +/- 4.5 ha (11.2 ac) property to 1 ha (2.5 ac) zoned Small Holdings (A1) District and the remaining 3.4 ha (8.5 ac) zoned Light Industrial (M2) District.

In March 2021, the applicants amended their application to retain the existing Rural (A2) District zoning on a 2 ha (5 ac) portion of the property fronting the highway and to rezone a +/- 2.4 ha (6 ac) portion on the south end of the property to Light Industrial (M2) District. The A2 zoned property would accommodate the existing single family dwelling and the M2 zoned property would allow for mini storage, open storage, a mechanical shop and a caretaker dwelling. The amended proposal also requires an OCP amendment to redesignate a portion of the property from "Rural Use" to "Industrial Use"

---

**Recommendation:** *THAT the Sproat Lake APC provide direction on the amended proposal to be considered by the Board on June 23, 2021.*

---

**June 2021 Update:** After the Board passed a resolution at their February 10, 2021 meeting to consider denying the application and to defer a decision on the application while inviting the applicants to present their own case as to why this matter should not be denied, the applicants made a delegation to the March 24, 2021 Board meeting. The applicants proposed a number of measures to address concerns raised by staff, the Sproat Lake Advisory Planning Commission

### RD20003

and the ACRD Board:

- Reduction in the size of the M2 District zoning to reduce the area to be rezoned industrial from +/- 8.5 acres to +/- 6 acres;
- Installing a berm, fencing and replanting vegetation along the highway secured by Restrictive Covenant;
- Maintaining a 6 metre landscaped buffer within M2-zoned lands; and
- Providing a drainage plan with retention pond and installing oil catchment and separation utilities as required.

The applicants' amended proposal is detailed in a March 12, 2021 letter to the Board (attached as Appendix 'A'. At the March 24 meeting, the Board directed staff to amend the draft bylaws as per the applicants' proposal and refer the application back to the Sproat Lake APC for further discussion. The Board also resolved to direct the applicants to remove equipment from the property and to cease using the property for industrial purposes.

The applicants have appeared to cease operations on the site since the March 2021 meeting and have made efforts to remove heavy equipment from the subject area. It is planning staff's understanding that the applicants have also been working on the requirements for a drainage plan and pollutant control plan. Staff have brought forward the application to the June 10, 2021 Sproat Lake Advisory Planning Commission meeting for further discussion.

---

If the Board wishes to proceed with this application, the following resolutions would be appropriate:

- THAT Bylaw P1411 Sproat Lake Official Community Plan Amendment Bylaw be read a first time;
- THAT Bylaw P1412 Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw be read a first time;
- THAT the public hearing for Bylaws P1411 and P1412 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 P1411 and P1412 are subject to:
  - a. Confirmation from a Registered On-Site Wastewater Practitioner that the property can accommodate an onsite sewage disposal system for the proposed industrial use and caretaker dwelling;
  - b. Positive referral response from the Ministry of Transportation and Infrastructure regarding industrial road access off Sarenga Road;
  - c. Registration of restrictive covenants to:
    - i. Limit industrial uses to closed storage and warehousing, open storage, and motor vehicle and commercial truck repair;
    - ii. Require a landscaped visual barrier to the satisfaction of the ACRD that

## **RD20003**

- includes a berm, fencing and no vegetation removal between any industrial zoned area and Highway 4, and adjacent rural residential and agricultural properties;
  - iii. Require an engineered drainage plan that considers pollutant control from surface runoff within the industrial zoned area; and
  - iv. Restrict any future subdivision of the industrial zoned area.
- d. Meeting all technical referral agency requirements.
- 

**Advisory Planning Commission Recommendation:** The Sproat Lake APC last considered this application at their January 28, 2021 meeting where they passed a motion to recommend that the application be denied. The applicants have since amended their application and the amended proposal will be considered by the APC on June 10, 2021.

**October 2020 – December 2020 Observations:** The application was presented to the Sproat Lake APC a first time on October 19, 2020 with a staff recommendation to proceed to public hearing. At the end of October 2020, the applicant appeared to continue expanding the operation contrary to the current zoning with 17 pieces of heavy equipment parked on-site and cleared additional area on the property adjacent to the Highway 4 view corridor. An existing drainage ditch was cleared to drain the low-lying area into a culvert under the highway. The outlet of the culvert is approximately 180 metres from the Sproat River located to the north of the subject property. In December 2020, the applicants provided a letter to the ACRD highlighting additional information for consideration by the APC and ACRD Board.

**Observations:**

- i) **Status of Property:** The +/- 11.2 ac (4.5 ha) property is located on the corner of the Pacific Rim Highway and Sarenga Road. It slopes gradually from north to south and includes a treed buffer along the Pacific Rim Highway, the eastern and southern property lines, and along most of Sarenga Road. A single family dwelling and decommissioned kennel are located in the northwestern corner of the property. Approximately 2-3 acres have been cleared for storing heavy equipment and parking logging trucks. Surrounding properties include Crown Land across the Pacific Rim Highway to the north, large rural properties to the east and south, and timberland across Sarenga to the west.
- ii) **Services**
  - a. **Sewage Disposal:** On-site sewage disposal.
  - b. **Water Supply:** On-site water (well).
  - c. **Fire Protection:** Sproat Lake Volunteer Fire Department.
  - d. **Access:** There is access to the property from both Sarenga Road and the Pacific Rim Highway. The applicants access the proposed industrial lands from Sarenga Road. The Ministry of Transportation and Infrastructure will review the development for commercial/industrial access requirements and for development adjacent to a Controlled Access Highway.

**RD20003**

### iii) Existing Planning Policies Affecting the Site

- A. **Agricultural Land Reserve:** Not within the ALR. The property abuts the ALR boundary to the east and north-east.
- B. **Official Community Plan:** The property is currently designated "Rural Use". The applicants are proposing to redesignate a +/- 2.4 ha (6 acre) portion of the property to "Industrial Use" to facilitate the proposed development.

The property lies approximately 1 km north of Tseshaht Market and a property where a mini storage facility was approved by the ACRD in 2016. While the Sproat Lake OCP encourages economic diversification, industrial uses are not supported along the Pacific Rim Highway. Potential impacts could be mitigated by incorporating the subject property into DPA III – Objectives for Form and Character.

Policy 7.2.2 - Requirements include buffering and screening of industrial uses where they are located adjacent to non-industrial land.

Policy 7.2.4 - Encourages industrial uses to locate in areas so designated, such as the airport area and hector road.

The Pacific Rim Highway is one of the most heavily traveled roads in the ACRD and the scale and character of the built environment along this travel corridor have an impact on the impression formed by both residents and visitors as they travel through. Bringing the proposed Industrial portion of this property into DPA III – Objectives for Form and Character would intend to protect the visual aesthetics along the Pacific Rim Highway. Guidelines included in DPA III include, but are not limited to:

- a. Screening and buffering of sites adjacent to residential uses;
- b. Appropriate scaling, massing, and shape of buildings;
- c. Maintenance of view planes; and
- d. Requirements for landscaping and use of native plant species.

**Planning staff have significant concerns with the visual impact of un-screened industrial uses along the highway corridor. This high visibility location along a heavily trafficked highway corridor represents the main connection between the Alberni Valley and the west coast and staff have concerns about the aesthetic impression formed by those traveling the highway corridor. Any staff support for the application is contingent upon reinstating a vegetative buffer and securing appropriate screening with a berm and fencing between any industrial uses and Highway 4.**

**This proposal would be inconsistent with the current Rural Use policies and objectives of the Sproat Lake OCP and with Section 7.2.4 which encourages**

## RD20003

**locating industrial uses to the airport and Hector Road. Redesignating a portion of the property to Industrial Use would be required in order to facilitate the industrial rezoning of this site.**

**Zoning:** The property is zoned Rural (A2) District and the property owner is applying to rezone a +/- 2.4 hectare (6 acre) portion of the property to Light Industrial (M2) District.

	<b>A2 District (existing)</b>	<b>M2 District (proposed)</b>
Minimum Lot Area:	5 ac	10,000 m <sup>2</sup> (2.4 ac)
Minimum Lot Width	330 ft	100 ft
Lot Coverage:	-	60%
Minimum Setbacks		
Front:	50 ft	10 ft
Rear:	30 ft	10 ft
Side:	15 ft	Total > than 20ft

The property owners intend to retain the current Rural (A2) District zoning for residential use over a 2 ha (5 ac) portion of the property adjacent to the highway. The property includes a single family dwelling, outbuildings, and a decommissioned former dog kennel. The applicants do not intend to reopen the kennels.

The property owners intend to rezone a +/- 2.4 ha (6 ac) portion of the property from Rural (A2) District to Light Industrial (M2) District. The owners have cleared 2-3 acres for storing heavy equipment and parking logging trucks. The proposed industrial area would be accessed from Sarenga Road with no direct access to the highway.

The applicants intend to use the property for a mechanic shop to primarily service the logging industry, outdoor storage for larger equipment related to the mechanic shop, mini storage, and a caretaker dwelling to oversee the mini storage facility. The Light Industrial (M2) District permits these uses. If the Board wishes to proceed with industrial zoning for this site, planning staff recommend placing a Restrictive Covenant on the property title that restricts uses to the above-mention uses and consequently prohibits the additional uses otherwise permitted in the Light Industrial (M2) District.

***The applicant is applying to rezone a +/- 2.4 hectare (6 acre) portion of the property from Rural (A2) District to Light Industrial (M2) District.***

**Comments:** A site visit conducted on September 9, 2020 found that vehicles and equipment were stored on the property, contrary to the current A2 District zoning. Subsequent site visits on October 26/20 and November 25/20 indicated that the industrial equipment storage and marshalling use on the site appeared to be

**RD20003**

ongoing and expanding. After the Board passed a resolution on March 24, 2021 to direct the property owners to remove equipment from the property and to cease any industrial operations from the property, the applicants have made efforts to cease operations and remove equipment and there is a visible improvement to the site.

In a presentation to the Board on March 24, 2021, the applicants proposed a number of amendments to their proposal intended to address concerns raised:

- Reduction in the size of the M2 District zoning to reduce the area to be rezoned industrial from +/- 8.5 acres to +/- 6 acres;
- Installing a berm and fencing as a visual and aesthetic barrier from the highway, replanting vegetation along the highway and maintaining a 6 metre landscaping buffer within M2-zoned lands. Landscaping, vegetative buffering, and screening to be secured by Restrictive Covenant; and
- Providing a drainage plan with retention pond and installing oil catchment and separation utilities as required.

If this application is furthered by the Board, the Ministry must approve the OCP and zoning amendments as per the *Transportation Act* requirements for development adjacent to a Controlled Access Highway. This requirement would be noted as part of the referral process to the Ministry prior to Public Hearing.

The proposed industrial use on this property represents a significant change from the current land use supported in the Sproat Lake Official Community Plan. The OCP designates the property as Rural Use, which supports the predominantly rural character of the area. The property is also directly adjacent to the Agricultural Land Reserve boundary to the east and north-east. The OCP supports regulation of the form and character of development along the Highway 4 corridor recognizing the highway represents one of the most heavily travelled roads in the region providing the primary access between the Alberni Valley and the west coast.

Planning staff have concerns with any negative impact to the visual aesthetic along the highway corridor, the significant change to the land use in the area represented by the proposed industrial use directly adjacent to rural residential and agricultural land, and the potential for environmental impact from surface runoff. If the Board proceeds with conducting a public hearing for the proposed development, planning staff will recommend that the above-noted concerns be addressed as proposed by the applicant prior to adoption of the OCP and zoning amendments.

Submitted by:



Alex Dyer, MCIP, RPP, Planning Manager

Approved by:

Douglas Holmes, BBA, CPA, CA, Chief Administrative Officer

### RD20003

March 12, 2021  
Ross and Shary Stevens  
5601 Sarenga Road  
Port Alberni, B.C.  
V9Y 8Y8  
Email: [ross-shary@shaw.ca](mailto:ross-shary@shaw.ca)  
250-724-5451

Dear ACRD Board Members.

RE: Stevens Development Application R.D. 20003: Lot 1, D.L.149, Alberni District, Plan 1647:  
Submission and request for Regional Board consideration of the following;

- To not formally deny proposal out right,
- Accept amendments herewith presented for reassessment by staff and A.P.C. and for onward processing.

This proposal was initiated in July 2020 and has been in process since then culminating in the present Board motion for refusal, or denial being presented for consideration.

By way of this current submission we are, respectfully requesting the Regional Board reconsider such a negative outcome and, to the contrary, consider the amendments proposed for Staff, Advisory Planning Commission and subsequent Board re-assessment and processing.

As part of such reconsideration request we herewith submit the following amendment for simultaneous consideration in respect of this matter.

- a) Reduction in size of "M2" zoning to eliminate all HWY 4 frontage and access consideration by moving the proposed line or demarcation to the south as per sketch marked "A". This, in effect, would result in a proposed "M2" zone size of +/- 6.0 acres.
- b) Agree a non vegetation removal covenant from the NE boundary pin, along HWY 4 frontage, to the first Eastern access to existing house. In addition,
  - I. Reinstate vegetative replacement along this frontage by replanting native vegetation.
  - II. Installing appropriate berming as well as cedar fencing, as necessary; to insure visual and aesthetic barriers are retained and supplemented in this area frontage.
  - III. Continuing such covenant requirements along East, South and West boundaries of "M2" area (refer to sketch "B") in terms of buffer and vegetation retention aspects.

- c) Drainage- wise, to construct, line and gravel/ rock finish an appropriate sized retention pond, adjacent to the existing HWY culvert, to control rate speed and magnitude of run off thru said culvert (on "A2" property); Existing open drainage channels have been silt trapped etc. to minimize potential off-site impacts. However, drainage aspects need to be re-analyzed and adjusted. That stated, we regard such work as imprudent unless we are granted some hope of positive process outcomes for the proposal:
- d) To install with in "M2" zoned area, all required and mandated oil catchment and separation utilities outlined by agencies having jurisdiction.
- e) Ensure 6m (+20 feet) landscaped buffer is retained within the "M2"zoned elements portion other than access/egress, in excess of zoning B/L 15 requirements (via Sarenga Road-MOTH approved).
- f) Accept, as required, D.P. III requirement designation and adherence there to in respect of the "M2" portion/designation zoning as well as conditions regarding "run-off" through both zoned portions of land/lot. (See also "C" above).

Current land status and policy/process implications:

We believe that, in respect of the initial development application process, more focus and weight has been accorded land clearing activities on site rather than basic use change assessment and implications. Reports produced through the ongoing process seem to highlight the following elements in particular;

- a) No highway 4 access/egress
- b) No existing access approval from Sarenga to "M2" area,
- c) Highway visual impact potential negatives, noted in reports
- d) Impacts on rural residential designated lands
- e) Protection of visual aesthetic on highway 4 corridor (also part of C)

In response to above, it is noted that;

- I. This lot has retained ex zoning since BL 15 was instigated most of the Sarenga Road "spine" ditto.
- II. No where in any RDAC Bylaw, is it prohibited for any owner to fell trees, clear or "grub" property within their/his/her ownership,
- III. The OCP is dated (7 years) and only, in respect of Sarenga "Spine" re iterates policies "hatched" from zoning B/L adoption, thru 2 (at least) OCP's which make these "guidance" policies 20 plus years old!
- IV. Present "Industrial" policies in Bylaw P1310, in our view, have not worked goal –wise. Yet,
  - a) Community aspiration to self sufficiency not included in any policy meaningfully.
  - b) Focus on resources-oriented work in close proximity to home is not acknowledged in any policy either (or, positively directed byany regulatory mandate) it is "hinted at"!

c) OCP acknowledges, in Section 20, Section 20.8

“OCP Visionary”

“Impossible to foresee all possibilities and opportunities that may be presented.

Changes are inevitable”

V. Most of the above aspects noted in reports are addressed, positively within the amended development proposal.

VI. We are of the opinion that, in respect of this amended proposal no neighbourhood conflict, use-wise, will occur. Sketches ‘B’ & ‘C’ attached graphically indicate that spatially. In addition, exacerbated by pandemic conditions and aftermath no acknowledgment is to the forefront recognizing reality of,

a) Resource equipment having to vacate closed work sites and be stored temporarily,

b) Loss of work/employment or curtailment of such, and community effect,

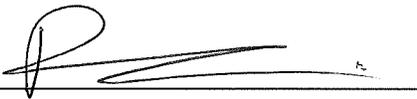
c) Skyrocketing land prices,

d) Lack of suitable, zoned industrial sites in the Alberni Valley (Deakin/Irg 2020), at reasonable prices;

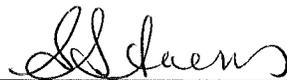
e) Social/economic driven desire to initiate live/work solutions in rural environment/areas for valid social and economic realities/reasons.

For the above reasons we believe that the Regional boards consideration of this application amendment should be positive and supportive, at very least to moving relevant Bylaws, with amendment, to/through public hearing processes to obtain true, accurate and updated community and neighbourhood inputs prior to formal decision.

Respectfully submitted,



Ross Stevens



Shary Stevens



Jim McManus

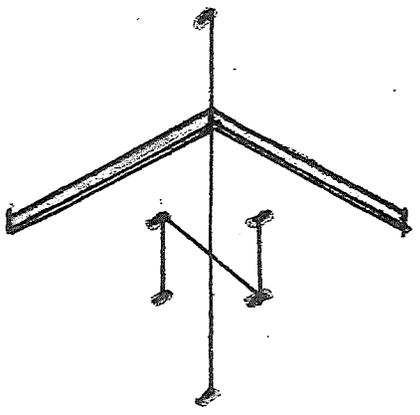
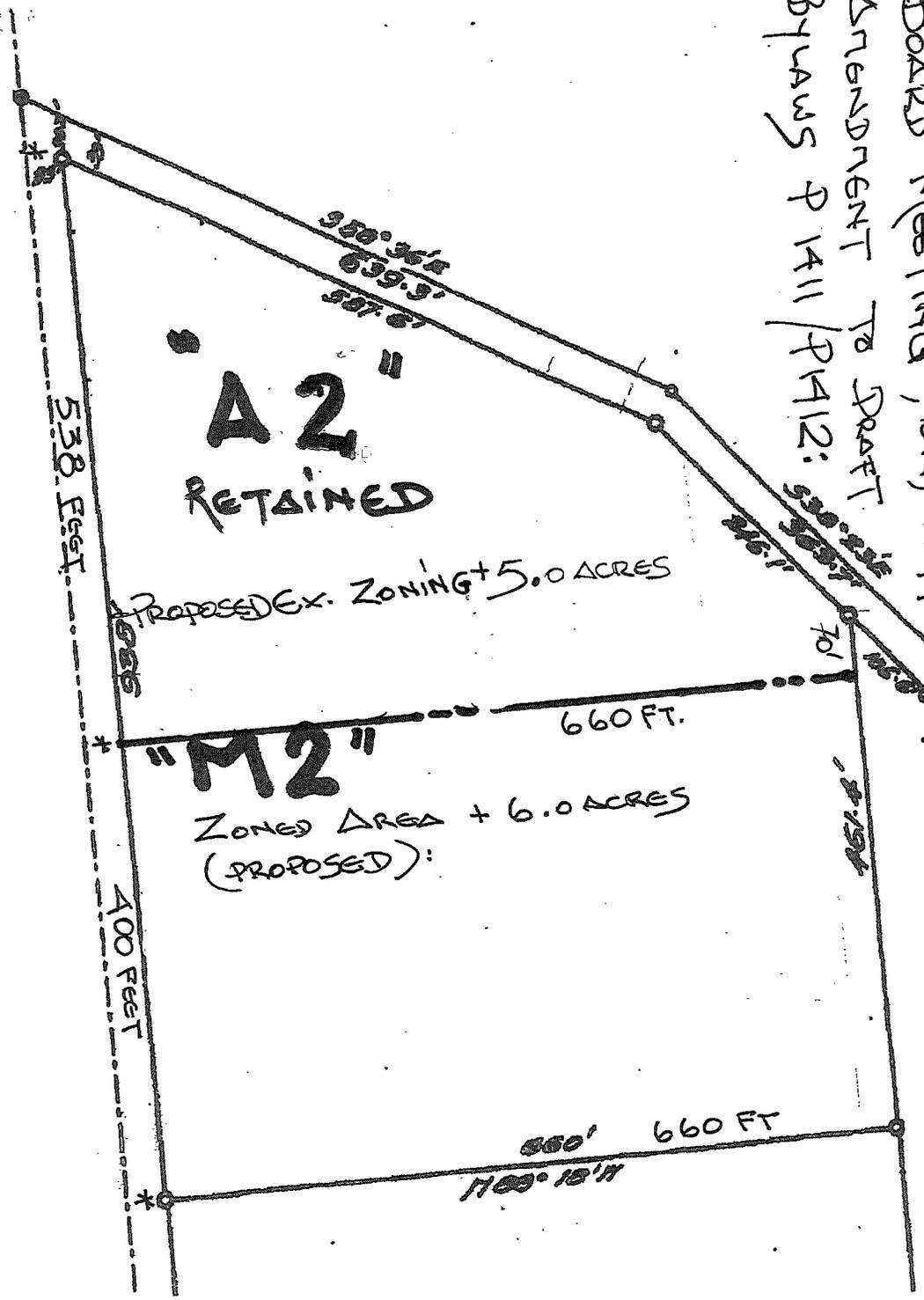
Dated: March 12, 2021 at Port Alberni, B.C.

# JOE STEVENS - SARANGA

SKETCH "A" AMENDED: MARCH 2021 BY J.S. [unclear]

## AMENDED PROPOSAL

TO BE READ & CONSIDERED WITH  
SUBMISSION TO PROCEED AT  
BOARD MEETING, OR, WITH  
AMENDMENT TO DRAFT  
BYLAWS P 1411 / P 1412:



SPROAT RIVER

Site IN QUESTION  
11.2 ACRES

# AMENDED PROPOSAL

MARCH '21:

TO BE READ IN  
CONJUNCTION WITH  
SUBMISSION TO PROCEED  
AT BOARD; OR,  
AMEND PROPOSED  
B/LIS P1411 AND  
P1412  
ACCORDINGLY

"A2"

+5.0 ACRES

LOT 1 PLAN 1647 (PART)  
RETAINED AS EXISTING

"M2"

+6.0 ACRES

LOT 1, PLAN 1647 (PART)

LINE OF  
DEMARKATION  
BETWEEN  
ZONES

2  
9.00  
AC.

9  
6.03  
AC.

538'  
538'  
400'  
1765'  
ALLOWANCE

275'

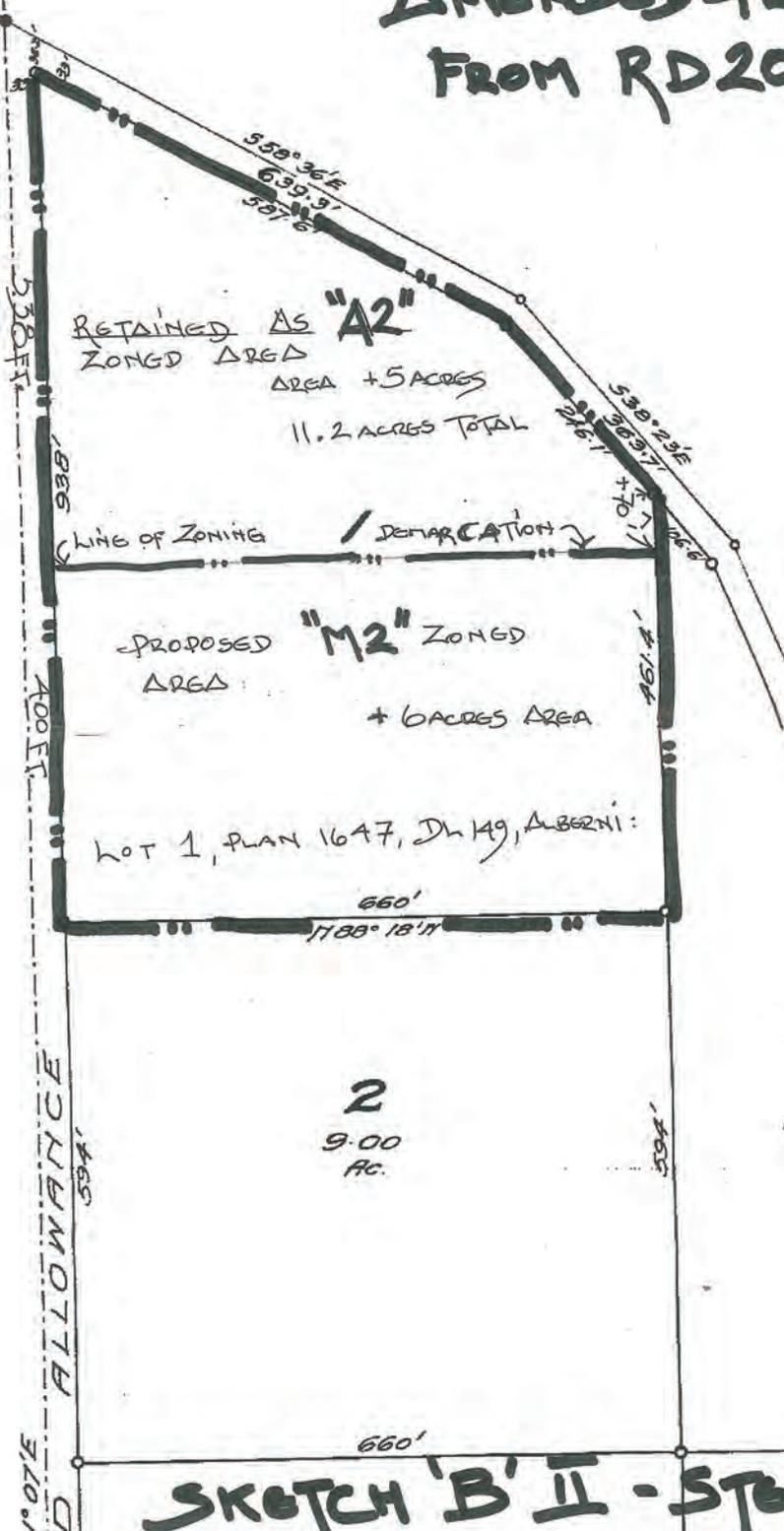
## CONCEPT ONLY:

1103° 18' W  
466.2'

Tranomic North

### RE S STEVENS - SARENKA SKETCH "B" AMENDMENT; MARCH 2021

# AMENDED PROPOSAL FROM RD 20003



SKETCH 'B' II - STEVENS  
SARONGA ROAD: LARGE  
SCALE

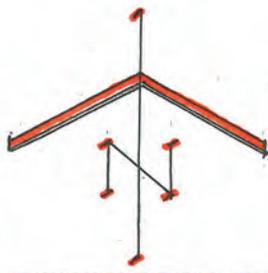
PART 38

PACIFIC RIM HWY

# R & S STEVENS - SARENGA SKETCH "C"

MARCH 2021 B

PART 49



50

**Δ2 ZONING - EXISTING**

SARENGA RD

Lot 1

**PROPOSED 'M2' ZONE + OCP AMEND.**

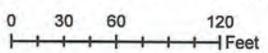
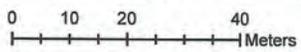
Lot 9

55

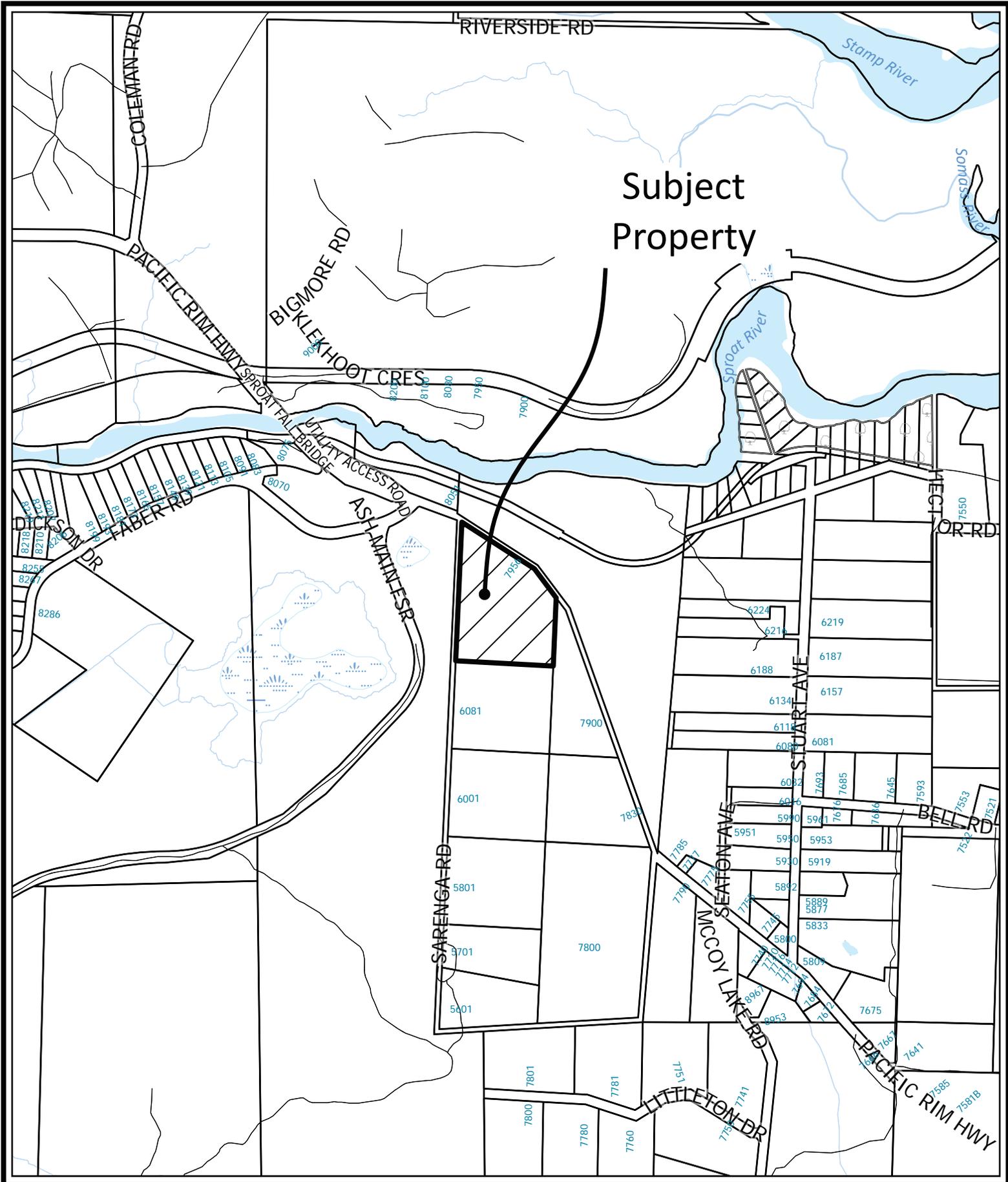
Lot 2

D20003 - 7956 Pacific Rim Highway

1:850

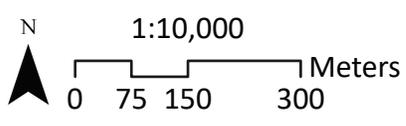


Prepared 15 March 2021, ACRD  
 Orthophoto mosaic 2014-2018  
 DEM derived contours, 1m interval

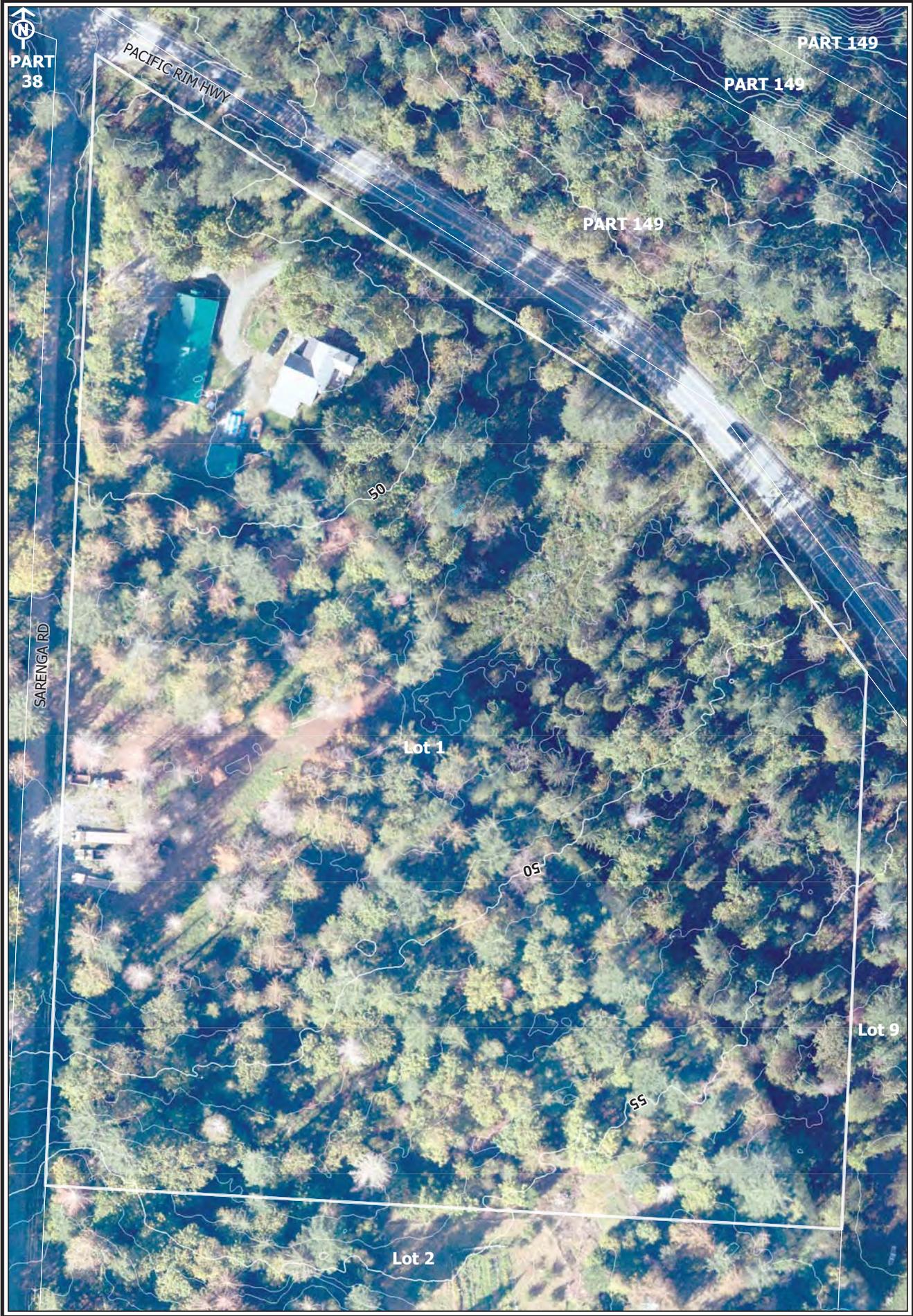


Subject  
Property

Legal Description: LOT 1, DISTRICT LOT 149, ALBERNI DISTRICT, PLAN 1647

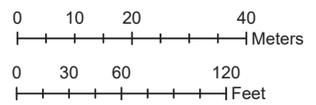


1:10,000



RD20003 - 7956 Pacific Rim Highway

1:850



Prepared 15 March 2021, ACRD  
 Orthophoto mosaic 2014-2018  
 DEM derived contours, 1m interval

Parking Lot #1  
2020/11/25



Parking Lot #2  
2020/11/25



Parking Lot #3  
2020/11/25



Temp Power Pole  
2020/11/25

View from edge of parking  
lot towards highway  
2020/11/25



View from edge of parking lot  
towards highway  
2020/11/25



View from edge of highway  
2020/11/25



Ditch from property joins highway ditch.  
2020/11/25



View from edge of highway #2  
2020/11/25



Culvert outlet on opposite  
side of highway  
2020/11/25



View from across highway  
2020/11/25





# ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni BC, CANADA V9Y 2E3 Telephone (250) 720-2700 Fax (250) 723-1327

## Rezoning Application

**MEETING DATE:** June 23, 2021

**ACRD FILE NO.:** RD21005

**APPLICANTS:** Dale Mykyte (agent Fern Road Consulting Ltd.)

### LEGAL

**DESCRIPTION:** LOT 45, DISTRICT LOT 622, CLAYOQUOT DISTRICT, PLAN 12452

**LOCATION:** West end of Taylor Arm Drive

**ELECTORAL AREA:** "D" Sproat Lake

**Applicant's Intention:** The property owner is applying to rezone 3.2 hectare (7.9 acre) portion of their 37.8 hectare (93.5 acre) subject property from Forest Rural (A3) District to Acreage Residential (RA3) District in order to accommodate a bare land strata subdivision with a 0.6 acre minimum lot size. The applicant has provided a conceptual subdivision proposal that would create five (5) waterfront parcels ranging from 0.38 hectare (0.94 acre) to 0.63 hectare (1.55 acre) in lot area, an extension of Taylor Arm Drive to the north edge of the existing property and a common property area for communal sewage disposal east of the Taylor Arm Drive right-of-way.

---

### Recommendations:

- THAT Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw P1430 be read a first time;
- THAT the public hearing for Bylaw P1430 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 Bylaw P1430 is subject to:
  - a. Agreement to include the property within the Sproat Lake Fire Protection Service Area.
  - b. Registration of a restrictive covenant requiring suitable public access, acceptable to the ACRD, to the Crown Land lying north of the property at the time of subdivision;
  - c. Meeting technical referral agency requirements.

## RD21005

---

**Advisory Planning Commission Recommendation:** The Sproat Lake APC will consider this application at a meeting to be held June 10, 2021.

**Observations:**

i) **Status of Property:** The subject property is 37.8 hectares (93.5 acres) in total lot area bordered by Taylor Arm Drive and Asher Road to the south and a portion of Clayoquot Road to the east. The majority of the property is forested with no improvements. The inland portion of the property north of Taylor Arm Drive includes a low-lying wetland area. Approximately 280 metres (918 feet) of the property fronts onto Sproat Lake in the western portion of the property, which is the area that the property owner is applying to rezone. This portion of the property is treed and consists of a high rocky outcrop that falls steeply to Sproat Lake. There is an existing driveway that dissects this portion of the property roughly following the proposed road dedication that provides access to the waterfront.

ii) **Services**

- a. **Sewage Disposal:** On-site sewage disposal. The applicant intends to service the proposed 5 lot bare land strata development with a communal sewage disposal system to be located on the upland portion of the property on the east side of the Taylor Arm Drive right-of-way. The applicant has provided a report from a Registered On-site Wastewater Practitioner (ROWP) that indicates that the soils in the proposed common property area are adequate to accommodate the five lot development.
- b. **Water Supply:** Individual water intakes from Sproat Lake.
- c. **Fire Protection:** The property is not within the Sproat Lake Fire Protection Service Area. The residential lots along the waterfront on Taylor Arm Drive are included within the fire protection area, but the subject property is not included. As a condition of rezoning approval, staff recommends that the property owner petition the ACRD to include the property within the Sproat Lake Fire Protection Service Area subject to review from the Fire Department and ACRD staff.
- d. **Access:** Taylor Arm Drive would be extended through the subject property to provide access to each of the proposed lots and to the Crown Land parcel to the north. The additional Taylor Arm Road dedication would encompass an existing driveway that is used to access the Crown Land parcel and additional waterfront areas to the west of the property. Recognizing the importance of maintaining public access to Crown Lands in this area, staff are recommending that the Board require a covenant as a condition of rezoning approval to secure public access through road dedication as proposed on the conceptual site plan.

iii) **Existing Planning Policies Affecting the Site**

- a. **Agricultural Land Reserve:** Not within the Agricultural Land Reserve.
- b. **Official Community Plan:** The Sproat Lake Official Community Plan designates the property as "Residential Use". The objective of this land use designation is to provide

**RD21005**

a range of housing options within the plan area. The Residential Use designation supports a 0.24 hectare (0.6 acre) minimum lot size for lots serviced by community/communal water or sewer. The lots would be serviced by a communal sewage disposal system.

The Sproat Lake OCP designates Development Permit Area I – Riparian Areas Protection as a 15 metre buffer along the lakefront and surrounding the wetland located on the upland portion of the property. A development permit will be required as part of any future subdivision application.

***The zoning amendment and proposed subdivision comply with the policies and objectives of the Sproat Lake OCP. A development permit application will be required at the subdivision application stage.***

- c. **Zoning:** The property is split-zoned with the majority zoned Forest Rural (A3) District and a +/- 15.8 acre portion on the east side of the property adjacent to Asher Road and Clayoquot Road zoned Acreage Residential (RA1) District. The portion of the property subject to this rezoning application is currently zoned A3 and the property owner is applying to rezone to Acreage Residential (RA3) District in order to accommodate subdivision to a 0.24 hectare (0.6 acre) minimum density.

	<b>A3 District (existing)</b>	<b>RA3 District (proposed)</b>
Minimum Lot Area:	10 acres	0.6 acre
Minimum Lot Width:	330 ft.	90 ft.
Lot Coverage:	-	15%
Minimum Setbacks		
Front:	50 ft.	49.2 ft.
Rear:	30 ft.	32.8 ft.
Side:	15 ft.	16.4 ft.

***The proposed 5-lot bare land strata development requires a rezoning of a portion of the subject property from Forest Rural (A3) District to Acreage Residential (RA3) District to accommodate the proposed minimum lot size and lot width.***

**Comments:** The rezoning is the first step in the applicant's proposal to subdivide the waterfront portion of their property into 5 bare land strata lots. If the rezoning application proceeds, the following items will need to be addressed during the subdivision application process:

1. **Park land dedication:** The *Local Government Act* requires that park land dedication or cash-in-lieu of park land be provided to the Regional District by the property owner as a condition of any subdivision that would create 3 or more new parcels. The Sproat Lake Official Community Plan includes a notation for potential future park land in this area. Staff will work with the applicant to recommend either new park land dedication or cash-in-lieu at the subdivision stage. Park land dedication is considered by the ACRD Board prior to subdivision approval and would be referred to the Sproat Lake Advisory Planning Commission for discussion.

## RD21005

2. Public access: The dedication of an extension to the Taylor Arm Drive road allowance to the north end of the parcel will provide road access to each proposed lot and to lands beyond. The additional road dedication would encompass an existing driveway and trail that is used to access the subject property, Crown Land lying to the north of the property and additional privately-owned waterfront areas located to the west. Recognizing the importance of maintaining public access to Crown Lands and lake front access in this area, staff recommend that the Board require a covenant as a condition of rezoning approval to secure public access through road dedication as proposed on the conceptual site plan.

Staff will ensure that any future subdivision layout complies with the public access requirements of the covenant. It is also noted that this property lies within 800 metres of a Controlled Access Highway and as per the requirements of the *Transportation Act*, the Ministry of Transportation and Infrastructure must approve the zoning amendment prior to adoption by the Board.

3. Development permit: The Sproat Lake OCP designates DPA I – Riparian Areas Protection which includes all lands within 15 metres of the natural boundary of the lake and surrounding the wetland located on the upland portion of the property. A development permit will be required as part of any future subdivision application. A Professional Biologist has conducted an assessment of the entire property and has flagged a 30 metre setback from the upland wetland area to confirm that no part of the proposed 5-lot bare land strata development will encroach into the 30 metre setback.

In addition to the public access covenant noted above, planning staff also recommends that the property be included within the Sproat Lake Fire Protection Service Area as a condition of rezoning approval. This will ensure that any future development of this property is serviced by the Sproat Lake Fire Department (SLFD). The application to the ACRD to be included within the service area would be reviewed by the SLFD and the Regional Fire Services Manager to establish whether the fire department has the capacity to service this development and determine whether any infrastructure upgrades are required.

Planning staff are generally supportive of proceeding with the public hearing process for the application. The zoning amendment complies with the policies and objectives of the Sproat Lake OCP. Subject to the conditions outlined above, the zoning amendment would provide an opportunity for development that is similar in character with the surrounding area to the south east while ensuring secured public access in the area and ensuring that the development will be adequately serviced with communal sewage disposal and fire protection.



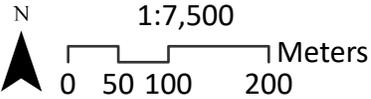
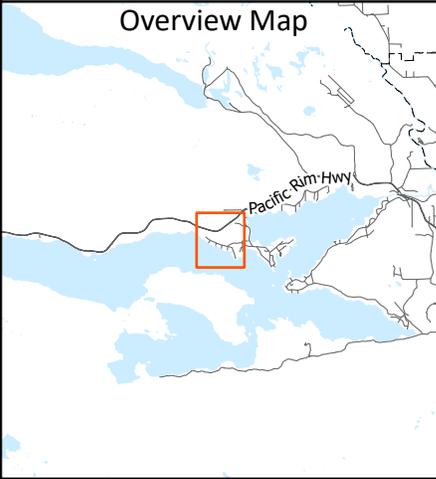
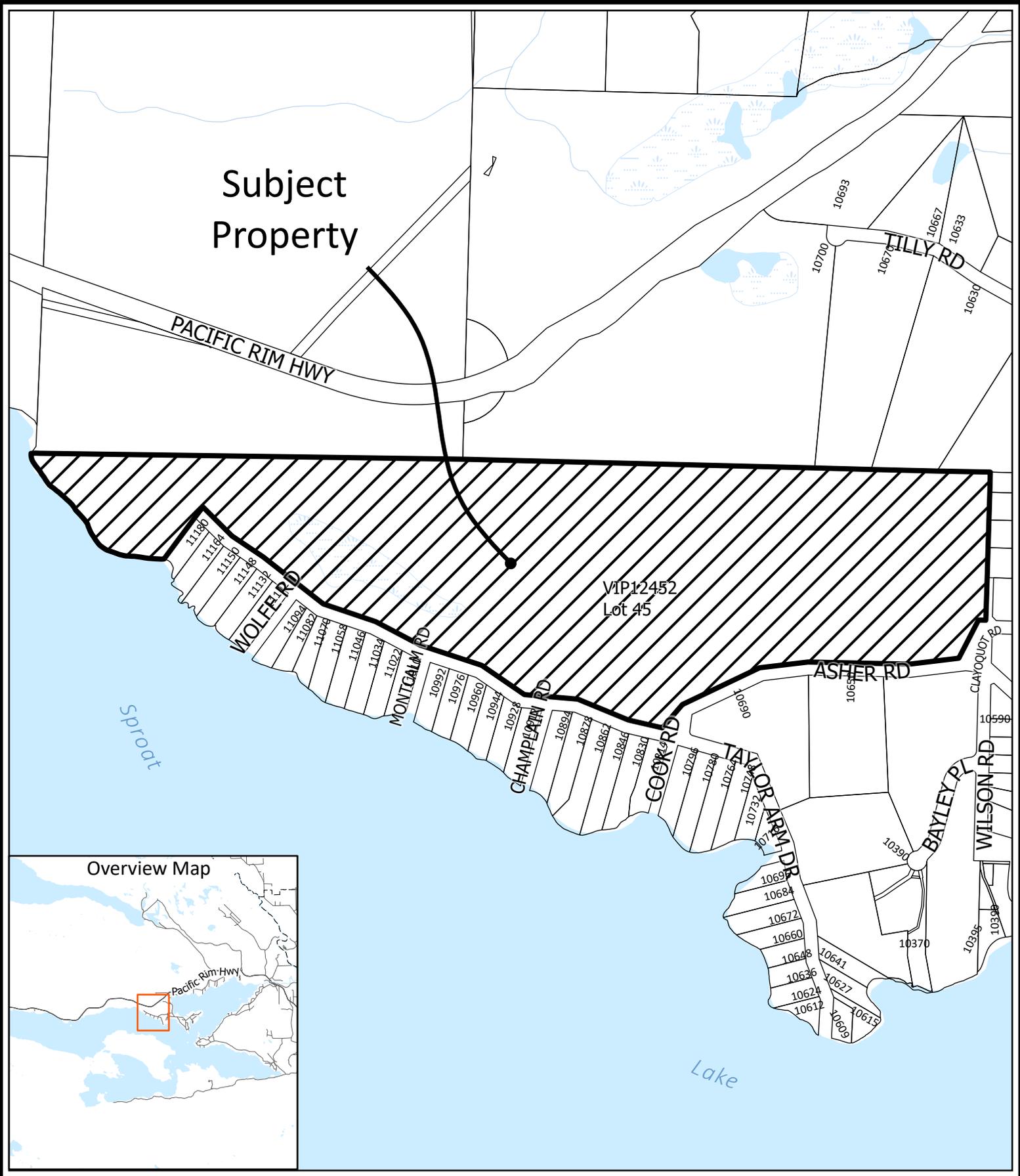
Submitted by:

\_\_\_\_\_  
Mike Irg, MCIP, RPP, General Manager of Planning & Development

Approved by:

\_\_\_\_\_  
Douglas Holmes, BBA, CPA, CA, Chief Administrative Officer

### **RD21005**



Legal Description: LOT 45, DISTRICT LOT 622, CLAYOQUOT DISTRICT, PLAN 12452



# ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni, BC V9Y 2E3

Phone: (250) 720-2700 Fax: (250) 723-1327

## APPLICATION FOR DEVELOPMENT

- |  |  |
|--|--|
| <input type="checkbox"/> Official Community Plan Amendment | <input type="checkbox"/> Minimum Parcel Frontage Waiver  |
| <input type="checkbox"/> Zoning Map Amendment              | <input type="checkbox"/> Board of Variance Application   |
| <input type="checkbox"/> Zoning Text Amendment             | <input type="checkbox"/> Temporary Commercial Use Permit |
| <input type="checkbox"/> Development Permit                | <input type="checkbox"/> Temporary Industrial Use Permit |
| <input type="checkbox"/> Development Variance              | <input type="checkbox"/> Other: _____                    |

RECEIVED

JAN 22 2021

Applicant/Property Owner Information	Agent Information (if applicable)
Name: Dale Mykyte	Name: Fern Road Consulting Ltd. c/o Helen MacPhail Sims
Mailing Address: 9648 Stirling Arm Crescent Port Alberni, BC V9Y 9C8	Mailing Address: P.O. Box 405 Qualicum Beach, BC V9K 1S0
Telephone:	Telephone: 250 752-9121
Fax:	Fax:
Cell:	Cell:
Email:	Email: hsims@simssurvey.ca

- Legal Description: Lot 45, District Lot 622, Clayoquot District, Plan 12452
- Particulars of Proposed Development:
  - Existing OCP Designation: \_\_\_\_\_
  - Proposed OCP Designation: \_\_\_\_\_
  - Text Amendment: \_\_\_\_\_
  - Existing Zone: A3 - Forest Rural District
  - Proposed Zone: RA-1 - Acreage Residential District
  - 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): Water from Sproat Lake
- Describe the existing land use of the subject property: See attached letter

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

North: A3 - Forest Rural District

South: RA-1- Acreage Residential District

East: RA-1 - Acreage Residential District

West: WF1 - Waterfront District

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

See attached letter

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

See attached letter

- 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.

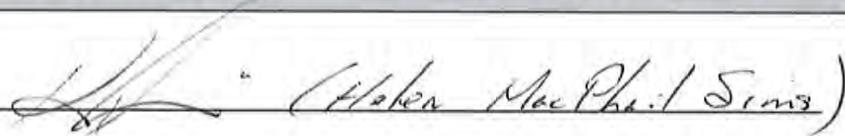
**If the Regional District believes it to be necessary for the property boundaries and the location of buildings and structures to be more accurately defined, a plan prepared by a registered BC Land Surveyor may be required.**

**I accept responsibility for delays in processing caused by incorrect or insufficient submission. Personal information contained on this form is collected under the *Local Government Act*. Contact the Planning Department if you have any further questions.**

**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: All items submitted as part of the application will not be returned to the applicant and are subject to the *Freedom of Information and Privacy Act*. All relevant correspondence will be provided to both the applicant and the agent when applicable.**

Applicant/Owner Signature:  (Helen MacPhail Sims)

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

Date: 21 Jan / 21

# Fern Road Consulting Ltd.

Our File: 19-236-S

2021-01-21

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

Attention: Mike Irg

Dear Mike:

**RE: Lot 45, District Lot 622, Clayoquot District, Plan 12452  
Taylor Arm Drive**

On behalf of our client, Dale Mykyte, we are applying for a zoning amendment for a portion of the above lot.

## **DESCRIPTION**

The portion for which we are applying to rezone is the waterfront portion. Taylor Arm Drive dead ends at the lot. Terrain is challenging, the site has a high rocky out cropping before falling steeply to Sproat Lake. The site is mostly forested. This portion of the lot is zoned A3 (Forest Rural) but the Sproat Lake Official Community Plan has designated this to be Residential. There is a large pond to the east of the proposed development.

## **PROPOSAL**

This application is for 5 lots on the waterfront. Taylor Arm Drive will be extended to the north boundary of the lot to provide access to "lands beyond". The lack of depth of soil for individual sewage disposal requires that this proposal be a Strata with Common Property (CP) on the north easterly side of Taylor Arm Drive. H<sub>2</sub>O Environmental has conducted a soils investigation and has determined that the soils on the proposed CP are adequate and for 5 lots, the soils would be capable of disposing of sewage for a 5 bedroom house plus a 2 bedroom secondary suite on each lot.

Toth & Associates, R. Bio., has conducted an investigation of the entire site. S. Toth, R. Bio. has flagged the 30 meter setback from the pond and this development does not encroach into the 30 meter setback.

Accordingly, we request a zoning change from A3 to RA-1.

## **OTHER ITEMS**

### **Park**

This proposal will require Park or cash-in-lieu. Our client will work with the Parks Committee and ACP to determine appropriate location and size of Park.

### **Remainder**

Our client intends on applying to ACRD to rezone the remainder of the A3 zone to RA-1 zone. However, we are still working on a design and will apply for it separately.

## **ENCLOSURES**

In support of this application we are enclosing:

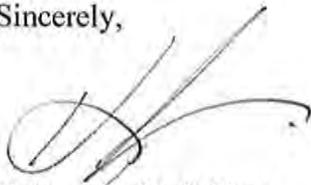
- Application Form
- Title Search
- Letter of Authorization (under separate cover)
- Report prepare by H<sub>2</sub>O
- Proposal Plan

Could you please calculate the fees for this application and send me the fee by email. Our client will then contact your office and pay them with a Visa card.

Please contact me if you have any questions or need any additional information.

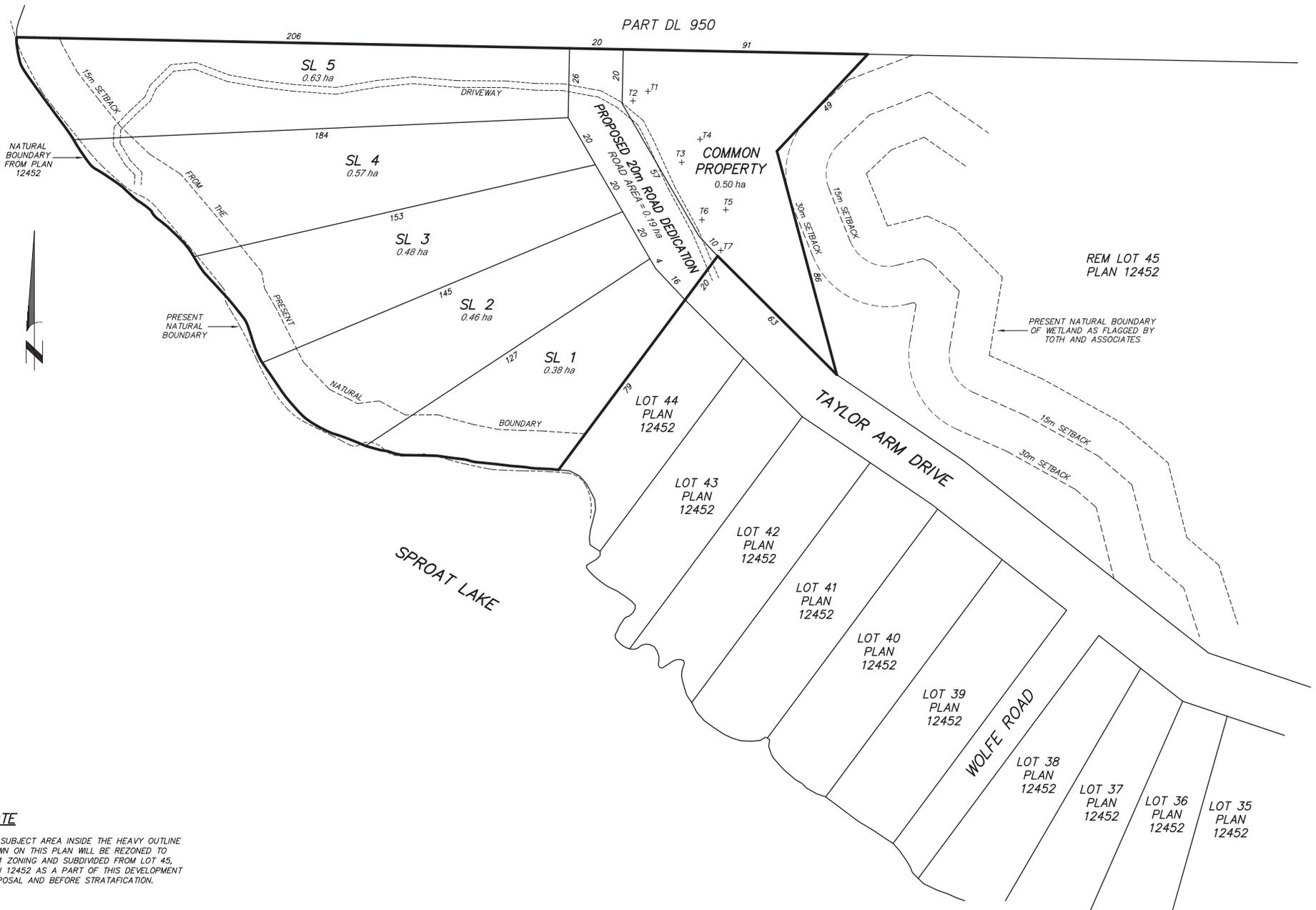
We look forward to working with you on this project.

Sincerely,



Helen MacPhail Sims  
Office Manager

HMS/tj  
Enclosures



**NOTE**

THE SUBJECT AREA INSIDE THE HEAVY OUTLINE SHOWN ON THIS PLAN WILL BE REZONED TO RA-1 ZONING AND SUBDIVIDED FROM LOT 45, PLAN 12452 AS A PART OF THIS DEVELOPMENT PROPOSAL AND BEFORE STRATIFICATION.

**PROPOSED BARE LAND STRATA PLAN  
OF LOT 45, DISTRICT LOT 622,  
CLAYOQUOT DISTRICT, PLAN 12452.**

SCALE 1:1000



**LEGEND**

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

- DL DENOTES DISTRICT LOT
- REM DENOTES REMAINDER
- ha DENOTES HECTARES
- SL DENOTES STRATA LOT
- +T7 DENOTES TEST PIT LOCATION

No.	DATE	REVISION
1	2020/12/22	INITIAL PROPOSAL
2	2021/01/08	MODIFIED LAYOUT

**SIMS ASSOCIATES**

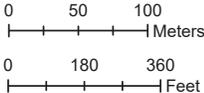
LAND SURVEYING LTD.  
223 FERN ROAD W.  
QUALICUM BEACH, B.C. V9K 1S4  
PHONE: 250-752-9121  
FAX: 250-752-9241  
FILE NUMBER: 19-236-S  
DRAWING NUMBER: 19-236 P2.DWG  
DATE: 2021/01/08



RD21005 - LOT 45, DISTRICT LOT 622, CLAYOQUOT DISTRICT, PLAN 12452

Prepared 7 June 2021, ACRD.  
Orthophoto mosaic 2014/2018, ACRD

Scale: 1:3,500

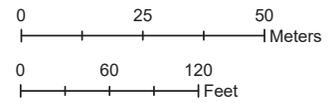




RD21005 - a portion of LOT 45, DISTRICT LOT 622, CLAYOQUOT DISTRICT, PLAN 12452  
to be rezoned

Prepared 7 June 2021, ACRD.  
Orthophoto mosaic 2014/2018, ACRD

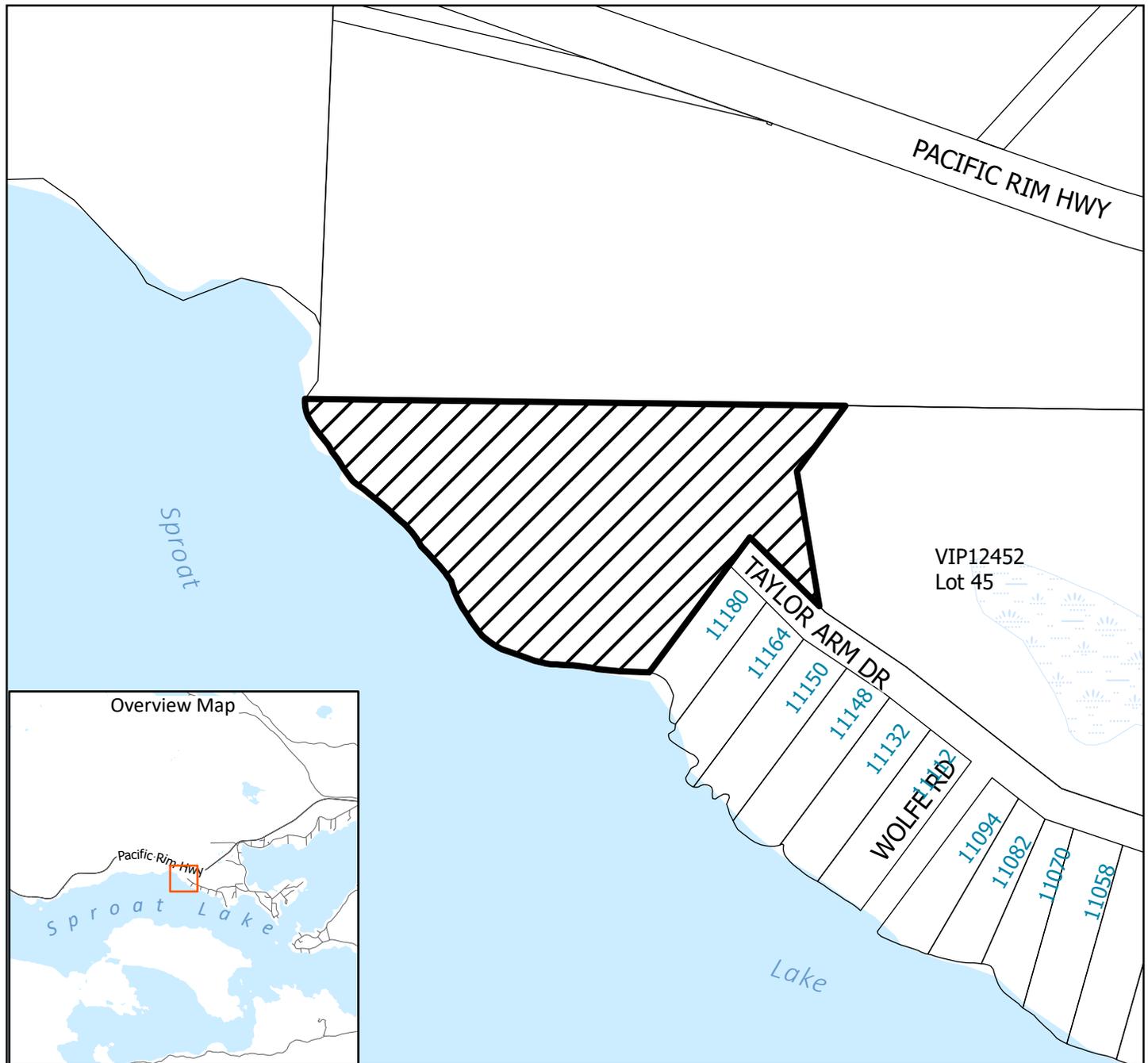
Scale: 1:1,000





# Schedule 'A'

This schedule is attached to and forms part of  
Bylaw P1430

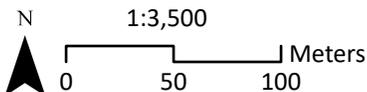


P1430 Mykyte

Legal Description: a portion of LOT 45, DISTRICT LOT 622, CLAYOQUOT DISTRICT, PLAN 12452



To be rezoned from Forest Rural (A3) District to  
Acreage Residential (RA3) District





# ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni BC, CANADA V9Y 2E3 Telephone (250) 720-2700 Fax (250) 723-1327

## Development Variance Application

**MEETING DATE:** June 23, 2021

**ACRD FILE NO.:** DVD20011

**APPLICANT:** Dale Mykyte

### LEGAL

**DESCRIPTION:** LOT 1 SECTION 88 CLAYOQUOT DISTRICT PLAN 28943

**LOCATION:** 9648 Stirling Arm Crescent, Port Alberni

**ELECTORAL AREA:** "D" Sproat Lake

---

**APPLICANT'S INTENTION:** The applicant has applied for a development variance permit to reduce the required watercourse setback to accommodate construction of a detached shop and additions to the single family dwelling including a portico and deck.

---

**Recommendation:** *THAT the Board of Directors consider issuing development variance permit DVD20011, subject to neighbouring properties being notified as per Local Government Act s.499.*

### Development Variance DVD20011:

- i. Development variance of Section 6.2(4)(a) to reduce the watercourse setback from 30.48 m (100 ft) to:
  - 5.0 m (16.4 ft) for construction of an accessory building;
  - to 8.0 m (26.25 ft) for construction of a portico addition to the single family dwelling; and
  - 3.5 m (11.48 ft) for construction of a deck addition to the single family dwelling.

**Procedure:** Prior to the issuance of a development variance permit, the Board must first pass a resolution to consider issuing the permit. Staff then notify neighbouring property owners and tenants to afford them the opportunity to make written or verbal submissions to the Board. At a subsequent meeting, the Board issues or denies the development variance permit.

**Advisory Planning Commission Recommendation:** The Sproat Lake APC will consider this application at their June 10, 2021 meeting. Their recommendations will be provided to the Board.

## DVD20011

## Observations

- i. **Status of Property:** The property is 0.57 ha (1.4 ac) in size. There is a single family dwelling located towards the centre of the southern portion of the lot, closer to the lake. The property slopes from Stirling Arm Crescent, southerly to the shoreline of Sproat Lake. Similar residential properties are to the east and west, with a larger rural residential property to the north, across Stirling Arm Crescent. There is a seasonal tributary watercourse that dissects the property along the east lot line.
- ii. **Services**
  - a. **Sewage Disposal:** The existing onsite sewage disposal system was installed at the time the original home was built in 1976/1977. Documentation on file from the Central Vancouver Island Health Unit, dated July 5, 1991, confirms that the existing system is adequate to support the rebuild of the home in 1991.
  - b. **Water Supply:** On-site water system.
  - c. **Fire Protection:** Sproat Lake Volunteer Fire Department.
  - d. **Access:** Access to the property is from Stirling Arm Crescent.

### iii. Existing Planning Policies Affecting the Site

- a. **Agricultural Land Reserve:** Not within the Agricultural Land Reserve.
- b. **Official Community Plan:** The Sproat Lake Official Community Plan (OCP) designates the subject property as Residential Use.

The property is impacted by Development Permit Area I – Riparian Areas Protection (DPA I). DPA I is used to ensure that the ecological values of riparian and wetland habitats have been considered prior to development and that measures will be taken to limit or avoid damage to these ecosystems.

This DPA I applies to all lands within 15 m (49.21 ft) of Sproat Lake and minor streams. Issuance of a development permit is required, and an application including environmental report, has already been submitted to the ACRD.

**The proposal and current use of the property complies with the Sproat Lake Official Community Plan. If approved, issuance of a development permit will be concurrent with issuance of the development variance permit.**

- c. **Zoning:** The property is zoned Acreage Residential (RA2) District.

Bulk and Site Regulations		
Single Family Dwellings	Required	Proposed
Front lot line setback:	12.19 m (40 ft)	-
Rear yard setback:	9.14 m (30 ft)	-
Side yard setback:	4.57 m (15 ft)	-
Accessory Buildings	12.19 m (40 ft)	-
Front lot line setback:	12.19 m (40 ft)	-

## DVD20011

Rear yard setback:	0.304 m (3 ft)	-
Side yard setback:	0.304 m (3 ft)	-
<b>Watercourse</b>	30.48 m (100 ft)	<b>3.5 m (11.48 ft) at the closest point</b>

The siting of the existing single family dwelling does not comply with the required 30.48 m (100 ft) watercourse setback. The permit for the original home was issued in 1977. Documentation on file indicates that this structure was destroyed by fire, and another permit for a single family dwelling was issued in 1991. The existing home complies with front, rear and side yard setbacks. It is unknown as to why a variance was not required to accommodate the watercourse setback reduction.

**In order to accommodate the construction of a new shop and additions of a deck and portico to the single family dwelling, a reduction of the watercourse setback is required.**

**Comments:** The applicant intends to build a new shop and complete additions and renovations to the existing home, including a portico entryway and new deck. A reduction of the watercourse setback is necessary to accommodate these projects.

The applicants have engaged Toth and Associates Environmental Services to complete an environmental assessment associated with the proposed developments and potential impacts to the affected watercourse. The report recommends replanting of native plants in various areas, sediment control measures and riparian protection during construction. A development permit application is in progress.

Planning staff are of the opinion that the variance application is reasonable as the siting of the shop considers topography, access and minimized tree removal and grading. The additions to the home will not result in a significant increase to the footprint within the DPA and riparian area of the watercourse, as there are a number of existing landscaping and structural features already in that area.

Staff recommend that the Board of Directors consider the application and proceed with neighbour notification.

Submitted by:



Charity Hallberg Dodds, Planning Technician

Reviewed by:



Mike Irg, MCIP, RPP, GM of Planning and Development

**DVD20011**

Reviewed by:

\_\_\_\_\_  
Douglas Holmes, BBA, CPA, CA, Chief Administrative Officer

**DVD20011**

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



# ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni, BC V9Y 2E3

Phone: (250) 720-2700 Fax: (250) 723-1327

## APPLICATION FOR DEVELOPMENT

- |  |  |
|--|--|
| <input type="checkbox"/> Official Community Plan Amendment | <input type="checkbox"/> Minimum Parcel Frontage Waiver  |
| <input type="checkbox"/> Zoning Map Amendment              | <input type="checkbox"/> Board of Variance Application   |
| <input type="checkbox"/> Zoning Text Amendment             | <input type="checkbox"/> Temporary Commercial Use Permit |
| <input type="checkbox"/> Development Permit                | <input type="checkbox"/> Temporary Industrial Use Permit |
| <input checked="" type="checkbox"/> Development Variance   | <input type="checkbox"/> Other: _____                    |

Applicant/Property Owner Information	Agent Information (if applicable)
Name: <u>DALE MYKYTE</u>	Name: <u>Dave Burgess</u>
Mailing Address: <u>9648 STERLING ARM CRES</u> <u>PORT ALBERNI, BC</u> <u>V9Y 9C8</u>	Mailing Address: <u>3703 Maitland Street</u> <u>PORT ALBERNI, BC</u> <u>V9Y 3X4</u>
Telephone: <u>(281) 794-7312</u>	Telephone: <u>(250) 720-5200</u>
Fax:	Fax:
Cell:	Cell:
Email: <u>dale@pebenusa.com</u>	Email: <u>dave@caravanpacific.ca</u>

- Legal Description: Lot 1 Section 88 Clayoquot District Plan 28943
- Particulars of Proposed Development:
  - Existing OCP Designation: Residential
  - Proposed OCP Designation: Unchanged
  - Text Amendment: N/A
  - Existing Zone: RA2
  - Proposed Zone: Unchanged
  - 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 (existing) with a proposed shop.

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

North: Residential

South: Lake

East: Residential

West: Residential

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

Proposed shop (as attached)

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

Topography of land makes it difficult to place the building elsewhere. As well, it seems that the property is in a lower-lying, "tucked away" area in relation to the surroundings.

- 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. Personal information contained on this form is collected under the *Local Government Act*. Contact the Planning Department if you have any further questions.

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:** All items submitted as part of the application will not be returned to the applicant and are subject to the *Freedom of Information and Privacy Act*. All relevant correspondence will be provided to both the applicant and the agent when applicable.

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

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

Date: 12/22/2020



**BUILDING HEIGHT**  
 EXISTING AVERAGE GROUND (FEET)  
 CORNER 1 = 131.579'  
 CORNER 2 = 130.269'  
 CORNER 3 = 124.741'  
 CORNER 4 = 128.888'  
 -----  
 = 128.914'

MAX HEIGHT = 12'-0" (3.657m)  
 REQUIRED SETBACK = 3'-0" (0.914m)  
 ACTUAL SETBACK = 15'-0" (4.572m)

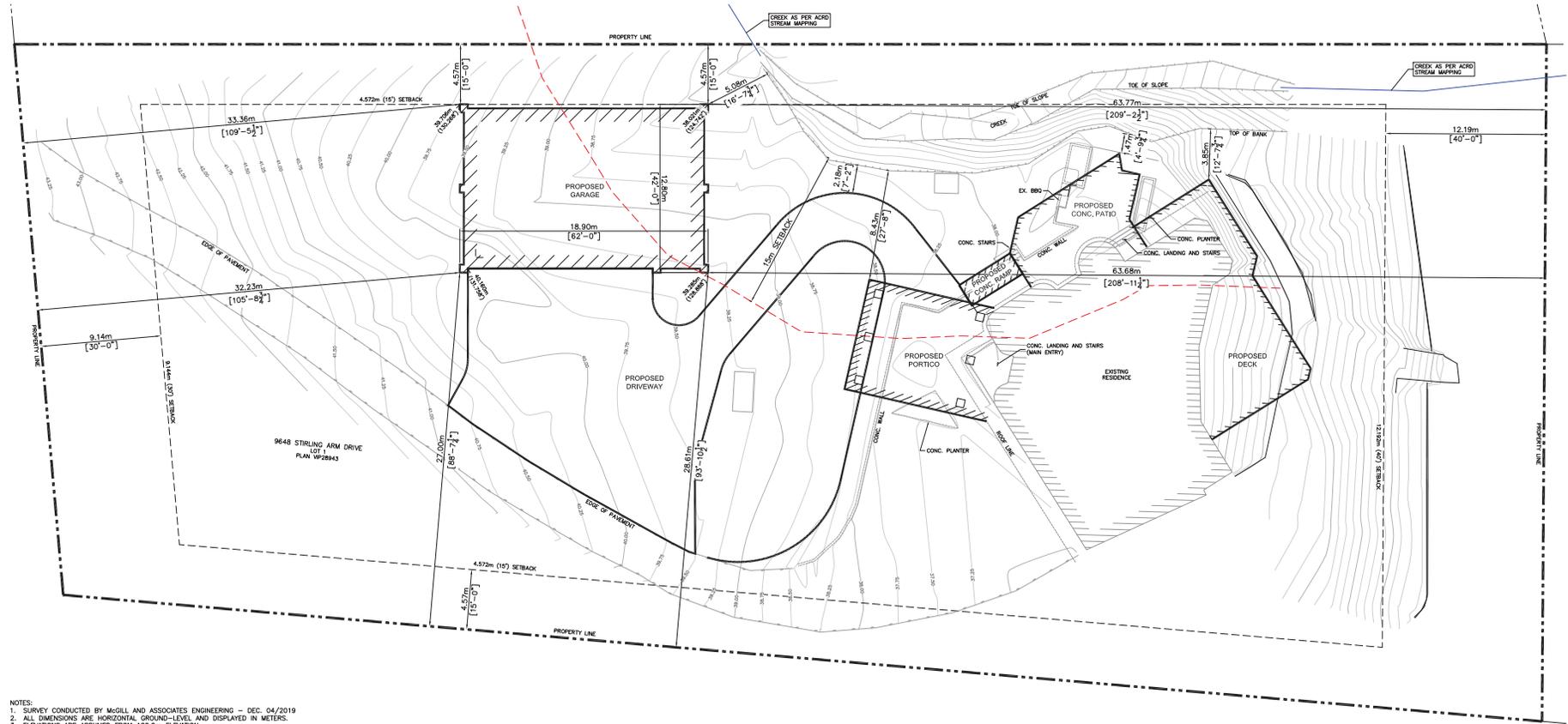
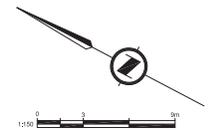
HORIZONTAL DIST. FROM SETBACK = 12'-0"  
 ALLOWABLE VERTICAL INCREASE IN HEIGHT = 6'-0"  
 1'-0" VERT. FOR EVERY 2'-0" HORIZ. (6.5.2c)

AVERAGE HEIGHT = 128.914'  
 MAX HEIGHT = 12'-0"  
 VERTICAL INCREASE = 6'-0"

MAX BUILDING HEIGHT = 146.914'  
 PROPOSED BUILDING HEIGHT = 151.914'  
 (5'-0" VARIANCE REQUIRED)

**SITE STATISTICS**  
 SITE COVERAGE: 25%  
 SITE SqFt: 23844.5 SqFt  
 MAX COVERAGE: 5961.125 SqFt  
 GARAGE: 2000 SqFt  
 MAIN BUILDING: 3602.5 SqFt

FOOTPRINT SqFt: 5602.5 SqFt (23.5%)



- NOTES:**
1. SURVEY CONDUCTED BY MCGILL AND ASSOCIATES ENGINEERING - DEC. 04/2019
  2. ALL DIMENSIONS ARE HORIZONTAL GROUND-LEVEL AND DISPLAYED IN METERS.
  3. ELEVATIONS ARE ASSUMED FROM 100.00m ELEVATION
  4. LEGAL BOUNDARIES HAVE BEEN DRAFTED AND ROTATED BASED ON LOCATED LEGAL PINS.

THIS PLAN AND DESIGN ARE AND AT ALL TIMES REMAIN THE EXCLUSIVE PROPERTY OF MCGILL & ASSOCIATES ENGINEERING LTD. AND CANNOT BE USED OR REPRODUCED WITHOUT WRITTEN CONSENT. THIS PLAN IS PREPARED FOR THE SOLE USE OF OUR CLIENT AND NO REPRESENTATION OF ANY KIND IS MADE TO OTHER PARTIES WITH WHOM MCGILL & ASSOCIATES ENGINEERING LTD. HAS NOT ENTERED INTO A CONTRACT. WRITTEN CONSENTS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND ANY VARIATIONS FROM THE CONDITIONS AND SPECIFICATIONS SHOWN ON THE DRAWINGS.

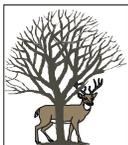
NO.	REVISION DESCRIPTION	DATE	BY	APP'D	DWG File Name	W3013.DWG	SDC
B	REVISED FOR OP & VARIANCE	2021/05/19	CM	TD	SCALE:	1:	
A	ISSUED FOR DEVELOPMENT VARIANCE	2020/12/23	CM	TD	FIELD BOOK NO.:		
					DWG File Name	W3013.DWG	



**McGILL & ASSOCIATES  
 ENGINEERING LTD.**  
 4018 ELIZABETH STREET  
 FORT ALBERT, B.C. V0Y 6L7  
 TEL: (250) 734-3400 FAX: (250) 724-4400  
 EMAIL: vfr@mcgill-engineering.com

DALE MYKYTE  
 9648 STIRLING ARM DRIVE - SHOP  
 SITE PLAN

SHEET No.	C01
1 of 1	REV. B
DRAWING No.	3913 - C01



## **Toth and Associates Environmental Services**

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

Tel: (250) 390-7602

E-mail: stoth@shaw.ca

---

July 23, 2020

**Dale Mykyte,**

9648 Stirling Arm Crescent

Port Alberni, B.C. V9Y-9C8

**Re: Environmental Assessment of proposed construction on 9648 Stirling Arm Crescent (PID# 001-455-443), Sproat Lake.**

### **Introduction**

I conducted a survey of the proposed site of a new shop building, driveway and the footprint of proposed renovations to the existing single family house on the 0.57 ha property located at 9648 Stirling Arm Crescent on February 11, 2020. Environmental sensitivities on the subject property include Sproat Lake and an unnamed seasonal tributary drainage along the east side of the property.

The proposed development includes construction of a 13 m x 20 m shop building, new section of driveway, portico, and ramp leading to a new patio and deck (Figure 1).

### **Background Review**

The Alberni Clayoquot Regional District (ACRD) designates riparian areas along streams as Riparian Areas Protection Development Permit (DPA 1) Areas. The Sproat Lake Official Community Plan Bylaw (No. P1310, Schedule A, June 11, 2014) indicates that the DPA 1 area for Sproat Lake and minor streams includes all lands within 15 m of the high water mark. Therefore, the ACRD will require a Development Permit application for any proposed works within the 15 m DPA 1 area.

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”.

Therefore, while the Riparian Areas Protection DPA applies to all lands within 15 m of the high water mark of Sproat Lake and the seasonal tributary drainage, the Zoning Bylaw permits

intrusions within the DPA for the siting of buildings to within 7.62 m of the natural boundary of Sproat Lake, but does not allow buildings within 30.48 m of the seasonal tributary drainage (exceeding the DPA by 15.48 m) without permission granted from the Department of Lands, Forests and Water Resources. According to provincial records, this department has not existed since 1975.

### **Biophysical Description**

The subject property is located along the south facing shore of Stirling Arm. The 15 m Riparian DPA of Sproat Lake on the property consists of a landscaped garden area on the south side of the existing house (Photograph 1), with a low concrete wall at the toe of the landscaped area (Photographs 2 & 3). Additional existing footprints within the Riparian DPA include concrete steps leading from the house to the beach, a dock (Photograph 4), and a gravel boat launch along the west side of the property (Photograph 5). Beach substrates appear to be largely non-native rounded small gravels.

The 15 m Riparian DPA of Sproat Lake merges with the 15 m Riparian DPA of the unnamed seasonal tributary drainage along the east side of the property (Figure 2). The potential for fish to utilize the seasonal drainage appears to be restricted by a 1 m high barrier at the high water mark of Sproat Lake (Photograph 6), steep gradient through approximately the lower 20 m of the drainage (Photographs 7 & 8), and seasonal / shallow flows. Based on the topographic survey information the channel gradient through the lower 22 m of the drainage measures 15.9 %.

The unnamed seasonal tributary drainage originates as discharge from a seasonal wetland on the north side of Stirling Arm Crescent and crosses under Stirling Arm Crescent in a culvert. The drainage flows in an open channel for approximately 11 m downstream of Stirling Arm Crescent and then enters a pipe (Photograph 9) and is contained underground for approximately 42 m through 9624 Stirling Arm Crescent. The pipe discharges on the downstream side of the driveway access to 9636 Stirling Arm Crescent (Photograph 10) and the drainage flows southwest in an open channel to the east side of the subject property. The total length of open channel is approximately 115 m.

While the wetland upstream of Stirling Arm Crescent appears to be a natural feature, we are not certain whether the remaining open channel sections between Stirling Arm Crescent and Sproat Lake represent a natural watercourse or are entirely man-made / channelized.

### **DPA 1 – Riparian Areas Protection Guidelines**

The following guidelines apply within DPA 1:

- i. Development or alteration should be planned to avoid intrusion into DPA 1 areas and to minimize the impact of any activity on these areas.
- ii. A QEP should be retained for the purpose of preparing a report detailing site conditions and describing any measures that must be taken in order to protect the riparian area.
- iii. Protective measures such as the planting or retention of trees or vegetation may be required to preserve, protect, restore or enhance streams, fish habitat or riparian areas.
- iv. In the absence of a report from a QEP, a minimum vegetated buffer of 30 metres between the high water mark and any building or structure should be preserved on major streams free from development, and 15 metres on minor streams or streams.
- v. The total amount of impervious cover on property adjacent to a stream should minimize impact on the receiving aquatic environment. Consideration should be given to reducing

- impervious cover through reduction in building footprint and paved areas, exceeding the minimum riparian setback where feasible, and use of on-site infiltration.
- vi. The construction of a small accessory building such as a gazebo, garden shed or play house may be permitted if all the following apply:
- a) The building is located within an existing landscaped area;
  - b) No native trees are removed;
  - c) The building is located a minimum of 15 metres from the high water mark of a minor stream or 30 metres from the high water mark of a major stream; and
  - d) The total area of the structure is not more than 9.2 m<sup>2</sup>

### **Discussion**

The proposed shop building will intrude within the 15 m Riparian DPA associated with the unnamed seasonal drainage, and at its closest point will be within approximately 4.4 m of the high water mark of the drainage. The proposed shop building location will likely require a variance from the ACRD for a watercourse setback reduction. Although there is a fairly large available area outside the Riparian DPA, as we understand it the designer (Dave Popove) considered this to be the best location for the shop given the slope of the property and the need for enough space in front of the shop to accommodate a reasonable slope / approach to the front of the building. There are no other areas for siting the shop building that provide a reasonable slope / approach to the building without significant land disturbance, tree removal and grading.

The proposed new section of driveway will provide a looped or circular driveway. The new section of driveway within the Riparian DPA will be largely located on existing landscaped areas.

The proposed renovations to the existing house will not result in a significant increased footprint within the 15 m Riparian DPA. This area largely consists of the existing house, concrete patios, stairs and low walls, along with landscaping. There was some evidence of minor erosion of the slope facing Sproat Lake as a result of patio run-off and there is minimal representation of native vegetation within the landscaped areas. Erosion could be controlled by lining the run-off path below the patio with small stone / drain-rock and habitat could be increased by including more native vegetation within the landscaping.

The bank above the seasonal drainage adjacent to the house is relatively steep and not well vegetated (Photographs 11 & 12). Restoring the area below the top of bank would provide stability to the bank, increase habitat and reduce erosion potential.

### **Recommendations**

We recommend that the area below the top of bank of the seasonal drainage adjacent to the house be planted with native plants. Based on the forest cover and plant species noted within the Riparian DPA on 9648 Stirling Arm Crescent, we recommend the native species listed in Table 1 be planted to restore the area below the top of bank adjacent to the house. We would also recommend planting some native plants within the existing landscaped area facing Sproat Lake. As maintenance of lake views is likely a significant concern, we have limited our recommended plants to lower growing shrubs and herbs. The slope facing Sproat Lake would likely also be a good area for many types of

fruit trees, the height of which could be controlled by purchasing dwarf varieties and through pruning.

Table 1. Recommended plant species for Riparian DPA restoration on 9648 Stirling Arm Crescent

Streamside Area		Lakefront Area	
Sword Fern	<i>Polystichum munitum</i>	Evergreen Huckleberry	<i>Vaccinium ovatum</i>
Deer fern	<i>Blechnum spicant</i>	Saskatoon	<i>Amelanchier alnifolia</i>
Salal	<i>Gaultheria shallon</i>	Red Flowering Currant	<i>Ribes sanguineum</i>
Dull Oregon Grape	<i>Mahonia nervosa</i>	Mountain boxwood	<i>Pachistima myrsinites</i>
		Kinnikinnick	<i>Arctostaphylos uva-ursi</i>
		Tall Oregon-grape	<i>Mahonia aquifolium</i>
		Common Foxglove	<i>Digitalis purpurea</i>
		Woolly Sunflower	<i>Eriophyllum lanatum</i>
		Large-leaved Lupine	<i>Lupinus polyphyllus</i>

Use of unnatural impervious materials within the Riparian DPA should be minimized. Paths should be soft-surfaced or constructed of pervious pavers.

Only environmentally safe pesticides / herbicides and fertilizers should be used in the Riparian DPA.

Orange mesh construction fencing should be staked in place at the limit of construction at the closest corner of the proposed shop building to the seasonal drainage, allowing for over-excavation for footings, etc. A row of silt-fencing should be installed behind the construction fencing. No side-cast, vegetation removal or bank disturbance should occur within the protective fencing area. Fencing should be maintained in place for the duration of construction.

All construction waste material should be removed from the Riparian DPA at the end of construction. No burning should occur within Riparian DPA.

No material of any sort is permitted to be deposited below the high water mark of Sproat Lake. No disturbance is permitted below the high water mark without DFO authorization.

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

Sincerely,  
Steve Toth, AScT. R.P.Bio.



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

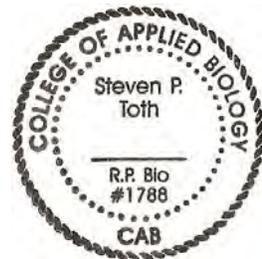


Figure 1. McGill & Associates Topographic Site Plan with proposed development (outlined in red) transcribed from Popove Design's drawing

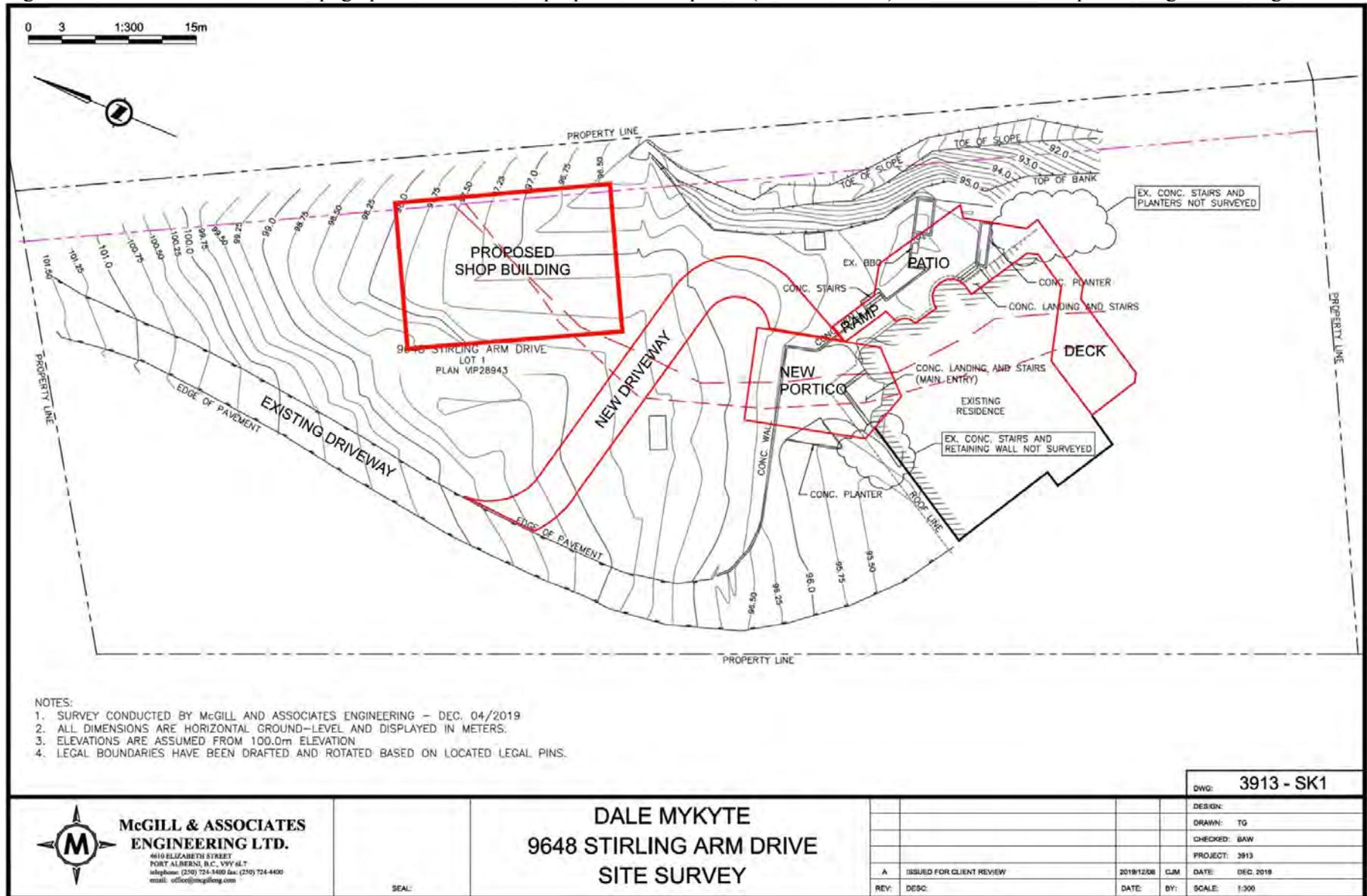


Figure 2. Site features, Riparian DPA boundaries, stream network and development plans overlaid on July 13, 2018 air photo





Photograph 1. February 11, 2020. View from beach to landscaped area on the south side of the house.



Photograph 2. View east along beach with evidence of high water mark.



Photograph 3. View west along high water mark.



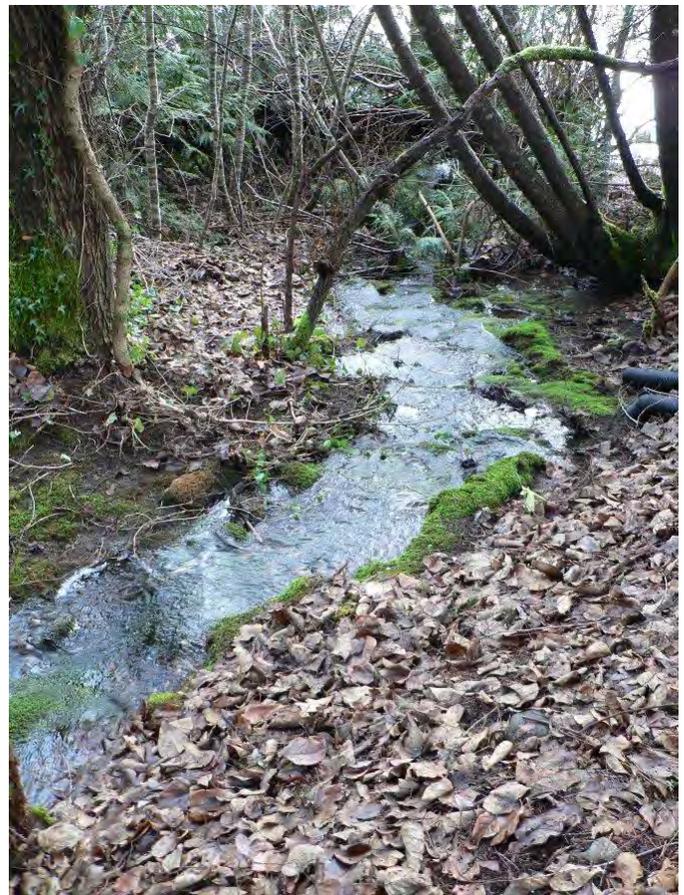
Photograph 4. View from beach to dock.



Photograph 5. View of gravel surfaced boat launch.



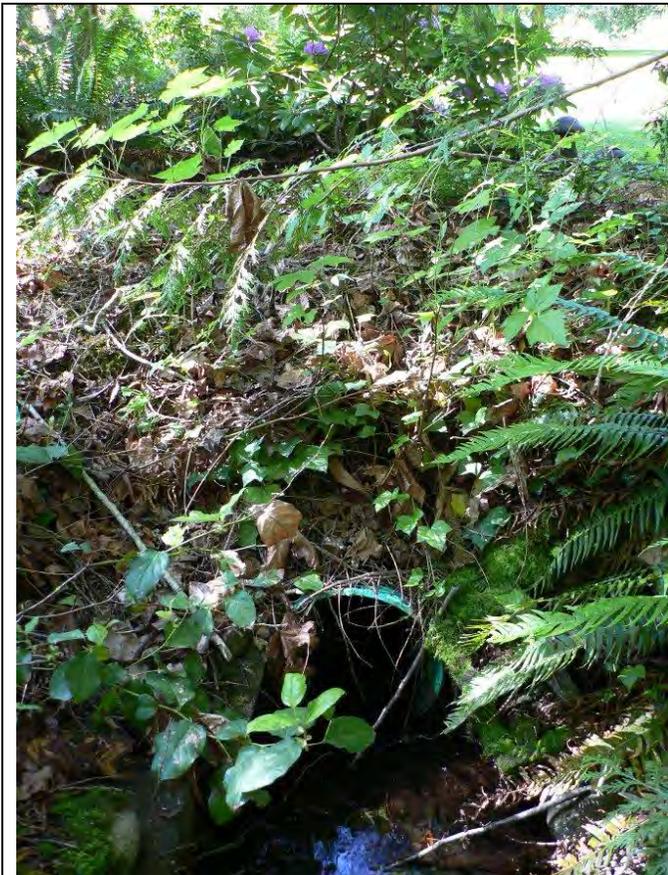
Photograph 6. View of approximate 1 m drop at beach.



Photograph 7. View downstream on tributary to beach.



Photograph 8. View upstream on tributary from Photograph 7.



Photograph 9. View of drainage entering pipe on 9624 Stirling Arm Crescent.



Photograph 10. View of pipe discharging on 9636 Stirling Arm Crescent.



Photograph 11. View downstream along top of bank adjacent to the house.



Photograph 12. View upstream along top of bank adjacent to the house.