



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

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

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

January 6, 2022

SPROAT LAKE ADVISORY PLANNING COMMISSION

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

- Covenant Amendment Application MISC21003 – 10412 Lakeshore Road
(Sproat Lake Marina, 1257819 BC Ltd. c/o Robert Lindores)

Please review this application so that your Director can submit your recommendations to the Board of Directors on Wednesday, January 26, 2022.

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

Thanks in advance!

Sincerely,

Alex Dyer

Alex Dyer, MCIP, RPP
Planning Manager

Enclosures

Cc Applicants



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

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

MEMORANDUM

To: Sproat Lake Advisory Planning Commission
From: Alex Dyer, Planning Manager
Date: January 10, 2022
Subject: Amendment of Covenant FB194076 – 10412 Lakeshore Road (Sproat Lake Marina)

Recommendation: THAT the Sproat Lake APC recommend that the Board of Directors direct staff to hold a public meeting to gather input on the amendment of Restrictive Covenant FB194076 to allow for a maximum of sixteen (16) dwelling units north of Lakeshore Road on the property located at 10412 Lakeshore Road.

Applicant's Intention: The applicants intend to amend Restrictive Covenant FB194076 registered to the 0.85 hectare (2.1 acre) subject property to allow for a maximum of sixteen (16) dwelling units and a commercial marina office on the property. The covenant currently limits the development of the property to a maximum of ten (10) sleeping units or dwelling units, each with a maximum floor area of 1,200 square feet excluding garages and carports.

Advisory Planning Commission Recommendation: The Sproat Lake APC first considered this application at a meeting held October 18, 2021. At the time, the property owner was applying to amend the covenant to allow for up to twenty (20) dwelling units on the property with an intention to construct one of the multi-family buildings on the south side of Lakeshore Road up to 12.19 metre (40 feet) from the natural boundary of the lake. At the October 18th meeting there was discussion about flood construction level requirements, 16 units versus 20 units and overall density. The applicants noted that they are working with a Geotechnical Engineer to assess the flood construction level requirements. The APC passed a motion to defer a decision on the application as presented until a Geotechnical Engineer report is submitted and a new plan presented. The applicants have now submitted updated plans for the proposed development.

Applicants: 1257819 BC LTD. (Sproat Lake Marina)

Legal Description: LOT A, DISTRICT LOT 204, ALBERNI DISTRICT, PLAN VIP85387

Location: 10412 Lakeshore Road

Electoral Area: "D" Sproat Lake

Observations:

- i. **Status of Property:** The 0.85 hectare (2.1 acre) subject property is located approximately 600 metres east of the western intersection of Lakeshore Road and the Pacific Rim Highway. The property is split by Lakeshore

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Road. The northern portion of the property, comprising +/- 1.5 acres, is vacant with a gravel parking lot developed adjacent to the road. This portion of the property is cleared and increases in slope from south to north, away from the lake. The southern portion of the property, comprising +/- 0.5 acre, is developed into a two tier graveled parking area to support the marina. Historically there was a general store and house located on this portion of the property with the buildings demolished in 2008.

There is a commercial marina operated from the lakefront portion of the property which includes three tiers of docks with +/- 60 boat slips, a raised walkway connecting the parking area to the docks, and a central floating structure that acts as the office and seasonal convenience store. A boat fuel facility is located on the docks connected to an upland fuel storage tank installed adjacent to the parking area.

The property to the north was subdivided into ten (10) bare land strata lots in 2012 with a communal sewer system and private water system. The water system would be expanded to service the proposed development on the subject property. Other neighbouring uses include the Tall Timbers campground and Sproat Lake Mobile Home Park to the east and residential properties to the west.

ii. Services:

- a. **Sewage Disposal:** On-site sewage disposal. There is no existing sewage disposal system on the property. The applicants have engaged H2O Environmental Ltd. to assess the on-site septic capability at the site. H2O Environmental has provided a previous assessment from 2017 indicating that, given the soil conditions and slope of the property, the site will be able to safely disperse up to 19,000 litres per day with a type 3 effluent treatment system. The design of the sewage treatment system will be dependent on the final layout of the proposed development.
- b. **Water Supply:** The property is serviced by a private water system that currently services the bare land strata development to the north and will be scaled up to provide potable water to the proposed new development.
- c. **Fire Protection:** Sproat Lake Volunteer Fire Department.
- d. **Access:** Cleared and graveled access is provided along the full width of the property on both the north and south sides of Lakeshore Road and Aldan Road dissects the east boundary of the property. The applicants have provided a conceptual site plan for the full build-out of the development. On the north side of Lakeshore Road, the site plan provides a twenty-three (23) stall marina and resort parking area with a driveway entering/exiting onto Lakeshore Road. Additionally, there is a seventeen (17) stall upper resort parking area located adjacent to the proposed buildings on the north side of the property and entering/exiting onto Aldan Road.

iii. Existing Planning Policies Affecting the Site:

- a. **Agricultural Land Reserve:** Not within the ALR.
- b. **Official Community Plan:** The Sproat Lake OCP designates the property as Commercial Use and the adjacent waterfront area as Marina Use. The Commercial Use designation supports a wide range of commercial uses including local, highway, service, recreation and campground commercial uses as specified by the Zoning Bylaw. This designation also supports short term vacation rental accommodation.

The Sproat Lake OCP also designates two Development Permit Areas that impact development on the

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subject property: “DPA I – Riparian Areas Protection” and “DPA III – Objectives for Form and Character”.

DPA I – Riparian Areas Protection

DPA I includes all lands within 15 metres of the natural boundary of Sproat Lake. This designation is used to ensure that the ecological values of sensitive riparian habitats have been considered prior to development, and that measures will be taken to limit or avoid damage to these ecosystems. An assessment by a Professional Biologist accompanying a development permit application would be required prior to any development within 15 metres of the natural boundary of the lake. The previous property owners worked with Fisheries and Oceans Canada in 2008 to install a rip rap shoreline replacement structure on the east side of the property to improve fish habitat at the developed site. DFO also recommended the 40 foot building setback from the existing shoreline in a letter dated July 7, 2008. The site plan provided by the applicants does not demonstrate any proposed development within the 15 metre riparian area.

DPA III – Objectives for Form and Character

DPA III includes any designated industrial, commercial or multi-family development and establishes guidelines for form and character of development, parking, screening, landscaping, lighting, access/egress. The designation covers the entire property. Prior to the issuance of a building permit for any multi-family or commercial development at the site, the proponent will be required to apply for a development permit and submit a plan addressing the form and character guidelines.

- c. **Zoning:** The property is split-zoned Tourist Commercial (C6) District and Marina Two (MAR2) District. The C6 District covers the majority of the property and permits motels and motor hotels, accessory buildings and uses and one single family dwelling per lot. The MAR2 District encompasses the upland area used for marina parking and the marine fuel tank infrastructure.

C6 District Bulk and Site Regulations	
Minimum Lot Size:	15,000 ft ²
Minimum Lot Width:	120 feet
Lot Coverage:	-
Principal Building Setbacks	
<i>Front yard:</i>	20 feet
<i>Rear yard:</i>	20 feet
<i>Side yard:</i>	15 feet

The applicants intend to construct up to sixteen (16) attached dwelling units divided between three separate multi-family buildings to be located on the north side of the property. The intention is for each unit to be individually strata-titled by building strata subdivision. Access roads and parking areas would be provided adjacent to the proposed buildings and the on-site sewage disposal system would be sited on the north west corner of the property. All of the units would be located outside of the designated 200-year flood area mapped within the Somass Watershed Flood Management Plan, which was published in May 2020.

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The proposed development complies with the requirements of the Tourist Commercial (C6) District zoning, subject to final layout, but will require an amendment to an existing restrictive covenant that further restricts development of the property.

- d. **Covenant:** Restrictive Covenant FB194076 was registered to the property in 2008 as a condition of rezoning. The covenant, registered in favour of the ACRD, limits the development of the property into one hotel/motel with a maximum of ten (10) sleeping units or a maximum of ten (10) dwelling units and restricts the useable floor area of each sleeping/dwelling unit to 1,200 square feet of living area excluding any garage or carport. The covenant allows for one (1) non-residential unit limited to 1,200 square feet and intended to be used as an office or administration unit. The covenant also requires that the property not be subdivided into more than ten (10) lots and that any building must be located a minimum forty (40) feet from Sproat Lake.

The applicants acquired the property in 2020 with the intention to develop the upland portion of the property and continue operating the commercial marina. They initially applied to construct up to twenty (20) dwelling units on the property with the option to subdivide by building strata. After assessing the flood construction level requirements with a Geotechnical Engineer and receiving initial feedback from the Sproat Lake APC in October 2021, the applicants amended their application to construct up to sixteen (16) dwelling units on the property. The unit sizes would be limited to 1,200 square feet of habitable floor area. The units could be used as either residential units for permanent or seasonal occupancy or short term vacation rental units in compliance with the existing C6 zoning. A conceptual site plan has been provided by the applicants and is attached to this memorandum.

The previous owners of the property applied to rezone the foreshore area of the property to allow for an expansion of the marina and for a covenant amendment to build up to twenty (20) dwelling units in 2017. There was substantial public input received by the ACRD Board during the public engagement process of the rezoning application, both in favour and against the rezoning. The applicants at that time decided to pursue the covenant amendment as the first step prior to the marina expansion and a public meeting was held in February 2018. After a significant amount of public input was received, the covenant amendment application was denied by the Board on March 14, 2018 and the previous property owners subsequently decided to withdraw the commercial marina rezoning application. The new property owners acquired the site in July 2020 with the intention to develop the property.

The applicants intend to develop up to sixteen (16) dwelling units, each with a maximum floor area of 1,200 square feet, and have applied to amend Restrictive Covenant FB194076 in order to facilitate the proposed development.

Comments: A covenant is a private agreement between two parties, in this case the ACRD and the property owner. The process in which the Regional District follows to amend or discharge an existing covenant registered in favour of the ACRD is to hold a public meeting to allow for public input prior to the Board considering any changes to the covenant. The public meeting is not a public hearing but would follow similar procedures as a public hearing including neighbour notification, advertising and conduct of the meeting.

The property owners have applied to amend the covenant to allow for additional flexibility in developing the property. The applicants have provided a conceptual site plan laying out the proposed development of the site including three two-storey buildings located north of Lakeshore Road: one with six (6) attached dwelling units and an attached commercial marina office space, one with six (6) attached dwelling units and one with four (4)

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attached dwelling units. The C6 zoning would allow for the dwelling units to be subdivided by building strata and used as either permanent residences, seasonal residences or short term vacation rental units. The applicants have not proposed any development south of Lakeshore Road adjacent to the lake and all construction would be located outside of the designated 200-year flood area mapped within the Somass Watershed Flood Management Plan.

Planning staff are recommending that a public meeting be held to gather public input on the amendment of Restrictive Covenant FB194076 to allow for the increase in the number of units. The notification process for the public meeting would include a mailout of neighbouring property owners and residents within 100 metres of the property, advertisement in two editions of the Alberni Valley News, and signage placed on the property. The report and minutes from the public meeting would be provided for the Board to consider prior to making a final decision on the covenant amendment.

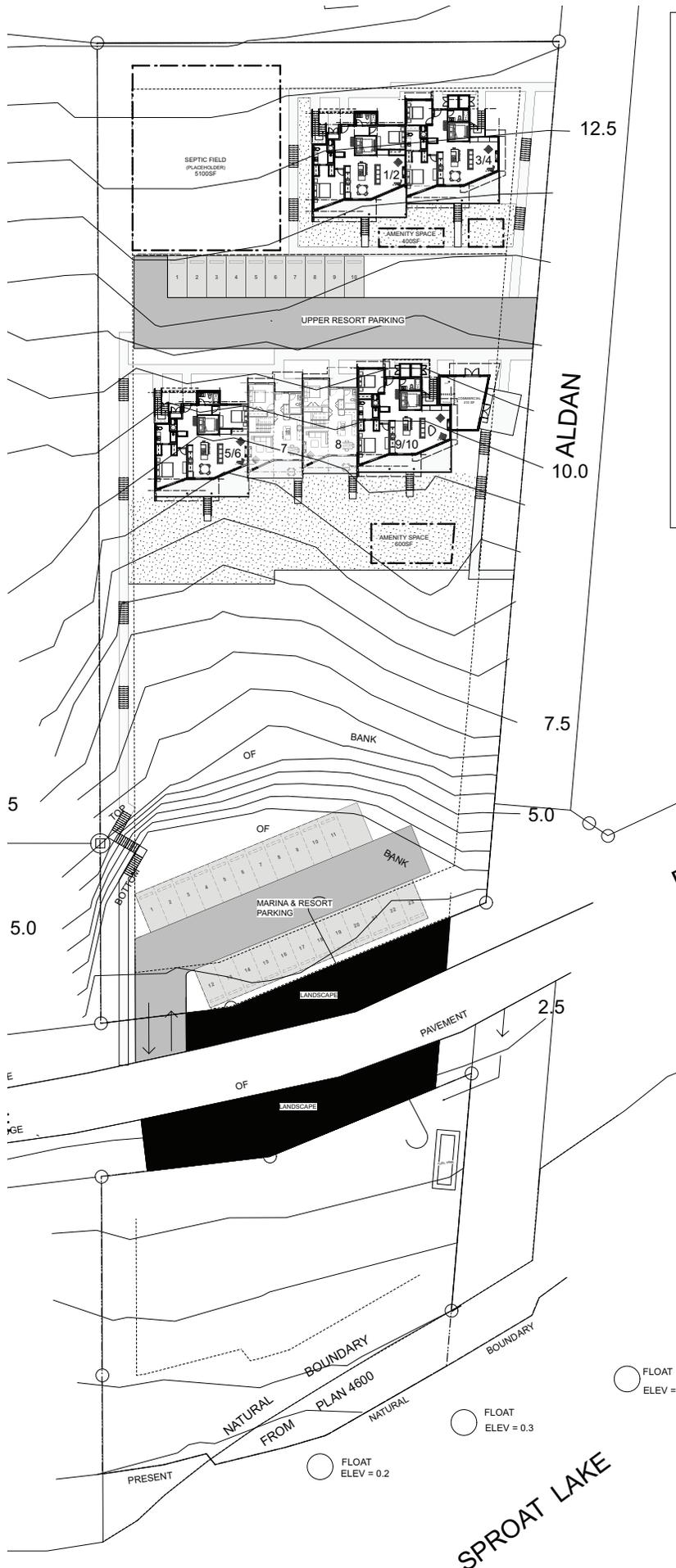
Planning staff recognize a need for a diversity of housing options at Sproat Lake, including attached dwellings, and are initially supportive of the Board proceeding with the public input process. If the Board resolves to amend the covenant following the public input process, the applicants will still be required to apply for a development permit to satisfy the requirements of "DPA III – Objective for Form and Character" prior to obtaining building permits. The development permit application, which would be considered by the Sproat Lake APC and the Board of Directors, would include building and site details such as form and character of the development, parking, screening, landscaping, lighting, and safe access/egress.

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

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

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

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PHASE 1

PROJECT DATA:

PROPOSED:

- 10 RESORT RENTAL UNITS
- 1 COMMERCIAL UNIT (MARINA OFFICE)
- 60 BERTH MARINA (EXISTING)

AMENITY SPACE:

- 100R² AMENITY SPACE PER RENTAL UNIT REQUIRED
- 1,000R² AMENITY SPACE PROPOSED

SETBACKS: 20' FRONT, 20' REAR, 15' SIDEYARD REQUIRED

HEIGHT: MAX. 40' OR 2 STOREYS

PARKING REQUIREMENTS:

- 1 STALL / 3 BERTHS OF MARINA PLUS 1 PER EMPLOYEE
- 1.1 STALL / HOTEL UNIT
- 1 STALL / 46.5M² OFFICE

PHASE 1

PARKING CALCULATION:

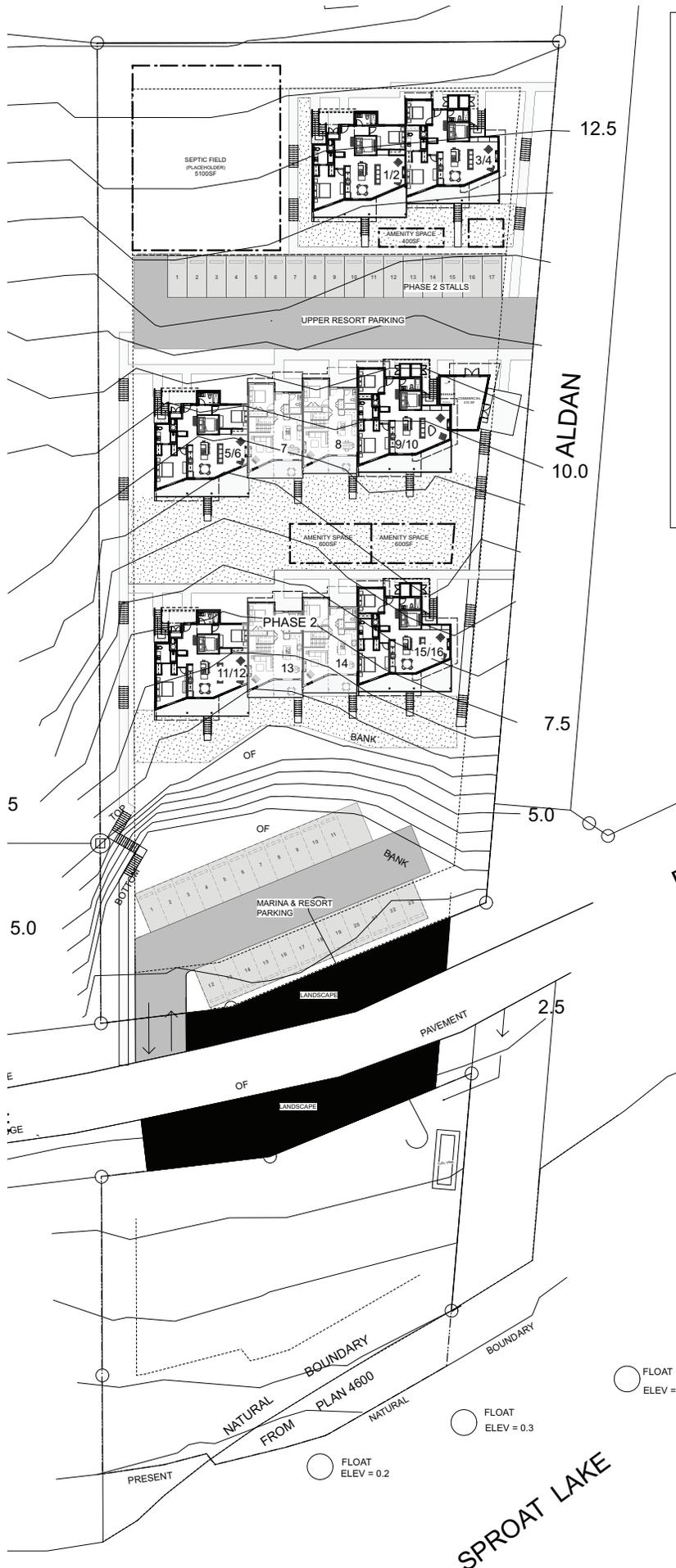
(60 BERTHS/ 3) + 1 = 21 STALLS

10 UNITS X 1.1 STALLS = 11 STALLS

38 M² OFFICE / 46.5 = (0.8) 1 STALLS

TOTAL PARKING STALLS REQUIRED 33 STALLS

TOTAL PARKING STALLS PROVIDED 33 STALLS



PHASE 1 & 2

PROJECT DATA:

PROPOSED:

- 16 RESORT RENTAL UNITS
- 1 COMMERCIAL UNIT (MARINA OFFICE)
- 60 BERTH MARINA (EXISTING)

AMENITY SPACE:

- 100R² AMENITY SPACE PER RENTAL UNIT REQUIRED
- 1,600R² AMENITY SPACE PROPOSED

SETBACKS: 20' FRONT, 20' REAR, 15' SIDEYARD REQUIRED

HEIGHT: MAX. 40' OR 2 STOREYS

PARKING REQUIREMENTS:

- 1 STALL / 3 BERTHS OF MARINA PLUS 1 PER EMPLOYEE
- 1.1 STALL / HOTEL UNIT
- 1 STALL / 46.5M² OFFICE

PARKING CALCULATION:

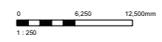
(60 BERTHS / 3) + 1 = 21 STALLS

16 UNITS X 1.1 STALLS = (17.6) 18 STALLS

38 M² OFFICE / 46.5 = (0.8) 1 STALLS

TOTAL PARKING STALLS REQUIRED 40 STALLS

TOTAL PARKING STALLS PROVIDED 40 STALLS





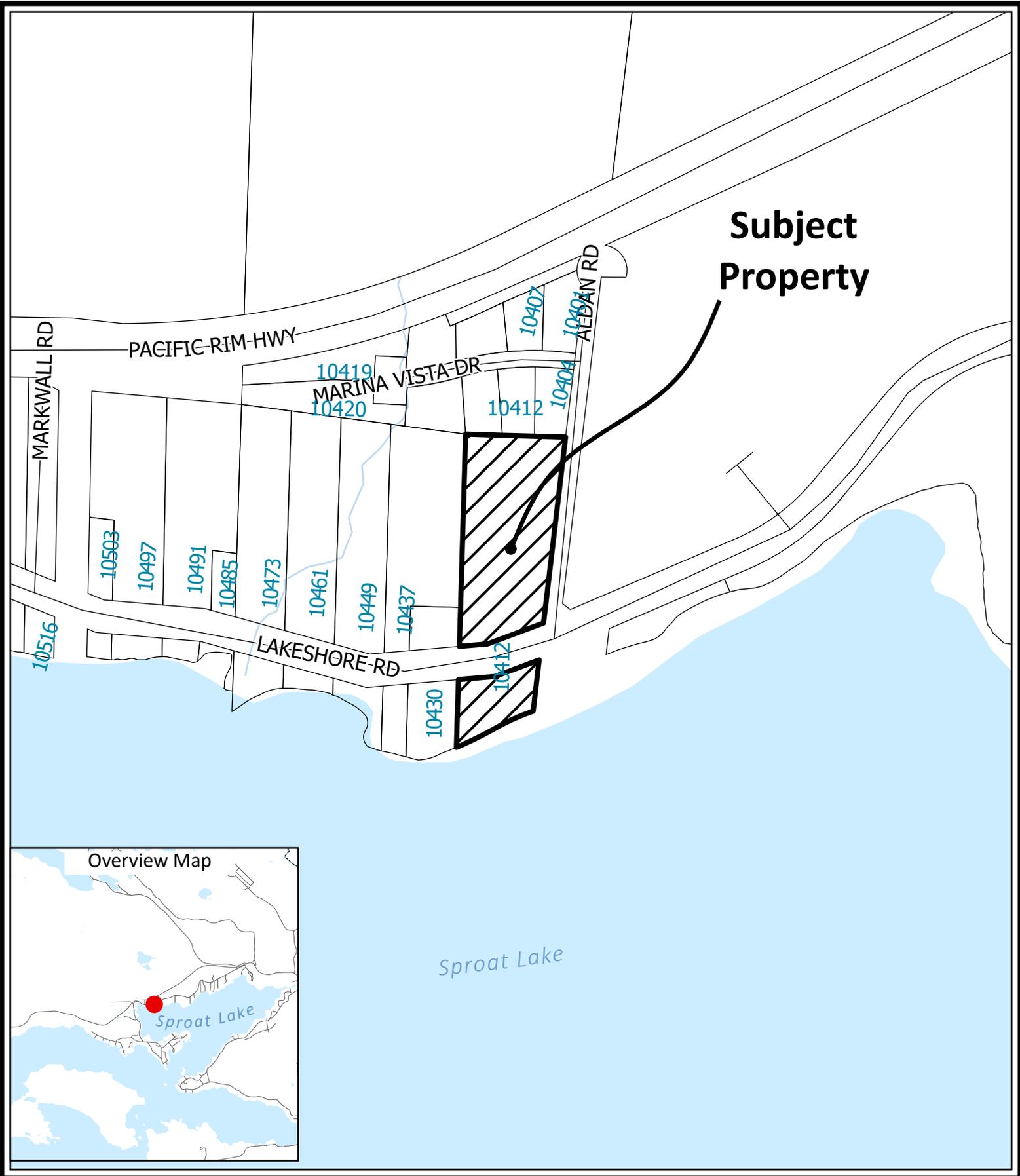
This map should not be used for navigation or legal purposes. This product was prepared by the Alberni-Clayoquot Regional District (ACRD) Planning Department and is intended for general reference use only. The ACRD makes no guarantees, expressed or implied, as to the use of the information obtained here and is not responsible for any damages or incidents resulting from any omissions, deletions or errors of data shown here within.

MISC21003 – 10412 Lakeshore Road

Prepared 13 Oct. 2021, ACRD
Ortho Mosaic, 2014/2018, ACRD

Scale: 1:1,200

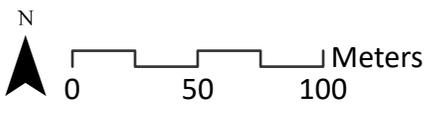
0 5 10
Meters
0 18 36
Feet



**Subject
Property**

Overview Map

Sproat Lake



Legal Description: LOT A, DISTRICT LOT 204, ALBERNI DISTRICT,
PLAN VIP8538