



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

PUBLIC HEARING MINUTES

October 4, 2021 – ELECTORAL AREA ‘D’

Minutes of a Public Hearing held electronically using Zoom, on Monday, October 4, 2021 at 7:00 pm.

Chair: Penny Cote, Director for Electoral Area ‘D’ – Sproat Lake
Staff: Mike Irg, Charity Hallberg Dodds and Kathy McArthur
Applicants: Dale Mykyte, Agent Helen Sims
Members of the Public: 8

1. The hearing was called to order at 7:05 pm. Chair Cote recognizes and appreciates that we are holding this hearing within the traditional territories of the Tseshaht and Hupacasath First Nations.
2. Chair Cote introduces herself and Planning staff. Chair Cote explains that the hearing is being held electronically using Zoom, is live streaming and is being recorded. She then asks staff to explain Zoom features and hearing procedures.
3. M. Irg explains the use of Zoom, Zoom features and necessary hearing procedures. He also confirms that the hearing is being recorded and live streamed on our website. The notice is read by M. Irg as follows:

What it is about: A Public Hearing for residents and property owners within Electoral Area ‘D’ – Sproat Lake, will be held to consider Bylaw P1430. This bylaw is a Zoning Atlas Amendment to rezone a portion of LOT 45, DISTRICT LOT 622, CLAYOQUOT DISTRICT, PLAN 12452 from Forest Rural (A3) District to Acreage Residential (RA3) District to facilitate a subdivision proposal.

How can I learn more: The Public Hearing will be held by the Director for Electoral Area ‘D’, the Alternate Director or the Chairperson of the Regional District. The Board resolution making this delegation, along with Bylaw P1430 and relevant background documents, is available for review online at www.acrd.bc.ca/events/4-10-2021/. Planning staff are available to answer questions through email and/or by phone during normal office hours 8:00 am to 4:30 pm, Monday through Friday, from September 22, 2021 to October 4, 2021, excluding weekends and statutory holidays.

How can I provide input: During the COVID-19 pandemic, providing an opportunity for public input and safeguarding public health are top priorities for the ACRD. Consider written submissions as an effective means to provide your input. Anyone who feels their interest in property will be affected by the proposed bylaw will be afforded a reasonable opportunity to be heard. Options include participating in the Public Hearing by electronic means using Zoom video conferencing or teleconferencing, and/or submitting correspondence to the ACRD.

If you wish to participate in the Public Hearing electronically or by phone, full instructions to do so are available on our website at www.acrd.bc.ca/events/4-10-2021/ or can be provided by contacting Planning staff by email at planning@acrd.bc.ca or by phone at 250-720-2700. This Public Hearing will be recorded and livestreamed on our website. Written correspondence can be submitted to the ACRD by one of the following methods:



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- Hard copy to the ACRD office drop slot or by mail to the Planning Department at the address below.
- Email sent to planning@acrd.bc.ca before 4:00 pm, October 4, 2021. Email correspondence will only be considered received if receipt confirmation is provided by ACRD staff.
- Fax sent to 250-723-1327 before 4:00 pm, October 4, 2021. Fax correspondence will only be considered received if receipt confirmation is provided by ACRD staff.

All correspondence must be received by the ACRD no earlier than 8:00 am on September 22, 2021 and no later than 4:00 pm on October 4, 2021. Correspondence submitted and/or received outside of these parameters will not be included in the Public Hearing.

4. Chair Cote explains that the subject of the hearing is Bylaw P1430. This bylaw is applicable to Lot 45, Taylor Arm Drive, and is necessary to facilitate a subdivision proposal. She asks that any questions about an unrelated topic be directed to staff after the hearing.
5. Chair Cote explains the purpose of the public hearing and that minutes are being taken. She then asks staff to introduce the proposal.
6. M. Irg introduces the proposal and includes the following:
 - Rezoning 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 subdivision creating five (5) waterfront parcels ranging from 0.38 hectare (0.94 acre) to 0.63 hectare (1.55 acre) in lot area. Application available to view on the website.
7. Chair Cote invites the applicants to add any information or comments.
8. H. Sims, Prism Land Surveying, agent for owner Dale Mykyte. Property approximately 38 hectares or 93 acres, mostly forested, challenging terrain, wetland upland on Taylor Arm Dr. Entire site is split zoned, small portion near Asher Rd. is Acreage Residential 1, while most of the lot is Forest Rural, OCP designates property residential. This application deals with the waterfront portion of the property. Site has high rocky outcroppings and falls steeply to Sproat Lake. Proposing 5 strata lots with common property on opposite side of Taylor Arm Dr. Taylor Arm Dr. will be extended to the North boundary to provide access to the crown land. Since more than three lots being created, 5% park needs to be addressed. Property known as “Beer Can Beach” is an important leisure area and public access to it would be welcome. Proposing a 5 meter wide park strip from Taylor Arm Dr. to Sproat Lake. Would also provide access to crown land to the north. The 5 meter wide strip is 3% of the entire area of this proposal. Working on submitting another proposal for the remainder of the property, total park dedication will be in excess of 30%. Suggest remainder of the park requirement, the other 2%, be on the remainder of the property and client will register a covenant to ensure the park will be dedicated later. Reasoning for park dedication instead of road, Ministry of Transportation is not interested in obtaining land for access to water where a road cannot be built. There is already four, 20 meter wide road accesses east of this site undeveloped because terrain is too difficult. Intend to work with ACRD and Ministry of Transportation to allow access to Sproat Lake to be park instead of road. Have had two professional reports prepared in support of this application. H2O Environmental inspected soils prepared report recommend individual septic tanks on each lot with a dispersal system on common property across Taylor Arm Dr. Second report prepared by Toth & Associates, registered biologist, conducted investigation of entire site, have flagged the 30 meter setback from the wetlands. The common



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septic disposal area will be more than 30 meters from the wetlands. Working on a concept for the remainder of the property, wetlands will be preserved, lots of walking trails and lots of park. Will be completed in the near future, will be the next application.

9. M. Irg provides following information:
 - Eight (8) letters of public correspondence received ahead of the public hearing. The letters are available on the ACRD website, attached to the minutes as Appendix 'B' and will be presented to the Board of Directors. The letters noted general concerns regarding parkland dedication, access to the crown lands beyond the property and the rest of the property. Any development beyond the lands that are not included on this application, portion outside the RA1 zoning portion of property would require a separate rezoning application and a separate public hearing will be required. District Lot 950 is crown land, SL Parks commission has enquired in the past about acquiring public access to those lands, part of the rationale for the road allowance going up to the crown portion for public access. Parkland verses cash in lieu required at the subdivision stage is of interest to the public. Owner has mentioned a covenant with the ACRD regarding the parkland dedication.
 - Five (5) referral agency comments received. The agency referral comments are available on the ACRD website, attached to the minutes as Appendix 'A' and will be presented to the Board of Directors.
10. Chair Cote invites the public to add any additional information or comments requesting their name and address be stated.
11. Larry and Terry McMahon, 11010 Taylor Arm Dr. submitted written comments, concerned not knowing what is going to happen with extension of Taylor Arm Dr., the crown lands, future potential parks and access from a poorly maintained road and some of the social issues that can occur with unmonitored parkland at the end of Taylor Arm Dr. Do not feel can support proposal at this stage.
12. Chair Cote invites additional public to add any additional information or comments.
13. Doug Ferguson, 11148 Taylor Arm Dr., four lots away from dead end on Taylor Arm Dr. supports L. McMahon's concerns that they do not know what the final product looks like and access to lands beyond. Large tract of land that failed subdivision because Highways did not grant them highway access. If Taylor Arm Dr. is extended into the crown land that the next step is that there will be a rezoning application for that large tract of land which would leave Taylor Arm Dr., a little country road, very poorly maintained, that will be the access for all of those people. Very concerned about that.
14. Chair Cote comments on Lot 950, the crown land. For a number of years the Sproat Lake Parks Commission had interest and talked to province about gaining public access to become a community park. Province requested a plan to be provided, no plan brought forward yet, but there has been no mention of that lot being transferred to private land. Road extension along Taylor Arm Dr. to the park will be part of the proposal. Discussions making a roadway from Taylor Arm Dr. to Hwy accessing hydro road, would not be a public road, would be gated for fire access only. The fire department would support that road if the development would be approved.
15. Chair Cote invites additional public to add any additional information or comments.



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16. D. Ferguson, asks are you talking about crown land in addition to the access to Beer Can Beach?
17. Chair Cote responds yes, Sproat Lake Parks Commission have been looking at it for years.
18. D. Ferguson asks what standard of park would it be, like Cougar Smith Park?
19. Chair Cote responds it would be similar to Faber Park with no boat access, port-a-potty, along those lines, not much development.
20. Chair Cote invites additional public to add any additional information or comments.
21. Dale and Dawn Boyce, 10590 Asher Rd., concerns with access to water in park portion, is it a trail only to access water.
22. M. Irg, responds it would be walking path, not for vehicles.
23. D. & D. Boyce asks if could there be picnic bench, garbage can? Who would be responsible to maintain?
24. M. Irg responds it could be managed in conjunction with Lot 950 with input from the Sproat Lake Parks Commission. Could have those items or could be combined with the potential future park.
25. D. & D. Boyce concern with monitoring, could a neighborhood watch system be helpful?
26. M. Irg responds great concept but comments it is not a park yet.
27. Chair Cote comments Faber Park has a block watch, neighbors monitor park, footprint security monitors as well. Different access and bigger park. Lot 950 is not a park yet, not approved. This application needs to stand on its own. Sproat Lake Parks Commission have not secured the crown park at this point.
28. Chair Cote invites additional public to add any additional information or comments.
29. Nancy Harvey, 10862 Taylor Arm Dr. comments that there were a few comments missed in the public correspondence. Refers to increased parkland dedication, that the wetlands were not included in the parkland. Comments on the traffic on Taylor Arm Dr. and Asher Rd., a dangerous intersection and concern with increased traffic for the area.
30. M. Irg responds that the Ministry of Transportation has to approve the subdivision and road safety is factored in, as well as final approval on the bylaw due to property proximity within 800 meters of a highway.
31. Chair Cote invites additional public to add any additional information or comments.
32. No addition public comments.
33. Chair Cote invites the applicants and staff to add any additional information or comments.



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34. D. Mykyte thanks public for comments. Wants to do what is best for public and make it accessible. Wetlands will be included in the parkland. No intention to build a road to the property next to us, wanting to create access to Beer Can Beach.
35. H. Sims comments the park, wetlands will be on the next application, could include all the wetlands on this application if ACRD requires. Will be no development around wetlands. Understood the public concern was access to the water so proposed park strip. Most of entire property will be park. Addressing traffic, Ministry of Transportation will be assessing the subdivision application and will stipulate what has to be done for road construction.
36. M. Irg addresses parkland requirements, up to 5% can be required. Applicant can include more than required 5% to include protected areas. Would be considered in excess. Should not be included in the 5% because it is not usable parkland. Covenant requirements regarding parkland requirements, and maximum lots allotted for property.
37. Chair Cote invites additional public to add any additional information or comments.
38. D. Ferguson comments on the parked cars at the end of Taylor Arm Dr. During summer 2-3 cars parked most days, people going through the gate that was placed by neighbors to stop people accessing the property.
39. L. McMahon appreciates and is encouraged by the discussion and comments surrounding parkland and wetlands. Access should be addressed now, concerns to neighborhood. Once approved, could affect a quiet neighborhood. Would like access to be addressed now.
40. Chair Cote comments this is a complicated application on a large piece of property, big change to a small community. Concerns around parkland, trail access in public letters, previous property owner allowed access to beer can beach. Applicant wants to ensure application in line with neighbors, he used to be a neighbor.
41. Chair Cote invites additional public to add any additional information or comments.
42. No comments.
43. Chair Cote invites additional public to add any additional information or comments.
44. No comments.
45. Chair Cote invites applicant to add any additional information or comments.
46. D. Mykyte thanks everyone for time and input. Still a neighbor, now living down the lake. Used to live at other end of Taylor Arm Dr. with a public access beside him. Beaches are public. If it's decided to turn Beer Can Beach is to be turned into a public park for Sproat Lake, will follow recommendations. Regardless, if path there or not, will not stop public from accessing. More people living there will discourage public from wandering around and use designated paths. Want to be good neighbors, born in Port Alberni, love area,



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wants to see recreational property available. By developing it and making pieces available, not much available.

47. Chair Cote invites the applicants and public to add any additional information or comments.
48. No comments.
49. Chair Cote explains that no new information can be received by members of the Board of Directors between the end of the hearing and the Board meeting scheduled for October 13th. If any Board member does so, the hearing would be invalidated and would have to be held again. He clarifies that the applicants and members of the public are welcome to speak to ACRD staff, but not to Board members.
50. Chair Cote invites the applicants and public to add any additional information or comments.
51. Chair Cote calls three times for further representations and comments from the public. Hearing none, the hearing is terminated at 7:50 pm.

Certified Correct:

Penny Cote, Director for Electoral Area 'D' – Beaver Creek

Minutes Prepared by:

Kathy McArthur, Planning Assistant