



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

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

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

MEMORANDUM

To: ACRD Board of Directors
From: Alex Dyer, Planning Manager
Meeting Date: January 11, 2023
Subject: Public hearing Delegation, Advertising, and Map 2 Amendments
Sproat Lake Official Community Plan Amendment Bylaw P1443

Recommendations:

- THAT Bylaw P1443, Sproat Lake Official Community Plan Amendment Bylaw be amended as shown on Map 2 – Land Use Designations.
- THAT Bylaw P1443, Sproat Lake Official Community Plan Amendment Bylaw be read a second time, as amended.
- THAT a second public hearing for Bylaw P1443 be delegated to the Director for Electoral Area 'D', the Alternate Director or the Chairperson of the Regional District.
- THAT the Board of Directors direct staff to place one or more sandwich boards to provide supplementary notice of public hearing dates for Bylaws P1443, P1444, P1446, P1447, and P1448.

Summary:

A public hearing for the Sproat Lake Official Community Plan (OCP) Amendment Bylaw P1443 was held on December 5, 2022 during which feedback was received about the level of communication from the ACRD in advertising the public hearing. At the December 14, 2022 meeting, the Board received the Bylaw P1443 public hearing report and minutes and deferred a decision on the bylaw. At the December 21, 2022 Special Board meeting, the Board received an additional background report on public consultation for the project and deferred a decision on the bylaw to allow staff to bring forward a report recommending that a second public hearing be delegated.

Public hearing advertising:

There was feedback received at the first public hearing for Bylaw P1443 that members of the public felt that the advertising was inadequate ahead of the hearing. The advertising of the public hearing was conducted in accordance with the requirements of the *Local Government Act* and the ACRD Development Procedures Bylaw, which included advertising in consecutive issues of the Alberni Valley News.

In consideration of the feedback received and the discussion about additional advertising opportunities, staff recommend that the advertising for the second public hearing for Bylaw P1443, and the subsequent hearings for the four additional Electoral Area OCP Amendment Bylaws, include the placement of one or more sandwich boards within the region during the notice of public hearing period for each bylaw. The sandwich boards would be

Bylaw P1443 - Sproat Lake OCP Amendment

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)

in addition to the statutory requirements within the *Local Government Act* to advertise in consecutive issues of the newspaper.

Bylaw P1443 Map 2 Amendments:

Over the course of the Zoning Bylaw Review Project, staff have communicated with the public, and the Board, the intention that zoning and OCP land use designations for individual properties would not be substantially downzoned or changed without discussion with the property owners. In reviewing the “Map 2 - Land Use Designations” map included with Schedule ‘A’ of Bylaw P1443 that was given first reading in April 2022, staff have identified two areas on the map where the land use designations are either incorrectly noted or were mistakenly changed in the proposed bylaw amendment.

Staff recommend that the Board correct the mapping error by amending Bylaw P1443 to make the following changes to Map 2 – Land Use Designations and then giving the bylaw second reading, as amended:

- Taylor Arm Drive – LOT 45, DISTRICT LOT 622, CLAYOQUOT DISTRICT, PLAN 12452 – “Rural Use” to “Residential Use”.
- 10700 Tilly Road – SECTION 91, CLAYOQUOT DISTRICT, EXCEPT PLAN 585RW 2634 8555 9653 27730 31169 31720 32403 34205 36 025 2750RW – “Rural Use” to “Residential Use”.
- 10670 Tilly Road – LOT 1, SECTION 91, CLAYOQUOT DISTRICT, PLAN VIP36025 – “Rural Use” to “Residential Use”.
- 10630 Tilly Road – LOT 2, SECTION 91, CLAYOQUOT DISTRICT, PLAN VIP36025 – “Rural Use” to “Residential Use”.
- 10608 Tilly Road – LOT A, SECTION 91, CLAYOQUOT DISTRICT, PLAN VIP27730 – “Rural Use” to “Residential Use”.
- 5809 Stuart Avenue – LOT B, DISTRICT LOT 140, ALBERNI DISTRICT, PLAN VIP82319 – “Industrial Use” to “Commercial Use”.
- DL 772 Great Central Lake – DISTRICT LOT 772, CLAYOQUOT DISTRICT, AN ISLAND NEAR BEAUTY ISLAND – “Comprehensive Development Area” to “Recreational Residential Use”.

Project Background:

As part of the Zoning Bylaw Review Project, amendments are proposed to the Sproat Lake Official Community Plan (OCP) to align OCP policies and objectives with the updated Zoning Bylaw. The comprehensive rewrite of the Zoning Bylaw was not considered as part of the Sproat Lake OCP Amendment Bylaw public hearing, and the Zoning Bylaw remains in draft form.

The development of the minor policy amendments to the OCP included multiple opportunities for engagement with members of the public, referral agencies and First Nations, members of the Sproat Lake Advisory Planning Commission and Board members. The OCP Amendment Bylaw was given first reading on April 13, 2022 where the Board gave first reading to amendment bylaws for each of the six Electoral Area OCPs as required to align policies with the updated Zoning Bylaw.

Highlights of updates to the Sproat Lake OCP include:

- Added policies relating to the construction of docks and moorage facilities and included foreshore and riparian development permit area (DPA I) guidelines for the construction of new docks and moorage facilities on the water.
- Extend the riparian development permit area boundary (DPA I) into the foreshore by including all land and water within 30 metres of the natural boundary of a major stream (15 metres of a minor stream) measured horizontally in both the upland and foreshore directions. The intent of the amendment is to extend the development permit requirement to the construction of new docks and foreshore improvements.
- Defined Sproat Lake as a “major stream” to extend the riparian development permit area from 15 metres to 30 metres from the natural boundary of the lake. This amendment would not introduce an increased building setback from the lake but instead aims to expand the protection of the natural environment within the

Bylaw P1443 - Sproat Lake OCP Amendment

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riparian area and to protect the water quality of Sproat Lake.

- Reduced the minimum lot size in the Resource Use designation from 20 hectares to 16 hectares to align with the Resource zoning in the updated Zoning Bylaw.
- Standardized policy wording across the six OCPs, where appropriate.
- Updated *Local Government Act* references.
- Updated Agricultural Land Commission references.
- Statement about the consideration of the Housing Needs Reports in the area OCPs.
- Revised wording in definitions to align with Zoning Bylaw including accessory dwelling units, flood construction level, manufactured home, mobile home, modular home, home occupations, and home industry.
- Revised flood construction level guidelines in the natural hazard development permit areas to align with the Zoning Bylaw which references the 200-year designated floodplain.
- Map 2 Land Use Designations and Map 3 Development Permit Areas updated with new formatting, improved labelling, data source tracking and new mapsheet tile format for improved readability.

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

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

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

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REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. P1443

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

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

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

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

1. TITLE
This bylaw may be cited as the Sproat Lake Official Community Plan Amendment Bylaw No. P1443.
2. Sproat Lake Official Community Plan Bylaw P1310, Schedule A, has been amended to include all revisions as outlined in P1443 Schedule 'A' – List of Amendments to the Sproat Lake Official Community Plan, which is attached to and forms part of this bylaw.
3. This bylaw shall come into force and take effect upon the adoption thereof.

Read a first time this 13th day of April, 2022
Public Hearing held this 5th day of December, 2022
Read a second time this day of ,
Read a third time this day of ,

Adopted this day of ,

Corporate Officer

Chair of the Regional Board

REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

P1443 SCHEDULE 'A' – LIST OF AMENDMENTS TO THE SPROAT LAKE OFFICIAL COMMUNITY PLAN

- Cover: Added “Revised: April 2022”.
- Footer: Updated to “Revised: April 2022”.
- Map List:
 - Updated Map No. 2 from “Land-Use Designations” to “Land Use Designations”.
 - Replaced “Sproat Lake OCP Map No. 2 Land Use Designations”.
 - Replaced “Sproat Lake OCP Map No. 3 Development Permit Areas and Development Approval Information Areas”.
- Table of Contents: Updated.
- 1.1 Plan Preparation:
 - Updated “has undertaken” to “undertook”.
 - Added: “In 2022, minor amendments were made to Bylaw No. P1310 as part of the Zoning Bylaw Review project to align OCP policies and objectives with the updated Zoning Bylaw.”
- 1.3 Legislative Assembly:
 - Updated LGA Section “877” to “473”.
 - Added: “Section 473 (2.1) of the LGA also requires that an OCP “must consider the most recent housing needs report the local government received, and the housing information on which the report is based” when developing or amending an OCP in relation to statements, map designations or housing policies included in Section 473 (1) of the LGA. In 2021, the ACRD Board received the Sproat Lake Electoral Area ‘D’ Housing Needs Report. The report includes key recommendations and a high level approach to address housing gaps in Sproat Lake and across the region. In consideration of the Housing Needs Report, housing statements and policies will be updated or added to Bylaw No. P1310 as part of future comprehensive OCP updates.”
- 1.4 Jurisdiction:
 - Updated “Activities on land within the Agricultural Land Reserve (ALR) are subject to the *Agricultural Land Commission Act* and BC Regulation 171/2002, both of which are administered by the Agricultural Land Commission (ALC). Section 46 of the ALC Act requires local governments ensure consistency of their bylaws with the Act, regulations and ALC orders. The Regional District has referred this OCP to the ALC and is of the opinion that it is consistent with the *Agricultural Land Commission Act*.” to “Activities on land within the Agricultural Land Reserve (ALR) are subject to the *Agricultural Land Commission Act* (ALCA), the *Agricultural Land Reserve General Regulation*, the *Agricultural Land Reserve Use Regulation*, and any Orders of the Agricultural Land Commission (ALC).”
- 1.7 Definitions:

- Changed “Accessory residential dwelling unit” to “accessory dwelling unit” and updated to: “means a second dwelling unit, incidental or ancillary to a principal dwelling on a lot, in accordance with regulations for accessory dwelling units in the Zoning Bylaw.”
- Carriage home: Updated “accessory residential dwelling unit” to accessory dwelling unit”.
- Community water or sewer system: Updated “five connections” to “two connections”.
- Density bonusing: Updated LGA Section “904” to “482”.
- Flood construction level: Updated to “means the minimum elevation above the natural boundary of a water body to the underside of a floor system, or to the top of a slab on grade, for buildings located within an area that is subject to, or likely to be subject to, flooding. An area below flood construction level is not to be used for habitation, mechanical or electrical infrastructure, business or storage of goods damageable by flood water.” and removed diagram image.
- Home industry: Updated to “means a business or industry, conducted in an accessory building, structure or outside, that is incidental and ancillary to the principal residential use of a lot, may include accessory retail sales and may include processing, assembly and manufacturing of products, in accordance with the provisions of home industry in the Zoning Bylaw.”
- Home occupation: Updated to “means a business or occupation conducted entirely within a principal dwelling unit, accessory dwelling unit, accessory building or in a combination, that is incidental and ancillary to a principal residential use of a lot, and may include accessory retail sales, in accordance with the provisions of home occupation regulations in the Zoning Bylaw. Includes boarding and lodging, and bed and breakfast, where guest bedrooms are rented, with the tenant or owner residing in the building.”
- Added:
 - ““Manufactured home” means a single family dwelling that conforms to either the Canadian Standards Association Z240-MH standard as a mobile home, or to the Canadian Standards Association A277 standard as a modular home.
 - “Mobile home” means a factory-built manufactured home that is used, or intended to be used, as a single family dwelling and which conforms to the Canadian Standards Association (CSA) Z240-MH series standard. A mobile home excludes trailers and recreational vehicles.
 - “Modular home” means a factory-built manufactured home that is used, or intended to be used, as a single family dwelling and which conforms to the Canadian Standards Association (CSA) A277 standard. A modular home excludes trailers or recreational vehicles.”
- 2.1 Setting the Stage: Removed “existing” from 2005 Sproat Lake OCP reference.
- 2.3 Land-Use Designations:
 - Changed “Manufactured home park” to “Mobile home park”.
 - Changed “Parks” to “Parks and Recreation”.
- Policy 3.2.9, 10.0, 10.2.2, 10.2.9, 10.2.10, 19.0, 19.3: Changed “accessory residential dwelling unit” to “accessory dwelling unit”.

- Policy 3.2.9: Changed “Accessory residential dwelling units within the ALR require approval from the ALC.” to “For land in the ALR, an accessory dwelling unit may only be permitted if permitted in the Agricultural Land Commission Act and Regulations, or approved through application to the ALC.”
- Policy 3.2.11: Updated LGA Section “921” to “493”.
- Policy 3.2.16: Updated LGA Section “921” to “488”.
- Policy 5.2.1: Changed “20 ha” to “16 ha”.
- Policy 8.2.7: Added “and the Short Term Vacation Rentals Temporary Use Permit Policy”.
- Policy 10.2.8: Changed “manufactured” to “mobile”.
- Policy 12.2.2: Updated LGA Sections “903, 904, 905.1” to “516, 517, 518”.
- 17.0 Parks and Recreation Use and Policy 17.2.4: Updated LGA Section “941” to “510”.
- Policy 18.2.1:
 - Changed “high water mark” to “natural boundary” and removed “Sproat Lake” from minor stream and changed to a major stream.
 - Updated to: “Designate development permit areas 30 metres from the natural boundary of major streams, measured horizontally in both upland and foreshore directions, and 15 metres from minor streams.”
- Policy 18.2.4: Added “accordance with other applicable provincial regulations”.
- Policy 18.2.5: Changed “high water mark” to “natural boundary”, and “Land Act tenure” to “tenure or licence”.
- Policy 18.2.18: Changed “Fish Protection Act” to “Riparian Areas Protection Act”.
- Policy 18.2.22: Changed from “Discourage the use of uncoated styrofoam floats for docks.” to “Styrofoam used in the construction of floats and docks is discouraged. Any styrofoam, plastic foams or other non-biodegradable materials used in construction of floats and docks shall be fully encased within sealed rigid plastic shells to prevent escape into the natural environment.”
- 19.0 Natural Environment:
 - Updated LGA Section “877(3)” to “473”.
 - Policy 19.2.5: Removed outdated website link.
- 20.0 Implementation: Deleted “While vacation rentals are not currently permitted in residential designations in the plan area, there is an interest by some property owners to look at options for vacation rentals. As part of the OPC implementation, a study looking at options for vacation rentals, should be undertaken by the Regional District.” as Short Term Vacation Rentals are permitted in residential designations with a valid Temporary Use Permit.
- 20.1 Development Permit Areas:
 - Updated LGA Section “919.1(1)” to “488”.
 - DPA I: Added “Foreshore and” to “Riparian Areas Protection”.
 - DPA II: Updated “Protection from Natural Hazard Area” to “Natural Hazard Areas Protection”.
 - DPA III: Updated “Objectives for Form and Character” to “Form and Character”.
- Guideline 20.2.3: Updated LGA Section “920(2)” to “490”.
- 20.4 DPA I – Foreshore and Riparian Areas Protection:
 - Added “Foreshore” to title and throughout Policy 20.4 to include “foreshore and riparian areas”.

- Updated LGA Section “919.1(1)a” to “488”.
- Changed Sproat Lake from a minor to a major stream with 30 m setback, added “measured horizontally in both upland and foreshore directions” and updated to “DPA I areas include all lands within 30 metres, measured horizontally in both upland and foreshore directions, from the natural boundary of major streams, including Sproat Lake, and within 15 metres of minor streams.”
- Changed “high water mark” to “natural boundary”.
- Removed “Two Rivers” from the list of major streams as it’s included in Sproat Lake.
- Added “upland” to: “for a minor stream, a 15 -metre strip on both upland sides of the stream measured from the natural boundary.”
- Removed 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.”
- Added:
 - i. “Unless otherwise exempt under 20.3, prior to undertaking any development on the lands within this DPA, the owner of the lands must apply to the ACRD for a Development Permit, and must include the following information with the application:

An assessment report that has been prepared by a Qualified Environmental Professional, with demonstrated experience regarding the subject matter. The assessment report will identify how the proposed development will affect aquatic resources, and recommend measures to reduce or mitigate any negative impacts, such as the:

 - a) Appropriate siting of buildings, structures, landscaping and placement of fill, moorage facilities, roads, driveways, parking areas, trails, paths, and utilities;
 - b) Retention or restoration of native vegetation and soils;
 - c) Removal of invasive species;
 - d) Designation of buffer areas to protect environmentally sensitive features or habitat;
 - e) Specification of any activities that may occur within the buffer areas; and
 - f) Must state that the proposal is suitable for the area intended for development.”
- Added:
 - “The construction of a private, commercial and group moorage facility are permitted in DPA I subject to the following conditions:
 - a) Refer to the Province for General Permission for private moorage facilities, and authorization for Specific Permission, or under the Residential Policy or Commercial Marina Policy for group moorage, or under the Adventure Tourism Policy for moorage for adventure tourism activities, where applicable on Crown land.
 - b) Commercial moorage facilities must be designed and constructed in compliance with the applicable best management practices of the

Province.

- c) Before construction of a dock in marine waters the property owner must obtain and adhere to a Marine Habitat Assessment Report for the site which must be completed by a qualified registered professional biologist, where applicable on Crown land.
 - d) New docks and ramps shall be allowed only for water-dependent uses or for public access, and only permitted when the applicant has demonstrated that a specific need exists to support the intended water-dependent use.
 - e) Docks shall not extend over marshes or other productive foreshore areas, including critical areas such as fish habitats.
 - f) Boat launch ramps are discouraged and will only be considered if they can be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary.
 - g) Structures in contact with the water shall be constructed of stable materials, including finishes and preservatives that will not degrade water quality.
 - h) All docks shall be constructed so that they do not rest on the bottom of the foreshore at low water levels.
 - i) Styrofoam used in the construction of floats and docks is discouraged. Any styrofoam, plastic foams or other non-biodegradable materials used in construction of floats and docks shall be fully encased within sealed rigid plastic shells to prevent escape into the natural environment.
 - j) Preference is given to the placement of mooring buoys and floats instead of docks.
 - k) No more than one dock shall be located on any single residential lot.
 - l) Placement of docks must remain sensitive to views, impacts on neighbours, and orientation to neighbouring docks.
 - m) Keep the dock and land beneath the dock safe, clean and in sanitary condition.
- The consideration of the issuance of a Development Permit by the ACRD in no way exempts the property owner from obtaining all necessary permits and approvals from provincial and federal agencies.”
 - Removed outdated website link “The following website should be referred to: http://www.agf.gov.bc.ca/resmgmt/publist/800Series/823400-1_Agriculture_Building_Setback_Factsheet.pdf” and updated to “Refer to the provincial ministry responsible for agriculture for setback distances for farm buildings and streams on existing farmland and for new agricultural buildings.”.
- 20.5 DPA II – Protection from Natural Hazards:
 - Updated LGA Section “919.1(1)b and 920(7.1)” to “488 and 491”, and “920(11)” to “491”.
 - Changed “Protection from Natural Hazards” to “Natural Hazard Areas Protection”.
 - Removed “The toe of the Beaufort Range, for example, is an area where, due to

- topographic conditions, the possibility of land slippage is considered significant.”
- Guideline iv.: Updated to “The recommended flood construction level for coastal areas in the ACRD is 10 metres or as determined by a qualified professional taking into consideration the slope of the land, foreshore conditions, anticipated sea-level rise, storm surges and freeboard, in accordance with the Zoning Bylaw.”.
 - Guideline vii: Updated to add “in accordance with the Zoning Bylaw”.
 - Guideline xiii: Updated to “Where lands within DPA II areas subject to seasonal flooding are proposed for development, the flood construction level should be established by designated 200-year floodplain mapping, or where a location is determined to be safe for the intended use by a qualified professional. Where the 200-year floodplain has not been established and in the absence of an assessment by a qualified professional, the flood construction level should be a vertical elevation at least three metres (3 m.) above the natural boundary, in accordance with the Zoning Bylaw and provincial regulations.”
- 20.6 DPA III – Objectives for Form and Character:
 - Changed to “Form and Character”.
 - Updated LGA Section “919.1(f)” to “488”.
 - 20.7 Development Approval Information: Updated LGA Section “920.01 and 920.1” to “484 and 485”.