

June 4, 2017

Alex Dyer
Planning & Development
Alberni-Clayoquot Regional District
3008 5th Ave
Port Alberni, B.C. V9Y 2E3

RE: Rezoning Klehkoot Marina MAR2, Amendment of C6 Covenants

Dear Alex,

Please find below details on my recent application to re-zone the MAR2 area in front of the property I own at the civic address; 10412 Lakeshore Road in Port Alberni B.C. V9Y 8Z7.

I have also applied to make amendments to the current C6 Zone covenants on this property in relationship to the unit density, size and setbacks.

Legal:

Lot A, District Lot 204, Alberni District, VIP 85387 plus foreshore area fronting this lot.

Two distinct designations apply to this site;

- C6 on lake frontage and north portion of property;
- MAR2 Zoning for parking, access points and water-based Marina facilities.

The mixture of C6 Commercial, P2 Park and Public Use, RA1 Acreage Residential and MAR2 Marina zones apply to the Zoning bylaws.

As outlined in the O.C.P. Adopted June 11, 2014 "The Regional District acknowledges the fact that changes in land ownership and land-use patterns are inevitable in the community. Some of this change will be brought about by the changing needs and circumstances of land owners, while other changes may come as a result of Regional District initiatives."

Generally, I propose the continued revitalization of the commercial area on the Lake (MAR2 Zone) and on the upland area of this lot which I started in 2008. While working in conjunction with various governing entities (ACRD, Parks Commission, Ministry of Highways,

Etc.) I am proposing the MAR2 Zone also encompass the area in front of the public access right-of-way to further protect public interest and to provide stewardship of the Lake and riparian areas per the objectives and policies of the O.C.P.

In addition, the expansion of the MAR2 Zone will provide for the commercial, local residential and tourist growth throughout the Alberni Valley and Sproat Lake for many decades to come.

My proposal meets or exceeds form and character objectives as outlined in the Development Permit Area guidelines. I will continue to use site adaptive ecological planning throughout. This planning includes the adaption of low level view planes, clustering and other planning techniques and building design to enhance the form and character of the proposed buildings and Marina dock system.

As I have demonstrated in the past, (in 2009 I incurred great personal expense to improve the waterfront, including improvements in the road allowance area by removing a network of waterfront, rotted creosote beamed retaining walls and installing 150 feet of a fish habitat rip rap wall), I will continue to improve, revitalize and protect the upland and riparian areas in and around this property supporting the protection of the lake's sensitive aquatic ecosystems.

As I have demonstrated in the past, (with the development and guidelines established on the 10 lots I previously developed contiguous with the upland portion of this lot), I will use or require the use of high-quality design and building materials providing a positive impact and impression to local residents and visitors as they, live, recreate and travel in the vicinity of the Marina either on the water or on Lakeshore Road.

As I have demonstrated in the past, (by improving public access to the lake in the form of 160 foot floating walkway, improved access trail and Marina access for among other things, public loading and unloading of vessels and temporary docking), I propose a density bonusing approach to my proposal where (in conjunction with the appropriate governing authorities; ACRD, Parks Commission, Ministry of Highways, Etc.) I will build out an additional lake access point, park, picnic, bike racks and parking areas, a protected swim area, designated public docking areas, as well as small non-motorized navigational watercraft launch areas; for local residents, tourists and the general public to further enjoy and have greater access to Sproat Lake.

In addition the proposal will limit the number of large boat slips in the Marina expansion which will discourage any increase in oversized motorboats and ocean-going motorboats on Sproat Lake to minimize damage to the foreshore and to shoreline improvements.

Intent:

In no order of priority, the intent is to rezone the MAR2 area fronting the above legal parcel and to amend the current covenants on this parcel with the following uses/elements;

- To allow for eight to ten (8 – 10) building strata units, which are modern, high-quality accommodations with a motel element with ancillary office and retail space with corresponding parking provisions;
- To allow for ten to twelve (10-12) building strata units of smaller cottage/cabin size physically located north of Lakeshore Road;
- To restrict the maximum total number of units to no more than twenty (20).
- Construction and expansion of marina facilities with corresponding increase in parking, providing approximately 180 Moorage slips or 100 additional slips compared to current configuration.
- Retention of boat fueling component and small convenience-goods retail space within the fuel outlet station.
- Construction of public amenities including parking, park, picnic and lake access within current road allowance and public access areas.
- Designation and construction of a protected designated swim area and unfettered access to Sproat Lake from public access points.

Please note the following;

- The present proposal includes retail space, open to the public, +/-1000-sf floor area;
- It is intended to use common office facilities for both the proposed accommodation use, retail use and marina use;
- Both the above use elements are ancillary to and within the current zoning designations, as are the related parking facilities;

O.C.P. BYLAW P1310:

- No major policy conflict is apparent between these bylaws, the policies/objectives it contains and the submitted proposal;
- Similarly no conflicts is apparent regarding the marina facility;

O.C.P. Goals are supported by this proposal as follows;

- provide for continued social and economic growth in the area;
- protect water quality and areas adjacent to streams, water features and environmentally-sensitive areas;
- preserve the rural character of the area while minimizing conflict between different land uses.
- provide a diverse economy, based on environmental and cultural tourism as well as more traditional resource activities.

Objectives and Policies of note within O.C.P. Bylaw P1310 include the following;

Environmental Protection:

The proposed changes correspond to the Regional Districts general planning policies related to environmental protection including density averaging, density bonusing, and Section 219 of the Land Titles Act regarding covenants and other development

agreements to facilitate conservation design, clustering, and environmental protection.

Planning Goals, Objectives and Policies

As outlined in the O.C.P.; “the ACRD wishes to maintain and, where appropriate and feasible, enhance the integrity of the environmental, social, economic, cultural and recreational values of the Plan area as development occurs.”

This proposal meets or exceeds these general planning directives and in addition various other planning objectives and policies outlined in the O.C.P. are supported by this proposal.

Objective 3.1.1 Employ and encourage property owners and developers to employ sustainability principles and best practices in all aspects of land-use planning, development and management.

Objective 3.1.2 Minimize the potential for land-use conflict and danger from natural hazards.

Objective 3.1.3 Support public access to all water features and public parks.

Objective 3.1.4 Facilitate a wide variety of opportunities for economic activity and employment within the Plan area.

Objective 3.1.5 Facilitate the provision of safe, affordable rental housing within the Plan area.

Policy 3.2.10 Permit parks, trails, roads and small-scale utilities in all designations as specified by the zoning bylaw.

Policy 3.2.17 Encourage development plans and site layouts incorporating site-adaptive planning and conservation design or clustering.

Commercial

As set out in the O.C. P.; “The growth of commercial development is expected to be of a smaller-scale, local-service type. The City of Port Alberni is and will continue to be the primary retail and service centre for the Alberni Valley...”

Objective 8.1.1 Facilitate the establishment and operation of small-scale commercial development that is compatible with Sproat Lake’s predominantly rural character.

Objective 8.1.2 Encourage tourism, specifically ecotourism, and other economic development opportunities.

Policy 8.2.1 Consider permitting the following principal uses on lands designated Commercial: local commercial, service commercial, highway commercial, tourist commercial, recreation commercial, and campground commercial, as specified by the zoning bylaw.

Policy 8.2.2 Permit residential developments above commercial establishments.

Policy 8.2.4 Support the expansion and location of highway and tourist commercial uses in the vicinity of Highway 4 and Stuart Avenue and tourist and neighbourhood services in the West Bay area.

Policy 8.2.5 Support existing commercial enterprises as well as new enterprises that wish to establish a small-scale, local-service business in commercially designated areas outside the main transportation corridor area.

Policy 8.2.6 Work with the Economic Development Office to promote economic development, tourism and recreational opportunities.

Policy 8.2.7 Permit short-term rental accommodation as specified by the zoning bylaw.

Residential

As set out in the O.C.P.

Objective 10.1.1 Allow a range of housing options within the Plan area.

Policy 10.2.3 Allow density bonusing for the conservation or protection of green space, sensitive ecosystems or wildlife and wildfowl habitat on a proportional basis.

Policy 10.2.11 Encourage natural areas and open space conserved by density bonusing or density averaging to be accessible to the general public.

Infrastructure

Objective 14.1.1 Require all development to be serviced with adequate potable water and sewerage

Policy 14.2.3 Consider the development and use of communal or community systems for the provision of water or sewerage.

Parks and Recreation

As outlined in the O.C.P. “the ACRD encourages neighbourhood parks in the vicinity of denser residential uses, nature parks adjacent to rivers and scenic areas...”, and “...other parks or cash in lieu of parkland may be considered by the ACRD in other

areas in response to subdivision or development proposals in accordance with the principles and policies in this plan.”

Objective 17.1.2 Improve access to Sproat Lake and Great Central Lake.

Objective 17.1.3 Facilitate the development of a range of parks and trails.

Objective 17.1.4 Incorporate environmental protection in park design, management and use.

Policy 17.2.4 Through the subdivision process, collaborate with the relevant ministry to obtain public access to the foreshore and to streams when appropriate, through dedication in accordance with Section 941 of the LGA.

Policy 17.2.5 Work with residents, community groups, property owners and the Sproat Lake Parks Commission to ensure that local residents have adequate access to the lakes within their neighbourhoods.

Policy 17.2.6 Work with provincial authorities, local residents, property owners and the Sproat Lake Parks Commission to identify, improve and provide signage for public accesses in appropriate locations to the foreshore and streams.

Policy 17.2.9 Work with provincial and federal authorities, land owners, community groups and businesses to promote the development in Resource areas and in provincial parks of additional...picnic facilities...parking...access to the lakes... with maintenance and supervision, where appropriate...”

Policy 17.2.10 Encourage sustainable, environmentally-sensitive, respectful use of parks and trails.

Marine Use

Objective 18.1.2 Maintain the unique physical and biological characteristics of the shoreline environments.

Objective 18.1.3 Promote active, responsible stewardship of the lakes.

Policy 18.2.6 Work with provincial and federal authorities to increase public awareness, to provide information on safe and courteous boating and specific marine-use areas and to post signage at legitimate boat launch locations.

Policy 18.2.9 Support the continuation of the Sproat Lake Marine Patrol program.

Policy 18.2.14 Encourage the use of non-motorized navigational watercraft such as kayaks, canoes and sailboats and the minimization of noise from motorboats.

Policy 18.2.20 Encourage familiarization by both boaters and lakeshore residents with federal and provincial rules and regulations for safe, courteous and sensitive use of the water and the foreshore.

Natural Environment

Policy 19.2.10 Encourage the installation of bike racks at all commercial establishments in the Plan area.

Additional Zoning Bylaw Considerations

6.2 Location and Siting of Buildings

(4) 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)

In addition my proposal will adhere to;

- adequate setbacks from lake for homes/septic;
- Support environmentally sensitive land development practices and related engineering designs;
- Place reliance on communal water and sewage disposal systems;
- Improve local residential Lake access via road allowance and public access points;
- allow for continued operation and expansion of tourist oriented businesses;
- ensure use of non-polluting communal sewage systems;

Regulatory Coverage Implications:

- The proposal increases the coverage area for MAR 2 zone to reflect expansion of this facility;
- Proposed C6 amendment is reflective of intended accommodation and ancillary uses;
- It is noted that;

Under C6:

The following elements are included;

- Maximum 20 units of accommodation;
- 1 caretaker/owner dwelling;
- +/- 1000sf retail floor space;
- +/- 300" ancillary office space and bathrooms etc.;
- 30 parking spaces;
- Significant park/landscaping facilities;

- All sewage works/discharge areas;

Under MAR2:

The following elements are included;

- +/- 180 moorage berths;
- 4 parking spots (for retail);
- Fuel storage (U/G);
- 60 additional parking spots. Also, parking can be accommodated on north Marina Vista's Way (formerly Aldan Road), under MAR2 Zoning

Regulatory Requirement:

- Change in plan map designation ;
- Zoning changes:
 - Expanded MAR2 zoning on water and upland to accommodate moorage and parking;
 - Amendment of the covenants in C6 zone to accommodate a maximum of 20 residential units with no configuration restrictions other than that imposed upon the development through setback, parking water, sewage and all other regulatory limitations.
 - Setbacks to correspond with current zoning bylaws.

Justification and Rational:

From my perspective this proposal addresses a multitude of public needs and goals and as a developer maximizes options based on a number of site constraints/challenges.

In no order of priority please note the following with regard to this proposal;

- Expansion of O.C.P. designation to cover the cottage/cabin accommodations and parking etc., and the marina site is a pragmatic approach to density transition from RMH, R1 and RA1 Zones.
- The use elements proposed and incorporated within the proposal (predominantly accommodation, retail and marina type uses), correspond with the O.C.P. commercial designation such as the Sproat Lake Landing's use and O.C.P. designation and is a prime directive outlined in the O.C.P.
- In addition, the use of this site from a commercial and marina use perspective is firmly established and has been for almost half a century.
- The retail component on-site, as well as the boat gas components are preserved. In addition, the public docking/boat moorage component is retained and expanded;
- The re-zoning and amendment proposed is not of a scale that is excessive extreme or borderline. Both the elements involved, the densities allocated as well as the spatial orientation fit the site well, are not over-powering in scale, are visually appealing with low sight-lines and correspond with utility/infrastructure capability/availability on the site.
- This current re-development proposal represents approximately \$4mm worth of development over the next 2 to 5 years.
- From a use-class and zoning perspective, this proposal corresponds and complies with zoning bylaws detailed requirements and the zones themselves correspond

with O.C.P. direction and directive. Further the proposed re-zoning and amendments assimilate well with the site and the neighborhood;

- From an increase in traffic generation perspective, there should be no significant change in traffic. Also, traffic patterns are addressed with safe and appropriate ingress/egress points and increased well managed parking facilities;
- A considerable amount of resources and time have been spent on verifying on-site sewage capability. Sewage disposal has been fully assessed and professional engineers have offered the conclusion that this proposal is capable of meeting/exceeding M.O.H. regulatory requirements as well as standards for subdivision;
- This proposal is not an over development of use/element but represents a density and spatial orientation that is efficient and viable for the land use and cost effectiveness. It is supported technically as well as at neighbourhood and community levels;
- From a public interest perspective, this proposal has the effect of;
 - Retaining the existing retail outlet and boat fuel and moorage facility.
 - Ensuring a spectacular quality addition to the Sproat Lake waterfront.
 - Significantly adding to the community tax base.
 - Increasing local tourism and employment.
 - Providing a long lasting quality upgraded infrastructure following safeguard standards to ensure no negative environmental impacts occur.
 - Stabilizing and enhancing public access to and use of Sproat Lake and the Marina facilities.
 - Establish written recorded covenants protecting public's right to unfettered access to Sproat Lake from the current public access area.
 - Establish the Marina owner/manager as a responsible, liable on-site entity managing the safe ingress, egress and long term and temporary storage of all marine vessels entering the MAR2 Zone.
 - Define MAR2 Zone as it is currently being used and allow for future expansion which benefits the general public, local residents and tourists.
 - Restrict power boat access and operation in the vicinity of the public access area.
 - Creation of a safe protected public swimming area separate from power boats and Marina operations.
 - Construction, maintenance and expansion of a safe floating walkway/dock for the public to access the lake on foot further into the lake for fishing and other water-based activities.
 - Creation of a more practical and safer way to enter the water directly from the public access point located next to the road allowance for paddle boards, kayaks and other similar non-motorized water-craft.
 - Expansion of Marina parking to accommodate current and future Marina capacity leaving more space for the general public to park in the area and lessening the impact of vehicles parking on Lakeshore Road.
 - Creation of a water-side public park/picnic area overlooking the lake.

- Build out of a safe additional access point in the form of a public pathway and steps allowing the public to reach the lake from the road allowance park/picnic area.
- Creation of additional public parking area for the public to temporarily park and enjoy the lake and picnic areas.
- Creation of handicap parking spots to allow as many members of the public to enjoy the lake and picnic area as possible.
- Establish 1-3 hour vessel docking areas allowing members of the public to load/unload vessels and stop for extended periods of time to provision and enjoy land-based activities such as dining, visiting friends etc.
- Installation of signage clearly establishing public use and access points.
- The MAR2 Zone expansion will allow for more local residents and visitors to the Alberni Valley to enjoy Sproat Lake and other recreational activities the Valley has to offer. In addition it will lessen the impact to the Provincial Park boat launch located approximately three kilometers east of the MAR2 Zone.

In conclusion, I believe this proposal offers numerous benefits to public interests, it is practical from cost effective approach and has little if any down-sides. It is a conscientious approach that is both technically supported and worthy of community endorsement and approval.

Respectfully Submitted,

Craig Casavant
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