



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT DEVELOPMENT PERMIT REQUIREMENTS SUMMARY ELECTORAL AREA 'F' CHERRY CREEK

The following is to be used as a general summary of the Development Permit requirements in the Cherry Creek Official Community Plan (OCP) area with respect to construction only. For full descriptions and requirements, you must refer to **PART III – USE OF THE PLAN, Section 16.0** of the Cherry Creek OCP (attached).

DPA I – Riparian Areas Protection:

DPA I designation 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.

General Guidelines:

- DPA I areas include the following:
 - All lands within 30 metres of a major stream (China Creek only); and
 - All lands within 15 metres of a minor stream (all other named and unnamed watercourses as indicated on Maps 3 and 3A of the Cherry Creek OCP).
- If you are considering construction within the DPA I area as indicated on Maps 3 and 3A of the Cherry Creek OCP, a development permit will be required.
 - A Development Permit application must be made to the ACRD.
 - A Qualified Environmental Professional (QEP) must be retained to prepare a report detailing site conditions and describing any measures that must be taken in order to protect the riparian area.
- In the absence of a QEP report, a minimum vegetated buffer of 30 metres from major streams and 15 metres from minor streams must be preserved.

DPA II – Natural Hazard Areas Protection:

DPA II designation covers an area along the toe of the Beaufort Range. Due to topographic conditions, the possibility of land slippage is considered significant in this area.

General Guidelines:

- DPA II areas include lands along the Beaufort Range escarpment where the steep slopes have an incline of 30% or more.
- If you are considering construction within the DPA II area as indicated on Maps 3 and 3A of the Cherry Creek OCP, a development permit will be required.
 - A Development Permit application must be made to the ACRD.
 - A QEP must be retained to prepare a report identifying and describing any hazards which may affect the safe development of the land.
- In the absence of a QEP report, no building will be permitted on the escarpment or within 30 metres of the top of the ridge or the base of the slope.

DPA III – Form and Character:

DPA III areas cover the junction of the Alberni and Port Alberni Highways and are, for vehicular traffic, considered the entrance corridor to the Alberni Valley, City of Port Alberni, and Regional District including the West Coast. The scale and character of the built environment along these travel corridors have an impact on the impression formed by both residents and visitors as they enter the Valley.

General Guidelines:

- DPA III includes all industrial, commercial and multi-family designations for properties within the Alberni and Port Alberni Highway corridor areas as shown generally on Maps 3 and 3A of the Cherry Creek OCP.
- If you are considering construction of industrial, commercial, and/or multi-family building and/or structure within the DPA III area as indicated on Maps 3 and 3A of the Cherry Creek OCP, a development permit will be required.
 - A Development Permit application must be made to the ACRD.



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- Numerous guidelines are provided in section 16.6 of the Cherry Creek OCP. These include directions for design of structures, signage, parking, buffering, landscaping and floodlighting.

PLEASE NOTE:

- ❖ Development Permit application fees are as follows: \$100.00 in a single family residential zone, \$750.00 in a commercial, institutional, industrial, or multi-family zone, and \$1500.00 in a comprehensive development zone.
- ❖ Where land is subject to more than one Development Permit Area (DPA), only a single permit is required. However, the permit must address the requirements of all applicable areas.
- ❖ If you are considering construction outside of a DPA as indicated on Maps 3 and 3A of the Cherry Creek OCP but relatively close to it, you may be required to have a survey completed by a Registered BCLS to confirm the construction site in relation to the actual DPA.

PART III – USE OF THE PLAN

16.0 IMPLEMENTATION

Part II of this Plan contains the goals, objectives and policies that are intended to direct the community, its elected officials, ACRD staff and developers in planning and decision-making. Achieving the goals and objectives and pursuing the policies in this Plan requires the formulation of an action and implementation plan in order for the Plan to have the positive impact intended. This section, Part III provides the approach the ACRD will use to implement the Plan.

Implementation can be achieved by the use of a number of methods and tools. The Regional District currently employs its Zoning and Building Bylaws and, in some instances, development permits, as tools. This Plan extends the use of development permits to the expanded Plan area to enable the ACRD to better control development in riparian and sensitive areas. New development permit areas have been included in the Plan. The intent, exemptions and guidelines for DPAs are contained in sections 16.1 to 16.6 below. The approximate locations of DPAs are shown on Map No. 3; the relevant DPA section below should be referred to for specific boundaries of a DPA.

Another tool, the designation of lands as **development approval information areas** (DAIAs), is used in this Plan to facilitate the provision of information on the anticipated impact of the proposed activity or development on the community. This is detailed further in section 16.7.

Lands designated as CDAs on Map No. 2 are also designated as DAIAs on Map No. 3, the intent being that once the requested information is received, the property owner (or agent) and Regional District are in a better position to consider a comprehensive or phased development agreement and to obtain a development permit or approval prior to any development occurring within a CDA.

16.1 Development Permit Areas

Section 919.1 of the *LGA* allows local governments to designate DPAs for one or more of the following purposes:

- a) protection of the natural environment, its ecosystems and biological diversity;
- b) protection of development from hazardous conditions;
- c) protection of farming;
- d) revitalization of an area in which a commercial use is permitted;
- e) establishment of objectives for the form and character of intensive residential development;
- f) establishment of objectives for the form and character of commercial, industrial or multi-family residential development;
- g) in relation to an area in a resort region, establishment of objectives for the form and character of development in the resort region;
- h) establishment of objectives to promote energy conservation;

- i) establishment of objectives to promote water conservation;
- j) establishment of objectives to promote the reduction of greenhouse gas emissions.

By requiring a development permit for a project, the ACRD can require a greater level of detail and analysis for a development proposed for lands that are considered to have hazardous or sensitive conditions, other special conditions or to satisfy other objectives in relation to the above-noted purposes for a DPA designation.

The DPAs, the approximate locations of which are identified on Map No. 3, are:

- DPA I Riparian Areas Protection
- DPA II Natural Hazard Areas Protection
- DPA III Objectives for Form and Character

16.2 DPA General Guidelines

The following general guidelines apply to all DPAs:

- Guideline 16.2.1 Where land is subject to more than one DPA designation, only a single development permit is required. However, the application is subject to the requirements of all applicable DPAs.

- Guideline 16.2.2 On existing lots where the ability to fully meet development permit requirements is limited, the development permit guidelines should be addressed to the fullest extent within the constraints of the site and lot.

- Guideline 16.2.3 The Regional District may consider issuing a development permit to vary or supplement a bylaw or to set standards in accordance with Section 920 (2) of the *LGA*.

16.3 Development Permit Exemptions

The following activities are exempt from the requirement for a development permit. Despite the exemption provisions, owners must also meet the requirements of any applicable federal or provincial regulations.

- i. Interior or structural alterations or repairs to a permanent building or structure on an existing foundation to an extent that does not alter, extend or increase the building's footprint or height.
- ii. Planting or replanting of native trees, shrubs or ground cover for slope stabilization, habitat improvement or soil stabilization or erosion control.
- iii. Routine maintenance of existing landscaping, lawn, paths, gardens or driveways.
- iv. The removal of invasive plants or noxious weeds listed on the Coastal Invasive Plant Committee's website <http://coastalinvasiveplants.com/invasive->

[plants/priority-plants](#) at the time of adoption of this Plan (hard copy is available at the RD office), provided that measures are taken to avoid sediment or debris being discharged into the watercourse or onto the foreshore and the area is replanted with native species.

- v. The removal of trees determined by a Certified Arborist or Registered Professional Forester, or another professional certified to do tree-risk assessments, in consultation with the Fisheries & Oceans Canada if the trees are located within a riparian setback, that represent a safety risk.
- vi. Stream enhancement and fish and wildlife habitat restoration works carried out under provincial or federal approvals, on provision of evidence of such approvals to the ACRD.
- vii. Emergency procedures to control or reduce immediate threats to life or property, such as those described in the Provincial Emergency Program including:
 - a) emergency actions for flood protection and erosion protection;
 - b) removal of hazard trees;
 - c) clearing of an obstruction from bridge, culvert or drainage flow in accordance with the *Water Act*;
 - d) bridge and safety fence repairs in accordance with the *Water Act*; and
 - e) limbing, pruning and topping of trees where a minimum of 60% of the original crown of any tree is retained to maintain tree health and vigour as prescribed by a professional arborist.
- viii. Public works and services constructed following best management practices.
- ix. Forestry activities on private lands that are managed under the Private Managed Forest Land Act.
- x. Activities permitted by the provincial government on Crown forestry lands.
- xi. Farming activities on land within the Agricultural Land Reserve.

16.4 DPA I – Riparian Areas Protection

Category

In conformance with the objectives of the provincial *Fish Protection Act*, the ACRD wishes to ensure sufficient water for fish, to protect and restore fish habitat, and to improve riparian protection and enhancement. Therefore, pursuant to Section 919.1 (1) (a) of the LGA, the ACRD designates riparian areas as DPA 1 areas. DPA I areas include all of the lands within 30 metres of rivers and major streams and within 15 metres of minor streams and watercourses, as defined by provincial regulations, including watercourses, lakes, streams, ponds, and wetlands identified as fish-supportive habitat or connected to watercourses. Setbacks will be calculated as follows:

- a) for a river or major stream, a 30-metre strip on both sides of the watercourse measured from the high water mark;
- b) for a minor stream, a 15-metre strip on both sides of the watercourse measured from the high water mark;
- c) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and
- d) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

For purposes of clarity, the above descriptions should be relied upon rather than the riparian areas shown on Map No. 3. The latter is intended as a visual aid only to help locate these areas.

Within the Cherry Creek OCP area, “rivers or major streams” means China Creek. All other creeks and streams, including Cherry Creek, Cold Creek, Kitsuksis Creek, Cowley Creek, Rogers Creek, Platzer Creek, Owatchet Creek, Ship Creek, Borden Creek, McFarland Creek, all unnamed creeks and all lakes and wetlands, are considered to be “minor streams”.

The community recognizes that a stream – whether located within lands designated for resource use, agricultural use or residential or rural use – is a continuous entity and should be protected along its entire length.

Justification

The natural environment is a significant feature of the ACRD area. It includes aquatic ecosystems that consist of and surround water features such as streams, lakes, ponds, wetlands and in some cases, ditches. Some of these ecosystems may only be wet during the winter months, drying up in the summer. The geography and vegetation that surrounds, protects and interacts with the aquatic environment is called the riparian area.

Together, the water feature and the riparian area form aquatic ecosystems which are critical for the survival of fish, fish supportive processes and which are important to maintain biodiversity and essential for many species. Unnecessarily disturbing these sensitive and important aquatic environments may harm their vitality and the ecological services they provide and may result in negative downstream consequences on fish habitat.

Aquatic ecosystems are also critical for the survival of wildlife and form necessary travel corridors between habitats. Water is an important part of maintaining biodiversity and is essential for many species. Many rare species are associated with aquatic environments.

Aquatic ecosystems are natural water purifiers and pollution filtration systems. Healthy aquatic ecosystems have a capacity to retain stormwater runoff, maintain water quality by reducing levels of sediment, nutrients and contaminants in outflow water, to slow water flow and to prevent erosion.

DPA I designation is used to ensure that the ecological values of sensitive riparian and wetland habitats have been considered prior to development, and that measures will be taken to limit or avoid damage to these ecosystems.

The objectives of having these Development Permit requirements include:

- a) Planning and guiding new development in a manner that preserves and protects fish and fish supportive processes, fish habitat and sensitive aquatic ecosystems;

- b) Protecting, restoring and enhancing fish and fish supportive processes, fish habitat and sensitive aquatic ecosystems in a relatively natural state while supporting adjacent land uses;
- c) Meeting the objectives of the Fish Protection Act; and
- d) Protecting water quality and quantity.

Guidelines

The following guidelines apply:

- i. Development or alteration should be planned to avoid intrusion into DPA I areas and to minimize the impact of any activity on these areas.
- ii. Within DPA I areas, paths for pedestrian use may be permitted where they are up to 1.0 metre in width, provided all of the following are satisfied:
 - a) constructed exclusively of pervious natural materials with no concrete, asphalt, pavers or treated wood;
 - b) do not entail structural stairs;
 - c) no removal of streamside or lakeside vegetation;
 - d) do not impair stream bank or lakeshore stability;
 - e) do not impact sensitive habitat; and
 - f) no motorized vehicles are permitted.
- iii. A Qualified Environmental Professional 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.
- iv. Protective measures such as the planting or retention of trees or vegetation may be required to preserve, protect, restore or enhance stream, watercourses, fish habitat or riparian areas.
- v. In the absence of a report from a Qualified Environmental Professional, a minimum vegetated buffer of 30 metres between the high water mark and any building or structure should be preserved on rivers and major watercourses free from development, and 15 metres on minor streams and minor watercourses.
- vi. The total amount of impervious cover on property adjacent to a watercourse 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.
- vii. The construction of a small accessory building such as a pump house, 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 m².

It is noted that the provincial ministry responsible for agriculture has developed setback distances for farm buildings and watercourses on existing farmland and for new agricultural buildings. The following website should be referred to:

http://www.agf.gov.bc.ca/resmgmt/publist/800Series/823400-1_Agriculture_Building_Setback_Factsheet.pdf.

16.5 DPA II – Natural Hazard Areas Protection

Category

In accordance with Section 919.1 (1) (b) of the *LGA*, areas that are or may be subject to natural hazards such as flooding, sea-level rise, erosion, slides, rock falls, subsidence, wildfire, areas within the tsunami-hazard zone and steep slopes with an incline of 30 percent or more are designated as DPA II, generally as shown on Map No. 3.

Justification

Some of the lands in the vicinity of Kitsuksis, Cherry, Rogers and Owatchet Creeks have been flooded and are still considered to be susceptible to flood hazard and, in certain areas, to erosion or sloughing. Lands that are or may be flooded represent a hazardous condition for permanent structures.

One of the effects of climate change is a rise in sea level. While experts using the best available science are still grappling with a range of possible impacts, current expectations are that the sea level on the west coast of Vancouver Island will rise somewhere in the vicinity of one metre by the year 2100. Any development along the coastline must take this into consideration in an attempt to anticipate and minimize any negative impacts that rising sea levels may have on the built environment and the safety of residents.

The west coast of Vancouver Island, identified as Zone C by the Provincial of B.C., is a high-risk seismic zone, known to be vulnerable to flooding in the event of a tsunami. The ACRD wishes to protect the community against the loss of lives and to minimize property damage, injury and trauma associated with flooding events.

Rural areas of the regional district have experienced wildfires in the past, often originating in forested lands. Fire can also spread, however, from a building to nearby forestry lands. In order to minimize the risk of fire spreading either to or from significant tree cover, new development adjacent to forestry lands is subject to General Planning Policy 3.2.4 and thereby required to plan for a 10-m fuel-free or fuel-reduced buffer zones between the forested land and any buildings. Existing developments adjacent to forestry lands are advised to minimize the risk of wildfire by reducing the amount of potential fire fuel between the trees and any buildings.

Steep slopes also tend to constitute high-risk areas for erosion and slippage if the tree cover is substantially altered. Potentially hazardous conditions on steep slopes may be avoided if adequate tree cover is retained and surface water runoff is minimized. The toe of the Beaufort Range, for example, is an area where, due to topographic conditions, the possibility of land slippage is considered significant. In order to protect development from these hazardous conditions, development permits are required for areas designated as DPA II.

Guidelines

The following guidelines apply:

- i. In the absence of a geotechnical engineering report where development is proposed on steep slopes, no development or alteration of land will be permitted on the escarpment or within 30 metres of the top of the ridge or the

- base of the slope.
- ii. Development or alteration of land, buildings and structures should be planned to avoid intrusion into DPA II areas and to minimize the impact of any activity on these areas.
 - iii. Development should be planned to avoid the tsunami hazard area, described as the area between the high tide line and a horizontal distance of 30 metres from the natural boundary of the sea or the furthest extent of the tsunami zone as shown by the best available mapping, whichever is greater.
 - iv. The recommended flood construction level for coastal areas in the ACRD is 10 metres vertical elevation above the normal highest tide in Alberni Inlet or as calculated by the best available expertise of a qualified environmental professional taking into consideration the slope of the land, anticipated sea-level rise, storm surges and freeboard.
 - v. Prior to any development or alteration of land within DPA II areas, a QEP should be retained for the purpose of preparing a report identifying and describing any hazards which may affect the safe development of the land including, but not limited to:
 - tsunami inundation;
 - riparian flooding;
 - slopes with an incline of 30 percent or more;
 - subsidence; and
 - ground water flows.
 - vi. An application should identify the location of all proposed buildings or development sites by specifying setback distances from a natural boundary, property boundary or feature or hazard area.
 - vii. Where applicable, flood construction levels should be provided by prescribing an elevation above the natural boundary of a watercourse or natural ground elevation at the building site, or by specifying a geodetic elevation, or by a combination of both.
 - vii. The applicant should consider the suitability of the land to accommodate the use intended.
 - viii. Plans should establish a safe setback line from any watercourses and shorelines to protect the land, buildings and inhabitants from the risk of injury or damage that may, in the opinion of an engineer or qualified professional, be caused by the hazards of flooding, erosion, subsidence, earthquake, mud flows or any combination thereof.
 - ix. The QEP's recommendations and the conclusion of the report should:
 - a) acknowledge that the Approving Officer may rely upon the report when reviewing subdivision applications and/or that the ACRD Board may review the report prior to making land development decisions;;
 - b) certify that the land is safe for the use intended, with probability of a geotechnical failure or another substantial hazard resulting in property damage of less than two per cent (2%) in 50 years or as specified by the most recent edition of the "APEGBC Guidelines for Legislated Landslide Assessments for Residential Developments in BC";
 - c) identify any deficiency in the design of the buildings, the proposed water, sewer, drainage, access and road works or the construction standards intended for the development;
 - d) prescribe the geotechnical works and any changes in the standards of the design of the development which are required to develop land, buildings,

- structures and infrastructure safely for the use intended and to maintain the safety of the land, buildings, structures and infrastructure as a condition of the approval of the development; and
- e) where mitigation works and actions are proposed, describe the effects that the proposed works and actions may have on other properties, including public infrastructure or lands.
 - x. Where mitigation works and actions designed to reduce hazards or impacts are contemplated, the applicant's professional engineer should confirm that the works and actions will be acceptable to local government, and that they would meet regulatory requirements, prior to completing the report and a detailed design.
 - xi. Plans should include the retention of significant stands of trees, as well as native vegetation, within DPA II areas, as recommended by a QEP.
 - xii. Where lands within DPA II areas subject to seasonal flooding are proposed for development, the flood construction level should be a vertical elevation at least four metres (4 m.) above the high water mark.
 - xiii. Coastline areas that are subject to flooding should be flood-proofed to the standards specified by the authority having jurisdiction.
 - xiv. In order to minimize the risk of fire spreading either to or from significant tree cover, new development adjacent to forestry lands is required to plan for a 10-metre fuel-free or fuel-reduced buffer zone between the forested land and any buildings.

16.6 DPA III – Objectives for Form and Character

Category

In accordance with Section 919.1(f) of the *LGA*, the Regional District establishes objectives for the form and character of development in industrial, commercial and multi-family areas. Areas designated as DPA III include all industrial, commercial and multi-family designations for properties within the Alberni and Port Alberni Highway corridor areas and are shown generally on Map No. 3.

Justification

The junction of the Alberni and Port Alberni Highways is, for vehicular traffic, the entrance corridor to the Alberni Valley, the City of Port Alberni, and the region as well as to the Plan area. These two highways are the most heavily travelled roads in the region, providing access to downtown Port Alberni and to the West Coast.

Development permit guidelines were developed, in part, based on two previous corridor studies completed in 1998 and 2005. Community input, collected at various events including the official community plan open houses, was also a determining factor in creating the development permit guidelines.

The scale and character of the built environment along these travel corridors have an impact on the impression formed by both residents and visitors as they enter the Valley. The major objective of the development permit designation is to ensure that development, whether new or redevelopment of existing sites or lots, forms a positive impression to the greatest extent possible. The intent is to encourage enhancement of

the built environment by high-quality design and screening in new development and in redevelopment and to minimize the impacts of such development on the transportation network.

Guidelines

Development of industrial, commercial and multi-family buildings and structures should be in accordance with the following guidelines:

- i. Form and character of buildings that do not involve multi-family residential, commercial or industrial uses.
- ii. The scale, massing and shape of proposed structures should reflect and relate to adjacent and neighbouring developments as well as to the specific site. Monolithic structures and long, blank, windowless, unarticulated walls should be avoided.
- iii. Commercial developments within the Alberni and Port Alberni Highway corridor areas should place their main structures adjacent to the highway and locate parking and loading at the rear, away from the travelling public, and in accordance with the zoning bylaw.
- iv. Support service structures and facilities such as loading bays, refuse containers and storage areas should be screened with walls, fencing, hedging, planting, other screening materials or a combination of these materials.
- v. The shape, siting, roof-line and exterior finish of buildings should be sufficiently varied to avoid visual monotony yet reflect a West Coast experience and tradition as much as possible including through the retention of existing trees, where practicable, and the use of local materials. The use of wood, wood shingles or shakes, board and batten as external cladding, where appropriate, is encouraged.
- vi. Proposed developments should be sited so that they do not overshadow or dominate adjacent developments and, where located adjacent to residential uses, that the residential use and desire for privacy is respected by the use of screening or buffering from the commercial or industrial development.
- vii. Interruptions to view planes should be avoided or minimized. This can be achieved by appropriate siting, by setbacks, or by clustering buildings.
- viii. Vehicular access and egress should be provided, where feasible, to avoid direct highway access. Where this is unavoidable, efforts should be made to consolidate such accesses to the main highway arteries.
- ix. All signage should be in conformance with the ACRD's signage bylaw.
- x. Exterior floodlighting should be unobtrusive, non-flashing and directed so that it does not create glare or a visual nuisance for neighbours and passing pedestrians and drivers.
- xi. A minimum 3-metre-deep landscaped strip should be established and maintained on frontages along the Alberni and Port Alberni Highways and adjacent to neighbouring residential, institutional, community service and agricultural uses.
- xii. A landscape plan for the development, including the parking area, should be prepared as an integral part of design and layout, utilizing indigenous plant species with low irrigation and maintenance requirements. The ACRD strongly encourages xeriscaping.
- xiii. Bicycle lock-up racks should be provided near the entrance to buildings.