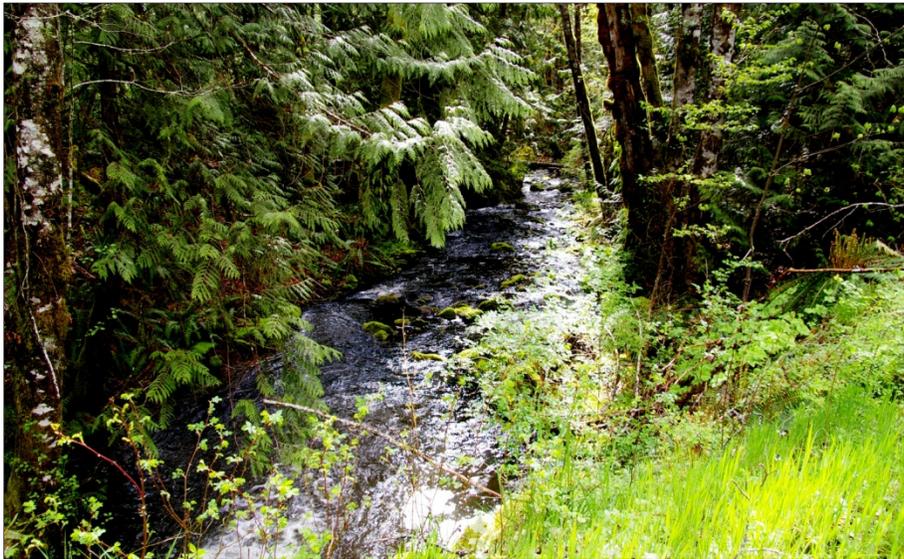


# Cherry Creek Official Community Plan

Bylaw No. P1278, Schedule A



April 18, 2012



# Cherry Creek Official Community Plan Bylaw No. P1278

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## PART I – BACKGROUND

### 1.0 INTRODUCTION

#### 1.1 Plan Preparation

The Alberni-Clayoquot Regional District (ACRD) has undertaken a review and update of Bylaw No. 626, the Cherry Creek, Electoral Area “F”, Official Community Plan (OCP). In preparation for this review, ACRD staff prepared a background document entitled “Alberni Valley Background Study: Creating a Vision for the Future.” This study was completed in 2010.

To ensure that the revised OCP encompassed all pertinent information and initiatives, the existing OCP, current legislation, the background study and other relevant documents were consulted. During the review, the existing OCP was also examined to determine possible gaps in meeting the expectations of residents and in conforming to the relevant sections of the Local Government Act (LGA).

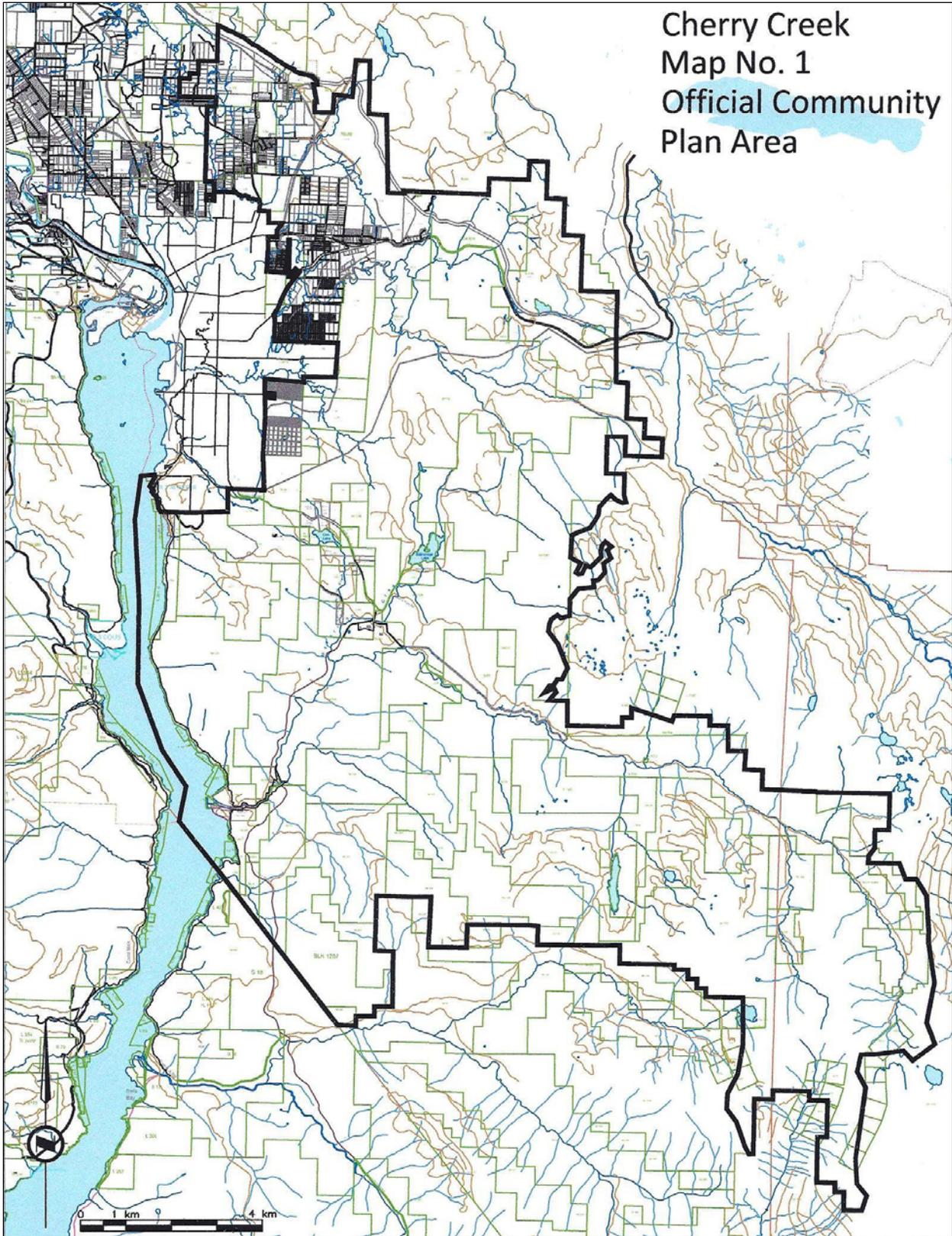
The Plan area is shown in heavy black outline on Map No. 1 and corresponds to the electoral area boundaries of Cherry Creek. For certainty, where there is a discrepancy between Map No. 1 and the letters patent of the Regional District, the definition of electoral area boundary in the letters patent will prevail.

#### 1.2 Purpose of the Official Community Plan

The primary purpose of the OCP is to provide the ACRD with a comprehensive long-range framework to guide, monitor and evaluate future land uses and community development decisions. An OCP is a general statement of the broad objectives and policies of the local government, a statement of the community's goals, objectives and policies with respect to existing and proposed land use, and forms the basis for regulatory bylaws. The OCP is intended to provide direction to the ACRD, private citizens, businesses and public agencies on all matters concerning future development within the planning area.

*Note to Readers: Where the acronym “ACRD” is used and where Regional District is capitalized, the reference is to the corporate or governing body. Where the words are not capitalized, regional district means the physical community within the jurisdictional boundaries.*

Cherry Creek  
Map No. 1  
Official Community  
Plan Area



### 1.3 Legislative Authority

The OCP is a local bylaw and is prepared and adopted under the statutory provisions of the LGA. Section 877(1) of the LGA specifies that an OCP must include statements and map designations for the area covered by the plan respecting the following:

- (a) the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 5 years;
- (b) the approximate location, amount and type of present and proposed commercial, industrial, community services, agricultural, recreational and public utility land uses;
- (c) the approximate location and area of sand and gravel deposits that are suitable for future sand and gravel extraction;
- (d) restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development;
- (e) the approximate location and phasing of any major road, sewer and water systems;
- (f) the approximate location and type of present and proposed public facilities, including schools, parks and waste treatment and disposal sites;
- (g) other matters that may, in respect of any plan, be required or authorized by the minister.

In addition, Section 877(2) of the *LGA* requires that an OCP “must include housing policies of the local government respecting affordable housing, rental housing and special needs housing”.

Section 877(3) of the *LGA* also requires that an OCP include “targets for the reduction of greenhouse gas (GHG) emissions in the area covered by the plan, and policies and actions of the local government proposed with respect to achieving those targets.”

### 1.4 Jurisdiction

The Regional District generally has authority over land use and activities on privately-owned land within its boundaries. It has some influence, often through the referral process, on activities that fall under other governing bodies’ jurisdiction.

It is important to note that OCP land-use designations may not apply to Crown uses on Crown land.

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 it is consistent.

The *Private Managed Forest Land (PMFL) Act* restricts local governments from adopting bylaws that, in respect of private managed forest land, would have the effect of restricting, directly or indirectly, a forest management activity. The Regional District has referred this OCP to the various government ministries, forest companies, landowners and other interested stakeholders and is of the opinion the PMFL Act has been respected.

The subdivision approval authority in unincorporated areas within regional districts is the provincial Approving Officer, associated with the Ministry of Transportation & Infrastructure. The Approving Officer bases his/her decisions on both provincial guidelines and the Regional District's recommendations with regards to its bylaws and policies, but cannot go against Regional District bylaws regulating the subdivision of land and zoning. An OCP may provide a basis for the Approving Officer to determine if a proposed subdivision is against the public interest. Development permits may also be required from the Regional District prior to subdivision approval from the Approving Officer.

## 1.5 Structure of the Plan

This OCP, which forms Schedule A to Bylaw No. P1278, is divided into three parts. Part I, entitled Background, provides an introduction to the planning area and provides an overview of the intent of an OCP. Part II contains the Goals, Objectives and Policies for the community's growth and development over the coming years. The Plan is to be implemented through the designation of land for specific use or uses, which are linked to the policies for those uses. Specifically, Part III, Use of the Plan, is the Plan's implementation section, and describes the designation, intent and use of development permit areas (DPAs). This section also provides a number of additional options available to the ACRD in order to implement the Plan. Part III also establishes procedures for the Plan's amendment and review.

Where issues fall under more than one category – for example, trails as recreational opportunities and as part of the transportation network, or protection from natural hazards as general planning matters and as part of the natural environment – attempts have been made to include objectives and policies in the primary category. Therefore, the Plan as a whole should be consulted, rather than only one section, in the planning process.

## 1.6 The Plan Area

The Cherry Creek Electoral Area borders the Beaufort, Beaver Creek and Sproat Lake Electoral Areas and the City of Port Alberni on the west, the Bamfield Electoral Area on the south, and the Regional District of Nanaimo on the north and east. The 2005 OCP covered an area approximately the same size as the City of Port Alberni. Since then the Plan area has been expanded to encompass additional

portions of the Electoral Area to the south and southeast that were previously outside the OCP area. The OCP now includes the entire electoral area. For certainty, where there is a discrepancy between Map No. 1 and the letters patent of the Regional District, the definition of the electoral area boundary in the letters patent shall prevail.

Much of the OCP expansion area is privately-owned forest land as well as some industrial areas. In addition, Cox Lake, Bainbridge Lake, the Cameron shops, the mill landfill site, China Creek Dry Land Sort, China Creek Marina and Campground, and the City of Port Alberni's potable water watershed fall within the expanded boundary.

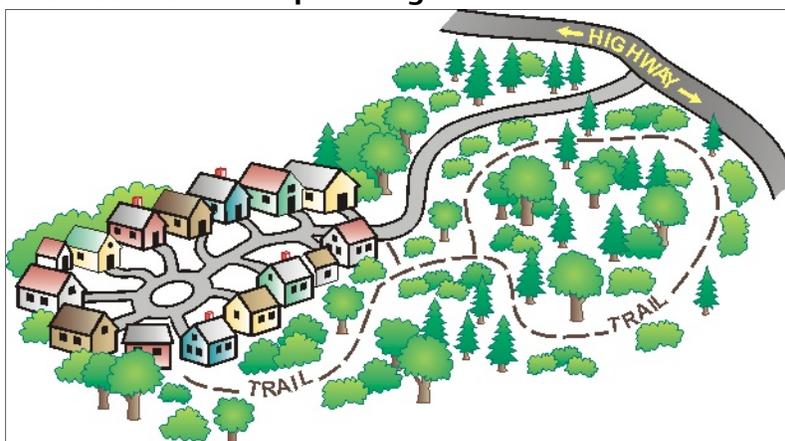
The purpose of the OCP boundary expansion is to enable the use of OCP tools to protect agricultural and forestry operations, riparian areas and the City of Port Alberni's water source.

## 1.7 Definitions

“Accessory residential dwelling unit” means a secondary dwelling unit either in or added to an existing single-family detached dwelling or in a separate accessory building on the same lot as the main dwelling intended for use as a complete, independent living facility with provision for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the main single family dwelling. It is also commonly referred to as a secondary suite, granny suite, carriage home or basement suite and may be constructed in any zone in which accessory residential use is permitted.

“Carriage home” means a small building usually near a large residence or part of an estate originally built to house horse-drawn carriages and the related tack, but now used for the purpose of an accessory residential dwelling unit.

“Clustering” means to concentrate housing on a parcel of land in order to preserve open space, sensitive ecosystems, and natural or archaeological features; also called conservation planning.



“Communal water or sewer system” means a privately-owned and operated water

or sewer system with at least two (2) connections.

**“Community water or sewer system”** means a publicly-owned and operated water or sewer system with at least five (5) connections.

**“Comprehensive development”** means a development that considers and endeavours to preserve the existing natural features of the property prior to development and generally incorporates a mixture of land uses.

**“Comprehensive development area” (CDA)** means an area designated for a comprehensive development plan, which is a plan designed specifically for the site. This designation recognizes the uniqueness of parcels of land, their location and/or their intended use and is often used for larger areas, urban sites, mixed-use development and intensive small-lot developments.

**“Conservation planning”** see clustering definition.

**“Corridor Area”** means all land within 100 metres of a highway or road.

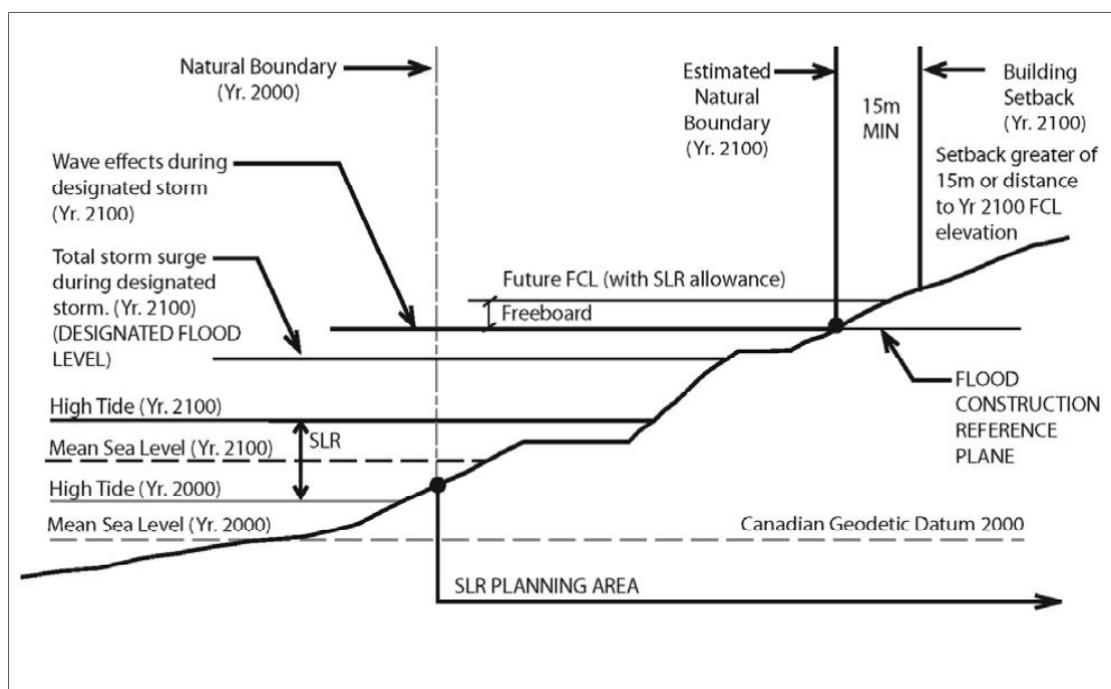
**“Density averaging”** means calculating the density that would be permitted on a parcel of land and focusing it on the portion of the parcel most suitable for development, generally in order to preserve or protect a sensitive portion of the parcel. This is usually done through clustering.

**“Density bonusing”** means providing additional density to an applicant in return for an amenity, including, but not limited to, ecosystem protection, a public trail or affordable housing, either in accordance with a bylaw under Section 904 of the LGA or upon application for rezoning.

**“Flood construction level”** means the lowest elevation recommended for construction of the underside of a wooden floor system or top of concrete slab for habitable buildings. Flood construction level is the observed or designated elevation for a flood having a 200-year recurrence interval based on a frequency analysis of unregulated historic flood records plus an allowance for freeboard, generally in accordance with the following diagram:<sup>1</sup>

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<sup>1</sup> “Climate Change Adaptation Guidelines for Sea Dikes and Coastal Flood Hazard Use: Guidelines for Management of Coastal Flood Hazard Land Use”, Ausenco Sandwell for Ministry of Environment, January 2011



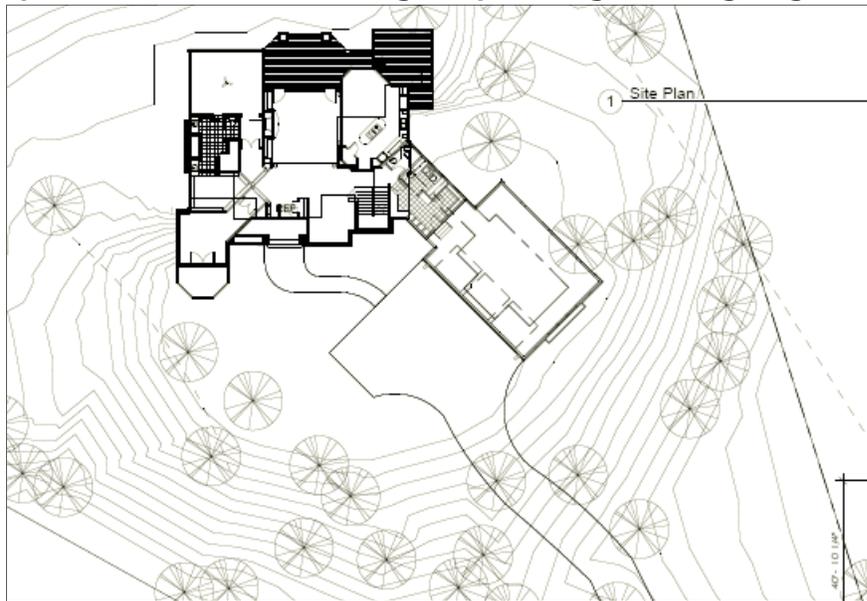
**“Home industry” means the use of land, buildings and structures accessory or secondary to the primary residential use of the property for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, packing, preparing, breaking up, demolishing and treating any article, commodity or substance that can be carried out without hazard or intrusion and without detriment to the amenities of the surrounding area by reason of scale, noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare or appearance and does not produce waste water in the process or contaminate water sources. Uses include, but are not limited to, the production of arts and crafts, wine-making, boarding stables, service shop, blacksmith and storage building for vehicles, equipment and commodities. A maximum of two persons who do not live on the property, in addition to the residents, may be employed in the home industry.**

**“Home occupation” means an occupation, trade, craft or profession that is accessory and secondary to the primary residential use of the property carried out in the dwelling or an accessory building by the resident(s) of the dwelling. Home occupations may include accessory retail sales with no outside storage.**

**“Qualified environmental professional (QEP)” means an applied scientist, technologist or engineer and can be a Professional Biologist, Geoscientist, Forester or Agrologist in good standing in British Columbia with the appropriate professional organization, as appropriate to the issue under consideration.**

**“Site adaptive planning” means using site and terrain analysis to determine the most appropriate form and placement of development on a property and designing development in a manner that it fits within the existing natural**

systems. Also called ecological planning or designing with nature.<sup>2</sup>



**“Small-scale food production”** means farming and gardening on smaller-sized, non-ALR rural and residential properties.

**“West Coast aesthetic”** means incorporating design that enhances and flows with the natural setting and uses predominantly natural materials for buildings, such as wood and stone.

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<sup>2</sup> Based on the principles in the book *Design with Nature*, Ian McHarg, 1969

## PART II – GOALS, OBJECTIVES AND POLICIES

### 2.0 GOALS

#### 2.1 Setting the Stage

During the preparation of the “Alberni Valley Background Study”, consultation with the community helped the ACRD to gain an understanding of the issues that are facing local residents, as well as the future goals for the community. These goals have been combined with the goals expressed in the existing 2005 Cherry Creek OCP.

#### 2.2 The Goals

The goals of the Cherry Creek community are to:

- 1) provide for continued social and economic growth in the area;
- 2) protect water quality and areas adjacent to watercourses, water features and environmentally-sensitive areas;
- 3) advance, support, promote and encourage a successful, viable agricultural industry in the Alberni Valley;
- 4) offer residents a healthy lifestyle, a good quality of life and affordable housing options;
- 5) preserve the rural character of the area while minimizing conflict between different land uses; and
- 6) ensure that properties within the Alberni Highway and Port Alberni Highway corridor areas are developed in a manner that reflects the West Coast aesthetic and welcomes visitors to the Alberni Valley.

#### 2.3 Land-Use Designations

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. This Plan attempts to anticipate some of those changes and to direct change in a logical fashion.

The Regional District has attempted to ensure that sufficient land has been designated for each use to accommodate both present and proposed uses and facilities.

The Plan identifies land within its boundaries with the following designations:

- Agricultural

- Resource
- Industrial
- Commercial
- Rural
- Residential
- Manufactured Home Park
- Comprehensive Development
- Community Service
- Parks
- Recreation

## 3.0 GENERAL PLANNING

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. The following general planning objectives and policies, including subdivision guidelines, apply to the entire community of Cherry Creek.

### 3.1 General Planning Objectives

- |                 |   |
|-----------------|---|
| 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.   |
| Objective 3.1.6 | Ensure that opportunities for home industry are provided and endeavour to ensure home industries are operated in a manner least disruptive to neighbours.                   |

### 3.2 General Planning Policies

It is the Regional District's policy to:

- Policy 3.2.1** Consider the integrity of the natural environment and the protection of residents and the built environment in all planning and development matters.
- Policy 3.2.2** Implement comprehensive development area planning in areas of particular suitability identified with a CDA designation and consider the use of planning, servicing, heritage and other tools such as density averaging and density bonusing, phased development agreements, Section 219 covenants and other development agreements to facilitate clustering, and environmental protection.
- Policy 3.2.3** Designate larger tracts of vacant lands as Development Approval Information Areas (DAIAs) for the safety of future residents and the built environment on these lands.
- Policy 3.2.4** Require a 10-metre fuel-free or fuel-reduced buffer in the wildfire interface area between the forested lands and any building or structure to minimize the danger of fire for all development adjacent to forested lands and woodlots of 20 hectares or more.
- Policy 3.2.5** Protect development in areas that have steep slopes, risk of subsidence, or susceptibility to flooding, where known, by designating them as development permit areas.
- Policy 3.2.6** Require a treed and vegetated buffer between agricultural land and non-agricultural development on subdivisions of non-agricultural land as recommended by the provincial guidelines in the *Guide to Edge Planning*.
- Policy 3.2.7** Acquire public access to water bodies as parkland dedication through the subdivision process where feasible or obtain tenure over dedicated but unopened road-ends in appropriate locations.
- Policy 3.2.8** Permit home occupation use, as a secondary or accessory use, in any designation where single-family residential is the principal use.
- Policy 3.2.9** Only permit home industry use in accordance with the following:
- (a) the parcel is a minimum of 2 hectares in size;
  - (b) an appropriate 10-metre screened and buffered area between home industry use and adjacent properties is provided; and
  - (c) setbacks of not less than 15 metres from the property line are maintained where home industry use is accommodated within an accessory building and not less than 30 metres from the property line if the use is

not located in a building.

- Policy 3.2.10** Permit one accessory residential dwelling unit on all lots in all designations where:
- (a) the principle use is a single-family dwelling;
  - (b) the lot is not less than 0.4 hectares in size; and
  - (c) the lot is capable of meeting all building code requirements, as well as health requirements for sewage disposal and potable water.
- On lots 0.8 hectares or more in size, one accessory residential dwelling unit or one manufactured home is permitted in addition to the principle dwelling. Accessory residential dwelling units within the ALR require approval from the ALC.
- Policy 3.2.11** Permit parks, trails, roads and small-scale utilities in all designations as specified by the zoning bylaw.
- Policy 3.2.12** Consider issuing temporary use permits within all land-use designations, in accordance with Section 921 of the LGA.
- Policy 3.2.13** Maintain a minimum lot size of 1 hectare for subdivision purposes in all land-use designations if the lot is serviced with an on-site well and septic system. The minimum lot size may be reduced to 0.24 hectares if the lot is serviced by a community or communal water or sewer system.
- Policy 3.2.14** Promote the development of land in a manner that suits and is appropriate to the land upon which it will be built.
- Policy 3.2.15** Support the design and use of rainwater management plans for development to ensure that post-development run-off flows do not exceed approximate pre-development flows.
- Policy 3.2.16** Support small-scale food production throughout the Plan area.

#### **Advocacy Policies**

- Policy 3.2.17** Encourage development plans and site layouts incorporating site-adaptive planning and conservation design or clustering.
- Policy 3.2.18** Encourage the preservation of natural features such as streams, lakes and wetlands through the subdivision and development process.
- Policy 3.2.19** Encourage land-use patterns that do not compromise the ecological integrity and rural character of the Plan area.
- Policy 3.2.20** Encourage development and accompanying road systems to be constructed in a manner in keeping with the natural environment.

- Policy 3.2.21 Encourage comprehensive development planning.
- Policy 3.2.22 Encourage residential buildings on non-agricultural land to be set back from the ALR boundary, in accordance with the provincial guidelines in the *Guide to Edge Planning*.
- Policy 3.2.23 Encourage existing developments adjacent to forestry lands to minimize the risk of wildfire by reducing the amount of potential fire fuel between the trees and any buildings.

## 4.0 AGRICULTURAL USE

The *Alberni Valley Agricultural Plan 2011* is intended to guide and assist the agricultural industry in the Alberni Valley for the next two decades. The plan notes that “there is significant capacity for increased agricultural production in the Alberni Valley” and contains 12 goals and corresponding objectives and policies that support farmers and encourage agricultural activities in the Valley. Where the ACRD has some responsibility for actions identified as needed to achieve the objectives, Regional District staff has initiated the process.

Nineteen percent of the operating farms in the Alberni Valley are located in the Cherry Creek area. The ACRD encourages the success and viability of local agriculture. Map No. 2 shows the location of existing and future lands designated for agricultural uses.

### 4.1 Agricultural Use Objectives

- Objective 4.1.1 Maintain and foster agricultural use and food production.
- Objective 4.1.2 Promote the diversification of agricultural products.
- Objective 4.1.3 Encourage the protection of clean groundwater for agricultural operations.
- Objective 4.1.4 Facilitate activities identified in the Alberni Valley Agricultural Plan.

### 4.2 Agricultural Use Policies

It is the Regional District’s policy to:

- Policy 4.2.1 Pursue the development of a long-term plan to increase water availability for farming purposes.

**Policy 4.2.2** Maintain a minimum lot size of 2 hectares, subject to approval by the ALC, in areas designated for Agricultural use.

**Policy 4.2.3** Support applications to include agricultural properties in the ALR.

### **Advocacy Policies**

**Policy 4.2.4** Discourage the removal of agricultural land from the ALR.

**Policy 4.2.5** Encourage the interim use of agricultural lands for forestry, silviculture, open space and recreational uses that will not impair the future agricultural viability of those lands.

**Policy 4.2.6** Discourage the subdivision of land within the ALR, which requires the approval of the ALC, into small uneconomic lots.

**Policy 4.2.7** Encourage the production of non-genetically-modified organisms, the use of best practices and the avoidance of chemical pesticides.

## **5.0 RESOURCE USE**

Large tracts of the Cherry Creek electoral area are forested, providing wildlife habitat, stream protection, and buffers between potentially conflicting uses. Forestry-related activities provide economic activity and employment. The community's main drinking water source, which is also the City of Port Alberni's main water source, is located in forestry lands.

### **5.1 Resource Objectives**

**Objective 5.1.1** Maintain a forested land base that contributes to fostering a viable and sustainable forestry industry.

**Objective 5.1.2** Maintain forest cover throughout the Plan area so that the hydrological integrity of the watersheds is maintained in order to protect drinking water sources.

### **5.2 Resource Policies**

It is the Regional District's policy to:

**Policy 5.2.1** Maintain a minimum lot size of 20 hectares in areas designated for Resource uses.

**Policy 5.2.2** Support forestry, forestry-related activities, agriculture, resource extraction, fish hatcheries, power-generation

facilities and communications facilities on resource lands, provided all necessary federal and provincial approvals are obtained.

**Policy 5.2.3** Support the on-going use of forest lands for growing and harvesting of trees.

#### Advocacy Policies

**Policy 5.2.4** Encourage large-lot land owners to retain tree-cover by using selective harvesting methods and practices that protect and maintain slope stability and soil integrity.

**Policy 5.2.5** Urge the use of private forest lands and Crown lands be conducted in a manner that does not jeopardize existing and future domestic water quality, flow and supply, and minimizes deforestation.

**Policy 5.2.6** Encourage the provincial government to monitor the effectiveness of resource policies and regulations that ensure and support sustainable forest practices and protect drinking water sources on all privately-owned forest lands.

**Policy 5.2.7** Encourage the ministry responsible for forests, major forest companies, community forest operators and small-scale logging operators to utilize best forest management and harvesting practices to ensure a sustainable forest resource base while preserving local water resources and other significant environmental features.

## **6.0 INDUSTRIAL USE**

There are a number of industrial uses, both heavy and light, in the Cherry Creek electoral area that provide employment and economic diversity. The ACRD recognizes the need to designate suitable areas for industrial uses and to encourage industry and industrial uses to locate there. Lands along the Alberni Highway and the Port Alberni Highway designated as Industrial on Map No. 2 of this Plan reflect present industrial uses as well as areas where future industrial uses are appropriate. In addition, the Cameron Shops and old Link Mill areas are designated for proposed resource-related industrial uses.

The ACRD also recognizes that natural resources are vital to the development and maintenance of the built environment and its infrastructure. There is some potential for the extraction of mineral and aggregate deposits in the Plan area. Known sand, gravel and mineral reserves are shown on Map No. 4.

## 6.1 Industrial Objectives

- Objective 6.1.1 Facilitate the growth and diversification of the local economy.  
Objective 6.1.2 Provide opportunities for home industry, implemented with minimal disturbance to neighbours.

## 6.2 Industrial Policies

It is the Regional District's policy to:

Policy 6.2.1 Permit principal uses on lands designated Industrial such as heavy industrial uses, light industrial uses, business or industrial parks, storage and warehousing, manufacturing and fabrication, as specified by the zoning bylaw.

Policy 6.2.2 Require industrial uses and activities to be screened and buffered where they are located adjacent to non-industrial land.

### Advocacy Policy

Policy 6.2.3 Encourage industrial uses to locate in areas so designated, such as the Sherwood Road area and the Link Mill site.

Policy 6.2.4 Support the expansion or establishment of services such as fire protection and communal or community water and sewer to industrial areas where more intensive industrial activities are developed.

## 7.0 COMMERCIAL USE

Cherry Creek has a number of commercial properties, generally located along the highway corridors. These are predominantly highway and tourist commercial uses. The junction of the Alberni and Port Alberni Highways is viewed as the appropriate location for these types of commercial uses. The properties in this area, however, play an important role in one's initial impression of the valley when arriving by vehicle. The community would like to see this area made more attractive to the travelling public, which will reinforce the positive impression of the Alberni Valley. The Regional District supports enhancement and beautification of the entrance to the valley.

The growth of commercial development outside the transportation corridor is expected to be limited and of a small-scale, local-service type.

## 7.1 Commercial Objectives

- Objective 7.1.1**      **Facilitate the establishment and operation of small-scale commercial development that is compatible with Cherry Creek’s predominantly rural character.**
- Objective 7.1.2**      **Concentrate highway and tourist (non-local) commercial uses in the vicinity of the junction of the Alberni and Port Alberni Highways.**
- Objective 7.1.3**      **Encourage tourism and other economic development opportunities.**

## **7.2 Commercial Policies**

**It is the Regional District’s policy to:**

- Policy 7.2.1**      **Permit principal uses on lands designated Commercial to include local commercial, service commercial, highway commercial, tourist commercial, recreation commercial, and campground commercial, as specified by the zoning bylaw.**
- Policy 7.2.2**      **Permit residential developments above commercial establishments along the Cherry Creek Road Corridor Area.**
- Policy 7.2.3**      **Require development permits on lands designated as Commercial along the Alberni and Port Alberni Highways.**
- Policy 7.2.4**      **Support the expansion and location of highway and tourist commercial uses in the vicinity of the junction of the Alberni and Port Alberni Highways.**
- Policy 7.2.5**      **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.**
- Policy 7.2.6**      **Work with the Economic Development Office to promote economic development, tourism and recreational opportunities.**
- Policy 7.2.7**      **Encourage small-scale “farm-gate” commercial activities within the Plan area.**

## **8.0 RURAL USE**

**Cherry Creek is essentially a rural area. Residents enjoy the rural nature and lifestyle that the area has to offer.**

## 8.1 Rural Objectives

**Objective 8.1.1** Maintain the predominantly rural character of the area.

## 8.2 Rural Policies

It is the Regional District's policy to:

**Policy 8.2.1** Maintain a minimum lot size of 2 hectares in areas designated as Rural.

**Policy 8.2.2** Permit a variety of compatible uses on rural lots in order to make their retention viable.

### Advocacy Policies

**Policy 8.2.3** Encourage owners of rural acreages to maximize the agricultural potential of their land.

## 9.0 RESIDENTIAL USE

The Cherry Creek electoral area contains a range of residential uses and lot sizes, from small, suburban lots to acreages and manufactured-home parks. This diversity affords existing residents and newcomers a number of accommodation options and provides variety within the Plan area. While single-family dwellings form the majority of residential uses, the ACRD recognizes that there may be a need for accessory residential dwelling units, multi-family housing, manufactured homes and residential use above commercial space in some locations. A diversity of housing types and lot sizes also provides housing choices including rental, affordable and special-needs housing.

While the demand for additional land for residential uses is not expected to be strong over the next five (5) years, new residential uses could be accommodated within those lands designated for comprehensive development, as well as on some of the larger rural properties.

The ACRD also recognizes that small-lot farming (2 to 4 hectares) can provide a viable alternative to larger-scale farms and can be carried out on larger residential and rural lots.

## 9.1 Residential Objectives

**Objective 9.1.1** Allow a range of housing options within the Plan area.

## **9.2 Residential Policies**

It is the Regional District's policy to:

**Policy 9.2.1** Ensure that the principal use in all areas designated as Residential must be residential, as specified by the zoning bylaw.

**Policy 9.2.2** Facilitate accessory residential dwelling units in new home construction on lots not less than 0.4 hectare and capable of meeting health requirements for sewage disposal for an accessory residential dwelling unit.

**Policy 9.2.3** Allow density bonusing for the conservation or protection of green space, sensitive ecosystems or wildlife and wildfowl habitat on a proportional basis. As an example, a conservation area of 10% set aside will result in a 10% density bonus with a minimum increase of one additional lot or residential unit.

**Policy 9.2.4** Consider density bonusing only for properties with a minimum lot size of 2 hectares and where the new lots will be serviced with communal or community water and sewer.

**Policy 9.2.5** Consider density averaging for subdivision applications where a communal or community sewer system is accepted by the provincial Approving Officer.

**Policy 9.2.6** Consider smaller lot sizes for subdivision applications where a substantial portion of the lot is preserved as green space and/or where the property is designated as a Comprehensive Development area.

**Policy 9.2.7** Require that all new lots created by subdivision are serviced with water and sewerage, as follows:

| <b>Minimum Lot Size</b> | <b>Services</b>   |
|-------------------------|---|
| <b>1 hectare</b>        | <b>with on-site water and sewer</b>                         |
| <b>0.24 hectare</b>     | <b>with communal or community water and/or sewer system</b> |

**Policy 9.2.8** Support the continued use of the existing manufactured home parks in the locations shown on Map No. 2.

**Policy 9.2.9** Support the provision of special needs housing, seniors' accommodation, and affordable or rental housing through the use of density bonusing, residential use above commercial, the addition of an accessory residential dwelling unit and

other means.

### Advocacy Policies

- Policy 9.2.10** Encourage homeowners with an existing accessory residential dwelling unit to ensure that it meets all present-day health and safety requirements.
- Policy 9.2.11** Encourage natural areas and open space conserved by density bonusing or density averaging to be accessible to the general public.

## **10.0 COMPREHENSIVE DEVELOPMENT**

The ACRD wishes to introduce comprehensive development planning in order to facilitate land-use design that respects the uniqueness of each parcel of land and any environmental features while allowing for a variety of uses and lot sizes. Lands considered appropriate for a mix of uses are designated as Comprehensive Development Areas (CDAs). The CDA designation basically allows a land owner to create a development with a mix of uses, not limited solely to residential or commercial, to phase development, and to plan development specifically for the terrain.

### **10.1 Comprehensive Development Objectives**

- Objective 10.1.1** Provide opportunities for comprehensive development planning.

### **10.2 Comprehensive Development Policies**

It is the Regional District's policy to:

- Policy 10.2.1** Work in consultation with the land owner to finalize the details of CDA plans, taking into consideration the unique features of the specific site.
- Policy 10.2.2** Where development agreements are used, they should include the details of the development plan, servicing, parkland dedication, public access to the foreshore (if the development is adjacent to the foreshore), phasing (if applicable) and any other matter in accordance with Sections 904, 905.1 or any other sections of the LGA, section 219 of the Land Title Act and other regional district authority.

## 11.0 COMMUNITY SERVICE USE

There are a number of community service uses in the Cherry Creek Plan area. These include a cemetery, highway maintenance yards and depots, community hall, fire hall, elementary school and the Visitor Info Centre at the junction of the Alberni and Port Alberni Highways.

The adjacent City of Port Alberni, however, provides and will continue to provide the major social community services to the residents of the Plan area. There does not appear to be a demand for expanded or new community service uses in Cherry Creek.

### 11.1 Community Service Objectives

**Objective 11.1.1** Maintain existing community service uses within the Plan area.

### 11.2 Community Service Policies

It is the Regional District's policy to:

**Policy 11.2.1** Support the continued use of schools and other community service uses within the community.

## 12.0 PARKS AND RECREATION USE

Maplehurst Park is located within the Cherry Creek OCP area. The trails in this park and other trails in the community, such as the Log Train Trail and the Inlet Trail, play an important role in the health and safe recreation of local residents. There is a desire for additional multi-use (pedestrian, equestrian and cycling) trails within the community, particularly new trails paralleling major transportation routes, such as Cherry Creek Road.

The Cherry Creek Golf Club is a well-used recreational amenity in the Plan area.

The ACRD encourages neighbourhood parks in residential areas, nature parks adjacent to water features and scenic areas, and linear parks providing trails that connect existing parks, trails and roads throughout the community. In accordance with Section 941 of the *LGA*, the Regional District has identified with a "P" on Map No. 2 the approximate location of desired parkland in the Plan area.

### 12.1 Parks and Recreation Objectives

- Objective 12.1.1**      **Develop an integrated network of multi-use trails within the Plan area that will connect with trails in adjacent areas.**
- Objective 12.1.2**      **Encourage the provision of public access to lakes and rivers.**
- Objective 12.1.3**      **Facilitate the development of a range of parks and trails.**
- Objective 12.1.4**      **Incorporate environmental protection in park design, management and use.**

## **12.2 Parks and Recreation Policies**

**It is the Regional District’s policy to:**

- Policy 12.2.1**            **Work with the City of Port Alberni, First Nations, the provincial government, private land owners, the Trails Committee and local residents to develop a comprehensive trail network, including the Log Train Trail.**
- Policy 12.2.2**            **Pursue the development and incorporation of multi-use paths along highways, in particular, along the Alberni and Port Alberni Highways and in the Cherry Creek community core area.**
- Policy 12.2.3**            **Expand the linear park system along Kitsuksis, Cherry, Rogers and Owatchet Creeks.**
- Policy 12.2.4**            **Through the subdivision process, collaborate with the Approving Officer to obtain public access to the foreshore and to watercourses when appropriate, through dedication in accordance with Section 941 of the *LGA*.**
- Policy 12.2.5**            **Identify, improve, and provide signage for public accesses to the foreshore and watercourses within those rights-of-way for which a licence or permit has been obtained from the relevant ministry or property owner.**
- Policy 12.2.6**            **Ensure that any trail within the ALR has, in addition to the land owner’s permission, the approval of the ALC and is designed in accordance with the specifications in *A Guide to Using and Developing Trails in Farm and Ranch Areas*.**
- Policy 12.2.7**            **Require parkland dedication through the subdivision process where it meets stated parkland planning objectives/goals for the area or where indicated with a “P” on Map No. 2 and only consider cash in lieu of parkland where the provision of land for a park is not ideal.**

## 13.0 HERITAGE AND CULTURE

The Plan area and the rest of the Alberni Valley have a long history of agricultural and industrial uses, as well as an even-longer history of First Nations' occupation and use of the land.

### 13.1 Heritage and Culture Objectives

**Objective 13.1.1** Identify, protect and conserve archaeological and historical sites within the Plan area.

### 13.2 Heritage and Culture Policies

It is the Regional District's policy to:

**Policy 13.2.1** Refer development proposals in areas of potential archaeological importance to the provincial Archaeology Branch.

**Policy 13.2.2** Support compliance with the Approving Officer's subdivision review and approval requirements that any known archaeological feature or site be clearly identified on an application for subdivision by checking the provincial archaeological database.

**Policy 13.2.3** Support the identification, protection and conservation of archaeological sites and features.

#### Advocacy Policies

**Policy 13.2.4** Encourage private land owners and developers to respect archaeological features when discovered and identified.

## 14.0 INFRASTRUCTURE

Infrastructure consists of "hard services" such as roads, water systems, waste management systems and utilities, as well as "community services" such as police and fire protection, schools, hospitals and health services, religious and burial facilities, and community centres. These are shown on Map No. 4 of this Plan.

Water – drinking water, water for agriculture and riparian areas – is extremely important to residents of the Alberni Valley. Much of the Cherry Creek electoral area is serviced by a communal or community water system, while some homes have individual wells. Negative impacts created by forest practices within a

watershed can affect large numbers of residents and properties. Therefore, the use of private and Crown lands should be conducted in a manner that does not jeopardize existing and future water quality, flow and supply.

The Cherry Creek electoral area is the transportation “gateway” to the City of Port Alberni, the Alberni Valley and the West Coast. As a result, existing residential neighbourhoods must be protected from excessive heavy traffic and the transportation network must be maintained in an orderly and efficient manner.

No new roads, community or communal water or sewer systems are anticipated at this time.

## **14.1 Infrastructure Objectives**

- Objective 14.1.1**      **Require all development to be serviced with adequate potable water and sewerage.**
- Objective 14.1.2**      **Maximize the effectiveness of existing infrastructure.**
- Objective 14.1.3**      **Provide an efficient transportation network that emphasizes non-motorized alternatives.**

## **14.2 Infrastructure Policies**

It is the Regional District’s policy to:

- Policy 14.2.1**      **Work with residents, relevant provincial ministries, the City of Port Alberni and neighbouring jurisdictions to develop a logical, efficient and neighbourhood-sensitive transportation network plan.**
- Policy 14.2.2**      **Work with residents, land owners, provincial ministries and community groups, to develop safe road-side pathways and trails that parallel roads with heavy traffic.**
- Policy 14.2.3**      **Consider the development and use of communal or community systems for the provision of water or sewerage.**
- Policy 14.2.4**      **Collaborate with land owners and provincial resource agencies to determine the feasibility of developing watershed management plans for watersheds that provide drinking water and water for agriculture.**
- Policy 14.2.5**      **Seek co-operation of other government agencies in implementing an integrated approach to water resource management.**
- Policy 14.2.6**      **Investigate the feasibility of establishing a recycling location**

in the Plan area.

**Policy 14.2.7** Support necessary future road development that avoids disrupting the Log Train Trail and incorporates road-side trails.

#### **Advocacy Policies**

**Policy 14.2.8** Encourage the provincial government to develop forestry policies and regulations that ensure and support sustainable forest practices and protect drinking water and water for agriculture sources on all privately-owned resource lands.

**Policy 14.2.9** Encourage protection of community watersheds and recharge areas within the Plan area.

**Policy 14.2.10** Encourage the cost-sharing of new infrastructure systems with adjacent local governments and provincial agencies to promote greater efficiency.

**Policy 14.2.11** Encourage the Approving Officer to limit further access directly onto the Alberni and Port Alberni Highways where alternate access onto a secondary road is available.

**Policy 14.2.12** Encourage subdivision applicants to take into account the future development and maintenance of multi-use paths and trails as part of the transportation system.

## **15.0 NATURAL ENVIRONMENT & CONSERVATION**

A healthy natural environment is of great importance to residents of the Alberni Valley, as the Background Study indicates. Protection of riparian areas is critical to preservation of fish stocks. Protection of surface and ground water systems is critical to the provision of water both for drinking and for agricultural purposes. Residents of Cherry Creek share the area with wildlife such as bears, cougars and wolves. Awareness of and respect for wildlife habitat and travel corridors is important for human safety.

Protection of people, animals and the natural environment from excessive greenhouse gas emissions is a critical concern. Some of these issues can, to a significant extent, be addressed by the use of development permits. Riparian areas have been designated as development permit areas, generally as shown on Map No. 3.

In the case of greenhouse gas emissions, targets for reduction must be set in accordance with Section 877(3) of the LGA. To aid in this process, the provincial government has prepared a Community Energy and Emissions Inventory for each

B.C. community. The inventory for the regional district's unincorporated areas is attached to the Background Study. As with all rural communities, the majority of emissions in the regional district stem from motorized transportation. One means of addressing this issue is to encourage residents to walk or bicycle whenever possible, rather than using their vehicles. The development of a comprehensive network of trails and roadside pathways would facilitate this.

Another means of reducing greenhouse gas emissions is to concentrate development in existing neighbourhoods, particularly those serviced or provided with a communal or community water system. This includes strategies such as densification or the addition of an accessory residential dwelling unit.

The ACRD, in setting targets for greenhouse gas emissions reduction, must consider the unincorporated areas of the regional district as a whole, as the inventory is not broken down by electoral area. In 2007, the ACRD electoral areas used a total of 1,510,650 Gigajoules of energy and produced 46,228 tonnes of CO<sub>2</sub> emissions. The ACRD sets the following targets for the rural areas as a whole:

**Target 1**                      **To reduce vehicular CO<sub>2</sub> emissions by 10%, from 46,228 tonnes to 41,605 tonnes, by 2014.**

**Target 2**                      **To focus 50% of new development in areas that are within or close to existing water systems.**

The specific target for the Cherry Creek Plan area is to have all new development on lots of less than 2 hectares in size connected to an existing water system or to be developed in conjunction with a new communal water system. Policies and actions to achieve these targets follow in sections 15.2 and 15.3.

## **15.1 Natural Environment Objectives**

**Objective 15.1.1**        **Support the protection of environmentally-sensitive areas, endangered species and species at risk.**

**Objective 15.1.2**        **Support the protection of the quality of surface and ground water, fish habitat, and wetlands.**

**Objective 15.1.3**        **Minimize opportunities for human-wildlife conflicts.**

**Objective 15.1.4**        **Facilitate the reduction of greenhouse gas emissions.**

**Objective 15.1.5**        **Minimize the spread of invasive species.**

## **15.2 Natural Environment Policies**

**It is the Regional District's policy to:**

**Policy 15.2.1**              **Protect the environmental integrity of the natural resources including lakes, wetlands, rivers and streams.**

- Policy 15.2.2** Protect known sensitive ecosystems, wildlife and wildfowl habitat, and environmentally-sensitive areas.
- Policy 15.2.3** Facilitate the development of new and expansion of existing water systems in neighbourhoods consisting of smaller lots.
- Policy 15.3.4** Facilitate the development of new communal sewer systems.
- Policy 15.2.5** Support adherence to Bear Smart Community guidelines on the website <http://www.env.gov.bc.ca/wld/bearsmart/#first> in order to minimize human/bear conflicts.
- Policy 15.2.6** Seek guidance and financial assistance from senior governments for help in implementing its greenhouse gas emission reduction targets and policies.
- Policy 15.2.7** Work with provincial authorities to prevent the introduction and spread of invasive plant and animal species.

#### Advocacy Policies

- Policy 15.2.8** Discourage development in hazardous areas, including on or in close proximity to steep slopes (30% or greater), lands prone to flooding, lands susceptible to slumping, and hazardous conditions as identified, including through the development approval process.
- Policy 15.2.9** Encourage the installation of bike racks at all commercial establishments in the Plan area.
- Policy 15.2.10** Encourage the use of non-motorized forms of transportation such as walking and bicycling and the use of public transit, car-pooling and ride-sharing to minimize greenhouse gas emissions.
- Policy 15.2.11** Encourage siting all dwellings, buildings and structures where they have the least impact on the natural environment and where they may best utilize passive solar heating.
- Policy 15.2.12** Encourage the use of energy and water conservation devices such as solar panels or tubes, rainwater collection systems, composting or low-flush toilets, greywater systems, low-water-using showers and appliances in all buildings.
- Policy 15.2.13** Encourage the use of geothermal, air-source heat pumps or solar energy to reduce greenhouse gas emissions.
- Policy 15.2.14** Encourage the retention of natural vegetation for carbon sequestration.

**Policy 15.2.15** Urge residents to refrain from providing food to bears.

**Policy 15.2.16** Encourage the use of Conservation Data Centre mapping to identify the existence of any endangered species or species at risk in order to protect them when planning and implementing development plans.

### **15.3 Greenhouse Gas Emissions Reduction Actions**

**Action #1** The Regional District will build or assist in building, acquire, provide or otherwise encourage through development approvals not less than one kilometre of pathway or trail per year within the Plan area.

**Action #2** The Regional District will provide information to home owners who wish to legalize an existing accessory residential dwelling unit or to create a new one.

**Action #3** The Regional District will work with the Trails Committee to develop a valley-wide trails network.

**Action #4** The Regional District will investigate the viability of a paratransit system.

## 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 1 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 m<sup>2</sup>.

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](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.
- viii. 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.

## 16.7 Development Approval Information

Under Section 920.01 of the *LGA*, an Official Community Plan may designate areas or circumstances where development approval information is required. For much of the Plan area, the only available contour mapping is the provincial Terrain Resource Inventory Mapping (TRIM) at a scale of 1:20,000 and 20-metre contour intervals. There is little or no information related to critical habitat and other ecological resources, hazard areas, and archaeological resources within the Plan area, especially for the southern portions of the Plan area.

In light of the absence of sensitive ecosystem, watercourse and more-detailed contour mapping information, the Regional District recognizes that some lands may be more difficult or challenging to develop because of they may contain steep slopes or sensitive ecosystems. The objective in designating such vacant lands as Development Approval Information Areas (DAIAs) is to ensure that adequate information on the site is obtained before development is planned. The planning process can then consider and mitigate its impact on natural features, the natural environment including riparian area protection, local infrastructure, and can ensure that the proposed development is protected from hazardous conditions prior to its development. The information required for areas designated as DAIAs will be described in Development Approval Information Bylaw.

Environmental and hazardous conditions are only two circumstances where local governments may require development approval information under Sections 920.01 and 920.1 of the *LGA* for Comprehensive Development Areas (CDAs), for DPAs and for temporary-use permits.

Section 920.1 of the *LGA* stipulates that, if an OCP designates areas as DAIAs, “the local government must, by bylaw, establish procedures and policies on the process for requiring development approval information ... and the substance of the information that may be required.” The Regional District intends to adopt a

Development Approval Information Bylaw, to comply with this requirement of the LGA.

## **16.8 Amendment Procedures**

An Official Community Plan is, in many respects, a visionary document. It is intended to guide decision-making with regards to land-use development over time. It is impossible, however, to foresee all the possibilities and opportunities that may be presented to the ACRD within the timeframe of the OCP. Changes are inevitable. Changes may be initiated by property owners, local residents, the development industry or local government.

Whenever particular provisions of the Plan prove unworkable or inappropriate in view of unanticipated development, events or influences, a review of the relevant objectives and policies of the Plan may be undertaken.

All proposed amendments to the Plan are to satisfy the requirements of the appropriate sections of the *LGA*.

## **16.9 Plan Review**

The Official Community Plan should be reviewed at intervals of approximately five years with respect to satisfying the requirement to maintain an adequate supply of residential land. The Plan will be considered for amendment as a result of revisions or additions to the *LGA* as required, general performance, changes to other plans, and bylaws and legislation having an impact on the Plan, as well as its relationship to the current needs and priorities of the ACRD and its residents.