



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT
**NOTICE OF APPLICATION FOR
DEVELOPMENT VARIANCE PERMIT**
ELECTORAL AREA 'C' – LONG BEACH

DVC21003 – WILD PACIFIC UPLANDS ESTATES CORP., PROPERTY OWNER

On November 10th, 2021, the Regional District of Alberni-Clayoquot (ACRD) will consider issuing the following development variance permit to vary the provisions of the ACRD Zoning Bylaw No. 15, pursuant to Section 498 of the *Local Government Act*:

- i. **Vary Section 200 – Schedule II – Bulk and Site Regulations to reduce the minimum lot width required for subdivision in the Country Residential Comprehensive Development (CRCD1) District as follows:**
- **Proposed Lot 4 from 100.6 metres (330 feet) to 81.75 metres (268 feet)**
 - **Proposed Lot 7 from 100.6 metres (330 feet) to 75.47 metres (248 feet)**

Subject Property: Lot 2, Ittatsoo Bay

Legal Description: LOT 2 DISTRICT LOT 1511 CLAYOQUOT DISTRICT PLAN VIP84285 PID: 027-361-381

A copy of the permit and supporting documents are available for public review on our website at <https://www.acrd.bc.ca/events/10-11-2021/>.

The Regional Board made a preliminary review of this proposal on October 13, 2021 and resolved to consider it further. It is anticipated that the Regional Board will make a final decision on the permit at the Board Meeting on November 10, 2021 beginning at 1:30 pm.

Prior to issuing such a permit, the Board is required to notify owners and occupants of properties within 100 metres of the subject property. **Please accept this correspondence as fulfilling this obligation.**

Providing an opportunity for public input is a top priority for the ACRD. Consider written submissions as an effective means to do so.

Correspondence must be received by the ACRD by **10:00 am on Wednesday, November 10, 2021** and can be submitted by one of the following methods:

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

Alternatively, if you wish to present your views to the Board in person, please contact Wendy Thomson, General Manager of Administrative Services, before 4:30 pm on November 3, 2021 at wthomson@acrd.bc.ca or phone 250-720-2700.

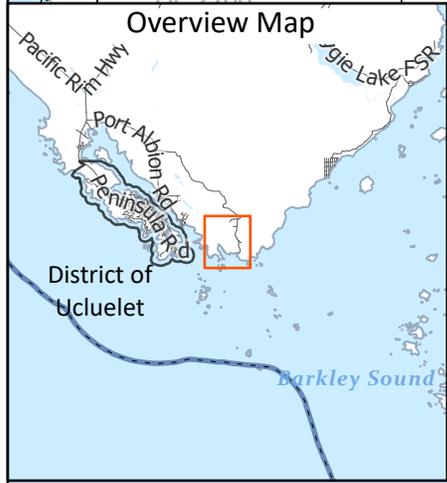
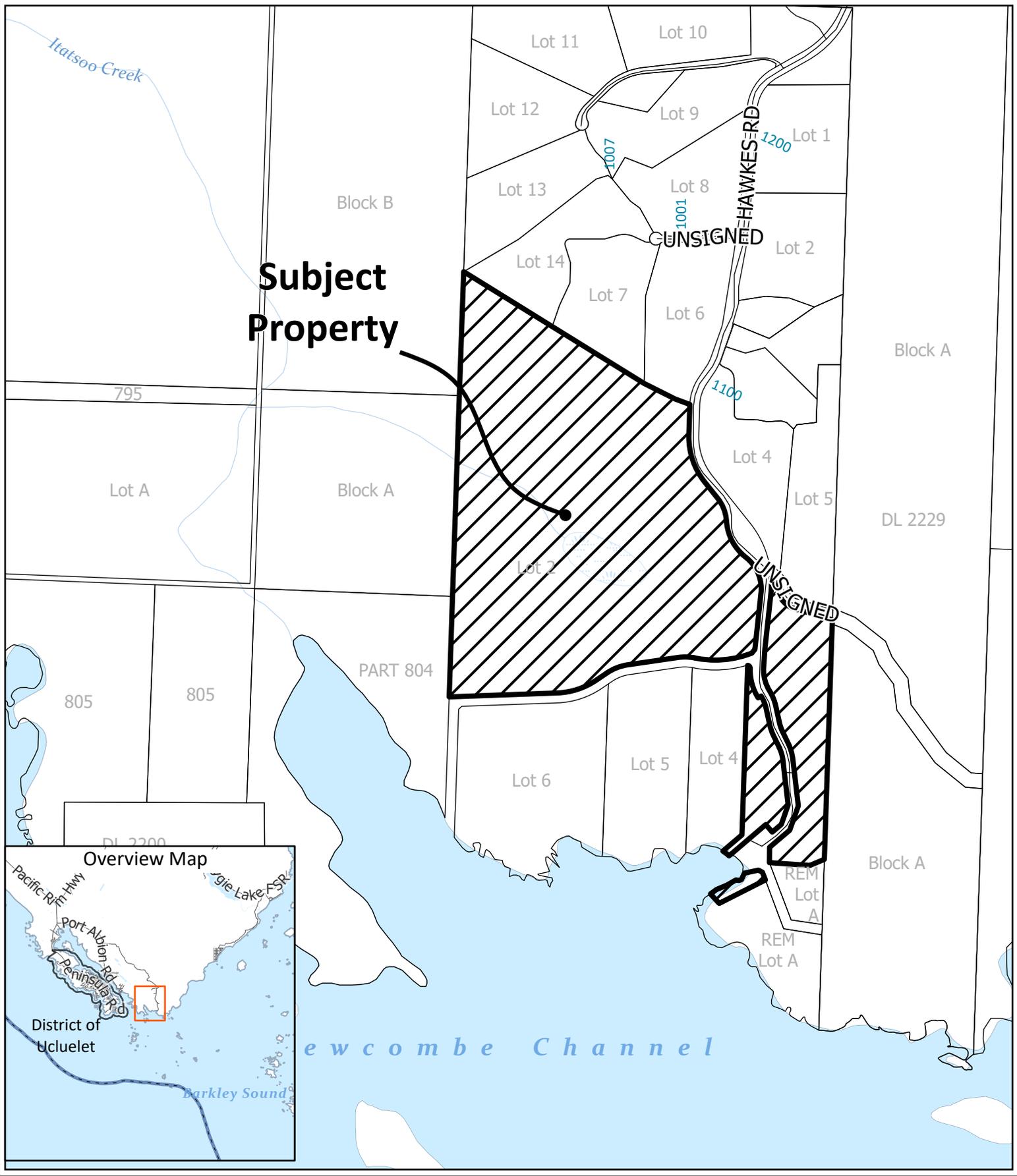
Questions? Please contact the Planning Department during regular office hours: Monday to Friday, excluding statutory holidays, from 8:00 am until 4:30 pm.

PLANNING DEPARTMENT

Regional District of Alberni-Clayoquot
3008 Fifth Avenue
Port Alberni, BC V9Y 2E3

Email: planning@acrd.bc.ca
Telephone: 250-720-2700
Fax: 250-723-1327

Date of Notice: October 21, 2021



Legal Description: LOT 2 DISTRICT LOT 1511 CLAYOQUOT DISTRICT
 PLAN VIP84285



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni BC, CANADA V9Y 2E3 Telephone (250) 720-2700 Fax (250) 723-1327

Development Variance Application

MEETING DATE:	October 13, 2021
ACRD FILE NO.:	DVC21003
APPLICANT:	Wild Pacific Uplands Estates Corporation Inc. No. 674927
LEGAL DESCRIPTION:	LOT 2 DISTRICT LOT 1511 CLAYOQUOT DISTRICT PLAN VIP84285
LOCATION:	Ittatsoo Bay
ELECTORAL AREA:	"C" Long Beach

APPLICANT'S INTENTION: The property owner is applying to subdivide the 43.7 hectare (108 acre) property into eleven (11) fee simple lots and five (5) bare land strata lots. The applicants have applied for a development variance permit to reduce the minimum lot width required in the Country Residential Comprehensive Development (CRCD1) District for two of the proposed new lots.

Recommendation: *THAT the Board of Directors consider issuing development variance permit DVC21003, subject to neighbouring properties being notified as per Local Government Act s.499.*

Development Variance DVC21003:

- i. Development variance of Section 200 – Schedule II – Bulk and Site Regulations to reduce the minimum lot width required for subdivision in the Country Residential Comprehensive Development (CRCD1) District as follows:
 - Proposed Lot 4 from 100.6 metres (330 feet) to 81.75 metres (268 feet).
 - Proposed Lot 7 from 100.6 metres (330 feet) to 75.47 metres (248 feet).

Procedure: Prior to the issuance of a development variance permit, the Board must first pass a resolution to consider issuing the permit. Staff then notify neighbouring property owners and tenants to afford them the opportunity to make written or verbal submissions to the Board. At a subsequent meeting, the Board issues or denies the development variance permit.

Advisory Planning Commission Recommendation: The Long Beach Advisory Planning Commission discussed the development variance and the parcel frontage waiver applications at their October 5, 2021 meeting where the staff recommendation was supported by the members present.

Observations

- i. **Status of Property:** The 43.7 hectare (108 acre) property is vacant and undeveloped aside from internal access roads. The property is predominantly vegetated with second growth forest. The topography is varying with a high point of +/- 60 metres elevation in the north west corner and a

DVC21003

general downward slope from north to south toward Ittatsoo Bay where the parcel has +/- 100 metres of total waterfront on Newcombe Channel along the south end of Hunt Bay Road. There is a smaller watercourse and wetland area in the north east corner of the property and a watercourse dissecting the mid-point of the property in an east-west orientation. The property is bordered by the 14 strata lot Uplands development to the north, Yuułu?iŋ?atŋ Government Treaty Lands to the west and east and privately owned large acreage parcels to the south.

ii. **Services**

- a. **Sewage Disposal:** Individual on-site sewage disposal systems.
- b. **Water Supply:** On-site water via groundwater wells.
- c. **Fire Protection:** Not within a fire protection area.
- d. **Access:** Road access to the property is provided by Hunt Bay Road. Lots 1, 2, 3, 4, 9, 10 and 11 would be accessed directly from Hunt Bay Road; Lots 5, 6, 7 and 8 would be accessed from Ittatsoo Bay Road; and the five strata lots would be accessed from a common property strata road. Hunt Bay Road is a dedicated public roadway administered by the Ministry of Transportation and Infrastructure. The +/- 10 km portion of road between the north end of Hunt Bay Road and Port Albion Road is a forest service road known as Barkley Main FSR. The Barkley Main is owned by the Crown and maintained by user group maintenance agreement.

iii. **Existing Planning Policies Affecting the Site**

- a. **Agricultural Land Reserve:** Not within the Agricultural Land Reserve.
- b. **Official Community Plan:** The property is designated as “Country Residential Comprehensive Development Area”. The Country Residential CDA designation supports a 2 hectare (5 acre) minimum lot size for lots serviced with on-site sewage treatment and water supply. The proposed development complies with the policies and objectives of South Long Beach OCP.

The OCP designates four development permit areas that impact development on the subject property: DPA I – Sensitive Ecosystems, DPA II – Freshwater Riparian Area Protection, DPA III – Coastal Riparian Areas Protection, and DPA IV – Tsunami Flood Elevation. The property owners have submitted a development permit application with accompanying assessment reports provided by a Professional Biologist, Geotechnical Engineer and Hydrogeologist to satisfy the requirements of the OCP. The development permit application is under review by staff in conjunction with the Board’s consideration of the development variance application and parcel frontage waiver.

The subdivision proposal complies with the requirements of the South Long Beach Official Community Plan. If approved, issuance of a development permit will be concurrent with the issuance of the development variance permit.

- c. **Zoning:** The property is zoned Country Residential Comprehensive Development (CRCD1) District. The zoning permits one single family dwelling and one secondary dwelling limited to 70 square metres of floor area on a property with a 2 hectare minimum lot size.

Table: Country Residential Comprehensive Development (CRCD1) District

	Required	Proposed
Minimum lot size	2 ha (4.94 ac)	2.02 ha – 4.88 ha
Minimum lot width	100.6 m (330 feet)	75.47 m - 289.32 m
Building setbacks		
Front:	15.24 m (50 ft)	-

DVC21003

Rear:	9.14 m (30 ft)	-
Side:	4.57 m (15 ft)	-
Watercourse:	30.48 m (100 ft)	-

Each of the lots within the proposed 11 lot fee simple subdivision and 5 bare land strata lot subdivision comply with the minimum 2 hectare lot size in the CRCD1 zone. However, due to challenges with topography and watercourse setbacks, the lot layout requires variances for lot width and parcel frontage.

The minimum lot width required is 100.6 metres and the calculated average lot widths for proposed Lots 4 and 7 are 81.75 metres and 75.47 metres respectively. Lot 4 is proposed as a longer narrow lot to contain the majority of the watercourse and bog area that dissect the parent property. A building envelope is provided on the western portion of the proposed parcel. Lot 7 is proposed to have a narrow road frontage of 19 metres in order to accommodate a panhandle access for the neighbouring Lot 5. Proposed Lot 7 widens out at the mid-point of the lot to provide a suitable building envelope.

A development variance permit to reduce the required lot width for proposed Lots 4 and 7 is required prior to the Regional District supporting the approval of the subdivision.

Comments: The property was rezoned in 2014 to accommodate the proposed sixteen (16) lot subdivision. Recognizing the topography of the property and existing watercourses and wetland areas that dissect the parcel, the applicants have proposed a lot layout that is sensitive to these challenges while ensuring a suitable building envelope for each of the proposed lots. The applicants have also submitted reports from a Professional Biologist, Geotechnical Engineer and Hydrogeologist in support of the proposed development.

The lot layout will require a variance to the minimum lot width for proposed Lots 4 and 7. The layout will also require a parcel frontage waiver for the 10% minimum road frontage requirement on four of the proposed lots. The parcel frontage waiver will be considered in conjunction with the issuance of the development variance if the Board proceeds with the next step of the variance application.

Planning staff are supportive of the Board proceeding with the neighbour notification stage of the development variance application. The variance to the lot width on two of the proposed lots is reasonable recognizing the topography challenges on the site and the need to ensure protection of watercourses and riparian areas within the property.

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

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

Approved by: _____
 Teri Fong, CPA, CGA, Acting Chief Administrative Officer

DVC21003

JEA File No. 86754
ACRD File No. SC17001
MOTI File No. 2017-00368 and 2017-06027

June 28, 2021

Alberni-Clayoquot Regional District
Planning and Development Department
3008 Fifth Avenue
Port Alberni, BC V9Y 2E3

Email: adyer@acrd.bc.ca

Attention: Alex Dyer

RE: Ittatsoo Bay – Development Permits and Development Variance Permit Application
LEGAL: Lot 2, District Lot 1511, Clayoquot District, Plan VIP84285

Dear Alex,

We submit the following Development Permit application and Development Variance Permit application for subdivision at Ittatsoo Bay.

Reference ACRD letter - Subdivision Referral Report dated September 10, 2018 regarding each of these applications.

Development Permit Area I – Sensitive Ecosystems

Please see DPA 1 – Sensitive Ecosystems Protection Checklist, enclosed.

Propose a Section 219 Restrictive Covenant that requires lot owners to provide the following, as part of their development plans:

1. At the development stage, a site survey should be produced by a Professional Engineer/BC Land Surveyor that maps all watercourses / wetlands within the subject property and the required 30m riparian setback measured from the high water mark (or natural boundary) before any future development is planned.
2. The riparian setbacks should be protected and considered No-Go-zones for disturbance and development and should be visually identified to prevent future encroachment. If development is proposed within 30m of a watercourse / wetland, a Development Permit will be required. If a setback reduction is contemplated, development should be no closer than 15m from wetlands and no closer than 10m for small streams (<3m in average width).

1A – 3411 Shenton Road
Nanaimo, BC V9T 2H1
Phone 250-758-4631
nanaimo@jeanderson.com

4212 Glanford Avenue
Victoria, BC V8Z 4B7
Phone 250-727-2214
info@jeanderson.com

203 – 177 Weld St. PO Box 247
Parksville, BC V9P 2G4
Phone 250-248-5755
parksville@jeanderson.com

F - 1250 Cedar Street
Campbell River, BC V9W 2W5
Phone 250-287-4865
campbellriver@jeanderson.com

3. Minimize the removal of trees, ground vegetation and soil/root disturbance as much as possible.
4. In and immediately adjacent to the development area, complete a Danger Tree assessment by a certified Danger Tree Assessor.
5. Clearing of trees and ground vegetation to be completed outside the songbird nesting season (i.e. March 1st to August 15th) or have a biologist complete a bird nesting survey prior to the start of clearing if visibility is suitable.
6. No deleterious substances are to be allowed to enter any watercourses or drainages as a result of development activities.
7. The existing site surface drainage patterns and flows must be maintained at natural levels and alignments to protect sensitive wetland habitats and groundwater within the Ittatsoo watershed.
8. Prevent the contamination of groundwater during future construction activities. Do not allow chemicals or other hazardous substances to come in contact with the ground. Contain and dispose of hazardous wastes properly at certified off-site facilities.
9. Ensure roof leaders are directed away from surface water features and drainages.
10. A Registered Onsite Wastewater Practitioner be engaged to oversee the design and installation of onsite septic systems and that the systems be installed following the Sewerage System Standard Practice Manual.
11. That home heating oil tanks and USTs should not be permitted, and their installation regulated using development permits or restrictive covenants by the regional district or approving authority.
12. That devices and measures to reduce water consumption be included in this development.
13. That bioswales and other landscaped areas be included to promote rainwater management and increase onsite infiltration.

Development Permit Area II – Freshwater Riparian Area Protection

Please see DPA II – Sensitive Ecosystems Protection Checklist, enclosed.

Propose a Section 219 Restrictive Covenant that requires lot owners to complete protective measures prior to lot development [The Covenant proposed for DPA 1 will provide protection measures for DPA II as well].

Development Permit Area III – Coastal Riparian Areas Protection

Please see DPA III – Sensitive Ecosystems Protection Checklist, enclosed.

Propose a Section 219 Restrictive Covenant that requires lot owners to locate development above 12m geodetic contour line and 30m from the Present Natural Boundary. This Covenant will only apply to proposed lot 11.

Development Permit Area IV – Coastal Riparian Areas Protection

Please see DPA III – Sensitive Ecosystems Protection Checklist, enclosed.

Propose a Section 219 Restrictive Covenant that requires lot owners to locate development above 12m geodetic contour line and 30m from the Present Natural Boundary. This Covenant will only apply to proposed lot 11.

Development Variance Application

FEE SIMPLE SUBDIVISION

Lot	Bylaw Width	Proposed Width	Variance Required	Frontage/Perimeter Ratio	Variance Required
1	100.6m	164.60m	NO	19%	NO
2	100.6m	162.00m	NO	24%	NO
3	100.6m	104.70m	NO	12%	NO
4	100.6m	81.75m	YES	4%	YES
5	100.6m	219.75m	NO	2.7%	YES
6	100.6m	289.32m	NO	44%	NO
7	100.6m	75.47m	YES	3%	YES
8	100.6m	102.34m	NO	33%	NO
9	100.6m	132.41m	NO	25%	NO
10	100.6m	229.26m	NO	37%	NO
11	100.6m	138.18m	NO	19%	NO
12	100.6m	-	NO	0.9%	YES

All lot areas are greater than 2.0ha

RATIONALE

Lot 4

- The building site and septic disposal area is located in an area located north of the sphagnum bog and near the westerly portion of the lot. Accessing this area will be within a reciprocal access easement with Lot 12.
- Lot 4 was created to contain most of the water course and sphagnum bog which created a long, narrow section from Hunt Bay Road.
- The average width and frontage don't meet the bylaw requirements, due to the shape of lot required to contain the environmental areas.

Lot 5

- This lot is a panhandle utilizing an existing logging road for a driveway, accessing an excellent area for home agriculture, building area and septic disposal area.

Lot 7

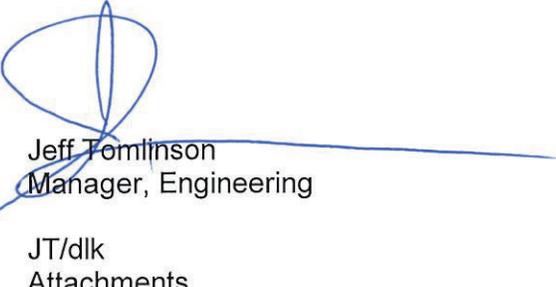
- The reduced width and frontage are required to provide a panhandle to Lot 5 and access to a flat building area on Lot 8. Lot 7 has an excellent private building area but given the constraints to access Lot 5 and Lot 8 the irregular shape of Lot 7 is necessary.
- The rural character of Lot 7 will remain after construction of the house and access.

Lot 12

- Lot 12 will be the lot that the bare land strata is created from. The lot width is difficult to measure given the long panhandle type access and the irregular shaped area that will be subdivided further. The large irregular area will vary in width from 130m to 368m, which exceeds the minimum width of 100.6m.
- The panhandle of Lot 12 will become the common access for the bare land strata with a width of 15m. This creates a frontage of only 26.882m vs a perimeter of 2893.219m.

If you require anything further or have any questions, please call me.

Yours truly,
JE Anderson & Associates



Jeff Tomlinson
Manager, Engineering

JT/dlk
Attachments

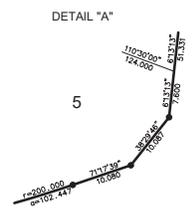
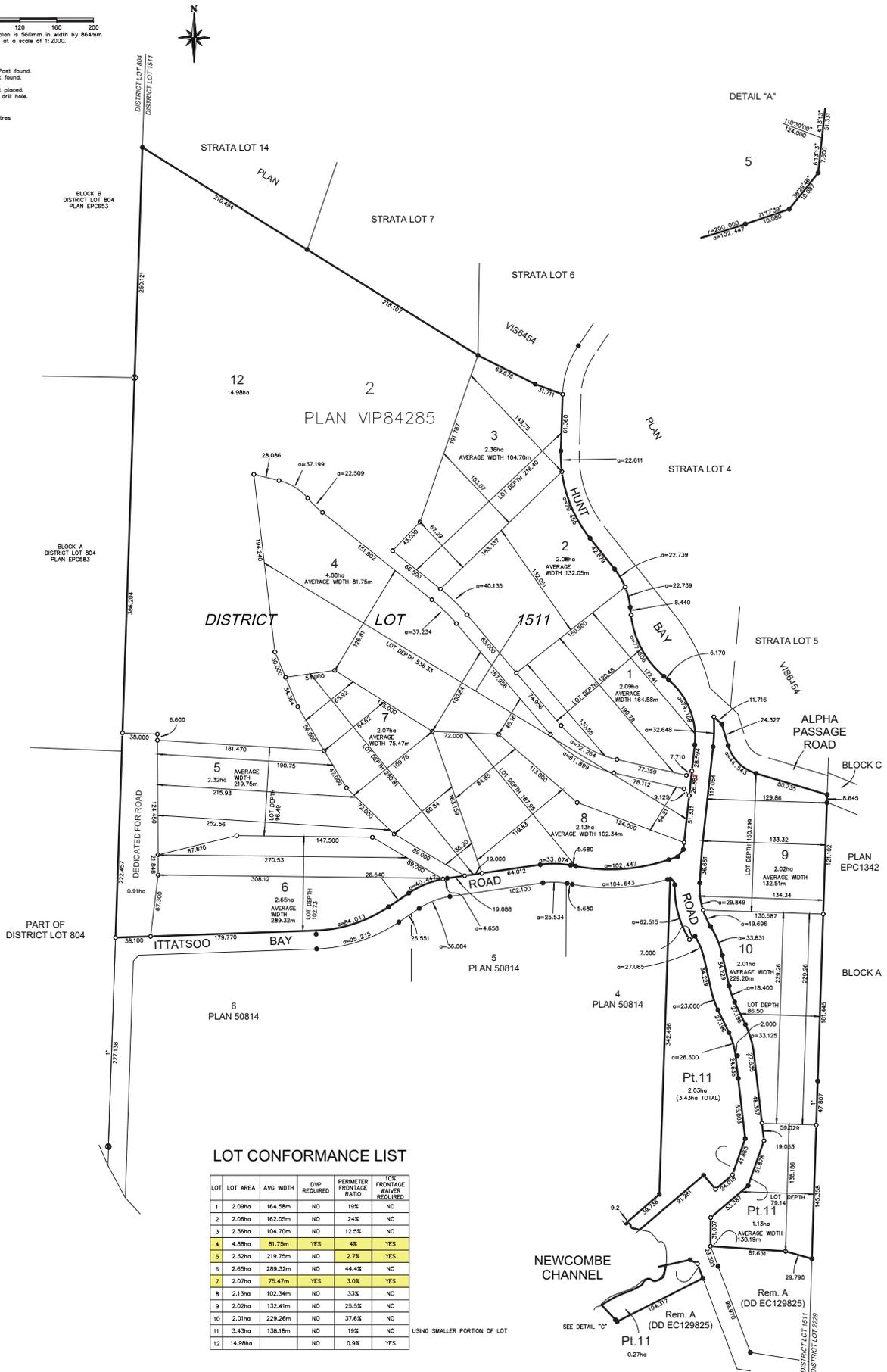
PROPOSED SUBDIVISION PLAN OF LOT 2, DISTRICT LOT 1511, CLAYOQUOT DISTRICT, PLAN VIP84285
 PLAN IDENTIFYING LOT CONFORMANCE WITH LAND USE BYLAW AND VARIANCES REQUIRED

BCGS 92C.093

0 20 40 80 120 160 200
 The intended plot size of this plan is 350mm in width by 864mm in height (D size) when plotted at a scale of 1:2000.

LEGEND

- denotes Standard Cupped Post found.
 - denotes Standard Iron Post found.
 - denotes Lead Plug placed.
 - denotes Standard Iron Post placed.
 - DI denotes short Iron Post in drill hole.
 - BT denotes Bearing Tree.
 - ∅ denotes Diameter.
- All distances shown are in metres



LOT CONFORMANCE LIST

LOT	LOT AREA	AVG WIDTH	DVP REQUIRED	PERIMETER FRONTAGE RATIO	TOW FRONTAGE WAIVER REQUIRED
1	2.09ha	164.58m	NO	19%	NO
2	2.06ha	162.05m	NO	24%	NO
3	2.36ha	104.70m	NO	12.5%	NO
4	4.88ha	81.75m	YES	4%	YES
5	2.32ha	219.75m	NO	2.7%	YES
6	2.65ha	289.32m	NO	44.4%	NO
7	2.07ha	75.47m	YES	3.0%	YES
8	2.13ha	102.34m	NO	33%	NO
9	2.02ha	132.41m	NO	25.5%	NO
10	2.01ha	229.26m	NO	37.6%	NO
11	3.43ha	138.16m	NO	19%	NO
12	14.98ha		NO	0.9%	YES

USING SMALLER PORTION OF LOT

ACCESS BY WATER ONLY

PROPOSED SUBDIVISION PLAN OF LOT 2, DISTRICT LOT 1511, CLAYOQUOT DISTRICT, PLAN VIP84285
 PLAN OF ENVIRONMENTAL AND GEOTECHNICAL SETBACKS

BCGS 92C.093

0 20 40 80 120 160 200
 The intended plot size of this plan is 350mm in width by 864mm
 in height (D size) when plotted at a scale of 1:2000.

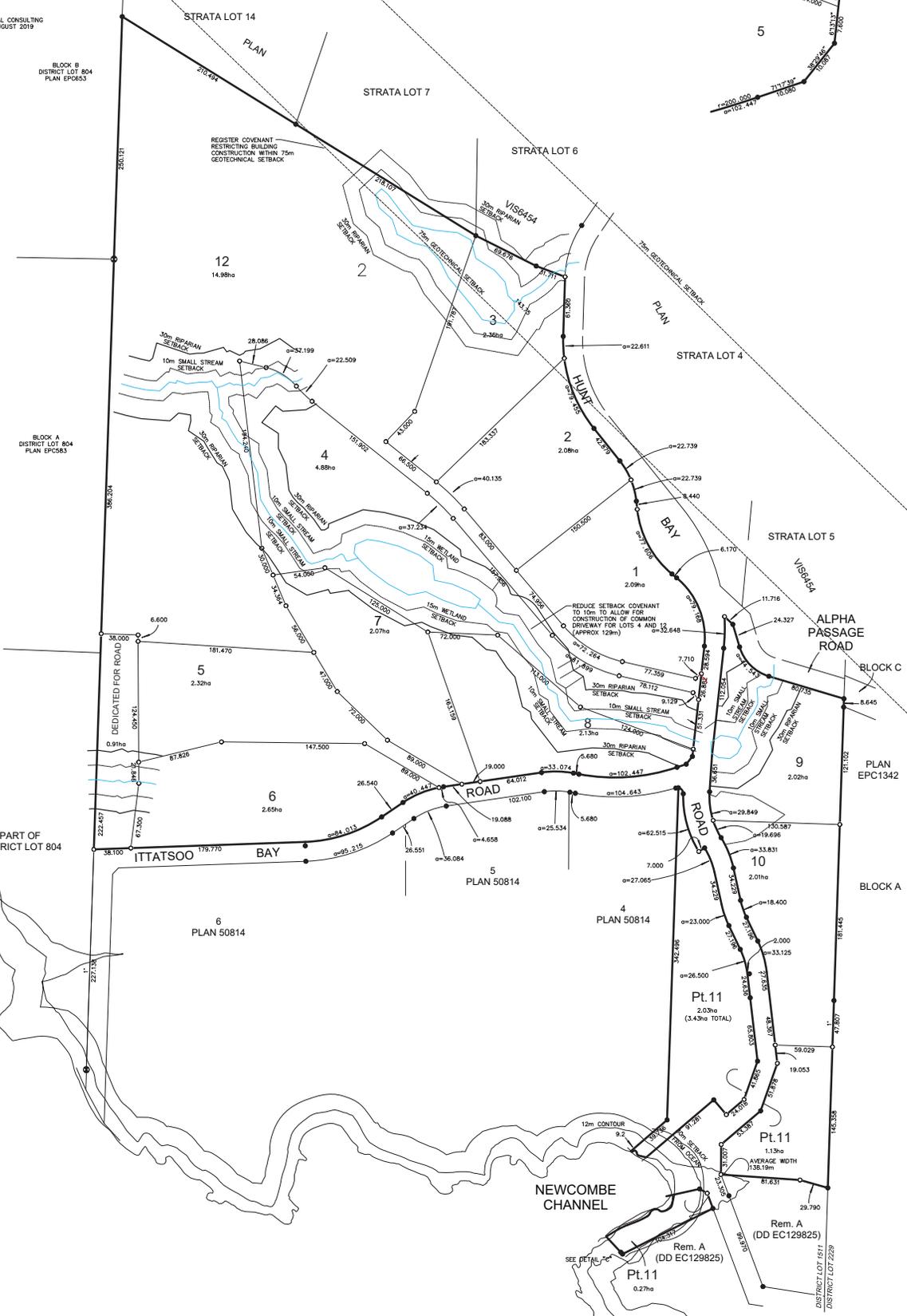
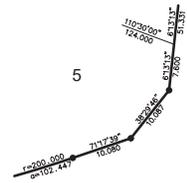
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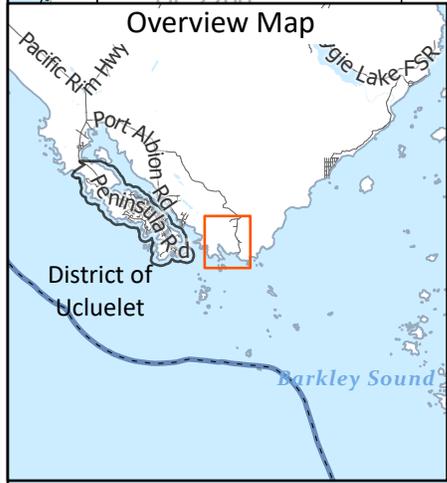
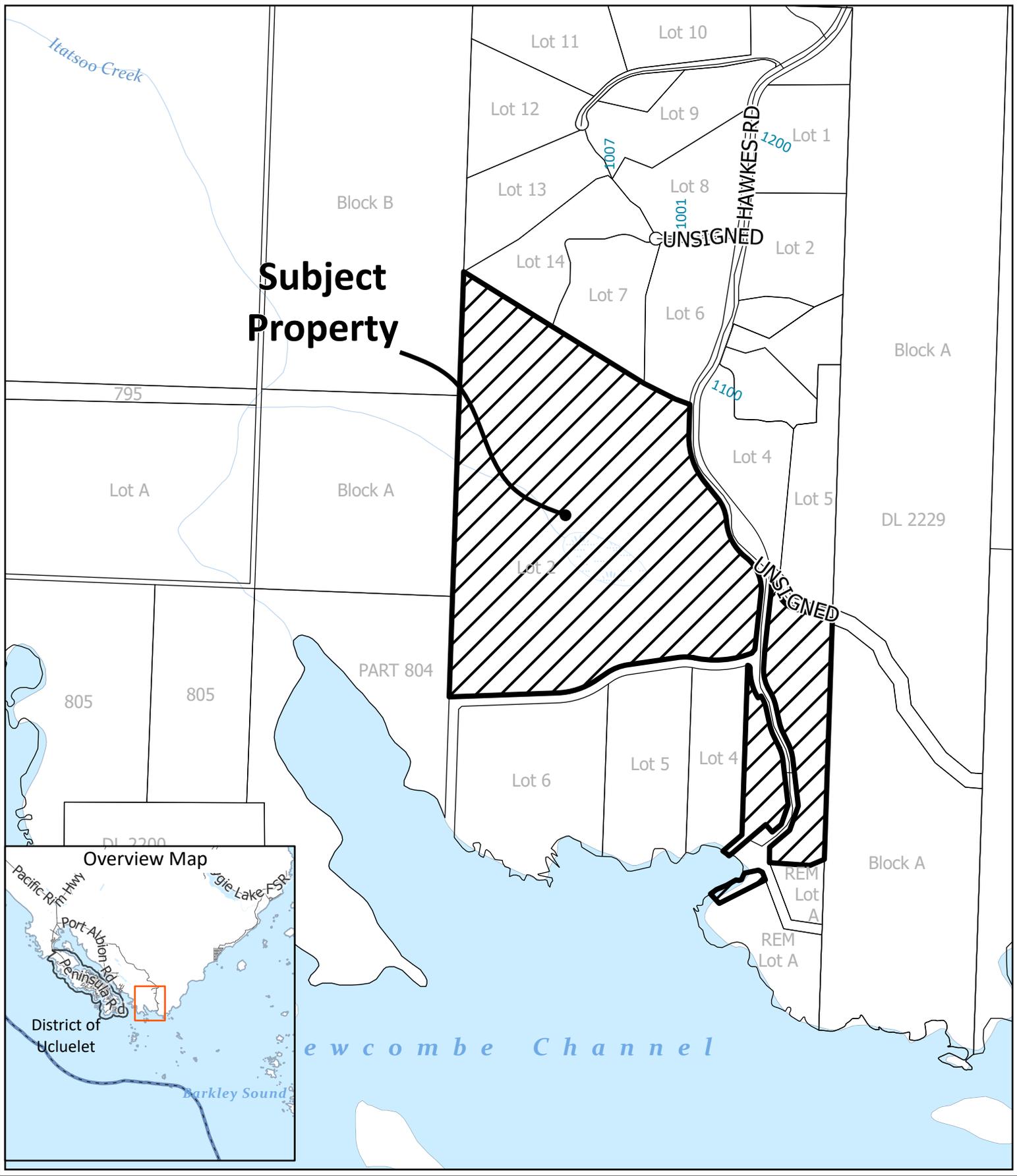
REFERENCE AQUARIAN ENVIRONMENTAL CONSULTING
 ENVIRONMENTAL ASSESSMENT DATED AUGUST 2019



DETAIL "A"



ACCESS BY WATER ONLY



Legal Description: LOT 2 DISTRICT LOT 1511 CLAYOQUOT DISTRICT
 PLAN VIP84285