



CITY OF
CHILLIWACK

3320-20
(7138 Marble Hill Road)

OTG Developments Ltd.
520 - 45715 Hocking Avenue
Chilliwack BC V2P 6Z6

Tel: 793-2902
Fax: 793-2285

DATE: September 16, 2019

File No: SUB02125
Development & Regulatory Services

Dear Sir:

Re: Proposed Ten (10) Bareland Strata Subdivision - 7138 Marble Hill Chilliwack, BC

Your application for preliminary review of the proposed subdivision of **7138 Marble Hill Road** has been considered and this letter summarizes the additional information which must be provided and the conditions that must be satisfied before final approval of the subdivision plan will be considered. Although I have sought to list all outstanding items, this letter does not constitute an approval and any matters which I have overlooked or matters which arise after the date of this letter may result in the proposed subdivision being refused.

This PLA is being given solely for the convenience of the applicant (developer) and is in no way a final approval for any purpose. The attached plan is considered as a part of this PLA.

Therefore, based on the information known as of the date of this letter, a preliminary layout approval (PLA) is hereby granted for the following property:

Civic Address:	7138 Marble Hill Rd
Legal Description:	Lot B Section 13 Township 26 New Westminster District Plan EPP21274 Except Plan EPP73524
Parcel Identifier Number:	028-867-394

This PLA is effective for a period of twelve months from **September 13, 2019** and is subject to fulfilling the requirements of "Land Development Bylaw 2014, No. 3055", Policy G-6 and other applicable bylaws and/or regulations. Therefore, after **September 13, 2020** if the survey plan has not been approved within this time, a new subdivision application, including the applicable fee, is required for any further consideration of the development proposal.

Please note a new application is subject to any new regulations and City policies that have come into force since the date of original Preliminary Letter of Approval.

As the application proposes creating a subdivision of 10 (ten) lots, the property owners are required to comply with the following conditions before construction commences and before final approval is granted.

ZONING:

At the Council meeting held Tuesday, May 7, 2019 , City Council adopted “Zoning Bylaw Amendment Bylaw 2019, No. 4675”, which rezoned a portion of the subject property from an SR (Suburban Residential) Zone to an R3 (Small Lot One Family Residential) Zone.

All newly created lots must adhere to the zoning requirements within the City of Chilliwack’s “Zoning Bylaw 2001, No.2800”.

DEVELOPMENT PERMIT:

The proposed development property is situated within Development Permit Area 2 and Development Permit Area 3 of the City’s Official Community Plan. This area is designated according to Section 488.1 (a) and (b) of the *Local Government Act* to protect the natural environment, its ecosystems and biodiversity, and to protect development from hazardous conditions.

Subsequently, this subdivision’s approval is subject to the conditions and recommendations expressed in Development Permit DP000641 and DP000642 herein attached as Appendix ‘B’ and Appendix ‘C’.

COVENANTS:

Alluvial Fans and Floodplain: The owner of the property being subdivided shall register a restrictive covenant for alluvial fan and flood proofing purposes as required under Section 86 of the *Land Title Act*. A draft covenant will be forwarded to the applicant’s conveyancer upon request.

Riparian: To protect Marble Hill Creek Branch #1 and its’ tributaries, the owner of the property being subdivided shall have a restrictive covenant registered for the protection of riparian areas and wildlife movement corridors. A draft covenant will be forwarded to the applicant’s conveyancer upon request.

Geotechnical/Hydrological: The developer of the property being subdivided shall enter into a restrictive covenant for the protection of any identified geo-technical or hydrological risk hazard areas. A draft covenant will be forwarded to the applicant’s conveyancer upon request.

Building Geotechnical: The owner of the property being subdivided shall attach a restrictive covenant to each lot created, requiring all owners to provide a geotechnical engineering report to the City before a building permit will be issued. A draft covenant will be forwarded to the applicant’s conveyancer upon request.

Tree Clearing: The owner of the property being subdivided shall have registered on each new lot created a restrictive covenant limiting areas of tree cutting to the boundaries approved by the City through the site development design. A draft covenant will be forwarded to the applicant’s conveyancer upon request.

Fire Protection: A restrictive covenant requiring fire sprinkler protection installation in all residential homes shall be registered on each new title at time of final subdivision approval.

PARK LAND ACQUISITION:

As per the City's "2040 Official Community Plan, Schedule D2 - Eastern Hillside Comprehensive Area Plan, Policies/Strategic Actions, and Section 5.53", the owner must pay to the City an amount that is equal to 5% of the pre-subdivided market value of the land that may be required for park purposes. To determine the 5% cash amount to be paid, the average market value of all the land in the proposed subdivision is calculated as of either the date of preliminary approval or a date within ninety (90) days before final approval (where no preliminary approval was given). The land is assumed to be zoned for the proposed use, and necessary works and services are assumed not to be installed.

ENGINEER:

Drawings & Specifications:

The developer is required to retain a professional engineer registered in the Province of British Columbia as the Coordinating Registered Professional (CRP). The developer's engineer shall submit two complete sets of signed and sealed drawings and specifications for the following:

Off-site:

- Half-road frontage improvements from the east boundary to the west boundary on Marble Hill Road in accordance with Standard Drawing DR-8 including sidewalk, high back (barrier) curb & gutter, asphalt and LED street lighting (colour temperature of 3,000k, 7-pin communication enabled photocell sockets & shorting caps);
- Sanitary sewer main extension to gravity drain down Ramsay Place.
- Storm sewer main extensions on Marble Hill Road.
- Street Trees

On-site:

- A sanitary sewer design brief is required describing how the private sanitary lift station pumping system(s) work within a common force main arrangement;
- An onsite fire hydrant is required;
- Water, sanitary and storm pre-servicing connections;
- All homes will require fire sprinkler protection to be installed at time of building permit;
- Site drainage, storm sewers and surface water management design shall adhere to the bylaw criteria as expressed in the "Policy and Design Criteria Manual for Surface Water Management";
- Storm detention shall be provided within each new lot to allow storage and infiltration to be achieved sooner within the hydrological/water cycle;
- Lot grading, minimum building elevations (MBE) and building envelopes;
- Confirm turnaround on strata road is adequate for fire truck and waste collection vehicles (IBUS (B12R) TAC standard vehicle);

- Powder coated chain link fencing on riparian boundary;
- On-site tree management and street trees.

General:

- Soil import and export estimate;
- Underground private utility installation design approval for hydro, telephone, cable and natural gas;
- Completed Form F-15 to be provided with the first servicing design submission to the City;
- Written letter confirming that the proposed subdivision will not negatively affect any pre-existing utility service (gas, hydro, cable and telephone), by placing such utility service into a property trespass situation.

The Coordinating Registered Professional (CRP) shall coordinate the design work and field reviews of all registered professionals required for the project in order to ascertain that the design will substantially comply with the requirements of this subdivision design and construction.

LAND SURVEYOR:

Your B.C. Land Surveyor shall provide a written letter confirming that any existing building(s) to remain on the property will not be made non-conforming with respect to building setbacks required in the City's Zoning Bylaw as a result of the proposed subdivision.

The owner's/applicant's BC Land Surveyor is to determine the appropriate manner to allocate the narrow section of land that abuts 7167 Ramsay Place.

LAWYERS/NOTARIES:

The owner is required to retain a solicitor or notary public to prepare and concurrently register required agreements (Covenants, Statutory Right of Ways and Easements) along with their related plans. Restrictive Covenants, Statutory Right of Ways and Easements that are required as a condition of subdivision must be registered on title as 'priority charges.'

When forwarding the Land Title documents requiring signatures by the City and/or the Approving Officer, they must be accompanied by their letter of undertaking to concurrently register the plan(s), agreement(s) and priority agreements if applicable.

We require **two originally executed copies** of all the required agreements, the Applications to Deposit, and the digitally signed Survey Certification Plan; we will not accept unsigned agreements or emailed copies.

For rights of way or easements that need to be defined by a survey plan, provide the plan attached to its own Survey Plan Certification form along with its own Application to Deposit form.

A draft template can be requested by the applicant's conveyancer. The content of these agreements is generally not negotiable.

In addition, we must be provided with a current title search and a company search if applicable.

Please note that if the registered owner is a company, then company must be in good standing and a Certificate of Good Standing is to be provided confirming the same.

SERVICING AGREEMENT:

Before any work commences and before final approval is granted, the developer will be required to enter into a Subdivision Servicing Agreement with the City wherein the works required to be installed will be specified, including:

- **Estimate of costs** - Upon acceptance of the engineering plans and specifications, and estimate of costs is to be prepared by the developer's consulting engineer and submitted to the Approving Officer.
- **Security deposit** - Before the required works and services are installed, the developer will be required to deposit with the City, an Irrevocable Letter of Credit in the amount of 125% of the estimated cost of the works.
- **Servicing Agreement** - The Servicing Agreement must be executed before the required works and services are permitted to begin.
- **Liability insurance** - Prior to commencement of any works, the Approving Officer will require the submission of a copy of the contractor's liability insurance policy in the (minimum) amount of five million dollars (\$5,000,000), naming the City of Chilliwack as an "Insured Party".

TREE MANAGEMENT:

The City's "Tree Management (Land Development) Bylaw 2008, No. 3585" will apply to the development of this subdivision project. Boulevard street trees along the frontage of Marble Hill Road will be required. A tree planting plan must be submitted indicating tree species, locations and caliper size for review and acceptance by the City.

A Tree Summary Security Form must be completed and security deposit for each tree must be paid prior to subdivision approval.

A Hazard Tree Assessment and a Fire Risk Assessment must also be completed by the developer's Certified Arborist or Landscape Architect as per sections 23 – 29 of the City's "Tree Management (Land Development) Bylaw 2008, No. 3585". Fire Risk Assessments are to be submitted to the Fire Chief prior to final approval of the subdivision.

CHILLIWACK HILLSIDE DEVELOPMENT STANDARDS:

Development of the subject property must be in accordance with the City's 'Hillside Development Standards Policy' and follow the recommendations found in the 'Eastern Hillsides Comprehensive Area Plan'.

SOIL REMOVAL AND DEPOSIT

Prior to commencement of the works, the applicant shall apply for a permit as per the “Soil Removal and Deposit Bylaw 1989, No. 1313” and submit payment as follows:

- Based on a quantity estimate prepared by the applicant’s engineer, for all soil material transported to or from the project site,
- Prior to the granting of final subdivision approval, the applicant shall **submit payment** for any additional amounts owing based on the final volume as submitted and certified by the applicant’s engineer, and please provide us with the **completed Soil Substance Removal/Deposit Permit**.
- A refund for any over payment will be made if applicable.

FEES AND CHARGES:

Before final approval can be granted, the following fees and charges are to be paid to the City of Chilliwack:

1. **Signing fee** - An administrative levy of **\$55.00**.
2. **Servicing Agreement Administration fee** – A non-refundable fee (based on a percentage of the estimated cost of the works) to cover the City’s administration and processing costs.
3. **Property taxes** - The owner/developer is to provide documentary evidence that there is no outstanding/arrears taxes payable on the subject property. Should final approval be obtained after **November 1, 2019**, payment of 2020 property taxes (calculated at a later date) will be required to be deposited with the City by way of a certified cheque or an Irrevocable Letter of Credit in the form attached as Schedule ‘A’.
4. **Development Cost charges** - In the amount of **\$208,062.90**. See the attached Development Cost Charge sheet for complete details of all applicable development cost charges.

You have the option of paying the development cost charges in one payment or you may pay the development cost charges by installments as follows:

- You would be required to pay the first installment, by way of a certified cheque to the City of Chilliwack at the time of final subdivision approval and deposit with the City, two Irrevocable Letters of Credit.
- The first Irrevocable Letter of Credit will be due one year from the date of final subdivision approval less two weeks.
- The second Irrevocable Letter of Credit will be due two years less two weeks from the date of final subdivision approval.

It is the owner/developer's responsibility to ensure payments are made prior to these dates and also to ensure the Irrevocable Letter of Credit is kept in good standing over the term of the

installment plan. Payments not made within five (5) working days of the above-specified dates will result in the City drawing in full on any outstanding amounts on the Irrevocable Letter of Credit.

5. **Eastern Hillside Sanitary Sewer Service fee** - In the amount of **\$36,840.00** applies for 10 new lots.
6. **Provincial School Site Acquisition charges** – In the amount of **\$8,080.00**. This amount represents 10 lots at \$808.00 per lot.
7. **Sales of Service & Utility Trench Restoration** - The owner/developer **shall sign the Sales of Service agreement and pay prior to performance of the works and prior to final approval**, under a Sales of Service Agreement the actual cost for connection to the City utility infrastructure. Further, a charge will be paid for the final asphalt restoration of utility cuts. The estimated costs will be determined at the time of engineering plan review.
8. **Latecomer Fees** – Latecomer fees are required for the subject property's contribution to the construction of off-site sanitary sewer and water that benefits the development. Total payment is due at time of final subdivision approval for this subdivision project. The payment includes the estimated cost of the excess or extended services plus accumulated interest to date of payment.
9. **Highway Access permit** - Approvals for highway accesses for driveways are to be granted by the City. Any requirements or conditions imposed at the time of the granting of the approval shall be completed to the satisfaction of the City. The Highway Works Application and Permit must be signed and the Fee of **\$50.00** must be paid prior to subdivision approval.

OTHER:

Pursuant to Part 13 of the *BC Heritage Conservation Act*, if material of potential or recognized archaeological significance is encountered in the course of construction or site preparation, the developer must immediately stop work on the site in question and report the find to the City of Chilliwack and the Archaeology Branch of the Ministry of Tourism, Sport and the Arts. Failure to do so may be a contravention of the *BC Heritage Conservation Act*.

Failure to notify the City of Chilliwack, in writing, of any changes to the registered owners, applicant, subdivision proposal or failure to comply with the above conditions, and any laws, statutes, regulations or bylaws of any authority, including the City of Chilliwack, having jurisdiction related to or pertaining to the subdivision may cause the subdivision to be refused.

This PLA is subject to changes in any applicable law and is in no way a guarantee that all other approvals which are required for the subdivision of land have been granted or that such other approval will not be revoked, and does not relieve the owner or occupier of the land of obtaining approval from all necessary authorities and complying with all laws, rules or regulations of any kind which may apply to the land.

Preliminary Letter of Approval – SUB02125
7138 Marble Hill Road
September 16, 2019
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If you require any further information regarding this application or any of the issues noted in this letter please do not hesitate to contact Tyson Koch, Senior Development Technician, directly at 604-793-2902.

Sincerely,

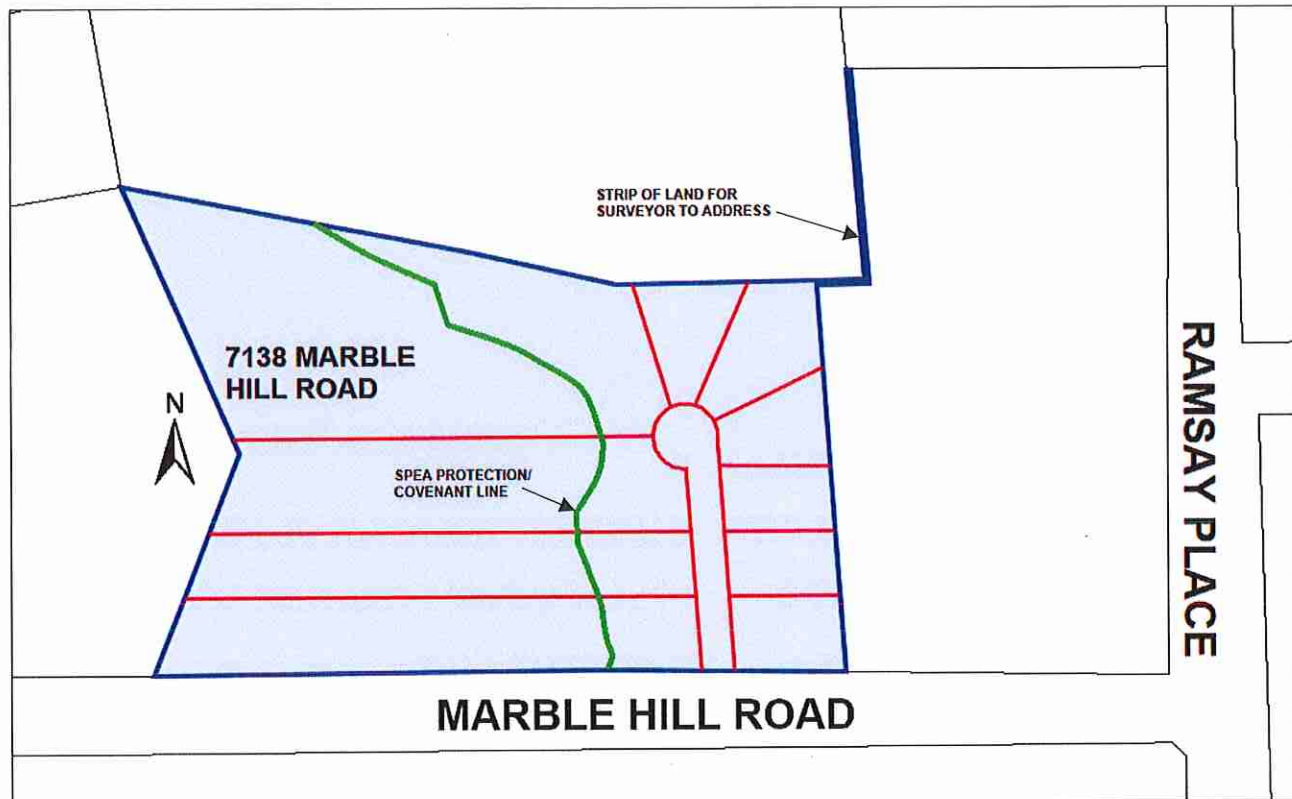
A handwritten signature in black ink, appearing to read 'Glen White', with a long horizontal flourish extending to the right.

Glen White, ASCT
Approving Officer

TNK/jt
Enclosures

cc: Engineering Department // Surveyor // Manager of Land Development
Freedom Construction Ltd. 46492 Valleyview Road Chilliwack BC V2R 5M8

APPENDIX 'A'
Proposed Ten (10) Bareland Strata Subdivision 7138 Marble Hill



Legend:

- Solid blue line indicates present boundaries of all lots involved**
- Solid red line indicates new lot boundaries**
- Solid green line indicates SPEA protection/covenant line**

The subdivision shown outlined in blue on this plan has received preliminary approval.

Date Sept 16 **20** 19 
Approving Officer
City of Chilliwack

APPENDIX 'B'
COPY OF DEVELOPMENT PERMIT DP000641

CITY OF CHILLIWACK DEVELOPMENT PERMIT

NO. DP000641, 2013 (Portion of Development Permit Area No.2 of the Official Community Plan)

TO: RENWICK, DAVID
PO BOX 390
9259 MAIN STREET
CHILLIWACK BC V2P 6K2

1. This Development Permit applies to the following property:

Parcel Identifier: 028-867-394

Legal: LOT B SECTION 13 TOWNSHIP 26 NEW WESTMINSTER DISTRICT PLAN EPP21274

(Commonly known as 7138 MARBLE HILL RD)
2. Development of the subject property shall be substantially in conformance to the following:
 - ☐ City of Chilliwack "Subdivision and Land Development Bylaw 2004, No. 3055"
 - ☐ City of Chilliwack Hillside Development Standards
 - ☐ City of Chilliwack Tree Management Bylaw
 - ☐ Geotechnical recommendations by Thurber Engineering Ltd. report, dated June 3, 2013.
 - ☐ Environmental recommendations by HCR Environmental Consulting reports, dated August 17, 2012 and February 14, 2013.
 - ☐ City of Chilliwack Development "Site Preparation Bylaw 2007, No. 3429"
 - ☐ A security bond must be deposited with the City by the developer prior to issuance of the Development Permit to ensure the silt and sediment measures are in place, and for the protection and maintenance of the Ramsay Place road frontage during site preparation and grading
 - ☐ Specifications of Section 6.1.2 of the City of Chilliwack Official Community Plan
 - ☐ At time of building permit a Geotechnical Engineer will be required to provide recommendations on appropriate mitigative measures and foundation preparation requirements.

N.B. The above technical information is retained on file in the Planning & Strategic Initiatives Department.

APPENDIX 'B' CONTINUED
COPY OF DEVELOPMENT PERMIT DP000641

3. This Development Permit is not a Building Permit and does not constitute approval of any proposed subdivision.
4. If the permittee does not commence development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

APPROVED BY COUNCIL ON THE 20TH DAY OF AUGUST, 2013.

ISSUED THIS 21ST DAY OF AUGUST, 2013.


City Clerk

APPENDIX 'C'
COPY OF DEVELOPMENT PERMIT DP000642

CITY OF CHILLIWACK DEVELOPMENT PERMIT

NO. DP000642, 2013 (Portion of Development Permit Area No. 11 of the Official Community Plan)

TO: KATHLEEN RENWICK
7116 MARBLE HILL ROAD
CHILLIWACK BC V4Z 1J5

1. This Development Permit applies to the following property:

Parcel Identifier: 027-410-111

Legal Description: LOT B SECTION 13 TOWNSHIP 26 NEW WESTMINSTER DISTRICT
PLAN EPP21274

(Commonly known as 7138 Marble Hill Road Chilliwack, BC)

2. Development of the subject property shall be substantially in conformance to the following:

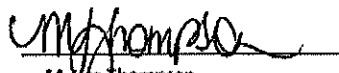
- ☐ Riparian Areas Regulation Assessment Report dated February 14, 2013 by Howard Ratzlaff, HCR Environmental Consulting, and submitted to the Province.
- ☐ Specifications of Section 6.2.9 – Riparian Areas of the City of Chilliwack Official Community Plan

N.B. The above technical information is retained on file in the Development & Regulatory Services Department.

3. This Development Permit is not a Building Permit and does not constitute approval of any proposed subdivision.
4. Subject to the terms of the permit, if the holder of a permit under this Division does not substantially start any construction with respect to which the permit was issued within 2 years after the date it is issued, the permit lapses pursuant to Section 926(1) of the *Local Government Act*.

APPROVED BY THE DIRECTOR OF DEVELOPMENT AND REGULATORY ENFORCEMENT SERVICES ON THE 20th DAY OF FEBRUARY, 2014.

ISSUED THIS 20th DAY OF FEBRUARY, 2014.


M. Lisa Thompson
Director of Development and
Regulatory Enforcement Services

13.01 RSV1 (LIMITED USE RESERVE) ZONE

(1) DESCRIPTION

The RSV1 (LIMITED USE RESERVE) ZONE consists of land on which USES are restricted due to the presence of a suspected physical hazard or a need to protect environmental quality.

Within the RSV1 ZONE the following types of areas are specifically identified:

- (cwa) Community Water Supply Area consists of the catchment: areas of various COMMUNITY WATER SYSTEMS.
- (gsa) Geologically Sensitive Area consists of steep slopes, areas subject to rock fall, landslide and areas with suspected unstable soil conditions.
- (fha) Flood Hazard Area consists of those areas within the FLOODPLAIN not protected by 200 year standard dykes.
- (wla) Water Lot Area consists of those areas below the mean high water of a river or lake.
- (rem) *Remnant Area preserved in a natural state due to the presence of a suspected physical hazard or a need to protect environmental quality. (AB#4071)*
- (gsa-HCA) *Geologically Sensitive Area-Hinkley Creek Area consists of steep slopes, areas subject to rock fall hazard, landslide and areas with suspected unstable soil conditions in the Hinkley Creek area.*
- (gra) *Geologically Restricted Area consists of areas subject to occurrence or high susceptibility of rock fall hazard, landslide, or earthflow with unstable soil conditions in the Marble Hill area." (AB #4452)*

(2) PERMITTED USES

The following USES shall be the only USES permitted in this ZONE unless specifically permitted or prohibited elsewhere in this BYLAW by GENERAL or SPECIAL REGULATIONS:

- (a) GENERAL AGRICULTURE (subject to Special Regulation)
- (b) CONDITIONAL AGRICULTURE (subject to *Special Regulation*) (AB#4071)
- (c) RESTRICTED AGRICULTURE (subject to Special Regulation)
- (d) INCIDENTAL AGRICULTURAL SALES (*subject to Special Regulation*) (AB#4071)
- (e) ONE FAMILY RESIDENTIAL (subject to Special Regulation)
 - (i) single family detached dwelling
 - (ii) manufactured home

13.01 RSV1 (LIMITED USE RESERVE) ZONE

- (f) TEMPORARY ACCESSORY DWELLING (subject to Special Regulation)
 - (iii) secondary suite
 - (iv) manufactured home
 - (v) park model trailer
 - (vi) residential conversion structure
 - (g) RURAL ANCILLARY USE (subject to Special Regulation)
 - (h) ACCESSORY HOME OCCUPATION (*subject to Special Regulation*) (AB#4071)
 - (i) COTTAGE INDUSTRY (subject to *Special Regulation*) (AB#4071)
 - (j) RESOURCE USE (subject to Special Regulation)
 - (k) *SUPPORTIVE RECOVERY HOME USE (subject to Special Regulation)* (AB #3950) (AB#4071)
- (3) LOT SIZE (minimum)
- (a) 8ha Within the areas designated (cwa) Community Water Supply Area and (fha) Flood Hazard Area, where land is excluded from the ALR or approved for subdivision within the ALR pursuant to the *Agricultural Land Reserve Act*;
 - (b) 4ha Within the areas designated (gsa) Geologically Sensitive Area, (*gsa-HCA*) "*geologically sensitive area-Hinkley Creek Area*", or (*gra*) "*geologically restricted area*" where land is excluded from the ALR or approved for subdivision within the ALR pursuant to the *Agricultural Land Reserve Act*; (AB #4452)
 - (c) N/A Within the areas designated (wla) Water Lot Area;
 - (d) 1ha where created by "boundary adjustment" between 2 or more adjacent parcels to allow for the more efficient use of land or better utilization of buildings; and,
 - (e) *N/A within areas designated as (rem).* (AB#4071)
- (4) LOT DIMENSIONS (minimum)
- (a) Where a parcel being created by subdivision fronts on a road or highway, the minimum frontage on the road or highway shall be 10% of the perimeter of the lot or greater unless exempted by the Approving Officer.
- (5) DENSITY (maximum) N/A
- (a) *Shall not exceed one structure for ONE FAMILY RESIDENTIAL USE per lot.* (AB #3897)

13.01 RSV1 (LIMITED USE RESERVE) ZONE

- (6) LOT COVERAGE (maximum)
- (a) within the *areas designated as (cwa) or gsa or (gsa-HCA)* total all buildings and structures (AB #4452) 5%
 - (b) *within the areas designated as (fha), structures for residential use* 150m² (AB #3769)
 - (c) *within the areas designated as (fha), all structures for non-residential use* (AB #3769) 5%
 - (d) *within areas designated as (gra) "geologically restricted area", total all buildings and structures:*
 - (i) *Manufactured home (single wide mobile home)* 91m²
 - (ii) *rural ancillary uses* 10m² (AB #4452)
- (7) FLOOR AREA RATIO (maximum) N/A
- (8) SETBACKS (minimum distance to)
- | | FLL | RLL | ISLL | ESLL |
|--|------|------|------|------|
| (a) RESIDENTIAL | 7.5 | 7.5 | 3.0 | 7.5 |
| (b) animal enclosures | | | | |
| (i) not exceeding 10m ² in area | 7.5 | 3.0 | 3.0 | 7.5 |
| (ii) not exceeding 100m ² in area | 7.5 | 7.5 | 7.5 | 7.5 |
| (iii) exceeding 100m ² in area | 15.0 | 15.0 | 15.0 | 15.0 |
| (c) Manure storage facility | 30.0 | 30.0 | 30.0 | 30.0 |
| (d) Other buildings | 7.5 | 7.5 | 3.0 | 7.5 |
| (e) Roadside stands | 3.0 | 15.0 | 7.5 | 6.0 |
- (9) SITING
- (a) Dwelling Units and Animal Enclosures shall be separated by a minimum distance of 15m.
- (10) BUILDING HEIGHT (maximum)
- (a) Residential Use 10m
 - (b) RURAL ANCILLARY USE 6m
 - (c) animal enclosures/other agricultural buildings N/A
 - (d) roadside stands 5m
- (11) OFF-STREET PARKING (minimum) N/A
- (12) OFF-STREET LOADING (minimum) N/A

13.01 RSV1 (LIMITED USE RESERVE) ZONE

- (13) AMENITY AREA (minimum) N/A
- (14) FENCING, SCREENING & LANDSCAPING
 - (a) Fencing, screening and landscaping shall be provided in accordance with the requirements of Section 5.05 of this BYLAW.
- (15) SIGNS
 - (a) Shall be located and constructed in accordance with the City Sign Bylaw, in force from time to time.
- (16) SPECIAL REGULATIONS
 - (a) A ONE FAMILY RESIDENTIAL or TEMPORARY ACCESSORY DWELLING shall only be allowed under the following conditions
 - (i) *within the area indicated as (gsa) "geologically sensitive area", or (gsa-HCA) "geologically sensitive area-Hinkley Creek Area," subject to a satisfactory independent geotechnical report indicating that the siting of the proposed structure and associated features will not be endangered by rock fall hazard, landslides, earthflow, or other slope or foundational instability; (AB #4452)*
 - (ii) *within the area indicated as (cwa) "community water supply area" subject to the approval of the City Engineering Department;*
 - (iii) *within the area indicated as (fha) "flood hazard area", single section manufactured home designed to be movable from its*
 - (iv) *foundation in event of high water warning and only if approved by the City Engineering Department and/or Regional Water Manager*
 - (v) *notwithstanding (iii) above, within the area indicated as (fha) "flood hazard area" that is within the area north and east of Shefford Slough, south of Cartmell Road and west of Young Road, a permanent single-family dwelling may be constructed, subject to requirements of the current Floodplain Regulation Bylaw, in force from time to time. (AB #3769)*
 - (vi) *Within the areas designated as (gra) "geologically restricted area", a ONE FAMILY RESIDENTIAL shall only be allowed subject to a satisfactory independent geotechnical report indicating that the siting of the proposed structure and associated features will not be endangered by rock fall hazard, landslides, earthflow, or other slope or foundational instability. No more than one ONE FAMILY RESIDENTIAL USE shall be permitted, subject to the following:*

13.01 RSV1 (LIMITED USE RESERVE) ZONE

1. *A manufactured home limited to a single wide mobile home shall be permitted;*
 2. *Any residence must be supported by a PRIVATE SEWAGE DISPOSAL SYSTEM; and,*
 3. *Any development of a parcel shall require a suitably-worded covenant that is acceptable to the Director of Planning and Engineering for the City of Chilliwack (or any individual appointed or designated by Council to act in their place) and that is registered against title to the land and that includes a release and indemnity of the City from any loss caused by any rock fall hazard, landslide, or earthflow with unstable soil conditions on the land.*
(AB #4452)
- (b) A RURAL ANCILLARY USE shall meet the following requirements:
- (i) within the area indicated as (cwa) "community water supply area" it shall not include the keeping of pets other than within the dwelling unit;
 - (c) within the area indicated as (gsa) "geologically sensitive area" structures for said use exceeding 60m² in floor area shall require a satisfactory independent geotechnical report indicating that the siting of the proposed structure will not be endangered by slope or foundation instability;
 - (d) within the area indicated as (fha) "flood hazard area" the location of structures for said use shall be subject to the approval of the City Engineering Department.
 - (e) A GENERAL AGRICULTURE USE shall only be allowed in areas indicated as (fha) "flood hazard area".
 - (f) A RESTRICTED AGRICULTURE USE shall only be allowed in areas indicated as (gsa) "geologically sensitive area", (gsa-HCA) "geologically sensitive area-Hinkley Creek Area" or (gra) "geologically restricted area", *provided that no tree clearing is required to support this use.*
(AB #4452)
 - (g) A RESOURCE USE shall only be allowed in the area indicated as "water lot area" and shall be limited to gravel extraction and/or storage and log storage and/or sorting.
 - (h) A Conditional Agriculture Use shall not be permitted in an area designated as (cwa) "community water supply area".

13.01 RSV1 (LIMITED USE RESERVE) ZONE

- (i) *Within the area indicated as (rem) the following uses are prohibited:*
 - (i) *General Agriculture*
 - (ii) *Conditional Agriculture*
 - (iii) *Restricted Agriculture*
 - (iv) *Incidental Agriculture Sales*
 - (v) *One Family Residential*
 - (vi) *Temporary Accessory Dwelling*
 - (vii) *Rural Ancillary Use*
 - (viii) *Accessory Home Occupation*
 - (ix) *Cottage Industry*
 - (x) *Resource Use*
 - (xi) *Supportive Recovery Home Use* (AB #4071)
- (j) *Within areas designated as (gra) "geologically restricted area", or (gsa-HCA) "geologically sensitive area-Hinkley Creek Area", no cutting of trees shall be permitted except in accordance with a development permit issued by Council.*
- (k) *Within the areas designated as (gra) "geologically restricted area", the following uses are prohibited:*
 - (i) *TEMPORARY ACCESSORY DWELLING*
 - (ii) *RESOURCE USE*
 - (iii) *SUPPORTIVE RECOVERY HOME USE*
 - (iv) *ACCESSORY HOME OCCUPATION*
 - (v) *COTTAGE INDUSTRY* (AB #4452)

9.06 R3 (SMALL LOT ONE FAMILY RESIDENTIAL) ZONE

(1) DESCRIPTION

The R3 (SMALL LOT ONE FAMILY RESIDENTIAL) ZONE consists of land, either directly adjacent to public open space or adjacent to visual open space with public open space nearby and proximity to an elementary school, which, owing to the availability of full services, including community water and sanitary sewer and storm sewer is best suited to single family detached dwellings on small lots.

(2) PERMITTED USES

The following USES shall be the only USES permitted in this ZONE unless specifically permitted elsewhere in this BYLAW by GENERAL or SPECIAL REGULATIONS.

- (a) ONE FAMILY RESIDENTIAL (as limited by Special Regulation)
 - (i) single family detached dwelling
 - (ii) manufactured home, multi-section
- (b) TEMPORARY ACCESSORY DWELLING (subject to Use Regulations)
 - (i) secondary suite
- (c) BOARDING
- (d) URBAN ANCILLARY USES
- (e) ACCESSORY HOME OCCUPATION USE
- (f) SUPPORTIVE RECOVERY HOME USE (subject to Use Regulations) (AB#3950)

(3) LOT SIZE (minimum)

- (a) 360m² ONE FAMILY RESIDENTIAL

(4) LOT DIMENSIONS (minimum)

	WIDTH	DEPTH
(a) ONE FAMILY RESIDENTIAL (interior)	12.0m	25m
(b) ONE FAMILY RESIDENTIAL (corner)	13.5m	25m

(5) DENSITY (maximum)

- (a) Shall not exceed one (1) structure for ONE FAMILY RESIDENTIAL Use.

(6) LOT COVERAGE (maximum)

- (a) Total all Buildings and Structures 50%
- (b) URBAN ANCILLARY USE 45m²

(7) FLOOR AREA RATIO (maximum) 75%

9.06 R3 (SMALL LOT ONE FAMILY RESIDENTIAL) ZONE (continued)

(8)	SETBACKS (minimum distance to)	FLL	RLL	ISLL	ESLL
(a)	RESIDENTIAL (fee simple)	4.5	6.0	1.2	3.0
(b)	RESIDENTIAL (strata)	6.0	6.0	1.2	3.0
(c)	URBAN ANCILLARY	6.0	1.0	1.0	3.0
(9)	SITING	N/A			
(10)	BUILDING HEIGHT (maximum)				
(a)	RESIDENTIAL	10m			
(b)	URBAN ANCILLARY	4m			
(11)	OFF-STREET PARKING (minimum)				
(a)	Shall provide the following minimum number of spaces:				
	(i)	2 spaces per dwelling unit			
(12)	OFF-STREET LOADING (minimum)	N/A			
(13)	AMENITY AREA (minimum)	N/A			
(14)	FENCING, SCREENING & LANDSCAPING				
(a)	Fencing, screening and landscaping shall be provided in accordance with the requirements of Section 5.05 of this Bylaw.				
(15)	SIGNS				
(a)	Shall be located and constructed in accordance with the City Sign Bylaw, in force from time to time.				
(16)	SPECIAL REGULATIONS				
(a)	Any structure occupied by a RESIDENTIAL USE shall not have an overall dimension of less than 6m, excluding additions and projections.				

(AB #3393)



THE CITY OF CHILLIWACK
Development and Regulatory Services Department

TREE & GREEN SPACE MANAGEMENT PLANS

A Guide to the Municipal Approvals Process in Chilliwack

Development and Regulatory Services Department

December, 2010

Introduction

The City of Chilliwack has prepared this brochure to assist you in understanding "Tree Management (Land Development) Bylaw 2008, No. 3585" and the submission requirements for Tree and Green Space Management Plans.

This brochure describes:

- Tree Management (Land Development) Bylaw;
- Tree and Green Space Management Plan submission requirements; and,
- Where to obtain additional information

Upon review of the following information, anyone intending to submit either a Rezoning, Development Permit, Subdivision or Building Permit application (with the exception of developments that will result in 3 or fewer residential lots or units) is urged to contact the Municipal Development Department for assistance.

What is a Tree Management (Land Development) Bylaw?

"Tree Management (Land Development) Bylaw 2008, No. 3585" is structured to establish requirements at the time of development. The bylaw requires the following:

- ♦ identification of existing trees;
- ♦ identification of trees to be retained;
- ♦ protection required for retained trees;
- ♦ evaluation of retained trees, for hazards within the parcel and within reach of the parcel;
- ♦ preparation of a professionally prepared "Tree Management Plan";
- ♦ assessment of fire risk in moderate to extreme fire hazard areas;
- ♦ planting or retention of a minimum of 50 trees per hectare;
- ♦ developer to pay a security on the planted and retained trees;
- ♦ developer to warranty the trees for 2 years; and,
- ♦ protection of undevelopable land and land dedicated to the City

The requirements of the Bylaw are in addition to any landscaping, screening and fencing requirements under "Zoning Bylaw 2001, No. 2800", "Subdivision and Land Development Bylaw 2004, No. 3055", and the "Official Community Plan Bylaw 1998, No. 2588".

When is Submission of a Tree and Green Space Management Plan Necessary?

Any person intending to submit either a Rezoning, Development Permit, Subdivision or Building Permit application must provide a Tree and Green Space Management Plan for each development site with a tree density of at least 50 trees per hectare, comprising newly planted trees and retained trees, and including street trees for all sites along municipal and strata road frontages.

General Requirements for Rezoning or Development Permit Applications

Prior to submitting an application for Rezoning or Development Permit, you should contact the Development and Regulatory Services Department to discuss your proposal. Information guides on the Rezoning and Development Permit approvals process are also available for information.

Tree and Green Space Management Plan Submission Requirements:

- ◆ *a Hazardous Tree Assessment done by a Certified Arborist or Landscape Architect if there is imminent danger of a tree, or any part of a tree within reach of the developable parcel edge, falling and damaging the parcel or injuring individuals within the developable acreage
- ◆ *a Fire Risk Assessment submitted to the Fire Chief for every new development located in a moderate to extreme fire hazard area
- ◆ *a report by a Certified Arborist or Landscape Architect identifying retained trees and newly planted trees to achieve the tree density requirement of 50 trees per hectare
- ◆ a detailed site plan showing:
 - date, scale, north arrow, and the names, addresses, and telephone numbers of both the owner and the person preparing the "Tree Management Plan";
 - project name and street address;
 - existing and proposed contour lines;
 - approximate natural boundaries of existing water courses;
 - all developable and undevelopable land, riparian land, parks or land transferred to the City; and,
 - the driplines of existing trees, the location of retained trees and the location of newly planted trees.

**not required for developments that will result in 3 or fewer residential lots or units*

General Requirements for Subdivision or Building Permit Applications

Prior to submitting an application for subdivision or building permit, you should contact the Municipal Development Department to discuss your proposal. Information guides on the Subdivision and Building Permit approvals process are also available for information.

In addition to a **Tree and Green Space Management Plan** (submission requirements detailed above), the following is required:

Tree and Green Space Management Security:

- ◆ a Tree Summary Security Form must be completed and security paid prior to subdivision approval or building permit issuance
 - security must be provided in the form of cash, or letter of credit in compliance with the City's security policy under "Subdivision and Land Development Bylaw 2004, No. 3055".

For Further Information ...

This brochure has been prepared to provide guidance only. It is neither a bylaw nor a legal document. Please consult the *Local Government Act* and its Regulations, and the City of Chilliwack applicable bylaws for definite requirements and procedures. For more information related to your specific application, contact:

City of Chilliwack
Development and Regulatory Services Department
Land Development Division
8550 Young Road, Chilliwack, BC V2P 8A4
Tel: 604-793-2906
Fax: 604-793-2285
<http://www.chilliwack.com>

FORM F-15 - CONFIRMATION OF COMMITMENT

DATE: _____ FOLDER NUMBER: _____

CIVIC ADDRESS: _____

To:

The City of Chilliwack

Re:

Name of Project (Print)

Description of Project (Print)

The undersigned has been retained as a Coordinating Registered Professional to coordinate the design work and City submissions of the Registered Professionals required for this project in order to ascertain that the design and construction of the project will substantially comply with this Bylaw.

The Owner and the Coordinating Registered Professional understand that where the Coordinating Registered Professional or a Registered Professional ceases to be retained at any time during construction, the work on the above project will cease until such time as a new Coordinating Registered Professional or Registered Professional, as the case may be, is retained in that profession/discipline relevant.

The undersigned Coordinating Registered Professional certifies that they are a Registered Professional and agrees to coordinate the design work and City submissions of the Registered Professionals required for the project.

Coordinating Registered
Professional's Seal and Signature

Owner's Signature

Name (Print)

Name (Print)

Address (Print)

Address (Print)

Date

Date

SCHEDULE "A"

STANDARD FORM FOR IRREVOCABLE LETTER OF CREDIT

City of Chilliwack
8550 Young Road
Chilliwack, BC V2P 8A4

Dear Sirs:

IRREVOCABLE LETTER OF CREDIT NO.

We hereby authorize you to draw on *(insert name of bank and address)* for account of *(insert name and address of person(s) or company to whom this Letter of Credit applies)* up to an aggregate amount of _____.

RE: *(Insert roll number)* City of Chilliwack.

1. Drawings are to be made in writing to *(insert name of bank and address)*.
2. The bank will not inquire as to whether or not the City has a right to make demand on the Letter of Credit.
3. This Letter of Credit is irrevocable up to the expiry date and will be null and void after the expiry date.

DRAWINGS MUST BE NEGOTIATED AT OUR COUNTERS NOT LATER THAN _____ for (Taxes) and DATE OF FINAL SUBDIVISION APPROVAL PLUS ONE YEAR for *(Development, Cost Charges or Subdivision Works and Services)*.

It is a condition of this Irrevocable Standby Letter of Credit that it shall be deemed to be automatically extended without amendment from year to year from the present or any future expiration date hereof, unless at least 30 days prior to the present or any future expiration date hereof, the issuer notifies the City of Chilliwack in writing by registered mail, that it does not elect to consider the Irrevocable Standby Letter of Credit to be renewable for any additional period.

The amount of this Letter of Credit may be drawn upon by you by formal notice in writing given to us by you that you desire to draw on this Letter of Credit in full. This Letter of Credit must be returned to us for cancellation when it is no longer required.

Drawings under this credit must state that they are drawn under *(insert name of bank and address and Letter of Credit Number)*. This Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits (1983 revision) ICC Publication No. 400.