



SCHEDULE A-4

Permit Application

I / We hereby apply under Part 14 of the *Local Government Act* for a;

☒ Development Variance Permit

☐ Temporary Use Permit

☐ Development Permit

An Application Fee in the amount of \$ _____ as stipulated in FVRD Application Fees Bylaw No. 1231, 2013 must be paid upon submission of this application.

Civic Address 4498 Bench Road PID 002-465-582

Legal Description Lot 572 Group 2 New Westminster District

The property described above is the subject of this application and is referred to herein as the 'subject property.' This application is made with my full knowledge and consent. I declare that the information submitted in support of the application is true and correct in all respects.

Owner's
Declaration

Name of Owner (print) Jared Les	Signature of Owner <i>Jared Les</i>	Date May 12 2020
Name of Owner (print) Emma Les	Signature of Owner <i>Emma Les</i>	Date MAY 12 2020

Owner's
Contact
Information

Address 4498 Bench Road		City Chilliwack BC (FVRD)
Email		Postal Code V4Z 1A6
Phone	Cell	Fax

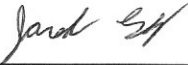
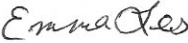
Office Use Only	Date	File No.
	Received By	Folio No.
	Receipt No.	
		Fees Paid: \$

Agent

Dylan Anderson

I hereby give permission to _____ to act as my/our agent in all matters relating to this application.


Only complete this section if the applicant is NOT the owner.

Signature of Owner Jared Les 	Date May 12 2020
Signature of Owner Emma Les 	Date MAY 12 2020

Agent's contact information and declaration

Name of Agent Dylan Anderson		Company OTG Developments
Address 520 - 45715 Hocking Ave		City Chilliwack, BC
Email _____		Postal Code V2P 6Z6
Phone _____	Cell _____	Fax _____

I declare that the information submitted in support of this application is true and correct in all respects.

Signature of Agent 	Date May 12, 2020
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Development Details

Property Size 40 acres Present Zoning R/L-1
Existing Use Residential/Agricultural
Proposed Development Two (2) lot single family subdivision

Proposed Variation / Supplement To vary the parcel frontage requirement for the Rural Zone on proposed lot 2 (the northern lot)
from 10% to 0%.

(use separate sheet if necessary)

Reasons in Support of Application Please see the attached letter for details.

Provincial Requirements

(This is not an exhaustive list; other provincial regulations will apply)

Riparian Areas Regulation

Please indicate whether the development proposal involves residential, commercial, or including vegetation removal or alteration; soil disturbance; construction of buildings and structures; creation of impervious or semi-pervious surfaces; trails, roads, docks, wharves, bridges and, infrastructure and works of any kind – within:

yes
☐

no
☒

30 metres of the high water mark of any water body

yes
☐

no
☒

a ravine or within 30 metres of the top of a ravine bank

"Water body" includes; 1) a watercourse, whether it usually contains water or not; 2) a pond, lake, river, creek, or brook; 3) a ditch, spring, or wetland that is connected by surface flow to 1 or 2 above.

Under the *Riparian Areas Regulation* and the *Fish Protection Act*, a riparian area assessment report may be required before this application can be approved.

Contaminated Sites Profile

Pursuant to the *Environmental Management Act*, an applicant is required to submit a completed "Site Profile" for properties that are or were used for purposes indicated in Schedule 2 of the *Contaminated Sites Regulations*. Please indicate if:

yes
☐

no
☒

the property has been used for commercial or industrial purposes.

If you responded 'yes,' you may be required to submit a Site Profile. Please contact FVRD Planning or the Ministry of Environment for further information.

Archaeological Resources

Are there archaeological sites or resources on the subject property?

yes
☐

no
☒

I don't know
☐

If you responded 'yes' or 'I don't know' you may be advised to contact the Archaeology Branch of the Ministry of Tourism, Sport and the Arts for further information.

Required Information

When providing Application Forms to the applicant, Regional District staff shall indicate which of the following attachments are required for this application. **Additional information may also be required at a later date.**

	Required	Received	Details
Location Map			Showing the parcel (s) to which this application pertains and uses on adjacent parcels
Site Plan At a scale of: 1: _____			Reduced sets of metric plans
			North arrow and scale
			Dimensions of property lines, rights-of-ways, easements
			Location and dimensions of existing buildings & setbacks to lot lines, rights-of-ways, easements
			Location and dimensions of proposed buildings & setbacks to lot lines, rights-of-ways, easements
			Location of all water features, including streams, wetlands, ponds, ditches, lakes on or adjacent to the property
			Location of all existing & proposed water lines, wells, septic fields, sanitary sewer & storm drain, including sizes
			Location, numbering & dimensions of all vehicle and bicycle parking, disabled persons' parking, vehicle stops & loading
			Natural & finished grades of site, at buildings & retaining walls
			Location of existing & proposed access, pathways
			Above ground services, equipment and exterior lighting details
			Location & dimensions of free-standing signs
			Storm water management infrastructure and impermeable surfaces
			Other:
Floor Plans			Uses of spaces & building dimensions
			Other:
Landscape Plan Same scale as site plan			Location, quantity, size & species of existing & proposed plants, trees & turf
			Contour information (_____ metre contour intervals)
			Major topographical features (water course, rocks, etc.)
			All screening, paving, retaining walls & other details
			Traffic circulation (pedestrian, automobile, etc.)
			Other:
Reports			Geotechnical Report
			Environmental Assessment
			Archaeological Assessment
			Other:

The personal information on this form is being collected in accordance with Section 26 of the *Freedom of Information and Protection of Privacy Act, RSBC 1996 Ch. 165* and the *Local Government Act, RSBC 2015 Ch. 1*. It will only be collected, used and disclosed for the purpose of administering matters with respect to planning, land use management and related services delivered, or proposed to be delivered, by the FVRD. Questions about the use of personal information and the protection of privacy may be directed to the FVRD Privacy Officer at 45950 Cheam Avenue, Chilliwack, BC V2P 1N6, Tel: 1-800-528-0061 FOI@fvr.ca.

Via Email Delivery

FVRD File No. 2020-00310
OTG File No. 19-194

May 12, 2020

Planning & Development
Fraser Valley Regional District
45950 Cheam Avenue
Chilliwack, BC
V2P 1N6

Attention: Andrea Antifaeff, Planner I

**Re: 4498 Bench Road, Electoral Area 'E', Fraser Valley Regional District –
Development Variance Permit**

Ms. Antifaeff,

Please accept this letter from OTG Developments Ltd. (OTG) as a supplement to the above noted Development Variance Permit (DVP) application for the property located at 4498 Bench Road (the "Subject Property"). This DVP application seeks to vary the parcel frontage requirement of the Rural (R) Zone on proposed Lot 2 (the northern lot) from 10% to 0% to facilitate a proposed subdivision (FVRD File 2020-00310). It should be noted that access to the southern lot will be via an existing driveway that extends through the northern lot and terminates within the proposed lot. No alterations or extensions of the existing driveway within the ALR will be required to facilitate the access to the southern lot.

BACKGROUND

There is currently an application with MoTI to subdivide the Subject Property into two (2) fee-simple residential lots. The proposed subdivision complies with *Zoning Bylaw for Electoral Area E, 1976 of the Regional District of Fraser-Cheam*. The Subject Property is split zoned Rural (R) and Limited Use (L-1). The proposed subdivision includes one (1) 8 ha lot in the L-1 zone, which meets the 8.0 ha size required in the zoning bylaw and one

+++

"A plan without action is a dream,
an action without a plan is a nightmare."



(1) 7.915 ha lot in the R zone which exceeds the 4.0 ha size required in the zoning bylaw. Please see the draft subdivision plan attached as **Appendix 1**.

While approximately 50% of the Subject Property is within the Agricultural Land Reserve (ALR), the newly proposed property line will follow the ALR boundary; as such the proposed subdivision is outside of the ALR.

As per the *Agricultural Land Reserve General Regulations* Section 10 (1) (d):

"an approving officer or other person referred to in that provision may approve a subdivision described in that provision without the approval of the commission if the proposed subdivision achieves one or more of the following:

"...establishes a legal boundary along the boundary of the agricultural land reserve".

As the subdivision remaining outside of the ALR was a key factor in the feasibility of the proposed subdivision, OTG sought commentary from the Provincial Approving Officer at MoTI where it was indicated that he supported the subdivision in principle, subject to the regular requirements of subdivision.

As a means to avoid subdividing lands within the ALR, the proposed subdivision seeks to establish the proposed property line along but not within the ALR boundary. As such there will be no panhandle shaped lot created to go through the ALR to reach Bench Road. This will allow the currently agricultural parcel to continue to be farmed without any alterations to property lines within the ALR or disruptions to the farming activity. Additionally, the proposed subdivision is in keeping with Section 5.1.20 of the FVRD Electoral Area E Official Community Plan which aims to encourage and enhance farming and agriculture as follows:

5.1.20 New parcels created by subdivision within the AGRICULTURAL areas shall be configured to maximize agricultural sustainability and minimize potential conflicts between farm and non-farm uses.

All newly proposed development will occur on proposed lot 1 in the south, outside of the area within the ALR and area designated as Agricultural in the OCP.

PARCEL FRONTAGE DEVELOPMENT VARIANCE PERMIT

Access and frontage for proposed lot 1 (the southern lot) will be via a shared access easement between lots 1 and 2. There is already an existing driveway which exists on the Subject Property which will be utilised to access the proposed lot. As noted, no alterations or extensions of the existing driveway within the ALR will be required to facilitate the access to the southern lot. This access easement would be surveyed at the time of final subdivision, registered on the lands and run with the lands in perpetuity. The MoTI has indicated that they are in support of this arrangement. Additionally, easements through the ALR do not require an application to the ALC as confirmed by the ALC themselves.

To facilitate this access and frontage via easement arrangement, a DVP is required from the FVRD to vary the requirement for required parcel frontage from 10% to 0%.

For properties under subdivision, Section 512 of the *Local Government Act* discusses minimum parcel frontage on a highway. Specifically:

- (1) If a parcel being created by a subdivision fronts on a highway, the minimum frontage on the highway must be the greater of
 - a) 10% of the perimeter of the lot that fronts on the highway, and
 - b) the minimum frontage that the local government may, by bylaw, provide.*
- (2) A local government may exempt a parcel from the statutory or bylaw minimum frontage provided for in subsection (1).***

Section (2) grants power to the local government to exempt a parcel from the 10% requirement. The MoTI has also indicated that they do not have concerns with a 0% parcel frontage scenario.

Proposed Lot 1 will have 34% lot frontage.

The easement agreement and easement plan will be created to function with clarity and ease regardless of the relationship between owners, however, it should be noted that the proposed subdivision is to accommodate a father (Mr. Larry Les) to live on one parcel, with his son and daughter in law (Jared and Emma Les) to live on the other.

CONCLUSION

In summary, please note the following points:

- The proposed subdivision meets the minimum parcel sizes for both proposed lots;
- The subdivision will occur outside of the ALR;
- MoTI has indicated they have no concerns with the proposed subdivision or the DVP for parcel frontage;
- The proposal encourages and enhances farming and agriculture as demonstrated through Section 5.1.20 of the OCP; and
- The proposed subdivision will allow family members to live in close proximity to each another.

Thank you for your time and consideration on the above noted items. Upon review, if there are any questions or concerns, please do not hesitate to contact the undersigned. I would be happy to discuss this proposal with you via telephone or video chat.

Best regards,

A handwritten signature in black ink, appearing to read 'Dylan Anderson', written over a white background.

Dylan Anderson, BA MUP
Development Planer/Project Manager
OTG Developments Ltd.



Appendix 1

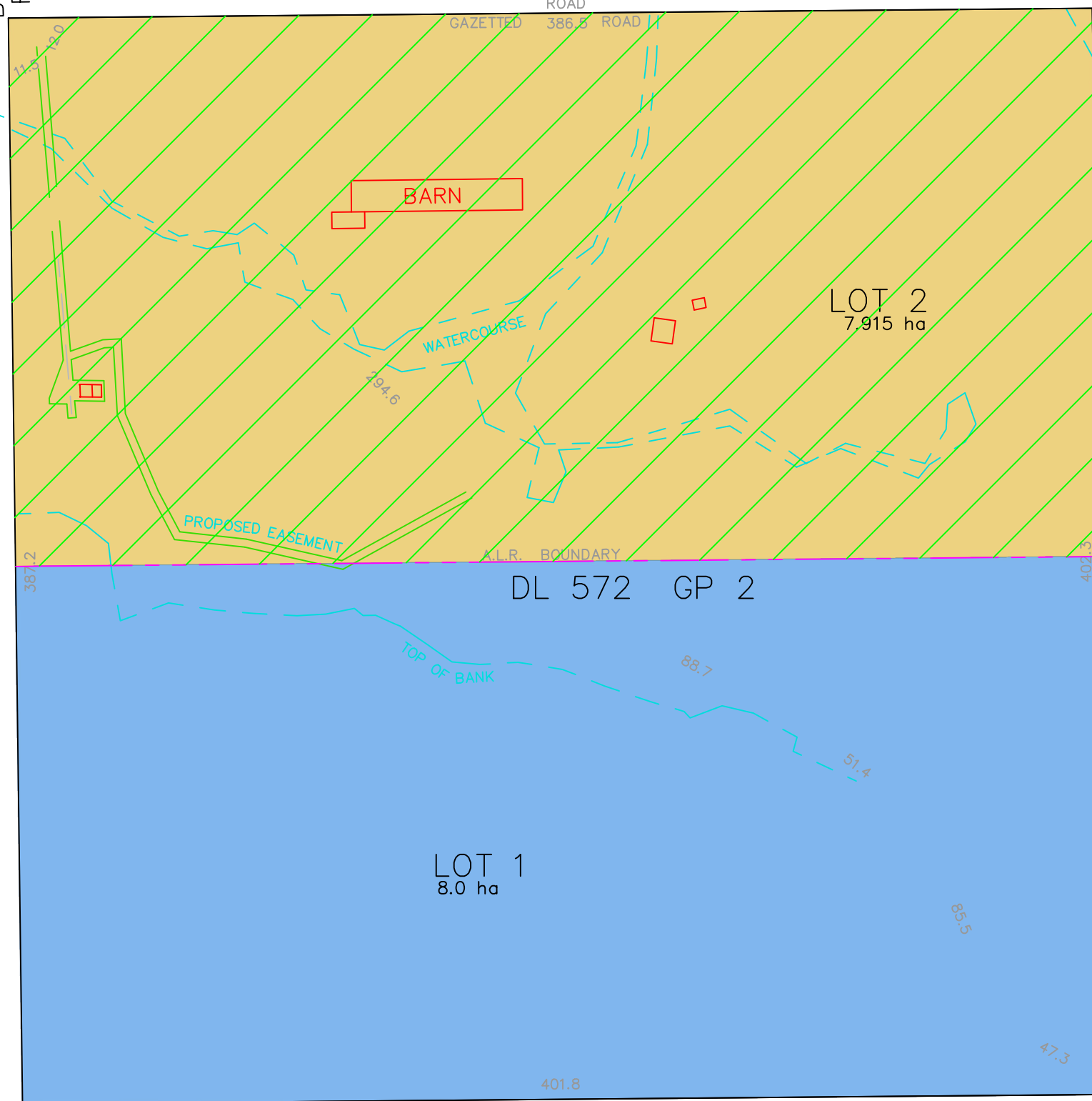
Draft Subdivision Plan

N
49550

PLAN 27530

BENCH ROAD

DL 571 GP 2



ROAD

2
PLAN 42585

3
PLAN 52441

2
PLAN 42585

3
PLAN 52441

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PLAN 42585

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PLAN 52441

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PLAN 42585

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PLAN 52441

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PLAN 42585

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PLAN 52441

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PLAN 42585

3
PLAN 52441

LEGEND:

- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- TOB/WATERCOURSE
- PROPOSED EASEMENT
- EXISTING BUILDINGS
- LIMITED USE (L-1)
- RURAL (R)
- ALR

OTG DEVELOPMENTS LTD.
LAND USE CONSULTING & DEVELOPMENT

PROJECT LOCATION
4498 BENCH ROAD
PRELIMINARY SUBDIVISION PLAN

PROJECT NUMBER
19-194

DRAWN BY:
CASSIDY SILBERNAGEL

DATE:
April 27, 2020

SCALE:
NTS

SHEET:

1

