

FRASER VALLEY REGIONAL DISTRICT



ELECTORAL AREA SERVICES COMMITTEE

OPEN MEETING AGENDA

Tuesday, March 13, 2018

1:30 pm

FVRD Boardroom, 45950 Cheam Avenue, Chilliwack, BC

Pages

1. CALL TO ORDER
2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS

MOTION FOR CONSIDERATION

THAT the Agenda, Addenda and Late Items for the Electoral Area Services Committee Open Meeting of March 13, 2018 be approved;

AND THAT all delegations, reports, correspondence and other information set to the Agenda be received for information.

3. SHOW CAUSE HEARING(S)

- 3.1 Regional District Building Bylaw Contraventions at 4135 Slesse Road, Electoral Area E, Fraser Valley Regional District, British Columbia (legally described as Lot 5 Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 24

8 - 50

- Corporate report dated March 13, 2018 from Louise Hinton, Bylaw Compliance and Enforcement Officer
- Letter dated February 9, 2018 to Shannon Bauman, Property Owner
- Letter dated January 25, 2018 to Shannon Bauman, Property Owner

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013, Zoning Bylaw for Electoral Area "E", 1976 of the Regional District of Fraser-Cheam, and the Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011* at 4135 Slesse Road, Electoral Area E, Fraser Valley Regional District, British Columbia (legally described as

Lot 5 Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminister District Plan 24441); Parcel Identifier 009-331-247.

3.2 **Regional District Building Bylaw Contraventions at 13089 Sylvester Road Electoral Area F, Fraser Valley Regional District, British Columbia (legally described as Lot 2 Section 30 Township 21 New Westminister District Plan 69714 (Parcel Identifier 001-905-1** 51 - 72

- Corporate report dated March 13, 2018 from Louise Hinton, Bylaw Compliance and Enforcement Officer
- Letter dated February 9, 2018 to Robert Pinoni, Property Owner
- Letter dated January 19, 2018 to Robert Pinoni, Property Owner

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the Fraser Valley *Regional District Building Bylaw No. 1188, 2013*, at 13089 Sylvester Road Electoral Area F, Fraser Valley Regional District, British Columbia (legally described as Lot 2 Section 30 Township 21 New Westminister District Plan 69714); Parcel Identifier 001-905-147.

4. **DELEGATIONS AND PRESENTATIONS**

4.1 **Presentation of Plumbing Level I Certificate to Rudy Wieler, Building Inspector**

- Presentation by Margaret Thornton, Director of Planning and Development.

5. **MINUTES/MATTERS ARISING**

5.1 **Minutes of the Electoral Area Services Committee Meeting - February 15, 2018** 73 - 85

MOTION FOR CONSIDERATION

THAT the Minutes of the Electoral Area Services Committee Open Meeting of February 15, 2018 be adopted.

6. **CORPORATE ADMINISTRATION**

6.1 **Deroche Community Christian Fellowship Rental of Deroche Community Access Centre** 86 - 87

- Corporate report dated March 13, 2018 from Jaime Schween, Manager of Corporate Administration

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board authorize its signatories to enter into a one year agreement with the Deroche Community Christian Fellowship, for rental of space at the FVRD Deroche Community Access Centre at a cost of \$100 per month.

6.2 Fraser Valley Regional District Election Procedures Bylaw No. 1442, 2017

88 - 92

- Corporate report dated March 13, 2018 from Jaime Schween, Manager of Corporate Administration
- Draft Bylaw No. 1442, 2018

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board consider giving three readings and adoption to the bylaw cited as *Fraser Valley Regional District Election Procedures Bylaw No. 1442, 2017*.

6.3 Pre-Election Conduct by FVRD Board Members

[IAC-Feb 2018] THAT the Electoral Area Services Committee engage in a discussion around pre-election conduct of Electoral Area Directors in anticipation of the 2018 general local election and associated requirements under the *Local Elections Campaign Financing Act*.

- Verbal comments by CAO

DISCUSSION

1. Use of corporate vehicles for personal use;
2. New initiatives that could be perceived as a form of campaigning;
3. Use of newsletters by Electoral Area Directors which could be perceived as a form of campaigning;
4. Engagement of staff on issues that could be perceived as lending support to a campaign; and
5. Associated timelines

6.4 Staffing Update

- Verbal comments by CAO

7. FINANCE

7.1 Community Works Fund – Updated Electoral Area Allocation Model for 2018

93 - 96

- Corporate report dated March 13, 2018 from Mike Veenbaas, Director of Financial Services.
- Fraser Valley Region District 2017 Voting Table

- Community Works Fund Allocation Model Comparison

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board approve the allocation of the 2018 Electoral Area Community Works Funds based on the following formula:

Each Electoral Area receiving a base allocation of \$5,000, and

The remainder allocated on a pro-rata basis, based on the 2016 Census including subsequent population changes certified by the Ministry of Municipal Affairs and Housing.

7.2 Grant-In-Aid Request – Chilliwack Lions Clubs, Electoral Area “H”

97 - 99

- Corporate report dated March 13, 2018 from Kristy Hodson, Manager of Financial Operations
- GIA Application - Chilliwack Area Lions Clubs

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$2,500 to the Chilliwack Area Lions Clubs, funded from the Electoral Area “H” grant-in-aid budget, to help offset the costs of the Cultus Lake Pike Minnow Fishing Derby.

8. ENGINEERING & UTILITIES

No Items

9. PLANNING, BUILDING INSPECTION AND BYLAW ENFORCEMENT

9.1 Application for Development Variance Permit 2018-09 to vary the front lot line setback requirement for a Single Family Dwelling at 50912 Winona Road, Electoral Area E.

100 - 121

- Corporate report dated March 12, 2018 from Melissa Geddert, Planning Technician
- Draft DVP 2018-09
- DVP Application

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-09 to vary the front lot line setback requirement from 4.6 meters to 2.16 metres, including eaves, to allow for a covered entry roof overhang, subject to consideration of any comments or concerns raised by the public.

9.2 Application for Development Variance Permit 2018-10 to vary the rear lot line setback for a proposed single family dwelling at 1-3655 Vance Road, Electoral Area H.

122 - 134

- Corporate report dated March 13, 2018 from Johannes Bendle, Planner I
- Draft DVP 2018-10
- DVP Application

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-10 to vary the rear setback from 6 metres to 3 metres for a single family dwelling, subject to consideration of any comments or concerns raised by the public

9.3 Application for Development Variance Permit 2018-11 to vary the side and front lot line and the gross floor area for a proposed workshop at 30420 Trans-Canada Highway, Electoral Area B. 135 - 148

- Corporate report dated March 13, 2018 from Johannes Bendle, Planner I
- Draft DVP 2018-11
- DVP Application

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-11 to vary and side setback from 40 metres to 3 metres, the front setback from 50 metres to 5 metres, and the gross floor area from 140 sq. metres to 232.3 sq. metres for a Cottage Industry Use, subject to consideration of any comments or concerns raised by the public.

9.4 Application for Development Variance Permit 2018-12 to vary the side lot line setback requirements for a proposed shop at 53709 McGregor Road, Electoral Area D. 149 - 162

- Corporate report dated March 13, 2018 from Melissa Geddert, Planning Technician
- Draft DVP 2018-12
- DVP Application

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District issue Development Variance Permit 2018-12 to vary the side lot line setback from 25 feet (7.62 m) to 5 feet (1.524 m) clear to sky to permit the construction of an accessory structure, subject to consideration of any comments raised by the public.

9.5 Bylaw No. 1458, 2017 - Zoning Amendment for 11223 Stave Lake Road, Electoral Area "F" 163 - 187

- Corporate report dated March 13, 2018 from Johannes Bendle,

Planner I

- Appendix A - Letter from Keith Janzen, Owner
- Appendix B - Staff report dated December 12, 2017 to EASC
- Appendix C - Draft Bylaw No. 1458, 2017
- Zoning Amendment Application

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board consider giving first reading to the bylaw cited as *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017* for a text amendment for the purpose of facilitating subdivision;

THAT the *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017* be forwarded to Public Hearing;

THAT the Fraser Valley Regional District Board delegate the holding of the Public Hearing with respect to the proposed *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017* to Director Boucher or his alternate in his absence;

THAT Director Boucher or his alternate in his absence, preside over and Chair the Public Hearing with respect to proposed *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017*;

AND THAT the Chair of the Public Hearing be authorized to establish procedural rules for the conduct of the Public Hearing with respect to proposed *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017* in accordance with the Local Government Act;

AND FURTHER THAT in the absence of Director Boucher, or his alternate in his absence at the time of the Public Hearing with respect to proposed *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017*, the Fraser Valley Regional District Board Chair is delegated the authority to designate who shall preside over and Chair the Public Hearing regarding this matter;

AND FINALLY THAT the Fraser Valley Regional District Board authorize its signatories to execute all documents relating to *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017*.

9.6

Hatzic Island Discussion Paper – Stakeholder Discussions

188 - 208

- Corporate report dated March 13, 2018 from Johannes Bendle, Planner I
- Hatzic Island Discussion Paper

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board authorize staff to distribute the discussion paper to stakeholders to facilitate conversations about planning for Hatzic Island;

AND THAT a summary of the stakeholder discussions along with potential options for improving land use and servicing outcomes for Hatzic Island be brought back to the Fraser Valley Regional District Board.

10. ELECTORAL AREA EMERGENCY SERVICES

No Items

11. ADDENDA ITEMS/LATE ITEMS

12. REPORTS BY STAFF

13. REPORTS BY ELECTORAL AREA DIRECTORS

14. PUBLIC QUESTION PERIOD FOR ITEMS RELEVANT TO AGENDA

15. RESOLUTION TO CLOSE MEETING

MOTION FOR CONSIDERATION

THAT the meeting be closed to the public, except for Senior Staff and the Executive Assistant, for the purpose of receiving and adopting Closed Meeting minutes convened in accordance with Section 90 of the *Community Charter*.

16. RECONVENE OPEN MEETING

17. RISE AND REPORT OUT OF CLOSED MEETING

18. ADJOURNMENT

MOTION FOR CONSIDERATION

THAT the Electoral Area Services Committee Open Meeting of March 13, 2018 be adjourned.

To: Electoral Area Services Committee

Date: 2018-03-13

From: Louise Hinton, Bylaw Compliance and Enforcement Officer

File No: E06605.036

Subject: Regional District Building Bylaw Contraventions at 4135 Slesse, Road Electoral Area E, Fraser Valley Regional District, British Columbia (legally described as Lot 5 Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 24

RECOMMENDATION

THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the Fraser Valley Regional District Building Bylaw No. 1188, 2013, Zoning Bylaw for Electoral Area "E", 1976 of the Regional District of Fraser-Cheam, and the Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011 at 4135 Slesse Road, Electoral Area E, Fraser Valley Regional District, British Columbia (legally described as Lot 5 Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 24441); Parcel Identifier 009-331-247.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services
Support Healthy & Sustainable Community

PRIORITIES

Priority #2 Air & Water Quality

BACKGROUND

August 19, 2015 - Regional District Bylaw Staff received a written complaint by email regarding multiple issues occurring at 4135 Slesse Road. The complainant outlined that the following issues were observed occurring on the property:

- The vacant property was being illegally occupied by squatters under a small tarp, and a large cube van with 5-10 people living in it;
- A shipping container was brought onto the property; complainant believes it to be marihuana grow operation;
- There is an accumulation of garbage which is attracting rats;
- The individuals occupying the property are beginning to intimidate the surrounding residents; and
- There is a concern regarding dumped sewage from the campers contaminating the water in the area.
-

September 11, 2015 – Regional District Bylaw Staff performed a drive-by site inspection. Staff did not feel safe approaching the individuals on the property, but from the vehicle Regional District

October 1, 2015 – Regional District Bylaw Staff received a call from the Fraser Health Authority regarding a joint site inspection on this property.

[illegible]

9

- Property is zoned Multi Use Residential (RS-2) under the Area E Zoning Bylaw No. 66.
- This is a vacant lot, so there is no primary use established.
- The property is located within the Chilliwack River Valley Slope Hazard Development Permit Area 3-E (DPA 3-E); and Riparian Areas Development Permit Area 5-E (DPA 5-E).
- In 2001 a development permit (DP 2001-02) was denied with a note stating that a geotechnical engineering report states the subject lands are not suitable for residential development due to land slide hazards and that the geotechnical engineering firm would not support the issuance of a building permit on the property.
- In 2005 a building permit for a single family dwelling (BPo11010) was cancelled due to development permit restrictions.
- In 2005 the Regional District requested the same geotechnical engineering firm to inspect the property after receiving information of possible slope movement. The geotechnical firm identified a landslide feature, but with no obvious evidence that slide movement was affecting Slesse Road and its ditch.

October 7, 2015 – Staff received another written complaint regarding similar above stated issues on the property.

October 8, 2015 - Regional District Bylaw Staff conducted a joint on-site inspection with the Fraser Health Inspector and members of the Royal Canadian Mounted Police (RCMP) to keep the peace. There were two individuals on site who identified themselves as tenants and authorized staff to perform the inspection. Business cards were given to the one of the tenants who stated they would speak with the property owner who resides in Vancouver, and provide staff the property owners contact information. Regional District Bylaw Staff requested the tenants have the property owner contact them as soon as possible. The following was observed during the site inspection:

1. Multiple people are residing within tents, recreational vehicles, shipping containers, and an accessory building; no primary dwelling noted on the property. Only two tenants were seen during the inspection, but there were multiple beds and living quarters throughout the property that implied more tenants might be residing on the property.
2. Two shipping containers have been placed on the property; the tenants confirmed that marijuana grow operations were within the shipping containers, but they had been recently removed. The shipping containers are also used for residential purposes.
3. Staff did not see seed container spilled on the road.
4. Staff confirmed the smell of marijuana but did not confirm the discharge of firearms. Staff noted that hundreds of aerosol canisters were visible. The tenants stated these canisters were "Bear Spray".
5. Staff confirmed the lack of adequate onsite waste system; the recreational vehicle sewer outlets were connected to hoses via duct tape; these hoses directed and dispelled the sewage to hand-made gulleys. The gulleys led towards the streams/ditches and off of the property. The tenants confirmed with staff that this is how they deal with their waste.

The following site inspection photos taken on **October 8, 2015** and illustrate the unsightly property, shipping containers placed without a permit, numerous prohibited land uses, land alteration, and sewage concerns:



October 13, 2015 – Regional District Bylaw Staff received a telephone call on this date from a concerned citizen who wished to remain anonymous, but wanted more information regarding what is involved in a filing a complaint. Staff explained where to find a complaint form online, as well as provided contact information for the Fraser Health Authority for their concerns regarding the sewage.

October 19, 2015 - Regional District Bylaw Staff drafts a memo to Director of Planning and Development M. Thornton outlining the status of the bylaw file. Direction is to proceed with enforcement.

November 9, 2015 - Regional District Bylaw Staff mailed a letter by regular mail to the property owner Shannon Bauman with three (3) attached Bylaw Offence Notice tickets attached for unsightly property, construction without a permit, and prohibited uses of land and structures. The letter was copied to the RCMP, the Fraser Health Authority, BC Safety Authority, Ministry of Environment, and the Ministry of Forrest Land and Natural Resources' Office.

December 2, 2015 - Regional District Bylaw Staff performed a drive by and took photographs. There was no activity on the site, but shipping containers, recreational vehicles and storage building are still present on the property, and there was no one on site.

December 2, 2015 - Regional District Bylaw Staff sent via regular mail a letter following no contact from the property owner regarding the outstanding bylaw offence ticket fines with a deadline of February 5, 2016 to pay the outstanding fines.

December 15, 2015 – Regional District Bylaw Staff contacted the RCMP and updated them on the status of the bylaw enforcement file.

January 4, 2016 - Regional District Bylaw Staff spoke with a Natural Resource Officer with the Ministry of Forests, Lands and Natural Resource Office (FLNRO). They have opened a file for this property, but after reviewing the photos and documentation provided by the Regional District they informed staff that they would not do any follow-up based on the current status.

March 2, 2016 - Regional District Bylaw Staff contacted the Chilliwack Adjudication Registry Staff by email to get information to place Judgement for the outstanding fines.

March 14, 2016 - Regional District Bylaw Staff received a phone call from an anonymous resident in the area of the subject property. The caller would not give their contact information because they are afraid of retribution. The resident caller stated that people are again living / camping on the property with a number of recreational vehicles and they are creating a huge mess. Caller said they have previously spoken to the police but will contact them again as they fear for their safety with these individuals on the property.

March 16, 2016 – The Upper Fraser Valley Bylaw Adjudication Registry Staff filed a judgment of Certificate of Amounts Owing under Small Claims Action No Co8920, and Certificate of Judgement under CA5047243 with the Provincial Supreme Court of Canada in Chilliwack BC for the outstanding bylaw ticket fines.

April 1, 2016 - Regional District Bylaw Staff mailed a follow-up letter to the property owner Ms. Shannon Bauman regarding the Certificate of Amounts Owing and Certificate of Judgement that has been filed against her property for the outstanding bylaw enforcement tickets, administration costs, and interest.

March 13, 2017 – Regional District Office received a letter by fax from the property owners legal counsel requesting the full details required to release the judgment from the property title.

March 17, 2017 - Regional District Bylaw Staff sent a response letter by fax to legal counsel for the property owner regarding the outstanding amount of money owed to the Regional District to have the small claims Certificate of Judgement for the outstanding fines removed from the property title.

March 17, 2017 – The Regional District receives payment in full for the outstanding bylaw tickets fines, and related costs from the property owner.

July 10, 2017 – A written complaint is received that there are continued similar concerns regarding the subject property: camping, no well, no septic, marijuana grow operation and related nuisance smells, related illegal activities, water used being discharged directly into the ditch with runs into the Chilliwack River with slimy growth and discharge.

July 11, 2017 - Regional District Bylaw Staff received a telephone call from an anonymous resident of the area, who stated that there has been recent activity on the property over the past couple of weeks, including gravel delivery for a driveway, and the placement of a double wide mobile home on the property. They stated that the original property owner was observed on site on July 10, 2017 and July 8, 2017. The original travel trailers are still on site and were vandalised over the winter. Caller said they had not observed anyone living on the property since last year.

July 12, 2017 - Regional District Bylaw Staff spoke with another complainant on the telephone who advises that works have been done to the ditch between the road and the property to widen the culvert, placement of gravel for the driveway, placement of two mobile home sections to create a double wide, and some works around the creek. The occupants from previous summers have not returned and the property does not appear to be occupied by anyone on a regular basis at this time. Caller stated they have seen the previous property owner on site while works are being done on the property.

July 19, 2017 – Regional District Bylaw, Building, and Planning Staff performed a joint site inspection of the property with RCMP in attendance. There were no tenants or property owner on site at the time of the inspection. The two Atco trailers have been relocated to this property without a valid building permit and appear to be placed within thirty (30) meters of a stream. Regional District Staff posted both Atco trailers with both a Stop Work Order and a No Occupancy Orders. It is noted that works have been done to the ditch to widen the driveway and large amounts of gravel has been placed on site. The recreational trailers and shipping containers remain on site; however they do not appear to be in use at this time.

The following site inspection photos were taken on **July 19, 2017** the photos illustrate shipping containers, Atco trailers, numerous prohibited land uses, and works within a ditch (culvert replacement):



July 25, 2017 - Regional District Bylaw Staff received an email from one of the complainants that the No Occupancy notices that were previously posted by Regional District Staff have been removed from the Atco trailers.

August 15, 2017 - Regional District Bylaw Staff mailed a letter by regular mail to the property owner Shannon Bauman with two (2) additional attached Bylaw Offence Notice tickets, for construction without a permit for the placement of the each of the two Atco trailers without building permits. The letter with the original tickets attached was mailed to the property owner's Vancouver address and a copy sent to the subject property on Slesse Road.

August 21, 2017 - Regional District Bylaw Staff received an email update from a complainant dated August 20, 2017, in writing stating that it appears that new persons maybe living in the newer recreational vehicle and although there is no car parked there now the blinds are closed on the recreational vehicle and activity has been heard on site.

August 23, 2017 - Regional District Bylaw Staff receives confirmation from Chilliwack Upper Fraser Valley Bylaw Adjudication Registry that the paperwork to release the judgement from the title of the property has been completed.

August 29, 2017 -- Regional District Bylaw Staff received a telephone call on this date from a concerned neighbour who advises that there is now someone living in one of the travel trailers fulltime and possibly dumping raw sewage into the ditch. Complainant also states that there are several other men that attend the property on the weekends to work on the Atco trailers - boarding windows and skirting.

November 7, 2017 - Regional District Bylaw, and Building Staff performed a joint site inspection of the property with RCMP in attendance. There is one man living in a recreational vehicle on site. There is an active marijuana grow operation in the shipping containers. There are visible evidence of new construction works (skirting, window boards, and new electrical works) completed on the Atco trailers despite the previously posted Stop Work Order. There are boxes of marijuana grow operation equipment inside the Atco trailers that appears to be preparing to set up to install another marijuana grow operation. There are still hoses running to the creek from the recreation vehicle.

Site Inspection Photographs dated **November 7, 2017** that illustrate shipping containers, Atco trailers placed without permits, numerous prohibited land uses, and continued electrical works on the Atco building:





January 25, 2018 – Regional District Staff submit a Natural Resource Violation Report with the Ministry of Forest, Lands and Natural Resource Operations' Compliance and Enforcement Branch for review.

January 25, 2018 – A final warning letter was sent to the property owner Shannon Bauman by registered mail advising her of staff's recommendation to proceed with the process of registering a Section 57 *Community Charter* notice on the title of his property. The letter had two (2) additional attached Bylaw Offence Notice tickets attached for disobeying a stop work order and for prohibited land use. This letter gave the owner a final opportunity to achieve voluntary compliance by the deadline of February 15, 2018. A copy of the letter was emailed to stakeholders and outside agencies. Staff has not received a response from the property owner to date.

DISCUSSION

Section 57 of the *Community Charter* allows a Building Inspector to recommend a resolution to place a Notice on the Title of a property if a contravention of a bylaw or another enactment that related to the construction or safety of a building is observed. A Notice on Title serves as notice to anyone searching the title that the property may be in breach of local government bylaws or other enactments; provide disclosure to future owners; and protects against potential claims with regard to the contraventions.

Staff requests consideration of the following information:

Building Bylaw

Staff is authorized to regulate minimum construction standards within Electoral Areas by the *Fraser Valley Regional District Building Bylaw No. 1188, 2013* (Building Bylaw) for health, safety and the protection of persons and property. The bylaw provides that no person shall commence any construction, alternation, reconstruction, demolition, removal, relocation or change the occupancy of any building including the placement of shipping containers or Atco buildings.

Two shipping containers were discovered to have been placed on the property in September of 2015 and two Atco structures in July of 2017, all without building permits. The two shipping containers and the two Atco structures continue to remain on site.

Building permits are required for the placement of each of the two shipping containers, and each of the two Atco structures.

Any structure, including a shipping container that has a change of use from its initial intended use is required to obtain a building permit to authorize the new use to comply with Bylaw and BC Building Code Regulations. The initial use of the shipping container was for storage use only, so a permit is required for the change of use to the marijuana grow operation that currently occupies the shipping container.

A Building permit is required for the change of use works undertaken on the property.

Zoning Bylaw

This property is in Electoral Area E, and is zoned Multi Use Residential (RS-2) under the *Zoning Bylaw No. 66, 1979 of the Regional District of Fraser-Cheam* (Bylaw 66). The primary purpose of this zone is to maintain the existing rural character of the Plan area and to support rural lifestyles, and to provide for densities that are compatible with existing development and levels of servicing.

The two shipping containers currently house a Marijuana Grow Operation; a use that is not listed as a permitted use in this zone.

The recreational vehicles and trailers on the property are being used for camping; a use that is not listed as a permitted use in this zone.

A successful re-zoning of the property would be required to authorize the unpermitted uses of camping and the marijuana grow operation.

Official Community Plan

1. The subject property is within *Chilliwack River Valley Slope Hazard Development Permit Area 3-E* (DPA 3-E) under the *Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011* (Bylaw 1115). This development permit area is designated for the protection of development from hazardous conditions. A development permit must be

2. The subject property is also within the *Riparian Areas Development Permit Area 5-E* (DPA 5-E) under the *Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011* (Bylaw 1115). This development permit area is designated for the protection of the natural environment, its ecosystems and biological diversity. A development permit must be obtained prior to the alteration of land the disturbance of soil or vegetation; or construction of or addition to a building or structure within a riparian assessment area.

A Development Permit is required for the alteration and construction taken place on the property.

SUBJECT PROPERTY

DPA 3E

(SOURCE: FVRD Planning Dept.)

0 10 50 100m.

Scale 1:2,500

Map Produced by the FVRD GIS Dept. Feb. 2018

This map is for information purposes only and is not a legal document. See FVRD Planning Dept. for more information.

COST

Land Titles Office filing fee of approximately \$55.

The owner will be required to pay a removal fee of \$500 in accordance with the Fraser Valley Regional Building Bylaw 1188, 2013, after:

1. The two Atco structures and the two shipping containers are removed from the property with a Building Permit issued by the FVRD and receiving successful final inspection;

OR

2. Building Permits for the two Atco structures, the two shipping containers and the change of use for a marijuana grow operation are issued by the FVRD and receive successful final inspection. This will require a successful rezoning of the property to authorize the unpermitted uses of camping and the marijuana grow operation; and the application and issuance of a Development Permit for the alteration of land and construction.

CONCLUSION

It is the opinion of the Bylaw Compliance and Enforcement Officer/Appointed Building Inspector that the placement of the two shipping containers, the two Atco buildings, the change of use of the shipping containers, the non-permitted land uses, and the land alteration and construction without a development permit, all violate multiple Regional District Bylaws, and the British Columbia Building Code. Staff further notes that full compliance will only be achieved by completing the following:

1. The two Atco structures and the two shipping containers are removed from the property with a Building Permit issued by the FVRD and receiving successful final inspection;

OR

2. Building Permits for the two Atco structures, the two shipping containers and the change of use for a marijuana grow operation are issued by the FVRD and receive successful final inspection. This will require a successful rezoning of the property to authorize the unpermitted uses of camping and the marijuana grow operation; and the application and issuance of a Development Permit for the alteration and construction.

Regrettably, but in the interest of full public disclosure and as incentive to achieving voluntary compliance, I, as an Appointed Building Inspector, believe that the filing of Notice is appropriate in this instance and submit the above recommendation in accordance with Section 57 of the *Community Charter*.

Electoral Area Services Committee (EASC) approval and Regional District Board resolution is required to assess Section 57 notices.

The process of filing a Section 57 notice on property title is conducted in accordance with the *Community Charter* and the *Local Government Act*.

Regional District requirements for building permit works are being administered in accordance with related Fraser Valley Regional District Bylaws, Policies, and the *BC Building Code*.

COMMENTS BY:

Margaret Thornton, Director of Planning & Development

Reviewed and supported.

Mike Veenbaas, Director of Financial Services

Not available for comment.

Paul Gipps, Chief Administrative Officer

Reviewed and supported

January 25, 2018

VIA REGISTERED MAIL

Shannon Bauman
311-2533 Penticton Street
Vancouver, BC V5M 4T8

FILE: E06605.036
CIVIC: 4135 Slesse Road, Electoral Area "E"
PID: 009-331-247
LEGAL: LOT 57 SECTION 33 TOWNSHIP 1 RANGE 29 WEST OF THE SIXTH MERIDIAN
NEW WESTMINSTER DISTRICT PLAN 24441

Dear Ms. Bauman;

RE: Multiple Bylaw Enforcement Contraventions

Further to our letter dated August 15, 2017 the above noted property remains in contravention of multiple Regional District bylaws. An inspection was conducted on November 7, 2017 to verify further complaints of contraventions occurring on this property. During this inspection, staff observed that construction has continued on the "Atco" trailers previously posted with Stop Work and No Occupancy orders on July 19, 2017. Furthermore, camping uses have resumed, a Marijuana Grow Operation has restarted within the Shipping Containers, and the property remains unsightly and unwholesome.

The following summary outlines the bylaw contraventions occurring on your property:

1. Fraser Valley Regional District Unsightly Premises and Unwholesome Matter Bylaw No. 0037, 1996
Bylaw 0037, 1996 prohibits a property from becoming unsightly, restricts the accumulation of unwholesome matter, and forbids littering. Staff verified the presence of the following:

- a) Accumulation of building material and assorted rubbish



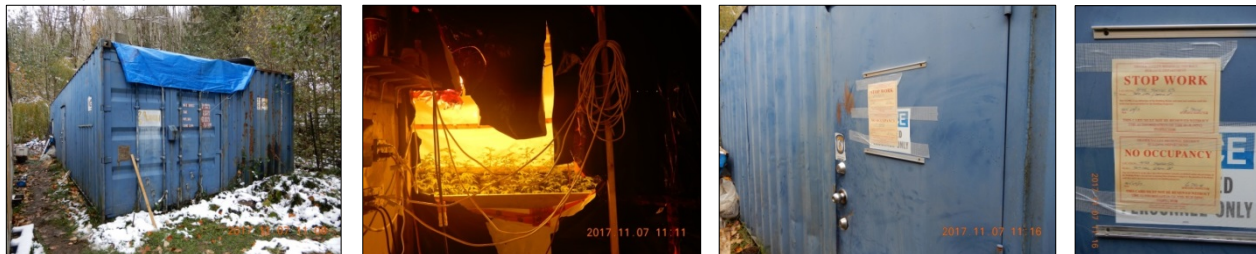
2. Fraser Valley Regional District Building Bylaw No. 1188, 2013

Bylaw 1188, 2013 regulates construction, alteration, repair, or demolition of buildings and structures for the health, safety, and protection of persons and property. Every owner is required to obtain a building permit before any construction, works, or change in occupancy. Staff verified the following works:

a) SHIPPING CONTAINERS

- i. Two (2) shipping containers remain on the property without a valid building permit; and
- ii. Change of occupancy without a valid building permit into marijuana grow operation.

Photographs taken November 7, 2017:



b) ATCO TRAILERS

- i. Two (2) "Atco" trailers remain on the property without a valid building permit; and
- ii. Disobey Stop Work and No Occupancy orders posted on July 19, 2017 by continuing works on the "Atco" trailers, including electrical connection.

Photographs taken on July 19, 2017:



Photographs taken on November 7, 2017:



The placement of the shipping containers and "Atco" trailers without a valid building permit, the change of occupancy of the shipping containers to a Marijuana Grow Operation, and disobeying the Stop Work and No Occupancy orders placed on the "Atco" trailers are all violations of Bylaw No. 1188; therefore bylaw offence notices have been issued to you as the property owner (enclosed separately).

3. Zoning Bylaw for Electoral Area "E", 1976 of the Regional District of Fraser-Cheam

Bylaw 66, 1976 regulates the use, size and location of structures; the size and location of building setbacks; and the use of the property. This property is zoned MULTI USE RESIDENTIAL (RS-2) which provides for the establishment of a one-family residence, or mobile home or modular home. It is unlawful to erect, construct, locate any building, or use any building or land which is contrary to the permitted uses specified in the RS-2 zone. Staff verified the following unpermitted uses:

- a) Marijuana Grow Operation
- b) Camping

Photographs taken November 7, 2017:

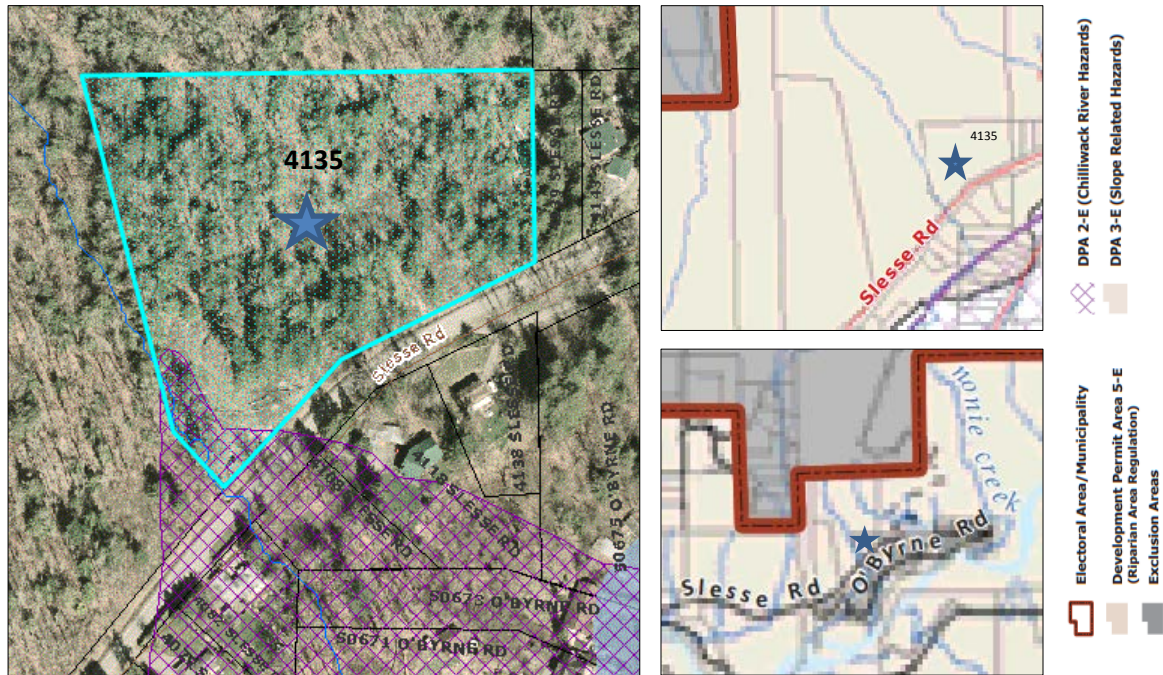


These uses are in violation of Bylaw 66, 1976; therefore a bylaw offence notice has been issued to you as the property owner (enclosed separately).

4. Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011

OCP 1115, 2011 contains statements and map designations respecting restrictions on the use of land that is subject to hazardous conditions. As well, Section 56 of the *Community Charter* stipulates that if a building inspector considers that construction would be on land that is subject to, or is likely to be subject to, flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, the building inspector may require the owner of land to provide the building inspector with a report certified by a qualified professional that the land may be used safely for the use intended. Lands within Electoral Area "E" are subject to a variety of hazards, including geological and mountain stream hazards; flooding and erosion from the Chilliwack River; seismic slope instability and soil liquefaction caused by earthquakes; and, wild fires. These hazards are a significant constraint to land use and development within the Plan area.

The Regional District has a geotechnical report completed by Thurber Engineering Ltd. dated March 9, 2005 on file for this property. This report notes that the subject area was not suited for residential development due to the large landslide complex. Thurber further notes that the slide is occurring in ancient glacial lake silt and clay deposits, and may move slowly, episodically, discontinuously and in response to heavy seasonal precipitation. A copy of these geotechnical assessments were provided to you in our letter dated November 9, 2015.



- a) *Chilliwack River Valley Slope Hazard Development Permit Area 3-E (DPA 3-E)* is designated for the protection of development from hazardous conditions. A development permit must be obtained prior to alteration of land; or construction of, addition to, or alteration of a building or structure within the development permit area. Staff verified the following:
- The subject property is within DPA 3-E; and
 - A Development Permit was required for the alteration of land (placement of gravel and soil disturbance) and construction (placement of structures) that has taken place on the property; and
 - A Development Permit was not applied for or issued for any of the above noted works.
- b) *Riparian Areas Development Permit Area 5-E (DPA 5-E)* is designated for the protection of the natural environment, its ecosystems and biological diversity. A development permit must be obtained prior to the alteration of land; the disturbance of soil or vegetation; or construction of or addition to a building or structure within a riparian assessment area. Staff verified the following:
- The subject property is within DPA 5-E; and
 - A Development Permit is required for the alteration of land (placement of gravel and soil disturbance) and construction (placement of structures) that has taken place on the property; and
 - A Development Permit was not applied for or issued for any of the above noted works.

Photographs taken on July 19, 2017:



5. Water Sustainability Regulations

The *Water Sustainability Act* (WSA) is the principal law for managing the diversion and use of water resources. Water is used for diverse purposes, and a variety of laws and rules govern water use, protection, conservation and sustainability. Provincial authorities, local governments and federal agencies work to ensure that water is managed and the supply is protected for use by people and the environment. A water right is the authorized use of surface water or groundwater. All water in British Columbia is owned by the Crown on behalf of the residents of the province. If you own land that contains or has access to surface water or groundwater, in most cases you must apply to the province for the right to use the water and pay an annual rental fee for that use.

Under the WSA, "changes in and about a stream" means:

- Any modification to the nature of the stream, including any modification of the land, vegetation and natural environment of a stream or the flow of water in a stream, or
- Any activity or construction within a stream channel that has or may have an impact on a stream or stream channel.

The authority to work in and about a stream, either through a change approval or notification, is generally granted with terms and conditions attached. Terms and conditions vary from region to region, and work in each region is generally restricted to specific times of the year called regional timing windows. For further information please contact Front Counter BC at:

<http://www.frontcounterbc.gov.bc.ca/info/>

Staff verified the following:

- A creek runs year round through the southern portion of the subject property;
- Staff observed hoses leading from the subject property into this creek on all site inspections;
- A Water License and/or Approval is required to obtain/discharge water from/into this creek;
- Staff observed works within a ditch (culvert replacement) adjacent to Slesse Road on July 19, 2017;
- Notification must be made to the Ministry of Forests, Lands and Natural Resources Office, and Approval must be granted before beginning any works.

Photographs taken on July 19, 2017 and November 7, 2017:



The community continues to express concern over non-compliance with the Regional District bylaws, and our previous attempts to work with you to resolve this matter have failed. Therefore, we are obligated to pursue alternate means of enforcement. **Please be advised that if you do not immediately CEASE and DESIST the above noted contraventions and/or violations, the Fraser Valley Regional Board will commence legal proceedings to enforce its bylaws without further notice.** The unpermitted works occurring on your property may create a safety concern for yourself, your neighbors and/or visitors to your property. We strongly encourage you to read the *Occupiers Liability Act* regarding property safety and negligence.

Furthermore, staff is preparing a recommendation to place a legal notation referencing the bylaw contraventions on your property's Land Title, which will be referred to the Regional Board for their consideration. The presence of this notice may negatively affect your property's potential sale, perceived property value, access to a mortgage, and/or (re)financing. You are advised to undertake inquiries with your lenders, insurance companies, and any other relevant parties to determine how it may impact you now and in the future. An information pamphlet regarding Notices on Title is enclosed.

Please contact our office no later than **February 15, 2018** if you have any questions or wish to discuss this matter further. Should you fail to meet this deadline, we will move forward with the process of registering a notice on the title of your property as outlined in Section 57 of the Community Charter. You may contact me toll-free at 1-800-528-0061, directly at 604-702-5017, or by email at asnashall@fvrd.ca. Our office hours are Monday through Friday from 8:30am to 4:30pm.

Respectfully,



Digitally signed by
Adriana Snashall
Date: 2018.01.25
11:12:46 -08'00'

Adriana Snashall
Bylaw, Permits & Licences Technician

enc: Bylaw Offence Notice letter dated January 25, 2018
Notice on Title Information Pamphlet

cc: Orion Engar, Director of Electoral Area E
Margaret-Ann Thornton, Director of Planning & Development
Royal Canadian Mounted Police
BC Safety Authority
Fraser Health Authority – Chilliwack Health Protection Office
Ministry of Environment – Conservation Officer Service
Ministry of Forests, Lands and Natural Resources – Compliance and Enforcement Office

The following web addresses are provided for your convenience:

Fraser Valley Regional District Unsightly Premises and Unwholesome Matter Bylaw No. 0037, 1996

<http://www.fvrd.ca/assets/Government/Documents/Bylaws/Other/Bylaw%20No.%200037,%201996%20Unsightly%20Premises%20and%20Unwholesome%20Matter%20Regulations.PDF>

Zoning Bylaw for Electoral Area "E", 1976 of the Regional District of Fraser-Cheam

<http://www.fvrd.ca/assets/Government/Documents/Bylaws/Planning~and~Land~Use/Zoning%20Bylaw%2066%20-%20Area%20E.pdf>

Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011

<http://www.fvrd.ca/assets/Government/Documents/Bylaws/Planning~and~Land~Use/Area%20E%20-%20OCP%20Bylaw%201115%20-%20Columbia%20Valley,%20Lindell%20Beach,%20Chilliwack%20River%20Valley.pdf>

Fraser Valley Regional District Building Bylaw No. 1188, 2013

<http://www.fvrd.ca/assets/Government/Documents/Bylaws/Building/Building%20Bylaw%201188,%202013.PDF>

Fraser Valley Regional District Building and Bylaw Enforcement website

www.fvrd.ca/EN/main/services/building-enforcement.html

Downloadable application forms

<http://www.fvrd.ca/EN/main/services/building-permits-inspection/forms.html>

Occupiers Liability Act

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96337_01

Water Sustainability Act

<http://www.bclaws.ca/civix/document/id/lc/statreg/14015>

Water Sustainability Regulations

http://www.bclaws.ca/civix/document/id/complete/statreg/36_2016

NOTICE ON TITLE INFORMATION SHEET

WHAT IS A NOTICE ON TITLE?

A *Notice on Title*, note against land title, or Section 57 of the *Community Charter*, was provided to local governments by the Province of British Columbia as a tool to administer and enforce the *BC Building Code* and local building bylaws. It involves the registration of a *Notice* on a property title at the Land Title Office, which, once in place, is documented on the title search under the "Legal Notations" section.

A *Notice on Title* serves as notification to anyone searching a property title that the property may be in breach of bylaws or regulations. The *Notice* itself does not disclose details of the breach but specifies that further information may be obtained from the local government office.

WHAT IS THE PURPOSE OF A NOTICE ON TITLE?

The purpose of a *Notice on Title* is to provide information to potential owners and stakeholders of a breach of bylaws or regulations. It also encourages voluntary compliance to reduce risk to the local government. The filing of a *Notice* is not intended to be a punitive action; rather, it is a method to protect future owners and others with an interest in the property.

WHEN CAN A NOTICE ON TITLE BE FILED?

A *Notice on Title* may be filed by a local government where there is a breach of bylaws or regulations in respect to a property. Specifically, a *Notice on Title* may be filed where a Building Inspector is made aware of any of the following:

- a) construction has occurred without a valid building permit;
- b) construction deficiencies noted have not been corrected;
- c) covering construction without required inspections;
- d) a permit has expired and the owner refuses to reapply for a new permit;
- e) construction that is in contravention of the *BC Building Code* or Building Bylaw; or
- f) any such circumstances as the Building Inspector may deem necessary.

HOW IS A NOTICE ON TITLE FILED?

Step 1: When the Building Inspector is made aware of a breach, a letter is mailed to the registered owner of the property advising of the breach and the required remedial action. The owner is provided approximately thirty (30) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.

Step 2: If no action to contact staff and resolve the issue, a second letter is mailed to the owner advising of the breach and the required remedial action. The owner is provided approximately fourteen (14) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.

- Step 3: If no action to contact staff and resolve the issue, the Building Inspector may forward a report to the Corporate Officer and a "Show Cause Hearing" is scheduled. A Show Cause Hearing is held during an Electoral Area Services Committee (EASC) meeting. An invitation is mailed to the registered owner of the property advising the specific date and time they are to attend the Show Cause Hearing. A copy of the report produced by the Building Inspector will be included.
- Step 4: On the day of the EASC meeting, the Show Cause Hearing will be announced. The owner of the property, or their agent, will be asked if they would like to make representation to the Committee. The Committee shall listen objectively to the owner as well as the Building Inspector. Please note that **attendance is not required** if the owner does not wish to challenge the recommendation.
- Step 5: After hearing from the registered owner of the property and Building Inspector, the committee will then resolve to:
- a) direct the staff to file a *Notice* in the Land Title Office;
 - b) direct staff not to file a *Notice* in the Land Title Office; or
 - c) defer filing a *Notice* to allow the registered owner more time to comply.

HOW IS A NOTICE ON TITLE CANCELLED?

Once a *Notice on Title* is filed, it may be cancelled from the title of a property by way of:

- a) the local government after a Building Inspector has provided a report confirming that the condition which caused the *Notice* to be filed has been rectified; or
- b) an Order obtained by the registered owner from the *British Columbia Supreme Court*.

WHAT IS THE COST OF PLACING OR CANCELLING THE NOTICE ON TITLE?

The Fraser Valley Regional District does not charge the registered owner of the property when a *Notice on Title* is filed at the Land Title Office. However, there is a \$500.00 administrative fee payable to the Fraser Valley Regional District by the property owner when the *Notice* is removed from the Title. The property owner will also be responsible for their legal costs to have a *Notice* removed at the Land Title Office.

Properties with a *Notice on Title* may be sold at any time; however, the presence of the *Notice* may negatively affect a property's potential sale, perceived property value, access to a mortgage, and/or (re)financing. If a *Notice* is registered or is recommended to be registered upon the title of your property, you are advised to undertake inquiries with your lenders, insurance companies, and any other relevant parties to determine how it may impact you now and in the future.

If you have any questions regarding this process, please email staff at enforcement@fvrdb.bc.ca or phone directly at 1-800-528-0061.

This document is provided for informational purposes and does not constitute legal advice. The Fraser Valley Regional District makes no representations or warranties about the accuracy of the information contained in this document. If you have any questions or concerns as to the nature and effect of Notices on Title, please refer to the actual text of Sections 57 and 58 of the Community Charter and seek your own independent legal advice.

Excerpts from the *Community Charter*:

NOTE AGAINST LAND TITLE THAT BUILDING REGULATIONS CONTRAVENED

- 57 (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector
- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
 - (i) results from the contravention of, or is in contravention of,
 - (A) a municipal bylaw,
 - (B) a Provincial building regulation, or
 - (C) any other enactmentthat relates to the construction or safety of buildings or other structures, and
 - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
 - (b) discovers that
 - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and
 - (ii) the permit was not obtained or the inspection not satisfactorily completed.
- (2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must
- (a) give notice to the registered owner of the land to which recommendation relates, and
 - (b) after notice under paragraph (a), place the matter before the council.
- (3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that
- (a) a resolution relating to that land has been made under this section, and
 - (b) further information about it may be inspected at the municipal hall.
- (4) The corporate officer must ensure that all records are available for the purpose of subsection (3) (b).
- (5) If the registrar of land titles receives a notice under subsection (3) and payment of the prescribed fee, the registrar must make a note of the filing against the title to the land that is affected by the notice.
- (6) The note of a filing of a notice under this section is extinguished when a new title to the land is issued as a result of the deposit of a plan of subdivision or a strata plan.
- (7) In the event of any omission, mistake or misfeasance by the registrar or an employee of the registrar in relation to the making of a note of the filing under subsection (5), or a cancellation under section 58, after the notice is received by the land title office,
- (a) the registrar is not liable and neither the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,

- (a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the Land Title Act, and
 - (b) the assurance fund or the minister charged with the administration of the Land Title Act as a nominal defendant is not liable under Part 20 of the Land Title Act.
- (8) Neither the building inspector nor the municipality is liable for damage of any kind for the doing of anything, or the failure to do anything, under this section or section 58 that would have, but for this subsection, constituted a breach of duty to any person.
- (9) The authority under this section is in addition to any other action that a building inspector is authorized to take in respect of a matter referred to in subsection (1).

CANCELLATION OF NOTE AGAINST LAND TITLE

- 58
- (1) On receiving a report from a building inspector that the condition that gave rise to the filing of the notice under section 57 (3) has been rectified, the corporate officer must file a cancellation notice and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
 - (2) An owner of land with respect to which a notice has been filed under section 57 (3), may apply to the council for a resolution that the note be cancelled.
 - (3) After hearing an applicant under subsection (2), the council may pass a resolution directing the corporate officer to file a cancellation notice.
 - (4) If a resolution has been passed under subsection (3), the corporate officer must file a cancellation notice in the land title office and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
 - (5) If the council does not pass a resolution under subsection (3), the owner may apply to the Supreme Court and notify the municipality to attend before the court to show cause why the note should not be cancelled.
 - (6) On an application under subsection (5), after reviewing any evidence that the owner and the municipality may adduce, the court may make an order directing the registrar to cancel the note made under section 57 (5) and, on receiving the order, the registrar of land titles must cancel the note accordingly.

February 9, 2018

REGISTERED MAIL

Ms. Shannon Bauman
311-2533 Penticton Street
Vancouver, BC V5M 4T8

FILE: E06605.036
CIVIC: 4135 Slesse Road
PID: 009-331-247
LEGAL: Lot 57, Section 33, Township 1, Range 29, West of the Sixth Meridian, NWP 24441

Dear Ms. Bauman:

**Re: SHOW CAUSE HEARING – Contraventions of Bylaw 0037, 1996
4135 Slesse, Road Electoral Area - E**

Further to the final warning letter dated January 25, 2018 (copy attached), that was sent to you on the same day, please be advised you are hereby notified that your opportunity to be heard by the Regional District Electoral Services Committee has been scheduled. The meeting is to show cause why the Regional District Board of Directors should not direct staff to file a Notice against the title of your property at 13089 Sylvester Rd in relation to the outstanding contraventions of the *Fraser Valley Regional District Building Bylaw No. 1133, 2018* pursuant to Section 57 of the *Community Charter*.

The **show cause** hearing is scheduled for **March 13, 2018 at 1:30 P.M.**, in the Boardroom on the fourth floor of the Regional District Office at 45950 Cheam Avenue, Chilliwack, British Columbia.

The Electoral Area Services Committee will consider registration of the Section 57 Notice on the title of your property at 4135 Slesse Road whether or not you are in attendance. For your convenience, I have attached relevant extracts from the *Community Charter* and a copy of the staff report which will be considered by the Committee.

If you require further information or clarification on this matter please contact the Louise Hinton, with our Bylaw Enforcement Department at 604-702-5015 or lhinton@fvrd.ca in advance of this meeting.

Sincerely,



Paul Gipps
Chief Administrative Officer

cc: Orion Engar, Director of Electoral Area E
Margaret-Ann Thornton, Director of Planning & Development
Greg Price, Bylaw & Compliance Coordinator

Attach: January 25, 2018 Copy of Final Warning Letter to Property Owner
March 13, 2018, Staff Report from Bylaw and Appointed Building Inspector
January 25, 2018, Land Title Search Results
January 25, 2018, Property Information Report
January 25, 2018, Property Information Map
Notice on Title Information Sheet Including Community Charter, Section 57 and 58

COPY

January 25, 2018

VIA REGISTERED MAIL

Shannon Bauman
311-2533 Penticton Street
Vancouver, BC V5M 4T8

FILE: E06605.036
CIVIC: 4135 Slesse Road, Electoral Area "E"
PID: 009-331-247
LEGAL: LOT 57 SECTION 33 TOWNSHIP 1 RANGE 29 WEST OF THE SIXTH MERIDIAN
NEW WESTMINSTER DISTRICT PLAN 24441

Dear Ms. Bauman;

RE: Multiple Bylaw Enforcement Contraventions

Further to our letter dated August 15, 2017 the above noted property remains in contravention of multiple Regional District bylaws. An inspection was conducted on November 7, 2017 to verify further complaints of contraventions occurring on this property. During this inspection, staff observed that construction has continued on the "Atco" trailers previously posted with Stop Work and No Occupancy orders on July 19, 2017. Furthermore, camping uses have resumed, a Marijuana Grow Operation has restarted within the Shipping Containers, and the property remains unsightly and unwholesome.

The following summary outlines the bylaw contraventions occurring on your property:

1. Fraser Valley Regional District Unsightly Premises and Unwholesome Matter Bylaw No. 0037, 1996
Bylaw 0037, 1996 prohibits a property from becoming unsightly, restricts the accumulation of unwholesome matter, and forbids littering. Staff verified the presence of the following:

a) Accumulation of building material and assorted rubbish



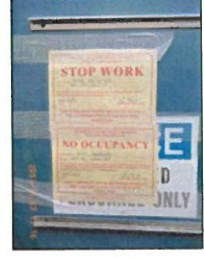
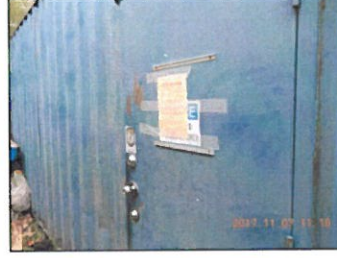
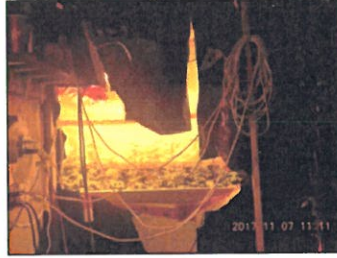
2. Fraser Valley Regional District Building Bylaw No. 1188, 2013

Bylaw 1188, 2013 regulates construction, alteration, repair, or demolition of buildings and structures for the health, safety, and protection of persons and property. Every owner is required to obtain a building permit before any construction, works, or change in occupancy. Staff verified the following works:

a) SHIPPING CONTAINERS

- i. Two (2) shipping containers remain on the property without a valid building permit; and
- ii. Change of occupancy without a valid building permit into marijuana grow operation.

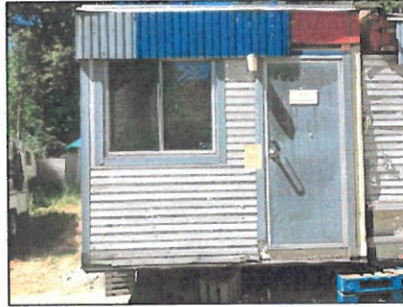
Photographs taken November 7, 2017:



b) ATCO TRAILERS

- i. Two (2) "Atco" trailers remain on the property without a valid building permit; and
- ii. Disobey Stop Work and No Occupancy orders posted on July 19, 2017 by continuing works on the "Atco" trailers, including electrical connection.

Photographs taken on July 19, 2017:



Photographs taken on November 7, 2017:



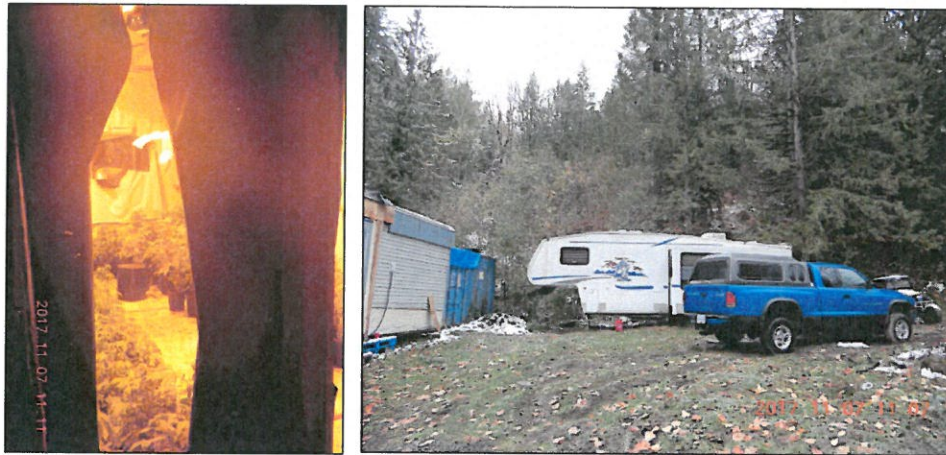
The placement of the shipping containers and "Atco" trailers without a valid building permit, the change of occupancy of the shipping containers to a Marijuana Grow Operation, and disobeying the Stop Work and No Occupancy orders placed on the "Atco" trailers are all violations of Bylaw No. 1188; therefore bylaw offence notices have been issued to you as the property owner (enclosed separately).

3. Zoning Bylaw for Electoral Area "E", 1976 of the Regional District of Fraser-Cheam

Bylaw 66, 1976 regulates the use, size and location of structures; the size and location of building setbacks; and the use of the property. This property is zoned MULTI USE RESIDENTIAL (RS-2) which provides for the establishment of a one-family residence, or mobile home or modular home. It is unlawful to erect, construct, locate any building, or use any building or land which is contrary to the permitted uses specified in the RS-2 zone. Staff verified the following unpermitted uses:

- a) Marijuana Grow Operation
- b) Camping

Photographs taken November 7, 2017:

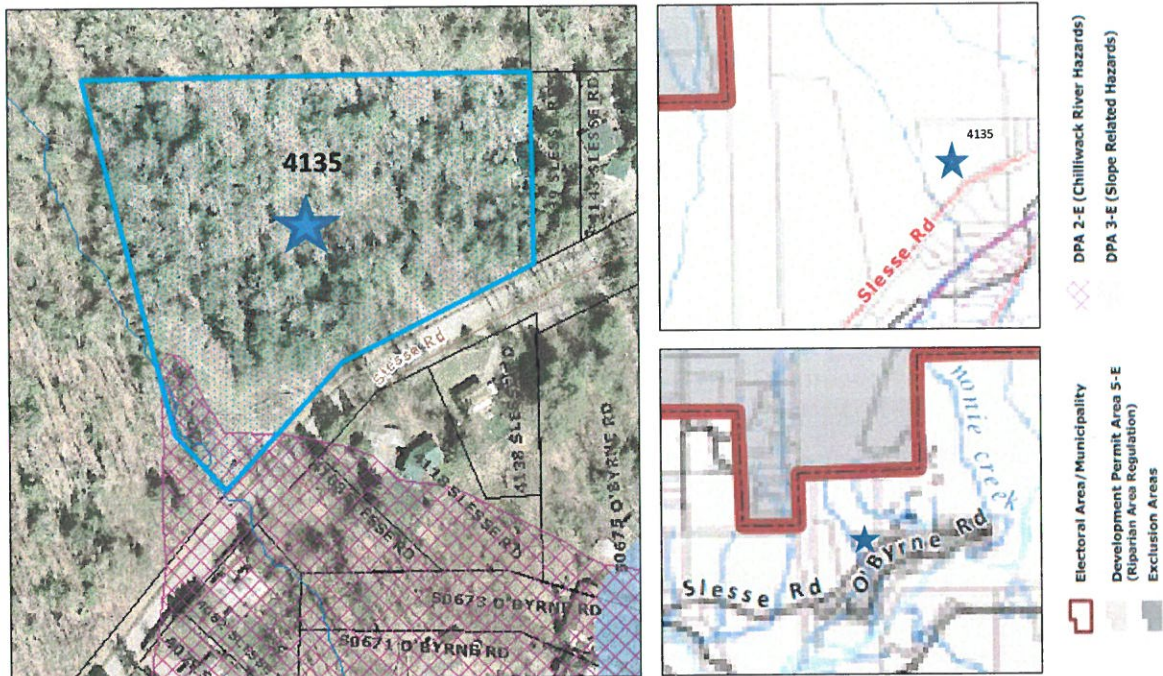


These uses are in violation of Bylaw 66, 1976; therefore a bylaw offence notice has been issued to you as the property owner (enclosed separately).

4. Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011

OCP 1115, 2011 contains statements and map designations respecting restrictions on the use of land that is subject to hazardous conditions. As well, Section 56 of the *Community Charter* stipulates that if a building inspector considers that construction would be on land that is subject to, or is likely to be subject to, flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, the building inspector may require the owner of land to provide the building inspector with a report certified by a qualified professional that the land may be used safely for the use intended. Lands within Electoral Area "E" are subject to a variety of hazards, including geological and mountain stream hazards; flooding and erosion from the Chilliwack River; seismic slope instability and soil liquefaction caused by earthquakes; and, wild fires. These hazards are a significant constraint to land use and development within the Plan area.

The Regional District has a geotechnical report completed by Thurber Engineering Ltd. dated March 9, 2005 on file for this property. This report notes that the subject area was not suited for residential development due to the large landslide complex. Thurber further notes that the slide is occurring in ancient glacial lake silt and clay deposits, and may move slowly, episodically, discontinuously and in response to heavy seasonal precipitation. A copy of these geotechnical assessments were provided to you in our letter dated November 9, 2015.



- a) *Chilliwack River Valley Slope Hazard Development Permit Area 3-E (DPA 3-E)* is designated for the protection of development from hazardous conditions. A development permit must be obtained prior to alteration of land; or construction of, addition to, or alteration of a building or structure within the development permit area. Staff verified the following:
- The subject property is within DPA 3-E; and
 - A Development Permit was required for the alteration of land (placement of gravel and soil disturbance) and construction (placement of structures) that has taken place on the property; and
 - A Development Permit was not applied for or issued for any of the above noted works.
- b) *Riparian Areas Development Permit Area 5-E (DPA 5-E)* is designated for the protection of the natural environment, its ecosystems and biological diversity. A development permit must be obtained prior to the alteration of land; the disturbance of soil or vegetation; or construction of or addition to a building or structure within a riparian assessment area. Staff verified the following:
- The subject property is within DPA 5-E; and
 - A Development Permit is required for the alteration of land (placement of gravel and soil disturbance) and construction (placement of structures) that has taken place on the property; and
 - A Development Permit was not applied for or issued for any of the above noted works.

Photographs taken on July 19, 2017:



5. Water Sustainability Regulations

The *Water Sustainability Act* (WSA) is the principal law for managing the diversion and use of water resources. Water is used for diverse purposes, and a variety of laws and rules govern water use, protection, conservation and sustainability. Provincial authorities, local governments and federal agencies work to ensure that water is managed and the supply is protected for use by people and the environment. A water right is the authorized use of surface water or groundwater. All water in British Columbia is owned by the Crown on behalf of the residents of the province. If you own land that contains or has access to surface water or groundwater, in most cases you must apply to the province for the right to use the water and pay an annual rental fee for that use.

Under the WSA, "changes in and about a stream" means:

- Any modification to the nature of the stream, including any modification of the land, vegetation and natural environment of a stream or the flow of water in a stream, or
- Any activity or construction within a stream channel that has or may have an impact on a stream or stream channel.

The authority to work in and about a stream, either through a change approval or notification, is generally granted with terms and conditions attached. Terms and conditions vary from region to region, and work in each region is generally restricted to specific times of the year called regional timing windows. For further information please contact Front Counter BC at:

<http://www.frontcounterbc.gov.bc.ca/info/>

Staff verified the following:

- i. A creek runs year round through the southern portion of the subject property;
- ii. Staff observed hoses leading from the subject property into this creek on all site inspections;
- iii. A Water License and/or Approval is required to obtain/discharge water from/into this creek;
- iii. Staff observed works within a ditch (culvert replacement) adjacent to Slesse Road on July 19, 2017;
- iv. Notification must be made to the Ministry of Forests, Lands and Natural Resources Office, and Approval must be granted before beginning any works.

Photographs taken on July 19, 2017 and November 7, 2017:



The community continues to express concern over non-compliance with the Regional District bylaws, and our previous attempts to work with you to resolve this matter have failed. Therefore, we are obligated to pursue alternate means of enforcement. **Please be advised that if you do not immediately CEASE and DESIST the above noted contraventions and/or violations, the Fraser Valley Regional Board will commence legal proceedings to enforce its bylaws without further notice.** The unpermitted works occurring on your property may create a safety concern for yourself, your neighbors and/or visitors to your property. We strongly encourage you to read the *Occupiers Liability Act* regarding property safety and negligence.

Furthermore, staff is preparing a recommendation to place a legal notation referencing the bylaw contraventions on your property's Land Title, which will be referred to the Regional Board for their consideration. The presence of this notice may negatively affect your property's potential sale, perceived property value, access to a mortgage, and/or (re)financing. You are advised to undertake inquiries with your lenders, insurance companies, and any other relevant parties to determine how it may impact you now and in the future. An information pamphlet regarding Notices on Title is enclosed.

Please contact our office no later than **February 15, 2018** if you have any questions or wish to discuss this matter further. Should you fail to meet this deadline, we will move forward with the process of registering a notice on the title of your property as outlined in Section 57 of the Community Charter. You may contact me toll-free at 1-800-528-0061, directly at 604-702-5017, or by email at asnashall@fvrd.ca. Our office hours are Monday through Friday from 8:30am to 4:30pm.

Respectfully,



Digitally signed by
Adriana Snashall
Date: 2018.01.25
11:12:46 -08'00'

Adriana Snashall
Bylaw, Permits & Licences Technician

enc: Bylaw Offence Notice letter dated January 25, 2018
Notice on Title Information Pamphlet

cc: Orion Engar, Director of Electoral Area E
Margaret-Ann Thornton, Director of Planning & Development
Royal Canadian Mounted Police
BC Safety Authority
Fraser Health Authority – Chilliwack Health Protection Office
Ministry of Environment – Conservation Officer Service
Ministry of Forests, Lands and Natural Resources – Compliance and Enforcement Office

The following web addresses are provided for your convenience:

Fraser Valley Regional District Unsightly Premises and Unwholesome Matter Bylaw No. 0037, 1996

<http://www.fvrd.ca/assets/Government/Documents/Bylaws/Other/Bylaw%20No.%200037,%201996%20Unsightly%20Premises%20and%20Unwholesome%20Matter%20Regulations.PDF>

Zoning Bylaw for Electoral Area "E", 1976 of the Regional District of Fraser-Cheam

<http://www.fvrd.ca/assets/Government/Documents/Bylaws/Planning~and~Land~Use/Zoning%20Bylaw%2066%20-%20Area%20E.pdf>

Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011

<http://www.fvrd.ca/assets/Government/Documents/Bylaws/Planning~and~Land~Use/Area%20E%20-%20OCP%20Bylaw%201115%20-%20Columbia%20Valley,%20Lindell%20Beach,%20Chilliwack%20River%20Valley.pdf>

Fraser Valley Regional District Building Bylaw No.1188, 2013

<http://www.fvrd.ca/assets/Government/Documents/Bylaws/Building/Building%20Bylaw%201188,%202013.PDF>

Fraser Valley Regional District Building and Bylaw Enforcement website

www.fvrd.ca/EN/main/services/building-enforcement.html

Downloadable application forms

<http://www.fvrd.ca/EN/main/services/building-permits-inspection/forms.html>

Occupiers Liability Act

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96337_01

Water Sustainability Act

<http://www.bclaws.ca/civix/document/id/lc/statreg/14015>

Water Sustainability Regulations

http://www.bclaws.ca/civix/document/id/complete/statreg/36_2016

NOTICE ON TITLE INFORMATION SHEET

WHAT IS A NOTICE ON TITLE?

A *Notice on Title*, note against land title, or Section 57 of the *Community Charter*, was provided to local governments by the Province of British Columbia as a tool to administer and enforce the *BC Building Code* and local building bylaws. It involves the registration of a *Notice* on a property title at the Land Title Office, which, once in place, is documented on the title search under the "Legal Notations" section.

A *Notice on Title* serves as notification to anyone searching a property title that the property may be in breach of bylaws or regulations. The *Notice* itself does not disclose details of the breach but specifies that further information may be obtained from the local government office.

WHAT IS THE PURPOSE OF A NOTICE ON TITLE?

The purpose of a *Notice on Title* is to provide information to potential owners and stakeholders of a breach of bylaws or regulations. It also encourages voluntary compliance to reduce risk to the local government. The filing of a *Notice* is not intended to be a punitive action; rather, it is a method to protect future owners and others with an interest in the property.

WHEN CAN A NOTICE ON TITLE BE FILED?

A *Notice on Title* may be filed by a local government where there is a breach of bylaws or regulations in respect to a property. Specifically, a *Notice on Title* may be filed where a Building Inspector is made aware of any of the following:

- a) construction has occurred without a valid building permit;
- b) construction deficiencies noted have not been corrected;
- c) covering construction without required inspections;
- d) a permit has expired and the owner refuses to reapply for a new permit;
- e) construction that is in contravention of the *BC Building Code* or Building Bylaw; or
- f) any such circumstances as the Building Inspector may deem necessary.

HOW IS A NOTICE ON TITLE FILED?

- Step 1: When the Building Inspector is made aware of a breach, a letter is mailed to the registered owner of the property advising of the breach and the required remedial action. The owner is provided approximately thirty (30) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.
- Step 2: If no action to contact staff and resolve the issue, a second letter is mailed to the owner advising of the breach and the required remedial action. The owner is provided approximately fourteen (14) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.

- Step 3: If no action to contact staff and resolve the issue, the Building Inspector may forward a report to the Corporate Officer and a "Show Cause Hearing" is scheduled. A Show Cause Hearing is held during an Electoral Area Services Committee (EASC) meeting. An invitation is mailed to the registered owner of the property advising the specific date and time they are to attend the Show Cause Hearing. A copy of the report produced by the Building Inspector will be included.
- Step 4: On the day of the EASC meeting, the Show Cause Hearing will be announced. The owner of the property, or their agent, will be asked if they would like to make representation to the Committee. The Committee shall listen objectively to the owner as well as the Building Inspector. Please note that **attendance is not required** if the owner does not wish to challenge the recommendation.
- Step 5: After hearing from the registered owner of the property and Building Inspector, the committee will then resolve to:
- a) direct the staff to file a *Notice* in the Land Title Office;
 - b) direct staff not to file a *Notice* in the Land Title Office; or
 - c) defer filing a *Notice* to allow the registered owner more time to comply.

HOW IS A NOTICE ON TITLE CANCELLED?

Once a *Notice on Title* is filed, it may be cancelled from the title of a property by way of:

- a) the local government after a Building Inspector has provided a report confirming that the condition which caused the *Notice* to be filed has been rectified; or
- b) an Order obtained by the registered owner from the *British Columbia Supreme Court*.

WHAT IS THE COST OF PLACING OR CANCELLING THE NOTICE ON TITLE?

The Fraser Valley Regional District does not charge the registered owner of the property when a *Notice on Title* is filed at the Land Title Office. However, there is a \$500.00 administrative fee payable to the Fraser Valley Regional District by the property owner when the *Notice* is removed from the Title. The property owner will also be responsible for their legal costs to have a *Notice* removed at the Land Title Office.

Properties with a *Notice on Title* may be sold at any time; however, the presence of the *Notice* may negatively affect a property's potential sale, perceived property value, access to a mortgage, and/or (re)financing. If a *Notice* is registered or is recommended to be registered upon the title of your property, you are advised to undertake inquiries with your lenders, insurance companies, and any other relevant parties to determine how it may impact you now and in the future.

If you have any questions regarding this process, please email staff at enforcement@fvr.d.bc.ca or phone directly at 1-800-528-0061.

This document is provided for informational purposes and does not constitute legal advice. The Fraser Valley Regional District makes no representations or warranties about the accuracy of the information contained in this document. If you have any questions or concerns as to the nature and effect of Notices on Title, please refer to the actual text of Sections 57 and 58 of the Community Charter and seek your own independent legal advice.

Excerpts from the *Community Charter*:

NOTE AGAINST LAND TITLE THAT BUILDING REGULATIONS CONTRAVENED

- 57 (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector
- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
 - (i) results from the contravention of, or is in contravention of,
 - (A) a municipal bylaw,
 - (B) a Provincial building regulation, or
 - (C) any other enactmentthat relates to the construction or safety of buildings or other structures, and
 - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
 - (b) discovers that
 - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and
 - (ii) the permit was not obtained or the inspection not satisfactorily completed.
- (2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must
- (a) give notice to the registered owner of the land to which recommendation relates, and
 - (b) after notice under paragraph (a), place the matter before the council.
- (3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that
- (a) a resolution relating to that land has been made under this section, and
 - (b) further information about it may be inspected at the municipal hall.
- (4) The corporate officer must ensure that all records are available for the purpose of subsection (3) (b).
- (5) If the registrar of land titles receives a notice under subsection (3) and payment of the prescribed fee, the registrar must make a note of the filing against the title to the land that is affected by the notice.
- (6) The note of a filing of a notice under this section is extinguished when a new title to the land is issued as a result of the deposit of a plan of subdivision or a strata plan.
- (7) In the event of any omission, mistake or misfeasance by the registrar or an employee of the registrar in relation to the making of a note of the filing under subsection (5), or a cancellation under section 58, after the notice is received by the land title office,
- (a) the registrar is not liable and neither the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,

- (a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the Land Title Act, and
 - (b) the assurance fund or the minister charged with the administration of the Land Title Act as a nominal defendant is not liable under Part 20 of the Land Title Act.
- (8) Neither the building inspector nor the municipality is liable for damage of any kind for the doing of anything, or the failure to do anything, under this section or section 58 that would have, but for this subsection, constituted a breach of duty to any person.
- (9) The authority under this section is in addition to any other action that a building inspector is authorized to take in respect of a matter referred to in subsection (1).

CANCELLATION OF NOTE AGAINST LAND TITLE

- 58
- (1) On receiving a report from a building inspector that the condition that gave rise to the filing of the notice under section 57 (3) has been rectified, the corporate officer must file a cancellation notice and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
 - (2) An owner of land with respect to which a notice has been filed under section 57 (3), may apply to the council for a resolution that the note be cancelled.
 - (3) After hearing an applicant under subsection (2), the council may pass a resolution directing the corporate officer to file a cancellation notice.
 - (4) If a resolution has been passed under subsection (3), the corporate officer must file a cancellation notice in the land title office and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
 - (5) If the council does not pass a resolution under subsection (3), the owner may apply to the Supreme Court and notify the municipality to attend before the court to show cause why the note should not be cancelled.
 - (6) On an application under subsection (5), after reviewing any evidence that the owner and the municipality may adduce, the court may make an order directing the registrar to cancel the note made under section 57 (5) and, on receiving the order, the registrar of land titles must cancel the note accordingly.

TITLE SEARCH PRINT

2018-01-25, 12:01:09

File Reference:

Requestor: Adriana Snashall

Declared Value \$225000

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District	NEW WESTMINSTER
Land Title Office	NEW WESTMINSTER
Title Number	CA4205239
From Title Number	BX70112
Application Received	2015-01-28
Application Entered	2015-01-30
Registered Owner in Fee Simple	
Registered Owner/Mailing Address:	SHANNON ELIZABETH BAUMAN, HOMEMAKER 4135 SLESSE ROAD CHILLIWACK, BC V4Z 1B3
Taxation Authority	New Westminster Assessment District
Description of Land	
Parcel Identifier:	009-331-247
Legal Description:	LOT 57 SECTION 33 TOWNSHIP 1 RANGE 29 WEST OF THE SIXTH MERIDIAN NEW WESTMINSTER DISTRICT PLAN 24441
Legal Notations	NONE
Charges, Liens and Interests	NONE
Duplicate Indefeasible Title	NONE OUTSTANDING
Transfers	NONE
Pending Applications	NONE

Folio: 733.06605.036
Civic: 4135 SLESSE RD
Size: 4.916 ACRES

Pid: 009-331-247
Legal: LOT 57, SECTION 28, TOWNSHIP 1, RANGE 29,
 MERIDIAN 6, NEW WESTMINSTER DISTRICT, PLAN
 NWP24441 MERIDIAN W6.

Owner: BAUMAN, SHANNON E
 311-2533 PENTICTON ST
 VANCOUVER BC V5M 4T8
 (CA4205239)

2018 Taxable Assessments

				<u>Land</u>	<u>Improvements</u>	<u>Net</u>
1	Res	GENERAL	Gross	393,000	0	393,000
			Exempt	0	0	0
			Net	393,000	0	393,000
1	Res	SCHOOL	Gross	393,000	0	393,000
			Exempt	0	0	0
			Net	393,000	0	393,000

2018 Actual Assessments

	<u>Land Class</u>	<u>Land</u>	<u>Impr Class</u>	<u>Impr</u>
00 - FULLY TAXABLE LAND, STRUCTURES	1 - Res	393000		

<u>Lto Number</u>	<u>Sales Price</u>	<u>Date</u>	<u>Description</u>
CA4205239	225,000.00	Jan 28, 2015	IMPROVED SINGLE PROPERTY CASH TRANSACTI
BX70112	100,000.00	Nov 29, 2005	VACANT SINGLE PROPERTY CASH TRANSACTION
BV343888	65,000.00	Aug 28, 2003	VACANT SINGLE PROPERTY CASH TRANSACTION
AC185774	48,000.00	Jul 31, 1989	IMPROVED SINGLE PROPERTY CASH TRANSACTI

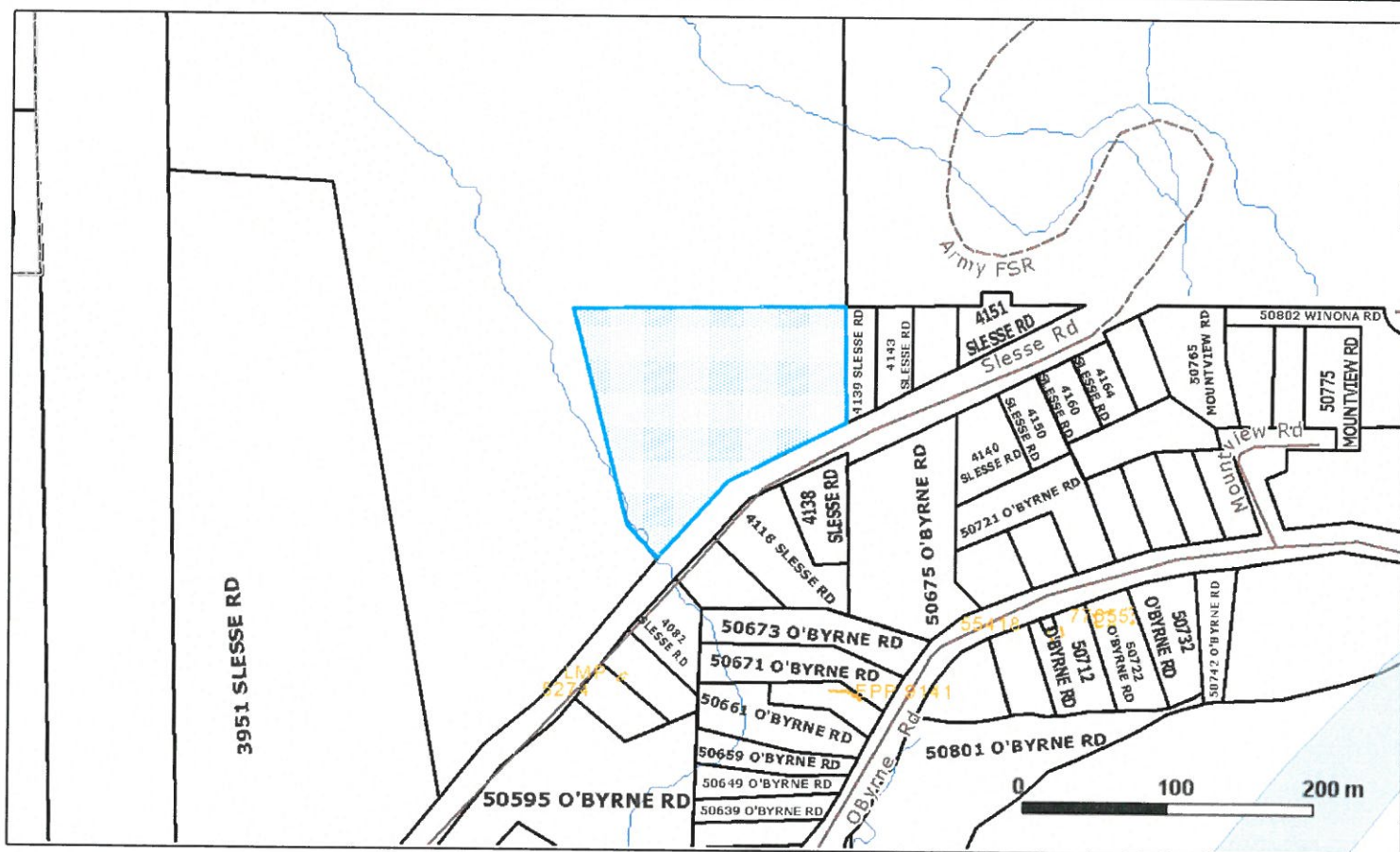
<u>Attribute</u>	<u>Value</u>	<u>Description</u>
ACTUAL USE	061	2 Acres Or More (Vacant)
ELECTORAL AREA	E	
LAND TENURE	01	CROWN-GRANTED
NEIGHBOURHOOD	212	
SCHOOL DISTRICT	33	
SERVICE AREA	45CILMT	

<u>Classification</u>	<u>Start Date</u>	<u>Stop Date</u>	<u>Comment</u>
BYLAW ENFORCEM	Aug 19, 2015		Please see bylaw enforcement staff re: E06605.036

<u>Prop.Charge</u>	<u>Type</u>	<u>Sub Type</u>	<u>Project</u>	<u>Discharged</u>	<u>Text</u>
P 548	GEOTECH REPORTS	PRIMARY			Converted Charges

Property Information Report

Civic Address:	4135 SLESSE RD	Lot Size:	4.916 ACRES
Folio Number:	733.06605.036	Electoral Area:	E
PID:	009-331-247	Map Scale:	1:4742
Legal Description:	LOT 57, SECTION 28, TOWNSHIP 1, RANGE 29, MERIDIAN 6, NEW WESTMINSTER DISTRICT, PLAN NWP24441 MERIDIAN W6.		



Land-use Information

Zoning Designation:	Contact Planning Department	Zoning Bylaw:	Contact Planning Department
OCP Designation:	Contact Planning Department	OCP Bylaw:	Contact Planning Department
DPA Designation:	Contact Planning Department	ALR:	Contact Planning Department
In Mapped Floodplain:	Contact Planning Department	Watercourse:	Contact Planning Department

Utility Information

Local Service Area:	Contact Planning Department
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This information is provided as a public resource for general information purposes only. The information shown is compiled from various sources and the Fraser Valley Regional District makes no warranties, expressed or implied, as to the accuracy or completeness of the information. This report is not a legal document and is published for information and convenience only. The Fraser Valley Regional District is not responsible for any errors or omissions that may appear on this report.

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- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
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 - (B) a Provincial building regulation, or
 - (C) any other enactmentthat relates to the construction or safety of buildings or other structures, and
 - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
 - (b) discovers that
 - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and
 - (ii) the permit was not obtained or the inspection not satisfactorily completed.
- (2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must
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 - (b) after notice under paragraph (a), place the matter before the council.
- (3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that
- (a) a resolution relating to that land has been made under this section, and
 - (b) further information about it may be inspected at the municipal hall.
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- (5) If the registrar of land titles receives a notice under subsection (3) and payment of the prescribed fee, the registrar must make a note of the filing against the title to the land that is affected by the notice.
- (6) The note of a filing of a notice under this section is extinguished when a new title to the land is issued as a result of the deposit of a plan of subdivision or a strata plan.
- (7) In the event of any omission, mistake or misfeasance by the registrar or an employee of the registrar in relation to the making of a note of the filing under subsection (5), or a cancellation under section 58, after the notice is received by the land title office,
- (a) the registrar is not liable and neither the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,

- (a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the Land Title Act, and
 - (b) the assurance fund or the minister charged with the administration of the Land Title Act as a nominal defendant is not liable under Part 20 of the Land Title Act.
- (8) Neither the building inspector nor the municipality is liable for damage of any kind for the doing of anything, or the failure to do anything, under this section or section 58 that would have, but for this subsection, constituted a breach of duty to any person.
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CANCELLATION OF NOTE AGAINST LAND TITLE

- 58
- (1) On receiving a report from a building inspector that the condition that gave rise to the filing of the notice under section 57 (3) has been rectified, the corporate officer must file a cancellation notice and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
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 - (3) After hearing an applicant under subsection (2), the council may pass a resolution directing the corporate officer to file a cancellation notice.
 - (4) If a resolution has been passed under subsection (3), the corporate officer must file a cancellation notice in the land title office and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
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 - (6) On an application under subsection (5), after reviewing any evidence that the owner and the municipality may adduce, the court may make an order directing the registrar to cancel the note made under section 57 (5) and, on receiving the order, the registrar of land titles must cancel the note accordingly.

To: Electoral Area Services Committee

Date: 2018-03-13

From: Louise Hinton, Bylaw Compliance and Enforcement Officer

File No: F02784.012

Subject: Regional District Building Bylaw Contraventions at 13089 Sylvester Road Electoral Area F, Fraser Valley Regional District, British Columbia (legally described as Lot 2 Section 30 Township 21 New Westminster District Plan 69714 (Parcel Identifier 001-905-1

RECOMMENDATION

THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the Fraser Valley Regional District Building Bylaw No. 1188, 2013, at 13089 Sylvester Road Electoral Area F, Fraser Valley Regional District, British Columbia (legally described as Lot 2 Section 30 Township 21 New Westminster District Plan 69714); Parcel Identifier 001-905-147.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

December 31, 2008 - Regional District Bylaw Staff received a complaint that a large fire took place within the single family dwelling located on the property at 13089 Sylvester Road on December 20, 2008 at 04:58hrs.

February 13, 2009 - Regional District Bylaw Staff attempted to complete a site inspection of the property, but left promptly after suspecting a marihuana grow operation on the property.

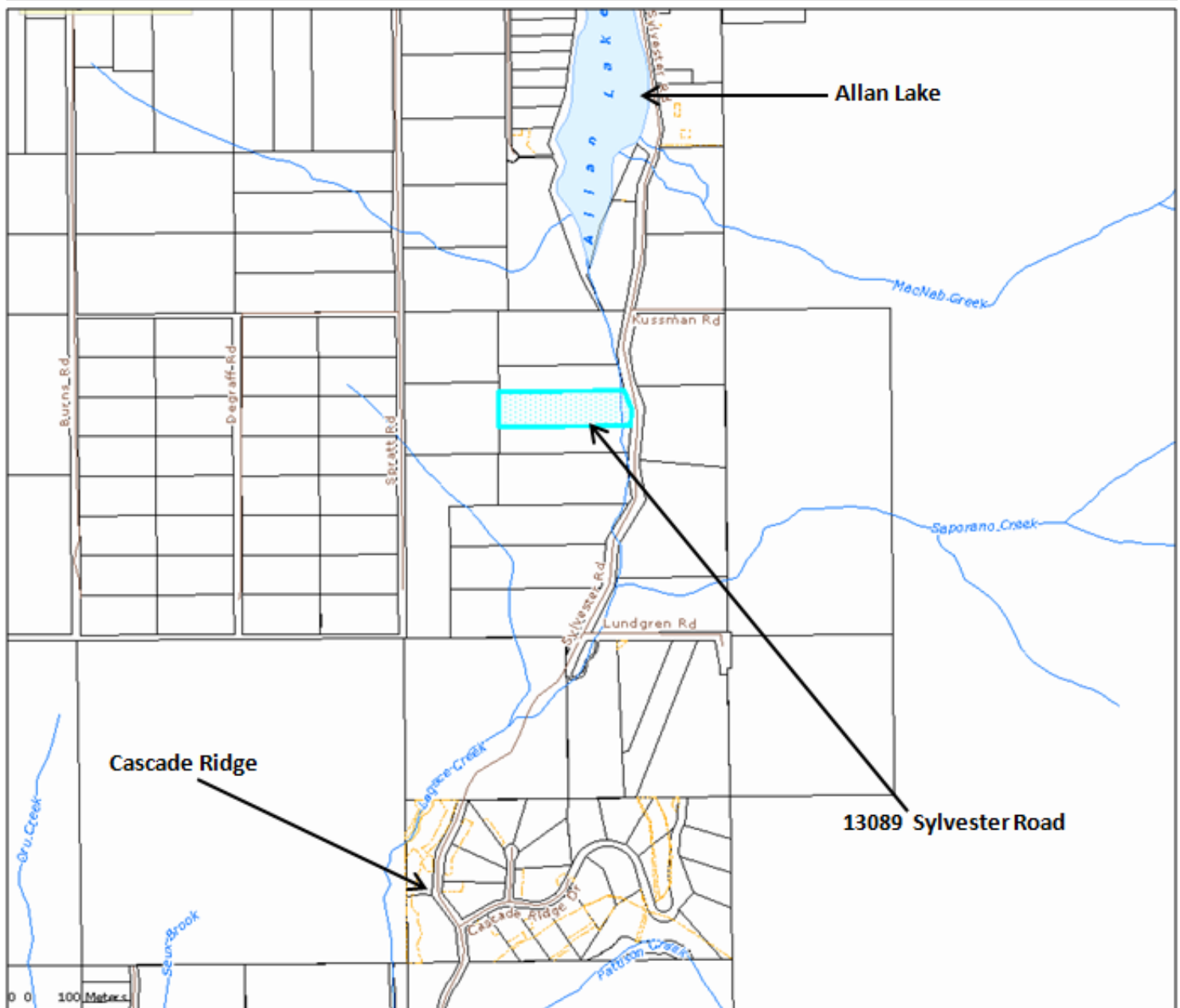
February 16, 2008 - Regional District fire dispatch confirms that there is a marihuana Grow Operation on the property at 13089 Sylvester Road (RCMP File #2008-17033).

January 6, 2015 - Regional District Bylaw Staff attempted to meet with the property owners at the Regional District Chilliwack Office, but discovered they were meeting with the people who initially reported the structure fire in 2008 instead of the property owners. It was discovered during this meeting that the structure fire destroyed the single family dwelling. The other structure on the property was a storage building with three bays and a generator at the rear, that housed the marijuana

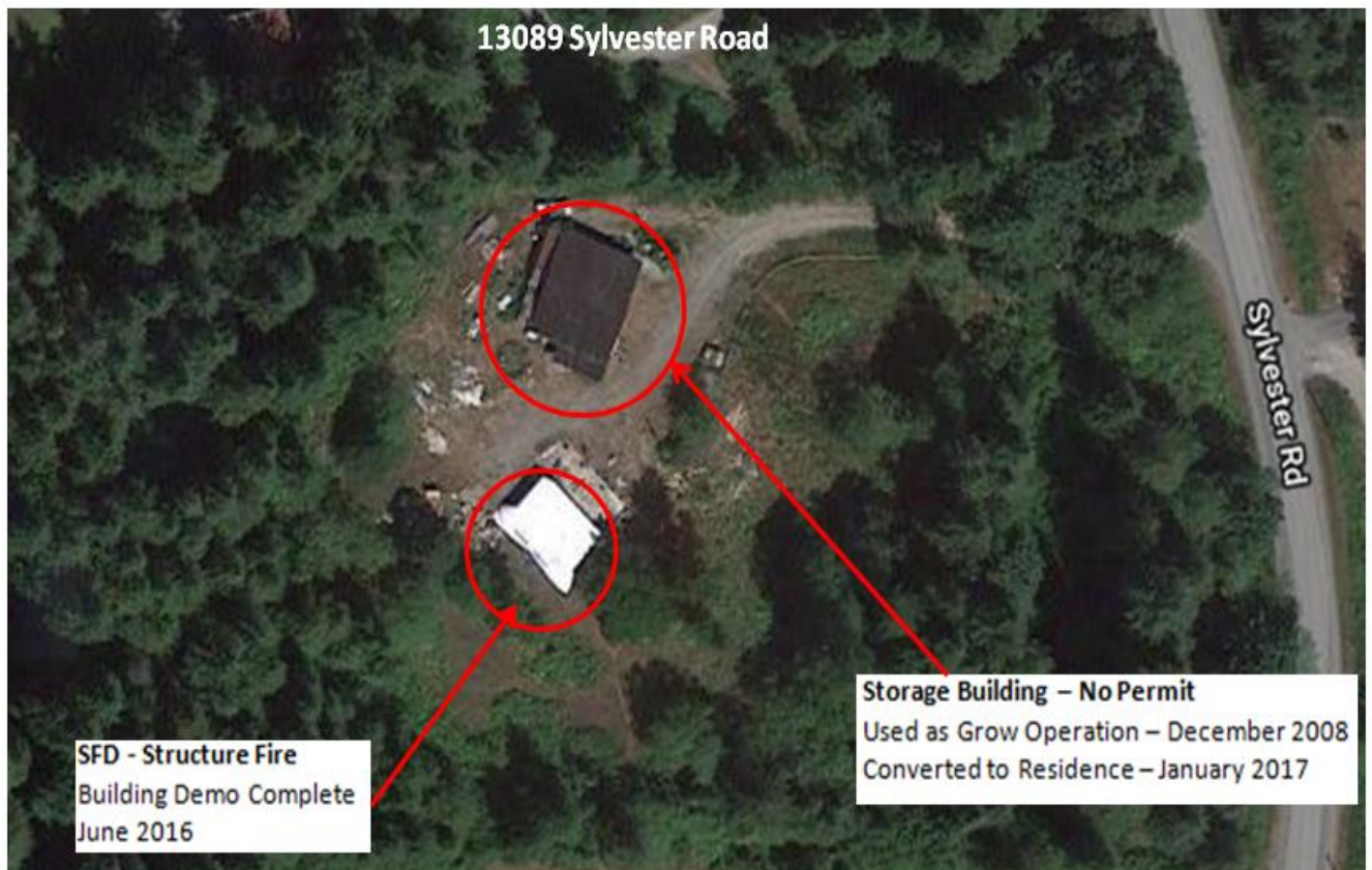
grow operation. Regional District Staff was told by the area residents that the property was also up for foreclosure sale.

February 12, 2016 – Regional District Bylaw staff performed a scheduled file review on this date and a new title search verified that Mr. Robert Pinoni has owned the property since February 26, 2015.

Property Information Report			
Civic Address:	13089 SYLVESTER RD	Lot Size:	6.871 ACRES
Folio Number:	775.02784.012	Electoral Area:	F
PID:	001-905-147	Map Scale:	1:11660
Legal Description:	LOT 2, SECTION 30, TOWNSHIP 21, NEW WESTMINSTER DISTRICT, PLAN NWP69714		



March 16, 2016 – Regional District Bylaw Staff sent a letter to the new property owner Mr. Robert Pinoni via regular mail informing him of the open bylaw enforcement file on the property. The letter detailed that permits were required for both the fire damaged structure for demolition, and remediation and building permits for the detached storage building that was previously constructed without a building permit.



March 31, 2016 – Regional District Bylaw Staff spoke with Mr. Pinoni via telephone about the outstanding bylaw enforcement issues on his property and explained in detail that several completed building permits, and fees would be required to begin to work towards compliance on his property. A follow up email was sent to Mr. Pinoni listing building permit application requirements.

April 18, 2016 – Mr. Pinoni applied for two separate building permits, one to demolish the fire damaged building (BPo13567), and one to remediate the detached storage building that was constructed without a building permit and used for a marijuana grow operation (BPo13566).

June 28, 2016 – Regional District Bylaw Staff is notified that a demolition permit (BPo13567) for the single family fire damaged structure was issued and the final inspection passed for 13089 Sylvester Road.

January 23, 2017 – A site inspection of the storage building at 13089 Sylvester Road was conducted by Regional District Building Inspection Staff. It was discovered that the storage building had been

modified for habitation and was no longer considered a storage building, but a residential dwelling. Mr. Pinoni informed Building Inspection Staff that he turned the storage building into a residence and was now living in it. Mr. Pinoni was told by Regional District Building Inspection Staff that the Regional District would have to cancel his existing permit application (BP01566) for the remediation of the storage building because of the additional construction. Mr. Pinoni was also informed that a NEW building permit for a change of use with remediation would be required for the new construction works. **Please refer to photographs below:**

Site Inspection Photographs dated **January 23, 2017** show some of the interior renovation works that converted the storage building to a residence.



January 23, 2017 - Regional District Bylaw Staff called Mr. Pinoni and spoke with him by telephone and explained to him the items required to complete a new building permit application for the change of use with remediation for the subject building.

February 16, 2017 - Regional District Bylaw Staff sent a letter by email to the property owner Mr. Robert Pinoni advising him that his property remains in breach of regional district bylaws requesting compliance regarding the outstanding building permit on his property.

February 23, 2017 - Property Owner, Mr. Pinoni came into the Chilliwack Regional District Office and inquired about what was required to satisfy the bylaw issues on his property. Building department staff advised him that a building permit application for “change of use with remediation” was required for the storage building that he converted to a residence. He advised staff that he was willing to submit an permit application with a detailed site plan and would hire someone to draw up some construction drawings. He was aware of the March 3, 2017 bylaw enforcement deadline for the application and requested an extension to the deadline to submit the required items.

March 23, 2017 – Regional District Bylaw Staff sent an email to the property owner Mr. Pinoni advising him again of the building permit application requirements in detail that were required bring the storage building that has been converted to a residence into compliance. In this email Mr. Pinoni was given an extended deadline of April 4, 2017.

April 3, 2017 – Mr. Pinoni applied for and paid the application fees for a building permit (BP13874) for the conversion of the storage building to a single family dwelling.

May 12, 2017 – Bylaw Enforcement staff spoke with Mr. Pinoni over the telephone. He advised staff that he was going to be unable to meet the required permit deadlines. He confirmed he would send a request in writing to cancel his existing building permit applications as he plans to obtain the required building permit documents and go through the building permit process at a later date. During this conversation Mr. Pinoni was told that a cancellation of his permits would cause staff to recommend that a section 57 Community Charter notice to be placed on the title of his property. Mr. Pinoni stated he understood and sent an email requesting staff move forward to place a Notice on title on his property.

January 19, 2018 – A letter was sent to the property owner by via email and regular mail advising him of staff’s recommendation to proceed with the process of registering a Section 57 Community Charter notice on the title of his property. This letter gave the owner a final opportunity to achieve voluntary compliance by the deadline of February 8, 2018. Staff had not received a response from the property owner to date.

DISCUSSION

Section 57 of the Community Charter allows a Building Inspector to recommend a resolution to place a Notice on the Title of a property if a contravention of a bylaw or another enactment that related to the construction or safety of a building is observed. A Notice on Title serves as notice to anyone searching the title that the property may be in breach of local government bylaws or other enactments; provide disclosure to future owners; and protects against potential claims with regard to the contraventions.

Staff requests consideration of the following information:

Building Bylaw

Staff is authorized to regulate minimum construction standards within Electoral Areas by the Fraser Valley Regional District Building Bylaw No. 1188, 2013 (Building Bylaw) for health, safety and the

protection of persons and property. The bylaw provides that no person shall commence any construction of any structure until a building official has issued a permit for the work.

The subject building was initially a storage building that was built without a building permit at an unknown time. It was discovered in 2008 that the storage building was used for a marihuana grow operation. In January of 2017 it was discovered that the storage building was converted to a residence and was being occupied. Any structure that houses a marihuana grow operation requires a building permit to remediate the building for health purposes once the grow operation has been removed. Any structure that has a change of use from its initial intended use is required to obtain a building permit to authorize the new use in order to comply with Bylaw and BC Building Code Regulations. The initial use of the subject building was for storage use only, so a permit for the change of use to a residence.

A Building permit is required for the works undertaken by the property owner.

Zoning Bylaw

This property is in Electoral Area F, and is zoned Rural 1 (R-1) under the Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992 (Bylaw 559). The primary purpose of this zone is to maintain the existing rural character of the Plan area and to provide for residential uses that are environmentally sustainable and compatible with existing development and levels of servicing.

The storage building previously housed a Medical Marihuana Grow Operation; a use that is not a listed as a permitted use in this zone. The storage building was converted to a residence. A residence is listed as a permitted use in this zone.

The subject building appears to be very close to the interior side lot line of the property, so there are concerns that the building setback is within the three (3) meters as provided for in section 412(3) of Zoning Bylaw 559. If the building is located within the 3 meter required setback, a Development Variance Permit (DVP) application is required and must receive approval by the FVRD Board.

COST

Land Titles Office filing fee of approximately \$55.

The owner will be required to pay a removal fee of \$500 in accordance with the Fraser Valley Regional Building Bylaw 1188, 2013, after the building is either:

- Demolished with a Building Permit issued by the FVRD and receiving successful final inspection; or
- A Building Permit for Change of Use with Remediation is issued by the FVRD and receives successful final inspection. This will include the submission of a legal survey of the building location to confirm that the building setbacks fully comply with the Zoning Bylaw; or a Development Variance Permit application is to be submitted and approved by the FVRD.

CONCLUSION

It is the opinion of the Bylaw Compliance and Enforcement Officer and the Appointed Building Inspector that the construction to convert the storage building to a residence without the required remediation violates multiple Regional District Bylaws, and the British Columbia Building Code. Staff further notes that full compliance will only be achieved with the successful completion of a building permit for a change of use with remediation.

Regrettably, but in the interest of full public disclosure and as incentive to achieving voluntary compliance, I, as an Appointed Building Inspector, believe that the filing of Notice is appropriate in this instance and submit the above recommendation in accordance with Section 57 of the *Community Charter*.

Electoral Area Services Committee (EASC) approval and Regional District Board resolution is required to assess Section 57 notices.

The process of filing a Section 57 notice on property title is conducted in accordance with the Community Charter and the Local Government Act.

Regional District requirements for building permit works are being administered in accordance with related Fraser Valley Regional District Bylaws, Policies, and the BC Building Code.

COMMENTS BY:

Margaret Thornton, Director of Planning & Development

Reviewed and supported.

Mike Veenbaas, Director of Financial Services

Not available for comment.

Paul Gipps, Chief Administrative Officer

Reviewed and supported

February 9, 2018

Registered Mail

Mr. Robert Pinoni
13089 Sylvester Road
Mission BC V2V 0B1

FILE: F02784.012
CIVIC: 13089 Sylvester Road
PID: PID: 001-905-147
LEGAL: Lot 2 Section 30 Township 21 New Westminster District Plan 69714; and Parcel Identifier 001-905-147

Dear Mr. Robert Pinoni:

**Re: SHOW CAUSE HEARING – Contraventions of Building Bylaw No. 1188, 2013
13089 Sylvester Road, Electoral Area F**

Further to the final warning letter dated January 19, 2018 (copy attached), that was sent to you on the same day, please be advised you are hereby notified that your opportunity to be heard by the Regional District Electoral Services Committee has been scheduled. The meeting is to show cause why the Regional District Board of Directors should not direct staff to file a Notice against the title of your property at 13089 Sylvester Rd in relation to the outstanding contraventions of the *Fraser Valley Regional District Building Bylaw No. 1133, 2018* pursuant to Section 57 of the *Community Charter*.

The **show cause** hearing is scheduled for **Tuesday March 13, 2018 at 1:30 p.m.**, in the Boardroom on the fourth floor of the Regional District Office at 45950 Cheam Avenue, Chilliwack, British Columbia.

The Electoral Area Services Committee will consider registration of the Section 57 Notice on the title of your property at 13089 Sylvester Road whether or not you are in attendance. For your convenience, I have attached relevant extracts from the *Community Charter* and a copy of the staff report which will be considered by the Committee.

If you require further information or clarification on this matter please contact the Louise Hinton, with our Bylaw Enforcement Department at 604-702-5015 or lhinton@fvrd.ca in advance of this meeting.

Sincerely,



for Paul Gipps
Chief Administrative Officer

cc: Ray Boucher, Director of Electoral Area F
Margaret-Ann Thornton, Director of Planning & Development
Greg Price, Bylaw & Compliance Coordinator

Attach: January 19, 2018, Copy of Final Warning Letter to Property Owner
March 13, 2018, Staff Report from Bylaw Officer and Appointed Building Inspector
January 22, 2018 Land Title Search Results
February 1, 2018 Property Information Report
February 1, 2018 Property Information Map
Notice on Title Information Sheet Including Community Charter, Section 57 and 58

January 19, 2018

Via Email: onlypinoni@live.ca

Mr. Robert Pinoni
13089 Sylvester Road
Mission BC V2V 0B1

FILE: F02784.012
CIVIC: 13089 Sylvester Road
PID: PID: 001-905-147
LEGAL: Lot 2 Section 30 Township 21 New Westminster District Plan 69714

Dear Mr. Pinoni

**Re: Final Warning – Construction without a Building without a Permit – 13089 Sylvester Road
Conversion of Storage Building to single family dwelling with remediation**

Further to our most recent letters dated April 25, 2017, and February 16, 2017 Regional District staff has confirmed that your property at 13089 Sylvester Road (the “property”) continues to remain in breach of Regional District bylaws despite our repeated requests for compliance. Staff verified that the illegally constructed storage building on your property was used to house a Marihuana Grow Operation, and then was subsequently converted to a single family dwelling without proper remediation or any of the required permits.

Fraser Valley Regional District’s Building Bylaw No. 1188, 2013 (Bylaw 1188) section 6 states:

No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building or structure, including excavation or other work related to construction until a building official has issued a valid and subsisting permit for the work.

It has now been more than nine years since the Regional District first discovered the unauthorized grow operation and illegal construction on your property. As of today’s date you have made very little effort to address the outstanding permit requirements for the unpermitted construction, change of use and remediation that is required for this structure.

Considering you have not been able to meet any of the previously given deadlines to comply with the building permit requirements as outlined in the Bylaw 1188, and continue to occupy the illegal structure, the Regional District has no choice but to proceed with the process of registering a notice on the title of your property under Section 57 of the *Community Charter*. As stated in your May 12, 2017 email correspondence you agreed that the registration of a notice on title, with the Land Titles Office would be the best course of action given the timelines and permit requirements to bring the structure into compliance with Regional District regulations. Please see the enclosed information sheet that provides further details on the process.

If you do wish to take steps towards gaining compliance in the above stated matter please ensure that by **February 8, 2018** a fully completed building permit application is submitted for the above noted construction, to the Fraser Valley Regional District's Building Department. The application should include:

- a) Fully completed building permit application form;
- b) Detailed to scale drawings for the structure including the uses for each space;
- c) British Columbia Land Surveyors (BCLS) location survey;
- d) Completed Site Profile (contaminated Sites) form; and
- e) An initial application fee in the amount of \$150.00 for the permit.

Should you have any questions with regard to your application, please do not hesitate to contact one of our Building Inspectors at (604) 702-5000. Building Permit Application forms are available online for your convenience on the Regional District's website at:
<http://www.fvrd.ca/EN/main/services/building-permits-inspection/forms.html>

If you fail to meet the above stated deadline of **February 8, 2018** we will move forward to begin the process of registering a notice on the title of your property as outlined in section 57, of the *Community Charter*.

The primary purpose of an owner obtaining their Building Permit is for the safety of its occupants. Having a non-approved building puts the occupants at risk and should an unfortunate incident occur the owner may be held more liable. We encourage you to read the BC Occupiers Liability Act regarding property safety and negligence, available online at:
http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96337_01

If you have any questions or wish to discuss this matter further, you may contact me by calling toll-free at 1-800-528-0061, directly at 604-702-5015 or by email at lhinton@fvrd.ca. Our office hours are Monday through Friday from 8:30am to 4:30pm.

Yours truly,



Louise Hinton,
Bylaw, Compliance and Enforcement Officer

Attach: Copy of Email dated May 15, 2017
Copy of Letter dated April 21, 2017
Copy of Letter dated February 16, 2017
Copy of Letter dated March 16, 2016
Section 57 Information Sheet

cc: Ray Boucher, Director of Electoral Area F
Margaret Thornton, Director of Planning & Development
Greg Price, Bylaw & Compliance Coordinator

Louise Hinton

From: robert pinoni <onlypinoni@live.ca>
Sent: May-12-17 11:27 AM
To: Jennifer Wells
Subject: Cancelation of building permits

COPY

Hi Jenneffer

As per our conversation today I would like to cancel my permits on file for 13089 Sylvester road, Mission BC V2V 0B1 as was suggested and continue with the notice on title as this is a large task to complete in a short period of time. Thank you for all your help in this matter

Robert Pinoni

Sent from my iPhone

File Number: 3800-30-BP013874F

April 21 2017

PINONI, ROBERT
13089 SYLVESTER RD
MISSION BC V2V 0B1

COPY

Dear Sir :

Re: Building Permit Application on property at 13089 SYLVESTER RD

Building Permit Application Number:	BP013874
Proposed works:	Conversion of storage building to SFD
Legally described as:	LOT 2, SECTION 30, TOWNSHIP 21, NEW WESTMINSTER DISTRICT, PLAN NWP69714
Parcel Identifier (PID):	001-905-147

Thank you for submitting a building permit application on Apr 03, 2017 for the project referenced above. Building permits benefit you and your neighbours in many ways. They ensure buildings are safe for you, your family and visitors. They support higher market value for your property by increasing buyer confidence. They reduce your insurance costs because insurers know the building meets the BC Building Code, and building permits reduce lifecycle repair and maintenance costs by ensuring the building is efficient and well-built. Not only do building permits provide value to you, they also benefit your neighbours by enhancing the overall safety and quality of your neighbourhood.

Professional builders know the process inside and out, however, most people only experience building permitting a few times in their lives, so it can be challenging. We carefully reviewed your application and have prepared the checklist below to guide you. Whether you are a pro or a first-timer, this checklist will help you get your building permit quickly and efficiently.

PLANNING REQUIREMENTS

1. Revised Site Plan - Please submit a revised site plan that is drawn to scale and includes all of the following:

- the entire property complete with all existing buildings and structures;
- the proposed Conversion of storage building to SFD with setbacks to all property lines, watercourses and wells;
- the location of the septic field, tank, driveway, right-of-ways and easements; and,
- rock pit/storm drainage system (minimum 5.0m from any foundation).

This site plan will help us ensure your structure complies with all required setbacks. An example of a site plan is attached. You may prepare the site plan yourself, but it must be drawn to scale and contain the above-noted information.

**Check When
Complete**



BUILDING REQUIREMENTS

2. Certified Occupational Industrial Hygienist Report - Please provide a report from a Certified Occupational Industrial Hygienist to identify actions or works needed to ensure the home is free pesticides, fertilizers, toxic chemicals, moulds or fungi that can damage your health. Actions or works identified in the report should not be completed until the building permit has been issued. The requirements identified in the Hygienist's report will become requirements of the Building Permit. ☐
3. Certified Electrician's Report - Please provide a report by a Certified Electrician to certify that the household electrical system is safe for its intended use. Any works indicated in the Certified Electrician's report are not to be completed until the building permit has been issued. The works identified by the Electrician will become requirements of the Building Permit. ☐
4. Certified Gas Fitter's Report - Please provide a report by a Certified Gas Fitter to identify any corrective measures required to certify that the propane system is safe and fully operational. Any works indicated in the Certified Gas Fitter's report are not to be completed until the Building Permit has been issued. The works identified by the Certified Gas Fitter will become requirements of the Building Permit. ☐
5. Provincial Sewerage System Regulation - Please provide a report by a Professional Engineer or a Registered Onsite Wastewater Practitioner (otherwise known as an Authorized Person) to confirm that the re-use of the existing sewage disposal system meets all current Provincial requirements to protect your health and the environment. For a list of Authorized Persons, please call 604-585-2788 or go online to <http://owrp.asttbc.org>. More information is attached to this letter. ☐
6. Project Coordination - BC Building Code - Please submit a BC Building Code Schedule A form completed signed and sealed by *Coordinating Registered Professional*. A *Coordinating Registered Professional* means a *Registered Professional* retained pursuant to Clause 2.2.7.2 (1)(a) of Division C of the BC Building Code to coordinate all design work and field reviews of the *Registered Professionals* required for the project. ☐
7. Engineering Design - BC Building Code - Please submit the following information prepared by a *Registered Professional of Record*:
 - a) Architectural Schedule B and a sealed report for section 1.16 to 1.24 on the Schedule B,
 - b) Schedule B and 3 sets of sealed drawings for all structural aspects of the project that reflect a frost depth of 0.45m and climatic (snow) loads of, $S_s=3.0\text{kpa}$ & $S_r=0.6\text{kpa}$;
 - c) Schedule B and 3 sets of sealed drawings for the soak away system;
 - d) Schedule B for soil bearing capacity.

This is required to meet the requirements of the BC Building Code.

A *Registered Professional of Record* is a person who is registered or licensed to practise as an Architect under the *Architects Act*, or a person who is registered or licensed to practise as a Professional Engineer under the *Engineers and Geoscientists Act*. ☐
8. Location Survey by BC Land Surveyor - Please provide a Location Survey by a BC Land Surveyor to confirm that the proposed structure complies with all required setbacks, including setbacks to each property line, and the natural boundary of a watercourse (2 on site). ☐
9. Construction Drawings - Please provide three complete sets of construction drawings. Construction drawings are scaled drawings which provide sufficient information to show that the proposed work and proposed occupancy will conform to the BC Building Code, FVRD Bylaws, other relevant legislation or regulations. ☐
10. Building Permit Application revised - The Building Permit application form submitted did not include some important information. Please complete the following sections of the application form: 1) the heating section, including wood stove ☐

OTHER AGENCY REQUIREMENTS

11. Provincial Contaminated Site Profile - Please provide a completed Contaminated Site Profile form. This is a Provincial requirement to identify whether there may contaminated soils on the property. Please complete and submit the attached form for the decommission of marihuana grow op. If you need assistance, please contact the Building Clerk at 604-702-5016 or building@fvrd.bc.ca . ☐
12. New Home Registration Form - Please provide New Home Registration Form (formally HPO). Provincial law requires that all new homes, including substantially reconstructed dwellings, require home warranty insurance. Contact BC Housing at 1-800-407-7757 or go online www.bchousing.org/licensing-consumer-services to complete this process. A copy of the form is required prior to issuance of the building permit. ☐

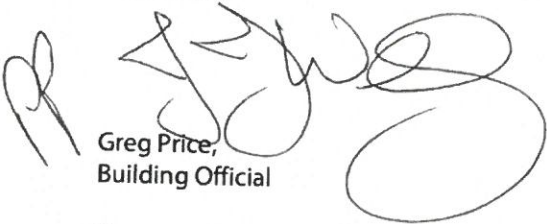
BYLAW ENFORCEMENT REQUIREMENTS

13. Open / Active Bylaw Enforcement File No. - F02784.012 ☐

Once you have submitted all of the items identified in the checklist above, we will review your building plans and move on to the next steps of the permitting process. This may require additional information or clarification. Our goal is to issue your permit within three weeks of receiving a complete application. If you provide complete and timely information we can often do it more quickly.

We know that the building permit process can be difficult and costly. The FVRD will help you through the process quickly and smoothly. Please contact the building department 604-702-5016 or toll free 1-800-528-0061 if you need more information or clarification of any of the items in this checklist.

Yours truly,



Greg Price,
Building Official

Enc.

cc: Ray Boucher, Director of Electoral Area F
Margaret-Ann Thornton, Director of Planning & Development
Jen Wells, Bylaw, Permits & Licences Technician

Via email @ onlypinoni@live.ca

February 16, 2017

COPY

Robert Pinoni
13089 Sylvester Rd.
Mission, BC V2V 0B1

FILE: 4010-20-F02784.012
CIVIC: 13089 Sylvester Road
PID: 001-905-147
LEGAL: Lot 2 Section 30 Township 21 New Westminster District Plan NWP69714

Dear Mr. Pinoni;

Re: BYLAW ENFORCEMENT AT 13089 SYLVESTER RD

I am writing to you in connection with the above noted matter. Please be advised that our records indicate that your property remains in breach of Regional District bylaws. The compliance action requested in the email dated March 31, 2016 (attached) does not appear to have been carried out. It is imperative that this action be completed in order to avoid further bylaw enforcement. In addition, staff has verified that the illegally constructed storage building which was used as a Marihuana Grow Operation has recently been changed to a dwelling without the required permits.

Please contact the Regional District immediately to advise of your intentions in respect to resolving this issue. Should you fail to contact this office by **March 3, 2017**, you may be subject to fines and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement.

If you have any questions or wish to discuss this matter further, you are welcome to contact me by calling me directly at 604-702-5015, or by email at jwells@fvrd.ca. Our office hours are Monday through Friday from 8:30am to 4:30pm. Thank you once again for your co-operation.

Yours truly,



Jennifer Wells
Bylaw, Permits & Licences Technician
and Appointed Building Inspector

cc: Ray Boucher, Director of Electoral Area F
Margaret-Ann Thornton, Director of Planning & Development

encl: Email correspondence dated March 31, 2016

COPY

March 16, 2016

Robert Pinoni
13089 Sylvester Road
Mission, BC V2V 4J1

FILE: 4010-20-F02784.012

CIVIC: 13089 Sylvester Road

PID: 001-905-147

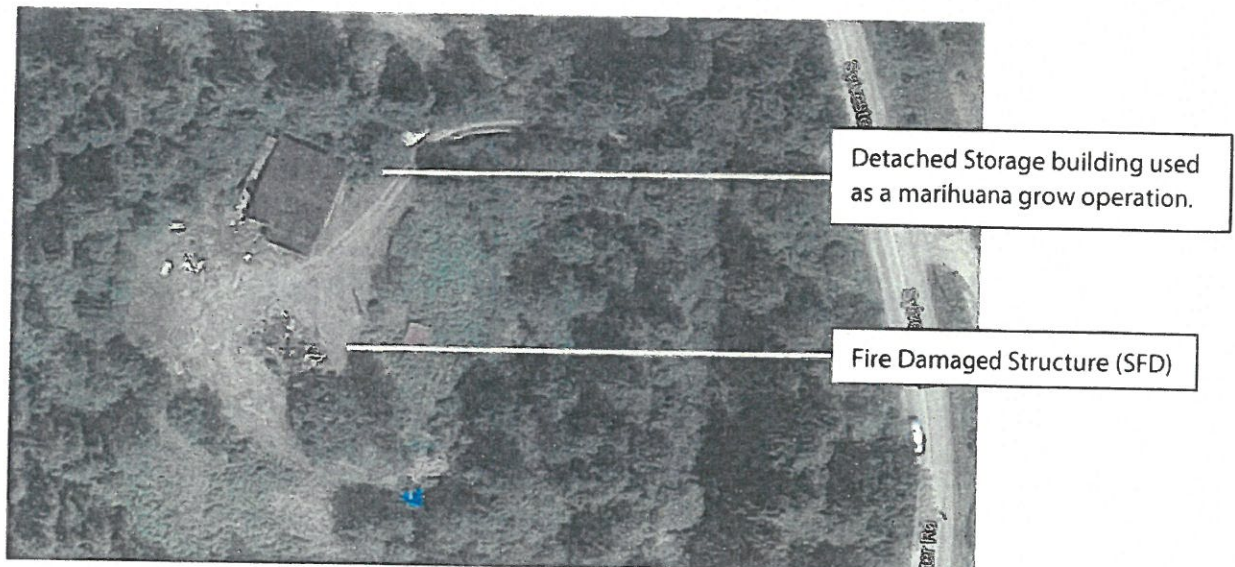
LEGAL: LOT 2 SECTION 30 TOWNSHIP 21 NEW WESTMINSTER DISTRICT PLAN 69714

Dear Mr. Pinoni;

RE: Bylaw Enforcement at 13089 Sylvester Road

The Fraser Valley Regional District is aware that you are the new owner of the above mentioned property. As you may already be aware, the Regional District has an open bylaw enforcement file on the property. We believe that a fire damaged structure and a detached storage building constructed without a building permit remain on the property. A change in ownership in no way negates the bylaw enforcement issues.

In December 2008 the Regional District was notified of a large fire in the single family dwelling (SFD) on the property. In February 2009 the Regional District was notified that there had been a marihuana grow operation within the detached 3 bay storage building.



The Regional District wishes to work with you to enable you to bring your property into compliance with all current bylaws. In order to accomplish this we ask that you:

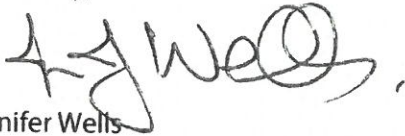
1. Apply and obtain a demolition permit for the fire damaged structure, as well as a demolition permit for the detached storage building, **or**

2. a) Apply and obtain a demolition permit for the fire damaged structure and
- b) Apply and obtain a building permit for the detached storage building used as a marihuana grow operation.

Should you fail to comply with this request by **April 18, 2016**, you may be subject to ticketing and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement.

If you have any questions or wish to discuss this matter further, you are welcome to contact me by calling toll free at 1-800-528-0061, directly at 604-702-5015, or by email at jwells@fvrld.ca. Our office hours are Monday through Friday from 8:30am to 4:30pm. Thank you once again for your co-operation.

Yours truly,



Jennifer Wells
Bylaw, Permits & Licences Technician

cc: Ray Boucher, Director of Electoral Area F
Margaret-Ann Thornton, Director of Planning & Development

NOTICE ON TITLE INFORMATION SHEET

WHAT IS A NOTICE ON TITLE?

A *Notice on Title*, note against land title, or section 57 of the *Community Charter*, was provided to local governments by the province of British Columbia as a tool to administer and enforce the *BC Building Code* and local building bylaws. It involves the registration of a Notice on a property title at the Land Title Office, which, once in place, is documented on the title search under the "Legal Notations" section.

A *Notice on Title* serves as notification to anyone searching a property title that the property may be in breach of bylaws or regulations. The *Notice* itself does not disclose details of the breach but specifies that further information may be obtained from the local government office.

WHAT IS THE PURPOSE OF A NOTICE ON TITLE?

The purpose of a *Notice on Title* is to provide information to potential owners and stakeholders of a breach of bylaws or regulations. It also encourages voluntary compliance to reduce risk to the local government. The filing of a notice is not intended to be a punitive action; rather, it is a method to protect future owners and others with an interest in the property.

WHEN CAN A NOTICE ON TITLE BE FILED?

A *Notice on Title* may be filed by a local government where there is a breach of bylaws or regulations in respect to a property. Specifically, a *Notice on Title* may be filed where a Building Inspector is made aware of any of the following:

- a) construction has occurred without a valid building permit;
- b) construction deficiencies noted have not been corrected;
- c) covering construction without required inspections;
- d) a permit has expired and the owner refuses to reapply for a new permit;
- e) construction that is in contravention of the *BC Building Code* or Building Bylaw; or
- f) any such circumstances as the Building Inspector may deem necessary.

HOW IS A NOTICE ON TITLE FILED?

Step 1 When the Building Inspector is made aware of a breach, a letter is mailed to the registered owner of the property advising of the breach and the required remedial action. The owner is provided approximately thirty (30) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.

Step 2 If no action to contact staff and resolve the issue, a second letter is mailed to the owner advising of the breach and the required remedial action. The owner is provided approximately fourteen (14) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.

- Step 3 If no action to contact staff and resolve the issue, the Building Inspector may forward a report to the Corporate Officer and a "Show Cause Hearing" is scheduled. A Show Cause Hearing is held during an Electoral Area Services Committee (EASC) meeting. An invitation is mailed to the registered owner of the property advising the specific date and time they are to attend the Show Cause Hearing. A copy of the report produced by the Building Inspector will be included.
- Step 4 On the day of the EASC meeting, the Show Cause Hearing will be announced. The owner of the property, or their agent, will be asked if they would like to make representation to the Committee. The Committee shall listen objectively to the owner as well as the Building Inspector. Please note that **attendance is not required** if the owner does not wish to challenge the recommendation.
- Step 5 After hearing from the registered owner of the property and Building Inspector, the committee will then resolve to:
- a) direct the staff to file a *Notice* in the Land Title Office;
 - b) direct staff not to file a *Notice* in the Land Title Office; or
 - c) defer filing a *Notice* to allow the registered owner more time to comply.

HOW IS A NOTICE ON TITLE CANCELLED?

Once a *Notice on Title* is filed, it may be cancelled from the title of a property by way of:

- a) the local government after a Building Inspector has provided a report confirming that the condition which caused the notice to be filed has been rectified; or
- b) an Order obtained by the registered owner from the *British Columbia Supreme Court*.

WHAT IS THE COST OF PLACING OR CANCELLING THE NOTICE ON TITLE?

At this time, the Fraser Valley Regional District does not charge the registered owner of the property when a *Notice on Title* is placed or cancelled at the Land Title Office. The fees associated with the registration or removing of the Notices are remunerated by the Fraser Valley Regional District.

Properties with a *Notice on Title* may be sold at any time; however, the presence of the *Notice* may negatively affect a property's potential sale, perceived property value, access to a mortgage, and/or (re)financing. If a Notice is registered or is recommended to be registered upon the title of your property, you are advised to undertake inquiries with your lenders, insurance companies, and any other relevant parties to determine how it may impact you now and in the future.

If you have any questions regarding this process, please email staff at enforcement@fvrld.bc.ca or phone directly at 1-800-528-0061.

This document is provided for informational purposes and does not constitute legal advice. The Fraser Valley Regional District makes no representations or warranties about the accuracy of the information contained in this document. If you have any questions or concerns as to the nature and effect of Notices on Title, please refer to the actual text of sections 57 and 58 of the Community Charter and seek your own independent legal advice.

EXCERPTS FROM COMMUNITY CHARTER

NOTE AGAINST LAND TITLE THAT BUILDING REGULATIONS CONTRAVENED

- 57 (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector
- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
 - (i) results from the contravention of, or is in contravention of,
 - (A) a municipal bylaw,
 - (B) a Provincial building regulation, or
 - (C) any other enactment
 - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
 - (b) discovers that
 - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and
 - (ii) the permit was not obtained or the inspection not satisfactorily completed.
- (2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must
- (a) give notice to the registered owner of the land to which recommendation relates, and
 - (b) after notice under paragraph (a), place the matter before the council.
- (3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that
- (a) a resolution relating to that land has been made under this section, and
 - (b) further information about it may be inspected at the municipal hall.
- (4) The corporate officer must ensure that all records are available for the purpose of subsection (3) (b).
- (5) If the registrar of land titles receives a notice under subsection (3) and payment of the prescribed fee, the registrar must make a note of the filing against the title to the land that is affected by the notice.
- (6) The note of a filing of a notice under this section is extinguished when a new title to the land is issued as a result of the deposit of a plan of subdivision or a strata plan.
- (7) In the event of any omission, mistake or misfeasance by the registrar or an employee of the registrar in relation to the making of a note of the filing under subsection (5), or a cancellation under section 58, after the notice is received by the land title office,

- (a) the registrar is not liable and neither the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,
- (a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the Land Title Act, and
- (b) the assurance fund or the minister charged with the administration of the Land Title Act as a nominal defendant is not liable under Part 20 of the Land Title Act.

(8) Neither the building inspector nor the municipality is liable for damage of any kind for the doing of anything, or the failure to do anything, under this section or section 58 that would have, but for this subsection, constituted a breach of duty to any person.

(9) The authority under this section is in addition to any other action that a building inspector is authorized to take in respect of a matter referred to in subsection (1).

CANCELLATION OF NOTE AGAINST LAND TITLE

- 58
- (1) On receiving a report from a building inspector that the condition that gave rise to the filing of the notice under section 57 (3) has been rectified, the corporate officer must file a cancellation notice and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
 - (2) An owner of land with respect to which a notice has been filed under section 57 (3), may apply to the council for a resolution that the note be cancelled.
 - (3) After hearing an applicant under subsection (2), the council may pass a resolution directing the corporate officer to file a cancellation notice.
 - (4) If a resolution has been passed under subsection (3), the corporate officer must file a cancellation notice in the land title office and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
 - (5) If the council does not pass a resolution under subsection (3), the owner may apply to the Supreme Court and notify the municipality to attend before the court to show cause why the note should not be cancelled.
 - (6) On an application under subsection (5), after reviewing any evidence that the owner and the municipality may adduce, the court may make an order directing the registrar to cancel the note made under section 57 (5) and, on receiving the order, the registrar of land titles must cancel the note accordingly.

FRASER VALLEY REGIONAL DISTRICT
ELECTORAL AREA SERVICES COMMITTEE
OPEN MEETING MINUTES

Thursday, February 15, 2018
1:30 pm

FVRD Boardroom, 45950 Cheam Avenue, Chilliwack, BC

Members Present

Director Bill Dickey, Electoral Area D, Chair
Director Terry Raymond, Electoral Area A
Director Dennis Adamson, Electoral Area B
Director Alec Niemi, Electoral Area C
Director Orion Engar, Electoral Area E
Director Ray Boucher, Electoral Area F
Director Al Stobbart, Electoral Area G
Director Taryn Dixon, Electoral Area H

Staff Present

Paul Gipps, Chief Administrative Officer
Mike Veenbaas, Director of Financial Services
Tareq Islam, Director of Engineering & Community Services
Margaret Thornton, Director of Planning & Development
Graham Daneluz, Deputy Director of Planning & Development
Jaime Schween, Manager of Corporate Administration
Jennifer Kinneman, Manager of Corporate Affairs and Strategic Communications
Reg Dyck, Manager of Electoral Area Emergency Services
Sterling Chan, Manager of Engineering and Infrastructure
David Bennett, Planner II
Johannes Bendle, Planner I
Melissa Geddert, Planning Technician
Cathy Squires, Recording Secretary
Matthew Fang, Network Analyst I

Members of the Public Four present

1. CALL TO ORDER

The meeting was called to order at 1:30 pm

2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS

Moved By RAYMOND

Seconded By NIEMI

THAT the Agenda, Addenda and Late Items for the Electoral Area Services Committee Open Meeting of February 15, 2018 be approved;

AND THAT all delegations, reports, correspondence and other information set to the Agenda be received for information.

CARRIED

3. DELEGATIONS AND PRESENTATIONS

3.1 Electoral Area Emergency Services - Roles and Responsibilities

A presentation was made by Reg Dyck, Manager of Electoral Area Emergency Services on the roles and responsibilities of the Electoral Area Emergency Services department.

Mr. Dyck highlighted how communication to Directors, Staff, First Responders and Volunteers is structured during an event. Based on the Incident Command System, communication is funneled through a structured chain of command. Depending on the severity or the nature of the event, notification to Directors may happen during the event or after the event has subsided.

Mr. Dyck provided an overview of the flow of communication on small and large events. The function of an EOC and how communication is distributed through an EOC was explained.

The four pillars of Emergency Response was described; mitigation, preparedness, response and recovery. The roll of Electoral Area Directors during each part of Emergency Response was explained.

Discussion ensued regarding the role of an Electoral Area Director during an emergency event, and whether the Director should attend on scene. Comments

were offered that Electoral Area Directors prefer to be contacted as soon as possible following an event, so that they are aware of the events taking place in the community. Staff will look into different ways of notifying EA Directors more effectively, including regular reports from the Emergency Services Department.

4. MINUTES/MATTERS ARISING

4.1 Minutes of the Electoral Area Services Committee Meeting January 10, 2018

Moved By BOUCHER

Seconded By NIEMI

THAT the Minutes of the Electoral Area Services Committee Open Meeting of January 10, 2018 be adopted.

CARRIED

5. CORPORATE ADMINISTRATION

5.1 Deroche Community Access Centre Rental Policy and Procedures

Moved By STOBART

Seconded By RAYMOND

THAT the Fraser Valley Regional District endorse and adopt the draft Deroche Community Access Centre Rental Policy and Procedures.

CARRIED

5.2 Fraser House Society Lease at Deroche Community Access Centre

Moved By STOBART

Seconded By DIXON

THAT the Fraser Valley Regional District Board authorize its signatories to enter into a three year lease agreement with the Fraser House Society, for rental of the former community policing office space at the FVRD Deroche Community Access Centre at a cost of \$200 per month.

CARRIED

6. FINANCE

6.1 Grant-in-Aid Request – Boston Bar North Bend Enhancement Society, Electoral Area “A”

Moved By RAYMOND

Seconded By ADAMSON

THAT the Fraser Valley Regional District Board approve a grant-in-aid to the Boston Bar North Bend Enhancement Society in the amount of \$2,000 to be funded from the 2018 Electoral Area “A” grant-in-aid budget to assist with the costs of publishing the community newsletter.

CARRIED

6.2 Grant-In-Aid Request – Fraser Canyon Hospice Society, Electoral Area “B”

Moved By ADAMSON

Seconded By RAYMOND

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$3,800 to the Fraser Canyon Hospice Society, funded from the Electoral Area “B” grant-in-aid budget, to offset costs of their 14th annual Camp Skylark.

CARRIED

6.3 Grant-in-Aid Request – Scenic 7 BC – Co-operative Marketing Partners, Electoral Area “B”

Moved By ADAMSON

Seconded By ENGAR

THAT the Fraser Valley Regional District Board authorize a grant-in-aid to Scenic 7 BC Co-operative Marketing Partners (Scenic7BC), to be funded from the 2018 Electoral Area “B” grant-in-aid budget in the amount of \$500, to help build their online presence across their target markets.

CARRIED

6.4 Grant-in-Aid Request – Chilliwack Vedder River Cleanup Society, Electoral Area “E”

Moved By ENGAR

Seconded By DIXON

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$1,100 to the Chilliwack Vedder River Cleanup Society, funded from the 2018 Electoral Area “E” grant-in-aid budget to help offset the costs associated with hosting the Chilliwack Vedder River cleanups on April 21 and September 30 of 2018.

CARRIED

7. ENGINEERING & UTILITIES

None.

8. PLANNING, BUILDING INSPECTION AND BYLAW ENFORCEMENT

8.1 Electoral Area Planning and Development: 2017 Year End Report

The Corporate Report of Margaret Thornton, Director of Planning and Development and Andrea Antifaeff, Planning Assistant dated February 15, 2018 was provided for information. It was noted that there was a large volume of building permits issued in 2017.

8.2 Development Permits Issued in 2017 by the Director of Planning & Development

The Corporate Report of Andrea Antifaeff, Planning Assistant and Margaret Thornton, Director of Planning and Development and dated February 15, 2018 was provided for information.

8.3 Update - FVRD GeoHazard Management Program

It was noted this is leading edge initiative has gone a long way to simplify the process.

Moved By RAYMOND

Seconded By BOUCHER

THAT the Fraser Valley Regional District Board endorse the updated FVRD-EGBC (Engineers and Geoscientists of British Columbia) GeoHazard Assurance Statement and Hazard Acceptability Thresholds for Development Approvals policy.

CARRIED

8.4 Site Specific Floodplain Exemption Application for 30420 Trans-Canada Highway, Electoral Area "B"

Moved By ADAMSON

Seconded By STOBART

THAT the Fraser Valley Regional District Board approve the Site-Specific Floodplain Exemption Application to reduce the Fraser River setback from 60 metres to 45 metres for the placement of a new mobile home and construction of a new accessory structure (shop) on the property located at 30420 Trans-Canada Highway, Electoral Area B on the basis of the report prepared and reviewed by a Professional Geoscientist at Madrone Environmental Services Ltd. stating that the proposed setback exemption would allow for safe use of the property;

SUBJECT TO the Fraser Valley Regional District entering into a covenant with a priority charge to be registered on title of the property pertaining to the setback exemption and building permit approval for 30420 Trans-Canada Highway;

AND FURTHER THAT the Fraser Valley Regional District Board authorize its signatories to execute all documents relating to this matter.

CARRIED

8.5 Application for a Temporary Use Permit for 53730 Bridal Falls Road, Electoral Area "D" to allow for the existing camping cabins within a campground.

Moved By RAYMOND

Seconded By STOBART

THAT the Fraser Valley Regional District Board issue Temporary Use Permit 2017-04 for the continuation of existing camping cabins within the Holiday Trails Resort campground located at 53730 Bridal Falls Road for a period of 3 years.

CARRIED

8.6 Commercial Gravel Operation Permit 2017-02 (Laumel Holdings), Area "G"

Moved By STOBART

Seconded By BOUCHER

THAT the FVRD Board issue Commercial Gravel Operation Permit 2017-02 to Laumel Holdings LTD for the Mainland Sand & Gravel quarry operation at 6850 Cox Road, FVRD Area "G"

CARRIED

8.7 Development Variance Permit 2017-27 to reduce the interior side lot line setback for a detached garage at 47883 Hansom Road, Electoral Area "E".

Comments were offered noting that the subject property has had multiple bylaw contraventions.

Moved by ENGAR

Seconded By BOUCHER

THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2017-27 to vary the interior side lot line setback from 7.6 metres to 1 metre, clear to sky, to permit the construction of a detached garage at 47883 Hansom Road, Electoral Area "E" .

CARRIED

8.8 Form and Character Development Variance Permit 2018-01 and Development Permit 2018-02 for the final phase (10 lots) at the "Cottages at

Cultus Lake” holiday park development at 029-380-839 off Columbia Valley Road, Electoral Area “H”;

It was noted that the Cottages at Cultus Lake were fitting well into the neighbourhood.

Moved By DIXON

Seconded By ADAMSON

THAT the Fraser Valley Regional District Board issue Development Permit 2018-01 regarding the form and character and geo-hazard protection for the final phase of the “Cottages” development at PID 029-380-839 off Columbia Valley Road, Electoral Area “H” subject to consideration of any concerns raised from neighbourhood notification;

AND THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-02 regarding the siting of buildings and the lot layout of the final phase of the “Cottages” development at PID 029-380-839 off Columbia Valley Road, Electoral Area “H”.

CARRIED

8.9 Development Variance Permit 2018-02 to Reduce the Setback from an adjacent Mobile Home for 88-3942 Columbia Valley Road, Cultus Lake Village MHP, Electoral Area “H”

Moved By DIXON

Seconded By ENGAR

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-02 to vary the setback from an adjacent mobile home from 5.5 metres to 2.8 metres to allow a canopy and deck at 88-3942 Columbia Valley Road, Cultus Lake Village MHP, Electoral Area “H”, subject to consideration of any comments or concerns raised by the public.

CARRIED

8.10 Application for Development Variance Permit 2018-04 to Vary the Height of an Addition to an Existing Single Family Dwelling at 10298 Wildrose Drive, Electoral Area "D"

Moved By STOBART

Seconded By BOUCHER

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-04 to vary the permitted height of an addition to an existing single family dwelling at 10298 Wildrose Drive from 10.0 metres to 11.28 metres, subject to consideration of any comment or concerns raised by the public.

CARRIED

8.11 Development Variance Permit 2018-05 to Increase the Height of a House for 1162 Iverson Road, Electoral Area "H"

Concerns were raised regarding the requested Development Variance Permit increasing the height of the home from 10 metres to 13.3 metres, resulting in the following motion:

Moved By DIXON

Seconded By ADAMSON

THAT the Fraser Valley Regional District Board refer Development Variance Permit 2018-05 back to staff for further information.

CARRIED

8.12 Development Variance Permit 2018-06 to Decrease the Side and Rear Lot Setback for 121-14500 Morris Valley Road, Electoral Area "C"

Discussion ensued regarding the process for providing public comments for a Development Variance Permit application.

Moved By NIEMI

Seconded By ADAMSON

THAT the Fraser Valley Regional District Board considers Development Variance Permit 2018-06 to reduce the side and rear lot setback for a shed at 121-14500 Morris Valley Road, Electoral Area " C " after neighbourhood notification and consideration of any comments or concerns raised by the public.

CARRIED

8.13 Application for Development Variance Permit 2018-07 to Vary the Interior Side Lot Setback of a New Single Family Dwelling and Eaves Projections at 107-14500 Morris Valley Road, Electoral Area "C"

Moved By NIEMI

Seconded By DIXON

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-07 to vary the interior side lot line setbacks at 107-14500 Morris Valley Road from 2.1 metres to 1.5 metres for the single family dwelling and 1.5 metres to 1.2 metres for the eave projections, subject to consideration of any comment or concerns raised by the public.

CARRIED

8.14 Development Variance Permit 2018-08 to vary the requirements related to a proposed Accessory Family Residence at the property located at 42095 Lougheed Highway, Area "G"

Moved By STOBART

Seconded By RAYMOND

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-08 to vary requirements regarding the relationship between property owner and occupant of an Accessory Family Residential Use at 42095 Lougheed Highway, Area "G"

AND THAT the Fraser Valley Regional District Board authorize FVRD signatories to execute all legal instruments associated with this application

CARRIED

9. ELECTORAL AREA EMERGENCY SERVICES

9.1 Fraser Valley Regional District Electoral Area Fire Services Regulatory Bylaw No. 1474, 2018

Discussion ensued regarding different remuneration between halls as well as ratification process. Reg Dyck noted that the content of the bylaw is consistent with playbook requirements.

THAT the Fraser Valley Regional District Board consider giving three readings and adoption to the bylaw cited as *Fraser Valley Regional District Electoral Area Volunteer Fire Department Establishment and Regulation Bylaw No. 1474, 2018*.

CARRIED

10. REPORTS BY STAFF

Paul Gipps, CAO noted that the FVRD and SXTA Community to Community Forum is scheduled for March 1, 2018. Staff encouraged attendance at this event.

Mr. Gipps also noted that the FVRD was successful in obtaining UBCM grant funding for emergency preparedness in the amount of \$25,000.

11. REPORTS BY ELECTORAL AREA DIRECTORS

Director Dixon, Electoral Area 'H' – Reported that there is a Public Hearing scheduled for February 15, 2017 at Cultus Lake Park. Director Dixon also noted that there was a flood at Teapot Hill, and she thanked the Ministry of Transportation and Infrastructure as well as contractor, Emil Anderson for taking care of the flooding across the road, as well as traffic control.

Director Adamson, Electoral Area 'B' – Reported on a fire in Laidlaw, a vehicle accident passed the first tunnel that the fire department attended, and an RCMP stake out which resulted in a suspect being caught at the Yale gas station. He noted that the Yale Ratepayers meeting went well on February 12, 2018, and that Sunshine Valley had a Family Day bowling event.

Director Raymond, Electoral Area 'A' - Reported that about a week ago there was a meeting held in Boston Bar with between 40 to 60 people in attendance which went

well. He also noted that he had an opportunity to attend a dinner with fire department, and that he felt the community needs to better understand what the firefighters and their families put in to their jobs.

Director Boucher, Electoral Area 'F' - Reported on a recent community meeting regarding the Hatzic Community water system. He also noted a RCMP raid in the area, and highlighted that the Annual Volunteers Appreciation Night will be held on Saturday, March 3 at the Deroche Hall.

Director Engar, Electoral Area 'E' – Reported ongoing concerns around wildfires. He noted that at the LGLA Forum in Richmond, there was discussion around sprinklers on top of homes as being a preventative measure. Discussion ensued regarding fire protection options and public education options.

Director Dickey, Electoral Area 'D' - Reported on much development happening within Electoral Area "D" and noted that staff are doing a good job of managing the large volume of permits. He noted that he will be inquiring into improving street lighting on Yale Road.

12. PUBLIC QUESTION PERIOD FOR ITEMS RELEVANT TO AGENDA

None

13. RESOLUTION TO CLOSE MEETING

Moved By STOBART

Seconded By BOUCHER

THAT the meeting be closed to the public, except for Senior Staff and the Executive Assistant, for the purpose of receiving and adopting Closed Meeting minutes convened in accordance with Section 90 of the *Community Charter* and to consider matters pursuant to:

- Section 90(1)(k) of the Community Charter - negotiations and related discussions respecting the proposed provision of a regional district service that are at their preliminary stages and that, in the view of the Committee could reasonably be expected to harm the interests of their regional district if they were held in public.

RECESS

CARRIED

14. RECONVENE OPEN MEETING

The meeting was reconvened at 2:59 p.m.

15. RISE AND REPORT OUT OF CLOSED MEETING

None.

16. ADJOURNMENT

Moved By BOUCHER

Seconded By NIEMI

THAT the Electoral Area Services Committee Open Meeting of February 15, 2018 be adjourned

CARRIED

The Electoral Area Services Committee Open Meeting adjourned at 3p.m.

MINUTES CERTIFIED CORRECT

.....
Director Bill Dickey, Chair

To: Electoral Area Services Committee

Date: 2018-03-13

From: Jaime Schween, Manager of Corporate Administration

File No: 0870-25-Deroche

Subject: Deroche Community Christian Fellowship Rental of Deroche Community Access Centre

RECOMMENDATION

THAT the Fraser Valley Regional District Board authorize its signatories to enter into a one year agreement with the Deroche Community Christian Fellowship, for rental of space at the FVRD Deroche Community Access Centre at a cost of \$100 per month.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

Support Healthy & Sustainable Community

BACKGROUND

In November 2017 the Board approved the use of the community meeting room at the Deroche Community Access Centre by the Deroche Community Christian Fellowship on a three month trial basis.

The Deroche Community Access Centre Rentals Policy and Procedure establishes guidelines regarding the requests for rentals for the community meeting room. A flat rate rental fee of \$25 per day, plus taxes, has been established for the use of the community meeting room.

DISCUSSION

Following some initial challenges with accessing the Deroche Community Access Centre, Deroche Community Christian Fellowship has been successfully holding their Sunday services in the community meeting room. The Fellowship has a small congregation of 12 to 15 people, with members residing in the Deroche and Lake Errock communities, as well as other part of the Fraser Valley. The Fellowship would like to continue holding their services between 9am and 11:30 am on Sunday mornings.

The Fellowship has expressed interest in continued use of space at the Deroche Community Access Centre. The Fellowship would have of the community meeting room, kitchen and washrooms, and would be responsible for clean-up of those areas.

COST

No additional cost to the FVRD. This agreement will generate revenue of \$1,200 per year.

CONCLUSION

Following the three month trial of the community meeting room at the Deroche Community Access Centre, the Deroche Community Christian Fellowship would like to continue holding their Sunday services at the Access Centre.

COMMENTS BY:

Mike Veenbaas, Director of Financial Services

Reviewed and supported.

Paul Gipps, Chief Administrative Officer

Reviewed and supported.

To: Electoral Area Services Committee

Date: 2018-03-13

From: Jaime Schween, Manager of Corporate Administration

File No: 3920-20-1442, 2017

Subject: Fraser Valley Regional District Election Procedures Bylaw No. 1442, 2017

RECOMMENDATION

THAT the Fraser Valley Regional District Board consider giving three reading and adoption to the bylaw cited as *Fraser Valley Regional District Election Procedures Bylaw No. 1442, 2017*.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

General voting day for the upcoming general local elections is scheduled to take place on Saturday, October 20, 2018.

The *Local Government Act* provides that the Board may determine various procedures with respect to the conduct of government local elections and assent voting ("referendum"). In some cases, the Act specifically requires that these procedures be put in place by bylaw.

DISCUSSION

In advance of the upcoming general local elections, this bylaw is being brought forward, and includes housekeeping amendments and changes to reflect recent legislative changes to the Act implemented since the 2014 general local election.

Additionally, the bylaw has been drafted with the inclusion of the ability to vote by mail ballot. As set out in the Act, the Board, by bylaw, may permit voting to be conducted by mail ballot. Specifically, for a regional district, the Act allows that the only electors who may be permitted to vote by mail ballot are:

- (a) Persons who have a physical disability, illness or injury that affects their ability to vote at another voting opportunity;

- (b) Persons who expect to be absent from the regional district on general voting day and at the times of all advance voting opportunities; and
- (c) Persons who live in an area that is remote from the voting place at which persons who reside in that area are entitled to vote (in this case, the bylaw authorizes people to vote by mail ballot if they live in rural areas located more than 25kms from the nearest voting place at which they are entitled to vote).

COST

No costs associated with this bylaw. Additional costs anticipated with the inclusion of mail ballot voting have been budgeted for as part of the general local elections budget. All General Local Election costs are borne by Service Area 102 (Electoral Area Administration).

CONCLUSION

In anticipation of the upcoming general local elections scheduled for October 2018, staff have prepared the attached bylaw for the Board's consideration.

COMMENTS BY:

Mike Veenbaas, Director of Financial Services

Reviewed and supported.

Paul Gipps, Chief Administrative Officer

Reviewed and supported

FRASER VALLEY REGIONAL DISTRICT

BYLAW NO. 1442, 2017

A bylaw to provide for the procedures for the conduct of General local elections and other voting

WHEREAS Parts 3 and 4 of the *Local Government Act* (the “Act”) provides for the conduct of General Local Elections and Assent Voting;

WHEREAS the Act provides that a board may, by bylaw, determine various procedures and requirements to be applied to the conduct of General Local Elections and Assent Voting and the Fraser Valley Regional District Board (“the Board”) deems it advisable to establish certain procedures and requirements under that authority.

NOW THEREFORE, the Board in open meeting assembled, enacts as follows:

A. CITATION

This bylaw may be cited for all purposes as the “*Fraser Valley Regional District Election Procedures Bylaw No. 1442, 2017*”.

B. DEFINITIONS

Assent Voting means:

- (a) Voting on a bylaw or other matter for which the assent of the electors is required;
- (b) Voting on a bylaw or other matter for which the local government is authorized under *the Act* or another Act to obtain the assent of the electors;
- (c) Voting on a referendum under Section 336 of *the Act* regarding a regional district service.

General Local Election means the election to be held for the offices of Electoral Area Director of the Fraser Valley Regional District according to *the Act*.

C. ENACTMENTS

1. Access to Nomination Documents

As authorized under *the Act*, public access to nomination documents will be provided from the time of delivery until 30 days after the declaration of election results, by internet or other electronic means, and will otherwise be available for public inspection at the offices of the

Fraser Valley Regional District located at 45950 Cheam Avenue, Chilliwack, B.C. between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday, except statutory holidays.

2. Advance Voting Opportunity

- a) In accordance with *the Act*, for electoral areas with a population less than 5000, only one (1) advance voting opportunity will be held on the 10th day before general voting day.
- b) For electoral areas with a population greater than 5000, the second advanced voting opportunity will be held on the 3rd day before general voting day.

3. Special Voting Opportunities

In accordance with *the Act*, the Chief Election Officer may determine whether a special voting opportunity is to be conducted and may establish the dates, locations and voting hours for special voting opportunities. The Chief Election Officer may limit the number of candidate representatives who may be present at a special voting opportunity.

4. Voting Day Registration Only

For purposes of all General Local Elections and Assent Voting under Parts 3 and 4 of *the Act*, a person may register as an elector only at the time of voting in accordance with *the Act*.

5. Resolution of Tie Vote after Judicial Recount

In accordance with *the Act*, in the event of a tie vote after a judicial recount, the results of the election will be determined by lot rather than by a runoff election.

6. Mail Ballot Voting

- a) As authorized under *the Act*, voting and elector registration for mail ballot voting may be conducted by mail for those electors who meet the criteria under subsection 6)b) of this bylaw for each General Local Election or Assent Voting.
- b) The following electors are permitted to register to vote by mail, and to vote by mail ballot:
 - i. those electors who have a physical disability, illness, or injury that affects their ability to vote at another voting opportunity;
 - ii. electors who expect to be absent from the Fraser Valley Regional District on general voting day and during the times of all advance voting opportunities;
 - iii. electors who reside within a remote area located more than 25kms from the nearest voting place at which they are entitled to vote.
- c) The Chief Election Officer is hereby authorized to establish time limits in relation to voting by mail ballot and applying for voting by mail ballot.

- d) An elector wanting to vote by mail ballot must request a mail ballot application form and submit the completed form to the Chief Election Officer within the time limit as specified by the Chief Election Officer.
- e) Mail ballot voting packages will be made available to applicants as determined by the Chief Election Officer.

D. REPEAL

Fraser Valley Regional District Local Government Election and Assent Voting Procedures Bylaw No. 1284, 2014 and any amendments thereto are hereby repealed.

E. READINGS AND ADOPTION

READ A FIRST TIME THIS	day of	2018
READ A SECOND TIME THIS	day of	2018
READ A THIRD TIME THIS	day of	2018
ADOPTED THIS	day of	2018

Chair/Vice-Chair

Corporate Officer/Deputy

F. CERTIFICATION

I hereby certify that this is a true and correct copy of *Fraser Valley Regional District Election Procedures Bylaw No. 1442, 2017* as adopted by the Board of Directors of the Fraser Valley Regional District on the day of

Dated at Chilliwack, B.C. this day of

Corporate Officer/Deputy

To: Electoral Area Services Committee

Date: 2018-03-13

From: Mike Veenbaas, Director of Financial Services

File No: 2280-70 / CWF

Subject: Community Works Fund – Updated Electoral Area Allocation Model for 2018

RECOMMENDATION

THAT the Fraser Valley Regional District Board approve the allocation of the 2018 Electoral Area Community Works Funds based on the following formula:

1. Each Electoral Area receiving a base allocation of \$5,000, and
2. The remainder allocated on a pro-rata basis, based on the 2016 Census including subsequent population changes certified by the Ministry of Municipal Affairs and Housing.

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

Provide Responsive & Effective Public Services

BACKGROUND

The annual Community Works Fund (CWF) allotment received by the Regional District represents the share belonging to Electoral Areas as the Municipal Members receive their share directly. The Regional District allocates CWF monies to each Electoral Area based on a model that sees each Electoral Area receive a base amount of \$5,000 with the remainder allocated on a pro-rate basis, based on Statistics Canada census population.

In 2014 the Electoral Area Services Committee supported a motion to use the 2011 Statistics Canada Census for the secondary allocation for CWF monies received in 2014 to 2018.

DISCUSSION

Statistics Canada completed a census in 2016 and the Ministry of Municipal Affairs and Housing has released updated population information for determining voting strength effective November 1, 2017. With the updated population figures, EASC has the opportunity to revisit the census information used for the allocation of 2018 CWF monies. While the total funding is unchanged, using the 2016 census for 2018 will result in a change in the allocation amongst the eight electoral areas.

The table below provides a summary of the change in allocation between the 2011 and the 2016 census population figures:

	2011 Census	2016 Census	Change
Area A	\$ 41,134	\$ 36,554	\$ (4,580)
Area B	70,796	90,612	19,816
Area C	134,017	132,016	(2,001)
Area D	99,321	104,700	5,379
Area E	94,227	93,190	(1,037)
Area F	83,081	79,045	(4,036)
Area G	139,290	129,038	(10,252)
Area H	128,204	124,915	(3,289)
	<u>\$790,070</u>	<u>\$790,070</u>	<u>\$ -</u>

Staff will bring a memo to EASC in early 2019 with options for the committee to consider for 2019-2022 CWF monies.

COST

There are no costs associated with this report as it pertains to the allocation of CWF monies to be used for future community improvement projects.

CONCLUSION

With the release of updated census population figures, EASC has the opportunity to revisit the allocation of 2018 CWF monies to each electoral area.

COMMENTS BY:

Paul Gipps, Chief Administrative Officer

Reviewed and supported

Fraser Valley Regional District

(incorporated December 12, 1995)

Voting Unit: 5,000 population

	2016 Census including subsequent population changes certified by the Minister ¹	Number of Directors (voting strength/5)	Voting Strength (population/ voting unit)
City:			
Abbotsford	141,685	6	29
Chilliwack	87,802	4	18
District:			
Hope	6,181	1	2
Kent	6,867	1	2
Mission	38,833	2	8
Village:			
Harrison Hot Springs	1,468	1	1
Electoral Area:			
A	551	1	1
B	1,495	1	1
C	2,218	1	1
D	1,741	1	1
E	1,540	1	1
F	1,293	1	1
G	2,166	1	1
H*	2,094	1	1
Totals:	295,934	23	68

Populations certified as necessary by the Minister of Municipal Affairs and Housing under sections 196 and 197 of the *Local Government Act* as per the definition in the Schedule to the Community Charter.

Effective November 1, 2017.

These population figures are to be used only in the determination of voting strength and Director representation.

1. Population includes people residing on Indian Reserves and boundary extensions to December 31, 2016.

*Electoral Area H w as created in 2015

2011 Census Population			
	<u>Base</u>	<u>Remainder</u>	<u>Total</u>
	\$ 40,000	\$ 750,070	\$ 790,070
Area A	\$ 5,000	\$ 36,134	\$ 41,134
Area B	5,000	65,796	70,796
Area C	5,000	129,017	134,017
Area D	5,000	94,321	99,321
Area E	5,000	89,227	94,227
Area F	5,000	78,081	83,081
Area G	5,000	134,290	139,290
Area H	5,000	123,204	128,204
	<u>\$ 40,000</u>	<u>\$ 750,070</u>	<u>\$ 790,070</u>
<u>2011 Census Data</u>			
Area A	603	4.82%	
Area B	1,098	8.77%	
Area C	2,153	17.20%	
Area D	1,574	12.57%	
Area E	1,489	11.90%	
Area F	1,303	10.41%	
Area G	2,241	17.90%	
Area H	2,056	16.43%	(estimated)
	<u>12,517</u>	<u>100.00%</u>	

2016 Census Population				Change
	<u>Base</u>	<u>Remainder</u>	<u>Total</u>	
	\$ 40,000	\$ 750,070	\$ 790,070	
Area A	\$ 5,000	\$ 31,554	\$ 36,554	-\$ 4,580
Area B	5,000	85,612	90,612	19,816
Area C	5,000	127,016	132,016	- 2,001
Area D	5,000	99,700	104,700	5,379
Area E	5,000	88,190	93,190	- 1,037
Area F	5,000	74,045	79,045	- 4,036
Area G	5,000	124,038	129,038	- 10,252
Area H	5,000	119,915	124,915	- 3,289
	<u>\$ 40,000</u>	<u>\$ 750,070</u>	<u>\$ 790,070</u>	<u>\$ -</u>
<u>2016 Census Data</u>				
Area A	551	4.21%		
Area B	1,495	11.41%		
Area C	2,218	16.93%		
Area D	1,741	13.29%		
Area E	1,540	11.76%		
Area F	1,293	9.87%		
Area G	2,166	16.54%		
Area H	2,094	15.99%		
	<u>13,098</u>	<u>100.00%</u>		

* census population includes on reserve First Nations

To: Electoral Area Services Committee
From: Kristy Hodson, Manager of Financial Operations

Date: 2018-03-13
File No: 1850-02 / 002

Subject: Grant-In-Aid Request – Chilliwack Lions Clubs, Electoral Area “H”

RECOMMENDATION

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$2,500 to the Chilliwack Area Lions Clubs, funded from the Electoral Area “H” grant-in-aid budget, to help offset the costs of the Cultus Lake Pike Minnow Fishing Derby.

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community
Support Environmental Stewardship

PRIORITIES

Priority #4 Tourism
Priority #5 Outdoor Recreation

BACKGROUND

This request for funding is eligible under the Electoral Area Grant-In-Aid Policy under the “Activities/ programs which are accessible to a large portion of the electoral area” option.

DISCUSSION

The 7 Chilliwack Area Lions Clubs have provided services and assistance throughout the local area for a combined 250 years. Each club operates under strict fiscal guidelines and have developed relationships with the many organizations required to make for a successful event.

The Clubs are requesting a \$2,500 grant-in-aid to help offset the costs of hosting the Cultus Lake Pike Minnow Derby. Specifically, the event has a \$10,000 budget with \$5,000 secured at the time of the application. Projected costs include advertising, printing, website updates, rentals, prizes and medical attendees.

The Clubs plan to also use the event to further develop resident and visitor’s understanding of the Cultus Lake Sockeye and best practices related to lake health and environmental sustainability.

Director Dixon is in support of providing a \$2,500 grant-in-aid.

COST

The \$2,500 will be funded from the Electoral Area "H" grant-in-aid budget which has sufficient funds to support this request.

CONCLUSION

A grant-in-aid application has been received from the Chilliwack Area Lions Clubs seeking support for their hosting of the Cultus Lake Pike Minnow Fishing Derby on June 16 (Father's Day weekend).

COMMENTS BY:

Mike Veenbaas, Director of Financial Services

Reviewed and supported.

Paul Gipps, Chief Administrative Officer

Reviewed and supported



GRANT-IN-AID APPLICATION

Fraser Valley Regional District, 45950 Cheam Ave, Chilliwack BC, V2P 1N6

Applicant Name: Chilliwack Area Lions Clubs "CULTUS LAKE PIKE MINNOW FISHING DERBY"

Mailing Address: P.O. Box 9
CHILLIWACK, B.C. V2P 6H7

Email Address(es): rap@nicbc.ca (President) nndd@shaw.ca (Secretary) vickerys_d_s@telus.net (Treasurer)

Contact(s):

President Robert Prinse

604-791-3320

Name

Telephone/Fax Number

Name

Telephone/Fax Number

Statement as to eligibility to apply for Grant-In-Aid Funds (Please attach a separate sheet if required):

The 7 Chilliwack Area Lions Clubs taking part are each a registered non-profit, are under the umbrella of Lions Clubs International and have provided service and assistance throughout the local area for a combined total of more than 250 years.

Each club operates under the strict fiscal guidelines of LCI and our reputation and proven administrative abilities have allowed us to partner with the Fraser River Salmon Table Society, Fisheries and Oceans Canada, local FNs, Cultus Lake Parks Board, CLASS and others as sponsors of this event.

APPLICATION SUMMARY:

Project or purpose for which you require assistance (Please attach a separate sheet if required):

The Cultus Lake Pike Minnow Fishing Derby provides the community an opportunity to assist in the rehabilitation of the endangered Cultus Sockeye Salmon stock by removing its primary predator, the Pike Minnow. The event is conducted during BC's free fishing days which fall on the Father's Day weekend each year. Last year ~300 registered anglers took part. In order to hold a fun and safe event, we anticipate our costs to again be ~\$10,000 to cover advertising, printing, website updates needed rentals (tables, chairs, park facilities, etc.) prizes and medical attendees (St. Johns Ambulance) To date, \$5,000 has been secured from other funding partners.

Statement as to how these funds will benefit the community or an aspect of the community (Please attach a separate sheet if required):

The Chilliwack area Lions Clubs reinstated the Cultus Lake Pike Minnow Fishing Derby in 2016 after a one year hiatus. The requested funding will assist us in hosting our third annual event in a safe and enjoyable manner on Saturday, June 16, 2018 at Cultus Lake's Main Beach. As well as an enjoyable community event for all ages, we hope to further develop resident's and visitor's understanding of the Cultus Sockeye and best practices related to lake health and environmental sustainability, by promoting discussion and information sharing as part of the day's overall goals of education, recreation, and good old family fun.

Amount of Grant Requested: \$ 2,500.00

To the best of my knowledge, all the information that is provided in this application is true and correct. Furthermore, I hereby certify that this application for assistance is NOT being made on behalf of an individual, industry, commercial or business undertaking.

Robert Prinse, Chairperson, Lions Cultus Lake Pike Minnow Derby

Robert Prinse
Signature of Authorized Signatory and Title

Amount Approved:

Date: _____

Signature of Electoral Area Director

To: Electoral Area Services Committee
From: Melissa Geddert, Planning Technician

Date: 2018-03-13
File No: 3090-20-2018-09

Subject: Application for Development Variance Permit 2018-09 to vary the front lot line setback requirement for a Single Family Dwelling at 50912 Winona Road, Electoral Area E.

RECOMMENDATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-09 to vary the front lot line setback requirement from 4.6 meters to 2.16 metres, including eaves, to allow for a covered entry roof overhang, subject to consideration of any comments or concerns raised by the public.

STRATEGIC AREA(S) OF FOCUS

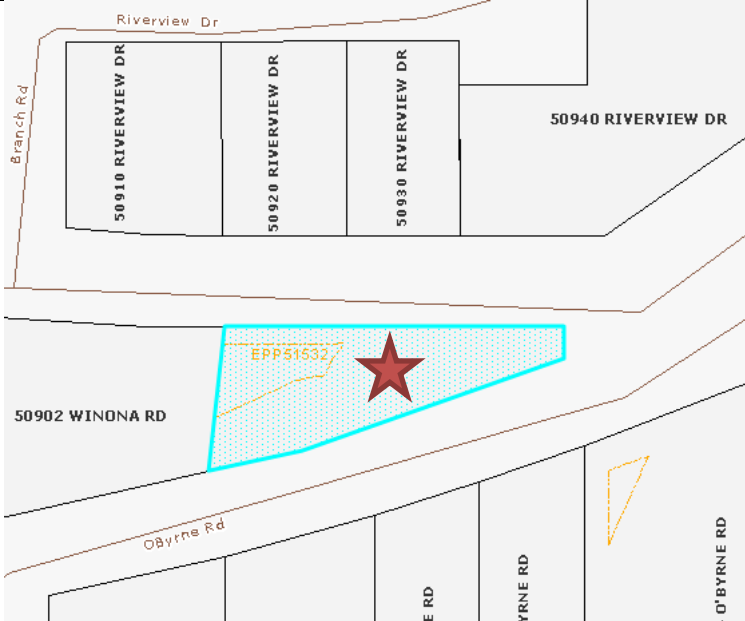
Provide Responsive & Effective Public Services

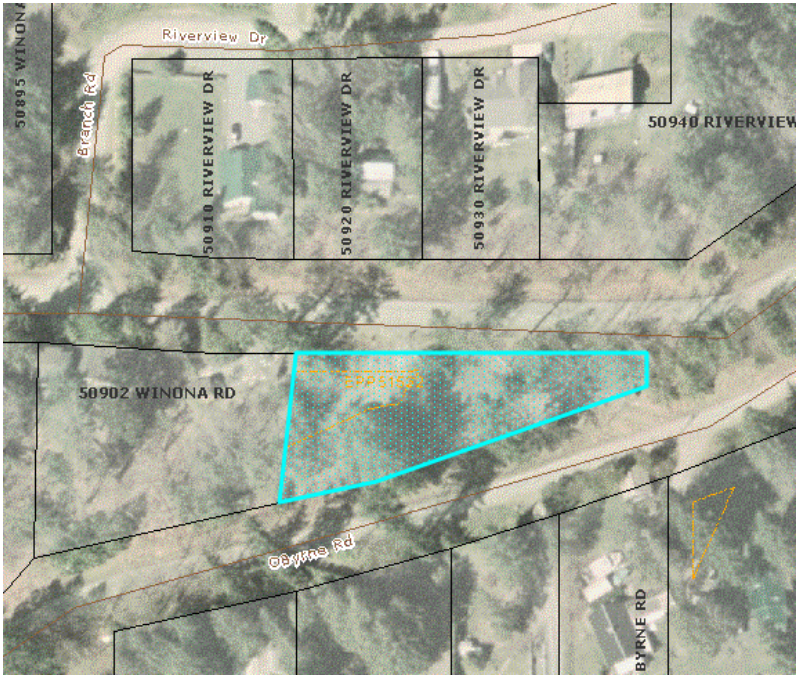
LIST OF ATTACHMENTS:

- Appendix A: Site Plan
- Appendix B: Floor Plan
- Appendix C: Elevation Drawings
- Appendix D: Ministry of Transportation and Infrastructure permit to reduce setback less than 4.5 metres from the property line fronting a provincial public highway (road).

BACKGROUND

The owner of 50912 Winona Road has submitted a Development Variance Permit (DVP) application for *Bylaw No. 66, Zoning Bylaw for Electoral Area "E" of Fraser-Cheam Regional District, 1976* in order to decrease the front lot line setback requirement to a Single Family Dwelling. Details of the subject property are as follows.

Address: 8511 Thompson Road		
	Owner	Gerardus and Wouterdina Zijnen
	Agent	N/A
	EA	E
	Zoning	Multi-Use Residential (RS-2)
	OCP	Residential/Limited Use (R/L)
	DPA	Slope Hazard DPA 3-E – DP issued RAR DPA 5-E – Not Applicable
	ALR	No

Neighbouring Lands	
<p>North : Winona Road and Single Family Dwelling</p> <p>West: Single Family Dwelling</p> <p>East : Winona and O'Byrne Road</p> <p>South: Steep Slope and O'Byrne Road</p>	
	

DISCUSSION

The property owners of 50902 Winona Road have submitted a Development Variance Permit application to vary the front lot line setback to permit a covered entry and roof overhang on a single family dwelling. Area "E" Zoning Bylaw 66 permits a siting exemption of 1.2 metres (4 feet) into the front lot line for roof overhangs and eaves. The owners have applied to increase this exemption to permit the roof to encroach 2.44 metres (8 feet) into the front lot line setback, thus reducing the required setback to 2.16 metres, including eaves. The dimensions of the roof are 20 feet 6 inches wide by 8 feet deep, as illustrated in the diagram below.

Building Dimensions for Single Family Dwelling	
Front Line Setback (clear to sky)	
Required	4.6 m to the foundation and 3.4 m clear to sky for a roof overhang
Proposed	4.6 m to the foundation and 2.16 m clear to sky for a roof overhang
Variance	2.44 m (64 % reduction)



Figure 1 Proposed covered entry and roof overhang

A building permit application has been made under Building Permit No. 013239. The building permit has been issued and construction has commenced. The roof overhang for the covered entry was not clearly indicated on the construction drawings or illustrated on the submitted site plan (Appendix A). As such, during the initial plan check of the building permit application, the roof overhang for the covered entry was not reviewed to ensure it conformed with the siting requirements of the zoning bylaw. A floor plan of the single family dwelling and elevation drawings are attached as Appendix B and C.

During framing inspection it was documented by the Building Inspector that the roof overhang encroached into the front lot line setback. In order to resolve the deficiency the owner has requested a variance. Furthermore, the overhang also encroaches into the Ministry of Transportation and Infrastructure (MOTI) 4.5 metre setback requirement. The owners have obtained a permit from MOTI to reduce the setback less than 4.5 metres from the property line fronting a road. The MOTI permit is attached as Appendix D.

In addition to the roof overhang, the owners have installed a retaining wall within the front lot line setback. The retaining wall is a requirement of Development Permit 2014-13, essential for bank protection. The siting of the retaining wall has been approved by MOTI as well.

Development Permit and Geotechnical Hazards

The subject property is within Development Permit Area 3 –E for slope hazards. The property owners submitted an acceptable geotechnical hazard assessment and were issued a Development Permit in April of 2015 (DP 2014-13). The hazard assessment identifies a safe building envelope for which the

foundation of the single family dwelling is sited within. The buildable area on the lot is quite limited due to topographical features. The footprint of the dwelling is maximized within the safe building envelope. The owners are unable to re-site the dwelling to accommodate the covered entry and still conform to the siting of the safe building envelope. However, the depth of the roof could be reduced to minimize encroachment into the setback while still protecting the entry from the elements.

Neighbourhood Notification

The FVRD encourages development variance permit applicants to communicate with and notify their neighbours of their development plans. To date no letters of support or opposition have been received. All property owners within 30 metres of the property will be notified and given the opportunity to provide written comments or attend the Board meeting to state their comments.

COST

The application fee of \$350 has been paid by the applicant.

CONCLUSION

The property owners have applied for a variance to reduce the front lot line setback to permit a covered entry and roof overhang. Considering MOTI approval and geotechnical constraints of the lot, staff recommends Development Variance Permit 2018-09 be issued, subject to any concerns raised as a result of neighbour notification.

COMMENTS BY:

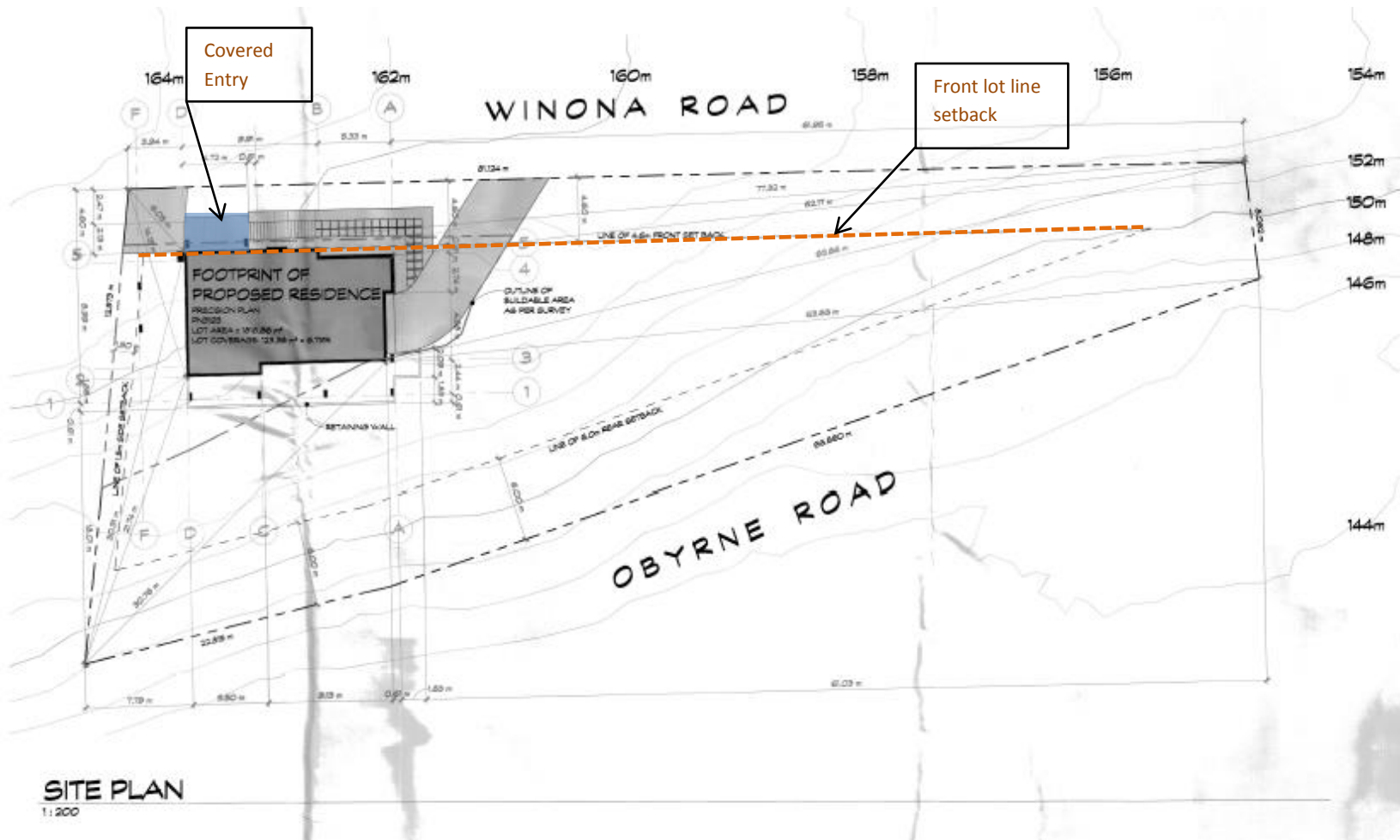
Graham Daneluz, Deputy Director of Planning & Development – Reviewed and supported

Margaret Thornton, Director of Planning & Development - Reviewed and supported

Mike Veenbaas, Director of Financial Services – Not available for comment

Paul Gipps, Chief Administrative Officer Reviewed and supported

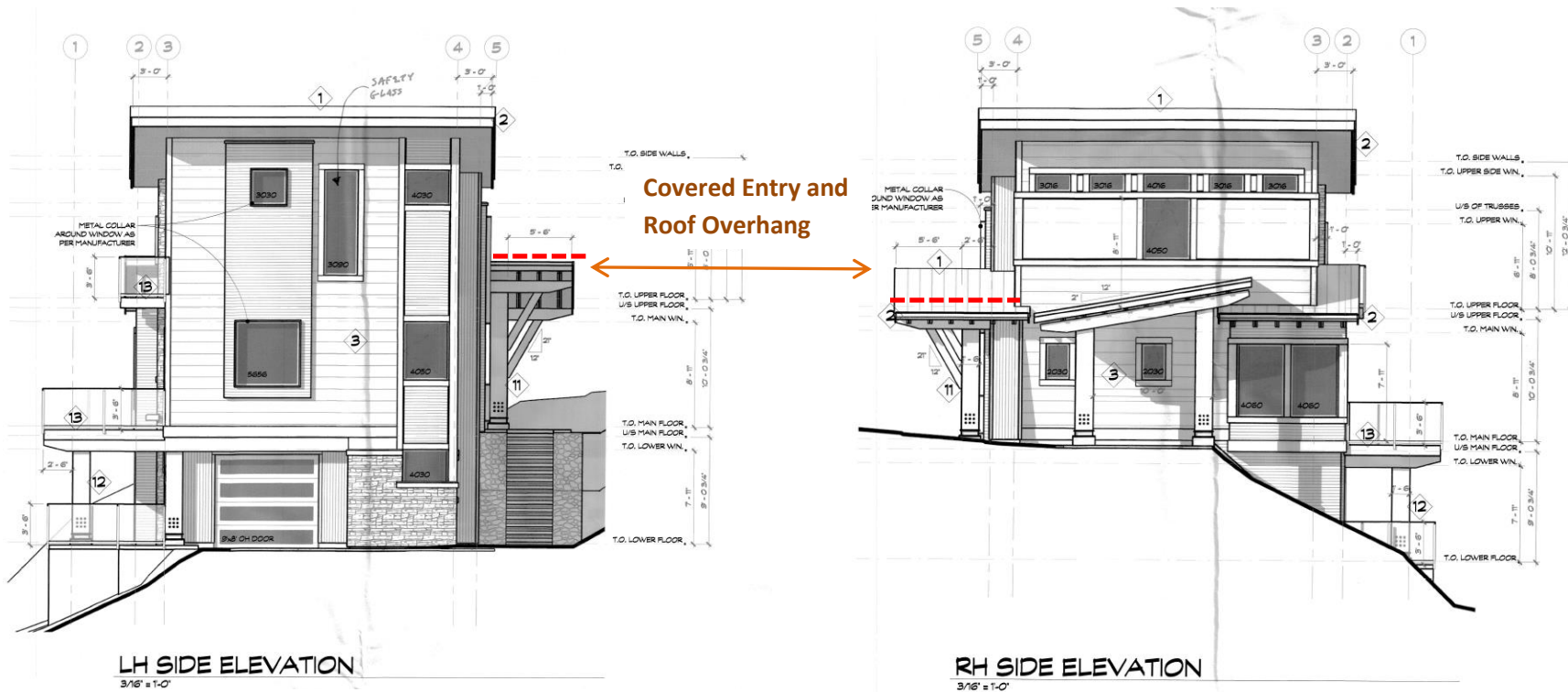
Site Plan



Appendix B



Floor Plan

Elevation Drawings



Appendix D

Ministry of Transportation and Infrastructure Permit

<div style="display: flex; justify-content: space-between; align-items: center;"><div style="text-align: center;"><div>BRITISH COLUMBIA</div></div><div>Ministry of Transportation and Infrastructure</div></div> <div style="text-align: right; margin-top: -20px;"><div>Permit/File Number: <u>2018-00488</u></div><div>Office: <u>Chilliwack Area Office</u></div></div> <p>PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY</p> <p>PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.</p> <p>BETWEEN:</p> <div style="margin-left: 100px;"><p>The Minister of Transportation and Infrastructure</p><p>Chilliwack Area Office 45890 Victoria Avenue Chilliwack, BC V2P 2T1 Canada</p><p style="text-align: right;">("The Minister")</p></div> <p>AND:</p> <div style="margin-left: 100px;"><p>Ger Zijnen 50902 Winona Road Chilliwack, British Columbia V4Z 1B7 Canada</p><p style="text-align: right;">("The Permittee")</p></div> <p>WHEREAS:</p> <p>A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;</p> <p>B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:</p> <p style="margin-left: 40px;">The construction of a building, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely; to allow structures (existing house and concrete slabs) within the 4.5m setback from Ministry right of way, as shown on submitted survey by Tunbridge and Tunbridge (January 16th, 2018).</p> <p>C. The Minister is prepared to issue a permit on certain terms and conditions;</p> <p>ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:</p> <ol style="list-style-type: none">1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.2. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.3. If the structures are to be removed or destroyed for any reason, they must be replaced at 4.5 meters from the legal boundary of all road allowances.4. Please be advised that in the event of future road widening, the Ministry of Transportation may ask the applicant to re-locate or remove the permitted structures at the applicant's expense.5. The Ministry of Transportation and Infrastructure will not be held responsible for any damage to the structures.6. There shall be no further encroachments into the 4.5m setback. <p style="text-align: right;">Page 1 of 2</p>	<div style="display: flex; justify-content: space-between; align-items: center;"><div style="text-align: center;"><div>BRITISH COLUMBIA</div></div><div>Ministry of Transportation and Infrastructure</div></div> <div style="text-align: right; margin-top: -20px;"><div>Permit/File Number: <u>2018-00488</u></div><div>Office: <u>Chilliwack Area Office</u></div></div> <p>The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.</p> <p>Dated at <u>Chilliwack</u>, British Columbia, this <u>26</u> day of <u>January</u>, 2018</p> <div style="text-align: center; margin-top: 50px;"> _____ On Behalf of the Minister</div> <p style="text-align: right;">Page 2 of 2</p>
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FRASER VALLEY REGIONAL DISTRICT DEVELOPMENT VARIANCE PERMIT

Permit No. Development Variance Permit2018-09 **Folio No.** 733.06605.067

Issued to: Gerardus and Wouterdina Zinjen

Address:

Applicant: Gerardus and Wouterdina Zinjen

Site Address: 50912 Winona Road, Area D

The lands affected by and subject to this permit are shown on Schedule "A", Location Map, attached hereto, which forms an integral part of this permit, and are legally described as:

LOT 72, SECTION 33, TOWNSHIP 1, RANGE 29, WEST OF THE 6TH MERIDIAN, NEW WESTMINSTER
DISTRICT PLAN27885.

Parel Identifier: 008-923-671

LIST OF ATTACHMENTS

Schedule "A": Location Map

Schedule "B": Site Plan

Schedule "C": Ministry of Transportation and Infrastructure permit to reduce setback less than 4.5 metres from the property line fronting a provincial public highway.

AUTHORITY TO ISSUE

1. This Development Variance Permit is issued under Part 14 – Division 9 of the *Local Government Act*.

BYLAWS SUPPLEMENTED OR VARIED

Zoning Bylaw for Electoral Area "E", 1976 of the Regional District of Fraser-Cheam 1976 is **varied** as follows:

Section 9.3 (a) the Highway setback requirement is reduced from 4.6 meters to 2.16 metres, clear to sky, to allow for a covered entry roof overhang

SPECIAL TERMS AND CONDITIONS

1. No variances other than those specifically set out in this permit are implied or to be construed.
2. If the holder of this permit does not commence the construction with respect to which the Permit was issued within two (2) years after the date of the permit, this permit shall lapse.

3. Development of the site shall be undertaken in accordance with the Site Plan attached hereto as Schedule "B".
4. All new construction shall be generally in compliance with Building Permit No. BP013239

GENERAL TERMS AND CONDITIONS

1. This Development Variance Permit is issued Pursuant to Part 14 – Division 9 of the *Local Government Act*.
2. This Development Variance Permit shall not vary the permitted uses or densities of land use in the applicable zoning bylaw nor a flood plain specification designated under Section 524 of the *Local Government Act*.
3. Nothing in this permit shall in any way relieve the developer's obligation to ensure that the development proposal complies in every way with the statutes, regulations, requirements, covenants and licences applicable to the undertaking.
4. Nothing in this permit shall in any way relieve the developers obligation to comply with all setback regulations for construction of structures or provision of on-site services pursuant to the *Public Health Act*, the *Fire Services Act*, the *Safety Standards Act*, and any other provincial statutes.

SECURITY DEPOSIT

As a condition of the issuance of this Permit, and pursuant to Section 502 of the *Local Government Act*, the Regional Board is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit

Should the holder of this permit:

- a. fail to complete the works required to satisfy the landscaping conditions contained herein,
- b. contravene a condition of the permit in such a way as to create an unsafe condition,

The Regional Board may undertake and complete the works required to satisfy the landscaping conditions, or carry out any construction required to correct an unsafe condition at the cost of the holder of the permit and may apply the security in payment of the costs of the works, with any excess to be returned to the holder of the permit.

Security Posted: (a) an irrevocable letter of credit in the amount of: \$ <N/A> .
 (b) the deposit of the following specified security: \$ <N/A> .

Note: The Regional District shall file a notice of this permit in the Land Title Office stating that the land described in the notice is subject to Development Variance Permit Number 2018-09. The notice shall take the form of Appendix I attached hereto.

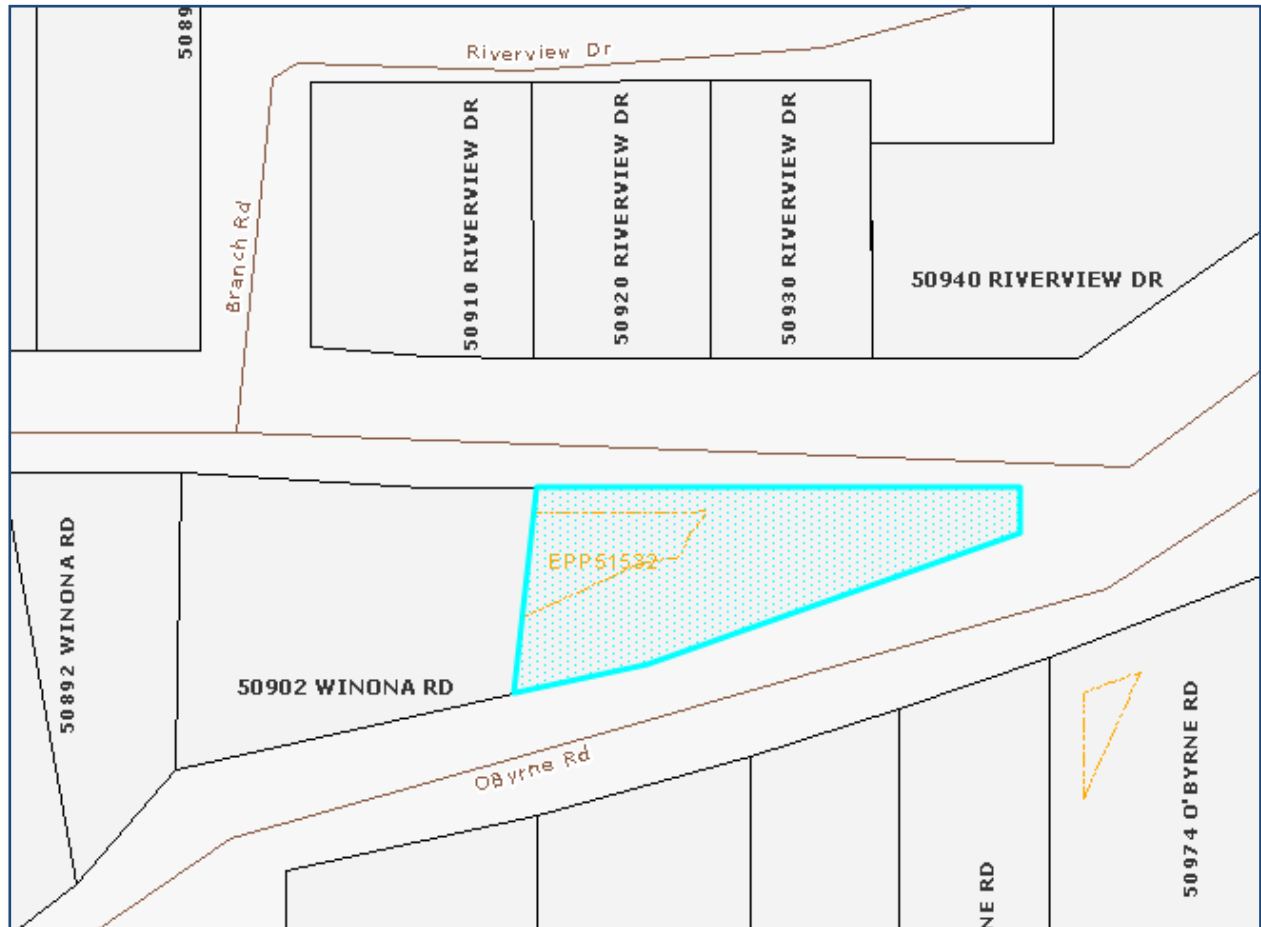
AUTHORIZING RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF THE FRASER VALLEY REGIONAL DISTRICT ON THE <DAY> DAY OF <MONTH>, <YEAR>

Chief Administrative Officer / Deputy

THIS IS NOT A BUILDING PERMIT

DRAFT

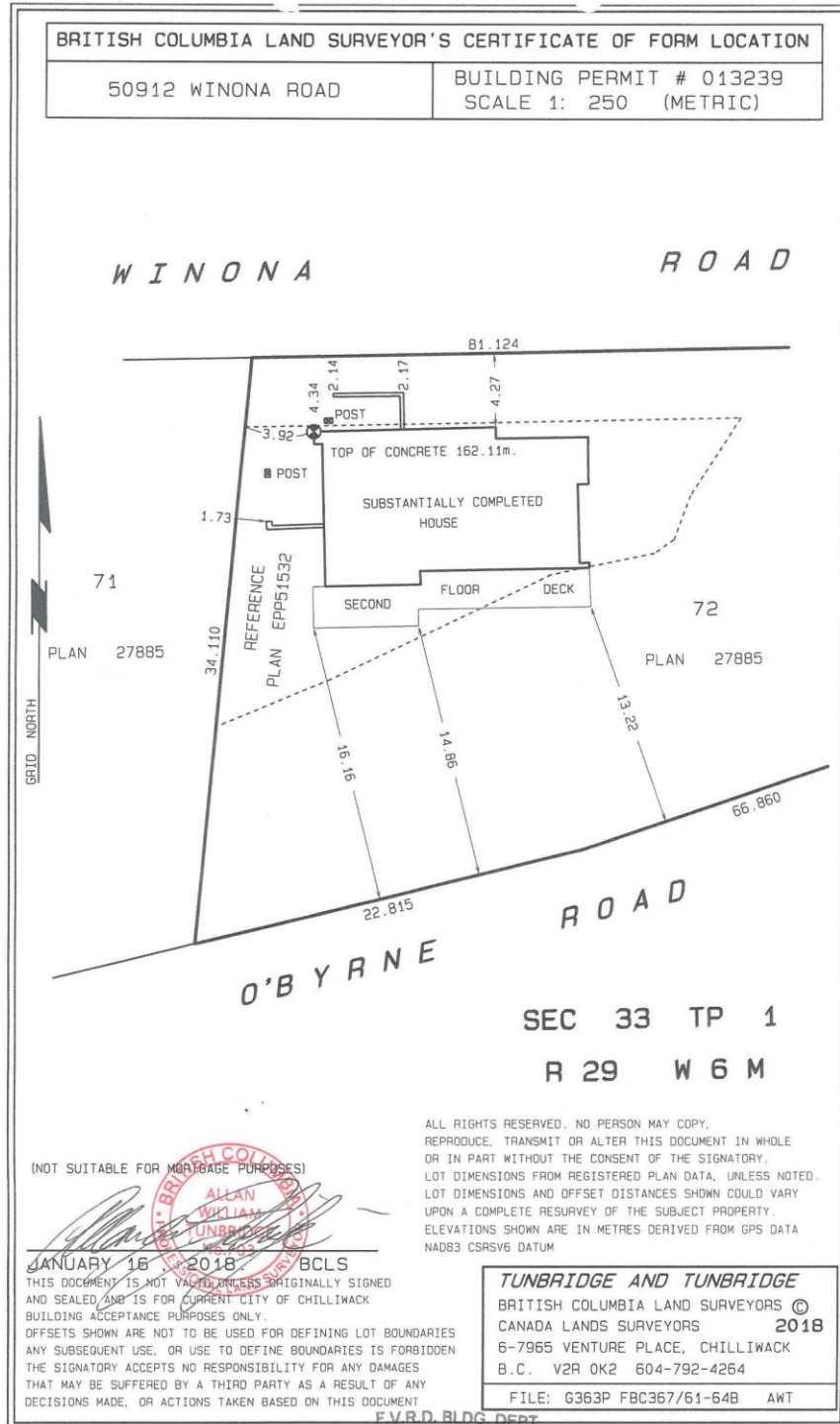
DEVELOPMENT VARIANCE PERMIT 2018-09
SCHEDULE "A"
Location Map



DEVELOPMENT VARIANCE PERMIT

SCHEDULE "B"

Site Plan



JAN 17 2018

**DEVELOPMENT VARIANCE PERMIT
SCHEDULE "C"
Ministry Of Transportation and Infrastructure Setback Permit**

DRAFT



PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE
MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE
NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure

Chilliwack Area Office
45890 Victoria Avenue
Chilliwack, BC V2P 2T1
Canada

("The Minister")

AND:

Ger Zijnen
50902 Winona Road
Chilliwack, British Columbia V4Z 1B7
Canada

("The Permittee")

WHEREAS:

A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;

B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The construction of a building, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely; to allow structures (existing house and concrete slabs) within the 4.5m setback from Ministry right of way, as shown on submitted survey by Tunbridge and Tunbridge (January 16th, 2018).

C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
2. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
3. If the structures are to be removed or destroyed for any reason, they must be replaced at 4.5 meters from the legal boundary of all road allowances.
4. Please be advised that in the event of future road widening, the Ministry of Transportation may ask the applicant to re-locate or remove the permitted structures at the applicant's expense.
5. The Ministry of Transportation and Infrastructure will not be held responsible for any damage to the structures.
6. There shall be no further encroachments into the 4.5m setback.



The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Chilliwack, British Columbia, this 26 day of January, 2018

On Behalf of the Minister

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 50912 WINDONA RD PID ?

Legal Description Lot 72 Block _____ Section 33 Township 1 Range 29 Plan NWP27885

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

Owner's
Contact
Information

Office Use Only	Date <u>29 JAN 2018</u>	File No. <u>3090-20 2018-09</u>
	Received By <u>KH</u>	Folio No. <u>733.06605.067</u>
	Receipt No. <u>5315/3</u>	Fees Paid: \$ <u>350.00</u>

Agent

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	Date
Signature of Owner	Date

Agent's contact information and declaration

Name of Agent		Company
Address		City
Email		Postal Code
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
--------------------	------

Development Details

Property Size _____ Present Zoning _____

Existing Use _____

Proposed Development Building a single dwelling

Proposed Variation / Supplement Setback from front of house for retaining + cover from pool

(use separate sheet if necessary)

Reasons in Support of Application _____

- RETAINING WAS DESIGNED FOR IMBANKMENT INFORMANT
- HOUSE IS PLACED 1' TO ~~PAR~~ ^{EDGE} TO HYWAY TROW ^{ft6 plan}
- MOTI PERMIT = ISSUED

Page 2 of 4

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:

INFORMATION IN BUILDING FILE

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.



PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE
MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE
NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure

Chilliwack Area Office
45890 Victoria Avenue
Chilliwack, BC V2P 2T1
Canada

("The Minister")

AND:

50902 Winona Road
Chilliwack, British Columbia V4Z 1B7
Canada

("The Permittee")

WHEREAS:

A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;

B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The construction of a building, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely; to allow structures (existing house and concrete slabs) within the 4.5m setback from Ministry right of way, as shown on submitted survey by Tunbridge and Tunbridge (January 16th, 2018).

C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
2. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
3. If the structures are to be removed or destroyed for any reason, they must be replaced at 4.5 meters from the legal boundary of all road allowances.
4. Please be advised that in the event of future road widening, the Ministry of Transportation may ask the applicant to re-locate or remove the permitted structures at the applicant's expense.
5. The Ministry of Transportation and Infrastructure will not be held responsible for any damage to the structures.
6. There shall be no further encroachments into the 4.5m setback.



BRITISH
COLUMBIA

Ministry of Transportation
and Infrastructure

Permit/File Number: 2018-00488

Office: Chilliwack Area Office

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Chilliwack, British Columbia, this 26 day of January, 2018

To: Electoral Area Services Committee

Date: 2018-03-13

From: Johannes Bendle, Planner I

File No: 3090-20 2018-10

Subject: Development Variance Permit 2018-10 to vary the rear lot line setback for a proposed single family dwelling at 1-3655 Vance Road, Electoral Area H.

RECOMMENDATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-10 to vary the rear setback from 6 metres to 3 metres for a single family dwelling, subject to consideration of any comments or concerns raised by the public

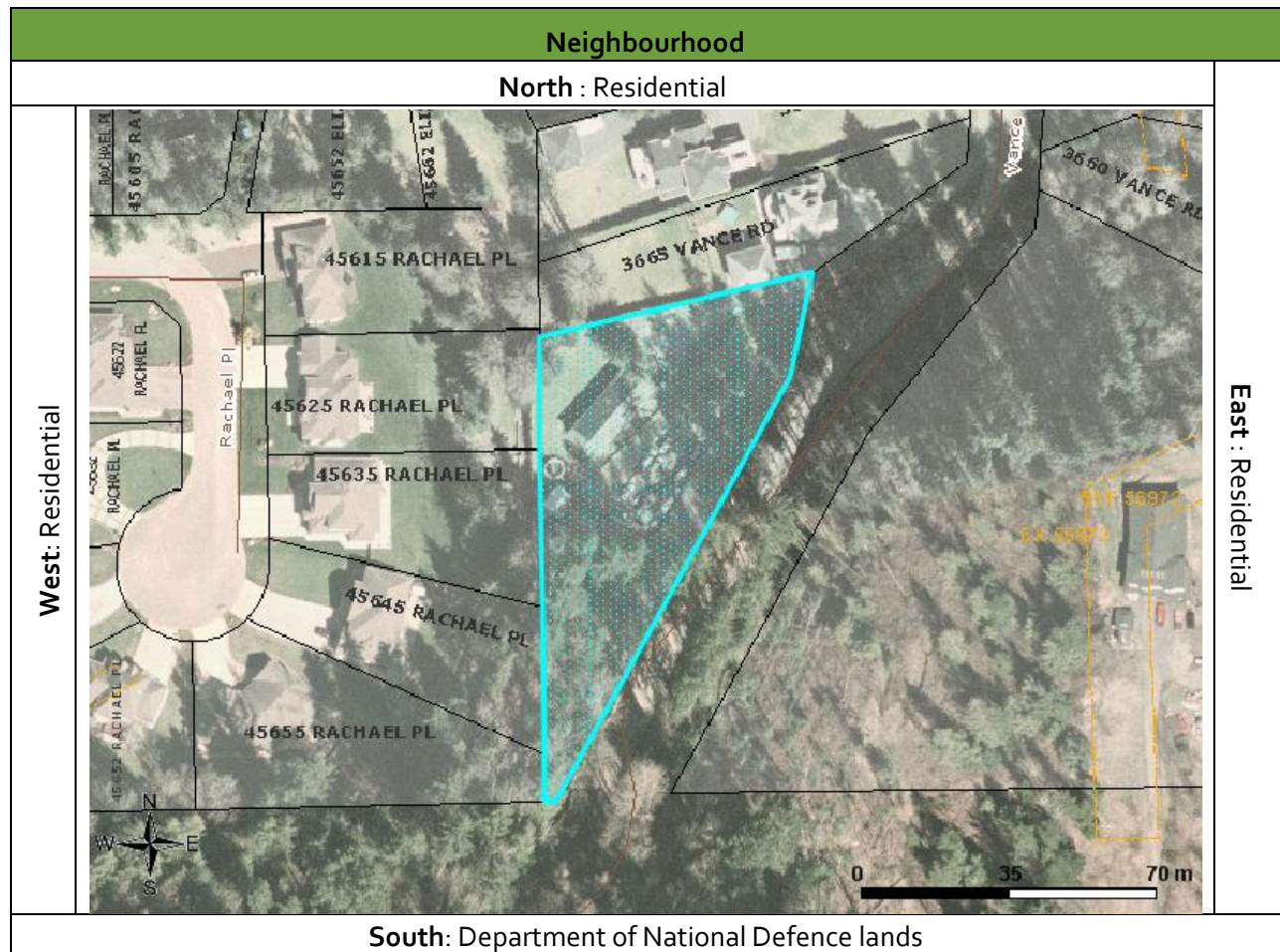
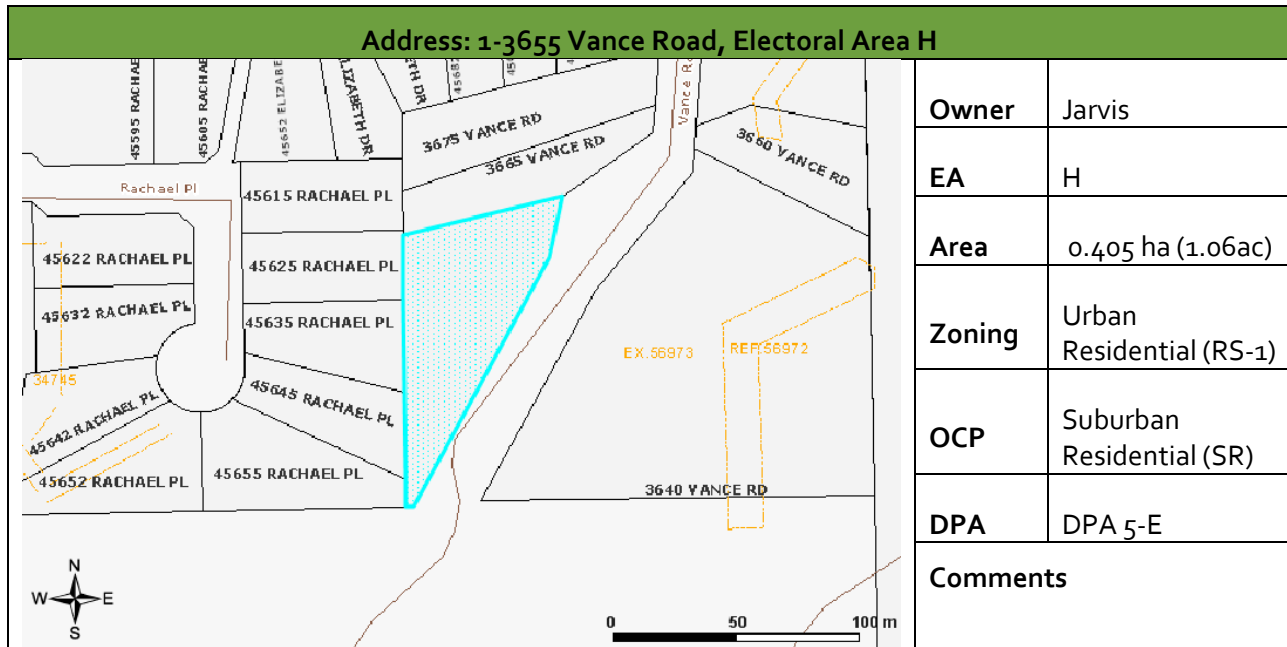
STRATEGIC AREA(S) OF FOCUS

Foster a Strong & Diverse Economy

Provide Responsive & Effective Public Services

BACKGROUND

The subject property is located in a residential neighbourhood in Cultus Lake outside of the Cultus Lake Parks Board. The owners of the subject property have applied for subdivision to the Ministry of Transportation and Infrastructure. The FVRD has already received and responded to a subdivision referral. This Development Variance Permit application is in regards to a proposed single family dwelling for proposed Lot 2.



DISCUSSION

Proposal

The owners are proposing to build a single family dwelling on proposed Lot 2. The Development Variance Permit is to vary the rear setback to accommodate a deck, stairs and posts. The property slopes steeply downward from Vance Road. In order to accommodate the proposed house with a deck and stairs while meeting the front setback a variance to the rear setback is requested. A drawing showing the proposed two (2) lots with the proposed house and variance is attached to the application form. The variance will site the proposed residence and deck closer to the rear lots of 45635 and 45645 Rachel Place. It appears that these lots area treed in their rear yards.

Zoning

The Zoning Bylaw requires a 6 metre rear setback for principle buildings. The applicants are applying for a reduction to the rear setback from 6 metres to 3 metres. The proposal will meet all other setback requirements.

Neighbourhood Notification and Input

All property owners within 30 metres of the property will be notified by the FVRD of the development variance permit application and be given the opportunity to provide written comments or attend the Board meeting to state their comments. FVRD staff encourage the applicant to advise neighbouring property owners and residents of the requested variance in advance of the mail-out notification. To date no letters of support or opposition have been submitted.

COST

The application fee of \$350 has been paid by the property owner.

CONCLUSION

The applicants are applying for a reduction to the rear setback from 6 metres to 3 metres for a proposed single family dwelling. Staff recommend that the Development Variance Permit is issued subject to consideration of any comments raised by the public.

COMMENTS BY:

Graham Daneluz, Deputy Director of Planning & Development	Reviewed and supported.
Margaret Thornton, Director of Planning & Development	Reviewed and supported.
Mike Veenbaas, Director of Financial Services	No further financial comment.
Paul Gipps, Chief Administrative Officer	Reviewed and supported



FRASER VALLEY REGIONAL DISTRICT DEVELOPMENT VARIANCE PERMIT

Permit No. Development Variance Permit 2018-10 **Folio No.** 733.03802.070

Issued to: Caleb and Theresa Jarvis

Address: 1-3655 Vance Road, Cultus Lake, BC V2R 5A6

Applicant: Same

Site Address: 1-3655 Vance Road, Cultus Lake, BC

The lands affected by and subject to this permit are shown on Schedule "A", Location Map, attached hereto, which forms an integral part of this permit, and are legally described as:

LOT 2, SECTION 30, TOWNSHIP 25, NEW WESTMINSTER DISTRICT, PLAN LMP35983
PID: 023-975-032

LIST OF ATTACHMENTS

Schedule "A": Location Map

Schedule "B": Site Plan

AUTHORITY TO ISSUE

1. This Development Variance Permit is issued under Part 14 – Division 9 of the *Local Government Act*.

BYLAWS SUPPLEMENTED OR VARIED

Zoning Bylaw for Electoral Area "E", 1976 of the Regional District of Fraser-Cheam is **varied** as follows:

Section 8.3 Siting, Size and Dimensions Regulations

.1 Setbacks

c) i) from 6 metres to 3 metres

SPECIAL TERMS AND CONDITIONS

1. No variances other than those specifically set out in this permit are implied or to be construed.
2. If the holder of this permit does not commence the construction with respect to which the Permit was issued within two (2) years after the date of the permit, this permit shall lapse.
3. Development of the site shall be undertaken in accordance with the Site Plan attached hereto as Schedule "B".

GENERAL TERMS AND CONDITIONS

1. This Development Variance Permit is issued Pursuant to Part 14 – Division 9 of the *Local Government Act*.
 2. This Development Variance Permit shall not vary the permitted uses or densities of land use in the applicable zoning bylaw nor a flood plain specification designated under Section 524 of the *Local Government Act*.
 3. Nothing in this permit shall in any way relieve the developer's obligation to ensure that the development proposal complies in every way with the statutes, regulations, requirements, covenants and licences applicable to the undertaking.
 4. Nothing in this permit shall in any way relieve the developers obligation to comply with all setback regulations for construction of structures or provision of on-site services pursuant to the *Public Health Act*, the *Fire Services Act*, the *Safety Standards Act*, and any other provincial statutes.
-

SECURITY DEPOSIT

As a condition of the issuance of this Permit, and pursuant to Section 502 of the *Local Government Act*, the Regional Board is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit

Should the holder of this permit:

- a. fail to complete the works required to satisfy the landscaping conditions contained herein,
- b. contravene a condition of the permit in such a way as to create an unsafe condition,

The Regional Board may undertake and complete the works required to satisfy the landscaping conditions, or carry out any construction required to correct an unsafe condition at the cost of the holder of the permit and may apply the security in payment of the costs of the works, with any excess to be returned to the holder of the permit.

Security Posted: (a) an irrevocable letter of credit in the amount of: \$ <N/A> .
 (b) the deposit of the following specified security: \$ <N/A> .

Note: The Regional District shall file a notice of this permit in the Land Title Office stating that the land described in the notice is subject to Development Variance Permit Number 2018-10. The notice shall take the form of Appendix I attached hereto.

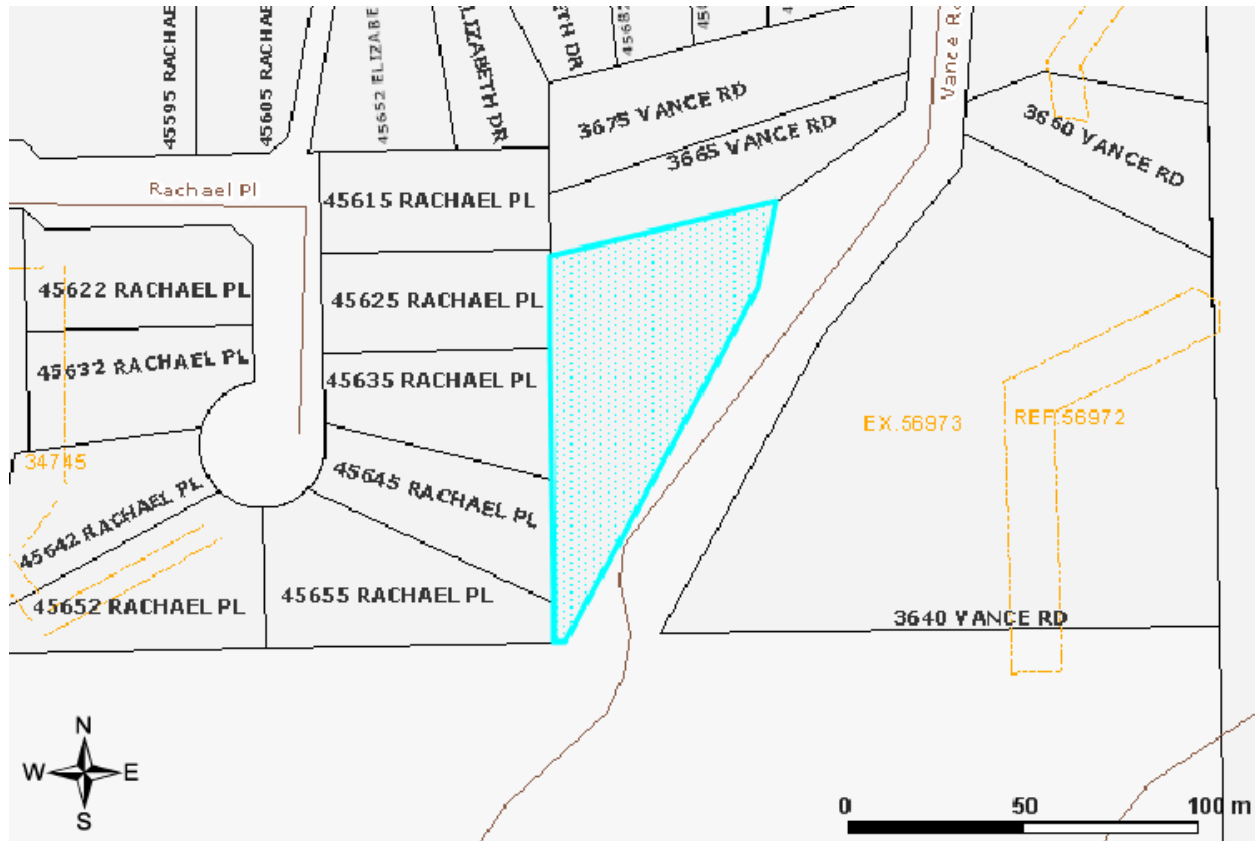
AUTHORIZING RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF THE FRASER VALLEY REGIONAL DISTRICT ON THE 27 DAY OF MARCH, 2018

Chief Administrative Officer / Deputy

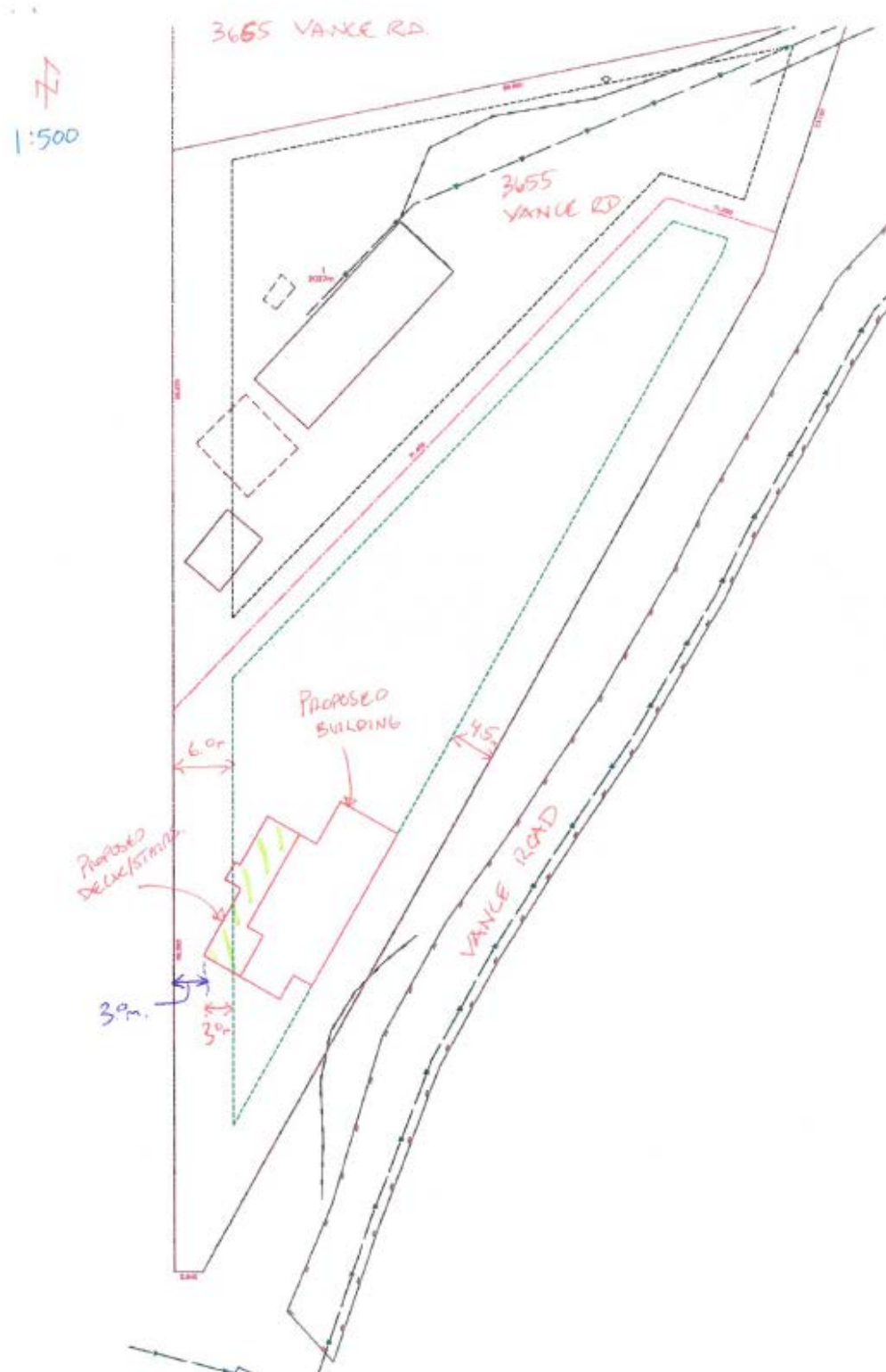
THIS IS NOT A BUILDING PERMIT

DRAFT

DEVELOPMENT VARIANCE PERMIT 2018-10
SCHEDULE "A"
Location Map



DEVELOPMENT VARIANCE PERMIT 2018-10
SCHEDULE "B"
Site Plan



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 3655 VANCE RD PID 023-975-032

Legal Description Lot 2 Block _____ Section 30 Township 25 Range _____ Plan LMP35983

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) CALEB JARVIS	Date FEB 08, 2018
Name of Owner (print) THERESA JARVIS	Date Feb 08/18

Owner's
Contact
Information

Address 3655 VANCE RD		City CULTUS LAKE
Email		Postal Code V2R 5A6
Phone	Cell	Fax

Office Use Only	Date Feb 9, 2018	File No. 3090-20-2018-10
	Received By Andrea	Folio No.
	Receipt No. 5396/1	Fees Paid: \$ 350.00

Agent

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	Date
Signature of Owner	Date

Agent's contact information and declaration

Name of Agent		Company
Address		City
Email		Postal Code
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
--------------------	------

Development Details

Property Size 0.43 HA Present Zoning RS-1
Existing Use RESIDENTIAL
Proposed Development RESIDENTIAL - SFO

Proposed Variation / Supplement FOR A PROPOSED DECK AND SUPPORTING SOME SUPPORTING ELEMENTS WITHIN THE 3.0M OF REAR PROPERTY LINE

To vary the rear setback to allow for a deck, ^{stairs (uncovered)} and posts. To be @ 3.0m from the property line.

(use separate sheet if necessary)

Reasons in Support of Application Due to the restraints of my property shape and undulation. And in order to meet the front setback a variance is required.

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.

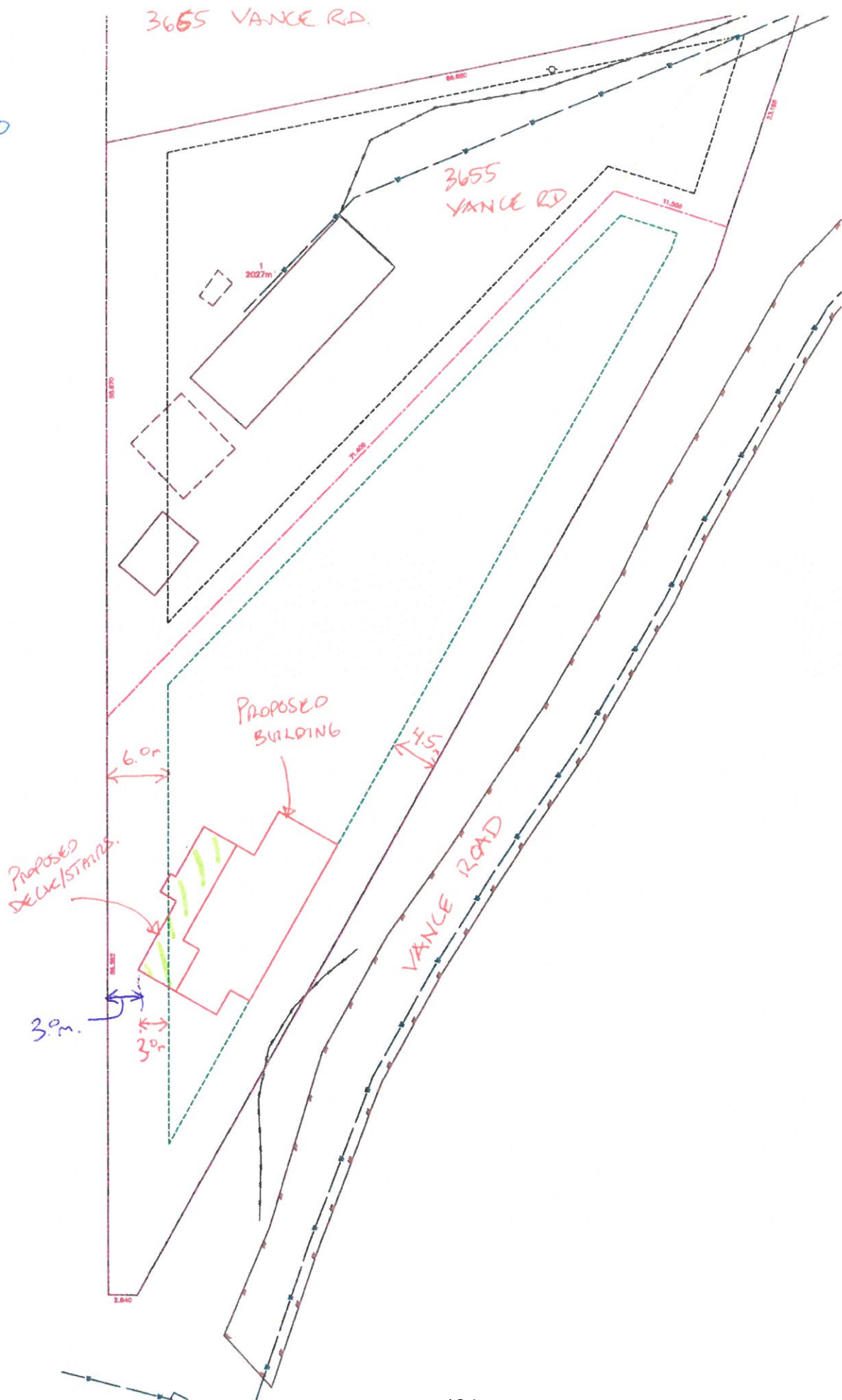
Required Information

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			Reduced sets of metric plans
At a scale of:			North arrow and scale
1:500			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			Location, quantity, size & species of existing & proposed plants, trees & turf
Same scale as site plan			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.

1:500



To: Electoral Area Services Committee

Date: 2018-03-13

From: Johannes Bendle, Planner I

File No: 3090-20- 2018-11

Subject: Development Variance Permit 2018-11 to vary the side and front lot line and the gross floor area for a proposed workshop at 30420 Trans-Canada Highway, Electoral Area B.

RECOMMENDATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-11 to vary and side setback from 40 metres to 3 metres, the front setback from 50 metres to 5 metres, and the gross floor area from 140 sq. metres to 232.3 sq. metres for a Cottage Industry Use, subject to consideration of any comments or concerns raised by the public.

STRATEGIC AREA(S) OF FOCUS

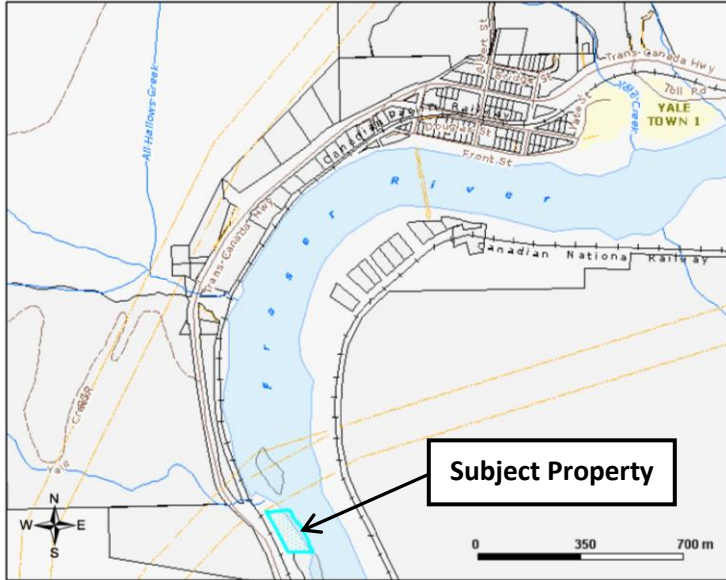
Foster a Strong & Diverse Economy

Provide Responsive & Effective Public Services

BACKGROUND

The applicant, Mike Cook, proposes to construct a detached workshop on his property at 30420 Trans-Canada Highway in Electoral Area "B". The subject property is located south of Yale on the Fraser River. The FVRD Board has approved a Site-Specific Floodplain Exemption to reduce the Fraser River setback from 60 metres to 45 metres for the placement of a new mobile home and construction of a new workshop. The applicant is now applying for a Development Variance Permit for the setback and gross floor area of the proposed workshop.

Address: 30420 Trans Canada Highway, Yale



Owner	Mike Cook
Agent	n/a
EA	Electoral Area "B"
Zoning	Rural Resource (R-4)
OCP	n/a
DPA	n/a
ALR	No

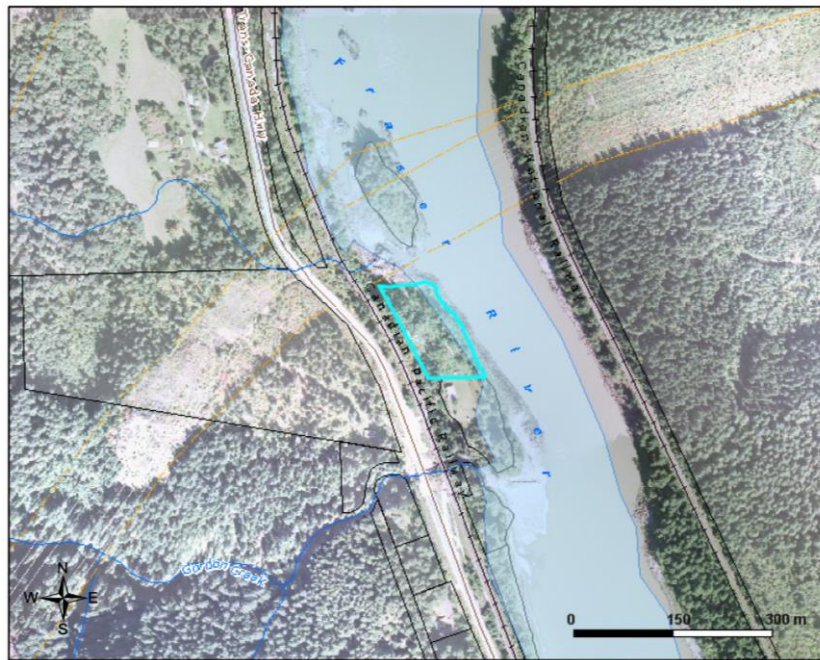
Comments:

Property is located outside OCP area.

Neighbouring Lands

North : BC Hydro ROW, Fraser River

West: Canadian Pacific Railway, Trans Canada Hwy,



East : Fraser River, Canadian National Railway beyond

South: Single Family Dwelling, Gordon Creek Beyond

DISCUSSION

Proposal

The applicant, Mike Cook, proposes to construct a detached accessory structure (workshop) on the property at 30420 Trans-Canada Highway, Electoral Area "B". There are currently no structures on the property. The applicant has not yet made a building permit application for the proposed construction. The Development Variance Permit is to vary the setback requirement for the workshop from the front and side lot line and increase the gross floor area of the workshop. The applicant is proposing to reduce the front lot line setback to 5 metres and reduce the side lot line setback to 3 metres while increasing the gross floor area of the workshop to 232.3 sq. metres (2,500 sq. ft.).

Zoning

The subject property is zoned Rural Resource (R-4) which permits a Cottage Industry Use. The proposed workshop falls within the Cottage Industry Use. The Zoning Bylaw specifies that buildings used for Cottage Industry Use shall be located not less than 40 metres from any side lot line and 50 metres from any front lot line. The applicant is proposing to reduce the front setback from 50 metres to 5 and reduce the side setback from 40 metres to 3 metres. The setback reduction being applied for is large; however, there is only one neighbouring lot on the east side of the Trans-Canada Highway and the property is located in a very rural area. Furthermore, the siting of the workshop is constrained by the floodplain setback of the Fraser River which pushed the building envelope towards the west property line adjacent to the Canadian Pacific Railway and the Trans-Canada Highway.

The Zoning Bylaw specifies the maximum gross floor area for Cottage Industry Use is 140 sq. metres (1,507 sq. ft.). The applicant is proposing to increase the gross floor area for the Cottage Industry Use from 140 sq. (1,507) to 232.3 sq. metres (2,500 sq. ft.)

Neighbourhood Notification and Input

All property owners within 30 metres of the property will be notified by the FVRD of the development variance permit application and be given the opportunity to provide written comments or attend the Board meeting to state their comments. FVRD staff encourage the applicant to advise neighbouring property owners and residents of the requested variance in advance of the mail-out notification. To date, no letters of support or opposition have been submitted.

COST

The application fee of \$350 has been paid by the property owner.

CONCLUSION

The applicant is applying for a reduction in the front and side setback for a workshop and for an increase in gross floor area. Staff recommend that the Development Variance Permit be issued by the Fraser Valley Regional Board, subject to any comments or concerns raised by the public.

COMMENTS BY:

Graham Daneluz, Deputy Director of Planning & Development	Reviewed and supported
--	------------------------

Margaret Thornton, Director of Planning & Development	Reviewed and supported
--	------------------------

Mike Veenbaas, Director of Financial Services	No further financial comments.
--	--------------------------------

Paul Gipps, Chief Administrative Officer	Reviewed and supported
---	------------------------



FRASER VALLEY REGIONAL DISTRICT DEVELOPMENT VARIANCE PERMIT

Permit No. Development Variance Permit 2018-11 **Folio No.** 732.05536.050

Issued to: Michael Jordan Cook

Address: 1138 East Georgia Street Vancouver, BC V6A 2A8

Applicant: Same

Site Address: 30420 Trans-Canada Highway Yale, BC

The lands affected by and subject to this permit are shown on Schedule "A", Location Map, attached hereto, which forms an integral part of this permit, and are legally described as:

LOT A, SECTION 10, TOWNSHIP 7, RANGE 26, WEST OF THE 6TH MERIDIAN, YALE DIVISION YALE
DISTRICT PLAN KAP65844
PID: 024-651-320

LIST OF ATTACHMENTS

Schedule "A": Location Map

Schedule "B": Site Plan

AUTHORITY TO ISSUE

1. This Development Variance Permit is issued under Part 14 – Division 9 of the *Local Government Act*.

BYLAWS SUPPLEMENTED OR VARIED

Zoning Bylaw for the Rural Portions of Electoral Area "B", Regional District of Fraser-Cheam Bylaw No. 801, 1989 is **varied** as follows:

Section 4.2.3 Cottage Industry Use

b) aggregate gross floor area is increased from 140 sq. metres to 232.3 sq. metres

e) side lot line setback is reduced from 40 metres to 3 metres and front lot line setback is reduced from 50 metres to 5 metres.

SPECIAL TERMS AND CONDITIONS

1. No variances other than those specifically set out in this permit are implied or to be construed.
2. If the holder of this permit does not commence the construction with respect to which the Permit was issued within two (2) years after the date of the permit, this permit shall lapse.

3. Development of the site shall be undertaken in accordance with the Site Plan attached hereto as Schedule "B".

GENERAL TERMS AND CONDITIONS

1. This Development Variance Permit is issued Pursuant to Part 14 – Division 9 of the *Local Government Act*.
2. This Development Variance Permit shall not vary the permitted uses or densities of land use in the applicable zoning bylaw nor a flood plain specification designated under Section 524 of the *Local Government Act*.
3. Nothing in this permit shall in any way relieve the developer's obligation to ensure that the development proposal complies in every way with the statutes, regulations, requirements, covenants and licences applicable to the undertaking.
4. Nothing in this permit shall in any way relieve the developers obligation to comply with all setback regulations for construction of structures or provision of on-site services pursuant to the *Public Health Act*, the *Fire Services Act*, the *Safety Standards Act*, and any other provincial statutes.

SECURITY DEPOSIT

As a condition of the issuance of this Permit, and pursuant to Section 502 of the *Local Government Act*, the Regional Board is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit

Should the holder of this permit:

- a. fail to complete the works required to satisfy the landscaping conditions contained herein,
- b. contravene a condition of the permit in such a way as to create an unsafe condition,

The Regional Board may undertake and complete the works required to satisfy the landscaping conditions, or carry out any construction required to correct an unsafe condition at the cost of the holder of the permit and may apply the security in payment of the costs of the works, with any excess to be returned to the holder of the permit.

Security Posted: (a) an irrevocable letter of credit in the amount of: \$ <N/A>.
 (b) the deposit of the following specified security: \$ <N/A>.

Note: The Regional District shall file a notice of this permit in the Land Title Office stating that the land described in the notice is subject to Development Variance Permit Number 2018-11. The notice shall take the form of Appendix I attached hereto.

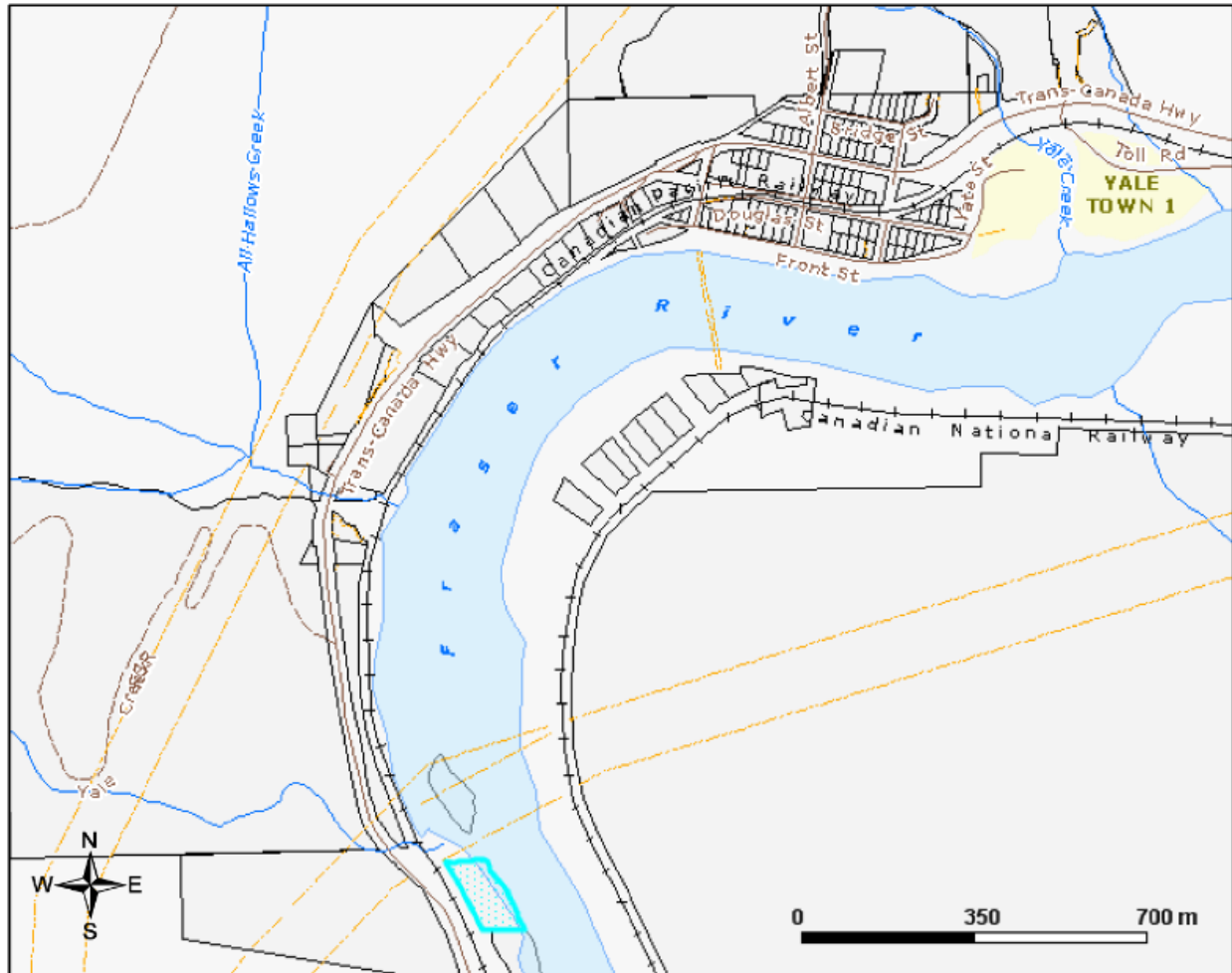
AUTHORIZING RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF THE FRASER VALLEY REGIONAL DISTRICT ON THE 27 DAY OF MARCH, 2018

Chief Administrative Officer / Deputy

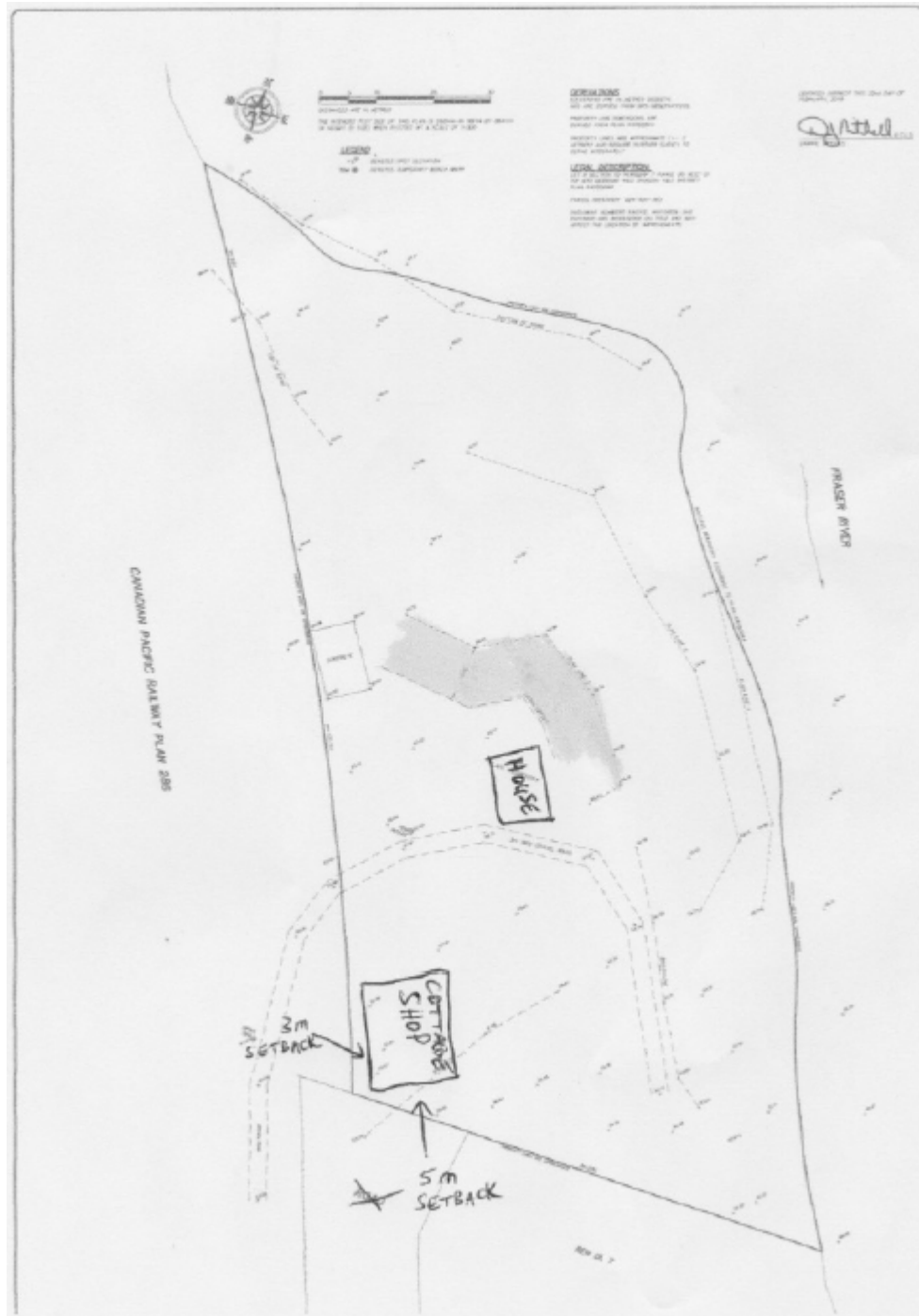
THIS IS NOT A BUILDING PERMIT

DRAFT

DEVELOPMENT VARIANCE PERMIT 2018-11
SCHEDULE "A"
Location Map



DEVELOPMENT VARIANCE PERMIT 2018-11
SCHEDULE "B"
Site Plan



From:
To: [Andrea Antifaeff](#)
Subject: Re: Receipt of New DVP Application
Date: February -27-18 7:36:18 AM
Attachments: [image001.jpg](#)
[scan 1.pdf](#)

Hi Andrea, here is the updated site plan.
Please forward to your associate I spoke with yesterday.
Thanks!

Mike Cook

From: "Andrea Antifaeff" <aantifaeff@fvrd.ca>
To: "mikecook"
Cc: "Dennis Adamson" <dadamson@fvrd.ca>
Sent: Tuesday, February 13, 2018 11:38:47 AM
Subject: Receipt of New DVP Application

Good morning,

Thank you for submitting your application for a Development Variance Permit to vary the following:

- North property setback to 10 metres for construction of a Cottage Industry workshop;
- West property setback to 10 metres for construction of a Cottage Industry workshop;
- South property setback to 30 metres for construction of a Cottage Industry workshop; and
- Size of Cottage Industry Workshop to 2,500 square feet.

for the property located at 30420 Trans-Canada Highway

If you have any questions please do not hesitate to contact me at 604-702-5059 or aantifaeff@fvrd.ca

Andrea Antifaeff
Planning Assistant

45950 Cheam Ave, Chilliwack, BC V2P 1N6
P [604.702.5059](tel:604.702.5059) || W www.fvrd.ca

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 30420 TRANSCANADA HWY. PID 024-651-320

Legal Description Lot A Block _____ Section 10 Township 7 Range 26 Plan KAP65844

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) MICHAEL Cook		Date 09/02/18
Name of Owner (print)	Signature of Owner	Date

Owner's
Contact
Information

Office Use Only	Date 2018-02-13	File No. 3090-20-2018-11
	Received By Andrea	Folio No. 732.65536.050
	Receipt No. 5403/1	Fees Paid: \$ 350.00

Agent

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	Date
Signature of Owner	Date

Agent's contact information and declaration

Name of Agent		Company
Address		City
Email		Postal Code
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
--------------------	------

Development Details

Property Size 2.965 ACRES Present Zoning R4

Existing Use VACANT

Proposed Development PRIMARY RESIDENCE / COTTAGE INDUSTRY WORKSHOP

Proposed Variation / Supplement TO CHANGE THE NORTH AND WEST SETBACK TO 10 METERS, AND TO CHANGE THE SOUTH SETBACK TO 30 METERS. I AM ALSO WANTING TO INCREASE MAXIMUM SQUARE FOOTAGE OF INDUSTRY COTTAGE WORKSHOP TO 2500 SQ. M.
(use separate sheet if necessary)

Reasons in Support of Application I WOULD LIKE THE SHOP TO BE INCONSPICUOUS. THERE ARE NO NEIGHBORS ON THE NORTH AND WEST SIDE, AND I WOULD LIKE TO HAVE THE WORKSHOP TUCKED INTO THE CORNER OF THE LOT.

**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.

To: Electoral Area Services Committee
From: Melissa Geddert, Planning Technician

Date: 2018-03-13
File No: 3090-20-2018-12

Subject: Application for Development Variance Permit 2018-12 to vary the side lot line setback requirements for a proposed shop at 53709 McGregor Road, Electoral Area D.

RECOMMENDATION

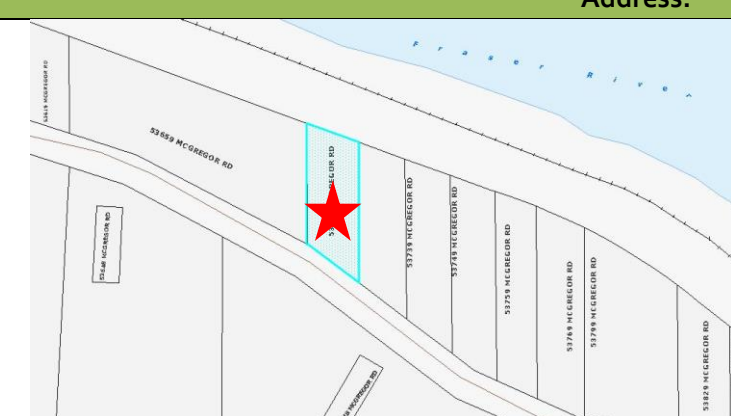
THAT the Fraser Valley Regional District issue Development Variance Permit 2018-12 to vary the side lot line setback from 25 feet (7.62 m) to 5 feet (1.524 m) clear to sky to permit the construction of an accessory structure, subject to consideration of any comments raised by the public.

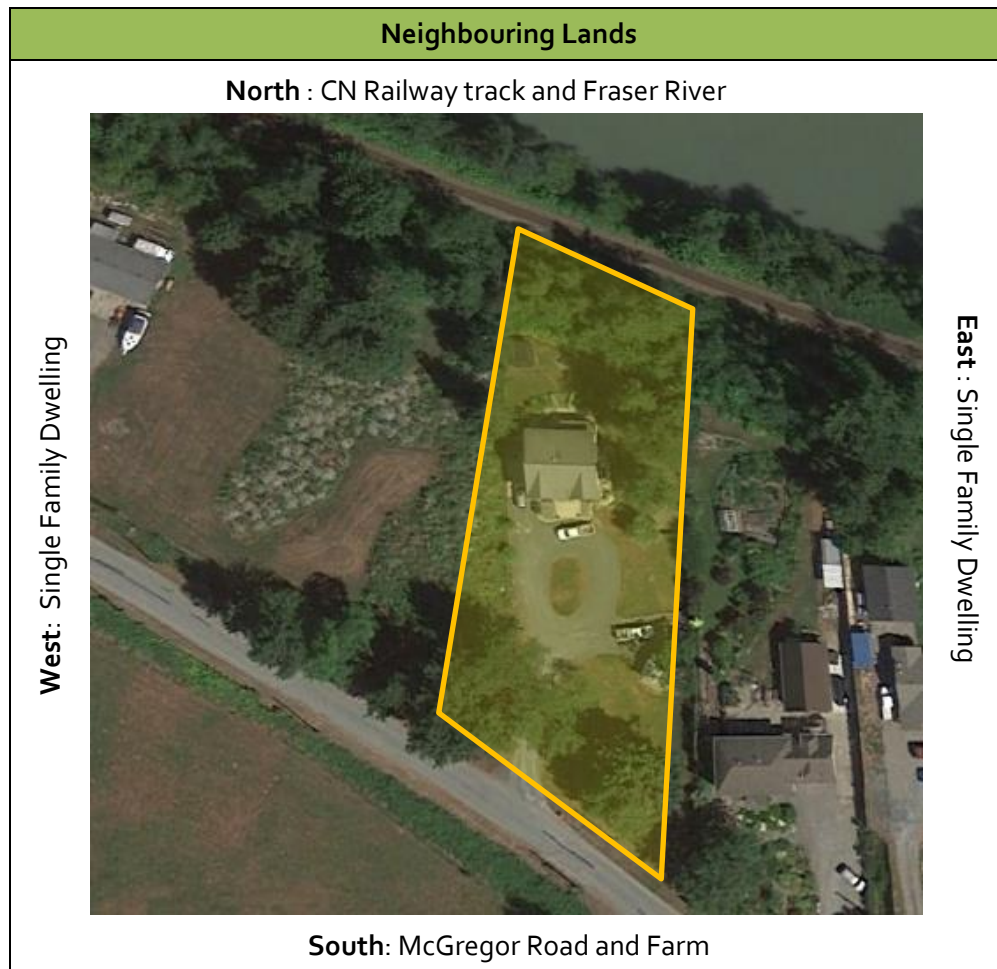
STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

The owner of the property has made an application for a Development Variance Permit (DVP) in order to decrease the side lot line setback set out in *Zoning Bylaw for Electoral Area "D", 1976 of the Regional District of Fraser-Cheam*. The following table highlights the details of the subject property.

Address:		
	Owner	Wood
	Agent	N/A
	EA	D
	Zoning	Rural (R)
	OCP	Suburban Residential
	DPA	RAR DPA 6-D
	ALR	No



DISCUSSION

The owner is proposing to construct an accessory structure (shop) at 53709 McGregor Road. The shop is intended to be 11 metres squared (1200 square feet). The owner has made an application to vary the side lot line setback from 7.62 metres to 1.52 metres to facilitate the construction of the shop. The siting of the proposed shop is illustrated on Appendix A – site plan. The size and siting require a substantial variance request totalling an 80% reduction. A building permit for the proposed shop has not yet been submitted, nor have any construction drawings been received.

Setback of Proposed Structure	
Required	25 feet (7.6 m)
Proposed	5 feet (1.53 m)
Variance	20 feet (6.07 m) - 80% reduction

The subject property is 0.57 acres and is zoned Rural (R) as per *Zoning Bylaw for Electoral Area "D", 1976 of the Regional District of Fraser-Cheam*. The Rural zone requires a 25 foot setback from all property lines for residential and accessory residential buildings and structures. Given the relatively narrow

dimensions of the subject parcel and existing configuration of the driveway, this requirement presents a difficulty in siting the proposed shop.

The siting of the proposed shop aligns with the existing driveway and single family dwelling. The dwelling was issued a variance in 2010 (DVP 2010-07), which varied the side lot line setback from 25 feet to 10 feet. The size of the shop (1200 square feet) and the proposed siting on the lot mean that a greater setback variance to the side lot line is requested than was requested for the house. The size and siting of the proposed shop requires a greater variance than what may be necessary.

Previous Development Variance Permits

Although the requested variance would reduce the setback by 80%, the variance request is reasonably consistent with DVP's issued in the past. The issuance of a development variance permits is not intended to set a precedent; however, the relatively large side lot setback requirement and narrow lots within the McGregor Road subdivision establish a rationale for a relaxation in side lot line setback (SLL). The following table summarizes past DVP applications issued on McGregor Road to decrease the side lot line setback requirement.

Civic Address	Permit Number	Conditions of Permit
53509 McGregor Road	1987-06	Decrease SLL setback requirement to 14.9 feet for SFD
53709 McGregor Road	2010-07	Decrease SLL setback requirement to 10 feet for SFD
53719 McGregor Road	2003-03	Decrease SLL setback requirement to 12 feet for SFD
53719 McGregor Road	2014-14	Decrease SLL setback requirement to 12 feet for SFD
53739 McGregor Road	2005-05	Decrease SLL setback requirement to 11 feet for shop
53739 McGregor Road	2001-07	Decrease SLL setback requirement to 9 feet for garage
53769 McGregor Road	2010-10	Decrease SLL setback requirement to 4 feet for shed

Zoning Bylaw Review

A comprehensive review of all zoning bylaws in the Electoral Areas is currently underway. This review will include analysis of recent development variance permit to determine if revised zoning bylaw provisions, including side lot line setbacks, are warranted.

Neighbourhood Notification and Input

All property owners within 30 metres of the property will be notified by the FVRD of the development variance permit application and be given the opportunity to provide written comments or attend the Board meeting to state their comments. FVRD staff encourage the applicant to advise neighbouring property owners and residents of the requested variance in advance of the mail-out notification. To date no letters of support or opposition have been submitted.

COST

The application fee of \$350 has been paid by the property owner.

CONCLUSION

The subject property is a narrow lot which creates some difficulty in meeting the side lot line setback requirement. Considering this staff recommend Development Variance Permit 2018-12 be issued by the Fraser Valley Regional Board, subject to any comments or concerns raised by the public.

COMMENTS BY:

Graham Daneluz, Deputy Director of Planning & Development – Reviewed and Supported

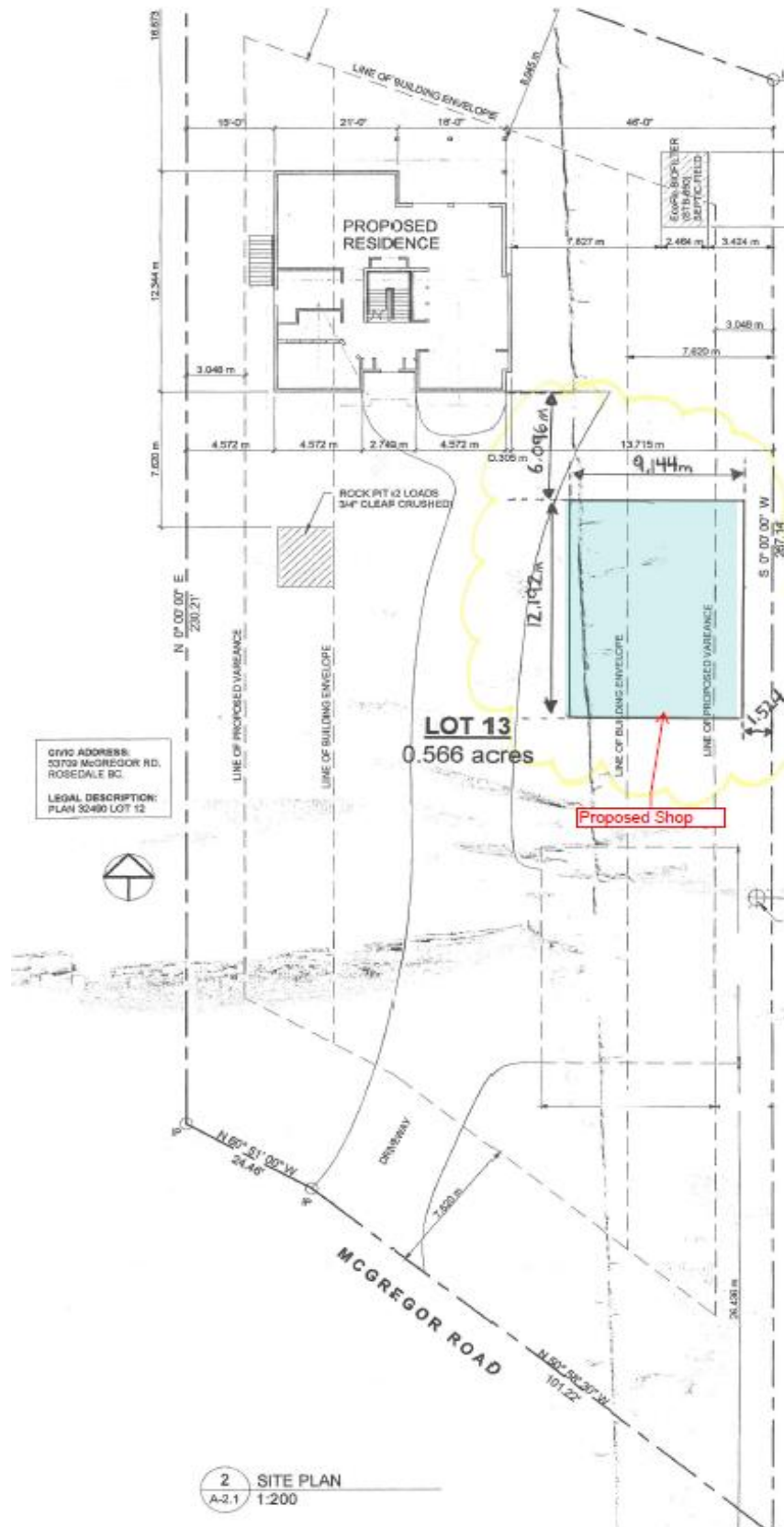
Margaret Thornton, Director of Planning & Development – Reviewed and Supported

Mike Veenbaas, Director of Financial Services – No further financial comments.

Paul Gipps, Chief Administrative Officer Reviewed and supported

Appendix A

Site Plan





FRASER VALLEY REGIONAL DISTRICT DEVELOPMENT VARIANCE PERMIT

Permit No. Development Variance Permit2018-12 **Folio No.** 733.01151.180

Issued to: Brad and Sarah Wood

Address: 53709 McGregor Road

Applicant: Brad and Sarah Wood

Site Address: 53709 McGregor Road, Electoral Area D

The lands affected by and subject to this permit are shown on Schedule "A", Location Map, attached hereto, which forms an integral part of this permit, and are legally described as:

LOT 13, DISTRICT LOT 447, GROUP 2, NEW WESTMINSTER DISTRICT PLAN NWP32490
Parcel Identifier: 006-754-279

LIST OF ATTACHMENTS

Schedule "A": Location Map

Schedule "B": Site Plan

AUTHORITY TO ISSUE

1. This Development Variance Permit is issued under Part 14 – Division 9 of the *Local Government Act*.

BYLAWS SUPPLEMENTED OR VARIED

Zoning Bylaw for Electoral Area "D", 1976 of the Regional District of Fraser Cheam is **varied** as follows:

1. Division 5 Section 503 (b) side lot line setback requirement is reduced from 25 feet (7.6 metres) to 5 feet (1.53 metres) clear to sky for the construction of a shop.
-

SPECIAL TERMS AND CONDITIONS

1. No variances other than those specifically set out in this permit are implied or to be construed.
 2. If the holder of this permit does not commence the construction with respect to which the Permit was issued within two (2) years after the date of the permit, this permit shall lapse.
 3. Development of the site shall be undertaken in accordance with the Site Plan attached hereto as Schedule "B".
-

GENERAL TERMS AND CONDITIONS

1. This Development Variance Permit is issued Pursuant to Part 14 – Division 9 of the *Local Government Act*.
2. This Development Variance Permit shall not vary the permitted uses or densities of land use in the applicable zoning bylaw nor a flood plain specification designated under Section 524 of the *Local Government Act*.
3. Nothing in this permit shall in any way relieve the developer's obligation to ensure that the development proposal complies in every way with the statutes, regulations, requirements, covenants and licenses applicable to the undertaking.
4. Nothing in this permit shall in any way relieve the developers obligation to comply with all setback regulations for construction of structures or provision of on-site services pursuant to the *Public Health Act*, the *Fire Services Act*, the *Safety Standards Act*, and any other provincial statutes.

SECURITY DEPOSIT

As a condition of the issuance of this Permit, and pursuant to Section 502 of the *Local Government Act*, the Regional Board is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit

Should the holder of this permit:

- a. fail to complete the works required to satisfy the landscaping conditions contained herein,
- b. contravene a condition of the permit in such a way as to create an unsafe condition,

The Regional Board may undertake and complete the works required to satisfy the landscaping conditions, or carry out any construction required to correct an unsafe condition at the cost of the holder of the permit and may apply the security in payment of the costs of the works, with any excess to be returned to the holder of the permit.

Security Posted: (a) an irrevocable letter of credit in the amount of: \$ <N/A> .
 (b) the deposit of the following specified security: \$ <N/A> .

Note: The Regional District shall file a notice of this permit in the Land Title Office stating that the land described in the notice is subject to Development Variance Permit Number 2018-12. The notice shall take the form of Appendix I attached hereto.

AUTHORIZING RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF THE FRASER VALLEY
REGIONAL DISTRICT ON THE <DAY> DAY OF <MONTH>, <YEAR>

Chief Administrative Officer / Deputy

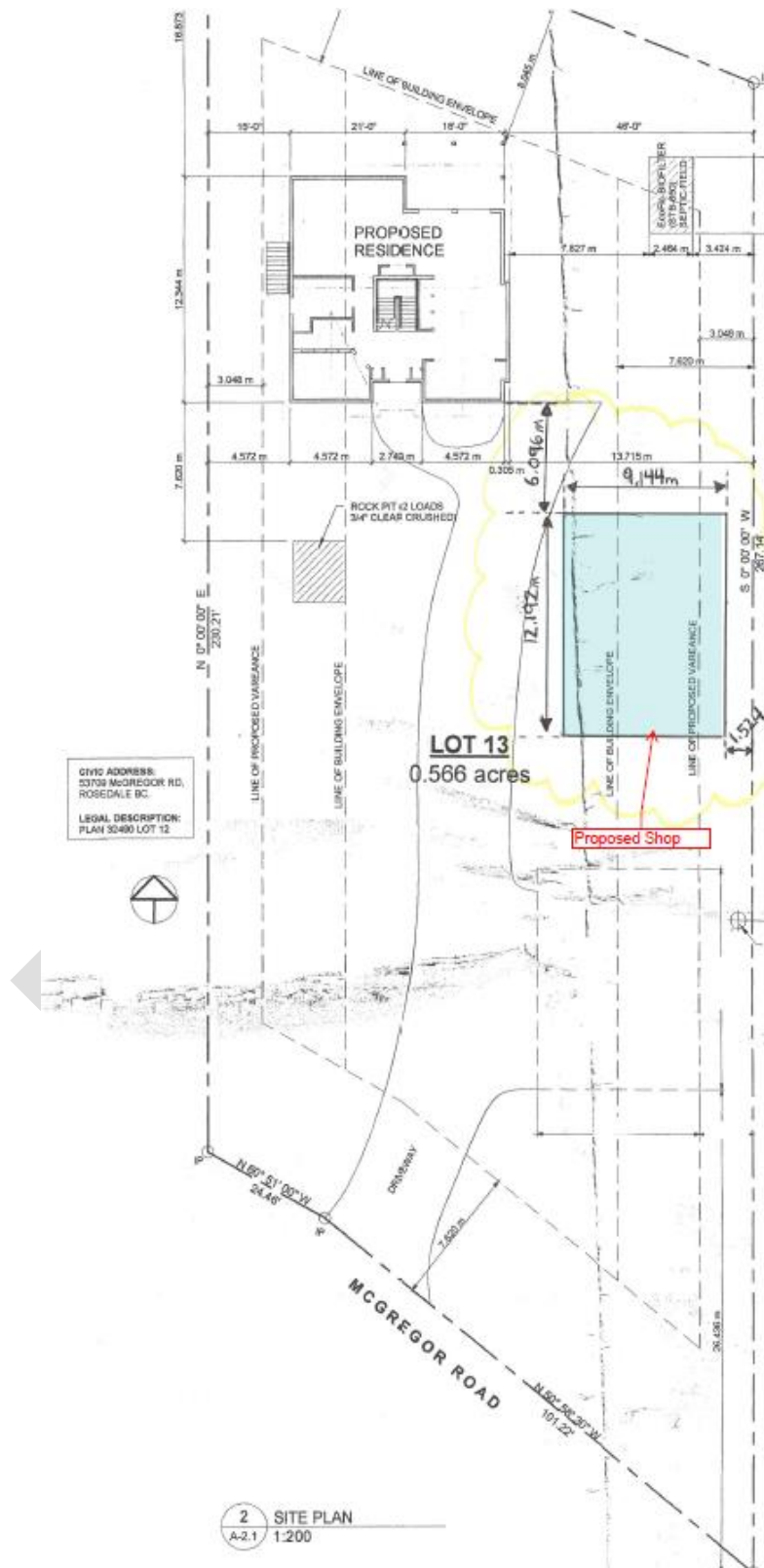
THIS IS NOT A BUILDING PERMIT

DRAFT

DEVELOPMENT VARIANCE PERMIT 2018-12
SCHEDULE "A"
Location Map



DEVELOPMENT VARIANCE PERMIT 2018-12
SCHEDULE "B"
Site Plan



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 \$ 350 as stipulated in FVRD Application Fees Bylaw No. 1231, 2013 must be paid upon submission of this application.

Civic Address 53709 McGregor Rd. / Rosedale / PID Vox-1x1 006-754-279

Legal Description Lot _____ Block _____ Section _____ Township _____ Range _____ Plan _____

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) <u>Bradley J. Wood</u>	Date <u>Feb 15.18</u>
Name of Owner (print) <u>Sarah Sturmus-Wood</u>	Date <u>Feb 16.18</u>

Owner's
Contact
Information

Address <u>53709 McGregor Rd.</u>		City <u>Rosedale</u>
Email		Postal Code
Phone	Cell	Fax

Office Use Only	Date <u>2018.02.19</u>	File No. <u>3090-20-</u>
	Received By <u>Andrea</u>	Folio No. <u>733.01151.180</u>
	Receipt No. <u>5439 / 1</u>	Fees Paid: \$ <u>350.00</u>

Agent

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	Date
Signature of Owner	Date

Agent's contact information and declaration

Name of Agent		Company
Address		City
Email		Postal Code
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
--------------------	------

Development Details

Property Size 0.566 acres Present Zoning _____

Existing Use _____

Proposed Development Storage / Shop structure 12.192m x 9.144m
(40') x (30')

Proposed Variation / Supplement Bylaw is 7.62m (25') from property line.
would like to put structure 1.524m (5') from east
property line. Measurement to eaves.

(use separate sheet if necessary)

Reasons in Support of Application 7.62m (25') off east property line
would put the structure in the middle of existing
driveway. Our lot is only 30.48m (100') wide.

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.

To: Electoral Area Services Committee

Date: 2018-03-13

From: Johannes Bendle, Planner I

File No: 3360-25 2017-01

Subject: Zoning Bylaw Amendment for 11223 Stave Lake Road, Electoral Area “F”

RECOMMENDATION

THAT the Fraser Valley Regional District Board consider giving first reading to the bylaw cited as *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017* for a text amendment for the purpose of facilitating subdivision;

THAT the *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017* be forwarded to Public Hearing;

THAT the Fraser Valley Regional District Board delegate the holding of the Public Hearing with respect to the proposed *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017* to Director Boucher or his alternate in his absence;

THAT Director Boucher or his alternate in his absence, preside over and Chair the Public Hearing with respect to proposed *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017*;

AND THAT the Chair of the Public Hearing be authorized to establish procedural rules for the conduct of the Public Hearing with respect to proposed *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017* in accordance with the Local Government Act;

AND FURTHER THAT in the absence of Director Boucher, or his alternate in his absence at the time of the Public Hearing with respect to proposed *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017*, the Fraser Valley Regional District Board Chair is delegated the authority to designate who shall preside over and Chair the Public Hearing regarding this matter;

AND FINALLY THAT the Fraser Valley Regional District Board authorize its signatories to execute all documents relating to *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017*.

STRATEGIC AREA(S) OF FOCUS

Foster a Strong & Diverse Economy

Provide Responsive & Effective Public Services

The applicants have applied to the Ministry of Transportation and Infrastructure (MOTI) to subdivide the subject property into two lots. The FVRD has responded to a referral received from MOTI in which the FVRD was not able to support MOTI's issuance of a preliminary layout approval for the proposed subdivision because not all of the minimum parcel sizes were met. Therefore, the applicants have chosen to apply for a text amendment to the Zoning Bylaw to facilitate the subdivision.

DISCUSSION

The applicants are proposing to subdivide the subject property into two lots. The property is 19.61 hectares and the proposal is to subdivide the property into one 8 hectare lot (Lot A) and one 11.61 hectare lot (Lot B).



Board Resolution

At the December 20, 2017 Board meeting, the Board resolved:

THAT the Fraser Valley Regional District Board defer Zoning Amendment application 2017-01 to the January, 2018 EASC meeting and provide the applicants an opportunity to explore consolidating the A-2 zoned agricultural lands.

The applicant has contacted the adjacent property owner to the east of his A-2 zoned land. This is the property for which consolidation made sense as both are functionally connected and both are currently under agricultural production. As the letter in Appendix A states, the applicant sent a letter explaining his situation and asking if the owner would be interested in buying the two acres of land. However, the offer was considered by the applicant to be lower than half the value of the land. The applicant and the owner were unable to come to an agreement; therefore, the applicant is requesting the Board's consideration of his original application.

Zoning

The subject property is zoned Rural 3 (R-3) and Floodplain Agriculture (A-2) pursuant to the *Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992*. The minimum parcel size in the R-3 zone is 8 hectares and in the A-2 zone it is 16 hectares. Proposed Lot A is zoned R-3 and meets the minimum parcel size; however, proposed Lot B is zoned R-3 (west of Stave Lake Road) and A-2 (east of Stave Lake Road) and does not meet the minimum parcel size. Proposed Lot B has a split zone and meets the minimum 8 hectare parcel size of the R-3 zone but does not meet the minimum 16 hectare parcel size of the A-2 zone.

Bylaw No. 559 has specific provisions that address subdivisions of parcels that straddle zone boundaries:

- 413 (3) No parcel which straddles a zone boundary shall be created by subdivision except as otherwise provided in Section 413(6).
- 413 (7) Notwithstanding Section 413(3), where an existing parcel straddles a zone boundary, subdivision will only be permitted if the resulting parcels meet the greater minimum parcel size of the said zone.

The Zoning Bylaw does allow for a reduction in minimum parcel size where a parcel is divided by a highway, but no parcel can be smaller than 1 hectare. The portion of the parcel east of Stave Lake Road is approximately 0.8 hectares. Because of the size of the property relative to the minimum parcel size requirement, there is no alternative configuration that could avoid a text amendment for parcel size unless the A-2 portion of the property was consolidated with the adjacent A-2 property.

OCP

The subject property is designated Limited Use (LU) and Agriculture (A) pursuant to Fraser Valley Regional District Official Community Plan for Hatzic Valley, Electoral Area "F" Bylaw No. 0999, 2010.

The minimum parcel size for the LU designation is 8 hectares and for the A designation is 16 hectares for lands within the Fraser River and Stave Lake floodplains or otherwise subject to flood hazards. Proposed Lot A is designated LU and meets the minimum parcel size; however, proposed Lot B is designated LU (west of Stave Lake Road) and A (east of Stave Lake Road) and does not meet the minimum parcel size. Although the minimum parcel size will not be met, the proposed subdivision will not further fragment or reduce the size of agricultural land as the only flat farmable land is on the east side of Stave Lake Road which appropriately coincides with the A designation.

Development Permit

The subject property is located within "Geologic and Stream Hazard Development Permit Area 1-F" for the protection of development from hazardous conditions. A Development Permit is required prior to subdivision approval and a geotechnical hazard assessment report will be required as part of the Development Permit process to determine if the proposed lot is safe for the use intended and if works to mitigate geotechnical hazards are required. The FVRD has reviewed the "Geotechnical Hazard Assessment and Report Proposed Manufactured Home Construction 11223 Stave Lake Street, Hatzic Area, Mission, BC" dated June 25, 2010; however, the scope of this report was not for the purpose of subdivision. Therefore, a new geotechnical hazard assessment report is required.

In addition, the property is located within "Riparian Areas Development Permit Area 2-F" for the protection of the natural environment, its ecosystems and biological diversity. A Development Permit is required prior to subdivision approval and a Riparian Areas Regulation (RAR) assessment from a Qualified Environmental Professional (QEP) will be required as part of the Development Permit process.

Agricultural Land Reserve

The subject property is partially located within the Agricultural Land Reserve (ALR). However, as no subdivision is proposed within the ALR approval from Agricultural Land Commission (ALC) is not required.

COST

The applicant has paid the \$2,500 application fee to amend the zone.

CONCLUSION

The applicants are proposing a two lot subdivision of the 19.61 hectare property into one 8 hectare lot and one 11.61 hectare lot. The applicants are applying for a text amendment to the Zoning Bylaw to facilitate the subdivision after being unable to reach an agreement with the neighbouring property to consolidate the A-2 portion of the property. Staff recommend that the information in this report is considered and that the Bylaw be given first reading.

COMMENTS BY:

Graham Daneluz, Deputy Director of Planning & Development Reviewed and supported

Margaret Thornton, Director of Planning & Development Reviewed and supported

Mike Veenbaas, Director of Financial Services No further financial comments.

Paul Gipps, Chief Administrative Officer Reviewed and supported

APPENDIX A

To Johannes and the EASC

My name is Keith Janzen, owner of 11223 Stave Lake Rd. As you know I have submitted an amendment application for the purposes of subdividing my property. As you requested I have reached out to my neighboring property owner to discuss selling them my 2 acres that are located in the A2 zoning. I sent them a letter on January 25th explaining my situation and asking if they would be interested in buying at a fair price. The owner called me back the same day and made an offer that I felt was lower than half of the value of the land. I was willing to accept below fair market value but felt his offer was just too low. After a couple days we were unable to come to an agreement. During this process I did find out that he is the lease holder of my 2 acres already (I have a 3rd party authorized to lease this land for me) so in my opinion this caused him to find no real value in purchasing said land when he's already profiting from it. Having fulfilled the request of your committee I would like to request the consideration of my original application.

Thank you,

Keith Janzen



CORPORATE REPORT

To: Electoral Area Services Committee

Date: 2017-12-12

From: Johannes Bendle, Planner I

File No: 3360-25 2017-01

Subject: Zoning Amendment for 11223 Stave Lake Road, Electoral Area "F"

RECOMMENDATION

THAT the Fraser Valley Regional District Board defer Zoning Amendment application 2017-01 to a future meeting and provide the applicants an opportunity to explore consolidating the A-2 zoned agricultural lands.

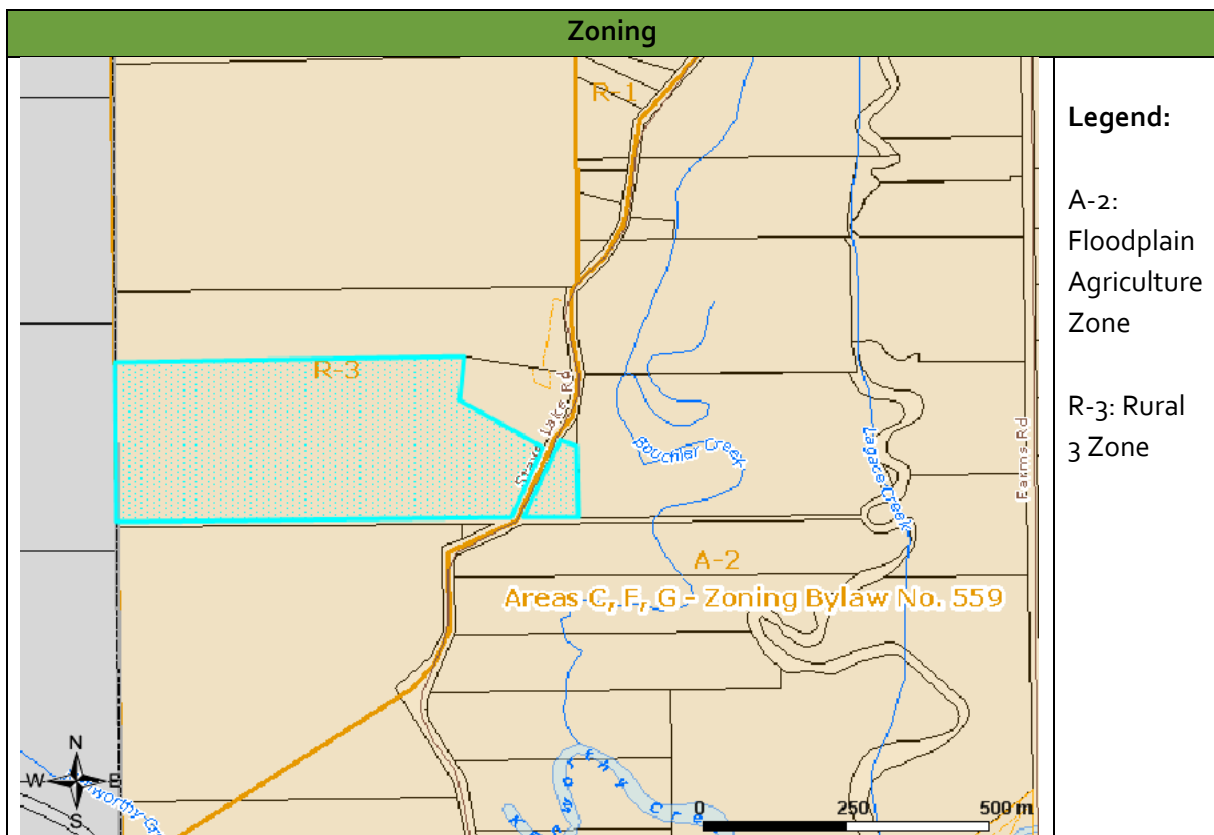
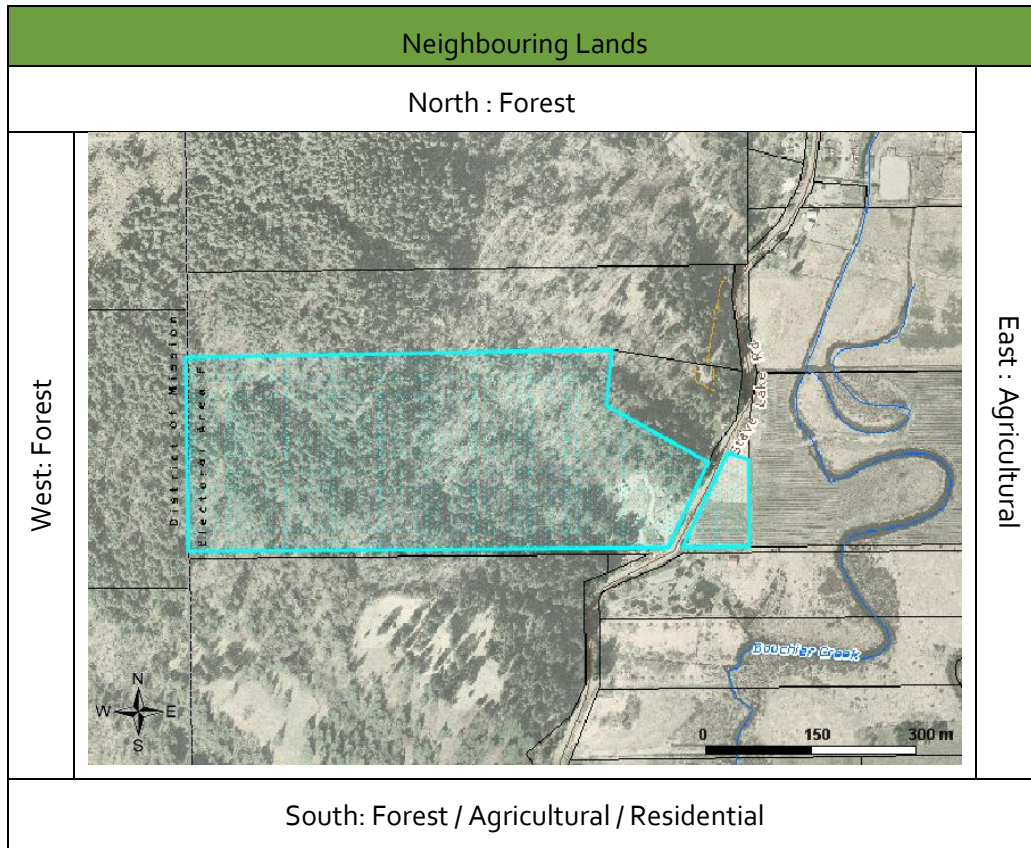
STRATEGIC AREA(S) OF FOCUS

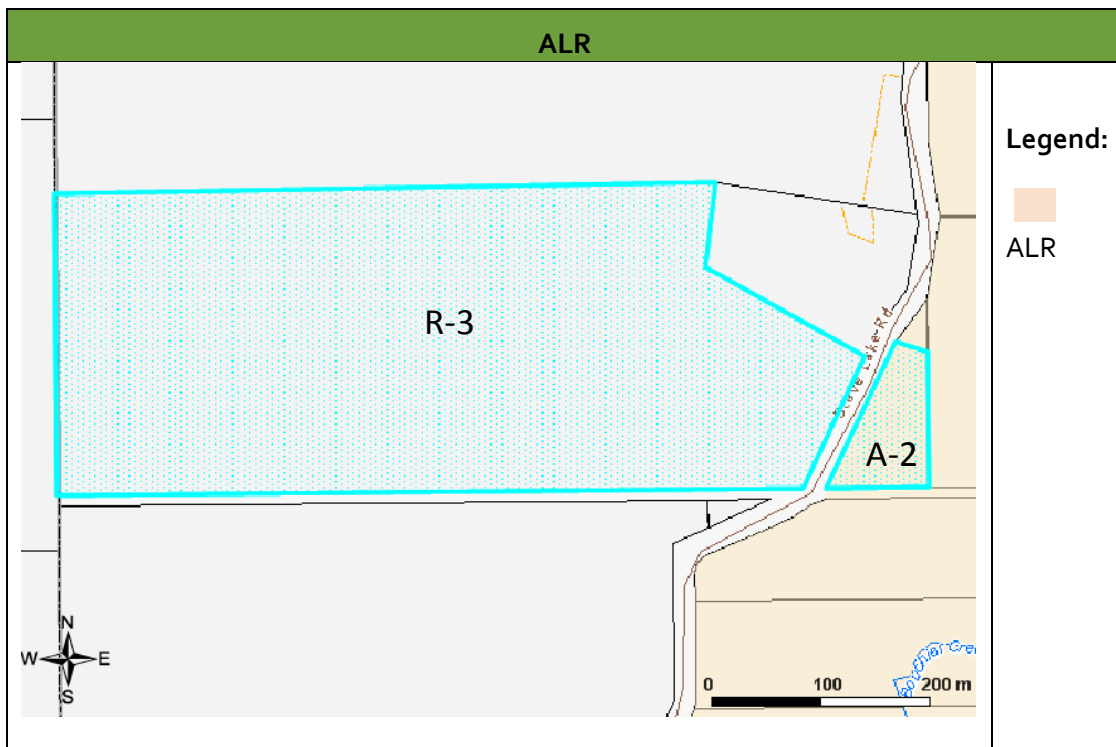
Foster a Strong & Diverse Economy

Provide Responsive & Effective Public Services

BACKGROUND

The applicants have applied to the Ministry of Transportation and Infrastructure (MOTI) to subdivide the subject property into two lots. The FVRD has responded to a referral received from MOTI in which the FVRD was not able to support MOTI's issuance of a preliminary layout approval for the proposed subdivision because not all of the minimum parcel sizes were met. Therefore, the applicants have chosen to apply for a text amendment to the zoning bylaw to facilitate the subdivision.





DISCUSSION

Proposal

The applicants are proposing to subdivide the subject property into two lots. The property is 19.61 hectares and the proposal is to subdivide the property into one 8 hectare lot (Lot A) and one 11.61 hectare lot (Lot B).

Zoning

The subject property is zoned Rural 3 (R-3) and Floodplain Agriculture (A-2) pursuant to the *Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992*. The minimum parcel size in the R-3 zone is 8 hectares and in the A-2 zone it is 16 hectares. Proposed Lot A is zoned R-3 and meets the minimum parcel size; however, proposed Lot B is zoned R-3 (west of Stave Lake Road) and A-2 (east of Stave Lake Road) and does not meet the minimum parcel size. Proposed Lot B has a split zone and meets the minimum 8 hectare parcel size of the R-3 zone but does not meet the minimum 16 hectare parcel size of the A-2 zone.

Bylaw No. 559 has specific provisions that address subdivisions of parcels that straddle zone boundaries:

- 413 (3) No parcel which straddles a zone boundary shall be created by subdivision except as otherwise provided in Section 413(6).

- 413 (7) Notwithstanding Section 413(3), where an existing parcel straddles a zone boundary, subdivision will only be permitted if the resulting parcels meet the greater minimum parcel size of the said zone.

The Zoning Bylaw does allow for a reduction in minimum parcel size where a parcel is divided by a highway, but no parcel can be smaller than 1 hectare. The portion of the parcel east of Stave Lake Road is approximately 0.8 hectares. Because of the size of the property relative to the minimum parcel size requirement, there is no alternative configuration that could avoid a text amendment for parcel size unless the A-2 portion of the property were to be consolidated with the adjacent A-2 property.

OCP

The subject property is designated Limited Use (LU) and Agriculture (A) pursuant to *Fraser Valley Regional District Official Community Plan for Hatzic Valley, Electoral Area "F" Bylaw No. 0999, 2010*. The minimum parcel size for the LU designation is 8 hectares and for the A designation is 16 hectares for lands within the Fraser River and Stave Lake floodplains or otherwise subject to flood hazards.

Proposed Lot A is designated LU and meets the minimum parcel size; however, proposed Lot B is designated LU (west of Stave Lake Road) and A (east of Stave Lake Road) and does not meet the minimum parcel size. Although the minimum parcel size will not be met, the proposed subdivision will not further fragment or reduce the size of agricultural land as the only flat farmable land is on the east side of Stave Lake Road which appropriately coincides with the A designation.

Development Permit

The subject property is located within "Geologic and Stream Hazard Development Permit Area 1-F" for the protection of development from hazardous conditions. A Development Permit is required prior to subdivision approval and a geotechnical hazard assessment report will be required as part of the Development Permit process to determine if the proposed lot is safe for the use intended and if works to mitigate geotechnical hazards are required. The FVRD has reviewed the "Geotechnical Hazard Assessment and Report Proposed Manufactured Home Construction 11223 Stave Lake Street, Hatzic Area, Mission, BC" dated June 25, 2010; however, the scope of this report was not for the purpose of subdivision. Therefore, a new geotechnical hazard assessment report is required.

In addition, the property is located within "Riparian Areas Development Permit Area 2-F" for the protection of the natural environment, its ecosystems and biological diversity. A Development Permit is required prior to subdivision approval and a Riparian Areas Regulation (RAR) assessment from a Qualified Environmental Professional (QEP) will be required as part of the Development Permit process.

Agricultural Land Reserve

The subject property is partially located within the Agricultural Land Reserve (ALR). However, as no subdivision is proposed within the ALR approval from Agricultural Land Commission (ALC) is not required.

Subdivision Options

In considering the subdivision options for the subject property, the best outcome for the preservation of agricultural land is for the agricultural A-2 zoned portion of the subject property to be consolidated with the adjacent agricultural A-2 zoned property to the east. The consolidation of agricultural land would enhance agriculture by consolidating the 0.8 hectare fragment of A-2 agricultural land with the adjacent 13.4 hectare of A-2 agricultural land. If the A-2 agricultural portion of the subject property were to be consolidated with the adjacent property through subdivision it would also remove the requirement for a zoning amendment as the subdivision of the R-3 portion of the property would meet the minimum parcel size. This subdivision option is contingent on the geotechnical hazard assessment confirming an additional safe building site on the land west of Stave Lake Road. The adjacent landowner would also have to agree to buy the agricultural A-2 land from the applicants. From the applicants perspective this proposal would mean that they would lose their farm status for the proposed parcel as the A-2 portion of the property is currently being farmed. Furthermore, this would require an application for subdivision in the ALR; however, because this application would be consolidating ALR land it would be seen as a benefit to agriculture. Staff recommend that a decision on the zoning amendment application is deferred and that the applicants be encouraged to approach the adjacent landowner regarding consolidating of the agricultural A-2 land because this would lead to a better outcome from an agricultural and land use planning perspective.

COST

The applicant has paid the \$2,500 application fee to amend the zone.

CONCLUSION

The applicants are proposing a two lot subdivision of the 19.61 hectare property into one 8 hectare lot and one 11.61 hectare lot. The proposed subdivision meets the minimum 8 hectare parcel size of the R-3 zone but does not meet the minimum 11.61 hectare parcel size of the A-2 zone. Staff recommend that the FVRD Board defer the Zoning Amendment application to a future meeting and encourage the applicants to consolidate the adjacent A-2 agricultural lands thereby avoiding the requirement for a zoning amendment.

Option 1 – First Reading

Should the FVRD board decide to give the Zoning Amendment application first reading, the Board may resolve:

THAT the Fraser Valley Regional District Board give first reading to the bylaw cited as “*Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017*” for the purpose of facilitating a two lot subdivision at 11223 Stave Lake Road, Electoral Area “F”;

THAT the Fraser Valley Regional District Board Zoning Amendment Bylaw No. 1458, 2017 be forwarded to Public Hearing;

THAT the Fraser Valley Regional District Board delegate the holding of the Public Hearing with respect to the proposed Fraser Valley Regional District Zoning Amendment Bylaw No. 1458, 2017 to Director Boucher or in his absence to the Area "F" Alternate Director;

THAT Director Boucher or in his absence the Alternate Director, preside over and Chair the Public Hearing with respect to proposed Bylaw No. 1458, 2017;

AND THAT the Chair of the Public Hearing be authorized to establish procedural rules for the conduct of the Public Hearing with respect to proposed Bylaw No. 1458, 2017 in accordance with the *Local Government Act*;

AND FURTHER THAT in the absence of Director Boucher and the Area "F" Alternate Director, at the time of the Public Hearing with respect to proposed Bylaw No. 1458, 2017, the Fraser Valley Regional District Board Chair is delegated the authority to designate who shall preside over and Chair the Public Hearing regarding this matter;

AND FINALLY THAT the Fraser Valley Regional District Board authorize staff to execute all documents relating to Bylaw No. 1458, 2017.

Option 2 - Refuse

Alternatively if the FVRD Board decides to refuse the Zoning Amendment application, the Board may resolve:

THAT the Fraser Valley Regional District **refuse** Zoning Amendment application 2017-01.

COMMENTS BY:

Graham Daneluz, Deputy Director of Planning & Development

Reviewed and supported. Staff are reluctant to support spot zoning which appears to conflict with the intent of the bylaw regarding subdivision of land with split zones. Staff recommend that this application be deferred to provide the applicant with time to explore the feasibility of consolidating the agricultural portion of the parcel with adjacent farm lands. If this is done, the remaining hillside lands can be subdivided without a zoning amendment and the rezoning fees can be refunded.

Mike Veenbaas, Director of Financial Services

No further financial comment.

Paul Gipps, Chief Administrative Officer

Reviewed and supported

FRASER VALLEY REGIONAL DISTRICT

Bylaw No. 1458, 2017

A Bylaw to Amend the Zoning for a portion of Electoral Area F

WHEREAS the Fraser Valley Regional District Board of Directors has deemed it advisable to amend *Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992* for a portion of Electoral Area F;

THEREFORE the Board of Directors of the Fraser Valley Regional District enacts as follows:

1) **CITATION**

This bylaw may be cited as *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017*.

2) **TEXT AMENDMENT**

That Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992 be amended by:

- i. Inserting the following:
502 Minimum Parcel Size
- a. "(3) The minimum parcel size for all parcels of land that may be created by the subdivision of that parcel legally described as SOUTH HALF OF THE SOUTH WEST QUARTER SECTION 14 TOWNSHIP 18 EXCEPT: FIRSTLY: PART SUBDIVIDED BY PLAN 26689; SECONDLY: PART SUBDIVIDED BY PLAN 28016, NEW WESTMINSTER DISTRICT may be 11.5 ha".
- ii. Renumber the subsections under 502 in appropriate numerical order.

3) **SEVERABILITY**

If a portion of this bylaw is found invalid by a court, it will be severed and the remainder of the bylaw will remain in effect.

4) READINGS AND ADOPTION

READ A FIRST TIME THIS _____ day of _____

PUBLIC HEARING WAS HELD THIS _____ day of _____

READ A SECOND TIME THIS _____ day of _____

READ A THIRD TIME THIS _____ day of _____

ADOPTED THIS _____ day of _____

Chair/Vice Chair

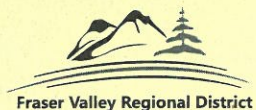
Corporate Officer/Deputy

5) CERTIFICATION

I hereby certify the foregoing to be a true and correct copy of *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017* as read a third time by the Board of Directors of the Fraser Valley Regional District on the day of .

Dated at Chilliwack, B.C. this day of

Corporate Officer/ Deputy



45950 Cheam Avenue
Chilliwack, BC V2P 1N6
604-702-5000 | 1-800-528-0061

Receipt

Date Nov 14, 2017

Received from JANZEN

Description of Payment and GL Code _____

REZONING

11223 STAVE LAKE RD

For Office Use Only
Do not write in the space below

Fraser Valley Regional District

Receipt: 4034/1 Nov 14, 2017

Dated: Nov 14, 2017 08:39:54 AM

Station: EA SERVICE/CASH2

1 PLANNING REZONING APPLICATIO 2,500.00

Total 2,500.00

MASTERCARD JANZEN -2,500.00

SCHEDULE A-2

Zoning Amendment Application

I / We hereby apply to:



Amend the text of Zoning Bylaw No. 559-1992 Part 502-2
Purpose (in brief): Reduce minimum parcel size for subdividing



Change the Zoning of the 'subject property' in Zoning Bylaw No. _____

From: _____ (current zone)

To: _____ (proposed zone)

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



11223 Stave Lake Rd. PID 013-383-329

Legal
Description

Lot _____ Block _____ Section 14 Township 18 Range _____ Plan _____

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) <u>Keith Janzen</u> <u>James Janzen</u>	Signature of Owner 	Date <u>Oct 26/17</u>
Name of Owner (print) <u>Devon Janzen</u> <u>Doris Janzen</u>	Signature of Owner 	Date <u>Oct 26/17</u>

Owner's
Contact
Information

Address <u>11223 Stave Lake Rd</u>	City <u>Mission</u>
Email _____	Postal Code <u>V2V 4J1</u>
Phone _____	Fax _____

Office Use Only	Date <u>NOV. 14/17</u>	File No. <u>3360-25 2017-01</u>
	Received By <u>JB</u>	Folio No. <u>775.02282.000</u>
	Receipt No. <u>4834/1</u>	Fees Paid: \$ <u>2,500.00</u>

Agent

I hereby give permission for _____ 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	Date
Signature of Owner	Date

Agent's contact information and declaration

Name of Agent		Company
Address		City
Email		Postal Code
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
--------------------	------

Development Details

Property Size 19.61 ha (m² or ha)

Existing Use Residential / Farm

Proposed Development / Text Amendment Subdivide into 2 parcels.

Reduce the 1 parcel that requires minimum parcel size of 16 Ha to 11.61 Ha.

Justification and Support The area zoned A-2 is only .8 Ha, while the rest of the property is zoned R-3 with only 8 Ha as minimum parcel size. Also all neighboring properties are well below the minimum parcel size of 16 Ha, some as small as .1 Ha

(use separate sheet if necessary)

Anticipated Start Date: _____

Services

Services	Currently Existing		Readily Available *	
	Yes	No	Yes	No
Road Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Supply	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewage Disposal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Telephone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
School Bus Service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* 'Readily Available' means existing services can be easily extended to the subject property.

Proposed

Water Supply

Proposed

Sewage Disposal

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.

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 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 the FVRD Planning Department or the Ministry of Environment for further information.

Contaminated Sites Profile

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.)
Reports			Other:
			Geotechnical Report
			Environmental Assessment
			Archaeological Assessment
			Other:

The personal information on this form is being collected in accordance with Section 27 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.

STRATEGIC FOCUS & PRIORITIES CHECKLIST

Applicant:

Project:

Date:

This checklist is intended to assist in the Regional Board in considering your application in relation to the Board's Strategic objectives. Please note that there are many factors that are considered when considering applications and this checklist is for information purposes only.

Foster a Strong & Diverse Economy		
	Y/N/NA	Supporting Evidence (attach info if needed)
1.1 Does the development add lasting jobs to the local community?	N	
1.2 Does the development contribute to diversifying the local economy?	N	
1.3 Does the development strengthen tourism or outdoor recreation ?	N	
1.4 Does the development enable home-based work?	N	
1.5 Is the development supported by high-speed internet and cellular service?	Y	

Provide Responsive & Effective Public Services		
	Y/N/NA	Supporting Evidence (attach info if needed)
2.1 Does the development utilize green alternatives for site services?	N	
2.2 Does lifecycle cost analysis demonstrate the long-term efficiency of development infrastructure?	N	
2.3 Does the development contribute to source water protection?	N	
2.4 Do development services address the needs of local residents?	N	
2.5 Does the design of the site incorporate Crime Prevention Through Environmental Design "CPTED" principles?	N	

You can view the Strategic Plan at www.fvrd.ca










Support Environmental Stewardship

	Y/N/NA	Supporting Evidence (attach info if needed)
3.1 Does the development support transit, walking, and/or cycling?	N	
3.2 Are buildings, facilities or landscaping designed to reduce energy consumption, emissions or water use?	N	
3.3 Does the Development contain facilities for recycling and organic waste facilities or programs?	N	
3.4 Are environmental features and functions (i.e. trees, streams, habitat) of the site maintained?	Y	
3.5 Is the development seeking green building certification (i.e. Built Green, Energy Star, Passive House, LEED,)?	N	

Support Healthy & Sustainable Communities

	Y/N/NA	Supporting Evidence (attach info if needed)
4.1 Does the development address an identified community or demographic need?	N	
4.2 Does the development include "age-friendly" or accessibility components that support 'aging-in-place" or universal access?	NA	
4.3 Was the local community engaged in the conceptual design of the development?	N	
4.4 Does the development increase the range of housing types or sizes available in the community?	N	
4.5 Is the development affordable to residents of the local community?	NA	
4.6 Does the development address a gap in achieving a compact, complete and sustainable community?	N	

Legend

-  Integrated Cadastral Fabric
-  Provincial Parks - Tantalus -
-  National Parks - Colour Fille
-  Mapsheet Grid (1:250,000)
-  Mapsheet Grid (1:20,000)
-  Land Act Surveyed Rights o
-  Tantalus - Outlined
-  Transportation Corridors - O
-  Land Act Survey Parcels

0 0.10 0.20 km

1: 5,000

Copyright/Disclaimer

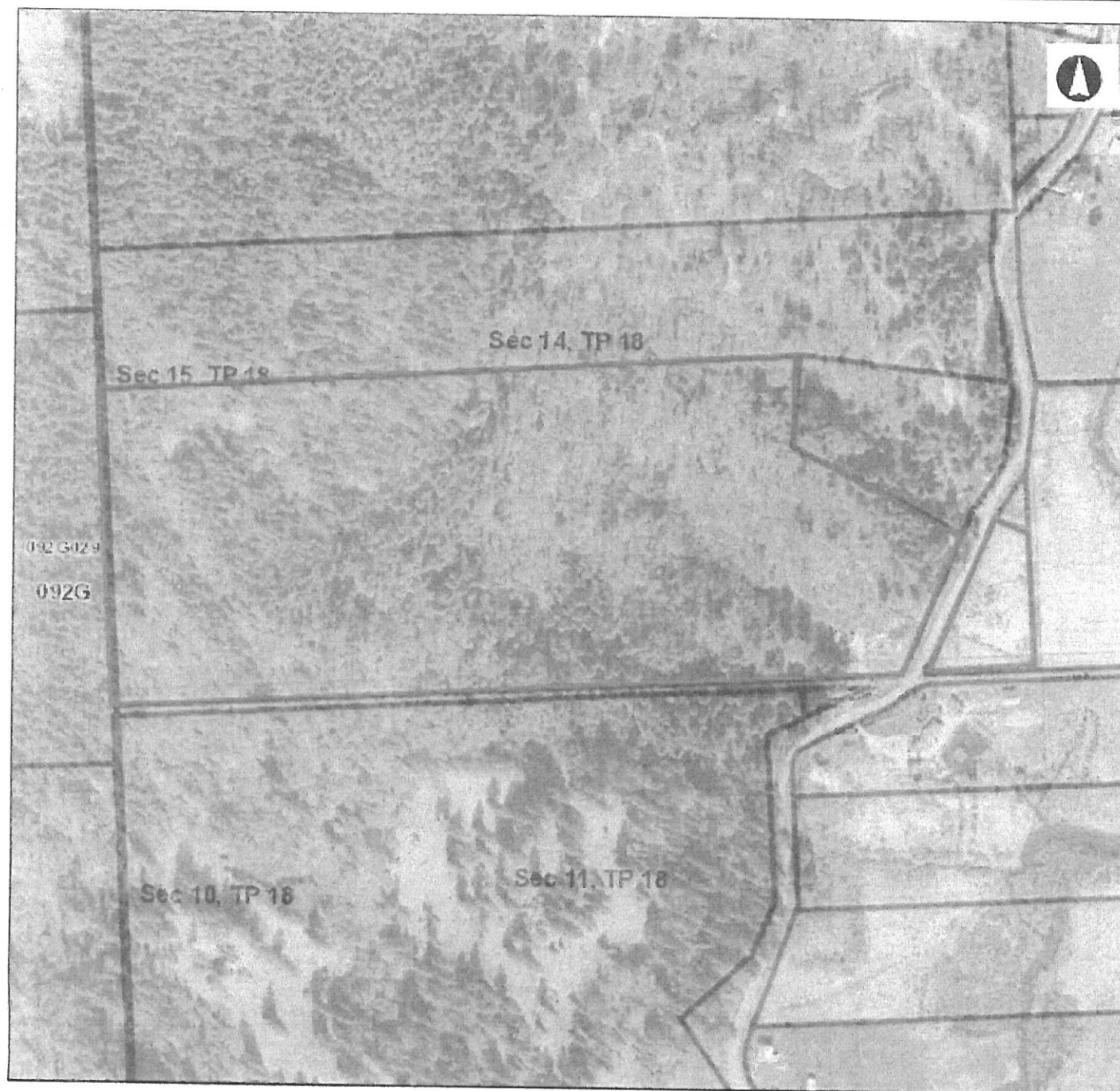
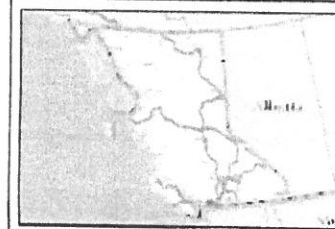
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CAUTION: Maps obtained using this site are not designed to assist in navigation. These maps may be generalized and may not reflect current conditions. Uncharted hazards may exist. DO NOT USE THESE MAPS FOR NAVIGATIONAL PURPOSES.

Datum: NAD83

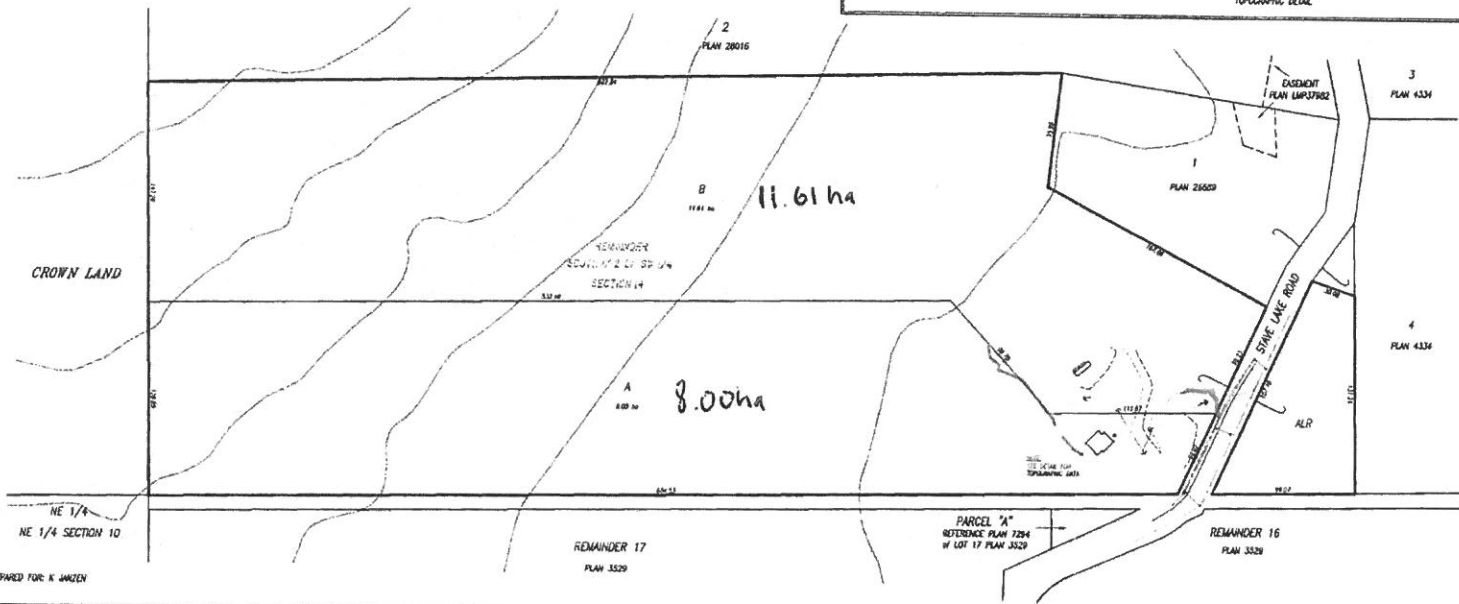
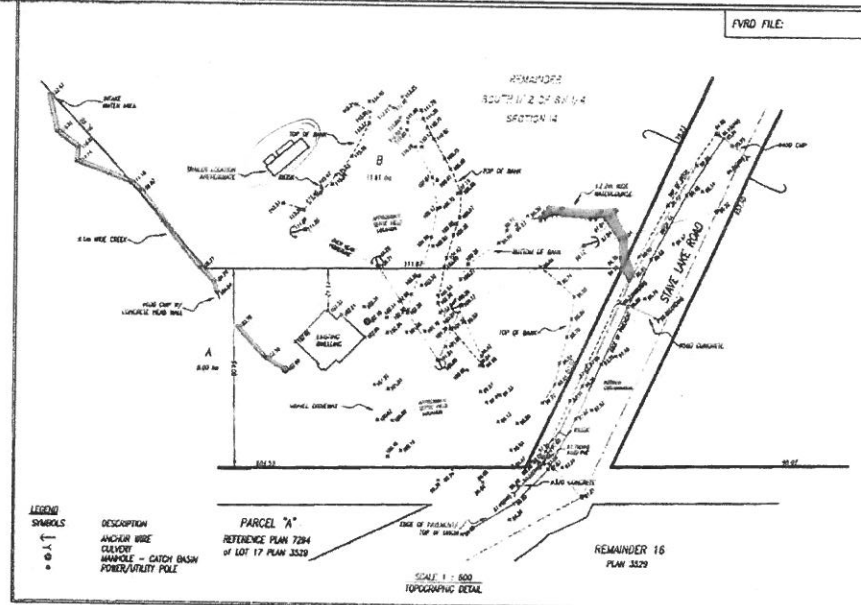
Projection: NAD_1983_BC_Environment_Albers

Key Map of British Columbia



DRAFT PLAN OF SUBDIVISION OF THE S 1/2 OF THE SW 1/4
SECTION 14 TOWNSHIP 18 EXCEPT:
FIRSTLY: PART SUBDIVIDED BY PLAN 26689
SECONDLY: PART SUBDIVIDED BY PLAN 28016
NEW WESTMINSTER DISTRICT

SCALE: 1 : 1500
ALL DIMENSIONS ARE IN METRES AND DECIMALS
THEREOF UNLESS OTHERWISE SPECIFIED
PARCEL BOUNDARY: 013-383-329
CIVIC ADDRESS: 11223 STAKE LAKE ROAD, FIRD



CONTOURS ACCORDING TO FIRD MAPPING

LOT DIMENSIONS DERIVED FROM
OPM4112 M 40
ELEVATIONS ARE IN METRES (ASSUMED DATUM)
ELEVATIONS REFERENCED TO
NA82 SURVEY CONTROL

MADE & ASSOCIATES LAND SURVEYING LTD.
100 LAND SURVEYORS
MISSION & MAPLE RIDGE
PHONE: (604) 876-7081 OR 463-4753
FAX: 463-4757

PREPARED FOR: K. JENSEN

SUBMITTED:
APRIL 20, 25-26, 2017
DRAWING DATE:
JUNE 2, 2017

To: Electoral Area Services Committee

Date: 2018-03-13

From: Johannes Bendle, Planner I

File No: 6520-26-02

Subject: Hatzic Island Discussion Paper – Stakeholder Discussions

RECOMMENDATION

THAT the Fraser Valley Regional District Board authorize staff to distribute the discussion paper to stakeholders to facilitate conversations about planning for Hatzic Island;

AND THAT a summary of the stakeholder discussions along with potential options for improving land use and servicing outcomes for Hatzic Island be brought back to the Fraser Valley Regional District Board.

STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship
Foster a Strong & Diverse Economy
Support Healthy & Sustainable Community
Provide Responsive & Effective Public Services

PRIORITIES

Priority #1 Waste Management
Priority #2 Air & Water Quality
Priority #3 Flood Protection & Management

SUMMARY

- Parts of Hatzic Island have urban density without urban water and sewer services. This concentration of aging on-site septic and water supplies may present health and environmental risks.
- Since the early 1970's, land use policies attempted to address these risks by zoning the Island for low density uses. This approach prevented further subdivision, but created a host of new problems associated with the "grandfathering" of pre-existing uses.
- New approaches are needed. This discussion paper summarizes key issues as a starting point for stakeholder dialogue about options to improving the land use situation on Hatzic Island.

BACKGROUND

Hatzic Island's popularity as a recreational area and its evolution in use to a residential area, in conjunction with environmental constraints and concerns regarding water and sewage, has created ongoing issues for Hatzic Island. Current development on Hatzic Island ranges from larger rural residential uses to dwelling units on small individual user lots, to mobile home parks, recreational vehicles campsites and a church summer camp. Development on Hatzic Island occurred over time

without a comprehensive planning framework. Much of the development happened in the 1960's prior to land use planning policies and zoning regulations. This has resulted in development at an urban density with simple on-site individual water and sewer systems.

The original zoning bylaw introduced by the Dewdney-Alouette Regional District in 1972 made the high density residential developments featuring houses and mobile homes on recreational holdings/unregistered subdivisions lawfully non-conforming by zoning the lands for single family residential uses. The intent was to decrease and limit the density. Since the adoption of official community plans and zoning bylaws, policies and regulations have constrained subdivision, but failed to address environmental and health hazards or provide for effective management of construction and land use.

Recreational holdings/unregistered subdivisions on Hatzic Island are at an urban density without urban sewer and water services. Residential developments rely on on-site disposal systems which are typically individual on-site septic fields. Many of these systems are nearing the end of their anticipated life and will require significant investment to replace them. Furthermore, the density of septic systems and the proximity of wells to septic systems are a cause for concern. Residents generally rely on wells and there are concerns that sewage disposal on Hatzic Island is contaminating ground water and drinking water supplies.

As a result of the situation summarized, Planning staff are presenting this Hatzic Island discussion paper as a framework to generate discussion regarding Hatzic Island.

DISCUSSION

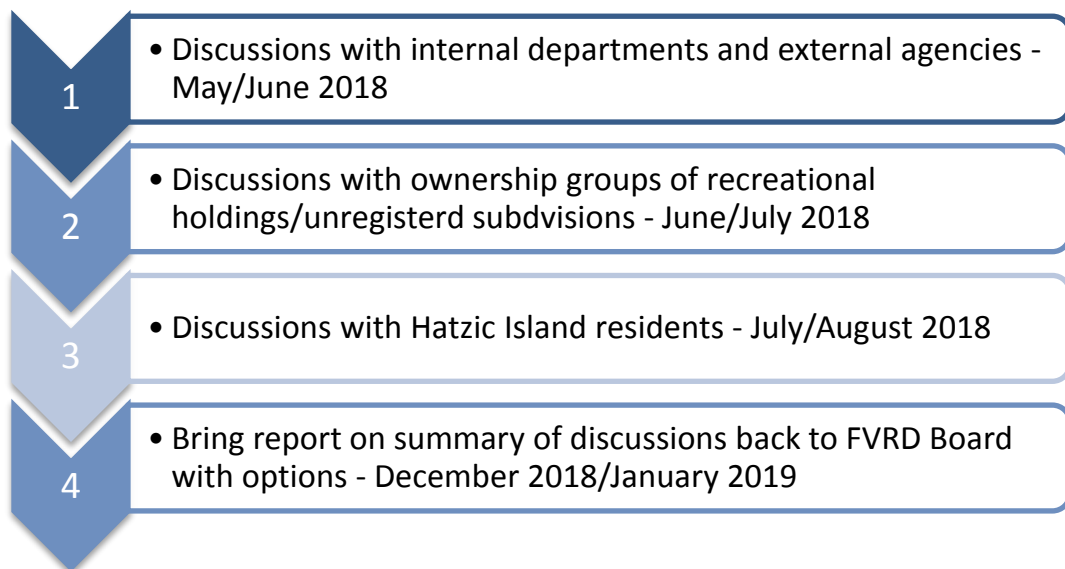
Planning staff have identified five development constraints for Hatzic Island: 1. water supply, 2. sewage disposal, 3. ownership structure, 4. floodplain and 5. road access. The fact that many developments on Hatzic Island are lawfully non-conforming further complicates the current situation, hinders future development and creates uncertainty. These factors are discussed in further detail in the discussion paper presented along with this corporate staff report.

Current policies and regulations have failed by not providing for the effective management of the construction, land use, and protection of the environment. What is needed is a discussion focusing on different approaches to managing land use and development on Hatzic Island. The discussion must involve relevant stakeholders as solutions will require the support of multiple government agencies and Hatzic Island residents.

Planning staff are proposing to engage in fact finding discussions to hear from stakeholders on Hatzic Island. Staff recommend a phased approach to discussions. In the first phase Planning staff propose to engage with FVRD staff from other departments as well as staff from external agencies such as Fraser Health, Ministry of Environment and Ministry of Transportation and Infrastructure. In the second phase of discussions staff are proposing to reach out to the ownership groups of the recreational

holdings/unregistered subdivisions. In the third phase of discussions the FVRD would undertake discussions with all the Hatzic Island residents. Throughout the discussion phases, staff will check in with Electoral Area Directors. Staff would bring a report summarizing the discussions that have taken place back to EASC. Staff propose starting phase one of the discussion in spring 2018 and concluding phase three of the discussions in the summer. In the fall staff will prepare an options paper with a summary of the discussions. The options paper would be brought forward to the Board in late 2018 or early 2019 for consideration.

Discussion Process



The purpose of Planning staff meeting with provincial government agencies, ownership groups and the public is to hear from stakeholders and to advance the collective understanding of Hatzic Island. These discussions would also allow staff to gauge the receptiveness to addressing the current situation on Hatzic Island. As well, discussions would serve as a framework to collect information and report back to EASC on the discussion with options for moving forward.

COST

Anticipated costs are limited to FVRD staff resources which will be covered under the existing Planning and Development budget resources.

CONCLUSION

Development on Hatzic Island is a complex issue. Development has contributed to environmental and health hazards, resulted in illegal construction and expansion of lawfully- nonconforming uses. Therefore, the FVRD should engage in discussions on Hatzic Island to determine options for moving forward and tackling the issues.

COMMENTS BY:

Graham Daneluz, Deputy Director of Planning & Development reviewed and supported

Margaret Thornton, Director of Planning & Development reviewed and supported

Mike Veenbaas, Director of Financial Services no further financial comments

Paul Gipps, Chief Administrative Officer Reviewed and supported

HATZIC ISLAND



Discussion Paper

March 2018

**Johannes Bendle, Planner I
Fraser Valley Regional District**



Summary of Situation

Development on Hatzic Island has occurred over time without a comprehensive planning framework. Much of the development on the Island pre-dates land use planning zoning regulations. Many older developments are at an urban density with simple on-site individual water and sewage systems. There are indications of variable contamination of the environment and drinking water. Furthermore, Hatzic Island is within the Fraser River floodplain and is also susceptible to localized flood hazards.

Since the adoption of land use controls, policies and regulations have constrained subdivision, but has failed to address the environmental and health hazards or provide for effective management of construction and land use. The situation is compounded by the lawful non-conforming status and complex land tenure arrangements found on the Island. There is increasing pressure for recreational residential use and low cost residential accommodations. New approaches are needed to address environmental and health risks, and manage land use and development on Hatzic Island.

Description

Hatzic Island is located within Electoral Area “G” of the Fraser Valley Regional District (FVRD) on Hatzic Lake. Hatzic Island’s popularity as a recreational area and its evolution in use to a residential area, in conjunction with environmental constraints and concerns regarding water and sewage, has created challenges for the Island. This evolution from seasonal recreational use to permanent residential use has only exasperated existing challenges. The rising real estate costs in the Fraser Valley have arguably contributed to increasing permanent residential use on Hatzic Island as people seek out affordable housing options. Current development on the Island ranges from larger rural residential uses to dwelling units on small individual user lots, to mobile home parks, recreational vehicle campsites and a church summer camp. BC Assessment data obtained by the FVRD shows that there are currently 757 folio numbers associated with Hatzic Island. A folio number is typically associated with one parcel, multiple parcels, or a portion of a parcel. This data provides a good estimate on the number of lots and user sites there are on Hatzic Island.

Subdivision History

Hatzic Island was first subdivided in 1882 when the provincial government issued the first Crown grant for the northern portion of the Island. The original Crown grant was for a 57.87 ha (143 ac) parcel¹. A subsequent Crown grant was issued for the southern portion of the Island. It covered the remaining 16.61 ha (40 ac) of the Island². The area of land known as Everglades Resort on the southeast portion of the Island seems to have been submerged and only appeared on later maps.

¹ British Columbia. *Government Access Tool for Online Retrieval (GATOR)*
[http://a100.gov.bc.ca/pub/pls/gator/gator\\$querylist_detail.parcel_detail?v_Pin_Sid=6507431&v_Historical=ON](http://a100.gov.bc.ca/pub/pls/gator/gator$querylist_detail.parcel_detail?v_Pin_Sid=6507431&v_Historical=ON).
(accessed April 10, 2017).

² British Columbia. *Government Access Tool for Online Retrieval (GATOR)*
[http://a100.gov.bc.ca/pub/pls/gator/gator\\$querylist_detail.parcel_detail?v_Pin_Sid=6500871&v_Historical=ON](http://a100.gov.bc.ca/pub/pls/gator/gator$querylist_detail.parcel_detail?v_Pin_Sid=6500871&v_Historical=ON).
(accessed April 10, 2017).

The subdivision pattern that developed on Hatzic Island by 1919, with the exception of the southern quarter of the Island, resembles today's subdivision pattern. By 1922, there was further subdivision on the Island. By 1952, today's subdivision pattern on Hatzic Island was mostly established and the area of land known as Everglades Resort emerged. By 1972, the subdivision pattern resembles today's map. Since that time there have been several subdivisions in the form of lot realignments, consolidation of parcels, and creation of new parcels; however, overall the number of parcels appears to have stayed consistent. The subdivision pattern that developed on Hatzic Island is illustrated in Appendix A.

Development Constraints

Floodplain

The major environmental constraint facing Hatzic Island is its location within the Fraser River floodplain. Historically the area has been prone to flooding. The highest points on the Island are two metres below the elevation of a 1:200 Fraser River flood³. The old 1988 Dewdney – Hatzic Lake Official Community Plan states that notable floods from the Fraser River occurred in 1882, 1883, 1894, 1900, 1936 and 1948⁴. The floods of 1948 were devastating and resulted in the reconstruction of riverside dikes. The present Dewdney Dike, along with flood boxes and a pump station, were constructed after the floods of 1948⁵. The Dewdney Dike protects Hatzic Island from flooding from the Fraser River. Since the 1948 flood there have been no Fraser River floods; however, Hatzic Island still experiences flooding due to the volume of water coming off the surrounding watersheds overwhelming the drainage capacity of the system⁶. Localized internal flooding occurred in 1955, 1972, 1981 and 1983⁷. The last noteworthy flood event occurred on Hatzic Island in 1990. Drainage from Hatzic Lake flows into the Fraser River through the Lower Hatzic Slough. However, high Fraser River levels can prevent this drainage and during rain events the lack of drainage causes flooding and necessitates the use of a pump station. In 2013, a second pump station with three fish friendly axel pumps was completed to enhance drainage during high Fraser River levels⁸.



Hatzic Island 1990 Flood, Everglades Resort

³ Fraser Valley Regional District. *Official Community Plan for Electoral Area "G" Bylaw No. 0866, 2008*. 2008.

⁴ Dewdney – Alouette Regional District. *Dewdney – Hatzic Lake Official Community Plan Bylaw No. 478, 1988*. 1988.

⁵ Dewdney Area Improvement District. <http://www.daidinfo.com/history/> (accessed January 30, 2017).

⁶ Dewdney Area Improvement District.

⁷ Dewdney – Alouette Regional District. *Dewdney – Hatzic Lake Official Community Plan Bylaw No. 478, 1988*. 1988.

⁸ Letts Environmental Consultants Ltd. *Dewdney Area Improvement District. Operations Manual: Hatzic Lake Slide Gates*. October 2014.

Recognizing Hatzic Island is located within the floodplain, the FVRD has included the Island within the *Fraser Valley Regional District Floodplain Management Bylaw 0681, 2005* (Floodplain Management Bylaw). The Floodplain Management Bylaw states the Flood Construction Level (FCL) for Hatzic Island is 9.3 metres Geodetic Survey of Canada (GSC) datum. The minimum ponding elevation, which addresses flooding from within the Hatzic watershed, is 5.2 metres GSC datum. The floodplain setback for Hatzic Island is 7.5 metres from the natural boundary of Hatzic Lake. The required FCL is 9.3 metres GSC datum but if the minimum ponding elevation of 5.2 GSC is met and a save harmless covenant is registered in favour of the FVRD then the 9.3 m GSC FCL does not need to be met.

The mapping provided in Appendix B illustrates the low elevation of Hatzic Island. This mapping is showing GSC datum elevation levels and is therefore measuring elevation from sea level, but it still is illustrative of the low elevation levels of Hatzic Island. The lowest area of elevation on Hatzic Island is found in Everglades Resort, which happens to also be the most densely developed area on Hatzic Island. Most of the other high density development falls largely within the low level turquoise area. The existing FCL elevation on Hatzic Island ranges from 2.8 metres to 8.2 metres. Everglades Resort maximum elevation levels range from 2.8 metres to 3.6 metres and most other high density development on Hatzic Island falls within 5.6 metres to 7.4 metres GSC datum. Depending on elevation, new construction would at a minimum need to be 5.2 metres to 9.3 metres GSC datum. To meet the required FCL either fill has to be brought in to elevate the structure or construction has to be designed to have the non-habitable space (i.e. garage) locate below the FCL and the habitable floor located above the FCL or a combination of fill and construction. The elevation levels highlight the risk of flooding and the challenges of developing in low lying areas such as Hatzic Island.

The low elevation of Hatzic Island is not only a concern because of flooding but it is also a concern because seasonal high ground water affects on-site sewage septic systems and individual sand point water wells. The flooding also increases the risk of land use related contaminants from entering the water supply. The sewage and water challenges on Hatzic Island will be discussed in the next sections.

Road Access

In addition to the flood risks and concerns regarding sewage and water there is only one access road and bridge to Hatzic Island. As a result access may be cut off during major floods or other emergencies. The elevation of the Shook Road Bridge is approximately 5.2 GSC metres. This should be sufficient to keep the bridge above design flood levels for floods within the Hatzic watershed; however, it would be inundated by a Fraser River flood that breaches the existing Fraser River dike system. During the flood of 1990 a water level 4.25 GSC was recorded at Everglades Resort⁹.

Sewage Disposal

Development on Hatzic Island initially took the form of recreational development, but over time has evolved to primarily residential development that relies on on-site sewage disposal systems. Typically these are individual on-site septic fields. Considerable development occurred in the 1960's and 1970's

⁹ Associated Engineering, *Hatzic Prairie Drainage Study*. Volume 1. 1992.

prior to when provincial regulations were implemented regarding septic field design¹⁰. Many of these systems are nearing the end of their anticipated life¹¹. As a result they will require significant investment to replace them. Concerns have been raised in the past that the deep trench sewage disposal systems most commonly used on the Island may be brought into conflict with the seasonally high groundwater on Hatzic Island¹². In previous surveys respondents have experienced concerns or problems with sewage disposal systems and supported the concept of a community sewer system¹³. There were also concerns that the density of septic systems and proximity of wells to septic systems are a cause for concern.

Water Supply

Hatzic Island residents generally rely on wells. The Nicomen Slough Aquifer, the source of the Island's drinking water was in the past classified by the Ministry of Environment as "highly vulnerable" to contamination¹⁴. There are some concerns that sewage disposal on Hatzic Island is contaminating ground water and drinking water supplies. Previous research that focused on groundwater to determine the quality of drinking water conducted sample well tests in Hatzic Valley and found wells that had high nitrate levels on Hatzic Island¹⁵. The source of nitrates was likely the septic systems. Furthermore, there was a strong relationship between nitrate levels, well depths and proximity to development.

Ownership Structure

The ownership structure is also complex in numerous developments on Hatzic Island. In some instances there is one owner with multiple residential sites. In other instances there is fractional ownership in which each owner holds a fraction of the property and is allowed to occupy a defined area (user site) based on an agreement among the owners. In other instances, an owner may hold shares in the corporation which owns the land. These ownership structures act as "unregistered subdivision" of land but they have avoided the subdivision approval process which is intended to ensure the health, safety, practicality and overall suitability of the subdivision. This creates development challenges as individual owners wishing to apply for amendments to the Official Community Plan or Zoning Bylaw require the support of the other fractional owners of the development. It also creates a situation where there are no internal land use setbacks between user sites but only setbacks between buildings and exterior lot lines. As well, it complicates redevelopment and has important implications for lawful non-conforming ("grandfathering") status.

¹⁰ Fraser Valley Regional District.

¹¹ Fraser Valley Regional District.

¹² Fraser Valley Regional District.

¹³ Fraser Valley Regional District.

¹⁴ Fraser Valley Regional District.

¹⁵ Magwood, Simon. *Drinking Water Quality in the Hatzic Valley, BC*. Master's Thesis, University of British Columbia, 2004.

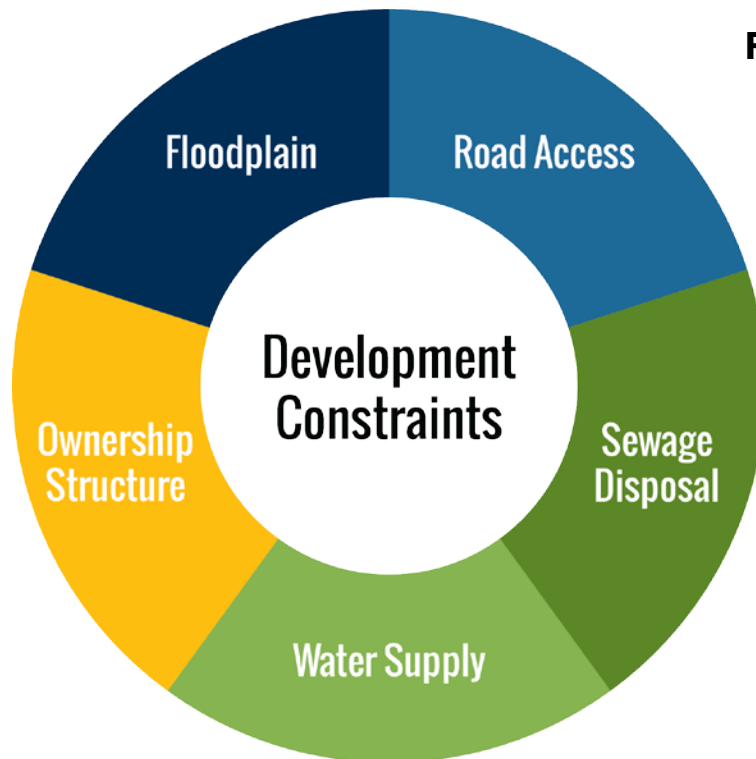


Figure 1

Planning Policies and Regulations

The policy and regulatory regime has been consistent in preventing further subdivision and maintaining the size of the remaining larger parcels.

The Official Regional Plan adopted by the Lower Mainland Regional Planning Board in 1966, designated Hatzic Island as Lowland Rural (RRL-3). This designation was applied to areas located within a floodplain that are predominately large parcel size and are best suited for low agricultural or large holding rural development and therefore impacted less should flooding occur. The Official Regional Plan's subdivision policy for minimum parcel size was 20 ac (8 ha).

The original zoning bylaw, *Dewdney-Alouette Regional District Zoning Bylaw No. 28, 1972*, introduced by the Dewdney-Alouette Regional District in 1972, zoned much of Hatzic Island Rural III (R-3) with the exception of four parcels which were zoned Tourist-Recreation Commercial (TC) and one parcel zoned Institutional (P) where a church camp is located. The Zoning Bylaw maintained the minimum parcel size of 20 ac (8 ha) for the Rural III (R-3) zone that was designated by the Official Regional Plan. The minimum parcel size for the Tourist Recreation Commercial (TC) zone was 3 ac (1.2 ha). The minimum parcel size for the Institutional (P) Zone was not less than 20,000 ft² (0.186 ha).

Dewdney-Alouette Regional District Zoning Bylaw No. 202, 1980 repealed and replaced *Dewdney-Alouette Regional District Zoning Bylaw No. 28, 1972* but maintained the same zoning with the exception of one parcel. The majority of parcels were zoned Rural III (R-3) and maintained a minimum

parcel size of 8 ha (20 ac). Three properties were assigned the Tourist Campsites (TC) zone and the minimum parcel size was increased to a minimum of 2 ha (4.94 ac). The church camp parcel maintained its Institutional (P) zone but the minimum parcel size was increased to 1 ha (2.47 ac).

The current *Dewdney-Alouette Regional District Zoning Bylaw No. 559, 1992* has maintained the zoning designations. The minimum parcel size for the Rural 3 (R-3) was maintained at 8 ha (19.77ac) but the minimum parcel size within the Tourist Campsite (TC) and Civic Assembly (P-1) was reduced to 0.5 ha (1.24 ac).

Figure 2

Minimum Parcel Size History

1966 Official Regional Plan

Land Use Designation		Minimum Parcel Size	
RRL-3	Lowland Rural	8 ha	20 acres

Zoning Bylaw No. 28, 1972

Land Use Designation		Minimum Parcel Size	
R-3	Rural III	8 ha	20 acres
TC	Tourist Commercial	1.2 ha	3 acres
P	Institutional	.186 ha	20,000 ft ²

Zoning Bylaw No. 202, 1980

Land Use Designation		Minimum Parcel Size	
R-3	Rural III	8 ha	20 acres
TC	Tourist Campsite	2 ha	4.95 acres
P	Institutional	1 ha	2.47 acres

Zoning Bylaw No. 559, 1992

Land Use Designation		Minimum Parcel Size	
R-3	Rural III	8 ha	20 acres
TC	Tourist Campsite	.5 ha	1.24 acres
P-1	Civic Assembly	.5 ha	1.24 acres

The Official Regional Plan land designation map from 1966 illustrates a similar subdivision pattern as illustrated in the 1972 map shown in Appendix A. Therefore, subdivision patterns, minimum parcel size policies, and regulations regarding subdivision and land use on Hatzic Island have not significantly changed in over 50 years (1966-2017). With several minor exceptions, from 1966 onward further subdivision of Hatzic Island has been prevented by policies and regulations that were adopted. Since 1972, regulations have sought to keep residential development to large rural parcels and allow for tourist campsites on a number of parcels. There are numerous non-conforming uses that have continued up to the present day. However, evidence gathered by FVRD staff through complaints to bylaw enforcement and site visits indicates that the scale of non-conforming use has increased, rather than decreased. The policy and regulatory response is effective in preventing further subdivision but results in a variety of problems relating to legal non-conforming status implications and land tenure.

Non-Conforming Development

The density of development on Hatzic Island is high for an unserviced area. The reason why Hatzic Island has such high density is because of the continued presence of lawfully non-conforming residential and recreational development that has occurred in the mobile home parks and resorts. These densities found on Hatzic Island are a concern at the current level of servicing. All together there are seven lawfully non-conforming recreational holdings/unregistered subdivisions on Hatzic Island that pre-date the original zoning regulations. These were recognized and described in *Dewdney-*

Alouette Regional District Zoning Bylaw No. 202, 1980 and therefore existed prior to the existing *Dewdney-Alouette Regional District Zoning Bylaw No. 559, 1992*. The non-conforming recreational holdings/unregistered subdivisions recognized are: Green Acres, Aqua Vista Estates, Sundorn Holdings, Hatzic Lake Holdings, Griffs MHP, Everglades MHP and Little Beach MHP. Non-conforming developments are included in Table 1 which lists all high density properties on Hatzic Island. Because these sites are non-conforming, a structural alteration or addition must not be made unless it is permitted by a Board of Variance. The Board of Variance is the formal process to proceed with development on these sites.

Table 1: Hatzic Island Developments

Name	Land Use	Zoning	Units/Sites	Size (acres)	Incorporated
Swans Point	RV (sheds, awning, covered decks)	TC	114	10.26	NA
Camp Luther	Cabins & RV & tenting sites	P-1	39	6.74	NA
Green Acres*	MHP – manufactured homes	R-3	47	6.5	NA
Aqua Vista Estates*	Mobile homes, additions & houses	R-3	21	5	NA
Sundorn Holdings*	Houses & cabins	R-3	43 (45)	8.34	1965
Hatzic Lake Holdings (Dogpatch)*	Houses	R-3	28	5.5	1958
Kostur (Griffs) MHP*	MHP – manufactured homes	R-3	7	1.6	NA
Everglades MHP*	MHP – manufactured homes & additions, & modular homes	TC / R-3	17	4.5	NA
Everglades Resort	RVs, trailers & cabins	TC	395	26.1	1976
Little Beach MHP*	RVs & manufactured homes	R-3	13+1	2.9	NA

*Recognized as existing non-conforming by *Dewdney-Alouette Regional District Zoning Bylaw No. 202, 1980*

Currently for those developments considered lawfully non-conforming, a structural alteration or addition is only allowed as per Section 531 of the *Local Government Act* if it is permitted by a Board of Variance. A person under Section 40 of the *Local Government Act* may apply to a Board of Variance if the person alleges that compliance with the prohibition of structural alterations or additions would cause the person “hardship”. The Board of Variance in turn under Section 542 of the *Local Government Act* may order that the applicant be exempted from Section 531 of the *Local Government Act* which restricts the structural alteration or addition of a building.

The FVRD Board of Variance has considered numerous applications for significant alteration or construction on user sites of legal non-conforming recreational holdings/unregistered subdivisions within the last 20 years. The Board of Variance has for all but one application approved the development applied for by the applicant. Table 2 summarizes the Board of Variance applications considered for Hatzic Island since 1997. Of the 17 Board of Variance applications considered 16 were approved and only one was denied. All Board of Variance applications came from three recreational holdings/unregistered subdivisions: Aqua Vista Estates, Hatzic Lake Holdings (Dogpatch), and Sundorn Holdings. The data reveals which lawfully non-conforming residential



communities applied for a Board of Variance; however, readers should be cautious in drawing further conclusions as this may simply reflect the circumstances of the property. Owners in these communities contain mostly houses or cabins as opposed to mobile homes and therefore may be more likely to apply for structural alterations or additions as they have a simpler path in receiving the necessary approvals to undertake construction. Members of the Board of Variance in making their decision are guided by the parameters set out in Section 542 of the *Local Government Act* attached in Appendix C. In making a decision the Board of Variance has concluded that the applications met all of the requirements. That development was allowed for an application may seem minimal but the planning concern lies in the incremental impacts of the approval of development over time. The long term result is that development on Hatzic Island intensifies without any improvement in the level of sewer and water services. The results may be a risk for the environment and human health.

Table 2: Board of Variances

Address	Application	Decision
Aqua Vista - 4-9201 Shook Road	Structural alteration and addition to existing double wide mobile.	Approved 2009
Dogpatch -11-8985 Shook Road	Addition of garage to existing dwelling.	Approved 2009
Dogpatch - 11-8985 Shook Road	Conversion of garage to habitable living space.	Approved 2013
Aqua Vista - 18-9201 Shook Road	Structural alteration and placement of manufactured home to an existing single family dwelling.	Approved 2013
Aqua Vista - 3-9201 Shook Road	Construction of extension to existing single family dwelling to accommodate a bathroom.	Approved 2013
Dogpatch - 4-8985 Shook Road	Structural alteration and addition to an existing single family dwelling to accommodate the replacement of current flat roof.	Approved 2015
Dogpatch - 3-8985 Shook Road	Removal and replacement of existing two storey garage attached to existing single family dwelling.	Approved 2015
Aqua Vista - 18-9201 Shook Road	Structural alteration and addition to an existing single family dwelling to accommodate addition of a two car garage and deck.	Approved 2015
Dogpatch - 3-8985 Shook Road	Internal structural alteration.	Approved 2009
Sundorn - 5-9055 Shook Road	BOV did not understand any undue hardship to the applicant to support allowing consideration of the extra addition to the home.	Denied 2006
Dogpatch - 1-8985 Shook Road	Reconstruction of flat roof to pitched roof and addition of storage in roof area.	Approved 2002
Dogpatch - 1-8985 Shook Road	Replace flat roof with pitched roof and enlarge two existing bedrooms by constructing an addition and build a single car open sided carport.	Approved 2003
Sundorn -11-9055 Shook Road	Addition of family room or bedroom and carport.	Approved 2003
Dogpatch - 16-8985 Shook Road	Reconstruction and enlargement of two bedrooms, addition of covered deck, second parking spot, and foyer in garage to building.	Approved 2002
Sundorn - 10-9055 Shook Road	Reduction in setback to the rear property line as long as the proposed picnic shelter not be within 1.5 m of rear property line.	Approved 2001
Sundorn -1-9055 Shook Road	Variance as applied for was denied but the second storey addition to single family dwelling was granted.	Approved 1998
Aqua Vista - 16-9201 Shook Road	Renovate and repair old residence.	Approved 1997

Bylaw Enforcement

Currently there are 39 active bylaw enforcement files for properties on Hatzic Island which are summarized in Table 3. Bylaw enforcement in the FVRD is complaint driven unless FVRD staff are aware of a bylaw contravention which poses a major health or safety concern. Subsequently, there may be additional bylaw contraventions where FVRD staff have not received complaints from the public and therefore no files has been created.

The overwhelming number of bylaw enforcement files, 28 of 39, are located within Everglades Resort. This may be expected as Everglades Resort also has the largest number of user lots. There are also currently two active bylaw enforcement files in Aqua Vista Estates, Sundorn Holdings and Little Beach. All three of the developments are lawfully non-conforming and five of six bylaw enforcement files are concerning construction

without a permit. Most of the bylaw enforcement files relate to construction without a permit and the reason that building permits are never applied for in the first place is that the construction is not permitted because of the regulations of the zone. Where the unit is considered lawfully non-conforming a Board of Variance may be an option to reach a resolution; however, where a Board of Variance is not an option the only achievable option is removing the construction, or rezoning the entire property.



Table 3: Bylaw Enforcement Files

Address	Issue	Date File Opened
8400 Shook Road - 28 active files (Everglades)	Construction without permit	1996-2017
8564 Shook Road	Construction without permit	2007
8985 Shook Road	Construction without permit	2013
9010 Shook Road (Little Beach)	Construction without permit	2007
9010 Shook Road (Little Beach)	Zoning use contravention	2013
9046 Shook Road	Multiple bylaw enforcement	2017
9053 Shook Road (Sundorn)	Construction without permit	2016
9055 Shook Road (Sundorn)	Construction without permit	2005
9201 Shook Road (Aqua Vista)	Construction without permit	2013
9201 Shook Road (Aqua Vista)	Construction without permit	2014
9267 Shook Road	Construction without permit	2003
9341 Shook Road	Construction without permit	2000

Moving Forward

Evaluation of Policies

Considering the development history, planning policies and planning regulations, the planning policy and regulatory regime applied to Hatzic Island has only partly been effective in preventing further development and inadequate for protecting environment and health. The previous and current local government policies and the corresponding planning policies and regulations adopted have provided mixed results. The planning policies and regulations have been successful in preventing subdivision but have been unsuccessful in controlling development. The planning policies and regulations have frustrated development, which has resulted in prolonged uncertainty for residents, a difficult path forward for residents wishing to pursue development lawfully, and resulted in illegal development. The extent of the illegal development is unknown, but over the years signs of illegal development have been observed. It appears that illegal development has been quite prevalent. If the last 37 years are any indication, the “grandfathering” of residences within the recreational holdings/unregistered subdivisions look to continue in the future and show no signs of eventually conforming. The intention of the provincial legislation that allows for “grandfathering” of non-conforming uses is that eventually the non-conforming use will come into conformity. For “grandfathering” to apply, the use and structure must be lawfully constructed. This can be difficult to determine because there are changes in ownership. The intention of “grandfathering” is to allow for a use to continue in its current state but the expectation is that eventually the “grandfathered” use will be replaced by a conforming use. It achieves this by prohibiting structural alterations or new construction which would extend the life of the non-conforming use. Furthermore, the problem of “grandfathering” and land tenure is that “grandfathering” rights are evolving through case law. The only way for development to take place is through approval from the Board of Variance or illegal development. Therefore, it is appropriate to re-evaluate the FVRD Board’s policies regarding Hatzic Island, the corresponding planning policies and regulations, and to consider exploring a more sensible approach moving forward.

Community Servicing

The implementation of community servicing that is appropriate for the density of development on Hatzic Island is an effective option to consider in addressing concerns regarding sewage disposal and drinking water. The major foreseeable challenge in moving forward with any community water system or community sewage system is paying for the system. Should Hatzic Island residents support the building of a community water system and/or community sewer system the costs may be prohibitively high in comparison to property/improvement values. Furthermore, the FVRD would not want to encourage development that would result in significantly higher densities whether through subdivision or additions. Usually new development helps to assist in paying for new services but since the FVRD may not want to encourage development it may not be able to rely on future development to help pay for the upgrades to community services. Therefore, the FVRD would need provincial and/or federal support and have to look at funding alternatives in the form of grants to assist in subsidizing rate payers. The implementation of a community water system would be less costly than implementation of a community sewer system as well as having the added benefit of potentially reducing property insurance rates. Despite the financial challenges in bringing community water and

sewage services to Hatzic Island it would address concerns of water quality, human health and impacts on the environment while facilitating zoning to reflect the actual use. As a result the FVRD could also explore opportunities for modest development supported by community water and sewer services and flood protection.

Levels of Service by Parcel Area

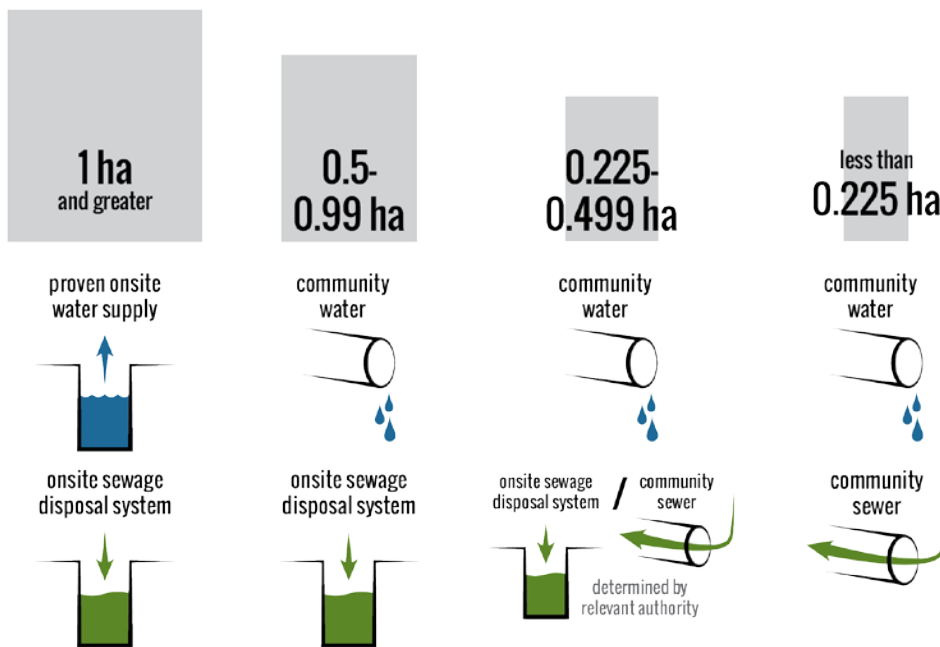


Figure 3

Density by Servicing Requirements in the FVRD

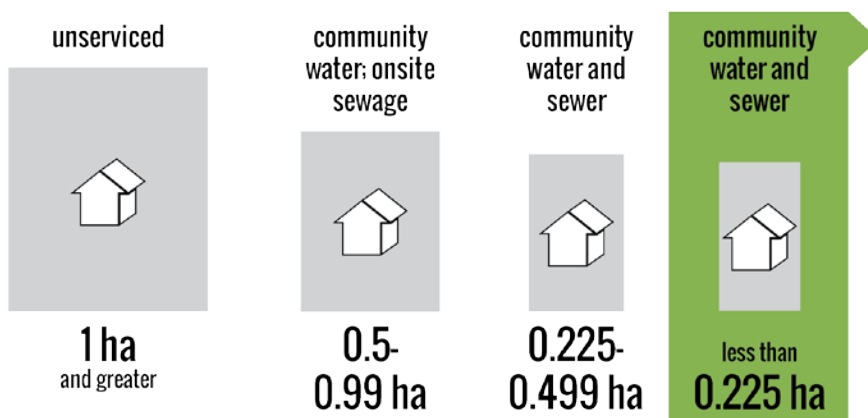


Figure 4

Developments at Aqua Vista Estates, Sundorn Holdings, and Hatzic Lake Holdings have an average parcel size of **0.085 hectares** and are entirely **unserviced**.

Planning Policies and Regulations

Addressing the servicing on Hatzic Island would support the FVRD in looking into re-evaluating its planning policies and regulations regarding existing and future development on the Island. Observations and FVRD documents indicate that the FVRD can expect those non-conforming recreational holdings/unregistered subdivisions to continue in the foreseeable future. In the meantime, the non-conforming status creates uncertainty. The implementation of community services would support the FVRD bringing the non-conforming developments into conformity. The Official Community Plan policies support providing a community water and sewer system and subsequently bringing the non-conforming developments into conformity. The FVRD could explore options to update designations and regulations to recognize the majority of the non-conforming development as conforming. This will address the reality that the existing non-conforming developments are not going to conform on their own because of land ownership structure and compelling economic incentive associated with current density.

Future Development

Addressing the non-conforming status of existing development will also allow the FVRD to better address future development. As has already been discussed, development in the non-conforming recreational holdings/unregistered subdivisions is currently possible by going through the Board of Variance. By addressing the community servicing the FVRD could offer a more desirable and certain path forward for development that is achievable by the owner of a single user site. This would allow owners to construct as long as FVRD development requirements are met.

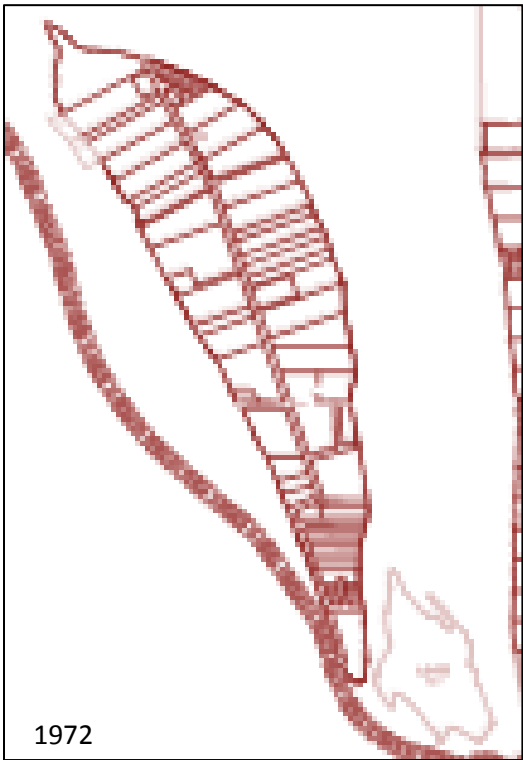
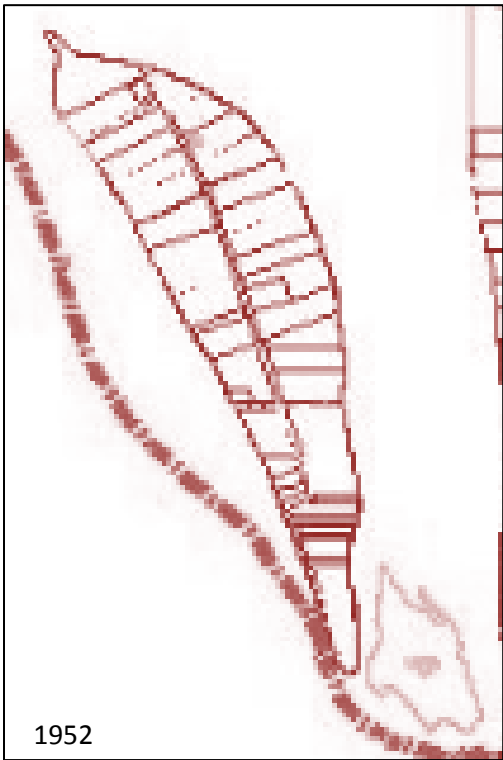
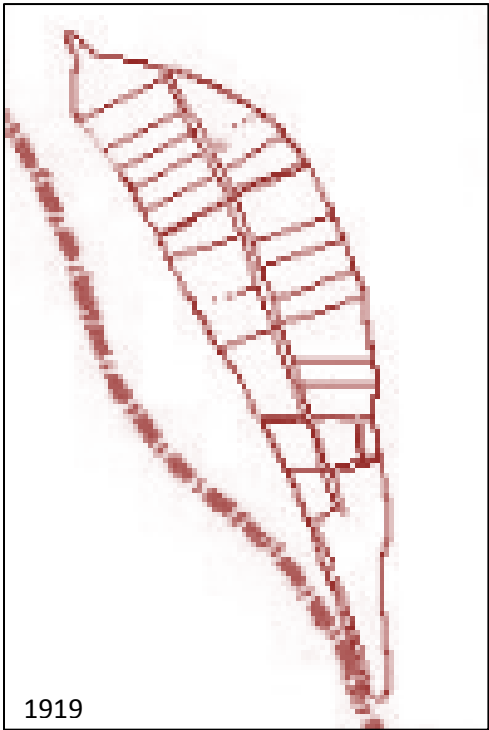
The major benefit of offering a more viable path forward to owners wishing to construct is that it discourages them from undertaking illegal construction. This would result in a more desirable development process and reduce cases of bylaw enforcement. There are currently bylaw enforcement files where options to legalize illegal construction involves the rezoning of the entire recreational property. This would require a list of items to be addressed which includes servicing. Construction in recreational holdings/unregistered subdivisions will occur regardless so the challenge is to allow limited development to proceed in a legal manner that is feasible for the individual owners.

Conclusion

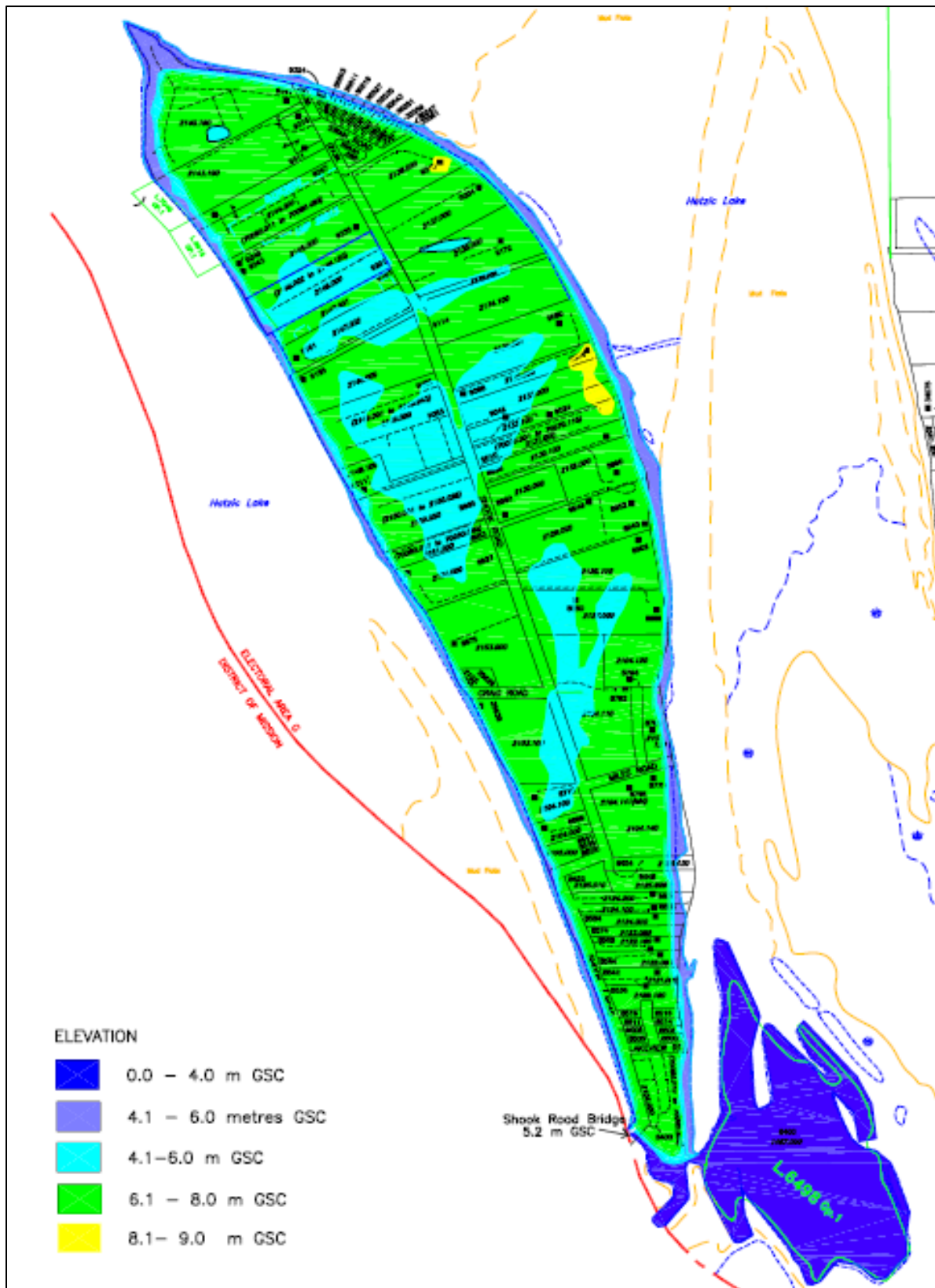
The FVRD has had subdivision and land use policies in place since 1966. The lawfully non-conforming recreational holdings/unregistered subdivisions on Hatzic Island have been recognized and defined in previous zoning bylaws. Given the longevity of the lawfully non-conforming development the FVRD can expect this issue to continue in the foreseeable future. Clearly this status quo has resulted in additional development. The FVRD has received information over the years that indicate there are concerns with the water quality and sources of potable water contamination; however, action is required to move beyond indicators and review a comprehensive study of the water quality and sources of contamination. As part of any policy bringing the non-conforming development into conformity, the delivery of a community water system and community sewer system are important considerations. Concerns associated with the existing and future development on Hatzic Island

require active solutions that will likely require the cooperation of multiple government agencies to commit to investing in Hatzic Island. What is needed is a discussion focusing on different approaches to managing land use and development on Hatzic Island and the support of active solutions.

Appendix A – Subdivision Patterns



Appendix B – Elevations



Appendix C – Section 542 LGA

Board powers on application

- 542** (1) On an application under section 540, the board of variance may order that a minor variance be permitted from the requirements of the applicable bylaw, or that the applicant be exempted from section 531 (1) *[alteration or addition while non-conforming use continued]*, if the board of variance
- (a) has heard the applicant and any person notified under section 541,
 - (b) finds that undue hardship would be caused to the applicant if the bylaw or section 531 (1) is complied with, and
 - (c) is of the opinion that the variance or exemption does not do any of the following:
 - (i) result in inappropriate development of the site;
 - (ii) adversely affect the natural environment;
 - (iii) substantially affect the use and enjoyment of adjacent land;
 - (iv) vary permitted uses and densities under the applicable bylaw;
 - (v) defeat the intent of the bylaw.