

FRASER VALLEY REGIONAL DISTRICT



ELECTORAL AREA SERVICES COMMITTEE

OPEN MEETING AGENDA

Tuesday, May 8, 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 May 8, 2018 be approved;

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

3. SHOW CAUSE HEARING

3.1 **Contraventions of Building Bylaw No. 1188 and OCP No. 1115 at 50985 Winona Road, EA E, FVRD, BC (legally described as Lot 88 Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 30071; PID 006-487-181)**

7 - 53

- Presentation by Staff
- Corporate report dated May 8, 2018 from Adriana Snashall, Bylaw Compliance and Enforcement Officer
- Letter dated April 20, 2018 to Property Owners

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* and the *Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011* at 50985 Winona Road, Electoral Area E, Fraser Valley Regional District, British Columbia (legally described as Lot 88 Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 30071; Parcel Identifier 006-487-181).

4. MINUTES/MATTERS ARISING

4.1 Minutes of the Electoral Area Services Committee Meeting - April 10, 2018 54 - 65

MOTION FOR CONSIDERATION

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

5. CORPORATE ADMINISTRATION

5.1 UBCM Resolutions

- Verbal Update by Paul Gipps, CAO

6. FINANCE

6.1 Grant-In-Aid Request – 1st Hope Scouting, Electoral Area “B” 66 - 69

- Corporate report dated May 8, 2018 from Kristy Hodson, Manager of Financial Operations
- GIA Application -1st Hope Scouting

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$2,000 to 1st Hope Scouting, funded from the 2018 Electoral Area “B” grant-in-aid budget to help offset the costs associated with purchasing a used trailer to transport utility gear for events and excursions.

6.2 Grant-In-Aid Request – Royal Canadian Legion Branch 228, Electoral Area “B” 70 - 74

- Corporate report dated May 8, 2018 from Kristy Hodson, Manager of Financial Operations
- GIA Application - Royal Canadian Legion Branch 228

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$2,000 to the Royal Canadian Legion Branch 228, funded from the 2018 Electoral Area “B” grant-in-aid budget to help offset the costs associated with the completion of their lighting project.

6.3 Grant-In-Aid Request – District of Hope Ratepayers Association, Electoral Area “B” 75 - 77

- Corporate report dated May 8, 2018 from Kristy Hodson, Manager of Financial Operations
- GIA Application - District of Hope Ratepayers Association

MOTION FOR CONSIDERATION

THAT the Electoral Area Services Committee provide direction to Staff regarding the grant-in-aid request from the District of Hope Ratepayers Association to fund a video camera with the intention of recording Hope Council and other community group meetings.

6.4 Grant-In-Aid Request – Chilliwack Community Arts Council, Electoral Area “E” 78 - 82

- Corporate report dated May 5, 2018 from Kristy Hodson, Manager of Financial Operations
- GIA Application - Chilliwack Community Arts Council

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$850 to the Chilliwack Community Arts Council with the grant being funded from the 2018 Electoral Area “E” grant-in-aid budget and being used to help offset the cost of a local contractor to fire the clay pots for the “Raku In The Valley” event, as well as permitting costs for park rentals.

6.5 Grant-In-Aid Request – Deroche Farmers Market, Electoral Areas “C” and “G” 83 - 86

- Corporate report dated May 8, 2018 from Kristy Hodson, Manager of Financial Operations
- GIA Application - Deroche Farmers Market

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board approve a grant-in-aid to the Deroche Farmers Market Society in the amount of \$2,500, to be funded from the 2018 Electoral Area "C" grant-in-aid budget in the amount of \$1,500 and the 2018 Electoral Area "G" grant-in-aid budget in the amount of \$1,000 to help offset the costs associated with advertising, tent repairs, acquiring new signage, new tables and chairs for the market.

7. ENGINEERING & UTILITIES

7.1 Building Covenant for Stonewood Place Subdivision (Thompson Road, Electoral Area "D") 87 - 88

- Corporate report dated May 8, 2018 from Sterling Chan, Manager of Engineering and Infrastructure

MOTION FOR CONSIDERATION

THAT, in accordance with Covenants CA6199207 and CA5744615, the Fraser Valley Regional District Board authorize staff to issue up to a maximum of ten (10) additional building permits for new single family homes between subdivision files 3320-20-2016-04061 and 3320-20-2015-04298.

8. PLANNING, BUILDING INSPECTION AND BYLAW ENFORCEMENT

8.1	<u>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</u>	89 - 114
	<ul style="list-style-type: none"> • Corporate report dated May 8, 2018 from Dawn Smith, Planner II • Corporate report dated March 13 from Melissa Geddert, Planning Technician, 2018 (March EASC) • DVP Application • Draft DVP 2018-09 • Email dated April 23, 2018 from Applicant 	
	<p><u>MOTION FOR CONSIDERATION</u></p> <p>THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-09 for property located at 50912 Winona Road, Electoral Area E, to vary the front lot line setback requirement from 4.6 meters to 2.16 metres, clear to sky, to allow for a covered entry roof overhang.</p>	
8.2	<u>Application for Development Variance Permit 2018-10 for 3655 Vance Road, Electoral Area "H"</u>	115 - 151
	<ul style="list-style-type: none"> • Corporate report dated May 8, 2018 from Graham Daneluz, Deputy Director of Planning & Development • DVP Application • Draft DVP 2018-10 • Appendix 1 - Corporate report dated March 13, 2018 (March EASC) • Appendix 2 - Public Submissions • Appendix 3 - Additional Comments 	
	<p><u>MOTION FOR CONSIDERATION</u></p> <p>THAT the Fraser Valley Regional District Board consider the following options respecting the application for Development Variance Permit 2018-10:</p>	
	<p><u>OPTION 1 (Issue)</u></p>	
	<p>THAT the FVRD Board issue Development Variance Permit 2018-10 to reduce the rear setback for 3655 Vance Road, Electoral Area H from 6 metres to 3 metres to facilitate construction of a single family dwelling, or</p>	
	<p><u>OPTION 2 (Refuse)</u></p>	
	<p>THAT the FVRD Board refuse the application for Development Variance Permit 2018-10 for 3655 Vance Road, Electoral Area H.</p>	
8.3	<u>Application for Development Variance Permit 2018-16 to vary the height requirement for a proposed meeting hall at 10789 North Deroche Road,</u>	152 - 166

Electoral Area "G"

- Corporate report dated May 8, 2018 from Andrea Antifaeff, Planning Technician
- DVP Application
- Draft DVP 2018-16

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-16 for property located at 10789 North Deroche Road, EA G to increase the maximum permitted height of a building from 11.0 metres to 12.0 metres, subject to consideration of any comments or concerns raised by the public.

8.4 Application for Development Variance Permit 2018-18 to vary front and rear setbacks for the placement of a Park Model Trailer at 14-14600 Morris Valley Road, Area "C" 167 - 182

- Corporate report dated May 8, 2018 from Graham Daneluz, Deputy Director of Planning & Development
- DVP Application

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2018-18.

8.5 Application for Development Variance Permit 2018-19 to vary the setback requirement between buildings (washroom building/picnic shelter and bunk house) for the property located at 3-61855 Lougheed Highway, Electoral Area "B" 183 - 199

- Corporate report dated May 8, 2018 from Andrea Antifaeff, Planning Technician
- DVP Application
- Draft DVP 2018-19

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District issue Development Variance Permit 2018-19 for the property located at 3-61855 Lougheed Highway to vary the setback requirement between buildings (washroom building/picnic shelter and bunkhouse) from 12.07 metres to 4.0 metres, subject to consideration of any comments or concerns raised by the public.

9. ELECTORAL AREA EMERGENCY SERVICES

No Items.

10. ADDENDA ITEMS/LATE ITEMS
11. ITEMS FOR INFORMATION AND CORRESPONDENCE
 - 11.1 Letter dated April 25, 2018 from District of Kent to Hon. Premier Horgan and Hon. Popham, Minister of Agriculture regarding 'Cannabis Production Facilities on Agricultural Land Reserve lands'. 200 - 201
12. REPORTS BY STAFF
13. REPORTS BY ELECTORAL AREA DIRECTORS
14. PUBLIC QUESTION PERIOD FOR ITEMS RELEVANT TO AGENDA
15. ADJOURNMENT

MOTION FOR CONSIDERATION

THAT the Electoral Area Services Committee Open Meeting of May 8, 2018 be adjourned.

To: Electoral Area Services Committee

Date: 2018-05-08

From: Adriana Snashall, Bylaw Compliance & Enforcement Officer

File No: Eo6605.101

Subject: Contraventions of Building Bylaw No. 1188 and OCP No. 1115 at 50985 Winona Road, Electoral Area E, Fraser Valley Regional District, British Columbia (legally described as Lot 88 Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster Dis

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* and the *Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011* at 50985 Winona Road, Electoral Area E, Fraser Valley Regional District, British Columbia (legally described as Lot 88 Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 30071; Parcel Identifier 006-487-181).

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

Support Healthy & Sustainable Community

BACKGROUND

December 11, 2001 – Complaint received of significant alteration of land recently completed at the subject property 50985 Winona Road. This property is located adjacent to Nonie Creek, and within identified geotechnical hazards area.

December 13, 2001 – FVRD staff attended the subject property at 50985 Winona Road and verified the complaint. Staff noted that the lower portion of the lot and around existing house (right up to Nonie Creek at northeast corner of lot) was recently levelled with no vegetation showing. Several trees were recently felled on the slope above the house. The existing house was boarded up and appeared to be vacant. There was a recent sewage disposal permit posted on site. FVRD staff returned to the subject property on January 9, 2002 and noted no apparent changes to the property.

Inspection photos dated December 13, 2001:



Inspection photos dated January 9, 2002:



January 21, 2002 – FVRD Bylaw Enforcement staff send a letter to the registered property owner, Leslie McMinn and Denise McMinn, requesting a Development Permit be applied for and issued prior to further land alteration work being undertaken on the property.

February 12, 2002 – New property owner Frank Streda submits the required Development Permit application (DP2002-03) along with a site specific geotechnical report prepared by Petra Engineering 2000 Ltd. regarding the preliminary geotechnical hazard assessment for the proposed building site. Staff advised that the report submitted would be reviewed by an engineer of the Regional District's choice for an independent professional opinion to determine if it met the Regional District's terms of reference, specifically in regards to hazard mapping from previously completed geotechnical reports and the FVRD Board policy (hazard matrix).

March 14, 2002 – Golder Associates Ltd. was recruited by the FVRD Planning Department to review the report submitted by Petra Engineering 2000 Ltd. Golder concluded that the Petra report lacked relative information and was considered to be insufficient. Mr. Streda was provided with a copy of the Golder review, and to submit a second geotechnical report.

June 17, 2003 – New complaint received of construction without a permit. Complainant reported that the existing house was undergoing significant renovation.

June 26, 2003 – FVRD Building Department staff attended the subject property and observed the existing house had been completely gutted, including structural alterations. The extensive works required a building permit therefore the structure was posted with Stop Work and No Occupancy notices.

Inspection photos taken June 26, 2003:

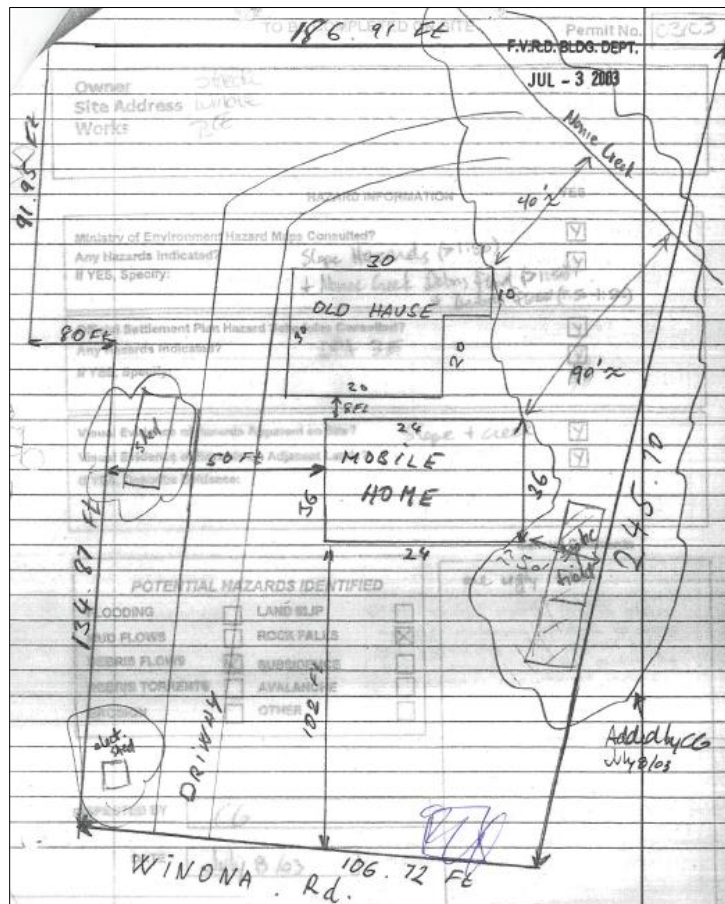


The property owner Frank Streda spoke with FVRD staff by telephone the next day and stated that his lawyer told him he did not require a building permit to renovate the house. Staff explained that minor renovations such as replacing siding, windows, or a roof did not require a building permit. The works observed by staff included structural alterations which did require a building permit. Mr. Streda assured

staff that he would be in to apply for a building permit and understood that work could not continue until a building permit was issued.

July 3, 2003 – The property owner Frank Streda submitted a building permit application (BP03103) for a mobile home, and provided site drawings for the property. A Building Permit application 'incomplete letter' dated July 10, 2003 was sent to Mr. Streda advising him of the outstanding items required to obtain the Building Permit.

Site plan for 50985 Winona Road:



August 14, 2003 – Golder Associates Ltd. prepared a letter report to fulfill the requirements for a geotechnical hazard report for the single family residence. The letter report covered the assessment of the geotechnical hazards of the subject property, and provided recommendations for construction and upgrade of the existing mitigation works at the site to allow for its intended residential use.

September 22, 2003 – The property owner Frank Streda submitted a Building Permit application (BP03142) to convert the existing residence to a workshop. A building permit application 'incomplete letter' dated October 1, 2003 was sent to Mr. Streda advising him of the outstanding items required to obtain the Building Permit.

October 14, 2003 – FVRD Building Department sent a second 'incomplete letter' regarding Building Permit application BPO3103 to the property owner Frank Streda. This letter advised Mr. Streda that the location of the proposed shop (formerly existing house) was within the 30 metre zoning bylaw setback to Nonie Creek therefore a Development Variance Permit was imperative and would need to be issued prior to the issuance of the building permit. Additionally, the existing geotechnical report and Development Permit application must be amended to include the workshop and illustrate that it will be safe for the use intended.

Construction drawings were submitted by Omega Engineering however they did not reflect the requirements of the Golder Associates Ltd. report. The drawings showed a basement at grade with a mobile home on top which did not meet the 1.5 metre above grade flood construction level requirement of the geotechnical report. The Ministry of Water, Land and Air Protection (MWLAP) recommended 1.0 metre above grade and approved the reduced setback from Nonie Creek; however this approval was only provided informally by email prior to November 17, 2003. Staff was unable to obtain a formal reply from MWLAP prior to the introduction of Bill 56 on November 17, 2003 which altered the role of local governments in managing developments near a watercourse and in flood hazard areas. As a result, the Planning Department was not in a position to issue a Development Permit which did not meet the requirements of the zoning bylaw and held all affected applications in abeyance until the issues pertaining to Bill 56 were resolved.

December 17, 2003 – FVRD Bylaw Enforcement staff was in the area for another site inspection and noticed that a mobile home had been placed on the subject property with a basement constructed underneath. Although the property owner Frank Streda was working on applications for a Development Permit and Building Permit, neither of these permits had been issued and the construction had commenced without proper approval.

Inspection photo taken December 17, 2003:



January 5, 2004 - FVRD Building Department sent a second 'incomplete letter' (as follow-up to the October 1, 2003 FVRD letter) regarding Building Permit application BPO3142 to the property owner Frank Streda advising him of the items that remained outstanding and must be submitted in order to obtain the Building Permit.

January 7, 2004 – FVRD Planning Department sent a letter to the property owner Frank Streda advising that Development Variance Permit application 2003-03 would be held in abeyance until the issues pertaining to Bill 56 were resolved.

September 3, 2004 – FVRD Building Department staff performed a site inspection on the subject property and confirmed that construction had continued on the Mobile Home without a building permit. Staff attempted to photograph and post Stop Work and No Occupancy notices but was prevented from doing so by Mrs. Streda. Frank Streda was not on-site at the time. Over the following days, staff discussed options with Mr. Streda. The bylaw enforcement file was held in abeyance to allow the Development Permit and Building Permit application process to proceed.

2005-2007 – FVRD Planning and Building Department staff corresponded with the property owner Mr. Streda to finalize the Development Permit and Build Permit applications. The Development Permit and Building Permit applications were not completed and closed due to inactivity. The matter was referred back to the Bylaw Enforcement Department for follow-up.

January 16, 2008 – FVRD staff met with the property owner Frank Streda to discuss how to obtain Occupancy Certificates for the mobile home and the workshop. Staff explained that new Building Permit applications would need to be submitted as the previous applications (BP03103, BP03142 and DP2002-03) had been closed due to inactivity. Staff noted to Mr. Streda that the issuance of a Development Permit and positive geotechnical report remained the number one hurdle. Mr. Streda submitted two (2) new building permit applications for the Mobile Home (BP011532) and Conversion of Existing House to Workshop (BP011533). The bylaw enforcement file was once again held in abeyance to allow the building permit application process to proceed.

February 21, 2008 – FVRD Building Department staff performed a site inspection on the subject property as part of the Building Permit application process. The bylaw enforcement file remained in abeyance while the Building Permit process continued.

Inspection photos taken February 21, 2008:



January 23, 2009 - FVRD Building, Planning and Bylaw Enforcement staff receive notification from the FVRD Manager of Flood Management Recovery Programs that a channel avulsion of Nonie Creek had occurred. The creek had relocated through the subject property and the flood waters flowed south to an area of several homes protected by a private dyke constructed to protect the residences from Chilliwack River flooding. Some work was done during the flood emergency with a small machine, but a private wing dyke needs to be reconstructed and the downstream channel for 90 metres restored. The work will involve a 20 ton excavator with a thumb, and several loads of rock rip-rap. Cost is estimated at \$7,000 to \$10,000. Work should be started early next week to ensure the channel is secured prior to the next heavy rain event.

November 12, 2009 – FVRD Planning staff met with the property owner Frank Streda to discuss proposed bank protection works following the cancellation of his Water Approval Application (A2005655) with the Ministry of Environment. During this meeting, staff became aware that he had received funding through Disaster Financial Assistance (DFA) for bank protection on and adjacent to the subject property due to damages incurred on the subject property from Nonie Creek during the January 2009 event.

November 26, 2009 – FVRD Planning Staff sent a letter to the property owner Frank Streda regarding the November 12, 2009 meeting. This letter advised that the FVRD understood he did not have an active application with the Ministry of Environment for works in and about Nonie Creek. Accordingly, the FVRD required a Development Permit be issued for any proposed alteration of land within the vicinity of Nonie Creek if there were no provincial approvals being obtained.

Unfortunately, FVRD property records are unclear as to whether the property owner Frank Streda performed mitigation works to repair damage caused by the January 2009 event. No (o) FVRD Development Permits were applied for or issued for such work.

June 25, 2012 – The property owner Frank Streda applied for a Development Permit (2012-09) as required by the building permit applications (BP011532 and BP011533). Throughout the remainder of 2012 and into 2013, FVRD Planning Department staff received several inquiries regarding the requirements to close active FVRD files on the subject property from Geotechnical Engineering firms preparing quotes for the property owner Frank Streda.

September 11, 2013 – FVRD Planning Department staff sent the property owner Frank Streda a letter requesting an update on the actions being taken to complete the geotechnical works and report, and provided two months' notice that the Development Permit was set to close on November 12, 2013 due to inactivity.

February 18, 2014 – FVRD staff met with property owner Frank Streda and reviewed the status of the Development Permit application (2012-09) and Bylaw Enforcement file (Eo6605.101):

- Updated report still required from Geotechnical Engineer indicating what mitigation works were needed to make the property safe for the use intended;
- Development Permit could be issued once a satisfactory report (and likely a covenant) was received;
- The required protective works must be constructed, reviewed, and signed-off by registered professionals, and could not be completed by the property owner;
- Planning Department staff stressed that the Riparian Area Regulations (RAR) must be followed, and the proposed protective works must be reconciled with the RAR regulations; and
- Bylaw Enforcement staff advised that the Section 57 Notice on Title process would be initiated if a geotechnical engineer was not engaged in a timely manner. Staff advised Mr. Streda that fines would also be issued if the Development Permit and Building Permit processes were not completed.

August 18, 2014 – FVRD Planning Department staff advise Bylaw Enforcement staff that no (o) updated Geotechnical Reports had been submitted, and follow-up voice messages left with the property owner Frank Streda on July 15, 2014 and August 18, 2014 were not responded to.

September 4, 2014 – Bylaw Enforcement staff reviewed property files and issued two (2) Bylaw Offence Notices to the property owner Frank Streda.

- BNE23019: construction without a permit - placement of mobile home \$200
- BNE23020: construction without a permit - change of use from existing house to workshop \$200

September 15, 2014 – Bylaw Offence Notices were paid in full. FVRD staff spoke with the property owner Frank Streda on the telephone and advised that Bylaw Enforcement would continue to escalate towards a Notice on Title until a Geotechnical Engineer was hired to complete the necessary report.

November 20, 2014 – The Planning Department sent a letter to the property owner Frank Streda advising that Development Permit application 2012-09 had been closed due to inactivity.

November 24, 2014 – The Building Department sent a letter to the property owner Frank Streda advising 'final notice' that the building permit applications (BP011533 Convert House to Workshop and

BP011532 Placement of Mobile Home) were not approvable and a list of items necessary to complete the applications was provided.

April 8, 2015 – The Building Department sent a letter to the property owner Frank Streda advising that the Building Permit applications (BP011533 Convert House to Workshop and BP011532 Placement of Mobile Home) had been closed due to inactivity.

June 1, 2016 – FVRD staff receive information that the Sto:lo First Nation has become aware of archeological significance within Winona Road properties. Staff is directed to forward any property inquiries to the Provincial Archeological Resources Department for further information.

October 6, 2017 – FVRD staff become aware that the subject property may be listed for sale. Due to staffing changes, the Notice on Title process had not yet been completed but the file remained in queue for review.

March 16, 2018 – Bylaw Enforcement staff review the subject property files and initiate the Notice on Title process. An updated Land Title search reveals that the subject property has changed ownership to Marcela Runcl and Lenka Nick. Bylaw Enforcement staff sent a registered letter addressed to both of the new property owners advising them of the outstanding Bylaw Enforcement issues and staff's recommendation to proceed with the process of registering a Section 57 Community Charter Notice on the subject property's Land Title. This letter gave the property owners a final opportunity to achieve compliance by the deadline of April 16, 2018.

March 20, 2018 – FVRD Bylaw Enforcement staff receive signature confirmation from Canada Post that the registered letter dated March 16, 2018 was collected by the registered property owner Marcela Runcl.

April 17, 2018 – FVRD Bylaw Enforcement and Building Department staff performed a drive-by inspection of the subject property to photograph and update the subject property files. The unpermitted construction (Mobile Home with Basement and conversion of an existing House to a Workshop) remain on the property and appear to be occupied contrary to the June 26, 2003 Stop Work and No Occupancy notices.

Site inspection photos dated April 17, 2018:



April 18, 2018 – FVRD staff has not received any response from either registered property owner, Marcela Runcl or Lenka Nick. There have been no (o) new building permit or development permit applications received to date. Therefore, FVRD staff will proceed with the Notice on Title recommendation.

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 that the Electoral Area Services Committee consider the following information:

Building Bylaw

Staff is authorized to regulate minimum construction standards within electoral areas via the *Fraser Valley Regional District Bylaw No. 1188, 2013* (Building Bylaw) for health, safety and the protection of persons and property. Section 6.1 of this bylaw provides that 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.

The existing house has been converted into a workshop without the benefit of a valid Building Permit. These renovations included extensive structural alterations. The mobile home with basement underneath has been placed and constructed without the benefit of a valid Building Permit.

Two (2) Building Permits are required for the works undertaken; or one (1) Demolition Permit is required to remove all construction completed without a valid Building Permit.

Official Community Plan

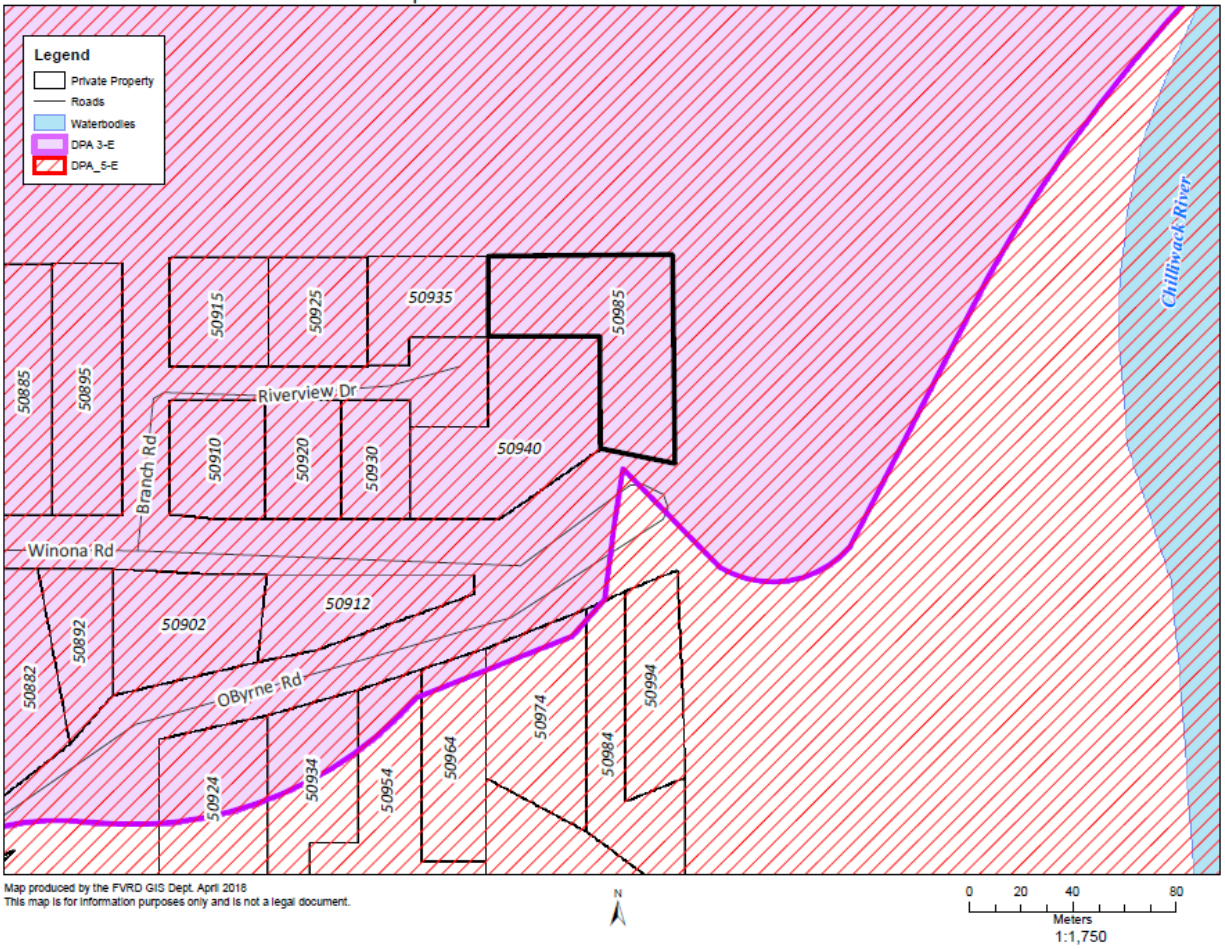
Pursuant to the *Fraser Valley Regional District Official Community Plan for Electoral Area "E" Bylaw No. 1115, 2011* the subject property is located within:

1. *Chilliwack River Valley Slope Hazard Development Permit Area 3-E* for the protection of new development from debris flow or torrent and debris floods; rock slides and rock falls; and, slumps, slides, debris avalanche/earth flows. A Development Permit must be obtained prior to the subdivision of land; alteration of land; or construction of, addition to, or alteration of a building or structure; within the development permit area.
2. *Riparian Areas Development Permit Area 5-E* for the protection of the natural environment, its ecosystems and biological diversity within 30 metres of a water course. A Development Permit must be obtained prior to the subdivision of land; the disturbance of soil or vegetation; or construction of or addition to a building or structure; within a riparian assessment area.

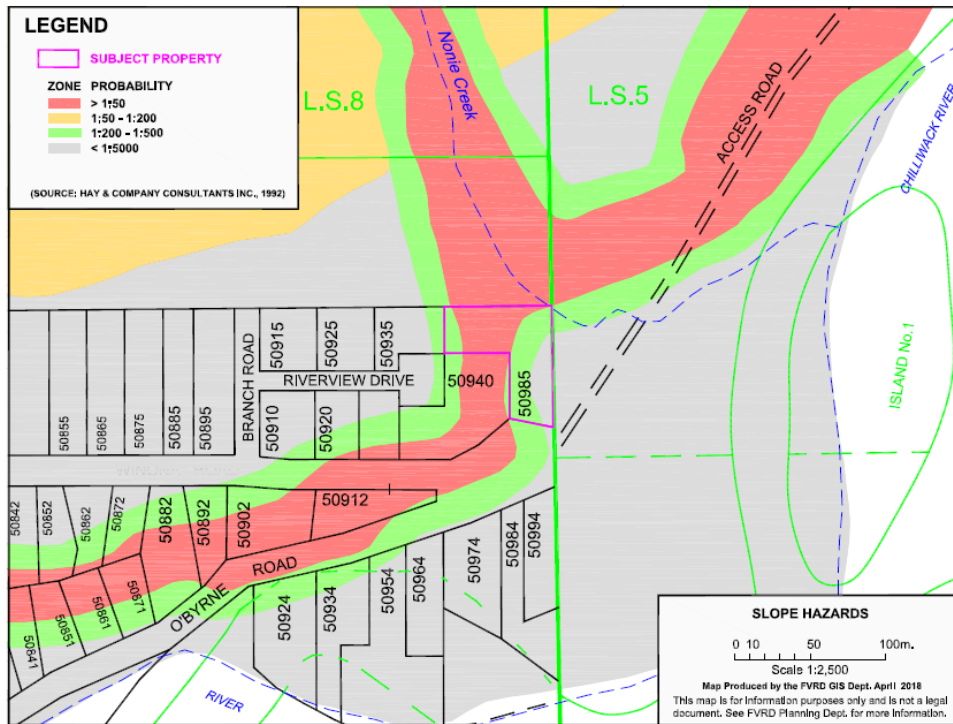
To date, there has been no (o) completed Development Permits for any of the construction or land alteration works that have occurred on the subject property.

A completed Development Permit is required for the construction and land alteration that has taken place on the subject property.

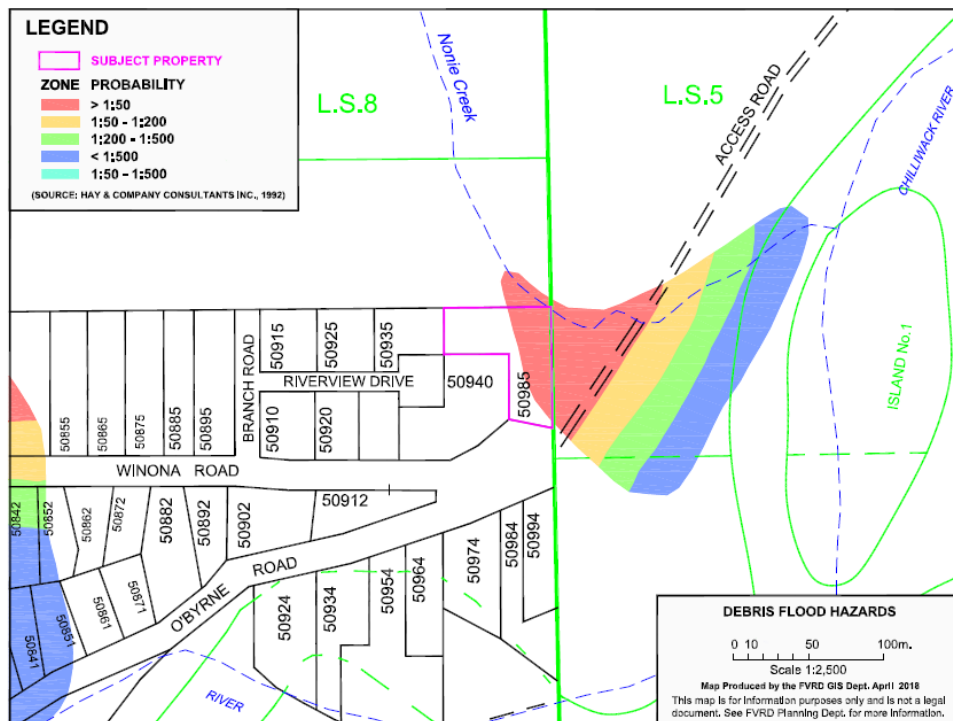
Map of the DPA 3-E & DPA 5-E 50985 Winona Rd



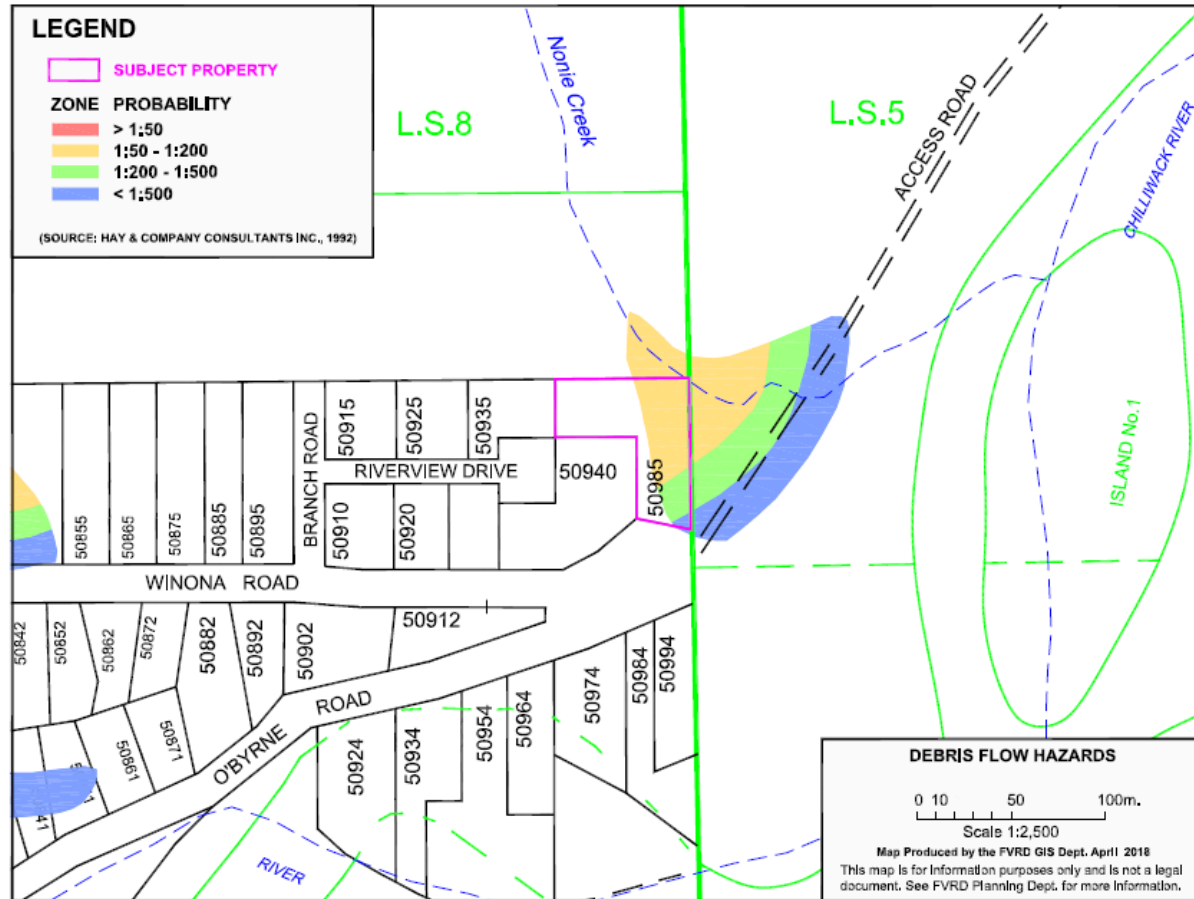
Slope Hazard Map for 50985 Winona Road:



Debris Flood Hazard Map for 50985 Winona Road:



Debris Flow Hazard Map for 50985 Winona Road:



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 District Building Bylaw No. 1188, 2013* after the unpermitted construction works on the existing house and mobile home are either:

1. Demolished with a Demolition Permit issued by the FVRD with a successful final inspection; or
2. Completed through two (2) Building Permits issued by the FVRD and both receive successful final inspections. The Building Permits will require issuance of a Development Permit for the alteration of land and construction, which would include an updated Geotechnical Report, registered to the subject property's Land Title by way of a covenant, and the completion of a Riparian Assessment by a Qualified Environmental Professional.

CONCLUSION

It is the opinion of the Bylaw Compliance and Enforcement Officer/Appointed Building Inspector that the conversion of the existing house into a workshop, and the placement of a mobile home and construction of a basement were completed without the benefit of valid building permits, and are in violation of multiple Fraser Valley Regional District bylaws, the *British Columbia Building Code*, and the *Riparian Area Regulations*. Full compliance will only be achieved with the successful completion of two (2) Building Permits and the issuance of a Development Permit for the alteration of land, conversion of an existing house into a workshop, and the placement of a mobile home and construction of a basement.

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 a 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 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: No further financial comments.

Paul Gipps, Chief Administrative Officer: Reviewed and supported

April 20, 2018

VIA REGULAR AND REGISTERED MAIL

Marcela Runci
Lenka Nick
50985 Winona Road
Chilliwack, BC V4Z 1B7

FILE: E06605.101

CIVIC: 50985 Winona Road, Electoral Area E

PID: 006-487-181

LEGAL: LOT 88 SECTION 33 TOWNSHIP 1 RANGE 29 WEST OF THE SIXTH MERIDIAN
NEW WESTMINSTER DISTRICT PLAN 30071

Dear Property Owners;

**RE: Show Cause Hearing – Section 57 Notice on Title
Scheduled due to contraventions of Building Bylaw No. 1188 and other enactments**

Further to the final warning letter dated March 16, 2018 sent to you via registered mail on the same date, please be advised that you are hereby notified that your opportunity to be heard by the Fraser Valley Regional District Electoral Area Services Committee is now scheduled. The meeting is to show cause why the Board of Directors should not direct staff to file a Notice against the title of your property at 50985 Winona Road in relation to the outstanding contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013* pursuant to Section 57 of the *Community Charter*.

The show cause hearing is scheduled for **May 8, 2018 at 1:30pm** in the Boardroom on the fourth floor of the Regional District Office located at 45950 Cheam Avenue, Chilliwack, British Columbia.

The Electoral Area Services Committee will consider registration of a Section 57 Notice on the title of your property whether or not you are in attendance; your attendance is not required if you do not wish to challenge the recommendation.

If you have any questions or wish to discuss this matter further in advance of the meeting, you may contact Adriana Snashall with the Bylaw Enforcement Department, by telephone at 604-702-5017 or by email at asnashall@fvrd.ca.

Sincerely,



Paul Gipps
Chief Administrative Officer

To: Electoral Area Services Committee

Date: 2018-05-08

From: Adriana Snashall, Bylaw Compliance & Enforcement Officer

File No: E06605.101

Subject: Contraventions of Building Bylaw No. 1188 and OCP No. 1115 at 50985 Winona Road, Electoral Area E, Fraser Valley Regional District, British Columbia (legally described as Lot 88 Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 30071; Parcel Identifier 006-487-181)

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* and the *Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011* at 50985 Winona Road, Electoral Area E, Fraser Valley Regional District, British Columbia (legally described as Lot 88 Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 30071; Parcel Identifier 006-487-181).

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

Support Healthy & Sustainable Community

PRIORITIES

BACKGROUND

December 11, 2001 – Complaint received of significant alteration of land recently completed at the subject property 50985 Winona Road. This property is located adjacent to Nonie Creek, and within identified geotechnical hazards area.

December 13, 2001 – FVRD staff attended the subject property at 50985 Winona Road and verified the complaint. Staff noted that the lower portion of the lot and around existing house (right up to Nonie Creek at northeast corner of lot) was recently levelled with no vegetation showing. Several trees were recently felled on the slope above the house. The existing house was boarded up and appeared to be vacant. There was a recent sewage disposal permit posted on site. FVRD staff returned to the subject property on January 9, 2002 and noted no apparent changes to the property.

Inspection photos dated December 13, 2001:



Inspection photos dated January 9, 2002:



January 21, 2002 – FVRD Bylaw Enforcement staff send a letter to the registered property owner, Leslie McMinn and Denise McMinn, requesting a Development Permit be applied for and issued prior to further land alteration work being undertaken on the property.

February 12, 2002 – New property owner Frank Streda submits the required Development Permit application (DP2002-03) along with a site specific geotechnical report prepared by Petra Engineering 2000 Ltd. regarding the preliminary geotechnical hazard assessment for the proposed building site. Staff advised that the report submitted would be reviewed by an engineer of the Regional District's choice for an independent professional opinion to determine if it met the Regional District's terms of reference, specifically in regards to hazard mapping from previously completed geotechnical reports and the FVRD Board policy (hazard matrix).

March 14, 2002 – Golder Associates Ltd. was recruited by the FVRD Planning Department to review the report submitted by Petra Engineering 2000 Ltd. Golder concluded that the Petra report lacked relative information and was considered to be insufficient. Mr. Streda was provided with a copy of the Golder review, and to submit a second geotechnical report.

June 17, 2003 – New complaint received of construction without a permit. Complainant reported that the existing house was undergoing significant renovation.

June 26, 2003 – FVRD Building Department staff attended the subject property and observed the existing house had been completely gutted, including structural alterations. The extensive works required a building permit therefore the structure was posted with Stop Work and No Occupancy notices.

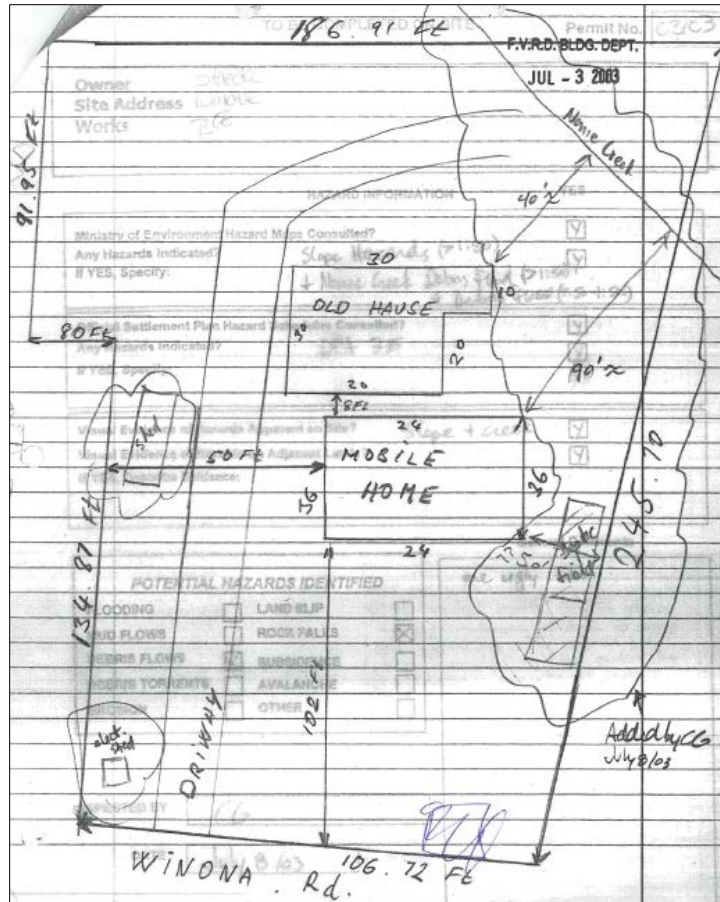
Inspection photos taken June 26, 2003:



The property owner Frank Streda spoke with FVRD staff by telephone the next day and stated that his lawyer told him he did not require a building permit to renovate the house. Staff explained that minor renovations such as replacing siding, windows, or a roof did not require a building permit. The works observed by staff included structural alterations which did require a building permit. Mr. Streda assured staff that he would be in to apply for a building permit and understood that work could not continue until a building permit was issued.

July 3, 2003 – The property owner Frank Streda submitted a building permit application (BP03103) for a mobile home, and provided site drawings for the property. A Building Permit application 'incomplete letter' dated July 10, 2003 was sent to Mr. Streda advising him of the outstanding items required to obtain the Building Permit.

Site plan for 50985 Winona Road:



August 14, 2003 – Golder Associates Ltd. prepared a letter report to fulfill the requirements for a geotechnical hazard report for the single family residence. The letter report covered the assessment of the geotechnical hazards of the subject property, and provided recommendations for construction and upgrade of the existing mitigation works at the site to allow for its intended residential use.

September 22, 2003 – The property owner Frank Streda submitted a Building Permit application (BP03142) to convert the existing residence to a workshop. A building permit application 'incomplete letter' dated October 1, 2003 was sent to Mr. Streda advising him of the outstanding items required to obtain the Building Permit.

October 14, 2003 – FVRD Building Department sent a second 'incomplete letter' regarding Building Permit application BP03103 to the property owner Frank Streda. This letter advised Mr. Streda that the location of the proposed shop (formerly existing house) was within the 30 metre zoning bylaw

setback to Nonie Creek therefore a Development Variance Permit was imperative and would need to be issued prior to the issuance of the building permit. Additionally, the existing geotechnical report and Development Permit application must be amended to include the workshop and illustrate that it will be safe for the use intended.

Construction drawings were submitted by Omega Engineering however they did not reflect the requirements of the Golder Associates Ltd. report. The drawings showed a basement at grade with a mobile home on top which did not meet the 1.5 metre above grade flood construction level requirement of the geotechnical report. The Ministry of Water, Land and Air Protection (MWLAP) recommended 1.0 metre above grade and approved the reduced setback from Nonie Creek; however this approval was only provided informally by email prior to November 17, 2003. Staff was unable to obtain a formal reply from MWLAP prior to the introduction of Bill 56 on November 17, 2003 which altered the role of local governments in managing developments near a watercourse and in flood hazard areas. As a result, the Planning Department was not in a position to issue a Development Permit which did not meet the requirements of the zoning bylaw and held all affected applications in abeyance until the issues pertaining to Bill 56 were resolved.

December 17, 2003 – FVRD Bylaw Enforcement staff was in the area for another site inspection and noticed that a mobile home had been placed on the subject property with a basement constructed underneath. Although the property owner Frank Streda was working on applications for a Development Permit and Building Permit, neither of these permits had been issued and the construction had commenced without proper approval.

Inspection photo taken December 17, 2003:



January 5, 2004 - FVRD Building Department sent a second 'incomplete letter' (as follow-up to the October 1, 2003 FVRD letter) regarding Building Permit application BP03142 to the property owner Frank Streda advising him of the items that remained outstanding and must be submitted in order to obtain the Building Permit.

January 7, 2004 – FVRD Planning Department sent a letter to the property owner Frank Streda advising that Development Variance Permit application 2003-03 would be held in abeyance until the issues pertaining to Bill 56 were resolved.

September 3, 2004 – FVRD Building Department staff performed a site inspection on the subject property and confirmed that construction had continued on the Mobile Home without a building permit. Staff attempted to photograph and post Stop Work and No Occupancy notices but was prevented from doing so by Mrs. Streda. Frank Streda was not on-site at the time. Over the following days, staff discussed options with Mr. Streda. The bylaw enforcement file was held in abeyance to allow the Development Permit and Building Permit application process to proceed.

2005-2007 – FVRD Planning and Building Department staff corresponded with the property owner Mr. Streda to finalize the Development Permit and Build Permit applications. The Development Permit and Building Permit applications were not completed and closed due to inactivity. The matter was referred back to the Bylaw Enforcement Department for follow-up.

January 16, 2008 – FVRD staff met with the property owner Frank Streda to discuss how to obtain Occupancy Certificates for the mobile home and the workshop. Staff explained that new Building Permit applications would need to be submitted as the previous applications (BP03103, BP03142 and DP2002-03) had been closed due to inactivity. Staff noted to Mr. Streda that the issuance of a Development Permit and positive geotechnical report remained the number one hurdle. Mr. Streda submitted two (2) new building permit applications for the Mobile Home (BP011532) and Conversion of Existing House to Workshop (BP011533). The bylaw enforcement file was once again held in abeyance to allow the building permit application process to proceed.

February 21, 2008 – FVRD Building Department staff performed a site inspection on the subject property as part of the Building Permit application process. The bylaw enforcement file remained in abeyance while the Building Permit process continued.

Inspection photos taken February 21, 2008:



January 23, 2009 - FVRD Building, Planning and Bylaw Enforcement staff receive notification from the FVRD Manager of Flood Management Recovery Programs that a channel avulsion of Nonie Creek had occurred. The creek had relocated through the subject property and the flood waters flowed south to an area of several homes protected by a private dyke constructed to protect the residences from Chilliwack River flooding. Some work was done during the flood emergency with a small machine, but a private wing dyke needs to be reconstructed and the downstream channel for 90 metres restored. The work will involve a 20 ton excavator with a thumb, and several loads of rock rip-rap. Cost is estimated at \$7,000 to \$10,000. Work should be started early next week to ensure the channel is secured prior to the next heavy rain event.

November 12, 2009 – FVRD Planning staff met with the property owner Frank Streda to discuss proposed bank protection works following the cancellation of his Water Approval Application (A2005655) with the Ministry of Environment. During this meeting, staff became aware that he had received funding through Disaster Financial Assistance (DFA) for bank protection on and adjacent to the subject property due to damages incurred on the subject property from Nonie Creek during the January 2009 event.

November 26, 2009 – FVRD Planning Staff sent a letter to the property owner Frank Streda regarding the November 12, 2009 meeting. This letter advised that the FVRD understood he did not have an active application with the Ministry of Environment for works in and about Nonie Creek. Accordingly, the FVRD required a Development Permit be issued for any proposed alteration of land within the vicinity of Nonie Creek if there were no provincial approvals being obtained.

Unfortunately, FVRD property records are unclear as to whether the property owner Frank Streda performed mitigation works to repair damage caused by the January 2009 event. No (0) FVRD Development Permits were applied for or issued for such work.

June 25, 2012 – The property owner Frank Streda applied for a Development Permit (2012-09) as required by the building permit applications (BP011532 and BP011533). Throughout the remainder of 2012 and into 2013, FVRD Planning Department staff received several inquiries regarding the requirements to close active FVRD files on the subject property from Geotechnical Engineering firms preparing quotes for the property owner Frank Streda.

September 11, 2013 – FVRD Planning Department staff sent the property owner Frank Streda a letter requesting an update on the actions being taken to complete the geotechnical works and report, and provided two months' notice that the Development Permit was set to close on November 12, 2013 due to inactivity.

February 18, 2014 – FVRD staff met with property owner Frank Streda and reviewed the status of the Development Permit application (2012-09) and Bylaw Enforcement file (E06605.101):

- Updated report still required from Geotechnical Engineer indicating what mitigation works were needed to make the property safe for the use intended;
- Development Permit could be issued once a satisfactory report (and likely a covenant) was received;

- The required protective works must be constructed, reviewed, and signed-off by registered professionals, and could not be completed by the property owner.
- Planning Department staff stressed that the Riparian Area Regulations (RAR) must be followed, and the proposed protective works must be reconciled with the RAR regulations;
- Bylaw Enforcement staff advised that the Section 57 Notice on Title process would be initiated if a geotechnical engineer was not engaged in a timely manner. Staff advised Mr. Streda that fines would also be issued if the Development Permit and Building Permit processes were not completed.

August 18, 2014 – FVRD Planning Department staff advise Bylaw Enforcement staff that no (0) updated Geotechnical Reports had been submitted, and follow-up voice messages left with the property owner Frank Streda on July 15, 2014 and August 18, 2014 were not responded to.

September 4, 2014 – Bylaw Enforcement staff reviewed property files and issued two (2) Bylaw Offence Notices to the property owner Frank Streda.

- BNE23019: construction without a permit - placement of mobile home \$200
- BNE23020: construction without a permit - change of use from existing house to workshop \$200

September 15, 2014 – Bylaw Offence Notices were paid in full. FVRD staff spoke with the property owner Frank Streda on the telephone and advised that Bylaw Enforcement would continue to escalate towards a Notice on Title until a Geotechnical Engineer was hired to complete the necessary report.

November 20, 2014 – The Planning Department sent a letter to the property owner Frank Streda advising that Development Permit application 2012-09 had been closed due to inactivity.

November 24, 2014 – The Building Department sent a letter to the property owner Frank Streda advising 'final notice' that the building permit applications (BP011533 Convert House to Workshop and BP011532 Placement of Mobile Home) were not approvable and a list of items necessary to complete the applications was provided.

April 8, 2015 – The Building Department sent a letter to the property owner Frank Streda advising that the Building Permit applications (BP011533 Convert House to Workshop and BP011532 Placement of Mobile Home) had been closed due to inactivity.

June 1, 2016 – FVRD staff receive information that the Sto:lo First Nation has become aware of archeological significance within Winona Road properties. Staff is directed to forward any property inquiries to the Provincial Archeological Resources Department for further information.

October 6, 2017 – FVRD staff become aware that the subject property may be listed for sale. Due to staffing changes, the Notice on Title process had not yet been completed but the file remained in queue for review.

March 16, 2018 – Bylaw Enforcement staff review the subject property files and initiate the Notice on Title process. An updated Land Title search reveals that the subject property has changed ownership to Marcela Runc and Lenka Nick. Bylaw Enforcement staff sent a registered letter addressed to both of the new property owners advising them of the outstanding Bylaw Enforcement issues and staff's recommendation to proceed with the process of registering a Section 57 Community Charter Notice on the subject property's Land Title. This letter gave the property owners a final opportunity to achieve compliance by the deadline of April 16, 2018.

March 20, 2018 – FVRD Bylaw Enforcement staff receive signature confirmation from Canada Post that the registered letter dated March 16, 2018 was collected by the registered property owner Marcela Runcl.

April 17, 2018 – FVRD Bylaw Enforcement and Building Department staff performed a drive-by inspection of the subject property to photograph and update the subject property files. The unpermitted construction (Mobile Home with Basement and conversion of an existing House to a Workshop) remain on the property and appear to be occupied contrary to the June 26, 2003 Stop Work and No Occupancy notices.

Site inspection photos dated April 17, 2018:



April 18, 2018 – FVRD staff has not received any response from either registered property owner, Marcela Runcl or Lenka Nick. There have been no (0) new building permit or development permit applications received to date. Therefore, FVRD staff will proceed with the Notice on Title recommendation.

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 that the Electoral Area Services Committee consider the following information:

Building Bylaw

Staff is authorized to regulate minimum construction standards within electoral areas via the *Fraser Valley Regional District Bylaw No. 1188, 2013* (Building Bylaw) for health, safety and the protection of persons and property. Section 6.1 of this bylaw provides that 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.

The existing house has been converted into a workshop without the benefit of a valid Building Permit. These renovations included extensive structural alterations. The mobile home with basement underneath has been placed and constructed without the benefit of a valid Building Permit.

Two (2) Building Permits are required for the works undertaken; or one (1) Demolition Permit is required to remove all construction completed without a valid Building Permit.

Official Community Plan

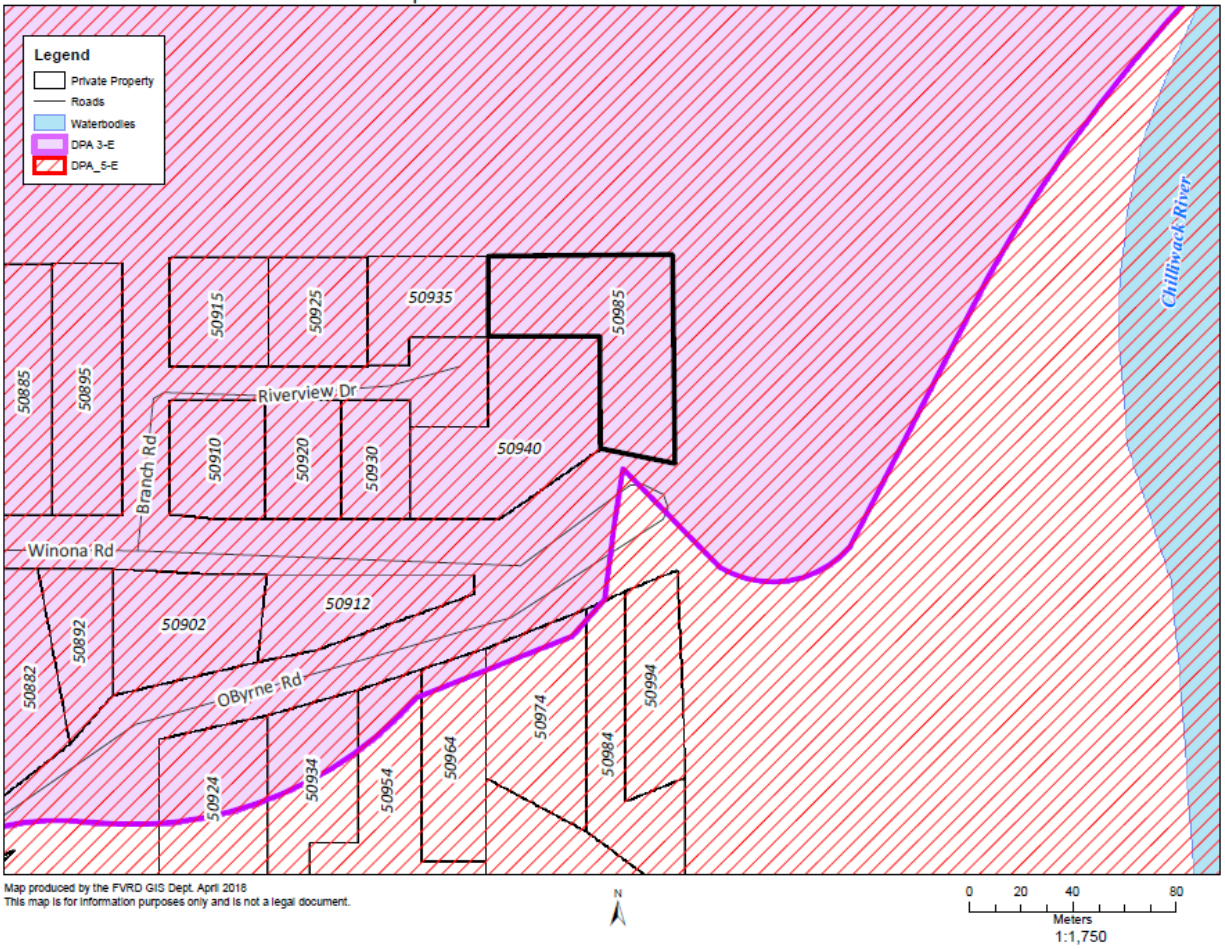
Pursuant to the *Fraser Valley Regional District Official Community Plan for Electoral Area "E" Bylaw No. 1115, 2011* the subject property is located within:

1. *Chilliwack River Valley Slope Hazard Development Permit Area 3-E* for the protection of new development from debris flow or torrent and debris floods; rock slides and rock falls; and, slumps, slides, debris avalanche/earth flows. A Development Permit must be obtained prior to the subdivision of land; alteration of land; or construction of, addition to, or alteration of a building or structure; within the development permit area.
2. *Riparian Areas Development Permit Area 5-E* for the protection of the natural environment, its ecosystems and biological diversity within 30 metres of a water course. A Development Permit must be obtained prior to the subdivision of land; the disturbance of soil or vegetation; or construction of or addition to a building or structure; within a riparian assessment area.

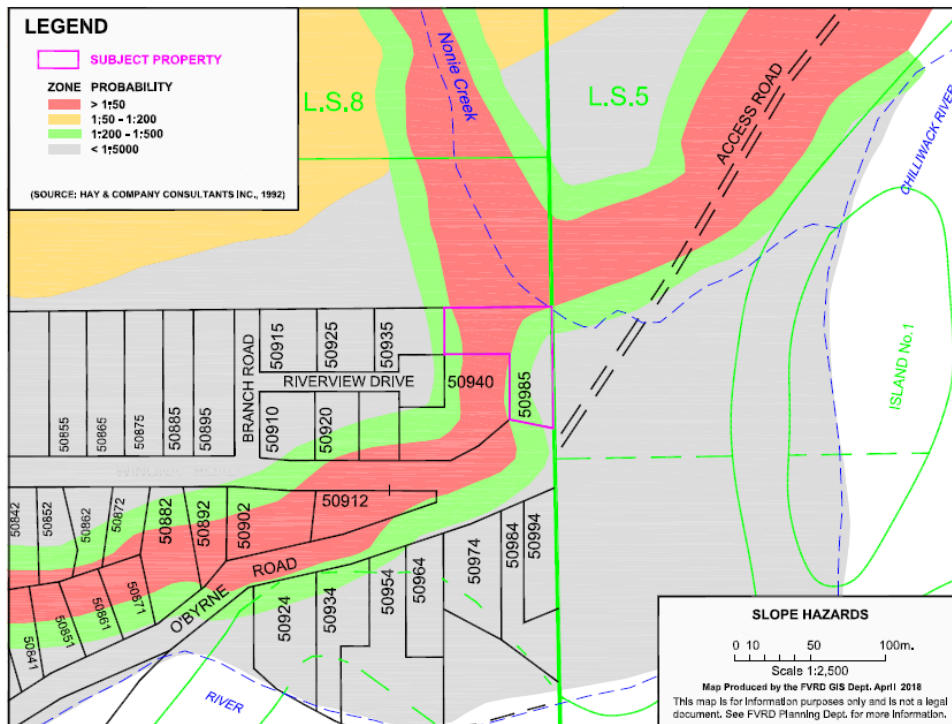
To date, there has been no (0) completed Development Permits for any of the construction or land alteration works that have occurred on the subject property.

A completed Development Permit is required for the construction and land alteration that has taken place on the subject property.

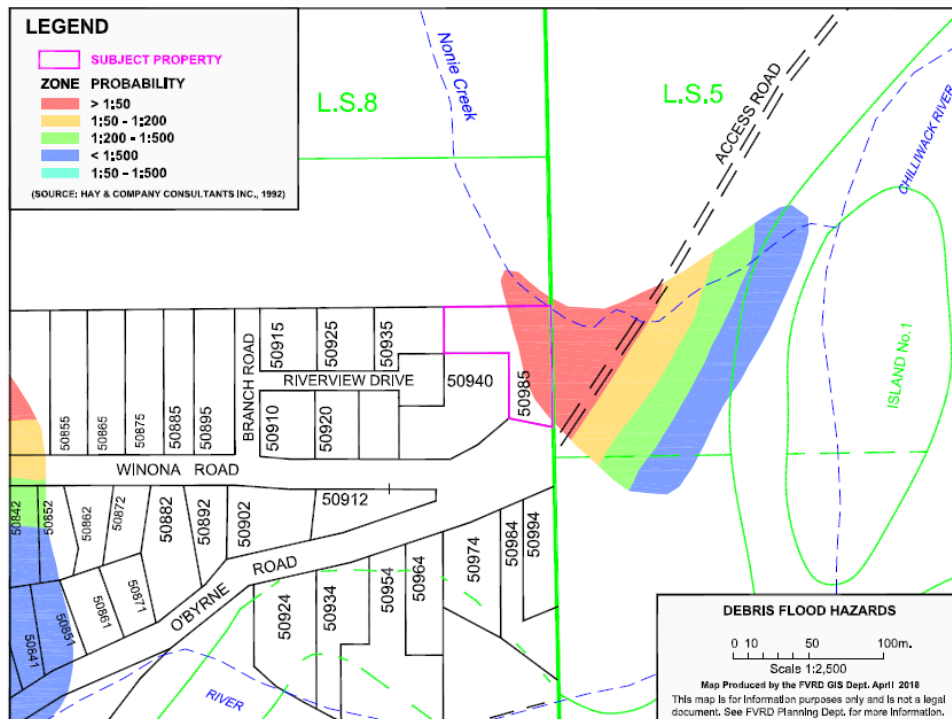
Map of the DPA 3-E & DPA 5-E 50985 Winona Rd



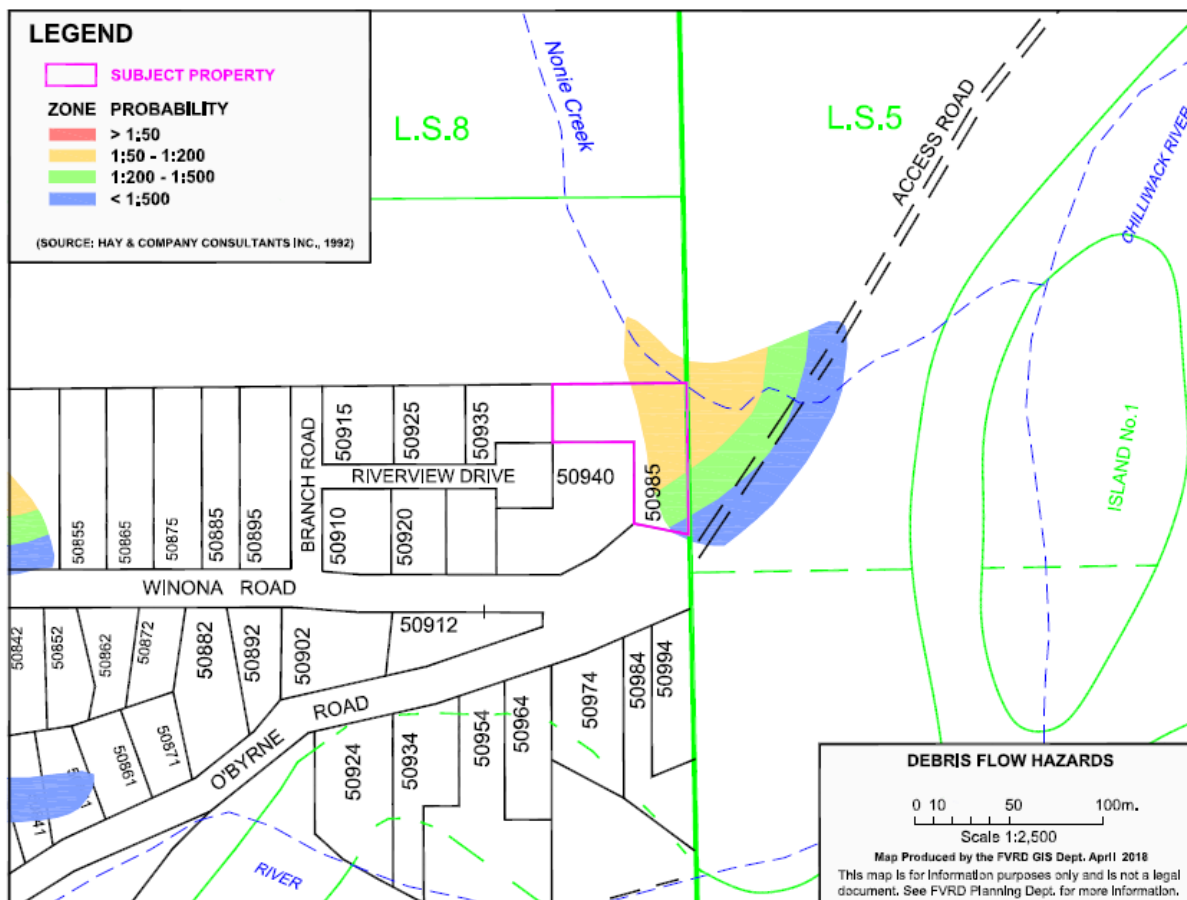
Slope Hazard Map for 50985 Winona Road:



Debris Flood Hazard Map for 50985 Winona Road:



Debris Flow Hazard Map for 50985 Winona Road:



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 District Building Bylaw No. 1188, 2013* after the unpermitted construction works on the existing house and mobile home are either:

1. Demolished with a Demolition Permit issued by the FVRD with a successful final inspection; or
2. Completed through two (2) Building Permits issued by the FVRD and both receive successful final inspections. The Building Permits will require issuance of a Development Permit for the alteration of land and construction, which would include an updated Geotechnical Report, registered to the subject property's Land Title by way of a covenant, and the completion of a Riparian Assessment by a Qualified Environmental Professional.

CONCLUSION

It is the opinion of the Bylaw Compliance and Enforcement Officer/Appointed Building Inspector that the conversion of the existing house into a workshop, and the placement of a mobile home and construction of a basement were completed without the benefit of valid building permits, and are in violation of multiple Fraser Valley Regional District bylaws, the *British Columbia Building Code*, and the *Riparian Area Regulations*. Full compliance will only be achieved with the successful completion of two (2) Building Permits and the issuance of a Development Permit for the alteration of land, conversion of an existing house into a workshop, and the placement of a mobile home and construction of a basement.

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 a 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 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:

Paul Gipps, Chief Administrative Officer:

March 16, 2018

VIA REGISTERED MAIL

Marcela Runci
Lenka Nick
50985 Winona Road
Chilliwack, BC V4Z 1B7

FILE: E06605.101
CIVIC: 50985 Winona Road
PID: 006-487-181
LEGAL: LOT 88 SECTION 33 TOWNSHIP 1 RANGE 29 WEST OF THE SIXTH MERIDIAN
NEW WESTMINSTER DISTRICT PLAN 30071

Dear Property Owners;

RE: Final Warning – Construction without a Building Permit and Alteration of Land

As you may already be aware, the Fraser Valley Regional District continues to have an open bylaw enforcement file with regards to construction requiring building permits and the alteration of land requiring a development permit at 50985 Winona Road in Electoral Area E (the “property”). Although you may be the new owners of this property, a change of ownership in no way negates these bylaw enforcement issues.

The previous property owners have not fulfilled the outstanding requirements of multiple building and development permit applications. These applications have all been closed; therefore the Regional District shall proceed with the process of registering a Notice with the Land Title Office as outlined in Section 57 of the *Community Charter*. Please review the attached information sheet for further details on this process.

Development Permits ensure the safe development of property and minimize risk to buildings, infrastructure and occupants. Building Permits ensure that all buildings comply with the health, safety, building and zoning requirements of the Regional District and the Province of British Columbia. Non-approved buildings place the occupants at risk, and should an unfortunate incident occur the owner may be held liable. We encourage you to read the *Occupiers Liability Act* regarding property safety and negligence, available online at:
http://www.bclaws.ca/civix/document/id/complete/statreg/96337_01

Should you wish to work with staff to bring your property in to compliance with all current regulations, you will be required to submit the following applications:

- Development Permit application for the ‘alteration of land and completed construction’; and
- Building Permit application for the ‘conversion of house to workshop’; and
- Building Permit application for the ‘placement of mobile home’.

OR

- Development Permit application for the ‘alteration of land and completed construction’; and
- Demolition Permit application for the ‘conversion of house to workshop’ and ‘placement of mobile home’ (both structures can be demolished under one Demolition Permit).

For further information on these application processes, please contact the Planning Department and Building Department directly. Applications are also available on the Regional District website at: www.fvrd.ca. Please note that obtaining permits may be challenging because your property is in a known slope hazard area and because the construction that has been completed to date requires registered professional requirements.

If we do not hear from you with regards to these matters by **April 16, 2018** we will move forward with the Notice on Title process. If you have any questions or wish to discuss this matter further, you may contact me 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: 2018.03.16
14:55:39 -07'00'

Adriana Snashall
Bylaw Compliance and Enforcement Officer

enc: Letter dated April 8, 2015
Letter dated November 20, 2014
Letter dated November 24, 2014
Letter dated September 11, 2013
Section 57 Information Sheet

cc: Bill Dickey, Director of Electoral Area D
Margaret-Ann Thornton, Director of Planning & Development

File Number: 3800-30-BP011532E

April 8, 2015

Streda, Frank
50985 Winona Road
Chilliwack, BC V4Z 1B7

Dear Mr. Streda:

Re: Building Permit Application No. BP011532 for the placement of a Mobile Home on property legally described as Lot 88, Section 33, Township 1, Range 29, Meridian 6, New Westminster District, Plan NWP30071 Meridian W6, For Mobile See 06605.102, Manufactured Home Reg. # 2650. Known as 50985 Winona Rd.

Further to the attached final letter of requirements sent on November 24, 2014, please be advised that the required items to fulfill the building permit application process remain outstanding and the above noted building permit application has now been closed. Your project remains incomplete and is not covered by a valid building permit as required by "Fraser Valley Regional District Building Bylaw No.1188, 2013". Therefore, your file has been referred back to Bylaw Enforcement.

The Regional District is becoming increasingly aware of difficulties encountered by owners of property when they do not avail themselves of the full service offered by the Building Department. Apart from matters of law and safety, Occupancy Permits have value to property owners because they are frequently requested by prospective purchasers, mortgage lenders and others.

Should you wish to bring your property into compliance with all current bylaws, it will be necessary for you to contact Jennifer Wells, Bylaw and Permits & Licences Technician, with reference to your Bylaw Enforcement file E06605.101 to review your options.

In the interim, you are reminded that any construction undertaken in contravention of the Building Bylaw is unauthorized and is an offence contrary to the provisions of the Bylaw.

Please feel free to contact me at 604-702-5016 should you require any further information or assistance.

Yours sincerely,



Monica Stuart
Building & Bylaw Clerk

cc: Orion Engar, Director of Electoral Area E
Margaret Thornton, Director of Planning & Development
Bylaw Enforcement File E06605.101



Fraser Valley Regional District
45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6
Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only)

Fax: 604-792-9684 website: www.fvrd.bc.ca

November 20, 2014

File: 3060-20-2012-09

Frank Streda
50985 Winona Road
Chilliwack, BC
V4Z 1B7

Re: Application for Development Permit – 50985 Winona Road

I am writing in regards to your development permit application for 50985 Winona Road for the placement of a mobile home and the conversion of a single family dwelling into an accessory storage building which were done without the benefit of building permits.

We have discussed the steps required to complete the development permit numerous times throughout 2013 and 2014. As it is clear that no action is taking place to update the geotechnical report and to complete the geotechnical works required for the safe use of the buildings, the FVRD has now closed the development permit application file. If you intend to proceed, a new application will be required.

Please don't hesitate to contact me if you wish to discuss this matter further or to schedule a meeting. You can contact me at 604-702-5491 or aphilp@fvrd.bc.ca.

Sincerely,

Aja Philp
Planner I
Fraser Valley Regional District

Cc: FVRD Building Department
Jennifer Wells, Bylaw, Permits and Licenses Technician
Orion Engar, Electoral Area "E" Director

Attachments: FVRD File Closure Policy



FRASER VALLEY REGIONAL DISTRICT POLICIES AND PROCEDURES

POLICY: Timelines for Electoral Area (EA) Planning and Development Applications

Date Issued: FVRD Board Resolution (date)

Date Amended:

PURPOSE

To establish file closure policies for Electoral Area (EA) Planning and Development applications for:

- Official Community Plan (OCP) Amendment
- Official Settlement Plan (OSP) Amendment
- Zoning Bylaw Amendment
- Development Permit
- Development Variance Permit
- Temporary Use Permit
- Campground and Holiday Park Permit
- Mobile Home Park Permit
- Site Specific Floodplain Exemption

POLICY

1. PERMITS

- Development Permit
- Development Variance Permit
- Temporary Use Permit
- Campground and Holiday Park Permit
- Mobile Home Park Permit
- Site Specific Floodplain Exemption

SCENARIO	TIME TO CLOSE FILE	TIME EXTENSION
Permit/Site Specific Exemption issued and all requirements fulfilled.	When works complete and securities (if applicable) released.	Not Applicable
Permit/Site Specific Exemption approved in principle (i.e. subject to conditions such a Covenant, etc.), but not issued.	One year from date of authorization in principle.	One six (6) month*
Permit/Site Specific Exemption not authorized.	One year from date of application.	One six (6) month*

*extension at the discretion of staff



Fraser Valley Regional District

45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6

Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only)

Fax: 604-792-9684 website: www.fvrd.bc.ca

File Number: 3800-30-BP011532(08003)E

November 24, 2014

Frank Streda
50985 Winona Road
Chilliwack, BC V4Z 1B7

Dear Mr. Streda:

Re: Incomplete Building Permit No. 08003 for the Purpose of Constructing a Mobile Home On Property Legally Described as Lt 88, Sec 33, Twp 1, Rge 29, Mer 6, NWD, PI 30071 Known as 50985 Winona Rd.

I am writing to you in connection with your building permit application dated Jan 01, 2008. Please be advised this is the **final notice** that your application is not approvable in its present form. The following items are necessary in order to complete your application and issue your building permit:

1. The Building Inspector has determined that a geotechnical report is required pursuant to Section 56 of the Community Charter. Please see the previously attached letter from Greg Price Building Inspector. The Regional District has a report from Golder and Associates dated September 12 2003 which may be used for this purpose if the report is updated. The proposed construction on your property must meet the requirements of this report. Further, the report must be registered on the title of your property by way of a covenant pursuant to the Community Charter. Please contact Planning staff at 604-702-5000 in order initiate this process.
2. The Development Permit Application file no. 3060-20-2012-09 has been cancelled as per letter dated November 20, 2014. Please contact Planning staff at 604-702-5000 for information regarding the completion of this process.
3. The proposed construction involves development within a Riparian Assessment Area. Please contact a Qualified Environmental Professional to perform a Riparian Assessment. See the previously attached *Riparian Areas Regulation* information sheet for further details.
4. Submit a sealed soils report and Geotechnical Schedules B1/B2 from a professional engineer.
5. Submit Schedules B1/B2 and 3 sets of sealed drawings for the entire structure that reflect a frost depth of 0.45m and snow loads of, Ss= 2.3kPa and Sr= 0.3kPa from a professional engineer.
6. A revised, scaled site plan that includes a) the entire property complete with all existing buildings and structures, b) the proposed house with setbacks to all property lines, watercourses and wells, c) the location of the septic field, tank, driveway, Statutory Right of Ways and Easements and d) rock pit/storm drainage system (minimum 5.0m from any foundation).

7. A BC Land Surveyor prepared siting proposal complete with setbacks to each property line and the natural boundary of the watercourse.
8. 3 complete sets of construction drawings that reflect all requirements of the above noted geotechnical report (final version).
9. Complete the Building, Plumbing and Ancillary Heating sections of the previously attached copy of your Building Permit Application and return it to this office.
10. Complete and submit the previously attached Manufactured Home Check List.
11. Submit a foundation plan from your Mobile Home supplier complete with a point load chart.
12. 3 complete sets of floor plans for the mobile home and construction drawings for the addition including landings, decks and stairs at each exterior door.
13. Sealed documentation from an authorized person (as defined by the Provincial Sewage System Regulations) for the re-use of your existing sewage disposal system. The sealed report must confirm that the existing system will support the proposed number of bedrooms, and that the proposal will meet all Provincial Sewage System Regulations. For a list of authorized persons please call 604 585-2788 or go online to owrp.asttbc.org

Your permit application will be held in abeyance until **January 24, 2015** pending receipt of this documentation or other information. In the event that the file remains incomplete after this date, I shall be obliged to take steps to close the file.

Sincerely,

pp. 

Greg Price
Building Inspector

cc: David Lamson, Director of Electoral Area E
Margaret Thornton, Director of Planning and Development Services



FRASER VALLEY REGIONAL DISTRICT

45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6

Phone: 604-702-5000

Toll Free: 1-800-528-0061 (BC only)

Fax: 604-792-9684

website: www.fvrd.bc.ca

e-mail: info@fvrd.bc.ca

September 11, 2013

File: 3060-20-2012-09

Frank Streda
50985 Winona Road
Chilliwack, BC
V4Z 1B7

Re: Application for Development Permit – 50985 Winona Road

I am writing in regards to your development permit application for 50985 Winona Road for the placement of a mobile home and the conversion of a single family dwelling into an accessory storage building which were done without the benefit of building permits.

We had discussed the steps required to complete the development permit in April 2013 and again in June 2013. We would like to work with you towards a timely resolution of the development permit. As discussed, this requires the completion of protective geotechnical works and an update to the old geotechnical report that was completed by Golder in 2003.

Your immediate response is required. Please provide an update on the actions you are taking to complete the geotechnical works and report. If you do not respond to the FVRD indicating that you are actively working on the development permit requirements within two months of the date of this letter (i.e. November 12, 2013), the FVRD will close the development permit application and proceed with bylaw enforcement action.

Please don't hesitate to contact me if you wish to discuss this matter or to schedule a meeting. You can contact me at 604-702-5491 or aphilp@fvrd.bc.ca.

Sincerely,

Aja Philp
Planner I
Fraser Valley Regional District

Cc: FVRD Building Department
Jennifer Wells, Bylaw, Permits and Licenses Technician
David Lamson, Electoral Area "E" Director

Attachments: FVRD File Closure Policy



FRASER VALLEY REGIONAL DISTRICT POLICIES AND PROCEDURES

POLICY: Timelines for Electoral Area (EA) Planning and Development Applications

Date Issued: FVRD Board Resolution (date)

Date Amended:

PURPOSE

To establish file closure policies for Electoral Area (EA) Planning and Development applications for:

- Official Community Plan (OCP) Amendment
- Official Settlement Plan (OSP) Amendment
- Zoning Bylaw Amendment
- Development Permit
- Development Variance Permit
- Temporary Use Permit
- Campground and Holiday Park Permit
- Mobile Home Park Permit
- Site Specific Floodplain Exemption

POLICY

1. PERMITS

- Development Permit
- Development Variance Permit
- Temporary Use Permit
- Campground and Holiday Park Permit
- Mobile Home Park Permit
- Site Specific Floodplain Exemption

SCENARIO	TIME TO CLOSE FILE	TIME EXTENSION
Permit/Site Specific Exemption issued and all requirements fulfilled.	When works complete and securities (if applicable) released.	Not Applicable
Permit/Site Specific Exemption approved in principle (i.e. subject to conditions such as a Covenant, etc.), but not issued.	One year from date of authorization in principle.	One six (6) month*
Permit/Site Specific Exemption not authorized.	One year from date of application.	One six (6) month*

*extension at the discretion of staff

Timelines for Electoral Area (EA) Planning and Development Applications

2. BYLAW AMENDMENTS

- Official Community Plan (OCP) Amendment
- Official Settlement Plan (OSP) Amendment
- Zoning Bylaw Amendment

SCENARIO	TIME TO CLOSE FILE	TIME EXTENSION
Bylaw Adopted.	When works complete and securities (if applicable) released.	Not Applicable
Readings Given, but no Public Hearing held.	Two (2) years from date of Bylaw reading.	One six (6) month*
Public Hearing held.	One (1) year from date of Public Hearing.	A second Public Hearing will be scheduled in the period 12-18 months after the 1 st Public Hearing with the required fee
No Readings Given to Bylaw.	Two (2) years from date of application.	One six (6) month*

*extension at the discretion of staff

PROCEDURE

Process to Close File:

1. Staff provides a 60 day (two month) letter of notice advising of the file closure policy and Intent to close the development application file to the applicant and the registered property owner by regular mail, with a copy to the Electoral Area Director.
2. If no extension is requested or no further contact is provided, application file is closed with a letter to the applicant and registered property owner by regular mail, with a copy to the Electoral Area Director advising that the application file is now closed. If there is an intent to proceed, a new application will be required. If a refund of a portion of the application fee applies, Finance Department is advised to process the required refund, to be sent under separate cover letter.

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@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 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

2018-03-15, 13:34:22

File Reference:

Requestor: Adriana Snashall

Declared Value \$331000

CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN

Land Title District Land Title Office	NEW WESTMINSTER NEW WESTMINSTER
Title Number From Title Number	CA6553008 CA6552991
Application Received	2018-01-08
Application Entered	2018-01-22
Registered Owner in Fee Simple Registered Owner/Mailing Address:	MARCELA RUNCL, RETIRED LENKA NICK, HAIR STYLIST 50985 WINONA ROAD CHILLIWACK, BC V4Z 1B7 AS JOINT TENANTS
Taxation Authority	New Westminister Assessment District
Description of Land Parcel Identifier: Legal Description:	006-487-181 LOT 88 SECTION 33 TOWNSHIP 1 RANGE 29 WEST OF THE SIXTH MERIDIAN NEW WESTMINSTER DISTRICT PLAN 30071
Legal Notations	NONE
Charges, Liens and Interests	NONE
Duplicate Indefeasible Title	NONE OUTSTANDING
Transfers	NONE
Pending Applications	NONE

Folio: 733.06605.101
Civic: 50985 WINONA RD
Size: 0.742 ACRES

Pid: 006-487-181
Legal: LOT 88, SECTION 33, TOWNSHIP 1, RANGE 29,
 MERIDIAN 6, NEW WESTMINSTER DISTRICT, PLAN
 NWP30071 MERIDIAN W6, FOR MOBILE SEE 06605.102,
 MANUFACTURED HOME REG. # 2650.

Owner: STREDA, FRANK
 RUNCL, MARCELA
 50985 WINONA RD
 CHILLIWACK BC V4Z 1B7
 (395031)

2018 Taxable Assessments

				<u>Land</u>	<u>Improvements</u>	<u>Net</u>
1	Res	GENERAL	Gross	287,000	114,000	401,000
			Exempt	0	0	0
			Net	287,000	114,000	401,000
1	Res	SCHOOL	Gross	287,000	114,000	401,000
			Exempt	0	0	0
			Net	287,000	114,000	401,000

2018 Actual Assessments

	<u>Land Class</u>	<u>Land</u>	<u>Impr Class</u>	<u>Impr</u>
00 - FULLY TAXABLE LAND, STRUCTURES	1 - Res	287000	1 - Res	114000

<u>Lto Number</u>	<u>Sales Price</u>	<u>Date</u>	<u>Description</u>
395031	0.00	Apr 6, 2016	REJECT - NOT SUITABLE FOR SALES ANALYSIS
CA5064682	192,000.00	Mar 24, 2016	REJECT - NOT SUITABLE FOR SALES ANALYSIS
394690	128,000.00	Mar 24, 2016	REJECT - NOT SUITABLE FOR SALES ANALYSIS
317656A	12,500.00	Apr 3, 2009	REJECT - NOT SUITABLE FOR SALES ANALYSIS
BT36666	59,900.00	Feb 1, 2002	VACANT SINGLE PROPERTY CASH TRANSACTION
BP131624	25,000.00	Jun 6, 2000	REJECT - NOT SUITABLE FOR SALES ANALYSIS
P110151E	16,000.00	Nov 15, 1978	IMPROVED SINGLE PROPERTY CASH TRANSACTI

Attribute

ACTUAL USE
 ELECTORAL AREA
 LAND TENURE
 MANUAL CLASS
 NEIGHBOURHOOD
 SCHOOL DISTRICT
 SERVICE AREA

Value

000
 E
 01
 0030
 212
 33
 45CILMT

Description

SINGLE FAMILY DWELLING
 CROWN-GRANTED
 1 STY SFD -ALL AGES- POOR

Classification

BYLAW ENFORCEM

Start Date

Dec 11, 2001

Stop Date**Comment**

See bylaw enforcement staff for details.E06605.101

Property Information Report

Civic Address:	50985 WINONA RD	Lot Size:	0.742 ACRES
Folio Number:	733.06605.101	Electoral Area:	E
PID:	006-487-181	Map Scale:	1:1097
Legal Description:	LOT 88, SECTION 33, TOWNSHIP 1, RANGE 29, MERIDIAN 6, NEW WESTMINSTER DISTRICT, PLAN NWP30071 MERIDIAN W6, FOR MOBILE SEE 06605.102, MANUFACTURED HOME REG. # 2650.		



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.

**FRASER VALLEY REGIONAL DISTRICT
ELECTORAL AREA SERVICES COMMITTEE
OPEN MEETING MINUTES**

Tuesday, April 10, 2018

1:30 p.m.

FVRD Boardroom, 45950 Cheam Avenue, Chilliwack, BC

Members Present: Director Bill Dickey, Electoral Area D, Chair
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

Regrets: Director Terry Raymond, Electoral Area A

Staff Present: Paul Gipps, Chief Administrative Officer
Mike Veenbaas, Director of Financial Services
Tareq Islam, Manager of Engineering & Community Services
Margaret-Ann Thornton, Director of Planning & Development
Suzanne Gresham, Director of Corporate Initiatives (part)
Graham Daneluz, Deputy Director of Planning & Development
Jennifer Kinneman, Manager of Corporate Affairs
Jaime Schween, Manager of Corporate Administration
Sterling Chan, Manager of Engineering & Infrastructure
Greg Price, Building Inspector (part)
Dawn Smith, Planner II
Louise Hinton, Bylaw Compliance and Enforcement Officer
Adriana Snashall, Bylaw Compliance and Enforcement Officer
Andrea Antifaeff, Planning Technician
Katarina Duke, Engineering & Community Services Technologist
Matthew Fang, Network Analyst I
Amanda Molloy, Executive Assistant to CAO and Board
Chris Lee, Recording Secretary

Also Present: William Dahlman and Wendy Scott, Property Owners (*as per item 3.3*)

There were two members of the public present.

1. CALL TO ORDER

Chair Dickey called the meeting to order at 1:30 p.m.

2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS

Moved By STOBART
Seconded By ADAMSON

THAT the Agenda, Addenda and Late Items for the Electoral Area Services Committee Open Meeting of April 10, 2018 be approved;

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

CARRIED

3. SHOW CAUSE HEARING(S)

3.1 Building Bylaw and BC Building Code Contraventions at 46594 Chilliwack Lake Road, EA E, FVRD, BC (legally described as District Lot 496, New Westminster District, Plan NWP22273 Parcel 1, Group 2; and PID 000-547-948)

Louise Hinton, Bylaw Compliance and Enforcement Officer provided a PowerPoint presentation outlining the historic and current property bylaw infractions with respect to the property located at 46594 Chilliwack Lake Road, Electoral Area E, and the efforts of staff to encourage voluntary compliance by the property owner.

Chair Dickey asked if any members of the public wished to speak on this matter. No comments were offered.

Moved By ADAMSON
Seconded By ENGAR

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 46594 Chilliwack Lake Road Electoral Area E, Fraser Valley Regional District, British Columbia (legally described as District Lot 496, New Westminster District, Plan NWP22273 Parcel 1, Group 2; and Parcel Identifier 000-547-948).

CARRIED

3.2 Building Bylaw and BC Building Code Contraventions at 41330 North Nicomen Road, EA G, FVRD, BC (legally described as Lot 1 Section 6 Township 24 New Westminster District Plan 6914; and PID 011-252-723)

Louise Hinton, Bylaw Compliance and Enforcement Officer provided a PowerPoint presentation outlining the historic and current property bylaw infractions with respect to the property located at 41330 Nicomen Road, Electoral Area G, and the efforts of staff to encourage voluntary compliance by the property owner.

Chair Dickey asked if any members of the public wished to speak on this matter. No comments were offered.

Moved By STOBART
Seconded By BOUCHER

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 41330 North Nicomen Road Electoral Area G, Fraser Valley Regional District, British Columbia (legally described as Lot 1 Section 6 Township 24 New Westminster District Plan 6914; and Parcel Identifier 011-252-723).

CARRIED

3.3 Building Bylaw and BC Building Code Contraventions at 36162 Ridgeview Road, EA F, FVRD, BC (legally described as Lot 7 Section 4 Township 4 Range 2 West of the Seventh Meridian New Westminster District Plan 45682 PID 005-171-474)

Adriana Snashall, Bylaw Compliance and Enforcement Officer provided a PowerPoint presentation outlining the historic and current property bylaw infractions with respect to the property located at 36162 Ridgeview Road, Electoral Area F, and the efforts of staff to encourage voluntary compliance by the property owner.

Chair Dickey asked if any members of the public wished to speak on this matter. William Dahlman and Wendy Scott, property owners of 36162 Ridgeview Road were in attendance and reported that they have just received the blueprints for their house and that they are prepared to work towards bringing their building into compliance with the current building codes. Financial constraint was also cited, and they noted their hopes to get the necessary permits and proceed with the renovation within the next year.

Committee Members expressed concern with the time taken by the homeowners to get the building into compliance, and with the lack of response to staff's numerous attempts to communicate with the homeowners. As the property owners have indicated their commitment to start work towards bringing the building into compliance, CAO Paul Gipps noted that staff are willing to work with the homeowners. As such, the following motion was brought forward to provide the homeowners with additional time to comply.

Moved By BOUCHER

Seconded By ADAMSON

THAT the Fraser Valley Regional District Board direct staff to defer filing a Notice in the Land Title Office with respect to the property located at 36162 Ridgeview Road, Electoral Area F in order to provide the property owners additional time to bring their property into compliance;

AND THAT should the property owners not start to address the situation by September 2018 that a Notice of Title 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 36162 Ridgeview Road Electoral Area F, Fraser Valley Regional District, British Columbia (legally described as Lot 7 Section 4 Township 4 Range 2 West of the Seventh Meridian New Westminster District Plan 45682; and Parcel Identifier 005-171-474) be filed on September 25, 2018.

CARRIED

4. MINUTES/MATTERS ARISING

4.1 Minutes of the Electoral Area Services Committee Meeting - March 13, 2018

Moved By DIXON

Seconded By ADAMSON

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

CARRIED

5. CORPORATE ADMINISTRATION

5.1 Draft Bylaw Offence Notice Enforcement Amendment Bylaw No. 1480, 2018

Questions arose regarding ticketing for the Vedder River Campground and building bylaw penalties.

Moved By STOBART
Seconded By BOUCHER

THAT the Fraser Valley Regional District consider giving three readings and adoption to the bylaw cited as *Fraser Valley Regional District Bylaw Offence Notice Enforcement Amendment Bylaw No. 1480, 2018*.

CARRIED

6. FINANCE

6.1 Grant-In-Aid Request – Boston Bar North Bend Bowling Association, Electoral Area “A”

Moved By ADAMSON
Seconded By STOBART

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$1,000 to the Boston Bar North Bend Bowling Association, funded from the Electoral Area “A” grant-in-aid-budget, to help purchase trophies and awards for annual events at Canyon Lanes as well as sponsoring tournaments.

CARRIED

6.2 Grant-In-Aid Request – Sunshine Valley Ratepayers Association, Electoral Area “B”

Moved By ADAMSON
Seconded By DIXON

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$9,200 to the Sunshine Valley Ratepayers Association, funded from the Electoral Area “B” grant-in-aid budget, to help offset the costs of equipment rental for river cleanup, equipment for community workshops and special events, hosting a Canada Day celebration, website upgrades, and improvements to the community garden.

CARRIED

6.3 Grant-In-Aid Request – Hope & District Arts Council, Electoral Area “B”

Moved By ADAMSON

Seconded By NIEMI

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$3,000 to the Hope & District Arts Council (HDAC), funded from the Electoral Area “B” grant-in-aid budget, to provide funds for supporting arts and cultural programming attended by residents of Hope, Yale, Sunshine Valley, Laidlaw and surrounding areas.

CARRIED

7. ENGINEERING & UTILITIES

7.1 Community Sanitary Sewer Servicing in Popkum, Electoral Area "D"

Moved By ADAMSON

Seconded By DIXON

THAT in accordance with the FVRD Development Procedures Bylaw No. 1377, 2016 the Fraser Valley Regional District Board defer consideration of new bylaw amendments within the West Popkum neighbourhood of Electoral Area “D” until a policy guiding sanitary sewer servicing in Popkum is adopted.

CARRIED

8. PLANNING, BUILDING INSPECTION AND BYLAW ENFORCEMENT

8.1 Application for Development Variance Permit 2018-14 to vary the setback requirement from a highway and height requirement for a proposed duplex at 20917 Snowflake Crescent, Electoral Area "C"

Moved By NIEMI

Seconded By ADAMSON

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-14 to vary the highway setback requirement from 6 metres to 2.1metres on the north side of the lot and 6 metres to 3.74 metres on the west side of the lot; and to vary the maximum height from 12 metres to 14 metres to permit the construction of a duplex, subject to consideration of any comments raised by the public.

AND THAT Development Variance Permit 2018-14 replace and supersede Development Variance Permit 2017-14 and that Development Variance Permit 2017-14 be cancelled.

CARRIED

8.2 Application for Development Variance Permit 2018-17 to vary the setback requirement from a highway and height requirement for a proposed single family dwelling at 20934 Snowflake Crescent, Hemlock Valley.

Director Niemi reported that he has spoken to staff and is satisfied that there are no concerns as a result of this variance.

Moved By NIEMI
Seconded By ADAMSON

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-17, subject to comments or concerns raised by the public.

CARRIED

8.3 Good Neighbour Practices - Update

Moved By ADAMSON
Seconded By STOBART

THAT the Fraser Valley Regional District Board endorse the updated '*Good Neighbour Practices – Managing Construction and Development Impacts in Residential Neighbourhood*' document as policy for the FVRD Electoral Areas.

CARRIED

Staff was commended for the work done on developing this policy.

8.4 Special Event – Run for Water Trail Race Event on Sumas Mountain, Electoral Area “G”

CAO Paul Gipps reported that we have received all of the required documentation.

Moved By STOBART
Seconded By ENGAR

THAT the Fraser Valley Regional District Board approve the Class 1 Special Event Licence No. 2018-01 for the Run for Water Trail Race Event on Sumas Mountain (Electoral Area G) to be held on May 26, 2018;

AND THAT the Fraser Valley Regional District Board waive the requirement for a security fee;

AND FURTHER THAT the Fraser Valley Regional District Board authorize FVRD signatories to execute all legal instruments associated with the Special Event Licence No. 2018-01.

CARRIED

8.5 Policy regarding Large Homes on Agricultural Land

Margaret-Ann Thornton, Director of Planning and Development reported that at the last Electoral Area Services Committee meeting, there was an application for a development variance permit for height for a substantial size home in Electoral Area H. As a result, staff were asked to report on the issue of large homes on agricultural land, often referred to as “home plate”. Ms. Thornton noted that the Province has developed guidelines to address the size and where homes are to be located on agricultural property, the intent being that homes be located closer to the roads so as not take up agricultural viability of the property.

Ms. Thornton reported that to date in the electoral areas this has been the only application that has generated discussion on the issue of home plate. She noted that some municipalities are also looking at this issue and that Delta has a bylaw regulating home plate. Currently the City of Chilliwack and City of Richmond are also examining this issue. She stated that this will require public input and consultation with the agricultural farming community.

Ms. Thornton reported that review of home plate is not on the current 2018 Planning work plan and since we only have one application which has been identified as an issue, staff is proposing that we continue to monitor this in 2018 and look at including the review of home plate in the 2019 Planning work plan. It was also noted that currently the Planning Department is short-staffed.

8.6 Federal and Provincial Regulation of Medical and Recreational Marijuana

Mr. Gipps noted that the Province plans to adopt legislation for the sale and distribution of medical and recreational marijuana which will have significant impacts on the Regional District. Mr. Gipps noted that the Electoral Areas may see an increase of marijuana retail sales entrepreneurs, and therefore having the mechanism to manage these uses will be critical. He noted that Regional Districts differ from municipalities who have authority to issue business licences which is a powerful tool to regulate both the production and retail sales of medical/recreational marijuana. As such, staff are recommending that the Electoral Area Services Committee direct staff to approach the Province to amend our Letters Patent to support the inclusion of Business Licensing.

Margaret-Ann Thornton provided an update pertaining to the Federal and Provincial regulation of medical and recreational marijuana, noting that these regulations will impact land use, building and Bylaw enforcement regulations, policies and staff resources and priorities for the Electoral Areas. She noted that in 2013 a workshop was held with EA Directors to review Federal regulations at that time and develop a strategy of how Medical Marijuana Production Use will be defined and regulated as a land use. EA Directors then provided feedback and zoning bylaws were amended accordingly. Since that time this has now included recreational marijuana and retail sales. She also noted that moving forward, discussions with individual EA Directors will be necessary in terms of whether it is desirable to have retail sale of marijuana in their area and if so which zone would be appropriate.

Ms. Thornton reported currently there are ten rural liquor agency stores in the Electoral Areas in the FVRD. Of the ten stores, two stores located in Boston Bar and one in Sunshine Valley are not subject to zoning.

Discussion ensued and questions were raised regarding the criteria for selection of retail stores, restriction on the number of licences allowed for each Electoral Area and guidelines on the new Federal and Provincial regulations. It was also expressed that business licensing could be a barrier and deter home-based businesses in some communities. It was also proposed that the First Nations be involved in our dialogues so that they can express their concerns. It was suggested that an RCMP member be invited to an EASC meeting to provide an update on what their plans are when these regulations come into effect.

Staff reported that zoning and business licensing work together in tandem to be effective. Business licensing will regulate hours of operation, size of facility, and staffing criteria. If there is an issue with permit, under zoning, the tool is to take the offender to court which can be a lengthy and expensive process. With business licensing there is the ability to have a hearing, which is a much quicker process.

Staff noted that the Province is waiting to hear back from the Federal government before finalizing their plans.

Moved by NIEMI
Seconded by ENGAR

THAT the Electoral Area Services Committee recommend that staff contact the Province to request amendments to our Letters Patent allowing for the inclusion of Business Licensing.

CARRIED
Director Adamson Opposed

9. ELECTORAL AREA EMERGENCY SERVICES

9.1 Electoral Area Emergency Services Quarterly Report - March 2018

The report dated April 10, 2018 from Manager of Electoral Area Emergency Services providing a brief overview of the 1st quarter of 2018 for the Electoral Area Emergency Services Department was provided for information.

Director Adamson noted that an earthquake drill will be held this coming Sunday, April 15, 2018 in Electoral Area B.

10. ADDENDA ITEMS/LATE ITEMS

10.1 Application for Development Variance Permit 2018-15 to reduce road frontage requirements to facilitate a 3 lot subdivision of 52505 Yale Road, Electoral Area "D"

Moved By STOBART
Seconded By BOUCHER

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-15 to reduce the frontage requirement for Proposed Lots 'B' and 'C' at 52505 Yale Road from 10% of the lot perimeter to 9% and 2%, subject to consideration of any comments or concerns raised by the public.

CARRIED

10.2 Reasons for Decision in the Matter of Notice of Work "1610123 - Golden" (the Application) on Sumas Mountain, BC dated March 1, 2017

CAO Gipps reported that he is pleased to inform that the BC Ministry of Energy, Mines and Petroleum Resources has denied the issuance of a permit for a quarry with respect to "1610123 - Golden" (the Application) on Sumas Mountain, BC dated March 1, 2017. He noted that this has been a successful outcome and that staff will be speaking with the Province to turn this area into a park as originally promised. Staff was thanked for their work on this matter.

11. REPORTS BY STAFF

None

12. REPORTS BY ELECTORAL AREA DIRECTORS

Director Niemi – reported that a second public hearing for a subdivision in Lake Errock was held and, and he thanked staff for the hard work to move the process along.

Director Dixon - reported on the Assent Vote with respect to the Cultus Lake Sewer System Service Area would take place on Saturday, April 14, 2018. She reported on a meeting with the Chair and Vice Chair of Cultus Lake Park Board and School Board on sharing the costs of lake shore cleanup of debris that came up over the winter.

Director Adamson – reported that this Saturday, April 14, he and Director Niemi would be attending the tenth anniversary of New Pathways in Lytton, BC.

Director Stobbart – reported on a recent Lion's Club event that raised funds in the amount of \$16,000.

Director Boucher – reported on his meeting a week ago with the Ratepayers Association, and he noted that he will be meeting with McConnell Creek Hall members tonight.

Director Engar – reported the passing of Eric Munshaw who was a great advocate and long-term resident of the Chilliwack River Valley, and noted that he will be missed. He also noted that the Fraser Valley Dumping Alliance are putting up signage and FVRD Parks are working together with them. Homeless camps are appearing up again in the Valley and this will be an ongoing issue.

Director Dickey – thanked staff for the great work on communicating information regarding the Bridal Falls landslide hazard assessment, and also thanked staff for all their work and EA Directors for their cooperative spirit.

13. PUBLIC QUESTION PERIOD FOR ITEMS RELEVANT TO AGENDA

None

14. ADJOURNMENT

Moved By STOBART
Seconded By BOUCHER

THAT the Electoral Area Services Committee Open Meeting of April 10, 2018 be adjourned.

CARRIED

The Electoral Area Services Committee Open Meeting adjourned at 3:02 p.m.

MINUTES CERTIFIED CORRECT:

.....
Director Bill Dickey, Chair

DRAFT

To: Electoral Area Services Committee

Date: 2018-05-08

From: Kristy Hodson, Manager of Financial Operations

File No: 1850-20 / 003

Subject: Grant-In-Aid Request – 1st Hope Scouting, Electoral Area “B”

RECOMMENDATION

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$2,000 to 1st Hope Scouting, funded from the 2018 Electoral Area “B” grant-in-aid budget to help offset the costs associated with purchasing a used trailer to transport utility gear for events and excursions.

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

PRIORITIES

Priority #5 Outdoor Recreation

BACKGROUND

This request for funding is eligible under the “Activities/ programs which are accessible to a large portion of the electoral area” option.

DISCUSSION

Scouts Canada is an organization that strives to bring adventure, outdoor experience and friendship to youth. Specifically, the 1st Hope Scouting unit serves youth in Hope, Yale, Spuzzum, Sunshine Valley, Chawathil and Laidlaw, boasting a membership of 79 youth and volunteers.

1st Hope Scouting is requesting a \$2,000 grant-in-aid to assist with the costs of purchasing a used trailer to help transport utility gear on outings as this will save time and money on having to rent or borrow utility trailers that are not necessarily local. This will allow them to bring more youth out of town for travel opportunities as well as participating in more volunteer events with this increased capacity for transportation of equipment.

Director Adamson is in support of providing a grant-in-aid of \$2,000 to 1st Hope Scouting for this purpose.

COST

The \$2,000 cost will be funded from the Electoral Area "B" grant-in-aid budget which has sufficient funds to support this request

CONCLUSION

A grant-in-aid application has been received from 1st Hope Scouting seeking support for the purchase of a used utility trailer to transport equipment.

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: 1st Hope Scouting
Mailing Address: PO Box 1848
Hope, BC V0X1L0
Email Address: cibhope@yahoo.ca

Contact:

Crystal Medlock

→ 604-750-8294

Name
Yvonne Hambly

Telephone/Fax Number
→ 604-206-9003

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

We are a non-profit community group based out of Hope with youth and volunteers from Vale, Spuzzum, Hope, Sunshine Valley, Hope, Chawathil and Laidlaw. There are 79 youth and volunteers registered in our area.

APPLICATION SUMMARY:

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

It is becoming very difficult to move gear for so many youth and adults to camps, activities and volunteer opportunities. We would like to purchase a utility gear trailer (second hand) to help make our trips more successful and organized for all. → ①

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

We will be able to bring more youth to out of town travel opportunities - camps, daytrips and volunteer opportunities. We volunteer at Scout events as well as local organizations such as Brigade Days, Boston Bar May Days, 10 km Run, Salmon BBQ Competition, Chainsaw Competitions, community cleanups and → ②

Amount of Grant Requested: \$ 2000

**Please note: grants over \$4,000 require a financial statement and/or report on the applicant to be provided with the application.

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.

C Medlock
Group Commissioner -
Signature of Authorized Signatory and Title
1st Hope Scouting

Amount Approved: _____

Date: _____

Signature of Electoral Area Director _____

**Thank you for your consideration!*

① → we have had a very difficult time securing rental wharf trailers or borrowing them for camps. Often we have to drive to Lytton or Boston Bar to get a rental which costs us a night extra to rent plus gas, travel + time to get it. It would help us immensely with group travel and excursions as we have limited space for camping + personal gear because we are transporting so many youth to activities + camps. Our group is very low income and we have never turned away a family or child due to monetary needs. We are here to volunteer to give kids opportunities they wouldn't already have and to give back to our communities in meaningful ways.

② → many other places we get asked at the last minute to volunteer our time, equipment and energy / enthusiasm.

Conclusion -
We are very grateful for any support our Scouting group is given as we are a very low income community and because we have never turned away a child due to monetary restrictions, we usually put the majority of our fundraising dollars towards keeping Scouting affordable and inclusive to youth and young adults from ⁶⁹ Hope, Yale, Spuzzum, Chawath, Shwonehmet, Sunshine Valley, Dogwood Valley etc. Thank you for your consideration!

To: Electoral Area Services Committee

Date: 2018-05-08

From: Kristy Hodson, Manager of Financial Operations

File No: 1850-20 / 003

Subject: Grant-In-Aid Request – Royal Canadian Legion Branch 228, Electoral Area “B”

RECOMMENDATION

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$2,000 to the Royal Canadian Legion Branch 228, funded from the 2018 Electoral Area “B” grant-in-aid budget to help offset the costs associated with the completion of their lighting project.

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

BACKGROUND

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

DISCUSSION

The Royal Canadian Legion Branch 228 is located in Hope, and is utilized by surrounding communities for elections, memorial services, cadet corp. meetings, not-for-profit groups and other private events hosted by community members.

The Royal Canadian Legion Branch 228 is requesting a \$2,000 grant-in-aid to assist with the costs of repairing their lighting system. In 2017, a grant-in-aid of \$1,000 was issued for this project; however, they have noted that the project was bigger than they originally estimated. These additional funds would be used to finish repairing ballasts and relay switches.

Director Adamson is in support of providing a grant-in-aid of \$2,000 to the Royal Canadian Legion Branch 228 for this project.

COST

The \$2,000 cost will be funded from the Electoral Area "B" grant-in-aid budget which has sufficient funds to support this request.

CONCLUSION

A grant-in-aid application has been received from Royal Canadian Legion Branch 228 seeking support for lighting system repairs to their hall.

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:

Royal Canadian Legion Branch 228

Mailing Address:

Box 618
Hope BC Vox 140

Email Address:

rcmb228@telus.net

Contact:

Heather Bugstrom

Name

604-869-5465

Telephone/Fax Number

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

I have attached our Non-Profit Status as a Legion as we work under an Act of Parliament.

APPLICATION SUMMARY:

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

Our lightning system was started with your first grant approval but as was an enormous job we are applying for aid to finish repair of balasts and relay switches.

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

Our hall is used by the community for elections in our area. Memorial services for community veterans. A cadet core uses the hall 3 times a week.

Amount of Grant Requested: \$ 2000.00

****Please note: grants over \$4,000 require a financial statement and/or report on the applicant to be provided with the application.**

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.

A Bugstrom
Treasurer Branch 228
Signature of Authorized Signatory and Title

Amount Approved:

Date:

Signature of Electoral Area Director

CHAPTER 53
STATUTES OF BRITISH COLUMBIA, 1956
As amended 1962, 1964 and 1980

AN ACT RESPECTING THE PACIFIC COMMAND
AND BRANCHES OF THE ROYAL CANADIAN LEGION

(Assented to 2 March, 1956)

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows: -

- | | |
|--------------------------|--|
| Short Title | 1. This Act may be cited as THE ROYAL CANADIAN LEGION ACT. |
| Interpretation | 2. In this Act, unless the context otherwise requires: - "Branch" means a separate entity within the Province of British Columbia consisting of persons who are members of the Royal Canadian Legion and have been issued a charter by the Dominion Command of The Royal Canadian Legion as a Branch; "Command" means the Provincial Convention of The Royal Canadian Legion in the Province of British Columbia and when it is not in session, the Provincial Executive Council of The Royal Canadian Legion for the Province of British Columbia. "Legion" means The Royal Canadian Legion. |
| Property Rights | 3.(1) The Pacific Command of The Royal Canadian Legion, hereinafter called the Command, and every Branch of the Legion within British Columbia, may hold, possess or acquire by purchase, lease, exchange, donation, devise, bequest, endowment or otherwise any real and personal property necessary or useful for the carrying out of its purposes and objects, and may, subject to subsection (2) sell, lease, mortgage, pledge, hypothecate or alienate such property in any manner.

3.(2) No Branch shall, without the consent in writing of the Command, sell, lease, mortgage, pledge, hypothecate or alienate its real and personal property except in the ordinary and usual course of its activities. |
| Registration of Command | 4. The real property of the Command or of any Branch of the Legion in British Columbia may be registered in the proper Land Registry Office in the name of the Command or Branch. |
| Registration of Branch | 5. The name of the Command shall be as set out in Section 3, and the name of each regularly constituted Branch shall be as follows: -
<div style="text-align: center;">_____ Branch of The Royal Canadian Legion."</div> |
| Seal | 6. The Command and every Branch shall have an official seal of such design as may be determined by the Dominion Command of the Legion. |
| Execution of Instruments | 7. All deeds, bonds, mortgages, transfers, assurances, conveyances, contracts, and other instruments with respect to real and personal property owned by the Command or a Branch shall be executed under the seal of the Command or Branch, attested by the signatures of the President of the Command or Branch and its Secretary for the time being. |

Property in Name
of Trustee

8. Where the title to any real property belonging to the Command or a Branch is registered in the proper Land Registry Office in the name of any person in trust for the Command or a Branch, then, whether the person is alive or not, the Command or Branch may make application for the registration of the title so registered in its name, and the Registrar, upon being satisfied that the title is so registered in trust, and without the consent of such person or his personal representative, shall issue a certificate of title in the name of the Command or Branch, subject to the provisions of the "Land Registry Act."

Powers on
Suspension or
Cancellation of
Charter

8A(1) Where the charter of a Branch has been suspended and trustees appointed pursuant to the provisions of the by-laws of The Royal Canadian Legion, all the powers of the officers of the Branch cease.

(2) The trustees have all the powers of the officers of the Branch and may exercise all the powers of the Branch.

(3) The trustees may execute on behalf of the Branch all instruments referred to in Section 7.

(4) A certificate under the seal of the Command as to the appointment of the trustees is prima facie evidence of the appointment and of the regularity of all proceedings in connection therewith.

(5) When a Branch has ceased to exist pursuant to the by-laws of The Royal Canadian Legion, all the powers, rights, privileges, franchises, assets, effects, and properties, real, personal, and mixed, belonging to or possessed by the Branch or to which it is or would hereafter have been or become entitled vests in the Command, but subject nevertheless to all debts, liabilities, and obligations of the former Branch.

(6) A certificate under the seal of the Command as to the fact that a Branch has ceased to exist and its charter cancelled is for all purposes sufficient evidence, both at law and in equity, of that fact.

(7) Upon the application of the Command in accordance with the provisions of the Land Registry Act accompanied by the certificate referred to in subsection (6), the Registrar of Titles shall register the title so vested in the name of the Command.

Incorporation of
of Societies

9. No Branch in British Columbia shall hereafter incorporate or cause the incorporation of any society to be operated by the Branch, or for purposes to the benefit of the Branch, other than such a society incorporated to undertake such activities as are specifically provided in the general by-laws of The Royal Canadian Legion.

Reference to
By-laws

10. Nothing herein contained shall be held to confer or impose upon the Command or any Branch any right, power, obligation, or duty inconsistent with the Act of Incorporation of the Legion and the By-laws and rules pursuant thereto.

September, 1980

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

Date: 2018-05-08
File No: 1850-20 / 003

Subject: Grant-In-Aid Request – District of Hope Ratepayers Association, Electoral Area “B”

RECOMMENDATION

THAT the Electoral Area Services Committee provide direction to Staff regarding the grant-in-aid request from the District of Hope Ratepayers Association to fund a video camera with the intention of recording Hope Council and other community group meetings.

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

BACKGROUND

This request for funding is eligible under the Electoral Area Grant-In-Aid Policy under the “Use of new approaches/techniques in solving community challenges” and “Activities/programs which are accessible to a large portion of the electoral area” options.

DISCUSSION

The District of Hope Ratepayers Association is a volunteer run organization that is highly involved in the community.

The District of Hope Ratepayers Association is requesting a \$1,000 grant-in-aid to pay for a video camera with good sound quality with the intent of recording Hope Council meetings and other community group meetings that will be available for public viewing. If any funds remain, they will be used for the next Lego Expo.

Director Adamson is in support of providing a grant-in-aid of \$1,000 to the District of Hope Ratepayers Association for this event.

COST

The \$1,000 cost will be funded from the Electoral Area "B" grant-in-aid budget which has sufficient funds to support this request.

CONCLUSION

A grant-in-aid application has been received from the District of Hope Ratepayers Association seeking funds to purchase a video camera to record Hope Council and other community group meetings to be available for public viewing.

COMMENTS BY:

Mike Veenbaas, Director of Financial Services

As the request meets an eligibility requirement of the EA Grant In Aid policy, it is being presented to EASC for direction.

Paul Gipps, Chief Administrative Officer

Reviewed and seeking direction



GRANT-IN-AID APPLICATION

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

Applicant Name: DISTRICT OF HOPE RATEPAYERS ASSOCIATION
Mailing Address: 63740 OLD YALE ROAD
HOPE, BC V0X 1L2
Email Address: noir1@telus.net

Contact:

SHIRLEY CORBEIL
Name

604 869-9439
Telephone/Fax Number

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

THE DISTRICT OF HOPE RATEPAYERS IS A NON PROFIT SOCIETY WHOSE AIM IS TO PROMOTE AWARENESS OF PUBLIC ISSUES AND OFFER AID TO AND FOR INDIVIDUALS AND PROJECTS IN THE COMMUNITY. WE ARE PROUD TO BE ASSOCIATED WITH OUR COUNTERPARTS IN AREA B, THE YALE AND SUNSHINE VALLEY RATEPAYERS.

APPLICATION SUMMARY:

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

FUNDS WOULD GO TOWARD THE PURCHASE OF A VIDEO CAMERA WITH GOOD SOUND QUALITY. ONE OF OUR ONGOING PROJECTS IS TO ENSURE THAT ALL HOPE COUNCIL MEETINGS AND OTHER COMMUNITY GROUP MEETINGS ARE RECORDED FOR PUBLIC VIEWING. ANY ADDITIONAL FUNDS WILL BE USED FOR PARK ST. PROJECTS AND OF COURSE ... THE NEXT 'LEGO EXP'!!

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

MANY ISSUES DECIDED BY THE DISTRICT OF HOPE COUNCIL DIRECTLY EFFECT RESIDENTS OF AREA B AS WELL AS HOPE ITSELF. HAVING OUR RECORDINGS AVAILABLE TO ALL ENSURES AND WILL CONTINUE TO PROVE BENEFICIAL FOR PUBLIC AND PERSONAL PLANNING. OUR EFFORTS AT PARK ST. MANOR WILL CONTINUE TO ENSURE RESIDENT SAFETY AND ENJOYMENT.

Amount of Grant Requested: \$ 1000

**Please note: grants over \$4,000 require a financial statement and/or report on the applicant to be provided with the application.

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.

[Signature]
EXEC. DIR. DISTRICT OF HOPE RATEPAYERS
Signature of Authorized Signatory and Title

Amount Approved: _____

Date: _____

Signature of Electoral Area Director _____

To: Electoral Area Services Committee

Date: 2018-05-08

From: Kristy Hodson, Manager of Financial Operations

File No: 1850-20 / 002

Subject: Grant-In-Aid Request – Chilliwack Community Arts Council, Electoral Area “E”

RECOMMENDATION

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$850 to the Chilliwack Community Arts Council with the grant being funded from the 2018 Electoral Area “E” grant-in-aid budget and being used to help offset the cost of a local contractor to fire the clay pots for the “Raku In The Valley” event, as well as permitting costs for park rentals.

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

PRIORITIES

Priority #4 Tourism

BACKGROUND

This grant application meets the eligibility requirements under the “Promotion of volunteer participation and citizen involvement” and “Activities/ programs which are accessible to a large portion of the electoral area” options of the Electoral Area Grant In Aid Policy.

DISCUSSION

The Chilliwack Arts Council is an organization whose purpose is to enrich the quality of life for residents of Chilliwack and area by encouraging education and participation in the Arts. They offer a number of outreach arts and culture programs and activities in a variety of locations.

The Council is requesting an \$850 grant-in-aid to help support a “Raku In The Valley” event taking place at Thompson Regional Park located in the Chilliwack River Valley. This event celebrates local artists and involves outdoor firing of small raku clay pots after patrons have glazed them. The event includes the Chilliwack River Valley Fire Department on site for safety and aims to bring the arts community and local citizens together to celebrate the arts.

Director Engar is in support of providing an \$850 grant-in-aid to help offset the costs of hosting this event.

COST

The \$850 cost will be funded from the Electoral Area "E" grant-in-aid budget which has sufficient funds to support this request.

CONCLUSION

The Chilliwack Community Arts Council has submitted a grant-in-aid application seeking funding support for their "Raku In The Valley" event taking place at FVRD's Thompson Regional Park. The event is being setup as a community celebration of the arts and clay pottery in particular.

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 Community Arts Council

Mailing Address: #20-5725 Vedder Road.

Chilliwack BC V2R 3N4

Email Address: rwilford@chilliwackartsCouncil.com

Contact:

Reg Wilford
Name

Ph: 604-769-2787
Telephone/Fax Number

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

Please see attached Statement of eligibility

APPLICATION SUMMARY:

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

Please see attached project description.

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

Please see attached statement of funds usage.

Amount of Grant Requested: \$ 850.00

****Please note:** grants over \$4,000 require a financial statement and/or report on the applicant to be provided with the application.

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.

[Signature]
Executive Director
Signature of Authorized Signatory and Title

Amount Approved:

Date: _____

Signature of Electoral Area Director

Fraser Valley Regional District
Grant-in-Aid Application
March 27, 2018

Raku In The Valley – Pottery Glazing & Firing
Saturday, May 26, 2018
Thompson Regional Park

Statement of eligibility:

“The Chilliwack Community Arts Council is an umbrella organization whose purpose is to enrich the quality of life for the residents of Chilliwack by the effective use of resources and volunteers to encourage education and participation in the Arts.”

Founded in 1960, the Chilliwack Community Arts Council is a registered charitable organization and home to artists, crafters, and arts and cultural enthusiasts. The CCAC strives to offer support for individuals, groups, and organizations within the arts community, and host outreach arts and culture programs and activities in a variety of locations to promote the arts.

Project:

The CCAC has produced and hosted an annual **Raku In The Valley** event for the past three years. We are currently planning our fourth event for Saturday, May 26, 2018. This popular event features and celebrates local pottery artists and brings the art of Raku pottery making out into the community to those who may not normally have an opportunity to experience the creative process of Raku, in an area – The Chilliwack River Valley – where currently there are very few opportunities for community engagement through ceramic arts. The main focus of the event is an outdoor firing of small Raku clay pots after patrons have glazed them. Three local potters make the pots and the firing is done by Rainforest Pottery, based in Yarrow, BC. The event offers community participants and visitors the opportunity to delve into the glazing and firing processes, encouraging an appreciation of the art form.

The Chilliwack River Valley Volunteer Fire Department is on site for safety around the firing area. The fire department also hosts a hot dog barbeque to raise funds for the purchase of valuable equipment, ensuring their ability to provide vital services to the community.

Many visitors stay for the duration of the day to watch the firing and walk along the trail. We provide a market place for artisans to demonstrate and sell their handmade works of art, adding value to spending the day at Thompson Regional Park.

How these funds benefit the community:

In previous years, the CCAC has received sponsorship funding for this event through a local financial organization along with grant funding from FVRD. This year, however, the financial organization has elected to sponsor us in other areas in order to renew their sponsorship portfolio, and so we are asking the FVRD Grant-in-aid organization to help us ensure a successful event. As the CCAC is a non-profit society, we fundraise all year long to be able to provide access to the arts, including the event, ***Raku In The Valley***. We are requesting \$850 for the event and this will go towards the hiring of the locally-based FVRD contractor - Wild Fire Pottery Co. – who brings equipment on site to fire the clay pots - a cost of \$750. We are requesting an additional \$100 to cover the cost of either promotions and/or the permit costs for the use of the Thompson Regional Park as applied by FVRD.

This event is very unique for our electoral area and region and brings community members of all ages and demographics to a beautiful outdoor location just minutes from Vedder Crossing to discover Thompson Regional Park and the amenities around it. The event also promotes the work of artists, plus introduces community members to Raku pottery and how it is fired. Many engagement and business opportunities are created through this event as local artists and small business owners are hired and supported through revenue to share their craft and create an engaging event for visitors. Additionally, the local Volunteer Fire Department are able to raise funds for their own non-profit organization. For many who come to the event this will be their sole opportunity to engage in arts in the area and we feature events and activities for all members of the family. Through this event we are able to engage our local volunteers, and the event would not be possible without the support of these individuals and of sponsoring organizations, such as FVRD. People come from throughout the FVRD electoral area to attend this event and the vendors and artisans on display have an opportunity to share their products and art forms with visitors.

If you have any other questions or comments, please feel free to contact me.

Thank you for your consideration,

Reg Wilford
Executive Director
Chilliwack Community Arts Council
20-5725 Vedder Rd. Chilliwack, BC V2R 3N4
Ph: 604-769-ARTS (2787)
Mobile: 604-999-9194

To: Electoral Area Services Committee

Date: 2018-05-08

From: Kristy Hodson, Manager of Financial Operations

File No: 1850-20 / 007

Subject: Grant-In-Aid Request – Deroche Farmers Market, Electoral Areas “C” and “G”

RECOMMENDATION

THAT the Fraser Valley Regional District Board approve a grant-in-aid to the Deroche Farmers Market Society in the amount of \$2,500, to be funded from the 2018 Electoral Area “C” grant-in-aid budget in the amount of \$1,500 and the 2018 Electoral Area “G” grant-in-aid budget in the amount of \$1,000 to help offset the costs associated with advertising, tent repairs, acquiring new signage, new tables and chairs for the market.

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

PRIORITIES

Priority #4 Tourism

BACKGROUND

This request for funding is eligible under the “promotion of volunteer participation and citizen involvement” and “activities/ programs which are accessible to a large portion of the electoral area” options.

DISCUSSION

The Deroche Farmers Market Society is a non-profit community group that hosts a weekly farmer’s market at the FVRD Deroche Office. Their aim is to address the lack of fresh food available locally and to provide economic opportunities to showcase and/or purchase local “make, bake and grow” items.

The Society is requesting a \$2,425 grant to help offset the costs associated with expanding the market’s advertising efforts to attract more vendors with a larger variety of products as well as purchasing more tables and chairs to facilitate the increase in vendors.

A grant-in-aid of \$2,500 was issued in 2017 for the Deroche Farmers Market, and FVRD has since contacted the Society in regards to our Financial Accountability & Reporting section in our Grant In Aid

Policy which requires those who receive grants over \$1,000 to follow up with a letter to FVRD regarding usage of funds and their success, including pictures of the project/ event and any other supporting information. To date, we have not received any information on how the funds were used. Under the Eligibility section of our policy, one of the items is that an applicant may be excluded from applying due to not meeting the above reporting requirement for a previously awarded grant.

Director Niemi is in support of providing a grant-in-aid of \$1,500 towards their grant request and Director Stobbart is in support of providing an additional \$1,000.

COST

The \$2,500 cost will be funded from the Electoral Area "C" grant-in-aid budget (\$1,500) and the Electoral Area "G" grant-in-aid budget (\$1,000). Both of these budgets have sufficient funds to support this request.

CONCLUSION

A grant-in-aid application has been received from the Deroche Farmers Market Society seeking funds to help purchase advertising, tables, chairs, and signage.

COMMENTS BY:

Mike Veenbaas, Director of Financial Services

Not available for comment.

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: Deroche Farmers Market

Mailing Address: PO Box 178 Lake Errock, BC V0M 1N0

Email Address: derochefarmersmarket@gmail.com

Contact:

Alisha Trottier
Name

604-556-4930
Telephone/Fax Number

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

The Deroche Farmers Market Society is a non-profit organization, managed and operated by
volunteers.

APPLICATION SUMMARY:

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

Please see attached letter

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

Please see attached letter

Amount of Grant Requested: \$ 2425

****Please note:** grants over \$4,000 require a financial statement and/or report on the applicant to be provided with the application.

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.

Alisha Trottier
DFM Coordinator
Signature of Authorized Signatory and Title

Amount Approved:

Date: _____

Signature of Electoral Area Director

April 24th, 2018

FVRD Grant-in-Aid Application for: Deroche Farmers Market

The Deroche Farmers Market Society is a non-profit organization managed and operated by volunteers. We are starting the new 2018 season in June with a new operating day and time, Saturdays 9-1. We have one new Board member who has some fresh ideas to help the market flourish within the community.

We want to expand the markets advertising efforts in hopes to bring in more vendors with a larger variety of products. We will continue again to host multiple celebrations and events. We will need funds to help cover advertising and new signage, tent repair, new tables and chairs. We intend to host 5 fundraising events during the regular market days: a plant sale and car wash, opening day celebration, a childrens festival, a safety day and a salmon celebration.

We wish to provide our local communities of Deroche, Dewdney, Lake Errock and Harrison Mills with the opportunity to showcase and/or purchase local “make, bake and grow” items. With this we also want to provide a community gathering place for all ages. There are very few local events that can bring our community together. Being the small and unique community that we are, we feel that having this weekly market event will provide an opportunity to develop both economically and socially.

The Deroche Farmers Market will run every Saturday from June 9th to Sept 22nd, 2017. Our first fundraiser will take place on May 12th.

We would like to request aid in the amount of \$2425. This amount will also help to cover the new rental policy of a \$25 fee per use of the FVRD parking lot in Deroche.

Your consideration is greatly appreciated.

Alisha Trottier
Market Coordinator
Deroche Farmers Market

Ph: 604-556-4930
Email: derochefarmersmarket@gmail.com

Mail: PO Box 178 , Lake Errock, BC V0M 1N0

To: Electoral Area Services Committee

Date: 2018-05-08

From: Sterling Chan, Manager of Engineering and Infrastructure

File No: 3320-20-2016-04061

3320-20-2015-04298

Subject: Building Covenant for Stonewood Place Subdivision (Thompson Road, Electoral Area D)

RECOMMENDATION

THAT, in accordance with Covenants CA6199207 and CA5744615, the Fraser Valley Regional District Board authorize staff to issue up to a maximum of ten (10) additional building permits for new single family homes between subdivision files 3320-20-2016-04061 and 3320-20-2015-04298.

STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship

Provide Responsive & Effective Public Services

PRIORITIES

Priority #1 Waste Management

BACKGROUND

Each lot within the recently completed 26 lot Stonewood Place Subdivision (FVRD subdivision file no 3320-20-2015-04298) located off of Thompson Road in Electoral Area D, has a covenant on title that controls activity on each lot. There a condition within the covenant, limiting the number of building permits that may be issued within the subdivision to 10 until a sewage treatment plant is in place to service the subdivision.

There is a similar covenant registered on the 12 lot Bunker Road Subdivision (FVRD subdivisions file no 3320-20-2016-04061), which is nearing completion. However, in this case no building permits may be issued until a sewage treatment plant is in place to service the subdivision.

Both subdivisions are being completed by the same developer and both will be serviced a sewage treatment plant which is currently under construction adjacent to the former Minter Gardens property. Until the sewage treatment plant is completed and has been commissioned, all sewage will be pumped and hauled offsite for disposal. The developer has entered into an agreement with the FVRD to assume the cost of this interim pump and haul operation. The reason behind the covenant was to limit the exposure of the developer and the FVRD under the pump and haul arrangement.

DISCUSSION

Sewage treatment is a biological process, which requires a certain amount of 'feed' to function correctly. When the covenant was originally contemplated, building permits were limited to 10 as that was the minimum threshold of homes feeding into the plant required to keep the biological process alive. In the time since, the sewage treatment technology to be used at this plant has been changed and the minimum number of homes needed to feed the plant is now between 15 and 20.

For the Stonewood Place Subdivision, the 10 building permits allowed under the covenant have all been issued. Progress on the construction of these homes is varied, while some homes have been completed and are now occupied, others have just poured foundations. Additionally, there were two show home permits issued as well as one existing home from the parent property. The developer has indicated that they have many more builders who would like to apply for building permits but cannot due to the covenant.

Construction on the sewage treatment plant has been on going and the plant itself is nearing completion. Installation of the disposal field, has not yet started as this must take place in dry weather conditions and is believed to be the critical path item. It is anticipated that construction will be completed by the end of August. Given this timeline, the need to have 15-20 homes completed prior to turning on the sewage treatment plant and the time it takes to apply for a building permit and construct a home it seems appropriate to consider allowing the issuance of additional building permits.

Staff are recommending to take in an additional 10 building permits immediately. These building permits would be processed but not issued until a certificate of completion for the sewage treatment plant (minus the disposal field) has been received from the engineer overseeing construction. The developer has requested that these additional 10 building permits be split between the 26 lot Stonewood subdivision and the 12 lot Bunker Road subdivision on an on demand basis.

Each of the covenants has been written with a clause stating that "the Regional District may, but shall in no way be obligated to, enforce any or all of the provisions of this Agreement and may waive or amend any requirements contained herein". Should the Board agree with Staff's recommendation the covenants would not require amendment in order to issue additional building permits.

COST

There are no costs associated with this report's recommendations.

COMMENTS BY:

Tareq Islam, Director of Engineering & Community Services
Margaret Thornton, Director of Planning & Development
Mike Veenbaas, Director of Financial Services
Paul Gipps, Chief Administrative Officer

Reviewed and supported.
Reviewed and supported.
Not available for comment.
Reviewed and supported.

To: Electoral Area Services Committee

Date: 2018-05-08

From: Dawn Smith, Planner II

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 for property located at 50912 Winona Road, Electoral Area E, to vary the front lot line setback requirement from 4.6 metres to 2.16 metres, clear to sky, to allow for a covered entry roof overhang.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

LIST OF ATTACHMENTS:

- Appendix A: Staff report dated March 13, 2018, includes Site Plan, Floor Plan, Elevation Drawings and Ministry of Transportation and Infrastructure permit to reduce setback less than 4.5 metres from the property line fronting a provincial public highway.
- Appendix B - Draft Development Variance Permit 2018-09
- Appendix C: Email from applicant/property owner dated April 23, 2018 with response to Regional Board comments.

BACKGROUND

- Property owner has applied for a Development Variance Permit to reduce the front lot line setback from 4.6 metres to 2.16 metres clear to sky for a covered entry and roof overhang on a single family dwelling.
- Regional Board meeting of March 27, 2018, Development Variance Permit 2018-09 was referred back to staff for further investigation of the site conditions including slope hazard, access, parking for the single family dwelling, and nearby property owner concerns regarding aquifer impacts.

- Attached staff report dated March 13, 2018 provides additional property and proposal information.

DISCUSSION

The property owner has responded to the March 27, 2018 Regional Board comments in an email dated April 23, 2018 (attached) as follows:

Issue	Applicant Response	FVRD comments
Slope Hazard	Fraser Valley Engineering Ltd report dated March 23, 2015 reviewed site, provided recommendations and house siting.	FVRD issued Development Permit 2014-13 on April 10, 2015 (geohazard Development Permit) based on Fraser Valley Engineering Report dated March 23, 2015.
Access	Existing driveway will be used.	
Parking	Three parking spaces provided; one car garage, one car driveway and a carport.	Zoning Bylaw No. 66 requires two parking spaces. This requirement has been satisfied.
Aquifer	Aquifer was considered by Fraser Valley Engineering Ltd.	Fraser Valley Engineering Ltd. report confirms no wells within 60 metres of building site.

As noted in the March 13, 2018 staff report, the house and encroaching overhang has already been constructed, and the site is significantly constrained with geohazard setbacks from steep slopes. The resulting buildable area provides for a modest 1851 square foot home, which maximizes the use of land with a three storey structure.

FVRD Planning staff attended the site with Director Engar on April 17, 2018 to observe the encroachment and site conditions.

The applicant has provided a response to comments raised by the Regional Board at their March 27, 2018 meeting.

The Regional Board can review the DVP 2018-09 application with the applicant response, and determine whether to issue the variance. The proposal has not changed; therefore no new neighbour notification process is required.

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 the applicant response, MOTI approval and geotechnical constraints of the lot, staff recommends Development Variance Permit 2018-09 be issued.

OPTIONS

Option 1 – Issue (Staff Recommendation)

Staff recommend that the FVRD Board issue Development Variance Permit 2018-09 for the property located at 50912 Winona Road to vary the front lot line setback requirement from 4.6 meters to 2.16 metres, clear to sky, to allow for a covered entry roof overhang.

Option 2 – Refuse

If the Board wishes to refuse the application, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2018-09 for the property located at 50912 Winona Road.

Option 3 – Refer to Staff

If the Board wishes to refer the application back to staff to address outstanding issues, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2018-09 for the property located at 50912 Winona Road to FVRD Staff.

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

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

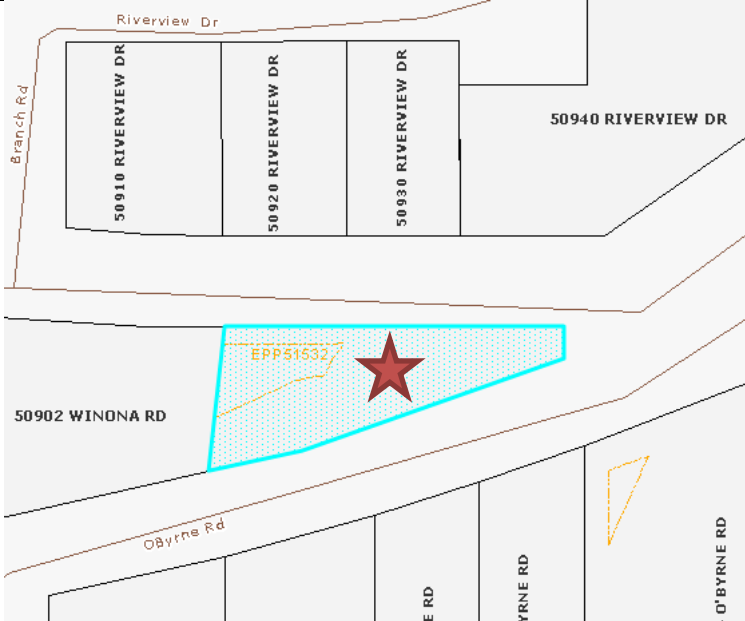
Provide Responsive & Effective Public Services

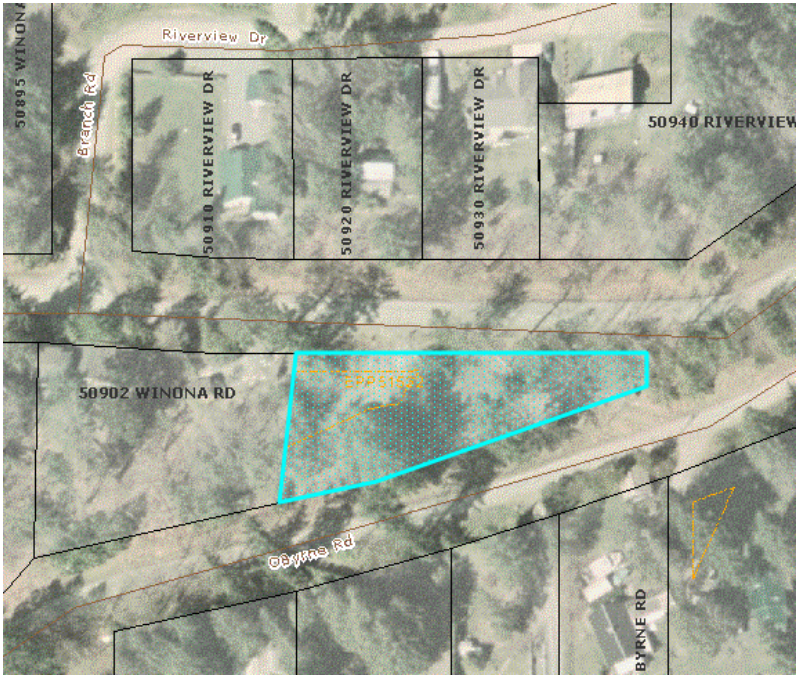
LIST OF ATTACHMENTS:

- 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

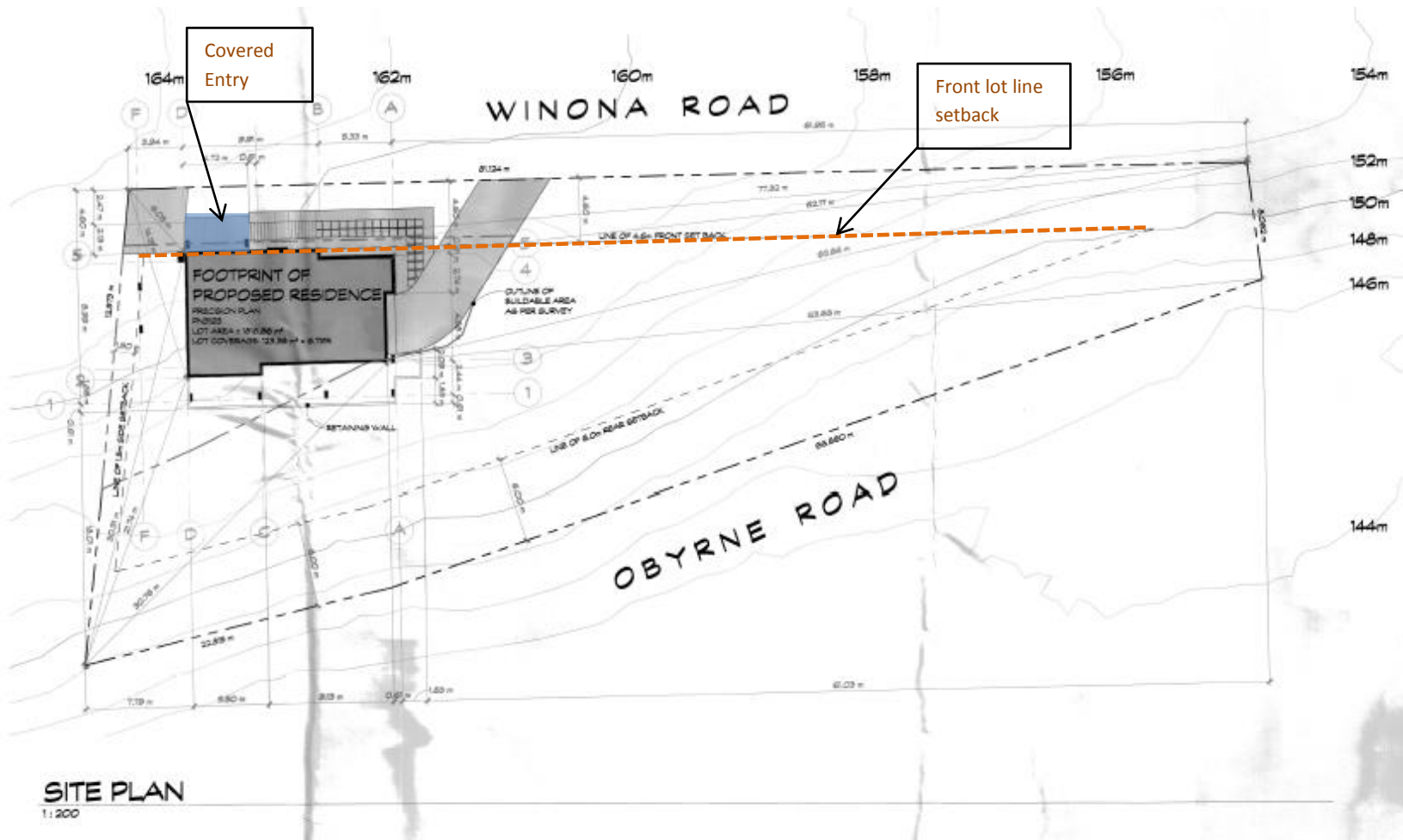
Margaret Thornton, Director of Planning & Development - Reviewed and supported

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

Paul Gipps, Chief Administrative Officer Reviewed and supported

Appendix A

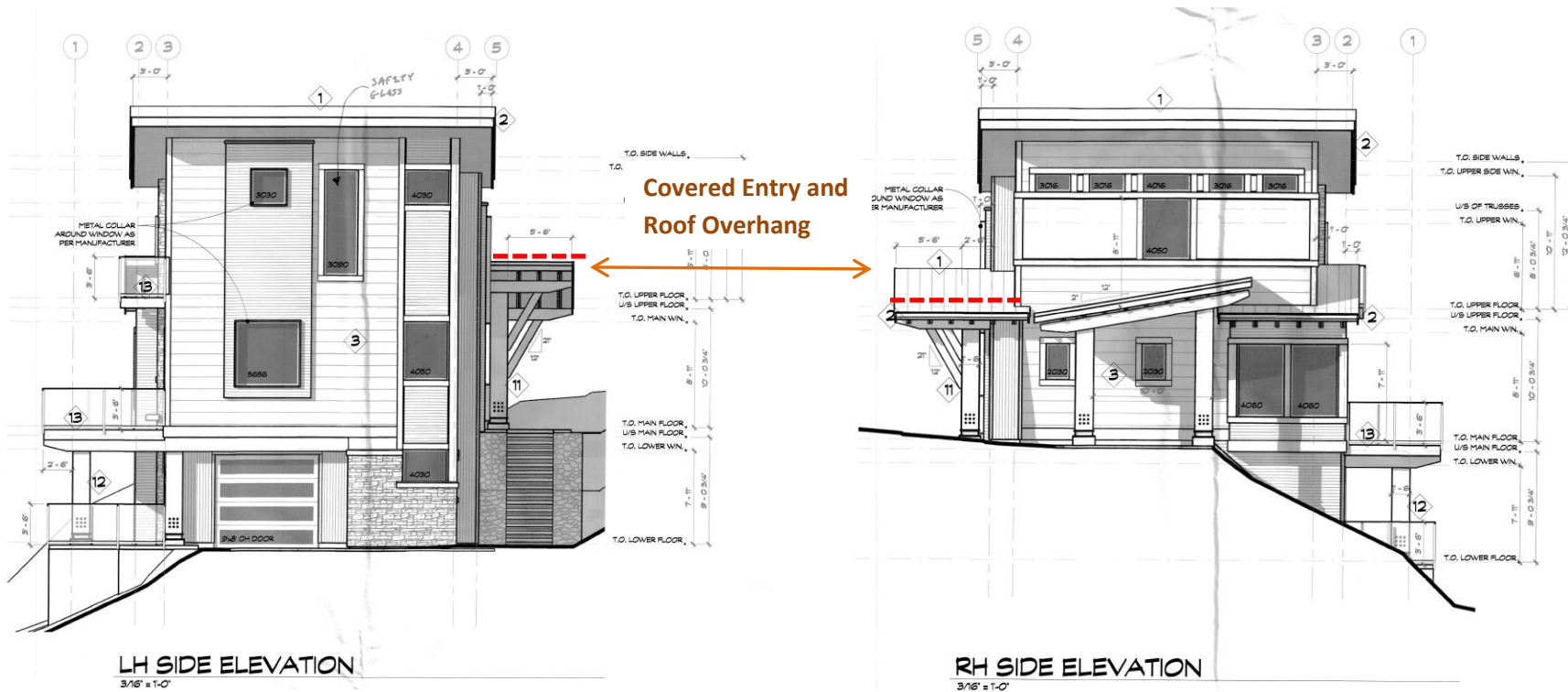
Site Plan



Appendix B




Floor Plan

Elevation Drawings



Appendix D

Ministry of Transportation and Infrastructure Permit

<div data-bbox="128 371 504 420"> BRITISH COLUMBIA Ministry of Transportation and Infrastructure</div> <div data-bbox="604 368 989 407">Permit/File Number: <u>2018-00488</u> Office: <u>Chilliwack Area Office</u></div> <div data-bbox="119 436 919 487">PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY</div> <div data-bbox="119 508 932 573">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.</div> <div data-bbox="172 591 254 609">BETWEEN:</div> <div data-bbox="399 621 699 717"><p>The Minister of Transportation and Infrastructure Chilliwack Area Office 45890 Victoria Avenue Chilliwack, BC V2P 2T1 Canada</p></div> <div data-bbox="653 730 756 750">("The Minister")</div> <div data-bbox="172 761 218 779">AND:</div> <div data-bbox="441 792 676 855"><p>Ger Zijnen 50902 Winona Road Chilliwack, British Columbia V4Z 1B7 Canada</p></div> <div data-bbox="651 868 762 888">("The Permittee")</div> <div data-bbox="172 901 256 919">WHEREAS:</div> <div data-bbox="142 932 953 1105"><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>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></div> <div data-bbox="117 1115 936 1151"><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></div> <div data-bbox="142 1179 980 1382"><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.</div> <div data-bbox="900 1425 982 1445">Page 1 of 2</div>	<div data-bbox="1050 371 1411 420"> BRITISH COLUMBIA Ministry of Transportation and Infrastructure</div> <div data-bbox="1499 368 1883 407">Permit/File Number: <u>2018-00488</u> Office: <u>Chilliwack Area Office</u></div> <div data-bbox="1039 496 1759 516">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.</div> <div data-bbox="1039 540 1719 561">Dated at <u>Chilliwack</u>, British Columbia, this <u>26</u> day of <u>January</u>, 2018</div> <div data-bbox="1509 597 1740 683"></div> <div data-bbox="1499 688 1663 708">On Behalf of the Minister</div> <div data-bbox="1793 1382 1883 1401">Page 2 of 2</div>
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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
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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



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.

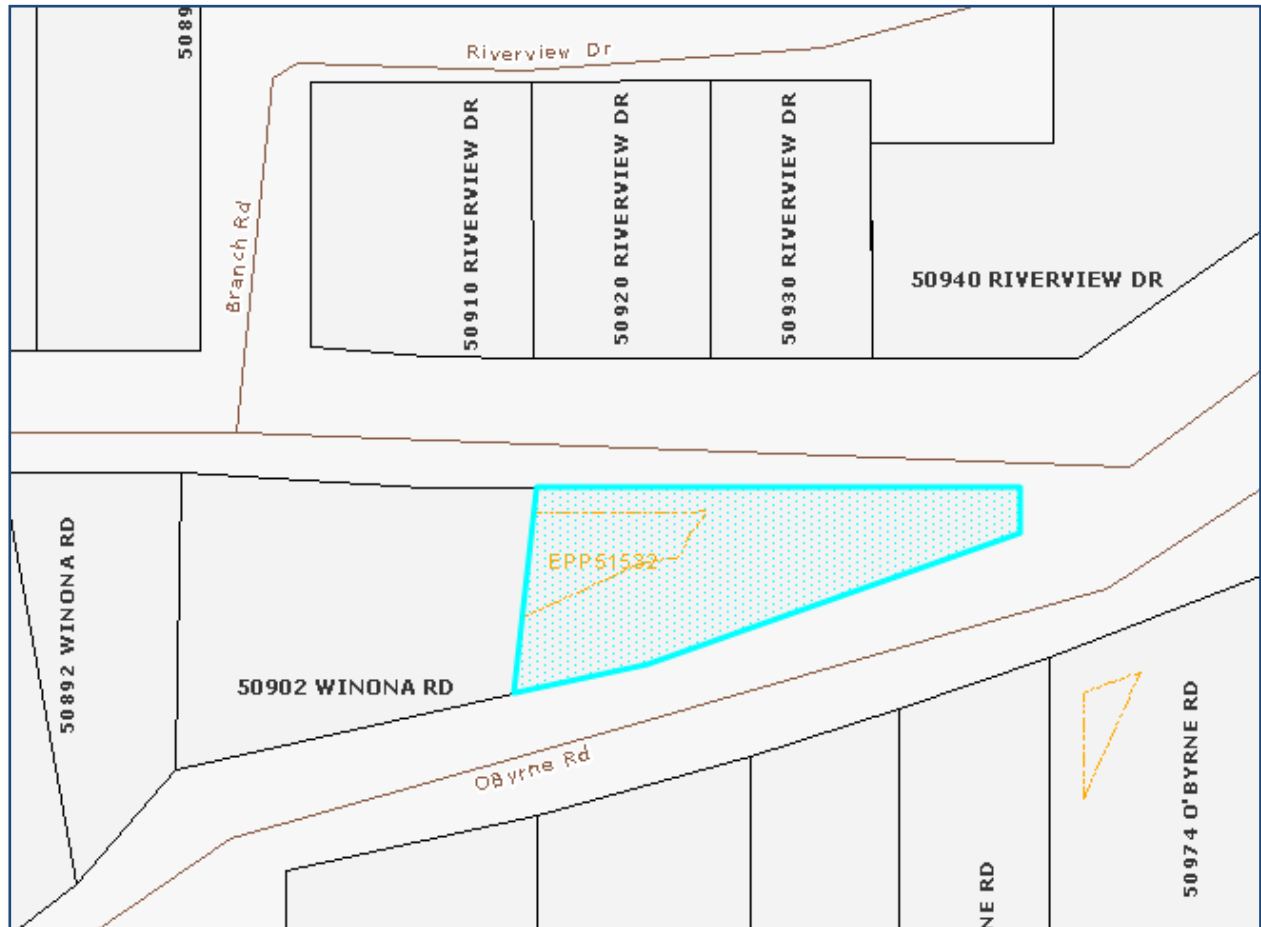
AUTHORIZING RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF THE FRASER VALLEY REGIONAL DISTRICT ON THE <DAY> DAY OF <MONTH>, <YEAR>

Chief Administrative Officer / Deputy

THIS IS NOT A BUILDING PERMIT

DRAFT

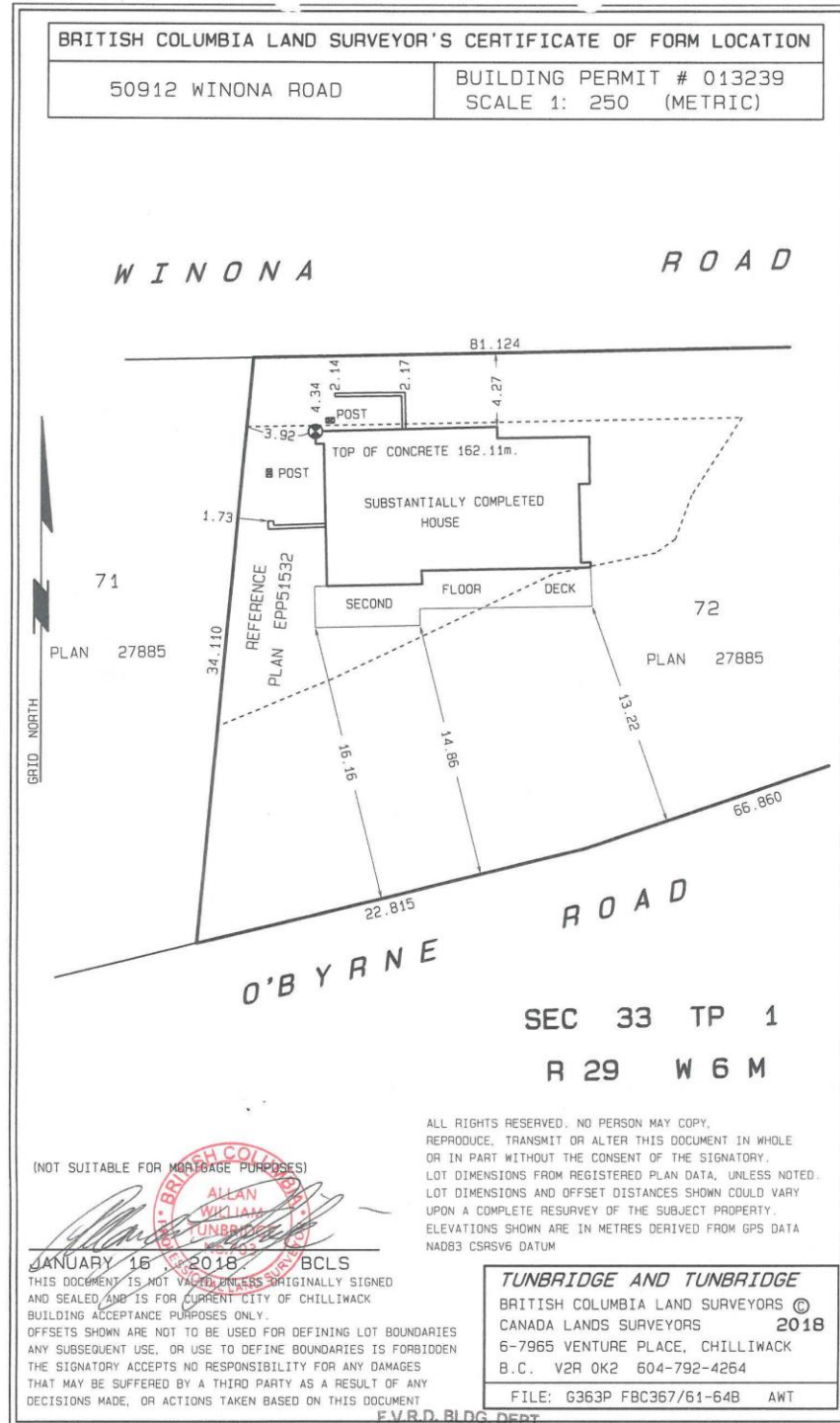
DEVELOPMENT VARIANCE PERMIT 2018-09
SCHEDULE "A"
Location Map



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

From: [Dawn Smith](#)
To: [Dawn Smith](#)
Subject: FW: FVRD DVP 2018-09
Date: April-24-18 10:23:04 AM

From: Ger Zijnen [REDACTED]
Sent: April-23-18 5:51 AM
To: Dawn Smith
Subject: Re: FVRD DVP 2018-09

GOOD MORNING DAWN,

REGARDING THE STEEP SLOPE QUESTION THE LOT IS ENGINEERED BY FRASER VALLEY ENGINEERING WHO HAVE DONE EXTENSIVE TESTING AND PREVIEW TO DETERMIN THE BUILDING ENVELOPE ON WHERE THE HOUSE IS PLACED.

ALSO THE REQUIRED DISTANCE AWAY OF THE EMBANKMENT EDGE ON THE SOUTH SIDE OF THE HOUSE .

IM CONFIDENT THAT IN THE PROCESS THE ENGINEER (WHO IS FAMILIAR WITH THIS AREA) HAS TAKEN THE AQUIFER IN CONSIDERATION IN HIS PLANNING .

FOR PARKING SPACE WE HAVE A 1 CAR GARAGE AND 1 OUT DOOR PARKING SPOT ON THE EAST SITE AND A CARPORT FOR 1 CAR ON THE WEST SITE .

WE USE THE ALREADY EXISTING DRIVE WAY TO GET IN AND OUT THE LOT SO THERE WILL BE NO CARS BE PARKED ON THE WINONA ROAD .

BEST REGARDS
GER ZIJNEN
[REDACTED]

To: Electoral Area Services Committee

Date: 2018-05-08

From: Graham Daneluz, Deputy Director of Planning & Development File No: 3090-20-2018-10

Subject: Development Variance Permit 2018-10 for 3655 Vance Road, Electoral Area H

RECOMMENDATION

THAT the Fraser Valley Regional District Board consider the following options respecting the application for Development Variance Permit 2018-10:

OPTION 1 (Issue) THAT the FVRD Board issue Development Variance Permit 2018-10 to reduce the rear setback for 3655 Vance Road, Electoral Area H from 6 metres to 3 metres to facilitate construction of a single family dwelling, or

OPTION 2 (Refuse) THAT the FVRD Board refuse the application for Development Variance Permit 2018-10 for 3655 Vance Road, Electoral Area H.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

The owners of 3655 Vance Road have applied to subdivide the 0.43 hectare parcel in to two parcels of 2,027m² and 2,273m² each. In anticipation of the subdivision approval, they have applied for a Development Variance Permit to facilitate the construction of a new single family dwelling on the proposed Lot 2.

The Development Variance Permit would vary the rear setback from 6 m to 3 m to accommodate a deck, stairs and posts associated with construction of a new single family dwelling.

DVP 2018-10 was considered by the Electoral Area Services Committee on March 13, 2018. Notice of the DVP application was mailed to surrounding property owners on March 15, 2018. Several public submissions were received; they were considered along with the DVP application by the FVRD Board on March 27, 2018. At that time, the Board resolved to refer the application back to staff to provide the applicant with an opportunity to address the community concerns.

Details about the application and the subject property are provided in the Staff Report dated March 13, 2018. The March, 2018, staff report and the public submissions are attached hereto as Appendix 1 and Appendix 2 respectively.

DISCUSSION

The Notice of Permit mailed out to surrounding property owners attracted four submissions in opposition to the proposed variance. The submissions are attached as Appendix 2. The concerns expressed in the submissions include:

- Loss of privacy and value;
- Increased noise;
- Transfer of impacts to neighbouring properties;
- A variance prior to the subdivision approval may be premature;
- Potential for slope stability issues; and,
- Potential to construct on the property in a manner that meets setbacks.

The applicant has provided additional comments to respond to these concerns. They are attached hereto as Appendix 3. Essentially, the applicant states that:

- The subdivision application process is proceeding and he is submitting plans for a building permit on the proposed Lot 2 in anticipation of subdivision approval;
- A geotechnical engineer will be retained during the Building Permit process to address slope stability;
- The building footprint on the proposed lot is small compared to neighbouring properties;
- The owner is attempting to building 'with the lot' rather than against it;
- The application is opposed only by a minority of neighbours and concerns will be discussed directly with them; and,
- The proposed variance is for 40 ft² of deck and associated stairs and posts only as shown on the site plan below:



The matter at hand is an application by the property owner requesting a variance that would reduce the rear setback from 6.0 metres to 3.0 metres for the construction of a single family dwelling. The key issues for the Board to consider are qualitative issues raised by neighbours – potential impacts related to noise, privacy, and value. The Board should consider these concerns in conjunction with the materials submitted by the applicant in support of his request.

The subject property slopes steeply downward from Vance Road. This slope certainly constrains the building envelope. However, as the site plan submitted by the applicant shows, it would be possible to construct a house on the property in a manner that meets the setbacks, though it may require a reduction in the rear deck by about 40 ft².

The subdivision of the land and geotechnical slope stability will be addressed through separate processes.

COST

The Development Variance Permit application fee of \$350.00 has been paid by the applicant.

CONCLUSION

It is now appropriate for the FVRD Board to consider the application, public submissions and the additional comments from the applicant and decide whether to approve or refuse the application for Development Variance Permit 2018-10.

OPTIONS

Option 1 – Issue

If the Board wishes to approve the application the following motion would be appropriate:

MOTION: THAT the FVRD Board issue Development Variance Permit 2018-10 to reduce the rear setback for 3655 Vance Road, Electoral Area H from 6 metres to 3 metres to facilitate construction of a single family dwelling

Option 2 - Refuse

If the Board wishes to refuse the application, the following motion would be appropriate:

MOTION: THAT the FVRD Board refuse the application for Development Variance Permit 2018-10 for 3655 Vance Road, Electoral Area H.

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

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.

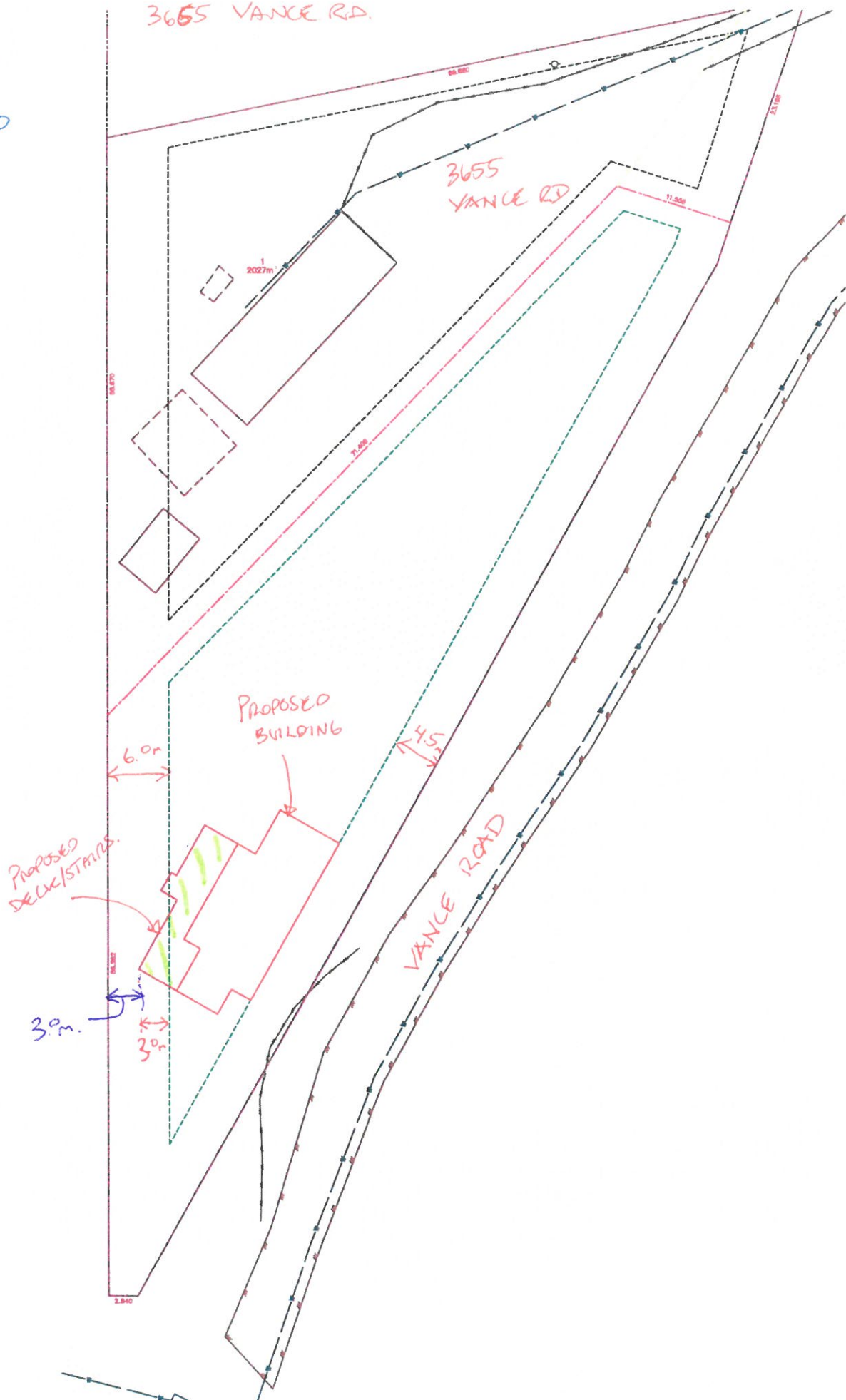
Required Information

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





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 8.3.1(c)(i) is varied such that the setback from the rear property line is reduced from 6.0 metres to 3.0 metres to accommodate the proposed deck, and related posts and stairs, shown on the Site Plan attached as Schedule "B" of this permit.

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 developer's 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.

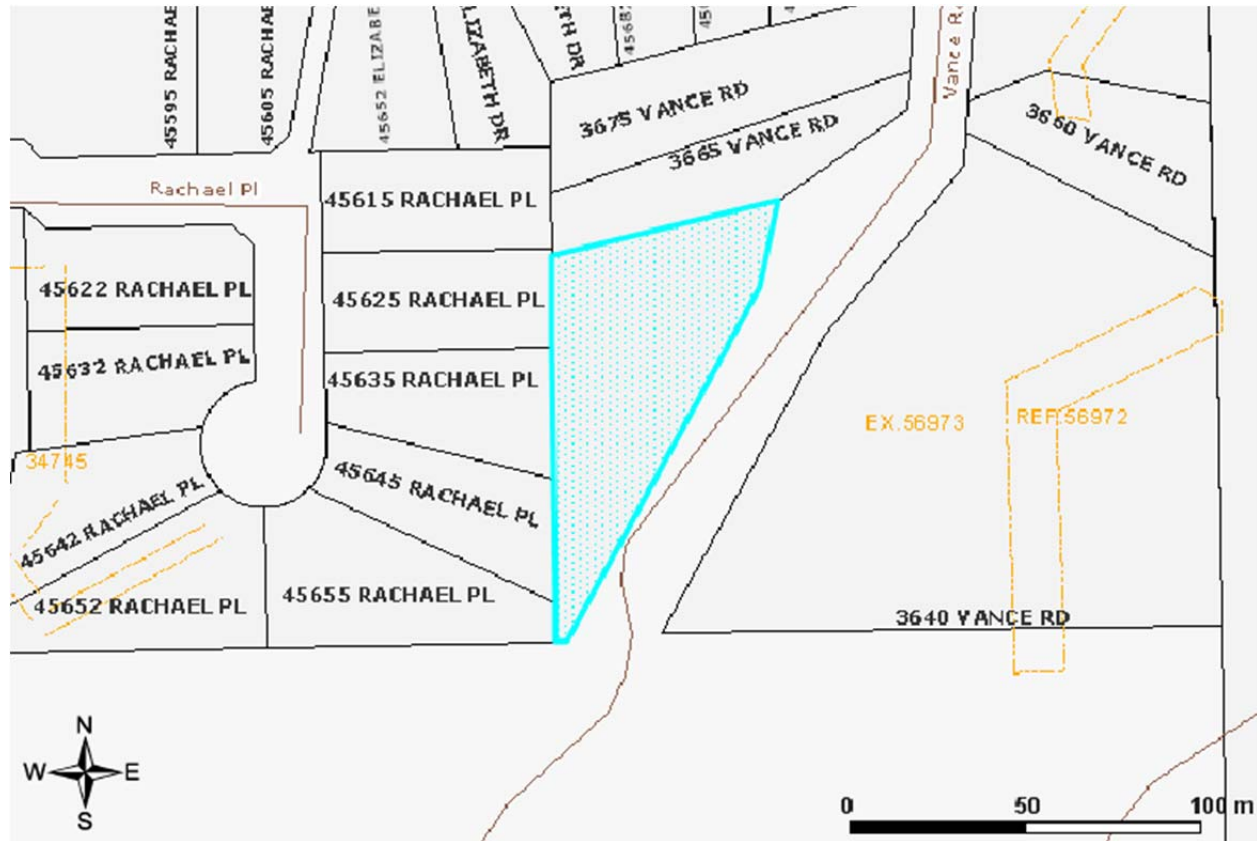
AUTHORIZING RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF THE FRASER VALLEY REGIONAL DISTRICT ON THE 27 DAY OF MARCH, 2018

Chief Administrative Officer / Deputy

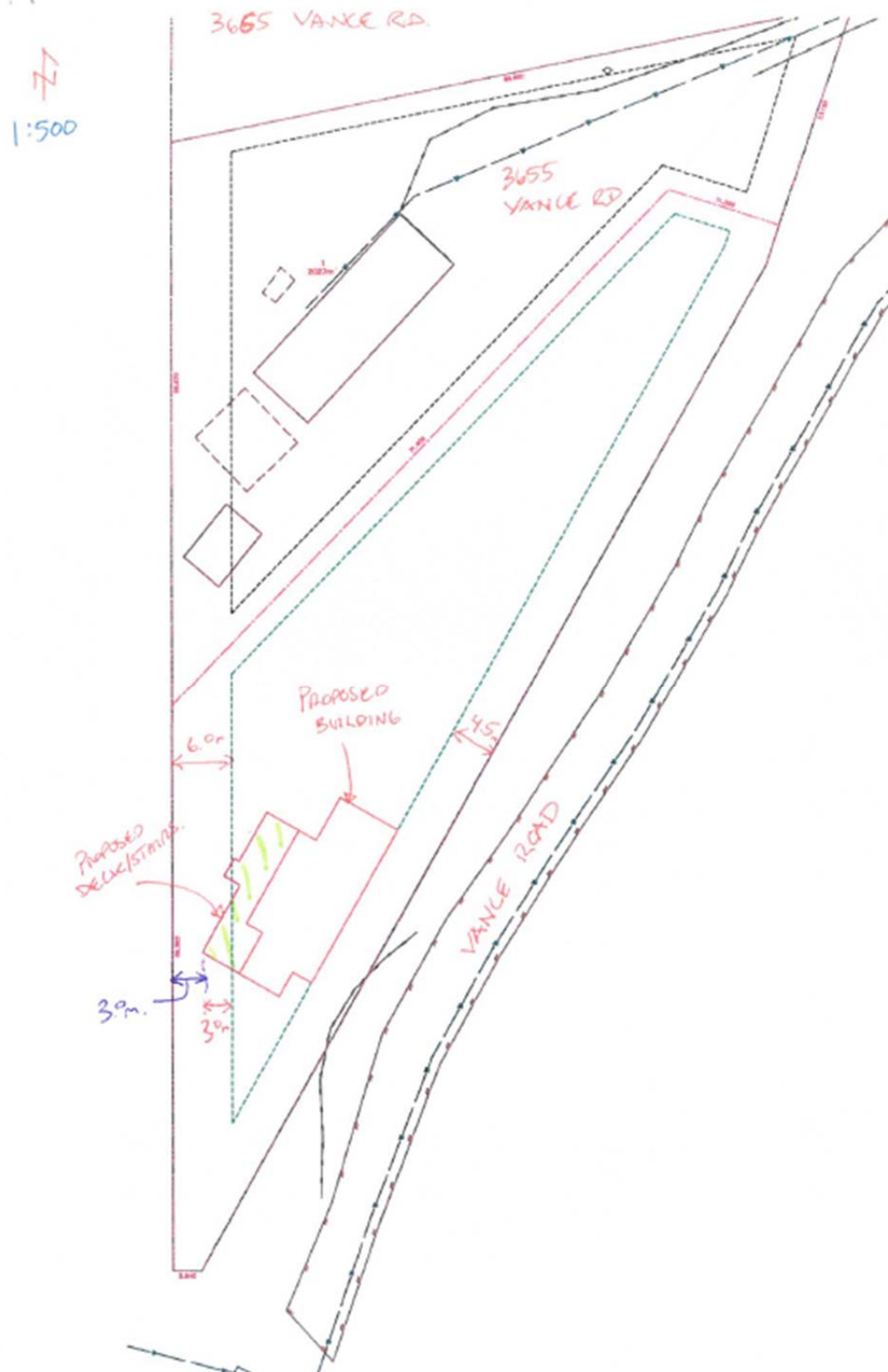
THIS IS NOT A BUILDING PERMIT

DRAFT

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



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



CORPORATE REPORT

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

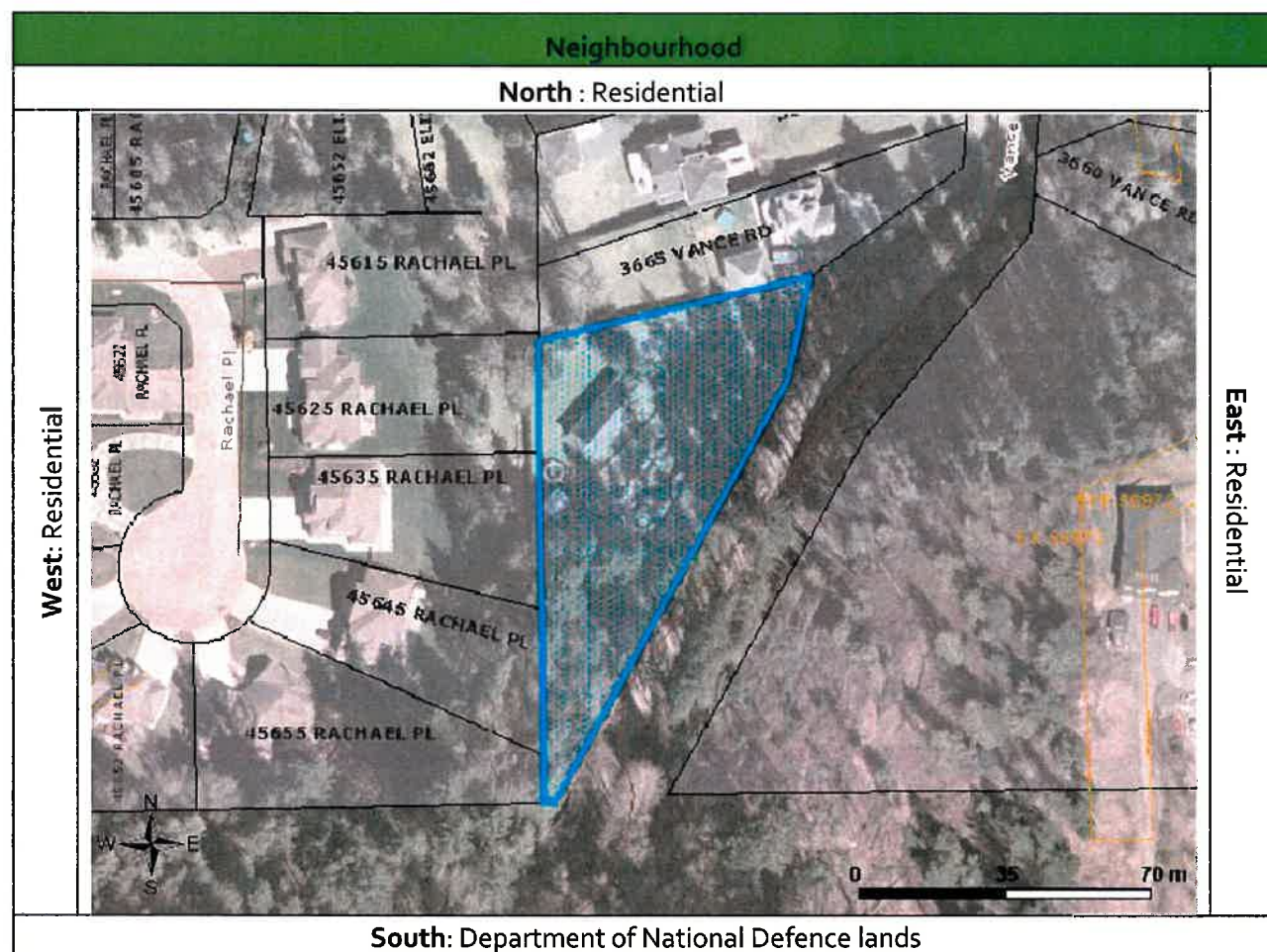
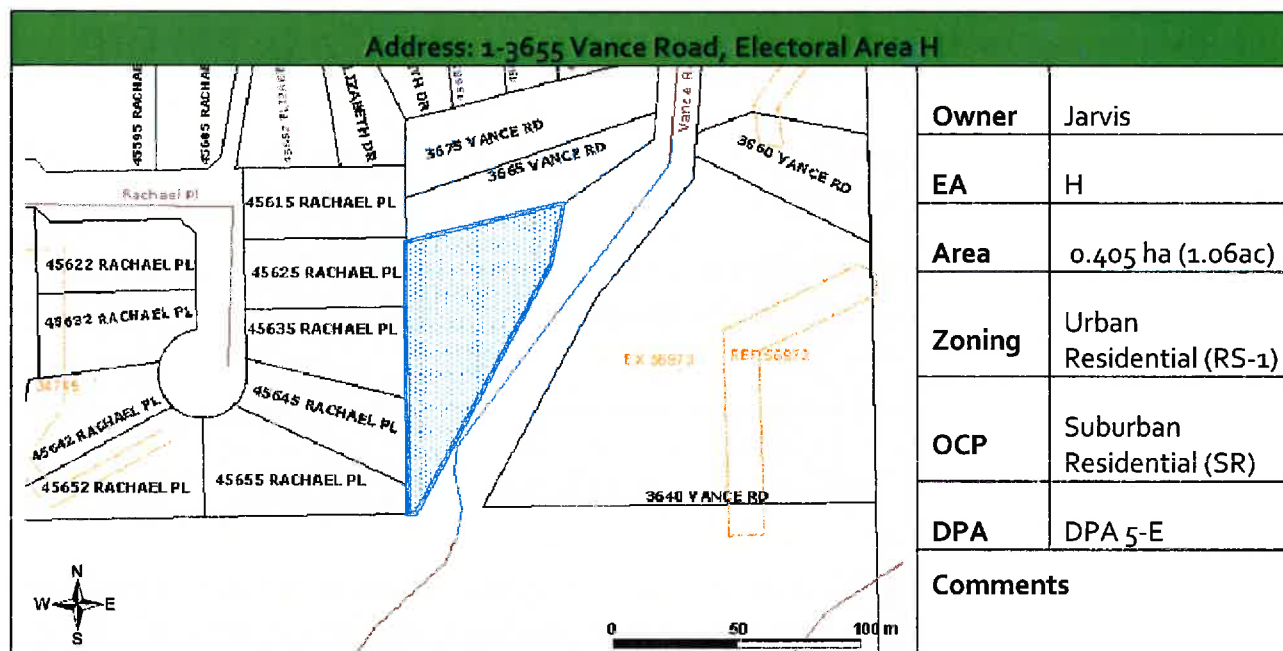
STRATEGIC AREA(S) OF FOCUS

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

ON-TABLE
ITEM 9.3 - DVP 2018-10
EAs VOTING ONLY

From: Kelly Mendonca
Sent: Friday, March 23, 2018 8:42 PM
To: Johannes Bendle
Subject: 45642 Rachael place resident

Address: [1-3655 Vance Rd](#)

We do not support the following variance request for many reasons including privacy and noise;
Variance Request:. To vary the rear setback from 6.0 metres to 3 metres for a single family dwelling.

Kind Regards,
Kelly Mendonca

Date: March 26, 2018
To: Fraser Valley Regional District
From: Dennis Townsend – 45645 Rachael Place, Cultus Lake BC
Re: Your Corporate Report Dated 2018-03-13 File No: 3090-20 2018-10
From: Johannes Bendle, Planner 1
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.

UNDER 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 comments or concerns raised by the public.

This statement sounds more like a "Fait Accompli". **(It should read as follows):** After listening to and reading comments from property owners adjacent and within a 90 metre distance from this variance application at that time or shortly thereafter a mindful consideration will be considered.

NOTE! 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. This statement, sounds to me, like it's a go ahead but there is a formality that we must entertain.

UNDER PROPOSAL:

It states the property slopes steeply downward from Vance Road and it goes on to say in order to accommodate the proposed house with a deck and stairs while meeting the front yard setback, a variance to the rear setback is required.

MY COMMENT TO THIS:

So the house just isn't going to be large enough unless the three neighbouring properties that will be most affected get rolled over by the Variance Board and the owners are then allowed to come closer to our very steep incline which is made up of mostly shale and could cause a destabilizing factor to a very steep slope. To add to this fact the subject drawing does not show what a 3 metre setback would look like. Because the property has not been legally subdivided as yet, **why then does it NOT show a 3 metre line on the northern easterly portion?** So in my opinion, if you give a 3 metre setback by stating that your house will be too small and you want a deck for a better view looking down on our properties. **In all good conscience how would you like this burden put on you?**

NEIGHBOURHOOD NOTIFICATION AND INPUT

Under this section, FVRD Staff encourage the applicant to advise neighbouring property owners and residents of the requested variance in advance of the mail-out notification. **This owner has never made any attempt to give us adjacent neighbours a heads up right from the get-go.** It's interesting when I first found out the property was sold I came to the 2nd floor of the Fraser Valley Regional District office and there was a large sign on the wall stating "If you plan to do any kind of development you should advice neighbouring properties".

Cont'd

The other day I noticed that it was not there? Also to my amazement **the last line in the neighbourhood notification and input section states to date no letters of support or opposition have been submitted.** Of course not... the date stamp on my envelope with your variance information was stamped March 16th. March 16th was a Friday and I didn't get mine until Tuesday, March 20th. By the way, 1 weeks notice for a variance hearing is very unusual, especially during a two week spring break..... so that also becomes suspicious!

CONCLUSION

The wording in this section should have read as follows:

After hearing concerns from local residents and adjacent property owners that will be mostly affected by this rear yard setback from 6 metres to 3 metres, staff after consideration of all facts may or may not recommend said variance.

NOT... Staff recommend that the Development Variance Permit **IS ISSUED!** Another "Fait Accompli".

UNDER COMMENTS BY:

I contacted Paul Gipps, Chief Administrative Officer, and asked him if he has viewed the property and he said YES. I asked if there was any Geotech information on the property and he wasn't sure and he told me he would talk to Graham Daneluz, Deputy Director of Planning and Development. Unfortunately, I guess Graham personally did not want to talk to me so he had Johannes Bindle, Planner 1 call me. Paul Gipps and Graham Daneluz both are down for reviewed and supported. So.... are they supporting the Variance Application OR before what the neighbours have to say?

UNDER SCHEDULE A-4 PERMIT APPLICATION:
FILE # 3090-20-2018-10
OWNERS CALEB JARVIS AND THERESA JARVIS

UNDER PROPOSED VARIANCE/SUPPLEMENT

For a proposed deck and some supporting elements within the 3.0 M of rear yard property line. In their hand written statement it states to vary the rear setback to allow for a deck and stairs (uncovered) posts to be at 3.0 M from the property line. In my mind there is more to this deck than as stated. This may end up being an overhang Yes with posts to enable the house footprint to become larger. Either way, I'm totally and unequivocally **AGAINST ANY SETBACK.**

NOW UNDER REASONS IN SUPPORT OF APPLICATION:

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

NOTE: The property in question in my mind isn't suitable for basically anything to be built on it. I find it reckless that someone would want to ask for adjacent neighbours to give up their privacy so they can make a pig-in-a-poke happen. This is nothing more than greed.

NOTE: I had an Engineer come out this Saturday, March 24th and she viewed the situation and just shook her head.

Cont'd

UNDER RIPARIAN AREAS REGULATION:

There will need to be vegetation removal and alteration.

There will be soil disturbance.

There may be construction of buildings and possible structures.

There will be creation of impervious or semi-impervious surfaces.

NOTE:

This hillside is mainly shale saturated at that. Large trees have fallen over, (see picture attached). At present my hillside is being held together by vegetation. Trees, ground cover etc. A building and driveway then becomes an impervious area which means no more absorption in that area. So no more trees etc. to absorb the rain water. As water goes downhill this may make my adjacent hillside unstable.

NOTE:

There are questions on the above section. It basically asked is there a ditch within 30 metres of the high water mark of any water body? They answered **NO**....however there is a ditch across the street.

UNDER REQUIRED INFORMATION:

This is where it gets interesting.... When providing Application Forms to the Applicant, Regional District staff shall indicate which of the following attachments are required for this Application.

Why has this not been filled out? It makes no sense not to have most of these filled out! I have attached a copy with highlighted sections. **SO WHY WAS THIS NOT FILLED OUT?**

I find it interesting that under AUTHORITY TO ISSUE.....

1. This Development Variance Permit **IS ISSUED** under Part 14 – Division 9 of the Local Government Act.
2. Under Bylaws supplemented or Varied.... Zoning Bylaw for Electoral Area E 19766 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

UNDER GENERAL TERMS AND CONDITIONS:

1. This Development Variance Permit **IS ISSUED** Pursuant to Part 14-Division 9 of the Local Government Act.

Once again sounds like an **OK before the hearing**. Shouldn't the wording be... **IF PASSED, MAY BE ISSUED PURSUANT** to Part 14 – Division 9 of the Local Government Act.

Cont'd....

LAST BUT NOT LEAST:

The last paragraph on Page 2 is very interesting.... **It states authorizing resolution passed by the Board of Directors of the Fraser Valley Regional District on the 27th day of March 2018. "A FAIT ACCOMPLI"!**

I BELIEVE THIS STATEMENT IS NOT ONLY IMMORAL BUT ILLEGAL AND THEREFORE YOU MAY HAVE A LEGAL CHALLENGE ON YOUR HANDS.

I would like information on when the road was widened at the exact spot the Applicants future driveway is shown. When and who authorized this widening of Vance Road and at what cost to the taxpayer.

I will be looking forward to a written response to this letter shortly.

Dennis Townsend
45645 Rachael Place
Cultus Lake, BC

[REDACTED]

Required Information

WHY NOT REQUIRED

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 FQI@fvr.ca.





WARNING: Serious geotechnical issues with this building site!!! See below.....

Variance Request File No. 3090-20 2018-10

Subject Property: 1-3655 Vance Rd - PID 023-975-032

Purpose of Permit:

To vary the rear setback from 6.0 metres to 3 metres for a single-family dwelling.

Jeremy Rabel

45635 Rachael Pl
Cultus Lake, BC V2R 5R3
(604) 819-9111
[REDACTED]

**ON-TABLE
ITEM 9.3 - DVP 2018-10
EAs VOTING**

March 26th, 2018

FVRD

Planning & Development
45950 Cheam Ave
Chilliwack, BC V2P 1N6

To whom it may concern,

I Jeremy Rabel am **OPPOSED** to the rear setback variance requested for the subject property above.

I oppose this variance request for the following reasons:

1. The building site, indicated on the site plan draft, has many geotechnical hazards. Firstly, due to the fact that the site is adjacent to a logging road, people have been illegally dumping green waste, garbage and even appliances on that site for more than 30 years. In addition to this contributing to soil instability, as well as a potential health hazard, it is also an environmental hazard. Just the other day, I saw a truck back up and push their truck bed contents over the side onto the potential building site on the subject property. Dumping is still happening on a regular basis. The other hazard is the soil. It's mostly gravel, sand and shale. Large trees have uprooted and fallen recently on the property due to the poor ground conditions. To make matters worse, the potential site sits precariously on the edge of two steep hillsides on the North and West sides. These are tough to physically climb due to the amount of loose rock and shale and steepness of incline. Any disturbance above causes small slides to occur below. **FVRD staff informed me that they were NOT aware of any geotechnical assessment that had been performed on this property . Given the potential hazards of the site itself, with no geotechnical assessment, it would be foolhardy to approve a setback variance allowing a structure to be built on or near the unstable slope. This could put properties below at great risk!**
2. The site plan drawing indicates the setback variance request is just to accommodate a deck. The problem is, the Development Variance Permit does not mention the deck at all. Under section 8.3 (c) it simply states "from 6 metres to 3 metres". Should this setback variance be approved this would leave the door wide open for the developer to use the decreased setback for other configurations. He would be the sole beneficiary of this while negatively affecting the land stability, privacy and value of neighboring properties.

3. Many of the properties in the area were subdivided into ½ acre lots around the same time. Due to the complicated shape, driveway access and topography of the subject property, it was one of the only properties left as 1 acre. Previous owners of the site, realized that in order to subdivide this lot, while staying within current FVRD setbacks, would prove too challenging to make it viable. I'm confident the current owner was aware of this as well when he recently purchased the property. To the best of my knowledge, all neighboring houses were built within their setbacks from the lot lines. The ½ acre lot sizes gave the space to easily accomplish that. Currently, the subject property is on 1 acre. If the owner wants to split the property into two half acre lots he should only do so if he can build without decreasing his setbacks. **A half acre of land should have more than enough space to build a house without needing a setback variance!!**

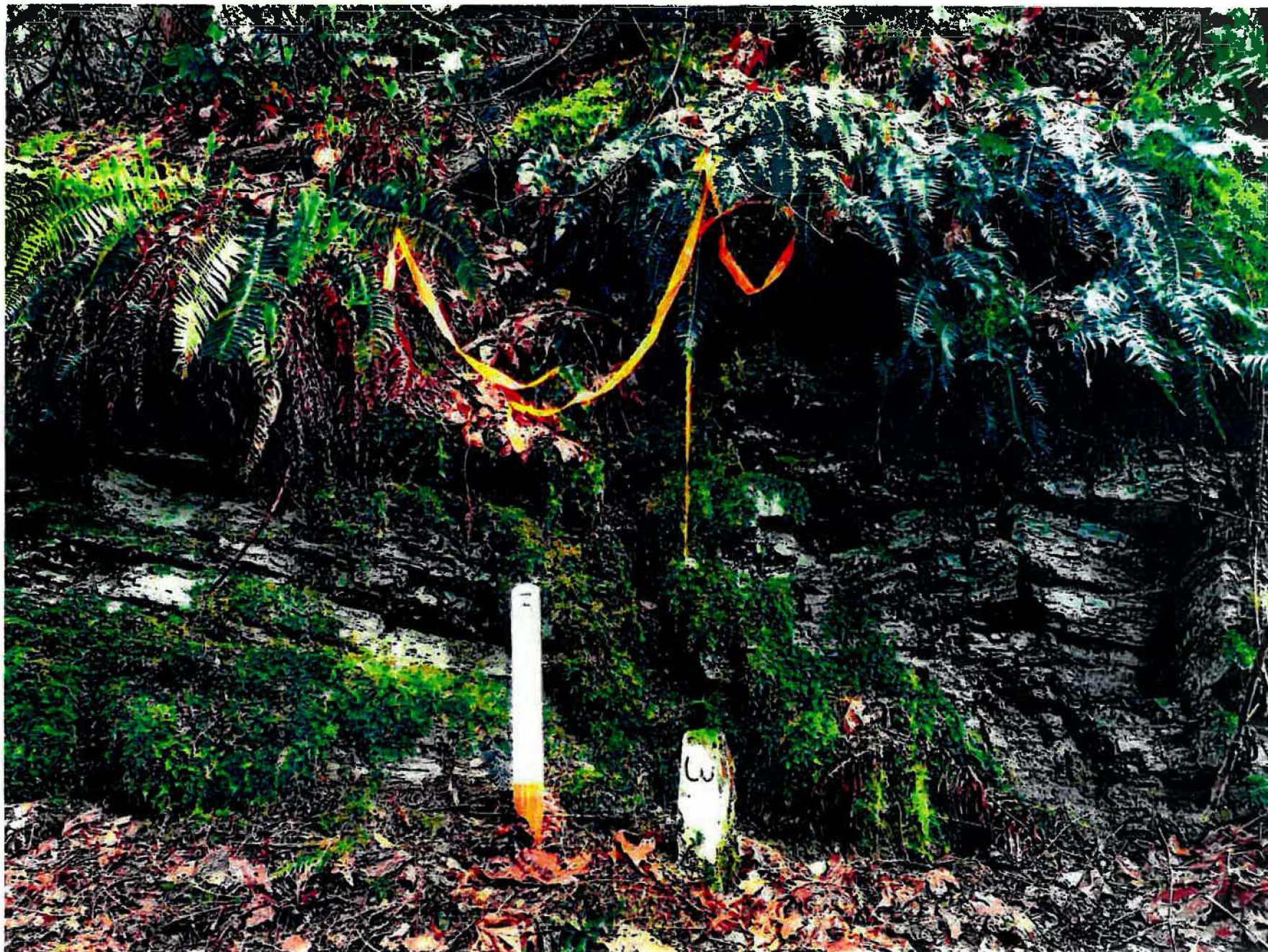
4. In a neighborhood of large lots there is a certain expectation of privacy and quiet enjoyment. I feel the current FVRD setbacks are in place to protect that right to privacy. This potential building site is directly above my backyard. Should this variance be approved, there would potentially be a larger house looking over my backyard negatively affecting my privacy, quiet enjoyment and property value.

For these four reasons, I vehemently oppose this variance request!!

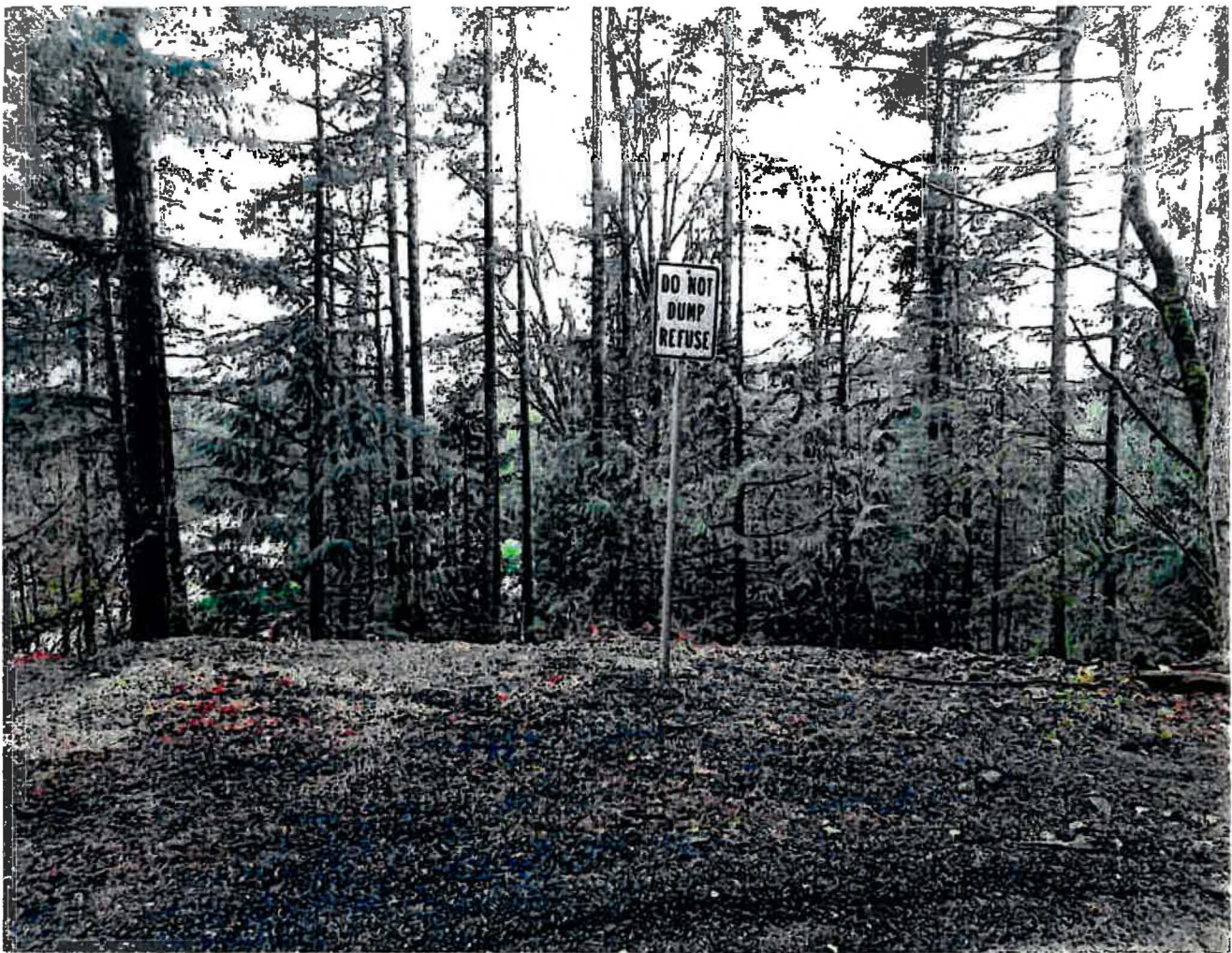
Sincerely,



Jeremy Rabel











ON-TABLE
ITEM 9.3 – DVP 2018-10
EAs VOTING ONLY

Michelle McGrath
45652 Rachael Pl
Cultus Lake, BC V2R 5R3
March 24, 2018

FVRD
45950 Cheam Avenue
Chilliwack, BC V2P 1N6

Dear FVRD:

This is my response to the following variance request: File No. 3090-20 2018-10
DVP0138

Address: 1-3655 Vance Rd

Variance Request Details: **To vary the rear setback from 6.0 metres to 3 metres for a single family dwelling.**

I do NOT support this variance. Bringing any structure closer to the rear lot line would have a negative impact on the privacy and quiet enjoyment of our property. I also have concerns that the hill near the proposed variance is quite steep. Any development near this slope could increase geotechnical risk to neighboring properties.

Sincerely,

Michelle McGrath

ON-TABLE
ITEM 9.3 - DVP 2018-10
(Letter from Owner)
EAs VOTING ONLY

From: caleb jarvis [REDACTED]
Sent: Tuesday, March 27, 2018 11:41 AM
To: Johannes Bendle
Subject: Fw: DVP 2018-10 - Board Meeting Agenda Owners letter

Hi Johannes,

Unfortunately the timing is horrible as I am leaving on a family vacation this afternoon. However my points can be made as follows.

There are two developable areas on the proposed lot. One is being taken up by the septic field and the other by the proposed house. My intention was to give the downhill neighbors some privacy, as a buffer, and provide some outdoor amenity area(deck). This was also to be the access to the yard from the amenity area. This is the available flat area where the proposed house is going and building any other direction would be a costly expense. I hope this is enough of a hardship to allow the variance.

Please also let it be known that no one has approached me to discuss this variance application and allow for explanation.

Cheers
Caleb Jarvis

File Ref: DVP-2018-10

FVRD
45950 Cheam Avenue
Chilliwack, BC V2p 1N6

Via email: gdaneluz@fvr.ca

Attn: Graham Daneluz

Reference: Development Variance

Hi I am writing this letter in response to the issues for the DVP 2018-10 application. As per your email dated March 09, 2018. The issues raised were

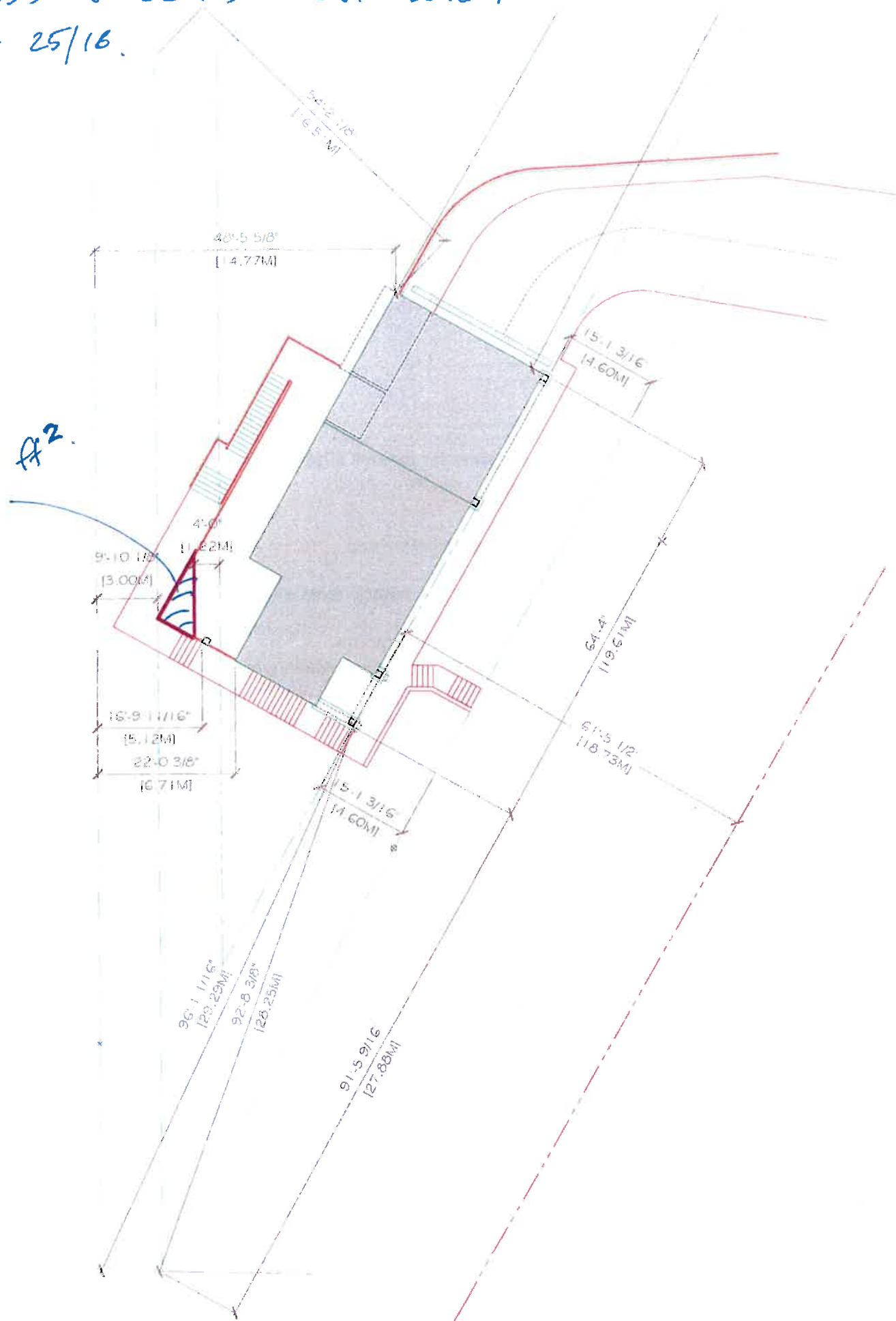
- a variance prior to the subdivision approval may be premature; - process is proceeding and submitting plans for BP
- impacts to neighbouring properties including loss of privacy, quiet enjoyment and property values; Please see attached plan for portion in requested variance.
- slope stability; a Geotechnical engineer retained for construction.
- potential to site a single family dwelling on the proposed lot in a location that meets setbacks; and, Footprint is small compared to neighboring properties. Trying to build to the lot rather than against it.
- opposition from neighbours. 2 out of 7 that received the notice opposed. I plan on discussing their concerns with them.

Thanks Caleb



APRIL 25/16.

40 ft².



To: Electoral Area Services Committee
 From: Andrea Antifaeff, Planning Technician

Date: 2018-05-08
 File No: 3090-20-2018-16

Subject: Application for Development Variance Permit 2018-16 to vary the height requirement for a proposed meeting hall at 10789 North Deroche Road, Electoral Area G

RECOMMENDATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-16 for property located at 10789 North Deroche Road, EA G to increase the maximum permitted height of a building from 11.0 metres to 12.0 metres, subject to consideration of any comments or concerns raised by the public.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

The owners of the property have made an application for a Development Variance Permit (DVP) in order to increase the maximum permitted height of a building (Meeting Hall) as outlined in *Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992*.

PROPERTY DETAILS			
Electoral Area	G		
Address	10789 North Deroche Road		
PID	007-331-525		
Folio	775.03662.200		
Lot Size	19.7 acres		
Owner	Canadian Carmelite Society	Agent	Paul Owens
Current Zoning	Rural 1 (R-1) and Civic Assembly (P-1)	Proposed Zoning	No change
Current OCP	Rural (R) and Institutional (I)	Proposed OCP	No change
Current Use	Theological School	Proposed Use	No change
Development Permit Areas	1-G and 2-G		

PROPERTY MAP



DISCUSSION

The owners of the subject property are proposing to construct a meeting hall at 10789 North Deroche Road. The location of the proposed meeting hall is within the portion of the lands zoned P-1 (Institutional) and is next to the already constructed Formation House. The property is owned by the Canadian Carmelites Charitable Society and is used for a religious training and assembly. The construction site is located in Development Permit Area 1-G. Development Permit 2017-12 was issued November 16, 2017 for the proposed meeting hall. The applicants have already made a building permit application for the proposed meeting hall (BP01402). The proposed meeting hall is setback 182 metres (600 feet) from North Deroche Road and 20 metres (67 feet) from the neighbouring forested parcel. Appendix A illustrates the proposed site plan for development.

Water System Contribution

The owners will be providing a monetary contribution to the Deroche Water System local service area. Their contribution will be secured prior to the building permit for the meeting hall being issued.

North Deroche Road

The owners are working with the Ministry of Transportation and Infrastructure to provide improvements to North Deroche Road. These improvements will be secured prior to the building permit for the meeting hall being issued.

Variance Request – DVP 2018-16

Application Rationale

The applicant advises that reasons in support of their variance are: 1. the meeting hall is setback from North Deroche Road and is not directly visible to any neighbours; and, 2. the proposed roof height directly relates to the mountain peaks in the background and reflects/mimics the peaks.

Height Variance

The owners are seeking a 1.0 metre increase to the maximum permitted height of a building, increasing the height requirement from 11.0 metres to 12.0 metres.

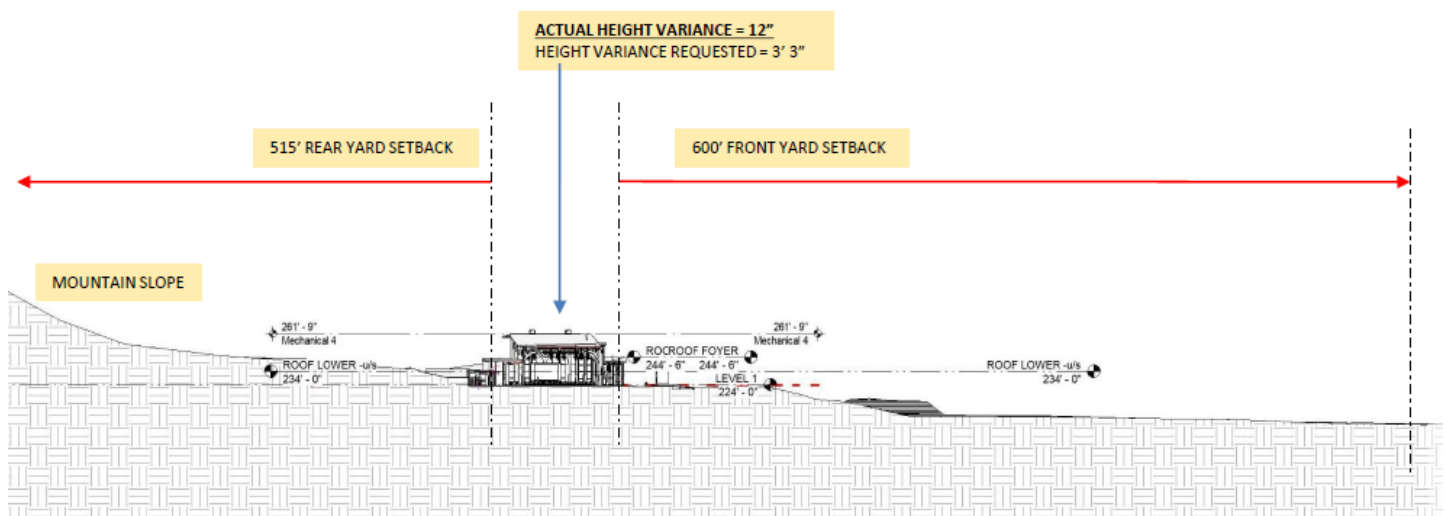


FIGURE 1 – Demonstrates proposed height

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 objection have been submitted.

COST

The application fee of \$350.00 has been paid by the applicant.

CONCLUSION

The property owners have applied for a DVP to increase the maximum permitted height of a building. Staff recommend that the FVRD Board issue the permit. The variance is not anticipated to negatively affect surrounding properties, given the 182 metre (600 foot) setback from North Deroche Road and there are no immediately adjacent residences.

OPTIONS

Option 1 – Issue (Staff Recommendation)

Staff recommend that the FVRD Board issue Development Variance Permit 2018-16 for property located at 10789 North Deroche Road, EA G to increase the maximum permitted height of a building from 11.0 metres to 12.0 metres, subject to consideration of any comments or concerns raised by the public.

Option 2 – Refuse

If the Board wishes to refuse the application, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2018-16 for property located at 10789 North Deroche Road, EA G.

Option 3 – Refer to Staff

If the Board wishes to refer the application back to staff to address outstanding issues, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2018-16 for property located at 10789 North Deroche Road, EA G to FVRD Staff.

COMMENTS BY:

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

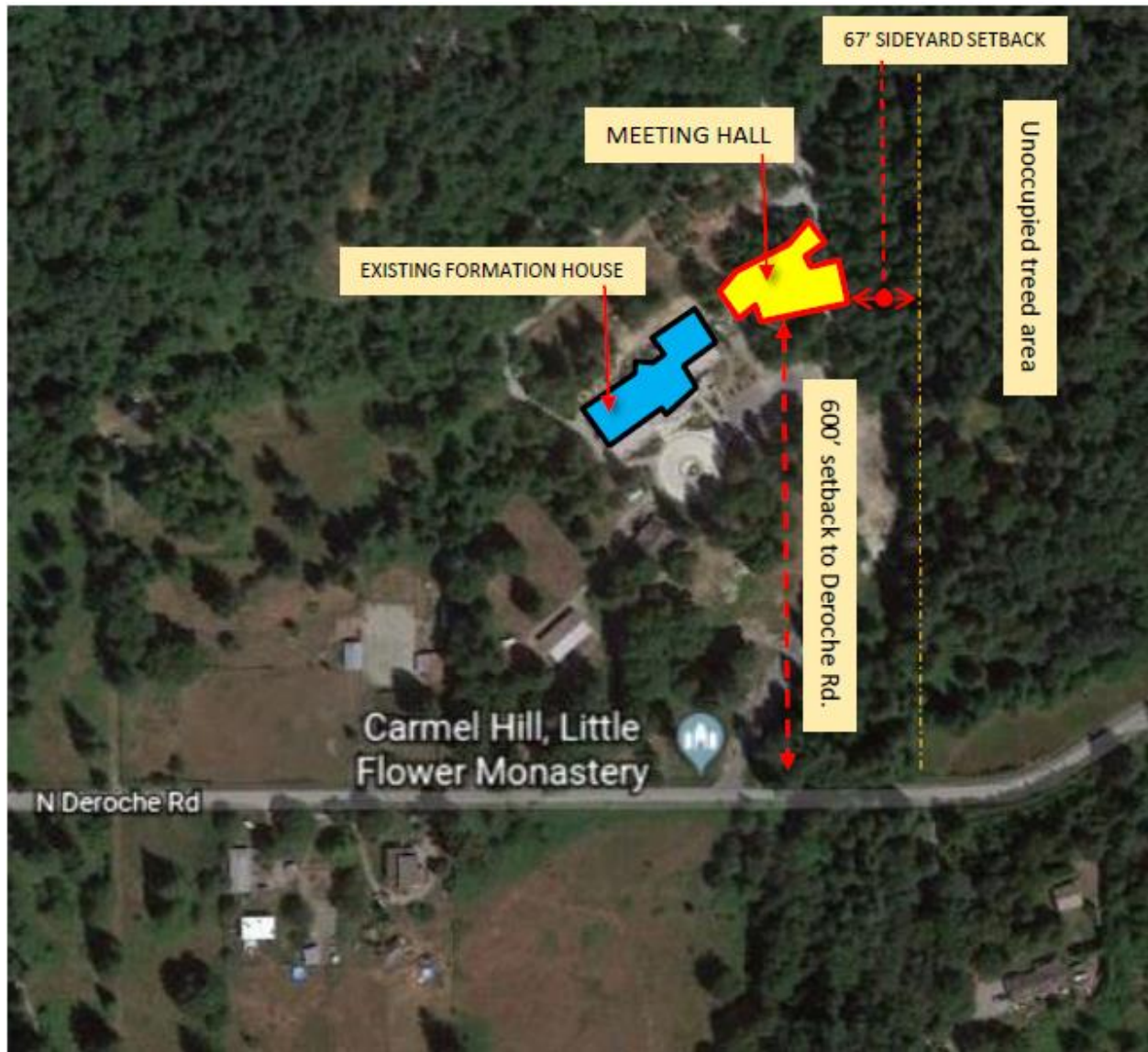
Margaret Thornton, Director of Planning & Development: Reviewed and supported.

Mike Veenbaas, Director of Financial Services Reviewed and supported.

Paul Gipps, Chief Administrative Officer Reviewed and supported

Appendix A

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

10789 NORTH DEROCHE RD PID 007-331-525

Legal
Description

Lot 5 Block _____ Section 7 Township 24 Range _____ Plan NWP3146

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)	Signature of Owner	Date
Name of Owner (print)	Signature of Owner	Date

Owner's
Contact
Information

Address		City
Email		Postal Code
Phone	Cell	Fax

Office Use Only	Date	<u>Mar 23, 2018</u>	File No.	<u>3090-20 2018-16</u>
	Received By	<u>Andrea</u>	Folio No.	<u>775.03662.200</u>
	Receipt No.	<u>5656/2</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 PAUL OWENS	Company JOHN CURK ARCHITECT INC	
Address 5009 LORRAINE AVE		City BURNABY
Email		Postal Code V5G 2S3
Cell		Fax

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

Signature of Agent 	Date 03/22/18
---	-------------------------

Development Details

Property Size _____ Present Zoning _____

Existing Use _____

Proposed Development _____

Proposed Variation / Supplement **1.0m HEIGHT VARIANCE**
- FROM 11.0m ABOVE GRADE TO 12.0m ABOVE GRADE

(use separate sheet if necessary)

Reasons in Support of Application _____

THE PROPOSED ROOF HEIGHT DIRECTLY RELATES TO THE MOUNTAIN PEAKS IN THE BACKGROUND AND REFLECTS/MIMICS THOSE PEAKS. THE STRUCTURE IS SET FAR BACK FROM DEROCHE RD AND ISN'T DIRECTLY VISIBLE TO ANY NEIGHBOURS.

Page 2 of 4

**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.



LETTER OF AUTHORIZATION

Registered Authority

Please be advised that I/we,

RUDOLF VALEDIAN DSOUZA

(Print names of ALL Registered Owners or Corporate Director)

Representing,

CANADIAN CARMELITE CHARITABLE SOCIETY

(Corporate name - if applicable)

am/are the registered owner(s);

Site Civic Address:

10789 North Deroche Road

Lot# _____ Block _____ Plan _____ PID# _____

Appointed Authorized Agent

Name of Authorized Agent

Paul Owens

Company Name

John Clark Architect Inc.

Mailing Address

5009 Lorraine Avenue

City: Burnaby

Postal Code: V5G 2S3

Email: _____

Phone: _____

Fax: _____

Signature of Authorized Agent

X

Permission to act:

As my/our Authorized Agent in the matter of the following:

- ☐ to view and obtain copies of all plans and permits
☐ to apply for and obtain building permits for proposed construction to the above reference Civic Address
☒ to apply for Planning File: Development Permit ☐ Development Variance Permit ☒ Subdivision ☐
☐ other: _____

Authorized Signature (Registered Owner or Corporate Director)

This document shall serve to notify the Fraser Valley Regional District that I am/we are the legal owner(s) of the property described above and do authorize the person indicated above ("Authorized Agent") to act on my/our behalf on all matters indicated above ("Permission to act") for the above referenced property. In addition, I/we have read and understand the above application and authorize the Authorized Agent to sign the above on my/our behalf.

X Rudolf V. Dsouza

Sign

RUDOLF V. DSOUZA

Print

Date: 26/02/2018

X

Sign

Print

Date: _____

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@fvrd.ca.



FRASER VALLEY REGIONAL DISTRICT DEVELOPMENT VARIANCE PERMIT

Permit No. Development Variance Permit 2018-16 **Folio No.** 775.03662.200

Issued to: Canadian Carmelite Charitable Society

Address: 1161 Broughton Street, Vancouver, BC V6G 2B3

Applicant: Paul Owens, John Clark Architecture Inc.

Site Address: 10789 North Deroche Road, Deroche, BC V0M 1G0

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 5, SECTION 7, TOWNSHIP 24, NEW WESTMINSTER DISTRICT, PLAN 3146
007-331-525

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

Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw 559-1992 is **varied** as follows:

Section 412 Siting for Buildings, Structures and Uses

Building Height

- (17) The height of all buildings other than buildings for General Agricultural, Intensive Agricultural or public utility use, shall be increased from 11.0 metres to 12.0 metres above grade, excluding chimneys and vents, to permit the construction of a meeting hall.
-

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. 014002.

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 2018-16. 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 23rd DAY OF MAY, 2018.

Chief Administrative Officer / Deputy

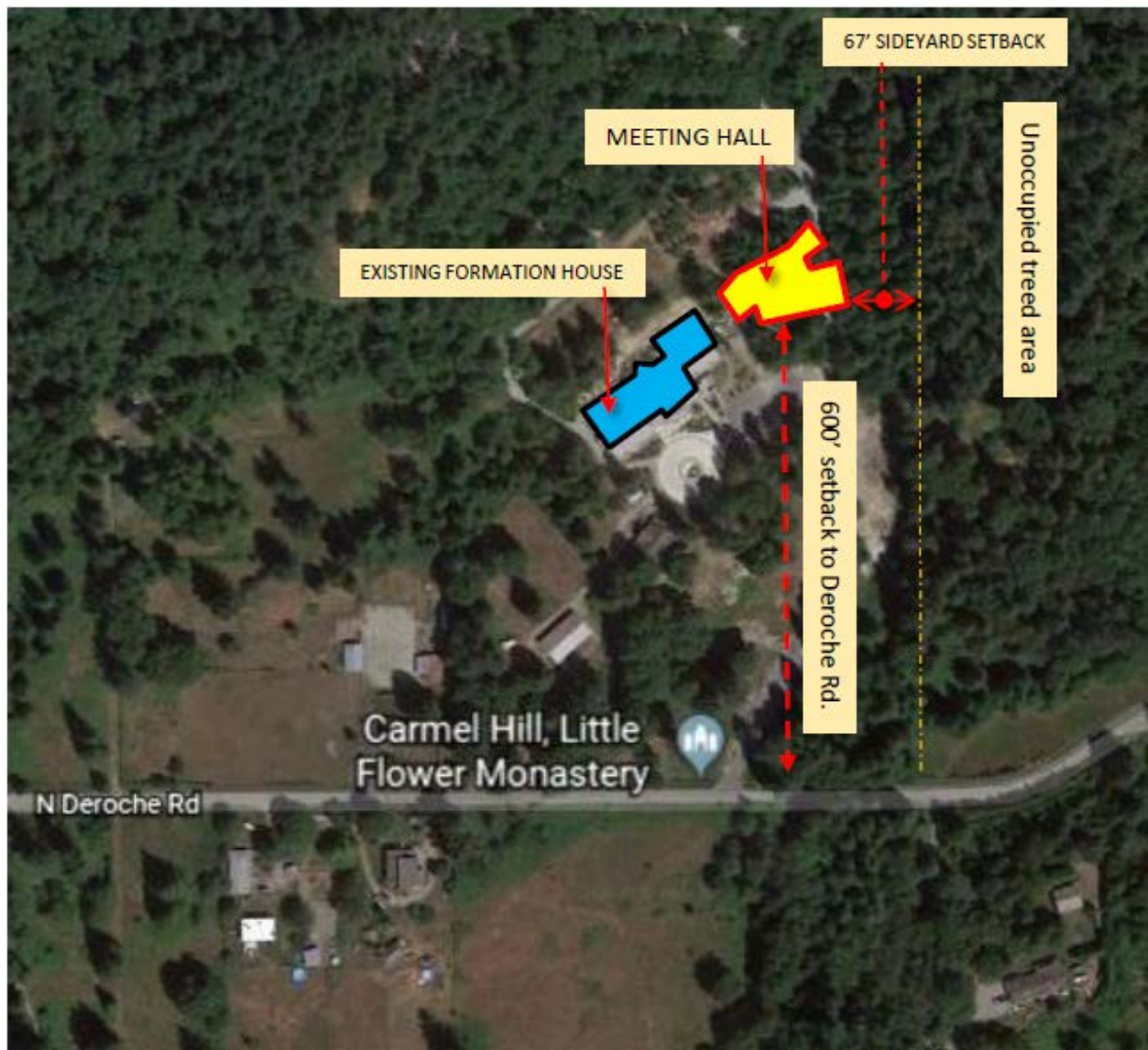
THIS IS NOT A BUILDING PERMIT

DRAFT

DEVELOPMENT VARIANCE PERMIT 2018-16
SCHEDULE "A"
Location Map



DEVELOPMENT VARIANCE PERMIT 2018-16
SCHEDULE "B"
Site Plan



To: Electoral Area Services Committee

Date: 2018-05-08

From: Graham Daneluz, Deputy Director of Planning & Development

File No: 3090-20-2018-18

Subject: Development Variance Permit 2018-18 to vary front and rear setbacks for the placement of a Park Model Trailer at 14-14600 Morris Valley Road, Area "C"

RECOMMENDATION

THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2018-18 for property located at 14-14600 Morris Valley Road, Electoral Area C.

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

Provide Responsive & Effective Public Services

BACKGROUND

Proposal Description

The owners of Strata Lot 14 at Tapadera Estates (14600 Morris Valley Road, Area "C") have applied for a Development Variance Permit (DVP) to address the placement of a Park Model Trailer in contravention of setback requirements set out in the zoning bylaw and subsequent DVPs. A number of complaints about the trailer have been received and a Bylaw Enforcement file has been opened.

Factoring in the length of the lot, and the required front and rear setbacks, a Park Model Trailer up to 37.2 feet long can be placed on Strata Lot 14 while still complying with the setbacks. The owners have placed a trailer that is 44 feet long and have asked for unspecified reductions to the front and rear setbacks to accommodate it.

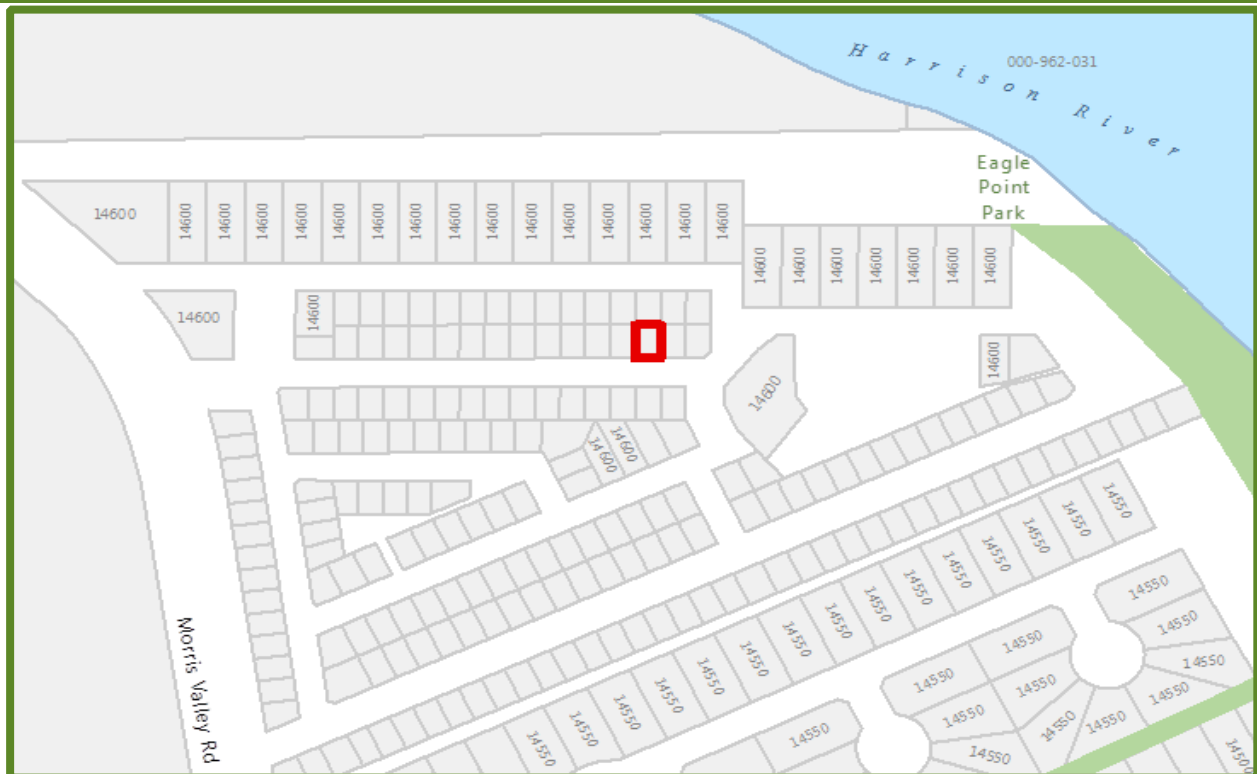
	Metres	Feet
Lot Length	15.24	50.0
Rear Setback	2.10	6.9
Front Setback	1.80	5.9
Max. Trailer length to comply with setbacks (lot length minus front and rear setbacks)	11.34	37.2
Proposed Trailer Length	13.41	44.0

PROPERTY DETAILS

Electoral Area	C		
Address	14-14600 Morris Valley Road (Tapadera Estates)		
PID	018-004-253		
Folio	776.06730.028		
Lot Size	0.037 acres		
Owners	Vetterl & McHaffie	Agent	n/a
Current Zoning	CHP	Proposed Zoning	No change
Current OCP	RR	Proposed OCP	No change
Current Use	CHP	Proposed Use	CHP
Development Permit Areas	DPA 1-C and DPA 2-C		
Agricultural Land Reserve	No		

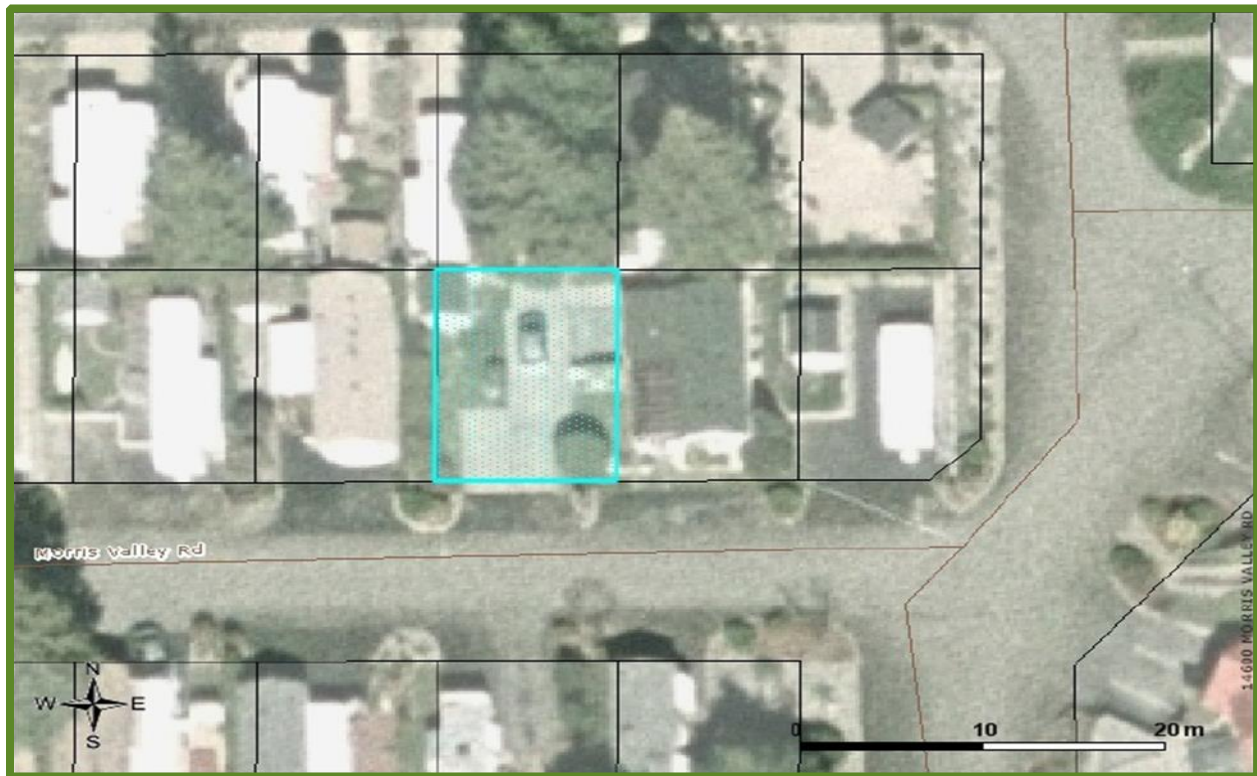
ADJACENT ZONING & LAND USES

North	^	Residential Lot, L-1
East	<	Harrison River
West	>	Tapadera Sewage Treatment Plant, RST
South	v	Residential Subdivision, PRD-1



NEIGHBOURHOOD MAP

PROPERTY MAP



Zoning

Tapadera Estates is zoned Campground Holiday Park (CHP) under the *Zoning By-law for Electoral Area "F", 1978 of the Regional District of Fraser-Cheam*. Strata Lot 14 is designated as a Park Model Lot and a Park Model Trailer may be placed on it.

A Park Model Trailer is defined as, "a recreational unit built on a single chassis mounted on wheels, intended to be towed on a highway from time to time, designed to provide temporary living quarters for seasonal camping use, having a gross trailer area not exceeding 50 square metres, with a width greater than 2.6 metres and less than 3.8 metres in the transit mode, certified by the manufacturer as complying with CSA Z-241 Standard; does not include a mobile home or recreational vehicle."

The zoning bylaw establishes setbacks for the placement of Park Models, which were subsequently reduced by variance permits as follows:

	Rear Setback	Front Setback
Zoning Bylaw #100	3.0 m	3.0 m
DVP 95-15	2.1 m	1.8 m
DVP 96-08*	2.1 m	1.8 m

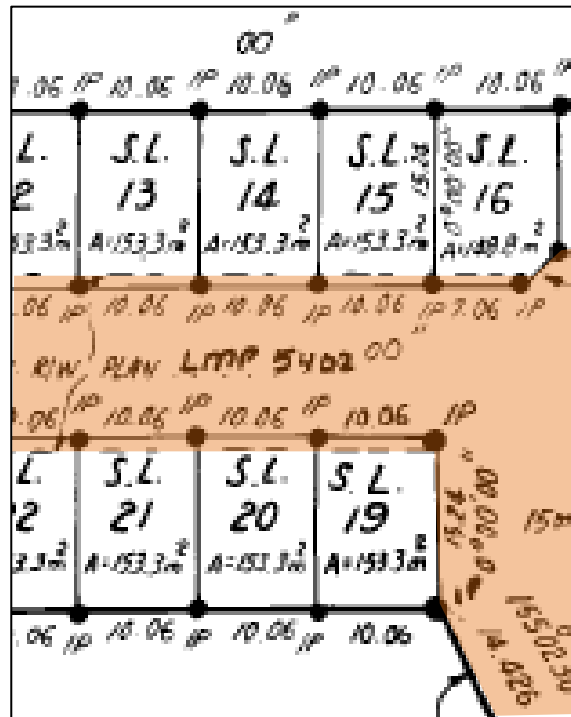
* replaced and consolidated DVP 95-15

Statutory Right-of-Way

A Statutory Right-of-Way (BF251709) was registered on the title of the subject property, and other properties in Tapadera Estates, at the time of subdivision approval in 1991.

The SROW, shown in orange on the map at right, provides the Ministry of Transportation & Infrastructure with access to the internal roadways within the development. No building or structure may be placed within the SROW, which extends 1.1 metre into Strata Lot 14.

The information provided by the applicant does not allow conclusive determination of whether the Park Model Trailer encroaches into the SROW. It appears that it may. The site plan submitted shows that the trailer meets the rear setback of 2.1 m. As the trailer is 13.4 m long (44 ft.), and the property is 15.24 m long, a 2.1m rear setback would mean that the trailer extends beyond the front property line and slightly into the strata road allowance. If that is the case, the trailer is encroaching into the SROW, as well. A survey of the property would be required to accurately determine where the trailer is located in relation to the lot lines and the SROW.



DISCUSSION

The applicants have requested what they believe to be minor variances to front and rear setbacks. As reasons in support of their application, they state, “our park model is entirely on the concrete pad. It is in no way an obstruction to traffic or emergency vehicles. We are set back behind trees that are on the asphalt.”

The application does not include a site plan with measurements from the Park Model to the lot lines, but it does indicate that the rear setback of 2.1 m has been met. Assuming that is accurate, the Park Model Trailer, as currently located, would extend about 25 cm into the strata road right-of-way.

It would be possible to locate the trailer entirely on the lot and avoid the MoTI SROW. In that case, the Park Model would be sited 1.1 m from the front lot line and 0.73 m from the rear lot line – a reduction in the setbacks from 1.8 m to 1.1 m and 2.1m to 0.73 m respectively.

However, staff recommend that the application be refused because:

- Front and rear setbacks were already reduced by DVP 95-15 and DVP 96-08 from 3.0 metres to 2.1 m rear and 1.8 m front (clear to sky).

- Front and rear setback provide a number of benefits to the development including spatial separations between structures; reduced risk of fire spread; buffers between private and common space; and, orderly and consistent development patterns. The proposed setbacks undermine planned spatial separations, road clearances and the overall benefits these setbacks offer the development.
- The placement of the Park Model appears to encroach into a Statutory Right-of-Way registered on the property title in favour of the Ministry of Transportation & Infrastructure, though the site plan provided by the applicant is inadequate to confirm the location of the Park Model in relation to the SROW boundary. It may also encroach into the strata road right-of-way.
- Approval of the variance would create expectations that similar sized trailers may be placed on other lots in Tapadera Estates.
- Site-specific variances create a patchwork quilt of rules within the development. Inconsistent rules are difficult to communicate and hard to understand. It is then challenging for owners to comply with the rules. FVRD and Tapadera Estates should move toward consistent sets of rules for all park model sites, RV sites and holiday home sites.
- There appears to be significant community concern about the size of the trailer. As of April 23, 2018, seven separate complaints from Tapadera owners have been received.
- The applicant received information about setbacks from FVRD prior to placing the trailer, but disregarded it and placed an over-sized unit on Strata Lot 14.

Implications of Refusal

If DVP 2018-18 is refused by the FVRD Board, the matter of non-compliance with bylaws and permits will be addressed as Bylaw Enforcement issue. Staff would work with the owners to achieve voluntary compliance. If that fails, there are a range of tools available to support bylaw compliance, including penalties such as tickets and bylaw offense notices. If necessary, the FVRD Board could consider registration of a notice of bylaw contravention against the land title under s. 57 of the *Community Charter* or an injunction through the BC Supreme Court.

COST

Development variance permit fee of \$350.00 paid by the applicant

CONCLUSION

The owners of Strata Lot 14 at Tapadera Estates (14600 Morris Valley Road, Area "C") have applied for a Development Variance Permit (DVP) to address the placement of a Park Model Trailer on the lot in

contravention of setback requirements set out in the zoning bylaw and subsequent DVPs. A number of complaints about the trailer have been received and a Bylaw Enforcement file has been opened.

Factoring in the length of the lot, and the required front and rear setbacks, a Park Model Trailer up to 37.2 feet long can be placed on Strata Lot 14 while still complying with the setbacks. The owners have placed a trailer that is 44 feet long and have asked for unspecified reductions to the front and rear setbacks to accommodate it.

OPTIONS

Option 1 – Refuse (Staff Recommendation)

Staff recommend that the FVRD Board refuse Development Permit 2018-18 for property located at 14-14600 Morris Valley Road, Electoral Area C to vary the front and rear setbacks of Park Model Trailer to the strata lot lines.

Option 2 –Refer to Staff

If Board members wish to refer the application back to staff for further efforts to work with the applicant on outstanding issues, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2018-18 for property located at 14-14600 Morris Valley Road, Electoral Area C to staff to work with the applicants to identify options for siting the trailer in a location that would not result in encroachments into the strata road or the Statutory Right-of-Way.

Please note that an option to approve the DVP was not provided because the information contained in the application is not adequate to determine the actual setbacks, and furthermore, it suggests that the trailer may encroach into the MoTI SROW or even into the Strata road right-of-way. As such, the application is not approvable in its current form.

COMMENT BY:

Margaret Thornton, Director of Planning & Development: Reviewed and supported. Planning staff have met and continue to meet with the Tapadera strata to discuss a comprehensive approach to address variances. To date, consensus has not been received from the strata.

COMMENT BY:

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

COMMENT BY:

Paul Gipps, Chief Administrative Officer: Reviewed and supported



**PLANNING &
DEVELOPMENT**

www.fvrd.ca | planning@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 \$ 350⁰⁰ as stipulated in FVRD Application Fees Bylaw No. 1231, 2013 must be paid upon submission of this application.

Civic Address 14-14600 Morris Valley Rd PID VOM 1A1

Legal Description Lot 14 Block _____ Section _____ Township Agassiz 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)	Signature of Owner	Date
Darin Vetterl	<i>[Signature]</i>	03/27/18
Name of Owner (print)	Signature of Owner	Date
Agnes McHaffie	<i>[Signature]</i>	mar 27 18

Owner's
Contact
Information

Address <u>7883-148 St</u>		City <u>Surrey</u>
Email _____		Postal Code <u>V3S 3G1</u>
Phone _____	Cell, _____	Fax _____

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

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 10.06 METRES^W 53.3 METRES^L Present Zoning Park Model

Existing Use Park Model

Proposed Development _____

Proposed Variation / Supplement minor variance lot set backs front and back

(use separate sheet if necessary)

Reasons In Support of Application Our park model is entirely on the concrete pad. It is in no way an obstruction to traffic or emergency vehicles. We are set back behind trees that are on the asphalt. See photos.

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

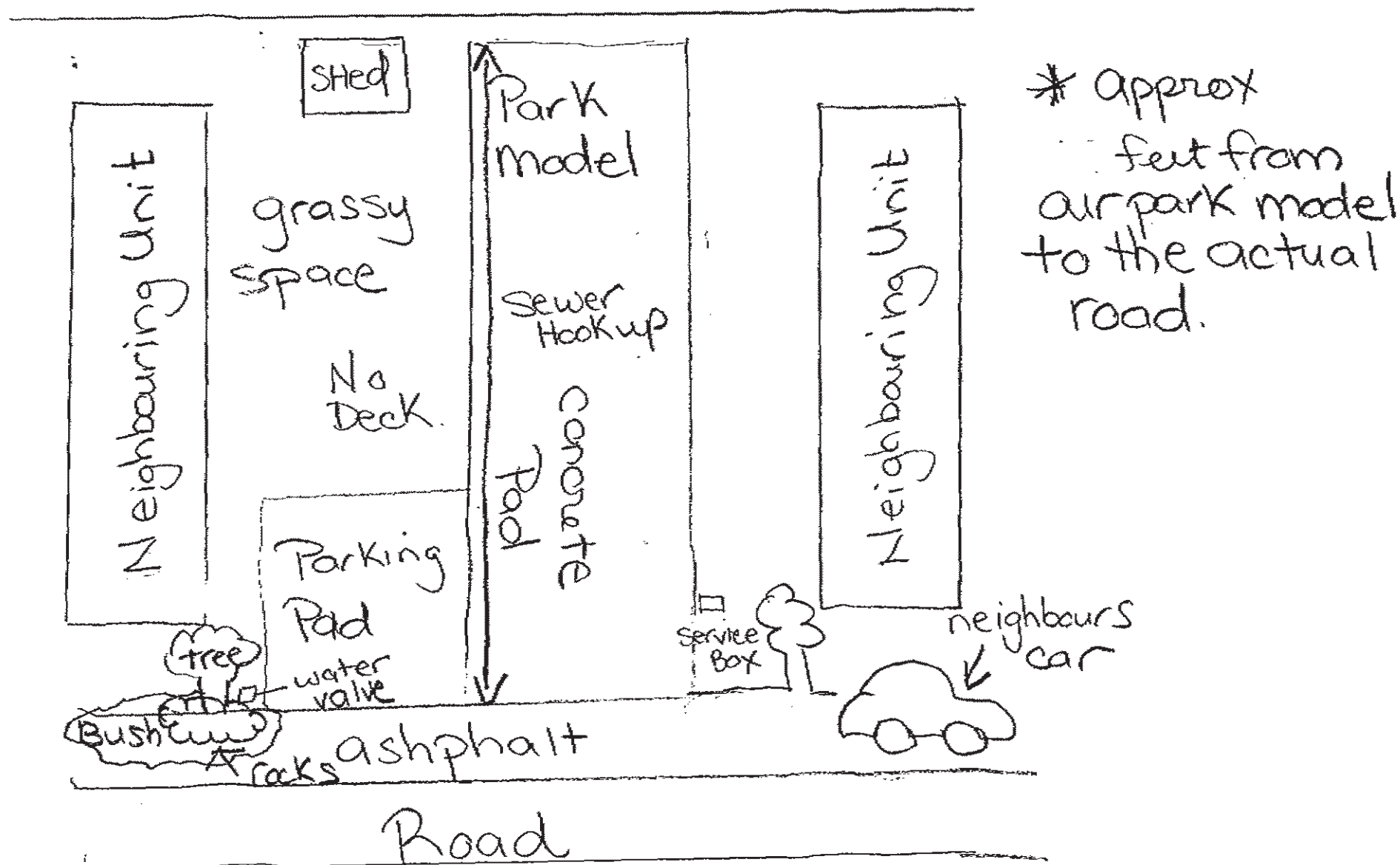
When providing Application Forms to the applicant, Regional District staff shall indicate which of the following attachments are required for this application. **Additional information may also be required at a later date.**

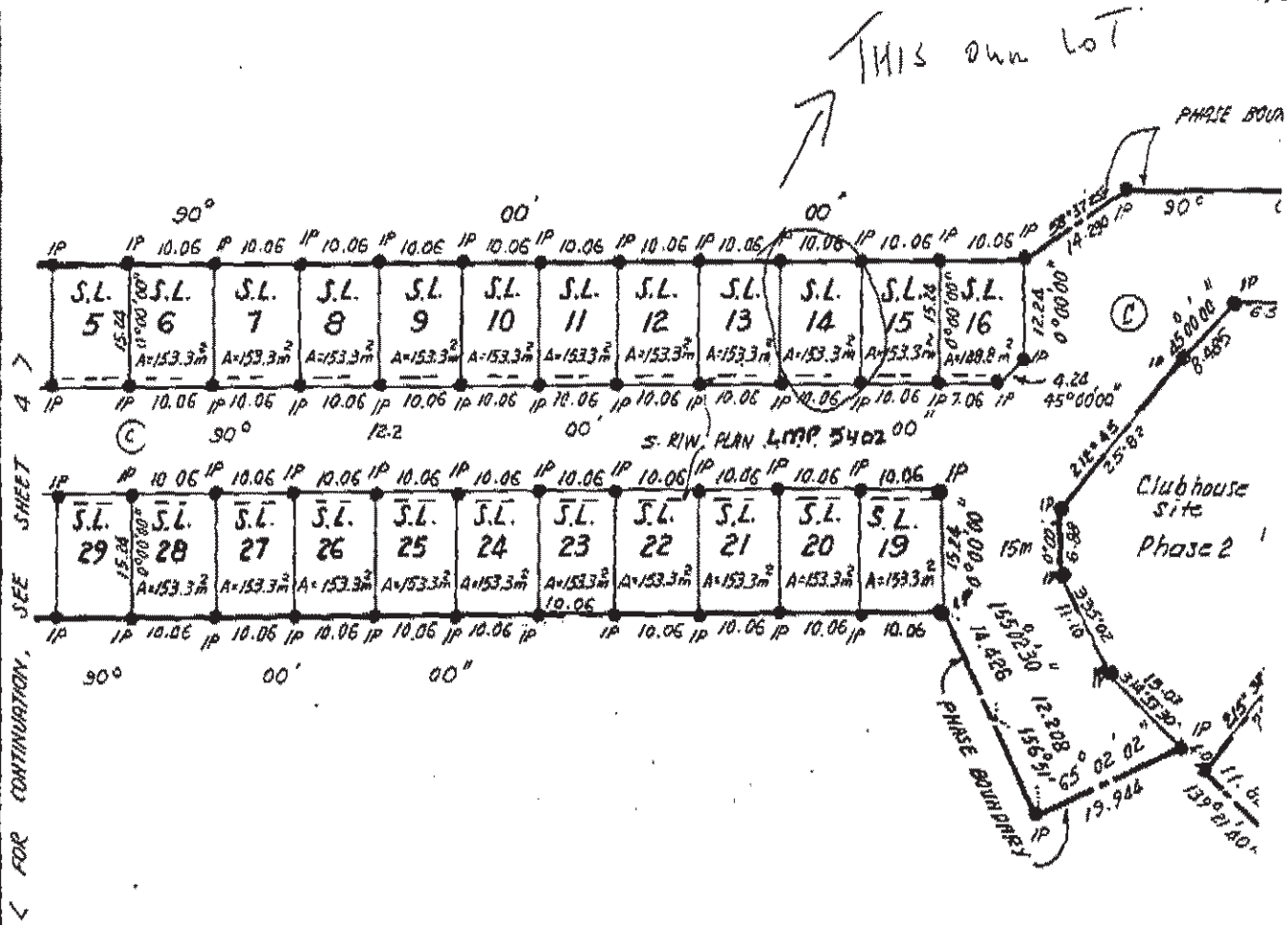
	Required	Received	Details
Location Map		<input checked="" type="checkbox"/>	Showing the parcel (s) to which this application pertains and uses on adjacent parcels
Site Plan		<input checked="" type="checkbox"/>	Reduced sets of metric plans
At a scale of:		<input checked="" type="checkbox"/>	North arrow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

Page 4 of 4

our park model is completely
on the concrete pad



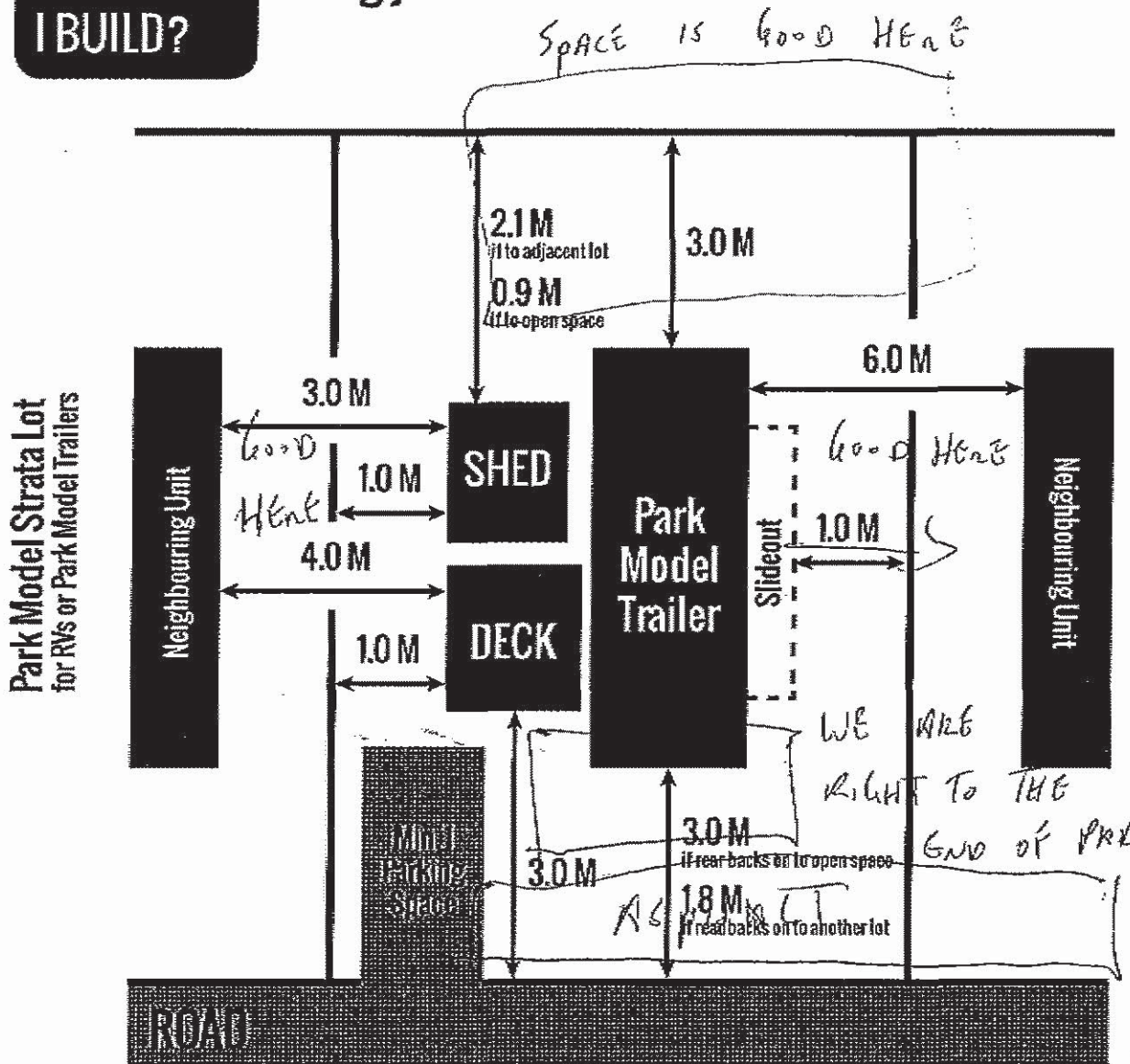


REM. A
(PHASE 2)

DATTEL

WHERE CAN I BUILD?

Siting your Park Model Trailer



For RV or Park Model Trailer Maintain setbacks of at minimum:

3.0 metres from the front or rear of site, OR 1.8 M from the front of the site if site backs on to another lot

1.0 metre from the side of the site

6.0 metres from any structure, RV, or Park Model Trailer on an adjacent site

Note: setback requirements include any slideouts (if applicable)

For Storage Shed Maintain setbacks of at minimum:

4.5 metres from the edge of the road

1.0 metre from the side of the site

3.0 metres from any structure or RV on an adjacent site

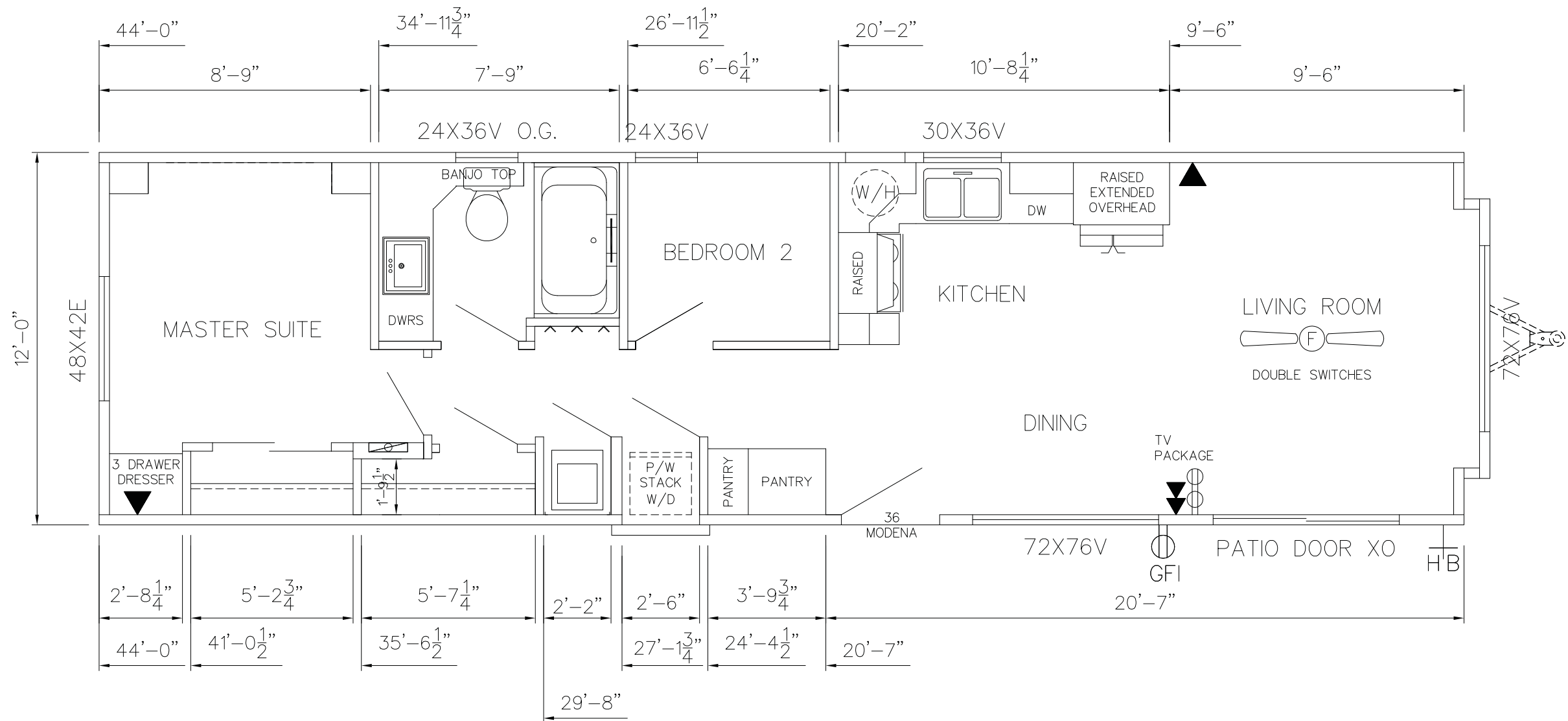
0.9 metres from rear of lot if lot backs onto open space OR 2.1 metres if lot backs onto another lot

For Deck Maintain setbacks of at minimum:


3.0 metres from the front or rear of the site or road

1.0 metre from the side of the site

4.0 metres from any structure, RV, or Park Model Trailer on an adjacent site



NOTES: MODULINE ASSUMES NO RESPONSIBILITY FOR FIRE SEPARATION, SEISMIC OR DOOR/WINDOW FENESTRATION REQUIREMENTS. CONSULT YOUR LOCAL BUILDING OFFICIAL OR ENGINEER OF RECORD TO CONFIRM

 <div>MODULINE PENTICTON P.O. BOX 190 1175 RAILWAY STREET PENTICTON, B.C. V2A 6K3 (250) 493-0122</div>	CUSTOMER: _____ SIGN		DEALER CHANGE REQUEST			DATE	BY	TITLE: PACIFIC PARK MODEL DRAWING NO. Q11012A - 12PM44002 DRAWN BY: K.E.A. DATE: 12/14/2017
	DEALER: _____ SIGN		A REVISION: PANEL HOME			12/14/2017	K.E.A.	
	DATE: _____		B					
			C					



To: Electoral Area Services Committee
From: Andrea Antifaeff, Planning Technician

Date: 2018-05-08
File No: 3090-20-2018-19

Subject: Application for Development Variance Permit 2018-19 to vary the setback requirement between buildings (washroom building/picnic shelter and bunk house) for the property located at 3-61855 Lougheed Highway, Electoral Area B

RECOMMENDATION

THAT the Fraser Valley Regional District issue Development Variance Permit 2018-19 for the property located at 3-61855 Lougheed Highway to vary the setback requirement between buildings (washroom building/picnic shelter and bunkhouse) from 12.07 metres to 4.0 metres, subject to consideration of any comments or concerns raised by the public.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

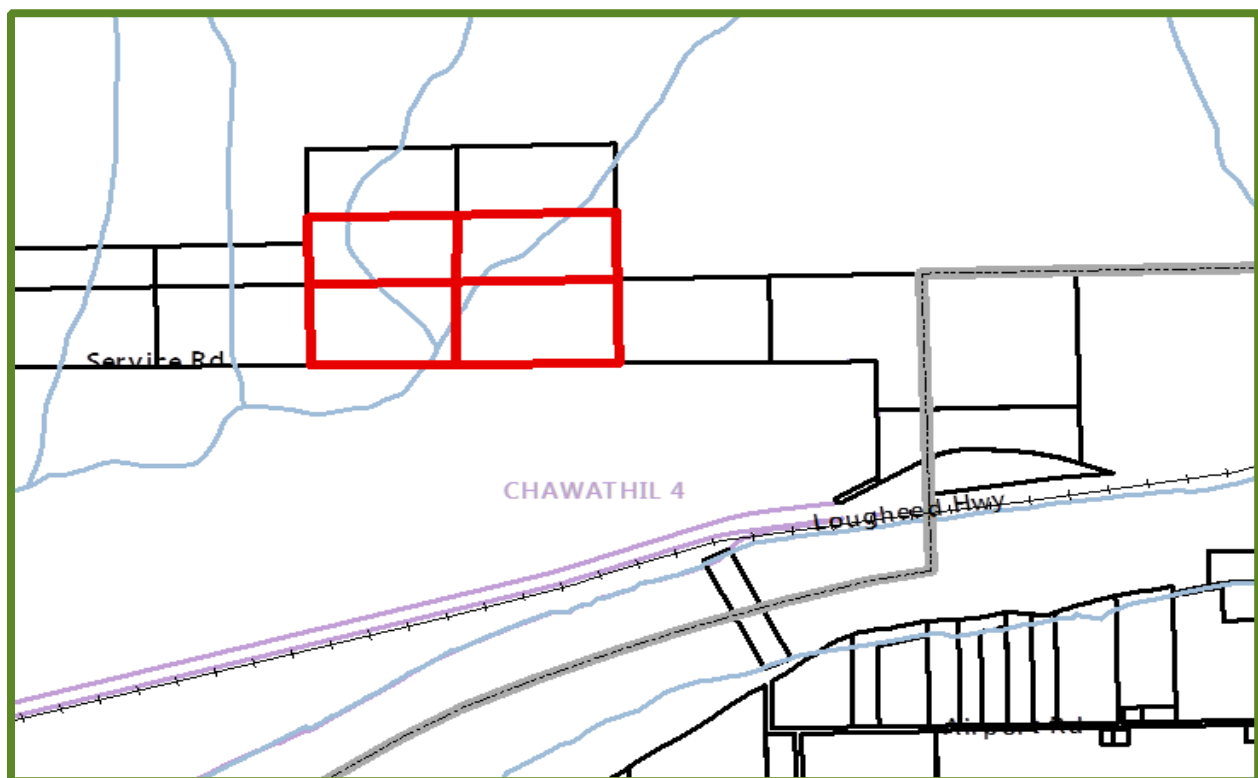
BACKGROUND

The owners of the property have made an application for a Development Variance Permit (DVP) in order to vary the required setback distance between buildings in the Residential and Recreational Assembly Use (L-4) zone as outlined in *Zoning Bylaw for the Community Plan Areas of Electoral Area "B", of Regional District of Fraser-Cheam*.

PROPERTY DETAILS			
Electoral Area	B		
Address	3-61855 Lougheed Hwy.		
PID	013-104-861		
Folio	732.06336.000		
Lot Size	88.62 acres		
Owner	Seventh-day Adventist Church	Agent	Bill Gerber
Current Zoning	Residential & Recreational Assembly (L-4)	Proposed Zoning	No change
Current OCP	n/a	Proposed OCP	n/a
Current Use	Non-profit Summer Camp	Proposed Use	No change
Development Permit Areas	n/a		
Agricultural Land Reserve	Yes		

ADJACENT ZONING & LAND USES		
North	^	Crown Land
East	>	Crown Land
West	<	Residential, R-4
South	v	Chawathil 4, IR

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

The owners of the subject property are proposing to construct a washroom building/picnic shelter at 3-61855 Loughheed Highway (Camp Hope – Mountain View Camp and Conference Centre). Camp Hope – Mountain View Camp and Camp and Conference Centre is a private facility which holds conventions and private events using their lodge, cabin and camping facilities. The location of the proposed washroom building/picnic shelter is within the already developed area of the camp. Camp Hope's location is surrounded mainly by vacant crown land. The property is located within the Agricultural Land Reserve and approval from the Agricultural Land Commission of Camp Hope has been provided.

The applicants have already made a building permit application for the proposed washroom building/picnic shelter (BP014053). Building department staff has spoken with the applicant regarding building code implications due to the proximity of the buildings; implications include: 1. no openings on the wall of the washroom building/picnic shelter adjacent to the existing bunkhouses; and, 2. the wall of the washroom building/picnic shelter adjacent to the existing bunkhouses must be constructed out of non-combustible material.

Appendix A illustrates the proposed site plan for the development.

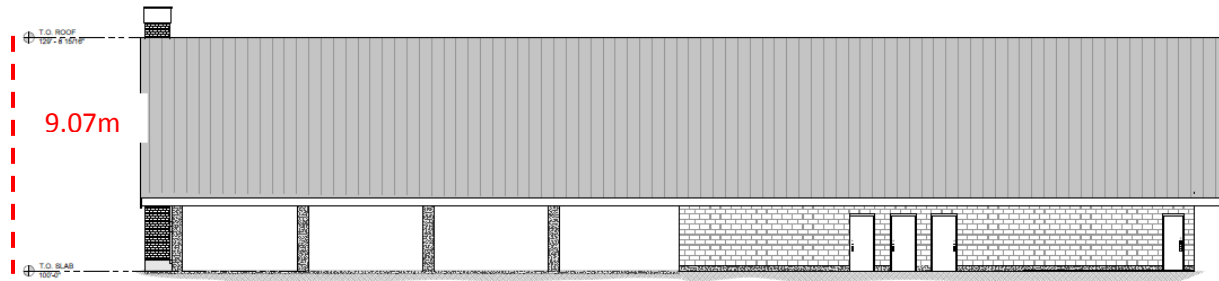


FIGURE 2 – Demonstrates height of proposed building for separation calculation.

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 objection have been submitted.

COST

The application fee of \$350.00 has been paid by the applicant.

CONCLUSION

The property owners have applied for a DVP to decrease the required setback distance between buildings for the construction of a washroom building/picnic shelter. Staff recommend that the FVRD Board issue the permit. The variance is not anticipated to negatively affect surrounding properties, given the setbacks of over 90 metres to property boundaries and no immediately adjacent residences.

OPTIONS

Option 1 – Issue (Staff Recommendation)

Staff recommend that the FVRD Board issue Development Variance Permit 2018-19 for the property located at 3-61855 Lougheed Highway to decrease the required setback distance between buildings from 12.07 metres to 4.0 metres, subject to consideration of any comments or concerns raised by the public.

Option 2 – Refuse

If the Board wishes to refuse the application, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2018-19 for the property located at 3-61855 Lougheed Highway.

Option 3 – Refer to Staff

If the Board wishes to refer the application back to staff to address outstanding issues, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2018-19 for the property located at 3-61855 Lougheed Highway to FVRD Staff.

COMMENTS BY:

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

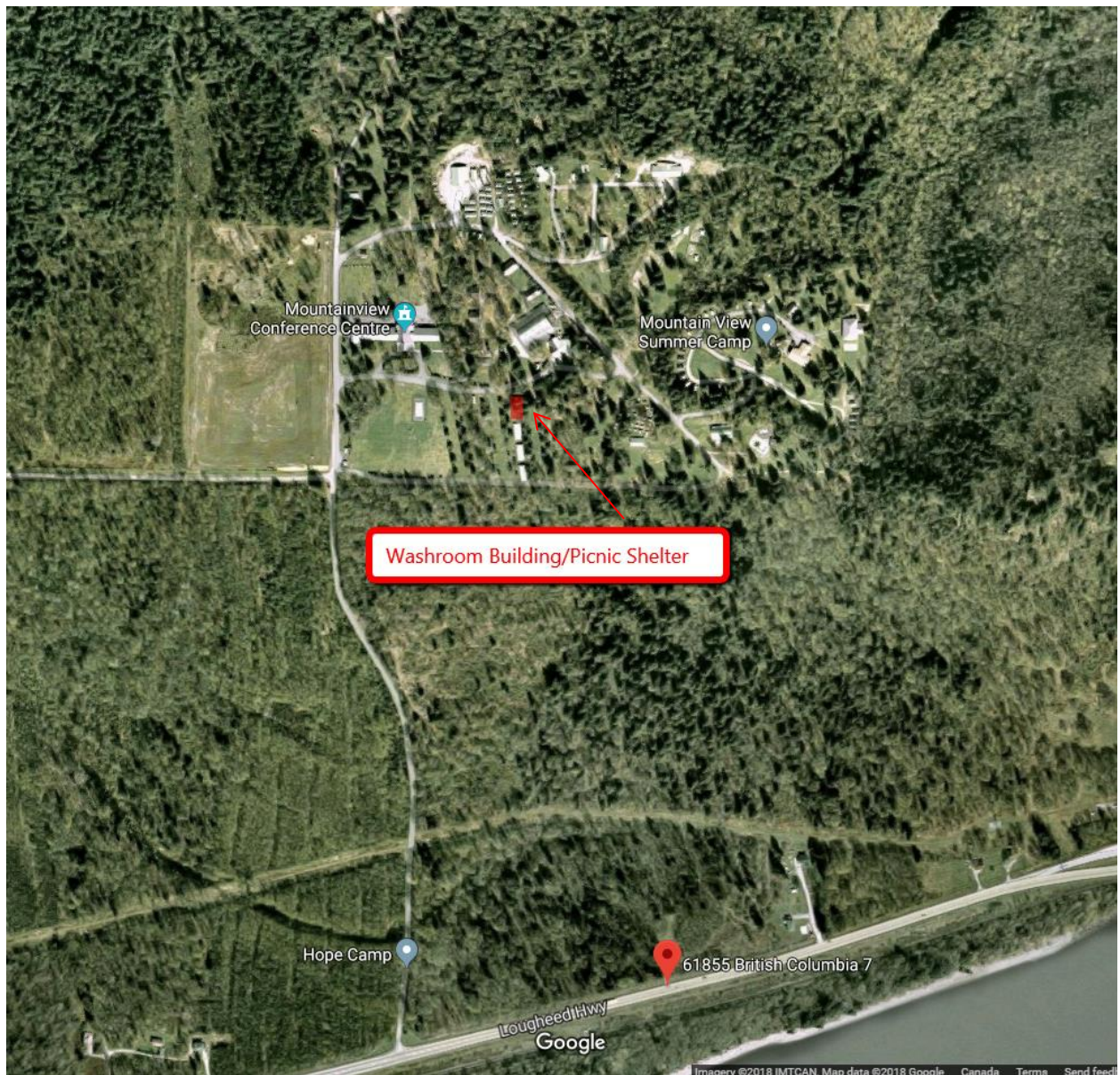
Margaret Thornton, Director of Planning & Development: Reviewed and supported.

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

Paul Gipps, Chief Administrative Officer: Reviewed and supported

Appendix A

Site Plan



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 \$ 350.00 as stipulated in FVRD Application Fees Bylaw No. 1231, 2013 must be paid upon submission of this application.

Civic Address UNIT 3 61855 LOUGHEED HIGHWAY PID 013-104-861

Legal Description Lot — Block — Section 13 Township 15 Range 27 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>Seventh-day Adventist Church BC Conference</u>	Signature of Owner <u>[Signature]</u> <u>Vice President of Finance</u>	Date <u>APRIL 12/18</u>
Name of Owner (print)	Signature of Owner	Date

Owner's
Contact
Information

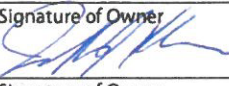
Address <u>Box 1000 (1626 McCallum Rd)</u>	City <u>Abbotsford</u>
Email	Postal Code <u>V2S 4P5</u>

Office Use Only	Date <u>APRIL 12, 2018</u>	File No. <u>3090-20 2018-18</u>
	Received By <u>Andrea</u>	Folio No.
	Receipt No. <u>5181-3</u>	Fees Paid: \$ <u>350.00</u>

Agent

I hereby give permission to BILL GERBER 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 <u>April 12, 2018</u>
Signature of Owner	Date

Agent's contact information and declaration

Name of Agent <u>BILL GERBER</u>	Company
Address <u>31072 SIDONI AVE</u>	City <u>ABBOTSFORD</u>
	Postal Code <u>V2T 5K1</u>
	Fax

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

Signature of Agent 	Date <u>APRIL 12/18</u>
--	----------------------------

Development Details

Property Size 109 ACRES Present Zoning _____

Existing Use NON PROFIT CAMP + SUMMER CAMP PROGRAM for KIDS & BLIND

Proposed Development we would like to replace a small washroom with a larger washroom and attached covered picnic area.

Proposed Variation / Supplement The proposed new bathroom structure is 4.00 metres from an existing building. The current required distance is 12.07 metres we are requesting a variance that would allow the proposed building, and the existing building to be 4.00 m apart.
(use separate sheet if necessary)

Reasons in Support of Application We need to put our new washroom in the proposed location due to: the creek on the west side; the location of current fire lanes, no closer to our road for safety reasons, close to the bunk houses as it will service them year round, and in a location that will negate the least amount of existing sites.

Page 2 of 4

**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: 1:_____			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			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@fvrld.ca.



FRASER VALLEY REGIONAL DISTRICT DEVELOPMENT VARIANCE PERMIT

Permit No. Development Variance Permit 2018-19 **Folio No.** 732.06336.000

Issued to: Seventh-day Adventist Church – BC Conference

Address: 1626 McCallum Road, Abbotsford, B.C. V2S 4P5

Applicant: Bill Gerber

Site Address: 3-61855 Lougheed Highway, Electoral Area "B"

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:

SOUTH HALF OF LEGAL SUBDIVISION 3 SECTION 13 TOWNSHIP 5 RANGE 27 WEST OF THE SIXTH
MERIDIAN NEW WESTMINSTER DISTRICT
013-104-861

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 Community Plan Areas of Electoral Area "B", of the Regional District of Fraser-Cheam is **varied** as follows:

Section 2104 SETBACKS

C. The proposed washroom building/picnic shelter as shown on Schedule "B" shall be reduced from the calculated setback of 12.07 metres to 4.0 metres from the existing bunkhouses, clear to sky.

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. 014053.

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 2018-19. The notice shall take the form of Appendix I attached hereto.

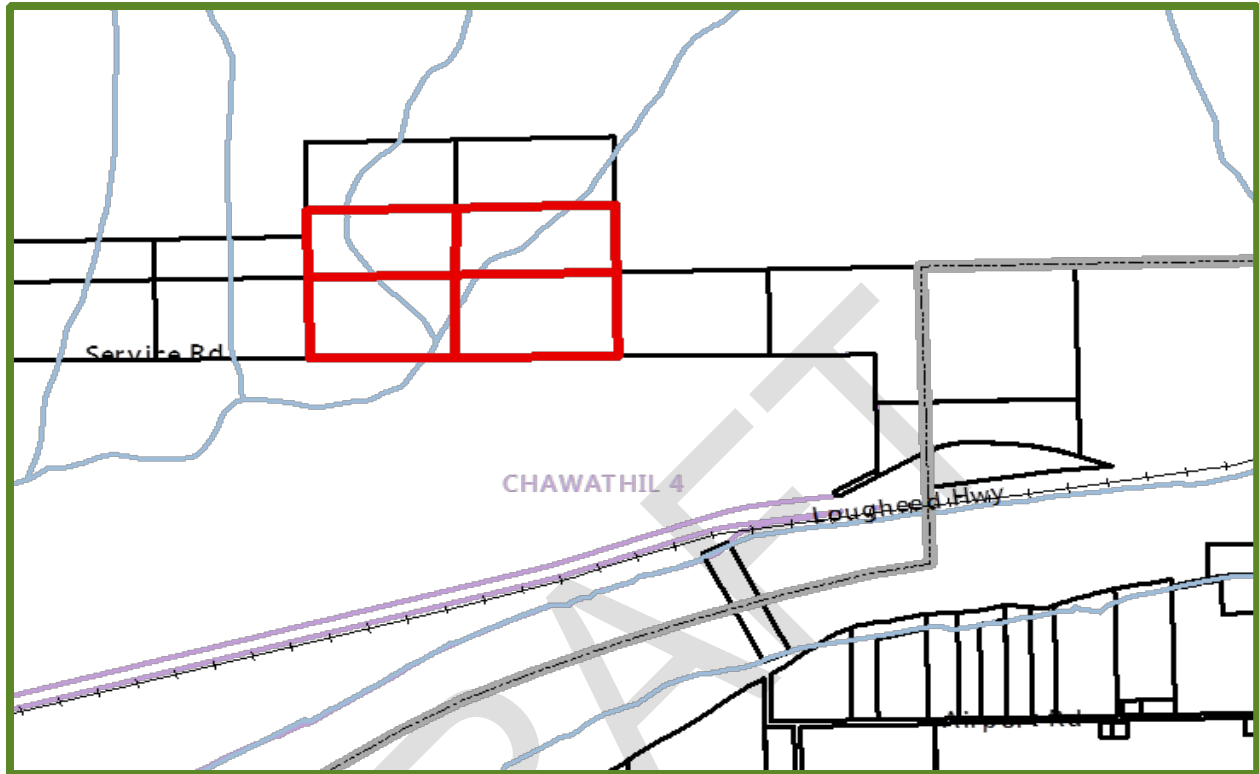
AUTHORIZING RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF THE FRASER VALLEY REGIONAL DISTRICT ON THE 23rd DAY OF MAY, 2018.

Chief Administrative Officer / Deputy

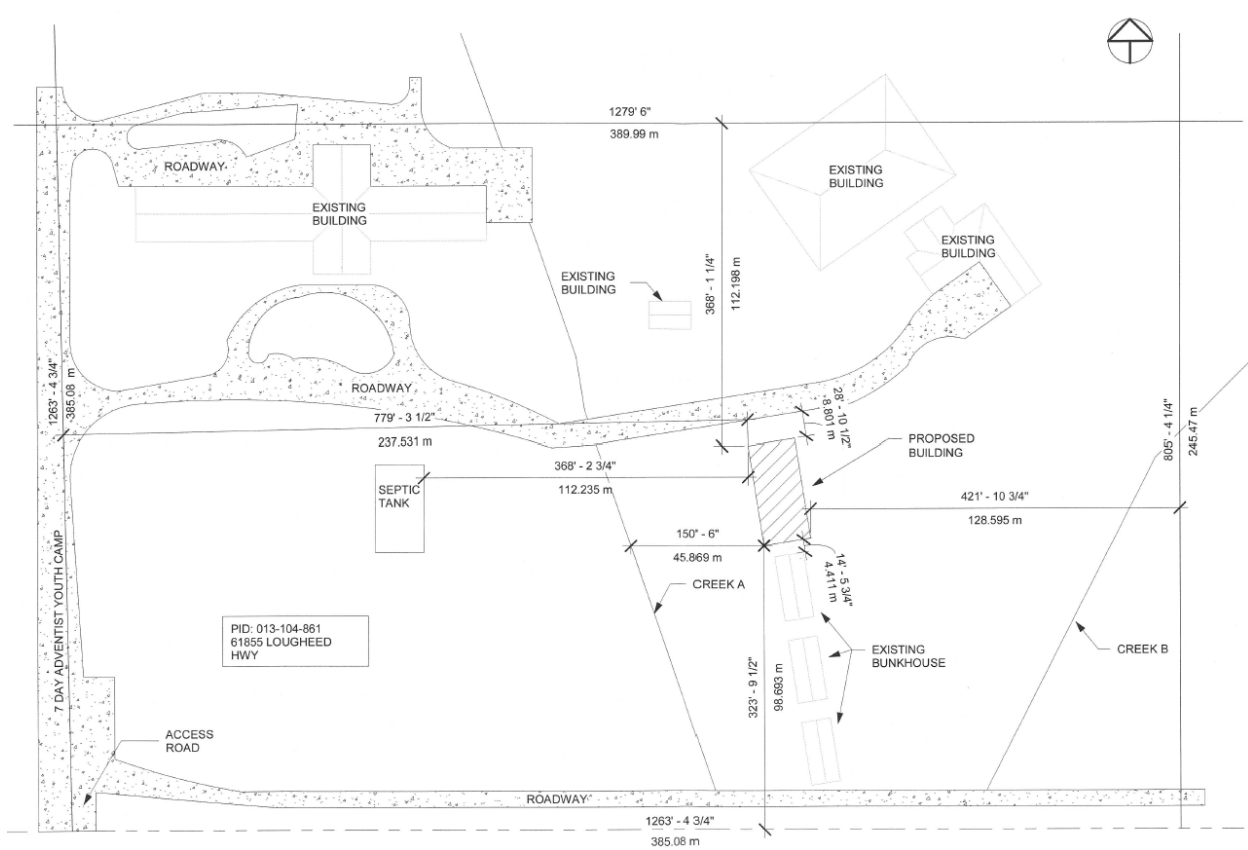
THIS IS NOT A BUILDING PERMIT

DRAFT

DEVELOPMENT VARIANCE PERMIT 2018-19
SCHEDULE "A"
Location Map



DEVELOPMENT VARIANCE PERMIT 2018-19
SCHEDULE "B"
Site Plan



April 25, 2018

FILE: 0230-20

Honourable John Horgan
Premier of British Columbia
PO Box 9041
STN PROV GOVT
Victoria, BC
V8W 9E1

Honourable Lana Popham
Minister of Agriculture
PO Box 9043
STN PROV GOVT
Victoria, BC
V8W 9E2

Dear Premier Horgan and Minister Popham:

RE: Cannabis Production Facilities on Agricultural Land Reserve lands

At its Regular meeting held April 9, 2018, Council received an email from Ms. Nancy Chapman of Citizens Protecting Agricultural dated March 28, 2018 requesting that Council considers the District of Central Saanich's resolution for "Moratorium to reduce immediate pressures on Agricultural Land Reserve lands by cannabis production facilities." (copy is attached)

As a rural agricultural community, we see benefit from having an opportunity to provide valuable input into ensuring that the location of legal cannabis production facilities considers local interests as well as a consistent provincial approval process.

Council will be supporting the resolution at the 2018 Union of British Columbia Municipalities Convention in September as we concur that valuable farm land should not be consumed by Cannabis Production Facilities.

Sincerely,



John Van Laerhoven
Mayor

Pc: UBCM Municipalities
Ms. N. Chapman, Citizens Protecting Agricultural Land (via email)

Rachel Wille

From: Nancy Chapman <nancyandray@shaw.ca>
Sent: March-28-18 9:08 PM
To: Lum@chilliwack.com; traymond@fvrld.bc.ca; dadamson@fvrld.bc.ca; aniemi@fvrld.bc.ca; bdickey@fvrld.bc.ca; astobbart@fvrld.bc.ca; rboucher@fvrld.bc.ca; oengar@fvrld.bc.ca; pross@abbotsford.ca; mayorbraun@abbotsford.ca; kchahal@abbotsford.ca; mgill@abbotsford.ca; dfloewen@abbotsford.ca
Cc: jhinds@mission.ca; 'Pam Alexis'; John Van Laerhoven; Rsiemens@abbotsford.ca; tdixon@fvrld.bc.ca; gaetz@chilliwack.com; stam@chilliwack.com; waddington@chilliwack.com; lfacio@harrisonhotsprings.ca; wvicktor@fvrld.bc.ca
Subject: Moratorium to reduce immediate pressures on ALR lands by cannabis production facilities

Dear Chairman Lum and Board of Directors of the Fraser Valley Regional District,

We are a citizens' group (Citizens Protecting Agricultural Land) based on the Saanich Peninsula on southern Vancouver Island who are witnessing sudden and unprecedented pressures on prime ALR lands by cannabis production facility proposals and speculation.

We would like to bring your attention to a motion that was unanimously passed by the Central Saanich Municipal Council earlier this year to help address these pressures. The motion requests that the BC Premier and Agriculture Minister establish a minimum six month moratorium on further use of ALR lands to grow cannabis, to allow for consultation, discussion and a review of the use of ALR lands for the growth and production of marijuana. This timeout would give municipalities, residents, farmers, industry and the public an opportunity to share information, express concerns and discuss the challenges and special requirements demanded by marijuana production. The pause would provide decision makers with the time to consciously address where marijuana production facilities are best suited to be built and help to ensure that ALR lands are protected and preserved. The moratorium would also reduce the potential loss of productive ALR lands in the short-term, as it will be some time before the Agriculture Minister's Advisory Committee's recommendations for revitalizing the Agricultural Land Reserve and Agricultural Land Commission are released and acted upon.

We strongly encourage you and your Council to take action to protect your ALR lands for their best possible use. We hope that you will consider issuing a motion similar to Central Saanich, addressed to the BC Premier and Agriculture Minister.

Regular Council Minutes, February 19, 2018, Page 11 of 13.

13.3 Notice of Motion Submitted by Mayor Windsor, January 19, 2018

Re: Request to Premier of British Columbia and Minister of Agriculture re: moratorium

<https://centralsaanich.civicweb.net/filepro/document/63246/Regular%20Council%20-%2019%20Feb%202018%20-%20Minutes%20-%20Pdf.pdf>

Be it resolved that the District request that Premier of British Columbia and Minister of Agriculture place a moratorium on further use of Agricultural Land Reserve lands to grow cannabis while it performs a minimum of six month review and broad consultation with farmers, municipalities, industry and the public on the use of Agricultural Land Reserve lands for the growth and production of marijuana.

Best regards,

Nancy Chapman, on behalf of Citizens Protecting Agricultural Land (CPAL) cprotectingal.com