

To: Electoral Area Services Committee

Date: 2020-06-09

From: David Bennett, Planner II

File No: 3360-26-2020-01

Subject: Zoning Bylaw 1597, 2020 Proposed rezoning of 10789 North Deroche Road, Electoral Area G to facilitate a single burial plot within an existing religious building.

RECOMMENDATION

THAT the Fraser Valley Regional District Board consider giving first reading to the bylaw cited *Fraser Valley Regional District Electoral Area G Zoning Amendment Bylaw No. 1597, 2020* for the rezoning of 10789 North Deroche Road, Electoral Area G to permit a single burial plot within an existing religious use building;

AND THAT the Fraser Valley Regional District Board consider waiving the holding of a public hearing for *Fraser Valley Regional District Electoral Area G Zoning Amendment Bylaw No. 1597, 2020* pursuant to section 464(2) of the Local Government Act;

AND FINALLY THAT the Fraser Valley Regional District Board authorize its signatories to execute all documents relating to *Fraser Valley Regional District Electoral Area G Zoning Amendment Bylaw No. 1597, 2020*.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

PRIORITIES

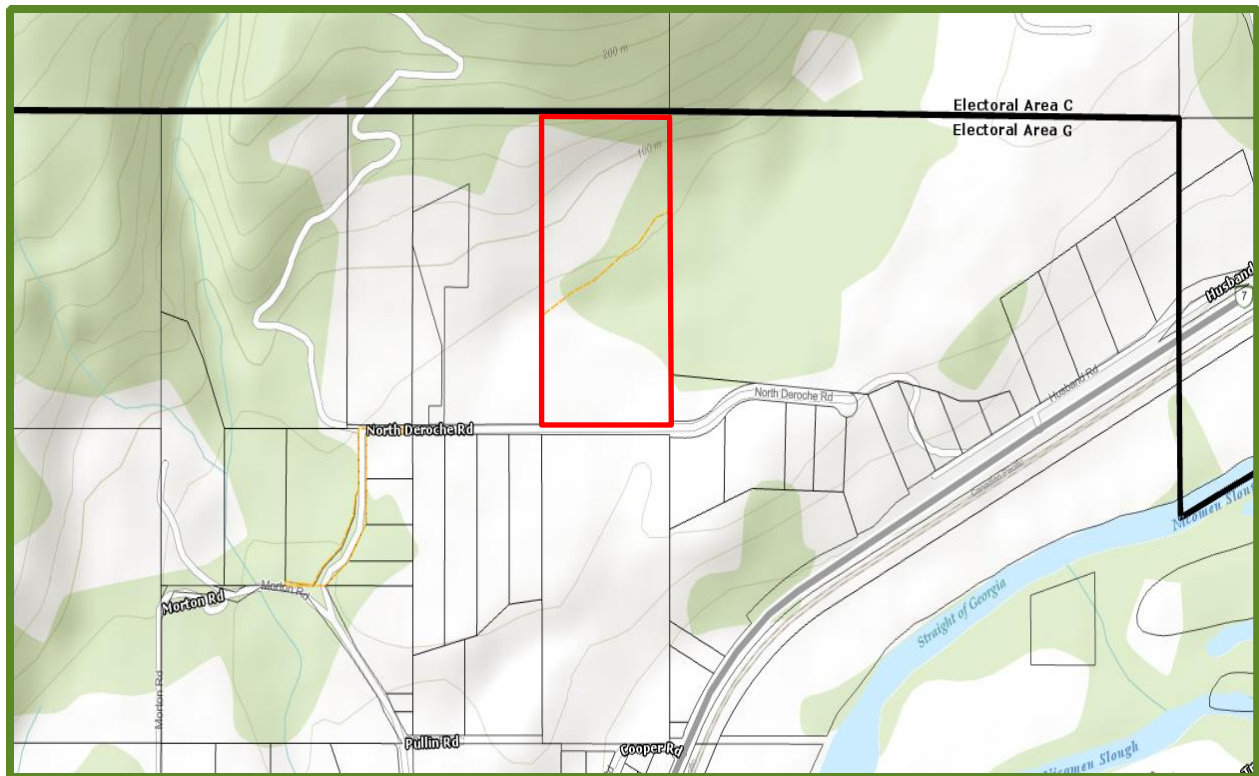
BACKGROUND

The purpose of Bylaw 1597, 2020 is to amend the text of the P-1 zone to permit one (1) burial plot within an existing religious building located at 10789 North Deroche Road, Electoral Area G.

PROPERTY DETAILS			
Electoral Area	G		
Address	10789 North Deroche Rd		
PID	007-331-525		
Folio	775.03662.200		
Lot Size	19.7 acres		
Owner	Fr. Rudolph D'souza Canadian Carmelite Charitable Society	Agent	John Clark Architect Inc
Current Zoning	Civic Assembly (P-1) & Rural (R)	Proposed Zoning	Text Amendment to Civic Assembly
Current OCP	Institutional (I) & Rural (R)	Proposed OCP	No change
Current Use	Religious Assembly	Proposed Use	Religious Assembly with internment
Development Permit Areas	1-G – Geologic & Stream Hazard; 2-G Riparian Areas		
Agricultural Land Reserve	No		

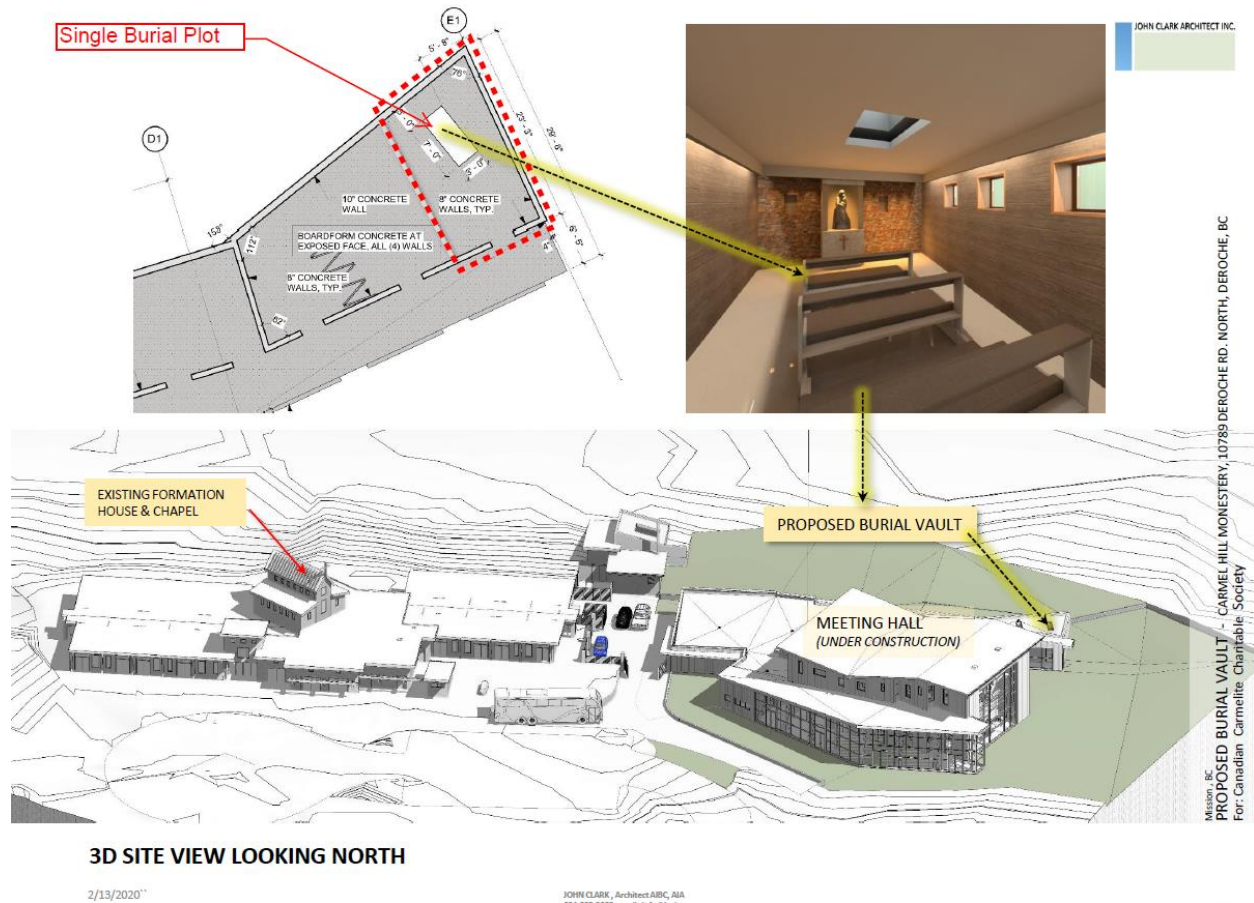
ADJACENT ZONING & LAND USES		
North	^	Rural 3 (R-3); Forest
East	>	Rural 1 (R-1); Forest
West	<	Rural 1 (R-1); Agriculture
South	v	Rural Residential (RS-1); North Deroche Rd, Agriculture

NEIGHBOURHOOD MAP



PROPERTY MAP





DISCUSSION

Proposal Details

- The proposal is for 1 (one) burial plot.
- The single burial plot is proposed within a room that is a part of an existing larger religious complex.
- The proposed single burial plot is defined as a cemetery and is subject to all provincial regulations regarding cemeteries.
- The applicant must submit an approval document from the Regional Board that confirms the proposed use is permitted by its bylaws before any provincial approvals are granted.
- The current zoning does not permit cemetery uses and therefore requires rezoning to proceed.

Additional diagrams and renderings of the room are attached for reference.

Regulation of Cemeteries in British Columbia

Consumer Protection BC oversees cemeteries in BC. In BC, a property must be zoned for cemetery uses before a licence for a burial can be issued. It is unlawful to bury human remains anywhere except where the law allows, such as licensed cemeteries, or on land specifically set aside under other laws. To operate a place of interment, a property must first be established as a place of interment. After that, anyone who wants to operate a place of interment needs a licence.

Before a site is approved by the Province as a place of interment, the applicant must submit an approval document from the regional board that confirms the proposed use is permitted by its bylaws.

Provincial legislation regulates owner's responsibilities and protects burial sites.

For the FVRD to issue the approval document, the property must be rezoned to permit the burial use.

Public Hearing Waiver

The Local Government Act states:

A local government may waive the holding of a public hearing on a proposed zoning bylaw if

- (a) an official community plan is in effect for the area that is subject to the zoning bylaw, and
- (b) the bylaw is consistent with the official community plan.

This proposed zoning bylaw is consistent with the Local Government Act's conditions to waive the holding of a public hearing.

The impact on the neighbourhood will be a single burial plot located within an existing religious use building. The building is setback from North Deroche Road and the proposed burial room is not visible from North Deroche Road.

Public Hearing Waiver Notification

The Local Government Act states that if a public hearing is waived, the local government must provide newspaper notification as well as mailed notification to neighbours.

This table summarizes the notification processes between holding or waiving a public hearing:

	Holding a Public Hearing	Waiving a Public Hearing
Posting a Sign on the Property	Required	Required
Mailed notification to Neighbours	Required	Required
Newspaper Ad	Required	Required
Neighbours express comments or concerns to the FVRD Board	Neighbours may speak at a public hearing, or submit written comments	Neighbours may provide written comments to FVRD staff

If the public hearing is waived, the public notification will inform neighbours that they may address comments or concerns to FVRD staff. FVRD staff will review any comments or concerns. Depending on any feedback received, FVRD staff may recommend that the public hearing waiver be rescinded and a public hearing be held. This determination would be made prior to consideration of Third reading.

The holding of public hearings during the COVID-19 pandemic is complicated by public health orders and guidelines for reducing the spread of this disease. Staff would prefer to delay public hearings until it is safe to do so without putting electoral area residents at risk. Waiving the public hearing would allow this application to proceed without delay. The proposed development is for a single burial plot within an existing religious use building. Staff anticipate that there will not be significant community concern with the application. For these reasons, staff support waiving of the public hearing.

COST

Rezoning application fee - \$2,800.00 **Paid**

CONCLUSION

In order to determine whether or not to recommend proceeding to First Reading; FVRD staff's consideration included the following:

- Official Community Plan supports the religious and assembly use of the property.
- The proposal is limited in scope and scale to one (1) burial plot in an existing building.
- The proposal will be regulated by the Consumer Protection Branch and the associated regulations regarding official burial plots.
- A covenant is recommend to further enforce the zoning bylaw and restrict the burial to a single plot within the single room of the existing religious use building located on the property.
- The proposed zoning amendment bylaw is a site-specific text amendment. The bylaw would only permit a single burial plot on the subject property. In other words, no other lands with the same zoning would be permitted burial plots.

COMMENTS BY:

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

Kristy Hodson, Acting Director of Financial Services: Reviewed and supported

Jennifer Kinneman, Chief Administrative Officer: Reviewed and supported