

To: Electoral Area Services Committee

Date: 2020-07-28

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 second and third 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.

STRATEGIC AREA(S) OF FOCUS

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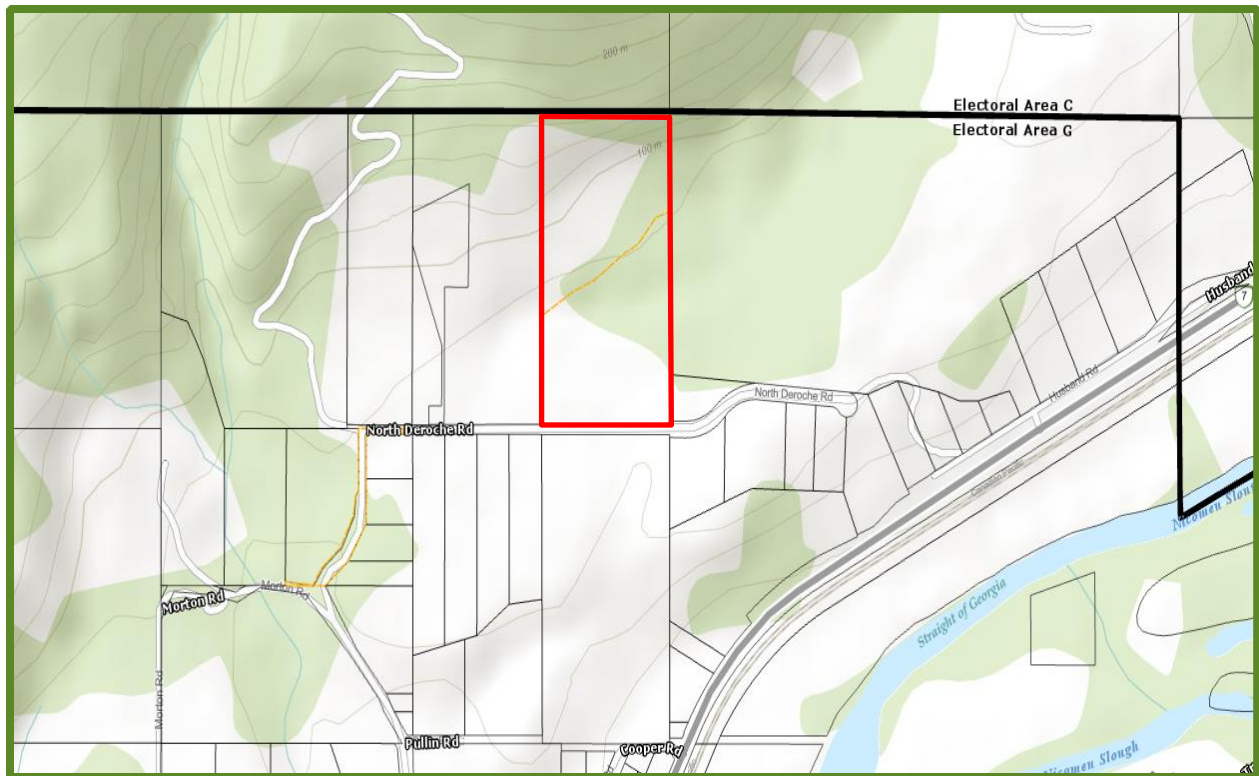
BACKGROUND

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 interment
Development Permit Areas	1-G – Geologic & Stream Hazard; 2-G Riparian Areas		
Agricultural Land Reserve	No		

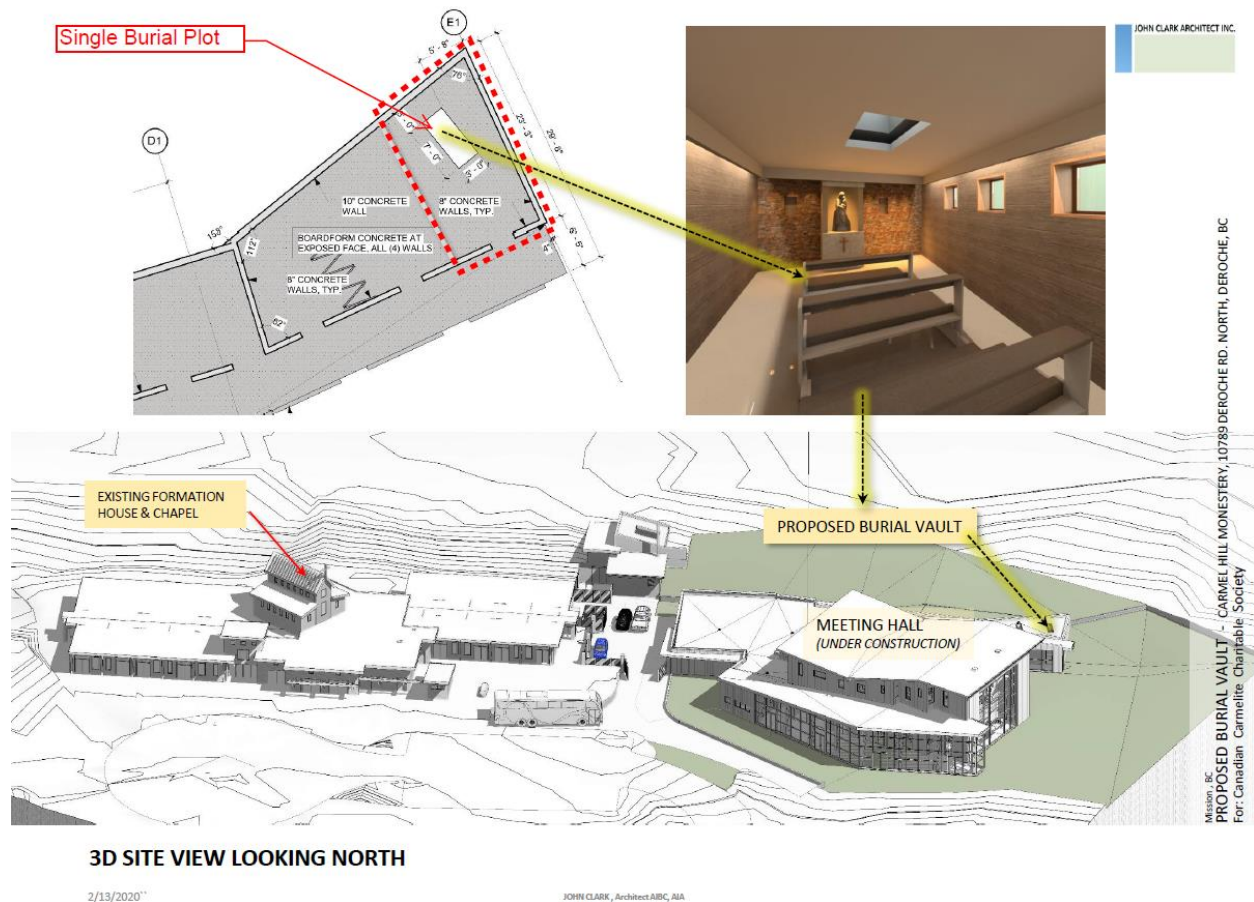
ADJACENT ZONING & LAND USES		
North	^	Rural 3 (R-3); Forest
East	>	Rural 1 (R-1); Forest
West	<	Rural 1 (R-1); Agriculture
South	v	Rural Residential (RS-1); North Deroche Rd, Agriculture

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 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.

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.

The notification processes undertaken for this application was:

A sign was posted on the property on June 18, 2020

Notification was mailed to neighbours within 500m on June 26, 2020. The mailout was extended from 150m to 500m in order to provide notices to more neighbours on North Deroche Road.

Newspaper ads were published in the July 16 and 23 editions of the Mission Record.

The public notification informed neighbours that they may address comments or concerns to FVRD staff.

FVRD staff received comments and questions from two neighbours concerned about the ability to expand the cemetery use beyond the single burial plot.

FVRD staff provided the following statement to neighbours:

This 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.

A covenant will 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. Covenants run with the lands and are binding on the owner and all future owners.

With the proposed zoning restriction and covenant it would not be possible for additional future burials as they would be in conflict with the zoning bylaw and covenant.

Any future additional burial proposals would require another rezoning application and public process. Whether or not a zoning bylaw is approved or denied is a discretionary power of the FVRD Board. All rezoning applications are considered on their own merits and previous zoning approvals do not establish precedence.

FVRD staff have not receive any further comments or concerns and are recommending proceeding with second and third reading.

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 recommended 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.
- Neighbourhood concerns regarding the possibility to expand the proposed cemetery use beyond a single burial were addressed and no further comments or concerns were received.

COMMENTS BY:

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

Kelly Lownsbrough, Director of Finance/Chief Financial Officer: Reviewed and supported.

Jennifer Kinneman, Chief Administrative Officer: Reviewed and supported.