

To: Electoral Area Services Committee

Date: 2020-10-15

From: Andrea Antifaeff, Planner 1 and Katelyn Hipwell, Planner 2

File No: 3920-20-1599, 2020

Subject: Official Community Plan Amendment Bylaw No. 1599, 2020 to implement the findings of two recent reports regarding the Chilliwack River Erosion Setback Line

RECOMMENDATION

THAT the Fraser Valley Regional District Board consider giving first reading to *Fraser Valley Regional District Official Community Plan for Electoral Area E and H Amendment Bylaw 1599, 2020* to implement the findings of two recent reports regarding the Chilliwack River Erosion Setback Line;

THAT *Fraser Valley Regional District Official Community Plan for Electoral Area E and H Amendment Bylaw No. 1599, 2020* be forwarded to Public Hearing;

THAT the Fraser Valley Regional District Board delegate the holding of the Public Hearing with respect to proposed Bylaw 1599, 2020;

THAT Director Engar, or his Alternate in his absence, preside over and Chair the Public Hearing with respect to proposed Bylaw 1599, 2020;

THAT the Chair of the Public Hearing be authorized to establish procedural rules for the conduct of the Public Hearing with respect to proposed Bylaw 1599, 2020 in accordance with the Local Government Act;

THAT in the absence of Director Engar and his Alternate at the time of the Public Hearing with respect to proposed Bylaw No. 1599, 2020 the Fraser Valley Regional District Chair is delegated the authority to designate who shall preside over and Chair the Public Hearing regarding this matter;

AND THAT in accordance with Section 475 of the Local Government Act, the Fraser Valley Regional District Board adopt the Official Community Plan consultation strategy as outlined in the corporate report dated October 15, 2020 for Bylaw 1599, 2020. The consultation strategy includes a notice and referral to the Stò:lō Connect referral system;

AND FURTHER THAT the Fraser Valley Regional District Board consider Bylaw 1599, 2020 in relation to the FVRD financial plan and the FVRD waste management plan.

PRIORITIES

Priority #3 Flood Protection & Management

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community
Provide Responsive & Effective Public Services
Support Environmental Stewardship

BACKGROUND

Official Community Plan Amendment Bylaw No. 1599, 2020 addresses the implementation of two reports regarding the Chilliwack River Erosion Setback Line. The Regional District has commissioned two reports which provided an updated Erosion Setback Line for both the Wilson Road to Baker Trails Area and Slesse Park Area:

- 2016 01 22 – Northwest Hydraulic Consultants (NHC), Chilliwack River Erosion Setback Line Update – Wilson Road to Baker Trails Area; and,
- 2020 03 02 – Kerr Wood Leidal (KWL), Chilliwack River Slesse Park Erosion Setback Line Update.

DISCUSSION

The Erosion Setback Line (ESL) is an important part of the hazard framework that the FVRD uses to guide development approvals in the Chilliwack River Valley. It identifies the area that could be eroded during a single major flood event with a return frequency of 1:50 to 1:100. The Erosion Setback Line is implemented in Chilliwack River Development Permit Area 2-E.

The Erosion Setback Line was originally set out in 1993 by Hay & Co Consultants based on professional judgement, the location of unprotected low river banks, the presence of bank protection (in 1993), and the possibility of outflanking of existing protection.¹

Lands within the ESL face significant restrictions on construction because: 1) the consequences of erosion overtaking a development are severe; and, 2) it is very difficult to protect a single property from erosion.

Two recent reports commissioned by the FVRD have assessed the existing Erosion Setback Line in two areas of the Chilliwack River: Wilson Road to Baker Trails; and, Slesse Park. These reports provide an updated setback based on newly available LiDAR data and ortho-imagery as well as site inspections of the area.² Details of the revised setbacks are illustrated in Appendix A.

¹ Hay & Company. Erosion Setback Line – Chilliwack River Valley. January 29, 1993.

² LiDAR, which stands for Light Detection and Ranging, is a remote sensing method that uses light in the form of a pulsed laser to measure ranges (distances) from the earth's surface from an aircraft. These light pulses—combined with other data recorded by the airborne system—generate precise, three-dimensional information

Proposed Bylaw 1599, 2020 would implement the above mentioned reports into the Official Community Plan for Electoral Areas E and H Bylaw No. 1115, 2011 by:

- Referencing both reports and providing a summary of the reports in Section 10.2 Floodplains and the Chilliwack River Development Permit Area 2-E – Justification see Appendix A;
- Updating the Development Permit Area 2-E guidelines to include new recommendations pertaining to siting of development within a 15m proximity to the Erosion Setback Line;
- Updating legislative references to reflect changes to BC Statutes; and,
- Amending the Erosion Setback Locations to reflect the findings of the reports on Map 2 – Geologic and Stream Hazards (Appendix B).

Agency Consultation

In accordance with Section 475 of the *Local Government Act*, when adopting or amending an official community plan the Board is required to consult with other organizations and agencies. The Board must consider whether consultation is required with First Nations, senior government agencies and other organizations.

Generally, the Regional District has two approaches to consultation on OCP amendments. The first is a comprehensive approach that involves early and on-going consultation in various forms with individuals, groups and organizations that may be affected by a major OCP update. The second approach usually deals with site-specific or minor amendments that have a relatively small effect on the plan area as a whole. This approach usually involves a referral and a request for comment, whereby a referral is sent to all potentially affected parties prior to a public hearing with a request for comment. If comments are received, they are brought to EASC and Board for consideration and any issues are addressed at this stage.

The nature of the proposed OCP amendment is relatively minor, and therefore the second approach is appropriate for this situation. Early and on-going consultation is not warranted. Furthermore, consultation with adjacent municipalities and regional districts is unnecessary due to the rural location of Chilliwack River Valley-Erosion Setback Line. However, FVRD staff will reach out directly with the property owners that are affected by this change.

Consultation with Chilliwack School District No. 33 should not be required as the proposed OCP amendment would not result in additional parcels or overall density increases and therefore will have no impact on school enrolment.

The following provincial agencies, Ministry of Environment, Ministry of Transportation and Infrastructure and Fraser Health were identified as agencies with a potential interest in the OCP amendment. A referral with the proposed OCP amendment will be sent to each agency requesting comment.

about the shape of the land and its surface characteristics. It creates accurate and detailed terrain mapping that was not available in 1993 when the original Hay & Co mapping was produced.

Indigenous Consultation

The FVRD's Strategic Engagement Officer has identified the Indigenous communities and agencies that may have an interest in the subject Plan amendment.

Majority of the interests are managed through the People of the River Referrals Office (PRRO) and a referral will be sent via the Stó:lō Connect platform. The referral sent to the PRRO will include the following agencies and communities: Tzeachten, Yakweakwioose, Skowkale, Aitchelitz, Ts'elxwéyeqw Tribe, Squiala, Shxwhá:y Village, Stó:lō Nation, Skawahlook, Stó:lō Tribal Council and Soowahlie. The following Indigenous communities are not part of the PRRO and will be sent a referral directly to their offices: Shxw'ow'hamel, Peters, Popkum and Seabird Island.

Affected Property Consultation

In 2016, when the NHC report was completed, a copy of the report and a letter from the Regional District was sent to all affected properties in the Wilson Road area. Staff recommend that in keeping with previous practice, the Board direct staff to notify all affected properties by letter and provide a copy of the recent KWL report to all affected properties in Slesse Park. Property owners will be invited to meet with FVRD staff to address any questions or concerns they may have.

In addition, at the time of public hearing two newspaper ads will run in the Chilliwack Progress advertising the date, time and place when the public hearing will be conducted. All submissions and comments received at the public hearing will be provided to the Board for consideration.

Financial Plan & Waste Management Plan

Section 477(3) of the *Local Government Act* requires the Regional Board to consider the proposed amendment in conjunction with the Financial Plan and the Waste Management Plan. After the bylaw has received first reading, referrals will be sent to the FVRD's Director of Finance and the Manager of Environmental Services for comments asking if and how the proposed OCP amendment may affect the current Financial Plan and Solid Waste Management Plan. These comments will be available to the public at the time of the public hearing and they will be included in the second reading memo to the Regional Board. Planning staff do not anticipate that the proposed bylaw amendment will have any impact or be impacted by the Financial Plan or Solid Waste Management Plan.

Regional Growth Strategy

Similar to the consideration of the Financial Plan and Solid Waste Management Plan, Section 445(1) of the *Local Government Act* requires that an OCP amendment bylaw be consistent with the Regional Growth Strategy (RGS). Staff have sent an internal referral to the Manager of Strategic Planning and their comments will be included in the second reading memo to the Regional Board. Again, Planning Staff do not anticipate that the proposed amendment will have any implications for the RGS.

COST

There are no fees for a staff initiated Official Community Plan amendment. Costs for the public hearing will be borne by the EA Planning budget.

CONCLUSION

Proposed Official Community Plan Amendment Bylaw No. 1599, 2020 addresses outstanding issues with the OCP for Electoral Areas E and H. If the bylaw is given first reading, a public hearing will likely be held in Fall 2020 and the bylaw will return to the FVRD Board for consideration of 2nd/3rd reading, and potentially adoption, in Winter 2020/2021.

Alternatives

Alternatively, if the Board has outstanding concerns respecting Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1599, 2020, the Board may wish to refer the bylaw back to staff. In this case, the following resolution would be appropriate:

MOTION: **THAT** Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1599, 2020 be referred back to staff for further consideration.

COMMENTS BY:

Graham Daneluz, Director of Planning & Development:

Reviewed and supported

Kelly Lownsbrough, Chief Financial Officer/ Director of Financial Services:

Reviewed and supported.

Jennifer Kinneman, Chief Administrative Officer:

Reviewed and supported.

Appendix A Revised Setbacks



