

To: Electoral Area Services Committee

Date: 2020-11-10

From: David Bennett, Planner II

File No: 3060-20-2020-19

Subject: Development Permit 2020-19 for the form and character of Phase III subdivision of Aquadel Crossing at 1885 Columbia Valley Road Electoral Area "H" to permit the construction of a mix of ranchers, two storey, and three storey single family detached resort

RECOMMENDATION

THAT the Fraser Valley Regional District Board issue Development Permit 2020-19 regarding the form and character of Phase III subdivision of Aquadel Crossing at 1885 Columbia Valley Road Electoral Area "H" to permit the construction of a mix of ranchers, two storey, and three storey single family detached resort residential dwellings;

AND THAT the Fraser Valley Regional District Board authorize amendments to the existing form and character covenant (charge CA5854378) to permit the form and character of Phase III of the development as detailed in Development Permit 2020-19

STRATEGIC AREA(S) OF FOCUS

Foster a Strong & Diverse Economy

Provide Responsive & Effective Public Services

BACKGROUND

The Electoral Area Services Committee referred Development Permit 2020-19 back to staff at the October 15, 2020 in order to revise the permit to address common amenities proposed in the development (Aquadel Crossing). Development Permit 2020-19 now includes the following:

Common Amenity Buildings and Recreational Facilities

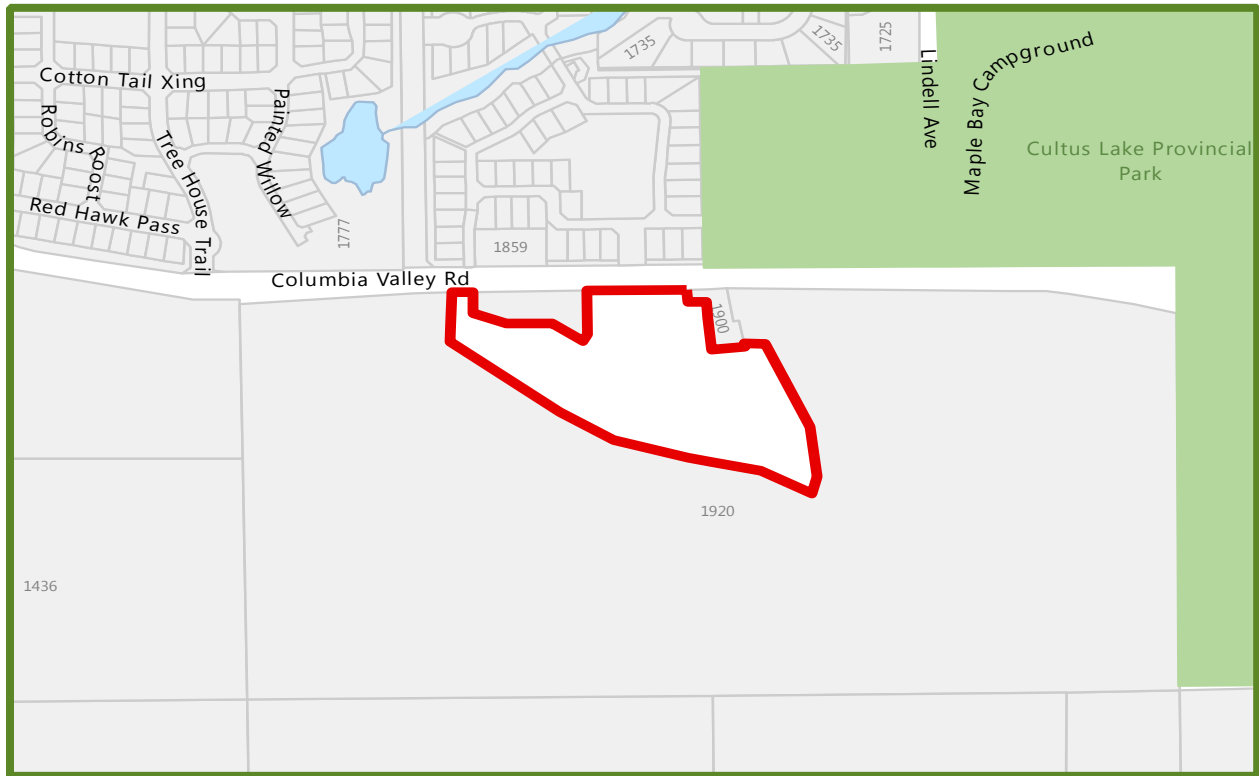
1. Any Phase Three (3) common amenity buildings or recreational facilities included in this permit or the schedules attached hereto are not required by Fraser Valley Regional District to be constructed.

2. No additional development permits will be required for the construction of common amenity buildings or recreational facilities within Phase Three (3) provided that such construction is in accordance with the requirements of this permit.
3. Any common amenity buildings or recreational facilities shall be constructed in accordance with Schedules "C", "D", and "E" attached hereto.

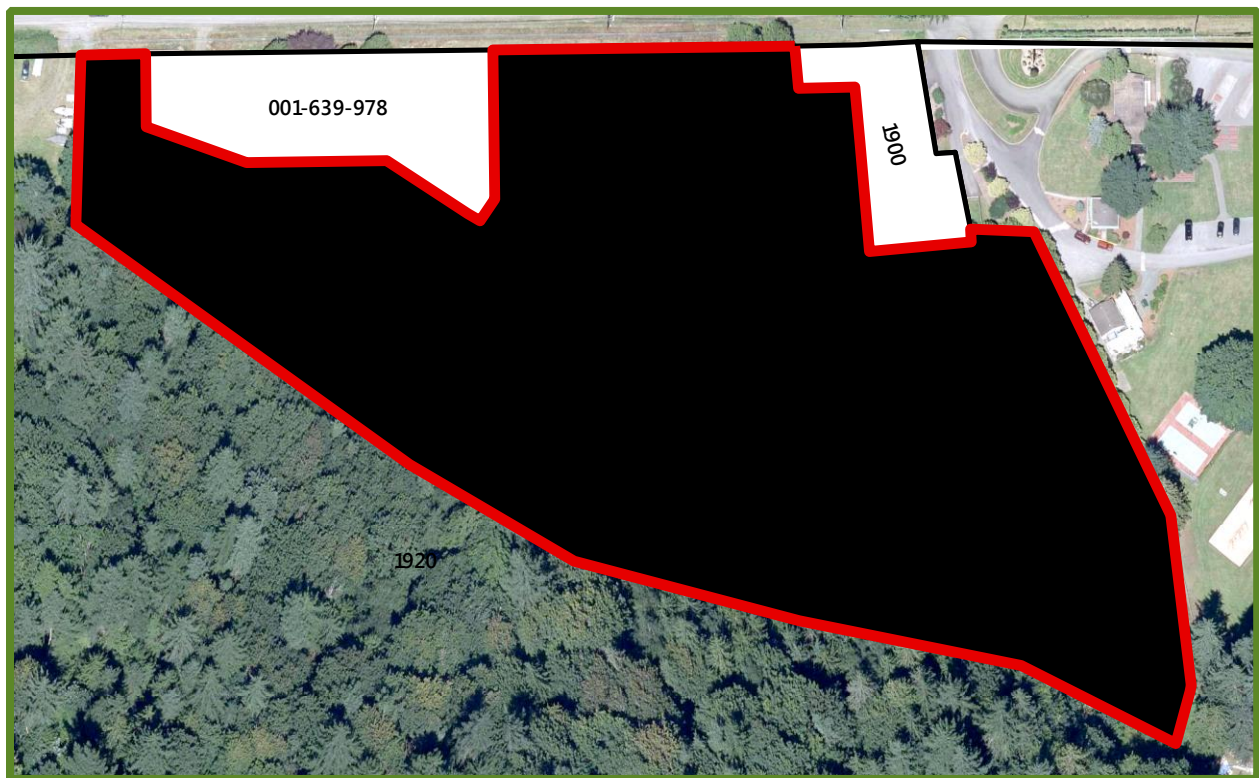
PROPERTY DETAILS			
Electoral Area	H		
Address	1885 Columbia Valley Rd		
PID	030-179-122		
Folio	733-02970-122		
Lot Size	8.08 acres		
Owner	Aquadel Crossing Ltd (Larry Les)	Agent	n/a
Current Zoning	Private Resort Residential Dev. 1(PRD-1)	Proposed Zoning	No change
Current OCP	Resort (RT)	Proposed OCP	No change
Current Use	Residential	Proposed Use	Residential
Development Permit Areas	DPA 1-E Frosst Creek; DPA 4-E Form and Character		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES			
North	^	Park Reserve (P2) & Campground- Holiday Park (CHP); Campground & Park	
East	>	Campground-Holiday Park (CHP), Rural (R); Park, Mobile Home park, single family dwelling	
West	<	Campground-Holiday Park (CHP); Park, Mobile Home Park	
South	v	Campground-Holiday Park (CHP); Park	

NEIGHBOURHOOD MAP



PROPERTY MAP



Aquadel Crossing, located at 1885 Columbia Valley Road Electoral Area “H”, is a single family resort residential community near Lindell Beach, Cultus Lake. The project is being subdivided and developed in phases.

The subdivision of Phases I and II of Aquadel Crossing are completed and homes are now under construction.

The development is now in the final subdivision phase, Phase III. Phase III is located on the south side of Columbia Valley Road and includes 36 new single family resort residential lots.

The developer has not started civil work on Phase III yet (road grading, infrastructure placement etc.). The developer stated that civil work will start following issuance of this development permit as the form and character of the homes will dictate the subdivision grading, as detailed in the attached letter (Civil Grading Rationale – Wedler Engineering, July 15, 2020).

The developers submitted a development permit application to amend the 2017 form and character development permit to permit a mix of three storey, two storey and single storey (rancher type) single detached homes within Phase III of the development.

Development Permits for Form and Character are considered and issued by the Electoral Area Services Committee. Public Notice for form and character development permits is not required by the FVRD or the *Local Government Act*, however, the applicants were encouraged to communicate with the adjacent strata developments and ratepayers association and encouraged to obtain neighbourhood approval prior to submitting an application.

The developer hosted an online meeting on May 26, 2020 to review the proposed form and character changes with representatives from neighbouring development. Additional information was requested at that meeting and the developer has provided the following information:

- Civil Grading Rationale – Wedler Engineering, July 15, 2020
- Revised Design Rationale Narrative – Keystone Architecture – August 6, 2020
- Design Guidelines – Aquadel Crossing
- Elevation Drawings
- Design Renderings – view from Columbia Valley Road

DISCUSSION

The developer has applied to permit the construction of a mix of ranchers, two storey, and three storey single family detached resort residential dwellings in Phase III of the subdivision.

Development Permit Areas

The lands are located in four (4) development permit areas. A Comprehensive Development Permit was issued for this property as part of the overall subdivision and development approvals for a 103 lot resort residential subdivision known as Aquadel Crossing, Permit 2017-01. Permit 2017-01 addressed geohazard, form and character, and environmental aspects of the project including riparian areas. No amendments to the riparian, geohazard or environmental aspects of the previously issued development permit are proposed with this application.

➤ **Frosst Creek Development Permit Area 1-E**

The developer submitted Geohazard Reports to identify and mitigate hazards on the lands. Mitigation measures include minimum building elevations and slope setbacks. A covenant was also registered at the time of rezoning. A development permit was issued and is in effect for all of the development's phases. No amendments are proposed with this application.

➤ **Riparian Areas Development Permit Area 5-E**

The RAR report that accompanies Development Permit 2017-01 included a condition for a clear-span bridge crossing of Spring Creek. A covenant was registered on title to identify SPEA boundaries. In the summer of 2017, the developer did not install a clear-span bridge as per the conditions of Permit 2017-01, but rather three culverts. The Province determined that the three culverts were not authorized and ordered their removal and ordered an alternative crossing design. A Box Culvert design was then submitted by the developer and accepted by the Province. A new development permit was issued to rectify the creek crossing (Development Permit 2018-06). No amendments are proposed with this application.

➤ **Cultus Lake South Ground & Lake Water Quality Development Permit Area 7-E**

The development must be connected to an FVRD owned and operated Class A+ waste water treatment system as detailed in a covenant registered at the time of rezoning. The development is now connected to a new FVRD Class A+ waste water treatment system.

No amendment to the existing permit for these development permit areas is required.

Cultus Lake Resort Form and Character Development Permit Area 4-E

This development is located in an area of high recreational and aesthetic amenities, such as Cultus Lake, and this area experiences high intensity of visitation and recreational use. Development in this area is highly visible, and, in turn, relies on the natural beauty and recreational amenity of the area. Visual values and recreational amenity are integral to the economy and community of these areas. Accordingly, there is a need to ensure that resort development is of a form and character which does not detract from the aesthetic experience of the area or resort uses and visual values on adjacent parcels. Development should reflect, and enhance the natural landscape of the area in which it is located. In addition, the concentration of resort development in nodes such as Cultus Lake South requires that developments are carefully designed to coordinate and be compatible with adjacent developments to create a cohesive functional resort node.

Chronology of Form & Character Requirements

➤ **2015** **Original Form and Character Design Control Covenant**

In 2015, prior to the adoption of the rezoning bylaw that re-designated the lands PRD-1 to permit this 103 lot single family homes resort residential development, a covenant was registered on title detailing the form and character requirements for future construction on the lands. The covenant included elevation drawings for future clubhouse buildings, residential buildings and includes colour schematics. The covenant drawings were made available prior to the public hearing for the rezoning and were reviewed by the FVRD Board prior to covenant registration and zoning adoption.

➤ **2017** **Phase I Form and Character Development Permit and Amended Covenant**

In 2017, the developer made their formal submission for a form and character development permit for the project. The design drawings differed from the design drawings attached to the 2015 covenant. There were no changes to the layout, density, buffers or location of amenities reviewed at public hearing. The FVRD Board considered these new design drawings and approved the issuance of the comprehensive form and character development permit.

➤ **2018** **Phase II and Character Development Permit and Amended Covenant**

The developer applied to construct smaller, single storey homes in Phase II.

The developer consulted with the Lindell Beach neighbourhood (Spring Creek Strata, the Cottages at Cultus Lake Strata, and the Lindell Beach Ratepayers Association) and obtained written support prior to submitting an application to amend the form and character development permit. Letters of Support from the Lindell Beach Ratepayers Association, the Cottages at Cultus Lake strata, and the Spring Creek Strata were submitted with that application.

In support of the application, a revision to the comprehensive architectural theme was developed. The overall design theme for Phase II changed slightly to include single storey rancher style homes with smaller floor areas than the homes in the first phase of the project.

The new homes in Phase II incorporate all of the rural and modern elements seen in Phase I. This development permit only applied to the form and character of individual homes within Phase II.

➤ **2020** **Phase III and Character Development Permit and Amended Covenant**

In March, the developer provided the FVRD with a concept for a mix of ranchers, two storey, and three storey single family detached resort residential dwellings in phase III. The developer was told that an amendment to the existing development permit and covenant was required prior to issuance of any building permits. The developer was encouraged to engage with the neighbourhood and obtain letters of support from the adjacent developments.

In May, the developer hosted an online meeting to review their proposed design changes.

Neighbours identified the following concerns:

- Basements and the possibility of suites
- Size and massing of the homes
- Views from Columbia Valley Road
- Confusion about where three storey homes would be constructed

To address these concerns, the developer's architect prepared the letter titled "Revised Design Rationale Narrative – Keystone Architecture – August 6, 2020." The letter states that:

- *The homes typically consist of approx. 1,600 sq. ft. to 3,440 sq. ft. (including unfinished basements) three and four-bedroom homes with 2.5 baths.*
- *Some lots allow for a slightly larger floorplan, but this is minimal so there will be negligible, if any, increase in density from phase I/II. In addition, any basement spaces will not be permitted to be fitted out as separate suites as there are no provisions for external access to the basements from the outside.*
- *Phase III allows for the inclusion of the natural landscape of the development and eliminates the need for retaining walls.*

To further address basement suites, the developer has offered additional restrictions in the design covenant to prohibit external basement entries.

With regards to which homes could be constructed on which lots, the developer provided an annotated layout that specifies where certain home designs could be located. The design covenant will include restrictions for which designs are permitted on which lots.

Issues of Developer Non-Compliance with FVRD Development Approvals

After the rezoning for this development was approved and the initial permits were issued, the project was sold to the current developer. Through the subdivision and construction process phases, the FVRD enforced a number of infractions at Aquadel Crossing. The developer has disregarded FVRD permits and Provincial requirements, including fencing installed within Spring Creek contrary to the FVRD Development Permit requirements and Provincial environmental authorizations; a residential occupancy without potable water service; and failing to install safety fencing around a filled swimming pool thereby creating a public safety hazard; failing to install a clear-span bridge over Spring Creek as per the conditions of Permit 2017-01 but rather installing three culverts instead. The Province determined that the three culverts were not authorized, ordered their removal and required an alternative crossing design. A Box Culvert design was then submitted by the developer and accepted by the Province.

Fencing and hedging was also installed in the required landscaped buffer areas on common strata property contrary to FVRD Development Permits. Staff are working with the strata council and the

developer to achieve compliance with respect to the fences within the required landscaped buffer area of strata common property.

These issues are unrelated to the proposed Form & Character DP. In the opinion of staff, the proposed DP could not be withheld due to unrelated compliance issues.

October 15, 2020 referral back to staff

The Electoral Area Services Committee referred Development Permit 2020-19 back to staff on October 15, 2020 in order to revise the permit to address common amenities proposed in the development (Aquadel Crossing). Development Permit 2020-19 now includes the following:

Common Amenity Buildings and Recreational Facilities

1. Any Phase Three (3) common amenity buildings or recreational facilities included in this permit or the schedules attached hereto are not required by Fraser Valley Regional District to be constructed.
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The Aquadel Crossing strata raised concerns that the development permit would obligate the permit holder to construct all of the common amenities proposed for phase III, these amenities include a sport court and recreational facility. There is no FVRD requirement for these facilities and as such the permit includes new language for certainty.

Development Permit 2020-19 was revised and forwarded to the developer and the strata for comment, no concerns were raised with the revised permit language. Staff have now brought Development Permit 2020-19 back to the Electoral Area Services Committee for consideration of issuance.

COST

Development permit application fee of \$350.00 was paid. The developer is responsible for costs associated with covenant registration.

Overall, this development will add 103 parcels (36 in Phase III) and assessment of the new construction to the service areas which will help to either offset costs increases or reduce the existing service participant's costs.

All costs for the operation and maintenance of the community sewer system are the responsibility of the parcels within the service area.

CONCLUSION

To obtain a form and character development permit, applicants submitted a written report, prepared by a Member of the Architectural Institute of British Columbia, outlining the design rationale for the development, including statements explaining how the design responds to the guidelines of this development permit area and 'fits' in relation, form, character and scale to nearby development and the natural environment.

FVRD staff also review the application to ensure compliance with the development permit area guidelines. The application is consistent with the development permit area guidelines as well as zoning provisions applicable to the property. Applicants who meet the guidelines of the development permit areas are entitled to the issuance of a development permit.

The Electoral Area Services Committee may now consider issuance of this development permit. Staff recommend issuance of this development permit and that the Regional Board amend the existing form and character covenant to reflect the designed submitted for the development permit for Phase III.

Other options for the Committee's consideration are:

➤ **OPTION 2 Refuse the Development Permit**

THAT the Electoral Area Services Committee **refuse** Development Permit 2020-19.

➤ **OPTION 3 Refer to the Development Permit back to Staff**

THAT the Electoral Area Services Committee **refer** the application for Development Permit 2020-19 to FVRD staff.

COMMENTS BY:

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

Kelly Lownsbrough, CFO/ Director of Financial Services: Reviewed and supported.

Jennifer Kinneman, Chief Administrative Officer: Reviewed and supported.