

To: Electoral Area Services Committee
From: Julie Mundy, Planer 1

Date: 2020-12-08
File No: 732.05077.002,
732.05077.004, 732.05078.002,
732.05078.050, 732.05079.000

Subject: Request for FVRD to initiate a zoning amendment for five privately owned properties adjacent to Coquihalla River Provincial Park, Area B

RECOMMENDATION

THAT the Fraser Valley Regional District Board direct staff to initiate a zoning amendment for five privately owned properties adjacent to the Coquihalla River Provincial Park, Area B

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community
Provide Responsive & Effective Public Services

ISSUE

Five privately owned properties adjacent to Coquihalla River Provincial Park were inappropriately zoned to Park (P-1) in 1989. One of the impacted property owners has requested FVRD undertake a zoning amendment to correct the error.

Rezoning efforts were undertaken in 1996 to correct the zoning. The property owners of the time were not amenable to the Regional District requirement that gravel extraction be prohibited by legal covenant. Consequently, the rezoning was not completed.

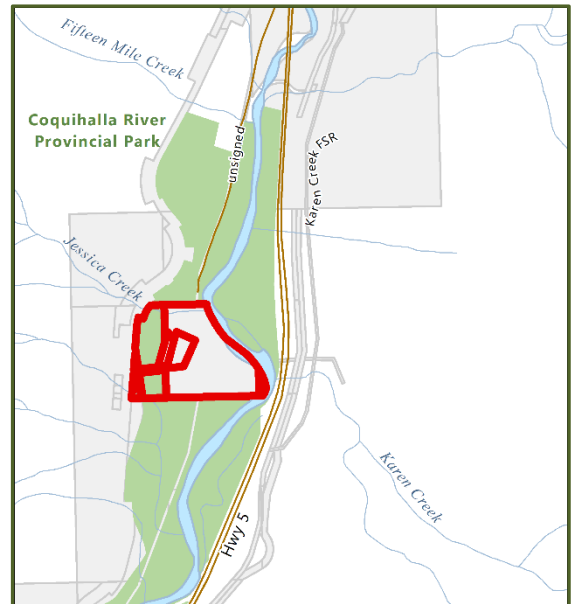
BACKGROUND

There are five parcels located off the Caroline Mines Road Exit on Highway 5 which were zoned to Park (P-1) in 1989. At the time, FVRD understood the parcels to be part of the lands designated as the Coquihalla River Recreational Area (circa 1934). The recreation area was later designated as Coquihalla Provincial Park (1986) through Order in Council #1183, and zoned as Park (P-1) when Zoning Bylaw 801, 1989 was adopted. FVRD was unaware that privately owned parcels were included in the P-1 zone.

BC Parks has confirmed that all privately owned properties are excluded from the Coquihalla River Provincial Park boundaries.

Impacted Properties

PID	Property size Acres (ha)	Owner last name
014-560-879	22.24 (9 ha)	Unwin/ Ouellette
014-561-026	0.528 (0.21 ha)	Unwin
014-560-810	12.5 (5.05 ha)	Unwin
007-850-425	1.16 (0.47 ha)	Mason
014-560-453	2.59 (1.05 ha)	Bradner



Rezoning process 1996

In 1996, one of the property owners brought the zoning error to the attention of FVRD. In response, FVRD initiated a zoning amendment with no charge to the property owners to correct the issue.

The zoning amendment had three readings and a public hearing. A condition of the rezoning was that the applicant register a covenant to the property title prohibiting rock quarry and gravel pit uses. This step was not completed by the property owners and, consequently, the rezoning was not completed.

Rezoning request 2009

The topic of rezoning the properties was again raised by a property owner in 2009. At this time staff advised:

- The property owners would be responsible for paying for the zoning amendment, as the Regional District has already funded a full process once (three readings and a public hearing);
- Geotechnical issues need to be addressed with an overview Geohazard assessment prior to a rezoning application;
- Any recommendations from the geotechnical report would need to be registered to each property title as a Section 219 covenant.

DISCUSSION

On September 20, 2020 staff received a request from Mr. Doug Unwin for FVRD to initiate a rezoning of his family's properties. The request is to rezone the properties to R-1 rather than the previously considered R-4 zone. A key difference between the R-1 and R-4 zones is the minimum parcel size that

could be created by subdivision. Mr. Unwin states the R-1 zone is desirable as it may allow for future subdivision.

- R-1 – Minimum parcel size of 2 ha
- R-4 – Minimum parcel size of 4 ha

Staff would like to draw attention to the following issues:

1. **Inappropriate Zoning.** The subject properties are zoned Park (P-1) which is a zone meant to accommodate public use. The Park zone does not allow for principal residences to be constructed on the lands. The subject properties are privately owned and, therefore, should not have this zoning.
2. **Development Potential.** Staff are of the opinion the R-4 is the most appropriate zone for the properties. All areas in the vicinity of this part of Hwy 5, the Coquihalla River, and the Coquihalla River Provincial Park are zoned R-4, with the exception of the park. In 2010, three of the five subject properties had a dwelling on them. The R-4 zone would allow the existing residential uses to continue, and would not facilitate additional development potential in terms of subdivision. The R-4 zone in Bylaw 801, 1989 is equivalent to Limited Use in other electoral areas.

The requested R-1 zone could potentially allow for subdivision on two of the properties based on the minimum parcel size. Staff are supportive of correcting the zoning in order to secure existing property rights for the land owners. However, in instances where a rezoning increases the subdivision potential, the costs are typically borne by the parties that would benefit.

If the rezoning were to facilitate subdivision, the rezoning process would need to consider all potential lots. This would increase the costs and potential liability to FVRD. Staff would not recommend FVRD initiate a rezoning which facilitates subdivision.

3. **Building Permit Requirements/ Public Road Access.** None of the properties have access from a public road. According to the Fraser Valley Regional District Building Bylaw, the property owners are not required, but may obtain a building permit from the Regional District where the property is not accessible from a public road. It is up to the property owner to decide if they wish to obtain a building permit.
4. **Geotechnical Concerns.** During the 1996 rezoning process, staff noted that a landslide occurred in the area in the early 1990s. A geotechnical study was not conducted at the time. A geotechnical feasibility study, or a covenant requiring geotechnical assessment prior to construction of habitable space will likely be required as part of the rezoning.
5. **Restrictive Covenant.** The previous rezoning process included the requirement for the property owners to register a restrictive covenant which prohibited rock quarry and gravel pit

uses on the properties. A similar covenant will likely be required should the rezoning move forward. Mr. Unwin has indicated a general acceptance of the covenant in his request to FVRD.

An FVRD initiated rezoning process could be started in 2021, with an estimated completion date by 2022. The project would be placed in queue alongside other priority planning projects.

COST

If the property owners were to initiate this proposal, the cost to rezone five lots with three separate owners would be \$8,400.

If FVRD is to initiate the rezoning, the direct cost of public hearings, advertisements, and any technical assessment would come from the Electoral Area Planning budget. These direct costs, excluding staff and administration time are estimated to be \$4,000.

The costs of covenant registration would be borne by the property owners.

CONCLUSION

Staff are of the opinion that another effort should be made to correct the historical zoning error. It is recommended that the FVRD Board direct staff initiate a rezoning process in order to restore property rights to the landowners. The key purpose of the rezoning would be to bring the existing residential uses on the properties into conformity without creating additional subdivision potential.

Staff note that there is an awareness from at least one property owner that a covenant limiting some land uses, or requiring future geotechnical study may be required. This awareness may help a zoning amendment process to reach a satisfactory conclusion for all parties. If the property owners reject a potential rezoning once it has started, staff would be unlikely to support initiating another process in the future.

OPTIONS

Option 1 – Initiate Rezoning (Recommended)

With this option, FVRD accepts the cost of the rezoning in order to correct a historical error. The property owner may be responsible for bearing costs related registration of required covenants.

THAT the Fraser Valley Regional District Board direct staff to initiate a zoning amendment for five privately owned properties adjacent to Coquihalla River Provincial Park.

Option 2 – Refuse to Initiate Rezoning

With this option, the property owners are responsible for initiating and funding a rezoning application.

THAT the Fraser Valley Regional District Board refuse the request for staff to initiate a zoning amendment for five privately owned properties adjacent to Coquihalla River Provincial Park.

Option 3 – Refer to the Request Back to Staff

THAT the Fraser Valley Regional District Board refer the request for staff to initiate a zoning amendment for five privately owned properties adjacent to Coquihalla River Provincial Park back to staff.

COMMENTS BY:

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

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

Jennifer Kinneman, Chief Administrative Officer: Reviewed and supported.