

To: Electoral Area Services Committee

Date: 2020-12-08

From: Andrea Antifaeff, Planner 1

File No: 3320-20-2019-00312

**Subject: Covenants – Proposed Three (3) Lot Subdivision at 20559 Edelweiss Drive, Electoral Area C**

## RECOMMENDATION

**THAT** the Fraser Valley Regional District Board authorize staff to execute all legal documents relating to the three lot subdivision of 20559 Edelweiss Drive, Electoral Area C, including the registration of section 219 (Land Title Act) covenants relating to riparian areas protection, geo-hazards, storm water management and utility connections

### STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services  
Support Environmental Stewardship

### PRIORITIES

Priority #2 Air & Water Quality

## BACKGROUND

The owner of 20559 Edelweiss Drive, Area C has applied to the Provincial Approving Officer (Ministry of Transportation and Infrastructure) to subdivide the parcel into three lots. The property is located within three Development Permit Areas and it requires a storm water management plan and connection to Hemlock Utilities water and sewer services.

| PROPERTY DETAILS |                               |                 |           |
|------------------|-------------------------------|-----------------|-----------|
| Electoral Area   | C                             |                 |           |
| Address          | 20559 Edelweiss Drive         |                 |           |
| PID              | 003-411-206                   |                 |           |
| Folio            | 776.01407.000                 |                 |           |
| Lot Size         | 0.78 acres                    |                 |           |
| Owner            | 1194039 BC Ltd. (David Nonis) |                 |           |
| Current Zoning   | Resort Residential 3 (RST-3)  | Proposed Zoning | No change |
| Current OCP      | Cottage Residential (CR)      | Proposed OCP    | No change |

|                                  |   |                     |                       |
|----------------------------------|---|---------------------|-----------------------|
| <b>Current Use</b>               | Vacant  | <b>Proposed Use</b> | Three Lot Subdivision |
| <b>Development Permit Areas</b>  | DPA 1-HV  |                     |                       |
| <b>Hazards</b>                   | Flood Protection Requirements, Alluvial Fan, Potential Hazard (PH) for Geotechnical Hazards, Site 3 - Avalanche |                     |                       |
| <b>Agricultural Land Reserve</b> | No  |                     |                       |

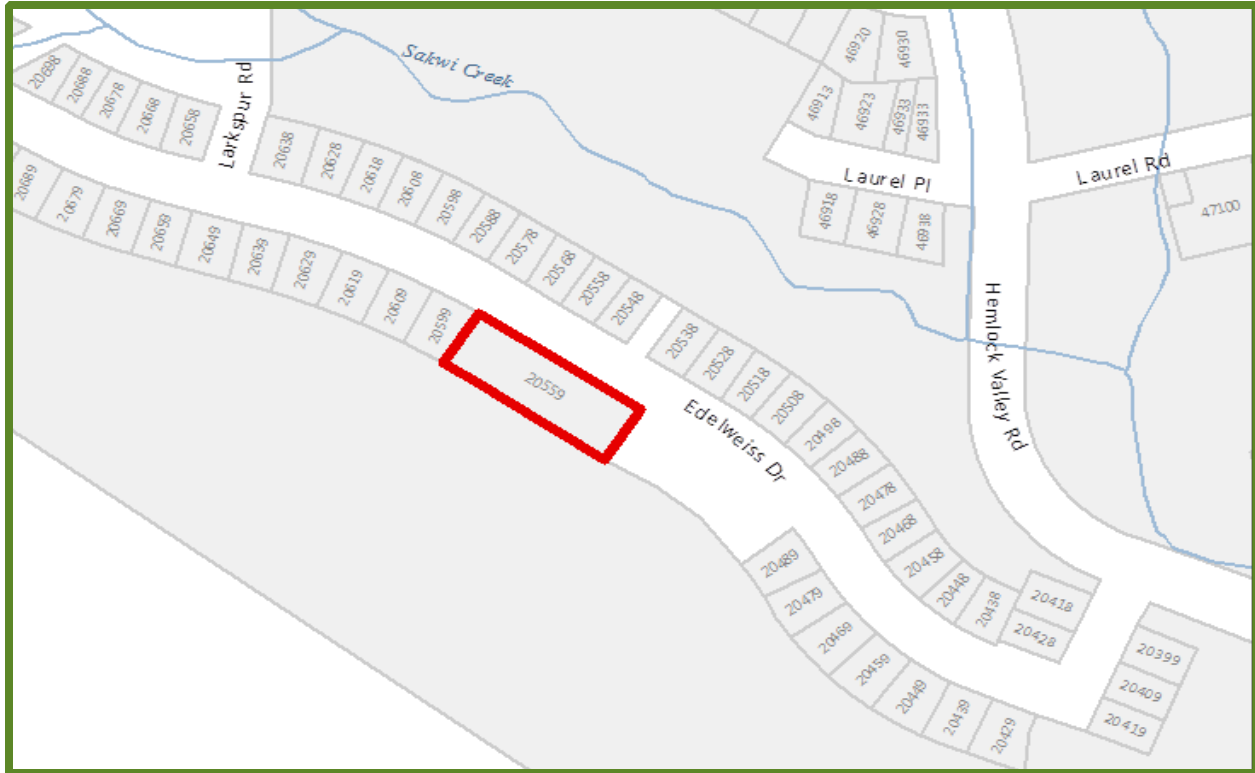
#### ADJACENT ZONING & LAND USES

|              |   |   |
|--------------|---|---|
| <b>North</b> | ^ | Resort Residential 4 (RST-4), Single Family Homes                     |
| <b>East</b>  | > | Restricted Occupancy (L-3), Provincial Land (forested)                |
| <b>West</b>  | < | Resort Residential 3 (RST-3) & Limited Use (L-1), Single Family Homes |
| <b>South</b> | v | Limited Use (L-1), Ski Resort Land (forested)                         |

#### PROPERTY MAP



## NEIGHBOURHOOD MAP



## DISCUSSION

Section 219 of the *Land Title Act* permits the registration of covenants of a positive or negative nature in favour of the Province and the Regional District in respect of the use of land or the use of a building on, or to be erected on, the land. The property owner has agreed to enter into the below mentioned covenants and the Fraser Valley Regional District may now decide to accept this offer.

### Covenants

#### *Riparian Areas*

The property is located within Development Permit Area 5-HV for protection of the natural environment, its ecosystems and biological diversity. The purpose of the Development Permit is to ensure that future development of the property occurs in a manner which protects riparian areas. The property owner has submitted a Riparian Areas Protection Regulation (RAPR) assessment, consistent with Development Permit Area guidelines.

The purpose of this restrictive covenant is to ensure that future development of each new parcel will occur in a manner which protects the identified ditch and imposes setbacks and protection measures as recommended by a Qualified Environmental Professional and as approved by the Ministry of Environment.

### *Geo-Hazard*

The property is located within Development Permit Area 1-HV (Geotechnical Hazards) and Development Permit Area 2-HV (Long Term Snow Avalanche Hazard Assessment Area) for the protection of development from hazardous conditions. The purpose of these Development Permits is to ensure that future development of the property occurs in a manner that protects each new parcel from hazardous conditions. The property owner has submitted a geo-hazard report, which is consistent with Development Permit Area guidelines.

The purpose of this restrictive covenant is to identify safe building envelopes and ensure that future development of each new property will occur in a manner that protects occupants from hazardous conditions as recommended by a Qualified Professional and approved by the Ministry of Transportation and Infrastructure and FVRD.

### *Storm water Management*

The property owner is required to provide a comprehensive storm water management plan to address storm water from the proposed three lots. As the FVRD does not operate a local service area for the disposal of storm water in this area, the property owner shall provide each parcel of land within the proposed subdivision area with a storm water management system including a drainage collection and/or disposal system. The purpose of this restrictive covenant is to ensure that at the time of building permit, a final lot grading plan as well as the construction of any storm water management infrastructure is completed.

### *Utility Connections*

The FVRD requires that the proposed three lots connect to the Hemlock Valley Utilities sewer and water systems.

The property owner has already submitted a letter from Hemlock Valley Utilities, which states that all three lots will be individually serviced with sanitation and water services already available at the lot line. There are no outstanding fees owed to Hemlock Valley Utilities by the property owner, and connection fees will be required at the time of building permit.

The purpose of this restrictive covenant is to ensure that each new property connects to both the Hemlock Utilities water and sewer systems.

## **COST**

Costs associated with the registration of the Section 219 Covenants are borne by the property owner.

## **CONCLUSION**

Staff recommend that the FVRD Board authorize staff to execute all legal documents relating to the three lot subdivision of 20559 Edelweiss Drive, Electoral Area C, including the registration of section 219 (*Land Title Act*) covenants relating to riparian areas protection, geo-hazards, storm water management and utility connections.

## **COMMENTS BY:**

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

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

**Jennifer Kinneman, Chief Administrative Officer:** Reviewed and supported.