

To: Electoral Area Services Committee

Date: 2023-05-11

From: Andrea Antifaeff, Planner1

File No: 3920-20 1672, 2022

**Subject: First Reading of Cultus Lake Zoning Amendment Bylaw No. 1672, 2022 to Update Parking Regulations for First Avenue lots and Building Height Regulations for Lakeshore Drive and Munroe Avenue**

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## RECOMMENDATION

**THAT** the Fraser Valley Regional District Board give first reading to the bylaw cited as *Fraser Valley Regional District Cultus Lake Park Zoning Amendment Bylaw No. 1672, 2022*,

**THAT** *Fraser Valley Regional District Cultus Lake Park Zoning Amendment Bylaw No. 1672, 2022* be forwarded to Public Hearing;

**THAT** the Fraser Valley Regional District Board delegate the holding of the Public Hearing for *Fraser Valley Regional District Cultus Lake Park Zoning Amendment Bylaw No. 1672, 2022* to Director Dixon or the Electoral Area Services Committee (EASC) Chair in her absence;

**THAT** Director Dixon or the EASC Chair preside over and chair the Public Hearing for *Fraser Valley Regional District Cultus Lake Park Zoning Amendment Bylaw No. 1672, 2022*;

**AND THAT** the Chair of the Public Hearing be authorized to establish procedural rules for the conduct of the Public Hearing for *Fraser Valley Regional District Cultus Lake Park Zoning Amendment Bylaw No. 1672, 2022* in accordance with the *Local Government Act*;

**AND FURTHER THAT** in the absence of both Director Dixon and the EASC Chair at the time of the Public Hearing for *Fraser Valley Regional District Cultus Lake Park Zoning Amendment Bylaw No. 1672, 2022*, the Fraser Valley Regional District Board Chair is delegated the authority to designate who shall preside over and chair the Public Hearing;

**AND FINALLY THAT** the Fraser Valley Regional District Board authorize its signatories to execute all documents relating to *Fraser Valley Regional District Cultus Lake Park Zoning Amendment Bylaw No. 1672, 2022*.

## BACKGROUND

The purpose of Cultus Lake Zoning Bylaw No. 1375, 2016 (hereinafter referred to as Cultus Lake Zoning Bylaw) is to establish zoning regulations for the lands comprising Cultus Lake Park. In general

terms, the bylaw contains a zoning map and regulations for each zone dealing with permitted land uses, density, and the siting, size and dimensions of all buildings and structures.

Cultus Lake Park is going through a transformation due to its recreational amenities and rapidly increasing lot values. As a result, designs for new buildings typically maximize the lot potential and the size of new buildings. Conflicts over views, overshadowing, aesthetics and community character arise when larger new homes are built next to smaller pre-existing homes.

Three Development Variance Permits (DVPs) related to the height of detached houses have been considered since the adoption of the Cultus Lake Zoning Bylaw. Most recently, two DVP applications were considered on Lakeshore Drive which generated concerns from Cultus Lake residents. The concerns were mostly related to the obstruction of views, changes to the existing community character, and general opposition to “monster homes”.

In February 2022, FVRD received a letter from the Cultus Lake Park Board (CLPB) formally requesting that the Regional District make certain amendments to the Cultus Lake Zoning Bylaw. The letter was brought to the FVRD Board on February 24, 2022, along with a staff report recommending the Board consider reviewing specific sections of the Zoning Bylaw. The Board directed staff to put the Zoning Bylaw update in the 2022-23 Electoral Area Planning work plan along with some funding to hire an external consultant to assist with the project.

The Fraser Valley Regional District and consultants at OTG Developments LTD initiated the Cultus Lake Zoning Bylaw update in September 2022.

The first public meeting was held in November 2022 and introduced the scope of the project looking at:

- Building height in the R-3 (Waterfront Residential) and R-4 (Hillside Residential) zones on Lakeshore Drive and Munroe Avenue
- Parking requirements for the R-3 (Waterfront Residential) zoned lots on First Avenue

This meeting served as an opportunity for members of the public to ask questions to FVRD staff and voice community priorities and concerns. The meeting summary was provided to the Board in March 2023 and is also attached to this report.

FVRD staff held a second public information meeting at the Cultus Lake Community School on April 20, 2023 to present a parking option for First Avenue and height options for Lakeshore Drive and Munroe Avenue.

Key-take aways from the meeting included:

- Support for the proposed parking option of increasing the front property line setback;
- Waterfront lots along Lakeshore Drive should not all have the same regulations as the topography of these lots varies; and,

- Support for the height requirements in the previous Cultus Lake Specified Area Bylaw. (The Cultus Lake Specified Area Bylaw was adopted in 1994 and in place until the FVRD – Cultus Lake Park Zoning Bylaw No. 1375, 2016 was adopted in 2018)

The public information meeting summary and display boards from the meeting are attached.

## DISCUSSION

Staff have taken the community input received at both the November 2022 and April 2023 public **information meetings and have drafted bylaw amendments that address the community's concerns** regarding parking on First Avenue and height on Lakeshore Drive and Munroe Avenue.

After the public meeting on April 20, 2023 - and based on the feedback received at this meeting - staff reviewed the regulations for height in the Cultus Lake Specified Area Bylaw (adopted in 1994) in comparison with the regulations in the current Cultus Lake Park Zoning Bylaw (adopted in 2018 and replaced the Cultus Lake Specified Area Bylaw). A comparison of these two bylaws as well as the proposed bylaw revisions are shown in the tables in the height sections.

### Amendments to Zoning Bylaw

#### Parking on First Avenue

Cultus Lake residents advise that providing two parking spaces within their property lines on First Avenue is challenging given the size of the lots while attempting to optimize their building footprint. First Avenue is a unique road in Cultus Lake Park as it is a one-way road with a shoulder area (untravelled portion) on each side. Furthermore, the rear side of the lots border the beach so there is no alternative access to and from an alleyway as there is in other parts of the Park.

The proposed bylaw amendment will still require waterfront lots on First Avenue to provide two parking spaces. However, increasing the front setback and requiring the front setback area to be available for parking will allow homeowners to park partially within their property lines and partially within the untraveled portion of First Avenue. Allowing for a portion of the required parking spaces to be within the untraveled portion of First Avenue is how vehicles are currently parked within Cultus Lake Park. The Cultus Lake Park Board, which has jurisdiction over roads in the park, have requested this change and support parking within the road.

The table below compares the current bylaw challenges with the proposed bylaw amendment.

Current Bylaw	New Bylaw
FVRD Zoning Bylaw 1375, 2016 (adopted 2018)	Proposed Bylaw Amendment
2 parking spaces required – must be located within the property lines	2 parking spaces required – may be located partially within property lines

Home is constructed 5.5m from the front lot line to meet parking requirements	Home is constructed 2.65m from the front lot line and the area must be available for parking
Difficult for new homes to obtain maximum lot coverage	Easy for new homes to obtain maximum lot coverage

The proposed parking change is illustrated below. Residents showed overall support for this concept. Staff have also worked with the CLPB public works and the local Fire Chief and understand that this parking arrangement will not present any operational challenges.

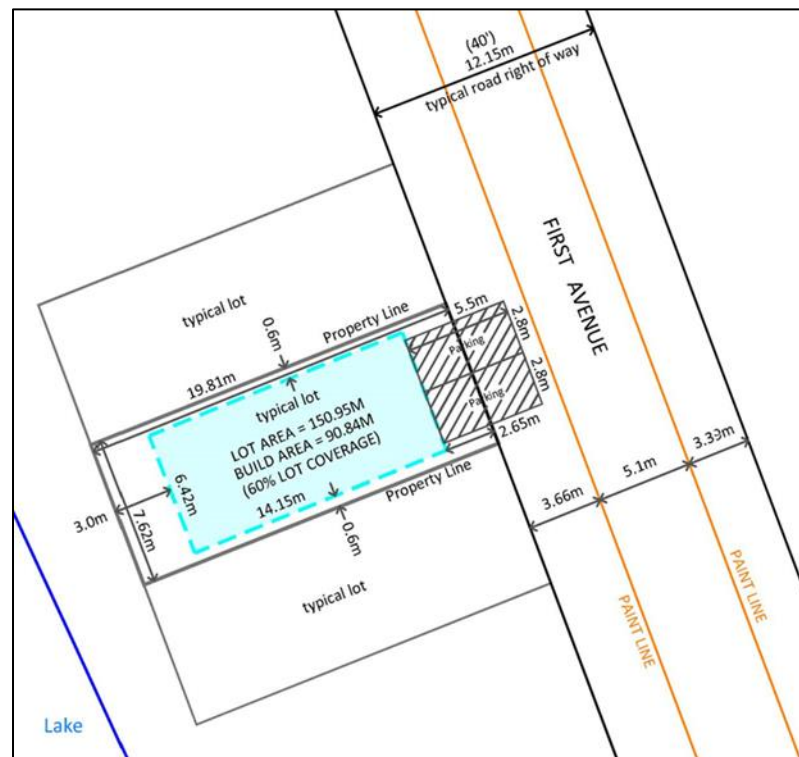


Figure 1: Proposed parking alternative

#### Height R-3 Waterfront Residential Zone for Lakeshore Drive

The proposed bylaw amendment for waterfront lots on Lakeshore Drive will separate the properties into two new zones with different height limitations. The way height has been measured since the establishment of the Cultus Lake Specified Area Bylaw in 1994 will stay unchanged; however, the overall height value for properties located on upper Lakeshore Drive (Lots 28 - 44) will be decreased from the current bylaw and will be more in line with the height regulations in the former Cultus Lake Specified Area Bylaw.

The waterfront lots on lower Lakeshore Drive (Lots 1 – 27) are almost the same elevation as the lake level. The minimum building elevation in Cultus Lake ensures that no building is below the lake level for flood mitigation. The elevation requirement does not allow these lots to have below-grade basements since they would be below lake level. Historically, the CLPB under the now repealed Specified Area Bylaw permitted height variances so that homes could be built higher to accommodate two stories and a walkout basement. Residents indicated support for the waterfront lots on lower Lakeshore Drive to have a higher height than waterfront lots on upper Lakeshore Drive to allow for a basement or crawl space above the lake level. As such, the height for the lots on lower Lakeshore Drive (1 – 27) is proposed to remain the same as in the current zoning bylaw at 6.3 metres (22 feet). The table below compares the current bylaw with the proposed bylaw amendment.

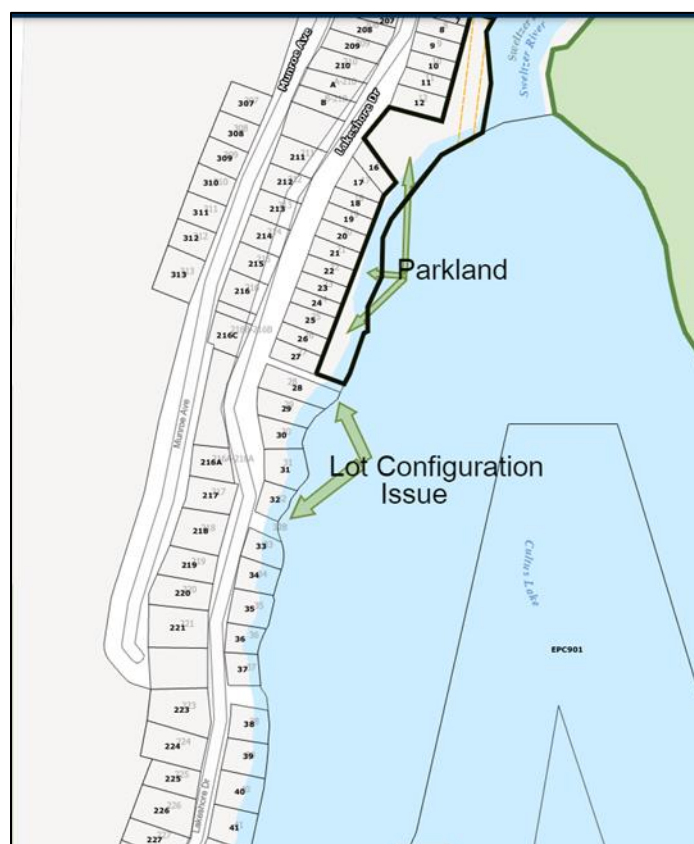
	Past Bylaw	Current Bylaw	New Bylaw
	Cultus Lake Specified Area Bylaw (adopted 1994)	FVRD Zoning Bylaw 1375, 2016 (adopted 2018)	Proposed Bylaw Amendment
Height	Flat Roofed Building <ul style="list-style-type: none"> <li>• 5.18 m (17 ft)</li> </ul> Gable Roofed Building <ul style="list-style-type: none"> <li>• 5.8 m (19 ft)</li> </ul>	Any roof-type 6.7 m (22 ft)	Two new zones  R-5 - Lower Lakeshore Drive <ul style="list-style-type: none"> <li>• Lots 1-27</li> <li>• 6.7 m (22 ft)</li> </ul> R-6 - Upper Lakeshore Drive <ul style="list-style-type: none"> <li>• Lots 28-44</li> <li>• 5.8 m (19 ft)</li> </ul>
Stories	Maximum 2 stories plus basement or crawlspace and roof.	No change	No change
How height is measured	The highest point of the centre line of the street at the rear of the building and between the projection of the side lot lines	No change	No change

### Lot Configuration

CLPB has jurisdiction over the creation of lease lots and lot boundaries. Lot configuration is a long-standing issue among residents. The FVRD has no jurisdiction over lot boundaries or the creation of lease lots.

The lower Lakeshore Drive waterfront lots (1 – 27) front onto public parkland. The width of the parkland abutting these lots and the natural boundary of the lake ranges from approximately 5 metres to 13 metres. The upper Lakeshore Drive waterfront lots (28 – 44) do not front onto public parkland;

the lot boundaries reach the lake. This creates a disadvantage for Lots 1 – 27. Furthermore, this problem is exacerbated by a few properties that are deeper than the neighbouring lots, which results in peripheral view obstruction for neighbouring lots with new builds. The community has already seen the effects of these new builds. Figure 2 illustrates the complexity of the lot configuration with some lots fronting on parkland while others are not and the irregularity in lot depth.



The natural boundary of the lake (shown in Figure 2) is not surveyed resulting in an inaccurate depiction of the natural boundary in relation to the lot depths. Nonetheless, staff observation is that the natural boundary of the lake may be within the lot boundaries in some lots. As such, the current rear lot line (lot line nearest to the lake) setback of 3 metres is proposed to also be a setback from the natural boundary of Cultus Lake. As a result, homes will need to meet the greater of 3 metres from the rear lot line or the natural boundary of Cultus Lake. This should provide some relief to the neighbouring property owners where the lots are projecting further towards the lake.

Figure 2: Lot configuration

### Height R-4 Hillside Residential Zone

The proposed bylaw amendment will change the way height is measured from both the Cultus Lake Specified Area Bylaw and the current Zoning Bylaw. Height is proposed to be measured from the average grade to the highest point on the structure. This differs from past regulations where the height had been measured from either grade (see table below) or from the highest point on the property line at the upslope side of the lot (see table below). In addition to altering the way that height has been measured, staff propose to reduce the height from the current 28 feet (8.5 metres) to 25 feet (7.62 metres).

Staff reviewed height regulations in the Cultus Lake Specified Area Bylaw and applied the regulations to hillside lots on Lakeshore Drive and lots on Munroe Avenue. Staff determined that measuring

height per this bylaw on some lots would not allow homes to have one storey above Munroe Avenue (for Lakeshore Drive homes) and would therefore restrict homeowner access. The intention is to allow one storey above Munroe Avenue to avoid more homes having to access Lakeshore Drive, which is already narrow for a two-way street. After reviewing the topography of the lots, staff determined that altering the height to be measured from average grade would allow for homes to be one storey above Munroe Avenue (for Lakeshore Drive homes) if desired.

	Past Bylaw	Current Bylaw	New Bylaw
	Cultus Lake Specified Area Bylaw (adopted 1994)	FVRD Zoning Bylaw 1375, 2016 (adopted 2018)	Proposed Bylaw Amendment
Height	7.62 m (25 ft) above grade	8.5 m (28 ft)	7.62m (25 ft)
Stories	Maximum of 2 stories plus roof above grade and basement or crawlspace below grade.	Maximum 2 stories plus basement or crawlspace and roof.	No change
How height is measured	<p>Measured from Grade.</p> <p>Grade means the lowest of the average existing levels of finished ground adjoining each exterior wall of a building except that local depressions such as for vehicles or pedestrian entrances need not be considered in the determination of average existing levels of finished ground.</p>	<p>The greatest vertical distance between the highest point on the property line at the high side (upslope) side of a lot and the highest point on a structure including elevator and stairway housings, and guard railings and excluding chimneys and similar fixtures.</p>	<p>The greatest vertical distance between the Grade-Average and the highest point on a structure including elevator and stairway housings, and guard railings and excluding chimneys and similar fixtures.</p> <p>Grade-Average means the average level of finished ground levels adjoining each exterior wall, excluding vehicle or pedestrian entrances.</p>

#### Consistency with Official Community Plans (OCPs)

Rezoning of land must be consistent with the Official Community Plan (OCP) in effect for the area. The Cultus Lake Park Board adopted plan Cultus in January 2017. However, it is not an OCP as it does not meet the *Local Government Act* requirements for OCPs. The intent of Plan Cultus was to develop a document that outlined the kind of community Cultus Lake aspired to be: engaged, diverse and accessible. Cultus Lake Park is unique in British Columbia since it is a community within a park that is

managed by the Cultus Lake Park Board, which fulfills local government-like functions under the authority of the Cultus Lake Park Act of 1932.

#### First Nations Referrals

Referrals to First Nations and other agencies were determined by staff as not being required as a general zoning bylaw amendment and not a site-specific rezoning application. This is consistent with the *FVRD First Nations Referral* policy.

#### Ministry of Transportation and Infrastructure (MOTI) Approval

Ministerial approval is not required as there is not a controlled-access highway located within 800 metres of the Zoning Bylaw in accordance with Section 52 of the *Transportation Act*.

#### Public Hearing and Public Information Meeting

Pursuant to the *FVRD Development Procedures Bylaw No. 1377, 2016* a Public Hearing will be advertised and scheduled. The Public Hearing will be scheduled in the spring of 2023 and chaired by the Electoral Area Director. All Electoral Area Directors are invited and encouraged to attend the public hearing.

As this amendment to the Zoning Bylaw affects greater than 10 properties, a mailout notice is not required. We will work with the CLPB to send an email out to their resident email list advertising the date and time of the public hearing. For the public information meetings, we have been using the same email method and feel it has been an effective form of communication. Additionally, the Public Hearing will be advertised in the Chilliwack Progress and on the FVRD website, pursuant to the *Development Procedures Bylaw No. 1377, 2016* and the *Local Government Act*. Immediately prior to the Public Hearing, a public information meeting will be held at the same date and time, which is typical practice for zoning amendments in the electoral areas.

The FVRD will also utilize [Have Your Say FVRD](#), the FVRD social media channels, and [fvr.ca](http://fvr.ca) to inform residents about the update, public hearing date, and how they can participate in the process and provide feedback.

#### New Building Permit Applications

Section 463 of the *Local Government Act* allows a local government to withhold a building permit for a period of 30 days, beginning on the day of application. A resolution would need to be passed identifying the conflict between the development proposed in the building permit application and the zoning bylaw under preparation.

During the 30-day period, the local government must review the permit application and may direct that the permit be withheld for a further 60 days or grant the permit, with conditions that are in the public interest, taking into account the bylaw that is being prepared. If the local government does not



adopt the bylaw within the 60-day period, the owners of the land for which a building permit was withheld under this section are entitled to compensation for damages resulting from the withholding of the permit. Should the Board want to proceed with withholding individual building permit applications until the bylaw is adopted, the Board should direct staff to bring new building permit applications as they are received for consideration under Section 463 of the *Local Government Act*.

### Workplan and Timelines

The workplan outlined below is the anticipated timeline for the Cultus Lake zoning bylaw update. The initial timeline has been shortened to allow the flexibility to reduce the number of in-stream applications while the bylaw is being adopted. Staff are aware that height and parking are concerns and that some residents may have intentions to construct on First Avenue, Lakeshore Drive and Munroe Avenue. An expedited bylaw adoption provides applicants with a certainty of zoning bylaw regulations.



### COST

The Cultus Lake Zoning Bylaw update and associated public consultation is a project identified in the 2022-23 Electoral Area Planning workplan and budget. The consultant costs will be coming out of the EA Planning (603) budget as approved by the Board in 2022.

### CONCLUSION

Staff feel that the **proposed bylaw amendments will address the community's concerns regarding parking on First Avenue and the height of homes located on Lakeshore Drive and Munroe Avenue.** It is recommended that the Fraser Valley Regional District Board give first reading to *Fraser Valley Regional District Zoning Amendment Bylaw No. 1672, 2022*.

Option 1 – Give 1<sup>st</sup> Reading (Staff Recommendation)

Option 2 – Defer

MOTION: THAT a decision with respect to the proposed *Fraser Valley Regional District Zoning Amendment Bylaw No. 1672, 2022* be deferred to the next regular meeting of the Electoral Area Services Committee (or another date).

COMMENTS BY:

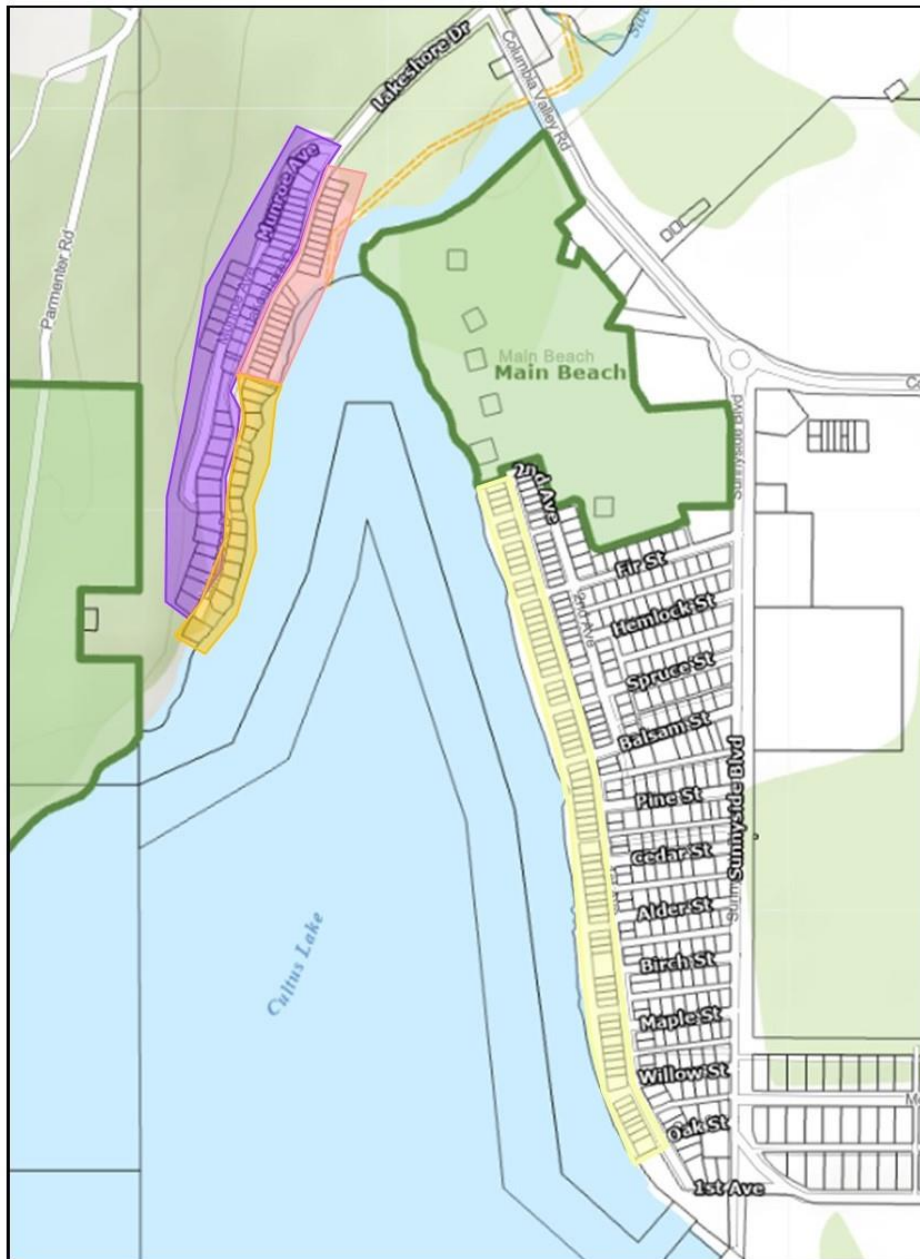
Hasib Nadvi, Manager of Planning: reviewed and supported

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

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

Jennifer Kinneman, Chief Administrative Officer: Reviewed and supported.

## Appendix 1: Summary of Zoning Amendments



- Text Amendment to existing R-3 zone for parking changes (Front Setback increase)
- Map & Text Amendment renamed R-5 zone, height 6.7 m (22 ft) and rear setback also now from natural boundary of Cultus Lake
- Map & Text Amendment renamed R-6 zone & height reduced to 5.8m (19 ft) and rear setback also now from natural boundary of Cultus Lake
- Text Amendment to existing R-4 zone for how height is measured