

To: Fraser Valley Regional District Board

Date: 2018-02-27

From: Graham Daneluz, Deputy Director of Planning & Dev't

File No: 3920-20-Bylaw 1375

**Subject: FVRD Cultus Lake Park Zoning Bylaw No. 1375, 2016 & FVRD Electoral Zoning Amendment Bylaw No. 1395, 2016**

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### RECOMMENDATION

**THAT** proposed FVRD Cultus Lake Park Zoning Bylaw No. 1375, 2016 be given second and third reading;

**AND THAT** proposed FVRD Cultus Lake Park Zoning Bylaw No. 1375, 2016 be adopted.

**THAT** proposed FVRD Electoral Zoning Amendment Bylaw No. 1395, 2016 be given second and third reading;

**AND THAT** proposed FVRD Electoral Zoning Amendment Bylaw No. 1395, 2016 be adopted.

### STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship  
Foster a Strong & Diverse Economy  
Support Healthy & Sustainable Community  
Provide Responsive & Effective Public Services

### PRIORITIES

Priority #4 Tourism  
Priority #5 Outdoor Recreation

### BACKGROUND

Land use and development in Cultus Lake Park is currently regulated by two land use bylaws:

- Cultus Lake Park Specified Area By-Law 1994 - this bylaw applies only to the residential lease lands only. It established the R-1 (Suburban Residential), R-2 (Urban Residential), R-3 (Waterfront) and R-4 (Hillside Residential) zones.
- FVRD Zoning Bylaw No. 66, 1976 - this bylaw applies to all lands within Cultus Lake Park and zones all lands Park (P-1). The P-1 Zone permits only park, civic, campground, golf course and outdoor recreation uses.

The Cultus Lake Park Act does not provide clear legal authority for the Cultus Lake Park Board to enact land use regulations, as detailed in the Specified Area Bylaw 1994. Further to the direction of the

Ministry of Community, Sport and Cultural Development, FVRD is considering a Zoning Bylaw under the authority of Section 479 of the Local Government Act (LGA) to bring the general regulations of the Cultus Lake Specified Area Bylaw into legislative compliance.

With the integration of Building Inspection Services to the FVRD on January 1, 2016, all building permits issued by the FVRD must comply with zoning regulations. Given the inconsistencies of the FVRD Zoning Bylaw No. 66, 1976 with the Specified Area Bylaw for the residential areas of Cultus Lake Park, and the existing commercial leases, a new Zoning Bylaw for Cultus Lake Park is proposed.

## **Zoning Bylaws**

The purpose of *Cultus Lake Park Zoning Bylaw No. 1375, 2016* 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 buildings and structures. It would apply to all lands within the Park. *Cultus Lake Park Zoning Bylaw No. 1375, 2016* is based on extensive consultation with the Cultus Lake Park Board.

The purpose of *Electoral Zoning Bylaw Amendment No. 1395, 2016* is to exclude Cultus Lake Park from the area of application of *Zoning Bylaw for Electoral Area "E", 1976* which is the zoning bylaw that applies to Electoral Areas "E" and "H" of the FVRD. The intention is to establish *Bylaw 1375* as a separate zoning bylaw tailored to Cultus Lake Park rather than incorporating Cultus Lake Park into a bigger zoning bylaw for the entire Electoral Area.

## **Public Hearing**

A Public Hearing was held for *Bylaws 1375* and *1395* on July 13, 2017 at 7:00 p.m. in the Cultus Lake Community School located at 76 Sunnyside Avenue, Cultus Lake, BC. Approximately 135 members of the public were present. Forty one written submissions were received and 44 oral comments were provided. Public comments reflect strong community opposition to the zoning of potential "infill lots" as Residential.

Following the July, 2017 public hearing, *Bylaw 1375*, along with the public hearing report, was referred to the Cultus Lake Park Board (CLPB) for further consideration. The CLPB undertook a survey to assess community opinions on the zoning of various 'infill lots'. The survey results strongly favoured zoning the identified 'infill lots' as Park (P-1). As a result, CLPB requested that FVRD amend the draft *Bylaw 1375*. The amended bylaw was given a new first reading by the FVRD Board in December, 2017.

A second public hearing was held for *Bylaws 1375* and *1395* on February 15, 2018. The hearing was attended by about 28 members of the public. Nineteen written submissions and seven oral submissions were made. Overall, submissions were positive about the changes made to *Bylaw 1375* since the last hearing and supportive of adoption of the bylaws. A full report on the February 15, 2018 public hearing is attached hereto.

## DISCUSSION

The FVRD Board may now consider given second and third readings to Bylaws 1375 and 1395. Furthermore, in accordance with the *FVRD Board and Committee Procedures Bylaw No. 1305, 2015*, any bylaw which does not require provincial approval prior to the adoption of the bylaw may be adopted at the same meeting of the Board at which it passed third reading, provided the motion for adoption receives an affirmative vote of at least two-thirds (2/3) of the votes cast.

## COST

Development of land use bylaws for Cultus Lake Park has involved significant costs associated with staff time, public meetings and consulting support. Development and administration of the Cultus Lake Park land use bylaws are supported by tax requisition from Cultus Lake Park leaseholders to the EA Planning service (603). As EA Planning staff currently has a major role providing planning and development services for Cultus Lake Park, the added demands associated with the adoption of land use bylaws for the Park are expected to be manageable within existing resource levels.

## CONCLUSION

After extensive consultation and public engagement, *FVRD Cultus Lake Park Zoning Bylaw No. 1375, 2016* is ready to be considered by the FVRD Board for second and third readings as well as adoption. The bylaw is supported by the CLPB and the Cultus Lake community.

The purpose of *Electoral Zoning Bylaw Amendment No. 1395, 2016* is to exclude Cultus Lake Park from the area of application of *Zoning Bylaw for Electoral Area "E", 1976* which is the zoning bylaw that applies to Electoral Areas "E" and "H" of the FVRD. The intention is to establish *Bylaw 1375* as a separate zoning bylaw tailored to Cultus Lake Park rather than incorporating Cultus Lake Park into a bigger zoning bylaw for the entire Electoral Area. *Bylaw 1375* should also be considered for second reading, third reading and adoption.

## COMMENTS BY:

**Margaret Thornton, Director of Planning & Development**

Reviewed and supported.

**Mike Veenbaas, Director of Financial Services**

No further financial comments.

**Paul Gipps, Chief Administrative Officer**

Reviewed and supported.