

To: Electoral Area Services Committee

Date: 2018-03-13

From: Johannes Bendle, Planner I

File No: 3360-25 2017-01

**Subject: Zoning Bylaw Amendment for 11223 Stave Lake Road, Electoral Area “F”**

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## RECOMMENDATION

**THAT** the Fraser Valley Regional District Board consider giving first reading to the bylaw cited as *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017* for a text amendment for the purpose of facilitating subdivision;

**THAT** the *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017* be forwarded to Public Hearing;

**THAT** the Fraser Valley Regional District Board delegate the holding of the Public Hearing with respect to the proposed *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017* to Director Boucher or his alternate in his absence;

**THAT** Director Boucher or his alternate in his absence, preside over and Chair the Public Hearing with respect to proposed *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017*;

**AND THAT** the Chair of the Public Hearing be authorized to establish procedural rules for the conduct of the Public Hearing with respect to proposed *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017* in accordance with the Local Government Act;

**AND FURTHER THAT** in the absence of Director Boucher, or his alternate in his absence at the time of the Public Hearing with respect to proposed *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017*, the Fraser Valley Regional District Board Chair is delegated the authority to designate who shall preside over and Chair the Public Hearing regarding this matter;

**AND FINALLY THAT** the Fraser Valley Regional District Board authorize its signatories to execute all documents relating to *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017*.

## STRATEGIC AREA(S) OF FOCUS

Foster a Strong & Diverse Economy

Provide Responsive & Effective Public Services

## BACKGROUND

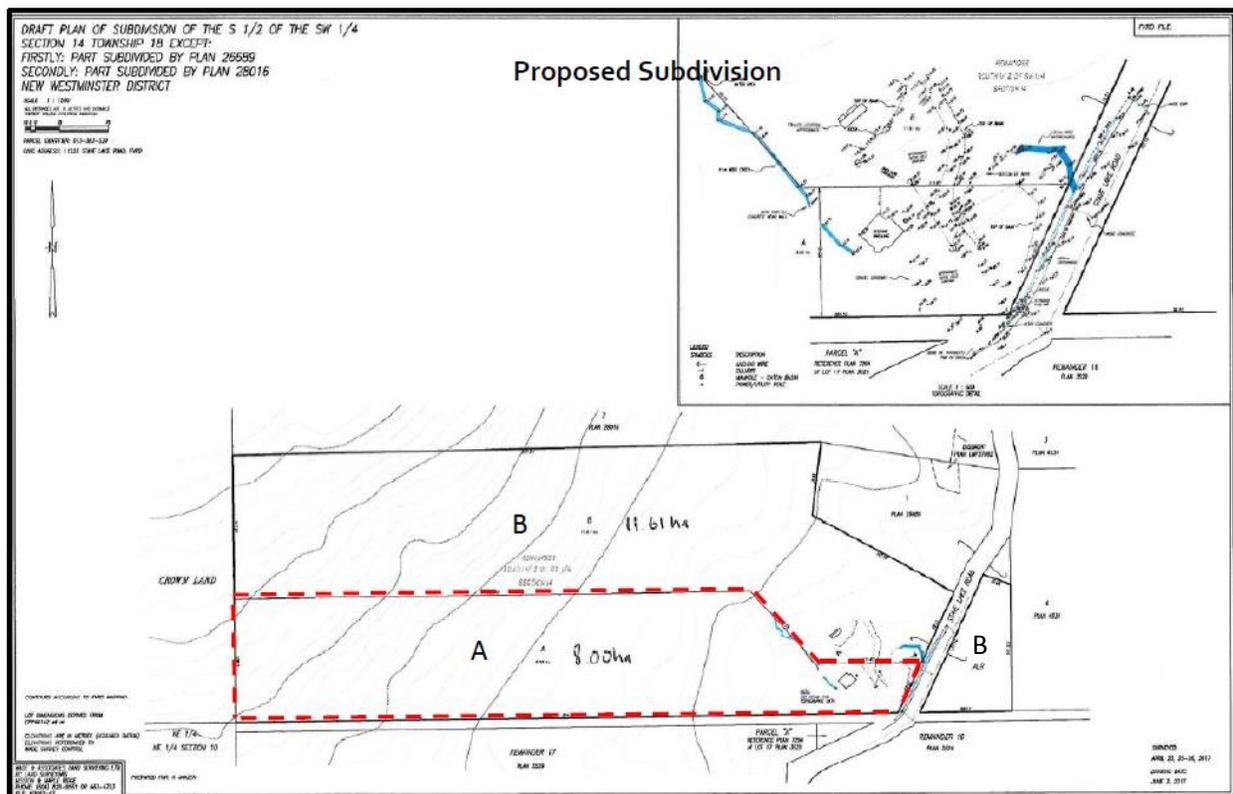
The applicants have applied to the Ministry of Transportation and Infrastructure (MOTI) to subdivide the subject property into two lots. The FVRD has responded to a referral received from MOTI in which the FVRD was not able to support MOTI's issuance of a preliminary layout approval for the proposed subdivision because not all of the minimum parcel sizes were met. Therefore, the applicants have chosen to apply for a text amendment to the Zoning Bylaw to facilitate the subdivision.

The Zoning Bylaw Amendment was previously considered by the Board in December 2017 where the Board resolved to defer the application to a future meeting.

## DISCUSSION

### Proposal

The applicants are proposing to subdivide the subject property into two lots. The property is 19.61 hectares and the proposal is to subdivide the property into one 8 hectare lot (Lot A) and one 11.61 hectare lot (Lot B).



## **Board Resolution**

At the December 20, 2017 Board meeting, the Board resolved:

*THAT the Fraser Valley Regional District Board defer Zoning Amendment application 2017-01 to the January, 2018 EASC meeting and provide the applicants an opportunity to explore consolidating the A-2 zoned agricultural lands.*

The applicant has contacted the adjacent property owner to the east of his A-2 zoned land. This is the property for which consolidation made sense as both are functionally connected and both are currently under agricultural production. As the letter in Appendix A states, the applicant sent a letter explaining his situation and asking if the owner would be interested in buying the two acres of land. However, the offer was considered by the applicant to be lower than half the value of the land. The applicant and the owner were unable to come to an agreement; therefore, the applicant is requesting the Board's consideration of his original application.

## **Zoning**

The subject property is zoned Rural 3 (R-3) and Floodplain Agriculture (A-2) pursuant to the *Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992*. The minimum parcel size in the R-3 zone is 8 hectares and in the A-2 zone it is 16 hectares. Proposed Lot A is zoned R-3 and meets the minimum parcel size; however, proposed Lot B is zoned R-3 (west of Stave Lake Road) and A-2 (east of Stave Lake Road) and does not meet the minimum parcel size. Proposed Lot B has a split zone and meets the minimum 8 hectare parcel size of the R-3 zone but does not meet the minimum 16 hectare parcel size of the A-2 zone.

Bylaw No. 559 has specific provisions that address subdivisions of parcels that straddle zone boundaries:

- 413 (3) No parcel which straddles a zone boundary shall be created by subdivision except as otherwise provided in Section 413(6).
- 413 (7) Notwithstanding Section 413(3), where an existing parcel straddles a zone boundary, subdivision will only be permitted if the resulting parcels meet the greater minimum parcel size of the said zone.

The Zoning Bylaw does allow for a reduction in minimum parcel size where a parcel is divided by a highway, but no parcel can be smaller than 1 hectare. The portion of the parcel east of Stave Lake Road is approximately 0.8 hectares. Because of the size of the property relative to the minimum parcel size requirement, there is no alternative configuration that could avoid a text amendment for parcel size unless the A-2 portion of the property was consolidated with the adjacent A-2 property.

## **OCP**

The subject property is designated Limited Use (LU) and Agriculture (A) pursuant to Fraser Valley Regional District Official Community Plan for Hatzic Valley, Electoral Area "F" Bylaw No. 0999, 2010.

The minimum parcel size for the LU designation is 8 hectares and for the A designation is 16 hectares for lands within the Fraser River and Stave Lake floodplains or otherwise subject to flood hazards. Proposed Lot A is designated LU and meets the minimum parcel size; however, proposed Lot B is designated LU (west of Stave Lake Road) and A (east of Stave Lake Road) and does not meet the minimum parcel size. Although the minimum parcel size will not be met, the proposed subdivision will not further fragment or reduce the size of agricultural land as the only flat farmable land is on the east side of Stave Lake Road which appropriately coincides with the A designation.

### **Development Permit**

The subject property is located within "Geologic and Stream Hazard Development Permit Area 1-F" for the protection of development from hazardous conditions. A Development Permit is required prior to subdivision approval and a geotechnical hazard assessment report will be required as part of the Development Permit process to determine if the proposed lot is safe for the use intended and if works to mitigate geotechnical hazards are required. The FVRD has reviewed the "Geotechnical Hazard Assessment and Report Proposed Manufactured Home Construction 11223 Stave Lake Street, Hatzic Area, Mission, BC" dated June 25, 2010; however, the scope of this report was not for the purpose of subdivision. Therefore, a new geotechnical hazard assessment report is required.

In addition, the property is located within "Riparian Areas Development Permit Area 2-F" for the protection of the natural environment, its ecosystems and biological diversity. A Development Permit is required prior to subdivision approval and a Riparian Areas Regulation (RAR) assessment from a Qualified Environmental Professional (QEP) will be required as part of the Development Permit process.

### **Agricultural Land Reserve**

The subject property is partially located within the Agricultural Land Reserve (ALR). However, as no subdivision is proposed within the ALR approval from Agricultural Land Commission (ALC) is not required.

### **COST**

The applicant has paid the \$2,500 application fee to amend the zone.

### **CONCLUSION**

The applicants are proposing a two lot subdivision of the 19.61 hectare property into one 8 hectare lot and one 11.61 hectare lot. The applicants are applying for a text amendment to the Zoning Bylaw to facilitate the subdivision after being unable to reach an agreement with the neighbouring property to consolidate the A-2 portion of the property. Staff recommend that the information in this report is considered and that the Bylaw be given first reading.

**COMMENTS BY:**

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

**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