



CORPORATE REPORT

To: Electoral Area Services Committee

Date: 2017-12-12

From: Johannes Bendle, Planner I

File No: 3360-25 2017-01

Subject: Zoning Amendment for 11223 Stave Lake Road, Electoral Area "F"

RECOMMENDATION

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

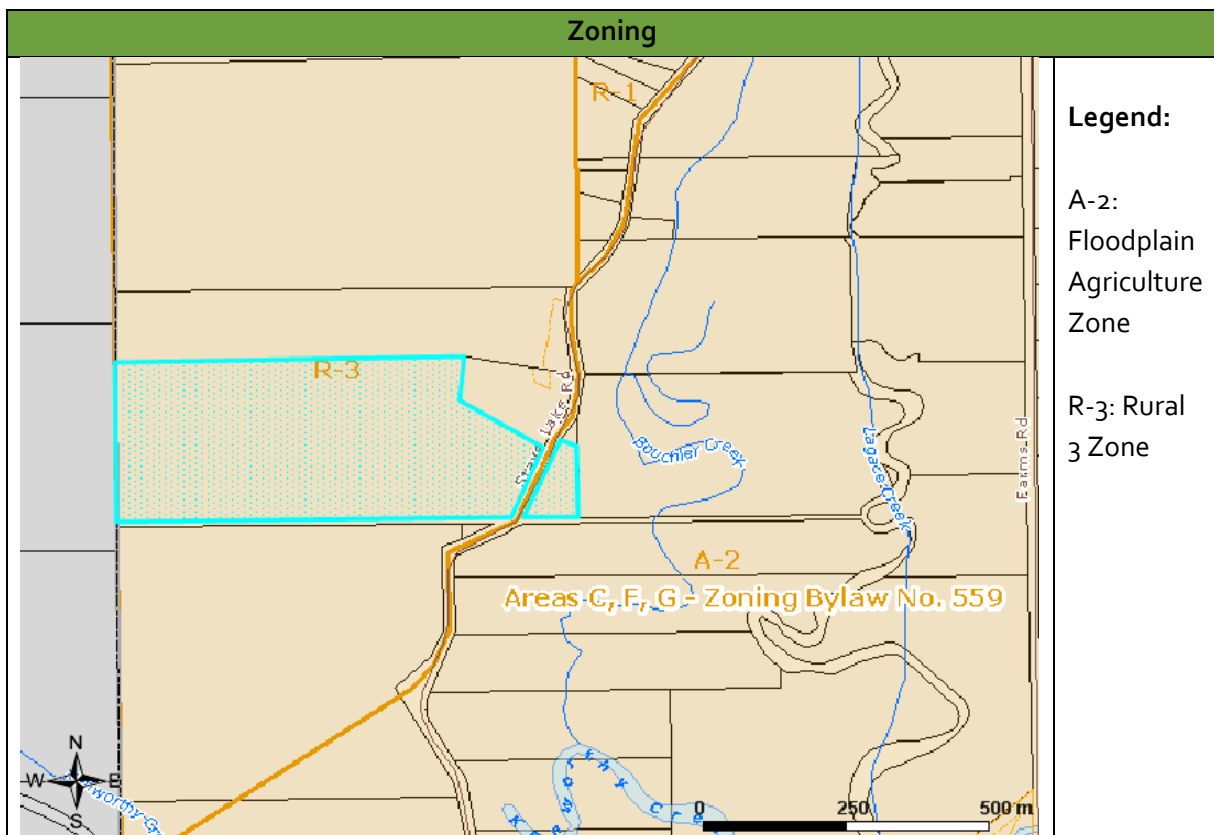
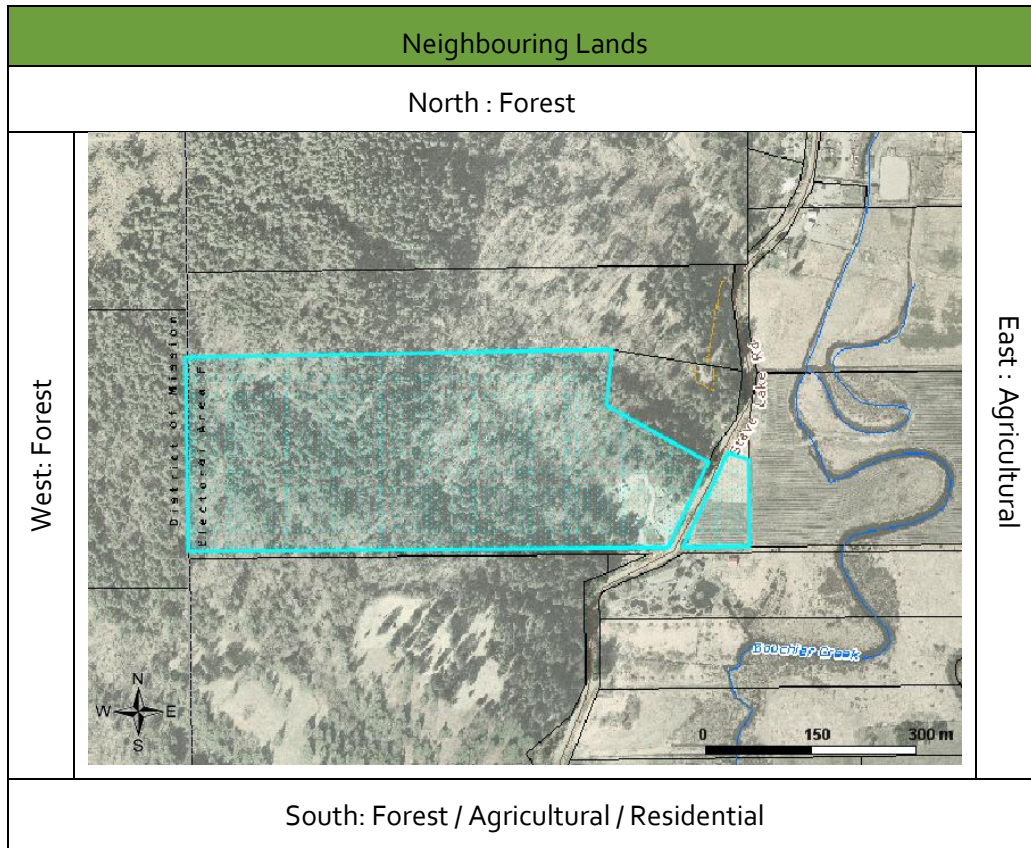
STRATEGIC AREA(S) OF FOCUS

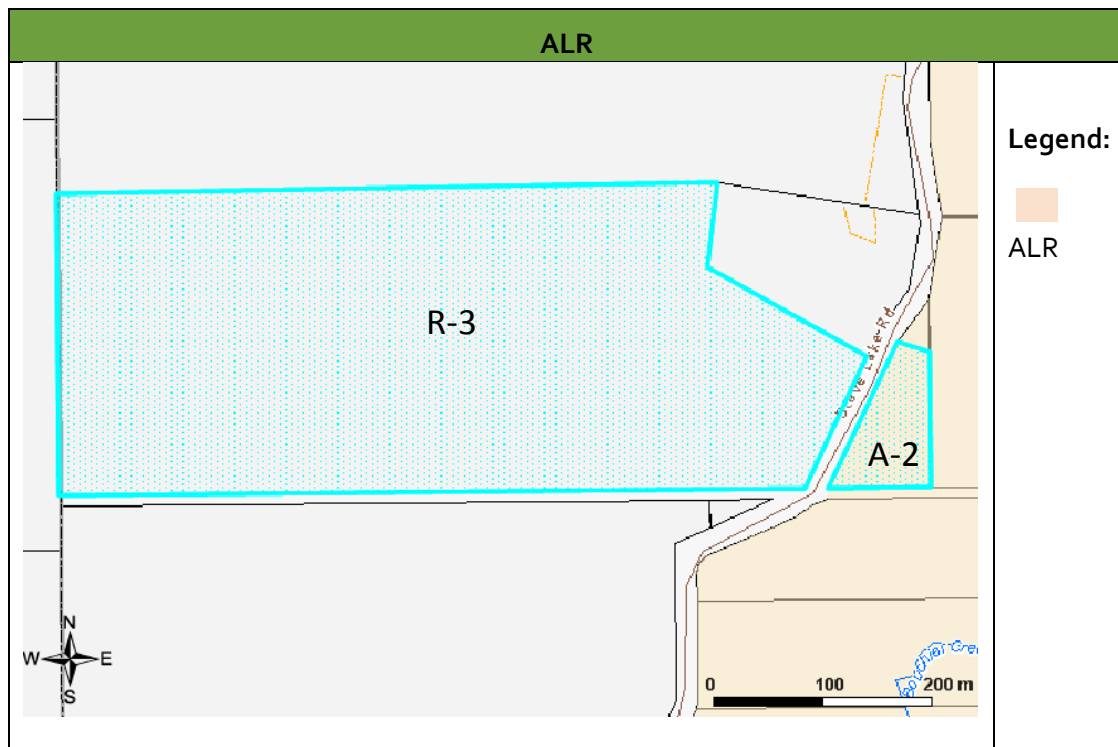
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BACKGROUND

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.





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).

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 were to be 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.

Subdivision Options

In considering the subdivision options for the subject property, the best outcome for the preservation of agricultural land is for the agricultural A-2 zoned portion of the subject property to be consolidated with the adjacent agricultural A-2 zoned property to the east. The consolidation of agricultural land would enhance agriculture by consolidating the 0.8 hectare fragment of A-2 agricultural land with the adjacent 13.4 hectare of A-2 agricultural land. If the A-2 agricultural portion of the subject property were to be consolidated with the adjacent property through subdivision it would also remove the requirement for a zoning amendment as the subdivision of the R-3 portion of the property would meet the minimum parcel size. This subdivision option is contingent on the geotechnical hazard assessment confirming an additional safe building site on the land west of Stave Lake Road. The adjacent landowner would also have to agree to buy the agricultural A-2 land from the applicants. From the applicants perspective this proposal would mean that they would lose their farm status for the proposed parcel as the A-2 portion of the property is currently being farmed. Furthermore, this would require an application for subdivision in the ALR; however, because this application would be consolidating ALR land it would be seen as a benefit to agriculture. Staff recommend that a decision on the zoning amendment application is deferred and that the applicants be encouraged to approach the adjacent landowner regarding consolidating of the agricultural A-2 land because this would lead to a better outcome from an agricultural and land use planning perspective.

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 proposed subdivision meets the minimum 8 hectare parcel size of the R-3 zone but does not meet the minimum 11.61 hectare parcel size of the A-2 zone. Staff recommend that the FVRD Board defer the Zoning Amendment application to a future meeting and encourage the applicants to consolidate the adjacent A-2 agricultural lands thereby avoiding the requirement for a zoning amendment.

Option 1 – First Reading

Should the FVRD board decide to give the Zoning Amendment application first reading, the Board may resolve:

THAT the Fraser Valley Regional District Board give first reading to the bylaw cited as “*Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 2017*” for the purpose of facilitating a two lot subdivision at 11223 Stave Lake Road, Electoral Area “F”;

THAT the Fraser Valley Regional District Board 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 Zoning Amendment Bylaw No. 1458, 2017 to Director Boucher or in his absence to the Area "F" Alternate Director;

THAT Director Boucher or in his absence the Alternate Director, preside over and Chair the Public Hearing with respect to proposed 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 Bylaw No. 1458, 2017 in accordance with the *Local Government Act*;

AND FURTHER THAT in the absence of Director Boucher and the Area "F" Alternate Director, at the time of the Public Hearing with respect to proposed 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 staff to execute all documents relating to Bylaw No. 1458, 2017.

Option 2 - Refuse

Alternatively if the FVRD Board decides to refuse the Zoning Amendment application, the Board may resolve:

THAT the Fraser Valley Regional District **refuse** Zoning Amendment application 2017-01.

COMMENTS BY:

Graham Daneluz, Deputy Director of Planning & Development

Reviewed and supported. Staff are reluctant to support spot zoning which appears to conflict with the intent of the bylaw regarding subdivision of land with split zones. Staff recommend that this application be deferred to provide the applicant with time to explore the feasibility of consolidating the agricultural portion of the parcel with adjacent farm lands. If this is done, the remaining hillside lands can be subdivided without a zoning amendment and the rezoning fees can be refunded.

Mike Veenbaas, Director of Financial Services

No further financial comment.

Paul Gipps, Chief Administrative Officer

Reviewed and supported