

To: Fraser Valley Regional District Board

Date: 2018-03-27

From: David Bennett, Planner II

File No: 3360-27-2017-01 6480-

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**Subject: Official Community Plan amendment Bylaw 1460 2017 and Zoning Amendment Bylaw 1461 2017 to facilitate the redevelopment of 45900 Sleepy Hollow Road, Electoral Area H into a single family residential subdivision.**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board consider the following options for *Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1460, 2017 and Fraser Valley Regional District Zoning Amendment Bylaw No. 1461, 2017* as outlined in the corporate report dated March 27, 2018:

#### **OPTION 1**      2<sup>nd</sup> and 3<sup>rd</sup> Readings

**THAT** proposed *Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1460, 2017 and Fraser Valley Regional District Zoning Amendment Bylaw No. 1461, 2017* be given second and third reading.

#### **OPTION 2**      Refer to EASC and a New Public Hearing

**THAT** proposed *Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1460, 2017 and Fraser Valley Regional District Zoning Amendment Bylaw No. 1461, 2017* be referred to Staff and the Electoral Area Services Committee for further consideration and a new Public Hearing.

#### **OPTION 3**      Defer

**THAT** consideration of the proposed *Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1460, 2017 and Fraser Valley Regional District Zoning Amendment Bylaw No. 1461, 2017* be deferred to the next regular meeting of the Fraser Valley Regional District Board [or other date].

#### **OPTION 4**      Refuse

**THAT** *Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1460, 2017 and Fraser Valley Regional District Zoning Amendment Bylaw No. 1461, 2017* not be given any further readings and that the application for rezoning and Official Community Plan amendment be refused.

**STRATEGIC AREA(S) OF FOCUS**

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

**PRIORITIES**

Priority #1 Waste Management

**BACKGROUND**

The purpose of Official Community Plan Amendment Bylaw 1460, 2017 (Bylaw 1460) and Zoning Amendment Bylaw No 1461, 2017 (Bylaw 1461) is to facilitate the redevelopment of the former gravel pit and hillside at 45900 Sleepy Hollow Road, Electoral Area H into a single family residential subdivision. 33 new lots are proposed.

The proposed development is a single family residential subdivision involving geo-hazard slope mitigation work as well as full servicing, meaning connection to both a community water system and community sanitary sewer system.

The lower portion of the property (the portion adjacent to Sleepy Hollow Road) is currently zoned RS-1 for residential development, the upper portion (hillside) is currently zoned Limited Use (L-1). The geo-hazard feasibility studies submitted with the application concluded that both the upper and lower portions of the lands may be used safely for residential development. However, additional review is required to determine the technical aspects of specific mitigation works and infrastructure such as protection berms.

The proposal is to designate the entire property for residential development under the Urban Residential RS-1 zone. However, portions of the property would be covenanted to prohibit development in areas subject to potential geo-hazards. The RS-1 is the same zoning as the adjacent single family neighbourhoods to the west and north east.

The timing of any future residential construction or subdivision of the lands is dependent upon the availability of a new community sewer system. The developers are proceeding at their own risk at this time based on the anticipated development of a new FVRD community sewer system located within Cultus Lake Park.

On January 24, 2018 the FVRD Board gave First Reading to "Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1460, 2017" and "Fraser Valley Regional District Zoning Amendment Bylaw No. 1461, 2017" and forwarded both bylaws to public hearing. A resolution by the Regional Board regarding how to proceed is required.

A Public Hearing was held on March 13, 2018. The Public Hearing has now closed. To avoid the requirement to hold another public hearing, the Regional Board may not receive any new information with respect to these bylaws. This report is a summary of applications and does not constitute new information.

The Fraser Valley Regional District Board may now receive the public hearing report and may consider the following options:

**OPTION 1**      **2<sup>nd</sup> and 3<sup>rd</sup> Readings**

**THAT** proposed *Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1460, 2017 and Fraser Valley Regional District Zoning Amendment Bylaw No. 1461, 2017* be given second and third reading.

**OPTION 2**      **Refer to EASC and a New Public Hearing**

**THAT** proposed *Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1460, 2017 and Fraser Valley Regional District Zoning Amendment Bylaw No. 1461, 2017* be referred to Staff and the Electoral Area Services Committee for further consideration.

**OPTION 3**      **Defer**

**THAT** consideration of the proposed *Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1460, 2017 and Fraser Valley Regional District Zoning Amendment Bylaw No. 1461, 2017* be deferred to the next regular meeting of the Fraser Valley Regional District Board [or other date]; or

**OPTION 4**      **Refuse**

**THAT** *Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1460, 2017 and Fraser Valley Regional District Zoning Amendment Bylaw No. 1461, 2017* not be given any further readings and that the application for rezoning and Official Community Plan amendment be refused.

## DISCUSSION

Attached for information:

- Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1460, 2017
- Fraser Valley Regional District Zoning Amendment Bylaw No. 1461, 2017
- Public Hearing Report

The public hearing was held on March 13, 2018. Director Dixon was delegated to hold the hearing; her public hearing report is attached separately. Approximately 50 members of the public attended the hearing. 53 letters were received. 27 comments were made at the public hearing. 1 petition in full opposition signed by 45 people was received.

# of Letters/Written Submissions Received		# of Verbal Comments	
43	indicated support	5	indicated support
4	indicated support with concerns	22	provided comments or concerns
1	indicated opposition		
5	provided comments or concerns		
45	1 petition with 45 signatures in opposition		

The Fraser Valley Regional District Board may now receive the attached public hearing report. In accordance with Section 470 of the *Local Government Act* the procedure after the public hearing is as follows:

After a public hearing, the council or board may, without further notice or hearing,

- (a) adopt or defeat the bylaw, or
- (b) alter and then adopt the bylaw, provided that the alteration does not
  - (i) alter the use,
  - (ii) increase the density, or
  - (iii) without the owner's consent, decrease the density of any area from that originally specified in the bylaw.

### Neighbourhood concerns

The table below is a summary of the major concerns raised at the public hearing and how the developer proposes to address those concerns. Some of the concerns will require additional technical reports to mitigate potential impacts of the proposal. New technical reports may be submitted after the public hearing directly to FVRD staff and are not considered new information if they are limited in scope to technical clarifications. Should the FVRD Board consider Option 1 and give second and third readings to the proposed bylaws, the project will not be able to proceed to consideration of adoption until FVRD staff are satisfied with the technical reports listed in the table below. During the review of any new technical reports, FVRD staff may determine that the information in the reports warrants further public review, and in such an instance, a new Public Hearing would be required, and readings would need to be

rescinded. If the FVRD Board considers that the outstanding concerns are substantive and the EASC needs be involved in further discussions with Staff and the applicant to resolve the community's concerns, the Board may consider Option 2. Option 2 requires the holding of a second public hearing.

With regards to the project density, the FVRD Board may alter the bylaws to decrease the proposed density with the owner's consent. Altering the bylaws to decrease density does not require further public notice or a new public hearing and may occur at second reading, third reading or consideration of adoption.

CONCERN	APPLICANT RESPONSE	FURTHER TECHNICAL REPORTING/REVIEW
Stormwater	Engineering Stormwater Management Plan, prepared by Creus Engineering.	Further review not required.
Protection of Neighbouring Wells	Submitted a Stormwater Management Plan, prepared by Creus Engineering. Reporting concludes post development storm water flows to match pre-development flows.	Flow changes and drainage pattern changes on the upper site to be reviewed for impacts on recharge areas of the Hooyenga Springs water licences, to include flows and potential for contamination.
Sleepy Hollow Road Access	All driveway access to the lower sites are now accessed from a new road instead of Sleepy Hollow Road.	Further review not required.
Access to lands beyond for trail users (hikers, bikes)	The developers have offered a new sidewalk connection through the lower site to bypass Sleepy Hollow Road and will review pedestrian access to the upper site.	Pedestrian access route through the upper site needs to be evaluated for technical feasibility and requires further review with FVRD staff. Access to Crown lands beyond is already available via Vance Road.
Density	Two proposed lots were removed from the lower site to increase lot widths. The total went from 19 to 17 lots.	The bylaws may be altered to reduce density with the consent of the owner.
Traffic safety adjacent to 3847 Vance Rd and potential light pollution impacts	Engineering Traffic Assessment submitted to review overall impacts and site geometrics.	The proposed upper access road requires further review to address safety to prevent vehicles sliding into neighbouring lots and to address potential light pollution from headlights, screening may be required.
Wildfire Assessment	Will prepare a report prior to consideration of adoption.	Wildfire assessment required prior to consideration of adoption.
Cultural Heritage Overview Assessment	Will work with Ts'elxwéyeqw Tribe to prepare an assessment.	Cultural Heritage Overview Assessment is required prior to ground disturbance.
Cultus Lake	The FVRD is continuing to work with	Further review by the developer is

Secondary Access	Ministry of Transportation and Infrastructure, the United States, the City of Chilliwack and the Soowahlie First Nation on emergency access routes.	not required. This issue is beyond what an individual proposal or a developer can address.
Waterline Route	Will extend the water line beyond the property frontage to Gurney Road.	The developer may wish to review extensions of the water line to serve more neighbours.
Sewer Lift Station	The civil engineering review indicates a location near the entrance to 45955 Sleepy Hollow Road.	Screening and potential odour issues to be reviewed.
Neighbourhood Compatibility	Proposed residential lots is consistent with zoning and land use (residential) for the neighbourhood, and Modular Home Parks.	The developer may wish to review design and landscaping guidelines to integrate the proposed subdivision.

Prior to consideration adoption of the bylaw, the following legal instruments to be executed include:

- Subdivision Control and Layout Covenant
- Development Agreement (Servicing, Wildfire, Stormwater Management)
- Provision of a One (1) acre public park space or cash equivalent.
- Surface water source access protection for adjacent users of the spring on site. This includes provision of an access and maintenance easement over the water intakes, and distribution pipe works.
- Park agreement

### **Optional Motions for Consideration**

#### **OPTION (1) 2<sup>nd</sup> and 3<sup>rd</sup> Readings**

##### **Purpose:**

To proceed with the bylaws as drafted based upon the information received. Additional technical reporting is required and will be reviewed by FVRD staff and A number of legal instruments are required to be registered on title prior to consideration of adoption, as outlined above.

##### **Implications:**

<b>Timeline</b>	This option provides for the bylaws to proceed to adoption as soon as the above-noted legal instruments are registered on title and technical reports are reviewed.
<b>Additional Process</b>	No additional process or public consultation is provided for the review of the application. FVRD staff will review the outstanding technical information required to advance the proposal to consideration of adoption.
<b>Considerations</b>	The developer's commitments and obligations will be resolved by covenant registration.

##### **Resolution for consideration:**

**THAT** proposed *Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1460, 2017* and *Fraser Valley Regional District Zoning Amendment Bylaw No. 1461, 2017* be given second and third reading.

**OPTION (2) Refer to EASC and a New Public Hearing**

**Purpose:**

To refer the bylaw back to FVRD Staff and EASC for further discussion and to a new public hearing.

**Implications:**

<b>Timeline</b>	This option provides for further review by Staff and the EASC. This discussion will result in new information being discussed and as such a new public hearing would be required.
<b>Additional Process</b>	Further consideration by the EASC will add to the approval timeline. A new public hearing will add time to the approval timeline.
<b>Considerations</b>	Any additional changes to the application would be possible with new readings of the revised bylaws.

**Resolution for consideration:**

**THAT** proposed *Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1460, 2017* and *Fraser Valley Regional District Zoning Amendment Bylaw No. 1461, 2017* be referred to Staff and the Electoral Area Services Committee for further consideration.

**OPTION (3) Defer**

**Purpose:**

To defer a decision to a future Board meeting.

**Implications:**

<b>Timeline</b>	This option provides for further time to review the application by Board members prior to consideration.
<b>Additional Process</b>	Additional time is added to the development process timeline.
<b>Considerations</b>	No new information may be received by Board members.

**Resolution for consideration:**

**THAT** consideration of the proposed *Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1460, 2017* and *Fraser Valley Regional District Zoning Amendment Bylaw No. 1461, 2017* be deferred to the next regular meeting of the Fraser Valley Regional District Board [or other date].

#### **OPTION (4)    Refuse**

##### **Purpose:**

To refuse the proposal.

##### **Implications:**

<b>Timeline</b>	This option stops the applications.
<b>Additional Process</b>	If the applicants wish to proceed without amending the proposal, they must wait six (6) months to reapply with the same application.
<b>Considerations</b>	The applicant will have to reapply or amend the development plans. A new bylaw process will be triggered.

##### **Resolution for consideration:**

**THAT** *Fraser Valley Regional District Official Community Plan Amendment Bylaw No. 1460, 2017 and Fraser Valley Regional District Zoning Amendment Bylaw No. 1461, 2017* not be given any further readings and that the application for rezoning and Official Community Plan amendment be refused.

##### **COST**

OCP Amendment - \$2,000.00 - Paid

Rezoning - \$7,500.00 - Paid

The proposed development will add new FVRD owned and operated infrastructure, including water lines, sewer, sidewalk, and storm sewer. The proposed new development will add 33 new parcels and assessment of the new construction to the service areas which will help to either offset these costs increases or reduce the existing service participant's costs.

##### **COMMENT BY:**

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

##### **COMMENT BY:**

**Margaret Thornton, Director of Planning & Development**                      Reviewed and Supported

##### **COMMENT BY:**

**Mike Veenbaas, Director of Financial Services**                      No further financial comments

##### **COMMENT BY:**

**Paul Gipps, Chief Administrative Officer**                      Reviewed and supported