

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 57372

Application Status: Under LG Review

Applicant:

Agent: Harvey Muxlow

Local Government: Fraser Valley Regional District

Local Government Date of Receipt: 02/27/2018

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Subdivision

Proposal: Proposed boundary adjustment - starts with 3 parcel and result is 3 parcels. Proposed lot sizes as follows:

Lot 1 - increased from 0.4 ha to 4.047 ha

Lot 2 - increased from 13.8 ha to 14.18 ha

Lot 3 - reduced from 84.8 ha to 80.76 ha

The purpose of the boundary adjustment to;

1. Remove barn encroachment to enhance agricultural use in favour of Lot 2.
2. Remove inefficient and land locked farm parcel to usable location for farming purposes.
3. Net result will favour agricultural use of all three parcels.

Agent Information

Agent: Harvey Muxlow

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 024-762-091

Legal Description: Parcel A DL 446 Grp 2 NWD Plan 78A

Parcel Area: 0.4 ha

Civic Address: No civic

Date of Purchase: 09/28/2017

Farm Classification: Yes

Owners

1. **Name:**

Address:

2. **Ownership Type:** Fee Simple
Parcel Identifier: 030-039-371
Legal Description: Lot 2 District Lot 446 Group 2 NWD Plan EPP66358
Parcel Area: 13.8 ha
Civic Address: 11180 Popkum Road North
Date of Purchase: 08/18/2017
Farm Classification: Yes
Owners

3. **Ownership Type:** Fee Simple
Parcel Identifier: 030-039-363
Legal Description: Lot 1 Group 2 Section 8 Township 3 District 446 Range 28 New Westminster District Plan EPP66358
Parcel Area: 84.8 ha
Civic Address: 54101 Yale Rd Chilliwack BC
Date of Purchase: 11/21/2016
Farm Classification: Yes

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

Barn existing surrounded by cleared land used for grazing. Barn is encroaching onto property B. Barn used for farm purposes.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

2 acres of cropping lands, 20 plus acres for grazing, 2 acres for one house for the farm, 2600 sq ft. house.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

Entire property used for farm purposes, including; raising up to 2000 cattle - feed lot, manure storage, grazing lands, approximately 40 acres for cropping.

Adjacent Land Uses

North

Land Use Type: Recreational

Specify Activity: Fraser River

East

Land Use Type: Agricultural/Farm

Specify Activity: Popkum IR (first nations)

South

Land Use Type: Unused

Specify Activity: Crown land

West

Land Use Type: Residential

Specify Activity: Rural Residential

Proposal

1. Enter the total number of lots proposed for your property.

0.4 ha

13.8 ha

84.8 ha

2. What is the purpose of the proposal?

Proposed boundary adjustment - starts with 3 parcel and result is 3 parcels. Proposed lot sizes as follows:

Lot 1 - increased from 0.4 ha to 4.047 ha

Lot 2 - increased from 13.8 ha to 14.18 ha

Lot 3 - reduced from 84.8 ha to 80.76 ha

The purpose of the boundary adjustment to;

1. Remove barn encroachment to enhance agricultural use in favour of Lot 2.

2. Remove inefficient and land locked farm parcel to usable location for farming purposes.

3. Net result will favour agricultural use of all three parcels.

3. Why do you believe this parcel is suitable for subdivision?

Boundary adjustment proposed, no additional/new lots will result. Proposal is to support farming of all

three parcels. Currently Lot 1 has constrained grazing use, due to small lot size, no road frontage, no residential opportunity for farmer, and creek setbacks constrain animal enclosure uses due to its small size. See attached addendum "A" for further information.

4. Does the proposal support agriculture in the short or long term? Please explain.

Yes. All proposed lot sizes will be sufficient in size to support a variety of the agricultural uses and have direct road frontage.

5. Are you applying for subdivision pursuant to the ALC Homesite Severance Policy? If yes, please submit proof of property ownership prior to December 21, 1972 and proof of continued occupancy in the "Upload Attachments" section.

No

Applicant Attachments

- Agent Agreement - Harvey Muxlow
- Proposal Sketch - 57372
- Other correspondence or file information - Letter 2
- Other correspondence or file information - Letter 1
- Certificate of Title - 024-762-091
- Certificate of Title - 030-039-371
- Certificate of Title - 030-039-363

ALC Attachments

None.

Decisions

None.

Proposed boundary adjustments

1. Property "A"

1.012 acres

Parcel Identifier: 024-762-091

Legal Description:

PARCEL A DISTRICT LOT 446 GROUP 2 NEW WESTMINSTER DISTRICT PLAN 78A

2. Property "B"

34.02 acres

Parcel Identifier: 030-039-371

Legal Description:

LOT 2 DISTRICT LOT 446 GROUP 2 NEW WESTMINSTER DISTRICT PLAN EPP66358

3. Property "C"

209.57 acres

Parcel Identifier: 030-039-363

Legal Description:

LOT 1 GROUP 2 SECTION 8 TOWNSHIP 3 DISTRICT LOT 446 RANGE 28

NEW WESTMINSTER DISTRICT PLAN EPP66358

Property "A" 1.012 acre to remain and be incorporated into property "B" increasing "B" from 34.02 acres to 35.032 acres.

Property "A" title to be increased from 1.012 acre to 10 acres and incorporated from property "C"

Net results

Start with 3 titles and end with 3 titles.

Property "A" size to be increased from 1.012 acres to 10 acres.

Property "B" size to be increased from 34.02 acres to 35.032 acres.

Property "C" size to be reduced from 209.57 acres to 199.57 acres.

PROPERTY "A"

5 February 2018

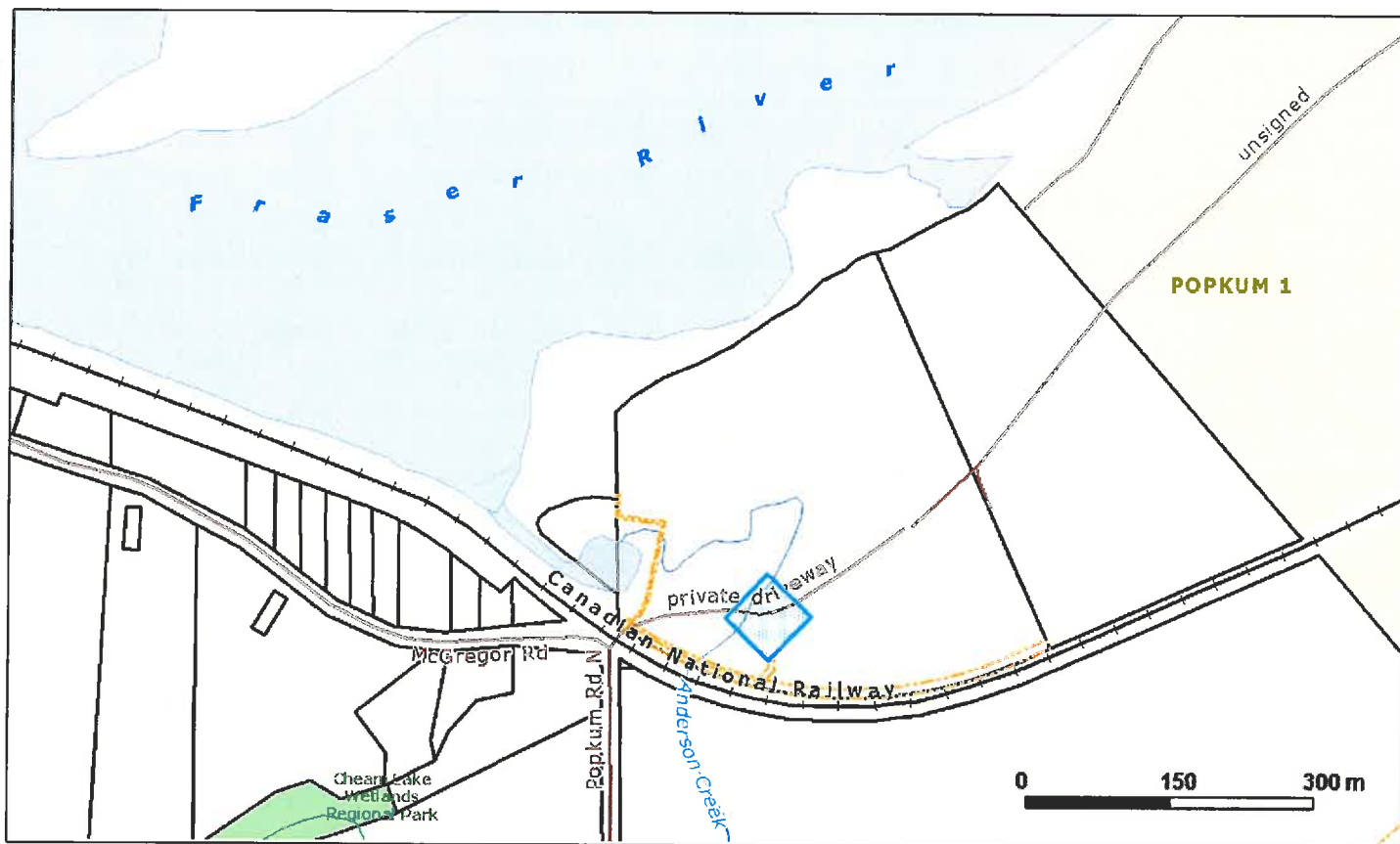


FRASER VALLEY REGIONAL DISTRICT

45950 Cheam Ave, Chilliwack, British Columbia V2P 1N6
Phone: 604 702-5000 Toll free: 1-800-528-0061 Fax: 604 792-9684
Web: www.fvrd.bc.ca E-Mail: info@fvrd.bc.ca

Property Information Report

Civic Address:		Lot Size:	1.012 ACRES
Folio Number:	733.01144.002	Electoral Area:	D
PID:	024-762-091	Map Scale:	1:7161
Legal Description:	DISTRICT LOT 446, NEW WESTMINSTER DISTRICT, PLAN NWP78A PARCEL A, GROUP 2.		



Land-use Information

Zoning Designation:	Contact Planning Department	Zoning Bylaw:	Contact Planning Department
OCP Designation:	Contact Planning Department	OCP Bylaw:	Contact Planning Department
DPA Designation:	Contact Planning Department	ALR:	Contact Planning Department
In Mapped Floodplain:	Contact Planning Department	Watercourse:	Contact Planning Department

Utility Information

Local Service Area:	Contact Planning Department
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PROPERTY "B"

5 February 2018

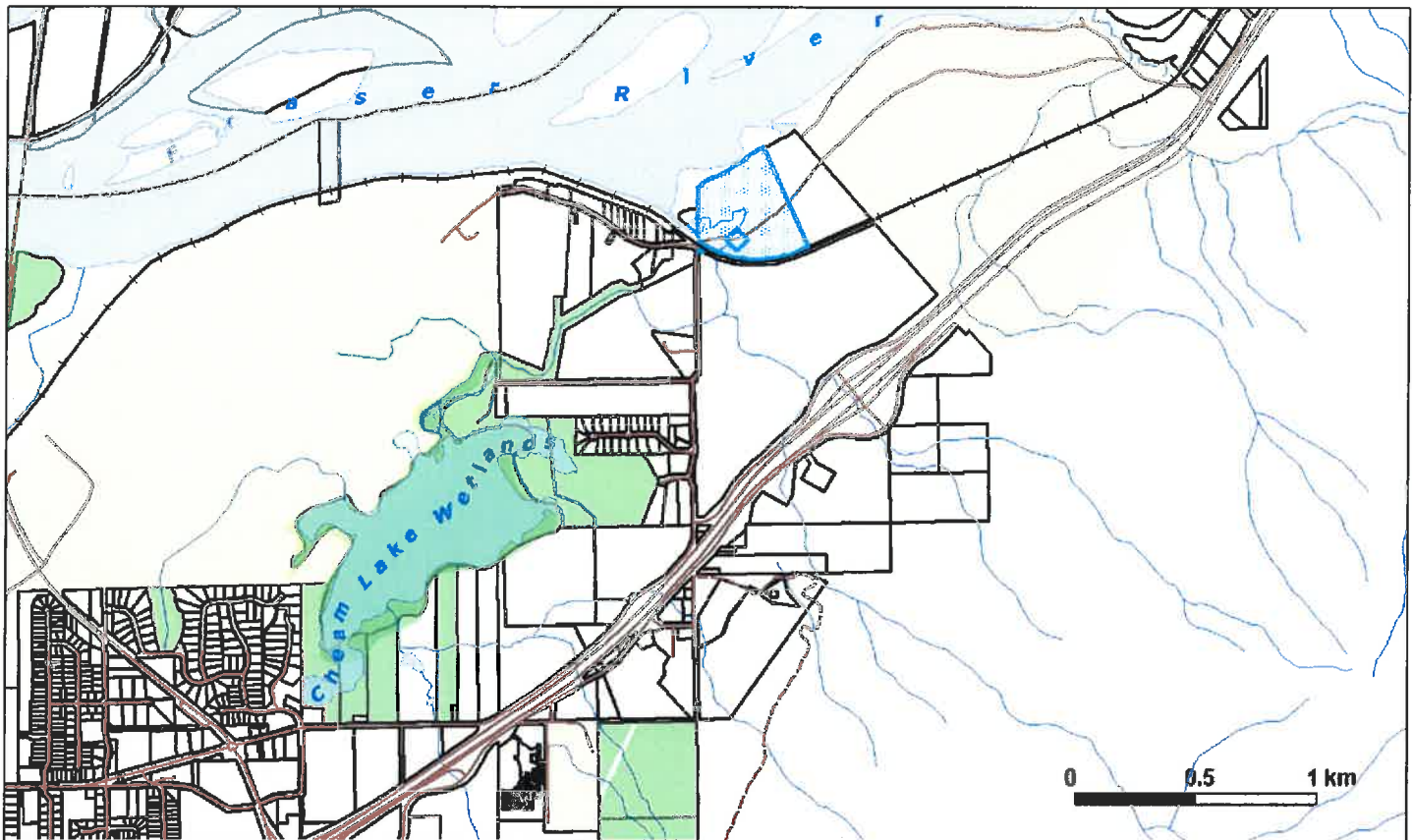


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Property Information Report

Civic Address:	11180 POPKUM RD N	Lot Size:	34.02 ACRES
Folio Number:	733.06473.200	Electoral Area:	D
PID:	030-039-371	Map Scale:	1:28642
Legal Description:	LOT 2, DISTRICT LOT 446, NEW WESTMINSTER DISTRICT, PLAN EPP66358 GROUP 2.		



Land-use Information

Zoning Designation:	Contact Planning Department	Zoning Bylaw:	Contact Planning Department
OCP Designation:	Contact Planning Department	OCP Bylaw:	Contact Planning Department
DPA Designation:	Contact Planning Department	ALR:	Contact Planning Department
In Mapped Floodplain:	Contact Planning Department	Watercourse:	Contact Planning Department

Utility Information

Local Service Area:	Contact Planning Department
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PROPERTY "C"

5 February 2018

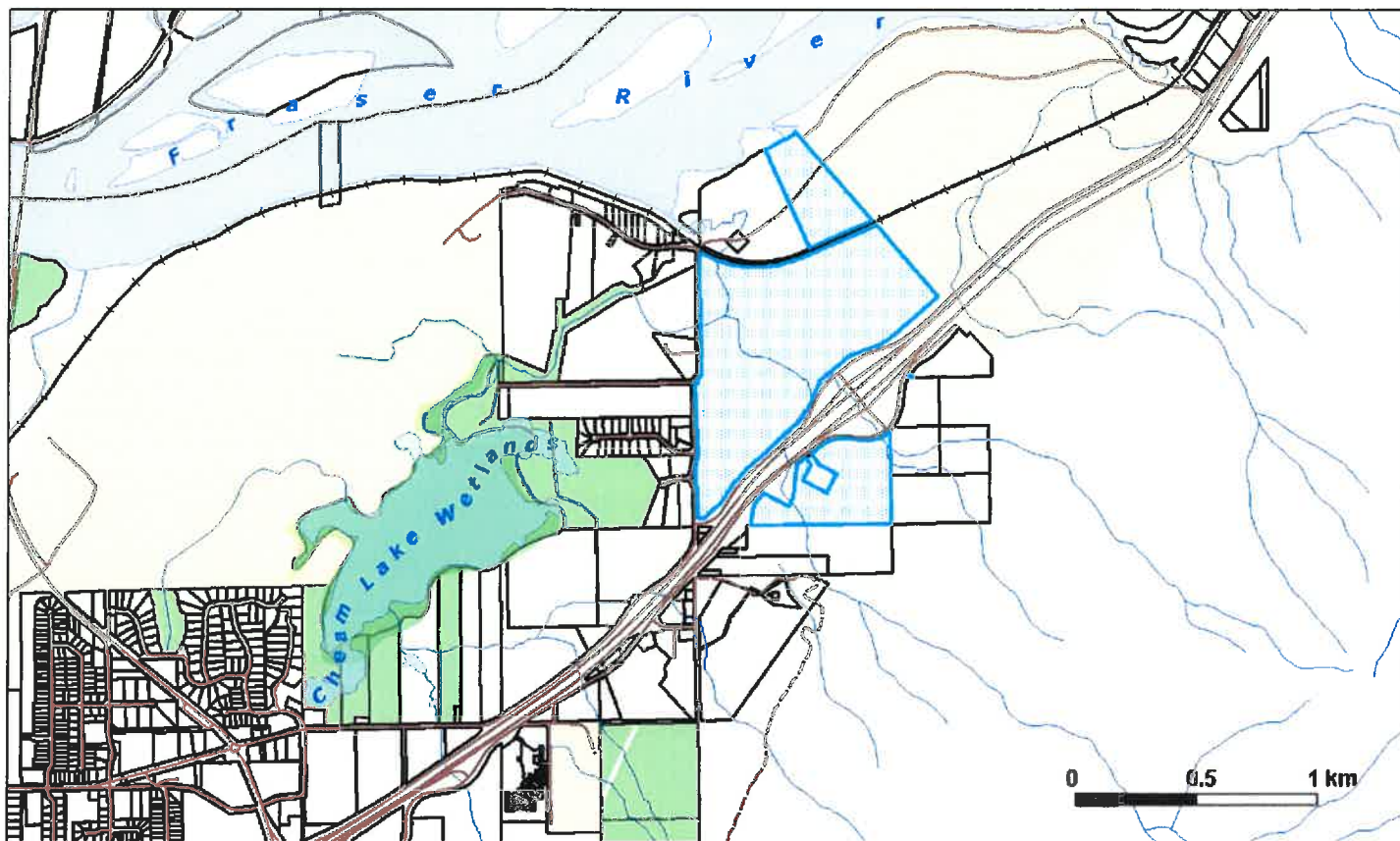


FRASER VALLEY REGIONAL DISTRICT

45950 Cheam Ave, Chilliwack, British Columbia V2P 1N6
 Phone: 604 702-5000 Toll free: 1-800-528-0061 Fax: 604 792-9684
 Web: www.fvrd.bc.ca E-Mail: info@fvrd.bc.ca

Property Information Report

Civic Address:	54101 YALE RD	Lot Size:	209.57 ACRES
Folio Number:	733.06473.100	Electoral Area:	D
PID:	030-039-363	Map Scale:	1:28642
Legal Description:	LOT 1, RANGE 28, DISTRICT LOT 446, NEW WESTMINSTER DISTRICT, PLAN EPP66358 GROUP 2.		



Land-use Information

Zoning Designation:	Contact Planning Department	Zoning Bylaw:	Contact Planning Department
OCP Designation:	Contact Planning Department	OCP Bylaw:	Contact Planning Department
DPA Designation:	Contact Planning Department	ALR:	Contact Planning Department
In Mapped Floodplain:	Contact Planning Department	Watercourse:	Contact Planning Department

Utility Information

Local Service Area:	Contact Planning Department
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Zoning Map



Legend

— Right-of-ways

— Dykes

Regional Districts

□ Other Regional Districts

▣ Fraser Valley Regional District

Jurisdictions

□ Fraser Valley Regional District

+ Railways

Roads

— Paved Roads

- - - Unpaved Roads

— Streams

□ Waterbodies

▤ Wetlands

▣ Area D - Zoning Bylaw No. 75

Zoning Bylaws

▣ Area A - Zoning Bylaw No. 823

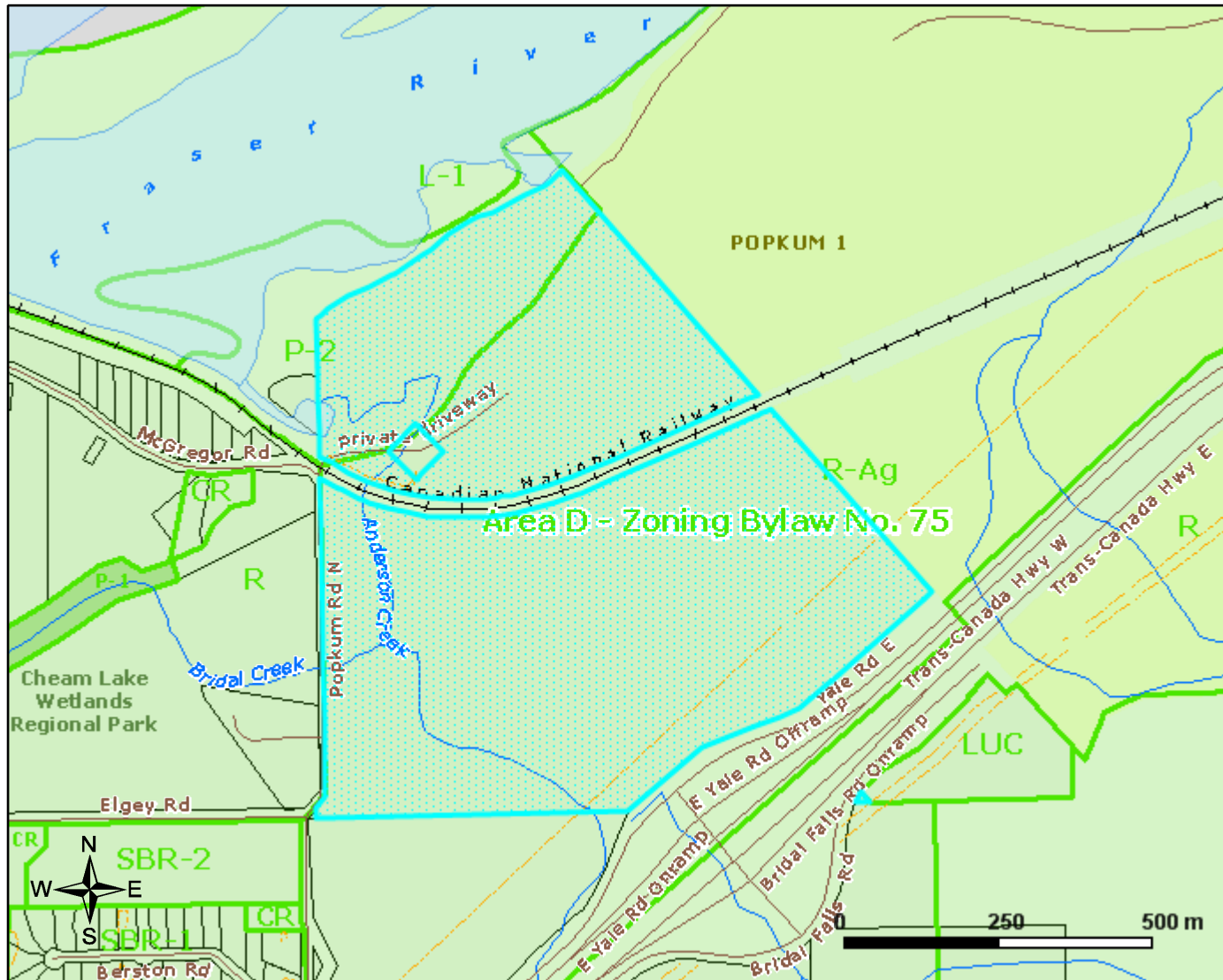
▣ Area B - Zoning Bylaw No. 85

▣ Area B - Zoning Bylaw No. 90

▣ Area B - Zoning Bylaw No. 801

▣ Area C - Zoning Bylaw No. 100

▣ Area D - Zoning Bylaw No. 75



Disclaimer: This map was compiled by the Fraser Valley Regional District, using data believed to be accurate; however, a margin of error is inherent in all maps. This product is distributed without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability of particular purpose or use.

Scale 1:10826

23 November 2016, 09:50

-  Area E - Zoning Bylaw No. 66
-  Area G - Zoning Bylaw No. 500
-  Areas C, F, G - Zoning Bylaw No.
-  HHS - Zoning Bylaw No. 1020
-  Hope - Zoning Bylaw No. 1324
-  Zoning Unavailable
-  **Indian Reserves**
-  **Parks and Protected Areas**
-  **Conservation Lands**
-  **Property**
-  **Property Fill**
-  **Regional Districts Fill**

DIVISION THIRTEEN: PARK RESERVE (P-2)

The purpose of this zone is to identify and preserve lands having potential for future parks, wildlife sanctuaries, ecological reserves, historic sites and similar uses, and to provide policies to help prevent irreversible damage to the recreation potential of the designated lands.

1300 PERMITTED USES

- (a) Farm, but excluding an intensive swine operation.
- (b) One-family residence or mobile home, subject to the conditions of Division Three, Section 300 (3-e-i,ii,iii), or modular home subject to the conditions of Division Three, Section 300 (3-e-i,ii,iv).
- (c) Mobile home, subject to the conditions of Division Three, Section 300 (3-f).
- (d) Accessory employee residence, subject to the conditions of Division Three, Section 300 (3-d).
- (e) Accessory produce sales, provided that the gross floor area does not exceed 300 square feet.
- (f) Home occupation, subject to the conditions of Division Three, Section 300 (3-c).
- (h) Golf course, subject to the conditions of Division Three, Section 300 (3-i).
- (j) Accessory advertising, subject to the conditions of Division Three, Section 302 (8), and limited to one sign of appropriate size for each street frontage upon which the lot or site abuts.
- (k) All necessary outbuildings, accessory structures and uses, including barns and animal shelters, subject to the conditions of Division Three, Section 302 (1-b).

1301 CONDITION OF USE

There shall be not more than one (1) one-family residence or mobile or modular home on a lot except as permitted by Section 1300 (c) and (d) of this Division.

1302 REGULATIONS RESPECTING AREA, SHAPE, AND DIMENSIONS OF NEW PARCELS TO BE CREATED BY SUBDIVISION

Subject to the conditions of Division Three, Sections 303 and 305, the minimum parcel size shall be 8 hectares (19.77 acres). [Byl # 1178, 1994]

1303 SETBACKS

- (a) Highway: No part of any building, structure, mobile home, modular home or structure, shall be located closer than 25 feet to the right-of-way boundary of a road allowance or flanking street, or closer than 58 feet to the center line of said allowance or street, whichever is the greater distance from the road or street center line.
- (b) Side and Rear: No part of any building, structure, mobile home, modular home or structure, shall be located closer than 25 feet to any side or rear lot line.

1304 OFF-STREET PARKING

Off-street parking shall be provided in accordance with the provisions of Division Sixteen and Schedule "A" of this Bylaw.

DIVISION TWENTY: RURAL-AGRICULTURAL (R-Ag)

The purpose of this zone is to identify lands which, because of their location, physical environment, and agricultural capability, are predominantly included in the Provincial Agricultural Land Reserve, are best suited to agricultural and low-density rural uses on parcels of 4 hectares (10 acres) and which require protection from land uses incompatible in the long term with farming activities.

2000 PERMITTED USES

- (a) Farm, including an INTENSIVE SWINE OPERATION, subject to Subsection 2001, Schedules C-1, C-2 and C-3, and subsection 300 (3-p);
- (b) One-family residence or mobile home, subject to the conditions of Division Three, subsections 300 (3-e-i,ii,iii), or modular home subject to the conditions of Division Three, subsections 300 (3-e-i,ii,iv). All residential uses also to be subject to subsection 302 (1-c);
- (c) Mobile home, subject to the conditions of Division Three, subsection 300 (3-f) and subsection 302 (1-c);
- (d) Accessory employee residence, subject to the conditions of Division Three, subsection 300 (3-d) and subsection 302 (1-c);
- (e) Home occupation, subject to the conditions of Division Three, subsection 300 (3-c);
- (f) Extraction of raw materials, subject to the conditions of Division Three, subsection 300 (3-j);
- (g) Accessory produce sales, provided that the gross floor area does not exceed 47 m² (510 sq. ft.);
- (h) Civic;
- (i) Kennel, subject to the conditions of subsection 2001 hereunder;
- (j) All necessary outbuildings, accessory structures and uses, including barns

and animal shelters, subject to the conditions of Division Three, subsection 302 (1-b), subsection 2001 and Schedules C-1, C-2 and C-3;

- (k) Accessory advertising, subject to the conditions of Division Three, subsection 302 (8), and limited to one sign of appropriate size for each street frontage upon which the lot or site abuts.
- (l) bed and breakfast use, pursuant to section 300.3(v) [Byl # 0017, 1996].

2001 CONDITIONS OF USE

- (1) There shall be not more than one (1) one-family residence or mobile home or modular home on a lot except as permitted by subsections 2000 (c) and (d) of this Division.

- (2) The following conditions apply only to INTENSIVE SWINE OPERATIONS:

- (i) The maximum lot coverage for the operations site in an intensive swine operation and the setback requirements of any buildings, structures and excavations used to:

- accommodate, shelter or enclose swine, and/or
- treat and store manure, and/or
- mill and store feed

shall be in accordance with Schedules C-1, C-2 and C-3 except that, in determining the maximum lot coverage and the setbacks for any building of that operation, the maximum number of animal units allowed in that operation shall be reduced by the animal units of those other animals elsewhere on the parcel in accordance with Schedule C-1.

- (ii) All buildings or structures sheltering swine, all facilities for storing or milling feed for the swine living on the parcel and all buildings or structures containing storage, handling and/or treatment facilities for swine manure shall be located within the operations site, the size and location of which is determined using Schedules C-1, C-2 and C-3.

- (iii) The shape of the operations site for any parcel may be rectangular rather than square provided that:
 - (aa) the total area of the operations site is in accordance with Schedules C-1, C-2 and C-3;
 - (bb) all parts of the operations site are contiguous; and
 - (cc) a rectangular operations site is deemed to have two centres of operation, both of which comply with all setback provisions of this Bylaw. The position of such centres shall be located in accordance with Schedule C-3.
- (iv) An intensive swine operation which was in existence at the time of adoption of this Bylaw, but which does not meet the conditions of this Bylaw, may be expanded under the following conditions:
 - the expansion may be established at another site on the same parcel, providing that the new site and all structures thereon meet all the requirements of this bylaw; and further, provided that the combined total number of animal units in the existing operation and in the new operation shall not exceed the total animal units permitted under this bylaw for that parcel.
- (v) All buildings or structures accommodating swine and swine manure shall not be less than 30 m (100 ft.) from any well, stream or watercourse.

(3) KENNELS

- (a) Setbacks: A kennel or other structure for the keeping of pets, guard animals or household animals, unless solidly and completely enclosed except for runs, shall be sited no closer than 35 m (115 ft.) to any interior lot line. Where such a use is solidly and completely enclosed including runs, it shall be sited no closer than 7.62 m (25 ft.) to any interior lot line.

- (b) Lot-coverage: The maximum lot coverage shall not exceed 10%.

2002 SETBACKS FOR OTHER USES (EXCEPT INTENSIVE SWINE OPERATIONS AND KENNELS) PERMITTED IN THE RURAL-AGRICULTURAL ZONE

- (a) Highway: No part of any building, structure, mobile home, modular home or structure, shall be located closer than 7.62 m (25 ft.) to the right-of-way boundary of a road allowance or flanking street or closer than 17.69 m (58 ft.) to the centre line of said allowance or street, whichever is the greater distance from the road or street centre line.
- (b) Side and Rear: No part of any building, structure, mobile home, modular home or structure, shall be located closer than 7.62 m (25 ft.) to any side or rear lot line.

2003 REGULATIONS RESPECTING AREA, SHAPE, AND DIMENSIONS OF NEW PARCELS TO BE CREATED BY SUBDIVISION

Subject to the conditions of Division Three, Sections 303 and 305, the minimum parcel size shall be 4 hectares (9.884 acres). [Byl # 1178, 1994].

2004 HEIGHT OF BUILDINGS AND STRUCTURES

The maximum height of buildings and structures shall not exceed 10.0 m (32.8 ft.) with the exception of:

- (a) Silos;
- (b) Barns used either in whole or in part for the storage of hay and feedstuffs, but not exceeding a maximum height of 12.0 m (40 ft.).

2005 SIGNS

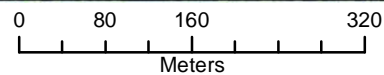
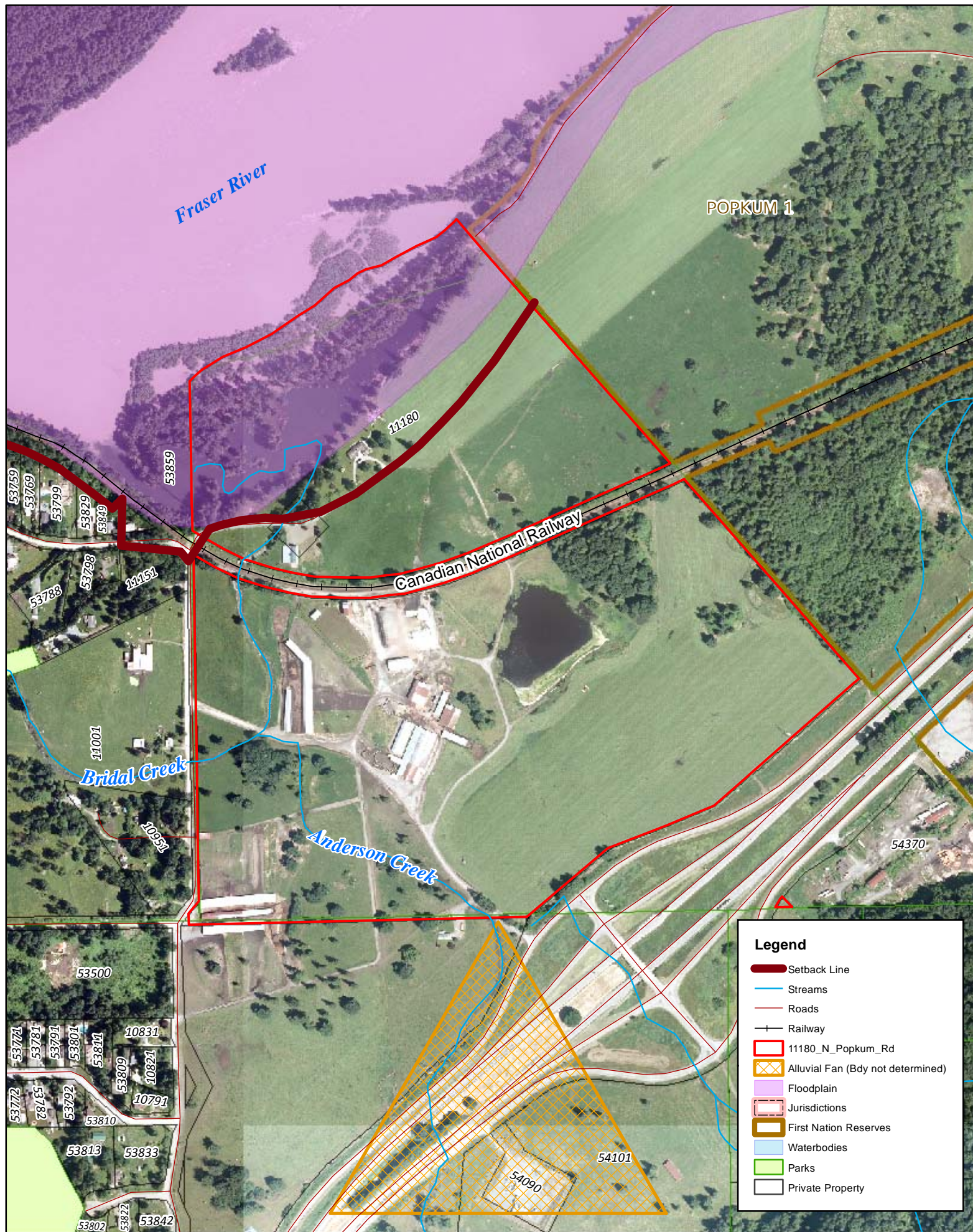
Subject to the conditions of Division Three, Section 302 (8), permitted signs and similar advertising devices shall not exceed 5 square metres (53.8 sq. feet) in total

for one site on each street frontage upon which the lot or site abuts.

2006 OFF-STREET PARKING

Off-street parking shall be provided in accordance with the provisions of Division Sixteen and Schedule "A" of this bylaw.

Not for Legal Purposes



FRASER VALLEY REGIONAL DISTRICT

Bylaw No. 0681, 2005

A Floodplain Management Bylaw Pursuant to Section 910 of the *Local Government Act*

**As amended by Bylaw 0746, 2006 and
Consolidated as enacted by Bylaw 0748, 2006**

WHEREAS Section 910 of the *Local Government Act* provides that where the Local Government considers that flooding may occur on land, a floodplain bylaw may be enacted pursuant to Section 910 of the *Local Government Act*;

AND WHEREAS the Fraser Valley Regional District is in possession of Provincial Guidelines, maps and other documents that identify areas which may be subject to flooding;

NOW THEREFORE, the Board of the Fraser Valley Regional District enacts as follows:

1. TITLE

This bylaw may be cited as the “Fraser Valley Regional District Floodplain Management Bylaw 0681, 2005”.

2. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Bylaw is found invalid, by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Bylaw.

3. DEFINITIONS

For the purposes of this bylaw, the following definitions apply:

ALLUVIAL FAN means an alluvial deposit of a stream where it issues from a steep mountain valley or gorge upon a plain or at the junction of a tributary stream with the main stream.

BUILDING INSPECTOR means any person appointed or authorized by the Board of the Regional District as a building inspector.

CARPORT means a roofed structure with no enclosing walls, used or intended to be used for the parking and storage of vehicles.

DEBRIS FAN means a fan shaped surface, created by debris flows and debris floods and formed of coarse, bouldery to gravelly debris, carried and deposited by these processes. Fan debris is derived and reworked from mountain basins.

DEBRIS FLOW means rapid to extremely rapid flows of cobbly and bouldery debris in slurries of mud also containing damaged trees, stumps and finer organic matter.

DESIGNATED FLOOD means a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood records or by regional analysis where there is inadequate stream flow data available.

DESIGNATED FLOOD LEVEL means the observed or calculated elevation for the Designated Flood, which is used in the calculation of the Flood Construction Level.

DWELLING UNIT means one or more rooms used for a **RESIDENTIAL USE** when such room or rooms together contain or provide for the installation of only one set of cooking facilities.

FLOOD CONSTRUCTION LEVEL means a Designated Flood Level plus Freeboard, or where a Designated Flood Level cannot be determined, a specified height above a Natural Boundary, Natural Ground Elevation, or any obstruction that could cause ponding.

FLOODPLAIN means an area which is susceptible to flooding from a watercourse, lake, or other body of water and that which is shown on Schedule A and/or designated in Section 6 of this bylaw.

FLOODPLAIN SETBACK means the required minimum distance from the Natural Boundary of a watercourse, lake, or other body of water to any landfill or structural support required to elevate a floor system or pad above the Flood Construction Level, so as to maintain a floodway and allow for potential land erosion.

FLOODPROOFING means the alteration of land or structures either physically or in use to reduce or eliminate flood damage and includes the use of elevation and/or building setbacks from water bodies to maintain a floodway and to allow for potential erosion.

FREEBOARD means a vertical distance added to a Designated Flood Level, used to establish a Flood Construction Level.

GARAGE means a building or structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

GENERAL EXEMPTIONS mean the exemptions set out in this bylaw that exempt certain types of development from the Flood Construction Levels specified in Section 6(a) of this bylaw.

G.S.C. means Geodetic Survey of Canada datum and refers to the elevation above mean sea level.

HABITABLE AREA means any space or room, including a manufactured home, that is or can be used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater; and for certainty, habitable area includes any enclosed space within a building with headroom greater than 1.5 metres (4.92 ft.).

HEAVY INDUSTRY means and includes such uses as manufacturing or processing of wood and paper products, metal, heavy electrical, non-metallic mineral products, petroleum and coal products, industrial chemicals and by products, and allied products.

ISOLINE means a line on a map or chart along which there is a constant value as of design flood level.

INSTITUTIONAL USE means a use providing for public functions and includes federal, provincial, regional and municipal offices, schools, churches, colleges, hospitals, community centres, libraries, museums, jails, courts of law and similar facilities; and specifically excludes public storage and works yards, and public utility uses.

LIGHT OR SERVICE INDUSTRY means and includes such uses as assembly, fabrication and light manufacturing, warehousing, wholesaling and food processing.

MANUFACTURED HOME means a structure manufactured as a unit, intended to be occupied in a place other than at its manufacture, and designed as a dwelling unit, and includes mobile homes, and specifically excludes Recreation Vehicles.

MINIMUM PONDING ELEVATION means a minimum construction level assigned to reduce possible flood damage due to ponding of local drainage during a severe local storm.

MINOR BUILDING means any single storey building or structure accessory to a residential or farm use which is less than 10 square metres in area and which does not require a building permit under the current Fraser Valley Regional District building bylaw and as it may be amended from time to time.

NATURAL BOUNDARY means the visible high watermark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself, (*Land Act* Section 1) and also includes the edge of dormant side channels of any lake, river, stream, or other body of water.

NATURAL GROUND ELEVATION means the undisturbed ground elevation prior to site preparation.

PAD means a surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a manufactured home, or a concrete pad for supporting a Habitable Area.

PROVINCIAL GUIDELINES means the policies, strategies, objectives, standards, guidelines and environmental management plans, in relation to flood control, flood hazard management and development of land that is subject to flooding, prepared and published by the minister under Section 5 of the *Environmental Management Act*.

REGIONAL BOARD means the governing and executive body of the Fraser Valley Regional District Board.

PROFESSIONAL ENGINEER means a person who is registered or licensed under the provisions of the Engineers and Geoscientists Act, RSBC 1996, Chapter 116.

RESIDENTIAL USE means a use providing for the accommodation and home life of a person or persons; includes the keeping of household pets; excludes the keeping of any animals or birds for financial gain for favour for the provision of food.

STANDARD DYKE means a dyke built to a minimum crest elevation equal to the Flood Construction Level and meeting standards of design and construction approved by the Ministry of Water, Land and Air Protection and maintained by an on going public authority including an improvement district and/or the Fraser Valley Regional District.

TOP OF BANK means the point at which the upward ground level becomes less than one (1.0) vertical to four (4.0) horizontal, and refers to the crest of the bank or bluff where the slope clearly changes into the natural upland bench.

WATERCOURSE means any natural or man made depression with well defined banks and a bed 0.6 metres or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having a drainage area of 2 square kilometres or more upstream of the point of consideration.

4. APPLICATION AND FLOODPLAIN DESIGNATION

a) Application of Bylaw

This Bylaw shall be applicable within the boundaries of the Fraser Valley Regional District except:

- i) within those areas lying within a village, town, or city or district municipality; and
- ii) within those lands at Cultus Lake Park separately administered by the Cultus Lake Park Board under the Cultus Lake Act, S.B.C 1932, c.63; and

- iii) within those lands in Electoral Area “B”, commonly known as Sunshine Valley, outlined in bold black line and cross hatched on the map attached hereto as Schedule A (Map 4).

b) Floodplain Designation

The following lands are designated as floodplain:

- (i) Land shown as Floodplain on Schedule A (Maps 1-10) of this Bylaw.
- (ii) Land lower than the Flood Construction Levels specified in Section 6. and
- (iii) Land within the Floodplain Setbacks specified in Section 6.

5. ALLUVIAL FANS

Include alluvial and debris torrent fans, as mapped or identified on Schedule A, as well as alluvial fans which have not yet been identified.

All development on properties on alluvial fans, are subject to Section 56 of the *Community Charter* and/or Section 920 of the *Local Government Act*.

The flood protection regulations in this bylaw do not apply to alluvial fans. However, these flood protection regulations should be taken into consideration where development is proposed on alluvial fans.

6. FLOODPLAIN SPECIFICATIONS

a) Flood Construction Levels

The following elevations are specified as Flood Construction Levels, except where more than one Flood Construction Level is applicable, the higher elevation shall be the Flood Construction Level:

- (i) the Flood Construction Level for a specific property, as determined by interpolation from those Flood Construction Levels shown on Schedule A.

Or where the Flood Construction Level is not shown on Schedule A the following shall apply

- (ii) 6.0 metres above the Natural Boundary of the Fraser River.
- (iii) 3.0 metres above the Natural Boundary of Anderson Creek, Anderson River, Carratt Creek, Cascade Creek, Chehalis River, Chilliwack River, Clayburn Creek, Coquihalla River, Deroche Creek, Emory Creek, Frosst Creek, Harrison River, Holachten Creek, Hunter Creek, Jones Creek (Wahleach Creek), Legace Creek, Lillooet River, Lorenzetta Creek, Lost Creek, Nahatlatch River, Nicolum Creek, Norrish Creek, Pattison Creek, Pitt River, Pye Creek, Scuzzy Creek, Siddle Creek, Silverhope Creek, Slesse Creek, Sumallo River, Stave River, Stulkawhits Creek, Squakum Creek, Sweltzer River, Vedder River, Weaver Creek and Yale Creek.

- (iv) 1.5 metres above the Natural Boundary of any other watercourse.
- (v) Specified Lakes
 Hatzic Lake 9.3 metres Geodetic Survey of Canada datum.
 Harrison Lake 14.55 metres Geodetic Survey of Canada datum.
 Lake Errock 16.5 metres Geodetic Survey of Canada datum.
 Lilloette Lake 201.00 metres Geodetic Survey of Canada datum.
 Pitt Lake 5.18 metres Geodetic Survey of Canada datum.
 Stave Lake 83.8 metres Geodetic Survey of Canada datum.
- (vi) 1.5 metre above Natural Boundary of any other lake, pond or marsh.

b) Floodplain Setbacks

The following distances are specified as Floodplain Setbacks, except that where more than one Floodplain Setback is applicable, the greater setback shall be the Floodplain Setback:

- (i) Where the Floodplain Setback line is shown on Schedule A the distance shall be scaled from the map.

 or, where the Floodplain Setback is not shown on Schedule A the following shall apply
- (ii) 60.0 metres from the Natural Boundary of Cascade Creek, Chilliwack River (downstream of Slesse Creek to the Floodplain Setback line), Deroche Creek, Norrish Creek, Pattison Creek, Slesse Creek and from any flood channels.
- (iii) 30.0 metres from the Natural Boundary of Anderson Creek, Anderson River, Carratt Creek, Chehalis River, Chilliwack River (upstream of Slesse Creek), Clayburn Creek, Coquihalla River, Emory Creek, Eng Creek, Frosst Creek, Gourlay Creek, Harrison River, Herford Creek, Hunter Creek, Jones Creek (Wahleach Creek), Legace Creek, Lillooet River, Liumchen Creek, Lost Creek, Lorenzetta Creek, McNab Creek, Nahatlatch River, Nicolum Creek, Paleface Creek, Pitt River, Pye Creek, Ryder Creek, Sakwi Creek, Scuzzy Creek, Siddle Creek, Silverhope Creek, Slesse Creek, Squakum Creek, Stave River, Stulkawhits Creek, Sumallo River, Sweltzer Creek, Tamihi River, Yale Creek, Vedder River, Weaver Creek, Wingfield Creek and from any flood channels.
- (iv) 15.0 metres from the Natural Boundary of any other watercourse.
- (v) 15.0 metres from the Natural Boundary of Pitt Lake, Harrison Lake and Stave Lake.

- (vi) 7.5 metres from the Natural Boundary of any other lake, pond or marsh.
- (vii) 7.5 metres to the in board toe of any dyke or dyke right of way structure for flood protection or seepage.
- c) **Dyked Areas**
No building or structure is permitted to be constructed in the designated floodplain of the Fraser River outside the area protected by the Dewdney Dyke and Nicomen Island Dyke shown on Schedule A, Map 8.
- d) **Minimum Ponding Elevation**
Notwithstanding Sections 6(a) and Section 8 of this bylaw no building or structure within the designated floodplain of the Fraser River, as shown on Schedule A (Map 8) is permitted to be constructed with the underside of any floor system or the top of any pad supporting a Habitable Area ("the floor system") at an elevation lower than 5.2 metres GSC.

7.0 APPLICATION OF FLOODPLAIN SPECIFICATIONS

- a) Pursuant to Section 910(4) of the *Local Government Act*, after a bylaw has specified Flood Construction Levels and Floodplain Setbacks:
 - (i) no Habitable Area shall be constructed, reconstructed, altered, moved or extended, lower than the Flood Construction Level specified in Section 6(a) of this bylaw.
 - (ii) the underside of any floor system, or the top of any pad supporting a habitable area, any space or room, including a manufactured home, that is used for dwelling purposes, business or storage of goods which are susceptible to damage by floodwater shall be above the Flood Construction Level.
 - (iii) No building, structure or Habitable Area, with the exception of minor buildings, as defined in this bylaw, shall be constructed, reconstructed altered, moved or extended within the Floodplain Setback as described in Section 6(b) of this bylaw.
 - (iv) any landfill required to support a floor system or pad shall not extend within any setback from a water course or body of water specified by the bylaw.
 - (v) enclosed underground parking below the Flood Construction Level is not permitted on any property located within the floodplain as identified on Schedule A.
 - (vi) Hot water tanks and furnaces not behind Standard Dykes must meet flood construction levels.

- (b) Structural support or compacted landfill or a combination of both may be used to elevate the underside of the floor system or the top of the pad above the Flood Construction Levels specified in Section 6(a). The structural support and/or landfill shall be protected against scour and erosion from flood flows, wave action, ice and other debris.
- (c) The Building Inspector or such person appointed by the Regional Board of the Fraser Valley Regional District may require that a British Columbia Land Surveyor's certificate be required to verify compliance with:
 - (i) the location of the proposed development site in relation to alluvial fan hazard boundaries.
 - (ii) the Flood construction Levels and Floodplain Setbacks specified in Section 6(a) and (b).

The cost of the verification shall be assumed by the land owner.

- (d) Notwithstanding the flood proofing and setback standards in this bylaw, a site specific geotechnical study, pursuant to Section 56 of the *Community Charter*, may be required by the Building Inspector prior to building permit approval.

8.0 GENERAL EXEMPTIONS

- (a) Pursuant to the Provincial Guidelines and Section of 910 of the *Local Government Act* the following types of construction are exempt from meeting the Flood Construction Levels specified in Section 6(a) of this bylaw.
 - (i) A renovation to an existing building or structure that does not involve an addition thereto.
 - (ii) An addition to a building or structure, at the original non-conforming floor elevation, that would increase the size of the building or structure by less than 25 percent of the ground floor area, existing in July 1981, provided that the degree of nonconformity regarding watercourse setback is not increased.
 - (iii) A building or structure, or portion thereof, to be used as a Garage not exceeding 110 square metres in floor area.
 - (iv) Carport.
 - (v) That portion of a building or structure to be used as an entrance foyer not exceeding 12 square metres in floor area.

- (vi) Farm buildings other than dwelling units and closed sided livestock housing.
 - (vii) Public recreation shelters, parks and playgrounds susceptible to only marginal damage by floodwaters.
 - (viii) Hot water tanks and furnaces behind Standard Dykes.
 - (ix) Closed sided livestock housing behind Standard Dykes.
 - (x) Minor buildings, such as storage buildings, less than 10 square metres.
 - (xi) On-loading and off-loading facilities associated with water-orientated industry and portable sawmills.
 - (xii) manure pits.
- (b)** The following types of development are exempt from the Flood Construction Levels specified in Section 6(a) of this bylaw, subject to the following conditions:
- (i) Closed sided livestock housing not behind standard dykes shall be located with the underside of the wooden floor system or the top of the Pad no lower than 1.0 metre above the surrounding ground elevation or no lower than the Flood Construction Level specified in Section 6(a) of this Bylaw, whichever is lesser.
 - (ii) Heavy Industrial, or Light or Service Industrial uses, other than main electrical switchgear, shall be located with the underside of a wooden floor system or the top of the Pad no lower than the Flood Construction Levels specified in Section 6(a) of this bylaw, minus freeboard. Main electrical switchgear shall be no lower than the Flood Construction Level.
- (c)** Notwithstanding Subsection 6(a)(i) where a lot existed prior to the date of adoption of this bylaw and is protected by a dyke in the Dewdney Dyke or Nicomen Island Dyke areas shown on Schedule A, Map 8 and where the difference between the 200 yr flood construction level and the ground elevation exceeds 2.5 metres, and where the owner has entered into a Restrictive Covenant with the Regional District in the form attached hereto as Schedule C a single family residential use may be constructed, reconstructed, moved or extended and a manufactured home or unit, modular home or structure used for single family residential purposes may be located on that lot with the underside of the floor system or any area used for habitation, business or storage of goods damageable by floodwaters to a minimum elevation of two point five (2.5) metres above the surrounding ground elevation, provided that any minimum ponding elevation established by this bylaw must be met as a minimum elevation.

9. SITE-SPECIFIC EXEMPTIONS

- (a) Pursuant to Section 910(5) of the *Local Government Act* the Regional Board may exempt a person from meeting the requirements specified in Section 6 of this bylaw in relation to a specific parcel of land or a use, building or other structure on the parcel of land if the Regional Board considers it advisable provided that:
- (i) the exemption is consistent with the Provincial Guidelines and as they may be amended from time to time; or
 - (ii) The Regional Board has received a report that the land may be used safely for the use intended, which is certified by a person who is:
 - a professional engineer or geoscientist and experienced in geotechnical engineering, or;
 - a person in a class prescribed by the minister under Subsection 910(7) of the *Local Government Act*.
 - (iii) the owner shall enter into a restrictive covenant under Section 219 of the *Land Title Act*
 - (iv) the application for exemption shall be in the form attached hereto as Schedule C.

10. REPEALS

The “Dewdney-Nicomen Floodplain Management Bylaw No. 0056, 1996” is hereby repealed in its entirety.

11. SCHEDULES

Schedule A (Maps 1-10) are attached to and form part of this bylaw.
Schedule B Floodplain Exemption Form
Schedule C Covenant

12. READINGS AND ADOPTION

READ A FIRST TIME THIS	28TH DAY OF	JUNE 2005
READ A SECOND TIME THIS	28TH DAY OF	JUNE 2005
READ A THIRD TIME THIS	28TH DAY OF	JUNE 2005
3 rd READING RESCINDED THIS	26TH DAY OF	JULY 2005
READ A THIRD TIME AS		

AMENDED THIS

26TH DAY OF

JULY 2005

ADOPTED THIS

26TH DAY OF

JULY 2005

Chair/Vice Chair

Administrator/Deputy

13. CERTIFICATIONS

I hereby certify the foregoing to be a true and correct copy of Bylaw 0681, 2005, as read a third time by the Board of Directors of the Fraser Valley Regional District on the 26th day of July, 2005.

Dated at Chilliwack, B.C. this 28th day of July, 2005.

Administrator/Deputy

I hereby certify the foregoing to be a true and correct copy of Bylaw 0681, 2005 as adopted by the Board of Directors of the Fraser Valley Regional District on the 26th day of July, 2005.

Dated at Chilliwack, B.C. this 28th day of July, 2005.

Administrator/Deputy

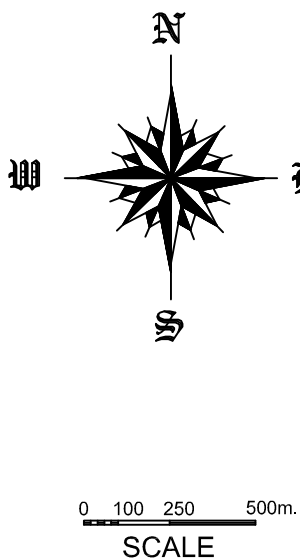
FRASER VALLEY
REGIONAL DISTRICT

Flood Hazard Bylaw No. 0681-2005
Schedule A
Map 5

THIS MAP IS A GUIDE ONLY AND THE FOLLOWING NOTES APPLY:

1. LOCATION OF AREAS SHOWN ARE APPROXIMATE & FURTHER STUDIES MAY BE NECESSARY AT TIME OF DEVELOPMENT;
2. LANDS OTHER THAN THOSE SHOWN MAY ALSO BE SUBJECT TO HAZARDOUS CONDITIONS;
3. HAZARDOUS AREAS MAY REQUIRE PROTECTIVE WORKS AND/OR SPECIAL CONSTRUCTION STANDARDS WHICH MAY VARY BETWEEN AREAS.
4. ALL SETBACKS ARE MEASURED FROM THE NATURAL BOUNDARY.

Fraser River
Setback



LEGEND

- Schedule A Boundary
- Designated Floodplain Boundary
- Alluvial Fan Areas
- Alluvial Fan Boundaries Not Determined
- Alluvial Fans within the Floodplain
- Flood Construction Levels (FCL)
- 30m. Watercourse Setback
- Floodplain Setback Line
- Standard Dyke

5.6 Development Permit Area No. 6-D [Byl # 1263, 2014]

Category of Designation:

“Riparian Areas Development Permit Area 6-D” is designated pursuant to Section 919.1 (1)(a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity.

Area of Application:

Development Permit Area 6-D consists of all those parcels of land:

- a. within the area of this Official Community Plan; and,
- b. entirely or partially within a Riparian Assessment Area, which is:
 - i. for a stream, the 30 metre strip on both sides of the stream, measured from the high water mark;
 - ii. for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and,
 - iii. for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

For convenience, mapped streams are generally shown on Schedule D5, Map 2 of 2. Note that Riparian Areas Development Permit Area 6-D includes the Riparian Assessment Areas associated with all streams within the Plan area, whether mapped or unmapped, including but not limited to the streams shown on Schedule D5, Map 2 of 2.

Justification:

Electoral Area D contains streams and riparian areas that directly or indirectly provide natural features, functions and conditions that support fish life processes. The Fish Protection Act and the Riparian Areas Regulation require local governments to protect these streams and riparian areas when exercising powers with respect to residential, commercial and industrial development. In the opinion of the Regional Board, this development permit area provides a level of protection that is comparable to the Fish Protection Act and the Riparian Areas Regulation.

Objectives

The objective of Development Permit Area 6-D is to protect the natural environment, its ecosystems and biological diversity. More specifically, this DPA will protect streams and riparian habitat primarily through the involvement of qualified environmental professionals and the identification of Streamside

Protection and Enhancement Areas (SPEAs) that should remain free of development, including the disturbance of soils and vegetation.

Activities Requiring a Permit

- 5.6.1 A development permit must be obtained prior to:
- a. the subdivision of land;
 - b. residential, commercial, institutional or industrial development including:
 - i. the alteration of land;
 - ii. the disturbance of soil or vegetation; or
 - iii. construction of or addition to a building or structure;
- within a riparian assessment area.

Exemptions

- 5.6.2 Notwithstanding Section 5.6.1, a development permit is not required for the following:
- a. development that does not involve residential, commercial, institutional or industrial uses;
 - b. residential, commercial, institutional and industrial development that is demonstrated to be outside of a Riparian Assessment Area;
 - c. residential, commercial, institutional and industrial development within a riparian assessment area where the development is separated from the stream by a dedicated and developed public road right-of-way;
 - d. renovations or repair of a permanent structure on an existing foundation to an extent which does not alter or increase the building footprint area;
 - e. minor additions to an existing building or structure, such as an increase in floor area up to 25% of the existing footprint, provided that the addition is located on the side or part of the building or structure most distant from the stream;
 - f. development in accordance with a registered covenant or approved development permit that pertains directly and explicitly to riparian habitat protection, which:
 - i. is registered in favour of the Fraser Valley Regional District and/or Provincial or Federal interests; and
 - ii. establishes a riparian buffer;
 - g. routine maintenance of existing landscaping or lawn and garden areas;
 - h. removal of trees determined by a Certified Arborist or Registered Professional Forester (who is qualified to do tree risk assessment) to represent an imminent risk to safety of life and buildings;
 - i. forestry activities on Crown land undertaken under an approved Forest Stewardship Plan approved by the Ministry of Natural Resource Operations in accordance with the Forest & Range Practices Act;
 - j. riparian habitat enhancement or restoration works under the guidance of Provincial and Federal agencies;

- k. installation of seasonal play or recreational equipment on existing yard/lawn areas, such as sandboxes or swing sets;
- l. paths for personal use by the parcel owners, provided they do not exceed approximately 1.0 metre in width; are constructed of pervious natural materials with no concrete, asphalt, pavers or treated wood; do not involve structural stairs; require no removal of streamside vegetation; and do not impair stream bank stability;
- m. local and regional park facilities;
- n. emergency actions necessary to prevent, control or reduce immediate and substantial threats to life or property during flood, debris flood/flow, erosion, landslide, avalanche, stream avulsion and other geohazards events;
- o. repair, maintenance and improvement of flood protection infrastructure and all related ancillary or accessory works, regulated and approved by Federal or Provincial agencies;
- p. the development of an approved community water or sanitary sewer system that is not ancillary to residential, commercial or industrial development;
- q. Federal and Provincial regulated utilities, including railways, transmission lines or pipelines;
- r. public road or highway works;
- s. repair or replacement of an existing driveway, culvert or bridge and,
- t. the construction of a single storey, detached residential accessory building or structure which is not intended to be used for any "residential occupancy" and which had a floor area not exceeding 20 square metres (215 square feet) and where:
 - i. the building or structure is located as far from the stream as possible and in the location on the parcel that minimizes impacts to riparian habitat; and,
 - ii. it is not possible to construct the building, structure or deck outside the riparian assessment area.

5.6.3 Where there is uncertainty regarding the location of development in relation to a Riparian Assessment Area or the nature of a stream, the Regional District may require:

- a. a plan prepared by a BC Land Surveyor or Qualified Environmental Professional to confirm whether the planned disturbance is within the Riparian Assessment Area; or
- b. a report prepared by a Qualified Environmental Professional to determine if the stream satisfies the definition criteria.

Guidelines

In order to achieve the objectives of Development Permit Area 6-D, the following Guidelines shall apply to the issuance of Development Permits:

Issuance of Development Permits

- 5.6.4 Each development permit application should, as a minimum, be accompanied by:
- where applicable, an Assessment Report prepared by a QEP in accordance with the Assessment Methods and Development Permit Area 6-D guidelines for the purpose of determining the applicable SPEA and other measures necessary for the protection of riparian areas;
 - a scaled siting proposal clearly and accurately identifying all streams and water features, high water mark, top of bank, top of ravine bank, edge of wetland, riparian assessment area and the SPEA boundary in relation to existing and proposed property lines and existing and proposed development, as well as the locations of works and activities recommended in the Assessment Report; and,
 - written certification that the proposed development is consistent with the Guidelines of Development Permit Area 6-D and the Riparian Areas Regulation, and identifying any mitigation or compensation measures that are consistent with the Guidelines, including measures that may be specified as Development Permit conditions.
- 5.6.5 Pursuant to the Riparian Area Regulation and the Local Government Act, the Assessment Report prepared by a QEP should specifically consider and make recommendations respecting:
- the siting of buildings, structures or uses of land;
 - areas to remain free of development;
 - the preservation, protection, restoration or enhancement of any specified natural feature or area;
 - works to preserve, protect, or enhance a natural watercourse or other
 - specified environmental feature;
 - protection measures to be taken to preserve, protect, restore or enhance fish habitat or riparian areas, control drainage, or control erosion or protect the banks of watercourses; and,
 - timing of construction to avoid or mitigate impacts.
- 5.6.6 Where a development permit relates to the subdivision of land, an Assessment Report prepared by a QEP should:
- identify adequate building sites - including but not limited to building locations; front, rear and side yard areas; site services including sewage disposal facilities and water supplies; access; and, parking - on each proposed lot;
 - identify streams that may be impacted by the proposed development; and

- c. consider whether any natural watercourses should be dedicated pursuant to Section 920(7)(c) of the Local Government Act.

- 5.6.7 The Regional District is authorized to issue a Development Permit after receiving:
- a. notification by the Ministry of Environment that Fisheries & Oceans Canada and the Ministry have been:
 - i. notified of the development proposal; and,
 - ii. provided with a copy of an assessment report which meets the requirements of the Riparian Areas Regulation; or,
 - b. documentation demonstrating that Fisheries & Oceans Canada has, with respect to the proposed development, authorized the “harmful alteration, disruption or destruction” of fish habitat pursuant to Section 35 of the Fisheries Act or amendments thereto.
- 5.6.8 A development permit may include as a term or condition any recommendation made by QEP in an Assessment Report respecting:
- a. the siting of buildings, structures or uses of land;
 - b. areas to remain free of development;
 - c. the preservation, protection, restoration or enhancement of any specified natural feature or area;
 - d. dedication of natural water courses to the Crown;
 - e. works to preserve, protect, or enhance a natural watercourse or other specified environmental feature; and,
 - f. protection measures to be taken to preserve, protect, restore or enhance fish habitat or riparian areas, control drainage, or control erosion or protect the banks of watercourses.
- 5.6.9 A development permit may impose terms and conditions respecting the:
- a. sequence and timing of construction including but not limited to timelines for completion of the works identified in the permit;
 - b. co-ordination of geotechnical recommendations by a Qualified Environmental Professional or Professional Engineer licensed in Province of British Columbia;
 - c. minor modification of a SPEA as generally described in the Riparian Area Regulation Implementation Guidebook where no impacts to fish habitat occur and as recommended in an Assessment Report by a Qualified Environmental Professional.
- 5.6.10 A development permit may vary or supplement a bylaw under Division 7 or 11 of the Local Government Act provided that the variance or supplement is in accordance with the objectives and guidelines of Development Permit Area 6-D.

Measures to Protect the Streamside Protection and Enhancement Area

- 5.6.11 Land shall be developed strictly in accordance with the development permit issued.
- 5.6.12 No building or structure of any kind should be located, no vegetation should be disturbed, and no soils should be removed or deposited within a Streamside Protection and Enhancement Area except in accordance with the development permit and Assessment Report.
- 5.6.13 The SPEA boundary should be clearly flagged, staked or otherwise marked during all development phases to avoid encroachment into the Streamside Protection and Enhancement Area.

Geotechnical Hazards

- 5.6.14 Where a proposed development requires geotechnical evaluation pursuant to a geotechnical hazard development permit area or Section 25 of the Community Charter, the riparian assessment should be coordinated with the geotechnical evaluation in order to provide a comprehensive development permit application.

Permit Security

- 5.6.15 The Regional District may require the applicant to provide security in the form of cash or an unconditional, irrevocable and automatically renewing letter of credit in cases where:
- security for the performance of conditions respecting landscaping is necessary;
 - the Regional District considers that damage to the natural environment could result as a consequence of a contravention of a condition in a development permit;
 - the Regional District considers that unsafe conditions could result as a consequence of a contravention of a condition in a development permit; or,
 - the permit holder is required to retain, restore or replace native vegetation.
- 5.6.16 The amount of the security should be sufficient to cover the cost of any work that may be undertaken by the Regional District to correct deficient landscaping conditions, an unsafe condition, and damage to the natural environment that could reasonably be expected to result from the contravention of the permit.
- 5.6.17 A Letter of Undertaking signed and sealed by a Qualified Environmental Professional may be accepted in lieu of security where:

- a. the nature of required works, such as landscaping, are minor and the risk of damage to the natural environment is low;
- b. the Letter of Undertaking is signed and sealed by a Qualified Environmental Professional; and, the Qualified Environmental Professional will undertake the works and provide to the Regional District a post-construction certification and inspection report as outlined in Section 5.6.18.

Post-Construction Certification and Inspection

5.6.18 Upon completion of the works authorized by a development permit - and for certainty upon expiry of any timeline for completion of works established as a term or condition of a development permit - the holder of the permit must submit to the Regional District and the Ministry of Environment post-construction certification from a QEP which:

- a. certifies that the development has been carried out in accordance with the Assessment Report and that terms and conditions set out in the assessment report and the development permit have been properly implemented; or,
- b. identifies and documents all instances of non-compliance with the assessment report and the development permit and any measures necessary to correct deficiencies, including any works that should be undertaken by the Regional District as contemplated by Section 5.6.16.

5.6.19 The requirement for post-construction certification and inspection may be waived by a condition in a development permit.

Offence

5.6.20 Failure to:

- a. obtain a development permit where one is duly required; or,
- b. develop land strictly in accordance with a development permit issued;

are offences under the Local Government Act and are contrary to the bylaws, regulations or policies of the Regional District. Upon summary conviction, penalties for offences may be up to the maximum set out in the Local Government Act.

5.6.21 Employees, officers and agents of the Regional District may enter, at all reasonable times, a property to inspect and determine whether the requirements of Development Permit Area 6-D and the terms and conditions of a development are being met.

Definitions

5.6.22 In DPA 6-D, the following terms have the meanings described below:

“Assessment Methods” means the assessment methods set out in the Schedule to the Riparian Areas Regulation.

“Assessment Report” means a report certified by a Qualified Environmental Professional and prepared in accordance with the Riparian Areas Regulation Assessment Methods and the guidelines of Development Permit Area 6-D to assess the potential impact of a proposed development in a riparian assessment area.

“development” includes the alteration of land, the disturbance of soil or vegetation, and construction of or addition to buildings and structures.

“high water mark” means the visible high water mark of a stream where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain.

“Qualified Environmental Professional” and “QEP” mean a qualified environmental professional as defined in the Riparian Areas Regulation.

“ravine” means a narrow valley with an average grade on either side greater than 3:1 measured between the high water mark of the watercourse contained in the valley and the top of the valley bank, being the point nearest the watercourse beyond which the average grade is less than 3:1 over a horizontal distance of at least 15 metres measured perpendicularly to the watercourse;

“Riparian Assessment Area” means

- a. for a stream, the 30 metre strip on both sides of the stream, measured from the high water mark;
- b. for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and,
- c. for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

“Riparian Areas Regulation” means B.C. Reg. 376/2004 and amendments thereto.

“Streamside Protection and Enhancement Area” and “SPEA” mean an area:

- a. adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream; and,
- b. the size of which is determined in accordance with the Riparian Areas Regulation on the basis of an Assessment Report provided by a Qualified Environmental Professional.

“stream” includes any of the following that provides fish habitat:

- a. a watercourse, whether it usually contains water or not;
- b. a pond, lake, river, creek or brook; or,
- c. a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b)

NOT FOR LEGAL PURPOSES

Ortho %26 Cadastral



Legend

Fire Hydrants

- Standard
- Siamese
- Standpipe
- Storage Tank
- Storz
- Other
- Unknown

Right-of-ways Text

- Right-of-ways
- Dykes

Regional Districts

- Other Regional Districts
- Fraser Valley Regional District

Jurisdictions

- Fraser Valley Regional District

Railways

Roads

- Paved Roads
- - Unpaved Roads
- Streams
- Waterbodies

Disclaimer: This map was compiled by the Fraser Valley Regional District, using data believed to be accurate; however, a margin of error is inherent in all maps. This product is distributed without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability of particular purpose or use.

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