

To: Electoral Area Services Committee
From: Johannes Bendle, Planner I

Date: 2018-03-13
File No: 6520-26-02

Subject: Hatzic Island Discussion Paper – Stakeholder Discussions

RECOMMENDATION

THAT the Fraser Valley Regional District Board authorize staff to distribute the discussion paper to stakeholders to facilitate conversations about planning for Hatzic Island;

AND THAT a summary of the stakeholder discussions along with potential options for improving land use and servicing outcomes for Hatzic Island be brought back to the Fraser Valley Regional District Board.

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
Priority #2 Air & Water Quality
Priority #3 Flood Protection & Management

SUMMARY

- Parts of Hatzic Island have urban density without urban water and sewer services. This concentration of aging on-site septic and water supplies may present health and environmental risks.
- Since the early 1970's, land use policies attempted to address these risks by zoning the Island for low density uses. This approach prevented further subdivision, but created a host of new problems associated with the "grandfathering" of pre-existing uses.
- New approaches are needed. This discussion paper summarizes key issues as a starting point for stakeholder dialogue about options to improving the land use situation on Hatzic Island.

BACKGROUND

Hatzic Island's popularity as a recreational area and its evolution in use to a residential area, in conjunction with environmental constraints and concerns regarding water and sewage, has created ongoing issues for Hatzic Island. Current development on Hatzic Island ranges from larger rural residential uses to dwelling units on small individual user lots, to mobile home parks, recreational vehicles campsites and a church summer camp. Development on Hatzic Island occurred over time

without a comprehensive planning framework. Much of the development happened in the 1960's prior to land use planning policies and zoning regulations. This has resulted in development at an urban density with simple on-site individual water and sewer systems.

The original zoning bylaw introduced by the Dewdney-Alouette Regional District in 1972 made the high density residential developments featuring houses and mobile homes on recreational holdings/unregistered subdivisions lawfully non-conforming by zoning the lands for single family residential uses. The intent was to decrease and limit the density. Since the adoption of official community plans and zoning bylaws, policies and regulations have constrained subdivision, but failed to address environmental and health hazards or provide for effective management of construction and land use.

Recreational holdings/unregistered subdivisions on Hatzic Island are at an urban density without urban sewer and water services. Residential developments rely on on-site disposal systems which are typically individual on-site septic fields. Many of these systems are nearing the end of their anticipated life and will require significant investment to replace them. Furthermore, the density of septic systems and the proximity of wells to septic systems are a cause for concern. Residents generally rely on wells and there are concerns that sewage disposal on Hatzic Island is contaminating ground water and drinking water supplies.

As a result of the situation summarized, Planning staff are presenting this Hatzic Island discussion paper as a framework to generate discussion regarding Hatzic Island.

DISCUSSION

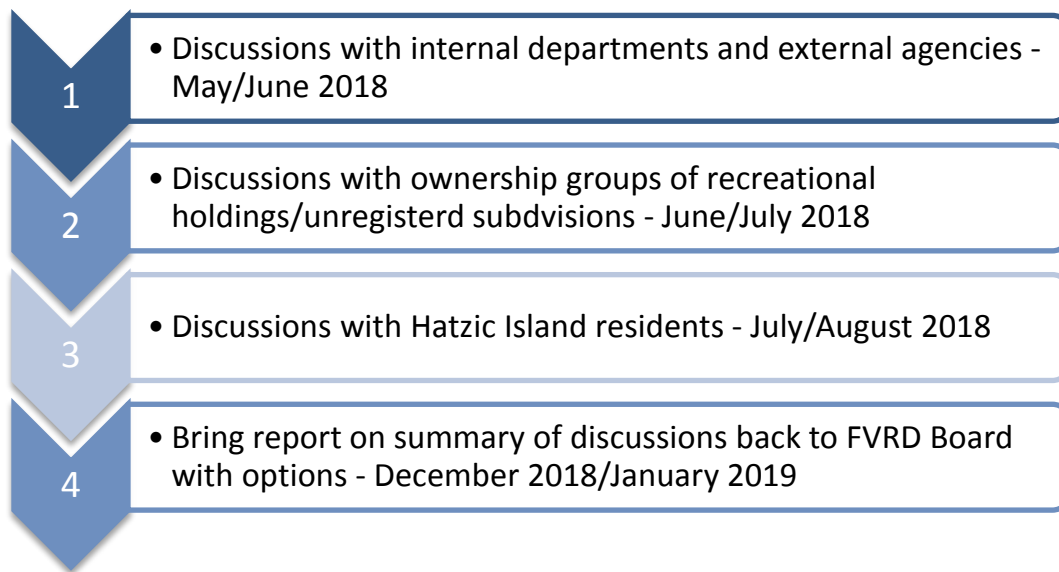
Planning staff have identified five development constraints for Hatzic Island: 1. water supply, 2. sewage disposal, 3. ownership structure, 4. floodplain and 5. road access. The fact that many developments on Hatzic Island are lawfully non-conforming further complicates the current situation, hinders future development and creates uncertainty. These factors are discussed in further detail in the discussion paper presented along with this corporate staff report.

Current policies and regulations have failed by not providing for the effective management of the construction, land use, and protection of the environment. What is needed is a discussion focusing on different approaches to managing land use and development on Hatzic Island. The discussion must involve relevant stakeholders as solutions will require the support of multiple government agencies and Hatzic Island residents.

Planning staff are proposing to engage in fact finding discussions to hear from stakeholders on Hatzic Island. Staff recommend a phased approach to discussions. In the first phase Planning staff propose to engage with FVRD staff from other departments as well as staff from external agencies such as Fraser Health, Ministry of Environment and Ministry of Transportation and Infrastructure. In the second phase of discussions staff are proposing to reach out to the ownership groups of the recreational holdings/unregistered subdivisions. In the third phase of discussions the FVRD would undertake

discussions with all the Hatzic Island residents. Throughout the discussion phases, staff will check in with Electoral Area Directors. Staff would bring a report summarizing the discussions that have taken place back to EASC. Staff propose starting phase one of the discussion in spring 2018 and concluding phase three of the discussions in the summer. In the fall staff will prepare an options paper with a summary of the discussions. The options paper would be brought forward to the Board in late 2018 or early 2019 for consideration.

Discussion Process



The purpose of Planning staff meeting with provincial government agencies, ownership groups and the public is to hear from stakeholders and to advance the collective understanding of Hatzic Island. These discussions would also allow staff to gauge the receptiveness to addressing the current situation on Hatzic Island. As well, discussions would serve as a framework to collect information and report back to EASC on the discussion with options for moving forward.

COST

Anticipated costs are limited to FVRD staff resources which will be covered under the existing Planning and Development budget resources.

CONCLUSION

Development on Hatzic Island is a complex issue. Development has contributed to environmental and health hazards, resulted in illegal construction and expansion of lawfully- nonconforming uses. Therefore, the FVRD should engage in discussions on Hatzic Island to determine options for moving forward and tackling the issues.

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

HATZIC ISLAND



Discussion Paper

March 2018

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Fraser Valley Regional District**



Summary of Situation

Development on Hatzic Island has occurred over time without a comprehensive planning framework. Much of the development on the Island pre-dates land use planning zoning regulations. Many older developments are at an urban density with simple on-site individual water and sewage systems. There are indications of variable contamination of the environment and drinking water. Furthermore, Hatzic Island is within the Fraser River floodplain and is also susceptible to localized flood hazards.

Since the adoption of land use controls, policies and regulations have constrained subdivision, but has failed to address the environmental and health hazards or provide for effective management of construction and land use. The situation is compounded by the lawful non-conforming status and complex land tenure arrangements found on the Island. There is increasing pressure for recreational residential use and low cost residential accommodations. New approaches are needed to address environmental and health risks, and manage land use and development on Hatzic Island.

Description

Hatzic Island is located within Electoral Area “G” of the Fraser Valley Regional District (FVRD) on Hatzic Lake. Hatzic Island’s popularity as a recreational area and its evolution in use to a residential area, in conjunction with environmental constraints and concerns regarding water and sewage, has created challenges for the Island. This evolution from seasonal recreational use to permanent residential use has only exasperated existing challenges. The rising real estate costs in the Fraser Valley have arguably contributed to increasing permanent residential use on Hatzic Island as people seek out affordable housing options. Current development on the Island ranges from larger rural residential uses to dwelling units on small individual user lots, to mobile home parks, recreational vehicle campsites and a church summer camp. BC Assessment data obtained by the FVRD shows that there are currently 757 folio numbers associated with Hatzic Island. A folio number is typically associated with one parcel, multiple parcels, or a portion of a parcel. This data provides a good estimate on the number of lots and user sites there are on Hatzic Island.

Subdivision History

Hatzic Island was first subdivided in 1882 when the provincial government issued the first Crown grant for the northern portion of the Island. The original Crown grant was for a 57.87 ha (143 ac) parcel¹. A subsequent Crown grant was issued for the southern portion of the Island. It covered the remaining 16.61 ha (40 ac) of the Island². The area of land known as Everglades Resort on the southeast portion of the Island seems to have been submerged and only appeared on later maps.

¹ British Columbia. *Government Access Tool for Online Retrieval (GATOR)*
[http://a100.gov.bc.ca/pub/pls/gator/gator\\$querylist_detail.parcel_detail?v_Pin_Sid=6507431&v_Historical=ON](http://a100.gov.bc.ca/pub/pls/gator/gator$querylist_detail.parcel_detail?v_Pin_Sid=6507431&v_Historical=ON).
(accessed April 10, 2017).

² British Columbia. *Government Access Tool for Online Retrieval (GATOR)*
[http://a100.gov.bc.ca/pub/pls/gator/gator\\$querylist_detail.parcel_detail?v_Pin_Sid=6500871&v_Historical=ON](http://a100.gov.bc.ca/pub/pls/gator/gator$querylist_detail.parcel_detail?v_Pin_Sid=6500871&v_Historical=ON).
(accessed April 10, 2017).

The subdivision pattern that developed on Hatzic Island by 1919, with the exception of the southern quarter of the Island, resembles today's subdivision pattern. By 1922, there was further subdivision on the Island. By 1952, today's subdivision pattern on Hatzic Island was mostly established and the area of land known as Everglades Resort emerged. By 1972, the subdivision pattern resembles today's map. Since that time there have been several subdivisions in the form of lot realignments, consolidation of parcels, and creation of new parcels; however, overall the number of parcels appears to have stayed consistent. The subdivision pattern that developed on Hatzic Island is illustrated in Appendix A.

Development Constraints

Floodplain

The major environmental constraint facing Hatzic Island is its location within the Fraser River floodplain. Historically the area has been prone to flooding. The highest points on the Island are two metres below the elevation of a 1:200 Fraser River flood³. The old 1988 Dewdney – Hatzic Lake Official Community Plan states that notable floods from the Fraser River occurred in 1882, 1883, 1894, 1900, 1936 and 1948⁴. The floods of 1948 were devastating and resulted in the reconstruction of riverside dikes. The present Dewdney Dike, along with flood boxes and a pump station, were constructed after the floods of 1948⁵. The Dewdney Dike protects Hatzic Island from flooding from the Fraser River. Since the 1948 flood there have been no Fraser River floods; however, Hatzic Island still experiences flooding due to the volume of water coming off the surrounding watersheds overwhelming the drainage capacity of the system⁶. Localized internal flooding occurred in 1955, 1972, 1981 and 1983⁷. The last noteworthy flood event occurred on Hatzic Island in 1990. Drainage from Hatzic Lake flows into the Fraser River through the Lower Hatzic Slough. However, high Fraser River levels can prevent this drainage and during rain events the lack of drainage causes flooding and necessitates the use of a pump station. In 2013, a second pump station with three fish friendly axel pumps was completed to enhance drainage during high Fraser River levels⁸.



Hatzic Island 1990 Flood, Everglades Resort

³ Fraser Valley Regional District. *Official Community Plan for Electoral Area "G" Bylaw No. 0866, 2008*. 2008.

⁴ Dewdney – Alouette Regional District. *Dewdney – Hatzic Lake Official Community Plan Bylaw No. 478, 1988*. 1988.

⁵ Dewdney Area Improvement District. <http://www.daidinfo.com/history/> (accessed January 30, 2017).

⁶ Dewdney Area Improvement District.

⁷ Dewdney – Alouette Regional District. *Dewdney – Hatzic Lake Official Community Plan Bylaw No. 478, 1988*. 1988.

⁸ Letts Environmental Consultants Ltd. *Dewdney Area Improvement District. Operations Manual: Hatzic Lake Slide Gates*. October 2014.

Recognizing Hatzic Island is located within the floodplain, the FVRD has included the Island within the *Fraser Valley Regional District Floodplain Management Bylaw 0681, 2005* (Floodplain Management Bylaw). The Floodplain Management Bylaw states the Flood Construction Level (FCL) for Hatzic Island is 9.3 metres Geodetic Survey of Canada (GSC) datum. The minimum ponding elevation, which addresses flooding from within the Hatzic watershed, is 5.2 metres GSC datum. The floodplain setback for Hatzic Island is 7.5 metres from the natural boundary of Hatzic Lake. The required FCL is 9.3 metres GSC datum but if the minimum ponding elevation of 5.2 GSC is met and a save harmless covenant is registered in favour of the FVRD then the 9.3 m GSC FCL does not need to be met.

The mapping provided in Appendix B illustrates the low elevation of Hatzic Island. This mapping is showing GSC datum elevation levels and is therefore measuring elevation from sea level, but it still is illustrative of the low elevation levels of Hatzic Island. The lowest area of elevation on Hatzic Island is found in Everglades Resort, which happens to also be the most densely developed area on Hatzic Island. Most of the other high density development falls largely within the low level turquoise area. The existing FCL elevation on Hatzic Island ranges from 2.8 metres to 8.2 metres. Everglades Resort maximum elevation levels range from 2.8 metres to 3.6 metres and most other high density development on Hatzic Island falls within 5.6 metres to 7.4 metres GSC datum. Depending on elevation, new construction would at a minimum need to be 5.2 metres to 9.3 metres GSC datum. To meet the required FCL either fill has to be brought in to elevate the structure or construction has to be designed to have the non-habitable space (i.e. garage) locate below the FCL and the habitable floor located above the FCL or a combination of fill and construction. The elevation levels highlight the risk of flooding and the challenges of developing in low lying areas such as Hatzic Island.

The low elevation of Hatzic Island is not only a concern because of flooding but it is also a concern because seasonal high ground water affects on-site sewage septic systems and individual sand point water wells. The flooding also increases the risk of land use related contaminants from entering the water supply. The sewage and water challenges on Hatzic Island will be discussed in the next sections.

Road Access

In addition to the flood risks and concerns regarding sewage and water there is only one access road and bridge to Hatzic Island. As a result access may be cut off during major floods or other emergencies. The elevation of the Shook Road Bridge is approximately 5.2 GSC metres. This should be sufficient to keep the bridge above design flood levels for floods within the Hatzic watershed; however, it would be inundated by a Fraser River flood that breaches the existing Fraser River dike system. During the flood of 1990 a water level 4.25 GSC was recorded at Everglades Resort⁹.

Sewage Disposal

Development on Hatzic Island initially took the form of recreational development, but over time has evolved to primarily residential development that relies on on-site sewage disposal systems. Typically these are individual on-site septic fields. Considerable development occurred in the 1960's and 1970's

⁹ Associated Engineering, *Hatzic Prairie Drainage Study*. Volume 1. 1992.

prior to when provincial regulations were implemented regarding septic field design¹⁰. Many of these systems are nearing the end of their anticipated life¹¹. As a result they will require significant investment to replace them. Concerns have been raised in the past that the deep trench sewage disposal systems most commonly used on the Island may be brought into conflict with the seasonally high groundwater on Hatzic Island¹². In previous surveys respondents have experienced concerns or problems with sewage disposal systems and supported the concept of a community sewer system¹³. There were also concerns that the density of septic systems and proximity of wells to septic systems are a cause for concern.

Water Supply

Hatzic Island residents generally rely on wells. The Nicomen Slough Aquifer, the source of the Island's drinking water was in the past classified by the Ministry of Environment as "highly vulnerable" to contamination¹⁴. There are some concerns that sewage disposal on Hatzic Island is contaminating ground water and drinking water supplies. Previous research that focused on groundwater to determine the quality of drinking water conducted sample well tests in Hatzic Valley and found wells that had high nitrate levels on Hatzic Island¹⁵. The source of nitrates was likely the septic systems. Furthermore, there was a strong relationship between nitrate levels, well depths and proximity to development.

Ownership Structure

The ownership structure is also complex in numerous developments on Hatzic Island. In some instances there is one owner with multiple residential sites. In other instances there is fractional ownership in which each owner holds a fraction of the property and is allowed to occupy a defined area (user site) based on an agreement among the owners. In other instances, an owner may hold shares in the corporation which owns the land. These ownership structures act as "unregistered subdivision" of land but they have avoided the subdivision approval process which is intended to ensure the health, safety, practicality and overall suitability of the subdivision. This creates development challenges as individual owners wishing to apply for amendments to the Official Community Plan or Zoning Bylaw require the support of the other fractional owners of the development. It also creates a situation where there are no internal land use setbacks between user sites but only setbacks between buildings and exterior lot lines. As well, it complicates redevelopment and has important implications for lawful non-conforming ("grandfathering") status.

¹⁰ Fraser Valley Regional District.

¹¹ Fraser Valley Regional District.

¹² Fraser Valley Regional District.

¹³ Fraser Valley Regional District.

¹⁴ Fraser Valley Regional District.

¹⁵ Magwood, Simon. *Drinking Water Quality in the Hatzic Valley, BC*. Master's Thesis, University of British Columbia, 2004.

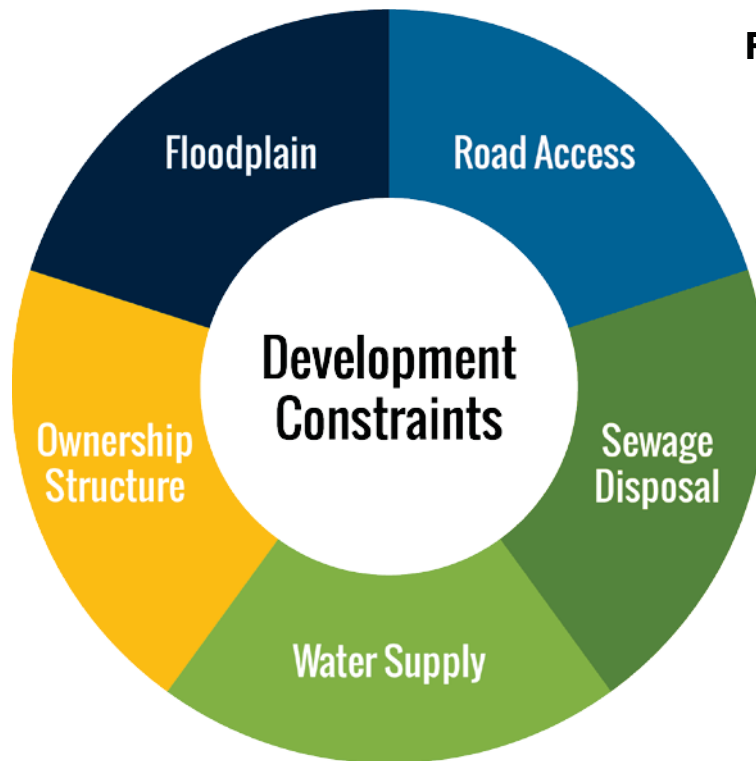


Figure 1

Planning Policies and Regulations

The policy and regulatory regime has been consistent in preventing further subdivision and maintaining the size of the remaining larger parcels.

The Official Regional Plan adopted by the Lower Mainland Regional Planning Board in 1966, designated Hatzic Island as Lowland Rural (RRL-3). This designation was applied to areas located within a floodplain that are predominately large parcel size and are best suited for low agricultural or large holding rural development and therefore impacted less should flooding occur. The Official Regional Plan's subdivision policy for minimum parcel size was 20 ac (8 ha).

The original zoning bylaw, *Dewdney-Alouette Regional District Zoning Bylaw No. 28, 1972*, introduced by the Dewdney-Alouette Regional District in 1972, zoned much of Hatzic Island Rural III (R-3) with the exception of four parcels which were zoned Tourist-Recreation Commercial (TC) and one parcel zoned Institutional (P) where a church camp is located. The Zoning Bylaw maintained the minimum parcel size of 20 ac (8 ha) for the Rural III (R-3) zone that was designated by the Official Regional Plan. The minimum parcel size for the Tourist Recreation Commercial (TC) zone was 3 ac (1.2 ha). The minimum parcel size for the Institutional (P) Zone was not less than 20,000 ft² (0.186 ha).

Dewdney-Alouette Regional District Zoning Bylaw No. 202, 1980 repealed and replaced *Dewdney-Alouette Regional District Zoning Bylaw No. 28, 1972* but maintained the same zoning with the exception of one parcel. The majority of parcels were zoned Rural III (R-3) and maintained a minimum

parcel size of 8 ha (20 ac). Three properties were assigned the Tourist Campsites (TC) zone and the minimum parcel size was increased to a minimum of 2 ha (4.94 ac). The church camp parcel maintained its Institutional (P) zone but the minimum parcel size was increased to 1 ha (2.47 ac).

The current *Dewdney-Alouette Regional District Zoning Bylaw No. 559, 1992* has maintained the zoning designations. The minimum parcel size for the Rural 3 (R-3) was maintained at 8 ha (19.77ac) but the minimum parcel size within the Tourist Campsite (TC) and Civic Assembly (P-1) was reduced to 0.5 ha (1.24 ac).

Figure 2

Minimum Parcel Size History

1966 Official Regional Plan

Land Use Designation		Minimum Parcel Size	
RRL-3	Lowland Rural	8 ha	20 acres

Zoning Bylaw No. 28, 1972

Land Use Designation		Minimum Parcel Size	
R-3	Rural III	8 ha	20 acres
TC	Tourist Commercial	1.2 ha	3 acres
P	Institutional	.186 ha	20,000 ft ²

Zoning Bylaw No. 202, 1980

Land Use Designation		Minimum Parcel Size	
R-3	Rural III	8 ha	20 acres
TC	Tourist Campsite	2 ha	4.95 acres
P	Institutional	1 ha	2.47 acres

Zoning Bylaw No. 559, 1992

Land Use Designation		Minimum Parcel Size	
R-3	Rural III	8 ha	20 acres
TC	Tourist Campsite	.5 ha	1.24 acres
P-1	Civic Assembly	.5 ha	1.24 acres

The Official Regional Plan land designation map from 1966 illustrates a similar subdivision pattern as illustrated in the 1972 map shown in Appendix A. Therefore, subdivision patterns, minimum parcel size policies, and regulations regarding subdivision and land use on Hatzic Island have not significantly changed in over 50 years (1966-2017). With several minor exceptions, from 1966 onward further subdivision of Hatzic Island has been prevented by policies and regulations that were adopted. Since 1972, regulations have sought to keep residential development to large rural parcels and allow for tourist campsites on a number of parcels. There are numerous non-conforming uses that have continued up to the present day. However, evidence gathered by FVRD staff through complaints to bylaw enforcement and site visits indicates that the scale of non-conforming use has increased, rather than decreased. The policy and regulatory response is effective in preventing further subdivision but results in a variety of problems relating to legal non-conforming status implications and land tenure.

Non-Conforming Development

The density of development on Hatzic Island is high for an unserviced area. The reason why Hatzic Island has such high density is because of the continued presence of lawfully non-conforming residential and recreational development that has occurred in the mobile home parks and resorts. These densities found on Hatzic Island are a concern at the current level of servicing. All together there are seven lawfully non-conforming recreational holdings/unregistered subdivisions on Hatzic Island that pre-date the original zoning regulations. These were recognized and described in *Dewdney-*

Alouette Regional District Zoning Bylaw No. 202, 1980 and therefore existed prior to the existing *Dewdney-Alouette Regional District Zoning Bylaw No. 559, 1992*. The non-conforming recreational holdings/unregistered subdivisions recognized are: Green Acres, Aqua Vista Estates, Sundorn Holdings, Hatzic Lake Holdings, Griffs MHP, Everglades MHP and Little Beach MHP. Non-conforming developments are included in Table 1 which lists all high density properties on Hatzic Island. Because these sites are non-conforming, a structural alteration or addition must not be made unless it is permitted by a Board of Variance. The Board of Variance is the formal process to proceed with development on these sites.

Table 1: Hatzic Island Developments

Name	Land Use	Zoning	Units/Sites	Size (acres)	Incorporated
Swans Point	RV (sheds, awning, covered decks)	TC	114	10.26	NA
Camp Luther	Cabins & RV & tenting sites	P-1	39	6.74	NA
Green Acres*	MHP – manufactured homes	R-3	47	6.5	NA
Aqua Vista Estates*	Mobile homes, additions & houses	R-3	21	5	NA
Sundorn Holdings*	Houses & cabins	R-3	43 (45)	8.34	1965
Hatzic Lake Holdings (Dogpatch)*	Houses	R-3	28	5.5	1958
Kostur (Griffs) MHP*	MHP – manufactured homes	R-3	7	1.6	NA
Everglades MHP*	MHP – manufactured homes & additions, & modular homes	TC / R-3	17	4.5	NA
Everglades Resort	RVs, trailers & cabins	TC	395	26.1	1976
Little Beach MHP*	RVs & manufactured homes	R-3	13+1	2.9	NA

*Recognized as existing non-conforming by *Dewdney-Alouette Regional District Zoning Bylaw No. 202, 1980*

Currently for those developments considered lawfully non-conforming, a structural alteration or addition is only allowed as per Section 531 of the *Local Government Act* if it is permitted by a Board of Variance. A person under Section 40 of the *Local Government Act* may apply to a Board of Variance if the person alleges that compliance with the prohibition of structural alterations or additions would cause the person “hardship”. The Board of Variance in turn under Section 542 of the *Local Government Act* may order that the applicant be exempted from Section 531 of the *Local Government Act* which restricts the structural alteration or addition of a building.

The FVRD Board of Variance has considered numerous applications for significant alteration or construction on user sites of legal non-conforming recreational holdings/unregistered subdivisions within the last 20 years. The Board of Variance has for all but one application approved the development applied for by the applicant. Table 2 summarizes the Board of Variance applications considered for Hatzic Island since 1997. Of the 17 Board of Variance applications considered 16 were approved and only one was denied. All Board of Variance applications came from three recreational holdings/unregistered subdivisions: Aqua Vista Estates, Hatzic Lake Holdings (Dogpatch), and Sundorn Holdings. The data reveals which lawfully non-conforming residential



communities applied for a Board of Variance; however, readers should be cautious in drawing further conclusions as this may simply reflect the circumstances of the property. Owners in these communities contain mostly houses or cabins as opposed to mobile homes and therefore may be more likely to apply for structural alterations or additions as they have a simpler path in receiving the necessary approvals to undertake construction. Members of the Board of Variance in making their decision are guided by the parameters set out in Section 542 of the *Local Government Act* attached in Appendix C. In making a decision the Board of Variance has concluded that the applications met all of the requirements. That development was allowed for an application may seem minimal but the planning concern lies in the incremental impacts of the approval of development over time. The long term result is that development on Hatzic Island intensifies without any improvement in the level of sewer and water services. The results may be a risk for the environment and human health.

Table 2: Board of Variances

Address	Application	Decision
Aqua Vista - 4-9201 Shook Road	Structural alteration and addition to existing double wide mobile.	Approved 2009
Dogpatch -11-8985 Shook Road	Addition of garage to existing dwelling.	Approved 2009
Dogpatch - 11-8985 Shook Road	Conversion of garage to habitable living space.	Approved 2013
Aqua Vista - 18-9201 Shook Road	Structural alteration and placement of manufactured home to an existing single family dwelling.	Approved 2013
Aqua Vista - 3-9201 Shook Road	Construction of extension to existing single family dwelling to accommodate a bathroom.	Approved 2013
Dogpatch - 4-8985 Shook Road	Structural alteration and addition to an existing single family dwelling to accommodate the replacement of current flat roof.	Approved 2015
Dogpatch - 3-8985 Shook Road	Removal and replacement of existing two storey garage attached to existing single family dwelling.	Approved 2015
Aqua Vista - 18-9201 Shook Road	Structural alteration and addition to an existing single family dwelling to accommodate addition of a two car garage and deck.	Approved 2015
Dogpatch - 3-8985 Shook Road	Internal structural alteration.	Approved 2009
Sundorn - 5-9055 Shook Road	BOV did not understand any undue hardship to the applicant to support allowing consideration of the extra addition to the home.	Denied 2006
Dogpatch - 1-8985 Shook Road	Reconstruction of flat rook to pitched roof and addition of storage in roof area.	Approved 2002
Dogpatch - 1-8985 Shook Road	Replace flat roof with pitched roof and enlarge two existing bedrooms by constructing an addition and build a single car open sided carport.	Approved 2003
Sundorn -11-9055 Shook Road	Addition of family room or bedroom and carport.	Approved 2003
Dogpatch - 16-8985 Shook Road	Reconstruction and enlargement of two bedrooms, addition of covered deck, second parking spot, and foyer in garage to building.	Approved 2002
Sundorn - 10-9055 Shook Road	Reduction in setback to the rear property line as long as the proposed picnic shelter not be within 1.5 m of rear property line.	Approved 2001
Sundorn -1-9055 Shook Road	Variance as applied for was denied but the second storey addition to single family dwelling was granted.	Approved 1998
Aqua Vista - 16-9201 Shook Road	Renovate and repair old residence.	Approved 1997

Bylaw Enforcement

Currently there are 39 active bylaw enforcement files for properties on Hatzic Island which are summarized in Table 3. Bylaw enforcement in the FVRD is complaint driven unless FVRD staff are aware of a bylaw contravention which poses a major health or safety concern. Subsequently, there may be additional bylaw contraventions where FVRD staff have not received complaints from the public and therefore no files has been created.

The overwhelming number of bylaw enforcement files, 28 of 39, are located within Everglades Resort. This may be expected as Everglades Resort also has the largest number of user lots. There are also currently two active bylaw enforcement files in Aqua Vista Estates, Sundorn Holdings and Little Beach. All three of the developments are lawfully non-conforming and five of six bylaw enforcement files are concerning construction

without a permit. Most of the bylaw enforcement files relate to construction without a permit and the reason that building permits are never applied for in the first place is that the construction is not permitted because of the regulations of the zone. Where the unit is considered lawfully non-conforming a Board of Variance may be an option to reach a resolution; however, where a Board of Variance is not an option the only achievable option is removing the construction, or rezoning the entire property.



Placement of mobile home without a Permit, Little Beach

Table 3: Bylaw Enforcement Files

Address	Issue	Date File Opened
8400 Shook Road - 28 active files (Everglades)	Construction without permit	1996-2017
8564 Shook Road	Construction without permit	2007
8985 Shook Road	Construction without permit	2013
9010 Shook Road (Little Beach)	Construction without permit	2007
9010 Shook Road (Little Beach)	Zoning use contravention	2013
9046 Shook Road	Multiple bylaw enforcement	2017
9053 Shook Road (Sundorn)	Construction without permit	2016
9055 Shook Road (Sundorn)	Construction without permit	2005
9201 Shook Road (Aqua Vista)	Construction without permit	2013
9201 Shook Road (Aqua Vista)	Construction without permit	2014
9267 Shook Road	Construction without permit	2003
9341 Shook Road	Construction without permit	2000

Moving Forward

Evaluation of Policies

Considering the development history, planning policies and planning regulations, the planning policy and regulatory regime applied to Hatzic Island has only partly been effective in preventing further development and inadequate for protecting environment and health. The previous and current local government policies and the corresponding planning policies and regulations adopted have provided mixed results. The planning policies and regulations have been successful in preventing subdivision but have been unsuccessful in controlling development. The planning policies and regulations have frustrated development, which has resulted in prolonged uncertainty for residents, a difficult path forward for residents wishing to pursue development lawfully, and resulted in illegal development. The extent of the illegal development is unknown, but over the years signs of illegal development have been observed. It appears that illegal development has been quite prevalent. If the last 37 years are any indication, the “grandfathering” of residences within the recreational holdings/unregistered subdivisions look to continue in the future and show no signs of eventually conforming. The intention of the provincial legislation that allows for “grandfathering” of non-conforming uses is that eventually the non-conforming use will come into conformity. For “grandfathering” to apply, the use and structure must be lawfully constructed. This can be difficult to determine because there are changes in ownership. The intention of “grandfathering” is to allow for a use to continue in its current state but the expectation is that eventually the “grandfathered” use will be replaced by a conforming use. It achieves this by prohibiting structural alterations or new construction which would extend the life of the non-conforming use. Furthermore, the problem of “grandfathering” and land tenure is that “grandfathering” rights are evolving through case law. The only way for development to take place is through approval from the Board of Variance or illegal development. Therefore, it is appropriate to re-evaluate the FVRD Board’s policies regarding Hatzic Island, the corresponding planning policies and regulations, and to consider exploring a more sensible approach moving forward.

Community Servicing

The implementation of community servicing that is appropriate for the density of development on Hatzic Island is an effective option to consider in addressing concerns regarding sewage disposal and drinking water. The major foreseeable challenge in moving forward with any community water system or community sewage system is paying for the system. Should Hatzic Island residents support the building of a community water system and/or community sewer system the costs may be prohibitively high in comparison to property/improvement values. Furthermore, the FVRD would not want to encourage development that would result in significantly higher densities whether through subdivision or additions. Usually new development helps to assist in paying for new services but since the FVRD may not want to encourage development it may not be able to rely on future development to help pay for the upgrades to community services. Therefore, the FVRD would need provincial and/or federal support and have to look at funding alternatives in the form of grants to assist in subsidizing rate payers. The implementation of a community water system would be less costly than implementation of a community sewer system as well as having the added benefit of potentially reducing property insurance rates. Despite the financial challenges in bringing community water and

sewage services to Hatzic Island it would address concerns of water quality, human health and impacts on the environment while facilitating zoning to reflect the actual use. As a result the FVRD could also explore opportunities for modest development supported by community water and sewer services and flood protection.

Levels of Service by Parcel Area

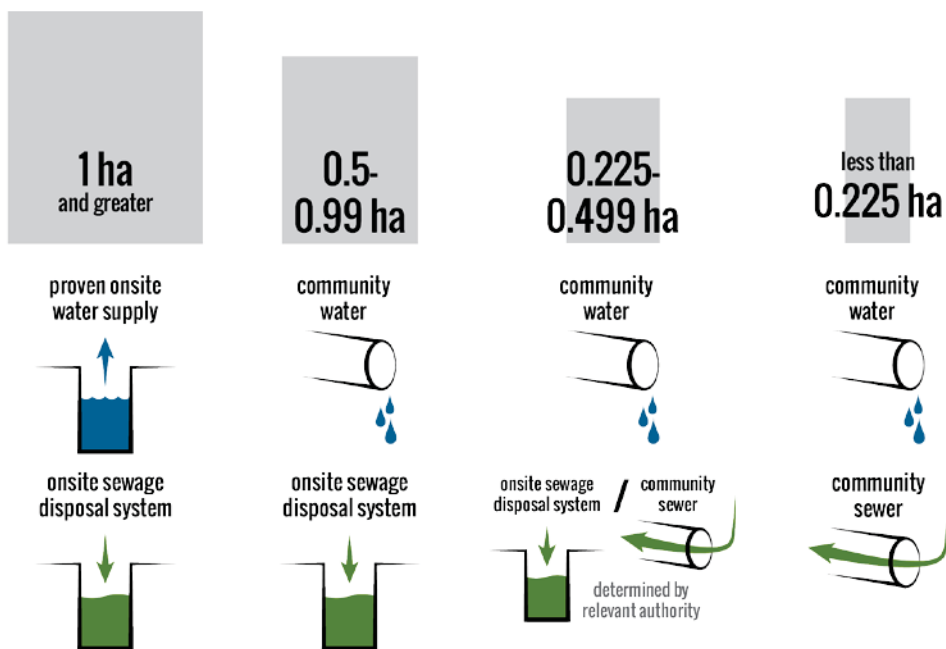


Figure 3

Density by Servicing Requirements in the FVRD

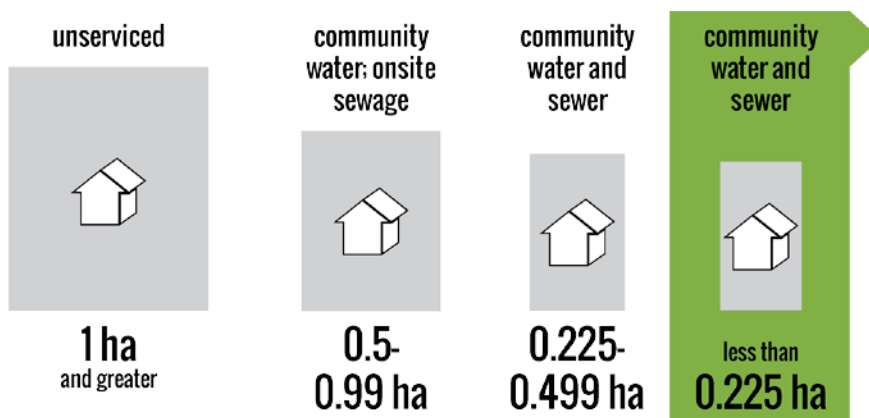


Figure 4

Developments at Aqua Vista Estates, Sundorn Holdings, and Hatzic Lake Holdings have an average parcel size of **0.085 hectares** and are entirely **unserviced**.

Planning Policies and Regulations

Addressing the servicing on Hatzic Island would support the FVRD in looking into re-evaluating its planning policies and regulations regarding existing and future development on the Island. Observations and FVRD documents indicate that the FVRD can expect those non-conforming recreational holdings/unregistered subdivisions to continue in the foreseeable future. In the meantime, the non-conforming status creates uncertainty. The implementation of community services would support the FVRD bringing the non-conforming developments into conformity. The Official Community Plan policies support providing a community water and sewer system and subsequently bringing the non-conforming developments into conformity. The FVRD could explore options to update designations and regulations to recognize the majority of the non-conforming development as conforming. This will address the reality that the existing non-conforming developments are not going to conform on their own because of land ownership structure and compelling economic incentive associated with current density.

Future Development

Addressing the non-conforming status of existing development will also allow the FVRD to better address future development. As has already been discussed, development in the non-conforming recreational holdings/unregistered subdivisions is currently possible by going through the Board of Variance. By addressing the community servicing the FVRD could offer a more desirable and certain path forward for development that is achievable by the owner of a single user site. This would allow owners to construct as long as FVRD development requirements are met.

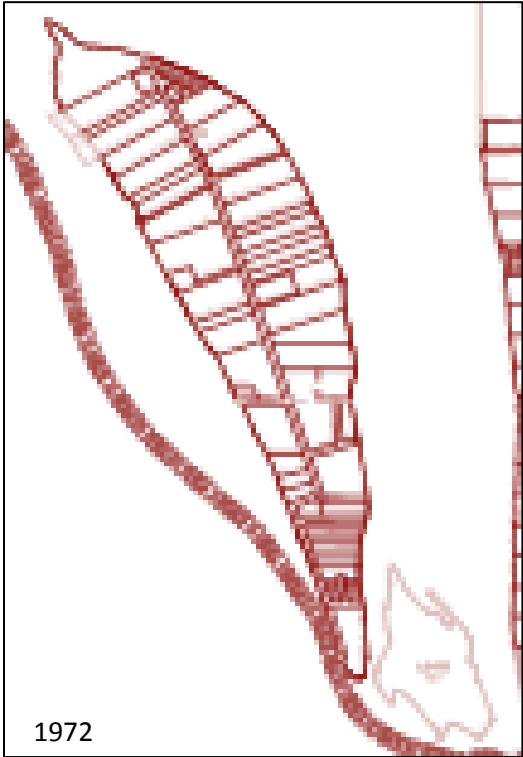
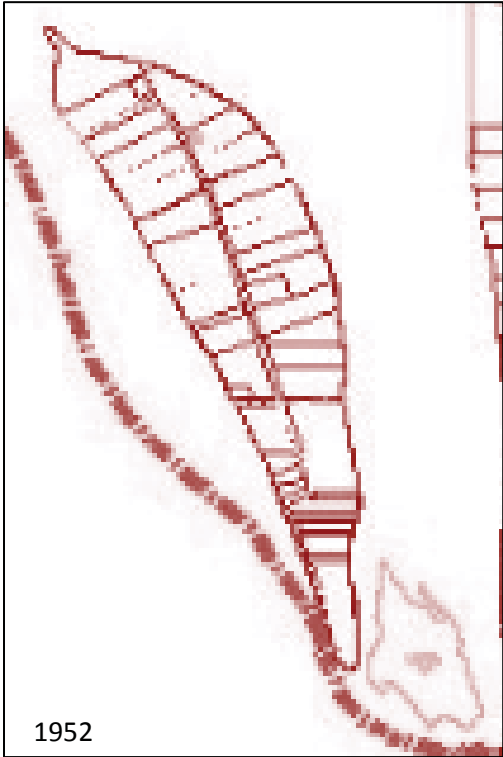
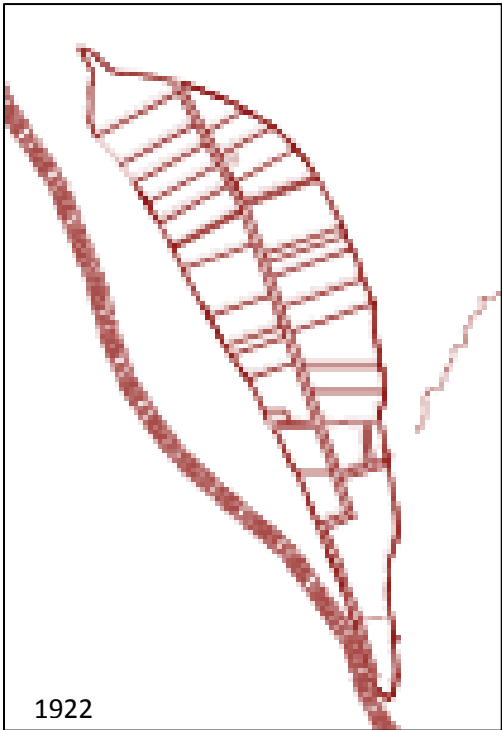
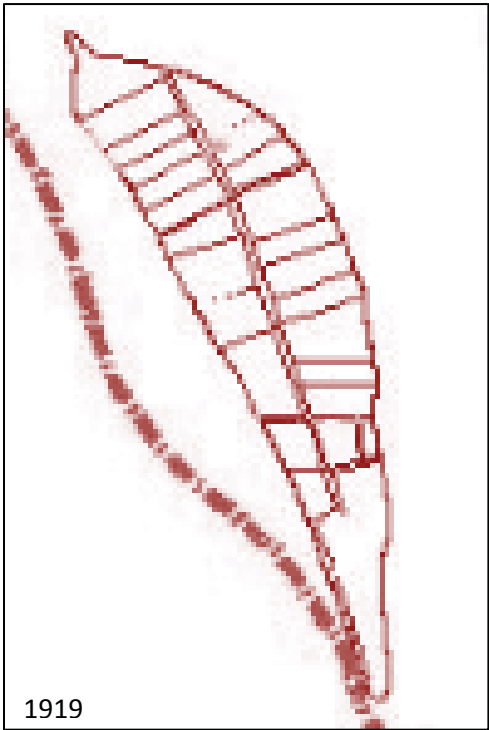
The major benefit of offering a more viable path forward to owners wishing to construct is that it discourages them from undertaking illegal construction. This would result in a more desirable development process and reduce cases of bylaw enforcement. There are currently bylaw enforcement files where options to legalize illegal construction involves the rezoning of the entire recreational property. This would require a list of items to be addressed which includes servicing. Construction in recreational holdings/unregistered subdivisions will occur regardless so the challenge is to allow limited development to proceed in a legal manner that is feasible for the individual owners.

Conclusion

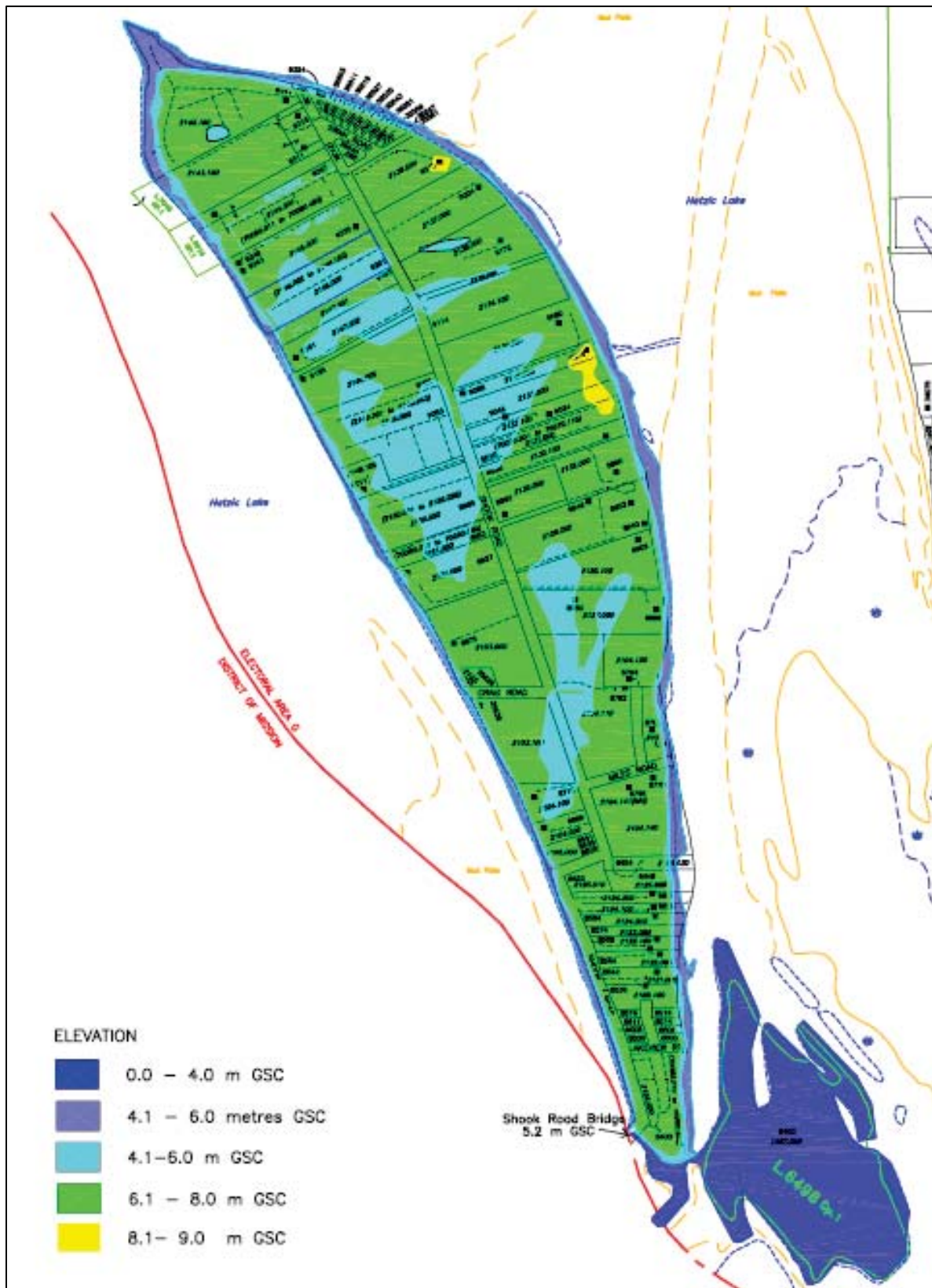
The FVRD has had subdivision and land use policies in place since 1966. The lawfully non-conforming recreational holdings/unregistered subdivisions on Hatzic Island have been recognized and defined in previous zoning bylaws. Given the longevity of the lawfully non-conforming development the FVRD can expect this issue to continue in the foreseeable future. Clearly this status quo has resulted in additional development. The FVRD has received information over the years that indicate there are concerns with the water quality and sources of potable water contamination; however, action is required to move beyond indicators and review a comprehensive study of the water quality and sources of contamination. As part of any policy bringing the non-conforming development into conformity, the delivery of a community water system and community sewer system are important considerations. Concerns associated with the existing and future development on Hatzic Island

require active solutions that will likely require the cooperation of multiple government agencies to commit to investing in Hatzic Island. What is needed is a discussion focusing on different approaches to managing land use and development on Hatzic Island and the support of active solutions.

Appendix A – Subdivision Patterns



Appendix B – Elevations



Appendix C – Section 542 LGA

Board powers on application

- 542** (1) On an application under section 540, the board of variance may order that a minor variance be permitted from the requirements of the applicable bylaw, or that the applicant be exempted from section 531 (1) *[alteration or addition while non-conforming use continued]*, if the board of variance
- (a) has heard the applicant and any person notified under section 541,
 - (b) finds that undue hardship would be caused to the applicant if the bylaw or section 531 (1) is complied with, and
 - (c) is of the opinion that the variance or exemption does not do any of the following:
 - (i) result in inappropriate development of the site;
 - (ii) adversely affect the natural environment;
 - (iii) substantially affect the use and enjoyment of adjacent land;
 - (iv) vary permitted uses and densities under the applicable bylaw;
 - (v) defeat the intent of the bylaw.