

To: Electoral Area Services Committee

Date: 2025-03-13

From: Amy Hsieh, Planner I

File no: 3360-21 2021-01

Subject: Zoning Amendment Bylaw 1648, 2022 to correct a historical zoning error for private properties adjacent to Coquihalla River Provincial Park, Electoral Area B

Reviewed by: Katelyn Hipwell, Manager of Planning
Graham Daneluz, Director of Planning & Development
Jennifer Kinneman, Chief Administrative Officer

RECOMMENDATION

THAT the Fraser Valley Regional District Board rescind third reading given to the *Fraser Valley Regional District Zoning Amendment Bylaw No. 1648, 2022*;

THAT *Fraser Valley Regional District Zoning Amendment Bylaw No. 1648, 2022* be forwarded to a new Public Hearing;

THAT the Fraser Valley Regional District Board delegate the holding of the Public Hearing with respect to the proposed *Fraser Valley Regional District Zoning Amendment Bylaw No. 1648, 2022* to Director Adamo or their alternate in their absence;

THAT Director Adamo or their alternate in their absence, preside over and Chair the Public Hearing with respect to proposed *Fraser Valley Regional District Zoning Amendment Bylaw No. 1648, 2022*;

AND FURTHER THAT the Chair of the Public Hearing be authorized to establish procedural rules for the conduct of the Public Hearing with respect to proposed *Fraser Valley Regional District Zoning Amendment Bylaw No. 1648, 2022* in accordance with the Local Government Act;

AND FINALLY THAT in the absence of Director Adamo, or their alternate in their absence at the time of the Public Hearing with respect to proposed *Fraser Valley Regional District Zoning Amendment Bylaw No. 1648, 2022*, the Fraser Valley Regional District Board Chair is delegated the authority to designate who shall preside over and Chair the Public Hearing regarding this matter.

BACKGROUND

The purpose of *Fraser Valley Regional District Zoning Amendment Bylaw No. 1648, 2022* (Bylaw No. 1648, 2022) is to rezone private properties beside Coquihalla River Provincial Park from Park 2 (P-2) to Rural 5 (R-5) to correct a historical zoning error. These properties were incorrectly zoned to Park when zoning was first assigned in 1989, as the Regional District was unaware that privately owned parcels

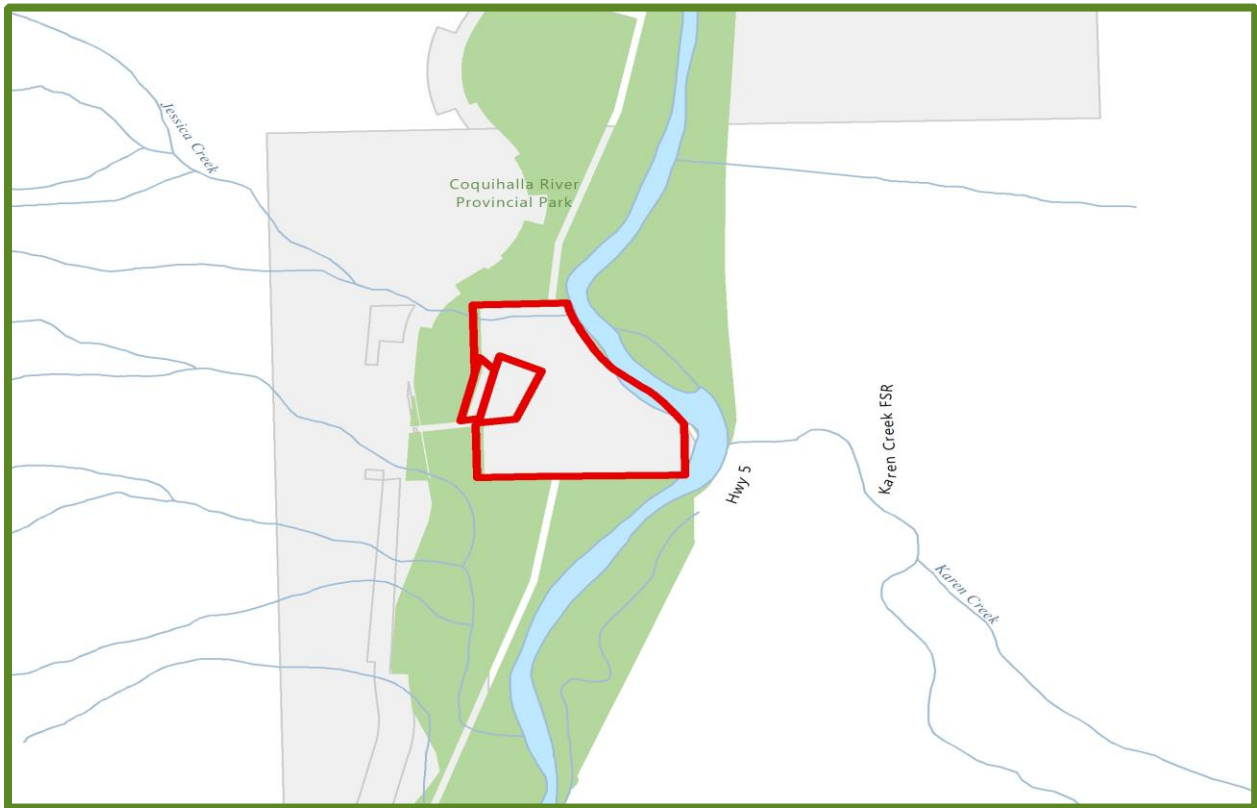
were included. The FVRD Board held a public hearing on February 1, 2023, and gave second and third readings to the bylaw on February 23, 2023. Since then one parcel has withdrawn from the proposed rezoning. This alteration is significant enough that a new public hearing must be held.

PROPERTY DETAILS			
Electoral Area	B		
Address	n/a		
Current Zoning	Park (P-2)	Proposed Zoning	Rural 5 (R-5)
Current OCP	n/a – no OCP	Proposed OCP	n/a
Current Use	Residential	Proposed Use	No change
Development Permit Areas	n/a		
Agricultural Land Reserve	No		

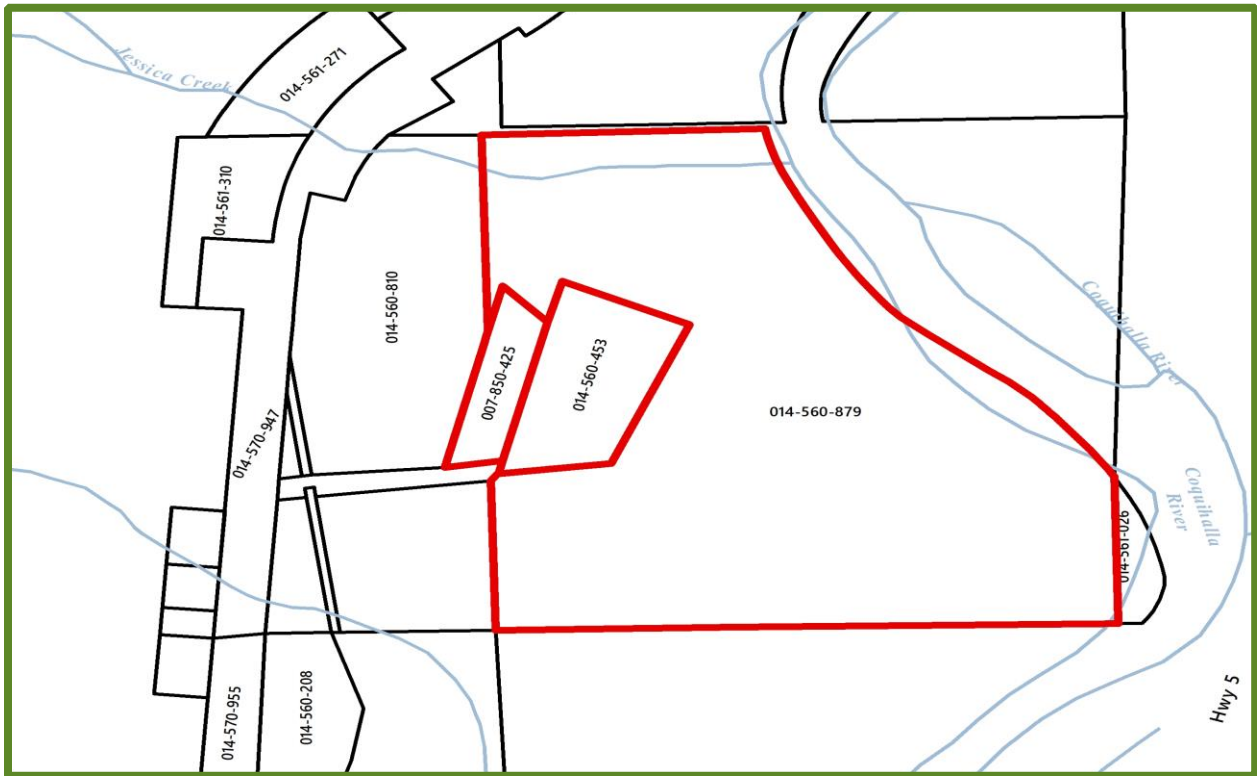
PID	Folio	Lot Size Acres (ha)	Owner last name
014-560-879	732.05077.002	22.241 (9 ha)	Unwin/Ouellette
007-850-425	732.05078.050	1.16 (0.47 ha)	Wiebe
014-560-453	732.05079.000	2.59 (1.05 ha)	Barden

ADJACENT ZONING & LAND USES		
North	^	Park 2 (P-2); Park
East	>	Park 2 (P-2); Park, Coquihalla River, Hwy 5
West	<	Rural 5 (R-5); Residential, Crown land
South	v	Park 2 (P-2); Park

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

The subject properties are located off the Carolin Mine Road exit of Highway 5. It is bounded by Coquihalla River Provincial Park to the north and south, the Coquihalla River to the east, and the former Kettle Valley Railway right-of-way to the west. It is currently only accessible via a Trans Mountain Pipeline statutory right-of-way.

History of the zoning amendment

Five (5) privately owned properties adjacent to Coquihalla River Provincial Park were inappropriately zoned to Park (P-1) in 1989 through the adoption of *Zoning Bylaw (No. 801) for Electoral Area B, 1989 of the Regional District of Fraser Cheam* when zoning was first established in the area. One impacted property owner has requested that FVRD undertake a zoning amendment to correct the error. Rezoning efforts were undertaken in 1996 to correct the zoning. The property owners of the time were not amenable to the FVRD requirement that gravel extraction be prohibited by legal covenant. Consequently, the rezoning was not completed.

In February 2021, this matter was considered by the FVRD Board who directed staff to initiate the rezoning process. The subject properties are currently zoned Park 2 (P-2) in *Fraser Valley Regional District Zoning Bylaw No. 1638, 2021*. The Park 2 (P-2) zone is intended for public use and does not allow for a principal residence to be constructed on the lands. Staff propose to rezone the subject properties to Rural 5 (R-5), which permits residential uses, matches the zoning of other private parcels in the area, and secures existing property rights without creating subdivision potential.

Prior to first reading of Bylaw No. 1648, 2022, staff and the Electoral Area Director met with the affected property owners to discuss the rezoning process and the issues that kept the 1996 rezoning effort from completing. At the time, the owners agreed to rezone their properties together and were open to future covenant registrations as a condition of rezoning. The rezoning moved forward with four of the five properties, as one property chose not to proceed.

Conditions of Adoption

As part of the rezoning process, the FVRD commissioned an overview geohazard assessment report, dated September 10, 2021, prepared by Statlu Environmental Consulting Ltd. The report found that all properties assessed have moderate to high geotechnical hazards and recommended future site-specific hazard assessments before any new development.

Registration of the Statlu report and its recommendations as a geotechnical covenant is a condition of rezoning. The covenant will include a requirement for site-specific geotechnical studies prior to new development. This ensures that future construction will consider hazard mitigation measures since building permits are not required as these properties are not accessible from a public road.

Current Status

A public hearing was held for Bylaw No. 1648, 2022 on February 1, 2023. One member of the public attended virtually. No comments were made and no written submissions were received. The Board

subsequently gave the bylaw second and third readings. This meant that the only condition before consideration of adoption was the registration of covenants.

The signing of covenants was dependent on each property owner on title. The added complication was that each property had different ownership. After third reading was given on February 23, 2023, the owners were encouraged to register their individual geotechnical covenants. The owners were told that all properties had to have the covenant on title before Bylaw No. 1648, 2022 could be considered for adoption.

In 2024, staff were informed of changes to ownership for two of four properties. One property was sold to another private owner while the other was sold to BC Parks. Staff reached out to the new property owners to inform them of the ongoing rezoning process. BC Parks responded via email that they intend to include their parcel into Coquihalla River Provincial Park, and do not wish to continue with the rezoning. The new owners of the other property were agreeable to continuing with the process. At this point, three (3) properties wish to rezone.

Public Hearing Requirement

Per section 470 of the *Local Government Act*, the Board may alter a bylaw after a public hearing if the alteration does not alter the use; increase the density; or without the owner's consent, decrease the density of any area from that originally specified in the bylaw. The removal of a property from the proposed rezoning constitutes an alteration of the use, and a new public hearing must be held.

While the province recently introduced new changes to the *Local Government Act* under which a public hearing may not be held, the conditions for that legislation are dependent on consistency with the Official Community Plan (OCP). There is no OCP in effect for the area subject to the zoning bylaw.

Staff recommend proceeding with a virtual public hearing due to the remote location of the subject properties. There are no nearby community spaces, and none of the property owners use these properties as their primary residences. Staff expect a similar low turnout to the public hearing as to the one held in 2023, and do not recommend any additional methods of public notice beyond what is required by *Fraser Valley Regional District Public Notice Bylaw No. 1741, 2024*.

Referrals

Staff will send updated referrals for Bylaw 1648, 2022 as the removal of a property is considered a significant alteration. The following agencies will be notified:

- First Nations (through **Stó:lō Connect**)
- Ministry of Transportation and Transit
- Ministry of Environment and Parks (BC Parks)
- Trans Mountain

COST

As the rezoning is initiated by the FVRD, the direct cost of public hearings, advertisements, and technical assessments came from the Electoral Area Planning budget. The cost of covenant registration will be borne by the property owners.

CONCLUSION

The Board has directed staff to initiate a rezoning process on private properties located adjacent to Coquihalla River Provincial Park to correct a historical zoning error. The rezoning initially began with four (4) properties and currently sits at third Reading. Since then, one parcel has been acquired by BC Parks, who are not interested in continuing with the rezoning.

A public hearing has already been held. The Board may not receive any new information with respect to this bylaw without requiring another public hearing. The removal of a property from a zoning amendment is considered an alteration to the bylaw that would necessitate a new public hearing.

Staff recommend rescinding the second and third Readings of Bylaw 1648, 2022, which occurred after the public hearing, and proceeding to a new public hearing with three (3) properties.

After the public hearing and receipt of new referral responses, this rezoning will be brought back to the Board for re-reading of second and third readings.