

To: CAO for the Fraser Valley Regional District Board

Date: 2019-03-20

From: Andrea Antifaeff, Planner 1

File No: 3320-20-2016-00792

Subject: Section 219 – Geotechnical Covenant – Proposed two (2) lot subdivision at 54660 Trans Canada Highway, Electoral Area “A”

RECOMMENDATION

THAT the Fraser Valley Regional District Board authorize staff to execute all documents relating to a two (2) lot subdivision at 54660 Trans Canada Highway, Electoral Area A, including a Section 219 (*Land Title Act*) covenant relating to geotechnical hazards.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

As part of the subdivision approval process to create two (2) lots, the Approving Officer (Ministry of Transportation and Infrastructure) required that a covenant pursuant to Section 219 of the *Land Title Act* in favour of the Ministry of Transportation and Infrastructure and FVRD be registered, to implement the recommendations of the Cordilleran Geoscience report dated November 30, 2010 and subsequent letter dated October 22, 2016. The report identifies safe building areas on the proposed lots.

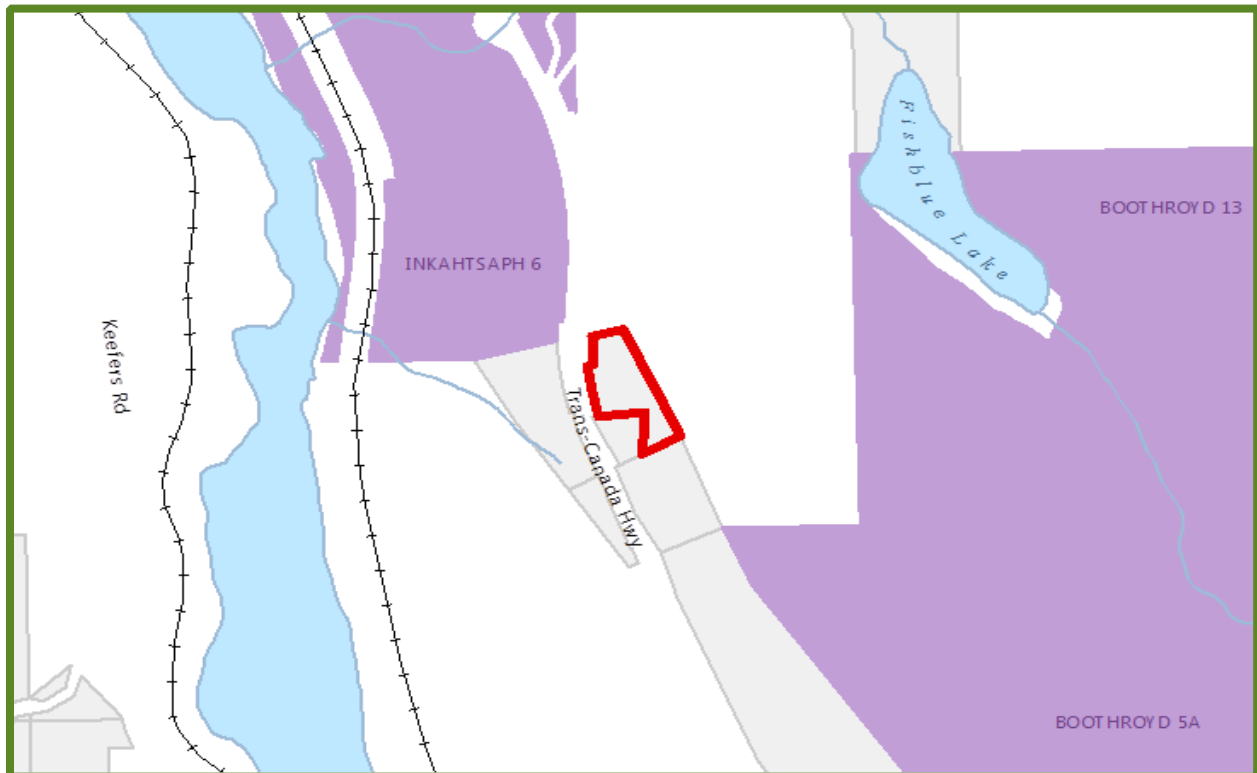
PROPERTY DETAILS			
Electoral Area	A		
Address	54660 Trans Canada Highway		
PID	008-063-338		
Folio	732.00036.110		
Lot Size	6.59 acres		
Owner	Kenneth & Mary Lou Campbell	Agent	Chris O'Connor
Current Zoning	Rural (R-1)	Proposed Zoning	No change
Current OCP	N/A	Proposed OCP	N/A
Current Use	Residential	Proposed Use	No change
Development Permit Areas	N/A		

Agricultural Land Reserve	Yes
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ADJACENT ZONING & LAND USES

North	^	Rural Resource (R-4); Crown Land
East	>	Rural Resource (R-4); Crown Land
West	<	Rural (R-1); Residential/Farm
South	v	Rural (R-1); Vacant

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

The purpose of the restrictive covenant is to ensure that future development of each lot will occur within the safelines as recommended by Pierre Friele of Cordilleran Geoscience. The property owners have already had the safelines surveyed (EPP64702) and the survey has been approved by Cordilleran Geoscience. It was noted in the report that the existing houses (one on each proposed lot) are located within the "safe" zone (west of the safe line) and are safe for the use intended (residential). The existing shop on the northern lot lies within the "shadow" zone (east of the safeline) and is not safe for residential use; however, the continuing use as shop is considered an acceptable use.

Section 219 of the *Land Title Act* permits the registration of covenants of a positive or negative nature in favour of the Province and the Regional District in respect of the use of land or the use of a building on, or to be erected on, the land. The Grantors (Kenneth & Mary Lou Campbell) have agreed to enter into a covenant, and the Fraser Valley Regional District may now decide to accept this offer.

COST

Costs associated with the registration of a Section 219 Covenant are borne by the Grantor (the property owners).

CONCLUSION

Staff recommend that the Fraser Valley Regional District Board authorize staff to execute all documents relating to a two (2) lot subdivision at 54660 Trans Canada Highway, Electoral Area A, including a Section 219 (*Land Title Act*) covenant relating to geotechnical hazards.

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: Not available for comment.