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## MEMORANDUM

To: Chair and Members of the Regional Board  
From: Graham Daneluz, Manager of Forward Plans  
Date: March 15, 2011  
Subject: 3<sup>rd</sup> Reading & Adoption  
Official Community Plan for Hatzic Valley, Electoral Area "F" Bylaw No. 0999, 2010  
File No.: 3920-20-Bylaw No. 0999 & 6480-20-600

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### RECOMMENDATION

**THAT the Regional Board consider Official Community Plan for Hatzic Valley, Electoral Area "F" Bylaw No. 0999, 2010 as amended in conjunction with the Public Hearing Report of the March 8, 2011 public hearing of Bylaw No. 0999**

**THAT the Regional Board give third reading to Official Community Plan for Hatzic Valley, Electoral Area "F" Bylaw No. 0999, 2010 as amended**

**AND THAT the Regional Board adopt Official Community Plan for Hatzic Valley, Electoral Area "F" Bylaw No. 0999, 2010**

### BACKGROUND

The Regional Board gave first reading to Official Community Plan for Hatzic Valley, Electoral Area "F" Bylaw No. 0999, 2010 in June, 2010. An open house was held on September 20, 2010 and a public hearing on September 23, 2010. Following the hearing, the bylaw was amended and then given second reading by the Board in November, 2010. A second public hearing was held on January 19, 2011 and further amendments resulted. Consequently, second reading was rescinded and given anew in February, 2011.

### DISCUSSION

#### **Public Hearing**

A third public hearing of Official Community Plan for Hatzic Valley, Electoral Area "F" Bylaw No. 0999, 2010 was held on March 8, 2011 in the FVRD Boardroom. Notice of the hearing was provided in accordance with the Local Government Act. The hearing was attended by five members of the public.

A detailed report of the public hearing from Electoral Area "F" Director Dick Bogstie is presented under separate cover. Public hearing comments are concisely summarized, along with comments from staff, in the table attached as Appendix 1.

A minor amendment to proposed Bylaw No. 0999 has been made to reflect the forthcoming closure of Durieu Elementary School.

Staff recommends that Official Community Plan for Hatzic Valley, Electoral Area "F" Bylaw 0999, 2010 be considered in conjunction with the public hearing report, given third reading and then adopted.

### **Procedure**

Section 882(4) of the Local Government Act normally requires that official community plan bylaws be approved by the Minister of Community, Sport & Cultural Development. However, Ministerial Order No. M038 – made on February 21, 2011 under a trial program of the Minister to reduce the need for provincial approval of regional district land use bylaws - allows FVRD to adopt an official community plan without ministerial approval provided that:

- it is adopted within the March 1, 2011 to February 28, 2013 trial period;
- the bylaw was referred to first nations in accordance with the practices described in the *Guide to First Nations Engagement on Government Statutory Approvals (interim)*;
- if the bylaw applies only to Crown land, FVRD received notification from the responsible ministry that that the matters dealt with by the bylaw are consistent with the government's policies for use of the affected land; and,
- if the bylaw applies only to land in the APR, the bylaw was referred to the ALC at least one month before the public hearing for the bylaw.

FVRD provided consultation opportunities to Stó:lō Nation, Stó:lō Tribal Council, Leq'a:mel First Nation and Kwantlen First Nation in accordance with the practices described in *Guide to First Nations Engagement on Government Statutory Approvals (interim)*. More specifically,

- early in the process first nations were notified of FVRD's intent to develop a new OCP for Hatzic Valley, were requested to provide input, and were offered meetings to discuss any issues;
- a copy of the draft plan was referred to first nations after first reading and an additional offer to meet was extended; and,
- after the third public hearing notice was sent to first nations advising of FVRD's intent to proceed with the process to adopt the OCP.

Only Stó:lō Nation accepted the offer to meet to discuss the proposed plan.

Bylaw No. 0999 does not apply only to Crown land, nor does it apply only to land in the ALR. The bylaw was referred to a variety of provincial agencies and to the ALC at least one month before the public hearing.

Staff has reviewed the above with Ministry of Community, Sport and Cultural Development staff and believe that the requirements of Ministerial Order No. M038 for adoption of Bylaw No. 0999 without ministerial approval have been met.

Under Section 794(3) of the Local Government Act and Section 10.3 of Fraser Valley Regional District Board and Committee Procedures Bylaw No. 0433, 2001, any bylaw which does not require approval, consent, or assent under the provisions of the *Act* or any other enactment prior to the adoption of the bylaw may be adopted at the same meeting of the Board at which it passed third reading, provided the motion for adoption receives an affirmative vote of at least two-thirds (2/3) of the votes cast, otherwise, a Board must not adopt a bylaw on the same day it has given the bylaw Third Reading. It is further noted that separate resolutions are required for third reading and adoption.

### **COST**

Completion of the new OCP for Hatzic Valley is a priority project for 2011. Previous staff memos have addressed costs for developing

**COMMENT BY CHIEF ADMINISTRATIVE OFFICER**

reviewed and supported

**COMMENT BY GENERAL MANAGER OF COMMUNITY AND REGULATORY SERVICES**

reviewed and supported

**COMMENT BY GENERAL MANAGER OF REGIONAL AND CORPORATE SERVICES**

reviewed and supported

**APPENDIX 1 – Summary of Public Hearing Comments**

Comment	Staff Response
<p>desire 2 hectare parcels within the ALR in the McConnell Creek, or more specifically in the area of Stake Lake, Bennett and Rodella Roads</p>	<p>This issue was explored in detail during the development of the plan. These lands are within the ALR and are currently zoned for 4 hectare parcels. In keeping with the existing OCP, the proposed OCP would apply a minimum parcel size policy of 4 ha. Ministry of Agriculture and ALC generally support the retention of larger parcel sizes as advantageous for farming. Furthermore, it is an objective of the plan to “enhance sustainable agriculture by reserving agricultural lands for farming, minimizing conflicts between farm and non-farm use and supporting the viability and sustainability of the farming sector.”</p>
<p>provide opportunities for young people to move into the valley, with may assist in supporting a school in the community</p>	<p>The OCP as proposed would support the development of a significant number of smaller new residential parcels in the SUBURBAN RESIDENTIAL (SR) designation and larger rural parcels through infill subdivision in RURAL and LIMITED USE areas. There are also opportunities to build homes on vacant properties. This is discussed in Section 4.2 of the proposed plan.</p>
<p>support for smaller parcel sizes (0.2 and 0.4 hectare) parcels in the SUBURBAN RESIDENTIAL designation with connection to both approved community sewer and water systems</p>	<p>Limiting density is a central component of environmentally responsible development. Still, the proposed plan would support smaller parcel sizes (such as 0.2 and 0.4 hectares) with appropriate services in the SUBURBAN RESIDENTIAL designation though “density averaging”, or clustering, provided that the overall density does not exceed 1 parcel per 0.5 hectares. This allows developers to achieve the full development potential of the lands while avoiding areas subject to physical limitations or competing values.</p>
<p>smaller lot sizes in SUBURBAN RESIDENTIAL designation would support “green” development and better respond to site limitations such as soil conditions</p>	
<p>desire for “executive estate” development</p>	<p>Executive-style development may be achieved under the proposed plan.</p>
<p>development needed to support local services such as a school</p>	<p>As discussed above, the proposed plan presents opportunities for development. Development and growth rates are informed by a variety of factors, including lifestyle, desired service levels, market forces, environmental limitations, economic/social limitations, and regulation.</p>
<p>there are several 2 hectare parcels in the proposed LIMITED USE (LU) designation; these should be designated RURAL rather than LU</p>	<p>Proposed designations include policies regarding the minimum parcel size for <b>new</b> subdivision within that designation. In each designation there are existing parcels which do not meet this policy for new subdivisions.</p> <p>Within each designation, there are “Designation Policies” which describe the characteristics that land will have to be placed within that designation. Designation policies do not typically refer to the size of the parcel. Rather, they speak to the presence/absence of geological and flood hazards, environmental qualities, road access, the availability of services, provincial land designations (ALR, forest reserve), existing land uses, etc.. These are factors that generally determine which designation will be applied to a given parcel of land.</p>
<p>road safety and maintenance should be identified as concerns with respect to gravel operations</p>	<p>The proposed plan identifies the lack of infrastructure, particularly roads, suitable to support industrial uses (11.2). Policy 11.2.2 states that the Board will not support new aggregate uses until adequate roads exist. Policy 11.2.9 recommends that cumulative road maintenance, road safety and traffic impacts are assessed and mitigated for any aggregate mining proposals.</p>
<p>EA Director should have ability to say “yes” or “no” when new gravel operations are proposed</p>	<p>The Regional District does not have the authority to do this. This matter is discussed in Section 11.2 of the proposed plan.</p>
<p>gravel operations and other new businesses in the area should be charged fees that will be used to improve services in the community</p>	<p>Policy 11.2.13 supports the establishment of production-based fees from aggregate producers. There is no mechanism to charge fees to other local businesses.</p>
<p>the plan should reflect the closure of Durieu Elementary and state that schools and similar services are the nucleus for community and should be considered essential services</p>	<p>Section 6.7 is updated to reflect the forthcoming closure of Durieu Elementary.</p>
<p>Stave Lake Quarry responds to noise complaints and does all it can to stop the sound or quiet the sound. Sounds often come from other sources. Records are kept to document it. Stave Lake Quarry had consultant do a sound assessment and were found to be below the threshold of 55dBA. Quarry monitors sound routinely. The Quarry has a large berm for noise reduction and dust control. Gravel piles are watered down during the summer for dust control. All Stave Lake Quarries blasts are monitored and have strict levels to abide by. A qualified hydrogeologist did an impact evaluation of quarry</p>	<p>Section 11.2 of the proposed Plan deals with aggregate issues. Staff believes it is factual. It states: Mining and processing of aggregate materials in Hatzic Valley have been a source of intense and sustained conflict. Many residents are particularly concerned with noise, dust, blasting, vibration, truck traffic, impacts to ground and surface water supplies, aesthetic impacts, health impacts, loss of rural lifestyle, and loss of property value associated with quarry operations. There are various causes of these problems, including:</p> <ul style="list-style-type: none"> <li>▪ inability or unwillingness to adequately mitigate off-site impacts;</li> <li>▪ inadequate enforcement;</li> <li>▪ insufficient regulatory tools;</li> </ul>

before it opened and ongoing testing is done. Any problems have to be corrected.

The value of properties around the quarry is only lowered if owners apply to have them lowered. BC Assessment doesn't automatically lower them. Most of the people with property closer to the Quarry have no drop in property assessment. The majority of the neighbours don't have any problem living next to or near a quarry.

Majority of the aggregate taken from Stave Lake Quarry is used in Maple Ridge, Abbotsford, or Mission. Rarely is it taken to Metro Vancouver or Vancouver from the Stave Lake Quarry.

The Stave Lake Quarry had several public meetings and changes were made to address complaints.

The pit is located at the back of the property at great cost to reduce community. The pit is not visible from the road or neighboring properties.

Neighbors are encouraged to report truck issues and the quarry does its best to resolve them.

Mines inspectors can arrive at any moment of any day for an inspection.

Many regulations rules apply as required by our permit and mining code. It's not as easy or unregulated as you make it sound.

The FVRD should be less critical of the current Quarries as we also pay taxes and create employment.

- not enough local involvement in approval processes;
- absence of planning for suitable locations for aggregate extraction; and,
- lack of infrastructure, particularly roads, suitable to support industrial uses in rural areas.

As a consequence, existing operations have generated a great deal of conflict and community opposition. These conflicts will persist if significant changes are not made in the regulation of aggregate extraction, the enforcement of regulations and the approval process for extraction sites. Moreover, existing operations must be more successfully integrated into the community.

Achieving this change will require cooperation and coordination between local and provincial authorities, the aggregate industry and the community. Provincial legislation surrounding aggregate operations divides jurisdiction between Provincial and local authorities, though the primary authority rests with the Province of BC through the Ministry of Natural Resource Operations and the Mines Act. The extraction of aggregates may not be prohibited by local governments without the approval of the Minister of Mines. However, aggregate extraction is subject to local government powers to regulate removal and deposit of soil provided in Section 723 of the Local Government Act. Moreover, primary and secondary processing of aggregates is a use of land subject to regulation and prohibition under zoning controls.

It is recognized that aggregates are essential for the infrastructure and economy of our Region, not only for supporting new development but for maintaining existing infrastructure. Demand for aggregates in the Fraser Valley Regional District appears to be increasing and is projected to double over the next 20-25 years.

Furthermore, there is proportionate demand for aggregates in Metro Vancouver where supplies are limited or are unavailable. A large proportion, perhaps two-thirds, of aggregate produced in the FVRD is transported to markets in Metro Vancouver or adjacent jurisdictions. As a result, the benefits of aggregate production in Hatzic Valley are dispersed throughout the Lower Mainland while the negative impacts of extraction and processing are focused primarily at the local level.