

Fraser Valley Regional District

PUBLIC HEARING REPORT

TO: Regional Board of Directors

FROM: Director Wendy Bales, Electoral Area C

HEARING DATE: January 20, 2011

RE: Public Hearing on Fraser Valley Regional District Zoning Amendment Bylaw 0993, 2010 and Fraser Valley Regional District Official Settlement Plan for a portion of Electoral Area C Bylaw No. 0994, 2010.

The Public Hearing on Bylaw Nos. 0993, 2010 and 0994, 2010 was held on Thursday, January 20th, 2011, at 7:00 p.m., in the Deroche Community Hall at 41555 North Deroche Road, Deroche, B.C.

There were 10 members of the public present.

Members of the Regional Board present were:

Director Wendy Bales, Electoral Area C, Chairperson

Members of the Fraser Valley Regional District staff present were:

Graham Daneluz, Manager of Forward Plans/Deputy Planner
Lisa Grant, Planner 1

Chairperson Bales called the Public Hearing to order at 7:03 p.m. The hearing was convened pursuant to Sections 890 and 892 of the Local Government Act in order to consider Fraser Valley Regional District Zoning Amendment Bylaw 0993, 2010 and Fraser Valley Regional District Official Settlement Plan for a portion of Electoral Area C Bylaw No. 0994, 2010. In accordance with subsections 1 and 2 of Section 892, the time and place of the public hearing was advertised in the January 6th and January 13th, 2011 editions of the Agassiz-Harrison Observer newspaper.

Chairperson Bales stated that the purpose of Bylaw 0993 is to apply land use regulations through the application of zoning to un-zoned lands in Hemlock Valley.

There were 17 written statements received.

There were 3 verbal comments made:

Brian Murphy
#3 Rocky Bluffs/310 A 21000 Enzian Way

In 0993 there's a few things that I disagree with. First of all, pertaining to the rental amendmen to some of the properties, and that especially along Edelweiss Drive, I think that it's unfair that they take away a rental year round for an avalanche hazard that could happen once every ten years, if there is one, and that they are not allowed to rent nightly. I think that's unfair to put something like that in writing. I think that if you are allowed to rent monthly, I don't see a difference between renting monthly or nightly. The other thing that I do not agree with according to some of these properties is that we've downgraded the zoning on them from sixplexes, or fourplexes down to duplex or single family. I think that's unfair to the owners and that the regional district would do that and that I don't see anything wrong with having a duplex as long as they go by the different reports that are out and that and why would it be zoned down to a single family and that they've been paying taxes on those properties as duplexes or sixplexes for all these years and now with a stroke of a pen you are going to change it.

Thank you.

Kevin Sass
#1 20940 Snowflake Crescent

My view on the zoning bylaw is that, with all due respect to those that have issues with the bylaw, issues within the bylaw, our number one issue as I see it is the fact that we don't have it. There's a great deal of uncertainty with respect to investors, current owners and the potential to build because we simply don't have a definition of what could be built beside your lot or across the street from you. So, yes, I agree that there are issues within the bylaw that may not suit everybody. I believe that the main issue is to put this bylaw in place so that Hemlock Valley can move forward with it in place. We've been pondering and debating this bylaw for a long, long time so, in my view, I urge the Directors to adopt this bylaw and get it into place within whatever reasonable period they see fit to do it. That's all I have to say.

Brian Murphy
#3 Rocky Bluffs/310 A 21000 Enzian Way

There's one other item that we have here under the zoning, that when I've talked with our Fire Chief they had an issue where we were very busy this Christmas season and we had a lot of people up using their places along with friends and relatives and under RST 4 and RST 5, which is medium density and high density, they've allowed, when they do build, to only have parking for 1.5 vehicles, which is basically the same as down in the Valley. In the Valley, we have streets and sidewalks and people can park on the streets and that, around their apartment buildings. But at Hemlock, unfortunately, we are not allowed to park on the roads in winter conditions and Highways have made it clear that they are going to start to enforce that with people parking on the road. So, we have

to ensure that any new development that they have the proper parking. The other thing that we have to realize at Hemlock is that it is a resort community and a lot of the units will have two family owners. With two family owners they will usually have two cars and with two cars we need that parking and they don't have the luxury of having any transit service to Hemlock and it will not come in my time. I'll be long dead and buried by the time we get transit up there, so I think it is imperative that on those two issues, or those two densities that we do have the two parking spots. I think it is very imperative on that one.

Thank you.

The Chairperson asked three times for comments. Hearing none, the public hearing for Bylaw 0993, 2010 was concluded at 7:14 p.m.

At 7:15 pm Chairperson Bales stated the meeting would hear Bylaw No. 0994 and that the purpose of Bylaw 0994 is to support the application of zoning and amends development permit area 2-HV, Long Term Snow Avalanche, to reflect new snow avalanche information.

There was one verbal comment made:

Brian Murphy
#3 Rocky Bluffs/310 A 21000 Enzian Way

Under the text amendment on 0994, I would strongly urge that you do not change the word in Part 2 Zoning be introduced which will distinguish areas for single family, duplex, and multiplex residential development. The zoning regulations, and it reads shall and that word should stay in there because that protects the owners of all these properties and the Regional District is held by that word. When you put the word should in, it gives the Regional District an area to kind of move on and not be held to the building schemes that are registered on title. The other one with the avalanche report and the development permit area, the new avalanche report is basically a generalization and that, and I think I strongly urge that before we pass this we should get more information and a more detailed avalanche report so the Regional District knows what they are dealing with very specifically instead of a general rule. And this here, if we have the funding to do a new report I think it will clear up a lot of the misconceptions that the Regional District has.

Thank you.

The Chairperson asked three times for comments. Hearing none, the public hearing for Bylaw 0994 was concluded at 7:18 p.m.

Respectfully submitted,


Wendy Bales, Chairperson

PLEASE INCLUDE RALPH BARKZARIC
LETTER

From: Stanislaw Samohel.



FRASER VALLEY REGIONAL DISTRICT

45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6
 Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only) Fax: 604-792-9684
 website: www.fvrd.bc.ca e-mail: info@fvrd.bc.ca

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that, pursuant to Section 892 of the Local Government Act, the Fraser Valley Regional District will conduct a Public Hearing with respect to:

RECEIVED
 JAN 14 2011
 FVRD

Fraser Valley Regional District
 Zoning Amendment Bylaw No. 0993, 2010
 [hereinafter referred to as Bylaw 0993]
 and
 Fraser Valley Regional District
 Official Community Plan for a Portion of Electoral Area "C" Bylaw No. 0994, 2010
 [hereinafter referred to as Bylaw 0994]

The Public Hearing will be conducted on:

Thursday, January 20 2011, 7:00 PM
 Deroche Community Hall
 41555 North Deroche Road, Deroche, BC

The purpose of the bylaws is to amend the official community plan (OCP) and zoning bylaw for Hemlock Valley, FVRD Electoral Area "C". The purpose of Bylaw 0993 is to apply land use regulations through the application of zoning to un-zoned lands in Hemlock Valley. The OCP amending Bylaw 0994 supports the application of zoning and amends development permit area 2-HV, Long Term Snow Avalanche to reflect new snow avalanche hazard information.

The public hearing on Bylaw 0993 and 0994 are to be held by a delegate of the Board. A copy of the Board resolution making the delegation and copies of Bylaw 0993 and Bylaw 0994 are available for public inspection until January 20, 2011 at the Fraser Valley Regional District, 45950 Cheam Avenue, Chilliwack, BC V2P 1N6 (8:30 a.m. to 4:30 p.m. Monday to Friday), Deroche Community Access Centre Office, 10220 North Deroche Road, Deroche, BC (9:30 a.m. to 12:00 p.m. and 1:00 p.m. to 3:30 p.m. Monday and Wednesday and from 9:30 a.m. to 12:00 p.m. Tuesday and Thursday) and also online at <http://www.fvrd.bc.ca/InsidetheFVRD/CommunityPlanning/Pages/HemlockValley.aspx>. For further information, please contact the Planning Department of the Fraser Valley Regional District at 604-702-5000, toll free 1-800-528-0061, or by email at planninginfo@fvrd.bc.ca.

At this public hearing, all persons who believe that their interest in property is affected by the proposed Bylaws will be afforded an opportunity to be heard or to present written submissions respecting matters contained in the Bylaws which are the subject of the hearing.

Written submission may also be submitted to Fraser Valley Regional District and must be received no later than 4:30 p.m. on the day before the hearing (January 19, 2011). Written submissions will be entered into the public hearing record.

Dated this 20th Day of December, 2010.

G.H. Kingston
 Chief Administrative Officer

From: Stanislaw Samohel.



FRASER VALLEY REGIONAL DISTRICT

45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6
 Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only) Fax: 604-792-9684
 website: www.fvrd.bc.ca e-mail: info@fvrd.bc.ca

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that, pursuant to Section 892 of the Local Government Act, the Fraser Valley Regional District will conduct a Public Hearing with respect to:

Fraser Valley Regional District
 Zoning Amendment Bylaw No. 0993, 2010
 [hereinafter referred to as Bylaw 0993]

JAN 14 2011

and
 Fraser Valley Regional District
 Official Community Plan for a Portion of Electoral Area "C" Bylaw No. 0994, 2010
 [hereinafter referred to as Bylaw 0994]

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The purpose of the bylaws is to amend the official community plan (OCP) and zoning bylaw for Hemlock Valley, FVRD Electoral Area "C". The purpose of Bylaw 0993 is to apply land use regulations through the application of zoning to un-zoned lands in Hemlock Valley. The OCP amending Bylaw 0994 supports the application of zoning and amends development permit area 2-HV, Long Term Snow Avalanche to reflect new snow avalanche hazard information.

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Dated this 20th Day of December, 2010.
 G.H. Kingston
 Chief Administrative Officer

Lisa Grant

From: Linda Machmer on behalf of Fraser Valley Regional District
Sent: January 17, 2011 09:25
To: Planning Info; Rick McDermid
Subject: FW: Hemlock Valley Sub 4 Lot41 unit 12

From: Steven Jaeger [<mailto:sjaeger@telus.net>]
Sent: Monday, January 17, 2011 8:43 AM
To: Fraser Valley Regional District
Subject: Hemlock Valley Sub 4 Lot41 unit 12

RECEIVED

JAN 17 2011

FVRD.

Dear Sir/Madam

RE: Public Herein referred to as Bylaw 0993 & 0994

We would like to oppose our position to the newly proposed bylaws based on a negative impact on our property values.

Please acknowledge safe receipt.

Yours Faithfully

Judy & Steven Jaeger
Vancouver
604 263-7090

Lisa Grant

From: Randy Murphy [skibum_murf@hotmail.com]
Sent: January 17, 2011 10:25
To: Fraser Valley Regional District
Cc: Wendy Bales; Lisa Grant; murfsturf@telus.net; krissymurphy@hotmail.com
Subject: Bylaw No. 0993, 2010; Bylaw No. 0994, 2010

Importance: High

January 17th, 2011

To: Fraser Valley Regional District

Re: Bylaw No. 0993, 2010; Bylaw No. 0994, 2010

We own a property in the "affected area" on Edelweiss Drive and find these bylaw proposals unacceptable. Therefore, we are **AGAINST** this amendment.

- Randy & Kristen Murphy
(604) 797-6830

RECEIVED
JAN 17 2011
F.V. R.D.

Lisa Grant

From: Drew Bourne [DrewB@petersonbc.com]
Sent: January 18, 2011 10:29
To: Lisa Grant
Cc: ROBERT SALIKAN; rick@langara.com; blackbourne29@yahoo.ca; pearsonally@hotmail.com; gordfox@shaw.ca; Scott Witter; Wendy Bales; Stewart Green
Subject: RE: Hemlock Valley Rezoning, Meeting Jan. 20th, 2011

Hello again Lisa: I apologize, I have been reminded that I forgot to mention the proposed rental restrictions for the Blue Zone. The following is taken from the proposed zoning.

(e) Inserting a new clause and re-numbering the subsequent sections in numerical order starting with Part II, Schedule "A" Section 6.1 E.:

"Overnight accommodation uses should be directed away from snow avalanche areas, located in Development Permit Area 2-HV as shown on Schedule HV-3, to avoid hazard exposure to third-party users unaware of the risk. However, a property owner may undertake a site specific geotechnical study by a qualified professional engineer or geoscientist to determine on an individual basis if a property is suitable for overnight accommodation use and if the land is safe for the intended use.

This paragraph confirms that the authors of the proposed Zoning Bylaw consider properties in the Blue Zone to be at risk for habitation. Apparently it is OK to put certain people at risk, those presumed to be aware of the potential avalanche dangers, their children, friends and other guests, but not those who might unwittingly spend the night as a third party renter. Sorry, I just can't see the logic in this argument. Either these properties are safe for habitation or they are not. I can only speculate as to the comments coming from a professional risk manager with respect to the FVRD's liability if this line of thinking is not altered. The Authority having jurisdiction over this exercise is mandated to consider risk to the public no matter who they are, property owner, guest or renter alike. With respect to the proposed suggestion to allow seasonal rentals, I don't see how that alters the basic premise of the argument which should be unqualified safety for the public.....thanks, Drew

Drew Bourne, MAIBC
Project Manager
Direct: 604-699-2281
Email: drewb@petersonbc.com

Peterson Investment Group Inc.
1166 Alberni Street, Suite 1701
Vancouver, BC, Canada V6E 3Z3
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Lisa Grant

From: rick@langara.com
Sent: January 18, 2011 11:03
To: Drew B; Lisa Grant
Cc: Robert Salikan; Rob/Anne-Marrie Bourne; pearsonally@hotmail.com; gordfox@shaw.ca;
Scott Witter; Wendy Bales; Stewart Green
Subject: Re: Hemlock Valley Rezoning, Meeting Jan. 20th, 2011

If we built and had friends or friends of friends or relatives over night or visiting during the day are we to warn them of a risk?? This is not logical. If this property is unsafe we do not want it, give us new property or buy us out, the government in the end is fully responsible for this. Please address this situation properly and honestly before potential legal action eventual will occur.thank you. RB

Sent on the TELUS Mobility network with BlackBerry

RECEIVED
JAN 18 2011
6:07 D.

Lisa Grant

JAN 18 2011

From: Drew Bourne [DrewB@petersonbc.com]
Sent: January 17, 2011 16:12
To: Lisa Grant
Cc: Drew Bourne; ROBERT SALIKAN; rick@langara.com; blackbourne29@yahoo.ca; pearsonally@hotmail.com; gordfox@shaw.ca; Scott Witter; Wendy Bales; Stewart Green
Subject: RE: Hemlock Valley Rezoning, Meeting Jan. 20th, 2011

Lisa: The following comments are representative of the opinions of our ownership group.

Combined with the stigma of "increased avalanche danger", there are now so many conditions to satisfy before a permit could be issued that even building a duplex would be an onerous and unreasonably costly exercise, with no realistic chance of recovering the costs. The property has been effectively rendered unusable. When we purchased this property there were no unusual conditions to satisfy to obtain a building permit. Then the first set of restrictions was added as a result of the perceived "avalanche danger", now even more conditions. On top of that we would be reduced to a duplex site from 24 units. I don't care what the FVRD thinks, given the precedent set 30 years ago and the clear intent to divert density to others at no cost to them, I think there is the potential for legal recourse. Maybe you can make this point to Wendy as our Provincial representative. Either relocate us with our density intact or buy us out.

To have our property down zoned to a duplex site from 24 is arguably ridiculous. On what reasonable basis could this be seen as either justified or even remotely ethical. Either the site is safe to build on or it's not (you can't be just a little bit pregnant as the saying goes). The number of units is irrelevant. This is like saying that because people get killed in car accidents that all vehicles should be restricted to 2 occupants. No more mini vans and SUVs. This is nothing short of a redistribution of density to favour lots controlled by the resort operator (or could it be just a remarkable coincidence). The FVRD has effectively rendered our lot and others in the blue zone worthless. No one in their right mind would purchase or develop one of these lots, given the proposed conditions and restrictions. As suggested by others, the Province should either relocate these properties with their original density intact (as was done in the past) or purchase the lots outright.

The following are excerpts from the proposed zoning. All of which emphasize the onerous and dangerous nature of building on our property (and others in the blue zone) and would suggest that the property has been rendered, in any practical sense, all but worthless.

Objectives:

- (a) to direct development away from geological hazards (Doesn't say to allow property owners to take their chances building on these sites. Seems to suggest relocating these properties to safe areas in the valley); and
- (b) to protect roads and other infrastructure from snow avalanche and other related geological hazards; and
- (c) to ensure adequate professional assessment and mitigation of geological hazards (At what cost and risk to current property owners? Is this even possible?); and
- (d) to allow for land uses suitable under hazardous conditions (The Oct. 8th, 2010 Avalanche Assessment says "Construction of new building such as industrial plants and temporarily occupied structures, possibly permitted with specified conditions." Residential uses are not mentioned as appropriate uses. By default our site has been officially certified as unbuildable for residential purposes by this report.), in accordance with geotechnical studies.

(b) Blue: Development shall not be permitted without a detailed site specific geotechnical study identifying snow avalanche protective measures mitigating the site to a threshold equivalent to the 'white' zone (This comment further confirms that a blue zone property is not currently safe to build on for residential purposes). Protective works shall not

deflect the hazard to adjacent lands. The report shall be prepared by a professional engineer or geoscientist, licensed in British Columbia and proficient in snow avalanche hazard assessment.

Notwithstanding, policies 5.2.1 to 5.2.4, the building inspector may require that the owner of land provide a site specific report, certified by a professional engineer or professional geoscientist with experience in geotechnical and/or snow avalanche hazards, which states "that the land may be used safely for the use intended" (What if this can't be provided? You can't force an engineer to certify something as safe. The liability on the engineer would be extremely high.) , pursuant to section 56 of the Community Charter, prior to the issuance of a building permit.

To suggest that the density on our property should be reduced to a maximum duplex use is impossible to rationalize. The proposed site coverage would suggest a duplex with an 8,400 sq. ft. foot print. As a permitted 2 story building, that is a total 16, 800 sq. ft. of duplex. I don't know of any market for such a building (anywhere). How does this protect the public? How many occupants will fit in a 16,800 sq. ft. duplex. Say 4 /1000 sq. ft. The code allows 2 /bedroom. 2 bedrooms = about 1000 sq. ft. That could be about 70 people. To better protect the occupants of any theoretically permitted structure on our site (as a stated objective of the rezoning exercise) it would make sense to allow, at the very least, the current density of 24 units, with a floor area of 24,000sq. ft. This would potentially allow for an economically viable development, with a full concrete parking structure. This might, in fact, be a way to get past the engineering requirements and produce a cost effective and adequately secure structure to resist any future avalanche (with or without the protection of the tree buffer zone). The current proposal does nothing of the kind. As far as we are concerned, the proposed zoning is a non starter with respect to our circumstances. I gather many other property owners in the blue zone feel the same. Keep in mind that if the trees uphill from us burn down, all those lots in the white zone, downhill from us, turn into blue zone lots. What do you do then? Best to keep density as it is (or even increase the density) all along Edelweiss Dr. With higher density, property owners are better equipped to deal with the cost of providing avalanche protection. Or just relocate everyone to a safer area of the valley, or buy them out.

Please enter this as our submission to the upcoming January 20th meeting in Deroche. Some of us will try to attend.

Regards, Drew Bourne, Lot 80, Edelweiss Dr, Hemlock Valley



Drew Bourne, MAIBC
Project Manager
Direct: 604-699-2281
Email: drewb@petersonbc.com

Peterson Investment Group Inc.
1166 Alberni Street, Suite 1701
Vancouver, BC, Canada V6E 3Z3
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Fax: 604-688-3245
www.petersonbc.com

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The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Lisa Grant

From: Randy Murphy [skibum_murf@hotmail.com]
Sent: January 18, 2011 10:08
To: Lisa Grant
Cc: murfsturf@telus.net
Subject: RE: Bylaw No. 0993, 2010; Bylaw No. 0994, 2010

RECEIVED

JAN 18 2011

F.V.R.D.

Lisa;

Thank you for getting back to me so quickly. I would also like it known for the record that we are full-time residents here at Hemlock Valley as well.

- Randy Murphy

From: lgrant@fvrd.bc.ca
To: skibum_murf@hotmail.com
Subject: RE: Bylaw No. 0993, 2010; Bylaw No. 0994, 2010
Date: Tue, 18 Jan 2011 00:06:10 +0000

Good afternoon Randy and Kristen

Thank you for your comments. They will be submitted to form part of the public hearing record and brought to the Regional Board for consideration.

Kind regards,

Lisa Grant
Planner 1
Fraser Valley Regional District
45950 Cheam Ave, Chilliwack B.C. V2P 1N6
Phone (604) 702-5000
Fax (604) 792-9684
lgrant@FVRD.bc.ca

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From: Randy Murphy [mailto:skibum_murf@hotmail.com]
Sent: January 17, 2011 10:25
To: Fraser Valley Regional District
Cc: Wendy Bales; Lisa Grant; murfsturf@telus.net; krissymurphy@hotmail.com
Subject: Bylaw No. 0993, 2010; Bylaw No. 0994, 2010
Importance: High

January 17th, 2011

To: Fraser Valley Regional District

Re: Bylaw No. 0993, 2010; Bylaw No. 0994, 2010

We own a property in the "affected area" on Edelweiss Drive and find these bylaw proposals unacceptable. Therefore, we are **AGAINST** this amendment.

Lisa Grant

From: Wendy Bales [larkspurlandscapes@shaw.ca]
Sent: January 18, 2011 21:42
To: Lisa Grant
Cc: murfsturf@telus.net
Subject: FW: Hemlock Valley Rezoning, Meeting Jan. 20th, 2011

Hi Lisa,

Since Robert Salikan will be out of town, he would like his below letter to be submitted for the record.

Thanks,
Wendy Bales
Area C Director

From: ROBERT SALIKAN [mailto:robertsalikan@shaw.ca]
Sent: Monday, January 17, 2011 4:35 PM
To: Wendy Bales
Subject: Hemlock Valley Rezoning, Meeting Jan. 20th, 2011

Hi Wendy,

Unfortunately I will not be able to attend the Public Hearing scheduled for Jan. 20 as I will be out of town. FVRD did not notify me of this date and I arranged my flight dates several weeks ago. As you know, this rezoning will negate the value of the affected (blue zone) properties, and in some cases life savings of the owners. Therefore of course we reiterate our objection to the rezoning as it is proposed. We believe planning staff and representatives may not be aware of workable and achievable alternative solutions that would be more equitable and provide a win-win solution. We urge the FVRD to not pass this Third Reading, and to refer this rezoning back to planning staff to do more intensive investigation and planning of other alternatives. If this rezoning (and transfer of density and utility service allotments from our lots to others) proceeds in this form, then we will lose levers that currently exist to work out an equitable solution for all. We note that Barry Penner, MLA and heads of various government departments including Transport, Forest, Tourism, etc. have all recommended that the FVRD strive to work out an equitable solution.

Thank you,
Robert Salikan MAIBC AAA MRAIC
Salikan Architecture Inc.
Tel. 604-688-0100
Cell 604-219-0468

RECEIVED
JAN 18 2011
F.V.R.D.

Lisa Grant

From: G WILSON [gpwilson@shaw.ca]
Sent: January 19, 2011 21:55
To: Fraser Valley Regional District; Lisa Grant
Cc: kamckeen@shaw.ca; sijaeger@telus.net; Lisa Grant; skibum_murf@hotmail.com; pvlek@shaw.ca
Subject: Hemlock Valley Rezoning Application

NEW - PUBLIC HEARING
Zoning Amendment Bylaw No. 0993, 2010 and
Official Community Plan for a Portion of Electoral Area "C" Bylaw No. 0994, 2010

January 20, 2011 at 7:00 pm
Deroche Community Hall
41555 North Deroche Road, Deroche, BC

As we are unable to attend the January 20th meeting at the Deroche Community Hall regarding the proposed Zoning Amendment to By-Law No. 0993, we would like to express that we are firmly against the proposed change.

Our understanding is that the most recent study came out to show this area to be medium to low risk for avalanche so therefore we question the need to rezone the area!!

As property owners on Eidelweiss Drive for over 25 years, this zoning change will have a negative impact on property values and our ability to sell our unit in future.

I do question the timing of this rezoning application as it appears to be concurrent with the proposed Mountain development plan, and the beneficial effect that this re-zoning would have on the Mountain's ownership as to their development plans with respect to water and sewer issues.

In addition ...could it be the proposed ski runs that may be the reason for the avalanche concerns above Eidelweiss Drive. One can only speculate, but one does wonder...

To reaffirm, please accept this email as a negative response to this zoning change!

We would appreciate your acknowledgement of this email.

Yours truly,

Gerry & Pat Wilson
16166 78th Ave
Surrey, BC
V4N 0T8
604-597-8799
Rocky Bluff #10

Pat & Gerry Wilson

RECEIVED
JAN 19 2011
F.V.R.D.

Lisa Grant

From: LINDA WEBSTER [linweb007@shaw.ca]
Sent: January 19, 2011 19:30
To: Fraser Valley Regional District
Cc: Lisa Grant
Subject: Hemlock Valley Rezoning Public Hearing

Attn: Fraser Valley Regional District

Dear Sirs

re\;

NEW - PUBLIC HEARING

Zoning Amendment Bylaw No. 0993, 2010
and
Official Community Plan for a Portion of
Electoral Area "C" Bylaw No. 0994, 2010

January 20, 2011 at 7:00 pm
Deroche Community Hall
41555 North Deroche Road, Deroche, BC

It's just come to my attention that there's a meeting scheduled for January 20th, to discuss the rezoning of property that I own on Edelweiss. Unfortunately, I am presently on holidays, and will be unable to attend, so please accept this as being my comments with respect to this proposed By-Law change.

While I appreciate the issue that the Regional District might feel that it faces, rezoning the properties in question will have a definite and dramatic effect on property values, and I view this as being in effect an expropriation of property rights, without my being compensated for same. Furthermore, I question the need for said rezoning, as to my knowledge there has never been a slide in the area in question, and in the 25 plus years that I have owned the property in question, there has never been a slide, so I do question the need for rezoning the property in question.

As a further comment, I find it rather interesting that this rezoning application appears to be concurrent with the proposed Mountain development plan, and the beneficial effect that this re-zoning would have on the Mountains ownership as to their development plans with respect to water and sewer issues. One can only speculate, but one does wonder...

Needless to say, I am firmly against this proposed rezoning, as i view it as simply being an expropriation by the Regional District without any form of compensation to the owners in question. If the regional district does pass this rezoning By-law, I would expect the Regional District to expropriate the properties so effected.

Yours,

Dave Webster
(604) 941-6259
2703 Alice Lake Place
Coq, B.C.
V3C- 5W8

January 18/2011

We are full time Hemlock Valley Home owners, and we reside at :

47075 Snowmist Drive

Legal: Lot 5, Plan NWP 58157 , District Lot 4132, Group 1, New Westminster Land district.

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We also own other properties at Hemlock:

47062 Snowmist Place

Legal: Lot 1 PL 65552 DL: 5671

JAN 19 2011

F.V.R.D.

47065 Snowmist Drive: (owned in partnership with our children)

Legal: Lot 6, Plan NWP 58157, District Lot 4132, Group 1, New Westminster Land district.

We are not satisfied with the proposed land use zoning for parts of Hemlock Valley. With the new Master Plan that the Resort has put forth, we feel the proposed zoning is a poor use of space. Phase one of the new plan, will center around Laurel Road, not Snowflake Crescent.

We, as home owners on Snowmist Drive would prefer to see more multi-family and some commercial. Geo-technical hazards are minimal in our area and lot sizes are comparable to those in other municipalities.

We propose there be more properties designated minimum duplex, but preferably multi family, as the area will most certainly be a part of the growth that is in store for the Hemlock community.

As home owners and full time residents, we fully understand the ramifications of the water and sewer systems. But, as the utilities are tied to the growth of the Resort community, we feel sure, that the water system will be brought into compliance long before more doors in the new community plan are put in place.

It is our understanding, that the sanitary system that is in place, may need some up-grading, but is more than sufficient to handle multi units that are predominantly used only a few weeks per year.

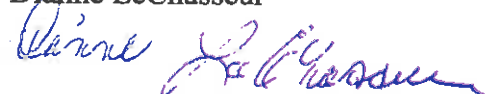
It will be some time before Hemlock is considered a bedroom community to other parts of the Fraser Valley. We, should be prepared for growth as a Resort community, and not predominantly a single family unit development.

Signed:

Bert LeChasseur



Dianne LeChasseur



Lisa Grant

From: Drew Bourne [DrewB@petersonbc.com]
Sent: January 20, 2011 13:46
To: sjgreen@mars.ark.com
Cc: robertsalikan@shaw.ca; Lisa Grant; Wendy Bales
Subject: Our conversation

Hi Stewart: I'm writing this just to remind myself what we discussed. If the FVRD wants to allow construction on blue zone properties, the onus is on them to establish the standards that need to be met. This was done in the past by the resort when they were the defacto approving authority via the old District of Frazer Chiam. Our original building permit was approved on the basis of standards set by the resort, at their initiative and cost. Our engineer was then required to meet those standards. That's what engineers do. They don't set the standards, they comply with them. The obligation to set those standards is with the authority having jurisdiction. For the FVRD to suggest that individual property owners are required to effectively set their own standards via some investigation by an engineer hired by them is nothing less than frivolous. Just try to find an engineer that would participate in such an exercise for any amount of fee. These sorts of standards are established for the public good, by government authorities to apply as appropriate. Snow loads, design live loads, seismic criteria and so on are all established for the public to use when designing structures. For example, property owners (or their engineers) are not required to do earthquake studies to establish seismic design standards when applying for a building permit, how could they? They and their engineers have no ability do this. Similarly, the public does not have the ability or mandate to establish standards for structures in an acknowledged avalanche zone. The revised avalanche assessment establishes that the blue zone is not safe for habitable uses. To suggest that the onus is now on individual property owners to find some way around this is not only completely impractical it borders on negligence. In any practical sense, it can't be done. With respect to this issue, this entire exercise appears to be a sham. Just don't know what else to say. The FVRD may think they have no obligation to the property owners to compensate them for their probable loss, but I'm not so sure about the Province. They approved this subdivision and have provided compensation for exactly the same reasons in the past. When will common sense prevail? Pass this on to others at your discretion.....Drew



Drew Bourne, MAIBC
Project Manager
Direct: 604-699-2281
Email: drewb@petersonbc.com

Peterson Investment Group Inc.
1166 Alberni Street, Suite 1701
Vancouver, BC, Canada V6E 3Z3
Tel: 604-688-4885
Fax: 604-688-3245
www.petersonbc.com

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The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Hemlock Valley Homeowners Association
P.O. Box 3363
Mission B.C. V2V 4J5
info@hvha.ca
www.hvha.ca

January 18, 2011
Fraser Valley Regional District
45950 Cheam Avenue
Chilliwack, BC
V2P 1N6

RECEIVED
JAN 20 2011
FVRD

Attention: Ms. Lisa Grant, Planner

Dear Ms. Grant:

Re: Hemlock Valley Zoning Amendment, Bylaw 0993, 2010

The Hemlock Valley Homeowners Association (HVHA) looks forward to the January 20, 2011 public forum regarding proposed amendments: Bylaws 0993 and 0994. This letter will outline three main concerns that remain for the HVHA:

- 1) Proposed text amendment (Bylaw 0994):** We oppose the proposed text amendment to the Official Community Plan, Bylaw No. 0030, 2000, Part II, Schedule "A" Section 3.4.1 (B) that would change the word "*shall*" to "*should*".
- 2) Proposed new restrictions to temporary tourist accommodation for 'Blue' area properties (Bylaw 0993):** Based on the October 2010 update to the 2000 avalanche report, the 19 properties remaining in the Blue area would no longer have temporary tourist accommodation as a permitted use. This will have a negative impact on the value of those properties.
- 3) Off-street parking requirements for RST-4 and RST-5 zones (Bylaw 0993).** The proposal is that Medium and High density residences built on lots zoned RST-4 and RST-5 would be required to provide off street parking for only 1.5 automobiles per dwelling unit. The HVHA believes that all residential developments in Hemlock Valley should be required to provide off street parking for 2 automobiles per dwelling unit, as is proposed for the RST-2 and RST-3 zones. The majority of homeowners in Hemlock Valley use their dwellings for recreational purposes, and so there are many units with more than one family as owners, which means more than one automobile. For full time residents, since there is no transit available, most families will have at least 2 automobiles.

With these concerns outstanding, the HVHA is not in favour of the proposed Bylaws 0993 and 0994. We welcome the opportunity to work with FVRD on these issues and the upcoming consultative process.

Sincerely,

Brian Murphy
President, HVHA
P: 604-465-4661
E: murfsturf@telus.net
cc: Wendy Bales, Area C Elected Representative
cc: HVHA Directors

Lisa Grant

From: Debbie Trustham [debbie@tirexresources.com]
Sent: January 20, 2011 11:24
To: Lisa Grant
Cc: Mary Hofer; Paul Trustham
Subject: RE: NEW - PUBLIC HEARING; Thursday January 20th, 2011

Thanks Lisa. In addition to our comments below, I would also like to add that we have a six and eight year old son that spend almost every weekend skiing at Hemlock. Safety is obviously a concern for us. If this is deemed to be unsafe (or having an increased safety risk), why were these approved for building 25 years ago? Like every mother or father, I want my family to be in a safe environment; we invested our hard earned money for our family's enjoyment. Now we are told that this building carries extra risk but where was that determination when these were approved for building?

Rezoning does not solve the problem because now you are telling me my investment is worth much less than we paid and you are telling me that my family is at an increased risk staying in that building.

If this risk is present now, this risk was present 25 years (approx) when these were built. There has to be a better solution for the homeowners involved.

Can you please include these comments in the public hearing record as well....I'd appreciate it.

Thank you,
Debbie Trustham

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JAN 20 2011

FVRD

From: Lisa Grant [mailto:lgrant@fvrd.bc.ca]
Sent: Thursday, January 20, 2011 11:01 AM
To: Debbie Trustham
Cc: Mary Hofer; Paul Trustham
Subject: RE: NEW - PUBLIC HEARING; Thursday January 20th, 2011

Good morning Debbie, Paul and Mary

Thank you for your comments. They will form part of the public hearing record and brought to the Regional Board for consideration.

Kind regards,

Lisa Grant
Planner 1
Fraser Valley Regional District
45950 Cheam Ave, Chilliwack B.C. V2P 1N6
Phone (604) 702-5000
Fax (604) 792-9684
lgrant@FVRD.bc.ca

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Lisa Grant

From: Debbie Trustham [debbie@tirexresources.com]
Sent: January 20, 2011 10:57
To: Lisa Grant; Fraser Valley Regional District
Cc: Mary Hofer; Paul Trustham
Subject: NEW - PUBLIC HEARING; Thursday January 20th, 2011

Hello,

I am sending this email to express our opposition to the bylaw/zoning amendment proposal listed below as this will have a serious negative impact on our property value.

Thank you,

Debbie and Paul Trustham and Mary Hofer
Unit 8, Rocky Bluff
Edelweiss Drive

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JAN 20 2011

FILED

NEW - PUBLIC HEARING

Zoning Amendment Bylaw No. 0993, 2010

and

Official Community Plan for a Portion of
Electoral Area "C" Bylaw No. 0994, 2010

January 20, 2011 at 7:00 pm
Deroche Community Hall
41555 North Deroche Road, Deroche, BC

Lisa Grant

From: Bryan Slusarchuk [bryan@skanderbegcapital.com]
Sent: January 20, 2011 10:47
To: Fraser Valley Regional District; Lisa Grant
Subject: opposition to bylaw ammendment proposals

As a property investor in the Fraser Valley Regional District, in particular at Hemlock Valley, I provide this email to express my opposition to the bylaw amendments being discussed at the Zoning/OCP Public Hearing being held Thursday, January 20th, 2011. These new bylaw amendments have potential serious negative impacts on the area if implemented.

Regards,
Bryan Slusarchuk

Bryan Slusarchuk, Partner
Skanderbeg Capital Group
700 - 510 West Hastings St.
Vancouver, BC
V6B 1L8

FVRD ITEM RECEIVED

JAN 20 2011



Tel. 604-687-7160
Fax. 604-687-7165

www.skanderbegcapital.com

File: 10550-20/FVRD

December 9, 2010

Lisa Grant
Fraser Valley Regional District
45950 Cheam Avenue
Chilliwack, B.C.
V2P 1N6

Dear Lisa Grant:

Thank you for your referral of **Bylaws 0993, 2010 & 0994, 2010.**

The Ministry of Natural Resource Operations (MNRO), formerly known as Ministry of Forest and Range, would like to provide the following comments for consideration:

The areas shown on the maps attached to the two referrals have forestry related interest by two licensees which have Forest Development Units (FDU) approved under their respective Forest Stewardship Plans (FSP). These FDUs and licensees are described below.



FSP #	FSP Holder(s)	FDU
174	BC Timber Sales, Chinook Business area	West Harrison
139	Tamihi Logging Co. Ltd Weyerhaeuser Company Ltd. 606546 B.B Ltd Seabird Island Forestry Ltd. Limited Partnership	West Harrison

The licensees would conduct operations (harvesting or road construction) as per the Result Strategies (R/S) approved under their FSPs. These R/S would address the legislated requirements to properly manage the resources.

One of the requirements, mentioned above, is to manage for visual quality. It is important to know that the majority of the area in question is classified as Partial Retention. This designation is defined by the Forest and Planning Practices Regulations (FPPR) as follows:

partial retention: *consisting of an altered forest landscape in which the alteration, when assessed from a significant public viewpoint, is:*

Page 1 of 2

Lisa Grant

From: Crump, Jon TRAN:EX [Jon.Crump@gov.bc.ca]
Sent: January 18, 2011 15:57
To: Lisa Grant
Subject: Bylaw Referral for Bylaws 0993,2010 and 0994,2010 Hemlock Valley
BC MoT File:
2010-06287

Lisa,

The Ministry of Transportation and Infrastructure does not regulate or have any jurisdiction over property use in this unorganized territory.

With this stated, the Ministry of Transportation and Infrastructures interests are unaffected by the Bylaws.

Thank you,

Jon Crump, Operations and Development Technician
Ministry of Transportation and Infrastructure, Chilliwack Area Office
45890 Victoria Avenue Chilliwack BC V2P 2T1
Phone(604)795-8217 Mobile (604)798-5289 Fax (604)795-8214

From: Meeks, Tori NRO:EX [<mailto:Tori.Meeks@gov.bc.ca>]

Sent: January 5, 2011 09:20

To: Lisa Grant

Subject: FW: Reminder: FVRD Bylaw Referral for Bylaws 0993,2010 and 0994, 2010 Hemlock Valley

Hi Lisa,

With respect to this referral, we have reviewed the referral package and would like to provide the following comments:

Bylaw 0993, 2010 – Zoning Bylaw Amendment. The Resort Development Branch is supportive of the FVRD's efforts to update and amend the Zoning Bylaw for the Hemlock Resort area and we do not have any concerns with the proposed amendments. As you are aware, we are currently in the process of reviewing a Master Plan for the resort, and if approved, further amendments to the Zoning Bylaw and OCP will be required. We look forward to continuing to work with the FVRD during the Master Plan review process.

Bylaw 0994, 2010 – OCP Amendment. The Resort Development Branch has received the updated Snow Avalanche Report from the FVRD and recognises that it is important to amend the OCP to reflect the most up to date findings with regard to hazard ratings. The snow avalanche report has also been given to the resort planners for their information and reference so that the appropriate considerations can be made with regard to the resort design and development. The Resort Development Branch will continue to work with the FVRD to find solutions to the outstanding issues that have resulted from the avalanche risk in the area.

Thanks,
Tori



RESPONSE SUMMARY

FVRD Bylaw No. 0994, 2010

- Interests Unaffected by Bylaw
- Approval Recommended for Reasons Outlined Below
- Approval Recommended Subject to Conditions Below
- Approval Not Recommended Due to Reasons Outlined Below

Comments:

TEXT AMENDMENT
 (A) ORIGINAL MEANING SHALL BE GUIDED
 BY THE BUILDING SCHEMES NOT STANDARD

Name: Brian Maych / PCCS
 Date: _____

Agency: H.V.R.D.

* Your response is routinely supplied to the Ministry of Community Services as part of the bylaw approval process.



RESPONSE SUMMARY

FVRD Bylaw No. 0993, 2010

- Interests Unaffected by Bylaw
- Approval Recommended for Reasons Outlined Below
- Approval Recommended Subject to Conditions Below
- Approval Not Recommended Due to Reasons Outlined Below

Comments:

- Rental + Residential Restrictions
Imposed By FVRD Around / on
EDAL WEISS DRIVE

- Not enough parking on Higher Density
Properties mind not 1.5 cars.

Name: R. Ly. P. 2002.

Date: _____

Agency: HVHA

* Your response is routinely supplied to the Ministry of Community Services as part of the bylaw approval process.

From: [Ralph Berezan](#)
To: [Fraser Valley Regional District](#)
Cc: [Chris Yakabuski](#); [Babu Kadiyala](#); [Rob Schaefer](#); [Andrea Antifaeff](#)
Subject: ZONING AMENDMENT BYLAW 0993 AND BYLAW 0994
Date: Friday, January 07, 2011 7:11:39 AM
Attachments: [image003.jpg](#)

To Fraser Valley Regional District

WE ARE AGAINST THIS AMENDMENT
WE OWN NUMEROUS PROPERTY IN THIS AREA

Ralph Berezan

Ralph M Berezan
Berezan Management Ltd.
210- 8399 200th Street
Langley, B C
V2Y 3C2
Phone 604 882 0808
Direct 604 455 5005



visit our website at www.berezan.ca