

**OFFICIAL COMMUNITY PLAN**  
**For Sumas Mountain, Electoral Area “H”**  
**BYLAW NO. 584, 2003**

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Fraser Valley Regional District  
Consolidated OCP Bylaw No. 584  
Sumas Mountain, Area "H"

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## Adopting Bylaw

### FRASER VALLEY REGIONAL DISTRICT

#### Bylaw No. 0584, 2003

#### A Bylaw to Adopt the Official Community Plan for Electoral Area “H”, Sumas Mountain

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**WHEREAS** The Fraser Valley Regional District was incorporated by Letters Patent effective December 12, 1995;

**AND WHEREAS** Article 12 of the Letters Patent incorporating the Fraser Valley Regional District provides for the dissolution of the Central Fraser Valley Regional District, Dewdney-Alouette Regional District and the Regional District of Fraser-Cheam effective as and from midnight, December 11, 1995;

**AND WHEREAS** Article 10 of the Letters Patent incorporating the Fraser Valley Regional District provides that all bylaws of the former Central Fraser Valley Regional District, Dewdney-Alouette Regional District and Regional District of Fraser-Cheam in force and effect at the time of the dissolution of the above-named regional district shall continue to apply to the area of the regional district to which they applied at the time of dissolution;

**AND WHEREAS** the Board of Directors of the Fraser Valley Regional District has deemed it advisable to: replace provisions of Central Fraser Valley Regional District Sumas Mountain Rural Land Use Bylaw No. 500-1992 which are deemed to be provisions of an official community plan pursuant to Section 873.1 of the Local Government Act; and, adopt an Official Community Plan as provided for in Sections 875, 876, 877, 878, 879, 881, 882, and 884 of Part 26 of the Local Government Act, being Chapter 323 R.S.B.C., 1996, for Electoral Area “H”, Sumas Mountain.

**NOW THEREFORE** in open meeting assembled, the Board of Directors of the Fraser Valley Regional District enacts as follows:

#### **I. CITATION**

This bylaw may be officially cited for all purposes as the “Fraser Valley Regional District Official Community Plan for Electoral Area “H”, Sumas Mountain, Bylaw No. 0584, 2003”.

#### **II. AREA OF APPLICATION**

## Adopting Bylaw

This bylaw shall apply to the areas shown on the map attached hereto as Schedule A Official Community Plan Area Boundary and forming an integral part of this Bylaw.

### III. SCHEDULES

That the “Fraser Valley Regional District Official Community Plan for Electoral Area “H”, Sumas Mountain, Bylaw No. 0584, 2003” is comprised of the following Schedules:

Schedule A	Official Community Plan Area Boundary
Schedule B	Official Community Plan
Schedule 1	Land Area Designations
Schedule 2	Transportation Network
Schedule 3	Geologic and Stream Hazards
Schedule 4	Floodplain
Schedule 5	Development Permit Area 1-H
Schedule 6	Development Permit Area 2-H

which schedules are attached hereto and form part of this bylaw.

- IV. That the Schedules listed in Paragraph III be an integral part of this bylaw.
- V. Upon adoption by the Regional Board, the said Schedules B, 1, 2, 3, 4, 5 and, 6, signed by the Chair and Secretary, constitute the Official Community Plan applicable within Electoral Area “H” of the Fraser Valley Regional District as outlined on Schedule A, Official Community Plan Area Boundary.
- VI. If any schedule, section, subsection, sentence, clauses or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.
- VII. That Central Fraser Valley Regional District Sumas Mountain Rural Land Use Bylaw No. 500-1992, is hereby amended by repeal of: *Section 4: Development Goals, Objectives, Policies; Section 5 Intergovernmental Concerns;* and, Schedules B, C, D, and F.

### VIII. READINGS AND ADOPTION

READ A FIRST TIME THIS	22 <sup>nd</sup> DAY OF JULY, 2003
READ A SECOND TIME THIS	16 <sup>th</sup> DAY OF SEPTEMBER, 2003
A PUBLIC HEARING WAS HELD ON THE	29 <sup>th</sup> DAY OF SEPTEMBER, 2003

## Adopting Bylaw

READ A THIRD TIME THIS

25<sup>th</sup> DAY OF NOVEMBER, 2003

APPROVED BY THE MINISTER OF  
COMMUNITY, ABORIGINAL AND  
WOMENS SERVICES ON THE

4<sup>th</sup> DAY OF October, 2004

ADOPTED THIS

26<sup>th</sup> DAY OF October, 2004

[original signed by Terry Raymond]  
Chair / Vice-Chair

[original signed by Gerry Kingston]  
Administrator/Deputy

### IX. CERTIFICATIONS

I hereby certify the foregoing to be a true and correct copy of Fraser Valley Regional District Bylaw No. 0584, 2003 as read a third time by the Board of Directors on the 25th day of November, 2003. Dated at Chilliwack, BC this 25th day of November, 2003.

[Gerry Kingston]

\_\_\_\_\_  
Administrator / Deputy

I hereby certify that this is a true and correct copy of Bylaw No. 0584, 2003 adopted by the Board of Directors of the Fraser Valley Regional District on the 26th day of October, 2004. Dated at Chilliwack, BC this 28<sup>th</sup> day of October, 2004.

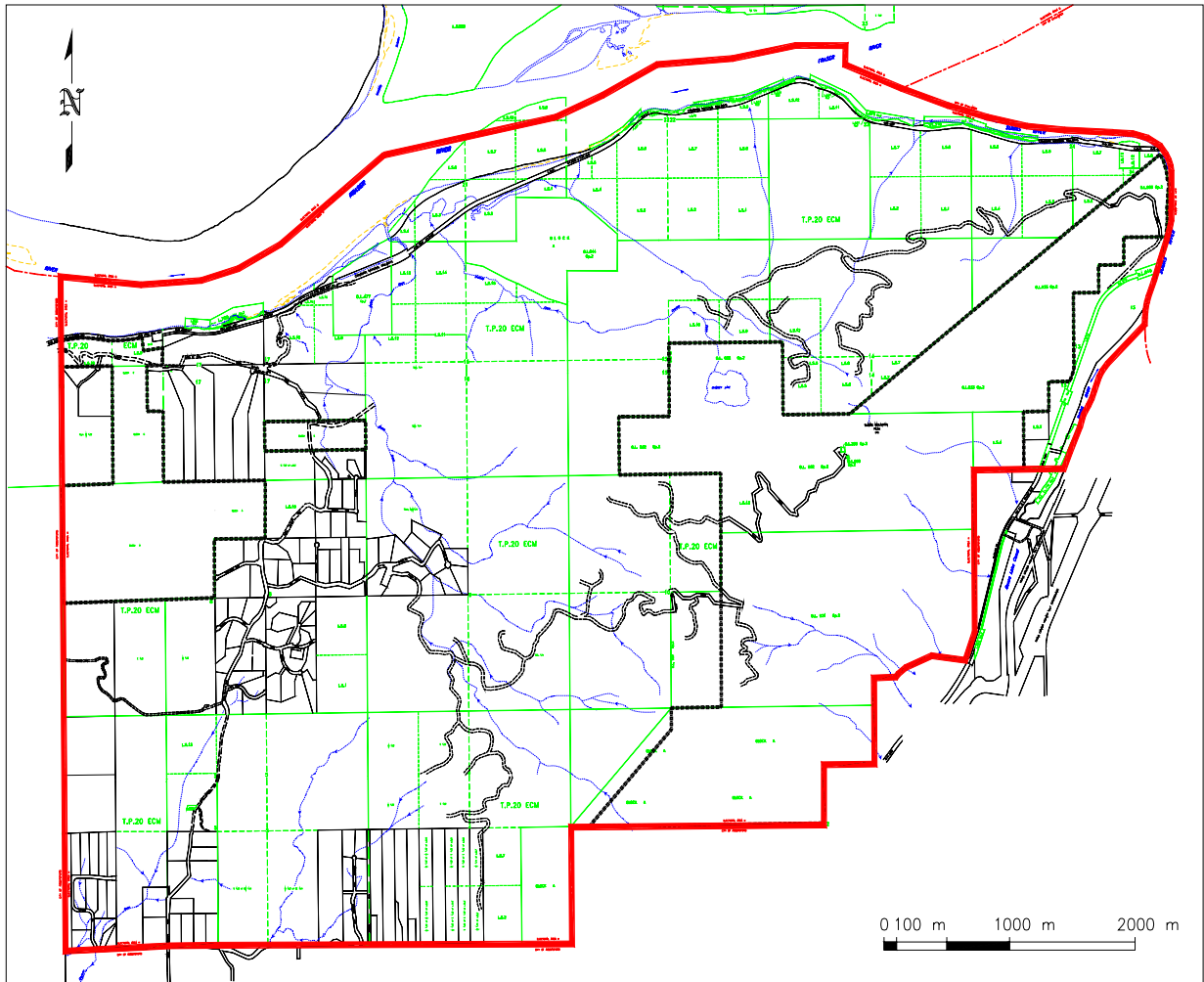
[Gerry Kingston]

\_\_\_\_\_  
Administrator / Deputy

**Schedule "A"**  
**Official Community Plan Area Boundary**

**FRASER VALLEY REGIONAL DISTRICT**  
**OFFICIAL COMMUNITY PLAN FOR ELECTORAL AREA 'H'**  
**BYLAW No. 0584, 2003**


**Schedule A Official Community Plan Area Boundary**



Map Sheet: 92G.009, 019, 020

June 30, 2003

**LEGEND**

 Electoral Area "H" Official Community Plan Boundary

THIS IS OFFICIAL COMMUNITY PLAN MAP SCHEDULE 0584-A ATTACHED TO AND AN  
INTEGRAL PART OF FRASER VALLEY REGIONAL DISTRICT OFFICIAL COMMUNITY PLAN  
FOR ELECTORAL AREA 'H' BYLAW NO. 0584, 2003.

[original signed by Terry Raymond]  
Chair/Vice Chair

[original signed by Gerry Kingston]  
Administrator/Deputy



## **Schedule “B” Official Community Plan**

The objectives and policies in the Plan provide a framework for establishing specific regulations and for formulating land use decisions and recommendations of the Regional Board. This part of the Plan is organized into the following sections:

1. Introduction
2. General Policies
3. Land Area Designations
4. Infrastructure, Services and Development
5. Social Services
6. Parks
7. Conservation of the Environment
8. Natural Resources
9. Development Permit Areas
10. Temporary Use Permits
11. Interpretation

The Official Community Plan Schedules that form an integral and legal part of the Plan are available from the Regional District under separate cover, and are marked as:

- Schedule 1: Land Area Designations  
Schedule 2: Transportation Network  
Schedule 3: Geologic and Stream Hazards  
Schedule 4: Floodplain  
Schedule 5: Development Permit Area 1-H  
Schedule 6: Development Permit Area 2-H

## I. INTRODUCTION

In accordance with Sections 875 through 878 of the Local Government Act, the Official Community Plan identifies the general pattern of existing and future land use, the appropriate level of services and the conditions under which land may be developed or altered. Within the area designations, specific rural land use or zoning bylaws will prescribe the form and character of development.

### I.1 Organization of the OCP

The Introduction section of this Plan assists readers by outlining the organization of the document, listing community plan objectives and by addressing the general development concepts for the area. The General Policies section describes the effect of the Plan, provides an index to permitted uses and parcel sizes, describes special circumstances, procedures for nonconforming uses and presents the policies regarding review and amendment of the Plan. This is followed by specific Area Designation policies in conjunction with the map *Schedule 1: Land Area Designations*. Detailed policies are then presented for Infrastructure and Development Services, Social Services, Parks, Conservation of the Environment, and Natural Resources. This is followed by the rationale, designation and guidelines for Development Permit Areas. Finally, policies are established regarding Temporary Use Permits. Definitions of terms used in the Plan are provided in the Interpretation section at the end of the Plan.

Particular attention should be given to the wording of the Regional Board policies contained in the Plan:

“shall”	describes an imperative course of action which is within the scope of the Regional Board’s powers to provide, enact, regulate or enforce;
“should”	describes a desirable course of action to be taken by the Regional Board or other body or person;
“may”	describes a permitted course of action which is available to the Regional Board or other bodies or persons; and,
“will”	describes a result to be expected on the basis of present information.

The policies of the Plan may be implemented in a number of ways. Policies respecting matters within the jurisdiction of the Regional District can be implemented through the subdivision and development control process, including zoning bylaws and the issuance of permits. The Plan also contains advocacy policies which relate to matters that are the jurisdiction of provincial agencies or other authorities. Such policies may be implemented or advanced through liaison with the responsible authority, including referral responses.

The land area designation policies apply to the respective areas shown on *Schedule 1: Land Area Designations*. Each area designation contains the following:

**DESCRIPTION** is a brief outline and general summary of the purpose and rationale for the designation. The formal statements of the Regional Board policy are grouped under the

four following headings: General Policies; Designation Policies; Use Policies; and Subdivision Policies.

**GENERAL POLICIES** are the policies of the Regional Board regarding the amount and location of land to be designated and the local and regional development policies in a particular land area designation.

**DESIGNATION POLICIES** state the type of land placed in a particular designation and the conditions for extending existing areas or creating new areas in the designation as provided for in *Section 4: Land Area Designations* of the Plan.

**USE POLICIES** list the uses that may be permitted on land within a designation and, in some cases, state the standards under which a given permitted land use must be developed.

**SUBDIVISION POLICIES** specify the minimum lot size permitted for new subdivisions within a designation under various servicing and other conditions.

On questions of interpretation these sections should be consulted as the statements of Regional Board policy.

## 1.2 Identification of the Plan Area

Sumas Mountain is a prominent feature in the central Fraser Valley. It is an isolated mountain; about 800 metres in elevation, surrounded by relatively flat floodplain and the Fraser River at the north. Sumas Mountain is north of the Trans Canada Highway No. 1 and east of Matsqui Prairie.<sup>1</sup>

The Community Plan area - Electoral Area “H” - encompasses approximately 37 square kilometers of the north half of Sumas Mountain. It shares a border with the City of Chilliwack in the northeast along the Sumas River but it is otherwise surrounded by the City of Abbotsford at the west, south and southeast, and the Fraser River at the north. Area “H” includes lands with steep and mild terrain, many creeks, forests, wetlands, and a variety of habitat types and ecologies. Rural residential land uses predominate on private lands, though two aggregate quarries exist. Crown land is used for forestry, recreation and park uses. A map of the plan area is attached as *Map 1*.

## 1.3 Regional Context

This section considers both the regional context of Electoral Area “H” and how this Plan fits with *Choices for Our Future: The Regional Growth Strategy for the Fraser Valley Regional District*.<sup>2</sup>

### Regional Growth Pressures

<sup>1</sup> 1:50,000 map sheet NTS 92/G1 is useful for understanding Sumas Mountain and surrounding areas.

<sup>2</sup> *Choices for Our Future: Regional Growth Strategy for the Fraser Valley Regional District* received second reading from the Regional Board in September, 2003. It has not yet been adopted.

While the rate of population growth in the Fraser Valley is expected to slow down in relation to the past decade, the valley’s population could double over the next twenty to thirty years to approximately 450,000. Fraser Valley Regional District (the Region) is nearly 14,000 square kilometres in size although over 90% of the population resides on less than 1% of the land base. Although the land base is immense, only a small portion of the Region, mostly located in the fertile Fraser Valley floor, is considered habitable and virtually all development pressures are directed to this area.” However, growth on the valley floor is greatly constrained by the Agricultural Land Reserve. As a result, the expected growth will be accommodated by densifying existing urban centres and by new development in upland areas.

The pressure for development in upland areas will undoubtedly include Electoral Area “H”. The Straiton area of the City of Abbotsford, immediately to the south and east of the Plan area, is presently being developed and will eventually house about 13,000 persons with densities up to 30 units per hectare. The City has also designated additional areas adjacent to Electoral Area “H” as ‘Urban Reserve’ which are expected to receive urban development in the future. With urban development and municipal services in close proximity to the Plan area boundary, it can be expected that development pressure will be directed at Electoral Area “H”.

At the same time, local residents are most concerned that the ecological integrity of the Plan area and the Region be maintained. Sumas Mountain, and particularly the headwaters, forests and habitats of the Plan area, is regionally important in maintaining biological diversity, habitat, water quality and even air quality. In addition, the quality and quantity of surface and ground water from Area “H” impacts Sumas River, the Fraser River foreshore and other critical habitats. The importance of the environmental resources of the Plan area will likely increase over time as surrounding areas are developed.

### Compatibility with the Regional Growth Strategy

A regional growth strategy (RGS) provides a regional-scale framework for achieving socially, economically and environmentally healthy human settlements that make efficient use of public facilities, services, land and other resources. It sets out actions to guide long range decisions respecting future growth and change in the region.

Official community plans (OCPs) are an essential means of implementing a RGS. Community plans apply the broad goals of the RGS to local communities and provide detailed policies for achieving those goals as well as a range of

#### **Choices for our Future Regional Growth Strategy for the Fraser Valley Regional District**

##### **Vision**

The Fraser Valley Regional District will be a network of vibrant, distinct, and sustainable communities that accept responsibly managed growth while being committed to protecting the land resource and the natural environment to ensure that a high quality of life is accessible to all.

##### **Growth Management Goals**

1. Increase transportation choice and efficiency
2. Support and enhance the agricultural sector
3. Manage urban land responsibly
4. Develop a network of sustainable communities
5. Protect the natural environment and promote environmental stewardship
6. Achieve sustainable economic growth
7. Manage water, energy resources and waste responsibly

Source: *Choices for Our Future, Regional Growth Strategy for the Fraser Valley Regional District* received second reading from the Regional Board in September, 2003.

compatible community objectives.

Section 865 of the Local Government Act requires that all bylaws adopted by a regional district board, after the board has adopted a regional growth strategy, must be consistent with the regional growth strategy.

While the Regional Growth Strategy may be revised before it is adopted, it is wise to compare this Plan to the draft growth strategy to ensure it is consistent and compatible. This community plan is entirely consistent and complementary with *Choices for our Future, Regional Growth Strategy for the Fraser Valley Regional District* as it received second reading from the Regional Board in September, 2003.

#### 1.4 Community Plan Vision and Objectives

The objectives, area designations, and policies of this Plan are intended to achieve a vision of Electoral Area “H” that was set out by the Advisory Planning Commission and informed by the views of residents as expressed in the 2002 Community Planning Survey.

*Vision for Electoral Area “H”:*

*A community of low density rural residential neighbourhoods and low-impact recreational development connected by a network of local roads and trails that facilitate safe and efficient movement throughout the community by car, foot, bicycle and horseback. Development within the community is environmentally and economically sustainable and complements the Regional Park and Crown forest*

The objectives of the Official Community Plan for Electoral Area “H” are displayed in Table 1A. These objectives guide the formulation of policies and the implementation of the Plan. They are derived from a broad consultation process; a review of land use issues; the comments of community members and property owners; input from First Nations; and the policies of provincial and federal government agencies. Achieving these general objectives will require a careful balancing of priorities in specific situations.

The area designations and policies of the Plan encourage the maintenance of the rural character of the area, the preservation of environmentally sensitive areas, and rural development in areas safe from hazardous conditions. These designations and policies are formulated on the basis of Plan objectives, terrain, hydrological and physical characteristics, existing land use and subdivision, highway and road safety concerns, development servicing needs, as well as the requests and suggestions of property owners and government agencies.

**Table I-A**  
**Official Community Plan Objectives**

1. To maintain the rural landscape and lifestyles of Electoral Area "H"
2. To accommodate rural residential development, at a maximum density of one unit per two hectares, in areas safe from hazards, and where on-site services can be provided
3. To provide for low impact, low density commercial recreation development where appropriate
4. To ensure that no public sewer, water or stormwater systems will be required as long as the area remains at a rural density
5. To direct development away from hazard and environmentally sensitive areas
6. To conserve the environment and ecology of Electoral Area "H" and minimize the environmental impacts of development
7. To protect the potential for development of a broader range of uses at higher densities
8. To resist pressure for premature development

## 2. GENERAL POLICIES

### 2.1 Effect of the Plan

- 2.1.1 In accordance with the provisions of the Local Government Act, the Regional Board is required to comply with the policies of the Official Community Plan as follows:
- (a) A zoning bylaw enacted prior to the effective date of this Plan is not altered by this Plan. Where such a bylaw is amended, the amending bylaw must be consistent with the provisions of the Official Community Plan.
  - (b) In accordance with Section 884(1) of the Local Government Act, the adoption of this Plan does not commit the Regional Board or any other governmental body to undertake any project outlined herein, nor authorize the Regional Board or any other governmental body to proceed with a project except in accordance with the procedures and restrictions laid down by any Act.
  - (c) In accordance with Section 884(2) of the Local Government Act, all bylaws enacted and works undertaken by the Regional Board shall be consistent with the Official Community Plan.
- 2.1.2 A legally established land use which does not conform to the zoning bylaws may be rezoned to render it conforming regardless of the use policy for the land area designation in which it is located, provided that rezoning applies only to that portion of the parcel in which the nonconforming use is situated.

### 2.2 Use of Crown Lands

The area designation and policies of this Plan may not apply, or may not be binding on, lands or resources owned and administered by federal and provincial governments. Regulating the use of federal land is beyond the jurisdiction of local governments. As well, the use and development of Crown provincial lands by the provincial government, or an agent of the provincial government, is immune to local government regulations and policies.

Tenants or third party users of Provincial Crown land for non-governmental purposes are subject to local bylaws and regulations. The exception is mineral and aggregate extraction which is not considered to be a use of the land under provincial legislation and is therefore not subject to prohibition in local zoning bylaws. This issue and others associated with resource extraction are addressed in *Section 8: Natural Resources* of this Plan.

The Canadian National Railway right-of-way crosses through the Plan area. Inter-provincial railways and railway undertakings fall under federal jurisdiction and are not subject to the land use regulations of the Regional District.

While local government regulations may not be binding on federal and provincial governments and national railways, the provisions of the Plan should be taken into account by those bodies as an expression of Regional Board objectives and a basis for co-operation between different levels of government. Should a government ministry, agency or other

organization propose a development which is contrary to the policies of this Plan, then the Responsible Authorities are encouraged to make application for Plan amendment as outlined in this Plan. Not only would the application allow the Board to express its interest in the proposed development and provide for public input at a local level, but this procedure will enable the Regional Board to adjust policies for adjacent land over which it has jurisdiction and thereby securing integrated and compatible development throughout the Plan area.

It is policy of the Regional Board that:

- 2.2.1 The provincial government should use Crown land in a manner that conforms to FVRD bylaws and regulations.
- 2.2.2 Where a government ministry, agency or other organization proposes a land use which is contrary to the policies of this Plan, the Responsible Authorities are encouraged to make application for Plan amendment as outlined in this Plan.

### **2.3 Permitted Uses and Parcel Sizes**

The area designations provide for a range of land uses and outline the conditions of use. The permitted land uses are identified within the use policy section for each area designation, and in greater detail in the zoning bylaws. A summary index of the permitted land uses in area designations is provided in Table 2A for convenience. Specific conditions of such uses may apply, as prescribed in land area designations or other parts of this Plan, zoning bylaws and other regulations.

The land area designations also provide minimum parcel size policies for subdivision, which are summarized in Table 2A and detailed in the various land area designations of this Plan. Minimum parcel sizes are established based on a number of factors including: the suitability of the land for on-site services; hazards; access; community planning objectives; regional growth strategies; environmental carrying capacity and thresholds; and others. Effective planning is predicated on an ability to predict density levels, servicing levels and environmental impacts over a given period of time.



Table 2A – Area Designations and Permitted Land Uses\*

Permitted Land Uses <sup>1</sup>	RURAL	AGRICULTURAL	LIMITED USE	PARK	INSTITUTIONAL	FOREST
<b>RESIDENTIAL</b>						
Single Family Residential	✓	✓	✓			
Accessory Residential	✓	✓	✓			
Associated Rural Residential Uses	✓	✓	✓			
<b>INDUSTRIAL &amp; RESOURCE</b>						
Resource Extraction <sup>2</sup>			✓			✓
Resource Industrial <sup>3</sup>			✓			✓
Agriculture	✓	✓	✓			
<b>COMMERCIAL</b>						
Low Density Commercial	✓		✓			
Recreation						
<b>INSTITUTIONAL</b>						
Park and Park Reserve	✓	✓	✓	✓	✓	✓
Semi-public Use	✓		✓	✓	✓	
Public Use	✓		✓	✓	✓	✓
Conservation Use	✓	✓	✓	✓	✓	✓
Recreation Use		✓		✓	✓	✓
Institutional Use					✓	

<sup>1</sup> Table 2A is intended as a summary of the uses provided for within each land area designation. Land area designations within this Plan, and zoning bylaws, may establish conditions of use. Various approvals, including rezoning or development permits, may be required before a specific use is permitted.

<sup>2</sup> Aggregate Extraction Uses: The Regional Board, through zoning or an Official Community Plan, cannot prohibit aggregate extraction uses. It is the policy of the Regional Board that extraction uses should occur only where provided for in a zoning bylaw. FVRD Soil Removal and Deposit Bylaw No. 359, 2000 applies to all aggregate extraction activities.

<sup>3</sup> Resource Industrial uses are permitted only where permitted by zoning and, if applicable, soil removal and deposit bylaw. Please see policies 3.3.10 and 4.1.9.

Table 2B – Area Designations and Parcel Sizes for Subdivision\*

Land Area Designation	Minimum Parcel Size
RURAL	2 hectares (4.94 ac), or subject to rezoning, the clustering of parcels not less than 0.8 hectares may be permitted
AGRICULTURAL	8 hectares (19.77 ac) in floodplain areas; 4 hectares (9.88 ac) outside floodplain areas
LIMITED USE	8 hectares (19.77 ac)
PARK	as required in the interests of responsible park management
INSTITUTIONAL	as required for the delivery of public services
FOREST	35 hectares (86.48 ac)

\* Table 2B is intended as a summary of parcel size policies within each land area designation. Various approvals, including rezoning or development permits, may be required.

It is policy of the Regional Board that:

- 2.3.1 New land uses shall accord with the area designation use policies, subject to the policy in 2.3.2.
- 2.3.2 Where an existing legally established use is at variance with the use policies of the area designation, an extension of that use into an adjacent portion of the same parcel may be permitted by the Regional Board through rezoning.
- 2.3.3 The minimum parcel size for any parcel created pursuant to Section 946 of the Local Government Act (the “subdivision for relative” clause) should be the minimum parcel size established by this Plan for the land area designation in which the parcel is located.
- 2.3.5 A bylaw pursuant to Section 946(4) of the Local Government Act will be developed to establish the minimum size for a parcel within Electoral Area “H” that may be subdivided under Section 946.

## 2.4 Residential Land Use

This Plan permits single family residential use in all designations except PARK, FOREST and INSTITUTIONAL. Under certain conditions, a second dwelling may be permitted on large parcels by zoning amendment. Mobile home and RV parks, commercial campgrounds, holiday home parks and multi-family dwellings are prohibited within the Plan area. Such uses require public services such as water and sewer that are not available within the Plan area. Moreover, the policies of this Plan are intended to ensure that no such public services will be required while the area remains at rural densities.

It is policy of the Regional Board that:

- 2.4.1 Single family residential uses shall be permitted in all designations with the exception of the PARK, FOREST and INSTITUTIONAL land area designations. These uses include single-family dwellings, mobile homes and modular homes, constructed on a foundation which meets the National Building Code standards.
- 2.4.2 In areas designated Rural and Limited Use, under certain conditions zoning regulations may be established to permit second dwellings on parcels that are larger than the minimum parcel size for subdivision in the applicable land area designation.
- 2.4.3 The Official Community Plan for Electoral Area “H” does not permit mobile home parks, commercial campground and RV parks, holiday home parks, or multi-family residential dwellings to be located within the Plan area.

## 2.5 Associated Rural Residential Use

Associated rural residential uses include a variety of uses associated with, but clearly ancillary to, a rural residential use. They are typically small-scale, low impact, commercial activities which occur either within the dwelling (a home occupation or bed & breakfast, for example) or in a separate structure (i.e. an artisan craft workshop).

It is policy of the Regional Board that:

- 2.5.1 In keeping with the variety of rural lifestyles in the Plan area, provisions for a broad range of uses associated with rural land use shall be allowed wherever possible.
- 2.5.2 **Home occupations** shall be permitted in the RURAL, LIMITED USE and AGRICULTURAL land area designations unless prohibited by a rural land use or zoning bylaw and shall be referred to as associated rural residential uses.
- 2.5.3 **Accessory boarding** and **bed and breakfast** use shall be permitted in the RURAL, LIMITED USE and AGRICULTURAL land area designations and shall be referred to as associated rural residential uses.
- 2.5.4 Small scale enterprises including **artisan craft workshops**, hobby greenhouses, **cottage industries**, and **home occupations**, shall be permitted in the RURAL, LIMITED USE and AGRICULTURAL land area designations unless prohibited by a rural land use or zoning bylaw and shall be referred to in this Plan as associated rural residential uses.

## 2.6 Agricultural Land Use

There are two pockets of Agricultural Land Reserve (ALR) lands within the Plan area: (a) about thirty (30) hectares on the Wades/Chadsey Creek alluvial fan north of the Canadian National Rail line; and, (b) a zero point nine three (0.93) hectare (2.3 acre) parcel (Lot A, Plan LMP 36202) on the east side of Quadling Road. The ALR lands in the Wades/Chadsey Creek are designated AGRICULTURAL in this Plan and are discussed in Section 3.2. The Quadling Road property is designated LIMITED USE as it is within the unprotected floodplain and subject to potential alluvial fan and debris flood/flow hazards. Additional information respecting the Quadling Road property is provided in Section 3.3 of this Plan.

It is policy of the Regional Board that:

- 2.6.1 All uses of Agricultural Land Reserve land shall be in accordance with the provisions of the Agricultural Land Reserve Act, Regulations thereto, and Orders of the Commission.

- 2.6.2 In keeping with the variety of uses associated with agricultural lands, accessory farm uses shall be permitted provided that all uses on ALR land are in accordance with the provisions of the Agricultural Land Reserve Act, regulations thereto, and Orders of the Commission.

## 2.7 Commercial Land Use

It is expected that Area "H" residents will generally obtain goods and services within nearby commercial areas in the City of Abbotsford. However, consideration may be given to the establishment of a general store which serves the day to day needs of residents provided that the form and character of the commercial establishment is in keeping with the rural character and natural environment of the area.

Sumas Mountain Regional Park and recreation opportunities on Crown and private land within the Plan area present opportunities for community economic development that has a low impact on the environment, is compatible with rural residential uses, and maintains the rural landscape. Subject to rezoning and other requirements outlined in the applicable land area designation section, this plan provides for **low density commercial recreation use** within specified land area designations within the Plan area.

It is the policy of the Regional Board that:

- 2.7.1 The Regional Board may consider zoning and Plan amendments to permit the establishment of a general store or similar **local commercial** use, in the area of the intersection of Dawson Road and Upper Sumas Mountain, which serves the day to day needs of local residents provided that the form and character of the commercial establishment is in keeping with the rural character and natural environment of the area.
- 2.7.2 Subject to rezoning, this Plan permits **low density commercial recreation** uses within the RURAL and LIMITED USE land area designations.
- 2.7.3 A **low density commercial recreation** may be approved on a parcel not less than four (4) hectares. The minimum parcel size for a **low density commercial recreation** uses involving **assembly use** or **outdoor recreation use** shall be eight (8) hectares.
- 2.7.4 Low density commercial uses shall be buffered and screened from adjacent parcels.
- 2.7.5 All commercial uses shall be provided with adequate parking on-site.

## 2.8 Industrial and Resource Extraction Land Use

While the Regional District is unable to prohibit mineral extraction, it can, and in much of Electoral Area “H” does, prohibit processing of mineral resources including crushing of aggregate. Industrial processing and manufacturing is prohibited within the Plan area.

Temporary pit run sand and gravel operations not involving blasting may be permitted under a Temporary Industrial Permit, under all land use designations, as specified in *Section 10: Temporary Use Permits* of this Plan, subject to the approval of the Regional Board. Detailed discussion and policies relating to natural resource extraction including forestry and mining are provided in *Section 8: Natural Resources*.

It is policy of the Regional Board that:

- 2.8.1 The Ministry of Energy and Mines should only approve mineral and aggregate extraction where permitted in the applicable rural land use or zoning bylaw.
- 2.8.2 Gravel processing which involves the use of machinery and equipment to wash, screen, crush, and size sand, gravel, aggregate and mineral resources, shall only occur where permitted in the applicable rural land use or zoning bylaw.
- 2.8.3 The secondary processing of aggregate and mineral resources and the manufacture of semi-finished and finished products from aggregate and mineral resources, including the production of asphalt and concrete, is not permitted within the Plan area.
- 2.8.4 Temporary pit run sand and gravel operations not involving blasting may be permitted under a Temporary Industrial Permit in all land use designations.
- 2.8.5 Short term industrial activities such as portable sawmills may be permitted under a Temporary Industrial Permit in all land use designations.

## 2.9 Transportation and Utility Corridors

In recognition that additional capacity in transportation and utility corridors and facilities will be required to serve future growth areas of the Lower Mainland, and that the construction of new transportation and utility corridors has major impacts on the land base, growth potential and economic well-being of the Region, in May, 2001, the Regional Board adopted the *Transportation and Utility Corridors of Regional Significance Policy*.

- 2.9.1 Any proposed new transportation or utility corridor of regional significance will be regarded as a CORRIDOR UNDER STUDY. Regional District support for such proposals will be contingent upon submission of studies that demonstrate:
  - (a) the proposal meets the land use, environmental and air quality policies of the Regional Board as expressed in the Region’s Growth Management Strategy, Fraser Valley Air Quality Plan, this Official Community Plan, and other Board policies;

- (b) the proposal minimizes the disruption to existing communities and settlement areas, the consumption of agricultural land, the impact on the natural environment, and provides for safe and unrestricted movement of agricultural vehicles and goods in agricultural areas;
- (c) the proposal does not restrict the development of adjacent land areas which are designated or identified for future growth and development, or where the proposal does impact such lands, adequate compensation is provided to the local government in consideration of long range impacts on financial plans, capital expenditure programs, and foregone taxation opportunities;
- (d) the proposal does not adversely affect the drainage or productivity of agricultural land;
- (e) the transportation and utility service demand projections are deemed credible by the Board; and,
- (f) the proposal represents a variety of benefits to communities in the region that are traversed by the proposal including providing access to service not previously available to areas of the region, and enjoys broad-based support from the affected communities.

2.9.2 Transportation and utility proposals of regional significance that satisfy the aforementioned criteria should be designated to make use of existing transportation and utility right-of-ways wherever possible.

## 2.10 Special Circumstances

In circumstances where land is subject to geological hazards and located within a Development Permit Area, the Regional Board may give special consideration to offset the constraints caused by the geotechnical problems. These special considerations may include altering siting and subdivision policies through a Development Variance Permit in accordance with the results of a geotechnical study. These considerations may allow greater flexibility within a safe building area.

## 2.11 Review and Amendment

The Official Community Plan will require review and amendment to take account of major changes in land use objectives, policies and development pressures. A major review of the Plan should occur every 5 years. Timely review of this Plan will be particularly important given the growth pressures on Sumas Mountain. A review involves a reconsideration of objectives and policies, examination of issues, assessment of the Plan in light of new regional growth demands and trends.

From time to time, the Plan may also be amended to allow for a development or project of major significance or a series of development proposals which warrant revision of the policies within the Plan. The Official Community Plan may be amended through two

procedures. First, applications for rezoning to permit developments which do not comply with the Plan shall be accompanied by applications for amendment of the Plan. The Board may reject the application or initiate Plan review and amendment procedures, in accordance with the provisions of the Local Government Act and the Regional District Development Procedures Bylaw No. 0041. Secondly, the Board may periodically initiate a review and amendment of the Plan where warranted by development trends or new information regarding natural hazards, or at the request of local, provincial or federal governments. Such reviews should be substantially justified by new circumstances and provide ample opportunity for public input.

It is policy of the Regional Board that:

- 2.11.1 The Official Community Plan should be reviewed at intervals not exceeding five years and this review should be followed by appropriate amendments to guide development and land use for the following five years.
- 2.11.2 The Official Community Plan may be reviewed and amended where deemed necessary by the Board only after consultation and public hearing and in accordance with the provisions of the Local Government Act.
- 2.11.3 All rezoning applications which are inconsistent with the Official Community Plan shall be accompanied by applications for amendment to the Plan. Rezoning applications consistent with the use policies of the land area designations established by this Plan shall not require Plan amendments.
- 2.11.4 Applications for amendments to the Plan may be made to the Regional Board, in accordance with the provisions of the Local Government Act and FVRD Development Procedures Bylaw No. 0041, and FVRD Development Application Fees Bylaw No. 0050, 1996.

## 2.12 Consultation

Implementation of the Official Community Plan depends upon community support and co-operation. The Regional Board will endeavor to maintain and improve opportunities for public consultation on planning and development matters. Property owners and residents are encouraged to consult with Regional District staff and Board members on issues that affect the community. Policies within this Plan reinforce the Regional Board's commitment to open discussion and local involvement in community development.

Section 879 of the Local Government Act outlines requirements for consultation with affected parties and specified groups and organizations during the development, amendment or repeal of an Official Community Plan. These requirements may be seen as a baseline; consultation respecting major plans or developments will often be fuller than the minimum required under the Act, particularly with adjacent municipalities and First Nations.

Electoral Area “H” shares borders with the Cities of Abbotsford and Chilliwack. Area “H” and the City of Abbotsford are interconnected in a number of important ways. There is a clear need to coordinate land use, the provision of services, parks, and other matters, between Abbotsford and the electoral area. The City of Chilliwack has expressed specific interests in the visual values of areas visible from the Trans Canada Highway No. 1, traffic flow and safety relating to Highway No. 1, and environmental management of the MacGillivray Wildlife Reserve and associated riparian and wetland areas.

The Sumas First Nation and Sto:lo Nation also have interests which may potentially be impacted by land use regulation and planning in Electoral Area “H”. Lands within the Plan area are used by members of the Sumas First Nation for traditional activities such as hunting, gathering and ceremonial duties. There are several documented First Nations archeological sites within the Plan area and high likelihood of undocumented sites.<sup>3</sup> As well, parts or all of Sumas Mountain may also be subject to aboriginal title claims.

For these reasons, the Regional District should consider the potential affects of land use plans and developments approvals on the interests of First Nations as well as appropriate means of consultation. This Plan contains policies supporting the inclusion of First Nations in community planning processes for Electoral Area “H”. Consultation regarding land use matters may also be seen as an avenue for increased cooperation, understanding, and dialogue between First Nations and the Regional District and a basis for ‘good-neighbour’ relations.

It is policy of the Regional Board that:

- 2.12.1 Consultation during the development, amendment or repeal of this official community plan will meet and often exceed the requirements of Section 879 of the Local Government Act.
- 2.12.2 Property owners and residents are invited to meet privately or in groups with Regional District staff and Board members to discuss individual or local concerns.
- 2.12.3 Regional District staff will, where requested, assist in coordinating discussions between property owners and residents, school districts and Provincial agencies on matters of land use, roads and services.
- 2.12.4 The Cities of Abbotsford and Chilliwack shall be consulted respecting amendments to this Plan. The scope and form of consultation shall be determined by the Regional Board and informed by discussion with the municipalities.
- 2.12.5 Sto:lo Nation and Sumas First Nation shall be consulted respecting amendments to this Plan. The scope and form of consultation shall be determined by the Regional Board and informed by discussion with First Nations. Consultation with First Nations should include early face-to-face discussions.

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<sup>3</sup> Further discussion and policies related to archaeological resources are outlined in Section 7.3 of this Plan.



- 2.12.6 Sto:lo Nation and Sumas First Nation are encouraged to consult with the Regional District on matters that may affect the land and residents of Electoral Area “H”.

**NOT FOR LEGAL PURPOSES**

### 3. LAND AREA DESIGNATIONS

Land area designations provide a policy framework for guiding land use and services in keeping with the Official Community Plan objectives. Zoning bylaws and other regulatory bylaws provide a means of implementing the area designation policies.

Electoral Area “H” is divided into the following land area designations summarized below. Policies established in each of the land area designations shall apply to land within that designation as shown on *Schedule I: Land Area Designations*.

<b>RURAL (R)</b>	Land generally suitable for low density residential development with on-site water and sewer services.
<b>AGRICULTURAL (AG)</b>	Lands within the Agricultural Land Reserve.
<b>LIMITED USE (LU)</b>	Land with geotechnical or flooding hazards, unprotected lands within the Fraser and Sumas River floodplains, and land with limited road access and/or limitations to on-site servicing.
<b>PARK (P)</b>	Land within Sumas Mountain Regional Park or otherwise dedicated for park use.
<b>INSTITUTIONAL (I)</b>	Land reserved for public use.
<b>FOREST (F)</b>	Land provincially designated for forest uses.

Each designation contains the following sub-headings:

**DESCRIPTION** - a brief outline and general summary of the purpose and rationale for the designation. The legally exact statements of Regional Board policy are contained in the four following headings. On questions of interpretation these should be consulted as the statement of Regional Board policy.

**GENERAL POLICIES** - the policies of the Regional Board regarding the amount and location of land to be designated and the local and regional development policies in a particular land area designation.

**DESIGNATION POLICIES** - state the type of land placed in a particular designation and the conditions for extending existing areas or creating new areas in the designation as provided for in *Section 4: Land Area Designations* of the Plan.

**USE POLICIES** - list the uses that may be permitted on land within a designation and, in some cases, state the standards under which a given permitted land use must be developed.

**SUBDIVISION POLICIES** - specify the minimum lot size permitted within a designation and other conditions of subdivision.

### 3.1 RURAL (R)

#### Description

The primary purpose of the RURAL designation is to maintain the existing rural character of the Plan area and provide for residential and low density recreational land uses that are environmentally sustainable and compatible with existing development and levels of servicing. The RURAL designation exists on rural lots that have good road access and that may have potential geotechnical hazard or other constraints.

Subdivision policies of the RURAL designation accommodate the creation of new parcels two (2) hectares (4.94 acres) in area or greater. In recognition of the difficulties of site development within the Plan area, subject to zoning amendment, the clustering of parcels of not less than zero point eight (0.8) hectares (1.97 acres) may be permitted in the RURAL designation provided that average density of the parent parcel being subdivided will not exceed one parcel per two (2) hectares. Clustered subdivisions will normally take the form of bare land strata developments with the remaindered lands becoming common property that is protected from further subdivision, development, or disturbance by way of a restrictive covenant in favour of the Fraser Valley Regional District.

Lands within the RURAL designation may have potential in the long term for fully serviced development at urban densities. Urban development in Electoral Area “H” is not provided for in this Plan nor is it anticipated in the short to medium term. However, it is important that the potential for future urban development be maintained. In the decades to come, upland areas with mild topography and few geotechnical hazards will be critical in meeting regional housing needs as development is directed away from agricultural areas on the valley floor. In the interim, rural subdivision within the Plan area should not diminish long-term potential for urban development.

While this Plan recognizes potential for subdivision of lands along Dawson Road east of Emerson Road at a density of one parcel per two hectares, the existing lot configuration and topography of this area will make further subdivision difficult without lot consolidation or subdivision plans involving more than one property.

It is policy of the Regional Board that:

#### General Policies

- 3.1.1 RURAL areas be established to accommodate a variety of rural lifestyles and maintain the low density rural character of the Plan area.
- 3.1.2 RURAL areas shall limit the demand for infrastructure through the provision of on-site services.

#### Designation Policies

- 3.1.3 The Plan map designates as RURAL:
  - Areas with some geological hazards;
  - Areas predominantly rural in character with larger parcels, over 2.0 hectares (4.94 acres);

- Areas suitable for on-site servicing; and,
- Areas with access to public roads.

3.1.4 RURAL areas may be extended or created through Plan amendment where additional lands are shown to meet the designation policy criteria above and it can be shown that safe building sites exist.

#### Use Policies

3.1.5 RURAL areas may be used only for: **single family residential; accessory residential; associated rural residential; agricultural use**, excluding intensive agriculture; **low density commercial recreation; park and park reserve; conservation use**; and, **semi-public and public uses**.

3.1.6 Subject to rezoning, **low density commercial recreation uses** in RURAL areas may be permitted on parcels four (4) hectares in area or greater. The minimum parcel size for **low density commercial recreation** uses involving **assembly use** or **outdoor recreation use** shall be eight (8) hectares.

3.1.7 Rezoning applications to permit **low density commercial recreation** uses shall include an **environmental impact assessment**, and a **feasibility study** if deemed necessary by the Regional Board, to ensure that the proposed use will not result in unacceptable environmental impacts and negatively affect surrounding properties.

3.1.8 *Legal Subdivision 7, Section 4, Township 20, Except West Quarters, New Westminster District*, is private, fee simple land within Woodlot No. 0045. This parcel may be used for forestry activities approved by the Ministry of Forests including logging, reforestation and stand tendering, as long as it remains within the woodlot.

#### Subdivision Policies

3.1.9 Land in RURAL areas shall only be subdivided in accordance with the standards of the **responsible authorities**, except that the minimum parcel size shall not be less than two (2) hectares (4.94 ac).

3.1.10 Notwithstanding Section 3.1.9 of this Plan, subject to zoning amendment **density averaging** may be permitted to facilitate the clustering parcels not less than zero point eight (0.8) hectares (1.97 ac) away from hazard or environmentally sensitive areas provided that average density of the parent parcel being subdivided will not exceed one parcel per two (2) hectares, and provided that each lot is suitable for its intended use.

3.1.11 Where a clustered subdivision is proposed:

- the subdivider shall be required to register a restrictive covenant in favour of the Regional District which prohibits any further subdivision of a remainder parcel in a bare land strata development; or, in the case of a fee simple

subdivision, the hazard or environmentally sensitive areas which the clustering of lots is intended to avoid. For clarity, the covenant shall prohibit further subdivision of the lands which would result in an overall density within the parent parcel greater than one (1) parcel per two (2) hectares. The prohibition by covenant of further subdivision shall be in effect until such time as the lands are serviced by public water and sewer systems and zoned for development at urban densities.

- (b) the subdivider may be required to register a restrictive covenant in favour of the Regional District which prohibits the alteration of: any remainder parcel in a bare land strata development; or, in the case of a fee simple subdivision, the hazard or environmentally sensitive areas which the clustering of lots is intended to avoid; except:
- alterations or construction necessary to protect the residential parcels from geotechnical or other hazards;
  - the location of services; and,
  - pedestrian trails.

3.1.12 The remainder parcel of a clustered bare land strata subdivision, or the covenanted areas of a fee simple clustered subdivision described in Section 3.1.11, should normally be continuous and not fragmented. However, in some circumstances fragmentation may be desirable to avoid development in hazard areas or preserve identified environmental values.

3.1.13 Where possible, the remainder parcel of a clustered bare land strata subdivision, or the covenanted areas of a fee simple clustered subdivision described in Section 3.1.11, should:

- border Crown land, park, or a remaindered parcel or covenanted area on an adjacent property; and,
- include stream corridors, wetlands, sensitive or hazardous slopes and other areas of hazard or environmental value.

3.1.14 Where potential for future development at higher densities exists, the Regional Board or Subdivision Approving Officer may require, upon rezoning or subdivision of land within the RURAL land area designation, that advance street and conceptual lot layout plans be provided to demonstrate how the proposed lot layout would facilitate future subdivision, including road construction, at urban densities.

3.1.15 Advance street plans and conceptual lot layouts showing potential configuration at urban densities should be prepared by a professional. The advance plans shall acknowledge geotechnical and environmental constraints and demonstrate the potential for:

- a coherent and orderly urban lot layout with adequate road frontages; and,
- a road pattern with a high degree of connectivity and limited stream crossings.

- 3.1.16 The Regional District will maintain a database of potential road layouts and compile forward planning done by individual applicants. This information will be made available to developers to assist with their planning.
- 3.1.17 Where potential for future development at higher densities exists, the Regional Board will not support rezoning to facilitate subdivision that would unacceptably impede future development of a broader range of uses and densities.

NOT FOR LEGAL PURPOSES

### 3.2 AGRICULTURAL (AG)

#### Description

Plan policies aim to preserve the Agricultural Land Reserve (ALR) land within the Official Community Plan area. All land within the AGRICULTURAL designation is also within the ALR. The Agricultural Land Reserve Act, regulations thereto, and Orders of the Commission, take precedence on matters of land use and subdivision of land in the ALR.

The Regional Board assists in the administration of the Agricultural Land Reserve land by commenting on applications for subdivision and non-farm use of ALR land, as well as exclusion of land from the Reserve. The agricultural policies established in this Plan will provide guidance for future Regional Board comments on these applications. Designating ALR land AGRICULTURAL will ensure that only agricultural-related uses are permitted.

There are two pockets of ALR lands within the Plan area:

#### 1. Wades / Chadsey Creek Alluvial Fan Area

Approximately 30 hectares (74 acres) of land, north of the Canadian National Rail line, on the lower Wades and Chadsey Creek alluvial fan and within the unprotected floodplain of the Fraser River. These lands are designated AGRICULTURAL in this Plan.

The ALR lands north of the rail line do not have independent road access. They are accessed through, and are associated with, the Cox Station Mainland Sand and Gravel operation. In 1985, the Land Reserve Commission approved the construction of aggregate storage and transport structures as a non-farm use of the ALR lands east of Wades Creek. While the 'improved' agricultural capability rating of this land is high (7:3W 3:2T), the construction of a dyke to protect the land from flooding is not likely feasible. Upon completion of mining operations, and subject to environmental considerations, these lands may be well suited to a narrow range of flood tolerant crops such as hybrid poplar.

#### 2. Quadling Road Property (Lot A, Plan LMP 36202)

The Quadling Road property is designated LIMITED USE and is discussed in Section 3.3 of this Plan.

It is policy of the Regional Board that:

#### General Policies

3.2.1 Agricultural land be preserved by discouraging the subdivision of land holdings, the introduction of recreational uses and other non-farm uses.

3.2.2 Non-farm development shall be directed to lands outside the AGRICULTURAL land designation.

#### Designation policies

3.2.3 The Plan map designates as AGRICULTURAL:

- all land within the ALR; and,
  - areas with some geological hazards.
- 3.2.4 AGRICULTURAL areas may be extended or created through Plan amendment where additional areas suited to farm production are identified pursuant to Section 15 or 17 of the Agricultural Land Reserve Act.
- 3.2.5 Where land presently within the Agricultural Land Reserve is, pursuant to the Agricultural Land Reserve Act, Regulations thereto, or Orders of the Commission, excluded from the Agricultural Land Reserve, exempted by the Agricultural Land Reserve Act, or exempted by Regulations or an Order of the Commission, the provisions of the Official Community Plan shall be binding, and the land shall remain in the AGRICULTURAL designation unless and until, the land is redesignated by bylaw amendment.

#### Use Policies

- 3.2.6 AGRICULTURAL areas may be used only for **single family residential, accessory residential, associated rural residential, conservation, recreation, park and park reserve, and agricultural uses.**
- 3.2.7 AGRICULTURAL areas in the Agricultural Land Reserve shall be used in accordance with the Agricultural Land Reserve Act, regulations thereto, and Orders of the Commission. New non-farm uses on land within the ALR that are not exempted under Section 23 from the provisions of the Agricultural Land Reserve Act must be approved by the Provincial Agricultural Land Commission and shall be in accordance with the standards of the Responsible Authorities.
- 3.2.8 The removal of soil or placing of fill on land in AGRICULTURAL areas shall be undertaken only in accordance with Part 3 of Agricultural Land Reserve Use, Subdivision and Procedure Regulation and FVRD Soil Removal and Deposit Bylaw No. 0359, 2000.
- 3.2.9 The Ministry of Energy and Mines should ensure that reclamation plans for the ALR lands north of the CN rail line used as a part of a mining or quarrying operation should recognize the ALR status and potential agricultural uses.

#### Subdivision Policies

- 3.2.10 Land in AGRICULTURAL areas within the Agricultural Land Reserve shall only be subdivided in accordance with the provisions of the Agriculture Land Reserve Act, regulations thereto, and Orders of the Commission.
- 3.2.11 Land in AGRICULTURAL areas within the Agricultural Land Reserve that is exempted under Section 23 of the Agricultural Land Reserve Act, shall only be subdivided in accordance with the standards of the Responsible Authorities, except that the parcel size shall be not less than eight (8) hectares (19.77 acres) in floodplain



areas and four (4) hectares (9.88 acres) outside floodplain areas. Areas within the floodplain are shown on Schedule 4 of this Plan.

NOT FOR LEGAL PURPOSES

### 3.3 LIMITED USE (LU)

#### Description

LIMITED USE designation is intended to restrict development in areas with geological and flood hazards, limited road access, areas isolated from community services and areas which are environmentally sensitive. However, if future studies show that an area can accommodate a broader range of uses without being affected by geological hazards or damaging to environmentally sensitive areas, the redesignation of land through Plan amendment may be approved.

LIMITED USE designation has been established in portions of the Plan area due to the rural nature of the area, restricted road access, and limited services that are provided. Thus, the LIMITED USE designation may be appropriate for a variety of uses if supported by a geotechnical report, prepared by an engineer licensed in the Province of British Columbia, stating the land is safe for the intended use. Nevertheless, the general policy of this Plan respecting LIMITED USE areas is to prevent isolated development, to protect the environment and to preserve and buffer areas of environmental sensitivity and special value.

Site-specific geotechnical review of bench land southwest of Jamieson Road in the northwest portion of the Plan area may identify safe building envelopes suitable for clustered rural residential development. However, the existing configuration of lots in this area will not readily accommodate further subdivision; consolidations or applications involving several parcels would likely be necessary. In addition, the surrounding topography and road network makes access to the bench difficult and questions pertaining to the condition and status of Upper Sumas Mountain Road would also have to be addressed. These issues must be resolved, and the suitability of on-site services demonstrated, prior to redesignation and rezoning for more intensive uses.

The LIMITED USE land area designation includes a zero point nine three (0.93) hectare (2.3 acre) parcel on the east side of Quadling Road which is within the Agricultural Land Reserve (ALR). Land Reserve Commission (LRC) Resolution #187/2003 states that it would be consistent to prepare an OCP which designates the Quadling Road property (Lot A, Sec 13, Twp 20, LMP 36202) for a use other than agriculture. The LRC further recommended that consideration be given to an application to exclude the property from the ALR. Accordingly, this property is designated LIMITED USE in this Plan as it is within the unprotected floodplain of the Sumas River and subject to potential alluvial fan and debris flood/flow hazards.

It is policy of the Regional Board that:

#### General Policies

- 3.3.1 LIMITED USE areas are established to minimize development in remote, inaccessible, hazardous or environmentally sensitive areas and to maintain low density development on suitable development sites.

- 3.3.2 Development shall be controlled and uses may be restricted in areas of natural hazard potential and environmental sensitivity.
- 3.3.3 Environmentally sensitive areas shall be identified, preserved and buffered from development.

#### Designation Policies

- 3.3.4 The Plan map designates as LIMITED USE:
- areas of known geological hazard potential;
  - areas of known flooding hazard potential;
  - areas of environmental sensitivity;
  - areas isolated from community services and development;
  - areas having poor road access.
- 3.3.5 LIMITED USE areas may be extended or created through Plan amendment.
- 3.3.6 LIMITED USE areas may be reduced and redesignated if future studies show that an area can safely accommodate a broader range of uses without environmental damage, unacceptable public risk, or excessive public expenditure on access or other public works.

#### Use Policies

- 3.3.7 LIMITED USE areas may be used only for **single family residential; accessory residential; associated rural residential; resource extraction; agricultural use**, excluding intensive agriculture; **low density commercial recreation; park and park reserve; conservation; semi-public and public uses**.
- 3.3.8 Subject to rezoning, **low density commercial recreation uses** in LIMITED USE areas may be permitted on parcels four (4) hectares in area or greater. The minimum parcel size for **low density commercial recreation uses** involving **assembly use** or **outdoor recreation use** shall be eight (8) hectares.
- 3.3.9 Rezoning applications to permit low density commercial recreation uses shall include an **environmental impact assessment** and, if deemed necessary by the Regional Board, a **feasibility study** to ensure that the proposed use will not result in unacceptable environmental impacts and negatively affect surrounding properties.
- 3.3.10 Where permitted by zoning and, where applicable, Soil Removal and Deposit bylaw, **resource industrial** uses may be permitted in the LIMITED USE land area designation.
- 3.3.11 Sustainable green energy projects, which do not involve the use incinerators or the burning of fossil fuels, may be permitted in the LIMITED USE land area designation subject to rezoning. Concerns related to transmission facilities, hydrological impacts and habitat impacts will be among those that must be addressed prior to rezoning.

Subdivision Polices

- 3.3.12 Land in LIMITED USE areas shall only be subdivided in accordance with the standards of the **responsible authorities**, except that the parcel size shall not be less than eight (8) hectares (19.77 acres).

NOT FOR LEGAL PURPOSES

### 3.4 PARK (P)

#### Description

The PARK designation allows for preservation of wilderness and environmentally sensitive areas and places for the enjoyment of outdoor recreational activities, community use, and environmental or heritage conservation within the Plan area. This designation includes Sumas Mountain Regional Park, and any other potential provincial or regional parks, community parks, and recreation reserves. Development within these parks is limited to natural outdoor recreational uses.

Sumas Mountain Regional Park encompasses 1,445 hectares of mountain ecosystem habitat and is predominantly a wilderness park and conservation area. Centennial Trail, a part of the Trans Canada Trail system, traverses the park and provides hiking and recreational opportunities. Microwave and communication towers have been constructed on leased space on Sumas Peak within the Regional Park.

Policies related to land use and subdivision of PARK areas are detailed below. Policies related to management of Sumas Mountain Regional Park are found in *Section 6: Parks*.

It is policy of the Regional Board that:

#### General Policies

- 3.4.1 Areas of significant recreation or conservation potential should be reserved for future park development.
- 3.4.2 The acquisition and maintenance of recreational land that provides access to rivers and lakes will be pursued where economically feasible.
- 3.4.3 PARK areas are established in order to:
  - identify areas within designated local, regional or provincial parks or protected areas; and,
  - provide walking and cycling access to park and recreation areas and facilities for the enjoyment of the natural environment.

#### Designation Policies

- 3.4.4 The Plan designates as PARK:
  - areas owned or under long-term lease by a Responsible Authority for public recreation use of regional or local significance including regional parks, recreation reserves and areas with recreation potential;
  - areas that may have some geological hazards;
  - lands not suited for rural residential development due to the isolated nature and lack of community services; and,
  - land with significant recreation potential which is suitable for future park use.

- 3.4.5 PARK areas may be extended or created through Plan amendment provided that additional lands that meet the required designation are identified.

#### Use Policies

- 3.4.6 PARK areas shall be used only for, **park and park reserve, conservation use, recreation use and semi-public and public uses.**
- 3.4.7 Prior to the development of any new trails within Sumas Mountain Regional Park, environmental and cultural assessments shall be conducted. In addition, a study shall be conducted to determine construction and long term maintenance costs prior to any new trails being constructed.
- 3.4.8 The leasing of space for microwave and communication towers on Sumas Peak shall not compromise sensitive ecosystems or park values and shall directly benefit Sumas Mountain Regional Park.

#### Subdivision Policies

- 3.4.9 Land in PARK areas shall only be subdivided under circumstances where subdivision is required in the interests of responsible park management.

### 3.5 INSTITUTIONAL (I)

#### Description

The INSTITUTIONAL land area designation recognizes publicly-owned lands that have been identified or reserved for community facilities. At the present time, two parcels are designated INSTITUTIONAL: (1) a small portion of Crown land adjacent to Upper Sumas Mountain Road recognized as a potential fire hall site (identified by Map Reserve No. 952033); and (2) Lot A, LMP 45001 which is owned by the Regional District and dedicated for community purposes, including a fire hall site or location for a water supply for fire fighting. Use of this property for a community facility may be limited by high ground water conditions which could make it difficult to obtain on-site sewage disposal.

The Regional District has no plans for community facilities in Electoral Area “H” at the present time. Lands are reserved for institutional uses to meet any future community needs.

The INSTITUTIONAL designation may be expanded, upon application, to private lands intended for use for churches, child care or educational facilities, or other assembly uses that serve the general public.

It is policy of the Regional Board that:

#### General Policies

- 3.5.1 The Crown land included in Map Reserve No. 952033 (established under Section 12 of the Land Act) and adjacent to Upper Sumas Mountain Road should be reserved to provide space for community facilities such as a neighbourhood park, fire hall or solid waste transfer station.
- 3.5.2 The Regional Board may consider the development of a community park in conjunction with a community facility, such as a community hall or fire hall, within the INSTITUTIONAL land area designation.
- 3.5.3 The public shall be consulted on any proposed community facilities.

#### Designation Policies

- 3.5.4 This Plan designates as INSTITUTIONAL publicly owned lands identified and reserved for community uses.
- 3.5.5 INSTITUTIONAL areas may be created or extended through amendment subject to:
  - compatibility of the proposed use with existing and proposed land uses adjacent to and in the vicinity of the subject property;
  - certification that on-site services such as water supply and sewage disposal can be provided;

- physical capability of the subject property to accommodate development in an environmentally sustainable manner; and,
- projected traffic generation and parking requirements.

#### Use Policies

3.5.6 Land within the INSTITUTIONAL land area designation shall only be used for **public, semi-public, institutional, park and park reserve, conservation, and recreation uses.**

3.5.7 With the possible exception of a caretaker's residence, residential use shall not be permitted in the INSTITUTIONAL land area designation.

#### Subdivision Policies

3.5.8 Land in INSTITUTIONAL areas shall only be subdivided under circumstances where subdivision is required to facilitate the efficient and effective delivery of public services by a public institution.

NOT FOR LEGAL PURPOSES



### 3.6 FOREST (F)

#### Description

The FOREST land area designation policies of this Plan recognize that approximately 1450 hectares of Crown land in Electoral Area "H" are within the Chilliwack Provincial Forest and are a part of the province's working forest. These lands are actively managed by the Ministry of Forests and forest licensees. A range of forestry uses and activities are expected to continue in this area. Forestry activities within the Provincial Forest, including logging, reforestation and stand tendering, are regulated by the Ministry of Forests under the Forest Act and the Forest Practices Code.

Given the geotechnical limitations of the area, special consideration should be given where forest uses may have an environmental impact on adjacent parks or rural residential development. In such situations, the Regional Board will recommend to the provincial agencies having jurisdiction that environmental impact studies by professional soils and engineering specialists be undertaken in association with any plans for forest use or management. Geotechnical studies should also be conducted if deemed to be required.

Public recreation on Crown forest lands is the responsibility of the Ministry of Forests. Centennial Trail - a part of the Trans Canada Trail system - traverses the Provincial Forest. Logging roads of Crown land are used heavily for recreation, including mountain biking and hiking. The Regional Board strongly supports the maintenance and protection of this recreation resource. Policies related to Centennial Trail may be found in *Section 7: Conservation of the Environment*.

Sumas Mountain Forest Service Road provides access to the Provincial Forest and remains integral to forest operations therein. However, it is also the primary access to Sumas Mountain Regional Park and to communications facilities on Sumas Peak.

The land use and subdivision policies for FOREST areas reflect the interests of responsible forest management and recreation use. Discussion and policies relating to the management of forest resources within the Plan area are provided in *Section 8: Natural Resources*.

It is the Regional Board's policy that:

#### General Policies

- 4.1.1 The Ministry of Forests should preserve the integrity of the Chilliwack Provincial Forest boundaries in the long-term economic interests of the region and in recognition of the area's forest production.
- 4.1.2 Crown lease applications and development schemes involving land uses not compatible with forest development in the FOREST area will not be supported or encouraged by the Regional District.

#### Designation Policies

- 4.1.5 The plan map designates as FOREST lands within the Chilliwack Provincial Forest.

- 4.1.6 FOREST areas may be extended or created through plan amendments when new areas having forest resource potential are identified.

#### Use Policies

- 4.1.7 The use of FOREST land for forestry related activities is governed primarily by the Forest Act and the Forest Practices Code.
- 4.1.8 FOREST areas shall be used only for: forestry activities including logging, reforestation and stand tendering approved by the Ministry of Forests; **resource extraction, resource industrial use, park and park reserve, recreation use, conservation use and public use.**
- 4.1.9 Where permitted by zoning and, where applicable, Soil Removal and Deposit Bylaw, **resource industrial** uses may be permitted in the FOREST land area designation.
- 4.1.10 Sustainable green energy projects, which do not involve the use incinerators or the burning of fossil fuels, may be permitted in the FOREST land area designation subject to rezoning. Concerns related to transmission facilities, hydrological impacts and habitat impacts will be among those that must be addressed prior to rezoning.
- 4.1.11 Plans or facilities for recreation use within the FOREST land area designation should be developed in consultation with the Regional District and should consider potential impacts and relationships to the Regional Park.
- 4.1.12 The Regional Board will support the establishment of an interpretive forest within the Chilliwack Provincial Forest to educate and promote sustainable integrated forest resource management.

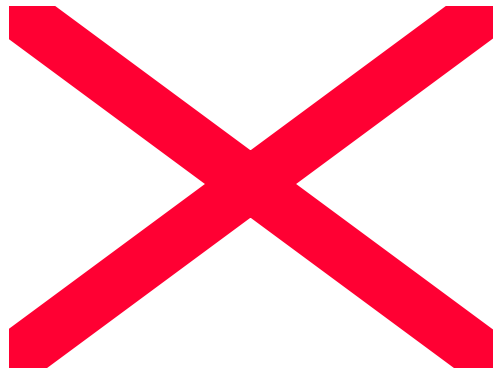
#### Subdivision Policies

- 4.1.13 Land within the FOREST land area designation shall only be subdivided when subdivision is required in the interests of responsible forest management, in which case no parcel smaller than thirty five (35) hectares (86.48 ac) shall be created.

## 4. INFRASTRUCTURE, SERVICES AND DEVELOPMENT

### 4.1 Roads

Access to the Plan area, and the network of roads within the community, present challenges and constraints to development. The mountainous topography of the area limits potential alignments for new roads and has made for difficult conditions on existing roads. Historical development has led to a road pattern with little connectivity between



local roads and exclusive reliance on Upper Sumas Mountain Road.

#### Access to the Plan Area

Access to the Electoral Area "H" community centred around Upper Sumas Mountain Road is limited to three routes through the City of Abbotsford:

1. from the south using Upper Sumas Mountain Road;
2. from the southwest by Straiton Road to Dawson and Upper Sumas Mountain Roads; and,
3. from the northwest via Page and Upper Sumas Mountain Roads.

The Barrowtown area, isolated on the east side of Electoral Area "H" adjacent to the Sumas River, is accessed from Quadling Road. Access routes for the Plan area are identified in Figure 4.1.

#### Road Network

The following classes of roads are recognized in the Plan area:

**COLLECTOR:** a street carrying vehicles between major traffic generating areas or between such areas and the primary and secondary highways; and,

**LOCAL:** a street primarily designed for providing access with little or no provision for through traffic. Direct access is allowed to all abutting properties. The maximum length of a local street is 450 metres.

There are no Designated Highways or Arterial Roads within Electoral Area “H” and no new roads of these classes are expected.

The road network within the Plan area forms a ‘fishbone’ pattern along the north-south ‘spine’ of Upper Sumas Mountain Road. With the exception of Dawson Road, local roads branch off Upper Sumas Mountain Road to the east and west and end in cul-de-sacs. There is no connectivity between local roads and therefore all traffic within the community must use Upper Sumas Mountain Road. No alternative routes are available. The road network in the Plan area is presented on *Schedule 2: Transportation Network*.

Due to the ‘fishbone’ road pattern, an accident or blockage on Upper Sumas Mountain Road above Dawson Road has the potential to cut off all access to and from the community, including that of emergency vehicles, if it occurs at a time when it is not possible or safe to leave the community from the north on Upper Sumas Mountain Road (see discussion below). Increased connectivity between local roads within the Plan area would facilitate detour routes around blockages.

The Regional District will liaise with the City of Abbotsford and Ministry of Transportation to discuss the feasibility of a connection between Russell or Foxglove Road (in Area “H”) and Hallert Road (in the City) to provide an alternate route of access to, and egress from, the community. There are a number of significant issues associated with a connection to Hallert Road that would have to be addressed, including:

- increased traffic through ALR lands on Matsqui Prairie;
- relationship to Highway No. 11, including the planned closure of the Hallert Road/ Highway No. 11 intersection;
- potential geotechnical hazards and terrain;
- environmental impacts of stream crossings; and,
- road construction within Sumas Mountain Regional Park.

### Road Conditions

In many places Upper Sumas Mountain Road is sub-standard. Road widths and grades generally do not meet the Ministry of Transportation Construction Standard and the road geometry presents sharp curves and limited sight lines. Problems associated with the condition of Upper Sumas Mountain Road can be expected to increase as development occurs on all parts of Sumas Mountain and traffic to the Regional Park increases.

Sections of Upper Sumas Mountain Road are not gazetted, dedicated, or surveyed and therefore fall under Section 4 of the Highway Act which establishes such roads as public highways if public money has been spent on their upkeep. Narrow or non-existent road shoulders make it uncomfortable, even unsafe, for non-vehicle use of Upper Sumas Mountain Road.

The condition of Upper Sumas Mountain Road is particularly poor west of Cox Road. Thurber Engineering LTD has commented that, “below Cox Road, the narrow road width,

mixed with industrial and residential traffic, locally poor surface drainage, seasonal icings, and outer edge instability make north Upper Sumas Mountain Road hazardous to drive.”<sup>4</sup>

The status of a section of Upper Sumas Mountain Road where it passes through the City of Abbotsford gravel quarry at the northwest corner of the Plan area is unclear. This segment of road is not dedicated, surveyed or gazetted and it is uncertain whether public money has ever been spent on its upkeep. As a result, it may not fall under Section 4 of the Highway Act and may not be a public roadway. While, in the case of specific existing properties, common-law provisions for right-of-way may apply, uncertain access (along with other site conditions such as geotechnical hazards) may affect further development in the surrounding area.

Issues associated with Upper Sumas Mountain Road are exacerbated by industrial use of the road to transport aggregate and, to a lesser extent, logs. Discussion and policies relating to the impacts of industrial use of Upper Sumas Mountain road are presented in Section 8.2 of this Plan.

Access to the area, the internal road network, and the condition of Upper Sumas Mountain Road, constrains development within the Plan area. Even so, it may only be through appropriate development that the road network is expanded and improved. This Plan contains policies to foster the development of a more complex and connected network of local roads through the subdivision and land development process, including an east-west connection north of Dawson Road between lands east of Emerson Road and Upper Sumas Mountain Road. In addition, if Crown lands within the Plan area are developed in the future, provisions should be made for establishing a second north-south road connection between Dawson and Batt Roads east of Upper Sumas Mountain Road.

Map 2 shows potential road connections which would increase overall connectivity between local roads and allow for alternate route choices for travel within the community. It is not intended to show actual road alignments. Map, air photo analyses, and limited site reconnaissance were conducted to determine whether the connections shown on Map 2 are potentially feasible. However, the quality of base mapping available prevents conclusive analysis and it is beyond the scope of this Plan to confirm the feasibility of potential road connections by ground surveys. Accordingly, some of the linkages shown on Map 2 may not be desirable or feasible for any number of reasons. In addition, no attempt has been made to identify potential local roads required to serve only a small number of parcels.

#### Roadway and Right-of-Way Widths

Road standards in Electoral Area “H” are under the jurisdiction of the Ministry of Transportation (MoT). Standards for new roads must be established in the context of local site conditions and engineering requirements. However, the following classifications may be viewed as general guidelines for right-of-way and roadway widths in the Plan area.

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<sup>4</sup> Thurber Engineering LTD. *Sumas Mountain Official Community Plan Stage 1 Study Overview of Geotechnical Hazards*. December, 2002.

TABLE 4.1.1 GUIDELINES FOR ROADWAYS WITHOUT CURBS		
CLASSIFICATION	RIGHT-OF-WAY WIDTH	ROADWAY WIDTH
Arterial	30 m	10 m
Collector	25 m	10 m
Local	20 m	8 m
Cul-de-sac	20 m	15 m radius
Note: * If necessary, in hillside locations the minimum road right-of-way width will be increased to contain cut and fill slopes at stable angles of repose. * Standards for roadway and right-of-way widths may vary with local conditions, engineering requirements, and requirements for underground services. Also, it is the policy of the Ministry of Transportation that any roadway designated as a "significant network element" have a minimum pavement width of fourteen (14) meters, measured curb to curb.		

It is policy of the Regional Board that:

- 4.1.1 Where existing roads have deficient right-of-way widths, the Ministry of Transportation should secure additional land to remedy all or part of the road deficiency.
- 4.1.2 The Ministry of Transportation should secure road rights-of-way for sections of existing roads for which surveyed rights-of-way do not exist.
- 4.1.3 Where possible, upgrades to Upper Sumas Mountain Road should include road shoulders which provide suitable and safe paths for pedestrians and cyclists.
- 4.1.4 Upper Sumas Mountain Road should be upgraded to a standard suitable for heavy industrial traffic.
- 4.1.5 The alignment of new roads should, where possible, provide connections, or parts thereof, as shown on *Map 2: Potential Road Connections*. *Map 2* is conceptual in nature and identifies only major components of an integrated road network. It is anticipated that future subdivision will require construction of new local roads which serve a small number of lots, and such roads are not identified on *Map 2*.
- 4.1.6 Where possible, new roads within the Plan area shall connect existing roads to increase the overall connectivity of the road network and provide alternate route choices.

- 4.1.7 The Regional District will liaise with the City of Abbotsford and the Ministry of Highways to assess the potential for a connector route between Russell or Foxglove Roads and Hallert Road in the City of Abbotsford.
- 4.1.8 Road allowances required to facilitate the development of higher density development within the Plan area in the long term should be dedicated as a part of the subdivision process.
- 4.1.9 New roads should provide for extension and connection to existing or proposed roadways adjacent to or beyond the subdivision, including roads within the City of Abbotsford.
- 4.1.10 New roads within the Plan area shall be aligned to minimize stream crossings and avoid environmentally sensitive areas.
- 4.1.11 Through liaison with the Ministry of Transportation and the City of Abbotsford, the Regional District will support the designation of the entire length of Upper Sumas Mountain Road as a public road.
- 4.1.12 The Regional Board will support a detailed forward road planning exercise involving the Regional District, City of Abbotsford, and the Ministry of Transportation, to develop a road plan which addresses issues associated with industrial traffic, park traffic, and access to and from the Plan area.

## 4.2 Access

Under the provisions of the Land Title Act and the applicable land use and subdivision control bylaws of the FVRD, each new parcel must be provided with adequate legal access and vehicle parking. In the case of high traffic generating uses, the policies of the Plan recognize the need for more than one legal access, especially for emergency vehicles.

It is policy of the Regional Board that:

- 4.2.1 Land uses in the Plan area shall be provided with adequate and safe access for all traffic including emergency vehicles.
- 4.2.2 Existing, new and expansions to commercial and residential developments, shall be provided with legal access commensurate with the use proposed, subject to the approval of the Ministry of Transportation.
- 4.2.3 The Regional Board will support property owners in acquiring legal access to their properties, where it does not presently exist and will assist in resolving road and right-of-way issues in the Plan area.

- 4.2.4 Each new parcel of land shall have frontage on, and reasonable and practical access to, a public road.
- 4.2.5 The Ministry of Transportation requires that a Highway Access Permit be issued for commercial, industrial, public and institutional uses.
- 4.2.6 Accesses for residential uses should be constructed in accordance with the Ministry of Transportation standards outlined in *Location, Design and Construction of Residential Driveways on Side Roads Outside Municipalities*.

### 4.3 Drinking Water

Drinking water in Electoral Area "H" is supplied exclusively through individual on-site water supplies. According to the 2002 *Electoral Area "H" Community Planning Survey*, about 85% of residents obtain their drinking water from wells and more than half of all wells in the Plan area are shallow (less than 30 metres deep).

Reliance on wells for domestic water and the particular hydro-geological characteristics of the Plan area point to a strong need to protect groundwater quality and quantity. Groundwater in Electoral Area "H" is generally shallow and may be perched in many locations. Combined with the often thin, permeable soils and fractured bedrock found in the Plan area, the groundwater supply may be susceptible to contamination from septic field sewage disposal and a variety of other sources. As well, blasting associated with quarry operations has been cited by many residents as a threat to surface and ground water supplies. Naturally occurring elements and minerals can also render a groundwater source undesirable for domestic supply. This Plan contains policies to ensure responsible low-density and low-impact development that will not lead to contamination of groundwater.

Residents currently report fairly strong satisfaction with their water supply. About 75% of respondents to the *Community Planning Survey* were very or fairly satisfied with their water. However, 20% of respondents were concerned that their supply provided an insufficient quantity of water and about 22% reported contaminants in their water, including arsenic, fluoride, iron, and bacteria. Reported concerns with water quality do not seem to be clustered but rather can be found throughout the Plan area.

Limitations to groundwater as a source of water supply constrain development in the Plan area. Plan policies therefore provide for low density rural residential development supported by engineering studies which demonstrate the feasibility of on-site services and assess environmental impacts, including impacts to surface and ground water.

It is not anticipated that any public water system will be constructed within the life of this Plan. In fact, Plan policies are intended to ensure that no public system will be required while the area remains at rural densities. A public water system will only be considered in the event of environmental or public health concerns where existing on-site water supplies have become contaminated. In this case, the most efficient means of servicing will be pursued.



All drinking water supplies should meet the Guidelines for Canadian Drinking Water Quality. In addition, any private water system developed to serve a bare land strata subdivision should meet the applicable provincial water system standards.

It is policy of the Regional Board that:

- 4.3.1 All approved private water systems, surface water sources and wells should meet the Guidelines for Canadian Drinking Water Standards.
- 4.1.2 Where fee simple or bare land strata subdivision is proposed, the property owner or developer shall be required to demonstrate the suitability of on-site water supply.
- 4.1.3 Any private water system developed to serve a bare land strata subdivision shall meet applicable provincial standards for water systems.
- 4.1.4 The protection of groundwater will be a major consideration in all development approvals.

#### 4.4 Sewage Disposal

Sewage from all development within the Plan area is disposed of on-site, typically through conventional septic fields regulated by the Fraser Health Authority under the Health Act and regulations thereto.

The disposal of sewage into the ground via conventional septic fields is constrained within the plan area by topography, soil depth and soil percolation rates. The Fraser Health Authority (FHA) establishes standards for the construction and operation of septic disposal systems and should be consulted for the current requirements. Standards generally take account of the depth of native soil, slope and soil percolations rates.

In order to construct and use a conventional septic field, Fraser Health Authority standards<sup>5</sup> generally require that:

- the slope of the ground at the site of the proposed field not be greater than 30%;
- there be at least 1.2 metres of native soil between the ground surface and the water table, an impervious layer, or bedrock (however shallow trenches may be permitted where the topography allows); and,
- soil percolation rates do not exceed 30 minutes per 2.5 cm (1 inch).

In a few cases, lack of suitable areas for septic fields has constrained subdivision within the Plan area and the ability to achieve the maximum densities permitted in this Plan may be limited due to the ability of the native soil to absorb septic effluent. The layer of soil above bedrock in Electoral Area "H" is typically thin, often less than 1.2 metres, and the area is mountainous with many slopes greater than 30%. In some types of soils found in the Plan area, percolations rates exceed Fraser Health Authority requirements for septic fields. In

<sup>5</sup> Fraser Health Authority standards may vary depending on site conditions. The Fraser Health Authority should be consulted for standards which apply to a specific property.

any case, the availability of suitable areas for on-site sewage disposal will be a major consideration in the layout and design of new subdivisions and in the siting of development within existing parcels.

Where the use of conventional septic fields is not appropriate, the Fraser Health Authority may approve package treatment plants. The Regional District does not monitor, audit, operate or maintain private disposal systems.

It is not anticipated that any public sewer management utility will be constructed in the Official Community Plan area within the life of this Plan. The policies of the Plan, moreover, should ensure that no public sewer system will be required as long as the area remains at rural densities. Subdivision standards and development densities are designed on the basis of on-site disposal. The Plan requires that alternate sewage disposal fields be identified and that engineering studies be undertaken at the time of subdivision or zoning amendment to ensure that the proposed development will be viable with on-site sewage disposal in the long term.

It is policy of the Regional Board that:

- 4.4.1 The method, cost and environmental impact of proposed methods of sewage disposal will be a major consideration in all development approvals.
- 4.4.2 Existing and new commercial development proposals shall comply with current health regulations for septic disposal.
- 4.4.3 Where land is proposed to be rezoned or subdivided, or, if applicable, where a Temporary Industrial/Commercial Permit is requested, the owner or developer shall be required to demonstrate the feasibility of on-site sewage disposal.
- 4.4.4 Provision for ‘back up’ sewage disposal fields shall be required of new development.
- 4.4.5 All new fee simple developments shall provide on-site sewage disposal meeting the requirements of the Health Act or the Waste Management Act, as applicable.
- 4.4.6 On existing vacant lots where conventional septic fields are not feasible, other innovative on-site disposal systems including package treatment plants that meet the requirements and regulations governing sewage disposal may be approved by the Fraser Health Authority.
- 4.4.7 Holding tanks for sewage shall not be permitted.
- 4.4.8 No sewage disposal system should be placed or constructed within thirty (30) metres of any watercourse or wetland.

## 4.5 Solid Waste Management

The Regional District currently does not provide infrastructure or services for the

management of solid waste within the Plan area. Electoral Area "H" residents typically compost material on site and either haul wastes to facilities within the City of Abbotsford (the Matsqui Transfer Station and the Abbotsford/Mission Recycling Depot) or contract with a private firm for residential pick up.

In the recent *Electoral Area "H" Community Planning Survey*, 51% of respondents<sup>6</sup> reported satisfaction with the current level of solid waste management services in the Plan area.<sup>7</sup> This result points to the need for dialogue with residents to determine the level of services desired.

Illegal dumping of residential garbage, construction waste, stolen vehicles and other materials is a persistent and serious problem in Electoral Area "H". Dumping presents an environmental hazard and degrades the aesthetic and recreational experience of the area. The general view among residents is that illegal dumping is not related to a lack of facilities within the community. Rather, material from outside the community seems to be brought in and dumped to avoid costs associated with proper waste disposal. The FVRD Community Services Department is currently composing an illegal dumping strategy to be completed by August 31, 2003, which may help in reducing dumping in this area.

This Official Community Plan contains policies to ensure reasonable access to disposal facilities, public input into any proposed facilities and to combat illegal dumping. These policies supplement the *FVRD Solid Waste Management Plan* which should be consulted for detailed guidance respecting waste management, composting, recycling and waste reduction.

It is the policy of the Regional Board that:

- 4.5.1 Reasonable access to recycling, composting and disposal facilities should be ensured.
- 4.5.2 A dialogue with residents regarding issues surrounding solid waste management within the Plan area, including an assessment of the level of community interest in the establishment of a solid waste transfer station or other facilities, should be initiated.
- 4.5.3 The public shall be consulted on any proposed facilities.
- 4.5.4 Wastes should be reduced and reused to the greatest extent possible.
- 4.5.5 Improved public awareness of solid waste issues and programs, including the proper disposal of materials, will be promoted through education programs.
- 4.5.6 Undesirable waste handling and disposal methods will be minimized, including littering and illegal dumping.

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<sup>6</sup> Approximately half of all households in the Plan area responded to the *Community Planning Survey*.

<sup>7</sup> Completed in the winter of 2002-03 as a means of public consultation regarding the development of this Plan. Respondents indicated their level of satisfaction with solid waste and other services as either very satisfied, fairly satisfied, somewhat satisfied or not satisfied.

- 4.5.7 The Regional District will support citizen efforts to clean up dumped material and monitor for illegal dumping.
- 4.5.8 The Regional District will work with MWALP, MoF, the RCMP, ICBC, Abbotsford Police, and other appropriate organizations to combat the dumping of stolen vehicles and solid waste.

## 4.6 Stormwater

“Stormwater is created when land development alters the natural water balance. When vegetation and soils are replaced with roads and buildings, less rainfall infiltrates into the ground, less gets taken up by vegetation and more becomes surface runoff.”<sup>8</sup>

Rural development, particularly the construction of impervious surfaces and land clearing, may increase stormwater flows and negatively impact streams. In fact, stormwater begins to have a negative impact on streams when the amount of impervious surface in a watershed equals as little as ten percent (10%) of the watershed area.

Research has demonstrated that limiting impervious area in a watershed to ten percent (10%) combined with retaining at least sixty five percent (65%) of the forest cover is effective in minimizing negative impacts of stormwater runoff.<sup>9</sup> These thresholds do not appear to have been exceeded in watersheds within the Plan area.

The policies of the Plan should ensure that no public stormwater management facilities will be required as long as the area remains at rural densities. If impervious area on private lands does not exceed fifteen percent (15%), overall watershed imperviousness will not be greater than ten percent (10%). Section 9.2 Development Permit Area 2-H of this Plan contains policies requiring best management practices in the management of stormwater to be implemented where development would result in greater than fifteen percent (15%) impervious area on a private parcel.

It is the policy of the Regional Board that:

- 4.6.1 Landowners should retain at least 65% of the forest cover on their property to reduce stormwater runoff.
- 4.6.2 Post-development stormwater flows should maintain the natural flow pattern and water quality of receiving waters. 1:2 year post-development flows should not exceed 1:2 year predevelopment flows.

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<sup>8</sup> Ministry of Water, Land & Air Protection, Province of BC. *Stormwater Planning: A Guidebook for British Columbia*. May, 2002.

<sup>9</sup> Booth, Derek. *Forest Cover, Impervious Surface Area, and the Mitigation of Urbanization Impacts in King County, Washington*. September, 2000.

- 4.6.3 Foundation, roof drainage and other surface drainage shall be disposed of on-site, returned to ground, and not connected to collector systems for roads or discharged to any stream or wetland.

## 4.7 Current and Future Community Areas

In the decades to come, upland areas with mild topography and few geotechnical hazards will be critical in meeting regional housing needs as development is directed away from agricultural areas on the valley floor.

Numerous land use studies of Sumas Mountain have recognized the potential of lands within Electoral Area “H” for residential development. The *Sumas Mountain Crown Land Plan* prepared in 1984 by the Ministry of Lands, Parks and Housing, identified various areas of Crown land potentially suitable for rural residential development with on-site services. The *Sumas Mountain Rural Residential Feasibility Study* by Stanley Associates Engineering, also in 1984, looked at the potential for serviced rural residential development based on slope, access, feasibility of services, and costs. While Stanley Associates identified several areas with potential for rural development, they recommended that, “serious consideration be given to a long-term strategy for the mountain which allows for development of portions at higher than rural residential densities. Stanley Associates concluded that, “the mountain is ideally situated and well suited for such longer term [urban] development.”<sup>10</sup>

Most recently, as a part of the consultation during the development of this Plan, Land & Water BC identified two areas of Crown land, shown on *Map 3*, as having potential for residential development in the long term. It should be noted that the Province is required to review the potential of aboriginal rights and title on Crown lands proposed for disposition. Crown lands within Electoral Area “H” are subject to claims of aboriginal title. These interests must be addressed before Crown land may be alienated. The Province has also granted forest tenures for these lands which should be considered.

The conceptual boundary of current and future community areas, totaling about 625 hectares, is identified on *Map 3: Conceptual Boundary of Current and Future Community Areas*. This map is based on current information, including:

- existing community lands;
- an overview level review of available topographic mapping and air photos;
- past land use studies;
- the recommendations of Land & Water BC; and,
- overview geotechnical information (for private lands only).

While the lands identified on *Map 3* generally contain slopes less than twenty five percent (25%), they may contain areas of site-specific hazard. Other features which affect development potential may also be present. It should also be understood that the quality of topographic mapping available at this time does not allow precise identification of hazards or slopes without detailed site reconnaissance. Considerable investigation will be needed to confirm the actual potential of these lands.

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<sup>10</sup> The word *urban* in parenthesis ([ ]) was added for emphasis and clarity. It does not appear in the Stanley text.

It is clear that pressure for development will be directed at lands within the Plan area. However, continued population growth and development will also increase the value placed on remaining natural areas for their recreational and conservation uses. The value of lands within Electoral Area “H” for outdoor recreation, parks, and nature appreciation is obvious and significant. As well, the forests, headwaters, and habitats of Electoral Area “H” make a major contribution to the overall surface and ground water quality, air quality, and biodiversity of the region. The value placed on natural areas, and the contribution of natural areas within Electoral Area “H” to the regional environment, will increase over time as lands on lower Sumas Mountain and other areas of the Fraser Valley are developed and the population increases.

The contribution that Sumas Mountain is perceived to make to the landscape, character and aesthetics of the region will also likely increase as development occurs in upland areas. The mountain provides visual qualities; sustains fish and wildlife populations; affords opportunities for recreation and nature study; and, gives a sense of proximity to wilderness; to residents of the Fraser Valley. All of these are central to the conception many residents have of the region and it’s livability and appeal.

Urban development within the Plan area is, at this time, premature and this Plan makes no provision for it. Policies of the Plan are aimed at preventing premature development. At the same time, rural development should not diminish the potential for a broader range of uses and densities in the long term.

Careful land use management and planning will be crucial in maintaining environmental and cultural values as well as development potential – both objectives of this Plan. Cooperation and closer integration with the City of Abbotsford will also be critical, particularly in,

- the logical and efficient delivery of works and services;
- undertaking bio-physical inventory and habitat assessment of Sumas Mountain;
- addressing access and roadway issues; and,
- managing conflicts associated with aggregate operations.

It is the policy of the Regional Board that:

- 4.7.1 The Regional Board will not support premature zoning and community plan amendments for residential development at densities greater than those provided for in this plan.
- 4.7.2 Any decision to permit development at densities higher than indicated in this Plan should involve a community visioning process and comprehensive community plan update.
- 4.7.3 A comprehensive bio-inventory and environmental impact assessment which considers the Plan area as whole in both local and regional contexts, should be completed before any decision to provide for development at densities higher than indicated in this Plan.
- 4.7.4 Development at densities higher than indicated in this Plan should be preceded by comprehensive planning for the efficient delivery of public water, sewer and

- stormwater services and other community amenities. This planning should be carried out in partnership with the City of Abbotsford and the City Chilliwack.
- 4.7.5 Any decision to alienate Crown land must involve comprehensive and meaningful consultation with First Nations.
- 4.7.6 Residents of Electoral Area "H" and adjacent parts the City of Abbotsford should be consulted prior to any alienation of Crown land. Additionally, any lands alienated should be appropriately designated and zoned.
- 4.7.7 Greenways measuring sixty (60) metres from the natural boundary of all significant streams should be dedicated upon the alienation of Crown lands. 7
- 4.7.8 Fine scale topographic mapping of Electoral Area "H" should be completed or obtained.
- 4.7.9 There is a strong need for cooperation and closer integration with the City of Abbotsford, particularly in:
- the logical and efficient delivery of works and services;
  - completion of bio-physical inventory and habitat assessment of Sumas Mountain;
  - access, road and safety improvements; and,
  - resolution of issues associated with aggregate operations.

## 5. SOCIAL SERVICES

### 5.1 Transit

There is presently no transit service within the Plan area. The cost of serving low density rural areas with transit is prohibitive and therefore service is not likely to be provided in the foreseeable future. However, Electoral Area "H" residents may utilize BC Transit service to areas of Sumas Mountain within the City of Abbotsford.

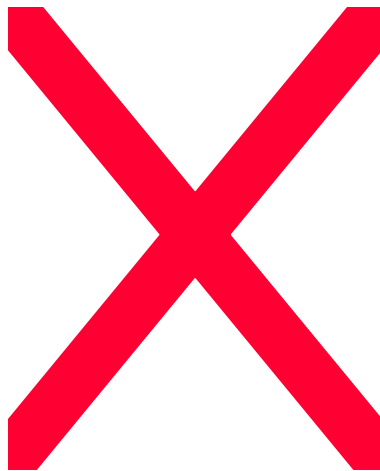
### 5.2 Emergency Services

The Plan area is served by ambulance and police through E-911 operations. Fire protection in Electoral Area "H" is contracted to the City of Abbotsford. The undeveloped areas receive fire protection from the provincial forest service. The Plan area is also serviced by search and rescue operations. Response time for all emergency services is a concern in areas where access is constrained by mountainous terrain and a limited road network.

FVRD is responsible for emergency planning and management within the Plan area. This involves coordinating responses to emergencies such as natural disasters and providing emergency social services to affected people. A dedicated group of local volunteers, coordinated by the FVRD, provide initial emergency response and social services within the Plan area.

#### Fire Protection

Fire protection within the Plan area is currently provided, under contract, by the City of Abbotsford Fire Department. Fire protection infrastructure in the community consists of two 'dry' fire hydrants - one on Mathers Road and another on Taggart Road. Dry hydrants connect to a nearby





pond or surface water source rather than a piped water system. Three more dry hydrants are planned. Locations where dry hydrants can be installed are limited by the availability of suitable water sources in close proximity to the road. Existing and potential dry hydrant locations are shown in Figure 5.2.

### Policing

Police services within the Plan area are provided by the Royal Canadian Mounted Police from the Mission Detachment.

It is the policy of the Regional Board that:

- 5.2.1 The level of existing emergency services should be maintained and expanded if required.
- 5.2.2 Additional dry fire hydrants should be installed in the Plan Area with priority given to locations within the RURAL land area designation.
- 5.2.3 The Regional Board will support Neighborhood Watch and Block Watch programs within the community.
- 5.2.4 Where appropriate, the Regional District will coordinate bylaw enforcement efforts with the RCMP.

### **5.3 Schools and School Bus Service**

Electoral Area "H" lies within Abbotsford School District #34. There are no schools within the Plan area; local students typically attend public schools in the City of Abbotsford. School District #34 presently provides bus service to most of the Plan area.

In accordance with Sections 937.2 and 937.4 of the Local Government Act and School District No. 34 *School Site Acquisition Charge Bylaw*, the Regional District collects development cost charges at the time of subdivision for school site acquisition. The rate of the development cost charge is determined by the School District.

It is the policy of the Regional Board that:

- 5.3.1 The Regional Board will continue to consult with the School Board concerning developments in the Plan area which may impact school enrollment or the provision of school services.
- 5.3.2 The Regional District will continue to collect development cost charges for school site acquisition on behalf of Abbotsford School District #34.

#### 5.4 Library

While there is no library within the Plan area, residents are served by Fraser Valley Regional Library which has a branch at 33660 South Fraser Way in Abbotsford. Fraser Valley Regional Library also provides mobile library service to those who are unable to attend branch libraries. Canadian National Institute for the Blind provides a shut-in library service for the visually impaired.

It is the policy of the Regional Board that:

- 5.4.1 Service should be maintained to those people who are physically unable to make use of the local Branch facilities.

NOT FOR LEGAL PURPOSES

## 6. PARKS

### 6.1 Sumas Mountain Regional Park

Sumas Mountain Regional Park was created in 1995 to conserve sensitive wilderness areas and provide opportunities for public recreation and nature appreciation. The two flanks of the park total 1,497 hectares. The western flank includes lands predominantly within the City of Abbotsford. The eastern section, largely within Electoral Area “H”, includes the Sumas Mountain highlands with Taggart and Sumas Peaks and lands sloping to the east to Sumas River lowlands. The boundaries of the Regional Park are shown on *Map 4: Sumas Mountain Regional Park*.

A vision and general direction for regional parks is provided in *Fraser Valley Regional District Official Regional Parks Plan Bylaw No. 0225, 1998*. A management and operations plan for the Regional Park will be developed in 2003 to provide in-depth guidance for access, use, facilities, and other matters.

The policies in this Official Community Plan reinforce existing policies and recognize the regional significance of the park beyond simply providing recreation and environmental conservation. A discussion of the various roles of the park and recommendations for consideration of these roles in park planning and administration are provided below.

At the regional scale, the park:

- protects vital cultural and landscape values by preserving forested mountain and farm views central to the aesthetic appeal of the regional landscape and its unique sense of place; and,
- is a key component in maintaining regional biodiversity and air and water quality.

The Regional Park is a substantial achievement in protecting the ecological integrity of Sumas Mountain as a whole. It should be managed in context with the overall biophysical systems and land uses on Sumas Mountain and with consideration to the adjacent McGillivray Slough Wildlife Management Area. Development or use of areas between the flanks of the park should provide corridors connecting the Park’s two flanks. Connections should also be established between the park and the Fraser and Sumas Rivers.

The Regional Park also makes substantial contributions to the landscape, culture and economy of Electoral Area “H”. The park:

- anchors the landscape of the Plan area with large tracts of green space and provides a focus for low density, low impact rural residential and recreational development on private land;
- provides economic benefits to residents in the way of increased property values and business opportunities;
- reinforces the rural appeal and natural setting of the area; and,
- contains First Nations traditional use areas and areas with high potential for archeological sites.

Accordingly, community and First Nations interests will be recognized in park planning and management.

It is the policy of the Regional Board that:

- 6.1.1 The Regional Board recognizes the regional importance of the park in maintaining air quality, water quality, and biodiversity.
- 6.1.2 The ecological and cultural values associated with Sumas Mountain Regional Park will be protected.
- 6.1.3 The environment and ecology of the Regional Park should be managed in context with the overall biophysical and ecological systems and land uses on Sumas Mountain, McGillivray Slough and surrounding riverside areas.
- 6.1.4 Recreation and habitat corridors between the western and eastern flanks of the Regional Park and between areas of the Park and the Fraser and Sumas Rivers should be established, protected and maintained.
- 6.1.5 The Sumas First Nation will be included in management decisions respecting the Park.
- 6.1.6 Electoral Area “H” residents will be consulted respecting any major plan of development proposed for the Regional Park.
- 6.1.7 Potential impacts of trails and other developments within the park shall be identified and mitigated through environmental and cultural assessments. In addition, a feasibility study shall be conducted to determine construction and long term maintenance costs.
- 6.1.8 A master plan will be developed to guide the operation and management of Sumas Mountain Regional Park.
- 6.1.9 In order to manage access to park areas, governance of the section of Sumas Mountain Forest Service Road that passes through the Regional Park should be the responsibility of the Regional District.
- 6.1.10 Lands within Sumas Mountain Regional Park that are not explicitly zoned as park land should be rezoned to an appropriate designation which reflects their park status.
- 6.1.11 Partnerships with responsible, accountable user groups which contribute to park facility construction and maintenance will be considered.
- 6.1.12 Page Road Quarry lands within Electoral Area “H” should be incorporated into Sumas Mountain Regional Park upon completion of quarrying and related activities.

## 6.2 Community Parks, Trails, and Wildlife Corridors

With the exception of a possible local park in conjunction with a community hall, fire hall, or other public gathering place, there is no foreseeable need for local or neighbourhood parks within the Plan area. A small park would complement a community facility by providing a place to picnic or opportunities for children to play during community events. However, it is expected that the day-to-day recreation and open space functions that local parks offer in urban areas will be provided individually by landowners on large rural properties.

The Plan area is well suited to the development of a community greenway network to provide walking, equestrian, and cycling trails and wildlife corridors in keeping with the rural park-like character of the area. Community greenways could provide trail links between streets or neighbourhoods or connections between neighbourhoods and trail heads. A trail network would complement equestrian activities on rural parcels and enable travel by horse throughout the community. In some cases greenways may be left undeveloped, free of trails, to protect sensitive habitats or other environmental features of importance to the community.

It is expected that land for community greenways will largely be assembled through park land dedication, or cash-in-lieu of park land, upon subdivision pursuant to Section 941 of the Local Government Act.

It should be recognized that an integrated network of community greenways is a long term project and may not be completed while the area remains at a low rural density. In any case, a framework for community greenways can be established that will be 'filled in' as development occurs in the long term.

It is the policy of the Regional Board that:

- 6.2.1 The Regional Board may consider the development of a local or neighbourhood park in conjunction with a community facility or public gathering place such as a community hall or fire hall.
- 6.2.2 A network of community greenways should be developed to provide trails for pedestrian, equestrian and bicycle use and wildlife corridors.
- 6.2.3 A community parks service for Electoral Area "H" should be established to administer the development of a network of pedestrian and bicycle trails.
- 6.2.4 New subdivisions requiring the dedication of park land under Section 941 of the Local Government Act shall provide park land in an amount up to five (5) percent of the land being subdivided. The park land shall be in a location which facilitates the park objectives described in this plan.

- 6.2.5 The Regional Board will consider accepting an area of land less than five (5) percent of the land being subdivided where improvements have been made to provide for greenway trails.
- 6.2.6 Where a developer wishes to dedicate an amount of park land in excess of five (5) percent of the land proposed for subdivision, the Board may consider a minor reduction in the minimum subdivision parcel size, subject to the approval of the Responsible Authority, provided that the excess does not include environmentally sensitive lands that would otherwise be protected through a buffer, leave area, or covenant required by the Ministry of Water, Air & Land Protection.
- 6.2.7 Notwithstanding Section 6.2.4, if a community park service has been established for Electoral Area “H”, the Regional Board may elect to require cash-in-lieu of park land dedication pursuant to Section 941 of the Local Government Act.
- 6.2.8 Subject to the availability of funds and other constraints, the Regional District may acquire land to provide trails or conservation areas.
- 6.2.9 A community greenway strategy should be developed to guide park dedication to achieve, over time, a connected network of trails and greenways. The greenway strategy should integrate with the trail and park plans of the City of Abbotsford.
- 6.2.10 In the absence of a community greenway strategy, park land dedicated through subdivision should achieve one or more of the following:
- useful trail connections between streets, neighbourhoods or other trails;
  - protection of sensitive habitats including, but not limited to, ravines, bluffs, wetlands, streams and riparian areas;
  - corridors for the movement of wildlife; and,
  - conservation of natural features such as rock bluffs which contribute to landscape character.
- 6.2.11 Where possible, trail systems and greenways within the Plan area should connect to trails and green spaces in the City of Abbotsford to form an integrated network.
- 6.2.12 Trail connections providing access to Sumas Mountain Regional Park should be considered within an overall access management strategy for the Regional Park.
- 6.2.13 Landscaping of any community park, greenway or trail should involve the use of native plant species only.

## 7. CONSERVATION OF THE ENVIRONMENT

### 7.1 Environment and Ecology

Electoral Area “H” falls within the Fraser Lowlands Ecosection of the Lower Mainland Ecoregion of the Georgia Depression Ecoprovince. It is within the Coastal western Hemlock biogeoclimatic zone which is characterized by fairly high rainfall and cool mesothermic climate with cool summers and mild winters.

The Plan area has been characterized by the Ministry of Water, Land and Air Protection (MWALP) as an “inselberg” land form unique in terrain from the surrounding landscape. It has relatively intact forests, wetlands and a complex drainage network that provide a variety of habitats including marshes, riparian areas, freshwater wetlands and vernal pools, and interior forest areas. These habitats support hundreds of species including bear and deer populations, neotropical migrant birds, and the red-listed Tall Bugbane, Trowbridge’s Shrew, and Mountain Beaver. Electoral Area “H” is therefore important in maintaining regional biodiversity. It also provides a supply of cold, clean water to lowland streams and rivers which sustain important fish populations.

Much of the information in this section was provided by the MWLAP to assist with the preparation of this Plan.<sup>11</sup> The Central Valley Naturalists also provided information about species and habitats in the area.

#### Watercourses and Riparian Areas

Numerous streams and springs drain the Plan area and directly and indirectly support fish and wildlife populations. Given the varied topography and elevation, the majority of streams and springs are headwaters. Headwaters are often small but play a very important role in overall watershed ecology and maintenance of downstream reaches and mainstems by providing a flow of cold, clean water. Flow from upland areas is essential in maintaining the water quality and temperature necessary to sustain fish populations. Streams within the Plan area flow into the Fraser River, Matsqui Slough or Sumas River, all of which support critical populations of anadromous and resident fish including coho, chum, pink salmon, white sturgeon, cutthroat trout, and rainbow trout. As development occurs on Sumas Mountain, the importance of streams within Electoral Area “H” for the maintenance of fish habitat in Sumas River, Matsqui Slough and tributaries will increase.

Fish presence in streams within the Plan area is shown on Map 5. The information contained in this map should not be relied upon for in-stream works or stream alterations. Please consult Fisheries and Oceans Canada for current fish presence information and applicable regulations.

#### Wetlands

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<sup>11</sup> Ministry of Water, Air and Land Protection. *Preparation of Official Community Plan – Electoral Area H, Sumas Mountain*. February 11, 2003.

The Plan area contains many wetlands and vernal pools which provide nutrient rich, highly productive habitats for numerous plant and animal species. Vernal pools are temporary, usually small, wetlands that typically dry during summer and provide unique habitat. Their relatively small size, seasonality and ill-defined boundaries during summer months make them vulnerable to loss. Documented wetlands are shown on *Schedule 6: Development Permit Area 2-H*.

The marshes, gravel bars and riverine areas adjacent to the Sumas and Fraser Rivers provide important wintering, migration, and breeding habitats for fish, aquatic birds and mammals. A large undyked forest area adjacent to the Plan area at the confluence of the Fraser and Sumas River is within the McGillivray Slough Wildlife Management Area. A small part of the Wildlife Management Area is within Electoral Area “H” on the Wades Creek alluvial fan.

### Flora and Fauna

The majority of terrestrial flora and fauna occurring within the Fraser Valley are found within the Plan area making it a reserve or storehouse of biological diversity. Some of these species no longer have habitat available to them elsewhere due to conversion of land to agricultural and urban uses.

The plan area supports populations of several endangered species. The Pacific Water Shrew, Red Legged Frog, Mountain Beaver, Trowbridge’s Shrew and Tailed Frogs are ‘red list’ species known to exist within the Plan area. ‘Red list’ species are legally designated as endangered or threatened under the BC Wildlife Act. Mapping of wildlife and plant observations, including red and blue listed species, compiled by the Central Valley Naturalists is shown in *Map 6*. This mapping should assist in the preparation of bio-inventories and environmental impact assessments.

Wildlife corridors should be established to: conserve generic and species biodiversity; ensure viability of wildlife populations; and, reduce isolation of wildlife populations. The first step in identifying wildlife corridors would be to conduct a detailed biophysical inventory and habitat assessment of Sumas Mountain as a whole. This work should be undertaken and funded by the Responsible Authorities, specifically MWLAP, and involve the Regional District, City of Abbotsford, City of Chilliwack and Ministry of Forests. Accurate and detailed topographic and stream mapping will also be necessary for biophysical inventory and wildlife corridor identification.

The major objectives of this Plan related to the conservation of the environment are achieved through the establishment of *Environment and Ecology Development Permit Area 2-H* in Section 9.2. The policies of this section complement DPA 2-H, reinforce environmental policies found in other sections of this Plan, and advocate for conservation and stewardship.

It is the policy of the Regional Board that:

- 7.1.1 Land owners are recommended to avoid land clearing between April 1 and July 30 to avoid conflicts with activities of nesting birds, their nests, eggs and trees.
- 7.1.2 Land owners are recommended to retain as much of the natural vegetation cover as possible when clearing land for housing or other forms of development.



- 7.1.3 Landowners are recommended to use native plant species for landscaping.
- 7.1.4 The Regional District will support stewardship initiatives by community groups.
- 7.1.5 The Regional District will work with the Cities of Abbotsford and Chilliwack, Ministry of Forests, First Nations, and other groups towards establishing designated wildlife corridors and forest ecosystem networks.
- 7.1.6 A comprehensive bio-physical inventory and habitat assessment of Sumas Mountain should be undertaken by the Responsible Authorities in cooperation with the Regional District and the City of Abbotsford. Accurate stream and topographic mapping is also needed for effective environmental planning.
- 7.1.7 The Ministry of Water, Air and Land Protection should inventory species at risk on Sumas Mountain and develop recovery strategies for their protection.

## 7.2 Hazards

### Geotechnical Hazards

Areas of private land identified by Thurber Engineering LTD<sup>12</sup> as subject to potential or significant geotechnical hazards are included in Development Permit Area I-H and shown on *Schedule 3: Geological and Stream Hazards*. The alluvial fans of creeks issuing from steeply sloped ravines, notably Wades, Chadsey, Slough and North and South Quarry Creeks, also present potential debris and flood hazards and consequently are within DPA I-H.

However, it is possible that geotechnical and stream hazards may be found outside of the lands identified on Schedule 3, particularly on Crown lands which were not included in the Thurber's report. In addition, existing topographic mapping does not allow precise identification of slopes and hazards. As a result, there may be areas of hazard not identified in the Thurber report.

As a precautionary measure, Thurber Engineering LTD recommends hazard setbacks from the base and crest of any slope with a vertical height greater than eight (8) metres and inclined at 27 degrees (50%) or more.

### Flood Hazards and Floodproofing Measures

There are lands within the Plan area adjacent to the Fraser and Sumas Rivers which are not protected from flooding by dykes. Areas adjacent to the Sumas River and Vedder Canal are subject to flooding from backwater from the Fraser River as well as potential flooding from within the Vedder watershed. Areas adjacent to the Fraser River are subject to flooding and potential erosion hazards.

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<sup>12</sup> Thurber Engineering LTD. *Sumas Mountain Official Community Plan, Stage I Study, Overview of Geotechnical Hazards*. December, 2002.

The standard established by the Ministry of Water, Land & Air Protection (MWLAP) for on-site floodproofing is that development not specifically exempted in a bylaw under Section 910 of the Local Government Act or by a site-specific exemption from MWLAP, be elevated to zero point six (0.6) metres above the elevation of a 1:200 year flood. MWLAP also recommends a sixty (60) metre floodplain setback from the natural boundary of the Fraser and Sumas Rivers. Lands within the 200 year floodplain and the floodplain setback are included in Development Permit Area I-H.

Various watercourses within the Plan area may also present flooding and stream-related hazards. Covenants in favour of the MWLAP registered on the titles of properties adjacent to streams, likely at the time of subdivision, typically require a flood construction elevation of 1.5 meters above the natural boundary of the stream. The covenants also require floodplain setbacks and buffer areas of various widths.

It is the policy of the Regional Board that:

- 7.2.1 Pursuant to Section 699 of the Local Government Act, site-specific geotechnical or hydro-technical engineering reports may be required if the building inspector considers that construction would be on land that is subject or is likely to be subject to hazards.
- 7.2.2 For lands outside Development Permit Area I-H, buildings and structures shall be setback at least fifteen (15) horizontal metres from the crest, and thirty (30) horizontal metres from the base, of any slope with a vertical height greater than eight (8) metres and inclined at 27 degrees (50%) or more, except in accordance with a site-specific geotechnical report.
- Guidance for field definitions of slopes and setbacks is provided in the appendix of Thurber Engineering LTD's report, *Sumas Mountain Official Community Plan, Stage I Study Overview of Geotechnical Hazards*, dated December, 2002.
- 7.2.2 All buildings and structures shall be set back sixty (60) metres from the natural boundary of the Sumas River, Vedder Canal and Fraser River, except in accordance with the conditions recommended in site-specific geotechnical studies.
- 7.2.3 Proposed developments within the 200 year floodplain of a natural water course shall be flood-proofed in accordance with the flood construction level established by the Ministry of Water, Land and Air Protection or a professional Engineer with hydraulic geotechnical experience.
- 7.2.4 The Wades Creek, Chadsey Creek, Slough Creek, North Quarry Creek and South Quarry Creek ravines should remain unaltered and free of development with the possible exception of foot trails.

### 7.3 Heritage and Archeological Values

Sumas Mountain is within the traditional territory of the Sto:lo people, and particularly the Sumas First Nation. The Sto:lo believe they have occupied this place - the Fraser Valley - since the beginning of time. They believe their ancestors witnessed the transformation of their world from chaos to order; from a less fixed, more fluid world, where distinctions between things was not so clear and people could take non-human forms and travel to worlds beyond, to a more orderly and circumscribed place where things are ‘right’.<sup>13</sup>

According to Sto:lo beliefs, the transforming of the world is evident in the landscape, including Sumas Mountain which figures in the oral histories (sxwôxwiyám) describing the transformations. Many of the transformation stories involve Xexá:ls, agents of the Creator, “whose actions...account in part for ‘making the world right’.”<sup>14</sup>

“In one sxwôxwiyám, for instance, people survived a devastating flood by tying their canoes to the top of Sumas Mountain. When the flood began to subside, the canoes drifted gently down. People took refuge in a cave on the side of the mountain and waited for the waters to completely recede. When they did, Xexá:ls visited these survivors and showed them the right way to live, work and pray.”<sup>15</sup>

It is not possible here to give justice to the rich and complex oral histories and their meaning to Sto:lo people. Nevertheless, for the purposes of this Plan it is important to give some sense of the significance to the Sto:lo of Sumas Mountain as a landscape feature associated with the oral histories (sxwôxwiyám) of the transformation time. According to the *Stó:lō Heritage Policy Manual*, these stories “account for the origins and connections of the Stó:lō, their land, resources, and sxoxomes (‘gifts of the creator’). There are many heritage sites throughout Stó:lō Territory that relate to sxwôxwiyám. These sites are among the most culturally important Stó:lō heritage sites and continue to function as essential parts of the contemporary Stó:lō world.”<sup>16</sup> The places described in the oral histories of transformation symbolize the obligations of reciprocity Sto:lo have with the environment; they form a part of people’s community identity and attachment to the land; and, are tangible illustrations of fundamental Sto:lo beliefs about the world, its creation, and human’s role in it.<sup>17</sup>

Accordingly, the *Stó:lō Heritage Policy Manual* suggests that sites associated with oral histories about the transformation, such as Sumas Mountain, should be preserved and protected from adverse impact. Section 2.1 of this Plan contains policies supporting consultation with First Nations with respect to land use plans and development approvals.

Remnants of the aboriginal occupation of Sumas Mountain are evident today. The Plan area contains a number of documented archaeological habitation sites adjacent to the Fraser and Sumas Rivers. The cluster of sites at Liyomxetel, or ‘Devil’s Run’, at the confluence of the Sumas and Fraser Rivers was a major settlement. Other pit house sites have been identified to the west along the Fraser River. As well, Indian Reserve No. 12, an historic cemetery

<sup>13</sup> Brian Thom. *Sxwoxwiyam Seyt te Xwelmxew (Central Coast Salish Transformation Stories): Connecting Humans and Non-humans through Kinship and Place*. September, 1997.

<sup>14</sup> Sto:lo Nation. *Stó:lō Heritage Policy Manual*. May, 2003.

<sup>15</sup> Keith Thor Carlson, ed., et al. *Stó:lō Coast Salish Historical Atlas*. 2001.

<sup>16</sup> Sto:lo Nation. *Stó:lō Heritage Policy Manual*. May, 2003.

<sup>17</sup> Brian Thom. *Coast Salish Transformation Stories: Kinship, Place and Aboriginal Rights and Title in Canada*. 1998.

site administered by Sto:lo Nation, is located in the northeast corner of Electoral Area "H". Documented archaeological sites within the Plan area are shown on *Map 7*.

In addition to documented archaeological sites, there is high potential for undocumented archaeological sites within the Plan area.<sup>18</sup> Burial mounds and pit houses may exist in low lying areas adjacent to the Fraser and Sumas Rivers. Culturally modified trees may be found in stream corridors, particularly those used as transportation routes. *Map 7* indicates areas of high potential for undocumented archaeology sites and the type of resource anticipated. It includes information provided by Sto:lo Nation<sup>19</sup> as well predictive mapping developed for use in forestry planning and approvals. *Map 7* will be useful for developers in understanding where archaeological assessments may be needed. It will also assist those undertaking archaeological studies in identifying the type of resources anticipated in specific areas.

Heritage sites and objects are protected under the Heritage Conservation Act which is administered by the Archaeology Branch of the Ministry of Sustainable Resource Management.<sup>20</sup> The Province has primary responsibility for protecting and managing archaeology resources. The policies of Sto:lo Nation respecting archaeological resources are laid out in the *Sto:lo Heritage Policy Manual* (May/03).

In order to ensure that archaeological resources are not damaged, that no contravention of the Heritage Conservation Act occurs, and in respect for Sto:lo culture and beliefs, landowners are encouraged to consider having an archaeological impact assessment performed prior to site development. This is particularly encouraged for major developments.

The Archaeology Branch and Sto:lo Nation will be able to provide landowners who have archaeological resources on their property with advice on how to proceed with development in a fashion that will avoid or minimize damage to the archaeological site. That advice may include a recommendation to engage a professional archaeologist to conduct an archaeological impact assessment. The Archaeology Branch should also be notified if an archaeological site is found on one's property. Landowners should be aware that it is an offence under the Heritage Conservation Act to remove heritage objects from archaeological sites.

### Visual Values

Sumas Mountain Regional Park substantially protects visual value of areas within Electoral Area "H" visible from the Trans Canada Highway No. 1. Visual values of areas which may be seen from Lougheed Highway No. 7 should be protected by the Ministry of Forests in the logging approval process.

### Centennial Trail

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<sup>18</sup> Archaeological potential information provided by Sto:lo Archaeologist, David Schaepe, MA, June 6, 2003.

<sup>19</sup> Personal Communication, David Schaepe, Sto:lo Archaeologist. June 6, 2003 AND Sto:lo Nation. *Southern Chilliwack Forest District Archaeological Site Predictive Model Ground Truthing Project*. March, 2001.

<sup>20</sup> The following paragraphs are based on: Archaeology Branch, Ministry of Sustainable Resource Management. *Frequently Asked Questions, Heritage Conservation Act* (<http://srmwww.gov.bc.ca/arch/faq.html>)

Centennial trail which traverses the Plan area is considered by residents as a heritage resource. The trail segment along the north slope passes through logged areas and offers views to the Fraser River. In this area logging is consistent with the heritage values of the trail. However, the segment of trail that links the east and west flanks of Sumas Mountain Regional Park should be protected by a buffer strip to maintain the experience of hiking through an interior forest and to provide an environmental corridor between flanks of the Regional Park.

It is the policy of the Regional Board that:

- 7.3.1 Landowners are recommended to consider having an archaeological impact assessment performed prior to site development, particularly where major developments are planned.
- 7.3.2 Proposals for significant developments in areas of known or high archaeological value will be referred to the Archaeology Branch of the Ministry of Sustainable Resource Management and made known to Sto:lo Nation.
- 7.3.3 Property owners proposing development in that area of a known archaeological site should contact the Archaeology Branch of the Ministry of Sustainable Resource Management for advice and guidance on how to proceed in a fashion that will avoid or minimize damage to the archaeological site.
- 7.3.4 Any discovery of archaeological artifacts should be reported to the Archaeology Branch of the Ministry of Sustainable Resource Management and Sto:lo Nation.
- 7.3.5 The Regional District will liaise with Archaeology Branch and Sto:lo Nation on behalf of an owner of property containing an archaeological artifact if requested by the property owner.
- 7.3.6 Visual values of areas visible from Lougheed Highway No. 7 should be protected by the Ministry of Forests in the logging approval process.
- 7.3.7 The length of Centennial Trail between the eastern and western flanks of Sumas Mountain Regional Parks should be protected by thirty (30) metre buffer strips on either side of the trail.

## 8. NATURAL RESOURCES

### 8.1 Forest Resources

The Plan area contains about 1500 hectares of Provincial Forest and Crown forest land dominated by Douglas Fir, Western Hemlock and a variety of deciduous species. The working forest and associated forestry activities are an important part of the landscape and culture of Electoral Area "H" that this Plan seeks to maintain. It is hoped that through sustainable forest and ecological management, forestry will continue to be a part of the community far into the future. This section describes the environmental characteristics of forest land within the Plan area, limitations to forest development, and current forest tenures.

The central feature of the forest land within Electoral Area "H" is that it is isolated from the larger forest that covers much of the province. Sumas Mountain is an inselberg land feature - an island of biological diversity, rich in flora and fauna, surrounded by a floodplain landscape substantially altered for human endeavours. The mountain is regionally important in maintaining biological diversity, habitat, water quality and even air quality. It contains numerous streams, wetlands and their riparian areas, interior forest habitats, and other sensitive ecosystems which provide habitat for red and blue listed species such as mountain beaver and pacific water shrew. The area also sustains populations of deer and other mammals. The quality and quantity of surface and ground water from Area "H" impacts Sumas River, the Fraser River foreshore and other critical habitats. Given that crown land and provincial forest where logging occurs comprise more than forty percent of the Plan area, these values should be managed through local level plans that guide forestry operations.

In addition to environmental values, forestry operations within the working forest of the Plan area are constrained by a number of other factors. These include:

- thin soils which may affect regeneration, post-harvesting stability and sediment transport;
- unpredictable blow-down from high outflow winds;
- steep slopes and geotechnical hazards;
- visual values associated with the north slopes;
- first nations archeological resources;
- heavy recreational use of Crown land;
- proximity to settlement; and,
- difficult road conditions for mixing industrial and residential traffic.

These characteristics may make the area well suited to the woodlot program. While Electoral Area "H" residents have traditionally supported sustainable forestry, conflicts between forest and residential uses may increase as development occurs on Sumas Mountain. Local woodlot holders with long term interest and intimate knowledge of the community and environment may be well positioned to minimize conflicts and manage environmental values. This appears to be the case with Woodlot No. 0045, which is 398 hectares in area and sustains an annual allowable cut of 1992 cubic metres. Woodlots may be a particularly appropriate forest tenure for Sumas Mountain.

In addition to Woodlot No. 0045, there are currently three other forest tenure holders within the Plan area. About 830 hectares of the Provincial Forest are allocated to International Forest Products under Forest License A19203. Northwest Hardwoods holds Forest Licence A32611 which includes 16 hectares west of Upper Sumas Mountain Road and 195 hectares that overlap with Interfor's forest license. Approximately 108 hectares of the provincial forest are administered by BC Timber Sales. These licensees are expected to be active through out the life of this Plan. A map showing forest tenures is included as *Map 8*.

This Plan contains policies that support sustainable logging which gives consideration to topographical, environmental and cultural constraints. While it is recognized that the 1992 *Sumas Mountain Local Resource Use Plan*<sup>21</sup> is not legally binding on the Ministry of Forests or forest licensees, this Plan reinforces a number of it's recommendations, including sustainable rates of harvest and maintenance of biodiversity and landscape ecology. This Plan also supports an expansion of the woodlot program and forest development planning that integrates recreational uses of Crown land.

Policies related to land use within the Chilliwack Provincial Forest are found in the FOREST land area designation in Section 3.6 of this Plan.

It is the policy of the Regional Board that:

- 8.1.1 The Ministry of Forests should not approve logging on lands which are subject to, or likely to be subject to, geotechnical or stream hazards unless a Registered Professional has certified that the land may be used safely for the use intended and that the use will not negatively impact adjacent uses, lands, or the environment, including but not limited to wetlands, streams, or other sensitive ecosystems.
- 8.1.2 The Ministry of Forests and forest tenure holders are encouraged to continue to refer forest and recreation management plans to the Regional District for comments respecting potential consequences or effects on private land, the Regional Park and existing community areas.
- 8.1.3 Forest resources should be harvested at a sustainable rate. The 1992 *Sumas Mountain Local Resource Use Plan* recommends that forestry cut blocks should be not larger than ten (10) hectares in area and the total annual disturbance from logging and other events should not exceed fifteen (15) hectares annually. The Regional Board, when responding to forestry referrals, will support this recommended sustainable harvest rate until more precise rates are determined through detailed study.
- 8.1.4 The Regional Board may support an expansion of the provincial woodlot program within FOREST lands in the Plan area.

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<sup>21</sup> Province of British Columbia, Ministry of Forests. *Sumas Mountain Local Resource Use Plan*. August, 1992.

- 8.1.5 Visual values associated with the north slopes of the Plan area which are visible from the Lougheed Highway corridor should be considered in any forest development plan or logging approval by the Ministry of Forests.
- 8.1.6 The responsible provincial authority is encouraged to prepare local or landscape level biodiversity and habitat management plans to guide forest development on Sumas Mountain. The Regional District will support the preparation of such a plan.
- 8.1.7 The Ministry of Forests and forest licensees should integrate forest planning and uses with recreation uses and values where possible.

## 8.2 Mineral Resources

Two aggregate quarries operating within the Plan area, and various bulk sample extractions, have been a source of intense conflict in Electoral Area “H”. Mining activity has been approved by the province despite local bylaws and widespread community opposition. As sand and gravel reserves in other parts of the region are depleted, pressure for bedrock quarrying in Electoral Area “H” has increased, as have conflicts. These conflicts are expected to accelerate as development on Sumas Mountain continues and new quarry proposals arise.

This section describes existing quarries within the Plan area, the bedrock resource, physical limitations to mineral development, community concerns, and issues surrounding the approval process for permitting new operations.

### Aggregate Production in Electoral Area “H”

The 1948 Fraser River flood generated a great need for aggregate to repair and develop flood protection and transportation infrastructure. The Cox Station site adjacent to the Fraser River on the north side of the Plan area was used by the Canadian Northern Railway as a source of aggregate ballast to repair and upgrade the rail line. The Province also extracted aggregate from a site adjacent to the Fraser at the northwest corner of Electoral Area “H”, near Page Road, to provide aggregate and rip rap for dyke construction following the flood.

The Cox Station site was subsequently acquired by Mainland Sand & Gravel (MSG) and in 1985 developed as an aggregate quarry under permit from the Province. MSG’s current operation involves drilling and blasting bedrock to produce about 1.5 million tonnes of aggregate annually, ranking the Cox Station Quarry as the ninth largest in Canada (second in BC). The majority of the aggregate produced is shipped by barge and rail, but a significant amount is transported by truck. Under the current Quarry Permit from the Ministry of Energy and Mines, the operation is forecasted to have a life of 30 years. However, the company has acquired additional lands adjacent to the quarry site which may provide for many more years of operation.

In 2001, Highland Quarry received a permit from the Ministry of Energy and Mines to operate an aggregate quarry in the area of Upper Sumas Mountain and Hogberg Roads.



Highland Quarry produces up to 225,000 tonnes of aggregate each year through blasting and processing bedrock. The current phase of operation is expected to have a life of 25 years.

There are a number of additional quarries on Sumas Mountain within the City of Abbotsford. For example, the Page Road Quarry, located at the northwest corner of the Plan area and owned by the City of Abbotsford, produces on average about 30,000 tonnes of aggregate yearly. Extraction at this site occurs largely in Abbotsford. Once extraction and reclamation are completed, the property will be functionally incorporated into Sumas Mountain Regional Park.

Quarries and mineral tenures within and surrounding the Plan area as of January, 2003 are shown on *Map 9*.

Mineral claims cover much of Electoral Area “H”. These tenures illustrate the considerable pressure for industrial development within the Plan area. Sumas Mountain is seen by the aggregate industry as a prime source of supply for the coming decades, particularly as major sand and gravel deposits in the Fraser Valley are depleted.

#### Location and Area of Aggregate Resources

Sumas Mountain is formed of bedrock – Jurassic age quartz dioritic intrusive rock and Harrison Formation andesitic volcanic rock – overlain by a typically thin layer of unconsolidated soil, often wind blown silt. While there may be minor deposits of sand and gravel associated with alluvial fans within the Plan area, no sand and gravel deposits suitable for extraction have been identified.<sup>22</sup>

Bedrock, rather than sand and gravel, is quarried for aggregate production in Electoral Area “H”. The broad class of bedrock found in the area is generically described as sodic feldspar and is common in the Region. It may be proximity to transportation routes, including the Fraser River, and major markets that attracts producers to the Plan area rather than the unique qualities of the stone. The apparent inability of regional districts to collect production-based fees from operators to compensate for road damage and other impacts may also pull the industry to electoral areas.

#### Environmental Constraints to Quarrying

Bedrock potentially suitable for aggregate may be found throughout Electoral Area “H” and much of the region. However, appropriate locations for quarrying within the Plan area are significantly constrained by a number of factors, including:

- environmental values;
- topography and slope hazards;
- road network and road conditions;
- impacts to residents; and,
- archaeological resources.

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<sup>22</sup> Land & Water British Columbia. *Fraser Valley Gravel Strategy (Draft)*. 2003.

Ministry of Transportation & Highways (Province of BC). *Terrain Evaluation for Aggregate Resources – Vancouver to Hope*. July, 2000.

As outlined in Section 7 of this Plan, Electoral Area “H” contains a variety of habitats, a complex drainage network, and many headwater streams. It is a storehouse of biological diversity and supports populations of endangered species. Conservation of these regionally important values is a natural constraint to mineral development within the Plan area. The topography, with steep slopes and ravines, presents geotechnical hazards which further constrain the appropriate siting of mines.

Existing infrastructure and development also limit suitable locations for mining operations. Upper Sumas Mountain Road is inadequate and unsafe as a haul route for industrial traffic. It is a narrow road with steep grades, sharp curves, limited sight lines and inadequate shoulders. No alternatives to the use of Upper Sumas Mountain Road exist. Residents feel that the mixing of heavy industrial and residential traffic on this sub-standard road presents an unacceptable risk.

#### Resident’s Concerns with Quarry Operations

Quarrying has considerable impact on the surrounding community. In addition to the traffic, noise and dust generated at most extractions sites, quarries use explosives to blast bedrock. Blasting may damage nearby houses and alter groundwater conditions which can affect residential drinking water supplies. Proposals for mining within the Plan area have met widespread and intense opposition from residents whose concerns include:

- safety and noise associated with the high volume of truck traffic and mixing residential and industrial traffic on substandard roads;
- suitability of roads for industrial traffic;
- premature degradation of roadways;
- impact of blasting on groundwater and water supplies;
- impact of blasting on nearby residences (i.e. moving foundations, cracks, etc);
- noise/dust from extraction and processing; and
- incompatibility with recreation and rural residential uses including perceived loss of property value.

Mining plans approved by the Ministry of Energy and Mines make provisions respecting off-site impacts and require bonding of reclamation plans. However, concerns of Electoral Area “H” residents have not been adequately addressed through the provincial mine permitting process.

#### Approval and Permitting of Mining Operations

The Ministry of Energy and Mines has sole authority to approve extraction operations under the provincial Mines Act and Mineral Tenure Act. There is little local influence in this approval process which is largely concerned with issues of mine safety and workers’ health. Thresholds of acceptable community impacts and the ability of local infrastructure to support mines do not appear to be a determining factor in the provincial approval process. Quarries have been approved in spite of widespread community opposition, road deficiencies, and contrary to local regulations, policies and land use plans. There is no certainty about where mines may be established except that they may be approved anywhere. This uncertainty exacerbates residents’ fears and hinders effective land use planning.

While the Regional District is unable to prohibit extraction, it can, and in much of Electoral Area “H” does, prohibit processing of mineral resources including crushing of aggregate. In addition, FVRD has adopted Soil Removal and Deposit Bylaw No. 0359, 2000 which requires that all operators obtain a permit from the Regional District. The purpose of the Soil Removal and Deposit bylaw is to require professional assessment, design and monitoring of operations and to provide assurances respecting impacts. This bylaw regulates aspects of soil removal but can not prohibit extraction.

#### Aggregate Haulage and Road Safety

Compared to other uses, haulage associated with aggregate operations causes a disproportionate amount of wear on local roads. It is common for municipalities to collect fees on aggregate production to fund road maintenance. Regional Districts are unable to implement similar fees because they have no jurisdiction over road maintenance. The Ministry of Transportation maintains roads within electoral areas and does not appear able to collect levies from aggregate operators to fund improvements. Many residents fear that this disparity between municipal and electoral areas:

- provides an unfair competitive advantage to operators working outside municipalities;
- creates an incentive to operators to locate in electoral areas;
- puts undue pressure on rural communities; and,
- may lead to a reduced standard of road maintenance and fewer upgrades (enhanced shoulders for cycling/walking and other community amenities) as road budgets are consumed by basic upkeep.

#### Approach to Aggregate Production within the Plan Area

Aggregate is a critical resource. It is used in all forms of construction, roads, underground utilities, and other facilities that we depend on. According to the Aggregate Producers Association of BC, per capita consumption of aggregate amounts to between 13-15 tonnes. The industry points out that as currently exploited deposits are depleted, new sources will be required to supply the 125 to 175 million tonnes that will be needed in the Fraser Valley over the next thirty years.

In some respects, Electoral Area “H” is well positioned for aggregate production. It’s bedrock is suitable for production of high quality aggregates which are increasingly sought-after for road construction. In addition, it is close to sources of demand in growing urban areas and is adjacent to the major transportation corridors of the Fraser River and Trans Canada Highway No.1. The presence of suitable stone and proximity to markets and efficient transport routes are key factors in the location decisions of aggregate producers.

Yet while Electoral Area “H” may be attractive to aggregate producers, physical characteristics of the area, including topography and environmental considerations, constrain suitable quarry locations. Infrastructure in Area “H”, specifically the road network, is not sufficient to safely support existing quarries and no funding mechanisms are in place to fund costly improvements. As well, off-site impacts of quarry operations are at a level far beyond that which residents are prepared to accept. Inadequate infrastructure, and the failure to address the concerns of residents and limit off-site impacts, has resulted in persistent and intense conflicts. Until roads and access are improved to a suitable standard

and off-site impacts are reduced to an acceptable level, residents are not prepared to accept increased extraction and processing. Accordingly, this Plan contains policies in opposition to the approval of new mineral extraction operations within the Plan area.

This Plan further advocates for changes to provincial legislation and mine permitting processes to increase local control and recognize off-site impacts, thresholds of acceptable community and environmental impacts, and limitations of the capacity of local infrastructure to support industrial uses. As a corollary to increased local control, aggregate resource planning for the electoral areas of the Regional District as a whole is supported to provide clarity and certainty to communities and industry. Issues respecting the long term supply of aggregates are regional in nature and can not be resolved in a community plan.

It is the policy of the Regional Board that:

- 8.2.1 The Regional District will oppose the approval by the Ministry of Energy and Mines of new mines, quarries, and bulk samples and the expansion of existing operations within the Plan area except where permitted by zoning, soil removal and deposit bylaw and other regulations of the FVRD.
- 8.2.2 Notwithstanding the strong opposition of the Regional Board to further mine development and in recognition of the Ministry of Energy and Mines approval of mining operations contrary to local regulations and concerns, the Ministry should not in any case approve any new mining activities where not provided for by zoning and until:
  - a regional aggregate strategy is in place;
  - a haul route assessment has been completed;
  - there is a mechanism to fund ongoing road maintenance and improvements through fees to producers;
  - roads have been upgraded to an acceptable standard; and,
  - the proponent has produced positive technical assessments.
- 8.2.3 Gravel processing, which includes the use of machinery and equipment to wash, screen, crush, and size sand, gravel, aggregate and mineral resources, shall only occur where permitted by zoning.
- 8.2.4 The secondary processing of aggregate and mineral resources and the manufacture of semi-finished and finished products from aggregate and mineral resources, including the production of asphalt and concrete, is not permitted within the Plan area.
- 8.2.5 Temporary pit run sand and gravel operations not involving blasting may be permitted under a Temporary Industrial Permit in all land use designations.
- 8.2.6 The Regional District will work with provincial agencies, municipalities, local communities and the aggregate industry to develop a strategy for aggregate extraction and processing in the electoral areas of the FVRD. The strategy should

provide certainty to communities and the aggregate industry about where operations will be permitted and where they will not be permitted.

- 8.2.7 The Minister of Energy and Mines should require that all mining or quarrying proposals, including bulk samples and expansion of existing operations, be supported by professional assessment and mitigation of:
- cumulative environmental impacts;
  - cumulative hydro-geological impacts including affect on groundwater quality and quantity, wells, and water movements;
  - cultural (archaeological) impacts if appropriate; and,
  - cumulative road, road safety and traffic impacts.
- 8.2.8 Details of all proposed mining operations, including all technical reports outlined in Section 8.2.7, should be presented to residents at a public meeting prior to the issuance of any permit or approval under the Mines Act.
- 8.2.9 The responsible authorities should fund an independent detailed haul route assessment to examine:
- present use of roads within the Plan area;
  - safe capacity of existing roads within the Plan area;
  - horizontal and vertical alignment of existing roads in comparison to accepted standards;
  - surface conditions and shoulder widths in comparison to accepted standards;
  - structural adequacy and geotechnical considerations of roads;
  - road drainage;
  - safety issues for road users, including pedestrian and cyclists; and,
  - improvements required to meet acceptable standards for heavy truck traffic and general safety.
- 8.2.10 The Ministry of Energy & Mines and the Ministry of Transportation, in consultation with the Regional District, should develop a strategy, including a timeline and funding mechanisms, for achieving road improvements.
- 8.2.11 FVRD will work with the Ministry of Transportation and other provincial agencies to develop a mechanism for collecting fees from aggregate producers to fund road maintenance and improvements within the Plan area.
- 8.2.12 The Regional Board will lobby for changes to provincial legislation to achieve greater local control over the location of aggregate resource extraction.
- 8.2.13 The Regional Board will not support the disposition of Crown land or the granting of any form of tenure of Crown land for mineral extraction or associated activities within the Plan area.
- 8.2.14 The Regional Board encourages operators of existing quarries to adopt noise and dust attenuation measures and other means to reduce off-site impacts.

- 8.2.15 The Regional Board supports the transport of aggregate products from operations within the Plan area by barge, rail or conveyor.
- 8.2.16 A permit under *FVRD Electoral Area Soil Removal and Deposit Bylaw No. 0359, 2000* shall be required prior to the removal or deposit of sand, gravel, rock, and other substances of which land is composed, from any new mine or quarry, including bulk sample site. A permit under Bylaw No. 0359, 2000 must also be obtained for existing mine and quarry operations.
- 8.2.17 All mining activities should maintain a thirty (30) metre 'no disturbance' riparian buffer from all watercourses and wetlands.

NOT FOR LEGAL PURPOSES

## 9. DEVELOPMENT PERMIT AREAS

The following areas are hereby designated as development permit areas:

### 9.1 Geological and Flood Hazard Development Permit Area No. I-H

#### Category of Designation:

The Geological and Flood Hazard Development Permit Area, known as “Geological and Flood Hazard Development Permit Area No I-H”, is designated pursuant to Section 919.1(1)(b) of the Local Government Act for the protection of development from hazardous conditions.

#### Area of Application:

Development Permit Area I-H encompasses the lands identified on *Schedule 5: Development Permit Area I-H*.

#### Justification:

Development Permit Area I-H has been established to provide guidelines to protect development in areas with *significant* and *potential* geotechnical hazards as well as lands potentially affected by flooding of the Fraser and Sumas Rivers.

An overview study of the geological condition of private lands within the Plan area identified areas of potential and significant hazard from landslide, rock fall, debris flow, and alluvial fan hazards. The study results are summarized in the Thurber Engineering LTD report, *Sumas Mountain Official Community Plan, Stage 1 Study Overview of Geotechnical Hazards*, dated December, 2002. Hazard mapping from the Thurber study is presented in *Schedule 3: Geological and Stream Hazards*.

The Thurber study identified areas within which a **geotechnical study** may be required of an owner pursuant to Section 920(11) of the Local Government Act prior to the issuance of a development permit or building permit. The boundary of the areas within which a geotechnical study may be required were established by determining estimated slope stability, locations of steep upland slopes, geological and geotechnical reasoning, estimated probabilities of hazard occurrences, site inspections, and the examination of maps and aerial photos.

Site-specific geotechnical studies are expected to independently verify types of hazard, hazard magnitudes, and hazard probabilities based on field evidence and appropriate analyses. Safe building sites within the Development Permit Area may also be identified through site-specific geotechnical study.

The Development Permit Area includes lands within the provincially designated 1:200 year floodplain of the Fraser and Sumas Rivers, or within the 60 metre floodplain setback recommended by the Ministry of Water, Air and Land Protection. These lands are not

protected by dykes or other means of area-wide flood protection. Areas within the floodplain are shown on *Schedule 4: Floodplain*.

Conditions:

The following conditions exist, or are expected to exist, within the development permit area:

- a) potential for landslide and rock fall;
- b) potential for alluvial fan hazards including debris flows; and,
- c) potential for flood and erosion hazards from the Fraser and Sumas Rivers.

Objectives:

The objectives of Development Permit Area I-H are to:

- a) direct development away from hazardous areas;
  - b) allow for land use suitable under hazardous conditions, in accordance with geotechnical studies; and,
  - c) ensure adequate professional evaluation of geological hazards and mitigation works;
- so as to minimize damage to structures and properties.

Guidelines:

In order to achieve the objectives of Development Permit Area I-H, the following guidelines shall apply to the issuance of development permits:

9.1.1 A development permit must be obtained prior to:

- a) subdivision of land;
- b) alteration of land; and,
- c) construction of, addition to, or alteration of a building or structure; within the development permit area.

9.1.2 Notwithstanding clause 9.1.1, a development permit may **not** be required for construction of, addition to, or alteration of, a single family residential building, accessory building or structure where:

- a) the potential risk of any geotechnical hazard which may affect the site, as determined by a professional geotechnical engineer in a certified site-specific geotechnical report, is within the levels deemed acceptable in the *Hazard Acceptability Thresholds for Development Permit Approvals by Local Government*<sup>23</sup>; **and**,
- b) where mitigative measures including, but not limited to, siting requirements, are not required either by the *Hazard Acceptability Thresholds for Development*

<sup>23</sup> Peter Cave. *Hazard Acceptability Thresholds for Development Approvals by Local Government*. Paper submitted to the British Columbia Geologic Hazard Workshop, February 20 & 21, 1991.



*Approvals by Local Governments* or by a professional geotechnical engineer in a certified, site-specific geotechnical report; **and**,

- c) the type of construction, addition, or alteration does not affect or relate to matters of health, safety, or the protection of property from damage; and,
  - d) the development proposal complies in all respects with the policies of this Development Permit area, the zoning regulations, and all other bylaws of the Regional District.
- 9.1.3 A site-specific **geotechnical study** may be required pursuant to Section 920(11) of the Local Government Act.
- 9.1.4 Development permits for specific land uses and densities shall accord with the recommendations of site-specific **geotechnical studies**.
- 9.1.5 Geotechnical studies submitted in support of development permit applications should meet the requirements outlined in *Assistance to Developers and Building Permit Applicants Undertaking Geotechnical Studies*.<sup>24</sup>
- 9.1.6 Except in accordance with the conditions recommended in site-specific geotechnical studies, all buildings and structures shall be setback from the crest and base of any slope with a vertical height greater than eight (8) metres and inclined at 27 degrees (50%) or more in accordance with the table below:
- |                           | <b>Setback in horizontal metres</b> |                            |
|---------------------------|-------------------------------------|----------------------------|
|                           | from <b>crest</b> of slope:         | from <b>base</b> of slope: |
| Potential Hazard Areas*   | 15 m                                | 30 m                       |
| Significant Hazard Areas* | 20 m                                | 50 m                       |
- \* As identified in *Schedule 3: Geologic and Stream Hazards*
- Guidance for field definitions of slopes, crests and bases, and setbacks is provided in the appendix of Thurber Engineering LTD's report, *Sumas Mountain Official Community Plan, Stage 1 Study Overview of Geotechnical Hazards*, dated December, 2002.
- 9.1.7 All buildings and structures shall be set back sixty (60) metres from the natural boundary of the Sumas River, Vedder Canal and Fraser River, except in accordance with the conditions recommended in site-specific geotechnical studies.
- 9.1.8 Proposed developments within the 200 year floodplain of a natural water course shall be floodproofed in accordance with the flood construction level established by the Ministry of Water, Air and Land Protection or a professional Engineer with hydraulic geotechnical experience.

<sup>24</sup> Fraser Valley Regional District. *Assistance to Developers and Building Permit Applicants Undertaking Geotechnical Studies*.

- 9.1.9 Conditions or restrictions may be imposed respecting the uses and densities permitted in the zoning bylaw, the sequence and timing of construction, areas to remain free of development, vegetation or trees to be planted or retained, natural drainage to be maintained or enhanced, or other matters as specified in Sections 920 (7)(a), (b), (c), (d) and (e) of the Local Government Act.

NOT FOR LEGAL PURPOSES

## 9.2 Mountain Stream and Riparian Zone Development Permit Area No. 2-H

### Category of Designation:

The upland stream and riparian zone development permit area, known as “Mountain Stream and Riparian Zone Development Permit Area No 2-H”, is designated pursuant to Section 919.1(1)(a) and (b) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity; and, the protection of development from hazardous conditions.

### Area of Application:

Development Permit Area 2-H encompasses all lands within the Plan area, excluding First Nations lands, as shown on *Schedule 6: Development Permit Area 2-H*.

### Justification:

Development Permit Area 2-H has been established to provide guidelines to protect the natural environment from the effects of land development and alteration as well as to protect development from hazards associated with mountain streams within the Plan area.

Electoral Area “H” is particularly rich in flora and fauna diversity. It is considered by the Ministry of Water, Air and Land Protection as a reserve or storehouse of biological diversity since the majority of terrestrial flora and fauna occurring within the Fraser Valley are found within it. Riparian areas, wetland and vernal pools found throughout the area support hundreds of species, including provincially red and blue listed species such as the Pacific Water Shrew, the Red Legged Frog, the Tailed Frog and the Mountain Beaver.

Maintaining riparian areas is an important factor in sustaining overall biodiversity. Riparian areas also maintain fish habitat by providing protection against thermal radiation, overhead cover from predation, clean leaf and small organic litter, woody debris, and bank stabilization. Riparian areas also filter surface run-off and retain some rainfall and snowmelt and thus protect the quality of surface water, run-off, and groundwater which is extensively relied upon for drinking water within the Plan area.

Scientific literature indicates that significant negative impacts to streams, biodiversity and fish habitat begin when impervious area in a watershed exceeds about ten percent (10%).<sup>25</sup> Accordingly, DPA 2-H establishes a threshold of fifteen percent (15%) impervious area. The fifteen percent threshold is based on the goal of limiting total impervious area within major watersheds in the Plan area to ten percent (10%). It is assumed that construction of impervious surfaces, excluding public roads, will occur solely on private lands. By calculating the ratio of private land to park and Crown lands within the various watersheds of the Plan area, and factoring in the estimated area of paved public roads, it is apparent that limiting impervious surfaces on all private parcels to fifteen percent (15%) of the parcel area will

<sup>25</sup> Several sources identify negative impacts which occur when impervious area exceeds 10%. Two examples are: Ministry of Water, Air and Land Protection, Province of British Columbia. *Stormwater Planning: A Guidebook for British Columbia*. May, 2002; and, Booth, Derek. *Forest Cover, Impervious Surface Area, and the Mitigation of Urbanization Impacts in King County, Washington*. September, 2000.

ensure that total watershed imperviousness will not surpass the goal of ten percent (10%). Proposals for development that result in more than fifteen percent (15%) impervious area, will be required to provide stormwater management plans to demonstrate the use of best management practices to mitigate impacts.

The Fish Protection Act requires that Regional District bylaws and regulations include provisions for the protection of riparian areas in accordance with Streamside Protection Regulation (BC Reg. 10/2001). This development permit area is intended to meet the requirements of the Fish Protection Act.

Mountain streams within the Plan area are expected to present hazards to development. Upon subdivision, Ministry of Water, Air and Land Protection has required covenants which generally establish flood construction elevations of one point five (1.5) metres above the natural boundary of nearby streams to protect development from flooding, erosion, and debris hazards.

#### Conditions:

The following conditions exist, or are expected to exist, within the development permit area:

- a) wetlands, riparian areas, rare habitats, and ecologies sensitive to disturbance;
- b) fish-bearing streams and watercourses important to the maintenance of fish habitat and populations;
- c) wildlife habitat areas including habitat which sustains populations of red and blue listed species designated under the Wildlife Act;
- d) regionally significant biodiversity;
- e) streamside protection and enhancement areas which require protection pursuant to the Fish Protection Act and Streamside Protection Regulation (BC Reg. 10-2001);
- f) surface and groundwater relied on for drinking water supply; and,
- g) stream-related hazards to development.

#### Objectives:

The objectives of Development Permit Area 2-H are to:

- a) maintain biodiversity and sensitive habitats;
- b) protect riparian areas, streams, groundwater and drinking water supplies;
- c) maintain storm water quality and quantity at predevelopment levels;
- d) minimize impact of development and land alteration on the natural environment, ecosystem and biological diversity;
- e) meet the requirements of the Fish Protection Act and Streamside Protection Regulation (BC Reg. 10-2001);
- f) allow for land uses compatible with the natural and physical environment; and,
- g) protect development from hazardous conditions.

Guidelines:

In order to achieve the objectives of Development Permit Area 2-H, the following guidelines shall apply to the issuance of development permits:

9.2.1 A development permit must be obtained prior to:

- a) subdivision of land; and,
- b) alteration of land; and,
- c) construction of, addition to, or alteration of a building or structure;

within the development permit area.

9.2.2 Notwithstanding Section 9.2.1, a development permit may **not** be required for:

- a) construction of, addition to, or alteration of a single family residential building, or a building or structure accessory to a residential use, where the development proposal complies in all respects with the guidelines of Development Permit Area 2-H, the policies of the Plan, the zoning regulations, and all other bylaws of the Regional District;
- b) the subdivision of land which does not involve:
  - clustering of lots pursuant to Section 3.1.9 of this Plan;
  - the construction of new roadways; or,
  - the creation of four (4) or more lots including the remainder of the parent parcel being subdivided;provided that suitable building envelopes outside of riparian and wetland leave strips are demonstrated on all lots and the development proposal complies in all respects with the guidelines of Development Permit Area 2-H, the policies of the Plan, the zoning regulations, and all other bylaws of the Regional District; and,
- c) forestry uses and activities undertaken on Crown land or within a Woodlot by a licensed forest tenure holder and carried out under an approval of the Ministry of Forests; and,
- d) the construction of trails or other facilities within or adjacent to Sumas Mountain Regional Park by the **Responsible Authority** which trails or facilities are a part of the park use.

9.2.3 A Development Permit issued under this section may:

- a) impose conditions respecting the sequence and timing of construction;
- b) specify areas of land that may be subject to hazards;
- c) specify areas of land that must remain free of development except in accordance with any conditions contained in the permit;
- d) require specified natural features or areas to be preserved, protected, restored or enhanced in accordance with the permit;
- e) require natural water courses to be dedicated;
- f) require works to be constructed to preserve, protect, restore, or enhance natural water courses or other specified natural drainage features of the environment; and,

- g) require protection measures, including that vegetation or trees be planted or retained in order to:
- preserve, protect, restore or enhance fish habitat or riparian areas;
  - control drainage; or
  - control erosion or protect banks.
- 9.2.4 Except in accordance with conditions in a development permit, a riparian leave area of thirty (30) metres measured from all points along the natural high water line of a **watercourse**, which is usually the water level reached during the mean annual flood event or the top of the stream bank, shall be maintained along confirmed fish bearing streams, including Chadsey, Poignant, Wades and Clayburn Creeks.
- 9.2.5 Except in accordance with conditions in a development permit, a riparian leave area of fifteen (15) metres measured from all points along the natural high water line of a **watercourse**, which is usually the water level reached during the mean annual flood event or the top of the stream bank, shall be maintained along all watercourses not specifically identified in 9.2.4.
- 9.2.6 Except in accordance with conditions in a development permit, wetlands designated on *Schedule 6: Development Permit Area 2-H* or identified by a qualified professional, shall be protected by a thirty (30) metre wetland leave area measured from the normal high water mark of the wetland.
- 9.2.7 Except in accordance with the conditions in a development permit, no clearing or removal of vegetation, disturbance of soil, or construction shall be permitted within any riparian or wetland leave area.
- 9.2.8 Where an existing single family dwelling is sited within a leave area, the Regional Board may, by Development Permit, reduce the leave area at the building site only to a minimum of fifteen (15) metres provided that new construction will involve no further encroachment into the leave area than already exists.
- 9.2.9 Where the requirement for a riparian or wetland leave area presents a hardship, the Regional Board may consider a site-specific reduction of the leave strip. In such cases, the Regional Board may require that an environmental impact assessment and/or geotechnical report be completed. For certainty, requests for reductions to riparian and wetland leave strips that would result in a leave strip less than fifteen (15) metres in width will only be considered in accordance with the recommendations of a site specific environmental impact assessment and geotechnical report.
- 9.2.10 A leave area is not required around drainage ditches and storm water detention ponds which, under normal conditions, do not flow into any watercourse or wetland. Land owners are encouraged to retain or provide vegetation and avoid applying chemicals and fertilizers around detention ponds and drainage ditches.

- 9.2.11 Applications for a development permit shall include a scaled site development plan showing:
- all watercourses, wetland and leave strips and the location of the proposed development or land alteration in relation to the leave strips;
  - the location and area of all proposed and existing buildings and structures;
  - the location of all wells and septic systems; and,
  - the location and area of all impervious surfaces.
- 9.2.12 Where development is proposed which would result in greater than fifteen percent (15%) **total impervious area**, or for subdivision involving road construction, a storm water management plan, prepared by a **qualified professional**, shall be required to demonstrate the use of best management practices to:
- ensure post-development storm water flow volumes will not exceed pre-development flow volumes in receiving waters;
  - maintain, as much as possible, predevelopment flow patterns and velocities; and,
  - certify that water quality of receiving waters will not be effected by stormwater surface run-off during and post development.
- An **environmental impact assessment** may also be required.
- 9.2.13 An **environmental impact assessment** shall be required to demonstrate that environmental and ecological impacts of major development are avoided and/or mitigated.<sup>26</sup> Major developments include, but are not limited to:
- quarries, mines, and bulk mineral samples;
  - subdivision involving the new road construction or the creation of four or more parcels including any remnant of the parent parcel being subdivided;
  - any clustered subdivision under Section 3.1.10 of this Plan;
  - low density commercial recreation uses;
  - temporary industrial and commercial uses as determined by the Regional Board; and,
  - other developments as determined by the Regional Board.
- 9.2.14 Notwithstanding Section 9.2.11, where conditions warrant the Regional Board may require that an **environmental impact assessment** be submitted as a part of any application for a development permit under this section.
- 9.2.15 With the exception of riparian protection, development and construction activities shall be undertaken in accordance with *Land Development Guidelines for the Protection of Aquatic Habitat*, which may be updated from time to time.<sup>27</sup>
- 9.2.16 Except in accordance with a site specific geotechnical report, no building or structure, or any part thereof, shall be constructed, reconstructed, altered, moved

<sup>26</sup> Where an environmental impact assessment is required as a part of a development permit application, and where rezoning or other approvals from the Regional Board are required, the Board may consider the development permit in conjunction with other approvals.

<sup>27</sup> Fisheries and Oceans Canada, Ministry of Environment, Land & Parks. *Land Development Guidelines for the Protection of Aquatic Habitat*. September, 1993 or as updated.

or extended, nor shall any mobile home or unit, or modular home, be constructed or located with the underside of the floor system of any area used for habitation, business, or the storage of goods damageable by floodwaters, lower than one point five (1.5) metres above the natural boundary of a watercourse in the immediate flood hazard area.

- 9.2.17 Pursuant to Section 699 of the Local Government Act, where the Building Inspector considers that construction would be on land that is subject to, or is likely to be subject to, flooding, mud flows, debris flow, debris torrent, or erosion, the building inspector shall require a report by a professional engineer with experience in geotechnical engineering to certify that the land may be used safely for the use intended.

NOT FOR LEGAL PURPOSES



## 10. TEMPORARY USE PERMITS

Sections 920.2 and 921 of the Local Government Act allow for the issuance of permits for temporary commercial and industrial uses in areas designated within an Official Community Plan. The Board of the Fraser Valley Regional District, upon review of a report and recommendations of the Electoral Area Services Committee (EASC), may issue a Temporary Use Permit. The report will contain a copy of the completed application, recommendations and resolutions of the EASC, as well as any additional relevant information provided by the Director of Planning.

The permit may be issued for a period of up to two (2) years and may be renewed only once, subject once again to the discretion of the Regional Board. Upon issuance, the Regional Board has the authority to impose special conditions under which the temporary industrial or commercial use may be carried on. If the resolution is passed allowing a Temporary Use Permit, notice must be given in a newspaper stating the purpose of the permit, land or lands affected, as well as stating the place where the Temporary Use Permit may be inspected. In addition, under Section 921 of the Local Government Act, a mail-out must be completed to property owners and occupiers of property within a distance, specified by bylaw, of the subject land or lands, which will be affected by the issuance of the Temporary Use Permit. The Board may also hold a public information meeting to hear the concerns of residents respecting the permit application.

Under Section 921 of the Local Government Act, as a condition of issuing the permit, the Regional Board may require the owner of the land to give security to guarantee the performance of the terms of use of the Temporary Use Permit. The security may be in the form of cash or a letter of credit, the amount of which is to be determined by the Regional Board. A major purpose of collecting the security is to ensure that the land is returned to the condition prior to issuance of the permit when the permit has expired. Legislation provides for the Regional Board to cash in and utilize the security in the event that the conditions of the permit are not satisfied.

It is the policy of the Regional Board that:

- 10.1.1 The Official Community Plan area, as shown on *Schedule 1: Land Area Designations*, is designated for the issuance of Temporary Commercial or Industrial Use Permits.
- 10.1.2 A Temporary Commercial or Industrial Use Permit may be issued for the following commercial or industrial uses:
  - (a) special events of a commercial nature which are of limited duration and which will not preclude or compromise future permitted uses on the proposed site of the temporary use;

- (b) short-term industrial activity such as portable sawmills, heavy equipment storage, log home building operations and construction yards related to specific industrial projects of limited duration;
- (c) temporary sand and gravel extraction where a permit according to the Regional District's Soil Deposit and Removal Bylaw No. 0359, 2000 has been issued; and,
- (d) industrial or commercial uses which comply with the area designation policies but where appropriate zoning does not presently allow for such uses.

10.1.3 A Temporary Commercial or Industrial Use Permit may be issued to provide for temporary approval of transitional uses, or uses where uncertainty exists respecting appropriateness or viability of the use, and where it is premature to decide upon rezoning and long-term land use rights, a temporary use permit may be issued for a limited period.

10.1.4 A Temporary Commercial or Industrial Use Permit may be issued for other temporary commercial or industrial uses.

Table 10 summarizes the types of uses which may be permitted by Temporary Use Permits within the Plan area.

**TABLE 10 TEMPORARY USE PERMITS**

<b>Type of Use Which May be Permitted</b>	<b>Area Where Permit May Be Issued</b>
(a) Special commercial events	All designations
(b) Temporary Sand and Gravel Operations	All designations
(c) Short-term Industrial and Construction Uses	All designations
(d) Transitional industrial/commercial uses which comply with area designation policies but where appropriate zoning is not available	All designations
(e) Other industrial or commercial uses	All designations

## II. INTERPRETATION

Terms not defined in this section carry the same meaning as in Provincial statutes and the bylaws of the Fraser Valley Regional District. The following terms used in the Plan shall have the meaning stated:

**ACCESS** means the way, or means of connection, between lands adjacent to a public roadway and the public roadway; which connection provides access to and from the private lands. Access may also mean the access permitted and specified in a Highways Access Permit issued by the Ministry of Transportation; see also **PUBLIC ACCESS**.

**ACCESSORY BOARDING USE** means a use accessory to a residential use and contained within the principal residence where no more than two (2) sleeping rooms, which do not contain cooking facilities, are rented for the accommodation of no more than four (4) persons.

**ACCESSORY RESIDENTIAL USE** means a use accessory to a commercial use, a tourist accommodation use, or an industrial use, where the building or buildings include one dwelling unit for the accommodation of the owner, operator or manager.

**ADVISORY PLANNING COMMISSION** means a commission established under Section 898 of the Local Government Act, responsible for advising the Regional Board on planning concerns of the local community referred to it by the Board.

**AGGREGATE EXTRACTION USE** means a use involving the extraction and removal of aggregate materials from a lot and the subsequent reclamation and revegetation of the site.

**AGRICULTURAL USE** means a use providing for the growing, rearing, producing and harvesting of agricultural products and includes the processing on an individual farm of the products harvested, reared or produced on that farm only; and, retail sale of agricultural products which are produced on the same parcel or on other parcels within the area that form and are managed as part of the same farm operation. For lands within the Provincial Agricultural Land Reserve and designated AGRICULTURAL in this Plan, agricultural use also includes activities designated as farm use pursuant to the Agricultural Land Reserve Act and Section 2 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

**ALLUVIAL FAN** means the alluvial deposit of a stream where it issues from a steep mountain valley or gorge upon a plain or at the junction of a tributary stream with the main stream.

**ANCILLARY or ACCESSORY USE** means a use auxiliary or subordinate to the principal use permitted in the land use designation.

**APPROVAL** means approval in writing from the responsible authority.

**ARTISAN-CRAFT WORKSHOP USE** means an activity of a gainful nature which is carried on by an artificer who practices, cultivates or instructs in craftsmanship and/or arts; **includes** artists' and potters' studios, workshops for the assembly and manual repair of specialized equipment by skilled artisans, musicians, horologists and the like, antique furniture and painting, restoration and repair, glass blowing, wood or stone carving, and all other similar activities; **specifically excludes** automobile, trailer and bicycle workshops, yards for trade and landscape contractors, boat building, service establishments for small appliances, office and amusement machinery and audio-visual equipment, food processing, personal service establishments, gunsmithing, locksmithing and similar pursuits, taxidermy, tanneries and pet breeding or care facilities, laboratories and professional offices, audio-visual production services and all other related occupations and businesses.

**ASSOCIATED RURAL RESIDENTIAL USES** means a variety of uses associated with, but clearly ancillary or accessory to, a rural residential use; includes home occupations, cottage industries, accessory off street parking, artisan craft workshop, and outside storage of firewood for sale.

**ASSEMBLY USE** means use providing for the assembly of persons for religious, charitable, philanthropic, cultural, private recreational or private educational purposes, and includes churches, auditoriums, youth centres, social halls, group camps, private and public schools kindergartens, play schools, day nurseries and day care schools.

**BED AND BREAKFAST** means a use accessory to a residential use and contained within the principal residence in which no more than two (2) sleeping rooms without cooking facilities, accommodation for no more than four (4) persons, are used for the temporary accommodation of the travelling public, and in which breakfast but no other meal may be served to the registered guests.

**BUFFER** means any device arranged and maintained to screen or separate adjoining land uses or properties, and includes any combination of setbacks, existing vegetation, ditches, roads, landscaping, berming and fencing.

**BUILDING BYLAW** means any building bylaw applicable to Electoral Area "H" of the Fraser Valley Regional District enacted pursuant to the Local Government Act.

**COMMERCIAL CAMPGROUND AND R.V. PARK USE** means a commercial use of land for the purpose of providing two or more recreational camping spaces for recreational trailers, or motor homes, together with all supporting, common leisure and service facilities for the exclusive use of, and occupancy for part of the year only, holiday-makers who are renting, leasing, or own the said spaces or sites; may include: strata R.V. sites under the Condominium Act, a Holiday park, a co-operative ownership recreational camping club incorporated under the Society Act; but does not include a social club, mobile home park, motel, campground or camp licensed under the Community Care Facility Act.

**COMMERCIAL USE** means a use providing for the retail sale, repair and servicing of

household, non-household, personal and non-personal goods, or for providing services to people.

**CONSERVATION USE** means the preservation and protection of natural resources and assets in their natural state, including the habitat of birds, fish and other wildlife.

**COTTAGE INDUSTRY USE** means an activity of a gainful nature which is not defined as an offensive trade in the Health Act, R.S.B.C. Ch 179, 1996 Section 113, which occupies a building accessory to residential and agriculture land uses, which includes ancillary retail and office facilities and which does not employ or involve more than three operators or employees, the principal of whom shall be resident on the parcel. Cottage industry use includes custom stone, textile, wood and metal working facilities, wholesale bakeries, plants processing and packing food grown or raised on the parcel, cottage wineries, locksmiths, gunsmiths, tinsmiths, print shops, audio visual and photographic studios, small appliances and office machinery repair, non-motorized bicycle repair shops.

**DEBRIS FLOOD** means a channelized slope hazard involving uncontrolled water flow which can result in water damage to unprotected buildings, erosion, deposition of gravel and timber debris and silting damage.

**DEBRIS FLOW** means a channelized slope hazard generally involving considerable amounts of sediments and debris, including trees and boulders, with small amounts of water, and is relatively confined to areas at the mouth of gullies, normally near the apex of the alluvial fans.

**DENSITY AVERAGING** means the process used to calculate the maximum number of parcels achievable by subdivision from a parent parcel for the purposes of clustering the development, using the following formula:

$$\frac{(\text{gross area of parent parcel})}{(\text{minimum parcel size})} = \text{maximum number of parcels}$$

**DEVELOPMENT APPLICATION** means an application pursuant to an enacted provision of a Responsible Authority which affects the development of any land within the area covered by this Plan.

**DEVELOPMENT TRENDS** mean the rate, location, type, pattern and course of urban or industrial development, including the social, fiscal and environmental impacts of such development on a community or region.

**ENVIRONMENTAL IMPACT ASSESSMENT** means a field-based technical assessment conducted, prepared and supported by a **qualified professional** including but not limited to a professional biologist, in accordance with the Ministry of Water, Land & Air Protection recommended methodologies and best practices, which assessment:

- a) provides an inventory of fish and wildlife species and their habitats; threatened, rare and endangered species and their habitats; and, other sensitive ecosystems in the proposed

- development area, and in adjacent habitats or ecosystems which may be impacted by the proposed development area; and,
- b) provides recommendations for the avoidance then mitigation of impacts associated with a proposed development area.

**EXTEND** means the enlarging of a land-area designation by adding contiguous areas to it.

**FEASIBILITY STUDY** means a study or studies prepared by a professional engineer licensed in the Province of British Columbia concerned with:

- the effect on soil stability of disturbing natural grades or natural growth, or changing the moisture content of the soil by developing, using or occupying the land;
- groundwater levels and conditions; and,
- the depth and extent of flooding and likely frequency of its occurring

**FLOOD PLAIN** means an area of land, whether floodproofed or not, which is susceptible to flooding by a watercourse, lake, ocean or other body of water.

**GEOTECHNICAL STUDY** means a study prepared by a professional engineer with training and experience in geotechnical engineering, licensed in the Province of British Columbia which interprets the physical conditions of surface or subsurface features in a study area with respect to stability, potential seismic disturbance, interrelated chemical activity, and size and volume analysis; specifically addresses the possible effects of physical alterations or deformations of the land related to proposed building or other projects; and may establish standards for siting and construction of proposed buildings or the nature and location of proposed uses.

**HOLIDAY PARK** means any lot or parcel operated and maintained for the sole purpose of providing two or more recreational camping spaces or holiday or summer home sites together with all supporting common leisure and service facilities for the exclusive use of and occupancy for part of the year only by holiday-makers who are the owners or lessees of the said spaces or sites; may include: strata lots or sites under the Condominium Act, a co-operative ownership recreational camping, club incorporated under the Society Act; but does not include a social club, mobile home park, motel, campground, or a camp licensed under the Community Care Facility Act.

**HOME OCCUPATION USE** means a use accessory to a one-family residential use where the householder carries on an occupation, craft or profession within the residential dwelling unit.

**TOTAL IMPERVIOUS AREA** means the total area of impervious surface expressed as a percentage of the total area of the parcel of land. Impervious surfaces are those which water can not penetrate such as buildings , paved roads, and driveways.

**INSTITUTIONAL USE** means a use providing for civic, educational, religious, fraternal, hospital or cultural facilities.

**INTENSIVE AGRICULTURE** means the use of land, buildings or structures by a commercial enterprise or institution for the confinement of poultry, livestock or fur bearing animals.

**LOCAL COMMERCIAL USE** means a commercial use intended to serve the day-to-day needs of the local population residing in the vicinity of the local commercial use; includes general stores, convenience stores, small personal service establishments and artisan-craft workshop uses.

**LOW DENSITY COMMERCIAL RECREATION** means a low density group recreation use carried out on a seasonal or temporary basis, including ranches, lodges, recreation camps and private recreational, institutional or cultural facilities; but excludes natural campgrounds, commercial campgrounds, RV Parks and outdoor recreation uses.

**MAXIMUM SITE COVERAGE** means the proportion of a parcel of land which is used for buildings, structures, driveways, patios, swimming pools and other development covering the surface of land.

**NATURAL BOUNDARY** means the visible high-water mark of any lake, river, stream or other body of water, where the presence and action of the water are so common and usual, and so long continued in all ordinary years as to mark upon the soil of the bed or the lake, river, stream or other body of water, a character distinct from that of the banks thereof in respect to vegetation, as well as in respect to the nature of the soil itself.

**NATURAL CAMPGROUND** means a use of land for camp sites on an overnight rental basis, which involves no buildings, structures or service connections; excludes commercial campgrounds and R.V. parks, sites owned or leased under the Condo Act, and camps licensed under the Community Care Facility Act of the Province of British Columbia.

**NATURAL GROUND** means the level of the surface of the ground which occurs or occurred naturally and before any excavation or construction.

**OFFICIAL COMMUNITY PLAN** means a plan prepared and adopted by a Regional Board by bylaw pursuant to Sections 875, 876, and 882 of the Local Government Act which applies to all or parts of an electoral area of a Regional District. It forms the basis for preparing development bylaws in an electoral area.

**ON-SITE SERVICES** means the provision of an individual water supply and on-site sewage disposal in accordance with the standards of the Responsible Authorities pursuant to the requirements of the Health Act, the Waste Management Act, and bylaws of the Fraser Valley Regional District.

**OUTDOOR RECREATION** means providing for extensive open air recreation facilities for the enjoyment of the natural environment including natural camp grounds use.

**PARK and PARK RESERVE** means open space dedicated to the preservation of the

natural environment and recreation use.

**PLAN AMENDMENT** means a bylaw amending a schedule of this Plan prepared and adopted pursuant to the Local Government Act.

**PUBLIC ACCESS** means the unrestricted right of the general public to cross lands without the need for any approvals or specified permits.

**PUBLIC USE** means a use providing for public activities or public functions within facilities established by a government, and includes cemeteries, public parks, public play grounds and public utilities or any other facilities established by a government.

**QUALIFIED PROFESSIONAL** means an applied scientist or technologist specializing in a relevant applied science or technology including, but not limited to, agrology, forestry, biology, engineering, geomorphology, geology, hydrology, hydrogeology or landscape architecture, and,

- a) who is registered in British Columbia with their appropriate professional organization and acting under that association's Code of Ethics is subject to disciplinary action by that association; and,
- b) who, through demonstrated suitable education, experience, accreditation and knowledge relevant to the particular matter, may be reasonably relied on to provide advice within their area of expertise.

**RECREATION USE** means public park, conservation, recreation and other ancillary uses as permitted by the Responsible Authorities; excludes commercial recreation uses.

**RESPONSIBLE AUTHORITY** means a governmental and/or administrative body, operating in part or in total within the region, which is charged with or capable of enacting government provisions affecting the development of land or the construction of public works within the region; includes a member municipality, a Regional District, the Province of British Columbia, the Government of Canada, and their agencies.

**RESOURCE EXTRACTION** means the pulling out or drawing out of primary forest, mineral and other natural resources and includes mining, the extraction of aggregate materials, forestry, fishing and associated local transportation uses.

**RESOURCE INDUSTRIAL USE** means a use related to the extraction, primary processing, and transport of products from primary natural resource materials; includes log booming, sawmills, and gravel sorting and screening plants and similar related industries.

**RURAL RESIDENTIAL USE** means the use of land for single-family residences with on-site services with a minimum lot density of one (1) parcel per two (2) hectares (4.74 acres).

**SEMI-PUBLIC USE** means the use of land by a religious organization, club, lodge fraternal organization, society or association intended to serve the needs of the population residing in the vicinity of the semi-public use; includes churches, daycare facilities, meeting halls and



club uses.

**SINGLE FAMILY DWELLING** means a structure providing for a single family residential use for person or persons, includes accessory residential as well as mobile homes and 'park model' mobile homes where permitted in the zoning bylaw.

**SPECIAL EVENT** means the use of land for temporary commercial or industrial use including fairs or concerts, campsites, assembly use, recreation use, emergency operations and other event-related land uses.

**TEMPORARY DWELLING** means the use of a single-width manufactured home as a dwelling unit, on a non-permanent foundation, for the accommodation of a person or persons employed in an agricultural activity taking place on that parcel.

**TEMPORARY USE** means a commercial or industrial use for which a Temporary Use Permit pursuant to Section 921 of the Local Government Act is issued.

**WATERCOURSE** means any natural depression with well defined banks and a bed zero point six (0.6) metres or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having a drainage area of two (2) square kilometres or more upstream of the point of consideration.

**WETLAND** means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions that supports, vegetation typically adapted for life in saturated soil conditions, including, swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a stream, that may not contain surface water, and that may not be connected to a stream.

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**Note:** Larger versions available in K:\FVRD-H\OCP\MAP-I --- etc.

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**Note:** Larger versions are available in K:\FVRD-H\OCP\SCHED-I --- etc.