

December 5, 2023

BERGQUIST, LARRY D
OSTONAL, CYNTHIA M

FOGARASSY, FRANK M

FILE: 4010-20- F02298.000/3

CIVIC: 12790 Stave Lake Road

PID: 004-713-371

LEGAL: NORTH WEST QUARTER SECTION 24 TOWNSHIP 18 EXCEPT: PART SUBDIVIDED BY PLAN 32097 SECONDLY: PART SUBDIVIDED BY PLAN 33864, NEW WESTMINSTER DISTRICT

Dear Property Owners:

Re: Bylaw Contraventions – 12790 Stave Lake Road, Electoral Area F

The following is a detailed list of current bylaw contraventions confirmed by Fraser Valley Regional District (FVRD) Staff during our recent site inspection on October 30, 2023 that are occurring on your property at 12790 Stave Lake Road (the “property”).

1) Construction without Permits

During our site inspection on October 30, 2023 the Regional District identified several bylaw contraventions on your property relating to construction without a permit. The following is a current list of all works requiring a building permit:

A. Shop structure – Clandestine Production

- Requires building permit for construction; or a demolition permit for removal.



B. Four (4) Shipping Containers

- Shipping containers are required to have a building permit for placement. However, these containers do not meet the requirements of the *BC Building Code* and therefore are unable to obtain a building permit. **All four shipping containers must be removed from the property.**



C. Two-story accessory structure

- Requires building permit for construction; or a demolition permit for removal.



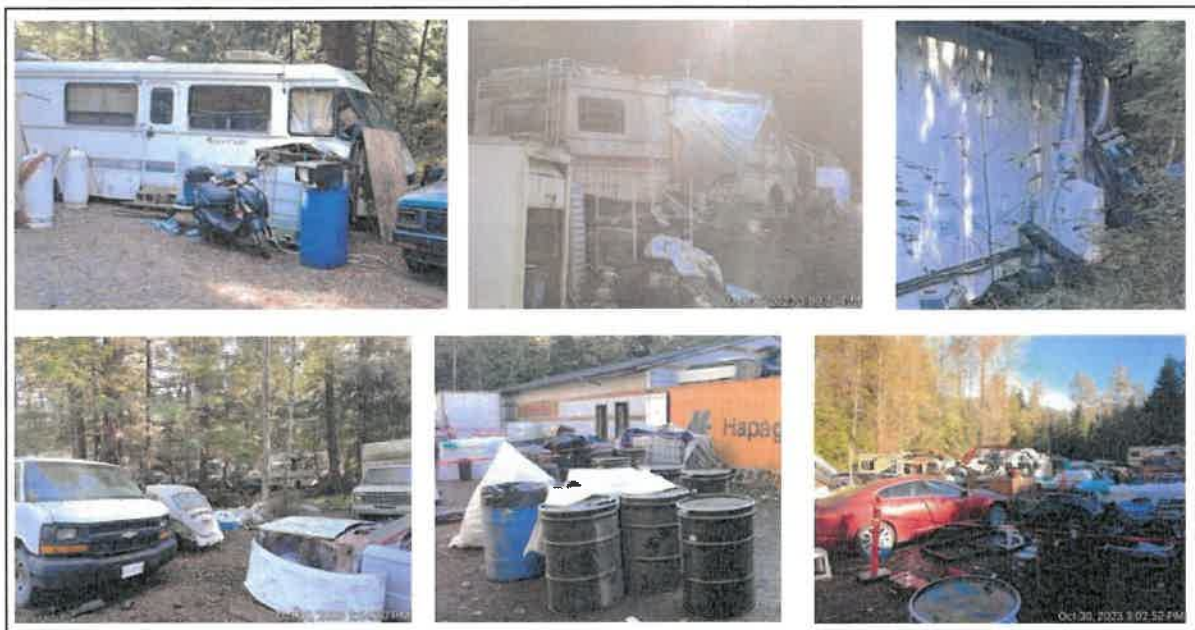
The construction of the shop structure, the two-story accessory structure, and the placement of the four shipping containers all require approved building permits as outlined below in section 6.1 of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013*:

No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building or structure, including excavation or other work related to construction until a building official has issued a valid and subsisting permit for the work unless such work is specifically exempted from the requirement for a building permit pursuant to section 5 of this bylaw.

Please contact the Regional District’s Building Department no later than **December 31, 2023** to obtain the requirements for each building permit. **It is strongly recommended you attend the office in person;** however, the Building Department may be reached by telephone at 604-702-5016 or by email at building@fvrd.ca.

2) Unauthorized Land Use

It has come to our attention and was confirmed by Regional District Staff during our inspection on October 30, 2023 that you are conducting Clandestine production use, outdoor storage use, and camping lot use on your property in violation of *Zoning Bylaw No. 1638, 2021* (Bylaw 1638) (see enclosed photos).



Your property is zoned as Agricultural 2 (AG-2). Section 8.2.1 of Bylaw 1638 provides a list of permitted uses in the AG-2 Zone. **Drug Production, Camping Lot Use, as defined below are not listed as permitted uses in the AG-2 zone and therefore are considered prohibited uses.**

1. **Clandestine Production** – *This use is not defined within the Zoning Bylaw and therefore is an unauthorized or prohibited use of the land.*
2. **Camping Lot** - *Means a site in a Campground or a site or lot in a Holiday Park for the temporary accommodation of campers in recreational vehicles or tents.*
3. **Outdoor Storage** - *Means the use of an open-air area where material is kept.*

Additionally, Section 5.7 of Bylaw 1638 states “the following are prohibited in all zones: **A use located in part or whole within a tent or recreational vehicle or park model trailer except if specifically permitted in this Bylaw.**”

While Bylaw 1638 lists outdoor storage as a permitted use in the AG-2 zone, it also outlines that this use is only permitted when it is associated with a principal use. **A principal permitted use has not yet been established on this property.**

It is required that you **cease** the unauthorized land uses, (including but not limited to Clandestine production, camping lot – living in an RV, and outdoor storage) on your property immediately. If you wish to discuss possible compliance options to address the non-permitted residential use occurring on your property we ask that you contact our planning department at 604-702-5000 or planning@fvrd.ca.

3) Land Alteration works within 30m of a water course without a Development Permit

It has come to our attention that there has been land alteration works and soil disturbance, within 30 meters of a watercourse on your property without the benefit of a Development Permit (see enclosed photos).



The above noted property is located within the *Riparian Areas Development Permit Area 2-F (DPA 2-F)* for protection of the natural environment, its ecosystems, and biological diversity. A Development Permit must be obtained prior to any construction, alteration of land, or subdivision within 30 meters of a watercourse as outlined in the *Fraser Valley Regional District Official Community Plan for Hatzic Valley, Electoral Area F Bylaw No. 0999, 2010 (Bylaw 0999)*.

You are required to submit a Riparian Area's Condition and Impact Assessment prepared by a qualified professional regarding the works within 30 meters of a watercourse accompanied by a Development Permit Application to the Regional District Office by **December 31, 2023**. Before undertaking the assessment, we would strongly encourage your Qualified Environmental Professional (QEP) contact the **FVRD Planning Department** to discuss and review the reporting requirements.

Development Permit Application forms are available online for your convenience on the Regional District's website at: www.fvrd.ca/planning. Following the receipt of your development permit application, the Planning Department can advise you on any additional information needed. Should you have any questions with regard to your application, please do not hesitate to contact one of our Planners at 604-702-5000 or planning@fvrd.ca.

Further to the Development Permit approval, a *Water Sustainability Act* approval from the Province of BC may be necessary. We have forwarded our information and concerns to the Ministry of Water, Land and Resource Stewardship for their follow-up. Please visit the Province of BC website for information: <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/water-licences-approvals/apply-for-a-change-approval-or-submit-notification-of-instream-work>

4) Unsightly Property

It has come to our attention and was confirmed by Regional District Staff during our site inspection on October 30, 2023 that your property is in an unsightly and untidy condition due to an accumulation of a large amount of derelict vehicles, machinery, contractors equipment, rubbish, debris, clandestine production equipment, refuse, and building materials on the property (see enclosed photos).



Section 4 of *Fraser Valley Regional District Unsightly Premises and Unwholesome Matter Bylaw No. 0037, 1996* (Bylaw 0037) states, in part, that the owner or occupier of real property, or their agents is required to:

- (a) remove from the real property or premises any unsightly accumulation of filth, discarded materials, or rubbish.

It is required that you please remove the derelict vehicles, machinery, contractors equipment, rubbish, debris, clandestine production equipment, refuse, and building materials from the property by December 31, 2023.

5) Agricultural Land Reserve

Additionally, please be advised that your property is wholly within the **Agricultural Land Reserve** and therefore your property and all on site uses are subject to Provincial Government Legislation as outlined within the *Agricultural Land Commission Act*. The unauthorized material deposit, and land uses occurring on your property are a concern. We have forwarded our information to the Agricultural Land Commission for their follow-up.

6) Environmental / Health Department Concerns

Due to the discovery of excessive volumes of chemicals and chemical hazardous waste during the RCMP's search of the property and their effects on the land, we have forwarded our information to both the Fraser Health and the Ministry of Environment for their follow-up.

In consideration of the above please find an attached nine (9) Bylaw Offence Notice Tickets (No. 68601, No. 68602, No. 68603, No. 68604, No. 68605, No. 68605, No. 68606, No. 68607, No. 68608, No.68609), totaling the amount of \$5,000 for multiple offences of construction without a building permit, unauthorized land use, unsightly property, and works within 30m of a watercourse without a development permit. On the reverse side of each of the Bylaw Offence tickets you will find methods available to pay or dispute a bylaw offence notice. The amounts payable are indicated on each Notice.

The FVRD wishes to work with you to enable you to bring your property in compliance with the *BC Building Code* and Regional District Bylaws. As such, it is required that you immediately cease all unauthorized land uses, land alterations and or construction on your property until such time as this matter is fully resolved with the Regional District. **Should you fail to meet the above stated deadline of December 31, 2023 then you can expect that you will be subject to continued fines of \$500 per occurrence and or other means enforcement action on behalf of the Regional District until such time as compliance is achieved. Further inspections may be conducted until compliance is achieved.**

Due to the public health risk and seriousness of this matter the **FVRD will proceed with the process of registering a contravention Notice on your property at the Land Title Office** as outlined in Section 57 of the *Community Charter*. Once registered at the Land Titles Office, the Notice will serve to advise anyone with interest in the land of the regulations contravened and provide disclosure to future owners. Please see the enclosed **Section 57 - Notice on Title Information Sheet** for your reference.

We trust that you understand the seriousness of the situation, as the Regional District feels that the property and structures in their current condition pose a life safety risk for yourself, contractors, and or visitors to your property.

We also encourage you to read the *Occupiers Liability Act* regarding property safety and negligence, available online: http://www.bclaws.ca/civix/document/id/complete/statreg/96337_01

Your Electoral Area Director has been copied on this letter to keep them informed of bylaw matters in the community.

Please contact me directly to discuss the above matter at 604-702-5015 or by calling toll free at 1-800-528-0061 or lhinton@fvrd.ca.

Sincerely,

Digitally signed
by Louise
Hinton
Date:
2023.12.05
12:52:31 -08'00'

**Louise
Hinton**

Louise Hinton
Bylaw Enforcement & Compliance Officer

Attach Bylaw Offence Notice Tickets No. 68601, No. 68602, No. 68603, No. 68604, No. 68605, No. 68605, No. 68606, No. 68607, No. 68608, and No. 68609.
Notice on Title Information Sheet

cc: Hugh Davidson, Director of Electoral Area F
Royal Canadian Mounted Police, Mission Detachment
Fraser Health, Mission Office
Ministry of Environment
Ministry of Water, Land and Resource Stewardship
Paula Blanchard, Agricultural Land Commission
Graham Daneulz, Director of Planning and Development
Bill Ozeroff, Manager of Inspection Services