



May 12, 2006

Sunshine Valley Developments Ltd.  
PO Box 88626  
Newton Town Centre  
Surrey, BC V3W 0X1

Attention: Mr. Kerry Rawlick

Dear Mr. Rawlick,

I am responding to you regarding the following subdivision proposals that you have made to Mike Neill, of our Chilliwack office.

I believe that as of this date you have now submitted a grand total of nine (9) separate applications. They are briefly as follows;

1. File 01-007-15876 for LS 5&12 Sec.6 Twp.4 Rge. 24, YDYD and LS 8&9 Sec.1 Twp.4 Rge 25 YDYD proposing 22 Strata lots in Alpine Boulevard.
2. File 01-007-15908 for LS 9,15, and 16 Sec.1, Twp4 Rge. 25 YDYD. proposing 17, ½ acre Fee simple lots in Cedar Boulevard.
3. File 01-007-15929 for LS 3,5 and 6, Sec.6 Twp4 Rge. 24 YDYD. proposing 10, ½ acre fee simple lots in East Sumallo Phase 1.
4. File 01-007-15961 for LS 3, Sec.6, Twp4, Rge. 25, YDYD PID: 014-563-916 Proposing 25 ½ acre Fee simple lots in East Sumallo Phase 2.
5. File 01-007-15986 for LS1, Sec.12 & LS16, Sec 1 & LS13, Sec.6, TP4, R25, W6M, YDYD. Proposing 14 ½ acre lots fee simple lots on Lake Drive.
6. File 01-007-15991 for LS13, Sec. 6, TP 4, R24, W6M, YDYD Proposing 27, ½ acre Fee simple lots on Lake Drive. Also known as Dewdney subdivision. Phase 1
7. File 01-007-16027 for LS1, Sec12 Twp. 4 Rge 25 YDYD. PID 014-549-735 also known as Dewdney subdivision Phase 2.
8. File 01-007-16038 for LS1, LS7, LS2, Sec.12 Twp.4, Rge 25, W6M. Yale District. proposing 40 ½ acre Fee simple lots, on Lake Drive.
9. File 01-007-16042 for the renovation of the existing two story Sunshine Hospitality Inn for the creation of 36 Strata Condominiums within the portions of Legal LS5, Sec..6, LS8, Sec.1, Twn4, Rge25, W6M YDYD.

1. As part of the review for the aforementioned subdivisions, it has come to my attention that there is an overall issue that affects all of these proposed developments. The issue that has come to light is the potential that for the slopes adjacent (east) of the existing Hope Slide, may be unstable and could have the potential of collapsing. This issue first came to light in my review of a geotechnical report done by Thurber Engineering dated March 7, 2003. This is attached as Schedule "A". Upon receiving said report I subsequently met with geotechnical experts and then followed up with a further conference call with Dr. Steve Evans who is a world renowned expert on such matters and also has experience with the properties east of the Hope Slide. He has confirmed the earlier findings of the Thurber Report that the slope east of the Hope Slide has been moving.

Consequently, as a result of these finding, and as required as part of my review under the Land Titles Act, I consider that the deposit of the aforementioned subdivisions would be against the public interest, as I consider them to fall in the category outlined by Section 86(1) © (v), and Section 85 (3) of the Land Title Act.

Until such time as the geotechnical concerns mentioned above have been thoroughly reviewed for this area and the Geotechnical Engineering experts have concluded that the area is safe for further development, I do not see this position changing. The legal reference for the request for further expert opinion would fall under Section 86(1)(d)(i) of the Land Title Act.

2. The second overall issue that surrounds the above mentioned subdivisions, pertains to the lack of existing Local Governance for the Sunshine Valley community. With the recent trend by the Provincial Government to download land use planning responsibility to Local Governments this issue is of grave concern to me as an Approving Officer under the Land Titles Act, particularly when considering approval of further subdivisions as has been submitted by you.

A report entitled "Review of Community Planning and Development Regulations in Sunshine Valley", dated July 8, 2005 by Alan Ferguson, MCIP, of Regional Consulting Ltd. of Vancouver, copy attached as, Schedule "B", has summarized the issues very well. This report was also considered as part of my review of the aforementioned subdivisions, and hence my concern in this regard.

This report has raised a number of very topical points and was intended to provide impartial information on the two options that are apparently to be considered by Sunshine Valley residents and property owners soon: The two options are briefly;

Option A: to maintain the status quo – no Regional District regulation related to community planning, zoning and building inspection; and

Option B: to re-introduce Regional District planning, zoning and development inspection similar to other areas of Electoral Area "B".

The study has provided a good comparison of the two options. The study has not recommend one option over the other, however has simply provided technical background information to facilitate public understanding of the implications of the two options related to planning and development regulation services in the Sunshine Valley.

At such time as the major geotechnical issue mentioned in item 1 above, has been satisfactorily concluded, the issue of Local Governance will also have to be addressed before further consideration will be given to the subdivisions that you have applied for as aforementioned.

The basic issue that I am grappling with in this regard, is how can the "Status Quo" mentioned above, meet all the same goals and objectives envisioned by the Provincial Legislators for a regulatory system empowered and guided by the Local Government Act, the Community Charter, etc. and the usual Local Government initiatives?

For example, under the Fish Protection Act, the Riparian area Regulation 376/2004 was implemented by the Provincial Government, delegating controls to Local Government. In an area like Sunshine Valley it begs the question about what authority is responsible for this task of Land Use Planning given the absence of Local Government in dealing with such matters. Is the "Status Quo" addressing such issues and to what extent?

There are many other concerns in this regard such as, how are basic Growth Strategies as contemplated by Section 849 Local Government Act being implemented, how are floodplains being identified and protective works managed in the absence of Local Government controls. How are standard land use planning issues that are normally being addressed under the Local Government Act and the Community Charter being addressed in the absence of the usual Local Government controls with such legislation? How is utility servicing being planned for and provided under the existing system? How is public consultation being taken care of with the Status Quo?

This report has raised many questions for me and quite frankly does not give me a lot of comfort that all the issues usually being dealt with by Local Government are being completely and adequately addressed here.

I would therefore consider deposit of the move mentioned plans to be against public interest. Clarification on these concerns would be required before subdivisions would be entertained further. This concern would therefore also fall under Section 85(3) of the Land Title Act, based on the very limited information made available to me as part of this review.

3. In addition to the above reasons for refusing the above mentioned subdivisions there are smaller scale issues that will also need to be addressed. For sake of simplicity and convenience I have had a matrix developed to summarize the other concerns for the respective subdivisions. This matrix has been attached as Schedule "C".

At such time as the larger scale overall items 1 & 2 above have been resolved, the items noted in the matrix are also reasons for subdivision refusal and will need to be addressed should the subdivisions otherwise proceed with approval. There may be other items that come to light as part of further on site reconnaissance, therefore you should be aware that the reasons noted may not be all inclusive.

Working across the top of the matrix from left to right the following concerns apply;

1. Fraser Health Approval; Health issues for all subdivisions has not been addressed and is still outstanding. The first subdivision will require a waste water permit and all the others will require the usual percolation and septic approval by the Health Authorities. All legal aspects will have to be properly addressed for Health and water supply and this has not been done.
2. Geotechnical Concerns; The large scale geotechnical concern applies to all the proposed subdivisions at this time, plus smaller scale site specific geotechnical investigation is also going to need to be addressed for subdivisions 3-9 inclusive. The consultant will be required to think in terms of a 10 % probability in 50 years for the review of such subdivisions.

3. Avalanche Concerns; this concern applies to the 2nd plus the 5<sup>th</sup> through to the 8<sup>th</sup> subdivisions inclusive as listed on the left side of the matrix. Snow Avalanche experts will need to address all concerns in this regard.
4. Flooding and Debris flow concerns; this concern applies to all the subdivisions listed in the matrix. In addition several of the subdivisions may also have hydrological issues which will include the need for adequate protective works administered by local government that will assume responsibility, liability, and maintenance costs for any protective works deemed necessary to protect the subject properties. The subdivision in the matrix that will need protective dyke protection works will include 1-4 inclusive plus number 9. Other subdivisions may also be added to this list, depending on the results of further investigation.

All the subdivisions mentioned in paragraphs 2, 3 & 4 above are considered to fall in the category outlined by Section 86(1)(v) of the Land Title Act.

5. Contamination concerns; The first subdivision in the list is the only one that has been identified as having contamination concerns. Consequently further review and submissions will be required pursuant to Section 85.1 of the Land Titles Act.
6. Fish and Wildlife concerns; The 2nd, 5th through to and including the 9th are all identified as having potential environmental issues that will have to be further identified and investigated through environmental and planning studies by experts in this field. As Local Governments have not been involved with such environmental reviews as contemplated by changes in Provincial Legislation and as Environmental Impact and Planning studies have not been submitted as contemplated by Sec. 86(1)(vi) such matters will also need to be addressed.
7. Access to public road. Only one of the subdivisions is considered to have sufficient access to the public road system and that is the 2nd subdivision. All of the other subdivisions, i.e. 1, 3 to 9 inclusive are all considered to have insufficient access to the established public road system for subdivision purposes. In addition, three, (3) of the subdivisions namely, 2, 4, & 9 have bridges that do not meet public road standards and would have to therefore be replaced should the subdivisions otherwise proceed. These subdivisions are therefore considered to fall in the category outlined by Section 86 (1) (ii) of the Land Titles Act.
8. Governance Concerns; as indicated in the first part of this letter this is a general overall concern that must be addressed and applies to all of the proposed subdivisions listed.
9. There is one additional point that I would like to make, and that pertains to the 9<sup>th</sup> subdivision listed in the matrix. Please note that my aforementioned comments regarding this subdivision have been focused on the assumption that you intend to create single parcel of land pursuant to Section 240 (a) of the Strata Property Act, prior to actually proceeding with approval for the conversion of the previously occupied building pursuant to Section 242 (1) of said act.

While I have jurisdiction over the creation of the single parcel under 240(a) of the Strata Property Act, which must proceed prior to the conversion of the building to strata units, the "Approving Authority" as outlined by section 242(1)(b) of the Strata Property Act is actually the Regional Board of the Fraser Valley Regional District, and accordingly any decisions in this regard would fall under their jurisdiction rather than mine. I would therefore suggest that you follow up with the Regional District on this point, and any concerns that the jurisdiction may have regarding the building conversion.

In summation, under the Land Titles Act I have attempted to outline my reasons for rejection plus my requirements, based on the very limited information provided to date.

I appreciate that the aforementioned applications and resultant refusal is more complex than usual, and that you may have questions. If you wish to meet to review further, please do not hesitate to contact me and necessary arrangements will be made.

Thank you.



Howard Hunter  
Provincial Approving Officer  
Lower Mainland District  
New Westminster

/hh  
Attachment

- c. Fraser Health Authority  
Fraser Valley Regional District, Attention: Hugh Sloan  
Barry Eastman, Operations Manager, Chilliwack  
Maria D'Archangelo, Attorney General and Minister Responsible for Treaty Negotiation  
Dave Gerraghty, Manager Geotech. & Material Engineer

**RECEIVED**

MAY 17 2006

FRASER VALLEY REGIONAL DISTRICT  
DEPARTMENT \_\_\_\_\_

# Schedule C

## Sunshine Valley Current Subdivision Applications

File #	Location	F.H.A. Approval	Geotechnical Concerns	Avalanche Concerns	Flooding, Debris flow Concerns	Contamination Concerns	Fish & Wildlife Concerns	Access to public Rd.	FVRD Governance Concerns	# Lots Size
1	Alpine Boulevard	No. Waste water permit Needed MOE	Yes (Large Scale)	No ?	Yes	Possibly. Heavy equipment stored on site	No	No Forest Service.	Yes	22 Strata
2	Cedar Boulevard	No Waiting info	Yes (Large Scale)	Yes Trite Creek	Yes TriteCreek	No	Yes	Yes MoT Road	Yes	17 1/2 Acre Fee. S
3	East Sumallo Phase 1	No Waiting info	Yes (Large & Small Scale)	No ?	Yes	No	No	No. Bridge not to standard	Yes	10 1/2 Acre Fee S.
4	East Sumallo Phase 2	No Waiting info	Yes (Large & Small Scale)	No ?	Yes	No	No	No. Bridge not to standard	Yes	15 1/2 Acres Fee S.
5	Lake Drive	No Waiting info	Yes (Large & Small Scale)	Yes	Yes	No	Yes	No	Yes	14 1/2 Acre Fee S.
6	Dewdney	No Waiting Info	Yes (Large & Small Scale)	Yes	Yes	No	Yes	No	Yes	27 1/2 Acres Fee S.
7	Dewdney Phase 2	No Waiting Info	Yes (Large & Small Scale)	Yes	Yes	No	Yes	No	Yes	22 1/2 Acre Fee S.
8	Lake Drive Phase 2	<b>Not Referred</b>	Yes (Large & Small Scale)	Yes	Yes	No	Yes	No	Yes	40 1/2 Acre Fee S.
9	SS Hospitality Inn, Strata	<b>Not Referred</b>	Yes (Large & Small Scale)	No	Yes	No	Yes	No. Bridge not to standard	Yes	36 Building Strata

Total 198 lots & Units