



# COLUMBIA SHUSWAP REGIONAL DISTRICT

## Regular Board Meeting

### LATE ITEMS AGENDA

Date: Thursday, July 18, 2019  
Time: 9:30 AM  
Location: CSR D Boardroom  
555 Harbourfront Drive NE, Salmon Arm

Pages

#### 5. Correspondence

##### \*5.3 Correspondence from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (July 15, 2019)

1

Letter from Minister Donaldson's staff in response to letter from Chair Martin re:  
Crown land closures and protection of mountain caribou.

#### 7. Business General

**\*7.7 Director Brooks-Hill - Request for Board Support - Remove portion of Electoral Area B from Building Inspection Service**

3

Background:

Original request by Electoral Area B Director as Electoral Area Directors' Committee agenda topic.

Item brought forward from the Electoral Area Directors' Committee meeting of June 25, 2019. See EAD meeting minutes (Board Agenda Item 6.2) for Committee discussion on this topic.

Refer to EAD Meeting Agenda for background information: EAD Item 5.1

Refer to attached Memorandum from Manager, Development Services, to CAO, dated June 18, 2019.

Building Inspection Service Area bylaws attached for reference. Participating areas are Electoral Areas B, C, and E.

Update: July 11, 2019 - Director Brooks-Hill has clarified with staff that his request is to ask for Board support to remove part of Area B (outside of the fire protection boundaries), from the Building Inspection Service.

Action: Feedback/comment sought from Board in response to request.

Resolution added to Late Agenda.

***Motion***

Whereas the Director of Electoral Area B has requested support for a Board vote or public petition process to remove building regulation and inspections in some of Area B;

And Whereas in order to remove some of Area B from the Sub-Regional Building Inspection Service, an amendment to Bylaw No. 5762, as amended, will be required;

And Whereas the Board considers that it is prudent to gauge the level of Board support for the removal of some of Area B from the Sub-Regional Building Inspection Service prior to expending CSRD resources on a petition process;

Now Therefore Be It Resolved that:

Staff are directed to prepare a form of petition that satisfies the requirements of the Regional District Establishing Bylaw Approval Exemption Regulation and s. 212(4) to (6) of the Community Charter, to initiate a process for the removal of some of Electoral Area B from the Sub-Regional Building Inspection Service Bylaw No. 5762, as amended.

**\*7.8      Surveillance Cameras Policy A-74**

16

Report from Lynda Shykora, Head, Freedom of Information/Protection of Privacy, dated July 13, 2019.

***Motion***

THAT: the Board endorse the "Overt Video Surveillance Policy A-74" and approve its inclusion into the CSRD Policy Manual, this 18<sup>th</sup> day of July, 2019.

***Motion***

THAT: the Board endorse the "Overt Video Surveillance Policy A-74" and approve its inclusion into the CSRD Policy Manual, this 18<sup>th</sup> day of July, 2019.

**14.      1:00 PM Business by Area**

**\*14.2      Electoral Area C: Development Variance Permit No. 701-92**

35

Report from Laura Gibson, Planner I, dated July 3, 2019.  
2495 Rocky Point Road, Blind Bay

Public submissions received, attached to Late Agenda.

***Motion***

THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 701-92 for Lot 10, Block 2, Section 30, Township 22, Range 10, West of the 6th Meridian, Kamloops Division Yale District, Plan 9989, varying South Shuswap Zoning Bylaw No. 701 as follows:

- Section 7.2.5 minimum setback from the exterior side parcel line from 4.5 m to 1 m, only for any portion of the proposed accessory building;

be approved this 18<sup>th</sup> day of July, 2019;

AND FURTHER THAT: issuance be withheld until the proposed accessory building receives issuance of a Lakes 100m Development Permit by the Manager of Development Services.

**\*14.3 Electoral Area F: Development Variance Permit No. 800-33**

51

Report from Candice Benner, Planner II, dated July 4, 2019  
6346 Squilax-Anglemont Road, Magna Bay.

Note: Item 15.7 Zoning Amendment (Coueffin) Bylaw No. 800-31 to be considered prior to review of Development Variance Permit.

***Motion***

THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 800-33 for Lot 9, Section 13, Township 23, Range 10, W6M, KDYD, Plan 13493, varying Magna Bay Zoning Bylaw No. 800, as follows:

Section 5.5(2)(e) Maximum height for an accessory building from 6 m to 7.92 m for a garage;

Section 5.5(2)(f) Minimum setback from the front parcel boundary from 4.5 m to 0.5 m and from the interior side parcel boundary from 2.0 m to 0.5 m for a garage; and

Section 5.5(2)(g) Maximum gross floor area of an accessory building from 55 m<sup>2</sup> to 58 m<sup>2</sup> for a garage,

be approved for issuance this 18<sup>th</sup> day of July, 2019.

**15. Planning Bylaws**

**\*15.6 Electoral Area F: Scotch Creek/Lee Creek Zoning Amendment (Mosher)  
Bylaw No. 825-40**

74

Report from Erica Hartling, Planner I, dated July 11, 2019.  
3740 Ancient Creek Lane, Scotch Creek



***Motion***

THAT: "Scotch Creek/Lee Creek Zoning Amendment (Mosher) Bylaw No. 825-40" be read a third time this 18<sup>th</sup> day of July 2019.

***Motion***

THAT: "Scotch Creek/Lee Creek Zoning Amendment (Mosher) Bylaw No. 825-40" be adopted this 18<sup>th</sup> day of July 2019.

**\*15.7 Electoral Area F: Magna Bay Zoning Amendment (Coueffin) Bylaw No. 800-31**

119

Report from Candice Benner, Planner II, dated July 11, 2019  
6346 Squilax-Anglemont Road, Magna Bay

***Motion***

THAT: Magna Bay Zoning Amendment (Coueffin) Bylaw No. 800-31 be read a third time this 18<sup>th</sup> day of July, 2019.

***Motion***

THAT: Magna Bay Zoning Amendment (Coueffin) Bylaw No. 800-31 be adopted this 18<sup>th</sup> day of July, 2019.



<input type="checkbox"/> CAO <input type="checkbox"/> Works <input type="checkbox"/> DS <input checked="" type="checkbox"/> Fin/Adm	<input checked="" type="checkbox"/> Agenda <input type="checkbox"/> Reg Board <input type="checkbox"/> In Camera <input type="checkbox"/> Other Mtn	Ownership:  File# 0410-10-25
JUL 15 2019		
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Reference: 248627

July 15, 2019

Via Email: jsham@csrd.bc.ca

Chairperson Rhona Martin  
 Columbia Shuswap Regional District  
 555 Harbourfront Drive NE  
 PO Box 978  
 Salmon Arm, BC V1E 4P1

Dear Chairperson Martin and Members of the Board:

Thank you for your letter to Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development regarding crown land closures and protection of mountain caribou. As Executive Director for Species at Risk Recovery, I have been asked to respond. I want to first apologize for the long delay in getting back to you and to thank you for taking the time to write.

Thank you for the invitation to attend a future Board meeting – I will certainly accept and will reach out to your office to coordinate the details.

In your letter you emphasized the importance of including the perspective of local governments and community members before decisions are made on the draft Intergovernmental Partnership Agreement for the Southern Mountain Caribou Central Group (Partnership Agreement), and the draft Section 11 Agreement. I want to assure you this is our intent and that we are gathering and considering all feedback to inform our efforts on caribou recovery. The draft Section 11 Agreement is a framework agreement that puts in place a collaborative approach where all resource users, communities, Indigenous governments and local governments can contribute towards caribou recovery with a long-term goal of achieving self-sustaining populations.

We welcome you to read more about the Provincial Caribou Recovery Program on our website at <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/wildlife/wildlife-conservation/caribou>. I look forward to meeting you in the near future.

Thank you again for writing.

Sincerely,

A handwritten signature in black ink, appearing to read 'D - 12A'.

David Muter  
Executive Director

pc: Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations  
and Rural Development



# MEMO

June 18, 2019

**TO:** Charles Hamilton, Chief Administrative Officer  
**FROM:** Gerald Christie, Manager Development Services  
**SUBJECT:** June 25, 2019 Electoral Area Directors' Committee Meeting Agenda  
 Topic: Electoral Area B Building Inspection Removal

## BACKGROUND:

On May 26, 2019, Electoral Area B Director David Brooks-Hill provided an Electoral Area Directors' (EAD) Committee meeting agenda topic to the Assistant Deputy Corporate Officer for the upcoming June 25, 2019 meeting. The agenda topic proposes, (1) the removal of building inspection services from rural Electoral Area B outside of the City of Revelstoke Fire Protection Area, OR (2) if the Board does not agree to vote in favour of option 1, then the Director desires to withdraw Electoral Area B from the CSRD building inspection service entirely.

Given the significance of this proposed EAD topic, the long history of CSRD Board discussions of this issue, and to ensure that accurate information is before the Board, I thought it necessary to provide you with the following information and comments prior to the EAD meeting.

In preparing this memo I have sought clarification from staff at the Ministry of Municipal Affairs and Housing and reviewed legal interpretations of the Community Charter and Local Government Act with regard to removal of a building inspection service.

## DISCUSSION:

Several aspects of Director Brooks-Hill's EAD agenda submission require a response. These are set out below.

### ***Appropriateness of Building Inspection Removal as an EAD Topic***

Director Brooks-Hill has submitted as an EAD agenda item, "Removing building inspection/building permit requirements for Area B outside of fire protection area." Further, the Director notes that "if the Board does not agree to vote in favour of this..." he will seek to withdraw building inspection from the bylaw service area entirely.

The Director has noted two options, to modify or to remove the building inspection service in Electoral Area B. This is not being put forward as a 'discussion' item for the EAD but instead is a request for decision that only the Board, and not the EAD Committee, can make.

Essentially, a motion is being put forward to amend the building inspection service boundary; if that is defeated, then a second motion would be put forward by the Director to remove the service completely from Electoral Area B.

There have been numerous discussions by the Board on the reasons for enacting a building inspection service in CSRD Electoral Areas and the positive implications to the Corporation of doing so, i.e. health safety of residents, reduction in legal costs, improved bylaw enforcement, adherence to land use bylaws, etc. Further, given the previous Board discussions, corporate impact of the bylaw, and that an "either-or" ultimatum has been put forward by the Director, this topic should be redirected to the Board for discussion. I therefore recommend that this memo be provided to the Electoral Area Directors for the EAD meeting of June 25, 2019, and also be provided on the July 18, 2019 Board agenda for information.

### ***Electoral Area Building Inspection Service – travel; permit times***

Travel times for building staff has been noted as one reason to remove the building inspection service outside of the fire service area of the City of Revelstoke. The Director specifically commented on the travel time needed to drive to Trout Lake as well as the inability for residents to obtain a building permit within one year.

Building staff routinely book inspections along the way to Trout Lake, or on the return trip, in the Begbie Bench and Shelter Bay areas as well as across the ferry in developments at Galena Bay and in Trout Lake. Although it can make for a long day for staff to attend these sites, it has not proven onerous or unsustainable. Of note, the greatest increase in new construction and permits have come from these areas south of Revelstoke.

In light of the Director's comments with regard to the length of time to obtain a building permit, I reviewed the 28 building permit files with Building Inspection staff that have been applied for in Electoral Area B since March 2018 (start of the service); there are no outstanding permits in the electoral area which support the Director's comment that "it is nearly impossible to get a permit within one year."

When complete and paid for building permit applications have been received by the CSRD, building staff have been consistent in having the applications processed and reviewed by staff for bylaw and BC Building Code compliance, within four weeks. In approximately six cases where this process has taken longer, in some cases several months, building applications: have not been paid for; do not have required ownership signatures; delays have been due to the applicant's engineer; the proposed use first requires a rezoning or Temporary Use Permit; the applicant has encountered servicing issues; or, the applicant has submitted incomplete/incorrect drawings.

Development Services staff are often in constant contact with applicants and if there is a concern with regard to application processing timelines, a Director is encouraged to contact the appropriate Team Leader or myself as necessary so the concern can be looked into.

### ***Revelstoke/EA B Fire Protection Service Area***

The Director has noted that he would be willing to have the building inspection service stay if the service was only provided in the City of Revelstoke/EA B Fire Protection Service Area. Part of the reason a building inspection service was brought into Electoral Area B was due to the occurrence of home fires in the rural area and concern about construction meeting BC Building Code

requirements for the structure's proposed use. As noted above, the greatest increase in new construction and permits is in the Begbie Bench, Shelter Bay and Galena Bay areas; only Begbie Bench is covered under the Rural Revelstoke Fire Protection Service Area. From a fire, health and safety perspective, it is particularly critical for those areas not within a fire protection boundary to have building inspection.

### ***Local Government Act Service Withdrawal Regulations***

The Director has suggested that he can unilaterally withdraw from the building inspection service for Electoral Area B once the service has been in place for 5 years based on the authority granted in Section 357 (Initiating a service review) of the Local Government Act (LGA). This interpretation of the LGA is not correct.

Building inspection is a "regulatory service", and therefore a participant cannot initiate a service withdrawal as noted under s. 361 of the LGA (emphasis added):

#### **Initiating service withdrawal**

**361** (1) A participant may initiate service withdrawal if **all** the following circumstances apply:

- (a) the service has been subject to
  - (i) a service review that was initiated within the past 3 years, or
  - (ii) an alternative review process, in accordance with establishing bylaw provisions under section 340 (1) (e), that was started within the past 3 years;
- (b) the first meeting respecting the review, which in the case of a service review is the first preliminary meeting under section 359, was convened more than 8 months ago;
- (c) the service is **not**
  - (i) a service referred to in section 338 (2) [*services for which no establishing bylaw required*],
  - (ii) **a regulatory service**, or
  - (iii) a service prescribed under subsection (6).

(2) A participant may initiate service withdrawal under this Division even if the establishing bylaw provides terms and conditions for withdrawal under section 340 (1) (f).

(3) To initiate service withdrawal, a participant must give written notice to the board, all other participants in the service and the minister.

(4) The notice under subsection (3) must

- (a) describe the terms and conditions of participation in the service that the participant finds unsatisfactory, and
- (b) give reasons, relating to those terms and conditions, as to why the participant wishes to withdraw from the service.

As s. 361 of the LGA does not apply to regulatory services, to amend or repeal the building inspection service, the establishing bylaw must be amended or repealed by the Board. This is provided for in s. 349 of the LGA, and it requires approval of the Inspector:

### **Amendment or repeal of establishing bylaws**

**349** (3) A bylaw amending or repealing an establishing bylaw has no effect unless it is approved by the inspector.

Staff have consulted with the Ministry regarding the circumstances in which the Inspector will approve a bylaw amendment that entails withdrawal from a building inspection service.

Staff have been advised that the Inspector is unlikely to approve a bylaw amendment that reduces a building inspection service area unless electoral approval has been obtained, substantial rationale has been provided as to why the building inspection service cannot be maintained, and the Regional District has taken steps to consult with the Building and Safety Standards Branch ([building.safety@gov.bc.ca](mailto:building.safety@gov.bc.ca)) to look for solutions to any problems that would allow the building inspection services to remain in place in a given area.

Ministry staff note that they are not aware of any specific case where the Inspector has approved the reduction or elimination of building inspection service area boundaries or the removal of participants. This is because *"the province considers building inspection to be in the best interest of residents and a significant benefit to the health and safety of citizens."*

There is a second option for altering the boundaries of the building inspection service, without approval of the Inspector.

It is possible to add or remove parcels from a service area, without triggering a requirement to obtain Inspector approval, pursuant to the *Regional District Establishing Bylaw Approval Exemption Regulation*, which enables adding or removing parcels where the owners petition to be added or removed. However, this process requires approval of at least 2/3 of the participants, which in the case of the Building Inspection Service, means three of the four existing participants must consent:

### **Exemption — bylaw amending service area boundary**

**2** (1) An amendment to an establishing bylaw that changes the boundaries of a service area by one or both of the following is exempt from the requirement for the inspector's approval under section 349 (3) of the Act:

- (a) adding parcels to the service area;
- (b) removing parcels from the service area.

(2) **An exemption under subsection (1) applies only if**

- (a) the owners of parcels to be added, parcels to be removed or both, as the case may be, submit a petition to the regional district to change the boundaries of the service area, and
- (b) at least 2/3 of the participants consent to the amendment.

In order to be a sufficient valid petition, the petition must be signed by the owners of the parcels as follows:

1. At least 50% of the owners of the parcels to be removed; and
2. Owners that in total represent 50% of the next taxable value of all the land and improvements in or on the parcels to be removed.

**Summary**

In order to move forward with the Director's request to amend or remove the building inspection service for Electoral Area B the Board must:

- Approve a motion to vote on the removal or amendment of the building inspection service area;
  - Stream 1 – Petition to Amend
    - A) Motion must include to have staff organize a formal petition process with which 50% of the owners representing 50% of the net taxable value of all the land and improvements in or on the parcels to be removed; and,
    - B) If a petition is received meeting the LGA requirements noted above, 2/3 of the participants in the service area must then consent to the amendment to the service area;
  - Stream 2 – The Board may proceed to amend the establishing bylaw:
    - A) in accordance with the requirements applicable to the adoption of the service establishment bylaw, or with the consent of at least 2/3 of the participants;
    - B) The bylaw must be approved by the Inspector; and,
    - C) If approval is given by the Inspector, Building Bylaw No. 660 will then need to be amended by the Board to change that Bylaw's noted service area boundary.

Regards,



Gerald Christie, MCIP, RPP  
Manager Development Services



## **COLUMBIA SHUSWAP REGIONAL DISTRICT**

### **BYLAW NO. 5762**

A bylaw to establish a Building Inspection service within Electoral Area B and Electoral Area E.

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WHEREAS a regional district may, by bylaw, establish a service under the provisions of the *Local Government Act*;

AND WHEREAS the Board of the Columbia Shuswap Regional District wishes to establish the service of building inspection in a portion of the regional district that consists of Electoral Area B and Electoral Area E;

AND WHEREAS the Board has obtained approval for the service from the participating Electoral Areas in the form of written consent provided by each of the Electoral Area's Electoral Area Director, pursuant to the *Local Government Act*;

NOW THEREFORE in an open meeting assembled, the Board of Directors of the Columbia Shuswap Regional District enacts as follows:

#### **SERVICE**

1. To establish a service for the purpose of providing and operating building inspection.

#### **PARTICIPATING AREAS**

2. The participating areas for Building Inspection established by this bylaw consist of Electoral Area B and Electoral Area E.

#### **SERVICE AREAS**

3. The participating service area boundaries established by this bylaw are shown on the Schedules attached hereto and forming part of this bylaw and consist of:
  - Schedule A - All of Electoral Area B;
  - Schedule B - All of Electoral Area E.

#### **COST RECOVERY**

4. The annual costs shall be recovered by one or more of the following:
  - a) requisition of money to be collected by a property value tax on land and improvements in accordance with the *Local Government Act*;
  - b) the imposition of fees and charges;
  - c) revenues raised by other means authorized under the *Local Government Act* or another Act; and/or
  - d) revenues received by way of agreement, enterprise, gift, grant or otherwise.

**FORCE and EFFECT**

5. This bylaw will come into effect upon adoption.

**CITATION**

6. This bylaw may be cited as the "Sub-Regional Building Inspection Service Bylaw No. 5762".

READ a first time this 19<sup>th</sup> day of October, 2017.

READ a second time this 19<sup>th</sup> day of October, 2017.

READ a third time this 19<sup>th</sup> day of October, 2017.

APPROVED by the Inspector of Municipalities this 28<sup>th</sup> day of November, 2017.

ADOPTED this 1<sup>ST</sup> day of DECEMBER, 2017.

Lynda A. Shykora  
CHIEF ADMINISTRATIVE OFFICER  
*Deputy Corporate Officer*

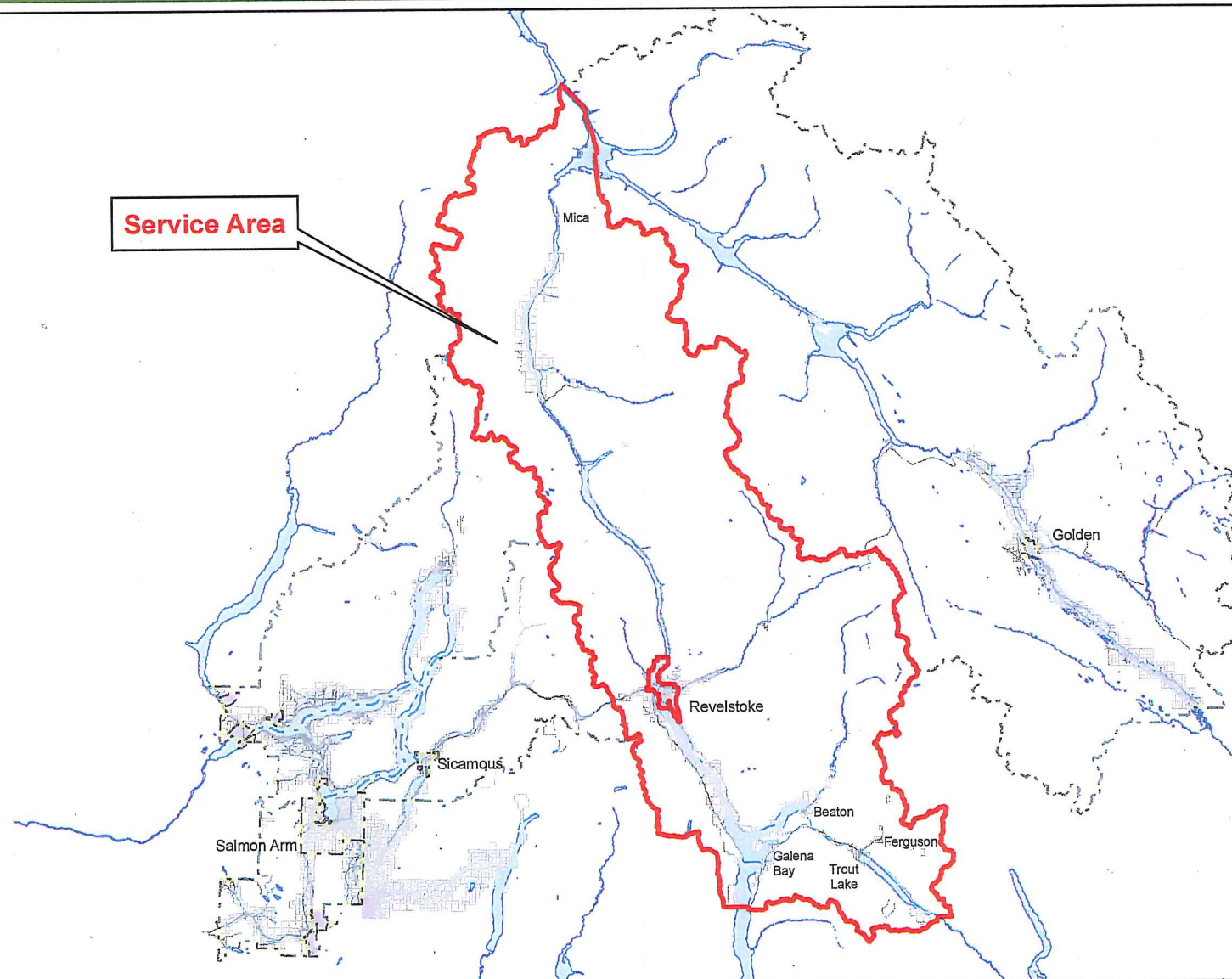
Rhona Martin  
CHAIR

CERTIFIED a true copy of  
Bylaw No. 5762 as read a third time.

Lynda A. Shykora  
Deputy Manager of Corporate  
Administration Services

CERTIFIED a true copy of  
Bylaw No. 5762 as adopted.

Lynda A. Shykora  
Deputy Manager of Corporate  
Administration Services



### Legend

- Bylaw Boundary
- CSRD Boundary
- Parcel Boundary
- Crown Land
- Native Land
- Road
- Water

## Schedule A

### Sub-Regional Building Inspection Bylaw No. 5762

### Building Inspection - Area B

0 50 km

Scale: 1:1,500,000

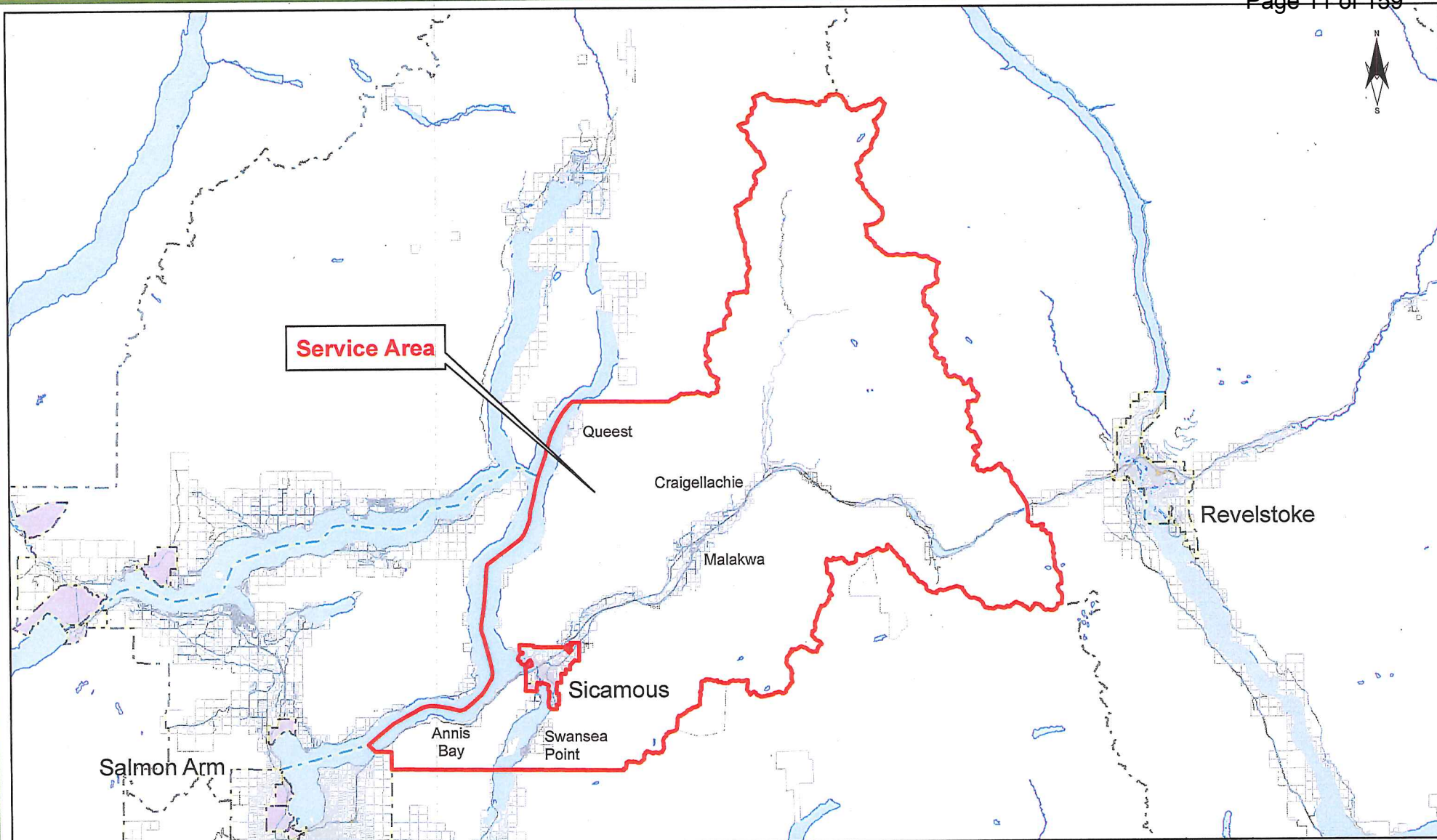


Columbia Shuswap Regional District  
555 Harbourfront Drive NE  
Salmon Arm, BC V1E 4P1

Date: October 13, 2017

Nad 83 CNT Datum  
UTM Zone 11

The information on this map was compiled by the CSRD for regulatory and internal reference purposes only. No representation or warranty is made as to the accuracy of the information.



### Legend

- Bylaw Boundary
- CSRD Boundary
- Parcel Boundary
- Crown Land
- Native Land
- Road
- Water

### Schedule B

## Sub-Regional Building Inspection Bylaw No. 5762

### Building Inspection - Area E



Scale: 1:500,000



Columbia Shuswap Regional District  
555 Harbourfront Drive NE  
Salmon Arm, BC V1E 4P1

Date: October 13, 2017  
Nad 83 CNT Datum  
UTM Zone 11

The information on this map was compiled by the CSRD for regulatory and internal reference purposes only. No representation or warranty is made as to the accuracy of the information.





## ***Statutory Approval***

***Under the provisions of section*** \_\_\_\_\_ **342**

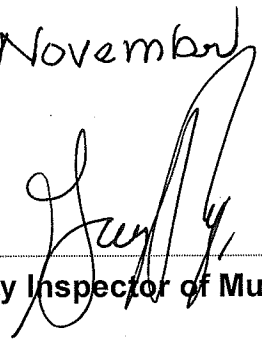
***of the*** \_\_\_\_\_ **Local Government Act**

***I hereby approve Bylaw No.*** \_\_\_\_\_ **5762**

***of the*** \_\_\_\_\_ **Columbia Shuswap Regional District**,

***a copy of which is attached hereto.***

***Dated this*** **28** ***day***  
***of*** **November** ***, 2017***

  
\_\_\_\_\_  
**Deputy Inspector of Municipalities**

**COLUMBIA SHUSWAP REGIONAL DISTRICT**

**BYLAW NO. 5785**

**A bylaw to amend the Sub-Regional Building Inspection Service**

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WHEREAS the Columbia Shuswap Regional District has established the service of providing and operating a building inspection service through the adoption of Sub-Regional Building Inspection Service Bylaw No. 5762;

AND WHEREAS the Board deems it desirable to amend the service established by Bylaw No. 5762 by adding Electoral Area C as a participant to the building inspection service;

AND WHEREAS the Board has obtained approval for the service from the participating Electoral Area C in the form of written consent provided by the Electoral Area C Director, pursuant to the *Local Government Act*;

NOW THEREFORE in an open meeting assembled, the Board of Directors of the Columbia Shuswap Regional District enacts as follows:

1. Delete Section 2 of Bylaw No. 5762 in its entirety and replace it with the following:
  - "2. The participating areas for Building Inspection established by this bylaw consist of Electoral Area B, Electoral Area C and Electoral Area E.
2. Delete Section 3 of Bylaw No. 5762 in its entirety and replace it with the following:
  - "3. The participating service area boundaries established by this bylaw are shown on the Schedules attached hereto and forming part of this bylaw and consist of:
    - Schedule A - All of Electoral Area B;
    - Schedule B - All of Electoral Area E;
    - Schedule C – All of Electoral Area C.
3. Appendix 1 is attached to and forms part of this bylaw.

**FORCE and EFFECT**

4. This bylaw will come into effect on December 31, 2018.

**CITATION**

5. This bylaw may be cited as the "Sub-Regional Building Inspection Service Amendment Bylaw No. 5785".

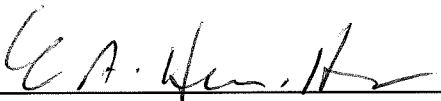
READ a first time this 16<sup>th</sup> day of August, 2018.

READ a second time this 16<sup>th</sup> day of August, 2018.


READ a third time this 16<sup>th</sup> day of August, 2018.

APPROVED by the Inspector of Municipalities this 12<sup>th</sup> day of October, 2018.

ADOPTED this 18<sup>th</sup> day of October, 2018.



CHIEF ADMINISTRATIVE OFFICER



CHAIR

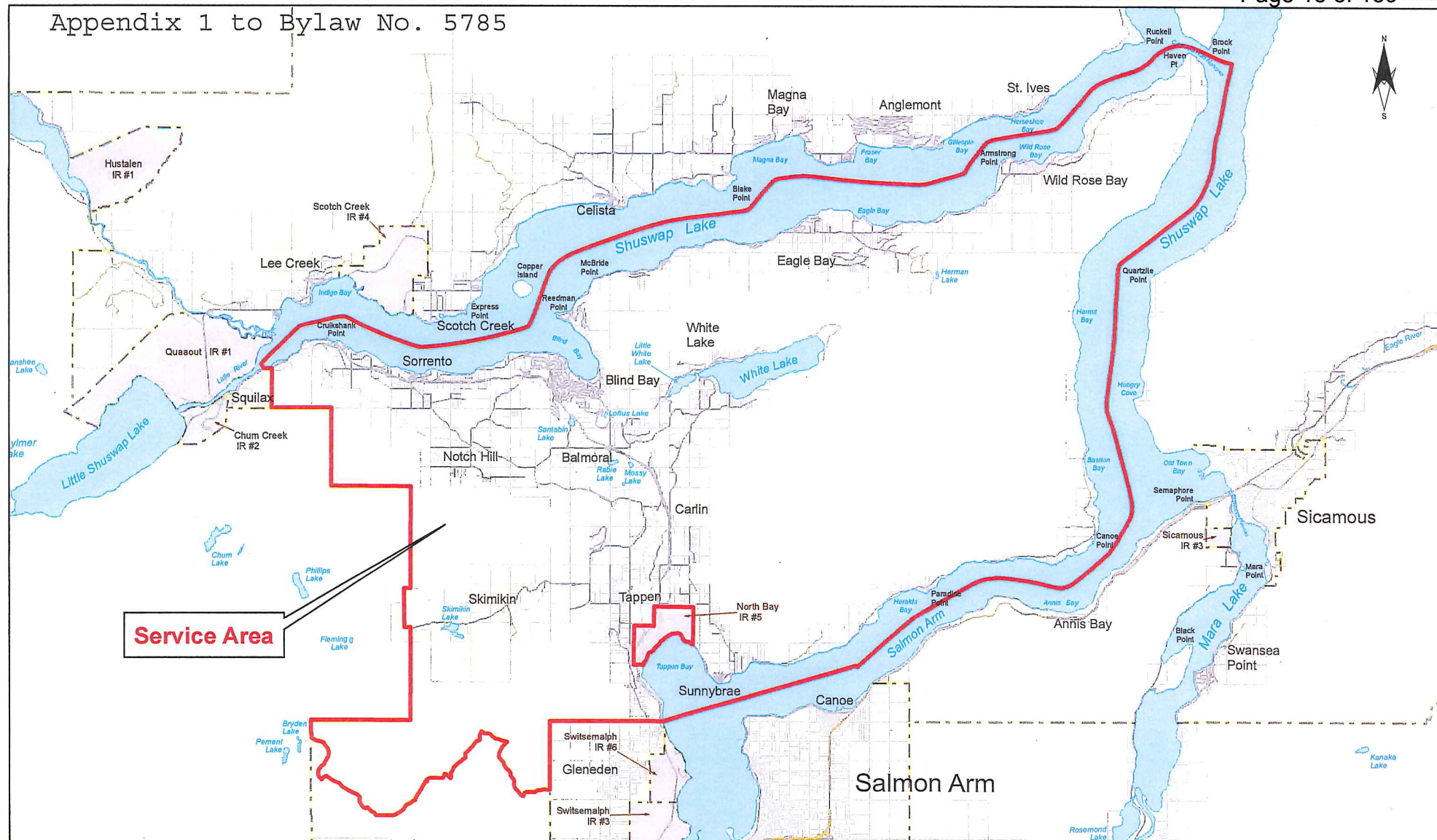
CERTIFIED a true copy of  
Bylaw No. 5785 as read a third time.

  
Deputy Manager of Corporate  
Administration Services

CERTIFIED a true copy of  
Bylaw No. 5785 as adopted.

  
Deputy Manager of Corporate  
Administration Services

## Appendix 1 to Bylaw No. 5785



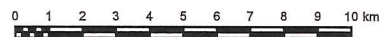
Service Area

## Legend

- Bylaw Boundary
- CSRD Boundary
- Parcel Boundary
- Crown Land
- Native Land
- Road
- Water

**Schedule C**  
**Sub-Regional Building Inspection**  
**Bylaw No. 5762**

**Building Inspection - Area C**



Scale: 1:225,000



Columbia Shuswap Regional District  
 555 Harbourfront Drive NE  
 Salmon Arm, BC V1E 4P1

Date: July 26, 2018  
 Nad 83 CNT Datum  
 UTM Zone 11

The information on this map was compiled by the CSRD for regulatory and internal reference purposes only. No representation or warranty is made as to the accuracy of the information.



## POLICY

A-74

**Overt Video Surveillance****Purpose and Scope**

The purpose of the Columbia Shuswap Regional District ("CSRD") video surveillance policy is to establish guidelines for the CSRD's use of video surveillance within its boundaries, as well as requirements regarding the access, use, disclosure, and retention of any video footage it collects.

The CSRD may use video surveillance at CSRD owned or occupied locations for one or more of the following purposes, which it considers to be authorized by ss. 26(b) and (c) of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165 (the "Act"):

- a) To ensure the protection of individuals, assets and property;
- b) To improve public safety; and
- c) To assist in the prevention and investigation of vandalism, graffiti, theft, injury to property, and public mischief.

This policy applies to any overt video surveillance system owned or operated by the CSRD that may collect personal information about identifiable individuals in any form. This policy does not apply to the following:

- a) Covert video monitoring;
- b) Video monitoring conducted by the RCMP or any provincial law enforcement agency; or
- c) Videotaping or audio taping of CSRD Board meetings that are open to the public.

**Policy Statement**

The CSRD recognizes that video surveillance has a high potential to impact individual privacy and does not wish to impair personal privacy any more than is warranted to achieve its reasonable and necessary objectives.

The CSRD will ensure that its collection of personal information by way of video surveillance is in compliance with the provisions of the *Act*. The CSRD will also ensure that the access, use, disclosure, storage and retention of personal information collected through video surveillance is in accordance with the *Act*.

**Definitions**

**Act** means the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended from time to time;

**Head of the Act** means the head of the CSRD for the purposes of administering the *Act*;

**Personal information** means recorded information about an identifiable individual other than contact information, as defined in Schedule I to the *Act*;

**Privacy Impact Assessment ("PIA")** means an assessment conducted to determine if a proposed video surveillance system meets the requirements of the *Act*. For the purposes of this Policy, the PIA will largely be in the format attached to this Policy as Appendix "A";

**Record** includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records;

**Storage Device** means a videotape, computer disk or drive, computer chip or other device used to store recorded data or visual or audio information captured by a video surveillance system;

**Transitory Record** means, for the purposes of this Policy, records that are created to be used only for a limited period of time. In this case, records created by a CSRD video surveillance system which do not provide a basis for further investigation or permitted disclosure will be considered transitory;

**Video Surveillance System** means a mechanical, electronic or digital surveillance system or device that enables continuous or periodic video recording, observing, or monitoring.

### **General Responsibilities**

1. The Head of the *Act* for the CSRD is responsible for the overall management of the CSRD's video monitoring program.
2. The Head of the *Act* will work with Directors of CSRD Departments, other CSRD employees, or third party contractors, as applicable, to make decisions regarding the installation of video surveillance systems, to assign responsibilities for the operation and management of video surveillance systems and to ensure the procedures set out in this Policy and the requirements of the *Act* are met.
3. The Head of the *Act* or another designated CSRD employee is responsible for:
  - a. Ensuring a new PIA is completed prior to the installation and use of any new video monitoring;
  - b. Ensuring a PIA is created for every existing video monitoring system as soon as reasonably possible;

- c. Ensuring, as part of the review of the PIA, that the collection of personal information that will result from a video surveillance system is authorized by s. 26 of the *Act*;
- d. Maintaining a record of the locations of each video surveillance system and the times it is operational;
- e. Maintaining a list of personnel who are authorized to access and operate each video surveillance system;
- f. Ensuring notifications are posted in every location where a video surveillance system is in effect;
- g. Ensuring the video surveillance systems are subject to audit procedures at regular intervals, with the concerns documented and promptly addressed.

### **Notification**

Given the video surveillance systems result in the collection of personal information, the CSRD is subject to the notification requirements set out in the *Act*.

Video surveillance systems should be clearly visible and marked by clear and prominent signage so all individuals are aware of them. The signage must clearly state the purpose(s) of the use of the video monitoring system, the legal authority for the collection of personal information, and the title, business address and business telephone number of a CSRD employee who can answer questions about the collection.

An example of signage that would be compliant with the *Act* is as follows:

This area is monitored by video surveillance cameras for purposes of public safety and law enforcement, as authorized by ss. 26(b) and (c) of the *Freedom of Information and Protection of Privacy Act*. Please direct any questions to the CSRD's Deputy Corporate Officer (or designate) at 555 Harbourfront Drive NE, Salmon Arm, BC, Telephone (250) 832-8194 during regular business hours.

### **Installation and Placement**

1. Prior to the installation of any new video surveillance system, the CSRD will ensure the proposed benefits outweigh the privacy impacts of those who will be observed. The CSRD will also consider whether there are reasonable alternative means for achieving the objectives of each video surveillance system.
2. Video surveillance systems will not be placed in locations where there is a particularly high expectation of privacy, including bathrooms or change rooms.
3. All video surveillance systems will be configured to collect the minimum amount of personally identifying information that is possible to still enable the CSRD to achieve the purposes of the collection.

4. Video surveillance must be positioned so as to avoid capturing third party private property or looking through the windows of adjacent buildings.
5. Video surveillance will only be operational during those hours identified as necessary by the Head of the Act or designate.

### **Access, Storage, Use, Disclosure**

1. Access to video surveillance footage is limited to the following individuals, and only in circumstances where access is reasonably necessary for the performance of that individual's duties:
  - The Chief Administrative Officer (CAO) of the CSRD;
  - The CSRD's Head of the Act;
  - Other CSRD employees, as directed by the CAO or the Head of the Act;
  - Legal counsel for the CSRD;
  - The RCMP, as authorized by the Act for purposes of law enforcement; and
  - Third Party Contractors, pursuant to a valid agreement for services with the CSRD in largely the format set out as Appendix "B" to this Agreement.
2. Records created by video surveillance systems that contain personal information shall be kept secure so as to avoid unauthorized access, use or disclosure. In particular, physical and/or encrypted protection must be in place to ensure secure access to all Storage Devices created by the video surveillance systems that contain personal information.
3. All personal information stored by the CSRD in conjunction with its video surveillance systems must be stored and accessed only in Canada unless an exception set out in the Act is applicable.
4. The CSRD will maintain detailed and current logs of all instances of access to or use of any records created by video surveillance systems which contain personal information.
5. Records created by video surveillance systems may not be publicly viewed or distributed except as authorized by the Act.
6. Requests for access to any records created by the video surveillance systems will be directed to the Head of the Act and records may only be disclosed in accordance with the Act.
7. The CSRD may only use and disclose records created by video surveillance systems that contain personal information in accordance with the Act. The CSRD may disclose records to the RCMP for the purposes of law enforcement.
8. Where the CSRD is disclosing video surveillance records containing personal information for law enforcement purposes, it will complete an information release form.

The form will indicate who took the storage device containing the information, under what authority, when it occurred, and if it will be returned or destroyed after use.

### **Retention and Destruction of Footage**

1. Subject to section (2) below, recorded information from all video surveillance systems should be erased or destroyed every thirty (30) days as it will be considered a Transitory Record.
2. If the CSRD intends to use an individual's personal information contained in a record to make a decision that directly affects the individual, the CSRD will ensure the record containing the personal information is retained for at least one (1) year after being used so the affected individual has a reasonable opportunity to obtain access to that personal information.
3. Records and/or storage devices that are to be erased or destroyed must be securely disposed of by shredding, crushing, burning or magnetically erasing all recorded images and sounds.

### **Training**

Where applicable and appropriate, the CSRD will incorporate this Policy into training and orientation programs for its employees or service providers. Training programs addressing employee obligations under the *Act* will be conducted as considered necessary by the Head of the *Act* for the CSRD.

### **Audit Procedures**

The Head of the *Act* for the CSRD will ensure that all video surveillance systems are subject to audit procedures at regular intervals, with the concerns documented and promptly addressed. Audits will include the following:

- a review of the use and security of the surveillance equipment, including monitors and storage devices;
- an evaluation of whether the policy is being adhered to, including verification that records, lists and logs required by this policy are being maintained;
- review and consideration of whether each video monitoring system is accomplishing its intended purpose; and
- recommendations, where necessary, regarding the location of video surveillance systems or duration of their operation, which may include a recommendation that one or more surveillance systems are removed.

JULY 18, 2019

# Privacy Impact Assessment

## APPENDIX "A"

### Video Surveillance System

PIA#[*assigned by Head of the Act*]

#### Why do I need to do a PIA?

Section 69(5.3) of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) requires the head of a public body to conduct a privacy impact assessment (PIA) in accordance with the directions of the minister responsible for FOIPPA. Public bodies should contact the privacy office(r) for their public body to determine internal policies for review and sign-off of the PIA. Public bodies may submit PIAs to the Office of the Information and Privacy Commissioner for BC (OIPC) for review and comment.

If you have any questions about this PIA template or FOIPPA generally, you may contact the Office of the Chief Information Officer (OCIO) at the Privacy and Access Helpline (250 356-1851). Please see our [PIA Guidelines](#) for question-specific guidance on completing a PIA.

#### What if my initiative does not include personal information?

Public bodies still need to complete Part 1 of the PIA and submit it along with the signatures pages to their privacy office(r) even if it is thought that no personal information is involved. This ensures that the initiative has been accurately assessed.

## Part 1 – General

Name of Department/Branch:			
PIA Drafter:			
Email:		Phone:	
Program Manager:			
Email:		Phone:	

1. Description of the location where surveillance is proposed to be installed and explanation of why surveillance is necessary (please refer to any specific incidents where public safety has been threatened, or provide examples of vandalism, theft, mischief, etc.).

# Privacy Impact Assessment

## APPENDIX "A"

Video Surveillance System

PIA#[*assigned by Head of the Act*]

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2. Will you be collecting audio or just visual information?
3. How long would the surveillance be in place?
4. Would the surveillance be operative continuously 24/hours day? If so, please explain why this is necessary. Have you considered whether more limited periods of surveillance would meet your objectives?
5. What are the potential impacts of the surveillance on personal privacy? Is there some way the same objectives could be achieved without using video surveillance?
6. How will the information be used?



# Privacy Impact Assessment

## APPENDIX "A"

Video Surveillance System

PIA#[assigned by Head of the Act]

### Part 2 – Protection of Personal Information

*In the following questions, delete the descriptive text and replace it with your own.*

#### 7. Storage or Access outside Canada

*Please provide a brief description of whether your information can be accessed from outside Canada, for example, by a service provider that is repairing a system, or if your information is being stored outside Canada, for example, in the “cloud”. If your data is stored within Canada and accessible only within Canada, please indicate this.*

#### 8. Risk Mitigation Table

*Please identify any privacy risks associated with the initiative and the mitigation strategies that will be implemented. Please provide details of all such strategies. Also, please identify the likelihood (low, medium, or high) of this risk happening and the degree of impact it would have on individuals if it occurred.*

*Examples can be removed and additional lines added as needed.*

Risk Mitigation Table				
	Risk	Mitigation Strategy	Likelihood	Impact
1.	Employees could access personal information and use or disclose it for personal purposes	Oath of Employment; contractual terms, etc.	Low	High
2.	Surveillance could capture more personal information than is necessary – such as by capturing private property		Low	High
3.	Other:			

9. Collection Notice: Signage/notification is required so that individuals are aware surveillance is in place, as well as the purpose and authority for collecting their personal information. Where do you propose to place this signage so that it is highly visible?



# Privacy Impact Assessment

## APPENDIX "A"

Video Surveillance System

PIA#[*assigned by Head of the Act*]

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### **Part 3 – Security of Personal Information**

*If this PIA involves an information system, or if it is otherwise deemed necessary to do so, please consult with your public body's privacy office(r) and/or security personnel when filling out this section. They will also be able to tell you whether you will need to complete a separate security assessment for this initiative.*

10. Please describe the physical security measures that will be in place to protect all records generated by the surveillance?
11. Please describe the technical security measures in place to protect the personal information generated.
12. Please describe any access controls and/or ways in which you will limit or restrict unauthorized changes (such as additions or deletions) to personal information.

NB: You will be required to maintain an access log sheet, which records who is viewing the surveillance footage and for what reason.

### **Part 4 – Accuracy/Correction/Retention of Personal Information**

13. Does your initiative use personal information to make decisions that directly affect an individual(s)? If yes, please explain.
14. If you answered "yes" to question 17, please explain the efforts that will be made to ensure that the personal information is accurate and complete.

# Privacy Impact Assessment

## APPENDIX "A"

Video Surveillance System

PIA#[*assigned by Head of the Act*]

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15. If you answered "yes" to question 17, do you have a records retention and/or disposition schedule that will ensure that personal information is kept for at least one year after it is used in making a decision directly affecting an individual?

### **Part 5 – Further Information**

16. Does the initiative involve systematic disclosures of personal information? If yes, please explain.

# Privacy Impact Assessment

## APPENDIX "A"

Video Surveillance System

PIA#[*assigned by Head of the Act*]

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### **Part 6 – Privacy Office(r) Comments**

*This PIA is based on a review of the material provided to the Privacy Office(r) as of the date below. If, in future any substantive changes are made to the scope of this PIA, the public body will have to complete a PIA Update and submit it to Privacy Office(r).*

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Privacy Officer/Privacy Office  
Representative

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Signature

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Date

# Privacy Impact Assessment

## APPENDIX "A"

Video Surveillance System

PIA#[*assigned by Head of the Act*]

### Part 7 – Program Area Signatures

Program/Department Manager	Signature	Date
Contact Responsible for Systems Maintenance and/or Security (Signature not required unless they have been involved in this PIA.)	Signature	Date
Head of Public Body, or designate	Signature	Date

A final copy of this PIA (with all signatures) must be kept on record.

***If you have any questions, please contact your public body's privacy office(r) or call the OCIO's Privacy and Access Helpline at 250 356-1851.***

## Appendix "B"

### Confidentiality Agreement for Third Parties – Monitoring of Video Surveillance

THIS CONFIDENTIALITY AGREEMENT is dated this \_\_\_\_ day of \_\_\_\_\_ 20\_\_

BETWEEN: COLUMBIA SHUSWAP REGIONAL DISTRICT  
555 Harbourfront Drive NE, Salmon Arm, BC

(the "CSRD")

AND: NAME OF CONTRACTOR  
ADDRESS

(the "Contractor")

AND: NAME OF CONTRACTOR'S DESIGNATED INDIVIDUAL/EMPLOYEE  
Address

(the "Recipient")

WHEREAS the Contractor has entered into an agreement with the CSRD for services at \_\_\_\_\_ (the "Contract site");

AND WHEREAS the Recipient is the individual designated by the Contractor who may, from time to time, be asked by the CSRD or the Contractor to monitor recordings made by way of video surveillance at the contract site solely for the purpose of public safety and/or law enforcement as requested by the CSRD;

AND WHEREAS the CSRD requires that the Contractor and the Recipient enter into a Confidentiality Agreement prior to accessing personal information contained in the video surveillance recordings;

NOW THEREFORE, in consideration of the CSRD granting a contract for services to the Contractor and for other good and valuable consideration, the sufficiency of which is acknowledged, the Contractor and the Recipient agree as follows:

1. The Contractor does hereby designate the Recipient as the designated individual for the purposes of this agreement.
2. The Contractor agrees that adherence to this confidentiality agreement and the CSRD's video surveillance policy is the responsibility of the Contractor and the Recipient and agrees that breach of this confidentiality agreement or non-compliance of the video surveillance policy may result in contract termination.

NOW THEREFORE the Recipient agrees that:

1. They will keep all information contained in the video recordings strictly confidential and access to such recordings and associated data must be solely for the purposes of *[insert purposes]* requested by the CSRD, and only to the extent required for that purpose.
2. They will keep all video recordings and data secure, not allow access to any other individual or group, and will not make copies of any recordings or data in any format, including electronic formats, unless given written and explicit approval by the CSRD's Head of Freedom of Information and Protection of Privacy.
3. All information shared with the Recipient is governed by the *Freedom of Information and Protection of Privacy Act* (The "Act") and that the Recipient will abide by the terms of this Act.
4. All recordings and data provided to the Recipient must be returned to the CSRD promptly after use, must be viewed and returned within one week of receipt, and must not be destroyed by the Recipient, except as otherwise agreed to in writing by the CSRD. The Recipient must not keep any copies of such recordings and data in any format, including electronic formats.
5. They will ensure the security and integrity of the recordings and data, and will keep them in a physically secure and separate location safe from loss, alteration, destruction, intermingling with other records and data, and access by any unauthorized individuals;
6. At all times, they will take all reasonable precaution to prevent inadvertent use, copying or transferring of the data or information provided by the video recordings and will not email or otherwise transmit the recordings or data in any format;
7. They will not disclose, divulge or communicate in any way to any person, firm or corporation, including but not limited to the Contractor or any other employees of the Contractor, any information of which the Recipient becomes aware of by means of accessing such recordings and data and will observe strict secrecy in regards to that information;
8. They will promptly deliver all data and recordings, in all media formats provided, to the CSRD upon completion of any task performed by request of the CSRD.
9. All recordings and data and any information from such recordings and data shall at all times remain the exclusive property of the CSRD.
10. They will abide by the CSRD's Video Surveillance Policy as attached to this Agreement and as updated from time to time. The Recipient agrees that breach of this confidentiality agreement or non-compliance of the video surveillance policy may result in termination of the CSRD's contract with the Contractor.
11. They will immediately inform the CSRD if they receive notice that they may, or will, be legally required to disclose video recordings or data in their possession, or to disclose information regarding recordings or data. Prior to disclosing any information, the CSRD must be consulted so that, if necessary, they can attempt to prevent or limit such disclosure.

12. The Recipient's obligations under this Agreement are to remain in effect perpetually and will exist and continue in full force and effect regardless of whether the Recipient is no longer a designated individual for the Contractor or the Contractor is no longer providing the services to the CSRD.

IN WITNESS WHEREOF the parties have signed this Agreement as of the day and year above first written:

**CSRD, per:**

**CONTRACTOR**

\_\_\_\_\_  
CSRD Head, Freedom of Information  
And Protection of Privacy

\_\_\_\_\_  
*[insert contractor name]*

**RECIPIENT**

\_\_\_\_\_  
*[insert recipient name]*



# BOARD REPORT

**TO:** Chair and Directors

**File No:** Policy A-74

**SUBJECT:** Overt Video Surveillance Policy

**DESCRIPTION:** Report from Lynda Shykora, Head, Freedom of Information/Protection of Privacy, dated July 13, 2019.

**RECOMMENDATION #1:** THAT: the Board endorse the "Overt Video Surveillance Policy A-74" and approve its inclusion into the CSR D Policy Manual, this 18<sup>th</sup> day of July, 2019.

## SHORT SUMMARY:

It is lawful for public bodies to collect personal information only in circumstances permitted by s. 26 of Freedom of Information Protection of Privacy Act (FIPPA). The attached Policy A-74 is needed to establish guidelines for the CSR D's use of video surveillance within its boundaries, on CSR D owned or occupied lands. It is recommended that the Board endorse Policy A-74, as presented.

## VOTING:

Unweighted  
Corporate



LGA Part 14  
(Unweighted)



Weighted  
Corporate



Stakeholder  
(Weighted)



## BACKGROUND:

Several CSR D owned properties already have security cameras in operation, including the Sicamous Arena, CSR D Main Office and some fire halls. Following several incidents of vandalism at a community park, a need has been identified to install a security camera on-site.

Video surveillance may be used to:

- Ensure the protection of individuals, assets and property;
- Improve public safety; and
- Assist in the prevention and investigation of vandalism, graffiti, theft, injury to property, and public mischief.

A policy is needed surrounding the collection of this personal information, the purpose of collecting (law enforcement), authorization of individuals to view the data, how the data is stored and deleted, appropriate signage requirements, audit procedures, etc.

## POLICY:

Currently, there is no CSR D policy that relates to the use of surveillance equipment installed or proposed to be installed at CSR D owned lands or buildings.

The Freedom of Information Protection of Privacy Act (FIPPA) legislation applies. This legislation governs the collection, use, and disclosure of personal information by public bodies. Visual or audio recordings of an individual are a record of that individual's personal information. Where a surveillance



system records personal information, the public body collecting that record must comply with the privacy protection provisions in Part 3 of FIPPA.

The Office of the Information and Privacy Commissioner ("OIPC") is responsible for monitoring and enforcing compliance with FIPPA, and may conduct investigations and audits of public bodies' surveillance systems.

**FINANCIAL:**

Any costs associated with the implementation of this policy (such as that to conduct privacy impact assessments, needed signage/installation, any review of collected data, etc.) is viewed as administrative/operational in nature.) No added budget provision required at this time.

**KEY ISSUES/CONCEPTS:**

The Attached Policy A-74 clearly identifies the obligations of the CSRD in its usage of surveillance equipment, where warranted, for the protection of CSRD assets and property, improved public safety, and to aid in the prevention and in the investigation in matters of vandalism, theft, public mischief, etc.. The proposed policy is a prescriptive one, as recommended by legal counsel. The draft policy is based on legislative requirements and the guidelines of the Office of the Information Privacy Commissioner.

**IMPLEMENTATION:**

If approved, the Head, Freedom of Information Protection of Privacy for the CSRD will instruct relevant departments to conduct any needed privacy impact assessment(s) and to arrange for the order and install of appropriate signage where video surveillance equipment is installed, or where it is proposed to be installed. Any needed internal procedures will be in place before proceeding with future video surveillance equipment installations.

**COMMUNICATIONS:**

If approved, this policy will be included in the CSRD Policy Manual and on the CSRD website. Communications will take place with any staff and/or contractors in terms of confidentiality agreement requirements where a third party is retained to monitor recordings for the purpose of public safety and/or law enforcement. The policy will be communicated to relevant CSRD managers for future consideration when evaluating a need for video surveillance.

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendation.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. N/A

**Report Approval Details**

Document Title:	A74.docx
Attachments:	- Policy A-74 Overt Video Surveillance.pdf
Final Approval Date:	Jul 16, 2019

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read "C. Hamilton", with a stylized flourish at the end.

**Charles Hamilton - Jul 16, 2019 - 2:38 PM**



# BOARD REPORT

**TO:** Chair and Directors

**File No:** DVP701-92  
PL20190118

**SUBJECT:** Electoral Area C: Development Variance Permit No. 701-92 (Trozzo)

**DESCRIPTION:** Report from Laura Gibson, Planner I, dated July 3, 2019.  
2495 Rocky Point Road, Blind Bay

**RECOMMENDATION #1:** THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 701-92 for Lot 10, Block 2, Section 30, Township 22, Range 10, West of the 6th Meridian, Kamloops Division Yale District, Plan 9989, varying South Shuswap Zoning Bylaw No. 701 as follows:

- Section 7.2.5 minimum setback from the exterior side parcel line from 4.5 m to 1 m, only for any portion of the proposed accessory building;

be approved this 18<sup>th</sup> day of July, 2019;

AND FURTHER THAT: issuance be withheld until the proposed accessory building receives issuance of a Lakes 100m Development Permit by the Manager of Development Services.

## SHORT SUMMARY:

The subject property is located at Reedman Point in Blind Bay of Electoral Area C. The owners are proposing to construct a new accessory building (detached garage) near the east exterior side parcel line, which is adjacent to the unconstructed McArthur Road right of way. The proposed accessory building (detached garage) requires a Development Variance Permit to vary the exterior side parcel line setback from 4.5 m to 1 m.

## VOTING:

Unweighted  
Corporate

☐

LGA Part 14  
(Unweighted)

☒

Weighted  
Corporate

☐

Stakeholder  
(Weighted)

☐

## BACKGROUND:

REGISTERED OWNERS:  
Chris and Lisa Trozzo

APPLICANTS:  
Chris and Lisa Trozzo

ELECTORAL AREA:  
C (Blind Bay)

LEGAL DESCRIPTION:  
Lot 10 Block 2 Section 30 Township 22 Range 10 West of the 6th Meridian Kamloops Division Yale District Plan 9989

PID:  
009-630-619

CIVIC ADDRESS:  
2495 Rocky Point Road, Blind Bay

SURROUNDING LAND USE PATTERN:  
North = Shuswap Lake  
South = Rocky Point Road, Rural Residential  
East = McArthur Road (unconstructed)  
West = Rural Residential

CURRENT USE:  
Single family dwelling and old boat house.

PROPOSED USE:  
New 71.3 m<sup>2</sup> (768 ft<sup>2</sup>) accessory building (detached garage) to be used for boat and vehicle storage.

PARCEL SIZE:  
0.168 ha (0.38 ac.)

DESIGNATION:  
Electoral Area C Official Community Plan Bylaw No. 725  
RR2 Rural Residential

ZONE:  
South Shuswap Zoning Bylaw No. 701  
Land = RR1 Rural Residential  
Lakes Zoning No. 900  
FR1 Foreshore Residential 1

SITE COMMENTS:  
The subject property contains a single family dwelling with an attached single car garage and an old boat house. The owners are proposing to build a new 71.3 m<sup>2</sup> (768 ft<sup>2</sup>) accessory building (detached garage) for storage of their boat and second vehicle. There is an easement at the front of the property, adjacent to Rocky Point Road, for the neighbouring lot's septic system. Due to this easement and the location and slope of the existing driveway, the property owners are limited as to where they can build the accessory building (detached garage).

**POLICY:**

SOUTH SHUSWAP ZONING BYLAW NO. 701

Section 1 - Definitions

SETBACK means the required minimum distance between a structure, building or use and each of the respective property lines.

STRUCTURE means any construction fixed to, supported by or sunk into land or water but not concrete or asphalt paving or similar surfacing.

### Section 7 - RR1 – Rural Residential Zone

#### 7.1 Permitted Uses

Accessory building is a permitted use.

#### 7.2 Regulations

##### .5 Minimum setback of Principal and Accessory Buildings from:

- |                                    |              |
|------------------------------------|--------------|
| • front parcel line                | 5 m          |
| • <b>exterior side parcel line</b> | <b>4.5 m</b> |
| • interior side parcel line        | 2 m          |
| • rear parcel line                 | 5 m          |

### **FINANCIAL:**

There are no financial implications to the CSRD with regard to this application.

### **KEY ISSUES/CONCEPTS:**

The property owners are proposing to vary the South Shuswap Zoning Bylaw No. 701 as follows:

- Section 7.2.5 minimum setback from the exterior side parcel line from 4.5 m to 1 m, only for any portion of the proposed accessory building (detached garage)

as shown on the site plan in the attached "Maps\_Plans\_Photos\_DVP701-92.pdf".

The proposed accessory building (detached garage) cannot be located further towards the front parcel line as there is an easement for the neighbouring lot's septic system, nor can it be located further west or it would encroach into the existing sloped driveway.

The proposed variance is for the east parcel line, which is adjacent to the unconstructed McArthur Road. A parcel line other than the front parcel line that is common to the parcel and a road is considered an exterior side parcel line. The owners have also applied to the Ministry of Transportation and Infrastructure (MOTI) for a setback permit as the proposed accessory building (detached garage) will be located within MOTI's 4.5 m setback from the McArthur Road right of way.

The proposed accessory building (detached garage) will also require a Lakes 100 m Development Permit due to the increase in total footprint of building and structures within 100 m of Shuswap Lake, as per the Electoral Area C Official Community Plan Bylaw No. 725. Approval of technical development permits such as the Lakes 100 m Development Permit has been delegated to the Manager of Development Services for review and issuance. Additionally, a building permit will be required as per the Building Regulation Bylaw No. 660. The CSRD Building Department has no objections to the proposed variance.

### **SUMMARY:**

The property owners are proposing to vary the South Shuswap Zoning Bylaw No. 701 as follows:

- Section 7.2.5 minimum setback from the exterior side parcel line from 4.5 m to 1 m only for any portion of the proposed accessory building (detached garage).

The new accessory building will be used for storage of the property owners' boat and second vehicle.

Development Services staff are recommending that the Board consider issuance of Development Variance Permit No. 701-92 for the following reasons:

- The owners are limited as to where they can locate the proposed accessory building (detached garage), due to the location and slope of the existing driveway and the location of the easement over their property,
- The variance should have minimal impact on surrounding properties.

Development Services staff are recommending that the Board approve Development Variance Permit No. 701-92, on the condition that the variance permit not be issued by staff until the owners apply for and receive approval and issuance of the Lakes 100 m Development Permit.

### **IMPLEMENTATION:**

If Development Variance Permit 701-92 (DVP701-92) is approved by the Board, staff will withhold issuance and registration of DVP701-92 until the property is issued a Lakes 100 m Development Permit (DP). Once the DVP and DP property is issued, the owners may apply for a Building Permit to construct the accessory building.

### **COMMUNICATIONS:**

Property owners and tenants in occupation within 100 m of the subject property will be given notification a minimum of 10 days prior to the CSRD Board Meeting at which the variance will be considered. All interested parties will have the opportunity to provide comments regarding this application prior to the Board Meeting.

Referrals have been sent to the following:

- Area C Advisory Planning Commission (APC)
- CSRD Parks
- Ministry of Transportation and Infrastructure

The Electoral Area C APC reviewed the application at their June 6, 2019 meeting and passed a resolution in support of the application.

The CSRD Parks department was referred this application as McArthur Road right of way is currently unconstructed and Development Services staff considered that the right of way may be part of a parks plan for future beach access. CSRD Parks had no concerns with the proposed variance.

The Ministry of Transportation and Infrastructure confirmed that a setback permit application has been made by the owners. The application is still under review and has not yet been approved.

### **DESIRED OUTCOMES:**

That the Board endorse the staff recommendation.

### **BOARD'S OPTIONS:**

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*

4. *Any other action deemed appropriate by the Board.*

**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

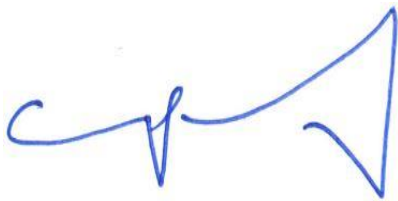
1. South Shuswap Zoning Bylaw No. 701
2. Electoral Area C Official Community Plan Bylaw No. 725
3. Electoral Area C Advisory Planning Commission Meeting Minutes - June 6, 2019



**Report Approval Details**

Document Title:	2019-07-18_Board_DS_DVP701-92_Trozzo.docx
Attachments:	- DVP701-92.pdf - DP701-92_Maps_Plans_Photos.pdf
Final Approval Date:	Jul 8, 2019

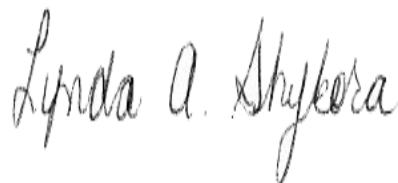
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Jul 3, 2019 - 11:35 AM**



**Gerald Christie - Jul 8, 2019 - 8:04 AM**



**Lynda Shykora - Jul 8, 2019 - 2:34 PM**



**Charles Hamilton - Jul 8, 2019 - 2:50 PM**



### **DEVELOPMENT VARIANCE PERMIT NO. 701-92**

1. OWNERS: Christopher Owen Trozzo  
Lisa Gail Trozzo



2. This permit applies only to the land described below:

Lot 10 Block 2 Section 30 Township 22 Range 10 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Plan 9989, (PID: 009-630-619), which property is more particularly shown outlined in bold on the Location Map attached hereto as Schedule A.

3. The South Shuswap Zoning Bylaw No. 701, is hereby varied as follows:

- Section 7.2.5 minimum setback from the exterior side parcel line from 4.5 m to 1 m, only for any portion of the proposed accessory building

as more particularly shown on the site plan attached hereto as Schedule B.

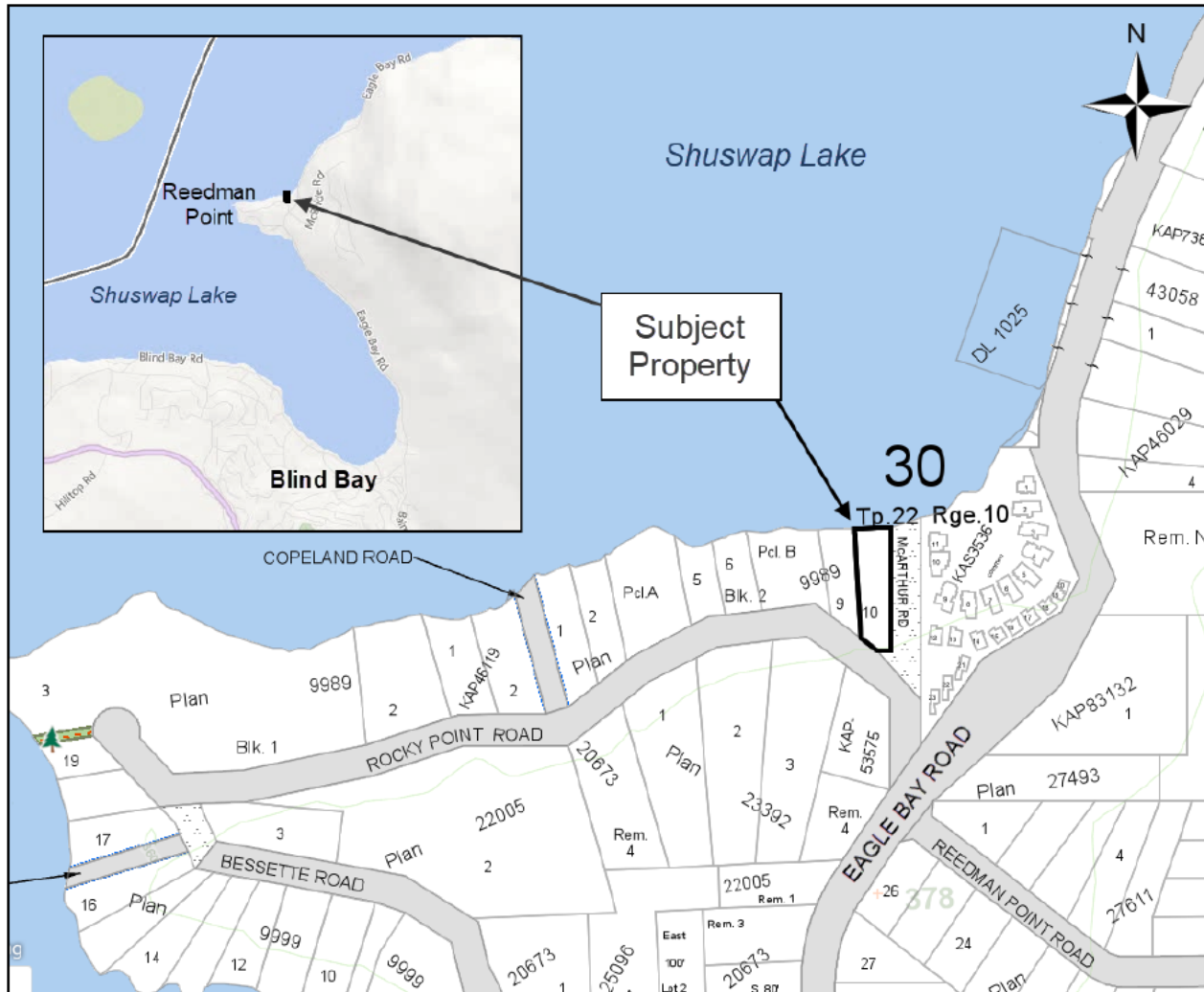
4. This permit is NOT a building permit.

AUTHORIZED AND ISSUED BY RESOLUTION of the Columbia Shuswap Regional District Board on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
CORPORATE OFFICER

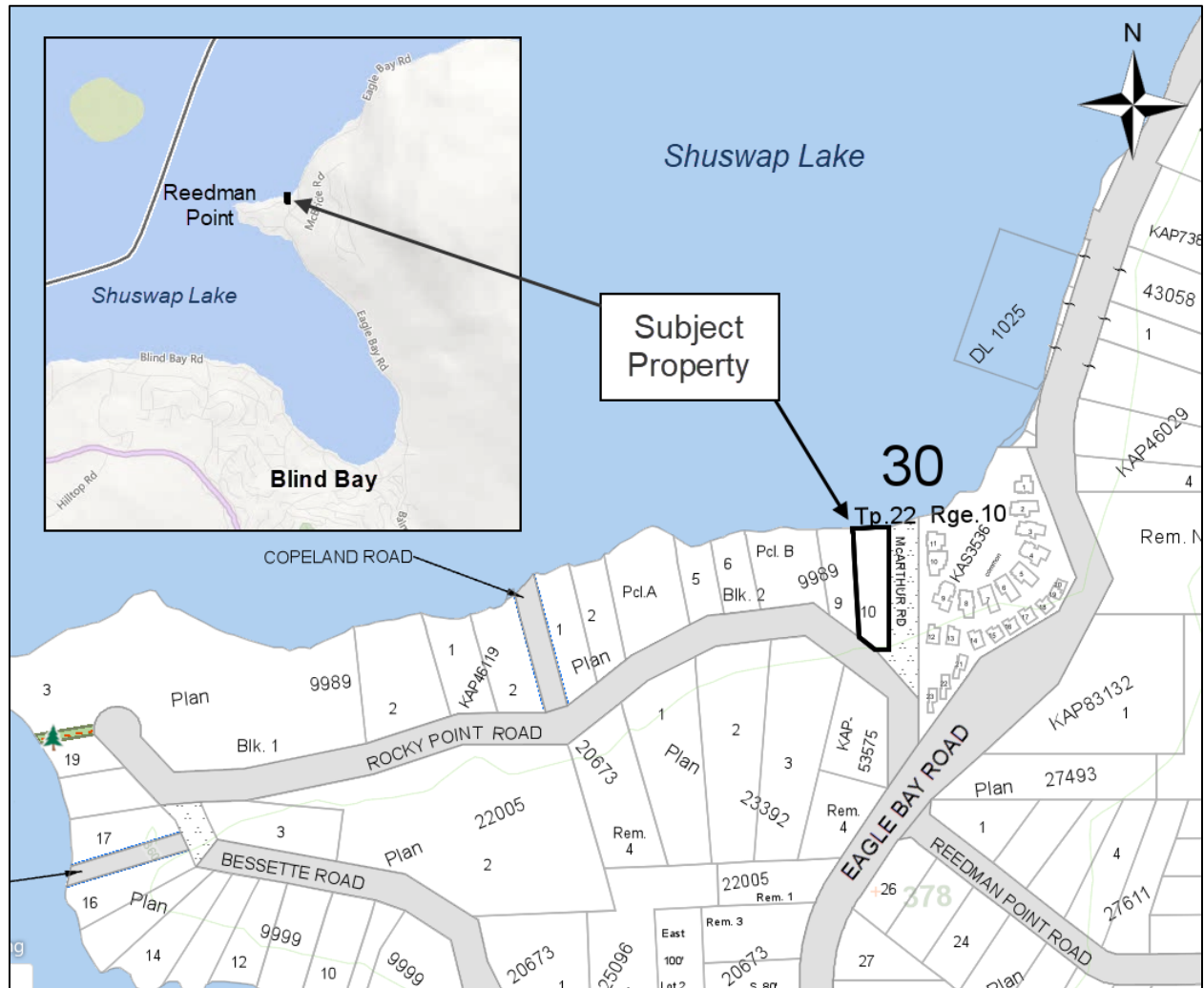
NOTE: Subject to Section 504 of the Local Government Act, if the development of the subject property is not substantially commenced within two years after the issuance of this permit, the permit automatically lapses.

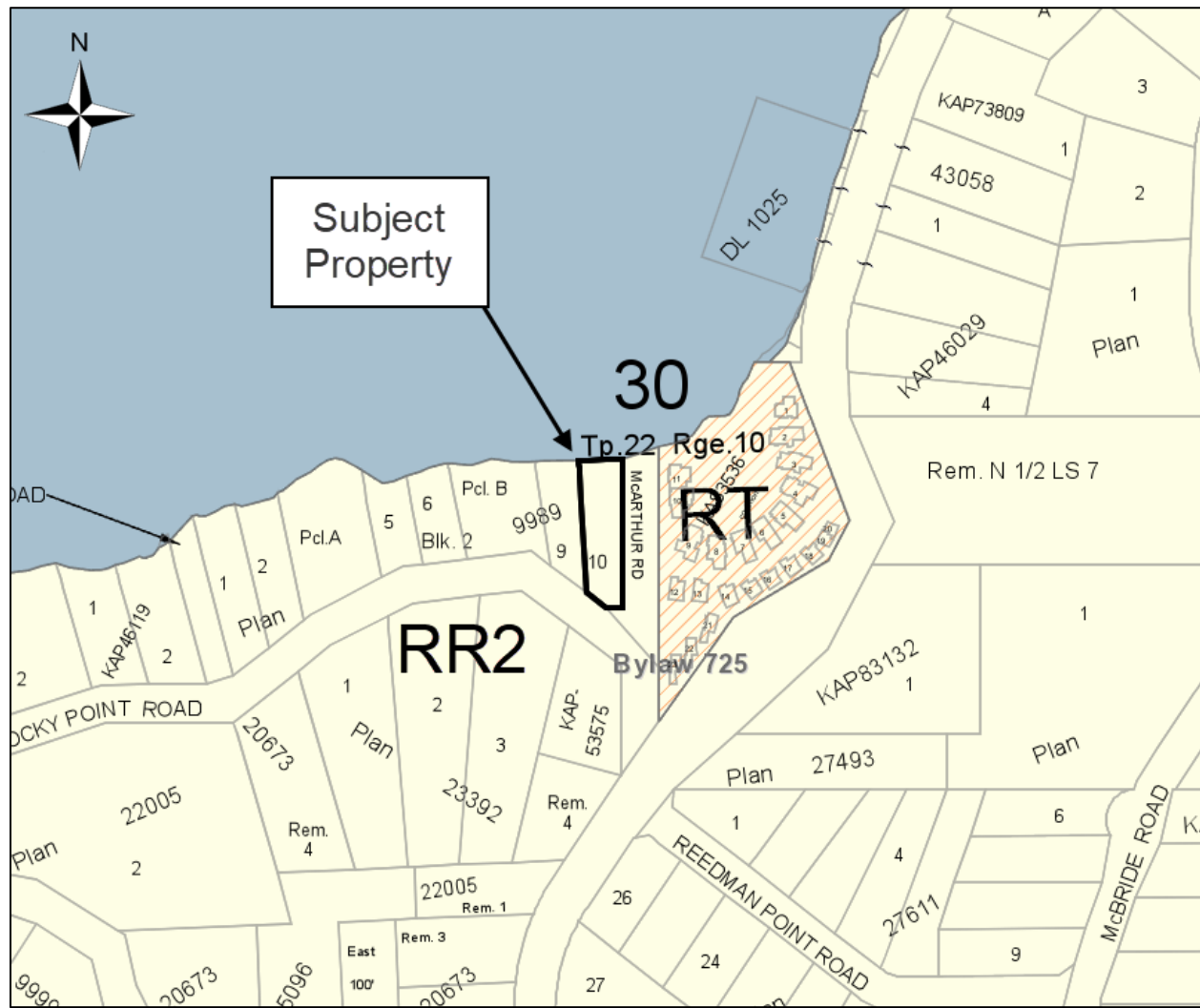
**DVP 701-92  
Schedule A**



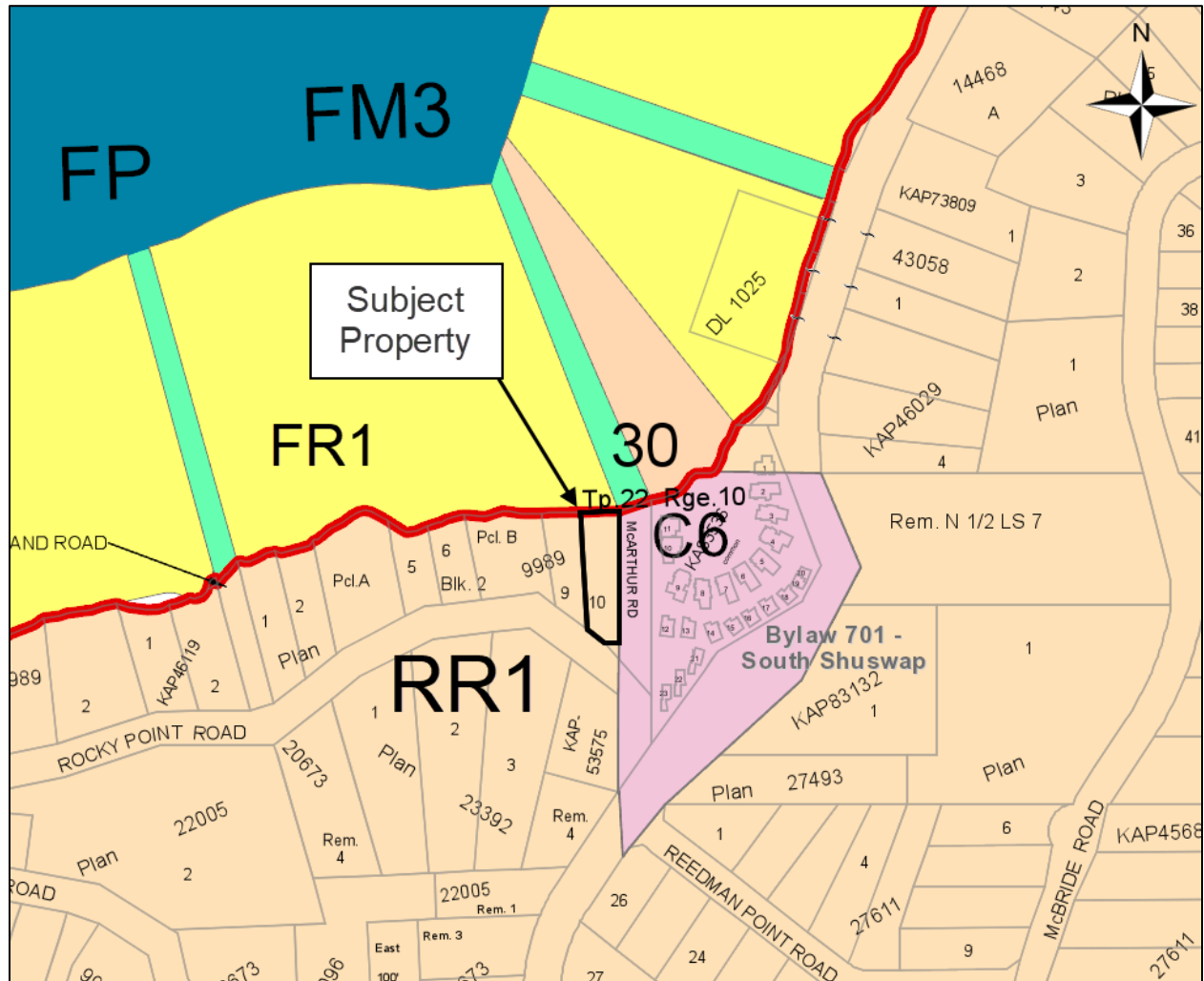


# Location



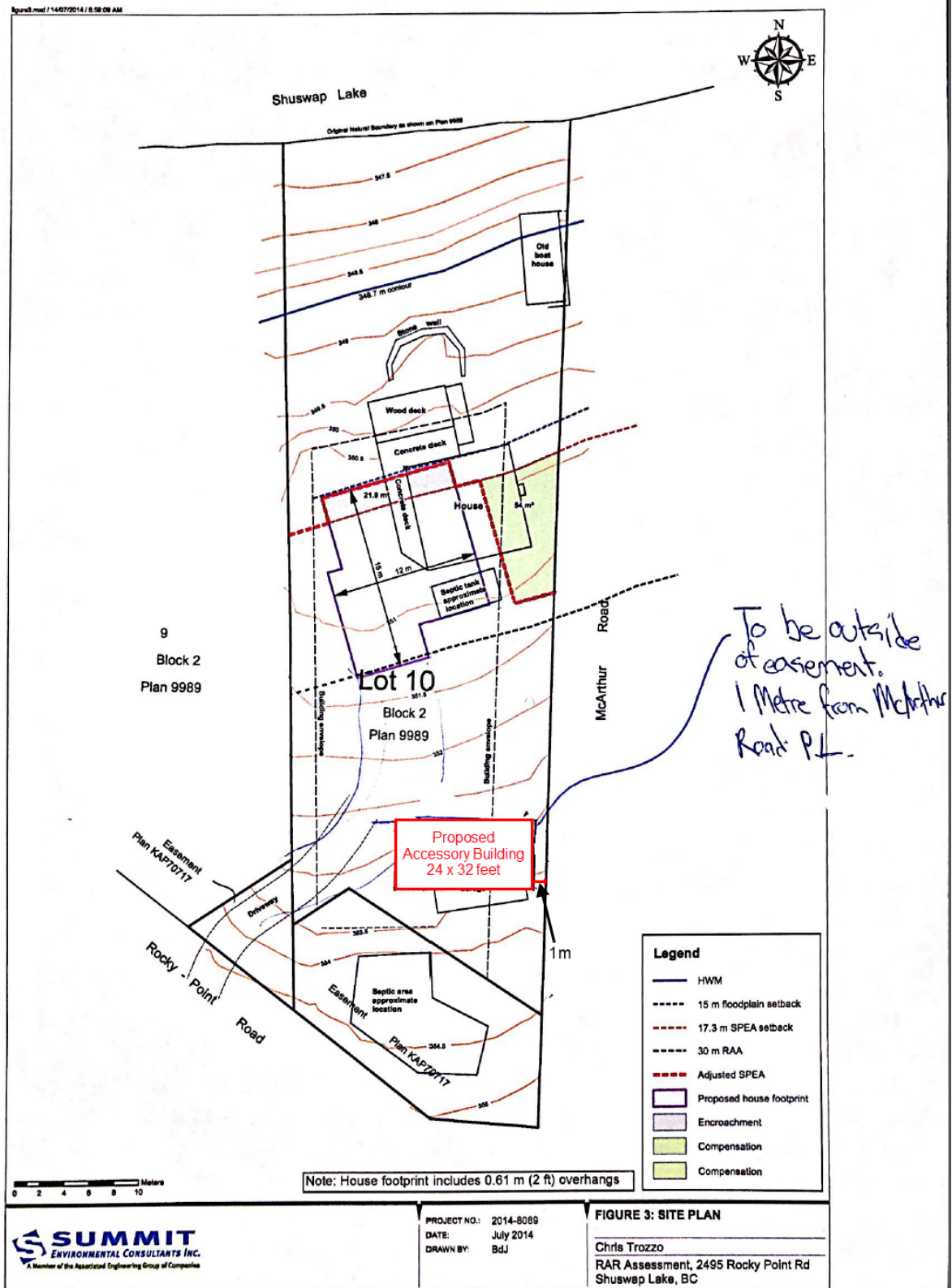


# South Shuswap Zoning Bylaw No. 701



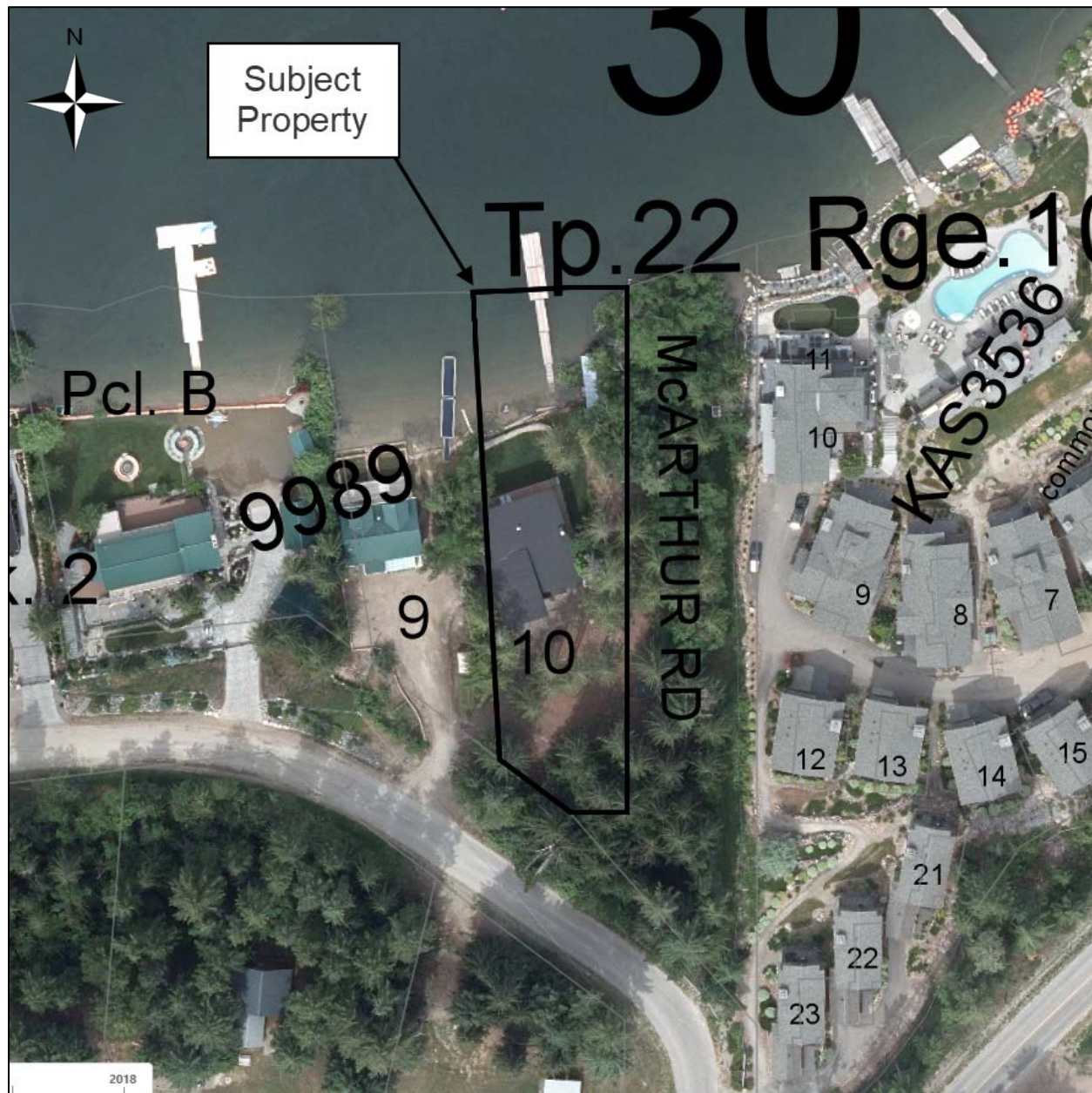


## Site Plan





2018 Orthophoto



**From:** [REDACTED]  
**To:** [Laura Gibson](#)  
**Subject:** DVP SUBMISSION - DVP701-92  
**Date:** Monday, July 15, 2019 6:47:34 AM

---

Re;2495 Rocky Point Road, Blind Bay,B.C.

I do not object to the proposed new detached garage on the above noted property.  
I do request that the 1 metre setback include any roof overhang on the structure.

Regards,

[REDACTED]

[REDACTED] Rocky Point Road, Blind Bay,B.C.

**Laura Gibson**

---

**From:** Chris Trozzo <ctrozzo@bluemoonplumbing.ca>  
**Sent:** Friday, July 12, 2019 2:52 AM  
**To:** Laura Gibson  
**Subject:** Re: DVP701-92 on July Board agenda

Thank you. I will not be attending but would like to let the board know that when we built the home 5 years ago, we took every precaution to have very little impact on the natural setting and the waterfront/ run off .... this proposed project is much further from the waterfront yet we completely respect the process.

Thank you,  
 Chris Trozzo

[ctrozzo@bluemoonplumbing.ca](mailto:ctrozzo@bluemoonplumbing.ca)

On Jul 11, 2019, at 4:20 PM, Laura Gibson <[LGibson@csrd.bc.ca](mailto:LGibson@csrd.bc.ca)> wrote:

Hello Chris,

Your Development Variance Permit application No. 701-92 will be presented to the Board at the July 18, 2019 regular board meeting.

You can view the agenda and staff report [here](#).

You are welcome to attend the meeting. Typically applicants just listen to what the Board says, sometimes the Board asks the applicant questions.

You mentioned before you likely would not attend so please just let me know if that changes. I can keep you posted on what time the application will likely be presented if you plan to attend. At this time I would estimate somewhere around 1-2pm.

Thank you!  
**Laura Gibson** | Planner I  
 Development Services  
**Columbia Shuswap Regional District**  
 T: 250.833.5920 | F: 250.832.3375 | TF: 1.888.248.2773  
 E: [lgibson@csrd.bc.ca](mailto:lgibson@csrd.bc.ca) | W: [www.csrd.bc.ca](http://www.csrd.bc.ca)

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Please consider the environment before printing this e-mail



# BOARD REPORT

**TO:** Chair and Directors

**File No:** DVP800-33  
PL20190144

**SUBJECT:** Electoral Area F: Development Variance Permit No. 800-33 (Coueffin)

**DESCRIPTION:** Report from Candice Benner, Planner II, dated July 4, 2019  
6346 Squilax-Anglemont Road, Magna Bay

**RECOMMENDATION #1:** THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 800-33 for Lot 9, Section 13, Township 23, Range 10, W6M, KDYD, Plan 13493, varying Magna Bay Zoning Bylaw No. 800, as follows:

Section 5.5(2)(e) Maximum height for an accessory building from 6 m to 7.92 m for a garage;

Section 5.5(2)(f) Minimum setback from the front parcel boundary from 4.5 m to 0.5 m and from the interior side parcel boundary from 2.0 m to 0.5 m for a garage; and

Section 5.5(2)(g) Maximum gross floor area of an accessory building from 55 m<sup>2</sup> to 58 m<sup>2</sup> for a garage,

be approved for issuance this 18<sup>th</sup> day of July, 2019.

## SHORT SUMMARY:

As part of the bylaw amendment application (BL800-31) to rebuild a garage that burned down on the subject property, the owners submitted a survey showing the siting of the existing and proposed buildings on the subject property. The proposed garage is to be located within the front and side parcel boundary setbacks and require a variance; the maximum gross floor area is proposed to be 58 m<sup>2</sup> which exceeds the permitted 55 m<sup>2</sup> and the height is proposed to be maximum 7.92 m which exceeds the permitted 6 m and therefore, require a variance as well.

<b>VOTING:</b>	Unweighted Corporate	<input type="checkbox"/>	LGA Part 14 (Unweighted)	<input checked="" type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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## BACKGROUND:

### OWNERS:

Ricky Coueffin  
Irene Coueffin

### APPLICANT:

Ricky Coueffin

### ELECTORAL AREA:

F (Magna Bay)

**CIVIC ADDRESS:**

6346 Squilax-Anglemont Road

**LEGAL DESCRIPTION:**

Lot 9, Section 13, Township 23, Range 10, W6M, KDYD, Plan 13493

**PID:**

006-909-698

**SIZE OF PROPERTY:**

0.142 ha

**SURROUNDING LAND**

**USE PATTERN:**

NORTH: Squilax-Anglemont Road, vacant

SOUTH: Shuswap Lake

EAST: Residential

WEST: Residential

**DESIGNATION:**

Electoral Area F Official Community Plan Bylaw No. 830

SSA –Secondary Settlement Area

**CURRENT ZONE:**

Magna Bay Zoning Bylaw No. 800

RS –Residential

**CURRENT USE:**

Single Family Dwelling, accessory building (shed/boathouse)

**PROPOSED USE:**

Single Family Dwelling, accessory buildings (shed/boathouse and garage)

**POLICY:**

**Electoral Area F Official Community Plan Bylaw No. 830**

**11.8 Secondary Settlement Areas (SSA)**

**Policy 1**

Detached, semi-detached and duplex Policy 1 Detached, semi-detached and duplex housing forms are acceptable residential land uses in the Primary and Secondary Settlement Areas.

**Policy 2**

All new detached, semi-detached and duplex housing units with a density greater than 1 housing unit per 2.5 acres (1 unit per hectare) must be connected to both a community water system and a community sewer system.

### Policy 3

Applicants for new, detached dwellings are encouraged to consider net density in the range of 3 to 5 units per acre (8 to 13 units per hectare). The zoning bylaw will establish additional conditions related to such matters as lot line setbacks, lot coverage and parking

## **Magna Bay Zoning Bylaw No. 800 (Bylaw No. 800)**

### **Definitions**

**ACCESSORY BUILDING** is a detached building or structure that is customarily incidental to, subordinate to and exclusively devoted to a principal use or a single family dwelling, is not used for human habitation and is used for an accessory use or where permitted, for a home business;

**FLOOR AREA** is the total area of all floors in a building measured to the outside face of exterior walls. Where the context requires it, floor area is the total area of all floors in a portion of a building in a particular use, measured to the outside face of the walls of the area of the use. Floor area does not include off street parking areas, balconies, elevator shafts and areas used for building ventilation machinery;

**GROSS FLOOR AREA** is the total area of all floors in a building measured to the outside face of exterior walls. Where the context requires it, gross floor area is the total area of all floors in a portion of a building in a particular use, measured to the outside face of the walls of the area of the use.

### **RS – Residential**

#### (1) Permitted uses:

- a) Single family dwelling
- b) Bed and Breakfast, permitted on a parcel 1 ha (2.47 ac) or larger
- c) Guest accommodation, permitted on a parcel 1 ha (2.47 ac) or larger
- d) Home business
- e) Home industry, permitted on a parcel 4000 m<sup>2</sup> (0.99 ac) or larger
- f) Residential campsite
- g) Standalone residential campsite
- h) Accessory use

#### (2) Regulations

##### (a) Minimum parcel size created by subdivision:

- Where a parcel is serviced by both a community water system and community sewer system = 4000 m<sup>2</sup>
- In all other cases = 1 ha

##### (b) Minimum parcel width created by subdivision: 20 m

##### (c) Maximum parcel coverage: 25%

##### (d) Maximum number of single family dwellings per parcel: 1

##### (e) Maximum height for:

- Principal buildings and structures: 11.5 m (37.73 ft)
- Accessory buildings: 6 m (19.69 ft)

##### (f) Minimum setback of a building containing a home industry from each parcel boundary: 10 m (32.81 ft)

##### Minimum setback for all other uses from:

- Front parcel boundary: 4.5 m (14.76 ft)
- Interior side parcel boundary: 2 m (6.56 ft)
- Exterior side parcel boundary: 4.5 m (14.76 ft)

- Rear parcel boundary:
  - For an accessory building: 3 m (9.84 ft)
  - For a single family dwelling and guest accommodation: 4.5 m (14.76 ft)
- (g) Maximum gross floor area of an accessory building: 55 m<sup>2</sup>

### **Development Variance Permit**

The applicant is proposing to vary:

Section 5.5(2)(e) Maximum height for an accessory building from 6 m to 7.92 m for a garage;

Section 5.5(2)(f) Minimum setback from the front parcel boundary from 4.5 m to 0.5 m and from the interior side parcel boundary from 2.0 m to 0.5 m for a garage; and

Section 5.5(2)(g) Maximum gross floor area of an accessory building from 55 m<sup>2</sup> to 58 m<sup>2</sup> for a garage.

### **FINANCIAL:**

There are no financial implications to the CSRD regarding this application.

### **KEY ISSUES/CONCEPTS:**

The applicant's garage burned down in a fire in July 2018; he is wanting to rebuild the new garage on the same footprint as the old garage due to siting constraints on the property. The proposal is for a two-storey structure: a 1 bay garage first floor with office space in the basement.

The old garage was located at the front of the property, close to Squilax-Anglemont Road, and the west side parcel line. The applicant would like to build the new garage in this same location which will require a Development Variance Permit as it would be located within the front and interior side parcel boundary setbacks. The proposed setbacks for the garage, including eaves and gutters, would be 0.5 m from the front and interior side parcel boundary; the walls of the garage would be 1.0 m setback from the parcel lines.

The maximum gross floor area for an accessory building is 55 m<sup>2</sup> in the RS zone; the proposed 2 storey garage exceeds the maximum floor area permitted; the gross floor area for the building is 58 m<sup>2</sup> which includes both floors. Bylaw No. 800 exempts off-street parking in floor area calculation; the first floor garage has two off-street parking spaces which are deducted from the total. The area for the first floor is 13 m<sup>2</sup> and the basement floor area is 45 m<sup>2</sup>; the combined total of which is 58 m<sup>2</sup>.

The height for the garage is proposed to be a maximum 7.92 m, which is over the maximum allowed 6 m for an accessory building. The old garage was also two storeys and so the floor area and height would have been similar.

Staff consulted with the CSRD Building Services Department regarding future potential fire separation issues there may be for the garage, as it will be located within 2.4 metres of an interior side parcel line setback shared with the neighbouring property. The building department has indicated that there will be building material restrictions in order to meet fire resistant ratings for the west wall and overhang of the garage located within the setback; this will be addressed through the Building Permit process. The Building Department comments have been shared with the applicant.

The fire in 2018 also burned down the neighbour's garage at 6342 Squilax-Anglemont Road, for which the Board reviewed and approved a Development Variance Permit (DVP800-32 Lamb) application for the rebuild of that garage at its April 18, 2019 Board meeting. Similar to the subject property proposed garage, DVP800-32 proposed to vary front and interior side parcel setbacks, height, and gross floor area of a garage.

The applicant has indicated that the basement will have a full bathroom with sink, toilet, and shower as well as a kitchenette that includes a sink, microwave, and fridge. The applicant has been advised that guest accommodation is not permitted on parcels less than 1 ha in the RS zone. The trigger for a structure to be considered a dwelling unit or guest accommodation is installation of a stove unit or a 220 electrical outlet. Neither a stove unit nor a 220 electrical outlet is being proposed.

Staff is in receipt of an issued Setback Permit from Ministry of Transportation for the subject property that permits the garage to be within 0.5 m (eaves) and 1.0 m (foundation) of the road right of way.

**SUMMARY:**

Staff are recommending approval of this DVP for the following reasons:

- There are existing site constraints due to the location of the single family dwelling;
- The height of the garage at road level will be approximately 6 m; which would be permitted for an accessory building in the RS zone;
- There should not be any negative impact on neighbouring properties; the property to the north is currently vacant and the property that shares the interior side parcel boundary which is the subject of this variance was recently approved for setback variances for a garage; and,
- Ministry of Transportation has issued a Setback Permit signifying they do not have concerns regarding the close proximity of the proposed garage to Squilax-Anglemont Road.

**IMPLEMENTATION:**

If this DVP is approved, the Building Services Department will review the building permit for the proposed single family dwelling and ensure the BC Building Code requirements for the west wall building face and overhang are achieved.

**COMMUNICATIONS:**

Notice of the proposed Development Variance Permit was sent to all owners of properties lying within 100 m of the subject property in accordance with Section 499 of the Local Government Act advising of the opportunity to comment on the proposed variances.

The bylaw amendment and DVP application process started prior to APC F forming and therefore was not referred to the APC for review.

**DESIRED OUTCOMES:**

That the Board support the staff recommendation to approve issuance of DVP 800-33.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*



3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

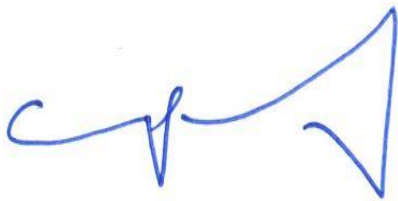
**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. Electoral Area F Official Community Plan Bylaw No. 830
2. Magna Bay Zoning Bylaw No. 800
3. Building Department referral, March 6, 2019
4. Ministry of Transportation Setback Permit (2019-01269), March 28, 2019

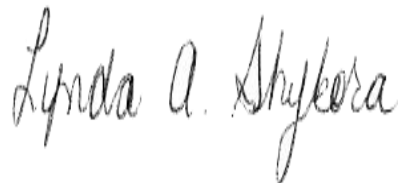
**Report Approval Details**

Document Title:	2019-07-18_Board_DS_DVP800-33_Coueffin.docx
Attachments:	- DVP800-33.pdf - Maps_plans_photos_DVP800-33.pdf
Final Approval Date:	Jul 4, 2019

This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Jul 4, 2019 - 2:23 PM**



**Lynda Shykora - Jul 4, 2019 - 3:16 PM**

**No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora**

**Charles Hamilton - Jul 4, 2019 - 3:17 PM**



COLUMBIA SHUSWAP REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT NO. 800-33

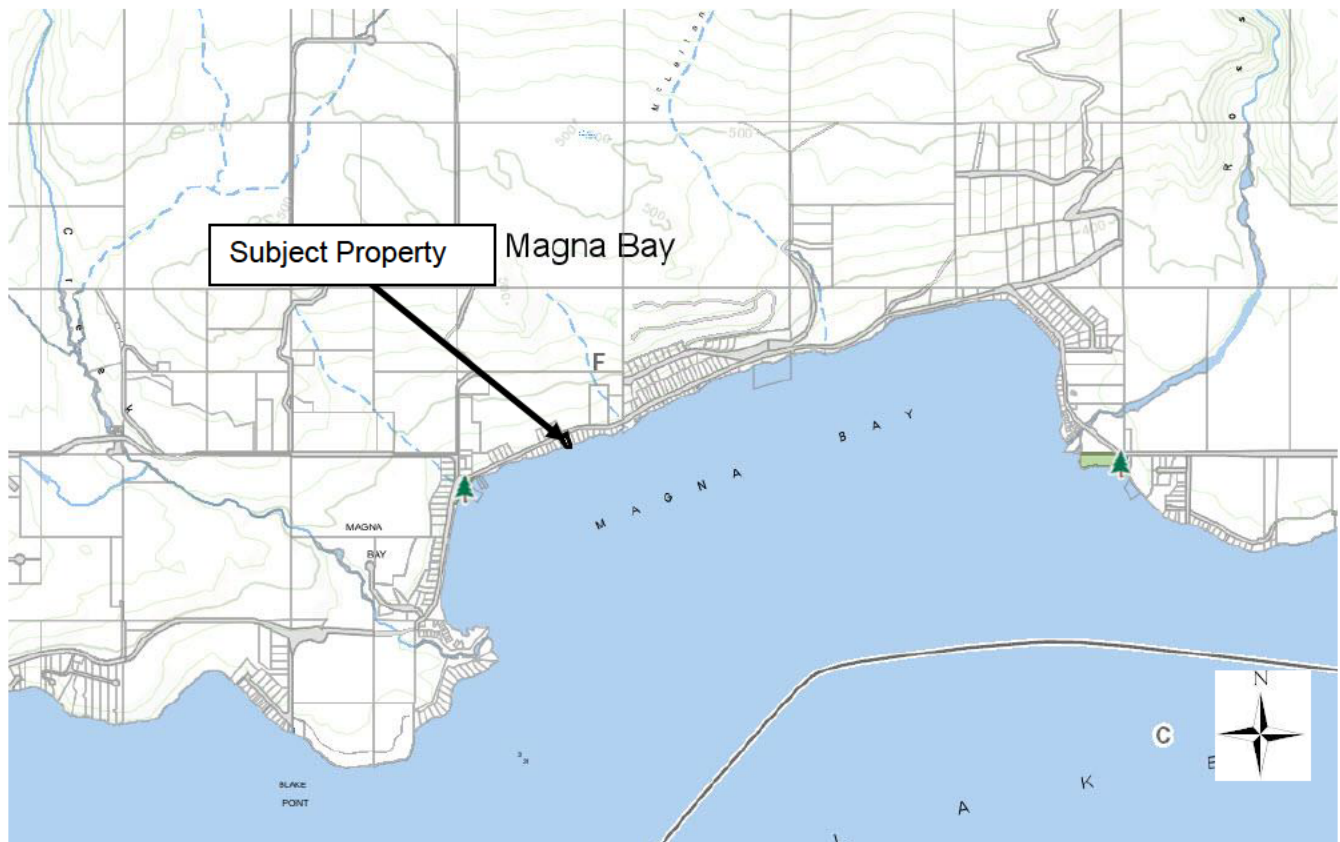
1. OWNERS: Ricky Coueffin  
Irene Coueffin  
[REDACTED]  
[REDACTED]
2. This permit applies only to the land described below:  
Lot 9, Section 13, Township 23, Range 10, W6M, KDYD, Plan 13493 (PID: 006-909-698),  
which property is more particularly shown on the Location Map attached hereto as shown  
outlined in bold on Schedule A.
3. The Magna Bay Zoning Bylaw No. 800, is hereby varied as follows:  
Section 5.5(2)(e) Maximum height for an accessory building from 6 m to 7.92 m for  
a garage;  
Section 5.5(2)(f) Minimum setback from the front parcel boundary from 4.5 m to 0.5  
m and from the interior side parcel boundary from 2.0 m to 0.5 m for a garage; and  
Section 5.5(2)(g) Maximum gross floor area of an accessory building from 55 m<sup>2</sup> to  
58 m<sup>2</sup> for a garage,  
as more particularly shown on the Site Plan attached hereto as Schedule B.
4. This permit is NOT a building permit.

AUTHORIZED FOR ISSUANCE BY RESOLUTION of the Columbia Shuswap Regional District Board on  
the \_\_\_\_ day of \_\_\_\_\_, 2019.

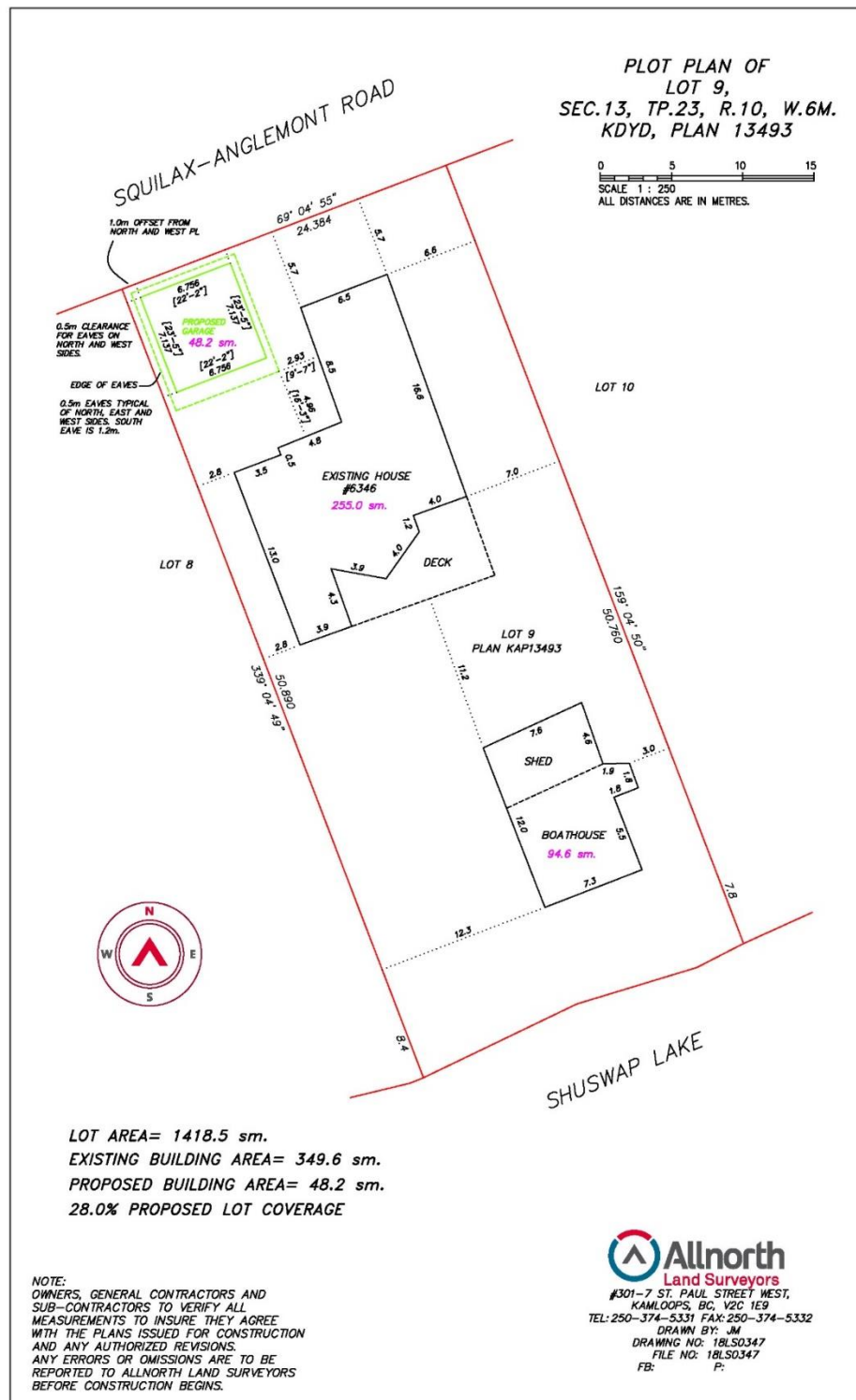
\_\_\_\_\_  
CORPORATE OFFICER

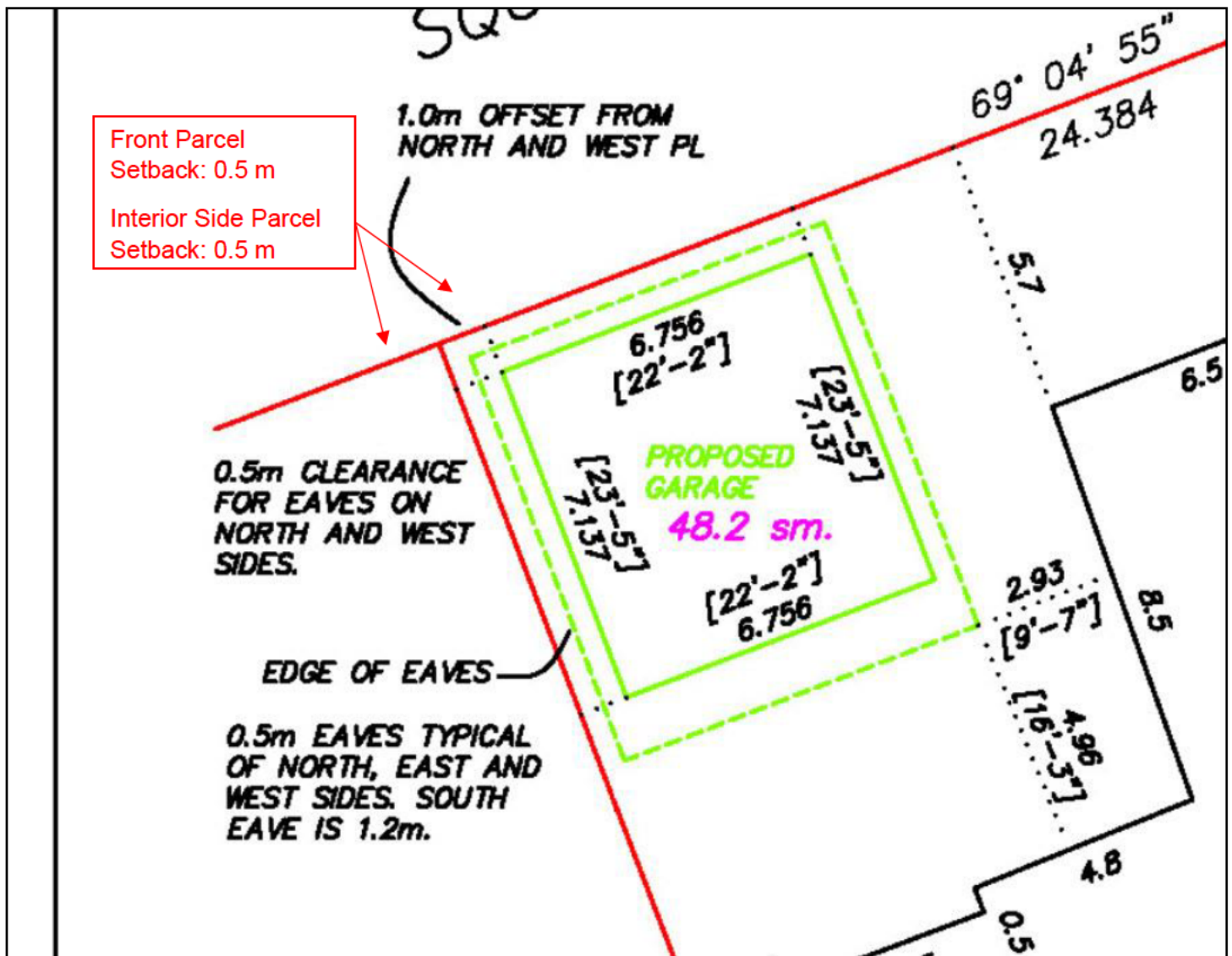
NOTE: Subject to Section 504 of the Local Government Act, if the development of the subject  
property is not substantially commenced within two years after the issuance of this permit, the  
permit automatically lapses.

Schedule A  
Location



# Schedule B Site Plan



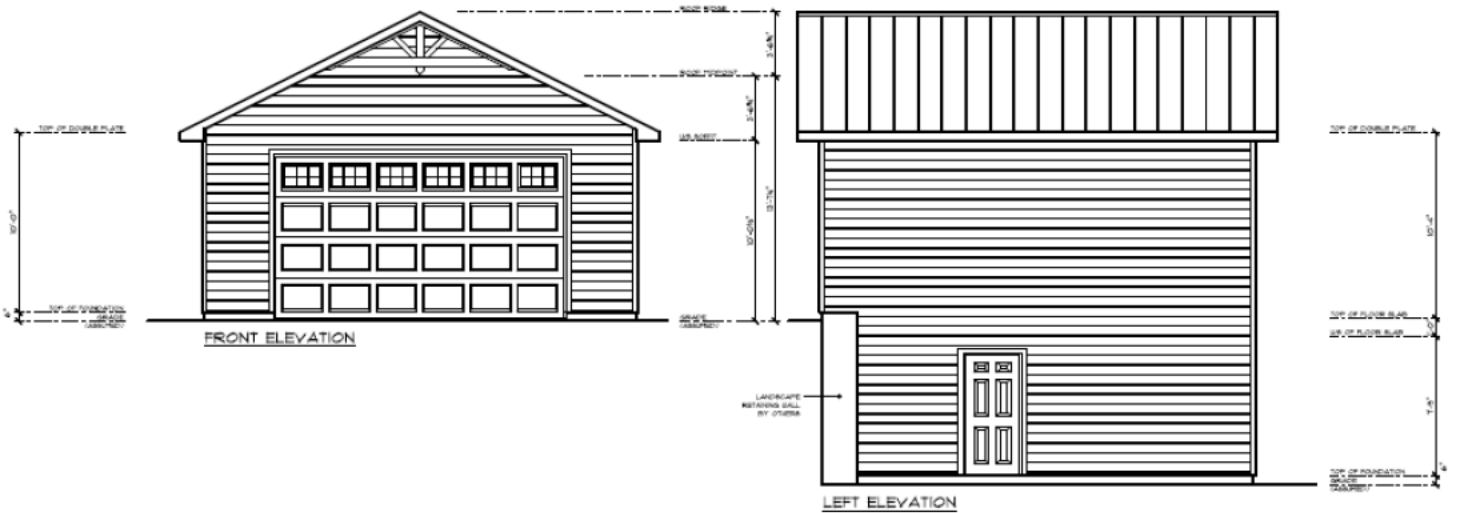
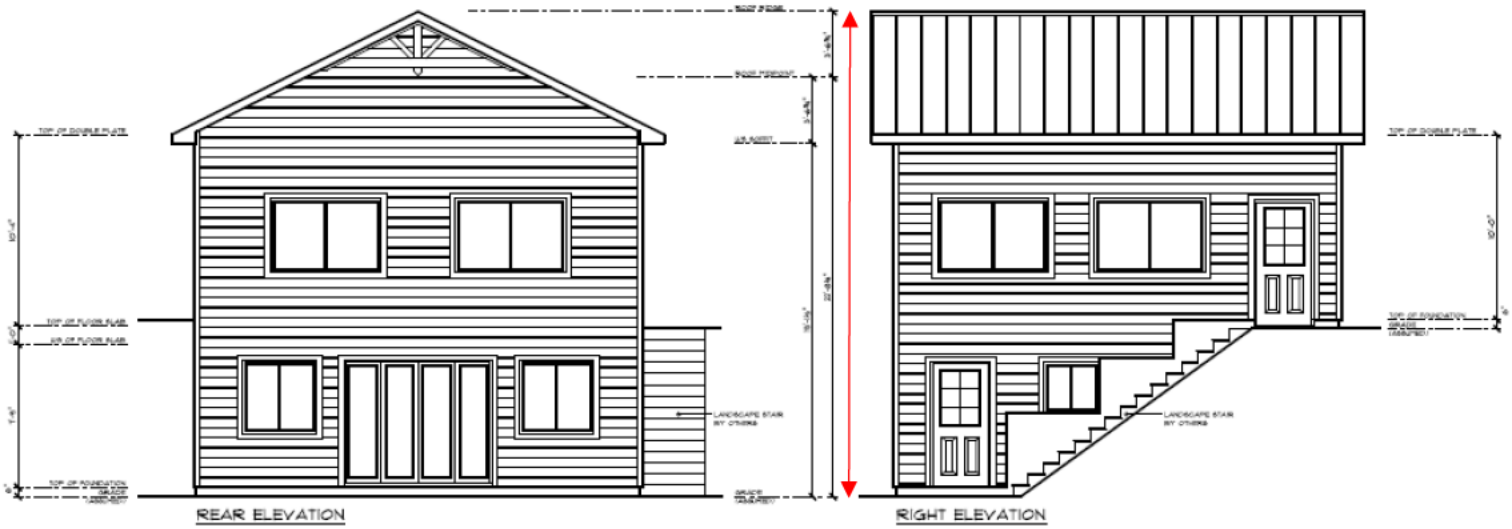




Floor plan of a rectangular structure labeled "HEATED GARAGE". The overall dimensions are 24'-0" wide by 24'-0" deep. The top and right walls are 24'-0" long. The left wall is 24'-0" long, with a 3'-0" section at the bottom corner. The bottom wall is 16'-0" long, with a 16'-0" x 8'-0" O.H. GARAGE DOOR indicated. The top wall has two 6'-0" x 4'-0" sections. The left wall has two 6'-0" x 4'-0" sections. A dashed line indicates a 16'-0" x 8'-0" area in the bottom right corner.

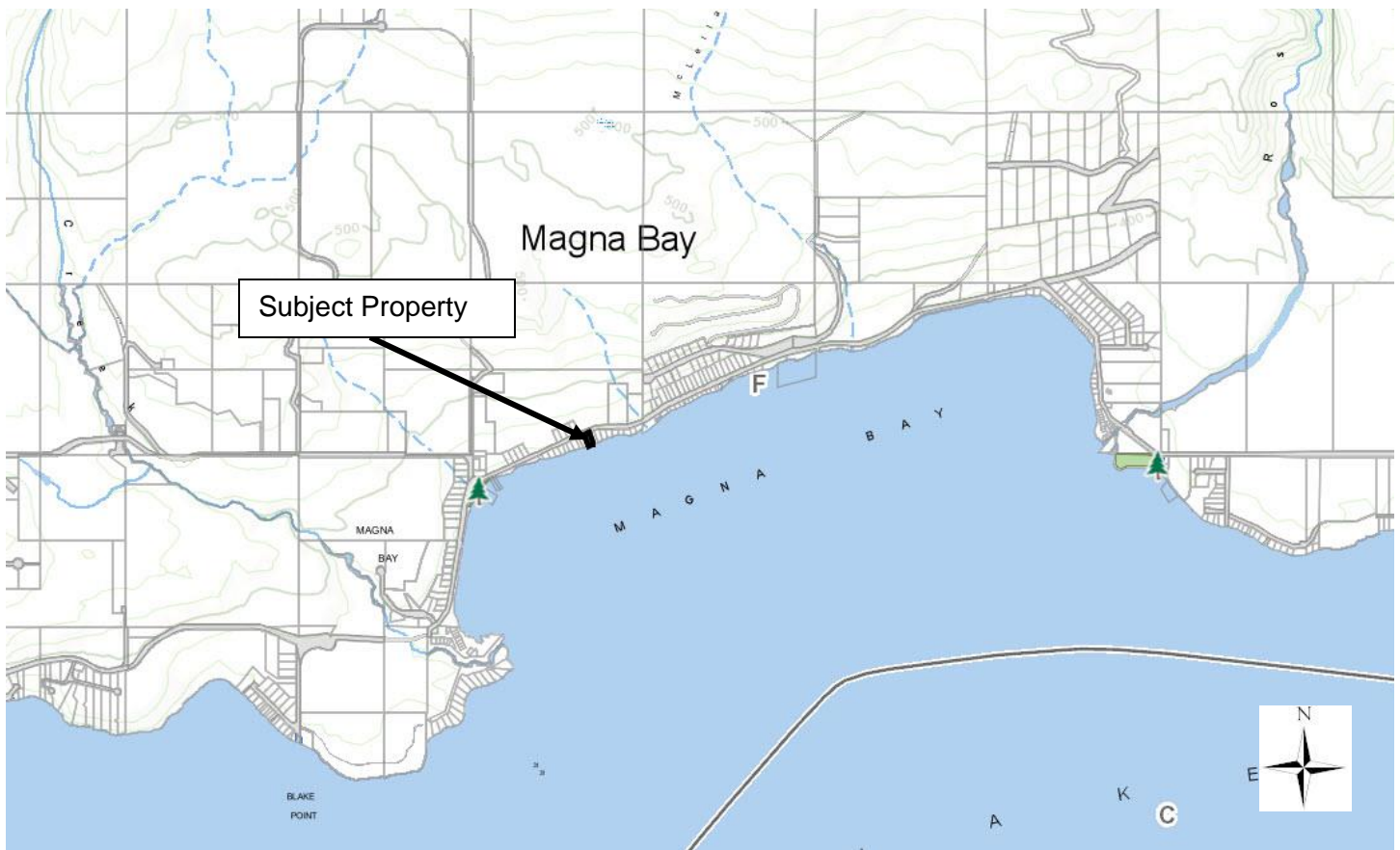
MAIN FLOOR PLAN

First Floor Area: 13 m<sup>2</sup>  
(not including 2 off-street parking spaces)

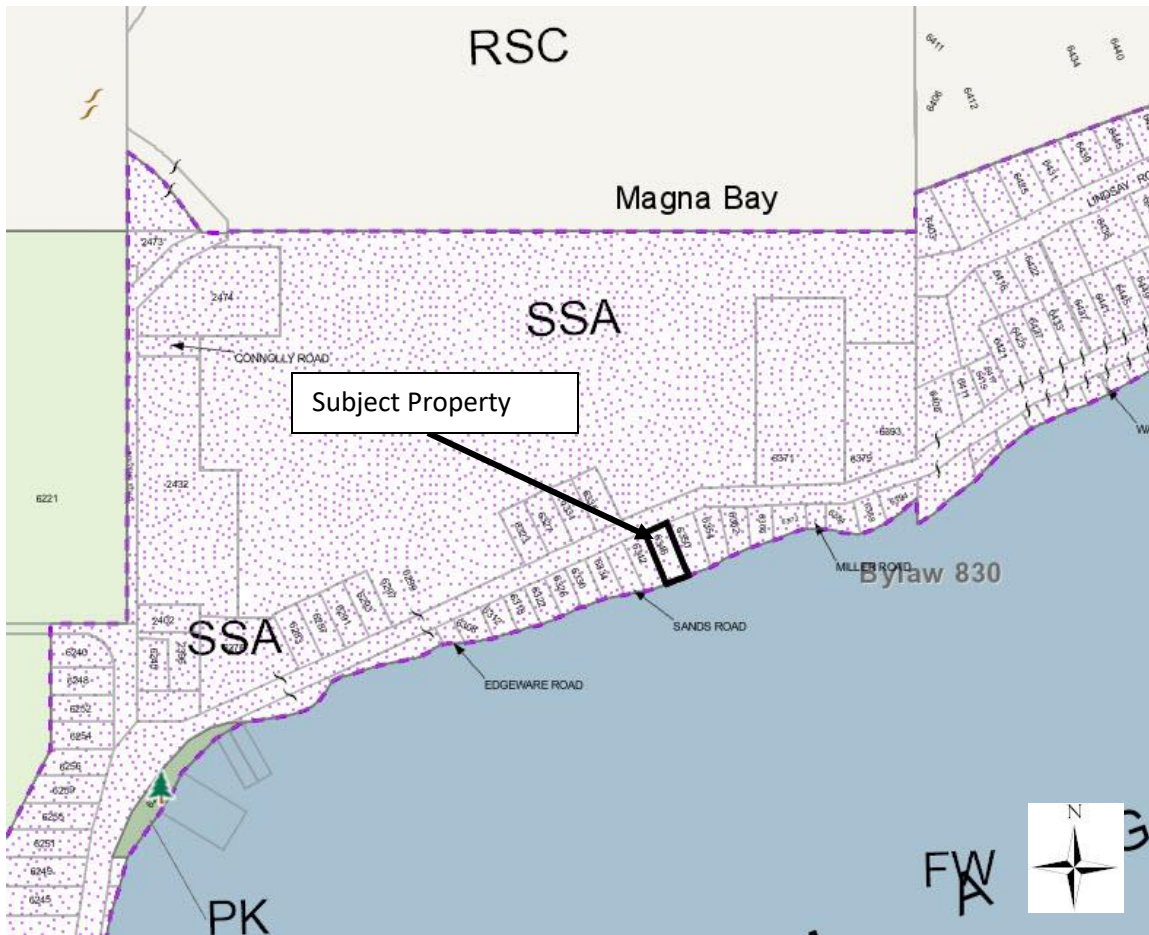




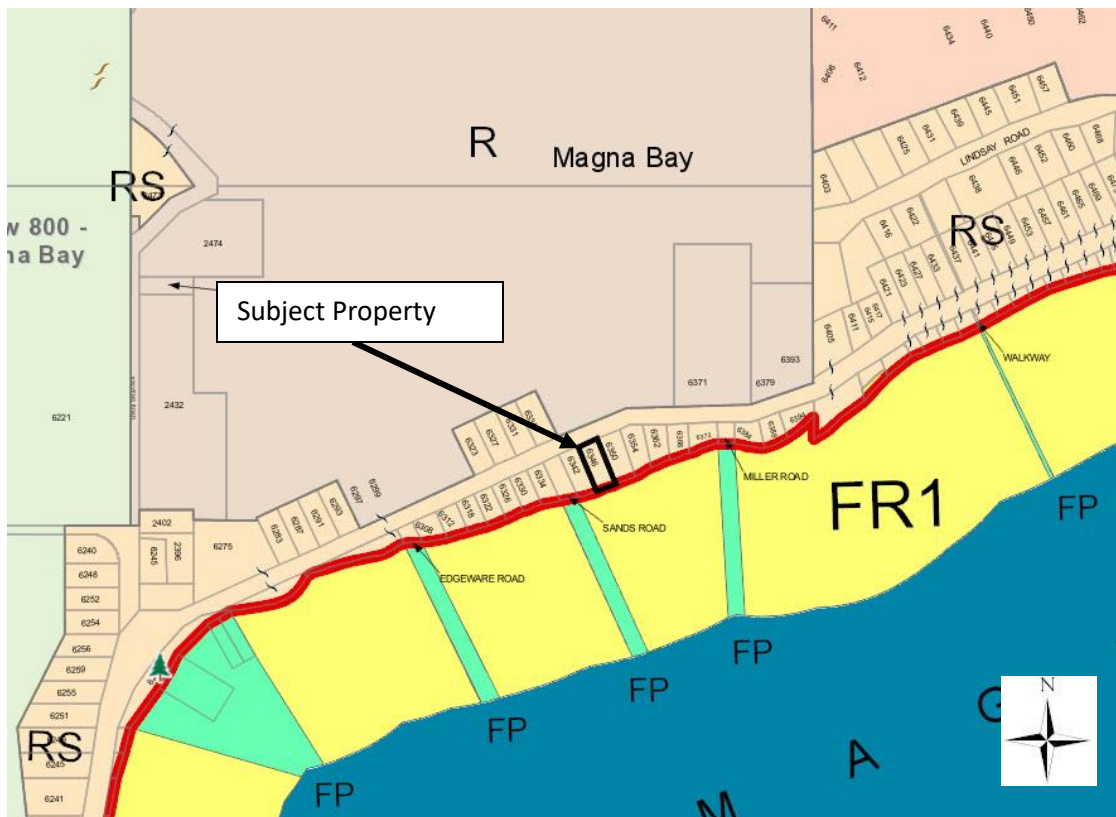
# Location



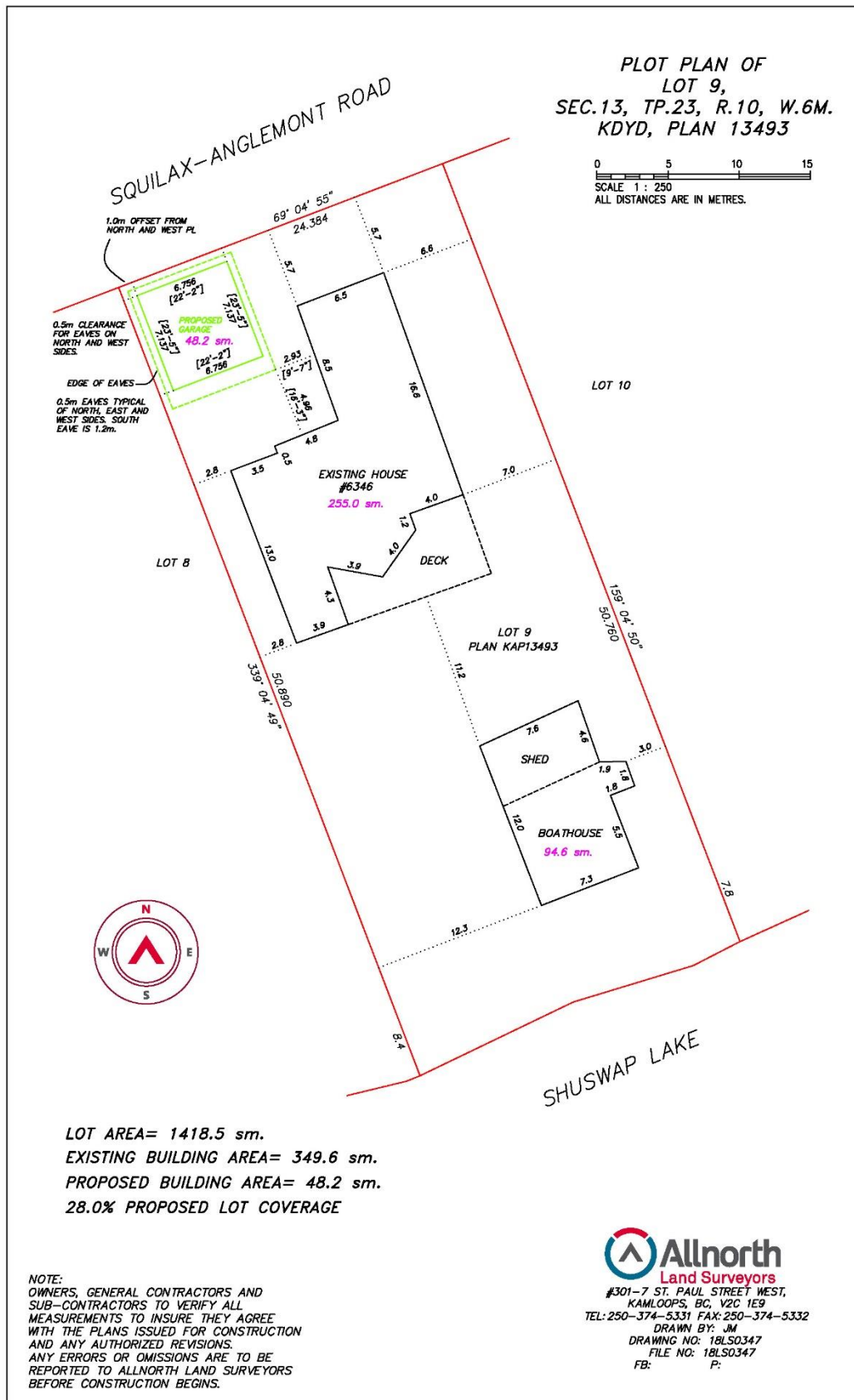
# OCF



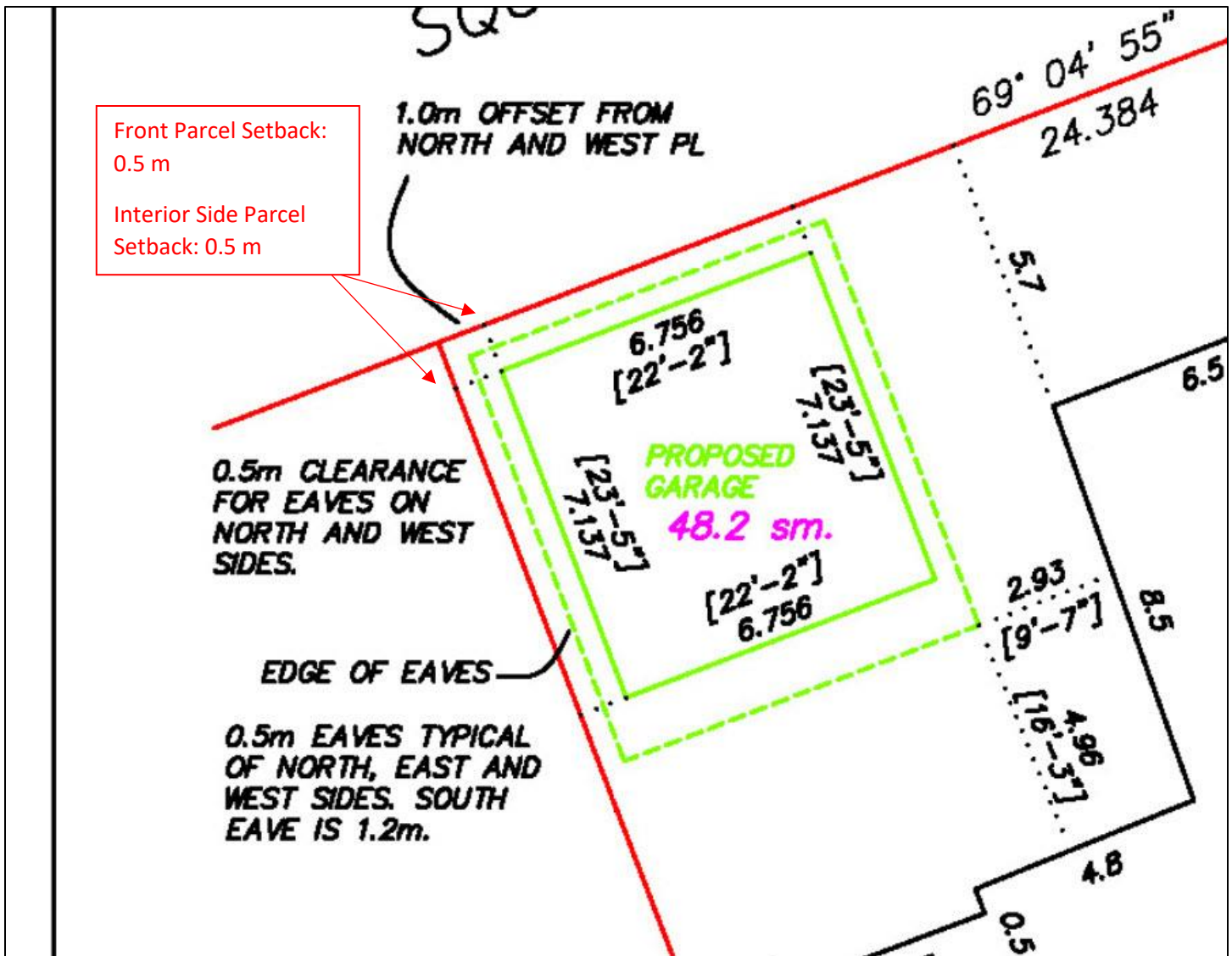
# Zoning



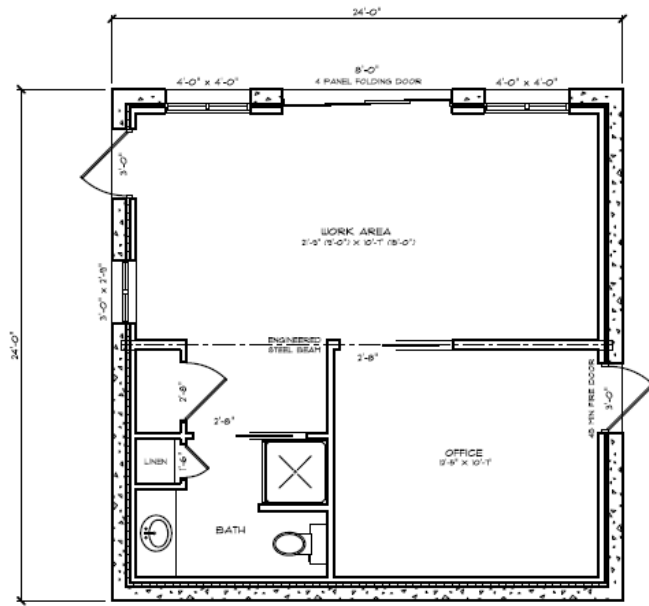
## Site Plan





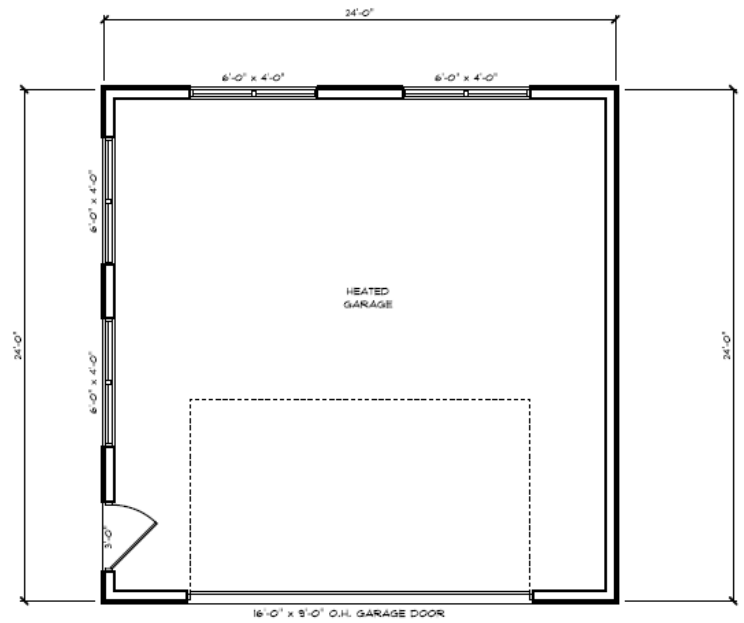


## Building Plans



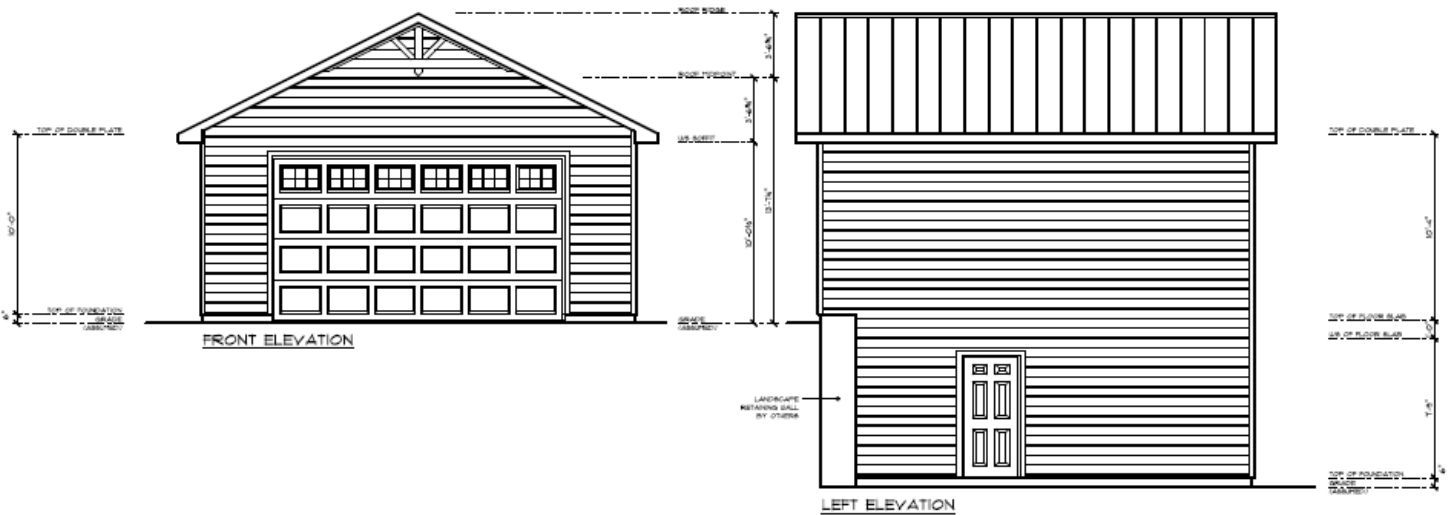
BASEMENT PLAN

Basement Floor Area: 45 m<sup>2</sup>



### MAIN FLOOR PLAN

First Floor Area: 13 m<sup>2</sup>  
(not including 2 off-street parking spaces)



Orthophoto





**Google Maps Street view of Old Garages**



**Subject property garage to the left and the neighbour's garage (DVP800-32) to the right**



**Photos**



View of proposed garage location showing the neighbour's existing garage foundation



View of existing single family dwelling from neighbour's property





View of subject property from Squilax-Anglemont Road



View of accessory building (shed/boathouse) near Shuswap Lake on subject property



# BOARD REPORT

**TO:** Chair and Directors

**File No:** BL825-40  
PL20190030

**SUBJECT:** Electoral Area F: Scotch Creek/Lee Creek Zoning Amendment (Mosher)  
Bylaw No. 825-40

**DESCRIPTION:** Report from Erica Hartling, Planner I, dated July 11, 2019.  
3740 Ancient Creek Lane, Scotch Creek

**RECOMMENDATION #1:** THAT: "Scotch Creek/Lee Creek Zoning Amendment (Mosher) Bylaw No. 825-40" be read a third time this 18<sup>th</sup> day of July 2019.

**RECOMMENDATION #2:** THAT: "Scotch Creek/Lee Creek Zoning Amendment (Mosher) Bylaw No. 825-40" be adopted this 18<sup>th</sup> day of July 2019.

## SHORT SUMMARY:

The subject property is located at 3740 Ancient Creek Lane in Scotch Creek of Electoral Area F. The owners are applying to amend the zone of the Scotch Creek/Lee Creek Zoning Bylaw No. 825 from MU – Mixed Use to R1 – Residential – 1. The proposed R1 zone will continue to allow a single family dwelling or standalone residential campsite as a principal use for the subject property but will not permit the commercial principal uses that are listed in the MU zone.

A public hearing was held to hear representations from the public regarding the bylaw. It is now appropriate for the Board to consider the bylaw for third reading and adoption.

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<b>VOTING:</b>	Unweighted Corporate	<input type="checkbox"/>	LGA Part 14 (Unweighted)	<input checked="" type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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## BACKGROUND:

See Board Report first reading and maps, plans, and photos in the attached "2019-04-18\_Board\_DS\_BL825-40\_first\_Mosher.pdf" and "Maps\_Plans\_Photos\_BL825-40.pdf".

## POLICY:

See "BL830\_BL825\_Excerpts\_BL825-40.pdf" attached.

Electoral Area F Official Community Plan Bylaw No. 830

- 11.1 General Land Use
- 12.8 NR - Neighbourhood Residential

Scotch Creek/Lee Creek Zoning Bylaw No. 825

- 5.12 MU – Mixed Use
- 5.7 R1 – Residential – 1

## FINANCIAL:

There are no financial implications to the CSRD with regard to this application.

### **KEY ISSUES/CONCEPTS:**

See staff discussion of the bylaw amendment proposal in the attached "2019-04-18\_Board\_DS\_BL825-40\_first\_Mosher.pdf" and "2019-06-20\_Board\_DS\_BL825-40\_second\_Mosher.pdf".

### **SUMMARY:**

As no concerns were raised during the public hearing and no public submissions were received, staff continue to support Bylaw No. 825-40 and is recommending that the bylaw be considered for third reading and adoption.

### **IMPLEMENTATION:**

See "2019-06-20\_Board\_DS\_BL825-40\_second\_Mosher.pdf" attached.

As the subject area is not located within 800 m of a controlled access highway, statutory approval from the Ministry of Transportation and Infrastructure is not required prior to adoption of the bylaw.

### **COMMUNICATIONS:**

See "Agency\_Referral\_Responses\_BL825-40.pdf" and "2019-06-20\_Board\_DS\_BL825-40\_second\_Mosher.pdf" attached.

### **Update**

See "Public\_Hearing\_Notes\_BL825-40.pdf" attached.

Staff advertised the Public Hearing in the Shuswap Market News on June 28 and July 5, 2019. The Public Hearing was held on July 10, 2019 and attended by Development Services staff and Director Simpson. There were no members of the public in attendance and staff did not receive any written submissions.

### **DESIRED OUTCOMES:**

That the Board endorse staff recommendations.

### **BOARD'S OPTIONS:**

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

### **LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

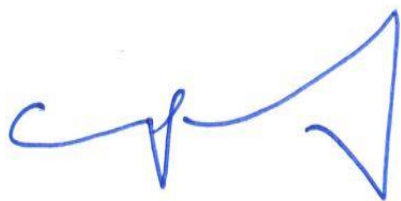
1. Official Community Plan Bylaw No. 830
2. Scotch Creek/Lee Creek Zoning Bylaw No. 825



**Report Approval Details**

Document Title:	2019-07-18_Board_DS_BL825-40_third_adoption_Mosher.docx
Attachments:	<ul style="list-style-type: none"> <li>- BL825-40_third_adoption.pdf</li> <li>- 2019-06-20_Board_DS_BL825-40_second_Mosher.pdf</li> <li>- BL825-40_second.pdf</li> <li>- 2019-04-18_Board_DS_BL825-40_first_Mosher.pdf</li> <li>- BL825-40_first.pdf</li> <li>- BL830_BL825_Excerpts_BL825-40.pdf</li> <li>- Public_Hearing_Notes_2019-07-10_BL825-40.pdf</li> <li>- Agency_Referral_Responses_BL825-40.pdf</li> <li>- Maps_Plans_Photos_BL825-40.pdf</li> </ul>
Final Approval Date:	Jul 15, 2019

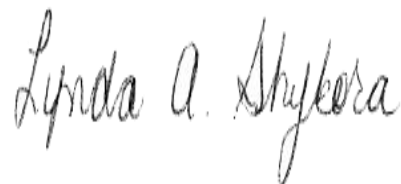
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Jul 11, 2019 - 10:06 AM**



**Gerald Christie - Jul 11, 2019 - 2:46 PM**



**Lynda Shykora - Jul 15, 2019 - 9:23 AM**



**Charles Hamilton - Jul 15, 2019 - 9:39 AM**

**COLUMBIA SHUSWAP REGIONAL DISTRICT**

**SCOTCH CREEK/LEE CREEK ZONING**  
**(MOSHER) BYLAW NO. 825-40**

A bylaw to amend the "Scotch Creek/Lee Creek Zoning Bylaw No. 825"

WHEREAS the Board of the Columbia Shuswap Regional District adopted Bylaw No. 825;

AND WHEREAS the Board deems it appropriate to amend Bylaw No. 825;

NOW THEREFORE the Board of the Columbia Shuswap Regional District, in open meeting assembled, HEREBY ENACTS as follows:

1. "Scotch Creek/Lee Creek Zoning Bylaw No. 825", as amended, is hereby amended as follows:

A. MAP AMENDMENT

- i. Schedule B, Zoning Map, which forms part of "Scotch Creek/Lee Creek Zoning Bylaw No. 825" is hereby amended by:

Rezoning Lot 6, Section 33, Township 22, Range 11, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan KAP59951, which part is more particularly shown hatched on Schedule 1 attached hereto and forming part of this bylaw, from MU – Mixed Use to R1 – Residential – 1.

2. This bylaw may be cited as "Scotch Creek/Lee Creek Zoning (Mosher) Bylaw No. 825-40"

READ a first time this 18<sup>th</sup> day of April, 2019.

READ a second time this 20<sup>th</sup> day of June, 2019.

PUBLIC HEARING held this 10<sup>th</sup> day of July, 2019.

READ a third time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
CORPORATE OFFICER

\_\_\_\_\_  
CHAIR

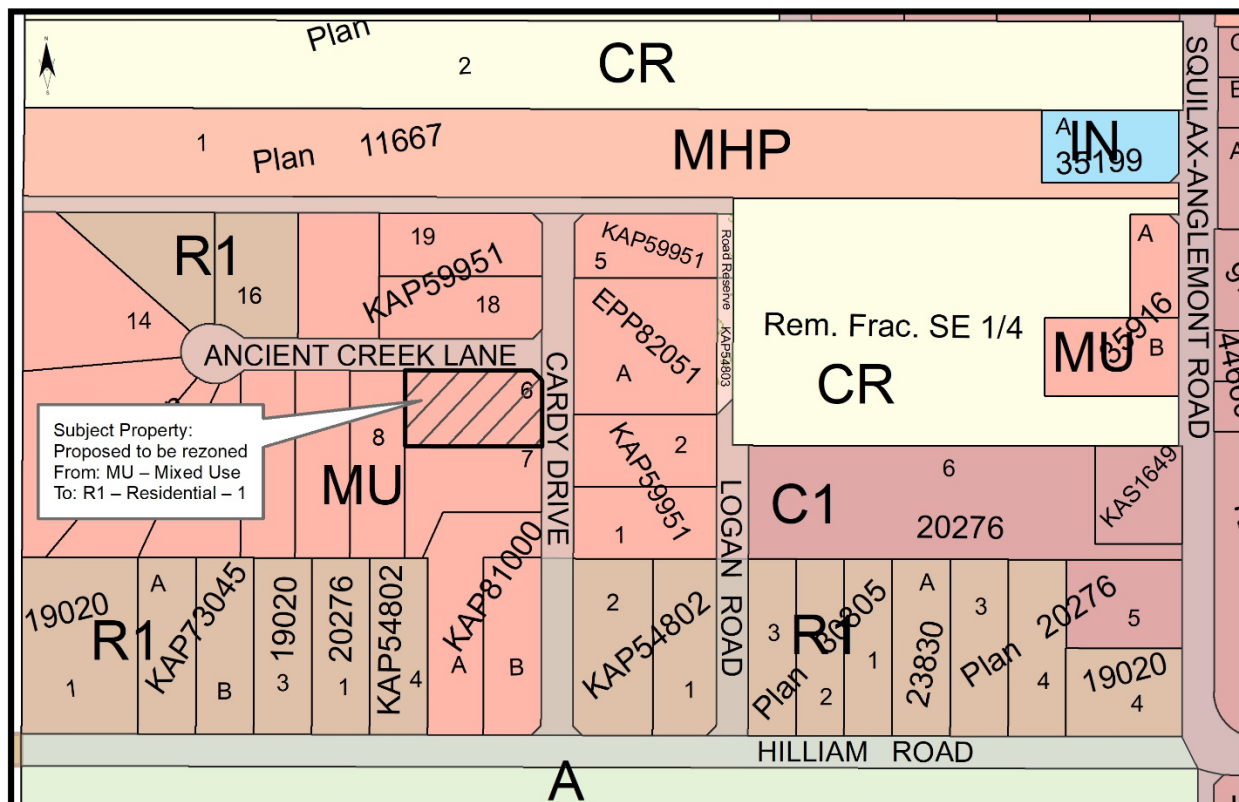
CERTIFIED a true copy of Bylaw No. 825-40  
as read a third time.

CERTIFIED a true copy of Bylaw No. 825-40  
as adopted.

\_\_\_\_\_  
Corporate Officer

\_\_\_\_\_  
Corporate Officer



**SCHEDULE 1****ZONING AMENDMENT****SCOTCH CREEK/LEE CREEK ZONING**  
**(MOSHER) BYLAW NO. 825-40**



# BOARD REPORT

**TO:** Chair and Directors

<b>File No:</b> BL825-40 PL20190030
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**SUBJECT:** Electoral Area F: Scotch Creek/Lee Creek Zoning Amendment (Mosher) Bylaw No. 825-40

**DESCRIPTION:** Report from Erica Hartling, Planner I, dated May 31, 2019.  
3740 Ancient Creek Lane, Scotch Creek

**RECOMMENDATION #1:** THAT: "Scotch Creek/Lee Creek Zoning Amendment (Mosher) Bylaw No. 825-40" be read a second time this 20<sup>th</sup> day of June 2019;

**RECOMMENDATION #2:** THAT: a public hearing to hear representations on "Scotch Creek/Lee Creek Zoning Amendment (Mosher) Bylaw No. 825-40" be held;

AND THAT: notice of the public hearing be given by the staff of the Regional District on behalf of the Board in accordance with Section 466 of the Local Government Act;

AND FURTHER THAT: the holding of the public hearing be delegated to Director Jay Simpson, as Director of Electoral Area F being that in which the land concerned is located, or Alternate Director Jeffrey Tarry, if Director Simpson is absent, and the Director or Alternate Director, as the case may be, give a report of the public hearing to the Board.

## SHORT SUMMARY:

The subject property is located at 3740 Ancient Creek Lane in Scotch Creek of Electoral Area F. The owners are applying to amend the zone of the Scotch Creek/Lee Creek Zoning Bylaw No. 825 from MU – Mixed Use to R1 – Residential – 1. The proposed R1 zone will continue to allow a single family dwelling or standalone residential campsite as a principal use for the subject property but will not permit the commercial principal uses that are listed in the MU zone.

The bylaw was given first reading and the Board directed staff to refer the bylaw to applicable agencies and First Nations for comment. Comments have been received and are summarized in this report. It is now appropriate for the Board to consider the bylaw for second reading and referral to a public hearing.

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<b>VOTING:</b>	Unweighted Corporate <input type="checkbox"/>	LGA Part 14 (Unweighted) <input checked="" type="checkbox"/>	Weighted Corporate <input type="checkbox"/>	Stakeholder (Weighted) <input type="checkbox"/>
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## BACKGROUND:

See "2019-04-18\_Board\_DS\_BL825-40\_First\_Mosher.pdf" and "Maps\_Plans\_Photos\_BL900-20.pdf" attached.

## POLICY:

See "BL830\_BL825\_Excerpts\_BL825-40.pdf" attached.

**Electoral Area F Official Community Plan Bylaw No. 830**

- 11.1 General Land Use
- 12.8 NR - Neighbourhood Residential

**Scotch Creek/Lee Creek Zoning Bylaw No. 825**

- 5.12 MU – Mixed Use
- 5.7 R1 – Residential – 1

**FINANCIAL:**

There are no financial implications to the CSRD with regard to this application.

**KEY ISSUES/CONCEPTS:**

See "2019-04-18\_Board\_DS\_BL825-40\_First\_Mosher.pdf" attached.

The Board gave first reading of Bylaw No. 825-40 at its April 18, 2019 Board meeting and directed staff to follow the simple consultation process and refer the bylaw amendment to applicable agencies and First Nations for comment. Referral comments have now been received and are summarized in the Communications section of this report. See copies of the complete referral responses "Agency\_Referral\_Responses\_BL825-40.pdf" attached.

Referral comments came back with interest unaffected or no known concerns with the subject property and proposal. Little Shuswap Lake Indian Band (LSLIB) requested that they are given provisions to conduct archaeology field assessments if necessary. As the property owners have no plans to develop the lot at this time, they have not contacted LSLIB to perform a field study. The owners are aware of the Archaeology Branch and LSLIB procedures and if an archaeological site is encountered during development, activities will be halted and both the Archaeology Branch and LSLIB will be contacted for direction.

**SUMMARY:**

Staff continue to support Bylaw No. 825-40 and is recommending that the bylaw be considered for second reading and referral to a public hearing in order to hear the views of the public on this matter.

**IMPLEMENTATION:****Consultation Process**

Neighbouring property owners first became aware of the application when a notice of application sign was posted on the property. As of the date of this report, no written submissions from the public have been received. If the Board approves the staff recommendation, a public hearing will be scheduled to receive input from the public.

**COMMUNICATIONS:**

If the Board supports second reading of Bylaw No. 825-40 and delegates a Public Hearing, staff will proceed with notification of property owners within 100 metres and publication of notices as required by the Local Government Act.

Bylaw No. 825-40 was referred to the following agencies and First Nations for comments, which are summarized below. See "Agency\_Referral\_Responses\_BL825-40.pdf" attached.

- Interior Health: Interests unaffected. No health impacts associated with the proposal.
- Ministry of Transportation and Infrastructure: Interests unaffected.
- Archaeology Branch: Approval recommended subject to conditions. Small area of potential but no known archaeological sites recorded on the subject property.
- CSRD Operations Management: No concerns.
- Adams Lake Indian Band: Defers their comments to the Little Shuswap Lake Indian Band.
- Little Shuswap Lake Indian Band (LSLIB): Requests provisions for LSIB to conduct archaeology field assessments and to conduct an AOA and AIA if necessary.

The following agencies and First Nations did not respond to the request for comments:

- Neskonlith Indian Band;
- Okanagan Indian Band;
- Shuswap Indian Band;
- Simpcw First Nation; and,
- Splots'in First Nation.

### **DESIRED OUTCOMES:**

That the Board endorse staff recommendations.

### **BOARD'S OPTIONS:**

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

### **LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. Official Community Plan Bylaw No. 830
2. Scotch Creek/Lee Creek Zoning Bylaw No. 825

**Report Approval Details**

Document Title:	2019-06-20_Board_DS_BL825-40_Second_Mosher.docx
Attachments:	<ul style="list-style-type: none"> <li>- BL825-40_Second.pdf</li> <li>- 2019-04-18_Board_DS_BL825-40_First_Mosher.pdf</li> <li>- BL825-40_First.pdf</li> <li>- BL830_BL825_Excerpts_BL825-40.pdf</li> <li>- Agency_Referral_Responses_BL825-40_Second.pdf</li> <li>- Maps_Plans_Photos_BL825-40.pdf</li> </ul>
Final Approval Date:	Jun 6, 2019

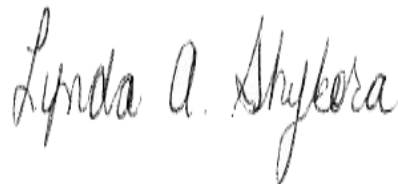
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Jun 3, 2019 - 2:27 PM**



**Gerald Christie - Jun 5, 2019 - 3:11 PM**



**Lynda Shykora - Jun 6, 2019 - 11:50 AM**



**Charles Hamilton - Jun 6, 2019 - 3:16 PM**

**COLUMBIA SHUSWAP REGIONAL DISTRICT**

**SCOTCH CREEK/LEE CREEK ZONING**  
**(MOSHER) BYLAW NO. 825-40**

A bylaw to amend the "Scotch Creek/Lee Creek Zoning Bylaw No. 825"

WHEREAS the Board of the Columbia Shuswap Regional District adopted Bylaw No. 825;

AND WHEREAS the Board deems it appropriate to amend Bylaw No. 825;

NOW THEREFORE the Board of the Columbia Shuswap Regional District, in open meeting assembled, HEREBY ENACTS as follows:

1. "Scotch Creek/Lee Creek Zoning Bylaw No. 825", as amended, is hereby amended as follows:

A. MAP AMENDMENT

- i. Schedule B, Zoning Map, which forms part of "Scotch Creek/Lee Creek Zoning Bylaw No. 825" is hereby amended by:

Rezoning Lot 6, Section 33, Township 22, Range 11, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan KAP59951, which part is more particularly shown hatched on Schedule 1 attached hereto and forming part of this bylaw, from MU – Mixed Use to R1 – Residential – 1.

2. This bylaw may be cited as "Scotch Creek/Lee Creek Zoning (Mosher) Bylaw No. 825-40"

READ a first time this 18<sup>th</sup> day of April, 2019.

READ a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

PUBLIC HEARING held this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

READ a third time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
CORPORATE OFFICER

\_\_\_\_\_  
CHAIR

CERTIFIED a true copy of Bylaw No. 825-40  
as read a third time.

CERTIFIED a true copy of Bylaw No. 825-40  
as adopted.

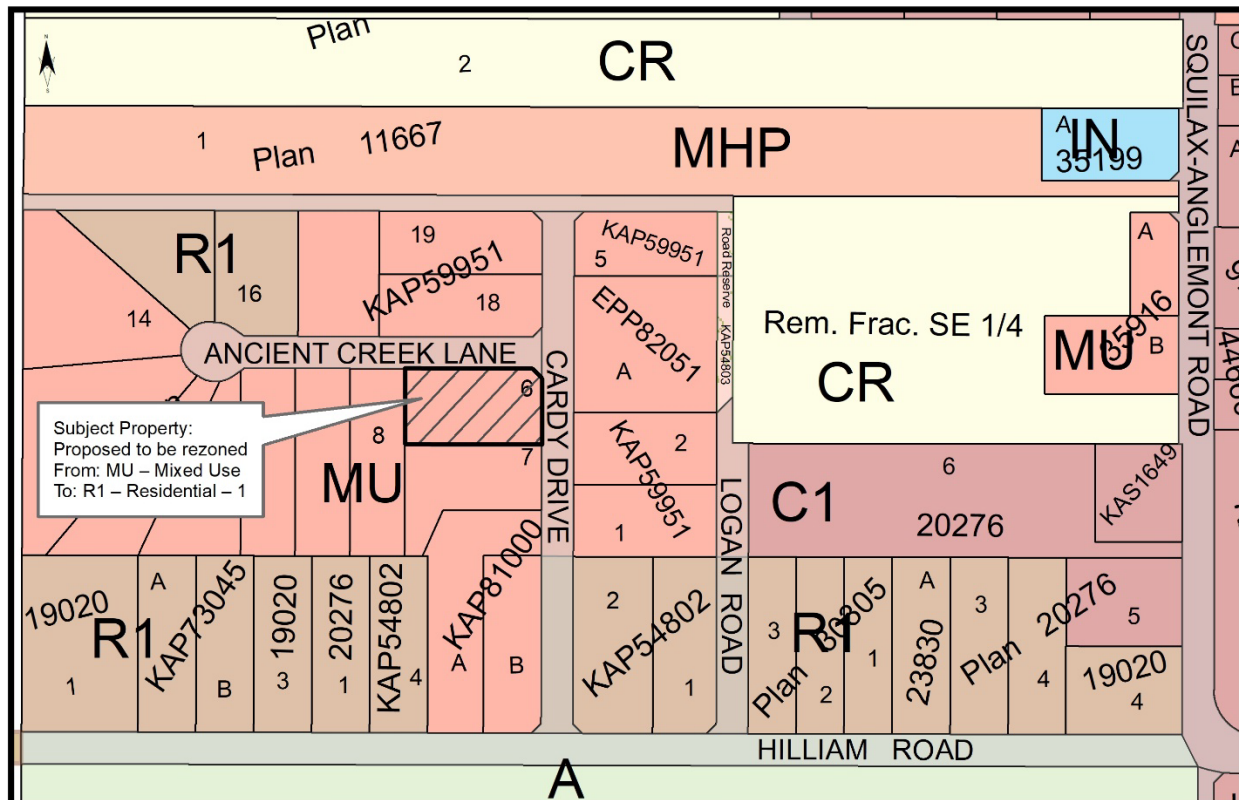
\_\_\_\_\_  
Corporate Officer

\_\_\_\_\_  
Corporate Officer

**SCHEDULE 1**

## ZONING AMENDMENT

**SCOTCH CREEK/LEE CREEK ZONING**  
**(MOSHER) BYLAW NO. 825-40**







# BOARD REPORT

**TO:**

Chair and Directors

<b>File No:</b> BL825-40 PL20190030
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**SUBJECT:**

Electoral Area F: Scotch Creek/Lee Creek Zoning Amendment  
 (Mosher) Bylaw No. 825-40

**DESCRIPTION:**

Report from Erica Hartling, Planner I, dated March 29, 2019.  
 3740 Ancient Creek Lane, Scotch Creek

**RECOMMENDATION:**

THAT: "Scotch Creek/Lee Creek Zoning Amendment (Mosher) Bylaw No. 825-40" be read a first time this 18<sup>th</sup> day of April, 2019;

AND THAT: the Board utilize the simple consultation process for Bylaw No. 825-40 and it be referred to the following agencies and First Nations:

- Interior Health Authority;
- Ministry of Transportation and Infrastructure;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
- CSRD Operations Management; and,
- Relevant First Nations Bands and Councils.

**SHORT SUMMARY:**

The subject property is located at 3740 Ancient Creek Lane in Scotch Creek of Electoral Area F. The owners are applying to amend the zone of the Scotch Creek/Lee Creek Zoning Bylaw No. 825 from MU – Mixed Use to R1 – Residential – 1. The proposed R1 zone will continue to allow a single family dwelling or standalone residential campsite as a principal use for the subject property but will not permit the commercial principal uses that are listed in the MU zone.

**VOTING:**

Unweighted  
Corporate

☐

LGA Part 14  
(Unweighted)

☒

Weighted  
Corporate

☐

Stakeholder  
(Weighted)

☐
**BACKGROUND:**
**REGISTERED OWNER(S):**

Christopher James Mosher, Athanasia Mosher

**ELECTORAL AREA:**

F

**LEGAL DESCRIPTION:**

Lot 6, Section 33, Township 22, Range 11, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan KAP59951

**PID:**

023-873-809

**CIVIC ADDRESS:**

3740 Ancient Creek Lane, Scotch Creek

**SURROUNDING LAND USE PATTERN:**

North = Ancient Creek Lane, Residential properties

South = Residential properties

East = Cardy Drive, North Shuswap Storage Resort, and a Residential/Recreational property

West = Residential and Recreational properties

**CURRENT USE:**

Recreational - standalone residential campsite

**PROPOSED USE:**

No proposed change, current residential/recreational use to remain

**PARCEL SIZE:**

0.407 ha (1.01 acres)

**DESIGNATION**

Electoral Area F Official Community Plan Bylaw No. 830 (OCP)

NR - Neighbourhood Residential, Scotch Creek Primary Settlement Area

**ZONE:**

Scotch Creek/Lee Creek Zoning Bylaw No. 825

MU – Mixed Use

**PROPOSED ZONE:**

R1 – Residential – 1

**SITE COMMENTS:**

See "Maps\_Plans\_Photos\_BL825-40.pdf" attached.

The subject property is currently used as a recreational lot and the owners have a standalone residential campsite (recreational trailer) as the principal use, with future plans to build a single family dwelling. The owners have no plans to develop the lot for commercial use. The property is

surrounded by similar uses and most of the neighbouring properties either have a single family dwelling or a standalone residential campsite as the principal use.

**POLICY:**

See "BL830\_BL825\_Excerpts\_BL825-40.pdf" attached.

Electoral Area F Official Community Plan Bylaw No. 830

- 11.1 General Land Use
- 12.8 NR - Neighbourhood Residential

Scotch Creek/Lee Creek Zoning Bylaw No. 825

- 5.12 MU – Mixed Use
- 5.7 R1 – Residential – 1

**FINANCIAL:**

There are no financial implications to the CSRD with regard to this application.

**KEY ISSUES/CONCEPTS:****Proposal**

This application proposes to rezone the subject property from the MU to R1 zone to remove the commercial principal uses that are currently permitted in the MU zone. The property owners believe that a successful rezoning to the R1 zone will decrease their property taxes. The lot is currently used as a residential recreational property and the owners have no plans to utilize any of the commercial uses listed in the MU zone. The majority of the properties within the Ancient Creek Lane subdivision have been developed and most of the property owners have also opted to construct single family dwellings or have a standalone residential campsite as their principal use, instead of the various commercial uses available within the current MU zone.

**Previous Bylaw Amendment**

The Board reviewed a similar rezoning application (Bylaw No. 825-27) over two properties (3719 and 3723 Ancient Creek Lane) in the Ancient Creek Lane subdivision, requesting to remove the commercial uses that are permitted in the MU zone. These two properties were rezoned from MU to the R1 zone and the bylaw amendment was adopted February 20, 2014. Five community members residing in the area at the time were in attendance at the public hearing and all were in support of the proposed R1 zone. In addition, the referral agencies that responded to rezoning from MU to R1 all had no concerns with the proposed amendment.

**Neighbourhood Residential (NR) Policies**

The proposal is consistent with the NR designation and policies within Bylaw No. 830 and reflects the existing neighbourhood's character and general development patterns in the area. The subject property and neighbouring properties are considered Scotch Creek Larger Lots within the NR

designation, which supports maintaining the existing setbacks, landscaping, visual buffers, building massing and building orientation of the residential/recreational neighbourhood.

**Servicing**

The subject property is within the Scotch Creek Primary Settlement Area of the OCP, which requires all new development to connect to a community water system and a community sewer system. At the time of subdivision all of the lots created within the Ancient Creek Lane subdivision were originally developed with individual groundwater wells. Currently no options exist in the subject area for either community water or sewer servicing and the owners have confirmed that the subject property is serviced by a residential on-site well and septic system.

A future community water service area is planned for Scotch Creek; however, the Ancient Creek Lane subdivision is not included in the planned Phase 1 service area and there is no set timeline for when a water service area and connection will be available to the subject property.

**Access and Parking**

The subject property is a corner lot to Ancient Creek Lane and Cardy Drive and is currently accessed off of Ancient Creek Lane. The property has plenty of room available to meet the minimum parking space requirements for the permitted uses of the R1 zone.

**SUMMARY:**

The owners have applied to amend Bylaw No. 825 to rezone the subject property from MU to R1. As the rezoning is in compliance with the OCP policies of the Neighbourhood Residential designation and reflects the dominant land use pattern within the area, staff recommends Bylaw No. 825-40 be given first reading and sent to the recommended referral agencies.

**IMPLEMENTATION:****Consultation Process**

CSRD Policy P-18 regarding Consultation Processes – Bylaws, staff recommends the simple consultation process. Neighbouring property owners will first become aware of the application when a notice of application sign is posted on the subject property.

**Referral Process**

The following list of referral agencies is recommended:

- Interior Health Authority;
- Ministry of Transportation and Infrastructure;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
- CSRD Operations Management;
- Adams Lake Indian Band;
- Little Shuswap Indian Band;
- Neskonlith Indian Band;

- Okanagan Indian Band;
- Shuswap Indian Band;
- Simpcw First Nation; and,
- Splots'in First Nation.

**COMMUNICATIONS:**

If the Board gives Bylaw No. 825-40 first reading, the bylaw will be sent out to referral agencies. Referral responses will be provided to the Board with a future Board report, prior to delegation of a public hearing.

**DESIRED OUTCOMES:**

That the Board endorse staff recommendation.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. Official Community Plan Bylaw No. 830
2. Scotch Creek/Lee Creek Zoning Bylaw No. 825

**Report Approval Details**

Document Title:	2019-04-18_Board_DS_BL825-40_Mosher.docx
Attachments:	- BL825-40_First.pdf - BL830_BL825_Excerpts_BL825-40.pdf - Maps_Plans_Photos_BL825-40.pdf
Final Approval Date:	Apr 8, 2019

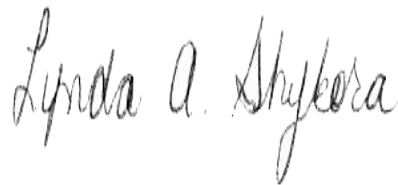
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Apr 3, 2019 - 11:46 AM**



**Gerald Christie - Apr 4, 2019 - 11:31 AM**



**Lynda Shykora - Apr 8, 2019 - 11:30 AM**



**Charles Hamilton - Apr 8, 2019 - 1:55 PM**

**COLUMBIA SHUSWAP REGIONAL DISTRICT**

**SCOTCH CREEK/LEE CREEK ZONING AMENDMENT**

**(MOSHER) BYLAW NO. 825-40**

A bylaw to amend the "Scotch Creek/Lee Creek Zoning Bylaw No. 825"

WHEREAS the Board of the Columbia Shuswap Regional District adopted Bylaw No. 825;

AND WHEREAS the Board deems it appropriate to amend Bylaw No. 825;

NOW THEREFORE the Board of the Columbia Shuswap Regional District, in open meeting assembled, HEREBY ENACTS as follows:

1. "Scotch Creek/Lee Creek Zoning Bylaw No. 825", as amended, is hereby amended as follows:

A. MAP AMENDMENT

- i. Schedule B, Zoning Map, which forms part of "Scotch Creek/Lee Creek Zoning Bylaw No. 825" is hereby amended by:

Rezoning Lot 6, Section 33, Township 22, Range 11, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan KAP59951, which part is more particularly shown hatched on Schedule 1 attached hereto and forming part of this bylaw, from MU – Mixed Use to R1 – Residential – 1.



2. This bylaw may be cited as "Scotch Creek/Lee Creek Zoning Amendment (Mosher) Bylaw No. 825-40"

READ a first time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

READ a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

PUBLIC HEARING held this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

READ a third time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
CORPORATE OFFICER

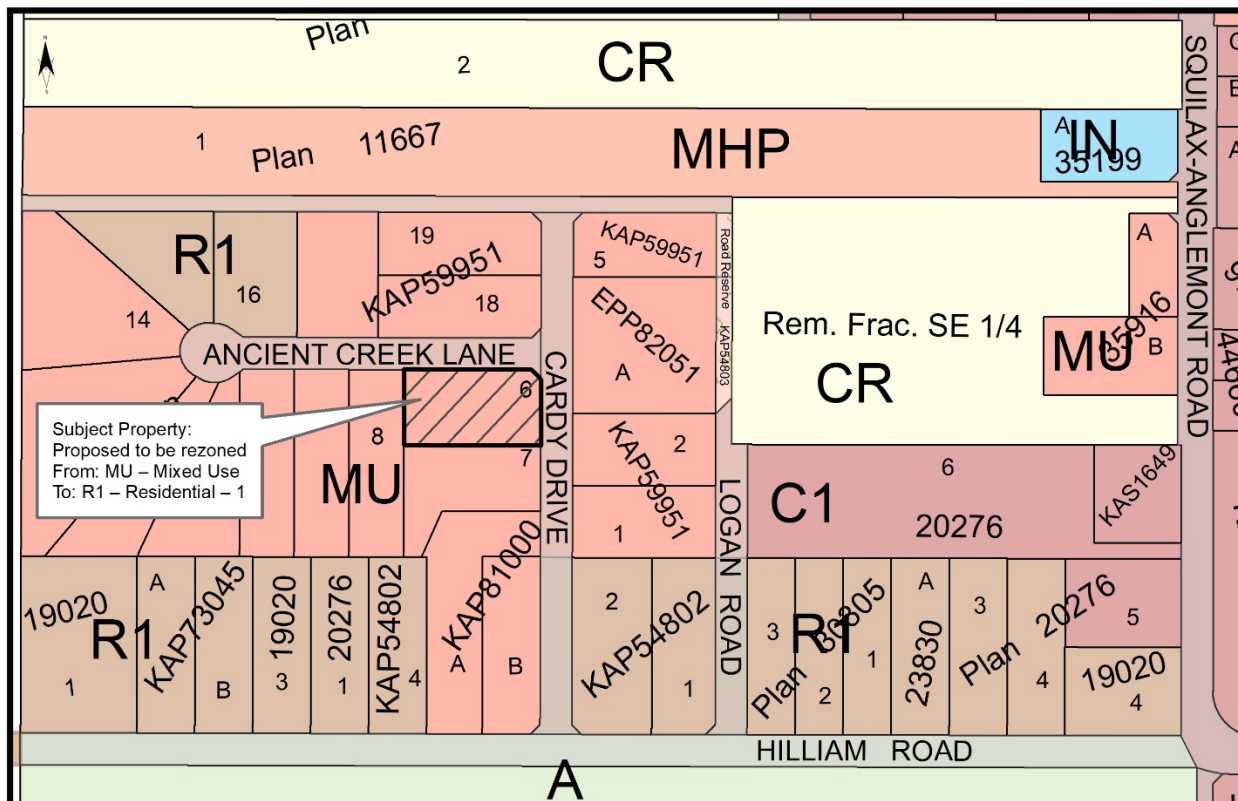
\_\_\_\_\_  
CHAIR

CERTIFIED a true copy of Bylaw No. 825-40  
as read a third time.

CERTIFIED a true copy of Bylaw No. 825-40  
as adopted.

\_\_\_\_\_  
Corporate Officer

\_\_\_\_\_  
Corporate Officer



## Relevant Excerpts from

### Electoral Area F Official Community Plan Bylaw No. 830

### Scotch Creek/Lee Creek Zoning Bylaw No. 825

(See [Bylaw No. 830](#) and [Bylaw No. 825](#) for all policies and land use regulations)

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#### **Bylaw No. 830**

##### **11.1 General Land Use**

###### *Objective 1*

To be thoughtful and careful stewards of the lands and waters of the North Shuswap to ensure that future generations will appreciate and benefit from wise choices made by today's elected decision-makers.

###### *Objective 2*

To direct growth and development in an organized and desirable manner, reinforcing established settlement patterns and discouraging development outside these settled areas.

###### *Policy 3*

Scotch Creek is the Primary Settlement Area. The Regional District will encourage residential, commercial, and light industrial growth in Scotch Creek that is consistent with the policies of this plan. All new development must be connected to community water and sewer systems.

##### **12.8 NR - Neighbourhood Residential**

###### *Objective 1*

The Neighbourhood Residential (NR) land use refers to development that is existing. The intent of this land use designation is to recognize that the existing neighbourhoods within Scotch Creek are an important part of the definition of the character of the area.

###### *Policy 1*

A "neighbourhood" is defined as an area of contiguous lots that have common setbacks, building orientation, and size, or that were constructed as part of a single development and form a coherent and commonly understood cluster. Refer to Map 1.

###### *Policy 2*

Development within Neighbourhood Residential areas will normally only take the form of infill (for example, construction of a new house on a vacant lot) or subdivision of an existing lot and construction of a new dwelling unit on each new lot.

### Policy 3

Policies for infill in NR areas are intended to reflect and support the neighbourhood character and density, and to either maintain or improve conditions regarding setbacks, landscape, visual buffers, building massing, and building orientation. Refer to the following sections for guidelines for each neighbourhood.

1. Within existing neighbourhoods designated NR Neighbourhood Residential, a lot may be subdivided in two, providing that the size of each resulting parcel is equal to or larger than 1/4 acre (therefore only 1/2 acre lots or larger have potential for subdivision). This will ensure that the overall density of each neighbourhood remains comparable to existing density, while allowing sensitive intensification through the potential to subdivide larger lots.
2. Any new subdivision is considered as new development, and must be connected to community sewer and water services.
3. Construction of any new dwelling unit within any parcel designated as Neighbourhood Residential is strongly encouraged to conform to the guidelines for the neighbourhood in which it is found. The existing setback, landscape, visual buffers, building massing and building orientation of each neighbourhood are described in the following Neighbourhood Types sections (a key map is included to indicate the location of the neighbourhood type). By reflecting these conditions in any infill development, the existing character and conditions will be continued, while still allowing individuality and innovation in design.

Normally a maximum building height of two storeys is permitted.

#### Scotch Creek Larger Lot

*Average Density:* 1 - 2 units / acre (2.5 - 5 units / hectare)

*Average Lot Sizes:* 1/2 - 1 acre (0.2 - 0.4 hectares)

*Front Setbacks:* Range from 16 - 165 ft. (5 - 50 m)

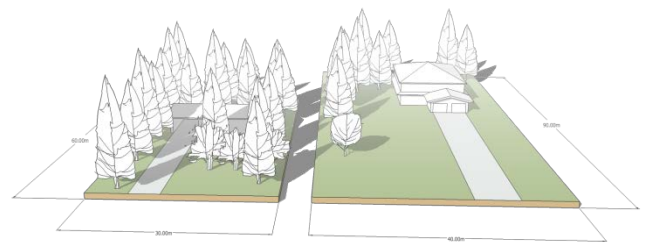
*Side Setbacks:* Building typically centred on lot

*Rear Setbacks:* Varies with front setbacks

*Landscape:* Native vegetation and turfgrass

*Visual Buffers:* Vegetation - As setbacks decrease, buffers increase

*Building Massing:* 1 - 2 storeys



*Building Orientation:* Towards the street front

*Parking:* Carport or garage placed behind house



## **Bylaw No. 825**

### **5.12 Mu - Mixed Use**

#### **Principal Uses**

- (1) The *uses* stated in this subsection and no others are permitted in the Mixed Use zone as principal *uses*, except as stated in Part 3: General Regulations:
- (a) *Day care*
  - (b) *Fuel storage*
  - (c) *Mini storage*
  - (d) *Office*
  - (e) *Outdoor sales*
  - (f) *Personal services*
  - (g) *Plant nursery and services*
  - (h) *Recreation services*
  - (i) *Single family dwelling*
  - (j) *Standalone residential campsite*

#### **Secondary Uses**

- (2) The *uses* stated in this subsection and no others are permitted in the Mixed Use zone as *secondary uses*, except as stated in Part 3: General Regulations:
- (a) *Accessory use*
  - (b) *Bed and breakfast*
  - (c) *Guest suite*
  - (d) *Home business*
  - (e) *Owner/operator dwelling*
  - (f) *Residential campsite*

### **5.7 R1 - Residential - 1**

#### **Principal Uses**

- (1) The *uses* stated in this subsection and no others are permitted in the Residential - 1 zone as principal *uses*, except as stated in Part 3: General Regulations:
- (a) *Single family dwelling*
  - (b) *Standalone residential campsite*

#### **Secondary Uses**

- (2) The *uses* stated in this subsection and no others are permitted in the Residential - 1 zone as *secondary uses*, except as stated in Part 3: General Regulations:
- (a) *Accessory use*
  - (b) *Bed and breakfast*
  - (c) *Guest accommodation*
  - (d) *Home business*
  - (e) *Residential campsite*

## PUBLIC HEARING NOTES

### Bylaw No. 825-40

Notes of the Public Hearing held on Wednesday July 10, 2019 at 6:18 PM at the Scotch Creek Fire Hall regarding Scotch Creek/Lee Creek Zoning Amendment (Mosher) Bylaw No. 825-40

---

PRESENT: Chair Jay Simpson– Electoral Area F Director  
Candice Benner – Planner II, CSRD  
0 members of the public

Chair Simpson called the Public Hearing to order at 6:18 PM. Following introductions, the Chair advised that all persons who believe that their interest in property may be affected shall be given the opportunity to be heard or to present written submissions pertaining to the proposed Scotch Creek/Lee Creek Zoning Amendment (Mosher) Bylaw No. 825-40.

The Planner explained that this hearing has been called under Section 464 of the Local Government Act and that the board cannot adopt a zoning bylaw amendment unless it has held a public hearing. She noted that the Public Hearing report is expected to be submitted to the Board for consideration at its meeting on July 18, 2019 and that the Public Hearing Information Package containing all relevant background information was available for review if anyone wished to look at it. The Planner described the notification requirements and noted the Public Hearing notice was advertised in the Shuswap Market News on June 28 and July 5, 2019. The Planner reviewed the purpose of the bylaw and summarized the referral agencies' responses.

The Chair opened the floor for comments. Hearing no representations or questions about amending Bylaw No. 825-40 the Chair called three times for further submissions before declaring the Public Hearing closed at 6:23 PM.

CERTIFIED as being a fair and accurate report of the Public Hearing.

Original Signed by

---

Director Jay Simpson  
Public Hearing Chair

*Candice Benner*

---

Candice Benner  
Planner II





April 30, 2019

Marianne Mertens  
Columbia Shuswap Regional District  
PO Box 978  
555 Harbourfront Dr NE  
Salmon Arm, BC V1E 4P1  
<mailto:mmertens@csrd.bc.ca>

Dear Marianne Mertens:

**RE: File #: BL 825-40**  
**Our interests are unaffected**

The IH Healthy Built Environment (HBE) Team has received the above captioned referral from your agency. Typically we provide comments regarding potential health impacts of a proposal. More information about our program can be found at [Healthy Built Environment](#).

An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this proposal.

However, should you have further concerns, please return the referral to [hbe@interiorhealth.ca](mailto:hbe@interiorhealth.ca) with a note explaining your new request, or you are welcome to contact me directly at 1-855-744-6328 then choose HBE option.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Adams".

**Mike Adams, CPHI(C)**  
Team Leader, Healthy Communities  
Interior Health Authority

**From:** [Solberg, David W TRAN:EX](#)  
**To:** ["Corey Paiement"](#)  
**Cc:** [Marianne Mertens](#); [Knight, Tara TRAN:EX](#); [Keam, Elizabeth TRAN:EX](#)  
**Subject:** RE: BL825-40 Referral  
**Date:** Monday, April 29, 2019 4:18:54 PM  
**Attachments:** [image004.png](#)  
[image006.png](#)

---

Hi Corey (& Maryanne):

This is a great example of what we were talking about in referrals.

Does your staff have a specific question about this development?

The rezoning doesn't trigger a requirement for our approval (as Maryanne has noted in her email) and the proposed land use would generate less traffic than the commercial...so no concern for us there...

As this will be single family residential, on a rural side road, the land owner is not be required to apply for an access permit from MoTI...

Our comments on the proposal:

"...our interests are unaffected..."

Cheers,

Dave.

W. David Solberg,  
Senior District Development Tech,  
MoT, Okanagan Shuswap District  
Vernon (250)503-3607  
Salmon Arm (250)833-3373

[http://www.th.gov.bc.ca/Development\\_Approvals/home.htm](http://www.th.gov.bc.ca/Development_Approvals/home.htm)

---

**From:** Marianne Mertens [mailto:mmertens@csrd.bc.ca]  
**Sent:** Monday, April 29, 2019 1:45 PM  
**To:** DA Salmon Arm TRAN:EX; Keam, Elizabeth TRAN:EX; Knight, Tara TRAN:EX; Solberg, David W TRAN:EX  
**Cc:** Erica Hartling; Corey Paiement  
**Subject:** BL825-40 Referral

File: 825-40  
CV: PL20190000030

April 29, 2019

Good afternoon:

Development Services has a referral which the Development Services staff is proposing an amendment to the Scotch Creek/Lee Creek Zoning Bylaw No 825. This is to rezone the property from MU – Mixed Use to R1 – Residential-1 zone to remove the commercial principal uses the are currently permitted in the MU zone. **This referral is NOT within 800m of an intersection with a**

**Controlled Access Highway.**

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response May 29, 2019. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

Regards,

Marianne Mertens | Clerical Assistant  
Development Services

**COLUMBIA SHUSWAP REGIONAL DISTRICT**

PO Box 978, 555 Harbourfront Drive NE, Salmon Arm, BC V1E 4P1

**T** 250.833.5924 | **F** 250.832.3375

**E** [mmertens@csrd.bc.ca](mailto:mmertens@csrd.bc.ca) | **W** [www.csrd.bc.ca](http://www.csrd.bc.ca)



Please consider the environment before printing this e-mail

This e-mail is CONFIDENTIAL. If you are not the intended recipient, please notify me immediately and delete this communication, attachment or any copy. Thank you.


**COLUMBIA SHUSWAP REGIONAL DISTRICT**

P.O. Box 978 SALMON ARM, BC V1E 4P1

Telephone: 1-250-832-8194 Fax: 1-250-832-3375

**Staff Contact: Erica Hartling**
[ehartling@csrd.bc.ca](mailto:ehartling@csrd.bc.ca)

FILE: BL 825-40

PL230190000030

DATE: April 24,  
2019

## RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Interests Unaffected by Bylaw.

☒ Approval Recommended Subject to Conditions Below.

☐ Approval not Recommended Due To Reasons Outlined Below.

☐ No Objections

Thank you for your referral BL825-40 regarding the rezoning of the property legally described as LOT 6 SECTION 33 TOWNSHIP 22 RANGE 11 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN KAP59951, PID 023873809. According to Provincial records there are no known archaeological sites recorded on the subject property.

Archaeological potential data for the area indicates that there is a small area of potential in the south west corner of the property (shown as the beige area on the screenshot below). The area of potential is not dense enough to warrant an archaeological investigation or permitting, but we mention potential so property owners know that there is a possibility, albeit a small one, of there being an archaeological site present.

Archaeological sites (both recorded and unrecorded) are protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch. If any land-altering development is planned for the property, owners and operators should be notified that if an archaeological site is encountered during development, activities must be halted and the Archaeology Branch contacted at 250-953-3334 for direction.

Please review the screenshot of the property below (outlined in yellow). If this does not represent the property listed in the data request, please contact me.

Kind regards,

Diana

Signed By: Diana Cooper

Title Archaeological Site Inventory Information and Data Admin

Date: 08 May 2019

Agency Archaeology Branch, FLNRORD




**COLUMBIA SHUSWAP REGIONAL DISTRICT**

PO Box 978 SALMON ARM BC V1E 4P1  
 Telephone: 250.832.8194 Fax: 250.832.1083

FILE NO. BL825-40

PL20190000030

DATE RECEIVED:  
 Apr 29, 2019

**OPERATIONS MANAGEMENT**

Marianne Mertens

Function	Comments	Reviewed By
<b>UTILITIES</b>	no concerns	T Langlois
<b>EMERGENCY MANAGEMENT</b>	No concerns	D Sutherland
<b>FIRE SERVICES</b>	No concerns	D Sutherland
<b>SOLID WASTE AND RECYCLING</b>	No Concerns	B Van Nostrand
<b>PARKS AND COMMUNITY SERVICES</b>	No concerns	R Nitchie
<b>ADMINISTRATION</b>	No Concerns	P Turner



## Adams Lake Indian Band

---

**Project Name:**

PL20190000030

**FN Consultation ID:**

BL825-40

**Consulting Org Contact:**

Marianne Mertens

**Consulting Organization:**

[Columbia Shuswap Regional District](#)

**Date Received:**

Tuesday, April 30, 2019

While Adams Lake defers to the Little Shuswap Lake Indian Band] on PL20190000030, we reiterate that Adams Lake holds constitutionally protected Aboriginal rights including title throughout the entirety of Secwepemculucw. Members of Adams Lake continue to exercise their Aboriginal rights as their ancestors have done for generations, including hunting, trapping, gathering and fishing, along with rights associated with spiritual and cultural traditions that are practiced in accordance with Secwepemc customs, laws and governance structures.

Regards,

Dave Nordquist, RPF  
Title and Rights Coordinator  
Adams Lake Indian Band

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**Source URL:**

<https://alib.knowledgekeeper.ca/consultation/columbia-shuswap-regional-district/projects/36845/review/email-response-bl825-40>



1886 Little Shuswap Lake Road • Chase BC • V0E 1M2

Tel: 250.679.3203 • [www.lslib.com](http://www.lslib.com)

Without Prejudice<sup>1</sup>

May 02, 2019

Columbia Shuswap Regional District  
555 Harbourfront Drive NE Salmon Arm, BC V1E 3M1  
Salmon Arm BC V1E 3M1

Your File: CSRD BL 825-40 MM 2019

Our File: RTS# 311

Dated: April 30, 2019

Attention: Marianne Mertens

Little Shuswap Lake Indian Band acknowledges receipt of your referral dated April 30, 2019.

After careful consideration of the information you have provided, we would like to make the following requests:

- Provisions for Little Shuswap Lake IB to conduct archaeology field assessments
- Provisions for Little Shuswap Lake to conduct an AOA and AIA if necessary

We look forward to your response.

Regards,

A handwritten signature in black ink, appearing to read "Warren Fortier".

Warren Fortier; BNRsc.

**Referrals – Consultation Administrator**

Skwlax Aboriginal Interest Department

[referrals@lslib.ca](mailto:referrals@lslib.ca)

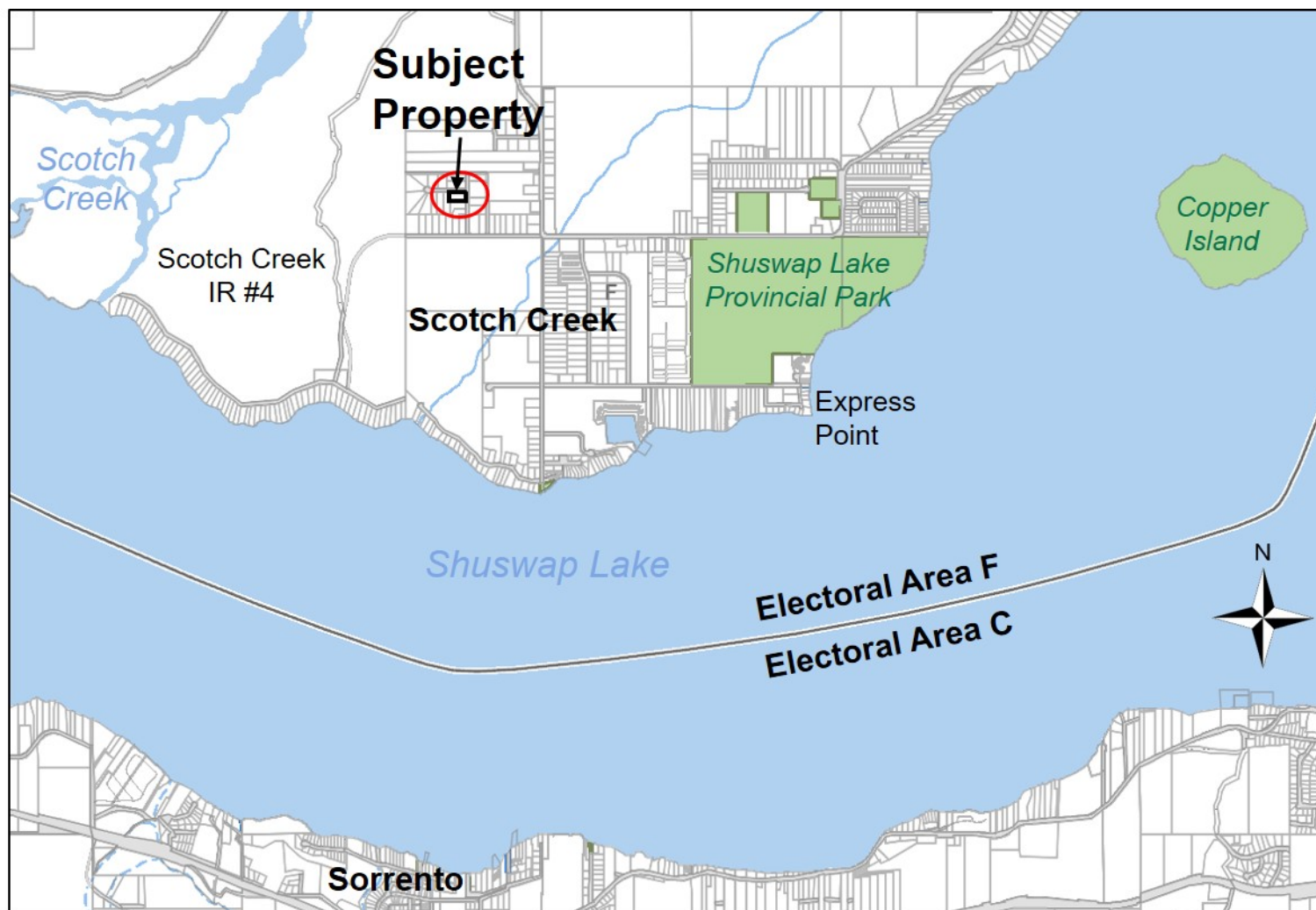
250-679-3203 ext. 148

cc.

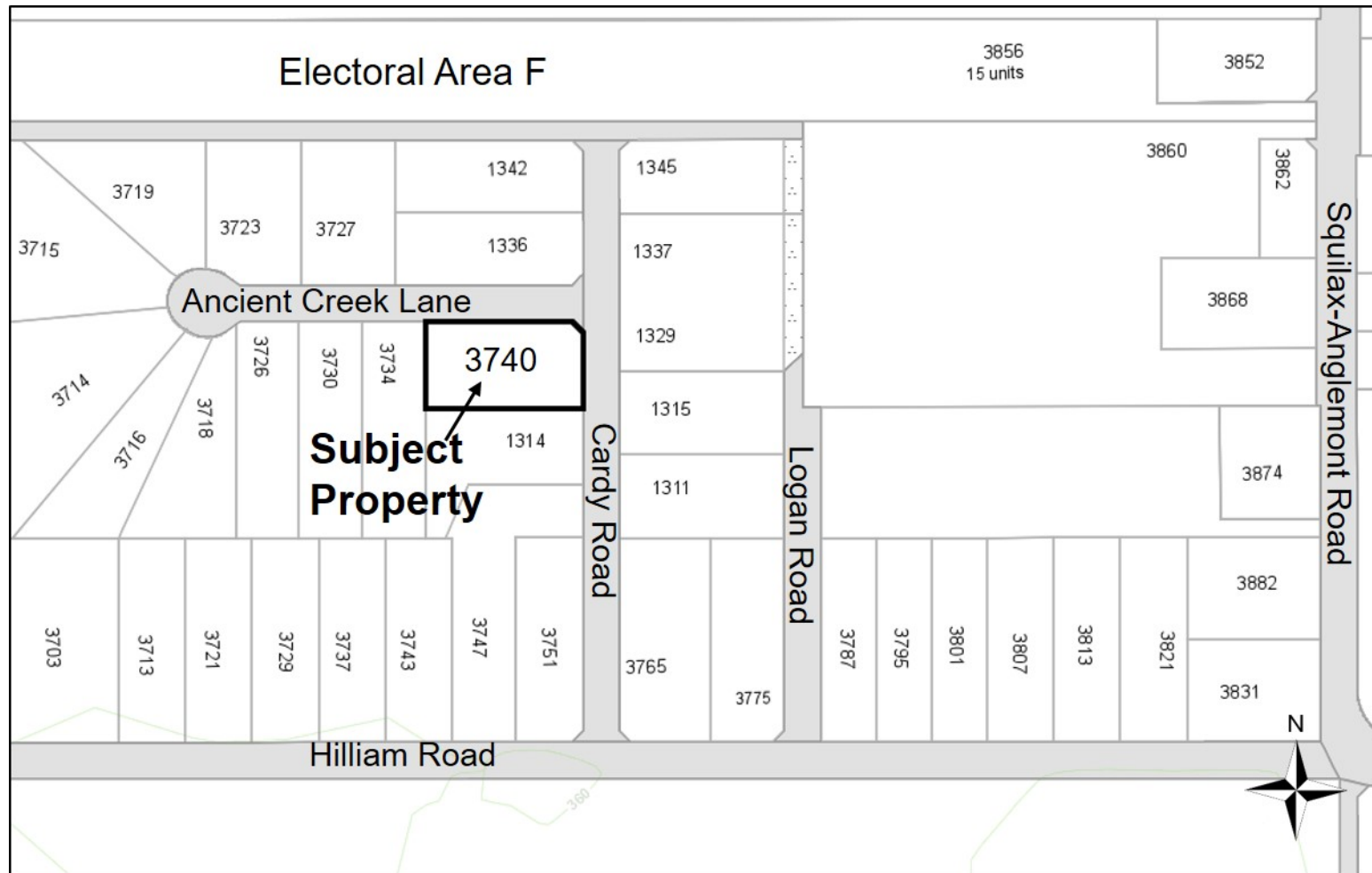
<sup>1</sup> This communication is not meant to be construed as 'Meaningful Consultation' and is 'Without Prejudice' to the Title and Rights of the Little Shuswap Lake Indian Band.



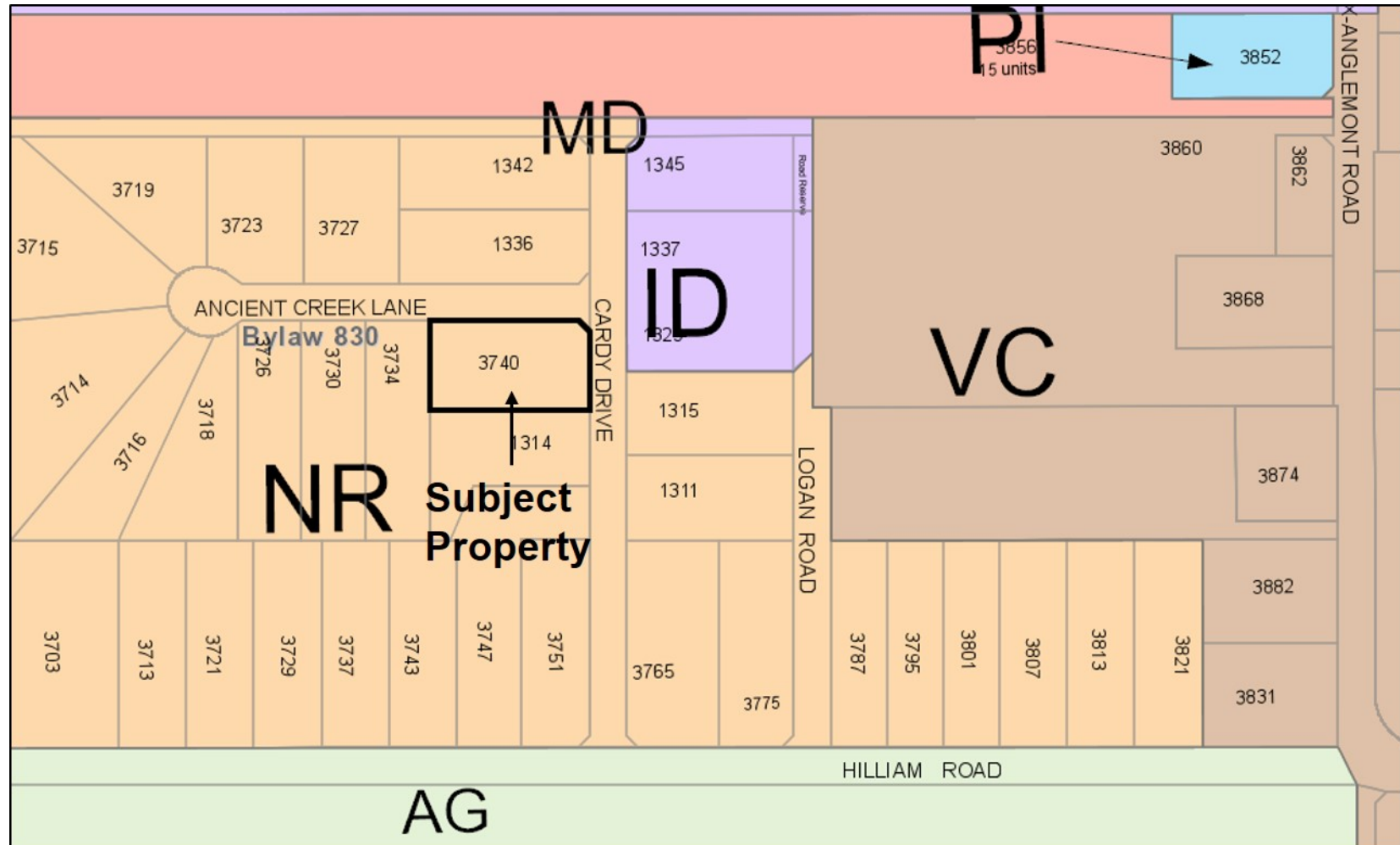
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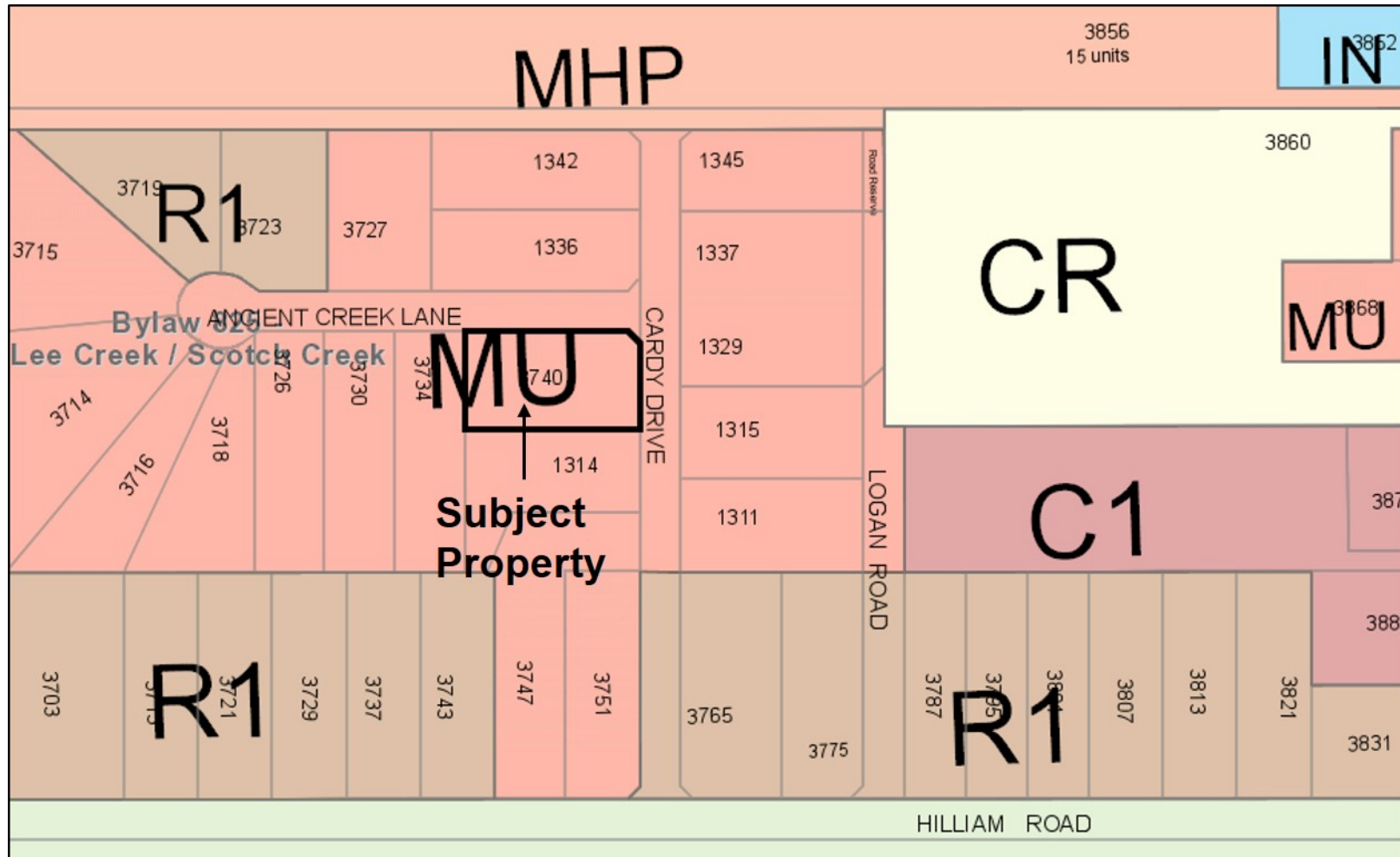
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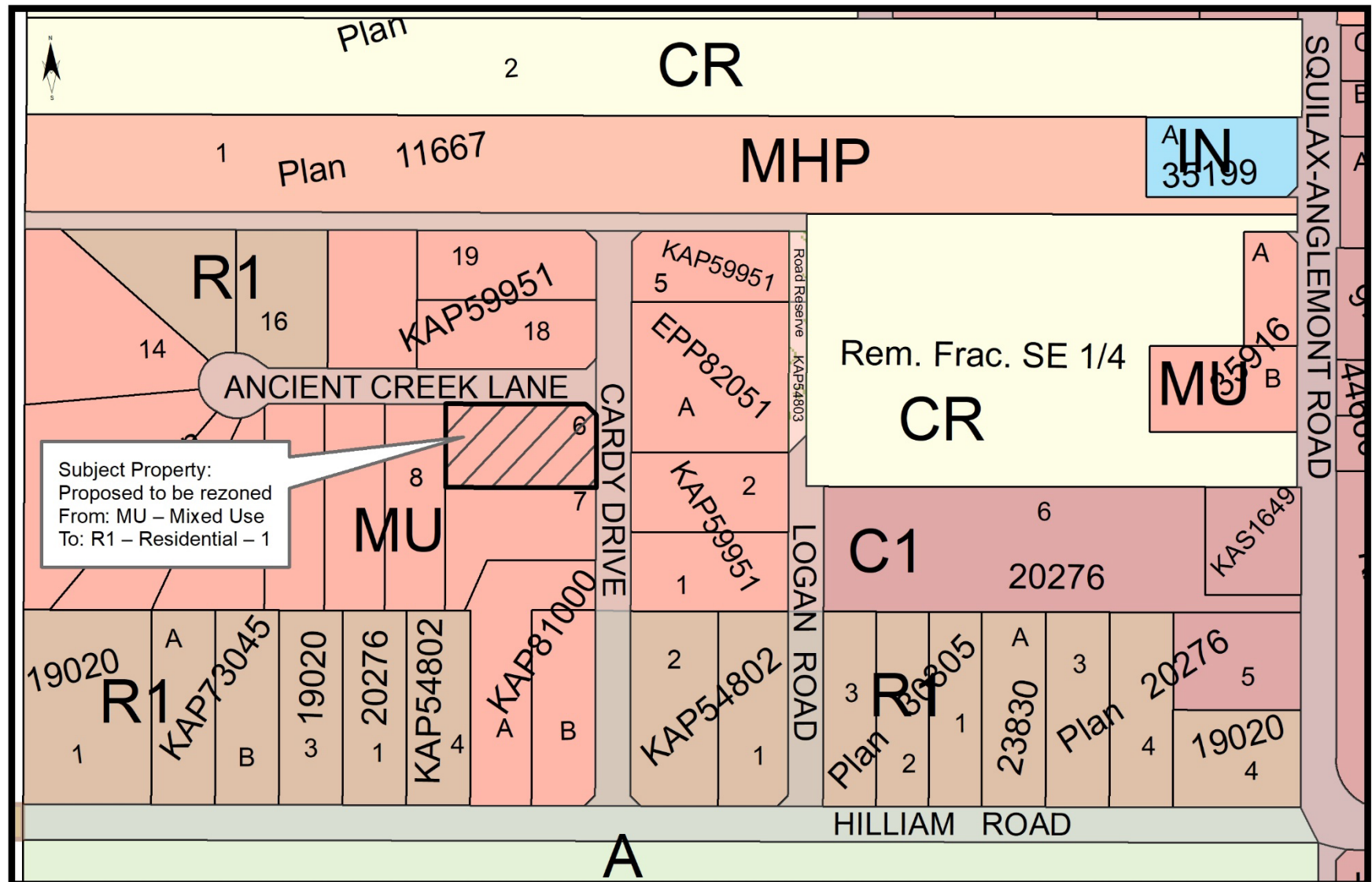
# Electoral Area F Official Community Plan Bylaw No. 830



## Scotch Creek/Lee Creek Zoning Bylaw No. 825

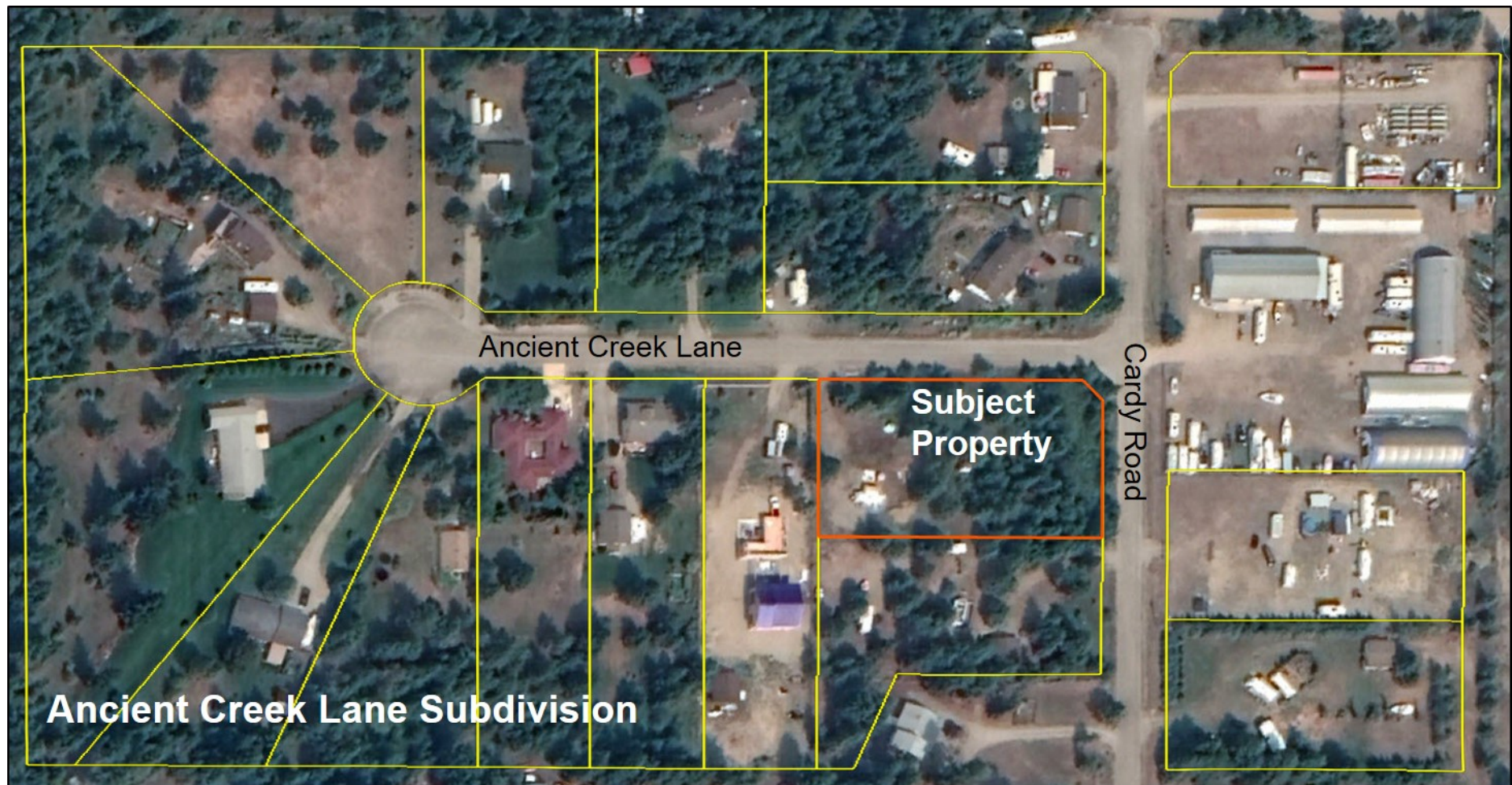


## Proposal

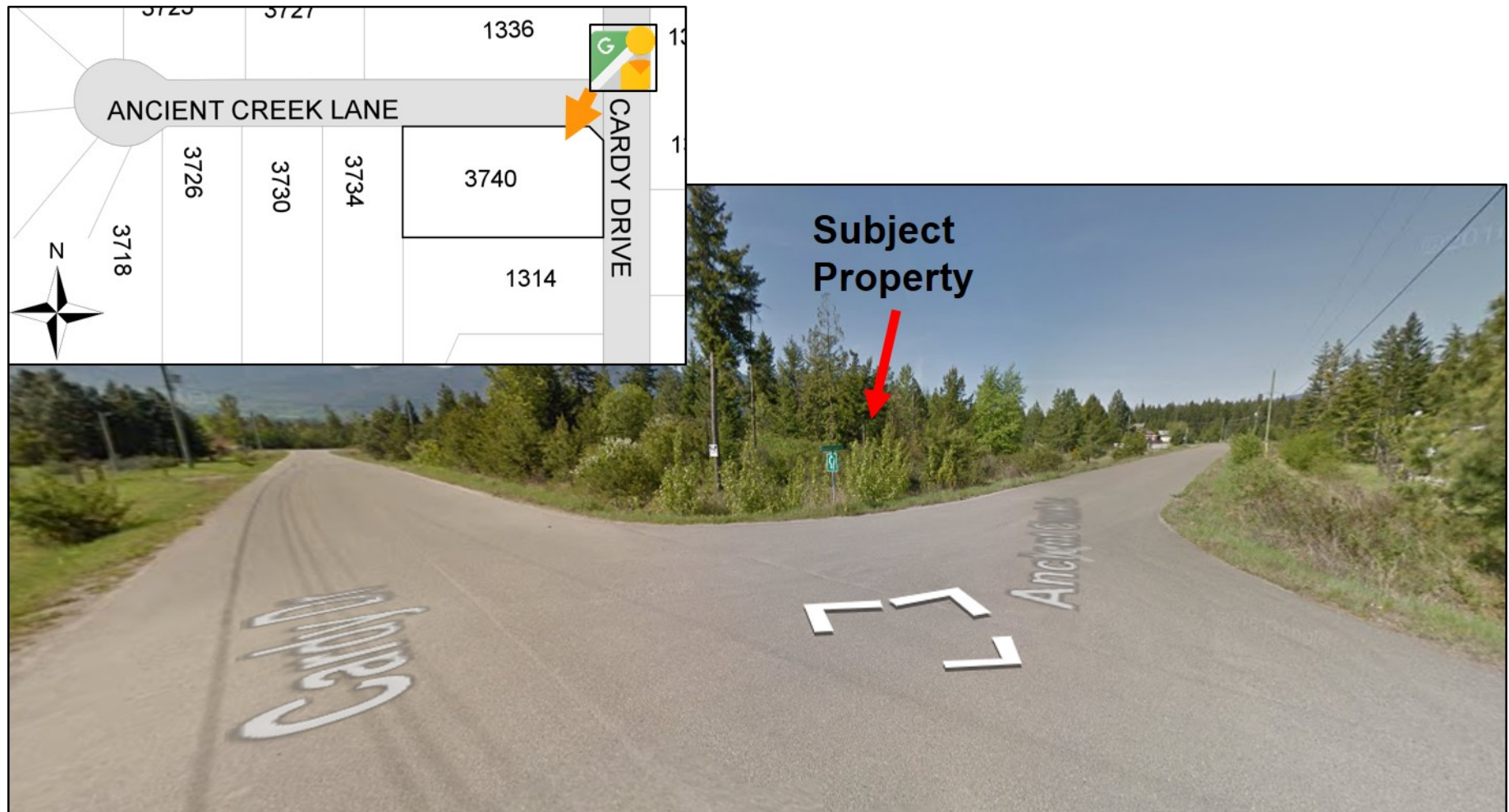




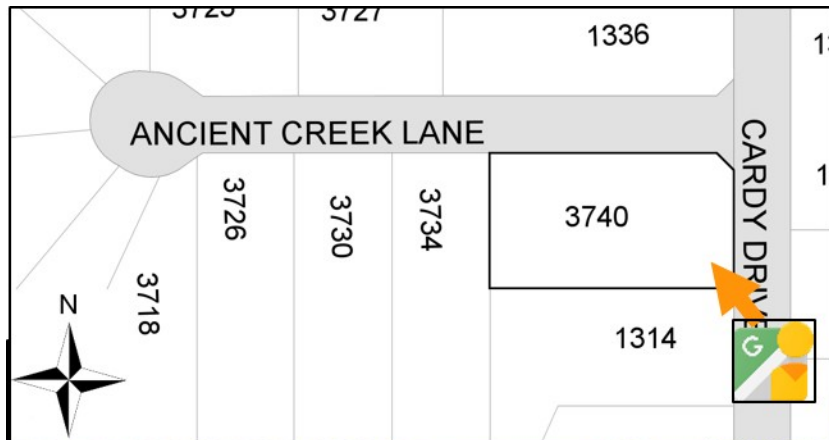
2018 Google Earth Imagery



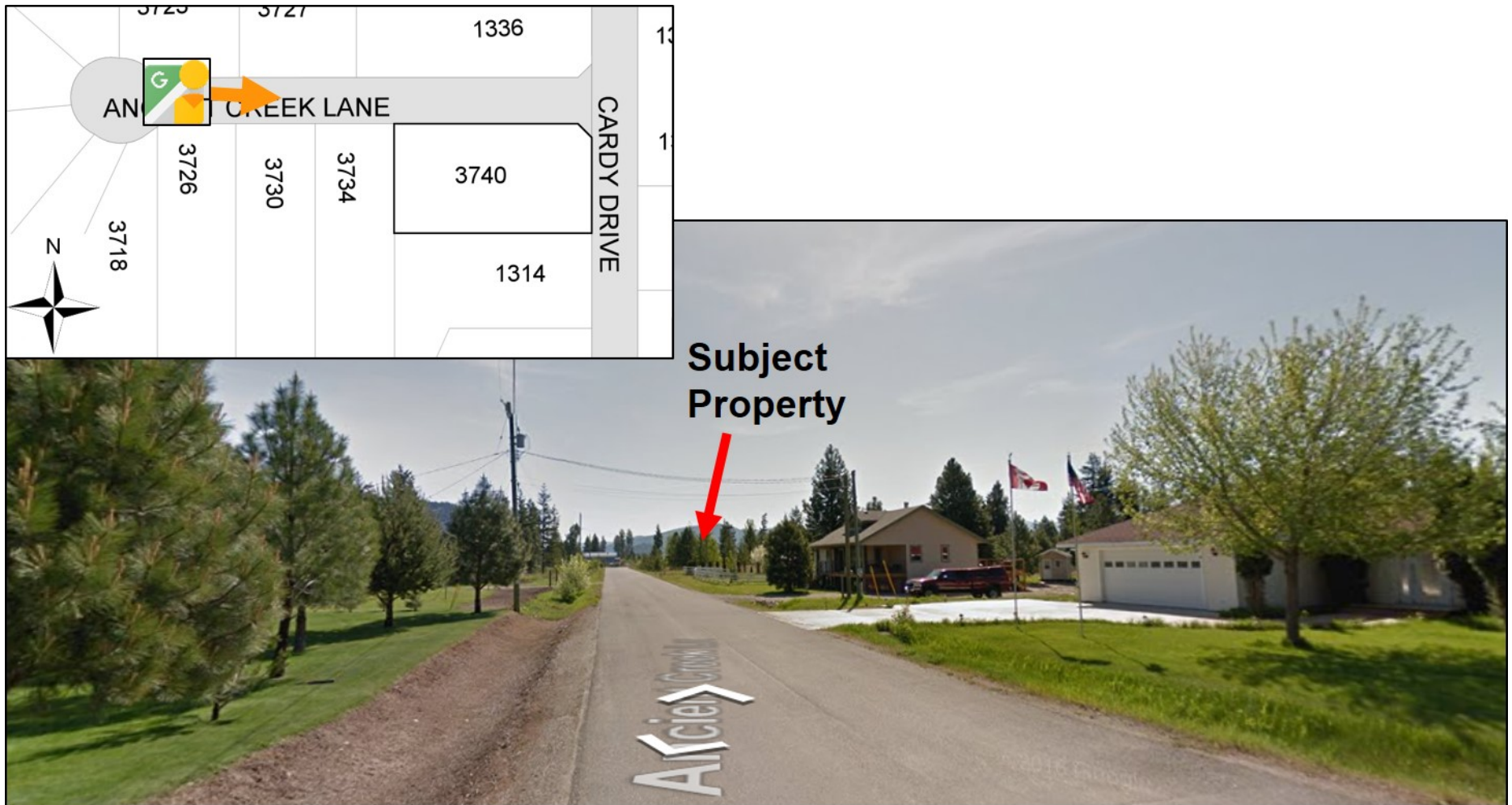
May 2012 - Google Street View













# BOARD REPORT

**TO:** Chair and Directors

**File No:** BL800-31  
PL20180179

**SUBJECT:** Electoral Area F: Magna Bay Zoning Amendment (Coueffin) Bylaw No. 800-31

**DESCRIPTION:** Report from Candice Benner, Planner II, dated July 11, 2019  
6346 Squilax-Anglemont Road, Magna Bay

**RECOMMENDATION #1:** THAT: Magna Bay Zoning Amendment (Coueffin) Bylaw No. 800-31 be read a third time this 18<sup>th</sup> day of July, 2019.

**RECOMMENDATION #2:** THAT: Magna Bay Zoning Amendment (Coueffin) Bylaw No. 800-31 be adopted this 18<sup>th</sup> day of July, 2019.

## SHORT SUMMARY:

The applicant is wanting to rebuild a garage that burned down at 6346 Squilax-Anglemont Road in Magna Bay. With the construction of the garage the property will exceed the maximum allowed parcel coverage for the RS Residential zone. The applicant is proposing a site specific amendment to the RS zone to increase the permitted parcel coverage from 25% to 28%.

A public hearing was held on July 10, 2019 to hear representations from the public regarding the bylaw amendment. It is now appropriate for the Board to consider the bylaw for third reading and adoption.

---

<b>VOTING:</b>	Unweighted Corporate	<input type="checkbox"/>	LGA Part 14 (Unweighted)	<input checked="" type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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## BACKGROUND:

See "2019-04-18\_Board\_DS\_BL800-31\_Coueffin.pdf",  
"2019-06-20\_Board\_DS\_BL800-31\_Second\_Coueffin.pdf", attached.

## POLICY:

See attached "BL800\_Excepts\_BL800-31.pdf".

The existing and proposed use are consistent with the SSA –Secondary Settlement Area designation in Electoral Area F Official Community Plan Bylaw No. 830.

## FINANCIAL:

There are no financial implications to the CSRD regarding this application.

## KEY ISSUES/CONCEPTS:

See "2019-04-18\_Board\_DS\_BL800-31\_Coueffin.pdf",  
"2019-06-20\_Board\_DS\_BL800-31\_Second\_Coueffin.pdf", attached.

**SUMMARY:**

The applicant wants to rebuild a new garage on the old garage footprint. The applicant has applied for a site specific bylaw amendment to allow for 28% parcel coverage for the subject property; as the proposed garage construction on the property will exceed the maximum 25% parcel coverage permitted in the RS zone.

Staff continue to support Bylaw No. 800-31 and is recommending that the bylaw be considered for third reading and adoption for the following reasons:

- a garage is an accessory use consistent with zoning,
- a 3% increase in parcel coverage is considered minor; and,
- staff are currently undergoing a review to consider increasing the maximum parcel coverage in the Electoral Area F zoning bylaws.

**IMPLEMENTATION:**

If the Board reads Bylaw No. 800-31 a third time and adopts the bylaw, the owners will continue with the Building Permit process.

**COMMUNICATIONS:**

See "Public\_Hearing\_Notes\_2019-07-10\_BL800-31.pdf", attached.

Staff advertised the public hearing in the Shuswap Market News on June 28, 2019 and July 5, 2019. The public hearing was held on July 10, 2019 at the Scotch Creek Fire Hall and was attended by Development Services Staff, Director Simpson, and 2 members of the public. There were no public comments made during the public hearing.

No public submissions were received prior to or during the public hearing.

**DESIRED OUTCOMES:**

That the Board support the staff recommendations.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. Electoral Area F Official Community Plan Bylaw No. 830
2. Magna Bay Zoning Bylaw No. 800
3. Building Department referral, March 6, 2019
4. Ministry of Transportation Setback Permit (2019-01269), March 28, 2019

**Report Approval Details**

Document Title:	2019-06-20_Board_DS_BL800-31_third_adopt_Coueffin.docx
Attachments:	<ul style="list-style-type: none"> <li>- BL800-31_third_adoption.pdf</li> <li>- 2019-06-20_Board_DS_BL800-31_second_Coueffin.pdf</li> <li>- BL800-31_Second.pdf</li> <li>- 2019-04-18_Board_DS_BL800-31_Coueffin.pdf</li> <li>- BL800-31_First.pdf</li> <li>- BL800_Excerpts_BL800-31.pdf</li> <li>- Public_Hearing_Notes_2019-07-10_BL800-31.pdf</li> <li>- Agency_referral_responses_BL800-31.pdf</li> <li>- Maps_plans_photos_BL800-31.pdf</li> </ul>
Final Approval Date:	Jul 15, 2019

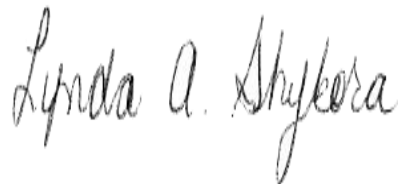
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Jul 11, 2019 - 10:13 AM**



**Gerald Christie - Jul 11, 2019 - 2:50 PM**



**Lynda Shykora - Jul 15, 2019 - 9:31 AM**



**Charles Hamilton - Jul 15, 2019 - 9:37 AM**

**COLUMBIA SHUSWAP REGIONAL DISTRICT**

**MAGNA BAY ZONING**  
**AMENDMENT (COUEFFIN) BYLAW NO. 800-31**

A bylaw to amend the "Magna Bay Zoning Bylaw No. 800"

WHEREAS the Board of the Columbia Shuswap Regional District adopted Bylaw No. 800;

AND WHEREAS the Board deems it appropriate to amend Bylaw No. 800;

NOW THEREFORE the Board of the Columbia Shuswap Regional District in open meeting assembled, HEREBY ENACTS as follows:

1. "Magna Bay Zoning Bylaw No. 800", as amended, is hereby further amended as follows:

A. TEXT AMENDMENT

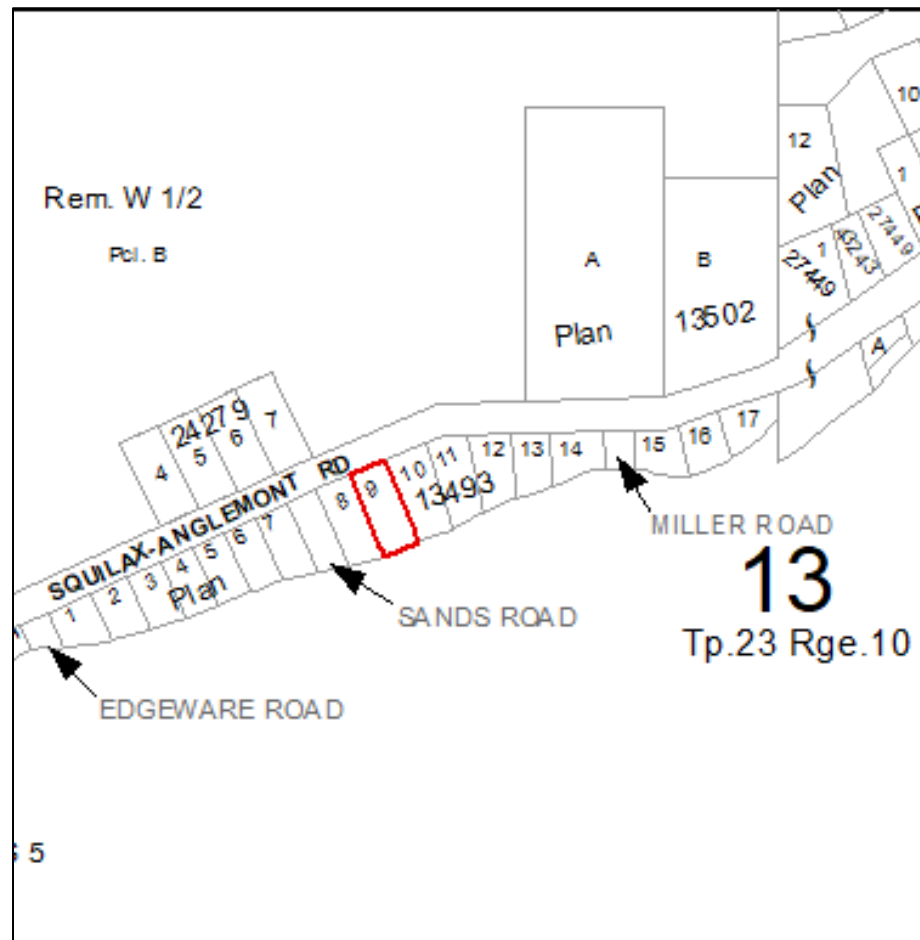
- i. Schedule A, Zoning Bylaw Text, Part 5 – Zones, Section 5.5 Residential -RS is hereby amended by adding subsection 7, in its entirety, including the attached map.

"(7)(a) In this subsection, lands are described by legal description and by map, and in the event of a discrepancy between the legal description of the lands or portion of the lands and the map, the map governs.

(b) despite the maximum parcel coverage as established in Section 5.5(2)(e), the maximum parcel coverage is 28%,

Only for Lot 9, Section 13, Township 23, Range 10, West of 6th Meridian, KDYD, Plan 13493, which is more particularly shown on the following map:





Bylaw No. 800-31

3

2. This bylaw may be cited as "Magna Bay Zoning Amendment (Coueffin) Bylaw No. 800-31"

READ a first time this 18<sup>th</sup> day of April, 2019.

READ a second time this 20<sup>th</sup> day of June, 2019.

PUBLIC HEARING held this 10<sup>th</sup> day of July, 2019.

READ a third time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

\_\_\_\_\_  
CHAIR

CERTIFIED true copy of Bylaw No. 800-31  
as read a third time.

CERTIFIED true copy of Bylaw No. 800-31  
as adopted.

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
Chief Administrative Officer



# BOARD REPORT

**TO:**

Chair and Directors

<b>File No:</b> BL800-31 PL20180179
--

**SUBJECT:**

Electoral Area F: Magna Bay Zoning Amendment (Coueffin) Bylaw No. 800-31

**DESCRIPTION:**
Report from Candice Benner, Planner II, dated May 30, 2019  
6346 Squilax-Anglemont Road, Magna Bay

**RECOMMENDATION #1:** THAT: "Magna Bay Zoning Bylaw Amendment (Coueffin) Bylaw No. 800-31" be given second reading, this 20<sup>th</sup> day of June 2019.

**RECOMMENDATION #2:** THAT: a public hearing to hear representations on "Magna Bay Zoning Bylaw Amendment (Coueffin) Bylaw No. 800-31" be held;

AND THAT: notice of the public hearing be given by the staff of the Regional District on behalf of the Board in accordance with Section 466 of the Local Government Act;

AND FURTHER THAT: the holding of the public hearing be delegated to Director Jay Simpson, as Director of Electoral Area F being that in which the land concerned is located, or Alternate Director Jeffrey Tarry, if Director Simpson is absent, and the Director or Alternate Director, as the case may be, give a report of the public hearing to the Board.

**SHORT SUMMARY:**

The applicant is wanting to rebuild a garage that burned down at 6346 Squilax-Anglemont Road in Magna Bay. With the construction of the garage the property will exceed the maximum allowed parcel coverage for the RS (Residential) zone. The applicant is proposing a site specific amendment to the RS zone to increase the permitted parcel coverage from 25% to 28%.

The Board gave first reading of this bylaw amendment at its April 18, 2019 Regular Board meeting and it is now appropriate to consider the application for second reading and delegation of a public hearing.

**VOTING:**

 Unweighted ☐  
 Corporate

 LGA Part 14 ☒  
 (Unweighted)

 Weighted ☐  
 Corporate

 Stakeholder ☐  
 (Weighted)

**BACKGROUND:**

See "2019-04-18\_Board\_DS\_BL800-31\_Coueffin.pdf", attached.

**POLICY:**

See attached "BL800\_Excepts\_BL800-31.pdf".

The existing and proposed use are consistent with the SSA –Secondary Settlement Area designation in Electoral Area F Official Community Plan Bylaw No. 830.

**FINANCIAL:**

There are no financial implications to the CSRD regarding this application.

**KEY ISSUES/CONCEPTS:**

See "2019-04-18\_Board\_DS\_BL800-31\_Coueffin.pdf", attached.

**SUMMARY:**

The applicant wants to rebuild a new garage on the old garage footprint. The applicant has applied for a site specific bylaw amendment to allow for 28% parcel coverage for the subject property; as the proposed garage construction on the property will exceed the maximum 25% parcel coverage permitted in the RS zone.

Staff are recommending that the bylaw be given second reading and delegation of a public hearing.

**IMPLEMENTATION:**

In accordance with CSRD Policy P-18 regarding Consultation Processes –Bylaws, staff recommended the simple consultation process.

Notice of development signs were posted on the property on May 13, 2019, following first reading on April 14, 2019. As of the date of this report, no written submissions from the public have been received.

**COMMUNICATIONS:**

See "Agency\_referral\_responses\_BL800-31.pdf" attached.

Bylaw No. 800-31 was sent out to the following referral agencies for comment:

Ministry of Forests, Lands and Natural Resource Operations, Archaeology Branch:  
Approval recommended subject to conditions; in the event of an archaeological site being discovered during any land-altering development, the owners must halt work and the Archaeology Branch contacted.

Ministry of Transportation:

Did not comment on referral, but did issue a Permit to Reduce Building Setback for the proposed garage.

Adams Lake Indian Band:

Expressed concerns for the proposed development; the proximity of the proposed garage in relation to Shuswap Lake is considered to have high archaeological potential and require protection of this potential archaeological site through the permitting process.

CSRD Operations Department:

No concerns.

The following agencies did not respond to the request for comments:

- Little Shuswap Lake Indian Band;
- Neskonlith Indian Band;
- Okanagan Indian Band;
- Shuswap Indian Band;
- Simpcw First Nation; and,
- Splots'in First Nation.

#### **DESIRED OUTCOMES:**

That the Board endorse staff recommendations.

#### **BOARD'S OPTIONS:**

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s)..*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*


#### **LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. Electoral Area F Official Community Plan Bylaw No. 830
2. Magna Bay Zoning Bylaw No. 800
3. Building Department referral, March 6, 2019
4. Ministry of Transportation Setback Permit (2019-01269), March 28, 2019

**Report Approval Details**

Document Title:	2019-06-20_Board_DS_BL800-31_Second_Coueffin.docx
Attachments:	<ul style="list-style-type: none"><li>- BL800-31_Second.pdf</li><li>- 2019-04-18_Board_DS_BL800-31_Coueffin.pdf</li><li>- BL800-31_First.pdf</li><li>- BL800_Excerpts_BL800-31.pdf</li><li>- Agency_referral_responses_BL800-31.pdf</li><li>- Maps_plans_photos_BL800-31.pdf</li></ul>
Final Approval Date:	Jun 6, 2019

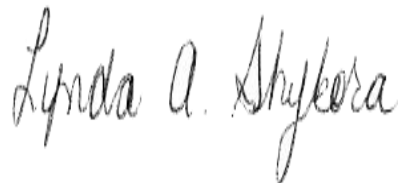
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Jun 4, 2019 - 12:28 PM**



**Gerald Christie - Jun 5, 2019 - 4:10 PM**



**Lynda Shykora - Jun 6, 2019 - 1:36 PM**



**Charles Hamilton - Jun 6, 2019 - 3:13 PM**

**COLUMBIA SHUSWAP REGIONAL DISTRICT**

**MAGNA BAY ZONING**  
**AMENDMENT (COUEFFIN) BYLAW NO. 800-31**

A bylaw to amend the "Magna Bay Zoning Bylaw No. 800"

WHEREAS the Board of the Columbia Shuswap Regional District adopted Bylaw No. 800;

AND WHEREAS the Board deems it appropriate to amend Bylaw No. 800;

NOW THEREFORE the Board of the Columbia Shuswap Regional District in open meeting assembled, HEREBY ENACTS as follows:

1. "Magna Bay Zoning Bylaw No. 800", as amended, is hereby further amended as follows:

A. TEXT AMENDMENT

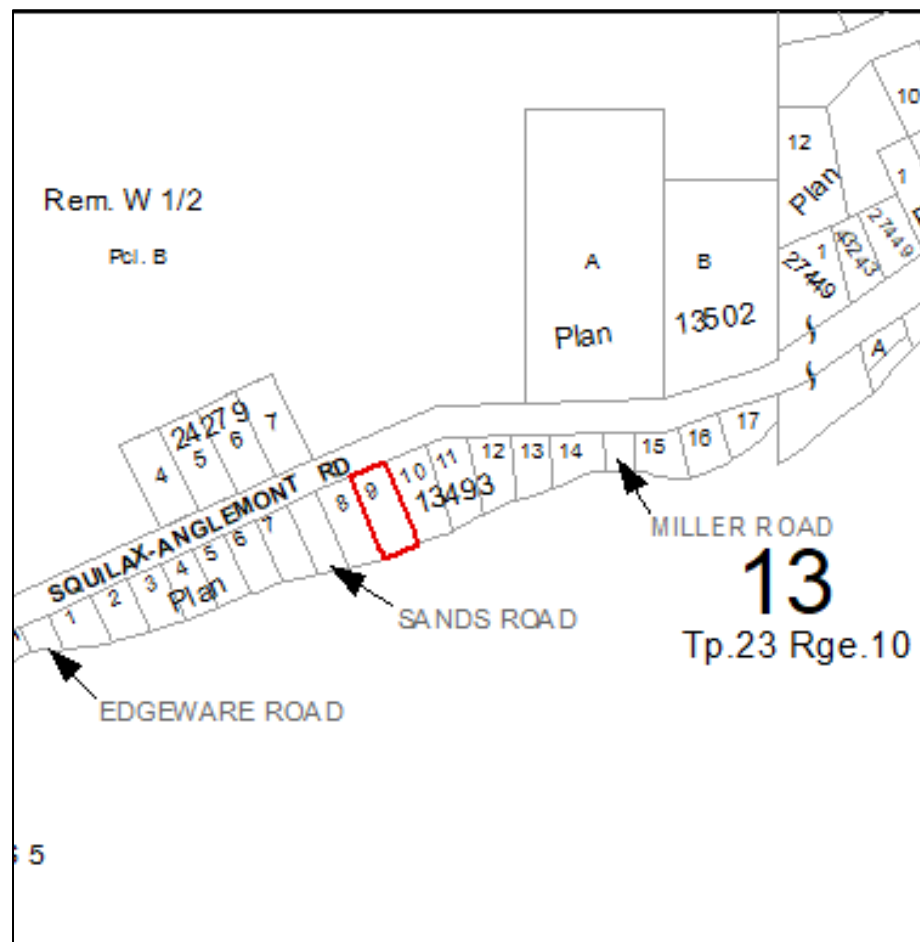
- i. Schedule A, Zoning Bylaw Text, Part 5 – Zones, Section 5.5 Residential -RS is hereby amended by adding subsection 7, in its entirety, including the attached map.

"(7)(a) In this subsection, lands are described by legal description and by map, and in the event of a discrepancy between the legal description of the lands or portion of the lands and the map, the map governs.

(b) despite the maximum parcel coverage as established in Section 5.5(2)(e), the maximum parcel coverage is 28%,

Only for Lot 9, Section 13, Township 23, Range 10, West of 6th Meridian, KDYD, Plan 13493, which is more particularly shown on the following map:





Bylaw No. 800-31

3

2. This bylaw may be cited as "Magna Bay Zoning Amendment (Coueffin) Bylaw No. 800-31"

READ a first time this 18<sup>th</sup> day of April, 2019.

READ a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

PUBLIC HEARING held this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

READ a third time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

\_\_\_\_\_  
CHAIR

CERTIFIED true copy of Bylaw No. 800-31  
as read a third time.

CERTIFIED true copy of Bylaw No. 800-31  
as adopted.

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
Chief Administrative Officer



# BOARD REPORT

**TO:** Chair and Directors

<b>File No:</b> BL800-31 PL20180179
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**SUBJECT:** Electoral Area F: Magna Bay Zoning Amendment (Coueffin) Bylaw No. 800-31

**DESCRIPTION:** Report from Candice Benner, Planner II, dated April 2, 2019  
6346 Squilax-Anglemont Road, Magna Bay

**RECOMMENDATION #1:** THAT: "Magna Bay Zoning Amendment (Coueffin) Bylaw No. 800-31" be read a first time this 18<sup>th</sup> day of April, 2019;

AND THAT: the Board utilize the simple consultation process for Bylaw No. 800-31, and it be referred to the following agencies and First Nations:

- Ministry of Forests, Lands and Natural Resource Operations – Archaeology Branch;
- CSR D Operations Management;
- Relevant First Nations Bands and Councils.

## SHORT SUMMARY:

The applicant is wanting to rebuild a garage that burned down at 6346 Squilax-Anglemont Road in Magna Bay. With the construction of the garage the property will exceed the maximum allowed parcel coverage for the RS zone. The applicant is proposing a site specific amendment to the RS zone to increase the permitted parcel coverage from 25% to 28%.

<b>VOTING:</b>	Unweighted Corporate <input type="checkbox"/>	LGA Part 14 (Unweighted) <input checked="" type="checkbox"/>	Weighted Corporate <input type="checkbox"/>	Stakeholder (Weighted) <input type="checkbox"/>
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## BACKGROUND:

**OWNERS:**  
Ricky Coueffin  
Irene Coueffin

**APPLICANT:**  
Ricky Coueffin

**ELECTORAL AREA:**  
F (Magna Bay)

**CIVIC ADDRESS:**  
6346 Squilax-Anglemont Road

**LEGAL DESCRIPTION:**

Lot 9, Section 13, Township 23, Range 10, W6M, KDYD, Plan 13493

**PID:**

006-909-698

**SIZE OF PROPERTY:**

0.142 ha

**SURROUNDING LAND**

**USE PATTERN:**

NORTH: Squilax-Anglemont Road, vacant

SOUTH: Shuswap Lake

EAST: Residential

WEST: Residential

**DESIGNATION:**

Electoral Area F Official Community Plan Bylaw No. 830

SSA –Secondary Settlement Area

**CURRENT ZONE:**

Magna Bay Zoning Bylaw No. 800

RS –Residential

**PROPOSED ZONE:**

RS –Residential –Special Regulation

**CURRENT USE:**

Single Family Dwelling, accessory building– (shed/boathouse)

**PROPOSED USE:**

Single Family Dwelling, accessory buildings (shed/boathouse and garage)

**POLICY:**

See attached "BL800\_Excepts\_BL800-31.pdf".

The existing and proposed use are consistent with the SSA –Secondary Settlement Area designation in Electoral Area F Official Community Plan Bylaw No. 830.

**FINANCIAL:**

There are no financial implications to the CSRD regarding this application.

**KEY ISSUES/CONCEPTS:**

The applicant's garage burned down in a fire in July 2018; he is wanting to rebuild the new garage on the same footprint as the old garage due to siting constraints on the property. The proposal is for a two-storey structure: a 1 bay garage first floor with office space in the basement.

The property has an existing single family dwelling and accessory building (shed/boathouse); with the re-construction of the garage, the parcel coverage will be 28% which will exceed the 25% permitted in the RS zone.

Parcel coverage is defined in Bylaw No. 800 as the horizontal area within the vertical projection of the outermost walls of the buildings on a parcel expressed as a percentage of the parcel area.

Parcel coverage is used in zoning regulation as a tool to limit density. By restricting the total area that can be developed on a property this limits the potential habitable area of a dwelling(s). Parcel coverage typically applies to zones with smaller sized parcels that require land area for onsite servicing, such as a groundwater well, on-site sewage disposal system, and stormwater management. Staff has initiated a process to review and increase the maximum parcel coverages permitted in the Electoral F zoning bylaws; the proposal will be to increase the 25% maximum parcel coverages on residential properties.

The applicant has indicated that the basement will have a full bathroom with sink, toilet, and shower as well as a kitchenette that includes a sink, microwave, and fridge. The applicant has been advised that guest accommodation is not permitted on parcels less than 1 ha in the RS zone. The trigger for a structure to be considered a dwelling unit or guest accommodation is installation of a stove unit or a 220 electrical outlet. Neither a stove unit nor a 220 electrical outlet is being proposed.

Staff have requested servicing information for the proposed office to confirm that existing water and septic services can accommodate the additional use.

#### **Development Variance Permit**

The old garage was located at the front of the property, close to Squilax-Anglemont Road, and the west parcel line. The applicant would like to build the new garage in this same location which will require a Development Variance Permit as it would be located within the front and interior side parcel boundary setbacks.

The proposed setbacks for the garage, including eaves and gutters, would be 0.5 m from the front and interior side parcel boundary; the walls of the garage would be 1.0 m setback from the parcel lines.

The proposed height for the garage is 7.92 m, which is over the maximum allowed 6 m for an accessory building.

The maximum gross floor area for an accessory building is 55 m<sup>2</sup> in the RS zone; the proposed 2 storey garage exceeds the maximum floor area permitted; the gross floor area for the building is 58 m<sup>2</sup> which includes both floors. Bylaw No. 800 exempts off-street parking in floor area calculation; the first floor garage has two off-street parking spaces which are deducted from the total. The area for the first floor is 13 m<sup>2</sup> and the basement floor area is 45 m<sup>2</sup>; the combined total of which is 58 m<sup>2</sup>. The old garage was also two storeys and so the floor area and height would have been similar.

The Board will review the DVP for issuance when this amendment is considered for adoption, should it proceed through further readings. The variance for consideration would be as follows:

The Magna Bay Zoning Bylaw No. 800 would proposed to be varied:

Section 5.5(2)(e) Maximum height for an accessory building from 6 m to 7.92 m for a garage;

Section 5.5(2)(f) Minimum setback from the front parcel boundary from 4.5 m to 0.5 m and from the interior side parcel boundary from 2.0 m to 0.5 m for a garage; and

Section 5.5(2)(g) Maximum gross floor area of an accessory building from 55 m<sup>2</sup> to 58 m<sup>2</sup> for a garage.

Staff consulted with the CSRD Building Services Department regarding future potential fire separation issues there may be for the garage, as it will be located within 2.4 metres of an interior side parcel line setback shared with the neighbouring property. The building department has indicated that there will be building material restrictions in order to meet fire resistant ratings for the west wall and overhang of the garage located within the setback; this will be addressed through the Building Permit process. The Building Department comments have been shared with the applicant.

The fire in 2018 also burned down the neighbour's garage at 6342 Squilax-Anglemont Road, for which the Board will review a Development Variance Permit (DVP800-32 Lamb) application for the rebuild of that garage at its April 18, 2019 Board meeting. Similar to the Coueffin's proposed garage, DVP800-32 proposes to vary front and interior side parcel setbacks, height, and gross floor area of a garage.

Staff is in receipt of an issued Setback Permit from Ministry of Transportation for the subject property that permits the garage to be within 4.5 m of the road right of way.

### **SUMMARY:**

The applicant wants to rebuild a new garage on the old garage footprint. The applicant has applied for a site specific bylaw amendment to allow for 28% parcel coverage for the subject property; as the proposed garage construction on the property will exceed the maximum 25% parcel coverage permitted in the RS zone.

Staff are recommending that the bylaw be given first reading and staff be directed to send out referrals to applicable agencies and First Nations because:

- a garage is an accessory use consistent with zoning,
- a 3% increase in parcel coverage is considered minor; and,
- and staff are currently undergoing a review to consider increasing the maximum parcel coverage in the Electoral Area F zoning bylaws.

### **IMPLEMENTATION:**

#### **Consultation Process**

As per CSRD Policy No. P-18 regarding Consultation Processes-Bylaws, staff recommends the simple consultation process. Neighbouring property owners will first become aware of the application to rezone when notice of development signs are posted on the property after first reading.

#### **Referral Process**

The following list of referral agencies is recommended:

- Ministry of Forests, Lands and Natural Resource Operations –Archaeology Branch;
- CSRD Operations Management;
- Adams Lake Indian Band;
- Little Shuswap Indian Band;
- Neskonalith Indian Band;
- Okanagan Indian Band;
- Shuswap Indian Band;
- Simpcw First Nation; and,
- Splots'in First Nation.

### **COMMUNICATIONS:**

If the bylaw is given first reading it will be forwarded to the referral agencies. Agency comments will be provided with a future Board report. The applicant will be required to post a Notice of Development Sign on the subject property in accordance with Development Services Procedures Bylaw No. 4001.

**DESIRED OUTCOMES:**

That the Board endorse staff recommendation.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. Electoral Area F Official Community Plan Bylaw No. 830
2. Magna Bay Zoning Bylaw No. 800
3. Building Department referral, March 6, 2019
4. Ministry of Transportation Setback Permit (2019-01269), March 28, 2019

**Report Approval Details**

Document Title:	2019-04-18_Board_DS_BL800-31_Coueffin.docx
Attachments:	- BL800-31_First.pdf - BL800_Excerpts_BL800-31.pdf - Maps_plans_photos_BL800-31.pdf
Final Approval Date:	Apr 8, 2019

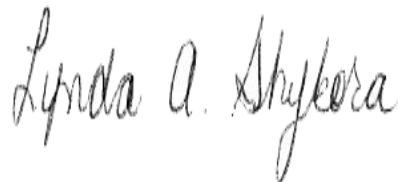
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Apr 5, 2019 - 10:57 AM**



**Gerald Christie - Apr 5, 2019 - 11:40 AM**



**Lynda Shykora - Apr 8, 2019 - 12:49 PM**



**Charles Hamilton - Apr 8, 2019 - 1:34 PM**



**COLUMBIA SHUSWAP REGIONAL DISTRICT**

**MAGNA BAY ZONING**  
**AMENDMENT (COUEFFIN) BYLAW NO. 800-31**

A bylaw to amend the "Magna Bay Zoning Bylaw No. 800"

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AND WHEREAS the Board deems it appropriate to amend Bylaw No. 800;

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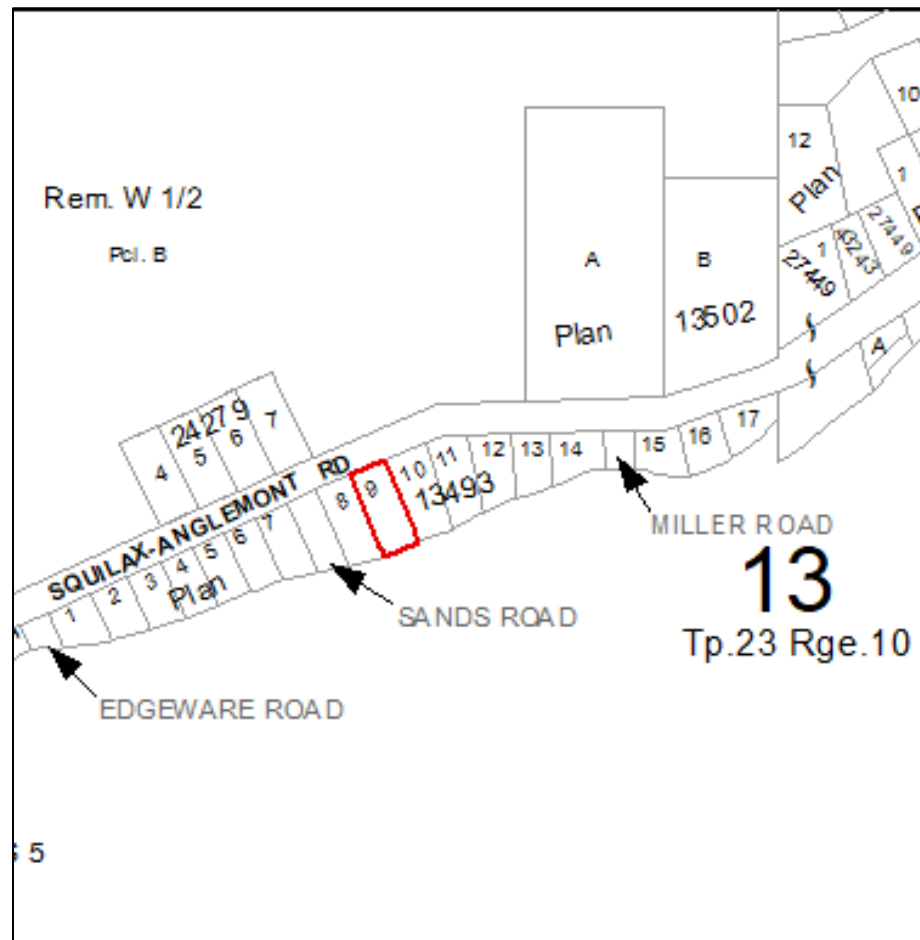
A. TEXT AMENDMENT

- i. Schedule A, Zoning Bylaw Text, Part 5 – Zones, Section 5.5 Residential -RS is hereby amended by adding subsection 7, in its entirety, including the attached map.

"(7)(a) In this subsection, lands are described by legal description and by map, and in the event of a discrepancy between the legal description of the lands or portion of the lands and the map, the map governs.

(b) despite the maximum parcel coverage as established in Section 5.5(2)(e), the maximum parcel coverage is 28%,

Only for Lot 9, Section 13, Township 23, Range 10, West of 6th Meridian, KDYD, Plan 13493, which is more particularly shown on the following map:



Bylaw No. 800-31

3

2. This bylaw may be cited as "Magna Bay Zoning Amendment (Coueffin) Bylaw No. 800-31"

READ a first time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

READ a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

PUBLIC HEARING held this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

READ a third time this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

\_\_\_\_\_  
CHAIR

CERTIFIED true copy of Bylaw No. 800-31  
as read a third time.

CERTIFIED true copy of Bylaw No. 800-31  
as adopted.

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
Chief Administrative Officer

## **Relevant Excerpts from Magna Bay Zoning Bylaw No. 800**

(See Bylaw No. 800 for all policies and land use regulations)

### **1.0 Definitions**

ACCESSORY BUILDING is a detached building or structure that is customarily incidental to, subordinate to and exclusively devoted to a principal use or a single family dwelling, is not used for human habitation and is used for an accessory use or where permitted, for a home business;

FLOOR AREA is the total area of all floors in a building measured to the outside face of exterior walls. Where the context requires it, floor area is the total area of all floors in a portion of a building in a particular use, measured to the outside face of the walls of the area of the use. Floor area does not include off street parking areas, balconies, elevator shafts and areas used for building ventilation machinery;

GROSS FLOOR AREA is the total area of all floors in a building measured to the outside face of exterior walls. Where the context requires it, gross floor area is the total area of all floors in a portion of a building in a particular use, measured to the outside face of the walls of the area of the use.

PARCEL COVERAGE is the horizontal area within the vertical projection of the outermost walls of the buildings on a parcel expressed as a percentage of the parcel area.

### **5.5 Residential –RS**

#### **(1) Permitted Uses**

The uses stated in this subsection and no others are permitted in the Residential zone, except as stated in Part 3 General Regulations.

- (a) Single family dwelling
- (b) Bed and breakfast, permitted on a parcel 1 ha (2.47 ac.) or larger
- (c) Guest accommodation, permitted on a parcel 1 ha (2.47 ac.) or larger
- (d) Home business
- (e) Home industry, permitted on a parcel 4000 m<sup>2</sup> (0.99 ac.) or larger
- (f) Residential campsite
- (g) Standalone residential campsite
- (h) Accessory use

#### **(2) Regulations**

On a parcel zoned Residential: no land shall be used; no building or structure shall be constructed, located or altered; and no plan of subdivision approved; that contravenes the regulations stated in this subsection, except as stated in Part 3 General Regulations and Part 4 Off Street Parking and Off Street Loading Regulations.

COLUMN 1 MATTER REGULATED	COLUMN 2 REGULATION
(a) Minimum parcel size created by subdivision <ul style="list-style-type: none"> <li>• where a parcel is served by both a community water system and a community sewer system</li> <li>• in all other cases</li> </ul>	4000m <sup>2</sup> (1 ac.) 1 ha (2.47 ac.)
(b) Minimum parcel width created by subdivision	20 m (65.62 ft.)
(c) Maximum parcel coverage	25 percent
(d) Maximum number of single family dwellings per parcel	1
(e) Maximum height for: <ul style="list-style-type: none"> <li>• Principal buildings and structures</li> <li>• Accessory buildings</li> </ul>	11.5 m (37.73 ft.) 6 m (19.69 ft.)
(f) Minimum setback of a building containing a home industry from each parcel boundary Minimum setback for all other uses from: <ul style="list-style-type: none"> <li>• front parcel boundary</li> <li>• interior side parcel boundary</li> <li>• exterior side parcel boundary</li> <li>• rear parcel boundary</li> </ul>	10 m (32.81 ft.)  4.5 m (14.76 ft.) 2 m (6.56 ft.) 4.5 m (14.76 ft.) • for an accessory building 3 m (9.84 ft.) • for a single family dwelling and guest accommodation 4.5 m (14.76 ft.)
(g) Maximum gross floor area of an accessory building	55 m <sup>2</sup> (592.02)

## PUBLIC HEARING NOTES

Bylaw No. 800-31

Notes of the Public Hearing held on Wednesday July 10, 2019 at 6:00 PM at the Scotch Creek Fire Hall regarding Magna Bay Zoning Amendment (Coueffin) Bylaw No. 800-31

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PRESENT:     Chair Jay Simpson– Electoral Area F Director  
                  Candice Benner – Planner II, CSRD  
                  2 members of the public

Chair Simpson called the Public Hearing to order at 6:00 PM. Following introductions, the Chair advised that all persons who believe that their interest in property may be affected shall be given the opportunity to be heard or to present written submissions pertaining to the proposed Magna Bay Zoning Amendment (Coueffin) Bylaw No. 800-31.

The Planner explained that this hearing has been called under Section 464 of the Local Government Act and that the board cannot adopt a zoning bylaw amendment unless it has held a public hearing. She noted that the Public Hearing report is expected to be submitted to the Board for consideration at its meeting on July 18, 2019 and that the Public Hearing Information Package containing all relevant background information was available for review if anyone wished to look at it. The Planner described the notification requirements and noted the Public Hearing notice was advertised in the Shuswap Market News on June 28 and July 5, 2019. The Planner reviewed the purpose of the bylaw and summarized the referral agencies' responses.

The Chair opened the floor for comments.


Hearing no representations or questions about amending Bylaw No. 800-31 the Chair called three times for further submissions before declaring the Public Hearing closed at 6:07 PM.

CERTIFIED as being a fair and accurate report of the Public Hearing.

Original Signed by

---

Director Jay Simpson  
 Public Hearing Chair




---

Candice Benner  
 Planner II



## COLUMBIA SHUSWAP REGIONAL DISTRICT

P.O. Box 978 SALMON ARM, BC V1E 4P1

Telephone: 1-250-832-8194 Fax: 1-250-832-3375

**Candice Benner, Planner II:**

FILE: BL800-31

PL2018\_0179

DATE: April 24, 2019

### RESPONSE SUMMARY

- |   |  |
|---|--|
| <input type="checkbox"/> Approval Recommended for Reasons Outlined Below              | <input type="checkbox"/> Interests Unaffected by Bylaw.                          |
| <input checked="" type="checkbox"/> Approval Recommended Subject to Conditions Below. | <input type="checkbox"/> Approval not Recommended Due To Reasons Outlined Below. |
| <input type="checkbox"/> No Objections  |  |

Thank you for your referral BL800-31 PL2018\_0179, regarding an application to re-build a garage at 6349 Squilax-Anglemont Road, Magna Bay, PID 006909698, LOT 9 SECTION 13 TOWNSHIP 23 RANGE 10 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 13493. According to Provincial records there are no known archaeological sites recorded on the subject property. However, archaeological potential modeling indicates there is the possibility for unknown/unrecorded archaeological sites to exist on the property. The waterfront location of the property also indicates a high potential for unknown/unrecorded archaeological deposits.

Archaeological sites (both recorded and unrecorded, disturbed and intact) are protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch.

In the absence of a confirmed archaeological site, the Archaeology Branch cannot require the proponent to conduct an archaeological study or obtain a permit prior to development. In this instance it is a risk management decision for the proponent.

Prior to any land alterations (e.g., addition to home, property redevelopment, extensive landscaping, service installation), an eligible consulting archaeologist should be contacted to review the proposed activities and, where warranted, conduct a walk over and/or detailed study of the property to determine whether the work may impact protected archaeological materials.

An eligible consulting archaeologist is one who is able to hold a Provincial heritage permit that allows them to conduct archaeological studies. Ask an archaeologist if he or she can hold a permit, and contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists can be contacted through the BC Association of Professional Archaeologists ([www.bcapa.ca](http://www.bcapa.ca)) or through local directories.

If the archaeologist determines that development activities will not impact any archaeological deposits, then a permit is not required.

If any land-altering development is planned and proponents choose not to contact an archaeologist prior to development, owners and operators should be notified that if an archaeological site is encountered during development, activities **must** be halted and the Archaeology Branch contacted at 250-953-3334 for direction. If an archaeological site is encountered during development and the appropriate permits are not in place, proponents will be in contravention of the *Heritage Conservation Act* and likely experience development delays while the appropriate permits are obtained.

Please review the screenshot of the property below (outlined in yellow). If this does not represent the property listed in the referral, please contact me.

Please let me know if you have any questions regarding this information.

Kind regards,

Diana

The brown/orange colouration indicates high potential for unknown/unrecorded archaeological deposits.



Signed By: Diana Cooper

Title Archaeological Site Info and Data Administrator

Date: 07 May, 2019

Agency Archaeology Branch (FLNRORD)





## Adams Lake Indian Band

---

**Project Name:**

PL20180000179

**FN Consultation ID:**

BL800-31

**Consulting Org Contact:**

Marianne Mertens

**Consulting Organization:**

[Columbia Shuswap Regional District](#)

**Date Received:**

Friday, April 26, 2019

The Adams Lake Indian Band has some issues with the PL20180000179. Through a preliminary analysis we have identified some concerns which include:

1. Proximity to Shuswap Lake with is considered a trail for the Nation. in the Archaeological Model this is considered to have high potential and digging a large foundation may run the risk of disturbing an archaeological site.

We reiterate that Adams Lake holds constitutionally protected Aboriginal rights including title throughout the entirety of its traditional territory. Members of Adams Lake continue to exercise their Aboriginal rights as their ancestors have done for generations, including hunting, trapping, gathering and fishing, along with rights associated with spiritual and cultural traditions which are practiced in accordance with Secwepemc customs, laws and governance structures.

Therefore we require that you ensure the protection of this potential archaeological site through your permitting process.

Regards,

Dave Nordquist, RPF  
Title and Rights Coordinator  
Adams Lake Indian Band

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**Source URL:**

<https://alib.knowledgekeeper.ca/consultation/columbia-shuswap-regional-district/projects/36832/review/email-response-bl800-31>

**COLUMBIA SHUSWAP REGIONAL DISTRICT**

PO Box 978 SALMON ARM BC V1E 4P1  
 Telephone: 250.832.8194 Fax: 250.832.1083

FILE NO. :BL800-31

PL2018\_179

DATE RECEIVED:

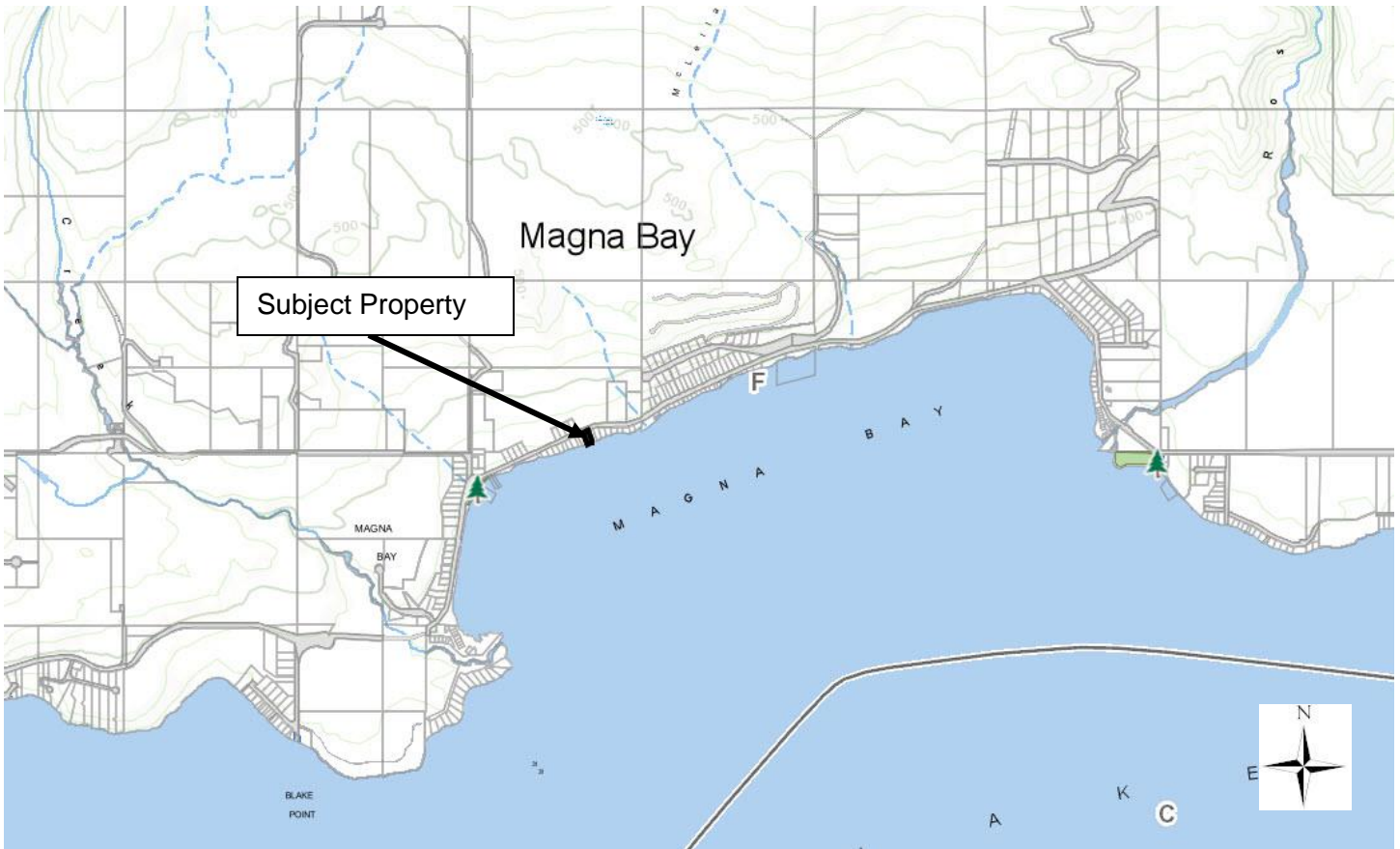
Apr 26, 2019

**OPERATIONS MANAGEMENT**

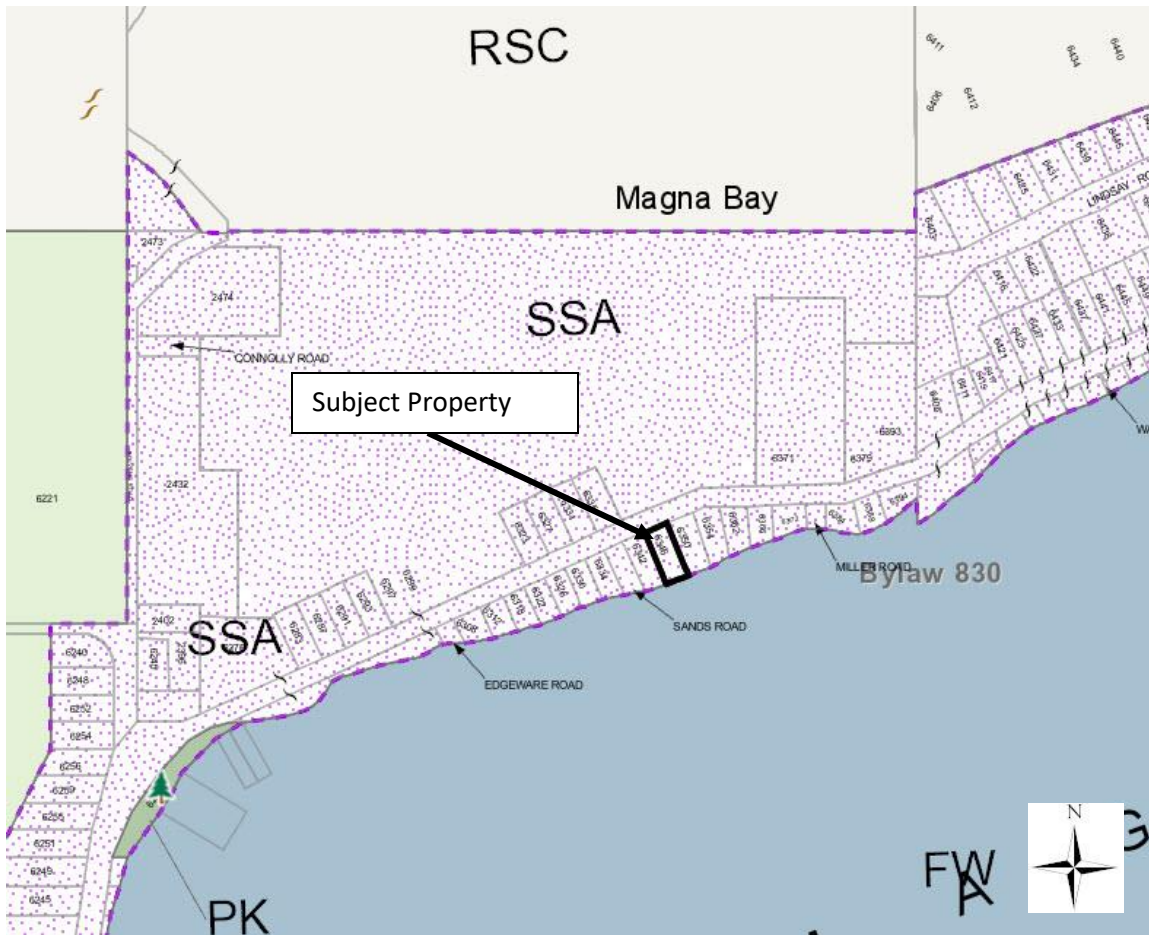
Marianne Mertens

Function	Comments	Reviewed By
<b>UTILITIES</b>	no concerns	T Langlois
<b>EMERGENCY MANAGEMENT</b>	No concerns	D Sutherland
<b>FIRE SERVICES</b>	No concerns	D Sutherland
<b>SOLID WASTE AND RECYCLING</b>	No Concerns	B Van Nostrand
<b>PARKS AND COMMUNITY SERVICES</b>	No Concerns	R Nitchie
<b>ADMINISTRATION</b>	No concerns	P Turner

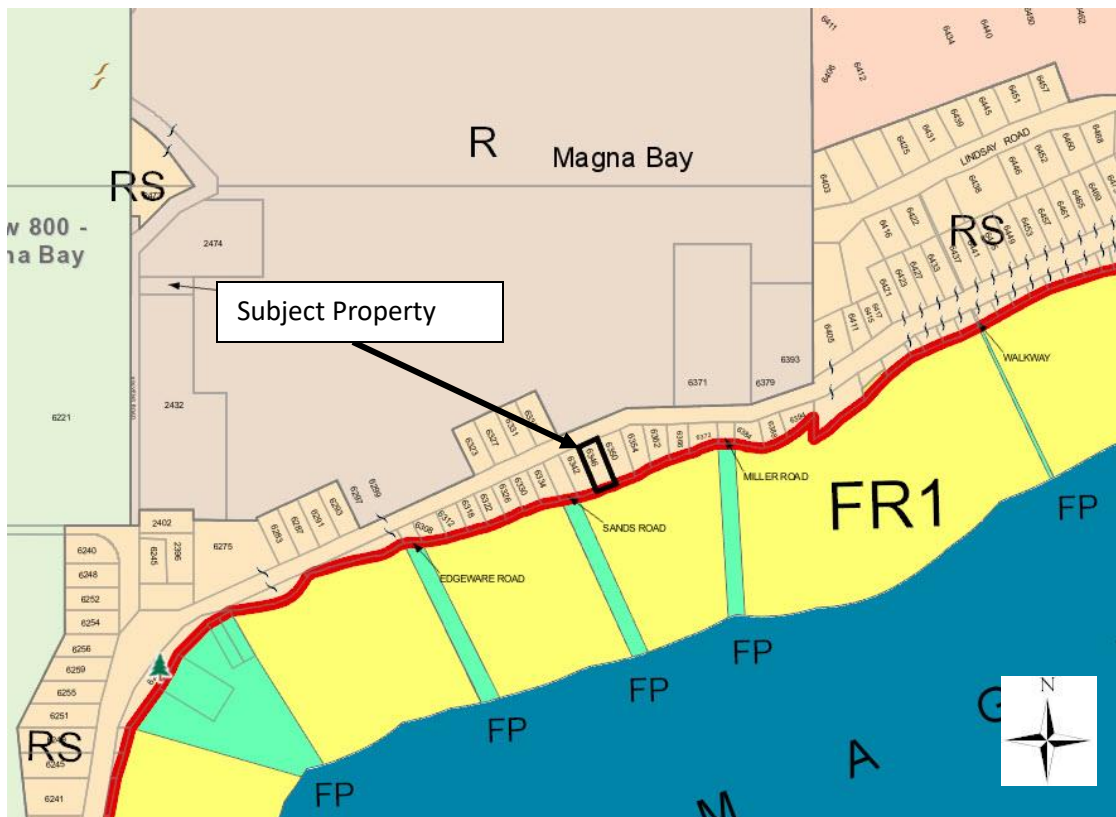
# Location



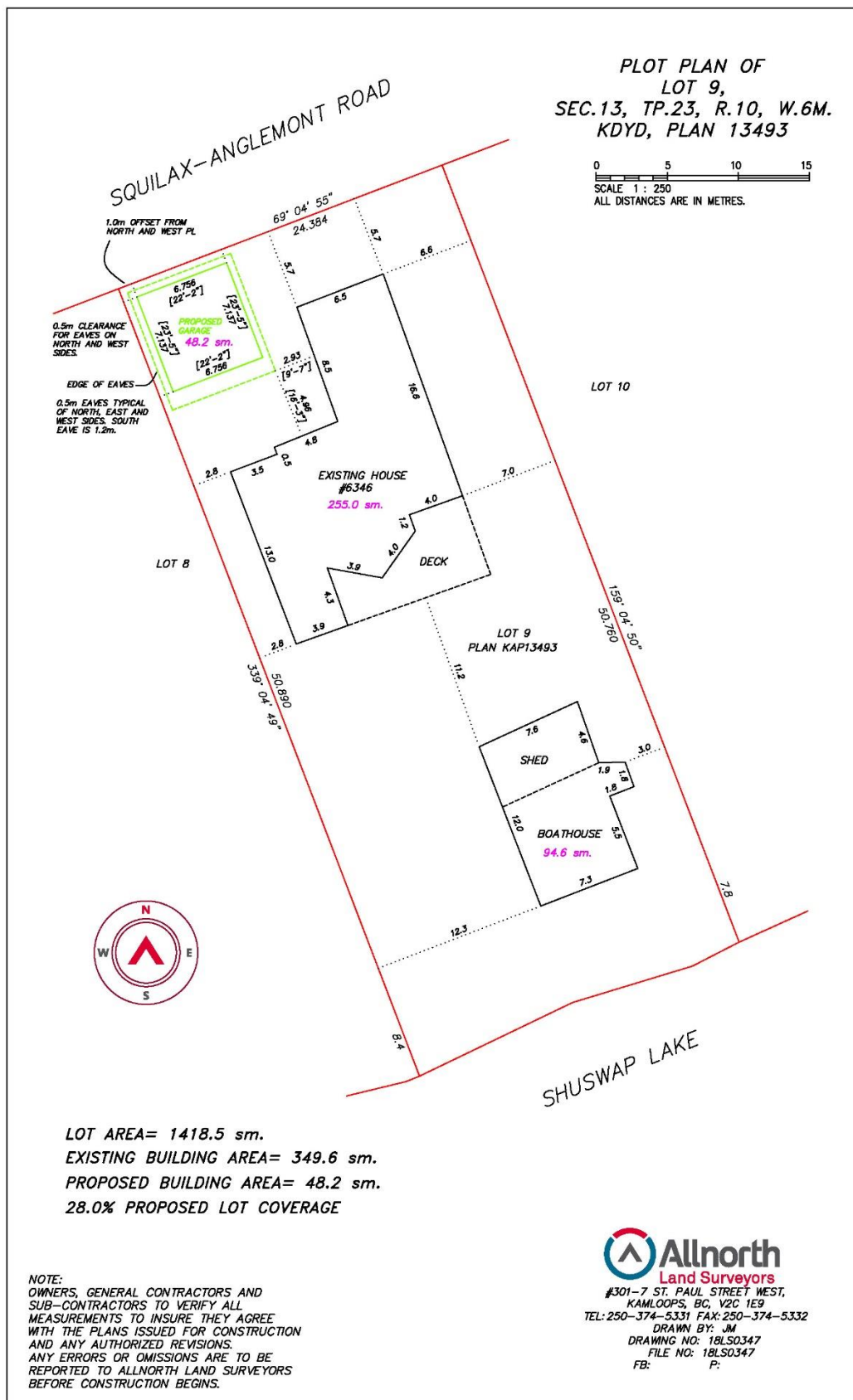
# OCF



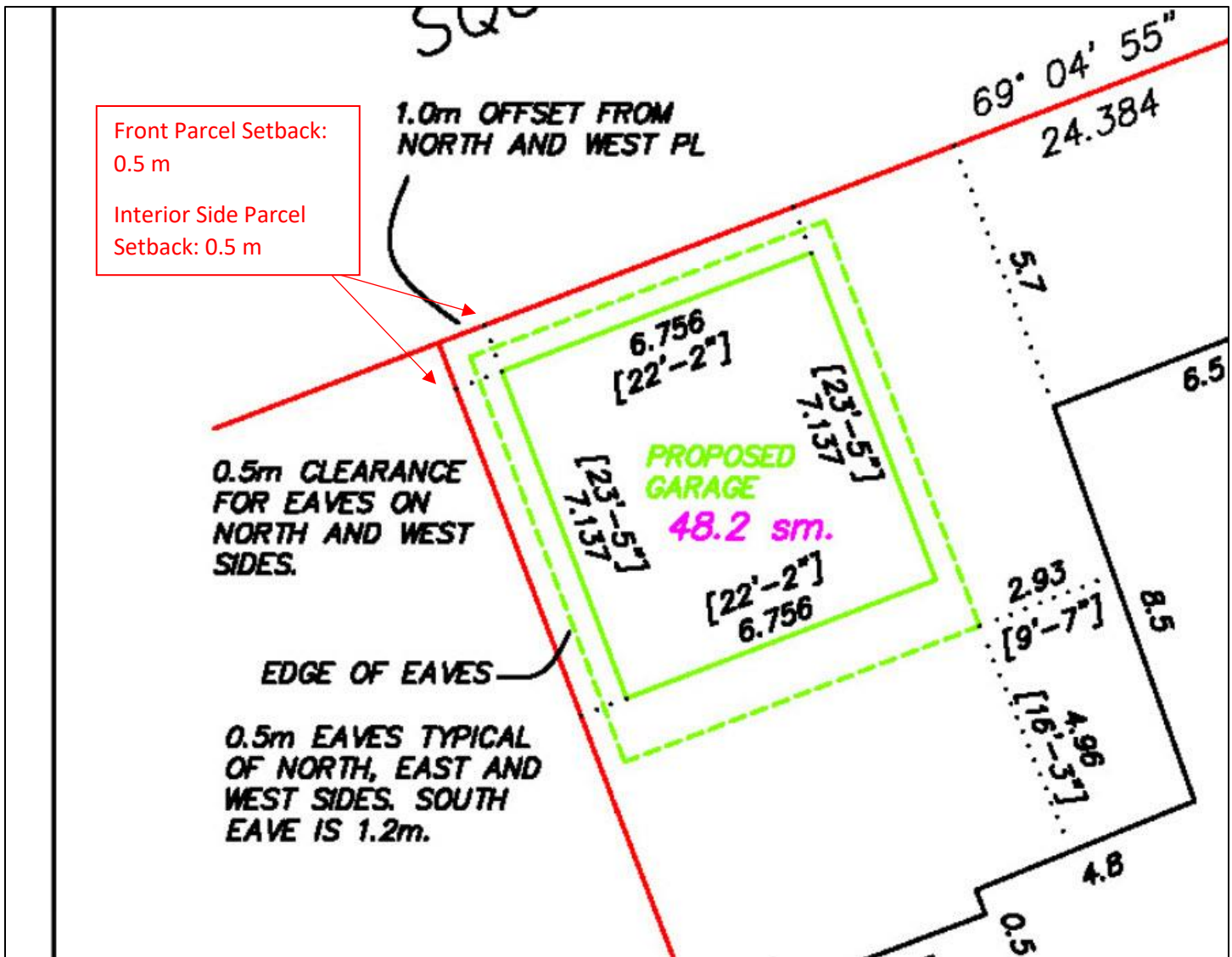
# Zoning



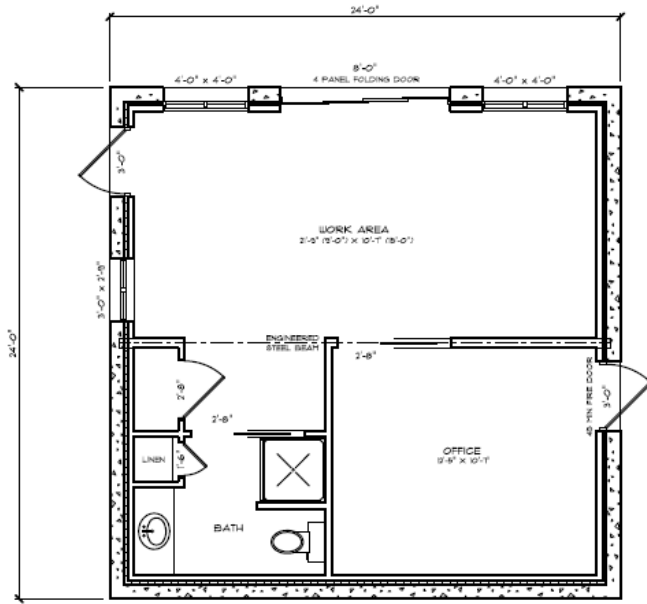
## Site Plan





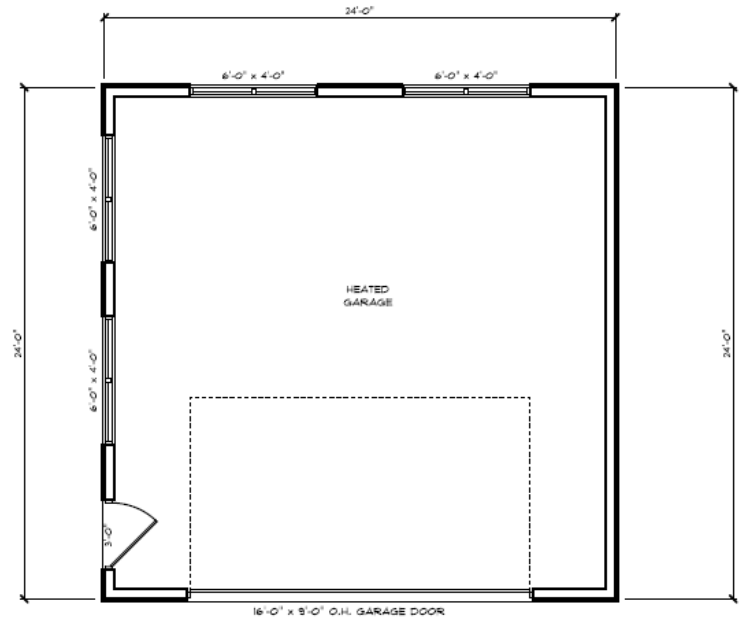


## Building Plans



BASEMENT PLAN

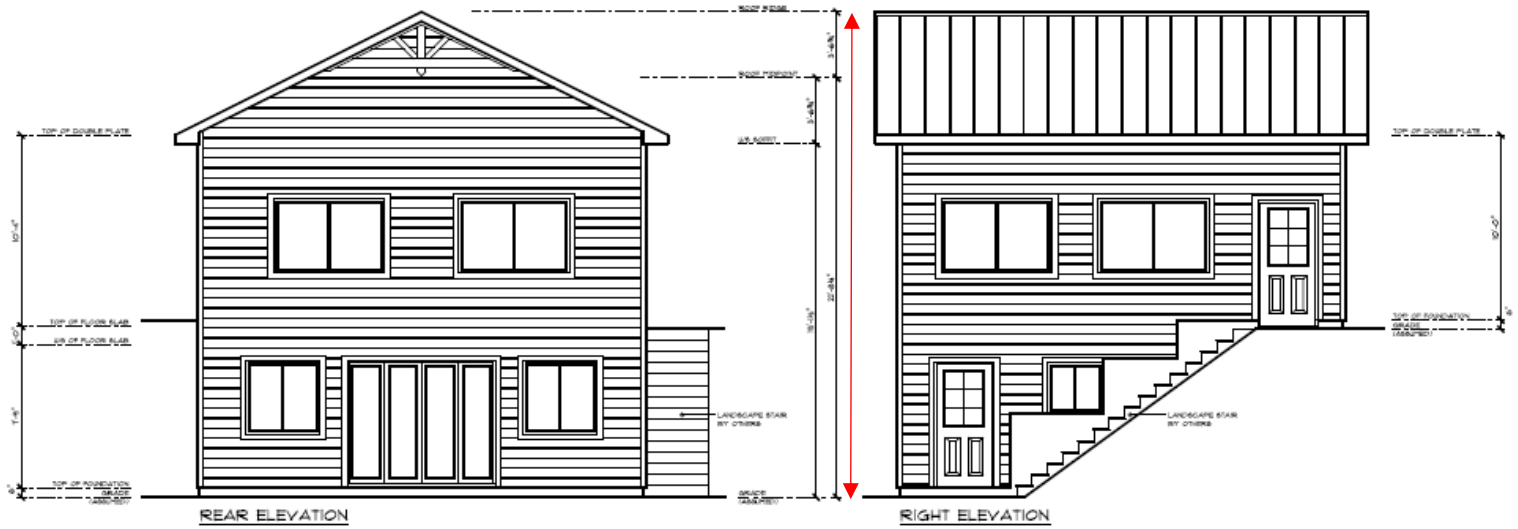
Basement Floor Area: 45 m<sup>2</sup>



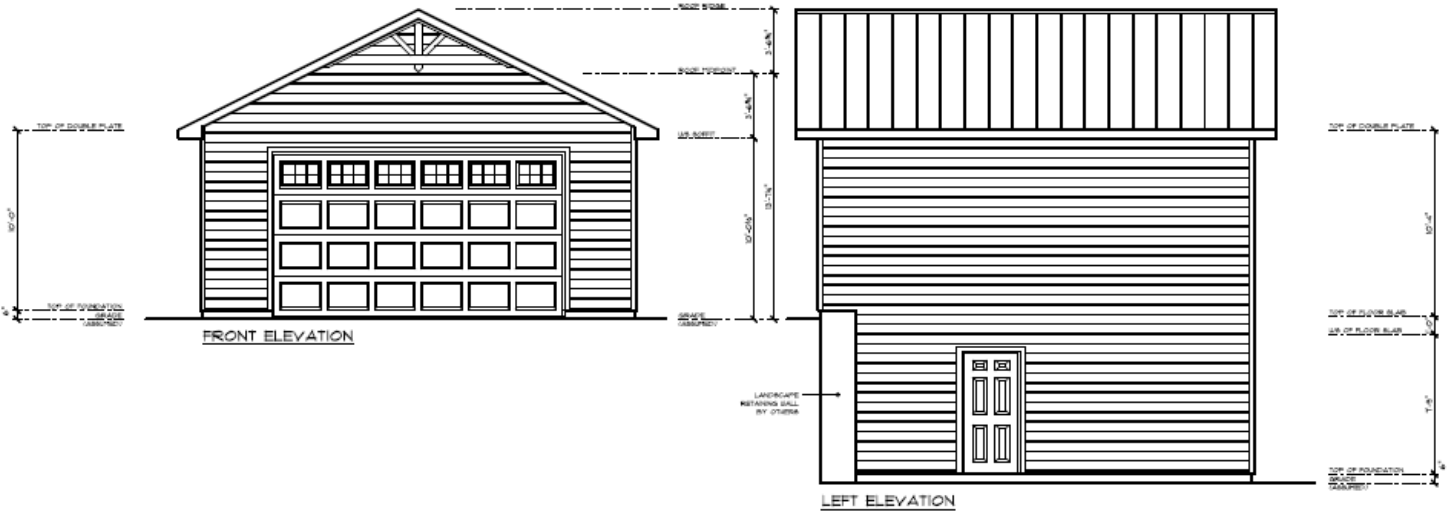
MAIN FLOOR PLAN

First Floor Area: 13 m<sup>2</sup>  
(not including 2 off-street parking spaces)





Max Height: 7.92 m



Orthophoto



**Google Maps Street view of Old Garages**



**Subject property garage to the left and the neighbour's garage (DVP800-32) to the right**



**Photos**



View of proposed garage location showing the neighbour's existing garage foundation



View of existing single family dwelling from neighbour's property





View of subject property from Squilax-Anglemont Road



View of accessory building (shed/boathouse) near Shuswap Lake on subject property