



BOARD REPORT

TO: Chair and Directors

FROM: Candice Benner
Development Services Assistant

SUBJECT: Rural Sicamous Land Use Amendment (Riddoch)
Bylaw No. 2067

File No: BL 2067

Date: November 21, 2016

RECOMMENDATION #1: THAT:
"Rural Sicamous Land Use Amendment (Riddoch) Bylaw No. 2067", be read a second time, as amended this 2nd day of December, 2016;

RECOMMENDATION #2: THAT:
a public hearing to hear representations on "Rural Sicamous Land Use Amendment (Riddoch) Bylaw No. 2067", be held;

AND THAT:
notice of the public hearing be given by 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 Rhona Martin as Director of Electoral Area 'E', being that in which the land concerned is located, or Alternate Director Brian Thurgood, if Director Martin is absent, and the Director or Alternate Director, as the case may be, give a report of the public hearing to the Board.

APPROVED for Board Consideration:

Meeting Date: December 2, 2016

Charles Hamilton, CAO

SHORT SUMMARY:

The property that is the subject of this bylaw amendment application is located at 643 Swansea Point Road in the Swansea Point area of Electoral Area 'E'. The applicant has applied for a site specific amendment to the RS Single and Two Family Residential Zone of the Rural Sicamous Land Use Bylaw No. 2000. At first reading, the application was to recognize the uses and density currently existing on the site including a single family dwelling, RV trailer, bunkhouse, and accessory structures, as well as to permit replacing the RV trailer with a Park Model, installing a kitchen in the bunkhouse, and recognize the existing siting. The amendment would be specific to the subject property.

Subsequent to first reading the owner has requested a change to the proposed amendment. The new proposal is to recognize the existing single family dwelling and an existing RV, and non-compliant siting of structures and includes decommissioning the existing bunkhouse on the property.

Staff is proposing to introduce a definition for "Temporary" into the bylaw definitions and amend the definition for "Recreational Vehicle" which is consistent with regulations adopted in other CSRD zoning bylaws.

The Board gave Bylaw No. 2067 first reading at the September 17, 2016, regular meeting and directed staff to utilize the simple consultation process. The development notice was posted in accordance with Development Services Procedures Bylaw No. 4001, as required. Staff referred the bylaw to affected ministries, agencies, and First Nations and comments received have been summarized in this report. It is now appropriate for the Board to consider second reading as amended, and to delegate a Public Hearing.

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

BACKGROUND:

OWNERS: Donald and Beverly Riddoch

APPLICANT: Donald Riddoch

ELECTORAL AREA: 'E' (Swansea Point)

CIVIC ADDRESS: 643 Swansea Point Road

LEGAL DESCRIPTION: Lot 10, Section 11, Township 21, Range 8, West of the 6th Meridian, Kamloops Division Yale District, Plan 13300 (PID: 003-173-038)

SIZE OF PROPERTY: 0.161 ha.

SURROUNDING LAND USE PATTERN:

NORTH: residential

SOUTH: Swansea Point Road, residential

EAST: Swanson Road, residential

WEST: residential

CURRENT ZONING: RS –Single and Two Family Residential

PROPOSED ZONING: RS –Single and Two Family Residential, with site specific regulation

CURRENT USE: seasonal single family dwelling, bunkhouse, RV trailer, accessory buildings

PROPOSED USE: 1 dwelling unit, 1 Park Model, accessory buildings

POLICY:

Electoral Area 'E' Official Community Plan Bylaw No. 840

The Electoral Area 'E' Official Community Plan Bylaw No. 840 is in draft form; the subject property is proposed to be designated R-2 Rural Residential.

Rural Sicamous Land Use Bylaw No. 2000

Bylaw No. 2000 currently designates the subject property Single and Two Family Residential, and contains the following information with respect to this designation:

1.4.1(f) The Single and Two Family Residential, and Mobile Home Park OCP designations provide for higher density residential development if community water and community sewer services are provided.

Bylaw No. 2000 also contains some specific policies with respect to the Swansea Point area as follows:

Swansea Point Area

1.4.3(d) Concerns with changes in OCP designation in this area include (i) maintaining sustainability of onsite water supply and sewage disposal systems and protection from the need for a community water system or a community sewer system, (ii) maintaining compatibility between the residential and commercial land uses, (iii) maintaining public access to and along the foreshore, (iv) protection from natural hazards and (v) community character considerations.

Part 2 Land Use Regulations**2.1 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;

BUILDING is a structure used or intended for supporting or sheltering a use or occupancy but does not include a recreational vehicle;

BUNKHOUSE is a rough simple building, which may be used for sleeping quarters, but does not include cooking facilities;

COTTAGE is a dwelling unit in 1 detached building used exclusively for 1 dwelling unit, with a floor area not exceeding 50 m² and that is subordinate to and located on the same parcel as a single family dwelling;

DWELLING UNIT is the use of 1 or more habitable rooms in a building that constitute a single self-contained unit with a separate entrance, used together for living and sleeping purposes for not more than 1 family, containing a kitchen with a sink and cooking facilities and a bathroom with a water closet, wash basin and a bath or shower;

PARK MODEL is a trailer or recreational unit which conforms to CSA Z241 Standard for RVs and which has a gross floor area which does not exceed 50 m² (538.21 ft²);

RECREATIONAL VEHICLE is a vehicular-type of portable structure, without permanent foundation, that can be towed, hauled or driven and that is primarily designed for use as temporary living accommodation for the purposes of recreation, camping and travel, including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes;

SINGLE FAMILY DWELLING is the use of land, structures and 1 detached building used exclusively for 1 dwelling unit, except where additional uses are specifically permitted in this bylaw as a part of a single family dwelling;

Current Zone: RS –Single and Two Family Residential.

Permitted Uses

2.12 (1) The uses stated in this subsection and no others are permitted in the RS zone, except as stated in sections 2.3.1 to 2.4.7.

- (a) Bed and breakfast, permitted on a parcel 4,000 m² (0.99 ac.) or larger in area.
- (b) Cottage, permitted on a parcel 6000 m² (1.48 ac.) or larger in area.
- (c) Home business
- (d) Place of religious worship
- (e) Single family dwelling, permitted where there is no two family dwelling on the parcel.
- (f) Two Family dwelling, permitted on a parcel 6,000 m² (1.48 ac.) or larger in area and where there is no single family dwelling or cottage on the parcel.
- (g) Accessory use

Regulations

(2) On a parcel designated RS, 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 sections 2.3.1 to 2.4.7.

- | | |
|--|-------------------|
| (a) Maximum number of single family dwellings per parcel | 1 |
| (b) Maximum number of two family dwellings per parcel | 1 |
| (c) Maximum number of cottages per parcel | 1 |
| (d) Minimum setback 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 | 4.5 m (14.76 ft.) |

Servicing standard for subdivisions

on site sewage disposal
on site water supply
community sewer system, or
community water system

Proposed Zoning Amendment:

The following definitions will be included in the Definitions section of Bylaw No. 2000:

Part 2 Land Use Regulations**Definitions****2.1 In this part:**

RECREATIONAL VEHICLE is a vehicular-type of portable structure, without permanent foundation, that can be towed, hauled or driven and that is primarily designed for use as temporary living accommodation for the purposes of recreation, camping and travel, including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes; and does not include a Park Model;

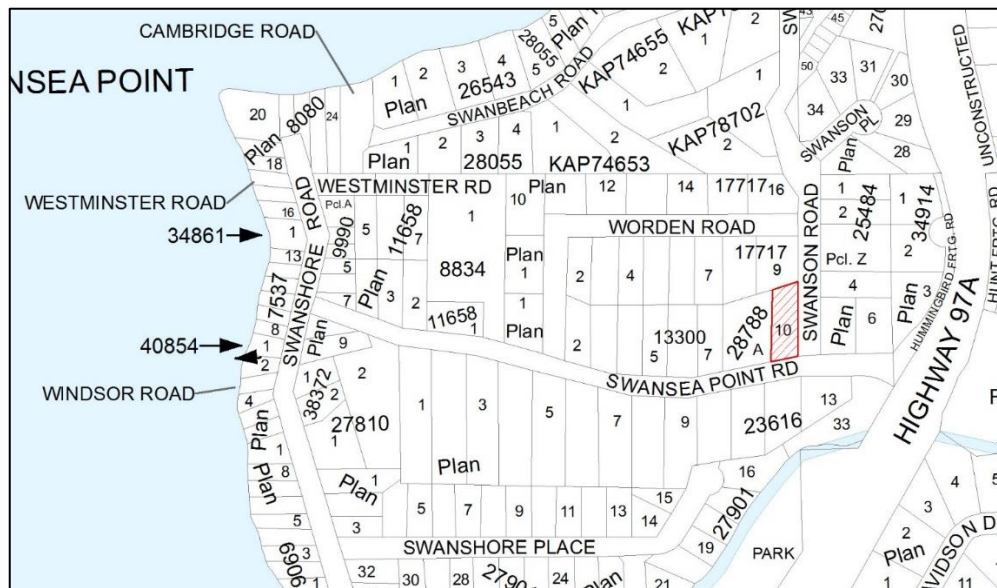
TEMPORARY means less than four (4) consecutive weeks;

RS –Single and Two Family Residential

The proposed amendment will involve adding a new site specific regulation to Section 2.12 as follows:

- (3) In this subsection, lands are described by legal description and by map and in the event of any discrepancy between the legal description of the lands and the map, the map governs.
- a) Notwithstanding the permitted uses listed in subsection 2.12 (1), the principal uses on Lot 10, Section 11, Township 21, Range 8, West of the 6th Meridian, Plan 13300, as shown hatched on Map 1, shall be limited to the following:
- i. One Single Family Dwelling
 - ii. One Recreational Vehicle
 - iii. Accessory use
- b) Notwithstanding the permitted setbacks listed in subsection 2.12 (d) the minimum setback is hereby varied:
- | | | |
|--------------------------------------|-------------------------------|--------|
| Recreation Vehicle | Interior Side Parcel Boundary | 1.71 m |
| Shed on Skids | Interior Side Parcel Boundary | 0.05 m |
| | Rear Parcel Boundary | 0.71 m |
| Shed on Cinder Blocks | Rear Parcel Boundary | 0.76 m |
| Accessory Structure | Rear Parcel Boundary | 4.42 m |
| Deck attached to Accessory Structure | Exterior Side Parcel Boundary | 2.73 m |
| Single Family Dwelling | Exterior Side Parcel Boundary | 3.47 m |

Map 1



FINANCIAL:

This bylaw amendment application is the result of Bylaw Enforcement action. If the Board does not adopt the proposed amending bylaw, the Board may then wish to direct staff to seek a legal opinion regarding possible court action. Costs for the legal opinion and possible court action, although partially recoverable through Court, could nonetheless be substantial. Staff involvement in legal action is not recoverable.

KEY ISSUES/CONCEPTS:

Existing Site Development

Currently, the following structures are located on the property: an existing single family dwelling (2011); a single room bunkhouse with bathroom and sleeping quarters (pre 2007); a permanent RV trailer (2015); a garage (2007); a garden shed (2014); a storage shed (pre 2007); and a water treatment shed.

Bylaw No. 2000 was adopted in 1989; the bunkhouse and RV on the property are non-compliant with the permitted uses in the zone; additionally the siting of most of the structures on site do not comply with setback requirements of the bylaw.

Proposed Site Development

The proposed bylaw amendment that the Board reviewed at first reading was to legalize the current existing uses and siting of the structures on the property. The owners also wished to recognize a proposed kitchen in the bunkhouse which, in accordance with Bylaw No. 2000 would be defined as a cottage; they also wanted to replace the existing RV trailer with a Park Model in the future.

The owners have since advised staff that they wish to amend their proposal to recognize the existing single family dwelling, RV trailer and non-compliant siting only. The existing bunkhouse will be decommissioned by removing water and sewer connections resulting in the bunkhouse being converted to an accessory structure, which is a permitted use.

If this bylaw amendment is successful, the subject parcel will in essence have one dwelling unit and a temporary RV use; both would be connected to one on-site septic system and well.

Ministry of Transportation and Infrastructure (MoTI) has indicated that the owners must submit a Provincial Public Highway Permit application for encroachments of the deck and for public access to a public road; staff recommend that prior to adoption the owner provide documentation to the CSRD confirming approval of this permit from MoTI.

Sewage Disposal

The applicant has provided a Record of Sewerage submitted by Robert Jensen, Registered Onsite Wastewater Practitioner (ROWP), dated March 28, 2008, for a proposed 3 bedroom cottage [single family dwelling] with the existing bunkhouse connected to an onsite drywell. This record also included setbacks from the subject property and surrounding property wells; the sewerage system location was outside the well setbacks.

The applicant also submitted a Sewerage System Letter of Certification accepted by Interior Health, dated August 8, 2008 indicating the design and maintenance schedule for the cottage and bunkhouse, completed by Tim Emmerzael, ROWP, met Interior Health Standards. In 2011 the cottage was replaced by a single family dwelling.

The owners have since connected an RV to the drywell; staff do not have documentation indicating Interior Health approval for this connection; staff has received correspondence from Interior Health indicating that the Environmental Health Officer had been onsite in August of 2015 and did not find any health hazards but did note that the dry well that the bunk house and RV are connected to no longer meet current standard practices.

The owner has indicated that he has been in consultation with Leko Precast Ltd., the company that designs the septic systems similar to what the owner has installed on his property. The company has noted that the existing septic system may have the potential to handle the dwelling and RV disposal. Staff is recommending, upon consultation with Interior Health, that the owners hire a qualified professional to complete a more thorough septic assessment for the RV to be connected to the existing septic system; the purpose of this assessment would be to determine if an additional connection is feasible or if the system needs to be upgraded.

If the bunkhouse were decommissioned and the RV were connected to the septic system then the drywell would be decommissioned. Staff recommend that this assessment be completed prior to the public hearing so that the information is available to the public. Staff recommend that a suitably worded Section 219 covenant be placed on title prohibiting water and sewer connection and human habitation of accessory structures on the property.

Water Supply

The applicant has indicated that the single family dwelling, RV, and bunkhouse are connected to an on-site well; staff will be requesting revised comments from Interior Health regarding water and sewer compliance for the current proposal. Staff is recommending that an assessment be completed for the existing well to determine if the system can accommodate both the dwelling and RV connection and meet Health Canada Guidelines.

Staff is in receipt of well testing results for the subject property completed by Summit Environmental dated June 13, 2014. The results at that time indicated that all variables that were tested met the Guidelines for Canadian Drinking Water Quality (Health Canada 2012) with the exception of iron. Iron is an aesthetic guideline and the levels found did not pose a potential health hazard. The testing was completed on behalf of Ministry of Transportation and Infrastructure as part of their highway upgrade plans in the Swansea area.

The owners also provided staff with water sampling results completed in July 2012 by Caro Analytical Services. The Basic Bacterial testing indicated that Total Coliforms and E.coli results met the Guidelines for Canadian Drinking Water Quality at that time.

Housekeeping Amendment

Staff is proposing to include a definition for "TEMPORARY" as this term is used throughout Bylaw No. 2000 but is currently not defined. This definition is consistent with other adopted CSRD bylaws. Staff is also proposing to amend the wording of the definition for "RECREATIONAL VEHICLE" to clearly prohibit Park Model from this definition.

IMPLEMENTATION:

Consultation Process

As per CSRD Policy No. P-18 regarding Consultation Processes-Bylaws, staff recommended the simple consultation process. Neighbouring property owners first became aware of the application to redesignate and rezone when notice of development signs was posted on the property after first reading on September 17, 2016. As of the date of this report, staff have received two written submission voicing concerns of the proposed development. It must be noted that since the notice was posted, the owners have amended their application.

This amendment will require the approval of Ministry of Transportation and Infrastructure as the subject parcel is within 800 m of a controlled access highway.

Referral Process

Staff recommend that updated referral comments be received from Interior Health prior to scheduling a public hearing.

SUMMARY:

The applicant has applied for a site specific amendment to the RS –Single and Two Family Residential zone of Bylaw No. 2000, to add a special regulation to recognize the existing single family dwelling and RV trailer and for future potential to replace the RV trailer. The special regulation would also recognize current siting of structures on the parcel.

Staff note that the accessory sheds situated within the rear parcel setbacks may be moved as they are only on skids and concrete blocks.

Staff recommend that prior to scheduling a public hearing that updated referral comments be received from Interior Health and that the owners submit to staff an assessment from a qualified professional for connection of the RV trailer to the septic system on the property; this assessment would indicate if the current system can handle the additional connection or if it needs to be upgraded. An assessment for the well is also recommended to indicate if there is sufficient flow for two connections.

Prior to adoption staff recommend a Section 219 covenant be placed on title prohibiting water and sewer connection and human habitation of accessory structures on the property. Staff also recommend prior to adoption that the owner supply documentation that they have obtained a Provincial Public Highway Permit from MoTI for encroachments and public access.

Staff is recommending that the Definitions section in Bylaw No. 2000 be amended to include a definition for "TEMPORARY" and that the definition for "RECREATIONAL VEHICLE" be amended.

Staff is recommending that the Board give the proposed bylaw second reading as amended, forward the bylaw to Interior Health, and delegate a public hearing.

LIST NAME OF REPORTS / DOCUMENTS:

1. Maps: Location, Building Location Certificate, Orthophoto, Zoning	Attached to Board Report: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
2. Photos	Attached to Board Report: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
3. Rural Sicamous Land Use Amendment (Ridloch) Bylaw No. 2067, as amended	Attached to Board Report: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
4. Board Report First Reading dated September 17, 2016	Attached to Board Report: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>
5. Application	Attached to Board Report: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>

DESIRED OUTCOME:

That the Board endorse staff recommendations.

BOARD'S OPTIONS:

1. *Endorse recommendations. Bylaw No. 2067 will be given second reading, as amended and will be forwarded to Interior Health for comments and a public hearing will be delegated.*
2. *Decline second reading, as amended, Bylaw No. 2067 will be defeated.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

COMMUNICATIONS:

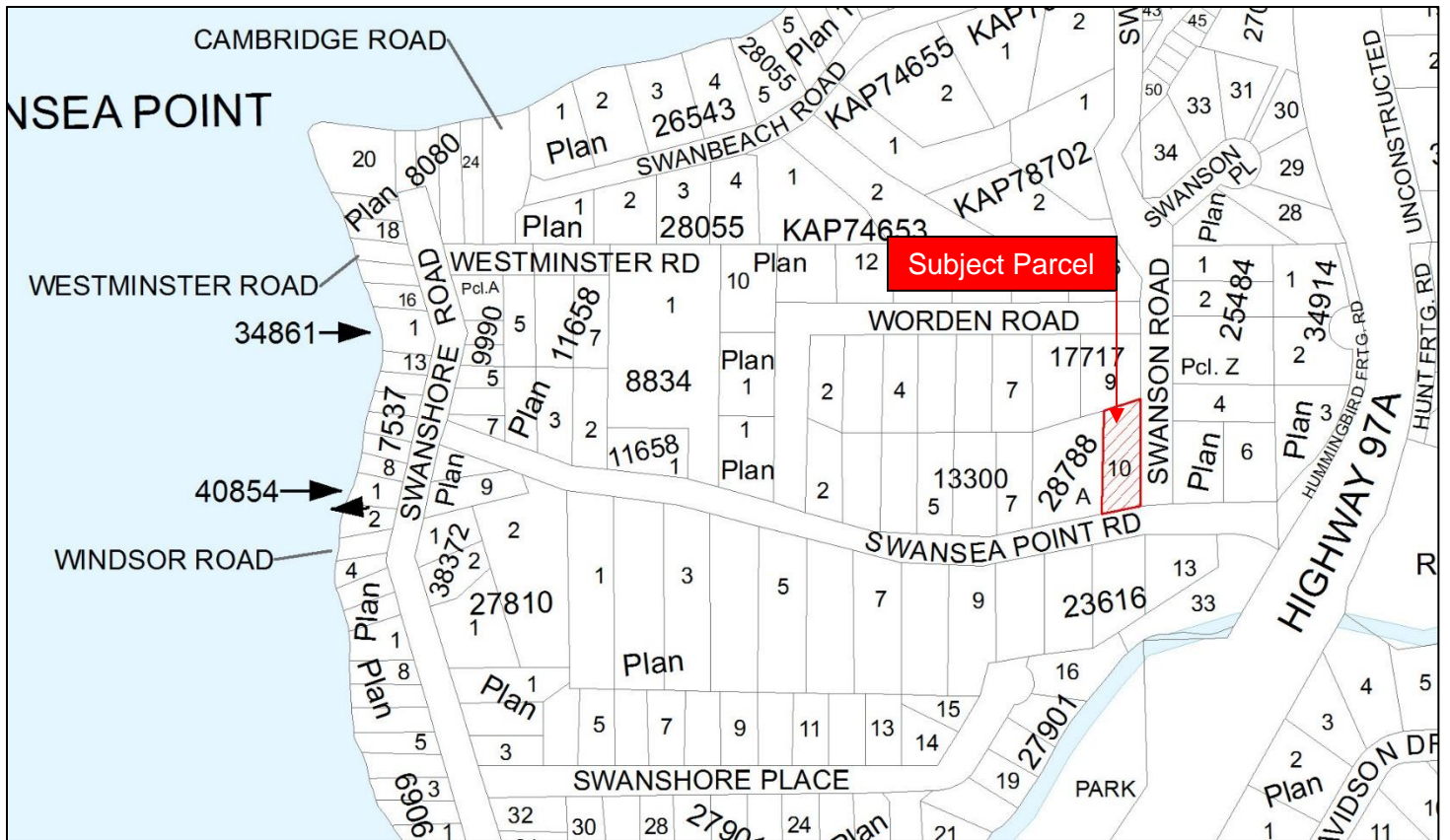
If the Board gives Bylaw No. 2067 second reading, as amended, and delegates a public hearing, staff will forward the bylaw to Interior Health for updated comments. Upon receipt of referral comments within the allotted 45 day time frame and once staff is in receipt of a septic assessment from the owners, staff will proceed with notification to adjacent property owners and advertising the public hearing as set out in the Local Government Act.

Referral Agency responses from first reading:

Interior Health	Did not support the application existing uses and proposed additional development. The existing sewerage system was designed and authorized for the one dwelling with additional accommodation in the bunkhouse. Therefore the use of an RV is not accounted for in any of the onsite sewerage system designs. This parcel would pose a potential health risk due to lot size, cumulative effects of wastewater (high density development on small lots) location of onsite sewerage dispersal and the compliance with the standard of practice for onsite sewerage. Also indicated that the drywell should not be allowed since it is a non-compliant dispersal area.
Ministry of Forests, Lands and Natural Resource - Archaeology Branch	Indicated that the area within which this property is situated has the possibility for unknown/unrecorded archaeological sites to exist.
Ministry of Transportation and Infrastructure	Preliminary Approval granted subject to the land owner submitting a Provincial Public Highway Permit application for encroachments for the deck and for public access to a public road
CSRD Operations Management	Utilities has concerns that the onsite sewer system was not designed for the proposed use and could cause premature failure of the system. The water system having 3 connections from a single well may be considered a community water system by IHA and be subject to additional requirements.
CSRD Financial Services	Interests unaffected
School District #83	No response
Adams Lake Indian Band	No response
Little Shuswap Indian Band	No response
Lower Similkameen Indian Band	No response
Neskonlith Indian Band	No response
Okanagan Indian Band	No response
Okanagan Nation Alliance	No response
Penticton Indian Band	No response
Shuswap Indian Band	No response
Splats'in First Nation	No response

REVIEWED BY:	Date Signed Off (MO/DD/YR)	Approval Signature of Reviewing Manager or Team Leader
Team Leader, Development Services		
Manager, Development Services		

Location



Building Location Certificate

BROWNE JOHNSON LAND SURVEYORS*

BRITISH COLUMBIA AND CANADA LANDS

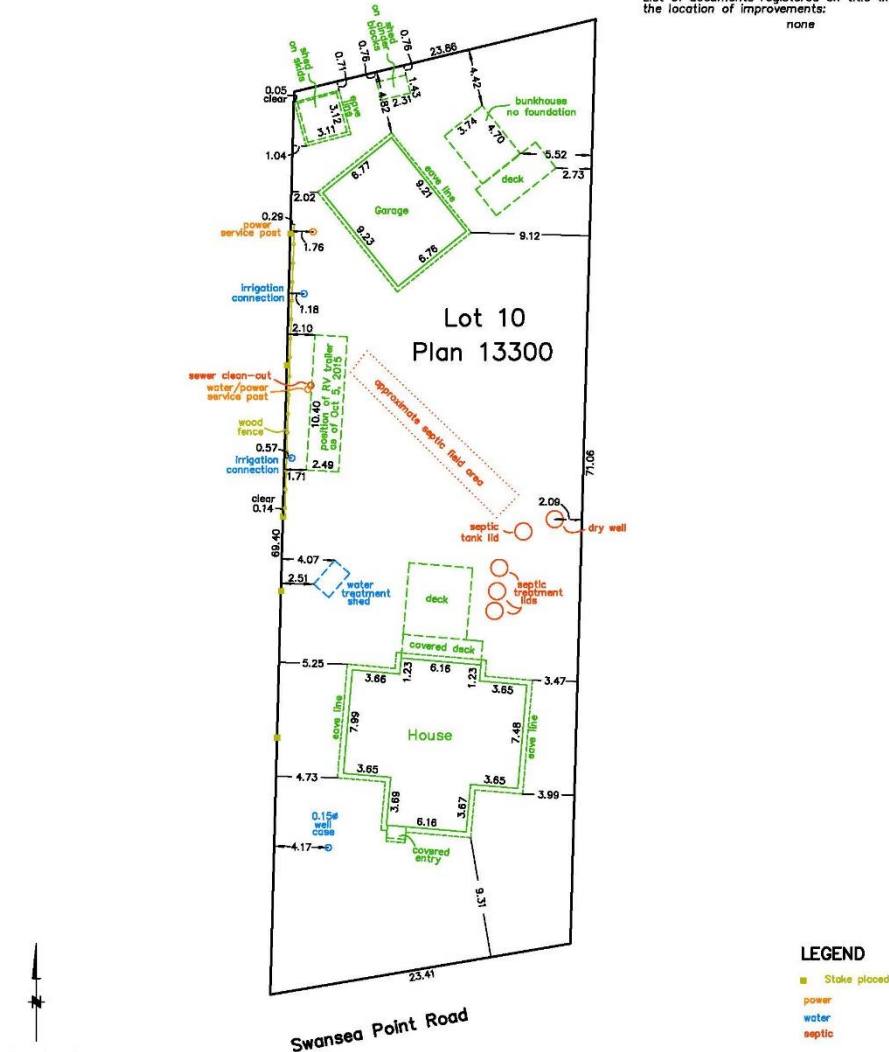
Box 362, Salmon Arm, B.C. V1E 4N5 (250)832-9701

BC LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE

To: Don & Beverly Riddoch,
303- 405 32 Avenue NW,
Calgary, Alberta
T2M 4V2
Your File:

Re: Lot 10, Section 11, Township 21,
Range 8, W6M, KDYD,
Plan 13300
Parcel Identifier(PID): 003-173-038
Civic Address: 643 Swansea Point Road, Swansea Point

List of documents registered on title which may affect
the location of improvements:
none



Scale 1:300

25 0 25

All distances are in metres.

Dimensions derived from field measurements.

Offsets from property line to building are measured from the siding.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

This plan was prepared for inspection purposes and is for the exclusive use of our client. This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

This building location certificate has been prepared in accordance with the Professional Reference Manual and is certified correct this 5th day of October, 2015.

BCLS

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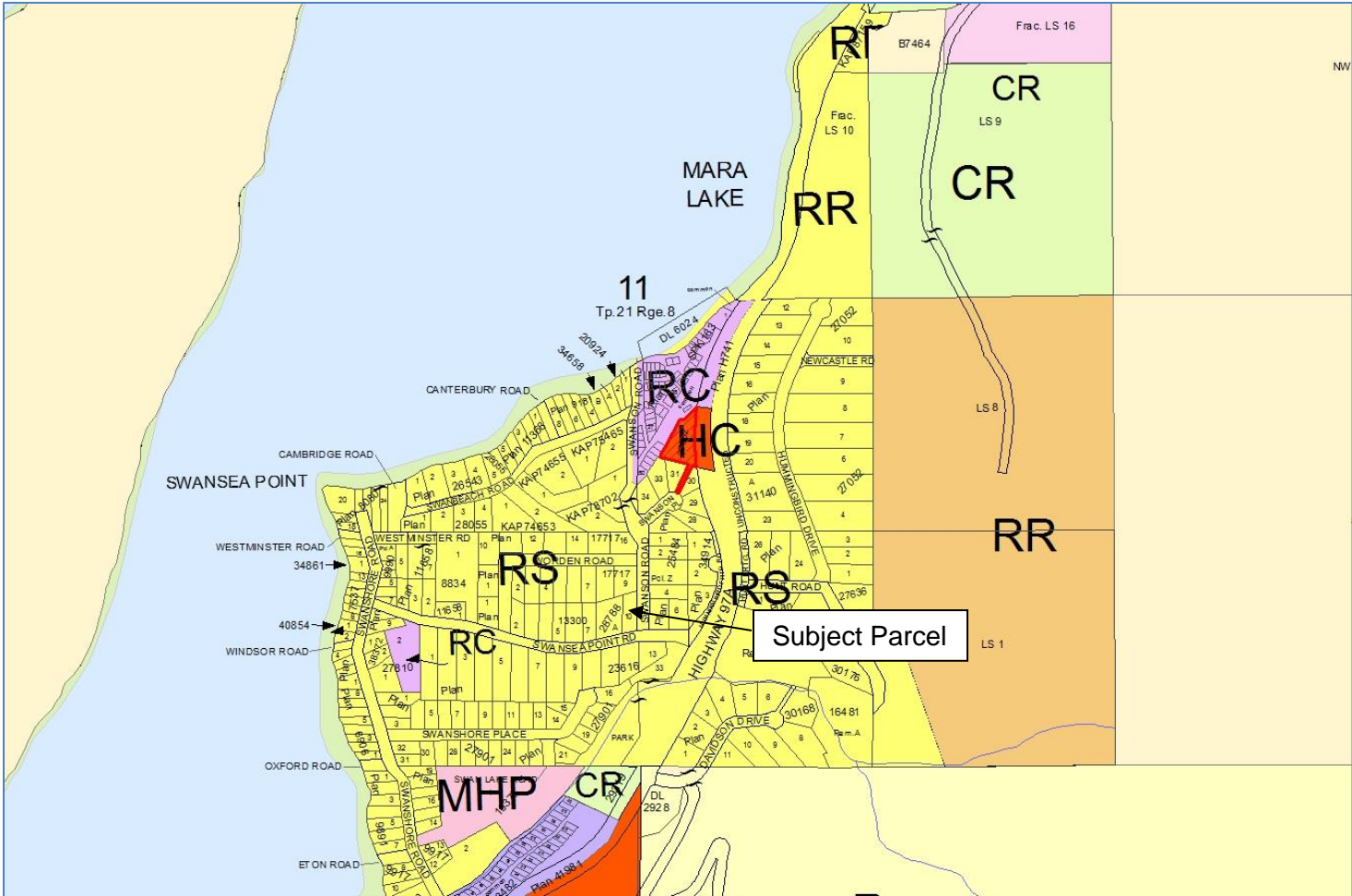
**THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED.**

Our File: 383-15 Fb: 383-15.raw

Orthophoto



Current Zoning



Photos



Single Family Dwelling from Swansea Point Road



Single Family Dwelling and RV (far right)



Bunkhouse/proposed cottage



Garage