



# BOARD REPORT

**TO:** Chair and Directors

**File No:** BL2133  
PL20150194

**SUBJECT:** Electoral Area D: Rancho/Deep Creek Land Use Amendment (Linda Parker) Bylaw No. 2133

**DESCRIPTION:** Report from Dan Passmore, Senior Planner, dated January 26, 2018. 5192 Highway 97B, Rancho

**RECOMMENDATION:** THAT: a public hearing to hear representations on "Rancho/Deep Creek Land Use Amendment (Linda Parker) Bylaw No. 2133" 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 Rene Talbot, as Director of Electoral Area D being that in which the land concerned is located, or Alternate Director Joy de Vos, if Director Talbot 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 property that is the subject of this rezoning application is located at 5192 Highway 97B in the Rancho area of Electoral Area 'D'. The original proposal was for a text amendment to the CR – Country Residential Zone that would add a new permitted use, specific to the subject property, to permit three (3) single family dwellings to remain on the subject property.

The applicant has amended the proposal so that only two (2) single family dwellings would be permitted. The application was amended after first reading of the bylaw to reflect staff concerns in the first reading report regarding site servicing issues.

The Board gave Bylaw No. 2133 second reading, July 20, 2017 but declined delegation of a Public Hearing, instead giving the applicant a deadline to provide additional documentation. The owner has since committed to construction of sewerage system improvements, and has provided a hydrogeological assessment of the groundwater well drinking water source on the property. Staff have reviewed the report and advise that it is now appropriate for the Board to consider delegating a Public Hearing.

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**VOTING:** Unweighted  LGA Part 14  Weighted  Stakeholder   
Corporate (Unweighted) Corporate (*Weighted*)

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**BACKGROUND:**

See attached "2016-04-14\_Board\_DS\_BL2133\_Parker-Wood.pdf".

**POLICY:**

See attached "2016-04-14\_Board\_DS\_BL2133\_Parker-Wood.pdf".

**FINANCIAL:**

The rezoning is the result of a bylaw enforcement action. If the Board does not adopt the proposed amending bylaw, and the owner does not bring the property into compliance by removing the two additional single family dwellings, and which are currently occupied, 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:**

See attached "2017-07-20\_Board\_DS\_BL2133\_Parker-Wood.pdf", "2016-04-14\_Board\_DS\_BL2133\_Parker-Wood.pdf", and "2017-11-16\_Board\_DS\_BL2133\_Parker.pdf".

**Update**

The applicant has provided the attached "Hydrogeological Assessment in Support of Rezoning at 5192 Hwy 97B SE, Salmon Arm, BC.", from Marta Green, P.Geo., Senior Hydrogeologist of Associated Environmental Consultants Inc. The report concludes that the shallow well located on the subject property is capable of supplying sufficient quantity (2,275 l/day per dwelling) of potable water for 2 homes, with negligible impact on neighbouring properties wells.

Water quality sampled from the well was found to exceed Drinking Water Guidelines in a couple of areas. The report recommended some treatment options. The report would form the basis for the owner to contact a treatment specialist to recommend a system which would deal with the water quality issues.

**SUMMARY:**

The applicant has fulfilled the requirements of the Board and it is now appropriate for the Board to consider delegating a Public Hearing.

**IMPLEMENTATION:**

Implementation steps related to the delegation of the Public Hearing are as outlined in previous Board Reports attached "2017-07-20\_Board\_DS\_BL2133\_Parker-Wood.pdf", "2016-04-14\_Board\_DS\_BL2133\_Parker-Wood.pdf", and "2017-11-16\_Board\_DS\_BL2133\_Parker.pdf".

**COMMUNICATIONS:**

If the Board delegates a Public Hearing, staff will set a date for the Public Hearing and proceed with notification of property owners within 100 m of the subject property and publication of newspaper notices in accordance with the Local Government Act.

**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. Rancho/Deep Creek Official Community Plan Bylaw No. 750
2. Rancho/Deep Creek Rural Land Use Bylaw No. 2100
3. Site visit photos (various dates)

**Report Approval Details**

Document Title:	2018-02-15_Board_DS_BL2133_Parker-Wood.docx
Attachments:	<ul style="list-style-type: none"><li>- 2017-11-16_Board_DS_BL2133_Parker-Wood.pdf</li><li>- 2017-07-20_Board_DS_BL2133_Parker-Wood.pdf</li><li>- BL2133_Second_amended.pdf</li><li>- 2016-04-14_Board_DS_BL2133_Parker-Wood.pdf</li><li>- BL2133_First.pdf</li><li>- Septic_Report_2017-05-06_BL2133.pdf</li><li>- Hydrogeologist_Report_2018-01-24_BL2133.pdf</li><li>- Agency_Referral_Responses_BL2133.pdf</li></ul>
Final Approval Date:	Feb 1, 2018

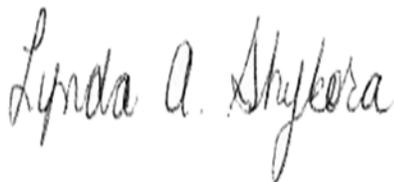
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Jan 31, 2018 - 2:15 PM**



**Gerald Christie - Feb 1, 2018 - 8:45 AM**



**Lynda Shykora - Feb 1, 2018 - 3:17 PM**



**Charles Hamilton - Feb 1, 2018 - 3:55 PM**