



BOARD REPORT

TO: Chair and Directors

File No: BL 751-1
PL20150194

SUBJECT: Electoral Area D: Ranchero/Deep Creek Zoning Amendment (Linda Parker) Bylaw No. 751-1

DESCRIPTION: Report from Dan Passmore, Senior Planner, dated July 19, 2018. 5192 Highway 97B, Ranchero.

RECOMMENDATION THAT: "Ranchero/Deep Creek Zoning Amendment (Linda Parker) Bylaw No. 751-1", be read a third time this 16th day of August, 2018.

SHORT SUMMARY:

The property that is the subject of this rezoning application is located at 5192 Highway 97B in the Ranchero area of Electoral Area 'D'. The original proposal was for a text amendment to the CR – Country Residential Zone of the Ranchero/Deep Creek Land Use Bylaw No. 2000, which 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 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 and delegated a Public Hearing, at the February 15, 2018 regular meeting. At the same meeting the Board gave third reading to Ranchero/Deep Creek Zoning Bylaw No. 751. As it was unlikely that staff would be able to schedule a Public Hearing for Bylaw No. 2133 and process the rezoning amendment bylaw further, before Bylaw No. 2000 was repealed through the adoption of Bylaw No. 751, staff did not schedule the Public Hearing, and instead proposed to amend Bylaw No. 751.

The owner has committed to construction of sewerage system improvements, (see 2017-10-23_letter_BL2133.pdf), and has provided a hydrogeological assessment of the groundwater well drinking water source on the property (see Hydrogeologist_Report_2018-01-24_BL2133.pdf), a septic report (see Septic_Report_2017-05-06_BL2133.pdf), Interior Health Authority (IH) filing (see 5192_Hwy_97B_IHA-Filing_BL2133.pdf), and a new amended filing for a new on-site sewage disposal system to design around a previously undiscovered well in proximity (see Amended_Septic_Design_2018-03-27_BL750-1.pdf).

The Board gave Bylaw No. 751-01 first and second readings and delegated a Public Hearing at the May 17, 2018 regular meeting. The Public Hearing was held Tuesday July 17, 2018 in the CSR D Boardroom. It is now appropriate to consider public input received and consider the bylaw for third reading.

VOTING:

Unweighted
Corporate

☐

LGA Part 14
(Unweighted)

☒

Weighted
Corporate

☐

Stakeholder
(Weighted)

☐

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", "2017-11-16_Board_DS_BL2133_Parker.pdf", "2018-02-15_Board_DS_BL2133_Parker-Wood.pdf", and "2018-05-17_Board_DS_BL751-1_Parker-Wood.pdf".

SUMMARY:

Staff are recommending that the Board consider public input and give the bylaw third reading.

IMPLEMENTATION:

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 for zoning amendments when the notice of development sign was posted on the property. Staff forwarded the bylaw and staff report to referral agencies for review and comment, a summary of the responses has been provided in previous reports to the Board.

Public Hearing

The delegated Public Hearing for the proposed bylaws was held Tuesday July 17, 2018, at the CSRD Boardroom in Salmon Arm. Two members of the public attended, of which the applicant spoke in favour of the Bylaw and a neighbour who spoke in opposition to the Bylaw. Please see the attached Public Hearing Notes for details about public input (See "Public_Hearing_Notes_2018-07-17_BL751-01.pdf", attached.)

No correspondence was received in regard to the Bylaw.

COMMUNICATIONS:

Staff notified adjacent property owners, advertised and held the Public Hearing in accordance with the Local Government Act. If the Bylaw is given third reading, staff will forward the bylaw to the Ministry of Transportation and Infrastructure (MoT) for approval. If approved by MoT, the bylaw will be brought back to the Board at some future meeting for consideration of adoption.

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. Ranchero/Deep Creek Official Community Plan Bylaw No. 750
2. Ranchero/Deep Creek Zoning Bylaw No. 751
3. Site visit photos (various dates)

Report Approval Details

Document Title:	2018-08-16_Board_DS_BL751-01_Parker.docx
Attachments:	<ul style="list-style-type: none">- BL751-1_Third.pdf- 2016-04-14_Board_DS_BL2133_Parker-Wood.pdf- 2017-07-20_Board_DS_BL2133_Parker-Wood.pdf- 2017-11-16_Board_DS_BL2133_Parker-Wood.pdf- 2018-02-15_Board_DS_BL2133_Parker-Wood.pdf- 2018-05-17_Board_DS_BL751-1_Parker-Wood.pdf- Public_hearing_notes_2018-07-17_BL751-01.pdf- Hydrogeologist_Report_2018-01-24_BL2133.pdf- Amended_Septic_Design_2018-03-27_BL750-1.pdf- 2017-10-23_letter_BL2133.pdf- 5192_Hwy_97B_IHA-Filing_BL2133.pdf
Final Approval Date:	Jul 27, 2018

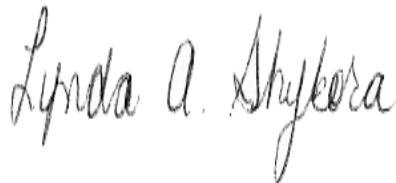
This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Corey Paiement was completed by workflow administrator Tommy Test

Corey Paiement - Jul 24, 2018 - 9:05 AM



Gerald Christie - Jul 26, 2018 - 4:35 PM



Lynda Shykora - Jul 27, 2018 - 11:00 AM



Charles Hamilton - Jul 27, 2018 - 11:07 AM