

**BOARD REPORT**

TO: Chair and Directors

FROM: Dan Passmore
Senior Planner

SUBJECT: Ranchero/Deep Creek Land Use Amendment (Linda Parker)
Bylaw No. 2133

File No: BL 2133

Date: March 23, 2016

RECOMMENDATION #1: THAT:
"Ranchero/Deep Creek Land Use Amendment (Linda Parker) Bylaw No. 2133", be read a first time this 14th day of April, 2016;

AND THAT:
the Board utilize the simple consultation process for Bylaw No. 2133, and it be referred to the following agencies and First Nations:

- Area 'D' Advisory Planning Commission;
- Ministry of Transportation and Infrastructure;
- Interior Health Authority;
- City of Salmon Arm;
- CSRD Operations Management;
- School District #83; and
- All relevant First Nations Bands and Councils.

APPROVED for Board Consideration:

Meeting Date: April 14, 2016

Charles Hamilton
Charles Hamilton, CAO

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 proposal is 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.

VOTING: Unweighted Corporate ☐ Weighted Corporate ☐ Stakeholder (Weighted) ☐

LGA Part 14 ☒
(Unweighted)

BACKGROUND:

APPLICANT: William J. Wood

OWNER: Linda E. Parker

ELECTORAL AREA: 'D' (Ranchero)
CIVIC ADDRESS: 5192 Highway 97B
LEGAL DESCRIPTION: Lot 2, Section 32, Township 19, Range 9, W6M, KDYD, Plan 34453
SIZE OF PROPERTY: 0.99 ac.
SURROUNDING LAND
USE PATTERN:
NORTH: Highway 97B/Gardiner Road (unconstructed)/Rural Residential
SOUTH: Rural Residential/Agricultural
EAST: Highway 97B/Rural Residential
WEST: Gardiner Lake/Agricultural/Canoe Creek Golf Course
OCP DESIGNATION: RR Rural Residential
CURRENT ZONING: CR – Country Residential
CURRENT USE: 3 single family dwellings
PROPOSED USE: 3 single family dwellings

POLICY:**Ranchero/Deep Creek Official Community Plan Bylaw No. 750****Community Values**

The OCP Section 1.4 outlines Community Values which were incorporated into the various policies within the OCP, and include the following;

2. Identification and protection of watersheds and aquifers from degradation, inappropriate development and pollution to ensure a continued safe water supply;
3. Recognition that the sustainable development of the Plan Area must be linked to groundwater quality and quantity for all residents;
5. Recognition that a comprehensive approach to managing sewage is required;

Rural Residential Lands

The OCP Section 3.6 outlines Rural Residential Objectives and Policies. Objectives in respect of this area are as follows:

3. Support development that is compatible with the Community Values (Section 1.4) and Development Criteria (Section 3.1).
4. Encourage affordable and subsidized housing opportunities.

Policies in respect of this area are as follows;

3. Lands within the Rural Residential designation shall have a minimum permitted parcel size of at least 1 ha (2.47 ac). New residential development in the Rural Residential designation

shall be permitted at a maximum density of 1 dwelling unit per ha (2.47 ac) with adequate water and sewer services that meets Provincial regulations.

5. In the Ranchero and Shaw Road areas (shown on schedule 'E'), higher density residential uses may only be considered to provide affordable market housing and subsidized housing. These units include, but are not limited to: duplexes, triplexes, four-plexes, townhouses and manufactured home parks. Higher densities will not be considered for units other than affordable housing.

These affordable housing developments will be small scale and the maximum density will not exceed 15 dwelling units per ha (6 dwelling units per acre) with adequate water and sewer services that meet current Ministry of Environment Municipal Sewage Regulation Requirements. The above density is inclusive of secondary suites. Further details are to be established in the zoning bylaw.

7. Prior to supporting any OCP redesignation or rezoning that will increase water use on a property, the CSRD may require a hydro-geological impact review and assessment on the quantity and quality of water resources as specified in the CSRD Development Approval Information Bylaw. A qualified professional engineer or geoscientist with proven knowledge and experience in groundwater management must provide a written statement, through a hydro-geological impact assessment, verifying the long term reliability of the water supply for the proposed development. The assessment must also verify that there will be no significant negative impacts on other water supplies and properties.
9. One dwelling unit shall be permitted per lot and one secondary dwelling unit may be considered subject to zoning and parcel size. The size of the parcel and size of the secondary dwelling unit will be subject to zoning restrictions. The secondary dwelling unit shall be subject to special provisions, including:
 - (a) setbacks from buildings and property lines, and;
 - (b) the provision of required parking and access;
 - (c) the provision of adequate servicing that meets Provincial water and sewer regulations.

Ranchero/Deep Creek Land Use Bylaw No. 2100

Current Zone: CR – Country Residential Zone

Permitted uses:

- single family dwelling;
- public use;
- home occupation;
- accessory use.

Please note, only one single family dwelling is currently permitted per parcel.

Proposed Zoning Amendment: CR– Country Residential Zone

The proposed amendment will involve adding a new permitted use to Section 2.8.1 as follows:

- .5 three (3) single family dwellings, permitted only on Lot 2, Section 32, Township 19, Range 9, W6M, KDYD, Plan 34453.

The proposed amendment will also amend the regulations section 2.8.2 to reflect the new permitted use in 2.8.1

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 additional single family dwellings, 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:

Sewage Disposal

The subject property is currently serviced by some form of existing on-site septic sewage disposal system, although the current owners are not aware if it has been approved by Interior Health Authority (IHA). The new owners have never applied to IHA to expand on the existing system or install new system(s) to support the desired additional dwelling units. From this information, it is clear that the septic system has not been approved for multiple dwelling units, or even if there are more than the one approved septic system on the property.

OCP Bylaw No. 750 requires new residential development in the RR Rural Residential designation to have a density of 1 dwelling unit per hectare with adequate water and sewer services that meet Provincial guidelines.

Water Supply

Water is from an on-site groundwater well. The IHA has adopted a policy whereby property owners seeking to supply drinking water to as many as 2 single family dwellings on a property, do not have to obtain approval for a drinking water system. 3 dwelling units on a given property would require the owner to obtain a license to operate a community water system from the IHA. The owner does not have such a license from IHA.

Access

Access to Highway 97B is existing, in the location of the unconstructed Gardiner Road.

Existing Site Development

The previous owner had constructed a two family dwelling on the property and had added what he had described as a small dwelling unit for a physically challenged relative. In a previous bylaw enforcement action, staff had discussed the situation with the new owner, who had decided to voluntarily comply with Zoning Bylaw requirements by decommissioning 2 of the dwelling units.

Since this time, the owner has recommissioned the dwelling units and they are currently occupied on the property.

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 for the zoning amendment when a notice of development sign is posted on the subject property in accordance with Development Services Procedures Bylaw No. 4001. Staff will advise the applicant of the requirement for the sign after the Board has considered the bylaw for first reading.

Referral Process

The following list of referral agencies is recommended:

- Area 'D' Advisory Planning Commission;
- Ministry of Transportation and Infrastructure;
- Interior Health Authority;
- City of Salmon Arm;
- CSRD Operations Management;
- School District #83; and
- All relevant First Nations Bands and Councils.

SUMMARY:

The applicant has applied to amend the CR – Country Residential Zone of Bylaw No. 2100, to add an additional permitted use which would be applicable to only the subject property to permit the existing three (3) single family dwellings to remain on the property.

Staff are recommending that the Board give the proposed amending bylaw first reading and forward the bylaw to referral agencies.

LIST NAME OF REPORTS / DOCUMENTS:

1. Maps: Location, Orthophotos, OCP, Zoning	Attached to Agenda Summary: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
2. Ranchero/Deep Creek Land Use Amendment (Linda Parker) Bylaw No. 2133	Attached to Agenda Summary: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
3. Photos	Attached to Agenda Summary: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
4. Application	Attached to Agenda Summary: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>

DESIRED OUTCOME:

That the Board endorse staff recommendation.

BOARD'S OPTIONS:

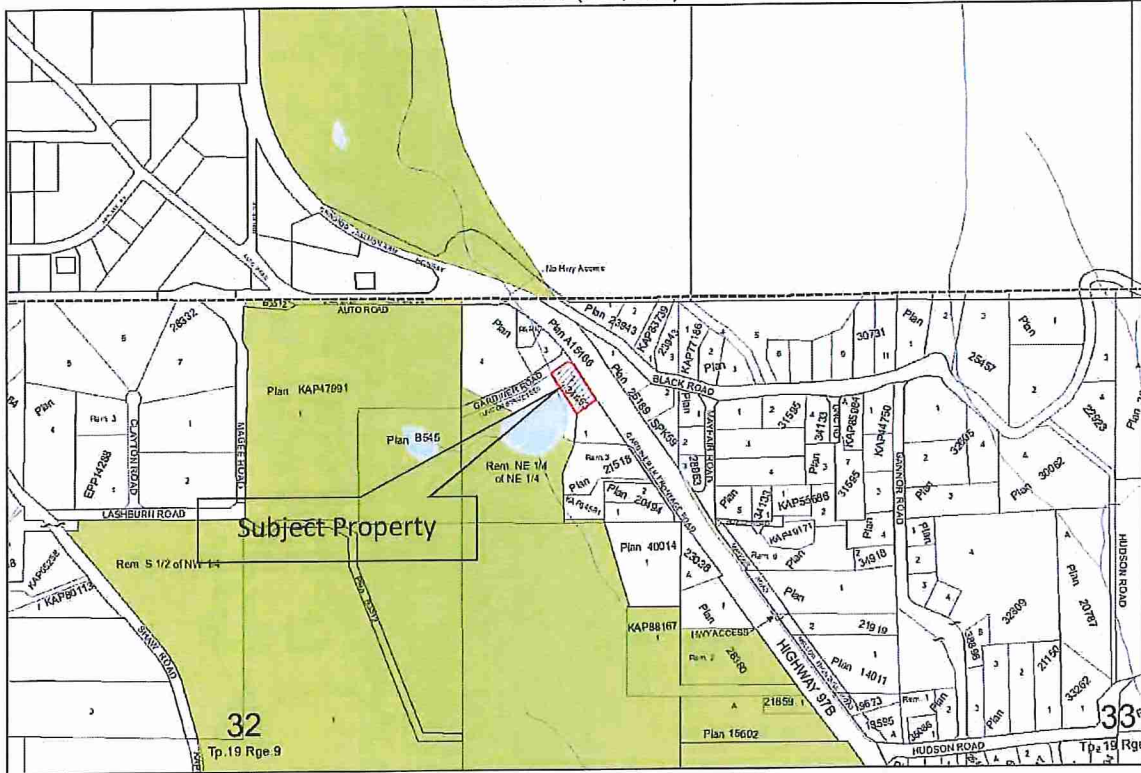
1. *Endorse recommendation. Bylaw No. 2133 will be given first reading and sent out to the referral agencies.*
2. *Decline first reading, Bylaw No. 2133 will be defeated.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

COMMUNICATIONS:

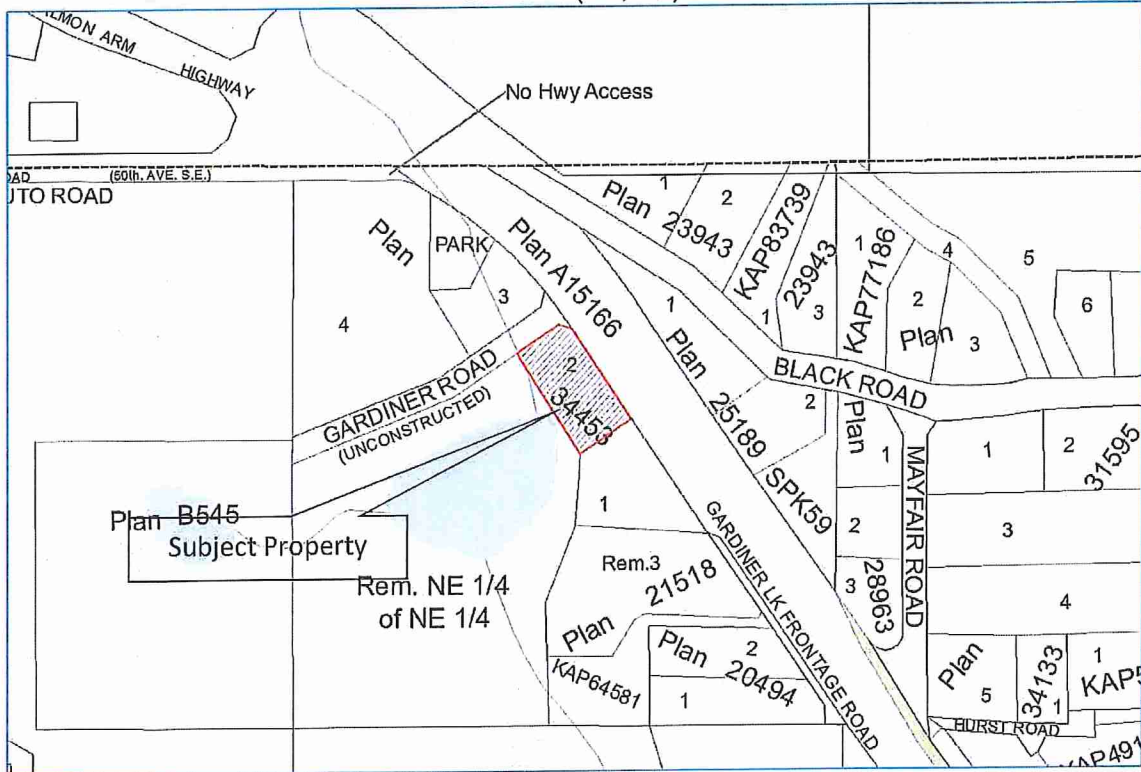
If the bylaw is given first reading it will be forwarded to the referral agencies. Agency comments will be provided with a future Board report.

REVIEWED BY:	Date Signed Off (MO/DD/YR)	Approval Signature of Reviewing Manager or Team Leader
Development Services	04/04/16	
Development Services	Mar. 29, 2016	S. Berger, Team Leader
Operations Management	Mar 30, 2016	
Financial Services	March 30/16	

Location (1:5,000)



Location (1:2,000)



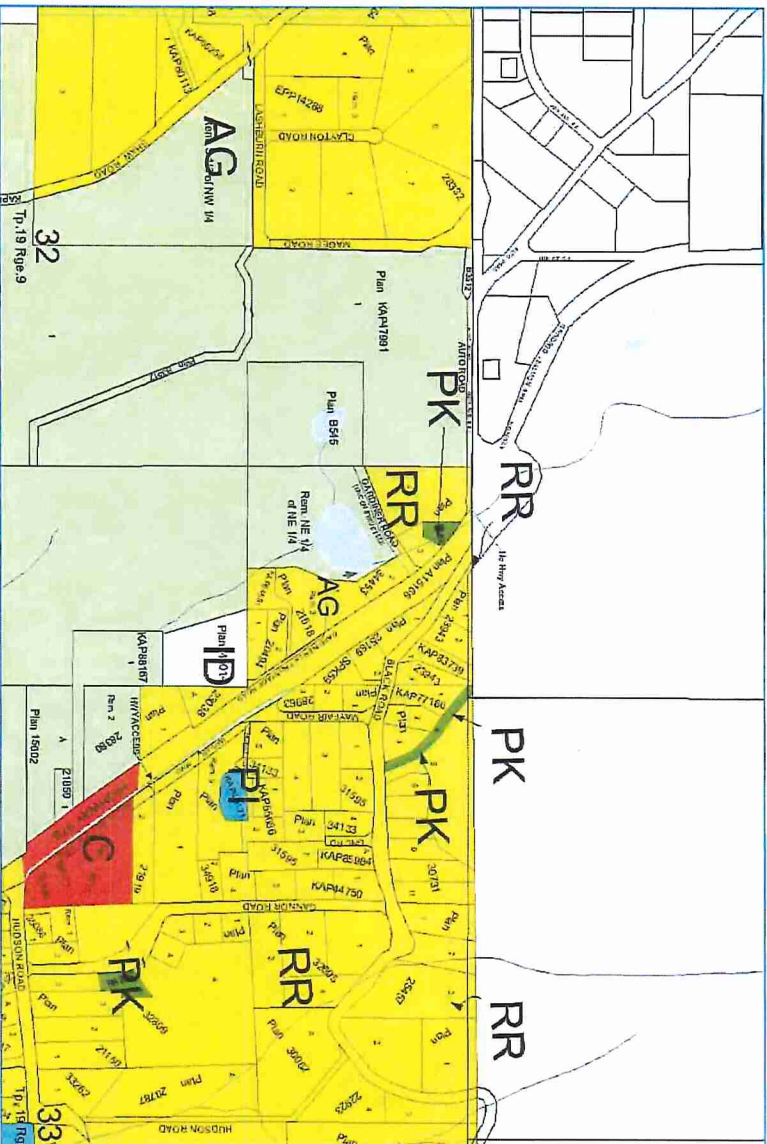
Orthophoto



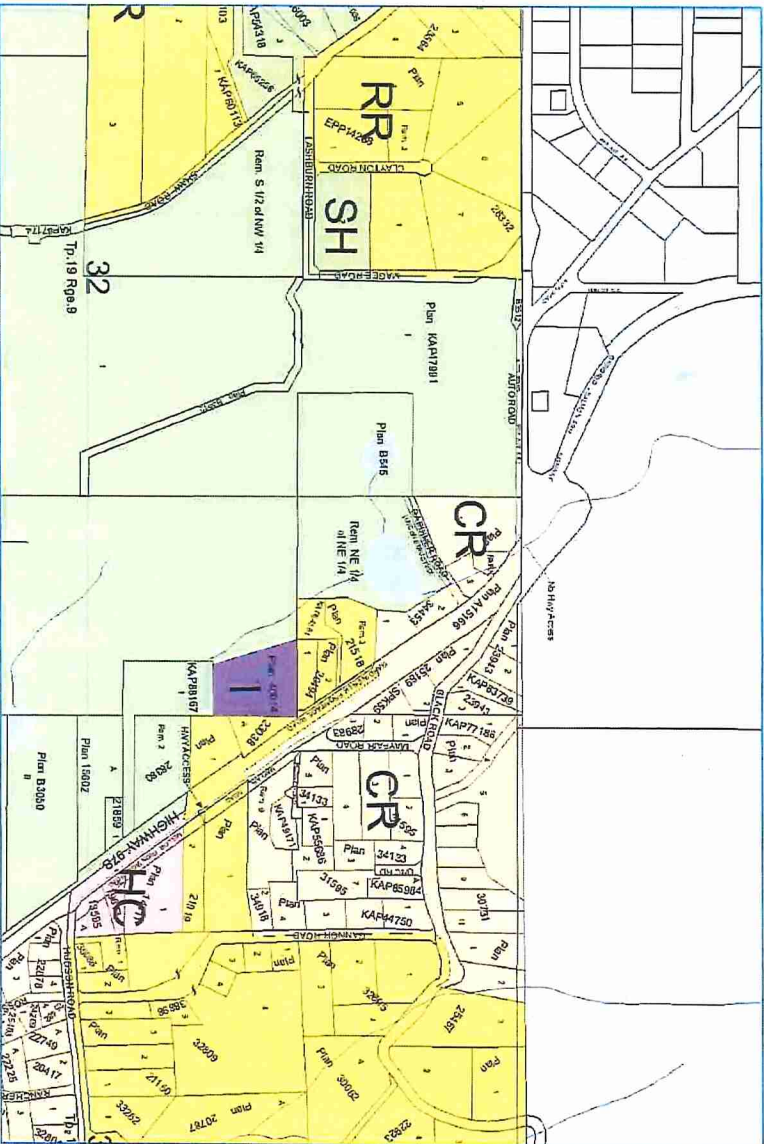
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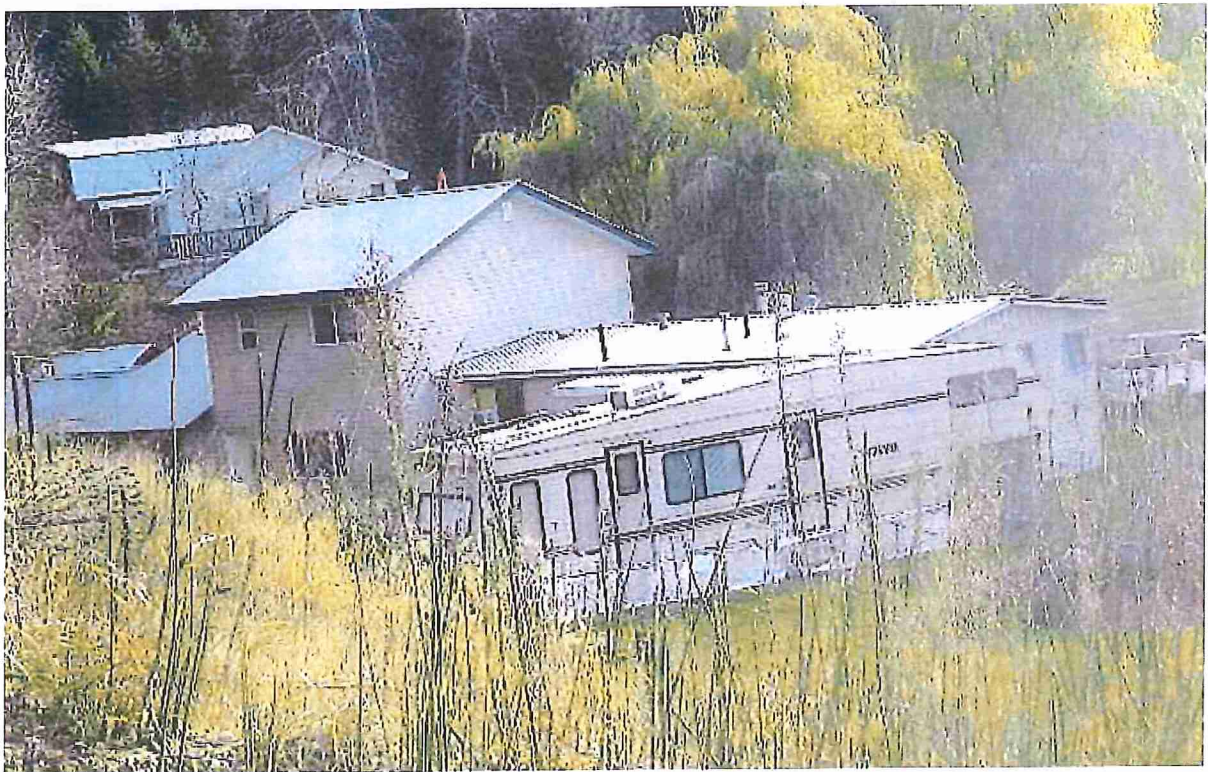
Current OCP



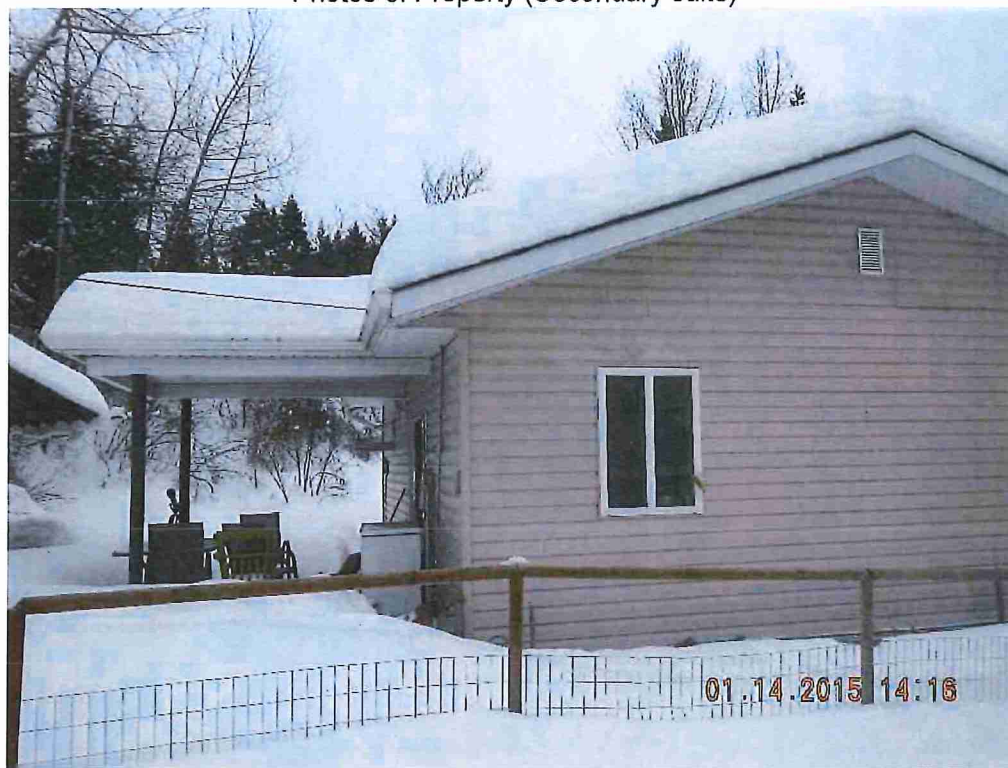
Current Zoning



Photos of Property (Duplex)



Photos of Property (Secondary suite)



Accessory Building



RV on site



COLUMBIA SHUSWAP REGIONAL DISTRICT

RANCHERO/DEEP CREEK LAND USE AMENDMENT (LINDA PARKER) BYLAW NO. 2133

A bylaw to amend the "Ranchero/Deep Creek Land Use Bylaw No. 2100"

WHEREAS the Board of the Columbia Shuswap Regional District adopted Bylaw No. 2100;

AND WHEREAS the Board deems it appropriate to amend Bylaw No. 2100;

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

1. "Ranchero/Deep Creek Land Use Bylaw No. 2100" is hereby amended as follows:

A. TEXT AMENDMENT

- i) Part II Land Use Regulations, Section 2.8 CR Country Residential zone, subsection 2.8.1 Permitted Uses, is hereby amended by adding the following use:

"5 three (3) single family dwellings, permitted only on Lot 2, Section 32, Township 19, Range 9, W6M, KDYD, Plan 34453."

- ii) Part II Land Use Regulations, Section 2.8 CR Country Residential zone, subsection 2.8.2 Regulations, subsection 2.8.2.1, Column II, is hereby amended by adding the following after "1 single family dwelling per parcel":

"except as noted in 2.8.1.5, above;"

2. This bylaw may be cited as "Ranchero/Deep Creek Land Use Amendment (Linda Parker) Bylaw No. 2133."

READ a first time this _____ day of _____, 2016.

READ a second time this _____ day of _____, 2016.

PUBLIC HEARING held this _____ day of _____, 2016.

READ a third time this _____ day of _____, 2016.

RECEIVED THE Approval of the Ministry of Transportation and Infrastructure this _____ day of _____, 2016

ADOPTED this _____ day of _____, 2016.

CORPORATE OFFICER

CHAIR

CERTIFIED true copy of Bylaw No. 2133
as read a third time.

CERTIFIED true copy of Bylaw No. 2133
as adopted.

Corporate Officer

Corporate Officer