



# BOARD REPORT

**TO:** Chair and Directors

<b>File No:</b> BL 751-1 PL20150194
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**SUBJECT:** Electoral Area D: Ranchero/Deep Creek Zoning Amendment (Linda Parker) Bylaw No. 751-1

**DESCRIPTION:** Report from Dan Passmore, Senior Planner, dated April 20, 2018. 5192 Highway 97B, Ranchero.

**RECOMMENDATION #1:** THAT: "Ranchero/Deep Creek Zoning Amendment (Linda Parker) Bylaw No. 751-1", be read a first time this 17<sup>th</sup> day of May, 2018.

**RECOMMENDATION #2:** THAT: "Ranchero/Deep Creek Zoning Amendment (Linda Parker) Bylaw No. 751-1", be read a second time this 17<sup>th</sup> day of May, 2018.

**RECOMMENDATION #3:** THAT: a public hearing to hear representations on "Ranchero/Deep Creek Zoning Amendment (Linda Parker) Bylaw No. 751-1" 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 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, 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 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a Public Hearing for Bylaw No. 2133 and process the rezoning amendment bylaw further, before Bylaw No. 2000 was repealed through the adoption of Bylaw No. 751, staff did not schedule the Public Hearing, and is instead proposing to amend Bylaw No. 751.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).

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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 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", and "2018-02-15\_Board\_DS\_BL2133\_Parker-Wood.pdf".

**Update**

Staff have updated the zoning amendment bylaw so that the amendment will be a special regulation included within the new RR1 zone. The special regulation seeks to allow 2 dwelling units on the property and to restrict secondary dwelling unit, bed and breakfast and childcare facility, in-home from the permitted secondary uses in the RR1 zone.

**SUMMARY:**

Staff are recommending that the Board review zoning amendment Bylaw No. 751-1 and give the bylaw first and second readings, and delegate the holding of a Public Hearing. Staff are recommending that the Board forego the usual referral process, as it has already been undertaken as part of Bylaw No. 2133. Doing so, will bring this new bylaw back to the same stage of processing as the previous bylaw.

**IMPLEMENTATION:**

If the Board gives Bylaw No. 751-1 first and second reading and 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.

**COMMUNICATIONS:**

If the Board gives Bylaw No. 751-1 first and second reading and 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.*

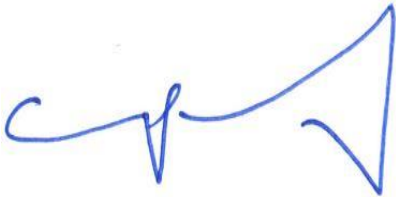
**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. 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:	2018-05-17_Board_DS_BL751-1_Parker-Wood.docx
Attachments:	<ul style="list-style-type: none"><li>- BL751-1_First_Second.pdf</li><li>- 2016-04-14_Board_DS_BL2133_Parker-Wood.pdf</li><li>- 2017-07-20_Board_DS_BL2133_Parker-Wood.pdf</li><li>- 2017-11-16_Board_DS_BL2133_Parker-Wood.pdf</li><li>- 2018-02-15_Board_DS_BL2133_Parker-Wood.pdf</li><li>- Agency_Referral_Responses_BL2133.pdf</li><li>- Hydrogeologist_Report_2018-01-24_BL2133.pdf</li><li>- Septic_Report_2017-05-06_BL2133.pdf</li><li>- Amended_Septic_Design_2018-03-27_BL750-1.pdf</li><li>- 2017-10-23_letter_BL2133.pdf</li></ul>
Final Approval Date:	May 4, 2018

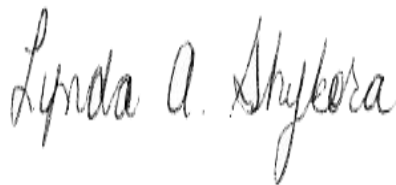
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - May 3, 2018 - 1:52 PM**



**Gerald Christie - May 4, 2018 - 10:28 AM**



**Lynda Shykora - May 4, 2018 - 10:56 AM**

A handwritten signature in black ink, appearing to read "C. Hamilton". The signature is fluid and cursive, with a large initial "C" and a stylized "H".

**Charles Hamilton - May 4, 2018 - 11:42 AM**