



BOARD REPORT

TO: Chair and Directors

File	DP725-133
No:	PL20180004

SUBJECT: Electoral Area C: Reconsideration of Development Permit No. 725-133

DESCRIPTION: Report from Jennifer Sham, Planner, dated July 31, 2018.
4990 Sunnybrae-Canoe Point Road, Sunnybrae

RECOMMENDATION: THAT: the Board concur with the Manager of Development Services' decision and refuse issuance of Development Permit No. 725-133 this 16th day of August, 2018.

SHORT SUMMARY:

The owners of 4990 Sunnybrae-Canoe Point Road, legally described as Parcel A (DD 148402F and Plan B6878) of the South East ¼ of Section 21 Township 21 Range 9 West of the 6th Meridian Kamloops Division Yale District, have applied to subdivide the subject property into 14 waterfront residential lots. As part of the subdivision process, a Riparian Area Regulation (RAR) Development Permit (DP) is required for development (including subdivision) within 30 m of Shuswap Lake. The Manager of Development Services refused issuance of Development Permit No. 725-133 (DP725-133) because the proposal is not supported by the Electoral Area C Official Community Plan Bylaw No. 725. The agent for DP725-133 is requesting the Board reconsider the decision by the Manager of Development Services.

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

See "Staff_Report_2018-07-16_DP725-133.pdf" attached.

POLICY (Excerpts):

Local Government Act

Part 14 – Planning and Land Use Management

Development permits: general authority

Section 490(5) If a local government delegates the power to issue a development permit under this section, the owner of land that is subject to the decision of the delegate is entitled to have the local government reconsider the matter.

Development Approval Information Bylaw No. 644

PART VI RECONSIDERATION PROCEDURE

17. An applicant may request reconsideration by the Board of a requirement or decision of the Manager under this bylaw by completing a Request for Reconsideration Form, as

illustrated in Schedule 'B', within 30 days of the date on which the requirement or decision is mailed, faxed, e-mailed or handed to the applicant.

18. The Request for Reconsideration Form must be filled out and delivered to the CSRD and must set out the grounds on which the applicant considers the requirement or decision is inappropriate and what, if any, requirement or decision the applicant considers the Manager ought to substitute.

19. Upon receipt of the completed Request for Reconsideration Form, the date and time of the meeting at which the reconsideration will occur will be set as the next regular Board meeting, scheduled 10 or more business days from the date on which the request for reconsideration was delivered to the CSRD.

20. The applicant's signature on the Request for Reconsideration Form, under Section 18 of this Bylaw, will acknowledge notification of the date and location of the meeting at which the reconsideration will be heard.

21. At a regular Board meeting, the Board may consider any presentations made by the applicant and may either confirm the requirement or decision or substitute its own requirement or decision.

Development Services Procedures Bylaw No. 4001

13.0 Reconsideration

13.1 An applicant is entitled to have the Board reconsider the following decisions or requirements of a Manager under this Bylaw:

13.1.1 A requirement imposed under section 6 in relation to Development Approval Information; and

13.1.2 A decision of the Manager regarding a development permit application or a flood plain exemption application.

13.2 An application for reconsideration must be delivered in writing to the Corporate Officer within 30 days of the decision of the Manager being communicated to the applicant setting out the grounds upon which the applicant considers the decision of the Manager to be inappropriate and what, if any, requirement or decision the applicant considers the Board ought to substitute.

13.3 The Corporate Officer must place each application for reconsideration on the agenda of a regular meeting of the Board of the CSRD. The Corporate Officer must notify the applicant and owners and tenants of property within 100 metres of the subject property of the date of the meeting at which reconsideration by the Board will occur.

13.4 At the meeting, the Board may hear from the applicant and any other person interested in the matter under reconsideration who wishes to be heard. The Board may either confirm the decision of the Manager, amend the decision of the Manager, or substitute its own requirement or decision.

Delegation Bylaw No. 5582, 2010

Delegation of Authority to Issue Development Permits

4. The power to issue technical development permits is delegated to the Manager of Development Services.

5. In accordance with section 920(12) of the Local Government Act, the owner of land that is subject to a decision of the Manager of Development Services is entitled to have the Board reconsider the matter.

Electoral Area C Official Community Plan (OCP) Bylaw No. 725 (Bylaw No. 725)

3.1 General Land Use Management

3.1.2.4 Outside the Village Centre and Secondary Settlement Areas, new residential development is generally discouraged unless co-located with an agricultural use. Strip commercial development between these development areas is not acceptable.

3.4 Residential

3.4.1.1 New residential development will be directed to the Village Centre and Secondary Settlement Areas identified on Schedules B and C. Outside these areas, residential development is discouraged unless co-located with an agricultural use.

3.4.1.2 Residential development is subject to the following land use designations, housing forms and maximum densities:

Land Use Designation	Housing Form	Maximum Density
Medium Density (MD)	Detached	5 units/ac (1 unit/0.2 ac) 12 units/ha (1 unit/0.08 ha)
	Semi-detached	8 units/ac (1 unit/0.13 ac) 20 units/ha (1 unit/0.05 ha)
	Townhouse	12 units/ac (1 unit/0.13 ac) 30 units/ha (1 unit/0.03 ha)
Neighbourhood Residential (NR)	Detached, Semi-detached	2 units per 1 acre (1 unit/0.2 ha)
Country Residential (CR)	Detached, Semi-detached	1 unit per 1 acre (0.4 ha)
Rural Residential (RR)	Detached, Semi-detached	1 unit per 2.5 acres (1 ha)
Rural Residential 2 (RR2)	Detached, Semi-detached	1 unit per 5 acres (2 ha)
Small Holdings (SH)	Detached, Semi-detached	1 unit per 10 acres (4 ha)
Medium Holdings (MH)	Detached, Semi-detached	1 unit per 20 acres (8 ha)
Large Holdings (LH)	Detached, Semi-detached	1 unit per 25 acres (10 ha)
Rural Holdings (RH)	Detached, Semi-detached	1 unit per 148 acres (60 ha)

3.4.1.3 Cluster forms of development are encouraged within the Sorrento Village Centre and Secondary Settlement Areas to reduce the amount of land affected by residential growth when the permitted number of units is clustered on part of the site, and the remaining area is protected in a natural state. Where cluster developments are located near natural features, such as waterbodies, the cluster development should be directed away from the natural features. Areas near the features should be protected common or public areas.

3.6 Waterfront Development

3.6.2.1 New waterfront development will only be supported if it:

- a) Is residential in nature;
- b) Has maximum densities of:
 - i. 1 unit / 1 ha (1 unit /2.47 ac) on the waterfront in Secondary Settlement Areas and the Sorrento Village Centre; or
 - ii. 1 unit / 2 ha (1 unit / 4.94 ac) in all other areas;
- c) Creates lots each with a minimum of 30 m of water frontage;
- d) Is located a minimum of 50 m away from the natural boundary of Shuswap Lake, White Lake and Little White Lake: Development Permit Areas may apply, see Section 12 of this plan; and
- e) Provides adequate moorage subject to the moorage policies in Section 3.7.

3.6.2.2 Development on waterfront parcels should be clustered to minimize impact on the landscape and preserve natural open space. Applications that do not include Section 219 covenants to prohibit additional subdivision, protect natural areas from further development and address other site specific considerations will not be supported.

See "Staff_Report_2018-07-16_DP725-133.pdf" attached.

FINANCIAL:

There are no financial implications to the CSRD with regard to this reconsideration application.

KEY ISSUES/CONCEPTS:

The agent applied for a RAR DP to support a 14 lot waterfront residential subdivision on the 11.92 ha property designated Industrial in Bylaw No. 725. The objective of the Industrial designation is to recognize existing industrial uses and support future opportunities for light industrial uses.

Bylaw No. 725 does not support:

- new waterfront industrial development;
- the proposed residential density because the maximum density for waterfront residential development (outside the primary or secondary settlement area) is 1 unit per 2 ha; or,
- new residential development outside of the primary or secondary settlement areas unless co-located with an agricultural use.

As the proposal is for a residential development on lands designated Industrial in OCP Bylaw No. 725, staff informed the agent that a DP for the development cannot be issued unless the proposed use and density is consistent with the OCP; therefore, an OCP bylaw amendment application is first required to be approved by the Board, that would then allow for the proposed residential use and subsequent DP issuance.

In an email dated July 6, 2018, the agent confirmed that his client "will not be applying to re-designate the property from Industrial to Residential." On July 18, 2018, Gerald Christie, Manager of Development Services, refused issuance of DP725-133. The owners and agent for DP725-133 were informed of the decision on July 19, 2018. On July 23, 2018, staff received an email from Dave Cunliffe (agent) that included the request to the CSRD Board to reconsider the decision of the Manager of Development Services. See "CSRD_letter_2018-07-19_DP725-133.pdf" and "Reconsideration_Request_DP725-133.pdf" attached. Staff do not agree with any of the agent's reasons noted in their letter for reconsideration that would change the opinion of staff on this matter. Staff recommend that the Board deny issuance of DP725-133.

SUMMARY:

Staff is recommending that the Board concur with the Manager of Development Services' decision to deny issuance of DP725-133 for the following reasons:

- the RAR DP application is for works associated with the creation of 14 waterfront residential lots on a property designated Industrial in Bylaw No. 725 – this industrial designation does not support waterfront industrial or residential development;
- Bylaw No. 725 residential policies and densities do not support this proposal;
- the proposed residential use and density is not supported outside of the primary or secondary settlement areas; and,
- a DP cannot alter permitted uses or density, as being requested by the applicant.

IMPLEMENTATION:

If the Board refuses issuance of this Development Permit, the agent will be notified of the Board's decision. The owners have the option to apply to redesignate the property to allow issuance of the required Development Permit before proceeding with their development plans including subdivision.

COMMUNICATIONS:

As per Development Services Procedures Bylaw No. 4001, property owners within 100 m of the subject property were given notification a minimum of 10 days prior to the CSRD Board of Directors considering this application for reconsideration request.

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. Local Government Act
2. Electoral Area C Official Community Plan Bylaw No. 725
3. Development Approval Information Bylaw No. 644
4. Development Services Procedures Bylaw No. 4001
5. Delegation Bylaw No. 5582, 2010

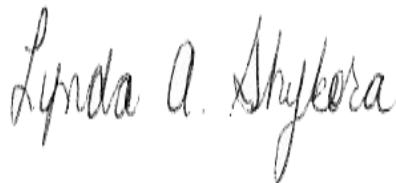
Report Approval Details

Document Title:	2018-08-16_Board_DS_DP725-133_HeraldsBayDevelopmentLtd.docx
Attachments:	<ul style="list-style-type: none">- Staff_Report_2018-07-16_DP725-133.pdf- DP725-133.pdf- CSRD_letter_2018-07-19_DP725-133.pdf- Reconsideration_Request_DP725-133.pdf
Final Approval Date:	Aug 3, 2018

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



Gerald Christie - Aug 2, 2018 - 11:24 AM



Lynda Shykora - Aug 3, 2018 - 11:49 AM



Charles Hamilton - Aug 3, 2018 - 11:56 AM