



# BOARD REPORT

**TO:**

Chair and Directors

**File No:** BL 825-39  
PL2018-135

**SUBJECT:**

Electoral Area F: Scotch Creek/Lee Creek Zoning Amendment (Yakashiro) Bylaw No. 825-39

**DESCRIPTION:**

Report from Dan Passmore, Senior Planner, dated August 22, 2018. #8, 1022 Scotch Creek Wharf Road, Scotch Creek.

**RECOMMENDATION #1:**

THAT: "Scotch Creek/Lee Creek Zoning Amendment (Yakashiro) Bylaw No. 825-39", be given first reading this 20<sup>th</sup> day of September, 2018.

**RECOMMENDATION #2:**

THAT: the Board utilize the simple consultation process for Bylaw No. 825-39, and the Bylaw be referred to the following agencies and First Nations Bands and Councils:

- Interior Health Authority;
- Ministry of Transportation and Infrastructure;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
- CSR D Operations Management; and,
- All relevant First Nations Bands and Councils.

**SHORT SUMMARY:**

The applicant is planning to rebuild a new single family dwelling on Strata Lot 8, Section 27, Township 22, Range 11, West of 6th Meridian, KDYD, Strata Plan K227. Unfortunately, the proposed building exceeds the parcel coverage for the R1 zone. The applicant is proposing a site specific amendment to the R1 zone to allow for a parcel coverage of 82.2%, as well as setback variances that will permit the proposed house to be constructed on the subject property.

**VOTING:**

Unweighted  
Corporate

☐

LGA Part 14  
(Unweighted)

☒

Weighted  
Corporate

☐

Stakeholder  
(Weighted)

☐**BACKGROUND:**

APPLICANT:  
Amanda Yakashiro

ELECTORAL AREA:  
F

**LEGAL DESCRIPTION:**

Strata Lot 8, Section 27, Township 22, Range 11, West of 6th Meridian, KDYD, Strata Plan K227

PID:  
002-562-120

CIVIC ADDRESS:  
8 – 1022 Scotch Creek Wharf Road

SURROUNDING LAND USE PATTERN:  
North = Residential  
South = Park/Shuswap Lake  
East = Residential  
West = Residential

CURRENT USE:  
Shared Interest Ownership RV Park

PARCEL SIZE:  
1.76 ha (4.35 ac)

DESIGNATION:  
Electoral Area F Official Community Plan Bylaw No. 830  
NR Neighbourhood Residential, Scotch Creek Primary Settlement Area

ZONE:  
Scotch Creek/Lee Creek Zoning Bylaw No. 825  
Residential 1 (R1)

PROPOSED ZONE:  
Residential 1 (R1) - Special Regulation

**POLICY:**

See attached "Policy\_BL825-39.pdf".

**FINANCIAL:**

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

**KEY ISSUES/CONCEPTS:**

**Anchor Bay Strata KAS227**

The original strata plan K227 was deposited in the Land Title Office in July, 1978. The plan shows Lot 8 has an area of 112 m<sup>2</sup>. The plan of subdivision was modified in November, 2008 to include areas of Limited Common Property (LCP) consisting of a 2.6 m wide strip around each of the 10 lots defined in the original plan. Lot 8 had the full 2.6 m of LCP described in the amending plan added onto all sides.

Cabins were constructed on each of the strata lots. A survey plan of the development shows that the lot lines established in the original plan of strata subdivision appeared to coincide with the walls of

existing cabins. The addition of the 2.6 m LCP strip around each of the lots in the strata plan appears to have been an attempt to reconcile the fact that eaves on all the cabins extended over lot lines.

In the case of Lot 8, a fishing cabin was constructed in the 1950's which had a building footprint of 91.99 m<sup>2</sup> with a roofed deck on the front of the cabin and a large deck attached at ground level to the southeast side of the cabin. The deck extended out over the east side property line. A building location plan provided by the applicant shows that the cabin's east side encroached onto the common property to the east by a small amount (0.258 m<sup>2</sup> or 2.78 ft<sup>2</sup>), not including the roof eaves. The ground floor deck also encroaches into the common property. In all other respects the cabin and roofed deck on Lot 8 fit fully onto the strata lot.

### **The Re-Development Proposal**

The applicants would like to demolish the existing cabin and construct a new single family dwelling. The new building would be a 2 storey structure consisting of a total of 1,642 ft<sup>2</sup> with 856 ft<sup>2</sup> on the main floor and 786 ft<sup>2</sup> on the second floor. The new single family dwelling would feature 2 bedrooms. A deck at or around ground level is also proposed.

The single family dwelling is proposed to be sited on the same foundation, with eaves overhanging the property lines into the LCP. The property is surrounded on all sides with the aforementioned 2.6 m strip of limited common property. Eave projections will be permitted in this area, as well as open deck, but the new single family dwelling will have to be re-constructed on Strata Lot 8 only.

The re-development proposal is similar to the Tash rezoning (BL No. 825-37) for Lot 1 within the strata, which was adopted by the Board earlier this year. The primary difference being that parcel coverage is slightly larger in this instance.

### **Sewer and Water Servicing**

Water is drawn from Shuswap Lake via a strata operated pumphouse and distributed to all of the lots in the strata. Similarly sewer is collected from the lots and treated in a strata operated septic sewage system. Documentation has been provided in respect of Bylaw No. 825-37 that permits are in place to operate the water and sewer systems.

### **Access**

Access to the strata lot is from existing internal strata roadways, accessed directly from Scotch Creek Wharf Road.

### **Covenant N38625**

Registered on title in 1978 as a requirement of the approval of the strata subdivision to require a 7.5 m floodplain setback from Shuswap Lake and a flood construction level of 351.0 m.

### **Groundwater Absorption Coefficient (GAC)**

For the Scotch Creek Primary Settlement Area, a policy regarding protection of water quality has been included. Policy 12.14 sets out the justification and criteria for calculating the GAC, in an effort to reduce impermeable surfaces in a given development to below 45%. This proposal with parcel coverage consisting of just the proposed building of 82.2% will exceed this.

While the GAC is currently a guideline for development, Policy 12.14 recommends that provision for GAC be included in the Zoning Bylaw to augment the parcel coverage regulations. Since this is an

amendment to increase the parcel coverage, the GAC is relevant to the proposed rezoning amendment, but only in terms of the re-development of Strata Lot 8. For the overall strata development if all 10 of the strata lots were to be built out to 100% parcel coverage, the overall parcel coverage would be 22.9% including a storage shed and a water pumphouse on the common property.

**SUMMARY:**

The applicant is planning to rebuild a new single family dwelling on Strata Lot 8, Section 27, Township 22, Range 11, West of 6th Meridian, KDYD, Strata Plan K227. Unfortunately, the proposed building exceeds the parcel coverage for the R1 zone. The applicant is proposing a site specific amendment to the R1 zone to allow for a parcel coverage of 82.2%, as well as setback relaxations that will permit the proposed house to be constructed on the subject property.

Staff are recommending that since the proposed rezoning complies with the OCP, the Bylaw be given first reading and staff be directed to begin the referral process.

**IMPLEMENTATION:**

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 zoning amendments when a notice of development sign is posted on the property.

**Referral Process**

The following list of referral agencies is recommended:

- Interior Health Authority;
- Ministry of Transportation and Infrastructure;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
- CSRD Operations Management; and,
- All relevant First Nations Bands and Councils:
  - Adams Lake Indian Band
  - Coldwater Indian Band
  - Cooks Ferry Indian Band
  - Esh-kn-am Cultural Resources Management Services
  - Lower Similkameen Indian Band
  - Neskonlith Indian Band
  - Nlaka'pamux Nation Tribal Council
  - Okanagan Indian Band
  - Okanagan Nation Alliance
  - Penticton Indian Band
  - Siska Indian Band
  - Splots'in First Nation
  - Simpcw First Nation.

**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. The applicant will be required to post a Notice of Development sign on the subject property in accordance with Development Services Procedures Bylaw No. 4001.

**DESIRED OUTCOMES:**

That the Board endorse staff recommendations.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

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

1. Electoral Area F Official Community Plan Bylaw No. 830
2. Scotch Creek/Lee Creek Zoning Bylaw No. 825