

BOARD REPORT

TO: Chair and Directors

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| File No: | BL725-14 |
| | 20180112 |
| | BL701-88 |
| | PL20170147 |

SUBJECT: Electoral Area C: Electoral Area 'C' Official Community Plan Amendment (Landev Properties Corp) Bylaw No. 725-14 & South Shuswap Zoning Amendment (Landev Properties Corp) Bylaw No. 701-88

DESCRIPTION: Report from Dan Passmore, Senior Planner, dated February 5, 2019. 1302 Trans-Canada Highway and 1295 Notch Hill Road, Sorrento.

RECOMMENDATION #1: THAT: Pursuant to Section 477 of the Local Government Act, the Board has considered the "Electoral Area 'C' Official Community Plan Amendment (Landev Properties Corp) Bylaw No. 725-14" in conjunction with the Columbia Shuswap Regional District's Financial Plan and its Waste Management Plan.

RECOMMENDATION #2: THAT: "Electoral Area 'C' Official Community Plan Amendment (Landev Properties Corp) Bylaw No. 725-14" be given second reading this 21st day of February, 2019.

RECOMMENDATION #3: THAT: "South Shuswap Zoning Amendment (Landev Properties Corp) Bylaw No. 701-88" be given second reading, as amended, this 21st day of February, 2019.

RECOMMENDATION #4: THAT: a public hearing to hear representations on Electoral Area 'C' Official Community Plan Amendment (Landev Properties Corp) Bylaw No. 725-14, and South Shuswap Zoning Amendment (Landev Properties Corp) Bylaw No. 701-88 be held;
AND THAT: notice of the public hearing be given by 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 Paul Demenok, as Director for Electoral Area 'C' being that in which the land concerned is located, or Alternate Director Jennifer Dies, if Director Demenok 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 proposal is to amend the Electoral Area 'C' Official Community Plan Bylaw No. 725 (BL725) and the South Shuswap Zoning Bylaw No. 701 (BL701) to allow increased density for a future development of small residential lots and commercial development fronting the Trans-Canada Highway. The owners of the four subject properties propose to create a bare land strata development with a medium density residential use in Development Area 1 and a commercial development in Development Area 2.

Development Services staff have referred the bylaw, in accordance with the Board's direction, and the responses received have been summarised in the attached "Agency_referral_responses_BL725-14_BL701-88.pdf". The applicant has held a Public Meeting, and has provided a summary of the notes from that meeting, attached as, "Public_Meeting_Summary_2018-10-10.pdf".

Staff have reviewed the referral responses and the outstanding issues identified in the staff report at first reading, and have determined that certain amendments to the zoning amendment bylaw (BL701-88) are required in order to address outstanding concerns. Therefore, it is appropriate for the Board to consider referral comments received and consider Bylaw No. 725-14 for second reading and Bylaw No. 701-88 for second reading, as amended, and to consider delegation of a public hearing for both bylaws.

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| VOTING: | 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 "2018-08-16_Board_DS_BL701-88_BL725-14_LandevPropertiesCorp.pdf".

POLICY:

See attached "2018-08-16_Board_DS_BL701-88_BL725-14_LandevPropertiesCorp.pdf"; "Policies_BL725-14_BL701-88.pdf"; and "BL701_Excerpts_BL725-14_BL701-88.pdf".

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

See attached "2018-08-16_Board_DS_BL701-88_BL725-14_LandevPropertiesCorp.pdf".

Update

The applicant held a public meeting, in accordance with the Board's direction for a modified complex consultation process. The applicant advertised the meeting in the October 3, 2018 Salmon Arm Observer, in the October 5, 2018, Shuswap Market News, and mailed out invitations to neighbouring property owners within 100 metres to attend. The meeting was held October 10, 2018 at the Sorrento Memorial Hall. Approximately 20 members of the public attended. A summary of the meeting is attached as "Public_Meeting_Summary_2018-10-10.pdf". Public concerns regarding the proposed development are noted in the attached document, together with responses from the applicant's agent.

In consultation with Development Services staff, the applicant has agreed to amend the bylaw to address concerns staff had with Bylaw No. 701-88, as given first reading. The following aspects of the Bylaw have been amended:

1. Development Area 1 interior side parcel line setbacks have been changed to reflect more complete knowledge of the BC Building Code and 2012 introduced requirements regarding building separation, where fire response times are greater than 10 minutes. Instead of 1.2 m side setback, a 2.4 m setback is proposed to interior side parcel lines.

2. Development Area 1 has setbacks for accessory buildings introduced to allow for reduced setbacks in rear and interior side parcel setbacks.
3. Development Area 2 permitted uses were amended, by the applicant, to eliminate the following uses:
 - aviary and botanical gardens (which may include public display)
 - building set apart for public worship
 - commercial daycare facility
 - mini storage
 - storage and warehousing
4. The applicant has offered a public walkway through the development between Notch Hill Road and the TCH. This walkway has been shown on the plans but staff have indicated that the applicant's proposed alignment was unacceptable. The alignment showed the path exiting onto an adjacent CSRD owned parcel to the west and then north to the Trans-Canada Highway. The CSRD owned property is part of the Sorrento Waterworks and is also used to provide access to a neighbouring commercial property. Given the potential for conflict with pedestrian use, this is not an acceptable location. The applicant has agreed to register a Section 219 covenant over the property that would have the effect of restricting subdivision without the appropriate Statutory Right-of-Way being registered through the site in a suitable alignment to the CSRD as a condition of approval of subdivision.

When a future subdivision application triggers the requirement for 5% park land dedication as outlined in the Local Government Act, the Team Leader responsible for Parks has indicated that cash in lieu of land dedication will be required.

Additionally, in respect of 3., above, the applicant has submitted a Traffic Review letter (see attached "Traffic_Review_BL724-14_BL701-88_2019-01-25.pdf"), to address some of the issues raised by Ministry of Transportation and Infrastructure (MoTI) in respect of access to the Trans-Canada Highway from the commercial area. The report addresses anticipated traffic generation from the project based on the residential component and the proposed commercial uses. For the commercial component, the report uses typical trip generation rates based on a shopping center. Based on the results of the analysis the report concludes that the proposed development does not trigger the MoTI minimum threshold of 100 trips or more during the PM peak hour which would justify the MoTI requiring a full Traffic Impact Analysis (TIA) for the site.

Referral Responses

The Ministry of Transportation and Infrastructure (MoTI) noted that the property was adjacent to a controlled access highway, and therefore Section 52(3)(a) of the Transportation Act requires the Ministry to endorse the Zoning Amendment Bylaw before it can be adopted. MoTI also required that the applicant provide a Traffic Impact Analysis (TIA) report for its review prior to it considering endorsing the proposed zoning amendment bylaw. The applicant is aware of this and has taken steps to engage a consultant, as noted above. Development Services staff met with the applicant and expressed concern that the required TIA may potentially eliminate some higher traffic generating uses, from the proposal. The applicant advised that they would have the consultant review this issue and provide information to staff prior to the Public Hearing, as noted above, the applicant has provided a Traffic Review Letter which indicates that a TIA is not required. MoTI has not reviewed the Traffic Review document.

The Electoral Area C Advisory Planning Commission recommended Board support of the application.

All referral responses can be viewed in the attached "Agency_referral_Responses_BL725-14_BL701-88.pdf".

SUMMARY:

The proposal is to amend the Electoral Area 'C' Official Community Plan Bylaw No. 725 (BL725) and the South Shuswap Zoning Bylaw No. 701 (BL701) to allow increased density for a future development of small residential lots and a commercial lot. The owners of the four subject properties propose to create a bare land strata development with a medium density residential use in Development Area 1 and a commercial development in Development Area 2.

Staff have referred the Bylaws to affected agencies and First Nations and have received their responses. Staff have consulted with the applicant regarding staff concerns over the Bylaws as given first reading, and as a result have amended Bylaw No. 701-88. The proposed amendments include larger interior parcel line setbacks within the residential development and elimination of some of the uses from the commercial area. It is now appropriate for the Board to consider the referral responses in context with second reading of Bylaw No. 725-14, and to consider Bylaw No. 701-88, as amended for second reading, and to delegate a Public Hearing for the bylaws.

IMPLEMENTATION:

As per CSRD Policy No. P-18 regarding Consultation Processes-Bylaws, staff recommended a modified complex consultation process. The agent held a public meeting in the community. The public meeting was held October 10, 2018, at the Sorrento Memorial Hall; 20 residents attended. Staff have included a summary of comments prepared by the applicant that are attached as "Public_Meeting_Summary_2018-10-10.pdf". Additionally, the bylaw was referred to agencies and First Nations after first reading.

Neighbouring property owners first became aware of the application for the bylaw amendments when the notice of development sign was posted on the property.

COMMUNICATIONS:

If the Board supports second reading of Bylaw No. 725-14 and second reading, as amended, of Bylaw No. 701-88 and delegates a Public Hearing, staff will proceed with notification of adjacent property owners and advertising the Public Hearing as set out in the Local Government Act.

Referral agencies have provided their comments and they have been attached "Agency_referral_responses_BL725-14_BL701-88.pdf".

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. CSRD Policy P-18 Consultation Processes - Bylaws
2. Electoral Area C Official Community Plan Bylaw No. 725
3. South Shuswap Zoning Bylaw No. 701

Report Approval Details

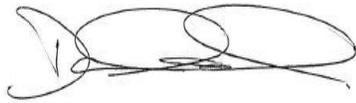
| | |
|----------------------|--|
| Document Title: | 2019-02-21_Board_DS_BL725-14_BL701-88_Landev-Properties-Corp.docx |
| Attachments: | <ul style="list-style-type: none"> - BL725-14_Second.pdf - BL701-88_SecondasAmended.pdf - 2018-08-16_Board_DS_BL701-88_BL725-14_LandevPropertiesCorp.pdf - BL725-14_first.pdf - BL701-88_first.pdf - BL701_Excerpts_BL725-14_BL701-88.pdf - Policies_BL725-14_BL701-88.pdf - Public_Meeting_Summary_2018-10-10.pdf - Agency_referral_Responses_BL725-14_BL701-88.pdf - Traffic_Review_BL724-14_BL701-88_2019-01-25.pdf - Franklin_Report_2018-06-21_BL725-14_BL701-88.pdf - Maps_Plan_Photos_BL725-14_BL701-88.pdf |
| Final Approval Date: | Feb 11, 2019 |

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

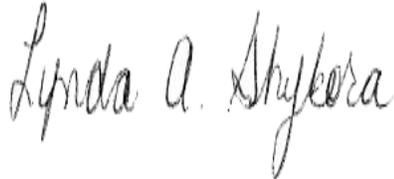
Corey Paiement - Feb 8, 2019 - 11:00 AM

Gerald Christie - Feb 8, 2019 - 2:28 PM

Jodi Pierce - Feb 8, 2019 - 2:46 PM



Darcy Mooney - Feb 8, 2019 - 3:25 PM



Lynda Shykora - Feb 11, 2019 - 9:37 AM



Charles Hamilton - Feb 11, 2019 - 9:48 AM