



# BOARD REPORT

**TO:** Chair and Directors

**File No:** BL725-15  
PL20180198

**SUBJECT:** Electoral Area C: Electoral Area C Official Community Plan Amendment (Zappone) Bylaw No. 725-15

**DESCRIPTION:** Report from Christine LeFloch, Development Services Assistant, dated January 25, 2019.

3453 Ford Road, Tappen

**RECOMMENDATION #1:** THAT: "Electoral Area C Official Community Plan Amendment (Zappone) Bylaw No. 725-15" be read a first time this 21<sup>st</sup> day of February, 2019.

**RECOMMENDATION #2:** THAT: The Board utilize the simple consultation process for Bylaw No. 725-15 and it be referred to the following agencies and First Nations:

- Area C Advisory Planning Commission;
- Interior Health Authority;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Mines Branch;
- CSR D Operations Management;
- CSR D Financial Services; and
- All relevant First Nations Bands and Councils;

AND THAT:

pursuant to Section 477 of the Local Government Act, the Board has considered this "Electoral Area C Official Community Plan Amendment (Zappone) Bylaw No. 725-15" in conjunction with the Columbia Shuswap Regional District's Financial Plan and its Waste Management Plan.

## SHORT SUMMARY:

The owners of the subject property have made application to subdivide a 2 ha parcel from the 18.27 ha parent parcel. One of the conditions of subdivision approval is successful redesignation of the parcel from MH – Medium Holdings to RR2 – Rural Residential 2. Staff are recommending that Bylaw No. 725-15 be read a first time and that staff be directed to refer the bylaw to agencies and First Nations for comment.

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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:

REGISTERED OWNER:  
688490 BC Ltd.

APPLICANTS:  
Mike and Rhonda Zappone

## ELECTORAL AREA:

C

## LEGAL DESCRIPTION:

Lot 1 Section 22 Township 21 Range 10 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Plan 38427

## PID:

008-096-937

## CIVIC ADDRESS:

3453 Ford Road, Tappen

## SURROUNDING LAND USE PATTERN:

North: Rural Residential

South: Rural, sand and gravel

East: Bastion Mountain

West: Rural, sand and gravel, agriculture

## CURRENT USE:

Gravel pit, log home manufacturing

## PROPOSED USE:

The owners would like to subdivide one 2 ha lot from the subject property to sell to Artisan Log Homes who are currently leasing the property, and create potential for future rural residential subdivision after the gravel pit has been decommissioned.

## PARCEL SIZE:

18.27 ha

## PROPOSED PARCEL SIZES:

2 ha and 16.27 ha

## DESIGNATION:

MH – Medium Holdings

## ZONE:

N/A

## PROPOSED DESIGNATION:

RR2 – Rural Residential 2

## PROPOSED ZONE:

N/A

## AGRICULTURAL LAND RESERVE:

0%

**SITE COMMENTS:**

The subject property lies at the base of the western flank of Bastion Mountain. Slopes on the western half of the property are relatively gentle increasing to become very steep on the eastern half of the property. A large portion of the western end of the property is developed as a gravel pit, and Artisan Log Homes is utilizing 2 ha at the northwestern corner of the property for their business. It is noted that slopes on the western end of the parcel have been modified for mining and are extremely steep in some areas. Mapping indicates an intermittent watercourse coming off the upper slopes of Bastion Mountain crosses the property. Confirmation has been received from Trina Koch, R.P. Bio of Western Water Associates that this line represents a draw, but there is no watercourse present. There are currently 3 gated access points to the property. Two of these are located on Proposed Lot 1 and the third is located on the Proposed Remainder.

**POLICY:**

Please see BL725\_Excerpts\_BL725-15.pdf, attached.

**FINANCIAL:**

There are no financial implications for the CSRD as a result of this application.

**KEY ISSUES/CONCEPTS:**

The owners have made application to subdivide the subject property to create a 2 ha parcel which would be sold to Artisan Log Homes who are currently leasing this area of the property for their business, leaving a 16.27 ha Remainder which would continue to be mined by the owners until the aggregate is exhausted. The pit is getting close to depletion and the owners are considering future options for the property, post decommissioning of the pit, including creation of rural residential sized 2 ha lots.

**Zoning**

This part of Area C is currently not subject to a zoning bylaw. Therefore, types of land uses are not regulated on the subject property. As such, the existing gravel operation and log home business are legal land uses. Mining activities on the property are regulated by the Mines Act and must be in compliance with the terms of any permits issued under that Act.

**Electoral Area C Official Community Plan Bylaw No. 725**

The Official Community Plan (OCP) speaks to future land use and density, and also includes Development Permit Areas (DPAs). DPAs are the only part of an OCP that is regulatory, and where a Development Permit is required a proposed development must be in accordance with the density of the current land use designation. In cases such as this where it is not consistent, the property must be redesignated accordingly prior to issuance of the permit.

The property is designated MH – Medium Holdings in the OCP, which allows a maximum density of 1 unit per 8 ha. The property contains slopes exceeding 30% so is also designated as a Hazardous Lands (Steeps Slopes) Development Permit Area. This type of development permit is required at the time of subdivision, therefore a development permit must be issued as a condition of subdivision approval. However, a development permit cannot be issued where a proposed lot size is not supported by the

land use designation. In this case the proposed 2 ha lot is smaller than the density supported by the current MH designation. In order to approve the development permit the property must first be redesignated correctly for the proposed density. The RR2- Rural Residential 2 designation supports a density of 1 unit per 2 ha which would allow the proposed 2 ha subdivision.

Staff note that the OCP does not have a separate section containing policies that explain the differences between residential and rural land use and the densities associated with each. The rural maximum density standards have been combined with the residential policies and maximum density standards in the land use designation chart under Section 3.4.1.2 (see BL725\_Excerpts\_BL725-15.pdf, attached). There are also a number of policies in Section 3.1 which direct future residential development to the Primary and Secondary Settlement Areas where there either are already existing community water systems or over time it is expected that community water and sewer systems will be developed.

Staff interpret these policies as applying to the higher density residential designations which allow subdivision of lots up to and including a minimum parcel size of 1 ha. This would include MD - Medium Density, NR – Neighbourhood Residential, CR – Country Residential and RR – Rural Residential. The RR2 – Rural Residential 2 designation has been applied to lands outside of the Secondary Settlement Areas in the White Lake, Sunnybrae, Blind Bay, and Eagle Bay areas, while lands within the SSR's have been given the higher density designations noted above. Further, 1 ha is considered to be the minimum site area required to support on-site sewage disposal and water. This is supported by Interior Health and is reflected in the Subdivision Servicing Bylaw No. 641.

### **Surrounding Land Use**

Lands to the north of the subject property are currently designated RR – Rural Residential and MH - Medium Holdings and are developed as a rural residential subdivision and the Turner gravel pit. Lands immediately to the south include one parcel that is designated RR2 – Rural Residential 2 that contains the Lessard gravel pit, and a larger parcel designated MH - Medium Holdings that is used for a residence. Staff note that there are other sand and gravel operations in the general area to the southwest of the subject property located on lands designated ID – Industrial. These may have been designated ID because there are large industrial buildings located on them and they are not located adjacent to a residential neighbourhood. Please see labeled orthophoto included in the attached Maps\_Plans\_Photos\_BL725-15.pdf. As the OCP contemplates future land use it appears that the gravel operations located closer to the rural residential subdivision on Vella Road were not designated for future industrial use because it is not considered compatible with residential uses over the long term. These properties also do not currently contain large buildings.

The geotechnical report by Onsite Engineering notes that historic orthophotos indicate that the subject property has supported gravel extraction since the 1960's. The Vella Road subdivision to the north was approved in the early 1970's with many of the original parcels being further subdivided over the subsequent decades. As noted above, the applicants have indicated their desire to look to the future potential of the subject property, post decommissioning of the gravel pit. Staff are supportive of this direction to support the evolution of the property from industrial to a rural residential standard.

### **Professional Reports**

Professional reports including a Riparian Areas Regulation exemption letter, septic suitability assessment, well assessment, and slope assessment have been submitted in support the proposed

redesignation and subdivision applications. These reports are attached to this Board report and summarized below.

A letter dated May 13, 2018 has been received from Trina Koch, R.P.Bio, of Western Water Associates, as part of the subdivision process confirming that the watercourse shown on CSRD mapping on the subject property is a draw and not a watercourse. The letter confirms that the Riparian Areas Regulations do not apply to the property.

A geotechnical report dated September 26, 2018 has been completed by Larissa Laderoute, GIT and Rod Williams, P. Geo, of Onsite Engineering Ltd. The report includes recommendations for site modifications to mitigate the potential for a landslide occurring on the Proposed Remainder, which is an active gravel pit and is considered to be at high risk of localized landslide. It also concludes that provided recommended site preparations are completed, the risk of a landslide event occurring that would impact Proposed Lot 1 is very low. Further, the authors determined that the risk of a damaging event originating from the draws located above the property to the east is estimated to be low or very low. Finally, Staff note that this assessment was completed for the purposes of the current subdivision application which proposes one new lot plus remainder. If additional lots are proposed for subdivision in the future, an updated report would be required.

A septic suitability report summarizing findings of a site and soil assessment completed on November 18, 2018 has been provided by Oscar Long, ROWP, of Rhino Environmental Services. The report concludes that Proposed Lot 1 and the Proposed Remainder are suitable for Type 1 trench systems which would accommodate a daily design flow of 1600 litres per day (equivalent of a 4 bedroom house).

Finally, a well assessment for a water source on Proposed Lot 1, dated July 27, 2018 has been provided by Ryan Rhodes, P. Geo., of Western Water Associates Ltd. The report concludes that the well meets both the water quantity and water quality provisions of Subdivision Servicing Bylaw No. 641. A water source is not contemplated for the Proposed Remainder at this time as it will continue to be operated as a gravel pit. Covenant X201400 was registered on the title of the subject property in favour of the CSRD when the subject property was created by subdivision in 1987. The covenant prohibits construction or location of any residential dwelling or mobile home on the subject property until such time as an onsite water supply is provided meeting the standards of the subdivision servicing bylaw. The applicant may choose to apply for a Development Variance Permit to waive the requirements for proof of water on the Remainder Lot. If approved the covenant may require amendments.

## **SUMMARY:**

The proposed bylaw amendment would allow the applicants to move forward with their application for a two lot subdivision, and would also allow for rural standard lots to be created following conclusion of gravel extraction activities on the Proposed Remainder.

Staff are recommending that Bylaw No. 725-15 be read a first time and that staff be directed to refer the bylaw to applicable agencies and First Nations. This will allow the opportunity for agencies to provide comments on the proposal and for these comments to be considered at a future board meeting.

Section 477 of the Local Government Act requires that after first reading the local government must consider the proposed OCP amendment in conjunction with their current financial and waste management plans. The proposed OCP amendment has been reviewed by the Operations Management and Financial Services departments, and it has been determined that the proposed bylaw is consistent with the CSRD's current waste management plan and financial plan.

**IMPLEMENTATION:**

As per CSRD Policy P-18 regarding Consultation Processes-Bylaws, staff is recommending the simple consultation process. Neighbouring property owners will first become aware of the application for OCP amendment when notice of development signs are placed on the property.

**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 Notice of Development signs on the subject property in accordance with Development Services Procedures Bylaw No. 4001.

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendations.

**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. Electoral Area C Official Community Plan Bylaw No. 725
2. Subdivision Servicing Bylaw No. 641

**Report Approval Details**

Document Title:	2019-02-21_Board_DS_BL725-15_Zappone.docx
Attachments:	<ul style="list-style-type: none"><li>- BL725-15_First.pdf</li><li>- BL725_Excerpts_BL725-15.pdf</li><li>- RAR_Exemption_letter_2018-05-13_BL725-15.pdf.pdf</li><li>- Geotechnical_report_2018-09-26_BL725-15.pdf.pdf</li><li>- Septic_letter_2018-11-18_BL725-15.pdf.pdf</li><li>- Well_assessment_report_2018-07-27_BL725-15.pdf.pdf</li><li>- Maps_Plans_Photos_BL725-15.pdf</li></ul>
Final Approval Date:	Feb 11, 2019

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



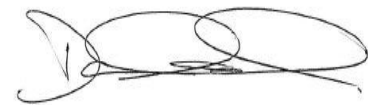
**Corey Paiement - Feb 11, 2019 - 8:33 AM**



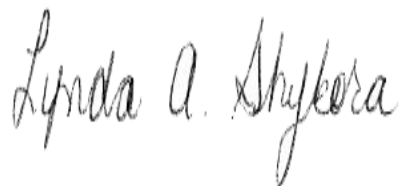
**Gerald Christie - Feb 11, 2019 - 8:45 AM**



**Jodi Pierce - Feb 11, 2019 - 8:48 AM**



**Darcy Mooney - Feb 11, 2019 - 9:41 AM**

A handwritten signature in cursive script, reading "Lynda A. Shykora".

**Lynda Shykora - Feb 11, 2019 - 11:17 AM**

A handwritten signature in cursive script, reading "Charles Hamilton".

**Charles Hamilton - Feb 11, 2019 - 11:27 AM**