



# BOARD REPORT

**TO:** Chair and Directors

**File No:** DV701-83  
PL20180202

**SUBJECT:** Electoral Area C: Development Variance Permit No. 701-83 (Gallant)

**DESCRIPTION:** Report from Laura Gibson, Development Services Assistant, January 31, 2019.  
2401 Blind Bay Road, Blind Bay

**RECOMMENDATION #1:** THAT: in accordance with Section 498 of the Local Government Act Development Variance Permit No. 701-83 for Lot 3, Section 19, Township 22, Range 10, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan 8590, varying South Shuswap Zoning Bylaw No. 701 as follows:

- Section 11.2.4 Minimum setback from the rear parcel line boundary from 5 m to 0 m only for the new retaining wall;
- Section 11.2.4 Minimum setback from the west interior side parcel boundary from 2 m to 0 m only for the new retaining wall;

Section 11.2.4 Minimum setback from the east interior side parcel boundary from 2 m to 0 m only for the new retaining wall;

be issued this 21<sup>st</sup> day of February, 2019.

**SHORT SUMMARY:**

The subject property is located in the Blind Bay area of Electoral Area C. The owners are proposing to demolish the existing single family dwelling and construct a new single family dwelling with an attached deck and garage. The owners are also proposing to construct a stacked rock retaining wall along the foreshore of the subject property for shoreline erosion protection. Retaining walls that are 1.2 m or greater in height are required to meet the setback regulations in the zoning bylaw. The proposed retaining wall is up to 1.5 m in height and requires a variance to the rear and both interior side parcel line setbacks.

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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 ( <i>Weighted</i> ) <input type="checkbox"/>
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**BACKGROUND:**

REGISTERED OWNERS:  
Timothy and Tara Gallant

## ELECTORAL AREA:

C

## LEGAL DESCRIPTION:

Lot 3, Section 19, Township 22, Range 10, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan 8590

## PID:

009-796-070

## CIVIC ADDRESS:

2401 Blind Bay Rd

## SURROUNDING LAND USE PATTERN:

North: Shuswap Lake

South: Blind Bay Road/Vacant Residential

East: Residential

West: Residential

## CURRENT USE:

Single family dwelling used as recreational cabin.

## PROPOSED USE:

Demolish the existing cabin and construct a new single family dwelling for year-round residence with an attached deck and garage, construct a retaining wall along the foreshore for erosion protection, and install a new onsite wastewater treatment and disposal system (OTDS).

## PARCEL SIZE:

0.086 ha | 0.22 ac

## DESIGNATION:

Electoral Area C Official Community Plan Bylaw No. 725

RR - Rural Residential

## ZONE:

South Shuswap Zoning Bylaw No. 701

R1 – Low Density Residential

## SITE COMMENTS:

See "Maps\_Plans\_Photos\_DVP701-83.pdf" attached.

The subject property is north of Blind Bay Road and adjacent to Shuswap Lake. The property is relatively flat with no slopes over 30% grade. The neighbouring properties to the east and west have constructed retaining walls along the high water mark of Shuswap Lake. Currently the subject property has no foreshore erosion protection. The existing house was built approximately 5 m from the present natural boundary of Shuswap Lake. The new house will be moved further back towards Blind Bay Road.

**SERVICING:**

Shuswap Lake water intake.

On-site sewage disposal system, proposed to be upgraded.

**ACCESS:**

Blind Bay Road.

See "Maps\_Plans\_Photos\_DVP701-83.pdf" attached.

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

The proposed development requires a Lakes 100m and Riparian Areas Regulation Development Permit.

**12.3 Lakes 100 m Development Permit Area***Purpose and Justification*

The Lakes 100 m Development Permit Area (DPA) is designated under the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity. The intent of the Lakes 100 m DPA is to prevent or mitigate potential negative impacts on the lake environment from larger scale development (construction of buildings and structures over 200 m<sup>2</sup> or creation of impervious surfaces over 100 m<sup>2</sup>) and installation of septic systems.

*Area*

The Lakes DPA applies to areas within 100 m of Shuswap Lake, White Lake and Little White Lake.

**12.4 Riparian Areas Regulation Development Permit Area***Purpose and Justification*

The Riparian Areas Regulation Development Permit Area (RAR DPA) is designated under the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity. The primary objective of the RAR DPA designation is to regulate development activities in watercourses and their riparian areas in order to preserve natural features, functions, and conditions that support fish life processes. Development impact on watercourses can be minimized by careful project examination and implementation of appropriate measures to preserve environmentally sensitive riparian areas.

*Area*

The RAR DPA is comprised of Riparian assessment areas for fish habitat, which include all watercourses and adjacent lands shown on Provincial TRIM map series at 1:20,000, as well as unmapped watercourses. This includes all lands within 30 m of the high water mark of a watercourse; within 30 m of the top of the ravine bank in the case of a ravine less than 60 m wide, or within 10 m of the top of ravine bank for ravines 60 m or greater in width that link aquatic and terrestrial ecosystems that exert an influence on the watercourse.

**South Shuswap Zoning Bylaw No. 701****Section 1 - Definitions**

SETBACK means the required minimum distance between a structure, building or use and each of the respective property lines.

STRUCTURE means any construction fixed to, supported by or sunk into land or water but not concrete or asphalt paving or similar surfacing.

### R1 – Low Density Residential

#### Section 11.2 – Regulations

.4 Minimum Setback from:

Front parcel line	5 m
Exterior side parcel line	4.5 m
Interior side parcel line	2.0 m
Rear parcel line	5 m

#### **FINANCIAL:**

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

#### **KEY ISSUES/CONCEPTS:**

The owners of the subject property are proposing to demolish the existing cabin and build a new single family dwelling with an attached deck and garage. A flood hazard assessment report completed by Onsite Engineering Ltd. (OEL), dated July 27, 2018, indicates that the foreshore of the subject property may be at risk of shoreline erosion during future high water events on Shuswap Lake due to the wave diffraction effect from the retaining walls of adjacent properties, and therefore recommends some form of shoreline erosion protection. Through discussion with the property owner, OEL has designed a stacked rock retaining wall as an erosion protection measure for the subject property.

#### Development Variance Permit

Retaining structures that are 1.2 m or greater in height are required to meet the zoning bylaw setback requirements. The retaining wall proposed in OEL's report will be up to 1.5 m in height and is proposed to be constructed up to the rear and side parcel lines in order to connect with the retaining walls on the adjacent properties. The applicant has applied for variances to the setbacks from the rear and interior side parcel lines to the proposed retaining wall.

The applicant is proposing to vary:

Section 11.2.4 Minimum setback from the rear parcel line boundary from 5 m to 0 m only for the new retaining wall.

Section 11.2.4 Minimum setback from the west interior side parcel boundary from 2 m to 0 m only for the new retaining wall.

Section 11.2.4 Minimum setback from the east interior side parcel boundary from 2 m to 0 m only for the new retaining wall.

#### Floodplain Exemption

A floodplain exemption is required as the retaining wall and portion of the deck and residence will be constructed within the floodplain setback, and the footings of the deck will be constructed below the flood construction level. Staff are processing the floodplain exemption application (EX701-35) concurrently with the Development Variance Permit. The Manager of Development Services has been delegated the approval authority from the Board for floodplain exemptions.

Staff are in receipt of a flood hazard assessment by Onsite Engineering Ltd. (OEL), dated July 27, 2018, which addresses the floodplain regulation and exemption requirements in Bylaw No. 701. OEL indicates that upon completing an assessment it is their professional opinion that there is a low risk of an event impacting the proposed residence and attached deck, and that they are considered safe for their intended use with respect to flooding hazards presented by Shuswap Lake. The report also addresses the proposed retaining wall with respect to flood hazard, as it is within the floodplain setback and also requires an exemption. OEL's report concludes that if the stacked rock wall is constructed as per the design parameters outlined in their report, it is their determination that the proposed stacked rock wall is safe for its intended use with respect to flooding hazard presented by Shuswap Lake.

#### Development Permit

A Lakes 100 m Development Permit is required as the proposed development is over 200 m<sup>2</sup> and involves installation of a new septic system, and a Riparian Area Regulation (RAR) Development Permit is required for the proposed development within 30 m of the high water mark of Shuswap Lake. Staff are processing the Lakes 100 m and RAR Development Permit application (DP725-164) concurrently with the Development Variance Permit. Technical Development Permits such as this are approved by the Manager of Development Services.

Staff are in receipt of a Riparian Areas Assessment (RAA) completed by Qualified Environmental Professional (QEP), Bill Rublee, R.P. Bio, of Triton Environmental Consultants Ltd., dated August 9, 2018. In the QEP's opinion, the proposed design will not cause a harmful alteration, disruption, or destruction of fish or fish habitat. The QEP provided a re-vegetation plan that the property owner must follow.

Staff have also received a Hydrogeology report dated December 4, 2018, by Daniel Watterson, P.Geo, LHG, of Watterson Geoscience Inc. Watterson's report concludes that although the new residence and the proposed OTDS will be situated within the 100 m of Shuswap Lake, and the total developed area will exceed 200 m<sup>2</sup>, it is his professional opinion that construction and use of these features will not negatively impact underlying groundwater and Shuswap Lake water quality.

#### **SUMMARY:**

The owners of the subject property are proposing to demolish the existing single family dwelling and construct a new single family dwelling and a retaining wall along the foreshore of the property to prevent shoreline erosion. The proposed retaining wall will align with the existing retaining walls on the neighbouring properties. The height of the proposed retaining wall will be up to 1.5 m. Retaining structures over 1.2 m are required to meet the parcel line setbacks outlined in the zoning bylaw. The application proposes to vary the rear parcel line setback from 5 m to 0 m and the interior side parcel line setbacks from 2 m to 0 m for the retaining wall only.

Development Services staff are recommending that the Board consider issuance of Development Variance Permit No. 701-83 for the following reasons:

1. Staff are in receipt of a flood hazard assessment by Onsite Engineering Ltd. that indicates the foreshore of the subject property may be at risk of shoreline erosion during future highwater events on Shuswap Lake due to the wave diffraction effect from the retaining walls of adjacent properties, and therefore the Professional Engineer recommends some form of shoreline erosion protection;
2. The flood hazard assessment indicates that the retaining wall will be safe for its intended use with respect to the flooding hazard presented by Shuswap Lake, provided the wall is constructed as per the design parameters outlined in the flood hazard assessment; and,

3. The variance should have minimal impact on surrounding properties, as the height of the new retaining wall will be similar to the height of the existing retaining walls on the adjacent properties, and the new retaining wall will match the height of the existing retaining walls on the adjacent properties where the walls connect.

**IMPLEMENTATION:**

If Development Variance Permit 701-83 is approved for issuance by the Board, staff will prepare a notice to be sent to the Land Title and Survey Authority of British Columbia (LTSA) for registration on title. The agent will be able to begin construction following issuance of both the Development Variance Permit, the Lakes 100m and RAR Development Permits, and the Floodplain Exemption.

**COMMUNICATIONS:**

Property owners and tenants in occupation within 100 m of the subject property will be given notification a minimum of 10 days prior to the CSRD Board of Directors considering this application. All interested parties will have the opportunity to provide written comments regarding this application prior to the Board Meeting. Copies of the written submissions are provided to the Board of Directors.

The Electoral Area C Advisory Planning Commission reviewed the application at their January 28, 2019 meeting and passed a resolution in support of the application.

**DESIRED OUTCOMES:**

That the Board support the staff recommendation to approve issuance of DVP 701-83.

**BOARD'S OPTIONS:**

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

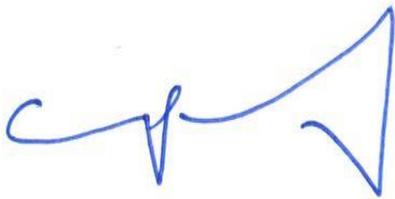
**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. South Shuswap Zoning Bylaw No. 701
2. Electoral Area C Official Community Plan Bylaw No. 725
3. Electoral Area C Advisory Planning Commission Minutes January 28, 2019

**Report Approval Details**

Document Title:	2019-02-21_Board_DS_DVP701-83_Gallant.docx
Attachments:	- DVP701-83.pdf - Maps_Plans_Photos_DVP701-83.pdf
Final Approval Date:	Feb 7, 2019

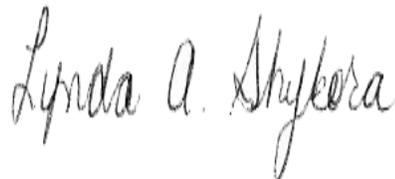
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Feb 1, 2019 - 9:46 AM**



**Gerald Christie - Feb 5, 2019 - 2:01 PM**



**Lynda Shykora - Feb 7, 2019 - 11:07 AM**



**Charles Hamilton - Feb 7, 2019 - 1:36 PM**