



BOARD REPORT

TO: Chair and Directors

File No: BL825-39
PL20180135

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

DESCRIPTION: Report from Dan Passmore, Senior Planner, dated October 31, 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 second reading this 15th day of November, 2018.

RECOMMENDATION #2: THAT: a public hearing to hear representations on Scotch Creek/Lee Creek Amendment (Yakashiro) Bylaw No. 825-39 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 Jay Simpson, as Director for Electoral Area 'F' being that in which the land concerned is located, or his Alternate to be named, if Director Simpson 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 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.

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_BL825-39.pdf". Therefore, it is appropriate for the Board to consider referral comments received and consider the bylaw for second reading, and to consider delegating a Public Hearing.

VOTING:

Unweighted
Corporate

☐

LGA Part 14
(Unweighted)

☒

Weighted
Corporate

☐

Stakeholder
(Weighted)

☐

BACKGROUND:

See attached "2018-09-20_Board_DS_BL825-39_Yakashiro.pdf"

POLICY:

See attached "2018-09-20_Board_DS_BL825-39_Yakashiro.pdf"

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

See attached "2018-09-20_Board_DS_BL825-39_Yakashiro.pdf".

Update

Referral responses are attached, see "Agency_referral_responses_BL825-39.pdf".

Archaeology Branch responded suggesting that the site may contain unknown sites, and that the developer should familiarize themselves with their duties and obligations under the Heritage Conservation Act, while the site is being re-developed. Anchor Bay strata is an existing development.

CSRD Team Leader, Protective Services noted the reduced setbacks and advised that this would limit the ability of the neighbouring properties to build within 5 m of the property line. Development Services staff briefed the Team Leader, Protective Services of the unique attributes of the Anchor Bay strata and pointed out that beyond the dimensions of Lot 8, an additional strip of limited common property was already in place ensuring that nothing would be built within this 5 m restriction.

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 the Board consider the Bylaw for second reading and consider delegating a public hearing.

IMPLEMENTATION:

As per CSRD Policy No. P-18 regarding Consultation Processes-Bylaws, staff recommended the simple consultation process. Neighbouring property owners first became aware of the application for zoning amendments when the notice of development sign was posted on the property.

COMMUNICATIONS:

If the Board supports second reading, as amended, of Bylaw No. 825-39 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_BL825-39.pdf".

DESIRED OUTCOMES:

That the Board endorse staff recommendations.

BOARD'S OPTIONS:

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

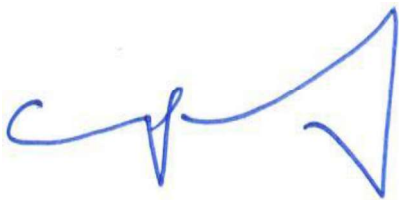
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

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

Report Approval Details

Document Title:	2018-11-15_Board_DS_BL825-39_Yakashiro.docx
Attachments:	<ul style="list-style-type: none">- 2018-09-20_Board_DS_BL825-39_Yakashiro.pdf- BL825-39-Second.pdf- Agency_referral_responses_BL825-39.pdf- Maps_Plans_BL825-39.pdf
Final Approval Date:	Nov 2, 2018

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



Corey Paiement - Nov 1, 2018 - 9:35 AM



Gerald Christie - Nov 2, 2018 - 9:33 AM

No Signature - Task assigned to Lynda Shykora was completed by assistant Jennifer Sham

Lynda Shykora - Nov 2, 2018 - 9:50 AM



Charles Hamilton - Nov 2, 2018 - 10:21 AM

COLUMBIA SHUSWAP REGIONAL DISTRICT

**SCOTCH CREEK/LEE CREEK ZONING
AMENDMENT (YAKASHIRO) BYLAW NO. 825-39**

A bylaw to amend the " Scotch Creek/Lee Creek Zoning Bylaw No. 825"

WHEREAS the Board of the Columbia Shuswap Regional District adopted Bylaw No. 825;

AND WHEREAS the Board deems it appropriate to amend Bylaw No. 825;

NOW THEREFORE the Board of the Columbia Shuswap Regional District in open meeting assembled, HEREBY ENACTS as follows:

1. "Scotch Creek/Lee Creek Zoning Bylaw No. 825", as amended, is hereby further amended as follows:

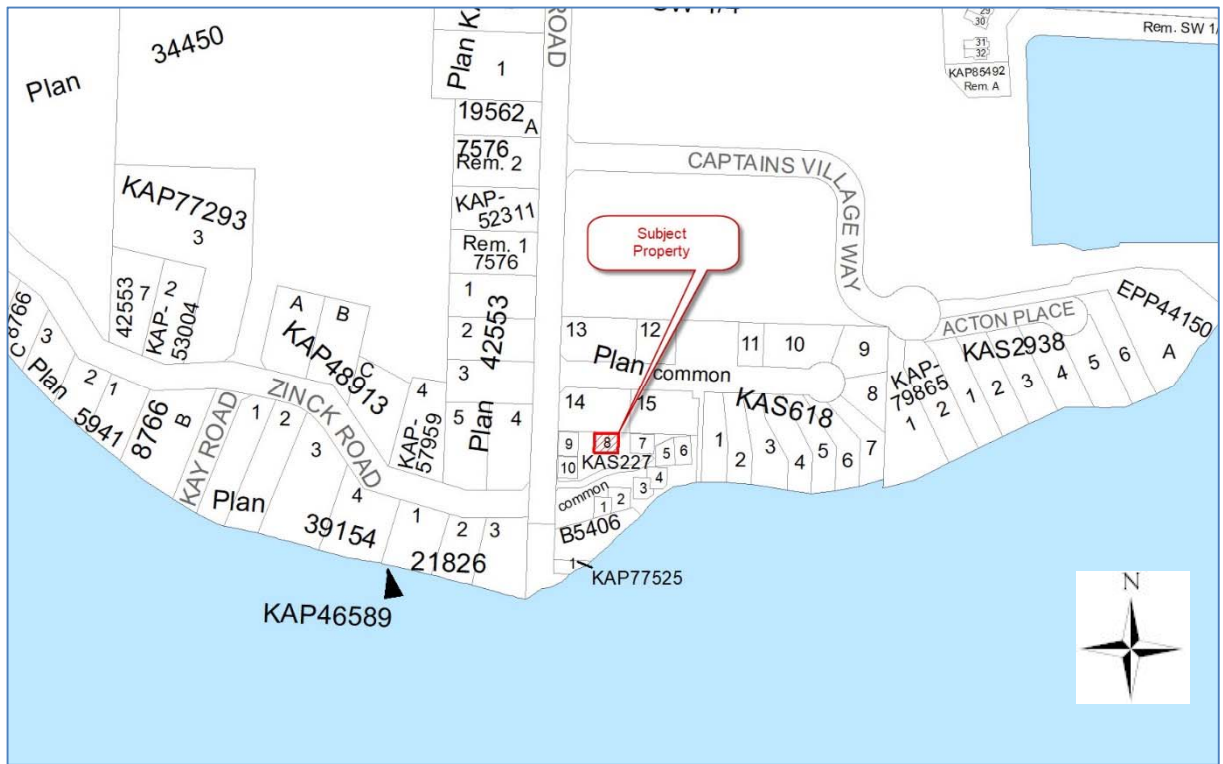
A. TEXT AMENDMENT

- i. Schedule A, Zoning Bylaw Text, Part 5 – Zones, Section 5.7 Residential - 1 is hereby amended by adding subsection 4 (jj), in its entirety, including the attached map.

"(jj) Notwithstanding subsection (3), on Strata Lot 8, Section 27, Township 22, Range 11, West of 6th Meridian, KDYD, Strata Plan K227 as shown hatched on the map below, the following supplemental siting characteristics for a proposed new single family dwelling shall be permitted:

- .1 Notwithstanding subsection 3(c), the maximum parcel coverage for the proposed new single family dwelling is 82.2%.
- .2 Notwithstanding subsection 3(f), the minimum setbacks for the proposed new single family dwelling are as follows:

(f) Minimum <i>setback</i> from:	
▪ <i>front parcel boundary</i>	▪ 0.27 m (0.89 ft.)
▪ <i>interior side parcel boundary</i> (west side)	▪ 0.0 m (0.0 ft.)
▪ <i>interior side parcel boundary</i> (east side)	▪ 0.0 m (0.0 ft.)
▪ <i>rear parcel boundary</i>	▪ 0.29 m (0.95 ft.)



2. This bylaw may be cited as " Scotch Creek/Lee Creek Zoning Amendment (Yakashiro) Bylaw No. 825-39"

READ a first time this 20 day of September, 2018.

READ a second time this _____ day of _____, 2018.

PUBLIC HEARING held this _____ day of _____, 2018.

READ a third time this _____ day of _____, 2019.

ADOPTED this _____ day of _____, 2019.

CHIEF ADMINISTRATIVE OFFICER

CHAIR

CERTIFIED true copy of Bylaw No. 825-39
as read a third time.

CERTIFIED true copy of Bylaw No. 825-39
as adopted.

Chief Administrative Officer

Chief Administrative Officer

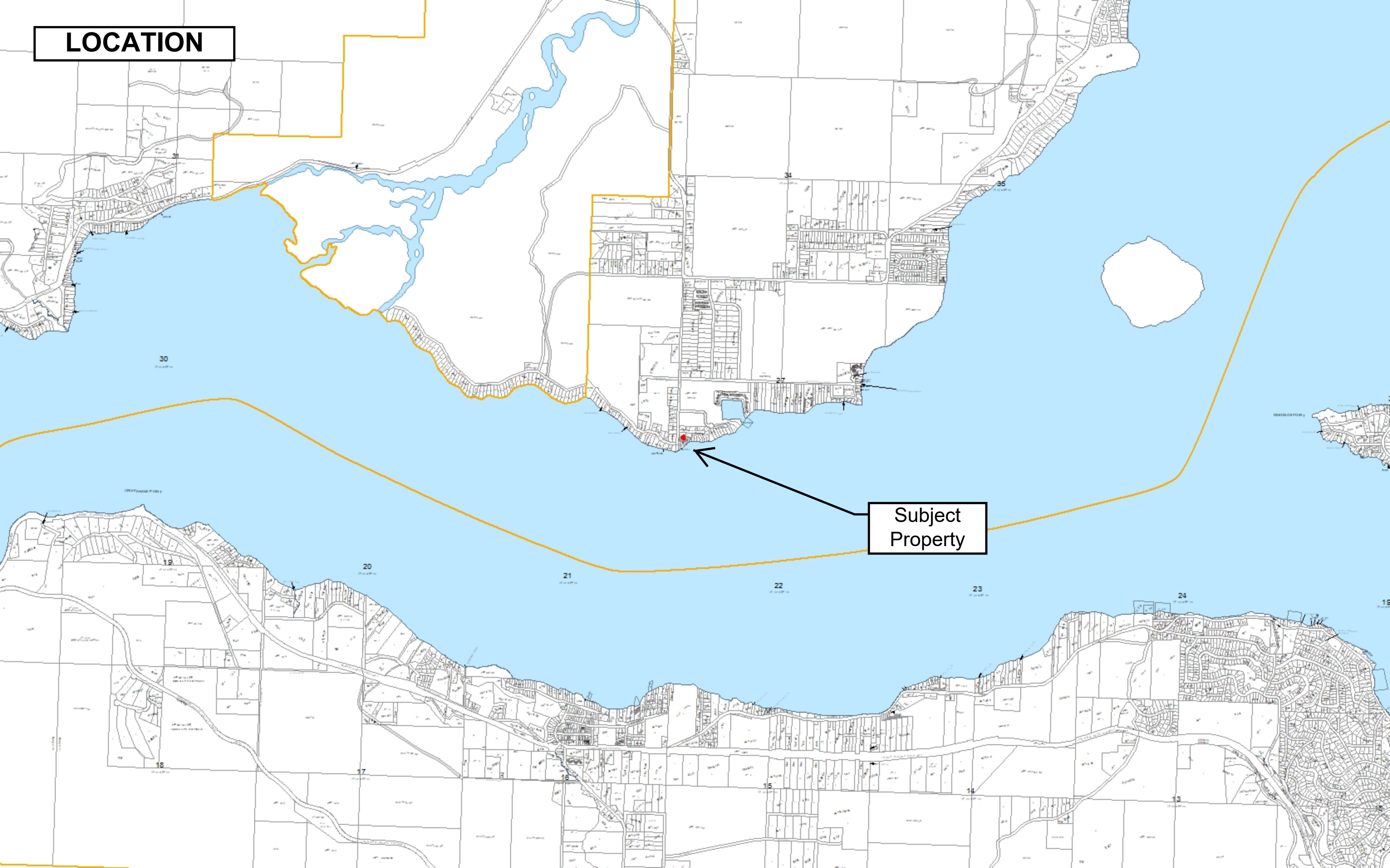
Agency Referral Responses

Interior Health Authority	No response.
Ministry of Transportation and Infrastructure	This proposal is further than 800 m from a Controlled Access Highway and therefore the statutory approval from the Ministry is not required.
Ministry of Forests, Lands, Natural Resource Operations and Rural Development - Archaeology Branch	<p>Provincial records indicate that there are no known archaeological sites recorded on the property.</p> <p>However, archaeological potential modeling indicates there is the possibility for unknown/unrecorded archaeological sites to exist on the property.</p> <p>Archaeological sites (both recorded and unrecorded, disturbed and intact) are protected under the <i>Heritage Conservation Act</i> and must not be altered or damaged without a permit from the Archaeology Branch.</p> <p>In the absence of a confirmed archaeological site, the Archaeology Branch cannot require the proponent to conduct an archaeological study or obtain a permit prior to development. In this instance it is a risk management decision for the proponent.</p> <p>Prior to any land alterations (e.g., addition to home, property redevelopment, extensive landscaping, service installation), an eligible consulting archaeologist should be contacted to review the proposed activities and, where warranted, conduct a walk over and/or detailed study of the property to determine whether the work may impact protected archaeological materials.</p> <p>An eligible consulting archaeologist is one who is able to hold a Provincial heritage permit that allows them to conduct archaeological studies. Ask an archaeologist if he or she can hold a permit, and contact the Archaeology Branch (250- 953-3334) to verify an archaeologist's eligibility. Consulting archaeologists can be contacted through the BC Association of Professional Archaeologists (www.bcapa.ca) or through local directories.</p> <p>If the archaeologist determines that development activities will not impact any archaeological deposits, then a permit is</p>

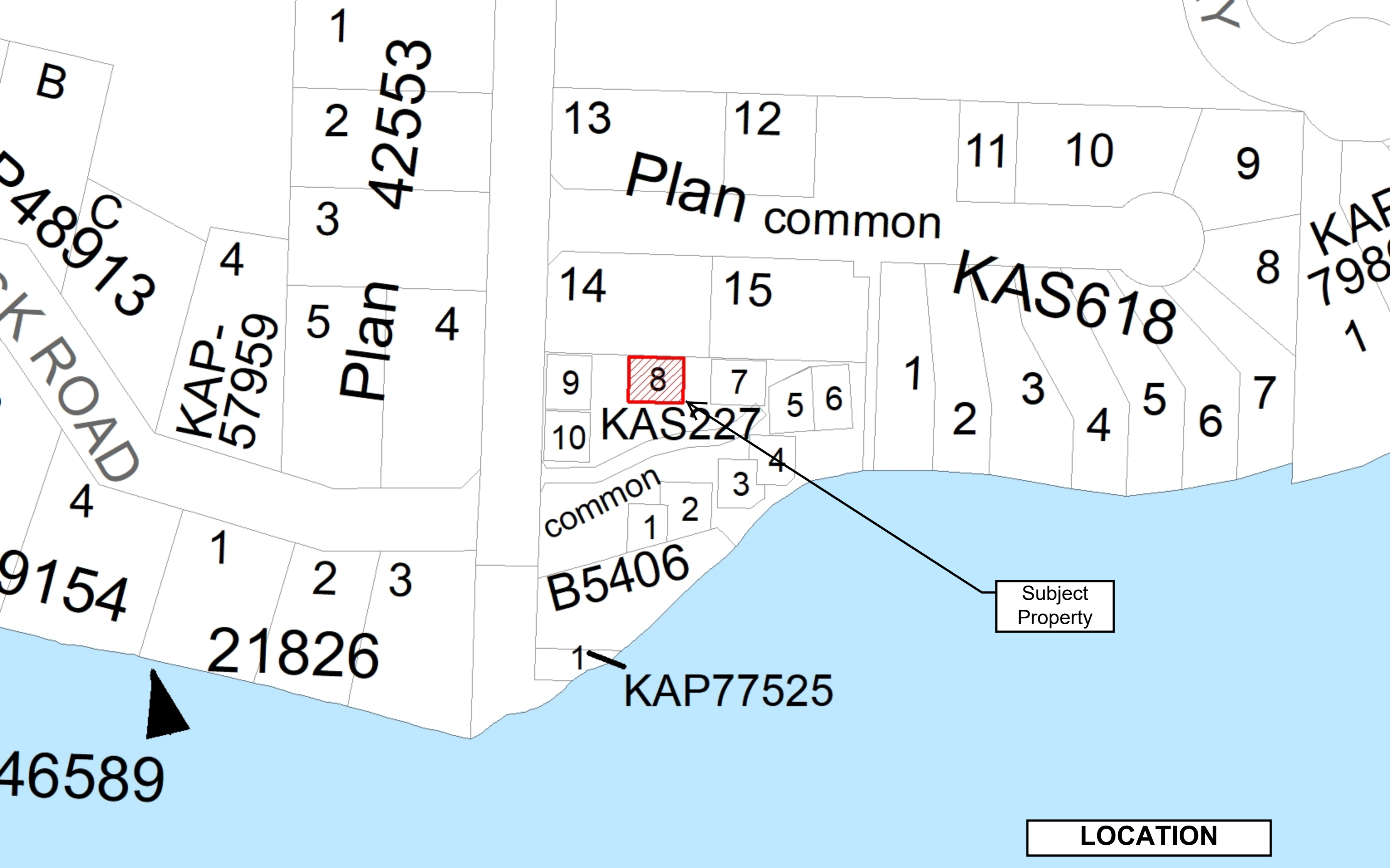
	<p>not required. Occupying an existing dwelling or building without any land alterations does not require archaeological study or permitting.</p> <p>If any land-altering development is planned and proponents choose not to contact an archaeologist prior to development, owners and operators should be notified that if an archaeological site is encountered during development, activities must be halted and the Archaeology Branch contacted at 250-953-3334 for direction. If an archaeological site is encountered during development and the appropriate permits are not in place, proponents will be in contravention of the <i>Heritage Conservation Act</i> and likely experience development delays while the appropriate <u>permits are obtained</u>.</p> <p>Please review the screenshot of the property below (outlined in yellow) in relation to the archaeological potential. In this case, the entire area within which the property is located has high potential for unknown/unrecorded archaeological materials, as indicated by the brown/orange colouration of the screenshot.</p>
CSRD Operations Management	<p>Team Leader Utilities - No concerns.</p> <p>Team Leader Protective Services – The fire department is unable to meet the 10 minute response for the high intensity residential fire regulation to allow minimum spacing between homes. Allowing a 0 metre setback would limit the ability of the neighbouring properties to build within 5 m of the property line.</p> <p>Fire Services Coordinator – Access for emergency vehicles required as per MOTI guidelines.</p> <p>Team Leader Environmental Health – No concerns.</p> <p>Parks – No concerns.</p> <p>Manager Operations Management – No additional concerns.</p>
CSRD Financial Services	No response.
Adams Lake Indian Band	While Adams Lake defers to the Little Shuswap Lake Indian Band on BL825-39, we reiterate that Adams Lake holds constitutionally protected Aboriginal rights including title throughout the entirety of Secwepemculucw. Members of Adams Lake continue to exercise their Aboriginal rights as

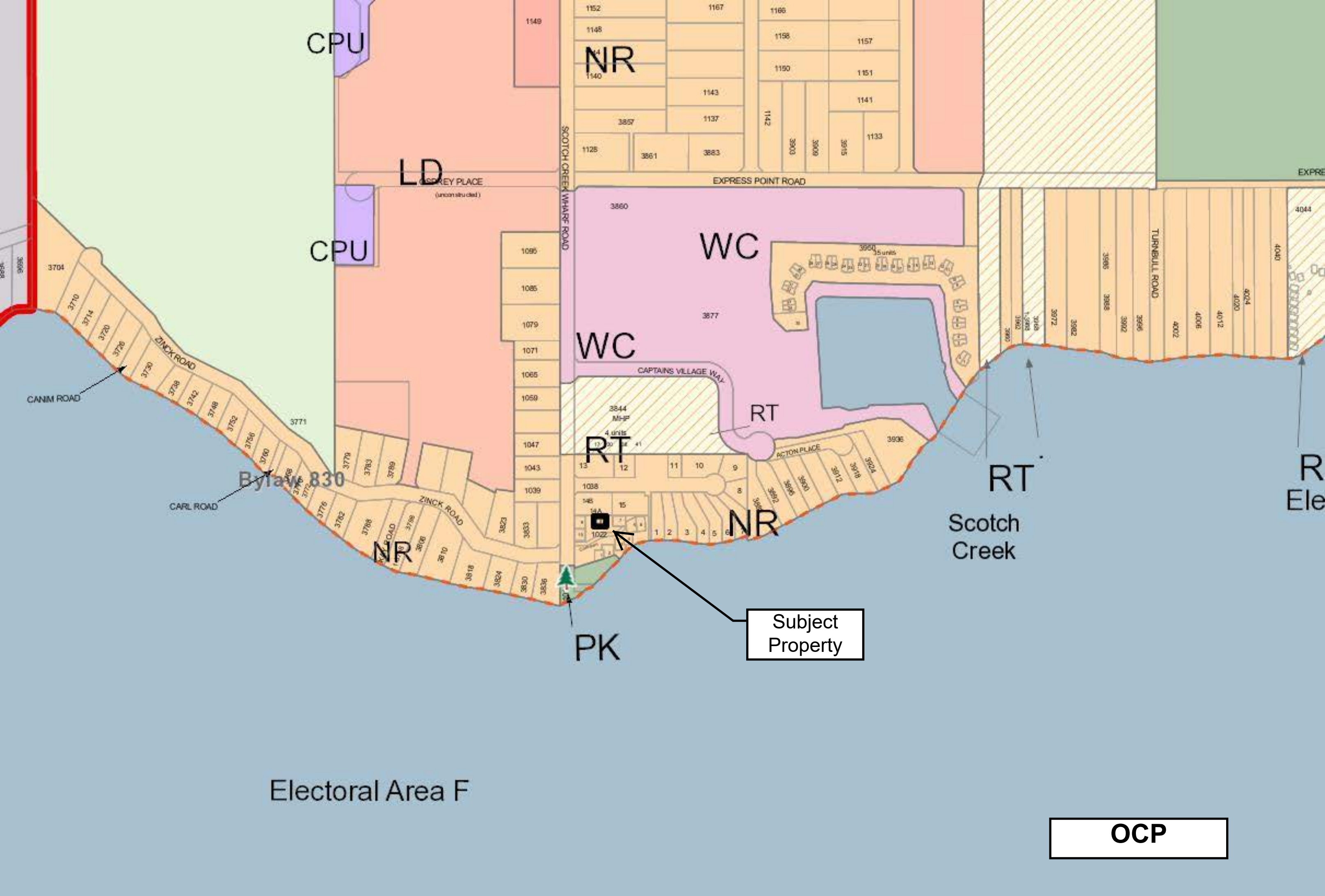
	their ancestors have done for generations, including hunting, trapping, gathering and fishing, along with rights associated with spiritual and cultural traditions that are practiced in accordance with Secwepemc customs, laws and governance structures.
Coldwater Indian Band	No response.
Cooks Ferry Indian Band	No response.
Esh-kn-am Cultural Resources Management Services	No response.
Lower Similkameen Indian Band	No response.
Neskonlith Indian Band	No response.
Nlaka'pamux Nation Tribal Council	No response.
Okanagan Indian Band	No response.
Okanagan Nation Alliance	No response.
Penticton Indian Band	No response.
Siska Indian Band	No response.
Splats'in First Nation	No response.
Simpcw First Nation	No response.

LOCATION



Subject
Property





CPU

NR

LD

CPU

WC

WC

RT

RT

NR

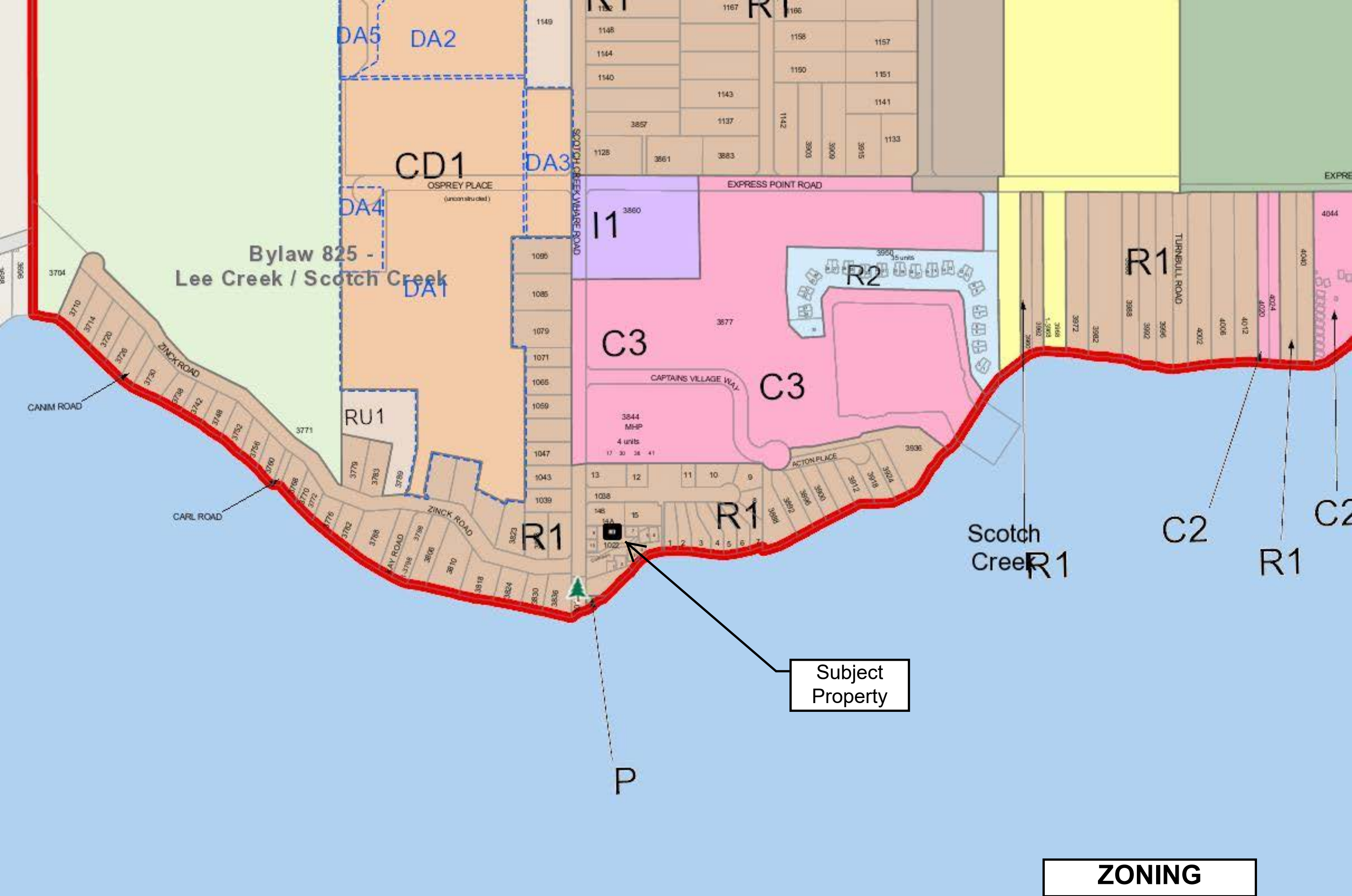
RT

PK

Subject
Property

Electoral Area F

OCP



Bylaw 825 -
Lee Creek / Scotch Creek

Subject
Property

ZONING



MHP

4 units

1047

17 30 38 41

1043

13

12

11

10

9

1039

1038

8

14B

15

14A

8

9

7

5

6

10

1022

4

1

2

3

4

5

6

7

Common

1

2

3

K ROAD

3823

3833

3810

3818

3824

3830

3836

1014

3888

Subject
Property

ORTHOPHOTO

ORTHOPHOTO

14B

15

14A

9

8

7

5

6

10

10222

4

3

Common

BUILDING LOCATION CERTIFICATE

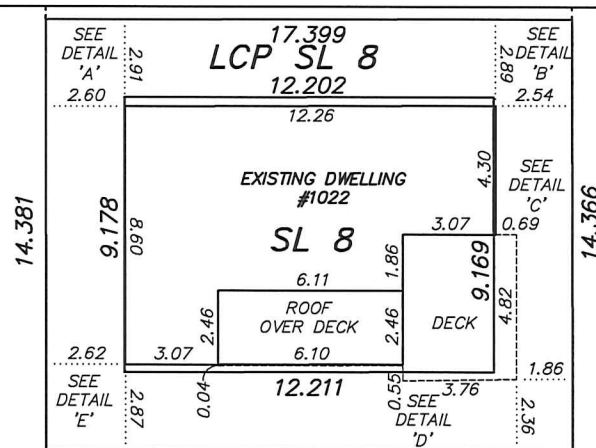
BRITISH COLUMBIA LAND SURVEYORS
CERTIFICATE OF LOCATION
STRATA LOT 8,
Sec 27, Tp 22, R 11, W6M,
KDYD, PLAN K227

CLIENT: YAKASHIRO
JOB No.: 18LS0308



SL 14
K618

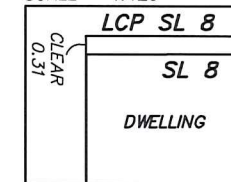
SL 15
K618



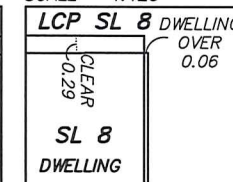
COMMON PROPERTY
PLAN K227

SEC. 27, TP. 22, R. 11

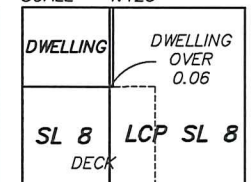
DETAIL 'A'
SCALE - 1:125



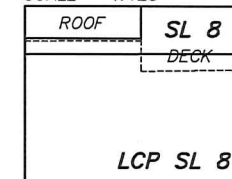
DETAIL 'B'
SCALE - 1:125



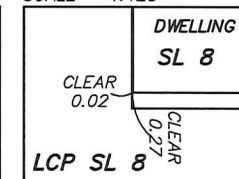
DETAIL 'C'
SCALE - 1:125



DETAIL 'D'
SCALE - 1:125



DETAIL 'E'
SCALE - 1:125



DATE DRAFTED - 180831
SCALE - 1 : 250 (DIMENSIONS ARE
IN METRES AND DECIMALS THEREOF)



#301-7 St. Paul St. W,
Kamloops, B.C. V2C 1E9
Phone (250)374-5331 Fax (250)374-5332
TONY deBRUYNE BCLS, CLS, ALS
ALLNORTH CONSULTANTS LIMITED,

NOTE:

THIS PLAN IS FOR THE USE OF THE BUILDING INSPECTOR AND/OR MORTGAGEE ONLY AND IS NOT TO BE USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES. ALLNORTH LAND SURVEYORS ACCEPT NO RESPONSIBILITY FOR AND HEREBY DISCLAIM ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES INCLUDING, BUT NOT LIMITED TO, DIRECT, INDIRECT, SPECIAL, AND CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON THE PLAN BEYOND ITS INTENDED USE. BOUNDARY DISTANCES ARE BASED ON LAND TITLE AND SURVEY AUTHORITY RECORDS.

FIELD SURVEY COMPLETED 29th DAY OF AUGUST, 2018

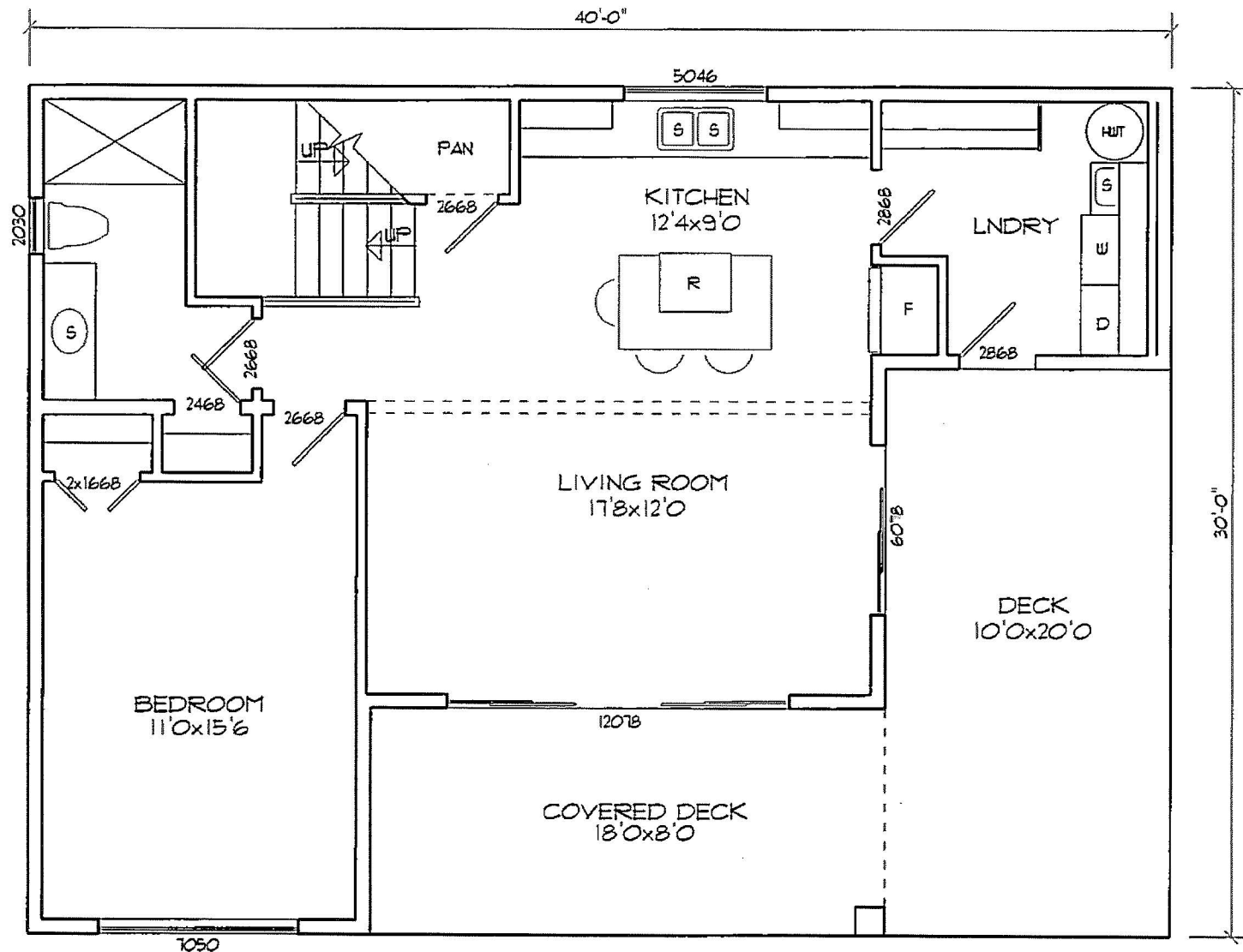


Anthonyus
deBruyne
CHYRXG

Digitally signed by Anthonyus
deBruyne CHYRXG
DN: c=CA, cn=Anthonyus deBruyne
CHYRXG, o=BC Land Surveyor,
ou=Verify ID at www.juricert.com/
LKUP.cfm?id=CHYRXG
Date: 2018.09.04 13:29:44 -06'00'

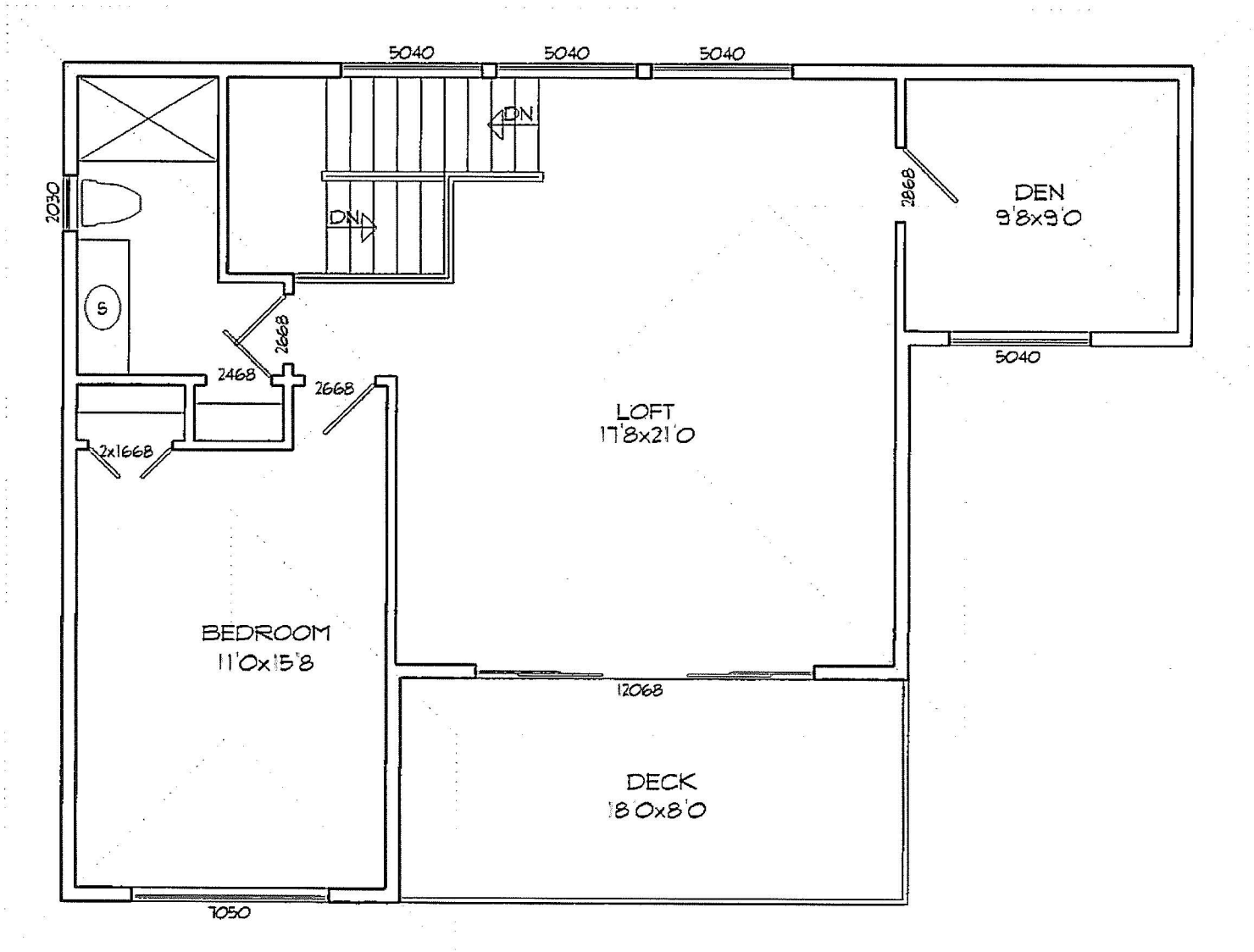
BCLS.

MAIN FLOOR PLAN



MAIN FLOOR PLAN 856 SQ.FT.

SECOND FLOOR PLAN



2nd FLOOR PLAN 786 SQ.FT.

ORIGINAL SURVEY PLAN

SHEET 1 OF 5 SHEETS

P

Strata Plan of
Lot A, Plan 28905

Sec. 27 Tp. 22 Rge. 11 W. 6 M.

Kamloops Division of Yale District

SCALE 1:500

VERNON ASSESSMENT DISTRICT

STRATA PLAN

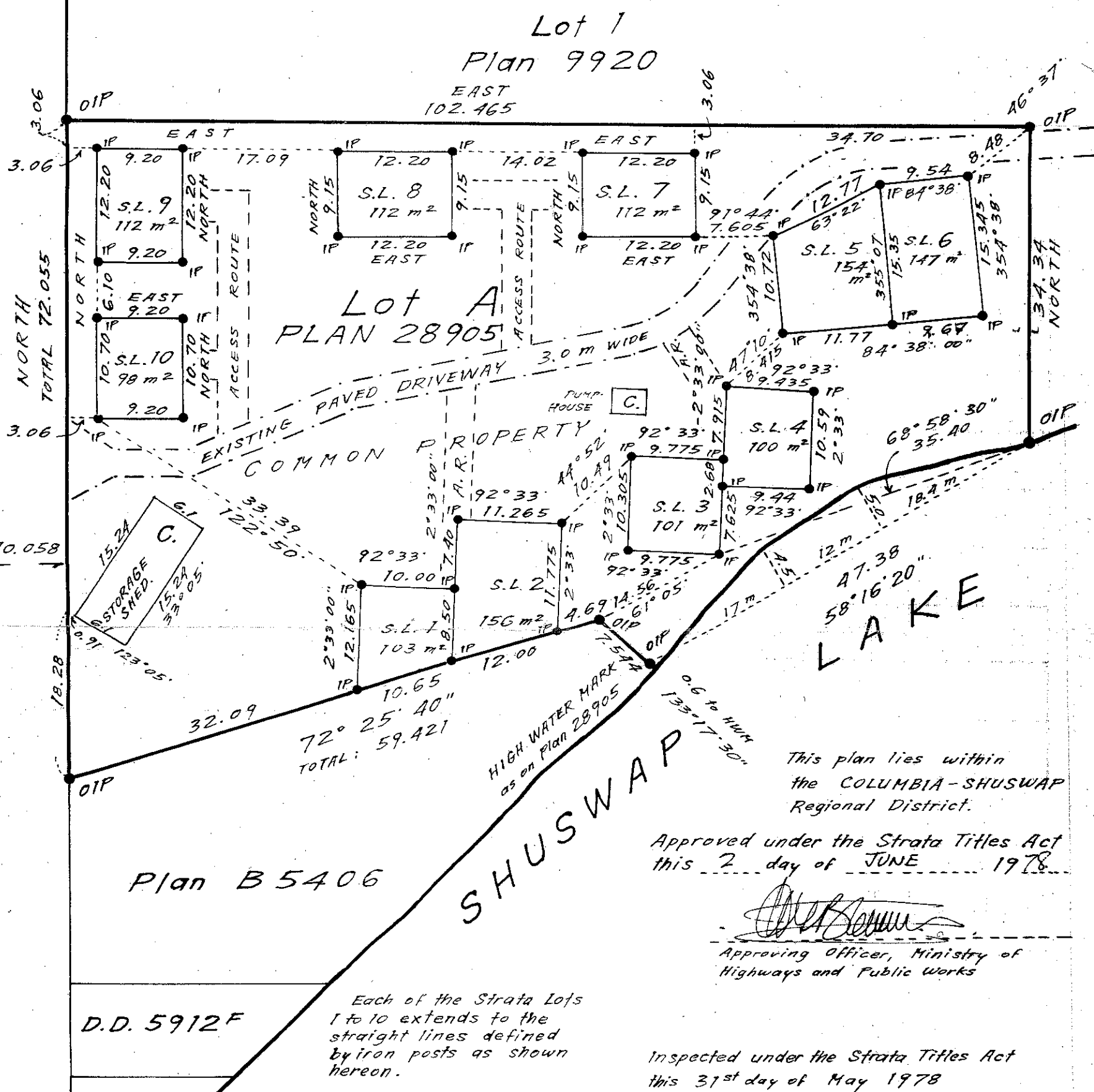
Deposited and Registered
in the Land Registry Office
at Kamloops, B.C., this 12 day
of July 1978

J.C. GROVES

Registrar

SCOTCH CREEK WHARF ROAD

EAST BDY. SE 1/4 SEC. 28
WEST BDY. SW 1/4 SEC. 27



Bearings are astronomic and are derived from Plan 9920.

All distances are in METRES except where indicated otherwise.

- OIP denotes old iron post found.
- IP denotes iron post set.

S.L. STRATA LOT.
C. Common Property.
m² Square Metres.

--- denotes the existing paved driveway, 3 m wide. 300 - 153 SEYMOUR STREET
A.R. denotes ACCESS ROUTE.

The registered owner designated hereon, hereby declares that he has entered into a condition or covenant with the Crown under Sec. 24 of the Land Registry Act.

The address for service of documents on the Strata Corporation is:
300 - 153 SEYMOUR STREET
KAMLOOPS, B.C.

The civic address is:
SCOTCH CREEK, B.C.

AMENDED PLAN

SHEET 1A OF 5 SHEETS

REFERENCE PLAN AMENDING STRATA PLAN K227 TO DESIGNATE
LIMITED COMMON PROPERTY FOR THE BENEFIT OF STRATA LOTS 1
THROUGH 10, STRATA PLAN K227, SEC 27, TP 22, R 11, W6M,
KDYD

PURSUANT TO SECTION 257 OF THE STRATA PROPERTY ACT.

BCGS 92 L .093

SCALE 1 : 250 ALL DISTANCES ARE IN METRES

STRATA PLAN K227

Deposited and Registered in the Land Title Office at Kamloops, B.C.,
this 12 day of Nov, 2008

C. JOHNSTON

Registrar



WHARF ROAD

SCOTCH CREEK

COMMON PROPERTY ROAD K618

SL 1
K618

SL 14
K618

SL 15
K618

COMMON PROPERTY
STRATA PLAN K227

SEC. 27, TP. 22, R. 11

LEGEND

-STANDARD IRON POST FOUND
-STANDARD IRON POST PLACED
- Wt ...DENOTES WITNESS

BEARINGS ARE ASTRONOMIC AND ARE DERIVED FROM PLAN K227
SCOTCH CREEK, BRITISH COLUMBIA

THIS PLAN LIES WITHIN THE COLUMBIA SHUSWAP REGIONAL DISTRICT.

I, LEO COSTER, A BRITISH COLUMBIA LAND SURVEYOR, OF THE CITY
OF KAMLOOPS, IN BRITISH COLUMBIA, CERTIFY THAT I WAS PRESENT
AT AND PERSONALLY SUPERINTENDED THE SURVEY REPRESENTED BY
THIS PLAN AND THAT THE SURVEY AND PLAN ARE CORRECT.
THE FIELD SURVEY WAS COMPLETED ON THE 6TH DAY OF
OCTOBER, 2008. THE PLAN WAS COMPLETED AND CHECKED, AND
THE CHECKLIST FILED UNDER #89437, ON THE 5TH DAY OF
NOVEMBER, 2008.

LEO COSTER B.C.L.S., C.L.S.

COSTER AND SINGER
BC AND CANADA LAND SURVEYORS
#301-7 ST. PAUL STREET WEST,
KAMLOOPS, BC, V2C 1E9
TEL: 250-374-5331 FAX: 250-374-5332
DRAWN BY: GB
DRAWING NO: 073241REF
FILE NO: 073241
FB: 169 P: 110-

PLAN B5406

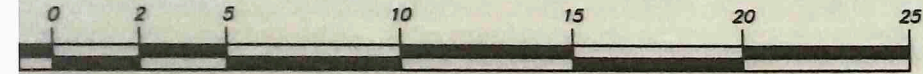
LOT 8 CLOSEUP

TO DESIGNATE

PROPERTY FOR THE BENEFIT OF STRATA LOTS 1
STRATA PLAN K227, SEC 27, Tp 22, R 11, W6M,
KDYD

TO SECTION 257 OF THE STRATA PROPERTY ACT.

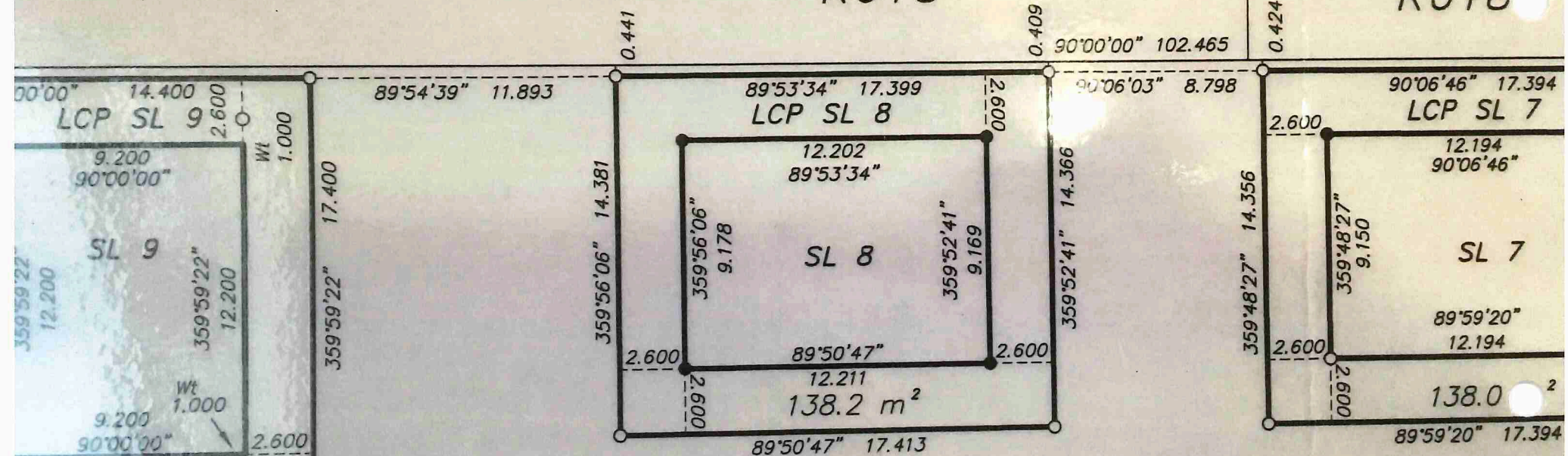
BCGS 92 L .093



SCALE 1 : 250 ALL DISTANCES ARE IN METRES

SL 14
K618

SL 15
K618



COMMON PROPERTY
STRATA PLAN K227