



BOARD REPORT

TO:

Chair and Directors

File No:

BL725-12

PL20180016

SUBJECT:

Electoral Area C: Electoral Area C Official Community Plan Amendment (Shuswap Country Estates) Bylaw No. 725-12

DESCRIPTION:

Report from Dan Passmore, Senior Planner, dated May 30, 2018.
1885 Tappen Notch Hill Road, Carlin.

RECOMMENDATION #1: THAT: "Electoral Area C Official Community Plan Amendment (Shuswap Country Estates) Bylaw No. 725-12" be given second reading this 21st day of June, 2018

RECOMMENDATION #2: THAT: a public hearing to hear representations on " Electoral Area C Official Community Plan Amendment (Shuswap Country Estates) Bylaw No. 725-12 " be held;

AND THAT: notice of the public hearing be given by the 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 of Electoral Area C being that in which the land concerned is located, or Alternate Director Arnie Payment, 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 applicant has applied for an Official Community Plan (OCP) amendment to re-designate the subject properties. When the Electoral Area C OCP Bylaw No. 725 was adopted in March of 2014, it had designated the portion of the property where the existing Shuswap Country Estates development was located as SH – Small Holdings. Shuswap Country Estates is a manufactured home community consisting of 54 units, the SH designation allows for a maximum residential density of 1 unit per 4 ha.

The applicant is seeking to expand the manufactured home community onto the property to the south and to further subdivide that property into 3 large rural lots.

The Board gave the bylaw first reading at the March 29, 2018 regular meeting and directed staff to refer the bylaw to agencies and First Nations. Referral comments have been compiled and it is appropriate for the Board to consider these comments in context with consideration of second reading of the bylaw and delegation of a Public Hearing.

VOTING:Unweighted
Corporate ☐LGA Part 14
(Unweighted) ☒Weighted
Corporate ☐Stakeholder
(Weighted) ☐

BACKGROUND:

See attached "2018-03-29_Board_DS_BL725-12_0731852-BC-LTD_1043181-ALTA-LTD.pdf".

POLICY:

See attached "2018-03-29_Board_DS_BL725-12_0731852-BC-LTD_1043181-ALTA-LTD.pdf".

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

See attached "2018-03-29_Board_DS_BL725-12_0731852-BC-LTD_1043181-ALTA-LTD.pdf".

Update

Staff have received referral comments from agencies and First Nations. See attached "Agency_referral_responses_BL725-12.pdf".

The Agricultural Land Commission Act (ALCA) under Section 2 indicates that the ALCA is not subject to any other enactment except the Environmental Management Act (EMA). The EMA, under Section 4, does not recognize the ALCA as an area of conflict, and therefore the EMA would seem to prevail. In actuality, according to staff at the ALC, the ALCA also applies, and therefore, the proposal must be in accordance with ALC applicable regulations.

In practice a permit being considered for issuance under the EMA for a wastewater receiving facility typically does not get referred to the ALC or to Local Government for input. This has resulted in a great many registrations being issued which impact on farm land. Strictly speaking, however, a Wastewater receiving facility is not a farm use, or a permitted non-farm use according to the Agricultural Land Commission Use, Subdivision and Procedure Regulation (BC Reg 171/2002).

Approval of the Ministry of Environment (MoE) would only be required should the existing wastewater treatment facility not have capacity to service the number of anticipated units. Information provided by the Engineer indicates that the current registration will be adequate and that no update would be required from the MoE. ALC staff have responded indicating that this is their understanding of the proposal, and as long as the facility does not need to be expanded, it is in compliance.

ALC staff have also indicated that the wastewater treatment facility was approved to be on ALR land by ALC resolutions #765/95 and #646/96 and have provided Development Services staff with these resolutions. These resolutions were not previously on file at the CSRD.

Should an update to the registration become necessary, however, this would only occur after the ALC has rendered a favourable decision on a non-farm use application.

Ministry of Agriculture's recommendation against the bylaw is therefore rendered moot by these approvals from the ALC and the revelation that the wastewater treatment facility is in compliance with the ALCA.

See attached "ALC_Referral_Response_Letter_BL725-12.pdf".

SUMMARY:

The applicant has applied for an OCP amendment that would re-designate portions of the subject properties which would reconcile an existing Manufactured Home Community development on the site and allow for its future expansion while also paving the way for a 3 lot subdivision to occur. Staff have prepared the OCP amendment bylaw in accordance with the application request.

Staff expressed concerns with the application at first reading which have been resolved through communication with the applicant. However, staff still harbour concerns about the expansion of residential use and density outside of the Village Centre and Secondary Settlement Area identified in the OCP. It is recognized that this application is to expand an existing manufactured home community development that was established prior to the adoption of the OCP. Also, for the Board's consideration is that the form and density of the residential housing that is proposed may increase the supply of affordable housing in the area, which is also an objective supported by the OCP.

Staff are recommending that the Board consider the bylaw for second reading and delegation of a Public Hearing. Staff provide this recommendation understanding that the Board may wish to consider additional limitations on the re-designation to control the number of units or the type of housing contemplated (detached) after hearing from the Public. Alternatively, the Board may decide that the expansion of the manufactured home community may not be appropriate in this location.

IMPLEMENTATION:

If the Board gives Bylaw No. 725-12 second reading and delegates a Public Hearing, staff will set a date for the Public Hearing and proceed with notification of property owners within 100 m of the subject property and publication of newspaper notices in accordance with the Local Government Act.

COMMUNICATIONS:

Agency comments are provided in the attached "Agency_referral_responses_BL725-12.pdf". The applicant was required to post a Notice of Development sign on the subject property in accordance with Development Services Procedures Bylaw No. 4001. The sign was posted.

DESIRED OUTCOMES:

That the Board endorse 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. Ministry of Environment Permit PE-13672 for sewage treatment and disposal.
3. Various permits issued by Interior Health Authority for water system.

Report Approval Details

Document Title:	2018-06-21_Board_DS_BL725-12_0731852-BC-LTD_1043181-ALTA-LTD.docx
Attachments:	<ul style="list-style-type: none">- 2018-03-29_Board_DS_BL725-12_0731852-BC-LTD_1043181-ALTA-LTD.pdf- BL725-12_Second.pdf- ALC_Referral_Response_Letter_BL725-12.pdf- Agency_referral_Responses_BL725-12.pdf- Shuswap Country Estates OCP Supplementary Letter 20180327.pdf- Maps_Plans_BL725-12.pdf
Final Approval Date:	Jun 8, 2018

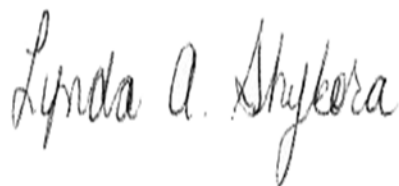
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Jun 7, 2018 - 9:20 AM



Gerald Christie - Jun 8, 2018 - 11:55 AM



Lynda Shykora - Jun 8, 2018 - 1:41 PM

No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora

Charles Hamilton - Jun 8, 2018 - 1:42 PM