



BOARD REPORT

TO: Chair and Directors

File No: TUP 830-2
PL20170067

SUBJECT: Electoral Area F Temporary Use Permit No. 830-2 (Darroch/Isley)

DESCRIPTION: Report from Dan Passmore, Senior Planner, dated April 7, 2017.
6929 Squilax-Anglemont Road, Magna Bay

RECOMMENDATION #1: THAT: In accordance with Section 493 of the Local Government Act, Temporary Use Permit No. 830-2 for Part W1/2 of the NW 1/4, Section 17, Township 23, Range 9, W6M, KDYD, Except Plan B7633 (PID: 014-009-552), for an approximately 7,500 m² portion of the subject property for outdoor boat and trailer parking for registered guests of Magna Bay Resort on the subject property from May 19, 2017 until May 19, 2020, be issued this 18th day of May, 2017

SHORT SUMMARY:

The applicant has submitted this application for a Temporary Use Permit to allow an approximately 7,500 m² portion of the subject property in the southwest corner of the part of the property north of Ross Creek and outside the Riparian Areas Regulation 30 m Streamside Protection and Enhancement Area (SPEA) to be used for boat and trailer parking for registered guests of the adjacent Magna Bay Resort only, for a period of 3 years.

VOTING: Unweighted Corporate LGA Part 14 (Unweighted) Weighted Corporate Stakeholder (*Weighted*)

BACKGROUND:

PROPERTY OWNERS: Robert and Evelyn Isley
APPLICANT: Greg Darroch
ELECTORAL AREA: F
CIVIC ADDRESS: 6929 Squilax-Anglemont Road, Magna Bay
LEGAL DESCRIPTION: Part W1/2 of the NW 1/4, Section 17, Township 23, Range 9, W6M, KDYD, Except Plan B7633 (PID: 014-009-552)
SIZE OF PROPERTY: 30.53 ha (79.3 ac)
DESIGNATION: RSC Rural and Resource
ZONE: A - Agriculture
CURRENT USE: Ross Creek General Store and Campground/Gravel Pit/Vacant

PROPOSED USE: Approximately 7,500 m² for Boat and Trailer storage

SURROUNDING LAND USE PATTERN:

North: Gravel Pit

South: Rural Residential

East: Agricultural/Rural Resource/Rural Residential

West: Residential/Resort Campground

POLICY:

Electoral Area 'F' Official Community Plan Bylaw No. 830

11.4 Rural and Resource Lands (RSC)

Objective 1

To support forestry, agricultural, mining and recreational uses provided they follow all Provincial regulatory requirements, and avoid conflicts with residential areas.

Policy 1

The Rural and Resource land use designation is established on Schedules B & C.

Policy 2

Forestry, mineral, and aggregate extraction and outdoor recreational uses are appropriate in this area.

Policy 3

Lands designated as Rural and Resource should be maintained as large land parcels.

Policy 4

The Regional District encourages responsible land use practices on Rural and Resource lands:

Forestry should be managed in accordance with the Okanagan Shuswap Land and Resource Management Plan (OSLRMP). The Ministry of Forests, Lands and Natural Resource Operations is encouraged to use its regulatory authority to ensure that best management practices are followed by logging operations in order to minimize erosion and protect, to the greatest extent possible, the attractive viewscapes associated with the natural tree cover in the area. There should be no clear-cutting of large tracts of forest land that are visible from Shuswap Lake.

Aggregate operations are subject to the licensing requirements of the Ministry of Energy and Mines. Aggregate operators must conduct their activities in accordance with the Aggregate Operators Best Management Practices Handbook for British Columbia which addresses specific community issues such as noise, dust, traffic, hours of operation, viewscapes and sets out specific practices designed to minimize impact on the environment. Schedule E, showing the extent of aggregate potential, is sourced from the Ministry of Energy and Mines.

Policy 5

The Regional District encourages the Ministry of Energy and Mines to refer sand and gravel/quarry proposals to the Regional District and give due consideration to the impact of extraction and processing activities on surrounding land uses and developments. In particular, the Regional District encourages the Ministry not to issue new surface permits for sand and gravel/quarry processing near

residential areas unless the applicant demonstrates how mitigation measures will minimize or nullify the effects of the proposed activity.

Policy 6

Resource extraction operations, including forestry and mining, are responsible for restoring the landscape upon completion of the operations.

Section 14 Temporary Use Permits

The Regional District may consider issuing Temporary Use Permits through the authority of the *Local Government Act*.

Area

Temporary Use Permits are allowed in all designations.

Guidelines

For all temporary use permits:

Applicants must demonstrate how the proposed use will not markedly impact adjacent residents, local services and the environment. Where impacts are expected, applicants must provide details of those impacts and mitigative measures.

Magna Bay Zoning Bylaw No. 800

Section 5.2 Agriculture - A

Permitted Uses

- (a) *Agriculture*
- (b) *Aquaculture*
- (c) *Bed and breakfast*, permitted on a *parcel* 1 ha (2.47 ac.) or larger.
- (d) *Home business*
- (e) *Home industry*, permitted on a *parcel* 4000 m² (0.99 ac.) or larger.
- (f) *Kenel*, permitted on a *parcel* 2 ha (4.94 ac) or larger. *Buildings* and structures, including runs must be a minimum of 30 m (98.43 ft.) from a *parcel* boundary.
- (g) *Residential campsite*
- (h) *Single family dwelling*
- (i) *Standalone residential campsite*
- (j) *Accessory use*

FINANCIAL:

The TUP application is the result of a Bylaw Enforcement action. Should the Board consider the application and decide not to issue the TUP, Bylaw Enforcement action will re-commence. The cost of preparing TUP legal documents will be borne by the applicant/property owners.

KEY ISSUES/CONCEPTS:

Access:

Access will be from the Magna Bay Resort, an adjacent neighbouring property to the west.

Sewer Servicing and Drinking Water

The boat and trailer storage area would not be required to have servicing.

Riparian Area Regulation Issues/History

As a condition of the rezoning of the part of the property south of Ross Creek for the Ross Creek General Store and Campground, the property owner applied for a Development Permit (DP 830-45). DP 830-45 was issued for RAR and for flood hazard issues concerning Ross Creek. The applicant had a Riparian Area Assessment Report (RAAR) completed by a Qualified Environmental Professional (QEP), dated March 29, 2011, by Bill Rublee, R.P.Bio. of Triton Environmental Consultants Ltd. Use of the area for boat and trailer storage will be outside of the established Streamside Protection and Enhancement Area (SPEA) of 30.0 m for Ross Creek, and the SPEA will be protected with silt fencing and staked out.

Rezoning and Subdivision

The owner has made an application to subdivide the subject property in combination with another property Lot 1, Plan KAP56704, northwest of the subject property. The proposed subdivision will create a new lot in the area where this temporary use is being contemplated, that will be accessed from McClaskey Road via a panhandle.

Because the current zoning of the subject property and the neighbouring lot do not permit the lot sizes proposed in the subdivision the applicant has also submitted an application to rezone the portion of the subject property north of Ross Creek to allow for the subdivision, as well as an expansion of the uses contemplated in this TUP.

SUMMARY:

The applicant has applied for a temporary use permit which would allow boat and trailer storage for registered guests of the adjacent Magna Bay Resort only. Staff are recommending that the Board consider issuing the Temporary Use Permit, subject to the applicant providing details for staff review and approval regarding surface treatments for the parking area, drainage control measures, silt fencing demarcation of the SPEA area, and access limited from the Magna Bay Resort property only.

IMPLEMENTATION:

Neighbouring property owners will become aware of the proposal when the applicant posts a notice of development sign on the subject property and when required notifications from this office are received by property owners within 100 m of the subject property. An advertisement will be placed in the May 12, 2017 edition of the Shuswap Market News.

COMMUNICATIONS:

If the Board approves issuance of TUP 830-2, the owner and agent will be advised of the decision, and upon satisfying any necessary conditions, the TUP will be registered at the Land Title Office.

DESIRED OUTCOMES:

That the Board endorse staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation. TUP 830-2 will be issued.*
2. *Decline issuance of the Permit.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

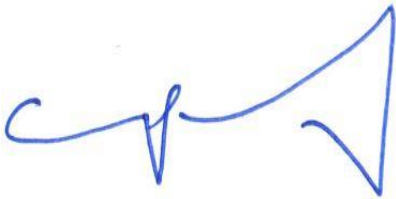
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. N/A

Report Approval Details

Document Title:	2017-05-18_Board_DS_TUP830-2_IsleyDarroch.docx
Attachments:	- TUP830-2-Permit2.docx - TUP830-2-Report Attachments.docx
Final Approval Date:	May 8, 2017

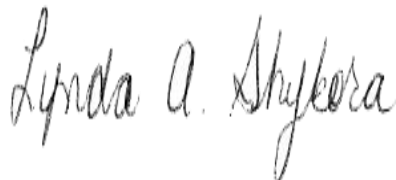
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - May 2, 2017 - 4:13 PM



Gerald Christie - May 8, 2017 - 6:52 AM



Lynda Shykora - May 8, 2017 - 9:36 AM



Charles Hamilton - May 8, 2017 - 2:30 PM