



# BOARD REPORT

**TO:**

Chair and Directors

**File No:** BL825-40  
PL20190030

**SUBJECT:**

Electoral Area F: Scotch Creek/Lee Creek Zoning Amendment (Mosher)  
Bylaw No. 825-40

**DESCRIPTION:**

Report from Erica Hartling, Planner I, dated March 29, 2019.  
3740 Ancient Creek Lane, Scotch Creek

**RECOMMENDATION:**

THAT: "Scotch Creek/Lee Creek Zoning Amendment (Mosher) Bylaw No. 825-40" be read a first time this 18<sup>th</sup> day of April, 2019;

AND THAT: the Board utilize the simple consultation process for Bylaw No. 825-40 and it be referred to the following agencies and First Nations:

- Interior Health Authority;
- Ministry of Transportation and Infrastructure;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
- CSR D Operations Management; and,
- Relevant First Nations Bands and Councils.

**SHORT SUMMARY:**

The subject property is located at 3740 Ancient Creek Lane in Scotch Creek of Electoral Area F. The owners are applying to amend the zone of the Scotch Creek/Lee Creek Zoning Bylaw No. 825 from MU – Mixed Use to R1 – Residential – 1. The proposed R1 zone will continue to allow a single family dwelling or standalone residential campsite as a principal use for the subject property but will not permit the commercial principal uses that are listed in the MU zone.

**VOTING:**

Unweighted  
Corporate

☐

LGA Part 14  
(Unweighted)

☒

Weighted  
Corporate

☐

Stakeholder  
(Weighted)

☐**BACKGROUND:****REGISTERED OWNER(S):**

Christopher James Mosher, Athanasia Mosher

**ELECTORAL AREA:**

F

**LEGAL DESCRIPTION:**

Lot 6, Section 33, Township 22, Range 11, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District,  
Plan KAP59951

**PID:**

023-873-809

**CIVIC ADDRESS:**

3740 Ancient Creek Lane, Scotch Creek

**SURROUNDING LAND USE PATTERN:**

North = Ancient Creek Lane, Residential properties

South = Residential properties

East = Cardy Drive, North Shuswap Storage Resort, and a Residential/Recreational property

West = Residential and Recreational properties

**CURRENT USE:**

Recreational - standalone residential campsite

**PROPOSED USE:**

No proposed change, current residential/recreational use to remain

**PARCEL SIZE:**

0.407 ha (1.01 acres)

**DESIGNATION**

Electoral Area F Official Community Plan Bylaw No. 830 (OCP)

NR - Neighbourhood Residential, Scotch Creek Primary Settlement Area

**ZONE:**

Scotch Creek/Lee Creek Zoning Bylaw No. 825

MU – Mixed Use

**PROPOSED ZONE:**

R1 – Residential – 1

**SITE COMMENTS:**

See "Maps\_Plans\_Photos\_BL825-40.pdf" attached.

The subject property is currently used as a recreational lot and the owners have a standalone residential campsite (recreational trailer) as the principal use, with future plans to build a single family dwelling. The owners have no plans to develop the lot for commercial use. The property is surrounded by similar uses and most of the neighbouring properties either have a single family dwelling or a standalone residential campsite as the principal use.

**POLICY:**

See "BL830\_BL825\_Excerpts\_BL825-40.pdf" attached.

Electoral Area F Official Community Plan Bylaw No. 830

- 11.1 General Land Use
- 12.8 NR - Neighbourhood Residential

Scotch Creek/Lee Creek Zoning Bylaw No. 825

- 5.12 MU – Mixed Use

- 5.7 R1 – Residential – 1

**FINANCIAL:**

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

**KEY ISSUES/CONCEPTS:****Proposal**

This application proposes to rezone the subject property from the MU to R1 zone to remove the commercial principal uses that are currently permitted in the MU zone. The property owners believe that a successful rezoning to the R1 zone will decrease their property taxes. The lot is currently used as a residential recreational property and the owners have no plans to utilize any of the commercial uses listed in the MU zone. The majority of the properties within the Ancient Creek Lane subdivision have been developed and most of the property owners have also opted to construct single family dwellings or have a standalone residential campsite as their principal use, instead of the various commercial uses available within the current MU zone.

**Previous Bylaw Amendment**

The Board reviewed a similar rezoning application (Bylaw No. 825-27) over two properties (3719 and 3723 Ancient Creek Lane) in the Ancient Creek Lane subdivision, requesting to remove the commercial uses that are permitted in the MU zone. These two properties were rezoned from MU to the R1 zone and the bylaw amendment was adopted February 20, 2014. Five community members residing in the area at the time were in attendance at the public hearing and all were in support of the proposed R1 zone. In addition, the referral agencies that responded to rezoning from MU to R1 all had no concerns with the proposed amendment.

**Neighbourhood Residential (NR) Policies**

The proposal is consistent with the NR designation and policies within Bylaw No. 830 and reflects the existing neighbourhood's character and general development patterns in the area. The subject property and neighbouring properties are considered Scotch Creek Larger Lots within the NR designation, which supports maintaining the existing setbacks, landscaping, visual buffers, building massing and building orientation of the residential/recreational neighbourhood.

**Servicing**

The subject property is within the Scotch Creek Primary Settlement Area of the OCP, which requires all new development to connect to a community water system and a community sewer system. At the time of subdivision all of the lots created within the Ancient Creek Lane subdivision were originally developed with individual groundwater wells. Currently no options exist in the subject area for either community water or sewer servicing and the owners have confirmed that the subject property is serviced by a residential on-site well and septic system.

A future community water service area is planned for Scotch Creek; however, the Ancient Creek Lane subdivision is not included in the planned Phase 1 service area and there is no set timeline for when a water service area and connection will be available to the subject property.

**Access and Parking**

The subject property is a corner lot to Ancient Creek Lane and Cardy Drive and is currently accessed off of Ancient Creek Lane. The property has plenty of room available to meet the minimum parking space requirements for the permitted uses of the R1 zone.

**SUMMARY:**

The owners have applied to amend Bylaw No. 825 to rezone the subject property from MU to R1. As the rezoning is in compliance with the OCP policies of the Neighbourhood Residential designation and reflects the dominant land use pattern within the area, staff recommends Bylaw No. 825-40 be given first reading and sent to the recommended referral agencies.

**IMPLEMENTATION:****Consultation Process**

CSRD Policy P-18 regarding Consultation Processes – Bylaws, staff recommends the simple consultation process. Neighbouring property owners will first become aware of the application when a notice of application sign is posted on the subject property.

**Referral Process**

The following list of referral agencies is recommended:

- Interior Health Authority;
- Ministry of Transportation and Infrastructure;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
- CSRD Operations Management;
- Adams Lake Indian Band;
- Little Shuswap Indian Band;
- Neskonlith Indian Band;
- Okanagan Indian Band;
- Shuswap Indian Band;
- Simpcw First Nation; and,
- Splots'in First Nation.

**COMMUNICATIONS:**

If the Board gives Bylaw No. 825-40 first reading, the bylaw will be sent out to referral agencies. Referral responses will be provided to the Board with a future Board report, prior to delegation of a public hearing.

**DESIRED OUTCOMES:**

That the Board endorse staff recommendation.

**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. Official Community Plan Bylaw No. 830
2. Scotch Creek/Lee Creek Zoning Bylaw No. 825

**Report Approval Details**

Document Title:	2019-04-18_Board_DS_BL825-40_Mosher.docx
Attachments:	<ul style="list-style-type: none"><li>- BL825-40_First.pdf</li><li>- BL830_BL825_Excerpts_BL825-40.pdf</li><li>- Maps_Plans_Photos_BL825-40.pdf</li></ul>
Final Approval Date:	Apr 10, 2019

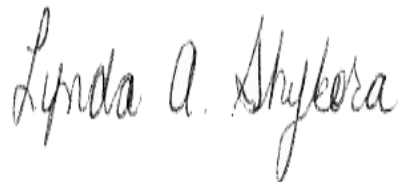
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Apr 10, 2019 - 10:50 AM**



**Gerald Christie - Apr 10, 2019 - 1:09 PM**



**Lynda Shykora - Apr 10, 2019 - 3:09 PM**

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

**Charles Hamilton - Apr 10, 2019 - 3:10 PM**