



# BOARD REPORT

**TO:**

Chair and Directors

<b>File No:</b> BL830-20 PL20190224
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**SUBJECT:**

Electoral Area F: Electoral Area F Official Community Plan Amendment (Okaview Estates Ltd.) Bylaw No. 830-20

**DESCRIPTION:**

Report from Candice Benner, Planner II, dated December 20, 2019. 5581 and 5587 Squilax-Anglemont Road, Celista

**RECOMMENDATION:**

THAT: Electoral Area F Official Community Plan Amendment (Okaview Estates Ltd.) Bylaw No. 830-20 be read a first time this 16<sup>th</sup> day of January, 2020;

AND THAT: the Board utilize the simple consultation process for Bylaw No. 830-20, and it be referred to the following agencies and First Nations:

- Area F Advisory Planning Commission;
- CSR D Operations Management;
- CSR D Finance;
- Interior Health Authority;
- Ministry of Transportation and Infrastructure;
- Ministry of Forests, Lands and Natural Resource Operations – Archaeology Branch;
- Relevant First Nations Bands and Councils.

**SHORT SUMMARY:**

The applicant has applied to redesignate a portion of the subject property from AG -Agriculture to WR – Waterfront Residential and to create a new site specific density policy in the WR designation for the subject property only to facilitate a two lot subdivision of 0.5 ha and 0.4 ha each.

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**VOTING:**

Unweighted  
Corporate

☐

LGA Part 14  
(Unweighted)

☒

Weighted  
Corporate

☐

Stakeholder  
(Weighted)

☐

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**BACKGROUND:****REGISTERED OWNERS:**

Okaview Estates Ltd., Inc. No. BC55202

**APPLICANT:**

Chris Urquhart

**ELECTORAL AREA:**

F (Celista)

**LEGAL DESCRIPTION:**

Lot 1, Section 9, Township 23, Range 10, W6M, KDYD, Plan KAP91431

**PID:**

028-349-776

**CIVIC ADDRESS:**

5581 Squilax-Anglemont Road

5587 Squilax-Anglemont Road

**SURROUNDING LAND USE PATTERN:**

North = ALR, densely treed

South = Squilax-Anglemont Road, Shuswap Lake

East = Residential

West = Residential

**CURRENT USE:**

2 single family dwellings

**PARCEL SIZE:**

0.901 ha

**PROPOSED PARCEL SIZES:**

Proposed Lot A – 0.5 ha

Proposed Lot B – 0.4 ha

**CURRENT DESIGNATION:**

Electoral Area F Official Community Plan Bylaw No. 830

AG – Agriculture

WR – Waterfront Residential

**PROPOSED DESIGNATION:**

WR – Waterfront Residential with new site specific density policy

**ZONE:**

Upland: N/A

Foreshore:

Lakes Zoning Bylaw No. 900

FR2 – Foreshore Residential 2

**AGRICULTURAL LAND RESERVE:**

0%

**POLICY:**

See "BL830\_BL641\_Excerpts\_BL830-20.pdf" attached.

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

- Section 11 Managing Growth: North Shuswap

- 11.2 Agriculture (AG)
- 11.6 Waterfront Residential (WR)

The subject property has two OCP land use designations: the northern two-thirds of the property is designated AG and the southern third is designated WR. Bylaw No. 830 notes the minimum size for subdivision as being 60 ha in the AG designation with new subdivisions generally being discouraged. The AG designation typically applies to parcels located within the ALR; the subject property is not within the ALR. The WR designation indicates a 1 dwelling unit per hectare for single family dwellings connected to an on-site sewage disposal system and an independent on-site water system; parcels less than 1 ha must be connected to community water and community sewer systems. Bylaw No. 830 also notes that development and growth is to be directed toward primary and secondary settlement areas identified in Electoral Area F. See "BL830\_BL641\_Excerpts\_BL641-35.pdf" attached, for more information.

#### 11.6 Waterfront Residential (WR)

##### Policy 3

The maximum net density for any new dwelling not on community water and sewer is one unit per 2.5 acres (1 unit per hectare).

Unless connected to community water and sewer systems, subdivision of the subject property into smaller 0.5 and 0.4 ha parcels is not support by OCP policy. The subject property is also not located in a primary or secondary settlement area, the closest settlement area is the Celistia Secondary Settlement Area located approximately 1 km to the west of the subject property, see "Maps\_Plans\_Photos\_DVP641-35.pdf" –OCP map.

#### Subdivision Servicing Bylaw No. 641

##### Schedule A

##### Levels of Service

All properties to be subdivided for single family residential use proposed to be serviced with an On-site Sewage Disposal System and an Independent On-site Water System must be a minimum of 1.0 Ha. in size, unless a smaller parcel size is permitted in Zoning regulations.

##### Level of Service Table

OCP Designation	Water Requirement	Sewer Requirement
Primary Settlement	<i>Water Supply System</i>	<i>Community Sewer System*</i>
Secondary Settlement	<i>Water Supply System</i>	<i>Community Sewer System*</i>
Town Centre Commercial	<i>Water Supply System</i>	<i>Community Sewer System</i>
All other designations	<i>Independent On-site Water System/ Water Supply System</i>	<i>On-site Sewage Disposal System</i>

\* - If proposed lots are less than 1.0 Ha. in size. If proposed lots are 1.0 Ha., or larger, an *On-site Sewage Disposal System* may be utilised if approved pursuant to the Public Health Act.

**FINANCIAL:**

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

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

The applicant has applied for a two lot subdivision of its 0.901 ha parent parcel; the proposed lot sizes are 0.5 ha and 0.4 ha.

The parent parcel currently has 1 single family dwelling and 1 cabin located on it; the subdivision layout is such that each proposed lot would have one dwelling; Proposed Lot A would have the single family dwelling and Proposed Lot B would have the cabin. Both dwellings have independent septic systems and surface water connections to Shuswap Lake.

**Subdivision Servicing Bylaw No. 641 - Development Variance Permit**

Schedule A of Subdivision Servicing Bylaw No. 641 requires all new lots that are proposed to be serviced by onsite water and onsite sewage disposal systems (OSDS) to be a minimum of 1 ha in size. This 1 ha parcel size minimum, when onsite servicing is proposed, is a directive from Interior Health Authority and the province, and is supported by OCP Policy 11.6.3, as it is considered to be long term sustainable community development that ensures adequate area for a OSDS, back up septic area, and minimum separation to drinking water sources. Connection to community water and sewer systems is not possible for this property as the area does not have these community services.

At the August 15, 2019 Board meeting the Board of Directors considered Development Variance Permit (DVP) No. 641-35 for the subject property. The DVP was to waive the Levels of Service requirements in Schedule A of Subdivision Servicing Bylaw No. 641 to allow both lots to be smaller than 1.0 ha and be serviced by an OSDS and an independent on-site water system.

As part of the DVP application, the applicant submitted a Septic Report, April 11, 2019, completed by Steven Rogers, ROWP, Shuswap Septic & Site Preparation, for the proposed lots. The report indicated that both dwellings are connected to an OSDS that do not meet current standards. The Board of Directors approved the DVP with the condition that the applicant upgrade the existing septic systems to meet or exceed current Sewerage System Regulation standards prior to the DVP being issued. The DVP 641-35 is not issued at the time of writing this report.

Staff have requested water servicing information from the applicant including water licenses for the existing connections.

**Development Permit**

Upgrading the OSDS requires a Lakes 100 m Development Permit (DP), which includes a hydrogeological assessment completed by a qualified professional. The purpose of the Lakes 100 m DP is for the protection of Shuswap Lake water quality; this is both for the safekeeping of natural

environmental ecosystems but also for ensuring the lake remains a safe source for drinking water. The Development Permit Area (DPA) is applicable to septic installation, alteration and repair and parcel development over 450 m<sup>2</sup> within 100 m of Shuswap Lake. The applicant applied for this DP concurrently with this OCP amendment, but staff have not yet received a report from a qualified professional.

Staff have advised the applicant that the hydrogeological professional report required for the Lakes 100 m DP will need to address the long term sustainability of the proposed development due to the proposed lot sizes and the use of on-site servicing. Staff will include this professional report for the Board review prior to consideration of second reading of the proposed bylaw amendment.

A Riparian Areas Regulation Development Permit (DP830-21) was issued for the subject property with a previous subdivision application that established a 10.0 m Streamside Protection and Enhancement Area (SPEA) for Celista Town Creek and a 15.0 m SPEA for Shuswap Lake; this proposed development, including construction of the new septic systems will be located outside of both SPEAs and is therefore exempt from requiring a new Riparian Areas Regulation DP.

### **OCP Amendment**

When a property is in an area without zoning but requires a DP, it necessitates the requirement for the property to meet the permitted density indicated in the OCP designation. The subject property is split designated AG - Agriculture and WR – Waterfront Residential; the minimum parcel size for subdivision in the AG designation is 60 ha and the maximum net density in the WR designation for parcels not connected to community water and sewer is 1 unit per hectare. The proposed parcel sizes are 0.5 ha and 0.4 ha and, therefore, do not meet the current policies of the OCP or the permitted parcel size and density in either designation and requires an OCP amendment.

In order for the proposed subdivision to proceed it is necessary that the portion of the property currently designated AG to be redesignated to WR so that the property has one designation and to include a site specific amendment to the WR designation that permits the proposed 0.5 and 0.4 ha lot sizes for the subject property only.

The WR designation is appropriate for the subject property as it is consistent with most of the WR policies in the OCP; it is a waterfront residential property, it is located outside of the Primary and Secondary Settlement Areas, and it has detached dwellings located on it, which is consistent with the WR designation.

The proposal is not consistent with the WR designation regarding the permitted maximum density, which is 1 unit per 1 ha when serviced by onsite water and sewer; there are no designations in the OCP that permit density higher than 1 unit per 1 ha when serviced by onsite water and septic services. The OCP designations that permit parcels less than 1 ha require the parcels to be serviced by community water and community sewer therefore, a site specific amendment to the WR Policy 11.6.3 for the subject property is required for the proposed lots sizes.

A new site specific policy, Policy 11.6.6, is proposed for the WR designation for the subject property only:

Policy 11.6.6

Notwithstanding Policy 3 above, the maximum net density within the WR designation is 2.22 units per 2.5 acres (2.22 units per hectare) for the subject parcel located at Lot 1, Section 9, Township 23, Range 10, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan KAP91431, so that the subject property may be subdivided without connection to community water and community sewer services for the proposed two lot subdivision with the smallest parcel size created to be no smaller than 0.4 ha.

**SUMMARY:**

The applicant has applied to redesignate the subject property and add a site specific policy to support the subdivision proposal.

Staff support redesignating that portion of the subject property currently designated AG to WR as the WR designation is more appropriate for the property than the AG designation because this part of the property is not in the ALR, is consistent with most of the WR policies, and the property will then be one designation.

Staff did not recommend support of the DVP application and does not support a site specific policy in the WR designation for the subject property as the proposed 0.5 and 0.4 ha parcel sizes are not consistent with the OCP Policy 11.6.3 which states that the maximum net density for any new dwelling not on community water and sewer is one unit per 2.5 acres (1 unit per hectare) and the Levels of Servicing requirements in Subdivision Servicing Bylaw No. 641 which require properties serviced by onsite water and sewer to be 1 ha minimum parcel size. There are no designations in the Electoral Area F or other CSRD Electoral Area OCPs that permit parcel sizes less than 1 ha when on-site services, in particular on-site sewage disposal, is proposed as it is not considered to have long term sustainability.

The proposed 0.5 and 0.4 ha parcel sizes are significantly smaller than the permitted 1 ha and may be considered a significant amendment to the OCP and variance to the servicing bylaw. The subject property is also not located within a primary or secondary settlement area where higher density and growth is directed and where community services will first be established in the future. If the subject property is redesignated and permitted to create the proposed lot sizes, it will be contravening the intent of the OCP, the established settlement areas, and long term sustainability because it is unlikely that community water and community sewer services will be established in the subject property area.

Staff is recommending that the Board consider giving first reading to this OCP amendment in order to initiate the amendment process, for referrals to agencies and First Nations to occur, a notice of development sign be posted to notify neighbours, and for the applicant to have the Lakes 100 m DP professional report prepared and submitted.

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

As per CSRD Policy No. P-18 regarding Consultation Processes-Bylaws, staff recommends the simple consultation process. Neighbouring property owners will first become aware of the application to amend the bylaw when notice of development signs are posted on the property after first reading.

**Referral Process**

The following list of referral agencies is recommended:

- Area F Advisory Planning Commission;

- CSRD Operations Management;
- CSRD Finance;
- Interior Health Authority;
- Ministry of Transportation and Infrastructure;
- Ministry of Forests, Lands and Natural Resource Operations –Archaeology Branch;
- 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 bylaw is given first reading it will be forwarded to the referral agencies. Agency comments will be provided with a future Board report. The applicant will be required to post a Notice of Development Sign on the subject property in accordance with Development Services Procedures Bylaw No. 4001.

**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.*

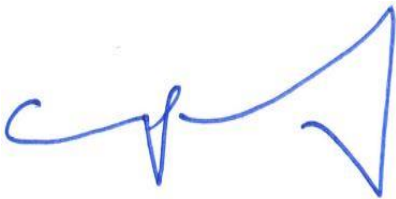
**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. Electoral Area F Official Community Plan Bylaw No. 830
2. Subdivision Servicing Bylaw No. 641

**Report Approval Details**

Document Title:	2020-01-16_Board_DS_BL830-20_first_Okaview_Estates_Ltd.docx
Attachments:	<ul style="list-style-type: none"><li>- BL830-20_First.pdf</li><li>- BL830_BL641_Excerpts_BL830-20.pdf</li><li>- DVP641-35_20190815_Minutes.pdf</li><li>- 2019-08-15_Board_DS_DVP641-35_Okaview_Estates_Ltd_BL830-20.pdf</li><li>- DVP641-35.pdf</li><li>- Maps_plans_photos_BL830-20.pdf</li></ul>
Final Approval Date:	Jan 6, 2020

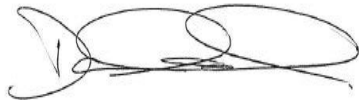
This report and all of its attachments were approved and signed as outlined below:



Corey Paient



Gerald Christie

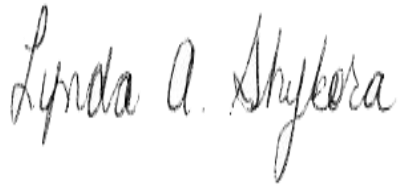


Darcy Mooney



Jodi Pierce



A handwritten signature in cursive script, reading "Lynda A. Shykora".

Lynda Shykora

A handwritten signature in cursive script, reading "C. A. Hamilton".

Charles Hamilton