



# BOARD REPORT

**TO:** Chair and Directors

**File No:** BL830-21  
PL20190000230  
BL825-42  
PL20190000231

**SUBJECT:** Electoral Area F: Electoral Area F Official Community Plan Amendment (Dodge) Bylaw No. 830-21 and Scotch Creek/Lee Creek Zoning Amendment (Dodge) Bylaw No. 825-42

**DESCRIPTION:** Report from Christine LeFloch, Planner II, dated December 16, 2019. 1722 Lee Creek Drive, Lee Creek

**RECOMMENDATION #1:** THAT: "Electoral Area F Official Community Plan Amendment (Dodge) Bylaw No. 830-21" be read a first time this 16<sup>th</sup> day of January, 2020.

**RECOMMENDATION #2:** THAT: "Scotch Creek/Lee Creek Zoning Amendment (Dodge) Bylaw No. 825-42" be read a first time this 16<sup>th</sup> day of January, 2020.

**RECOMMENDATION #3:** THAT: the Board utilize the simple consultation process for "Electoral Area F Official Community Plan Amendment (Dodge) Bylaw No. 830-21" and "Scotch Creek/Lee Creek Zoning Amendment (Dodge) Bylaw No. 825-42", and that the bylaws be referred to the following agencies and First Nations:

- Electoral Area F Advisory Planning Commission;
- CSRD Operations Management;
- CSRD Financial Services;
- Ministry of Transportation and Infrastructure;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Lands Branch;
- All relevant First Nations.

## SHORT SUMMARY:

The applicant would like to subdivide the subject properties into nine lots with a minimum lot area of 2 ha. In order to facilitate the proposed subdivision the applicant is proposing to amend the OCP designation from RSC – Rural Resource to RR – Rural Residential and amend the zoning designation from RU1 - Rural 1 to CR - Country Residential.

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<b>VOTING:</b>	Unweighted Corporate <input type="checkbox"/>	LGA Part 14 (Unweighted) <input checked="" type="checkbox"/>	Weighted Corporate <input type="checkbox"/>	Stakeholder (Weighted) <input type="checkbox"/>
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## BACKGROUND:

REGISTERED OWNERS:  
Terence and Cyara Dodge

## APPLICANT:

Terence and Cyara Dodge

## ELECTORAL AREA:

F

## LEGAL DESCRIPTION:

(1) LS 9, AS SHOWN ON PLAN OF SAID TOWNSHIP DATED AT OTTAWA ON THE 27<sup>TH</sup> DAY OF AUGUST 1919, SEC 31, TWP 22, RGE 11, W6M, KDYD

(2) LS 16, AS SHOWN ON PLAN OF SAID TOWNSHIP DATED AT OTTAWA ON THE 27<sup>TH</sup> DAY OF AUGUST 1919, SEC 31, TWP 22, RGE 11, W6M, KDYD

## PID:

(1) 013-816-691

(2) 013-816-667

## CIVIC ADDRESS:

1722 Lee Creek Drive, Lee Creek

## SURROUNDING LAND USE PATTERN:

North: Crown Land

South: Scotch Creek Indian Reserve #4

East: Crown Land

West: Agriculture, shared interest

## CURRENT USE:

Single family dwelling, accessory buildings

## PROPOSED USE:

Proposed CR zoning would permit one single family dwelling or one standalone residential campsite per parcel along with secondary uses including bed and breakfast, guest accommodation, home business, residential campsite and accessory use and a 2 ha minimum parcel size.

## PARCEL SIZE:

(1) 7.9 ha

(2) 16.35 ha

## PROPOSED PARCEL SIZES:

The 24.25 ha total area of the two parcels could permit up to twelve 2 ha lots. The sketch plan submitted with the application shows 9 proposed parcels that would range between 2.1 ha and 3.1 ha in area

## DESIGNATION:

Electoral Area F Official Community Plan Bylaw No. 830

RSC – Rural and Resource

## ZONE:

Scotch Creek/Lee Creek Zoning Bylaw No. 825

RU1 – Rural 1 (minimum parcel size 30 ha)

**PROPOSED DESIGNATION:**

Electoral Area F Official Community Plan Bylaw No. 830

RR – Rural Residential

**PROPOSED ZONE:**

Scotch Creek/Lee Creek Zoning Bylaw No. 825

CR – Country Residential (minimum parcel size 2 ha)

**AGRICULTURAL LAND RESERVE:**

0%

**SITE COMMENTS:**

The subject properties are located in Lee Creek near the upper end of Lee Creek Drive. Access to the property is on undedicated road through Crown Land and Scotch Creek Indian Reserve #4. The properties are surrounded by Crown Lands to the east, north and part of the west, and the Scotch Creek Indian Reserve #4 to the south. Also to the west is a property located in the ALR that contains a number of dwellings (there are 8 addresses issued to the property). The properties are located on a benched area above the mouth of Scotch Creek. There are a few areas of the properties with steeper slopes at the NW and SE corners while the rest of the properties are relatively level. A tributary to Scotch Creek runs south through LS 16. The portion of Lee Creek Drive that passes through the subject properties is undedicated road. There is currently one single family dwelling with associated accessory buildings located on LS 9, and LS 16 is vacant.

**POLICY:**

See excerpts of the relevant policies and land use regulations in the attached "Bylaw\_Excerpts\_BL830-21\_BL825-42.pdf".

**FINANCIAL:**

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

**KEY ISSUES/CONCEPTS:**

The owners have applied to amend Bylaw No. 830 and Bylaw No. 825 to change the land use designation and zoning for the subject properties to reduce the minimum parcel size from 30 ha to 2 ha in order to facilitate subdivision. The 24.25 ha total area of the two parcels could permit up to twelve 2 ha lots. The sketch plan submitted with the application shows 9 proposed parcels that would range between 2.1 ha and 3.1 ha in area

Access

The subject property is located in Lee Creek outside of the Secondary Settlement Area boundary. The property is accessed via a driveway from the end of Lee Creek Drive that travels through Crown Land and a portion of Scotch Creek Indian Reserve #4. The applicant is aware that access issues will need to be resolved as part of the Provincial subdivision approval process and has already been in touch with both the Province and the Little Shuswap Lake Indian Band (LSLIB) regarding obtaining the requisite approvals. It is recommended the Ministry of Transportation and Infrastructure, Ministry of Forests,

Lands Natural Resource Operations and Rural Development, and LSLIB be included in the list of referral agencies for the proposed bylaw amendments.

### Official Community Plan

General land use policies in the Area F OCP aim to protect the rural character of the North Shuswap and generally direct growth to Scotch Creek as the Primary Settlement Area and the six Secondary Settlement Areas (SSR) leaving most of the land for resource based uses. It is further indicated in Policy 11.1.6 that outside the boundaries of the Primary and Secondary Settlement Areas, Rural Residential use may be appropriate in certain locations. The subject property, while located outside of the SSR is still relatively close to existing development (see OCP map in attached Maps\_Plans\_Photos\_BL830-21\_BL825-42.pdf). The OCP also contains policies which encourage and support environmental protection measures including maintenance of natural habitat on private lands, selective logging and preservation of critical viewsapes, discouraging fragmentation of land holdings outside the settlement areas, and consideration of climate change impacts in all land use decision making.

The subject properties are currently designated Rural and Resource – RSC in the Electoral Area F Official Community Plan Bylaw No. 830. Lands designated Rural and Resource are intended to support forestry, agriculture, mining and recreational uses and the OCP policies state that these lands should be maintained as large parcels. The applicant is proposing to redesignate the properties to Rural Residential – RR. The maximum density permitted in the RR designation is 1 unit per ha. There is no other land use designation in the Electoral Area F OCP which would support the proposal for 2 ha lots. Lands not within the ALR located to the west of the subject property are designated Rural Residential while lands to the west that are located within the ALR are designated Agriculture. Some lands in Lee Creek designated Rural Residential are located inside the SSR, while others are located outside the SSR. Redesignating the subject properties to RR would continue the designation east from where it currently ends and abuts Rural Resource Lands.

There are also two Development Permit Areas applicable to the subject properties. A tributary to Scotch Creek flows through the subject property. As such the Riparian Areas Regulation (RAR) Development Permit Area is applicable and a Development Permit will be required prior to any land alteration activities within 30 m of this watercourse. The owner was proposing to conduct some preliminary land clearing prior to making a subdivision application and was advised that the CSRD needs to issue a RAR Development Permit for the proposed activities which includes a report by a QEP, prior to the work being undertaken. The property also contains some areas with slopes in excess of 30%. (See slopes map in Maps\_Plans\_Photos\_BL830-21\_BL825-42.pdf.) As such, a Hazardous Lands (Steep Slopes) Development Permit which would include a geohazard assessment by a Qualified Professional will be required as a condition of subdivision approval.

The OCP also includes the objective to support the development of greenways (multi-user, non-motorized trails) throughout the North Shuswap and states that these will be acquired at the time of rezoning. This application will be referred to CSRD Operations Management – Parks Division to solicit comments regarding parks and greenways which may be identified in the Area F Parks Plan. Provided the subdivision proposal does not include any lots smaller than 2 ha, park dedication will not be required as per Section 510 of the Local Government Act.

### Zoning

The subject properties are located at the edge of the zoned area of Lee Creek and are currently zoned Rural 1 – RU1 in Scotch Creek/Lee Creek Zoning Bylaw No. 825. The minimum parcel size for subdivision in the RU1 Zone is 30 ha. The applicant is proposing to rezone the properties to Country Residential –

CR which has a minimum parcel size of 2 ha. The OCP Rural Residential designation would support lots as small as 1 ha, however 2 ha lots are considered more appropriate in this case due to the location of the proposed development, on the edge of the community, backing onto Crown Land. The CR zone permits one single family dwelling or one standalone residential campsite per parcel along with secondary uses including bed and breakfast, guest accommodation, home business, residential campsite and accessory use.

The other option for rezoning would be the Rural 2 – RU2 zone which has a minimum parcel size of 4 ha. This zone supports all of the uses permitted in the CR Zone in addition to Agriculture and Aquaculture. The applicant has proposed to rezone to CR because he would like to create lots with a minimum parcel size of 2 ha.

There are pockets of CR zoned land spread out around the east part of Lee Creek but there are none located immediately adjacent to the subject properties. Please see the Current Zoning map in the attached Maps\_Plans\_Photos\_BL830-21\_BL825-42.pdf for locations of other CR zoned property in proximity to the subject properties. None of the lands currently zoned CR in Lee Creek may be further subdivided based on the 2 ha minimum lot size. Lands abutting the subject properties to the west are zoned Rural 1 and Agriculture. Lands to the north are unzoned Crown Lands and lands to the east and south are within the Scotch Creek Indian Reserve #4.

The proposed lot layout includes nine lots, four of which are panhandle lots ranging in size from 2.1 to 3.1 ha. Section 3.18 of Bylaw No. 825 contains regulations pertaining to panhandle lots. The proposed layout complies with these provisions.

### Servicing

Policy 11.9 notes that residential development in rural areas will provide the Regional District with the appropriate technical information about on-site sewage disposal and water servicing. Staff do not have any concerns around sewage disposal for lots of the proposed 2-3 ha size as this should provide adequate area for on-site sewage disposal. At the time of subdivision the applicant will need to prove that each proposed lot is capable of accommodating a Type 1 on-site sewage disposal system.

Staff do have some questions around provision of water for the proposed development. View Water System is a private community water system that provides water to approximately 51 properties in the lower portion of Lee Creek Drive. This water system draws water from Shuswap Lake and requires significant upgrades in order to meet current standards for drinking water quality. As such, they have been on a boil water advisory for a number of years. A water system assessment completed for the View Water System by Gentech Engineering Inc. notes that the water license for the system does not allow for any expansion of the water system and that the license would need to be amended if expansion is ever contemplated. An expansion area was identified in the same Gentech report and did not include the subject properties.

The subject property is located in an area that is not within a known aquifer and has not had much recent subdivision activity. As such, there is not much information regarding the availability of groundwater in the general area. Prior to second reading of the amending bylaws it is recommended that the applicant provide to the Regional District a groundwater feasibility assessment by a qualified professional. This will provide some assurance to both the CSRD and the developer regarding groundwater availability on the subject lands and the probability of servicing the proposed development utilizing groundwater sources. A feasibility study would not need to prove water for each proposed lot, it would simply provide an opinion by a qualified professional on the availability of groundwater supplies

to service the proposed development. If the bylaw amendments are approved, a source of water would need to be proven for each proposed lot at the time of subdivision.

#### Archaeology

The subject properties are located in an area that is identified as having high potential for archaeological sites. An archaeology notification letter has been sent to the property owner advising of this. The letter contains contact information for the Provincial Archaeology Branch and directs owners to follow up with the Branch to determine if a permit is required prior to work commencing on the property. Local First Nations will also receive a referral regarding this application.

#### Wildfire Interface

The OCP speaks to wildfire interface areas specifically with regard to the settlement areas but does not contain language regarding awareness of interface areas for Rural Residential lands. Despite the lack of language in the OCP, staff feel that consideration should be given to wildfire interface issues for the proposed development, which would be located on the edge of Lee Creek adjacent to forested Crown Lands. If approved, the proposed zoning bylaw amendment would create the potential for up to 12 additional dwellings on these lands, along with potential for bed and breakfast and guest accommodation uses. This application will be forwarded to the CSRD's Operations Management – Emergency Services Division for comments.

#### **SUMMARY:**

The applicant would like to subdivide the subject properties into nine lots with a minimum lot area of 2 ha. In order to facilitate the proposed subdivision the applicant is proposing to amend the OCP designation from RSC – Rural Resource to RR – Rural Residential and amend the zoning designation from RU1 - Rural 1 to CR - Country Residential. Official Community Plan policies generally support this proposal in this location; specifically Policy 11.1.6 which notes that Rural Residential development is appropriate in some locations outside of the Secondary Settlement Areas. The proposed Country Residential – CR zone may be appropriate in this location provided that servicing by groundwater is feasible. Staff are recommending that the proposed amending bylaws be given first reading and that referrals be sent to applicable agencies and First Nations for the following reasons:

- The OCP generally supports Rural Residential densities outside of the settlement areas;
- Reading the bylaws a first time will provide the opportunity to solicit referral comments from applicable agencies and First Nations to find out if there are any related issues that may need to be considered through the bylaw amendment process;
- Development Permits will be required to address the Riparian Areas Regulation and steep slope conditions on the properties; and
- Technical information regarding provision of water for the proposed development will need to be provided by the applicant prior to staff bringing the bylaws back to the Board for second reading.

#### **IMPLEMENTATION:**

As per 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, no more than 30 days after the Board has given the bylaws first reading, in accordance with Development Services Procedures Bylaw No. 4001.

**COMMUNICATIONS:**

If the Board gives Bylaw Nos. 830-21 and 825-42 first readings, the bylaws will be sent out to referral agencies. Referral responses will be provided to the Board with a future Board report, prior to recommendation of a public hearing. Pursuant to Section 466 of the Local Government Act, the CSRD's Operations Management and Financial Services Departments will need to confirm that the proposed OCP amendment is consistent with the CSRD's Waste Management Plan and the Financial Plan.

The following list of referral agencies is recommended:

- Electoral Area F Advisory Planning Commission;
- CSRD Operations Management;
- CSRD Financial Services;
- Ministry of Transportation and Infrastructure;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Lands Branch
- Adams Lake Indian Band;
- Little Shuswap Indian Band;
- Neskonlith Indian Band;
- Okanagan Indian Band;
- Shuswap Indian Band;
- Simpcw First Nation;
- Splots'in First Nation.

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendations.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*
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](#)
3. Policy P-18 Consultation Processes – Bylaws
4. [Development Services Procedures Bylaw No. 4001](#)

**Report Approval Details**

Document Title:	2020-01-16_Board_DS_BL830-21_BL825-42_first_Dodge.docx
Attachments:	<ul style="list-style-type: none"><li>- BL830-21.pdf</li><li>- BL825-42.pdf</li><li>- BL830_BL825_Excerpts_BL830-21_BL825-42.pdf</li><li>- Maps_plans_photos_BL830-21_BL825-42.pdf</li></ul>
Final Approval Date:	Jan 7, 2020

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



Corey Paient



Gerald Christie

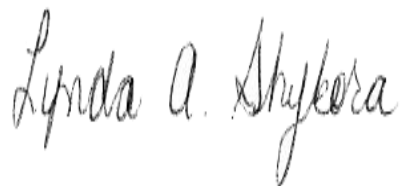


Darcy Mooney



Jodi Pierce



A handwritten signature in cursive script that reads "Lynda A. Shykora".

Lynda Shykora

A handwritten signature in cursive script that reads "C. A. Hamilton".

Charles Hamilton