



# BOARD REPORT

**TO:**

**Chair and Directors**

<b>File No:</b>	BL 830-18 BL 800-30 PL20170079
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**SUBJECT:**

Electoral Area F Official Community Plan Amendment (Isley) Bylaw No. 830-18, Magna Bay Zoning Amendment (Isley) Bylaw No. 800-30

**DESCRIPTION:**

Report from Dan Passmore, Senior Planner dated May 12, 2017.  
6929 Squilax-Anglemont Road and 2556 McClaskey Road, Magna Bay.

**RECOMMENDATION  
#1:**

THAT: "Electoral Area F Official Community Plan Amendment (Isley) Bylaw No. 830-18" be read a first time this 15<sup>th</sup> day of June, 2017;

AND THAT:

the Board utilize the simple consultation process for Bylaw No. 830-18 and it be referred to the following agencies and First Nations:

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

**RECOMMENDATION  
#2:**

THAT: "Magna Bay Zoning Amendment (Isley) Bylaw No. 800-30" be read a first time this 15<sup>th</sup> day of June 2017;

AND THAT:

the Board utilize the simple consultation process for Bylaw No. 800-30 and it be referred to the following agencies and First Nations:

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

**SHORT SUMMARY:**

The applicant has submitted an application to re-designate and rezone the subject properties, to allow a subdivision of the land, and to permit the use of proposed Lot 1 to be changed to construct a "Toy Storage" facility as well as to allow outdoor storage of recreational vehicles and boats and trailers. Proposed Lot 2 would be rezoned to IG Industrial Gravel Processing to allow an expansion of the existing gravel extraction operation. Magna Bay Zoning Bylaw No. 800 currently has no zone where this use is permitted and no adequate definition for the permitted use. To accomplish this, staff are proposing a new CDF 2 Comprehensive Development 2 zone.

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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:**

PROPERTY OWNERS: Robert and Evelyn Isley/Jemco Excavating Ltd.

APPLICANT: Greg Darroch

ELECTORAL AREA: F

CIVIC ADDRESS: 6929 Squilax-Anglemont Road, and 2556 McClaskey 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)  
Lot 1, Section 18, Township 23, Range 9, W6M, KDYD, Plan KAP56704 (PID: 023-385-243)

SIZE OF PROPERTY: 30.53 ha (79.3 ac)  
4.24 ha (10.48 ac)

DESIGNATION: Electoral Area F Official Community Plan Bylaw No. 830  
RSC Rural and Resource  
RR Rural Residential

ZONE: Magna Bay Zoning Bylaw No. 800  
A – Agriculture  
IG – Industrial Gravel Processing

CURRENT USE: Ross Creek General Store and Campground/Gravel Pit/Vacant

PROPOSED USE: Toy Storage, Gravel Pit

SURROUNDING LAND USE PATTERN:  
North: Gravel Pit  
South: Rural Residential  
East: Agricultural/Rural Resource/Rural Residential  
West: Residential/Resort Campground

**POLICY:**

See attached Policy and Zoning information.

**FINANCIAL:**

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

**KEY ISSUES/CONCEPTS:****Proposed Subdivision:**

The applicant has applied to subdivide the subject properties. The current zoning would not support the subdivision proposal as the proposed lots do not meet the minimum parcel size requirements. The subdivision would separate existing Part W1/2 of the NW 1/4, Section 17 south of Ross Creek which currently is where the Ross Creek General Store and Campground is located, from the remainder of the property north of Ross Creek. North of Ross Creek proposed Lot 1 would gain highway access from McClaskey Road via a long panhandle driveway through current Lot 1, Plan KAP56704. A small portion of Lot 1, Plan KAP56704 in its southeast corner, would be used for a caretaker residence and serve as security control in and out of the main portion of the proposed Lot 1 for the proposed Toy Storage facility. Proposed Lot 2 would be a consolidation of the remainder of the portion of Part W1/2 of the NW 1/4, Section 17 north of Ross Creek, with the remainder of Lot 1, Plan KAP 56704.

A plan showing the proposed plan of subdivision has been included in the Maps attachment to this report for reference.

**Proposed Use**

The use contemplated for proposed Lot 1 is unique to Magna Bay Zoning Bylaw No. 800, and therefore staff are proposing to include a new definition describing the use as follows:

TOY STORAGE is the *commercial* use of land, *buildings* and structures to provide separate, individual self-storage units inside a *building*, each with a separate entrance designed to be rented or leased to the general public for private storage of personal goods, materials or equipment but which does not include commercial use of the individual storage units.

The applicant runs 2 businesses in the area with similar uses, Boys with Toys Storage in Sicamous, and Scotch Creek Mini Storage in Scotch Creek.

Staff are also proposing to include a definition to describe commercial use, as follows:

COMMERCIAL is an occupation, service, employment or enterprise that is carried on for gain or monetary profit by any individual, business or organization.

Proposed Lot 2 is proposed to be rezoned from A – Agriculture to IG – Industrial Gravel Processing to reflect that it is partially currently being used as a gravel pit. Rezoning to IG is supported by the OCP as it has been designated as Rural and Resource. It is anticipated that the owner will expand his gravel extraction operation further onto this property in the future. The IG zone allows the following permitted uses:

- Sand and gravel processing

- Concrete batching
- *Accessory use*, except asphalt batching

**Proposed CDF -2 Zone**

The CDF – 2 zone will be unique to proposed Lot 1 and is proposed to contain 2 separate Development Areas. Development Area 1 is for the storage facility buildings and will also allow for outdoor storage of recreational vehicles and boats and trailers. The individual storage facility buildings, would be restricted from use by commercial business operations. Development Area 2 will be where a caretaker residence will be located together with the main security gate with card-lock access to the storage facility.

**Access:**

Access to the proposed storage facility will be from McClaskey Road through the proposed panhandle driveway portion of proposed Lot 1. Proposed Lot 2 fronts on McClaskey Road, where there is an existing access as well as an access from the north from Charleson Road.

**Sewer Servicing and Drinking Water**

The Toy Storage buildings will feature a central washroom facility, while the caretaker residence will be a full time residential use. The applicant has provided no details to this point of proposed servicing.

No options exist in the area for either Community Water or Sewer servicing to the property, so all servicing will need to be on-site. Site servicing options will impose constraints on the physical features available within the storage buildings.

**Storm Drainage**

The applicant has provided no information with respect to on-site storm drainage.

**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. Staff have included buffer requirements within the new CDF 2 zone which will protect the SPEA.

**Temporary Use Permit 830-2**

The Board just considered and approved issuance of a Temporary Use Permit (No. 830-2) for a small portion of proposed Lot 1 for a parking area for boats and trailers, for use by guests of the adjacent Magna Bay Resort. The proposed rezoning would also include outdoor storage of recreational vehicles and boats and trailers as a principal use.

**Buffers**

Staff has included in the proposed new zone the requirement for a buffer to screen the proposed storage facility from adjacent residential properties.

**Ross Creek**

The lands proposed to be rezoned fall within the Ross Creek Flooding and Debris Flow Hazard Lands Development Permit Area. Prior to subdivision of the property, as proposed and construction of the proposed storage buildings, the applicant will be required to have a Development Permit issued. The applicant has already hired an Engineering firm to provide a report on the potential hazard.

**OCP Bylaw No. 830**

The property intended for the toy storage facility is just outside of the Secondary Settlement Area, and the use is a commercial type of use, staff have required the applicant to submit an application to re-designate proposed Lot 1 to Secondary Settlement Area. The Secondary Settlement Area does not require a form and character Development Permit, for commercial development.

**SUMMARY:**

The applicant has applied to re-designate and rezone the subject properties to support a subdivision proposal and to allow for the use of proposed Lot 1 for a Toy Storage operation.

Staff is recommending that the Board can consider the OCP amendment bylaw for first reading for the following reasons:

- Residential zones in the Magna Bay Zoning Bylaw No. 800 and Anglemont Zoning Bylaw No. 650 limit Accessory Building floor areas to 55 m<sup>2</sup>.
- Topography in the Magna Bay and Anglemont areas severely restrict property owner's ability to construct accessory buildings on a large number of properties.
- Topography in these areas also restrict access to the areas of properties where these kind of structures would typically be located.
- Geotechnical and slope stability considerations severely impact on an owners feasibility of constructing an accessory building. Further, construction of large accessory buildings could lead to additional slope stability issues.
- Seasonal use of properties in Magna Bay and Anglemont create security issues for property owners wanting to use their properties for storage of recreational vehicles and boats.
- Many owners in the area only have recreational properties with no ability to construct this kind of secured storage on site.
- A centralized secure storage facility will reduce the pressure on existing residential areas to support construction of larger and more elaborate accessory buildings.
- The use of the facility is limited to storage and no other more commercial uses will be permitted on the site.

Staff are also recommending that the Board can consider the rezoning amendment bylaw and directing staff to forward both bylaws to referral agencies and First Nations.

**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 for zoning amendments when a notice of development sign is posted on the property.

## **COMMUNICATIONS:**

### **Referral Process**

The following list of referral agencies is recommended:

- Interior Health Authority – Community Care Licensing
- Ministry of Forests, Lands and Natural Resource Operations, Archaeology Branch;
- CSRD Operations Management; and,
- All relevant First Nations.
  - Adams Lake Indian Band
  - Little Shuswap Indian Band
  - Neskonlith Indian Band
  - Coldwater Indian Band
  - Cooks Ferry Indian Band
  - Esh-kn-am Cultural Resources Management Services
  - Lower Similkameen Indian Band
  - Nlaka'pamux Nation Tribal Council
  - Okanagan Indian Band
  - Okanagan Nation Alliance
  - Penticton Indian Band
  - Siska Indian Band
  - Splots'in First Nation

## **DESIRED OUTCOMES:**

That the Board endorse staff recommendation.

## **BOARD'S OPTIONS:**

1. *Endorse the Recommendation. Bylaw No. 830-18 and 800-30 will be given first reading and sent out to referral agencies.*
2. *Deny the Recommendation. Bylaw No. 830-18 and 800-30 will be defeated.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

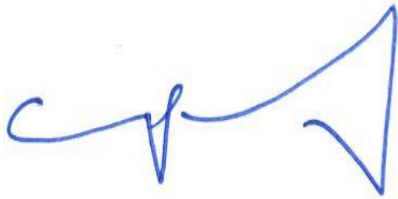
## **LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. List reports

**Report Approval Details**

Document Title:	2017-06-15_Board_DS_BL800-30_Isley.docx
Attachments:	<ul style="list-style-type: none"><li>- APPENDIX-A-Policies.docx</li><li>- BL800-30-Report Attachments.docx</li><li>- BL830-18 First.docx</li><li>- BL800-30-First.docx</li></ul>
Final Approval Date:	Jun 7, 2017

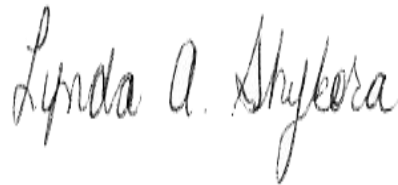
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Jun 2, 2017 - 9:54 AM**



**Gerald Christie - Jun 5, 2017 - 7:35 AM**



**Lynda Shykora - Jun 7, 2017 - 9:47 AM**



**Charles Hamilton - Jun 7, 2017 - 10:31 AM**