



# BOARD REPORT

**TO:** Chair and Directors

<b>File No:</b>	BL750-04
	PL20210254
	BL751-03
	PL20210255

**SUBJECT:** Electoral Area D: Ranchoero/Deep Creek Official Community Plan Amendment Bylaw No. 750-04 and Ranchoero/Deep Creek Zoning Amendment Bylaw No. 751-03

**DESCRIPTION:** Report from Christine LeFloch, Planner III, dated August 31, 2022. 878 Deep Creek Road, Deep Creek

**RECOMMENDATION #1:** THAT: Pursuant to Section 477 of the Local Government Act, the Board has considered "Ranchoero/Deep Creek Official Community Plan Amendment Bylaw No. 750-04" and "Ranchoero/Deep Creek Zoning Amendment Bylaw No. 751-03" in conjunction with the Columbia Shuswap Regional District's Financial Plan and Waste Management Plan.  
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**RECOMMENDATION #2:** THAT: "Ranchoero/Deep Creek Official Community Plan Amendment Bylaw No. 750-04" be read a second time, this 22<sup>nd</sup> day of September, 2022.

**RECOMMENDATION #3:** THAT: "Ranchoero/Deep Creek Zoning Amendment Bylaw No. 751-03" be read a second time, this 22<sup>nd</sup> day of September, 2022.

**RECOMMENDATION #4:** THAT: a public hearing to hear representations regarding "Ranchoero/Deep Creek Official Community Plan Amendment Bylaw No. 750-04" and "Ranchoero/Deep Creek Zoning Amendment Bylaw No. 751-03" be held;

AND THAT: notice of the public hearing be given by staff of the Regional District on behalf of the Board in accordance with Section 466 of the Local Government Act;

AND FURTHER THAT: the holding of the public hearing be delegated to Director Rene Talbot, as Director of Electoral Area D being that in which the land concerned is located, or Alternate Director Joy De Vos, if Director Talbot is absent, and the Director or Alternate Director, as the case may be, give a report of the public hearing to the Board.

**SHORT SUMMARY:**

The applicant is proposing to redesignate and rezone the property from RH – Rural Holdings to MH – Medium Holdings to allow for subdivision of the 40+ ha parcel into five 8 ha lots. The Board gave first reading to the amending bylaws at their meeting held November 18, 2021 and directed staff to refer the application to applicable agencies and First Nations. Referral comments have been compiled and

are attached to this report. At first reading the applicant was asked to provide a preliminary hydrogeological assessment prepared by a Qualified Professional reviewing the potential water resources for the proposed lots prior to staff bringing the application back to the Board for second reading. This report has now been submitted by the applicant. It is now appropriate for the Board to consider the amending bylaws a second time and delegate a public hearing.

**VOTING:**Unweighted  
CorporateLGA Part 14  
(Unweighted)Weighted  
CorporateStakeholder  
(Weighted)**BACKGROUND:**

See item 17.1 on [November 18, 2021 Board Agenda](#) for the staff report recommending First Reading.

**POLICY:**

See attached "BL750-04\_BL751-03\_BL750\_BL751\_Excerpts.pdf"

**FINANCIAL:**

There are no financial implications to the CSRD as a result of this application. Financial Services and Operations Management have reviewed the proposed OCP amendment and found it to be consistent with the CSRD's Financial Plan and Waste Management Plan.

**KEY ISSUES/CONCEPTS:**Agency Referrals

Referrals were sent by staff to applicable agencies and First Nations. Responses have been compiled. See "BL750-04\_BL751-03\_Agency\_Referral\_Responses.pdf". No major concerns were raised by referral agencies.

It was noted by the Ministry of Transportation and Infrastructure (MOTI) that the current road design for the subdivision will require revision as the Ministry will not allow a cul de sac near an intersection as currently designed. MOTI also noted that the watercourses on the property may trigger the need for a flood hazard assessment. Both of these items would be addressed at the subdivision stage.

The Agricultural Land Commission noted that the property abuts the ALR on the east side and across Deep Creek Road. They suggest that there may be urban rural compatibility issues and potential for complaints about farm noise and smells, as well as potential impacts to agriculture, such as trespass, litter, theft etc. from the proposed subdivision, and recommended considering setback and buffer requirements. Staff are of the opinion that the proposed 8 ha (20 acre) parcels are rural in nature and should not pose an issue with regard to the urban rural compatibility. The right of way for Deep Creek Road is 20 m wide and Agriculture is a permitted use in the MH Medium Holdings Zone. Also, the property in the ALR that abuts the east side of the subject property is also owned by the applicant. Increased setbacks are not recommended in this case.

Adams Lake Indian Band noted concerns which include nearby ALIB cultural heritage sites, and that the property is in areas of high and moderate potential for archaeology. They requested that a Preliminary Field Review and a Cultural Heritage Assessment of the site be done. However, comments from the Archaeology Branch indicate that there are no known archaeological sites recorded on the subject property and archaeological potential modelling for the area does not indicate high potential for previously unidentified archaeological sites to be found on the subject property. ALIB also requested that the CSRD create a Chance Find Policy and make all those involved with the project aware of it and the possibility of indigenous cultural heritage values associated with this locale.

The CSRD already has a Chance Find Procedure that is used by Parks Department staff and contractors during park development. As the land associated with this application is private, this procedure does not apply. The applicant was informed early in the review process about property owner responsibilities under the Heritage Conservation Act. Staff has also provided ALIB comments to the applicant for their information. Staff will remind the applicant regarding property owner responsibilities under the Heritage Conservation Act as part of the follow up with them subsequent to bylaw adoption (or denial) to help increase awareness of the recommended provincial protocols during land development activities.

#### Hydrogeology Assessment

At first reading staff recommended that prior to second reading of the amending bylaws the applicant provide an assessment of hydrogeological conditions and feasibility of provision of an adequate volume of water for each of the proposed new parcels along with the potential impacts on existing neighbouring wells and the source aquifer. The applicant has submitted a report prepared by Matt Pye, P. Eng., Senior Hydrogeologist, and reviewed by Kathy Tixier, P. Eng. Senior Hydrogeologist, of Active Earth Engineering Ltd., dated July 2022. See "BL750-04\_BL751-03\_Well\_Feasibility\_Study\_Redacted.pdf".

The report notes that the yields of nearby existing wells range between 8–350 US gpm (43,600 to 1,900,000 L/day) and that these flows are well in excess of the minimum requirements to support the proposed subdivision. The writers further note that although there is no mapped aquifer beneath the site there are likely 2 groundwater flow regimes that may supply water to the site and conclude that there is sufficient groundwater underlying the site to support the proposed development at 2275 L/day per lot on a year-round basis. The writers anticipate the groundwater to be of acceptable quality with respect to the Canadian Drinking Water Guidelines with the possible exception of uranium which can be removed using ion exchange and reverse osmosis treatment technologies. The writers also conclude that the wells for the proposed new lots should not have any impact on neighbouring groundwater wells. Information regarding the water supply for the proposed lots is required to be confirmed in accordance with the Subdivision Servicing Bylaw No. 680 as part of a future subdivision application.

#### Public Input

Staff received public comments regarding this application from some members of the community following installation of the Notice of Development sign. These comments will be added to any comments received at the public hearing and presented to the Board as part of a staff report following the public hearing.

#### **SUMMARY:**

Staff are recommending that the Board consider the amending bylaws for second reading and delegate a public hearing to hear representations from the public regarding the proposed bylaw amendments for the following reasons:

- Rancho/Deep Creek Official Community Plan Bylaw No. 750 policies support the proposal;
- The applicant has submitted a preliminary hydrogeological assessment prepared by a Qualified Professional reviewing the potential water resources for the proposed lots which did not note any concerns regarding water availability for the proposed subdivision;
- There were no concerns raised by agencies through the referral process that need to be addressed at the rezoning stage; and
- Concerns raised by Adams Lake Indian Band in their referral comments have been brought to the attention of the applicant.

### **IMPLEMENTATION:**

If the Board endorses the staff recommendations, staff will arrange for a public hearing to be held and undertake the communications related to advertising a public hearing as outlined below. [Policy P-25 Public Hearings](#) indicates that public hearings will be organized to provide for in person attendance and remote participation by way of electronic attendance via Zoom or telephone. Public hearings are to be held in the Boardroom of the CSRSD Office in Salmon Arm unless there are unique circumstances that necessitate holding the public hearing at an alternative location. In this case, staff suggest that the public hearing be held in the Boardroom.

### **COMMUNICATIONS:**

#### Notice of Development Sign

A Notice of Development sign was placed on the subject property in December 2021 by the applicant and a photo of the sign on the property was provided to staff.

#### Public Hearing

If the Board gives both Bylaw Nos. 750-04 and 751-03 second reading and delegates a public hearing, staff will make arrangements for the public hearing, including: placing ads in local newspapers, posting the ad on the CSRSD website and social media, and sending notices to all property owners of land located within 100 m of the subject property. The public hearing package will be made available on the CSRSD website at least 10 days in advance of the public hearing.

#### Referrals

Bylaw Nos. 750-04 and 751-03 were referred to the following agencies and First Nations. Responses are briefly noted. Full referral comments are attached to the Board agenda as "BL750-04\_BL751-03\_Agency\_Referral\_Responses.pdf".

<b>Agency</b>	<b>Response</b>
CSRSD Operations Management	No concerns.

CSRD Financial Services	Interests unaffected. The proposed bylaw has been reviewed as per S. 477 of the LGA and is consistent with the CSRD's current Financial Plan.
Adams Lake Indian Band	Expressed concerns including nearby cultural heritage sites, potential for archaeological sites. Requested that a Preliminary Field Review and Cultural Heritage Assessment be done. Also requested a Chance Find Policy be created by CSRD.
Little Shuswap Lake Band	No response.
Neskonlith Indian Band	No response.
Okanagan Indian Band	No response.
Penticton Indian Band	Deferred commenting to Okanagan Indian Band.
Splatsin First Nation	Did not have capacity to respond to referral. Requested notification on any decisions made regarding this file.
Upper Nicola Band	No response.
Interior Health	Recommended that the proposed bylaws be adopted.
Agricultural Land Commission	ALC staff recommended considering additional setbacks for the lands abutting the ALR boundary in accordance with the ALC's Guide to Edge Planning.
Ministry of Transportation and Infrastructure	Noted that the road design/cul de sac location will need to be modified, and that the watercourses on the property may trigger the need for a flood hazard assessment. Both of these items would be dealt with through the subdivision application process.
Ministry of Forests, Lands and Natural Resource - Archaeology Branch	No known archaeological sites on the property and archaeological potential modeling does not indicate high potential for previously unidentified archaeological sites to be found on the property. Further study and/or heritage permits not recommended.
Ministry of Forests, Lands and Natural Resource - Lands Branch	No concerns.

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendations.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**Report Approval Details**

Document Title:	2022-09-22_Board_DS_BL750-04_BL751-03_Second.docx
Attachments:	<ul style="list-style-type: none"><li>- BL750-04 Second.pdf</li><li>- BL751-03 Second.pdf</li><li>- BL750-04 First.pdf</li><li>- BL751-03 First.pdf</li><li>- BL750-04_BL751-03_Well_Feasibility_Study_Redacted.pdf</li><li>- BL750-04_BL751-03_Agency_Referral_Responses.pdf</li><li>- BL750-04_BL751-03_BL750_BL751_Excerpts.pdf</li><li>- BL750-04_BL751-03_Maps_Plans_2022-09-22.pdf</li></ul>
Final Approval Date:	Sep 8, 2022

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



Corey Paiement



Gerald Christie



Jennifer Sham

**No Signature - Task assigned to Jodi Pierce was completed by assistant Jennifer Sham**

Jodi Pierce