



BOARD REPORT

TO:**Chair and Directors**

File No:	DP 725-110 PL20170092
-----------------	--------------------------

SUBJECT:

Electoral Area C: Form and Character DP 725-110 (Blind Bay Hideaway Ltd.)

DESCRIPTION:Report from Dan Passmore, Senior Planner, dated August 10, 2017.
2094 Eagle Bay Road, Blind Bay.**RECOMMENDATION
#1:**THAT: in accordance with Section 490 of the Local Government Act Development Permit No. 725-110 for proposed construction of an additional 4 weekly vacation rental cabins (cabins #6-9) on Lot 11, Section 20, Township 22, Range 10, West of the 6th Meridian, Kamloops Division Yale District, Plan 6612 (PID: 010-078-347), be issued this 21st day of September, 2017.**SHORT SUMMARY:**

The applicant is constructing 4 additional weekly vacation rental cabins (cabins #6-9) on the subject property, which currently has 5 such existing cabins. The subject property is designated commercial and therefore a Commercial Form and Character Development Permit is required.

VOTING:Unweighted
Corporate☐LGA Part 14
(Unweighted)☒Weighted
Corporate☐Stakeholder
(Weighted)☐

BACKGROUND:**PROPERTY OWNER:**

Blind Bay Hideaway Ltd.

APPLICANT:

Brad Long

ELECTORAL AREA:

'C' (Blind Bay)

LEGAL DESCRIPTION:Lot 11, Section 20, Township 22, Range 10, West of the 6th Meridian, Kamloops Division Yale District, Plan 6612 (PID: 010-078-347)**ADDRESS:**

2094 Eagle Bay Road

SIZE OF PROPERTY:

0.73 ha (1.8 ac)

SURROUNDING LAND USE PATTERN:

NORTH

Residential

SOUTH

Residential

WEST
EAST

Eagle Bay/Shuswap Lake
Crown Land

CURRENT USE:

Tourist Accommodation (5 weekly rental cabins)

PROPOSED USE:

Additional 4 weekly rental cabins

OCP DESIGNATION:

TC – Tourist Commercial

ZONING:

C5 – Tourist Commercial

POLICY:

Electoral Area 'C' Official Community Plan Bylaw No. 725

The subject property is designated TC Tourist Commercial. The OCP contains the following policy for guidance:

3.8.2.5 Existing Commercial (C), Tourist Commercial (TC) and Resort Commercial (RC) land use designations are recognized on Schedules B and C. New Commercial (C), Tourist Commercial (TC) and Resort Commercial (RC) may be considered in the Secondary Settlement Areas through individual redesignation and rezoning applications.

The following is the Form and Character Development Permit:

12.7 Commercial Development Permit Area

.1 Purpose

The Commercial Development Permit Area is designated under the *Local Government Act* for the establishment of objectives for the form and character of commercial development for areas designated as Commercial in the OCP,

.2 Justification

The justification of this Commercial DP is to promote pedestrian movement and a high level of site and building design which integrates well with the character of the surrounding built environment. As some commercially designated parcels are outside of the Village Centre and Secondary Settlement Areas it is important that commercial development fit with the primarily residential and rural character of the area.

.3 Area

This DPA applies to the areas designated as commercial (C, TC, RC, WC, HC) as set out in Schedules B and C.

.4 Exemptions

- .1 A single storey accessory building with a gross floor area less than 10 m² (107.4 ft²);
 - .2 Non-structural external repairs or alterations exempted by the BC Building Code; or,
 - .3 Creation of impervious or semi-impervious surfaces less than 100 m² (1,076.4 feet²).
- .5 *Guidelines*
- .1 A landscaped buffer between parking areas and public streets should be provided. Additional landscaping within parking lots is encouraged;
 - .2 The primary pedestrian entrance to all units and all buildings should be from the street, or if from the parking lot, a pedestrian sidewalk should be provided. Entries must be visible and prominent;
 - .3 Weather protection in the form of awnings or canopies should be provided over all grade level entries to residential and retail units;
 - .4 Use of non-combustible external building materials is encouraged;
 - .5 Outside storage, garbage and recycling areas should be screened with fencing or landscaping or both;
 - .6 Design of signage and lighting should be integrated with the building facade and with any canopies or awnings; and,
 - .7 Buildings on corners should have entries, windows and an active street presence on the two public facades, to avoid the creation of blank walls in prominent locations.

Section 12.1 of the Electoral Area 'C' OCP designates all properties, any portion of which, contain slopes 30% or greater as Hazardous Lands Development Permit Area (Steep Slope). The purpose of this designation is to protect development from steep slope hazardous conditions. A Development Permit may be issued following submission of a geotechnical report from an Association of Professional Engineers and Geoscientists of British Columbia (APEGBC) registered professional with experience in geotechnical engineering. The report must contain the following:

- i. site map showing area of investigation, including existing and proposed: buildings, structures, septic tank & field locations, drinking water sources and natural features, including watercourses;
- ii. strength and structure of rock material, bedding sequences, slope gradient, landform shape, soil depth, soil strength and clay mineralogy;
- iii. surface & subsurface water flows & drainage;
- iv. vegetation: plant rooting, clear-cutting, vegetation conversion, etc.
- v. recommended setbacks from the toe and top of the slope;
- vi. recommended mitigation measures; and
- vii. recommended 'no-build' areas.

Further, Development in steep slopes should avoid:

- i. cutting into a slope without providing adequate mechanical support;
- ii. adding water to a slope that would cause decreased stability;
- iii. adding weight to the top of a slope, including fill or waste;
- iv. removing vegetation from a slope;
- v. creating steeper slopes; and
- vi. siting Type 1, 2 and 3 septic systems and fields within steep slopes.

Finally, a Covenant may be registered on title identifying the hazard and remedial requirements as specified in the geotechnical or engineering reports for the benefit and safe use of future owners.

South Shuswap Zoning Bylaw No. 701

The subject property is currently zoned C5 – Tourist Commercial Zone. Permitted uses in the C5 zone are as follows:

1. commercial lodging;
2. restaurant;
3. outdoor recreation facility;
4. indoor recreation facility;
5. campground;
6. convenience store;
7. bakery;
8. post office;
9. gasoline/vehicle fuel sales;
10. craft and gift shop;
11. personal service establishment;
12. neighbourhood pub;
13. gallery or studio (but not including television, music or radio studios);
14. police station;
15. ambulance station;
16. accessory upper floor dwelling units with or without sewer;
17. single family dwelling for caretaker of property;
18. accessory use.

The proposed development of 4 additional cabins complies with the C5 zone.

FINANCIAL:

The application for a Development Permit (DP-725-110) is the result of a bylaw enforcement action. The owner had begun construction of the 4 new cabins on the subject property without first having obtained the necessary Development Permit. Should the Board decide not to issue the Development Permit, the Board will need to consider further bylaw enforcement action.

KEY ISSUES/CONCEPTS:**The Proposal**

The subject property currently has 5 weekly rental cabins (cabins #1-5) located on it that were constructed prior to the adoption of South Shuswap Zoning Bylaw No. 701. The existing cabins are situated on the lower portion of the property, closer to Eagle Bay Road. The owner had commenced construction of four new cabins (cabins #6-9) on the middle bench of the property. This Development Permit will only apply to the new 4 cabins.

Perris Creek crosses into the property from the north and has been contained within a culvert at some point in the past. The culvert runs directly under existing cabin #2 and enters another culvert which exits across Eagle Bay Road into Shuswap Lake.

The proposed new development has occurred on the middle bench of the property above a rock bluff and consists of an additional 4 weekly rental cabins as well as a new septic system.

Sewage Disposal

The four new cabins, as well as the 5 existing cabins are proposed to be serviced by an on-site septic sewage disposal system, which is being constructed on the east part of the property more than 100 m from Shuswap Lake.

Water Supply

The property is currently serviced by a surface water intake from Shuswap Lake. It is unknown if the owner has obtained the permission of the Ministry of Transportation and Infrastructure (MoT) to cross under Eagle Bay Road with the water supply line.

Access

Access to the proposed new lots will be from Eagle Bay Road. It is unknown whether MoT has issued a commercial access permit for the development. It is also unknown whether MoT will require an amendment to any existing access permit (if one has been issued) for the increase in usage on the site. MoT was sent a referral on this application and simply responded that the issuance of this DP did not fall under their legislated requirements.

Steep Slopes Development Permit Area

The applicant has additionally made an application for a Development Permit under Section 12.1 of the Electoral Area C Official Community Plan Bylaw No. 725. Staff have reviewed the geotechnical report, and the Manager of Development Services is prepared to authorize issuance of this technical Development Permit, should the Board approve this form and character Development Permit.

Staff note that the Geotechnical report makes a point of omitting any review of a lock-block retaining wall constructed previously on the subject property to support a driveway constructed into the upper area of development where the new cabins have been constructed. The permit under consideration for issuance contains the following clause:

The Steep Slope Geotechnical Assessment Report by Rod Williams, P.Geo., of Onsite Engineering Ltd., dated July 19, 2017, specifically excludes consideration of a lock-block retaining wall constructed on the south side of the subject property, and as shown on the site plan attached hereto as Schedule B, and Photo 2 on Page 9 of the report, to support a driveway. These works are outside the scope of the guidelines under Section 12.1, and the CSRD does not have Building Regulations within Electoral Area C, the retaining wall construction must therefore meet all applicable BC Building Code standards and to do so must be designed by a professional engineer.

Consideration of the retaining wall was not included in the report because it had been previously constructed and the geotechnical professional was not on site to supervise either existing geotechnical conditions or construction methods.

SUMMARY:

The applicant is requesting a Development Permit in respect of form and character guidelines expressed in the OCP for 4 new cabins on the site.

Most of the guidelines for form and character are in respect of the street presence of new development. Since the new cabins are on the middle bench of the property, their impact on the streetscape is negligible. Also, the applicant is not proposing new signage. Therefore, the proposed additional buildings meet the objectives and policies for Commercial development and complies with the applicable Development Permit guidelines as required in Electoral Area C Official Community Plan No. 725.

IMPLEMENTATION:

If the Board issues DP 725-110, the applicant will be notified of the decision in writing, and documentation will be forwarded to the Land Titles Office for registration against the title of the property.

COMMUNICATIONS:

Property owners and tenants in occupation within 100 m of the subject property were given notification a minimum of 10 days prior to the September 21, 2017, CSRD Board Meeting. All interested parties have had the opportunity to provide comments regarding this application prior to the Board Meeting.

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.*

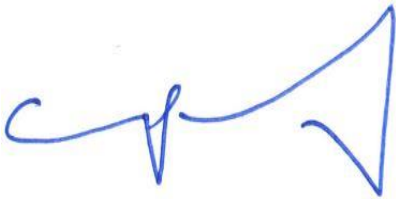
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Electoral Area C Official Community Plan Bylaw No. 725, as amended.
2. South Shuswap Zoning Bylaw No. 701, as amended.
3. Application.

Report Approval Details

Document Title:	2017-09-21_Board_DS_DP725-110-BlindBayHideaway.docx
Attachments:	- Maps_Plans_DP725-110.pdf - DP725 110-Long- Permit and Schedules-FormandCharacter.pdf
Final Approval Date:	Sep 11, 2017

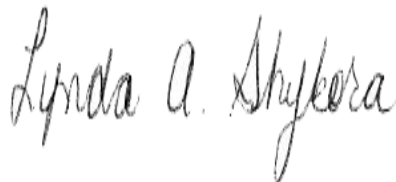
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Sep 7, 2017 - 12:11 PM



Gerald Christie - Sep 10, 2017 - 3:19 PM



Lynda Shykora - Sep 11, 2017 - 2:22 PM



Charles Hamilton - Sep 11, 2017 - 3:03 PM