



BOARD REPORT

TO: Chair and Directors

File No: BL 2133
PL20150194

SUBJECT: Electoral Area D: Ranchero/Deep Creek Land Use Amendment (Linda Parker) Bylaw No. 2133

DESCRIPTION: Report from Dan Passmore, Senior Planner, dated October 26, 2017. 5192 Highway 97B, Ranchero

RECOMMENDATION #1: THAT: the Board receive this report regarding proposed Bylaw No. 2133, for information and consider new information from the applicant in relation to the July 20, 2017 resolution.

RECOMMENDATION #2: THAT: the Board set a new deadline of December 20, 2017 for submission of the required hydrogeological assessment in order to consider delegation of a Public Hearing for proposed Bylaw No. 2133.

SHORT SUMMARY:

The property that is the subject of this rezoning application is located at 5192 Highway 97B in the Ranchero area of Electoral Area 'D'. The original proposal was for a text amendment to the CR – Country Residential Zone that would add a new permitted use, specific to the subject property, to permit three (3) single family dwellings to remain on the subject property.

The applicant has amended the proposal so that only two (2) single family dwellings would be permitted. The application was amended after first reading of the bylaw to reflect staff concerns in the first reading report regarding site servicing issues.

The Board gave Bylaw No. 2133 second reading, July 20, 2017 but declined delegation of a Public Hearing, instead giving the applicant 90 days to provide additional documentation. While the owner has committed to construction of sewerage system improvements, they have been unable to acquire a hydrogeological assessment of the groundwater well drinking water source on the property within the 90 days allotted, which expired October 19, 2017. This is the first Board meeting that staff have had an opportunity to report to the Board regarding this time limit.

VOTING: Unweighted Corporate LGA Part 14 (Unweighted) Weighted Corporate Stakeholder (*Weighted*)

BACKGROUND:

See attached "2016-04-14_Board_DS_BL2133_Parker-Wood.pdf".

POLICY:

See attached "2016-04-14_Board_DS_BL2133_Parker-Wood.pdf".

FINANCIAL:

The rezoning is the result of a bylaw enforcement action. If the Board does not adopt the proposed amending bylaw, and the owner does not bring the property into compliance by removing the two additional single family dwellings, and which are currently occupied, the Board may then wish to direct staff to seek a legal opinion regarding possible court action. Costs for the legal opinion and possible court action, although partially recoverable through Court, could nonetheless be substantial. Staff involvement in legal action is not recoverable.

KEY ISSUES/CONCEPTS:

See attached "2017-07-20_Board_DS_BL2133_Parker-Wood.pdf" and "2016-04-14_Board_DS_BL2133_Parker-Wood.pdf".

Update

The applicant provided an e-mail dated October 1, 2017 which commits to construct the septic system designed by Mr. Steven Rogers of Shuswap Septic Service and that all necessary approvals from IHA as required will be obtained.

The applicant had not been successful in obtaining the services of a hydrogeologist for an assessment of the existing groundwater well by the end of the 90 day period given by the Board. The applicant had approached a professional hydrogeologist on October 1, 2017, who after some communication had declined the job by October 6, 2017. In declining the job, the hydrogeologist explained that he was uncomfortable with "dug wells" because of the excessive potential liability and because the well report becomes part of the property title. This hydrogeologist recommended that the owner contact another professional in the area.

Staff have recently met with this other prospective professional hydrogeologist to discuss the parameters of such an assessment. However, the second hydrogeologist has not been engaged by the applicant as of the date of the writing of this report. Staff hope to have additional information to provide the Board in a verbal presentation at the November 16, 2017 Board meeting.

In addition to this information the applicant submitted an e-mail October 13, 2017, in which he expressed some concerns with the process. Staff have included this e-mail in the Board report package for the Board's convenience.

SUMMARY:

The applicant has not fulfilled the requirements of the Board in regard to the 90 day time limit to provide a hydrogeological assessment. The Board is asked to consider this information and to direct staff on their wishes moving forward.

IMPLEMENTATION:

See attached "2017-07-20_Board_DS_BL2133_Parker-Wood.pdf" and "2016-04-14_Board_DS_BL2133_Parker-Wood.pdf".

COMMUNICATIONS:

If the Board resolves to give the bylaw no further readings, the applicants will be advised of the Board's decision, and notified that the Bylaw Enforcement process may be re-activated.

If the Board delegates a Public Hearing, staff will set a date for the Public Hearing and proceed with notification of property owners within 100 m of the subject property and publication of newspaper notices in accordance with the Local Government Act.

If the Board resolves to give the applicant additional time to engage a hydrogeologist and obtain an assessment report, staff will advise the applicant. This will require staff to report back to the Board with any results at some future Board meeting.

DESIRED OUTCOMES:

That the Board consider this issue and provide staff direction on next steps.

BOARD'S OPTIONS:

1. *Extend the 90 day time period to obtain a hydrogeological assessment report.*
2. *Adopt a resolution to give Bylaw No. 2133 no further readings.*
3. *Delegate a Public Hearing.*
4. *Defer.*
5. *Any other action deemed appropriate by the Board.*

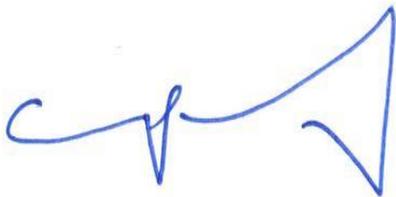
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Compliance Inspection Report, by Steven Rogers, ROWP, of Shuswap Septic & Site Preparation, endorsed by Jayme Franklin, P.Eng., dated May 6, 2017
2. Rancho/Deep Creek Official Community Plan Bylaw No. 750
3. Rancho/Deep Creek Rural Land Use Bylaw No. 2100
4. Site visit photos (various dates)

Report Approval Details

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| Document Title: | 2017-11-16_Board_DS_BL2133_Parker.docx |
| Attachments: | <ul style="list-style-type: none">- 2017-07-20_Board_DS_BL2133_Parker-Wood.pdf- 2016-04-14_Board_DS_BL2133_Parker-Wood.pdf- BL2133_Second_amended.pdf- BL2133_Second.pdf- BL2133_First.pdf- Applicant_Letter_2017-10-13_BL2133.pdf- Agency_Referral_Responses_BL2133.pdf- Maps_Plans_BL2133.pdf |
| Final Approval Date: | Nov 7, 2017 |

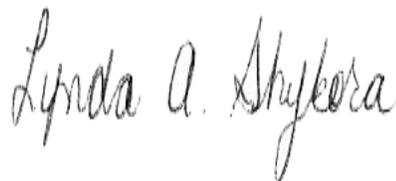
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Nov 6, 2017 - 11:40 AM



Gerald Christie - Nov 7, 2017 - 8:07 AM



Lynda Shykora - Nov 7, 2017 - 8:39 AM



Charles Hamilton - Nov 7, 2017 - 8:47 AM