



# BOARD REPORT

**TO:** Chair and Directors

<b>File No:</b> BL 2133 PL20150194
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**SUBJECT:** Electoral Area D: Rancho/Deep Creek Land Use Amendment (Linda Parker) Bylaw No. 2133

**DESCRIPTION:** Report from Dan Passmore, Senior Planner, dated May 29, 2017. 5192 Highway 97B.

**RECOMMENDATION:** THAT: Rancho/Deep Creek Land Use Amendment (Linda Parker) Bylaw No. 2133", be given second reading, as amended, this 20th day of July, 2017.

AND THAT: the Board not delegate a public hearing until the owner has provided documentation committing to construction of the required sewerage system improvements prior to final reading of the Bylaw and has provided a hydrogeological assessment of the existing groundwater well within 90 days of second reading.

**SHORT SUMMARY:**

The property that is the subject of this rezoning application is located at 5192 Highway 97B in the Rancho area of Electoral Area 'D'. The proposal is 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.

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

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**BACKGROUND:**

See attached first reading report dated March 23, 2016.

**POLICY:**

See attached first reading report dated March 23, 2016.

**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, 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:**

##### **Sewage Disposal**

The applicant has hired Mr. Steven Rogers of Shuswap Septic & Site Preparation to investigate the current On-site sewerage system, and provide a compliance inspection report. The report, dated May 6, 2017 indicated that the existing system was a Type 1 system which consists of 2 septic tanks, a pump chamber and a pressure-fed dispersal field.

The report noted that one of the septic tanks is situated within 30 m of a groundwater well, which provides drinking water to the property. It advises that this septic tank should be decommissioned. The report goes on to describe the various components of the system and its configuration in detail, and ends with a frank comment about the unsuitability of the dispersal system to process the effluent produced by a 7 bedroom property.

The report also includes options for utilising some components of the existing system, with construction of new raised sand mound dispersal areas, including a back-up dispersal field, that would be adequate to service the 7 bedrooms contemplated. The report also includes an option that would convert the system to a Type 2 system to reduce dispersal area requirements further.

The Interior Health Authority had advised that it does not recommend support for this rezoning amendment until the owner has provided a site specific onsite sewerage technical assessment of the subject lot completed by an Authorized Person under the Sewerage System Regulation which demonstrate that the parcel is capable of being self-sufficient with the existing 3 dwellings.

The current sewerage system is not compliant with IHA regulations, and would need to be altered in accordance with the report to adequately service the anticipated 7 bedrooms.

##### **Sewage Servicing and OCP Policies**

OCP Bylaw No. 750 requires new residential development in the RR Rural Residential designation to have a density of 1 dwelling unit per hectare with adequate water and sewer services that meet Provincial guidelines.

The proposal is for a rezoning amendment to sanction an additional dwelling unit onto the property. Although, the additional dwelling unit(s) are existing, they have been installed illegally, and therefore would represent new residential development in the area. The OCP does not support the rezoning amendment application.

##### **Water Supply**

Water is from an on-site groundwater well. The IHA has adopted a policy whereby property owners seeking to supply drinking water to as many as 2 single family dwellings on a property, do not have to obtain approval for a drinking water system.

##### **Water Supply and OCP Policies**

Rural Residential Lands Policy 7 talks about the CSRD possibly requiring a hydro-geological impact review and assessment on the quantity and quality of the existing groundwater well. The subject

property is in an area where densities of less than 1 dwelling unit per hectare have been developed. Due to the proximity of small properties, unknown location of other septic systems, and the prevalence of groundwater wells, it would be imprudent to foster increased densification without an examination of the existing well.

**SUMMARY:**

The applicant has applied to amend the CR – Country Residential Zone of Bylaw No. 2100, to add an additional permitted use which would be applicable to only the subject property to permit two (2) single family dwellings to remain on the property.

Staff are recommending that the Board give the proposed amending bylaw second reading, as amended. The applicant has not demonstrated that the property is adequately serviced to support the 2 dwelling units, in accordance with OCP policies 1.4.3, 1.4.5, 3.1.3, 3.1.6, 3.1.7 and 3.1.9. While the owner has had an inspection of the existing septic system, significant upgrading works would be required to service the proposed (existing) 2 dwelling units on the property. Also the OCP does contemplate the provision of a hydrogeological report to address drinking water supply and the Board needs to consider whether this is appropriate in this circumstance.

Staff have provided the Board with the recommendation to move the Bylaw forward, if that is the Board's direction. The recommendation provides that the owner commit to construction of the sewerage system improvements prior to any delegated Public Hearing and that the improvements must be constructed prior to final reading of the bylaw. Further, in consideration of the owners significant delays in obtaining the sewerage assessment, staff are proposing that the owner be given a strict 90 day time limit to provide a required hydrogeological assessment of the existing groundwater well given its proximity to the sewerage system. The assessment would be required to be submitted prior to the Public Hearing being delegated.

**IMPLEMENTATION:****Consultation Process**

As per CSRD Policy No. P-18 regarding Consultation Processes-Bylaws, staff recommended the simple consultation process. Referral responses have been received and summarized in this report. Neighbouring property owners are aware of the application for the zoning amendment because a notice of development sign was posted on the subject property in accordance with Development Services Procedures Bylaw No. 4001. Staff will advise the applicant of the requirement to remove the sign if the Board determines to give the bylaw no further readings.

**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 gives Bylaw No. 2133 second reading and 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.

**DESIRED OUTCOMES:**

That the Board endorse staff recommendation.

**BOARD'S OPTIONS:**

1. *Endorse recommendation. Bylaw No. 2133 will be given second reading and the public hearing will not be delegated until the owner has provided documentation committing to construction of the required sewerage system improvements prior to final reading of the Bylaw and provided a hydrogeological assessment of the existing groundwater water well, within 90 days and prior to the Public Hearing being delegated.*
2. *Give Bylaw No. 2133 second reading and delegate a public hearing.*
3. *Give Bylaw No. 2133 no further readings. The Bylaw will be defeated and bylaw enforcement action will re-commence.*
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.

**Report Approval Details**

Document Title:	2017-07-20_Board_DS_BL2133_Parker-Wood.docx
Attachments:	- BL2133_BoardReport_1st.pdf - Referral Responses.pdf - Maps_Plans_BL2133.pdf - BL2133 Second.docx
Final Approval Date:	Jul 11, 2017

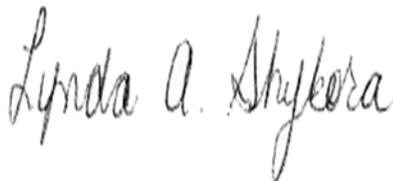
This report and all of its attachments were approved and signed as outlined below:

**No Signature - Task assigned to Corey Paiement was completed by workflow administrator Brad Payne**

**Corey Paiement - Jul 11, 2017 - 2:29 PM**



**Gerald Christie - Jul 11, 2017 - 2:33 PM**



**Lynda Shykora - Jul 11, 2017 - 2:58 PM**



**Charles Hamilton - Jul 11, 2017 - 3:43 PM**