



BOARD REPORT

- TO:** Chair and Directors
- SUBJECT:** Electoral Area C: Electoral Area C Official Community Plan Amendment Bylaw No. 725-28
- DESCRIPTION:** Report from Jan Thingsted, Planner III, July 03, 2024. 1315 Tappen Valley Road, Tappen.
- RECOMMENDATION #1:** THAT: "Electoral Area C Official Community Plan Amendment Bylaw No. 725-28" be read a first time, this 18th day of July, 2024.
Stakeholder Vote Unweighted (LGA Part 14) Majority
- RECOMMENDATION #2:** THAT: The Board utilize the complex consultation process for Bylaw No. 725-28, and it be referred to the following agencies and First Nations:
 - CSRD Community and Protective Services;
 - CSRD Environmental and Utility Services;
 - Agricultural Land Commission;
 - Interior Health Authority;
 - Ministry of Transportation and Infrastructure;
 - Ministry of Forests: Archaeology Branch;
 - All applicable First Nations Bands and Councils:*Stakeholder Vote Unweighted (LGA Part 14) Majority*

SUMMARY:

The subject property is located at 1315 Tappen Valley Road in the Tappen neighbourhood of Electoral Area C and is designated Industrial (ID) in Electoral Area C Official Community Plan Bylaw No. 725 (Bylaw No. 725). A zoning bylaw does not apply to the subject property.

The property’s agent has applied for an OCP bylaw amendment to redesignate the northern 30 ha portion of the subject property from ID – Industrial to RR2 – Rural Residential 2. The intent of this amendment is to enable a future subdivision that will create parcels with a minimum lot size of 2 ha.

Staff are recommending that the proposed bylaw amendment be given first reading, the complex consultation process be required, and that referrals be sent to applicable agencies and First Nations.

BACKGROUND:

ELECTORAL AREA:
C

LEGAL DESCRIPTION:
The Southwest ¼ of Section 30 of Township 21 Range 10 West of the 6th Meridian Kamloops Division Yale District.

PID:
014-085-691

CIVIC ADDRESS:

1315 Tappen Valley Road, Tappen

SURROUNDING LAND USE PATTERN:

North = Designation: Rural Resource; Actual Use: Crown Provincial - forested

South = Designation: Agriculture (ALR); Actual Use: Grain & Forage

East = Designations: Agriculture (ALR) / Rural Residential; Actual Use: ALR Grain & Forage/ Private residential lots (0.5 ha – 2.3 ha)

West = Designation: Rural Holdings; Actual Use: Crown Provincial - forested

CURRENT USE:

The northern 30 ha portion of the subject property is currently vacant and mostly forested.

The southern 34.88 ha portion is mostly in the ALR (31 ha) and is currently leased for agricultural and industrial activity.

PROPOSED USE:

The northern 30 ha portion of the subject property is proposed to be redesignated to Rural Residential 2 (RR2) to allow for a subdivision that will create lots with a minimum 2 ha parcel size. 15 lots could potentially be created if re-designated to RR2. The southern 34.88 ha portion of the property is to remain designated Industrial and allow for continued agricultural and industrial activity.

PARCEL SIZE:

64.88 ha

PROPOSED PARCEL SIZE:

The proposed Rural Residential 2 RR2 designation would permit a minimum parcel size of 2 ha.

DESIGNATION:

[Electoral Area C Official Community Plan Bylaw No. 725](#)

ID – Industrial

PROPOSED DESIGNATION:

[Electoral Area C Official Community Plan Bylaw No. 725](#)

RR2 - Rural Residential 2 (30 ha northern portion)

ID – Industrial (34.88 ha southern portion, including all land within the ALR)

ZONE:

N/A - A zoning bylaw does not apply to this area of Electoral Area C, including the subject property.

AGRICULTURAL LAND RESERVE (ALR):

48% (31 ha)

SITE COMMENTS :

The subject property is located in Tappen and is accessed from Tappen Valley Rd. The southern 31 ha (48%) of the property is in the ALR. The property was formerly owned by Orica Canada Inc. and operated as a manufacturing facility for explosive detonators until its ownership changed in 2022. Documentation has been provided to the CSRD confirming that the subject property was satisfactorily remediated to meet the Contaminated Sites Regulation. It should be noted that no industrial activity has historically occurred on the portion proposed to be RR2.

The ALR portion of the subject property is now operated as Recline Ridge Eco-Park which leases land to a variety of agricultural and environmental technology companies. These uses include indoor vertical farming, septic service, dust control, de-icing, and soil stabilization service, outdoor storage, and a llama sanctuary. Many buildings and bunkers remain on the property from when it was used as a manufacturing facility and are now used for the eco-park.

The ALR portion of the property is mostly flat, with a gentle upwards slope to the north. The northwest quarter of the property is forested and has slopes over 50%, while the northeast quarter has few trees and is generally flat. CSRD mapping indicates that there is an intermittent stream on the southern portion of the subject property.

See "BL725-28_Maps_Plans_Photos_2024-06-20.pdf" for site location and details.

BYLAW ENFORCEMENT:

There is no bylaw enforcement related to this property.

POLICY:

[Electoral Area C Official Community Plan Bylaw No. 725](#)

Section 1.2 Sustainable Planning Principles

Section 3 Growing Gradually and Wisely

Section 3.1 General Land Use Management

Section 3.4 Residential

Section 3.10 Agriculture

Section 9 Planning Efficient Infrastructure

Section 12.1 Hazardous Lands Development Permit Area (*Steep Slopes*)

Section 12.4 Riparian Areas Regulation (RAR) Development Permit Area

See attached "BL725-28_Excerpts_BL725.pdf" for full details on these principles, objectives policies.

FINANCIAL:

There are no financial implications associated with this application. Section 477 of the Local Government Act requires that after first reading the local government must consider the proposed OCP amendment in conjunction with their current financial and waste management plans. If the Board reads the amending bylaw a first time, the proposed bylaw amendment will be referred to the CSRD's Financial Services and Environmental and Utility Services departments for review and response.

KEY ISSUES/CONCEPTS:

Proposal

The property owner's agent has applied for an OCP bylaw amendment to redesignate the northern 30 ha portion of the subject property from ID – Industrial to RR2 – Rural Residential 2. The remaining 34.88 ha southern portion of the subject property, including all land within the ALR, is proposed to remain designated Industrial.

See: "BL725-28_Overview_and_Feasibility_Study_2024-05-29_Redacted.pdf" for proposal overview.

Zoning

The subject property is located in a part of Electoral Area C that is currently not subject to a zoning bylaw. Land uses are therefore not regulated on the subject property.

Electoral Area C Official Community Plan Bylaw No. 725

The Official Community Plan (OCP) addresses future land use and density, and also includes Development Permit Areas (DPAs). DPAs are the only part of an OCP that is regulatory, and where a Development Permit is required, a proposed development must be in accordance with the density of the current land use designation. In cases such as this where it is not consistent, the property must be redesignated accordingly prior to issuance of the permit.

The property is in an area without a zoning bylaw, which is the main tool for regulating land use, parcel size and density. However, since the subject property contains slopes exceeding 30%, it is within the Hazardous Lands (Steep Slopes) Development Permit Area that is designated in Bylaw No. 725 (OCP). For a future rural residential subdivision to proceed, a steep slopes development permit will be required as a condition of subdivision approval. Development permits cannot be issued unless the proposed density (number and size of the proposed lots) is consistent with the OCP land use designation that applies to the subject property.

In this case, the proposed rural residential subdivision is not consistent with the ID designation and therefore first requires a redesignation to RR2 to proceed.

Land Use Designation	Housing Form	Maximum Density
Industrial (ID)	N/A	N/A
Rural Residential (RR2)	Detached, Semi-detached	1 unit per 2 ha

Servicing

The applicant has provided a property overview and feasibility study, prepared by Franklin Engineering Ltd., which addresses the development's proposed water supply and wastewater disposal.

See: "BL725-28_Overview_Feasibility_Study_2024-05-29_Redacted.pdf" attached, for an overview of the proposal.

The feasibility study notes that the subject property is currently serviced by water from Granite Creek and that there is capacity for a future community water system. Prior to consideration of second reading, confirmation of a water licence would be required. The study also asserts that up to 15 home sites with individual wastewater systems could be created in the portion of the subject proposed to be redesignated to RR2. The study does not provide any information regarding stormwater management.

Prior to consideration of second reading, staff will require that the applicant provide more detailed information and analysis demonstrating how the proposed development can be feasibly and sustainably serviced. A preliminary hydrogeological assessment of the proposed development on the subject property will need to verify the long-term reliability of the water supply and ground suitability for accepting sewage for the proposed development. The assessment must also verify that there will be no significant negative impacts on other water supplies and properties from groundwater withdrawal, wastewater disposal, or stormwater runoff.

Access

The subject property is currently accessed from a driveway off Tappen Valley Road which connects to the Trans-Canada Hwy (TCH). The feasibility study indicates that access to the proposed RR2 portion

of the property would require extending the existing internal roadway. Staff note that this extension would require access through ALR land to reach the proposed RR2 portion of the subject property. ALC approval will be required for new road construction in the ALR.

Prior to consideration of second reading, the applicant will be advised to discuss their proposal with the Ministry of Transportation and Infrastructure (MoTI) staff and Agricultural Land Commission (ALC) staff. Staff recommend that MoTI and the ALC be included in the list of referral agencies for this proposed bylaw amendment.

Agricultural Land Reserve (ALR)

The southern 31 ha (48%) of the subject property is in the ALR. The ALR portion of the subject property is proposed to remain designated ID – Industrial. Many buildings and bunkers remain on the property from when it was used as a manufacturing facility and are now used for the Recline Ridge Eco-Park. The proposed rural residential subdivision of the northern 30 ha would not require approval from the ALC since it is outside the ALR. Road construction through the ALR to access the proposed subdivision would require approval from the ALC.

If the Board gives the proposed bylaw amendment first reading, a referral will be sent to the ALC requesting comments about the proposed OCP redesignation and proposed road access through the ALR.

Subdivision

If Bylaw No. 725-28 is adopted, the northern 30 ha of the subject property will be re-designated RR2 which could potentially permit a subdivision that creates 15 rural residential lots no smaller than 2 ha in size.

It is noted in the overview and feasibility study that the likelihood of achieving 15 lots would be low considering the steep topography of the northwest corner of the property. A subdivision application has not been submitted.

Staff review subdivision applications and provide initial comments to the applicant and Provincial Approving Officer. Subdivision applications are reviewed to ensure compliance with Subdivision Servicing Bylaw Number 680 and CSRD land use bylaws where they apply.

Development Permits

Hazardous Lands Development Permit Areas (Steep Slope)

The subject property contains slopes exceeding 30% and is therefore within the Hazardous Lands (Steep Slopes) Development Permit Area. At the time of subdivision, a Development Permit addressing the requirements of the Hazardous Lands (Steep Slopes) Development Permit Areas will be required to be issued as a condition of subdivision approval. The application for this permit will need to be accompanied by a Geohazard Assessment prepared by a Geotechnical Engineer or Geoscientist assessing the slopes on the property and certifying that the property is safe for the use intended. Building permits cannot be issued until the Steep Slope Development permit has been issued.

Riparian Areas Regulation (RAR) Development Permit Area

An intermittent stream crosses the southeast portion of the subject property. At the time of subdivision, a Development Permit addressing the requirements of the Riparian Areas Regulation (RAR) Development Permit Area will be required to be issued as a condition of subdivision approval. A report from a Qualified Environmental Professional (QEP). The assessment report shall be used to determine

the conditions of the development permit. No development within 30 m of the watercourse will be permitted until the RAR Development Permit has been issued.

Industrial Development Permit Area

The entire property is currently designated Industrial and therefore subject to the Industrial (ID) Development Permit Area. Notwithstanding the exemptions listed in Section 12.6.4 of Bylaw No. 725, a Development Permit is required for any new industrial development. This type of development permit is about what the proposed development looks like. Building permits for new industrial building and structures cannot be issued until any necessary Industrial Development Permits has been issued.

Archaeology

Provincial mapping indicates that approximately 80% of the subject property has a high potential for archaeological sites with the remainder having moderate potential. If the bylaw receives first reading, the applicant and owner will be advised that the provisions of the Heritage Conservation Act regarding property owner responsibilities and land development apply to all lands regardless of mapped archaeological potential. If remains or other objects with potential heritage value are discovered through development activities, the applicant will be required to contact the Provincial Archaeology Branch for direction. The Provincial Archaeology Branch is included on the list of recommended referral agencies if the bylaw is given first reading.

Building Comments

The CSRD Building Department has reviewed the proposal and noted that building permits will be required along with adherence the BC Building Code and Building Bylaw No.660-3 as amended for any new construction.

Wildfire

The subject property is located outside but adjacent to the Electoral Area C and G Fire Service Areas. Given that the proposed bylaw amendment could result in the creation of up to 15 rural residential lots and the property is partly surrounded by forested land, a wildfire assessment report from a qualified Registered Professional Forester may be required prior to consideration of second reading. The report would need to provide an overall assessment of the site for susceptibility to wildfire (from conditions both on and off-site) and provide recommendations for how the risks from wildfire can be mitigated. If the bylaw receives first reading, a referral will be provided to CSRD Community and Protective Services feedback about the new need for a wildfire assessment report.

Analysis

Although the subject property is located outside the Village Centre (Sorrento) and Secondary Settlement Areas, the proposed redesignation to RR2 is for rural residential development.

Staff note that the OCP does not have a separate section containing policies that explain the differences between residential and rural land use and the densities associated with each. The rural maximum density standards have been combined with the residential policies and maximum density standards in the land use designation chart under Section 3.4.1.2 (see BL725-28_Excerpts_BL725.pdf, attached). There are also a number of policies in Section 3.1 which direct future residential development to the Primary and Secondary Settlement Areas where there either are already existing community water systems or over time it is expected that community water and sewer systems will be developed.

The staff interpretation of these policies is that they apply to the higher density residential designations which allow subdivision of lots up to and including a minimum parcel size of 1 ha. This would include MD - Medium Density, NR – Neighbourhood Residential, CR – Country Residential and RR – Rural Residential. The RR2 – Rural Residential 2 designation has been applied to lands outside of the

Secondary Settlement Areas in the White Lake, Sunnybrae, Blind Bay, and Eagle Bay areas, while lands within the SSR's have been given the higher density designations noted above. Further, 1 ha is considered to be the minimum site area required to support on-site sewage disposal and water. This is supported by Interior Health and is reflected in Subdivision Servicing Bylaw No. 648. The proposed redesignation of the approximately northern 30 ha of the subject property is consistent with the OCP.

The proposed RR2 rural residential designation would enable a subdivision with a 2 ha minimum parcel size with parcel sizes generally consistent with the Recline Ridge subdivision adjacent to the east. The Recline Ridge subdivision is comprised of approximately 60 parcels ranging in size from 0.5 ha - 2.3 ha. The Recline Ridge subdivision was completed in 2 phases in 2005 and 2015. The approval of this subdivision pre-dates the OCP which was adopted in 2014.

Given the adjacent rural residential land use pattern, staff consider the RR2 designation a better fit than the current ID designation applied to the subject property. It should also be noted that no industrial activity has ever occurred on the portion proposed to be RR2.

Rationale For Recommendation

The proposed bylaw amendment to redesignate the northern 30 ha portion of the subject property from ID to RR2 would enable the applicant to move forward with a subdivision application to create up to 15 residential lots with a minimum parcel size 2 ha. Staff are recommending that Bylaw No. 725-28 be given first reading for the following reasons:

- Changing the OCP designation from ID to RR2 for the 30 ha northern portion of the subject property is considered consistent with OCP policy and appropriate outside the Village Centre and Secondary Settlement Areas.
- Changing the OCP designation from ID to RR2 for northern portion of the subject property is consistent with the adjacent rural residential land use pattern to the east.
- Development Permits will be required to ensure riparian areas are protected and that hazardous lands are addressed to ensure the safety of the residents, though the development permit process.
- Industrial activity has never occurred on the north 30 ha of the subject property and the current owners have no intention of extending industrial activity to this area.
- Agency and First Nation referrals will provide staff with valuable input.
- Additional information regarding servicing and access will be requested of the applicant prior to consideration of second reading.

Prior to consideration of second reading, it is recommended that the applicant provide the CSRD with the following information:

- A preliminary hydrogeological assessment from a Qualified Professional of the proposed development verifying the long-term reliability of the water supply and that there will be no significant negative impacts on other water supplies and properties from groundwater withdrawal, wastewater disposal, or stormwater runoff.
- A copy of the water licence for extracting water from Granite Creek.
- A wildfire impact assessment may be required, depending on the referral response from the CSRD Community and Protective Services Department.

IMPLEMENTATION:

Referrals

If the Board gives first reading of Bylaw No. 725-28, staff will send referrals to the agencies and First Nations outlined in the Communications section below.

Consultation Process

It is recommended that the complex consultation process be used in accordance with [Policy P-18 \(Consultation Process\)](#). This level of consultation may be used where an application proposes a significant OCP change. Following first reading, the applicant will be requested to hold a public meeting in the community where the subject property is located. This public meeting would be arranged and conducted by the applicant and would take place prior to Board consideration of second reading. The purpose of this meeting would be for the applicant to provide the public with information about the proposal, listen to their concerns, and answer their questions. The applicant would be required to take notes at the meeting and provide them to the CSRD for the record and to the Board when second reading is considered.

COMMUNICATIONS:

Referrals

If Bylaw No. 725-28 is given first reading, the report will be sent out to the following referral agencies and First Nations requesting input and recommendations regarding the proposed amendment:

- CSRD Community and Protective Services;
- CSRD Environmental and Utility Services;
- Agricultural Land Commission;
- Interior Health Authority;
- Ministry of Transportation and Infrastructure;
- Ministry of Forests: Archaeology Branch;
- All applicable First Nations Bands and Councils:
 - Adams Lake Indian Band
 - Little Shuswap Lake Band / Skw'lax te Secwepemcúłecw
 - Neskonlith Indian Band

Notice of Application Sign

Section 8.2 of the Development Services Procedures Bylaw No. 4001-02, as amended, requires one notice of development sign for every 400 m of street frontage. The subject property has approximately 420 m of street frontage along Tappen Valley Road, however staff consider that one sign facing the road at the driveway entrance to the property will be sufficient. The sign shall be placed no later than 30 days following first reading of the proposed bylaw amendment.

DESIRED OUTCOME:

That the Board support the staff recommendation(s).

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:	2024-07-18_Board_DS_BL725-28_first.docx
Attachments:	- BL725-28_First.pdf - BL725-28_Excerpts_BL725.pdf - BL725-28_Overview_and_Feasibility_Study_2024-05-29_Redacted.pdf - BL725-28_Maps_Plans_Photos.pdf
Final Approval Date:	Jul 10, 2024

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



Corey Paiement

No Signature - Task assigned to Gerald Christie was completed by assistant Jennifer Sham

Gerald Christie



Jennifer Sham

No Signature - Task assigned to John MacLean was completed by assistant Jennifer Sham

John MacLean