



BOARD REPORT

TO: Chair and Directors

SUBJECT: Electoral Area C: South Shuswap Zoning Amendment Bylaw No. 701-112

DESCRIPTION: Report from Laura Gibson, Planner II, dated June 26, 2024.
4956 Ivy Road, Eagle Bay

RECOMMENDATION: THAT: "South Shuswap Zoning Amendment Bylaw No. 701-112 be read a second time this 18th day of July 2024.
Stakeholder Vote Unweighted (LGA Part 14) Majority

SUMMARY:

The subject property is 3.03 ha, is designated NR – Neighbourhood Residential and located in the Secondary Settlement Area in the Electoral Area C Official Community Plan Bylaw No. 725 and is zoned RR4 -Rural Residential (2 ha) in the South Shuswap Zoning Bylaw No. 701 (Bylaw No. 701). The RR4 zone has a minimum parcel size of 2 ha for new subdivisions. The property owner has applied to rezone the property to RR3 – Rural Residential (1 ha) to allow for potential subdivision into three 1 ha parcels.

The Board gave first reading of Bylaw No. 701-112 at the May 16, 2024, Board meeting and recommended the complex consultation process, which included directing staff to send referrals to relevant agencies and First Nations. The applicant held their public information meeting as required as part of the complex consultation process on May 31, 2024.

At the consideration of first reading, staff recommended that the public hearing be waived because the proposed zoning amendment was consistent with the OCP. The Board motioned to use the complex consultation process which includes a public hearing. Following that Board meeting it was realized by Planning staff that as per Bill 44 and Section 464(3) of the Local Government Act, a public hearing cannot be held for the proposed bylaw amendment because the bylaw is consistent with the Official Community Plan and the sole purpose of the bylaw is to permit a residential development.

Development Services staff are now recommending the Board read Bylaw No. 701-112 a second time.

BACKGROUND:

See item 17.1 on the [May 16, 2024 Board agenda](#) for First Reading Board report.

POLICY:

See "BL701-112_BL725_BL701_Excerpts.pdf" for applicable policies and regulation contained in [Electoral Area C Official Community Plan Bylaw No. 725](#) and [South Shuswap Zoning Bylaw No. 701](#).

FINANCIAL:

There are no financial implications associated with this application.

KEY ISSUES/CONCEPTS:Background

The Board gave first reading of Bylaw No. 701-112 at the May 16, 2024, Board meeting. Staff had recommended the simple consultation process in accordance with Policy P-18 (Consultation Process) as the proposed zoning is consistent with the current Neighbourhood Residential designation and does not require an OCP land use designation change. Staff had also recommended waiving the public hearing in accordance with Section 464(2) of the Local Government Act because the proposal is consistent with the Electoral Area C Official Community Plan Bylaw No. 725. The Board instead motioned to use the complex consultation process in accordance with Policy P-18, given that there were other subdivision proposals in the area that had a lot of interest from the local community. The complex consultation process involves the applicant holding a public information meeting and the CSRD holding a public hearing.

Following the Board meeting, Development Services staff became aware that as per [Bill 44, Housing Statutes \(Residential Development\) Amendment Act, 2023](#) and Section 464(3) of the Local Government Act, a public hearing cannot be held for the proposed bylaw amendment (see 'Public Hearing' section below for more details). The applicant held their public information meeting as required as part of the complex consultation process on May 31, 2024. Referrals were sent to relevant agencies and First Nations and the responses have been received. Development Services staff are now recommending the Board read Bylaw No. 701-112 a second time.

Notice of Application Sign

The applicant posted a notice of application sign on the subject property on June 13, 2024.

Public Information Meeting

As required as part of the complex consultation process, the applicant held a public information meeting regarding the application on May 31, 2024, at 3 pm. The meeting was advertised on May 30, 2024, in the Salmon Arm Observer. The meeting notes prepared by the applicant are attached (BL701-112_Public_Information_Meeting_Notes_redacted.pdf"). The applicant notes that there were four people in attendance, including Margaret McCormick, the Electoral Area C Alternate Director and three members of the community. The rezoning application was discussed, including the sign, geotechnical slopes survey, water source and septic field availability. The applicant states that no one seemed concerned with the proposal.

Regarding the short time frame between the advertisement of the public meeting and the date of the public meeting, staff note that the current public information meeting requirements in the Development Services Procedures Bylaw No. 4001-2, as amended, do not specify a timeline for advertising. Applicants are usually advised to follow notification requirements that are more consistent with the CSRD Public Hearing process, which is to advertise at least 10 days prior to the public hearing, but this was not communicated to this applicant. To provide more guidance for staff, applicants, and the public, the Development Services Procedures Bylaw No. 4001-2, as amended, and Policy P-18 Consultation Processes - Bylaws are identified to be reviewed and updated as a future planning project. Although the advertising was only one day ahead of the public information meeting, staff do not recommend that another meeting be held by the applicant because it is a relatively small development proposal that is consistent with the OCP.

Public Hearing

As noted above, Development Services staff have been made aware that a public hearing cannot be held for the proposed bylaw amendment. In accordance with [Bill 44, Housing Statutes \(Residential Development\) Amendment Act, 2023](#), a local government must not hold a public hearing on a proposed zoning bylaw if:

- (a) an official community plan is in effect for the area,
- (b) the bylaw is consistent with the official community plan,
- (c), the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development, and
- (d) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development.

As the proposal is for new lots which are zoned for residential uses only, and the proposal is consistent with OCP Bylaw No. 725, the CSRD is not permitted to hold a public hearing regarding the bylaw amendment.

As with all bylaw amendments where a public hearing is not held, staff will provide notification to properties within 100 m of the subject property and in the local newspaper of the deadline for public submissions for the application prior to consideration of third reading of the bylaw.

Referral Responses

Referral responses are summarized in the Communications section below. The full responses are attached as "BL701-112_Referral_Responses.pdf". There were no concerns raised regarding the proposed bylaw amendment through the referral process.

Rationale for Recommendations:

Staff continue to support Bylaw No. 701-112 and recommend the bylaw be considered for second reading for the following reasons:

- The proposal is consistent with the Electoral Area C Official Community Plan Bylaw No. 725 Neighbourhood Residential designation;
- The proposed density is not out of character for the area as the subject property is surrounded by parcels zoned CH2, RR1, and RR3;
- The proposed parcel sizes of 1 ha are not out of character for the area as there are parcels as small as 0.4-0.65 ha immediately to the east of the subject property;
- Future details of the proposed lots will be confirmed as part of the subdivision process, when the property owner will be required to provide proof of potable water and onsite sewage disposal and obtain a Hazardous Lands (Steep Slopes) Development Permit; and,
- No concerns were raised through the referral process.

IMPLEMENTATION:

If the Board gives second reading to Bylaw No. 701-112, the bylaw will come back to the Board for consideration of third reading at a future Board meeting after notification of the deadline for written public submissions.

COMMUNICATIONS:

Following first reading of Bylaw No. 701-112, referrals were sent to relevant agencies and First Nations. The responses are summarized in the table below and the full response are attached, see "BL701-112_Referral_Responses.pdf".

Agency/First Nation	Referral Response
CSRD Community and Protective Services	No comments.
CSRD Environmental and Utility Services	No concerns.
Interior Health Authority	No response.
Ministry of Transportation and Infrastructure	MOTI has no objections to the zoning amendment.
Ministry of Forests: Archaeology Branch	According to Provincial records, there are no known archaeological sites recorded on the subject property. Archaeology potentially modelling for the area does not indicate a high potential for previous unidentified archaeological sites to be found on the property.
Adams Lake Indian Band	ALIB does not object to the proposed rezoning. *ALIB requested that the full referral response documents not be publicly available in staff reports.
Skw'lax te Secwepemcúłecw	No response.
Neskonlith Indian Band	No response.

Prior to third reading, a notice will be sent to property owners within 100 m of the subject property advising of the deadline for public submissions (4 PM on the Tuesday prior to the Board meeting that the bylaw is considered for third reading). A third ad will be also placed in the Salmon Arm Observer advising of the deadline for public submissions. Staff will discuss any public submissions in the future Board report for consideration of third reading of this bylaw amendment.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation.

BOARD'S OPTIONS:

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

Report Approval Details

Document Title:	2024-07-18_Board_DS_BL701-112_Second.docx
Attachments:	- BL701-112_Second.pdf - BL701-112_Public_Information_Meeting_Notes_redacted.pdf - BL701-112_Referral_Responses.pdf - BL701-112_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