



BOARD REPORT

TO: Chair and Directors

File No:	BL 830-18
	PL20170103
	BL 800-30
	PL20170079

SUBJECT: Electoral Area F: Official Community Plan Amendment (Isley) Bylaw No. 830-18, Magna Bay Zoning Amendment (Isley) Bylaw No. 800-30

DESCRIPTION: Report from Dan Passmore, Senior Planner dated November 10, 2017. 6929 Squilax-Anglemont Road and 2556 McClaskey Road, Magna Bay.

RECOMMENDATION #1: THAT: "Electoral Area F Official Community Plan Amendment (Isley) Bylaw No. 830-18" be read a third time this 1st day of December, 2017.

RECOMMENDATION #2: THAT: "Electoral Area F Official Community Plan Amendment (Isley) Bylaw No. 830-18" be adopted this 1st day of December, 2017.

RECOMMENDATION #3: THAT: "Magna Bay Zoning Amendment (Isley) Bylaw No. 800-30" be read a third time this 1st day of December, 2017.

RECOMMENDATION #4: THAT: "Magna Bay Zoning Amendment (Isley) Bylaw No. 800-30" be adopted this 1st day of December, 2017.

SHORT SUMMARY:

The applicant has submitted an application to re-designate and rezone the subject properties, to allow a subdivision of the land, and to permit the use of proposed Lot 1 to be changed to construct a "Toy Storage" facility as well as to allow outdoor storage of recreational vehicles and boats and trailers. Proposed Lot 2 would be rezoned to IG Industrial Gravel Processing to allow an expansion of the existing gravel extraction operation. Magna Bay Zoning Bylaw No. 800 currently has no zone where a toy storage facility is permitted and no adequate definition for the permitted use. To accomplish this, staff are proposing a new CDF 2 Comprehensive Development 2 zone.

The Board gave the bylaws first reading at the June 15, 2017 regular meeting and directed staff to utilize the simple consultation process. The development notice was posted in accordance with Development Services Procedure Bylaw No. 4001, as required. Staff referred the bylaws to affected Ministries, agencies and First Nations and comments received have been summarized in this report.

The applicant revised the proposed plan of subdivision and proposed site plan to move the caretaker residence and security control office to near the front of proposed Lot 1. This required that the Board consider Bylaw No. 800-30 as amended because the area of proposed Development Area 2 was expanded. The Board gave second reading of Bylaws No. 830-18 and 800-30, as amended at the October 19, 2017 regular meeting and delegated a Public Hearing.

The Public Hearing was held November 9, 2017 at the Scotch Creek Community Hall. 58 members of the public were in attendance. Additionally, 41 pieces of correspondent were received. This correspondence has been attached to this report, for the Board's information.

At the Public Hearing, Development Services staff had announced that the owner of the subject property had offered to enter into a Section 219 covenant which would restrict permitted uses on Lot 2 of the proposed plan of subdivision to sand and gravel extraction only.

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

See attached report dated May 12, 2017.

POLICY:

See attached report dated May 12, 2017.

FINANCIAL:

There are no financial implications to the CSRD with regard to this application.

KEY ISSUES/CONCEPTS:

See attached report dated May 12, 2017.

Updates

The applicant was originally contemplating placing the caretaker residence in the neck of the panhandle for proposed Lot 1, where it widens out. For security purposes the applicant re-thought this location and decided to move the caretaker residence/security office to the front of the property, near to McClaskey Road. This would change the boundaries of proposed Lot 1, as well as the proposed boundaries of proposed Development Area 2 in Bylaw No. 800-30. This will require the Board to review Bylaw No. 800-30 for second reading, as amended. A copy of the revised plan of subdivision has been attached with other maps and plans.

The applicant has provided some pictures and marketing publications from other such facilities he owns in the geographic area (Scotch Creek and Sicamous). Staff have included these materials in the maps attached to the report.

The owner has also provided a site plan which illustrates the layout of the proposed toy storage component of the development. The site plan illustrates the proposed building locations, access driveways, parking areas, the proposed 30 m riparian buffer strip along Ross Creek, and proposed screening along the west side property line. The screening has been provided as a visual buffer between the proposed new use and neighbouring properties. These details would be required to be reflected in a future Development Permit for form and character for the site development prior to construction.

In addition to the foregoing, the applicant has commissioned a Class 1 Flood Hazard Assessment, for Ross Creek by Golder Associates. The report assesses the potential hazard to the subject properties and recommends certain actions to ensure development is safe for the proposed intended use. The report supports the current requirement in Magna Bay Zoning Bylaw No. 800 for a setback in which no building should be constructed 30 m from the natural boundary of Ross Creek. This 30 m setback also coincides with the Riparian Area Assessment Report (RAAR) Streamside Protection and Enhancement Area (SPEA). In accordance with this direction the site plan respects this setback. A copy of this report is available from staff on request.

At the Public Hearing, Development Services staff had announced that the owner of the subject property had offered to enter into a Section 219 covenant which would restrict permitted uses on Lot 2 of the

proposed plan of subdivision to sand and gravel extraction only. This would eliminate the possibility of use of Lot 2 for concrete batching or processing sand and gravel beyond simple screening. This way the covenant would reflect an extraction permit issued by the Province in terms of uses. As an example of processing sand and gravel uses such as washing, and crushing would not be permitted under the covenant. The owner will provide a letter of undertaking from his solicitor to enter into the covenant which would be registered against proposed Lot 2 at the time of registration of the proposed subdivision. This letter, once obtained by staff will be included with this report as a Late Agenda inclusion.

Should staff not receive the letter prior to the December 1 2017 Board meeting, staff will inform the Board, and ask that adoption of the Bylaws be held until this letter has been received.

SUMMARY:

The applicant has applied to re-designate and rezone the subject properties to support a subdivision proposal and to allow for the use of proposed Lot 1 for a Toy Storage operation.

Staff is recommending that the Bylaws can be considered for third reading and adoption.

IMPLEMENTATION:

Consultation Process

As per CSRD Policy No. P-18 regarding Consultation Processes-Bylaws, staff recommended the simple consultation process. Neighbouring property owners first became aware of the application for zoning amendments when the notice of development sign was posted on the property. Staff forwarded the bylaw and staff report to referral agencies for review and comment, a summary of the responses has been provided in previous reports to the Board.

Public Hearing

The delegated Public Hearing for the proposed bylaws was held Thursday November 9, 2017, at the Scotch Creek Community Hall in Scotch Creek. 58 members of the public attended. Please see the attached Public Hearing Notes for details about public input. A total of 16 speakers, spoke at the Hearing, 12 were in favour and 4 were opposed. Many chose to speak multiple times.

41 pieces of correspondence were received. Of this correspondence received 21 were opposed to the proposal and 20 were in favour, some correspondents chose to write multiple letters. All correspondence is attached for the Board's consideration.

COMMUNICATIONS:

Staff notified adjacent property owners, advertised and held the Public Hearing in accordance with the Local Government Act. If the bylaws are given third reading and adopted, the applicant will be advised of the Board decision. CSRD staff will amend Bylaw No. 830 and Bylaw No. 800, which will be posted on the CSRD website and copies will be provided to the Director.

DESIRED OUTCOMES:

That the Board endorse staff recommendation(s).

BOARD'S OPTIONS:

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*

3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

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

1. Electoral Area F Official Community Plan Bylaw No. 830, as amended.
2. Magna Bay Zoning Bylaw No. 800, as amended.
3. Application.
4. Golder Associates Class 1 Flood Hazard Assessment.

Report Approval Details

Document Title:	2017-12-01_Board_DS_BL830-18_BL800-30_Isley.docx
Attachments:	<ul style="list-style-type: none">- BL830-18 ThirdandAdoption.pdf- BL800-30-ThirdandAdoption.pdf- Public_submissions_BL830-18_BL800-30.pdf- Public_Hearing_Notes_2017-11-09_BL830-18_BL800-30.pdf- BL830-18_BL800-30 Board Report.pdf- 2017-10-19_Board_DS_BL830-18and800-30_Isley-Darroch.pdf- Agency_Referral_responses_BL830-18_BL800-30.pdf- Maps_Plans_BL830-18_BL800-30.pdf
Final Approval Date:	Nov 20, 2017

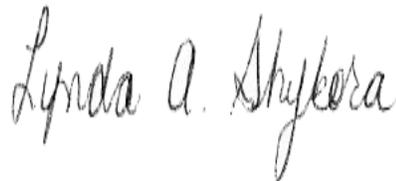
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Nov 20, 2017 - 12:07 PM



Gerald Christie - Nov 20, 2017 - 1:57 PM



Lynda Shykora - Nov 20, 2017 - 3:46 PM



Charles Hamilton - Nov 20, 2017 - 3:58 PM