



BOARD REPORT

- TO:** Chair and Directors
- SUBJECT:** Electoral Area C: Electoral Area C Official Community Plan Amendment Bylaw No. 725-25 and South Shuswap Zoning Amendment Bylaw No. 701-107
- DESCRIPTION:** Report from Christine LeFloch, Planner III, dated October 29, 2024. 6169 Armstrong Road, Wild Rose Bay
- RECOMMENDATION #1:** THAT: Pursuant to Section 477 of the Local Government Act, the Board has considered "Electoral Area C Official Community Plan Amendment Bylaw No. 725-25" in conjunction with the Columbia Shuswap Regional District's Financial Plan and Waste Management Plan.
Stakeholder Vote Unweighted (LGA Part 14) Majority
- RECOMMENDATION #2:** THAT: "Electoral Area C Official Community Plan Amendment Bylaw No. 725-25" be read a second time, as amended this 21st day of November, 2024.
Stakeholder Vote Unweighted (LGA Part 14) Majority
- RECOMMENDATION #3:** THAT: "South Shuswap Zoning Amendment Bylaw No. 701-107" be read a second time as amended, this 21st day of November, 2024.
Stakeholder Vote Unweighted (LGA Part 14) Majority
- RECOMMENDATION #4:** THAT: a public hearing to hear representations regarding "Electoral Area C Official Community Plan Amendment Bylaw No. 725-25" and "South Shuswap Zoning Amendment Bylaw No. 701-107" be held in the Board Room at the CSRD Office;
AND THAT: notice of the public hearing be given by staff of the Regional District on behalf of the Board in accordance with Section 466 of the Local Government Act;
AND FURTHER THAT: the holding of the public hearing be delegated to Director Marty Gibbons, as Director of Electoral Area C being that in which the land concerned is located, or Alternate Director Margaret McCormick, if Director Gibbons is absent, and the Director or Alternate Director, as the case may be, give a report of the public hearing to the Board.
Stakeholder Vote Unweighted (LGA Part 14) Majority

SUMMARY:

The applicant is proposing to change the Official Community Plan (OCP) land use designation for a portion of the subject property from LH Large Holdings to RR2 Rural Residential 2 and rezone a portion of the property from LH Large Holdings to RR4 Rural Residential 4 to facilitate subdivision into 3 new lots with a minimum size of 2.24 ha plus a ~12.27 ha Remainder. The site plan and schedules to the

amending bylaws were amended between first and second reading to increase the area of Proposed Lots 1 and 2 to address zoning considerations related to panhandle lots and a new policy was added to the OCP amending bylaw to permit two buildings to be located within 50 m but no closer than 30 m of the natural boundary of the lake for the two proposed waterfront lots.

The Board gave first reading to the amending bylaws at their meeting held on November 16, 2023 and directed staff to use the complex consultation process which includes referrals to applicable agencies and First Nations and a public information meeting. A public hearing is also required for this application because it includes an OCP amendment. Referral responses and the public information meeting notes are attached to this Board report. It is now appropriate for the Board to consider the amending bylaws for second reading, as amended, and delegate a public hearing to hear representations from the public regarding the proposed amendments.

BACKGROUND:

Please see [Item 18.2 on the November 16, 2023 Board Agenda](#) for the staff report recommending First Reading. The report provides the full background and supporting documents for this application. Updated maps, plans and photos reflecting changes proposed at second reading are attached to this Board report.

POLICY:

Please see "BL725-25_BL701-107_Excerpts_BL725_BL701_2024-09-13.pdf," attached for all applicable policies and regulations.

[Electoral Area C Official Community Plan Bylaw No. 725, as amended](#) (Sections 1.2, 3.1, 3.4, 3.6, 12.1, 12.2, 12.3, 12.4)

1.2 Sustainable Planning Principles

3.1 General Land Use Management

3.4 Residential

3.6 Waterfront Development

12.1 Hazardous Lands Development Permit Area (Steep Slope)

12.2 Foreshore and Water Development Permit Area

12.3 Lakes 100 m Development Permit Area

12.4 Riparian Areas Regulation Development Permit Area

[South Shuswap Zoning Bylaw No. 701, as amended](#) (Sections 1, 3.16, 3.17, 3.18, 10, 15)

Part 1 Definitions

3.16 Floodplain Designations

3.17 Floodplain Specifications

3.18 Application of Floodplain Specifications

3.20 Subdivision Regulations for Panhandle Lots

10. RR4 Rural Residential Zone

15. LH Large Holding Zone

[Lakes Zoning Bylaw No. 900, as amended](#) (Section 4.4)

4.4 FR1 Foreshore Residential 1

FINANCIAL:

In accordance with Section 477 of the Local Government Act, the Financial Services and Environmental and Utility Services Departments have reviewed the proposed OCP amendment and confirmed that it is consistent with the CSRD's Financial Plan and Waste Management Plan.

KEY ISSUES/CONCEPTS:

The amending bylaws applicable to this application were read a first time at the November 16, 2023 Board Meeting and referred to applicable agencies and First Nations. The Complex Consultation process was recommended and approved for this application because it includes an OCP amendment. The Complex Consultation process includes referrals to agencies and First Nations and a public information meeting hosted by the applicant. A statutory public hearing is also required because an amendment to the OCP is required. The Local Government Act requires that public hearings be held for all OCP amendments.

The site plan was amended between first and second reading to increase the area of Proposed Lots 1 and 2 to address zoning considerations related to panhandle lots. This change has been reflected in the Schedules to the OCP and zoning amendment bylaws, which staff are recommending for second reading, as amended. There is also a new OCP policy reducing the 50 m setback from the natural boundary of Shuswap Lake to 30 m specific to Proposed Lots 1 and 2 that has been included in amending Bylaw No. 725-25. Details of this are explained further below. Bylaw No. 725-25 is also being recommended for second reading as amended.

Referrals

Following first reading of the amending bylaws referrals were sent to applicable agencies and First Nations. A summary of all comments received is provided in the Communications section below.

Of note, the Archaeology Branch indicated that while there are no known archaeological sites recorded on the subject property, its waterfront location means that there is high potential for previously unidentified archaeological sites to exist on the property. Skw'lax te Secwepemc also noted that the project is within an area of potential for archaeology and that they may require a field assessment by their Guardians before any land altering activities commence. The applicant engaged Antiquus Archaeological Consultants who made application to the Archaeology Branch and were issued Heritage Inspection Permit No. 2023-0262. A copy of this permit was provided to Adams Lake, Neskonlith, Shuswap, and Skeetchestn Indian Bands, Simpcw and Splatstsin First Nations, Skw'lax te Secwepemc and Tk'emlups te Secwepemc for their information. Due to the sensitivity around archaeological information the permit is not attached to this Board report.

Public Information Meeting

The public information meeting was held on September 18, 2024 at 2:00 PM at the Eagle Bay Community Hall. The meeting was advertised in the September 12, 2024 edition of the Salmon Arm Observer. Notes from the meeting are attached to the Board report as "BL725-25_BL701-107_PIM_Notes_redacted.pdf." The meeting was hosted by the owners of the subject property and their agent and attended by two members of the public. Technical information and reports that were

prepared for the CSRD were available for public review including the proposed subdivision plan, the Riparian Areas Assessment Report, septic report, draft archaeology report and natural hazard assessment. The only issue raised was regarding dedication of Armstrong Road and whether this would improve maintenance. The agent explained that Armstrong Road is already a public road under Section 42 of the Transportation Act and that maintenance would continue to be taken care of by AIM Roads.

Secondary Dwelling Units (SDU)

First reading of the amending bylaws applicable to this application occurred at the November 16, 2023 Board meeting. In June of 2024 bylaw amendments were adopted to implement the SDU project which increased the number of SDUs permitted in residential and rural zones. The proposed RR4 Zone now permits SDUs, where they were formerly not a permitted use. Further, the number and type of SDUs is regulated by Section 3.22 of Bylaw No. 701. Proposed Lots 1 and 2 of this proposed subdivision are 2.242 and 2.427 ha respectively and are currently vacant. Each lot would be permitted 1 attached SDU and 1 detached SDU under the new regulations. Proposed Lot 3 is 3.2 ha and contains one single detached dwelling at this time. 1 attached SDU and 1 detached SDU would be permitted on this property following subdivision completion. The Proposed Remainder is ~12 ha and is already developed with one single detached dwelling and one detached SDU. The Remainder is proposed to remain zoned LH Large Holdings. This zone permits 2 single detached dwellings plus 1 attached or detached SDU per single detached dwelling for a maximum of 4 dwelling units.

Setback from the Natural Boundary of Shuswap Lake

At first reading it was noted that the proposed development does not meet the OCP Waterfront Development policy pursuant to Section 3.6.2.1d) requiring a 50 m setback for all new development from the natural boundary of Shuswap Lake. This policy was included in the OCP due to public interest in protecting the remaining intact shoreline and riparian area along Shuswap Lake. Staff recommended that a Section 219 covenant specifying that buildings and structures be set back a minimum 50 m from the natural boundary of Shuswap Lake be required as a condition prior to adoption of the amending bylaws to ensure that the setback is noted by future owners and Building Services at the time of application for building permits. It was further suggested that the proposal and the terms of the covenant be discussed with the applicant prior to second reading.

The applicant met with staff to discuss the 50 m setback and requested that the setback be reduced due to topographical considerations including an escarpment that is about 70 m back and parallel to the lakeshore, and consistency with adjacent development. There is also a geotechnical setback from the toe of the escarpment that reduces the area available for development behind the 50 m setback. The applicant has provided a letter with rationale regarding the proposed reduction to the 50 m setback along with a site plan demonstrating the applicable setbacks along with proposed driveways. See "BL725-25_BL701-107_Applicant_Letter_2024-10-21.pdf," attached.

With the original proposal that was considered at first reading, the applicant had requested that "accessory buildings with or without accommodation" (essentially an SDU located in an accessory building) be allowed to be sited at the 30 m setback and the principal single detached dwelling would be located to meet the 50 m setback. The revised proposal requests that the principal single detached dwelling and an accessory building be located at a minimum of 30 m from the natural boundary of Shuswap Lake. Staff suggested that as the proposed zone permits one attached SDU and one detached SDU, that the principal single detached dwelling and an attached SDU, along with one accessory building be permitted to be sited no closer than 30 m from the natural boundary of Shuswap Lake, and that the detached SDU be located at a minimum of 50 m from the natural boundary. This would likely place one SDU above the escarpment as there is limited room to construct between the 50 m setback line and

the toe of the escarpment. The applicants are agreeable to this. As supporting rationale, the applicant also notes that the existing single detached dwelling on the Proposed Remainder parcel is located at 30 m from the natural boundary, in accordance with the Streamside Protection and Enhancement Area (SPEA) determined by the Qualified Environmental Professional, and single detached dwellings on adjacent properties to the west which predate the Riparian Areas Protection Regulations are located closer than 30 m from Shuswap Lake.

To permit this setback reduction a specific policy needs to be added to Section 3.6 of the OCP. This has been included in the proposed OCP amendment Bylaw No. 725-25. The policy specifies that for Proposed Lots 1 and 2 of the proposed subdivision, one principal single detached dwelling and an attached SDU, along with one accessory building may be sited no closer than 30 m from the natural boundary of Shuswap Lake. The Section 219 covenant is required to be registered on title following third reading and prior to adoption.

Analysis

The applicant has held the required Public Information Meeting and there were no planning related issues or concerns in the comments received. Further, questions raised through the referral process regarding the need for archaeological study have been addressed by the applicant by hiring an archaeologist and obtaining a Heritage Inspection Permit.

The applicant has revised their requested reduction to the 50 m setback from Shuswap Lake to allow for the single detached dwelling on each proposed waterfront lot to be sited at the 30 m riparian setback. The proposed zoning for the property would permit one single detached dwelling plus one attached and one detached SDU. The revised proposal from the applicant does not take into account the ability for an attached SDU to be included as part of the principal building (attached to the single detached dwelling), but staff have considered this as part of the potential future development and have discussed with the applicant who is in agreement. Due to the topographic constraints on the property, the large parcel size and overall low density of proposed development, staff support the proposed setback reduction to a minimum of 30 m for one single detached dwelling which may include an attached secondary dwelling unit, along with one accessory building on each property. This reduced setback has been included in the OCP amending bylaw which is recommended for second reading as amended. If the Board reads the bylaw a second time, staff will continue to work with the applicant to prepare a Section 219 covenant which will be used to ensure compliance with the reduced setback at the time of building permit application. The applicant has offered that the covenant could also include a requirement that the septic systems be located beyond the 50 m setback. Staff support this and continue to recommend that the proposed covenant be registered on title after third reading and prior to staff bringing the bylaw back to the Board for consideration of adoption.

Staff continue to support this proposal to amend the OCP and zoning bylaw designations along with the request for a reduced setback.

Rationale for Recommendation

The applicant is proposing to change the OCP land use designation for a portion of the subject property from LH to RR2 and rezone the same portion of the subject property from LH to RR4 to allow for subdivision of 3 new lots plus a Remainder. A site specific OCP amendment allowing a single detached dwelling with attached SDU and one accessory building to be sited between 50 m and 30 m from the natural boundary of Shuswap Lake is also proposed. Staff are recommending that the proposed amending bylaws be read a second time, as amended, and that a public hearing be delegated to hear representations from the public regarding the proposed amendments for the following reasons:

- Redesignating a portion of the subject property to RR2 and rezoning to RR4 can be considered because the proposed rural uses and densities are consistent with OCP policies regarding Residential use outside secondary settlement areas and the land use is consistent with adjacent and nearby properties;
- The proposal for the subject property meets most of the OCP policies regarding Waterfront Development, including density, lake frontage, and residential use;
- Staff support the applicant's request to reduce the 50 m setback from the natural boundary of Shuswap Lake to 30 m only for one single detached dwelling that may include an attached secondary dwelling unit and one accessory building if proposed Policy 3.6.2.3 is included in the OCP, and the recommended covenant is registered prior to adoption of the amending bylaws;
- There were no significant issues raised in the referral comments from agencies and First Nations that have not been addressed by the applicant; and
- Holding a public hearing will provide the opportunity to hear feedback from members of the public with regard to the proposed amending bylaws.

Prior to consideration of third reading a Section 219 covenant specifying building and septic system setbacks from the natural boundary of Shuswap Lake will need to be registered on title.

IMPLEMENTATION:

If the Board endorses the staff recommendations staff will arrange for a public hearing to be held and undertake the communications related to advertising a public hearing as outlined below. Policy P-25 Public Hearings indicates that public hearings will be organized to provide for in person attendance and remote participation by way of electronic attendance via Zoom or telephone. Public hearings are to be held in the Board room of the CSRD Office in Salmon Arm unless there are unique circumstances that necessitate holding the public hearing at an alternative location. In this case, there has not been much interest expressed through inquiries regarding the proposed development from the local community and limited attendance at the public information meeting. Also, the public hearing is expected to be held in the winter and at this time there are likely less potential in-person public hearing attendees in the community as most seasonal residents have returned to their primary homes.

Staff have verified that the Area Director is supportive of holding the public hearing in the Board Room of the CSRD Office in this case. As such, it is recommended that the public hearing be held at the CSRD office to save time for Planning and IT staff arranging and attending a public hearing in the community, with the closest venue in Eagle Bay. Interested parties will be able to participate remotely if they are unable to attend in person. The public hearing chair can also attend via Zoom.

If a PH is held and the Board provides third reading, prior to staff bringing the amending bylaws back to the Board for adoption a Section 219 covenant specifying building and septic system setbacks from the natural boundary of Shuswap Lake will need to be registered on title.

COMMUNICATIONS:

Notice of Development Sign

Notice of Development Signs were placed on the subject property on Eagle Bay Road following first reading and photos of the signs on the property were provided to staff.

Public Hearing

If the Board reads Bylaw Nos. 725-25 and 701-107 a second time as amended, and delegates a public hearing, staff will make arrangements for the public hearing, including: placing ads in local newspapers, posting the ad to the CSRD website and social media, and sending notices to all property owners of land located within 100 m of the subject property. The public hearing package will be made available on the CSRD website at least 10 days in advance of the public hearing.

Referral Responses

Bylaw Nos. 725-25 and 701-107 were referred to the following agencies and First Nations. Responses are briefly noted. Full referral comments are attached to the Board agenda as "BL725-25_BL701-107_Agency_First_Nations_Referral_Responses.pdf."

AGENCY/FIRST NATION	RESPONSE
CSRD Financial Services	The proposed bylaw has been reviewed as per S. 477 of the Local Government Act and is consistent with the CSRD's current financial plan.
CSRD Environmental and Utility Services	The proposed bylaw has been reviewed as per S. 477 of the Local Government Act and is consistent with the CSRD's current Solid Waste Management Plan.
CSRD Community & Protective Services	No response.
Ministry of Forests – Archaeology Branch	There are no known archaeological sites recorded on the subject property. However, given the property's waterfront location there is high potential for previously unidentified archaeological sites to exist on the property. Archaeology Branch strongly recommends engaging an eligible consulting archaeologist prior to any land altering activities.
Ministry of Transportation & Infrastructure	No objections. Application for subdivision as proposed in rezoning has been received. Rezoning does not require formal MOTI approval under Section 52 of the Transportation Act.
Interior Health Authority	No response.
Adams Lake Indian Band	No response.
Skw'lax te Secwepemcúłecw	Skw'lax may require a field assessment by their Guardians before any land altering activities commence.
Neskonlith Indian Band	No response.

DESIRED OUTCOMES:

That the Board endorse the staff recommendations.


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:	2024-11-21_Board_DS_BL725-25_BL701-107_Second_amended.docx
Attachments:	<ul style="list-style-type: none"> - BL725-25_Second_amended.pdf - BL701-107_Second_amended.pdf - BL725-25_BL701-107_Applicant_Letter_2024-10-21.pdf - BL725-25_BL701-107_PIM_Notes_redacted.pdf - BL725-25_BL701-107_Agency_First_Nations_Referral_Responses.pdf - BL725-25_BL701-107_Excerpts_BL725_BL701_2024-08-12.pdf - BL725-25_BL701-107_Maps_Plans_Photos_2024-10-22.pdf
Final Approval Date:	Nov 14, 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 Crystal Robichaud

Gerald Christie

No Signature - Task assigned to Jennifer Sham was completed by assistant Crystal Robichaud

Jennifer Sham



John MacLean