



# BOARD REPORT

- TO:** Chair and Directors
- SUBJECT:** Electoral Area B: Electoral Area B Official Community Plan Amendment Bylaw No. 850-21 and Electoral Area B Zoning Amendment Bylaw No. 851-32
- DESCRIPTION:** Report from Christine LeFloch, Planner III, dated October 24, 2024. Fish River Road, Beaton
- RECOMMENDATION #1:** THAT: "Electoral Area B Official Community Plan Amendment Bylaw No. 850-21" be read a third time, this 21<sup>st</sup> day of November, 2024.  
*Stakeholder Vote Unweighted (LGA Part 14) Majority*
- RECOMMENDATION #2:** THAT: "Electoral Area B Zoning Amendment Bylaw No. 851-32" be read a third time, this 21<sup>st</sup> day of November, 2024.  
*Stakeholder Vote Unweighted (LGA Part 14) Majority*
- RECOMMENDATION #3:** THAT: "Electoral Area B Official Community Plan Amendment Bylaw No. 850-21" be adopted, this 21<sup>st</sup> day of November, 2024.  
*Stakeholder Vote Unweighted (LGA Part 14) Majority*
- RECOMMENDATION #4:** THAT: "Electoral Area B Zoning Amendment Bylaw No. 851-32" be adopted, this 21<sup>st</sup> day of November, 2024.  
*Stakeholder Vote Unweighted (LGA Part 14) Majority*

**SUMMARY:**

The applicant is proposing to change the Official Community Plan (OCP) land use designation and the zoning designation for a portion of the subject property from RSC Rural and Resource to SH Small Holdings. This zone would permit a maximum of seven 4 ha lots to be created. The applicant has applied for subdivision of the subject property to create three new lots of 4.5, 4.1, and 23.7 ha each, leaving a remainder of 71.36 ha. The area comprised of the remainder is proposed to remain designated and zoned RSC Rural and Resource. A public hearing was held on October 8, 2024 to hear representations from members of the public regarding the proposed amendments. Notes from the public hearing are attached to this board report. It is now appropriate for the Board to consider the amending bylaws for third reading and adoption.

**BACKGROUND:**

Please see [Item 17.2 on the April 18, 2024 Board Agenda](#) for the staff report recommending First Reading. The report provides the full background and supporting documents for this application.

Please see [Item 17.1 on the September 12, 2024, 2024 Board Agenda](#) for the staff report recommending Second Reading. This report includes agency and First Nations referral comments.

**POLICY:**

Please see "[BL850-21 BL851-32 Excerpts BL850 BL851.pdf](#)" for all applicable policies and regulations. [Electoral Area B Official Community Plan Bylaw No. 850, as amended](#)

- 2.1 – Growth Patterns (Upper Arrow Lake – Galena Bay, Beaton, Shelter Bay, Halcyon North & Arrowhead)
- 3.0 Rural Resource
- 4.3 Land Use & Density Policies (4.3.20, 4.3.24, 4.3.26)
- 4.4 Community Specific Policies (Upper Arrow Lake – Galena Bay, Beaton, Shelter Bay, Halcyon North & Arrowhead)
- 12.6 Riparian Areas Regulation Development Permit Area

#### Electoral Area B Zoning Bylaw No. 851, as amended

- 1.0 Definitions
- 3.0 Uses and Buildings Permitted in Each Zone
- 3.8 Establishment of Floodplains
- 3.10 Application of Floodplains
- 5.3 Rural and Resource Zone
- 5.5 Small Holdings Zone

#### **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:**

##### Public Hearing

A public hearing was held on October 8, 2024 in the Board Room of the CSRD offices to hear representations from the public regarding the proposed bylaw amendments. Ads for this public hearing were placed in the Revelstoke Review on September 26 and October 3, 2024 and notices were sent to all owners of property within 100 m of the subject property. There were 4 members of the public in attendance including 1 in person (the applicant) and 3 online. A public hearing for another application was held immediately preceding this one. Two of the persons online were the applicants from the previous public hearing.

The owner of an adjacent property provided comments regarding the proposal. He explained that he is upset about the logging that occurred on the subject property but also indicated that he respects the right of the owner to do so. He is opposed to the application due to precedent setting as he believes it is a move towards commercialization of large tracts of land in the Beaton area. He further stated that he welcomes the applicant as a new neighbour and believes that a small home on the property would improve the landscape.

The applicant also spoke indicating that he intends to have an archaeological overview assessment of the property completed to address First Nations concerns. After the public hearing closed, the applicant indicated to staff that he intends to have this done following completion of the rezoning application and prior to completion of the subdivision. An archaeological assessment is typically a requirement of the Provincial Approving Officer as part of subdivision approval.

There were no written public submissions received for this public hearing.

##### Analysis

The two concerns raised at the public hearing were logging of the property and the potential for precedent setting thereby enabling further subdivision of lands in the Beaton area.

### *Logging*

The subject property is currently zoned RSC Rural and Resource. Permitted uses in this zone include forestry and timber harvesting, however logging of the property is allowed regardless of these permitted uses subject to the owner adhering to any development permit requirements. The property is assessed as private managed forest. All other lands in the Beaton area with RSC zoning are Crown lands.

### *Precedent Setting*

Most of the privately held lands in Beaton are zoned SH Small Holdings, with a small portion zoned RR1 Rural Residential and RC1 Recreation Commercial. The subject property is the only privately held property in Beaton that is zoned RSC Rural and Resource. The applicant has explained that the property is co-owned by two families, and they would like to subdivide to create a parcel for each of the families plus one additional parcel which they intend to sell to cover the costs related to subdivision.

If this application is approved, the area comprising these three proposed lots would be rezoned to SH Small Holdings. The remainder of the property would remain zoned RSC Rural and Resource and the applicant has indicated that it would continue to be private managed forest. The SH zone has a minimum parcel size of 4 ha, and the proposed lots are 4.1, 4.5 and 23.7 ha. The largest of these lots would have the potential for further subdivision into a maximum of 5 lots. There are only two other properties in Beaton zoned SH that have the potential for further subdivision. Rezoning would not be required. If acted upon, subdivision of these lots could result in up to an additional eight 4 ha lots. All other lands in Beaton are held by the Crown. There are no other lands in Beaton that could be rezoned for future subdivision, therefore if approved this application would not set a precedent for future rezoning applications in the vicinity.

### Rationale for Recommendation

The applicant is proposing to change the OCP land use designation for a portion of the subject property from RSC to SH and rezone the same portion of the subject property from RSC to RR4 to allow for subdivision to a minimum parcel size of 4 ha. Staff are recommending that the proposed amending bylaws be considered for third reading and adoption for the following reasons:

- The proposal meets the OCP policies regarding Small Holdings and the proposed subdivision meets the minimum parcel size for the Small Holdings designation and zone;
- Hazardous conditions present on the property are being addressed by the Ministry of Transportation and Infrastructure through their requirements for subdivision approval;
- Issues raised in the referral comments from Electoral Area B Advisory Planning Commission, agencies and First Nations have been addressed by the applicant; and
- Concerns raised at the public hearing are related to uses that are permitted by the current zoning.

### **IMPLEMENTATION:**

If the Board agrees with the staff recommendation, the applicant will be advised of the decision and will be able to move forward with their subdivision application. Bylaw Nos. 850 and 851 will be consolidated and the website will be updated.

### **COMMUNICATIONS:**

Minutes from the Board meeting will be posted on the CSRD website and will be available to interested members of the public who may wish to learn the outcome of this decision.

**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_BL850-21_BL851-32_Third_Adopt.docx
Attachments:	- BL850-21_Third_Adopt.pdf - BL851-32_Third_Adopt.pdf - BL850-21_BL851-32_PH_Notes_redacted.pdf - BL850-21_BL851-32_Maps_Plans_Photos.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