



BOARD REPORT

TO: Chair and Directors

SUBJECT: Electoral Area F: Scotch Creek-Lee Creek Zoning Amendment Bylaw No. 825-54

DESCRIPTION: Report from Christine LeFloch, Planner III, dated April 16, 2025. 1497 Lee Creek Drive/2982 Hopwood Road.

RECOMMENDATION #1: THAT: "Scotch Creek-Lee Creek Zoning Amendment Bylaw No. 825-54" be read a first time this 15th day of May, 2025.
Stakeholder Vote Unweighted (LGA Part 14) Majority

RECOMMENDATION #2: THAT: the Board utilize the simple consultation process for "Scotch Creek-Lee Creek Zoning Amendment Bylaw No. 825-54" and the bylaw be referred to the following agencies and First Nations:

- Ministry of Transportation & Transit;
- Ministry of Forests – Archaeology Branch;
- All applicable First Nations and Bands.

Stakeholder Vote Unweighted (LGA Part 14) Majority

SUMMARY:

The subject properties are located in Lee Creek in Electoral Area F. The applicant would like to rezone a portion of each of the two subject properties property to facilitate a subdivision which would result in a net increase of one 1.6 ha additional lot. Staff are recommending that the Board read the amending bylaw a first time, utilize the simple consultation process, and direct staff to send referrals to applicable agencies and First Nations. A public hearing is prohibited by the Local Government Act because the zoning amendment is consistent with the Official Community Plan and is for residential development.

BACKGROUND:

ELECTORAL AREA:
F

LEGAL DESCRIPTION:

Property 1: West ½ of the South ½ of the Northwest ¼, Section 31, Township 22, Range 11, West of the 6th Meridian, Kamloops Division Yale District; and

Property 2: The Fractional Southwest ¼ of Section 31, Township 22, Range 11, West of the 6th Meridian, Kamloops Division Yale District, Except Plans B5162, B6961, 7429, 8552, 9287, 10078, 11279, 14174, 15126, 17416, 22844, 22845, 24746, 28002, KAP81909

and

EPP21500

PID:
Property 1: 013-812-033

Property 2: 005-555-795

CIVIC ADDRESS:

Property 1: 1497, 1501 Lee Creek Drive;

Property 2: 1506, 1546, 1572 Lee Creek Drive; 2982, 2996 Hopwood Drive

SURROUNDING LAND USE PATTERN:

North = Crown Land (designated as future park)

South = Multi Residential, Country Residential

East = Rural, Country Residential

West = Crown Land

CURRENT USE:

Property 1: 2 single detached dwellings

Property 2: 6 single detached dwellings (shared interest)

PROPOSED USE:

The applicant would like to subdivide the 2 subject properties to create 2 lots (1.6 ha and 15.3 ha plus a 7.12 ha remainder) as shown on the proposed subdivision plan included in "BL825-54_Maps_Plans_Photos.pdf". The net increase would be 1 additional lot.

PARCEL SIZE:

Property 1: 16.49 ha

Property 2: 7.84 ha

DESIGNATION:

[Electoral Area F Official Community Plan Bylaw No. 830](#)

RR Rural Residential

ZONE:

[Scotch Creek/Lee Creek Zoning Bylaw No. 825](#)

MR Multi-Residential

PROPOSED ZONE:

[Scotch Creek/Lee Creek Zoning Bylaw No. 825](#)

R1 Residential – to be applied to a portion of Property 1 encompassing an area that includes an existing residence, and the portion of Property 2 located north of Lee Creek Drive.

A special regulation is proposed to be added to the MR Zone specifying that the minimum lot size for Property 2 may be 7.12 ha.

AGRICULTURAL LAND RESERVE:

0%

SITE COMMENTS:

Property 1 has two existing single detached dwellings with access from Lee Creek Drive. One of these residences is within the area that would become the new lot. Property 1 lies within the area burned during the 2023 Bush Creek East wildfire. Property 2 is a shared interest property with six single detached dwellings. Two are located east of Hopwood Road and four are located between Hopwood

Road and Lee Creek Drive. Freeman Brook flows through both parcels and both parcels have slopes over 30%.

BYLAW ENFORCEMENT:

There is no bylaw enforcement related to this application.

POLICY:

[Electoral Area F Official Community Plan Bylaw No. 830](#)

11.1 General Land Use

11.9 Rural Residential (RR)

[Scotch Creek/Lee Creek Zoning Bylaw No. 825](#)

5.10 Multi-Residential (MR)

5.7 Residential - 1 (R1)149

FINANCIAL:

There are no financial implications associated with this application.

KEY ISSUES/CONCEPTS:

Proposal

There are two subject properties included in the proposed rezoning. These are labelled Property 1 and Property 2 on the maps included in the attached "BL825-54_Maps_Plans.pdf". The applicants are the owners of Property 1, and co-owners of Property 2 which is a shared interest. The applicants have also made application to subdivide the subject properties to create two lots plus a remainder, resulting in a net increase of 1 new lot (Proposed Lot A). Property 2 is divided by Lee Creek Drive and Hopwood Road. The portion of Property 2 located north of Lee Creek Drive would be included as part of Proposed Lot A as shown on the proposed subdivision plan included in the attached "BL825-54_Maps_Plans.pdf". Proposed Lot A contains an existing single detached dwelling. Proposed Lot B is the remainder of Property 1 and also contains an existing single detached dwelling. The portion of Property 2 south of Lee Creek Drive is the Proposed Remainder lot and contains six single detached dwellings.

The applicants would like to rezone a portion of each of the two subject properties from MR Multi Residential to R1 Residential 1 to facilitate the proposed subdivision. The remaining portions of both properties would continue to be zoned MR Multi Residential. Also see "BL825-54_Applicant_Letter_redacted.pdf", attached which describes their reasons for the proposed rezoning and subdivision.

Electoral Area F Official Community Plan Bylaw No. 830 (OCP)

Policies in the OCP direct growth to the Village Centre (Scotch Creek) and Secondary Settlement Areas (SSA) which are located in Lee Creek, Celistia, Magna Bay and Anglemont. This is to ensure a clear separation between rural and non-rural lands to preserve both rural and non-rural lifestyle choices and ensure that higher density development is clustered in these areas so that utility servicing may be provided over time and economies of scale make such servicing more feasible. The subject properties are both designated RR Rural Residential in the Electoral Area F OCP and are situated just outside the boundary of the Lee Creek Secondary Settlement Area. General Land Use policies in the OCP indicate

that Rural Residential use is appropriate outside the boundaries of the Primary and Secondary Settlement Areas. The maximum density permitted in the RR designation is 1 unit per ha, which is interpreted as being equivalent to a 1 ha minimum parcel size. OCP policies note that residential development in rural areas will provide the Regional District with the appropriate technical information about on-site sewage disposal and water servicing.

Development Permits

There are slopes over 30% and a seasonal watercourse (Freeman Brook) on the subject property. A Development Permit (DP) to address the Hazardous Lands (Steep Slopes) Development Permit Area and Riparian Areas Regulation Development Permit Area guidelines is required as a condition of subdivision approval. The steep slopes development permit application requires submission of a report by a Qualified Professional (QP) with experience in geotechnical engineering and may include conditions related to mitigation of any slope stability related concerns as identified by the QP. The Riparian Areas Regulation Development Permit requires that a report be prepared by a Qualified Environmental Professional (QEP) in accordance with the Riparian Areas Protection Regulations. The report is submitted to the Province for review and approval and the CSRD is notified once it has been approved. Issuance of the development permit can occur following approval by the Province.

The applicants have made application for the development permit and have provided a geotechnical report from Tetris Geotechnical Engineering Ltd and a Riparian Areas Assessment Report prepared by Michelle Hill of Hill Environmental Ltd. as supporting documentation. Staff will process this development permit application prior to adoption of the zoning amendment. Technical development permits including those for steep slopes and Riparian Areas Regulation are delegated to the Manager of Development Services for approval.

Scotch Creek/Lee Creek Zoning Bylaw No. 825

As noted above, a portion of Property 1 and the portion of Property 2 located north of Lee Creek Drive are proposed to be rezoned from MR Multi Residential to R1 Residential-1. The MR Zone has a minimum lot size of 8 ha, while the R1 zone has a minimum lot size of 1 ha and would allow for the creation of the proposed 1.6 ha and 15.3 ha lots.

The portion of Property 2 located south of Lee Creek Drive is currently 7.84 ha and would be reduced to 7.12 ha following subdivision as proposed. This would mean that the subdivision could not proceed because the parcel is smaller than the minimum lot size for the MR Zone. As such, staff are proposing to add a special regulation to the MR zone specific to Property 2 specifying that notwithstanding the minimum lot size in the MR Zone, the minimum lot size for this parcel is 7.12 ha.

Subdivision Servicing

Normally, through an application for subdivision of the property, the applicants will need to prove that there is an adequate source of water to serve each proposed lot that meets the requirements of Subdivision Servicing Bylaw No. 680. This typically includes drilling wells and providing a report from a Qualified Professional outlining the water quantity and quality parameters against the CSRD's bylaw requirements. However, there are exemptions that are applicable where there is a pre-existing residential dwelling that is connected to an existing water source that meets specific requirements. As there are existing residences on all three proposed lots, if documentation is provided to prove the existing connections to all residences the exemption may be applied. Proof of adequate sewage disposal is not required for proposed lots of 4 ha or larger. Therefore, documentation will not be required for

Proposed Lot B and the Proposed Remainder. It will be required for Proposed Lot A which is less than 4 ha.

Analysis

Official Community Plan

The subject properties are situated immediately north of the boundary of the Lee Creek Secondary Settlement Area (SSR), with lands designated SSR and allowing higher densities (with community servicing 8-20 units/ha and a maximum of 1 unit/ha without community servicing) to the south and Crown Lands designated Rural and Resource to the north. The property is designated RR Rural Residential consistent with most lands in Lee Creek, except those on the waterfront. The RR designation allows a density of 1 unit per ha. The Rural Residential policies of the OCP indicate that for residential development in rural areas the Regional District is to be provided with the appropriate technical information about on-site sewage disposal and water servicing. As such, water and sewer feasibility studies are normally required to be provided by the applicant prior to second reading of a zoning bylaw amendment. However, as the lands proposed for redesignation and rezoning will only allow for one new 1.6 ha lot, and this lot has an existing residence staff are not recommending that these studies be required.

Zoning Bylaw

The proposed zoning for the subject property is R1 Residential-1. The R1 zone has a minimum parcel size for new subdivision of 1 ha where servicing will be on-site sewage disposal and independent onsite water systems. This zone would allow subdivision of the lands proposed to be rezoned to create 1 new lot. The R1 Zone permits 1 single detached dwelling plus 1 attached secondary dwelling unit and 1 detached secondary dwelling unit would be permitted for the proposed 1.6 ha lot. Therefore, the maximum potential number of dwellings for this proposed new lot is 3.

As noted above, the portion of Property 2 located south of Lee Creek Drive would be reduced to 7.12 ha following the creation of the proposed new lot. The minimum lot size for the MR Zone is 8 ha, so the subdivision would not be able to proceed. To address this, a special regulation is proposed to be added to the MR zone stating that notwithstanding the minimum lot size in the MR Zone, the minimum lot size for this parcel is 7.12 ha. There are density provisions in the MR Zone permitting 1 dwelling unit per ha where servicing is on-site sewage disposal and water. There are 6 existing dwellings on the remainder portion of Property 2. Therefore, this reduction in lot size will not affect the density provisions as the number of dwellings will remain in compliance. This proposed special regulation has been included in the amending bylaw.

Rationale for Recommendation

The applicant is proposing to rezone a portion of each of the subject properties from MR Multi Residential to R1 Residential-1 to facilitate a subdivision which would create 1 additional 1.6 ha lot. Staff are recommending that the amending bylaw be read a first time and the simple consultation process be used for this application for the following reasons:

- OCP designation for the subject properties is RR Rural Residential which supports this proposed rezoning;
- The proposed special regulation for the remainder of Property 2 will not result in non-compliance with the density provisions of the MR Multi-Residential Zone; and

- Reading the amending bylaws a first time will provide the opportunity to solicit referral comments from applicable agencies and First Nations to find out if there are any related issues that may need to be considered through the bylaw amendment process.

IMPLEMENTATION:

Neighbourhood residents will first become aware of this application when they receive a mailout notice prior to first reading. Following first reading a notice of application sign will be posted on the property. The notice of application sign is required to be posted on the subject property no more than 30 days after the Board has given the amending bylaws first reading, in accordance with Development Services Procedures Bylaw No. 4001-2, as amended. One sign is required for every 400 m of street frontage. There is less than 400 m of frontage on the portions of the subject properties proposed to be rezoned so only one sign is required.

COMMUNICATIONS:Consultation Process

In accordance with Section 464(3) of the Local Government Act, the local government must not hold a public hearing for a proposed zoning bylaw amendment if an official community plan is in effect for the area that is the subject of the zoning bylaw, the bylaw is consistent with the official community plan, and the sole purpose of the bylaw is to permit, in whole or part, a residential development. In this case the proposed zoning amendment is consistent with the Electoral Area F Official Community Plan Bylaw and is for a residential development so a public hearing is not required.

In accordance with the CSRD's Public Notice Bylaw No. 5893 a notice has been posted on the CSRD's website advising of the proposed bylaw and advising that written comments about the application may be submitted to the CSRD. Interested persons may also choose to sign up for notifications through the email subscription service available on the CSRD website.

In accordance with Development Services Procedures Bylaw No. 4001-2, as amended, staff prepared and sent notices to all landowners and tenants in occupation of properties located within 100 m of the subject property prior to first reading. Further notifications will be mailed out and a second notice placed on the CSRD website with the deadline for written submissions prior to third reading of the bylaw (4 PM on the Tuesday prior to the Board meeting where the bylaw will be considered for third reading). All written public submissions received regarding the proposed bylaw amendment will be attached to a future report when the Board considers the bylaw for third reading.

Simple consultation has been recommended in accordance with Policy P-18 Consultation Processes as the proposed special regulation does not require an OCP land use designation change. This means the applicant does not need to hold a public information meeting regarding the proposed bylaw amendment.

Referrals

If the Board reads Bylaw No. 825-54 a first time, the bylaw will be sent out to referral agencies and First Nations. Referral responses will be provided to the Board with a future Board report, prior to consideration of second reading.

The following list of referral agencies is recommended:

- Ministry of Transportation & Transit;
- Ministry of Forests – Archaeology Branch;

- Adams Lake Indian Band;
- Skw'lax te Secwepemc;
- Neskonlith Indian Band;
- Okanagan Indian Band;
- Shuswap Indian Band;
- Simpcw First Nation;
- Spltasin First Nation.

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:	2025-05-15_Board_DS_BL825-54_First.docx
Attachments:	<ul style="list-style-type: none">- BL825-54_First.pdf- BL825-54_Applicant_Letter_redacted.pdf- BL825-54_Excerpts_BL830_BL825.pdf- BL825-54_Maps_Plans.pdf
Final Approval Date:	May 6, 2025

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



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