



BOARD REPORT

TO:

Chair and Directors

File No:

BL725-12

PL20180016

SUBJECT:

Electoral Area C: Electoral Area C Official Community Plan Amendment (Shuswap Country Estates) Bylaw No. 725-12

DESCRIPTION:

Report from Dan Passmore, Senior Planner, dated February 2, 2018. 1885 Tappen Notch Hill Road, Carlin.

RECOMMENDATION #1:

THAT: "Electoral Area C Official Community Plan Amendment (Shuswap Country Estates) Bylaw No. 725-12" be given first reading this 29th day of March, 2018.

RECOMMENDATION #2:

THAT: the Board utilize the simple consultation process for Bylaw No. 725-12, and the Bylaw be referred to the following agencies and First Nations:

- Area C Advisory Planning Commission;
- Interior Health Authority;
- Agricultural Land Commission;
- Ministry of Agriculture;
- Ministry of Transportation and Infrastructure;
- Ministry of Environment;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Water Rights Branch;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
- CSRD Operations Management;
- CSRD Financial Services Department; and,
- All relevant First Nations.

SHORT SUMMARY:

The applicant has applied for an Official Community Plan (OCP) amendment to re-designate the subject properties. When the Electoral Area C OCP Bylaw No. 725 was adopted in March of 2014, it had designated the portion of the property where the existing Shuswap Country Estates development was located as SH – Small Holdings. Shuswap Country Estates is a manufactured home community consisting of 54 units, the SH designation allows for a maximum residential density of 1 unit per 4 ha.

The applicant is seeking to expand the manufactured home community onto the property to the south and to further subdivide that property into 3 large rural lots.

VOTING:

Unweighted
Corporate

☐

LGA Part 14
(Unweighted)

☒

Weighted
Corporate

☐

Stakeholder
(Weighted)

☐**BACKGROUND:**

PROPERTY OWNER(S):

1. 0731852 BC Ltd.
2. 1043181 Alberta Ltd.

APPLICANT:

Franklin Engineering Ltd., c/o Trent Beckman-Cross

ELECTORAL AREA:

C

LEGAL DESCRIPTION:

1. Lot 1, Section 33, Township 21, Range 10, West of the 6th Meridian, Kamloops Division, Yale District, Plan KAP55494, Except Plans KAP65068, KAP69965, and KAP75073
2. Lot 1, Section 33, Township 21, Range 10, West of the 6th Meridian, Kamloops Division, Yale District, Plan 34273

PID:

1. 023-187-468
2. 002-999-838

CIVIC ADDRESS:

1. Tappen Notch Hill Road
2. 1885 Tappen Notch Hill Road

SURROUNDING LAND USE PATTERN:

North = CPR/White Creek/Agriculture

South = Rural Residential

East = Rural Residential/Agriculture

West = Rural Holdings

CURRENT USE:

1. Vacant
2. Manufactured Home Park

PARCEL SIZE:

1. 38.39 ha (94.86 ac)
2. 54.85 ha (135.54 ac)

DESIGNATION:

1. RH – Rural Holdings
2. SH - Small Holdings/AG - Agriculture

PROPOSED DESIGNATION:

AG – Agriculture/NR – Neighbourhood Residential/SH – Small Holdings

ZONE:

Unzoned

POLICY:

Electoral Area C Official Community Plan Bylaw No. 725

1.2 Sustainable Planning Principles

Principle 3

A range of housing choices is supported, taking into account affordability for existing residents, particularly for young families and seniors. Only ground-oriented housing is appropriate near the Lakes; more dense forms of housing must be located away from the Lakes.

3.1 General Land Use Management

3.1.1 Objectives

- .2 To manage growth by directing development and redevelopment in existing settled areas and to discourage development outside these areas.
- .3 To provide a clear separation between rural and non-rural lands to preserve both rural and non-rural lifestyle choices.
- .7 To work towards providing a range of housing types in the South Shuswap, principally within the Village Centre and Secondary Settlement Areas.

3.1.2 Policies

- .4 Outside the Village Centre and Secondary Settlement Areas, new residential development is generally discouraged unless co-located with an agricultural use. Strip commercial development between these development areas is not acceptable.
- .5 Development will only be considered in areas with lower environmental values within the Village Centre and Secondary Settlement Areas, thereby allowing for the protection of areas with higher environmental values as well as agricultural lands.

3.3 Secondary Settlement Areas

3.3.2 Policies

- .1 Permitted land uses within the Secondary Settlement Areas include: residential, neighbourhood commercial uses, recreational residential, community and health- related services, institutional uses, recreation, arts and cultural activities.
- .2 Residential development is subject to the housing forms and maximum densities of each land use designation within the Secondary Settlement Area Boundaries (i.e. Neighbourhood Residential (NR), Country Residential (CR), etc).

3.4 Residential

3.4.1 Policies

- .1 New residential development will be directed to the Village Centre and Secondary Settlement Areas identified on Schedules B and C. Outside these areas, residential development is discouraged unless co-located with an agricultural use.

- .2 Residential development is subject to the following land use designations, housing forms and maximum densities:

Land Use Designation	Housing Form	Maximum Density
Medium Density (MD)	Detached	5 units/ac (1 unit/0.2 ac) 12 units/ha (1 unit/0.08 ha)
	Semi-detached	8 units/ac (1 unit/0.13 ac) 20 units/ha (1 unit/0.05 ha)
	Townhouse	12 units/ac (1 unit/0.13 ac) 30 units/ha (1 unit/0.03 ha)
Neighbourhood Residential (NR)	Detached, Semi-detached	2 units per 1 acre (1 unit/0.2 ha)
Country Residential (CR)	Detached, Semi-detached	1 unit per 1 acre (0.4 ha)
Rural Residential (RR)	Detached, Semi-detached	1 unit per 2.5 acres (1 ha)
Rural Residential 2 (RR2)	Detached, Semi-detached	1 unit per 5 acres (2 ha)
Small Holdings (SH)	Detached, Semi-detached	1 unit per 10 acres (4 ha)
Medium Holdings (MH)	Detached, Semi-detached	1 unit per 20 acres (8 ha)
Large Holdings (LH)	Detached, Semi-detached	1 unit per 25 acres (10 ha)
Rural Holdings (RH)	Detached, Semi-detached	1 unit per 148 acres (60 ha)

- .3 Cluster forms of development are encouraged within the Sorrento Village Centre and Secondary Settlement Areas to reduce the amount of land affected by residential growth when the permitted number of units is clustered on part of the site, and the remaining area is protected in a natural state. Where cluster developments are located near natural features, such as waterbodies, the cluster development should be directed away from the natural features. Areas near the features should be protected common or public areas.
- .4 Bed and Breakfast businesses are appropriate provided they are consistent with the residential character of the neighbourhood and provide adequate on-site parking. Additional conditions for Bed and Breakfast businesses will be included in the zoning bylaw.
- .5 One secondary suite is appropriate in a detached home provided it is compatible with surrounding residential uses. Additional conditions related to a secondary suite will be included in the zoning bylaw.
- .6 Agricultural uses are appropriate in all designations. Outside ALR lands, agricultural uses are supported to an intensity compatible with surrounding uses. On ALR lands, agricultural uses are subject to the Agricultural Land Commission Act and Regulations.

3.10 Agriculture (AG)

3.10.1 Policies

- .1 The lands designated as Agriculture (AG) are shown on Schedules B and C. In general, these are lands with half or more of their area lying within the Provincially-designated Agricultural Land

Reserve at the time of writing of this Plan. Land lying within the Agricultural Land Reserve is identified on Schedule E – ALR Map. Agriculture is the primary and dominant land use, with a full range of crop and livestock production activities permissible, as well as homes, buildings and structures associated with agricultural operations.

- .2 The minimum parcel size of land for subdivision within the Agriculture land use designation is 60 hectares (148 acres).
- .3 New subdivision is discouraged within the Agriculture designation, other than subdivision along ALR boundaries or subdivision or parcel consolidations demonstrated not to have an intrusive or conflicting impact on the surrounding agricultural community.
- .4 The Agriculture land use designations encompass agricultural uses, and uses accessory to agriculture. Subject to the guidelines of the Agricultural Land Commission and the zoning bylaw the following uses are appropriate in lands designated Agriculture: agri-tourism operations and agri-accommodation, and uses which will not affect the long-term agricultural capability of the land.

Section 4. Creating Diverse Housing Choices

4.1 Housing Choice

4.1.1 Objective

- .1 To provide a range of housing types and tenures to meet the needs of all residents of the community

4.3 Housing for Families

4.3.1 Objective

- .1 To encourage housing that is affordable to families and working people.

Section 4 of the OCP speaks to the need to promote a variety of housing types for seniors, families and seasonal workers due to significant increases in housing prices in the South Shuswap.

Section 9. Planning Efficient Infrastructure

Sustainable Principle

A region-wide approach to correcting inferior water and sewage treatment systems and development of a comprehensive, affordable liquid waste management plan that takes into account the latest technologies, is supported in order to fully protect groundwater, lakes and streams.

A well-planned community has adequate services to meet the needs of its citizens, with development taking place in a way that allows infrastructure and utilities to be provided efficiently.

Generally, the principles and policies of this Plan encourage development within identified Village Centre and Secondary Settlement Areas. This form of development will result in a smaller ecological footprint than a more dispersed settlement pattern. Compact development makes it more affordable to provide infrastructure — pipes, wires, and roads are shorter, and therefore, less costly to install and easier to maintain.

9.1 Infrastructure

9.1.1 Objectives

- .1 To provide an appropriate level of infrastructure in the settlement areas, balancing demands with affordability.
- .2 To work with applicants and landowners so that adequate infrastructure services are provided in new developments.

9.2 Water Distribution

The distribution of clean water for human use and consumption is one of the most important issues facing a community. Residents, businesses and visitors to the area rely on the community's water supply every day. The main sources of water in the South Shuswap include Shuswap Lake, White Lake and groundwater. Policies throughout this Plan set expectations in relation to the protection of these water sources.

9.2.1 Objectives

- .1 To encourage the development of community water systems, and ensure that they are designed and operated to the satisfaction of the Regional District; and,
- .2 To protect the Electoral Area's aquifers as a source of water supply.

9.2.2 Policies

The Regional District will:

- .1 Implement its Water System Acquisition Strategy; and,
- .2 Encourage Residents and businesses in the South Shuswap to make efforts to be responsible users of water, including the use of water conserving technology in newly constructed buildings.

9.3 Liquid Waste Management

Refer to Section 2.1 Water Quality of Shuswap Lake.

9.4 Solid Waste Management

The Regional District Solid Waste Management Plan has guided solid waste management since 1967. CSRD was the first regional district to have an approved solid waste management plan under the 1989 Provincial Waste Management Act.

9.4.1 Objective

- .1 To achieve efficient and environmentally acceptable solid waste disposal.

9.4.2 Policies

The Regional District will:

- .1 Strongly support efficient and environmentally acceptable solid waste disposal methods through an education process, especially reduction of waste, reuse of materials, recycling, and backyard composting; and,
- .2 Continue to implement the strategies of its Solid Waste Management Plan, as it is amended from time to time; and,
- .3 Consider requiring new development to financially contribute towards any necessary upgrades to existing solid waste facilities.

South Shuswap Zoning Bylaw No. 701

The subject properties are currently located outside of the area zoned under Bylaw No. 701.

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

ALR History

The portion of Property No. 2 (Lot 1, Plan 34273) lying north of Tappen Notch Hill Road is in the Agricultural Land Reserve (ALR). This portion of the property is designated AG - Agriculture and is not proposed to be included in the application for re-designation. There have been 3 separate applications to the Agricultural Land Commission (ALC) involving Lot 1, Plan 34273, as follows:

- 1476 (1978) ALC approved a subdivision that eventually led to the creation of the current title. The subdivision swapped land between former titles to create new Lots 1 and 2, Plan 34273. The former boundaries between the property were adjusted to more closely align with CPR railway Right of Way (RoW) and Ministry of Transportation and Infrastructure (MoT) highways RoW dedication requirements. The plan of subdivision also dedicated the extension of Carlin Road and Tappen Notch Hill Road through the properties.
- 2194 (1996) ALC approved a re-alignment of the ALR boundaries through Lot 1 Plan 34273 that aligned the ALR boundary with the north edge of Tappen Notch Hill Road. The result was the inclusion of 3.3 ha into the ALR.
- 2349 was withdrawn by the applicant before it was adjudicated by the ALC. The application was for the non-farm use of a portion of the property in the ALR for a 9 hole golf course. CSRD staff noted that the subject property was burdened by a Section 219 covenant in favour of the Ministry of Environment. The covenant protects an area south and west of Tappen Notch Hill Road from further subdivision and also to protect a green belt for spray irrigation purposes.

Existing Development

The portion (10.24 ha) of Lot 1, Plan 34273 lying south and west of Tappen Notch Hill Road has been developed into the Shuswap Country Estates manufactured home community. This is an existing development consisting of 54 units.

Just to the east of the bend in Tappen Notch Hill Road is where the sewage treatment plant for the manufactured home development is located. The treatment plant and lagoons have been constructed on the ALR portion of the subject property.

The Proposal

The applicant is proposing to expand the current manufactured home community by adding more units into the adjacent property to the south on a 14.76 ha portion. This will involve a subdivision application to achieve the boundary adjustment, as well as to subdivide 3 new (4 ha +) lots from the southern property. In order to support the existing development of the manufactured home community, its proposed expansion, and the 3 new lots an OCP amendment application has been made.

Water Servicing

The applicant has included information in the application that the current manufactured home community is serviced by an on-site groundwater well. The treatment and distribution system has been approved by the Interior Health Authority under 3 separate construction permits, and has had 4 separate permits to operate issued, as additional phases within the manufactured home community have been constructed. The applicant has stated that the current well capacity would be adequate to service the proposed expansion of the community.

For the proposed 3 new lots, independent on-site water systems will be required for each new lot as a requirement of the subdivision.

Sewer Servicing

The proposed manufactured home community expansion will be serviced by the existing wastewater treatment facility, which is located on the ALR portion of the subject property. The applicant has advised that this system has capacity to service the additional units under its current registration with the Ministry of Environment (MoE) under Waste Management Permit #PE 13672, March 5, 1996.

PE 13672 allows discharge by spray irrigation of 140 m³/day (140,000 l/day), The Sewerage System Standard Practice Manual (SSSPM) describes a design flow of 1,363 l/day for a 3 bedroom home, and 1,470 l/day for a 4 bedroom home. If the manufactured homes are 3 bedroom units, this translates into a maximum number of homes of 102, and for 4 bedroom homes, 95. Discharge through the spray irrigation system is limited to the period of April 1 to October 31. The registration further required registration of a Section 219 covenant (KK99479) against the title of the lands to identify 12 ha of the land for the purpose of spray irrigation and to restrict subdivision of the parcel.

The applicant has advised that approval was granted by the ALC to irrigate a 12 ha area of the ALR portion of the land with the treated effluent. However, Development Services staff do not have documentation for this, or for what would be considered a non-farm use in the ALR for the treatment facilities and infrastructure.

For the proposed 3 new lots, on-site sewage disposal will be required for each lot as a requirement of the subdivision.

Section 219 Covenant KK99479

This covenant was registered against the title of Lot 1, Plan 34273 in favour of the Ministry of Environment (MoE). The covenant restricts subdivision of the land and reserves the area south and west of Tappen Notch Hill Road as a green belt for the purposes of application of spray effluent discharge.

It is assumed that the covenant was originally intended rather to place this restriction on the area north and east of Tappen Notch Hill Road, as the manufactured home community is situated south and west

of the Road. In order to consider a subdivision on the northern portion of the subject properties, this covenant will need to be amended or discharged.

ALR

The Agricultural Land Commission Act (ALCA) under Section 2 indicates that the ALCA is not subject to any other enactment except the Environmental Management Act (EMA). The EMA, under Section 4, does not recognize the ALCA as an area of conflict, and therefore the EMA prevails. In essence this means that a permit issued under the EMA for a wastewater treatment facility would not be subject to the ALR. A Wastewater treatment facility is not a farm use, or a permitted non-farm use according to the Agricultural Land Commission Use, Subdivision and Procedure Regulation (BC Reg 171/2002). Staff intend to forward a referral to the ALC, the MoE and the Ministry of Agriculture so they are able to provide direction with respect to the existing permit to operate the facility on ALR land. Unfortunately, as a matter of policy the MoE does not respond to Local Government referrals.

If the ALC requires a non-farm use to be approved for the treatment facility, the current AG Agriculture designation of this portion of the property will require the CSRD to consider re-designating the area taken up by the facility to be consistent with the ALC regulations.

Electoral Area C Official Community Plan Bylaw No. 725

When OCP Bylaw No. 725 was adopted in 2014 the portion of Lot 1, Plan 34723 that is home to the manufactured home community was designated SH – Small Holdings which allows a density of development of 1 dwelling unit per 4 ha. The area of this portion of the parcel is currently 10.24 ha, and has a current development of 54 manufactured home units which translates to a density of 5.27 single family dwelling units per ha. No current designation in the OCP supports this level of density for single family dwelling housing forms.

The proposal is to expand the existing manufactured home community to the south and re-designate both the current 10.24 ha in Lot 1, Plan 34723, as well as the additional 14.76 ha portion of Lot 1 Plan KAP55494 to the NR Neighbourhood Residential designation, which would permit a density of 5 single family dwelling units per ha. With a total size of 25 ha, this new lot would permit a total of 125 dwelling units, or an additional 71 units, although the application materials do not specify a number for the proposed expansion. As noted earlier in the report, the current density of development within the manufactured home community portion of Lot 1, Plan 34273 is 5.27 units per ha.

The applicant has applied for the NR designation because the next lower density designation CR would only allow a total of 62.5 units per ha or an increase of 8.5 units. Although the applicant, as stated earlier, has not proposed a final number for the expansion of the manufactured home community, this would not be enough density to accommodate the proposal.

The NR designation and density it allows would be more appropriate in the Village Centre or secondary settlement areas, because Policy 3.4.1.1 directs new residential development into these areas and the subject properties are not in such an area. The OCP designates Sorrento as the Village Centre and Blind Bay, Eagle Bay, Sunnysbrae, and White Lake secondary settlement areas. The NR designation allows detached and semi-detached house forms.

Certainly, utilising existing servicing would ultimately limit how many units are added to the manufactured home community. However, providing for additional water sources and sewage treatment capacity would be approved by Provincial authorities and would not necessarily engender CSRD input. In the case of the sewer permit, the applicant has advised that additional capacity is available under

the existing permit and an amendment to that permit would not be required. Although the application materials are silent on how many more units are likely to be developed.

Nevertheless, should the Board consider approving the increased density of the NR designation as part of this application, it should be expected that the full density permitted would be developed. Other limitations on the extent of the proposed development would include the amount of land suitable for placement of a manufactured home site, like topography. Typically installation of a manufactured home requires a level pad area.

While Development Permit guidelines exist for form and character of intensive residential development, the guidelines only impose these requirements in the Village Centre or Secondary Settlement Areas, and then only in the event of subdivision. The proposed subdivision application would not trigger this requirement because the subject property is not located in either the Village Centre or a secondary settlement area.

Hazardous Lands DP Areas (Steep Slopes) would apply in this case, but would only impact issues regarding ground instability and/or slope failure and would be applicable only on the placement of a new manufactured home which would not be subject to a Building Permit approval by the CSRD, because this area is not included in the building inspection function area at this time. The proposed subdivision consisting of the lot line adjustment and the additional lots would however, trigger this requirement.

SUMMARY:

The applicant has applied for an OCP amendment that would re-designate portions of the subject properties which would reconcile an existing Manufactured Home Community development on the site and allow for its future expansion while also paving the way for a 3 lot subdivision to occur. Staff have prepared the OCP amendment bylaw in accordance with the application request, but have some reservations.

Staff concerns are with regard to the number of manufactured home units which would ultimately be developed on the re-designated area; this includes not knowing how many of the homes consist of 3 bedroom or 4 bedroom units, and as the developer has not placed limitations on the size of the homes placed, it is unknown how much of the capacity of the sewage treatment plant is available for expansion. Also, without firm figures on groundwater capacity, staff are unaware how many more homes could be serviced on the site. The applicant has advised that the current sewer servicing system permit would have capacity to service the additional units, and has provided the CSRD with the existing permit but not the number of units in the expansion. The information provided in the sewage system registration would seem to limit the number of units to 104, assuming only 3 bedroom units. While this raises concerns with staff, it may simply be a matter that the extensive site design work to create level pads on a hillside property has not yet been done. Upon review of further information from the applicant and referrals, servicing may not be an issue if the existing sewage treatment plant and water system is confirmed to be able to accommodate the proposed expansion.

Staff also have some concern about the expansion of residential use and density outside of the Village Centre and Secondary Settlement Area identified in the OCP, however it is recognized that this application is to expand an existing manufactured home community development that was established prior to the adoption of the OCP. The form and density of the residential housing that is proposed may increase the supply of affordable housing in the area, which is also an objective supported by the OCP.

Staff are recommending that the Board consider the bylaw for first reading and consider directing staff to forward the bylaw and background information to referral agencies and First Nations. Staff provide this recommendation understanding that the Board may wish to consider additional limitations on the re-designation to control the number of units or the type of housing contemplated (detached), or that staff may recommend a different designation at second reading to allow for a lesser density should better information on the expansion become available. Alternatively, the Board may decide that the expansion of the manufactured home community may not be appropriate in this location.

IMPLEMENTATION:

As per CSRD Policy No. P-18 regarding Consultation Processes-Bylaws, staff recommends the simple consultation process. Neighbouring property owners will first become aware of the application for zoning amendments when a notice of development sign is posted on the property.

Referral Process

The following list of referral agencies is recommended:

- Area C Advisory Planning Commission;
- Interior Health Authority;
- Agricultural Land Commission;
- Ministry of Agriculture;
- Ministry of Transportation and Infrastructure;
- Ministry of Environment;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Water Rights Branch;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
- CSRD Operations Management;
- CSRD Financial Services Department; and,
- All relevant First Nations
 - Adams Lake Indian Band
 - Little Shuswap Indian Band
 - Neskonlith Indian Band

COMMUNICATIONS:

If the bylaw is given first reading it will be forwarded to the referral agencies. Agency comments will be provided with a future Board report. The applicant will be required to post a Notice of Development sign on the subject property in accordance with Development Services Procedures Bylaw No. 4001.

DESIRED OUTCOMES:

That the Board endorse staff recommendations.

BOARD'S OPTIONS:

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

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

1. Electoral Area C Official Community Plan Bylaw No. 725.
2. Ministry of Environment Permit PE-13672 for sewage treatment and disposal.
3. Various permits issued by Interior Health Authority for water system.

Report Approval Details

Document Title:	2018-03-29_Board_DS_BL725-12_0731852-BC-LTD_1043181-ALTA-LTD.docx
Attachments:	- BL725-12-First.pdf - Maps_Plans_BL725-12.pdf
Final Approval Date:	Mar 19, 2018

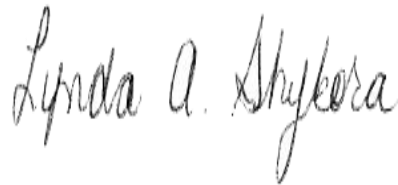
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Mar 15, 2018 - 11:51 AM



Gerald Christie - Mar 16, 2018 - 9:32 AM



Lynda Shykora - Mar 19, 2018 - 12:30 PM



Charles Hamilton - Mar 19, 2018 - 1:15 PM