



# BOARD REPORT

**TO:** Chair and Directors

<b>File No:</b>	BL725-10 PL20170224 BL701-89 PL20170174
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**SUBJECT:** Electoral Area C: Electoral Area C Official Community Plan Amendment (Ron Lindblad) Bylaw No. 725-10 and South Shuswap Zoning Amendment (Ron Lindblad) Bylaw No. 701-89

**DESCRIPTION:** Report from Dan Passmore, Senior Planner, dated March 29, 2018.  
#1 to #6, 1541 Blind Bay Road, Blind Bay.

**RECOMMENDATION #1:** THAT: "Electoral Area C Official Community Plan Amendment (Ron Lindblad) Bylaw No. 725-10" be read a third time this 19<sup>th</sup> day of April, 2018.

**RECOMMENDATION #2:** THAT: "Electoral Area C Official Community Plan Amendment (Ron Lindblad) Bylaw No. 725-10" be adopted this 19<sup>th</sup> day of April, 2018

**RECOMMENDATION #3:** THAT: "South Shuswap Zoning Amendment (Ron Lindblad) Bylaw No. 701-89" be read a third time this 19<sup>th</sup> day of April, 2018.

## SHORT SUMMARY:

The owners of Strata Plan EPS162 have applied for a rezoning amendment to address several illegal non-conforming issues, as a result of bylaw enforcement action. The property is currently regulated by a special regulation within the CH2 - Cluster Housing 2 Zone, which does not reflect on the current site development.

In addition to the rezoning amendment, staff noted that proposed Bylaw No. 701-89, given first reading at the November 16, 2017 regular meeting would approve densities which are not consistent with those indicated in the RR Rural Residential designation in Electoral Area C Official Community Plan Bylaw No. 725. For this reason, an Official Community Plan amendment bylaw application was required to be submitted by the applicant.

Bylaw No. 725-10 was given first and second readings and Bylaw No. 701-89 was given second reading at the February 15, 2018 regular meeting and a Public Hearing was delegated. The Public Hearing was held on March 28, 2018 at the Sorrento Memorial Hall. It is now appropriate for the Board to consider public input and consider the OCP Amendment Bylaw for third reading and adoption and third reading of the rezoning amendment Bylaw..

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<b>VOTING:</b>	Unweighted Corporate <input type="checkbox"/>	LGA Part 14 (Unweighted) <input checked="" type="checkbox"/>	Weighted Corporate <input type="checkbox"/>	Stakeholder (Weighted) <input type="checkbox"/>
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## BACKGROUND:

See "2017-11-16\_Board\_DS\_BL701-89\_Lindblad\_FirstReading.pdf" report attached.

## POLICY:

See "2017-11-16\_Board\_DS\_BL701-89\_Lindblad\_FirstReading.pdf" report attached.

**FINANCIAL:**

The rezoning is the result of bylaw enforcement action. If the Board does not adopt the proposed amending bylaws, the Board may then wish to direct staff to seek a legal opinion regarding possible court action. Costs for the legal opinion and possible court action, although partially recoverable through Court, could nonetheless be substantial. Staff involvement in legal action is not recoverable.

**KEY ISSUES/CONCEPTS:**

See October 11, 2017 report attached. (See "2017-11-16\_Board\_DS\_BL701-89\_Lindblad\_First.pdf", attached)

In addition to the attached report, CSRD staff had advised the applicant that the proposed Zoning Bylaw Amendment (Bylaw No. 701-89) was inconsistent with the densities permitted in the RR Rural Residential designation in the Official Community Plan. As a result the applicant applied to re-designate to accommodate the existing density on site.

Rather than re-designating the property to some other Residential designation, staff noted that the existing site development consisting of detached single family dwellings at 27.9 units/ha, far outstrips residential densities for all designations within the OCP. The existing density on the site was established prior to the Official Community Plan being adopted in 2014. Since the maximum density contemplated for detached housing in the OCP is 12 units/ha, staff are proposing an exemption to the density limitations for the subject properties only, as follows:

Notwithstanding 3.4.1.2, above, maximum allowable density within the RR designation are permitted to increase to a total of 27.9 units/ha for detached houses on Strata Lots 1 to 6, Section 15, Township 22, Range 11, West of the 6th Meridian, Kamloops Division, Yale District, Strata Plan EPS162, only.

Additionally, staff are proposing a small re-numbering housekeeping amendment to Policy 3.4.1.7.

See "2018-02-15\_Board\_DS\_BL725-10\_BL701-89\_Lindblad.pdf", attached.

**SUMMARY:**

The applicant has applied to re-designate and rezone the subject properties to make an existing development, Capri Cabins, conform to Bylaw requirements, as the result of a bylaw enforcement action against the property owners.

Staff are recommending that the Board can consider public input, comments from agencies and First Nations and consider Bylaw No. 725-10, for third reading and adoption and Bylaw No. 701-89 for third reading.

**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 Wednesday March 28, 2018, at the Sorrento Memorial Hall in Sorrento. 4 members of the public attended, of which 2 spoke in favour of the Bylaws. Please see the attached Public Hearing Notes for details about public input (See "Public\_Hearing\_Notes\_2018-03-28\_BL725-10\_BL701-89.pdf", attached.)

A single letter was received in opposition to the Bylaws. The letter has been attached to this report for the Board's information. (See "Public\_submissions\_BL725-10\_BL701-89.pdf", attached.)

**COMMUNICATIONS:**

Staff notified adjacent property owners, advertised and held the Public Hearing in accordance with the Local Government Act. If the OCP Amendment Bylaw No. 725-10 is given third reading and adopted, the applicant will be advised of the Board decision. CSRD staff will amend Bylaw No. 725, which will be posted on the CSRD website and copies will be provided to the Director.

If the Board gives Bylaw No. 701-89 third reading, it will be forwarded to Ministry of Transportation and Infrastructure (MoT) for authorization. Once MoT has authorized the Bylaw, it will be brought back to the Board for adoption at future regular meeting.

**DESIRED OUTCOMES:**

That the Board endorse staff recommendation.

**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. South Shuswap Zoning Bylaw No. 701
3. Application
4. MoT Encroachment Permit No. 2017-05825, dated September 22, 2017

**Report Approval Details**

Document Title:	2018-04-19_Board_DS_BL725-10_BL701-89_Lindblad.docx
Attachments:	<ul style="list-style-type: none"><li>- BL725-10-Third.pdf</li><li>- BL701-89-Third.pdf</li><li>- 2017-11-16_Board_DS_BL701-89_Lindblad_First.pdf</li><li>- 2018-02-15_Board_DS_BL725-10_701-89_Lindblad.pdf</li><li>- Public_Hearing_Notes_2018-03-28_BL725-10_BL701-89.pdf</li><li>- Public_submissions_BL725-10_BL701-89.pdf</li><li>- Maps_Plans_Photos_BL701-89.pdf</li></ul>
Final Approval Date:	Apr 9, 2018

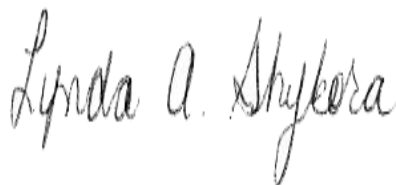
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Apr 6, 2018 - 12:08 PM**



**Gerald Christie - Apr 6, 2018 - 12:32 PM**



**Lynda Shykora - Apr 9, 2018 - 10:10 AM**

**No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora**

**Charles Hamilton - Apr 9, 2018 - 11:39 AM**