

BOARD REPORT

TO: Chair and Directors

File No:	BL 725-10
	PL20170224
	BL 701-89
	PL20170174

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 January 16, 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 first time this 15th day of February, 2018.

RECOMMENDATION #2: THAT: "Electoral Area C Official Community Plan Amendment (Ron Lindblad) Bylaw No. 725-10" be read a second time this 15th day of February, 2018.

RECOMMENDATION #3: THAT: "South Shuswap Zoning Amendment (Ron Lindblad) Bylaw No. 701-89" be read a second time this 15th day of February, 2018.

RECOMMENDATION #4: THAT: a public hearing to hear representations on Electoral Area C Official Community Plan Amendment (Ron Lindblad) Bylaw No. 725-10 and South Shuswap Zoning Amendment (Ron Lindblad) Bylaw No. 701-89 be held;

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 Paul Demenok, as Director for Electoral Area 'C' being that in which the land concerned is located, or Alternate Director Arnie Payment, if Director Demenok is absent, and the Director or Alternate Director, as the case may be, give a report of the public hearing to the Board.

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.

Staff has referred the bylaws to affected Ministries, agencies and First Nations and comments received have been summarized in this report.

It is now appropriate for the Board to consider first and second reading of the OCP Amendment Bylaw No. 725-10 and second reading of South Shuswap Zoning Amendment Bylaw No. 701-89, as well as delegation of a Public Hearing.

VOTING:	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.

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.

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 referral comments from agencies and First Nations and consider Bylaw No. 725-10 for first and second readings, and Bylaw No. 701-89 for second reading and delegation of a Public Hearing for both Bylaws.

IMPLEMENTATION:

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.

COMMUNICATIONS:

If the Board gives Bylaw No. 725-10 first and second readings and Bylaw No. 701-89 second reading, and a public hearing is delegated staff will proceed with notification of adjacent property owners and advertising the Public Hearing as set out in the Local Government Act.

Referral agencies have provided their comments and they have been attached as Appendix B to this report.

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:	2018-02-15_Board_DS_BL725-10_BL701-89_Lindblad.docx
Attachments:	- BL725-10_First_Second.pdf - BL701-89_Second.pdf - 2017-11-16_Board_DS_BL701-89_Lindblad_First.pdf - Agency_Referral_Responses_BL725-10_BL701-89.pdf - Maps_Plans_Photos_BL701-89.pdf
Final Approval Date:	Feb 6, 2018

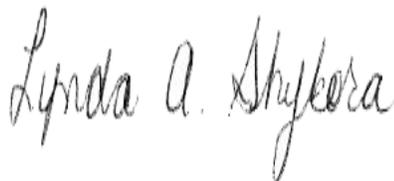
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Feb 1, 2018 - 9:48 AM



Gerald Christie - Feb 1, 2018 - 3:56 PM



Lynda Shykora - Feb 1, 2018 - 4:32 PM

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

Charles Hamilton - Feb 6, 2018 - 1:03 PM