



BOARD REPORT

TO: Chair and Directors

File No: BL701-89 PL20170174
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SUBJECT: Electoral Area C: South Shuswap Zoning Amendment (Ron Lindblad)
Bylaw No. 701-89

DESCRIPTION: Report from Dan Passmore, Senior Planner, dated April 27, 2018.
#1 to #6, 1541 Blind Bay Road, Blind Bay.

RECOMMENDATION: THAT: South Shuswap Zoning Amendment (Ron Lindblad) Bylaw No. 701-89" be adopted this 17th day of May, 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 held for both bylaws on March 28, 2018 at the Sorrento Memorial Hall. The Board considered public input and gave the OCP Amendment Bylaw third reading and adoption and third reading of the rezoning amendment Bylaw at the April 19, 2018 regular meeting.

The Ministry of Transportation and Infrastructure (MoT) approved Bylaw No. 701-89 on April 27, 2018. It is now appropriate for the Board to consider adoption of the rezoning amendment bylaw.

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. (See "2017-11-16_Board_DS_BL701-89_Lindblad_First.pdf", attached)

The Bylaw was sent to MoT for approval. MoT approved the bylaw on April 27, 2018.

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. MoT has approved the bylaw and it is appropriate for the Board to consider adoption.

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. 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. Since the OCP Amendment Bylaw No. 725-10 was given third reading and adopted, the applicant was advised of the Board decision. CSRD staff have amended Bylaw No. 725, which was posted on the CSRD website and copies were provided to the Director.

If the Board adopts Bylaw No. 701-89, the applicant will be advised of the Board decision. CSRD staff will amend Bylaw No. 701, which will be posted on the CSRD website and copies will be provided to the Director.

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.*

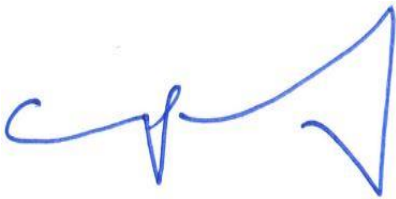
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

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:	2018-05-17_Board_DS_BL701-89_Lindblad.docx
Attachments:	<ul style="list-style-type: none">- BL701-89_Adoption.pdf- 2017-11-16_Board_DS_BL701-89_Lindblad_First.pdf- 2018-02-15_Board_DS_BL725-10_701-89_Lindblad.pdf- 2018-04-19_Board_DS_BL725-10_701-89_Lindblad.pdf- Public_Hearing_Notes_2018-03-28_BL725-10_BL701-89.pdf- Public_submissions_BL725-10_BL701-89.pdf- Maps_Plans_Photos_BL701-89.pdf
Final Approval Date:	May 3, 2018

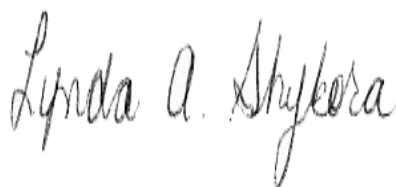
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - May 2, 2018 - 3:41 PM



Gerald Christie - May 3, 2018 - 9:10 AM



Lynda Shykora - May 3, 2018 - 1:33 PM



Charles Hamilton - May 3, 2018 - 3:12 PM