



BOARD REPORT

TO: Chair and Directors

File No:	BL 725-13 PL20180000070 BL 701-92 PL20180000071
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SUBJECT: Electoral Area C: Electoral Area C Official Community Plan Amendment (Withdraw) Bylaw No. 725-13 and South Shuswap Zoning Amendment (Withdraw) Bylaw No. 701-92

DESCRIPTION: Report from Dan Passmore, Senior Planner, dated May 14, 2018. 2066 Eagle Bay Road, Blind Bay.

RECOMMENDATION #1: THAT: Electoral Area C Official Community Plan Amendment (Withdraw) Bylaw No. 725-13, be given first reading this 21st day of June, 2018.

RECOMMENDATION #2: THAT: South Shuswap Zoning Amendment (Withdraw) Bylaw No. 701-92, be given first reading this 21st day of June, 2018.

RECOMMENDATION #3: THAT: the Board utilize the simple consultation process for Electoral Area C Official Community Plan Amendment (Withdraw) Bylaw No. 725-13 and South Shuswap Zoning Amendment (Withdraw) Bylaw No. 701-92 and that the Bylaws be referred to the following agencies and First Nations:

- Area C Advisory Planning Commission;
- Interior Health Authority;
- Ministry of Transportation and Infrastructure;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
- CSR D Operations Management;
- CSR D Financial Services Department; and,
- All relevant First Nations.

SHORT SUMMARY:

The applicant has applied for an Official Community Plan amendment to re-designate the subject property located at 2066 Eagle Bay Road from RR2 – Rural Residential 2 to TC – Tourist Commercial and a rezoning amendment to the RR1 – Rural Residential 1 (0.4 ha) to allow the owner to develop tourist accommodation cabins.

The owner plans to develop the subject property which currently has a single family dwelling and a cottage/garage in 2 separate phases. The first phase will see the construction of 2 new tourist accommodation cabins, together with conversion of the current cottage/garage into an additional tourist accommodation cabin. The second phase will see the construction of another 6 tourist accommodation cabin units, behind the existing single family dwelling, although the applicant has not provided a plan showing these additional units at this point.

VOTING:Unweighted
Corporate☐LGA Part 14
(Unweighted)☒Weighted
Corporate☐Stakeholder
(Weighted)☐**BACKGROUND:**

PROPERTY OWNER:

Calvin W. Withrow

ELECTORAL AREA:

C

LEGAL DESCRIPTION:

Lot 15, Section 20, Township 22, Range 10, West of the 6th Meridian, Kamloops Division, Yale District, Plan 6612

PID:

010-078-371

CIVIC ADDRESS:

2066 Eagle Bay Road

SURROUNDING LAND USE PATTERN:

North = Residential

South = Residential

East = Crown Land

West = Eagle Bay Road/Shuswap Lake Blind Bay

CURRENT USE:

Single Family Dwelling and Cottage with attached garage

PROPOSED USE:

9 tourist accommodation cabins with a single family dwelling

PARCEL SIZE:

0.48 ha (1.19 ac)

OCP DESIGNATION:

RR2 – Rural Residential 2

PROPOSED OCP DESIGNATION:

TC – Tourist Commercial

ZONING:

RR1 – Rural Residential 1 (0.4 ha)

PROPOSED ZONING:

RR1 – Rural Residential 1 (0.4 ha) - Special Regulation allowing for 9 commercial lodging units and 5.0 m side parcel line setbacks.

POLICY:**Electoral Area C Official Community Plan Bylaw No. 725**

See attached "BL725_Policies.pdf"

South Shuswap Zoning Bylaw No. 701

The subject property is currently zoned RR1 – Rural Residential 1 (0.4 ha) which allows the following uses:

1. single family dwelling;
2. cottage, permitted only on parcels greater than 4,000 m²;
3. bed and breakfast;
4. home business;
5. accessory use.

Tourist accommodation cabins, would fall under the broader definition of commercial lodging which is defined in South Shuswap Zoning Bylaw No. 701, as follows:

COMMERCIAL LODGING means a commercial use for the temporary accommodation of the public and includes hotels, motels and other commercial resort operations.

FINANCIAL:

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

KEY ISSUES/CONCEPTS:**The Proposal**

The owner plans to develop the subject property which currently has a single family dwelling and a cottage/garage in 2 separate phases. The first phase will see the construction of 2 new tourist accommodation cabins, together with conversion of the current cottage/garage into an additional tourist accommodation cabin. The 2 new cabins would be constructed on the lower portion of the subject property closer to Eagle Bay Road.

The second phase will see the construction of another 6 tourist accommodation cabin units (commercial lodging units, as defined in South Shuswap Zoning Bylaw No. 701) on the upper portion of the subject property behind the existing single family dwelling. Although the owner would like the Bylaw amendment to allow these additional 6 units, he has not provided a site plan that would indicate location of the units, or the necessary sewerage infrastructure to service them.

Water Servicing

The subject property currently draws drinking water from Shuswap Lake. The owner does not currently have a license with the Province. The proposed new commercial uses on the property are required by policy within the OCP to connect to a community water system. No such water system is currently available in the area where the subject property is located. This will trigger the requirement for the owner to obtain a license and create a drinking water system in accordance with regulations from the Province (Ministry of Forests Lands, Natural Resource Operations and Rural Development – Water Rights Branch and the Interior Health Authority) and for the Board to consider this as an alternative to a connection to a community water system.

Staff are concerned that details regarding how the site's proposed full buildout will be laid out and serviced with drinking water and is recommending that a full build-out site plans and a pre-servicing

brief prepared by the appropriate professional be submitted by the applicant prior to any further readings of the bylaws.

Sewer Servicing

The applicant has not provided staff with details regarding how the proposed new development will be serviced. The proposed new commercial uses on the property are required by policy within the OCP to connect to a community sewer system. No such sewer system is currently available in the area where the subject property is located. This will trigger the requirement for the owner to have an Authorized Person design an on-site sewerage system and for the Board to consider this as an alternative to the required community sewer system connection.

Staff are concerned that details regarding how the site's proposed full buildout will be serviced by on-site sanitary sewer be submitted from an authorized person prior to any further readings of the bylaws.

Access

The subject property is currently serviced by an access driveway onto Eagle Bay Road. The owner will need to obtain a commercial access permit from the Ministry of Transportation and Infrastructure (MoT) that reflects the full proposed build out of the site. MoT will require that the owner submit plans illustrating vehicular movements on site and proposed parking for the proposed new uses. Development Services staff will also need to have details regarding these issues to ensure that the proposed site development complies with South Shuswap Zoning Bylaw No. 701 parking regulations. Such details will need to be submitted prior to any further readings of the bylaws.

Electoral Area C Official Community Plan Bylaw No. 725

The OCP policies indicate that the Tourist Commercial designation should only be contemplated within a Secondary Settlement Area. The subject property is not within a Secondary Settlement Area, so the Board will need to consider the OCP re-designation bylaw in this context. Staff are not proposing to include the subject property within the Blind Bay secondary settlement area as a part of the re-designation bylaw at first reading.

Staff are concerned that the proposed Tourist Commercial use may be incompatible with existing residential uses in the immediate area. Staff are also concerned that the subject property may be unable to accommodate the proposed development, including adequate water and sewer servicing, access/parking, development on steep slopes. However, it is noted that the nearby Blind Bay Hideaway was recently supported by the Board for a Development Permit for form and character for an addition of 4 weekly rental cabins to the existing 5 cabins of their already correctly zoned commercial use for a very similar purpose, and the immediate neighbourhood (100 m from 2094 Eagle Bay Road) chose not to comment on the proposal.

South Shuswap Zoning Bylaw No. 701

The owner is proposing a rezoning amendment which will add a site specific special regulation to the RR1 zone. This rezoning amendment would ordinarily be considered as incompatible with neighbourhood residential use. However, it may be that neighbouring property owners are currently using their residential properties for short term commercial accommodation. If this were the case, it would explain why the neighbourhood has not expressed concerns about the Blind Bay Hideaway development permit application. It would also tend to support the Board considering the proposed rezoning amendment.

The special regulation would limit the number of tourist accommodation cabins (commercial lodging units, as defined in South Shuswap Zoning Bylaw No. 701), to 9. The special regulation as currently written would permit the 9 units in 9 separate buildings, multiple units in a number of buildings, or 9 units in one building.

In addition staff are recommending that side parcel line setbacks be increased from 2.0 m to 5.0 m as a part of the special regulation to provide some separation from residentially zoned properties to either side. The C-5 Tourist Commercial Zone in Bylaw No. 701, which includes commercial lodging as a permitted use, has a 5.0 m minimum parcel line setback.

Lake Access

The subject property does not have lake access, as it is separated from the lakefront by Eagle Bay Road. This would require that pedestrians must cross Eagle Bay Road in order to get to the beach. Since the subject property is therefore semi-waterfront, the owner is not permitted to have a dock, but is permitted a swimming platform and private mooring buoy subject to the issuance of an Foreshore and Water Development Permit

In addition, should the Board approve the OCP/Rezoning amendment Bylaws, the owner will be required to obtain a commercial form and character Development Permit, as well as a Lakes 100 m, possibly a Riparian Areas Regulation (RAR), and possible a Hazardous Lands (Steep Slopes) Development Permit prior to commencing construction of the proposed first phase of development.

SUMMARY:

The applicant has applied for an Official Community Plan amendment to re-designate the subject property located at 2066 Eagle Bay Road from RR2 – Rural Residential 2 to TC – Tourist Commercial and a rezoning amendment to the RR1 – Rural Residential 1 (0.4 ha) to allow the owner to develop tourist accommodation cabins. Staff have concerns with respect to the properties ability to support the proposed development with on-site servicing and compatibility of the proposed use with the neighbouring residential uses. Nevertheless, staff are recommending that the Board can consider the bylaws for first readings and consider directing staff to forward the bylaws and background information to referral agencies and First Nations.

As previously noted, staff would not be recommending the amending bylaws receive second reading until the following information is submitted by the applicant which indicates that the subject property can support/accommodate the proposed development:

- Pre-Servicing brief on water supply and servicing;
- Proposed site plan for phase 2 consisting of an additional 6 commercial lodging units;
- Sewerage Servicing report from an authorized person; and,
- Access and vehicular movement plans illustrating compliance with South Shuswap Zoning Bylaw No. 701 Parking requirements for all proposed uses on the property.

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 official community plan and 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;
- Ministry of Transportation and Infrastructure;
- 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 bylaws are given first reading they 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. Staff will not forward the Bylaw to the Board for second reading unless the owner has supplied the required information, noted above.

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.*

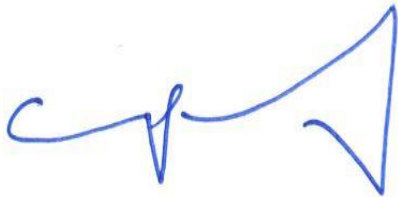
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Electoral Area C Official Community Plan Bylaw No. 725.
2. South Shuswap Zoning Bylaw No. 701

Report Approval Details

Document Title:	2018-06-21_Board_DS_BL725-13_BL701-92_Withrow.docx
Attachments:	<ul style="list-style-type: none">- BL725-13_First.pdf- BL701-92_First.pdf- BL725_Policies.pdf- Maps_Plans_BL725-13_BL701-92.pdf
Final Approval Date:	Jun 8, 2018

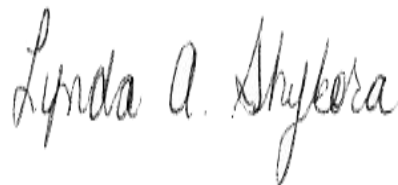
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Jun 8, 2018 - 8:41 AM



Gerald Christie - Jun 8, 2018 - 12:03 PM



Lynda Shykora - Jun 8, 2018 - 1:47 PM

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

Charles Hamilton - Jun 8, 2018 - 1:58 PM