

City Staff Report

Report Date: January 10, 2022
Meeting Date: January 18, 2022

To: City Manager
From: Director of Development Services
Subject: Zoning Amendment to Country Residential (CR-1)

Purpose

The purpose of this report is to review application Rz2021-37 to amend the Zoning Bylaw and provide first readings of the draft Zoning Amendment Bylaw No. 1917 to rezone from RR-1 to CR-1 in order to subdivide the lot for the development of 9 single detached homes.

Summary

- The applicant is proposing to rezone the lot from RR-1 to CR-1.
- The applicant is currently in the process of a subdivision application for the undeveloped parcel into 9 fee simple lots.
- The lots will have community sewer but will require individual wells and there is no water service in this area.
- The lots will be approximately 1 acre, ranging from 0.95ac to 1.69 acres.

Recommendation

THAT Council considers first and second readings of the Zoning Amendment Bylaw No. 1917 to rezone LOT B DISTRICT LOT 6677 CARIBOO DISTRICT PLAN 33809 from RR-1 to CR-1 to permit a 9 lot subdivision.

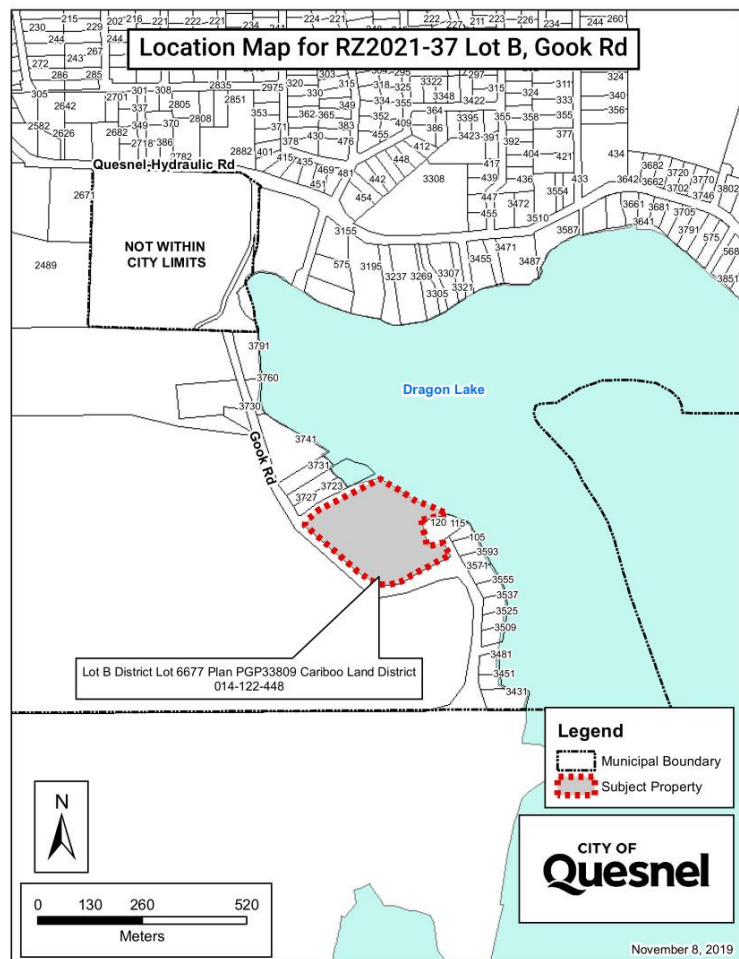
AND THAT Council set the public hearing date for 6pm Tuesday March 1st, 2022.

Statutory Requirements

Local Government Act – Part 14 – Planning and Land Use Management

Requirement for public hearing before adopting bylaw

- 464** (2) A local government may waive the holding of a public hearing on a proposed zoning bylaw if
- a) an official community plan is in effect for the area that is subject to the zoning bylaw, and
 - b) the bylaw is consistent with the official community plan.





Staff do not recommend waiving the public hearing as the notice process for waiving is the same as having a hearing. Holding the hearing allows engagement and transparency in the process and at this time the notice processes are required for the waiving as well. It is anticipated that this will change in the future based on new legislation being proposed.

Council Policy

Official Community Plan Bylaw No. 1879, 2019

Zoning Bylaw No. 1880, 2019

Development Applications Procedures Bylaw 1531, 2002

Strategic Objective

Identify housing opportunities: work with developers, the non-profit sector and funding agencies.

Financial Implications

N/A

Background

The applicant, Consta Holdings Ltd, is proposing to rezone Lot B along Gook Road from Residential Reserve (RR-1) to Country Residential (CR-1). The applicant is in the process of subdividing the undeveloped parcel into nine fee simple lots for the future development of single detached homes. The lots will be serviced by individual wells and connected to the Red Bluff sewer. There is a significant slope through the middle of the property which will require geotechnical review to identify building setbacks

The developer will not be constructing any dwellings once the subdivision is finalized. Rather, the lots will be sold with buildable sites, which will meet the requirements set out in the geotechnical and environmental assessment report.

OCP

- The OCP designation of SDR (Single Dwelling Residential) is already acceptable for this development.
- See below for a list of policies from the SDR section in the OCP:
 - Encourage the retention of the single detached residential uses while supporting gentle infill that fits the neighbourhood character, scale, and massing
 - Support other uses in the Low Density Single Detached Residential designation including home based businesses, bed and breakfast operations, small parks, small places of worship, and small local commercial uses such as convenience stores.

Zoning and Uses

- The purpose of the current zone, RR-1, is to provide a zone for land with minimum development but future potential for country residential development and complementary uses on larger lots in areas of high natural amenity and limited urban services.
- CR-1 zoning allows for single detached dwellings, due to lack of water servicing the lots must be zoned CR-1 and meet the minimum size requirement for having community sewer but no community water.
- All proposed lots are greater than the required 3000m² minimum lot size for lots with connection to community sewer but not community water.
- Zoning permits home based businesses, and bed and breakfasts.

Sensitive Ecosystem DP (Formerly Water Corridor Development Permit Area)

The applicant submitted an Environmental Assessment from Environmental Dynamics Inc. for the subdivision application in July 2019. The assessment specifies a minimum 15 m riparian leave strip



should remain adjacent to the identified high-water mark zone to protect the riparian area and water quality entering Dragon Lake. In addition to this setback a section of the property will be returned to crown as it is below the defined natural boundary.

Due to the proximity of the works to Dragon Lake the recommend that the following additional Best Management Practices were specified in the report:

- Any works or manipulation on the property must consider both property line and riparian area constraints as approved by the City, in addition to any required geotechnical or other site design/engineering needs of the development.
- Tree clearing should be completed outside the bird nesting window (eg. late August to early April).
- Apply appropriate sediment and erosion control measures to prevent any sediment laden water from entering Dragon Lake. This could include:
 - Runoff control within the site to minimize the potential for sediment laden water entering Dragon Lake and adjacent properties.
 - Sediment fencing between the construction site and riparian buffer where appropriate during construction.
 - Ensure that no excavated material is placed in an area where it may generate sediment and enter adjacent properties or sensitive habitats associated with Dragon Lake.
- Retain existing vegetation whenever possible.
- All fuel and maintenance materials are appropriately stored.
- All equipment used in construction is maintained and inspected for leaks regularly.
- All equipment used in construction arrives at the site clean to prevent the spread of noxious or invasive weeds.
- Ensure that no equipment is refueled within 30 m of the high water mark.
- Any disturbed areas around the property are stabilized with appropriate grass seed mixture (or alternative cover material such as gravel) to prevent any additional erosion or sedimentation of Dragon Lake and to prevent the establishment of noxious or invasive weeds.

Referrals

- Referrals were sent to internal City departments and external agencies on December 10, 2021.

Ministry of Transportation and Infrastructure

- Provincial records indicate this application is in an area with high potential to contain archaeological sites and that development may be in conflict with archaeological sites protected under the Heritage Conservation Act.
- The applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads and other stone tools, or even buried human remains.
- If such material is encountered during demolition or construction, a Heritage Conservation Act Permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work. Please contact the Archaeology Branch immediately at 250-953-3334, if archaeological site deposits are encountered on the subject property.

With regards to the subdivision the Ministry is also requesting a 20 access to Dragon Lake as required by legislation. The proponent and staff are working with the Ministry to provide an exemption and allow the widening of the existing access to the North West of the property.

Site Characteristics



Location	Lot B District Lot 6677 Cariboo District Plan 33809
Site Area	54756 sq. m (approx.13.5 acres)
Current Use	N/A
Zoning	RR-1 (Residential Reserve)
Official Community Plan Land Use Designation	SDR (Low Density Single Detached Residential)
Development Permit Area	Sensitive Ecosystem Area
Servicing	Community Sewer,no community water.

Surrounding Land Uses

North	Dragon Lake
East	Single detached residential
South	Agricultural land
West	Single detached residential

Process

PROCESS OUTLINE		
Application received	Dec. 01/21	Complete application received
Referrals	Dec. 10/21	Application referral sent to internal and external agencies for consideration.
Report to Council – Bylaw consideration, set Public Hearing	Jan. 18/22	Application and Bylaw to Council – introduction to application and first reading.
Public Hearing	TBD	Public Hearing
3 rd reading of bylaw	TBD	3 rd Reading
Bylaw Adoption – final reading	TBD	Bylaw Adopted

Attachments

Justification Letter
 Site Layout
 Draft Zoning Amendment Bylaw 1917

Concurrence

N/A