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Columbia Shuswap Regional District

Electoral Area "D" Advisory Planning Commission Minutes

February 22, 2017
2:00 pm
CSRD Office Board Room

Members Present:

John Coulson Chair
Kerry Orchard Secretary
Kevin de Vos
Barry Wilson
Howard Hunt

Staff:

Rene Talbot (Area "D" Director), Joy de Vos (Area "D" Alternate), Jan Thingsted, Christine LeFloch

Guests:

James Baer, Jake MacKay, Alistair Waters

- 1) Meeting called to order at 2:00 pm. John Coulson welcomed Kevin de Vos to the APC "D"

- 2) Adoption of Agenda John Coulson asked staff if the APC "D" needed to appoint a temporary Vice Chair. Staff indicated that a Vice Chair could be appointed/elected at a later date. John Coulson questioned if the ALC has changed their regulations and if that should be added to the agenda. Christine LeFloch indicated that there was no change to the ALC regulations. Moved by Howard Hunt and seconded by Kevin de Vos to accept the agenda.

- 3) Minutes of Previous Meetings Minutes of the November 16, 2016 meeting reviewed and no changes called for. Moved by Barry Wilson and seconded by Howard Hunt to accept the minutes of the previous meeting.

- 4) Agricultural Land Commission Application LC2521D John Coulson suggested the APC "D" deal with the non-farm use and the second residence as separate issues.

Christine LeFloch gave a presentation on the issues of the second residence. The ALC does allow a second residence provided it is a manufactured home. Anything other than a manufactured home requires the approval of the ALC. The second residence does not meet the requirements of the Rancho Deep Creek Zoning Bylaw 2100 for care of a family member because it is on a permanent foundation. The second residence is for the parents of the applicant. The application is the result of a bylaw enforcement.

John Coulson clarified with Christine that there were two residences on the property. James Baer indicated how the older residence has been updated to accommodate a disable parent.

John Coulson discussed the various planning forms and how the community planning applies to the APC "D". John also suggested that there is no legal requirement for the CSRD to enforce a bylaw and the CSRD has discretion whether to enforce a bylaw or not given the circumstances of a specific case. John discussed how the various level of government work together. John suggested that we should be

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supportive of the family. John indicated he preferred a covenant rather than spot zoning to resolve the issue as that would set a precedence.

Barry Wilson asked for clarification on how a covenant would work. Indicated that the applicant acknowledges that the residence would not be permanent. Barry stated he is not comfortable with ignoring the bylaw.

Christine LeFloch indicated that if the ALC approves the application, the applicant would still have to apply to change the zoning.

John Coulson asked how the CSRD could be protected and suggested that a covenant is an enforceable contract.

Barry Wilson commented on the use of spot zoning. Barry questioned if the second residence would become a farm building when the parents no longer occupied the residence. James Baer suggested the applicant would likely move the residence off the property.

Christine LeFloch reminded the APC "D" that the property was noncompliant and that this was an ALC application.

James Baer discussed the improvements to this property and suggested adjacent properties had multiple residences.

Christine LeFloch indicated that the applicant stated to her that he read the draft of Bylaw 751 in error and built the second residence based on draft Bylaw 751.

Kevin de Vos commented that the draft Bylaw 751 and the ALC regulations only allow a temporary second residence. Kevin suggested that the applicant had misread the bylaws.

John Coulson read Jordan Baer's (applicant) letter that accompanied his application.

Kerry Orchard clarified that the APC "D" can make any recommendation to the Board of the CSRD.

Kevin de Vos questioned enforcement of a covenant on the property.

Moved by Kerry Orchard and seconded by Barry Wilson that the APC "D" recommend the application for a second residence with the requirement that a restrictive covenant or other instrument be placed on the title of the property requiring the second residence be decommissioned when the parents are no longer residing in the second residence.

Motion carried unanimously.

Christine LeFloch gave a presentation on the non-farm use of the property. It is unclear what the total area of the non-farm uses are on the property. There are two non-farm uses consisting of a Jammery business and a storage area for the applicant's construction business. The market garden business is a farm use.

Howard Hunt questioned the size restrictions of 150 m² for the CSRD and 100 m² for the ALC. Howard also asked if the parking area is part of the non-farm use.

John Coulson wondered how much additional land may be needed for future use of the construction business. John stated that the construction business was not a home occupation. John suggested there is no reason to change the size restrictions.

Barry Wilson questioned if the second home was only a residence. Barry also questioned if the non-farm use was not approved must the business move.

Howard Hunt questioned the implications if the non-farm use was approved. Christine LeFloch indicated the applicant would need to apply for rezoning.

Kevin de Vos stated the non-farm use was not in compliance.

Moved by John Coulson and seconded by Kevin de Vos that the APC "D" does not support a land use re-designation for a home occupation as proposed.

Motion carried unanimously.

5) Agricultural Land Commission Application LC2529D John Coulson clarified that Alistair Waters was attending the meeting on behalf of Blake Lawson, agent for the applicant.

Christine LeFloch gave a presentation on the application. There are currently two dwelling on the property. The original dwelling was removed by burning by the owner and a new dwelling constructed along with a second new dwelling for the owner. The property has been logged in preparation for a cow/calf operation by the owner. Christine indicated that the bylaw enforcement officer stated that the logging was done under the supervision of a silviculture company and that the logging did not encroach on the riparian zone.

Barry Wilson suggested that the creek area appears to have been logged.

John Coulson asked for clarification on the number of titles on the property. Christine indicated there were two titles. Christine indicated that the original boundary would be consolidated if the subdivision of the parcel was approved.

Barry Wilson made a general comment on his concern with the number of applications that the APC "D" reviews where applicants are asking for retroactive approval for bylaw infractions. Barry stated that the APC "D" should be supportive of the CSRD Planning. Barry stated he is not sure that the applicant has taken the CSRD bylaws into account when making decisions.

Kevin de Vos stated that he felt the land was cleared with little idea of agricultural use. Kevin stated that the smaller of the two proposed parcels is already agricultural land.

Barry Wilson questioned if the development was done prior to an engineering consultation. Barry recommended the CSRD confirm a professional forester did the logging planning for the property. Barry suggested the applicant leave the property as is and apply for approval of the second residence.

Kevin de Vos suggested the property was already less than the 60 hectare minimum for the zoning and it should be left as is.

**Moved by Barry Wilson and seconded by Howard Hunt that the APC "D" not support the application as it is not consistent with the Rancho Deep Creek OCP 750, section 3.4 Agriculture.
Motion carried unanimously.**

6) New Business. No new business.

7) Moved by John Coulson to adjourn the meeting at 3:20 pm.