



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Board Report

Date of Report: June 19, 2019
Date & Type of Meeting: July 18, 2019 Open Regular Board Meeting
Author: Meeri Durand, Senior Project Planner
Subject: LAND USE AMENDMENT Z1804C - JOHNSON
File: 4600-20-Z1804C-02134.100/JOHNSON/BA000019

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to consider land use amendments to the *Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317*.

If successful, the proposed land use amendments would authorize amendments to the OCP designation and zoning designation for lands located at 2505 Goat River South Road for the purposes of maintaining the principal use of the property for residential purposes. The proposed amendments are as follows:

- **OCP Designation:** From Quarry (Q) to Agriculture (AG)
Zoning Designation: From Quarry (Q) to Agriculture 2 (AG2)

Staff is recommending that the proposed land use amendments be given third reading and adopted.

SECTION 2: BACKGROUND / ANALYSIS

GENERAL INFORMATION

Property Owner: Daniel and Marcie Johnson	Agent: Daniel and Marcie Johnson
Property Location: 2505 Goat River Road South	
Legal Description: Lot 16 District Lot 491 Kootenay Land District Plan 1456 (PID 012-986-569)	
Property Size: 12.31 acres	

Site Context

The land subject to the land use amendment proposal is located at the end of Goat River South Road in the community of Goat River Bottom in Electoral Area 'C' of the Regional District of Central Kootenay (RDCK). The land under application is 4.98 hectares (12.31 acres) in site area and is located entirely within the Provincial Agricultural Land Reserve (ALR). The lands are also located entirely within an E-rated flood and erosion area associated with the Goat River.

The applicant made previous application for a land use amendment to the Medium Industrial (M2) zone for the purposes of a recycle collection facility and transfer station, including the storage and maintenance of trucks, equipment, garbage bins and roll-off containers which was unsuccessful. The applicant has scaled back the business activity on site to that of the repair and maintenance of the trucks and equipment used in his recycling and garbage pick up business that has since been re-located off-site in alignment with home-based business regulations. The applicant has requested that the RDCK consider granting an increase to the number of vehicles over a gross vehicle weight in excess of 4,000 kg from one (1) to four (4). Staff would prefer that any consideration to varying this regulation be done through a development variance permit, and not through this rezoning application to ensure transparency on the ongoing compliance issues.

It is not anticipated that the subject property will be used in the future for aggregate operations under the current designation as a Quarry (Q). The aggregate associated with the property has already been depleted by historic operations on the site. For this reason, a land use amendment to bring the property into alignment with adjacent properties in the Agriculture 2 (AG2) zone is being pursued.

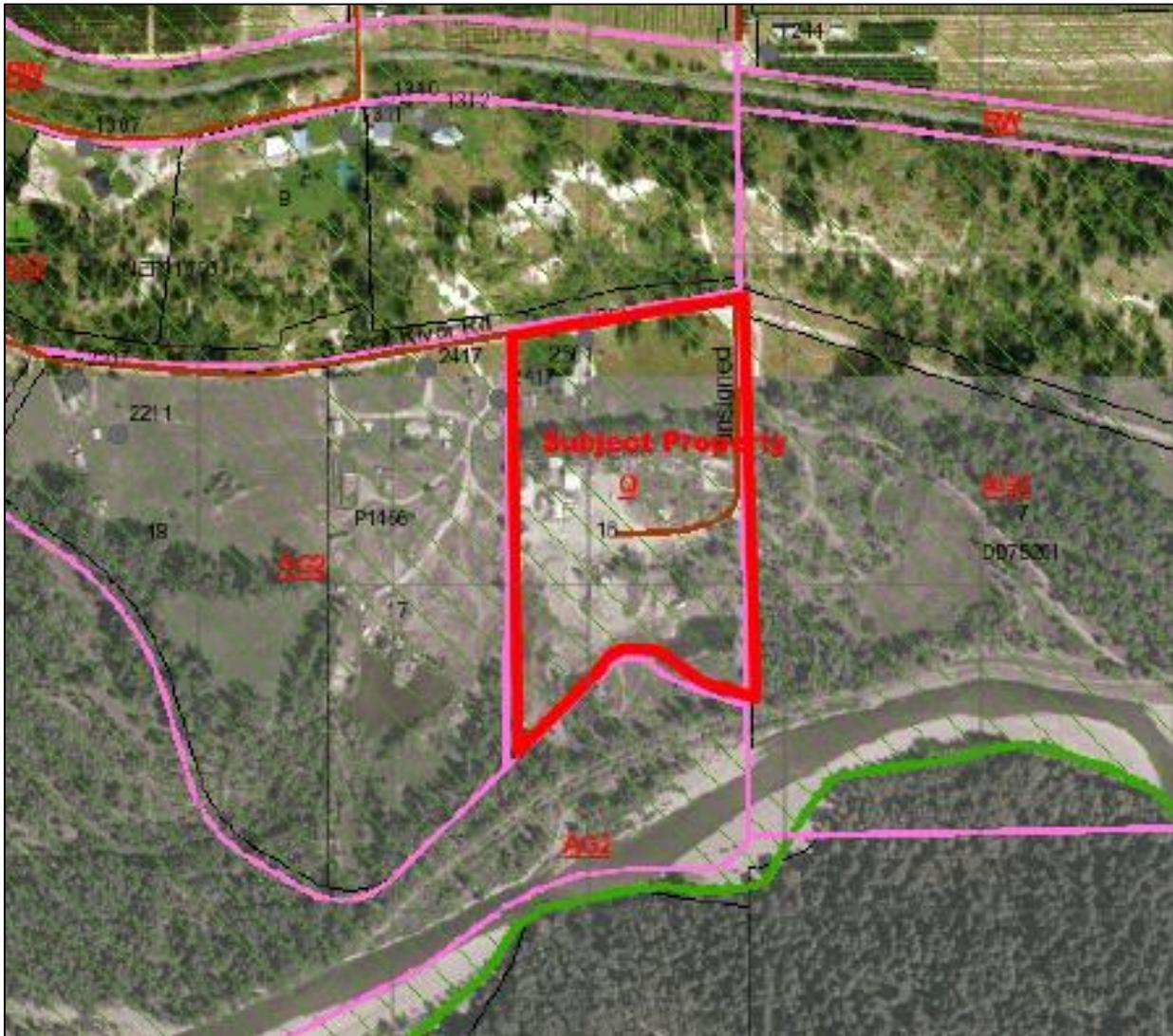


Figure 1: Location of Proposed Amendment

Public Hearing

A Public Hearing was held at the Creston Community Complex on June 10th, 2019 and was attended by 33 members of the public and the applicants. Four (4) written submissions were received prior to the Public Hearing and an additional twelve (12) submissions were made at the Public Hearing.

Concerns raised included continued traffic concerns along Goat River Road South from business activities and the potential for water contamination from on site activity. Comments were also submitted that the trucks currently in use slow down significantly more than other traffic along the public road.

Community Considerations

Concerns raised during the initial referral in 2018 included the associated increase in traffic and related degradation and safety of Goat River South Road, concerns over potential contamination of the Goat River and groundwater wells in the vicinity of the proposal, and impact to the residential and agricultural nature of the community.

Traffic concerns and safety of the road continue to be a concern raised by community members during the second referral period and in relation to the request for a Development Variance in the number of vehicles permitted over a gross vehicle weight in excess of 4,000 kg from one (1) to four (4). This feedback was further supported at the Public Hearing where participants were divided as to the number of vehicles that should be permitted to operate from the subject property.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov't Approvals req'd: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

The applicable fee for a Land Use Bylaw Amendment application was received in accordance with the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*.

b. Legislative Considerations (Applicable Policies and/or Bylaws):

A Public Hearing was held to allow for public comment on the proposed bylaw amendments in accordance with Section 464 of the *Local Government Act* on June 10, 2019.

c. Environmental Considerations:

The subject property is already developed. Concerns with regard to potential contamination of groundwater were raised in association with home based business activity.

d. Social Considerations:

Potential impacts to the use and enjoyment of land for neighbouring property must be considered. Notification of the proposal was distributed by mail to adjacent property owners along the length of Goat River South Road and within 200 metres of the subject property. Significant opposition has been received from adjacent property owners. During the initial request for Medium Industrial (M2) zoning there were twenty-seven (27) submissions in opposition from adjacent property owners and a petition submitted with fifty-five (55) signatories. Since the change in proposal, there have been several phone calls and one written submission that have been made iterating the continued concern for road safety and increases in traffic.

e. Economic Considerations:

The proposed land use amendment would support the continued use of the subject property for residential purposes. Business activity on the subject property will need to be in alignment with home based business regulations.

f. Communication Considerations:

A Public Hearing was held to allow for public comment on the proposed bylaw amendments in accordance with Section 464 of the *Local Government Act* on June 10, 2019.

g. Staffing/Departmental Work Plan Considerations:

Upon receipt of an application accompanied by the required fees and attachments, Planning Department staff follows the 'Land Use Amendment Procedure' identified in Schedule 'D' of the Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015.

h. Board Strategic Plan/Priorities Considerations:

This application falls under the operational role of Planning Services.

SECTION 4: OPTIONS & PROS / CONS

Option 1:

THAT the *Regional District of Central Kootenay Amendment Bylaw No. 2650, 2019* being a bylaw to amend the *Electoral Area C Comprehensive Land Use Bylaw No. 2317, 2013* is hereby given THIRD READING.

THAT the *Regional District of Central Kootenay Amendment Bylaw No. 2650, 2019* being a bylaw to amend the *Electoral Area C Comprehensive Land Use Bylaw No. 2317, 2013* is hereby ADOPTED; AND FURTHER that the Chair and Corporate Officer be authorized to sign the same.

PROS:

The proposed land use amendment would bring the subject property into alignment with the Official Community Plan objectives for the area and allow continued principal use of the property for residential purposes. It would also enable continued use of the subject property for a family run business that offers services to the greater Creston area for residential waste pick up and disposal at a reduced scale.

CONS:

Traffic concerns and safety of the road continue to be a concern raised by community in relation to the request for a variance in the number of vehicles permitted over a gross vehicle weight in excess of 4,000 kg from one (1) to four (4). Water contamination concerns have also been raised. It is felt that the risk to water quality would be greater with the potential removal of additional aggregate material from the property if there was to be a change in property ownership than with continued business operations within the scope of home based business regulations. The requirements under home based business regulations would also align business activity to that as permitted under the ALC Act and would no longer require Non-Farm Use approvals.

Due to the on-going concerns with road safety and traffic, staff are recommending that the request for increasing the number of vehicles over a gross vehicle weight of 4,000 kg from one (1) to four (4) be considered through a Development Variance permit for which the owner could make application.

Option 2:

THAT NO FURTHER ACTION be taken with respect to the *Regional District of Central Kootenay Amendment Bylaw No. 2650, 2019* being a bylaw to amend the *Electoral Area C Comprehensive Land Use Bylaw No. 2317, 2013*.

PROS:

Not proceeding with the land use amendment would be receptive to concerns raised during the referral process and public hearing. Submissions during the public hearing were divisive within the community

with a number of participants expressing support for the proposed amendments and requested variance to the number of vehicles over a gross vehicle weight of 4,000 kg.

CONS:

On-going compliance action would need to be taken against the property.

SECTION 5: RECOMMENDATION(S)

THAT the *Regional District of Central Kootenay Amendment Bylaw No. 2650, 2019* being a bylaw to amend the *Electoral Area C Comprehensive Land Use Bylaw No. 2317, 2013* is hereby given THIRD READING.

THAT the *Regional District of Central Kootenay Amendment Bylaw No. 2650, 2019* being a bylaw to amend the *Electoral Area C Comprehensive Land Use Bylaw No. 2317, 2013* is hereby ADOPTED; AND FURTHER that the Chair and Corporate Officer be authorized to sign the same.

Respectfully submitted,



Meeri Durand, RPP
Senior Project Planner

CONCURRENCE

Initials:

Planning Manager
General Manager of Development Services
Chief Administrative Officer

ATTACHMENTS:

Attachment A – Bylaw Amendment No. 2650, 2019
Attachment B – Public Hearing Minutes dated June 10, 2019