



# PUBLIC HEARING AGENDA CITY OF MERRITT

Tuesday, November 12, 2019

7:00 P.M.

COUNCIL CHAMBERS, CITY HALL

2185 Voght Street

Merritt, B.C

Mission Statement: *The City of Merritt is a progressive, attractive, economically viable City that is socially responsible and environmentally sustainable.*

Pages

1. CALL TO ORDER

2. Staff Report

2.1 1330 Pine Street - Zoning Amendment Bylaw No. 2275

2

**Recommendation:**

**THAT Council receive this report for information.**

**As this report is part of the public hearing package, Council does not need to vote on this motion.**

3. Report from Developer

A verbal report will be provided by the developer

4. Public Input

Members of the public are free to speak either for or against the proposed Zoning Amendment Bylaw No. 2275.

5. Letters from the Public

14

Three letters were provided by members of the public in relation to this application.

6. Termination of Meeting



# Report

**City of Merritt**  
**Public Hearing Report**  
**November 12, 2019**

**File Number: 3900.2187**

**To:** Scott Hildebrand, Chief Administrative Officer  
**From:** Sean Smith, Director of Corporate Services  
**Date:** November 7, 2019  
**Subject:** Pine Street Rezoning – Supplementary Report

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## **RECOMMENDATION:**

**THAT Council receive this report for information.**

*As this report is part of the public hearing package, Council does not need to vote on this motion.*

## **Background:**

At the October 22, 2019 Council meeting, Council resolved to give first and second readings to Bylaw No. 2275, which proposes to rezone 1330 Pine Street from AR1 (Agriculture) to R2 (Low Density Residential). At that meeting Council asked for more information on a number of subjects. This report attempts to provide answers to those questions, as well as answer some of the questions that have been raised by residents since that meeting.

## **Effects of Rezoning**

City staff have received several questions regarding why the proposed 18-unit development is not being considered as part of the re-zoning process.

To understand the answer, it is important to fully grasp the effects of rezoning. If this rezoning process were successful, the existing AR1 parcel would become a single R2 parcel. The property owner would only be entitled to build one single family or two-family dwelling on the parcel. In order to build more, or as many the 18 units proposed, the developer must go through a subdivision process.

The reason City staff require a development plan at the zoning stage is simply to assist in determining whether the zoning requested is proper for the long term intended use. This allows staff, Council, and the public to assess whether minimum lot size, parcel coverage and setback requirements can be met in the fully built scenario.

Development plans at the zoning stage do not purport to address drainage, susceptibility to hazards, impacts on the environment or heritage, potential contamination, or required changes to highway and road systems. These issues are all addressed by the approving officer at the subdivision stage, and unless satisfactory plans are created to address these concerns, the approving officer will not approve subdivision.

#### Development Cost Charges ("DCC's") & Subdivision Servicing

Council requested more information regarding what DCC's charges would be collected if this development were to proceed, as well as what the subdivision servicing process would look like.

Pursuant to Development Cost Charge Bylaw No. 1964, 2007, approximately \$118,998 would be collected from the proposed development, if it were to be built out at the full 18 units (\$6,611 per unit). The purpose of these DCC's is to assist the local government in paying for the capital costs associated with providing, constructing or expanding sewage, water, drainage and highway facilities.

Under Subdivision Servicing Bylaw No. 1187, 1987, the developer is responsible for servicing the subdivision (at the developer's cost) with domestic water, sanitary sewer, access roads and parking, site drainage and utility connections.

Given the narrowing of Pine Street to one lane past Hicks Avenue, preliminary review indicates that Pine Street would need to be widened to accommodate the proposed subdivision. As widening this portion of Pine Street would only benefit three existing parcels, the City would expect the developer to contribute the primary portion towards these costs.

#### Perceived Inadequacy of the Riparian Area Regulations ("RAR") Assessment

Any building within the Riparian Area (30 metres from the natural boundary of the river) can only be done where authorized by a RAR Assessment completed by a Qualified Environmental Professional ("QEP"). A number of residents have raised concerns about the age and quality of the RAR Assessment for the 1330 Pine Street property that was completed by a Qualified Environmental Professional in 2016. I understand that this report authorizes building up to 15 metres from the natural boundary of the Coldwater and is being relied on by the developer.

The purpose of RAR Assessments is to ensure the protection of fish habitat. Flood concerns are not addressed as part of an RAR Assessment.

If there is valid reason to believe that the first RAR assessment is inaccurate, it would be within the authority of the approving officer to require the developer provide a second QEP assessment.

### Flood Risk and Requiring a Flood Mitigation Report

The City of Merritt Zoning Bylaw sets out the following floodplain regulations in section 4.21:

#### **4.21 Floodplain Regulations**

##### **4.21.1 Floodplain Designation**

- a. The lands identified on Schedule B of this bylaw as floodplains are hereby designated as a floodplain.
- b. Land lower than the following levels is designated as floodplain:
  - i. The 200 year frequency flood levels applying to the Nicola River and Coldwater River, as designated on floodplain mapping by the Province of British Columbia; and
  - ii. 1.5 metres above the natural boundary of any other watercourse.

##### **4.21.2 Siting Buildings and Structures in Floodplains**

- a. Any fill material required to support a floor system or pad to the level required by this bylaw shall not extend within 30 metres of the natural boundary of the Nicola River, the Coldwater River, or other watercourse, except where authorized by a registered riparian area regulations (RAR) assessment.
- b. The underside of any floor system or top of any pad supporting any space or room, including a mobile home, that is used for dwelling purposes, business or the storage of goods which are susceptible to damage by flood water shall be at least zero point six (0.6) metres above the levels described in 4.21.1(b).

These regulations would apply to the 1330 Pine Street property, as it lies entirely within the floodplain. To proceed with building, fill would need to be placed such that any buildings would be built at least 0.6 metres above the 200-year flood level.

As part of the building process, the developer would also be required to provide a flood mitigation report, prepared by an engineer, that would include information on the potential flood effects on upstream and downstream landowners if this property were to be built up.

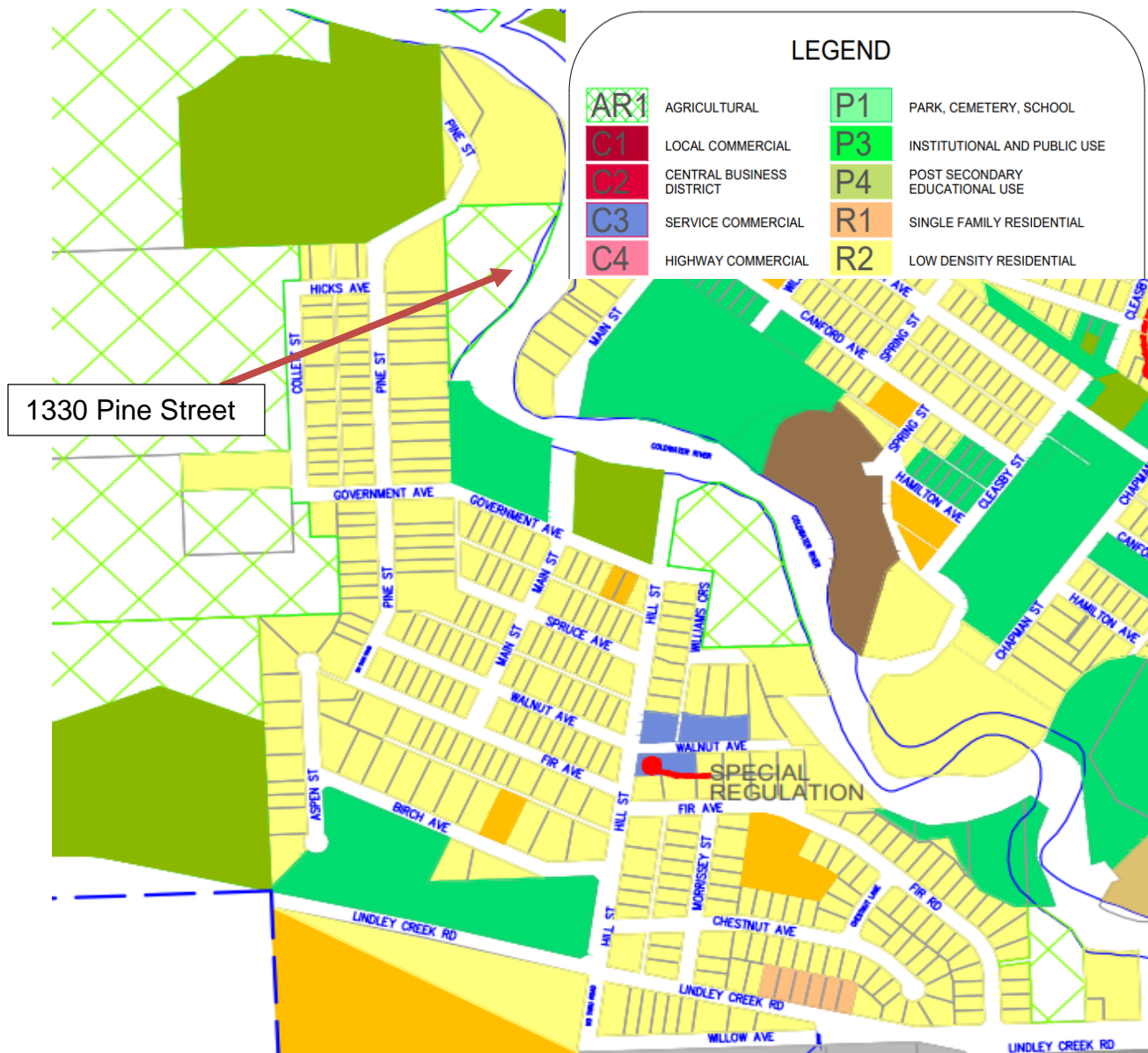
### Concern regarding Density

A significant number of residents have indicated concern regarding the proposed density of the 18-unit development, expressing their perception that this is actually high-density and is out of character with the neighbourhood.

It is important to recognize that when the words “Low Density” are used in the Zoning context, they are a direct reference to the regulations and parameters set out in the Zoning Bylaw, and many not accurately reflect what the public or a subsection of the public understands “low density” to mean.

While I understand and am sympathetic to residents’ views on this point, the assertion that the proposed development is out of character doesn’t appear to bear out when making direct comparisons to other properties in Collettsville or the immediate area surrounding 1330 Pine Street.

*Figure 1 – Collettsville Zoning Map*



As Figure 1 indicates, the vast majority of properties in Collettsville are zoned R2 - Low Density (light yellow), the same zoning that is being sought by the developer.

Figure 2 – Lot Size Comparisons



Figure 2 compares two similarly sized areas, being the parcels bordered by Government Ave, Collett Street, Hicks Ave, and Pine Street (the “Group A Parcels”) (26 parcels totaling ~1.85 ha) and the 1330 Pine Street parcel (Proposed 18 parcels totaling ~1.79).

Admittedly, the layout of the Group A parcels is conducive to greater density (standard rectangular shape), the homes are modestly sized, and there is better road access to these parcels, but for 20/26 of these parcels, the lot sizes are actually smaller than what is being proposed at 1330 Pine Street. The median Group A Parcel is ~480m<sup>2</sup>, while the median proposed parcel at 1330 Pine Street is ~657m<sup>2</sup>.

The 12 properties on the East side of Pine Street also total ~1.85 ha and represent lower density than what is proposed for 1330 Pine Street. Looking at all of these properties together, they are representative of the range of parcel sizes found in Collettsville.

When viewing Collettsville as a whole, lot sizes of between 530m<sup>2</sup> and 700m<sup>2</sup> are extremely common. Considering all of these factors, City staff maintain that the density proposed for 1330 pine street is consistent with the density found in Collettsville and neighbouring properties. If Council sees fit to rezone the property, R2 would be an appropriate zone.

**Respectfully submitted,**

**Sean Smith**  
**Deputy CAO/Director of Corporate Services**





# Report

**City of Merritt  
REGULAR Council Meeting  
October 22, 2019**

**File Number: 3900.2187**

**To:** Scott Hildebrand, Chief Administrative Officer  
**From:** Jim Dinwoodie, Director of Engineering & Development  
**Date:** October 17, 2019  
**Subject:** Zoning Amendment Bylaw No. 2275, 2019 - 1330 Pine Street Rezoning

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## **RECOMMENDATION:**

**THAT Council read Zoning Amendment Bylaw No. 2275, 2019 a first time;**

**THAT Council read Zoning Amendment Bylaw No. 2275, 2019 a second time;**

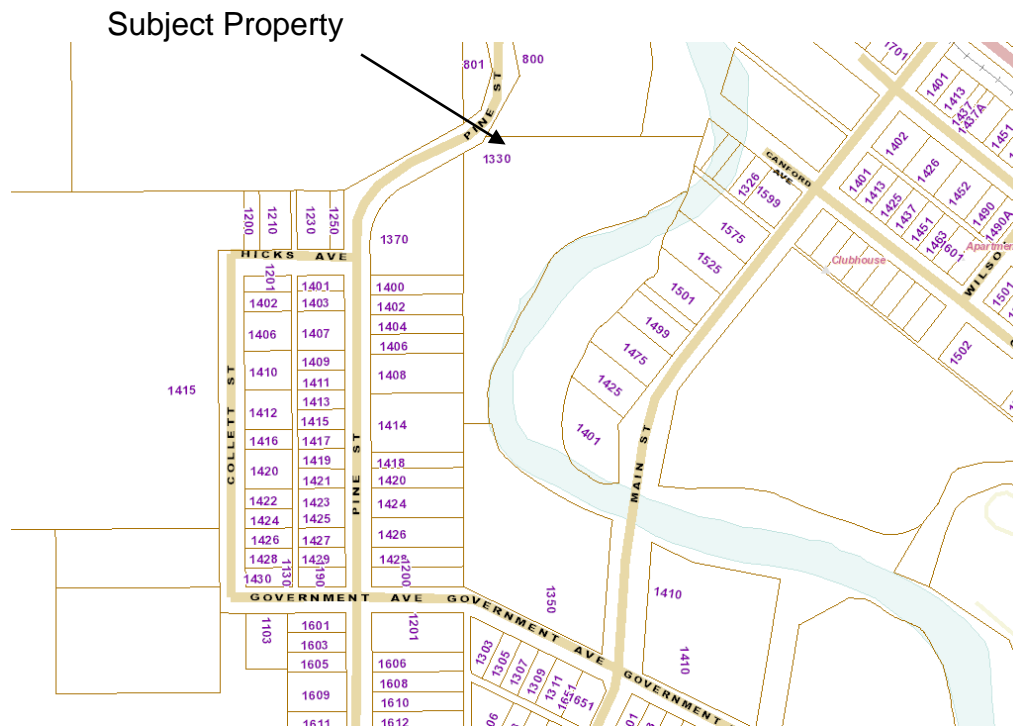
**AND THAT Council direct staff to schedule a public hearing for Zoning Amendment Bylaw No. 2275, 2019.**

## **Executive Summary:**

The subject lands are located at 1330 Pine Street (see Figure 1) and appear to be used for rural residential purposes including a single detached dwelling and a small hobby farm. The applicant is proposing to rezone the lands from Agricultural (AR1) to Low Density Residential (R2) in order to allow for the development of an 18-lot single-family dwelling strata development.

Reviewed by:			
Director, Engineering & Development Approved - Jim Dinwoodie	Director, Finance & IT Approved - Sheila Thiessen	Chief Administrative Officer Not yet approved	Other: Director of Corp. Serv. Approved - Sean Smith





By giving first and second reading to the proposed amendments to the Zoning Bylaw Council will ensure that a Public Hearing will be held to obtain information on this issue. If Council gives first and second reading, that Public Hearing would be scheduled for November 12, 2019.

### **Background:**

#### **Official Community Plan**

The subject property is located within the Collettsville sector of the OCP and is designated as Future Development. There are no specific policies for the Future Development land use designation in the OCP, as these are outlined in the sector-specific sections of the Bylaw. Section 5.4.9.1 of the OCP describes the existing characteristics of the Collettsville sector and Section 5.4.9.2 outlines how this neighbourhood is anticipated to grow and redevelop in the future. The policies envision any new development to retain the semi-rural character of Collettsville with large lots being used for residential and agricultural purposes.

An 18-lot single-family development is being proposed in the subject application. The proposed development does not contradict the overarching vision for the Collettsville sector, as the vast majority of Collettsville is also zoned R2.

If the application is successful, the subject lands will need to be re-designated in the Official Community Plan from Future Development to Residential. The proposed development meets the following policies outlined in the Residential land use designation

### Section 5.3.1:

- *Encourage the following types of residential development:*
  - *Single Family Detached Residential - Low density with the opportunity for greater density in small lot/narrow lot single family areas or streets*
- *Encourage new residential development and redevelopment within existing serviced areas.*

### Floodplain and Dike

It should also be noted that the subject property is within the designated floodplain of the Coldwater River as outlined in Schedule B of the City's Zoning Bylaw. Any future development upon these parcels may be subject to the Floodplain Regulations as outlined in Section 4.21 of the City's Zoning Bylaw.

It is the current understanding of City staff that the dike was built in the 1970's during an emergency flooding situation. The dike is not believed to be engineered and is not built to any specific height and/or width. It is not known at this time if the dike was built to the 1:200-year flood plain level.

The fact that the subject property is entirely within the designated floodplain of the Coldwater River should be a major consideration. If Council decides to proceed with the Rezoning application for the subject property, City staff recommends that the applicant be required to submit the following prior to final approval:

- A survey which illustrates the ordinary high-water mark, the top of the bank and overall topography of the property; and
- A flood hazard mitigation report.

### Options / discussion

1. That Council proceed with the Recommendation as presented.
2. That Council receive this report for information.
3. That Council request additional information from the applicant.

### Financial / Risk Implications:

No financial or risk implications are anticipated from the proposed recommendation.

### Attachments:

Attachment A - Zoning Amendment Bylaw No. 2275

Attachment B – Site Plan

**Respectfully submitted,**

**James Dinwoodie**  
**Director of Engineering and Development**

# CITY OF MERRITT

## BYLAW NO. 2275

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### A BYLAW TO AMEND ZONING BYLAW NO. 2187, 2015

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**WHEREAS** the Municipal Council of the City of Merritt has received an application to amend the City of Merritt Zoning Bylaw No. 2187, 2015;

**AND WHEREAS** the zoning amendment conforms to the City of Merritt Official Community Plan Bylaw No. 2116, 2011 as amended;

**NOW THEREFORE** the Council of the City of Merritt, in open meeting assembled, enacts as follows:

1. This bylaw shall be cited as “**CITY OF MERRITT ZONING BYLAW AMENDMENT BYLAW NO. 2275, 2019**”.
2. That the Official Zoning Map, being Schedule “A” of the City of Merritt Zoning Bylaw No. 2187, 2015, is amended by changing the zoning designation of the parcel legally described as 1330 Pine Street, Lot A, District Lot 174, Kamloops Division Yale District, Plan EPP70361, PID: 030-112-541 from Agricultural (AR) to Low Density Residential (R2).

**READ A FIRST TIME THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2019

**READ A SECOND TIME THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2019

**PUBLIC HEARING HELD THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2019

**READ A THIRD TIME THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2019

**APPROVED BY THE MINISTRY OF  
TRANSPORTATION AND INFRASTRUCTURE** \_\_\_\_\_ day of \_\_\_\_\_, 2019

**ADOPTED THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2019

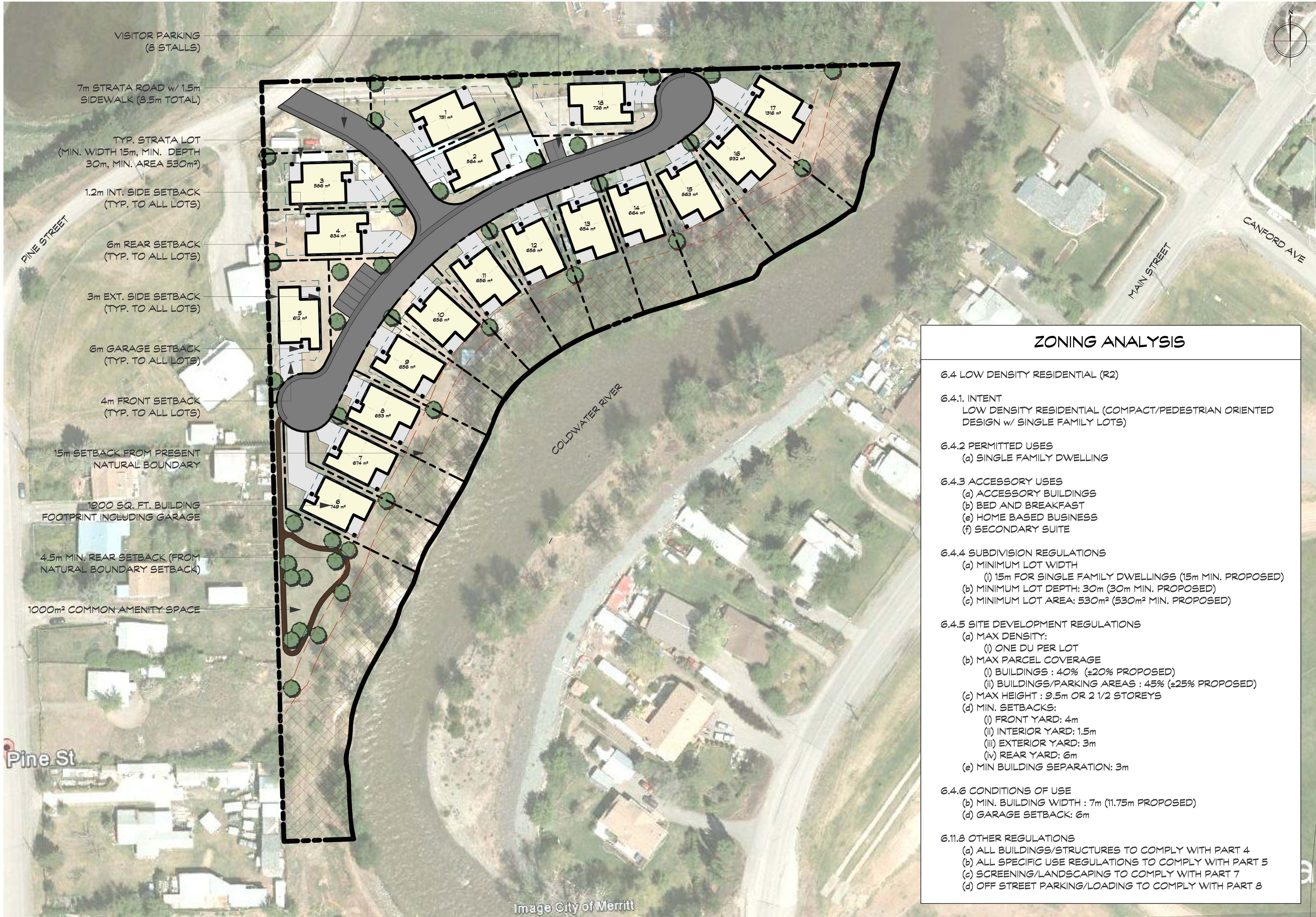
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**Linda Brown,  
MAYOR**

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**Sean Smith,  
CORPORATE OFFICER**



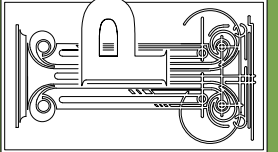


ZONING ANALYSIS	
6.4	LOW DENSITY RESIDENTIAL (R2)
6.4.1.	INTENT LOW DENSITY RESIDENTIAL (COMPACT/PEDESTRIAN ORIENTED DESIGN w/ SINGLE FAMILY LOTS)
6.4.2	PERMITTED USES (a) SINGLE FAMILY DWELLING
6.4.3	ACCESSORY USES (a) ACCESSORY BUILDINGS (b) BED AND BREAKFAST (e) HOME BASED BUSINESS (f) SECONDARY SUITE
6.4.4	SUBDIVISION REGULATIONS (a) MINIMUM LOT WIDTH (i) 15m FOR SINGLE FAMILY DWELLINGS (15m MIN. PROPOSED) (b) MINIMUM LOT DEPTH: 30m (30m MIN. PROPOSED) (c) MINIMUM LOT AREA: 530m <sup>2</sup> (530m <sup>2</sup> MIN. PROPOSED)
6.4.5	SITE DEVELOPMENT REGULATIONS (a) MAX DENSITY: (i) ONE DU PER LOT (b) MAX PARCEL COVERAGE (i) BUILDINGS : 40% (±20% PROPOSED) (ii) BUILDINGS/PARKING AREAS : 45% (±25% PROPOSED) (c) MAX HEIGHT : 9.5m OR 2 1/2 STOREYS (d) MIN. SETBACKS: (i) FRONT YARD: 4m (ii) INTERIOR YARD: 1.5m (iii) EXTERIOR YARD: 3m (iv) REAR YARD: 6m (e) MIN BUILDING SEPARATION: 3m
6.4.6	CONDITIONS OF USE (b) MIN. BUILDING WIDTH : 7m (11.75m PROPOSED) (d) GARAGE SETBACK: 6m
6.11.8	OTHER REGULATIONS (a) ALL BUILDINGS/STRUCTURES TO COMPLY WITH PART 4 (b) ALL SPECIFIC USE REGULATIONS TO COMPLY WITH PART 5 (c) SCREENING/LANDSCAPING TO COMPLY WITH PART 7 (d) OFF STREET PARKING/LOADING TO COMPLY WITH PART 8

SITE PLAN  
1:500

got questions?  


**PRECISION**  
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f. 604.792.0856

**Rivers Edge Estates**  
1330 Pine Street, Merritt, B.C.  
1 : 500  
July 29, 2019



November 06,2019

To Whom it May Concern,

I am writing because I want my opinion to be heard regarding " City of Merritt Zoning Bylaw Amendment Bylaw No. 2275,2019-1330 Pine Street. Accept this letter as my written submission to be included for the Public Hearing on November 12<sup>th</sup>,2019.

I have repeatedly been told that this vote is for the Bylaw to Amend, and not for the proposed development, but we all know that this amendment is for the developer to move forward with a strata of 18 lots at 1330 Pine St. I may not be aware of all the nuances of municipal protocol, but I do know what I envision for the area that I have lived in for 27 years; "retain the semi-rural character" as our OCP states. I am not a N.I.M.B.Y. I am not against development and change for our neighbourhood. I would just like to see decisions made responsibly and suitably for our community.

The vision of the OCP for Collettsville is accurate, costing many thousands of dollars, it came together with the input of Merritt's residents and a public hearing with referrals of many expert reports. It is not a " Band-Aid" of an OCP as one councilman has stated. The amendment now being considered, makes a " Band-Aid " OCP. Yes, some areas of Merritt do need amendments, but not Collettsville. We Are Unique! 5.4.9.2 ( Direction for Future Development), "maintain the semi-rural form and character of the neighbourhood". This enclave is a safe place where families can bike together, and a safe place for seniors to walk their dogs. Yes, R2 is zoned elsewhere in Collettsville, but not for a strata development that will increase vehicle traffic. I have grandchildren that live on Pine Street. Pine Street is one way in and one way out, with no sidewalks, and 1330 is at the very end. With 18 lots comes possibly 18 or more vehicles driving in and out of the neighbourhood; increasing traffic enormously! I am worried! I am concerned for their's and other's safety. I am on Fir Ave. and have already seen an increase in vehicle traffic since the development of homes on Fir Rd!

This Bylaw to Amend Bylaw No.2187,2015 is not for the benefit of all parties as Merritt's " Guiding Principles for Development " states it should be. This Bylaw to Amend is for an 18 unit strata and those that will financially gain; the developers.

Jana Rosenberg

1409 Fir Ave.

Merritt BC

V1K 1L1

Hello Sean , my name is Bob Marcelet my address is 1370 pine street  
Phone # 250 378 7416.

First off I dont want to sound like a bad neighbor.

But I do have a few concerns with the proposed development at 1330 pine which I feel will directly impact my property.

We purchased our residence at (1370 Pine) in Oct 2004. In that time the river has over flowed the existing berm.

The only thing that has saved us and neighbouring properties from a flood is an existing drainage ditch.

which was dug in a previous flood year.

I understand that the property can be built up which would include filling in the ditch but by doing that with out building up the bank of the river it will only divert the water to the neighboring properties the next time it floods.

Another concern I have is the bottle neck in the road beyond the no thru road sign .

The existing road is at most 1.5 lanes wide .

I understand that it can be built wider to become 2 way traffic.

I just simply dont understand why the city would allow a development that would cost the city money to build eg: improved and engineered Dyke. And the road work that would bring it up to code.

My other concern would be incase of emergency in this proposed area, would there be safe access for emergency responders such as firetrucks as there is only one way in and one way out. which should reflect on the density of the project. 18 proposed houses is a ridiculous number for this reason.

A previous plan stating that the property could be open to future development. which has never had a feasibility study .should not be used as apresidence for development unless an up to date study has been done.

Finally if my neighbouring property is not insurable for flooding how many people are willing to take the risk of building in this geological area which is prone to flooding .

Flooding is already a problem in parts of town and should be enough of an eye opener on why not to do further developments with the potential of flood.

Find attached a copy of my insurance policy



## Renewal Notice

Dear Policyholder

25 September 2019

This notice is to inform you that your policy has been renewed subject to the following change(s):

PLEASE NOTE THAT WATERPROOF COVERAGE HAS BEEN REMOVED AND REPLACED WITH LIMITED SEWER BACKUP COVERAGE, AS WE NO LONGER OFFER WATERPROOF COVERAGE IN THIS GEOGRAPHICAL LOCATION.

Your broker is in the best position to provide you with advice on all insurance matters and is aware of this situation. If you have any questions, please contact your broker.

Yours truly

CNS PERSONAL LINES.  
Underwriting Department

c.c. INTERIOR SAVINGS INSURANCE-MERRITT

November 7, 2019

Sean Smith,

Marise Sasges writing, and in response to your request for comments about the proposal to rezone 1330 Pine Street.

The proposal would change the permitted use of land immediately below the confluences of the Coldwater and Nicola rivers. I have no idea what the consequences might be for the rivers and for those who make our homes along them, but I do know that there is expertise that could be consulted, and hasn't been, by the city before this proposal to change zoning was put forward.

Responsible, long term development planning, changes to the Official Community Plan and thoughtful, environmental responses to climate change and the preservation of flood plains needs to be considered before any more lot by lot zoning changes occur.

The proposal would change the permitted use of the land to residential (R2). Among the consequences of the introduction of "compact, pedestrian oriented single family and two family dwellings" that is proposed would introduce more vehicular traffic on Pine Street, hardly a desirable outcome for 'pedestrian oriented' new-home project.

Best regards,

Marise Sasges  
1418 Pine Street  
250-378-6982