



# 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.

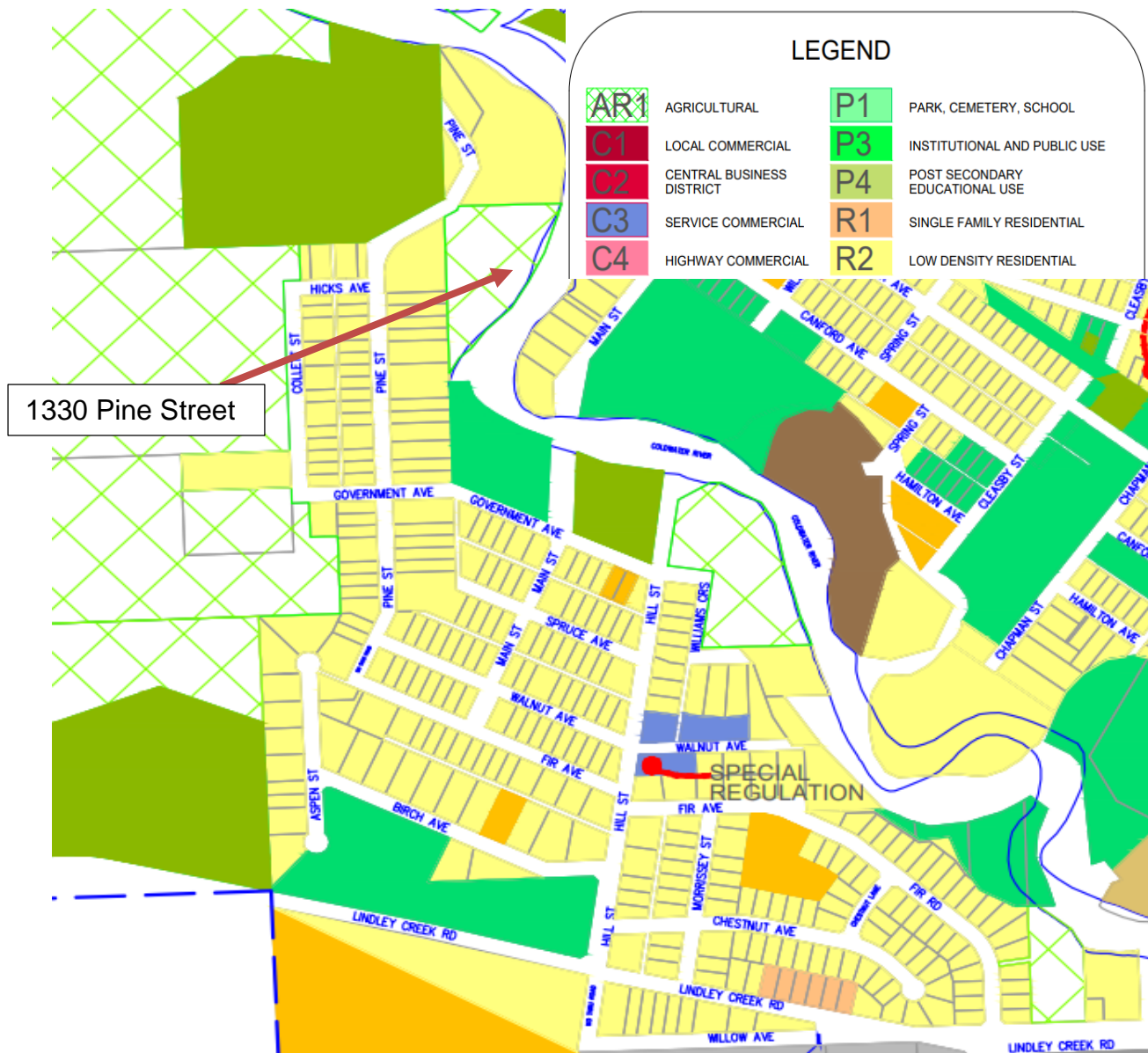
### Concern regarding Density

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**