



BOARD REPORT

TO: Chair and Directors

File No: DVP641-27 PL20170078

SUBJECT: Electoral Area A: Development Variance Permit No. 641-27 (Palumbo)

DESCRIPTION: Report from Jennifer Sham, Planner, dated April 24, 2017.
Palumbo Heights Drive, Nicholson

RECOMMENDATION: THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 641-27, for that part of Legal Subdivision 2, Section 35, Township 25, Range 21, West of the 5th Meridian, Kootenay District, except Plans NEP66313, NEP74775, NEP7680, EPP37325 and EPP45014, varying Schedule 'A' – Levels of Service of Subdivision Servicing Bylaw No. 641, as amended (Bylaw No. 641), to allow a subdivision which would create a fee simple lot (Lot 1, EPP68187) with a parcel size of 0.674 ha serviced by on-site water and on-site sewerage disposal system, as shown on Schedule 'B',

be approved for issuance this 18th day of May, 2017.

SHORT SUMMARY:

The subject property is located in the Nicholson area of Electoral Area A. The owner has made application to subdivide the property into 3 lots. Proposed Lot 1 will be serviced by an independent on-site water system and on-site disposal system and is less than 1 ha in size. The owner is applying for a Development Variance Permit to waive the Levels of Service requirements in Schedule 'A' of Bylaw No. 641 to allow the creation of a lot smaller than the 1 ha.

VOTING:	Unweighted Corporate <input type="checkbox"/>	LGA Part 14 (Unweighted) <input checked="" type="checkbox"/>	Weighted Corporate <input type="checkbox"/>	Stakeholder (Weighted) <input type="checkbox"/>
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BACKGROUND:

Owner: Barry Palumbo
Electoral Area: A
Legal Description: That part of Legal Subdivision 2, Section 35, Township 25, Range 21, West of the 5th Meridian, Kootenay District, except Plans NEP66313, NEP74775, NEP7680, EPP37325 and EPP45014
Size of Property: 11.32 ha (estimated)
Surrounding Land Use Pattern: North: Palumbo Heights Road, Mitchell Road, Rural Residential
South: Highway 95, Mitchell Road, CP Rail, Columbia River, Rural
East: Mitchell Road, West Twin Creek, Rural
West: Palumbo Heights Road, Rural Residential
Current Use: Vacant

Proposed Use: Residential

OCP Designation: N/A

Zoning: N/A

Site comments: According to the surveyor, the subject property currently has a vehicle storage structure and a barn and no other buildings. According to Bing satellite images, it appears that the property is being used for parking of vehicles, hay storage, and possibly uncovered outdoor storage of logs.

POLICY:

Subdivision Servicing Bylaw No. 641, as amended

Schedule 'A' Levels of Service

All properties to be subdivided for single family residential use proposed to be serviced with an On-site Sewage Disposal System and an Independent On-site Water System must be a minimum of 1.0 ha in size, unless a smaller parcel size is permitted in Zoning Regulations.

Development Variance Permit

The applicant is requesting that the Board consider waiving the requirements of Schedule 'A' Levels of Service that all new parcels created by subdivision for residential use and serviced by an On-site Sewage Disposal System and an Independent On-site Water System, must be a minimum of 1 ha in size.

FINANCIAL:

There are no financial implications to the CSRD, the DVP application is not the result of a Bylaw Enforcement action. The cost of preparing legal documents will be borne by the property owners.

KEY ISSUES/CONCEPTS:

While drafting final comments for subdivision 2015-03773A, staff discovered that the final survey plan of subdivision showed a property size of 0.674 ha for proposed Lot 1. According to the application, the proposed subdivision was for 2 lots of 1 ha each and a remainder. Staff contacted the owner and Mr. Palumbo is now applying for a variance to the Levels of Service for proposed Lot 1.

Through the subdivision process, Marion Masson, Environmental Health Officer, Interior Health, in her letter dated September 28, 2016, confirmed that based on the information provided by the Authorized Person, Mario Pecora, Registered On-site Wastewater Practitioner, and the agent, Fairley and Scott Barristers and Solicitors, she "is satisfied that suitable dispersal areas have been identified for all proposed lots." Mr. Pecora submitted a diagram showing that the well on proposed Lot 1 is 30.9 m from the proposed septic field area.

Staff is also in receipt of a hydrogeological assessment by Michael Weldon, GIT, and Marta Green, P. Geo, of Associated Environmental Consultants Inc. dated August 17, 2016, confirming that the well located on proposed lot 1 is capable of producing the quantity stated in Bylaw No. 641 with consideration of drawdown in neighbouring wells and well recovery, and the water tested is considered potable.

SUMMARY:

The owner is requesting a variance to the Level of Service in Bylaw No. 641, as amended, which requires that minimum property sizes for the purpose of residential subdivision be 1 ha. The owner would like the Board to consider issuing this DVP to permit proposed Lot 1 to be 0.674 ha.

Staff is recommending issuance of DVP641-27 for the following reasons:

- Interior Health has no objections to the subdivision;
- An Authorized Person has supplied staff with a design for an adequate sewage disposal method that is not within 30 m of a well; and,
- Staff is in receipt of a hydrogeological assessment confirming the well on proposed lot 1 can supply an adequate amount of potable water without drawdown interference in neighbouring wells.

IMPLEMENTATION:

If the Board issues DVP641-27, staff will forward the documentation to Land Title Office for registration on the title of Lot 1, after the subdivision is created.

COMMUNICATIONS:

Property owners and tenants in occupation within 100 m of the subject property were given notification a minimum of 10 days prior to the CSRD Board of Directors considering this application. Notification letters will be mailed on May 2, 2017. All interested parties have had the opportunity to provide comments regarding this application prior to the Board Meeting.

DESIRED OUTCOMES:

That the Board endorse staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

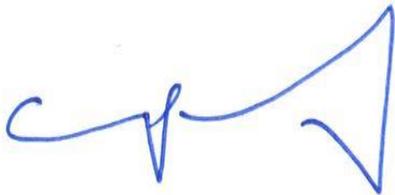
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Subdivision Servicing Bylaw No. 641, as amended

Report Approval Details

Document Title:	2017-05-18_Board_DS_DVP641-27_Palumbo.docx
Attachments:	<ul style="list-style-type: none">- DVP641-27 Permit.pdf- DVP641-27 Proposed Plan submitted with application.pdf- DVP641-27 Copy of Hydrogeology Report.pdf- DVP641-27 rowp lot 1.pdf
Final Approval Date:	May 8, 2017

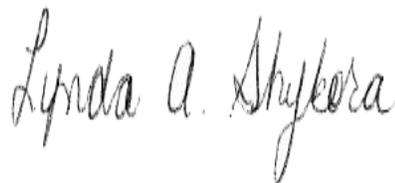
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - May 2, 2017 - 11:49 AM



Gerald Christie - May 5, 2017 - 10:39 AM



Lynda Shykora - May 5, 2017 - 12:20 PM



Charles Hamilton - May 8, 2017 - 2:38 PM