



BOARD REPORT

TO:

Chair and Directors

File No:

DVP641-37

PL20190000164

SUBJECT:

Electoral Area C: Development Variance Permit No. 641-37 (688490 BC Ltd.)

DESCRIPTION:

Report from Christine LeFloch, Planner II, dated August 21, 2019.
3453 Ford Road, Tappen

RECOMMENDATION #1:

THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 641-37 for Lot 1, Section 22, Township 21, Range 10, West of the 6th Meridian, Kamloops Division Yale District, Plan 38427, varying Subdivision Servicing Bylaw No. 641 as follows;

1. Varying the provisions of Part 8 – Assessment and Demonstration of Potable Water by waiving the requirement for provision of an Independent On-site Water System for the Proposed Remainder Lot 1, Plan 38427 only;

for a proposed subdivision under application No. 2017-05217C;
be approved for issuance this 19th day of September, 2019, subject to registration of a suitably worded Section 219 covenant on the Proposed Remainder Lot 1, Plan 38427 advising that further subdivision will not be permitted, nor will building permits for construction or placement of any buildings or structures requiring plumbing fixtures be issued for the subject property, unless Independent On-site Water Systems meeting the requirements of Subdivision Servicing Bylaw No. 641 are provided.

SHORT SUMMARY:

The owners of the subject property have made application to subdivide a 2 ha parcel from the 18.27 ha parent parcel. The owners have made application for a Development Variance Permit to waive the requirement to provide an Independent On-site Water System on the Remainder parcel as it is currently operated as a gravel pit and there are no immediate plans for any residential uses.

VOTING:

Unweighted
Corporate

☐

LGA Part 14
(Unweighted)

☒

Weighted
Corporate

☐

Stakeholder
(Weighted)

☐**BACKGROUND:**

REGISTERED OWNER(S):
688490 BC Ltd.

APPLICANTS:

Mike and Rhonda Zappone

ELECTORAL AREA:

C

LEGAL DESCRIPTION:

Lot 1 Section 22 Township 21, Range 10, West of the 6th Meridian, Kamloops Division Yale District, Plan 38427

PID:

008-096-937

CIVIC ADDRESS:

3453 Ford Road, Tappen

SURROUNDING LAND USE PATTERN:

North = Rural Residential

South = Rural, sand and gravel

East = Bastion Mountain

West = Rural, sand and gravel, agriculture

CURRENT USE:

Gravel pit, log home manufacturing

PROPOSED USE:

The owners would like to subdivide one 2 ha lot from the subject property to sell to Artisan Log Homes who are currently leasing the property.

PARCEL SIZE:

18.27 ha

PROPOSED PARCEL SIZES:

2 ha and 16.27 ha

DESIGNATION:

Electoral Area C Official Community Plan Bylaw No. 725

RR2 Rural Residential 2

ZONE:

N/A

PROPOSED DESIGNATION:

N/A

PROPOSED ZONE:

N/A

AGRICULTURAL LAND RESERVE:

0%

SITE COMMENTS:

The subject property lies at the base of the western flank of Bastion Mountain. Slopes on the western half of the property are relatively gentle increasing to become very steep on the eastern half of the property. A large portion of the western end of the property is developed as a gravel pit, and Artisan Log Homes is utilizing 2 ha at the northwestern corner of the property for their business. It is noted that slopes on the western end of the parcel have been modified for mining and are extremely steep in some areas. Mapping indicates an intermittent watercourse coming off the upper slopes of Bastion Mountain crosses the property. Confirmation has been received from Trina Koch, R.P. Bio., of Western Water Associates that this line represents a draw, but there is no watercourse present. There are currently 3 gated access points to the property Two of these are located on Proposed Lot 1 and the third is located on the Proposed Remainder.

POLICY:

See "BL641_Excerpts_DVP641-37.pdf", attached.

FINANCIAL:

There are no financial implications for the CSRD as a result of this application.

KEY ISSUES/CONCEPTS:

The owners of the subject property have made application to subdivide a 2 ha parcel from the 18.27 ha parent parcel. As a condition of subdivision an application to amend the Official Community Plan designation for the subject property from MH – Medium Holdings to RR2 – Rural Residential 2 was required, and the associated amending bylaw (Electoral Area C Official Community Plan Amendment (Zappone) Bylaw No. 725-15) was adopted by the CSRD Board at their meeting held July 18, 2019.

Section 8.2 of Subdivision Servicing Bylaw No. 641 states that "where no *Water Supply System* is available, all new *Parcels* created by subdivision must be provided with an *Independent On-site Water System*." The owners have made application for a Development Variance Permit to waive this requirement for the proposed Remainder parcel of the proposed 2 lot subdivision.

The applicant drilled a well on Proposed Lot 1 of the proposed subdivision and has provided a report dated July 27, 2018 from Ryan Rhodes, P. Geo., of Western Water Associates Ltd. in accordance with Section 8.14 – Professional Directed Approach of Subdivision Servicing Bylaw No. 641. (See "Well_assessment_report_2018-07-27_DVP641-37.pdf"). The report concludes that the new well meets the CSRD's requirements for quantity and potability. The report also notes that if the Remainder requires

a well in the future it is their opinion that it would be capable of meeting the subdivision servicing bylaw requirements. Further, registration of a no build covenant for the Remainder parcel is recommended.

Covenant X201400 is currently registered on the title of the parent parcel. This covenant was registered in 1987 as a requirement of the subdivision that created the subject property (see [Covenant_X201400_DVP641-37.pdf](#)). This covenant prohibits construction or location of any residential dwelling or mobile home on the lands until a water supply is provided meeting the standards of the CSRD's subdivision control bylaw. The applicants have asked that this covenant be transferred to the title of the Proposed Remainder lot. The Proposed Remainder is 16.27 ha in size and is currently operated as an active gravel pit. There are no residential uses proposed for this parcel at this time. The applicants have indicated that they may consider further subdivision of the Remainder parcel in the future once gravel extraction on the property has ceased.

As there is no zoning bylaw in effect in the Tappen area at this time, there are no regulations regarding the types of uses which may be established on the property. Staff recommend that the covenant be modified to prohibit issuance of building permits for any buildings or structures that include plumbing fixtures unless an Independent On-site Water System meeting the requirements of Subdivision Servicing Bylaw No. 641 is provided and to also provide clarification that no further subdivision will be permitted without provision of Independent On-site Water Systems for all proposed lots.

SUMMARY:

Staff are recommending that Development Variance Permit No. 641-37 be approved for issuance subject to registration of an updated Section 219 covenant on the Proposed Remainder Lot for the following reasons:

- There are no residential uses intended for the Proposed Remainder lot at this time;
- Registration of an updated Section 219 covenant on the Proposed Remainder Lot advising that further subdivision will not be permitted, nor will building permits for construction or placement of any buildings or structures that include plumbing fixtures be issued for the subject property, unless Independent On-site Water Systems meeting the requirements of Subdivision Servicing Bylaw No. 641 are provided, will be a condition of issuance of the permit; and
- The applicant has provided a report from Western Water Associates Ltd. which provides an opinion that proving water on the Remainder when required in the future is feasible based on test results for the well that was constructed on Proposed Lot 1.

IMPLEMENTATION:

If the Board approves the staff recommendation the Development Variance Permit will be approved for issuance which will allow the subdivision to move forward. The applicant's solicitor will need to prepare a suitably worded Section 219 covenant and provide a letter of undertaking to the CSRD to register the covenant on the Proposed Remainder concurrently with the Plan of Subdivision. Upon receipt of these documents staff will register the Development Variance Permit on title.

COMMUNICATIONS:

Notice of the proposed Development Variance Permit was sent to all owners of property lying within 100 m of the subject property in accordance with Section 499 of the Local Government Act advising of the opportunity to comment on the proposed variances. Staff will provide a verbal update to the Board if any submissions are received with regard to this application.

This application was referred to the Electoral Area C Advisory Planning Commission for their comments. Minutes from the APC meeting held on August 26, 2019 are attached to the agenda for information. The APC recommended approval of this DVP.

DESIRED OUTCOMES:

That the Board endorse the staff recommendations.

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. Electoral Area C Official Community Plan Bylaw No. 725
2. Subdivision Servicing Bylaw No. 641

Report Approval Details

Document Title:	2019-09-19_Board_DS_DVP641-37_Zappone.docx
Attachments:	<ul style="list-style-type: none">- DVP641-37.pdf- BL641_Excerpts_DVP641-37.pdf- Well_assessment_report_2018-07-27_DVP641-37.pdf.pdf- Covenant_X201400_DVP641-37.pdf- APC_C_Minutes_2019-08-26.pdf- Maps_Plans_Photos_DVP641-37.pdf
Final Approval Date:	Sep 6, 2019

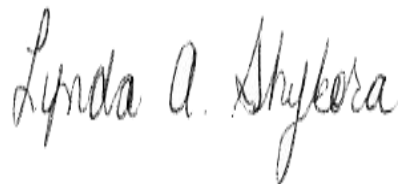
This report and all of its attachments were approved and signed as outlined below:



Corey Paient



Gerald Christie



Lynda Shykora



Charles Hamilton