



BOARD REPORT

TO:

Chair and Directors

File No: DVP641-35
PL2019074

SUBJECT:

Electoral Area F: Development Variance Permit No. 641-35 (Okaview Estates Ltd.)

DESCRIPTION:

Report from Candice Benner, Planner II, dated July 29, 2019.
5581 and 5587 Squilax-Anglemont Road, Celista

RECOMMENDATION #1:

THAT: in accordance with Section 498 of the Local Government Act Development Variance Permit No. 641-35 for Lot 1, Section 9, Township 23, Range 10, W6M, KDYD, Plan KAP91431), waiving the requirements of Schedule A Levels of Service of Subdivision Servicing Bylaw No. 641 minimum parcel size for new subdivisions by varying the size of a parcel which may be subdivided without connection to community water and sewer services from 1.0 ha to 0.5 ha for Proposed Lot A and to 0.4 ha for Proposed Lot B of the proposed 2 lot subdivision, as shown on the proposed plan of subdivision depicted on Schedule B to the Permit, be refused this 15th day of August, 2019.

SHORT SUMMARY:

The applicant has applied for subdivision to create 2 new lots (subdivision file: 2018-05206F). Proposed Lot A is 0.5 ha and proposed Lot B is 0.4 ha. The applicant has applied for a Development Variance Permit to waive the Levels of Service requirements in Schedule A of Subdivision Servicing Bylaw No. 641 to allow both lots to be smaller than 1.0 ha and be serviced by an on-site sewage disposal system and an independent on-site water system.

VOTING:

Unweighted
Corporate

☐

LGA Part 14
(Unweighted)

☒

Weighted
Corporate

☐

Stakeholder
(Weighted)

☐

BACKGROUND:

REGISTERED OWNERS:

Okaview Estates Ltd., Inc. No. BC55202

APPLICANT:

Chris Urquhart

ELECTORAL AREA:

F (Celista)

LEGAL DESCRIPTION:

Lot 1, Section 9, Township 23, Range 10, W6M, KDYD, Plan KAP91431

PID:

028-349-776

CIVIC ADDRESS:

5581 Squilax-Anglemont Road

5587 Squilax-Anglemont Road

SURROUNDING LAND USE PATTERN:

North = ALR, densely treed

South = Squilax-Anglemont Road, Shuswap Lake

East = Residential

West = Residential

CURRENT USE:

2 single family dwellings

PARCEL SIZE:

0.901 ha

PROPOSED PARCEL SIZES:

Proposed Lot A – 0.5 ha

Proposed Lot B – 0.4 ha

DESIGNATION:

Electoral Area F Official Community Plan Bylaw No. 830

AG - Agriculture

ZONE:

Upland: N/A

Foreshore:

Lakes Zoning Bylaw No. 900

FR2 – Foreshore Residential 2

AGRICULTURAL LAND RESERVE:

0%

POLICY:

See "BL830_BL641_Excerpts_BL641-35.pdf" attached.

Electoral Area F Official Community Plan Bylaw No. 830

- Section 11 Managing Growth: North Shuswap
- 11.2 Agriculture (AG)
- 11.6 Waterfront Residential (WR)

The subject property has two OCP land use designations; the northern two-thirds of the property is designated AG and the southern third is designated WR. Bylaw No. 830 notes the minimum size for subdivision as being 60 ha in the AG designation with new subdivisions generally being discouraged. The WR designation indicates a minimum 1 ha parcel size for single family dwellings connected to an on-site sewage disposal system and an independent on-site water system. Bylaw No. 830 also notes that development and growth is to be directed toward primary and secondary settlement areas identified in Electoral Area F. See "BL830_BL641_Excerpts_BL641-35.pdf" attached, for more information.

Unless connected to a community water and sewer system, subdivision of the subject property into smaller 0.5 and 0.4 ha parcels is not support by OCP policy. The subject property is also not located in a primary or secondary settlement area; the closest settlement area is the Celista Secondary Settlement Area located approximately 1 km to the west of the subject property, see "Maps_Plans_Photos_DVP641-35.pdf" –OCP map.

Subdivision Servicing Bylaw No. 641

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.

Level of Service Table

| OCP Designation | Water Requirement | Sewer Requirement |
|------------------------|---|---------------------------------------|
| Primary Settlement | <i>Water Supply System</i> | <i>Community Sewer System*</i> |
| Secondary Settlement | <i>Water Supply System</i> | <i>Community Sewer System*</i> |
| Town Centre Commercial | <i>Water Supply System</i> | <i>Community Sewer System</i> |
| All other designations | <i>Independent On-site Water System/Water Supply System</i> | <i>On-site Sewage Disposal System</i> |

* - If proposed lots are less than 1.0 Ha. in size. If proposed lots are 1.0 Ha., or larger, an *On-site Sewage Disposal System* may be utilised if approved pursuant to the Public Health Act.

Development Variance Permit

The applicant is requesting that the Board consider:

Waiving the requirements of Schedule A Levels of Service of Subdivision Servicing Bylaw No. 641 minimum parcel size for new subdivisions to vary the size of a parcel which may be subdivided without connection to community water and sewer services from 1.0 ha to 0.5 ha for Proposed Lot A and to 0.4 ha for Proposed Lot B of the proposed 2 lot subdivision, as shown on the proposed plan of subdivision.

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

The applicant has applied for a 2 lot subdivision of its 0.901 ha parent parcel; the proposed lot sizes are 0.5 ha and 0.4 ha. Schedule A of Subdivision Servicing Bylaw No. 641 requires all new lots that are proposed to be serviced by onsite water and sewage disposal systems to be a minimum of 1 ha in size. This 1 ha parcel size minimum, when onsite servicing is proposed, is a directive from Interior Health Authority and the province, and is supported by OCP policy, as it is considered to be long term sustainable community development that ensures adequate area for a septic system, back up septic area, and minimum separation to drinking water sources. Connection to community water and sewer systems is not possible for this property as the area does not have these community services.

The parent parcel currently has 1 single family dwelling and 1 cabin located on it; the subdivision layout is such that each proposed lot would have one dwelling; Proposed Lot A would have the single family dwelling and Proposed Lot B would have the cabin.

It appears that both dwellings have surface water connections to Shuswap Lake. Staff have requested water servicing information from the applicant including water licenses for these connections.

Staff is in receipt of a Septic Report, April 11, 2019, completed by Steven Rogers, ROWP, Shuswap Septic & Site Preparation, for the proposed lots. The report indicates that both dwellings are connected to septic systems that do not meet current regulation standards; the ROWP provided a site assessment and plan for the location of two new proposed septic fields and back up areas. A Lakes 100 m Development Permit, which includes a hydrogeological assessment completed by a qualified professional, would be required for any upgrading or construction of a septic system within 100 m of Shuswap Lake. Upgrading the systems is not a requirement of subdivision approval.

A Riparian Areas Regulation Development Permit (DP830-21) was issued for the subject property with a previous subdivision application that established a 10.0 m Streamside Protection and

Enhancement Area (SPEA) for Celistia Town Creek and a 15.0 m SPEA for Shuswap Lake; this proposed development is located outside of both SPEAs and is therefore exempt.

SUMMARY:

Staff is recommending refusal of this application for the following reasons:

- The Electoral Area F OCP AG designation minimum parcel size for subdivision is 60 ha;
- The OCP WR designation indicates a 1 ha minimum parcel size for single family dwellings where onsite servicing is proposed; and,
- The subject property is not in a settlement area; the OCP directs development and growth toward primary and secondary settlement areas.

If the Board decides to approve this DVP, staff recommend that it be approved subject to the condition that a suitably worded Section 219 covenant be registered against title that should community servicing become available in the future, the subject property must connect to the community system.

IMPLEMENTATION:

If the Board authorizes issuance of this DVP, the applicant will be notified of the decision and any conditions that are required.

COMMUNICATIONS:

Notice of the proposed Development Variance Permit will be sent to all owners of properties 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. All interested parties will have the opportunity to provide comments regarding this application prior to the Board Meeting.

Advisory Planning Commission F recommended approval of this application.

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. Electoral Area F Official Community Plan Bylaw No. 830
2. Subdivision Servicing Bylaw No. 641

Report Approval Details

| | |
|----------------------|---|
| Document Title: | 2019-08-15_Board_DS_DVP641-35_Okaview_Estates_Ltd.docx |
| Attachments: | - DVP641-35.pdf - BL830_BL641_Excerpts_BL641-35.pdf - Maps_plans_photos_DVP641-35.pdf |
| Final Approval Date: | Aug 2, 2019 |

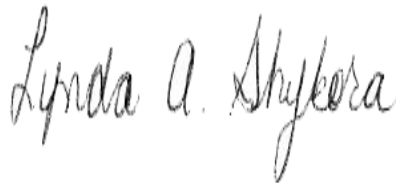
This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Corey Paiement was completed by workflow administrator IT Portal Admin

Corey Paiement - Aug 1, 2019 - 3:41 PM



Gerald Christie - Aug 1, 2019 - 3:49 PM



Lynda Shykora - Aug 2, 2019 - 10:34 AM

No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora

Charles Hamilton - Aug 2, 2019 - 10:35 AM