



BOARD REPORT

TO:**Chair and Directors**

File No:	DVP641-29 PL20170100
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SUBJECT:

Electoral Area A: Development Variance Permit No. 641-29 (Mountain Shadows Development Ltd.)

DESCRIPTION:

Report from Jennifer Sham, Planner, dated May 24, 2017.
Highway 95, Nicholson

RECOMMENDATION:

THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 641-29, for Lot 3 Section 6 Township 27 Range 21 W5M KD Plan 16263, varying Schedule 'A' – Levels of Service of Subdivision Servicing Bylaw No. 641, as amended, to allow a subdivision which would create a fee simple lot (Lot 1, EPP25575) with a parcel size of 0.751 ha serviced by a surface water source and an on-site sewerage disposal system, and a fee simple lot (Lot 2, EPP25575) with a parcel size of 0.583 ha serviced by an off-site well and an on-site sewerage disposal system, as shown on Schedule A, be approved for issuance this 15th day of June, 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 existing water licence and will be serviced by an on-site septic system. Proposed lot 2 is serviced by an off-site well and will be serviced by an on-site septic system. The owner is applying for a Development Variance Permit (DVP) to waive the Levels of Service requirements in Schedule "A" of Subdivision Servicing Bylaw No. 641, as amended (Bylaw No. 641) to allow the creation of 2 lots smaller than 1 ha in size (Lot 1 = 0.751 ha and Lot 2 = 0.583 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:**REGISTERED OWNER:**

Mountain Shadows Developments Ltd.

AGENT:

Mike Palumbo

ELECTORAL AREA:

A

LEGAL DESCRIPTION:

Lot 3 Section 6 Township 27 Range 21 W5M KD Plan 16263

SURROUNDING LAND USE PATTERN:

North = Reflection Lake Road, Mobile Home Park

South = Highway 95
East = vacant
West = vacant

CURRENT USE:
Vacant

PROPOSED USE:
Rural Residential

PARCEL SIZE:
~3.125 ha

PROPOSED SIZE:
Lot 1 = 0.751 ha
Lot 2 = 0.583 ha
Remainder = ~1.79 ha

DESIGNATION & ZONE:
N/A

AGRICULTURAL LAND RESERVE:
0%

Site comments: A site visit was not conducted. The property appears to be currently vacant aside from a few wells and pumphouses.

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.

FINANCIAL:

There are no financial implications to the CSRD with regard to this application.

KEY ISSUES/CONCEPTS:

The Board previously issued DVP641-3 on July 18, 2013 waiving the requirement that:

1. The surface water source be on the List of Eligible Sources shown on Schedule D of Bylaw No 641; and,
2. The groundwater source for proposed lot 2 be on the same parcel as the residential dwelling unit.

In other words, DVP641-3 allowed Abbott Spring (existing water licence [72200]) as the surface water source for proposed lot 1, and allowed the groundwater well servicing proposed lot 2 to be located on

the remainder (off-site well). Staff note that this off-site well on the remainder parcel will be protected by easement (EPP25576).

Subdivision Servicing Bylaw No. 641-1 (Bylaw No. 641-1) was adopted on January 16, 2014. As part of the amendment, the following text was added to the 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." In accordance with Section 511 of the Local Government Act, the applicant had one year from the date of adoption of Bylaw No. 641-1 to complete the subdivision or Bylaw No. 641-1 would be applicable.

Through the subdivision process, the applicant was required to provide proof of adequate sewerage disposal methods for all lots and proof of potable water for all lots. Staff is in receipt of information from Wayne Thompson, Registered Onsite Wastewater Practitioner (ROWP), dated January 11, 2012, and Mario Pecora, ROWP, dated May 28, 2015 regarding sewerage disposal on all proposed lots. Staff is also in receipt of a hydrogeological assessment by Summit Environmental Consultants Inc. dated May 29, 2015 confirming that all proposed sources of water for the proposed lots meet the requirements of Bylaw No. 641, including potable water.

SUMMARY:

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, for two lots (Lot 1 & 2, EPP25575).

Staff is recommending issuance of DVP641-29 for the following reasons:

- Two Authorized Persons have supplied staff with information regarding adequate sewage disposal methods; and,
- Staff is in receipt of a hydrogeological assessment confirming all water sources for all proposed lots meet the requirements of Bylaw No. 641.

IMPLEMENTATION:

If the Board issues DVP641-29, staff will forward the documentation to Land Title Office for registration on the titles of the two proposed lots.

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 29, 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:	2017-06-15_Board_DS_DVP641-29_MountainShadowsDevelopment.docx
Attachments:	<ul style="list-style-type: none">- DVP641-29 Permit.pdf- Summit_Environmental_letter_2015-05-29_DVP641-29.pdf- Mario_Pecora_letter_2015-05-28_DVP641-29.pdf- Wayne_Thompson_letter_2012-08-11_DVP641-29.pdf- Wayne_Thompson_letter_2012-05-02_DVP641-29.pdf- Wayne_Thompson_letter_2012-01-11_DVP641-29.pdf
Final Approval Date:	Jun 7, 2017

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



Corey Paiement - Jun 6, 2017 - 9:57 AM



Gerald Christie - Jun 6, 2017 - 12:25 PM

No Signature - Task assigned to Lynda Shykora was completed by assistant Emily Johnson

Lynda Shykora - Jun 6, 2017 - 4:16 PM



Charles Hamilton - Jun 7, 2017 - 8:25 AM