



# BOARD REPORT

**TO:** Chair and Directors

<b>File No:</b> DVP641-25 PL20170025
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**SUBJECT:** Electoral Area C: Development Variance Permit No. 641-25 (Franklin)

**DESCRIPTION:** Report from Jennifer Sham, Planner, dated May 18, 2017.  
3700 & 3710 Sunnybrae-Canoe Point Road, Sunnybrae

**RECOMMENDATION:** THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 641-25, for Lot 1 and 2 Section 2 and 11 Township 21 Range 10 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Plan KAP82925, 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 (new Lot 1) with a parcel size of less than 1 ha serviced by a community water system and an on-site sewerage disposal system, as shown on Schedule B, subject to registration of a suitably worded Section 219 covenant on title of the new Lot 1 requiring connection to a community sewer system when it becomes available, be approved for issuance this 15<sup>th</sup> day of June, 2017.

**SHORT SUMMARY:**

The subject properties are located in Sunnybrae at 3700 & 3710 Sunnybrae-Canoe Point Road in Electoral Area C, and is located within the Secondary Settlement Area of the Electoral Area 'C' Official Community Plan Bylaw No. 725 (Bylaw No. 725). The owner has made application for a boundary line adjustment subdivision between two lots. New Lot 1 will be serviced by a community water system and an on-site septic system and will be under 1 ha in size. The owner is applying for a Development Variance Permit 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 new Lot 1 which is located within the Secondary Settlement Area, proposed to be serviced by an on-site septic system, and is smaller than 1 ha in size (Lot 1 = 0.837 ha).

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<b>VOTING:</b>	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:  
Linda Franklin

AGENT:  
Mark Wilson, Franklin Engineering Ltd.

ELECTORAL AREA:  
C

**LEGAL DESCRIPTIONS:**

Lot 1 Sections 2 and 11 Township 21 Range 10 W6M KDYD Plan KAP82925; and,  
Lot 2 Sections 2 and 11 Township 21 Range 10 W6M KDYD Plan KAP82925

**CIVIC ADDRESSES:**

3700 & 3710 Sunnybrae-Canoe Point Road, Sunnybrae

**SURROUNDING LAND USE PATTERN:**

North = Sunnybrae-Canoe Point Road, Tappen Sunnybrae Fire Hall, Residential

South = Shuswap Lake

East = Rural Residential, Shuswap Lake

West = Residential, Shuswap Lake

**CURRENT & PROPOSED USE:**

Rural Residential

**PARCEL SIZE:**

Lot 1 = 0.967 ha

Lot 2 = 0.977 ha

**PROPOSED PARCEL SIZE:**

New Lot 1 = 0.837 ha

New Lot 2 = 1.107 ha

**DESIGNATIONS:**

Electoral Area C Official Community Plan Bylaw No. 725

SSA Secondary Settlement Area

RR Rural Residential

**ZONE:**

Land = N/A

Lakes Zoning Bylaw No. 900

FR1 Foreshore Residential 1

**ALR:**

0 %

**SITE COMMENTS:** Staff did not conduct a site visit. According to orthophotos, the waterfront properties are well treed and both lots have a dock; Lot 1 (3700) is vacant and Lot 2 (3710) has a single family dwelling and an accessory building. See "Maps\_Plans\_DVP641-25" attached.

**POLICY:**

Electoral Area 'C' Official Community Plan Bylaw No. 725

See "BL725\_Policies\_DVP641-25" attached.

Subdivision Servicing Bylaw No. 641

Part 5 Servicing Requirements for Subdivisions

Servicing Requirements

5.1 Prior to subdivision approval, the owner must provide:

c) works and services not within a highway within a proposed subdivision to the level described in Schedule "A" of this bylaw;

#### Schedule "A" Levels of Service

All properties in the Secondary Settlement designation must be serviced by a Water Supply System and a Community Sewer System, if the proposed lot size is smaller than 1 ha. If a proposed lot is 1 ha or larger, an On-site Sewage disposal system may be utilized if approved pursuant to the Public Health Act.

#### **FINANCIAL:**

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

#### **KEY ISSUES/CONCEPTS:**

The owner has applied for a boundary line adjustment subdivision to create a 0.837 ha lot and a 1.105 ha lot for "better road access to Lot 2." Schedule "A" of Bylaw No. 641 requires all new lots within the Secondary Settlement area that are less than 1 ha in size connect to a community water system and a community sewer system; this is not possible as the community of Sunnybrae does not currently have a community sewer system. The owner has applied for a Development Variance Permit to vary Schedule "A" requirements. Staff is recommending that approval of issuance be subject to the registration of a suitably worded Section 219 covenant requiring that new Lot 1 shall connect to a community sewer system when it is available.

Both properties will be serviced by a community water system (CSRD Sunnybrae Waterworks) and individual on-site septic systems (protected by covenant from a previous subdivision). Staff is in receipt of a letter from Franklin Engineering dated September 12, 2016 stating that "sufficient space with level ground that is suitable for dispersal will still be present on each lot after the proposed boundary adjustment. No changes to the existing septic systems or the covenants in place will be necessary to ensure [Interior Health] requirements are still met." See "Franklin\_Engineering\_Ltd\_letter\_2016-09-12\_DVP641-25" attached.

#### **SUMMARY:**

The owner is requesting that the Board consider waiving the requirements of Schedule "A" - Levels of Service that all new parcels created by subdivision within the Secondary Settlement Area, serviced by an On-site Sewage Disposal System, and smaller than 1 ha in size, for new Lot 1 only.

Staff is recommending issuance of DVP641-25 for the following reasons:

- Interior Health has no objections to the subdivision;
- both lots will be serviced by a community water system;
- Franklin Engineering Ltd. has confirmed that the existing septic systems are adequate for the future and existing residence on each lot and both systems are in good working order;
- the sewage disposal area for Lot 1 is protected by a covenant (LB025564) and the boundary line adjustment subdivision will not reduce the area for the future system; and,
- Registration of a Section 219 covenant will ensure that the new Lot 1 will be serviced by a community sewer system in the future when a system is installed and a connection is available.

#### **IMPLEMENTATION:**

If the Board approves issuance of this DVP as recommended, a suitably worded Section 219 covenant will be required regarding future connection to a community sewer system for new Lot 1. After the condition for registration of said covenant has been completed, the owner will continue with the subdivision process, and the DVP will be registered on the title of new Lot 1 when the lot is created.

**COMMUNICATIONS:**

Property owners and tenants in occupation within 100 m of the subject property were notified of this DVP application by mail, prior to consideration by the Board. If the Board approves issuance of the DVP, the owner will be advised of the Board's decision, and the documentation will be forwarded to Land Title Office for registration on the title of new Lot 1.

Advisory Planning Commission C recommended approval of this application.

Interior Health had no objections to this application. See "Interior\_Health\_comments\_2017-04-24\_DVP641-25" attached.

**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.*

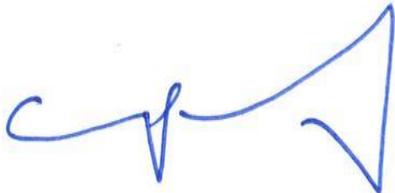
**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. Electoral Area 'C' Official Community Plan Bylaw No. 725
2. Subdivision Servicing Bylaw No. 641, as amended
3. Advisory Planning Commission C Meeting minutes from April 24, 2017
4. Application

**Report Approval Details**

Document Title:	2017-06-15_Board_DS_DVP641-25_Franklin.docx
Attachments:	<ul style="list-style-type: none"><li>- DVP641-25.pdf</li><li>- BL725_Policies_DVP641-25.pdf</li><li>- Franklin_Engineering_Ltd_letter_2016-09-12_DVP641-25.pdf</li><li>- Interior_Health_comments_2017-04-24_DVP641-25.pdf</li><li>- Maps_Plans_DVP641-25.pdf</li></ul>
Final Approval Date:	Jun 5, 2017

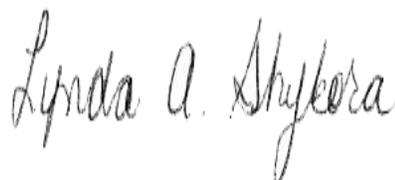
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - May 24, 2017 - 12:16 PM**



**Gerald Christie - May 30, 2017 - 8:56 AM**



**Lynda Shykora - May 30, 2017 - 9:29 AM**



**Charles Hamilton - Jun 5, 2017 - 11:09 AM**