



BOARD REPORT

TO:**Chair and Directors**

File No:	DVP641-30 PL20170164
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SUBJECT:

Electoral Area C: Development Variance Permit No. 641-30 (Franklin)

DESCRIPTION:Report from Jennifer Sham, Planner, dated September 26, 2017.
3700 & 3710 Sunnybrae-Canoe Point Road, Sunnybrae**RECOMMENDATION:**

THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 641-30, for Remainder Lot 1, Section 2 and 11, Township 21, Range 10, West of the 6th 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 (Remainder Lot 1) with a parcel size of 0.729 serviced by a community water system and an on-site sewerage disposal system, as shown on Schedule B, be approved for issuance this 19th day of October, 2017.

SHORT SUMMARY:

The agent previously applied for a Development Variance Permit (DVP) to waive the Levels of Service requirements in Schedule 'A' of Subdivision Servicing Bylaw No. 641 to allow a lot of less than 1 ha to be created without connection to a community sewer system. The Board approved issuance of DVP641-25 to allow the creation of a new lot of 0.837 ha in size (with conditions) at the June 15, 2017 Board meeting; however, upon receipt of the final survey plan (EPP73314), staff confirmed that the new lot was smaller than the size indicated in DVP641-25. This DVP is to allow a lot of 0.729 ha to be created without connection to a community sewer system.

VOTING:Unweighted
Corporate☐LGA Part 14
(Unweighted)☒Weighted
Corporate☐Stakeholder
(*Weighted*)☐**BACKGROUND:****REGISTERED OWNER:**
Linda Franklin**AGENT:**
Franklin Engineering Ltd.**ELECTORAL AREA:**
C (Sunnybrae)**LEGAL DESCRIPTIONS:**
Proposed Lot 1:
Remainder Lot 1, Sections 2 and 11, Township 21, Range 10, W6M, KDYD, Plan KAP82925

Proposed Lot 2:

Lot 1, Sections 2 and 11, Township 21, Range 10, W6M, KDYD, Plan EPP73314

PID:

Lot 1, KAP82925: 026-949-482

Lot 2, KAP82925: 026-949-491

CIVIC ADDRESSES:

3700 & 3710 Sunnybrae-Canoe Point Rd

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:

Residential

SIZE OF PROPERTIES:

Lot 1 = 0.845 ha

Lot 2 = 0.974 ha

PROPOSED SIZE OF PROPERTIES:

Rem Lot 1 = 0.729

Lot 1 = 1.09 ha

DESIGNATIONS:

Electoral Area C Official Community Plan Bylaw No. 725

SSA Secondary Settlement Area

RR Rural Residential

ZONING:

Land: N/A

Lakes Zoning Bylaw No. 900:

FR1 Foreshore Residential 1

ALR:

0%

POLICY:

Electoral Area C Official Community Plan Bylaw No. 725

See "BL725_Policies_DVP641-30.pdf" 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.

DEVELOPMENT VARIANCE PERMIT

The agent is proposing to vary:

- 1) Schedule 'A' Levels of Service of Subdivision Servicing Bylaw no. 641 Minimum Parcel Size for new subdivisions where not serviced by a Community Water System and a Community Sewer System from 1 ha to a minimum of 0.729 ha for the proposed Remainder Lot 1, KAP82925.

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

The owner has made an application for a boundary line adjustment subdivision to create a 0.729 ha lot and a 1.09 ha lot. In the previous Development Variance Permit (DVP641-25), the agent submitted a site plan showing the two lots at 0.837 ha and 1.107 ha in size. The Board approved issuance of DVP641-25 at the June 15, 2017 Board meeting subject to registration of a Section 219 covenant on title specifying that the new Lot 1 connect to the community sewer system, when available to the subject property. Prior to registration of the covenant, on June 28, 2017, staff received the final survey plan (EPP73314) from Browne Johnson Land Surveyors showing a different lot configuration than submitted with the DVP application. Staff requested confirmation of lot sizes from the surveyor, and on July 24, 2017, the lot sizes were confirmed to be 0.729 ha for Rem 1, KAP82925 and 1.09 ha for Lot 1, EPP73314. On August 1, 2017, this DVP application (DVP641-30) was received.

Schedule 'A' of Subdivision Servicing Bylaw No. 641 requires all new lots that are less than 1 ha to connect to a community water system and a community sewer system pursuant. This is not possible as the community of Sunnybrae does not currently have a community sewer system; therefore, a Development Variance Permit is required to vary this requirement.

Both lots are within the CSRD Sunnybrae Community Water System area and will be serviced by this community water system.

In a letter dated June 7, 2016, Franklin Engineering Ltd. supplied MOT staff with two "septic construction permits" issued by Interior Health and Jayme Franklin, P. Eng. confirms that both systems "are in good working order and adequately servicing each lot." Further, in a previous subdivision, Interior Health required covenants on each property to protect septic system dispersal areas; these areas will not be affected by the subdivision. See attached "Franklin_Engineering_Ltd_letter_2016-09-12_DVP641-30.pdf".

Staff is in receipt of a letter of undertaking dated July 27, 2017 from Zoe Stevens of Zoe Stevens Notary Corporation stating that she will "register the community sewer connection covenant concurrently with registration of the subdivision" for Remainder Lot 1, KAP82925.

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 Remainder Lot 1, KAP82925 only.

Staff is recommending issuance of DVP641-30 for the following reasons:

- 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,
- A Section 219 covenant will be registered on Remainder Lot 1, KAP82925 stating that the lot 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, the owner will continue with the subdivision process, and the DVP will be registered on the title of Remainder Lot 1, KAP82925 when the lot is created.

COMMUNICATIONS:

Property owners 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 documentation will be forwarded to Land Title Office for registration on the title of Remainder Lot 1, KAP82925 when the lot is created.

Advisory Planning Commission C recommended approval of this application.

Interior Health had no objections to the previous DVP 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 'C' Official Community Plan Bylaw No. 725
2. Subdivision Servicing Bylaw No. 641, as amended
3. Advisory Planning Commission C Meeting minutes from September 25, 2017
4. Zoe Stevens Letter of Undertaking dated July 27, 2017

Report Approval Details

Document Title:	2017-10-19_Board_DS_DVP641-30_Franklin.docx
Attachments:	<ul style="list-style-type: none">- DVP641-30.pdf- BL725_Policies_DVP641-30.pdf- Franklin_Engineering_Ltd_letter_2016-09-12_DVP641-30.pdf- Interior_Health_comments_2017-04-24_DVP641-25.pdf- Maps_Plans_DVP641-30.pdf
Final Approval Date:	Oct 6, 2017

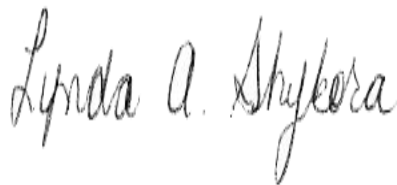
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Oct 3, 2017 - 1:17 PM



Gerald Christie - Oct 5, 2017 - 7:24 AM



Lynda Shykora - Oct 6, 2017 - 11:37 AM



Charles Hamilton - Oct 6, 2017 - 3:28 PM