



# BOARD REPORT

**TO:** Chair and Directors

**File No:** DVP641-24  
PL20160200

**SUBJECT:** Electoral Area C: Development Variance Permit 641-24

**DESCRIPTION:** Report from Christine LeFloch, Development Services Assistant, dated November 15, 2017.  
3194 Hautala Road, White Lake

**RECOMMENDATION #1:** THAT: in accordance with Section 498 of the Local Government Act Development Variance Permit No. 641-24 for LS 1, Section 16, Township 22, Range 10, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Except (1) Land Covered by the Waters of White Lake at the time of Survey of Said Lake (2) Plans 15230, 20097, 21943, 22567, 24872, and KAP70812 (3) Parcel A (DDJ25663), varying Subdivision Servicing Bylaw No. 641, as follows:

1. 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 parcel which may be subdivided with servicing by an independent on-site water system and on-site sewage disposal system from 1 ha to 0.77 ha for Proposed Lot 1 of the proposed 2 lot subdivision under application No. 2016-03274E;

be approved for issuance this 1st day of December, 2017,

subject to a suitably worded covenant being registered on the title of the subject property requiring connection of the proposed 0.77 ha lot to community water and community sewer systems when they become available.

**SHORT SUMMARY:**

The subject property is located in the White Lake area of Electoral Area C. There are currently two single family dwellings on the subject property. The owners have made application to subdivide a lot for their son under Section 514 of the Local Government Act – Subdivision for a family member (File: 2016-03748C). The property is located partially within the ALR and the proposed subdivision would be along the ALR boundary. This would create a lot that is less than 1 ha in size (0.77 ha) and a remainder of 9.3 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 a lot smaller than 1.0 ha to be created without connection to community water and sewer systems.

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**VOTING:**      Unweighted       LGA Part 14       Weighted       Stakeholder   
                     Corporate                      (Unweighted)                      Corporate                      (*Weighted*)

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**BACKGROUND:**

**APPLICANT:**  
Browne Johnson Land Surveyors c/o Joe Johnson

**PROPERTY OWNERS:**

Stanley and Myrna Gibbons

**ELECTORAL AREA:**

C (White Lake)

**CIVIC ADDRESS:**

3194 & 3196 Hautala Road

**LEGAL DESCRIPTION:**

LS 1, Section 16, Township 22, Range 10, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Except (1) Land Covered by the Waters of White Lake at the time of Survey of Said Lake (2) Plans 15230, 20097, 21943, 22567, 24872, and KAP70812 (3) Parcel A (DDJ25663)

**SIZE OF PROPERTY:**

10.17 Ha

**SURROUNDING LAND USE PATTERN:**

North: Neighbourhood Residential

South: Agriculture

East: Neighbourhood Residential, Agriculture

West: Neighbourhood Residential, Agriculture

**CURRENT USE:**

2 single family dwellings, 2 wells, 2 septic systems

**PROPOSED USE:**

2 lot subdivision to create a separate title for each dwelling

**OCP DESIGNATION:**

AG - Agriculture, RARDPA – Riparian Areas Regulation Development Permit Area

**ZONING:**

N/A

**ALR:**

91%

**SITE COMMENTS:**

The subject property is situated in the White Lake area of Electoral Area C. Staff visited the site on May 26, 2017. The property contains gentle slopes and is mostly forested with a portion of the property around the residences cleared. The property is accessed by a driveway off of Hautala Road which divides into two roads, with one road accessing each of the dwellings. White Creek flows along the eastern boundary of the parcel. There are currently 2 single family dwellings on the property which are occupied by the owners and their son. Each of the homes are serviced by a separate on-site sewage disposal system and independent on-site water system (wells).

**POLICY:**

## **Electoral Area C Official Community Plan Bylaw No. 725**

The subject property is designated Agriculture (AG) pursuant to Bylaw No. 725. Agriculture is supported as a foundation of the economy and is the primary and dominant land use in the AG designation with crop and livestock production activities permissible as well as homes, buildings, and structures associated with agriculture. The minimum parcel size of land for subdivision within the Agriculture land use designation is 60 ha (148 acres). New subdivision is discouraged within the Agriculture designation, other than subdivision along the ALR boundary or subdivision or parcel consolidations demonstrated not to have an intrusive or conflicting impact on the surrounding agricultural community. Staff note that although the minimum parcel size within the Agriculture designation is 60 ha, as the proposed subdivision is being done under Section 514 of the Local Government Act – Subdivision for a family member, this provision does not apply.

### **Zoning**

The subject property is located in an area that is not currently subject to a zoning bylaw.

### **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**

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

\* If proposed lots are less than 1.0 ha in size. If proposed lots are 1.0 ha or larger an Onsite Sewage Disposal System may be utilized 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 parcel which may be subdivided without connection to community water and sewer services from 1 ha to 0.77 ha for Proposed Lot 1 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 owner has made application to subdivide a 0.77 ha lot which would separate the portion of the property located outside of the ALR from the remainder of the parcel to create a lot for the owner's son. In order to create a 1 ha parcel permission of the ALC would be required as it would sever the portion of the property located within the ALR. OCP policies do not support severing ALR lands, therefore the applicant has opted to pursue the proposed lot configuration and create a smaller parcel.

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. Connection to community water and sewer systems is not possible because the community of White Lake does not currently have these community services. Therefore, a Development Variance Permit is required to allow the proposed lot size without connection to these services.

The proposed lot and remainder both have existing residences sited on them. Proposed Lot 1 is connected to and using a well sited on the subject property and, therefore, qualifies for an exemption from proof of water in accordance with Section 8.1(c) of Subdivision Servicing Bylaw No. 641. The Proposed Remainder parcel is currently using a well that is sited on an adjacent parcel, but has recently installed a new well on the property which will be used to service this lot. Both wells meet the minimum setback requirement from the existing sewage disposal systems.

A key consideration of staff with regard to this type of variance request is the capability of the proposed parcel to handle septic disposal in the future. In particular, we are interested to know whether there is adequate area on the parcel for backup septic fields to be used in the event of a failure of the existing system. We are also interested in whether the proposed domestic water source meets the separation requirements from these potential backup fields. The applicant has provided a sewerage system assessment by Blake Lawson, P. Eng., which indicates that there are a number of areas on the proposed parcel suitable for backup fields which meet these requirements. As a condition of issuance of the Development Variance Permit, a Section 219 covenant would be required to be registered on title specifying that Proposed Lot 1 shall connect to community water and sewer, when they are available to the subject property.

CSRD staff have completed initial comments on the subdivision proposal which included the requirement for a Riparian Areas Regulation Development Permit including submission of a Riparian Areas Regulation Assessment Report by a Qualified Environmental Professional (QEP) with respect to White Creek which runs along the eastern boundary of the subject property. The owners are awaiting the outcome of this Development Variance Permit application prior to submitting an application for the Development Permit.

#### **SUMMARY:**

The applicant is requesting a variance to Subdivision Servicing Bylaw No. 641 which requires that minimum parcel sizes for the purpose of subdivision be not less than 1.0 ha without connection to a community sewer system and without connection to a community water system. Staff are recommending that the Board approve issuance if the DVP for the following reasons:

- The applicant has provided a report from Blake Lawson, P. Eng which indicates that there are multiple areas on the proposed 0.77 ha lot for a backup septic field should the need for replacement of the existing field arise.
- The subject property will be required to connect to community sewer and community water when those systems become available.

The Electoral Area C Advisory Planning Commission also recommended approval of this application.

**IMPLEMENTATION:**

If the Board authorizes issuance of DVP641-24 the applicant will be notified in writing of the decision and any conditions that are required. Once conditions are fulfilled, the documentation will be forwarded to the Land Title Office for registration against the title of the subject property.

**COMMUNICATIONS:**Public Notification:

Property owners within 100 m of the subject property have been notified of the proposed variance in accordance with statutory requirements.

Referrals:

Agency	Comments
Electoral Area 'C' APC	Recommended approval. Noted that servicing issues are addressed and road frontage is existing. The result of subdivision allows the non-ALR portion of the property to be established as a viable stand-alone property that will allow family members of the owners to remain in the area by creating the separate title and ownership option.
Interior Health Authority	No response.
CSRD – Operations Management	No concerns.

**DESIRED OUTCOMES:**

That the Board support the staff recommendations and authorize issuance of DVP641-24.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation. DVP641-24 will be issued.*
2. *Deny the Recommendation. DVP641-24 will not be issued. The applicant will not be able to complete the proposed subdivision.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

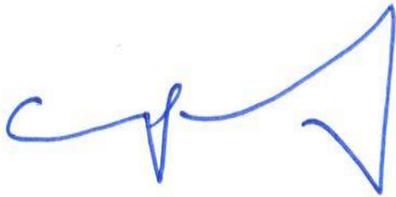
**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. Local Government Act – Section 514, Subdivision to provide a residence for a relative
2. Electoral Area C Advisory Planning Commission Minutes, November 13, 2017
3. Electoral Area C Official Community Plan Bylaw No. 725
4. Subdivision Servicing Bylaw No. 641

**Report Approval Details**

Document Title:	2017-12-01_Board_DS_DVP641-24_Gibbons.docx
Attachments:	- DVP641-24.pdf - Maps_Plans_Photos_DVP641-24.pdf
Final Approval Date:	Nov 18, 2017

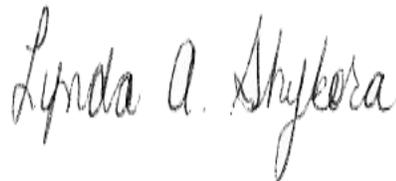
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Nov 16, 2017 - 12:25 PM**



**Gerald Christie - Nov 17, 2017 - 9:48 AM**



**Lynda Shykora - Nov 17, 2017 - 12:53 PM**



**Charles Hamilton - Nov 18, 2017 - 11:25 AM**