



# BOARD REPORT

**TO:** Chair and Directors

**SUBJECT:** Electoral Area A: Development Variance Permit No. 680-10A

**DESCRIPTION:** Report from Ken Gobeil, Senior Planner, dated June 27, 2025.  
2461 Seward Rd, Blaeberry. Varying the Subdivision Servicing Bylaw No. 680, as amended (Subdivision Servicing Bylaw)

**RECOMMENDATION:** THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 680-10A for Lot 2 Section 3 Township 29 Range 22 West of the 5th Meridian Kootenay District Plan EPP25462 (PID: 029-197-546) to vary Section 9 of the Subdivision Servicing Bylaw No. 680, as amended, a two-lot subdivision, of which, Lot 1 is served by an off-site ground water source located on the Remainder Lot for Ministry of Transportation and Infrastructure Subdivision File No. 2024-00092, be approved this 17<sup>th</sup> day of July, 2025, subject to:

1. Confirmation of compliance with all other provisions of Part 9 of the Subdivision Servicing Bylaw, including the reporting requirements for the Professional Development Approach requirements as noted in Table 1 of Subdivision Servicing Bylaw No. 680, as amended.
2. Registration of easement over the Remainder Lot in favour of Lot 1 to establish a minimum 6 m wide easement area over all components of the water system located on the Remainder Lot.

*Stakeholder Vote Unweighted (LGA Part 14) Majority*

## SUMMARY:

The owners of 2461 Seward Rd are applying to subdivide their property into two lots (Lot 1 (2.4 ha) and a Remainder Lot (9.3 ha), see "DVP680-10A\_Maps\_plans.pdf" attached). The proposed water source for Lot 1 is a shallow well located on the proposed Remainder Lot. Under Part 9 of the Subdivision Servicing Bylaw, each lot must have an independent on-site water source. The owners are applying for a development variance permit (DVP) to have an off-site water source for Lot 1 (see DPP680-10A\_Redacted.pdf" attached). The owners are not applying for any other variances to the Subdivision Servicing Bylaw requirements.

## BACKGROUND:

ELECTORAL AREA:  
A

CIVIC ADDRESS:  
2461 Seward Rd, Blaeberry

**SURROUNDING LAND USE PATTERN:**

Noth = Rural Residential  
South = Rural Residential  
East = Rural Residential  
West = Rural Residential

**CURRENT USE:**

Rural Residential

**PROPOSED USE:**

Residential Subdivision

**PARCEL SIZE:**

11.28 ha (27.92 acres)

**PROPOSED PARCEL SIZE:**

Lot 1 - 2.4 ha  
Remainder Lot - 9.3 ha

**CURRENT DESIGNATION:**

The subject property is in an area that does not have an official community plan.

**PROPOSED DESIGNATION:**

NA.

**CURRENT ZONING:**

The subject property is in an area that does not have a zoning bylaw.

**PROPOSED ZONING:**

NA.

**AGRICULTURAL LAND RESERVE:**

0%

**SITE COMMENTS:**

The subject property is mostly treed with slopes less than 25% with an existing dwelling and accessory buildings the flattest portion of the property near the north-eastern corner of the property. The property has frontage on Seward Rd to the east and Holmes-Deakin Rd to the south. Water is served by an existing shallow well.

**BYLAW ENFORCEMENT:**

There is no bylaw enforcement related to this file.

**POLICY:**

See "DVP680-10A\_Excerpts\_BL680.pdf" attached for excerpts of relevant policies and regulations from the [Subdivision Servicing Bylaw No 680](#), as amended.

- Part 2 – Interpretation
- Part 9 – Assessment and Demonstration of Potable Water
- Schedule A – Levels of Services
- Schedule B – List of Eligible Sources

**FINANCIAL:**

There are no financial implications associated with this application.

## **KEY ISSUES/CONCEPTS:**

### History – Subdivisions & Boundary Adjustments

Previous owners have attempted this subdivision in the past. With each application the previous owners proposed a shared water system with 2455 Seward Rd but could not confirm compliance with water servicing requirements of the subdivision servicing bylaw. The previous subdivision attempts were eventually revised to boundary adjustments between the subject property and 2455 Seward Rd (see "DVP680-10A\_Maps\_Plans.pdf" attached for a history of the subdivisions).

### Current Subdivision Application (Subdivision File 2024-00009)

The current owners of 2461 Seward Rd would like to subdivide Lot 1 as a separate lot similar to previous applications.

- Lot 1 (approximately 2.4 ha) would access Holmes-Deakin Rd. This lot is treed and vacant.
  - Water to Lot 1 would be provided by a shallow well (wells that are less than 15m deep) located on the Remainder Lot
- The Remainder Lot (approximate 9.3 ha) has access to Seward Rd and contains the existing dwelling, accessory building, and both water sources at 2461 Seward Rd.
  - The water source for the Remainder Lot is an existing shallow well.

This application differs from the previous attempts because this proposed subdivision will have a completely different water system (with a different water intake and separate waterlines) where previous attempts proposed a shared water system. When asked if the plan of proposed subdivision could be revised so that each lot has its own independent on-site water source, the current owners noted that they would prefer to keep the boundaries of proposed Lot 1 away from the existing house and accessory buildings on the Remainder Lot (which is near the existing shallow well to serve Lot 1). See "DVP680-10A\_Maps\_Plans.pdf" attached for a site plan and location of the shallow well.

### Subdivision Servicing Bylaw Requirements

The Subdivision Servicing Bylaw establishes the technical requirements for proposed subdivisions in the CSRD. There are two professional reports required for this subdivision.

1. A report regarding the sewage disposal and
2. A report regarding the assessment and demonstration of potable water.

Sewer (Part 7): Part 7 of Bylaw No. 680 requires the owner to submit documentation from an Authorized Person (as defined in the Sewerage System Regulation pursuant to the Public Health Act) confirming that each proposed lot is capable of supporting a primary and reserve Type 1 trench disposal system for a 4 - bedroom home (minimum 1,600 liters/day) which meets Regulatory and Standard Practice requirements on lots less than 4 ha.

This report is only required for Lot 1, documentation and professional reporting is not required on the Remainder Lot because it is over 4 ha.

The owners were informed of the report requirement. The owners are confident the proposed lot has sufficient space for a sewage disposal system. However, they noted that due to the costs, they prefer to have their DVP application approved before spending any funds on professional reports.

If this DVP is approved, the owners would still have to prove compliance with Part 7 of the Subdivision Servicing Bylaw prior to final approval of the subdivision. If the owners cannot confirm compliance, the subdivision cannot be approved.

Water (Part 9): Part 9 of Bylaw No. 680 requires that each lot have an independent on-site water source, and an assessment of the water source to demonstrate that it can meet the requirements set out in the Subdivision Servicing Bylaw. Part 9 of Bylaw No. 680 is generally described as follows:

- Lots must be served by an independent on-site water system.
  - Independent means that it only serves one property.
  - On-site means that all components of the water system are all located on the same property.
    - In the case of a surface water system, the source may be off-site. However, the water source must come from an existing surface license or be one listed in "Schedule B – List of Eligible Sources".
    - Intake and components of that system may be located on crown land, or an adjacent property provided a 6 m easement is registered on title in favour of the proposed Lot.
- That the water supply be capable of supplying at least 2,000 litres per day, 365 days per year, and not adversely affect the water supply of nearby residents and draw down of the aquifer.
- That the water produced can meet, or be treated to meet, the Canadian Drinking Water Guidelines.

These details must be confirmed by a report from a qualified professional (a person who is registered or duly licensed as a Professional Engineer or a professional geoscientist under the provisions of the Engineers and Geoscientists Act).

The owners were informed of these requirements, and the owners are confident the proposed lot has sufficient water supply. However, like the septic report, the owners noted that due to the costs, they prefer to have the DVP application approved before spending any funds on professional reports.

#### Lot Shape and Size:

Staff note that there are no land use bylaws in effect for this property (such as an official community plan or zoning bylaw) to regulate, or support lot shape or size (such as frontage, width, or panhandle regulations) that are typically included in official community plans and zoning bylaws for staff to utilize for considering their rationale in whether a subdivision should be supported. The intent of the Subdivision Servicing Bylaw is only to ensure that minimum technical conditions and feasibility of lots created by subdivision can be confirmed.

#### Analysis

The intent of Part 9 is to ensure that a sustainable supply of potable water can be provided, and the water system can be maintained or replaced at any time. The best way to ensure this is for the water source (in this case a shallow well) to be located on the same property. However, staff are comfortable supporting a DVP for an off-site water source if the water source is protected by an adequate easement with a minimum 6 m width (the same easement width required for components of a surface water system) to provide space for a property owner or contractor to install, maintain, or replace components of the water system and provides space for placement of fill when trenching water lines, or moving equipment. This easement must be registered in favour of proposed Lot 1 to avoid conflicts with other property owners.

The owners originally intended to utilize an existing easement (Easement LB219806 and Reference Plan NEP87060) for components of the water system to serve Lot 1. This easement was created with a previous subdivision attempt (which became a boundary adjustment of 2544 Seward Rd) and is registered in favour of both the subject property and 2544 Seward Rd. Reference Plan NEP87060 notes that the minimum width is 4 m. Staff do not support using this easement for the following reasons:

1. The easement is registered in favour of more than one property which can create potential future conflicts as this is no longer an independent water system.
  - a. A water system is no longer independent when it is included in a shared easement.
2. The easement was created as part of a separate subdivision application that was not approved by the CSRD.
3. The easement width is less than 6 m which does not provide sufficient space for vehicles and equipment to work on components of the water system.

Staff recommend that a new easement be drafted specifically for Lot 1 with a minimum width of 6 m to provide use of the water source and waterlines, as well as access for repair and replacement of the components of the water system.

Staff informed the owners of these reasons for not supporting using the existing easement and the owners have agreed that if the DVP application is approved, they will register a new easement.

#### Rationale for Recommendation

Staff are recommending the Board conditionally approve Development Variance Permit No. 680-10A for the following reasons:

- Each lot in the proposed subdivision would be provided with an independent water source;
- Conditions of the permit requires the owners to meet all other requirements of the Subdivision Servicing Bylaw; and,
- A 6 m easement registered on the Remainder Lot in favour of Lot 1 will allow sufficient space to work on a water system without conflict with another property owner.

#### **IMPLEMENTATION:**

If the Board chooses to approve the proposed DVP subject to the reporting and easement conditions recommended by staff, the owners will be notified and staff will work with the owners, their surveyor and lawyer on the appropriate easement documents, and other subdivision requirements.

#### **COMMUNICATIONS:**

Planning staff referred this application to the Environmental and Utility Services and the Community and Protective Services Departments for comment and no concerns were raised.

- Environmental and Utility Services noted that all other servicing of the Subdivision Servicing Bylaw should apply, and
- Community and Protective Services noted that the property is not within a fire protection service area.

Letters were sent to all owners of property lying within 100 m of the subject property advising of this application for Development Variance Permit in accordance with the Local Government Act

requirements. Written submissions received regarding this application will be attached to the late agenda.

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendation.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**Report Approval Details**

Document Title:	2025-07-17_Board_DS_DVP680-10A.docx
Attachments:	- DVP680-10A_Permit_Redacted.pdf - DVP680-10A_Excerpts_BL680.pdf - DVP680-10A_Maps_Plans.pdf
Final Approval Date:	Jul 8, 2025

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

**No Signature - Task assigned to Corey Paiement was completed by assistant Crystal Robichaud**

Corey Paiement



Gerald Christie

A handwritten signature in black ink, appearing to read "Jennifer Sham". The script is fluid and cursive, with the first name "Jennifer" written in a larger, more prominent style than the last name "Sham".

Jennifer Sham

A handwritten signature in black ink, appearing to read "John MacLean". The signature is more compact and stylized than the one above, with a long horizontal stroke extending from the end of the last name.

John MacLean