

# ADMINISTRATIVE REPORT



**TO:** Advisory Planning Commission  
**FROM:** J. Zaffino, Chief Administrative Officer  
**DATE:** January 13, 2025  
**RE:** Development Variance Permit Application — Electoral Area “D”

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**Purpose:** To allow a new 532 m<sup>2</sup> parcel to be created by subdivision without underground pre-ducting.

**Civic:** 1205 Maple Street                      **Legal:** Lot O, Plan KAP1501, District Lot 374, SDYD

**Folio:** D-00835.000                              **Zone:** Low Density Residential Two (RS2)

**Variance Requests:** to waive the requirement for underground pre-ducting along the frontage of the parcel line

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## **Proposed Development:**

This application is seeking a variance to the subdivision requirements that apply to the subject property in order to undertake a two lot subdivision.

Specifically, it is being proposed to waive the requirement for underground pre-ducting along the frontage of the parcel as prescribed in Section 4.4.2 of the Subdivision Servicing Bylaw No. 2900, 2024.

In support of this request, the applicant has stated that “the requirement for subdividing the above property is unwarranted due to already having over head utilities” and, that “the unnecessary underground utilities, if put in, will disturb two well established fir trees.”

## **Site Context:**

The subject property is approximately 4,051 m<sup>2</sup> in area and is situated on the east side of Maple Street, within the community of Okanagan Falls, and approximately 9 km south from the boundary with City of Penticton. The property is understood to contain one (1) singled detached dwelling, one (1) accessory dwelling and one (1) accessory structure.

The surrounding pattern of development is generally characterised by similar residential development.

## **Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on December 23, 1918.

Available Regional District records indicate that building permits for Decommissioning two suites (2023), an accessory dwelling (2022), a relocation of a home on a foundation (2018), a relocation of a single family dwelling on a new foundation (2015) have previously been issued for this property.

BC Assessment has classified the property as “Residential” (Class 01).

## **Official Community Plan (OCP) Bylaw:**

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Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Low Density Residential (LR), and is the subject of a Watercourse Development Permit (WDP), Environmentally Sensitive Development Permit (ESDP), Okanagan Falls Multi Family Development Permit Area designations.

**Zoning Bylaw:**

Under the Okanagan Valley Zoning Bylaw No. 2800, 2024, the property is currently zoned Low Density Residential Two (RS2) which allows for a minimum parcel size of 500.0 m<sup>2</sup>, subject to Section 8.0.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Shuttleworth Creek and future development may be required to satisfy the requirements under section 10.0.

**Subdivision and Development Servicing Bylaw:**

Under Section 4.4 of the Regional District’s Subdivision and Development Servicing (SDS) Bylaw No 2900, 2024, a subdivision that proposes to create a parcel less than 2,500 m<sup>2</sup> in area is required to “construct and install underground pre-ducting for electrical distribution and telecommunications wiring in accordance with the standards of the authority having jurisdiction.”

Importantly, “where existing electrical distribution or telecommunications services are overhead, underground pre-ducting along the frontage of the parcel is required.”

**Application History:**

On May 27, 2024, the Ministry of Transportation and Infrastructure (MoTI) referred a proposed two (2) lot subdivision involving the subject property to the Regional District for compliance with any applicable RDOS land use bylaws.

On October 10, 2024, the Regional District submitted a Subdivision Review Report (SRR) to the Ministry advising, amongst other things, that the construction and installation of underground pre-ducting for electrical distribution and telecommunications wiring would be required in order for this subdivision to comply with the Regional Districts SDS Bylaw as it was being proposed to create a new parcel 532 m<sup>2</sup> in area.

On December 5, 2024, the RDOS Board deferred the application to the Electoral Area “D” APC for further consideration.

**Analysis:**

Administration notes that the bylaw requirement to provide underground ducting and conduits when smaller residential and/or urban parcels are being created by subdivision is, primarily, a reflection of cost efficiencies that can be realized at the time new development is occurring.

It is generally considered to be more cost-effective to install underground infrastructure during the initial stages of subdivision development than attempting to retrofit an existing neighborhood at a later date.

Moreover, requiring the installation of underground conduiting at the time of subdivision allows for the costs to be incurred by the developer, thereby reducing the financial burden on the local government or future rate payers within the service area.

Other considerations, include:

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- underground wiring eliminates unsightly overhead wires and poles, improving the visual quality of a residential neighborhood;
  - underground wiring is less prone to damage from weather (e.g. wind, snow and lightning), vehicle collisions or fallen trees compared to overhead lines;
  - underground wiring is often more durable and requires less frequent maintenance than overhead systems; and
  - underground wiring free up space on smaller residential parcels (e.g. no need for poles) and remove possible obstructions in the form of overhead wiring, which can obstruct roads, sidewalks, or driveways.

In considering a request to waive this requirement, Administration will generally assess any physical site constraints, such as rocky terrain, a high water table, or existing underground infrastructure that might make underground installations impractical or prohibitive. Other considerations include the availability of alternative solutions or adverse impacts on environmental values.

In this instance, it is noted that there do not appear to be any physical constraints that would preclude the installation of underground pre-ducting at the subject property.

In addition, due to the property being located within the boundaries of the Okanagan Falls Primary Growth Area, this is a location in which it is desirous to see the undergrounding provision for wiring for new developments. Administration notes that this is a common servicing requirement in Penticton, Summerland, Osoyoos and Oliver – being the other “Primary Growth Areas” under the RGS Bylaw.

With regard to environmental values on the property, available mapping indicates that the rear of the property, which adjoins Shuttleworth Creek, has been designated as a Environmentally Sensitive Development Permit (ESDP) Area, but that the vegetation at the front boundary with Maple Street does not comprise sensitive attributes.

There also appears to be options available to the property owner to install underground pre-ducting along the frontage in a location that may not adversely impact on existing trees.

Alternative:

Conversely, Administration recognises that the provision of electrical services via overhead wires is ubiquitous along Maple Street and that the applicant has indicated that the existing dwelling that is being subdivided from the remainder property is already connected via overhead wiring. In this context, the provision of underground pre-ducting may be un-necessary.

Administration is also cognizant that there is currently no known plan to transition existing over-head services underground in Okanagan Falls and that there may be merit in address this issue holistically and as part of a broader service plan for the community as opposed to requiring underground pre-ducting on a random, ad-hoc basis related to subdivision.

Summary:

For these reasons outlined above, Administration does not support the requested variance and is recommending the application ben denied.

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**Administrative Recommendation:**

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**THAT Development Variance Permit No. D2024.034-DVP, to allow for a 532 m<sup>2</sup> parcel to be created through subdivision without underground wiring and pre-ducting at 1205 Maple Street, Okanagan Falls, be denied.**

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**Options:**

1. THAT the APC recommends to the RDOS Board that the subject development application be approved.
2. THAT the APC recommends to the RDOS Board that the subject development application be approved with the following conditions:
  - i) *TBD*
3. That the APC recommends to the RDOS Board that the proposed development application be denied.

**Respectfully submitted**

*Colin Martin*

Colin Martin, Planner I

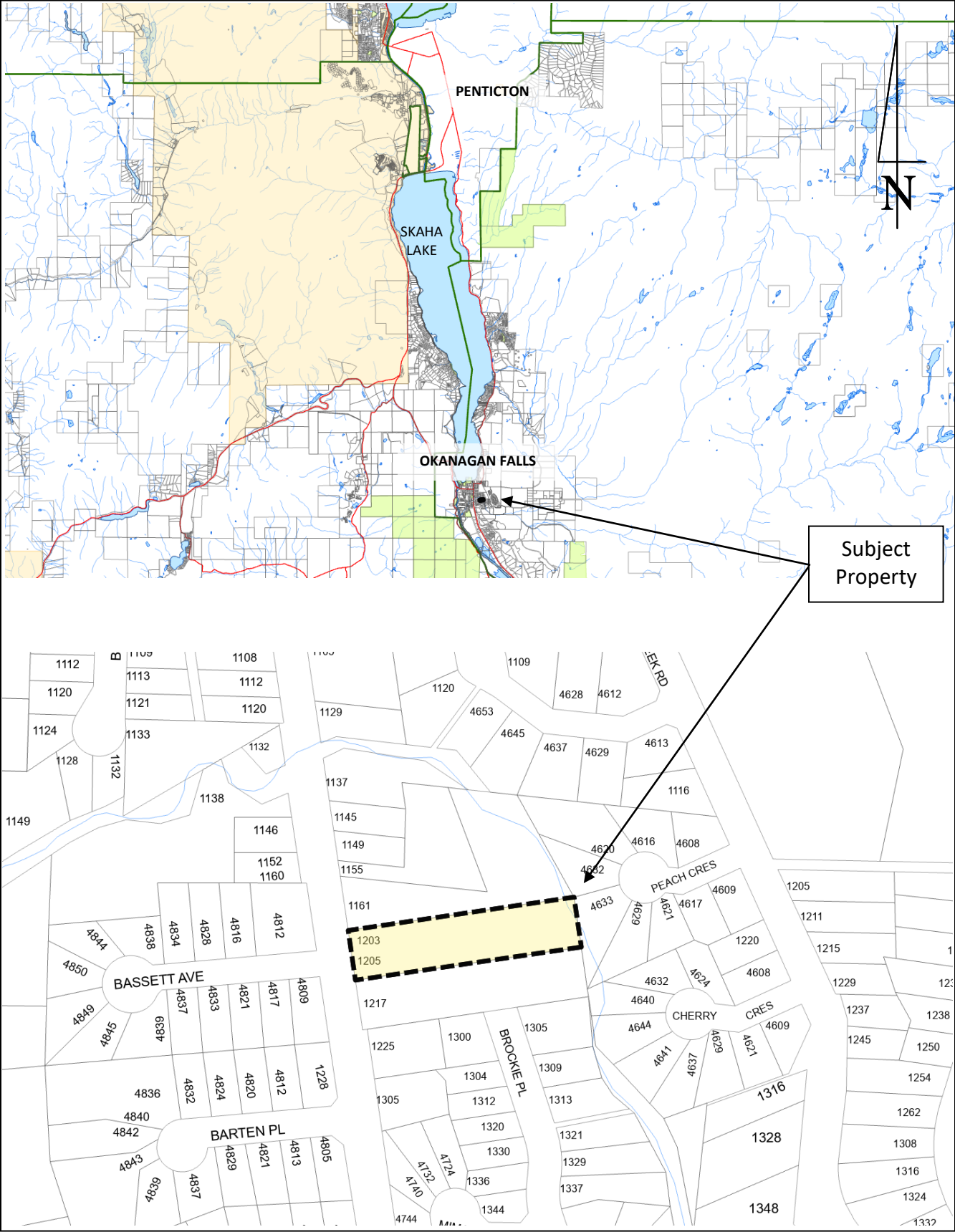
**Endorsed by:**



C. Garrish, Senior Manager of Planning

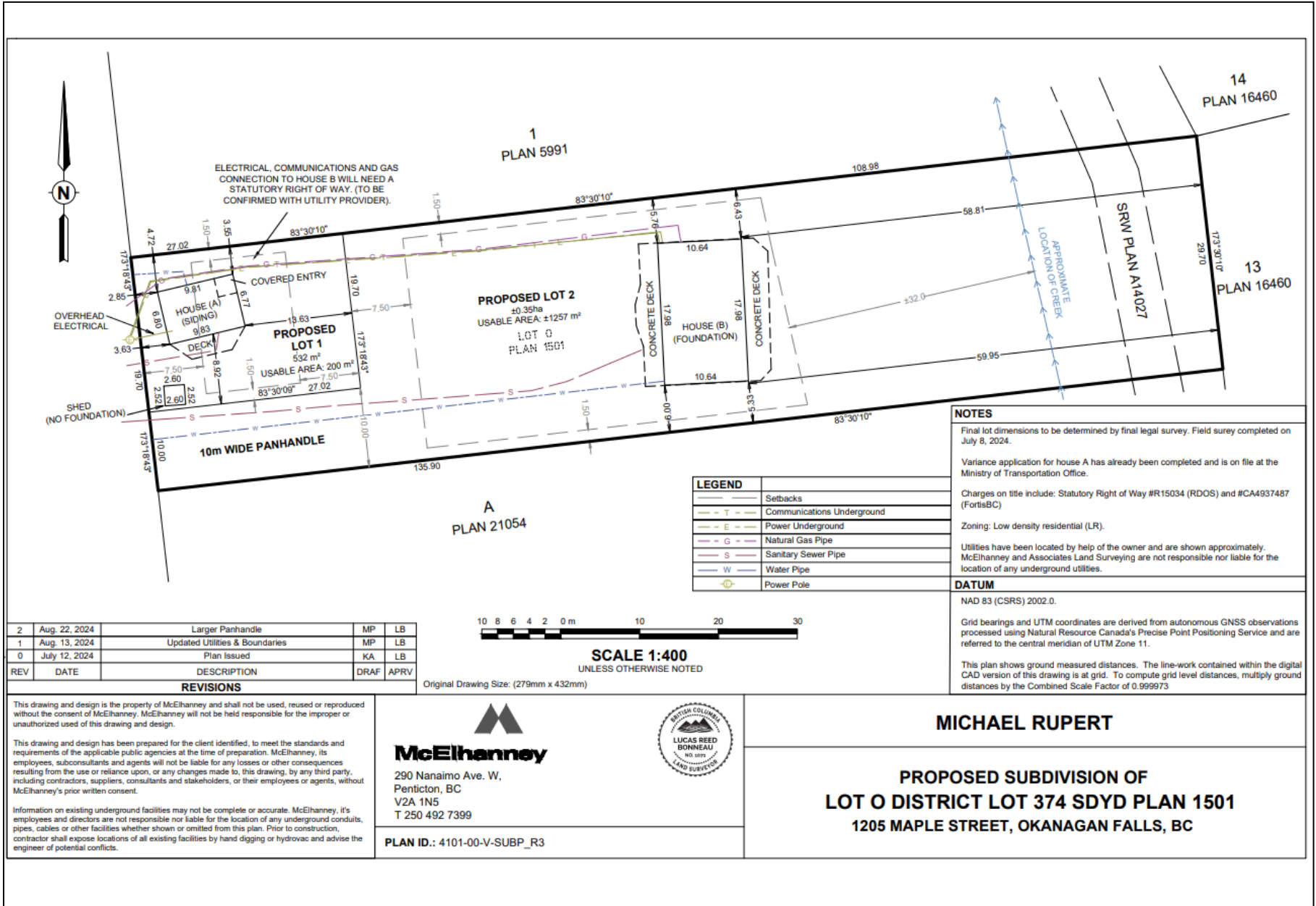
- Attachments:
- No. 1 – Context Maps
  - No. 2 – Applicant’s Site Plan
  - No. 3 – Site Photo (Google Streetview)
  - No. 4 – Aerial Photo

Attachment No. 1 – Context Maps



Subject Property

Attachment No. 2 – Applicant’s Site Plan



**NOTES**

Final lot dimensions to be determined by final legal survey. Field survey completed on July 8, 2024.

Variance application for house A has already been completed and is on file at the Ministry of Transportation Office.

Charges on title include: Statutory Right of Way #R15034 (RDOS) and #CA4937487 (FortisBC)

Zoning: Low density residential (LR).

Utilities have been located by help of the owner and are shown approximately. McElhanney and Associates Land Surveying are not responsible nor liable for the location of any underground utilities.

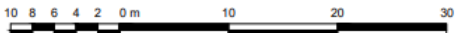
**DATUM**

NAD 83 (CSRS) 2002.0.

Grid bearings and UTM coordinates are derived from autonomous GNSS observations processed using Natural Resource Canada's Precise Point Positioning Service and are referred to the central meridian of UTM Zone 11.

This plan shows ground measured distances. The line-work contained within the digital CAD version of this drawing is at grid. To compute grid level distances, multiply ground distances by the Combined Scale Factor of 0.999973

REV	DATE	DESCRIPTION	DRAF	APRV
2	Aug. 22, 2024	Larger Panhandle	MP	LB
1	Aug. 13, 2024	Updated Utilities & Boundaries	MP	LB
0	July 12, 2024	Plan Issued	KA	LB



**SCALE 1:400**  
UNLESS OTHERWISE NOTED

Original Drawing Size: (279mm x 432mm)

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Information on existing underground facilities may not be complete or accurate. McElhanney, its employees and directors are not responsible nor liable for the location of any underground conduits, pipes, cables or other facilities whether shown or omitted from this plan. Prior to construction, contractor shall expose locations of all existing facilities by hand digging or hydrovac and advise the engineer of potential conflicts.

**McElhanney**  
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Penticton, BC  
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T 250 492 7399

PLAN ID.: 4101-00-V-SUBP\_R3



**MICHAEL RUPERT**

**PROPOSED SUBDIVISION OF  
LOT O DISTRICT LOT 374 SDYD PLAN 1501  
1205 MAPLE STREET, OKANAGAN FALLS, BC**

Attachment No. 3 – Site Photo (Google Streetview)



Attachment No. 4 – Aerial Photo

