

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 2, 2021

RE: Development Variance Permit Application — Electoral Area “H”

Administrative Recommendation:

THAT Development Variance Permit No. H2021.029-DVP to vary the proof of water requirements for a new parcel to be created at 1100 Summer Creek Road, be approved.

Legal: District Lot 2415, KDYD, Except Pla KAP47683 KAP52197

Folio: H-01161.000 Zone: Large Holdings Two (LH2)

Variance Request: reduce parcel area exemption from 20.0 ha or greater to 8.0 ha area or greater.

Proposed Development:

This application is seeking a variance to the requirement contained in the Subdivision Servicing Bylaw No. 2000, 2002, that requires new parcels less than 20.0 ha in area to provide proof of water.

Specifically, it is being proposed to vary the requirement under the Subdivision Servicing Bylaw No. 2000, 2002 Section 6.4 (C) which states that new parcels less than 20.0 ha in area provide proof of water at the time of subdivision. The proposed new parcels are 8.0 ha & 13.0 ha in area.

In support of this request, the applicant has stated that “the requirement to provide a water source is sound, and for smaller parcels, it makes sense to prove water quality and quantity at the time of parcel creation. Given the large area of the remainder parcel and the multiple homesites, the current owners wish to defer the drilling of a new well so that the new owners can drill a well in a location that suits their potential homesite in the future.”

Site Context:

The subject property is approximately 21.78 ha in area and is situated on the west side of Summers Creek Road, approximately 9 km north of the boundary of the Town of Princeton. The property currently contains a single detached dwelling at the south end and vacant land.

The surrounding pattern of development is characterised by similar sized large holdings properties to the east and resource area Crown Land to the west.

Background:

It is not clear when the current boundaries of the subject property were created by a Plan of Subdivision, while available Regional District records indicate that a building permit for a single family dwelling (2005) has previously been issued for this property. BC Assessment has classified the property as “Residential” (Class 01).

Under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, the subject property is currently designated Large Holding (LH), and is the subject of a Watercourse Development Permit (WDP) designation.

Under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, the property is currently zoned Large Holdings Two (LH2) which allows for a single detached dwelling and accessory buildings as permitted uses.

Under the Regional District’s Subdivision Servicing Bylaw No. 2000, 2002, new parcels greater than 0.5 ha in area are to prove a source of ground water on each proposed lot capable of providing potable water (i.e. drinking water).

At its meeting of July 22, 2021, the Board adopted Amendment Bylaw No. 2000.12, 2021, which introduced an exemption for parcels greater than 20.0 ha in area from having to provide proof of water at the subdivision stage.

On March 10, 2021, the Ministry of Transportation and Infrastructure (MoTI) referred a proposed 2-lot subdivision involving the subject property to the Regional District for compliance with any applicable RDOS land use bylaws.

On March 22, 2021, the Regional District advised the Ministry that “The applicant is required to provide proof that each parcel to be created by the subdivision that does not have an existing well located on the parcel ...”

The subject property is not included within a community water system area, a community fire department fire protection service area or a community sanity system service area.

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted, in accordance with Section 2.10 of Schedule ‘4’ of the Regional District’s Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on August 26, 2021. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

In considering this proposal, Administration recognises that on larger, rural parcels, requiring proof of water at the time of subdivision may be an inefficient use of resources.

This is due to the location that a developer chooses to drill a well in order to prove water at subdivision may be unrelated to where a future owner chooses to build structures on that parcel. In such scenarios, the new owner is then required to drill a new well, while the well established at the time of subdivision *may* fall into disuse or be decommissioned.

Conversely, Administration notes that the existing exemption for new parcels greater than 20.0 ha in area is a reflection that these parcels generally tend to be zoned Resource Area (RA) and that the intent of this zoning is for such parcels to generally be rural in nature and un-serviced.

This exemption is a further reflection that a water source can generally be found on a 20 ha parcel and that it is not imperative that this be proven at the subdivision stage as it is on smaller parcels.

If parcels less than 20.0 ha in area created through subdivision without proof of an adequate water source, this *may* present challenges to future use of the land due to the limited land area in which to establish a sustainable, potable water source

However, Administration also notes that it is not uncommon to provide exemptions from proof of water requirements for parcels less than 8.0 ha in area. The exemption for parcels more than 20.0 ha is subjective. There may be a risk that water may not be available on the lot, but there is already one well on the current parcel, so the risk is deemed to be minor.

A stronger argument may be that larger, rural parcels requiring proof of water at the time of subdivision may be an inefficient use of resources on the basis that the location that a developer chooses to drill a well in order to prove water at subdivision may be unrelated to where a future owner chooses to build structures on that parcel. In such scenarios, the new owner is then required to drill a new well, while the well established at the time of subdivision *may* fall into disuse or be decommissioned.

Benchmarking indicates that area in other Regional Districts such as the Thompson-Nicola Regional District, the Regional District of East Kootenay, the North Okanagan Regional District and the Regional District of Central Okanagan require proof of water for parcels less than 8.0 ha.

For the reasons outlined above, Administration supports the requested variances.

Alternatives:

1. That Development Variance Permit No. H2021.029-DVP be denied.
2. That the application and it be referred to the Electoral Area “H” Advisory Planning Commission.

Attachments: No. 1 – Site Photo

Attachment No. 1 – Site Photo

