

# MEMORANDUM

## DEVELOPMENT SERVICES DEPARTMENT



**DATE:** June 8, 2023 **FILE NO.:** H2023.019-DVP

**TO:** Christopher Garrish, Planning Manager

**FROM:** Ben Kent, Planner I

**RE:** Development Variance Permit (DVP) — Electoral Area “H”

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Owner: Mazama Developments Ltd Agent: Lucas Bonneau Folio: H-01121.000

Civic: N/A Legal: District Lot 2103, KDYD

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### Proposed Development:

This application is seeking a variance to the hooked parcels regulation that applies to the subject property in order to undertake a 6-lot subdivision.

Specifically, it is being proposed to vary the minimum area requirement for the portions of a hooked parcel in the Large Holdings Two (LH2) zone from 8.0 ha to 7.63 ha and 6.06 ha.

In support of this request, the applicant has stated that “this variance is addressing an unusual parcel shape due to the KVR railway traversing through the remainder of DL 2103. The total area of the two hooked parcels is 13.7ha. Exceeding the 8 ha. requirement.”

### Site Context:

The subject property is approximately 61.91 ha in area and is situated on the north and south side of Princeton-Summerland Road, approximately 3.70 km east of Osprey Lake and approximately 23.85 km west of the boundary with District of Summerland. The property is understood to be vacant.

The surrounding pattern of development is generally characterised by vacant rural holdings and Crown land.

### Background:

Regional District records indicate that a Plan of Subdivision has not been deposited with the Land Titles Office in Kamloops and that building permits have not previously been issued for this property.

Under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2498, 2012, the subject property is currently designated Large Holdings Two (LH2), and is the subject of Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations.

Under the Electoral Area “H” Zoning Bylaw No. 2497, 2012, the property is currently zoned Large Holdings Two (LH2) which requires a minimum parcel size of 8.0ha for subdivision.

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

On August 17, 2022, the Ministry of Transportation and Infrastructure (MoTI) referred a proposed 6 lot subdivision involving the subject property to the Regional District for compliance with any applicable RDOS land use bylaws.

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Under Section 3.49 of the Regional District's *Chief Administrative Officer Delegation Bylaw No. 2793, 2018*, "the CAO or his designate shall ... be delegated authority to issue a development variance permit under Section 498.1 of the *Local Government Act* ..."

**Public Process:**

In accordance with Section 2.4 of Schedule 4 (Application for a Development Variance Permit) of the Regional District's Development Procedures Bylaw No. 2500, 2011, adjacent residents and property owners were notified of this DVP application on April 13, 2023, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of May 4, 2023, being 15 working days from the date of notification, approximately 0 representations have been received electronically or by submission at the Regional District office.

**Delegated Authority:**

Under Section 498.1(2) of the *Local Government Act*, a local government that has delegated authority to an officer or employee to issue a development variance permit (DVP) must include "criteria for determining whether a proposed variance is minor."

Under Section 3.49 of the Regional District's Chief Administrative Officer Delegation Bylaw No. 2793, 2018, staff are to consider if the variance would be "minor and would have no significant negative impact on the use of immediately adjacent or nearby properties" through the use of the following criteria:

1. *degree or scope of the variance relative to the regulation from which a variance is sought;*
2. *proximity of the building or structure to neighbouring properties; and*
3. *character of development in the vicinity of the subject property.*

With regard to the degree of the requested variance it is considered that a 14% and 24% decrease in the minimum area of the portions of a hooked parcel is unlikely to impact the use of the parcel under the current zoning. For this reason, the requested variance is seen to be minor.

With regard to the proximity of the proposed development to neighbouring properties, the adjacent properties are vacant. For this reason, the requested variance is seen minor and will not impact the use of adjacent properties.

With regard to the final criteria and the character of development in the vicinity of the subject property, adjacent properties consist of vacant land. For this reason, the requested variance is seen to be minor.

For these reasons, the proposed variance(s) are deemed to be minor, and consideration by staff of whether to issue a development variance permit (DVP) under delegation may proceed.

**Analysis:**

When considering a "minor" variance request, and in accordance with Section 498.1(2) of the *Local Government Act*, the Regional District Board requires that staff consider the following guidelines when deciding whether to issue a DVP:

1. *is the proposed variance consistent with the general purpose and intent of the zone;*

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2. *is the proposed variance addressing a physical or legal constraint associated with the site (e.g. unusual parcel shape, topographical feature, statutory right-of-way, etc.);*
  3. *is strict compliance with the zoning regulation unreasonable or un-necessary; and*
  4. *Would the proposed variance unduly impact the character of the streetscape or surrounding neighbourhood.*

Administration notes that the Zoning Bylaw's use of minimum area requirements at subdivision for the portions of a hooked parcel is generally to ensure that parcels provide adequate area to establish the permitted uses under the current zoning.

Additionally, hooked parcel requirements are generally intended to deter the fragmentation of parcels into undersized lots, should future property owners wish to unhook the portions of the parcel.

In this instance, the requested variance addresses a physical constraint because a 7.63ha area at the northwest corner of the property is bounded by the KVR trail without any highway access. As such, any subdivision of this lot would result in the creation of an undersized hooked portion.

The smallest portion of the proposed hooked parcel is 6.06 ha, which is unlikely to preclude the permitted uses under the LH2 zone.

The proposed hooked parcel is unlikely to be unhooked into undersized lots in the future because it is bisected by the KVR and bounded by Crown land to the north.

The proposed subdivision will not impact adjacent uses because adjacent parcels consist of undeveloped rural holdings and Crown land.

For these reasons, it is recommended that the requested variances be approved.

**Recommendation:**

THAT Development Variance Permit No. H2023.019-DVP, to allow for a 6-lot subdivision of District Lot 2103, be approved.

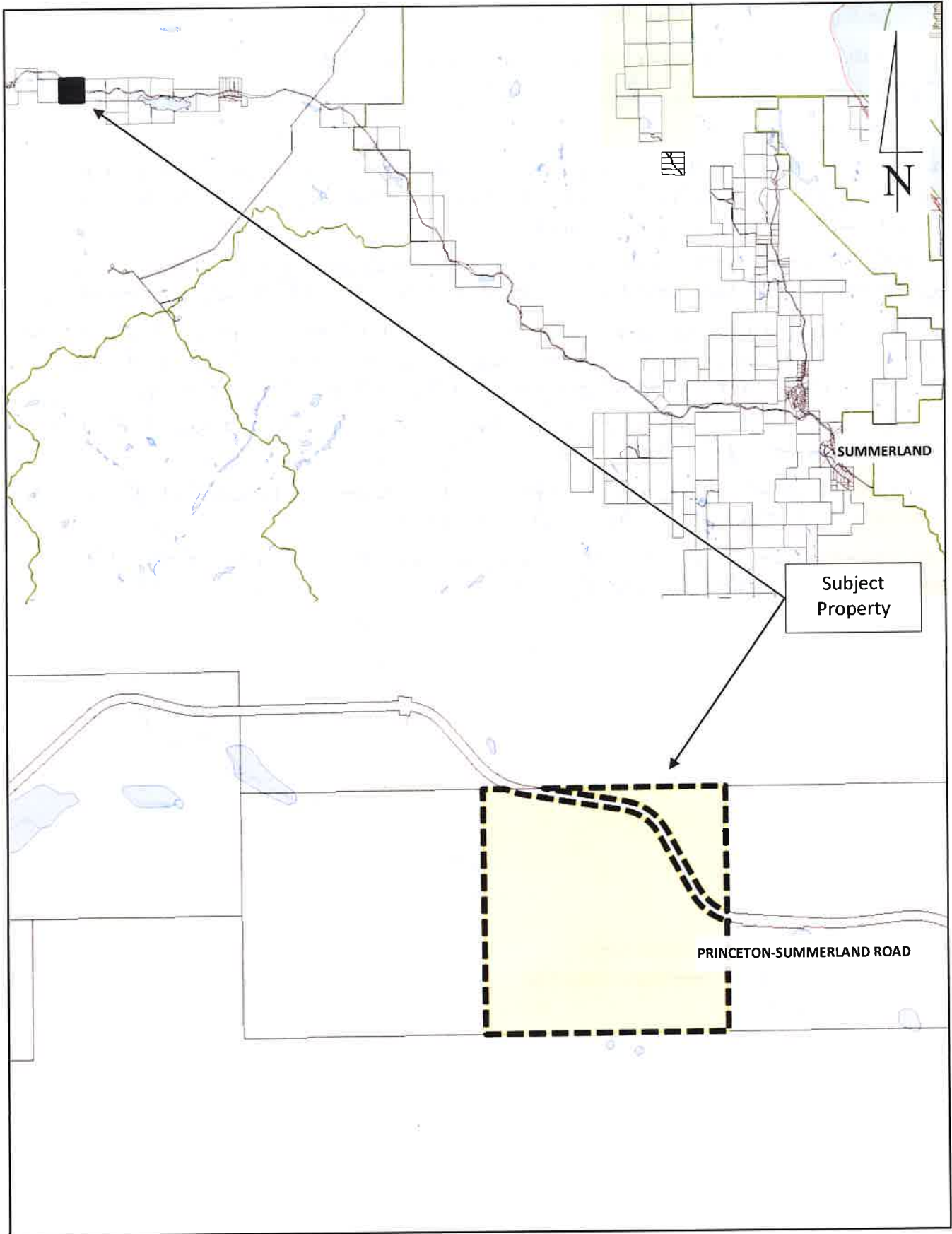
**Respectfully submitted:**

*Ben Kent*

Ben Kent, Planner I

Attachments: No. 1 — Context Maps  
No. 2 — Applicant's Site Plan

Attachment No. 1 – Context Maps



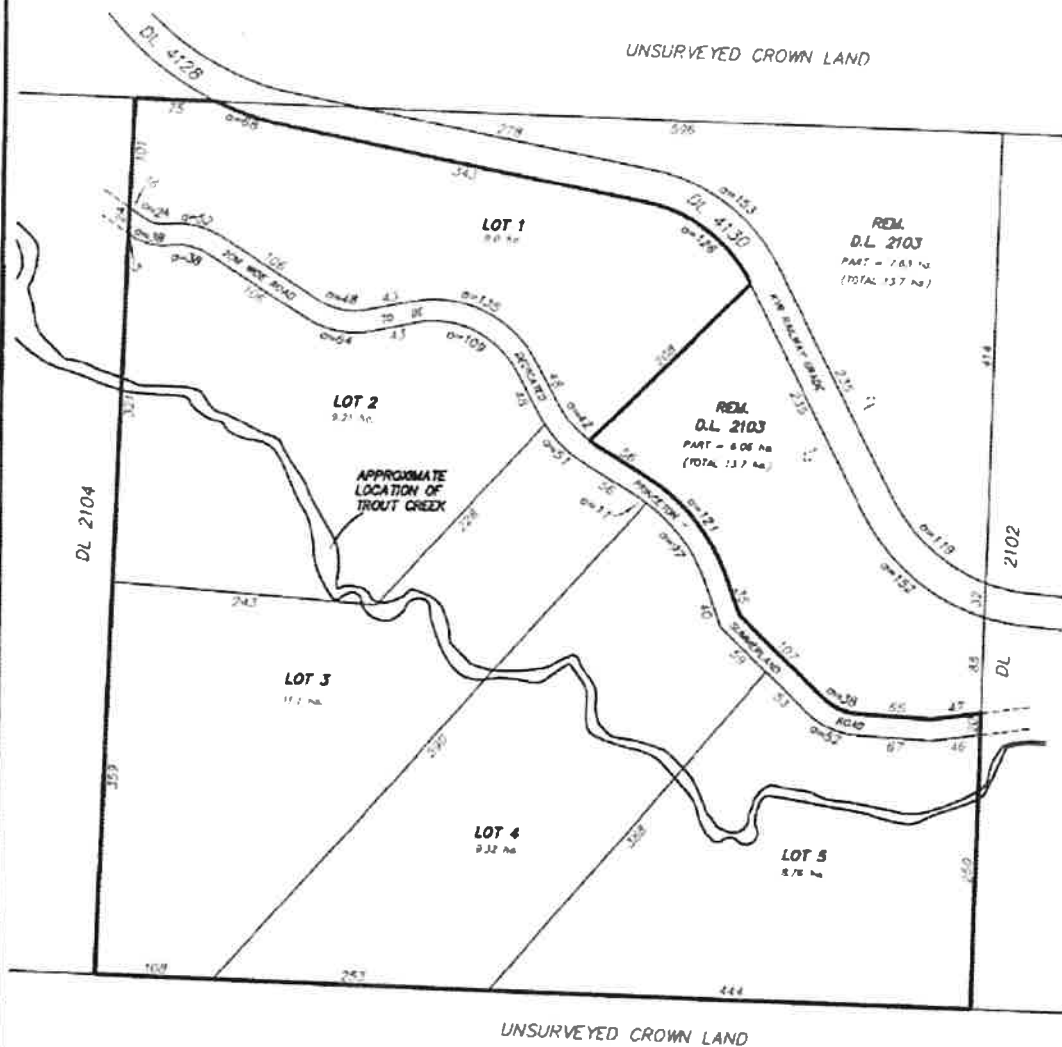
Attachment No. 2 – Applicant’s Site Plan

**SKETCH PLAN OF  
PROPOSED SUBDIVISION OF  
A PART OF DL 2103, KDYD**

SCALE : 1:4000



( ALL DIMENSIONS ARE IN METRES )



PLAN PREPARED APRIL 20, 2022

DIMENSIONS SHOWN ARE BASED ON LAND TITLE OFFICE RECORDS  
AND ARE SUBJECT TO CHANGE UPON FINAL LEGAL SURVEY  
FOR DISCUSSION PURPOSES ONLY

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OUR FILE NO. 200364-0  
OUR DRAWING NO. 200364-DL-PROPOSED SUB.DWG

