

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: March 17, 2021
RE: Development Variance Permit Application — Electoral Area “H”

Administrative Recommendation:

THAT Development Variance Permit No. H2021.014-DVP, to allow for a boundary lot line adjustment between District Lot 701 and District Lot 702, be approved

Purpose: To allow for a boundary lot line adjustment between District Lot 701 and District Lot 702.

Owners: West Maverick Leasing Ltd. Agent: AllTerra Land Surveying Folio: H-00758.000/H-00760.000

Civic: 3527 Coalmont Road Legal: DL 701, YDYD Except Plan A1045; & DL 702, YDYD Plan A127

OCP: Agriculture (AG) Zone: Agriculture Three (AG3) Zone

Variance Request: to allow creation of hooked parcels that do not satisfy minimum parcel size requirements

Proposed Development:

This application is seeking a variance to the hooked parcel regulation that applies to the subject property in order to undertake a subdivision.

Specifically, it is being proposed to allow creation of hooked parcel that do not satisfy minimum parcel size requirement for the applicable zone.

In support of this request, the applicant has stated that “Coalmont Road bisects both District Lots, as does the Kettle Valley Railway. Coalmont Road is undedicated in these District Lots and we anticipate it will be a requirement of this boundary adjustment to dedicate this as public road. AllTerra held preliminary discussions with both MOTI and the RDOS regarding this boundary adjustment prior to submission and we were aware going into this that there are some hurdles with respect to the hooked parcels and our inability to meet the minimum parcel sizes for the hooked portions of the lots”

Site Context:

The subject properties are approximately 47.1 ha and 30.5 ha in area located about 8km north of the Tulameen Townsite and are zoned AG3. The parcels abut AG3 parcels to the north and south, and Unsurveyed Crown Land to the east and the west. Fremdb Lake and Otter Creek are also adjacent to District Lot 701 and are Crown Land, not transferred privately at the time of the original Crown Grant. The property is understood to contain a single detached dwelling in the south west corner of Lot 701 and a few outbuildings.

Background:

The current boundaries of the subject properties are unknown, while available Regional District records indicate that building permit(s) have not previously been issued for this property.

Under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, the property is designated Agriculture (AG), and is subject to a Watercourse Development Permit (WDP) Area.

Under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, the property is zoned Agriculture Three (AG3) Zone, which lists single detached dwelling as a permitted principal use.

Due to the proximity of the property to Otter Lake and Frembd Lake, the floodplain regulations of the zoning bylaw may apply to any future development of the property (i.e. complying with floodplain elevations for habitable spaces).

Subject properties are also understood to be within Agricultural Land Reserve (ALR) lands.

On February 9, 2021, a subdivision referral was received from the Ministry of Transportation and Infrastructure to facilitate proposed subdivision (interior boundary lot line adjustment) of District Lot 701 and District Lot 702.

On March 17, 2021, an expedited Watercourse Development Permit was issued for subject property in order to facilitate subdivision of subject parcels.

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until the commencement of the regular Board meeting. Any comments will be on the agenda as separate item.

Analysis:

In considering this proposal, Administration notes that the purpose of establishing a minimum parcel size for newly created hooked lots is to limit the proportion of any lot that can be built on in order to, amongst other things, provide outdoor space for residents, to protect the amenity and character of neighbourhoods and to avoid creation of ad-hoc lots where that portion of the hooked lot serve no purpose, other than meeting the minimum parcel size requirement.

In Agricultural zones, creating hooked lots to meet the minimum parcel size is seen to further exacerbate the on going issue where the broken small lots are dominated by residential development later on, thereby removing valuable farm lands from already limited agricultural lands.

In this instance, Administration notes that the parcels are already hooked/separated by Coalmont Road and KVR trail that runs through the properties and no new hooked lot is created as a result of proposed subdivisions of land.

Administration also notes that the alternative to consolidate or purchase the neighbouring parcel (owned by Crown) to meet the minimum parcel size requirement is not possible.

The neighbouring properties to the north and west are large parcels developed largely vacant and no adverse impacts are anticipated to these properties through proposed subdivision. Administration notes that the proposed subdivision will infact further solidify the public nature of Coalmont Road by dedicating it to the Ministry of Transportation.

Conversely, Administration recognises that ad-hoc planning to create hooked lots that don't meet the minimum parcel size requirement seems to defeat the intent of the bylaw and sets a bad precedent

for future developers seeking creation of hooked lots through subdivision of lands that do not meet minimum size requirements.

However, the parcels are already hooked by Coalmont Road and KVR trail, and proposed subdivision would formalise the already hooked lot rather than a new one.

For these reasons, Administration supports the requested variances and is recommending approval.

Alternatives:

1. That the Board deny Development Variance Permit No. H2021.014-DVP.
2. That the Board defer consideration of the application and it be referred to the Electoral Area "H" Advisory Planning Commission.

Respectfully submitted

R. Gadoya

Rushi Gadoya, Planning Technician

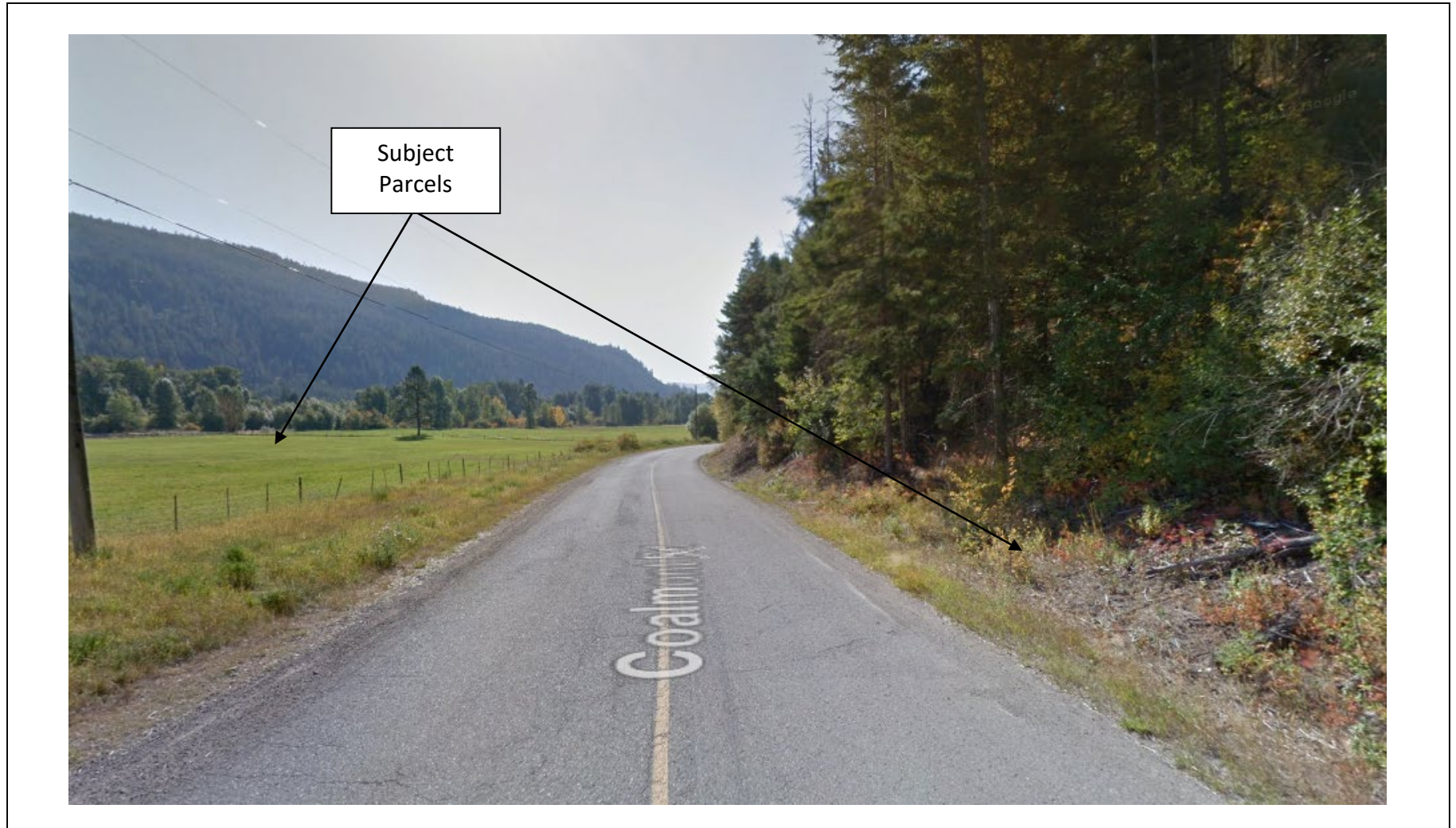
Endorsed by:

CG

C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (Google Streetview)

Attachment No. 1 – Site Photo (Google Streetview)



View looking south on Coalmont Road towards subject parcels