



March 5, 2021

Rushi Gadoya, Planning Technician
Via email: Rushi Gadoya <rgadoya@rdos.bc.ca>

**RE: Letter of Support for Variance Application
Variance to Section 10.5 of the Electoral Area "H" Zoning Bylaw
No. 2498, 2012**

AllTerra Land Surveying Ltd. has been retained by West Maverick Leasing to support the boundary adjustment between District Lot 702 and District Lot 701. The properties are 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. Frembd 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.

This boundary adjustment aims to re-align the land use to ensure the hay field that is currently part of District Lot 702 lying to the east of the KVR is part of District Lot 701 (Proposed Lot B).

There is a small homesite in the south west corner of District Lot 701 containing a dwelling and a few outbuildings. This is currently serviced with a well and septic field. District Lot 702 is bare land, and is un-serviced.

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.

As such, we are seeking a Variance to Section 10.5 of the Electoral Area "H" Zoning Bylaw No. 2498, 2012.

The hooked parcel situation will be exacerbated by the dedication of road, creating further fracturing of the parcels and further reducing the size of the hooked portions. Given the nature of the parcels, we feel there are logical explanations as to why we cannot avoid the hooked parcels. For this reason AllTerra seeks a variance from the RDOS with respect to Section 10.5 of the zoning bylaw.



In direct response to the questions on the Development Variance Application:

The variance should not defeat the intent of the bylaw standard or significantly depart from the planning principle or objective intended by the bylaw.

The planning principles support this bylaw makes sense; hooked parcels should not be created that do not meet the minimum size prescribed by the zoning bylaw. However, in this instance, we are not subdividing the land to create the hooked parcels, we are only re-aligning boundaries where hooked parcels already exist as the result of the KVR and Coalmont Road. These are pre-existing lot sizes and shapes that we cannot change physically. It is not possible to purchase adjacent land to eliminate the size challenge of the hooked parcels as the adjacent land is Crown Land, and we know there is no appetite from the Ministry of Forests Lands and Natural Resource Operations to grant Crown Land to private individuals. There is no remedy for the existing situation, and we do not believe that the land owner's ability to adjust boundaries should be impaired as a result of the construction of the KVR and exception from the title dating back to 1912. This proposal aims to eliminate the hooked parcel identified in the attached plan of proposed subdivision as being 6.2 ha by adding this to District Lot 701.

The variance should not adversely affect adjacent or nearby properties or public lands. Please elaborate how the requested variance meets this criteria:

As there is no change proposed to the current use, we do not believe there is any adverse impact to nearby properties or public lands. The dedication of road through these parcels as part of this subdivision will further solidify the public nature of Coalmont Road.

The variance should be considered as a unique solution to an unusual situation or set of circumstances. Please elaborate how the requested variance meets this criteria:

As previously mentioned, there is no easy way to solve this area challenge short of buying adjacent privately held land or Crown Land.

The variance represents the best solution for the proposed development after all other options have been considered. Please elaborate how the requested variance meets this criteria:

There are no other options to remedy the situation outside of purchasing adjacent private land, and that is not the goal of the boundary adjustment.

The variance should not negatively affect the natural site characteristics or environmental qualities of the property. Please elaborate how the requested variance meets this criteria:

There is no environmental impact to this variance request.

Please contact me with any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads 'Bronwyn D. Denton'.

Bronwyn D. Denton, BCLS