

# Supplementary Information to Development Variance Permit Application

LOT B DISTRICT LOT 551 SIMILKAMEEN DIVISION YALE DISTRICT PLAN 22642  
EXCEPT PLAN EPP34540 AND EPP86797  
PID: 006-788-432

## PURPOSE

The purpose of this Development Variance Permit Application is to request a variance to section 14.1.2 of the RDOS Zoning Bylaw 2800, 2022, to allow for the creation of the Common Property “lot” that will be approximately 2.33 ha. in area within the current Large Holdings One zoning.

## INTRODUCTION AND BACKGROUND

### Location

The subject property is located at 1655 Oliver Ranch Road and is approximately 1.5 kms southeast of Okanagan Falls, BC within Area “D” of the Regional District Okanagan Similkameen, as shown below in Illustration 1. A site plan of the property is provided in Illustration 2.

*Illustration 1: Site Location*



Illustration 2: Site Plan



### Property Conditions

The subject property contains split zoning with the larger west portion of the property being approximately 44 ha in area and zoned General Industrial (I1). The northeast corner of the subject property is approximately 2.33 ha in area and is zoned Large Holdings One (LH1).

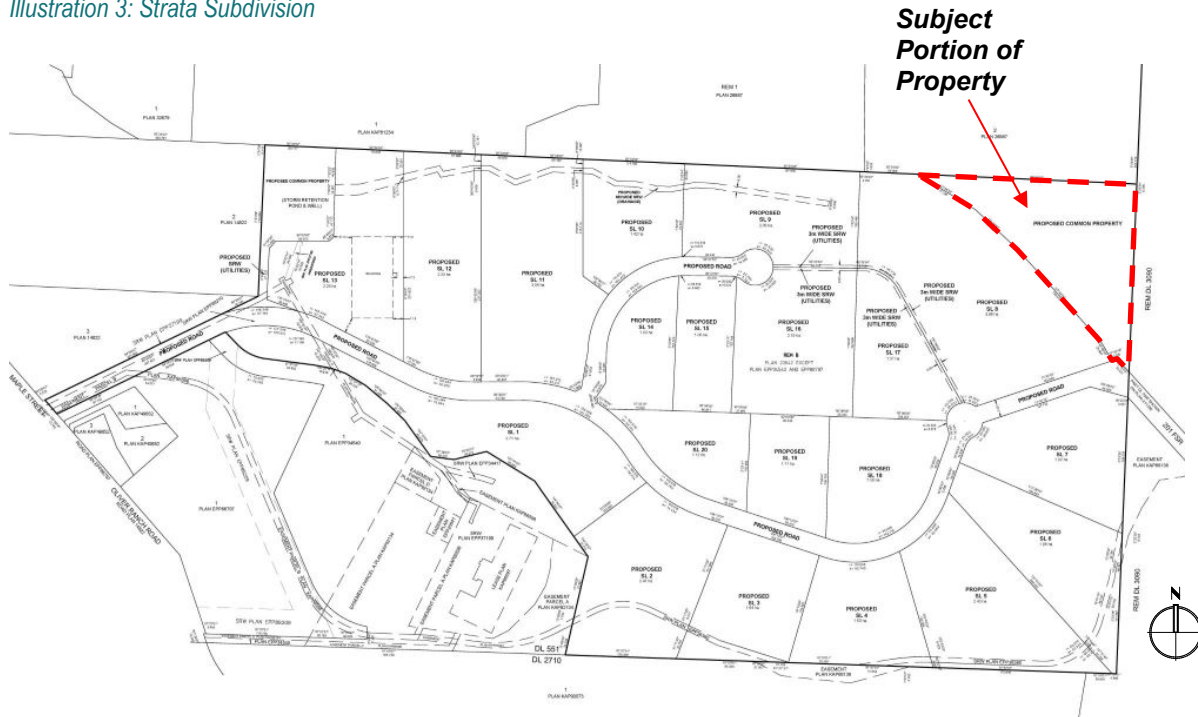
The property is relatively flat with Shuttleworth Creek adjacent to the north side of the property and then bisecting the northeast corner of the property create a 2.33 ha. portion of property on the northeast side of the creek.

The property is not within the Agricultural Land Reserve. The parcel has access to Oliver Ranch Road.

### PROPOSED DEVELOPMENT

This large parcel is in the process of being subdivided into a strata industrial park. Sewer and water services are installed, all conduit is installed for shallow utilities and roads are paved and ditches created in accordance with MoTI standards. The owner is in the process of satisfying the RDOS Subdivision Review Report (SRR) conditions and the Ministry of Transportation and Infrastructure (MoTI) Preliminary Layout Review (PLR) requirements. The proposed strata subdivision is provided in Illustration 3.

Illustration 3: Strata Subdivision



## DEVELOPMENT APPROVAL ISSUE

One issue has been identified as an impediment to receiving a Letter of Compliance from the RDOS confirming that all RDOS matters have been addressed. The small 2.33 ha. portion of the subject property in the northeast corner of the property is physically separated from the balance of the parcel by Shuttleworth Creek and there is no access to that portion of the property. As that portion has limited use for industrial purposes because of its disconnection with the balance of the property by Shuttleworth Creek, the strata plan prepared for the property has noted that portion of property as Common Property on the strata subdivision plan. Strata Common Property is normally deemed as being for utility purposes (roads and servicing) and public use (parks and open space) for the strata owners and is not normally considered a “lot” in the subdivision. However, the RDOS has deemed the proposed Common Property as a “lot” and has indicated that the Common Property “lot” needs to comply with the minimum parcel size according to the zone in which it is located.

The proposed Common Property “lot” is presently zoned LH1 and the minimum parcel size for new parcels created in the LH1 zone is 4.0 ha. The proposed Common Property “lot” will be approximately 2.33 ha. in size which does not comply with the required minimum 4 ha. requirement, and this inconsistency is causing the subdivision process to stall as the RDOS can not issue the required Letter of Compliance to MoTI.

Several possible solutions to this problem were presented to the RDOS including the following:

- Do not consider the Common Property as a “lot” that is required to meet the zoning bylaw minimum parcel size requirement as I don’t believe strata Common Property has ever before been evaluated through this lens in other strata subdivisions reviewed and approved by the RDOS.
- Submit a rezoning application for the land that is currently zoned LH1 to a zone that has a minimum parcel size that is 2 ha. or less so the Common Property “lot” would comply with the zone’s minimum parcel size.
- Submit a Development Variance Permit Application (DVP) to request a variance to the minimum parcel size of the proposed Common Property “lot” in an amount that would allow the Common Property “lot” to be created.

## PROPOSED VARIANCE

This Development Variance Permit Application is to request a vary section 14.1.2 of the RDOS Zoning Bylaw 2800, 2022, to allow for the creation of the Common Property “lot” on the subject property that will be approximately 2.33 ha. in area with the current Large Holdings One zoning.

## RATIONALE AND JUSTIFICATION

- The proposed variance will reduce the minimum parcel size requirement to allow the portion of the property that is presently zoned LH1 to comply with the minimum parcel size requirements which will expedite the subdivision approval process.
- It is critically important that the Industrial subdivision be completed as soon as possible as there are contracts in place for the sale of some of the lots in the subdivision and buildings are ready to be constructed on the new lots. Delays in the subdivision approval could compromise lot sales and building construction and delay economic development in the community of Okanagan Falls.
- The DVP process is seen to be the quickest method to correct the minimum parcel size issue to allow the subdivision of the Industrial Park to proceed to approval.
- Ideally, the LH1 zoning in the northeast corner of the subject property should be zoned to I1 to be consistent with the balance of the property. However, this was overlooked and quickest way now to meet the required minimum parcel size to allow a Common Property “lot” to be created is the use of the DVP process.

- The proposed variance to reduce the minimum parcel size to allow the industrial park subdivision to be completed will not have a negative impact on the use or enjoyment of any adjacent or surrounding properties.

Prepared by

A handwritten signature in black ink, appearing to read "B. Elenko".

Brad Elenko, RPP, MCIP  
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