

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: February 15, 2022
RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “H”

Purpose: To allow for a 10-lot bareland strata subdivision. Folio: H-00885.000

Civic: 240 Lawless Creek Road Legal: District Lot 1020, YDYD

OCP: Large Holdings (LH) Zone: Large Holdings Two (LH2)

Proposed Development:

This application is seeking to amend the OCP designation and zoning of the subject property in order to facilitate a 10-lot subdivision.

In order to accomplish this, the following land use bylaw amendments are being proposed by the applicant:

- amend the land use designation under Schedule ‘B’ (OCP Map) of the Electoral Area “H” Official Community Plan (OCP) Bylaw No 2497, 2012, from Large Holdings (LH) to Small Holdings (SH); and,
- amend the zoning under Schedule ‘2’ (Zoning Map) of the Electoral Area “H” Zoning Bylaw No. 2498, 2012, from Large Holdings Two (LH2) to Small Holdings Three (SH3).

In support of the application, the applicant has stated that “the subject site and the lands to the north are designated as “Growth Areas” for Tulameen. The Area Plan policies also support continued exploration of the feasibility and costs of providing a public sewage and/or water system to Tulameen ... the supply of vacant Small Holdings lots in Tulameen and nearby area is very limited.”

Site Context:

The subject property is approximately 12.6 ha in area and is situated on the north side of Lawless Creek Road. It is approximately 20 km north west from the boundary of the Town of Princeton.

It is understood that the parcel is comprised of vacant land.

The surrounding pattern of development is generally characterised by large rural residential parcels to the south and west, undeveloped crown land to the north and small residential lots in Tulameen to the east.

Background:

There are no Plans of Subdivision available for the subject property while available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, the subject property is currently designated Large Holdings (LH), and is the subject of an Environmentally Sensitive Development Permit (ESDP) Area designation on its eastern edge.

Under Section 8.2 of the OCP, on Map 3 (Tulameen Local Area Map), the subject parcel is designated as a “Growth Area”.

Under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, the property is currently zoned Large Holdings Two (LH2) which establishes a minimum parcel size of 8 ha.

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

Analysis:

In considering this proposal, Administration notes that it is consistent with the identification of the parcel as a Growth Area in the OCP bylaw and aligns with what is generally encouraged to occur within such a designated area.

It is also recognised that the OCP requires that proposals to create additional land designated Small Holdings be assessed against various criteria such as impact on the community, capability of accommodating on-site water and sewage disposal, access to existing roads, which are discussed in the report below.

Access

Administration notes that the parcel is accessible via Lawless Creek Road and a private roadway is proposed to further access the lots into the site. Although road design falls within the purview of the Ministry of Transportation and Infrastructure, however, the applicant is encouraged to provide adequate “turn around” space for emergency vehicles and to follow the MMCD (Master Municipal Construction Document) Design Guidelines (2014) which recommend a maximum road grade of 12% or 10% in cold climates.

Rural Character

The creation of ten (10) 1.0 ha parcels is seen to be compatible with the rural residential character of the area and not anticipated to have a negative visual impact on the community.

Infrastructure Requirements – Water

The applicant is proposing to construct a privately owned and operated on-site community water system. In addition, the applicant is volunteering the donation of a site for a future Tulameen Water System Reservoir and supply/distribution mains as shown on Attachment No. 2 of this report.

Administration notes that the OCP is supportive of continued exploration of “the feasibility and costs of providing a public sewage disposal and/or water system to Tulameen” (Policy 8.2.2).

Of concern, the Regional District generally requires that physical access to a reservoir site be unencumbered (not comprised of private land such as common strata road) and easily accessible from a publicly dedicated road.

At present, neither scenario appears to be present with the current proposal and future discussions with the property owner will be required in order to determine if this is a feasible location for a reservoir.

Administration also notes that the land comprising the reservoir may need to be 1.0 ha in area in order to comply with the minimum parcel size requirement of the SH3 zoning.

Infrastructure Requirements – Sewage Disposal

The Subdivision Servicing Bylaw allows for parcels 1.0 ha in area or greater to be serviced by an on-site sewage disposal system (i.e. a septic system) and to not have to connect to a community sewer system.

Environmental Assessment

The applicant has provided an Environmental Assessment for the property which identifies that “the proposed layout design results in minor encroachment within Moderate (ESA 2) areas” and further concludes that “as long as construction is conducted following the mitigation and recommendations provided in this report ... the potential for adverse environmental impacts on environmentally sensitive areas will be low.”

Natural Hazard

It is anticipated that the applicant will be required to do further geotechnical studies and/or hazard risk assessments prior to subdivision approval and at the building permit stage.

Summary

In summary, this proposal is generally seen to be consistent with the OCP bylaw and Administration is supportive of the proposal.

Administrative Recommendation:

THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved with the following condition:

- i) prior to adoption of Amendment Bylaws No. 2497.13, 2022 and 2498.24, 2022, a statutory covenant is registered on the title of District Lot 1020, YDYG, prohibiting any construction on the land, and prohibiting any further or other subdivision of the land until title to the area identified as “Prop. Community Reservoir Approx. Location” in the submitted Drawing No. 190078 (Development-Lawless Creek Rd. Bob Reichert Site Servicing Plan) has been transferred to the Regional District in fee simple.**
-

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.
 2. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved with the following conditions:
 - i) *TBD*
 3. THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.
-

Respectfully submitted:

Nikita Kheterpal

Nikita Kheterpal, Planner I

Endorsed By:



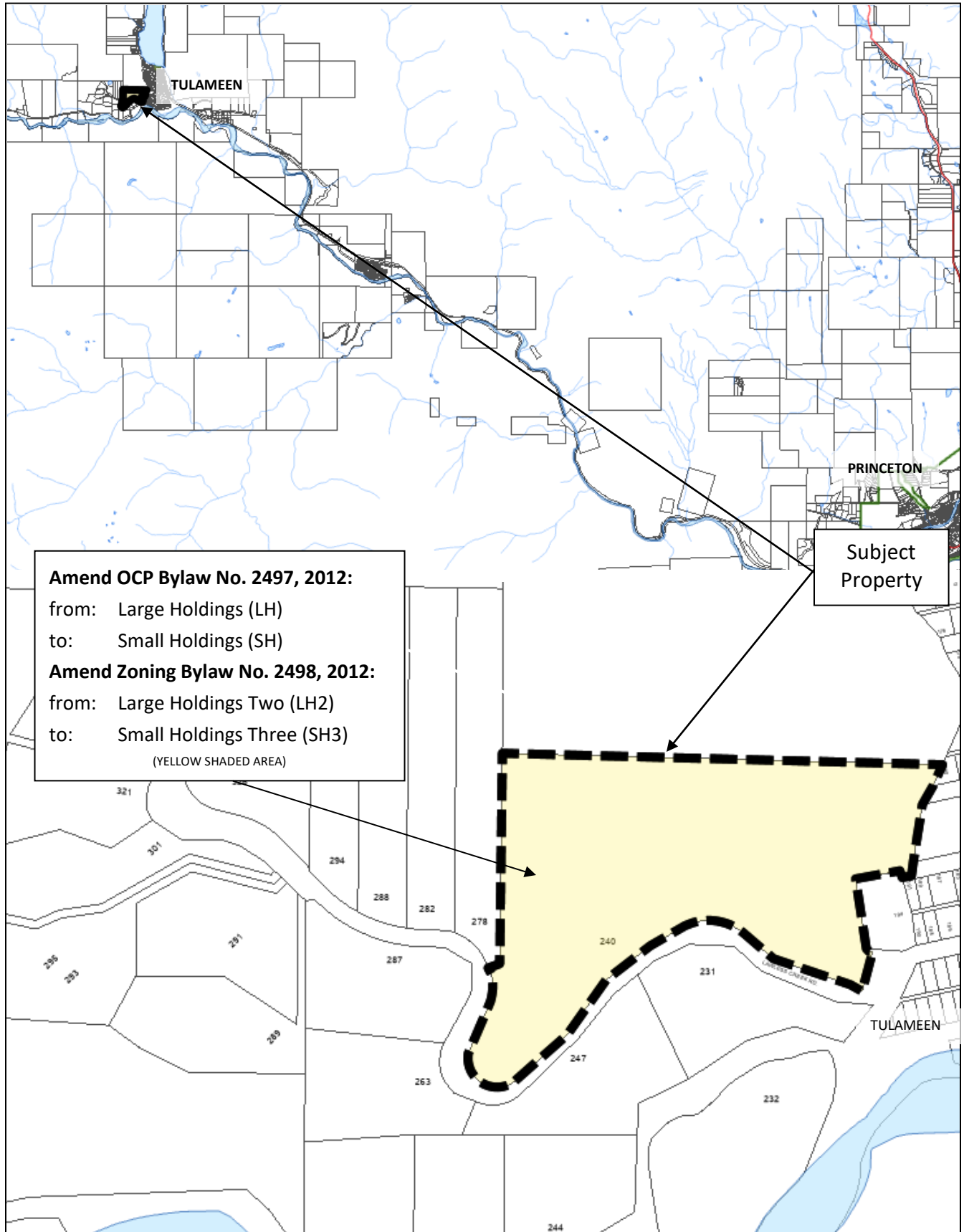
C. Garrish, Planning Manager

Attachments: No. 1 – Context Maps

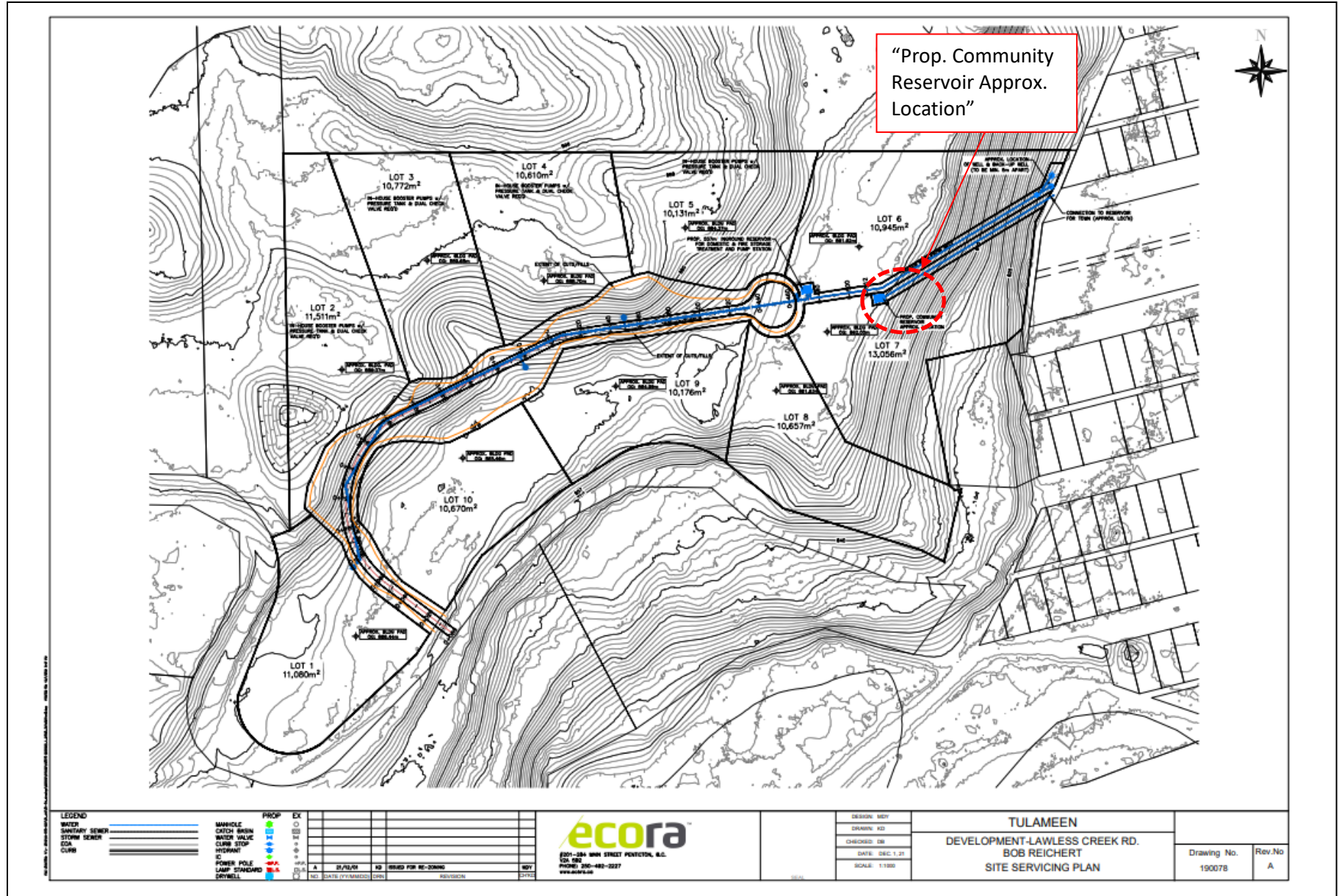
No. 2 – Applicant’s Site Plan

No. 3 – Site Aerial Photo

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Site Aerial Photo

