

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: November 18, 2021
RE: Development Variance Permit Application — Electoral Area “D” (D2021.053-DVP)

Administrative Recommendation:

THAT the following notification requirements for a development variance permit under the Regional District’s Development Procedures Bylaw No. 2500, 2011, be waived:

- that an application be notified 20 working days prior to the Board’s consideration of a variance; and
- that representations be received no less than seven (7) calendar days prior to the Board meeting at which the variance will be considered.

AND THAT Development Variance Permit No. D2021.053-DVP be approved.

Purpose: To allow for a one (1) lot subdivision.

Folio: D-00859.001

Civic: 5133 Seventh Avenue, OK Falls

Legal: Lot 1, Plan EPP108375, District Lot 337, SDYD

OCP: Town Centre (TC)

Zone: OK Falls Town Centre (OFTC)

Variance Request: to waive the requirement to extend a sanitary sewer main at the time of subdivision.

Proposed Development:

This application is seeking a variance to the Regional District’s Subdivision Servicing Bylaw No. 2000, 2002, in order to facilitate a one (1) lot subdivision.

Specifically, it is being proposed to waive the requirement under Section 4.2.3 of Schedule ‘A’ (Design Criteria, Specifications and Standard Drawings) to the Bylaw that a sanitary sewer main be extended to the last property line of the area it serves.

In support of this request, the applicant has stated the following:

- *Compliance with section 4.2.3 would result in a new manhole and a sewer main extension that would not serve any purpose, as all properties on 8th Street can currently have access to the sanitary sewer service.*
 - *The cost of installing the redundant sewer extension and manhole would be in excess of \$20,000.*
 - *As the required sanitary sewer main extension will serve no practical purpose and will never be utilized, a variance is being requested to eliminate the requirement for sewer line extension and +\$20,000 cost.*
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Site Context:

The subject property is approximately 5,350 m² in area and is bounded by Seventh Avenue to the north and Eighth Avenue to the south and currently comprises the “Holiday Beach Resort” motel. The surrounding pattern of development is characterised by Christie Memorial Park to the north and a mix of residential and tourist commercial uses to the south, east and west.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office on March 15, 2021, while available Regional District records indicate that building permit have not previously been issued for this property.

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Town Centre (TC), and is within the Okanagan Falls Town Centre Development Permit (OFTCDP) Area designation.

Under the Electoral Area “D” Zoning Bylaw No. 2455, 2008, the property is currently zoned Okanagan Falls Town Centre (OFTC) which requires a minimum parcel size of 1,000 m², when connected to a community sewer.

On April 13, 2021, the Ministry of Transportation and Infrastructure (MoTI) referred a proposed one (1) lot subdivision involving the subject property to the Regional District for compliance with any applicable RDOS land use bylaws.

Public Process:

Under Section 499 of the *Local Government Act*, a local government that proposes to pass a resolution to issue a development variance permit, must give notice of this intent.

This notice must be mailed or otherwise delivered to surrounding owners and tenants at least 10 days before adoption of the resolution to issue the permit. On November 8, 2021, the Regional District mailed a notice of the proposed permit to owners and tenants located within 100 metres of the subject property.

Written comments regarding this proposal be accepted up until the Board’s meeting.

Analysis:

In considering this proposal, Administration notes that the inclusion of a requirement in the Subdivision Servicing Bylaw for developers to extend an existing sewer line the full width of a property that is being subdivided is twofold.

First, it ensures the orderly provision of services within a community occurs at the time of development and does not place an undue financial burden on properties beyond a site when it comes time for such parcels to also be developed.

Second, it ensures that general ratepayers within a service area will not be required to fund infrastructure upgrades needed to address gaps in the system created by the synchronicity development of parcels.

In this instance, it is understood that the topography of Eighth Avenue results in water flowing east and west from the mid point of the road between Main and Cedar Streets. As a result, extending the main in order to provide a continuous east-west connection is seen to be little value.

Administration also recognises that the recent development of a seniors housing apartment building at 5081 Eighth Avenue resulted in the sewer main being extended from Main Street approximately 120 metres west along Eighth Avenue. As a result, all properties fronting Eighth Avenue now have a direct connection to the sewer system.

Accordingly, Administration agrees with the applicant that requiring the extension of the sewer main to the eastern end of the property will not improve service or facilitate the connection of any new parcels to the system.

Conversely, Administration recognises that, in the absence of a Sewer Master Plan for Okanagan Falls it is not known if the main running at each end of Eighth Avenue should be connected in future to assist with buildout of the system.

Alternatives:

1. THAT the following notification requirements for a development variance permit under the Regional District's Development Procedures Bylaw No. 2500, 2011, not be waived; and
THAT consideration of Development Variance Permit No. D2021.053-DVP be deferred to the December 16, 2021, meeting of the Regional District Board; or,
2. That Development Variance Permit No. D2021.053-DVP be denied.

Attachments: No. 1 – Aerial Photo (2014)

No. 2 – Applicant's Site Plan

Attachment No. 1 – Aerial Photo (2014)



Attachment No. 2 – Applicant’s Site Plan

