



Regional Board Report

Request for Decision

Approved for Board Consideration

A handwritten signature in black ink that reads "Brian Reardon".

Brian Reardon, CAO

To: Regional Board

From: Todd Cashin, Director of Community Services

Date: June 27, 2022

Subject: Development Variance Permit (VP-22-04)
J. & J. Hanson c/o Urban Options
4410 June Springs Road

Voting Entitlement: *Custom Vote – Electoral Area East and Kelowna Fringe Area – 1 Director, 1 Vote*

Purpose: To consider the issuance of a Development Variance Permit to change the servicing requirement for a RU3 zoned property from Community Water to Private Water Source.

Executive Summary:

An Official Community Plan and Zoning Amendment (RDCO File: Z21/05) was adopted by the Regional Board to rezone the portion of the property south of June Springs Road to RU3 to facilitate a future subdivision. This Development Variance Permit to vary the servicing requirement of the Subdivision Servicing Bylaw for the subject property is the next step in the process to facilitate the proposed subdivision.

Typically, staff do not recommend support for variances to the servicing requirement of community water however, support is recommended as the applicant has submitted draft covenants that limit density and ability for further subdivision and, at time of subdivision, a proposed Lot 1 (0.499 ha) will be donated to the RDCO by the applicant for park purposes. No concerns were identified from agencies, RDCO staff of the public regarding the application.

Recommendation(s):

THAT the Regional Board approve Development Variance Permit Application VP-22-04 for Parcel A (DD 8796D) of the South East ¼ of Section 35, Township 29, ODYD Except Plan 35649, to vary the following provisions of Subdivision Servicing Bylaw No. 1397:

- Table 6.2.1 by changing the servicing requirement for the RU3 zoned portion of the subject property from Community Water to Private Water Source.

Respectfully Submitted:



Todd Cashin
Director of Community Services

Prepared by: Michael Czarny, Senior Planner

Attachment(s):

- Orthophoto Map
- Site Plan
- Regional Board Presentation
- Regional Board Report Z21/05

Strategic Plan Alignment:

Priorities: Sustainable Communities

Values: Transparency, Good Governance

Background:

The subject property is located adjacent to the City of Kelowna boundary and is bisected by June Springs Road. The portion of the property north of June Springs Road is currently undeveloped. The portion of the property south of June Springs Road is developed with one single detached house and an accessory building. The house is serviced by on-site sewerage disposal system and a private water source (well).

An Official Community Plan and Zoning Amendment (Z21/05) was adopted by the Regional Board on March 28th, 2022, to rezone the portion of the property south of June Springs Road to RU3 and to amend the future land use designation to facilitate a future subdivision.

Proposal:

All RU3 zoned properties require community water servicing. Community water service is unavailable in this area; therefore, the applicant is proposing to vary the servicing requirement to permit the site to be serviced by a private water source. Should the Development Variance Permit be successful, the applicant indicated they will pursue a subdivision application to propose one additional rural residential parcel and will donate approximately 0.5 hectares of land to the RDCO for the purpose of trail connections.

Site Context:

This property is located in the neighbourhood of June Springs Estates neighbourhood and within the June Springs Fire Protection Area. In accordance with the South Slopes OCP the subject property is affected by Aquatic Ecosystem and Wildfire Development Permit Areas. Rumohr Creek flows through the south-west portion of the subject property. As such, a no-build / no-disturb covenant from the top of bank of Rumohr Creek was required as part of the rezoning process to protect the adjacent riparian area and associated habitat values. Further, a restrictive wildfire covenant was required to address the development permit guidelines of the OCP and to ensure that future property owners are aware of and obligated to the wildfire hazard reduction measures.

Additional Information:

Owners:	James and Jewell Hanson
Applicant:	Urban Options Planning Corp.
Address:	4410 June Springs Road
Legal Description:	Parcel A (DD 8796D) of the South East ¼ of Section 35, Township 29, ODYD Except Plan 35649
Lot Size:	+/- 7.55 ha (18.65 acres)
Zoning:	RU2 Rural 2
OCP Designation:	Rural Residential
Proposed Sewage Disposal:	Septic system
Proposed Water Supply:	Well
Existing Use:	Rural Residential
Surrounding Uses:	North: Agricultural (within the City of Kelowna) South: Rural Residential East: Rural Residential West: Vacant Crown lands
ALR:	Outside of the ALR
Fire Protection:	June Springs Fire Protection Area

RDCO TECHNICAL COMMENTS:

Engineering Services staff comment that as per the South Slopes Official Community Plan Bylaw No. 1304, the Regional District's policy is to require that developers incur the costs of new development in accordance with the Regional District's Subdivision Servicing Bylaw. One of the main objectives for the requirement of a community water supply system is to ensure secured and maintained fire flow and domestic water flow. Typically, in the past, it has been noted that the Regional Board has been very concerned with the fire flow availability in higher density developments. RDCO Engineering services staff advise that a recommendation of non-support was provided on previous similar applications for a variance to the servicing requirement of community water at time of subdivision.

For this application, however, support is recommended for the following reasons:

- At time of subdivision, Proposed Lot 1 (0.499 ha) will be donated to the RDCO by the Applicant for park purposes as a future linear trail and regional park connection between KLO Creek Regional Park, adjacent Crown lands and Myra-Bellevue Provincial Park.
- The Regional District has received written confirmation that a signed Form A freehold transfer for the proposed Lot 1 to the Regional District will be provided upon approval and adoption of the subdivision plan.
- Proposed Lot 2 is zoned RU2, and RU2 zones require a Private Water Source, and Onsite Wastewater Disposal at time of subdivision.
- We understand that a draft covenant precluding further subdivision of the proposed remainder lot of 2.33 ha, zoned RU3, will be registered as part of the current subdivision application (our file 22/5583).
- It is also our understanding that a draft covenant precluding an accessory home on proposed Lot 2 will be registered as part of the current subdivision application.

Parks Services staff will not require a community water service for the proposed 0.5-hectare land donation to the Regional District. The donated land will be used for regional park purposes and linear trail connection between adjacent KLO Creek Regional Park, Myra-Bellevue Provincial Park and surrounding Crown Land.

AGENCY REFERRAL COMMENTS:

Interior Health Authority staff support community development that is aligned with healthy built environment principles. An important aspect of healthy environments is the long-term sustainability of drinking water and wastewater servicing from financial and environmental health sustainability perspectives at the level of individuals and of community. Health research and our experience indicates that community water systems, those owned and operated by local governments, are best able to provide consistently good quality drinking water.

We applaud the Regional District of Central Okanagan for their RU3 zoning servicing requirement in this part of your community given the proximity to the City of Kelowna and the denser growth observed within their boundaries. We can envision the potential for future community development applications and requests to be received, supporting the need for community servicing as more complete and connected neighbourhoods are proposed.

For the above-mentioned reasons, although we note that community water service is not available to the existing subject property, being adjacent to the City of Kelowna (especially that part that is north of June Springs Road) may be near community services and this should be a consideration.

We also understand that this is a unique situation as the subject property is bisected by June Springs Road, which is why the subdivision is being pursued, as well as the proposal includes a donation of ~0.5 hectares of land that will support a more accessible and connected trail transportation network, as well as preservation of the natural environment.

In summary, given the specifics related to this application, and with understanding that further requests to vary the RU3 servicing requirements would not be supported, we have no objections to this proposal.

Unaffected Agencies include Ministry of Transportation and Infrastructure.

Considerations:

External: In accord with the *Local Government Act* and the Development Applications Procedures Bylaw No. 944, a Notice of Application sign was posted on the property and written notices were mailed to all registered property owners of land situated within 100 metres of the subject property. A total of 11 letters were mailed to neighbouring property owners. Further to the notification process, at time of writing this report, no letters from the public have been received.

Legal/Statutory Authority: In accord with Section 498 of the *Local Government Act*, on application by an owner of land, a local government may, by resolution, issue a development variance permit that varies, in respect of the land covered in the permit, the provisions of a bylaw. A development variance permit must not vary the use or density of land from that specified in the bylaw and a local government may not delegate the issuance of a development variance permit except in accordance with section 498.1.

Considerations not applicable:

- Financial
 - Alternate Recommendation
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