



REGIONAL DISTRICT OF CENTRAL KOOTENAY Committee Report

Date of Report: September 3, 2018
Date & Type of Meeting: September 19, 2018 Rural Affairs Committee
Author: Darcy Roszell, Planner
Subject: WYNNDEL IRRIGATION DISTRICT – DEVELOPMENT VARIANCE PERMIT
File: V1811A-05201.000-WYNNDEL_ID-DVP00172

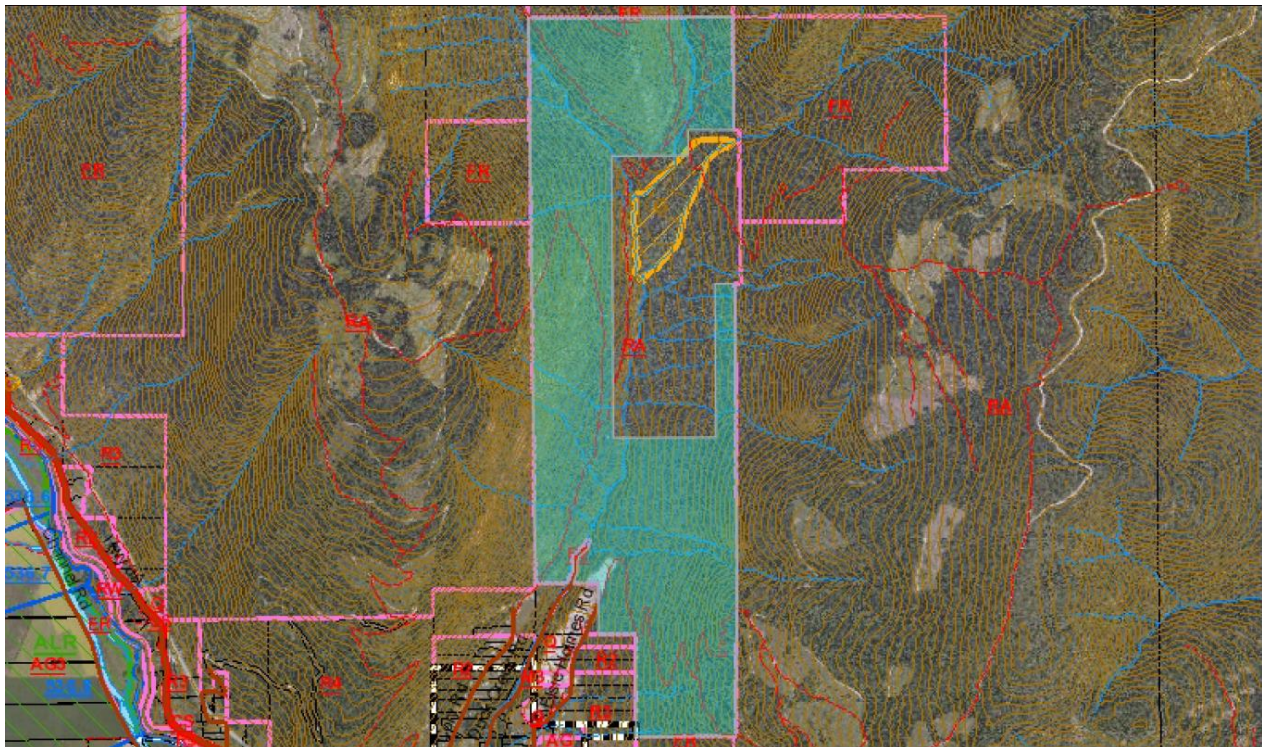
SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to recommend that the Board issue a Development Variance Permit for a 100,000 gallon water holding tank on a property used as a domestic water reservoir for the Wynndel Irrigation District under Section 18 of *Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013* to vary the front lot line setback from 7.5 metres to 6.1 metres.

SECTION 2: BACKGROUND / ANALYSIS

Owner: Wynndel Irrigation District **Address:** 6005 Duck Creek Road **Electoral Area:** A

OCP Designation: Resource Area (RA) **Zoning:** Resource Area (RA)

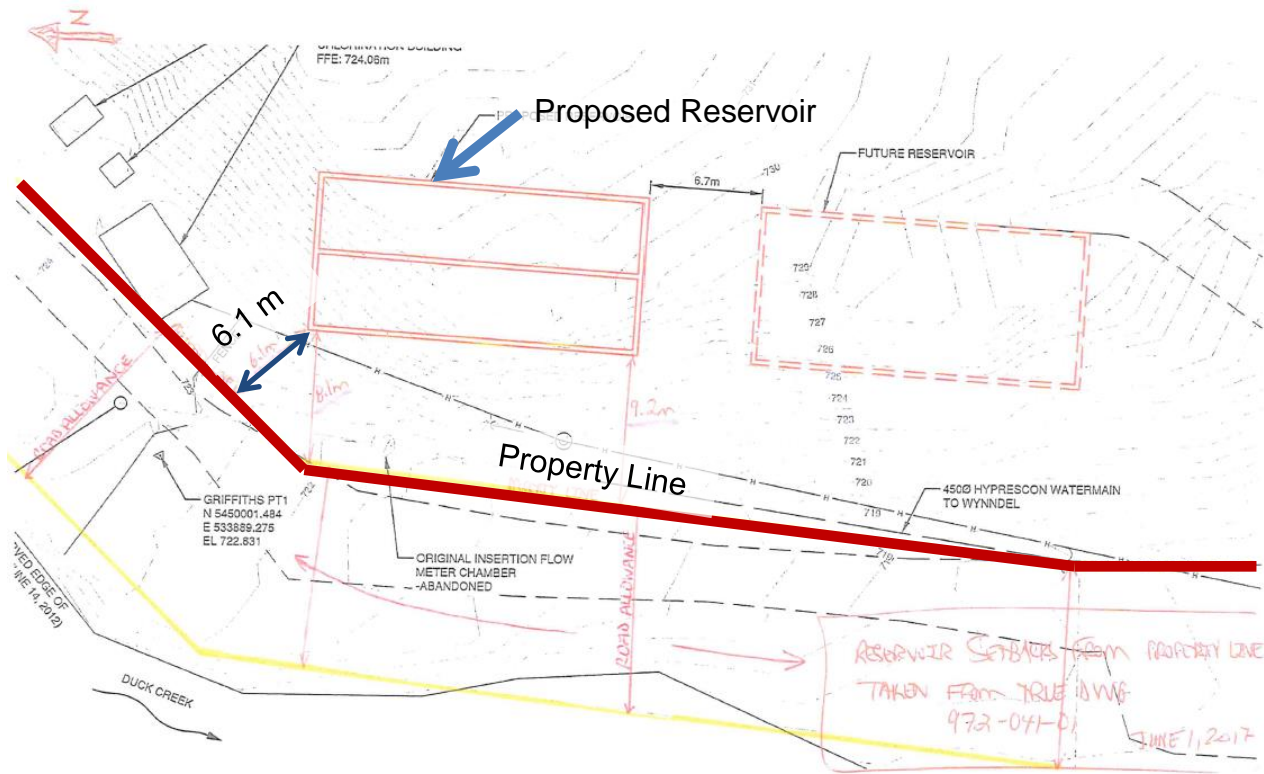


2.1 PROPOSAL DESCRIPTION / SITE CONTEXT

The 621.84 hectare subject property is zoned Resource Area (RA) under Electoral Area ‘A’ Comprehensive Land Use Bylaw No. 2315, 2013. The parcel borders Duck Creek Road to the south and ranges northwards on the east shore of Kootenay Lake. Surrounding properties are zoned Resource Area, Forest Reserve, Quarry, Country Residential, and Rural Residential.

The applicant is seeking a Development Variance Permit in order to build a 100,000 gallon water holding tank which is proposed to be 6.1 metres from the front lot line. Under the current zoning bylaw the required setback from a front lot line is 7.5 metres. Please refer to the provided site plan in Figure 2 which indicates the proposed location of the water holding tank.

Following referral to adjacent neighbours, no responses were received.



2.2 AGENCY REFERRAL

Agency	Comment
Selkirk Mountain Forest District Director, August 8/18	No objection.
RDCK Building Department Building Official, August 9/18	Building Permit required.

Town of Creston Municipal Services Coordinator August 14/18	The Town of Creston has no concerns with the proposed development variance.
Interior Health Environmental Health officer Healthy Community Development, August 15/18	Interior Health is in support of this application.
Ministry of Transportation & Infrastructure Development Technician, August 15/18	MOTI setback requirements are 4.5 metres from right-of-way which this proposal appears to meet. It is the applicant’s responsibility to ensure the location of property lines.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov’t Approvals req’d: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

As per RDCK Planning Procedures and Fees Bylaw No. 2457, 2015 the application fee of \$500 was paid in full.

b. Legislative Considerations (Applicable Policies and/or Bylaws):

Under Section 498 of the *Local Government Act*, the Board has the authority to vary provisions of a zoning bylaw (other than use or density) through Development Variance Permits.

c. Environmental Considerations:

None anticipated.

d. Social Considerations:

None anticipated.

e. Economic Considerations:

None anticipated.

f. Communication Considerations:

This application was circulated to property owners and occupiers within 300 meters of the subject property in accordance with the *Local Government Act*. The decision of the Board will be communicated to the applicant.

g. Staffing/Departmental Work Plan Considerations:

Should the Board grant the variance, staff would issue the permit and register Notice of Permit on the Land Title.

SECTION 4: OPTIONS & PROS / CONS

Approving the requested variance would enable the landowner to install a 100,000 gallon holding tank to be constructed 6.1 metres from the front lot line. Denial of the requested variance permit would require the landowner to explore other options for locating the tank. The application has received support from the Interior Health Authority and the Town of Creston. The Ministry of Transportation and the Selkirk Mountain Forest District had no objection to the proposal and no feedback was received from adjacent neighbours. It is the opinion of staff that due to the site restrictions outlined in a letter submitted with the application from the Wynndel Irrigation District, that support should be given to the application from the RDCK Board.

Option 1: Issuance of Development Variance Permit

That the Board ISSUE Development Variance Permit V1811A to the Wynndel Irrigation District for the property at 6005 Duck Creek Road and legally described as Subsidy Lot 51, District Lot 4595, Kootenay Land District Plan NEPX31, EXC PL 2126 & PCL A (REF PL 760941) (PID: 016-334-116) to vary the front lot line setback from 7.5 metres to 6.1 metres under Section 18 of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013.

Approving the requested variance would enable the landowner to install a 100,000 gallon holding tank to be constructed 6.1 metres from the front lot line. The Ministry of Transportation and the Selkirk Mountain Forest District had no objection to the proposal, and no feedback was received from adjacent neighbours. It is the opinion of staff that due to the site restrictions outlined in a letter submitted with the application from the Wynndel Irrigation District, that support should be given to the application from the RDCK Board.

Option 2: Denial of Development Variance Permit

That the Board NOT ISSUE Development Variance Permit V1811A to the Wynndel Irrigation District for the property at 6005 Duck Creek Road and legally described as Subsidy Lot 51, District Lot 4595, Kootenay Land District Plan NEPX31, EXC PL 2126 & PCL A (REF PL 760941) (PID: 016-334-116) to vary the front lot line setback from 7.5 metres to 6.1 metres under Section 18 of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013.

Denial of the requested variance permit would require the landowner to explore other options for locating the tank.

SECTION 5: RECOMMENDATION(S)

That the Board ISSUE Development Variance Permit V1811A to the Wynndel Irrigation District for the property at 6005 Duck Creek Road and legally described as Subsidy Lot 51, District Lot 4595, Kootenay Land District Plan NEPX31, EXC PL 2126 & PCL A (REF PL 760941) (PID: 016-334-116) to vary the front lot line setback from 7.5 metres to 6.1 metres under Section 18 of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013.

Respectfully submitted,



Darcy Roszell, Planner

CONCURRENCE

Initials:

Planning Manager
General Manager of Development Services
Chief Administrative Officer

ATTACHMENTS:

Attachment A – DRAFT Development Variance Permit V1811A