

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: January 23, 2025
RE: Development Variance Permit Application — Electoral Area “D” (D2024.034-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. D2024.034-DVP, to allow for a 532 m² parcel to be created through subdivision without underground wiring and pre-ducting at 1205 Maple Street, Okanagan Falls, be denied.

Legal: Lot O, Plan KAP1501, District Lot 374, SDYD Civic: 1205 Maple Street Folio: D-00835.000
OCP: Low Density Residential (LR) Zone: Low Density Residential Two (RS2)

Variance Request: To waive the requirement for underground pre-ducting along the frontage of the parcel line

Proposed Development:

This application is seeking a variance to the subdivision requirements that apply to the subject property in order to undertake a two lot subdivision.

Specifically, it is being proposed to waive the requirement for underground pre-ducting along the frontage of the parcel as prescribed in Section 4.4.2 of the Subdivision Servicing Bylaw No. 2900, 2024.

In support of this request, the applicant has stated that “the requirement for subdividing the above property is unwarranted due to already having over head utilities” and, that “the unnecessary underground utilities, if put in, will disturb two well established fir trees.”

Site Context:

The subject property is approximately 4,051 m² in area and is situated on the east side of Maple Street, within the community of Okanagan Falls, and approximately 9 km south from the boundary with City of Penticton. The property is understood to contain one (1) singled detached dwelling, one (1) accessory dwelling and one (1) accessory structure.

The surrounding pattern of development is generally characterised by similar residential development.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on December 23, 1918.

Available Regional District records indicate that building permits for Decommissioning two suites (2023), an accessory dwelling (2022), a relocation of a home on a foundation (2018), a relocation of a single family dwelling on a new foundation (2015) have previously been issued for this property.

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

Official Community Plan (OCP) Bylaw:

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Low Density Residential (LR), and is the subject of a Watercourse Development Permit (WDP), Environmentally Sensitive Development Permit (ESDP), Okanagan Falls Multi Family Development Permit Area designations.

Zoning Bylaw:

Under the Okanagan Valley Zoning Bylaw No. 2800, 2024, the property is currently zoned Low Density Residential Two (RS2) which allows for a minimum parcel size of 500.0 m², subject to Section 8.0.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Shuttleworth Creek and future development may be required to satisfy the requirements under section 10.0.

Subdivision and Development Servicing Bylaw:

Under Section 4.4 of the Regional District’s Subdivision and Development Servicing (SDS) Bylaw No 2900, 2024, a subdivision that proposes to create a parcel less than 2,500 m² in area is required to “construct and install underground pre-ducting for electrical distribution and telecommunications wiring in accordance with the standards of the authority having jurisdiction.”

Importantly, “where existing electrical distribution or telecommunications services are overhead, underground pre-ducting along the frontage of the parcel is required.”

Application History:

On May 27, 2024, the Ministry of Transportation and Infrastructure (MoTI) referred a proposed two (2) lot subdivision involving the subject property to the Regional District for compliance with any applicable RDOS land use bylaws.

On October 10, 2024, the Regional District submitted a Subdivision Review Report (SRR) to the Ministry advising, amongst other things, that the construction and installation of underground pre-ducting for electrical distribution and telecommunications wiring would be required in order for this subdivision to comply with the Regional Districts SDS Bylaw as it was being proposed to create a new parcel 532 m² in area.

At its meeting of December 5, 2024, the Regional District Board resolved to defer this application to the Electoral Area “D” Advisory Planning Commission (APC).

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted, in accordance with Section 2.10 of Schedule ‘4’ of the Regional District’s Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on November 18, 2024. All comments received are included as a separate item on the Board’s Agenda.

At its meeting of January 13, 2025, the Electoral Area “D” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject application be approved.

Analysis:

Administration notes that the bylaw requirement to provide underground ducting and conduits when smaller residential and/or urban parcels are being created by subdivision is, primarily, a reflection of cost efficiencies that can be realized at the time new development is occurring.

It is generally considered to be more cost-effective to install underground infrastructure during the initial stages of subdivision development than attempting to retrofit an existing neighborhood at a later date.

Moreover, requiring the installation of underground conduiting at the time of subdivision allows for the costs to be incurred by the developer, thereby reducing the financial burden on the local government or future rate payers within the service area.

Other considerations, include:

- underground wiring eliminates unsightly overhead wires and poles, improving the visual quality of a residential neighborhood;
- underground wiring is less prone to damage from weather (e.g. wind, snow and lightning), vehicle collisions or fallen trees compared to overhead lines;
- underground wiring is often more durable and requires less frequent maintenance than overhead systems; and
- underground wiring free up space on smaller residential parcels (e.g. no need for poles) and remove possible obstructions in the form of overhead wiring, which can obstruct roads, sidewalks, or driveways.

In considering a request to waive this requirement, Administration will generally assess any physical site constraints, such as rocky terrain, a high water table, or existing underground infrastructure that might make underground installations impractical or prohibitive. Other considerations include the availability of alternative solutions or adverse impacts on environmental values.

In this instance, it is noted that there do not appear to be any physical constraints that would preclude the installation of underground pre-ducting at the subject property.

In addition, due to the property being located within the boundaries of the Okanagan Falls Primary Growth Area, this is a location in which it is desirous to see the undergrounding provision for wiring for new developments. Administration notes that this is a common servicing requirement in Penticton, Summerland, Osoyoos and Oliver – being the other “Primary Growth Areas” under the RGS Bylaw.

With regard to environmental values on the property, available mapping indicates that the rear of the property, which adjoins Shuttleworth Creek, has been designated as a Environmentally Sensitive Development Permit (ESDP) Area, but that the vegetation at the front boundary with Maple Street does not comprise sensitive attributes.

There also appears to be options available to the property owner to install underground pre-ducting along the frontage in a location that may not adversely impact on existing trees.

Alternative:

Conversely, Administration recognises that the provision of electrical services via overhead wires is ubiquitous along Maple Street and that the applicant has indicated that the existing dwelling that is being subdivided from the remainder property is already connected via overhead wiring. In this context, the provision of underground pre-ducting may be un-necessary.

Administration is also cognizant that there is currently no known plan to transition existing over-head services underground in Okanagan Falls and that there may be merit in address this issue holistically and as part of a broader service plan for the community as opposed to requiring underground pre-ducting on a random, ad-hoc basis related to subdivision.

Summary:

For these reasons outlined above, Administration does not support the requested variance and is recommending the application ben denied.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

The proposed variance has been notified in accordance with the requirements of the *Local Government Act* as well as the Regional District's Development Procedures Bylaw No. 2500, 2011.

Alternative:

1. That the Board approve Development Variance Permit No. D2024.034-DVP.

Respectfully submitted

Colin Martin

Colin Martin, Planner I

Endorsed by:



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Aerial Photo

No. 2 - Site Photo (Google Streetview)

Attachment No. 1 – Aerial Photo



Attachment No. 2 – Site Photo (Google Streetview)

