

From: Hansen, Nicole TRAN:EX <Nicole.Hansen@gov.bc.ca>
Sent: Tuesday, February 4, 2020 10:29 AM
To: Kevan Sumner <kevan.sumner@prrd.bc.ca>
Subject: RE: Rezoning and Subdivision Approval Issue

CAUTION: This email originated from outside of the organization.

Hi Kevan, Thanks for writing in about this matter.

The existing land use bylaw does not allow for the smaller parcel sizes and Section 87 of the *Land Title Act* obligates us to reject a subdivision that does not comply with applicable bylaws. The Act doesn't allow us to speculate on a bylaw that may or may not be adopted by the regional district and approve under the conditions of that bylaw. The subdivision either complies with the current bylaw or it doesn't.

You can't vary the use or density found in the bylaw through a Development Variance Permit so the only option is to enact a bylaw allowing the smaller lot size. Once that is in place, we would be able to proceed with the subdivision.

One option you could consider is requiring the owner to register a covenant prior to adoption of the bylaw restricting use (e.g. no build or no occupancy) of the smaller parcel area until the subdivision is complete. That would allow you to retain control over activities on the lot while the subdivision is being undertaken.

Hope this info helps.

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