



BOARD REPORT

TO:

Chair and Directors

File No: TUP 2500-02 PL20180104

SUBJECT:

Electoral Area D: Temporary Use Permit (TUP) No. 2500-02 (Hurren)

DESCRIPTION:

Report from Candice Benner, Development Services Assistant, dated September 7, 2018.
3033 McTavish Road, Glenemma

RECOMMENDATION:

THAT: in accordance with Section 493 of the Local Government Act, Temporary Use Permit No. 2500-02 for Lot 1, Section 30, Township 17, Range 10, W6M, KDYD, Plan 40938, be issued this 20th day of September, 2018, for the temporary placement of a modular home (CSA Z240 MH) on a non-permanent foundation for use by a member of the property owners' immediate family who is providing health support assistance to the owners of the property, subject to the following conditions being fulfilled:

- a) proof of installation of an adequate sewer system for the modular home;
- b) water servicing (quantity and quality) documentation from a qualified professional indicating that the existing well has capacity for two dwellings and is potable in accordance with current health standards;
- c) that the TUP stipulate that:
 - a cottage is not permitted to be placed on the subject property while the modular home is located on the property; and
 - if the modular home is no longer occupied by a member of the property owners' immediate family who is providing health support assistance to the owners of the property, it will be removed from the parcel.

SHORT SUMMARY:

The agent is applying for a 3 year Temporary Use Permit (TUP) to allow a second single family dwelling (modular home) to be placed on the subject property in order to provide health support assistance to the parents of the agent, who are the owners of the property.

VOTING:

Unweighted
Corporate

☐

LGA Part 14
(Unweighted)

☒

Weighted
Corporate

☐

Stakeholder
(Weighted)

☐

BACKGROUND:

PROPERTY OWNERS:

Kenneth Dale Hurren
Margaret Hurren

AGENT:
Kenneth Richard Curtis Hurren (son of property owners)

ELECTORAL AREA:
D

CIVIC ADDRESS:
3033 McTavish Road, Glenemma

LEGAL DESCRIPTION:
Lot 1, Section 30, Township 17, Range 10, W6M, KDYD, Plan 40938

PID:
013-519-115

SIZE OF PROPERTY:
2.79 ha

DESIGNATION:
Salmon Valley Land Use Bylaw No. 2500
RR –Rural Residential

ZONE:
Salmon Valley Land Use Bylaw No. 2500
RR –Rural Residential

CURRENT USE:
Residential, agricultural

PROPOSED USE:
Residential, agricultural

SURROUNDING LAND USE PATTERN:
North: McTavish Road, Residential, Rural, ALR
South: Agriculture, Rural, ALR
East: McTavish Road, Residential, Rural Holdings, ALR
West: Glenemma Transfer Station, Rural, ALR

AGRICULTURAL LAND RESERVE:
100%

SITE COMMENTS:
The subject property is located south of McTavish Road in Glenemma. Most of the property is open fields and pasture land. The proposed location of the modular home is at the northwest corner of the property near McTavish Road.

The property is surrounded by neighbouring open fields and pasture land to the south and east and the Glenemma Transfer Station to the west. To the north is densely treed residential land.

POLICY:**Salmon Valley Land Use Bylaw No. 2500****Section 1.15 Temporary Use Permits**

The Regional District may consider issuing Temporary Use Permits through the authority of the Local Government Act and are permitted in all designations.

1.15.3 Guidelines for Temporary Use Permits include the following: .1 the use is permitted for a maximum of three years; .2 appropriate parking and loading spaces are available; .3 the proposed hours, size and scale of the use will be compatible with adjacent land uses; .4 the use will be compatible with adjacent land uses in terms of noise, odours, dust, pollution, lighting, aesthetics, parking and traffic; and .5 the proposed use will not have negative impacts on the natural environment.

1.15.4 The Regional District may establish conditions in the temporary use permit including, but not limited to; the buildings to be used, the area of use, the hours of use, appearance, site rehabilitation, and means of ensuring compliance.

1.15.8.1 Bylaw No. 644 applies to all lands within the Salmon Valley Land Use Bylaw No. 2500 area. Bylaw No. 644 gives the CSRD the authority to require an applicant to provide information on the impact of the activity or development that is subject to the application. Bylaw No. 644 also specifies the matters for which additional on-site and off-site information will be required, including but not limited to such issues as:

- Assessment of sewage disposal site as required by the appropriate authorities;
- Hydro-geological impact assessment on the quantity and quality of water resources as required by the appropriate authorities;
- Transportation patterns and traffic flow, including pedestrian and bicycle pathway systems;
- The impact to and assessment of local infrastructure;
- Assessment of capacity of public facilities including schools and parks;
- The impact on or need for additional community services;
- The impact and assessment of the natural environment of the area affected;
- Assessment of slope stability conditions;
- Assessment of wildlife interface risks; and
- Assessment of how the development addresses on-site issues such as emergency use, accessibility and water conservation.

2.2.5.1 Additional Residences within the ALR

Any properties located within the ALR and in land use zones that permit two single family dwellings must have the approval of the ALC, prior to establishing the second residence.

In the event that a farm requires more than two single family dwellings on the property, either issuance of a Temporary Use Permit or a successful rezoning is required, after approval from the ALC is received.

Section 2.6 RR Rural Residential**2.6.1 Permitted Uses**

The following uses and no others are permitted in the area zoned as RR:

- .1 agriculture;
- .2 guest cottage;
- .3 church;
- .4 home occupation;
- .5 single family dwelling;
- .6 accessory use

2.6.2 Regulations

- | | |
|---|---|
| .1 maximum number of single family dwellings: | 1 single family dwelling per parcel |
| .2 maximum number of guest cottages: | 1 guest cottage per parcel |
| .4 minimum siting of other buildings, structures or uses from parcel lines: | |
| • Front and rear parcel lines: | 10 metres |
| • Side parcel line: | 2 metres |
| • Exterior side parcel line: | 4.5 metres |
| .6 minimum servicing standards: | on-site sewage disposal
on-site water supply |

Agricultural Land Commission Act

Policy L-08 Activities Designated as a Permitted Non-Farm Use: Residential Uses in the ALR –Zone 1.

The ALC permits one modular home for immediate family in addition to a single family dwelling on a parcel. The ALC stipulates that if the modular home is no longer occupied by a member of the property owner's immediate family, it is not a permitted use in the ALR and must be removed from the parcel. If it remains, the modular home must not be used for residential purposes except by the owner's immediate family.

FINANCIAL:

There are no financial implications to the CSRD with regard to this application.

KEY ISSUES/CONCEPTS:

The agent has indicated that he and the property owners want to place a modular home on the subject property so he can live on the property to give health support assistance for his aging parents.

The RR zone permits one single family dwelling and one guest cottage; a guest cottage is limited to 50 m² in size in Bylaw No. 2500 and would require an ALR application for non-farm use because it is considered to be a permanent building. The agent has chosen to apply for a TUP for a modular home as it would be larger (total maximum area 182 m²) in size for living and habitation, and a non-farm use application to the ALC is not required as it meets ALC policy for a residence for immediate family.

Staff is recommending that a condition of the TUP is that a cottage would not be permitted on the subject property while the modular home is located on the property.

Surrounding properties are zoned R –Rural and RH – Rural Holdings in Bylaw No. 2500; both the Rural and Rural Holdings zones permit two single family dwellings on parcels over 2 ha in size, which most surrounding properties are larger than. The second dwelling on the subject property would be compatible with surrounding land use patterns and the placement of the modular home at the northwest corner of the property would have minimal impact on surrounding properties with the nearest property being the CSRD Glenemma Transfer Station.

The Development Approval Information Bylaw No. 644 allows staff to ask for further information as part of the TUP process. As this is a request for a second dwelling, staff has requested servicing information for the additional dwelling, in particular information regarding access, water and sewer.

Access

The agent has proposed a new, independent driveway be installed on the property for the modular home. Ministry of Transportation and Infrastructure (MoTi) has indicated to the agent and staff that an access permit is not required for the new driveway but do require that the driveway is built to MoTi specifications.

Water

The agent is proposing that the modular home would share a well with the existing single family dwelling. Staff recommend to the Board that this TUP application be approved on the condition that staff are provided with documentation from a qualified professional indicating that the existing well can support two single family dwellings and that the water is potable in accordance with current health standards.

Sewer

The agent is proposing to construct a new Type 1 septic system for the modular home. Staff recommend to the Board that this TUP application be approved upon the condition that staff receive documentation from a septic installer that an adequate septic system has been installed that complies with Interior Health regulation.

The owners and agent are dedicating a significant expense to be able to place a modular home on the subject property including purchasing a modular home and constructing a septic system. They have the option to apply for a rezoning application, however they have chosen to apply for a TUP so that they may place the modular home on the property expediently. The agent has indicated that he plans to apply for a rezoning for the permanent placement of the modular home on the property sometime in the future.

SUMMARY:

Staff is recommending that the Board approve this 3-year TUP, with the recommended conditions, for a modular home for the following reasons:

1. The RR zone permits two dwellings (one single family dwelling and one guest cottage) on the property and the proposed modular home would be maximum 182 m² in size;
2. Staff is recommending that the TUP stipulate that a cottage not be placed on the property while the modular home is located on the property ensuring that no more than two dwellings will be located on the property at one time;
3. The property is over 2 ha in size which is the minimum parcel size required for two single family dwellings to meet minimum servicing standards guideline of one single family dwelling per ha;

4. Staff is recommending that the TUP issuance be conditional upon receipt of water and sewer documentation proving that the property and servicing can accommodate two dwellings; and,
5. The proposed modular home on the subject property would be consistent with permitted land use patterns and would have minimal to no impact on neighbouring properties.

IMPLEMENTATION:

If the Board issues TUP2500-02, the owners will be notified of the decision and documentation will be forwarded to the Land Title Office for registration against the title of the property. The modular home would be permitted for a 3-year period from date of issuance of the TUP. The permit may be extended only for one additional period up to 3 years in duration, upon application and subsequent approval by the CSRD Board of Directors.

COMMUNICATIONS:

Property owners and tenants in occupation within 100 m of the subject property were given notification a minimum of 10 days prior to the September 20th, 2018, CSRD Board meeting. All interested parties have had an opportunity to provide comments regarding this application prior to the Board meeting.

A notice for this TUP was placed in the Shuswap Observer, publication date Wednesday, September 12, 2018, in accordance with notification requirements of the *Local Government Act*.

Two notice of development signs were posted on the property on August 20, 2018.

As of the date of this report no written submissions from the public have been received.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Salmon Valley Land Use Regulation Bylaw No. 2500
2. MOT access information