



BOARD REPORT

TO:

Chair and Directors

File No: BL2559 PL2018080

SUBJECT:

Electoral Area D: Salmon Valley Land Use Amendment
(Desimone/McMullen) Bylaw No. 2559

DESCRIPTION:

Report from Candice Benner, Development Services Assistant, dated
October 4, 2018.
5781 Highway 97, Falkland

**RECOMMENDATION
#1:**

THAT: "Salmon Valley Land Use Amendment (Desimone/McMullen)
Bylaw No. 2559" be read a first time this 18th day of October, 2018;

**RECOMMENDATION
#2:**

THAT:

The Board utilize the simple consultation process for Bylaw No. 2559,
and it be referred to the following agencies and First Nations:

- Ministry of Transportation and Infrastructure;
- Interior Health Authority;
- Ministry of Forests, Lands and Natural Resources – Archaeology
Branch;
- CSR D Operations Management;
- CSR D Financial Services; and
- Relevant First Nations Bands and Councils.

AND FURTHER THAT:

Pursuant to Section 477 of the Local Government Act, the Board has
considered this "Salmon Valley Land Use Amendment
(Desimone/McMullen) Bylaw No. 2559" in conjunction with the Columbia
Shuswap Regional District's Financial Plan and its Waste Management
Plan.

SHORT SUMMARY:

The subject property is located at 5781 Highway 97 in Falkland of Electoral Area D. The property is currently zoned C-Commercial in Salmon Valley Land Use Bylaw No. 2500. A two-storey two-family dwelling was built on the property in 2009; it consists of one self-contained dwelling per floor. The owner has applied to redesignate and rezone the property from C-Commercial to RS-Single and Two Family Residential in order to recognize the current two-family dwelling use on the property.

VOTING:

Unweighted
Corporate

☐

LGA Part 14
(Unweighted)

☒

Weighted
Corporate

☐

Stakeholder
(Weighted)

☐

BACKGROUND:

OWNERS:

Stephen McMullen
Lenae Desimone

ELECTORAL AREA:
D (Falkland)

CIVIC ADDRESS:
5781 Highway 97

LEGAL DESCRIPTION:
Lot 4 Block 7 Section 2, Township 18, Range 12, W6M, KDYD, Plan 1295

PID:
008-582-173

SIZE OF PROPERTY:
0.052 ha

SURROUNDING LAND
USE PATTERN:
NORTH: Highway 97, residential
SOUTH: access lane, residential
EAST: Residential
WEST: residential

CURRENT DESIGNATION/ZONE:
Salmon Valley Land Use Bylaw No. 2500
C-Commercial

PROPOSED DESIGNATION/ZONE:
Salmon Valley Land Use Bylaw No. 2500
RS-Single and Two Family Residential

CURRENT USE:
Two-family dwelling and accessory buildings

PROPOSED USE:
Two-family dwelling and accessory buildings

SITE COMMENTS:

The subject property is west of downtown Falkland on the south side of Highway 97. The two-family dwelling sits centrally on the property with a grassed yard in the front, which is also the location of the septic system and parking at the back. Though the property fronts the Highway, access is from an established laneway at the rear of the property.

On both sides of the highway are various mixed uses including residential, commercial, community library, and vacant lots.

POLICY:

See attached "BL2500_Excerpts_BL2559" for applicable policies and land use regulation. To review policies and land use regulation in their entirety, see Salmon Valley Land Use Bylaw No. 2500 (Bylaw No. 2500).

Bylaw No. 2500 supports single family and multi-family residential uses within the community of Falkland.

Any new highway and service commercial uses are encouraged to be concentrated in Falkland, fronting on Highway 97.

FINANCIAL:

If the subject property is redesignated and rezoned from C to RS, the BC Assessment Authority may value the land and improvements differently.

If given first reading, this amendment will be referred to the CSRD Operations Management Department for review regarding water connection to the Falkland Water System.

This application is not the result of bylaw enforcement, but the existing two-family dwelling is not a use permitted in the C zone.

KEY ISSUES/CONCEPTS:

The two-family dwelling located on the subject property was built in 2009 and has maintained a residential use since; there is no commercial use being operated on the property.

The subject property is currently zoned commercial which permits only one single family dwelling per parcel and must be an accessory use to an established principle commercial use. The owners have applied to rezone the property from its current commercial zone to residential in order to recognize the existing two-family dwelling residential use on the property.

The two-family dwelling is connected to the CSRD owned Falkland Water System; the owner has indicated that the two dwellings share a water connection.

The two-family dwelling shares a single septic system; staff have requested the owner to provide further information regarding the existing system. A referral will also be sent to Interior Health for comment.

The subject property is in the Bolean Creek Floodplain Area; staff will discuss floodplain requirements and criteria with the subject property owners prior to second reading.

The community of Falkland is identified in Bylaw No. 2500 as being along Highway 97 between Wetaskiwin Road to the west and Lynes Road to the east.

Although the Highway 97 corridor in Falkland is predominately zoned Commercial for properties fronting the highway between Seaman Road to the west and Gyp Road to the east, a significant number of properties in this area also have residential uses. Staff completed an analysis of the 5700 block (between Seaman Road and Churchill Road) that the subject property is located within and determined that out of the approximate 45 properties on either side of Highway 97 and within this block area; 18 are residential properties, 8 are commercial properties, and the rest are a mix of park land, parking, and vacant lots. Some of the older residential properties may be considered to be legally non-conforming if they were constructed prior to Bylaw No. 2500 being adopted.

The majority of the commercially used properties within this block are located centrally and close to each other, in what would be considered the downtown area of Falkland around the intersection of Chase-Falkland Road and Highway 97. The residential properties are located intermittently through the highway corridor with most located on the outskirts, at the east and west ends of the corridor.

The subject property is one of the last properties located at the far west end of the 5700 block of the highway corridor. The properties further west of the subject property are residential with the last property in the 5700 block being the Bolean Creek Community Park, adjacent to Seaman Road. To the east of the subject property, and closer to the downtown area of Falkland, are vacant properties with the closest commercial property being Okanagan Regional Library located two lots east of the subject property.

The RS zone permits home occupation use and so if the subject property were zoned as such, there would still be opportunity for some form of commercial use on the property.

SUMMARY:

The owner has applied to redesignate and rezone the property from C-Commercial to RS-Single and Two Family Residential in order to recognize the current two-family dwelling use on the property.

Staff recommend that this amendment be given first reading and be sent out to referral agencies for the following reasons:

- The policies of Bylaw No. 2500 support single family and multifamily residential uses within the community of Falkland;
- The subject property's residential use is consistent with the existing mix of residential and commercial uses located along the Highway 97 corridor within the community of Falkland; and,
- The two-family dwelling residential use on the property has existed since 2009 without any bylaw enforcement complaints from the neighbouring community, possibly indicating community acceptance for this use in this location.

IMPLEMENTATION:

The following list of referral agencies is recommended:

- Ministry of Transportation and Infrastructure;
- Interior Health Authority;
- Ministry of Forests, Lands and Natural Resources – Archaeology Branch;
- CSRD Operations Management;
- CSRD Financial Services; and,
- Adams Lake Indian Band
- Coldwater Indian Band
- Cook's Ferry Indian Band
- Little Shuswap Indian Band
- Lower Nicola Indian Band
- Lower Similkameen Indian Band
- Lytton First Nation
- Neskonlith Indian Band
- Nlaka'pamux Nation Tribal Council
- Okanagan Indian Band
- Okanagan Nation Alliance
- Oregon Jack Creek Band

- Penticton Indian Band
- Siska Indian Band
- Skeetchestn Indian Band
- Splots'in First Nation
- Stk'emlups te Secwepemc
- Tk'emlups Indian Band
- Upper Nicola Band
- Esh-kn-am Cultural Resources Management Services

COMMUNICATIONS:

Staff is recommending the simple consultation process because the proposed amendment should not have a significant impact on properties in the bylaw area. Neighbouring property owners will first become aware of the application for the zoning amendment when a notice of development sign is posted on the subject property.

DESIRED OUTCOMES:

That the Board endorse staff recommendations.

BOARD'S OPTIONS:

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
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 Bylaw No. 2500

Report Approval Details

Document Title:	2018-10-18_Board_DS_BL2559_Desimone_McMullen.docx
Attachments:	- BL2559_first.pdf - BL2500_Excerpts_BL2559.pdf - Maps_Plans_Photos_BL2559.pdf
Final Approval Date:	Oct 9, 2018

This report and all of its attachments were approved and signed as outlined below:



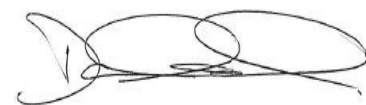
Corey Paiement - Oct 5, 2018 - 11:35 AM



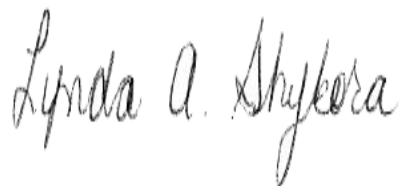
Gerald Christie - Oct 5, 2018 - 11:57 AM



Jodi Pierce - Oct 5, 2018 - 12:04 PM



Darcy Mooney - Oct 5, 2018 - 5:42 PM

A handwritten signature in cursive script, reading "Lynda A. Shykora".

Lynda Shykora - Oct 9, 2018 - 10:42 AM

A handwritten signature in cursive script, reading "Charles Hamilton".

Charles Hamilton - Oct 9, 2018 - 10:46 AM