



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 February 7, 2019.
5781 Highway 97, Falkland

RECOMMENDATION #1: THAT: "Salmon Valley Land Use Amendment (Desimone/McMullen) Bylaw No. 2559" be read a second time this 21st day of February, 2019.

RECOMMENDATION #2: THAT: a public hearing to hear representations on "Salmon Valley Land Use Amendment (Desimone/McMullen) Bylaw No. 2559" be held;

AND THAT: notice of the public hearing be given by staff of the Regional District on behalf of the Board in accordance with Section 466 of the Local Government Act;

AND FURTHER THAT: the holding of the public hearing be delegated to Director Talbot, Electoral Area D, being that in which the land concerned is located, or the Alternate Director De Vos, if the Director is absent, and the Director or Alternate Director, as the case may be, give a report of the public hearing to the Board.

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 owners have 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.

The Board gave first reading and directed staff to send out referrals to applicable agencies and First Nations for this bylaw amendment at its October 18, 2018 Board Meeting. It is now appropriate for the Board to consider the bylaw amendment for second reading and delegation of a public hearing.

Since first reading, the owners have submitted a survey showing the siting of the existing buildings on the subject property; the existing second story deck, stairs, and storage shed attached to the two-family dwelling are located within the side parcel line setback and requires a Development Variance Permit (DVP). Staff have provided preliminary information about this DVP application in this report.

VOTING: Unweighted Corporate LGA Part 14 (Unweighted) Weighted Corporate Stakeholder (Weighted)

BACKGROUND:

See "2018-10-18_Board_DS_BL2559_Desimone_McMullen.pdf" and "Maps_Plans_Photos_BL2559.pdf" attached.

POLICY:

See "BL2500_Excerpts_BL2559.pdf" attached.

FINANCIAL:

See "2018-10-18_Board_DS_BL2559_Desimone_McMullen.pdf" attached.

KEY ISSUES/CONCEPTS:

See "2018-10-18_Board_DS_BL2559_Desimone_McMullen.pdf."

The Board gave first reading of Bylaw No. 2559 at its October 18, 2018 Board meeting and directed staff to follow the simple consultation process and refer the bylaw amendment to applicable agencies and First Nations for comment. Referral comments have now been received and are summarized in the Communications section of this report.

The owners hired a Registered Onsite Wastewater Practitioner (ROWP), Rodric Anamchara, to complete a septic inspection of the existing septic system on the property. The results from the inspection, November 28, 2018, indicate that the septic system is in working condition and does not appear to cause potential health hazard. The system was constructed to accommodate a 2-3 bedroom home for up to 5 adults (300 IG/day); the ROWP indicates that although the existing residence is a two-family dwelling, there are only 3 bedrooms total, so the septic can accommodate this use as it remains at 300 IG/day. Two non-compliant features were found regarding the existing system; the first is that it was installed without a permit or filing with Interior Health and that the dispersal field does not meet required setbacks. The ROWP recommended partial replacement of the system to rectify these issues. The owners are in the process of working with the ROWP to design an updated system and plan to install the system as soon as weather and scheduling permits. Staff will not recommend adoption of this bylaw amendment until the ROWP confirms that all septic issues have been resolved.

See "Septic_report_2018-12-28_BL2559.pdf" attached.

Development Variance Permit

Staff requested that a survey be completed for the subject property as the two-family dwelling seemed to be located close to the side parcel setbacks. The survey confirmed that although the two-family dwelling is outside of the side parcel line setbacks, the attached deck, stairs, and storage shed are all within 2.0 m of the side parcel line. A DVP for these structures will be required to recognize the siting of the two-family dwelling, however, this bylaw amendment must first be approved. The Board will review the DVP (DVP 2500-17) for issuance when this amendment is considered for adoption, should it proceed through further readings.

The variance for consideration will be as follows:

The Salmon Valley Land Use Bylaw No. 2500 is hereby varied:

Section 2.7.2.2 minimum setback from side parcel line from 2.0 m to 0.59 m for an attached deck; to 1.56 m for attached stairs, and to 1.31 m for an attached storage shed.

Although building inspection is not a function in this area, staff consulted with the CSRD Building Services Department regarding future potential fire separation issues there may be for the deck, stairs, and storage shed as they are located within the side parcel line setback; the building department does not have issue with the siting of the deck or stairs but has provided recommendations regarding a first story window located near the stairs that staff have forwarded to the owners. See "Agency_referral_responses_BL2559.pdf" attached.

Staff note that the site plan the owners provided shows a wood deck located on the east side of the house; this is a ground level type patio and is not considered a structure. A shed located at the rear of the property is on the site plan as well, the surveyor did not include this structure on the survey as it is on skids and not permanent. The owner will be advised to move this structure to comply with the setback.

SUMMARY:

Staff continue to support Bylaw No. 2559 and is recommending that the bylaw be considered for second reading and referral to a public hearing.

IMPLEMENTATION:

Consultation Process

Neighbouring property owners first became aware of the application when a notice of application sign was posted on the property. As of the date of this report, no written submissions from the public have been received. If the Board approves the staff recommendation, a public hearing will be scheduled to receive input from the public.

COMMUNICATIONS:

If the Board supports second reading of Bylaw No. 2559 and delegates a Public Hearing, staff will proceed with notification of property owners within 100 metres and publication of notices as required by the Local Government Act.

Bylaw No. 2559 was referred to the following agencies and First Nations for comments, which are summarized below. See "Agency_referral_responses_BL2559.pdf" attached.

CSRD Finance Department
No objections.

CSRD Operations Department
Utilities –Utility billing to be updated to recognize two residential user fees.
Other –no concerns.

CSRD Building and Bylaw Services
Interests Unaffected –comments on Code compliance and recommendations regarding first story window provided.

Ministry of Transportation and Infrastructure
Preliminary Approval granted,

Archaeology Branch

Approval Recommended subject to conditions –recommendations provided should any potential archaeological discoveries be made during land alterations.

Interior Health Authority
Interests Unaffected.

No response received from:

- 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.

DESIRED OUTCOMES:

That the Board endorse staff recommendations.

BOARD'S OPTIONS:

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*
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
2. ROWP Septic Inspection, November 28, 2018

Report Approval Details

Document Title:	2019-01-21_Board_DS_BL2559_Desimone_McMullen.docx
Attachments:	<ul style="list-style-type: none">- BL2559_second.pdf- 2018-10-18_Board_DS_BL2559_Desimone_McMullen.pdf- BL2559_first.pdf- Agency_referral_responses_BL2559.pdf- BL2500_Excerpts_BL2559.pdf- Maps_Plans_Photos_BL2559.pdf
Final Approval Date:	Feb 8, 2019

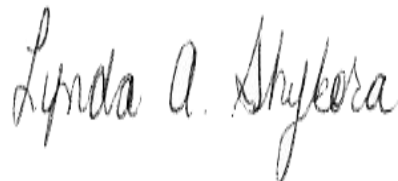
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Feb 8, 2019 - 11:03 AM



Gerald Christie - Feb 8, 2019 - 2:07 PM



Lynda Shykora - Feb 8, 2019 - 2:53 PM



Charles Hamilton - Feb 8, 2019 - 3:08 PM