



BOARD REPORT

TO: Chair and Directors

File No: BL2561
PL20190044

SUBJECT: Electoral Area D: Salmon Valley Land Use Amendment (Tereposky – MacDonald) Bylaw No. 2561

DESCRIPTION: Report from Erica Hartling, Planner I, April 26, 2019.
2950 Wetaskiwin Road, Falkland

RECOMMENDATION #1: THAT: "Salmon Valley Land Use Amendment (Tereposky –MacDonald) Bylaw No. 2561" be read a first time this 16th day of May, 2019.

RECOMMENDATION #2: THAT: the Board utilize the simple consultation process for Bylaw No. 2561, and it be referred to the following agencies and First Nations:

- Interior Health;
- FrontCounter BC;
- Archaeology Branch;
- Ministry of Transportation and Infrastructure;
- Agricultural Land Commission;
- CSR D Operations Management;
- CSR D Financial Services; and,
- All relevant First Nations Bands and Councils.

SHORT SUMMARY:

The subject property is located at 2950 Wetaskiwin Road in Falkland of Electoral Area D. The applicant is applying to amend the zone and designation of the Salmon Valley Land Use Bylaw No. 2500 from R – Rural to RH – Rural Holdings for the subject property. The applicant has made this bylaw amendment application to be able to apply to subdivide the property into two parcels and build a new home for themselves on the proposed remainder lot.

VOTING:	Unweighted Corporate <input type="checkbox"/>	LGA Part 14 (Unweighted) <input checked="" type="checkbox"/>	Weighted Corporate <input type="checkbox"/>	Stakeholder (<i>Weighted</i>) <input type="checkbox"/>
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BACKGROUND:

REGISTERED OWNER(S):
Ryan Tereposky, Christina Tereposky, and Kevin MacDonald

ELECTORAL AREA:
D

LEGAL DESCRIPTION:
Lot 2, Section 3, Township 18, Range 12, West of the 6th Meridian, Kamloops Division Yale District, Plan KAP77178

CIVIC ADDRESS:

2950 Wetaskiwin Road, Falkland

SURROUNDING LAND USE PATTERN:

North = Rural residential/agriculture, Crown land, Falkland Transfer Station

South = Highway 97, agriculture

East = Community of Falkland and vacant land zoned for commercial and higher density residential

West = Agriculture

CURRENT USE:

Two single family dwellings (house and mobile home) with two outbuildings used for storage and a carport.

PROPOSED USE:

Current proposal is to rezone to be able to apply to subdivide the property into two lots. Current uses to remain on the proposed lot 1 (10.3 ha) and the owners are proposing to build their new home on the vacant proposed remainder lot (18 ha).

PARCEL SIZE:

28.35 ha (70.04 acres)

DESIGNATION & ZONE:

Salmon Valley Land Use Bylaw No. 2500

R - Rural (60 ha minimum parcel size)

PROPOSED DESIGNATION & ZONE:

Salmon Valley Land Use Bylaw No. 2500

RH – Rural Holdings (8 ha minimum parcel size)

AGRICULTURAL LAND RESERVE:

6%

SITE COMMENTS:

See "Maps_Plans_Photos_BL2561.pdf" attached.

A site visit was not conducted for this redesignation and rezoning application. The site information provided in this report is based on orthophoto interpretation and details provided by the applicant. The subject property has two single family dwellings (house and mobile indicated on the attached site plan) with two outbuildings used for storage and a carport; all located in the southeast area of the property adjacent to and north of Highway 97. The northeast section of the property contains fenced in fields; northwest is steeply sloped and treed; and, the southwest corner is treed and 6% in the Agricultural Land Reserve. The property currently has a Ministry of Transportation and Infrastructure (MOTI) no build covenant registered against a small portion of the property fronting Wetaskiwin Road (regd. 1996) and also several right of way plans (regd. 1949 – 1959) that run through the east to southwest boundary (gas lines and hydro transmission lines) of the property. The existing and proposed buildings are all located outside of the MOTI covenant and the right-of ways.. When the applicant submitted the rezoning application, they informed CSRD staff that they had also made an application to MOTI to discharge the no build covenant.

POLICY:

Salmon Valley Land Use Bylaw No. 2500 – Policies, General Regulations, and Zones

See "BL2500_Excerpts_BL2561.pdf" attached

- 1.7 - Rural and Agricultural Character
- 1.8 - Land Resource Capability
- 1.9 - Land Use Pattern
- 1.10 - Redesignation Criteria
- 2.2.5 - Agricultural Land Reserve (ALR)
- 2.4 – R – Rural Zone
- 2.5 – RH – Rural Holdings Zone

FINANCIAL:

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

KEY ISSUES/CONCEPTS:**Proposal**

See "Maps_Plans_Photos_2561.pdf" attached.

Under the R zone the minimum parcel size is 60 ha and a redesignation and rezoning to RH is required to allow for subdivision of the subject property. As the subject property is 28.35 ha, the RH zone may permit up to a maximum of three 8 ha lots. The applicant's current proposal is for a one 10.3 ha parcel (Proposed Lot 1) surrounding the two existing single family dwellings (house and mobile home) at 2950 Wetaskiwin Road and a proposed remainder parcel (Proposed Remainder Lot) of 18 ha that would contain the owner's proposed new single family dwelling.

If the Board approves this bylaw amendment application, the applicant may proceed with a subdivision application through the Ministry of Transportation and Infrastructure and the CSRD.

Local Area Bylaw Amendment History

In 2006 a neighbouring parcel to the northeast applied to redesignate and rezone their 31 ha property from a split zone of R and RR to the RH zone. The subject property owners made this application (Bylaw No. 2532) in order to be able to apply to subdivide it into two parcels. Bylaw No. 2532 was adopted June 22, 2006 and the current property owners are permitted to apply to subdivide their RH zoned lot but have not made an application to the CSRD at this time.

Neighbouring properties directly east of the subject property have also undergone several bylaw amendments and are currently vacant but are zoned for future residential and commercial developments under the RHD - High Density Residential, RS - Single and Two Family Residential, and C – Commercial zones.

Subdivision for a Relative

There is a section (Section 514) of the Local Government Act (LGA) regarding subdivision to provide residence for a relative; however, an application under Section 514 is not an option in this case because under Section 514, the owner must have owned the property for 5 years. The current owner is proposing to create a lot to provide residence for themselves but they have not owned the parcel for 5 years. If they waited the 5 years, then the property owners may be able to apply to subdivide for a relative and not require a rezoning application. However, as the owners wish to make a subdivision application as

soon as possible, they have chosen to apply to amend the zone over the subject property from the R zone to the RH zone.

Rural and Agricultural Character Policies

The Rural and Agricultural Character policies in Bylaw No. 2500 may consider new RH designations not located on good agricultural land. Land within the Agricultural Land Reserve (ALR) and Class 4 or better agricultural land are considered 'good' agricultural land in Bylaw No. 2500.

Almost all of the subject property is located outside the ALR (94%) and contains Class 5 - Class 7 soils; approximately 6% of the subject property is within the ALR and contains Class 3 soils. The ALR portion of the property is located in the southwest corner and is separated from the property's main access and two existing dwellings by steeply sloped land. The ALR portion is not proposed to be separated by the applicant's current subdivision plan and the applicant's proposed remainder lot of 18 ha for the owner's new single family dwelling will not be adjacent to the ALR.

The proposed redesignation and rezoning and potential subdivision are consistent with Bylaw No. 2500 policies and would not significantly change or negatively impact the surrounding rural and agricultural properties.

Sewage Disposal

The proposed 10.3 ha parcel has the two existing dwellings each with their own on-site septic system. The proposed remainder of 28.35 ha is vacant and without services but proposed to contain the owner's new single family dwelling. Proof of adequate sewage disposal on each lot will be required during the subdivision stage.

Water Supply

The water supply for the two dwellings is currently from a shared well and the vacant proposed remainder lot will have to meet the source of water requirements for an independent on-site water system at the subdivision stage.

Access

The subject property currently has two separate driveway accesses off of Wetaskiwin Road that loop around to the two dwellings. The current second access will be directed to the proposed new home on the remainder lot if the bylaw amendment is adopted and the owners receive subdivision approval.

SUMMARY:

The applicant has applied to amend the designation and zone of the Salmon Valley Land Use Bylaw No. 2500 from R – Rural to RH – Rural Holdings for the subject property. The applicant has made this bylaw amendment application to be able to apply to subdivide the subject property.

Staff recommends Bylaw No. 2561 be given first reading and sent to the referral agencies for the following reasons:

- Almost all of the subject property does not contain good agricultural land, as defined in the agricultural policies of Bylaw No. 2500;
- The current rural residential uses on each proposed lot are consistent with the land use pattern policies in Bylaw No. 2500;

- The redesignation and rezoning and the potential subdivision would not significantly change or negatively impact the surrounding rural and agricultural properties to the north, south, and west, or negatively impact the future developed residential and commercial properties to the east; and,
- Proof of adequate water requirements and sewage disposal on each lot will be required during the subdivision stage if Bylaw No. 2561 is approved.

IMPLEMENTATION:

Consultation Process

CSRD Policy P-18 regarding Consultation Processes – Bylaws, staff recommends the simple consultation process. Neighbouring property owners will first become aware of the application when a notice of application sign(s) is posted on the subject property.

Referral Process

The following list of referral agencies and First Nations Bands and Councils is recommended:

- Interior Health;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – FrontCounter BC;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
- Ministry of Transportation and Infrastructure;
- Agricultural Land Commission;
- CSRD Operations Management;
- CSRD Financial Services;
- 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;
- Neskonalith 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; and,
- Esh-kn-am Cultural Resources Management Services.

COMMUNICATIONS:

If the Board gives Bylaw No. 2561 first reading, the bylaw will be sent out to referral agencies. Referral responses will be provided to the Board with a future Board report, prior to delegation of a public hearing.

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.*

Report Approval Details

Document Title:	2019-05-16_Board_DS_BL2561_First_Tereposky_MacDonald.docx
Attachments:	- BL2561_First.pdf - BL2500_Excerpts_BL2561.pdf - Maps_Plans_Photos_BL2561.pdf
Final Approval Date:	May 3, 2019

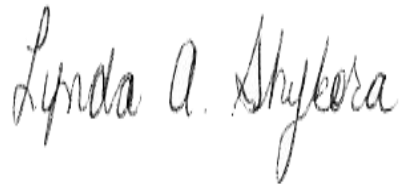
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - May 2, 2019 - 10:38 AM



Gerald Christie - May 2, 2019 - 3:08 PM



Lynda Shykora - May 3, 2019 - 1:50 PM



Charles Hamilton - May 3, 2019 - 1:57 PM