

# **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, Planner II, dated April 29, 2019. 5781 Highway 97, Falkland **RECOMMENDATION:** THAT: Salmon Valley Land Use Amendment (Desimone/McMullen) Bylaw No. 2559 be read a third time this 16<sup>th</sup> day of May, 2019. **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 second reading, as amended and delegated a public hearing at its February 21, 2019 Board meeting. A public hearing was held on April 16, 2019. It is now appropriate for the Board to consider third reading. Unweighted LGA Part 14  $\boxtimes$ Weighted Stakeholder **VOTING:** Corporate (Unweighted) Corporate (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" and 2019-01-21 Board DS BL2559 Desimone McMullen.pdf".

The owners have provided documentation proving that all septic concerns have been resolved; including the construction of a new dispersal field and a Record of Sewerage filed with Interior Health Authority.

#### **SUMMARY:**

Staff continue to support Bylaw No. 2559 and is recommending that the bylaw be considered for third reading 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:**

**Public Hearing** 

A public hearing for this proposed bylaw amendment was held on April 16, 2019 in the CSRD Boardroom. Two members of the public, the subject property owners, were present. Staff received two submissions (from the same person) from the public indicating opposition to the application. See "Public\_submissions\_BL2559.pdf".

### **COMMUNICATIONS:**

If Board gives BL2559 third reading, staff will forward the bylaw to Ministry of Transportation for review and approval. Staff will then bring the bylaw back to the Board for adoption.

The Board will consider Development Variance Permit No. 2500-17 for setbacks for the existing deck, stairs, and storage shed at the same meeting as the adoption of this bylaw amendment.

#### **DESIRED OUTCOMES:**

That the Board endorse 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 Bylaw No. 2500
- 2. Septic documentation

# **Report Approval Details**

Document Title:	2019-05-16_Board_DS_BL2559_Desimone.docx
Attachments:	- BL2559_third.pdf - 2019-01-21_Board_DS_BL2559_Desimone_McMullen.pdf - BL2559_second.pdf - 2018-10-18_Board_DS_BL2559_Desimone_McMullen.pdf - BL2559_first.pdf - Public_hearing_notes_2019-04-16_BL2559.pdf - Public_submissions_BL2559.pdf - Agency_referral_responses_BL2559.pdf - Maps_Plans_Photos_BL2559.pdf
Final Approval Date:	May 6, 2019

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

Corey Paiement - May 3, 2019 - 11:25 AM

Gerald Christie - May 3, 2019 - 1:07 PM

Lynda Shykora - May 6, 2019 - 11:59 AM

Charles Hamilton - May 6, 2019 - 2:20 PM