

# BOARD REPORT

**TO:**

Chair and Directors

**File No:**

BL2562

PL2019055

**SUBJECT:**

Electoral Area D: Salmon Valley Land Use Amendment (Montgomery) Bylaw No. 2562

**DESCRIPTION:**Report from Candice Benner, Planner II, dated May 27, 2019.  
5777 Highway 97, Falkland**RECOMMENDATION #1:**THAT: "Salmon Valley Land Use Amendment (Montgomery) Bylaw No. 2562" be read a first time this 20<sup>th</sup> day of June, 2019.**RECOMMENDATION #2:**

THAT: the Board utilize the simple consultation process for Bylaw No. 2562, 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.

**SHORT SUMMARY:**

The subject property is located at 5777 Highway 97 in Falkland of Electoral Area D. The property is currently zoned C-Commercial in Salmon Valley Land Use Bylaw No. 2500. A mobile home (single family dwelling) was placed on the property in the fall of 2018; 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 residential use on the property.

**VOTING:**Unweighted  
Corporate☐LGA Part 14  
(Unweighted)☒Weighted  
Corporate☐Stakeholder  
(Weighted)☐**BACKGROUND:****OWNERS:**

Kyla Montgomery

**ELECTORAL AREA:**

D (Falkland)

**CIVIC ADDRESS:**

5777 Highway 97

**LEGAL DESCRIPTION:**

Lot 5 Block 7 Section 2, Township 18, Range 12, W6M, KDYD, Plan 1295

**PID:**

008-582-190

**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:**

Single family dwelling and accessory building

**PROPOSED USE:**

Single family dwelling and accessory building

**SITE COMMENTS:**

The subject property is west of downtown Falkland on the south side of Highway 97. The single family dwelling sits centrally on the property with a grassed yard in the front and an accessory building in the rear. Access to the property is from Highway 97.

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

The neighbouring property, 5781 Hwy 97, located immediately to the west is currently going through a redesignation/rezoning application (BL2559) from C -Commercial to RS -Residential to recognize the existing residential two-family dwelling use on the property. The Board gave third reading of BL2559 at its May 16, 2019 and will consider it for adoption at the June 20, 2019 Board meeting.

**POLICY:**

See attached “BL2500\_Excerpts\_BL2562” 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.

This application is the result of bylaw enforcement which is being held in abeyance pending the outcome of this application.

**KEY ISSUES/CONCEPTS:**

The single family dwelling located on the subject property was placed on the property in the fall of 2018; 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 single family dwelling residential use on the property.

The single family dwelling is connected to the CSRD owned Falkland Water System and a new septic system has been installed on the property.

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 have been working on a similar commercial to residential rezoning for the neighbouring property to the west. As part of that application, 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 Boleen 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 which shares the east parcel boundary with 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.

Staff have requested a building location certificate for the subject property as the existing buildings may encroach within the parcel line setbacks and will require a Development Variance Permit application.

**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 single 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 multi-family 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.

**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 Lake 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
- 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 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

**Report Approval Details**

Document Title:	2019-06-20_Board_DS_BL2562_First_Montgomery.docx
Attachments:	- BL2562_first.pdf - BL2500_Excerpts_BL2562.pdf - Maps_Plans_Photos_BL2562.pdf
Final Approval Date:	Jun 10, 2019

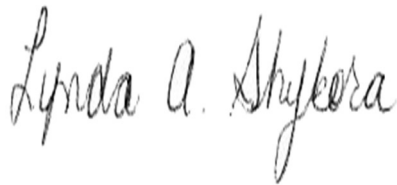
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Jun 7, 2019 - 11:32 AM**



**Gerald Christie - Jun 7, 2019 - 1:34 PM**



**Lynda Shykora - Jun 10, 2019 - 2:11 PM**

**No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora**

**Charles Hamilton - Jun 10, 2019 - 2:12 PM**