



# 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 July 30, 2019. 5777 Highway 97, Falkland

**RECOMMENDATION #1:** THAT: Pursuant to Section 477 of the Local Government Act, the Board has considered this "Salmon Valley Land Use Amendment (Montgomery) Bylaw No. 2562" in conjunction with the Columbia Shuswap Regional District's Financial Plan and its Waste Management Plan, this 15<sup>th</sup> day of August, 2019.

**RECOMMENDATION #2:** THAT: "Salmon Valley Land Use Amendment (Montgomery) Bylaw No. 2562" be read a second time this 15<sup>th</sup> day of August, 2019.

**RECOMMENDATION #3:** THAT: a public hearing to hear representations on "Salmon Valley Land Use Amendment (Montgomery) Bylaw No. 2562" 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 5777 Highway 97 in Falkland, 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.

The Board gave first reading and directed staff to send out referrals to applicable agencies and First Nations for this bylaw amendment at its June 20, 2019 Board Meeting. It is now appropriate for the Board to consider the bylaw amendment for second reading and delegation of a public hearing.

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

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**BACKGROUND:**

See Board Report first reading and maps, plans, and photos in the attached "2019-06-20\_Board\_DS\_BL2562\_First\_Montgomery.pdf" and "Maps\_Plans\_Photos\_BL2562.pdf".

**POLICY:**

See relevant Salmon Valley Land Use Bylaw No. 2500 policies, general regulations, and zones in the attached "BL2500\_Excerpts\_BL2562.pdf".

**FINANCIAL:**

See Board Report first reading for financial comments in the attached "2019-06-20\_Board\_DS\_BL2562\_First\_Montgomery.pdf".

**KEY ISSUES/CONCEPTS:**

See staff discussion of the bylaw amendment proposal, local area bylaw amendment history, analysis of downtown Falkland residential uses, etc., in attached "2019-06-20\_Board\_DS\_BL2562\_First\_Montgomery.pdf".

The Board gave first reading of Bylaw No. 2562 at its June 20, 2019 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.

Staff are still waiting for a building location certificate to determine the location of existing structures on the property; if a variance to setbacks is required this would be reviewed by the Board after adoption of this amendment and therefore is appropriate at this time to continue with further readings.

**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 second reading and delegation of a public hearing 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:****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. 2562 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. 2562 was referred to the following agencies and First Nations for comments, which are summarized below. See "Agency\_referral\_responses\_BL2562.pdf" attached.

CSRD Finance Department  
No objections

CSRD Operations Department  
No concerns

Ministry of Transportation and Infrastructure  
Interests unaffected by bylaw; an access permit will be required for the driveway located off of Highway 97, staff have forwarded this information on to the applicant.

No response received from:

- Interior Health Authority;
- 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
- 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 Recommendations(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:	2019-08-15_Board_DS_BL2562_second_Montgomery.docx
Attachments:	<ul style="list-style-type: none"> <li>- BL2562_second.pdf</li> <li>- 2019-06-20_Board_DS_BL2562_First_Montgomery.pdf</li> <li>- BL2562_first.pdf</li> <li>- BL2500_Excerpts_BL2562.pdf</li> <li>- Maps_Plans_Photos_BL2562.pdf</li> </ul>
Final Approval Date:	Jul 31, 2019

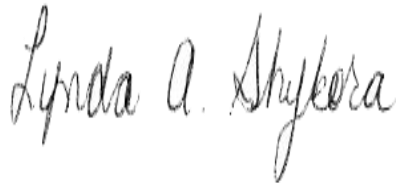
This report and all of its attachments were approved and signed as outlined below:

**No Signature - Task assigned to Corey Paiement was completed by workflow administrator IT Portal Admin**

**Corey Paiement - Jul 30, 2019 - 2:39 PM**



**Gerald Christie - Jul 31, 2019 - 8:46 AM**



**Lynda Shykora - Jul 31, 2019 - 11:28 AM**

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

**Charles Hamilton - Jul 31, 2019 - 11:29 AM**