



BOARD REPORT

TO:

Chair and Directors

File No: DVP2500-19 PL20190000173

SUBJECT:

Electoral Area D: Development Variance Permit No. 2500-19 (Parton-Simpson)

DESCRIPTION:

Report from Erica Hartling, Planner I, dated August 30, 2019
2908 Wetaskiwin Road, Falkland

RECOMMENDATION:

THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 2500-19 for Lot 1, Section 3, Township 18, Range 12, West of the 6th Meridian, Kamloops Division Yale District, Plan KAP77178, varying Salmon Valley Land Use Bylaw No. 2500, as follows:

Section 2.4.2.2 minimum siting of a structure for keeping of animals from the proposed side parcel line of subdivision application 2018-05908D, from 30 m to:

- 9.18 m for the farm storage/garage/chicken coop
- 2.47 m for the barn/hay storage
- 10.91 m for the chicken coop #1
- 3.6 m for chicken coop #2
- 8.11 m for chicken coop #3

Section 2.4.2.2 minimum siting of a structure for keeping of animals from the front parcel line, from 30 m to:

- 27.45 m for the farm storage/garage/chicken coop structure
- 12.72 m for the barn/hay storage
- 0.58 m for the chicken coop #2
- 0.93 m for the chicken coop #3

Section 2.4.2.3 minimum siting of other buildings and structures, from the front parcel line, from 10 m to:

- 0.58 m for the chicken coop #2
- 0.93 m for the chicken coop #3

be approved for issuance this 19th day of September, 2019.

SHORT SUMMARY:

The subject property is located at 2908 Wetaskiwin Road in Falkland of Electoral Area D. The subject property owners are in the process of completing a Section 514 subdivision application to provide a residence for a family member. One of the conditions of subdivision approval is issuance of a development variance permit to address the setbacks of the existing farm buildings with respect to the proposed new lot boundaries.

VOTING:

Unweighted ☐ LGA Part 14 ☒ Weighted ☐ Stakeholder ☐

Corporate

(Unweighted)

Corporate

(Weighted)

BACKGROUND:

PROPERTY OWNERS:

Rodger Parton and Rita Simpson

AGENT:

Nicole Bird c/o Brown Johnson Land Surveyors

ELECTORAL AREA:

D (Falkland)

LEGAL DESCRIPTION:

Lot 1, Section 3, Township 18, Range 12, West of the 6th Meridian, Kamloops Division Yale District, Plan KAP77178

PID:

026-161-435

CIVIC ADDRESS:

2908 Wetaskiwin Road, Falkland

SURROUNDING LAND USE PATTERN:

North = Crown land, Falkland Transfer Station

South = Rural residential, Highway 97

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

West = Rural residential, agriculture

CURRENT USE:

Single family dwelling, detached garage, several small sheds, and farm buildings.

PROPOSED USE:

The subject proposal is to resolve setback encroachments of the existing small farm buildings along the proposed new lot boundaries. The proposed variance is a condition of subdivision approval, as the owners are currently completing a subdivision over the subject property to provide a residence for a family member.

PARCEL SIZE:

4.05 ha (10.01 acres)

PROPOSED PARCEL SIZE:

- Lot 1 is 1.01 ha (2.5 acres)
- Remainder Lot is 3.04 ha (7.5 acres).

DESIGNATION & ZONE:

Salmon Valley Land Use Bylaw No. 2500

R – Rural

AGRICULTURAL LAND RESERVE:

0 %

SITE COMMENTS:

See "Maps_Plans_Photos_DVP2500-19.pdf" attached.

The subject property is located at 2908 Wetaskiwin Road in Falkland of Electoral Area D. A site visit was not conducted for this application. The site information provided in this report is based on orthophoto interpretation and the proposed subdivision site plan and photos prepared and provided by the agent (BCLS)

The subject property owners are in the process of completing a two lot subdivision to provide a residence for a family member. Proposed Lot 1 is 1.01 ha (2.5 acres) in size and the Proposed Remainder Lot is 3.04 ha (7.5 acres).

- Proposed Lot 1 is primarily flat with a single family dwelling, detached garage, farm buildings, and a well and septic system.
- Over half of the Proposed Remainder Lot is forested and steep sloped; the eastern front portion contains flat terrain with one farm building and pasture.
- The existing farm buildings located on both Proposed Lot 1 and the Proposed Remainder Lot encroach on the R – Rural setbacks with respect to the proposed new lot boundaries and require a development variance permit to be approved before completing the subdivision.

POLICY:**Salmon Valley Land Use Bylaw No. 2500****Section 2.4 R – Rural Zone****2.4.1 Permitted Uses**

- .1 agriculture;
- .2 airfield, airstrip;
- .3 equestrian centre;
- .4 fish farm;
- .5 forestry;
- .6 guest ranch;
- .7 gun club and archery range;
- .8 harvesting wild crops;
- .9 home occupation;
- .10 kennel;
- .11 portable sawmill;
- .12 single family dwelling;
- .14 accessory use.

2.4.2 Regulations

.2 minimum siting of the following buildings, structures or uses from any parcel line or watercourse:

- a structure for the keeping of animals (does not include a fence): 30 m

.3 minimum siting of other buildings, structures or uses from parcel lines:

- front and rear parcel lines: 10 metres
- side parcel line: 2 metres

.4 minimum area of parcels to be created by subdivision: 60 hectares

Section 3.1.1 Interpretation

- **ACCESSORY BUILDING:** means a building or structure that is subordinate and supplementary to the principal building or use permitted on the same parcel such as a garage, carport or storage shed.
- **AGRICULTURE:** means (a) the growing, rearing, producing or harvesting of agricultural crops, fur bearing animals, poultry or other livestock; and includes (b) the storage sale and processing of primary agricultural products harvested, reared or produced by the farming operation; and (c) the storage and repair of farm machinery, implements and supplies.
- **FRONT PARCEL LINE:** means a parcel boundary contiguous to a highway other than a lane, provided that in respect of a corner parcel, the front parcel line shall be the shortest parcel boundary contiguous to a highway other than a lane.
- **SIDE PARCEL LINE:** means a parcel line other than a front parcel line or a rear parcel line

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

See site plan and proposed variances in the attached "Maps_Plans_Photos_DVP2500-19.pdf".

On behalf of the owners of the subject property, the agent has made an application to the Ministry of Transportation and Infrastructure (MOTI) and the CSRD for a two lot subdivision under application number 2018-05908D. This subdivision has been applied for under Section 514 of the Local Government Act (LGA) to provide a residence for a family member. As the owners have owned the subject property for over 5 years they are eligible to apply to subdivide for a relative under Section 514 and not require a rezoning application to rezone the property from the R - Rural (60 ha minimum parcel size) to the RR – Rural Residential (1 ha minimum parcel size).

One of the conditions of the subdivision approval is that the owners resolve any buildings or structures that may be encroaching into the R zone setbacks from the proposed new lot boundaries. The agent has submitted a surveyed site plan that shows several small farm buildings encroaching on the R zone side parcel and front parcel line setbacks of the proposed parcel boundaries.

During the subdivision application review, the owners were given options to remedy the existing buildings' setback encroachments from the new lot lines, which were:

- Relocate or remove the existing farm buildings;
- Discontinue use of the farm buildings for the keeping of animals; or,

- Apply for a development variance permit requesting approval of the current farm building locations for the keeping of animals.

The owners have opted to apply for the development variance permit, as they do not want to relocate or remove the buildings and they wish to continue to use the farm buildings for the keeping of animals.

The agent is proposing to vary the Salmon Valley Land Use Bylaw No. 2500 as follows:

Section 2.4.2.2 minimum siting of a structure for keeping of animals from the proposed side parcel line of subdivision application 2018-05908, from 30 m to:

- 9.18 m for the farm storage/garage/chicken coop
- 2.47 m for the barn/hay storage
- 10.91 m for the chicken coop #1
- 3.6 m for chicken coop #2
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The locations of the existing farm buildings should have minimal impact on surrounding properties, as majority of the farm buildings are small non-permanent structures and located behind the subject property's existing fence. The proposed variances are only for the location and sizes of the existing buildings and the owners would still need to apply for a variance in the future if they wish to replace the existing buildings with larger farm buildings in the same locations. As the owners are subdividing to provide a residence for themselves, they will be the property owners directly impacted by the proposed side parcel line variances. The CSRD has never received a complaint concerning the locations of the existing farm buildings to the front parcel line and the neighbouring property that may be impacted by the proposed variances to the front parcel line is located across Wetaskiwin Road to the east. This property is 9.63 ha in size, currently vacant, and split zoned RS – Single and Two Family Residential and RHD - High Density Residential. The portion of the neighbouring property adjacent to Wetaskiwin Road is zoned RS and the future residential dwelling on this portion of the property should experience no negative impacts from the locations of the existing farm buildings on the subject property, as the width of the road allowance is 20 m and a future dwelling on the neighbouring property must be setback at least 6 m from the front parcel boundary.

The majority of the proposed setback variances are for the farm buildings located on Proposed Lot 1, which contains the property owner's single family dwelling as the principal use. There is one farm building (farm storage/garage/chicken coop) located on the Proposed Remainder Lot, which does not contain a single family dwelling as a principal use. However, since agriculture is a permitted principal

use in the R zone, the subject farm building can remain on the Proposed Remainder Lot without a single family dwelling.

MOTI has advised that a Setback Permit is not required for the siting of the existing farm buildings that are sited within the 4.5 m Provincial setback from a road right of way (i.e. front parcel line) because they are not permanent structures. See the Communications section of this report and the attached "Agency_referral_responses_DVP2500-19.pdf" for the complete referral response from MOTI.

SUMMARY:

Staff are recommending that Development Variance Permit No. 2500-19 be approved for issuance for the following reasons:

- The subject property owner owns the two proposed lots to be subdivided and is the property directly impacted by the proposed side parcel line variances;
- No bylaw enforcement complaints have been received regarding the siting of the existing farm buildings from the front parcel line;
- A future dwelling (minimum 6 m setback) on the vacant lot east of the subject property and adjacent to Wetaskiwin Road (20 m road allowance), will be sited at least 26 m from the existing farm buildings;
- The proposed variances are required as a condition of subdivision approval; and,
- The Ministry of Transportation and Infrastructure (MOTI) raised no issues with the proposed variances and the existing structures do not require a setback permit from MOTI.

IMPLEMENTATION:

If the Board approves the staff recommendation, the Development Variance Permit No. 2500-19 will be approved for issuance, which will allow the subdivision to move forward. Once the subdivision is completed the Permit will be registered on the title of each lot.

COMMUNICATIONS:

See attached "Agency_referral_responses_DVP2500-19.pdf".

A referral was sent to the Ministry of Transportation and Infrastructure (MOTI) requesting comments regarding the proposed variances.

The Ministry raised no objections to the reduced setbacks of the existing buildings on the two proposed lots. They noted that the chicken coops, which are situated within the 4.5 m setback from the Road Right-of-Way, do not require a permit from their office because they are not permanent structures. The current location of the chicken coop structures does not appear to block sight distance or create any hazard for the travelling public or the maintenance contractor.

Notifications were sent out to all owners of property lying within 100 m of the subject property advising of the opportunity to comment on the application for Development Variance Permit. If any submissions are received staff will provide a verbal update at the Board meeting.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

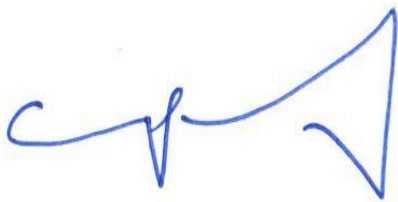
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Salmon Valley Land Use Bylaw No. 2500

Report Approval Details

Document Title:	2019-09-19_Board_DS_DVP2500-19_Parton-Simpson.docx
Attachments:	<ul style="list-style-type: none">- DVP2500-19.pdf- Agency_referral_responses_DVP2500-19.pdf- Maps_Plans_Photos_DVP2500-19.pdf
Final Approval Date:	Sep 5, 2019

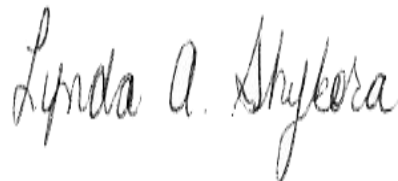
This report and all of its attachments were approved and signed as outlined below:



Corey Paient



Gerald Christie



Lynda Shykora



Charles Hamilton