

Relevant Excerpts from [Salmon Valley Land Use Bylaw No. 2500](#)

(See Salmon Valley Land Use Bylaw No. 2500 for all policies and zoning regulations.)

1.7 Rural and Agricultural Character

Objective

1.7.1 An objective of the Regional Board is to generally preserve the rural and agricultural character of the area and ensure the continued viability of economic activities based on agriculture and forestry resources.

Policies

1.7.2 The policies of the Regional Board are as follows:

.1 On Schedule A, the OCP Designation Maps, the rural and agricultural areas are designated as R (Rural);

.2 Existing rural areas include parcels greater than 60 ha in area and land under resource or agricultural use. Rural areas shall be preserved to the greatest extent possible to provide for continued agricultural and resource production as the main elements of the local economy;

.5 The Regional Board wishes to discourage residential intrusion in agricultural areas. The Board sees the creation of 8 hectare parcels from larger parcels of good agricultural land (including land within the Agricultural Land Reserve and Class 4 or better agricultural land) as the first step toward residential intrusion on agricultural land. To prevent this intrusion, the Regional Board discourages new Rural Holding designations (8 ha minimum parcel size) on good agricultural land;

.6 The Regional Board may consider new Rural Holding designations not located on good agricultural land;

.7 The Regional Board prefers to see rural residential use concentrated on parcels approximately 1 ha (2.5 acres) in size and located in areas where the residential use clearly will not have a negative impact on agricultural uses;

1.8 Land Resource Capability

Objective

1.8.1 An objective of the Regional Board is to generally encourage a pattern of land use that respects the capability of the land-based resources to support various uses.

Policies

1.8.2 The policies of the Regional Board are as follows:

.1 Agricultural activities shall be encouraged on land with moderate to excellent agricultural capability in the valley bottoms;

.2 Agricultural activities shall also be encouraged to locate away from streams. If agricultural activities were located adjacent to streams, a buffer should be provided between streams and agricultural activities;

.3 Residential, commercial, industrial and institutional uses shall be encouraged to locate on land with low agricultural resource, or wildlife capability, and on land with soils suitable for sewage disposal.

1.9 Land Use Pattern

Objective

1.9.1 An objective of the Regional Board is to generally maintain the area's historical pattern of land use in which small-lot residential, commercial, and institutional uses concentrate in the rural communities, leaving the majority of the land for agricultural uses as well as forestry, fishery, and wildlife uses.

Policies

1.9.2 The policies of the Regional Board are as follows:

.1 On Schedule A, the OCP Designation Maps, the rural residential areas, with a minimum parcel size of 1 ha are designated as RR (Rural Residential);

.2 Future rural residential uses with a minimum parcel size of 1 hectare shall be limited to areas within the communities of Falkland (Shown on Map 2), Silvernails Bench Area (subject to mitigation of fire interface issues) (shown on Map 2(a)), Silver Creek (Shown on Map 3), and Glenemma.

.3 On Schedule A, the OCP Designation Maps, single family and multiple family residential areas within the community of Falkland are designated as RS (Single family Residential) and RM (Multiple Family Residential) respectively;

.9 New local commercial development will be accommodated in Falkland, Silver Creek and Glenemma provided it serves local residents;

2.2.19 Secondary Dwelling Unit

.1 Where permitted in a zone, the number and type of *secondary dwelling unit* (SDU) is determined by the *parcel* size and level of service:

Parcel Size	Level of Service	SDU Regulation	Total Dwelling Units Permitted	Number of Residential Buildings
Any	<i>Community Sewer System**</i>	1 attached* <u>and</u> 1 detached SDU	3	2
< 1 ha	On-site Sewage Disposal	1 attached* <u>or</u> 1 detached SDU	2	1-2
1 ha – 8 ha	On-site Sewage Disposal	1 attached SDU* <u>and</u> 1 detached SDU	2-4	2-3
>8 ha	On-site Sewage Disposal	1 attached* <u>or</u> 1 detached SDU per single detached dwelling	2-4 depending on whether a property is in the ALR	2-4

*Attached SDU is a *secondary dwelling unit* that shares at least one common wall with the single detached dwelling.

**For an SDU, despite the definition in Part 1 of this bylaw, the number of connections for a community sewer system may be less than 50 provided written confirmation from the sewer system operator that the system has the capacity to service the proposed SDU is received.

.2 A *secondary dwelling unit* must:

- a) have a *floor area, net* no greater than 140 m²;

- b) have a door direct to the outdoors without passing through any part of the *single detached dwelling unit*;
 - c) remain under the same legal title as the principal *single detached dwelling unit*, and not be stratified;
 - d) be serviced by an on-site sewerage disposal system in accordance with the Sewerage System Regulations of the Public Health Act and it must be demonstrated that there is a suitable back up field area on the *parcel*/unless a *community sewer system* is available in which case connection to the *community sewer system* is required. For lots less than 1 ha the back up field area is required to be protected by a Section 219 covenant.
 - e) be serviced with potable water from either a *domestic water system* or a *community water system*;
 - f) not be used as a *vacation rental* unless expressly permitted by this *Bylaw*;
 - g) not be used as a *bed and breakfast*; and,
 - h) Off-street parking shall be provided in accordance with Schedule B of this *Bylaw*.
- .3 Notwithstanding 2.2.19.1 and 2.2.19.2, *secondary dwelling units* on property within the Agricultural Land Reserve (ALR) must be in accordance with Agricultural Land Commission regulations for residential dwelling units in the ALR.

Agricultural Land Reserve (ALR)

- 2.2.5 In addition to the regulations established in this Bylaw, all lands within the Agricultural Land Reserve are also subject to the provisions of the Agricultural Land Commission (ALC) Act, regulations and orders of the ALC (thereby not permitting the subdivision of land or the development of non-farm uses unless approved by the ALC).

Additional Residences within the ALR

- 2.2.5.1 Any properties located within the ALR and in land use zones that permit two single detached dwellings must have the approval of the ALC, prior to establishing the second residence.

In the event that a farm requires more than two single detached dwellings on the property, either issuance of a Temporary Use Permit or a successful rezoning is required, after approval from the ALC is received.

2.6 RR Rural Residential
Permitted Uses

2.6.1 The following uses and no others are permitted in the area zoned as RR:

- .1 agriculture;
- .2 secondary dwelling unit;
- .3 church;
- .4 home occupation;
- .5 single detached dwelling;
- .6 accessory use.

Regulations

2.6.2 On a parcel located in an area zoned as RR, no land shall be used; no building or structure shall be constructed, located or altered; and no plan of subdivision approved which contravenes the regulations set out in the table below in which Column I sets out the matter to be regulated and Column II sets out the regulations.

	<u>Column I</u>	<u>Column II</u>
.1	maximum number of single detached dwellings	1 single detached dwelling per parcel
.2	maximum number of single detached dwellings	in accordance with Section 2.2.19
.3	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): *feeding or drinking trough:	30 m 15 m
.4	minimum siting of other buildings, structures or uses from parcel lines: *front and rear parcel lines: *side parcel lines: *exterior side parcel lines:	10 metres 2 metres 4.5 metres
.5	Minimum area of parcels created by subdivision:	1 hectare
.6	Minimum servicing standard	on-site sewage disposal on-site water supply
.7	Maximum height for: *principal buildings and structures	11.5 m (37.73 ft)

	*accessory buildings containing a dwelling unit	10 m (32.81 ft)
	*all other accessory buildings and structures	8.5 m (27.89 ft)
.8	Maximum floor area, gross of an accessory building:	
	1. on a parcel less than 0.4 ha	
	a. accessory building containing a dwelling unit	250 m ² (2690.98 ft ²)
	b. all other accessory buildings and structures.	150 m ² (1614.59 ft ²)
	2. on a parcel greater than 0.4 ha and less than 2.0 ha	250 m ² (2690.98 ft ²)

3.1 Interpretation

3.1.1 In this Bylaw all words or phrases shall have their normal or common meaning except where this is changed, modified or expanded by the definitions set forth below:

“floor area, gross” is the total area of all storeys in a building and attached decks and balconies, whether at, above, or below established grade, measured to the outside face of the exterior walls, windows, roof or floor as applicable, or the area in a portion of a building as applicable. For structures or portions of structures without walls, floor area, gross is measured from the outside edges of posts. Where a roof extends more than 1.3 m beyond a wall or post floor area, gross is measured to the outermost edge of the roof or eave. For buildings, structures or portions thereof without a roof floor area, gross is measured from the exterior face of a wall, post or edge of floor. Floor area, gross includes balconies, decks and parking areas but does not include unenclosed exterior stairs;”

“floor area, net” is the total area of all storeys in a building measured to the outside face of exterior walls, or, as applicable, the area associated with each specific use measured to the outside face of the walls of the area. For portions of buildings without walls, the floor area is measured from the outside edges of posts. Floor area, net does not include balconies, decks, and parking areas