



**DEVELOPMENT SERVICES REFERRAL REPORT**

FROM: Heather Meier RPP MCIP, Planning Leader

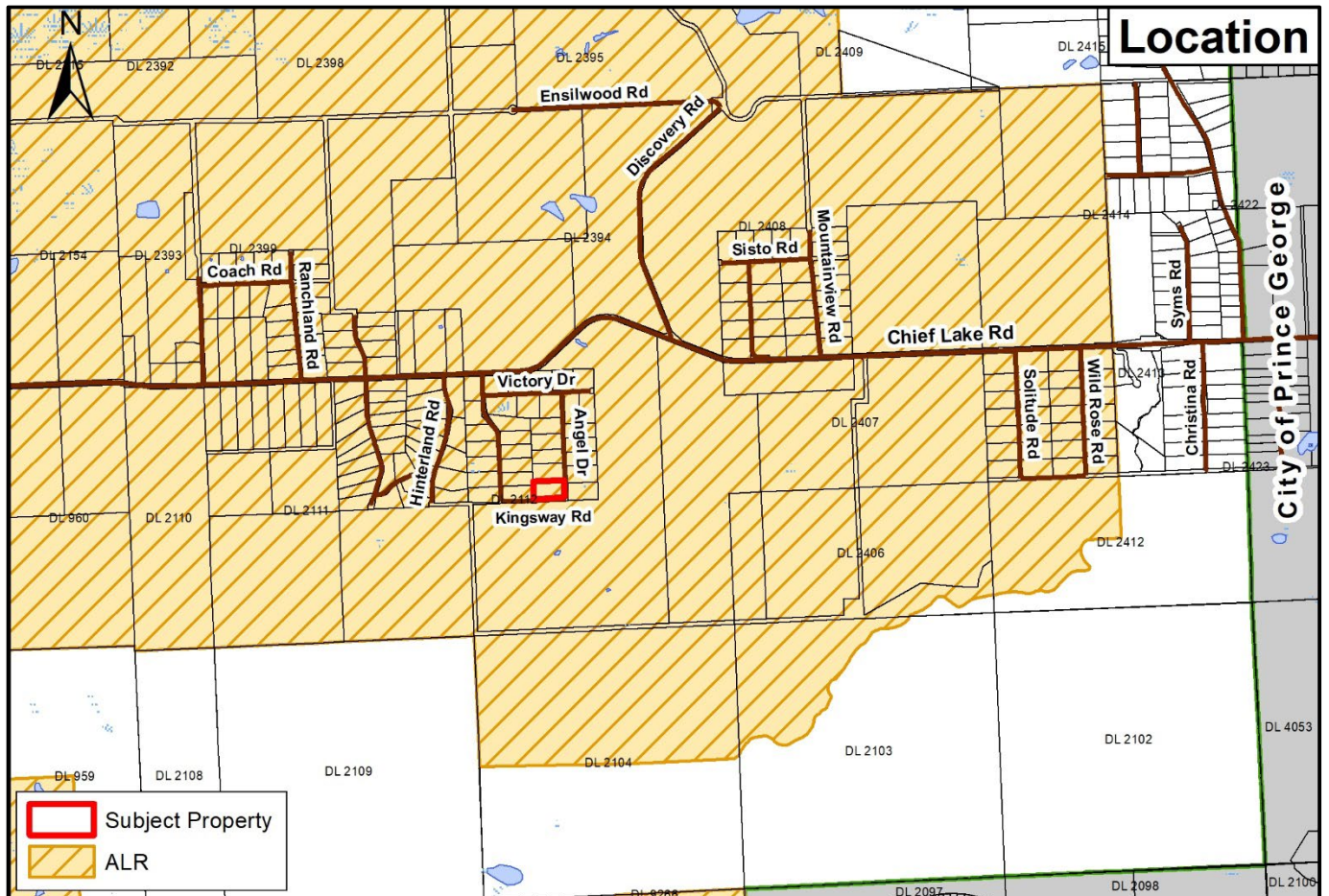
DATE: August 8, 2024

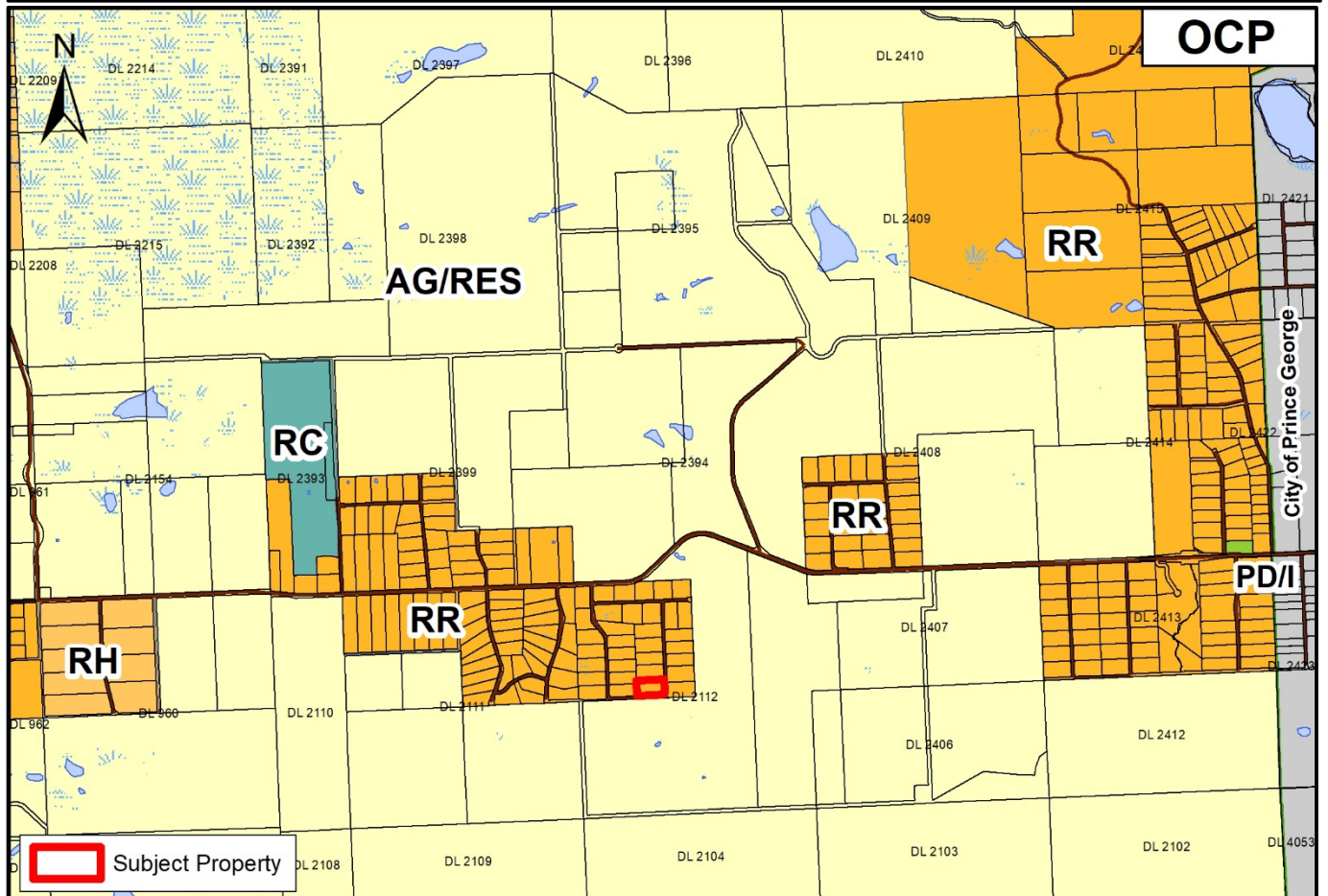
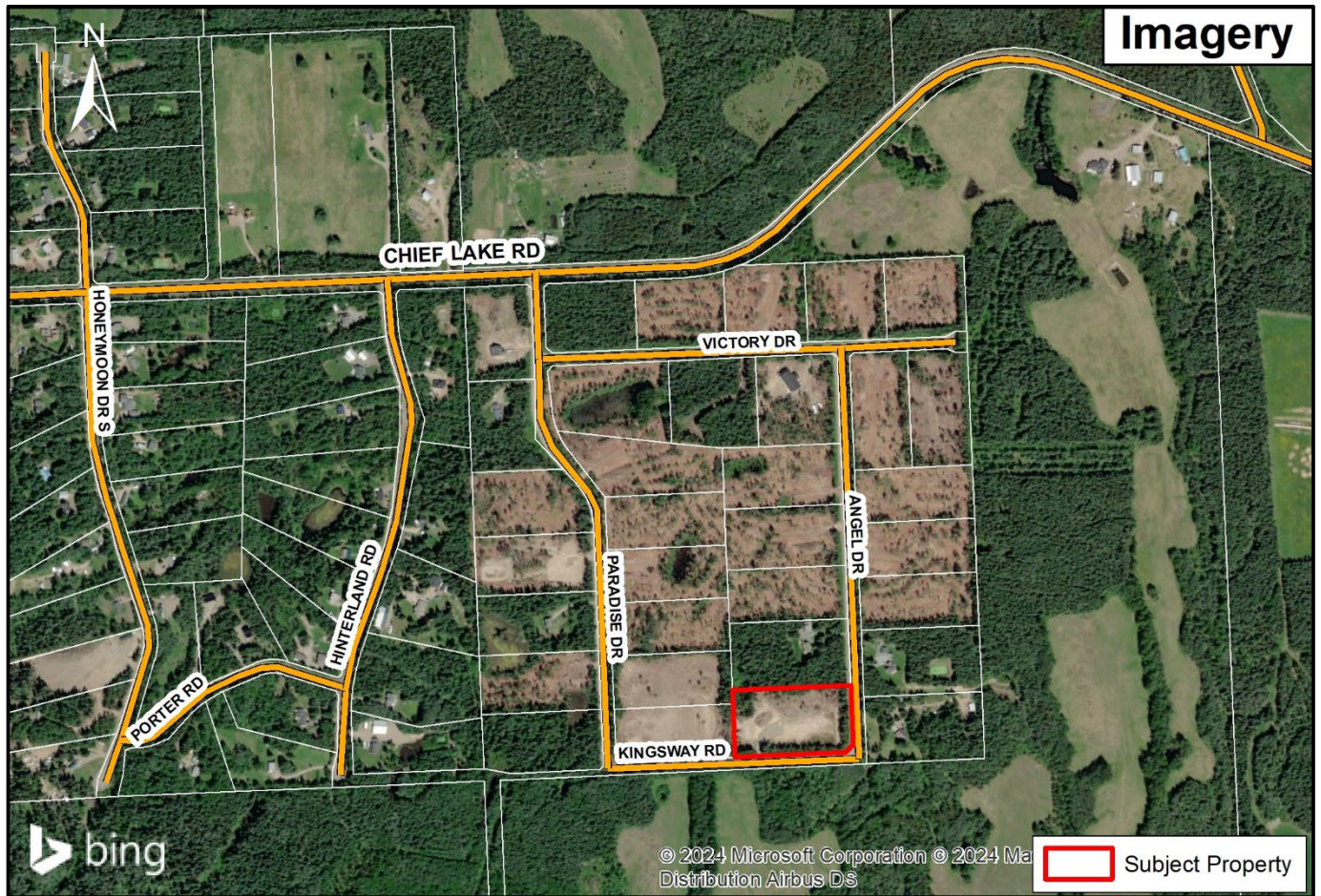
SUBJECT: **ALC Application 101503 - Non-Adhering Residential Use in the ALR**

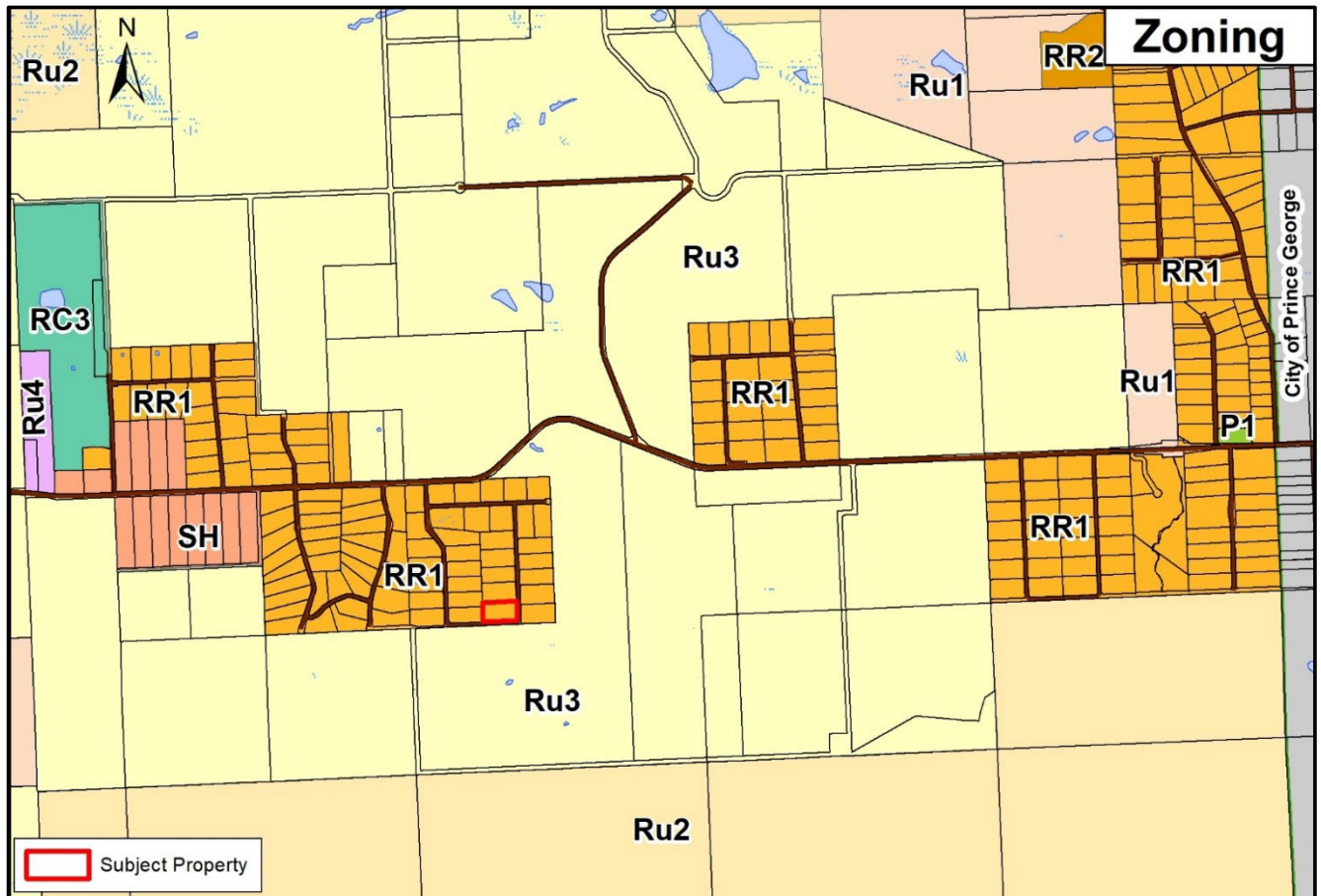
**SUMMARY OF APPLICATION:**

<b>Location:</b>	11770 Kingsway Road – Electoral Area A
<b>Legal Description &amp; Size:</b>	Lot 26 District Lot 2112 Cariboo District Plan 25077 – PID 007990421 2.02 ha. (5 ac.)
<b>Applicant:</b>	Robbin Simmons and Gisele Gamache
<b>Existing Land Use:</b>	A Residential-Single Family dwelling is under construction. The remainder of the property is mostly cleared with some treed areas.
<b>Application Type:</b>	Non-Adhering Residential Use (NARU) in the Agricultural Land Reserve (ALR)
<b>Proposal / Reason for Application:</b>	The NARU application has been made to permit a primary residence with a floor area greater than 500m <sup>2</sup> . The applicant wishes to modify the design of the residence under construction by converting the basement to a ground level storey to resolve drainage issues. The proposed new total floor area is 855m <sup>2</sup> . The ALC application is attached.

**PARCEL MAPS**







## LAND USE PLANNING INFORMATION

ALR: The subject property is entirely within the Agricultural Land Reserve (ALR). This application is required because the area of the basement will no longer be exempt from the total floor area calculation if it is brought more than 50% above grade.

Pursuant to the *Agricultural Land Commission Act*, a Non-Adhering Residential Use means:

- (a) an additional residence;
- (b) a principal residence having a total floor area that is more than 500 m<sup>2</sup>;
- (c) a use of a residential structure that contravenes the regulations;

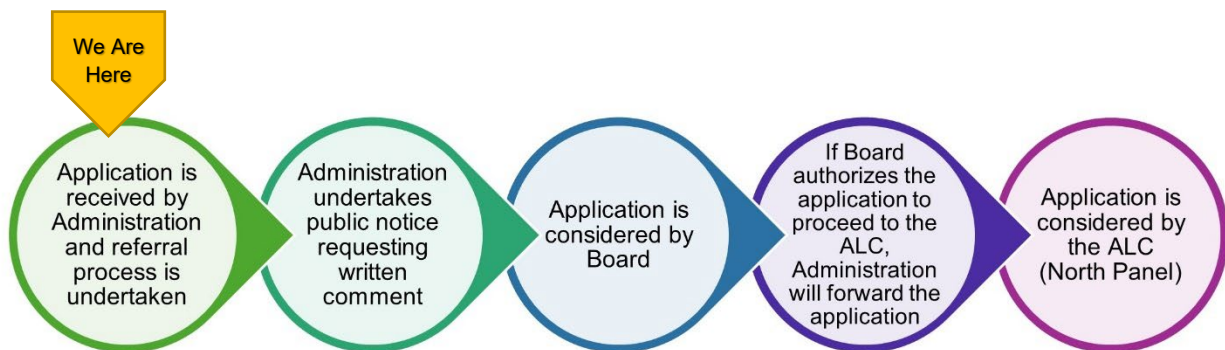
**“total floor area of a principal residence” means, for purposes of the ALCA and ALR Use Regulation and pursuant to Commission Resolution No. 056N/2019, the total area of all floors measured to the outer surface of the exterior walls, including corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies, enclosed porches or verandas, and excluding:**

- (a) attached garages and unenclosed carports to a cumulative maximum of 42 m<sup>2</sup>;
- (b) **basements and crawl spaces** (Commission Resolution No. 094N/2022); and
- (c) attics, with attic meaning the unfinished space between the roof and the ceiling of the top storey of a building or between a partial wall and a sloping roof. This exception only applies if this unfinished space is created by the use of roof trusses. The unfinished attic space created by the use of attic trusses or rafters in the construction of a residence is not excluded from the calculation of total floor area (Commission Resolution No. 095N/2022).

**“basement” pursuant to Commission Resolution No. 056N/2019 means a single storey (Commission Resolution No. 112N/2024) below the first floor with a vertical height of more than 1.8 metres and having more than one-half its vertical height below the average finished grade at the perimeter of a building, (Commission Resolution No. 094N/2022) that does not extend beyond the outer surface of the exterior wall of the first floor.**

- OCP: The subject property is designated Rural Residential (RR) by the Salmon River-Lake Official Community Plan Bylaw No. 1587, 1996. Residential uses are supported within this designation of the OCP. **An OCP amendment is not required.**
- Zoning: The subject property is zoned Rural Residential 1 (RR1) by Zoning Bylaw No. 2892, 2014. The zone permits one Residential-Single Family dwelling and one Secondary Suite. Agriculture is also a permitted use in this zone. The zone does not set a maximum residence size and states that they must conform with the BC Building Code for the minimum floor area of a dwelling unit. **A zoning bylaw amendment is not required.**
- Other: The subject area is in the following RDFFG service areas:
  - Pilot Mountain Fire Hall

## APPLICATION PROCESS INFORMATION



- Application Process Overview
- When considering the application, the Regional District Board can choose to either:
- prevent the application from proceeding to the ALC for a decision; or
  - approve the application to proceed to the ALC for a decision (with or without comments).

If the Board approves the application to proceed it will be forwarded to the ALC for a decision pursuant to the purposes of the Commission as set out in the *Agricultural Land Commission Act*:

6 (1) *The following are the purposes of the commission:*

- to preserve agricultural land reserve;*
- to encourage farming on agricultural land reserve in collaboration with other communities of interest;*
- to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.*

(2) *The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing the following in exercising its powers and performing its duties under this Act:*

- the size, integrity and continuity of the land base of the agricultural land reserve;*
- the use of the agricultural land reserve for farm use.*

- Future RDFFG Applications:
- If the application is approved by the ALC, no additional land use applications will be required. The applicant may continue with the building permit process for construction of the residence.

Referral comments would be appreciated.