

Request for Decision

ALR Non-Adhering Residential Use Application

File No: P 725 541
Reference: 103812
Date: April 15, 2025

Subject: ALR Non-Adhering Residential Use (Lower Toby Benches / Simmonds)
Applicant: David and Monica Simmonds
Location: 81 Westside Road, Lower Toby Benches
Legal: Lot 8 District Lot 375 Kootenay District Plan 1232 (PID: 010-408-771)

Proposal: To permit a single storey secondary dwelling unit with a building footprint of 208 m² comprised of a:

- 84 m² detached garage;
- 89 m² secondary suite; and
- 35.3 m² covered patio.

Options:

1. THAT the Agricultural Land Commission be advised the RDEK supports the Simmonds ALR Non-Adhering Residential Use application for property located at 81 Westside Road in Lower Toby Benches.
2. THAT the Agricultural Land Commission be advised that the RDEK recommends that the Simmonds ALR Non-Adhering Residential Use application for property located at 81 Westside Road in Lower Toby Benches be refused.

Recommendation: Option 1

The location of the proposed new building is near other existing buildings which creates a compact development footprint and minimizes impacts to the agricultural potential of the property. The location is near the farm structures which facilitates the resident(s) to assist with the farm operation and creates a dwelling that allows for a family member to age in place.

Property Information:

OCP Designation: RR, Rural Resource which supports agricultural, rural residential and rural resource land uses with parcel sizes 8.0 ha and larger. The RR designation also recognizes the use of these lands for public utility use, resource extraction, green space and recreation.

OCP Policies:

- Land in the ALR is generally designated and supported for agricultural use.
- ALR applications for non-farm use, subdivision or exclusion should identify opportunities to improve the agricultural capability and provide a net benefit to agriculture for the lands that remain within the ALR.
- New residential development is encouraged to be directed to land within existing development nodes outside the ALR.

**Property
Information –
cont'd:**

Zoning Designation: A-2, Single Family Residential Zone, which has a minimum parcel area requirement of 8 ha.

Parcel Size: 11.5 ha (28.3 ac)

Interface Fire Hazard Rating: Moderate to high, within the Wilmer/Lower Toby Fire Protection Area.

BC Assessment: Residential & Farm (Other)

Water / Sewer Services: Onsite. The application indicates that a new septic system will be installed to service the suite. The area required for installation is approximately 72 m², depending on soil conditions and system design.

Flood Hazard Rating: The portion of the property to the east of Westside Road is entirely within the floodplain area for the Columbia River. The proposed building is not to be located within that area.

**Professional
Reports:**

None

**Agricultural
Capability Rating:**

The majority of the subject property, and the location where the proposed garage and suite are to be located, is Class 5 with limiting factors of low fertility and topography. This area is considered improvable to Class 4 with a limiting factor of topography.

**Additional
Information:**

- The ALR Use Regulations allows for one additional dwelling on the property to a maximum of 90 m² of total floor space. Total floor space includes attached garages and covered areas.
- If the ALR NARU application is approved, the owners will need to receive an approved Development Variance Permit or bylaw amendment to allow for a secondary suite on the main floor of a detached garage.
- The main dwelling on the property is 188 m². There is also a 148 m² barn structure that is used for hay storage.
- The application states that the working farm requires specialized infrastructure to function effectively. The proposed garage space is necessary for enclosed equipment storage and maintenance to ensure longevity and reduce costly repairs and to protect against weather. The garage will also house farm supplies such as fertilizer, seeds and packaging materials, ensuring accessibility and protection from contamination.
- The application states that the secondary suite is also essential to support the farm operation as the owner's mother, who will reside there, assists with farm activities, including animal care, gardening and general maintenance. Living onsite will ensure proximity to necessary resources while maintaining a safe and sustainable lifestyle. In addition to meeting current needs, this onsite housing will serve as a future residence for the owners to aid in the creation of their sustainable,

**Additional
Information
cont'd:**

multi-generational farm. The suite will also provide additional onsite 24/7 security, reducing risk of theft and vandalism.

- The application also states the proposed residence will be clustered with the existing residence and barn, reducing the land impact. The proposed building will be situated on the northeast corner of the parcel. The location was selected due to proximity to existing structures and consists of rough grass, stumps, rocks and a dead tree, making it unsuitable for agricultural use.

Consultation:

APC Area F: Support recommended

**Documents
Attached:**

- ALR Boundary Map
- Land Use Map
- Agricultural Capability Map and Key
- Site Plan
- Building Dimensions
- Aerial Photo

**RDEK
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