DEVELOPMENT and PLANNING SERVICES COMMITTEE
Monday, July 20, 2015
City of Salmon Arm
Council Chamber
City Hall, 500 - 2 Avenue NE
8:00 a.m.

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1. CALL TO ORDER

2. REVIEW OF THE AGENDA

3. DECLARATION OF INTEREST

4. PRESENTATIONS

5. REPORTS

5.1 ZON-1031, Kelly Hart (Kinder Play Childcare), 1170 - 22 Street NE

5.2 VP-418, Ben Spohr, 440 – 34 Street SE – Servicing Variance

5.3 Water Sprinkling Restrictions Update - Verbal

6. CORRESPONDENCE


7. OTHER

n/a

8. IN CAMERA

9. LATE ITEM

n/a

10. ADJOURNMENT

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http://www.salmonarm.ca/agendacenter
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To: Her Worship Mayor Cooper and Members of Council  
Date: July 10, 2015  
Subject: Zoning Bylaw Amendment Application No. 1031

Legal: Lot A, Section 24, Township 20, Range 10, W6M, KDYD, Plan 16521  
Civic: 1170 22 Street NE  
Owner/Applicant: Hart, K.

MOTION FOR CONSIDERATION

THAT: A Bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot A, Section 24, Township 20, Range 10, W6M, KDYD, Plan 16521 (1170 - 22 Street NE) from R-1 (Single Family Residential Zone) to C-6 (Tourist / Recreation Commercial Zone).

AND THAT: Final reading of the Bylaw be withheld subject to approval by the Ministry of Transportation and Infrastructure.

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

BACKGROUND

The subject parcel is located at 1170 22 Street NE (Appendix 1 and 2), just north of 11 Avenue NE and the Trans Canada Highway. The 0.19 hectare subject parcel is designated Highway Service / Tourist Commercial (HC) in the City's Official Community Plan (OCP) and zoned R-1 (Single Family Residential) in the Zoning Bylaw (Appendix 3).

The proposal is to rezone the parcel from R-1 (Single Family Residential Zone) to C-6 (Tourist / Recreation Commercial Zone) to facilitate commercial daycare facility use within the existing building. The proposed C-6 zoning is supported by the OCP: the parcel is currently within the Urban Commercial Area (Commercial Corridor East of City Centre to 30 Street NE) as per OCP Section 9.3.18.

The Zoning Map attached shows a mix of zones in the immediate area, predominantly Institutional (P-3) and Commercial zones, with some Residential (R-1) and Medium Density Residential (R-4) zoned parcels also in the vicinity. Land uses adjacent to the subject parcels include the following:

North: Single-Family Residential (R-1) parcel with school beyond (zoned P-3 - Institutional)  
West: Road (22 Street NE), with church beyond (zoned P-3 - Institutional)  
East: Commercial (C-6) parcel, with additional Commercial beyond (C-6)  
South: Commercial (C-6) parcel, with 11 Avenue and TCH beyond

The subject parcel currently contains a single family dwelling (site photos attached as Appendix 4). The applicant has provided a site plan (Appendix 5) to demonstrate their concept for the property.
If rezoned to C-6, the parcel would be subject to the guidelines of the Highway Service / Tourist Commercial Development Permit Area, however the currently proposed interior renovations fit within exemptions and would not trigger a form and character development permit application.

COMMENTS

Ministry of Transportation and Infrastructure

MoTI has no objections and has granted Preliminary Approval for the rezoning.

Engineering Department

The application benefits from exemptions to the Subdivision and Development Services Bylaw due to construction value. Comments have been provided to the applicant.

Building Department

Owner is aware of BC Building Code updates and is in discussion with a Registered Professional.

Fire Department

No Fire Department concerns.

Planning Department

The surrounding neighbourhood is characterized by a mix of single and multi-family housing, commercial and institutional developments. The subject parcel is considered to be well-suited for a commercial daycare facility, being within close walking distance of the eastern commercial node, an elementary school, recreation centre, transit routes, and residential development.

The applicant's intent for the 0.19 hectare parcel is to renovate the existing single family dwelling to serve as a commercial daycare (a single family dwelling is not a permitted use in the C-6 zone, however residential use is permitted in the form of a work/live studio or upper floor dwelling unit). The renovations involve meeting today's BC Building Code, and any requirements of Interior Health, which regulates and licenses daycares. Of the various types of daycare, a commercial daycare facility permits the greatest number of participants, typically 8 or more in accordance with applicable Provincial regulations.

The parcel has more than sufficient area to provide the required 3 offstreet parking spaces for commercial daycare use (1 space per 35 m² of gross floor area) with the site plan provided indicating 4 full size parking spaces. Commercial parking areas are required to meet certain standards specified in the Zoning Bylaw, including hard surfacing, grading, drainage, and delineation (painted lines) of parking spaces. The applicant has provided a letter of intent (Appendix 6) regarding their plan to hard surface the parking area.

CONCLUSION

The proposed C-6 zoning of the subject property is consistent with OCP and therefore supported by staff.

Prepared by: Chris Larson, MCP
Planning and Development Officer

Reviewed by: Kevin Pearson, MCIP, RPP
Director of Development Services
Appendix 4: Site Photos

View to the south-east from 22 Street NE showing adjacent commercial property.

View east of existing driveway access and parking area proposed to be improved.

View north-east with adjacent residential property with school beyond.
Open Area: 1120 square feet

Parking Area

UPPER: OOR

22 Street NE
Appendix 6: Letter of Intent

Kelly Hart (250) 803-1104

July 8, 2015

City of Salmon Arm
attn: Chris Larson

I am currently starting renovations at 1170 22nd St NE Salmon Arm for the purpose of opening a commercial daycare centre in September of this year. I am very hopeful the centre will be able to offer childcare, primarily After-School Care, by the time school begins on September 8th.

When I initially budgeted for this project, my intention was to pave the driveway and parking lot however, the renovations are more expensive than anticipated. In an effort to provide appropriate structures and apparatus inside the daycare for the children, pay a fair wage to staff and create a safe, outdoor play-space for the children, it is my hope that I can delay the paving until a later date.

I would like to pave the parking lot and driveway area in 3-5 years, with the hope that it can be done sooner.

Sincerely yours,

Kelly Hart

(250) 803-1104
6660 10TH AVE SE SALMON ARM V1E 1X8
WWW.KINDERPLAYCHILDCARE.COM
City of Salmon Arm
Development Services Department Memorandum

TO: Her Worship Mayor Cooper and Members of Council
DATE: July 9, 2015
SUBJECT: Variance Permit Application No. VP-418 (Servicing)
Legal: Lot 2, Section 18, Township 20, Range 9, W6M, KDYD, Plan 37043, Except Plan EPP24578
Civic Address: 440 -34 Street SE
Owner: Andreas & Wanda Spohr
Applicant: Ben Spohr

MOTION FOR CONSIDERATION

THAT: Development Variance Permit No. VP-418 be authorized for issuance for Lot 2, Section 18, Township 20, Range 9, W6M, KDYD, Plan 37043, Except Plan EPP24578 which will vary the provisions of Subdivision and Development Servicing Bylaw No. 3596 by increasing the maximum permitted length of cul-de-sac dead-end road from 160 metres to 340 metres.

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The subject property is located at 440 – 34 Street SE (APPENDICES 1 and 2) and is under subdivision application to create three new lots and a remainder lot ranging from 516 m² to 894 m². The applicant is requesting that Council vary the provisions of the Subdivision and Development Servicing (SDS) Bylaw No. 3596 by waiving the maximum 160 metre length requirement for maximum length for a road terminating in a cul-de-sac to permit the proposed subdivision.

The proposed sketch plan of the subdivision is attached as APPENDIX 3.

BACKGROUND

The property is current designated Low Density Residential in the City's Official Community Plan (OCP), zoned Single Family Residential (R-1) in the Zoning Bylaw. The property is 3329 m² (0.82 acre) with a dwelling located in the west portion near 34 Street SE.

Section 2.11.2 of Schedule B, Part 1 of Subdivision and Development Servicing Bylaw No. 3596 cul-de-sac dead-end roads shall not exceed 160 metres in length in Urban, Town Centre and Industrial areas and 300 metres in rural areas. The length is measured along centerline from the centre of the first intersection having access from two alternate routes to the centre of the cul-de-sac, which in this case is 33 Street SE and 7 Avenue SE (APPENDIX 1).
The properties to the north of the subject property and 4 Avenue SE were created in 2012 and designed from the road layout shown in the attached pre-plan (APPENDIX 4). The advanced street plan identifies that the future roadway will be looped back to 34 Street SE. A similar variance was granted for the previous subdivision (VP-365) to allow for the extension of the maximum cul-de-sac length from 160 metres to 290 metres, based on this advanced street plan. This request would extend the maximum length another 50 metres to 340 metres.

**COMMENTS**

**Fire Department**

Some concerns from an overall emergency access perspective; however variance is supported if T-Turn Around is constructed.

**Building Department**

No concerns.

**Engineering Department**

APPENDIX 5.

**Planning Department**

The applicant is requesting a variance to allow for an increase to the maximum length of a dead-end road in an urban area. In most developments, dead-end roads that exceed the City's requirements are only supported when a secondary emergency access is provided. There is however a number of examples of subdivisions in the City's urban area with roads exceeding the 160 metre limit.

The requirement for maximum length is considered standard and is consistent with other local municipalities including Kelowna, Vernon and Kamloops. Rationale for restricting the maximum length involves emergency response and traffic volume concerns. Average Daily Traffic is generally limited to 150 vehicle trips per day with an average of 6 per day for the average household. This equates to a maximum of 25 lots per dead-end street and approximately 150 m of roadway at current development standards. Including the proposed subdivision, there will be 15 lots serviced by the cul-de-sac. Further detail is provided in the memorandum from the Engineering Department attached as APPENDIX 5.

In this case, staff are recommending approval in consideration of the following:

1. The proposed subdivision is consistent with the advanced street plan and pre plan shown in APPENDIX 4.
2. The proposed subdivision is consistent with the previous subdivision and variance to allow for the extension of the maximum cul-de-sac length (VP-365).
3. Once the lot to the south of the subject property is developed (Lot 2, Plan 10661) the road will be looped which will improve service capacity and safety.
4. In the interim, a temporary T-Turn Around is required at the terminus as part of final approval for the subdivision which will facilitate manoeuvrability for public, City and emergency vehicles.
CONCLUSION

The requested variance to increase the maximum permitted length of cul-de-sac dead-end road from 160 metres to 340 metres is recommended for approval by staff.

Prepared by: Wesley Miles, MCIP, RPP
Planning and Development Officer

Reviewed by: Kevin Pearson, MCIP, RPP
Director of Development Services
Closest intersection having two alternate access routes and point of measurement for the variance length.
City of Salmon Arm
Memorandum from the Engineering and Public Works Department

To: Kevin Pearson, Director of Development Services
Date: July 8, 2015
Prepared by: Darin Gerow, Engineering Assistant
Subject: DEVELOPMENT VARIANCE PERMIT APPLICATION NO. VP-418E
Legal: Lot 2, Section 18, Township 20, Range 9, W6M, KDYD, Plan 37043, Except Plan EPP24578
Civic: 440 – 34 Street SE
Owner: Andreas & Wanda Spohr, 440 – 34 Street SE, Salmon Arm, BC, V1E 1N3
Applicant: Owner
Associated: SUB 15.10

Further to the request for variance dated May 7, 2015; the Engineering Department has thoroughly reviewed the site and offers the following comments and recommendations, relative to the variances requested:

1) Variance request for construction of a 340 meter cul-de-sac within the urban containment boundary.

The City of Salmon Arm’s Subdivision and Development Servicing Bylaw No. 3596, requires that Cul-de-Sac dead-end roads shall not exceed 160 meters in length in Urban, Town Centre and Industrial Development Areas and 300 meters in length in Rural Development Areas. The measured length shall be along centerline from the centre of the first intersection having access from two alternate routes to the centre of the cul-de-sac.

The subject development is in an Urban Development Area, and the cul-de-sac measures from the intersection of 33 Street SE and 7 Avenue SE. The measured length will be approximately 340 meters.

There are many reasons that a governing body limits the length of a cul-de-sac. The most compelling reason for limiting the length of a cul-de-sac has to do with Average Daily Traffic (ADT). General transportation principles advise not to exceed 150 vehicle trips per day on a dead end roadway. An average household has 10 vehicle trips per day resulting in a maximum of 15 lots per cul-de-sac. With current development guideline, this allows for an approximately 150 meter roadway. In rural areas, where the lots are larger, cul-de-sacs are often allowed to be longer (300 meters in Salmon Arm), because the ADT is still around 150 vehicle trips per day.

Other reasons include: emergency response time if the access is blocked and emergency crews need to access a situation on foot, standard lengths of fire hoses carried on fire trucks, and even dangers with wildfires at the edge of urban interfaces. We note that in the interim, based on the submitted site plan, there will be 15 lots serviced by the cul-de-sac.

Should Lot 2, Plan 10661 subdivide in the future, road dedication and construction would be required, looping the roadway. This would reduce the ‘single feed’ portion of the roadway to approximately 160 meters. We note that this does not meet the Subdivision and Development Servicing Bylaw No. 3596 as the measurement from the first intersection, 33 Street and 7
Avenue, to the furthest point will still be approximately 290 meters. However, it does significantly improve the situation from both a service capacity and safety perspective.

No Potential locations for emergency accesses were explored. If this emergency access were developed it would then be the responsibility of the City of Salmon Arm for maintenance, repairs, and snow removal.

Previously, in similar situations the applicant has been required to widen the asphalt portion of a single feed roadway to 10.0 meters to allow greater service capacity as is currently offered by the applicant; however, in this circumstance and in consultation with the Fire Department, the Engineering Department does not feel that pavement widening is necessary beyond the 8.0 meter required by the Subdivision and Development Servicing Bylaw No. 3596. The subdivision application is for relatively large lots at the edge of the urban containment boundary.

**Recommendation:**

*We recommend that the variance requested to construct a 340 meter cul-de-sac within the urban containment boundary be accepted*, subject to Fire Department approval, as a reasonable emergency access is not available and sufficient service levels will be achieved though the ultimate build-out of the area.
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July 13, 2015

Salmon Arm Roots and Blues Festival
PO Box 21
Salmon Arm, BC V1E 4N2

Attention: Mr. David Gonella, Site Manager

Re: Application for Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #177/2015) as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly. A sketch plan depicting the decision has been attached.

Your attention is drawn to s. 33(1) of the Agricultural Land Commission Act which provides a person affected the opportunity to submit a request for reconsideration.

33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:

(a) evidence not available at the time of the original decision has become available,
(b) all or part of the original decision was based on evidence that was in error or was false.

Please note that pursuant to s. 33.1 of the Agricultural Land Commission Act, the Chair may direct the executive committee to reconsider this panel decision if, within 60 days from the date of this decision, he considers that the decision "may not fulfill the purposes of the commission as set out in section 6". I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

Further correspondence with respect to this application is to be directed to Ron Wallace at (Ron.Wallace@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Colin J. Fry, Chief Tribunal Officer

Enclosures: Reasons for Decision (Resolution #177/2015)
Sketch plan

cc: City of Salmon Arm

53963d1
AGRICULTURAL LAND COMMISSION FILE 53963

REASONS FOR DECISION OF THE OKANAGAN PANEL

Application submitted pursuant to s. 20(3) of the Agricultural Land Commission Act

Applicants: Jerald Thompson
Johan DeDood
Judy DeDood
0847774 BC Ltd.
(the "Applicants")

Agent: Salmon Arm Roots and Blues
Festival, c/o David Gonella
(the "Agent")

Application before the Okanagan Regional Panel: Gerry Zimmermann, Chair
Jim Johnson
Greg Norton
THE APPLICATION

[1] The legal description of the properties involved in the application are:
   a. Parcel Identifier: 009-460-411
      Lot 1, Section 11, Township 20, Range 10, West of the 6th Meridian
      Kamloops Division Yale District, Plan 4279 Except Parcel A on Plan B7081,
      Plans 29487 and 42166
   b. Parcel Identifier: 009-072-009
      Parcel B (Plan B5839) of the North West ¼ of Section 11, Township 20,
      Range 10, West of the 6th Meridian Kamloops Division Yale District
   c. Parcel Identifier: 004-831-853
      Lot 1, Section 11, Township 20, Range 10, West of the 6th Meridian
      Kamloops Division Yale District, Plan 27414

(collectively the "Properties")

[2] The Properties have the civic addresses: 550 – 10th Avenue SW, Salmon Arm; 690 – 10th Avenue SW, Salmon Arm; and 1300 – 10th Avenue SW, Salmon Arm.


[4] The Properties are located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the Agricultural Land Commission Act (the "ALCA").

[5] The Properties are located within Zone 1 as defined in s. 4.2 of the ALCA.

[6] Pursuant to s. 20(3) of the ALCA, the Applicants are applying for the use of approximately 5 ha of the Properties as a temporary campground during the annual Salmon Arm Roots and Blues Festival, taking place each August. The request is for 10 days in late August for set up, camping (days) and tear down and clean up (the "Application") for a period of five (5) years.
On May 25, 2015, the Chair of the Agricultural Land Commission (the "Commission") referred the Application to the Okanagan Regional Panel (the "Panel").

RELEVANT STATUTORY PROVISIONS

The Application was made pursuant to s. 20(3) of the ALCA:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

The Panel considered the Application within the context of s. 6 of the ALCA:

6 The following are the purposes of the commission:

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

EVIDENTIARY RECORD BEFORE THE PANEL

The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Previous application history
4. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Agent in advance of this decision.
[11] The City of Salmon Arm (the “City”) Council authorized the submission of the Application to the Commission with a recommendation of support.

The City's Agricultural Advisory Committee advised Council that it supports the Application subject to the fields being maintained to the same condition pre and post festival.

The City's planning staff has no concerns, and recommends approval.

[12] The Panel reviewed previous applications involving the Properties:

**Application ID: 52608**  
(Roots and Blues Festival, 2012)  
To use approximately 5 ha of ALR, comprising three adjoining parcels, for a temporary campground (i.e., two weeks in August) for the Salmon Arm Roots and Blues Festival. The Commission by Resolution #209/2012, allowed the application for camping subject to the following conditions:

- The camping activities being limited to 5 ha;
- The campground uses are limited to a 14 day period in August (including set-up, festival days and clean-up) for the annual Roots and Blues Festival Weekend;
- The permission for camping uses expires September 1, 2014;
- No permanent facilities are to be placed or constructed on the land;
- The submission of an annual status report (including photos) from the applicant/landowners verifying the land has been returned to an equal or better agricultural standard.

**Application ID: 45759**  
(Roots and Blues Festival 2009)  
To use 5 ha on three properties for 600 temporary campsites for the Salmon Arm Roots and Blues Festival
Agricultural Land Commission Decision, ALC File 53963

Decision: Allow for three years subject to reclamation - Resolution #97/2009

Application ID: 43907
Legacy (37325)
(Roots and Blues Festival, 2007)

To use 4.7 ha of the 8.6 ha subject property for overflow camping for the annual Salmon Arm Roots and Blues Festival.

Decision: Allow subject to reclamation - Resolution #278/2007.

Application ID: 41968
Legacy (35986)
(Roots and Blues Festival, 2005)

To use 3 ha of the two adjoining subject properties (totaling 4.2 ha) for temporary camping for the annual Salmon Arm Roots and Blues Festival.

Decision: Allow subject to reclamation - Resolution #203/2005.


SITE VISIT

[14] The Panel did not consider it necessary to conduct a site visit to the Properties based on the evidentiary record associated with previous Applications.

FINDINGS

[15] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability ratings identified on CLI map sheet 82L/11 for the mapping units encompassing the Properties are Class 2 and Class 4, more specifically (6:2X – 4:4W).
Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

The limiting subclasses associated with this parcel of land are X (combination of soil factors) and W (excess water).

[16] The Panel reviewed the CLI ratings and confirmed that the Properties have very good agricultural capability and are suitable for agricultural use. The Panel also noted that the lands continue to produce hay (two cuts) and support livestock grazing during the past decade, even while accommodating temporary camping uses for the Salmon Arm Roots and Blues Festival.

[17] The Panel reviewed its previous approvals for the temporary camping uses, noting that the Applicant was very diligent in rehabilitating the Properties post festival so that they can continue to be used for agriculture. Given the temporary (10 day) nature of the non-farm use, and the Commission's history of allowing festival camping on the Properties, the Panel believes an extension of the temporary camping approval is appropriate. Therefore, the Panel is prepared to permit temporary camping uses for another five years to accommodate the Salmon Arm Roots and Blues Festival.

**DECISION**

[18] For the reasons given above, the Panel approves the Application for the temporary campground use of ~ 5 ha of the Properties during the annual Salmon Arm Roots and Blues Festival.

[19] The Application is approved subject to the following conditions:

a. the camping activities being limited to the three sites (involving approximately 5 ha) as shown in the Location Map submitted with the Application;
b. the campground uses are limited to a 10 day period in August (including set-up, festival days and clean up) for the annual Salmon Arm Roots and Blues Festival;

c. the permission for camping uses expires September 1, 2019;

d. no permanent facilities or fill are to be constructed or placed on the Properties;

e. the submission of an annual status report (including photos) from the Applicants/landowners verifying the Properties have been returned to an equal or better agricultural standard; and

f. approval for non-farm use is granted for the sole benefit of the Applicant and is non-transferable.

[20] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[21] Panel Chair Gerry Zimmermann concurs with the decision.
Commissioner Jim Johnson concurs with the decision.
Commissioner Greg Norton concurs with the decision.

[22] Decision recorded as Resolution #177/2015.

A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the Agricultural Land Commission Act.

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Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #177/2015. The decision is effective upon release.

Colin J. Fry, Chief Tribunal Officer

July 13, 2015

Date Released
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