

# **DEVELOPMENT and PLANNING SERVICES COMMITTEE**

Tuesday, May 22, 2018 City of Salmon Arm Council Chamber City Hall, 500 - 2 Avenue NE 8:00 a.m.

Page #	Section	Item#
	1.	CALL TO ORDER
	2.	REVIEW OF THE AGENDA
	3.	DECLARATION OF INTEREST
	4.	PRESENTATION n/a
	5.	REPORTS
1 - 12		5.1 ZON-1127, Presch, B., 7031 – 52 Street NE – R-1 to R-8
13 - 24		5.2 TUP-15, Salmon Arm Folk Music Society, 550 & 690 – 10 Avenue SW, 1300 – 10 Street SW – Temporary Campgrounds for the Roots & Blues Festival
25 - 66		5.3 Proposed Telecommunications Facility Referral, 2200 – 20 Avenue SE
67 - 72		<ul> <li>5.4 Recommendation to File Notice of Infraction of Building Bylaw No. 3939,</li> <li>4781 Lakeshore Road NE</li> </ul>
	6.	FOR INFORMATION
73 - 76		6.1 ALC Resolution #131/2018 – ALC-372, Schaefer, W., 1940 - 60 Street NW – Subdivision
77 - 80		6.2 ALC Resolution #120/2018 – ALC-373, Page, P., 460 – 10 Avenue SW – Non-Farm Use
81 - 86		6.3 ALC Resolution #156/2018 – ALC-374, School District No. 83, 5970 – 10 Avenue SE
	7.	FOR COUNCIL INPUT
		7.1 Panhandling Bylaw
	8.	IN CAMERA n/a
	9.	<u>LATE ITEM</u> n/a

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City of Salmon Arm

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**Development Services Department Memorandum** 

To: Her Worship Mayor Cooper and Members of Council

Date: May 10, 2018

Subject: Zoning Bylaw Amendment Application No. 1127

Legal: Lot 14, Block 5, Section 5, Township 21, Range 9, W6M, KDYD, Plan 1004 Civic: 7031 – 52 Street NE Owner: Presch, B.

## MOTION FOR CONSIDERATION

- THAT: a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by:
  - 1. rezoning Lot 14, Block 5, Section 5, Township 21, Range 9, W6M, KDYD, Plan 1004 from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone); and
  - 2. add a provision to Section 13.8 that would read:

The total maximum parcel coverage for principal and accessory buildings shall be 45% of the parcel area, of which 10% shall be the maximum parcel coverage for all accessory buildings, which may be increased to a maximum of 15% for all accessory buildings including those containing a detached suite provided the accessory building containing the detached suite has a lesser building area than the single family dwelling.

# STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

# PROPOSAL

The subject parcel is located at 7031 52 Street NE (Appendix 1 and 2) and presently contains an existing single family dwelling. The proposal is to rezone the parcel from R-1 (Single Family Residential) to R-8 (Residential Suite) to permit the construction of a *detached suite*.

## BACKGROUND - SECONDARY SUITES

The subject parcel is designated Low Density Residential in the City's Official Community Plan (OCP) and zoned R-1 (Single Family Residential) in the Zoning Bylaw (Appendix 3 & 4). The subject parcel is located in Canoe, largely comprised of R-1 zoned parcels containing single family dwellings. There are currently nine R-8 zoned parcels within the proximity of the subject parcel.

The subject parcel contains an existing single family dwelling, and meets the conditions as specified by the proposed R-8 zone. The intent of the applicant is to develop a conforming *detached suite* as shown in the site plans attached as Appendix 5. Site photos are attached as Appendix 6.

Any development of a secondary suite would require a building permit and will be subject to meeting Zoning Bylaw and BC Building Code requirements. Policy 8.3.25 of the OCP provides for the consideration of secondary suites in Low Density Residential designated areas via a rezoning application, subject to compliance with the Zoning Bylaw and the BC Building Code. Based on parcel area, the subject property has potential to meet the conditions for the development of a *detached suite*, including sufficient space for an additional off-street parking stall.

The owner is proposing to construct a 576 square foot detached suite in the south-west corner of the double-fronting lot, adjacent to the lane. Maximum permitted height of an accessory building containing a detached suite is 7.5 metres. Applicable setbacks include 2 metres (6.5 feet) from the interior side parcel line, and 2.411 metres from the ultimate width of the lane (assuming an additional 1.211 m of future lane dedication). Proposed development (26%) would be well below the 45% maximum parcel coverage.

This application has allowed staff to consider a text amendment to address *detached suites* on smaller parcels. The applicant has proposed a modest-sized *detached suite* (576 square feet) above a reasonably-sized double garage (also 576 square feet), which slightly exceeds the *maximum parcel coverage* allotted for *accessory buildings* (10%, which would limit the building to 500 square feet), an unforeseen limitation. Staff recommend that in cases where a *detached suite* is proposed, that the allowance for parcel coverage be slightly increased to 15%, which would allow for a reasonable but still limited 750 square feet on the smallest permitted parcels (465 square meters or 5,005 square feet). Total parcel coverage would remain at 45%. By limiting this increase specifically to *accessory buildings* with *detached suites*, the intent is to avoid inadvertently permitting larger workshops, which could have potential for nuisance (industrial workshop) activity in residential areas. Potential nuisance (industrial workshop) activity could be limited by the presence of a residential suite. Additionally, by limiting the parcel coverage increase relative to the *building area* of the *single family dwelling*, the character of the parcel would not be unreasonably altered.

#### **COMMENTS**

#### **Engineering Department**

No concerns with rezoning. Building setbacks to conform to ultimate 7.3 metre setback (lane). Water meter installation will be required at time of building permit. Sufficient onsite parking to be provided. Comments attached as Appendix 7.

#### **Building Department**

BC Building Code will apply. Ultimate lane width may push the detached suite back further into the property. Amount of glazed openings permitted in the detached suite wall may be affected as the distance to the existing house is decreased.

Development Cost Charges (DCCs) are payable at the time of Building Permit for a Detached Suite in the amount of \$6,064.31 (same as the DCCs for a High Density Residential Unit).

Fire Department

No concerns.

#### Planning Department

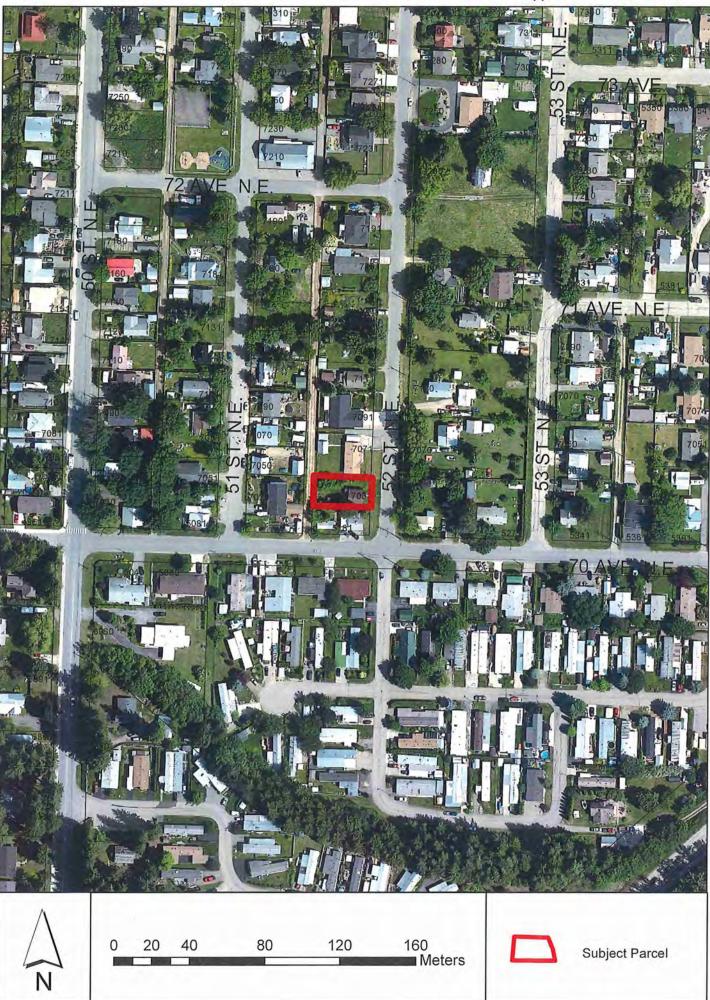
The proposed R-8 zoning of the subject parcel is consistent with the OCP and is therefore supported by staff. Any development of a detached suite would require a building permit and will be subject to applicable Development Cost Charges, as well as meeting Zoning Bylaw and BC Building Code requirements. The text amendment will reasonably support R-8 development aligned with OCP policy.

Prepared by: Chris Larson, MCP Planning and Development Officer

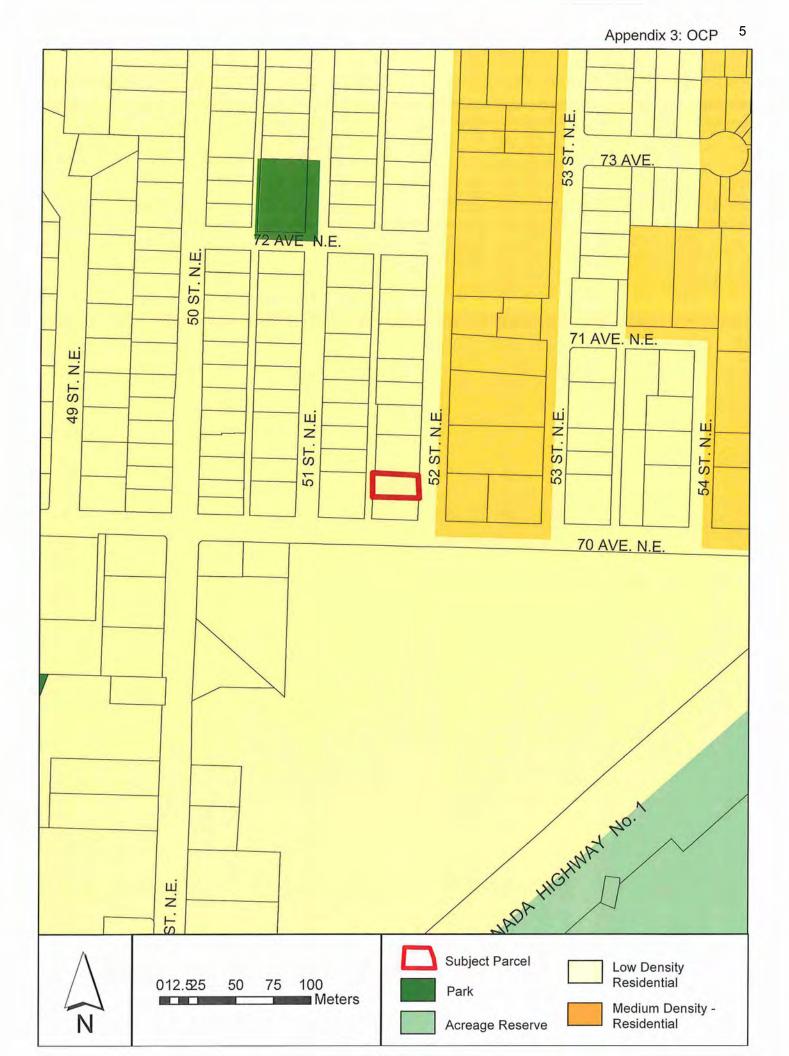
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Reviewed by Kevin Pearson, MCIP, RPP Director of Development Services

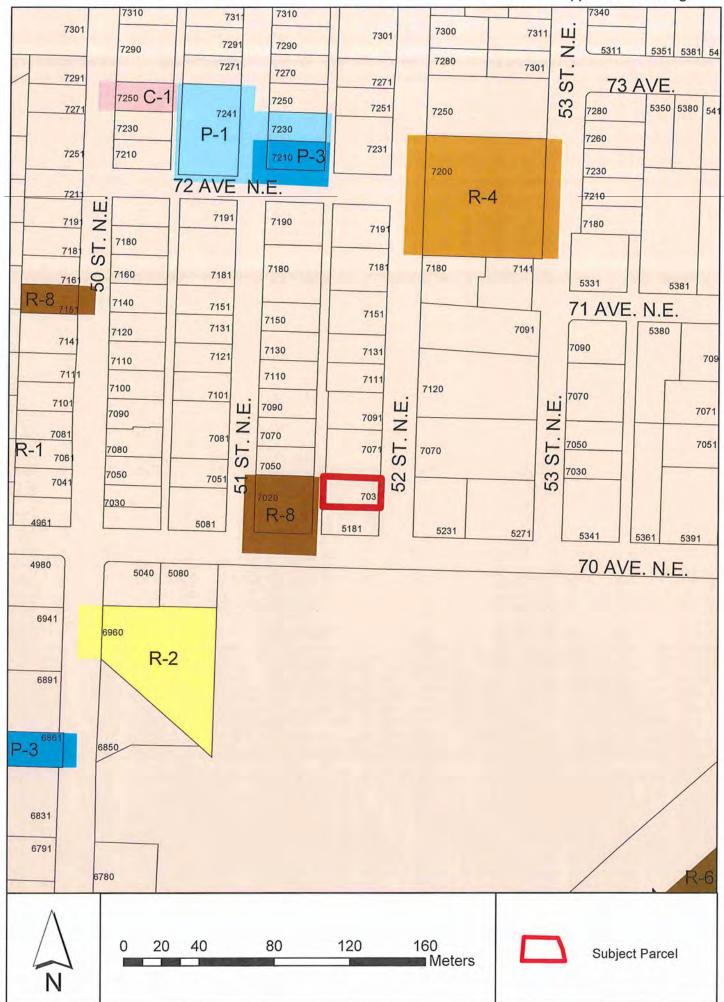
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Appendix 4: Zoning 6



# 7031 52 St NE, Salmon Arm, BC

Existing use:

Age of house: 1950

Residential wood frame, 1 ½ story cedar house, updated plumbing and electrical, newer roof, hot water tank, windows.

Proposed use:

Addition of a 576 sq. ft. 2 car garage with a 1 bedroom, 1 bathroom suite above the garage. To be built in the area of the existing parking pad. Parking to accommodate at least 2 vehicles will be located on the north side of the garage. There is existing back lane access.

The existing shed will be removed.



Front (52 ST NE)



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Subject parcel looking south-west from 52 Street NE.



Subject parcel looking north-west from 52 Street NE.



City of Salmon Arm Memorandum from the Engineering and Public Works Department

То:	Kevin Pearson, Director of Development Services
Date:	March 28, 2018, 2018
Prepared by:	Darin Gerow, Engineering Assistant
Subject:	Proposed Rezoning Application ZON-1127E – AMMENDMENT 1
Legal:	Lot 14, Black 5, Section 5, Township 21, Range 9, W6M, KDYD, Plan 1004
Civic:	7031 – 52 Street NE
Owner:	Presch, Barbara, 4009 – 19 Street SE, Calgary, AB, T2T 4Y1
Applicant:	Owner

Further to your referral dated March 28, 2018, the Engineering Department has thoroughly reviewed the site and has no objections to the proposed rezoning, subject to the following:

- The laneway on the subject properties western property boundary requires 7.3 meters road dedication. (3.65 meters on either side of road centerline). Available records indicate that 1.211 meters of additional road dedications is required. City does not require the dedication at this time, however all building setbacks will be required to conform to the ultimate 7.3 meter cross section. To be confirmed by BCLS.
- Owner/developer to install a water meter at time of building permit (as per specification Drawing No. W-10). City will supply the meter at the owners cost. Inspection will be required to ensure the meter has been provided before the connection to the detached suite.
- Sufficient onsite parking being provided.

Darin Gerow, AScT Engineering Assistant

Jenn Wilson, P, Eng. City Engineer

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# City of Salmon Arm



**Development Services Department Memorandum** 

То:	Her Worship Mayor Cooper and Members of Council
Date:	May 15, 2018
Subject:	Temporary Use Permit Application No. 15
Applicant:	Salmon Arm Folk Music Society
Owners:	<ol> <li>847774 BC Ltd. (550 - 10 Avenue SW)</li> <li>J. and J. Dedood (690 - 10 Avenue SW)</li> <li>Jerry Thompson (1300 - 10 Street SW)</li> </ol>

# MOTION FOR CONSIDERATION

THAT: Temporary Use Permit No. TUP-15 be approved for:

- 1) Lot 1, Section 11, Township 20, Range 10, W6M, KDYD, Plan 27414 (550 10 Avenue SW);
- Parcel B (Plan B5839) of the NW ¼ of Section 11, Township 20, Range 10, W6M, KDYD (690 - 10 Avenue SW); and
- Lot 1, Section 11, Township 20, Range 10, W6M, KDYD, Plan 4279 except Parcel A on Plan B7061, Plans 29487 and 42166 (1300 - 10 Street SW);
- AND THAT: TUP-15 permit the temporary use of campgrounds as shown in Appendix 2 and in accordance with the following terms and conditions:
  - The total number of tent or recreational vehicle sites on the subject properties shall not exceed 600;
  - Check-in stations are to be setback appropriately from each entrance, ideally to provide a minimum cueing distance of 100 metres (15 vehicles);
  - Plumbing Permit issuance by the City's Building Department is required prior to the commencement of the Roots and Blues Festival;
  - 4) Approval of a Fire Safety Plan by the City's Fire Department; and
  - 5) TUP-15 is valid for a two week period during the month of August for the years 2018, 2019 and 2020, with camping limited to a maximum four day time period during the Roots and Blues Festival.

## STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

## **PROPOSAL**

The three subject parcels are located at 550, 690 and 1300 – 10 Avenue SW as shown in APPENDIX 1. The applicant is proposing to use a portion of each lot for three temporary campgrounds - a total of 600 campsites - to accommodate the annual Salmon Arm Roots and Blues festival and is requesting approval of a Temporary Use Permit for that purpose. The campground layout and site plans are shown in APPENDIX 2 and a letter from the applicant is attached as APPENDIX 3.

The previous TUP-13 expired after the 2017 festival, and TUP-15 is applying for the 2018, 2019, and 2020 festivals.

## BACKGROUND

The subject properties are designated Acreage Reserve in the Official Community Plan, are zoned Rural Holding (A-2) / Single Family Residential (R-1) and are entirely within the Agricultural Land Reserve APPENDICES 4, 5, and 6 respectively. The applicant applied for approval for the temporary campground under Section 20(3) of the *Agricultural Land Commission Act* (non-farm use in the ALR) in 2015 and was approved until September 1, 2019.

The three properties have been used for a temporary festival campground since 2005. The campground as a whole has consisted of 600 sites open to tent and recreation vehicle campers for a four day period during the festival.

In April of this year, the ALC granted approval for another temporary campground of approximately 100 sites on the adjacent lot to the east addressed at 460 – 10 Avenue SE. That four-year approval carries forward to the conclusion of the 2022 Roots and Blues festival.

The subject properties are relatively flat and accessible from 10 Avenue SW. The Salmon Arm Roots and Blues Festival site is conveniently located on the Fall Fair grounds, north of the campgrounds across 10 Avenue SW. The area is characterized by rural acreages surrounded by park, recreation, commercial and residential uses.

## **COMMENTS**

## **Engineering Department**

Comments attached as APPENDIX 7.

**Building Department** 

No concerns.

Fire Department

No concerns.

#### Planning Department

The proposal is consistent with previous approvals for the subject properties and neighboring properties, approval is recommended. As part of the TUP application process, notification of the proposal and Hearing Date would be advertized once in the newspaper and mailed to all property owners and occupiers within 30 m of the subject parcels. The applicant is also required to post a TUP notification sign along the 10 Avenue SW frontage 10 days prior to the Hearing Date.

May 15, 2018

# **CONCLUSION**

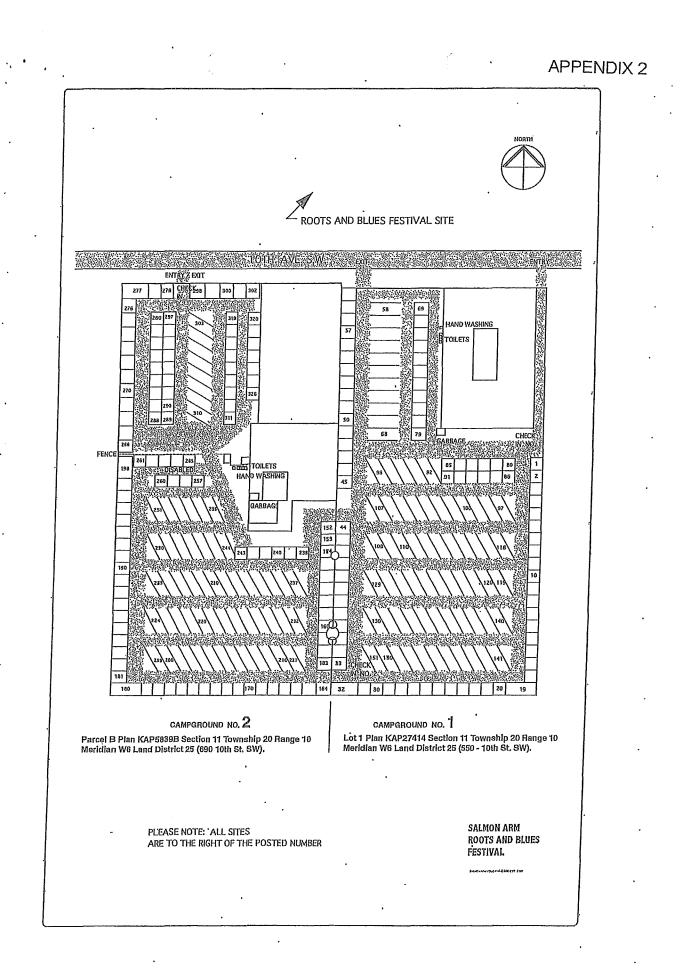
TUP-15 is recommended by staff subject to the terms and conditions outlined in the motion for consideration.

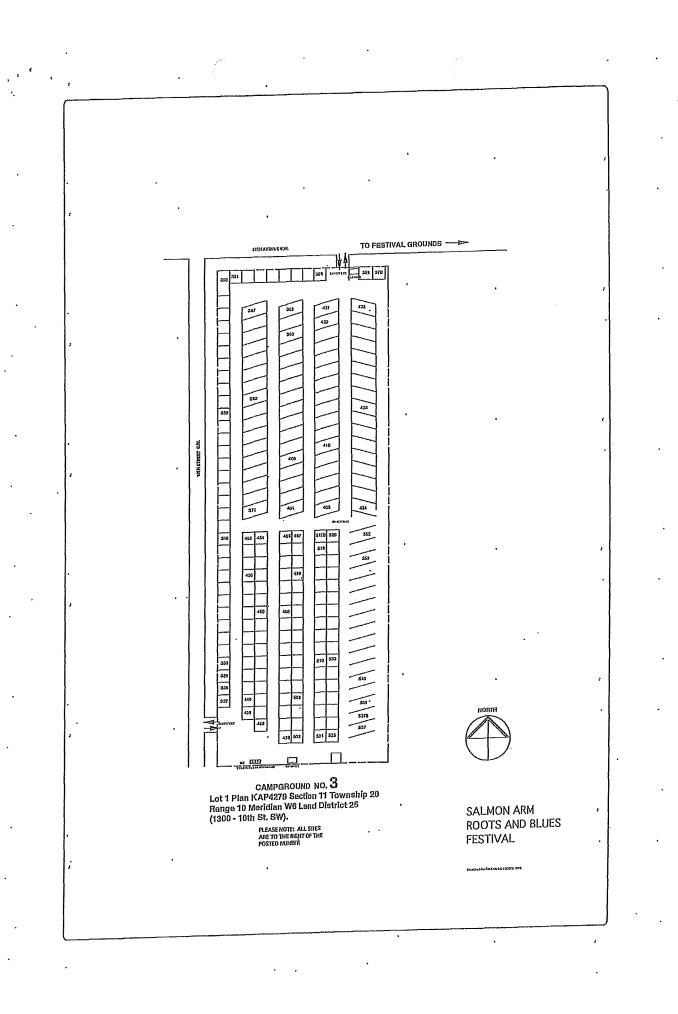
Prepared by: Wesley Miles, MCIP, RPP Planning and Development Officer

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Reviewed by: Kevin Pearson, MCIP, RPP Director of Development Services







APPENDIX 3



Salmon Arm Folk Music Society Box 21 Salmon Arm, BC V1E 4N2 250-833-4096 fax: 250-833-4097

March 22, 2018

Attn. Kevin Pearson Director of Development Services City of Salmon Arm Box 40 100 - 30 Street SE Salmon Arm, BC V1E 4N2

**RE: Temporary Campground** 

Dear Mr. Pearson:

On behalf of the Salmon Arm Folk Music Society and the Roots and Blues Festival, I would like to request the use of the southeast section of Blackburn park for the use as a volunteer and over-flow campground during the 26th Annual Roots and Blues Festival.

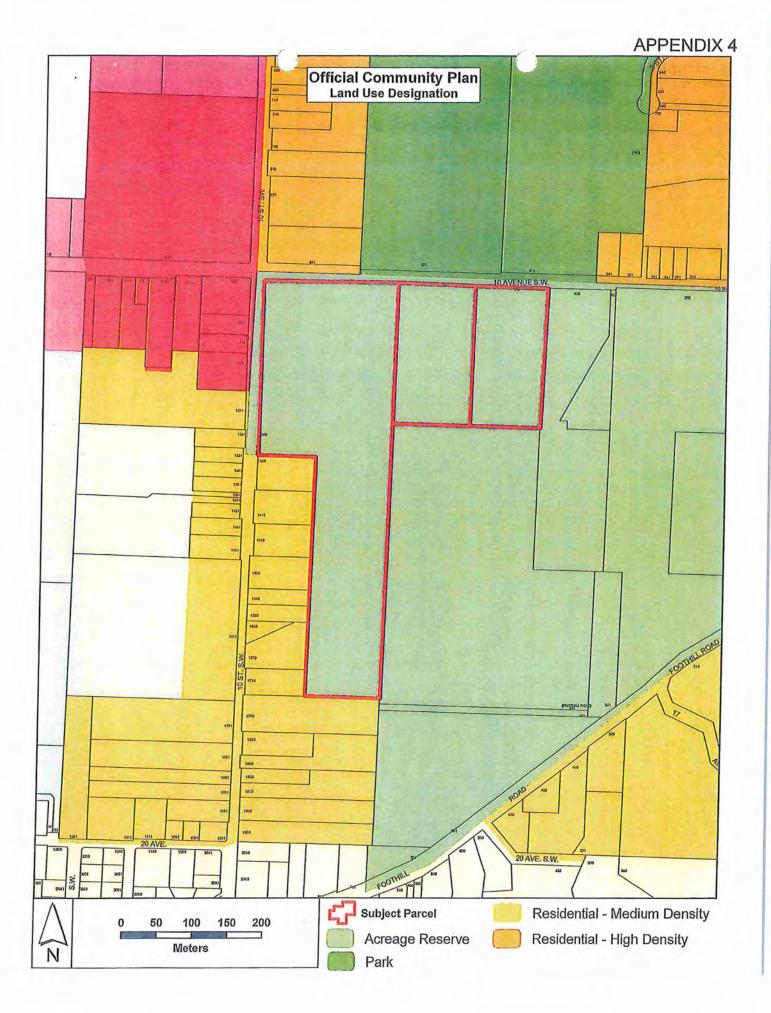
The dates we would require the fields are August 13<sup>h</sup> to 23rd, 2018 to allow for set-up and a proper amount of time to restore the area to its preevent condition. We are truly grateful for your support.

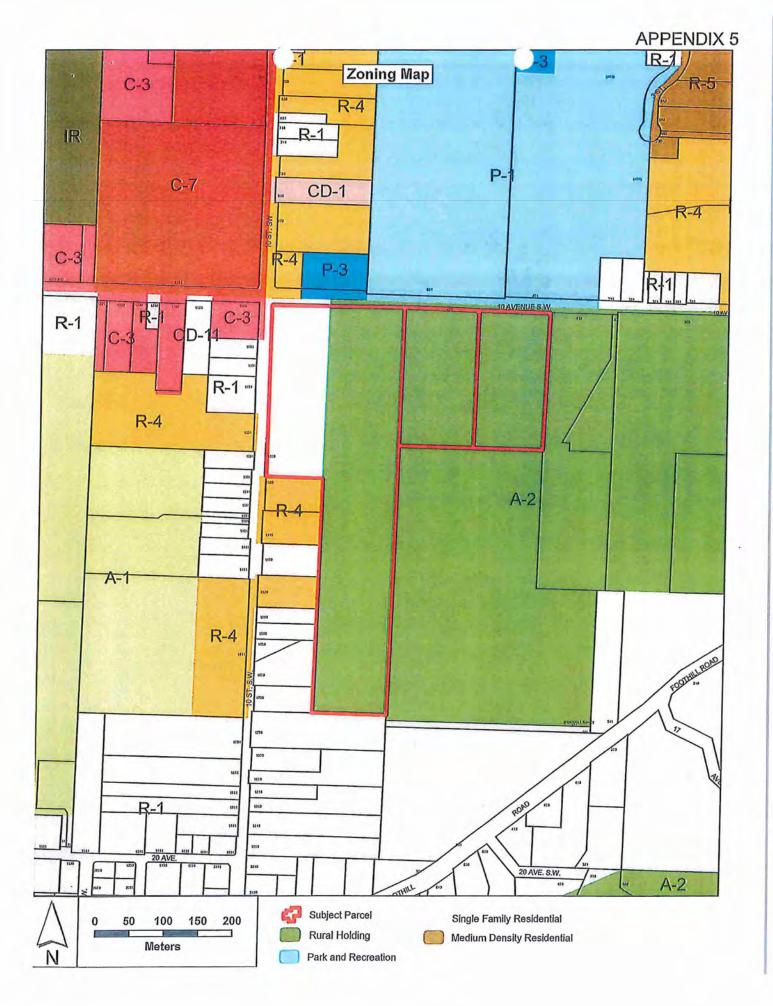
If the Council approves the use of this property is it possible to set the terms of the approval over a 3-5 cycle to reduce the administrative burden on the SAFMS staff-would be appreciated

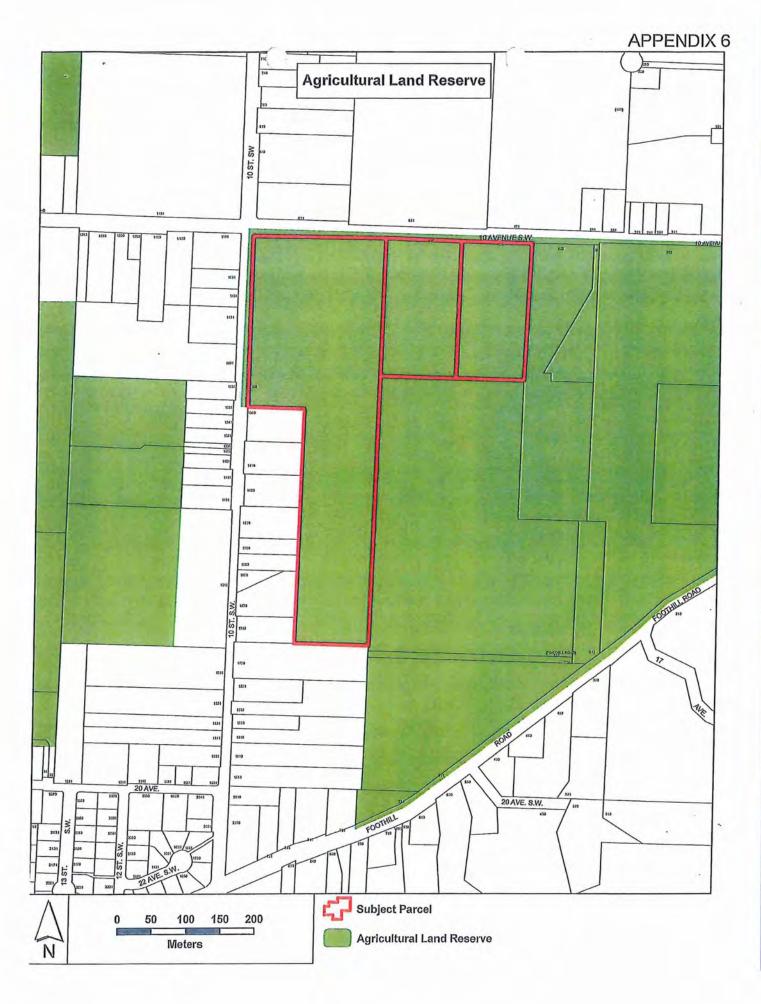
Thank you,

David Gonella, Executive Director Salmon Arm Folk Music Society 26th Annual Roots and Blues Festival PO Box 21, Salmon Arm, BC V1E 4N2 Phone: 250-833-4096 - Fax: 250-833-4097









Galmon Arm

City of Salmon Arm Memorandum from the Engineering and Public Works Department

To:	Kevin Pearson, Director of Development Services
Date:	April 11, 2018
Prepared by:	Darin Gerow, Engineering Assistant
OWNERS:	1) Jerry Thompson, 0847774 BC Ltd., Box 1006, Salmon Arm, BC, V1E 4P2
	2) Johan & Judy De Dood, 3, 1460 - 10 Street SW, Salmon Arm, BC, V1E 1T2
APPLICANT:	Salmon Arm Roots & Blues Festival, Box 21, Salmon Arm, BC, V1E 1T2
SUBJECT:	TEMPORARY USE PERMIT APPLICATION NO. TUP-15E
LEGAL:	1) Lot 1 Section 11, Township 20, Range 10 W6M, KDYD, Plan 27414
	2) Parcel B (Plan B5839) of the NW ¼ Section 11, Township 20, Range 10 W6M, KDYD
	3) Lot 1 Section 11, Township 20, Range 10 W6M, KDYD, Plan 4279 except
	Parcel A on Plan B7061, Plans 29487 and 42166
CIVIC:	1) 550 – 10 Avenue SW
	2) 690 – 10 Avenue SW
	3) 1300 – 10 Street SW

Further to your referral dated April 4, 2018, we provide the following servicing information.

Comments provided below reflect the best available information. Detailed engineering data, or other information not available at this time, may change the contents of these comments.

The Engineering Department has no objection to the proposed use subject to the following:

- 1. A plumbing permit and inspection prior to public use of the hand washing stations is required.
- Vehicle check-in stations are located far enough off the street to provide a minimum cueing distance of 100 metres (15 vehicles).

Darin Gerow, AScT Engineering Assistant

Jenn Wilson P.Eng., LEED® AP City Engineer

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Development Services Department Memorandum

City of Salmon Arm

To:	Her Worship	o Mayor Cooper and Members of Council										
Date:	May 3, 2018	3										
Subject:	Proposed Telecommunications Facility Referral (Cellular Tower Installation)											
	Legal:	Lot 1, Section 15, Township 20, Range 10, W6M, KDYD, Plan 3757, Except Plan 10183										
	Civic:	2200 – 20 Avenue SE										
	Proponent:	Rogers										
	Agent:	Cypress Land Services										

## MOTION FOR CONSIDERATION

THAT: the City of Salmon Arm has been consulted regarding the proposed installation of a telecommunications facility on Lot 1, Section 15, Township 20, Range 10, W6M, KDYD, Plan 3757, Except Plan 10183, as described in the information package dated April 25, 2018;

AND FURTHER THAT: the City of Salmon Arm concurs with the proposed installation of a telecommunications facility on the subject parcel as proposed.

# STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

## BACKGROUND

Cypress Land Services (CLS), on behalf of Rogers (the proponent), has proposed the installation of a 60.0 metre (m) cellular tower and associated facilities (i.e. fencing, equipment shelter and generator) on the southern portion of the parcel at 2200 – 20 Avenue SE (Appendix 1). The large, roughly 30 hectare (ha) subject parcel is designated Acreage Reserve in the Official Community Plan (OCP) and zoned A-2 Acreage Reserve (Appendix 2 & 3). The parcel is occupied by a single-family dwelling and agricultural development on the northern portion of the property, while the southern portion is steep and forested. A hydro transmission line runs along the south and eastern portion of the parcel, including large hydro towers. Surrounding land uses include:

- North: 20 Avenue SE with A-2 parcels beyond;
- South: large crown land parcel zoned A-1;
- East: Cemetery zoned P-1; and
- West: crown and private parcels zoned A-2.

CLS has submitted a consultation and information package to the City (Appendix 4). In accordance with Industry Canada's Client Procedures and City Policy no.3.18, the proponent is required to consult with the City prior to installation of the tower. CLS is seeking concurrence from the City in the form of a resolution from Council.

The proposed cellular tower does not fall within the City Policy's exemption criteria, thus the policy requires that the proponent complete a community consultation process prior to installation including

preliminary consultation, proposal submission, and public consultation. In its preliminary consultation, alternative sites have been discussed with City staff. Staff note that a site on the crown parcels west and south of this site would have been exempt from the City Policy and consultation process. In adherence with City Policy, a resolution from Council is expected to complete the consultation process.

#### Consultation and Public Notification

The City's public consultation requirements are generally aligned with Industry Canada's Default Public Consultation Process (CPC) as follows (additional details are contained in the CPC):

- Posting of a notification sign on site, publication of a notice in the local newspaper, and submission of a notification package to all owners, occupiers and authorities within a radius of three times the tower height, measured from the base of the tower or perimeter of the supporting structure. The notification package is provided within Appendix 4;
- 2. Following the public comment period, the proponent must respond to all reasonable and relevant concerns and provide for an additional 21 days for a reply to the proponent's response; and
- 3. Once the proponent has made adequate efforts to address or resolve all reasonable and relevant concerns, the public notification and consultation process is considered complete.

The proponent has met the consultation requirements detailed in the City's Policy, with the closing date for comments set at April 2, 2018. Based on comments from staff, the proponent widened the notification area to include additional parcels, in excess of the policy requirements. The proponent has provided a summary of the consultation process and responses received (Appendix 4).

#### **COMMENTS**

#### **Building Department**

The BC Building Code does not apply to the construction of cellular towers, except where the tower is affixed to a building. A Building Permit is not required for the proposed equipment shelter (under 10 m<sup>2</sup>).

#### Planning Department

The regulation of the installation of cellular towers is under the exclusive jurisdiction of the federal government and its agencies (e.g. Industry Canada and Health Canada), meaning that the City's bylaws do not apply to the proposed cellular tower. However, in accordance with Industry Canada's requirements, the proponent is required to consult with the City and notify the public prior to installation. The proponent has adhered to the City's Policy and has provided the City with details of the proposed installation and the completed consultation process.

From a land use perspective, the current and anticipated or future land use patterns in and around the proposed site appear compatible and aligned with the direction of the City Policy for such structures to be sited in rural areas, an option substantially less conflicted than siting the towers within urbanized, residential areas of the City. As detailed in their submission, the applicant has explored co-location options, and has offered other providers the option to utilize the proposed tower. In the opinion of staff, the visual impact of the structure is mitigated by its position relative to the tall slopes of Mount Ida and the existing large hydro transmission towers, as well as the confirmation from the proponent that the tower will be painted to match surrounding vegetation.

#### **CONCLUSION**

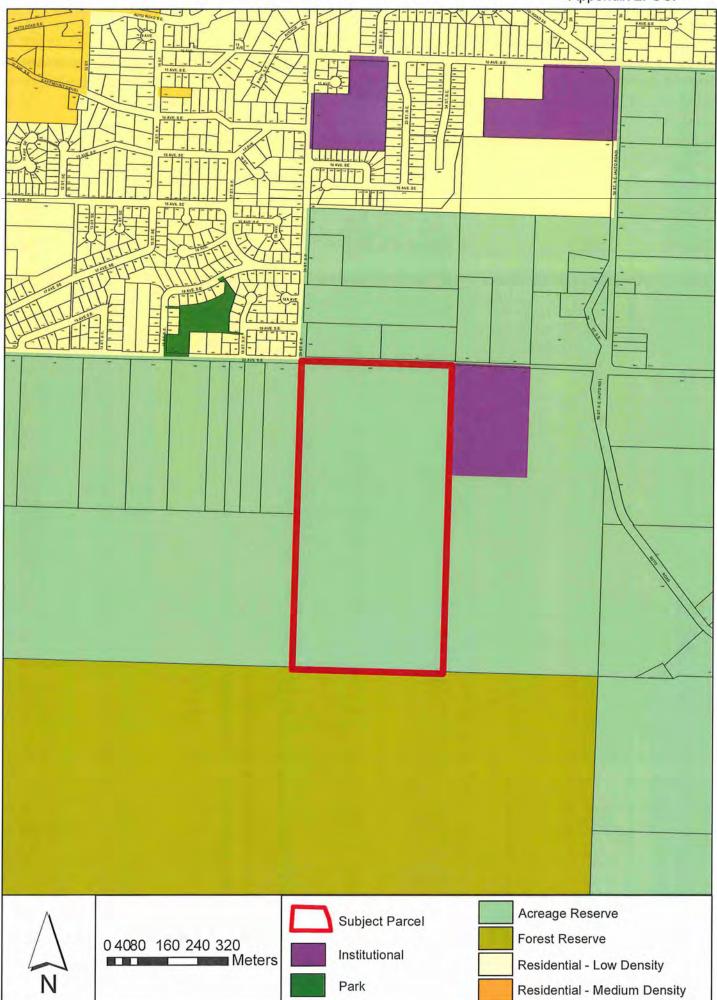
Staff recommends that Council advise the proponent that consultation has occurred and that the City concurs with the proposed site as requested.

Prepared by: Chris Larson, MCP Planning and Development Officer

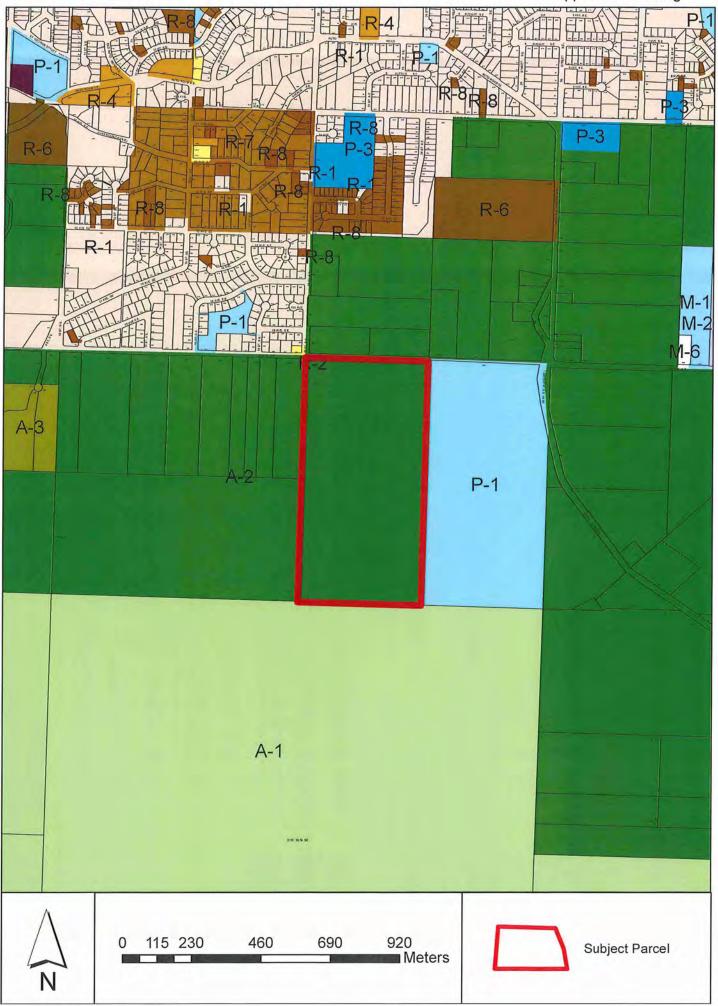
on

Reviewed by: Kevin Pearson, MCIP Director of Development Services





Appendix 3: Zoning 29







April 25, 2018

Via Email: clarson@salmonarm.ca

Chris Larson City of Salmon Arm Development Services Department 500 2 Ave. NE Box 40 Salmon Arm, BC V1E 4N2

Dear Mr. Larson,

Subject:

Request for Concurrence for a Rogers Communications Inc. "Rogers" Wireless Communications Facility Proposal

Rogers Site:	W3067 – Salmon Arm
Proposed Location:	2200 20th Ave SE, Salmon Arm, BC
Description:	60.0 metre self-support wireless communications facility

Please be advised that Rogers c/o Cypress Land Services Inc. has completed the public consultation process, following the City of Salmon Arm's "POLICY NO. 3.18 TOPIC: Communication Antenna System Location and Consultation" as it relates the proposed temporary wireless antenna installation in the above noted subject line. Rogers is respectfully requesting, from the City of Salmon Arm Council, that concurrence be issued for the Rogers tower proposal in an effort to provide improved Rogers wireless communications services in Salmon Arm. Enclosed please find evidence of the following efforts regarding this public consultation process.

On January 29th, 2018, Antenna System Siting Proposal was submitted to the City of Salmon Arm formalizing the initiation of the consultation process with the City.

On February 20th, 2018 notification letters were sent to residents and other affected parties within three (3) times the height of the proposed facility, as well as additional adjacent properties identified by City staff. The notification letter was to advise residents of the proposed installation and offer an opportunity to obtain additional information and provide comments. Please see **Appendix 1:** Affidavit of Notification. A total of 16 notification letters were sent. A newspaper notice was also placed in the March 2nd edition of the Salmon Arm Observer/Shuswap Market News, inviting the community to comment on the proposal (please see **Appendix 2: Newspaper Tear Sheet**). Additionally, Rogers posted a large format notice board sign on the site of the proposed antenna system, clearly visible from 20<sup>th</sup> Ave SE roadway abutting the site. Please see **Appendix 3: Photo of Sign**.

On April 2, 2018 the consultation period ended. During the consultation period, 18 residents provided comments (please see Appendix 4: Comments & Responses Tracker).

The proposed telecommunications structure will provide improved Rogers wireless services to the City of Salmon Arm. If Council concurs with the proposed wireless communications facility project, please find in **Appendix 5: Sample Resolution**, a sample resolution which may be used.

Rogers is committed to working with the community and staff to supply Rogers wireless services to the community. Should you require any additional information, please do not hesitate to contact us 604-620-0877 or by e-mail at tawny@cypresslandservices.com.

Sincerely,

Tawny Verigin Municipal Affairs Specialist

Cypress Land Services Agents for Rogers

Appendix 4

Appendix 1: Affidavit of Notification

# Affidavit of Cypress Land Services

I, Tawny Verigin, Municipal Affairs Specialist, in the City of Vancouver in the Province of B.C., make an Oath and say:

1. THAT I caused to be sent by regular mail, a notification letter, as included in Appendix A, to property owners, occupants and other recipients, as listed in Appendix B, on February 20, 2018.

Tawny Verigin, Municipal Affairs Specialist Cypress Land Services

Sworn/Affirmed/Declared before me at the City of Vancouver, in the Province of B.C., this 20th day of February 2018.

(Commissioner's Signature

A Commissioner for Taking Affidavits for the Province of B.C. A Commissioner for Taking Affidavits For British Columbia Cypress Land Services Inc. 1051 - 409 Granville Street Vancouver, BC V6C 1T2 Tel: 604-601-2518

(Commissioner Stanp: dystated name and expiry date)

Appendix 4

# Appendix A: Notification Letter

## Public Consultation Package - Wireless Communications Site

## Rogers Site: W3067 - Salmon Arm

# Location: 50.679362° N, 119.258343° W

Contact

Rogers Communications Inc. c/o Cypress Land Services, Attn: Tawny Verigin Agents to Rogers Communications Inc. Suite 1051 - 409 Granville Street Vancouver, BC V6C 1T2 Telephone: 1-855-301-1520 Fax: 604-620-0876 Email: publicconsultation@cypresslandservices.com

February 20, 2018





## **Purpose of the Notice**

This notification package is an invitation to the public to provide comments regarding a proposed wireless communication site to be located on a private land in the Salmon Arm area, coordinates: N 50.679362°, W 119.258343°.

## Introduction

Rogers Communications Inc. ("Rogers") strives to improve coverage and network quality to remain the leading wireless provider in Canada. Rogers has identified a suitable site in order to provide dependable wireless data and voice communication services in Salmon Arm.

Rogers is proposing a wireless installation which consists of a self-support tower. Once completed the antenna system will measure 60.0 metres in height. Innovation, Science and Economic Development Canada (ISED), formerly Industry Canada, is responsible for the approval of this antenna system and requires Rogers to consult with the nearby public and local municipality. After reviewing this proposal, the City of Salmon Arm will make its recommendation to ISED and Rogers.

The antenna system will be located here:







## Antennas in the Vicinity

The closest tower is owned by TELUS and is approximately 3 km northwest of the proposed location. It does not offer adequate height or location for Rogers to collocate on in order to support its network requirements, therefore Rogers is proposing to build their own tower.

## **Network Requirements and Site Selection**

The proposed site location is a result of many considerations. Existing structures, including towers, were initially reviewed during the site selection process. After careful examination, it has been determined there are no viable existing structures in the area that would be suitable for the operations of Rogers' network equipment. The only towers in the area are owned by BC Hydro and are not able to be used.

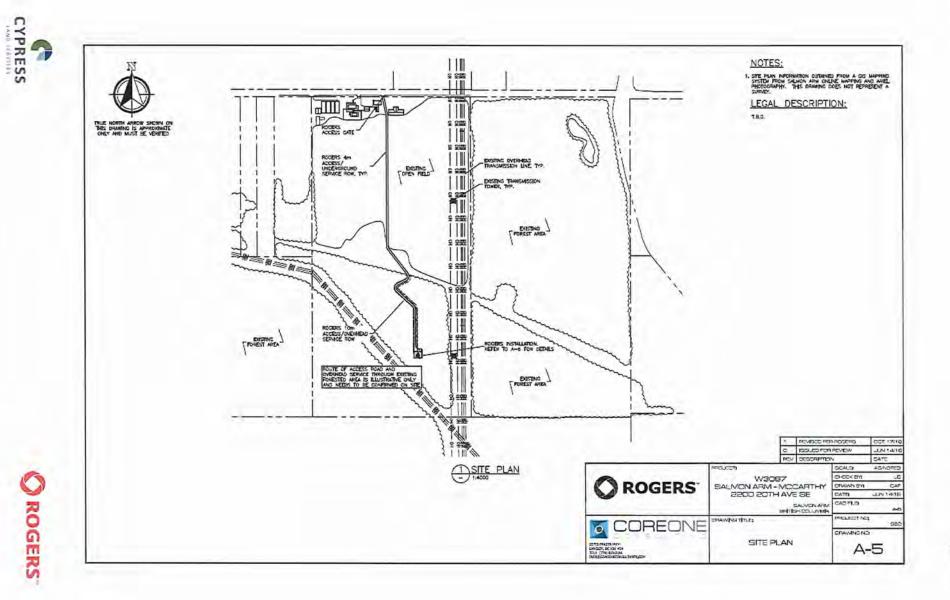
The proposed location is considered to be appropriate given the surrounding areas and network requirements. The tower will be minimally visible from any residential properties as it is approximately 600 metres from the closest residential property. The tower could be painted green or brown to blend in with the trees in the area. Rogers has invited Freedom Mobile and TELUS to collocate on the proposed tower. Both companies have declined.

## **Details of the Proposed Tower**

Rogers has completed preliminary design plans and a photo-simulation. These preliminary design plans are subject to final engineered design, land survey and approval of Transport Canada. The Photo-Simulation is a close representation and is for conceptual purposes only. Applications to both Nav Canada and Transport Canada have been submitted; the tower will require day lighting.



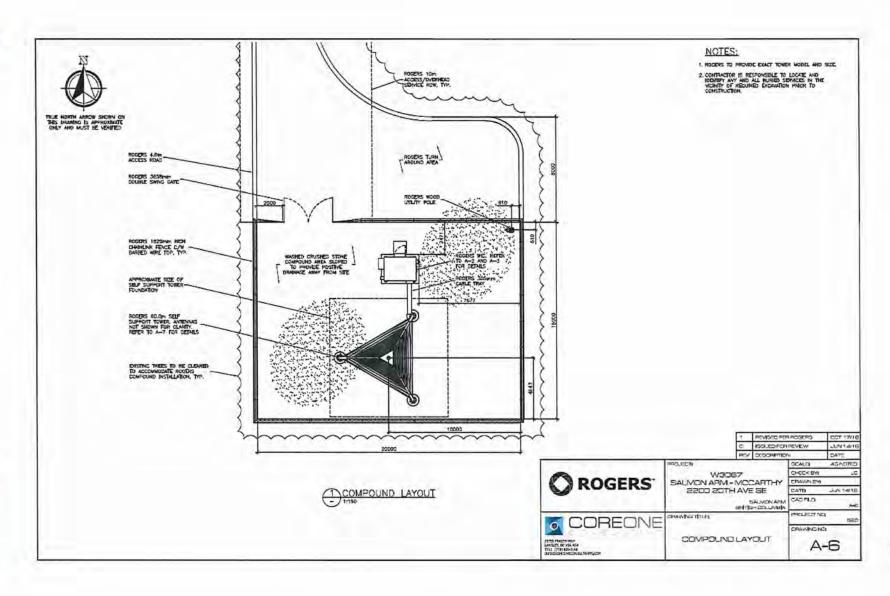




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ROGERS

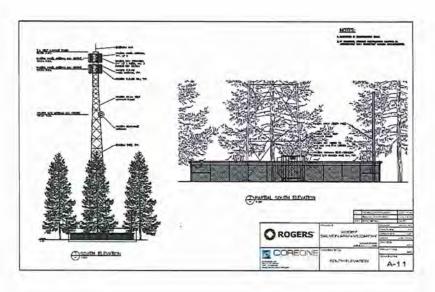


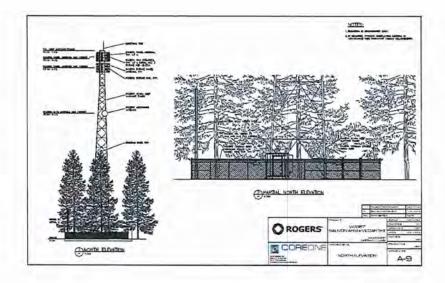
Appendix 4

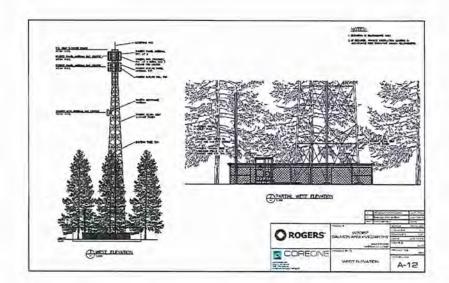
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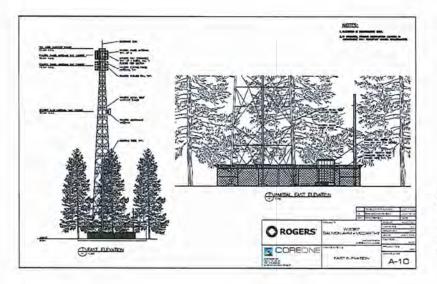


O ROGERS

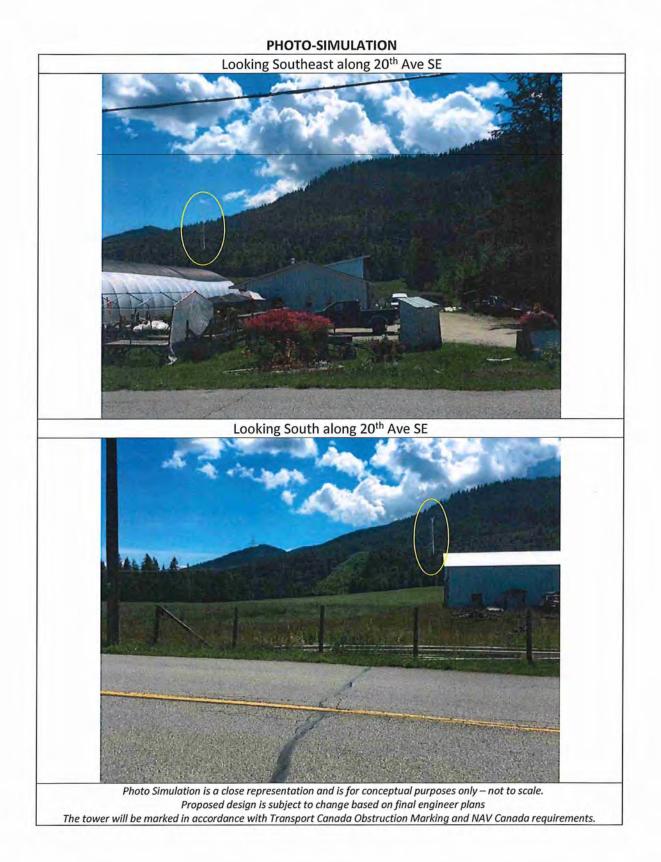








Appendix 4







## Health Canada's Safety Code 6 Compliance

Health Canada is responsible for research and investigation to determine and promulgate the health protection guidelines/limits for exposure to electromagnetic energy. Accordingly, Health Canada has developed a guideline entitled "Limits of Human Exposure to Radiofrequency Electromagnetic Field in the Frequency Range from 3kHz to 300 GHz – Safety Code 6". Canada's exposure limits are among the most stringent guidelines that are based on established effects.

ISED, under its authority, has adopted Safety Code 6 for the protection of the general public. As such, ISED requires all proponents and operators to ensure that their installations comply with the Safety Code 6 at all times.

Rogers attests that the radio antenna system described in this notification package will at all times comply with Health Canada's Safety Code 6 limits, as may be amended from time to time, for the protection of the general public including any combined effects of additional carrier co-locations and nearby installations within the local radio environment.

More information in the area of radiofrequency exposure and health is available at the following web site:

http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/radio\_guide-lignes\_direct-eng.php

## **Transport Canada's Aeronautical Obstruction Marking Requirements**

Rogers attests that the radio antenna system described in this notification package will comply with Transport Canada / NAV Canada aeronautical safety requirements. Rogers will make all necessary applications to Transport Canada and NAV Canada. Transport Canada has confirmed no marking though day lighting of the tower will be required.

For additional detailed information, please consult Transport Canada at: http://www.tc.gc.ca/eng/civilaviation/regserv/cars/part6-standards-standard621-512.htm

## **Canadian Environmental Assessment Act**

ISED requires that the installation and modification of antenna systems be done in a manner that complies with appropriate environmental legislation, including the Canadian Environmental Assessment Act. Rogers attests the installation proposed will comply with the Environmental Assessment Act requirements.

## Engineering Practices

Rogers attests that the radio antenna system described in this notification package will be constructed in compliance with the National Building Code of Canada and comply with good engineering practices including structural adequacy.





### ISED's Spectrum Management

Please be advised that the approval of this site and its design is under the exclusive jurisdiction of the Government of Canada through ISED. For more information on ISED's public consultation guidelines including CPC-2-0-03 contact (http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html) or the local ISED office at:

#### **Okanagan-Kootenay Office**

1726 Dolphin Avenue, Room 603 Kelowna BC V1Y 9R9 Telephone: 250-470-5026 or 1-800-667-3780 Fax: 250-470-5045 Email: ic.spectrumkelowna-kelownaspectre.ic@canada.ca (By appointment only)

### **Contact Information - Rogers and Public Comment Submission**

Rogers is committed to effective public consultation. The public is invited to provide comments to Rogers about this proposal by mail, electronic mail, phone or fax. Please send your comments to the address below by the close of business day on date April 2, 2018.

Rogers will respond to all reasonable and relevant concerns. The City will be taking into account comments from the public and the proponent's response to each when providing its position to the proponent and ISED.

#### Closing Date for Submission of Written Public Comments

ISED's rules contain requirements for timely response to your questions, comments or concerns. We will acknowledge receipt of your communication within **14 days** and will provide a formal response to the Municipality and those members of the public who communicated to Rogers, within **60 days**. The members of the public who communicated with Rogers will then have **21 days** to review and reply to Rogers a final response.

#### Proponent's Contact Information

Rogers c/o Cypress Land Services, Attn: Tawny Verigin Agents to Rogers Suite 1051, 409 Granville Street Vancouver, BC V6C 1T2 Telephone: 1-855-301-1520 | Fax: 604-620-0876 Email: publicconsultation@cypresslandservices.com

#### Contact Information – Local Gov't

Chris Larson, MCP - Planning and Development Officer City of Salmon Arm 500 2<sup>nd</sup> Avenue NE, Box 40 Salmon Arm, BC V1E 4N2 Phone: 250-803-4051 | Fax: 250-803-4041 | clarson@salmonarm.ca





# Public Comment Record Rogers Proposed Wireless Communications Installation W3067 – Salmon Arm

Name:

Address:

**Telephone:** 

E-mail:

Comments

To be considered part of this consultation, comments must be received by close of business day on April 2, 2018. Please forward your comments to:

> Rogers Communications Inc. c/o Cypress Land Services Suite 1051 - 409 Granville Street Vancouver, BC V6C 1T2 Email: publicconsultation@cypresslandservices.com Fax: 604-620-0876

\* Comments received shall form part of ISED's Public Consultation Process under the Spectrum Management and Telecommunications Client Procedures Circular CPC-2-0-03, Issue 5, and will be made public as part of a report issued to the City of Salmon Arm and ISED.





# Appendix B: List of Property Owners, Occupants and Other Recipients

**PIGGOTT, JAMES E** 1780 20 AVENUE SE SALMON ARM, BC V1E 1L4

MIERAU, BRUCE W & ROSA M 3831 20 AVENUESE SALMON ARM, BC V1E 1X9

SELTENRICH, EUGENE A 1980 19 AVENUE SE SALMON ARM, BC V1E 4N6

**REMPEL, DIANNE & JOHN** 2551 20 AVENUE SE SALMON ARM, BC V1E 1X9

CHRIS LARSON, MCP PLANNING AND DEVELOPMENT OFFICER **CITY OF SALMON ARM** 500 2ND AVENUE NE, BOX 40 SALMON ARM, BC V1E 4N2

TOTAL: 16 ROGERS SITE: W3067 - SALMON ARM

SMITH, JAYNE H 1930 20 AVENUE SE SALMON ARM, BC V1E 1L4

HANNA, MANUELA & KEITH W 1980 18 STREET SE SALMON ARM, BC V1E 1L4

**GERVAIS, LORI-ANN** 1981 20 AVENUE SE SALMON ARM, BC V1E 1N6

CLANCY, JANICE R & GERALD W **1940 20 STREET SE** SALMON ARM, BC V1E 2N2

CYPRESS LAND SERVICES INC. SUITE 1051, 409 GRANVILLE STREET VANCOUVER, BC V6C 1T2

**ROGERS COMMUNICATONS INC.** 1900 - 4710 KINGSWAY BURNABY, BC V5H 4M5

**1860 20 AVENUE SE** 

WRIGHT, CHRISTINE S & PETER S 1881 20 AVENUE SE SALMON ARM, BC V1E 1L4

**GRIDLEY-HAACK, VIKTORIA & DARREN** 1961 20 STREET SE SALMON ARM, BC V1E 1N6

> GONA, DONALD A 2391 20 AVENUE SE SALMON ARM, BC V1E 1L4

ISED **OKANAGAN-KOOTENAY OFFICE** 1726 DOLPHIN AVENUE, ROOM 603 KELOWNA, BC V1Y 9R9

VAN DE VOSSE, BONNIE E

SALMON ARM, BC V1E 2N2

47

Appendix C: Envelope



c/o Cypress Land Services Inc. Suite 1051 – 409 Granville Street Vancouver, BC V6C 1T2

> IMPORTANT INFORMATION ENCLOSED REGARDING A PROPOSED TELECOMMUNICATIONS FACILITY WITHIN APPROX. 180 METRES OF A PROPERTY YOU HAVE AN INTEREST IN

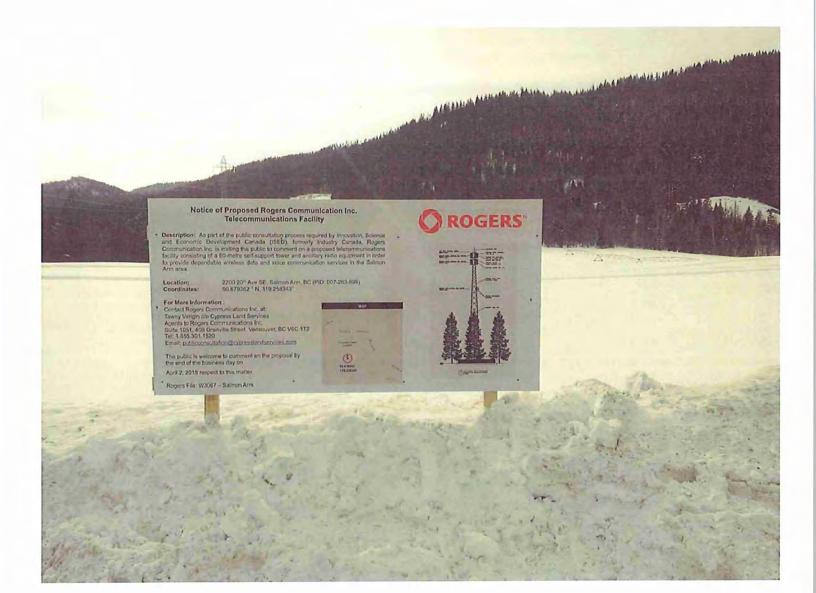
# Appendix 2: Tear Sheet

-



# Appendix 3: Photo of Sign





Appendix 4: Comments & Responses Tracker

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Appendix 5: Sample Resolution

### Resolution

WHEREAS Rogers Communication Inc. (Rogers) proposes to erect a wireless communications facility at the location of 2200 20<sup>th</sup> Ave SE, Salmon Arm;

AND WHEREAS proponents of telecommunication towers are regulated by Industry Canada on behalf of the Government of Canada and as part of their approval, Industry Canada requires proponents to consult with land use authorities as provided for in CPC-2-0-03;

AND WHEREAS Rogers has consulted with the City of Salmon Arm following their adopted POLICY NO. 3.18 TOPIC: Communication Antenna System Location and Consultation and the City of Salmon planning staff have no objection to the proposed telecommunications tower;

AND WHEREAS Rogers has consulted with the public by notifying all property owners and occupants within three (3) times the height of the proposed facility, as well as additional adjacent properties identified by City staff and has provided a 30-day period for written public comment;

AND WHEREAS there are no significant land use issues identified by the consultation;

#### NOW THEREFORE BE IT RESOLVED THAT:

- 1. The Clerk be instructed to advise Rogers that:
  - a) Rogers has satisfactorily completed its consultation with the City of Salmon Arm;
  - b) The City of Salmon Arm is satisfied with Rogers public consultation process and does not require any further consultation with the public; and
  - c) The City of Salmon Arm concurs with Rogers' proposal to construct a wireless telecommunications facility provided it is constructed substantially in accordance with the plans submitted to the City.

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City of Salmon Arm Memorandum from the Manager of Permits and Licensing

TO:

DATE:

May 07, 2018

SUBJECT: Recommendation to File Notice of Infraction of Building Bylaw No. 3939, Section 3.1.6 (no occupancy approval) against Title of Lot 3, Plan 30664, Section 25, Township 20, Range 10, W6M, KDYD (4781 – Lakeshore Road NE).

> Property Owners: Edgar J. Brehm Marcella Brehm

Her Worship Mayor Cooper and Council

#### MOTION FOR CONSIDERATION:

THAT:

A notice be filed against Title of Lot 3, Plan 30664, Section 25, Township 20, Range 10, W6M, KDYD (4781 – Lakeshore Road NE) pursuant to Section 57 of the Community Charter.

#### BACKGROUND:

- A building permit to construct a multi-tiered sundeck addition to a single family dwelling was issued on July 07, 2009.
- The City was relying on a professional engineer for the design and review of the glass guard rail component of the project.
- 3. A framing inspection was conducted on December 09, 2009 at which time several structural deficiencies were noted. The inspector had a subsequent discussion with the owner and was made aware that the owner intended to place a fire pit on the deck. The owner advised that he would complete corrections and call for an inspection in the spring of 2010.
- 4. The building permit expired on July 07, 2011 without the owner calling for the reinspection. The permit was renewed on July 27, 2011.
- 5. The building inspector next reviewed the site on June 10, 2013 as the renewal permit was nearing expiry. A list of construction deficiencies and requirements were left with the owner which included the completion of the engineered guardrails around the deck. It is worth noting that there is approximately a ten foot drop from the rear of the deck to the grade below.
- 6. A letter was sent to the owner on June 11, 2013 indicating that the permit was about to expire and since the permit had been renewed once already works had to be completed or an entirely new permit had to be issued with the fee being based on the value of the incomplete works. Owner indicated he would look after everything but never called for an inspection. A second notice was sent on September 30, 2013 which went unanswered by the owner.

Page 2

- 7. A Section 57 Notice on Title process was commenced on November 08, 2013 and notification of same was sent to the owner via registered mail. The owner obtained a new building permit on November 20, 2013.
- 8. A year and a half passed with no further requests for inspections by the owner. A letter notifying of the expiry of the deck permit was sent to the owner on June 10, 2015, for which there was no response. The building inspector again commenced a Section 57 Notice on Title Process which prompted the owner to again renew the permit on August 06, 2015. Two more years subsequently passed with no progress being made to complete the project.
- 9. In December of 2017 the file was taken up by the Manager of Permits and Licences. Mr. Brehm was contacted and appointment made to review the site on December 19, 2017. Some progress had been made in completing some of the framing deficiencies however the incomplete guardrails and handrails continued to constitute a significant safety risk for any persons using the deck or stairs. One over span beam was identified and the metal framing supporting the fire pit required approval from the structural engineer.
- 10. Again the Section 57 process has been commenced. (checklist attached as Appendix 1.) Mr. Brehm received a registered letter dated January 05, 2018 (attached as appendix 3) outlining all deficiencies and time lines to comply. Mr. Brehm barricaded the deck to prevent access as requested however the May 4<sup>th</sup> deadline to complete the project has passed. As stated in the letter of January 05, "the City of Salmon Arm is not prepared to authorize the continuation of such hazard with an additional permit cycle".

#### **CONCLUSION:**

It is recommended that the City of Salmon Arm proceed with the filing of a Section 57 Notice on the title of the subject property. Once registered on title the Notice will provide warning to prospective buyers of the bylaw infraction. The Notice on Title may be removed provided all outstanding objections are rectified and the appropriate fee is paid as indicated in the City Fee for Service Bylaw.

Prepared by: Maurice Roy, RBO CRBO Manager of Permits & Licensing

:mr

Reviewed by: Kevin Pearson, MCIP Director of Development Services

#### Appendices

- 1. Checklist
- 2. Location Map
- 3. Letter of January 05, 2018

#### CHECKLIST FOR SECTION 57 OF THE COMMUNITY CHARTER

FILING NOTICE IN LAND TITLE OFFICE OF BUILDING BYLAW CONTRAVENTIONS

Civic Address <u>4781 - LARC SHORE RD NE</u>
Registered Owner(s) EDGAR J. BREHM

Date:

7EB 06/18

768 13/18

IST COMPLETED-MAY 4/18

3.

36

4.

6.

- <u>bec 19, 2017</u> 1. Building Inspector should inspect property. Take photos, date and sign, note details of contraventions of Building Bylaw or other regulations relating to buildings and structures and how contravention renders the building unsafe (if applicable). If building is unsafe, a review with the Clerk and the Director of Planning is required to evaluate "time frame".

On the thirtieth (30<sup>th</sup>) day, inspect again. Note condition of property. Take photos if any change.

ON THE DNCHOUDEED + TWENTIETH (TIOTH) day, USPECT ACTION: (MAY 04/18)

If no change or further contraventions, Inspector prepares report and recommendation that a resolution to file notice again#Title pursuant to Section 57(3) be considered by Council and files it with the Municipal Clerk.

- 5. Municipal Clerk sends owner a notice of Meeting of Council where Inspector's report and recommendation will be considered, together with copy of report and recommendation, by Registered Mail or Courier. Clerk should prepare resolution (see form).
  - On day of Council Meeting, item should be announced and Mayor should ask if owner of property present and wishes to make representations. Council should listen fairly to owner, as well as to Inspector. If Council decides that a notice should be filed against Title, Council should pass resolution (see form).

7. Clerk should prepare notice of resolution and send or deliver to Registrar of Land Titles with payment of prescribed fee.

K NO BARAICADING CONPLCTED. HE MIS UNDER STOOD THE LETTER.	·	¥¥	BARRICA BING MAY 04 BEAD LINE	Completé. Bar Remit completion. MR
Exidaines CLEARLY WHAT NEEDS TO GAVE HIM UNTIL MONDAY TO COMPLETE. RECALL TUESDAY FEB 13 9 AM. Steph/checklist section 57	21 30-1.			



**City of Salmon Arm** 500 - 2 Avenue NE Mailing Address: Box 40 Salmon Arm, BC V1E 4N2 Tel: 250.803.4000 Fax: 250.803.4041 www.salmonarm.ca



January 5, 2018

Joe Brehm 4781 Lakeshore Road NE Salmon Arm BC V1E 3N8

#### **REGISTERED MAIL**

Dear Mr. Brehm

## RE: Building Permits for a deck constructed at 4781 Lakeshore Road NE

The referenced permit was issued on July 07, 2009 for the construction of a multi tiered sundeck of approximately 900 ft2 in size. The permit has subsequently been renewed on three occasions with the most recent permit having expired on July 08, 2017. As this permit has again expired while remaining incomplete, and as there remains a safety hazard in the form of incomplete or missing guard railings, the City of Salmon Arm is not prepared to authorize the continuation of such hazard with an additional building permit cycle.

Further to the site review of December 19, 2017 please be advised that an immediate resolution to the safety hazard is required in the form of barricading all access to the sundeck from the house and further barricading access to the stairs serving the sundeck from both the upper driveway and the lower yard.

Further to the matter, the following deficiencies must be completed in order for the permit file to be closed:

- 1. The over spanned beam at the centre deck span must be re-supported at center span with a pier and footing or increased to 3 ply 2x10. (see attached diagram)
- 2. The metal joists, concrete deck and joisting supporting the fire pit must be reviewed and approved by a structural engineer.
- 3. All stairs providing access to the deck (excluding landscape stairs) must be equipped with hand rails on at least one side of the stair.
- 4. All stairs which are more than 24" above the adjacent ground must be equipped with guard rails conforming to BC Building Code (ie: non-climable, 4" max spacing of pickets, 36" height etc.).
- 5. All areas of the deck which are more than 24" above the adjacent grade or adjacent deck must be equipped with a guard rail. Decks greater than 6' above grade require 42" high guards.
- 6. All glass guardrails must be approved by a structural engineer.

Joe Brehm Page 2

A process has commenced which may result in forwarding a recommendation to City Council to invoke Section 57 of the Community Charter. If completed, this action will result in the filing of a bylaw infraction notice on the property title at the BC Land Titles Office. Find enclosed a copy of Section 57 and its related checklist for your review. Please ensure remedial action in the form of the barricading is taken within 30 days of this notice (**on or before February 05, 2018**).

Additionally, the outstanding works listed above must be completed within 120 days of this notice (on or before May 04, 2018).

Should you have any questions regarding this matter do not hesitate to contact the undersigned at 250-803-4013 or via email at <u>mroy@salmonarm.ca</u>.

Yours truly,

Maurice Roy, RBO/CRBO Manager of Permits and Licensing

MR/sg

encl.



# AGRICULTURAL LAND COMMISSION FILE 56961 REASONS FOR DECISION OF THE EXECUTIVE COMMITTEE

Subdivision Application Submitted Under s. 21(2) of the Agricultural Land Commission Act

Applicant:	Waldemar Schaefer
	Elli Schaefer
	Waldemar Schaefer
	Frieda Schaefer
Agent:	Waldemar Schaefer
Property:	Parcel Identifier: 011-077-271
	Legal Description: Lot 1, Section 20, Township 20,
	Range 10, West Of The 6th Meridian, Kamloops
	Division Yale District, Plan 1892
	Area: 8.0 ha

Panel:

Gerald Zimmermann, Okanagan Panel Chair Jim Johnson

Page 1 of 3

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ALC File 56961 Reasons for Decision

## OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the Agricultural Land Commission Act (ALCA). The Property is located within Zone 1 as defined in s. 4.2 of the ALCA.
- [2] Pursuant to s. 21(2) of the ALCA, the Applicants are applying to the Agricultural Land Commission (the "Commission") to subdivide the 8.0 ha Property into two lots of 4.3 ha and 3.7 ha (the "Proposal"). The purpose of the Proposal is to have two separate titles with only two Applicants per title.
- [3] The issue the Panel considered whether the proposed subdivision would impact the agricultural utility of the Property.
- [4] The Proposal was considered in the context of the purposes of the Commission set out in s. 6 of the ALCA. These purposes are:
  - (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

[5] The Proposal along with related documentation from the Applicants, local government and Commission is collectively referred to as the "Application". All documentation in the Application was disclosed to the Agent in advance of this decision.

#### EVIDENCE AND FINDINGS

Issue: Whether the proposed subdivision would impact the agricultural utility of the Property.



ALC File 56961 Reasons for Decision

- [6] The Application submits that the Property is naturally subdivided by West Gleneden Creek. The Panel finds that West Gleneden Creek is not a topographic constraint that impedes agricultural activity on the Property. For this reason, West Gleneden Creek does not preclude use of the Property as a single agricultural unit and therefore does not justify subdivision of the Property.
- [7] It has been the Commissions experience that the parcelization of lots in a designated agriculture area can introduce conflicts between residential and agricultural uses. In this circumstance, the Panel finds that retaining the Property in its current size would best ensure it is available for agriculture in the future.
- [8] Lastly, the Application submits that the purpose of the Proposal is to enable the four Applicants to split ownership between two separate titles. While the Panel understands the Applicants rationale, the Panel considers subdivision proposals, and the potential impacts of subdivision, in accordance with the purposes of the Commission set out in s. 6 of the ALCA.

#### DECISION

- [9] For the reasons given above, the Panel refuses the Proposal.
- [10] These are the unanimous reasons of the Panel.
- [11] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the ALCA.
- [12] Resolution #131/2018

Released on April 25, 2018

Geral Zimmermann, Panel Chair On behalf of the Okanagan Panel

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## AGRICULTURAL LAND COMMISSION FILE 56983 REASONS FOR DECISION OF THE CHIEF EXECUTIVE OFFICER

Non-Farm Use application submitted under s. 20(3) of the Agricultural Land Commission Act

Applicant:

Peter Page

**Property:** 

Parcel Identifier: 004-831-861 Legal Description: Lot 2, Section 11, Township 20, Range 10, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan 27414 Civic: 460 10 Avenue SW, Salmon Arm, BC Area: 3.4 ha

Chief Executive Officer:

Kim Grout (the "CEO")



#### THE APPLICATION

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the Agricultural Land Commission Act (the ALCA). The Property is located within Zone 1 as defined in s. 4.2 of the ALCA.
- [2] The Applicant is applying to the Agricultural Land Commission (the Commission) to temporarily use 2 ha of the Property as a campground with 75 – 100 sites during two weeks in August for the next four years (the "Proposal").
- [3] The Proposal along with related documentation from the Applicant, local government and Commission is collectively referred to as the "Application". All documentation in the Application was disclosed to the Applicant in advance of this decision.
- [4] On February 26<sup>th</sup>, 2016 the Agricultural Land Commission (the "Commission") delegated decision-making to the CEO by Resolution #38N/2016 In accordance with section 27 of the ALCA the Commission specified that the following applications may be decided by the CEO:

14. Exclusion, subdivision, and non-farm use applications that are not consistent with any of the existing approved criteria (Criteria 1 - 13) but nonetheless are minor in nature and in the opinion of the CEO, the interests of the Commission would be unaffected by an approval of the application.

#### BACKGROUND

- [5] By Resolutions #104/2011 and #213/2014 the Commission conditionally approved the temporary use of the Property as a campground to accommodate attendees of the Blues and Roots Festival in Salmon Arm. The Festival is held annually during the third weekend of August, at the Salmon Arm Fair Grounds. The Fair Grounds are across the street from the Property and are outside of the ALR.
- [6] One of the conditions of approval for Resolutions #104/2011 and #213/2014 was the submission of an annual status report from the Applicant demonstrating that the



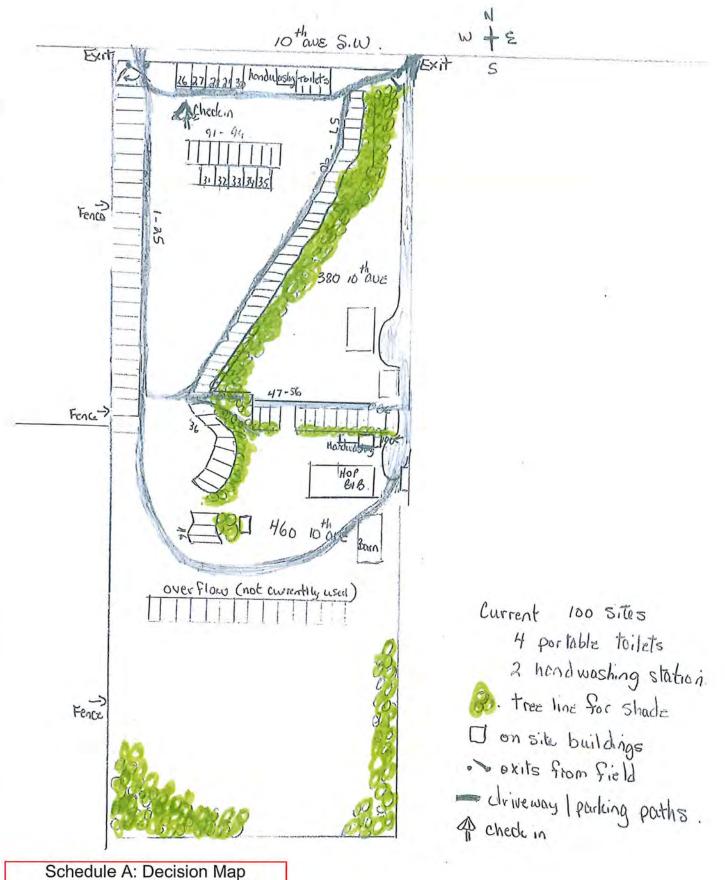
Property has been returned to an equal or better agricultural standard. The Applicant has been diligent in complying with this condition and the Property has continuously been returned to its original standard after its use as a campground, since the first approval in 2011.

### DECISION

- [7] After reviewing the Application, I am satisfied that the Proposal is consistent with Criterion #14 of Resolution #38N/2016 and approve the Proposal.
- [8] The proposed temporary campground for up to 100 sites is approved subject to the following conditions:
  - a. The approval for four years, valid through August 31, 2022;
  - The temporary campground is granted for 14 days in August only for the annual Roots and Blues Festival;
  - c. No permanent facilities are to be constructed or placed on the Property, including fill;
  - d. The submission of an annual status report (including photos) from the Applicant verifying the land has been returned to an equal or better agricultural standard.
- [9] 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.
- [10] A decision of the CEO is a decision of the Commission pursuant to s. 27(5) of the ALCA.
- [11] Resolution #120/2018

Released on April 16, 2018

**Chief Executive Officer** Kim Grout)



Schedule A: Decision Map ALC Application: 56893 (Page) Conditionally Approved Temporary Campground for up to 100 sites ALC Resolution 120/2018 80



## AGRICULTURAL LAND COMMISSION FILE 57155 REASONS FOR DECISION OF THE OKANAGAN PANEL

Non-Farm Use Application Submitted Under s. 20(3) of the Agricultural Land Commission Act

Applicant:

The Board of Education of School District No. 83 (North Okanagan-Shuswap)

Agent:

**Property:** 

Panel:

Nicole Bittante, School District No. 83

Parcel Identifier: 008-448-931 Legal Description: Lot 1, Section 8, Township 20. Range 9, West Of The 6<sup>th</sup> Meridian, Kamloops Division, Yale District, Plan 17118 Civic: 5870 10 Avenue SE, Salmon Arm, BC Area: 2.0 ha

Gerald Zimmermann, Okanagan Panel Chair Jim Johnson

Page 1 of 4



ALC File 57155 Reasons for Decision

#### OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the Agricultural Land Commission Act (ALCA). The Property is located within Zone 1 as defined in s. 4.2 of the ALCA.
- [2] Pursuant to s. 20(3) of the ALCA, the Applicant is applying to the Agricultural Land Commission (the "Commission") to re-open and use the 2.0 ha Property as the South Canoe Elementary School (the "Elementary School"), which operated on the Property from 1956 to 2015. The non-farm use will consist of ±0.35 ha of permanent school facilities and ±1.65 ha of ancillary outdoor recreation area (the "Proposal").
- [3] The Panel considered whether the Proposal would impact the agricultural utility of the Property.
- [4] The Proposal was considered in the context of the purposes of the Commission set out in s. 6 of the ALCA. These purposes are:
  - (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

[5] The Proposal along with related documentation from the Applicant, Agent, local government, third parties, and Commission is collectively referred to as the "Application". All documentation in the Application was disclosed to the Agent in advance of this decision.

#### EVIDENCE AND FINDINGS

Issue: Whether the Proposal would impact the agricultural utility of the Property.



ALC File 57155 Reasons for Decision

[6] To assess agricultural capability on the Property, the Panel referred to agricultural capability ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability ratings applicable to the Property are Class 2, 3, 4, and 5, more specifically, approximately two-thirds of the Property is (6:3MT - 4:2T) and one-third of the Property is (6:4PM - 4:5TP).

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 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

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

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

The limiting subclasses associated with this parcel of land are M (moisture deficiency), P (stoniness), and T (topographic limitations).

- [7] Based on the agricultural capability ratings the Panel finds that the Property has agricultural capability.
- [8] The Elementary School began operating in 1956 and was closed in 2015. The use of the Property as a school predates the ALR, which was established in 1972. Although the Elementary School has been closed for three years, the existing facilities remain intact. The Application submits that due to increased enrolment and new union requirements for reduced class size, the Applicants require additional classroom space and have therefore submitted the Application to re-open the Elementary School.
- [9] The Application submits that no new structures will be constructed as a result of reopening the Elementary School.



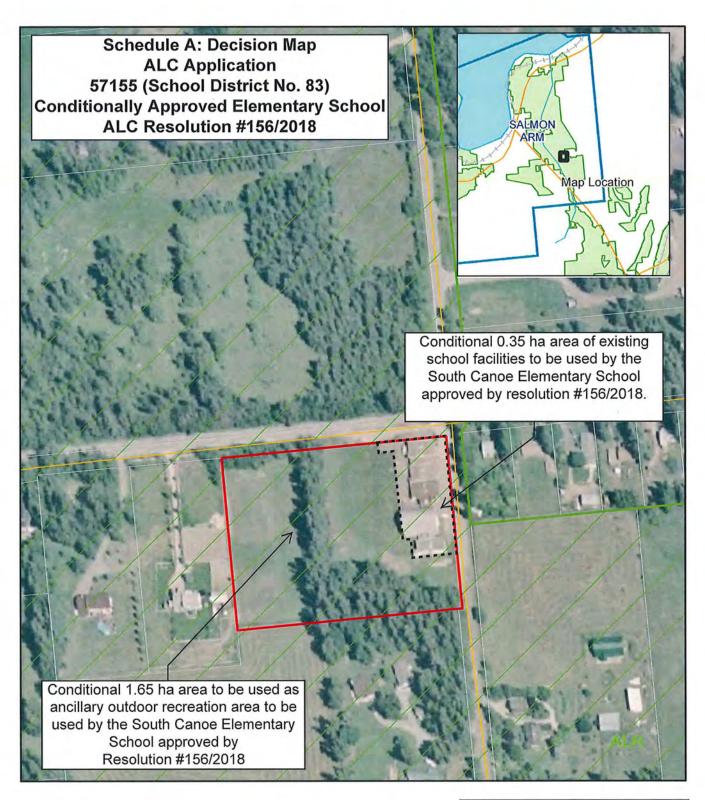
ALC File 57155 Reasons for Decision

[10] In light of the agricultural capability of the Property, the Panel finds that the proposal to re-open the Elementary School will not further impact the agricultural utility of the Property given that it is already impacted by the existing school infrastructure.

## DECISION

- [11] For the reasons given above, the Panel approves the Proposal to utilize 2.0 ha to reopen the South Canoe Elementary School subject to the following conditions:
  - a. No further expansion of the permanent school facilities into the ALR beyond what is already sited as shown on Schedule A: Decision Map; and
  - No additional concrete, cement or permanent structures on the Property including, but not limited to parking, portables, play structures, and artificial turf.
- [12] 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.
- [13] These are the unanimous reasons of the Panel.
- [14] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the ALCA.
- [15] Resolution #156/2018 Released on May 16, 2018

Gerald Zimmermann, Panel Chair On behalf of the Okanagan Panel





Airphoto Map 2007 Natural Colour Ortho Map Scale: 1:2,500 5 0 25 50 75 100 125 Meters

ALC File #:	57155	
Mapsheet #:	82L.064	
Map Produced:	March 7, 2018	
Regional District:	Columbia-Shuswap	

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