



# AGENDA

## City of Salmon Arm Development and Planning Services Committee

Monday, June 15, 2020  
8:00 a.m.

By Electronic means as authorized by  
Ministerial Order M139

Page #	Item #	Description
	1.	CALL TO ORDER
	2.	ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY <i>We acknowledge that we are gathering here on the traditional territory of the Secwepemc people, with whom we share these lands and where we live and work together.</i>
	3.	REVIEW OF AGENDA
	4.	DISCLOSURE OF INTEREST
	5.	REPORTS
1 - 12	1.	Development Variance Permit Application No. VP-516 [CDN Framing/Skjerpen, M.; 941 8 Avenue NE; Setback requirements]
13 - 68	2.	Zoning Amendment Application No. ZON-1171 [604895 BC Ltd./Arsenault, G.; 70 and 210 11 Street SE; R-1 to R-5]
	6.	PRESENTATIONS
	7.	FOR INFORMATION
69 - 76	1.	Agricultural Land Commission - letter dated June 3, 2020 - Application 58273 - Resolution #252/2020 - Smith, R.
	8.	IN CAMERA SESSION
	9.	CORRESPONDENCE
	10.	ADJOURNMENT

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# CITY OF SALMON ARM

To: His Worship Mayor Harrison and Members of Council

Date: June 5, 2020

Subject: Development Variance Permit Application No. 516

Legal: Lot A, Section 14, Township 20, Range 10, W6M, KDYD, Plan 12703 Except Plans KAP71482 and EPP5318  
Civic: 941 – 8 Avenue NE  
Applicant: CDN Framing / Skjerpen, M.

## MOTION FOR CONSIDERATION

**THAT:** Development Variance Permit No. 516 be authorized for issuance for Lot A, Section 14, Township 20, Range 10, W6M, KDYD, Plan 12703 Except Plans KAP71482 and EPP5318 (941 8 Avenue NE) to vary the provisions of Zoning Bylaw No. 2303 as follows:

1. Section 6.10.2 – R-1 Single Family Residential Zone – reduce the minimum setback to a rear parcel line from 6.0 m (19.7 ft) to 5.0 m (16.4 ft) to allow for the siting of a new single family dwelling.

## STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

## PROPOSAL

The subject parcel is located in the residential portion of the city centre at 941 8 Avenue NE (Appendix 1 and 2), is approximately 530 square metres in area, and is presently vacant. The subject parcel is designated High Density Residential in the City's Official Community Plan (OCP) and currently zoned R-1 (Single Family Residential) in the Zoning Bylaw (Appendix 3).

## BACKGROUND

The proposed variance has been requested to support the development of a new single family dwelling, similar to surrounding development (Appendix 4). A 1.5 metre easement restricting any buildings is in place along the north parcel line, while a 3 m easement is in place restricting development along the east parcel line (Appendix 5).

In terms of consideration for future development scenarios, staff note that the parcel has potential to meet the conditions for the development of a *secondary suite* within the home (but not *detached suite*), including sufficient space for an additional off-street parking stall, subject to a rezoning application.

## COMMENTS

### Engineering Department

No concerns.

### Building Department

No concerns.

Fire Department

No concerns.

Planning Department

The proposal involves a parcel within an established residential area which is somewhat restricted by the presence of two easements. The proposed single family dwelling is reasonable in size (with a 170 square metre footprint), with the proposed siting reasonably aligning with development existing on the adjacent parcels to the east and west, maintaining a consistency in the development pattern along the 8 Avenue NE streetscape. The proposed development achieves the minimum setbacks required to the interior side parcel lines, as well as the front parcel line allowing sufficient space for on-site parking.

As shown in site plan attached as Appendix 5, it is the opinion of staff that the 1 m variance requested is reasonable in size. With a depth of 22.75 m at the narrowest point, the parcel is relatively shallow, but meets the other zone requirements, including front and side yard setbacks, as well as on-site parking. The easements in place limit potential conflicts between the proposed development and existing development on the adjacent parcels to the north and east. It is the opinion of staff that the proposed development variance will not unreasonably or significantly impact existing development in the area.

Staff note that the adjacent parcel to the north was recently considered under application VP-508 by Council for a rear parcel setback reduction from 3m to 1m for a detached suite to be constructed within an existing accessory building which is clearly visible in the attached site photos (Appendix 6). This variance request was approved in February 2020.

CONCLUSION

Considering current OCP policy including the High Density land use designation, the layout of the parcel and easements in place, as well as the relative small size of the variance requested, Staff support the requested variance.

Staff note that the variance is only in regards to the siting of a proposed single family dwelling and does not permit any new or additional use other than what is permitted the Zoning Bylaw under the current R-1 zone regulations.

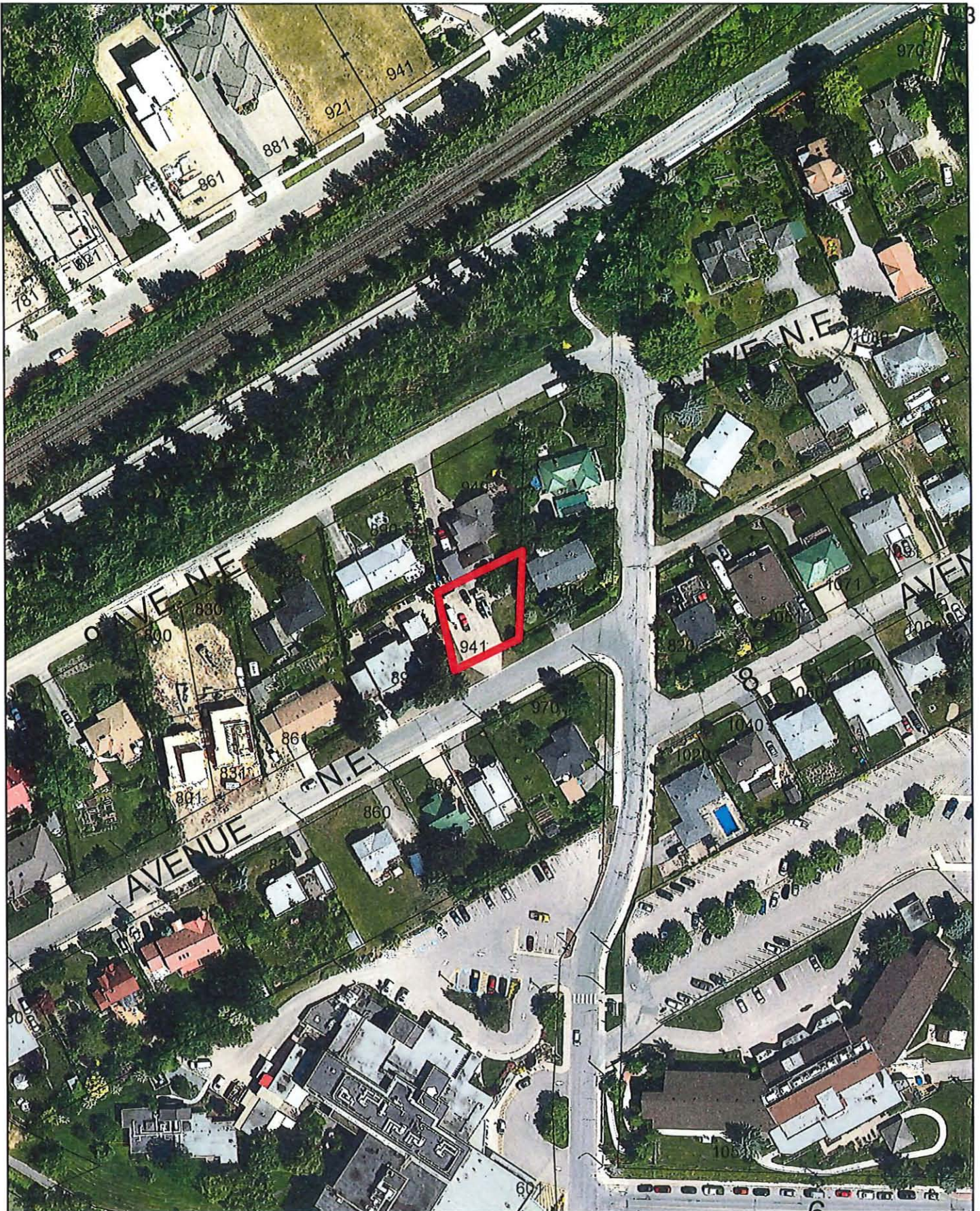


Prepared by: Chris Larson, MCP  
Senior Planner



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






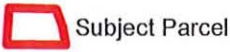
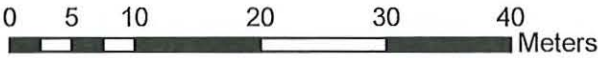
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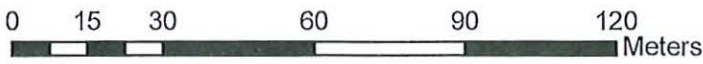
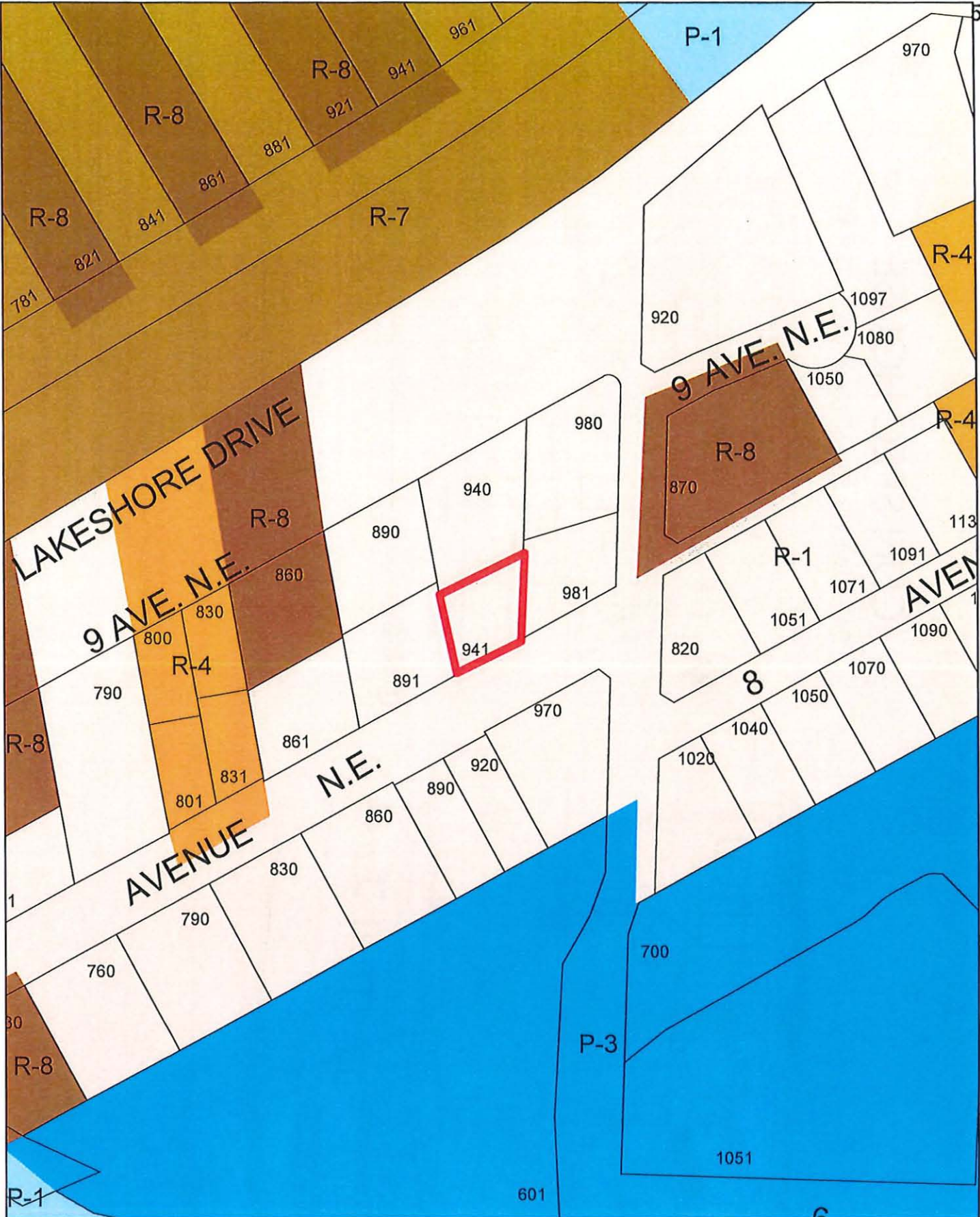
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 Subject Parcel









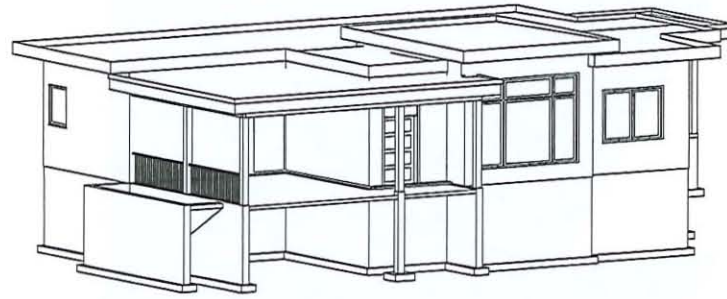
Subject Parcel

# CDN SPEC HOUSE

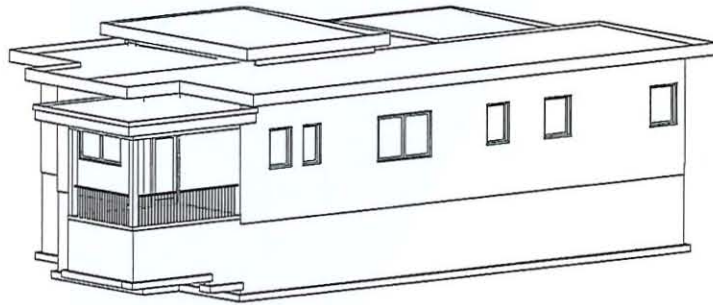
941 8 AVE NE SALMON ARM, BC V1E 4A8

KHM DESIGN

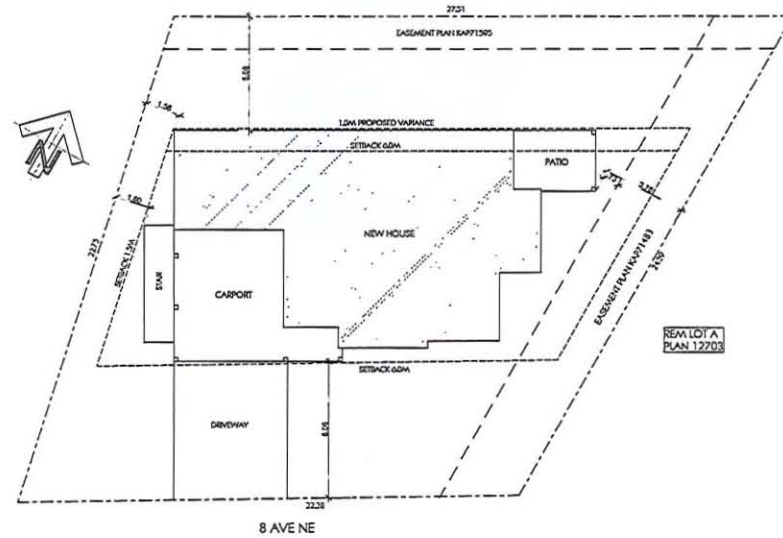
3200 28 ST NE  
SALMON ARM, BC  
V1E 3G7  
TEL: (250) 517-7131  
www.khmdesign.ca  
kris@khmdesign.ca



2 AXO VIEW FRONT  
SCALE: 3/16" = 1'-0"



3 AXO VIEW REAR  
SCALE: 3/16" = 1'-0"



1 SITE PLAN  
SCALE: 1:100

AREA SCHEDULE	
AREA NAME	SQFT
1 MAIN FLOOR	1,357
2 GARAGE & STAIR	383
3 PATIO	106
4 BUILDING FOOTPRINT	1,840
5 LOT	5,756

DRAWING LIST	
#	SHEET NAME
A0.0	COVER SHEET, SITE PLAN
A0.1	GENERAL NOTES, BUILDING CODE
A0.2	BUILDING CODE
A1.0	MAIN FLOOR PLAN
A1.1	LOWER FLOOR PLAN
A2.0	ELEVATIONS 1
A3.0	FOUNDATION PLAN
A3.1	FOUNDATION DETAILS
A4.0	MAIN FLOOR FRAMING PLAN
A4.1	ROOF FRAMING PLAN
A5.0	SECTIONS 1
A5.1	SECTIONS 2

PROJECT  
CDN SPEC HOUSE  
941 8 AVE NE  
SALMON ARM, BC  
V1E 4A8

SHEET NAME  
COVER SHEET, SITE PLAN

THESE DESIGNS AND DRAWINGS ARE THE EXCLUSIVE PROPERTY OF KHM DESIGN AND MAY NOT BE USED OR REPRODUCED WITHOUT CONSENT.

DATE 5/10/2019  
DRAWN JG-W  
JOB #

A0.0



# KHM DESIGN

3200 28 ST NE  
SALMON ARM, BC  
V1E 3J7

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PROJECT  
CDN SPEC HOUSE

941 8 AVE NE  
SALMON ARM, BC  
V1E 4A8

SHEETNAME  
ELEVATIONS 1

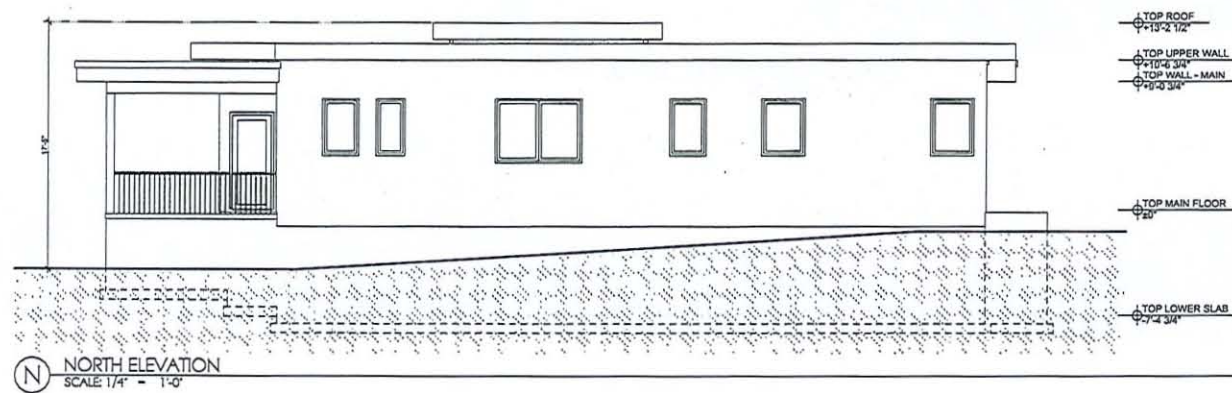
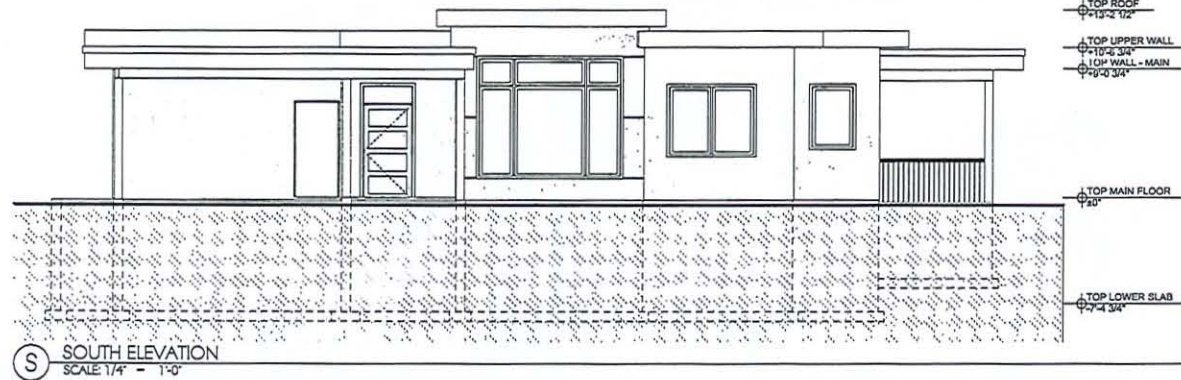
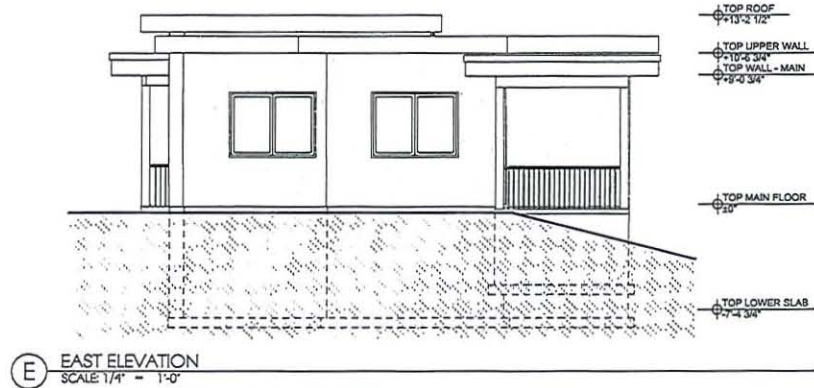
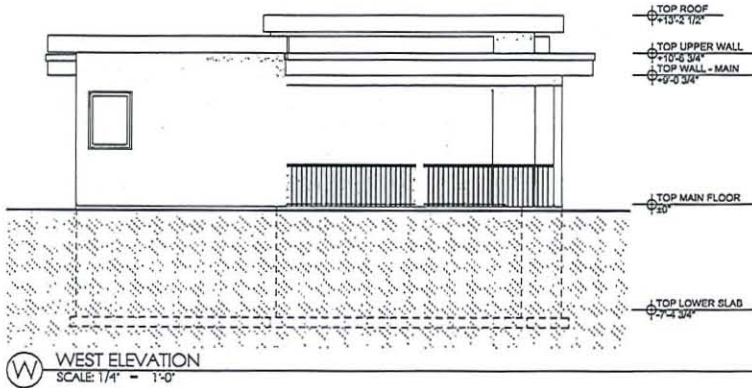
REVISIONS  
6/22/15

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DATE 5/10/2019  
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JOB #

A2.0

Appendix A Building Elevations



## ELEVATION NOTES

WALL FINISHES -  
HARDEBOARD SIDING  
HARDE SIDING & SHINGLES  
ROOF FINISH -  
ASPHALT SHINGLES  
PAINTING -  
ALUMINUM 1.47 H



Appendix 4: Building Elevations

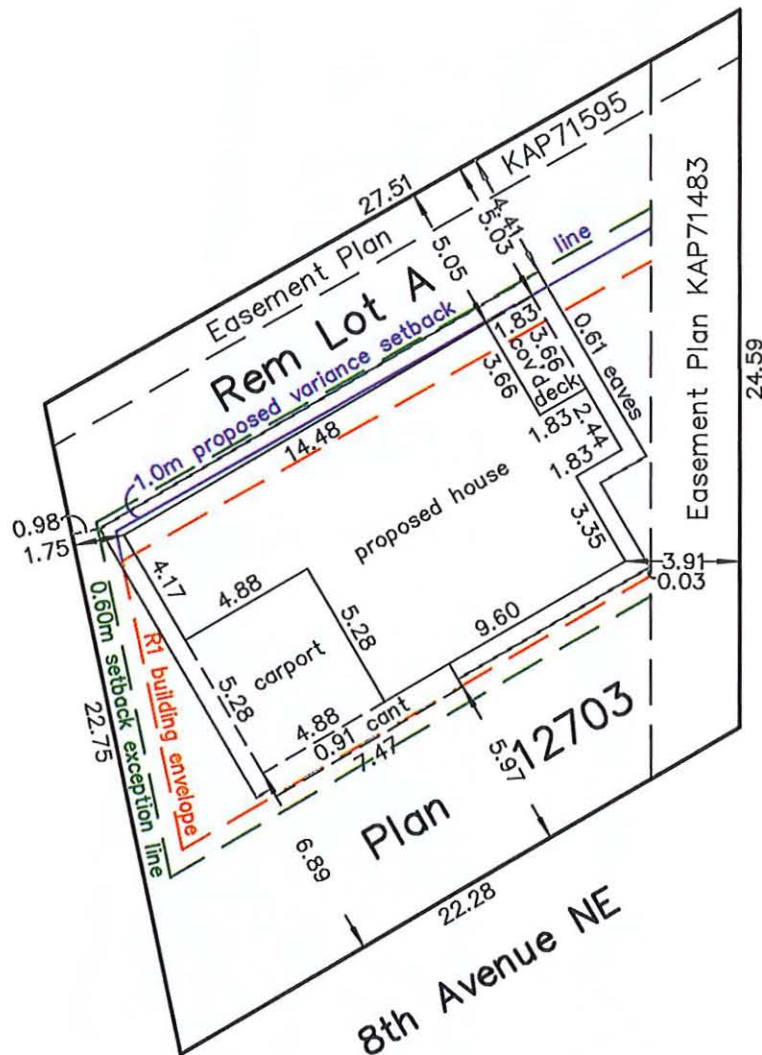




Appendix 4: Building Elevations

Plan Showing Proposed Building  
on Lot A, Sec 14, Tp 20, R 10,  
W6M, KDYD, Plan 12703 Except Plans KAP71482 and EPP5318

Scale 1:250



May 9, 2013

List of Documents on title which may affect  
the location of improvements:

Covenants KT73181 & KT73182  
Easements KT73185 & KT80680  
Right of Way KT73186

BROWNE JOHNSON LAND SURVEYORS  
B.C. AND CANADA LANDS  
SALMON ARM, B.C. Ph.250-832-9701  
File: 137-13





View of subject parcel looking north from 8 Avenue NE, showing adjacent development (the dark brown accessory building on the subject property will be removed).



View of subject parcel looking northwest from 8 Avenue NE, showing adjacent development.

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To: His Worship Mayor Harrison and Members of Council

Date: June 10, 2020

Subject: Zoning Bylaw Amendment Application No. 1171

Legal: Lot 1, Section 13, Township 20, Range 10, W6M, KDYD, Plan 54150 and That Part of Lot 1 shown on Plan B4487, Section 13, Township 20, Range 10, W6M, KDYD, Plan 1521

Civic: 70 and 210 11 Street SE

Owner: 604895 BC Ltd. Applicant: Gary Arsenault

#### MOTION FOR CONSIDERATION

**THAT:** A Bylaw be prepared for Council's consideration, adoption of which would amend City of Salmon Arm Zoning Bylaw No. 2303 as follows:

- 1) Rezone that 5,140 m<sup>2</sup> portion of Lot 1, Section 13, Township 20, Range 10, W6M, KDYD, Plan KAP54150 shown on Schedule A from R-1 (Single Family Residential) to R4 (Medium Density Residential);
- 2) Rezone that part of Lot 1 shown on Plan B4487, Section 13, Township 20, Range 10, W6M, KDYD, Plan 1521 from R-1 (Single Family Residential) to R4 (Medium Density Residential);

**AND THAT:** The Public Hearing, date yet to be determined, be held at the Salmon Arm Recreation Centre;

**AND THAT FURTHER THAT:** Final Reading of the Bylaw be withheld subject to:

- 1) Approval by the Ministry of Transportation and Infrastructure;
- 2) Registration of a Section 219 Land Title Act Covenants addressing the following:
  - I Provincial Riparian Areas Protection Regulation, including establishment of a 30 m Streamside Protection and Enhancement Area;
  - II Approximately 1,733 m<sup>2</sup> of land for a City Road Reserve over the portion of Lot 1 shown on Plan B4487 consistent with the of 4 Avenue SE Advanced Street Plan prepared by Lawson Engineering (Drawing 11-45 - Dated December 12, 2019) - FURTHER TO THAT, the applicant be compensated by the City in the amount of \$35,000 for the Road Reserve;
  - III No Subdivision or Development Permit approval until a Traffic Impact Analysis (TIA) is provided to the satisfaction of the City Engineer with acknowledgement that the owner/applicant is responsible for any and all off-site improvements recommended by the TIA; and
  - IV No Subdivision or Development Permit approval until a suitable area and location of land (minimum 5% of the gross area of the subject properties) are secured by the City either by dedication or Statutory Right of Way for a Greenway/Trail linkage from Trail Plan KAP53467 to 11 Street SE and a portion of a future Neighbourhood Park.



## STAFF RECOMMENDATION

That the Motion for Consideration be approved.

## BACKGROUND

The subject parcels are located at 70 - 11 Street SE (Parcel A) and 210 - 11 Street SE (Parcel B) just south of Okanagan Avenue - Appendix 1 and 2. The parcels have a combined total area of 3.9 hectares and are designated "High Density Residential" Future Land Use Category in the City of Salmon Arm Official Community Plan Bylaw No. 4000 (OCP) - Appendix 3. Parcel A is currently split-zoned R-1 and R-4, while Parcel B is entirely zoned R-1 at the present time - Appendix 4.

The application under review is to rezone both parcels to R-4 to facilitate a multi-family residential development of various building forms and likely some kind of phased, strata subdivision involved. A conceptual development plan received May 27, 2020 is attached as Appendix 5. R-4 Zoning regulations are attached as Appendix 6 and site photos are attached as Appendix 7.

The concept plan demonstrates potential for approximately 120 multiple family residential units. According to the applicant, no building height would exceed three stories. The density proposed is approximately 30 units per hectare, which is less than the R-4 density ceiling of 40 units per hectare. No density bonus is required for a development plan < 157. As discussed further on, the OCP Land Use designation of the lands supports High Density Residential (R-5) zoning.

A number of units may meet the new *assisted living housing* definition of the Zoning Bylaw, which is a recently added use to the R-4 zone. This use may include daily meal preparation with a common commercial kitchen and central dining area along with cleaning or laundry services. Health services may also be provided including home support, rehabilitative services and transportation services. Those activities along with onsite recreation facilities would be deemed as *accessory uses* to the development.

Consolidation of the subject parcels is required to support the proposed density of residential units. If rezoned, subdivision and development would be subject to the Subdivision and Development Servicing Bylaw No. 4163, while stratification (a form of subdivision) would be subject to the Strata Property Act / Regulations and most likely require security bonding for common amenities/facilities. The financial bonding required needs to be determined by an independent and registered Quantity Surveyor, with basically the funds held by the City until the facilities are completed. For clarification, common amenities in a strata development are not normally intended as public amenities for the use by citizens outside the strata. Furthermore, these matters of subdivision/stratification are not conditions for rezoning.

Several applications and initiatives have been made involving the subject parcels over the past 20 years. In 2003, a similar application to rezone the properties to R-4 was defeated at Third Reading after the Public Hearing. An important document from that application is the 2003 Traffic Report / Traffic Impact Analysis (TIA) that was provided by the same owner as today; the development plan back then contemplated a 44 unit, medium density residential development - the former TIA is attached as Appendix 8.

In 2009 the City commissioned a report by a Qualified Environmental Professional (QEP) who determined that the unnamed watercourse (the "Creek") is subject to the Provincial Riparian Areas Regulation and therefore also subject to the City's Environmental Policies of the OCP. That report - attached as Appendix 9 - was not filed with the Province because there was no development plan to trigger that. Nevertheless, the QEP's assessment that the Creek is subject to Provincial riparian regulations is still valid.

In 2018 a subdivision application was made by Franklin Engineering Ltd. on behalf of the owner to create 28 bareland strata lots (i.e. single family lots within a strata with R-1 zoning) involving both properties. That application expired. That applicant was unable to provide the necessary documentation required by the Approving Officer to address the local traffic concerns or the Provincial requirements for a Creek alteration plan (i.e. essentially altering the Creek to a piped system). While one branch of the Ministry of Environment (Forest, Lands and Natural Resource Operations) initially approved in principle the Creek alteration plan, that approval was later rescinded in March 2017 when it was learned that the Creek is subject to its own riparian regulation. The last letters on this matter from FLNRO staff are attached as Appendix 10.



City staff do not object to a Creek alteration plan if it is approved by the Province. The potential benefits to storm water management, the natural barrier the Creek presents to a higher density development, the need for a new street (4 Avenue to 3 Avenue connector) and a pedestrian plan involving the Parcel B are the basic reasons for this support. Staff are also certainly cognizant that many in the local community support the Creek and the subject properties remaining in their present natural state. This has been a historical conundrum for new development on these lands and others throughout the City.

### SITE / CONTEXT

Development is also challenged by a number of physical factors along with some of the aforementioned planning, policy and regulatory considerations. More than 50% of the properties combined gross area (3.9 hectares) can be discounted due to the Creek in its present alignment and challenging terrain. This would leave a net developable area of approximately 2.0 hectares or less. The map attached as Appendix 11 is intended to show the major limitations to development caused by:

– The Creek (10 m wide SPEA assumed)*	6,000 m <sup>2</sup>
– Steep Slopes	7,500 m <sup>2</sup>
– Road Reserve and Setbacks	2,700 m <sup>2</sup>
– Public Greenspace Preservation and Trail**	3,000 m <sup>2</sup> +

\* The riparian assessment, "streamside protection and enhancement area" (or "SPEA") is actually measured as a 30 m horizontal width off each bank or "High Water Mark" of the Creek as a starting point under the old RAR and new RAPR. The 10 m SPEA assumption in the analysis above (and on the attached map) considers that a QEP may reduce that width to 10 m which is quite a common reduction for a creek of this magnitude. Turner Creek has a SPEA of 7.5 m. As discussed more on the next page, the applicant has agreed to Covenant the land with a 30 m SPEA off each side of the Creek as a condition for rezoning.

\*\* The applicant is further willing to allocate > 8% of the gross land area to greenspace preservation and a public trail connection with a restrictive Covenant, which is 3% over and above the statutory requirement for parkland dedication at the time of subdivision.

The Creek stems from both open channelled and underground water sources comprising a broader micro watershed to the southeast. The system has served as an important pre and post development upland drainage corridor. Mature trees encompass much of the eastern sloped portions of both lots.

From a development perspective, the surrounding properties are designated "High Density Residential" in the OCP, yet the built landscape is comprised mainly of long established, R-1 zoned parcels containing single family dwellings. There are some medium density (R-4) and residential suite (R-8) zoned properties in the area and a notable absence of High Density (R-5) zoned land. Land uses and zoning adjacent to the subject property include the following:

North: Okanagan Avenue / Single-Family (R-1) parcels  
 South: Single-Family Residential (R-1) parcels  
 East: Dedicated pedestrian trail - 3.0 m wide (Plan KAP 53467) and  
 Bayview townhouse development (R-4)  
 West: 11 Street SE / Single-Family Residential (R-1) parcels

### OCP POLICIES

#### **Land Use**

The subject parcels are located within the heart of the Urban Containment Boundary and Residential Development Area A; considered to be a top priority for urban residential development and City investment in infrastructure.

With the subject parcels are designated "High Density Residential" in the OCP, the proposed R-4 density of 30 units per hectare is significantly lower than the 100 units per hectare supported by the OCP if zoned R-5. That being said, R-4 zoning may be a 'better fit' for development over the short term given the predominant single family context of the local neighbourhood.



### **Residential - Development Permit Area**

Pursuant to Section 8.4 of the OCP, actual development of the land will require Council's review of a "Form and Character" Development Permit application. Such applications address site planning, landscape planting, tree / vegetation retention and building design. The "Residential Development Permit Area Guidelines" of the OCP are applicable for a multiple family development proposal on the subject properties.

As mentioned, the attached development plan is not under review for Council's approval. It has been provided by the applicant as a baseline concept to demonstrate how the land could potentially be developed. The applicant has been encouraged to hire an architect familiar with the applicable guidelines to prepare the Development Permit drawings. Public notification and a Hearing are part of the Development Permit application process.

### **Environmentally Sensitive Riparian Areas - Development Permit Area**

To address the Creek in the context of the RAPR, Section 5.4 of the OCP identifies the subject parcels as designated "Environmentally Sensitive Riparian Areas (ESRA) Development Permit Area". No development, including the removal or alternation of soil or trees/vegetation, can occur until either an ESRA Development Permit is approved by Council, or alternatively a Development Permit Waiver is approved by the undersigned (i.e. without review by City Council). The conditions for approval of an ESRA Development Permit Waiver are usually satisfied with either of the following options:

- 1) The owner registers a Section 219 Land Title Act Covenant stipulating a 30 m wide streamside protection and enhancement area (SPEA) on either side of the watercourse, thereby in effect meeting the Provincial Riparian Areas Protection Regulation; or
- 2) A Qualified Environmental Professional (QEP) determines a lesser SPEA in an RAPR Assessment Report, approved by the Ministry of Environment and Climate Change Strategy, with that lesser stipulated on a Covenant.

As a condition for adoption of the rezoning Bylaw (Item: 2) I in the Motion for Consideration), the applicant has agreed to address RAPR and City policy with Option 1) above. As the applicant is ultimately proposing a complex creek diversion for development, the following is therefore required, not as a condition for rezoning but prior to development:

- 1) Approval by Ministry of Forests, Lands, Natural Resource Operations and Rural Development in accordance with 39 (1) of the Water Sustainability Act will be required including a submission of recorded ecosystem data, and possibly a hydrological study involving the broader watershed;
- 2) Approval or concurrence of some kind by Ministry of Environment and Climate Change Strategy approval as the watercourse is subject to the RAPR;
- 3) Engineering Department approval of the related storm water management plan; and
- 4) Approval City Council of an ESRA Development Permit.

A work plan prepared by a QEP (Arsenault Environmental Consulting Ltd.) dated January 21, 2020 is attached as Appendix 12. Justification of the Creek's re-alignment will require FLNRO's "Water Management Decision" approval, the conclusion of which is to determine if the project would result in harm to, net loss or gain in environmental value. Should rezoning be approved, the applicant is prepared to address the above in an ESRA Development Permit application to City Council which would involve a Hearing and public notification.

### **Potentially Hazardous Areas - Development Permit Area**

To address the steep terrain on the subject parcels (i.e. slopes > 30%), Section 6.4 of the OCP identifies the subject parcels as designated "Potential Hazardous Areas (PHA) Development Permit Area". No development, including the removal or alternation of soil or vegetation, can occur until either a PHA Development Permit is approved by Council, or alternatively a Development Permit Waiver is approved by the undersigned.



The conditions for a PHA Development Permit Waiver approval are typically met with a geotechnical report prepared by a registered professional and the report ascertaining the safe intended use of the development site. For the subject properties, a "Category C" Landslide Assessment report will be required to address, among other things, safe build zones, where trees and vegetation should be retained, and any measures required to prevent land slippage. In addition, the Waiver approval requires the registration of a Section 219 Land Title Act Covenant saving the City Harmless from any related claims and liability.

City staff is comfortable with a Development Permit Waiver application to address the steep slopes without the need for a PHA Development Permit application to City Council. However, if the applicant chooses, and/or Council requests, the geotechnical report could be presented to Council and the public concurrently with the Development Permit applications for Residential Form and Character and ESRA.

Tree / vegetation removal cannot occur on the subject properties unless either exempted by the Tree Removal Bylaw, or if a Servicing Agreement between the City and developer is signed and executed. The Servicing Agreement will not be drafted by staff until such time as a geotechnical report is complete and the various Development Permits and Waivers are approved. For the exemption, the Bylaw permits a limited amount (5%) of trees to be cleared annually, not including trees or vegetation within the SPEA or on steep slopes. Trees < 31.5 cm in circumference are also exempt.

### **Parks and Greenways**

Map 11.1 of the OCP identifies a future Neighbourhood Park generally somewhere on Parcel B and on adjacent lands to the south. This along with a Proposed Greenway identified on Map 11.2 of the OCP are shown clearer on the map attached as Appendix 11. Actual parkland and trail dedication, up a maximum of 5% of a lot area, may only occur at the subdivision stage pursuant to the Local Government Act.

However, because the OCP's Neighbourhood Park designation affects other lands to the south, the 5% allocation could and should be split over three lots. At this rezoning stage, the applicant is agreeable to the idea of dedicating > 5% of the subject parcels to greenspace and a trail connection at the subdivision or development stages.

The general idea for greenspace preservation at this stage includes a 10 m wide swath of land dedicated (or secured by a Statutory Right of Way in favour of the City) off the existing trail (Plan KAP53467) that traverses off the eastern boundary of the subject parcels, and same for a public trail connection from the existing trail to 11 Street, which would include a segment of a future sidewalk along the proposed 4 Avenue to 3 Avenue Road Reserve. For all intents and purposes, a 10 m wide greenspace buffer adjacent to the existing dedicate trail would preserve the trees and vegetation along that embankment, which likely has limited development potential anyways.

The above is only in a conceptual stage of planning at this point, yet the applicant has committed in principle to address this matter with a covenant (Item: 2) IV in the Motion for Consideration). With a Form and Character Development Permit application and the drawings that would go with that, the details of parkland dedication, greenspace preservation and trail alignments can be addressed more precisely.

### **TRAFFIC AND STREET PLANS**

#### **Traffic Impact Analysis**

The 2003 Hamilton Associates Traffic Impact Analysis (TIA) is attached as Appendix 8. As mentioned, that report was intended for a 44 unit, R-4 zoned development. The main finding of that report is that the intersection at 11 Street SE and Okanagan Avenue was unsafe in regards to site lines, grades, traffic stacking and movements off and on to the avenue.

Since then, the population of Salmon Arm has grown by approximately 5,000 along with a corresponding traffic increase. During that time span of 17 years, there were several requests by the owner to have the City budget for improvements to the intersection which would involve a detailed design, extensive grading to physically lowering the road and utilities, and most likely property acquisition.



The applicant did commission a minor traffic report for this application which provides an updated traffic count (attached as Appendix 8a); however this is considered by staff to be insufficient information. An updated, full scale TIA with more considerations is deemed to be necessary. For example, through the City's Terms of Reference for a TIA, the report should provide specific recommendations for local street and traffic safety improvements needed as a direct result of the proposed development of > 100 units.

The Covenant agreed to by the applicant (Item 2) III in the Motion for Consideration) will ensure that: a) an updated traffic study is necessary for the City's review at the Form and Character Development Permit application stage; and b) the owner/developer is responsible for all associated off-site traffic improvement costs, unless the City wishes to partner or budget for some of the improvements needed. Located in Residential Development Area A, the local street network could be regarded as a priority for Council for capital works and improvements. Staff envision upgrades to 3 Avenue SE and/or 2 Avenue SE leading to 10 Street SE will be necessary to support the proposed density and traffic generation, and doing so would align with what staff is recommending for a new 4 Avenue SE connector. Furthermore, the applicant has agreed to provide an additional width of asphalt for on-street parking along a new 11 Street frontage of the subject properties.

#### **4 Avenue SE Connector**

An Advanced Street Plan is a technical document used by City staff to determine new road alignments for undeveloped neighbourhoods and future developments. They are planned with best engineering practices in mind, public safety and operational/maintenance considerations. These plans help ensure access to lands beyond, connectivity and they influence road reserve funding. Without them, new neighbourhoods could not be developed in an orderly manner. Benefitting the broader neighbourhood, they are often contentious as typically no landowner wants an ASP demarcated over his/her property let alone being responsible for building a portion of the road network. Along with that and higher density development, there can be neighbourhood resistance to new road extensions that will generate higher traffic volumes.

For more than 10 years the City has been contributing to a "4 Avenue SE Reserve Fund" to assist with the planning, design, potentially land acquisition and partial construction of a new 4 Avenue SE connection in the vicinity of the subject properties. The intention is for 4 Avenue SE to be upgraded to the Local Urban Street Standard and connect to the constructed segment intersecting with 17 Street SE, and then westward to 10 Street SE making a less interrupted linkage to the central core of the City. Bypassing the Okanagan Avenue / 11 Street SE intersection is also a major objective. The current alignment of 4 Avenue SE is over 100 years old and feeds to Okanagan Avenue via 11 Street SE. With numerous right-angled jogs, no paving or drainage controls, the road is substandard and lacks a fluid design. The present alignment also acts as a notable pedestrian/cycling route that ends up trespassing over several properties.

City staff have commissioned two design options in recent years, both attached in Appendix 13.

Option 1 - design was completed in 2017. Its alignment more or less resembles the present alignment of 4 Avenue SE from where it physically terminates on private property and intersects with 11 Street SE. From there it would continue westward down a dedicated road corridor with a relatively steep embankment connecting to 10 Street SE. Staff have concerns with the finished grades nearing 12% on this design and retaining wall construction required, particularly through the embankment just west of the 11 Street SE. With this alignment there is slightly more properties with established homes to negotiate with, which is not factored into the cost estimate. The benefit of this route is a truer east – west continuation of 4 Avenue with a more direct line to 5 Street SE.

Estimated Cost - less land acquisition = approximately \$1.2 million

Option 2 - design was completed in 2019. This option is recommended by City staff. It is a slightly longer alignment with more curves and therefore a costlier design but with fewer grade issues and less developed properties to negotiate with. This route would connect to 3 Avenue SE at the 11 Street SE intersection and then continue to 10 Street SE. Parcel B would be the starting and end point of the new connector that would continue along 3 Avenue SE, which is presently constructed at a gravel standard. The downside of this option is that it would reconnect to Okanagan Avenue at 10 Street SE versus Option 1 with the straighter route to the lower core area at 5 Street SE.

Estimated Cost - less land acquisition = approximately \$1.4 million



Either option would have positive and negative implications on the future development potential of the large pieces of underdeveloped property in the vicinity. The merits of each can be debated, opposed and/or supported. This report does not delve into that. Option 2 is recommended by City staff because it is a more realistic option for connectivity in the near term, less grade issues and operationally more cost efficient. It would cross over four properties, including the southern boundary (1,733 m<sup>2</sup>) of Parcel B. If fully constructed, it would serve as a suitable, alternative route and linkage for vehicles, pedestrian, cyclists, etc. from 'downtown to mid-town'.

The 2019 concept for Option 2 was forwarded to the applicant in December 2019. At that time the applicant was advised that Staff would be recommending the registration of a road reserve covenant as a condition of rezoning to protect a future alignment of 4 Avenue SE. The 2019 design was also forwarded to land agents and owners of adjacent lots to the south that are directly affected by the road design.

With or without this rezoning application several scenarios could unfold:

Scenario 1 - If there is Council support for rezoning and Option 2, Item 2) II in the Motion for Consideration speaks to the registration of a Road Reserve Covenant in exchange for a payment of up to **\$35,000** for the land. This dollar amount represents the approximate 2020 assessed value of the subject property Parcel B on a per m<sup>2</sup> basis for the 1,733 m<sup>2</sup> of land required for road. As discussed, the applicant is agreeable to providing the City with such Road Reserve Covenant.

Scenario 2 - No rezoning. If the subject properties were only under an application to subdivide, in particular Parcel B, the Approving Officer would require, as a condition for subdivision approval, the dedication and construction to the Local Urban Street Standard the approximate 1,733 m<sup>2</sup> portion shown traversing the southern boundary of Parcel B. Pursuant to the Land Title Act, there would be no compensation payable to the owner/applicant needed for this procedure at subdivision. This scenario also assumes that Council endorses the alignment for Option2.

Scenario 3 - Council rejects Option 2. The proposed Road Reserve tied to this rezoning application would not be needed. That would leave Option 1 as the only future route planned for a 4 Avenue connector.

Because the City is dealing with a rezoning application, and the applicant is agreeable, staff believe it is worth the funds to secure a Road Reserve for the Option 2 alignment now.

#### OTHER COMMENTS

##### **Engineering Department**

Comments are attached as Appendix 14.

##### **Building Department**

No concerns with rezoning proposal.

##### **Fire Department**

No concerns with rezoning proposal.

##### Ministry of Transportation and Infrastructure

Preliminary approval of Bylaw granted - Appendix 15.

#### CONCLUSION

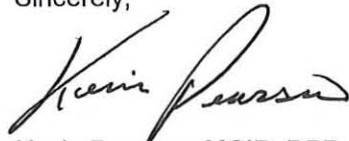
The proposed rezoning of the subject parcels to R-4 is consistent with Land Use and Density Policies of the OCP. Considering that High Density Residential (R-5) zoning and development is supporting by the OCP on the subject parcels and surrounding lands to the south and west, the proposed R-4 development concept and density would be an appropriate fit in this neighbourhood.

The current Motion for Consideration is more complicated than most rezoning applications. It was negotiated and agreed to by staff and the applicant on June 1, 2020. All of the issues and challenges with this land, the need to secure a new alignment for 4 Avenue SE, concerns with the Creek and staff's general expectations for development have been under discussions with the applicant since November 2019. Staff appreciates the cooperation by the applicant in the process.

This is also an opportune time for the City to secure a much needed starting and end point of a future 4 Avenue connector that would benefit the SE quadrant of the City. Being in Residential Development Area A, the City has prioritized such a connector with a Reserve Fund, and staff recommend Council continue to build up that reserve in the years to come.

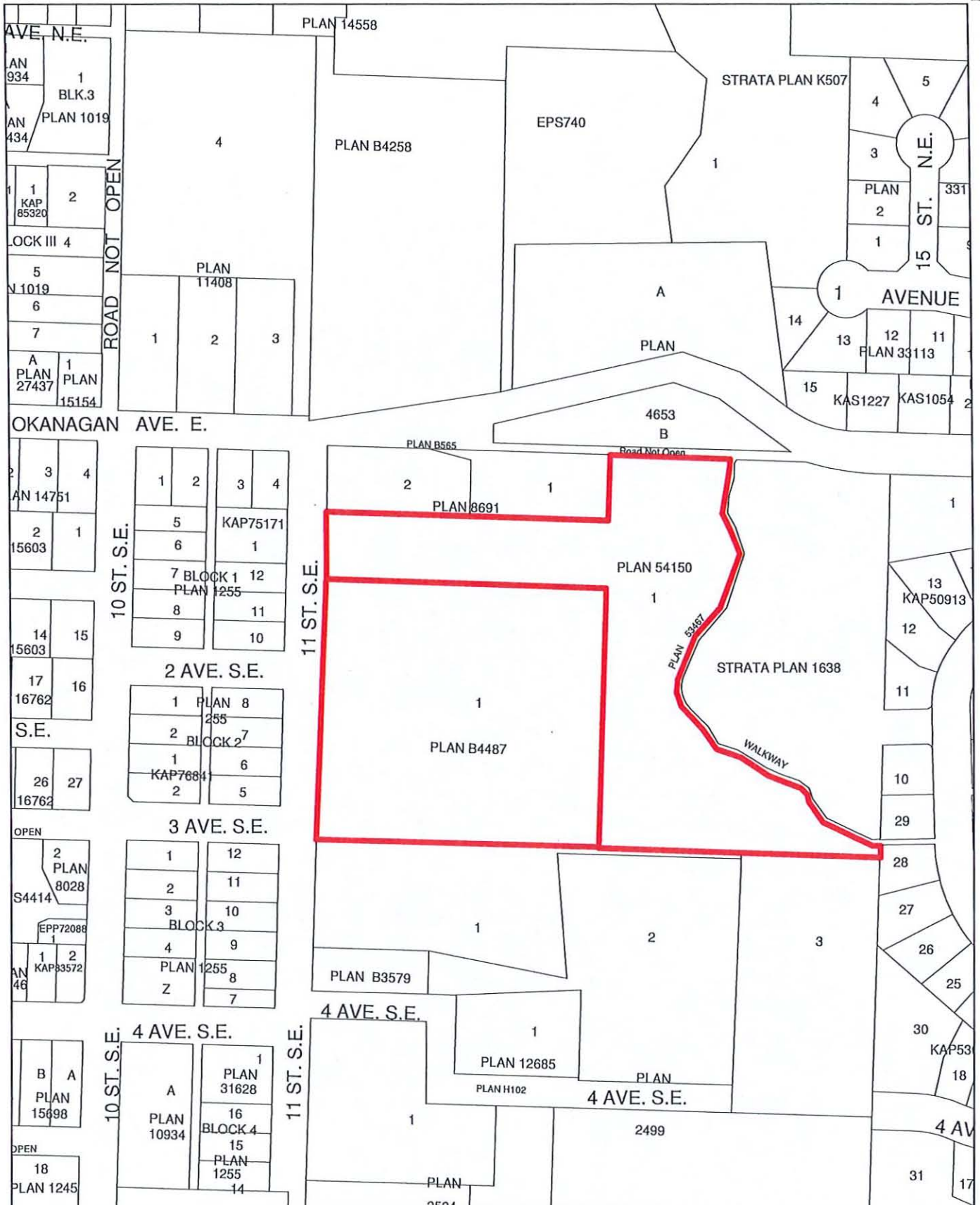
With a very limited land base remaining to develop in the UCB, and the properties situated well within the core residential area of the City, staff are supportive of the rezoning, the conditions outlined in the Motion for Consideration, and for this development concept moving to the Development Permit application stages. Registration of the Covenants referred to in the Motion for Consideration would effectively freeze subdivision or development on the subject properties until further approvals are considered by Council.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Pearson". The signature is fluid and cursive, with the first name "Kevin" being more prominent than the last name "Pearson".

Kevin Pearson, MCIP, RPP  
Director of Development Services



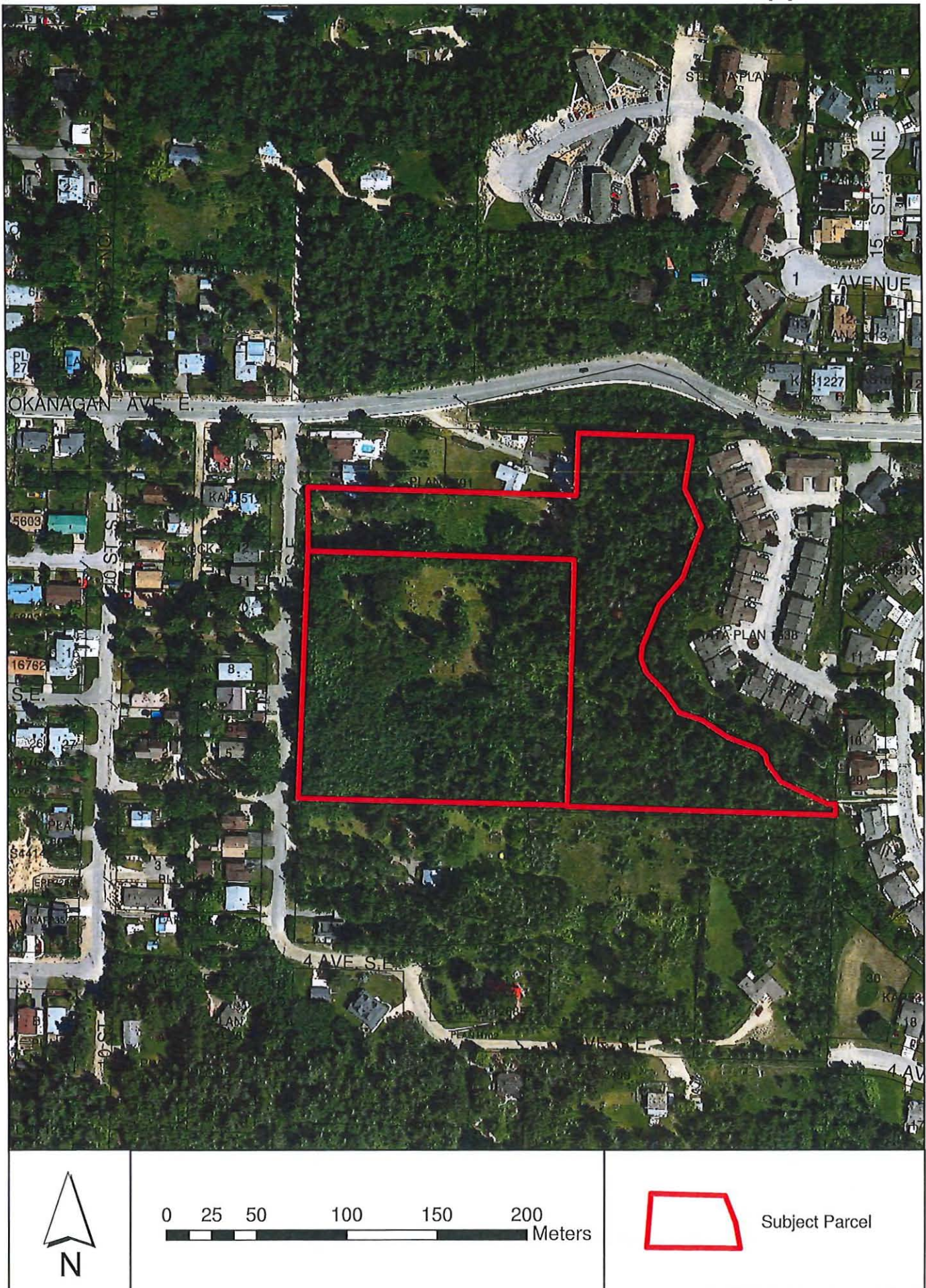


0 25 50 100 150 200 Meters

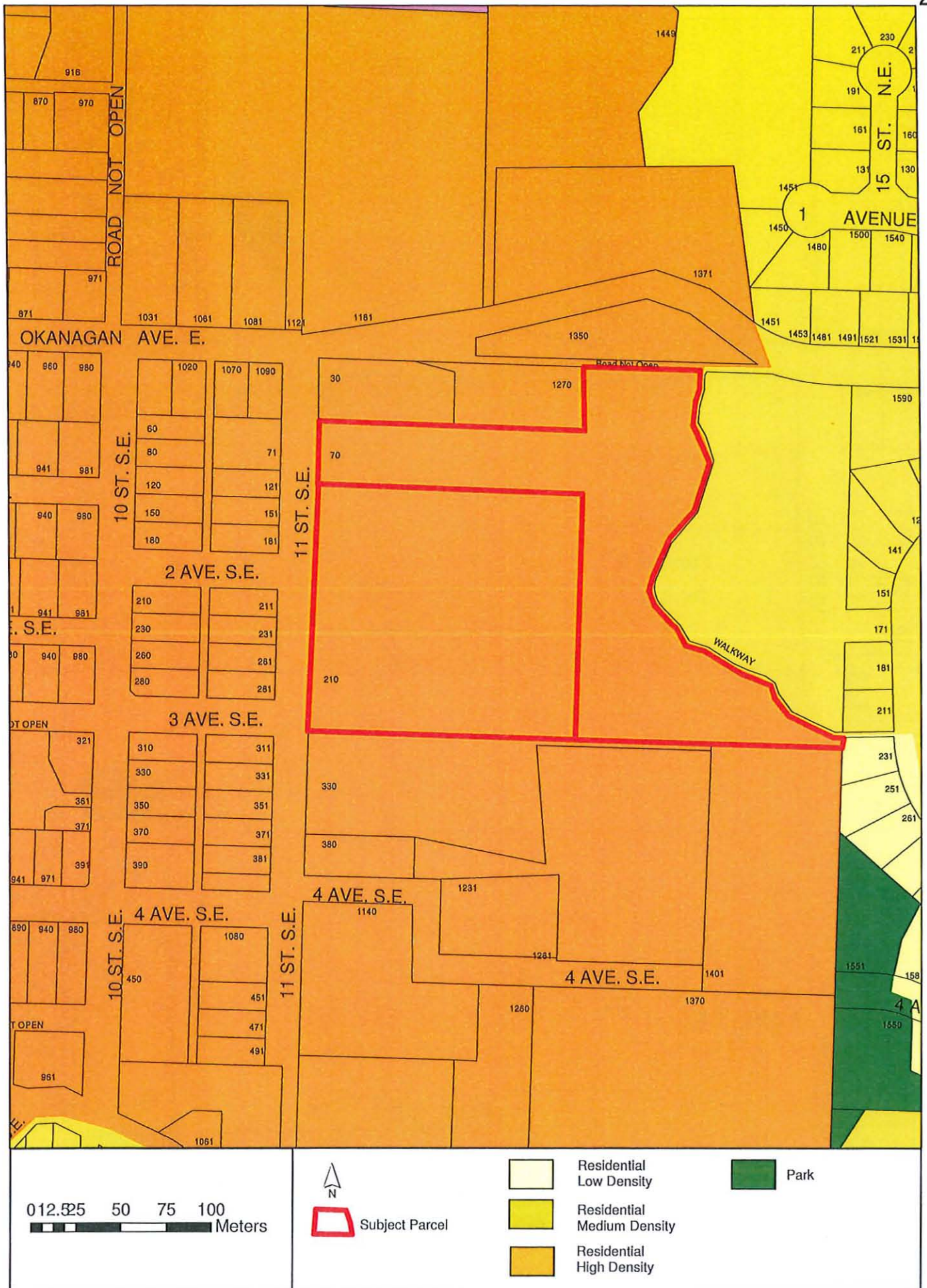


Subject Parcel

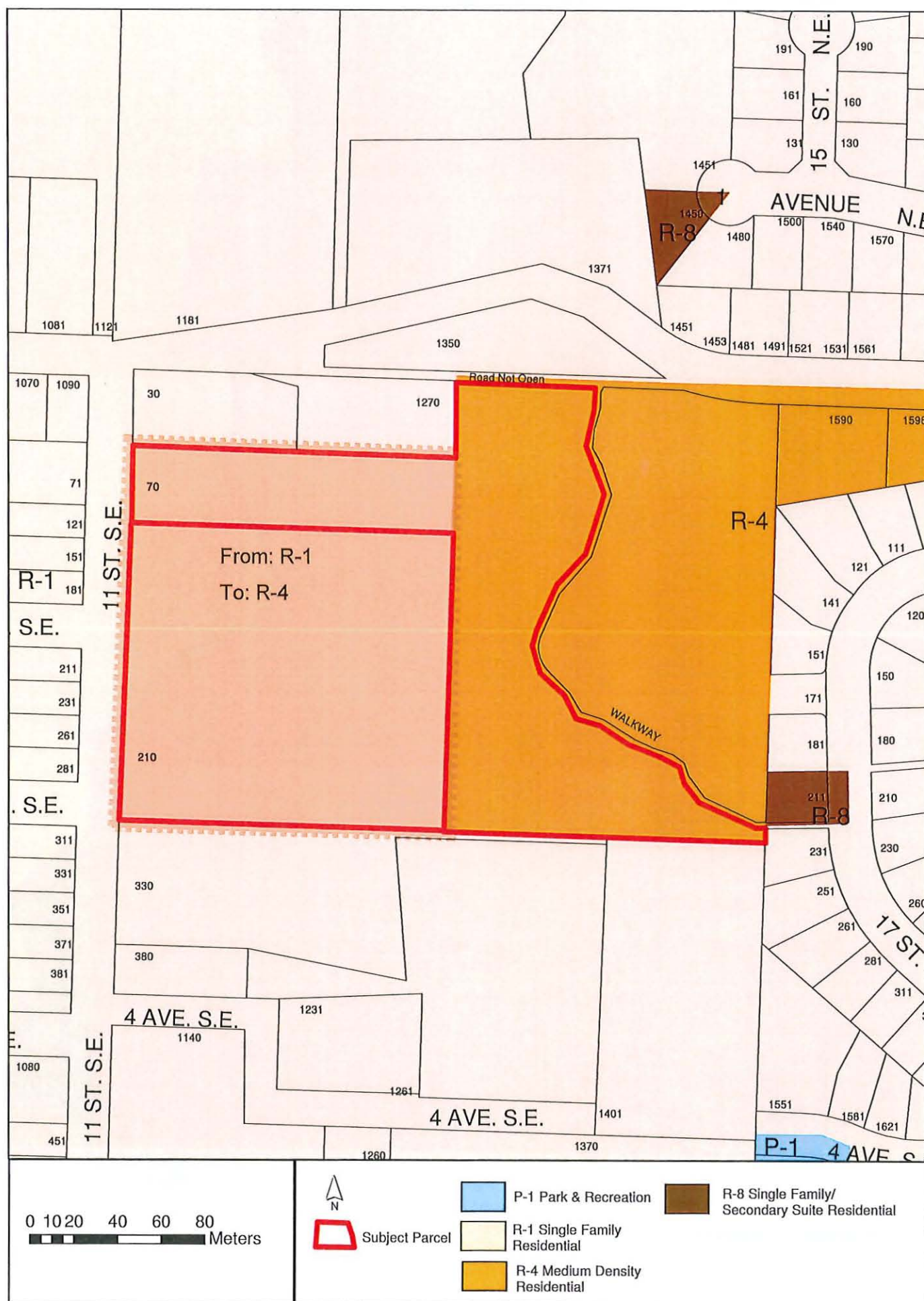














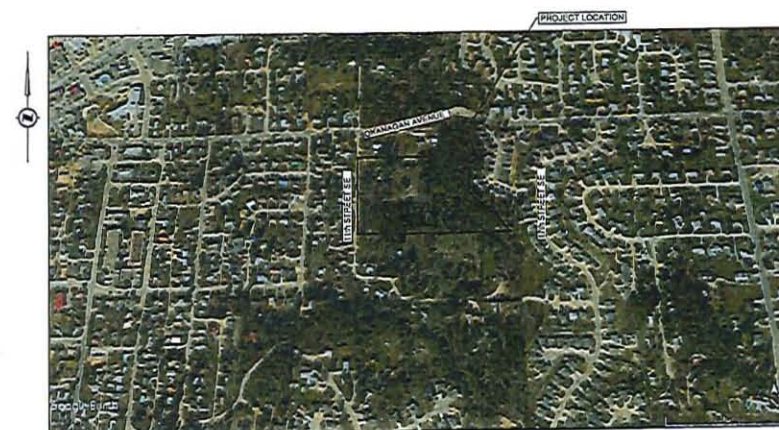
ISSUED FOR REZONING - APRIL 7 2020

DRAWING INDEX	
DWG NO	DWG NAME
1666-1-003	COVER SHEET, DRAWING INDEX, KEY PLAN, AND LOCATION PLAN
1666-1-101	SITE PLAN
1666-1-102	SLOPE PROFILE LOCATIONS
1666-1-103	SLOPE PROFILES 1, 2 AND 3
1666-1-104	SLOPE PROFILES 4, 5 AND 6

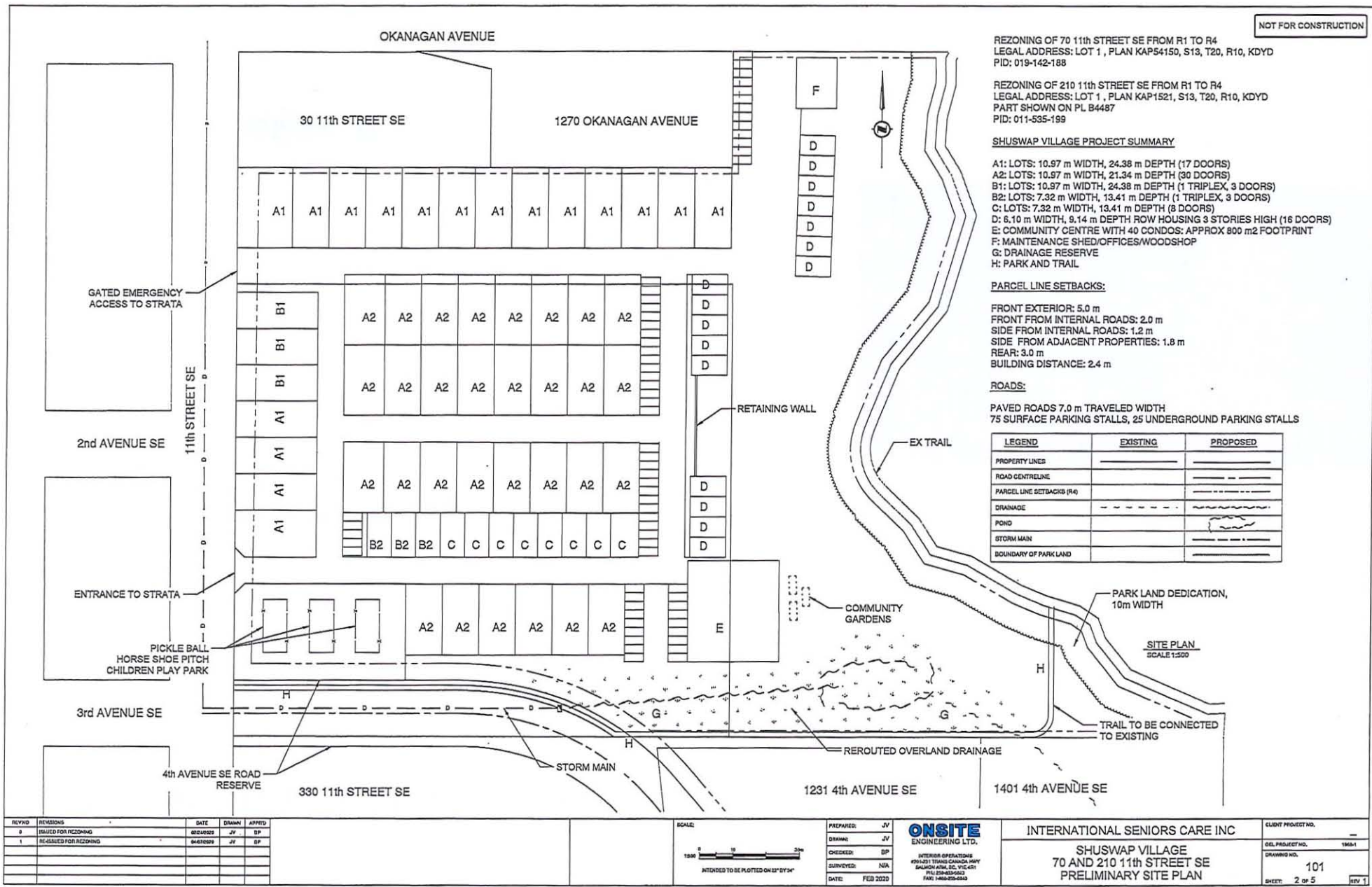
PREPARED BY:

**ONSITE**  
ENGINEERING LTD.

**INTERIOR OPERATIONS**  
#201-231 TRANS CANADA HWY  
SALMON ARM, BC, V1E 4R1  
PH.: 250-833-5643  
FAX: 1-866-235-6943



LOCATION PLAN  
NTS



NOT FOR CONSTRUCTION

REZONING OF 70 11th STREET SE FROM R1 TO R4  
LEGAL ADDRESS: LOT 1, PLAN KAP54150, S13, T20, R10, KDYD  
PID: 019-142-188

REZONING OF 210 11th STREET SE FROM R1 TO R4  
LEGAL ADDRESS: LOT 1, PLAN KAP1521, S13, T20, R10, KDYD  
PART SHOWN ON PL B4487  
PID: 011-535-199

**SHUSWAP VILLAGE PROJECT SUMMARY**

- A1: LOTS: 10.97 m WIDTH, 24.38 m DEPTH (17 DOORS)
- A2: LOTS: 10.97 m WIDTH, 21.34 m DEPTH (30 DOORS)
- B1: LOTS: 10.97 m WIDTH, 24.38 m DEPTH (1 TRIPLEX, 3 DOORS)
- B2: LOTS: 7.32 m WIDTH, 13.41 m DEPTH (1 TRIPLEX, 3 DOORS)
- C: LOTS: 7.32 m WIDTH, 13.41 m DEPTH (8 DOORS)
- D: 6.10 m WIDTH, 9.14 m DEPTH ROW HOUSING 3 STORIES HIGH (16 DOORS)
- E: COMMUNITY CENTRE WITH 40 CONDOS: APPROX 800 m2 FOOTPRINT
- F: MAINTENANCE SHED/OFFICES/WOODSHOP
- G: DRAINAGE RESERVE
- H: PARK AND TRAIL

**PARCEL LINE SETBACKS:**

- FRONT EXTERIOR: 5.0 m
- FRONT FROM INTERNAL ROADS: 2.0 m
- SIDE FROM INTERNAL ROADS: 1.2 m
- SIDE FROM ADJACENT PROPERTIES: 1.8 m
- REAR: 3.0 m
- BUILDING DISTANCE: 2.4 m

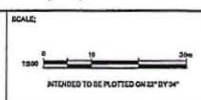
**ROADS:**

- PAVED ROADS 7.0 m TRAVELED WIDTH
- 75 SURFACE PARKING STALLS, 25 UNDERGROUND PARKING STALLS

LEGEND	EXISTING	PROPOSED
PROPERTY LINES	---	---
ROAD CENTRELINE	---	---
PARCEL LINE SETBACKS (R4)	---	---
DRAINAGE	---	---
POND	---	---
STORM MAIN	---	---
BOUNDARY OF PARK LAND	---	---

SITE PLAN  
SCALE 1:500

REVISED	REVISIONS	DATE	DRAWN	APPROVED
2	RAISED FOR REZONING	02/04/2021	JV	SP
1	RE-DESIGNED FOR REZONING	04/07/2019	JV	SP



PREPARED: JV  
DRAWN: JV  
CHECKED: SP  
SUPERVISED: N/A  
DATE: FEB 2020

**ONSITE**  
ENGINEERING LTD.  
INTERIOR OPERATIONS  
4994251 TRAVIS CANADA HWY  
SALMON ARM, BC V1E 4R1  
TEL: 250-433-5513  
FAX: 1-800-255-6543

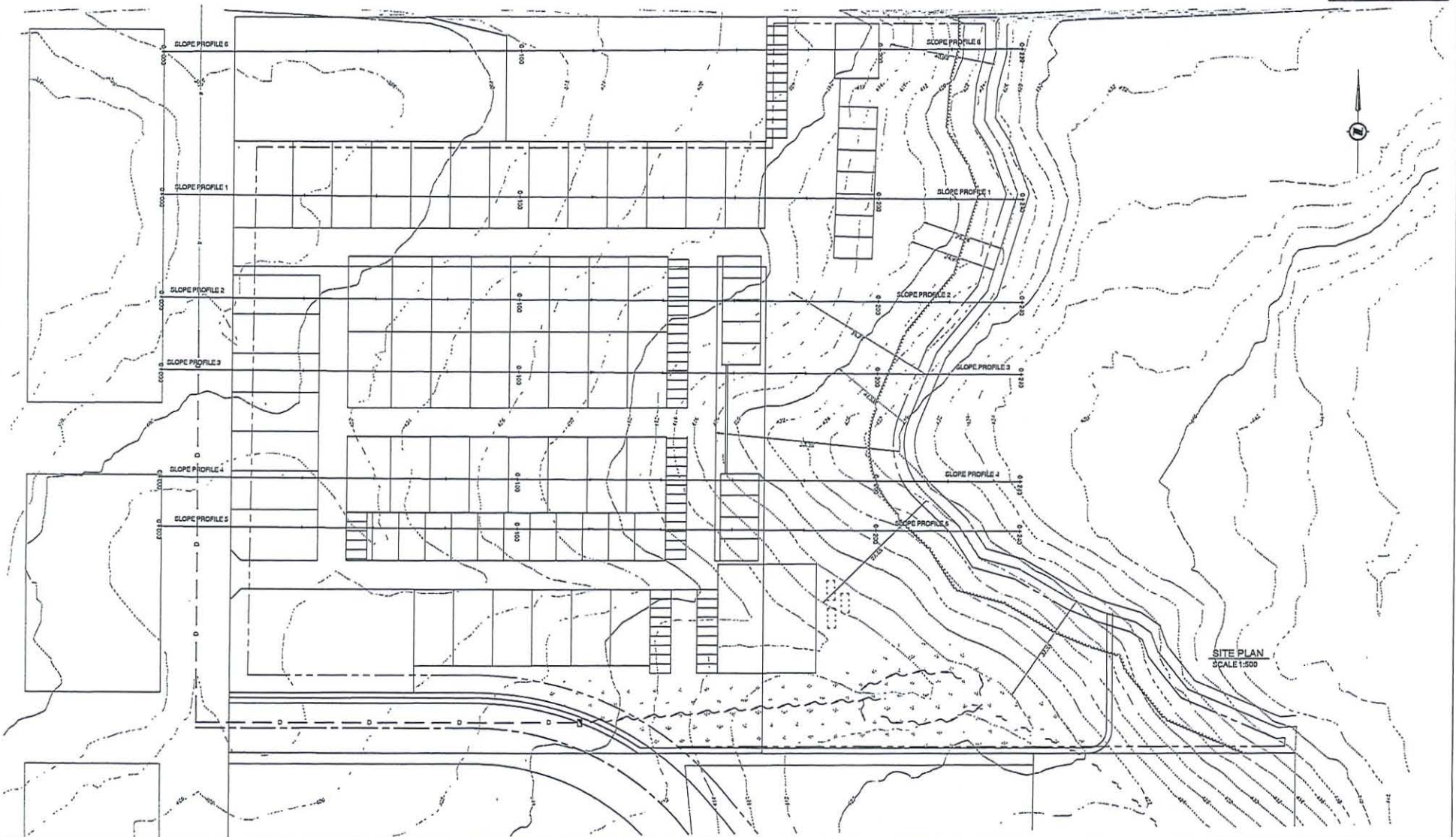
INTERNATIONAL SENIORS CARE INC  
SHUSWAP VILLAGE  
70 AND 210 11th STREET SE  
PRELIMINARY SITE PLAN

CLIENT PROJECT NO.	---
DESIGN PROJECT NO.	1544-1
DRAWING NO.	101
SHEET	2 of 5

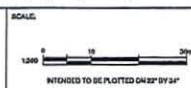
REV 1



NOT FOR CONSTRUCTION



REV NO	REVISIONS	DATE	DRAWN	APPROVED
0	ISSUED FOR REZONING	05/04/2020	JV	SP
1	RE-ISSUED FOR REZONING	04/07/2020	JV	SP



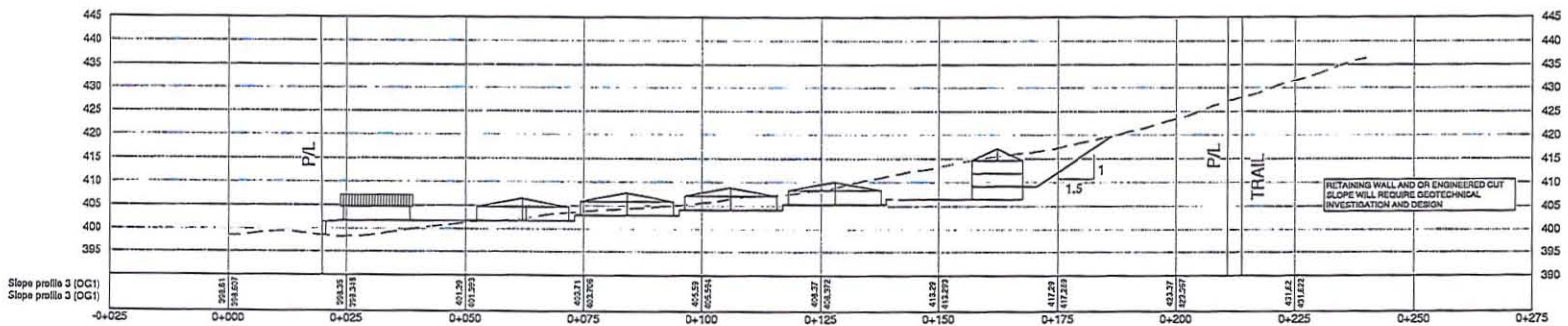
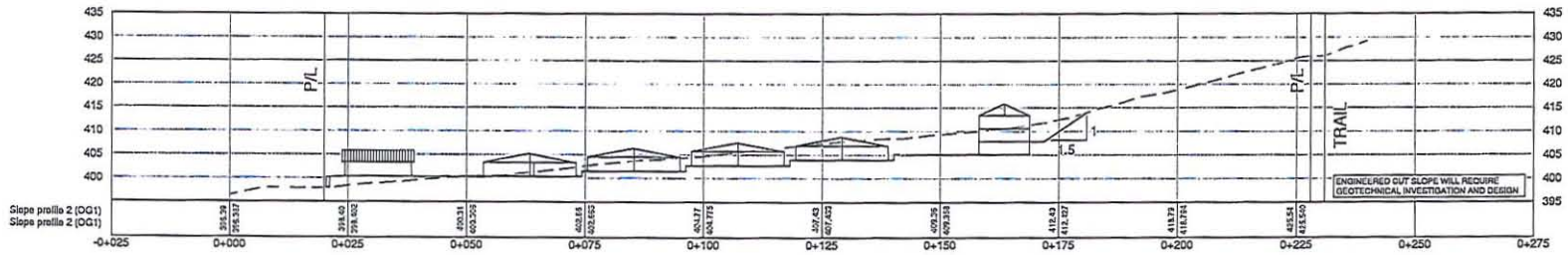
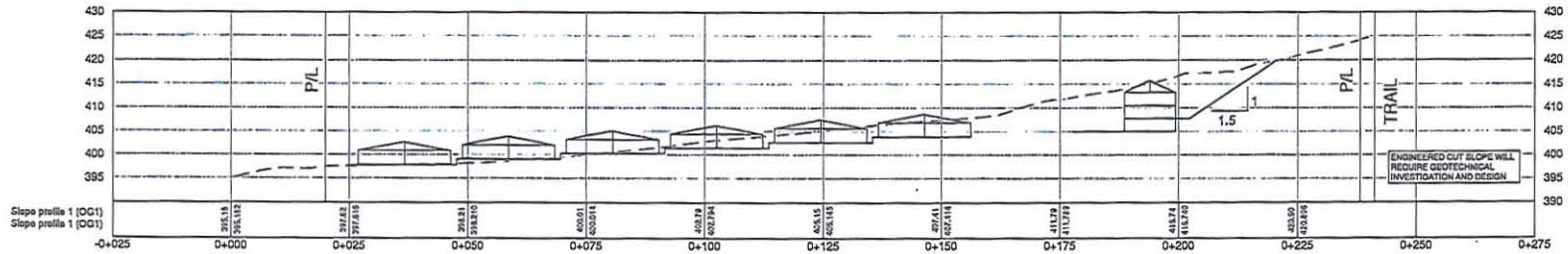
PREPARED: JV  
 DRAWN: JV  
 CHECKED: SP  
 SURVEYED: N/A  
 DATE: FEB 2020

**ONSITE**  
 ENGINEERING LTD.  
 10001 110th STREET, SUITE 100  
 SURREY, BC V4N 1V1  
 TEL: 604-595-8843  
 FAX: 604-595-8843

INTERNATIONAL SENIORS CARE INC  
 SHUSWAP VILLAGE  
 70 AND 210 11th STREET SE  
 SLOPE PROFILE LOCATIONS

CLIENT PROJECT NO. 199-1  
 DEL. PROJECT NO. 199-1  
 DRAWING NO. 102  
 SHEET: 3 of 5  
 REV. 1

NOT FOR CONSTRUCTION



REVNO	REVISIONS	DATE	DRAWN	APPROV
1	BASED FOR REZONING	02/06/2020	JV	SP
2	RE-DESIGNED FOR REZONING	04/07/2020	JV	SP

SCALE  
1"=100'  
INTENDED TO BE PLOTTED ON 11" BY 17"

PREPARED: JV  
DRAWN: JV  
CHECKED: DP  
SUPERVISED: N/A  
DATE: FEB 2020

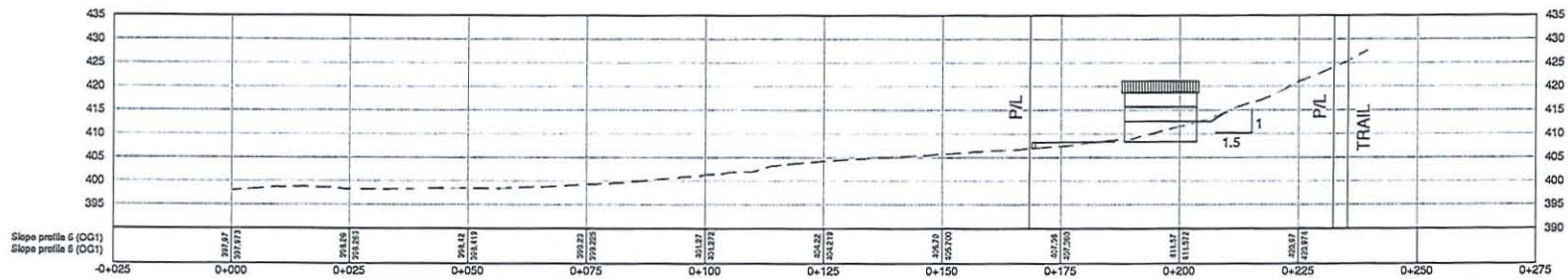
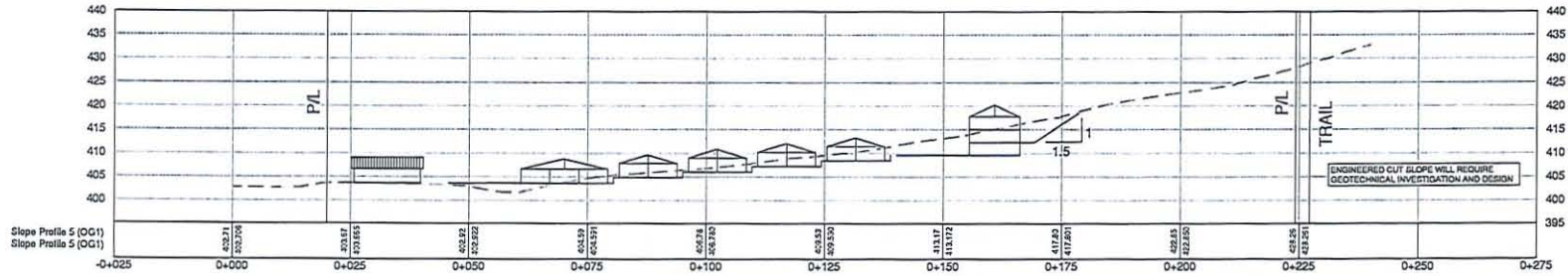
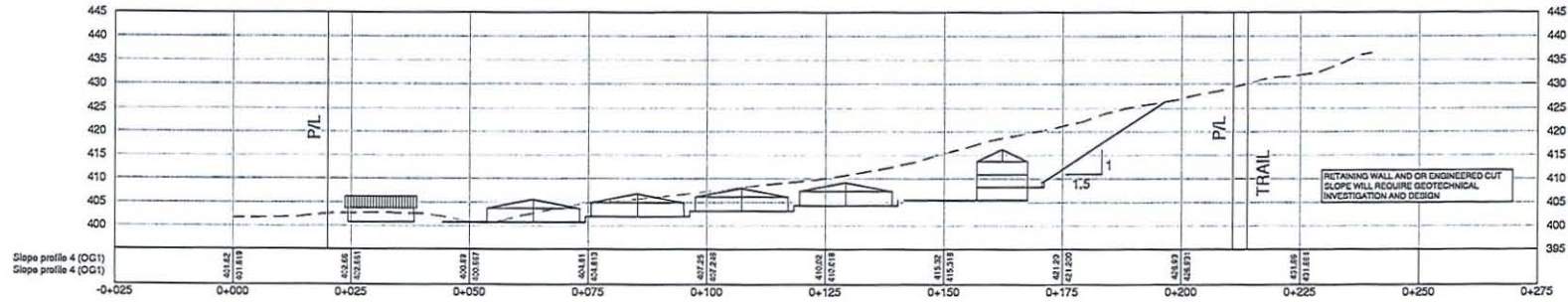
**ONSITE**  
ENGINEERING LTD.  
INTERIOR OPERATIONS  
100-11111 11th Street SE  
SAVANNAH, GA 31707  
TEL: 706-334-0000  
FAX: 706-334-0000

INTERNATIONAL SENIORS CARE INC  
SHUSWAP VILLAGE  
70 AND 210 11th STREET SE  
SLOPE PROFILES 1, 2 AND 3

CLIENT PROJECT NO. 100-1  
DOW PROJECT NO. 100-1  
DRAWING NO. 103  
SHEET 4 of 5 REV 1



NOT FOR CONSTRUCTION



REV NO	REVISIONS	DATE	DRAWN	APPROVED
1	ISSUED FOR RECORDING	04-04-2008	JV	DP
2	RE-ISSUED FOR RECORDING	04-04-2008	JV	DP

SCALE:  
0 10 20m  
INTENDED TO BE PLOTTED ON 8" BY 34"

PREPARED: JV  
DRAWN: JV  
CHECKED: DP  
SURVEYED: N/A  
DATE: MON YYYY

**ONSITE**  
ENGINEERING LTD.  
INTERIOR OPERATIONS  
881-201 TRANS CANADA HWY  
SALMON ARM, BC, V1E 4R1  
TEL: 250-533-5500  
FAX: 1-800-253-4943

INTERNATIONAL SENIORS CARE INC  
SHUSWAP VILLAGE  
70 AND 210 11TH STREET SE  
SLOPE PROFILES 4, 5 AND 6

CLIENT PROJECT NO. 1  
OCL PROJECT NO. 1986-1  
DRAWING NO. 104  
SHEET 5 of 5 REV 1

**SECTION 9 - R-4 - MEDIUM DENSITY RESIDENTIAL ZONE****Purpose**

- 9.1 The purpose of the R-4 Zone is to provide for medium *density, multiple family* and small lot *single family* residential developments. New *multiple family* developments zoned R-4 shall be required to obtain a *Development Permit* as per the requirements of the *Official Community Plan*, and shall comply with the provisions of the *Fire Services Act*, *British Columbia Building Code*, and other applicable legislation. #289, #3740

**Regulations**

- 9.2 On a *parcel zoned R-4*, no *building or structure* shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out in the *R-4 Zone* or those regulations contained elsewhere in this Bylaw.

**Permitted Uses**

- 9.3 The following uses and no others are permitted in the R-4 Zone:
- .1 *assisted living housing*; #4336
  - .2 *bed and breakfast in a single family dwelling*, limited to two let rooms;
  - .3 *boarders*, limited to two;
  - .4 *boarding home*; #2789
  - .5 *commercial daycare facility*;
  - .6 *dining area*; #4336
  - .7 *duplexes*;
  - .8 *family childcare facility*; #3082
  - .9 *group childcare*; #3082
  - .10 *home occupation*; #2782
  - .11 *multiple family dwellings*;
  - .12 *public use*;
  - .13 *public utility*;
  - .14 *single family dwelling*;
  - .15 *triplexes*;
  - .16 *accessory use*.

**Maximum Height of Principal Buildings**

- 9.4 The maximum *height* of a *principal buildings* shall be 10.0 metres (32.8 feet). This may be increased to 13.0 metres (42.7 ft.), via the *Development Permit* process, if any of the special amenity(ies) in Table 2 are provided.

**Maximum Height of Accessory Buildings**

- 9.5 The maximum *height* of an *accessory building* shall be 6.0 metres (19.7 feet).

**Maximum Parcel Coverage**

- 9.6 The total maximum *parcel coverage* for *principal* and *accessory buildings* shall be 55% of the *parcel area*, of which 10% shall be the maximum *parcel coverage* for *accessory buildings*. #2811

**Minimum Parcel Area**

- 9.7
- .1 The minimum *parcel area* for a *single family dwelling* shall be 300.0 square metres (3,229.3 square feet).
  - .2 The minimum *parcel area* for a *duplex* shall be 600.0 square metres (6,458.6 square feet).
  - .3 The minimum *parcel area* for all other uses shall be 900.0 square metres (9,687.8 square feet).



**Minimum Parcel Width**

9.8

- .1 The minimum *parcel width* shall be 30.0 metres (98.5 feet). #3740
- .2 Notwithstanding Section 9.8.1, the minimum *parcel width* for a *single family* lot shall be 10.0 metres (32.8 feet).
- .3 Notwithstanding Section 9.8.1, the minimum *parcel width* for a stacked *duplex* lot shall be 14.0 metres (45.9 feet).
- .4 Notwithstanding Section 9.8.1, the minimum *parcel width* for a side-by-side *duplex* lot shall be 20.0 metres (65.6 feet).

**Minimum Setback of Principal Buildings**9.9 The minimum *setback* of *principal buildings* from the:

- .1 *Front parcel line*
  - adjacent to a *highway* shall be 5.0 metres (16.4 feet)
  - adjacent to an *access route* shall be 2.0 metres ( 6.6 feet)
- .2 *Rear parcel line*
  - adjacent to a *parcel zoned*  
R-4 shall be 3.0 metres ( 9.8 feet)
  - all other cases shall be 5.0 metres (16.4 feet)
- .3 *Interior side parcel line*
  - adjacent to a *parcel zoned*  
R-4 shall be 1.2 metres ( 3.9 feet) #3475
  - all other cases shall be 1.8 metres ( 5.9 feet)
- .4 *Exterior side parcel line*
  - adjacent to a *highway* shall be 5.0 metres (16.4 feet)
  - adjacent to an *access route* shall be 2.0 metres ( 6.6 feet)
- .5 Minimum separation between residential *buildings* on the same lot of not more than one storey in height shall be 1.5 metres ( 4.9 feet)
- .6 Minimum separation between residential *buildings* on the same lot of more than one storey in height shall be 3.0 metres ( 9.8 feet)
- .7 Notwithstanding Sections 9.9.2 and 9.9.3, a *principal building* on a corner *parcel* may be sited not less than 1.5 metres (4.9 feet) from the *rear parcel line* provided the combined total of the *rear* and *interior side yards* shall be not less than 6.0 metres (19.7 feet).
- .8 Refer to Section 4.9 for "Special Building Setbacks" which may apply. #2811

**Minimum Setback of Accessory Buildings**9.10 The minimum *setback* of accessory *buildings* from the:

- .1 *Front parcel line* shall be 5.0 metres (16.4 feet)
- .2 *Rear parcel line* shall be 1.0 metre ( 3.3 feet)
- .3 *Interior side parcel line* shall be 0.6 metre ( 1.9 feet)
- .4 *Exterior side parcel line* shall be 5.0 metres (16.4 feet)

Refer to "Pound and Animal Control Bylaw" for special setbacks which may apply. #2811

**SECTION 9 - R-4 - MEDIUM DENSITY RESIDENTIAL ZONE - CONTINUED****Maximum Density**

Note: The following *density* provisions are based on the *gross parcel area*. Parking requirements, *setback* requirements, road dedication, etc. have not been taken into consideration.

9.11

- .1 The maximum *density* shall be a total of 40 *dwelling units* or *sleeping units* per hectare (16.2 *dwelling units* or *sleeping units* per acre). #2789
- .2 Notwithstanding Section 9.11.1, the maximum *density* in the R-4 Zone may be increased to a maximum of 50 *dwelling units* per hectare (20.2 units per acre) in accordance with Table 2. In Table 2, Column I sets out the special amenity to be provided and Column II sets out the added *density* assigned for the provision of each amenity.
- .3 Notwithstanding Section 9.11.1, the maximum *density* in the R-4 Zone may be increased to a maximum of 50 *dwelling units* per hectare (20.2 units per acre) for the provision of *Assisted Living Housing*. #4336

**TABLE 2**

<b>COLUMN I SPECIAL AMENITY TO BE PROVIDED</b>	<b>COLUMN II ADDED DENSITY</b>
1. Provision of each dwelling unit which caters to the disabled (e.g. wheelchair access)	□ 2 units per hectare (0.8 units per acre)
2. Provision of <i>commercial daycare facility</i> 7 - 10 children 11 - 15 children 16 or more children	□ 3 units per hectare (1.2 units per acre) □ 4 units per hectare (1.6 units per acre) □ 7 units per hectare (2.8 units per acre)
3. Provision of below <i>grade</i> or <i>parkade</i> type parking for at least 50% of the required off street parking	□ 10 units per hectare (4.0 units per acre)
4. Provision of each rental <i>dwelling unit</i>	□ 2 units per hectare (0.8 units per acre)
5. Provision of affordable rental <i>dwelling units</i> in accordance with special agreement under Section 904 #3218	□ 5 units per hectare (2.0 units per acre)

**Maximum Floor Area Ratio**

9.12 The maximum *floor area ratio* of a *single family dwelling* shall be 0.65.

**Parking**

9.13 Parking shall be required as per Appendix I.





11 Street SE Looking North



11 Street SE Looking South





Top of Ravine Looking North



Top of Ravine Looking East



Engineering and  
Planning Consultants

9th Floor  
1199 West Hastings  
Vancouver  
British Columbia  
Canada V6B 3T5

Telephone: 604 / 684 4488  
Facsimile: 604 / 684 5908  
email: office@gdhamilton.com  
www.gdhamilton.com

3901 Gallaghers Circle  
Kelowna, B.C.  
V1W 3Z9

April 2, 2003

Mr. Orville Cumming  
c/o 604895 B.C. Ltd.,  
1860 - 20<sup>th</sup> Street S.E.  
Salmon Arm, B.C.  
V1E 2N2

Dear Mr. Cummings:

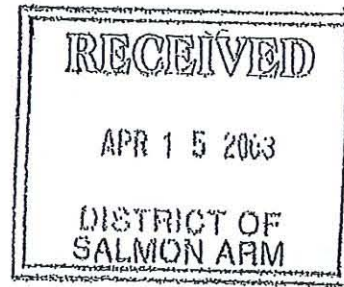
**Re: Traffic Review, Okanagan Avenue East and 11<sup>th</sup> Street SE,  
District of Salmon Arm**

We are pleased to submit this letter report summarizing the results of our traffic review for the Okanagan Avenue East and 11<sup>th</sup> Street SE Intersection. This letter describes our study process, and the results and conclusions about the traffic impact of the proposed residential unit development south of the intersection.

## 1.0 Background

A 44 unit residential development is proposed on 11<sup>th</sup> Street SE immediately south of Okanagan Avenue E. 11<sup>th</sup> Street SE is a local north-south low standard paved rural roadway that extends southwards from Okanagan Avenue E and currently services approximately six residences. Residents can also access Okanagan Avenue E via unpaved 2<sup>nd</sup> and 3<sup>rd</sup> Avenue SE to the nearby intersection of 10<sup>th</sup> Street SE.

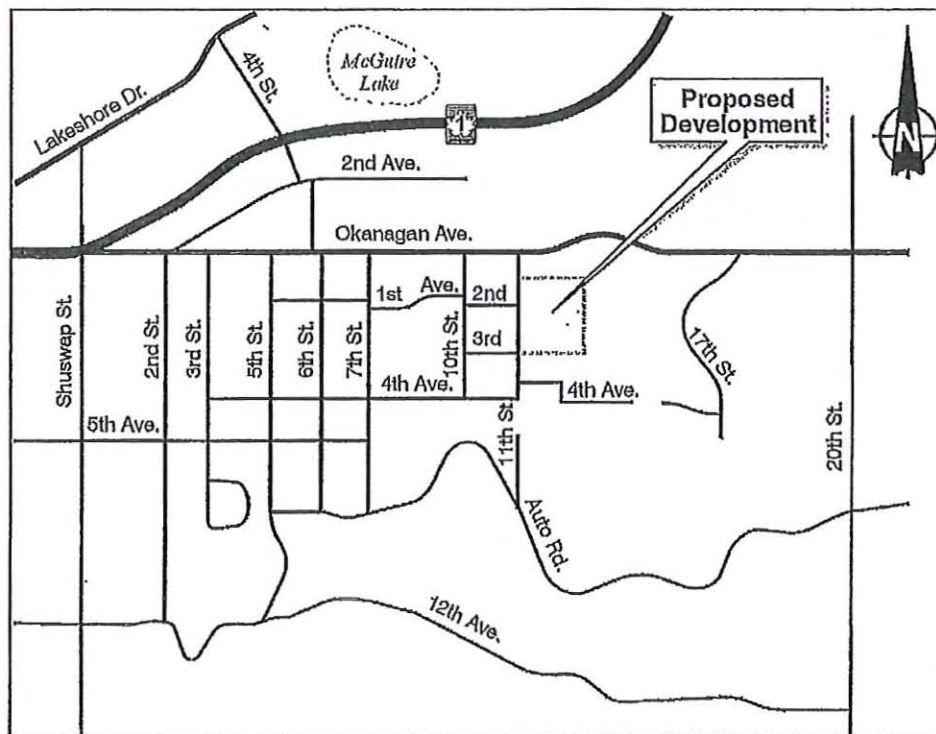
Okanagan Avenue E is an east-west collector street that connects residential subdivisions in southeast Salmon Arm with the Central Business Area. A 1997 traffic count west of 20<sup>th</sup> Street SE, indicated that nearly 6,000 vehicles per day travel on Okanagan Avenue E.



ISO 9001 Registered  
Quality Assured



The District of Salmon Arm is concerned about sight line limitations at the intersection of 11<sup>th</sup> Street SE and Okanagan Avenue E and the generally poor condition of the roadway network in this neighborhood. Given the increased traffic volume that the proposed subdivision will generate at the three-leg intersection, the District has requested that a traffic study be carried out by the developer to determine the impact that the increased volumes may have on the safe movement of traffic. The developer commissioned Hamilton Associates to carry out the traffic study.



**FIGURE 1 EXISTING STREET CONFIGURATION IN THE VICINITY OF THE PROPOSED DEVELOPMENT**

*Note that 4<sup>th</sup> Avenue is not continuous between 11<sup>th</sup> Street and 17<sup>th</sup> Street and that 11<sup>th</sup> Avenue does not connect between Auto Road and 4<sup>th</sup> Avenue.*





## 2.0 Literature Search

Intersection sight distance is defined as the sight distance available from a point where vehicles are required to stop on the intersecting road (11<sup>th</sup> Street SE), while drivers are looking left and right along the major roadway (Okanagan Avenue E), before entering the intersection. The intersection sight distance is considered adequate when it allows vehicles to safely make all maneuvers that are permitted, without significantly affecting vehicles traveling on the main roadway.

In the case of a stop control on the minor roadway, the sight triangles are a function of the vehicle speeds on the major roadway and the departure maneuver of the vehicle leaving the stopped condition. In the case of tee intersections, a stopped vehicle should be able to see an oncoming vehicle and be able to turn left or right onto the intersecting roadway and then accelerate to the normal running speed of the vehicles on the main roadway without interfering with the passage of the through traffic.

The *Geometric Design Guide for Canadian Roads (Guide)*, (1999), published by the Transportation Association of Canada, defines the sight distance for turning movements from a stop condition. This Guide is used by most jurisdictions in Canada to design and operate streets and highways. The Guide recommendations were used to evaluate the study intersection.

The Guide specifies the height of eye for the observer to be 1.05 metres and the height of the approaching object as 1.30 metres, which would be the upper part of a passenger vehicle. Also specified are average driver perception and reaction times and vehicle acceleration rates. Adjustments are necessary to the acceleration rates to account for grades and heavy vehicles.

Typically, the desirable sight distance required for a driver leaving a stop condition to enter a 2 lane road with a design speed of 50 km/h is 120 metres. 160 metres is required for a design speed of 60 km/h. While some drivers can accelerate their vehicles rapidly and can enter a roadway with less sight distance, the purpose of the values specified in the Guide are to provide sufficient sight distances for drivers with slower perception and reaction times to safely complete their turns as well.



### 3.0 Site Visit

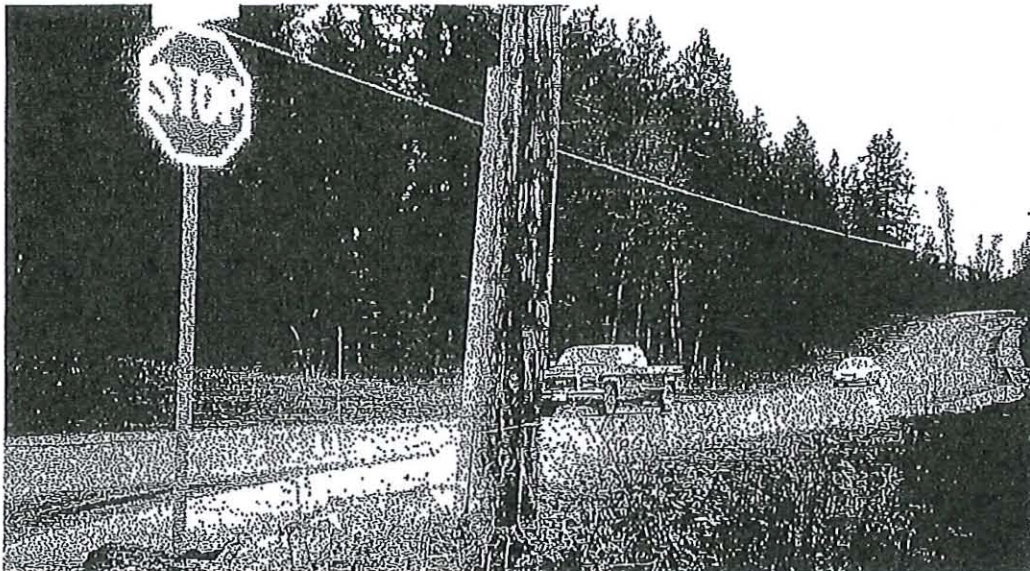
On January 29, 2003, Mr. Albert Popoff, P.Eng. visited the study site in Salmon Arm. He met with the District of Salmon Arm Municipal Engineer, Mr. Dale McTaggart and the developer, Mr. Orville Cumming. Both provided plans and other information. Data were gathered and observations were carried out in the study area.

#### A. 11<sup>TH</sup> STREET SE AND OKANAGAN AVENUE EAST

The following observations and measurements were made at the main study intersection:

- The intersection operates as a tee intersection because the north leg is not developed and is unlikely to develop in the future.
- 11<sup>th</sup> Street SE has a significant downgrade immediately south of Okanagan Avenue East. 11<sup>th</sup> Street SE does not level off before it intersects Okanagan Avenue E, therefore when vehicles are stopped at the stop sign, the front of their vehicle is higher than the rear.
- Okanagan Avenue E carries significant volumes of traffic between the business area and residential subdivisions with approximately 6,000 per day according to a 1997 count. Assuming a growth rate of 1.5% per year the current traffic volumes on Okanagan Avenue E would be about 6500 vehicles per day. During the mid-day observations there were approximately three vehicles per minute approaching the 11<sup>th</sup> Street SE intersection, from each direction.
- Okanagan Avenue E rises from west to east at an approximate grade of 10 percent
- Westbound vehicles travel at an average speed of 60 kilometres per hour (downhill), whereas eastbound vehicle speeds are estimated to be 50 kilometres per hour (uphill).
- The approach speeds on 11<sup>th</sup> Street SE are below 50 kilometres per hour.
- A northbound vehicle on 11<sup>th</sup> Street SE stopped at the stop sign has over 200 metres of visibility of approaching vehicles from the east, as shown in FIGURE 1. Sight lines to the west are approximately 50 metres due to a vertical curve on Okanagan Avenue E between 11<sup>th</sup> Street SE and 10<sup>th</sup> Street SE, as shown in FIGURE 2.
- A solid wood fence, shrubs and a group mailbox in the southwest quadrant restrict the sight triangle for vehicles approaching Okanagan Avenue E. The southeast quadrant has a clear sight triangle.
- An eastbound vehicle was parked for a short period of time on south side of Okanagan Avenue E between 10<sup>th</sup> and 11<sup>th</sup> Streets SE in a location that further restricted the sight lines to the west. Currently there are no signs prohibiting parking.





**FIGURE 2 11<sup>TH</sup> STREET SE AND OKANAGAN AVENUE E LOOKING EAST**

*View from 11<sup>th</sup> Street SE looking east while stopped and waiting to enter Okanagan Avenue E. Good sight lines are available to see oncoming vehicles.*



**FIGURE 3 11<sup>TH</sup> STREET SE AND OKANAGAN AVENUE E LOOKING WEST**

*View from 11<sup>th</sup> Street SE looking west while stopped and waiting to enter Okanagan Avenue E. The vehicle with the headlights on has just become visible and is approximately 50 metres away from the intersection.*





- Stopped vehicles entering Okanagan Avenue E had to react and accelerate very quickly in order make a right or left turn safely.
- Collision information gathered for the November, 2001, Safer City Initiative Study by Hamilton Associates, indicates that there were three collisions at or near the intersection between 1995 and 2000. One was a rear-end collision, and another involved a left turning vehicle. The configuration of the third collision is not known. There is insufficient information to determine collision patterns.

#### B. 10<sup>TH</sup> STREET SW AND OKANAGAN AVENUE EAST

The characteristics of the intersection of 10<sup>th</sup> Street SE and Okanagan Avenue E (the nearest intersection to the west) were observed to determine if it would be an alternative access for the new development instead of 11<sup>th</sup> Street SE.

- The traffic volumes, speeds, and grade observations on Okanagan Avenue E are similar at 10<sup>th</sup> Street SE to those at 11<sup>th</sup> Street SE.
- 10<sup>th</sup> Street SE would have more than double the traffic volume than 11<sup>th</sup> Street SE because 10<sup>th</sup> Street SE currently serves a larger number of residents.
- 10<sup>th</sup> Street approaches Okanagan Avenue E on a flatter grade than 11<sup>th</sup> Street SE, but approach speeds would be similar.
- Vehicles on 10<sup>th</sup> Street NE, when stopped at the stop sign at Okanagan Avenue E, have over 150 metres visibility of vehicles approaching from the west. Visibility of vehicles approaching from the east is limited by the vertical curvature to approximately 80 metres.

### 3.0 Review of Sight Lines

TABLE 1 summarizes the required and available sight lines at the intersection of 11<sup>th</sup> Street SE and Okanagan Avenue E. The sight distances to the right were not compared, as a clear sight triangle currently provides over 250 metres of visibility in this direction,





**TABLE 1 REQUIRED AND AVAILABLE SIGHT DISTANCES  
AT 11<sup>TH</sup> STREET SE AND OKANAGAN AVENUE EAST**

CONDITION	REQUIRED Sight Distance from the left*	AVAILABLE SIGHT DISTANCE FROM THE LEFT*
Sight distance for a passenger vehicle to turn <u>right</u> onto a two-lane roadway and attain enough speed so as not to be overtaken by an approaching vehicle from the left at a speed of 50 km/h	120 metres**	50 metres
Sight distance for a passenger vehicle to turn <u>left</u> onto a two-lane roadway across the path of passenger vehicles approaching from the left at a speed of 50 km/h.	100 metres	50 metres

\* Adequate sight distances are available to the right and are not an issue.

\*\* This assumes passenger vehicles on a level grade. Heavy trucks would need more sight distance because of their slower acceleration, especially on an upgrade.

A northbound vehicle stopped on 11<sup>th</sup> Street SE must be able to see a vehicle approaching at 50 km/h on their left at least 100 metres away (approximately at 10<sup>th</sup> Street SE) to be able to safely make a left turn onto Okanagan Avenue E. This translates to approximately 7 seconds of time to perceive a safe gap from both directions, make a decision, then react and begin to accelerate across the eastbound lane and turn left into the westbound lane. The current sight distance is about 50 metres due to a vertical curve on Okanagan Avenue E. The 50 metre sight distance point is located near the back lane between 11<sup>th</sup> and 10<sup>th</sup> Street SE.

The sight distance required for right turns is 120 metres because the entering vehicle has to accelerate to a speed so as not to interfere with the approaching vehicle from their left travelling at a speed of 50 km/h.

A review of general collision information indicates that right angle collisions have more serious outcomes than rear end collisions, especially in terms of causing injuries and fatalities.

At 10<sup>th</sup> Street SE and Okanagan Avenue E., the required sight triangle to the left is met, however the existing sight distance to the right is 80 metres and does not meet the 160 metre requirement. The sight distances are greater to the right because the average speed of the westbound vehicles is estimated to be 60 km/hr.



#### 4.0 Review of Alternatives

The following alternatives were explored to improve the sight distance for all road users at the study intersection, including the vehicle trips generated by the proposed 44 unit residential development on 11<sup>th</sup> Street SE.

##### A. IMPROVEMENTS TO THE INTERSECTION OF 11<sup>TH</sup> STREET SE AND OKANAGAN AVENUE E

It may not be economically feasible to change the vertical alignment of Okanagan Avenue E to overcome the sight line deficiency. The following improvements at the intersection of 11<sup>th</sup> Street and Okanagan Avenue E will improve the intersection sight distances and operational safety.

- PHASE I
- ✓ 1. Remove the shrubs growing outside of the fence on the southwest corner of the intersection.
  - ✓ 2. Post No Parking on both sides of Okanagan Avenue E between 10<sup>th</sup> and 11<sup>th</sup> Street SW so that vehicles do not park and create further sight restrictions. Prohibiting parking may inconvenience the adjacent residents.
  - ✓ 3. Install a "Concealed Road" warning sign for eastbound traffic on Okanagan Avenue E, in advance of 11<sup>th</sup> Street SE. In the *Manual of Uniform Traffic Control Devices for Canada* (Transportation Association of Canada, 1998), this sign is recommended for use "on major roads in advance of crossroads where the vision triangle is inadequate, and where the crossroads are concealed to the extent that a driver on the major road would not be adequately prepared for turning movements or cross traffic". The MUTCDC sign number is WA-13R. Such signs are most effective immediately after installation, and the effectiveness may diminish over time.
  4. Restricting the right turn movements from 11<sup>th</sup> Street SE onto Okanagan Avenue E will eliminate the worst case sight line situation. Drivers wishing to turn right would require an alternate access to Okanagan Avenue. This option is discussed in subsection B.
  5. Make 11<sup>th</sup> Street SW a southbound one-way street. This will require alternative routes for vehicles to have access to the Central Business District. These options are discussed in subsections B and C.





- ✓6. Revise the vertical alignment of 11<sup>th</sup> Street SE so that a vehicle will be horizontal when stopped at the stop sign and waiting to enter Okanagan Avenue E. The change of the grades will enable vehicles to accelerate more quickly when entering the intersection, especially during snowy or icy conditions. The grade change may increase the driver's eye height marginally but it would need to be raised by approximately one metre to achieve significant improvements to the sight lines.
7. Construct an acceleration lane along Okanagan Avenue E for vehicles turning right onto Okanagan Avenue E. An acceleration lane will allow right turning vehicles to reach the speed of approaching vehicles, before merging into the eastbound lane.

#### B. USE 10<sup>TH</sup> STREET SE AS THE ACCESS TO OKANAGAN AVENUE E

The sight lines at 10<sup>th</sup> Street SE and Okanagan Avenue E, are only marginally better than those at 11<sup>th</sup> Street SE. The sight distance requirements to the left are met, however only 80 metres of sight distance is available to the right. The Guide requires a sight distance of 160 metres to detect an approaching vehicle.

If traffic generated by the new development is required to use 10<sup>th</sup> Street SE to access Okanagan Avenue E, it may be necessary to upgrade 2<sup>nd</sup> Avenue SE and/or 3<sup>rd</sup> Avenue SE between 11<sup>th</sup> and 10<sup>th</sup> Street SE to accommodate two-way traffic.

#### C. DIVERT TRAFFIC TO 6<sup>TH</sup> or 7<sup>TH</sup> STREET SE TO ACCESS OKANAGAN AVENUE E

The 6<sup>th</sup> and 7<sup>th</sup> Street SE access to Okanagan Avenue E have sight lines in both directions that meet the required design standards. These intersections are options to consider as the primary access intersections to the proposed development. The disadvantage of this option is that the routing of traffic via 1<sup>st</sup>, 2<sup>nd</sup>, or 4<sup>th</sup> Avenue SE is not direct, creating a slightly longer travel route through an existing residential neighborhood. To make this option workable, it may be necessary to implement restrictions at the 10<sup>th</sup> and 11<sup>th</sup> Avenue SE in order to encourage motorists to use the safer 6<sup>th</sup> and 7<sup>th</sup> Street SE access to Okanagan Avenue E. Some motorists have a tendency to use the shortest route even though it may be less safe.

A capacity analysis has not been carried out, but it is not expected that the approximately 50 vehicles generated during the peak hours by the proposed development would cause any traffic delays or operating difficulties. Currently northbound traffic on 6<sup>th</sup> and 7<sup>th</sup> Avenue SE is controlled by a Stop Sign before entering Okanagan Avenue E.

*Details*



It may be necessary to implement a one-way southbound operation on 11<sup>th</sup> Street SE in order to successfully divert traffic to an alternate access.

## 5.0 Summary and Conclusions

The intersection of 11<sup>th</sup> Street SE and Okanagan Avenue E is the most direct access to the proposed 44 unit residential development. The existing sight distances from the intersection to the west are less than the minimum values specified in the Geometric Design Guide for Canadian Roads. As a result, vehicles emerging from the 11<sup>th</sup> Street stop sign may conflict with vehicles on Okanagan Avenue. While the options to make significant improvements are limited, shrub trimming, warning signs, and parking restrictions can improve the visibility and driver awareness of the intersection.

The traffic generated by the proposed development also has the options to access Okanagan Avenue E via 10<sup>th</sup> Street SE, 7<sup>th</sup> Street SE or 6<sup>th</sup> Street SE. 10<sup>th</sup> Street SE has marginally better sight lines than 11<sup>th</sup> Street SE, but sight distance improvements would also be required at this intersection to comply with the design guidelines. The 6<sup>th</sup> and 7<sup>th</sup> Street SE access have sight lines exceeding the recommended values, however the route to the proposed development is indirect. The implementation of a one-way street system or the closure of the intersections at 10<sup>th</sup> St. and 11<sup>th</sup> St. may be required to enforce the diversion.

If 4<sup>th</sup> Avenue SE connects to 17<sup>th</sup> Street SE in the future, it would provide another viable access to the proposed development on 11<sup>th</sup> Street SE.

The level of safety at an intersection is a relative measure. No intersection can be absolutely "safe" or "unsafe". Certain characteristics can make an intersection more or less safe. Standards and guidelines are set to minimize risk and to establish a reasonable level of safety.

Given enough data and information it is possible to develop intersection collision prediction models. These models use the total traffic volume entering an intersection to predict collision occurrence. At the location under review, the addition of approximately 100 vehicles per day on 11<sup>th</sup> Street relative to the 6,500 vehicles that already travel on Okanagan Avenue represents a relatively small increase in the measurable collision risk.



SAFETY REVIEW  
OKANAGAN AVENUE E. AND 11<sup>TH</sup> STREET S.E.

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11



In summary It is recommended that:

1. As a minimum, the shrub trimming, warning signs, and parking signs be implemented;
2. The option of using 7<sup>th</sup> St. as an alternative entry point to areas south of Okanagan Ave be explored, including the implications to the existing local roads and methods of ensuring that traffic is diverted;
3. If continued growth is expected in this area, a long term strategy be developed to improve the geometry and sight lines at the 10<sup>th</sup> St. and 11<sup>th</sup> St. intersections, or to phase-out the use of these intersections as the traffic volumes on Okanagan Avenue-E continue to increase. For further development to occur in this area a plan is required to improve the transportation network which may require significant expenditures to implement.

Refer to Section 4 for a more detailed discussion of alternatives and recommendations.

Please do not hesitate to contact us if you have any questions or comments. Thank you for considering Hamilton Associates.

Yours truly,

G.D. HAMILTON ASSOCIATES CONSULTING LTD.

per: Albert J. Popoff P.Eng.  
Manager of Kelowna Office



From: Dave Cullen <DCullen@ctqconsultants.ca>

Sent: February 14, 2020 2:01 PM

To: Green Emerald Construction <office@greenemeraldinc.com>

Cc: Gary Out <grout01@hotmail.com>

Subject: RE: Seniors development 11th St, SE, Salmon Arm SHUSWAP VILLAGE

ITE Trip Generation Rates - 10th Edition

Description/ITE Code	Units	ITE Vehicle Trip Generation Rates							Expected Units	Total Generated			Total Distribution of Generated			
		Peak Hour of Generator								Daily	AM Hour	PM Hour	AM In	AM Out	PM In	PM Out
		Weekday	AM	PM	AM In	AM Out	PM In	PM Out								
Senior Adult Housing- Detached 251	DU	3.68	0.22	0.27	35%	65%	61%	39%	70.0	258	15	19	5	10	12	7
Senior Adult Housing- Attached 252	Occ DU	3.44	0.19	0.23	35%	65%	60%	40%	40.0	138	8	9	3	5	8	4
Congregate Care Facility 253	Occ DU	2.15	0.08	0.17	61%	39%	56%	44%		0	0	0	0	0	0	0
Congregate Care Facility 253	DU	2.02	0.08	0.17	59%	41%	55%	45%		0	0	0	0	0	0	0
Assisted Living 254	Occ Beds	2.74	0.18	0.29	68%	32%	50%	50%		0	0	0	0	0	0	0
Assisted Living 254	Beds	2.68	0.14	0.22	65%	35%	44%	56%		0	0	0	0	0	0	0
Assisted Living 254	Employees	3.93	NA	0.55	NA	NA	43%	57%		0	NA	0	NA	NA	0	0
Continuing Care Retirement Comm 255	Occ Units	2.50	0.15	0.20	65%	35%	40%	60%		0	0	0	0	0	0	0
									110	395	23	28	8	15	17	11

ITE Trip Generation Rates - 10th Edition

Description/ITE Code	Units	ITE Vehicle Trip Generation Rates							Expected Units	Total Generated			Total Distribution of Generated			
		Peak Hour of Generator								Daily	AM Hour	PM Hour	AM In	AM Out	PM In	PM Out
		Weekday	AM	PM	AM In	AM Out	PM In	PM Out								
Senior Adult Housing- Detached 251	DU	3.68	0.22	0.27	35%	65%	61%	39%	350.0	1,288	77	95	27	50	58	37
Senior Adult Housing- Attached 252	Occ.DU	3.44	0.19	0.23	35%	65%	60%	40%		0	0	0	0	0	0	0
Congregate Care Facility 253	Occ.DU	2.15	0.08	0.17	61%	39%	56%	44%		0	0	0	0	0	0	0
Congregate Care Facility 253	DU	2.02	0.08	0.17	59%	41%	55%	45%		0	0	0	0	0	0	0
Assisted Living 254	Occ. Beds	2.74	0.18	0.29	68%	32%	50%	50%		0	0	0	0	0	0	0
Assisted Living 254	Beds	2.68	0.14	0.22	65%	35%	44%	56%		0	0	0	0	0	0	0
Assisted Living 254	Employees	3.93	NA	0.55	NA	NA	43%	57%		0	NA	0	NA	NA	0	0
Continuing Care Retirement Comm 255	Occ. Units	2.50	0.15	0.20	65%	35%	40%	60%	350	1,288	77	95	27	50	58	37

Gary the two spread sheet above show the trip generation as follows:

The first shows 70 detached senior homes and 40 attached senior homes with a total PM Peak hour trip generation of 28 vehicles, well be low the threshold of 100 pm peak hour trips for a full traffic study

The second show that 350 detached homes would generate close to the 100 trip threshold

I have included the trip generation rates for other types of senior housing. All other types of senior housing generate fewer trips per unit then the adult housing noted above.

Hope this helps to get a handle on what the site could support from a traffic generation standpoint  
Please call if you have any questions

David D. Cullen, P.Eng.



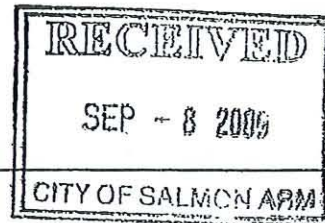
CTQ Consultants Ltd.

Tel: 250.979.1221 ext.120

Cel: 250.870-6525



**Jeremy Ayotte MSc RPBio**  
180 Larch Hills, Salmon Arm BC, V1E 2Y4  
Tel. 250-804-3513  
Jeremy.Ayotte@gmail.com



August 28, 2009

Corey Paiement  
Director of Development Services  
City of Salmon Arm  
Box 40 Salmon Arm BC  
V1E 4N2

Re: Application of the Riparian Areas Regulation and the Water Act to a water course flowing through property at 70 and 210 11 Street SE.

The following is a summary of a field assessment and a review of regulations and relevant documents on behalf of the city of Salmon Arm during the week of August 25-31, 2009.

- A) Previous assessments of this water course suggest the source of water is city storm water, however the volume of water flowing through the water course at the time of this assessment (late August of a particularly dry summer) suggests that the water course is partially spring fed or that city water lines are potentially leaking upstream.
- B) If further confirmation of the source and history of this water course is required, an assessment by a professional hydrologist would be appropriate.
- C) Regardless of the source of the water above the subject property, the water course in question eventually drains into a fish-bearing system (Shuswap Lake) and consequently meets the criteria defining a "stream" in the Riparian Areas Regulation (given authority under the *Fish Protection Act*, S.B.C. 1997, c.21, ss.12, 13 (1) and 37 (2). Any development on this property therefore must meet the provisions of the Riparian Areas Regulation (effective March 31, 2005).
- D) Using standard methods prescribed by the Detailed Assessment of the Riparian Areas Regulation, the average channel width for this water course is 1.7 m, with an average slope of 9.5 %. Based on these measurements, the channel type is a riffle-pool, and the resulting streamside protection and enhancement area (SPEA) would be set at 10 m horizontal distance out from the high water mark on each side of the water course.
- E) A previous assessment alluded to an option available to the property owners to enclose the water course in a pipe through the subject property. Given the well-developed and relatively

undisturbed riparian vegetation along this water course (Fig. 1), an application for Approval under Section 9 of the Water Act (Works In and About a Stream) to enclose the water course in an underground pipe would likely meet with considerable resistance from federal and provincial regulatory agencies (e.g., Fisheries and Oceans Canada, and Ministry of Environment). The current exposure that this water course has to functioning riparian vegetation provides a source of nutrients (derived from insect drop and woody debris) that flows downstream to a known fish bearing system.

- F) Given that there is definitely storm water flow in this water course, and that the surface exposure through the subject property provides a net benefit to downstream fish habitat, regulatory agencies may be flexible with RAR provisions in order to support a proposal to maintain this water course above surface. The following excerpt is from the Riparian Areas Regulation Assessment Methodology Manual (Version 3.3, April 2006):

#### 1.4.3 Day-lighting of Streams

There is interest in some urban areas to open up culverted and buried stream channels and bring them back above ground. Having to meet RAR standards on a day-lighting project where there is often limited room to re-establish the stream channel could cause many day-lighting projects to be discarded. In this regard, MOE and DFO staff are able to negotiate specific riparian protection standards to enable these positive projects to proceed.

Discussions between the property owner and regulatory agencies may benefit from consideration of the option to maintain the water course in its present channel and design the proposed development to minimize potential disturbance outside of a reduced set back that where possible, allows for the retention of the most biologically important features of the site - the diverse, mature overstory riparian vegetation.

As referenced to RAR methodology manual, day-lighting of streams in urban areas is growing across North America. This growth is driven mainly by the positive effects on property value. This site is rare in an urban setting and given appropriate design and planning, the natural features that exist on this property can become marketable.

Sincerely,



Jeremy Ayotte MSc RPBio





**Figure 1.** Examples of well-developed and relatively undisturbed riparian vegetation along the water course through the subject property at 70 and 210 11 Street SE. Overstory is dominated by Maple, Douglas fir, Birch, and Western red cedar..





File: R3-3005900

January 17, 2017

Via Email: info@valhallaconsulting.ca

Matthew Davidson  
Valhalla Environmental Consulting Inc.  
11510 Upper Summit Drive  
Coldstream, British Columbia  
V1B 2B4

**Re: Section 11 Water Sustainability Act Application "Changes In and About a Stream"**  
– Storm Sewer Outfalls – Construction / Maintenance – Storm system in Salmon Arm

Staff with the Ecosystems Section of the Ministry of Forests, Lands and Natural Resource Operations have reviewed the above mentioned authorized change application. A Section 11 *Water Sustainability Act* Change Approval is not required for the proposed work as long as the work is done in accordance with BC Regulation 36/2016 – Part 3.

As per section 38 (1) *A person proposing to make an authorized change, other than an authorized change described in Section 39 (1) (o) to (s), (2) and (5), must*

- (a) *Provide a notice, signed by the person or the person's agent, to a habitat officer of the particulars of the proposal at least 45 days before beginning the authorized change, and*
- (b) *Obtain from a habitat officer a statement of the Terms and Conditions described in section 44 (2) [protection of aquatic ecosystems] on which the authorized change can proceed.*

The terms and conditions you must follow for your works are outlined here:

[http://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/water-rights/terms\\_and\\_conditions\\_for\\_cias\\_th\\_ok\\_2016.pdf](http://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/water-rights/terms_and_conditions_for_cias_th_ok_2016.pdf)

It is the proponent's responsibility to ensure their activities are in compliance with all legislation, including the *Fisheries Act*, as well as with local government bylaws and regulations.

If you have further questions please contact the undersigned at 250-371-6219.

Yours truly,

Mark Phillpotts  
Ecosystems Biologist





File R3-3005900

March 14, 2017

Via Email: [info@valhallaconsulting.ca](mailto:info@valhallaconsulting.ca)

Matthew Davidson  
 Valhalla Environmental Consulting Inc.  
 11510 Upper Summit Drive  
 Coldstream, British Columbia  
 V1B 2B4

**Re: File R3-3005900 Section 11 Water Sustainability Act Notification Letter for Construction - Maintenance of a Stormwater Pipe System on an Unnamed Watercourse in Salmon Arm**

Dear Matthew,

After reviewing additional information received regarding the unnamed watercourse on or near **70 and 210 11<sup>th</sup> Street SE Salmon Arm**, the Ministry of Forests Lands and Natural Resource Operations (FLNRO) is rescinding its authorized change under Part 3 of the Water Sustainability Act Regulations. An assessment of the watercourse which was not included in your authorized change notification to Front Counter British Columbia claims the watercourse is likely a natural stream. The assessment also states that the Riparian Areas Regulation (RAR) would apply to this stream. Once a subdivision application is submitted by the proponent, RAR would be triggered and the required RAR assessment would be based on the current state of the property.

FLNRO does not support extensive culverting of natural drainages. Due to the conflicting information mentioned above, FLNRO will take a precautionary approach and at this time considers the watercourse in question to be a natural stream.

To move forward FLNRO suggests the proponent adopt one of the following options;

1. Hire a qualified professional hydrologist to determine if the watercourse in question is a natural stream or exclusively stormwater collection flow. If a hydrologist determines the watercourse has no natural water input, FLNRO would allow the watercourse to be culverted.
2. Proceed with development of the property while following a Riparian Areas Regulation assessment report prepared by a qualified professional. FLNRO

Ministry of Forests, Lands  
& Natural Resource  
Operations

Thompson/Okanagan Region  
Thompson Office

Mailing Address:  
1259 Dalhousie Drive  
Kamloops BC V2C 5Z5

Telephone: 250 371-6200  
Facsimile: 250 828-4000

contends there are social and environmental benefits from the watercourse and recommends retaining the streamside protection and enhancement area identified from a RAR assessment.

3. Proceed with development of the property while following a Riparian Areas Regulation assessment prepared by a qualified professional and apply to realign the watercourse to minimize interference to subdivided lots.

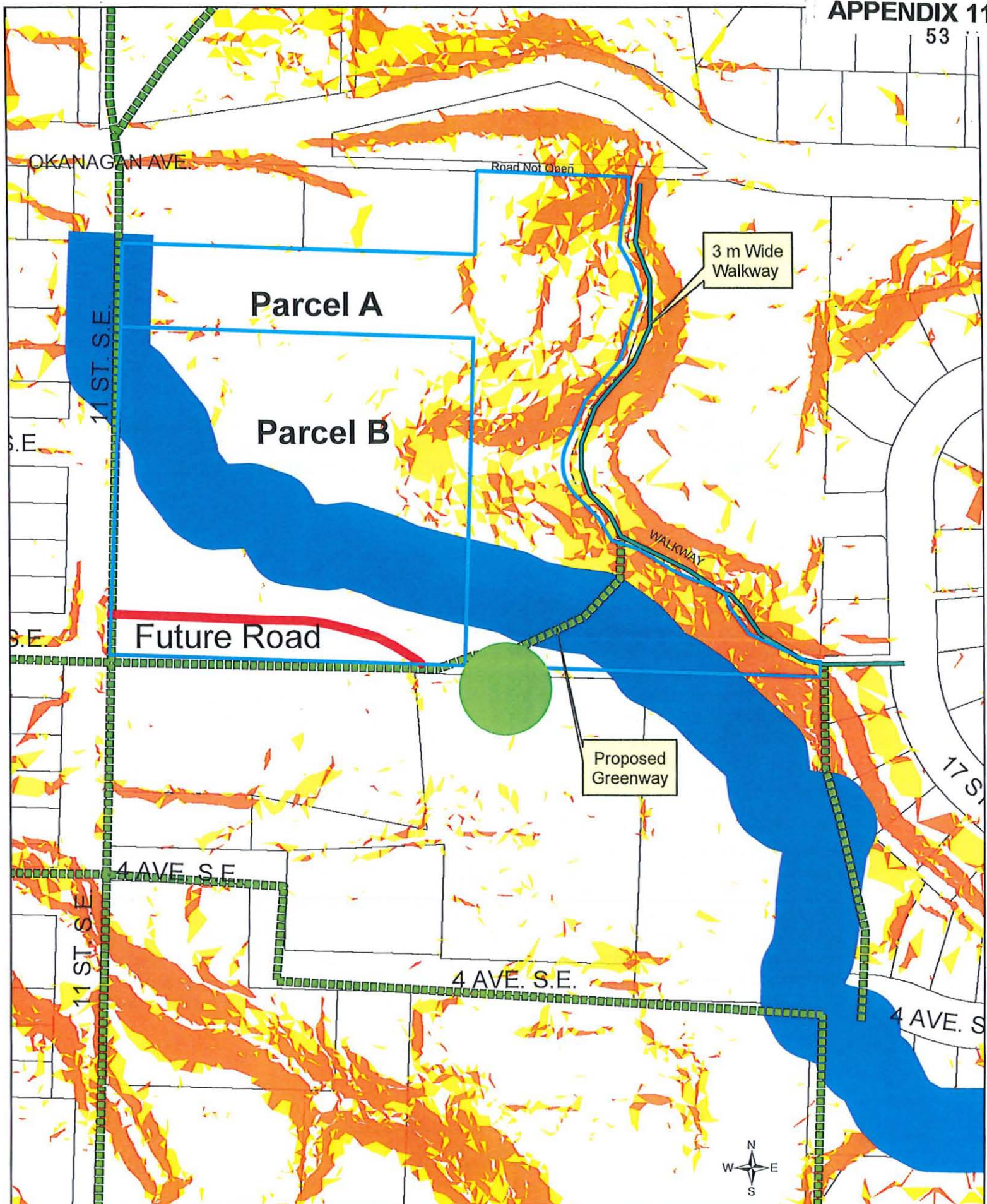
Please advise how you would like to proceed at your earliest convenience by contacting the undersigned at 250-371-6219

Sincerely,



Mark Phillpotts  
Ecosystems Biologist





Subject Parcels

Creek assuming 10 m wide SPEA

20-30% Slope

&gt;30% Slope



Future Neighbourhood Park - OCP

50 25 0 50 Meters



Arsenault Environmental Consulting Ltd.

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21 January 2020

Proposal No. 19-34

Gary Out  
(gary@65plusliving.com)  
International Seniors Community Inc.  
577 Palmerston Avenue,  
Toronto, ON, M6G 2P6

**SCOPE OF WORK AND COST ESTIMATE FOR ENVIRONMENTAL SERVICES RELATED TO ENVIRONMENTAL PLANNING FOR A STREAM POTENTIALLY EFFECTED BY SUBDIVISION AND HOUSE CONSTRUCTION THROUGH LOT 210, 11<sup>TH</sup> STREET, SALMON ARM, BC**

Dear Gary,

As per our discussion today regarding work scope and project staging, Arsenault Environmental Consulting Ltd. (Arsenault) is pleased to provide the following *revised proposal* for environmental planning services to International Seniors Community Inc. (the Client). This revision is partly based on the results of a meeting and site visit conducted during 08 January 2020. The services specifically relate to conducting an assessment of a small drainage that presently passes diagonally through Plan B4487, Lot 210, and beside Lot 70, 11<sup>th</sup> Street SE, Salmon Arm, BC (the Property).

Arsenault has over 27 years of environmental consulting experience, 21 years of consulting experience in the Shuswap region, and has direct experience in Salmon Arm.

**1.0 PROJECT UNDERSTANDING**

Arsenault understands that the work proposed by the Client is to subdivide lots 70 and 210 of Plan B4487 (the Property) and potentially realign or culvert the lower portion of a stream. City of Salmon Arm mapping indicates that a stream bisects Lot 210. Our Property visit confirmed the presence of a stream. Local residents indicated to Arsenault that drainage has been altered upstream of the Property and that what used to be an ephemeral stream now flows year-round. Arsenault discussed the potential to realign portions of the drainage with Kevin Pearson, Director of Planning at the City of Salmon Arm on 20 September 2017. Mr. Pearson was aware of the history of the property. He stated that the City considers the drainage a stream, which





would require a Riparian Areas Regulation (RAR) assessment. He agreed with the concept of stream realignment, with enhancement and retention of trees as much as possible, under provincial permission. The City would be a referral agent for an application to the province. Once the lower portion of the drainage is approved to be realigned, a subdivision application can be made, triggering the need for a RAR assessment of the new stream alignment. General buffer distances can be worked into the development plan.

An application to subdivide property containing environmentally sensitive features triggers the requirement for a development permit (K. Pearson, pers. comm., 2017). A RAR assessment report would be required to support a subdivision application. Although the drainage is not mapped as a stream on Map 5.2 from the Salmon Arm Official Community Plan, a note on the map indicates that inventory is incomplete.

The following sections outline the scope of work for Arsenault to complete these tasks.

### ***Task 1 –Environmental Assessment of Property***

An environmental assessment will layout environmental constraints and opportunities on the Property. This includes valuable tree clusters, wildlife corridors, aesthetic views, and riparian buffers. Information collected during this task can be used for environmental planning throughout the duration of the project.

A RAR report may be required to support the subdivision application. The RAR assessment would be conducted on the existing stream alignment. A report will be submitted to the client. Arsenault would require copies of other RAR assessments completed for the Property. These will help to keep the RAR assessment cost down. This preliminary RAR assessment report would not be submitted to the Province unless stream realignment turns out to not be a desired option. A call will be made to the Province to inquire about the feasibility of realignment of part of the drainage.

If the Client wishes to realign the stream to allow for housing development on the lower portion of Lot 210, a Change Order approval from the Ministry of Forests, Lands and Natural Resource Operation and Rural Development (FLNRO&RD) under Regulation 39(1) of the *Water Sustainability Act* (WSA) will be required. Details will be required on the present stream including where the stream flow used to originate, and on the overall riparian values in the existing and potential new alignment.

The project biologist, and an assistant, would visit the Property over one day to map and record ecosystem and species data, including significant tree clusters and steep slopes. Data will be collected with a hand-held mapping-grade GPS. The assessment would include documentation of the riparian habitat, including selection of an appropriate alignment for sections of the stream. A meeting to discuss the new alignment with the Client would be beneficial.

Task 1 would provide the information required to decide whether realignment of a portion of the stream changes the feasibility of your project. If the Client decides that realignment of a portion of the stream is required, Arsenault can provide the following tasks to get you through the permitting and construction stages. The RAR report would then be updated, and submitted to the Province, after the stream has been realigned (see Task 7).



***Task 2 – Realignment and Environmental Management Plan***

The information obtained from this assessment will be incorporated in an environmental management plan (EMP) report that will be required to gain approval from FLNRO&RD. The plan will be presented as a concept with sufficient detail for approvals. Ponds will be considered as potential desirable features in the design to retain post-development flows equivalent to pre-development flows. The Client will be consulted on the design.

The report will provide a project description, stream realignment justification (to be provided by Client), assessment methods, effects assessment, mitigation measures, planting and enhancement designs, and a conclusion on whether the project would result in harm to aquatic habitat and a net loss or gain in environmental values.

The EMP report will also include conceptual designs for offsets and trade-offs for Environmentally Sensitive Area (ESA) encroachment (including tree clusters). GIS maps will be provided that will show ESAs and enhancement areas. A detailed topographic survey of the existing stream and the potential realignment route will be required from the Client.

***Task 3 – WSA Permit Application***

Changing the path of a stream will require approval from the Water Management Division at the Ministry of FLNRO&RD. Arsenault will prepare and submit a WSA Change Order application on your behalf. The Client will need to provide a letter of permission in order for Arsenault to act on your behalf. The Client will also need to provide a \$250 permit fee (not included in budget estimate) to FrontCounter BC.

***Task 4 – Permit Facilitation, Meetings and Project Management***

Task 4 provides time for permit facilitation, meetings, and project management. Arsenault will meet with FLNRO staff from Kamloops at the Property and follow up with phone calls and emails, if required. Arsenault assumes that one meeting will be required with the Client and potentially one with City staff. In addition, there are likely to be numerous phone calls and emails to the Client, FLNRO&RD, as well as to the City.

Project management bridges all tasks and is an important part of getting a project done on time and within budget. Arsenault will communicate budget and timelines with the Client on a monthly basis, at time of invoicing or sooner.

***Task 5 – Environmental Monitoring of Realignment***

Environmental monitoring will be a requirement from the Province and City during construction of the new stream channel and potentially during construction of the sub-division, especially during diversion of water out of the existing channel. Salvage may be required if aquatic species could perish during drying out of the existing channel. Effort for monitoring cannot be estimated at this time. Arsenault will be pleased to provide a detailed cost estimate for monitoring, and maybe even construction supervision, after the WSA permit is received. As a rough estimate for budgeting one should allow for \$13,700 for environmental services during construction.

***Task 6 – RAR Update and Environmental Compliance Monitoring***

An uploaded RAR and monitoring are general requirements of Development Permits and recommendations for an appropriate monitoring program are required in the RAR report. The



RAR report will be updated with the new stream alignment section and setbacks overlaid with the Client's development plan. The RAR report then has to be uploaded on the Provincial RAR Registry. Once the RAR is accepted by the Province, the City can issue their development permit. Monthly monitoring during construction, a post-construction visit, and a one-year post construction visit are required under the RAR legislation. Allow \$4,500 for an estimated budget.

## 2.0 COST ESTIMATE

Arsenault's charges associated with the Project will be on a time and expenses basis in accordance with the terms and conditions described in the attached Consulting Agreement, which along with this proposal would form the contract for this scope of work. The estimated cost for completing tasks 1 to 3 of the scope of work outlined in the proposal is \$15,000. Project management and permit facilitation could cost about \$5,000. Environmental services during construction to cover stream relocation and RAR monitoring. The RAR assessment can be updated after the lower stream channel has been realigned and is estimated at \$4,500 (including RAR monitoring). Arsenault expects that channel measurements will be taken from the as-built designs of the new stream channel, or during environmental monitoring of the realignment. A cost estimate breakdown is provided in Table 1 below. A detailed fee schedule can be provided at the Client's request.

**Table 1: Cost Estimate for QEP and Project Management Services**

Task Description	Fees	Equipment and Disbursements	Subtotal
Task 1 – Inventory and Preliminary Environmental Assessment Report			
Task 2 – Stream Relocation and Environmental Management Plan			
Task 3 – WSA Permit Application			
<b>Sub Total</b>			
Task 4 – Permit Facilitation, Meetings and Project Management			
Task 5 – Monitoring of Realignment			
Task 6 – RAR Update and Post-construction Monitoring			

\*Tax not included. Disbursements includes 10% fee. Costs for tasks 5 and 6 are at Client's request.

A 60% retainer of tasks 1 to 3 will be required.

### Assumptions

- Arsenault assumes that the Client will commence with this scope of work within two-months. This work scope and cost estimate is valid for 60 days.
- Construction-related service cost estimates are rough estimates in this work program.
- The RAR re-assessment and monitoring (Task 6) will be required once the stream has been relocated, and is provided for budgeting purposes. Arsenault assumes that the

RAR re-assessment, and notification to the Province via the RAR Notification System, may be required prior to issuance of a development permit.

- The Client will provide digital base mapping of the Property with property boundaries and easements, etc.

### **3.0 SCHEDULE**

Arsenault will commence with tasks 1 and 2 upon receiving the signed Consulting Agreement and retainer. We would expect to have Task 1 completed within three weeks and tasks 2 and 3 completed within 10 weeks after receipt of the signed contract. WSA permit approvals can take about 120 days to process, depending upon the complexity of the project.

### **4.0 CLOSURE**

We trust the information contained in this proposal meets your requirements at this time. Should you wish to proceed with this work, please sign and return the Consulting Agreement. A retainer of \$4,500 will be required. If you have any questions, please call the undersigned at 250-300-9206.

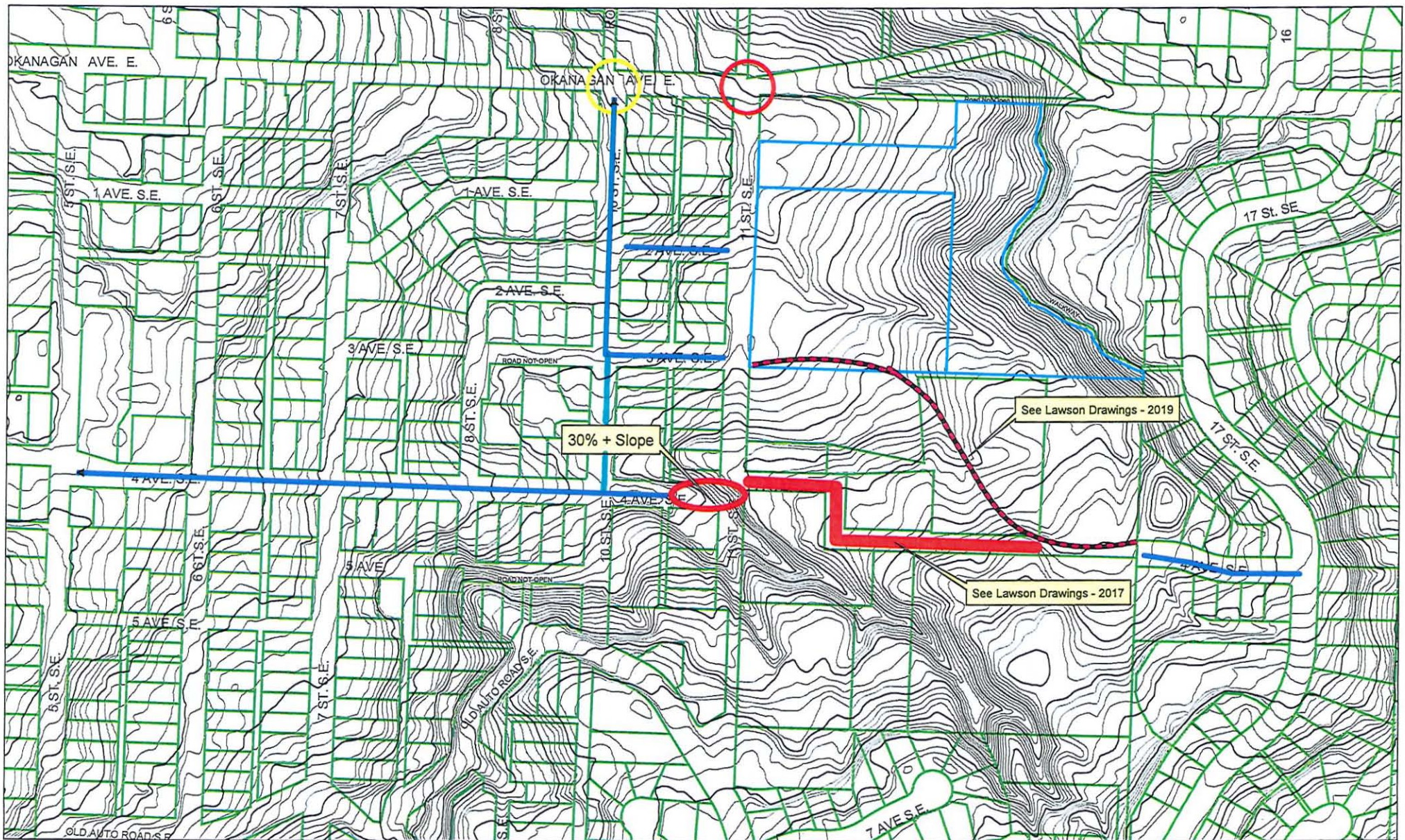
Regards,



Darryl Arsenault, M.Sc., R.P. Bio.  
Senior Fisheries Biologist

Attachments: Consulting Agreement





Subject Properties

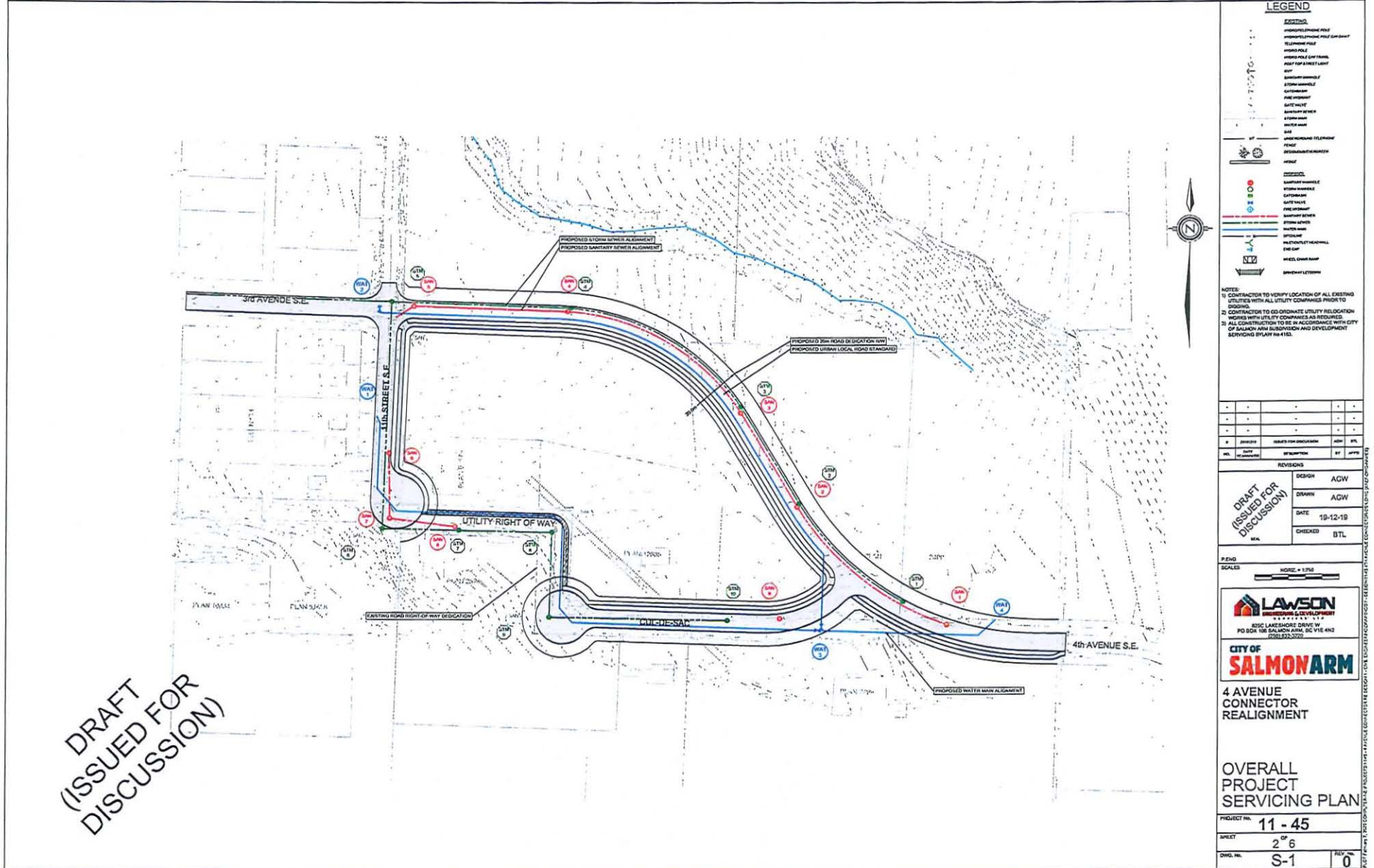
150 75 0 150 Meters













*Memorandum from the  
Engineering and Public  
Works Department*

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TO:	Kevin Pearson, Director of Development Services
DATE:	29 April 2020
PREPARED BY:	Chris Moore, Engineering Assistant
OWNER:	604895 BC Ltd. 1860 – 20th St SE, Salmon Arm, BC, V1E 4N2
APPLICANT:	Green Emerald Construction/ Gary Arsenault
SUBJECT:	<b>ZONING AMENDMENT APPLICATION FILE NO. ZON-1171</b>
LEGAL:	Lot 1 Section 13 Township 20 Range 10 W6M KDYD Plan KAP54150 AND That Part of Lot 1 Shown on Plan B4487; Section 13 Township 20 Range 10 W6M KDYD Plan 1521
CIVIC:	<b>70 – Street SE and 210 - 11 Street SE</b>

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Further to your referral dated 28 February 2020, we provide the following servicing information.

At rezoning stage, the owner shall provide the City with a Road Reserve for 4 Avenue SE, on the subject property's southern boundary. The Road Reserve will be up to 20m width, aligning with existing 3 Avenue SE (extent to be confirmed by a BCLS). The City will pay fair market value for the Road Reserve.

As a condition of rezoning the Owner / Developer shall undertake an updated Traffic Impact Assessment (TIA). This shall include a Traffic Generation Analysis based on the highest and best use for the proposed zoning. Recommendations from the updated TIA may result in additional road improvement requirements. Prior to completion of rezoning a covenant shall be registered on title specifying that the requirements of the TIA are to be fulfilled prior to any further development.

The following comments and servicing requirements are not conditions for Rezoning; however, these comments are provided as a courtesy in advance of any development proceeding to the next stages:

**General:**

1. Full municipal services are required as noted herein. Owner / Developer to comply fully with the requirements of the Subdivision and Development Services Bylaw No 4163. Notwithstanding the comments contained in this referral, it is the applicant's responsibility to ensure these standards are met.
2. 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.
3. Properties shall have all necessary public infrastructure installed to ensure properties can be serviced with underground electrical and telecommunication wiring upon development.
4. Property under the control and jurisdiction of the municipality shall be reinstated to City satisfaction.
5. Owner / Developer will be responsible for all costs incurred by the City of Salmon Arm during construction and inspections. This amount may be required prior to construction. Contact City Engineering Department for further clarification.



**ZONING AMENDMENT APPLICATION FILE NO. ZON-1171**

29 April 2020

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6. Erosion and Sediment Control measures will be required prior to the commencement of construction. ESC plans to be approved by the City of Salmon Arm.
7. At the time of subdivision the applicant will be required to submit for City review and approval a detailed site servicing / lot grading plan for all on-site (private) work. This plan will show such items as parking lot design, underground utility locations, pipe sizes, pipe elevations, pipe grades, catchbasin(s), control/containment of surface water, contours (as required), lot/corner elevations, impact on adjacent properties, etc.
8. For the off-site improvements at the time of development the applicant will be required to submit for City review and approval detailed engineered plans for all off-site construction work. These plans must be prepared by a qualified engineer. As a condition of subdivision approval, the applicant will be required to deposit with the City funds equaling 125% of the estimated cost for all off-site construction work.

**Roads / Access:**

1. The limitations of the Okanagan Avenue East /11 Street SE intersection are documented in the Hamilton Associates Traffic Review dated April 2, 2003. However, this report did not include a full Traffic Generation Analysis and an updated Traffic Impact Assessment (TIA) will be required. The TIA shall include a Traffic Generation Analysis based on the highest and best use for the proposed zoning and the recommendations from the updated TIA may result in additional road improvement requirements.
2. 11 Street SE, on the subject property's western boundary, is designated as an Urban Local Road standard, requiring 20.0m road dedication (10.0m on either side of road centerline). Available records indicate that no additional road dedication is required (to be confirmed by a BCLS).
3. 11 Street SE is currently constructed to an Interim Local Paved Road standard. Upgrading to an Urban Local Road Standard is required, in accordance with Specification Drawing No. RD-2. Upgrading may include, but is not limited to, road widening and construction, curb & gutter, sidewalk, boulevard construction, street lighting, fire hydrants, street drainage and underground hydro and telecommunications. Owner / Developer is responsible for all associated costs.
4. An undeveloped portion of Okanagan Avenue SE, on the subject property's northern boundary is designated as an Urban Collector Road standard, requiring 20.0m road dedication (10.0m on either side of road centerline). Available records indicate that no additional road dedication is required (to be confirmed by a BCLS). No vehicle access will be permitted to the Okanagan Avenue SE frontage and a covenant to this effect should be registered on title. No upgrades are required at this time.
5. 4 Avenue SE, on the subject property's southern boundary is designated as a Urban Local Road. Upgrading to an Urban Local Road Standard is required, in accordance with Specification Drawing No. RD-2. As this work is considered premature, the developer will be required to pay to the City a cash in lieu payment, equivalent to the cost of construction of 50% of 4 Avenue SE along the subject property's frontage prior to development. Construction costs shall include, but not be limited to, road widening and construction, curb & gutter,

**ZONING AMENDMENT APPLICATION FILE NO. ZON-1171**

29 April 2020

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sidewalk, boulevard construction, street lighting, fire hydrants, street drainage and hydro and telecommunications. Owner / Developer is responsible for all associated costs.

6. Owner / Developer is responsible for ensuring all boulevards and driveways are graded at 2.0% towards the existing roadway. Drainage course shall not be located within boulevard.
7. A trail connection is required to be dedicated and constructed as shown in the OCP Bylaw No. 4000. Dedication shall be a minimum of 3.0m wide. Trails to be constructed as per Specification Drawings Nos. CGS 8 -10.
8. Internal roadways are to be a minimum of 7.3m measured from face of curb. Truck turning movements shall be properly analysed to ensure internal road network will allow emergency and service vehicle access.

**Water:**

1. The subject property fronts a 200mm diameter Zone 2 watermain on Okanagan Avenue SE and 150mm on 11 Street SE. Upgrading of the 150mm diameter watermain on 11 Avenue SE to 200mm along the subject property's frontage will be required. All internal mains to be looped. A stub has been previously been installed on the 200mm watermain on Okanagan Avenue SE for use by proposed development.
2. Since the section of watermain on 11 Avenue SE from the subject property to Okanagan Avenue will remain undersized, the Owner / Developer's authorized engineer is to complete a flow test on the closest fire hydrant to confirm that this existing watermain is adequately sized to provide fire flows in accordance with the requirements of the Subdivision and Development Servicing Bylaw No 4163. If the existing watermain has insufficient capacity to meet the required fire flow, the Owner / Developer will be required to upgrade this section of watermain to 200mm also.
3. Records indicate that 70 & 210 11 Street SE are serviced from the 150mm diameter watermain on 11 Street SE by services of unknown size. All existing inadequate / unused services must be abandoned at the main. Owner / Developer is responsible for all associated costs.
4. The proposed development is to be serviced by single metered water service connection (as per Specification Drawing No. W-11), adequately sized to satisfy the proposed. Water meter will be supplied by the City at the time of building permit, at the Owner / Developer's cost. Owner / Developer is responsible for all associated costs.
5. The subject property is in an area with sufficient fire flows and pressures according to the 2011 Water Study (OD&K 2012).
6. Fire protection requirements to be confirmed with the Building Department and Fire Department.
7. Fire hydrant installation will be required. Owner / Developer's engineer shall review the site to ensure placement of fire hydrants meet the medium / high density spacing requirements of 90 meters.



**ZONING AMENDMENT APPLICATION FILE NO. ZON-1171**

29 April 2020

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**Sanitary:**

1. The subject property is at the easterly termination of a 200mm diameter sanitary main on 11 Street SE. No upgrades are anticipated at this time.
2. The proposed development is to be serviced by a single sanitary service connection adequately sized (minimum 100mm diameter) to satisfy the servicing requirements of the development. Owner / Developer is responsible for all associated costs.
3. Records indicate that the 70 & 210 11 Street SE are serviced by 100mm services from the sanitary sewer on 11 Street SE. All existing inadequate/unused services must be abandoned at the main. Owner / Developer is responsible for all associated costs.
4. Developer to extend sanitary main internally as well as extending the sanitary mains in such a manner as to be provide servicing for properties to the south-east. Sanitary mains shall be sized with capacity for external post development flows. Developer would be entitled to register a Latecomer's Agreement to recoup costs should any over sizing be required.
5. The City Sanitary Sewer Master Plan (2016) indicates that the downstream sanitary system has capacity concerns. Owner / Developer's engineer is required to prove that there is sufficient downstream capacity within the existing City Sanitary Sewer System to receive the proposed discharge from the development or external improvements may be required prior to development proceeding.

**Drainage:**

1. The subject property fronts a 450mm diameter storm sewer on its northern interior boundary, located within a 3m right-of-way. No upgrades are anticipated at this time; however, a 3m right-of-way shall be provided to increase total right-of-way width to 6m.
2. An Integrated Stormwater Management Plan (ISMP) conforming to the requirements of the Subdivision and Development Servicing Bylaw No. 4163, Schedule B, Part 1, Section 7 shall be provided.
3. Where onsite disposal of stormwater is recommended by the ISMP, an "Alternative Stormwater System" shall be provided in accordance with Section 7.2.
4. Where discharge into the Municipal Stormwater Collection System is recommended by the ISMP, this shall be in accordance with Section 7.3. The proposed lots shall be serviced each by a single storm service connection adequately sized (minimum 150mm) to satisfy the servicing requirements of the development. There are known capacity issues downstream of the development. Owner / Developer's engineer is required to prove that there is sufficient downstream capacity within the existing City Storm System to receive the proposed discharge from the development. All existing inadequate / unused services must be abandoned at the main. Owner / Developer is responsible for all associated costs.
5. Storm infrastructure should be sized with capacity for external post-development flows. Developer would be entitled to register a Latecomer's Agreement to recoup costs should any over sizing be required.

**ZONING AMENDMENT APPLICATION FILE NO. ZON-1171**

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6. Extension of the storm sewer along 11 Street SE will be required to provide street drainage to the frontage of the subject property, to the 4 Avenue SE connector and to the re-routed overland storm drainage. Storm sewer shall be sized with capacity for external post development flows. Developer would be entitled to register a Latecomer's Agreement to recoup costs should any over sizing be required.
7. The subject properties are crossed by a watercourse that is subject to Riparian Area Regulations. Subject to all necessary approvals including but not limited to QEP and FLNRO approvals, the Engineering Department would not object to the re-routing of the watercourse and piping of the stormwater within any City roadways.
8. Natural drainage course shall be subject to 7.16.6 of the SDSB No. 4163.

**Geotechnical:**

1. A geotechnical report in accordance with the Engineering Departments Geotechnical Study Terms of Reference for: Category A (Building Foundation Design), Category B (Pavement Structural Design), Category C (Landslide Assessment), is required.



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**Chris Moore**  
Engineering Assistant



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





BRITISH  
COLUMBIA

Ministry of Transportation  
and Infrastructure

DEVELOPMENT SERVICES  
PRELIMINARY BYLAW  
COMMUNICATION

Your File #: ZON-1171  
eDAS File #: 2020-01068  
Date: Apr/15/2020

City of Salmon Arm  
Development Services  
500 2nd Avenue NE  
PO Box 40  
Salmon Arm, BC V1E 4N2  
Canada

Attention: City of Salmon Arm, Development Services

Re: Proposed Bylaw 4378 for:  
LOT 1 SECTION 13 TOWNSHIP 20 RANGE 10 W6M KDYD PLAN KAP54150  
THAT PART OF LOT 1 SHOWN ON PLAN B4487; SECTION 13 TOWNSHIP  
20 RANGE 10 W6M KDYD PLAN 1521  
210 11 Street SE  
70 11 Street SE

Preliminary Approval is granted for the rezoning for one year pursuant to section  
52(3)(a) of the *Transportation Act*.

If you have any questions please feel free to call Tara Knight at (250) 833-3374.  
Yours truly,

Tara Knight  
Development Officer

Local District Address
Salmon Arm Area Office
Bag 100
850C 16th Street NE
Salmon Arm, BC V1E 4S4
Canada
Phone: (250) 712-3660 Fax: (250) 833-3380

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**Agricultural Land Commission**  
 201 – 4940 Canada Way  
 Burnaby, British Columbia V5G 4K6  
 Tel: 604 660-7000  
 Fax: 604 660-7033  
[www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)

June 3, 2020

ALC File: 58273

**Richard Smith**  
**DELIVERED ELECTRONICALLY**

Dear Richard Smith:

**Re: Reasons for Decision - ALC Application 58273**

Please find attached the Reasons for Decision of the Okanagan Panel for the above noted application (Resolution #252/2020). As agent, it is your responsibility to notify the applicant accordingly.

Under section 33 of the *Agricultural Land Commission Act* (ALCA), a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. Please be advised however that on March 12<sup>th</sup>, 2020 the ALC Amendment Act ([Bill 15 – 2019](#)) was brought into force and effect, changing the reconsideration process.

A request to reconsider must now meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides evidence not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
- The request provides evidence that all or part of the original decision was based on evidence that was in error or was false.

The amendments also propose a change to limit the time period for requesting a reconsideration to 90 days from the date of this decision – this change has not been brought into force and effect yet. As a result, a person affected by this decision will have one year from the date of this decision's release as per [ALC Policy P-08: Request for Reconsideration](#) to request reconsideration of the decision or 90 days from the date the legislative change takes effect (date unknown at this time), whichever comes sooner.

Please refer to the ALC's [Information Bulletin 08 – Request for Reconsideration](#) for more information.

Please direct further correspondence with respect to this application to [ALC.Okanagan@gov.bc.ca](mailto:ALC.Okanagan@gov.bc.ca)

Yours truly,

A handwritten signature in black ink that reads "Celeste". The signature is written in a cursive, flowing style.

Celeste Barlow, Land Use Planner

Enclosure: Reasons for Decision (Resolution #252/2020)

cc: City of Salmon Arm (File ALC-380) Attention: Kevin Pearson

58273d1





**AGRICULTURAL LAND COMMISSION FILE 58273  
REASONS FOR DECISION OF THE OKANAGAN PANEL**

Non-Adhering Residential Use Application Submitted Under s.20.1(2) of the Agricultural Land  
Commission Act

<b>Applicants:</b>	Richard Smith Margaret Smith
<b>Agent:</b>	Richard Smith
<b>Property:</b>	Parcel Identifier: 007-498-047 Legal Description: The Fractional Legal Subdivision 4 Of Section 1 Township 21 Range 10 West of the 6th Meridian Kamloops Division Yale District Except PLANS 31 and 8077 Civic: 1281 70 Ave NE., Salmon Arm, BC Area: 6.3 ha (2.7 ha within the ALR)
<b>Panel:</b>	Gerald Zimmermann, Okanagan Panel Chair Joe Deuling



## **OVERVIEW**

- [1] The Property is 6.3 hectares in size and is located partially within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA).
- [2] There are currently two residences on the ALR portion of the Property: a principal residence occupied by the Applicants, and a 74 m<sup>2</sup> additional residence contained within a separate approximately 111 m<sup>2</sup> accessory building. The Application submits that prior to constructing the accessory building the Applicants consulted the City of Salmon Arm Building Department staff and were advised that if the building was intended as an accessory building for farm purposes, no building permit was necessary. In 1998, the Applicants built the accessory building containing the additional residence without obtaining a building permit from the City of Salmon Arm.
- [3] According to the City of Salmon Arm Report, a building permit is not required for the construction of an accessory building for farm use on land with farm class status. However, a building permit is required for the construction of a residential suite within an accessory building to be lawful. To date, no building permit has been applied for the residential suite in the accessory building on the Property.
- [4] In 2016, a complaint reporting an unauthorized additional residence was received by Agricultural Land Commission (the "Commission"). On September 20, 2018, ALC Compliance and Enforcement staff issued the Applicants a Notice of Contravention directing the Applicants to apply to the Commission if they wanted to retain the additional residence, as it is in contravention of the ALCA and ALR Regulations.
- [5] Pursuant to s. 20.1(2) of the ALCA, the Applicants are applying to the Commission to retain the existing 74 m<sup>2</sup> additional residence for farm help (the "Proposal").
- [6] Section 25(1.1)(b) of the ALCA states that the Commission must not grant permission for an additional residence unless the additional residence is necessary for farm use.





- [7] The issue the Panel considered is whether the retention of the additional residence is necessary for farm use in accordance with section 25(1.1)(b) of the ALCA.
- [8] The Proposal was considered in the context of the purposes of the Commission set out in s. 6 of the ALCA:

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

- (a) to preserve the agricultural land reserve;
- (b) to encourage farming of land within the agricultural land reserve 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 land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

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

- (a) the size, integrity and continuity of the land base of the agricultural land reserve;
- (b) the use of the agricultural land reserve for farm use,

### **EVIDENTIARY RECORD**

- [9] The Proposal along with related documentation from the Applicants, Agent, 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**

- [10] The Application was submitted on December 18, 2018 and was forwarded to the Commission by the City of Salmon Arm on June 3, 2019. Subsequently, on March 12, 2020, the ALCA was amended and changes were made to its regulations. The Applicants were given an opportunity to make written submissions relating to the amendment of the



ALCA and changes to its regulations as it relates to this application. While the Application was submitted in the context of the former s. 6 of the ALCA, the Panel has considered it under s. 6(1) and s. 6(2) of the ALCA as amended by Bill 15.

**Issue: Whether the retention of the additional residence is necessary for farm use**

- [11] When considering the necessity for an additional residence on a parcel of ALR land, the Panel must consider whether the residence on the Property is related to, and necessary for farm use. The Application submits that the 6.3 hectare Property contains 35 laying hens, six fruit trees, and 0.6 ha of pasture on the 2.7 hectare portion of the Property that is in the ALR and 300 haskap bushes on the non-ALR portion of the Property. The Applicants state that the additional residence is necessary for farm use because during times when they are away from the Property, the tenant occupying the additional residence feeds the chickens and helps with maintenance of the lands surrounding the principal residence. The Application states that the tenant's lease specifically states that the tenant will help out with farm chores.
- [12] The Panel considered the scale, intensity and type of the farming occurring on the Property and whether an additional residence is necessary based on farm labour requirements. The Panel finds that the farming on the Property is small in scale and does not generate enough agricultural activity to warrant an additional residence on the Property, even during times that the Applicants are away. Further, based on the description of the Applicants' and tenant's involvement in the agricultural activity on the Property, the Panel finds that the additional residence is not warranted. For these reasons, the Panel does not find that the retention of the existing additional residence necessary for farm use.

**DECISION**

- [13] For the reasons given above, the Panel refuses the Proposal to retain the existing 74 m<sup>2</sup> additional residence.






[14] These are the unanimous reasons of the Panel.

[15] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.

[16] Resolution #252/2020  
Released on June 3, 2020



**Gerald Zimmermann, Panel Chair**  
On behalf of the Okanagan Panel

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