



## **DEVELOPMENT and PLANNING SERVICES COMMITTEE**

**June 19, 2017**

City of Salmon Arm

**Room 100**

City Hall, 500 - 2 Avenue NE

**8:00 a.m.**

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Page #	Section	Item#
	<b>1.</b>	<b><u>CALL TO ORDER</u></b>
	<b>2.</b>	<b><u>REVIEW OF THE AGENDA</u></b>
	<b>3.</b>	<b><u>DECLARATION OF INTEREST</u></b>
	<b>4.</b>	<b><u>PRESENTATION</u></b> n/a
	<b>5.</b>	<b><u>REPORTS</u></b>
1 – 22	5.1	DP-412, Lakeshore Terrace Developments Ltd., 1151 – 8 Avenue NE – Multi-Family Residential Development
23 - 44	5.2	ALC-369, Priebe, A. & L., 4890 Foothill Road SW – Subdivision within the ALR
	<b>6.</b>	<b><u>FOR INFORMATION</u></b> n/a
	<b>7.</b>	<b><u>IN CAMERA</u></b> n/a
	<b>8.</b>	<b><u>LATE ITEM</u></b> n/a
	<b>9.</b>	<b><u>ADJOURNMENT</u></b>

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*City of Salmon Arm*

*Development Services Department Memorandum*

TO: Her Worship Mayor Cooper and Members of Council

DATE: June 12, 2017

SUBJECT: Development Permit No. 412 (Form and Character – Multi-Family)  
 Legal: Lot 2, Section 13, Township 20, Range 10, W6M, KDYD, Plan 13746  
 Civic Addresses: 1151 – 8 Avenue NE  
 Owner/Applicant: Lakeshore Terrace Developments Ltd.

**MOTION FOR CONSIDERATION**

**THAT:** Development Permit No. 412 be authorized for issuance for Lot 2, Section 13, Township 20, Range 10, W6M, KDYD, Plan 13746 in accordance with the elevations, site and landscaping plan attached in Appendix 3 of this memorandum;

**AND THAT:** The following variances to Zoning Bylaw No. 2303 be approved for Development Permit No. DP-412:

- 1) **Section 9.9.1 - Minimum Setback of Principal Buildings** - reduce the setback of a principle building adjacent to an access route from 2.0 m (6.6 ft) to 0.6 m (1.9 ft);
- 2) **Section 9.9.5 - Minimum Setback of Principal Buildings** - reduce the minimum separation between residential buildings on the same lot of not more than one storey in height from 1.5 m (4.9 ft) to 1.1 m (3.6 ft);

**AND FURTHER THAT:** Issuance of Development Permit No. DP-412 be withheld subject to the following:

- 1) **Receipt of an Irrevocable Letter of Credit in the amount of 125% of a landscaper's estimate for completion of the landscaping plan.**

**STAFF RECOMMENDATION**

**THAT:** The motion for consideration be adopted.

**PROPOSAL**

The proposal is to develop the parcel located at 1151 – 8 Avenue NE for a multi-family residential strata shown in APPENDIX 1 and 2. The proposal is for six, detached single family dwellings with a private access road running north-south from 8 Avenue NE. Parking is located in single-car attached garages and four additional stalls in the south-east corner of the subject property.

Elevations and site plan drawings are attached as APPENDIX 3 and site photos as APPENDIX 4.

## BACKGROUND

The subject parcel is designated High Density Residential (HDR) in the City's Official Community Plan (OCP) and is zoned R-4 (Medium Density Residential) in the Zoning Bylaw. The surrounding neighbourhood is also designated HDR, and mostly consists of low density, single family development zoned R-1.

A rezoning application, from R-1 to R-4 (Zoning No. 1065), was approved by Council in the summer of 2016. At that time the proposal was for a 7 unit strata development, however Council approved the rezoning based on a Section 219 Restrictive covenant which limited the development to 6 units based on input and concern from the neighbourhood residents. The covenant has been subsequently approved and registered on title by the applicants.

## COMMENTS

### Design Review Panel

A Design Review Panel (DRP) meeting was held on May 30, 2017. Minutes of that meeting are attached as APPENDIX 5.

The DRP generally supported the proposal with the exception of the requested variance to reduce the minimum separation between units 5 and 6. It was suggested that combining the units into a duplex structure would be preferred, or alternatively if Council supported the variance, that the landscaping be adjusted to hard landscaping in place of plantings. It was suggested that the density of the landscaping could be reduced overall.

### Fire Department

No concerns.

### Building Department

No concerns. Reduction of limiting distance between units will be addressed at the Building Permit stage.

### Engineering Department

Comments are attached as APPENDIX 6.

### Planning Department

## **Form and Character Development Permit**

The proposed development is subject to the "Residential Development Permit Area" design guidelines of the OCP.

The proposal is for 6 detached single family dwellings, 8.2 m in height with attached single car garages. The style of the proposed dwellings is stated to be simple in form based on traditional housing in the area. The main roof structure is relatively steep and the structure is rectangular in shape. The exterior wall finishes include a combination of stucco and feature panels of wood siding.

The proposed landscaping plan (APPENDIX 3) shows three "Autumn Blaze" Maples along the 8 Avenue NE frontages, and seven ornamental crab-apple trees spaced out through the development. The three trees in the south-west corner will be relocated outside of the City Right of Way as large trees can negatively impact City utilities in the future. Further, the patios which are located on units 1 and 2 partially extend over City Right of Way as well. These patios will be limited to paver stone or non permanent landscaping as no permanent structures are permitted over City Right of Ways. Additional perimeter landscaping consists of a variety tree and shrub species and some open lawn area. Fencing



specifications have not been provided by the applicant, any proposed fencing would need to meet the fencing regulations of the Zoning Bylaw.

#### **Site Access and Offstreet Parking**

The site will be accessed from 8 Avenue NE by a 7.3 m wide common access road. The garbage and recycling area is located in the south east corner adjacent to 8 Avenue NE. The Zoning Bylaw requires 1.5 stalls per unit in the Medium Density Residential zone for a total of 9 stalls required. A total of 10 stalls are shown on the site plan with 6 being located in the single car garages and 4 outside surface parking stalls.

#### **Proposed Zoning Bylaw Variances**

The applicant is requesting two variances to Zoning Bylaw No. 2303; first to reduce the setback from an access route and second to reduce the minimum separation between residential buildings.

The first variance request is to reduce the setback of principle buildings from the common access route from 2.0 m to 0.6 to accommodate units 1, 2 and 3. Units 1, 2 and 3 are proposed to be setback 1.4 m, 0.9 m and 0.7 m from the access road. Allowing a variance down to 0.6 m will allow some flexibility while still maintaining a 0.6 m buffer for standard projections such as roof eaves. The setback from the access route is intended to maintain spacing from buildings for aesthetics and clear access of emergency vehicles and general traffic. In this case, the 7.3 m access route will remain clear of any buildings and projections and given the proposed layout staff does not have any objections to the requested variance.

The second variance request is to reduce the minimum separation between residential buildings on the same lot of not more than one storey in height from 1.5 m to 1.1 m to accommodate units 5 and 6. The minimum separation requirement is generally based on BC Building Code and limiting distances for fire and safety. The buildings will be two storeys tall on the outside but drop down to one storey at the closest point where the variance is requested. Staff support the requested variance subject to meeting BC Building Code. Confirmation that the buildings will meet BC Building Code will be completed at the Building Permit stage.

#### **CONCLUSION**

The proposal is for the development of six detached single family dwellings at 1151 – 8 Avenue NE. The application addressed the "Residential Development Permit Area" design guidelines of the OCP. The form and character is generally consistent with design guidelines of the OCP. The two requested variances are considered minor, internal to the proposed development and should not negatively impact adjacent properties.

Application DP-412 is recommended for approval by staff, subject to the conditions outlines in the motion of consideration being completed to the satisfaction of the City.



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



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






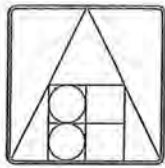




0 7 14 21 28  
Meters

 Subject Parcel





March 15, 2017

Director of Development Services,  
City of Salmon Arm,  
Salmon Arm, BC

Re: Development Permit Application for 1151 – 8<sup>th</sup> Avenue NE, Salmon Arm, BC

Dear Sir:

Further to the attached application for the above address, I want to summarize and provide the rationale for the design of the project as submitted.

You will note that the project is comprised of six free-standing houses, each of two storey construction with a generous single-car attached garage. Construction type will be of standard wood frame on concrete foundations. Exterior wall finishes will be a combination of stucco, and feature panels of wood siding, or wood shingles. Roofing will be asphalt shingles. Colours will be approximately as shown in the coloured elevation drawings submitted.

Parking will slightly exceed the R-4 requirement of 1.5 stalls per unit, i.e. we are proposing 10 stalls instead of the minimum of 9.

The application includes a request for variances as follows: a slight reduction of the required 2m setback from the access route for just two of the units as shown on the site plan, and a reduction in the required building separation from 1.5 m to 1.1m in just one case between units 5 and 6. It should be noted that although the buildings are partially two storeys, the parts of them that are adjacent each other are the one-story portions.

Stylistically the proposal could be called a straight forward expression of form derived from traditional housing forms common to the region. Hallmark features of this style include symmetrical fairly steeply pitched main roof surfaces and uncomplicated overall forms generated by a joining of clean rectangular plan shapes. We believe that this approach will fit in well with the aging housing stock in the neighbourhood and generate little controversy. This style should also age well and not too easily look out of fashion.

Should you have any questions or concerns, we would be pleased to hear them.

Sincerely,

Bernd Hermanski, Architect-AIBC  
Bernd Hermanski Architect Inc.





5.0m REAR YARD SETBACK

LOT 3

LOT 2  
PLAN 57968

LOT 11  
PLAN 5339

TOP PIPES

26.609

19.344

27.230

16.213

6.095

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## LEGEND

- LEGAL BOUNDARY
- ACCESS ROAD
- CONTOURS
- MANHOLE
- HYDRANT
- UTILITY POLE
- WATER VALVE
- OIP
- BUILDINGS
- ROOF
- CL DITCH

EXISTING SURFACE CONTOURS = .25m

**LOT 2, PLAN KAP 13746**  
**SECTION 13, TOWNSHIP 20,**  
**RANGE 10, W6M, K.D.Y.D.**  
CIVIC ADDRESS: 1151 8TH AVE

## PROJECT INFO

**Site area:**  
2,610.75m (28,101.2sf)  
0.65 acres

**OCP Designation:**  
High Density Residential

**Zoning:**  
Current - R-1 (Low Density Residential)  
Proposed - R4 (Medium Density Residential)

**Development Density:**  
Allowable = 16.2 units / acre = 10 units  
Proposed = 6 units

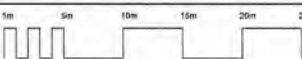
**Parcel Coverage:**  
Allowable = 55%  
Proposed = 28.6%

**Maximum Building Height:**  
10.0m (32.8ft) for Principal Buildings  
\*12.0m (42.7ft) if amenities provided

**Setbacks:**  
Front Yard 2.0m (6.6ft)  
Rear Yard 5.0m (16.4ft)  
Side Yard (Interior) 1.8m (5.9ft)  
Side Yard (Exterior) 2.0m (6.6ft)

**Min. Separation Between Residential Buildings on Same Lot**  
- If not more than one storey = 1.5m (4.9ft)  
- If more than one storey = 3.0m (9.8ft)

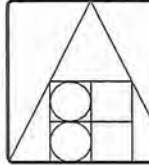
**Required Parking:**  
Required = 1.5 Stalls / Unit = 9 Stalls  
Provided = 10 Stalls



LOCATION PLAN (NTS)

DATE	16-02-20
DEVELOPMENT PERMIT	16-02-20

DRAWN	ML
DATE	March 2017
SCALE	1:200



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INCORPORATED

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PROJECT: 16-020  
1151 - 8th Ave. NE  
SALMON ARM, B.C.

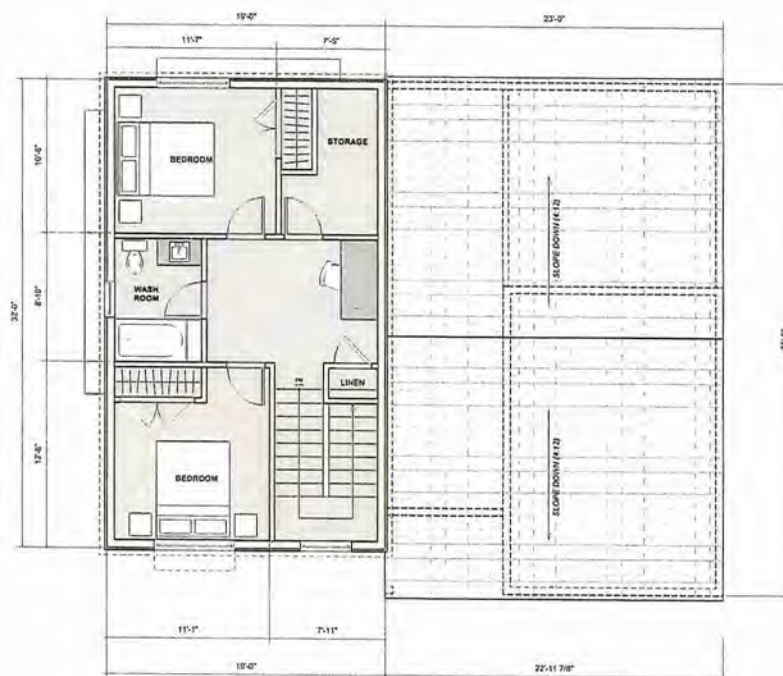
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SITE PLAN

DRAWING NO.  
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OF  
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**TYPE 1**  
1057sf

1 Ground Floor  
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**TYPE 1**  
609sf

2 Upper Floor  
Scale: 1/8" = 1'-0"

ISSUE DATE  
DEVELOPMENT PERMIT Mar. 20, 2017

DRAWN: BH

DATE: March 2017

SCALE: as noted

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PROJECT: 16-020  
1151 - 8th Ave. NE  
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DRAWING TITLE:  
**UNITS 1-2**  
(DETACHED HOMES)

DRAWING NO.

**DP02**

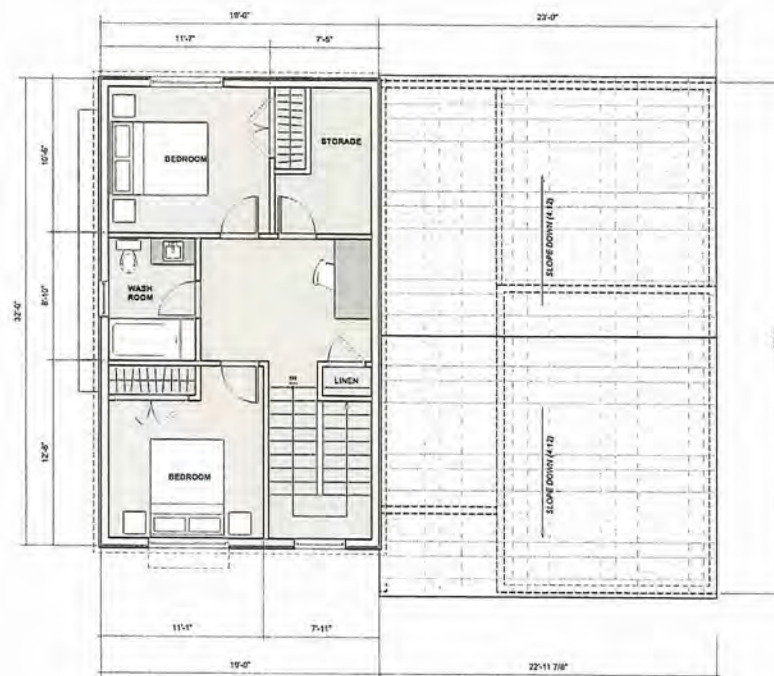
OF





**TYPE 2**  
1083sf

1 Ground Floor  
Scale: 1/4" = 1'-0"



**TYPE 2**  
609sf

2 Upper Floor  
Scale: 1/4" = 1'-0"

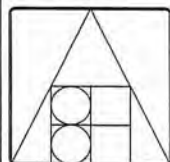
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PROJECT: 16-020  
1151 - 8th Ave. NE  
SALMON ARM, B.C.

DRAWING TITLE:  
**UNITS 3-4**  
(DETACHED HOMES)

DRAWING NO.

**DP03**

OF



**TYPE 3**  
968sf

1 Ground Floor  
Scale: 1/4" = 1'-0"



**TYPE 3**  
638sf

2 Upper Floor  
Scale: 1/4" = 1'-0"

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DEVELOPMENT PERMIT Mar. 23, 2017

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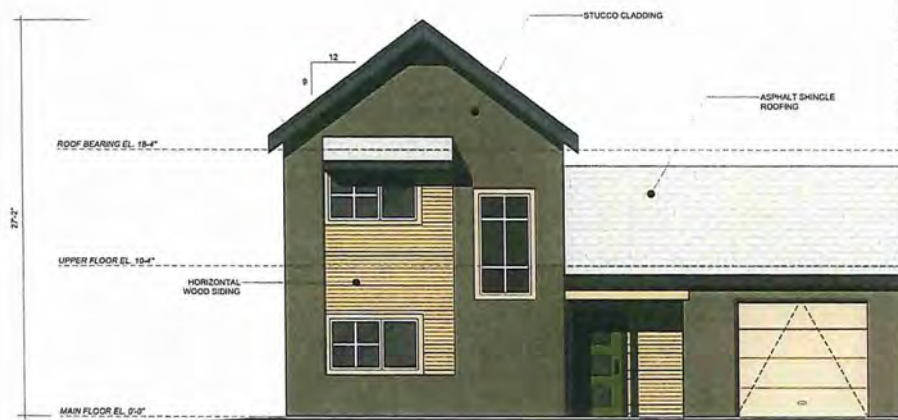
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PROJECT: 16-020  
1151 - 8th Ave. NE  
SALMON ARM, B.C.

DRAWING TITLE:  
**UNITS 5-6**  
(SEMI-DETACHED)

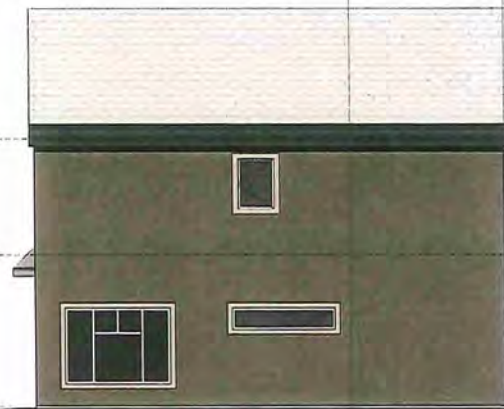
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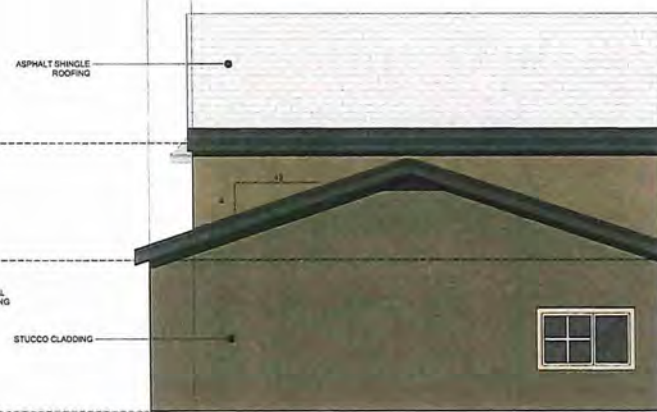
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TYPE 1



Back Elevation  
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TYPE 1

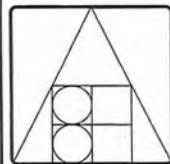


Side Elevation  
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TYPE 1

ISSUE	DATE
DEVELOPMENT PERMIT	Mar. 20, 2107

DRAWN:	BH
DATE:	March 2017
SCALE:	as noted
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PROJECT: 16-020  
1151 - 8th Ave. NE  
SALMON ARM, B.C.

DRAWING TITLE:  
UNITS 1-2  
(DETACHED HOMES)

DRAWING NO.  
**DP05**  
OF  
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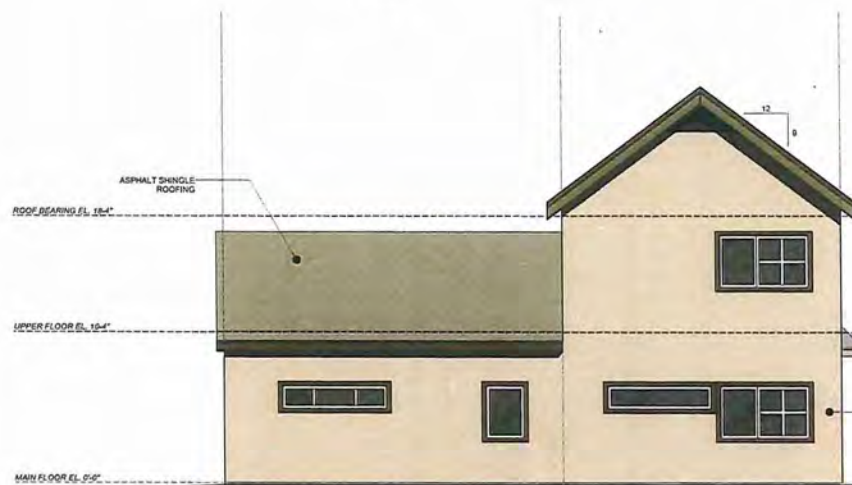
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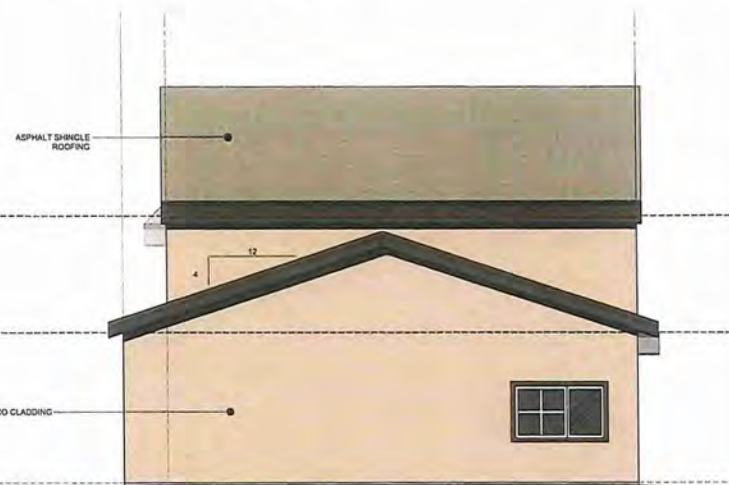
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TYPE 2



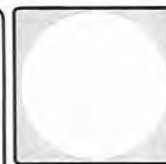
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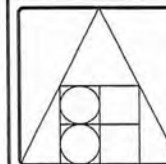
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DEVELOPMENT PERMIT	Mar. 20, 2107

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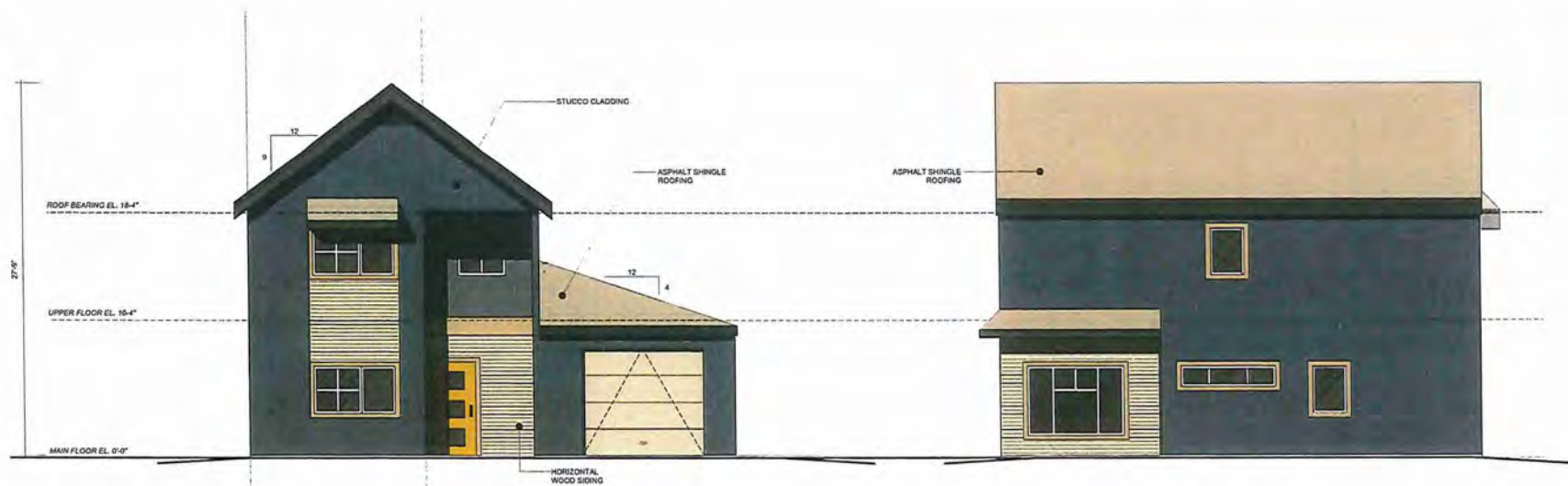
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PROJECT: 16-020  
1151 - 8th Ave. NE  
SALMON ARM, B.C.

DRAWING TITLE:  
UNITS 3-4  
(DETACHED HOMES)

DRAWING NO.  
**DP06**  
OF  
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Front Elevation  
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TYPE 3

Side Elevation  
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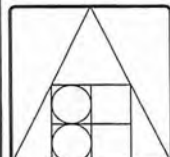
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DEVELOPMENT PERMIT	Mar. 20, 2107

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PROJECT: 16-020  
1151 - 8th Ave. NE  
SALMON ARM, B.C.

DRAWING TITLE:  
UNITS 5-6  
(SEMI-DETACHED)

DRAWING NO.  
**A07**  
OF  
1





## APPENDIX 4



Photo 1: Photo looking north from 8 Avenue NE at the subject property and single family dwelling.



Photo 2: Photo looking east at the current driveway entrance and 8 Avenue NE





Photo 3: Photo looking north from the current driveway access.



Photo 4: Photo looking west at 8 Avenue NE.





## CITY OF SALMON ARM

### DESIGN REVIEW PANEL MINUTES

May 30, 2017  
Room No. 100, City Hall

**Present:** Bill Laird (Panel Chair)  
Lianne Longdo (Panel Member)  
Bill Remphrey (Panel Member)  
Paul Burrows (Panel Member)  
John Coulson (Panel Member)

Bernd Hermanski (Applicant DP-412)  
Alvin Bartel (Applicant DP-413)

Wes Miles (Planning and Development Officer)  
Chris Larson (Planning and Development Officer)

**Absent:** Warren Welter (Panel Member)  
Marc Lamerton (Panel Member)

**Applications:** **Proposed Multiple Family Residential Development at 1151 – 8 Avenue NE**  
**Development Permit Application No. DP-412**

**Proposed Institutional Development at 100 – 5 Avenue SE**  
**Development Permit Application No. DP-413**

The meeting was called to order at 2:01 p.m.

#### **Development Permit Application No. DP-412**

The Applicant summarized the proposal, referring to the site plans and building elevations, noting that the scale and traditional design are attempts to complement the existing development in the area.

Panel members discussed the proposal, noting the need for increased density. Questions were addressed regarding the building spacing, landscaping (noting it would be possible to feature less dense planting), parking and access. Panel members sought clarification on the requested variances, questioning the utility of the narrow space requested between units 5 and 6. The panel was not supportive of this variance regarding the separation between buildings 5 and 6.

#### **Panel Recommendation**

THAT the application drawings under review for application DP-412 be supported, subject to:

- eliminating the variance regarding the separation between buildings 5 and 6.

The DRP would support a duplex as an option combining units 5 and 6. The DRP suggests that should Council support the requested variance, that the landscape plan be revised to include hard landscaping to be installed between buildings 5 and 6.

Design Review Panel – May 30, 2017 Meeting Minutes

**Development Permit Application No. DP-413**

The Applicant summarized the proposal, referring to the site plans and building elevations. The design attempts to tie the new building to the existing structure, with similar colours, stone finishing, and rooflines.

Panel members discussed the proposal, commenting positively on the design proposal, as well as the form and character of the building, questioning proposed plantings, the access, and potential options to lessen the impact of the parking area. The DRP was not concerned with the requested variances, and viewed the requested right-of-way trespass for the covered walkway as reasonable. It was noted that by limiting a portion of the eastern parking area to one-way traffic, that potentially the perimeter landscaping could be widened and enhanced, softening the impact of the parking area on adjacent homes.

**Panel Recommendation**

THAT the application drawings under review for application DP-413 be supported, subject to:

- the review and substitution of potential zone intolerant plantings for hardy species; and
- reconfiguring the eastern parking area to one-way traffic to increase perimeter landscaping.

The DRP noted the level of detail in the proposal, the quality of the design, and was supportive of the project.

The meeting adjourned at 3:10 p.m.

  
Bill Laird, Panel Chair





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

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TO:	Kevin Pearson, Director of Development Services
DATE:	11 May 2017
PREPARED BY:	Chris Moore, Engineering Assistant
OWNER:	<b>Lakeshore Terrace Developments Ltd.</b> , Box 1438, Salmon Arm, BC, V1E 4P6
APPLICANT:	Owner
SUBJECT:	<b>DEVELOPMENT PERMIT APPLICATION NO. DP-412</b>
LEGAL:	Lot 2, Section 13, Township 20, Range 10, W6M, KDYD, Plan 13746
CIVIC:	<b>1151 – 8 Avenue NE</b>
TYPE:	Environmentally Sensitive Riparian Area & Residential Development Permit Area

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Further to your referral dated 18 April 2017 we provide the following servicing information. **The following comments and servicing requirements are not conditions for Development Permit; 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. 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 to be serviced completely by underground electrical and telecommunications wiring.
4. Properties 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.
6. Erosion and Sediment Control measures will be required at time of construction. ESC plans to be approved by the City of Salmon Arm.
7. At the time of development 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

Development Permit Application DP-412  
 11 May 2017  
 Page 2

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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/building permit 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 building permit 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. 8 Avenue NE on the subject properties south boundary is classified as an Urban Local Road, requiring a road right-of-way dedication of 20 meters (10 meters on either side of road centerline). However, since 8 Avenue NE cannot be extended and development opportunities are limited, the City is prepared to accept an 18 meter right-of-way dedication in this instance. Available records indicate that an additional 2.76m of dedication will be required from the subject property, to be confirmed by a BCLS.
2. 8 Avenue NE is currently constructed to an Interim Local Road Standard. Upgrading to an Urban Local Road Standard will be required. Upgrading may include, but is not limited to, road widening and construction, curb & gutter, sidewalk, boulevard construction, street drainage, street lighting and underground electrical and telecommunications wiring.
3. Internal roadways are recommended to be a minimum of 7.3m measured from face of curb (per City standard RD-12).

**Water:**

1. The subject property fronts on a 100 mm diameter (Zone 1) watermain on 8 Avenue NE. The Owner / developer is required to upgrade this watermain to 200mm diameter along the frontage of the property. Since this work is considered premature at this time, a 50% cash in lieu contribution to future works will be required.
2. The property is to be serviced with single, water service connection, adequately sized to satisfy the proposed use, as per specification drawing W-10 (minimum 25mm diameter). Strata developments with ground oriented access have the option of a bulk water meter at property line with invoicing to the Strata Corporation or individual strata lot metering with invoicing to each strata lot (currently on an annual flat rate). To qualify for the second option each unit requires a separate outside water service shut-off connected to the onsite private water main. Contact Engineering Department for more information. All meters will be provided by the City at the owner/developers cost. Where service connections are required to serve multiple properties, an approved Backflow Prevention Device shall be installed to provide premise isolation, in accordance with the Cross Connection Control Bylaw 3934.



Development Permit Application DP-412  
11 May 2017  
Page 3

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3. The existing property is currently serviced by a service connection, of unknown size from the watermain on 8 Ave NE. All existing inadequate/unused services must be abandoned at the main. Owner/Developer is responsible for all associated costs.
4. There is a water service to 1080 9 Ave NE that crosses the subject property within the City's right of way (ROW). This service is to be maintained.
5. The subject property is in an area with sufficient fire flows and pressures according to the 2011 Water Study (OK&K 2012).
6. Fire protection requirements to be confirmed with the Building and Fire Departments.

#### **Sanitary Sewer:**

1. The subject property fronts a 200mm diameter sanitary sewer main on the northern boundary of the property, a 300 mm diameter sanitary sewer main on 8 Avenue NE and a 300mm diameter sanitary sewer main in a 4.5m ROW on the South-West boundary of the property. No upgrades are required at this time, however, the ROW within the property on the South-West boundary will require widening to 6.0m width.
2. Due to the site topography, the property may be serviced by two sanitary service connections; one from the sewer on the northern boundary and one from the sewer on the south-west boundary. Both services are to be adequately sized (minimum 100mm) to satisfy the servicing requirements of the development. Owner / Developer is responsible for all associated costs.
3. Records indicate that the existing property is serviced by a service of unknown size from the sanitary sewer on the northern boundary. All existing inadequate/unused services must be abandoned at the main. Owner/developer is responsible for all associated costs.

#### **Drainage:**

1. The subject properties front a 600 mm diameter storm sewer main on 8 Avenue NE. No upgrades are required at this time. However, the ROW within the property on the South-West boundary will require widening to 6.0m total width.
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. Should discharge into the City Storm Sewer be part of the ISMP, owner/developers 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.

Development Permit Application DP-412

11 May 2017

Page 4

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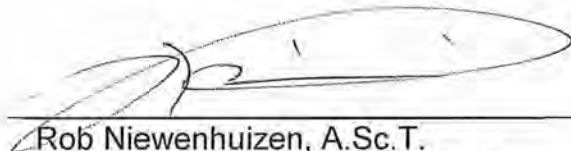
3. Subject to approval of the ISMP, the proposed lots may be serviced by single storm service connections adequately sized (minimum 150mm) to satisfy the servicing requirements of the development. All existing inadequate/unused services must be abandoned at the main; applicant is responsible for all associated costs. City records indicate that the existing property was not serviced with a City storm service.
4. Records indicate the existing lots are not currently serviced with storm.

**Geotechnical:**

1. A geotechnical report in accordance with the Engineering Departments Geotechnical Study Terms of Reference Category A (Building Foundation Design and Site Drainage) and Category B (Pavement Design) will be required at time of subdivision.



Chris Moore  
Engineering Assistant



Rob Niewenhuizen, A.Sc.T.  
Director of Engineering & Public  
Works





*City of Salmon Arm*  
*Development Services Department Memorandum*

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TO: Her Worship Mayor Cooper and Council

FROM: Development Services Department

DATE: June 6, 2017

SUBJECT: Agricultural Land Commission Application No. ALC.369  
Lot A, Plan 6555, except Plan 9337, Sec. 4, Tp. 20, R. 10, W6M, KDYD  
4890 Foothill Road SW  
Owners: A. & L. Priebe

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**Motion for Consideration**

THAT: Agricultural Land Commission Application No. ALC.369 be authorized for submission to the Agricultural Land Commission.

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**Staff Recommendation**

THAT: The Motion for Consideration be adopted.

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**Proposal**

The subject property is located immediately east of the intersection of Foothill Road SW and 50 Street SW. The property is approximately 2.4 hectares in size and contains the owners' residence. The owners are applying to subdivide the property into two parcels under Section 21(2) of the Agricultural Land Commission Act (subdivision in the ALR). A location map, ortho photo and sketch plan of the proposed subdivision are attached as Appendices 1 through 3.

**Background**

The subject property is designated Salmon Valley Agricultural in the Official Community Plan and is zoned A-1 (Agriculture). All of the property is within the Agricultural Land Reserve. O.C.P., zoning and ALR maps are attached as Appendices 4 through 6.

The owners wish to create a separate parcel of approximately 0.4 hectare containing their existing residence and a vacant Remainder parcel of approximately 2.0 hectares. A copy of the owner's ALC application is attached as Appendix 7. If the application is approved by the Agricultural Land Commission, they would then apply to the City for subdivision approval under Section 514 of the Local Government Act (subdivision to provide a residence for a relative). A copy of Section 514 is attached in Appendix 8.

As shown on Appendix 9, the property has an Improved Soil Capability Rating of 60% Class 3 and 40% Class 4. (The soil capability rating ranges from Class 1 to Class 7. The best agricultural lands are rated Class 1 because they have the ideal climate and soil to allow a farmer to grow the widest range of crops. Class 7 is considered non-arable, with no potential for soil bound agriculture.)

### Site Context

Adjacent land uses include the following:

North: Foothill Road SW and a rural residential parcel of approximately 1.0 ha.  
 South: Rural residential/agricultural parcel of approximately 16.0 ha.  
 East: 45 Street SW; then a rural residential/agricultural parcel of approximately 4.0 ha.  
 West: Foothill Road SW; then a rural residential parcel of approximately 0.2 ha.

Staff have reviewed the proposal and provide the following:

#### Fire Department

No concerns.

#### Building Department

No concerns. Geotechnical review may be required at time of development.

#### Engineering Department

See Appendix 10.

#### Planning Department

As with most subdivision applications involving ALR lands, staff have some reservations with the proposal:

- i) The subdivision of rural lots into parcels of this size is not supported by the Official Community Plan or the Zoning Bylaw. The application is under consideration only because the property is in the ALR and the owner can request approval pursuant to Section 514 of the Local Government Act. (Under Section 514, the proposed parcels do not have to meet the minimum parcel size of the applicable zone and the owner can apply once they have owned the property for a minimum of five years. If the property was not in the A.L.R., a Section 514 application would not be possible as the City's zoning bylaw requires that the parent parcel be a minimum of 8.0 hectares in size.); and
- ii) The Land Capability Classification for Agriculture indicates the soils are fairly well suited to agricultural uses.

However, staff are recommending that the application proceed in consideration of the following:

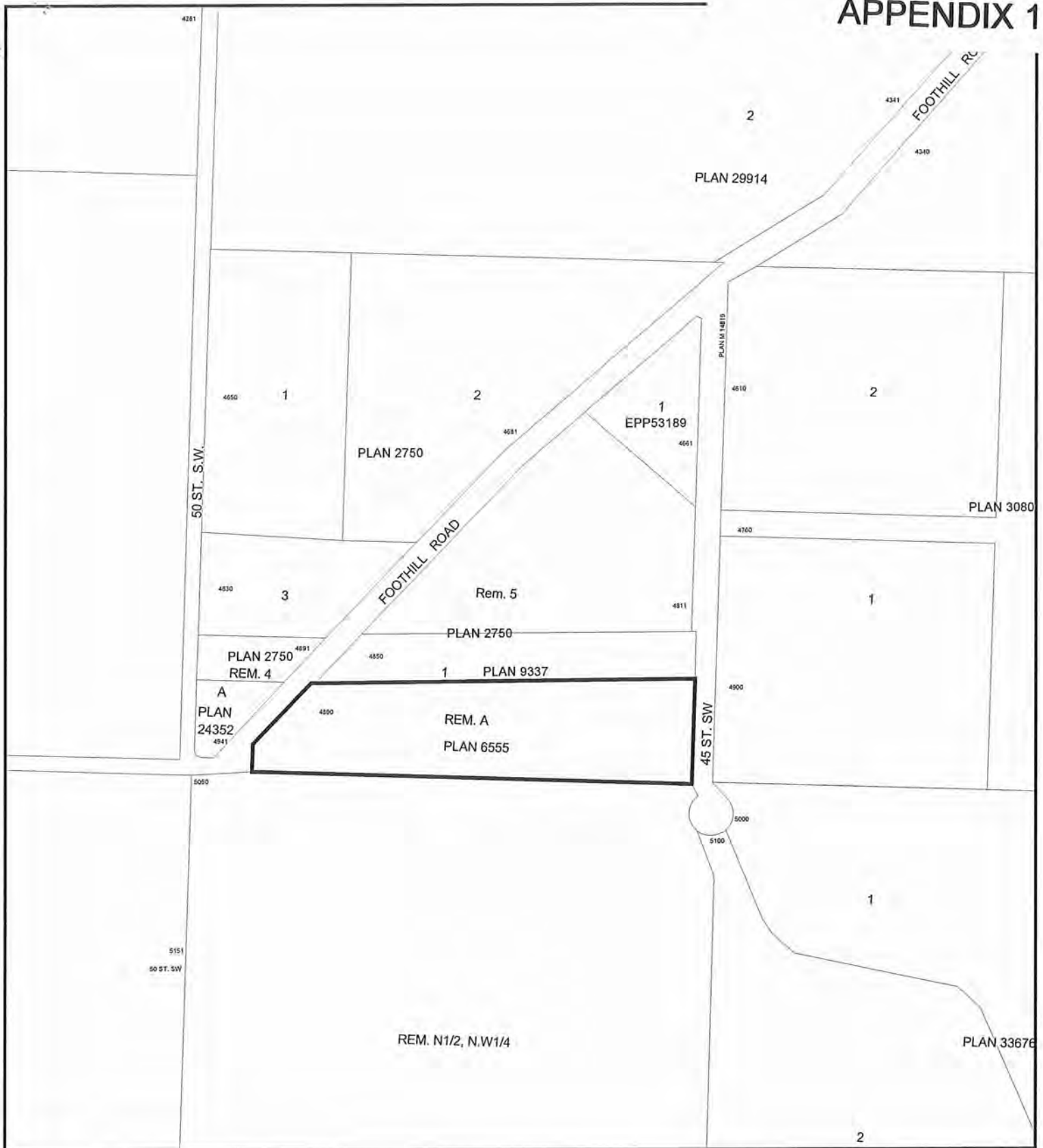
- i) A similar application for a one lot subdivision was approved by the ALC in 2015 for the triangular lot north of the subject property at the corner of Foothill Road SW and 45 Street SW (ALC.356 / B. Harrison - ALC File; 53703). It is noted however, that this property had been owned by the applicant since 1965 and was approved under ALC Policy # 11 - Homesite Severance. (The applicants for this application have owned their property since 2006.)
- ii) The proposed subdivision will not affect existing agricultural uses as the property has not been farmed and it will have little, if any, impact on agricultural uses in the area; and
- iii) The proposed new parcel is confined to the west end of the property and is of sufficient size to accommodate the existing residence while leaving a remainder parcel of approximately 2.0 hectares.



  
Prepared by: Jon Turlock  
Planning & Development Officer  
Reviewed by: Kevin Pearson, MCIP  
Director of Development Services

### Appendices

1. Location map
2. Ortho photo
3. Sketch plan of proposed subdivision
4. OCP map
5. Zoning map
6. ALR map
7. ALC Application
8. Section 514 of Local Government Act
9. Improved Soil Class map
10. Engineering Department comments



Subject Property





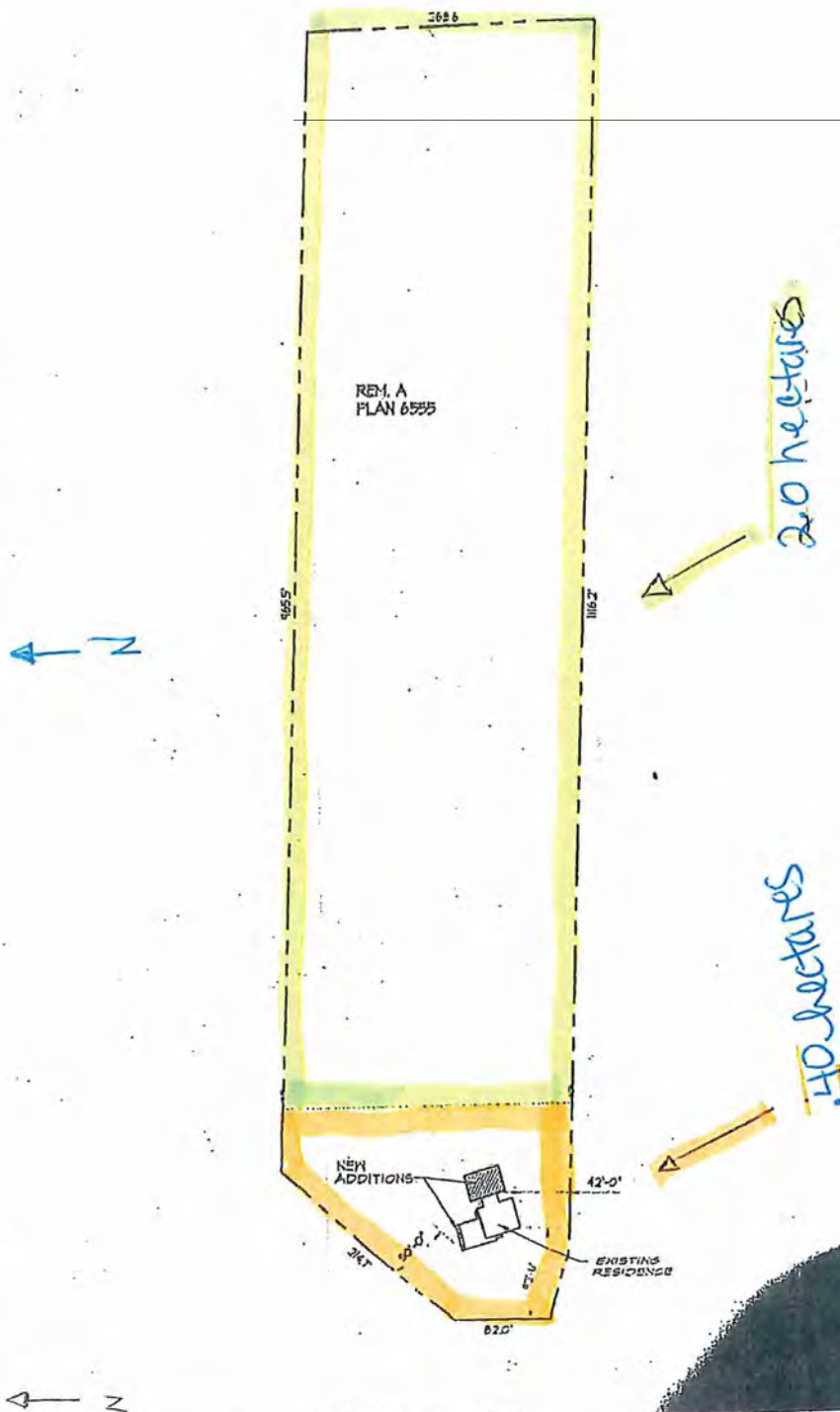
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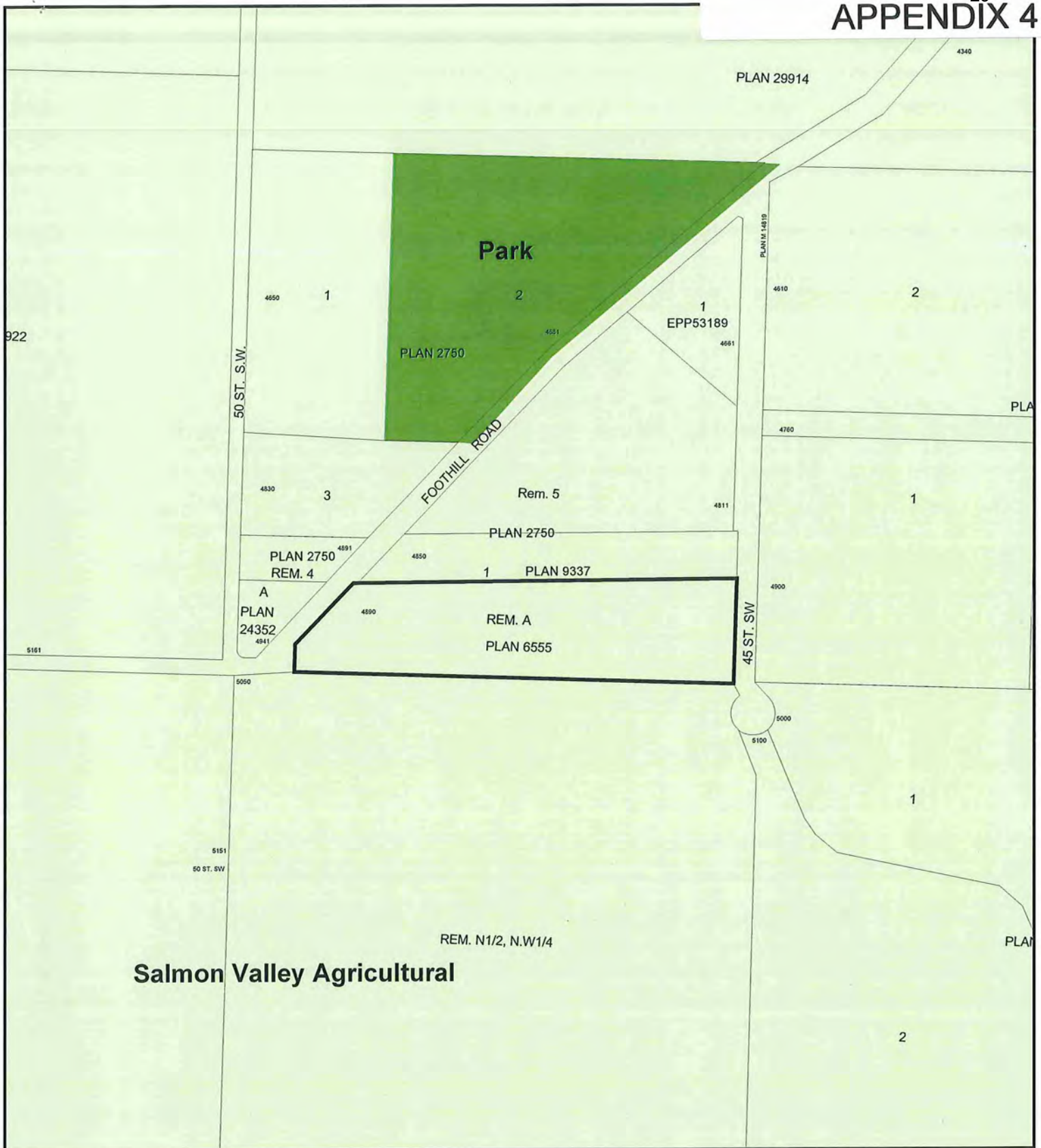
Subject Property



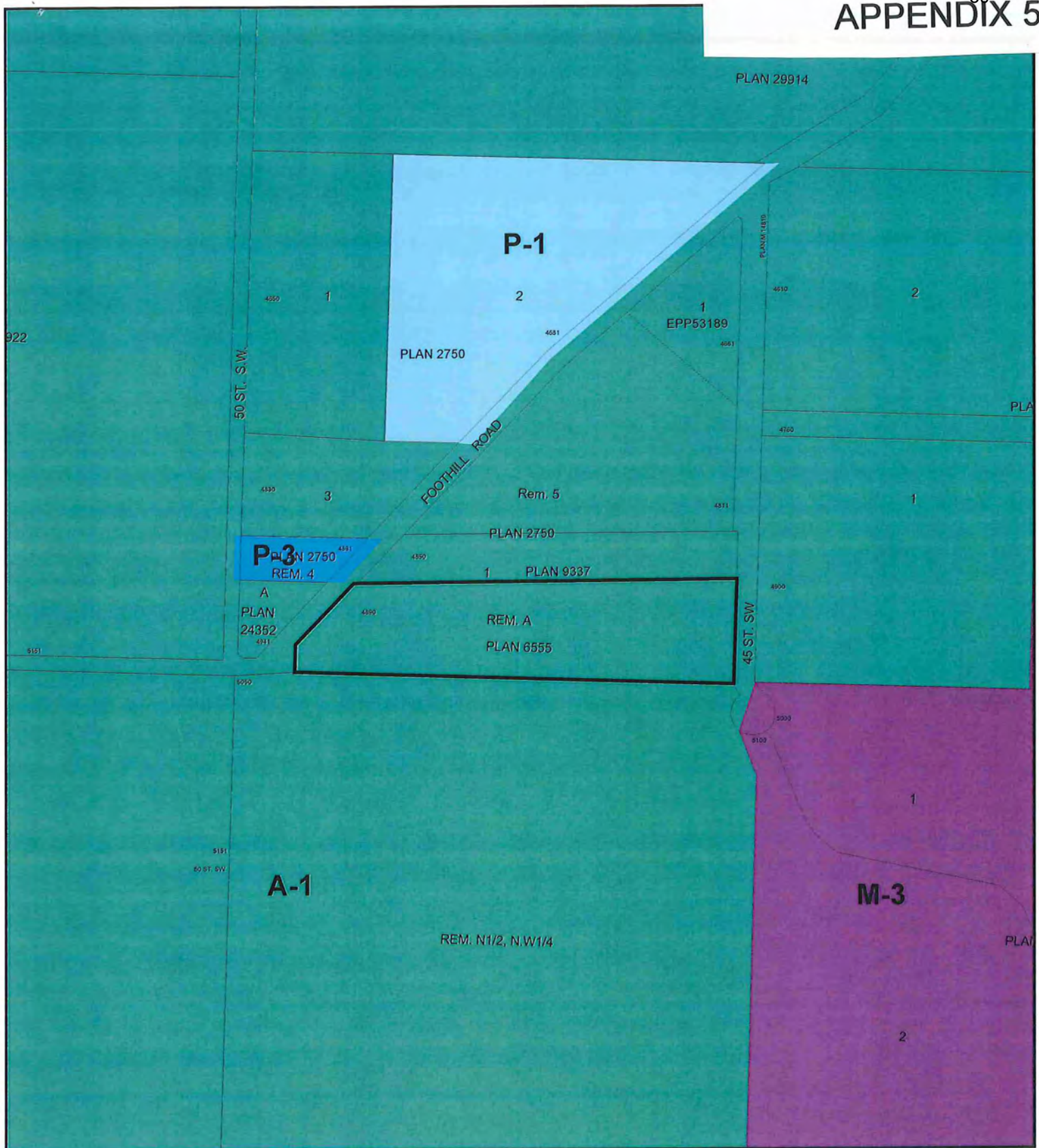
# Site Plan







Subject Property



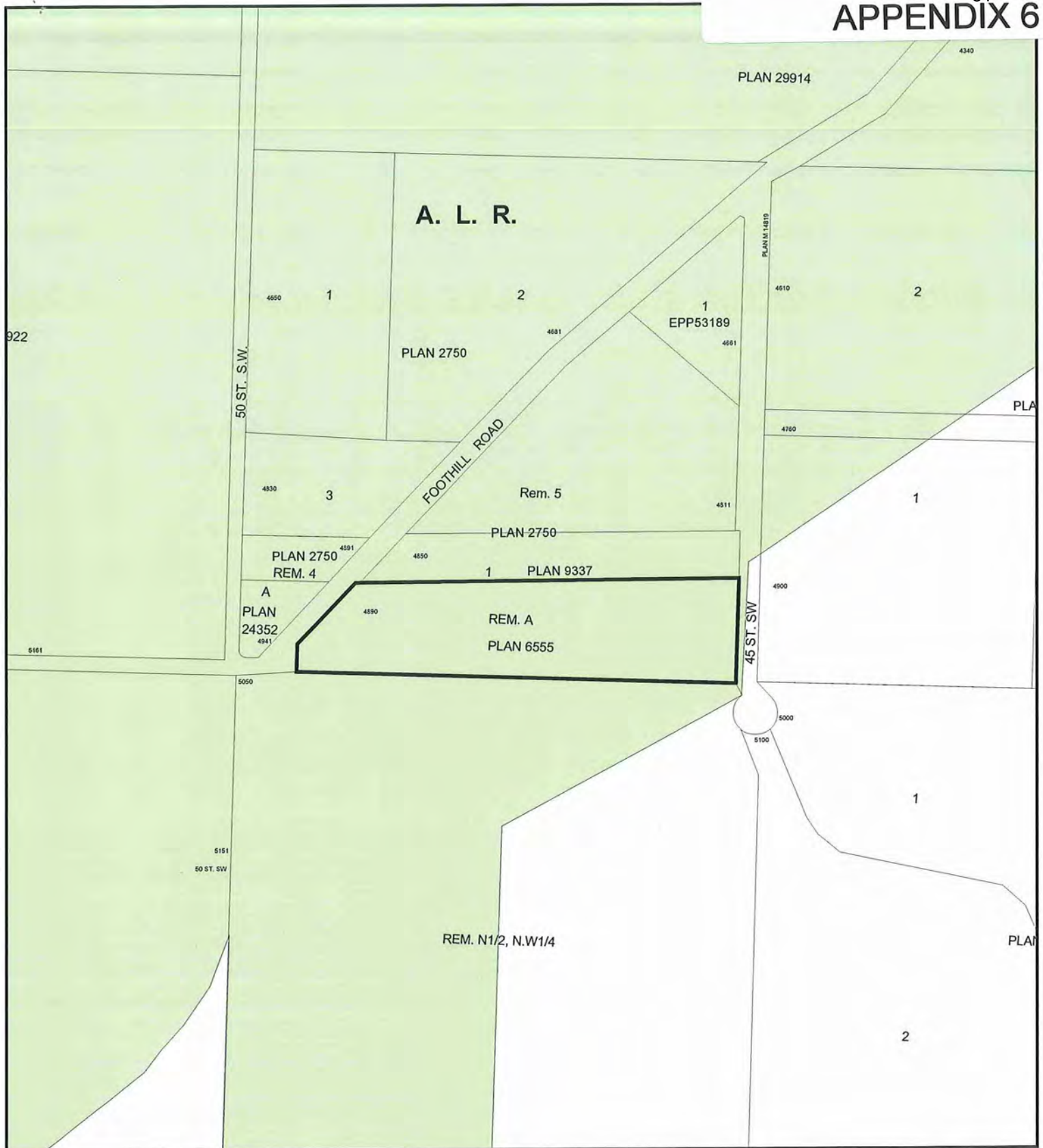
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Subject Property

## Zoning





N



Subject Property

A.L.R.

# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 56071

**Application Status:** Under LG Review

**Applicant:** Lisa Priebe , Aaron Priebe

**Local Government:** City of Salmon Arm

**Local Government Date of Receipt:** 03/20/2017

**ALC Date of Receipt:** This application has not been submitted to ALC yet.

**Proposal Type:** Subdivision

**Proposal:** To subdivide the .4 hectare parcel with the existing house from the remainder 2.0 acres so as to build a new home/hobby farm.

**Mailing Address:**

4890 Foothill Road

Salmon Arm, BC

V1E 3C2

Canada

**Primary Phone:** (250) 803-2173

**Email:** lis.priebe@gmail.com

## Parcel Information

### Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

**Parcel Identifier:** 010-165-312

**Legal Description:** Lot A Sec 4 Tp 20 Range 10 West of the 6th Meridian Kamloops Division  
Yale District Plan 6555 Except Plan 9337

**Parcel Area:** 2.4 ha

**Civic Address:** 4890 Foothill Road, Salmon Arm, BC V1E 3C2

**Date of Purchase:** 05/01/2006

**Farm Classification:** No

**Owners**

1. **Name:** Lisa Priebe

**Address:**

4890 Foothill Road

Salmon Arm, BC

V1E 3C2

Canada

**Phone:** (250) 803-2173

**Email:** lis.priebe@gmail.com

2. **Name:** Aaron Priebe

**Address:**

4890 Foothill Road

Salmon Arm, BC

V1E 3C2

Canada



**Applicant:** Lisa Priebe , Aaron Priebe



### Current Use of Parcels Under Application

**1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**

*No agriculture*

**2. Quantify and describe in detail all agricultural improvements made to the parcel(s).**

*no agricultural improvements.*

**3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).**

*single family resident.*

### Adjacent Land Uses

#### North

**Land Use Type:** Residential

**Specify Activity:** single family dwelling

#### East

**Land Use Type:** Residential

**Specify Activity:** single family dwelling

#### South

**Land Use Type:** Agricultural/Farm

**Specify Activity:** hobby farm/single family dwelling

#### West

**Land Use Type:** Residential

**Specify Activity:** single family dwelling

### Proposal

**1. Enter the total number of lots proposed for your property.**

*2 ha*

*0.4 ha*

**2. What is the purpose of the proposal?**

*To subdivide the .4 hectare parcel with the existing house from the remainder 2.0 acres so as to build a new home/hobby farm.*

**3. Why do you believe this parcel is suitable for subdivision?**

*Our land has never been used for agriculture. We would like to build a house on the 2.0 hectares with a hobby farm. Our neighbours, the Harrisons, similar application was accepted.*

**4. Does the proposal support agriculture in the short or long term? Please explain.**

**Phone:** (250) 463-9777  
**Email:** apintothevortex@gmail.com

---

### **Current Use of Parcels Under Application**

**1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**

*No agriculture*

**2. Quantify and describe in detail all agricultural improvements made to the parcel(s).**

*no agricultutal improvements.*

**3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).**

*single family resident.*

### **Adjacent Land Uses**

#### **North**

**Land Use Type:** Residential

**Specify Activity:** single family dwelling

#### **East**

**Land Use Type:** Residential

**Specify Activity:** single family dwelling

#### **South**

**Land Use Type:** Agricultural/Farm

**Specify Activity:** hobby farm/single family dwelling

#### **West**

**Land Use Type:** Residential

**Specify Activity:** single family dwelling

### **Proposal**

**1. Enter the total number of lots proposed for your property.**

*2 ha*

*0.4 ha*

**2. What is the purpose of the proposal?**

*To subdivide the .4 hectare parcel with the existing house from the remainder 2.0 acres so as to build a new home/hobby farm.*

**3. Why do you believe this parcel is suitable for subdivision?**

*Our land has never been used for agriculture. We would like to build a house on the 2.0 hectares with a hobby farm. Our neighbours, the Harrisons, similar application was accepted.*

**4. Does the proposal support agriculture in the short or long term? Please explain.**

**Applicant:** Lisa Priebe , Aaron Priebe



*Yes. We will be building a hobby farm with the residential on the 2.0 hectares. Fruit trees, bee keeping and laying hens.*

**5. Are you applying for subdivision pursuant to the ALC Homesite Severance Policy? If yes, please submit proof of property ownership prior to December 21, 1972 and proof of continued occupancy in the "Upload Attachments" section.**

*No*

### **Applicant Attachments**

- Proposal Sketch - 56071
- Certificate of Title - 010-165-312

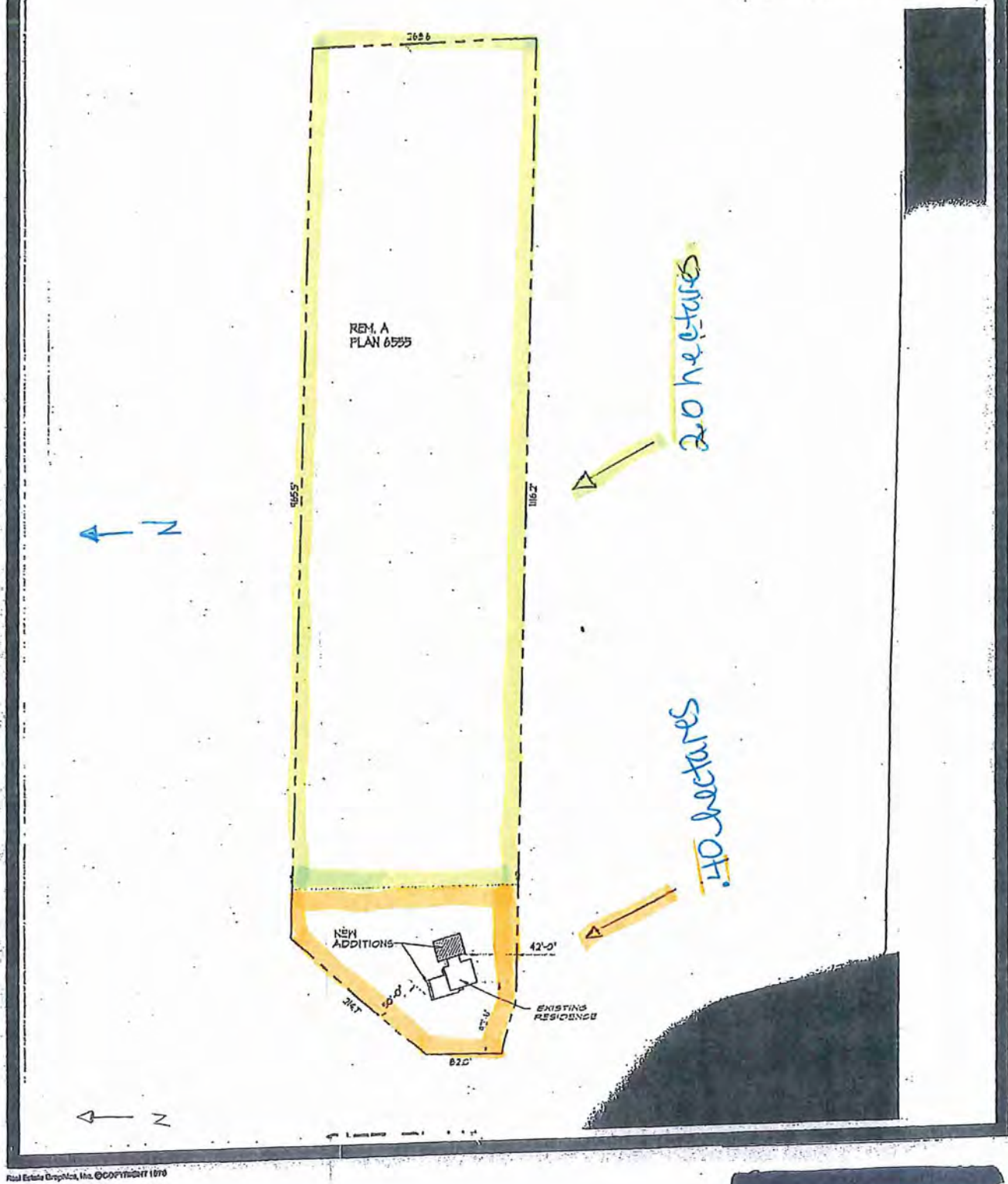
### **ALC Attachments**

None.

### **Decisions**

None.

# Site Plan







**Subdivision to provide residence for a relative**

**514** (1) If the requirements of this section are met, an approving officer may approve the subdivision of a parcel of land that would otherwise be prevented from subdivision by a provision of

(a) a bylaw under this Act, other than a bylaw under subsection (4), that establishes a minimum parcel size, or

(b) a regulation under the Local Services Act that establishes a minimum parcel size.

(2) An application for subdivision of a parcel under this section may be made only if all the following requirements are met:

(a) the person making the application has owned the parcel for at least 5 years before making the application;

(b) the application is made for the purpose of providing a separate residence for

(i) the owner,

(ii) a parent of the owner or of the owner's spouse,

(iii) the owner's child or the spouse of the owner's child, or

(iv) the owner's grandchild;

(c) the proposed subdivision is not a subdivision that an approving officer is prevented from approving by subsection (3).

(3) Despite subsection (1), an approving officer must not approve a subdivision under this section in any of the following circumstances:

(a) if

(i) the parcel proposed to be subdivided is classified as farm land for assessment and taxation purposes, and

(ii) after creation of the parcel subdivided for the purpose of providing a residence as stated in subsection (2) (b), the remainder of the parcel proposed to be subdivided would be less than 2 hectares;

(b) if the parcel proposed to be subdivided

(i) is not within an agricultural land reserve established under the Agricultural Land Commission Act, and



(ii) was created by subdivision under this section, including subdivision under section 996 of the [Municipal Act](#), R.S.B.C. 1979, c. 290, as it read before it was repealed and replaced by section 13 of the *Municipal Amendment Act (No. 2), 1989*;

(c) if the parcel proposed to be subdivided

(i) is within an agricultural land reserve established under the [Agricultural Land Commission Act](#), and

(ii) was within the previous 5 years created by subdivision under this section, including subdivision under section 996 of the [Municipal Act](#), R.S.B.C. 1979, c. 290, as it read before it was repealed and replaced by section 13 of the *Municipal Amendment Act (No. 2), 1989*.

(4) Subject to subsections (5) and (6), a local government may, by bylaw, establish the minimum size for a parcel that may be subdivided under this section, and different sizes may be specified for different areas specified in the bylaw.

(5) A bylaw under subsection (4) does not apply to land within an agricultural land reserve established under the [Agricultural Land Commission Act](#), with the exception of land to which section 23 (1) or (2) [*restrictions on use of agricultural land*] of that Act applies.

(6) Any parcel created by subdivision under this section must be at least 1 hectare unless a smaller area, in no case less than 2 500 m<sup>2</sup>, is approved by the medical health officer.

(7) For 5 years after subdivision under this section, unless the applicable use is changed by bylaw,

(a) the use of the parcel subdivided for the purpose of providing a residence as stated in subsection (2) (b) must be residential use only, and

(b) the use of the remainder of the original parcel must not be changed from the use of the original parcel.

(8) For a parcel of land that is not within an agricultural land reserve established under the [Agricultural Land Commission Act](#), or that is within such a reserve but is land to which section 23 (1) or (2) of that Act applies, approval of subdivision under this section may be given only on the condition that

(a) the owner of the original parcel covenants with the local government, in respect of each of the parcels being created by the subdivision, that the parcel

(i) will be used as required by subsection (7) of this section, and

(ii) will not be subdivided under this section, and

(b) the covenants referred to in paragraph (a) be registered under section 219 of the [Land Title Act](#) at the same time that application is made to deposit the subdivision plan.

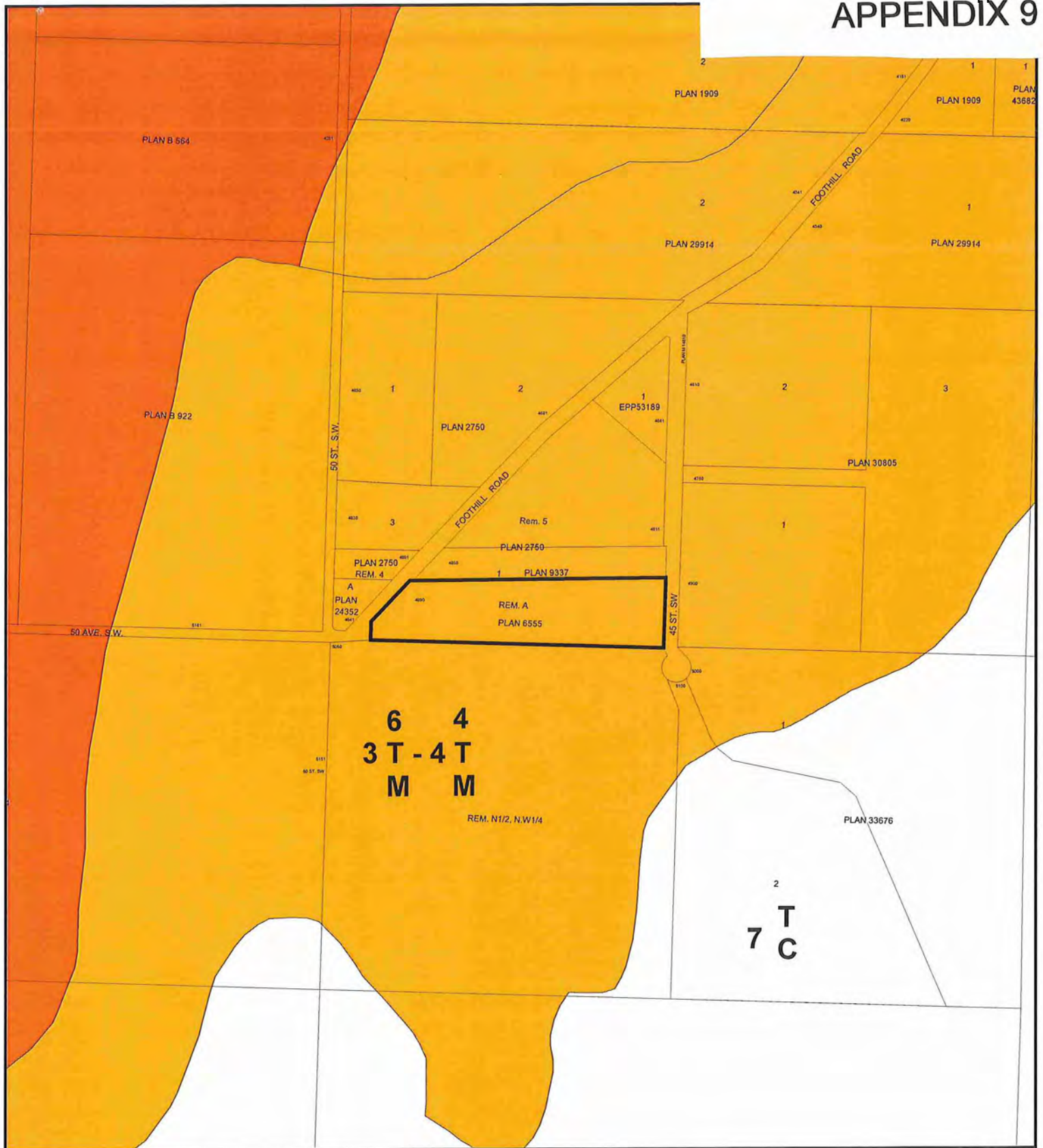
Local Government Act

Page 3 of 3

(9) If a subdivision referred to in subsection (8) is approved, the approving officer must state on the note of approval required by section 88 of the [\*Land Title Act\*](#) that the approval is subject to conditions established by subsection (8).

\* \* \*





Subject Property

Improved Soil Class



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

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To: Kevin Pearson, Director of Development Services  
Date: June 5, 2017  
Prepared by: Darin Gerow, Engineering Assistant  
Subject: **Agricultural Land Commission Application File No.ALC-369**  
Civic: 4890 Foothill Road SW  
Legals: Lot A, Section 4, Township 20, Range 10, W6M, KDYD, Plan 6555, Except Plan 9337  
Owners: Priebe, Aaron & Lisa, 4890 – Foothill Road SW, Salmon Arm, BC V1E 3C2  
Applicant: Owners

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Further to your referral dated May 3, 2017, we provide the following servicing information. **The following comments and servicing requirements are not conditions for ALC Application; however, these comments are provided as a courtesy in advance of any development or subdivision proceeding to the next stages.**

**General:**

1. Full municipal services are required as noted herein. Notwithstanding the comments contained in this referral, it is the Owner/developer'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. Overhead electrical and telecommunications wiring is permitted.
4. Properties under the control and jurisdiction of the municipality shall be reinstated to City satisfaction.
5. 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.
6. The applicant will be required to submit for City review and approval an engineered design (plan/profile) for any off-site improvements or works within City owned lands. Design must be prepared and submitted by a qualified professional engineer. Refer to the sections below for more information. The applicant is requested to contact the Engineering Department should additional information be required. Securities equal to 125% of the estimated off-site servicing costs will be required as a condition of development.



# AGRICULTURAL LAND COMMISSION APPLICATION FILE No. ALC-369E

June 5, 2017

Page 2

## Roads/Access:

1. Foothill Road SW along the northern property boundary is designated as a Rural Arterial Road requiring an ultimate 25.0m dedication (12.5m on either side of the road centerline). Although dedication will only be required for 10.0m from the centerline at this time, all new structure must be set back from ultimate property line. Available records indicate 2.38m additional dedications will be required from the subject property, to be confirmed by a BCLS.

Foothill Road SW is developed to an interim Rural Local Road standard. Upgrading the road frontage with one traffic lane is required. Improvements may include, but not limited to, road construction/widening, boulevard construction and ditching.

2. 45 Street SW along the eastern property boundary is designated as a Rural Local Road requiring an ultimate 20.0m dedication (10.0m on either side of the road centerline). Available records indicate 3.904m additional dedication will be required from the subject property, to be confirmed by a BCLS.

45 Street SW is developed to an interim Rural Local Road. Upgrading to a Rural Local Road Standard (RD-7) is required. Improvements may include, but not limited to, road construction/widening, boulevard construction and ditching.

3. Only one access to each existing and proposed lot will be permitted.

## Water:

1. The subject property fronts a 200mm diameter, Zone 1, watermain along Foothill Road SW and does not front on a watermain along 45 Street SW. No upgrades are required.
2. Existing Lot is to be serviced by single metered water service connection complete with meter pit at property line (as per specification drawing No. W-12) adequately sized (minimum 25mm) to satisfy the proposed use. Water meter will be required at time of subdivision, provided by the City of Salmon Arm at the developers cost. Records indicate the existing property currently is serviced with a 19mm diameter un-metered service from Foothill Road SW. Applicant is responsible for all associated costs.
3. Proposed lot may be serviced by single metered water service connection complete with meter pit at property line (as per specification drawings No. W-12) adequately sized (minimum 25mm) to satisfy the proposed use from Foothill Road SW. Water meter will be required at time of building permit, provided by The City of Salmon Arm at the developers cost. Applicant is responsible for all associated costs.

Alternatively the proposed lot may choose to have an onsite source of groundwater or surface water to service the property in accordance with Subdivision and Development Services Bylaw No. 4163 – Schedule B, Part 1 Section 5.2.

AGRICULTURAL LAND COMMISSION APPLICATION FILE No. ALC-369E  
June 5, 2017  
Page 3

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**Sanitary Sewer:**


1. The subject property does not front on a City of Salmon Arm Sanitary Sewer System. Subject to the required approvals from Interior Health Authority, private on-site disposal systems will be required for existing and proposed lot.

**Drainage:**

1. The subject property does not front on an enclosed storm sewer system. Site drainage is by overland and ditch draining systems. Drainage issues related to development to be addressed at time of subdivision

**Geotechnical:**

1. A geotechnical report in accordance with the Engineering Departments Geotechnical Study Terms of Reference Category A (Building Foundation Design & Site Drainage) will be required.



Darin Gerow, ASCT  
Engineering Assistant



Rob Nieuwenhuizen, ASCT  
Director of Engineering and Public  
Works