

1. Development And Planning Agenda - August 17, 2020

Documents:

[DPSC AGENDA - AUGUST 17, 2020.PDF](#)



**AGENDA**

**City of Salmon Arm  
Development and Planning Services  
Committee**

**Monday, August 17, 2020  
8:00 a.m.  
Council Chambers, City Hall  
500 – 2 Avenue NE**

Page #	Item #	Description
	1.	<b>CALL TO ORDER</b>
	2.	<b>ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY</b> <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.	<b>REVIEW OF AGENDA</b>
	4.	<b>DISCLOSURE OF INTEREST</b>
	5.	<b>REPORTS</b>
1 - 20	1.	Agricultural Land Commission Application No. ALC-394 [Anthony, L./Browne Johnson Land Surveyors; 5271 and 5311 30 Street NE; Boundary Adjustment/Subdivision in the ALR]
21 - 28	2.	Zoning Amendment Application No. ZON-1179 [Warden, E. & T.; 1270 52 Avenue NE; R-1 to R-8]
29 - 40	3.	Zoning Amendment Application No. ZON-1180 [Beck, S. & S.; 1021 17 Avenue SE; R-1 to R-8]
	6.	<b>PRESENTATIONS</b>
	7.	<b>FOR INFORMATION</b>
41 - 48	1.	Agricultural Land Commission - ALC Policy-Lab on Exclusion Application: Frequently Asked Questions
	8.	<b>CORRESPONDENCE</b>
	9.	<b>ADJOURNMENT</b>

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# CITY OF SALMON ARM

To: His Worship Mayor Harrison and Members of Council

Date: August 7, 2020

Subject: Agricultural Land Commission Application No. ALC-394  
(Boundary Adjustment - Subdivision in the ALR)

Legal: Lots 1 and 2, Plan KAP87679  
Civic: 5271 30 Street NE and  
5311 30 Street NE  
Owner/Applicant: Anthony, L. / Browne Johnson Land Surveyors

## MOTION FOR CONSIDERATION

**THAT: Agricultural Land Commission Application No. ALC-394 be authorized for submission to the Agricultural Land Commission.**

## STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

## PROPOSAL

The subject parcels are located at 5271 30 Street NE and 5311 30 Street NE (Appendix 1).

The applicants are proposing a boundary adjustment between two existing properties: the existing property at 5271 30 Street NE is 4.3 ha in size, while the existing property at 5311 30 Street NE is 1.8 ha in size. The proposed boundary adjustment would result in 0.668 ha being exchanged between the existing parcels, resulting in no change in area for either parcel.

The applicant's proposal, including the proposed layout / site plan, is provided in Appendix 2.

The application is being made to the Agricultural Land Commission (ALC) pursuant to Sections 21 and 25 of the ALC Act.

## BACKGROUND

The subject property is designated Acreage Reserve in the Official Community Plan (OCP), is zoned Rural Holding (A-2), and is completely within the Agricultural Land Reserve (ALR) (Appendix 3, 4, & 5).

The agricultural capability of the property is largely unconstrained, with some slope (site photos attached as Appendix 6). The parcel at 5271 30 Street NE is entirely an alfalfa field, while 5311 30 Street NE is cross fenced (for sheep).

Adjacent zoning and land uses include the following:

North: Rural Holding (A-2) / rural residential and forest  
South: Rural Holding (A-2) / rural residential and alfalfa field  
East: Rural Holding (A-2) / rural residential  
West: Rural Holding (A-2) / rural residential and forest



A greenway corridor is identified within the OCP along the west parcel boundary of 5271 30 Street NE (Appendix 7). An existing informal trail runs along this parcel line. In response to an application to subdivide, the provision of a right-of-way for a greenway (trail) may be required, which would involve an application to the ALC for Transportation, Utility, and Recreational Trail Use.

#### *Improved Soil Classification*

The land is identified as Class 2 and 3 soils (moderate limitations) in the Canadian Land Inventory: an Improved Soil Capability Rating of 60% Class 2(X) and 40% Class 3(T). Soil Classification Mapping is shown in Appendix 8.

Soil capability rating ranges from Class 1 to Class 7. The best agricultural lands are rated Class 1 because they have 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.

#### COMMENTS

##### Building Department

No concerns.

##### Engineering Department

Full comments attached as Appendix 9. No concerns. Future Building Permit applications would trigger full frontage upgrades and servicing at owner/developer's expense.

##### Agricultural Advisory Committee

With committees inactive due to the COVID-19 pandemic, the application was not referred to the Agricultural Advisory Committee (AAC) for review.

##### Planning Department

The application is for a boundary adjustment between two rural/agricultural parcels which are designated Acreage Reserve.

The applicable Rural and Agriculture OCP policies include:

7.2.3 - Preserve land with agricultural potential in the ALR.

7.3.3 - Maintain or enhance the configuration and size of parcels designated Acreage Reserve, Salmon Valley Agriculture and Forest Reserve through boundary (lot line) adjustments and/or consolidations; rezoning, subdivision and/or Agricultural Land Reserve exclusion applications are not encouraged.

7.3.4 - Support adjusting the boundaries between the Acreage Reserve, Salmon Valley Agriculture and Forest Reserve designations only on the basis of improved soil capability ratings.

7.3.5 - Support boundary (lot line) adjustments which bring lot sizes more in compliance with the regulations of the City's Zoning Bylaw throughout the Acreage Reserve, Salmon Valley Agriculture and Forest Reserve designations. Boundary adjustments should not add to the degree of non-conformity of any lot.

Staff is of the opinion that the proposal does not contradict the intent of the OCP policies and the above listed criteria. There is no change in the lot areas so there is no increased non-conformity, and the soil capability is the same across all of the subject land.

Under Section 3 of the ALR General Regulations, the approving officer is enabled to approve boundary adjustments within the ALR that meet a number of criteria, including proposals that will allow for the enhancement of the owner's overall farm or for the better utilization of farm buildings for farm purposes. In relation to this proposal, it is not clear how the boundary adjustment would enhance farming.

The proposal allows the retention of fence structures on the 5311 30 Street NE parcel utilized for sheep farming, however these are maintained by the current boundary alignment and the proposal would impact agricultural lands by creating a potential building envelope for a new home on the western portion of the parcel at the end of a fairly long panhandle. The proposal would allow for a building envelope closer to the road at 5271 30 Street NE, lessening potential disturbance from a longer driveway on that parcel. However, for staff this realignment ultimately does not demonstrate a clear benefit to farming.

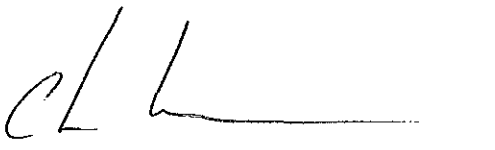
In terms of preserving agricultural land (OCP 7.2.3), supporting agricultural activity and enhancing the productivity of the land on both parcels, a boundary alignment which eliminates longer panhandle driveways and encourages building envelopes closer to 30 Street NE on both parcels would disturb less agricultural land and may be more ideal from this perspective. Staff note that there is no restrictive municipal policy related to the specific siting of a single family dwelling on an agricultural parcel, however the policies and regulations of the ALC would apply.

The City's approving officer has approved boundary adjustments in the recent past in situations where a professional agrologist has provided written opinion and support for a proposal in the context of Section 3 of the ALR General Regulations, and it is more clearly evident that the reconfiguration of lot boundaries would provide larger parcels of land for farming operations. The proposal under consideration lacks supportive reporting, such as the inclusion of an agrology report or some form of professional farm plan which would consider the capabilities of the land and how the farm potential is enhanced or impacted by the proposal. Without any such supportive professional reporting, or detailed information clarifying the proposal's benefit to farming, City staff must defer to the expertise of the ALC for their determination.

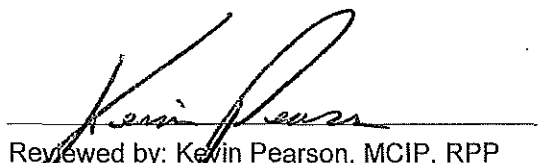
CONCLUSION

The proposal is for a boundary adjustment between two existing parcels. Staff consider the proposal to more or less fit within the broad intent of the agricultural policies of the OCP, and as such staff have no concerns with forwarding the proposal to the ALC. Staff note that the proposal would allow for the retention of the fencing and continuation of the sheep farming at 5311 30 Street NE, however there may be other boundary configurations that would better improve the agricultural capabilities of the lands.

As the proposal reasonably aligns with current municipal policy, staff recommends this application be forwarded to the ALC for consideration.

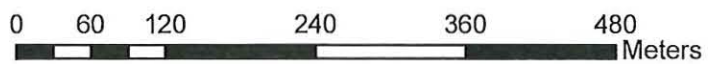
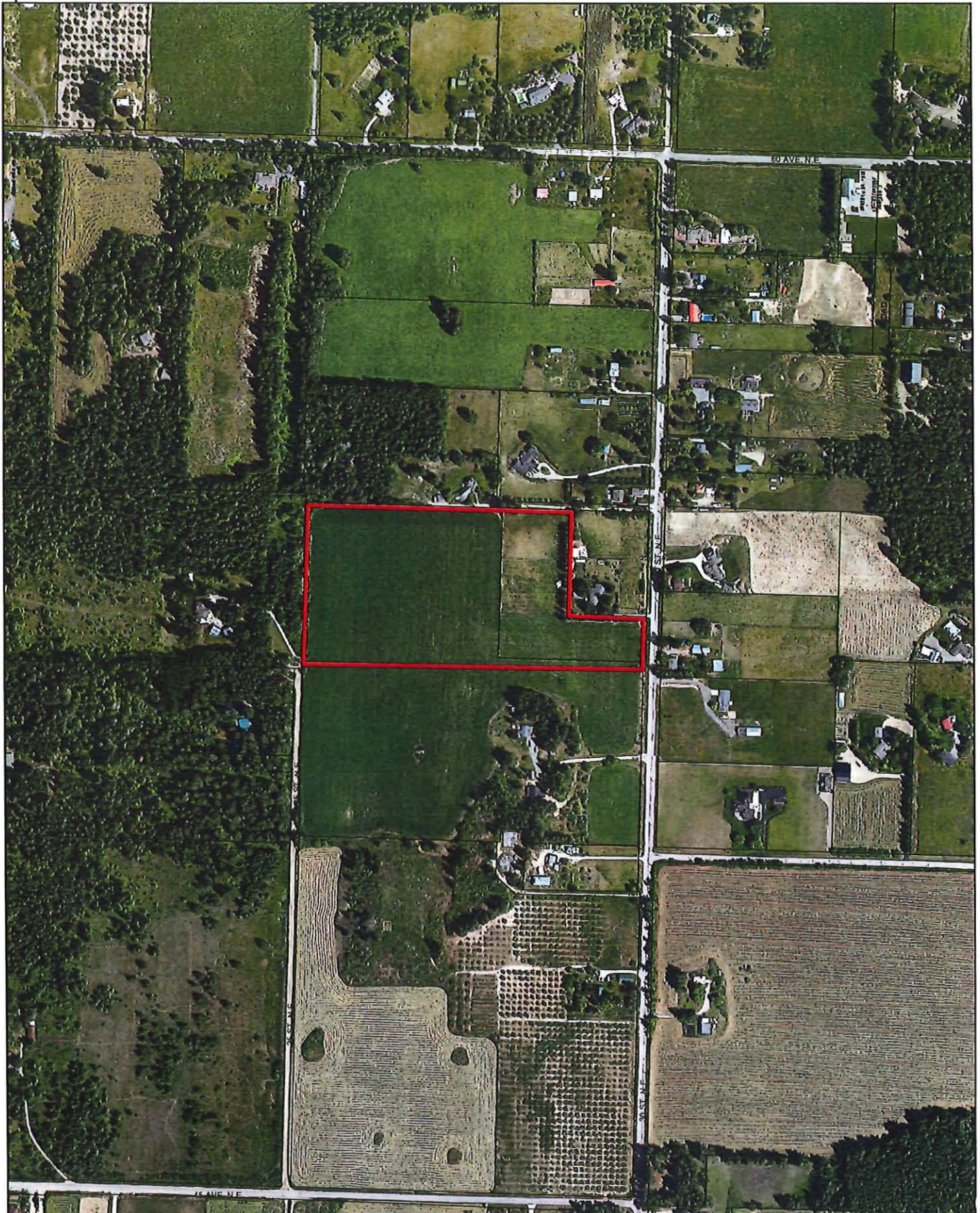


Prepared by: Chris Larson, MCP  
Senior Planner, Development Services



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





Subject Parcels



# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 60495  
**Application Status:** Under LG Review  
**Applicant:** Lori Anthony  
**Agent:** Browne Johnson Land Surveyors  
**Local Government:** City of Salmon Arm  
**Local Government Date of Receipt:** 06/05/2020  
**ALC Date of Receipt:** This application has not been submitted to ALC yet.  
**Proposal Type:** Subdivision

**Proposal:** Lori would like to realign the boundaries between the 2 parcels, keeping their sizes identical. She would like to build a house on proposed Lot B. By re configuring the shape of the lots she could retain her current farming operations and existing fencing and build her new residence. She would build a driveway down the new proposed panhandle along the row of 30 year old fir trees, minimizing impact on current farming.

## Agent Information

**Agent:** Browne Johnson Land Surveyors  
**Mailing Address:**  
201 - 371 Alexander Street  
Salmon Arm, BC  
V1E 4N5  
Canada  
**Primary Phone:** (250) 832-9701  
**Email:** melanie@brownejohnson.com

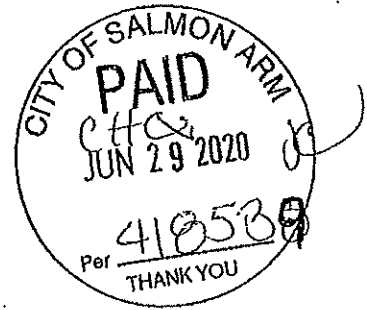
## Parcel Information

### Parcel(s) Under Application

- Ownership Type:** Fee Simple  
**Parcel Identifier:** 027-677-648  
**Legal Description:** Lot 2, Sec 36, Tp 20, R 10, W6M, KDYD, Plan KAP87679  
**Parcel Area:** 1.8 ha **STREET**  
**Civic Address:** 5311 30th Ave NE, Salmon Arm, BC  
**Date of Purchase:** 11/27/2007  
**Farm Classification:** Yes  
**Owners**

- Name:** Lori Anthony  
**Address:**  
5371 30th St NE  
Salmon Arm, BC  
V1E 2A6  
Canada  
**Phone:** (250) 832-8002  
**Email:** lori3anthony@gmail.com

**Applicant:** Lori Anthony



- 
2. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 027-677-630  
**Legal Description:** Lot 1, Sec 36, Tp 20, R 10, W6M, KDYD, Plan KAP87679  
**Parcel Area:** 4.3 ha  
**Civic Address:** 5271 30th St NE, Salmon Arm, BC  
**Date of Purchase:** 11/27/2007  
**Farm Classification:** Yes

**Owners**

1. **Name:** Shuswap Flight Center Ltd., Inc. No. BC0206567  
**Address:**  
5371 30th St NE  
Salmon Arm, BC  
V1E 2A6  
Canada  
**Phone:** (250) 832-8002  
**Email:** lori3anthony@gmail.com
- 

**Ownership or Interest in Other Lands Within This Community**

1. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 010-103-007  
**Owner with Parcel Interest:** Lori Anthony  
**Parcel Area:** 1.1 ha  
**Land Use Type:** Residential  
**Interest Type:** Full Ownership
- 

**Current Use of Parcels Under Application****1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**

*Lot 1 is in Alfalfa crop and is leased to a farmer for crop sales. There are no physical structures on this parcel.*

*Lot 2 is cross fenced with 2 paddocks for sheep grazing. One paddock has a small sheep shed on it - a portion used for housing Rams/ Ram lambs and the other portion is used for hay storage. A portion of lot 2 is leased out to the same farmer for Crop sales (grass/alfalfa)*

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

*Lot 2 has 2 acres cross fenced in four foot high page wire fencing with top rails for sheep pens.*

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

*Both Lot 1 and Lot 2 are used 100% for agricultural purposes*

**Adjacent Land Uses****North**

**Land Use Type:** Residential

**Specify Activity:** residential

**East**

**Applicant:** Lori Anthony

**Land Use Type:** Agricultural/Farm

**Specify Activity:** Sheep for meat sales, Chickens for eggs

## South

**Land Use Type:** Agricultural/Farm

**Specify Activity:** Crops Grass/Alfalfa

## West

**Land Use Type:** Residential

**Specify Activity:** Residential

## Proposal

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

1.8 ha

4.3 ha

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

*Lori would like to realign the boundaries between the 2 parcels, keeping their sizes identical. She would like to build a house on proposed Lot B. By re configuring the shape of the lots she could retain her current farming operations and existing fencing and build her new residence. She would build a driveway down the new proposed panhandle along the row of 30 year old fir trees, minimizing impact on current farming.*

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

*We believe that the boundary adjustment would allow the client to maintain her current farming structure while being able to live on the property. We are not looking to change the size of either lot, just the configuration.*

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

*Short term the proposal allows Lori Anthony to keep her sheep farm and grow it. She would be able to build a house without disrupting the current operation. Her goal is to live on Proposed Lot B and raise sheep and layer chickens, grow veggies and garlic and fruit trees. Any land not used will for those purposes will be leased to the farmer who currently leases proposed Lot A to cut grass and alfalfa.*

### 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

- Agent Agreement - Browne Johnson Land Surveyors
- Other correspondence or file information - Sketch showing existing fencing
- Proposal Sketch - 60495
- Certificate of Title - 027-677-648
- Certificate of Title - 027-677-630

## ALC Attachments

**Applicant:** Lori Anthony



P8

None.

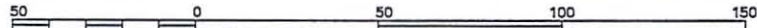
**Decisions**

None.

Sketch Plan of Proposed Boundary Adjustment  
 Subdivision of Lots 1 and 2, Sec 36, Tp 20,  
 R 10, W6M, KDYD, Plan KAP87679

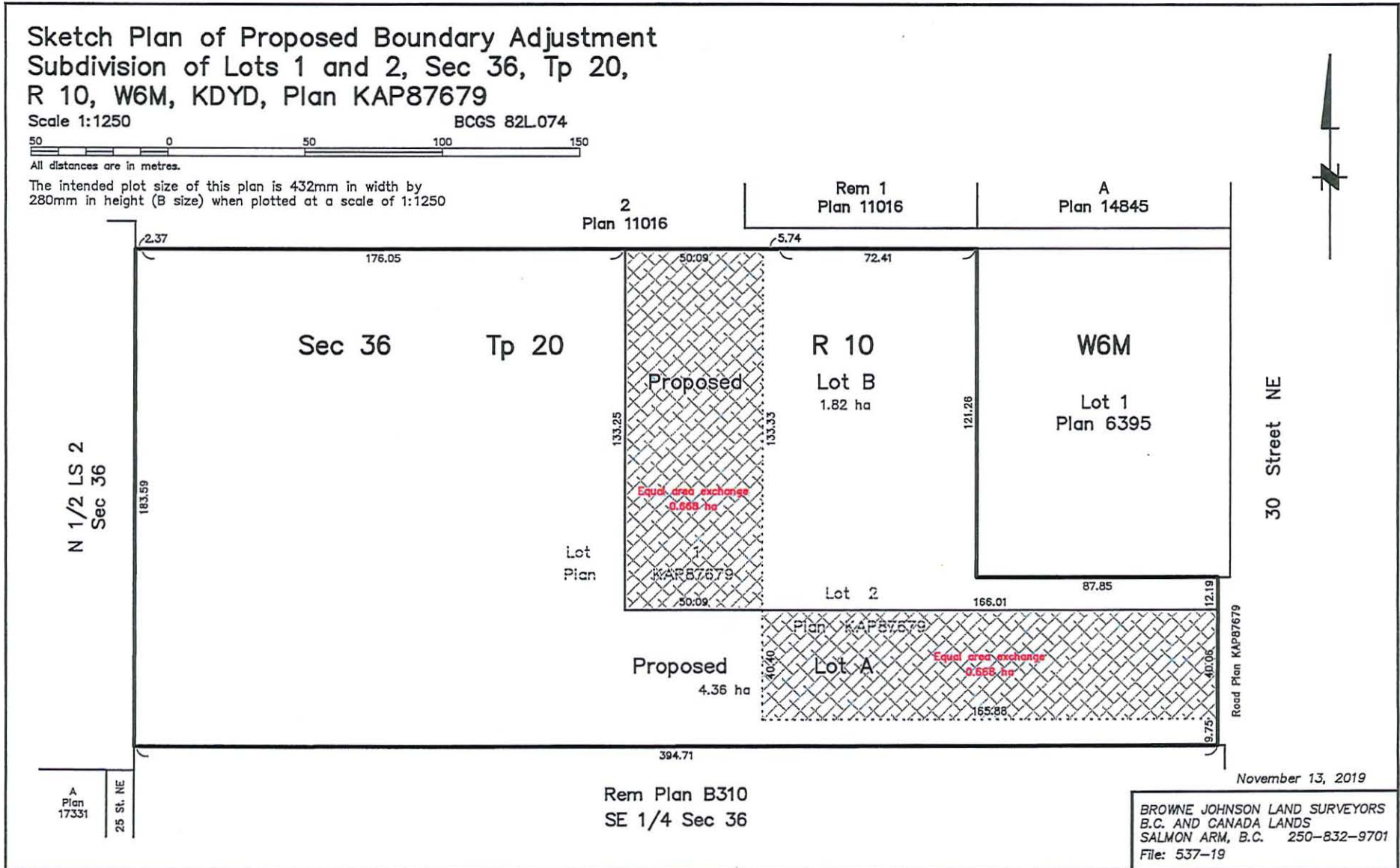
Scale 1:1250

BCGS 82L.074



All distances are in metres.

The intended plot size of this plan is 432mm in width by  
 280mm in height (B size) when plotted at a scale of 1:1250



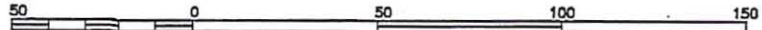
November 13, 2019

BROWNE JOHNSON LAND SURVEYORS  
 B.C. AND CANADA LANDS  
 SALMON ARM, B.C. 250-832-9701  
 File: 537-19

# Sketch Plan of Proposed Boundary Adjustment Subdivision of Lots 1 and 2, Sec 36, Tp 20, R 10, W6M, KDYD, Plan KAP87679

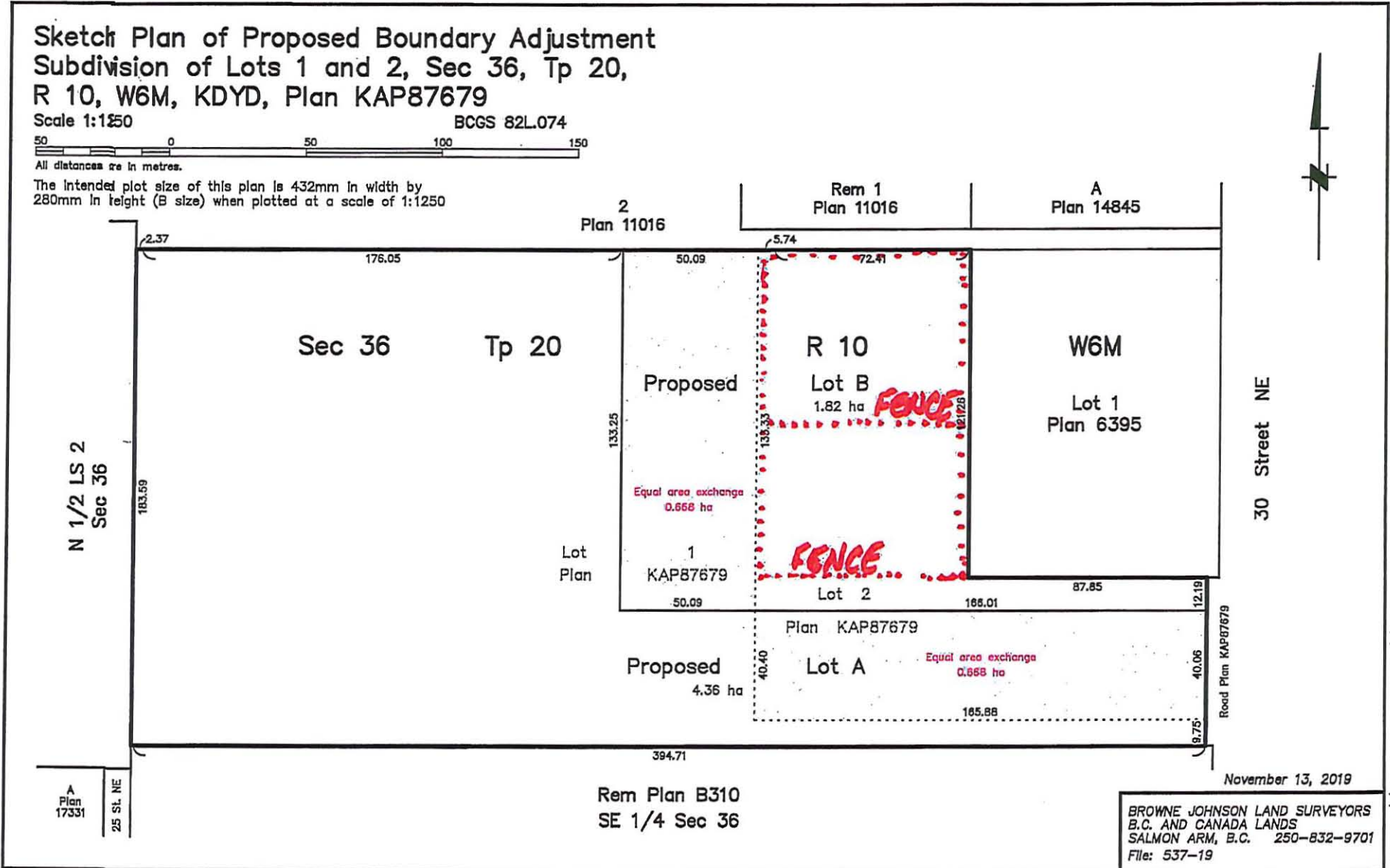
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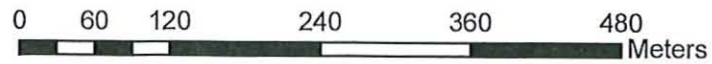
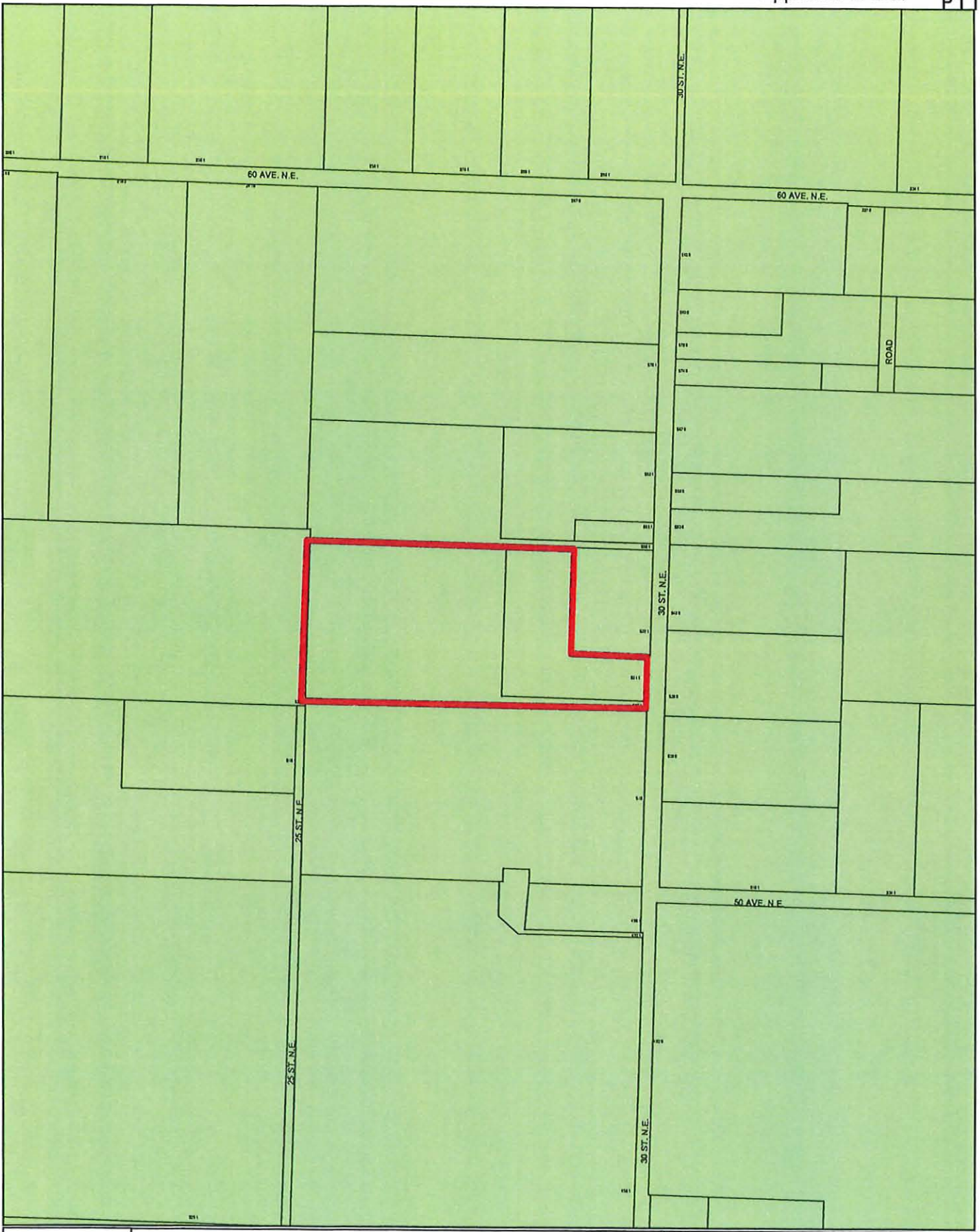
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



All distances are in metres.

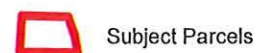
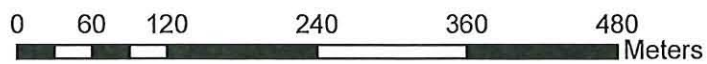
The intended plot size of this plan is 432mm in width by 280mm in height (B size) when plotted at a scale of 1:1250



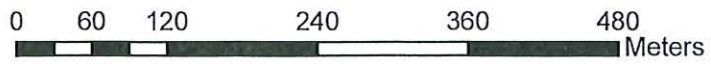
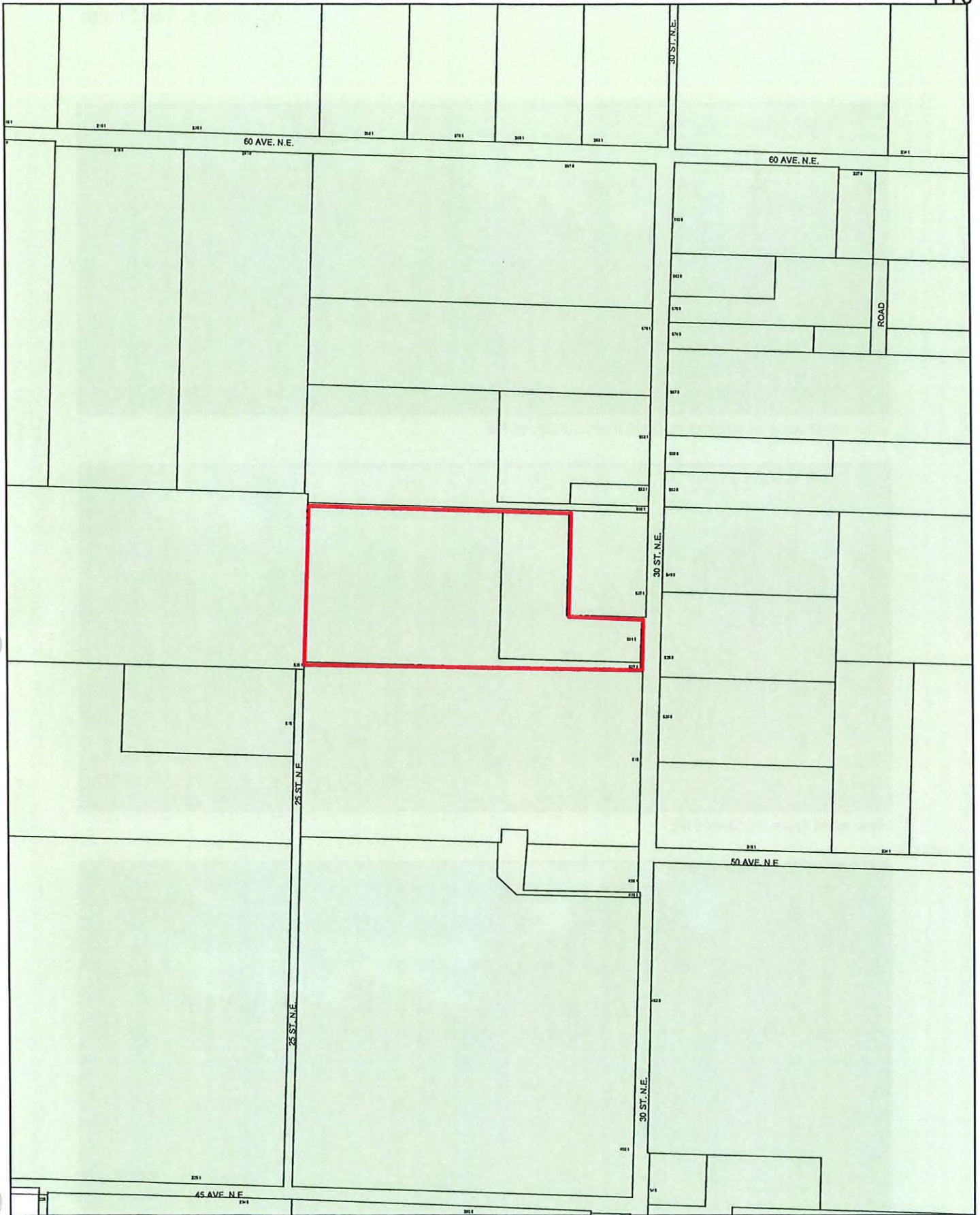


-  Acreage Reserve
-  Subject Parcel













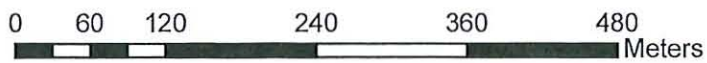
View northwest of subject parcels from 30 Street NE



View west from 30 Street NE.

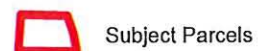
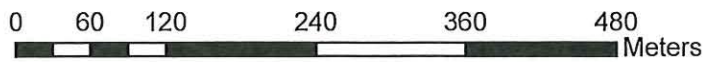
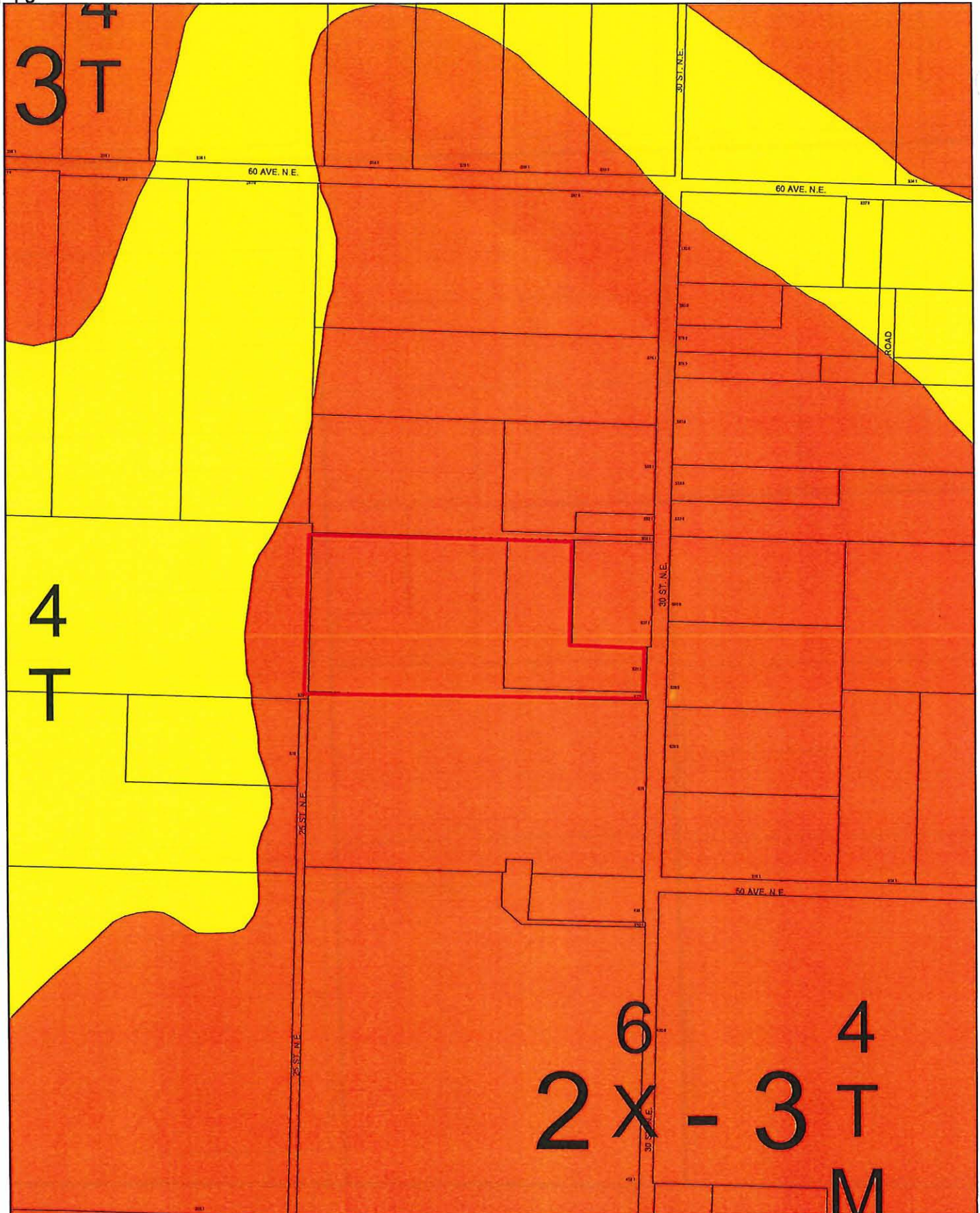


View north of informal trail from end of 25 Street NE, subject parcel on right.



Subject Parcels





TO:

DIRECTOR OF DEVELOPMENT SERVICES (Kevin)  
PLANNING AND DEVELOPMENT OFFICER (Chris)  
PLANNING AND DEVELOPMENT OFFICER (Denise)  
MANAGER OF PERMITS & LICENSING (Maurice)  
FIRE DEPARTMENT (Brad)  
ENGINEERING & PUBLIC WORKS DEPARTMENT (Shelly for Departments.)  
ENGINEERING & PUBLIC WORKS DEPARTMENT (Jen W.)  
~~MINISTRY OF TRANSPORTATION & INFRASTRUCTURE (Via eDAS)~~  
BC HYDRO, via email utilities group  
FORTISBC, via email utilities group  
TELUS, via email utilities group  
SHAW CABLESYSTEMS, via email utilities group

PRINT

SUBMIT FORM

REFERRAL:

DATE: July 2, 2020  
OWNER: L. Anthony – 5371 30 Street NE, Salmon Arm, BC V1E 2A6  
AGENT: Browne Johnson Land Surveyors, 201, 371 Alexander Street NE, Salmon Arm, BC V1E 4N5  
SUBJECT: **AGRICULTURAL LAND COMMISSION APPLICATION FILE NO. ALC-394 / ID: 60495**  
LEGAL: Lot 1 & 2, Section 36, Township 20, Range 10, W6M KDYD, Plan KAP87679  
CIVIC: **5271 & 5311 – 30 Street NE**

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Please provide comments on the attached ALC Subdivision Application for boundary adjustment at your earliest opportunity.

OCP Designation: Acreage Reserve  
Development Permit Area: Environmentally Sensitive Riparian Areas  
Current Zoning: A-2 (Rural Holding Zone)  
ALR: Yes  
Previous Files:  
Associated File: SUB 19.23

Thank you.

*Chris Larson*  
Senior Planner

COMMENTS for **ALC-394**:

-No Engineering concerns.  
-No record of existing services to either lot.  
-Future building permit(s) would trigger full frontage upgrades, including services to lot of respective building permit, at owner/developer's expense.

SIGNATURE:

DATE: July 29 2020





*Memorandum from the  
Engineering and Public  
Works Department*

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TO: Kevin Pearson, Director of Development Services  
 DATE: February 27, 2020  
 PREPARED BY: Matt Gienger, Engineering Assistant  
 APPLICANT: **Browne Johnson Surveyors**, PO Box 362, Salmon Arm, BC V1E 4N5  
 OWNER: **Shuswap Flight Center Ltd.**, 5371 – 30 Street NE, Salmon Arm, BC V1E 2A6  
**Lori Anthony**, 5371 – 30 Street NE, Salmon Arm, BC V1E 2A6  
 SUBJECT: **SUBDIVISION APPLICATION FILE NO. SUB 19.23**  
 LEGAL: Lot 1, Section 36, Township 20, Range 10, W6M KDYD, Plan KAP87679  
 Lot 2, Section 36, Township 20, Range 10, W6M KDYD, Plan KAP87679  
 CIVIC: **5271 – 30 Street NE**  
**5311 – 30 Street NE**

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Further to your referral dated Dec 17, 2019, we provide the following servicing information applicable to both lots independently. **The following comments and servicing requirements are not conditions for Lot Line Adjustment; however, these comments are provided as a courtesy in advance of any Single Family Dwelling 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 (overhead) 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.
6. Erosion and Sediment Control measures will be required at time of construction.

**Roads / Access:**

1. 30 Street NE, on the subject properties eastern boundary, is designated as an Rural Arterial Road standard, with an ultimate 25.0m road dedication (12.5m on either side of road centerline). Available records indicate that no additional road dedication is required (to be confirmed by BCLS).

**SUBDIVISION APPLICATION FILE: 19-23**

February 27, 2020

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2. 30 Street NE is currently constructed to an Interim Rural Arterial Road standard. Upgrading to the current Rural Arterial Road standard is required, in accordance with Specification Drawing No. RD-8. Upgrading may include, but is not limited to, road widening and construction (including bike lane). Records indicate existing paved width of approximately 8.0m, which is 4.0m less than the current RD-8 standard. 2.0m of road widening and construction would be required. Since this upgrade is premature at this time, a 100% cash in lieu payment towards future upgrading will be accepted. City will require a third party Engineer's Opinion of Probable Cost to determine value of works. Owner / Developer is responsible for all associated costs.
3. Owner / Developer is responsible for ensuring all boulevards and driveways are graded at 2.0% towards the existing roadway.
4. As 30 Street NE is designated as an Arterial Road, accesses shall be designed by keeping to a minimum number. Only 1 driveway access per parcel will be permitted onto 30 Street NE and a reciprocal access agreement will be required to service lots. All unused driveways shall be removed. Owner / Developer responsible for all associated costs.

**Water:**

1. The subject property fronts a 150mm diameter Zone 3A watermain on 30 Street NE. No upgrades to watermain will be required at this time.
2. The existing lot is to be serviced by a single metered water service connection (as per Specification Drawing No. W-10), adequately sized to satisfy the proposed use. Water meter will be supplied by the City at the time of building permit. If the length of service from the property line exceeds 25.0m, a meter vault will be required within 1.0m of property line. Owner / Developer is responsible for all associated costs.
3. The subject property is in an area with sufficient fire flows and pressures according to the 2011 Water Study (OD&K 2012).
4. Existing fire hydrant is approximately 5.0m south of the southern boundary of 5271 30 Street NE and parcel is well within hydrant spacing specified in the SDSB. No upgrades are required at this time.

**Sanitary:**

1. The site 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 each lot.



**SUBDIVISION APPLICATION FILE: 19-23**

February 27, 2020

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**Drainage:**

1. The site does not front on an enclosed storm sewer system. Site drainage will be by an Overland and / or Ground Discharge system. Drainage issues related to development to be addressed at time of Building Permit application to meet requirements of Building Inspection Department.

**Geotechnical:**

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



**Matt Gienger**  
Engineering Assistant



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

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To: His Worship Mayor Harrison and Members of Council

Date: August 5, 2020

Subject: Zoning Bylaw Amendment Application No. 1179

Legal: Lot 11, Section 36, Township 20, Range 10, W6M, KDYD, Plan 31502,  
Except Plan KAP54919

Civic Address: 1270 – 52 Avenue NE

Owner/Applicant: Warden, E. & T.

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### MOTION FOR CONSIDERATION

**THAT:** a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot 11, Section 36, Township 20, Range 10, W6M, KDYD, Plan 31502, Except Plan KAP54919 from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone);

**AND THAT:** Final reading of the zoning amendment bylaw be withheld subject to confirmation that the proposed *secondary suite* in the existing single family dwelling meets Zoning Bylaw and BC Building Code requirements.

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### STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

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### PROPOSAL

The subject parcel is located at 1270 – 52 Avenue NE (Appendix 1 and 2). The proposal is to rezone the parcel from R-1 (Single Family Residential) to R-8 (Residential Suite) to permit the development of a legal *secondary suite* within the existing single family dwelling.

### BACKGROUND – SECONDARY SUITES

The parcel is designated Low Density Residential in the City's Official Community Plan (OCP), and zoned Single Family Residential (R-1) in the Zoning Bylaw (Appendix 3 & 4).

The subject parcel is located in the "Raven" residential neighbourhood, largely comprised of R-1 zoned parcels containing single family dwellings. There are currently five R-8 zoned parcels within the proximity of the subject parcel, including the parcel directly to the east.

The property is approximately 1,800 square metres in size, and contains a non-conforming *secondary suite* within the existing single family dwelling. The applicant has provided a letter of intent (Appendix 5) and has submitted a Building Permit application (BP-16455B). Site photos are attached as Appendix 6.

Policy 8.3.25 of the OCP provides for the consideration of secondary suites in all Residential (High, Medium, and Low) designated areas via a rezoning application, subject to compliance with the Zoning Bylaw and the BC Building Code. Based on parcel area, the subject property has potential to meet the conditions for the development of a *secondary suite*, including sufficient space to meet the parking requirement.

COMMENTSEngineering Department

No concerns with rezoning. An account has been created for the required water service upgrade.

Building Department

BC Building Code requirements must be met to construct a *secondary suite*. Building Permit application (BP-16455B) submitted.

Fire Department

No concerns.

Planning Department

The owners have been forthcoming in their intent to convert an existing non-conforming suite within the existing single family dwelling to a legal *secondary suite* in conformance with the BC Building Code through a Building Permit application (BP-16455B). Their stated intent for the suite is for the use of family members. Prior to final reading of the zoning amendment bylaw, confirmation will be required that the *secondary suite* in the existing single family dwelling meets BC Building Code requirements, included in the motion for consideration as is standard practice with such applications.

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



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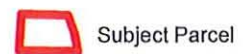
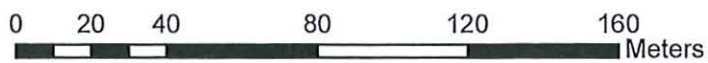
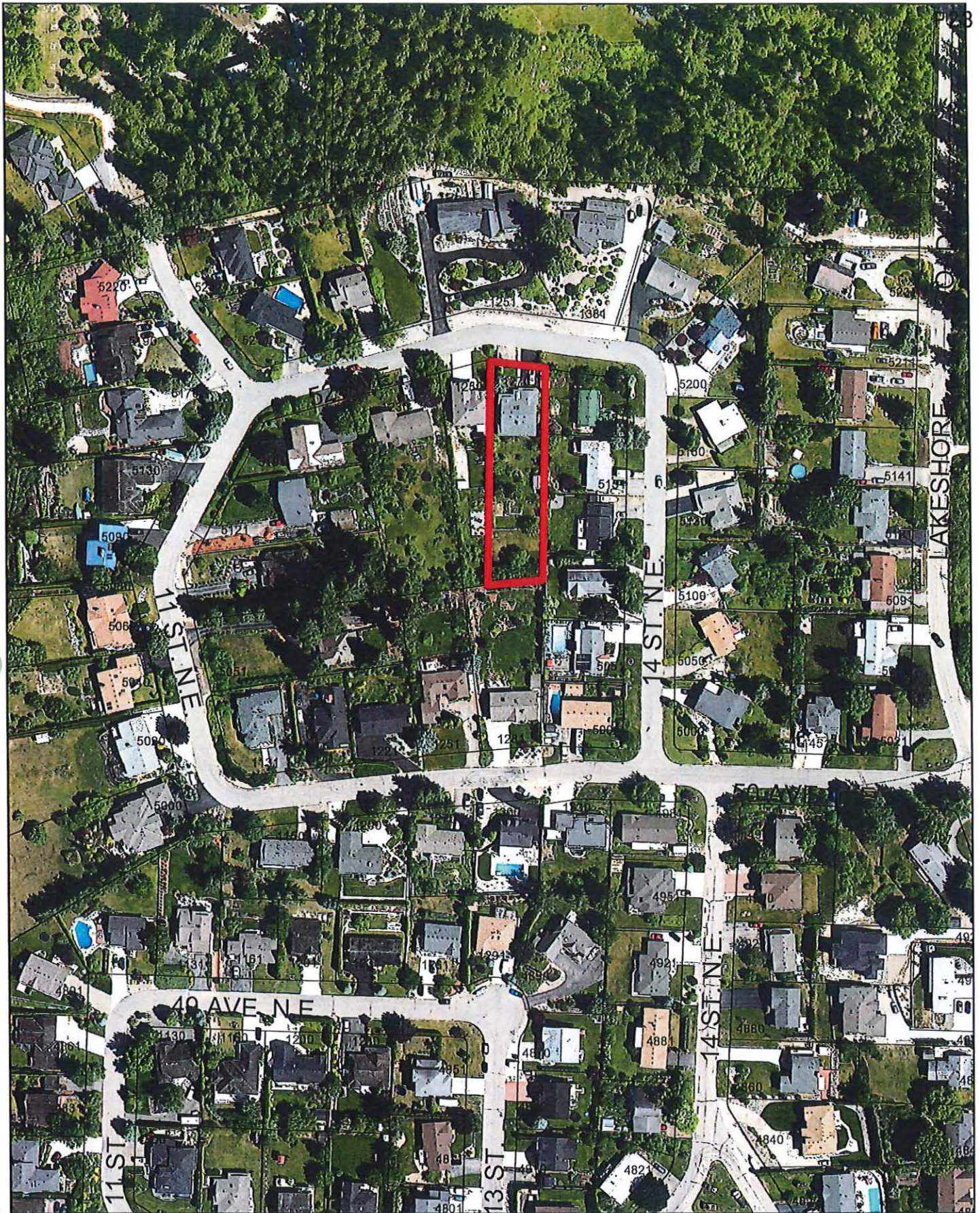
Prepared by: Chris Larson, MCP  
Senior Planner



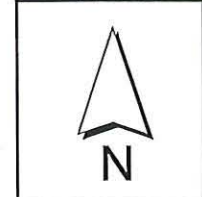
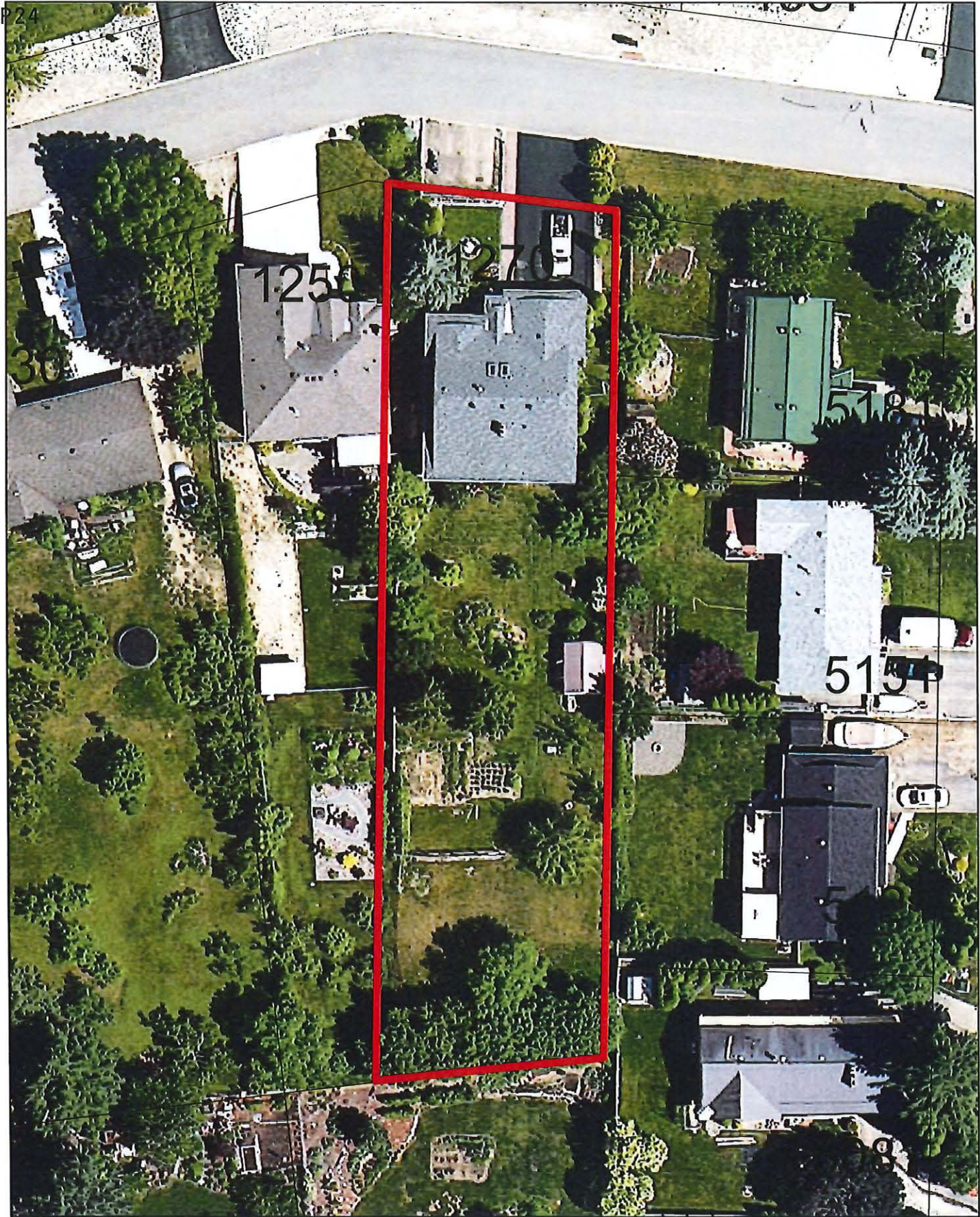
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Reviewed by: Kevin Pearson, MCIP, RPP  
Director of Development Services

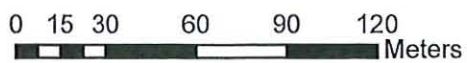
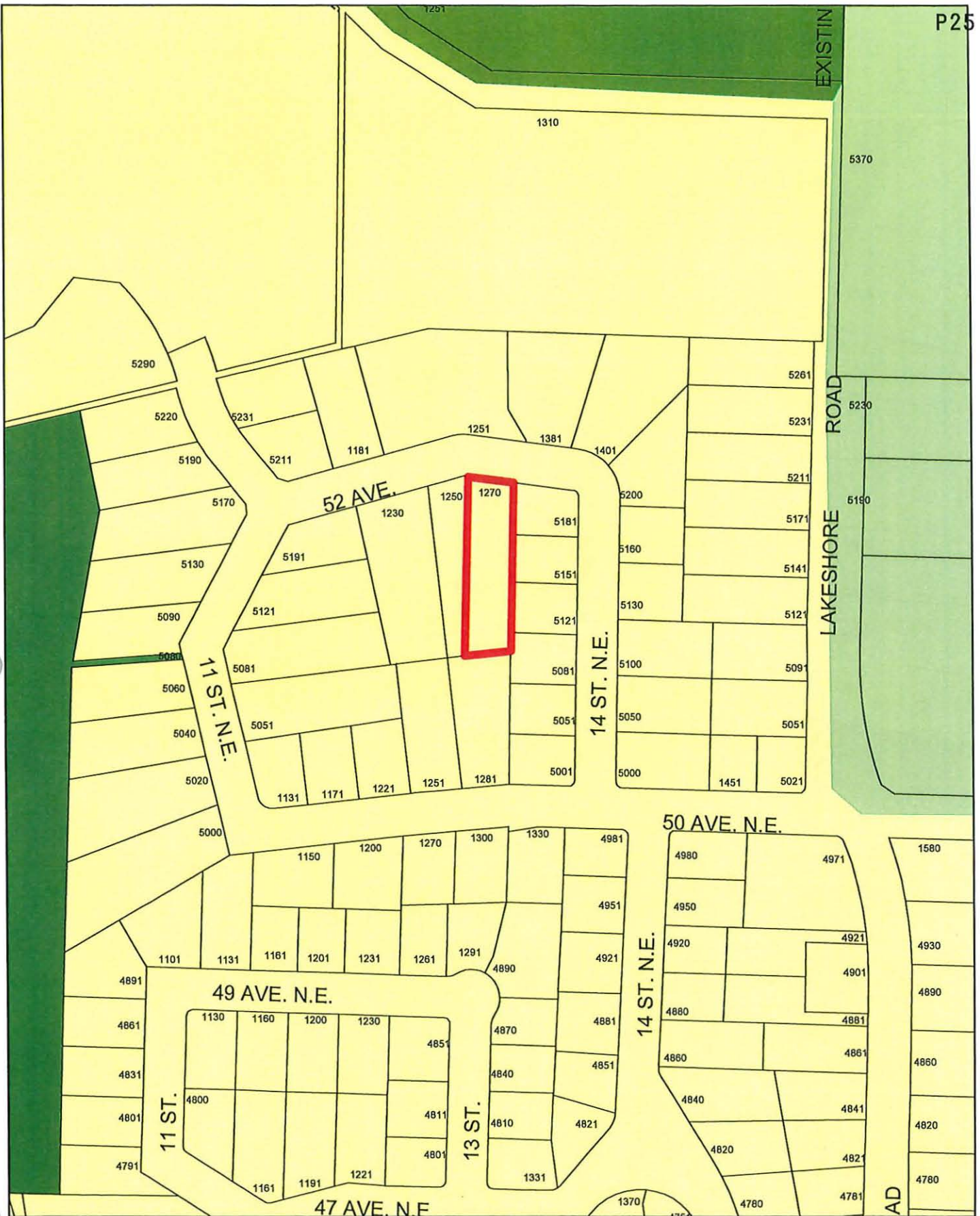












Subject Parcel



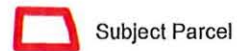
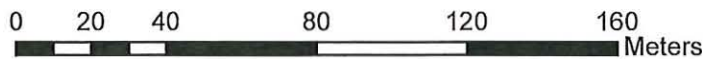
Residential Low Density



Acreage Reserve

Park





Terry Warden  
1270 52 Avenue NE  
Salmon Arm, BC  
V1E 3M7

June 22, 2020

Attn: Salmon Arm City Council

This letter is to accompany my formal submission of a Zoning Amendment Application Form to the City of Salmon Arm Development Services Department, from Zoning Category R1 to Zoning Category R8.

As of May 27<sup>th</sup>, 2019, I accepted the posting of Government Agent for the Ministry of Citizens' Services for Salmon Arm and Revelstoke. On October 16<sup>th</sup>, 2019, my wife and I purchased our current home located at 1270 52 Avenue NE here in Salmon Arm, where there was an existing secondary suite that had been rented out for numerous years. Our assumption was that this suite was in good standing and our intention was to have my elderly parents, Evan and Betty Warden (of Vernon BC), to move into the suite until extended care would eventually be required for them.

On May 21<sup>st</sup>, 2020, I applied for a building permit to upgrade some of the amenities of the suite and found that proper permits had never been pulled for the suite when it was built and that it was now our requirement to meet building permit requirements in order to proceed with having my elderly parents occupy the secondary suite, most importantly, the requirement to rezone from R1 to R8.

As a result, I am now requesting approval to grant the rezoning of my residence from R1 to R8 so that I can move forward this plan, with the understanding that I will oblige all requirements under BC building code and municipal building permit requirements. Our intent is for the secondary suite is for the sole use of my parents and none other, and we intend to occupy the residence for a minimum of 15-20 years as our kids have now entered the school system. The suite will require no modification to current designated parking and will have minimal to no impact on the neighboring residences.

I appreciate your kind consideration for this amendment.

Sincerely,

Terry Warden





View of subject parcel looking southwest from 52 Avenue NE.



View of subject parcel looking southeast from 52 Avenue NE.



To: His Worship Mayor Harrison and Members of Council

Date: August 07, 2020

Subject: Zoning Bylaw Amendment Application No. 1180

Legal: Lot 16, Section 12, Township 20, Range 10, W6M, KDYD, Plan EPP69286

Civic: 1021 – 17 Avenue SE

Owner/Applicant: S. & S. Beck

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**MOTION FOR CONSIDERATION**

**THAT: a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot 16, Section 12, Township 20, Range 10, W6M, KDYD, Plan EPP69286 from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone).**

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**STAFF RECOMMENDATION**

**THAT:** The Motion for Consideration be adopted.

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**PROPOSAL**

The subject parcel is located at 1021 – 17 Avenue SE, in the new Byersview Subdivision (Appendix 1 & 2). The proposal is to rezone the parcel from R-1 (Single Family Residential) to R-8 (Residential Suite) to permit a secondary suite within a new single family dwelling. Site photos are attached as Appendix 3.

**BACKGROUND**

The subject parcel is designated Low Density Residential in the City's Official Community Plan (OCP) and zoned R-1, Single Family Residential in the Zoning Bylaw (Appendix 4 & 5). The neighbourhood is largely comprised of R-1 zoned parcels containing single family dwellings. There are three other lots in the subdivision that have been rezoned to R-8 to permit secondary suites in new houses. There are still many larger rural properties zoned A-2 to the south and west of Byersview. Recently in 2019, a large A-2 zoned parcel to the east was rezoned to R-8 in preparation for a future subdivision.

The subject parcel is located at the corner of 10 Street and 17 Avenue SE with an area of 0.109 hectares (.27 acres). There is a covenant registered to the Title of the property restricting access to 10 Street SE; therefore, the house and driveway will face 17 Avenue SE. The south / front parcel line has a width of approximately 32 m. The size and width of the subject property can meet the conditions as specified within the proposed R-8 Zone.

The applicant wishes to construct a new house with a secondary suite on the lower level. Building plans have been submitted, see Appendix 6. The lower level floor plan indicates the proposed suite to be 74.4 m<sup>2</sup> (801 ft<sup>2</sup>) and the site plan shows a double car garage and a driveway with a width of 7.3 m (24 ft). Thus, the size of the suite is within the maximum 90 m<sup>2</sup> (968.8 ft<sup>2</sup>); and, the provision to provide an additional off-street parking stall for the suite can be fulfilled.

*Secondary Suites*

Policy 8.3.25 of the OCP provides for the consideration of *secondary suites* in all residential designated areas subject to compliance with the Zoning Bylaw and the BC Building Code.

COMMENTSEngineering Department

No concerns.

Building Department

BC Building Code will apply. No concerns with proposed zoning.

Fire Department

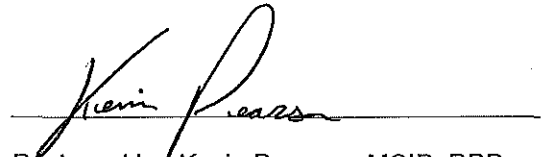
No concerns.

Planning Department

The proposed R-8 zoning is consistent with the OCP; and, the plans provided indicate that the requirements specified in the R-8 Zone can be achieved, including the provision of onsite parking. Therefore, this application is supported by staff. Development of a single family dwelling with a secondary suite requires a building permit and is subject to meeting Zoning Bylaw and BC Building Code regulations.

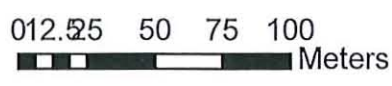


Prepared by: Denise Ackerman  
Planner, Development Services



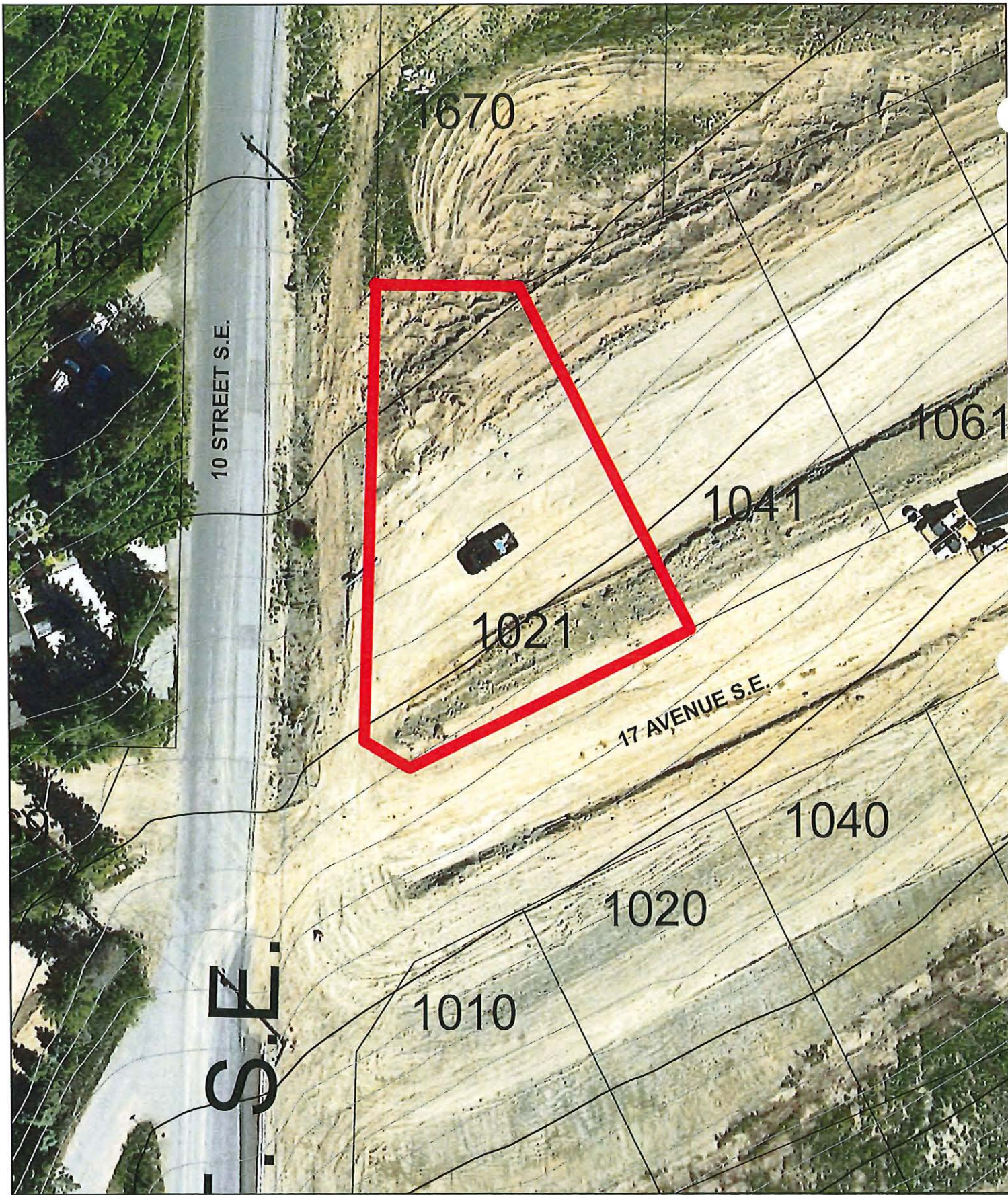
Reviewed by: Kevin Pearson, MCIP, RPP  
Director of Development Services





Subject Parcel





Subject Parcel



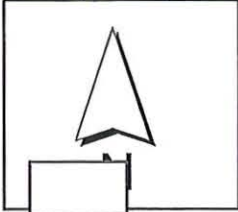



View of subject property looking east.




View of subject property looking northwest.





 Subject Parcel








0 25 50 75 100  
Meters

 LR Low Density Residential

 AR Acreage Reserve





	 Subject Parcel	 R-1 Single Family Residential	 R-8 Residential Suite
		 A-2 Rural Holding	 A-3 Small Holding







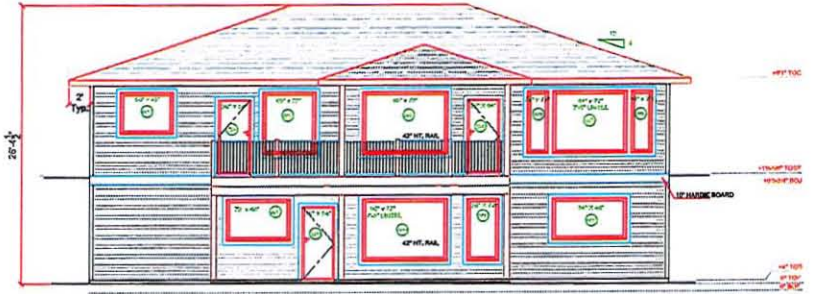
NOTE: ALL CONSTRUCTION SHALL CONFORM TO ALL APPLICABLE LOCAL, DODGE AND BY-LAWS. DESIGN OF FOUNDATION AND FOOTINGS TO BE MODIFIED TO SUIT LOCAL SOIL CONDITIONS AS REQUIRED.

DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE. THIS DRAWING IS THE PROPERTY OF WOOD CREEK CONSTRUCTION AND MAY BE USED ONLY FOR THE PURPOSE FOR WHICH IT IS LOANED BY THE COMPANY.



GLAZING CALCULATIONS	
WALL AREA (SQ. FT.)	238 sq ft (21' x 11.34 sq ft)
WINDOW AREA	52 sq ft (2.38 sq ft)
RATIO	2.1%
ALLOWABLE	100%
LEAKING DISTANCE	25.00m (to center of road)

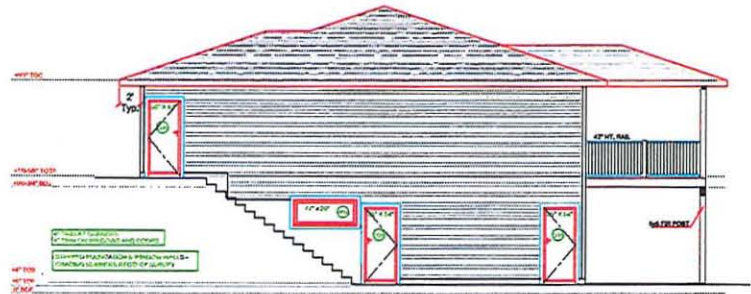
FRONT ELEVATION



GLAZING CALCULATIONS		
	LEFT	RIGHT
WALL AREA (SQ. FT.)	48 sq ft (21' x 2.38 sq ft)	48 sq ft (21' x 2.38 sq ft)
WINDOW AREA	10 sq ft (2.38 sq ft)	10 sq ft (2.38 sq ft)
RATIO	2.1%	2.1%
ALLOWABLE	100%	100%
LEAKING DISTANCE	15.00m (to rear prop. line)	15.00m (to rear prop. line)

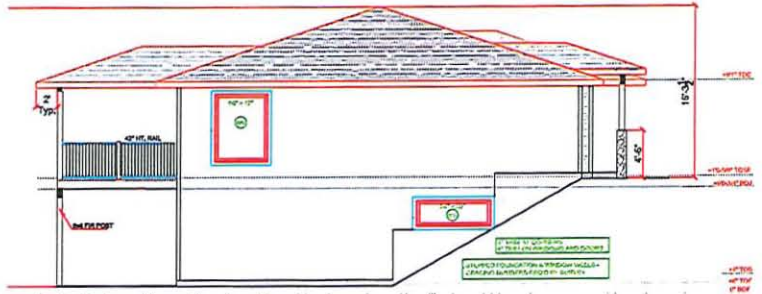
REAR ELEVATION

**CONSTRUCTION OPTIONS**  
 NO H.R.V. INSTALLED  
 NO SPRINKLER SYSTEM  
 CONC. FOUNDATION &  
 FRAMED WALLS



GLAZING CALCULATIONS	
WALL AREA (SQ. FT.)	162 sq ft (21' x 7.71 sq ft)
WINDOW AREA	12 sq ft (2.38 sq ft)
RATIO	7.4%
ALLOWABLE	100%
LEAKING DISTANCE	25.00m (to center of road)

RIGHT ELEVATION



GLAZING CALCULATIONS	
WALL AREA (SQ. FT.)	238 sq ft (21' x 11.34 sq ft)
WINDOW AREA	52 sq ft (2.38 sq ft)
RATIO	2.1%
ALLOWABLE	100%
LEAKING DISTANCE	25.00m (to center of road)

LEFT ELEVATION

NO.	DATE	DESCRIPTION
1	7/22/20	DATE REVISION
1	7/22/20	DATE REVISION



LEGAL DESCRIPTION  
 LOT 16, SEC 12, TP 26, R 10, W3M  
 RD10, Plan 0779800

PROJECT NO.	BECK
SHEET NO.	ELEVATIONS
DATE	JULY 22, 2020
SCALE	3/16"=1'
DESIGNER	PC
CHECKER	JOC

A-2

APPENDIX 6: Building Plans







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**ALC POLICY-LAB ON EXCLUSION APPLICATIONS:  
FREQUENTLY ASKED QUESTIONS**

Published August 6, 2020

**BACKGROUND:** Effective September 30, 2020, Bill 15-2019 removes the ability for a private landowner to submit an application for exclusion to the Agricultural Land Commission (ALC). On the week of July 20-24, ALC staff held six regionally based policy-labs to discuss the implications of this change, and the process for submitting a local or First Nation government initiated exclusion application, or a prescribed body initiated exclusion application. The following questions were raised by the local government attendees of the policy-labs.

## **APPLICATIONS**

---

### **Q1: How does a local government submit an exclusion application?**

Applications are submitted on the ALC application portal found here: <http://a100.gov.bc.ca/pub/oatsp/list?execution=e1s1>. The portal prompts the applicant with a set list of questions that must be completed before the application may be submitted. In order to submit an application, a local government must log into its BCeID business account. Please contact the ALC if your local government does not currently have an account, as the ALC must assign a local government 'role' to every BCeID used to submit a local government application.

More information about the exclusion application process can be found in the ALC's Exclusion Application Guide available on the ALC's website.

### **Q2: Can a local government initiated application include multiple parcels?**

Yes, a single application may include multiple parcels and there is no requirement that the parcels be contiguous or located within the same area. However, notice requirements, such as the posting of a sign, may apply to each parcel if they are not contiguous. Please contact the ALC if you have any questions related to notice/signage requirements.

### **Q3: Can a single exclusion application be submitted for parcels in multiple jurisdictions/ local governments (i.e. a regionally based application)?**

No, parcels in an application must be located within one local government's area of jurisdiction. However, local governments may submit simultaneous exclusion applications for review by the ALC at the same time.

**Q4: Are additional reports required as part of the application submission (e.g. an agrologist report)?**

No, there is no legislative requirement to submit documents besides those required on the ALC application portal. However, the Commission in a written hearing process governed by the *Administrative Tribunal Act* (otherwise known as the application process) is only able to consider the body of evidence before it and therefore relies on the written information provided in the application. Should the local government feel additional reports or information are necessary to clarify the proposal, they should be uploaded with the application.

**Q5: Would a soils agrologist report strengthen a local government's case for exclusion?**

Not necessarily. The ALC relies on the soil capability ratings found within the Canada Land Inventory (CLI) or British Columbia Land Inventory (BCLI). Should an agrologist report identify the same improved agricultural capability rating as the BCLI or CLI, the agrologist report would not provide additional information that would affect the ALC's decision-making. For information on the preparation of agricultural capability assessments see [ALC Policy P-10: Criteria for Agricultural Capability Assessments](#).

**Q6: How will applications in stream on September 30, 2020 be handled by the ALC?**

A private landowner will be able to submit an exclusion application on the ALC's application portal until September 29, 2020. All applications submitted to the local government in the portal before midnight on September 29, 2020 will be considered by the ALC if the local government resolves to forward them.

Exclusion applications with an "In Progress" status (i.e. the applicant is still in the process of filling out the forms/uploading documents) in the ALC application portal on September 30, 2020 cannot be accepted by the local government.

**Q7: What is required as part of the public hearing?**

As part of the exclusion application process, a public hearing must be held. The public hearing must be held in accordance with s. 465 of the *Local Government Act* and must also meet the requirements of s. 9 of the ALR General Regulation, including:

- All persons must be afforded an opportunity to speak
- Public hearing may be adjourned from time to time
- A Council/Board member who did not attend public hearing may vote on the application if provided with a written or oral report of public hearing



Notice for the public hearing must be given in accordance with s. 15 (local or First Nation governments) or s. 17 (prescribed bodies) of the ALR General Regulation.

Note: These sections of the ALR General Regulation (BC Reg. 57/2020) come into force and effect September 30, 2020. See [OIC 131/2020](#) for text until BC Laws is updated

## RECONSIDERATIONS

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### **Q8: How will reconsideration requests proceed for landowners who have received a decision on an exclusion application before September 30, 2020?**

Amendments made as part of Bill 15-2019 have impacted the reconsideration process.

#### For decisions made before March 12, 2020:

An applicant or person affected will have one year from the release of the decision to submit a request for reconsideration in accordance with [ALC Policy P-08: Requests for Reconsideration](#). However, it should be noted that Bill 15-2019 proposes to limit the time period for requesting reconsideration to 90 days from the date of the decision. **This has not yet been brought into force and effect.** As a result, an applicant or person affected by a decision will have one year from the date of the decision's release 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.

The request for reconsideration will be sent to the original decision-making body; which may be the Executive Committee or a Panel. The ALC may reconsider a decision if the original decision-making body determines that there has been no previous request for reconsideration and meets the criteria for reconsideration as described in s. 33(1) of the ALC Act as it was before March 12, 2020:

- (a) evidence not available at the time of the original decision becomes available; or*
- (b) Evidence demonstrating that either all or part of the original decision was based on evidence that was in error or false;*

#### For decisions made after March 12, 2020:

An applicant or person affected will have one year from the release of the decision to submit a **single request** for reconsideration, or until such time as s. 33(2)(a) in Bill 15-2019 takes effect which contemplates a 90 day time limit, whichever date is sooner. The request for reconsideration will be sent to the original decision-making body. The ALC may reconsider a decision if the decision-making body determines that:

- (a) New evidence has become available that was not available at the time of the original decision that could not have been obtained earlier through the exercise of due diligence; ALCA: s. 33(2)(c)(i); or*

(b) Evidence demonstrating that either all or part of the original decision was based on evidence that was incorrect or was false; ALCA: s. 33(2)(c)(ii).

More information about the reconsideration process may be found in [Information Bulletin 08: Request for Reconsideration](#).

## FEES

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**Q9: Can a local government prescribe fees for an exclusion application (either for the notice requirements, or for the submission of the application) under s. 194 of the *Community Charter*?**

There is no provision under the ALC Act that enables a local government to prescribe fees for ALC applications.

The ALC is aware that municipalities can only charge fees related to the following and regional districts can only charge for 1 and 2:

1. Services of the municipality (e.g. street lighting, sidewalks)
2. Use of municipal property
3. Work done to land or improvements
4. In the exercise of authority to regulate, prohibit or impose requirements.

Because of this, the ALC recommends that you speak to your legal counsel to determine whether the charge of a fee could be completed under a provision of the *Community Charter*.

**Q10: If the local government must pay for the application, and chooses to make an application on behalf of a landowner who happens to be a business/company, will a local government face issues under s. 25 of the *Community Charter*?**

Local governments will need to consult with their legal counsel to determine whether the local government may face challenges under s. 25 of the *Community Charter*.

**Q11: Who pays for the associated application materials (e.g. agrologist report, advertising/notice requirements) for a local government initiated application?**

All associated exclusion application fees are paid by the local government. Local government should only submit applications that it independently and objectively supports. The ALC recommends that local governments speak to their legal counsel to determine whether charging fees could be completed under a provision of the *Community Charter*.



**Q12: What is the change in fees for exclusion applications effective September 30, 2020?**

On June 26, 2020, Order in Council No. 353, 2020 was approved and ordered; it amends the ALR General Regulation to increase the portion of the ALC application fee which goes to a local or First Nation government. As of September 30, 2020, local and First Nation governments will receive 50% of the application fee for prescribed body initiated exclusion applications (equivalent to \$750). Local or First Nation governments are required to pay \$750 for an exclusion application they initiate.

A prescribed body must pay the \$1500 application fee – \$750 of which is paid directly to the local or First Nation government, and \$750 of which is paid to the ALC, should the local or First Nation government authorize the application to proceed to the ALC.

**DECISION-MAKING**

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**Q13: What is the ALC's decision-making criterion for exclusion applications?**

As with all ALC applications, the ALC considers the merits of the proposal under its s. 6(1) ALC Act mandate, which includes the following:

- *to preserve the agricultural land reserve;*
- *to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest;*
- *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.*

As of March 12, 2020 with the implementation of portions of Bill 15-2019, under s. 6(2) of the ALC Act the ALC must also now give priority to protecting and enhancing:

- *the size, integrity and continuity of the land base of the agricultural land reserve;*
- *the use of the agricultural land reserve for farm use.*

More information about ALC decision-making considerations can be found here:

<https://www.alc.gov.bc.ca/alc/content/applications-and-decisions/what-the-commission-considers>

**Q14: If an application is submitted for multiple parcels, does the ALC have discretion to approve some parcels for exclusion and refuse others?**

Yes, the ALC has the discretion to determine which, if any, parcels may be supported for exclusion. The ALC also has discretion to approve an exclusion application with conditions (e.g. rezoning), or may approve an alternate land use such as a non-farm use.

**Q15: How long does the application process take?**

The application timeline varies substantially. Applications which require local or First Nation government review can take several months of review prior to the ALC even receiving the application. Once the application has been received by the ALC, the ALC strives to release its decisions within 60 business days of an application and the required fee being received; and the majority of its decisions within 90 business days. Please be advised that the 60 and 90 business day application process timeline may not be consecutive given the specifics of an application; the ALC may "pause" the business day timelines should any of the following be required:

- an exclusion meeting with the applicant
- a site visit
- a request for additional information (from an applicant, local government or any other person considered appropriate)

An applicant may also ask the ALC to pause the processing of an application at any time. These business day timelines are specific to the ALC's component of the application process; it does not include time associated with the local or First Nation government component of the application process. Generally speaking, an application may take approximately 4-6 months, however the application timeline may also be affected by the number of parcels included in and the complexity of the application.

**Q16: How will previously endorsed parcels be submitted to and reviewed by the ALC?**

As private landowners will no longer be able to make exclusion applications as of September 30, 2020, the local or First Nation government could potentially make an exclusion application for those parcels previously endorsed by the ALC. When a parcel has a previous endorsement by ALC resolution, the exclusion application may be expedited through the ALC's Chief Executive Officer's (CEO) delegated decision-making authority.

**POLICY CONSIDERATIONS**

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**Q17: Are you aware of any local governments considering a regional approach for the submission of local government initiated exclusion applications?**

Not at this time. However, in the Okanagan, there have been discussions about holding a session for multiple local governments to discuss a regionally based strategy. Due to COVID-19, this meeting was postponed.

The ALC encourages you to reach out to your adjacent local governments and to the ALC to discuss such an approach.



**Q18: Are ALC staff able to provide feedback on any proposed local government policies/options for exclusion applications?**

Yes, ALC Regional Planners can assist in the review of draft policies/options for exclusion applications. Please feel free to contact your applicable regional planner, and/or review the [ALC's Bylaw Reviews: A Guide for Local Governments](#) for more information.

- Interior, Okanagan, North: Sara Huber ([Sara.Huber@gov.bc.ca](mailto:Sara.Huber@gov.bc.ca))
- Island, Kootenay: Martin Collins ([Martin.Collins@gov.bc.ca](mailto:Martin.Collins@gov.bc.ca))
- South Coast: Shannon Lambie ([Shannon.Lambie@gov.bc.ca](mailto:Shannon.Lambie@gov.bc.ca))

**ALC BYLAW REVIEW PROCESS**

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**Q19: Can a local government designate ALR land for a non-agricultural use (e.g. commercial, residential, etc.)?**

Land within the ALR cannot be designated for non-agricultural use without a resolution from the ALC to support the redesignation.

Should a local or First Nation government wish to designate ALR lands for non-agricultural use by bylaw, the local or First Nation government must refer their bylaw to the applicable ALC Regional Planner, who will prepare the referral for the Commission's review. The process is outlined in the [ALC's Bylaw Reviews: A Guide for Local Governments](#). The ALC considers the merits of the proposal under its s. 6(1) mandate and s. 6(2) decision-making priorities in the ALC Act, as it would with an application.

Designations for non-agricultural use in local government bylaws that have not been endorsed by the Commission are of no force and effect.

Note: The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALC Act, the Regulations, or any Orders of the Commission.

**Q20: What does an area "endorsed" by the ALC look like?**

An endorsed area would have a previous resolution of the ALC which states that it is supported for a specific use (e.g. industrial). The resolution will specify the type of application that must be submitted in order to undertake the use (e.g. non-farm use, subdivision, or exclusion) or may include other conditions. When the application is submitted to the ALC, it may be reviewed by the ALC's CEO through an expedited decision-making process.

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