



DEVELOPMENT and PLANNING SERVICES COMMITTEE

August 21, 2017

City of Salmon Arm

Council Chamber

City Hall, 500 - 2 Avenue NE

8:00 a.m.

Page #	Section	Item#
	1.	<u>CALL TO ORDER</u>
	2.	<u>REVIEW OF THE AGENDA</u>
	3.	<u>DECLARATION OF INTEREST</u>
	4.	<u>REPORTS</u>
1 – 8	4.1	ZON-1100, Woldringh, V. / Whitstone Developments Ltd., 2350 – 4A Avenue SE – R-1 to R-8
9 – 18	4.2	ZON-1103, Koleba, C., 3081 – 28 Avenue NE – R-1 to R-8
19 – 50	4.3	ALC-370, Lamb, K.B, J.M. & D.B. / Regency Consultants Ltd., 5421 – 10 Avenue NW – Subdivision in the ALR
51 - 68	4.4	Highway Closure Bylaw No. 4203, Ministry of Transportation & Infrastructure, Part of Road, Plan EPP947, Sec. 10, Tp. 20, R. 10, W6M, KDYD & ZON-1093, B.C. Transportation Financing Authority / Ministry of Transportation & Infrastructure, 1110 – 30 Street SW – A-1 to C-3
	5.	<u>IN CAMERA</u>
	6.	<u>PRESENTATION</u>
	6.1	Luke Gubbels, Planning Forester, Canoe Forest Products – Forest Stewardship Plan
	7.	<u>FOR INFORMATION</u>
		n/a
	8.	<u>LATE ITEM</u>
		n/a
	9.	<u>ADJOURNMENT</u>

<http://www.salmonarm.ca/agendacenter>

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City of Salmon Arm
Development Services Department Memorandum

To: Her Worship Mayor Cooper and Members of Council

Date: July 27, 2017

Subject: Zoning Bylaw Amendment Application No. 1100

Legal: Lot 20, Section 13, Township 20, Range 10, W6M, KDYD, Plan KAP47968

Civic: 2350 – 4A Avenue SE

Owner / Applicant: Woldringh, V. / Whitstone Developments Ltd.

MOTION FOR CONSIDERATION

THAT: a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot 20, Section 13, Township 20, Range 10, W6M, KDYD, Plan KAP47968 from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone);

AND FURTHER THAT: final reading of the zoning amendment bylaw be withheld subject to confirmation that the proposed suite meets Zoning Bylaw and BC Building Code requirements.

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The 0.18 acre subject parcel is located at 2350 4A Avenue SE (Appendix 1 and 2) and presently contains an existing single family dwelling. The proposal is to rezone the parcel from R-1 (Single Family Residential) to R-8 (Residential Suite) to permit the use of an existing non-conforming secondary suite within the existing single family dwelling.

BACKGROUND

The subject parcel is designated Medium Density Residential in the City's Official Community Plan (OCP) and zoned R-1 (Single Family Residential) in the Zoning Bylaw (Appendix 3). The subject parcel is located at 2350 4A Avenue NE, an area is generally comprised of R-1 zoned parcels containing single family dwellings. There are two R-8 zoned parcels within the proximity of the subject parcel.

The subject parcel meets the conditions as specified to permit a secondary suite within the proposed R-8 zone. Site photos are attached as Appendix 4. The intent of the applicant is to develop a conforming *secondary suite* within the existing single family dwelling (floor plan attached as Appendix 5). A site review has been completed by the City's Building Department.

Any development of a legal secondary suite would require a building permit and will be subject to meeting Zoning Bylaw and BC Building Code requirements. The applicant has been in contact with City Building Inspectors, who have confirmed it is possible to meet Building Code requirements. Furthermore, with R-8 zoning, only one suite is permitted in a single family dwelling.

Secondary Suites

Policy 8.3.25 of the OCP provides for the consideration of secondary suites in Medium Density Residential designated areas via a rezoning application, subject to compliance with the Zoning Bylaw and the BC Building Code. Based on parcel area and width, the subject property has potential to meet the conditions for the development of one of either a *secondary suite* or *detached suite*, including sufficient space for an additional off-street parking stall.

COMMENTS**Engineering Department**

No objections to the proposed rezoning, subject to sufficient onsite parking being provided. A water meter will be required at time of building permit.

Building Department

BC Building Code will apply. Site review completed, with building code requirements to create legal suite provided to applicant. No concerns with proposed zoning subject to the completion of building upgrades.

Fire Department

No concerns.

Planning Department

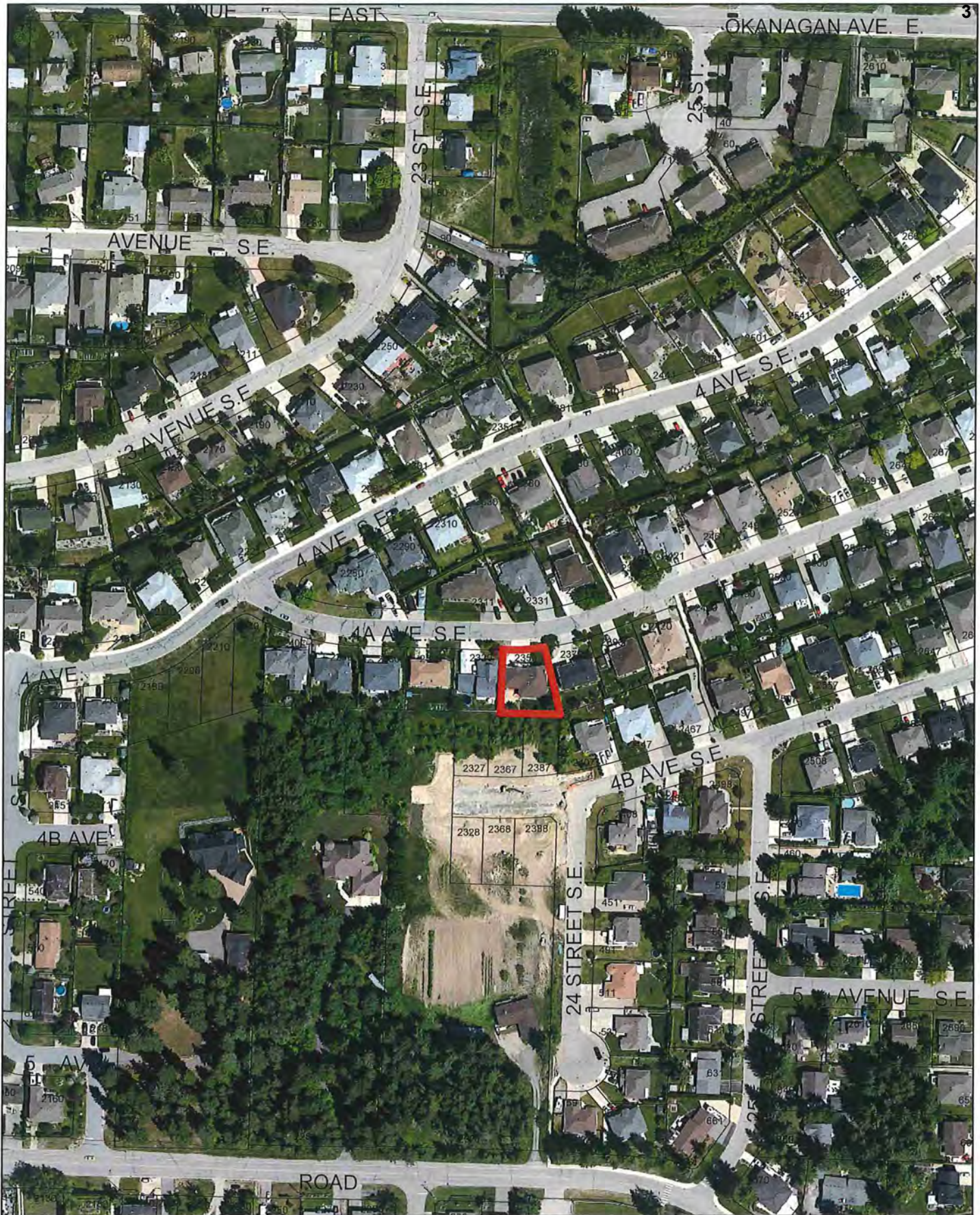
The proposed R-8 zoning of the subject parcel is consistent with the OCP and is therefore supported by staff. Any development of a secondary suite would require a building permit and will be subject to meeting Zoning Bylaw and BC Building Code requirements.



Prepared by: Chris Larson, MCP
Planning and Development Officer



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



0 25 50 100 150 200 Meters



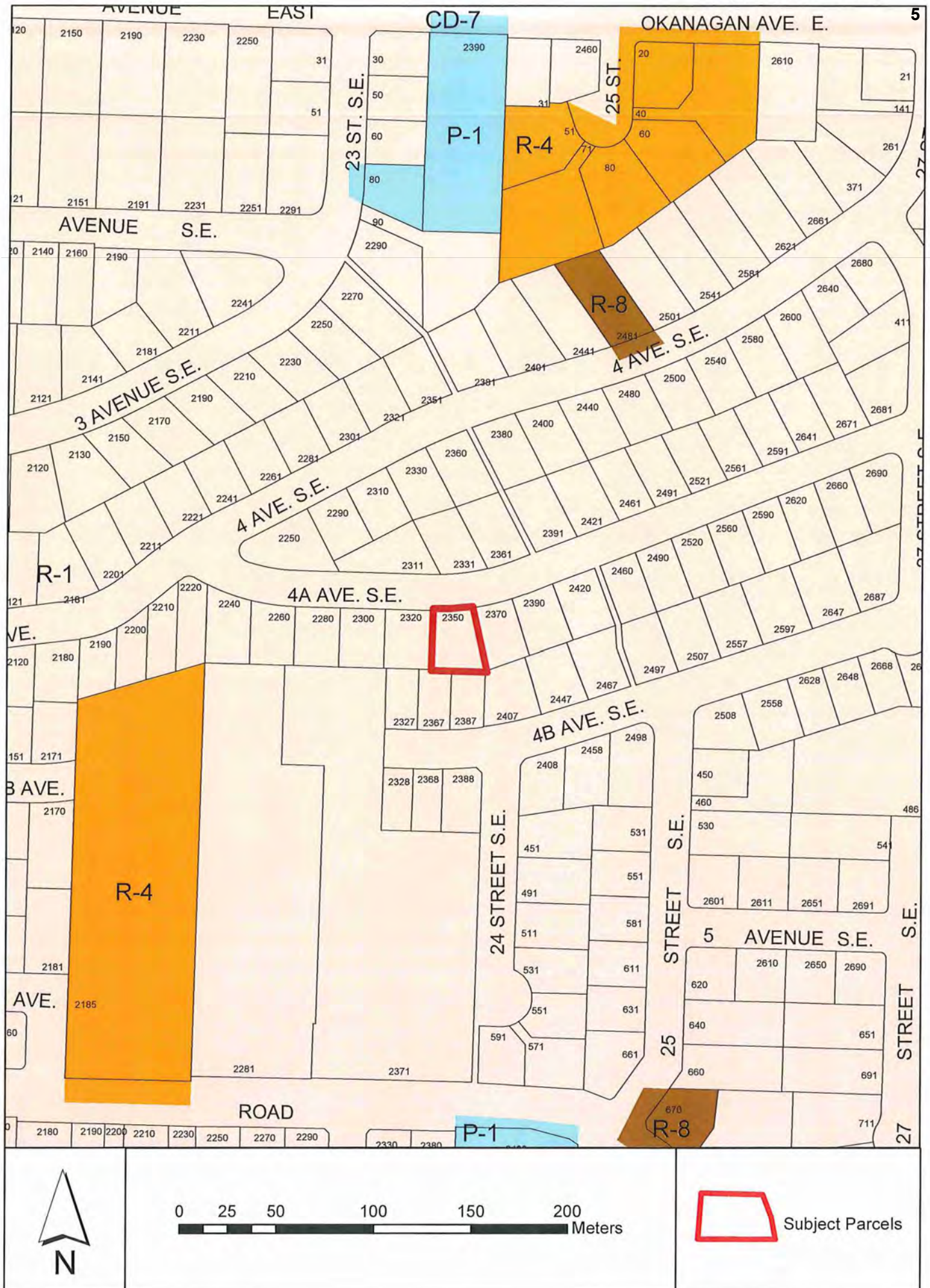
Subject Parcels



0 4.75 9.5 19 28.5 38 Meters



Subject Parcels

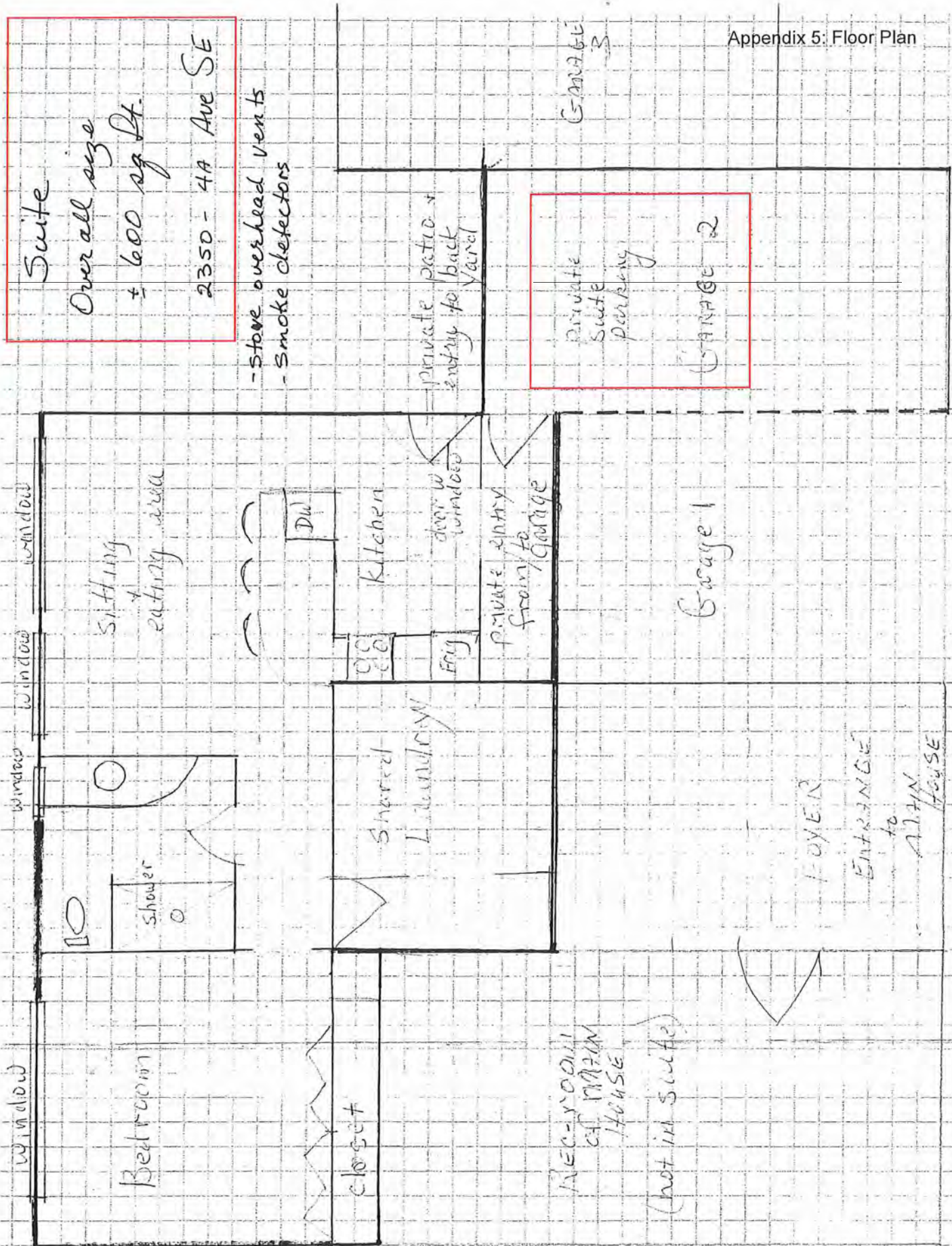




View south-east of subject parcel, with parking area clearly visible.



View south-west of subject parcel.



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Development Services Department Memorandum

To: Her Worship Mayor Cooper and Members of Council

Date: August 15, 2017

Subject: Zoning Bylaw Amendment Application No. 1103

Legal: Lot 2, Section 19, Township 20, Range 9, W6M, KDYD, Plan 18220

Civic: 3081 28 Avenue NE

Owner / Applicant: Koleba, C.

MOTION FOR CONSIDERATION

THAT: a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot 2, Section 19, Township 20, Range 9, W6M, KDYD, Plan 18220 from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone).

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The subject parcel is located at 3081 28 Avenue NE and currently contains a single family dwelling (Appendix 1 and 2), while construction has recently begun on an accessory building. The proposal is to rezone the parcel from R-1 (Single Family Residential) to R-8 (Residential Suite) to permit the construction and use of a new detached suite above the accessory building currently under construction.

BACKGROUND

The subject parcel is located in an area largely comprised of R-1 and A-2 zoned parcels containing single family dwellings. The subject parcel is designated Low Density Residential in the City's Official Community Plan (OCP) and zoned R-1 (Single Family Residential) in the Zoning Bylaw (Appendix 3). There are currently seven R-8 zoned parcels within close proximity of the subject parcel.

A site plan and letter of intent are attached as Appendix 4, while site photos are attached as Appendix 5. The intent of the applicant is to construct a new two-storey accessory building featuring an approximately 90 square metre detached suite above a garage. The relatively large subject parcel is approximately 0.35 acres, and easily exceeds the applicable requirements of minimum parcel area and minimum parcel width to permit a detached suite within the proposed R-8 zone.

The site plan indicates that the proposed siting of the suite in the west (side) yard can meet the applicable minimum setback requirements. Parking for the suite is also specified in the site plan and should be easily provided.

Detached Suites

Policy 8.3.25 of the OCP provides for the consideration of detached suites in Low Density Residential designated areas via a rezoning application, subject to compliance with the Zoning Bylaw and the BC Building Code. Based on Zoning Bylaw parcel area requirements, the subject property has potential for the development of a detached suite, including sufficient space for an additional off-street parking stall to serve the suite as indicated in the attached site plan.

COMMENTSEngineering Department

No objections to the proposed rezoning, subject to owner satisfying servicing requirements at time of development (water meter). Comments attached as Appendix 6.

Building Department

No concerns with rezoning. Construction subject to BC Building Code.

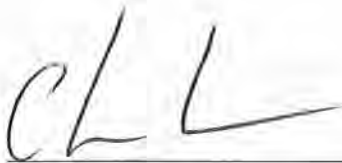
Development Cost Charges (DCCs) are payable at the time of Building Permit for a Detached Suite in the amount of \$6,064.31 (same as the DCCs for a High Density Residential Unit).

Fire Department

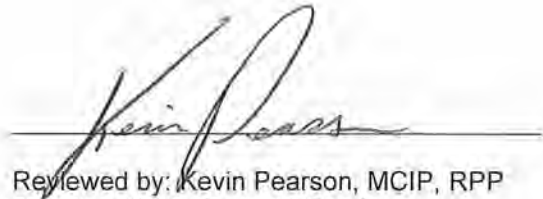
No concerns.

Planning Department

The proposed R-8 zoning of the subject parcel is consistent with the OCP and is therefore supported by staff. The large parcels in this area are well suited to the development of suites as proposed. Development of a detached suite requires a building permit and will be subject to meeting Zoning Bylaw and BC Building Code requirements.



Prepared by: Chris Larson, MCP
Planning and Development Officer



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



0 45 90 180 270 360 Meters



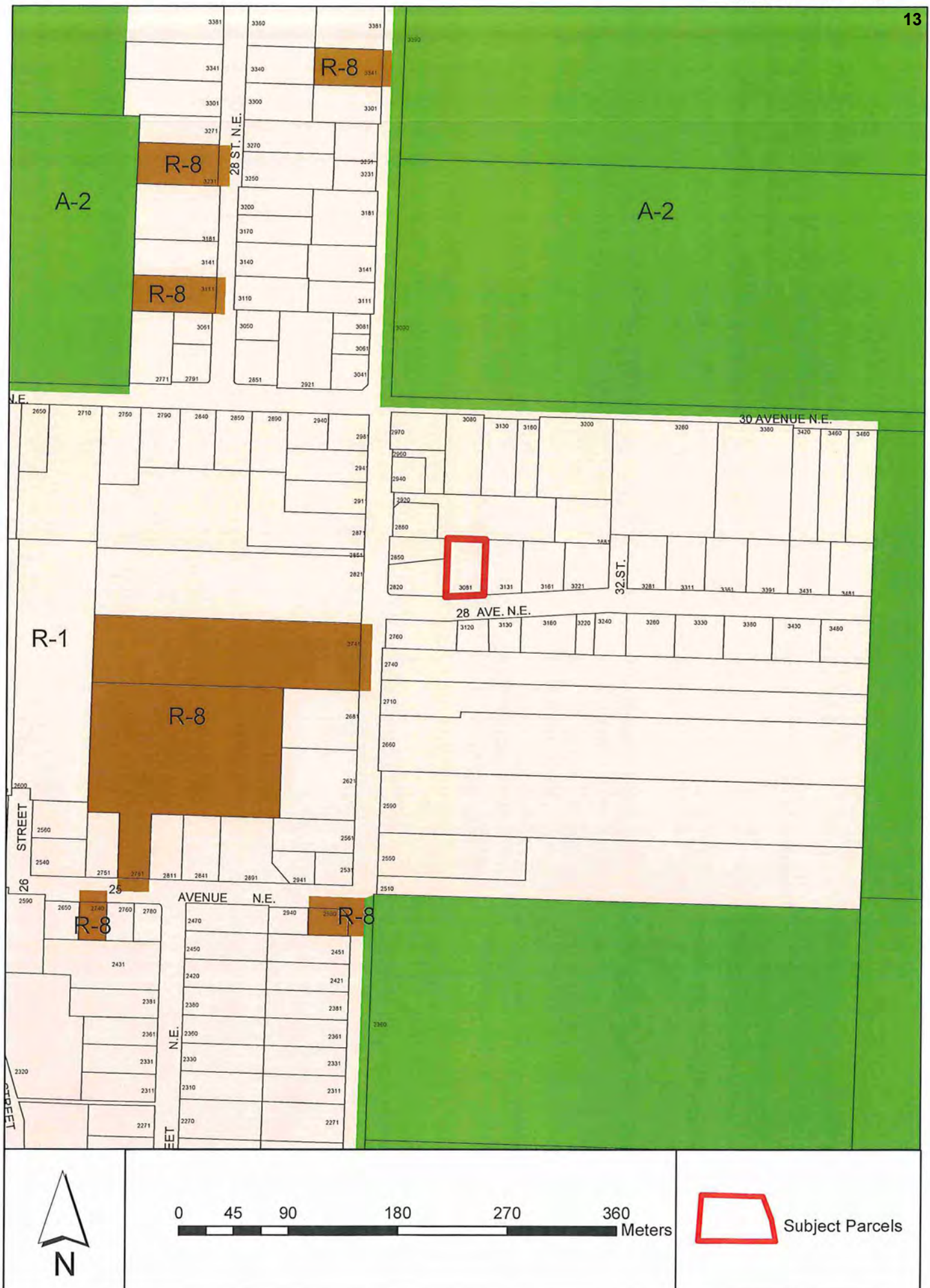
Subject Parcels



0 5 10 20 30 40 Meters



Subject Parcels



Corinne Koleba

3081-28 Avenue NE, Salmon Arm, BC

July 8, 2017

The City of Salmon Arm
500 – 2 Avenue NE
Salmon Arm, BC V1E 4N2

To Whom It May Concern:

The property I own at 3081-28 Avenue NE in beautiful Salmon Arm provides a modest home of 1020 square feet with a full basement built in 1971 on .35 acres. I see potential for this property to assist Salmon Arm in the lack of reputable rental properties as well as complimenting my future retirement income.

I have been granted a building permit (permit number 15310B) to build a garage that is currently in progress and above this garage is room for a 1 to 2 bedroom fully contained rental suite. This suite could either be my home and I could rent out the main house to a family to utilize. Or I could rent the suite and live in the main house, as is my current status.

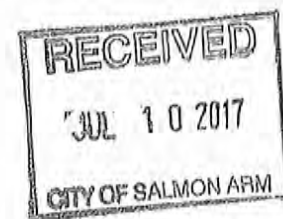
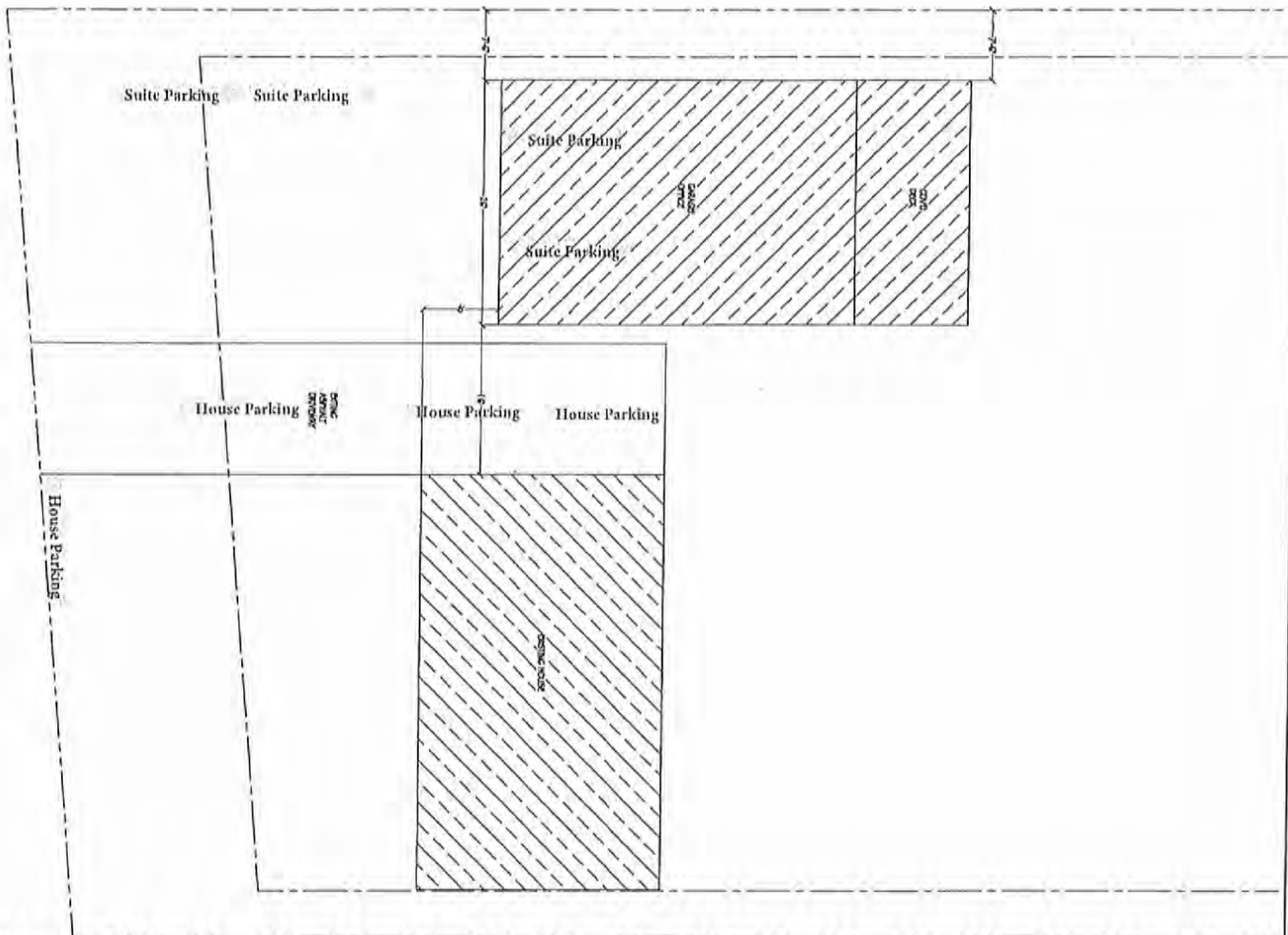
I have a large lot that will allow two families to reside comfortably.

Thank you for your time and attention to this matter of granting my current R1 zone to R8 in the potential to grow and progress the rental viability of Salmon Arm.

Kindest Regards,

Corinne Koleba

Corinne Koleba



BEFORE CONSTRUCTION BEGINS...
ALL ASPECTS INCLUDING, BUT NOT LIMITED TO, STRUCTURE AND
ENVIRONMENT OF THIS BUILDING ARE TO CONFORM TO OR EXCEED THE
CURRENT BC BUILDING CODE. IF YOU ARE UNSURE OF ANY
REQUIREMENTS, CONSULT THE BC BUILDING CODE OR YOUR LOCAL
INSPECTION AGENCY TO ENSURE FULL COMPLIANCE. NOT HAVING
ACCESS TO THE BUILDING CODE IS NOT AN EXCUSE FOR POOR
BUILDING PRACTICES.

AI
SITE PLAN

KOLEBA GARAGE/ OFFICE

PROJECT CONTACT: RUDY HEYDE 250. 804. 6641
DESIGN CONTACT: MIKE THIESSEN 250. 253. 5041

DATE: 17-06-20
SCALE: 1/4" = 1'-0"



View northeast of subject parcel.



View north of subject parcel from 28 Avenue NE.



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

To: Kevin Pearson, Director of Development Services
Date: August 8, 2017
Prepared by: Darin Gerow, Engineering Assistant
Subject: Proposed Rezoning Application ZON-1103E
Legal: Lot 2, Plan 18220, Sec 19-20-9
Civic: 3081 – 20 Avenue NE
Owner: Corinne Koleba
Applicant: Owner

Further to your referral dated July 7, 2017, the Engineering Department has thoroughly reviewed the site and has no objections to the proposed rezoning.

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

- Owner/developer to install water meter at time of building permit (as per specification No. W-10). City will supply the meter at the owners cost. Inspection will be required to ensure meter has been provided before the connection to the detached suite.
- Sufficient onsite Parking shall be provided.

Darin Gerow, ASCT
Engineering Assistant

Rob Niewenhuizen, ASCT
Director of Engineering & Public Works

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City of Salmon Arm
Development Services Department Memorandum

TO: Her Worship Mayor Cooper and Council

FROM: Development Services Department

DATE: August 9, 2017

SUBJECT: Agricultural Land Commission Application No. ALC.370
Lot 2, Plan 16672, Sec. 20, Tp. 20, R. 10, W6M, KDYD
5421 - 10 Avenue NW
Owners: K. B., J. M. and D.B. Lamb
Agent: Regency Consultants Ltd. (Bob Holtby, P. Ag.)

Motion for Consideration

THAT: Agricultural Land Commission Application No. ALC.370 be authorized for submission to the Agricultural Land Commission.

Staff Recommendation

THAT: The Motion for Consideration be adopted.

Proposal

The subject property is located at the intersection of 50 Street NW and 10 Avenue NW in Gleneden. The property is approximately 7.8 hectares in size and contains the owners' residence and an accessory building currently being used as a 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 Acreage Reserve in the Official Community Plan and is zoned A-2 (Rural Holding). 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 are applying to subdivide the parcel into two parcels of approximately 3.9 hectares each. Proposed Lot A contains a residence and proposed Lot B contains a suite in a garage type building. If the application is approved by the Agricultural Land Commission, the owners would then need to apply to have the property rezoned to A-3 (Small Holding - minimum parcel of 2.0 ha.).

In 2009, the owners commenced construction of an accessory building without a Building Permit and the building was subsequently converted to a residential suite, see Building Department comments below. The use of the building for residential purposes does not comply with the Agricultural Land Commission Act or the City's Zoning Bylaw. (For properties within the A.L.R., a detached suite must be located above the main floor of an accessory building.) If the A.L.C. and rezoning applications are approved, it may be possible for the owners to either convert the suite to a principal residence or to decommission the suite and convert it to a proper accessory building. The current use of the accessory building is being addressed by the Building Department.

A copy of the owner's ALC application and the agent's report is attached as Appendix 8. It should be noted that the agent's comments regarding Section 514 of the Local Government Act would not be applicable with this proposal as subdivision into lots as small as 2.0 ha. is supported by the Official Community Plan and the Zoning Bylaw in the Gleneden Area. In other words, this is not a subdivision that would require the Approving Officer to consider approval of a subdivision that is contrary to either the O.C.P. or the Zoning Bylaw. A copy of Section 514 is attached as Appendix 7.

As shown on Appendix 9, the property has an Improved Soil Capability Rating of 50% Class 3, 30% Class 4 and 20% Class 2. (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: Rural residential/agricultural parcel of approx. 32 ha. zoned A-2

South: 10 Avenue NW; then rural residential/agricultural parcels of approx. 2 ha. each, zoned A-2

East: 50 Street NW; then I.R. No. 3

West: Rural residential parcel of approx. 2 ha., zoned A-3

The Agricultural Advisory Committee and staff have reviewed the proposal and provide the following:

Agricultural Advisory Committee

At its regular meeting of July 12, 2017, the Agricultural Advisory Committee adopted the following motion:

THAT: the Agricultural Advisory Committee advise Council that it supports the application for submission to the Agricultural Land Commission.

Fire Department

No concerns.

Building Department

No concerns with the proposed subdivision but the garage type building appears to have been converted to a dwelling without a Building Permit. The City discovered that the building was being constructed without a permit on September 29, 2009. The owner contemplated calling it a 'Farm Structure' but it appeared more like a suite and the City required that the owner apply for a Building Permit. The owner subsequently declared it an 'accessory building' and a Building Permit for same was issued on August 11, 2010. The permit was closed on May 2, 2012.

Engineering Department

See Appendix 10.

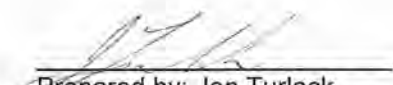
Planning Department

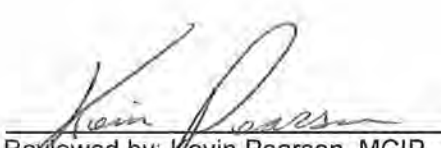
Staff are always concerned when a building is constructed without proper approvals or when a building is converted to residential use without proper inspections and permits. Nevertheless, this is a separate issue from the owner's A.L.C. application and will be addressed by the City Building Department. As previously noted, successful completion of the proposed subdivision may assist the owner in bringing the accessory building into compliance with provincial regulations and the City's bylaws.

Staff are recommending that the A.L.C. application be authorized for submission to the Land Commission in consideration of the following:

1. Although a large part of the area containing proposed Lot B is under cultivation, the proposed subdivision complies with the Official Community Plan which supports the creation of smaller rural parcels in the Gleneden area and rezoning of the those parcels to A-3 (Small Holding - 2.0 hectare minimum parcel size);

(It should be noted that compliance with the O.C.P. does not mean that the Land Commission will automatically endorse a subdivision application in the Gleneden area. The Commission has identified substantial areas in Gleneden that have good agricultural capability and has advised on previous applications that a mix of parcel sizes should be retained to allow for a full range of agricultural activity.)
2. The Agricultural Advisory Committee did not express any concerns with the proposal;
3. As noted by the owner's agent, potential impacts on the cultivated area could be reduced by constructing any new buildings in close proximity to the existing accessory building; and
4. In 2005, the Agricultural Land Commission approved a similar proposal on the adjacent parcel to the west (ALC Application # H-35925/City File: ALC.288 - Hodges/Routledge). This property was also rezoned from A-2 to A-3.


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. Section 514
8. ALC Application
9. Improved Soil Class map
10. Engineering Department comments



Subject Property

Location Map



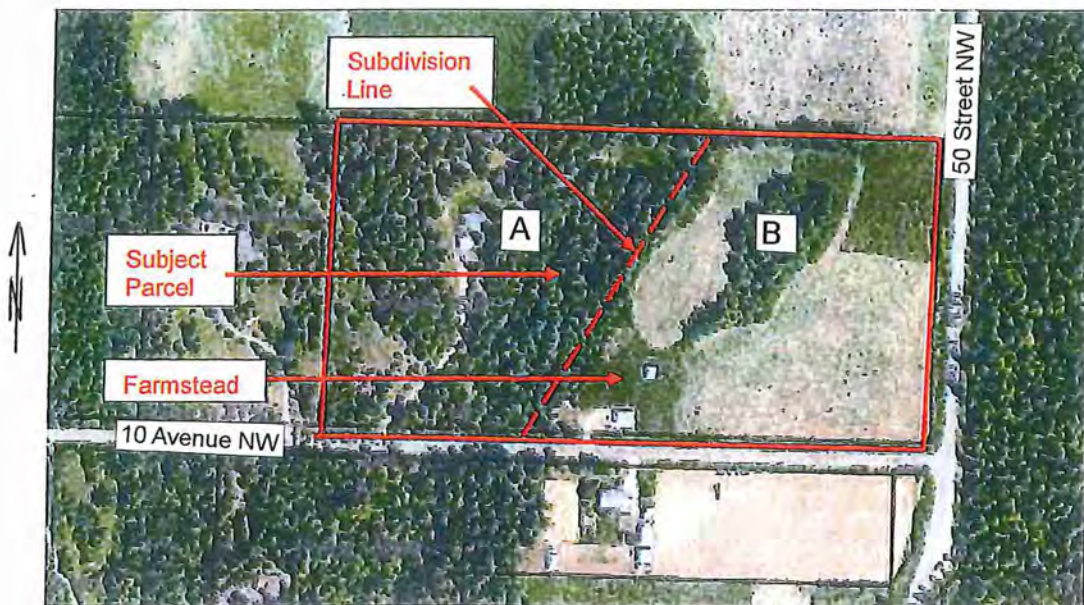
I.R. No.

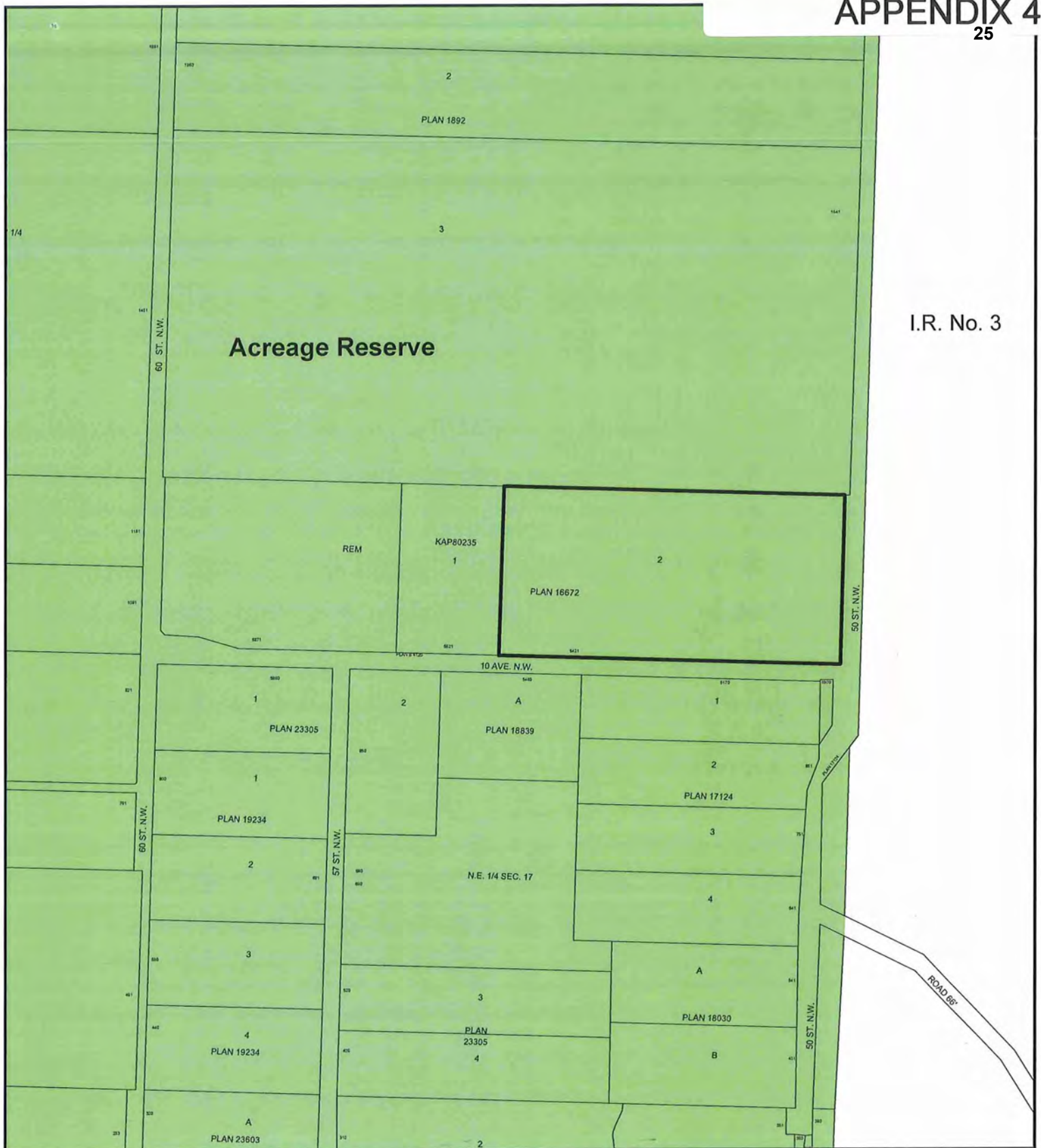


Subject Property

Ortho

Figure 1: Satellite View of the Proposed Subdivision





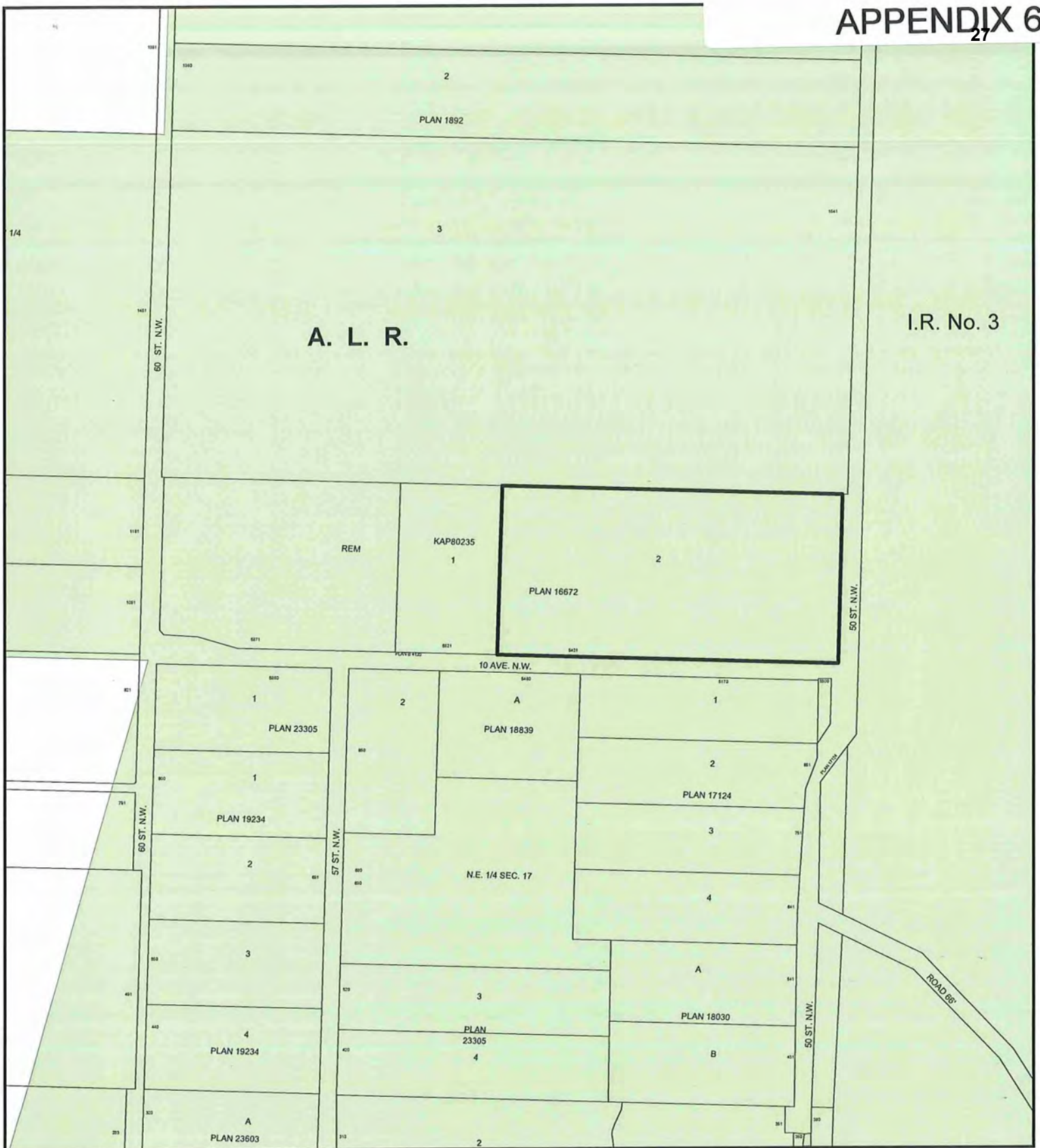
Subject Property

O.C.P.



Subject Property

Zoning



Subject Property

A.L.R.

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 m², 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).

* * *

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 56523

Application Status: Under LG Review

Applicant: Keith Bruce Lamb , Jody Lamb , Daniel Bruce Lamb

Agent: Regency Consultants Ltd.

Local Government: City of Salmon Arm

Local Government Date of Receipt: 05/26/2017

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

Proposal Type: Subdivision

Proposal: To provide for a home site for Danny Lamb; see attached Agrologist's Report

Agent Information

Agent: Regency Consultants Ltd.

Mailing Address:

2533 Copper Ridge Drive

West Kelowna, BC

V4T 2X6

Canada

Primary Phone: (250) 707-4664

Mobile Phone: (250) 804-1798

Email: bholtby@shaw.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 008-552-371

Legal Description: Lot 2. Section 20, Range 10, W6M, KDYD, Plan 16672

Parcel Area: 7.8 ha

Civic Address: 5421 10 Avenue NW, Salmon Arm, BC

Date of Purchase: 01/01/1980

Farm Classification: Yes

Owners

1. **Name:** Keith Bruce Lamb

Address:

5421 10th Avenue NW

Salmon Arm, BC

V1E 3B1

Canada

Phone: (250) 803-6716

Email: danny lamb147@hotmail.com

2. **Name:** Jody Lamb

Address:

5421 10th Avenue NW

Applicant: Keith Bruce Lamb , Jody Lamb , Daniel Bruce Lamb



Salmon Arm, BC

V1E 3B1

Canada

Phone: (250) 803-6716

Email: danny1amb147@hotmail.com

3. **Name:** Daniel Bruce Lamb

Address:

5421 10th Avenue NW

Salmon Arm, BC

V1E 3B1

Canada

Phone: (250) 803-6716

Email: danny1amb147@hotmail.com

Current Use of Parcels Under Application

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

There is approximately 3 hectares or 7.4 acres in forage production.

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

7 acres in production, outbuildings

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

Homesites

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: Hay field; uncleared ravine

East

Land Use Type: Unused

Specify Activity: Uncleared Indian Reserve

South

Land Use Type: Agricultural/Farm

Specify Activity: Rural Homesites; hay field

West

Land Use Type: Residential

Specify Activity: Rural Residential

Proposal

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

3.9 ha

Applicant: Keith Bruce Lamb , Jody Lamb , Daniel Bruce Lamb

2. What is the purpose of the proposal?

To provide for a home site for Danny Lamb; see attached Agrologist's Report

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

Divided by a steep ravine; limited agricultural potential; see attached Agrologist's Report

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

Neutral; all farmed land is maintained in production; allows for young people to own land in a rural community; see attached Agrologist's Report

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 - Regency Consultants Ltd.
- Proposal Sketch - 56523
- Professional Report - Agrologist Report
- Certificate of Title - 008-552-371

ALC Attachments

None.

Decisions

None.



R.G. (Bob) Holtby, MSc, PAg, Principal

An Opinion on an Application to Subdivide Land within the Agricultural Land Reserve

Client: Keith Lamb

Jody Lamb

Daniel Lamb

Date: May 19, 2017

2533 Copper Ridge Drive, West Kelowna, BC, V4T 2X6,
Phone: 250-707-4664, Cell: 250-804-1798, email: bholtby@shaw.ca

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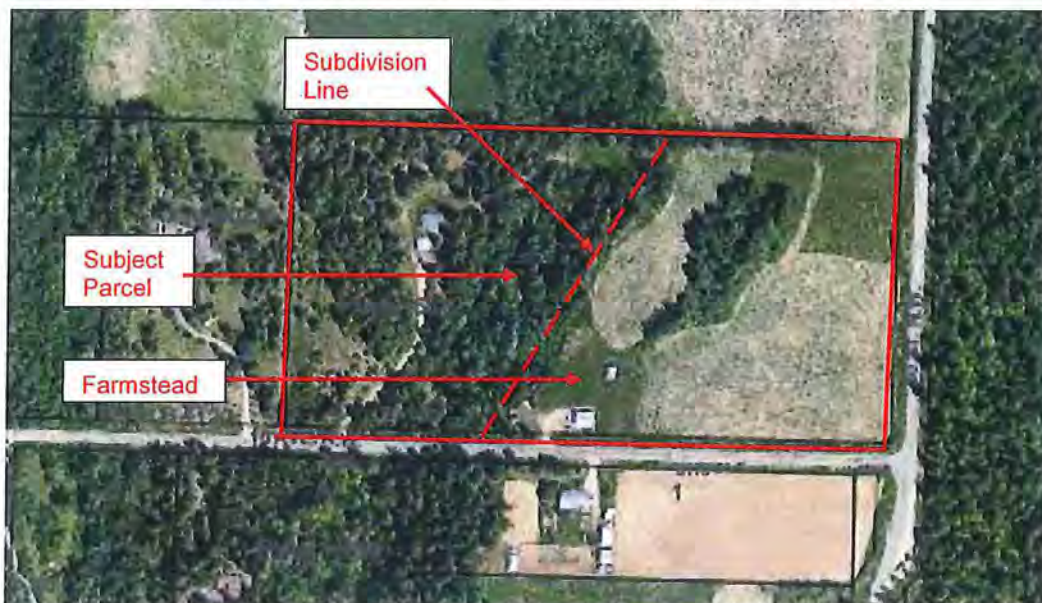
1.0 Introduction

Danny Lamb, on his behalf, and on behalf of his father Keith and sister Jody wishes to subdivide land in the Gleneden area of Salmon Arm to provide a homesite for himself. The legal description of the parcel is:

Lot 2, Section 20, Township 20, Range 10, West of the 6th Meridian,
Kamloops Division Yale District, Plan 16672, PID 008-552-371, located
at 5421 10th Avenue NW, Salmon Arm, BC, containing some 19.29 acres
or 7.8 hectares.

A satellite map taken from the City of Salmon Arm mapping program shows the proposal in Figure 1.

Figure 1: Satellite View of the Proposed Subdivision



The subdivision line is approximately drawn and is expected to divide the parcel in half. I have been commissioned to express an opinion of the impact on agriculture from the approval of this application.

2.0 Qualifications

I am a licensed Agrologist and have been a full member of the B.C. Institute of Agrologists since 1971 (except 2001-2002). I am a graduate from the University of British Columbia with a Bachelor of Science degree in 1967, specializing in Agriculture Economics, and a Master of Science degree in 1972, specializing in Farm Management. My thesis for my Master's degree was entitled *Resource Allocation for the Median Peace River Farm in British Columbia*

I have been involved in the work of the Agricultural Land Commission since 1974 when the reserve boundaries were proclaimed. At that time, I was District Agriculturist for the British Columbia Ministry of Agriculture in Prince George. In October 1978 I entered private practice and have provided professional opinions for clients who have sought

amendments to the Agricultural Land Reserve boundaries, subdivision within the ALR, or who have needed assistance in compliance with requests from the Commission.

I have also written and spoken of the need to address the unintended consequences of the provincial land use policy.

All agricultural assessments, whether they are for feasibility or management purposes, start with the soils. Past that point one needs an understanding of plant science, animal science and farm management to properly assess the farming potential of any site. I have demonstrated that understanding throughout my career.

During my years in both public and private practice, Courts and Review Boards have accepted me as an expert regarding farming practices in British Columbia. Consequently, I feel qualified to provide an assessment of a proposal under the *Agricultural Land Commission Act*. My qualifications and experience allow me to comment on the value of agricultural land and the practices of farming on that land. While not formally trained in soil science, I have been exposed to the principles of that discipline through short courses, field trips, and by accompanying pedologists during soils assessments.

Consequently, I believe I am qualified to comment on the two main purposes of the Agricultural Land Commission. That is: to preserve agricultural land, and to encourage farming on agricultural land in collaboration with other communities of interest.

I am currently a member of the Environmental Appeal Board and the Forest Appeals Commission. Following these appointments, I have received training in Administrative Law and the Rules of Natural Justice.

3.0 Farm Capabilities of the Subject Parcel

As Figure 2 illustrates, the subject parcel is classified under the Canada Land Inventory system as 50% Class 3 limited by topography and lack of moisture; 30% Class 5 limited by topography and lack of moisture; and 20% Class 4 limited by topography and lack of moisture.

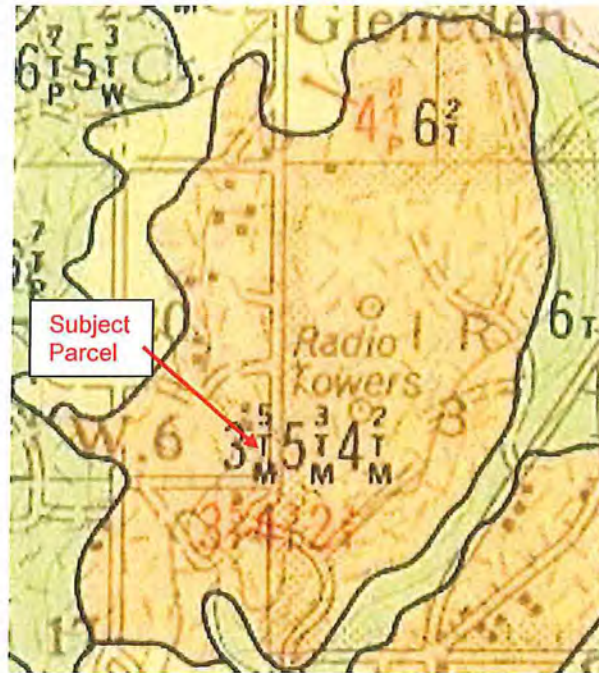
With irrigation, the classification is raised to 50% Class 3 limited by topography; 30% Class 4 limited by topography; and 20% Class 2 limited by topography.

There is no irrigation available on the parcel. The soil is capable of growing one forage crop per year as it is. While irrigation would improve the yield of the field, I would expect an improvement in the range of crops available. That is, the land could certainly support a corn crop if irrigation were available.

While I am not a Pedologist, my inspection of the parcel reveals steep slopes which are not capable of being farmed. Slopes exceed 30%. Consequently, it is my opinion that the ravines in the parcel should be classed as Class 7, that is, not arable.

Photograph 1 shows the eroded banks of the creek which are deemed non arable. Photograph 2 shows the soil pit containing a clay loam soil with some stoniness. Photograph 3 shows rockiness (not in the CLI classification) in the uncleared area within the hay field. Photograph 4, taken from the North West corner of the parcel, shows the hay field in production.

Figure 2: Canada Land Inventory Classifications of the Subject Area



Photograph 1: Eroded Stream Bank



Photograph 2: Soil Pit showing Heavy Soil with Stoniness



Photograph 3: Rocks in Uncleared Area



Photograph 4: Taken from the NW Corner of the Parcel

The area of the current homesite, on the west side of the parcel, lies in a peninsula of level ground defined by severe slopes to the creeks. While there is some level ground, I do not believe it is enough to be used for farming. The Ravines are shown as treed in Figure 1.

The balance of the land, above the ravines and outside the rocky areas, is clearly arable and should be considered “agricultural.” That area is defined in the aerial photograph in Figure 1 as the area in hay crop plus the farm yard.

Currently, the hay land is being leased out to a neighbouring farmer. Given the good colour of the forages, and Mr. Lamb’s description of his activities, it is my opinion that it is being well farmed. That is, the level of farm management is high – higher than one would expect on leased land.

In the past, the Commission has expressed concerns that a subdivision of a property within the Agricultural Land Reserve would mean the inherent loss of farm land due to construction of a house and ancillary buildings. In this case, as Figure 3 shows, there is an existing farmstead of 0.33 hectares or 0.82 acres. Consequently, the applicant could construct a house on the farmstead, close to existing sewer and water services, without impinging on the existing farmed land.

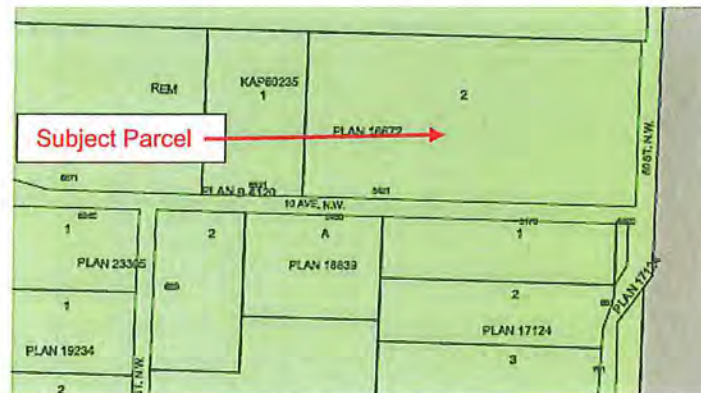
Figure 3: Farmstead Measurement



4.0 Local Government Concerns

According to Figure 4, the subject parcel is designated as Acreage Reserve in the Official Community Plan.

Figure 4: OCP Designation of the Subject Area



Policies relevant to the Acreage Reserve Designation are:

- 7.3.29 Subdivision to accommodate further rural small agricultural holdings may be supported within the Acreage Reserve area situated west of both the Salmon River and the Trans Canada Highway subject to compliance with the following criteria:
- the site is well drained and free from flooding, unstable soils or other hazardous conditions;
 - soil conditions permit permanent on-site sewage disposal for each parcel as determined by the appropriate agency;
 - availability of adequate potable water supply on each parcel, approved by the appropriate agency;

- d. minimum two (2) hectare parcel size, other than subdivisions or boundary adjustments contemplated under policy 7.3.6 and subject to appropriate zoning; and
- e. the lands have an improved agricultural soils capability rating of class four (4), class five (5), class six (6) or class seven (7) as determined by the ALC, based on the Canada Land Inventory Agricultural Capability Classification System. The principle of protecting better quality agricultural soils from subdivision into small lots will guide decisions on mixed category applications and the ALC will continue to consider each subdivision application on its own merits to ascertain the potential impact of subdivision on existing and potential agricultural development.

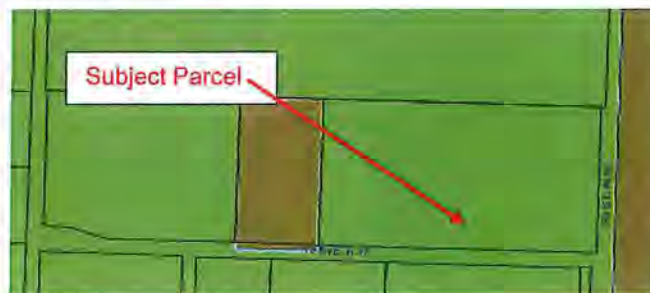
The property is within the designated area; lies well above the creeks and thus is not subject to flooding; has an existing sewage system and water; and is larger than 2 hectares.

The difference between the policy and the realities of the parcel has to do with the use of “improved” CLI ratings. As mentioned above, there is no irrigation on the parcel and there is not expected to be any in the future. Certainly, the City of Salmon Arm is unlikely to provide irrigation water to this parcel. Similarly, well production is not deemed sufficient to irrigate the land.

As determined above, the parcel is quite capable of annual forage production. Nevertheless, given the other soils in the Salmon Arm area, I would not categorize this one as “better quality.”

The subject parcel is zoned as A-2 according to the zoning map as shown in Figure 5:

Figure 5: Zoning of Subject Area



The A-2 zone is labeled as the Rural Holding Zone, the purpose of which “... is intended to provide predominantly residential parcels in a rural setting.” The minimum parcel size is 4.0 hectares (9.9 acres)

According to the property report, the subject parcel is 19.29 acres or 7.8 hectares. The parcel was originally 20 acres but I understand the taking of land from the widening of 50th Street NW reduced it in size.

Nevertheless, Section 514, the successor to Section 946, of the *Local Government Act* allows for approval of a subdivision below the established minimum parcel size. Since this application is for an owner of the property who is the son of the original owner, I anticipate that the minimum parcel size would not be an impediment to the subdivision.

5.0 Summary and Conclusion

The subject application is to divide a small parcel into two for separate use by Danny Lamb from his Father's parcel. The parcel is already divided by deep ravines which are crossed by a access path on the north boundary of the parcel.

The application does not reduce the amount of farmed land. The new home can be built on either the existing farmstead or on the uncleared but rocky land. Sewer and water have been made available to the shop area where Mr. Lamb has built a suite.

The proposed land use is consistent with the Official Community Plan and mostly consistent with the zoning bylaw.

It is my opinion that the allowance of this application will not have any impact on farming in the Gleneden area. Rather, it allows another generation to reside on a hobby farm and become involved in farming practices. Without allowing for successional ownership, rural areas will lose young families who provide the energy for schools, clubs, and associations.

I remain available to discuss my findings in this report.

Respectfully submitted,



R.G. (Bob) Holtby, P.Ag.

May 19, 2017

TITLE SEARCH PRINT

2017-05-17, 14:09:37

File Reference:

Requestor: bholtby

Declared Value \$ 400000

CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN

Land Title District

Land Title Office

KAMLOOPS

KAMLOOPS

Title Number

From Title Number

CA1186337

T58656

Application Received

2009-07-15

Application Entered

2009-09-15

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

KEITH BRUCE LAMB, MACHINE OPERATOR

C/O RR #4

SALMON ARM, BC

V0E 2T0

JODY MAE LAMB, HEALTHCARE WORKER

789 MORRISON AVENUE

KELOWNA, BC

V1Y 5E6

DANIEL BRUCE LAMB, MACHINE OPERATOR

780 11 STREET SE

SALMON ARM, BC

V1E 1R3

AS JOINT TENANTS

Taxation Authority

CITY OF SALMON ARM

Description of Land

Parcel Identifier:

008-552-371

Legal Description:

LOT 2 SECTION 20 TOWNSHIP 20 RANGE 10 WEST OF THE 6TH MERIDIAN KAMLOOPS
DIVISION YALE DISTRICT PLAN 16672

Legal Notations

NONE

Charges, Liens and Interests

Nature:

RIGHT OF WAY

Registration Number:

56815E

Registration Date and Time:

1954-04-28 11:55

Registered Owner:

BRITISH COLUMBIA HYDRO AND POWER AUTHORITY

Remarks:

PART OUTLINED RED ON PLAN A1338

TITLE SEARCH PRINT

2017-05-17, 14:09:37

File Reference:

Requestor: bholtby

Declared Value \$ 400000

Nature:

STATUTORY RIGHT OF WAY

Registration Number:

X45066

Registration Date and Time:

1985-08-08 11:04

Registered Owner:

INLAND NATURAL GAS CO. LTD. (INC NO 28737)

Remarks:

WITH PRORITY OVER T58657 & T58658
CANCELLED AS TO ALL EXCEPT PART ON
PLAN 37048 BY X128798 29/08/1986

Nature:

COVENANT

Registration Number:

CA1650187

Registration Date and Time:

2010-07-12 09:03

Registered Owner:

CITY OF SALMON ARM

Duplicate Indefeasible Title

NONE OUTSTANDING

Transfers

NONE

Pending Applications

NONE



7 3
6 T - 5 T
P W



Improved Soil Class



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

TO: Kevin Pearson, Director of Development Services
 OWNER/APPLICANT: **Lamb, Keith, Jody, Daniel**
 AGENT: Regency Consultants Ltd., 2533 Copper Ridge Dr, Kelowna, BC V4T 2X6
 DATE: July 24, 2017
 SUBJECT: **AGRICULTURAL LAND COMMISSION APPLICATION NO. ALC-370**
 LEGAL: Lot 2, Section 20, Township 20, Range 10, W6M, KDYD, Plan 16672
 CIVIC: **5421 – 10 Avenue NW**

Further to your referral dated June 26, 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 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 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 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

AGRICULTURAL LAND COMMISSION APPLICATION FILE No. ALC-370E

July 24, 2017

Page 2

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. 50 Street NW on the subject properties east boundary is classified as a Rural Collector Road requiring a road dedication of 20.0 meters (10.0 meters on either side of road centerline). Based on review of existing records, no additional dedication is required. (To be confirmed by BCLS).

50 Street NW is currently constructed as a paved Rural Collector Road. No further improvements are anticipated at this time.

2. 10 Avenue NW on the subject properties south boundary is classified as a Rural Local Road requiring a road dedication of 20.0 meters (10.0 meters on either side of road centerline). Based on review of existing records, no additional dedication is required. (To be confirmed by BCLS).

10 Avenue NW is currently constructed as a paved Rural Local Road. Upgrading including ditching and culvert installation under both access points will be required. Owner is responsible for all associated costs.

Water:

1. The subject property fronts on a 300mm diameter (Zone 2) watermain located on 50 Street NW. No improvements are anticipated at this time
2. The subject property is currently not serviced with City water.
3. The proposed and existing lot may be serviced by separate single metered water service connections from the City main on 50 Street NE (as per Specification Drawings No. W-12) adequately sized (minimum 25mm diameter) to satisfy the servicing requirements for the proposed use. The existing lot would require an easement over the proposed lot to enable connection to the City main. Water meters will be supplied by the City at the time of subdivision and shall be installed in pits at the property line. Owner is responsible for all associated costs.
4. Alternatively, the proposed and existing lot may each be serviced with a separate onsite alternative water source, in accordance with Subdivision and Development Servicing Bylaw No. 3596, Section 3.2, Alternative Water Sources.
5. Fire protection requirements to be confirmed with the Building Department and Fire Department.

AGRICULTURAL LAND COMMISSION APPLICATION FILE No. ALC-370E

July 24, 2017

Page 3

-
6. The subject property is in an area with sufficient fire flows and pressures according to the 2011 Water Study (OD&K 2012).

Sanitary Sewer:


1. The site does not front on a City of Salmon Arm sanitary sewer system. Subject to the required approvals from Interior Health Authority, a private on-site disposal systems will be required for the proposed lot.

Drainage:


1. The site does not front on an enclosed storm sewer system. Site drainage is by overland and ditch drainage systems. 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 Category A (Building Foundation and Site Drainage) will be required.



Chris Moore
Engineering Assistant



Rob Nieuwenhuizen, A.Sc.T
Director of Engineering

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City of Salmon Arm
Development Services Department Memorandum

TO: Her Worship Mayor Cooper and Council

FROM: Development Services Department

DATE: August 16, 2017

SUBJECT: Highway Closure Bylaw No. 4203
Part of Road, Plan EPP947, Sec. 10, Tp. 20, R. 10, W6M, KDYD
Applicant: Ministry of Transportation & Infrastructure;

and

Zoning Amendment Application File No. ZON.1093
Lot 2, Plan 9071, except Plan EPP69618, Sec. 10, Tp. 20, R. 10, W6M, KDYD
1110 - 30 Street SW
Owner: BC Transportation Financing Authority
Agent: Ministry of Transportation & Infrastructure;

Motion for Consideration

THAT:

City of Salmon Arm Highway Closure Bylaw No. 4203 proceed to first, second and third readings;

AND THAT:

Authorization be granted for the sale of Closed Road , Plan EPP69619, Sec. 10, Tp. 20, R. 10, W6M, KDYD, as shown on Appendix 3, to the BC Transportation Financing Authority for the sum of \$ 75,700.00.

AND THAT:

The sale of the above lands be subject to the following:

- i) Compliance with Section 26 (Notice of Proposed Property Disposition) and Section 94 (Requirements for Public Notice) of the Community Charter and Policy 3.16 (Notification);
- ii) Registration of a statutory right of way over the Closed Road to permit continued public use of the road until such time as it is reconstructed at its new location;
and
- iii) All associated costs being the responsibility of the Ministry of Transportation & Infrastructure.

.../2

AND THAT:

A bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 as follows:

- i) Rezone Lot 2, Plan 9071, except Plan EPP69618, Sec. 10, Tp. 20, R. 10, W6M, KDYD from A-1 (Agriculture) to C-3 (Service Commercial);

AND THAT:

Final Reading of the Zoning Amendment Bylaw be withheld pending approval by the Ministry of Transportation & Infrastructure;

AND THAT:

Final Reading of Highway Closure Bylaw No. 4203 be withheld pending:

- i) Adoption of the zoning amendment bylaw; and
- ii) Confirmation from the Ministry of Transportation & Infrastructure that upon transfer of the Closed Road to the BC Transportation Financing Authority, the Closed Road will immediately be consolidated with Lot 1, Plan 9071, except Plans 42037, KAP79081 and EPP947 Sec. 10, Tp. 20, R. 10, W6M, KDYD.

Staff Recommendation

THAT: The Motion for Consideration be adopted.

Proposal

In conjunction with the highway improvement project west of town centre, the Ministry of Transportation & Infrastructure is proposing to close and relocate a portion of the existing frontage road on the south side of the highway at 30 Street SW.

To accommodate the road closure and provide for future commercial land use development, the Ministry is also proposing to rezone the property immediately adjacent to the south boundary of the road closure.

A location map, ortho photo and copy of Bylaw No. 4203 are attached as Appendices 1, 2 and 3.

Road Closure

In order to improve traffic flow and safety at the Trans-Canada Highway No. 1 and 30 Street SW intersection, the Ministry of Transportation & Infrastructure plans to move the existing frontage road intersection further south on 30 Street SW. A Reference Plan showing the dimensions of the road to be closed and the new alignment to the south is attached to the bylaw in Appendix 3.

The subject roadway was dedicated in 2008 from the adjacent property to the north which currently contains Woodsman Equipment & Rentals Ltd. (Lot 1, Plan 9071/Wall Industries Inc.). The portion of the road to be closed is approximately 10.0 metres in width and 647.2 square metres in area.

As most road closures involve land that was dedicated from the adjoining properties, the owners of those properties are given the opportunity to purchase the closed road and consolidate it back with their property. In addition, because the closures often involve relatively narrow, small portions of land, it is only the adjacent owners that can usually make use of the land.

With this application, the BC Transportation Financing Authority owns the adjacent parcel to the south and Wall Industries Inc. (Woodsman Equipment) owns the adjacent parcel to the north. The Ministry of Transportation & Infrastructure is currently in negotiations with Wall Industries Inc. for additional improvements along the perimeter of its property and as part of the negotiations, the Ministry is proposing to return the closed road to the Woodsman Equipment property, see Appendix 4.

With previous applications for land acquisition, where the land is only available to the adjacent landowners, the City has based the value of the land on the assessed land value of the adjacent property, rather than through an independent appraisal. As only Woodsman Equipment or the Ministry can make use of this ten metre wide strip of land, this approach is also being applied to this proposal.

Based on the 2017 assessed land value of the Woodsman property (\$332,000), the proposed closed portion of the frontage road has a value of \$75,700.00. Council recently agreed in principle to this sale price.

Rezoning

The parcels on the north and south sides of the proposed road closure are designated Highway Service/Tourist Commercial in the Official Community Plan. The parcel on the north side is zoned C-3 (Service Commercial) and the parcel on the south side is zoned A-1 (Agricultural). Neither property is within the Agricultural Land Reserve. O.C.P. and zoning maps are attached as Appendices 5 and 6 and as shown on Appendix 6, the zoning boundaries extend to the centre of the subject roadway.

The Ministry of Transportation & Infrastructure is applying to have the southern parcel rezoned from A-1 (Agriculture) to C-3 (Service Commercial). This will allow for future development of the southern parcel and accommodate consolidation of the closed road with the Woodsman Equipment property by rezoning the south half of the closed road to C-3.

Discussion

Staff and outside agencies have reviewed the proposal and provide the following:

Ministry of Transportation & Infrastructure

No concerns.

BC Hydro

No concerns.

FortisBC

No concerns.

Building Department

No concerns.

Fire Department

No concerns.


Engineering Department

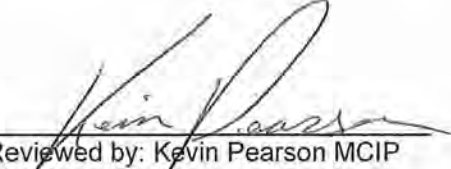
See Appendix 7.

Planning Department

Staff support the proposal:

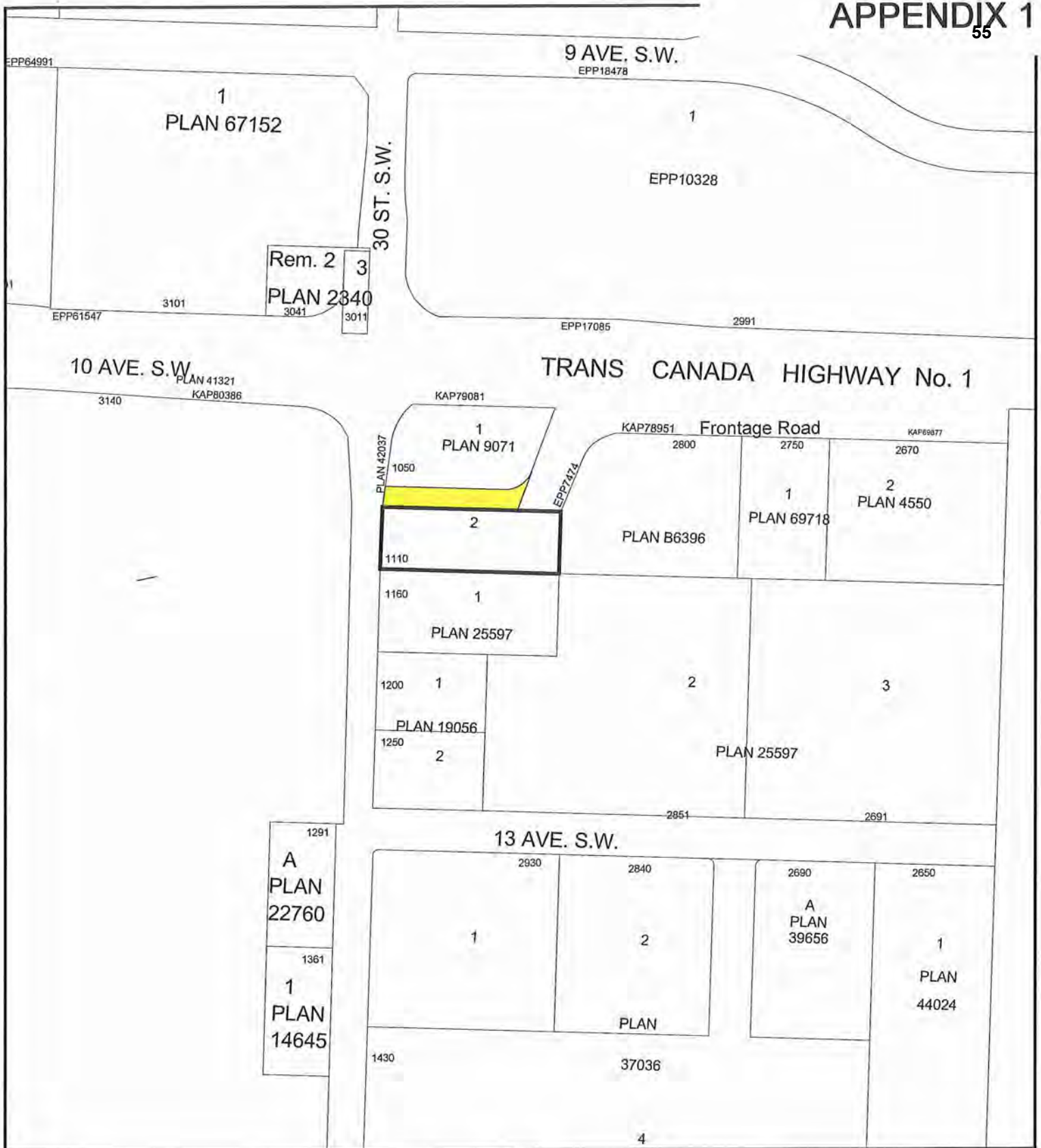
- i) Relocation of the of the frontage road intersection with 30 Street SW will improve traffic flow and safety;
- ii) The closed road will be returned and consolidated with the property from which it was originally dedicated;
- iii) The zoning amendment is consistent with the Official Community Plan and will facilitate consolidation of the closed road with the Woodsman Equipment property;
- iv) The assessed value of the land to be disposed of will provide fair compensation to the City and has been agreed upon by the Ministry;
- v) As of this writing, no objections or concerns have been received from outside agencies; and
- vi) As noted in the Motion for Consideration, further public notification will be provided in accordance with Sections 26 and 94 of the Community Charter and City Policy 3.16. Copies of Sections 26 and 94 and Policy 3.16 are provided in Appendix 12.


Prepared by: Jon Turlock
Planning & Development Officer


Reviewed by: Kevin Pearson MCIP
Director of Development Services

Appendices

- 1. Location map
- 2. Ortho photo
- 3. Bylaw No. 4203
- 4. MoTI letter dated Feb. 27/17
- 5. OCP map
- 6. Zoning map
- 7. Engineering Dept. comments
- 8. Sections 26 & 94 of Community Charter & Policy 3.16



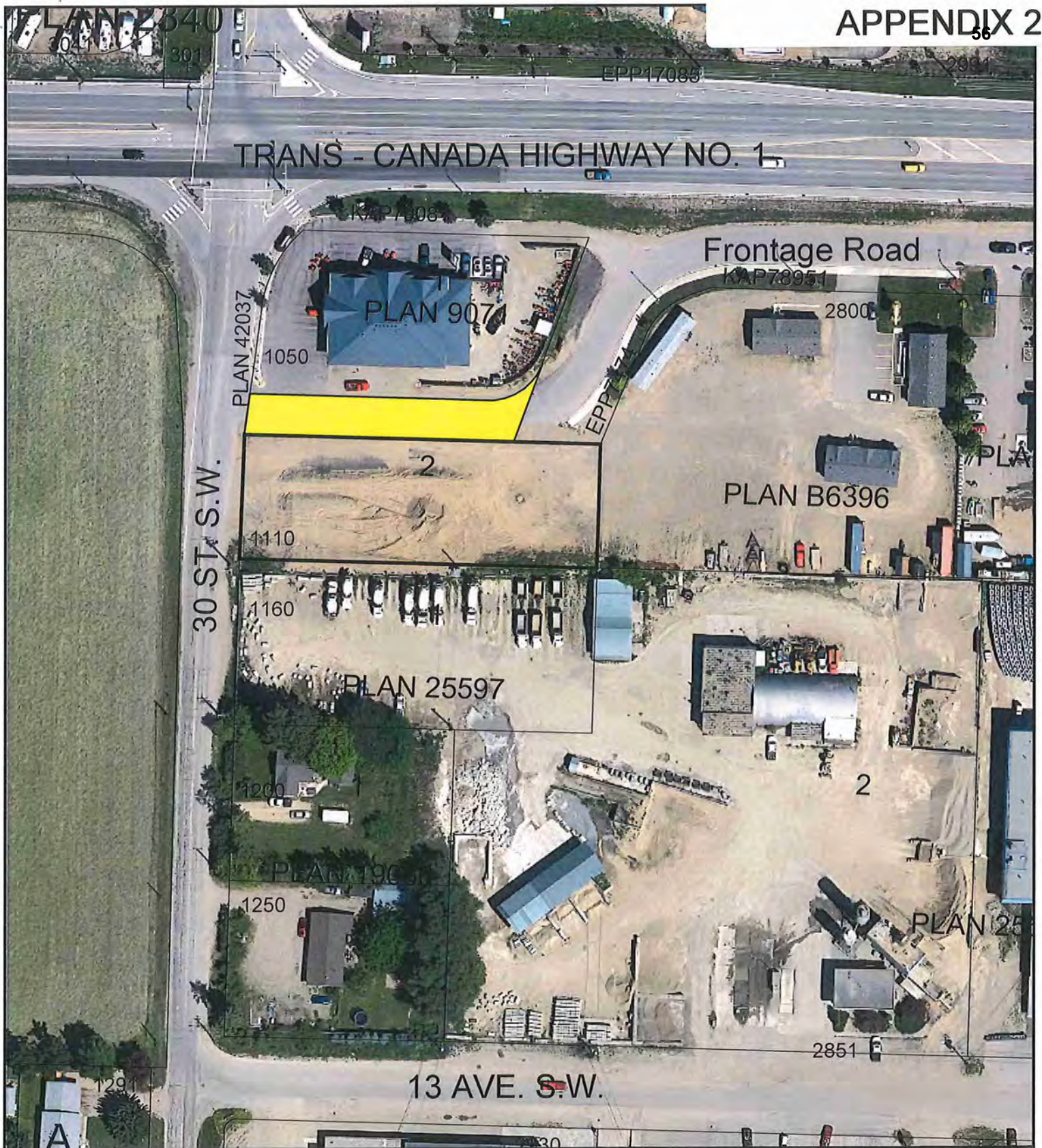
Location Map



Proposed Road Closure



Parcel to be rezoned



Ortho Photo



Proposed Road Closure



Parcel to be rezoned

CITY OF SALMON ARM

BYLAW NO. 4203

Being a Bylaw to Close to Traffic, Remove the Dedication as Highway and Dispose of a Portion of Road, Plan EPP947, Section 10, Township 20, Range 10, W6M, KDYD

WHEREAS, pursuant to Section 40 of the Community Charter, SBC, 2003 Chapter 26, and amendments thereto, Council may, by bylaw, close a portion of highway to traffic and remove the dedication of a highway, if prior to adopting the bylaw, Council publishes notice of its intention in a newspaper and posts the notice in public notice posting place, and provides an opportunity for persons who consider they are affected by the bylaw to make representations to Council;

AND WHEREAS the Provincial Government's right of resumption under Section 35(8) of the Community Charter, SBC, 2003, Chapter 26 and amendments thereto, in relation to a highway or portion of a highway that was vested in a municipality pursuant to Section 35(1) of this Act, is cancelled if the Corporate Officer of the municipality files with the Land Title Office a statement certifying that the highway closure and removal of dedication complies with the Regulation of the Minister of Transportation B.C. Regulation 245/2004 (June 4, 2004) as amended by B.C. Regulation 18/2008 (January 25, 2005), made under the authority of the Community Charter, Section 35(10)(b);

AND WHEREAS the Council deems it expedient to close to traffic, remove the dedication of highway and dispose of that portion of Road, comprising 647.2 m² dedicated at the Kamloops Land Title Office by Plan EPP947, Section 10, Township 20, Range 10, W6M, KDYD which is shown outlined in bold black ("Closed Road") on the Reference Plan prepared by Joseph Charles Johnson, BCLS, Browne Johnson Land Surveyors, on January 25, 2017, a reduced copy of which is attached hereto (the "Plan");

AND WHEREAS notices of the Council's intention to close the portion of highway to traffic, to remove its dedication as highway, and to dispose of it were published in a newspaper and posted in the public notice posting place;

AND WHEREAS the Council does not consider that the closure of the portion of highway will affect the transmission or distribution facilities or works of utility operators;

AND WHEREAS the disposition of Closed Road will be to the BC Transportation Financing Authority;

NOW THEREFORE, the Council of the City of Salmon Arm, Province of British Columbia in open meeting assembled hereby enacts as follows:

1. Attached to this Bylaw, as Schedule "A" and forming part of this Bylaw is a reduced copy of the Reference Plan (the "Plan").
2. The City of Salmon Arm is hereby authorized to dispose of and convey the Closed Road to the BC Transportation Financing Authority.
3. The City of Salmon Arm hereby authorizes the closure to traffic and removal of the highway dedication of that portion of Road, comprising 647.2 m² dedicated at the Kamloops Land title Office by Plan EPP947, Section 10, Township 20, Range 10, W6M, KDYD which is shown outlined in bold black ("Closed Road") on the Plan.
4. On deposit of the Plan and all other applicable documentation for the removal of the highway dedication, in the Kamloops Land Title Office, the highway dedication of that portion of the road is cancelled.
5. The Mayor and Corporate Officer are hereby authorized to execute such conveyances, deeds, maps, plans, receipts and documents on behalf of the City of Salmon Arm as may be necessary for the purposes aforesaid and to affix the Corporate Seal of the City of Salmon Arm thereto.
6. The Council shall, before adopting this Bylaw, cause public notice of its intention to do so to be given by advertisement once each week for two consecutive weeks in a newspaper published or circulated in the City of Salmon Arm, and has provided an opportunity for persons who consider they are affected by the closure and disposition of the Closed Road to make representations to Council.

SEVERABILITY

7. If any part, section, sub-section, clause, or sub-clause of this bylaw for any reason is held to be invalid by the decision of a Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remaining portions of this bylaw.

ENACTMENTS

8. Any enactments referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.

EFFECTIVE DATE

9. This bylaw shall come into full force and effect upon adoption of same.

CITATION

11. This Bylaw may be cited for all purposes as the "City of Salmon Arm Highway Closure Bylaw No. 4203".

READ A FIRST TIME THIS DAY OF 2017

READ A SECOND TIME THIS DAY OF 2017

READ A THIRD TIME THIS DAY OF 2017

PUBLIC NOTICE OF INTENTION TO PROCEED ADVERTISED IN THE SALMON ARM OBSERVER ON THE DAY OF , 2017 AND THE DAY OF , 2017.

APPROVED PURSUANT TO SECTION 52 (3) (a) OF THE TRANSPORTATION ACT ON THE DAY OF , 2017

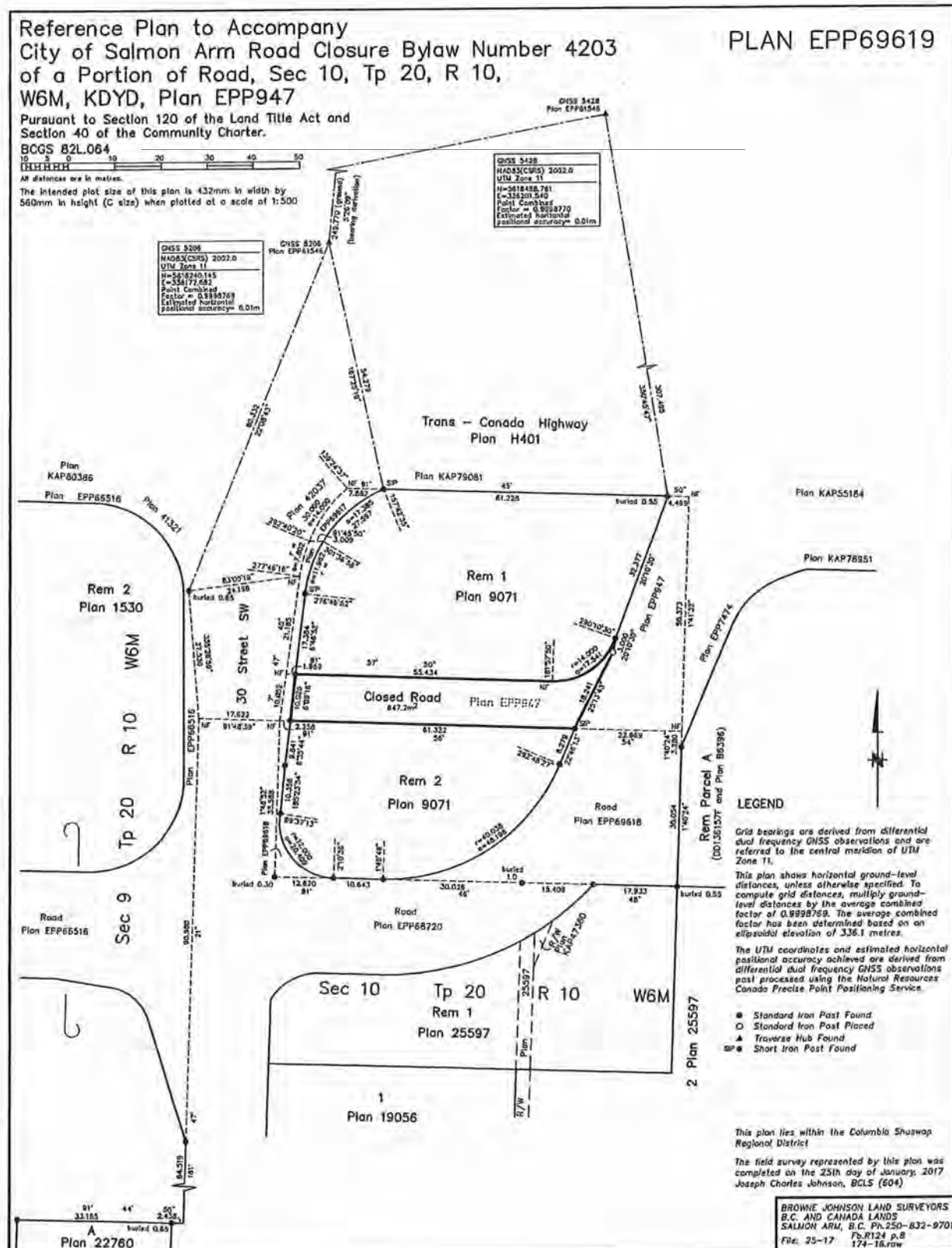
For Minister of Transportation and Infrastructure

ADOPTED BY COUNCIL THIS DAY OF 2017

MAYOR

CORPORATE OFFICER

SCHEDULE A





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Our File No.: PS 733384

February 27, 2017

Kevin Pearson, MCIP
Director of Development Services
City Of Salmon Arm
500 – 2nd Avenue NE
Box 40
Salmon Arm, BC V1E 4N2

**Re: Request For Lane Closure
Between 1050 30th Street SW (PID 008-192-880) and
1110 30th Street SW (PID 009-763-082)
TCH NO. 1 – 30TH STREET SW TO 10TH STREET SW, SALMON ARM, B.C.**

Thanks to you and Rob Niewenhuizen for meeting our Contract Property Agent, Steve Kosa, in January and myself a few weeks back.

Please consider this letter with attachments, a formal request for Lane Closure for the referenced captioned area. The attached legal survey indicates this area to be 647.2 m². The intention is for this area to be incorporated into negotiations with the adjacent owner of 1050 30th Street SW (Wall Industries Inc.).

As you suggested in your discussions with Mr. Kosa, a value allocation of \$75,700 would be acceptable to the City of Salmon Arm. It is our understanding this value indication is based on the 2017, BC Assessment unit value (\$117 / m²) for the Land area (647.2 m²) of 1050 30th Street SW.

We also attach an email from the Ministry's Project Manager, Dan Bella, indicating all services within the Lane Closure area would be relocated.

Thank you for your attention to this request and please advise if you have any questions or require any additional information. I can be reached at (250) 371-3864 or by email at Darren.Lincoln@gov.bc.ca.

Yours truly,

Darren Lincoln, RIBC
Manager, Property Services

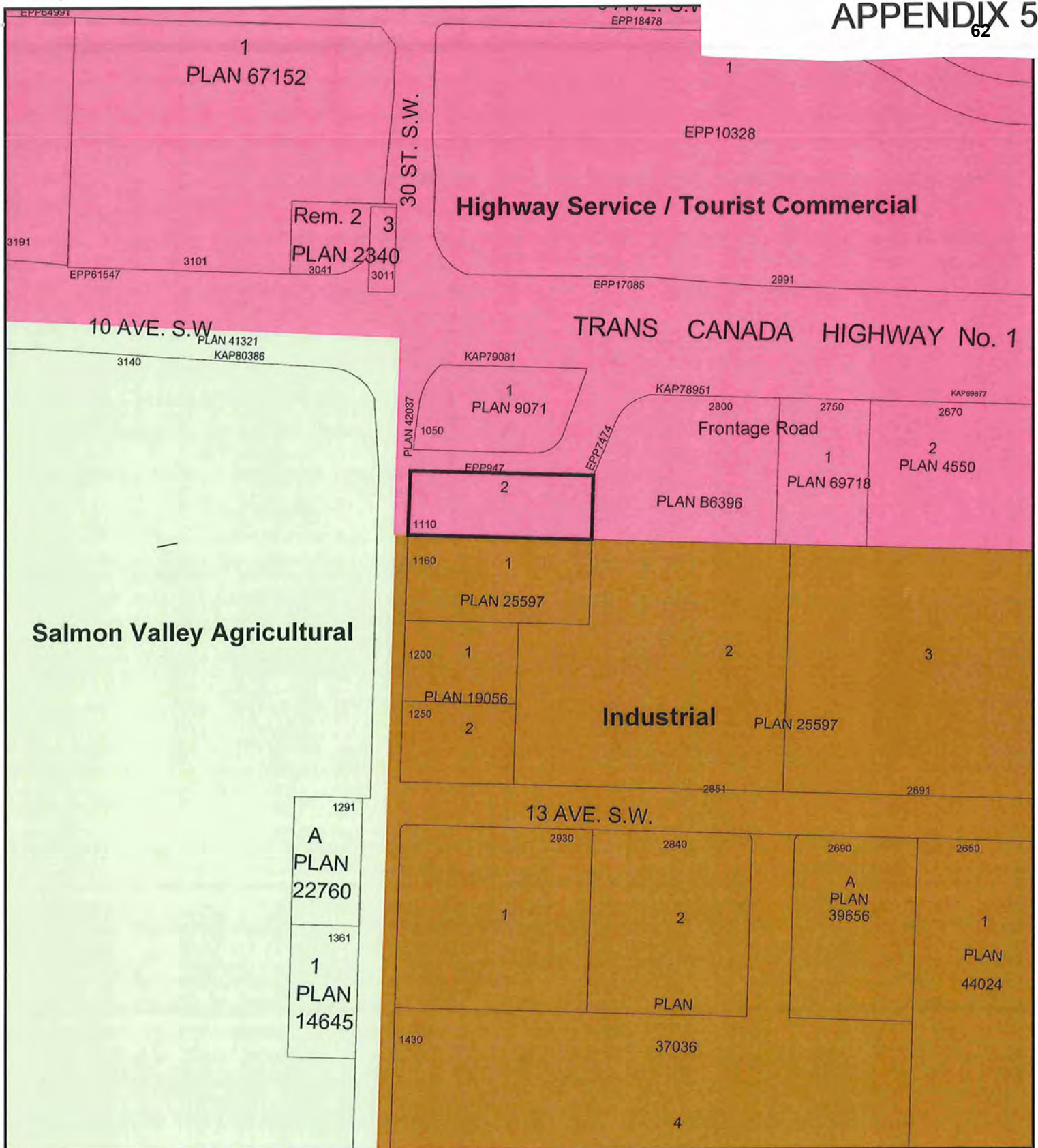
Attachments

Ministry of
Transportation &
Infrastructure

Southern Interior Region
Property Services

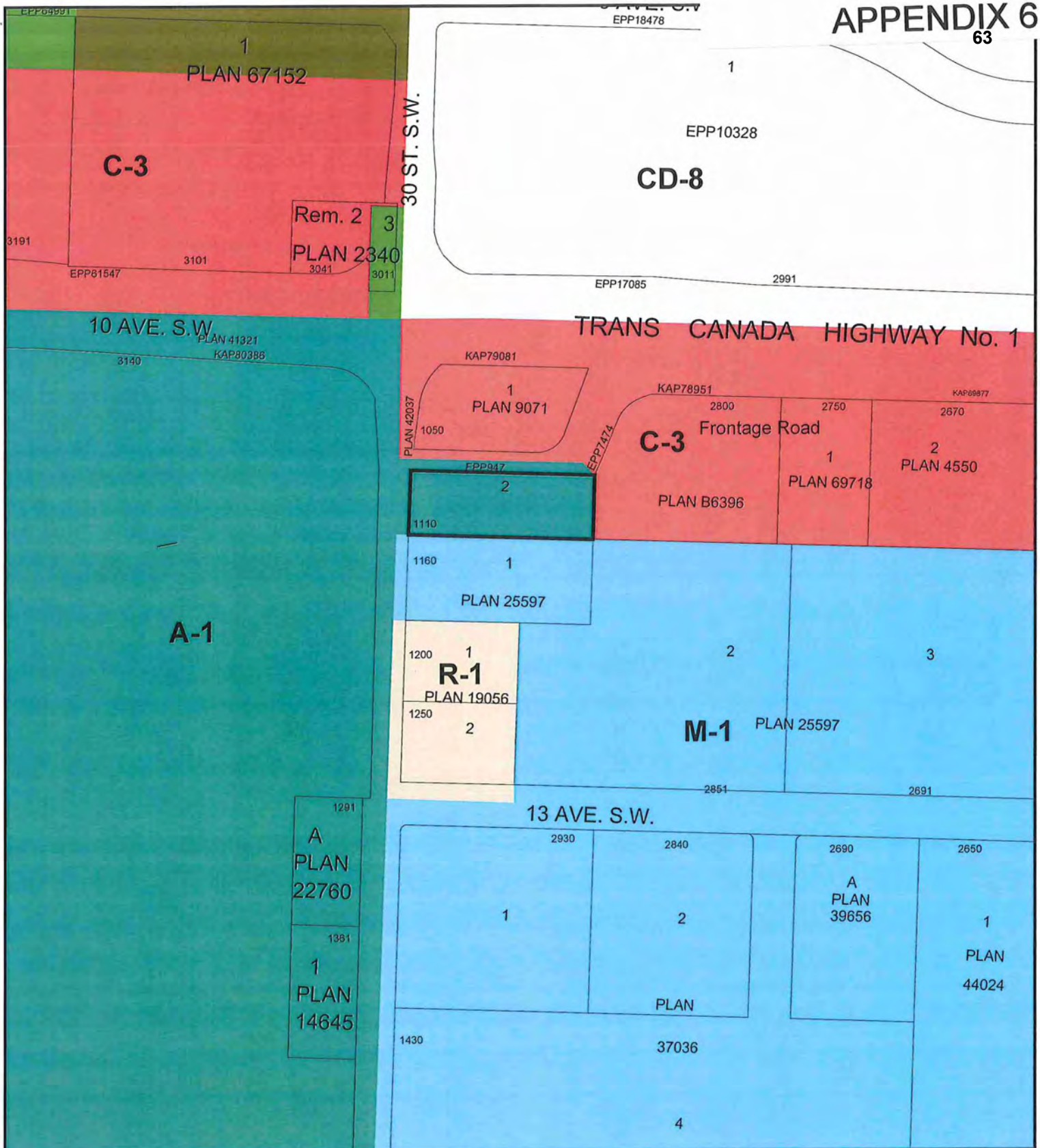
Mailing Address:
342 - 447 Columbia Street
Kamloops BC V2C 2T3
Telephone: 250 371-3864
Fax: 250 828-4083

www.gov.bc.ca/tran



Subject Property

O.C.P.



Zoning



Subject Property



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

To: Kevin Pearson, Director of Development Services
Date: April 6, 2017
Prepared by: Darin Gerow, Engineering Assistant
Subject: Proposed Subdivision Application No. 17-14E; and
Proposed Zoning Amendment Application No. ZON-1093
Legal: Part of Road Plan EPP947, Sec 10-20-10; and
Lot 2, Plan 9071, Sec 10-20-10
Civic: Road Between 1050 & 1110 – 30 Street SW; and
1110 – 30 Street SW
Applicant: Ministry of Transportation & Infrastructure

Further to your referral dated March 16, 2017 we provide the following servicing information

As part of the highway improvement project west of town centre, MoTI is proposing to close the road south of 1050 – 30 Street SW and move it to the south, further away from the intersection with the TCH. It is intended that the portion of road to be closed will be consolidated with the lot immediately to the north – Lot 1 Plan 9071.

City of Salmon Arm Engineering Department does not have any concerns with the proposed rezoning and road closure.

Darin Gerow, ASCT
Engineering Assistant

Rob Nieuwenhuizen, ASCT
Director of Engineering & Public Works

Community Charter

Notice of proposed property disposition

26 (1) Before a council disposes of land or improvements, it must publish notice of the proposed disposition in accordance with section 94 [*public notice*].

(2) In the case of property that is available to the public for acquisition, notice under this section must include the following:

- (a) a description of the land or improvements;
- (b) the nature and, if applicable, the term of the proposed disposition;
- (c) the process by which the land or improvements may be acquired.

(3) In the case of property that is not available to the public for acquisition, notice under this section must include the following:

- (a) a description of the land or improvements;
- (b) the person or public authority who is to acquire the property under the proposed disposition;
- (c) the nature and, if applicable, the term of the proposed disposition;
- (d) the consideration to be received by the municipality for the disposition.

Requirements for public notice

94 (1) If this section applies, the applicable notice must be

- (a) posted in the public notice posting places, and
- (b) published in accordance with this section.

(2) Subject to subsection (4), publication under subsection (1) (b)

- (a) must be in a newspaper that is distributed at least weekly
 - (i) in the area affected by the subject matter of the notice, and
 - (ii) if the area affected is not in the municipality, also in the municipality, and
- (b) unless otherwise provided, must be once each week for 2 consecutive weeks.

(3) The obligation under subsection (2) may be met by publication of the notice in more than one newspaper, if this is in accordance with that subsection when the publications are considered together.

(4) If publication under subsection (2) is not practicable, the notice may be given in the areas by alternative means as long as the notice

(a) is given within the same time period as required for publication,

(b) is given with the same frequency as required for publication, and

(c) provides notice that the council considers is reasonably equivalent to that which would be provided by newspaper publication if it were practicable.

(5) As an exception, subsection (4) (b) does not apply in relation to an area if the alternative means is by individual distribution to the persons resident in the area.

(6) If the same matter is subject to 2 or more requirements for publication in accordance with this section, the notices may be combined so long as the requirements of all applicable provisions are met.

(7) A council may provide any additional notice respecting a matter that it considers appropriate, including by the Internet or other electronic means.

DISTRICT OF SALMON ARM**POLICY NO. 3.16**

TOPIC: Notification for Disposition of Publicly-Owned Land.

PURPOSE: To establish policy and procedure for informing the public of the Municipality's intent to dispose of publicly owned land.

POLICY AND PROCEDURE:

1. The Municipality will publish in one issue of the Salmon Arm Observer and the Shuswap Sun, a display advertisement that contains the following information:
 - a) That the Municipality is considering the disposition of a certain parcel of land.
 - b) Legal description of the parcel.
 - c) Area (size) of the parcel.
 - d) Civic address of the parcel.
 - e) Description of general location of the parcel, including a map.
 - f) Statement of notice that, subject to approval by District of Salmon Arm Council, the said parcel will be disposed of for a specified sum, when applicable.
 - g) Date and time that offer of disposition will expire.
 - h) Date of the notice.
2. The Clerk will post a copy of the notice, including a location map, on a board accessible to the public at District Hall for the period the offer to sell is in effect.

Prepared by: Development Services Department	Date: January 26, 1999
Approved by Council:	Date: March 9, 1999
Amended or Replaced:	Date:

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