



DEVELOPMENT and PLANNING SERVICES COMMITTEE

October 16, 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>PRESENTATION</u> n/a
	5.	<u>REPORTS</u>
1 – 10	5.1	ZON-1108, Leachman, G. & S., 3020 – 20 Street NE – R-1 to R-8
11 – 22	5.2	VP-464, Sipes, J., 2781 Auto Road SE, Setback Variance
23 – 36	5.3	ALC-371, Renaud, B. & B. / Browne Johnson Land Surveyors, 1400 – 65 Street SW – Non-Farm Use – Covenant Amendment
37 - 48	5.4	17.26, Sjogren, L. & L., 5500 – 48 Avenue SE – Proposed Strata Conversion
49 - 60	5.5	Sanitary Sewer Main Extension to Elks Hall Property, 3690 – 30 Street NE
	6.	<u>FOR INFORMATION</u>
61 - 66	6.1	ALC-369, Priebe, L. & A., 4890 Foothill Road SW – Resolution #305/2017
	7.	<u>IN CAMERA</u>
	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: October 4, 2017

Subject: Zoning Bylaw Amendment Application No. 1108

Legal: Lot 6, Section 25, Township 20, Range 10, W6M, KDYD, Plan EPP46272

Civic: 3020 20 Street NE

Owner/Applicant: Leachman, G. & S.

MOTION FOR CONSIDERATION

THAT: a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot 7, Section 25, Township 20, Range 10, W6M, KDYD, Plan EPP46272 from R-7 (Large Lot 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 3020 20 Street NE (Appendix 1 and 2). The proposal is to rezone the parcel from R-7 (Large Lot Single Family Residential) to R-8 (Residential Suite) to permit development and subsequent use of a single-family home and detached suite.

BACKGROUND

The subject parcel is located in the new Woodland Heights subdivision on 20 Street NE between Appleyard and Raven, just east of Lakeshore Road. The parcel is approximately 0.6 acres in size, contains an existing single-family home, and is designated Low Density Residential in the Official Community Plan (OCP).

The subject parcel is currently zoned R-7 (Large Lot Single Family Residential) in the Zoning Bylaw (see Appendix 3). The surrounding area is largely comprised of R-7 and R-1 zoned parcels, with large A2 parcels to the north and east. There are six parcels within close proximity of the subject parcel similarly zoned R-8, four of which are within the same subdivision.

A site plan is attached as Appendix 4, while site photos are attached as Appendix 5. The building massing indicated is similar to development on properties along 20 Street NE, featuring both a single-family home and accessory building. The detached suite is intended to be sited in the front yard of the parcel in the form of a single-level, cottage-style detached suite.

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.

A detached suite is defined by the Zoning Bylaw as follows:

"...a *dwelling unit* with a maximum floor area of 90 square metres (968.8 square feet) that is contained within a building which is accessory to a *single family dwelling*, and shall not include a *mobile home*, *manufactured home*, travel trailer, recreation vehicle, or a storage container."

The applicant is aware of the applicable regulations and has confirmed that the detached suite will meet bylaw requirements.

The Zoning Bylaw also requires a detached suite to have one designated offstreet parking stall in addition to the two stalls required for the single family dwelling. Images provided by the applicant indicate the intended location to serve the suite. The parcel (and existing driveway) has more than adequate space to accommodate this requirement.

COMMENTS

Engineering Department

No concerns.

Building Department

No BC Building Code concerns.

Fire Department

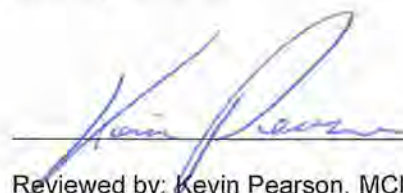
No concerns.

Planning Department

The proposed R-8 zoning of the subject parcel is consistent with the OCP and is therefore supported by staff. The site plan provided by the applicant is consistent with the zoning regulations for a detached suite, while additionally the area and dimensions of the lots are suitable for the proposed use and development of a secondary suite. Any development of a detached 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 45 90 180 270 360 Meters



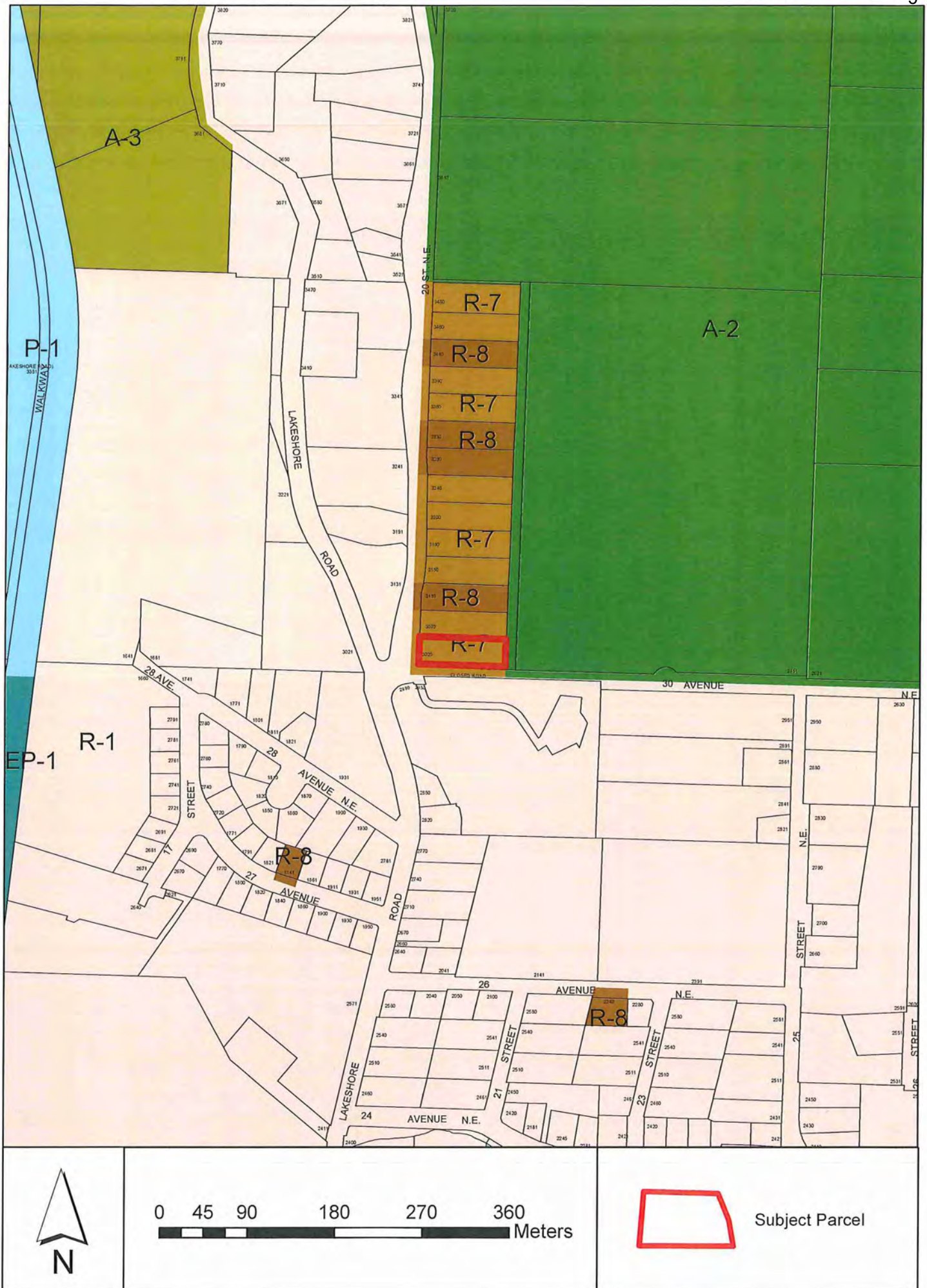
Subject Parcel



0 5 10 20 30 40
Meters

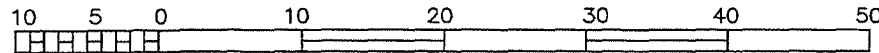


Subject Parcel



Plan Showing Proposed Building on Lot 6, Sec 25, Tp 20, R 10, W6M, KDYD, Plan EPP46272

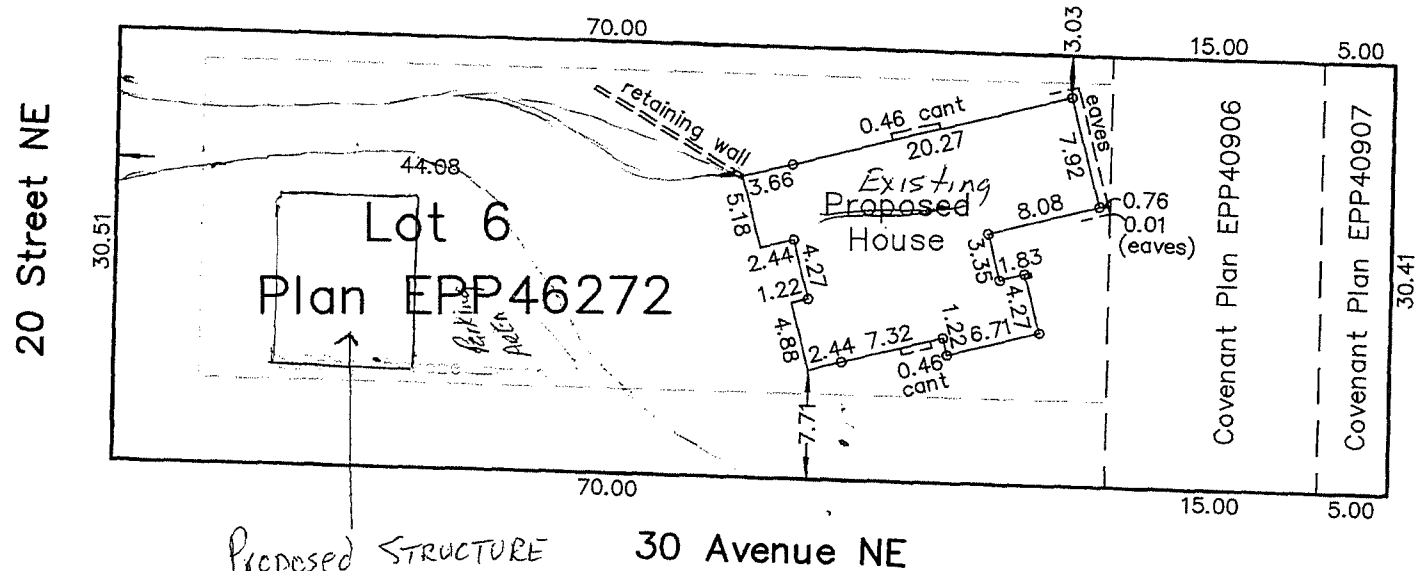
Scale 1:500



All distances are in metres.



o Points established



Proposed STRUCTURE

As per guidelines

Will Survey upon approval

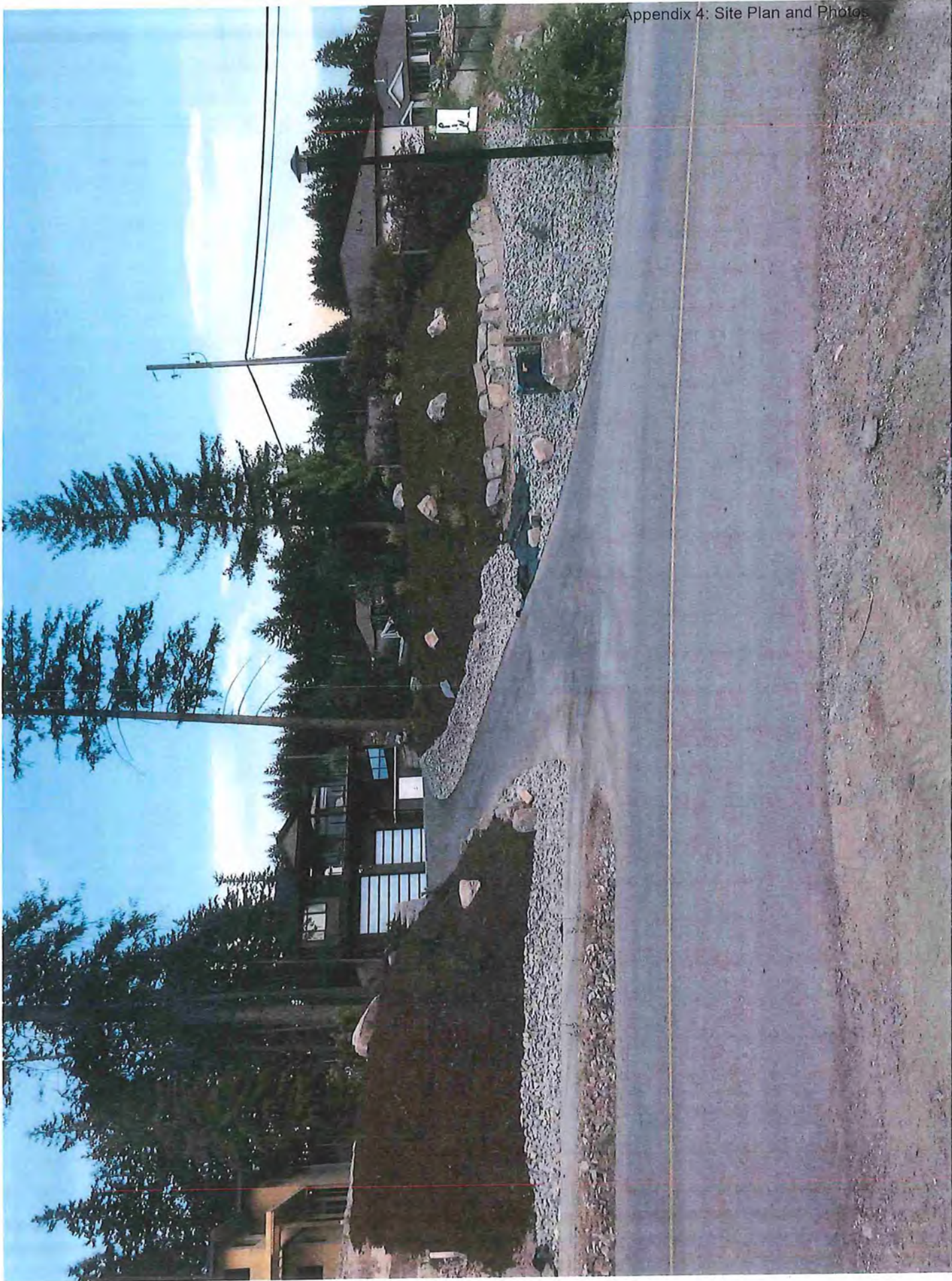
List of Documents on title which may affect
the location of improvements:

Building Scheme CA4180937
Covenants CA3963417, CA3963420 & CA4180934
Statutory R/W CA3785694

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

Appendix 4: Site Plan and Photos







View east of subject parcel.



View north-east over subject parcel.

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City of Salmon Arm

Development Services Department Memorandum

To: Her Worship Mayor Cooper and Members of Council

Date: October 4, 2017

Subject: Development Variance Permit Application No. VP-464
(Exterior Side Parcel Line Setback)
Legal: Lot 1, Section 13, Township 20, Range 10, W6M, KDYD, Plan 22377
Civic: 2781 – Auto Road SE
Owner / Applicant: Sipes, J.

MOTION FOR CONSIDERATION

THAT: Development Variance Permit No. VP-464 be authorized for issuance for Lot 1, Section 13, Township 20, Range 10, W6M, KDYD, Plan 22377, which will vary the provisions of Zoning Bylaw No. 2303 as follows:

1. **Section 6.10.4 – R-1 Single-Family Residential Zone – reduce the minimum building setback from the exterior side parcel line from 6.0 m (19.7 ft) to 3.5 m (11.5 ft) to allow for the construction of a new single-family dwelling, as shown in Schedule A.**

STAFF RECOMMENDATION

THAT: The motion for consideration be defeated.

PROPOSAL

Schedule A referred to in the motion for consideration and attached as Appendix 1 is a site plan illustrating the requested variance. The subject property is a new 654 square metre parcel located at 2781 – Auto Road SE, on the corner of Auto Road and 28 Street SE (see Appendix 2 and 3). A letter describing the applicant's intent is attached as Appendix 4, while site photos are attached as Appendix 5.

This application seeks to vary the required 6.0 m (19.7 ft) exterior side parcel setback to 3.5 m (11.5 ft) along the eastern parcel line adjacent to 28 Street SE for the construction of a new house. This request translates into a variance of 2.5 m (8.2 ft).

BACKGROUND

The subject parcel was created through a 2015 subdivision application, which included a conceptual building envelope (Appendix 6) illustrating how future development would not require variances.

The subject parcel is zoned R-1 in the Zoning Bylaw and is designated as Residential - Low Density in the Official Community Plan. For context, adjacent zoning and land uses include the following:

North:	R-1 (Single-Family Residential) Zone	single-family dwelling
East:	R-1 (Single-Family Residential) Zone	road, single-family dwelling
South:	R-1 (Single-Family Residential) Zone	road, single-family dwelling
West:	R-1 (Single-Family Residential) Zone	single-family dwelling (owned by applicant)

This lot is subject to standard setback requirements in the zoning bylaw which specify a 6.0 metre setback from both front and exterior parcel lines. The requested variance would permit the proposed new home to be constructed within the typical setback area on the eastern portion of the parcel.

COMMENTSEngineering Department

See Appendix 7. The Engineering Department recommends denying the request. Considering future road development including sidewalk, a lesser setback variance request of 4.3 metres would allow for 6 metres of clearance between a garage and sidewalk allowing for vehicle parking.

Fire Department

No Fire Department concerns.

Building Department

No BC Building Code concerns with requested variance.

Planning Department

A factor in the approval of the creation of the subject parcel through the 2015 subdivision application was the conceptual building envelope (Appendix 6) illustrating how future development would not require any setback variances. Setback regulations on corner parcels enable adequate separation between buildings sited adjacent to streets for aesthetic, privacy, view preservation, and traffic safety reasons. Remaining consistent with previous variance applications staff does not recommend approval of this application, with the main reasons being:

- The extent to which the requested variance reduces the applicable setback;
- The available space on the subject parcel to accommodate a new home; and
- The primary concern for staff is for future road widening and maintaining unobstructed site lines.

In terms of neighbourhood streetscape design, the subject property is situated within an established residential neighbourhood, with the size and scale of the proposed house relatively consistent with others in the neighbouring homes. Staff note that as existing homes on adjacent parcels conform with (or exceed) setback requirements, the proposed variance will result in the placement of the new home to be out of alignment relative to the existing homes, particularly along the west side of 28 Street SE.

The requested variance would restrict parking in front of the proposed garage. Staff note that the applicant has proposed parking between the proposed garage and the north parcel line to address this.

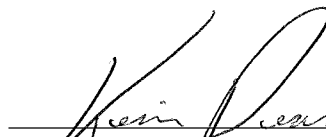
The requested setback reductions will not impact City utilities, pose any BC Building Code concerns, or restrict future development on neighbouring lots. If approved, Development Variance Permit No. VP-464 will only be applicable to the newly constructed home as shown in Appendix 1: Schedule A.

Option

In most situations, staff do not support variances that result in garages being located closer than 5 metres to a parcel line as vehicles parked in front of the garage are likely to extend beyond the property line, interfering with pedestrian and/or vehicular traffic. However, while this proposal is not supported, staff would be amenable to a lesser variance such as a reduction from 6 metres to 4.3 metres based on the reasoning provided by the Engineering Department.

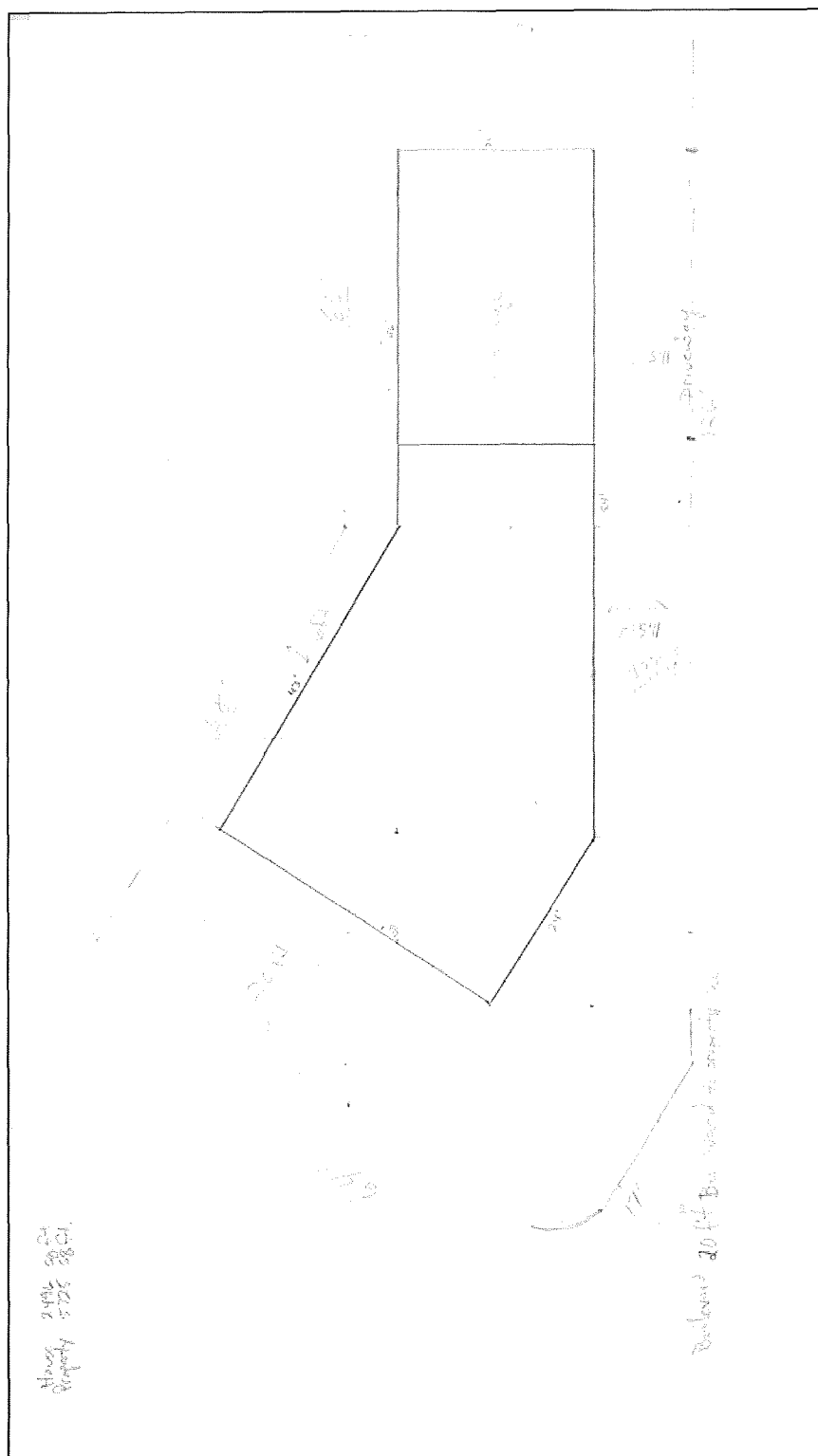


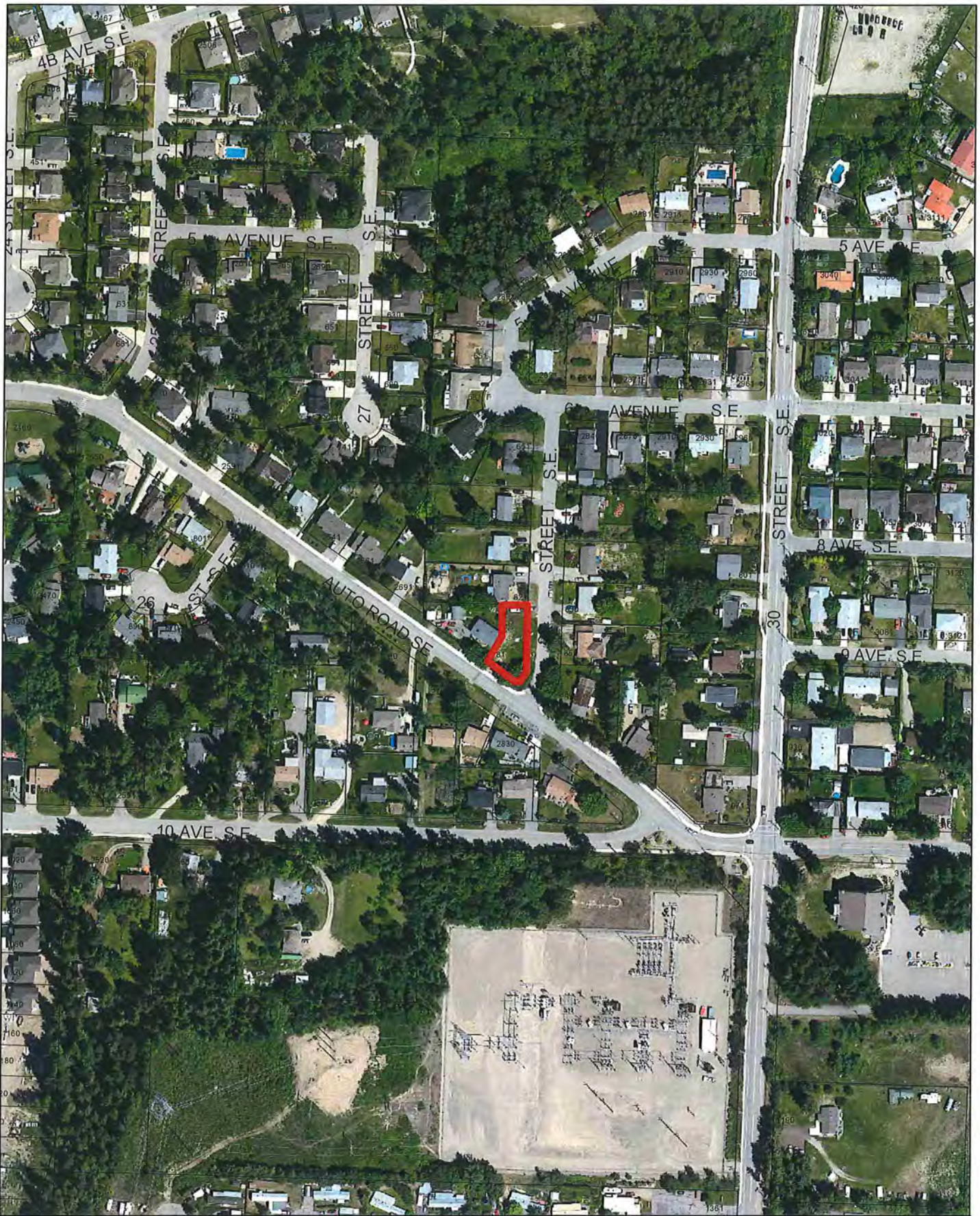
Prepared by: Chris Larson, MCP
Planning and Development Officer



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

Appendix 1: Schedule A - Site Plan





0 25 50 100 150 200 Meters



Subject Parcel



0 5 10 20 30 40
Meters



Subject Parcel

July 3, 2017

To the Building Dept. & the Mayor and Council of the City of Salmon Arm;

My husband and I are interested in buying this piece of property on the corner of Auto Road and 28th Street SE and building a house on it. We like the location of the lot and believe that the Neighbourhood is a nice, quite Neighbourhood that we would like to live in. We would need to ask for a Variance to the Set Backs on the Property though, in order build our home.

The trouble with building on this property is that it is a long narrow, oddly shaped lot. With the set backs that are designated on it now, right in the middle of the property at the narrowest point there is only 14', which makes designing any house nearly impossible. We have designed a unique floor plan for a Ranch/Cottage style house that we feel would work for us, however in order to make it work we would need the Setback off of 28th Street to be 11.5' instead of 20'.

There is a 20' Boulevard from the street to the Property Line, so if the Variance for the Set Back was changed to 11.5', that would still leave 31.5' from the road to our house. We will still be keeping the house 20' from the Property Line on the Auto Road side.

We have designed the house so that the Garage is at the far end from Auto Road so that our driveway will be a long way from the intersection so as to not cause any unnecessary problems there. And we have also planned extra parking space on the right side of the Garage to help avoid any problems with vehicle parking. Our Garage Design is big enough to hold all of our vehicles too.

We really appreciate you considering this Variance and truly hope that you are able to accommodate it.

Yours Truly,

Mark & Diana Mangold.

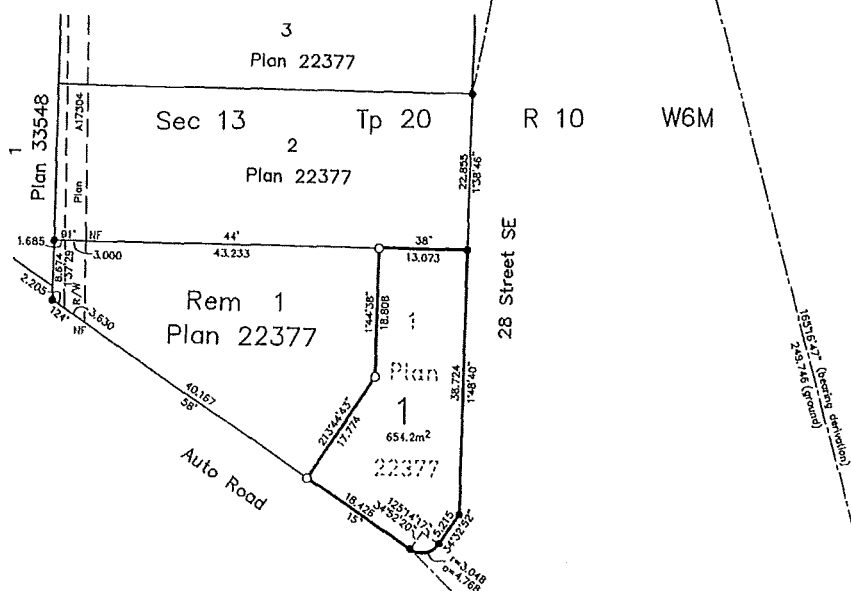
PLAN EPP62934

All distances are in metres.

The intended plot size of this plan is 432mm in width by 560mm in height (C size) when plotted at a scale of 1:500

GHSS 5000
NAD83(CSRS) 2002.0
UTM Zone 11
N=5618302.077
E=340926.836
Point Combined
Factor=0.9998305
Estimated horizontal
position accuracy=0.01m

NEW SURVAY
JUNE 6, 2016



Grid bearings are derived from differential dual frequency GNSS observations and are referred to the central meridian of UTM Zone 11.

This plan shows horizontal ground-level distances, unless otherwise specified. To compute grid distances, multiply ground-level distances by the average combined factor of 0.9998298. The average combined factor has been determined based on an ellipsoid elevation of 515.7 metres.

The UTM coordinates and estimated horizontal positional accuracy achieved are derived from differential dual frequency GNSS observations post processed using the Natural Resources Canada Precise Point Positioning Service.

- Standard Iron Post Found
- Standard Iron Post Placed
- △ Traverse Hub Placed

A covenant in the name of the City of Salmon Arm pursuant to Section 219 of the Land Title Act is a condition of approval for this subdivision.

*This plan lies within the jurisdiction
of the Approving Officer for the
City of Salmon Arm*

This plan lies within the Columbia Shuswap Regional District

The field survey represented by this plan was completed on the 6th day of June, 2016
Joseph Charles Johnson, BCLS (604)

GISS 5001
 NAD83(CSRS) 2002.0
 UTM Zone 11
 N=5818080.569
 E=340990.286
 Point Combined
 Factor=0.9998291
 Estimated horizontal
 positional accuracy=0.01m

BROWNE JOHNSON LAND SURVEYORS
B.C. AND CANADA LANDS
SALMON ARM, B.C. Ph.250-832-9701
File: 229-16 Fb.R124 p.11
229-16.row



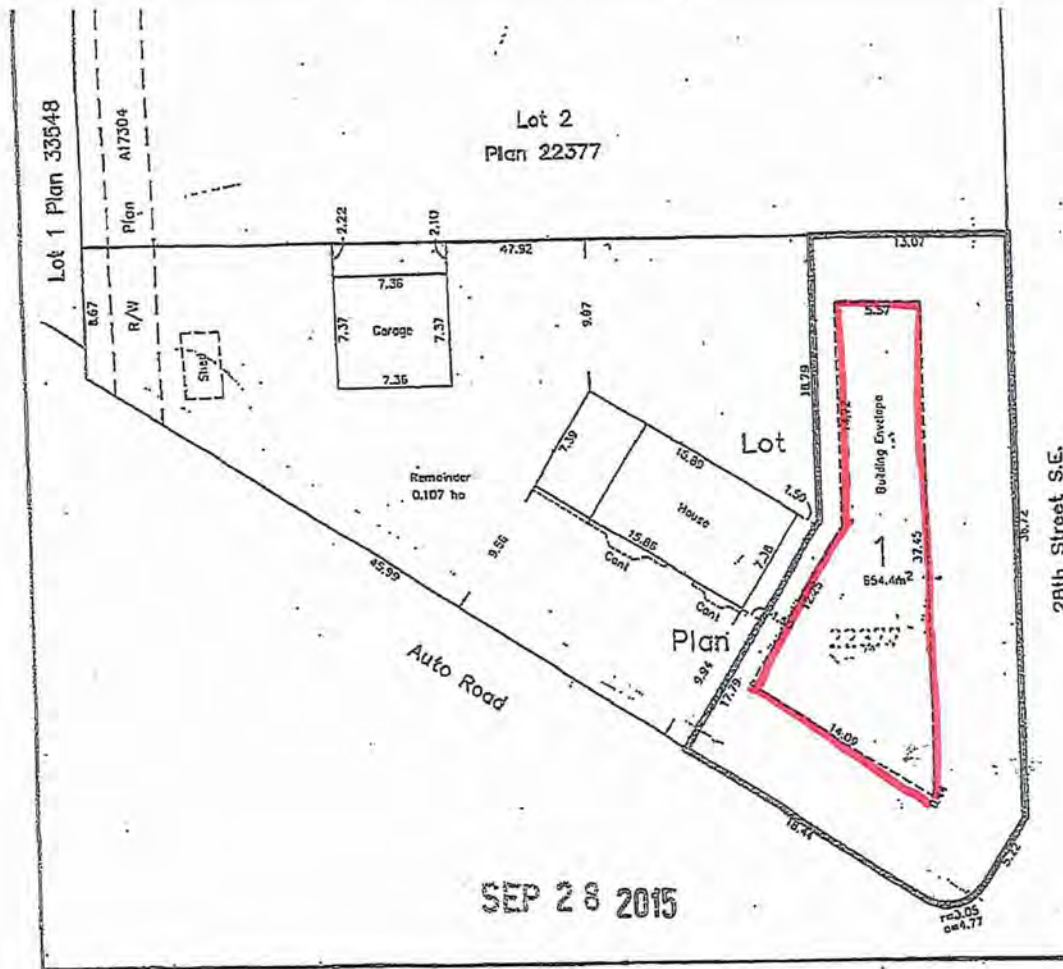
View south of subject parcel over adjacent property.



View north-west of subject parcel from Auto Road SE.

Sketch Plan of
Proposed Subdivision
of Part of
Lot 1, Plan 22377,
Sec.13, Tp.20, R.10,
W6M, K.D.Y.D.

Scale 1:250



BROWNE JOHNSON LAND SURVEYORS
B.C. AND CANADA LANDS
SALMON ARM, B.C. Ph.832-9701
File: 703-07 Pb.R109 p.26



#4 - 5421 Auto Road, SE
Salmon Arm, B.C. V1E 3P8
t. 250.803.0248
f. 250.803.0258
e. info@okanagantesting.ca
w. okanagantesting.ca



Client:
City of Salmon Arm

Proposed Development Site Plan
Proposed Lot Subdivision
2781 Auto Road SE, Salmon Arm

Project Number: SA00582
Drawing Number: Figure 3
Date of Drawing: 2016-07-14

Drawn By: DJM
Designed By: DJM
Scale: N/A

Professional Seal:

OQM
Reviewed by:

Legend:





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

TO: Kevin Pearson, Director of Development Services
 DATE: 25 September 2017
 OWNER: Jim Sipes, 2781 Auto Road SE, Salmon Arm, BC V1E 2H5
 APPLICANT: Owner
 SUBJECT: **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. VP- 464**
 LEGAL: Lot 1, Section 13, Township 20, Range 10, W6M, KDYD, Plan 22377
 CIVIC: **2781 Auto Road SE**
 ASSOCIATED: 17.08
 PREVIOUS: n/a

Further to the request for variance dated August 18, 2017; the Engineering Department has thoroughly reviewed the site and offers the following comments and recommendations, relative to the variances requested:

The applicant is requesting to vary the following sections of Zoning Bylaw No. 2303:

1. Section 6.10.4 – reduce exterior side parcel line from 6.0 m. (19.7 ft) to 3.5 m. (11.5 ft) for proposed Lot 1, Plan EPP62934.

The owner is requesting a reduced setback onto 28 Street SE to allow the construction of the house and garage 3.5m from the property line. Adequate setbacks are required to garages to allow a vehicle to stop / park in front of the garage without blocking pedestrian / vehicular traffic on the City road / sidewalk. There is currently no sidewalk on 28 Street SE, however, allowance should be made for the future construction of a sidewalk on 28 Street SE. A sidewalk constructed as per the Urban Local Road Standard (RD-2) would be located 1.7m from the property line.

The Engineering Department recommends that the request to reduce front parcel line setback from 6.0m to 3.5m be denied. However, we would support the reduction of the front setback from 6m to 3.5m for the house and a reduction from 6.0m to 4.3m in front of the garage. This would provide 6m clearance from the garage to any future sidewalk, this being adequate to park most vehicles without overhanging the sidewalk.

Chris Moore
Engineering Assistant

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

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City of Salmon Arm
Development Services Department Memorandum

To: Her Worship Mayor Cooper and Members of Council

Date: October 10, 2017

Subject: Agricultural Land Commission Application No. ALC-371 (Non-Farm Use – Covenant Amendment)

Legal: Lot 4, Sec. 8, Tp. 20, R 10, W6M, KDYD, Plan EPP17939, Except Plan EPP19736
Civic: 1400 – 65 Street SW
Owner: Brett and Bonnie Renaud
Applicant: Browne Johnson Land Surveyors Ltd.

MOTION FOR CONSIDERATION

THAT: Agricultural Land Commission Application No. ALC-371 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 1400 – 65 Street SW as shown in APPENDICES 1 & 2. The property is 6.1 ha in size and is currently vacant. The applicant is proposing to amend an existing covenant which restricts the area where a single family dwelling could be constructed. The existing covenant area and the proposed amended covenant area are shown in APPENDIX 3. When reviewing this application, it is important to realize that the covenant in question was a condition of the ALC for its approval of the subdivision; it was not a requirement by City Council or the Approving Officer.

BACKGROUND

The subject property is designated Acreage Reserve in the Official Community Plan (OCP), is zoned Rural Holding (A-2) and is totally within the ALR. The parcel is currently vacant and is leased out for hay crop. The property was created in 2013 and received ALR approval in 2011 through application No. ALC-303. As a requirement of ALC approval, a restrictive covenant which limited the construction of a single family dwelling to within 30 m of 65 Street SW was required, in addition to restricting access from 65 Street SW. Adjacent zoning and land uses include the following:

North: Small Holding (A-3) / pasture and residential
South: Rural Holding (A-2) / hay field and residential
East: Small Holdings (A-3) / hay field and residential
West: Small Holdings (A-3) / residential

Improved Soil Classification

The subject property has an Improved Soil Capability Rating of 70% Class 3(T) and 60% Class 6(T). (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.)

COMMENTSBuilding Department

No concerns.

Engineering Department

No concerns.

Agricultural Advisory Committee

This proposal was reviewed by the Agricultural Advisory Committee (AAC) at its meeting of September 13, 2017. The Committee adopted the following resolution:

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

Unanimous

The Committee discussed items including, the proposed change in building area, potential future changes, and process to amend the covenant. In general, the Committee did not have any objections to the proposed amended covenant area.


Planning Department

The creation of the subject property was approved subject to a restrictive covenant limiting the building of a single family dwelling to 30 m in distance from 65 Street SW. The premise of the covenant is to limit the impact of residential development on the hay crop field currently in production. The applicant is requesting to amend the covenant to a 36.5 m x 36.5 m (0.133 ha or 1,330 m²) area located in the south west corner. The proposed area extends approximately 54.5 m from 65 Street SW and 24.5 m past the current covenant boundary. However, the total build area is much smaller than the current covenant, which essentially protects more land that could be used for agriculture. Staff support the application for submission to the Agricultural Land Commission for the following reasons:

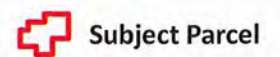
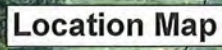
1. The proposed amended area is smaller than the total area which could be used by the current covenant and is still relatively close to 65 Street SW.
2. Access will still be restricted to 65 Street SW which will limit any impact from a future driveway.
3. Staff considered the amendment to be minor and still in keeping with the intent of the original covenant which is to limit the impact of residential development on productive agricultural land on the subject property.

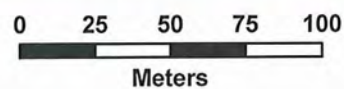
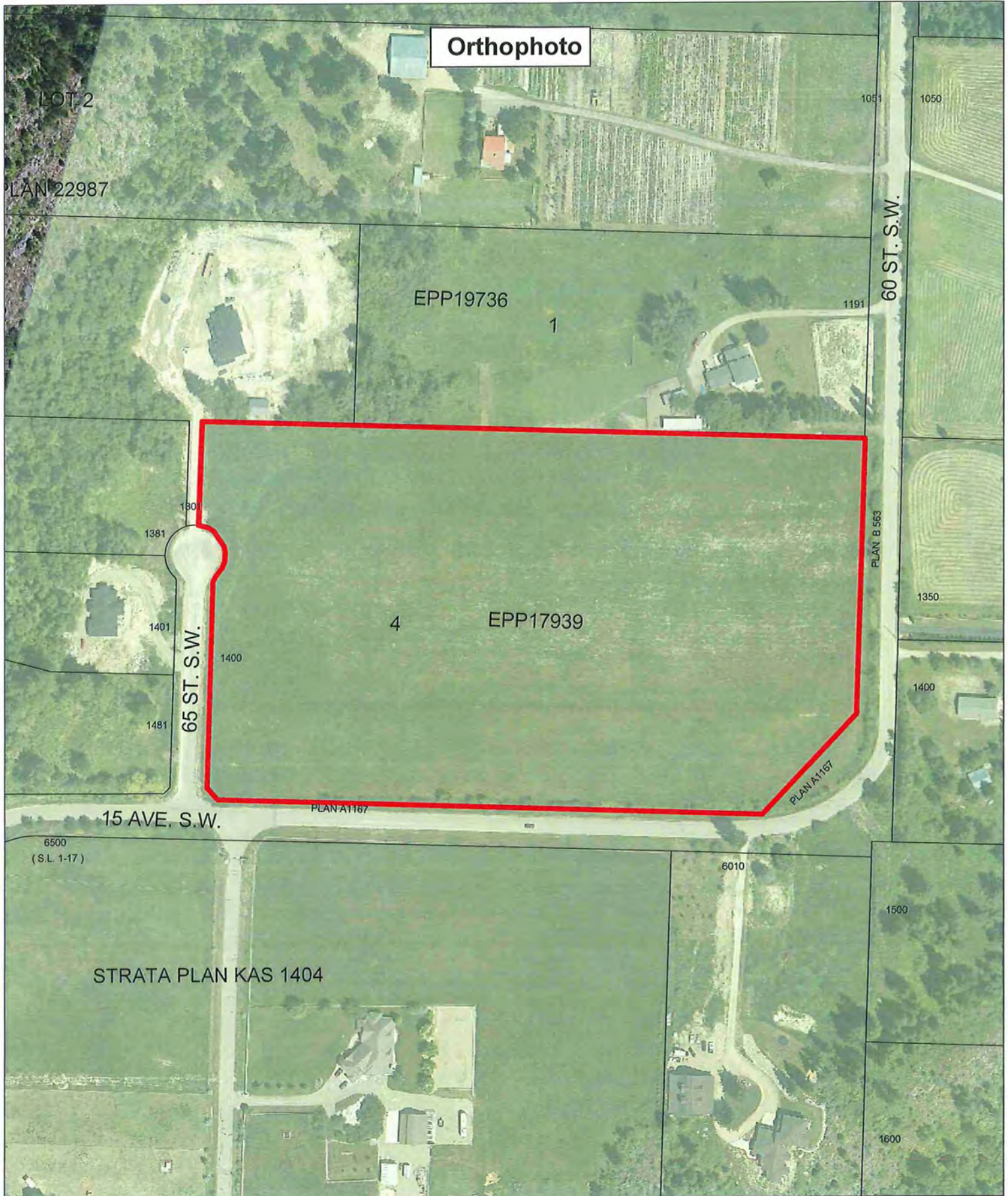
CONCLUSION

The proposal is a Non-Farm Use application to amend an existing restrictive covenant. Staff recommends the application be forwarded on to the ALC for consideration.


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


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





Subject Parcel

PLAN EPP17940

SCALE: 1:1250

THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 432mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:1250

GRID BEARINGS ARE DERIVED FROM PLAN EPP17039
ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.

- DENOTES STANDARD IRON POST FOUND
○ DENOTES STANDARD IRON POST PLACED

DESCRIPTION	AREA
PART LOT 4 PLAN EPP17939	0.633ha



3710A 22nd Street Vero Beach, FL 33572 Tel: (850) 545 5000 Fax: (850) 545 5012 DRAWING: 4054 EPP179-40.DWG

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED BY
ROBERT DAVID TUPPER, BOLS ON THE 13th DAY OF JANUARY, 2012.

EDR No. 132753

Restricted Building Area

28

1061

Status: Registered

Doc #: CA3084476

RCVD: RQST: 2013-05-06 15:35:05

FORM C_V19 (Charge)

KAMLOOPS LAND TITLE OFFICE

DECLARATION(S) ATTACHED

CA3084476

LAND TITLE ACT

Apr-18-2013 17:29:40.020

FORM C (Section 233) CHARGE

GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 8 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Theresa Marie
Arsenault
7R5QT9

Digitally signed by Theresa Marie
Arsenault 7R5QT9
DN: c=CA, cn=Theresa Marie
Arsenault 7R5QT9, o=Lawyer,
OU=Verity ID at www.verity.com/
LKUP3m7id-7R5QT9
Date: 2013.04.18 15:35:04 -0700

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

PUSHOR MITCHELL LLP Lawyers

#301 - 1665 Ellis Street

Phone: 250-762-2108

Client No. 10332

TMA 5439.30-lxs

Kelowna

BC V1Y 2B3

Document Fees: \$73.50

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

NO PID NMBR LOT 4 SECTION 8 TOWNSHIP 20 RANGE 10 W6M KDYD PLAN EPP17939

STC? YES

Related Plan Number: EPP17939

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

ERNEST RAYMOND ARSENAULT AND LAURA MARGARET ARSENAULT

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

THE PROVINCIAL AGRICULTURAL LAND COMMISSION

133 - 4940 CANADA WAY

BURNABY

BRITISH COLUMBIA

V5G 4K6

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

MELODIE HOPE

Barrister & Solicitor

#301 - 1665 Ellis Street

Kelowna, BC V1Y 2B3

Phone: 250-762-2108

Execution Date

Y	M	D
12	02	09

Transferor(s) Signature(s)

Ernest Raymond Arsenault by his
attorney Theresa Arsenault

Theresa Arsenault See DF
KH21862

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Status: Registered

Doc #: CA3084476

RCVD: RQST: 2013-05-06 15.35.05

FORM_D1_V18

**LAND TITLE ACT
FORM D****EXECUTIONS CONTINUED**

PAGE 2 of 8 pages

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

MELODIE HOPE

Barrister & Solicitor

#301 - 1665 Ellis Street

Kelowna, BC V1Y 2B3

Phone: 250-762-2108

Y	M	D
12	02	09

Laura Margaret Arsenault by her
attorney Theresa Arsenault

Theresa Arsenault see DF KH21861

BRIAN UNDERHILL

Commissioner for Taking Affidavits in BC

133 - 4940 Canada Way

Burnaby, BC V5G 4K6

as to both signatures

Y	M	D
12	02	13

THE PROVINCIAL AGRICULTURAL
LAND COMMISSION by its authorized
signatory:

Colin Fry

Marin Collins

Authorized signatory of the Provincial
Agricultural Land Commission

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Status: Registered
FORM E_V18

Doc #: CA3084476

RCVD: RQST: 2013-05-06 15.35.05

**LAND TITLE ACT
FORM E**

SCHEDULE

PAGE 3 OF 8 PAGES

NATURE OF INTEREST
Covenant

CHARGE NO.

ADDITIONAL INFORMATION
Pursuant to Section 22 of the Agricultural Land
Commission Act;
over part on Plan EPP17940

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

PART 2 – TERMS OF INSTRUMENT

- A. “Lands” means collectively the land described in Form C – Part 1, Item 2;
- B. “Transferee” means collectively the party(ies) described as Transferee(s) in Form C – Part 1, Item 6 hereto;
- C. “Transferor” means collectively the party(ies) described as Transferor(s) in Form C – Part 1, Item 5 hereto;
- D. The Transferor is the registered owner, in fee simple, of the Lands;
- E. All or part of the Lands consist of agricultural land situated in the Agricultural Land Reserve of the City of Salmon Arm (“City”) and are subject to the provisions of the *Agricultural Land Commission Act* (the “Act”) and the Regulations thereto;
- F. The Transferor wishes to subdivide the Lands by depositing in the Land Title Office a subdivision plan (the “Subdivision Plan”), a reduced copy of which (not to scale) is attached hereto;
- G. The Transferor has applied to, or caused an application to be made to the Transferee for authorization to deposit the Subdivision Plan;
- H. The Transferee is empowered to authorize the deposit of the Subdivision Plan and to impose terms it considers advisable pursuant to the Act and Regulations thereto; and
- I. The Transferee, by execution of this Agreement, has authorized the Registrar of Title to accept the deposit of the Subdivision Plan in the Land Title Office at Kamloops, British Columbia, upon terms and conditions considered advisable by the Transferee and which are set out below, and the Transferor has agreed below to the imposition of these terms and conditions and to the execution and registration of this Agreement.

Therefore in consideration of the premises and the sum of \$1.00 of lawful money of Canada, now paid by the Transferee to the Transferor, the receipt of which is hereby acknowledged, and other good and valuable consideration the parties covenant and agree as follows:

- 1. In this Agreement the following definitions shall apply where the context allows:
 - (a) “enactment” means an enactment as defined in the *Interpretation Act* of Canada and an enactment as defined in the *Interpretation Act* of British Columbia;
 - (b) “transfer” includes a conveyance, a grant, an assignment and a grant of leasehold interest;

(c) "transferee" includes a grantee, an assignee and a lessee.

2. The Transferor covenants and agrees with the Transferee that the principal dwelling will be constructed on the Lands only within the area shown outlined in heavy black on Plan EPP17940.

3. The covenants in this Agreement shall be covenants running with the Lands and shall be binding on the successors in title and assignees of the Lands.

4. None of the covenants herein shall be personal or binding upon the Transferor, save and except during the Transferor's seisin or ownership of any interest in the Lands.

5. The Transferor covenants with the Transferee that the Transferor has done no acts to charge or encumber the Lands, save the charges set forth on the Schedule of Charges Against Lands.

6. The Lands shall remain in the Agricultural Land Reserve of the City and remain subject to the provisions of the Act and the Regulations thereto.

7. The Transferee hereby authorizes the Registrar of Titles to accept an application for deposit of the Subdivision Plan.

8. The authorization given by the Transferee to the Registrar of Titles to accept an application for deposit of the Subdivision Plan shall in no way relieve the Transferor, his successors in title and assigns of the Lands, or any user or occupier thereof, from complying fully with any law or enactment or the decisions, directions, rulings or orders of the Transferee or of any other body, commission, tribunal or authority whatsoever which may apply to the Lands.

9. The Transferor will, upon the request of the Transferee, make, do, execute or cause to be made, done or executed all such further and other lawful acts, deeds, documents, and assurances whatsoever as may be necessary or desirable for the better and more perfect and absolute performance of the grants, covenants, provisos and agreements herein.

10. This Agreement shall enure to the benefit of and be binding upon the respective heirs, executors, administrators, successors and assigns of the parties hereto.

11. Words importing the male gender include the female gender and either includes the neuter and vice versa and words importing the singular number include the plural number and vice versa.

12. The Transferor will do or cause to be done at its expense all acts necessary for the Transferee to gain in priority for this charge over all financial liens, charges, and encumbrances which are or may be registered against the Lands.

To evidence their agreement each of the parties has executed this Agreement by executing item 8 of the Form C – General Instrument Part 1.

Status: Registered

Doc #: CA3084476

RCVD: RQST: 2013-05-06 15.35.05

Schedule of Charges Against Lands

Legal Notation: This Certificate of title may be affected by the Land Commission Act, see Agricultural Land Reserve Plan No. M11420

Legal Notation: Re: Paragraphs (E) and (F) LTA see DF L71742 dated 13-12-1976

Legal Notation: Hereto is annexed Easement KJ17105 over Strata Lots 2 and 3 Strata Plan KAS1404

Legal Notation: Hereto is annexed Easement LA96941 over Strata Lot 2 Strata Plan KAS2499

Undersurface Rights 39166E

Section 219 Covenant with respect to water supply in favour of the City of Salmon Arm

Section 219 Covenant restricting access in favour of the City of Salmon Arm

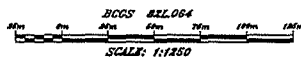
Section 219 Covenant respecting geotechnical concerns in favour of the City of Salmon Arm

Section 219 Covenant respecting wildland/urban interface in favour of the City of Salmon Arm

This Agreement

SUBDIVISION PLAN OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 8 TOWNSHIP 20 RANGE 10 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT EXCEPT PLANS B563, KAP54055 AND EPP17938

PLAN EPP17939



THE INTENDED PLOT SIZE OF THIS PLAN IS MEASURED IN NORTH BY 300mm IN HEIGHT (0.52) WHEN PLOTTED AT A SCALE OF 1:1250

LEGEND

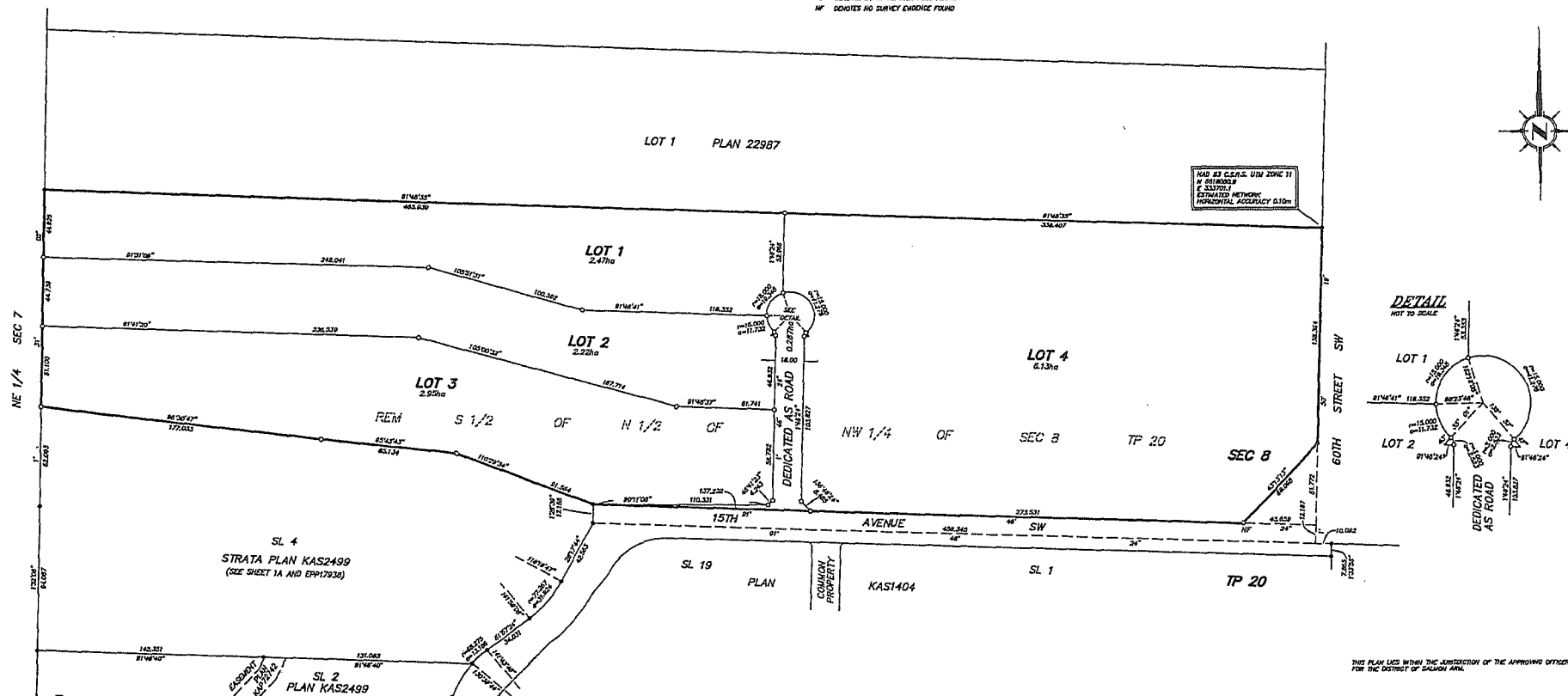
ORD BEARINGS ARE DERIVED FROM GNSS OBSERVATIONS AND ARE REFERRED TO THE CENTRAL MERIDIAN OF ZONE 11. TO OBTAIN LOCAL ASTRONOMICAL BEARINGS REFERRED TO THE MERIDIAN THROUGH THE SOUTHEAST CORNER OF LOT 1. SUBTRACT 1° 46' 30" FROM ORD BEARINGS.

THE UTM COORDINATES AND ESTIMATED HORIZONTAL POSITIONAL ACCURACY ADVERTISED ARE DERIVED FROM REAL TIME FREQUENCY INTERPOLATED CARRIER PHASE GPS OBSERVATIONS TO CANADIAN ACTIVE CONTROL STATIONS. DATA ACP (CGM #87008) AND WELL ACP (CGM #87011).

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE ORD DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE CORRECTION FACTOR OF 0.9999982725. THE AVERAGE CORRECTION FACTOR HAS BEEN DETERMINED BASED ON AN ELLIPSOIDAL ELEVATION OF 476 METRES.

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.

- DENOTES STANDARD BUSH POST FOUND
- D DENOTES STANDARD BUSH POST PLACED
- N# DENOTES NO SURVEY EVIDENCE FOUND



THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER FOR THE DISTRICT OF SALMON AREA.

THIS PLAN LIES WITHIN COLUMBIA-SHUSwap REGIONAL DISTRICT

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED BY ROBERT SAND TUPPER, B.S. ON THE 13th DAY OF JANUARY, 2012.
COT No. 130758

MORANNEE SURVEYING - GEOMATICS

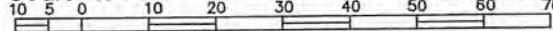
2704A 300th Street Vernon, B.C. V1T 0K2 Tel: (250) 848 8888 Fax: (250) 848 8818 C:\ADMIN\4524 EPP17938.DWG

Sketch Plan of Part of Lot 4, Sec 8, Tp 20, R 10, W6M, KDYD, Plan EPP17939

Except Plan EPP19736

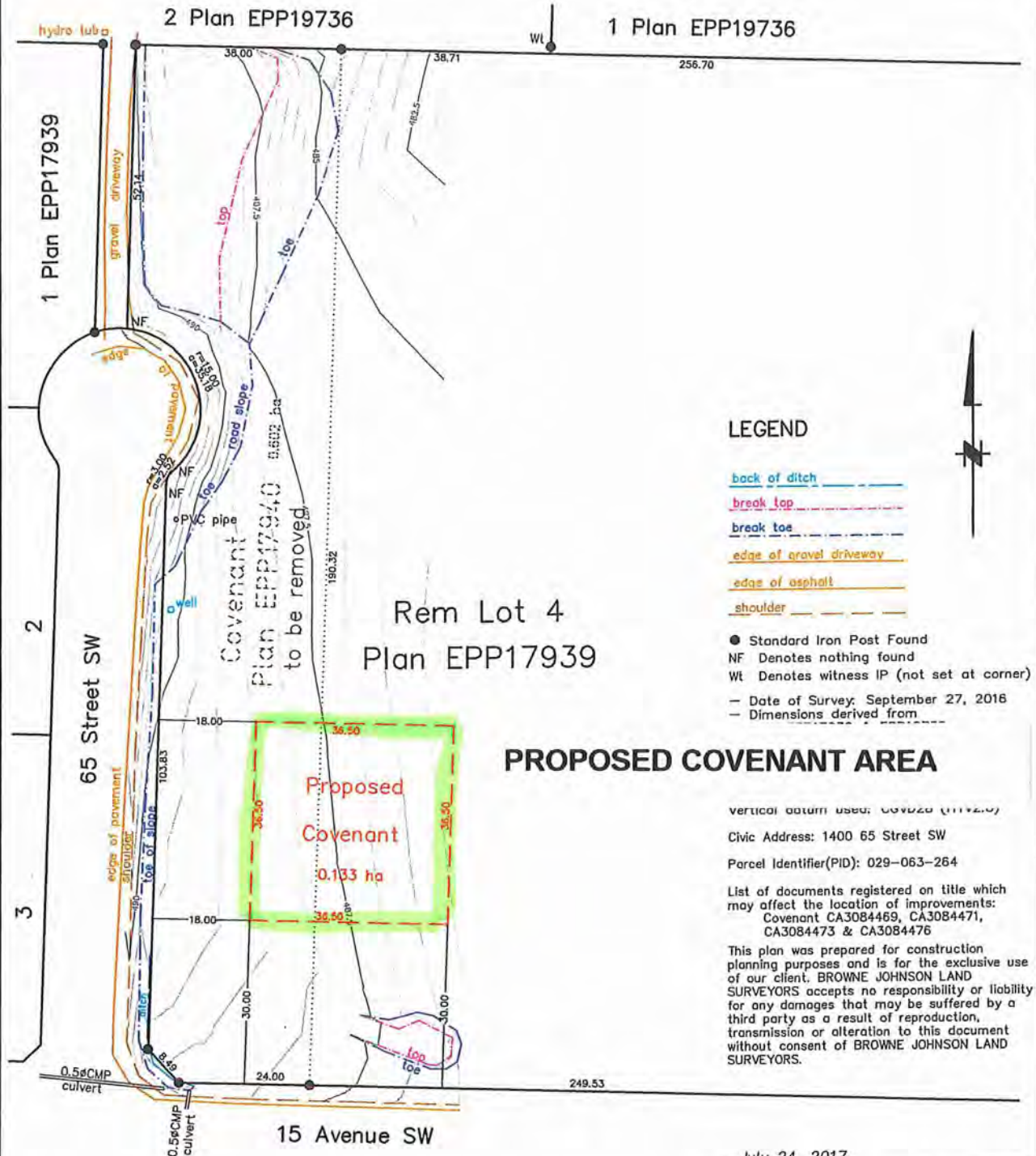
Scale 1:750

BCGS 82L.064



All distances are in metres.

The intended plot size of this plan is 280mm in width by 432mm in height (B size) when plotted at a scale of 1:750



LEGEND

- back of ditch
- break top
- break toe
- edge of gravel driveway
- edge of asphalt
- shoulder

- Standard Iron Post Found
- NF Denotes nothing found
- Wt Denotes witness IP (not set at corner)
- Date of Survey: September 27, 2016
- Dimensions derived from

PROPOSED COVENANT AREA

vertical datum used: CGVD2011 (1172.0)

Civic Address: 1400 65 Street SW

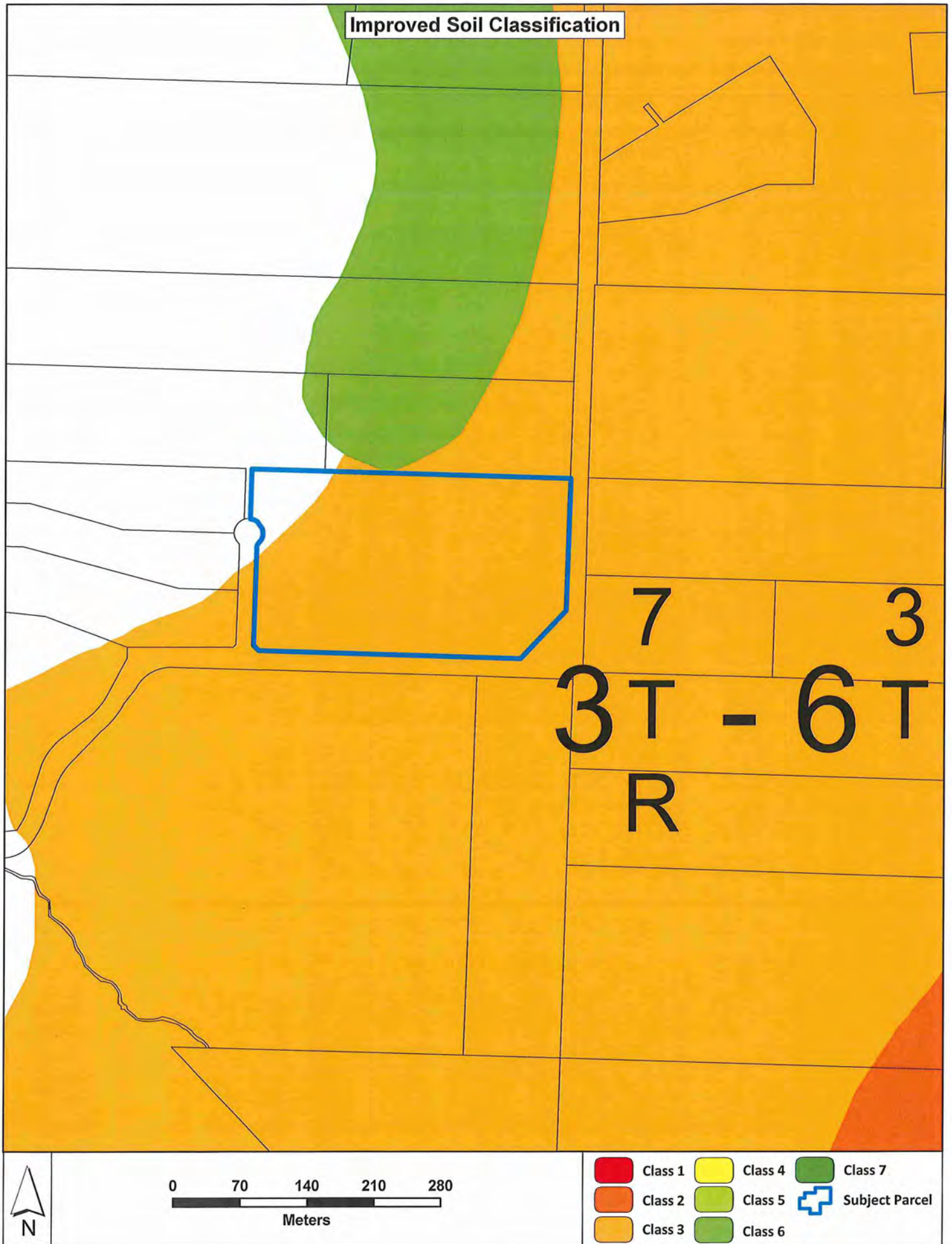
Parcel Identifier(PID): 029-063-264

List of documents registered on title which may affect the location of improvements:
Covenant CA3084469, CA3084471, CA3084473 & CA3084476

This plan was prepared for construction planning purposes and is for the exclusive use of our client. BROWNE JOHNSON LAND SURVEYORS accepts no responsibility or liability for any damages that may be suffered by a third party as a result of reproduction, transmission or alteration to this document without consent of BROWNE JOHNSON LAND SURVEYORS.

July 24, 2017

BROWNE JOHNSON LAND SURVEYORS
B.C. AND CANADA LANDS
SALMON ARM, B.C. Ph.250-832-9701
File: 319-17 Fb.R124 p.57
472-16.raw





City of Salmon Arm

Development Services Department Memorandum

TO: Her Worship Mayor Cooper and Members of Council

DATE: October 10, 2017

SUBJECT: Proposed Strata Conversion of a Previously Occupied Building - 17.26 (Sjogren)
 Legal: Lot 2, Section 5, Township 20, Range 9, W6M, KDYD, Plan KAP52662
 Civic Address: 5500 – 48 Avenue SE
 Owner/Applicant: Lynne & Leverage Sjogren

MOTION FOR CONSIDERATION

THAT: Council approve the strata conversion of the building located on Lot 2, Section 5, Township 20, Range 9, W6M, KDYD, Plan KAP52662.

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The subject property is located at 5500 – 48 Avenue SE (APPENDICES 1 and 2). The applicant is requesting to convert the existing industrial building to strata title ownership. A sketch plan of the proposed six unit strata conversion is attached as APPENDIX 3.

COMMENTS

Fire Department

No concerns.

Building Department

No concerns with strata conversion. Code compliance has been reviewed by Bernd Hermanski Architects Ltd.

Engineering Department

No concerns subject to compliance with the requirements of Cross Connection Control Bylaw No. 3934 for backflow protection.

Planning Department

Any proposal involving the conversion of a previously occupied building to strata title ownership must receive Council approval in accordance with Section 242 of the Strata Property Act. This allows the City to assess the impact of the conversion on the supply of rental accommodation in the area, to consider the impact on residential tenants who may be unable to stay in the residence by purchasing a strata lot and to

ensure that the building is in substantial compliance with the BC Building Code and City Bylaws. Section 242 of the Strata Property Act is attached as APPENIDX 4.

In this case, the building is located in the industrial park and used for commercial/industrial uses only, there is no residential component. A BC Building Code Analysis provided by Bernd Hermanski Architect Inc., dated June 14, 2017 (APPENDIX 5) has stated the building qualifies for stratification in its current condition and under the existing uses.

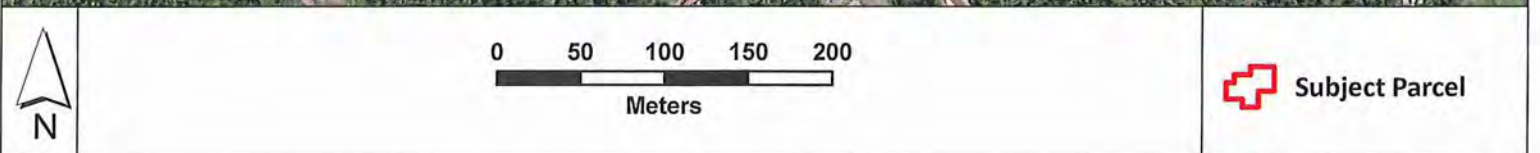
Given that the building does not have a residential component and meets BCBC requirements, staff has no concerns with the proposed strata conversion.

A handwritten signature in black ink, appearing to read 'W. Miles', written over a horizontal line.

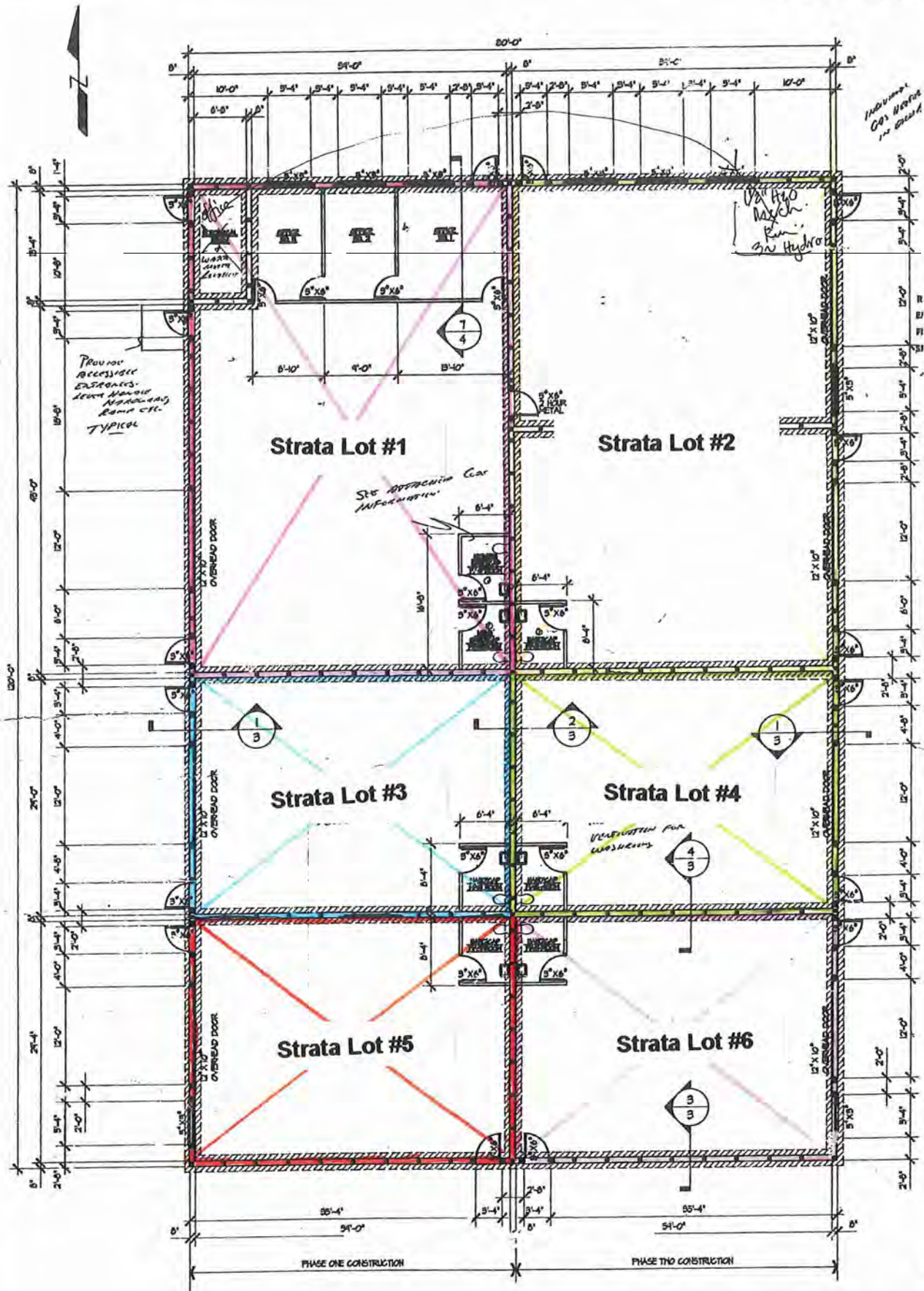
Prepared by: Wesley Miles, MCIP RPP
Planning and Development Officer

A handwritten signature in blue ink, appearing to read 'Kevin Pearson', written over a horizontal line.

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







MAIN FLOOR PLAN

Approval for conversion of previously occupied buildings

242 (1) For the purposes of this section, "**approving authority**" means

- (a) the municipal council of the municipality if the land is located in a municipality,
- (b) the regional board of the regional district if the land is located in a regional district but not in a municipality and is neither Nisga'a Lands nor treaty lands of a treaty first nation,
- (c) the Nisga'a Village Government if the land is located within Nisga'a Village Lands,
- (d) the Nisga'a Lisims Government if the land is Nisga'a Lands other than Nisga'a Village Lands, or
- (e) the governing body of the treaty first nation if the land is located within the treaty lands of that treaty first nation.

(2) If a person applying to deposit a strata plan wishes to include in the strata plan a previously occupied building, the person must submit the proposed strata plan to the approving authority.

(3) The approving authority may

- (a) approve the strata plan, or approve the strata plan subject to terms and conditions, or
- (b) refuse to approve the strata plan, or refuse to approve the strata plan until terms and conditions imposed by the approving authority are met.

(4) The decision of the approving authority under subsection (3) is final and may not be appealed.

(5) The approving authority must not approve the strata plan unless the building substantially complies with the following:

- (a) the applicable bylaws of the municipality or regional district;
- (b) applicable Nisga'a Government laws;
- (b.1) the applicable laws of the treaty first nation;
- (c) the building regulations within the meaning of the *Building Act*, except, in relation to a treaty first nation that has entered into an agreement described in section 6 of that Act, to the extent that the agreement enables the treaty first nation to

establish standards that are different from those established by the building regulations.

(6) In making its decision, the approving authority must consider

(a) the priority of rental accommodation over privately owned housing in the area,

(b) any proposals for the relocation of persons occupying a residential building,

(c) the life expectancy of the building,

(d) projected major increases in maintenance costs due to the condition of the building, and

(e) any other matters that, in its opinion, are relevant.

(7) If the approving authority approves the strata plan without terms and conditions, an authorized signatory of the approving authority must endorse the plan in accordance with the regulations.

(8) If the approving authority approves the strata plan subject to terms and conditions, an authorized signatory of the approving authority must endorse the plan in accordance with the regulations once the terms and conditions have been met.

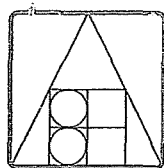
(9) The endorsement must be dated not more than 180 days before the date the strata plan is tendered for deposit.

(10) The approving authority may, by resolution, with respect to a specified type of previously occupied building,

(a) delegate to an approving officer or other person designated in the resolution the exercise of the powers and performance of the duties of the approving authority under this section, and

(b) impose limits or conditions on the exercise of the powers and performance of the duties delegated by the resolution.

(11) This section does not apply to a strata plan that includes a previously occupied building if the person applying to deposit the strata plan is the government or the Crown in right of Canada.



BERND HERMANSKI
ARCHITECT INC.
ARCHITECTURAL & ENVIRONMENTAL DESIGN

June 14, 2017

Leverne and Lynne Sjogren,
3855 Turner Road,
Tappen, BC

Dear Leverne and Lynne:

RE: Code analysis of your commercial building at 5500 – 48th Avenue SE, Salmon Arm, BC

As requested, we have studied the above commercial building to determine if any changes to the building might be required in order for it to be able to be converted to strata ownership of individual units. We have looked at this from the point of view of the BC Building Code (BCBC) and the BC Strata Property Act.

Of primary importance is that while the BCBC requires a 2 hour firewall at every property line, the boundaries created by a strata subdivision of a single building are not considered to be "property lines", but rather just boundaries of strata parcels. As such we are calling these units "suites" as defined in the BCBC. As such the BCBC does not require the demising wall between two such suites to be a 2 hour firewall. This means that the existing 8" concrete block walls that divide the building into separate units, which have a fire resistance rating of 1 ½ hours, are adequate for the purpose of building stratification. It should be kept in mind, though, that the grade of fire separation required in any of these party walls between adjacent tenants (or owners) is dependent on the occupancy classification type existing on each side of the wall. I have attached an excerpt from the BCBC indicating the level of fire separation required between various types of adjacent occupancies. It might be wise to point out to prospective strata purchasers the possible need to upgrade the fire resistance rating of the party walls if they were to want to convert to a higher hazard use.

Aside from the fire rating of the party walls, other concerns covered by the BCBC include exiting, fire rating of the roof structure, and the provision of washrooms.

From the drawings provided, it appears that every suite has two separate exit doors. This and the maximum travel distance to those doors from any point in the suite, meet the requirements of the code. Please ensure that the doors shown on the drawings actually exist and are functioning properly.

With the existing roof structure being non-combustible, further fire rating of the roof structure for a one storey building of this size is not required for any group A2 (public assembly), C

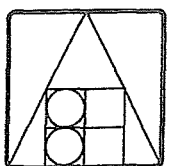
(residential), D (office), E (retail), F2 (medium hazard industrial), or F3 (low hazard industrial) uses. Groups B (confinement), or F1 (high hazard industrial) would not be allowed in this building without further modifications.

The only other item of concern is that every suite have access to a bathroom. The drawings show a bathroom in every suite. This meets the BCBC for the low-occupancy uses currently occupying the spaces. Should a higher density use, such as a church or restaurant, want to be located in one of these suites, then the new use would have to be analysed for washroom requirements.

As can be seen from the above, the building as it currently sits is a good candidate for stratification without much in the way of changes or upgrades required, provided the uses contained in the building do not change to A2, B, or F1 category uses. If there were a desire to house one of those uses, some modifications would be required, but those would result from the requirements of the BCBC and not the Strata Property Act.

Sincerely,

Bernd Hermanski, Architect-AIBC
Bernd Hermanski Architect Inc.



Part 3

Fire Protection, Occupant Safety and Accessibility

(See Appendix A.)

Section 3.1. General

(See Appendix A.)

3.1.1. Scope and Definitions

3.1.1.1. Scope

- 1) The scope of this Part shall be as described in Subsection 1.3.3. of Division A.

3.1.1.2. Defined Words

- 1) Words that appear in italics are defined in Article 1.4.1.2. of Division A.

3.1.1.3. <Use of Term Storage Tank

- 1) For the purposes of this Part, the term "storage tank" shall mean a vessel for *flammable liquids* or *combustible liquids* having a capacity of more than 230 L and designed to be installed in a fixed location.>

3.1.1.4. Fire Protection Information

- 1) Information to be submitted regarding major components of fire protection shall conform to the requirements of Subsection 2.2.3. of Division C.

3.1.2. Classification of Buildings or Parts of Buildings by Major Occupancy

(See Appendix A.)

3.1.2.1. Classification of Buildings

- 1) Except as permitted by Articles 3.1.2.3. to 3.1.2.6., every *building* or part thereof shall be classified according to its *major occupancy* as belonging to one of the Groups or Divisions described in Table 3.1.2.1. (See Appendix A.)
- 2) A *building* intended for use by more than one *major occupancy* shall be classified according to all *major occupancies* for which it is used or intended to be used.

Table 3.1.2.1.
Major Occupancy Classification
Forming part of Sentences 3.1.2.1.(1) and 3.1.2.2.(1)

Group	Division	Description of <i>Major Occupancies</i>
A	1	<i>Assembly occupancies</i> intended for the production and viewing of the performing arts
A	2	<i>Assembly occupancies</i> not elsewhere classified in Group A
A	3	<i>Assembly occupancies</i> of the arena type
A	4	<i>Assembly occupancies</i> in which occupants are gathered in the open air
B	1	< <i>Detention occupancies</i> >
B	2	< <i>Treatment occupancies</i> >
	<3>	< <i>Care occupancies</i> >
C	—	<i>Residential occupancies</i>
D	—	<i>Business and personal services occupancies</i>
E	—	<i>Mercantile occupancies</i>
F	1	<i>High-hazard industrial occupancies</i>
F	2	<i>Medium-hazard industrial occupancies</i>
F	3	<i>Low-hazard industrial occupancies</i>

3.1.2.2. Occupancies of Same Classification

1) Any *building* is deemed to be occupied by a single *major occupancy*, notwithstanding its use for more than one *major occupancy*, provided that all *occupancies* are classified as belonging to the same Group classification or, where the Group is divided into Divisions, as belonging to the same Division classification described in Table 3.1.2.1.

3.1.2.3. Arena-Type Buildings

1) An arena-type *building* intended for occasional use for trade shows and similar exhibition purposes shall be classified as a Group A, Division 3 *occupancy*. (See Appendix A.)

3.1.2.4. Police Stations

1) A police station with detention quarters is permitted to be classified as a Group B, Division 2 *major occupancy* provided the station is not more than 1 *storey* in *building height* and 600 m² in *building area*.

3.1.2.5. Convalescent, Children's Custodial and Residential Care Homes

1) Convalescent homes and children's custodial homes are permitted to be classified as *residential occupancies* <within the application of Part 3>, provided that occupants are ambulatory and live as a single housekeeping unit in a <*suite*> with sleeping accommodation for not more than 10 persons.

2) A care facility accepted for residential use pursuant to provincial legislation is permitted to be classified as a *residential occupancy*, provided

- a) <occupants live as a single housekeeping unit in a *dwelling unit*> with sleeping accommodation for not more than 10 persons,
- b) interconnected *smoke alarms* are installed in each sleeping room in addition to the requirements of Article 3.2.4.20.,
- c) emergency lighting is provided in conformance with Subsection 3.2.7., and
- d) the *building* is *sprinklered* throughout.

3.1.2.6. Group A, Division 2, Low Occupant Load

1) A *suite* of Group A, Division 2 *Assembly occupancy* is permitted to be classified as a Group D, *business and personal services occupancy* provided

- a) the number of persons in the *suite* does not exceed 30, and
- b) except as permitted by Sentence (2), the *suite* is separated from the remainder of the *building* by a *fire separation* having a *fire-resistance rating* of not less than 1 hr.

2) The *fire separation* required by Sentence (1) need not have a *fire-resistance rating* where the *suite* is located in a *building* that is *sprinklered* throughout.

3) A permanent sign, with lettering not less than 50 mm high with a 12 mm stroke, indicating the lesser of the *occupant load* for the *suite* or 30 persons, shall be posted in a conspicuous location near the *suite's* principal entrance.

3.1.2.7. <Storage of Combustible Fibres

1) *Buildings* or parts thereof used for the storage of baled *combustible fibres* shall be classified as *medium-hazard industrial occupancies*.>

3.1.3. Multiple Occupancy Requirements**3.1.3.1. Separation of Major Occupancies**

1) Except as permitted by Sentences (2) and (3), *major occupancies* shall be separated from adjoining *major occupancies* by *fire separations* having *fire-resistance ratings* conforming to Table 3.1.3.1.

2) In a *building* not more than 3 *storeys* in *building height*, if not more than 2 *dwelling units* are contained together with a Group E *major occupancy*, the *fire-resistance rating* of the *fire separation* between the 2 *major occupancies* need not be more than 1 h.

3) In a *building* conforming to the requirements of Articles 3.2.8.2. to 3.2.8.9., the requirements of Sentence (1) for *fire separations* between *major occupancies* do not apply at the vertical plane around the perimeter of an opening through the horizontal *fire separation*.

Table 3.1.3.1.
Major Occupancy Fire Separations⁽¹⁾
Forming part of Sentence 3.1.3.1.(1)

Major Occupancy	Minimum Fire-resistance Rating of Fire Separation, h												
	Adjoining Major Occupancy												
	A-1	A-2	A-3	A-4	B-1	B-2	<B-3>	C	D	E	F-1	F-2	F-3
A-1	—	1	1	1	2	2	<2>	1	1	2	⁽²⁾	2	1
A-2	1	—	1	1	2	2	<2>	1	1	2	⁽²⁾	2	1
A-3	1	1	—	1	2	2	<2>	1	1	2	⁽²⁾	2	1
A-4	1	1	1	—	2	2	<2>	1	1	2	⁽²⁾	2	1
B-1	2	2	2	2	—	2	<2>	2	2	2	⁽²⁾	2	2
B-2	2	2	2	2	2	—	<1>	2	2	2	⁽²⁾	2	2
<B-3>	<2>	<2>	<2>	<2>	<2>	<1>	<—>	<1>	<2>	<2>	< ⁽²⁾ >	<2>	<2>
C	1	1	1	1	2	2	<1>	—	1	2 ⁽³⁾	⁽²⁾	2 ⁽⁴⁾	1
D	1	1	1	1	2	2	<2>	1	—	—	3	—	—
E	2	2	2	2	2	2	<2>	2 ⁽³⁾	—	—	3	—	—
F-1	⁽²⁾	⁽²⁾	⁽²⁾	⁽²⁾	⁽²⁾	⁽²⁾	< ⁽²⁾ >	⁽²⁾	3	3	—	2	2
F-2	2	2	2	2	2	2	<2>	2 ⁽⁴⁾	—	—	2	—	—
F-3	1	1	1	1	2	2	<2>	1	—	—	2	—	—

Notes to Table 3.1.3.1.:

- (1) Section 3.3. contains requirements for the separation of *occupancies* and tenancies that are in addition to the requirements for the separation of *major occupancies*.
- (2) See Sentence 3.1.3.2.(1).
- (3) See Sentence 3.1.3.1.(2).
- (4) See Sentence 3.1.3.2.(2).

3.1.3.2. Prohibition of Occupancy Combinations

- 1) No *major occupancy* of Group F, Division 1 shall be contained within a *building* with any *occupancy* classified as Group A, B or C.
- 2) Not more than one *suite of residential occupancy* shall be contained within a *building* classified as a Group F, Division 2 *major occupancy*.

3.1.4. Combustible Construction

3.1.4.1. Combustible Materials Permitted

- 1) A *building* permitted to be of *combustible construction* is permitted to be constructed of *combustible* materials, with or without *noncombustible* components.
- 2) The *flame-spread rating* on any exposed surface of foamed plastic insulation, and on any surface that would be exposed by cutting through the insulation in any direction, shall be not more than 500.



Development Services Department Memorandum

TO: Her Worship Mayor Cooper and Council

FROM: Director of Development Services

DATE: October 11, 2017

SUBJECT: Sanitary Sewer Main Extension to Elks Hall Property – 3690 - 30 Street NE

MOTION FOR CONSIDERATION

THAT: Council authorize the extension of the City's sanitary sewer through the Rural Area to accommodate a connection to the property located at 3690 - 30 Street NE, owned by the Elks Recreation Society, as per the proposal from Franklin Engineering Ltd. dated August 8, 2017;

AND THAT: Approval of the above is subject to the Elks Recreation Society being responsible for all associated costs of the main extension, including payment to the City of a Capital Cost Equivalent in lieu of the Sanitary Sewer Development Cost Charge of \$2,890.04;

AND FURTHER THAT: Final design is subject to approval by the City Engineer.

STAFF RECOMMENDATION

The motion for consideration is recommended for approval, subject to the sanitary sewer main extension being aligned within the dedicated, east half of 30 Street NE, instead of within a statutory right of way over the property addressed at 3601 - 30 Street NE.

BACKGROUND

The Elks are requesting to connect to the City's sanitary sewer main and their proposal is attached as APPENDIX 1. A reference map is attached as APPENDIX 2.

The proposed extension would continue from the main's present terminus at 28 Street NE and traverse two rural properties in the ALR for a total length of 400+ m.

The proposal includes statutory rights of ways over two rural lots that would be in favour of the City. This main would not be a private connection as the ownership, operations and maintenance responsibilities would be that of the City.

The intent of the right of way over 3601 - 30 Street NE, 0.5 m off-set from the street along the east lot boundary, is to avoid a sanitary sewer frontage tax levy on two other rural lots south of the Elks property addressed at 3530 & 3590 30 Street NE. If the main was aligned within 30 Street NE, the two properties referenced along the east side of the street would be subject to an annual sewer frontage tax levy and each would have an ability to connect to the system. Furthermore, the costs involved in aligning the main within 30 Street NE would be higher for the Elks in comparison to the right of way option.

Elks Sani-Extension Proposal

CONSIDERATIONS

The Elks on-site sanitary disposal system is deficient and cannot accommodate expansion of the campground or other facilities.

The Elks had a similar proposal prepared for Council's review approximately 9 years ago, which involved alignment of the sanitary sewer main within 30 Street NE. The Elks withdrew that previous proposal because of opposition of the extension by some of the downstream property owners who did not want to pay sewer frontage taxes.

The owners of the four properties highlighted in APPENDIX 2 who would or may be affected by Council's decision have been notified in writing by City staff of the Elks proposal and, with that, each owner has been afforded an opportunity to comment. Written responses are attached as APPENDIX 3.

The Official Community Plan (OCP) does not support the extension of City's sanitary sewer main into the Rural Area as per the OCP policy below:

"3.3.22 Do not support the extension of the sanitary sewer system outside the Urban Containment Boundary (UCB). Private sanitary sewer connections outside the UCB may be considered where main extensions are not required, subject to Council approval."

The above policy is in effect as a means to temper expectations for subdivision and development outside of the UCB, and to keep City-wide infrastructure costs down.

The proposed right of way requires consideration and approval by the Agricultural Land Commission (ALC). The Elks made an application to the ALC for this proposal, and these types of utility corridor and transportation applications are not reviewed by City Council. The ALC requested City staff's comments for that application, which were provided on September 29, 2017 (attached as APPENDIX 4). The ALC since advised its decision will follow Council's decision

The Elks proposal references proximity to the water main along the west boulevard as being an obstacle; however according to the City Engineer, the main could be extended along the eastern boulevard, albeit with a higher construction cost compared to the right of way option proposed. Other than that, the City Engineer would require some technical tweaking of the present proposal.

Assuming the present ALR status and OCP, there is a possibility that the larger rural lot addressed at 3601 - 30 Street NE could someday be subdivided for a relative (one-lot only), subject to Section 514 of the Local Government Act, Council and ALC approval, and City Approving Officer approval. If subdivided, approximately 2.44 m width of road dedication would be required from that property to widen 30 Street NE to 10 m from the centerline.

Or there may be a time when the City negotiates a land purchase to widen the street to 12.5 m from centreline, which is the width ultimately needed for this Rural Arterial Street. In either a subdivision or land acquisition scenario, the main would become aligned within the dedicated street and properties fronting the main would be subject to the annual sewer frontage tax.

STAFF RECOMMENDATION

Notwithstanding OCP Policy 3.3.22, staff is generally supportive of the Elks property connecting to the City's sanitary sewer system, which would involve a significantly long main extension and investment. Staff appreciates the planning and work that has gone into the proposal by Franklin Engineering Ltd., and recognizes the Elks as an important, non-profit entity that provides and accommodates community recreation and other services.

Elks Sani-Extension Proposal

Staff is concerned with the proposed main alignment through a right of way off-set from 30 Street NE. The Elks intentions are understood in that regard, to accommodate the wishes of the downstream lot owners who do not want to pay frontage tax and to lower the project's cost. However, from staff's perspective, the main should be aligned within the 30 Street NE right of way for the following reasons related to long-term planning, financial sustainability of the system and other technicalities:

- 1) The sewer main would become the City's infrastructure and should be available for future public connections and use. Current or future owners of the lots addressed at 3530 & 3590 30 Street NE may want to connect to the main; with the Elks proposal, they could not do so without either trespassing or amending the right of way, which could be illegal, complicated or uncertain.
- 2) City utility mains aligned within a street are preferred as infrastructure within rights of ways can be difficult to access and maintain. This is because many rights of ways become obstructed with landscaping improvements such as retaining walls and fencing or overgrown vegetation. These obstacles typically become more costly and difficult to manage over time with successive land ownership and in particular with land owners not aware of a right of way charge on title.
- 3) The operations and maintenance of sanitary sewer mains are financed by the sewer frontage tax regime; the more properties contributing to the levy (i.e. the higher the lot density) relative to the length of the main, the more financially sustainable the system remains. Long main extensions into the rural areas are simply more costly to the City.


 Kevin Pearson, MCIP, RPP
 Director of Development Services

cc Chief Administrative Officer
 Chief Financial Officer
 Director of Engineering and Public Works



Attention: City of Salmon Arm Mayor and Council

City of Salmon Arm
Box 40, 500-2nd Avenue NE
Salmon Arm, BC, V1E 4N2

August 8th, 2017

Request for Sanitary Main Extension Resolution

Dear Nancy and City of Salmon Arm Councilors,

The Salmon Arm Elks Recreation Society is required to upgrade its Wastewater System due to deficiencies in its existing system.

It is proposed to extend the sanitary sewer reticulation from 28th St NE, to provide a gravity sewer connection to the Elks Hall. The Elks would finance the construction of the main, whose ownership would then become the City's. When crossing private land, the sewer would be located within a 6m Right-of-Way (RoW) allowing City access should it require future maintenance.

The required extension is outside the urban containment boundary as defined in Map 4.1 of the Official Community Plan (OCP), and hence requires the Council to approve this proposal by way of a resolution.

The proposed sewer alignment crosses through private property within the ALR land. The owners of the private property have been consulted and are supportive of the proposal. An application for a transportation and utilities corridor through ALC lands is being undertaken concurrently.

The alignment remains in private property as it runs parallel with 30th Street NE, with the RoW maintaining a 0.5m offset from the Roadway. Should the sewer main be located within, or without separation from the City Roadway, the two adjacent eastern land owners (3530 and 3590 30th St NE) would be unsupportive of the proposal as they would be required to pay a frontage fee on their annual taxes. By maintaining the alignment of the sanitary main within private property, the adjacent residents are supportive of the proposal as there is no increase to their taxes.

There is an existing water main within the West boulevard of 30th St NE. Due to the minimum 3m separation required between a water main and sanitary main, there is insufficient space to also include the sanitary main in the western boulevard. As the boulevard on the eastern side of the road is

unsuitable, the only remaining alignment in the city roadway is beneath the paved road, which would make the project not financially viable.

Through consultation with City Development Services staff, it is understood that access is important to enable future maintenance. It is proposed to provide widened road shoulders at the locations of the manholes adjacent to 30th St NE to provide access. This would allow maintenance vehicles to park safely on the road shoulder whilst conducting any required maintenance.

Other options have been considered; a preliminary assessment of site conditions was undertaken which show that the Elks parcel is not suitable for large onsite wastewater system. Whilst in theory it would be possible to engineer an onsite system, this was not considered a financially feasible option for a non-profit organization.

The Salmon Arm Elks Recreation Society are an active non-profit society, widely involved in benefitting the local community. Most specifically minor baseball. Please review the proposed resolution for extending the City services outside of the urban boundary, to provide a much needed wastewater disposal option for the Salmon Arm Elks organization.

Please contact Franklin Engineering if you have any further questions regarding the proposed sanitary main extension.

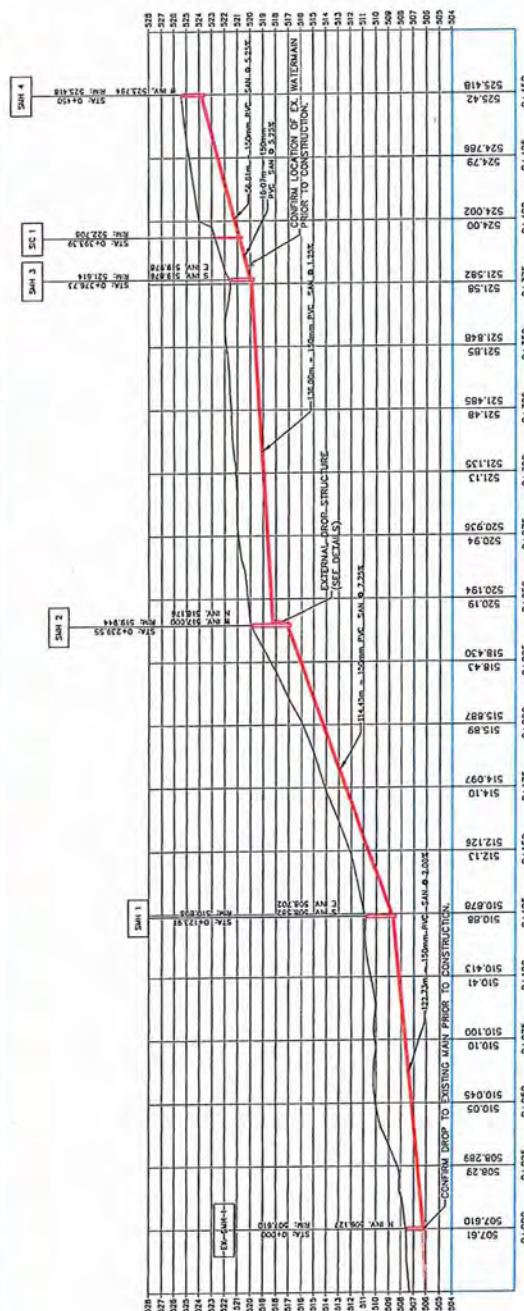
Prepared by:

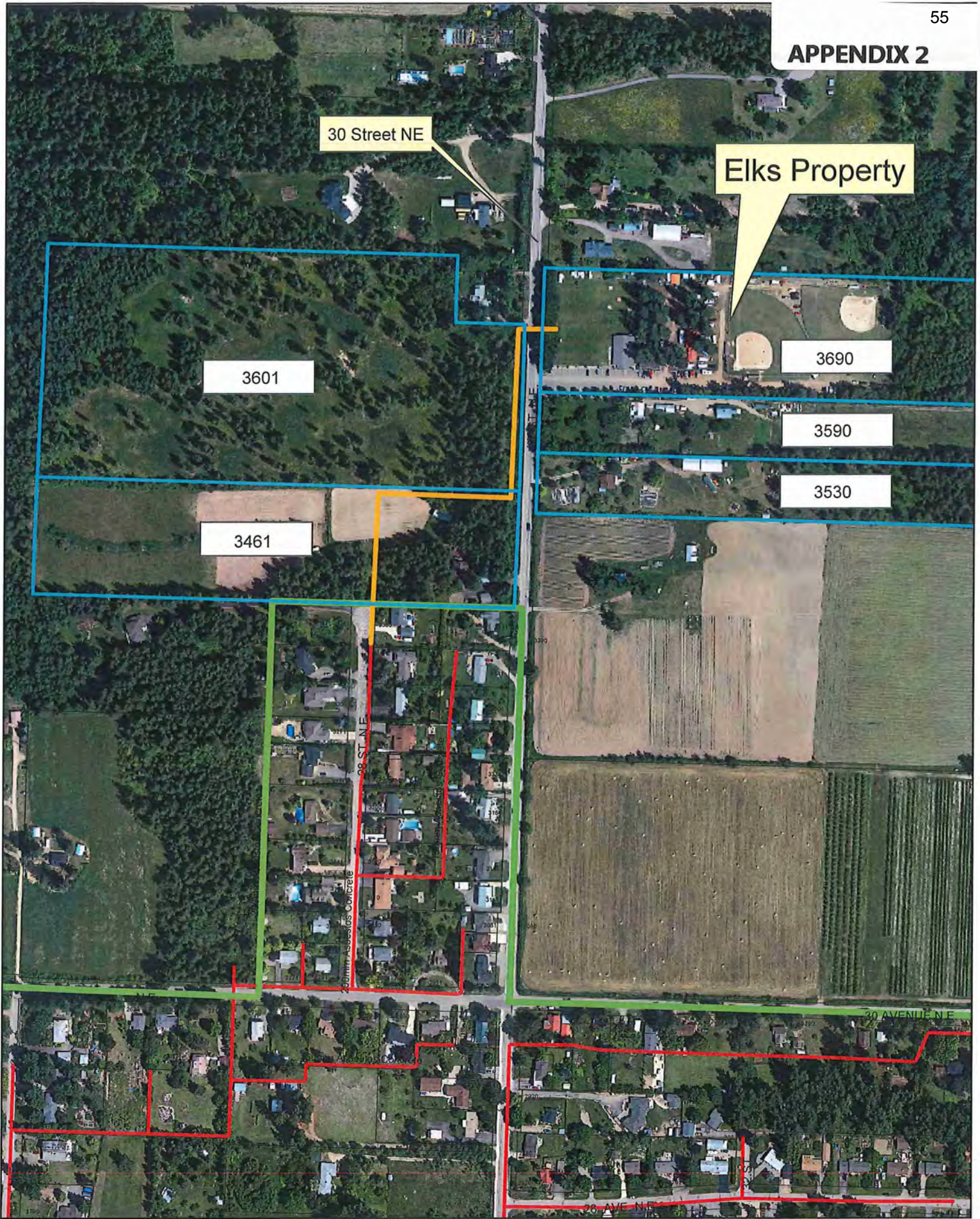


Sean Husband
Franklin Engineering

On Behalf of: Ole Cummings
Salmon Arm Elks Recreation Society

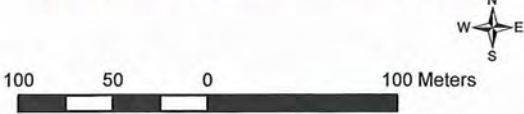
Attached: Franklin Engineering Drawing 17-051 C-01 (Rev4)





- Urban Containment Boundary
- Existing Sani-System
- Proposed Sani-Extension

Reference Map



October 04, 2017

Kevin Pearson

Director of Development Services

Regarding the Request for Sanitary Main Extension Resolution by Franklin Engineering Ltd & Elks Recreation Society

Barbara & Gil Deshima just received this proposal October 02 2017 and HAVE NOT given the Elks Recreation Society approval for this proposal and will not be responsible for any cost associated with this proposal.

We are in a difficult situation as our property 3601 30th Street NE was sold and the transfer of ownership is October 27 2017. 4 days after City Council's October 23 Regular Council meeting which this proposal is scheduled to be reviewed.

We have notified our Realtor to pass along all letters in regard, to this proposal to the new owners Realtor

*Yours Truly,
Barbara and Gil Deshima*

Kevin Pearson

From: Tina Cosman [tina@tinacosman.com]
Sent: October 4, 2017 12:23 PM
To: Kevin Pearson
Subject: RE: 3601 30th street letters from city

I did. I will forward it to them.

Thanks

Tina

From: Kevin Pearson [mailto:kpearson@salmonarm.ca]
Sent: Wednesday, October 4, 2017 12:21 PM
To: 'Tina Cosman'
Subject: RE: 3601 30th street letters from city

Thank you Tina. Not sure if you have seen my letter to the current owners, but here it is just in case. Please let me know if you / your clients have any questions or concerns, otherwise I will advise Council of what you mention below.

Kevin

From: Tina Cosman [mailto:tina@tinacosman.com]
Sent: October 4, 2017 12:11 PM
To: Kevin Pearson
Subject: FW: 3601 30th street letters from city

Good afternoon Kevin

My clients, Susan and Arthur Willms are the buyers of the above noted property and have spoken with Elks and are in agreement.

At this time they are out of the country. The sale is scheduled to complete at the end of this month.

Tina Cosman

Tina Cosman & Associates

www.tinacosman.com

Century 21 Executives Realty Ltd.

Salmon Arm, BC

Cell: (250) 804-6765

Office: (250) 833-9921

Fax#: 1-250-483-1598

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telephone (250-804-6765) and return the original transmission to us by mail without making a copy. For BCREA'S privacy policy, visit www.bcrea.bc.ca/privacy

From: Shirley Gasparin [<mailto:shirleygasparin@royallepage.ca>]
Sent: Wednesday, October 4, 2017 11:18 AM
To: Tina Cosman
Subject: Fwd: 3601 30th street letters from city

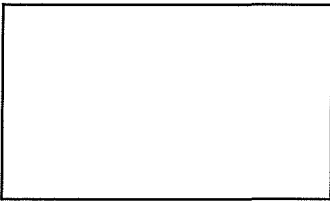
Hello Tina

Please find attached letters that were sent to my clients. Also you will find upon reading it that it states my clients "agree" to the proposed sewer lines. This is a false statement and my clients have written a letter to inform whom it concerns that they did not agree to the sewer system. In addition they have added in their letter that the property has been sold and that a copy of the letters have been passed onto the new buyers. I am not sure if you are able to get a hold of your clients because the as your read the letters there is some time sensitive meetings .

confirm you have received this email and attachments.

Regards,
Shirley Gasparin,
Realtor

"With you all the way"



Royal LePage Westwin Realty
800 Seymour Street, Kamloops, BC
Direct: 250-819-8354
Office: 250-374-1461



Virus-free. www.avg.com

Kevin Pearson

From: Kevin Pearson
Sent: September 29, 2017 12:19 PM
To: 'Dorward, Caitlin ALC:EX'; Denise Ackerman
Cc: Barlow, Celeste ALC:EX; Daly, Benjamin ALC:EX
Subject: RE: Application ID 56561
Attachments: Elks_Sani.pdf

Thank you Caitlin, Celeste & Benjamin.

I am just finishing my report to Council on the Elks Sanitary Sewer Extension. Our Council will be reviewing the Elks proposal on October 23 next month. The staff recommendation to Council is to have the sanitary sewer main aligned within the dedicated road allowance of 30 Street NE rather than along a statutory right of way, offset 0.5 metres within the lot boundary of 3601 30 Street NE. I have attached a reference map.

Our reasons for this recommendation are technical and have more to do with frontage taxation, long term considerations for other properties having an ability to connect, and operations and maintenance of the system. The proposed right of way alignment through the lot addressed at 3461 30 Street NE is not as much of a concern for City staff.

Our OCP has a policy that discourages the extension of the sanitary sewer into the Rural Area. That is tied to our urban containment policies which generally discourage subdivision in the ALR. However, staff understands the Elks predicament with their failing on-site septic system, and we value the importance of their non-profit organization and the recreational amenities they offer our community.

I cannot predict how our Council will vote on the Elks proposal the ALC is reviewing, or if they will agree with the staff recommendation. So the above are obviously City staff's comments and may not represent Council's view.

Kevin Pearson
Director of Development Services
City of Salmon Arm
250.803.4015

From: Dorward, Caitlin ALC:EX [mailto:Caitlin.Dorward@gov.bc.ca]
Sent: September 29, 2017 11:58 AM
To: Denise Ackerman
Cc: Kevin Pearson; Barlow, Celeste ALC:EX; Daly, Benjamin ALC:EX
Subject: RE: Application ID 56561

Hi Denise;

Just wanted to let you know that there have been some staff changes at our office and as of this week I am now covering the Island Panel Region.

I've copied my colleagues Celeste Barlow and Ben Daly, who are now the ALC Land Use Planners for the Okanagan Region. If you do intend to submit comments from the City regarding application #56561, please direct them to Celeste and Ben.

Regards,
Caitlin

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AGRICULTURAL LAND COMMISSION FILE 56071

REASONS FOR DECISION OF THE OKANAGAN PANEL

Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*

Applicants:

**Aaron Priebe
Lisa Priebe
(the "Applicants")**

Agent:

**Lisa Priebe
(the "Agent")**

Application before the Okanagan Regional Panel:

**Gerald Zimmermann, Panel Chair
Jim Johnson
Greg Norton**



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 010-165-312

Lot A, Section 4, Township 20, Range 10 West of the 6th Meridian, Kamloops

Division, Yale District, Plan 6555 Except Plan 9337

(the "Property")

[2] The Property is 2.5 ha.

[3] The Property has the civic address 4890 Foothill Road, Salmon Arm, BC.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the ALCA.

[6] Pursuant to s. 21(2) of the ALCA, the Applicants are applying to subdivide the Property into a 0.4 ha lot which contains the current house, and a 2.1 ha remainder to be used as a hobby farm. (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 21(2) of the ALCA:

21(2) An owner of agricultural land may apply to the commission to subdivide agricultural land.

[8] The Panel considered the Application within the context of s. 6 of the ALCA. The purposes of the Agricultural Land Commission (the "Commission") set out in s. 6 are as follows:



6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

EVIDENTIARY RECORD BEFORE THE PANEL

[9] The Panel considered the following evidence:

- 1. The Application
- 2. Local government documents
- 3. Previous application history
- 4. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Agent in advance of this decision.

[10] At its meeting of June 26, 2017, the City of Salmon Arm Council (the "City") resolved that the Application be authorized for submission to the Commission.

FINDINGS

[11] The Application submits that the Proposal should be approved because the Applicants' neighbours, the Harrisons, made a similar application to the Commission, which was approved. The Panel reviewed ALC application #53703, in which the Harrisons applied, and were subsequently approved to subdivide a 0.6 ha lot from the 3.6 ha property under the ALC's Homesite Severance Policy (the "Policy"). The Policy allows land owners who have owned and occupied a property prior to establishment of the ALR (December 21, 1972), to dispose of the parcel but retain their homesite. The Applicants do not qualify for subdivision



under the Policy and as such the Panel finds that application # 53703 is not relevant to consideration of the current Application.

- [12] In assessing agricultural capability, the Panel referred to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability ratings identified on CLI map sheet 82L/11 for the mapping units encompassing the Property are Class 3 and Class 4, more specifically (6:3TM~4:4TM).

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

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

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

- [13] The Panel reviewed the CLI ratings and finds that the Property has a combination of prime and secondary agricultural capability.
- [14] The proposed subdivision would result in a 2.4 ha remainder lot with no dwelling. Under the ALCA, a new dwelling could be constructed on the remainder lot. The Panel is concerned that the construction of a dwelling on the remainder lot would utilize arable land that, in the Property's current configuration, could be used for agriculture.
- [15] The Panel finds that the proposed subdivision could limit the types of agriculture that could take place on the resulting lots, and that retaining the Property as one unit would better ensure that it is used for agriculture in the future.

**DECISION**

[16] For the reasons given above, the Panel refuses the Proposal to subdivide the western 0.4 ha of the Property.

[17] These are the unanimous reasons of the Okanagan Panel of the Agricultural Land Commission.

[18] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[19] This decision is recorded as Resolution #305/2017 and is released on October 2, 2017

CERTIFICATION OF DECISION

A handwritten signature in black ink, appearing to read 'G. Zimmermann', with a long horizontal flourish extending to the right.

Gerald Zimmermann, Panel Chair, on behalf of the Okanagan Panel

END OF DOCUMENT

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