



AGENDA

City of Salmon Arm Regular Council Meeting

**Monday, November 9, 2020
1:30 p.m.**

***[Public Session Begins at 2:30 p.m.]
Council Chambers of City Hall
500 – 2 Avenue NE and by Electronic means
as authorized by Ministerial Order M192***

Page #	Item #	Description
	1.	CALL TO ORDER
1 – 2	2.	IN-CAMERA SESSION
	3.	ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY <i>We acknowledge that we are gathering here on the traditional territory of the Secwepemc people, with whom we share these lands and where we live and work together.</i>
	4.	ADOPTION OF AGENDA
	5.	DISCLOSURE OF INTEREST
	6.	CONFIRMATION OF MINUTES
3 – 14	1.	Regular Council Meeting Minutes of October 26, 2020
	7.	COMMITTEE REPORTS
15 – 18	1.	Development and Planning Services Committee Meeting Minutes of November 2, 2020
19 – 24	2.	Shuswap Regional Airport Operations Committee Meeting Minutes of October 21, 2020
25 – 28	3.	Active Transportation Task Force Meeting Minutes of November 2, 2020
	8.	COLUMBIA SHUSWAP REGIONAL DISTRICT UPDATE
29 – 36	1.	Board in Brief – October, 2020
	9.	STAFF REPORTS
37 – 42	1.	Chief Administrative Officer – Corporate Strategic Plan Update
43 – 46	2.	Fire Chief – Purchase of Aerial Ladder Platform Truck

9. **STAFF REPORTS - continued**
 - 47 – 50 3. Manager of Permits & Licensing – Recommendation to Cancel Notice On Title – P. & M. Klem
 - 51 – 62 4. Director of Development Services – Agricultural Land Commission Application No. ALC-398 [Charlton, S. & H./Browne Johnson Land Surveyors; 4270 10 Avenue SE; Exclusion]
 - 63 - 134 5. Director of Development Services – Agricultural Land Commission Application No. ALC-397 [Smith, R. & M.; 1281 70 Avenue NE; Inclusion and Exclusion]
10. **INTRODUCTION OF BYLAWS**
11. **RECONSIDERATION OF BYLAWS**
 - 135 – 154 1. City of Salmon Arm Official Community Plan Amendment Bylaw No. 4410 [OCP4000-43; Clarke, H. & D./Northern Propane Ltd./Kearl, R.; 1050 & 1091 18 Street NE; HR to HC] – Second Reading
 - 155 – 158 2. City of Salmon Arm Zoning Amendment Bylaw No. 4411 [ZON-1184; Clarke, H. & D./Northern Propane Ltd./Kearl, R.; 1050 and 1091 18 Street NE; R-5 to C-6] *[See item 11.1 for Staff Report]* – Second Reading
 - 159 – 176 3. City of Salmon Arm Zoning Amendment Bylaw No. 4407 [ZON-1186; B. Neufeld; 1831 22 Street NE; R-1 to R-8] – Final Reading
 - 177 – 190 4. City of Salmon Arm Zoning Amendment Bylaw No. 4412 [ZON-1187; R. Wiens; 2830 25 Street NE; R-1 to R-8] – Final Reading
 - 191 – 212 5. City of Salmon Arm Zoning Amendment Bylaw No. 4414 [ZON-1188; K. & G. Lamb/1261694 BC Ltd.; 3510 20 Avenue NE; R-1 to R-8] – Final Reading
 - 213 – 224 6. City of Salmon Arm Five Year Financial Plan Amendment Bylaw No. 4423 (2020 – 2024) – Final Reading
 - 225 – 248 7. City of Salmon Arm Zoning Amendment Bylaw No. 4405 [ZON-1182; Cornerstone Christian Reformed Church/J. Roodzant; 1191 22 Street NE; P-3 to C-6] – Second Reading
12. **CORRESPONDENCE**
 - 249 – 250 1. Informational Correspondence
13. **NEW BUSINESS**
14. **PRESENTATIONS/DELEGATIONS**
 - 251 – 258 1. Presentation 4:00 – 4:15 p.m. (approximately)
Matt Thompson, Urban Matters – Community Housing Strategy
 - 259 – 276 2. Presentation 4:15 – 4:30 p.m. (approximately)
Trish Dehnel, Community Energy Association – Community Energy Plan
 - 277 – 278 3. Presentation 4:30 – 4:35 p.m. (approximately)
Anne Morris - ICAN Cities Appeal

- 15. COUNCIL STATEMENTS
- 16. SALMON ARM SECONDARY YOUTH COUNCIL
- 17. NOTICE OF MOTION
- 18. UNFINISHED BUSINESS AND DEFERRED / TABLED ITEMS
- 19. OTHER BUSINESS
- 20. QUESTION AND ANSWER PERIOD

7:00 p.m.

Page #	Item #	Description
	21.	DISCLOSURE OF INTEREST
	22.	PUBLIC INPUT - 2021 BUDGET
	23.	HEARINGS
279 – 294	1.	Development Variance Permit Application No. VP-520 [Clark, I. & L./Green Emerald Estates/ Arsenault, G.; 3181 Okanagan Avenue NE; Fences and Retaining Walls height]
	24.	STATUTORY PUBLIC HEARINGS
	25.	RECONSIDERATION OF BYLAWS
	26.	QUESTION AND ANSWER PERIOD
295 – 296	27.	ADJOURNMENT

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Item 2.

CITY OF SALMON ARM

Date: November 9, 2020

Moved: Councillor Cannon

Seconded: Councillor Flynn

THAT: pursuant to Section 90(1) of the Community Charter, Council move In-Camera.

Vote Record

- ☐ Carried Unanimously
- ☐ Carried
- ☐ Defeated
- ☐ Defeated Unanimously

Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond

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Item 6.1

CITY OF SALMON ARM

Date: November 9, 2020

Moved: Councillor Cannon

Seconded: Councillor Wallace Richmond

THAT: the Regular Council Meeting Minutes of October 26, 2020, be adopted as circulated.

Vote Record

- ☐ Carried Unanimously
- ☐ Carried
- ☐ Defeated
- ☐ Defeated Unanimously

Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond

REGULAR COUNCIL

Minutes of a Regular Meeting of Council of the City of Salmon Arm held in the Council Chambers and by electronic means as authorized by Ministerial Order M192, at 1:30 p.m. and reconvened at 2:30 p.m. of the City Hall, 500 – 2 Avenue NE, Salmon Arm, British Columbia on Monday, October 26, 2020.

PRESENT:

Mayor A. Harrison
 Councillor D. Cannon
 Councillor C. Eliason (participated remotely)
 Councillor K. Flynn
 Councillor S. Lindgren
 Councillor T. Lavery (participated remotely)
 Councillor L. Wallace Richmond (participated remotely)

Chief Administrative Officer C. Bannister
 Director of Engineering & Public Works R. Niewenhuizen
 Director of Corporate Services E. Jackson
 Director of Development Services K. Pearson
 Acting Chief Financial Officer T. Tulak (participated remotely)
 Manager of Shuswap Recreation Society D. Boyd
 Recorder C. Simmons

1. CALL TO ORDER

Mayor Harrison called the meeting to order at 1:32 p.m.

2. IN-CAMERA SESSION

0460-2020 Moved: Councillor Wallace Richmond
 Seconded: Councillor Lavery
 THAT: pursuant to Section 90(1) of the Community Charter, Council move In-Camera.

CARRIED UNANIMOUSLY

Council moved In-Camera at 1:32 p.m.
 Council returned to Regular Session at 2:26 p.m.
 Council recessed until 2:33 p.m.

3. ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY

Mayor Harrison read the following statement: "We acknowledge that we are gathering here on the traditional territory of the Secwepemc people, with whom we share these lands and where we live and work together."

4. REVIEW OF AGENDA

Addition under item 23.3/24.3 B. Wice – email dated October 26, 2020 – Proposed Amendment to Zoning Bylaw No. 2303

Addition under item 23.3/24.3 E. Underhill – letter dated October 25, 2020 – Rezoning Development of 3510 20 Avenue NE Salmon Arm

Addition under item 23.3/24.3 R. Spyksma – letter dated October 26, 2020 – 1820 36 Street Rezoning Application

Addition under item 23.3/24.3 F. Fennell and B. Cotter – email dated October 23, 2020 – Rezoning ZON-1188/Bylaw No. 4414

Addition under item 23.3/24.3 M. Cuthill – letter received October 26, 2020 – Zoning Change Proposed for 3510 20 Avenue NE

5. DISCLOSURE OF INTEREST**6. CONFIRMATION OF MINUTES****1. Regular Council Meeting Minutes of October 13, 2020**

0461-2020

Moved: Councillor Flynn

Seconded: Councillor Cannon

THAT: the Regular Council Meeting Minutes of October 13, 2020, be adopted as circulated.

CARRIED UNANIMOUSLY

7. COMMITTEE REPORTS**1. Development and Planning Services Committee Meeting Minutes of October 19, 2020**

0462-2020

Moved: Councillor Eliason

Seconded: Councillor Lavery

THAT: the Development and Planning Services Committee Meeting Minutes of October 19, 2020, be received as information.

CARRIED UNANIMOUSLY

2. Active Transportation Task Force Meeting Minutes of October 19, 2020

0463-2020

Moved: Councillor Lavery

Seconded: Mayor Harrison

THAT: the Active Transportation Task Force Meeting Minutes of October 19, 2020, be received as information.

CARRIED UNANIMOUSLY

8. COLUMBIA SHUSWAP REGIONAL DISTRICT UPDATE9. STAFF REPORTS

1. Director of Corporate Services - Lease and Operating Agreements for the SASCU Recreation Centre Facility, Shaw Centre Twin Sheet Arena Complex, SASCU Little Mountain Sports Complex Field House and Memorial Arena Sports Complex - April 1, 2020 to March 31, 2025

0464-2020

Moved: Councillor Cannon

Seconded: Councillor Lindgren

THAT: the Mayor and Corporate Officer be authorized to execute Lease and Operating Agreements with the Shuswap Recreation Society for the SASCU Recreation Centre Facility, Shaw Centre Twin Sheet Arena Complex, SASCU Little Mountain Sports Complex Field House and Memorial Arena Sports Complex, each for five (5) year terms commencing April 1, 2020, subject to Community Charter Advertising Requirements.

CARRIED UNANIMOUSLY

2. Director of Engineering & Public Works - LED Street Light Conversion - Downtown Phase II

0465-2020

Moved: Councillor Lindgren

Seconded: Councillor Wallace Richmond

THAT: the 2020 Budget contained in the 2020 to 2024 Financial Plan be amended to include the LED Street Light Conversion Downtown Project (Project No. ENG2020-55) for \$30,000.00 funded from the reallocation of funds from the Hudson Avenue Revitalization Project in the amount of \$30,000.00;

AND THAT: Council award the purchase of LED Street Light fixtures to EECOL Electric Kelowna, in accordance with the terms and conditions of their supplier quote in the amount of \$21,600.00 plus taxes as applicable.

CARRIED UNANIMOUSLY

3. Director of Development Services - Agricultural Land Commission Application No. ALC-395 [Mountainview Baptist Church/Alberts, K.; Non-Farm Use

0466-2020

Moved: Councillor Flynn

Seconded: Councillor Cannon

THAT: Agricultural Land Commission Application No. ALC-395 be authorized for submission to the Agricultural Land Commission.

CARRIED

Councillor Eliason Opposed

9. STAFF REPORTS - continued

4. Director of Corporate Services - Visitor Information Services

0467-2020

Moved: Councillor Eliason

Seconded: Councillor Cannon

THAT: Council direct staff to engage Authentic Experiences Consulting to develop a Visitor Service Strategy for \$23,280.00 plus GST funded from Tourist Information;

AND THAT: the City's Purchasing Policy No. 7.13 be waived in procurement of the Visitor Service Strategy Services to authorize sole sourcing of same to Authentic Experiences Consulting.

CARRIED UNANIMOUSLY

5. Director of Engineering & Public Works - Community Economic Recovery Infrastructure Program - Park and Walkway Lighting Project

0468-2020

Moved: Councillor Cannon

Seconded: Councillor Lindgren

THAT: Council authorize the submission of two (2) grant applications under the Community Economic Recovery Infrastructure program (CERIP), for the Park and Walkway Lighting Project, estimated cost \$265,000.00 plus taxes and the 13 Avenue Industrial Park Redevelopment Project, estimated cost \$985,000.00 plus taxes.

CARRIED UNANIMOUSLY

10. INTRODUCTION OF BYLAWS

1. City of Salmon Arm Official Community Plan Amendment Bylaw No. 4410 [OCP4000-43; Kearl, R.; 1050 & 1091 18 Street NE; HR to HC] - First Reading

0469-2020

Moved: Councillor Eliason

Seconded: Councillor Lavery

THAT: the bylaw entitled City of Salmon Arm Official Community Plan Amendment Bylaw No. 4410 be read a first time.

CARRIED UNANIMOUSLY

2. City of Salmon Arm Zoning Amendment Bylaw No. 4411 [ZON-1184; [Kearl, R.; 1050 & 1091 18 Street NE; R-5 to C-6] - First Reading

0470-2020

Moved: Councillor Flynn

Seconded: Councillor Cannon

THAT: the bylaw entitled City of Salmon Arm Zoning Amendment Bylaw No. 4411 be read a first time;

AND THAT: final reading be withheld subject to:

- 1) Ministry of Transportation and Infrastructure approval; and
- 2) adoption of the associated Official Community Plan Amendment Bylaw.

CARRIED UNANIMOUSLY

10. INTRODUCTION OF BYLAWS – Continued

3. City of Salmon Arm Five Year Financial Plan Amendment Bylaw No. 4423 (2020 – 2024) – First, Second and Third Readings

0471-2020

Moved: Councillor Wallace Richmond

Seconded: Councillor Cannon

THAT: the bylaw entitled City of Salmon Arm Five Year Financial Plan Amendment Bylaw No. 4423 be read a first, second and third time.

CARRIED UNANIMOUSLY

11. RECONSIDERATION OF BYLAWS

1. City of Salmon Arm Fee for Service Amendment Bylaw No. 4418 [Sewer Rates] – Final Reading

0472-2020

Moved: Councillor Eliason

Seconded: Councillor Lavery

THAT: the bylaw entitled City of Salmon Arm Fee for Service Amendment Bylaw No. 4418 be read a final time.

CARRIED UNANIMOUSLY

12. CORRESPONDENCE

1. Informational Correspondence

5. L. Fitt, Manager, Salmon Arm Economic Development Society– letter dated October 14, 2020 – Food Hub Grant – Receipt of Funds

0473-2020

Moved: Councillor Flynn

Seconded: Councillor Lavery

THAT: Council approve the City of Salmon Arm to act as the recipient of funds from the BC Ministry of Agriculture for the Food Hub Grant on behalf of the Salmon Arm Economic Development Society.

CARRIED UNANIMOUSLY

8. B. Henry, Provincial Health Office, Ministry of Health – letter dated October 2020 – Immunizations

0474-2020

Moved: Councillor Cannon

Seconded: Councillor Flynn

THAT: staff provide a letter to the Ministry of Health advising that the City of Salmon Arm facilities and indoor spaces will be available to public health officials on a temporary basis for immunization clinics in the fall and winter.

CARRIED UNANIMOUSLY

12. CORRESPONDENCE - continued**1. Informational Correspondence - continued**

Councillor Lindgren left the meeting at 3:51 p.m.

6. L. Wong, Manager, Downtown Salmon Arm - letter dated October 19, 2020 - Storywalk

0475-2020

Moved: Councillor Flynn

Seconded: Councillor Cannon

THAT: Council approve the Downtown Storywalk and authorize use of the Art Gallery and Fletcher Park as stops for the story book and sidewalk space for chalk art from November 28, 2020 to January 4, 2021, subject to the provision of adequate supervision, consultation with the Art Gallery, liability insurance and adherence to Provincial Health Guidelines.

Councillor Lindgren returned to the meeting at 3:52 p.m.

CARRIED UNANIMOUSLY

7. J. King, Principal, South Canoe Elementary - Outdoor Learning Program - letter received October 20, 2020 - Klahani Park porta potty

0476-2020

Moved: Councillor Lindgren

Seconded: Councillor Cannon

THAT: Council approve the Outdoor Learning Program to place a porta potty at Klahani Park in consultation with staff subject to all costs being the responsibility of South Canoe Elementary and adequate liability insurance.

CARRIED UNANIMOUSLY

13. NEW BUSINESS**14. PRESENTATIONS****1. T. Kutschker, Director/Curator, and Kate Fagervik, Manager of Visitor Experience/Art Educator, Shuswap District Arts Council - Pride Project Update and Public Art Recommendation**

Tracey Kutschker, Director/Curator, and Kate Fagervik, Manager of Visitor Experience/ Art Educator, Shuswap District Arts Council provided an update on the Pride Project and Public Art Recommendation and was available to answer questions from Council.

a. T. Kutschker, Director/Curator, Shuswap District Arts Council - letter dated September 10, 2020 - Salmon Arm Pride Project Committee Public Art Recommendation

Received for information.

15. COUNCIL STATEMENTS16. SALMON ARM SECONDARY YOUTH COUNCIL17. NOTICE OF MOTION18. UNFINISHED BUSINESS AND DEFERRED / TABLED ITEMS19. OTHER BUSINESS20. QUESTION AND ANSWER PERIOD

Council held a Question and Answer session with the members of the public present.

The Meeting recessed at 4:28 p.m.

The Meeting reconvened at 7:00 p.m.

PRESENT:

Mayor A. Harrison
Councillor D. Cannon
Councillor C. Eliason (participated remotely)
Councillor K. Flynn
Councillor S. Lindgren
Councillor T. Lavery (participated remotely)
Councillor L. Wallace Richmond (participated remotely)

PRESENT:

Chief Administrative Officer C. Bannister
Director of Engineering & Public Works R. Niewenhuizen
Director of Corporate Services E. Jackson
Director of Development Services K. Pearson
Recorder B. Puddifant

21. DISCLOSURE OF INTEREST22. HEARINGS

23. STATUTORY PUBLIC HEARINGS**1. Zoning Amendment Application No. ZON-1186 [B. Neufeld; 1831 22 Street NE; R-1 to R-8]**

The Director of Development Services explained the proposed Zoning Amendment Application.

B. Neufeld, the applicant, presented by virtual means and outlined the application. He was available to answer questions from Council.

Following three calls for submissions and questions from Council, the Public Hearing was closed at 7:10 p.m. and the next item ensued.

2. Zoning Amendment Application No. ZON-1187 [R. Wiens; 2830 25 Street NE; R-1 to R-8]

The Director of Development Services explained the proposed Zoning Amendment Application.

R. Wiens, the applicant, outlined the application and was available to answer questions from Council.

Following three calls for submissions and questions from Council, the Public Hearing was closed at 7:13 p.m. and the next item ensued.

3. Zoning Amendment Application No. ZON-1188 [K. & G. Lamb/1261694 BC Ltd.; 3510 20 Avenue NE; R-1 to R-8]

The Director of Development Services explained the proposed Zoning Amendment Application.

B. Wice – email dated October 26, 2020 – Proposed Amendment to Zoning Bylaw No. 2303

E. Underhill – letter dated October 25, 2020 – Rezoning Development of 3510 20 Avenue NE Salmon Arm

R. Spyksma – letter dated October 26, 2020 – 1820 36 Street Rezoning Application

Fennell and B. Cotter – email dated October 23, 2020 – Rezoning ZON-1188/Bylaw No. 4414

M. Cuthill – letter received October 26, 2020 – Zoning Change Proposed for 3510 20 Avenue NE

T. Sismey, the applicant, outlined the application and was available to answer questions from Council.

B. Cuthill, 3190 18 Avenue NE expressed concerns that increased density would have an effect on the livability of the community in Country Hills subdivision.

23. STATUTORY PUBLIC HEARINGS – continued3. Zoning Amendment Application No. ZON-1188 [K. & G. Lamb/1261694 BC Ltd.; 3510 20 Avenue NE; R-1 to R-8] – continued

D. Thomson, 3152 18 Avenue NE spoke to increased traffic, lack of sidewalks and suggested a comprehensive traffic study.

R. Spyksma, 1820 36 Street NE expressed concerns regarding increase in non-neighbourhood traffic, street parking, duplication and close proximity of the school.

D. Pearce, 3380 20 Avenue NE spoke to increased access traffic on 20 Avenue NE and the lack of walkways and greenspace and suggested a traffic study on 20 Avenue NE and 30 Street NE.

B. Wice, 1781 36 Street NE expressed concerns with 20 Avenue NE and speeding and suggested traffic calming measures and a traffic study.

K. Thiessen, 3710 16 Avenue NE spoke regarding the need for a traffic study.

C. Young, 3390 16 Avenue NE expressed concerns with the width of 16 Avenue NE, parking, increased traffic and the close proximity of the school.

C. Baerg, 3361 16 Avenue NE expressed concerns with the width of 16 Avenue NE, potential drainage problems, greenspace, potential tree removal and parking.

Following three calls for submissions and questions from Council, the Public Hearing was closed 8:04 p.m.

24. RECONSIDERATION OF BYLAWS1. City of Salmon Arm Zoning Amendment Bylaw No. 4407 [ZON-1186; B. Neufeld; 1831 22 Street NE; R-1 to R-8] – Third Reading

0477-2020

Moved: Councillor Flynn

Seconded: Councillor Cannon

THAT: the bylaw entitled City of Salmon Arm Zoning Amendment Bylaw No. 4407 be read a third time.

CARRIED UNANIMOUSLY2. City of Salmon Arm Zoning Amendment Bylaw No. 4412 [ZON-1187; R. Wiens; 2830 25 Street NE; R-1 to R-8] – Third Reading

0478-2020

Moved: Councillor Eliason

Seconded: Councillor Wallace Richmond

THAT: the bylaw entitled City of Salmon Arm Amendment Bylaw No. 4412 be read a third time.

CARRIED UNANIMOUSLY24. RECONSIDERATION OF BYLAWS – continued

3. City of Salmon Arm Zoning Amendment Bylaw No. 4414 [ZON-1188; K. & G. Lamb/1261694 BC Ltd.; 3510 20 Avenue NE; R-1 to R-8] - Third Reading

0479-2020

Moved: Councillor Eliason

Seconded: Councillor Cannon

THAT: the bylaw entitled City of Salmon Arm Amendment Bylaw No. 4414 be read a third time.

CARRIED UNANIMOUSLY

25. QUESTION AND ANSWER PERIOD

Council held a Question and Answer session with the members of the public present.

26. ADJOURNMENT

0480-2020

Moved: Councillor Lavery

Seconded: Councillor Flynn

THAT: the Regular Council Meeting of October 26, 2020, be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 8:45 p.m.

CERTIFIED CORRECT:

CORPORATE OFFICER

MAYOR

Adopted by Council the day of , 2020.

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Item 7.1

CITY OF SALMON ARM

Date: November 9, 2020

Moved: Councillor Lindgren

Seconded: Councillor Lavery

THAT: the Development and Planning Services Committee Meeting Minutes of November 2, 2020, be received as information.

Vote Record

- ☐ Carried Unanimously
- ☐ Carried
- ☐ Defeated
- ☐ Defeated Unanimously

Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond

DEVELOPMENT AND PLANNING SERVICES COMMITTEE

Minutes of a Meeting of the Development and Planning Services Committee of the City of Salmon Arm held in Council Chambers and by electronic means by Ministerial Order M192, on **Monday, November 2, 2020.**

PRESENT:

Mayor A. Harrison
 Councillor T. Lavery (participated remotely)
 Councillor L. Wallace Richmond (participated remotely)
 Councillor D. Cannon (participated remotely)
 Councillor S. Lindgren
 Councillor K. Flynn

Chief Administrative Officer C. Bannister
 Director of Engineering & Public Works R. Niewenhuizen
 Director of Corporate Services E. Jackson
 Director of Development Services K. Pearson
 Recorder B. Puddifant

ABSENT:

Councillor C. Eliason

1. CALL TO ORDER

Mayor Harrison called the meeting to order at 8:00 a.m.

2. ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY

Mayor Harrison read the following statement: "We acknowledge that we are gathering here on the traditional territory of the Secwepemc people, with whom we share these lands and where we live and work together."

3. REVIEW OF THE AGENDA

4. DISCLOSURE OF INTEREST

5. REPORTS

1. **Development Variance Permit Application No. VP-520 [Clark, I. & L./Green Emerald Estates/Arsenault, G.; 3181 Okanagan Avenue NE; Fences and Retaining Walls height]**

Moved: Councillor Flynn

Seconded: Councillor Cannon

THAT: the Development and Planning Services Committee recommends to Council that Development Variance Permit No. VP-520 be authorized for issuance for Lot 3, Section 18, Township 20, Range 9, W6M, KDYD, Plan EPP78527, which will vary Zoning Bylaw No. 2303 as follows:

5. REPORTS - continued**1. Development Variance Permit Application No. VP-520 [Clark, I. & L./Green Emerald Estates/Arsenault, G.; 3181 Okanagan Avenue NE; Fences and Retaining Walls height] - continued**

1. Section 4.12.1 (a) Fences and Retaining Walls - increase the maximum permitted combined height of a retaining wall and fence from 2.0 m (6.5 ft) to 4.5 m (14.8 ft);

AND THAT: Issuance of Development Variance Permit No. VP-520 be withheld subject to an amendment, at cost of the applicant, to the Statutory Right of Way registered under CA6583185 to document the area of encroachment of the retaining wall over Statutory Right of Way Plan EPP78528; and should the City require access to the City sewer manhole, any removal or replacement costs for the wall, be the responsibility of the property owner.

I. Clark, the applicant, outlined the application and was available to answer questions from the Committee.

CARRIED UNANIMOUSLY

2. Agricultural Land Commission Application No. ALC-398 [Charlton, S. & H./Browne Johnson Land Surveyors; Exclusion]

Moved: Councillor Cannon

Seconded: Councillor Wallace Richmond

THAT: the Development and Planning Services Committee recommends to Council that Agricultural Land Commission Application No. ALC-398 be authorized for submission to the Agricultural Land Commission.

J. Johnson, the agent, was available to answer questions from the Committee.

CARRIED UNANIMOUSLY

3. Agricultural Land Commission Application No. ALC-397 [Smith, R. & M.; 1281 70 Avenue NE; Inclusion and Exclusion]

Moved: Councillor Flynn

Seconded: Councillor Wallace Richmond

THAT: the Development and Planning Services Committee recommends to Council that Agricultural Land Commission Application No. ALC-397 be authorized for submission to the Agricultural Land Commission.

R. Smith, the applicant, outlined the application and was available to answer questions from the Committee.

CARRIED

Councillor Lavery Opposed

6. PRESENTATIONS

7. FOR INFORMATION8. CORRESPONDENCE9. ADJOURNMENT

Moved: Councillor Cannon

Seconded: Councillor Lavery

THAT: the Development and Planning Services Committee meeting of November 2, 2020, be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 8:52 a.m.

Mayor Alan Harrison
Chair

Minutes received as information by Council
at their Regular Meeting of _____, 2020.

Item 7.2

CITY OF SALMON ARM

Date: November 9, 2020

Moved: Councillor Wallace Richmond

Seconded: Councillor Flynn

THAT: the Shuswap Regional Airport Operations Committee Meeting Minutes of October 21, 2020, be received as information.

Vote Record

- ☐ Carried Unanimously
- ☐ Carried
- ☐ Defeated
- ☐ Defeated Unanimously

Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond

CITY OF SALMON ARM

Minutes of the Shuswap Regional Airport Operations Committee Meeting held in Council Chambers at City Hall, 500 – 2 Avenue NE, Room 100 on Wednesday, October 21, 2020 at 3:00 p.m.

PRESENT:

Alan Harrison
Terry Rysz
Keith Watson
John McDermott
Doug Pearce
Mark Olson
Jeremy Neufeld
Gord Newnes
Darin Gerow
Robert Niewenhuizen

Mayor, City of Salmon Arm, CHAIR
Mayor, District of Sicamous
Airport Manager
Lakeland Ultralights
Salmon Arm Flying Club
Hangar Owner
Rap Attack
Hangar Owner
City staff, Manager of Roads and Parks
City staff, Director of Engineering & Public Works

ABSENT:

Jeremy Neufeld

Rap Attack

GUESTS:

The meeting was called to order at 3:00 p.m.

1. Introductions and Welcome

2. Approval of Agenda and Additional Items

Moved: K. Watson

Seconded: D. Pearce

THAT: the Shuswap Regional Airport Operations Committee Meeting Agenda of October 21, 2020, be approved as circulated.

CARRIED UNANIMOUSLY

3. Approval of Minutes of November 20, 2019 Shuswap Regional Airport Operations Committee Meeting

Moved: K. Watson

Seconded: M. Olson

THAT: the minutes of the Shuswap Regional Airport Operations Committee Meeting of November 20, 2019 be approved as circulated.

CARRIED UNANIMOUSLY

4. Approval of Minutes of March 10, 2020 Shuswap Regional Airport Safety Committee Meeting

Moved: K. Watson

Seconded: D. Pearce

THAT: the minutes of the Shuswap Regional Airport Safety Committee Meeting of March 10, 2020 be approved as circulated.

CARRIED UNANIMOUSLY

5. Airport Managers Update

- Busy summer, lots of recreational traffic, not many large aircraft
- Sales up on AvGas
- Sky Divers very active
- Taxiway C complete waiting for edge lighting, well received by users
- AGFT fixed flow issue with Jet A, now running around 138 l/s
- New MoGas/Diesel Tank installed and operational
- Terminal Roof complete
- AOM & SMS documents in final draft (Stantec)
- Transport Canada Process Inspection – Quality Assurance, Internal Audit Planning, waiting for final findings
- Require a Table top exercise – to be discussed at next Airport Safety Committee meeting

6. Old Business /Arising from minutes

a) Taxiway Charlie Construction – Update

- BCAAP Extension granted – March 31, 2021
- Approved lighting upgrade on main RWY
- Working with TC on updated PCO

b) AOM & SMS Phase 1 Review & Phase 2 – Update

- Consultant will have documents completed shortly
- Submit to TC in December
- Recommendations for appropriate training will follow

c) BC Air Access Grant – Runway Paving – Update

- 2019/2020 awards have been announced
- Resubmission of the application for the 2020/2021 draw is complete

7. New Business

- a) **MoGas/Diesel Tanks (SA Flying Club & COSA)**
 - Work complete tanks operational
 - Need a sign at Gas Shack informing of the new tank
- b) **Covid-19 Exposure Control Plan**
 - Airport was added into the City's Covid-19 Plan this summer
 - Need a sign at Gas Shack
- c) **Runway Lighting renewal**
 - BCAAP approved the addition of the new LED RWY lighting
 - Working with TC on updated PCO
- d) **2021 Budget Review**
 - Slight decrease in overall budget
 - Removal of in ground tanks
 - Gas shack improvements

Moved: D. Pearce

Seconded: T. Rysz

THAT: the Airport Operations Committee supports the draft 2021 Airport budget as presented.

- e) **Transport Canada Process Inspection**
 - Waiting for final findings
- d) **Wildlife management Plan update**
 - Aspen Park Consulting has been issued a PO
 - Update required every two years

8. Other Business &/or Roundtable Updates

- a) **Correspondence - email from Amanda Befound, 222 Shuswap Air Cadets dated September 4, 2020 - Air Cadets Sea Can**
 - The committee expressed their support for the organization; concerns were expressed by committee members in having an additional SeaCan located on Airside. Reasons given; setting precedent, security, aesthetics, potential conflicts with the Airport development plan in regards to taxiway widths.

Moved: M. Olson

Seconded: J. McDermott

THAT: the Airport Operations Committee is not in support of the 222 Shuswap Air Cadets request to have an additional Sea Can to be located at the Airport.

9. Next meeting – Wednesday, 17 March , 2021

10. Adjournment

Moved: D. Pearce

Seconded: G. Newnes

THAT: the Shuswap Regional Airport Operations Committee Meeting of October 21, 2020 be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 4:10 p.m.

Robert Niewenhuizen, ASCT
Director of Engineering & Public Works

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Item 7.3

CITY OF SALMON ARM

Date: November 9, 2020

Moved: Councillor Lavery

Seconded: Mayor Harrison

THAT: the Active Transportation Task Force Meeting Minutes of November 2, 2020, be received, as information.

Vote Record

- ☐ Carried Unanimously
- ☐ Carried
- ☐ Defeated
- ☐ Defeated Unanimously

Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond

CITY OF SALMON ARM

Minutes of the Meeting of the Active Transportation Task Force held by electronic means on Monday, November 2, 2020 at 10:00 a.m.

PRESENT:

Mayor Alan Harrison
Councillor Tim Lavery
Phil McIntyre-Paul
Lindsay Wong
Marianne VanBuskirk
Anita Ely
David Major
Joe Johnson
Kristy Smith
Lana Fitt
Blake Lawson
Steve Fabro
Kathy Atkin
Gary Gagnon
Chris Larson
Jenn Wilson
Barb Puddifant

City of Salmon Arm, Chair
City of Salmon Arm, Chair
Shuswap Trail Alliance
Downtown Salmon Arm
School District No. 83
Interior Health
Shuswap Cycling Club
Greenways Liaison Committee
Social Impact Advisory Committee
Salmon Arm Economic Development Society
Citizen at Large
Citizen at Large
Citizen at Large
Citizen at Large
City of Salmon Arm, Planner
City of Salmon Arm, City Engineer
City of Salmon Arm, Recorder

ABSENT:

Gina Johnny
Louis Thomas
Camilla Papadimitropoulos

Councillor, Adams Lake Indian Band
Councillor, Neskonalith Indian Band
Citizen at Large

GUESTS:

The meeting was called to order at 10:02 a.m.

1. Call to Order, Introductions and Welcome

2. Acknowledgement of Traditional Territory

Mayor Harrison read the following statement: "We acknowledge that we are gathering here on the traditional territory of the Secwepemc people, with whom we share these lands and where we live and work together."

3. Approval of Agenda and Additional Items

The Agenda with above addition for the November 2, 2020 Active Transportation Task Force Meeting was approved by general consensus of the Task Force members.

4. Approval of minutes from October 19, 2020

The minutes of the Active Transportation Committee Meeting of October 19, 2020 were approved by general consensus of the Task Force Members.

5. Presentations**6. Old Business / Arising from Minutes****a) ATTF interim graphic**

Councillor Lavery introduced the proposed graphic for the Active Transportation Task Force.

7. New Business**a) High Level perspectives on Active Transportation**

Councillor Lavery and Mayor Harrison reviewed the Terms of Reference for the Active Transportation Task Force and discussed the Task Force Mandate and Scope. It is a goal of the Task Force to provide an interim report to Mayor and Council identifying large scale ideas.

Councillor Lavery and Mayor Harrison discussed forming a sub group to gather ideas from Task Force members, whether through email or the Trello platform and to collate these ideas as a start to the interim presentation and recommendation to Council. Blake Lawson, Anita Ely and Kathy Atkin will form this sub group to filter Task Force member ideas.

8. Other Business &/or Roundtable Updates, Ideas and Questions

A presentation by the Provincial Government is tentatively scheduled for the December 7, 2020 meeting of the Task Force.

The importance of involvement/consultation of youth in the Task Force was discussed.

9. Next Meeting – November 16, 2020 – 10:00 a.m.

10. Adjournment

The Active Transportation Task Force Meeting of November 2, 2020 be adjourned by general consensus of the Task Force Members.

CARRIED UNANIMOUSLY

The meeting adjourned at 10:52 a.m.

Mayor Alan Harrison, Co-Chair

Councillor Tim Lavery, Co-Chair

Received for information by Council the day of , 2020.

Item 8.1

CITY OF SALMON ARM

Date: November 9, 2020

Board in Brief – October, 2020

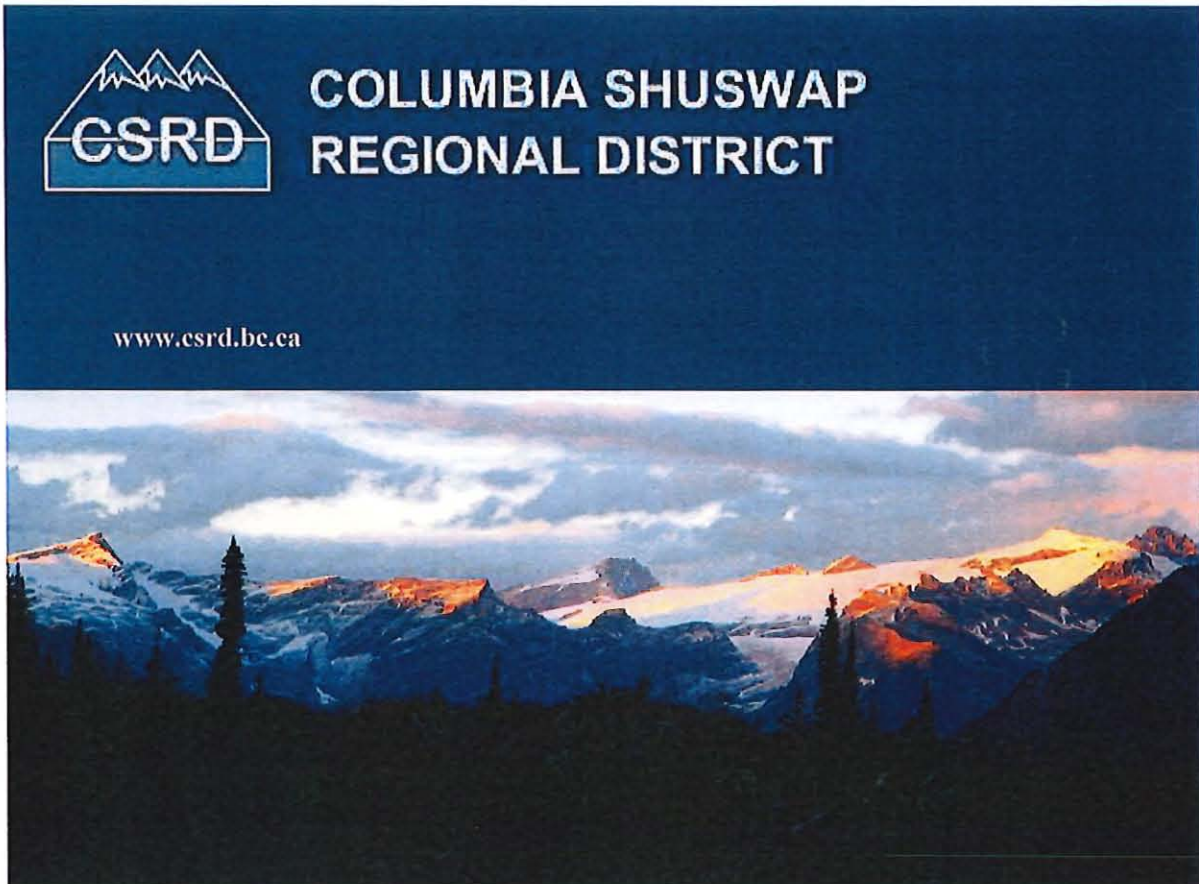
Vote Record

- ☐ Carried Unanimously
 - ☐ Carried
 - ☐ Defeated
 - ☐ Defeated Unanimously
- Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond

Caylee Simmons

From: Columbia Shuswap Regional District <communications@csrd.bc.ca>
Sent: October-22-20 10:24 AM
To: Caylee Simmons
Subject: #YourCSRD - October 2020



#YourCSRD - October 2020

October 2020



Web version

Highlights from the Regular Board Meeting

Committee of the Whole

2019-2022 Strategic Plan - Annual Progress Report

The Board agreed every year to review the Strategic Plan to reflect on achievements and challenges, and to consider changes to the themes and actions based on information brought forward. After some discussion, the Board made a motion for another Committee of the Whole meeting to discuss and address any changes to the 2019-2022 Strategic Plan. This is to take place before the next Regular Board Meeting on November 19, 2020.



BC Hydro Grants-in-lieu of Power-Generating Facilities (PILT) Policy F-29

The Board discussed BC Hydro PILT program, which is Payment in Lieu of Taxes, regarding possible changes to the allocation policy. A motion to ask staff to develop a new funding allocation formula was defeated. The CSRD's Manager of Financial Services will be circulating some background information to assist in clarifying the facts before the topic can be revisited by the Board at a later date.

Announcements

Statistics for the First Live-streamed CSRD Board Meeting via Zoom September 2020

The Board reviewed a report from staff regarding the September live-streamed meeting. A six-month trial period is in place for the live-streaming service using the Zoom platform. **View report.**

Delegations

Ministry of Transportation & Infrastructure (MoTi) & AIM Roads

Representatives Peter Cocker, MoTi and Gabriel Nava, AIM, attended remotely to provide Directors an overview of road maintenance and upcoming winter road maintenance plans for rural roads.

Royal Canadian Marine Search and Rescue, Shuswap

Bruce Weicker, President, Shuswap Lifeboat Society, Fred Banham, Station Leader, RCMSAR Station 106, Pat Gau, Chair, RCMSAR Boathouse Committee, and Cliff Doherty, Chair, RCMSAR PR Committee appeared before the Board via Zoom. They presented a video outlining their plans to develop a Rescue Boathouse in Sicamous to protect their vessels from the weather and provide some space for training purposes. They are requesting the Board to amend the local service bylaw for an increase of 25% to the annual requisition. Staff was directed to bring forward this request to the 2021 Budget process.

Correspondence

Ministry of Agriculture (October 7, 2020)

The Board received an Email from the Ministry of Agriculture noting the Rural Slaughter Modernization intentions paper submissions deadline has been extended to November 16, 2020.

Committee Reports & Updates

Action Items arising from Electoral Area Directors Committee Meeting, September 29, 2020

The Board approved a motion to expand the staffing of the Building Services Department to address service levels. The matter will be included as part of the budget process.

After a discussion around the creation of a Housing Policy for the CSRD, the Board asked for more information regarding housing policies around the province and current OCP statements regarding housing. Staff will do some research and the Board will follow up with another discussion at a later date.

Business General & Business by Area

Board Meetings Recording for Public Viewing

The Board endorsed the recording of CSRD Board meetings for a three-month trial basis starting October 15, 2020, in conjunction with Zoom webinar live-streamed meetings. The recording will be accessed on Zoom through a link posted to the CSRD website. **View report.**

Appointees to Southeastern BC Regional Connectivity Committee

The Board appointed Director Cathcart and Director Demenok to the Southeastern BC Regional Connectivity Committee.

Shuswap Watershed Council Contribution Agreement to extend funding from the CSRD for 2021 – 2023

The Board approved the Shuswap Watershed Council contribution agreement to extend funding from the CSRD for 2021 – 2023. **View report.**

UBCM 2020 Virtual Convention

The Board reviewed the meetings held virtually and by teleconference due to the COVID-19 Pandemic. These included:

Minister Meetings -

Minister of Environment and Climate Change Strategy, George Heyman - Municipal Solid Waste Landfill Compliance and Commercial and Institutional Recycling.

Minister of Municipal Affairs and Housing, Selina Robinson - Newsome Creek, flood protection responsibility and liability issues.

Minister of Transportation and Infrastructure, Claire Trevena - Rural road improvements in maintenance and upgrades.

Minister of Forest, Lands, Natural Resource Operations and Rural Development, Doug Donaldson - Commitment to Mt. Begbie Protection Plan.

Ministry Staff Meetings -

Parliamentary Secretary - Newsome Creek and emergency preparedness;

Minister of Forest, Lands, Natural Resource Operations and Rural Development staff - ATV/quad vehicle identification requirements;

UBCM Resolution Endorsed -

Timely Review and Approvals - Section 11 Water Sustainability Act, resolution was attached to the agenda.

Facility Condition Assessments – Asset Management

The Board agreed to enter into an agreement with FCAPX, a Division of Roth Iams Ltd. to complete facility condition assessments and detailed asset inventory and tagging for three CSRD-owned facilities, for a total cost of \$21,522.50 plus applicable taxes. **View report.**

Grant-in-Aid Requests

The Board approved allocations to organizations to Electoral Areas A, D and E from the 2020 electoral grants-in-aid. **View report.**

Community Resiliency Investment Program Grant 2021

The Board approved an application to the 2021 Community Resiliency Investment Program for a FireSmart Community Funding and Supports Program grant for the continued development and implementation of localized FireSmart educational activities and tools up to a maximum amount of \$250,000. **View report.**

Golden/Area A - Aquatic Centre Feasibility Study

The Board agreed to approve additional consulting services related to the Golden and Area A Aquatic Centre Feasibility Study and added \$45,000 for a total approved allocation of \$200,210, for the continued provision of consulting services and all related expenses. The Board also amended the existing agreement with HCMA Architecture + Design to add an additional \$35,000 plus applicable taxes, to provide the additional consulting services. **View report.**

Eagle Bay Community Park – Investing in Canada Infrastructure Grant Application

The Board authorized the submission of an application for grant funding through the Investing in Canada Infrastructure Program – British Columbia – Community, Culture and Recreation fund to a maximum amount of \$351,888 to fund 73% of the eligible costs to construct a community park located in Eagle Bay in Electoral Area C. As well, the Board committed to contribute its share of the eligible project costs and all of the ineligible costs for the Eagle Bay Community Park construction project. **View report. View press release.**

Loftus Lake Fen Community Park – Investing in Canada Infrastructure Grant Application

The Board supported an application for grant funding through the Investing in Canada Infrastructure Program – British Columbia – Rural and Northern Communities Infrastructure fund to a maximum amount of \$155,000 to fund 100% of the eligible costs to construct a universal trail within Loftus Lake Fen Community Park located in Blind Bay in Electoral Area C. As well, the Board committed to contribute its share of the eligible project costs and all of the ineligible costs for the Loftus Lake Community Park. **View report. View press release.**

Sorrento Waterworks Service Area Amendment Bylaw No. 5822, 2020

The Board gave adopted this bylaw, which will see one property added to the water service area. **View bylaw.**

CSRD Ticket Information Utilization Amendment Bylaw No. 5823, 2020

The CSRD Ticket Information Utilization Amendment Bylaw No. 5823, 2020 was given three readings and adopted by the Board. This included only minor housekeeping amendments. **View report.**



LAND USE MATTERS

Development Permits (DPs), Temporary Use Permits (TUPs) & Development Variance Permits (DVPs)

Electoral Area F: Temporary Use Permit No. 830-07

The subject property is located at 7636 Mountain Drive, Anglemont. The applicants are proposing two campsites for up to two recreational camping vehicles and a 15 m2 shipping container for storage as a principal use on the subject property. The Board denied issuance of the DVP. **View report.**

Zoning, OCP and Land Use Amendments

Electoral Area B: Electoral Area B Official Community Plan Amendment (Dow/Pors) Bylaw No. 850-14 and Electoral Area B Zoning Amendment (Dow/Pors) Bylaw No. 851-17

The agent has applied to re-designate and rezone the subject parcel at 3270 Loschinski Road, approximately 3.5 km west of the City of Revelstoke. The applicant wants to rezone and redesignate the property to add three to six tourist cabins to the subject property. The property owners currently reside in a single family dwelling on the property, and will operate the cabin rentals themselves. They proposed to redesignate the portion of the property where up to six tourist cabins will be located from SH – Small Holdings to RC – Resort Commercial and rezone that same portion of property from SH – Small Holdings to RC2 – Resort Commercial 2, with a special regulation to restrict the number of tourist cabins to six. The Board approved third reading and staff will now forward the bylaw to Ministry of Transportation for review and approval before it can be brought back to the Board for adoption. **View report.**

Electoral Area B: Electoral Area B Official Community Plan Amendment (F. Linden Logging Co. Ltd.) Bylaw No. 850-13 and Electoral Area B Zoning Amendment (F. Linden Logging Co. Ltd.) Bylaw No. 851-18

The owners of property at 4545 Highway 31, Trout Lake are applying to amend the Official Community Plan and zoning designations in order to subdivide the subject property into 1 lot plus a remainder. The applicant has offered a Section 219 covenant to limit the subdivision to a total of two parcels. The Board approved third reading. Staff will now forward the bylaw to Ministry of Transportation for review and approval and will confirm the registration of the Section 219 covenant. Following this, the amendments will be brought back to the Board for adoption. **View report.**

Electoral Area C Official Community Plan Amendment (Mancini) Bylaw No. 725-17, South Shuswap Zoning Amendment (Mancini) Bylaw No. 701-95, and Development Permit No. 725-280

This application proposes to redesignate a portion of the subject property, located at 1801 Trans-Canada Highway, from RR2 – Rural Residential to ID – Industrial and rezone a portion of the subject property from RR4 – Rural Residential to CP – Cannabis Production. This is required in order for the owner to change the license for an existing medical cannabis production facility located on the property, to a micro-cultivation production license for non-medical cannabis. Following approval from the Ministry of Transportation, the Board adopted the amendment. The Board also approved the issuance of a development permit for the project. **View report.**

Electoral Area C: South Shuswap Zoning Amendment (Venier) Bylaw No. 701-97

The owner of the property at 1510 Trans-Canada Highway, Sorrento, has made an application to amend the zoning bylaw to recognize the existing use of the property as a mobile home park. Following approval from the Ministry of Transportation, the Board adopted the amendment. **View report.**

Electoral Area E: Rural Sicamous Land Use Bylaw Amendment (Lake Mara Properties) Bylaw No. 2068; and Lakes Zoning Amendment (Lake Mara Properties) Bylaw No. 900-26

In order to bring their properties, located at 9032 Swanson Road, Swansea Point, into compliance with CSRD bylaws, the strata owners are applying to redesignate and rezone the properties from Resort Commercial to a Comprehensive Development Zone. They also want to rezone the foreshore in front of the strata from Foreshore Commercial 3 (FC3) to Foreshore Multi-Family 2 (FM2) to allow for moorage and the existing buoys and swimming platforms. The Board gave the application second reading and delegated a public hearing. **View report.**

Electoral Area F: Setback Exception Bylaw Amendments

Development Services staff is proposing amendments to all three zoning bylaws in Electoral Area F:

Anglemont Zoning Bylaw No. 650 (Bylaw No. 650);

Magna Bay Zoning Bylaw No. 800 (Bylaw No. 800);

Scotch Creek/Lee Creek Zoning Bylaw No. 825 (Bylaw No. 825).

The amendments proposed would update the setback exceptions and sight plan regulations in all three bylaws to be the same as the Electoral Area B Zoning Bylaw No. 851 (Bylaw No. 851) for consistency between bylaws; allow a setback exception for eaves and gutters; and simplify site triangle regulations. The Local Government Act allows for the waiving of a public hearing where an amending bylaw is consistent with the Official Community Plan. The proposed zoning is consistent with the Official Community Plan policies. Therefore, the Board gave the application second reading and agreed to waive the hearing. **View report.**

Electoral Area F: Parcel Coverage Bylaw Amendments

Development Services staff is proposing amendments to all three zoning bylaws in Electoral Area F to increase parcel coverage to 30% in the applicable zones of the three zoning bylaws for Anglemont, Scotch Creek/Lee Creek and Magna Bay. The Board approved third reading and adopted the bylaws. **View report. View press release.**

Electoral Area F: Electoral Area F Official Community Plan Amendment (Okaview Estates Ltd.) Bylaw No. 830-20

The owners of property at 5581 and 5587 Squilax-Anglemont Road, Celistra are applying to redesignate a portion of the subject property from AG - Agriculture to WR - Waterfront Residential and to create a new site-specific density policy in the WR designation for the subject property to facilitate a two-lot subdivision of 0.5 ha and 0.4 ha each. The Board approved third reading and adopted the bylaws. **View report.**

Development Services Procedures Amendment Bylaw No. 4001-02

The bylaw amendments that are proposed are intended to increase application processing efficiencies, provide increased clarity regarding procedures and to decrease some costs to the CSRD and applicants.

Some of the more significant proposed changes to Bylaw No. 4001 include:

- Reducing the number of notice of development application signs required of applicants;
- Removing requirement for sworn affidavits for posting of notice of development application signage;
- Delegation to staff for Temporary Use Permit (TUP) renewals;
- Reducing referrals of some applications to Advisory Planning Commissions (APCs);
- New procedures for the waiving of public hearings;
- Formalized Agricultural Land Commission (ALC) application procedures in the bylaw;
- New procedure for allowance of concurrent bylaw amendments with variances.

The Board gave three readings and adopted the bylaw. **View report.**

NEXT BOARD MEETING

The Regular CSRD Board Meeting will be held Thursday, November 19, 2020 at 9:30 AM at the CSRD Boardroom, 555 Harbourfront Drive NE, Salmon Arm.

Any scheduling changes to the start time will be noted on the events tab of the CSRD's webpage.

Due to COVID-19 physical distancing provisions, a maximum number of six citizens will be allowed to be in attendance on a first come, first served basis (no reservations).

Protocols to protect the health and well being of the public, staff and Directors will be in place.

Residents can also watch the live-stream version on the Zoom platform. Information on how to register will be available on the Events tab of the CSRD website as of November 13, 2020.



Columbia Shuswap Regional District
555 Harbourfront Drive NE, PO Box 978
Salmon Arm, BC V1E 4P1
www.csrld.bc.ca | 250.832.8194

You are receiving this because you are currently involved in or were previously involved with one of the CSRD's programs; or have subscribed to the CSRD Newsletter.
Unsubscribe



Item 9.1

CITY OF SALMON ARMDate: November 9, 2020

Moved: Councillor

Seconded: Councillor

THAT: Council award the Strategic Planning Update Consulting Services Contract to Urban Systems Ltd. in the amount of \$45,000.00;

AND THAT: the 2020 Budget contained in the 2020 to 2024 Financial Plan be amended to include the Strategic Plan Update for \$45,000.00 funded from the Strategic Plan Update Reserve Account;

AND THAT: the City's Purchasing Policy No. 7.13 be waived in procurement of the Strategic Planning Update Consulting Services Contract to authorize sole sourcing of same to Urban Systems Ltd.

Vote Record

- ☐ Carried Unanimously
- ☐ Carried
- ☐ Defeated
- ☐ Defeated Unanimously

Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond

CITY OF SALMON ARM

TO: His Worship Mayor Harrison and Members of Council

DATE: November 3, 2020

PREPARED BY: Caylee Simmons, Executive Assistant

SUBJECT: Strategic Plan Update

RECOMMENDATION:

THAT: Council award the Strategic Planning Update Consulting Services Contract to Urban Systems Ltd. in the amount of \$45,000.00;

AND THAT: the 2020 Budget contained in the 2020 to 2024 Financial Plan be amended to include the Strategic Plan Update for \$45,000.00 funded from the Strategic Plan Update Reserve Account;

AND THAT: the City's Purchasing Policy No. 7.13 be waived in procurement of the Strategic Planning Update Consulting Services Contract to authorize sole sourcing of same to Urban Systems Ltd.

BACKGROUND:

Strategic planning provides the opportunity to create a shared community vision and implement plans that move the municipality in the desired direction. Municipalities whose operations are guided by a strategic plan can be more effective and efficient in using their scarce resources (tax dollars) to meet present and future needs.

Some points of interest in the current proposal include:

- Budget \$45,000.00;
- Timeline. This process is scheduled to commence right away and conclude by July 2021 (prior to commencement of the next "silly season");
- Review of existing Strategic Plan;
- Use of same methodology, worksheets, etc. to save time and money;
- The prime consultant, Therese Zulinick, possesses considerable expertise in this field and has a proven skill set;

- Focused community input (v. open ended); and
- As a final step, staff will prepare a corresponding update to the City's Long Term Financial Plan and Long Term Debt Strategy.

The City of Salmon Arm's existing Corporate Strategic Plan was completed by Urban Systems Ltd. in 2013. This has been a guiding document for the City. Most of the projects have been completed or are underway. It has now essentially run its course. Council directed staff to proceed with completing a Strategic Plan Update in October 2020 to plan for future projects.

A handwritten signature in black ink, reading "Carl Bannister". The signature is fluid and cursive, with the first name "Carl" and last name "Bannister" clearly distinguishable.

Carl Bannister, MCIP, RPP
Chief Administrative Officer

Appendix A: Letter from Urban Systems dated November 3, 2020

November 3, 2020

File: 0752.0032.01

City of Salmon Arm
 500 – 2nd Avenue NE
 Salmon Arm, BC V1E 1J5

Attention: Carl Bannister, MCIP, Chief Administrative Officer

RE: City of Salmon Arm Corporate Strategic Plan 2021 Update

Thank you considering our firm to update of the City of Salmon Arm's Corporate Strategic Plan.

BACKGROUND

In 2012/2013, we had the privilege of working with the City to prepare the existing Corporate Strategic Plan. That process involved extensive consultation with the community, staff and Council and resulted in a robust plan that affirmed the vision, values and strategic drivers that set the foundation to identify short, medium and long term priority projects from 2014 through to 2023. The plan provided the context and direction for the successful completion of many of these projects as well as enabling all other priority projects to be well underway today. Many of these projects are expected to be completed within the next few years. As such, the Plan requires an update to set direction for the next 10 years.

OUR APPROACH

We will work closely with Council and staff to establish an updated list of priority projects for the next 10 years using the implementation tools established in the 2013 plan. This will enable an efficient and effective process saving both time and money. We will also consult with the community to get feedback on the priority projects using a concise survey that will be hosted in an on-line format that will be easy to access and complete. Ultimately, a final plan will be prepared that summarizes all priority projects for the short (2021 to 2024), medium (2025 to 2028) and long term (2029 to 2031).

We anticipate the following schedule:

- Initiate project start up - December 2020
- Work with Council and staff to set priority projects – January/February 2021
- Community consultation – March/April 2021
- Prepare and present draft strategic plan to Council and staff – May/June 2021
- Final deliverables – July 2021

OUR TEAM

Our team will be led by Thérèse Zulinick, a senior planner and partner in our firm. Thérèse and her team developed the original plan, process and deliverables in 2013.

FEE ESTIMATE

Our fee estimate to undertake this work is \$45,000.

URBAN SYSTEMS

DATE: November 3, 2020

FILE: 0752.0032.01

PAGE: 2 of 2

ATTENTION: Carl Bannister, MCIP, Chief Administrative Officer

When corporate strategic plans are customised to meet the needs of the community and implemented as intended, they provide guidance for Council and staff to advance municipal priorities far more efficiently and effectively than if attention and energy is continually shifting within an organization without clear direction. The City has very successfully implemented the 2013 Corporate Strategic Plan and, this has resulted in the completion of many projects that contribute to Salmon Arm's vibrant community.

We look forward to working with you on this project.

Sincerely,

URBAN SYSTEMS LTD.



Thérèse Zulinick, RPP, MCIP
Community Consultant, Partner

/taz

U:\Projects_KAM\0752\0032\01\Work program\202-11-03 USL Corporate Strategic Plan Update letter to CBannister.docx

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Item 9.2

CITY OF SALMON ARM

Date: November 9, 2020

Moved: Councillor

Seconded: Councillor

THAT: Council approve the purchase of a 2021 Rosenbauer Aerial ladder platform truck for the purchase price of \$1,492,858.00 plus applicable taxes;

AND THAT: Council authorize an additional \$98,000.00 from Emergency Apparatus Reserve account towards the purchase.

Vote Record

- ☐ Carried Unanimously
- ☐ Carried
- ☐ Defeated
- ☐ Defeated Unanimously

Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond



City of Salmon Arm

Fire Department

MEMORANDUM

Date: November 2, 2020

To: Mayor and Council

From: Brad Shirley, Fire Chief

Re: Purchase of Aerial Ladder Platform Truck

Recommendation:

That council approve the purchase of a 2021 Rosenbauer Aerial ladder platform for the purchase price of \$1,492,858.00 plus applicable taxes and:

Council authorize an additional \$98,000.00 from Emergency Apparatus Reserve account towards the purchase.

Background:

Council approved the purchase a new Aerial ladder Fire Truck in 2020 budget at a cost of 1.5 million dollars with \$500,000.00 be allotted in 2020 and the remaining 1 million in 2021. This included contributions to the Emergency Apparatus reserve account of \$205,000.00 in both 2020 and 2021

Following a lengthy R.F.P process, a suitable apparatus has been found at a cost of \$1,492,858.00 plus taxes, leaving a deficiency of \$97,358.06 (Including GST rebate) This shortage of funds is available in the Emergency Apparatus reserve account.

A total of eleven different trucks were quoted on from four different suppliers as indicated below. The 2021 Rosenbauer 110' Platform quoted at \$1,492,858.00 plus tax is recommended given its model year, options, price and versatility. As this apparatus is a pre-built unit (Currently being constructed), it would be available for delivery in summer of 2021.

Pierce	2019 110' single axle Platform	\$1,379,842.00
	2019 100' tandem axle Platform demo	\$1,642,985.00
	2021 110' single axle Platform	\$1,462,950.00
	2021 110' tandem axle Ascendant Platform	\$1,449,950.00
	2020 107' single axle Aerial demo	\$1,349,950.00
E-One	2021 100' tandem axle	\$1,606,575.85
Smeal	2018 102' tandem axle Platform demo	\$1,410,300.00
	2021 100' tandem axle Platform	\$1,647,885.00
	2021 105' tandem Aerial	\$1,522,525.00
Rosenbauer	2021 104' tandem axle (prebuilt)	\$1,492,858.00
	2021 104' tandem axle	\$1,542,557.00

Respectively submitted



Brad Shirley, Fire Chief

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Item 9.3

CITY OF SALMON ARM

Date: November 9, 2020

Moved: Councillor

Seconded: Councillor

THAT: the notice filed on the property title of Lot 9, Plan KAP60529, Section 12, Township 20, Range 10, W6M, KDYD (1020 14 Avenue SE) pursuant to Section 57 of the Community Charter be cancelled.

Vote Record

- ☐ Carried Unanimously
 - ☐ Carried
 - ☐ Defeated
 - ☐ Defeated Unanimously
- Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond

**CITY OF
SALMON ARM**

TO: His Worship Mayor Harrison and Council

FROM: Maurice Roy, Manager of Permits and Licensing

DATE: November 02, 2020

SUBJECT: **Recommendation to Cancel Notice Against Title of Lot 9, Plan KAP60529, Section 12, Township 20, Range 10, W6M, KDYD (1020 – 14 Avenue SE).**

OWNER(S): Patrick Klem
Mareike Klem

LAND TITLE REGISTRY No.: LB507051

PREVIOUS BYLAW INFRACTION: Building Bylaw No. 3535, Section 15.4 (inspections outstanding) and Section 16.1 (no occupancy permit).

Recommendation:

THAT: the notice filed against the property title of **Lot 9, Plan KAP60529, Section 12, Township 20, Range 10, W6M, KDYD (1020 – 14 Avenue SE)** pursuant to Section 57 of the Community Charter be cancelled.

BACKGROUND:

The owners obtained a building permit to construct a single family dwelling in 2005 but failed to obtain the engineers final approval of the building foundation. Further, the owners failed to obtain an occupancy permit prior to occupying the dwelling. All outstanding deficiencies have now been remediated and the occupancy permit has been issued. The owners have also paid all required fees therefore the file can be closed and the notice removed from the title.



Report prepared by Maurice Roy, Manager of Permits & Licensing

MR:
attach.

RECEIPT RECORD

CITY OF SALMON ARM
500 2 AVENUE NE BOX 40
SALMON ARM, BC V1E 4N2
Phone No. : (250)803-4000
Fax No. : (250)803-4041

--- Item ID #0001 ---
FILEBLDG : File Search, Buil

1@ 250.00 250.00 G

Payment Subtotal 250.00
PST 0.00
GST R119335925 12.50

Payment Total 262.50

Cash 262.50

PAYEE: PATRICK KLEM
DESC.: REMOVE NOTICE/12703B
DESC.: RE: 1020 - 14 AVE SE
Change 0.00

15-Sep-20 15:16:33
D:0000008008 B:2020091504
CASHIER R:0000423235

THANK YOU FOR YOUR PAYMENT

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Item 9.4

CITY OF SALMON ARM

Date: November 9, 2020

Moved: Councillor

Seconded: Councillor

THAT: Agricultural Land Commission Application No. ALC-398 be authorized for submission to the Agricultural Land Commission.

[Charlton, S. & H./Browne Johnson Land Surveyors; 4270 10 Avenue SE; Exclusion]

Vote Record

- ☐ Carried Unanimously
- ☐ Carried
- ☐ Defeated
- ☐ Defeated Unanimously

Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond

CITY OF SALMON ARM

To: His Worship Mayor Harrison and Members of Council

Date: October 27, 2020

Subject: Agricultural Land Commission Application No. 398 (Exclusion)

Legal: Lot 1, Section 7, Township 20, Range 9, W6M, KDYD, Plan 1538, Except Plans B4356, B5847, 6971 and 18058
 Civic Address: 4270 10 Avenue SE
 Owner: Stephen and Helen Charlton
 Agent: Browne Johnson Land Surveyors

MOTION FOR CONSIDERATION

THAT: Agricultural Land Commission Application No. ALC. 398 be authorized for submission to the Agricultural Land Commission

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The subject property is located on 10th Avenue SE between 37 Street SE and 43 Street SE and north of the Airport. The applicant has made application to the Agricultural Land Commission (ALC) to exclude the subject property (approximately 4.5ha) from the Agricultural Land Reserve (ALR).

BACKGROUND

The subject property is approximately 4.5ha in area, and contains a single family dwelling (Appendix 1 and 2) and is adjacent to the City's Frisbee Golf Course to the east and the CSRD Landfill and City Airport to the south. The subject property is designated Light Industrial in the City's Official Community Plan (OCP), within the Urban Containment Boundary, and zoned A2 – Rural Holding Zone in the Zoning Bylaw (Appendix 3 & 4).

Adjacent land uses include the following:

North: Rural Holding (A-2)/rural residential
 South: Airport (P-2)/CSRD Landfill and City Airport
 East: Rural Holding (A-2)/City owned land/recreation area
 West: Rural Holding (A-2)/residential/agriculture property

It should be noted that by way of ALC resolution #109/88, the ALC endorsed a preplan for this area as the site for the future expansion of the City's industrial land inventory. Consequently, the area was deemed a Special Development Area in the mid 1980's. Further to the endorsement and OCP review, in 2009 the City consulted with property owners in the Special Development Area and advised those owners of the designation. Appendix 5 is a map of the Special Development Area and the ALR boundary. For lands within this area the ALC endorses the Exclusion of these lands, provided the lands are rezoned to Industrial, which is supported in the OCP designation. If the application is approved by the ALC, the subject property would be required to proceed with a Zoning Bylaw amendment to rezone the property to M2 (Light Industrial Zone). At the time of writing this report, the applicant is assembling materials for the submission of a

rezoning application.

Soil Classification and Agricultural Capability is considered by the ALC in determining the suitability of land for agricultural uses. The ALC relies, in part, on the Land Capability Classification for Agriculture in their decisions. Under this classification system 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 soils are considered non-arable, with no potential for soil bound agriculture. Based on the Land Capability Classification for Agriculture, The subject property has an Improved Soil Class Rating of 70% Class 5 and 30% Class 4. A copy of the Improved Soil Class map is attached as Appendix 6.

COMMENTS

Public Input

Pursuant to the *Agricultural Land Reserve Act*, a sign was posted by the applicant advising that an application had been made. The sign also directed members of the public, that feel that their interests may be affected, should submit their comments directly to the City and/or ALC prior to October 23, 2020. Newspaper ads were placed in the October 2 and October 8 editions of the Salmon Arm Observer. Two (2) letters of support for the application was submitted with the application package and is enclosed as Appendix 7 – one letter is authored by a local realtor and notes land inventory constraints and the market need for an expansion to the industrial land base within the City. The second letter received is from the Economic Development Society which notes their support for an expansion of the City's industrial land base.

Engineering Department

No concerns with ALC exclusion application.

The City will secure road reserves and dedications from the owner/developer at the Development Permit or Subdivision stage, whichever comes first, as conditions for approvals and to align with the Advanced Street / Servicing Plan. Upgrading the roads and servicing fronting and through the property to the Industrial Standard of the SDS Bylaw will be required at development / subdivision stages.

The north east corner of the subject property is within the aerial easement area that restricts trees, building and structure heights in order to preserve clearance for the airport runway. The requirement to register an easement protecting clearance for the airport runway will be addressed in more detail at the time of rezoning.

Building Department

No concerns.

Fire Department

No concerns.

Agricultural Advisory Committee

Due to the COVID-19 pandemic and the suspension of all City Committees, Commissions and Panels this application was not referred to the Agricultural Advisory Committee.

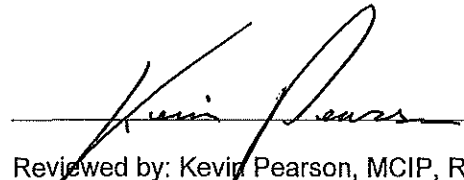
Planning Department

This application was received prior to September 30, 2020 and was processed under the ALC application regime in which the property owner could make an application for Exclusion directly with the ALC, then the application is forwarded to the City for review and comment. All Exclusion applications after September 30, 2020 require that the Local Government act as the applicant. Staff are currently reviewing application procedures to evaluate how to incorporate the legislation changes.

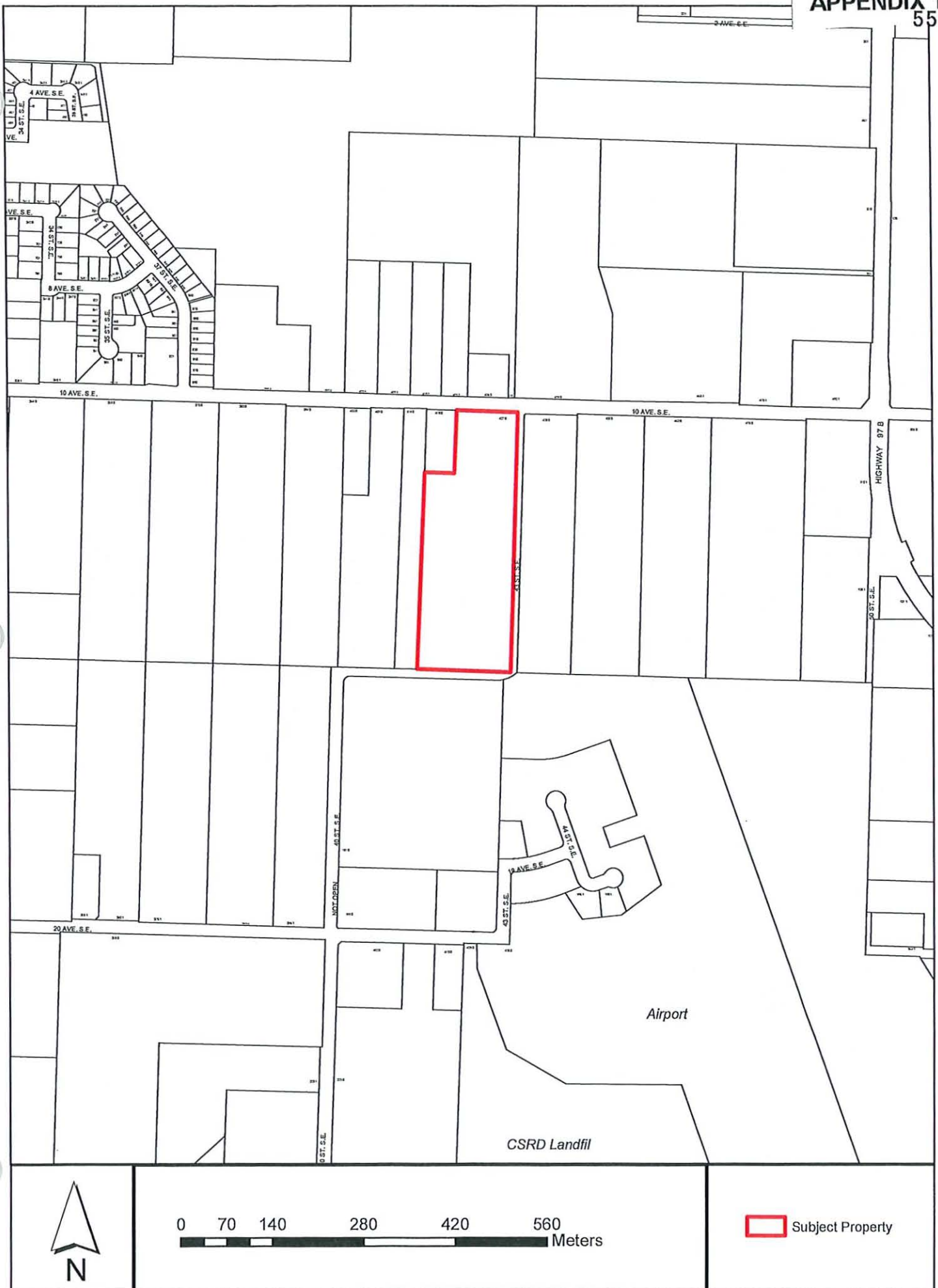
Given that the subject property is within a Special Development Area that has been identified in the OCP and endorsed by the ALC since 1988 and the applicant's proposal is consistent with the pre-plan design staff are supportive of the ALC Exclusion application. Since the ALC's endorsement supporting the Exclusion of the subject property and adjacent lands from the ALR expressly for the expansion of the City's industrial land base, the City has made investments toward developing a road and service network plan to have in place in preparation for development in this area. In situations in which there is an 'endorsed' area the ALC's CEO may expedite the decision-making process; however, the ALC would make the determination on eligibility for an expedited review of the application at the time that they consider the Exclusion. With regard to next steps, should the Exclusion application be supported, this area is in the "Industrial Development Permit Area" meaning a Form / Character DP is necessary to address architectural form and character, site planning and landscaping.



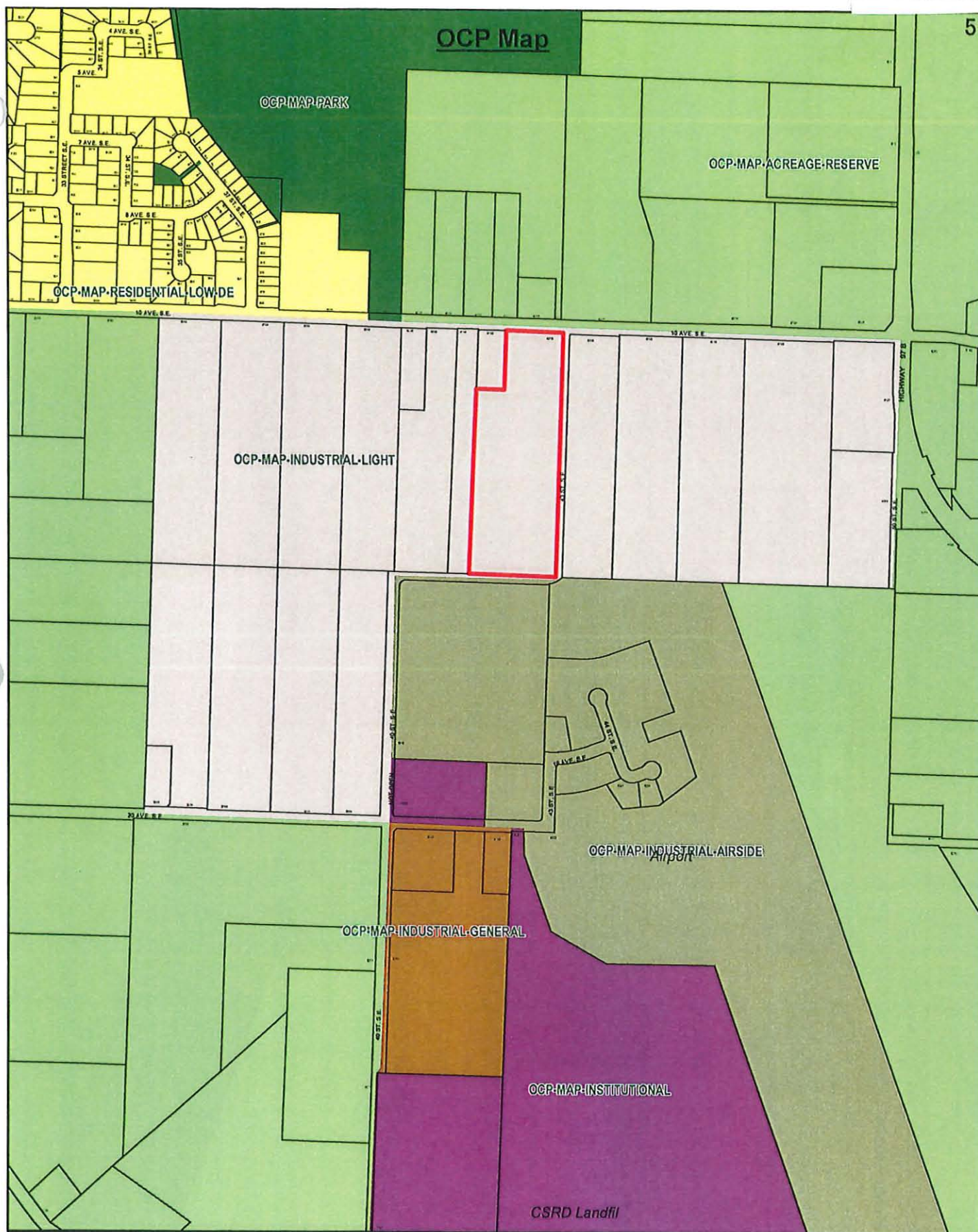
Prepared by: Melinda Smyrl, MCIP, RPP
Planner



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

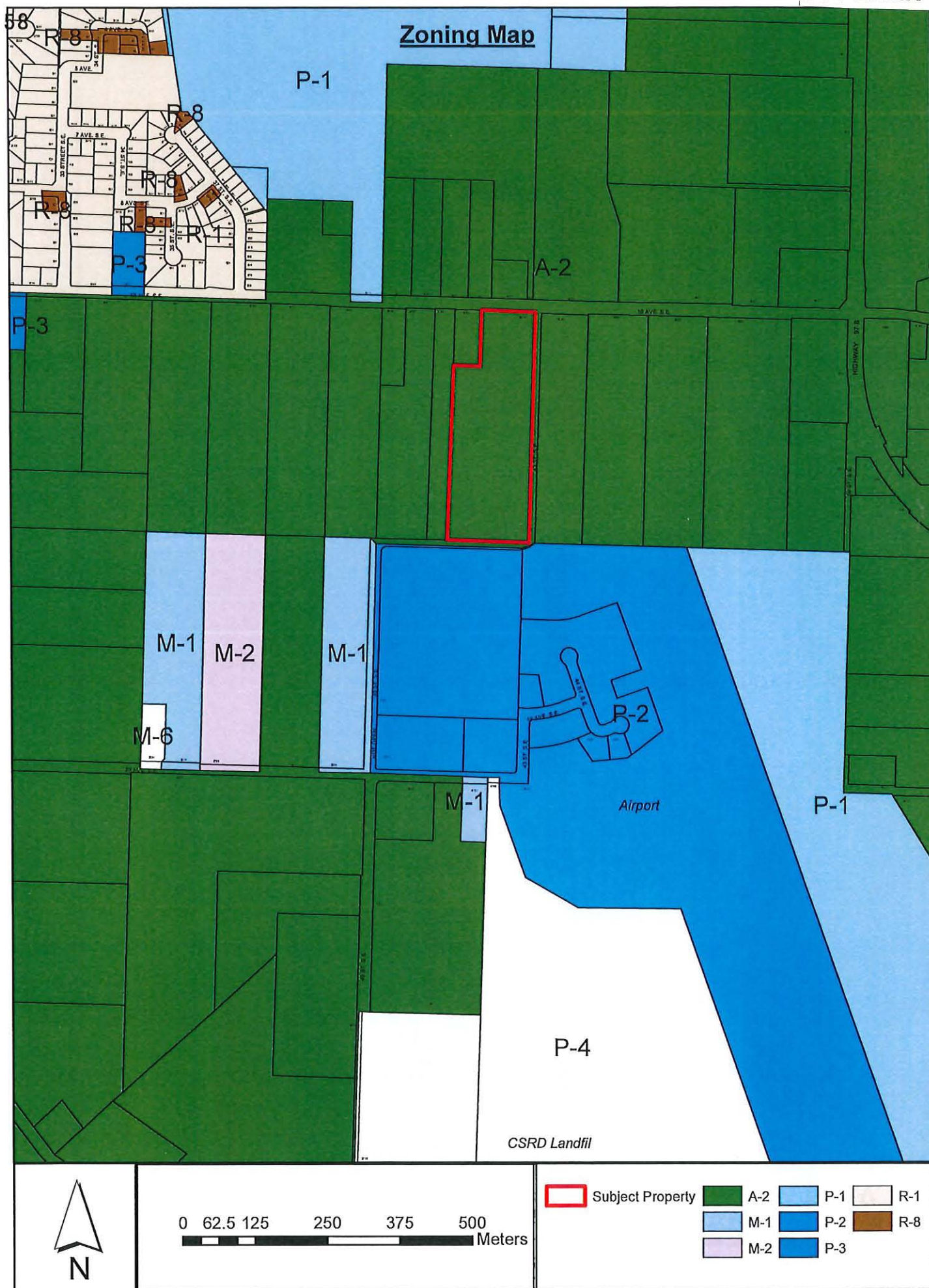




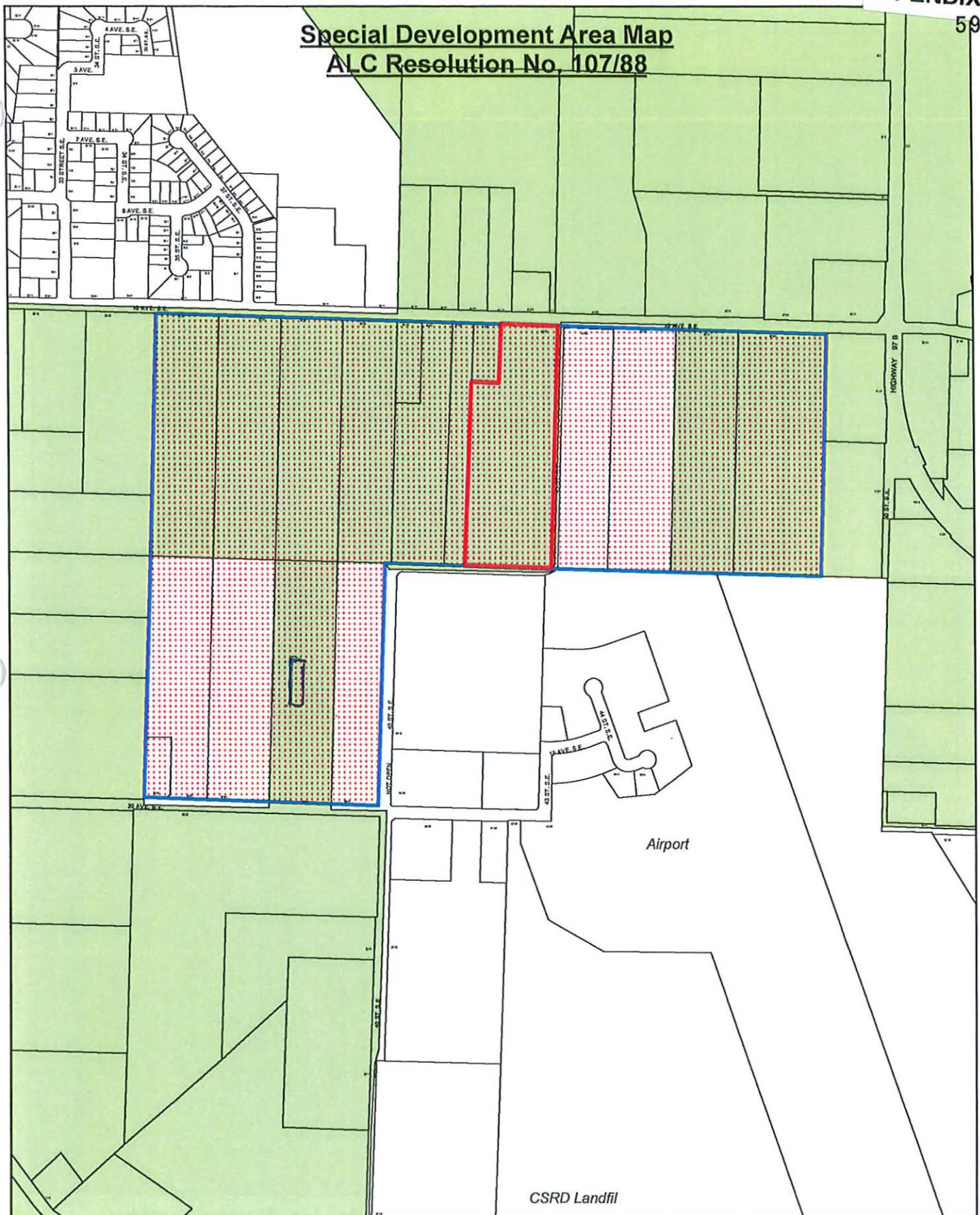


0 62.5 125 250 375 500 Meters

- | | | |
|---|--|---|
| Subject Property | Acreage Reserve | Industrial - General |
| | Park | Industrial - Light |
| | Institutional | Industrial - Airside |
| | Residential - Low Density | |



Special Development Area Map ALC Resolution No. 107/88



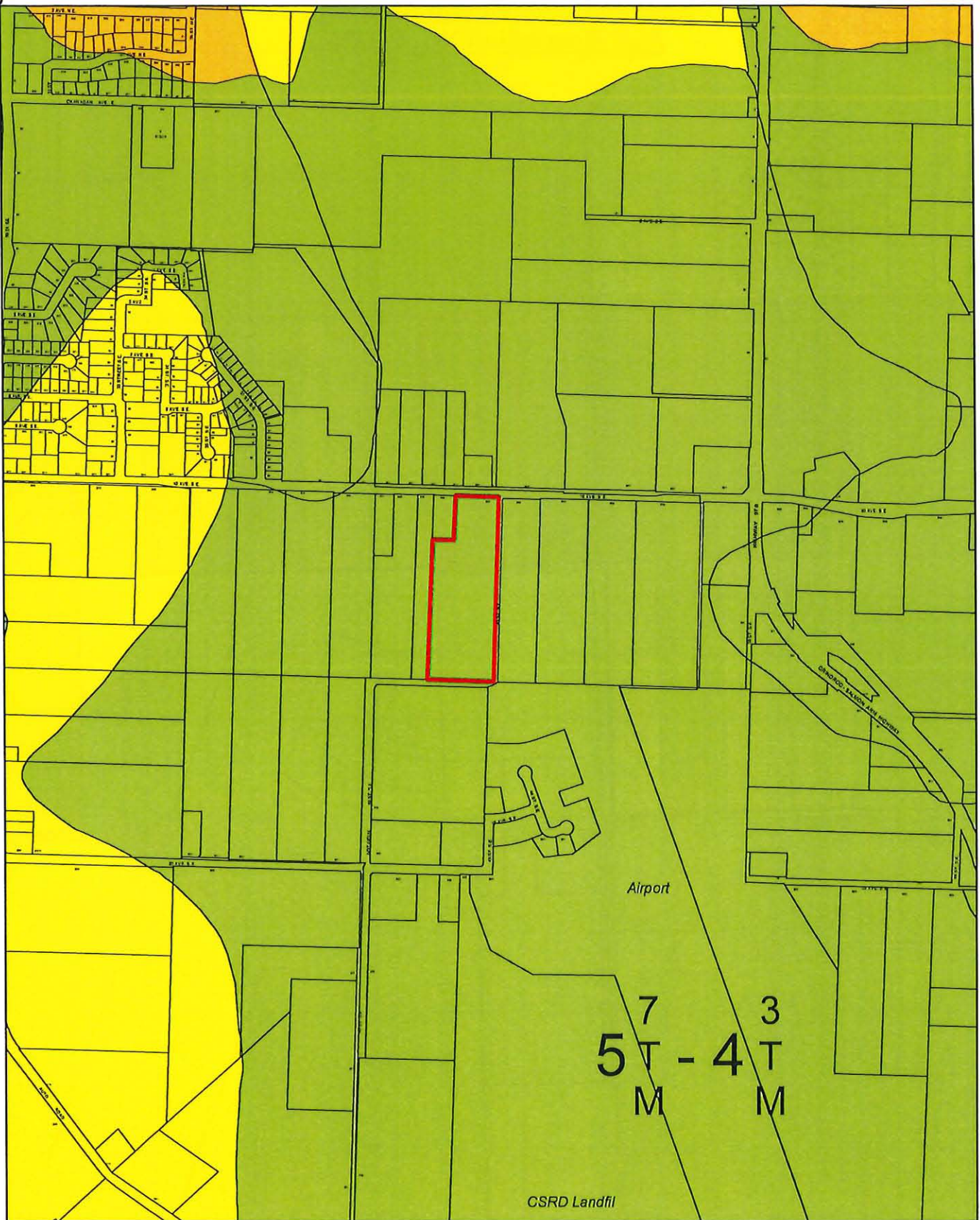
Airport

CSRDLandfil



0 62.5 125 250 375 500
Meters

-  Subject Property
-  Special Dev Area (ALR Reso N.107/88)
-  ALR



0 62.5125 250 375 500
Meters

Subject Property

Unimproved Soil Class

- CLASS 3
- CLASS 4
- CLASS 5

September 23 2020

To Whom it may Concern

Re 4270 10th Ave SE Salmon Arm BC

**Legal Description Lot 1 Plan 1538 Section 7 Township 20 Range 10
W6M KDYD PID 011-518-596**

I have been a Realtor in Salmon Arm for 30 years and have never seen such a shortage of industrial land or buildings as there is currently.

There is currently one 8.9 acre property for sale, there is no other industrial land for sale in Salmon Arm that I am aware of.

There are also no industrial buildings for sale or lease in Salmon Arm that I am aware of.

I get contacted approximately once a week from people looking for shops, buildings or industrial land and unfortunately let them know we have none

I full endorse having the above property removed from the ALR to help our community move forward

All the best



Jim Grieve Personal Real Estate Corp

Homelife Salmon Arm Realty.com

251-404 TCH NW Salmon Arm

Cell 250 833 6312



September 23, 2020

To Whom It May Concern:

Salmon Arm Economic Development Society (SAEDS) is a non-profit organization with a mandate to support and provide services to existing businesses, attract new businesses to the community and assist in developing strategies and programs to foster economic development and prosperity in our community.

Included in the services SAEDS provides is site selection support to prospective investors. Salmon Arm is a vibrant city with strong population growth trends over the last decade. Recently BC stats identified Salmon Arm as the fastest growing municipality in British Columbia, with a 9.3% growth rate. Additionally, last year Maclean's magazine named Salmon Arm the number one best place to live in Western Canada. Coinciding with this population growth and favourable public exposure, Salmon Arm has seen increased demand for light industrial space from both domestic and international investors.

In our work supporting interested investors over the last few years, we have been increasingly challenged to source available light industrial properties to meet investment inquiries, and, in many cases, have been unsuccessful in doing so.

SAEDS staff feel the lack of available light industrial zoned buildings is a barrier to the current and future economic development of our city.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lana Fitt".

Lana Fitt
Economic Development Manager
Salmon Arm Economic Development Society

Item 9.5

CITY OF SALMON ARM

Date: November 9, 2020

Moved: Councillor

Seconded: Councillor

THAT: Agricultural Land Commission Application No. ALC-397 be authorized for submission to the Agricultural Land Commission.

[Smith, R. & M.; 1281 70 Avenue NE; Inclusion and Exclusion]

Vote Record

- ☐ Carried Unanimously
- ☐ Carried
- ☐ Defeated
- ☐ Defeated Unanimously

Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond

CITY OF SALMON ARM

To: His Worship Mayor Harrison and Members of Council

Date: October 27, 2020

Subject: Agricultural Land Commission Application No. 397 (Inclusion and Exclusion)

Legal: The Fractional Legal Subdivision 4 of Section 1, Township 21, Range 10, W6M, KDYD, Except Plans 31 and 8077
Civic Address: 1281 70 Avenue NE
Owner/Applicant: Richard and Margret Smith

MOTION FOR CONSIDERATION

THAT: Agricultural Land Commission Application No. ALC. 397 be forwarded to the Agricultural Land Commission.

STAFF RECOMMENDATION

THAT: The motion for consideration be defeated.

PROPOSAL

The subject parcel is located at 1281 70 Avenue NE (Appendix 1 and 2). As shown on Appendix 3, the property is bisected by the Agricultural Land Reserve (ALR). The applicant is proposing both an Inclusion into the ALR (Appendix 4) and an Exclusion of land from the ALR (Appendix 5). The site plan submitted by the applicant in support of their application is attached as Appendix 6.

BACKGROUND

The parcel is designated Acreage Reserve in the City's Official Community Plan (OCP) and is outside the Urban Containment Boundary. The subject property is zoned A2 – Rural Holding Zone and P1 – Park and Recreation zone (waterfront portion) in the Zoning Bylaw (Appendices 7 & 8). A single family dwelling, and four (4) 'agricultural buildings' are on the property. The siting of the buildings, constructed closer than the required 15.0m setback, were sanctioned by a Development Variance Permit in 2013.

Adjacent zoning and land uses include the following:

North: Rural Holding (A-2)/ rural residential/
Park and Recreation Zone (P-1)/CP Rail/Shuswap Lake
South: Rural Holding (A-2) / rural residential
East: Rural Holding (A-2) / rural residential
West: Rural Holding (A-2) / rural residential
Park and Recreation Zone (P-1)/CP Rail/Shuswap Lake

The total area of the subject property is approximately 6.2ha (15.3ac) and includes land on both sides of 70 Avenue NE. There is also a portion of the subject property north of the CP Railway tracks. The applicant submitted a drawing in support of their application that indicates the area that they are proposing to be excluded from the ALR is approximately 1.8ha (4.4ac) and an equivalent portion of 1.8ha (4.4ac) to be included into the ALR. Using the approximate locations shown on this map in conjunction with ALR data the map included as Appendix 9, created by staff, shows that there is approximately 2.6ha (6.45ac) proposed to be excluded from the ALR and 1.9ha (4.7ac) of land proposed for inclusion into the ALR. The applicant provided supplemental mapping after making their application to the ALC and in that mapping the

areas proposed to be included in the ALR total 1.66ha and the area proposed to be excluded from the ALR is 2.43ha. Table 1 provides of a list of the various proposed areas and sources. Ultimately, the final areas for exclusion and inclusion would be determined by the ALC in their decision.

Table 1. Proposed Areas

	Inclusion Area	Exclusion Area
Maps submitted with ALC Application (Appendix 6)	1.8ha	1.8ha
Maps created by staff (Appendix 9)	1.9ha	2.6ha
Maps submitted October 20, 2020 (Appendix 14)	1.66ha	2.43ha

Based on the land Capability Classification for Agriculture, 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. Based on the Land Capability Classification for Agriculture, The property has an Improved Soil Class Rating of 60% Class 4 and 40% Class 5. A copy of the Improved Soil Class map is attached as Appendix 10. A site-specific agrologist's report was not provided in support of the application.

According to the ALC application, the applicant has stated that they seek to take the "flat arable land" into the ALR and "swap it for the steep non-arable land that is not in the ALC. The current ALR land is covered in Mature Fir trees which protect it from sloughing, The ALR land is restricted from clearing by local government bylaw identifying land as geotechnically at risk" (see Appendices 4 and 5). It should be noted that the A2 zone encourages agricultural land uses and permits farming whether the land is within the ALR or not.

OFFICIAL COMMUNITY PLAN

The OCP includes the following guidelines and general policies related to on Rural and Agricultural lands within the City.

Objectives

- 7.2.1 Maintain the rural and agriculture character and land use pattern of open space, agriculture, forestry and rural/country residential lands outside of the Urban Containment Boundary.

General Policies

- 7.3.3 Maintain or enhance the configuration and size of parcels designated Acreage Reserve, Salmon Valley Agriculture and Forest Reserve through boundary (lot line) adjustment and/or consolidations; rezoning, subdivision and/or Agricultural Land Reserve exclusion applications are not encouraged.
- 7.3.12 Support the maintenance and enhancement of lands for agricultural use within the Agricultural Land Reserve.

In contemplating decisions regarding the ALR, the 2004 Agricultural Area Plan recommends that given the responsibilities and expertise to implement provincial policy that the City defer decisions related to the development of agriculture lands to the ALC.

COMMENTS

Public Input

Pursuant to the *Agricultural Land Reserve Act*, a sign was posted by the applicant advising that an application had been made. The sign also directed members of the public that feel that their interests may be affected to submit their comments directly to the City and/or ALC prior to October 23, 2020. Newspaper ads were placed in the September 20 and October 7 editions of the Salmon Arm Observer. City staff

received two letters regarding the applications. In the ALC Exclusion application process, the City may be in receipt of letters from neighbours in advance of receiving notice that an application has been made.

The letters from neighbouring property owners are attached as Appendices 11 and 12. The letters do not indicate support. The applicant also submitted letters in support of the application and in response to the letters from neighbours. The applicant's letters and supplemental information is included as Appendix 13. The applicant also provided additional site plans on October 21, 2020 and are included as Appendix 14.

Engineering Department

No comments received.

Building Department

No concerns.

Fire Department

No concerns.

Agricultural Advisory Committee

Due to the COVID-19 pandemic and the suspension of all City Committees, Commissions and Panels this application was not referred to the Agricultural Advisory Committee.

Planning Department

Staff have no comment regarding the inclusion application as the OCP guidelines and policies are silent on ALR inclusions. The City has no policy on ALR 'land exchanges' or 'no-net loss' proposals. Informally the ALC had accepted applications of similar 'no-net loss' format and may have supported these in the past; however, staff have been advised by the ALC that is a policy that is no longer in practice at the ALC. The applicant's proposal to result in a 'no-net loss' of land in the reserve by 'trading' areas is an example of an unplanned proposal in which there has been no long term planning, policies or regulations that provide explicit direction.

Staff acknowledge written communications in August 2016, when the applicant discussed the idea of an ALR land swap as a possible means to legalize the accessory building that was subject to the recent Non-Farm Use application. The idea at that time of excluding the home plate area (where the principal dwelling, accessory buildings and driveway accesses are located) is approximately 375 m², and staff thought a proposal that would involve that area of home plate being excluded in exchange for the lower bench, non ALR portion of land being included could potentially be supported by the Planning Department. Senior ALC staff soon followed up on that idea the same month and did not offer support. Three years after that the Non-Farm Use application related to the accessory building proposed for a detached suite was not supported by the ALC.

Development Potential

In these types of scenarios staff assess the application on the basis of future development potential should an application such as this be supported. The submission provided with the application is not specific in terms of next steps and future development potential. Given the effort required to make an ALC exclusion application and the limited amount of information provided by the applicant, staff are providing a short summary of development potential for the property. Should the exclusion be supported the area of land unaffected by the ALR would be approximately +/- 4.0ha. To clarify, the only OCP policy that may support subdivision in the Rural Area is subdivision for a relative if the parent parcel is a minimum 8ha, not in the ALR and the proposal meets all sections of 514 of the *Local Government Act*. The parent lot size alone negated subdivision potential.

The applicant could apply to rezone the property to A3 (Small Holdings) and satisfy the 2.0ha parcel minimum; however, the OCP provides clear direction on this point and the rezoning of lands from A2 to A3

is only supported in the Gleneden area. Also, given the state of the adjacent roads, topography and servicing required, subdivision could be considered unfeasible. Again, the OCP policies related to Rural and ALR policies would not support rezoning or subdivision in the Acreage Reserve area for the same reasons the ALR Exclusion application is not supported – discouraging rezoning and subdivision applications as a means to maintaining or enhancing the existing configuration and size of parcels designated Acreage Reserve in the OCP. Furthermore, the OCP also discourages development outside of the Urban Containment Boundary.

Existing buildings on the subject property include a single family dwelling and four 'agricultural buildings'. Building Permits for 'agricultural buildings' are not required when a building is constructed for agricultural purposes, on land classified as Farm by BC Assessment and the occupancy does not exceed 40m²/person. The existing 'agricultural buildings' did not require Building Permits.

A detached secondary unit is not an outright permitted structure or use under the ALR regulations. As noted in the Table 2 below, this property was the subject of a previous ALC Non-Farm Use related to the possible conversion of one of the 'farm buildings' to a detached secondary dwelling and the application was rejected by the ALC. The A2 zone allows for detached secondary dwellings. Should the Exclusion be supported, one of the four 'farm buildings' could be converted to a detached secondary dwelling. The applicant would then have to apply for a Building Permit and pay Development Cost Charges.

In the ALC applications the applicant notes that the subject property is encumbered by topographical challenges and geotechnical hazards, indicating this as rationale to 'swap' the ALR designation. City records indicate that there are slopes greater than 30% that affect the property and any potential development. As with any proposed development in an area with similar topography, development approvals would only be supported with assessments completed by a Registered Professional Engineer following best engineering practices.

Application Procedures

This application was received prior to September 30, 2020 and was processed under the ALC application regime in which the property owner could make an Exclusion application directly with the ALC; the application is then forwarded to the City for review and comment. All Exclusion applications after September 30, 2020 require that the Local Government act as the applicant. Staff are currently reviewing application procedures to evaluate how to incorporate the legislation changes.

Conclusion

With the new Exclusion application methodology imposed by the ALC staff is concerned with receiving high volumes of exclusion requests similar to this one, which may make sense to the individual landowner or have practical merits, but are not aligned with the City's Growth Management, Rural and ALR Policies of the OCP. Support of this application may bolster expectations for exclusion support, ALR subdivision approvals and non-farm use development by other ALR property owners, and the exclusion application the City will be tasked to make a decision whether to take on the role as the applicant for each request.

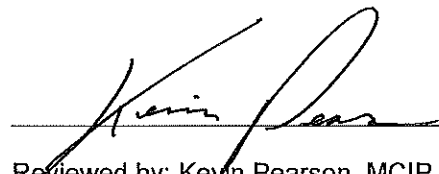
OCP policies regarding ALR exclusions in this instance are inconclusive. The excerpts from the OCP mentioned in the above section encourage the alignment of the ALR boundary as is and encourage farm uses on properties appropriately sized and zoned for that purpose. Table 2 below highlights recent decisions regarding the subject property and other ALR exclusions that have been processed recently. As noted, none of the applications progressed. Staff have no comment regarding the Inclusion application and are recommending that the application for Exclusion not be forwarded to the ALC for a decision.

Table 2. Previous ALR Applications

Applicant	Application Type	Decision	ALC Decision
Smith (1281 70 Ave NE)	Non-Farm Use	Staff Support	ALC Rejected
Balen (6751 Lakeshore Rd NE)	ALC Exclusion/Inclusion	Staff Support	Council defeat
Sonmor (3101 10 Ave (TCH) SW)	ALC Exclusion	Staff Support	Council defeat
Stevenson (3191 10 Ave (TCH) SW)	ALC Exclusion	Staff Support	Council defeat



Prepared by: Melinda Smyrl, MCIP, RPP
Planner



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

Shuswap Lake

1131

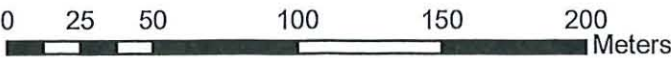
1131


1281

70 AVE. N.E.

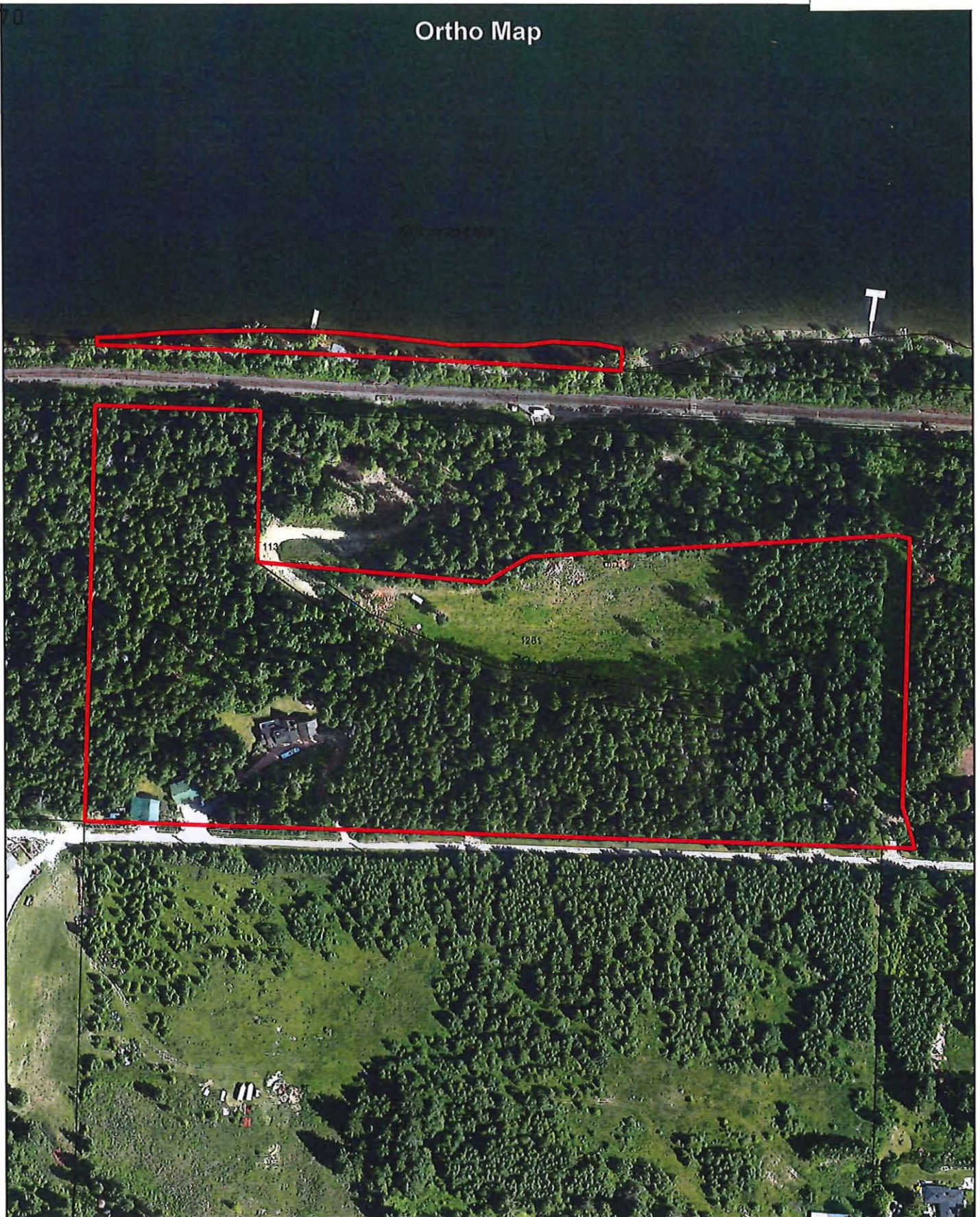
991
70 AVE NE

NOT OPEN




 Subject Property

Ortho Map

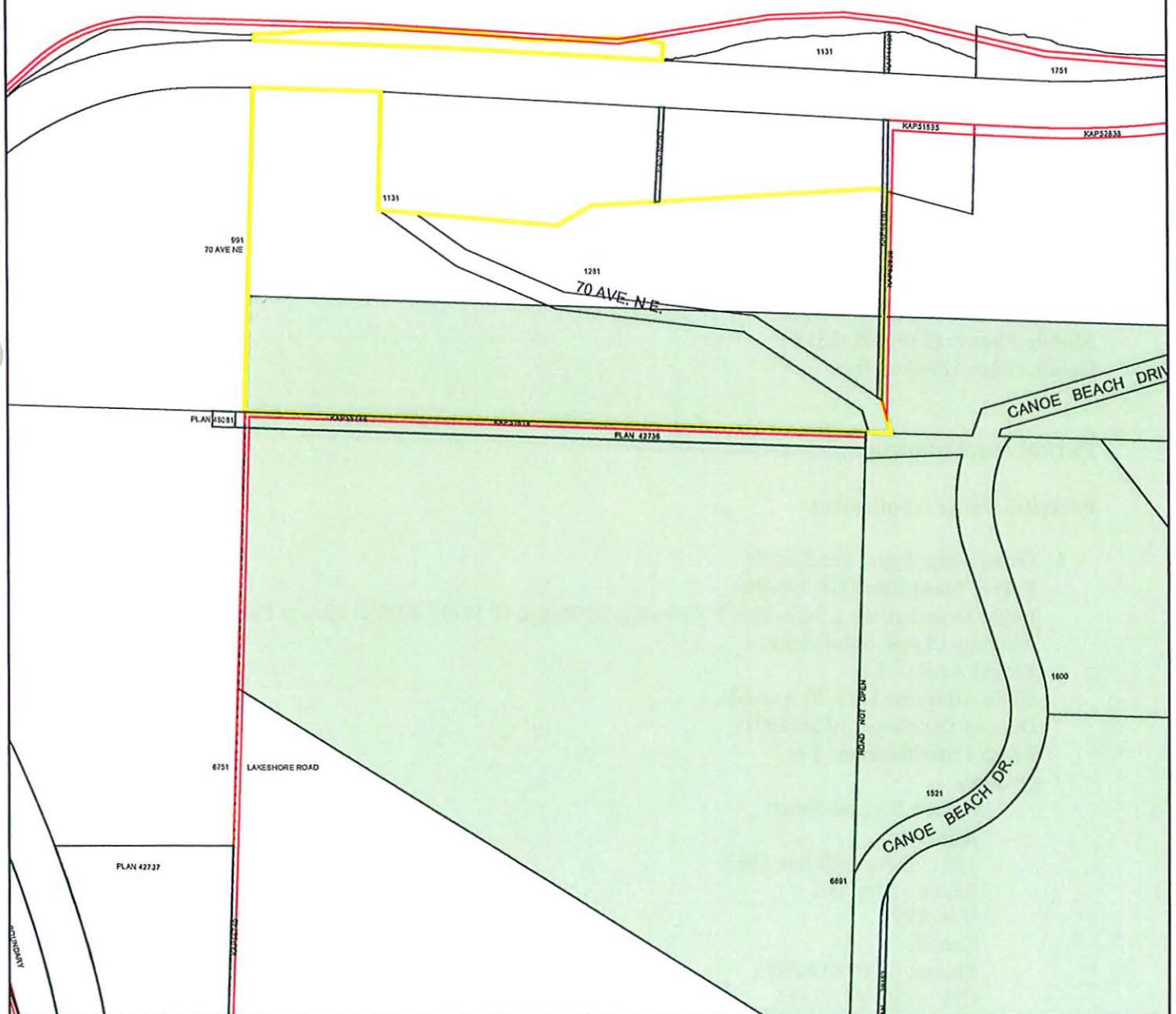


0 25 50 100 150 200 Meters

 Subject Property

Agricultural Land Reserve (ALR) Map

Shuswap Lake



0 40 80 160 240 320 Meters

ALR Subject Property

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 61443

Application Status: Under LG Review

Applicant: Richard Smith , Margaret Smith

Local Government: City of Salmon Arm

Local Government Date of Receipt: 09/24/2020

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

Proposal Type: Exclusion

Proposal: To make the flat arable land on my property in the ALR and swap it for the steep non- arable land that is not in the ALR. The Current ALR land is covered in Mature Fir trees which protect it from sloughing. The ALR land is restricted from clearing by local government bylaw identifying land as geotechnically at risk

Mailing Address:

1281 70 Ave NE box 1903

Salmon Arm, BC

V1E 4P9

Canada

Primary Phone: (250) 832-5975

Mobile Phone: (250) 832-2513

Email: richard@tekamar.ca

Parcel Information

Parcel(s) Under Application

1. Ownership Type: Fee Simple

Parcel Identifier: 007-498-047

Legal Description: LS4Section 1 Township 21 Range 10 W6M KDYD Except Plan 31 & 8077
Fractional Legal Subdivision 4

Parcel Area: 6 ha

Civic Address: 1281 70 Ave NE.

Date of Purchase: 10/30/1991

Farm Classification: Yes

Owners

1. Name: Richard Smith

Address:

1281 70 Ave NE box 1903

Salmon Arm, BC

V1E 4P9

Canada

Phone: (250) 832-5975

Cell: (250) 832-2513

Email: richard@tekamar.ca

2. Name: Margaret Smith

Address:

1281 70 Ave NE box 1903

Applicant: Richard Smith , Margaret Smith



Salmon Arm, BC
 V1E 4P9
 Canada
Phone: (250) 832-5883
Cell: (250) 832-2513
Email: marg@thesmithclan.ca

Current Use of Parcels Under Application

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

35 Laying Hens

17 fruit trees

1.5 acres of pasture 4-6 Sheep On non ALR land.

300 Haskap bushes on 1/4 acre planted 2017 and 2018 irrigated on non ALR land

Old Cherry Orchard with about 15 trees remaining from previous owner .

More land cleared awaiting tree planting 2019 on nonalr land .5 acre

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

Chicken barn built 1995

2.5 acres of land cleared 2012 Non ALR

*Planted with nut trees 2013 trees survived until drought 2014 2015 years so land fenced and Sheep
 pastured 4-8 per year. 1.5 acres on Non ALR*

*2018 Haskap bushes planted with irrigation 2017 and 2018 300 bushes
 on Non ALR*

8 Fruit trees planted on Non ALR land

6 fruit trees on ALR land near home

Shop built for storage and repair of vehicles and equipment 2002

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

House built 1992

Secondary residence built 1998

Adjacent Land Uses

North

Land Use Type: Other

Specify Activity: Shuswap lake and one cabin on 6 acre parcel

East

Land Use Type: Residential

Specify Activity: Vacant land in Alr used for junk storage

South

Land Use Type: Other

Specify Activity: Vacant Alr land used for container and Garbage/junk storage

West

Land Use Type: Residential

Specify Activity: one home on 10 acres

Proposal

1. How many hectares are you proposing to exclude?

1.8 ha

2. What is the purpose of the proposal?

To make the flat arable land on my property in the ALR and swap it for the steep non- arable land that is not in the ALR. The Current ALR land is covered in Mature Fir trees which protect it from sloughing. The ALR land is restricted from clearing by local government bylaw identifying land as geotechnically at risk

3. Explain why you believe that the parcel(s) should be excluded from the ALR.

The land being proposed to include is currently being used as farm land with Farm status. This land is flat and the site of an 80 year old cherry and tree orchard which we have put back into ALR production. It was covered with 20 year old fir at the time of clearing

The land currently in the ALR is too steep to clear and farm . The ALR land currently is in mature fir trees and protects a steep bank from erosion . The city will not allow us to clear it for fear of the bank sloughing and taking out their road. The current ALR land also has our home on it , a shop chicken coop and a secondary building .

Applicant Attachments

- Proof of Signage - 61443
- Proof of Serving Notice - 61443
- Proposal Sketch - 61443
- Proof of Advertising - 61443
- Other correspondence or file information - Agent letter
- Certificate of Title - 007-498-047

ALC Attachments

None.

Decisions

None.

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 61439

Application Status: Under LG Review

Applicant: Richard Smith , Margaret Smith

Local Government: City of Salmon Arm

Local Government Date of Receipt: 09/23/2020

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

Proposal Type: Inclusion

Proposal: To make the flat arable land on my property in the alr and swap it for the steep no arable land that is not in the alr. The Current ALR land is covered in Mature Fir trees which protect it from sloughing. The AIR land is restricted from clearing by local government bylaw identifying land as geotechnically at risk

Mailing Address:

1281 70 Ave NE box 1903

Salmon Arm, BC

v1e 4p9

Canada

Primary Phone: (250) 832-5975

Mobile Phone: (250) 832-2513

Email: richard@tekamar.ca

Parcel Information

Parcel(s) Under Application

1. Ownership Type: Fee Simple

Parcel Identifier: 007-498-047

Legal Description: LS4Section 1 Township 21 Range 10 W6M KDYD Except Plan 31 & 8077

Fractional Legal Subdivision 4

Parcel Area: 6.9 ha

Civic Address: 1281 70 Ave NE.

Date of Purchase: 10/01/1991

Farm Classification: Yes

Owners

1. Name: Richard Smith

Address:

1281 70 Ave NE box 1903

Salmon Arm, BC

v1e 4p9

Canada

Phone: (250) 832-5975

Cell: (250) 832-2513

Email: richard@tekamar.ca

2. Name: Margaret Smith

Address:

1281 70 Ave NE box 1903

Applicant: Richard Smith , Margaret Smith

Salmon Arm, BC
 V1E 4P9
 Canada
Phone: (250) 832-5883
Cell: (250) 832-2513
Email: marg@thesmithclan.ca

Current Use of Parcels Under Application

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

*35 Laying Hens 17 fruit trees 1.5 acres of pasture 4-6 Sheep On non ALR land.
 300 Haskap bushes on 1/4 acre planted 2017 and 2018 irrigated on non alr land
 Old cherry orchard with about 15 trees remaining from previous owner . MOre land cleared awaiting
 tree planting 2019 on nonalr land .5 acre*

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

*Chicken barn built 1995
 2.5 acres of land cleared 2012
 Planted with nut trees 2013 trees survived until drought last 2 years so land fenced and Sheep pastured
 4-8 per year. 1.5 acres
 2018 Haskap bushes planted with irrigation 2017 and 2018 300 bushes
 Shop built for storage and repair of vehicles and equipment 2002*

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

House built 1992

Secondary residence built 1998

Adjacent Land Uses

North

Land Use Type: Other

Specify Activity: shuswap lake and one vacant 6 acre parcel

East

Land Use Type: Unused

Specify Activity: vacant land in Alr used for junk storage

South

Land Use Type: Other

Specify Activity: Vacant Alr land used for container and junk storage

West

Land Use Type: Residential

Specify Activity: one home on 10 acres

Proposal

Applicant: Richard Smith , Margaret Smith

1. How many hectares are you proposing to include?

1.8 ha

2. What is the purpose of the proposal?

To make the flat arable land on my property in the alr and swap it for the steep no arable land that is not in the alr. The Current ALR land is covered in Mature Fir trees which protect it from sloughing. The AIR land is restricted from clearing by local government bylaw identifying land as geotechnically at risk

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

The land being proposed to include is currently being used as farm land with Farm status. This land is flat and the site of a 80 year old orchard which we have put back into ALR production. It was covered with 20 year old fir at the time of clearing

The land currently in the ALR is too steep to clear and farm . The ALR land currently is in mature fir trees and protects a steep bank from erosion . The city will not allow us to clear it for fear of the bank sloughing and taking out their road. the current ALR land also has our home on it , a shop and a secondary building .

4. Describe any improvements that have been made to, or are planned for the parcel proposed for inclusion.

Drip Irrigation to site

300 Haskap bushes planted

10 fruit Trees

2 acres Fenced and currently used for sheep pasture

one more acres available of flat land available for clearing and more farming

Applicant Attachments

- Proposal Sketch - 61439
- Certificate of Title - 007-498-047

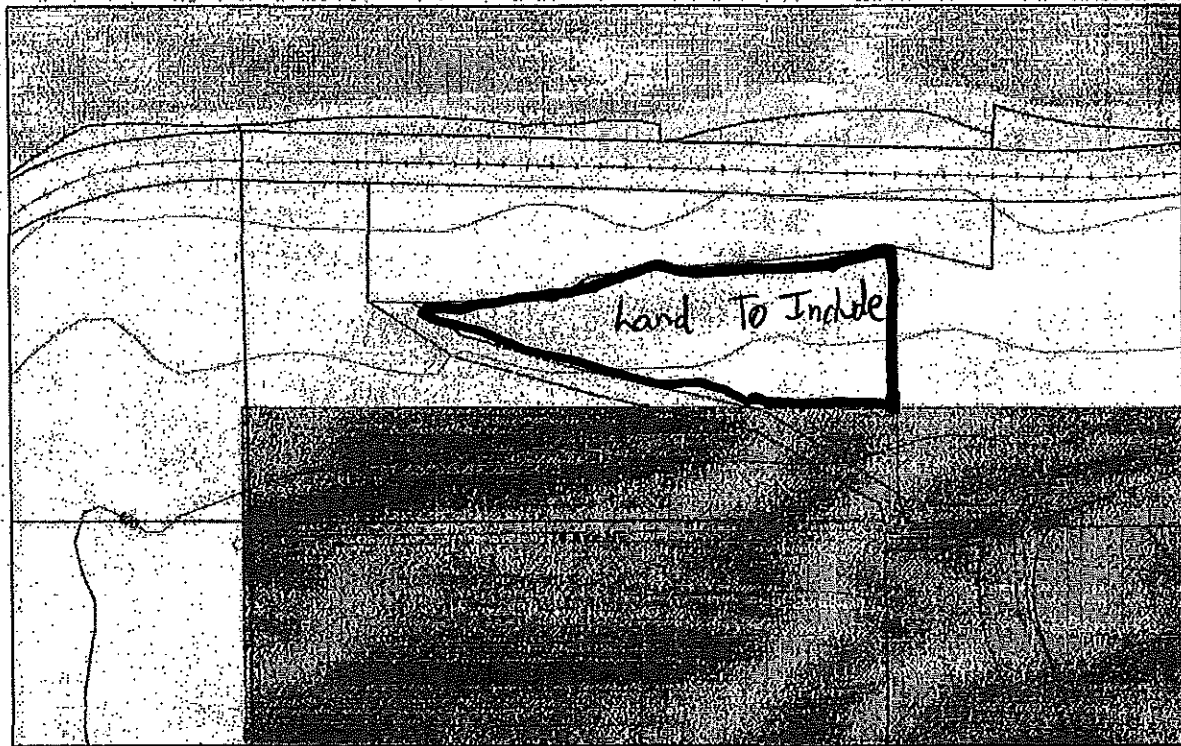
ALC Attachments

None.

Decisions

None.

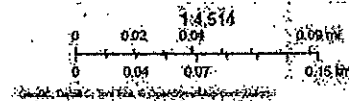
ALR Property and Map Finder



2020-09-23, 12:05:16 p.m.

ALR Polygons

ParcelMap BC Parcel Fabric



Provincial Agriculture and Forestry
British Columbia Agricultural Land Commission. The boundary of the province is shown in a solid line and the boundary of the ALR is shown in a dashed line.

Official Community Plan (OCP) Map

Shuswap Lake

OCP:MAP:LAKE RECREATION

CP Rail

901
70 AVE NE

1151

1281
70 AVE. N.E.

OCP:MAP:ACREAGE:RESERVE

CANOE BEACH

8751 LAKESHORE ROAD

ROAD #207 CROSS

1521
CANOE BEACH DR.

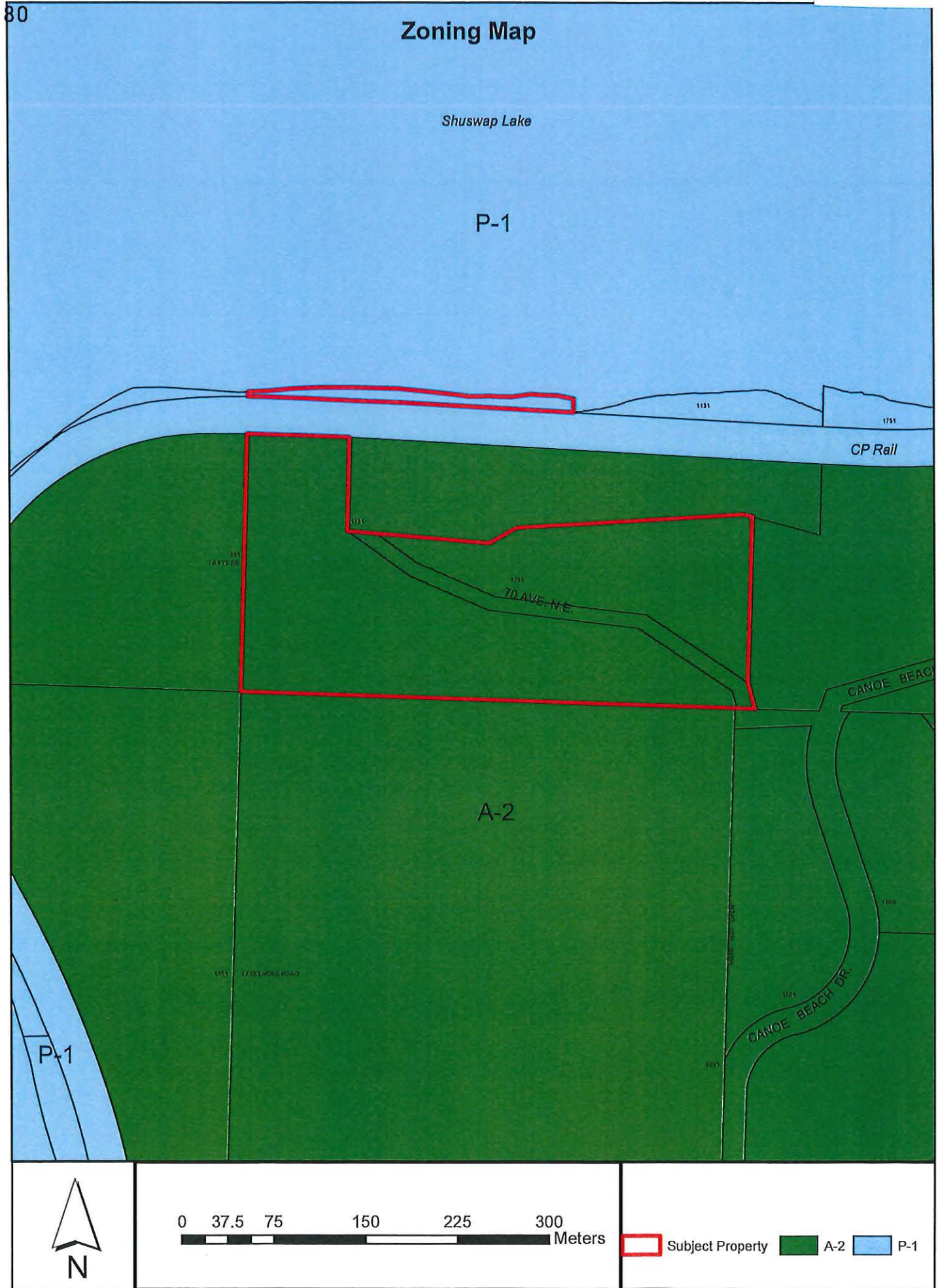
1600

6491



0 37.5 75 150 225 300 Meters

 Subject Property  Acreage Reserve  Lake Recreation



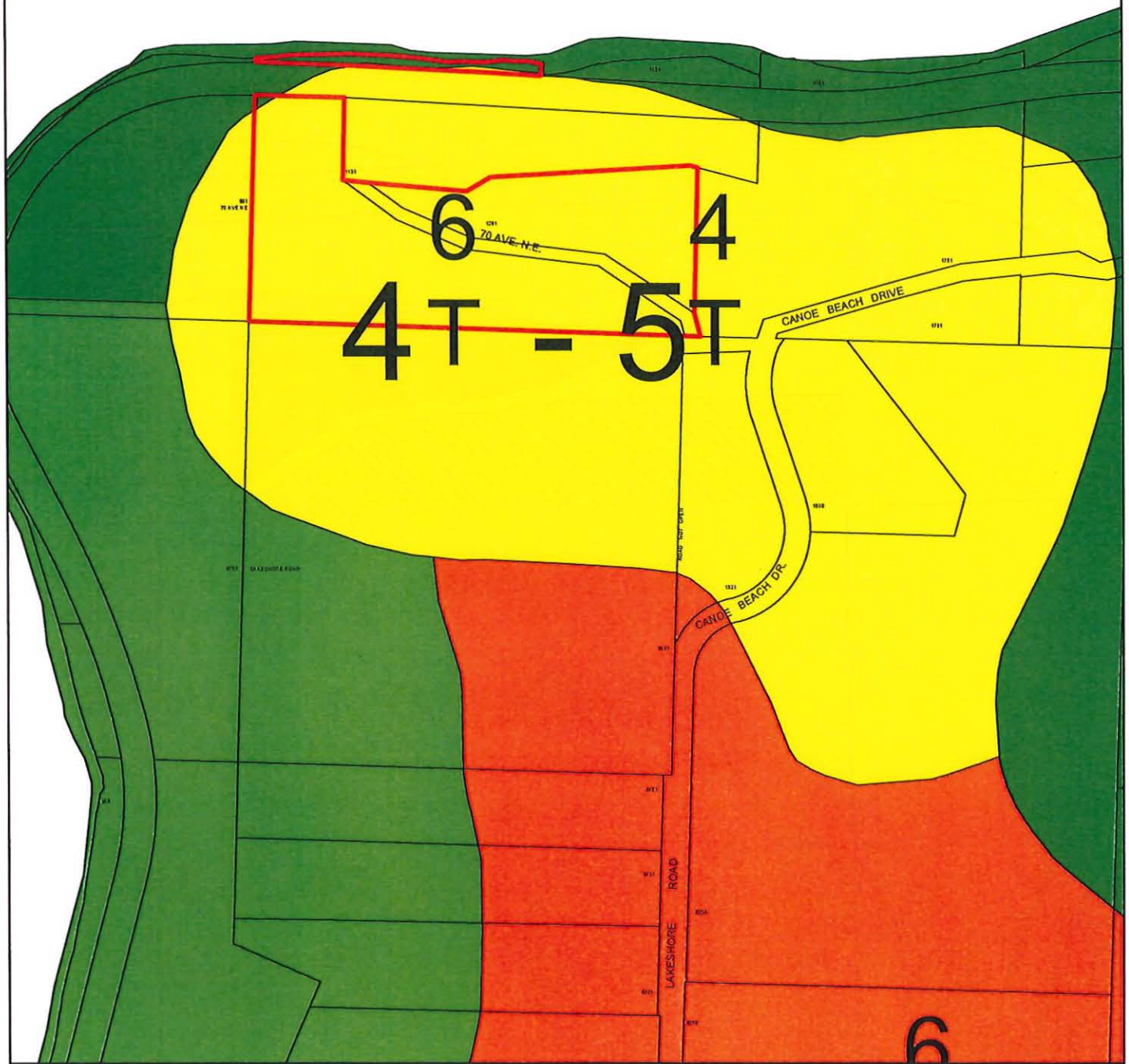
Agricultural Land Reserve (ALR) Map

Shuswap Lake



0 37.5 75 150 225 300 Meters

-  Subject Property
-  Proposed Exclusion Area (approx. 6.45ac)
-  Proposed Inclusion Area (approx 4.7ac)



0 30 60 120 180 240
Meters

Subject Property Unimproved Soil Class

- CLASS 2
- CLASS 4
- CLASS 6
- CLASS 7

Provincial Agricultural Land Commission – Applicant Submission – ID 61443

Richard Smith, Margaret Smith - application for removal of land in the ALR

This application must not be allowed to proceed for the following reasons

The application appears to be a further attempt by the Smiths to manipulate the ALC, local government bylaws, zoning and code requirements to have a non-compliant second residence on the property used as a rental. Please review all information submitted to the ALC and Local government regarding the Smith **Application ID: 58273** which was received by the local government 12/18/2018 and the City of Salmon Arm File No. ALC-380. This application continued through the process, ultimately being Refused with an ALC Decision, 03/Jun/2020.

The Smith Application 61443 claims "The Current ALR land is covered in Mature Fir Trees..." which is not correct. A significant portion of the Smith's claimed agriculture development, including chicken shed, garden, claimed fruit trees and self defined agricultural buildings are in the ALR area. This land swap would remove a significant portion of his claimed current agricultural development out of the ALR and leave it on residential land open to further zoning and or subdivision applications while continuing to expose the adjacent residential properties to non-compliant zoning violations and activities that the city, and ALC, have explicitly instructed the Smiths to cease.

The Smiths have several non-compliant buildings on the section of land currently in the ALR built without engineering, permits or inspections with the justification that these requirements were not needed as the land was in the ALR, they had right to farm and they were deemed by Mr. Smith to be "agricultural buildings". Mr. Smith has used his non-compliant agricultural buildings as justification in court to attack his neighbor. He has used this section of land as part of his defense for demanding the removal of water drainage structures designed to protect the roads to his neighbor's property and for the removal of fences on the adjacent agricultural property

Mr. Smith does not appear to be forthright about the neighboring properties or how they are being used and utilized. To the east is an agricultural property with a 6000 square foot building pad engineered and constructed for an agricultural building which has been put on hold until the legal disputes between the Smiths and the neighboring properties has been resolved. Engineering for the building is completed and a schedule "B" for this site has been submitted to the city.

To the south, the entire section of land proposed to be removed from the ALR is immediately adjacent to an active agricultural property to with a greenhouse development currently stalled due to actions filed in the courts by the Smiths. It must be noted that Mr. Smith appears to be venomously opposed to this development. It would appear that the Smiths have taken every action and opportunity to disrupt the neighboring agricultural development, including petitions to council regarding development, suing this neighboring property owner over the construction of fences, disputing the installation of a cattle guard, plugging culverts and demanding the removal of drainage and stabilization structures designed to protect a shared road easement through / to the farm development.

Please note the Smiths referencing the agricultural development of the property to the south, where heavy equipment and tree farm machinery is parked, in derogatory statements as in his current application where it states "Vacant ALR land used for container and Garbage/junk storage".

Inclusion of the area the Smith application claims to be agricultural would place ALR land directly adjacent to non ALR land to the east and to a lakefront lot to the north with significant future residential potential.

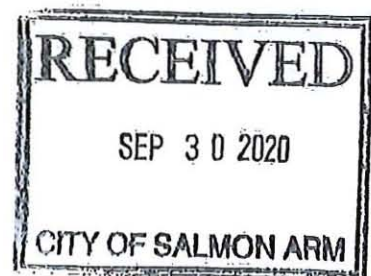
Removing the ALR area of the Smith property while making the area the Smiths claim to be agricultural would create a small ALR "island" with marginally viable agricultural capabilities, significantly separated from all other ALR land. Please notice the Smiths note this in their application the loss of the nut trees in this area due to drought a mere 1-2 years after they were planted, even though the Smiths claim to have irrigation. Creating a small ALR island within residential properties could set a serious precedent within the ALR.

Mr. Smith recently disputed the neighboring properties request to do a similar land swap that would have created a continuous unit within the ALR while removing a small section of marginally viable agricultural land. The land swap that Mr. Smith disputed on the neighboring agricultural property would have been far more productive in the ALR than his current proposal and was part of the development for young farmers in Salmon Arm to which Mr. Smith has opposed.

The area the Smiths are proposing to put into the ALR was a well-established and productive cherry orchard. Using historical photographs of the area it is noteworthy that all but a couple of the viable trees have been removed leaving a non-irrigated slightly sloped piece of property that is good for grazing at this time. It is noted by Mr. Smith he has only been able to graze 4 or 5 sheep in that area, observations are for three months or so in the summer, and monitoring the quality of the feed it is not recommended that anything else should be allowed to graze in that area for any length of time as the vegetation dries up and has low food value.

Currently the section of property that the Smiths propose to put into the ALR is at the end of a significant length of undeveloped road that is the legal access to the property to the east and the only legal access to the properties below. There is no legal access defined off of that road to the Smith's property. Mr. Smith has himself referred to the section of road as a trail and recently used it for a logging operation resulting in substantial damage to the travel surface and access / egress with logging equipment from the area he claims in his application as "geotechnically at risk".

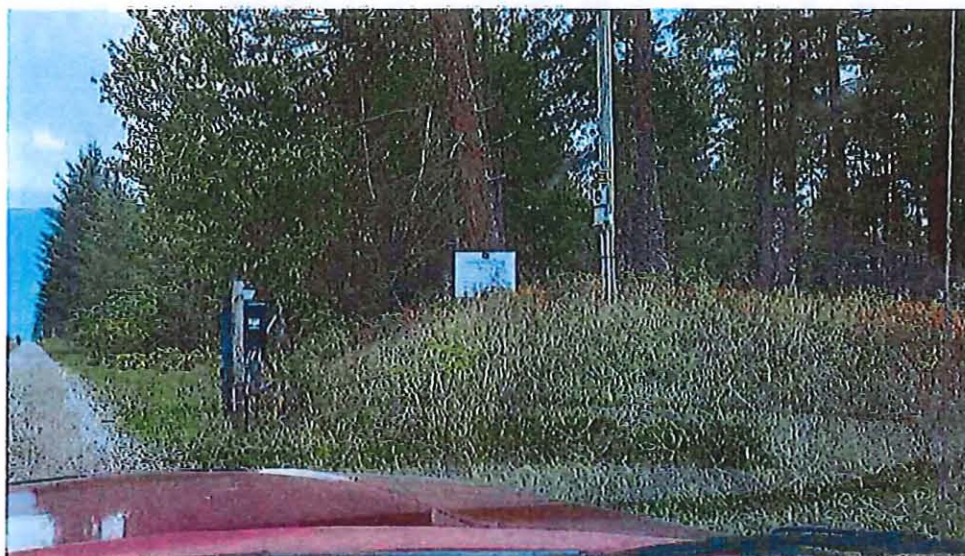
Bret Wiseman
1751 canoe Beach Drive
250 540 6874
~~Bret Wiseman~~
Bret.a.wiseman@gmail.com



Objection to Provincial Agricultural Land Commission – Applicant Submission – ID 61443
Richard Smith, Margaret Smith - application for "Exclusion" of land in the ALR

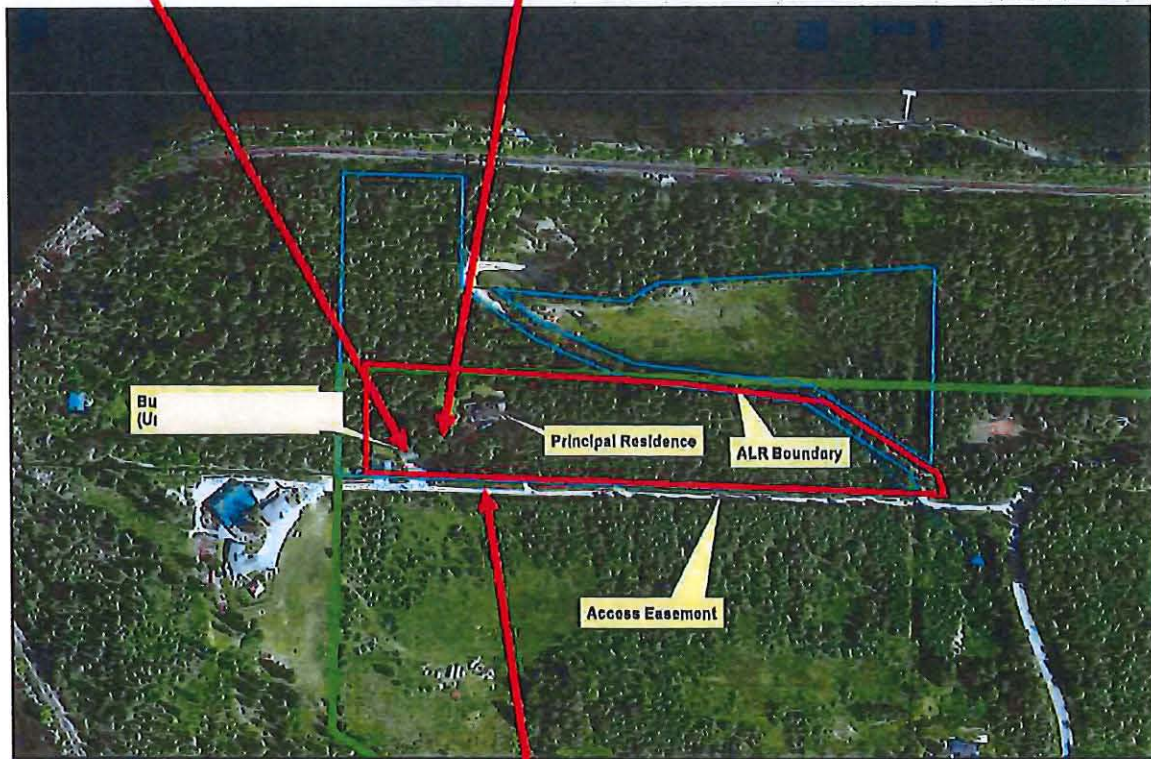
This application should not be approved for the following reasons:

1. The applicant has claimed farm status or developing farm status for the property for most of the time they have owned the property and all the early development of farm was done in the portion now being applied for exclusion such as:
 - a. Chicken barn built in 1995 and in use today, 25 years later is in the requested exclusion area.
 - b. The building built in 1998 was previously claimed to be an agricultural building for agricultural storage with small quarters for farm help for the last 22 years and is in the exclusion area.
 - c. The agricultural building built in 2002 for storage and repair of agricultural equipment and in use today after 18 years of farm development is in the exclusion area.
2. The "Secondary Residence" listed in the application was built without permits or approvals as an agricultural building. The City has previously indicated via email that this building is an agricultural building and could not be used as a human residence.
3. The applicant has spent more than 25 years developing and claiming the exclusion area as a viable agricultural operation and it should clearly remain in the ALR as it is definitely an essential and important part of this active farming property as claimed by the applicants in earlier submissions throughout the years.
4. The applicants have shown substantial interest and activism in preserving all ALR land even to the point of organizing objection petition and actively canvassing neighbors for objections against another ALC Exclusion application in the area a couple of years ago where the Exclusion area was 0.21ha and the Inclusion area was 0.63ha.
5. Lack of respect for the ALC application procedure and posting the required signage contrary to ALC specifications partially obscured by shrubs.



Agricultural Storage/Shop
Built 2002

Agricultural Building
Built 1998



Chicken Barns
Built 1995

With 20+ years put into developing a farm on the proposed exclusion area it appears that this land should certainly stay in the ALR, especially with the continuing farm development on the rest of the property.

Sincerely,

Mark Balen
Adjacent property owner
mark.balen@shaw.ca
1131 – 70th Ave NE
6691 Lakeshore Road NE

Provincial Agricultural Land Commission – Applicant Submission – ID 61439

Richard Smith, Margaret Smith - application for "Inclusion" of land in the ALR

Since our 1130 – 70th Ave property is only accessible via 70th Ave and the "Inclusion" area is only accessible via 70th Ave, I would not object to this application IF the City of Salmon Arm enforces its bylaws and:

1. Defines a City approved approach from 70th Ave to the Inclusion area for the commercial farm development.
2. Prohibits and stops the applicant from damaging the road by driving off the edge of 70th in unapproved sections as the applicant has done in the past contrary to the engineering report the City required be done several years ago by myself.
3. City of Salmon Arm protects the public road and ensures access to our 1131 – 70th Ave property will not be compromised.

Provided the City of Salmon Arm fulfills its obligation to enforce its bylaws, protect the public road and access to our adjoining property I would fully endorse the applicant's "Inclusion" proposal to the ALC's Agricultural Land Reserve.

Sincerely,

Mark Balen
 Adjacent property owner
 mark.balen@shaw.ca
 1131 – 70th Ave NE
 6691 Lakeshore Road NE

Melinda Smyrl

From: Richard Smith <richard@tekamar.ca>
Sent: October-19-20 3:54 PM
To: Melinda Smyrl
Subject: RE: ALR Application for Inclusion and Exclusion - Input Received
Attachments: Wiseman ALC letter rebuttal oct 2020.docx; Rebuff to Balens comments oct 202.docx; Smith and Smith v Balen and Balen; WP_20171208_002.jpg; Balens Cabin on Easement may 2017.jpg

Thank you very much Melinda. We have lived very well with our neighbours, raised 3 boys and taught them how to garden and farm for the first 20 years. Balens arrived from Alberta and wanted to drive us out. Unfortunate I have had to have 2 lawsuits which we have won both to protect our property from these people that appeared to want to drive us off after they were unable to buy our land when a realtor approached us. They bought 4 neighbouring properties. We got along fine with wiseman for 20 years also but Balen has led Brett along sort of letting him believe he will fund Wisemans grandiose pipe dreams and as a result has become a proponent of Balens methods. Neither of them appear very smart and Ms Balen is quite verbally offensive swearing at us and makes derogatory statements. Read the judges comments pages 20-22 of the court hearing to confirm of the nuisance they have caused including suing the city. This has wasted countless hours for us and the city . I apologize to everyone involved for more time being spent.

Attached are the following

- 1] Rebuff to Wisemans comments I numbered each paragraph and replied to each paragraph . Please provide council with each of Wisemans paragraphs numbers 1-10
- 2 Rebuff to Balens comments
3. Judges court order court decision from us suing them in BC supreme court.
- 4.. BC small Claims court decision awarding us for him wrecking pavement on our shared road. It also shows Balens business partner who was going to buy land if he could have subdivided as trying to mislead the judge as a professional
5. Pictures of fallen un-engineered wall . you tell me if it looks like junk around it. Wall fell 4 months later
6. Non permitted cabin picture

From: Melinda Smyrl <msmyrl@salmonarm.ca>
Sent: October 19, 2020 10:05 AM
To: Richard Smith <richard@tekamar.ca>
Subject: ALR Application for Inclusion and Exclusion - Input Received

Good morning Mr. Smith,

I've attached input that was received regarding your applications to include and exclude land from the ALR.

I'm working on the staff report this week and it is scheduled to be received by the Planning and Development at their meeting on November 2, 2020 and then Council on November 9, 2020. Once the report has been reviewed for the

Planning and Development Committee Agenda I will forward it to you. If you wish to add input to be submitted to the **89** Committee and Council please provide that input prior to October 22.

Kind regards,

Melinda Smyrl, MCIP, RPP | Planner | Development Services Department
Box 40, 500-2nd Avenue NE, Salmon Arm, BC, V1E 4N2 | P 250.803.4011 | F 250.803.4041
E msmyrl@salmonarm.ca W www.salmonarm.ca

CITY OF
SALMON ARM



Oct 19 202

Replies to Brett Wisemans Statements

Please note I have Numbered his paragraphs as it is so long it would be difficult to comment otherwise. I apologize for the long-winded explanation. Mr. Wisemans comments are misleading. I feel obligated to defend myself as I feel his accusations are defamatory and slanderous.

Paragraph 1

This would allow our 2nd residence to become legal as the city recommended to the ALR when we did apply for a non-compliant use within the ALR. This swap would then allow the second residence to conform to current zoning. It would provide cheap housing for someone. It is now vacant which is a waste as it was built to BC building code and we rented it for \$750 per month to a very nice lady, Lis Mezie, who helped us with our farm work. She now has to commute from Sunnysbrae. We will give her the chance to move back and rent for the same rate if this is approved. I will be happy to provide the rental contract if this is approved.

Para # 2

I have a 2 plums 1 peach, 1 Apple and one pear tree on the current ALR land. The rest of the developed land is covered by homes, driveways, secondary buildings, a garden and lawns. This land is permanently taken out of Agriculture production. The rest is Mature fir on a sloping and partly steep hillside the city has designated a potential slide area. It makes much more sense to have the flat land currently farmed as ALR. The way it currently is I think I can clear the trees under the ALR act for farming purposes without the city's approval which would cause slope instability to the city's main water line.

Para #3

Incorrect. The buildings they were built without permit as we had farm status at time of building or prior to farm status were built without permit as per city rules at the time of building. The final building built was permitted and had engineering. There was no defense needed to enforce court order. Balens built a fence and other structures in direct defiance to a registered easement and the registered city's right of way. We have taken this to court and the Balens were court ordered to follow the easement rules. The judge found them highhanded and causing a deliberate nuisance. See pages of the judge's findings pages 22. The water drainage etc. was a non-issue for the period from 1990 to 2012. During that time, the largest developer in Salmon Arm Bill Laird found no reason to change the drainage of the existing road. The road was built by the head of maintenance by Eric Enger, the foreman of the highway's maintenance contractor at that time. It is built like many roads in salmon arm with a ditch. It historically has not been a problem. There was never a drainage issue prior to Balens clearing the land above. They thought the solution was just to run excess water from their land onto ours which is steep and prone to sliding. Another note is it is built the same as Wisemans access to his land with a ditch.

Paragraph #4

We have never opposed agriculture development of the land to the south. There has been none to date.

All Balen did was remove 40 + producing cherry trees, load rock onto agriculture land and place containers and build a road across ALR land when there already was one. There is no greenhouse. At one time Wiseman led us to believe they were putting a marijuana grow op on the property which we opposed but as with most other projects of Wisemans nothing has become of it. There is no dispute with Wisemans land to the East or ever any opposition to his development. Brent is Using our access dispute with Balens on a road which now has a court injunction stopping Balen from his damaging activities. There is also another court awarded settlement for Balen damaging the road is of no effect on Wiseman. Wiseman uses the pad for containers his motorhome he camps on in the summer and it appears storage of tires and other unsightly items

Para 5.

Balens attempted to subdivide property under the highways act stating it was for his family member which was not misleading to the city and ALR. In truth the land was to be attained for Balens business partner for his personal home who placed a road, septic system and services without the subdivision approval. This would have subdivided the property and then allowed for a second home on ALR land removing it from production. Our family and over 40 neighbors signed a petition opposing this.

We sued and won against Balen for placing structures on a road which were deemed a nuisance by a Supreme court Judge. We sued and won due to Balen deliberately causing a nuisance and deliberately building structures on our easement and the cities water main right of way which was not allowed in either instance. Why would one fence a road and place a cattle guard , gates, when he could have placed the fence on the other side and bothered no one?

Para 6.

A gross misrepresentation of the facts There is a trailer , 4-6 containers , a dump truck , a large packer ¼ acre of rock and a bunch of junk placed on property that I see each day I drive home see attached picture or drive by and see for yourself

Para 7

WE already farm the land adjacent to the land to the north. The land being talked about has no developed city road. No city water connection or sewer and would be very difficult to access in the winter. The land has a small cabin built on it in contravention to current regulations on lakeshore development. It has no building permit and is not 30 meters from the high water mark as per current regulations. It was built without permit and faked to be a travel trailer by putting an axel and wheels under it.

Para 8

The proposed eastern border would be touching Wisemans agriculture land and it would not be an island. This swap if approved would define farming on the farmable and protect the steep land from being cleared which is currently in the ALR. When did Mr Wiseman become an expert on the viability of land for Farming?

Trees grow all over our property without irrigation. The weather of those years was very dry. Trees were not irrigated. Land was changed to pasture, fenced and has had sheep on it for 3 years. We also irrigate 300 Haskap and 10 newly planted fruit trees as well as 4- 5 old cherry trees. We had irrigation with a system we paid for from the lake until Mr. Balen restricted our ability to access pump and repair. Pumphouse was accidently not built on the easement but a few meters off it.

Para 9

See previous comments on Paragraph 5. The sole purpose was for a subdivision and had little to do with ALC swaps. We have never opposed anything with young farmers just grow ops next to our home on ALR land.

Para 10

These are very misleading statements the orchard was over 80 years old. Most cherry trees were dead choked by the fir trees, the live ones were left kept for historical value. Old varieties cherry trees which few orchards have now. The area was overgrown with 50-foot-high fir trees after we bought it. We cleared it tried a nut orchard and then turned it into active food producing pasture. We have 4 sheep, and the land has had double that. It has irrigated Haskaps just coming into production and 10 fruit trees. Brent with his grade 10-12 education is now an agriculture expert stating and recommending what we should farm on our land, limiting the numbers. He also has the gall to state the food value without any testing for nutrient value of the pasture. Wow!

The road is an undeveloped city right of way with no developed road. The city has been consulted for access and a water crossing. The city engineer has inspected the road after we removed trees and found the road to be equivalent to what it was prior to our use of it. Rob has only asked us to clear up on 5-meter area where we were still cleaning up deadfall and debris which poses a risk to our home.

Again, I apologize for the long letter which wastes councils time and mine. but it needs to be done

To defend myself and our application to false and misleading information

Yours sincerely

Richard And Margaret Smith

Oct 19 2020

Defense of Balens Letter to council and ALC.

Numbers are in reference to Balens letter and numbered paragraphs

1a. Chicken barn will continue to exist as it has and does not depend on ALR status as current zoning allows.

1b. Excluding this will provide low income housing for Lisa Mezie and others as it has for 22 years prior to Balens with no other previous neighbors complaining about it. They do help with labour on property.

1c. that is an advantage for ALC as the building will stay conforms to current zoning and will allow equal amount of land to be in the ALR which is farmable.

2. The secondary residence was built with the city's knowledge. I told them in 1998 I was building a secondary 1200 square foot building. The city replied no permit needed as we were over 10 acres and could proceed. I had many meetings with city Alderman Kental , Mayor Mayes and staff and lived next door to a councilor Petch with no complaints or comments prior to Balens arrival from Alberta . They tried to buy our property then when unsuccessful have been a nuisance we think trying to drive us off our property.

3. Balen has no idea of our timing or what we have done. He also is an Albertan mechanical engineer with no formal education in farming expertise. He built a wall which was over 4 feet high without permit or engineering. This wall fell down in less than 4 months and sits in ruins today , there seemed to be no expertise on slope stability or civil engineering of sloped land.

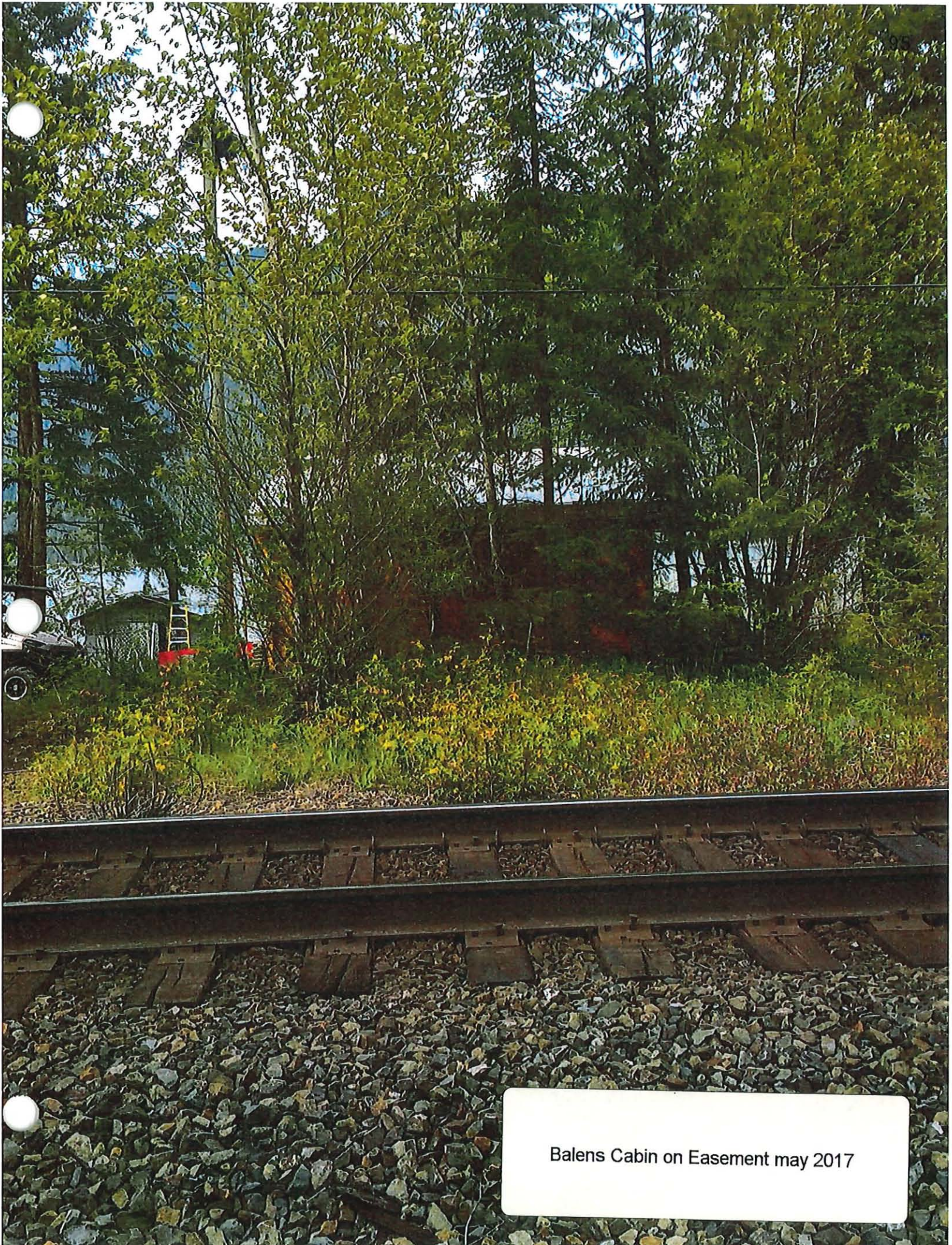
We obtained farm status with our chickens originally. Farm status was taken away due to rule changes about 2010. We then cleared the non alr land, (the only land able to be cleared without slope instability or rock and was previously an orchard and redeveloped it as farm land.

4. We participated in a signaturred petition with over 40 neighbors opposing a subdivision of ALR land. Balens tried to subdivide ALR land. The application to the ALC and the city stating it was a subdivision for his family when in truth it was for his business partner . The swap was just to enable him to include a road built on ALR land to be included in subdivision.

5. All neighbors in Addition to sign were provided with printed copies and advertising in the local paper.

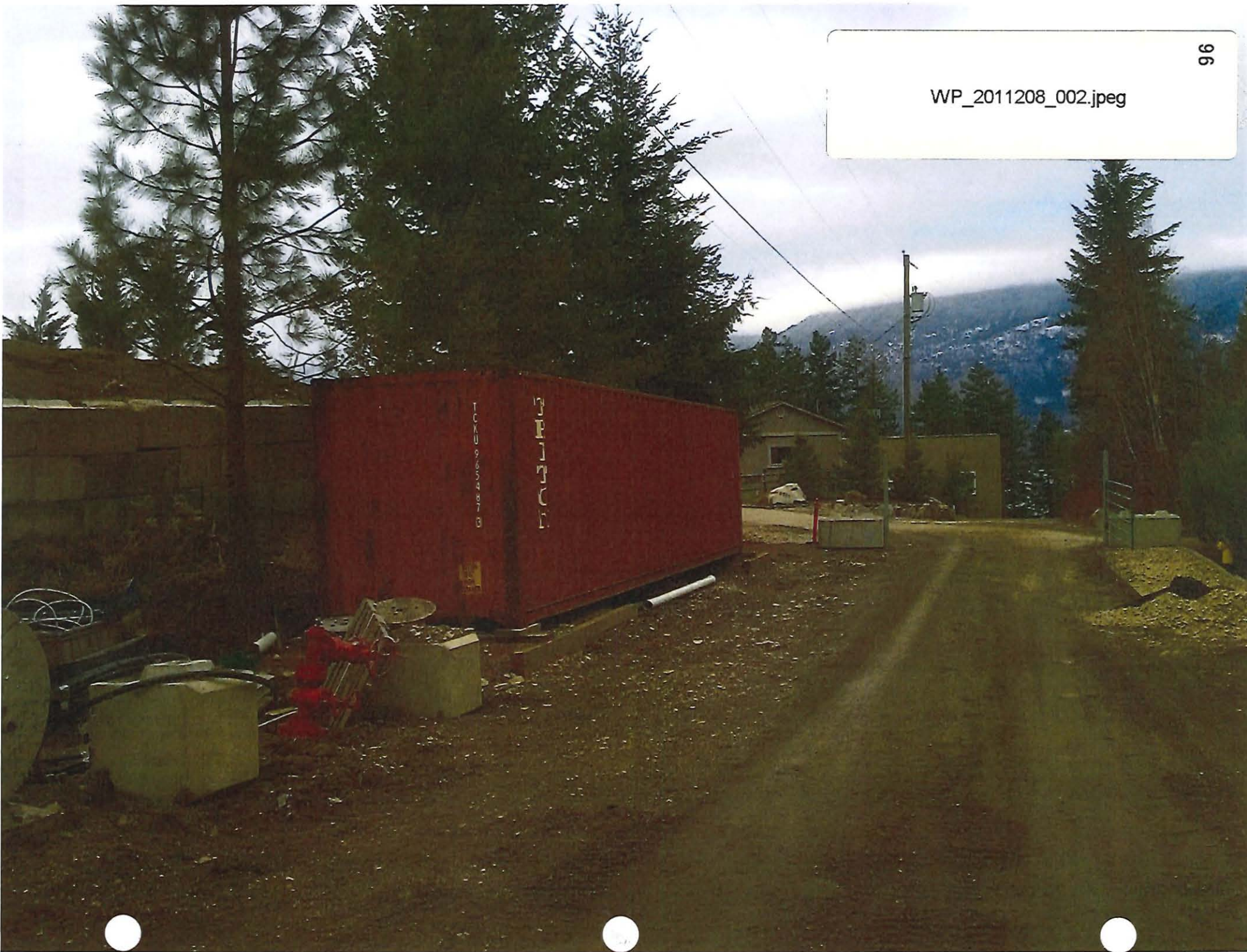
Inclusion Application ID 61439

1. When has the city asked for approved approaches on developed roads throughout the city for farmable land let alone a non-developed dirt trail? Mr. Balen has attempted to have the city pay for these upgrades in the past.
2. Balen never had engineering approved by the city. He Took city land and fill and used it for his road building activities without permission directly below my home. A stop work order was placed on Balen to do no more development until the road was engineered and approved to city standards . Nothing has happened since then for several years except very trees being destabilized and falling onto my land and erosion to his clay road. Prior to Balen doing the unauthorized worke we had a 2nd access of 70th which Balen ruined with his unauthorized work to the city road. If more emails documentation is needed I will provide as I have Pictures and emails from City engineer proving this.
3. Balen has been the main source of damage as the dirt trail was fine for over 50 years prior to his arrival



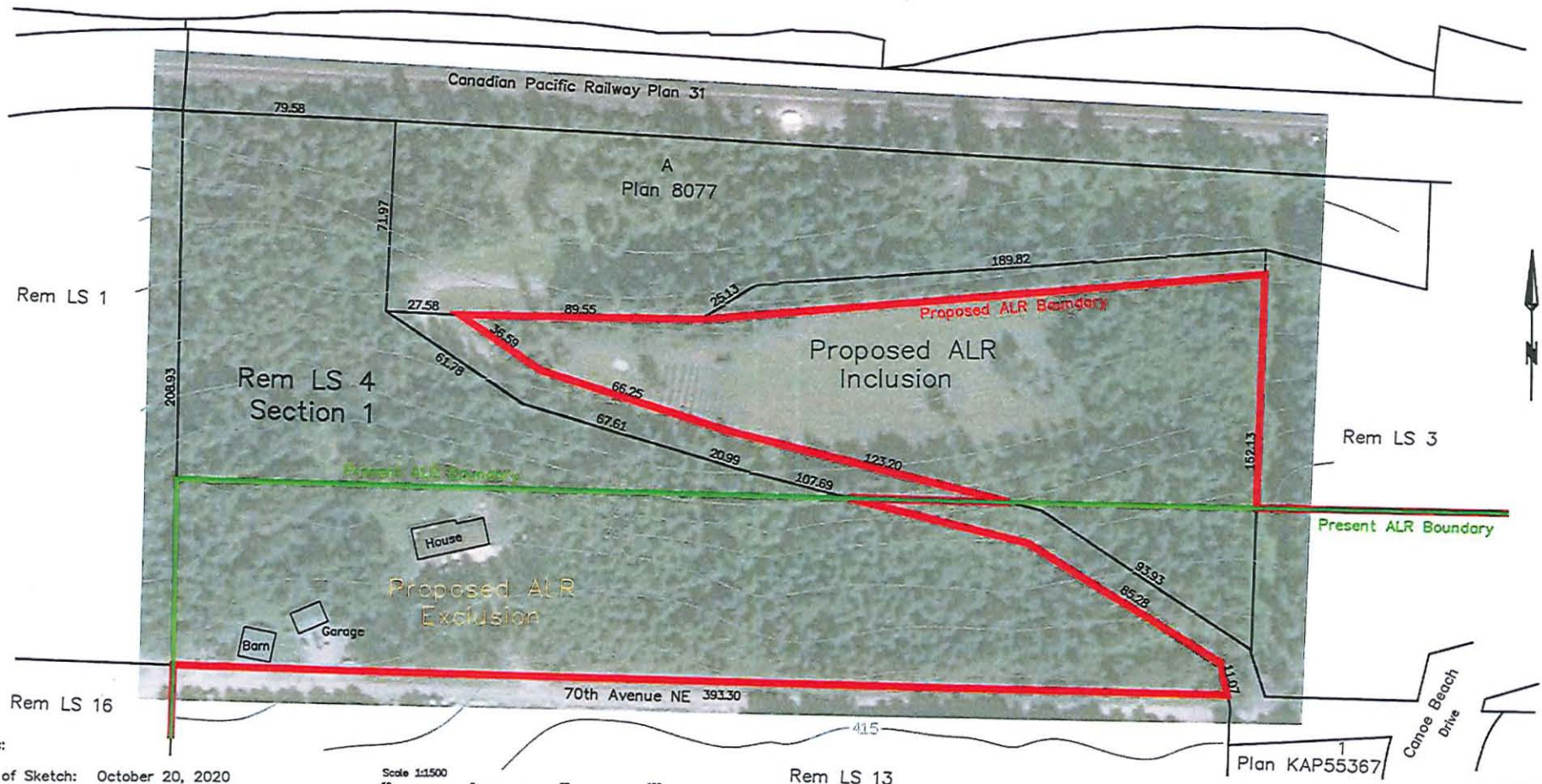
Balens Cabin on Easement may 2017

WP_2011208_002.jpeg



Sketch Plan of Proposed ALR Inclusion/Exclusion Exchange LS 4, Sec 1, Tp 21, R 10, W6M, KDYD, W6M

except Plans 31 and 8077



Notes:

Date of Sketch: October 20, 2020

Area Proposed to include in ALR : 1.66ha

Area Proposed to exclude from ALR : 2.43ha

Scale 1:1500

0 50 100

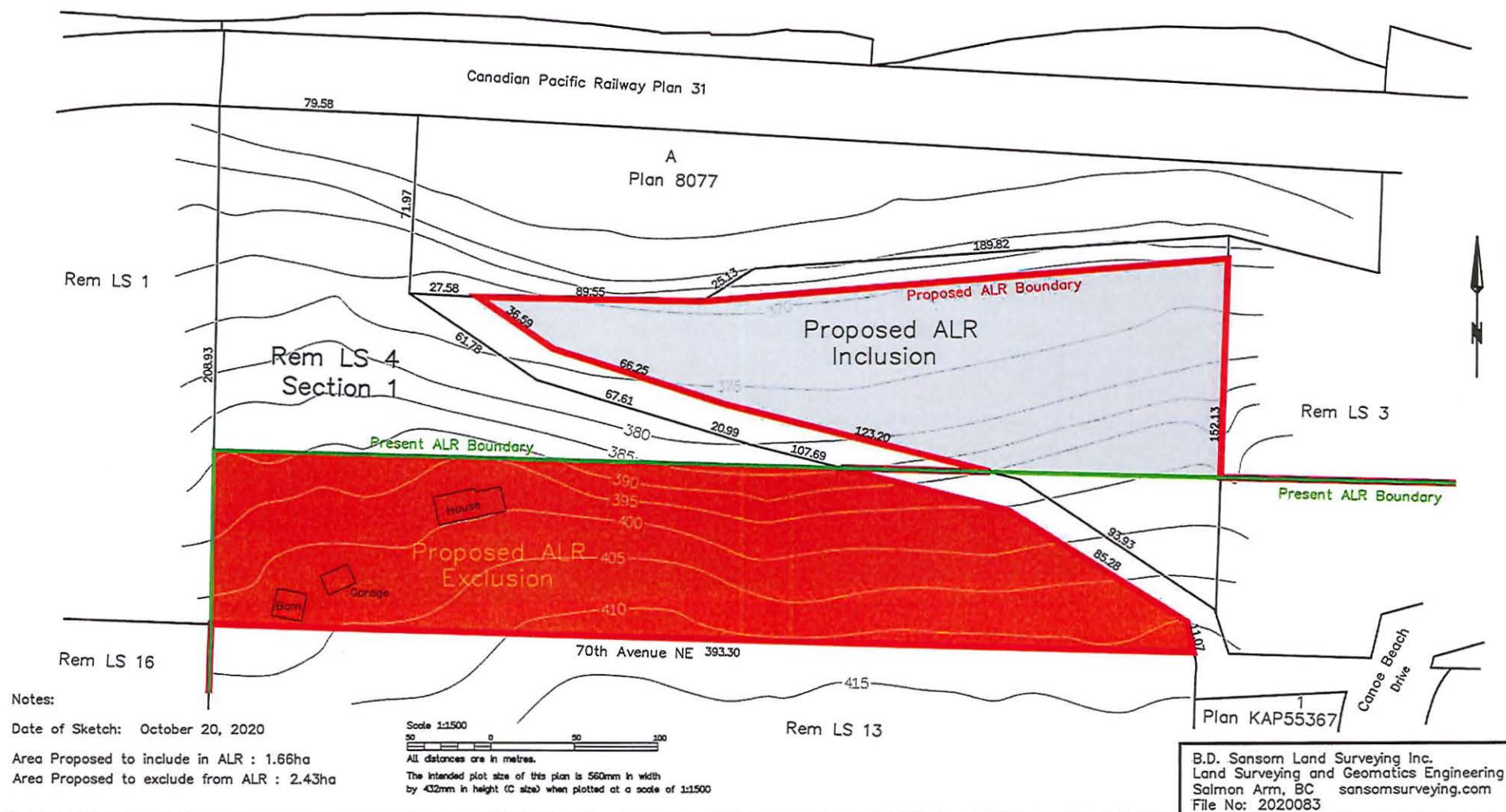
All distances are in metres.

The intended plot size of this plan is 560mm in width
by 432mm in height (C size) when plotted at a scale of 1:1500

B.D. Sansom Land Surveying Inc.
Land Surveying and Geomatics Engineering
Salmon Arm, BC sansomsurveying.com
File No: 2020083

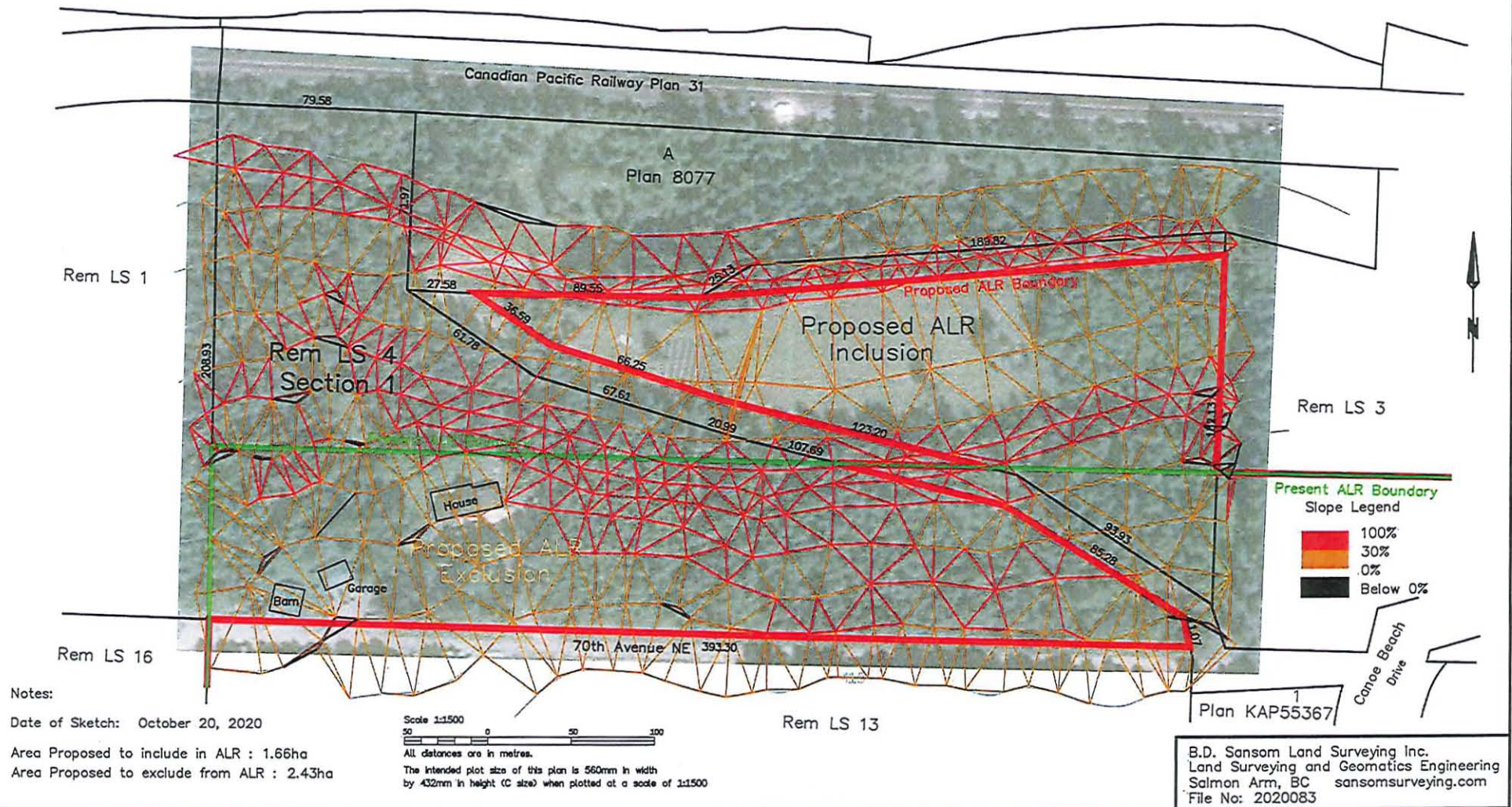
Sketch Plan of Proposed ALR Inclusion/Exclusion Exchange LS 4, Sec 1, Tp 21, R 10, W6M, KDYD, W6M

except Plans 31 and 8077



Sketch Plan of Proposed ALR Inclusion/Exclusion Exchange LS 4, Sec 1, Tp 21, R 10, W6M, KDYD, W6M

except Plans 31 and 8077



Melinda Smyrl

From: Cathie Carmichael <ccarmichael@owenbird.com>
Sent: June-14-18 8:58 AM
To: Richard Smith; 'crowlinson@das.ca'
Cc: Paul Brackstone
Subject: Smith and Smith v Balen and Balen
Attachments: Letter to C. Rowlingson and Smith (01028235x9DEBD).PDF; Reasons - 2018 BCSC 918 Smith v. Balen (01021617x9DEBD).pdf; AR report (01028239x9DEBD).pdf; client trust detail (01028237x9DEBD).pdf

Please find attached Paul Brackstone's letter of today's date, together with the enclosures referred to therein.

Regards,

Cathie Carmichael
 Legal Administrative Assistant
 to Paul A. Brackstone

Direct Line (604) 697-5603 | Direct Fax (604) 641-4712
 Email ccarmichael@owenbird.com



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Our File: 33666/0000

June 14, 2018

VIA ELECTRONIC MAIL

DAS Canada
390 Bay Street, Suite 1610
Toronto, Ontario M5H 2Y2

Attention: Chris Rowlinson

VIA ELECTRONIC MAIL

Richard Smith
1281 – 70th Avenue NE
PO Box 1903
Salmon Arm, BC V1E 4P9

Dear Sir:

**Re: Smith and Smith v. Balen and Balen
BCSC, Vancouver Registry Action No. S153637**

I write to follow up on the status of this matter.

Attached for your information is a copy of Mr. Justice Brundrett's oral reasons for judgment.

I am awaiting joint instructions on how to handle the matter of costs.

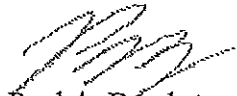
Attached for everyone's information is a copy of the trust reconciliation showing the accounts and payments history, as well as the accounts receivable. Please make arrangements for payments of the accounts receivable, and confirm your instructions on how to address the issues of costs.

Page 2

I look forward to hearing from you.

Yours truly,

OWEN BIRD LAW CORPORATION



Paul A. Brackstone

PAB/chc

Encl.

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Smith v. Balen*,
2018 BCSC 918

Date: 20180517
Docket: S153637
Registry: Vancouver

Between:

Richard Smith and Margaret Smith

Plaintiffs

And

Robert Mark Balen and Beryle Maureen Balen

Defendants

And

**Piero Vezzani, Marinanne Vezzani, and
the City of Salmon Arm**

Defendants by Counterclaim

Before: The Honourable Mr. Justice Brundrett

Oral Reasons for Judgment

In Chambers

Counsel for Plaintiffs:

P.A. Brackstone

Counsel for Defendants:

M. Russman

Place and Date of Trial/Hearing:

Vancouver, B.C.
May 8, 2018

Place and Date of Judgment:

Vancouver, B.C.
May 17, 2018

INTRODUCTION

[1] This is a summary trial application by the plaintiffs, Richard Smith and Margaret Smith, in relation to alleged interference with an easement (the “Easement”) which is situate over the property of their neighbours, Robert and Beryle Balen. The parties’ properties are located in a rural area of Salmon Arm near the shores of Shuswap Lake.

[2] The Smiths seek both a prohibitory and mandatory injunction (as well as damages) for what they say is the defendants’ nuisance and interference with the Easement which runs between the two properties. The outcome of their application turns on the determination of whether the erection of fences, hedges, a drainage field, and other obstacles within and along the Easement substantially interferes with the Smiths’ use of the Easement.

[3] In particular, the Smiths apply for the following orders:

1. A declaration that the defendants have breached the Easement (defined below) and have committed a private nuisance.
2. Judgment against the defendants for breach of the Easement and private nuisance.
3. General damages for interference with the Easement, and private nuisance.
4. Special damages for interference with the Easement, and private nuisance.
5. An injunction [requiring the Balens to remove anything interfering with or obstructing the Easement, and an injunction restraining the Balens from interfering with or obstructing the Easement].
6. In the alternative, an order permitting the Smiths to abate the interference with the Easement, and private nuisance, with the reasonable costs of doing so to be assessed as special damages once they are known.
7. Pre-judgment and post-judgment interest pursuant to the *Court Order Interest Act*, R.S.B.C. 1996, c. 79.
8. Special costs.

[4] Although the Smiths have also claimed damages for trespass and invasion of privacy, the Smiths did not pursue these claims at the summary trial.

[5] The Balens deny that they have interfered with the Smiths' rights under the Easement and argue that the matter is not suitable for a determination by summary trial.

[6] The Balens oppose all of the orders sought by the Smiths. They seek the following orders:

- 1) the summary trial application of the plaintiffs be dismissed;
- 2) this action be transferred to the Salmon Arm or Vernon registry for all purposes;
- 3) the matter be remitted to the trial list; and
- 4) costs.

[7] The defendants by counterclaim are the Vezzanis (another neighbour) and the City of Salmon Arm. The action against the City of Salmon Arm has been discontinued. No one appeared at the summary trial hearing for the Vezzanis and I am satisfied that I need not deal with that aspect of the counterclaim.

BACKGROUND

The Properties in Issue

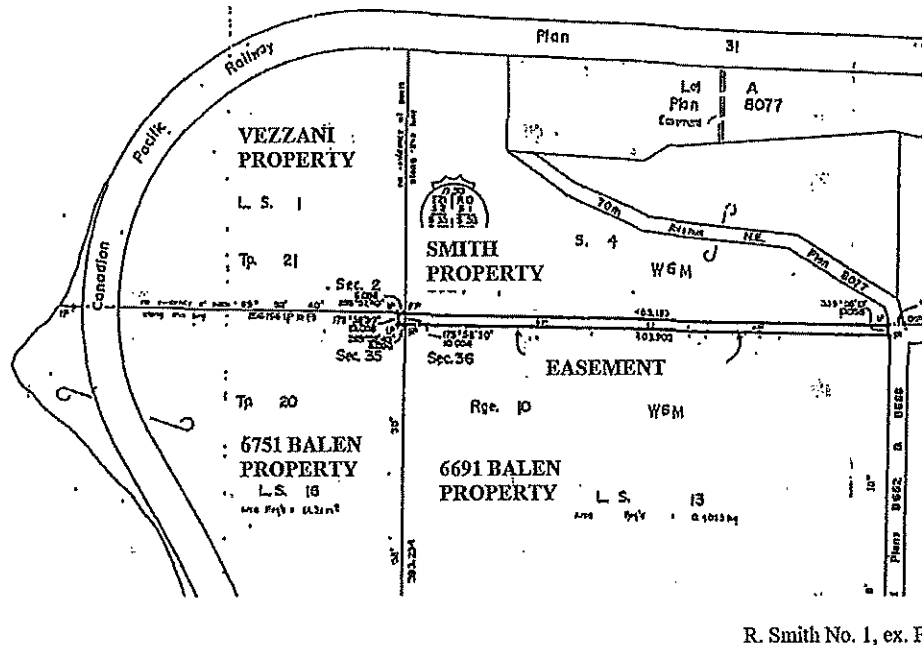
[8] The Smiths have owned the property at 1281 70th Avenue Northeast, Salmon Arm, British Columbia (the "Smith Property") since about 1990. The Smiths live on the Smith Property and operate a small developing hobby farm.

[9] The Balens own neighbouring properties to the south and southwest of the Smith property. They have owned the 6751 Lakeshore Road NE property (the "6791 Balen Property") since 2009 and the 6691 Lakeshore Road NE property (the "6691 Balen Property") since 2011 (collectively, the "Balen Properties").

[10] The Vezzanis have owned the property at 991 70th Avenue NE, Salmon Arm, BC (the "Vezzani Property"), since about 1990. The Vezzani Property is to the west of the Smith Property.

[11] The two Balen Properties, the Smith Property, and the Vezzani Property are located on a point extending out into Shuswap Lake.

[12] A map of the four multi-acre properties and the Easement is reproduced here for ease of reference:



[13] The topography of the Smith Property is such that the land decreases in elevation from the Easement on the northern edge of the 6691 Balen Property down to the rail line along Shuswap Lake at the north end of the Smith Property.

[14] There is a municipal road dedication in the form of an unpaved, steep, undeveloped road running diagonally across the Smith Property. It does not lead directly to the structures on the Smith Property and does not currently provide good vehicle access.

The Easement

[15] The prior owner of these four properties was the Estate of Meeri Anneli Ilona Long. By an agreement in writing dated November 11th, 1989, the Long Estate granted the Easement in perpetuity on, over, and through a portion of the Balen Properties for ingress and egress to the Dominant Tenements. I find that the

intention at the time was to make the properties marketable and provide access to the other tenements; hence, the creation of the Easement.

[16] The properties were rural and undeveloped at the time the Easement was created in 1989, and there were no significant structures upon them. There were cattle on the 6691 Balen Property at one point prior to 1984, and a barbed wire fence running between the Smith and the Balen Properties which later fell into disrepair.

[17] The Easement runs east to west along the border of the 6691 Balen Property and the Smith Property. It is approximately 10 metres wide and runs the entire length of the 6691 Balen Property. It terminates approximately 6.1 metres west of the northeast corner of the 6751 Balen Property. Thus, the Easement runs the full length of the northern edge of 6691 Balen Property and 6.1 metres into the northeastern edge of the 6751 Balen Property as well.

[18] In terms of the relationship between the parties, the Easement provides as follows:

- a) the Grantor is the owner of the 6691 Balen Property and the 6751 Balen Property;
- b) the Grantee is the owner of the Smith Property, the Vezzani Property, and the 6751 Balen Property;
- c) the Servient Tenement is the 6691 Balen Property and the 6751 Balen Property; and
- d) the Dominant Tenement is the Smith Property, the Vezzani Property, and the 6751 Balen Property.

[19] While I will turn more closely to the wording of the Easement momentarily, it generally provides that the Grantor has agreed to grant the Grantee an Easement in perpetuity on, over, and through the Easement.

[20] Both of the Balen Properties are the Servient Tenements in the Easement to the Smith Property and the Vezzani Property. The 6751 Balen Property is a Servient Tenement in relation to the 6691 Balen Property (and the Smith Property and

Vezzani Property) in relation to the extra 6.1 metres of the Easement extending into the 6751 Balen Property.

[21] A private road runs along the Easement and services the properties. The Smiths contributed to the construction of the private road by paying to construct it and later to pave it. The Easement and the private road provide the only effective vehicle access to various parts of the Smith Property.

[22] There is also a 3.0 metre wide statutory right of way on the 6691 Balen Property in favour of the City of Salmon Arm, entirely within the Easement area and running along the northern edge of the Easement.

[23] The Smiths' house and several of the Smiths' outbuildings are all accessible only by the private road running along the Easement. The Vezzani, as well as the occupants of the 6751 Balen Property, also require access along the Easement to get to their properties.

[24] To the west of the Smiths' shop is a parking area (the "Parking Area"), which is a clearing of sorts slightly to the north of the Easement and on the southwest corner of the Smith Property. The Smith family owns approximately nine vehicles as well as a number of trailers, a boat, and all-terrain vehicles. Hence, this area is important to them.

[25] The language of the Easement is wide and unrestricted.

[26] Recital C of the Easement specifically grants a right of ingress and egress to "all parts" of the Dominant Tenement. It provides as follows:

The Grantee has requested the Grantor to grant, and the Grantor has agreed to grant to the Grantee, an Easement in perpetuity on, over and through that portion of the Servient Tenement hereinafter described for ingress and egress to all parts of the Dominant Tenement.

[27] Para. 1 of the Easement includes a grant allowing the Smiths (and the other Dominant Tenements) to "enter" the Easement area at any time and to "pass and re-pass along the Easement". There is no restriction in the Easement with respect to

the points of entry onto or off the Easement area. It also uses the language "any part or parts thereof" when referring to access by the Dominant Tenement. Para. 1 provides as follows:

The Grantor hereby grants, conveys, releases and assigns unto the Grantee, the owners or occupiers for the time being of the Dominant Tenement or any part or parts thereof, an Easement in perpetuity for the benefit of the Dominant Tenement or any part or parts thereof and the full right and liberty for the Grantee, the owners or occupiers for the time being of the Dominant Tenement or any part or parts thereof and his and their respective servants, agents, workers, contractors, licencees, and all other persons by his authority, at any time or times hereafter to enter at any time and from time to time, day or night, upon that part of the Servient Tenement outlined with heavy black ink on a Reference Plan completed by M.D. BROWNE & ASSOCIATES a copy of which is attached hereto as Schedule "I" (herein called the "Easement") and thereon by himself or by agents, servants, workers, contractors, licencees, and all other persons by his authority, both with and without vehicles, animals, implements, and equipment to pass and re-pass along the Easement and also thereon to place, construct, bury, maintain and use any poles, wires, transformers, cables, lines or any other similar apparatus necessary for the transmission and distribution of electrical energy and for communication purposes (herein collectively called the "Electric Works") and also thereon or thereunder to place, construct, bury, maintain and use any pipelines, meters, connections and other apparatus as may be necessary or desirable for sewer, water, natural gas and other normal residential services (herein collectively called the "Other Services").

[28] Para. 2 references the authority of the Grantee (being the Dominant Tenements) to construct and maintain a roadway upon the Easement as may be reasonable. The language is noteworthy in that it repeats the words "pass and re-pass along the Easement":

The Grantor will permit the Grantee to construct and maintain upon the Easement such roadway as may be reasonable to permit the Grantee to pass and re-pass along the Easement as aforesaid.

[29] Para. 3 of the Easement provides for a restriction on the Grantor (being the Servient Tenements) which restriction applies to the 6691 Balen Property. Para. 3 thus restricts the Balens from placing, erecting, constructing, or maintaining any building, structure, foundation, or obstacle whatsoever, or planting any growth which might interfere with access by the Grantee (e.g. the Smiths). Again the language is wide. Para. 3 reads as follows:

The Grantor will not make, place, erect, construct, or maintain on the Easement any building, structure, foundation, or obstacle whatsoever or plant any growth which might interfere with access by the Grantee or construction of the roadway or with the maintenance and use of the Electric Works or Other Services.

[30] Para. 4 of the Easement confirms that the Grantor may use the Easement for his own purposes and enjoyment, subject to the rights of the Grantee (including the Smiths):

The Grantor may use the Easement for his own purposes and enjoyment subject to the rights of the Grantee herein granted, provided however that the Grantor shall not grant to any other person or corporation a right to use the Easement unless the Grantor has first obtained the written consent of the Grantee which consent may be arbitrarily withheld.

[31] Para. 5 of the Easement obligates the Grantee (which includes the Smiths and the Balens) to maintain the roadway, electric works, and other services constructed by him on or in the Easement in good condition:

The Grantee will maintain any roadway and/or Electric Works and/or Other Services constructed by him on or in the Easement, in as good condition as may reasonably be expected for properties of similar location and use as the Dominant Tenement.

[32] Para. 6 provides that the Easement runs with the land and continues notwithstanding any subdivision:

That rights, privileges and obligations herein set forth are and shall be of the same force and effect to all intents and purposes as covenants running with the lands or any subdivision of the lands and they shall enure to the benefit of and be binding upon not only the Grantor and the Grantee but also their respective successors, assigns, successors in title, servants, agents and licencees.

[33] The Balens point to references in the Easement which they say supports an interpretation that requires reasonableness and the need to balance the parties' rights. In particular, para. 2 refers to the Grantee constructing and maintaining such roadway "as may be reasonable" to permit the Grantee to pass and re-pass along the Easement. Para. 5 refers to the Grantee maintaining any roadway in as good condition "as may be reasonably expected" for properties of similar location and use.

[34] The word "reasonable" does not appear in paras. 1, 3 or 4 of the Easement, and I find its appearance elsewhere is of little significance in interpreting the Easement.

THE INJUNCTION ISSUE

Suitability for Summary Trial

[35] Rules 9-7(11) and 9-7(15) of the *Supreme Court Civil Rules* govern suitability. Applying those rules to the present context, I find that the injunction issue is suitable for determination by summary trial. The necessary facts are fully set out in the affidavits filed by the parties, and the issues may be decided by inferences from those facts: *MacMillan Bloedel v. British Columbia Hydro & Power Authority*, 72 B.C.L.R. (2d) 273 (C.A.) at paras. 62–64; *Inspiration Mgmt. Ltd. v. McDermid St. Lawrence Ltd.* (1989), 36 B.C.L.R. (2d) 202 (C.A.); *Canada Wide Magazines Ltd. v. Columbia Publishers Ltd.* (1994), 55 C.P.R. (3d) 142 (B.C.S.C.).

[36] The primary issue revolves around interpretation of the Easement and whether the facts support an inference that interference with the Easement has occurred. There is no conflict in the admissible evidence with respect to the existence of the Easement and the circumstances surrounding the grant of the Easement and the placement of certain obstacles within the Easement. The effects of the obstacles such as the fence, gate, and hedges are readily discernible on the evidence.

[37] Counsel for the Balens points out that certain questions of credibility or possible inconsistency exist on some of the surrounding facts. I am satisfied, however, that to the extent those matters cause any difficulty, I can put those matters aside and find the necessary facts to decide the issues.

[38] This is not a case where the Court needs to hear further witnesses before being able to determine the relevant facts. In my view it would not be unjust to decide the injunction and prohibition issues by way of summary trial.

Legal Principles Impacting the Proper Interpretation of the Easement

[39] In *Avanti Mining Inc. v. Kitsault Resource Ltd.*, 2010 BCSC 1181, Mr. Justice Joyce summarized the applicable principles for interpretation of an easement. In doing so, he summarized the main authorities in this province which have interpreted rights of way, easements, and contracts. At para. 61 the Court stated as follows:

[61] From the foregoing review of the authorities, I would distil the following principles that I think should govern my interpretation of the meaning and scope of the Right of Way:

1. The Right of Way is limited in its scope to purposes that are necessary for the operation of the grantee's undertaking as a mining corporation.

s. 218 of the *Land Title Act*.

2. The following principles that apply to the construction of a contract also apply to the interpretation of the Right of Way:

- (a) The intention of the parties is to be determined by looking first to the plain and ordinary meaning of the words used, in the context of the whole of a contract and in a manner that does not render one part of the contract ineffective.

- (b) The words must be read in the context of the surrounding circumstances when the contract was made, including facts known to both parties but not negotiations or evidence of subjective intent.

- (c) The standard is an objective one.

- (d) If the words of the instrument are unambiguous that is the end of the matter. If there is ambiguity or if the plain language leads to an absurdity, a result that both parties could not have intended, then regard may be had to extrinsic evidence to assist in determining the parties' intent.

- (e) Evidence of context or surrounding circumstances must not be allowed to overwhelm the plain language of the document.
0746727 B.C. Ltd. v. Cushman & Wakefield LePage Inc.;
Water Street Pictures Ltd. v. Forefront Releasing Inc.

3. Thus, with regard to an easement in particular, the wording of the instrument creating the Right of Way should govern its interpretation unless (a) There is an ambiguity in the wording or (b) the surrounding circumstances demonstrate that both parties could not have intended a particular use of the easement that is apparently authorized by the wording of the document.

Granfield

4. The use to which the easement is intended to be put at the time of the grant is not a surrounding circumstance which shows a common

intention of the parties that the easement was not to be put to any other use.

Granfield; White, Robertson; Laurie v. Winch; and Hillside Farms Ltd. v. British Columbia Hydro Power Authority

5. Evidence of negotiations or subjective evidence of the person who drafted the instrument purporting to explain the intent of the easement is not a "surrounding circumstance" and is not admissible as an aid to construction.

Kassell

6. To the foregoing, I would add this: where the instrument granting the easement contains an expression of the use for which the easement is intended, the court should be cautious about relying on extrinsic evidence as to use or purpose.

[40] The defendants argue that *Avanti* is of limited application and its principles should be confined to the "use" or purpose of a statutory right of way. I disagree.

[41] *Avanti* itself repeatedly refers to easements in para. 61 above. Further, it has been subsequently referred to as one of several cases which helpfully summarize the rules of construction for easements and rights of way: see, for instance, *Robinson v. Pipito*, 2014 BCCA 200 at paras. 29 and 32; *Grant v. Lowres*, 2016 BCSC 1654 at para. 25; *Sherbinin v. Jackson*, 2011 BCSC 74 at paras. 30–31.

Defendants' Alternative Interpretation

[42] The defendants submit that the language of the Easement is open to an alternate interpretation to that proposed by the plaintiffs; namely, that the access points to the Smith Property were meant to be limited to certain specific areas. The defendants' interpretation flows from the fact that the Dominant Tenement comprises three different properties (the Vezzani Property, the 6751 Balen Property, and the Smith Property) and the Servient Tenement comprises two (the two Balen Properties). The language in para. C of the recital and in para. 1 of the Easement refers to "all parts" or "any part or parts." The defendants say these modifying words refer to the possible types of ownership scenarios or combinations in relation to the three Dominant Tenements, not portions of those individual properties.

[43] I would reject this interpretation. In my view, it does not provide an alternate reasonable interpretation of the Easement. First, the language of the Easement is wide and unqualified and does not support a more restrictive interpretation.

[44] Second, reading the Easement as a whole, I view this interpretation as strained and unfounded.

[45] Third, para. C of the recital refers to “on, over, and through that portion of the Servient Tenement hereinafter described for ingress and egress to all parts of the Dominant Tenement.” The preceding words include “on, over, and through that portion” and “ingress and egress,” making it clear that the modifying words refer spatially to land and not possible ownership entities. The fact that para. 6 of the Easement allows for future subdivision tends to confirm this.

[46] Fourth, para. 1 of the Easement refers to the right of the “Dominant Tenement or any part or parts thereof ... to enter at any time and from time to time, day or night, upon that part of the Servient Tenement outlined with heavy black ink” on an attached plan. The plan attached to the Easement appears to mark the full width of the Easement in slightly more prominent black ink without any interruptions or breaks.

[47] Fifth, even if the defendants’ interpretation is valid in relation to para. 1 of the Easement in respect of the reference to “the Dominant Tenement or any part or parts thereof,” the same paragraph provides a right to “pass and re-pass along the Easement.” Again, the use of the word “along” is an open-ended, modifying word. I reject the defendants’ argument that the word “along” should be given a more restrictive interpretation.

[48] Finally, in the further alternative, para. 3 of the Easement provides that “[t]he Grantor will not make, place, erect, construct, or maintain on the Easement any building, structure, foundation, or obstacle whatsoever or plant any growth which might interfere with access by the Grantee...” [Emphasis added]. Again, this is clear,

unrestricted language which independently prohibits the Balens from interfering with the access to the Easement, apart from the other paragraphs in the Easement.

[49] The language in the Easement is clear, and I do not find ambiguity in the language such that it is necessary to go beyond the words employed: *Granfield v. Cowichan Valley (Regional District)* (1996), 16 B.C.L.R. (3d) 382 at paras. 20-21 (C.A.); *Rob v. Walker*, 2015 BCCA 117 at para. 32.

Intent of the Grantor

[50] The defendants further invite me to have regard to the surrounding circumstances of the grant of the Easement. In that regard, the defendants point me to the affidavit of Helena Long, the executrix of the estate which owned all of the properties in question. Ms. Long deposes as follows:

- Because the Smith Property was underdeveloped at the time, the Easement defined no access points to enable a future purchaser to choose where to build;
- Access to the Smith Property (referred to as the 1281 property) was an issue because of the fact that there was no residence on it at the time. It was impossible to predict where a future purchaser may ultimately construct his or her residence;
- In the end, the Easement was worded in order to permit the future owner of the 1281 property to construct his or her residence wherever they wished and put in place a corresponding access point;
- It was not the estate's intention to provide access to the Smith Property from any portion of the Easement; rather, the intention was to provide access from a defined access point;
- Para. C of the recitals does not refer to the right to access the Smith Property from any location on the Easement;
- It was not her intent that the Smith Property would be afforded an unlimited number of access points from the Easement;
- The difficulty with defining an appropriate access point or points to the Smith Property was that it was impossible to know where the future owner or owners would construct a residence; and
- Para. 3 of the Easement was intended to prevent future owners of the 6691 Balen Property or the 6751 Balen Property from doing things which might prevent the owners of the Smith Property, the 6691 Balen Property, and the 6751 Balen Property from reasonably accessing the properties. This provision was not intended to prevent construction of

a fence along the northern edge of the Easement, so long as reasonable access was provided to the owners of the Smith Property.

[51] Ms. Long's affidavit thus speaks to Ms. Long's subjective belief that a future owner of the Smith Property would enjoy only defined access points over the Easement. This may well have been Ms. Long's subjective intention; however, the language in the Easement was certainly not crafted that way. Instead, as noted, the language in the Easement is clear and unconstrained by any reference to access points for the Smith Property.

[52] When interpreting an easement, the court must have regard to the plain and ordinary meaning of the words in the grant to determine what the intention of the parties was at the time the agreement was entered into. Surrounding circumstances, that is, objective evidence of background facts at the time of the execution of the contract, are to be considered in interpreting the terms of the contract: *Robb v. Walker* at para. 31.

[53] Looking at the surrounding circumstances objectively, it appears that the context at the time the Easement was created was such that the properties were at that point largely undeveloped, future subdivision and marketability was contemplated, and there was a desire for open-ended language in the Easement to provide flexibility to the future owner of the Smith Property, the 6751 Balen Property, and the Vezzani Property, in choosing their access point(s).

[54] The focus remains on the words of the Easement. If the parties' intentions contradict the contract's language, it is the language which must prevail: *Le Soleil Hotel & Suites Ltd. v. Le Soleil Management Inc.*, 2009 BCSC 1303 at para. 387 per Dickson J. (as she then was); *Hillside Farms Ltd. v. British Columbia Hydro & Power Authority*, [1977] 1 A.C.W.S. 677 at para. 11 (C.A.) (WL); *Kassell v. Probasco*, 2007 BCSC 937 at paras. 23–24 per Hinkson J. (as he then was).

[55] Here, with respect, Ms. Long's subjective intent concerning defined access points appears to be contrary to the express language in the Easement, and I find I ought not to take it into account. Moreover, if the intention was to market individual

component properties for sale, marketability would not have been served by restricting access points across the Easement.

[56] Furthermore, the use to which the Easement is intended to be put at the time of the grant is not a surrounding circumstance which shows a common intention of the parties that the Easement was not to be put to any other use; and evidence of negotiations or subjective evidence of the person who drafted the instrument purporting to explain the intent of the Easement is not a "surrounding circumstance" and is not admissible as an aid to construction: *Avanti* at para. 61(4) and 61(5).

[57] It follows that the evidence from Ms. Long as to the use she intended the Easement to be put is not helpful to my analysis. In my view, the plain and ordinary meaning of the words used in the context of the whole of the Easement and having regard to an objective view of the surrounding circumstances when the Easement was made, admits no other interpretation than a wide prohibition against the Servient Tenement interfering with the Dominant Tenement's access on, over, through, and along the Easement.

The Alleged Interference with the Easement

[58] The Smiths allege the Balens have interfered with the Easement in several ways. The Balens admit some of the Smiths' factual assertions though some of the Smiths' allegations are not admitted. The Balens submit more context is required to allow the Court to appreciate what occurred and to assess whether the acts complained of actually constitute interference with the Smiths' Easement rights or a nuisance.

[59] In particular, the Balens admit to the following:

- 1) Mr. Robertson, a contractor of the Balens, placed a container on the Smith Property during construction of their workshop between November 2010 and May 2011. The container was almost 20 feet long and 8 feet wide and was placed on the southwest corner of the Smiths' property. The Balens say they thought Mr. Robertson had obtained the Smiths' permission;

- 2) The parking of a Cadillac on the Easement for a period of time. The Balens deny it significantly or materially inconvenienced the Smiths or interfered with their access;
- 3) Parking a steamroller on the Easement intermittently for brief periods during the May 1st to June 24th, 2014 period. The Balens deny that it significantly or materially inconvenienced the Smiths or interfered with their access; and
- 4) Placing a water valve on the Easement. Again, the Balens deny the valve hinders access to the Smith Property.

[60] I agree with the defendants that some of these matters, such as the parked Cadillac, may be relatively minor and would not on their own amount to interference of any lasting effect.

[61] The larger container is a concern. It is not sufficient for the Balens to claim they believed their contractor had permission to place it on the southwest corner of the Smith Property. It was the obligation of the defendants to control the behaviour of their contractor so as not to interfere with the lawful use of neighbouring property: *Moyer v. Mortensen*, 2010 BCSC 1528 at para. 111.

[62] Of perhaps greater concern are the more permanent obstacles placed on the Easement by the Balens or their agents. In particular, on July 2nd, 2014, Mr. Balen planted 10 trees along the Easement, blocking the access to the Smiths' Parking Area on their side of the property line. The more recent photos show two additional rows of trees planted along the northern portion of the Easement. The Balens do not dispute that they planted the trees. I have seen photos and video of the trees, which are a line of tall hedge-type trees.

[63] A video taken on one occasion shows Mr. Smith attempting to manoeuvre his vehicle and trailer around the trees with great difficulty. There is no doubt that the trees interfered with access to the Smith Property over the Easement, including the Parking Area.

[64] The Balens argue that the hedge trees they planted could be preserved and that the Smiths would have better access if the Smiths removed one or two additional trees on the Smiths' property. The Smiths dispute this and point to the

positive benefits of the trees on their property, such as shielding their property from the Balens' surveillance cameras.

[65] While the hedge trees restrict access along the northern edge of the Easement, the larger trees on the Balens' property referred to are located entirely on the Smiths' property. Regardless, I reject the proposition that the Balens' interference with the Easement by planting the hedge trees is justifiable on the basis that the Smiths could potentially undertake remedial actions to alleviate the restriction on access to their property unilaterally imposed by the Balens.

[66] Between August 24th and September 3rd, 2014, the Balens placed large concrete blocks next to the hedge trees. They were connected by a red steel railing (the "Barricade") with a boulder at each end. The Barricade prevents Mr. Smith from directly accessing the Parking Area from the Easement without going on to the Vezzani Property and manoeuvring with difficulty. The Smiths have no legal right to use the Vezzani Property for access.

[67] In February 2015, a further concrete block was placed at the eastern end of the Barricade near the entrance to the Smiths' shop. The placement of that block interfered with Mr. Smith's ability to reverse his boat trailer into the shop where he stores the trailer and boat.

[68] In April 2015, a number of additional concrete blocks were placed at various places in the Easement. I find that these blocks substantially narrowed the useful width of the Easement for the Smiths and made it more difficult for them to manoeuvre into the Parking Area.

[69] The Balens admit the concrete blocks were placed along the Easement, but they say they were only placed there temporarily and they are no longer on the Easement, with the exception of the blocks forming part of the hedges' protective rail.

[70] On or about April 24th, 2015, the Balens commenced construction of a fence, fence posts, and gates along the Easement. The fence is currently partially

complete. Gates have been installed in front of the Smiths' shop and the driveways leading to the Smiths' house and garage. Fence posts have also been installed along the rest of the Easement. The result of the completed fence will be that the Smiths will only have access to their property through defined points where there is a gate going through the fence. Mr. Smith attests, and I accept, that these obstacles substantially interfere with ingress and egress from the Smiths' property.

[71] Initially, the gates near the Smiths' outbuildings only swung on to the Smiths' property. The gates and fence have since been reconfigured (after the start of a previous summary trial in this matter, and again without consultation) along with the road being widened, and the gates have now been modified to swing in two directions.

[72] Nevertheless, since the changes, Mr. Smith deposes and I accept that the reconfigured fence and gates still interfere with the Smiths' access to the shop and the Parking Area. Even after the changes, Mr. Smith has difficulty backing large trailers or boats into his shop and requires the assistance of another individual outside the vehicle to guide him. Also, even in a partially constructed state, a fence prevents the Smiths from using the asphalt pad on the Smiths' property in front of their shop for parking (which they could do before).

[73] To back a trailer into the shop, Mr. Smith attests that he has to first park on the Easement, disconnect the trailer, re hitch the trailer to an ATV, then back the trailer into the shop. Mr. Smith states, and I accept, that the difficulty manoeuvring around the fence caused Mr. Smith to damage his boat while attempting to back into the shop.

[74] The defendants dispute that the fence and gate caused such difficulty, but judging by the width of the road and the positioning of the fence in the photos, I accept Mr. Smith's evidence on this point. The gates even as modified still impede access to the Smith property. As well, of course, they were placed there without permission.

[75] The Smiths say the fence makes ploughing the road for snow more difficult. I accept this, but I do not accept that this is a significant factor I should take into account in terms of access over the Easement.

[76] Mr. Smith also attests that the fence interferes with his ability to cut grass on his property adjacent to the fence. I regard this as a minor complaint not worthy of consideration for the present purposes.

[77] The Balens say the steel rail or Barricade was installed to protect the hedges due to the fact that the hedge was previously vandalized and destroyed by Mr. Smith. As noted, I have seen the video of that incident. It shows Mr. Smith backing into one of the hedges, then subsequently, after exiting his vehicle in frustration, making a half-hearted attempt to replant the hedge by moving it upright and kicking it into place before going into his home. I do not accept the Balens' characterization that the hedge tree was vandalized by Mr. Smith. Backing into the tree appears to have been an accident caused at least in part by Mr. Smith's difficulty backing around the hedge.

[78] The Balens maintain that the hedge, fence, and gates were all planted and installed in order to clearly delineate the property lines for all parties and to address ongoing issues between the neighbours, such as late-night parties that were allegedly occurring at the Smith Property. That may well be the case, but the effect of these items was to impede the Smiths' ability to access their property. At times, that impediment has been significant. I note that the Balens do not dispute that the hedge and "protective rail" detrimentally affected the Smiths' ability to access the Parking Area.

[79] Para. 3 of the Easement restricts the Balens from placing, erecting, constructing, or maintaining any building, structure, foundation, or obstacle whatsoever or planting any growth which "might interfere" [emphasis added] with access by the Smiths. While it is true that the Balens own the property upon which the Easement is situate, their activity with respect to the hedge, trees, fence, and gates runs afoul of this restriction on their rights as property owners.

[80] Concurrently with the reconfiguration of the fence and gates in August and September of 2016, Mr. Balen installed a French drainage system in the Easement area immediately beside the roadway and widened the roadway at the same time. The Balens argued that they undertook the drain system to address the deteriorating roadway, and that they were motivated in part by the obstructed and damaged culverts the Smiths installed during construction of the Easement roadway. The Balens say the Smiths refused to clear the obstruction in the culverts which were located on the Smith Property. The Balens attest that the drainage system cost them approximately \$15,000 and that it cannot be driven over without damaging it.

[81] The Smiths dispute that the French drainage system was necessary.

[82] The question of whether driving over the French drain and covering decorative rocks would damage the drain is questioned to some extent by an engineering report from Mr. Lawson filed by the Smiths. The engineering report indicates that properly constructed, a French drain may not be damaged by large vehicles driving over it.

[83] I have seen the photos showing the difficulty Mr. Smith had in backing up a boat with a trailer into the shop, and I am satisfied that the French drain, even on the south side, would interfere with his ability to do so. One has to account for the fact that this is a semi-rural property where the parties are accustomed to driving large trucks, sometimes towing trailers or boats, which may have difficulty manoeuvring in tight spaces.

[84] As with the other obstacles on the Easement, construction of the drainage system was undertaken unilaterally without the permission of the Smiths. Unfortunately, while the French drain may well be useful for drainage at one level, it replaces a ditch and curb to the road which the plaintiffs previously could use a vehicle to pass over (albeit sometimes with difficulty) with a system which now impedes the Smiths accessing their property. I have no doubt that its existence (even with a wider roadway) hinders access to portions of the Smiths' property,

especially if one accepts the Balens' own evidence that the French drain should not be driven over.

Whether a Permanent Injunction Should be Ordered

[85] The test as to whether there has been an actionable disturbance on an easement is whether the way could be practically and substantially exercised as conveniently after as before the interference; to be actionable, the interference must be substantial: *Grenier v. Elliott*, 2007 BCSC 598 at para. 35; see also *Fallowfield v. Bourgault* (2003), 68 O.R. (3d) 417 at paras. 11 and 33 (Ont. C.A.).

[86] The defendants point to the fact that an unpaved, underdeveloped road runs diagonally across the Smiths' property. The implication appears to be that this could potentially provide an alternate means of access and that it is therefore unnecessary to construe the Easement widely. I view this argument as misplaced and the existence of the "bush road," as it was referred to, as being irrelevant to the interpretation of the Easement except as part of the overall context.

[87] I have no difficulty concluding from all the circumstances that the Balens' placement of the hedge trees, concrete blocks, fence, boulders, and gates are contrary to the language of the Easement. That language (1) provides the Smiths with a broad right to enter, pass, and re-pass along the Easement; and (2) restricts the Balens from placing, erecting, or constructing any structure, foundation, or obstacle whatsoever or any plant growth which might interfere with access by the Smiths.

[88] I also find that the Balens' placement of the hedge trees, concrete blocks, boulders, fence, posts, gates, and the French drain, even with the Balens' more recent litigation-induced attempts at mitigating their highhanded earlier unilateral actions in placing these items along the Easement, constitutes an unreasonable and substantial interference with the intended use and enjoyment of the Easement by the Smiths and their guests: similarly see *Livingston v. Millham*, 2005 BCSC 1292 at para. 22; *Firman v. Michaleski* (1995), 60 A.C.W.S. (3d) 174 at para. 6 (B.C.S.C.) (WL); *Campbell v. Blainey*, 2005 BCSC 250 at para. 56.

[89] Moreover, this unreasonable and substantial interference with the Easement and the Smiths' use and enjoyment of their property constitutes a nuisance: *St. Lawrence Cement v. Barrette*, 2008 SCC 64 at para. 77; *Antrim Truck Centre Ltd. v. Ontario (Transportation)*, 2013 SCC 13 at paras. 18–24.

[90] The Balens' interference and nuisance is deliberate and likely to be continue, thereby making a prohibitory injunction appropriate: *1465152 Ontario v. Amexon Development Inc.*, 2015 ONCA 86 at para. 27, leave to appeal ref'd [2015] S.C.C.A. No. 102; *Cambie Surgeries Corp. v. British Columbia (Medical Services Commission)*, 2010 BCCA 396 at para. 28.

[91] Given the repeated substantial interference with the Easement, I find it appropriate to permanently restrain the Balens from interfering with the Easement, putting obstacles in the way, or committing further nuisance: *Livingston v. Millham* at paras. 26–27; Robert Sharpe, *Injunctions and Specific Performance*, 2 ed. (Toronto: Canada Law Book, 1992) at paras. 4.10 to 4.20; *North Vancouver City v. North Shore Land Company*, [1973] 6 W.W.R. 295 at para. 29 (B.C.S.C.) (WL).

[92] I also find it appropriate to make a mandatory injunction to provide justice between the parties: *Englehart v. Holt*, 2015 BCCA 517 at para. 25. Such an injunction may include orders requiring the defendant to remove obstacles creating the interference: *Kozik v. Partridge* (2000), 36 R.P.R. (3d) 254 at para. 6 (Ont. S.C.J.) (WL); *Firman v. Michalesk*, at para. 7 (WL). I therefore agree with the request for a mandatory injunction ordering the defendants to remove the fence, gate, fence posts, concrete blocks, and hedges they placed in the area and on the Smiths' property.

[93] However, with regard to the scope of both orders, I intend to make the orders somewhat more focussed than requested by the plaintiffs.

Scope of the Injunction

[94] Having found that an injunction is appropriate, I must concern myself with the appropriate breadth of the order. I remind myself that the Smiths are not the only

Dominant Tenement. The Balens (by virtue of their ownership of the 6751 Balen Property) and the Vezzanis are also Dominant Tenements in relation to the Easement. As such, they, along with the Smiths, have the right to undertake certain activities for the provision of electrical works and residential services (para. 1) and to maintain the roadway (para. 2). I must therefore have regard to the parties' respective interests and authority under the Easement.

[95] It has been held that a grant of Easement cannot usurp the property rights of a servient owner: *Macdonald v. Grant* (1993), 85 B.C.L.R. (2d) 180 at para. 31. That said, the Smiths' rights as defined in the Easement must be protected and the Balens' continuing infringement addressed.

[96] It is important in the context of a mandatory injunction that the order clearly define to the defendants what their obligations to remove obstacles are, and thus I will scrutinize the terms of the orders sought.

[97] In particular, the Smiths' request for an order to remove the French drain and the pipeline valve may not be necessary if the French drain can be modified so that it can be driven over. Whether that is feasible is only within the knowledge of the Balens, who constructed it. They say it cannot be driven over in its current form. If that is the case, the French drain on the Easement must be removed because it directly interferes with the Smiths' access to their property.

[98] The order will specifically refer to the objects to be removed. It will also provide a removal period of 45 days, not the 30 days suggested by the plaintiffs, and it will allow for deviation from the terms of the order by the consent of all parties.

[99] Therefore, the order will go as follows. The defendants, Robert Balen and Beryle Maureen Balen:

- 1) Are required within 45 days from the pronouncement of this order, and at their own cost, to remove any fences, fence posts, gates, concrete blocks, boulders, metal railings, trees, hedges, shrubs or bushes, placed or made by themselves or by their agents and servants on that part of the lands and premises situate at 6691 and 6751 Lakeshore Road Northeast, Salmon Arm, British Columbia,

affected by Easement number KD26743 which might interfere or obstruct access to, or egress from, any part of the lands and premises situated at 1281 70th Avenue Northeast, Salmon Arm, British Columbia, unless deviation from this term is consented to in writing by all neighbouring landowners, including the Smiths and Vezzanis.

- 2) Are required within 45 days from the pronouncement of this order, and at their own cost, to render any ditches or French drains on the aforesaid Easement suitable to be driven over by a one tonne truck and trailer, and if that is not possible, to remove the French drains completely and restore the areas now covered by French drains to their former preconstruction condition as of July 31, 2016, at a surface elevation that is level with the paved roadway unless deviation from this term is consented to in writing by all neighbouring landowners, including the Smiths and the Vezzanis.
- 3) Are restrained by themselves, their agent, servants, or otherwise, from interfering with or obstructing the Easement by making, placing, erecting, constructing or maintaining on the easement any building, structure, foundation or obstacle whatsoever or plant any growth which might interfere or obstruct with access to, or egress from, any part of the Smith property from or to the aforementioned Easement unless deviation from this term is consented to in writing by all neighbouring landowners, including the Smiths and the Vezzanis.

THE DAMAGES ISSUE

[100] The plaintiffs also seek general damages for interference with the Easement and for nuisance and ask for an award of \$40,000 on this basis. Given that the evidence at the summary trial established an ongoing infringement of the Easement and the defendants are experienced property developers who are capable of remediating the Easement, I view the injunctive relief provided above as the appropriate remedy at this time to address the Balens' continuing violation of the Easement. The defendants are obligated to remedy the Easement at their own cost.

[101] I am aware that damages for nuisance in the context of a substantial or significant interference with another's enjoyment of property can be awarded in some cases in addition to injunctive relief: for instance, *Campbell v. Blainey* at paras. 53–57; *Kozik v. Partridge* at paras. 5–6 (WL).

[102] In other cases, the practical and proper step is to order an injunction by itself which, instead of attempting to compensate for damages suffered, will terminate the interference causing such damages: *North Vancouver City* at para. 27 (WL);

Century 21 Canada Ltd. Partnership v. Rogers Communication Inc., 2011 BCSC 1196 at paras. 369–76.

[103] Here, the focus has been on injunctive relief, which is the usual remedy to refrain continuation of a wrong in relation to property rights. The question of damages for past nuisance or infringement of the Easement may well overlap with the plaintiffs' claims for trespass and invasion of privacy which are being pursued in the main proceeding.

[104] Given that overlap, and the fact that the underlying activity is not yet resolved, I would adjourn and defer the issue of damages to the main action. Nothing said in these reasons should be taken as binding on a trial judge who addresses damages in that proceeding.

COSTS

[105] The plaintiffs have been substantially successful. I would order the defendants to pay the plaintiffs' costs on Scale B.

[106] Mr. Brackstone, you have a copy of the language of the order. As I said, please provide that to Mr. Russman.

[107] Anything else counsel?

[108] MR. BRACKSTONE: No, My Lord.

[109] THE COURT: Mr. Russman?

[110] MR. RUSSMAN: Nothing, My Lord.

[111] THE COURT: Thank you, gentlemen.

"Brundrett J."

Type	Invoice	Date	Fees	Cost	Other	Tax	Interest	Total
InvoiceTotal	204158	04/26/2018	3,500.00	40.65	0.00	421.68	0.00	3,962.33
GRAND TOTAL			3,500.00	40.65	0.00	421.68	0.00	3,962.33

Transaction Type	Date	Cleared Date	Index No	Document No	Amount	Description	Balance
TRSF IN	05/26/2015	05/26/2015	184960	Visa	5455.64	*Visa: Richard Smith	5455.64
CHEQUE	06/30/2015	06/30/2015	185927	37011	-5455.64	*OB Gen - partial pymt 176869	.00
TRSF IN	09/10/2015	09/10/2015	187876	M/C	6874.12	*M/C: Richard Smith	6874.12
CHEQUE	09/17/2015	09/17/2015	188019	37301	-72.28	*OB Gen - pay 176869	6801.84
CHEQUE	09/17/2015	09/17/2015	188020	37301	-6801.84	*OB Gen - pay 178520	.00
TRSF IN	04/27/2016	04/27/2016	194702	M/C	9059.37	*M/C: Richard A. Smiths	9059.37
CHEQUE	05/09/2016	05/09/2016	195194	39177	-9059.37	*OB Gen - pay 181675	.00
TRSF IN	07/21/2016	07/21/2016	197682	M/C	14535.71	*M/C: Richard Smith	14535.71
CHEQUE	07/28/2016	07/28/2016	197845	39508	-14535.71	*OB Gen - pay 186129	.00
DEPOSIT	12/12/2016	12/12/2016	203386	526	5600.00	*Maureen/Mark Balen N/C	5600.00
CHEQUE	12/23/2016	12/23/2016	203889	40130	-5600.00	*OB Gen - partial pymt 190841	.00
TOTAL					.00		

Melinda Smyrl

From: Richard Smith <richard@tekamar.ca>
Sent: October-21-20 12:30 PM
To: Melinda Smyrl
Subject: FW: Preliminary mapping
Attachments: LS 4 Inclusion Exclusion (with image).pdf; LS 4 Inclusion Exclusion.pdf; LS 4 slope analysis.pdf; fallen engineered wall dec 19 2018.jpg

Hi Melinda . Attached are better maps for inclusion exclusion. They will be improved Friday when Brian gets back but if you are pushed for time Here is the early ones also here is a pictures backing up my statement Balen using land to south for junk storage, old water tank old barb cue discarded excavator tracks and the 6 foot wall that fell down

From: Brian Sansom <brian@sansomsurveying.com>
Sent: October 20, 2020 1:59 PM
To: Richard Smith <richard@tekamar.ca>
Subject: Preliminary mapping

Hello Richard,

I did get a bit of time on this earlier today and thought I should send over a few preliminary plans to see if I am displaying the information you want added to the application.

I have attached:

- a general plan of the property including the areas proposed to be included and excluded
- the same with the aerial image added
- a slope analysis of the property based on the City's contours. The red triangle in the TIN are the areas over 30% whilst the brown are less. If this adds to your argument for the exchange then I can create shaded areas for each of the above and below 30% grades which would look better than the coloured triangles.

I'm back in the office on Friday again and can finalized based on your comments then.

Brian

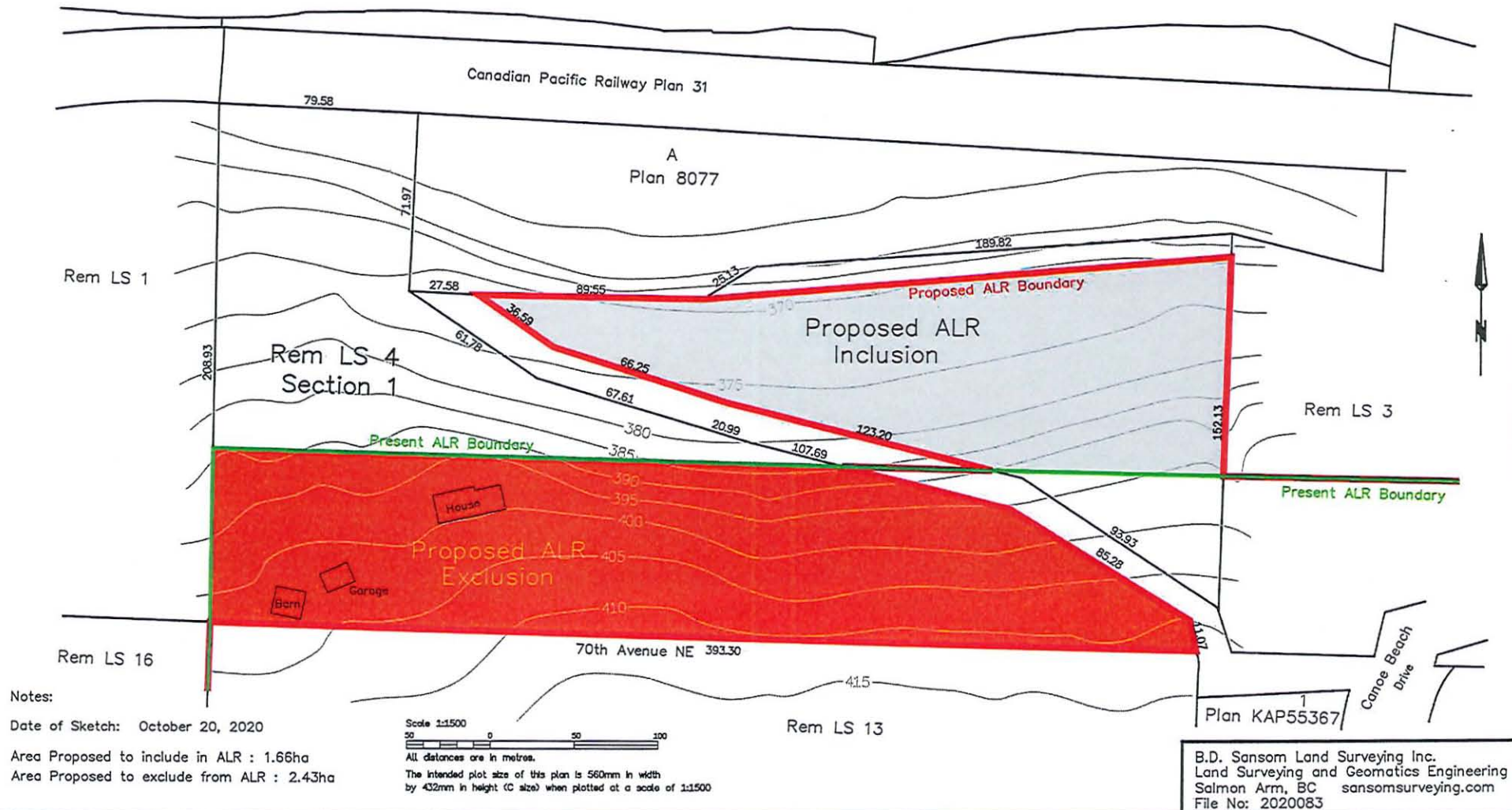
From: Brian Sansom <brian@sansomsurveying.com>
Sent: October 13, 2020 8:24 AM
To: Richard Smith <richard@tekamar.ca>
Subject: Re: Hi Brian

Morning Richard,

Your description of what is required makes sense, and I can see why having a formal plan showing the various overlaps will make it obvious to the Commission why this exchange is a logical proposal. I'm happy to provide that formal plan. I expect the cost to be similar to the one I just completed for your Chum Creek Gravel -

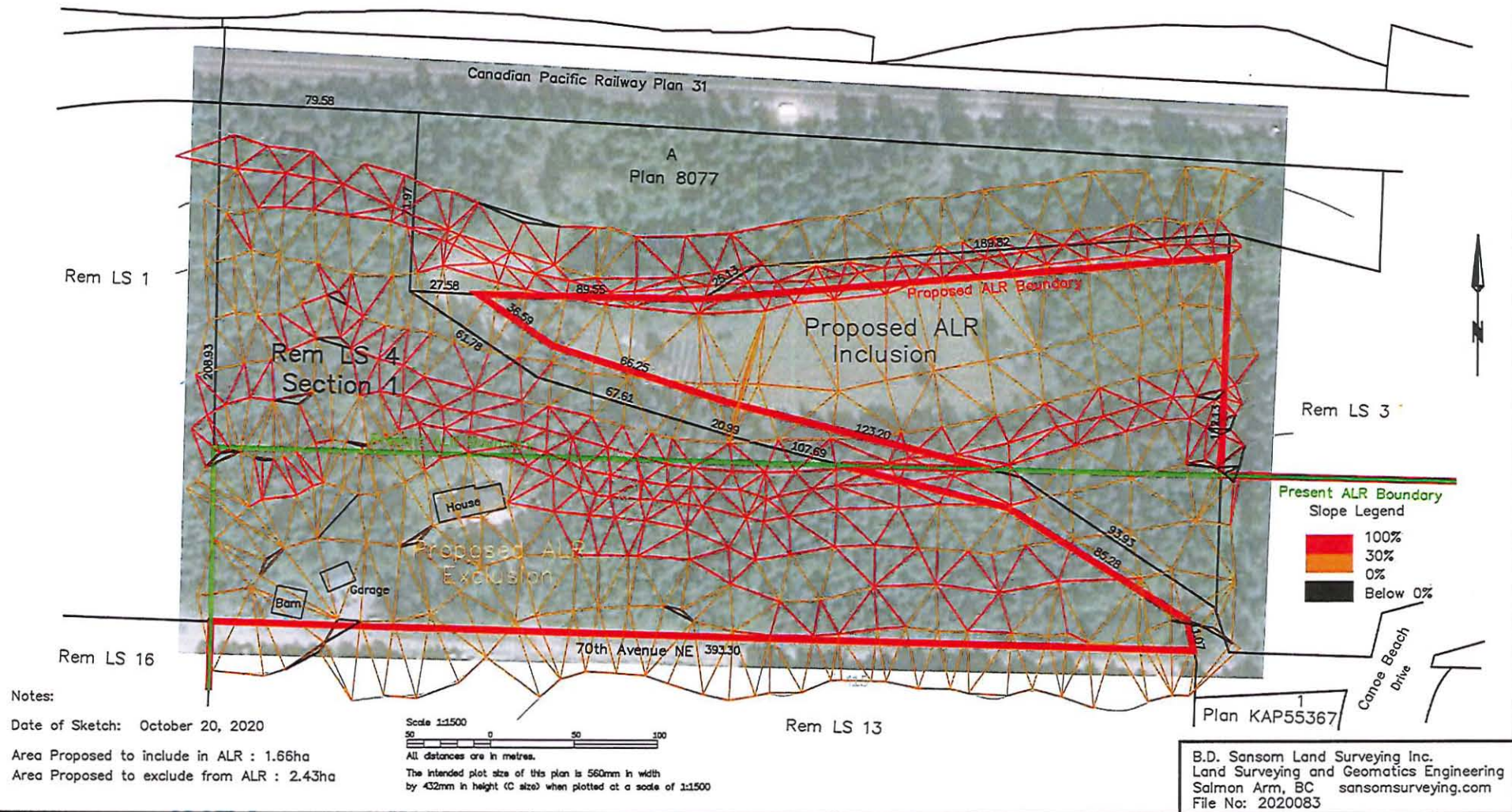
Sketch Plan of Proposed ALR Inclusion/Exclusion Exchange LS 4, Sec 1, Tp 21, R 10, W6M, KDYD, W6M

except Plans 31 and 8077



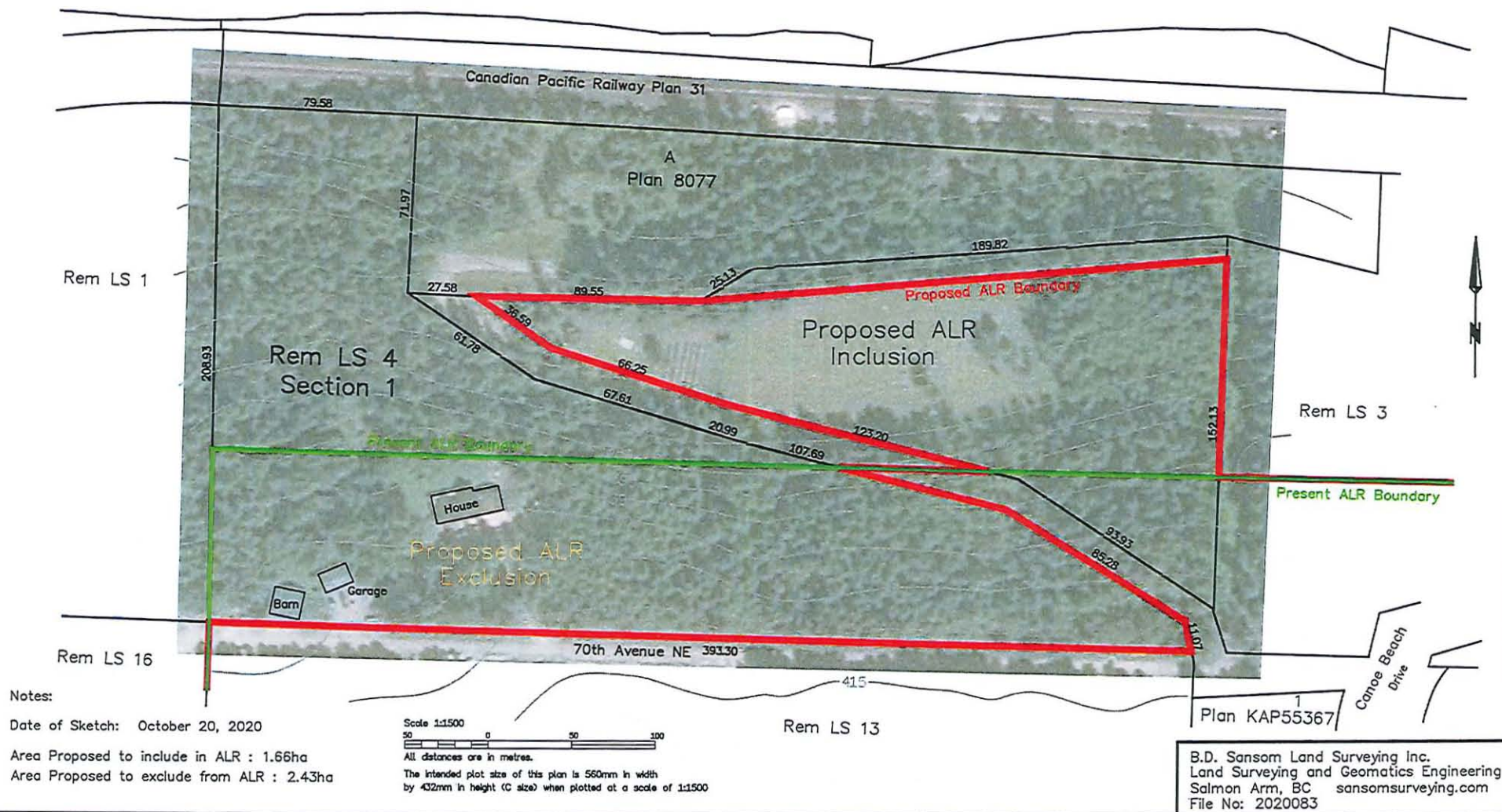
Sketch Plan of Proposed ALR Inclusion/Exclusion Exchange LS 4, Sec 1, Tp 21, R 10, W6M, KDYD, W6M

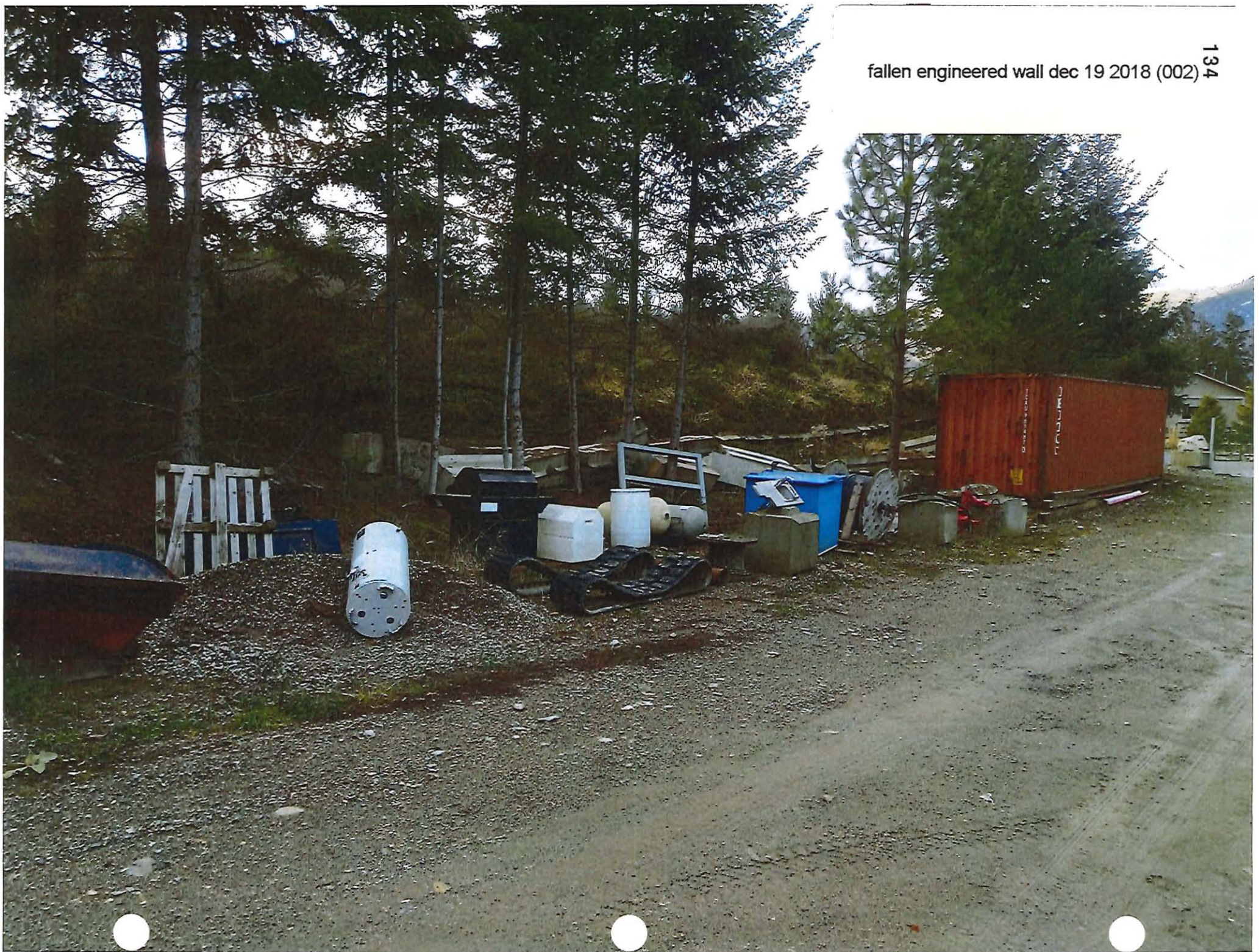
except Plans 31 and 8077



Sketch Plan of Proposed ALR Inclusion/Exclusion Exchange LS 4, Sec 1, Tp 21, R 10, W6M, KDYD, W6M

except Plans 31 and 8077





Item 11.1

CITY OF SALMON ARM

Date: November 9, 2020

Moved: Councillor

Seconded: Councillor

THAT: Pursuant to Section 475 of the Local Government Act, Council has considered this Official Community Plan Amendment after appropriate consultation with affected organizations and authorities;

AND THAT: Pursuant to Section 476 of the Local Government Act, Council has considered this Official Community Plan amendment after required consultation with School District No. 83;

AND THAT: Pursuant to Section 477 3 (a) of the Local Government Act, Council has considered the proposed Official Community Plan Amendment in conjunction with:

1. the Financial Plans of the City of Salmon Arm; and
2. the Liquid Waste Management Plan of the City of Salmon Arm;

AND FURTHER THAT: the bylaw entitled City of Salmon Arm Official Community Plan Amendment Bylaw No. 4410 be read a second time.

[OCP4000-43; Clarke, H. & D./Northern Propane Ltd./Kearl, R.; 1050 & 1091 18 Street NE; HR to HC]

Vote Record

- ☐ Carried Unanimously
- ☐ Carried
- ☐ Defeated
- ☐ Defeated Unanimously

Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond



To: His Worship Mayor Harrison and Members of Council

Date: October 14, 2020

Subject: Official Community Plan Amendment Application No. 4000 - 43 & Zoning Bylaw Amendment Application No. 1184

Legal: Lot 3, Section 24, Township 20, Range 10, W6M, KDYD, Plan 5510, Except Plan KAP47370 and Lot B, Section 24, Township 20, Range 10, W6M, KDYD, Plan 13130, Except Plan KAP54559

Civic Address: 1050 & 1091 18 Street NE

Owner/Applicant: Russell Kearl

MOTION FOR CONSIDERATION

- THAT:** A bylaw be prepared for Council's consideration, adoption of which would amend Official Community Plan Bylaw No. 4000 by redesignating Lot 3, Section 24, Township 20, Range 10, W6M, KDYD, Plan 5510, Except Plan KAP47370 and Lot B, Section 24, Township 20, Range 10, W6M, Plan 13130, Except Plan KAP54559 from Residential High Density to Highway Service/Tourist Commercial.
- AND THAT:** Pursuant to Section 475 of the *Local Government Act*, Council has considered this Official Community Plan amendment after appropriate consultation with affected organizations and authorities.
- AND THAT:** Pursuant to Section 476 of the *Local Government Act*, Council has considered this Official Community Plan amendment after required consultation with School District No. 83.
- AND THAT:** Pursuant to Section 477 3 (a) of the *Local Government Act*, Council has considered the proposed Official Community Plan Amendment in conjunction with:
- 1) The Financial Plans of the City of Salmon Arm; and
 - 2) The Liquid Waste Management Plan of the City of Salmon Arm.
- AND THAT:** A bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot 3, Section 24, Township 20, Range 10, W6M, KDYD, Plan 5510, Except Plan KAP47370 and Lot B, Section 24, Township 20, Range 10, W6M, KDYD, Plan 13130, Except Plan KAP54559 from R5 (High Density Residential) to C6 (Tourist/Recreation Commercial Zone).
- AND FURTHER THAT:** Final reading of the zoning amendment bylaw be withheld subject to:
- 1) Ministry of Transportation and Infrastructure approval; and
 - 2) Adoption of the associated Official Community Plan Amendment Bylaw.
-

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The subject property is located at 1050 and 1091 18 Street NE (Appendix 1 and 2). The proposal is to rezone the parcel from R5 (High Density Residential) to C6 (Tourist/Recreation Commercial Zone) to permit the development of a commercial office building with a residential unit above. The applicant has indicated that the building would occupy one property and the other property would be used primarily for parking.

BACKGROUND

The subject property comprises of two legal parcels with a total area of approximately 4159m² (1ac) and is bisected by 18 St NE. The parcels were the focus of an OCP Amendment and Rezoning application in 2015 in which the OCP designation was amended from Highway Service/Tourist Commercial to Residential High Density (RHD) and rezoned R1 (Single Family Residential Zone) to R5 (High Density Residential) in order to accommodate a proposal for a 24 unit residential townhouse development. Appendices 3 and 4 show the OCP and zoning of the subject property and surrounding area. Site photos are included as Appendix 5. Currently, a single family dwelling is located on 1091 18 St NE and 1050 18 St NE is vacant.

The Zoning Map attached as Appendix 4 shows that the site is surrounded by properties currently zoned R1 (Single Family Residential Zone) and R4 (Medium Density Residential Zone). The OCP Map shows that the subject property is adjacent to areas designated as Residential Medium Density and is within the Highway Service/Tourist Commercial area which encourages commercial development for the travelling public with some medical and retail services meeting the needs of the surrounding residential areas. The surrounding uses are as follows:

North: Single Family Dwelling
East: Single Family Dwelling
West: Single Family Dwelling
South: Trans Canada Highway 1/Lakeside Bowling Lanes

The applicant is proposing to build an office and retail commercial space with some residential accommodations on the second floor. The applicant has stated that one of the office spaces would be used for a dentist office and the retail space is undetermined. Should the OCP Amendment and Rezoning applications be supported, the owner would have to make application for a Highway Service/Tourist Commercial Development Permit. At which time drawings for a proposed building, building massing, parking, site plan and landscaping can be reviewed through the Development Permit Guidelines for the Highway Service/Tourist Commercial Area.

OCP POLICY

The OCP includes policies on the Highway Service/Tourist Commercial Area, citing that this area is intended to support commercial, retail and medical services for the travelling public but also for the growing residential in the vicinity. Highway access is approximately 500m away at the recently constructed interchange east of 21 St NE. The OCP supports providing retail and service opportunities. In addition, the area is within the boundaries of 30 St SW and 30 St NE; therefore a proposal to provide medical services and retail that meets the needs of the surrounding residential area is supported by the OCP.

Currently, the inventory of Commercial lands, as per the OCP designation, is approximately 212.23 ha (524.43ac). The subject area, not including the consolidation of 18 St NE into the development area, is approximately 4159m² (1ac). The proposal does not mark a significant increase in the commercial inventory, neither does the removal of the lands from the residential inventory have a significant adverse impact to the residential land inventory.

Section 475 & 476 - Local Government Act

Pursuant to Sections 475 and 476 of the Local Government Act (optional and mandatory consultation requirements during OCP amendments), the proposed OCP amendments were referred to the following organizations on August 11, 2020:

Adams Lake Indian Band:	No response to date
Neskonlith Indian Band:	no response to date
Economic Development Society:	Support - response attached (Appendix 6)

School District No. 83:
(pursuant to Section 476)

No response to date

Section 477 - Local Government Act

Pursuant to Section 477 of the Local Government Act (adoption procedures for an OCP amendment), prior to Second Reading of the bylaw, Council must consider the proposed OCP amendment in relation to the City's financial and waste management plans. In the opinion of staff, this proposed OCP amendment is largely consistent with both the City's financial and waste management plans.

COMMENTS

Ministry of Transportation and Infrastructure

The Ministry of Transportation and Infrastructure (MOTI) have given preliminary approval of the rezoning provided that there is no direct access to the Trans-Canada Highway and that all new structures must be located outside of the provincial setback of 4.5m from the Trans-Canada Highway road/property line.

Engineering Department

The requirements for 18 St NE include road dedication, upgrades along the frontages to the Urban Local Road standard and the construction and dedication of a full cul-d-sac. There are some additional upgrades that would be required along the 11 Ave NE frontages and are detailed in the report. In noting the various upgrade requirements along the 18 St NE frontages, Engineering staff are supportive of the closure, purchase and consolidation of 18 St NE. Should 18 St NE be closed and purchased by the owner/applicant then the improvements would not be necessary. Engineering comments are attached as Appendix 7.

The applicant has expressed interest in purchasing 18 St NE and consolidating the subject property and road. There is a Road Closure and purchase process that could be initiated by the applicant in order to facilitate the purchase of 18 St NE and staff will continue to work through this process. The Road Closure and purchase process requires Council approval.

Building Department

No concerns were raised during the review period.

Fire Department

No concerns.

Planning Department

Staff are supportive of the application to amend the OCP and rezone the subject property in order to bring small scale commercial that caters to the growing residential development in the surrounding area. Staff were also supportive of the previous OCP and rezoning applications due to there being no direct access to Trans Canada Highway 1 from 18 Street NE and the scale of residential development could have easily integrated into the surrounding area.

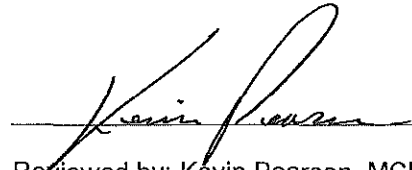
The closure of the 18 St NE and the possibility of a consolidated lot frontage would align the C6 zoning setbacks with a building being required to be at least 3m from each side property line. There are no front or rear yard setbacks in the zoning regulations; however, the Ministry of Transportation and Infrastructure (MOTI) responded that there are to be no buildings or structures located within a 4.5m area from the highway. This setback negates parking in the same area because should MOTI have to use that area for right of way into the future it could reduce the parking areas and potentially leave the development non-conforming. Note that, there are OCP guidelines encouraging parking area to be located at the back of buildings. Again, the details of the building location, form and character elements, building massing, and site parking can be addressed in more detail at the Development Permit stage.

Further to this, while the applicant is proposing to use one lot for the building and other lot primarily for parking it should be noted that the C6 zone does not permit "parking lot" or "parkade/off-street parking" as a permitted use for this site. Therefore, should the lots remain separate legal entities or lots, at the time of

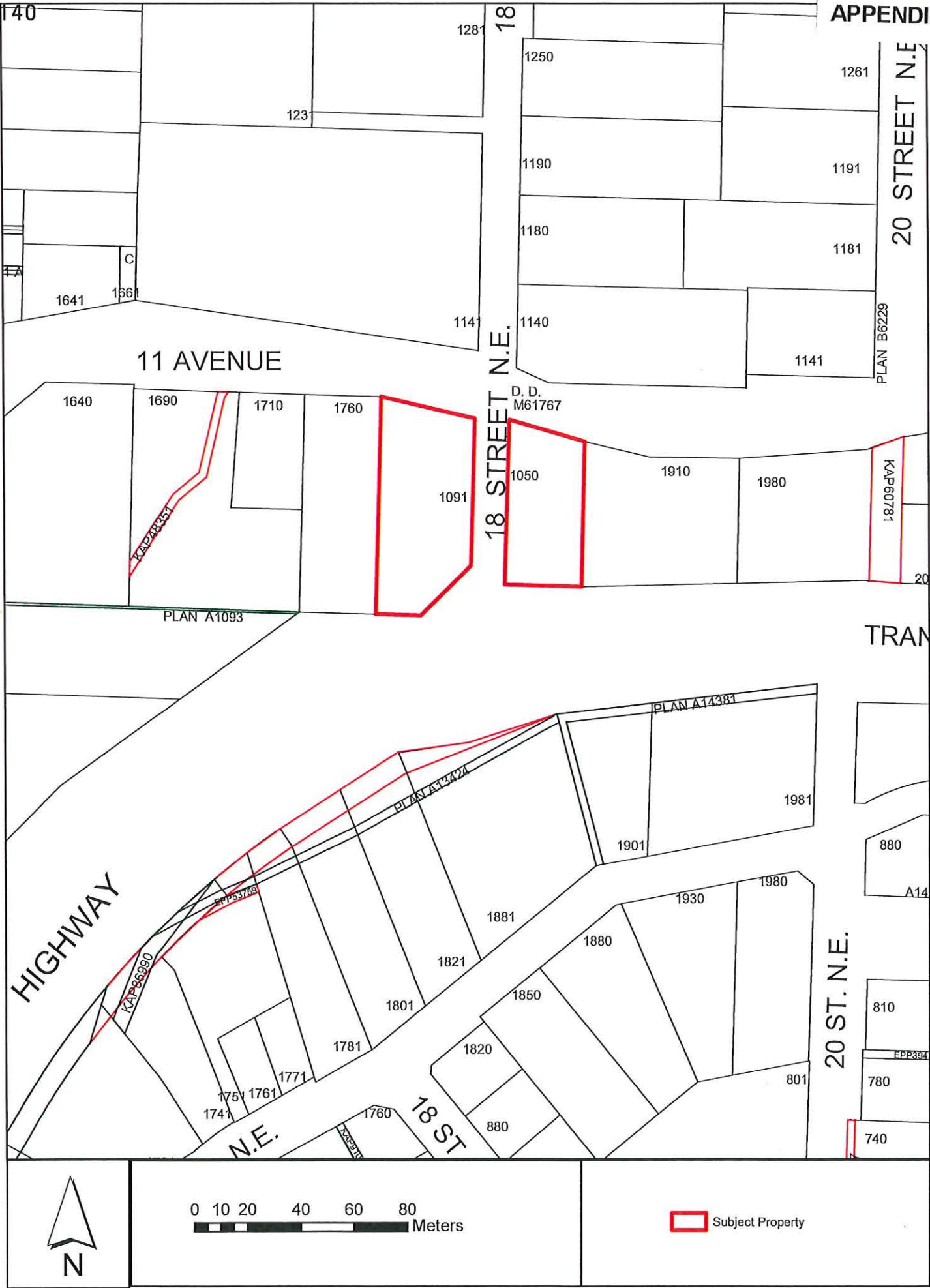
Development Permit, one lot being utilized as a parking area for the adjacent development could be secured by way of lot consolidation or covenant so it does not conflict with the permitted uses in the zone. Given that preliminary drawings for the building and site plan have not been submitted, approvals related to parking may be addressed at the time of Development Permit.

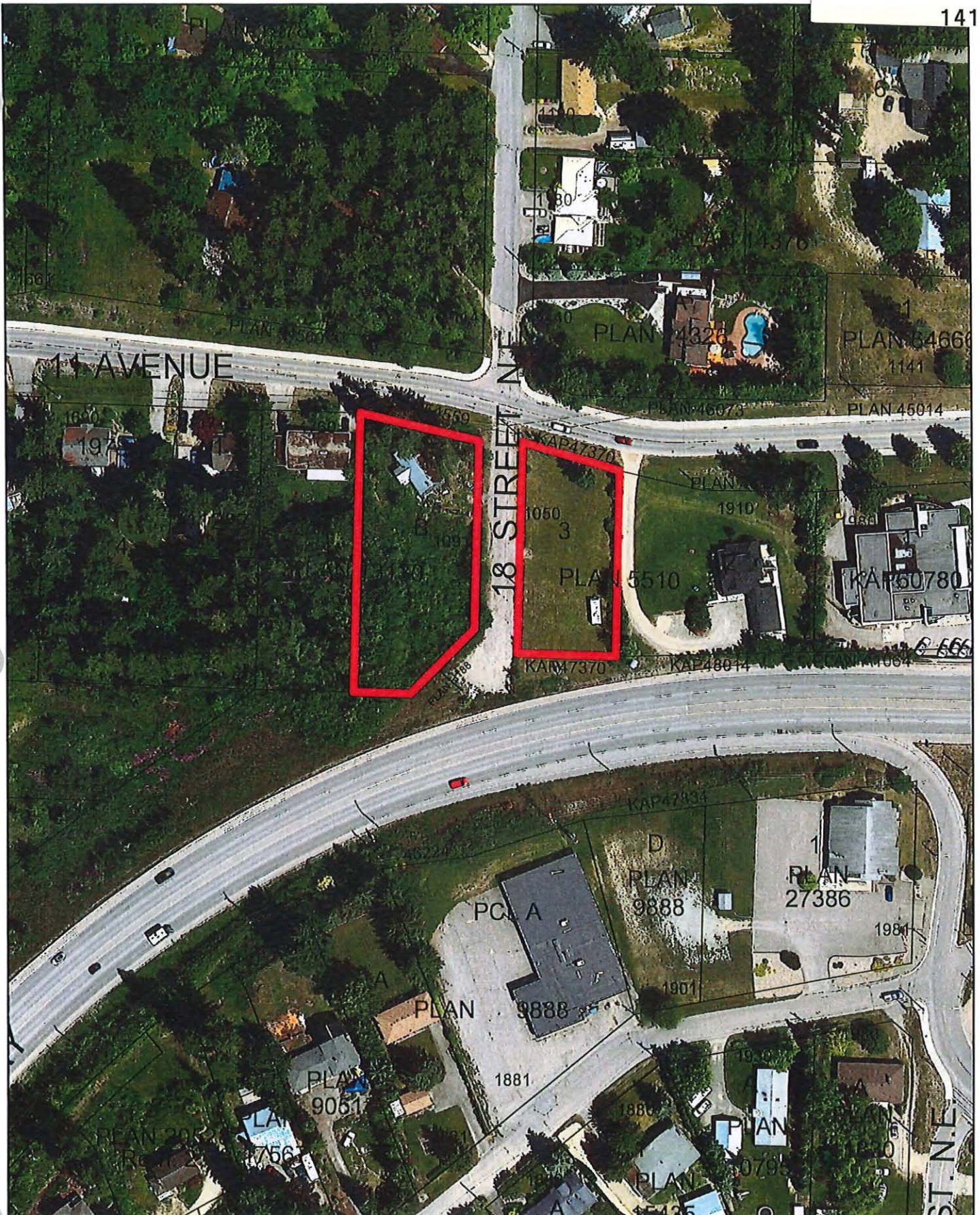


Prepared by: Melinda Smyrl, MCIP, RPP
Planner



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

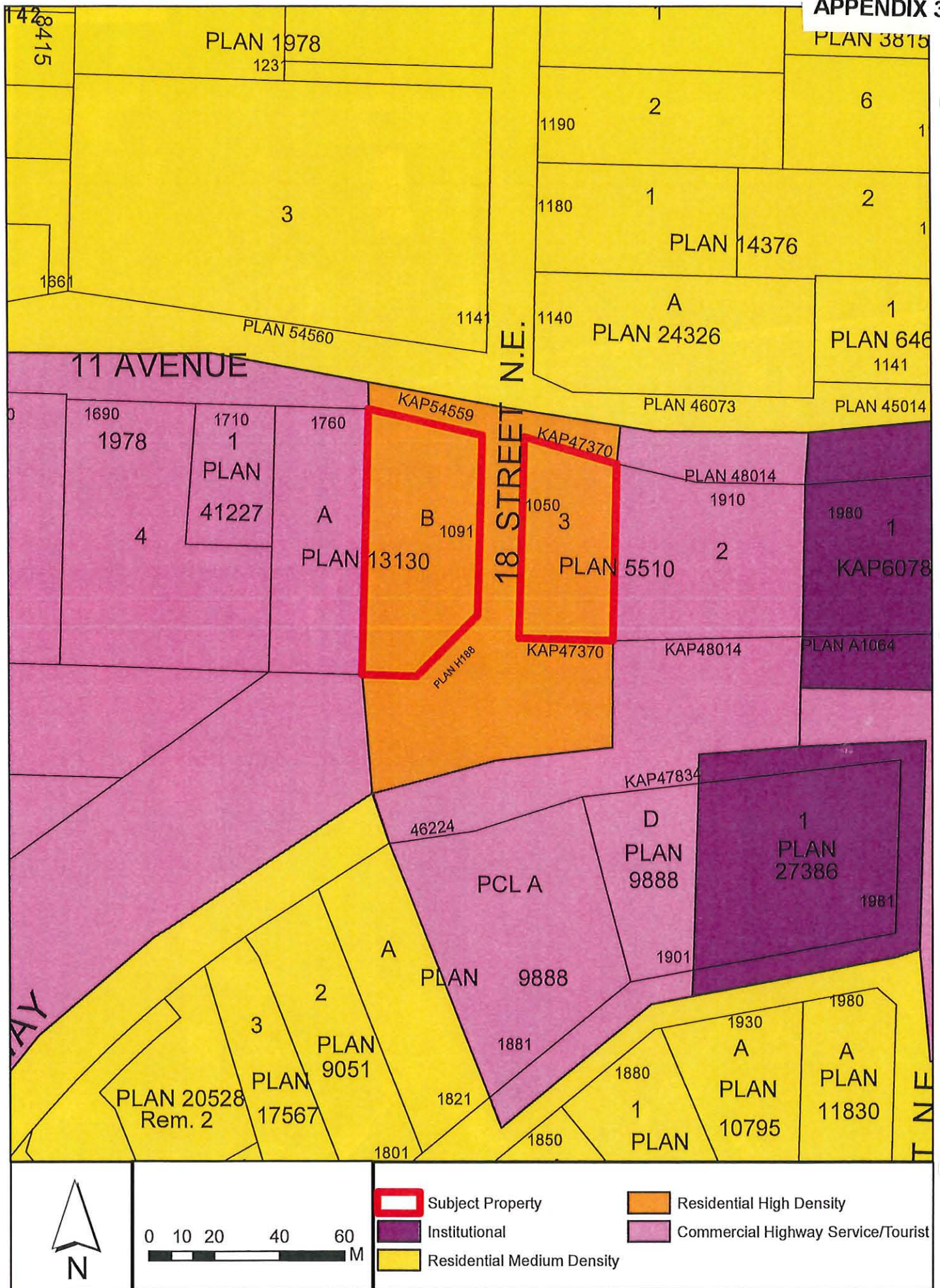


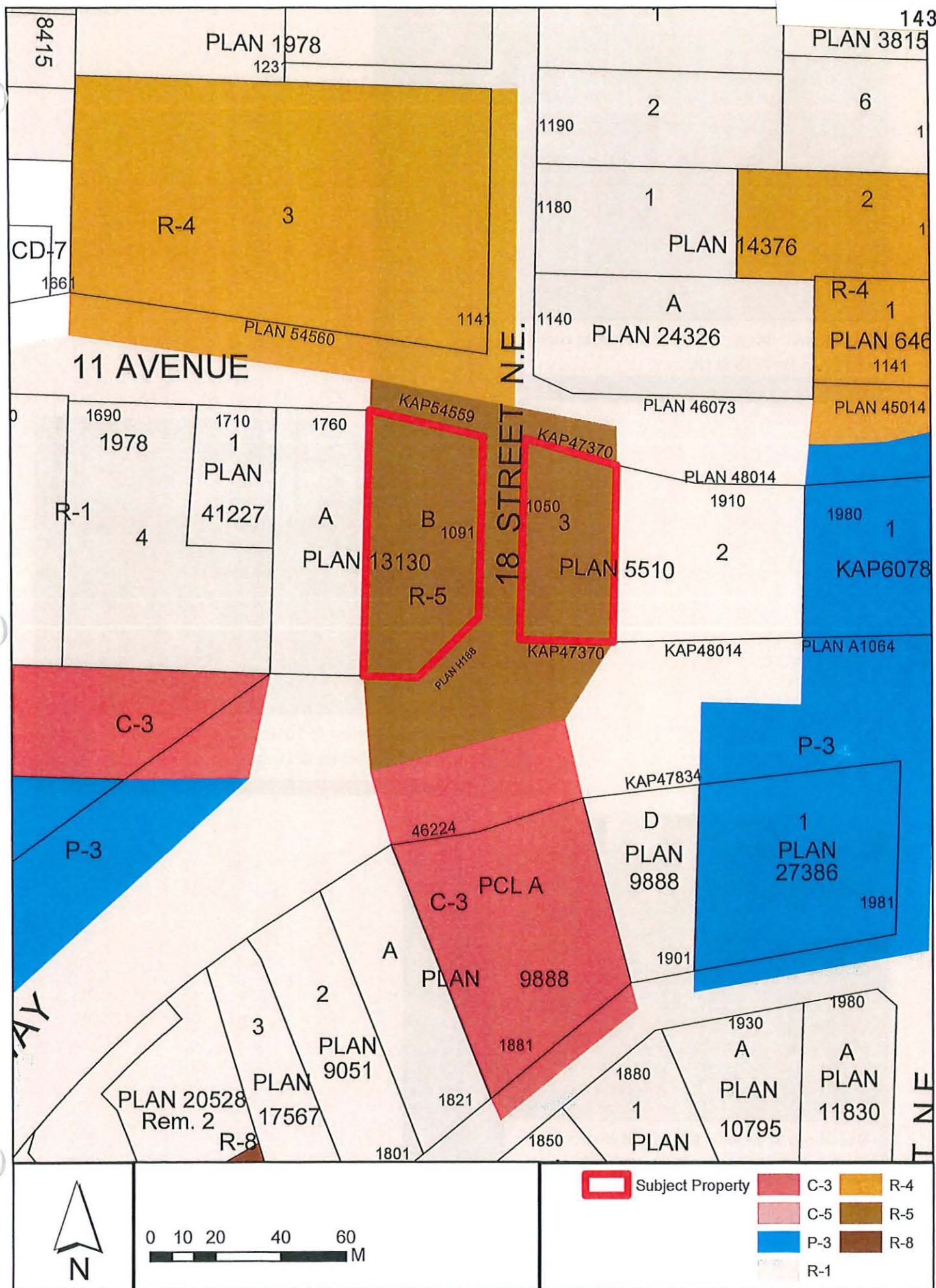


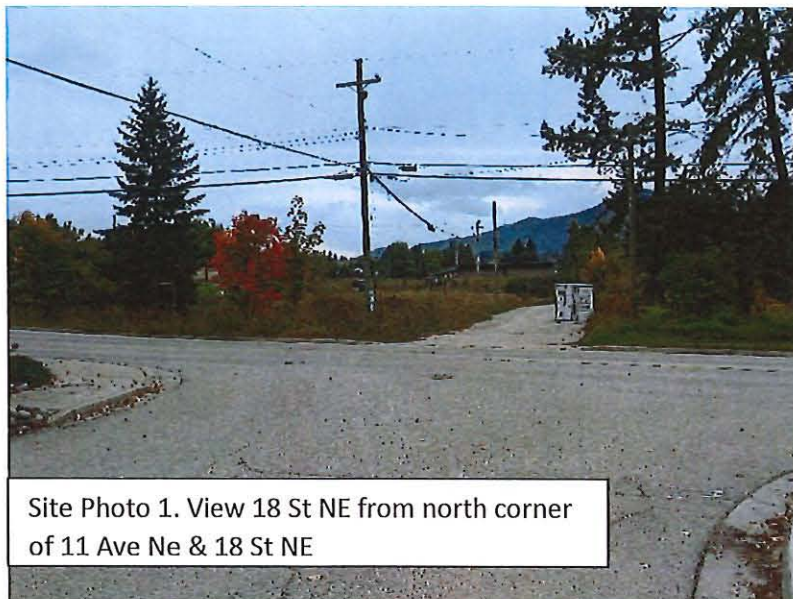
0 12.5 25 50 75 100 M

A horizontal scale bar with markings at 0, 12.5, 25, 50, 75, and 100 meters.

 Subject Property









Sept 10, 2020

City of Salmon Arm
PO Box 40
Salmon Arm BC
V1E 4N2

Attention: Kevin Pearson
Director of Development Services

Dear Sir:

Re: OCP Amendment Application No OCP4000-43

The Salmon Arm Economic Development Society (SAEDS) Board of Directors has reviewed the information for the above-noted OCP Amendment Referral to amend the OCP designation of the properties located at 1050 18 Street NE and 1091 18 Street NE SE, Salmon Arm, from High Density Residential to Highway Commercial, and the Zoning Category from R5 to C6. The Board supports the application, based on the information provided.

We thank you for the opportunity to comment on this OCP Amendment Referral.

Sincerely,

A handwritten signature in black ink, appearing to read "Lana Pitt", is written over a circular stamp.

Lana Pitt, Economic Development Manager
Salmon Arm Economic Development Society



*Memorandum from the
Engineering and Public
Works Department*

TO: Kevin Pearson, Director of Development Services
 DATE: September 23, 2020
 PREPARED BY: Matt Gienger, Engineering Assistant
 APPLICANT: Russell Kearn, - 101, 571 – 6 Street NE, Salmon Arm, BC V1E 1R6
 OWNER: H. & D. Clarke, C., 38, 1231 – 10 Street SW,
 Salmon Arm, BC V1E 0A5 (1050 – 18 Street NE)
 Northern Propane Ltd. Inc./969730 AB Ltd. – 38, 1231 – 10 Street SW,
 Salmon Arm, BC V1E 0A5 (1091 – 18 Street NE)
 SUBJECT: **OFFICIAL COMMUNITY PLAN FILE NO. OCP4000-43 &
 ZONING AMENDMENT APPLICATION FILE NO. ZON-1184**
 LEGAL: Lot 3, Section 24, Township 20, Range 10, W6M KDYD, Plan 5510
 Except Plan KAP47370
 Lot B, Section 24, Township 20, Range 10, W6M KDYD, Plan 13130
 Except Plan KAP54559
 CIVIC: **1050 & 1091 – 18 Street NE**

Further to your referral dated August 10, 2020, we provide the following servicing information. **The following comments and servicing requirements are not conditions for Rezoning or OCP amendment; however, these comments are provided as a courtesy in advance of any development proceeding to the next stages:**

General:

1. Full municipal services are required as noted herein. Owner / Developer to comply fully with the requirements of the Subdivision and Development Services Bylaw No 4163. Notwithstanding the comments contained in this referral, it is the applicant's responsibility to ensure these standards are met.
2. Comments provided below reflect the best available information. Detailed engineering data, or other information not available at this time, may change the contents of these comments.
3. Properties shall have all necessary public infrastructure installed to ensure properties can be serviced with underground electrical and telecommunication wiring upon development.
4. Property under the control and jurisdiction of the municipality shall be reinstated to City satisfaction.
5. Owner / Developer will be responsible for all costs incurred by the City of Salmon Arm during construction and inspections. This amount may be required prior to construction. Contact City Engineering Department for further clarification.
6. Erosion and Sediment Control measures will be required prior to the commencement of construction. ESC plans to be approved by the City of Salmon Arm.

OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION NO. OCP4000.43E**ZONING AMENDMENT APPLICATION NO. ZON-1184**

September 23, 2020

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7. Any existing services (water, sewer, hydro, telus, gas, etc) traversing the proposed lot must be protected by easement and/or relocated outside of the proposed building envelope. Owner/Developer will be required to prove the location of these services. Owner / Developer is responsible for all associated costs.
 8. At the time of development permit / building permit 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.
 9. For the off-site improvements at the time of subdivision / building permit the applicant will be required to submit for City review and approval detailed engineered plans for all off-site construction work. These plans must be prepared by a qualified engineer. As a condition of subdivision / 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. 11 Avenue NE on the subject property's north boundary is classified as an Urban Local Road (RD-2) and requires an ultimate 20.0 meters dedication (10.0 meters from centerline). Available records indicate that existing dedication varies and additional dedication may be required from the subject property (to be confirmed by BCLS).
2. 11 Avenue NE is currently developed to an interim Urban Local Street standard. Upgrading to the Urban Local Road Standard (RD-2) is required; however, all infrastructure specifications and offsets must conform to the Urban Collector Road Standard (RD-3). Upgrading may include, but is not limited to, road widening and construction, boulevard grading/construction, curb & gutter, street drainage and streetlights (spacing to be confirmed by professional engineer).
3. 18 Street NE bisects the subject properties from north to south and is classified as an urban local street (RD-1), requiring an ultimate 18.0 meters dedication (9.0 meters from centerline). Available records indicate approximately 6.0 meters dedication will be required, split between the east and west sides of 18 Street NE (to be confirmed by BCLS).
4. 18 Street NE is currently not constructed to a city standard. Upgrading to the Urban Local Road Standard (RD-1) is required. Upgrading may include, but is not limited to, road construction, boulevard grading/construction, curb & gutter, sidewalk, street drainage, utility installation, underground hydro and telecommunications, and street lighting.
5. A full cul-de-sac constructed and dedicated will be required at the termination of 18 Street NE, as per specification drawing No. RD-10.

OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION NO. OCP4000.43E**ZONING AMENDMENT APPLICATION NO. ZON-1184**

September 23, 2020

Page 3

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6. Engineering staff would consider supporting the closure and sale of 18 Street NE and amalgamation with the two properties, subject to a Road Closure Bylaw. Doing so would negate the dedication and upgrading requirements, and the City would absolve its responsibility for maintenance.
 7. Owner / Developer is responsible for ensuring all boulevards and driveways are graded at 2.0% towards the existing roadway.
 8. 3.0m by 3.0m corner cuts are required to be dedicated at the intersection of 11 Avenue NE and 18 Street NE.
 9. Accesses shall be designed by keeping to a minimum number. Only one (1) driveway access per parcel will be permitted onto 18 Street NE. All unused driveways shall be removed. Owner / Developer responsible for all associated costs. Should the developer proceed with the closure of 18 Street NE, one access would be permitted onto 11 Avenue NE at the existing intersection location.
 10. Trans Canada Highway (TCH) along the south side of the subject property is a provincial controlled access highway. Additional dedication/improvements will be determined by ministry of Transportation

Water:

1. The subject property fronts the following watermains:

- 450mm diameter Zone 1 watermain on 11 Avenue NE
- 200mm diameter Zone 2 watermain on 11 Avenue NE east of 18 Street NE
- 150mm diameter Zone 2 watermain on 11 Avenue NE west of 18 Street NE
- 150mm diameter Zone 2 watermain on 18 Street NE

Upgrading of the 150mm watermain on 11 Avenue NE to a 200mm diameter is required under the Subdivision and Development Servicing Bylaw No.4163. The Engineering department considers the 11 Avenue NE upgrade work pre-mature at this time; therefore, the City of Salmon Arm will require cash-in-lieu for this upgrade.

Upgrading of the 150mm watermain on 18 Street NE to a 200mm diameter is required under the SDSB Bylaw; however, as this main only services the subject parcels and is not required for the future, it should be abandoned south of 11 Avenue NE or retrofitted as a service.

**OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION NO. OCP4000.43E
ZONING AMENDMENT APPLICATION NO. ZON-1184**

September 23, 2020

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2. Both properties are to be serviced by a single metered water service connection (as per Specification Drawing No. W-10), adequately sized to satisfy the proposed use (minimum 25mm). City records indicate that both properties are currently serviced with unknown diameter services from 18 Street NE. Relocating the existing services to the Zone 2 watermain on 11 Avenue NE and decommissioning existing service to 1050 18 Street NE will be required. Water meter(s) will be supplied by the City at the time of building permit, at the Owner / Developer's cost. Owner / Developer is responsible for all associated costs.
3. The subject property is in an area with sufficient fire flows and pressures according to the 2011 Water Study (OD&K 2012).
4. Fire protection requirements to be confirmed with the Building Department and Fire Department.

Sanitary:

1. The subject property fronts a 200mm diameter sanitary main on 11 Avenue NE. No upgrades are anticipated, Subject to Owner / Developer's engineer proving that there is sufficient downstream capacity within the existing City Sanitary System to receive the proposed discharge from the development. Owner / Developer is responsible for all associated costs.
2. Extension of the sanitary main along 18 Street NE is not required as there are no reliant upstream parcels and both of the subject parcels can be serviced adequately from the existing main on 11 Avenue NE.
3. Subject properties to be serviced each by a single sanitary service connection adequately sized (minimum 100 mm diameter) to satisfy the servicing requirements of the development. City records indicate that both existing lots have a 100 mm diameter service from 11 Avenue NE. All existing inadequate/unused services must be abandoned at the main. Owner / Developer is responsible for all associated costs.

Drainage:

1. The subject property fronts a 525 mm diameter storm main on 11 Avenue NE. No upgrades are required at this time.
2. The subject property does not front an enclosed storm sewer system on 18 Street NE. Extension of the storm main along 18 Street NE is not required as there are no reliant upstream parcels or no reliant upstream stormwater discharge and both of the subject parcels can discharge stormwater on site or be serviced adequately from the existing main on 11 Avenue NE.

OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION NO. OCP4000.43E**ZONING AMENDMENT APPLICATION NO. ZON-1184**


September 23, 2020

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3. An Integrated Stormwater Management Plan (ISMP) conforming to the requirements of the Subdivision and Development Servicing Bylaw No. 4163, Schedule B, Part 1, Section 7 shall be provided.
 4. Where onsite disposal of stormwater is recommended by the ISMP, an "Alternative Stormwater System" shall be provided in accordance with Section 7.2.
 5. Where discharge into the Municipal Stormwater Collection System is recommended by the ISMP, this shall be in accordance with Section 7.3. Both subject parcels shall be serviced (each) by a single storm service connection adequately sized (minimum 150mm) to satisfy the servicing requirements of the development.

Geotechnical:

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


Matt Gienger
Engineering Assistant
Jenn Wilson P.Eng., LEED ® AP
City Engineer

CITY OF SALMON ARM

BYLAW NO. 4410

A bylaw to amend "City of Salmon Arm Official Community Plan Bylaw No. 4000"

WHEREAS notice of a Public Hearing to be held by the Council of the City of Salmon Arm in the Council Chambers at City Hall, 500 - 2 Avenue NE, Salmon Arm, British Columbia and by electronic means as authorized by Ministerial Order M192, British Columbia, on _____, 2020 at the hour of 7:00 p.m. was published in the _____ and _____, 2020 issues of the Salmon Arm Observer;

AND WHEREAS the said Public Hearing was duly held at the time and place above mentioned;

NOW THEREFORE the Council of the City of Salmon Arm in open meeting assembled enacts as follows:

1. "City of Salmon Arm Official Community Plan Bylaw No. 4000" is hereby amended as follows:

1. Re-designate Lot 3, Section 24, Township 20, Range 10, W6M, KDYD, Plan 5510 Except Plan KAP47370 and Lot B, Section 24, Township 20, Range 10, W6M, KDYD, Plan 13130 Except Plan KAP54559 from HR (Residential High Density) to HC (Highway Service/Tourist Commercial), as shown on Schedule "A" attached hereto and forming part of this bylaw.

2. SEVERABILITY

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

3. ENACTMENT

Any enactment 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.

4. EFFECTIVE DATE

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

5. CITATION

This bylaw may be cited as “**City of Salmon Arm Official Community Plan Amendment Bylaw No. 4410**”.

READ A FIRST TIME THIS 26 DAY OF October 2020

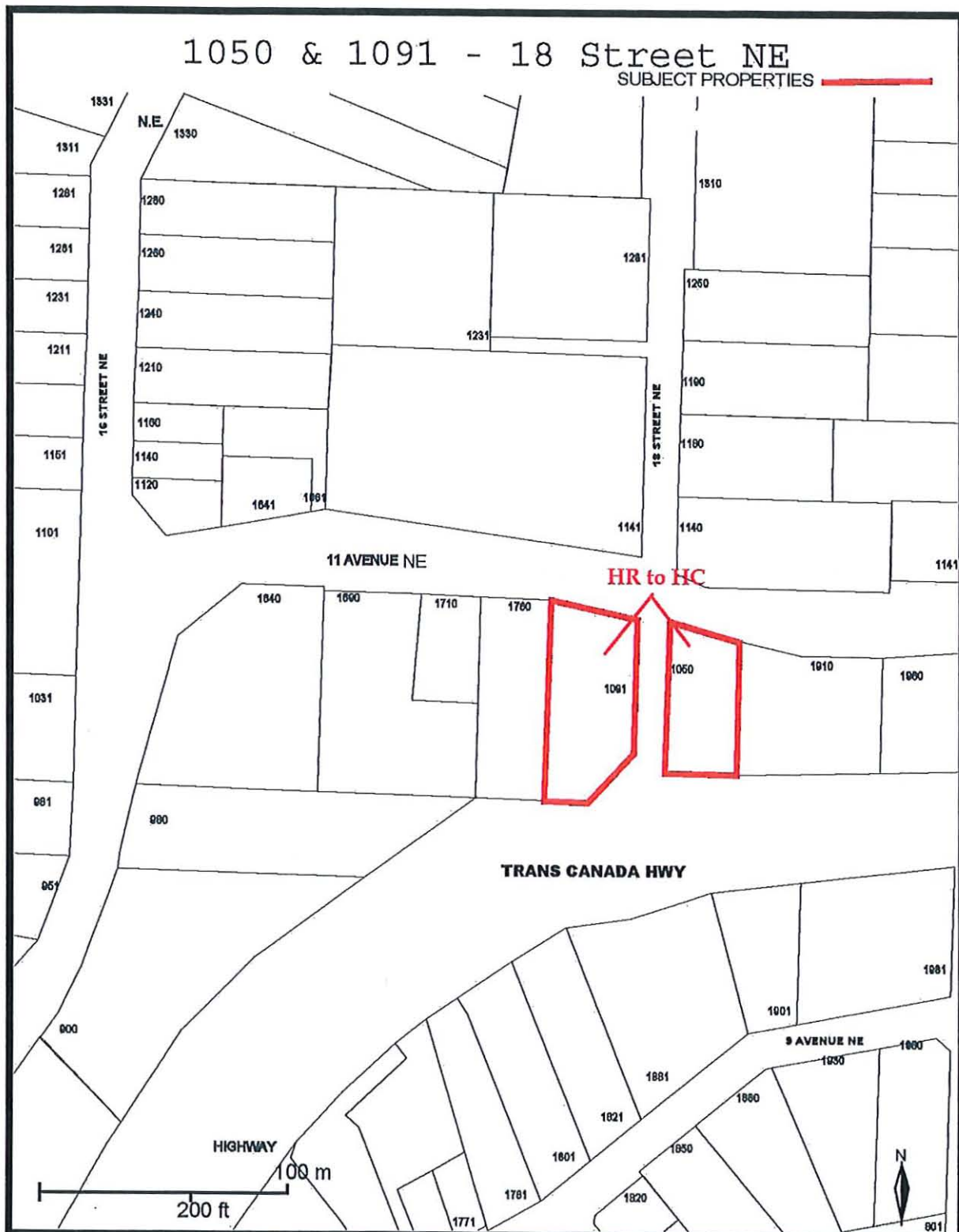
READ A SECOND TIME THIS DAY OF 2020

READ A THIRD TIME THIS DAY OF 2020

ADOPTED BY COUNCIL THIS DAY OF 2020

MAYOR

CORPORATE OFFICER



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Item 11.2

CITY OF SALMON ARM

Date: November 9, 2020

Moved: Councillor

Seconded: Councillor

THAT: the bylaw entitled City of Salmon Arm Zoning Amendment Bylaw No. 4411 be read a second time.

[ZON-1184; Clarke, H. & D./Northern Propane Ltd./Kearl, R.; 1050 and 1091 18 Street NE; R-5 to C-6]

Vote Record

- ☐ Carried Unanimously
- ☐ Carried
- ☐ Defeated
- ☐ Defeated Unanimously

Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond

CITY OF SALMON ARM

BYLAW NO. 4411

A bylaw to amend "District of Salmon Arm Zoning Bylaw No. 2303"

WHEREAS notice of a Public Hearing to be held by the Council of the City of Salmon Arm in the Council Chambers at City Hall, 500 – 2 Avenue NE, Salmon Arm, British Columbia and by electronic means as authorized by Ministerial Order M192, British Columbia, on _____, 2020 at the hour of 7:00 p.m. was published in the _____ and _____, 2020 issues of the Salmon Arm Observer;

AND WHEREAS the said Public Hearing was duly held at the time and place above mentioned;

NOW THEREFORE the Council of the City of Salmon Arm in open meeting assembled enacts as follows:

1. "District of Salmon Arm Zoning Bylaw No. 2303" is hereby amended as follows:

Rezone Lot 3, Section 24, Township 20, Range 10, W6M, KDYD, Plan 5510 Except Plan KAP47370 and Lot B, Section 24, Township 20, Range 10, W6M, KDYD, Plan 13130 Except Plan KAP54559 from R-5 (High Density Residential Zone) to C-6 (Tourist/Recreation Commercial Zone), shown on Schedule "A" attached hereto and forming part of this bylaw.

2. SEVERABILITY

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

3. ENACTMENT

Any enactment 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.

4. EFFECTIVE DATE

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

5. CITATION

This bylaw may be cited as "City of Salmon Arm Zoning Amendment Bylaw No. 4411"

READ A FIRST TIME THIS 26 DAY OF October 2020

READ A SECOND TIME THIS DAY OF 2020

READ A THIRD TIME THIS DAY OF 2020

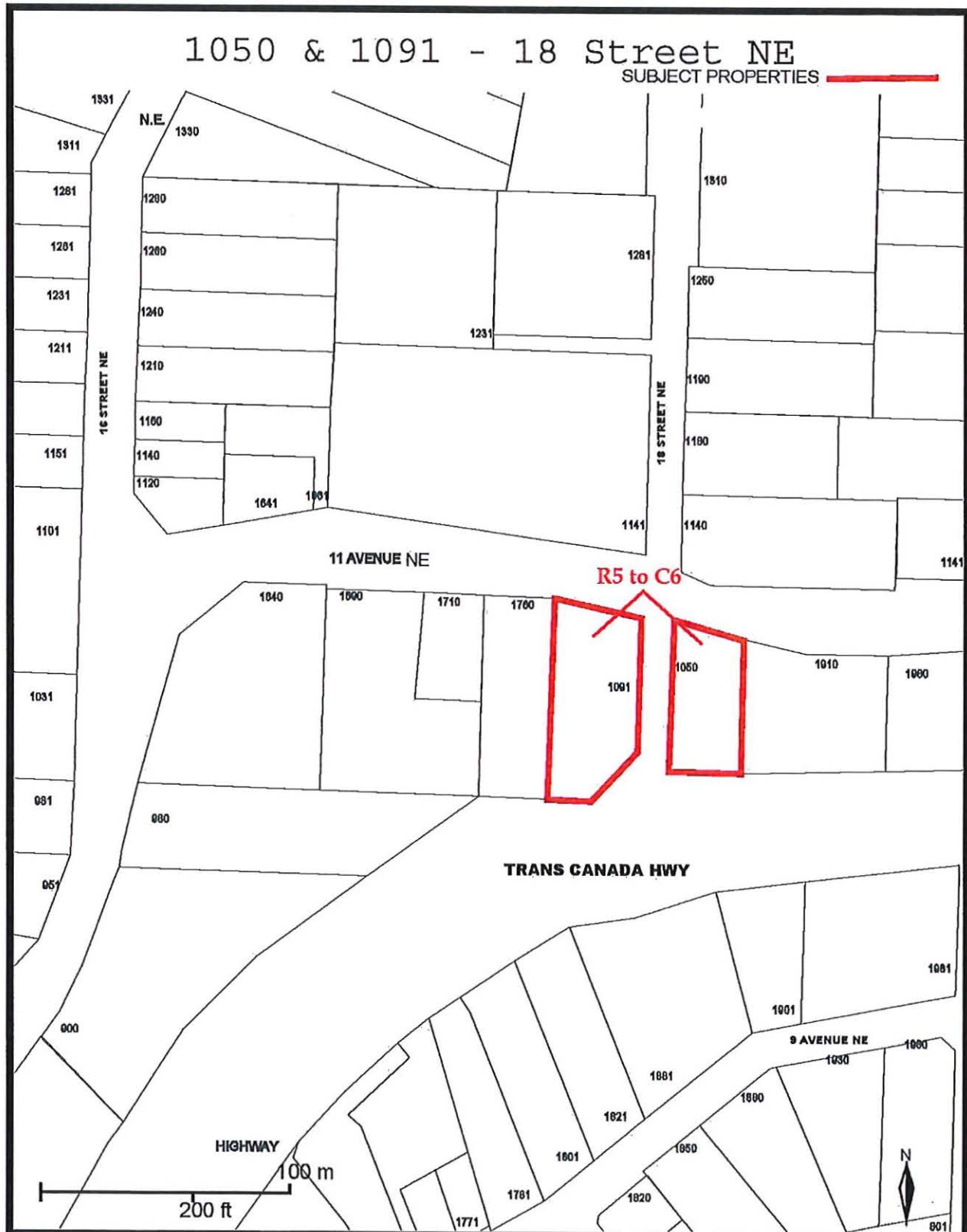
APPROVED PURSUANT TO SECTION 52 (3) (a) OF THE TRANSPORTATION ACT
ON THE DAY OF 2020

For Minister of Transportation & Infrastructure

ADOPTED BY COUNCIL THIS DAY OF 2020

MAYOR

CORPORATE OFFICER



Item 11.3

CITY OF SALMON ARM

Date: November 9, 2020

Moved: Councillor

Seconded: Councillor

THAT: the bylaw entitled City of Salmon Arm Zoning Amendment Bylaw No. 4407 be read a final time.

[ZON-1186; Neufeld, B.; 1831 22 Street NE; R-1 to R-8]

Vote Record

- ☐ Carried Unanimously
 - ☐ Carried
 - ☐ Defeated
 - ☐ Defeated Unanimously
- Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond

CITY OF SALMON ARM

To: His Worship Mayor Harrison and Members of Council

Date: September 1, 2020

Subject: Zoning Bylaw Amendment Application No. 1186

Legal: Lot 1, Section 24, Township 20, Range 10, W6M, KDYD, Plan EPP73048

Civic: 1831 – 22 Street NE

Owner/Applicant: Neufeld, B.

MOTION FOR CONSIDERATION

THAT: a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot 1, Section 24, Township 20, Range 10, W6M, KDYD, Plan EPP73048 from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone);

AND THAT: Final Reading of the Zoning Amendment Bylaw be withheld subject to Ministry of Transportation and Infrastructure approval.

STAFF RECOMMENDATION

THAT: The Motion for Consideration be adopted.

PROPOSAL

The subject parcel is located at 1831 – 22 Street NE (Appendix 1 and 2). The proposal is to rezone the parcel from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone) to permit the construction of a detached suite in the rear yard behind a new 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 & 4). The subject parcel is located in a residential neighbourhood (Lakeview Meadows). There are presently seven R-8 zoned parcels in the Lakeview Meadows subdivision. This lot is part of a three lot subdivision created in 2017. Two of the four new lots were rezoned from R-1 to R-8 in 2019 for secondary suites in new single family dwellings.

The subject parcel is approximately 56 m (184 ft) long and 22.86 m (75 ft) wide with an area of approximately 1,300 m² (.32 acres). The subject parcel is a relatively large lot and can meet the minimum parcel area of 700 m² (7,534.7 ft²) and the minimum parcel width of 20 m (65.6 ft) required for detached suites within the proposed R-8 Zone. Site photos are attached as Appendix 5.

The property is currently vacant and the applicant has applied for a building permit to construct a house and an accessory building. The applicant wishes to construct a suite above the accessory building and has provided elevation and floor plans, see Appendix 6. The proposed height of the building is 7.47 m (24.5 ft) which meets the maximum permitted height of 7.5 m (24.6 m). The floor plans indicate the size of the suite is proposed to be 80.3 m² (864 ft²), within the maximum 90 m² (968.8 ft²). The siting of the suite is in the rear yard, conducive for an additional off-street parking stall, see Appendix 7.

COMMENTS

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

Any development of a detached suite requires a building permit and is subject to Zoning Bylaw regulations, BC Building Code requirements, and applicable Development Cost Charges (DCCs). DCCs are payable for detached suites in the amount of \$6,064.31 and are collected at the time of issuance of a building permit. Currently, the applicant has filed a building permit application for an accessory building. Should the property be rezoned to R-8, a separate building permit application will be required for the suite.

Ministry of Transportation & Infrastructure

Preliminary Approval has been granted for rezoning.

Engineering Department

No concerns.

Building Department

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

Fire Department

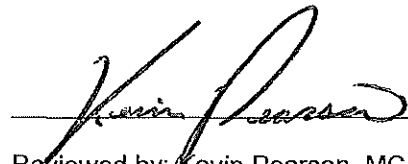
No concerns.

Planning Department

The proposed construction of a single family dwelling and a detached suite will conform and fit in well with the surrounding neighbourhood. The proposed R-8 zoning of the subject parcel is consistent with the OCP and the plans provided indicate that all R-8 Zone requirements can be met, including the provision of onsite parking. Therefore, this application is supported by staff.



Prepared by: Denise Ackerman
Planner, Development Services



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



0 25 50 100 150 200
Meters



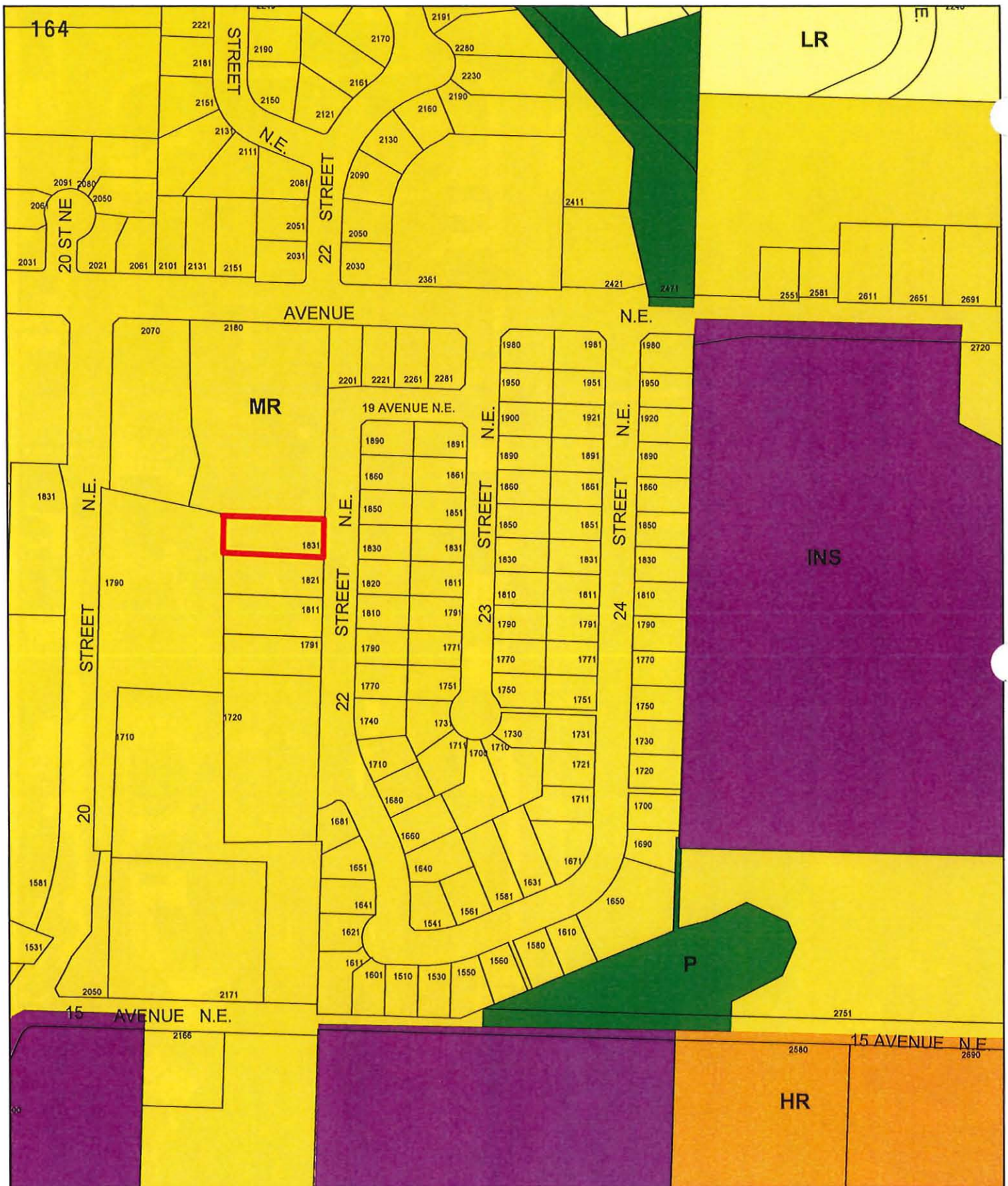
Subject Parcel



04.75 9.5 19 28.5 38
Meters



Subject Parcel



Subject Parcel

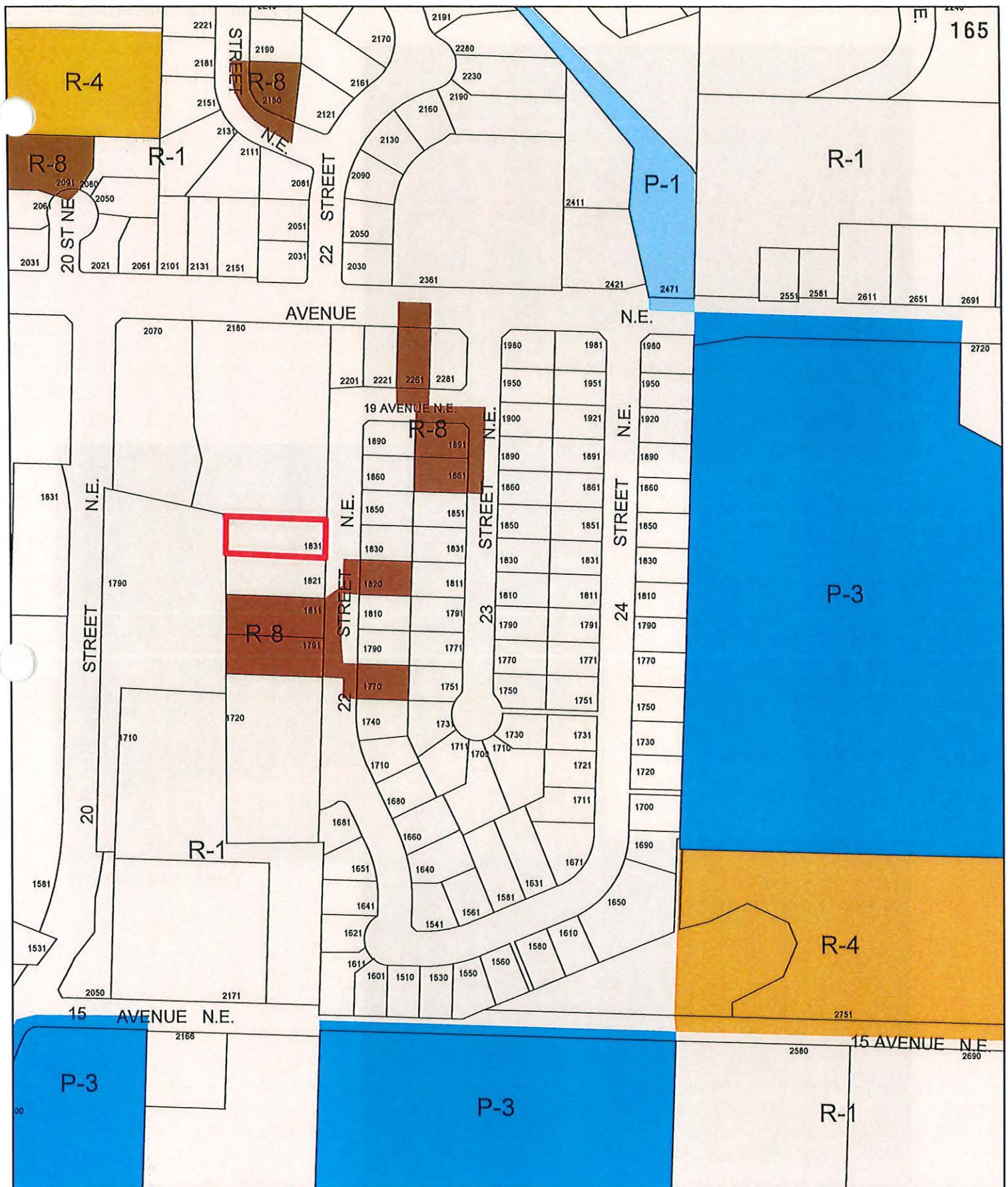
0 15 30 60 90 120
Meters

MR - Medium Density Residential

HR - High Density Residential

P - Park

INS - Institutional



Subject Parcel

0 15 30 60 90 120
Meters

R-1 Single Family Residential

R-8 Residential Suite

R-4 Medium Density Residential

Institutional

Park & Recreation



View looking northeast



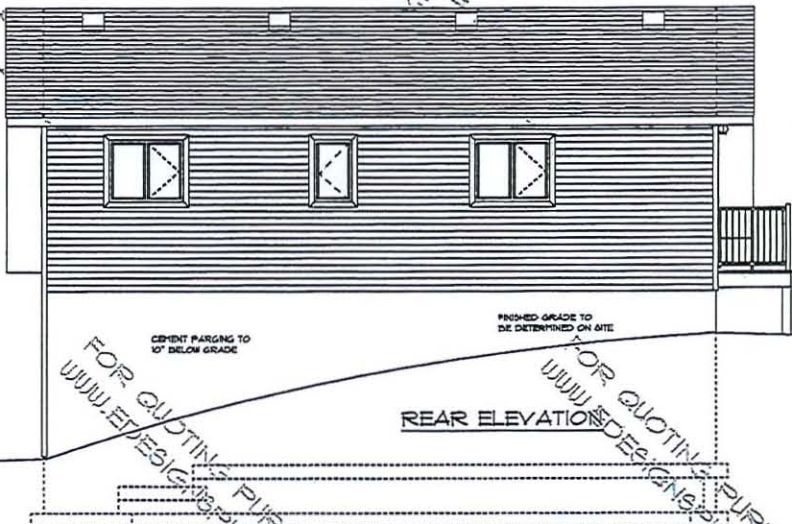
View looking northwest



View looking north



FRONT ELEVATION



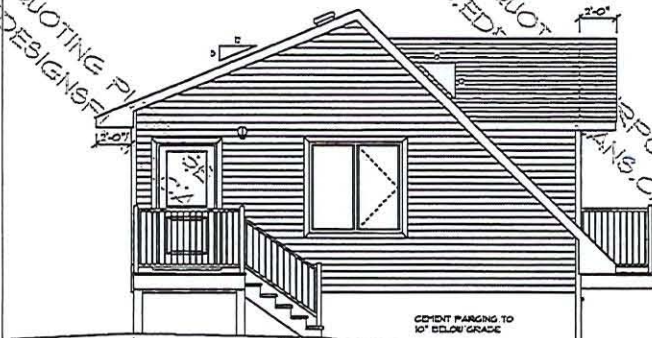
REAR ELEVATION

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 2020



LEFT ELEVATION

ALL RETAINING WALLS TO BE
 SITE DESIGNED TO FIRST FINISHED
 GRADES. MAY REQUIRE AN
 ENGINEER STAMPED DESIGN
 PROVIDED BY OTHERS.



RIGHT ELEVATION

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 LOCAL BUILDING CODES. IT IS THE
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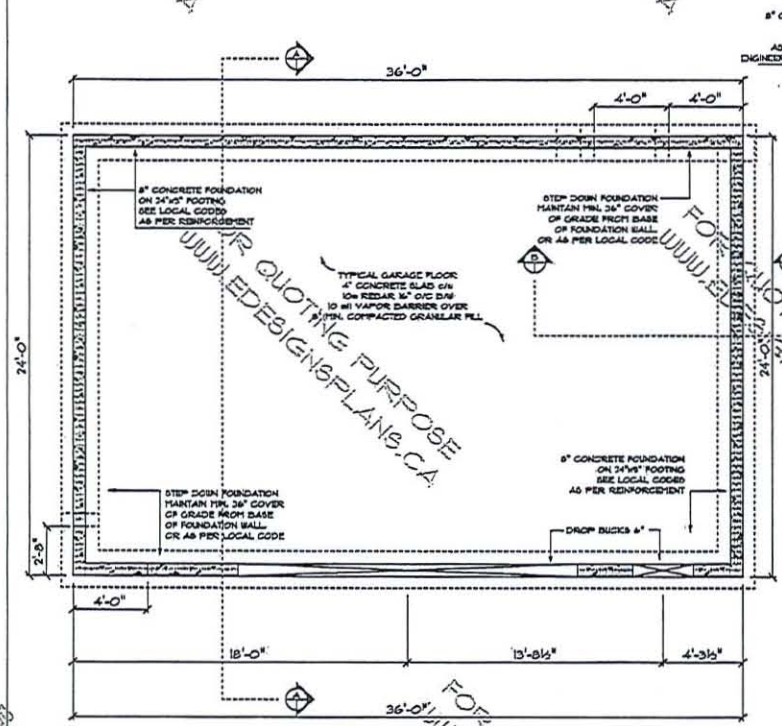
DEVON, AB

TOLL FREE 1-855-675-1800

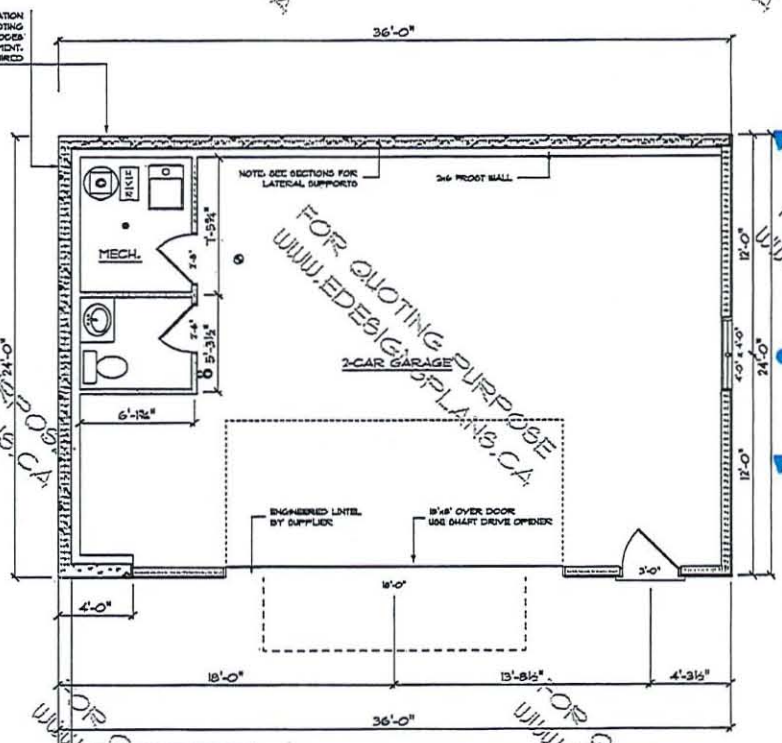
PROJECT:	NEUFELD CARRIAGE HOUSE			
LOCATION:	SALMON ARM, BC			
DRAWN BY:	SCALE:	DATE:	PLAN #:	PAGE:
Clayton Ayres	Not to Scale	Aug. 25/20	2020291	2 of 6

IMPORTANT:
 For Foundation and
 Lateral Support
 and ensure that
 appropriate
 to ensure that
 the building
 is not damaged
 by foundation
 failure.
 BRENT NEUFELD
 KAMLOOPS, BC

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Note: This foundation is designed based on the available standard soil bearing capacities. The owner/builder is responsible for verifying the assumption with a soil test done by a Geotechnical Engineer. E-Designs Plans Inc. accepts no liability for the assumption of soil bearing capacities nor any redesign of the foundation resulting from contrary soil conditions. DESIGNED & NOTED BY ENGINEER TO TAKE PRECEDENCE OVER ALL OTHERS. DESIGNING & NOTED SHOWN BY E-DESIGNS PLANS.



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SMOKE & CARBON DIOXIDE ALARMS:
 1. Smoke & Carbon Dioxide Alarms shall be installed in accordance to Article 9.10.13.1.1 of the B.C. Building Code (2014) or in accordance to local codes in force at construction.

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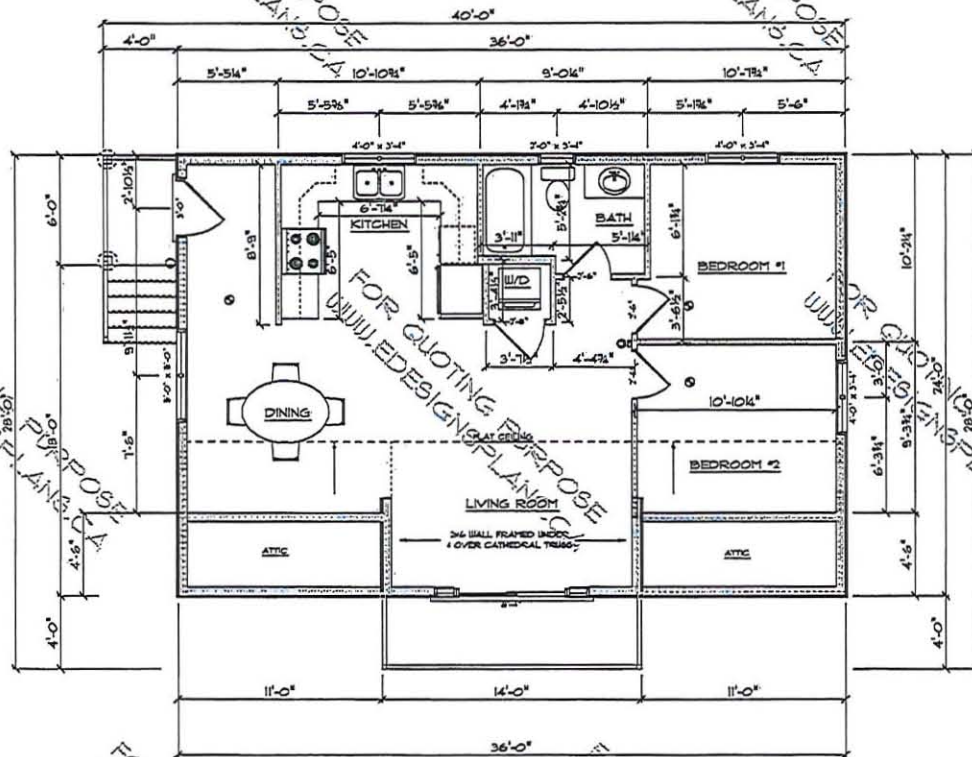
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PROJECT:	NEUFELD CARRIAGE HOUSE			
LOCATION:	SALMON ARM, BC			
DRAWN BY:	SCALE:	DATE:	PLAN #:	PAGE:
Clayton Ayres	Not to Scale	Aug. 23/20	2020291	3 of 6

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accordance with the
terms of the license.
If you have any questions,
please contact us.
Thank you.



ATTN: VERIFY ALL WINDOW & DOOR SIZES AND LOCATIONS WITH OWNER

NOTE: All window, doors & skylites to meet Energy codes as per the B.C. Building Codes

SMOKE & CARBON DIOXIDE ALARMS:

- Smoke & Carbon Dioxide Alarms shall be installed in accordance to Article 9.10.13.1.1 of the B.C. Building Code (2014) or in accordance to local codes in your area of construction.

RADON EXTRACTION & MITIGATION NOTES:

- VAPOR BARRIER & MITIGATION NOTES
- SLAB PERIMETER MUST BE SEALED
- ALL PENETRATIONS THROUGH SLAB MUST BE SEALED
- SUMP PUMP COVER TO BE AIR-TIGHT
- MINIMUM 1" OF FREE DRAINING STONE UNDER SLAB

RADON GAS EXTRACTION & MITIGATION CONTROL TO BE DONE ACCORDING TO THE 2010 CNBC OR TO THE CODES IN YOUR AREA

864 SQ. FT.

SECOND FLOOR

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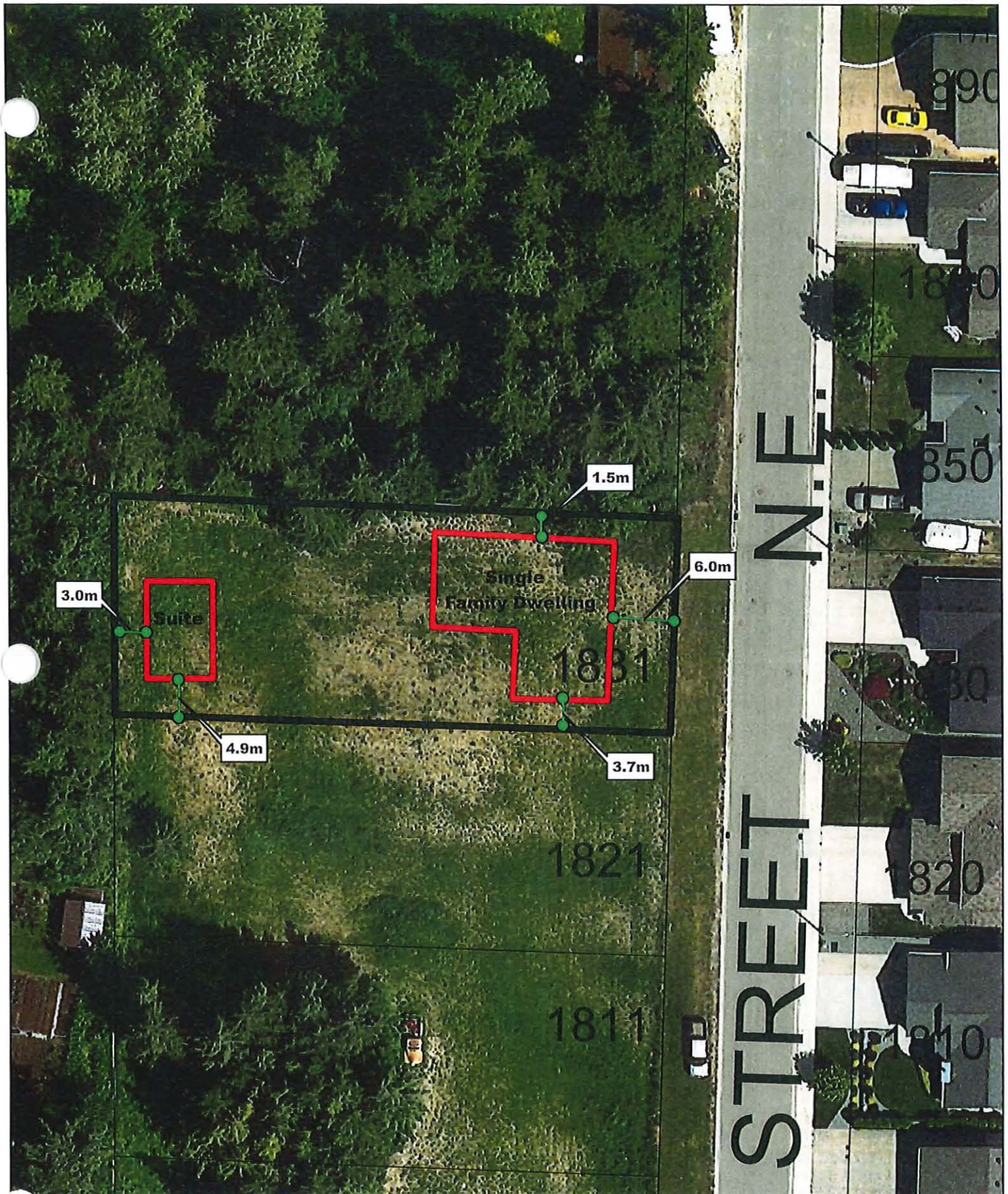
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PROJECT:
LOCATION:
DRAWN BY:
Verry Sayer

NEUFELD CARRIAGE HOUSE
SALMON ARM, BC
SCALE: Not to Scale
DATE: Aug. 25/20
PLAN #: 2020291
PAGE: 4 of 6



0 2.75 5.5 11 16.5 22 Meters



Subject Parcel

23. STATUTORY PUBLIC HEARINGS

1. Zoning Amendment Application No. ZON-1186 [B. Neufeld; 1831 22 Street NE; R-1 to R-8]

The Director of Development Services explained the proposed Zoning Amendment Application.

B. Neufeld, the applicant, presented by virtual means and outlined the application. He was available to answer questions from Council.

Following three calls for submissions and questions from Council, the Public Hearing was closed at 7:10 p.m. and the next item ensued.

CITY OF SALMON ARM

BYLAW NO. 4407

A bylaw to amend "District of Salmon Arm Zoning Bylaw No. 2303"

WHEREAS notice of a Public Hearing to be held by the Council of the City of Salmon Arm in the Council Chambers at City Hall, 500 – 2 Avenue NE, Salmon Arm, British Columbia and by electronic means as authorized by Ministerial Order M192, British Columbia, on October 26, 2020 at the hour of 7:00 p.m. was published in the October 14 and 14, 2020 issues of the Salmon Arm Observer;

AND WHEREAS the said Public Hearing was duly held at the time and place above mentioned;

NOW THEREFORE the Council of the City of Salmon Arm in open meeting assembled enacts as follows:

1. "District of Salmon Arm Zoning Bylaw No. 2303" is hereby amended as follows:

Rezone Lot 1, Section 24, Township 20, Range 10, W6M, KDYD, Plan EPP73048 from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone), attached as Schedule "A".

2. SEVERABILITY

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

3. ENACTMENT

Any enactment 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.

4. EFFECTIVE DATE

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

City of Salmon Arm
Zoning Amendment Bylaw No. 4407

5. CITATION

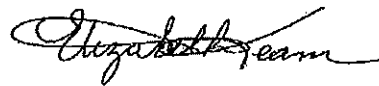
This bylaw may be cited as "City of Salmon Arm Zoning Amendment Bylaw No. 4407"

READ A FIRST TIME THIS 13 DAY OF October 2020

READ A SECOND TIME THIS 13 DAY OF October 2020

READ A THIRD TIME THIS 26 DAY OF October 2020

APPROVED PURSUANT TO SECTION 52 (3) (a) OF THE TRANSPORTATION ACT
ON THE 30th DAY OF October 2020



For Minister of Transportation & Infrastructure

ADOPTED BY COUNCIL THIS DAY OF 2020

MAYOR

CORPORATE OFFICER

SCHEDULE "A"



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Item 11.4

CITY OF SALMON ARM

Date: November 9, 2020

Moved: Councillor

Seconded: Councillor

THAT: the bylaw entitled City of Salmon Arm Zoning Amendment Bylaw No. 4412 be read a final time.

[ZON-1187; Wiens, R.; 2830 25 Street NE; R-1 to R-8]

Vote Record

- ☐ Carried Unanimously
- ☐ Carried
- ☐ Defeated
- ☐ Defeated Unanimously

Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond

To: His Worship Mayor Harrison and Members of Council

Date: September 9, 2020

Subject: Zoning Bylaw Amendment Application No. 1187

Legal: Lot 1, Section 24, Township 20, Range 10, W6M, KDYD, Plan 28855, Except Plan EPP69695
Civic Address: 2830 – 25 Street NE
Owner/Applicant: Wiens, R.

MOTION FOR CONSIDERATION

THAT: a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot 1, Section 24, Township 20, Range 10, W6M, KDYD, Plan 28855, Except Plan EPP69695 from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone);

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

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The subject parcel is located at 2830 – 25 Street NE (Appendix 1 and 2). The proposal is to rezone the parcel from R-1 (Single Family Residential) to R-8 (Residential Suite) to permit the development of a legal *secondary suite* within the existing single family dwelling.

BACKGROUND – SECONDARY SUITES

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

The subject parcel is located in a residential neighbourhood with a somewhat rural character, largely comprised of large R-1 zoned parcels containing single family dwellings. There are currently thirteen R-8 zoned parcels within the general area of the subject parcel, including the parcel directly south.

The property is over 1,500 square metres in size, and contains a non-conforming *secondary suite* within the existing single family dwelling. Site photos and a site plan are attached (Appendix 5 and 6).

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

COMMENTSEngineering Department

No concerns.

Building Department

Conversion of existing dwelling discussed with owner. No concerns. BC Building Code requirements apply.

Fire Department

No concerns.

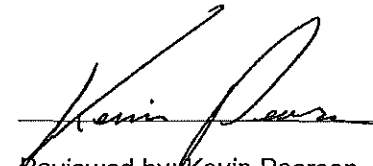
Planning Department

Under previous owners, the subject parcel had been subject to numerous complaints related to illegal suites. The current owners have been forthcoming and active in their intent to bring the building into conformance, with a legal *secondary suite* within the existing single family dwelling in conformance with the BC Building Code. Prior to final reading of the zoning amendment bylaw, confirmation will be required that the *secondary suite* in the existing single family dwelling meets BC Building Code requirements, included in the motion for consideration as is standard practice with such applications.

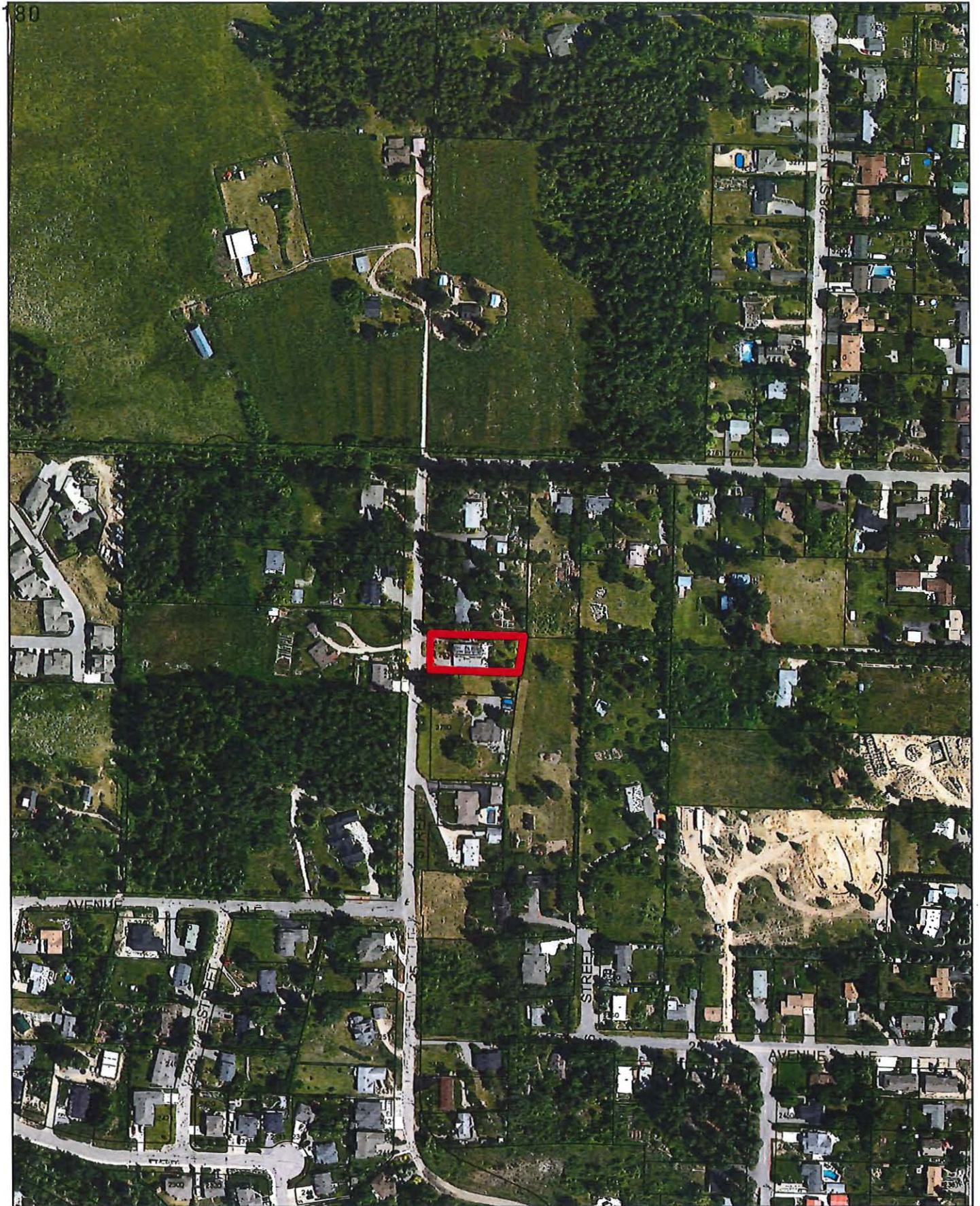
The proposed R-8 zoning of the subject parcel is consistent with the OCP and is therefore supported by staff. Any new development will require a building permit and will be subject to applicable Development Cost Charges, as well as meeting Zoning Bylaw and BC Building Code requirements.



Prepared by: Chris Larson, MCP
Senior Planner



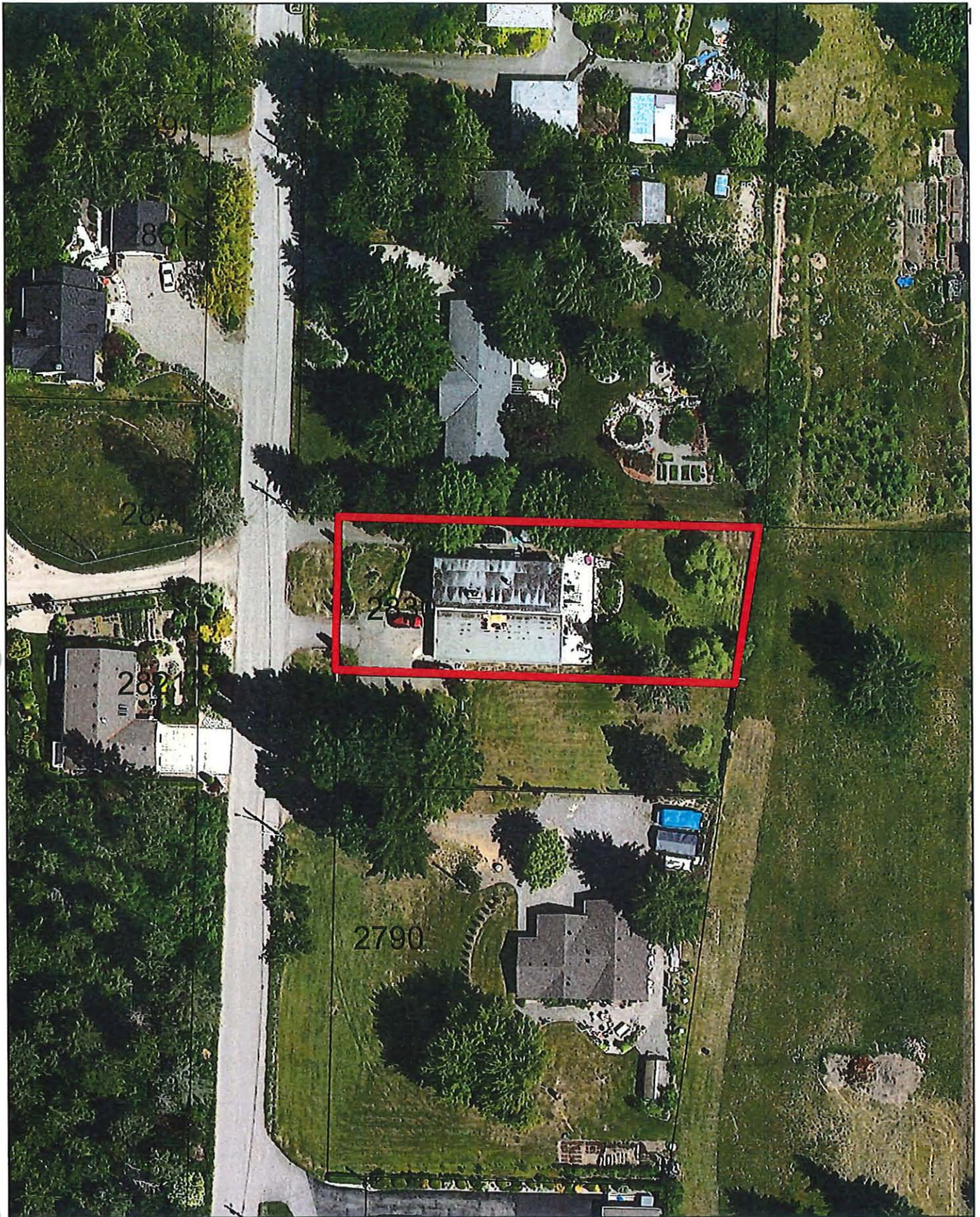
Reviewed by: Kevin Pearson, MCIP, RPP
Director of Development Services



0 40 80 160 240 320 Meters

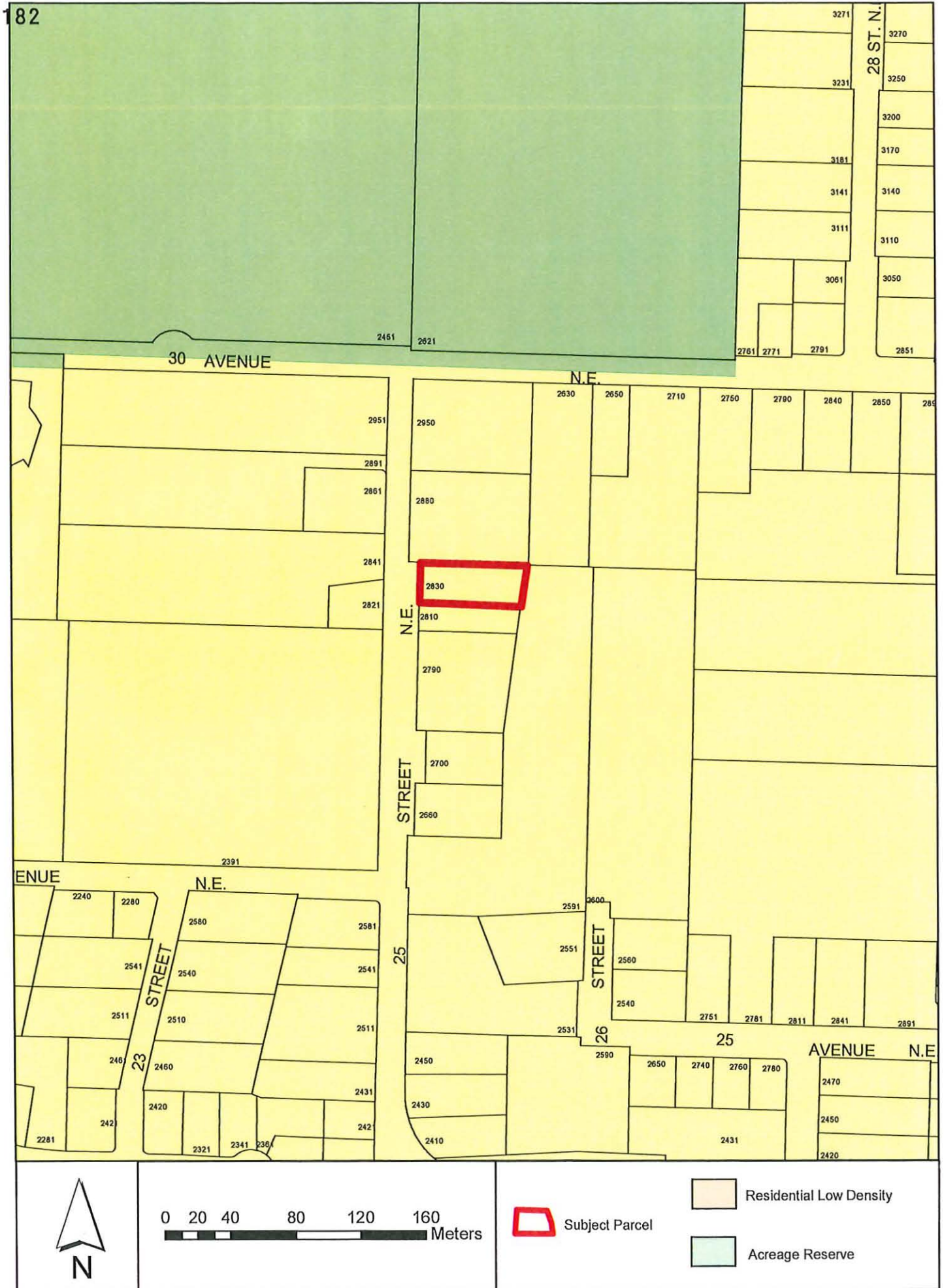


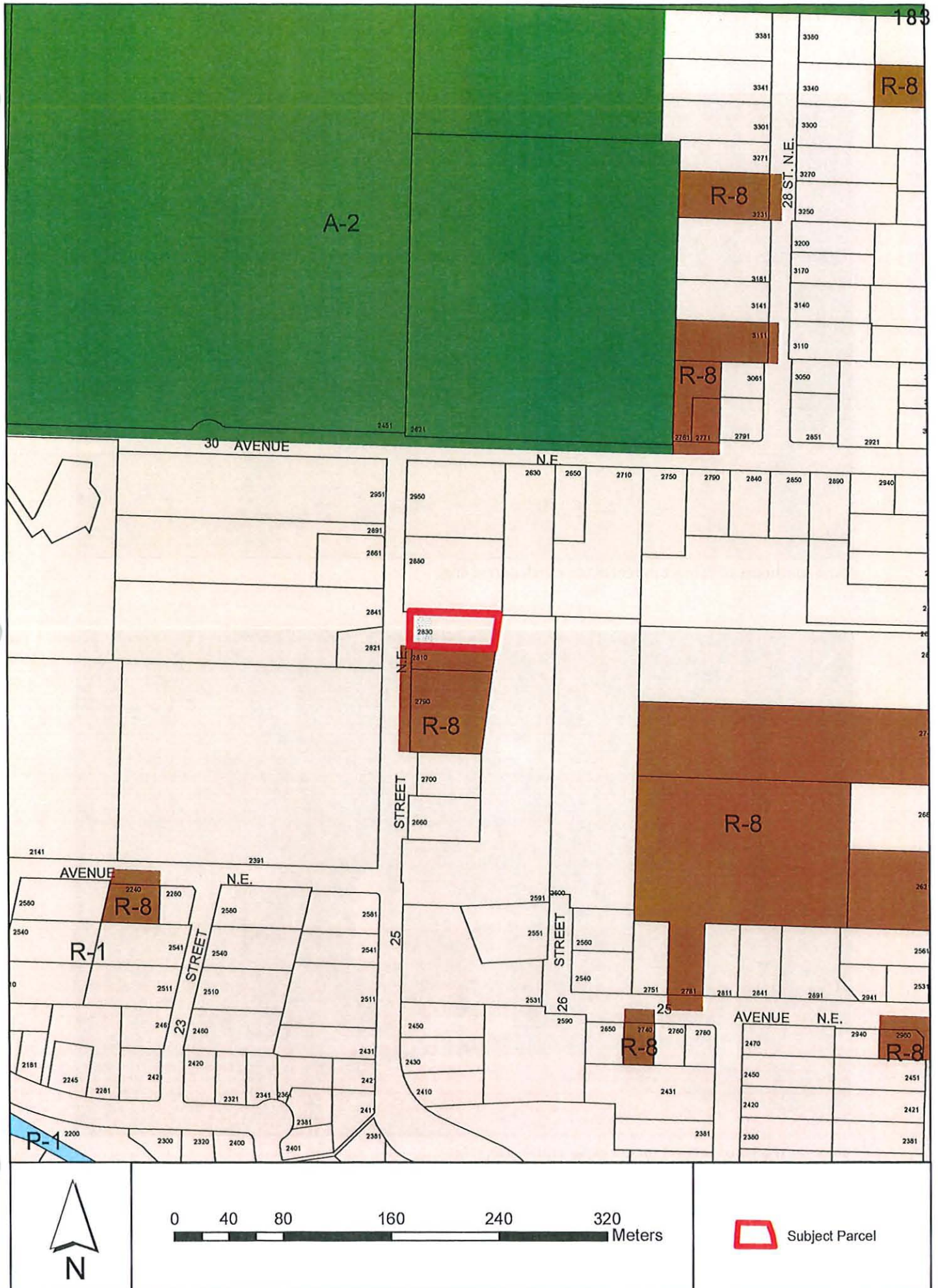
Subject Parcel



0 5 10 20 30 40 Meters

 Subject Parcel





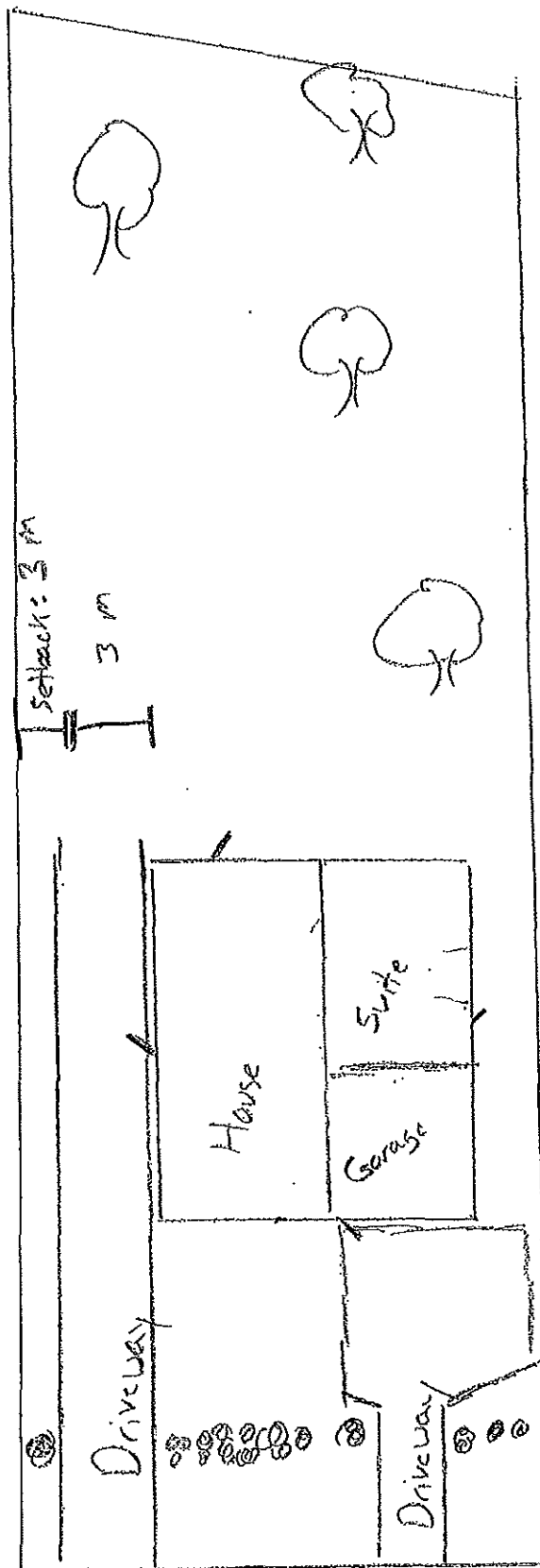


View southeast of subject parcel along north parcel line.



View northeast of subject parcel along south parcel line.

+
 Proposed
 Site plan



23. STATUTORY PUBLIC HEARINGS

2. Zoning Amendment Application No. ZON-1187 [R. Wiens; 2830 25 Street NE; R-1 to R-8]

The Director of Development Services explained the proposed Zoning Amendment Application.

R. Wiens, the applicant, outlined the application and was available to answer questions from Council.

Following three calls for submissions and questions from Council, the Public Hearing was closed at 7:13 p.m. and the next item ensued.

CITY OF SALMON ARM

BYLAW NO. 4412

A bylaw to amend "District of Salmon Arm Zoning Bylaw No. 2303"

WHEREAS notice of a Public Hearing to be held by the Council of the City of Salmon Arm in the Council Chambers at City Hall, 500 - 2 Avenue NE, Salmon Arm, British Columbia and by electronic means as authorized by Ministerial Order M192, British Columbia, on October 26, 2020 at the hour of 7:00 p.m. was published in the October 14 and 21, 2020 issues of the Salmon Arm Observer;

AND WHEREAS the said Public Hearing was duly held at the time and place above mentioned;

NOW THEREFORE the Council of the City of Salmon Arm in open meeting assembled enacts as follows:

1. "District of Salmon Arm Zoning Bylaw No. 2303" is hereby amended as follows:

Rezone Lot 1, Section 24, Township 20, Range 10, W6M, KDYD, Plan 28855 Except Plan EPP69695 from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone), attached as Schedule "A".

2. SEVERABILITY

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

3. ENACTMENT

Any enactment 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.

4. EFFECTIVE DATE

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

5. CITATION

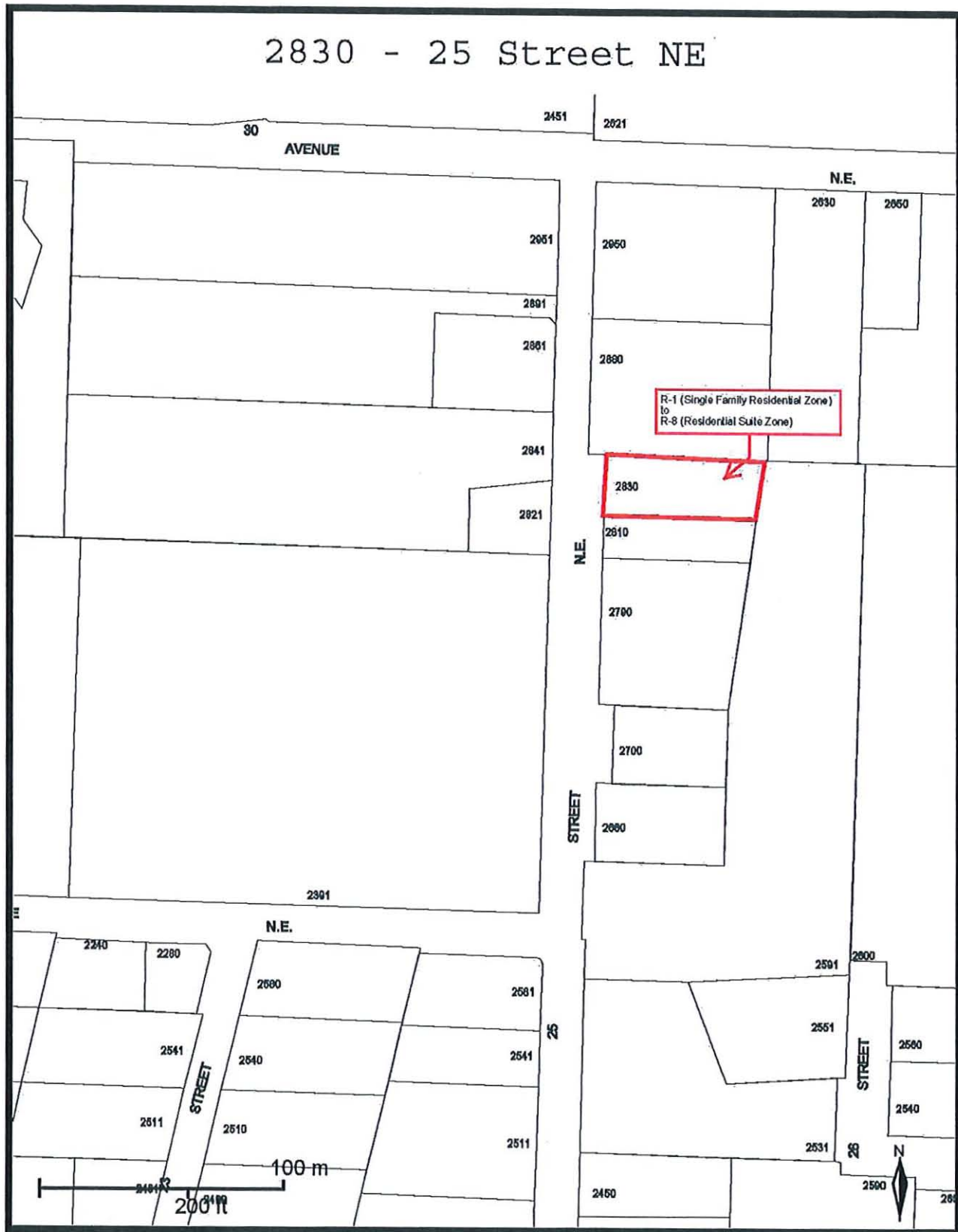
This bylaw may be cited as "City of Salmon Arm Zoning Amendment Bylaw No. 4412"

READ A FIRST TIME THIS	13	DAY OF	October	2020
READ A SECOND TIME THIS	13	DAY OF	October	2020
READ A THIRD TIME THIS	26	DAY OF	October	2020
ADOPTED BY COUNCIL THIS		DAY OF		2020

MAYOR

CORPORATE OFFICER

SCHEDULE "A"



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Item 11.5

CITY OF SALMON ARM

Date: November 9, 2020

Moved: Councillor

Seconded: Councillor

THAT: the bylaw entitled City of Salmon Arm Zoning Amendment Bylaw No. 4414 be read a final time.

[ZON-1188; Lamb, K. & G./1261694 BC Ltd.; 3510 20 Avenue NE; R-1 to R-8]

Vote Record

- ☐ Carried Unanimously
- ☐ Carried
- ☐ Defeated
- ☐ Defeated Unanimously

Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond



To: His Worship Mayor Harrison and Members of Council

Date: September 23, 2020

Subject: Zoning Bylaw Amendment Application No. 1188

Legal: That Part of the South West ¼ of Section 19 Included in Plan B413;
Township 20, Range 9, W6M, KDYD
Civic Address: 3510 20 Avenue NE
Owner: Keith & Garry Lamb
Applicant: 1261694 BC Ltd. (Trent Sismey)

MOTION FOR CONSIDERATION

THAT: a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303, 1995 by rezoning a portion of That Part of the South West ¼ of Section 19 Included in Plan B413; Township 20, Range 9, W6M, KDYD from R1 (Single Family Residential Zone) to R8 (Residential Suite Zone), as shown on 'Schedule A';

AND THAT: Final reading of the zoning amendment bylaw be withheld subject to Ministry of Transportation approval;

AND FURTHER THAT: Council support the proposed dedication of that portion of Plan B413 shown on Plan A15226 (1871m²) and a 150m² portion of Plan B413 along the south east property line of the subject property to satisfy the requirement to provide 5% Parkland Dedication in the subdivision.

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The subject parcel is located at 3510 20 Avenue NE (Appendix 1 and 2). The proposal is to rezone the parcel from R1 (Single Family Residential) to a split zone of R8 (Residential Suite Zone) and R1 (Single Family Residential), with the south portion of the land being R1 and the northerly portion above the proposed future 16th Avenue right-of-way being R8 (see Appendix 3). The applicant has made a concurrent subdivision application for 34 single family lots. At the time of writing this report the subdivision application is under review with City departments and external agencies.

BACKGROUND

The parcel is designated Low Density Residential (LDR) in the City's Official Community Plan (OCP), and zoned R1 (Single Family Residential) in the Zoning Bylaw (Appendix 4 & 5).

The subject property is adjacent to the Country Hills subdivision and another established residential subdivision. Lands within the ALR are to the immediate north and south of the subject property. Land uses directly adjacent to the subject property include the following:

North: A2 (Rural Holding) parcels within the ALR
South: A2 (Rural Holdings) parcels with the ALR

East: R1 (Single Family Residential)

West: R1 (Single Family Residential)

There are two plans (Plan A11476 and Plan A1490, see Appendix 1) that traverse the site. These plans protect the water and sewer services for the adjacent residential subdivision to the east of the subject property. The developer is aware of these service areas and the proposed subdivision plan does not impact these service right-of-ways.

OCP Policy

Land Use

Given that the subject property is designated in the OCP as Low Density Residential (LDR) and within the Urban Containment Boundary the development of the site for 34 single family home sites including 26 potential suites aligns with OCP principles supporting housing diversity (OCP Section 8.3.25). The same OCP policy does not support the secondary suites being further subdivided. The rezoning of LDR land for single family dwellings with secondary or detached suites is supported in the OCP (Section 8.3.14).

When considering development the LDR designation in the OCP supports 22 units per hectare. Given that the proposed development site, excluding the area identified for park dedication, is approximately 3.8 ha, the density allows for a total of 84 units.

Park Dedication

As noted on Appendix 6: Greenways Map, proposed trails and a proposed neighbourhood park are identified on the subject property. The Greenways Strategy provides guidelines for the provision of linear parks and park spaces within the community based on projected development trends, noting that once development is proposed in a given location the exact alignment and location of the trails and park space are determined by the City and developer. Further, pursuant to the *Local Government Act* an owner of land being subdivided must either dedicate 5% of the land being subdivided as Park or money in an amount agreeable to the City and typically based upon an agreed to appraised value. In effect, the Greenways Strategy identifies general locations for trails and parks, the *Local Government Act* determines how much area within a proposed development is to be dedicated for park space.

In this instance, and with staff support, the developer has provided a proposal for the dedication of an east - west trail linkage between the proposed development and 30 St NE and a further 150m² of linear park adjacent to the existing City park space within the Country Hills development. The proposal for the linkage to become park marks the formalization of an existing route that is commonly used but is technically a trespass across private land. The length of the linkage is approximately 345m. The proposed park alignments and area calculations are shown on Appendix 6: Proposed Subdivision Phasing and Zoning. Staff are requesting Council support in the configuration of the parks/trails proposal for a number of reasons – including that the dedication of the linear park space connecting the development (and adjacent residential areas) to 30 St NE via a trail corridor would formalize this important neighbourhood connection. In addition there is an undeveloped City owned park space (also shown on Appendix 3) which, if one day developed, could provide a small community park space for residents. The park dedication proposal also extends a commonly used north – south linkage between 18th Ave NE and 16th Ave NE along the east property boundary of the subject property.

Should Council not support the park dedication as proposed, particularly, the linkage between the proposed development site and 30th St NE then the City will lose the linkage as a formal trail and the use of the area would be determined by the owner.

Other: Steep Slopes, Hazard Areas and Watercourse Development Permit Areas

The OCP identifies areas of concern with regard to steep slopes greater than 30%, hazard areas and riparian or Watercourse Development Permit Areas and includes policies to address the site specific identification of these conditions on a proposed development site and how development is to be managed to mitigate or avoid conflicts during construction and long term use. The subject property is not identified in the OCP as a site encumbered by these issues. In the event that the developer encounters an unmapped slope greater than 30%, other hazard area or unmapped watercourse, provincial legislation requires that it

incumbent upon the developer to disclose and remedy the issue to ensure that any means of mitigation leaves the site safe for the intended use and abides by provincial legislation.

COMMENTS

Subdivision & Engineering Comments

The rezoning as proposed would not result in requirements for servicing upgrades; however, the proposed subdivision of the property will prompt servicing requirements including the dedication and construction of trails, roads, water, sewer and storm upgrades to the current standards of the City's Subdivision and Servicing Bylaw No. 4163 as well as any associated works and servicing agreements. The Engineering comments dated September 16, 2020 are attached as Appendix 7 and recommend that the rezoning be approved.

At the time of subdivision the developer, who was made aware during pre-application meetings, will be required to dedicate that 10m portion of 20th Ave NE from centerline to property and upgrade the road to an Urban Collector Road Standard as per the City's Subdivision and Servicing Bylaw No. 4163. Appendix 8, provided by the developer's surveyor, illustrates the proposed road dedication. In addition it shows that this section of 20th Ave NE, according to BC Land Title Office records, appears to not be a dedicated road. Typically, municipal roads are dedicated through land title records of subdivision and constructed. Undedicated, yet constructed and used, municipal roads can sometimes occur as an error in records or from piecemeal development through older or past century subdivisions. In either case the road is not within the ownership of the municipality and the issue must be addressed appropriately by the developer. The process of perfecting municipal road dedication is occurring throughout the province and is creating issues for properties developing, particularly subdivision, on lands adjacent to roadways. For the developer to proceed with the required road dedication and improvements of 20th Ave NE, the lineage of the ownership must be confirmed and appropriately dedicated as road. The developer is currently undertaking this task in conjunction with their BC Land Surveyor and the BC Land Title Office. This process has prompted the phasing strategy of the site, leaving the section closest to 20th Ave NE as the last phase so that the lineage of ownership may be addressed as other phases of the development proceed.

The road network included in the proposed subdivision plan is based on a historic Advanced Street Plan endorsed by staff. Connectivity of 16th, 18th and 20th Aves is deemed to be critical for the local road network.

Engineering comments also highlight road and servicing upgrades for those sections the subject property fronting 16th and 18 Ave NE and 30 St NE. Where proposed roadways that access the site, road improvements are required in order to integrate the accesses with the existing established subdivisions on either side of the subject property. The panhandle section of the subject property that fronts 30 St NE requires road dedication and improvements to bring the 5m wide section to an Interim Arterial Road standard. As per the Subdivision and Development Servicing Bylaw, developers are required to bond and build the required works at the time of development. The Bylaw also allows, at the discretion of the City Engineer, that a developer may provide a cash in lieu payment for the works that may be deemed required but premature at the time of development. For example, in a scenario in which sidewalk, curb and gutter would required as per the Bylaw and the patch of work would be constructed in isolation from any other connection, then the installation of the required works might be considered premature. As noted in the comments from the Engineering Department, given that the required upgrades along 30th St NE are limited in scope, it is considered premature at this time and a payment in lieu of these works would be accepted in this instance.

On site servicing with regards to the provision of water, sewer and storm services are also detailed in the comments and, again, the requirements are intended to integrate the proposed subdivision with the adjacent established subdivisions and ensure that the works are constructed to the standards of the Subdivision and Development Servicing Bylaw No. 4163.

Building Department

Each Single Family Dwelling that is proposed to include a secondary suite would have to compliant with zoning and the requirements of the BC Building Code.

Fire Department

No concerns.

Planning Department

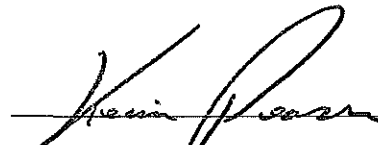
Based on zoning, the number of parcels zoned for a legal suite is 379 in residential areas within the Urban Containment Boundary. The proposed 26 properties included in the proposed application would mark a significant increase in that number and provide additional housing in proximity to schools, recreation and commercial amenities.

Staff are encouraging applicants of larger subdivisions to investigate options to 'pre-zone' a development site as means to meet the City's objectives encouraging affordable housing options. This has been a successful approach in several recent subdivisions including Maplewoods, Cherrywood, 1631 10 St SE (Massier) and newer areas of the Hillcrest neighbourhood. The 'pre-zoning' of the land prior to subdivision ensures that purchasers are aware of neighbourhood composition prior to construction and can make development plans and site designs accordingly. In discussions with the developer staff noted that the City has received several complaints in areas where suites are located within cul-d-sacs as on-site parking issues can be challenging. The developer has proposed that all proposed lots outside of the cul-d-sac area be zoned for suites and those future owners of the properties within the cul-d-sac can make site specific rezoning requests, at which time the provision of adequate on-site parking consistent with the neighbourhood can be assessed by Council. For those sites proposed to be zoned R8 the lot areas range from 700m² to 1079m², which would provide ample area on site for a dwelling with suite or detached and onsite parking. It is unlikely that variances would be needed to accommodate the proposed uses listed within the R8 zone.

Given OCP policies mentioned above and the general lot layout and lots areas proposed staff are supportive of the application to split zone the subject property.

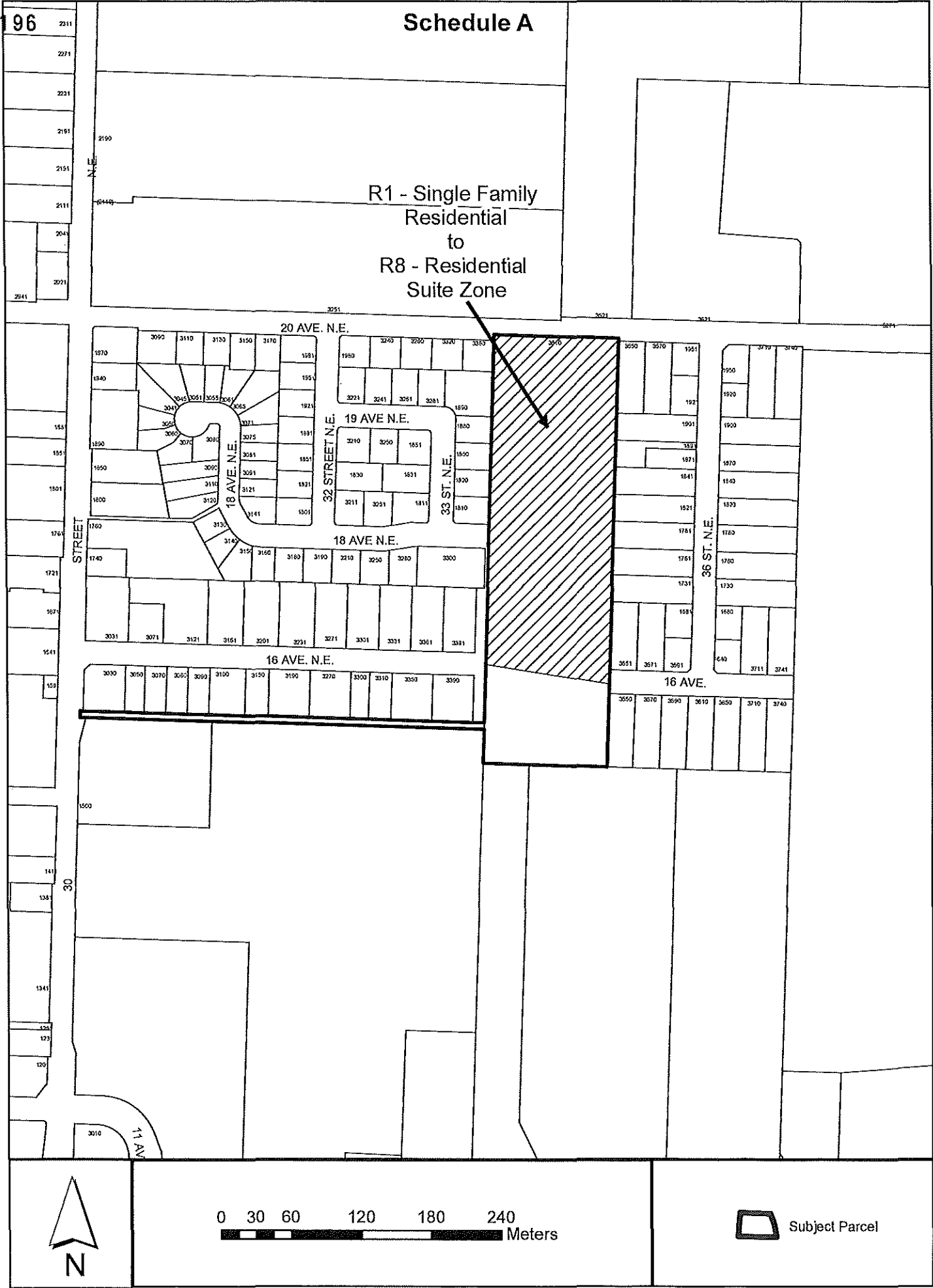


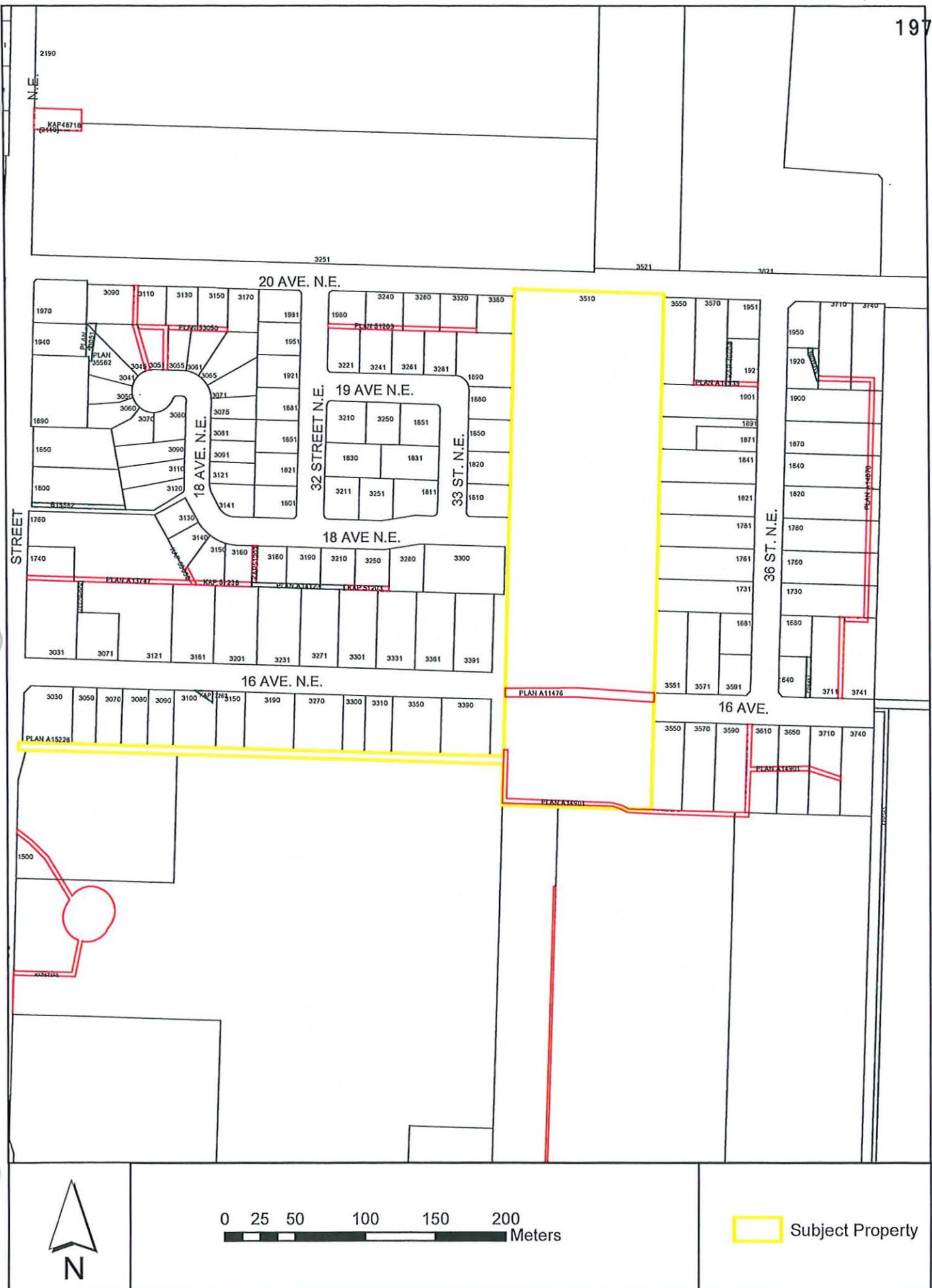
Prepared by: Melinda Smyrl, MCIP, RPP
Planner

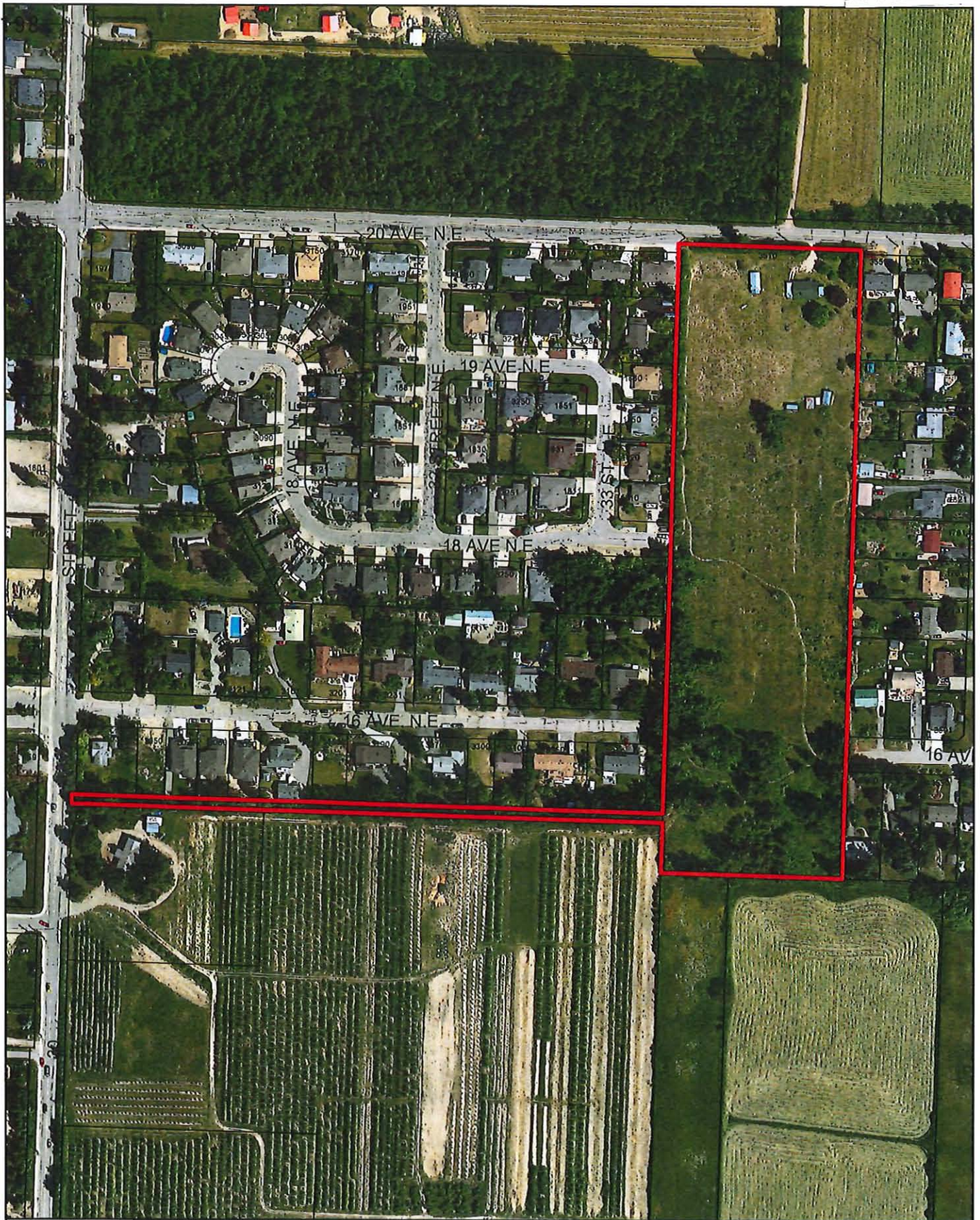


Reviewed by: Kevin Pearson, MCIP, RPP
Director of Development Services

R1 - Single Family
Residential
to
R8 - Residential
Suite Zone







0 20 40 80 120 160
Meters

 Subject Property

Sketch Plan of Proposed Subdivision of
That Part of the SW 1/4 of Sec 19 Included in
Plan B413, Tp 20, Rge 9, W6M
KDYD

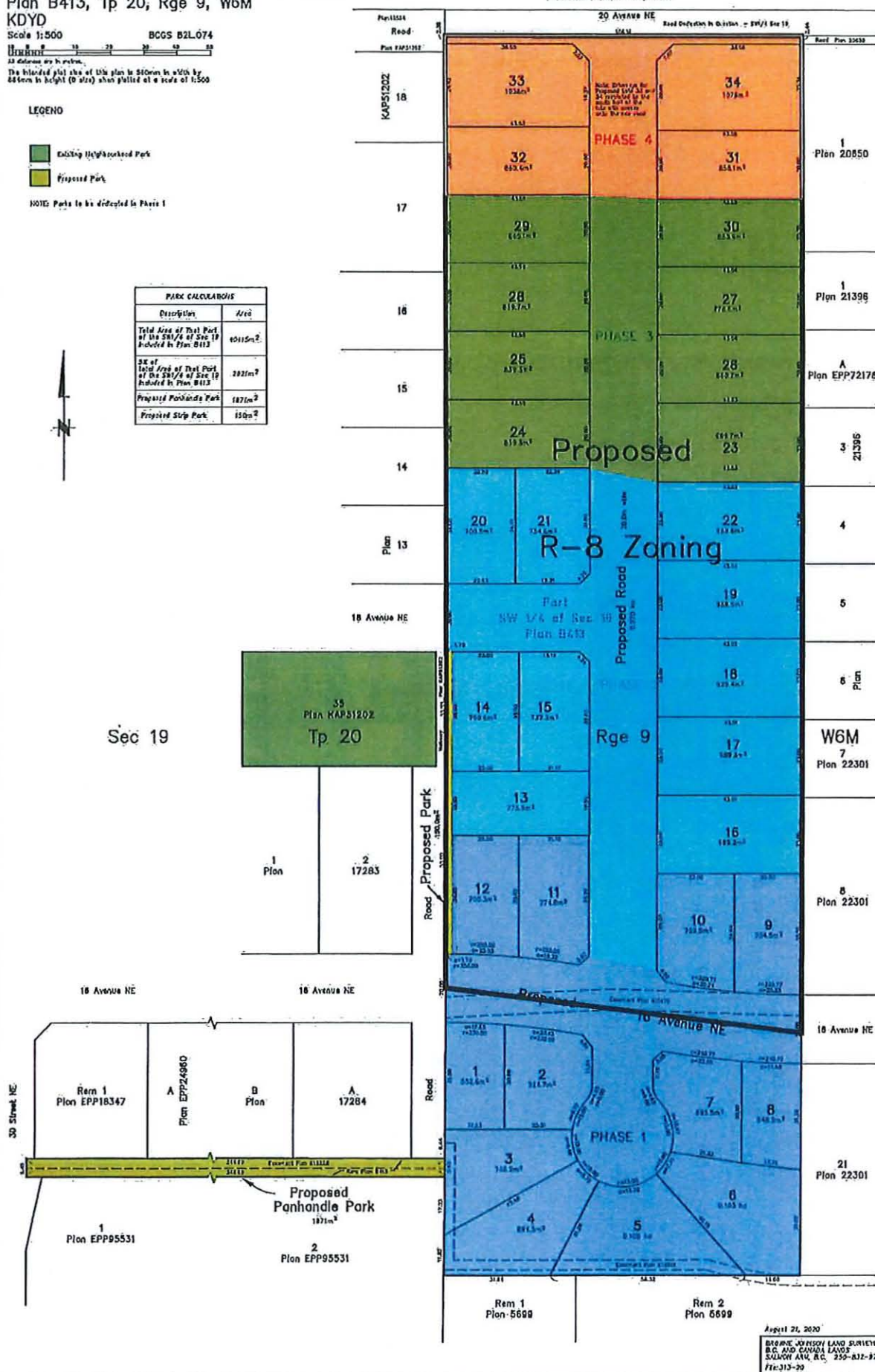
Scale 1:500 BCGS B2L074
All distances are in metres.
The intended plan size of this plan is 100mm x 100mm at a scale of 1:500.

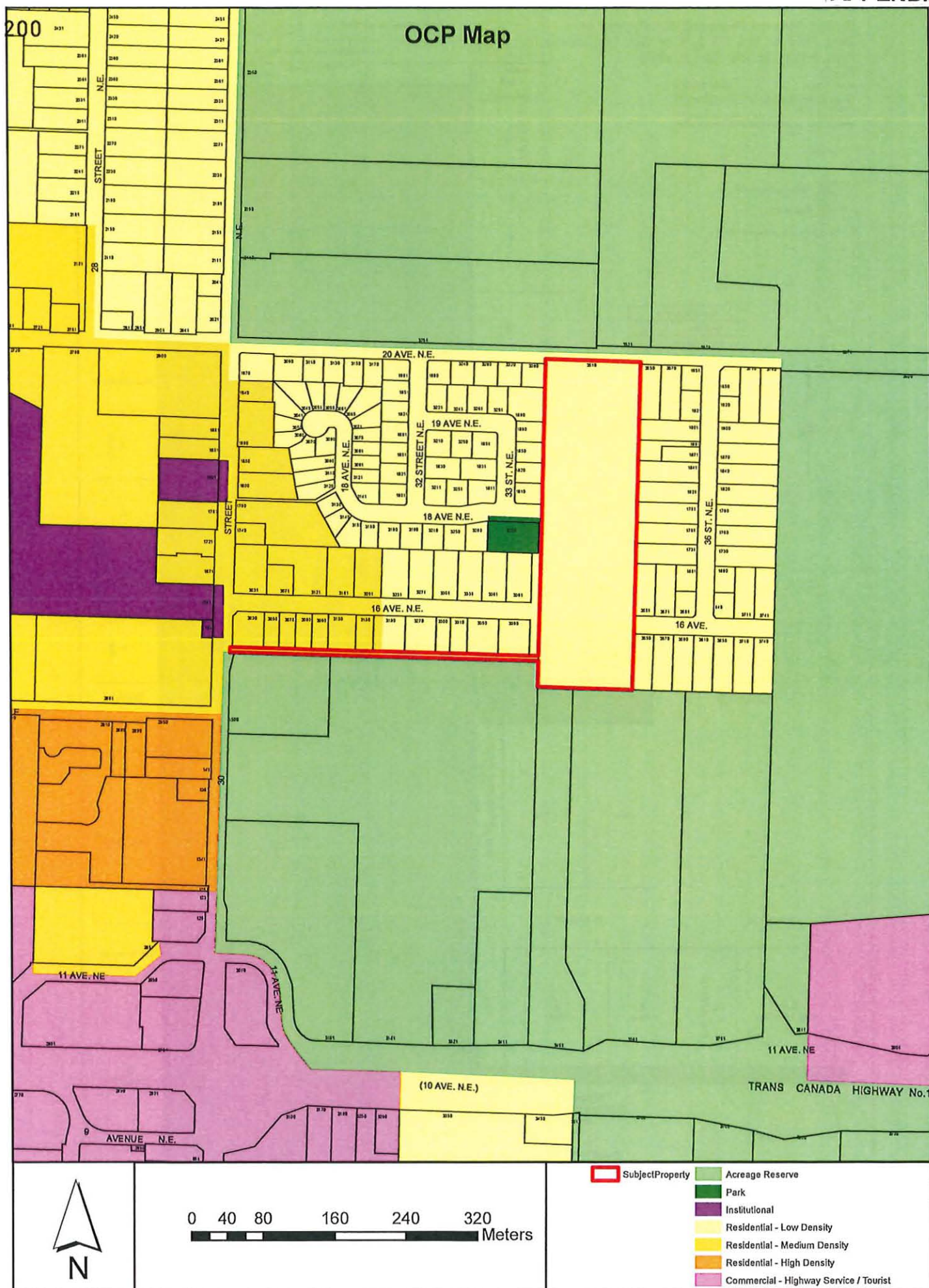
LEGEND

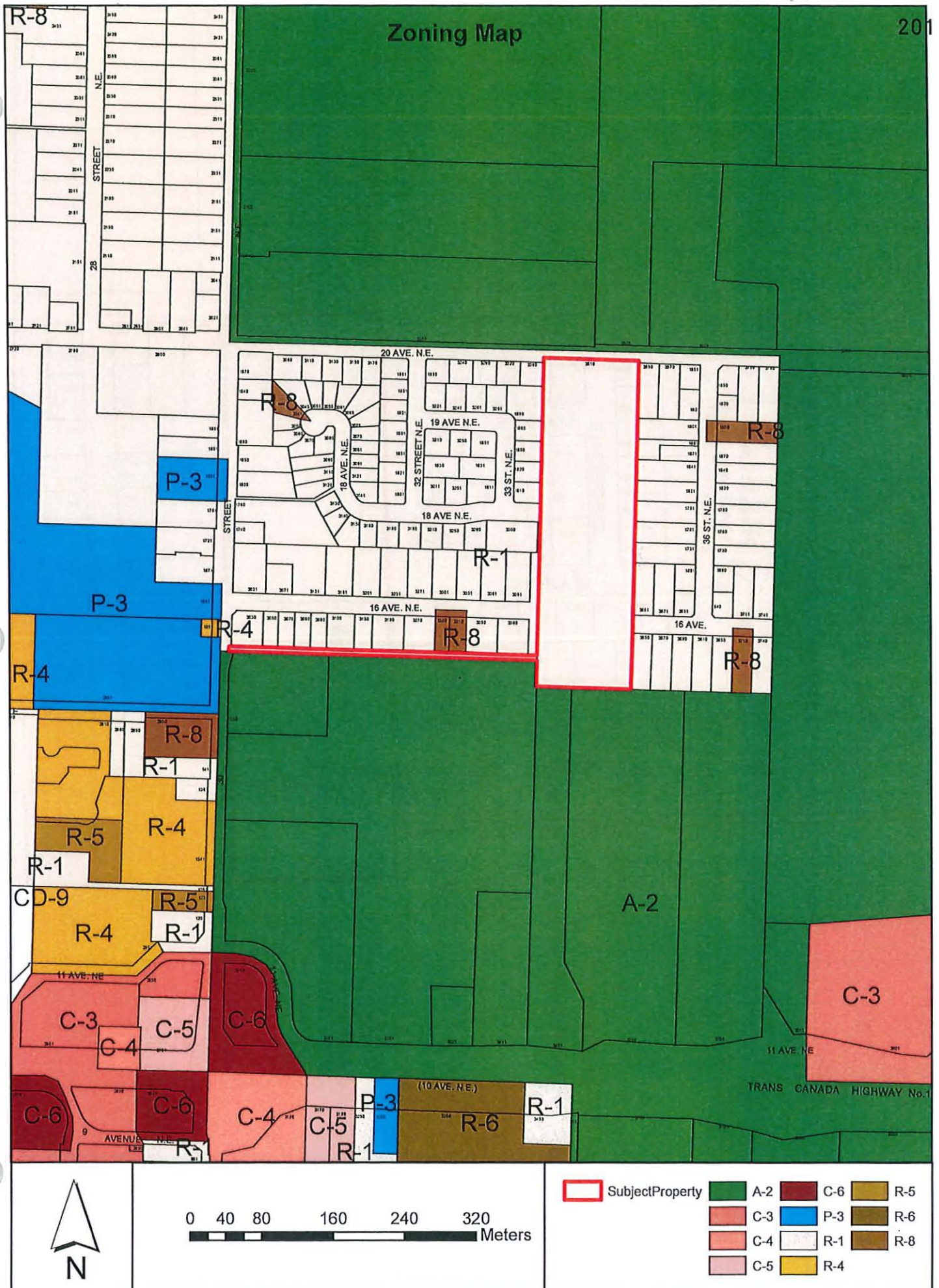
- Existing Highwayside Park
- Proposed Park

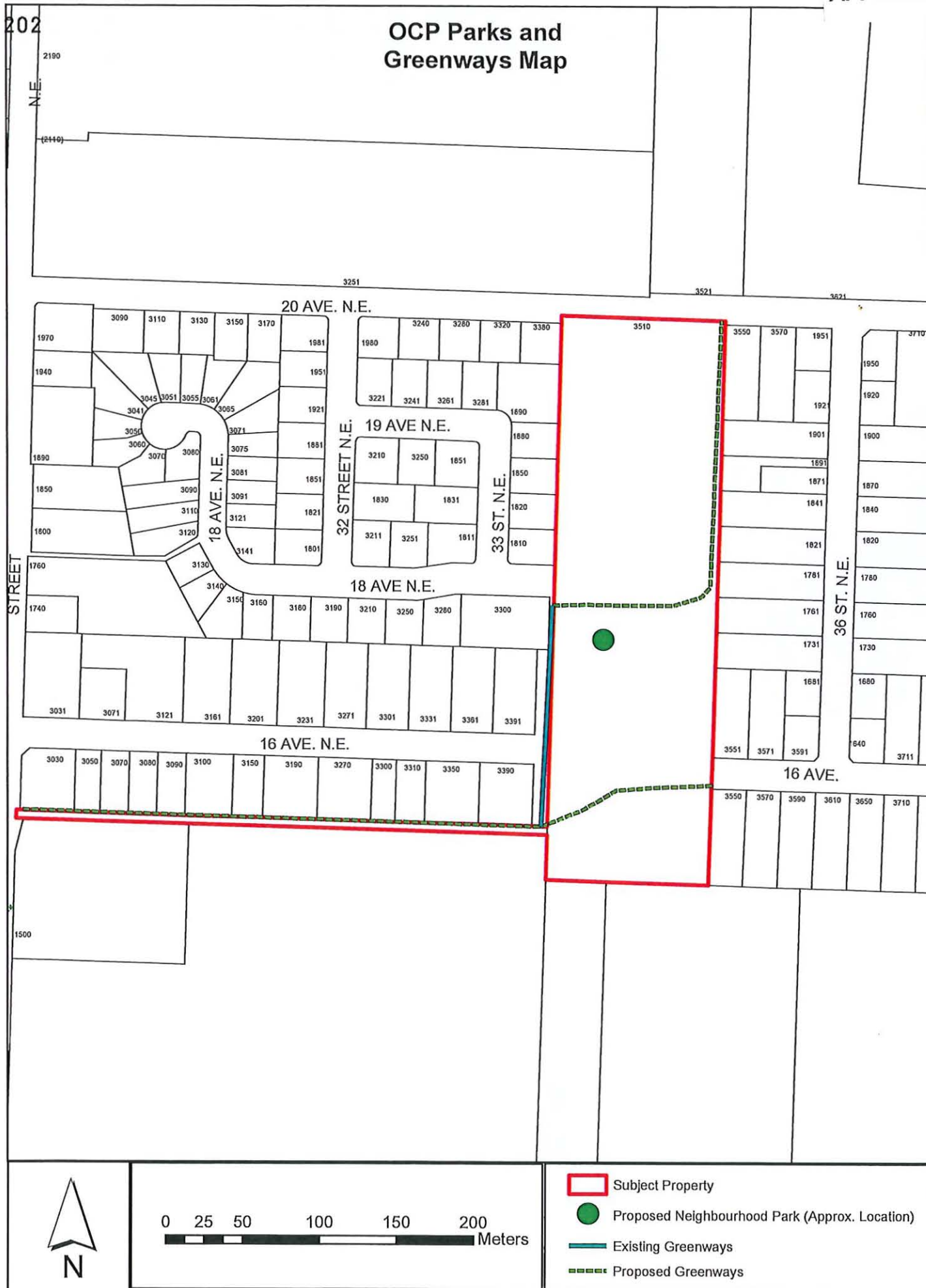
NOTE: Parks to be depicted in Phase 1

PARK CALCULATIONS	
Description	Area
Total Area of That Part of the SW 1/4 of Sec 19 Included in Plan B413	6015m ²
25% of Total Area of That Part of the SW 1/4 of Sec 19 Included in Plan B413	1504m ²
Proposed Panhandle Park	1871m ²
Proposed Strip Park	150m ²











*Memorandum from the
Engineering and Public
Works Department*

TO: Kevin Pearson, Director of Development Services
DATE: 16 September 2020
PREPARED BY: Chris Moore, Engineering Assistant
OWNER: Lamb, K., G., and W. & F. – C/o K. Lamb
APPLICANT: 1261694 BC Ltd, - 751 Marine Park Drive NE, Salmon Arm, BC V1E1Z3
SUBJECT: ZONING AMENDMENT APPLICATION FILE NO. ZON-1188 &
SUBDIVISION APPLICATION FILE NO. SUB 20.10
LEGAL: South West ¼ of Section 19 Included in Plan B413; Township 20, Range 9,
W6M, KDYD
CIVIC: 3510 – 20 Avenue NE

Further to your referral dated 9 September 2020, we provide the following servicing information.

Engineering Department does not have any concerns related to the Re-zoning and recommends that it be approved.

General:

1. Full municipal services are required as noted herein. Owner / Developer to comply fully with the requirements of the Subdivision and Development Services Bylaw No 4163. Notwithstanding the comments contained in this referral, it is the applicant's responsibility to ensure these standards are met.
2. Comments provided below reflect the best available information. Detailed engineering data, or other information not available at this time, may change the contents of these comments.
3. Properties shall have all necessary public infrastructure installed to ensure properties can be serviced with underground electrical and telecommunication wiring upon development.
4. Property under the control and jurisdiction of the municipality shall be reinstated to City satisfaction.
5. Owner / Developer will be responsible for all costs incurred by the City of Salmon Arm during construction and inspections. This amount may be required prior to construction. Contact City Engineering Department for further clarification.
6. Erosion and Sediment Control measures will be required prior to the commencement of construction. ESC plans to be approved by the City of Salmon Arm.
7. Any existing services (water, sewer, hydro, telus, gas, etc) traversing the proposed lot must be protected by easement or relocated outside of the proposed building envelope. Owner/Developer will be required to prove the location of these services. Owner / Developer is responsible for all associated costs.
8. For the on-site development, prior to commencement the applicant will be required to submit to the City for review and approval detailed engineering plans in accordance with the requirements of the Subdivision and Development Servicing bylaw 4163. These plans must be prepared by a qualified professional engineer. As a condition of final subdivision approval,

SUBDIVISION APPLICATION FILE: 20-10

16 September 2020

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the applicant will be required to deposit with the City for a period of 1 year, funds equaling 10% of the estimated cost for all works that are to be transferred to the City.

9. For the off-site improvements at the time of subdivision the applicant will be required to submit for City review and approval detailed engineered plans for all off-site construction work. These plans must be prepared by a qualified engineer. As a condition of subdivision approval, the applicant will be required to deposit with the City funds equaling 125% of the estimated cost for all off-site construction work.

Roads / Access:

1. 20 Avenue NE, on the subject properties northern boundary, is designated as an Urban Collector Road standard, requiring 20.0m road dedication (10.0m on either side of road centerline). Available records indicate that 2.356m of additional road dedication is required (to be confirmed by a BCLS).
2. 20 Avenue NE is currently constructed to an Interim Collector Road standard. Upgrading to an Urban Collector Road standard is required, in accordance with Specification Drawing No. RD-3. Upgrading may include, but is not limited to, road widening and construction, curb & gutter, sidewalk, boulevard construction, street lighting, fire hydrants, street drainage and hydro and telecommunications. Owner / Developer is responsible for all associated costs.
3. 18 Avenue NE and 16 Avenue NE terminate on the subject properties eastern and western boundaries and are designated as Urban Local Road standard, requiring 20.0m road dedication (10.0m on either side of road centerline). Available records indicate that no additional road dedication is required (to be confirmed by a BCLS).
4. 18 Avenue NE and 16 Avenue NE are currently constructed to an Interim Local Road standard. Extension of these roads to the subject property is required, in accordance with Specification Drawing No. RD-2. Upgrading may be required including, but not limited to, road widening and construction, curb & gutter, sidewalk, boulevard construction, street lighting, fire hydrants, street drainage and hydro and telecommunications. Owner / Developer is responsible for all associated costs.
5. 30 Street NE, on the subject properties western boundary (panhandle), is designated as an Urban Arterial Road standard, with an ultimate 25.0m road dedication (12.5m on either side of road centerline). Although the City only requires an Interim total of 20.0m of road dedication (10.0m on either side of road centerline) at this time. Available records indicate that 2.109m of additional dedication is required (to be confirmed by BCLS).
6. 30 Street NE is currently constructed to an Interim Urban Arterial Road standard. Upgrading to the current Urban Interim Arterial Road standard is required, in accordance with Specification Drawing No. RD-4. Upgrading may include, but is not limited to, road widening and construction, curb & gutter, 3m wide multi use path, boulevard construction, street lighting, fire hydrants, street drainage and hydro and telecommunications. Since this work is premature at this time, a cash payment in lieu of this future work will be accepted. Owner / Developer is responsible for all associated costs.

SUBDIVISION APPLICATION FILE: 20-10

16 September 2020

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7. A Closed Road is located on the southern half of the western boundary of the subject property. There are no plans to open this road and no upgrades are therefore required.
 8. Proposed internal roads shall be designated as Urban Local Roads with an ultimate 20.0m dedication. Owner/developer will be required to construct roads in accordance with specification drawing RD-2 and in accordance with the current site pre-plan including connectivity between all fronting roads.
 9. Owner / Developer is responsible for ensuring all boulevards and driveways are graded at 2.0% towards the existing roadway.
 10. A 5.0m by 5.0m corner cut is required to be dedicated at the intersection of the proposed internal road and 20 Avenue NE.
 11. 3.0m by 3.0m corner cuts are required at intersections of internal local roads.
 12. As 20 Avenue NE is designated as a Collector Road, no driveways shall be permitted to access directly onto 20 Avenue NE and all lots shall access onto the internal roads.

Water:

1. The subject property fronts a 100mm diameter Zone 3 watermain on 20 Avenue NE and a 450mm Zone 2 watermain crosses the subject property from 16 Avenue NE. A 150mm Zone 3 watermain terminates at the property line on 18 Avenue NE and both sections of 16 Avenue NE. Upgrading the 100mm watermain on 20 Avenue NE to 150mm diameter across the frontage of the property is required. Looping of all the Zone 3 watermains through the subject property is also required.
2. Records indicate that the existing property is serviced by a 12.5mm service from the 100mm diameter watermain on 20 Avenue NE. All existing inadequate / unused services must be abandoned at the main. Owner / Developer is responsible for all associated costs.
3. The proposed parcels are each to be serviced by a single metered water service connection from a Zone 3 watermain (as per Specification Drawing No. W-10), adequately sized to satisfy the proposed use (minimum 25mm). Water meter will be supplied by the City at the time of building permit, at the Owner / Developer's cost. Owner / Developer is responsible for all associated costs.
4. The subject property is located within an area of identified fire flow deficiency, according to the 2011 Water Study (OD&K 2012). The Owner / Developer's authorized engineer is to complete a flow test on the closest fire hydrants to confirm the existing watermain servicing the subdivision is adequately sized to provide fire flows in accordance with the requirements of the Subdivision and Development Servicing Bylaw No 4163. Where the City water distribution system has insufficient capacity to meet the required fire flow, the Owner / Developer will be required to make the necessary upgrades to meet these standards. Owner / Developer is responsible for all associated costs.

SUBDIVISION APPLICATION FILE: 20-10

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5. Fire protection requirements to be confirmed with the Building Department and Fire Department.
6. Fire hydrant installation will be required. Owners consulting Engineer shall review the site to ensure placement of fire hydrants meet the low density spacing requirements of 150m.

Sanitary:

1. The subject property fronts a 200mm diameter sanitary sewer terminating at the end of 18 Avenue NE and a 200mm diameter sanitary sewer in the closed road and in a 3m wide right of way on the western and southern boundaries. No upgrades will be required at this time, however the ROW is to be widened to 6m.
2. The proposed parcels are each to be serviced by a single sanitary service connection adequately sized (minimum 100mm diameter) to satisfy the servicing requirements of the development. Owner / Developer's engineer may be required to prove that there is sufficient downstream capacity within the existing City Sanitary System to receive the proposed discharge from the development. Owner / Developer is responsible for all associated costs.
3. Records indicate that the existing parcel is currently serviced by a septic field. Decommissioning of the septic field, in accordance with building departments requirements will be a condition of the subdivision. Owner / Developer responsible for all associated costs.

Drainage:

1. The subject property fronts a 250mm diameter storm sewer terminating at the end of 18 Avenue NE. No upgrades will be required at this time.
2. Records indicate that the existing property is not serviced by City storm. Extension of a storm sewer from 30 Street NE may be required to service the development. Owner / Developer is responsible for all associated costs.
3. An Integrated Stormwater Management Plan (ISMP) conforming to the requirements of the Subdivision and Development Servicing Bylaw No. 4163, Schedule B, Part 1, Section 7 shall be provided.
4. Where onsite disposal of stormwater is recommended by the ISMP, an "Alternative Stormwater System" shall be provided in accordance with Section 7.2.
5. Where discharge into the Municipal Stormwater Collection System is recommended by the ISMP, this shall be in accordance with Section 7.3. The proposed parcel(s) shall be serviced (each) by a single storm service connection adequately sized (minimum 150mm) to satisfy the servicing requirements of the development. Owner / Developer's engineer may be required to prove that there is sufficient downstream capacity within the existing City Storm System to receive the proposed discharge from the development. All existing inadequate /

SUBDIVISION APPLICATION FILE: 20-10
16 September 2020
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unused services must be abandoned at the main. Owner / Developer is responsible for all associated costs.

Geotechnical:

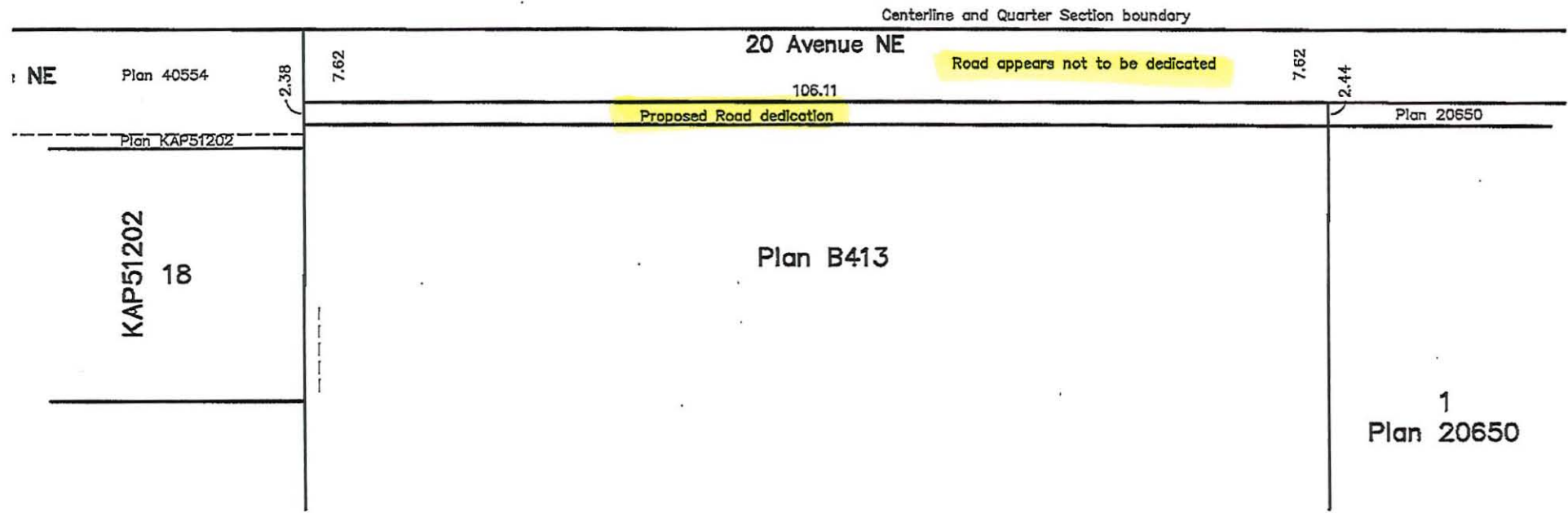
1. A geotechnical report in accordance with the Engineering Departments Geotechnical Study Terms of Reference for: Category A (Building Foundation Design), Category B (Pavement Structural Design), is required.



Chris Moore
Engineering Assistant



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



23. STATUTORY PUBLIC HEARINGS

3. Zoning Amendment Application No. ZON-1188 [K. & G. Lamb/1261694 BC Ltd.; 3510 20 Avenue NE; R-1 to R-8]

The Director of Development Services explained the proposed Zoning Amendment Application.

B. Wice – email dated October 26, 2020 – Proposed Amendment to Zoning Bylaw No. 2303

E. Underhill – letter dated October 25, 2020 – Rezoning Development of 3510 20 Avenue NE Salmon Arm

R. Spyksma – letter dated October 26, 2020 – 1820 36 Street Rezoning Application

Fennell and B. Cotter – email dated October 23, 2020 – Rezoning ZON-1188/Bylaw No. 4414

M. Cuthill – letter received October 26, 2020 – Zoning Change Proposed for 3510 20 Avenue NE

T. Sismey, the applicant, outlined the application and was available to answer questions from Council.

B. Cuthill, 3190 18 Avenue NE expressed concerns that increased density would have an effect on the livability of the community in Country Hills subdivision.

D. Thomson, 3152 18 Avenue NE spoke to increased traffic, lack of sidewalks and suggested a comprehensive traffic study.

R. Spyksma, 1820 36 Street NE expressed concerns regarding increase in non-neighbourhood traffic, street parking, duplication and close proximity of the school.

D. Pearce, 3380 20 Avenue NE spoke to increased access traffic on 20 Avenue NE and the lack of walkways and greenspace and suggested a traffic study on 20 Avenue NE and 30 Street NE.

B. Wice, 1781 36 Street NE expressed concerns with 20 Avenue NE and speeding and suggested traffic calming measures and a traffic study.

K. Thiessen, 3710 16 Avenue NE spoke regarding the need for a traffic study.

C. Young, 3390 16 Avenue NE expressed concerns with the width of 16 Avenue NE, parking, increased traffic and the close proximity of the school.

C. Baerg, 3361 16 Avenue NE expressed concerns with the width of 16 Avenue NE, potential drainage problems, greenspace, potential tree removal and parking.

Following three calls for submissions and questions from Council, the Public Hearing was closed 8:04 p.m.

CITY OF SALMON ARM

BYLAW NO. 4414

A bylaw to amend "District of Salmon Arm Zoning Bylaw No. 2303"

WHEREAS notice of a Public Hearing to be held by the Council of the City of Salmon Arm in the Council Chambers at City Hall, 500 – 2 Avenue NE, Salmon Arm, British Columbia and by electronic means as authorized by Ministerial Order M192, British Columbia, on October 26, 2020 at the hour of 7:00 p.m. was published in the October 14 and 21, 2020 issues of the Salmon Arm Observer;

AND WHEREAS the said Public Hearing was duly held at the time and place above mentioned;

NOW THEREFORE the Council of the City of Salmon Arm in open meeting assembled enacts as follows:

1. "District of Salmon Arm Zoning Bylaw No. 2303" is hereby amended as follows:

Rezone a portion of That Part of the South West ¼ of Section 19 Included in Plan B413; Township 20, Range 9, W6M, KDYD from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone), attached as Schedule "A".

2. SEVERABILITY

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

3. ENACTMENT

Any enactment 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.

4. EFFECTIVE DATE

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

City of Salmon Arm
Zoning Amendment Bylaw No. 4414

5. CITATION

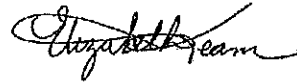
This bylaw may be cited as "City of Salmon Arm Zoning Amendment Bylaw No. 4414"

READ A FIRST TIME THIS 13 DAY OF October 2020

READ A SECOND TIME THIS 13 DAY OF October 2020

READ A THIRD TIME THIS 26 DAY OF October 2020

APPROVED PURSUANT TO SECTION 52 (3) (a) OF THE TRANSPORTATION ACT
ON THE 30th DAY OF October 2020



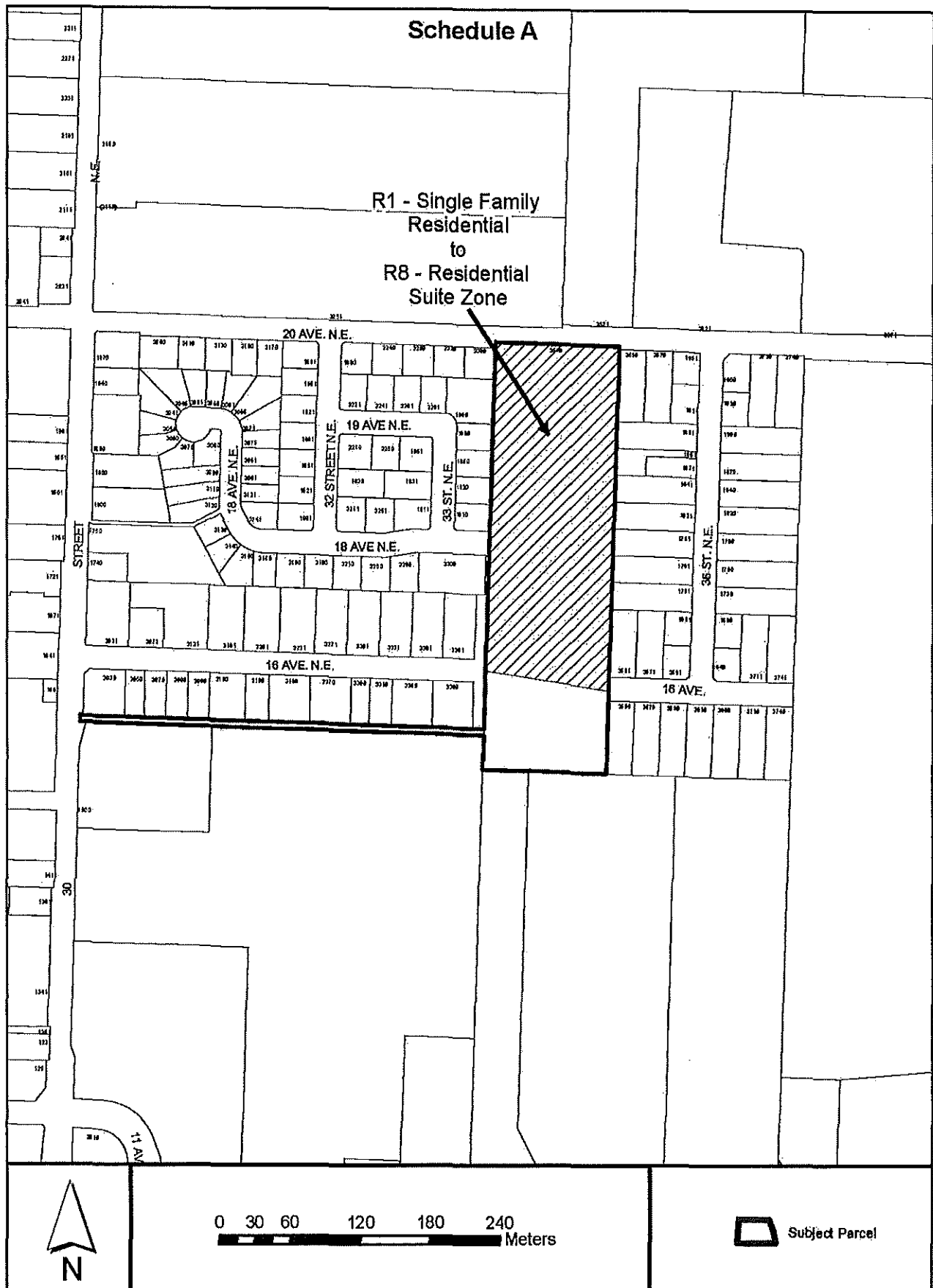
For Minister of Transportation & Infrastructure

ADOPTED BY COUNCIL THIS DAY OF 2020

MAYOR

CORPORATE OFFICER

SCHEDULE "A"



Item 11.6

CITY OF SALMON ARM

Date: November 9, 2020

Moved: Councillor

Seconded: Councillor

THAT: the bylaw entitled City of Salmon Arm Five Year Financial Plan Amendment Bylaw No. 4423 (2020 – 2024) be read a final time.

Vote Record

- ☐ Carried Unanimously
 - ☐ Carried
 - ☐ Defeated
 - ☐ Defeated Unanimously
- Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond

CITY OF SALMON ARM

Date: October 21, 2020
 To: Mayor Harrison and Members of Council
 From: Tracy Tulak, Acting Chief Financial Officer
 Subject: 2020 Amended Budget

Recommendation

That: Bylaw No. 4423 cited as "City of Salmon Arm 2020 to 2024 Financial Plan Amendment Bylaw No. 4423" be given 3 readings.

Background

The 2020 Final Budget requires an amendment to reflect Council Resolutions and to redirect allocations between budget accounts. Please note the "Parked Projects", due to COVID, were not removed from the original budget and therefore have no budget impact.

General Fund

Revenue

Shaw Cablesystems 1% (To Reflect Actual)	\$ 140.00
Small Communities Protection Grant (To Reflect Actual)	1,565.00
Food Hub Feasibility Grant (As Resolved by Council - Offset with Expenditure for same)	14,000.00
Poverty Reduction Grant (As Resolved by Council - Offset with Expenditure for same)	25,000.00
Prior Years' Surplus (As Resolved by Council - Offset in Fire Departmental)	2,000.00
School Tax Requisition - Residential (Provision to Reflect Actual - Requisition Received After Final Budget Adoption in April/2020 - Offsets with Expenditure for Same)	387,105.00
School Tax Requisition - Non-Residential (Provision to Reflect Actual - Requisition Received After Final Budget Adoption in April/2020 - Offsets With Expenditure for Same)	(1,213,360.00)

Expenses

Insurance - Liability (Cyber Insurance Policy - Approved by Council)	\$ 8,100.00
Other Grants - Lakeside Community Church (To Reflect Actual)	(775.00)
EDS - Food Hub Feasibility Plan (As Resolved by Council - Offset with Revenue for same)	14,000.00
Poverty Reduction Plan (As Resolved by Council - Offset with Revenue for same)	25,000.00
Fire - Payroll - Additional Practice Remuneration (As Resolved by Council)	(3,500.00)
Fire Investigations - Materials (As Resolved by Council)	3,500.00
Fire - Unit #213 - 2012 Freightliner (E-2) (As Resolved by Council)	2,000.00
Parks - Grounds/Parking Lot - Shaw/RC (As Resolved by Council)	(1,000.00)
Parks - Lawn Bowling Maint. (As Resolved by Council)	2,900.00
Parks - Special Events (As Resolved by Council)	(900.00)
Parks - TCH West (As Resolved by Council)	(1,000.00)
Fiscal Services - Interest - #4500 - Ross Street Underpass (To Reflect Actual)	(93,280.00)
School Tax Requisition - Residential (Provision to Reflect Actual - Requisition Received After Final Budget Adoption in April/2020 - Offsets with Revenue for Same)	387,105.00
School Tax Requisition - Non-Residential (Provision to Reflect Actual - Requisition Received After Final Budget Adoption in April/2020 - Offsets with Revenue for Same)	(1,213,360.00)
Transfer to Reserve - Future Expenditure (Reallocated from Ross Street Underpass Fiscal Interest)	87,360.00

Capital

Fire – Hall No. 4 – Roof Repair (As Resolved by Council)	(2,000.00)
Transportation – S, C & G - Harbourfront Drive (As Resolved by Council.)	25,000.00
Transportation – S, C & G - 23 St NE Replacement (As Resolved by Council.)	(5,000.00)
Transportation – S, C & G - 1 Street SE (Redirected to various other capital projects in Transportation)	(66,000.00)
Transportation – Roads Lakeshore Rd – Slope Stabilization Design (As Resolved by Council)	(10,000.00)
Transportation – Roads - Lakeshore Rd Repairs (As Resolved by Council)	23,500.00
Transportation – Roads - 10 Ave NW Repairs (As Resolved by Council)	19,000.00
Transportation – Roads - Underpass (As Resolved by Council. Funded from Grants and Reserves – No Budget Impact)	3,569,912.00
Transportation – Roads – Marine Park Dr – Parking Lot (As Resolved by Council. Funded From Grants – No Budget Impact)	13,500.00
Transportation – Freightliner Dump/Plow – Unit #30 (As Resolved by Council. Funded From Reserve - No Budget Impact)	58,500.00
Wharf Marina Dock Replacement Ph.1 (As Resolved by Council. Funded From Reserve - No Budget Impact)	200,000.00

Water Fund

Capital

Zone 1 – Canoe Beach Watermain (As Resolved by Council, Redirected from Below)	\$ 50,000.00
Zone 2 – Pump Station – Design (As Resolved by Council, Redirected to Above)	(50,000.00)

Sewer Fund

Capital

75 Ave NE - Design (As Resolved by Council, Redirected from Below)	\$ 13,115.00
Sanitary Relining (49 St – 50 St NE) (As Resolved by Council, Redirected to Above)	(13,115.00)
47 Ave NE – Sanitary Upgrade (As Resolved by Council, Redirected from Below)	44,000.00
TCH Sani Replacement (4 St – 10 St NE) Design (As Resolved by Council, Redirected to Above)	(44,000.00)

Respectfully Submitted,



Tracy Tulak, CPA, CMA

CITY OF SALMON ARM

BYLAW NO. 4423

A bylaw to amend the 2020 to 2024 Financial Plan

WHEREAS in accordance with the provisions of Section 165 of the Community Charter, the Council has adopted a financial plan for the period of 2020 to 2024;

AND WHEREAS it is deemed expedient to amend the Financial Plan;

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

- 1. "Schedule "A" of "City of Salmon Arm 2020 to 2024 Financial Plan Bylaw No. 4391 is hereby deleted in its entirety and replaced with Schedule "A" attached hereto and forming part of this bylaw.

2. SEVERABILITY

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

3. ENACTMENT

Any enactment 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.

4. EFFECTIVE DATE

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

5. CITATION

This bylaw may be cited for all purposes as "City of Salmon Arm 2020 to 2024 Financial Plan Amendment Bylaw No. 4423".

READ A FIRST TIME THIS	26	DAY OF	October	2020
READ A SECOND TIME THIS	26	DAY OF	October	2020
READ A THIRD TIME THIS	26	DAY OF	October	2020
ADOPTED BY COUNCIL THIS		DAY OF		2020

MAYOR

CORPORATE OFFICER

Schedule "A" - Bylaw #4423

City of Salmon Arm**2020 - 2024 Financial Plan**

	2020 Budget	2021 Budget	2022 Budget	2023 Budget	2024 Budget
Consolidated Revenues					
Property and MRDT Taxes - Net	\$ 19,299,720	\$ 19,685,714	\$ 20,079,428	\$ 20,481,017	\$ 20,890,637
Frontage & Parcel Taxes	3,634,055	3,706,736	3,780,871	3,856,488	3,933,618
Sales of Service	8,321,865	8,488,302	8,658,068	8,831,229	9,007,854
Revenue From Own Sources	2,518,330	2,568,697	2,620,071	2,672,472	2,725,921
Rentals	788,665	804,438	820,527	836,938	853,677
Federal Government Transfers	-	-	-	-	-
Provincial Government Transfers	436,555	445,286	454,192	463,276	472,542
Other Government Transfers	226,980	231,520	236,150	240,873	245,690
Transfer From Prior Year Surplus	1,056,105	1,077,227	1,098,772	1,120,747	1,143,162
Transfer From Reserve Accounts	998,060	1,018,021	1,038,381	1,059,149	1,080,332
Transfer From Reserve Funds	-	-	-	-	-
Total Consolidated Revenues	\$37,280,335	\$38,025,941	\$ 38,786,460	\$ 39,562,189	\$ 40,353,433
Consolidated Expenditures					
General Government Services	\$ 3,765,500	\$ 3,840,810	\$ 3,917,626	\$ 3,995,979	\$ 4,075,899
Protective Services	5,950,340	6,069,347	6,190,734	6,314,549	6,440,840
Transportation Services	5,663,870	5,777,147	5,892,690	6,010,544	6,130,755
Environmental Health Services	83,622	85,294	87,000	88,740	90,515
Environmental Development Service	2,888,305	2,946,071	3,004,992	3,065,092	3,126,394
Recreation and Cultural Services	4,567,520	4,658,870	4,752,047	4,847,088	4,944,030
Fiscal Services - Interest	1,340,963	1,367,782	1,395,138	1,423,041	1,451,502
Fiscal Services - Principal	1,162,910	1,186,168	1,209,891	1,234,089	1,258,771
Capital Expenditures	3,718,230	2,943,280	2,332,092	3,034,371	2,929,967
Transfer to Surplus	-	-	-	-	-
Transfer to Reserve Accounts	2,421,025	3,318,761	4,055,191	3,480,656	3,715,359
Transfer to Reserve Funds	1,195,200	1,219,104	1,243,486	1,268,356	1,293,723
Water Services	2,491,650	2,541,483	2,592,313	2,644,159	2,697,042
Sewer Services	2,031,200	2,071,824	2,113,260	2,155,525	2,198,636
Total Consolidated Expenditures	\$37,280,335	\$38,025,941	\$ 38,786,460	\$ 39,562,189	\$ 40,353,433

2020 - 2024 Financial Plan**City of Salmon Arm**

2020 Budget	2021 Budget	2022 Budget	2023 Budget	2024 Budget
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Capital Projects**Finances Acquired**

General Operating Fund	\$ 2,338,230	\$ 1,953,280	\$ 1,305,092	\$ 1,959,371	\$ 1,954,967
Water Operating Fund	670,000	490,000	500,000	500,000	800,000
Sewer Operating Fund	710,000	500,000	527,000	575,000	175,000
Federal Government Grants	3,002,256	-	-	-	-
Provincial Government Grants	4,247,256	-	-	-	-
Prior Year Surplus	50,000	510,000	-	-	-
Reserve Accounts	13,859,913	690,000	15,000	340,000	1,200,000
Reserve Funds	2,421,500	2,808,750	710,000	550,000	1,122,000
Development Cost Charges	604,000	2,307,500	3,335,000	3,445,000	3,373,000
Short Term Debt	-	-	-	-	-
Long Term Debt	2,348,000	-	-	-	500,000
Developer Contributions	1,270,000	40,000	44,000	40,000	40,000

Total Funding Sources

\$ 31,521,155	\$ 9,299,530	\$ 6,436,092	\$ 7,409,371	\$ 9,164,967
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Finances Applied

Transportation Infrastructure	\$ 21,797,892	\$ 4,222,000	\$ 3,622,000	\$ 3,619,500	\$ 5,219,500
Buildings	416,793	197,000	144,000	458,500	140,000
Land	-	-	-	300,000	-
IT Infrastructure	97,600	721,500	55,000	65,000	185,000
Machinery and Equipment	1,895,925	1,192,780	513,092	443,871	397,967
Vehicles	655,000	35,000	-	-	-
Parks Infrastructure	1,618,120	966,250	260,000	262,500	782,500
Utility Infrastructure	5,039,825	1,965,000	1,842,000	2,260,000	2,440,000

Total Capital Expense

\$ 31,521,155	\$ 9,299,530	\$ 6,436,092	\$ 7,409,371	\$ 9,164,967
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Departmental Summary:

2020 Budget	2021 Budget	2022 Budget	2023 Budget	2024 Budget
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General Government Services	\$ 40,970	\$ 193,500	\$ 122,500	\$ 138,500	\$ 208,500
Protective Services	989,800	805,000	140,000	55,000	55,000
Transportation Services	22,892,237	4,523,500	3,918,500	4,233,500	5,518,500
Environmental Health Services	56,510	2,500	2,500	327,500	27,500
Environmental Development Services	-	-	-	-	-
Recreation and Cultural Services	2,315,428	1,235,030	335,592	319,871	840,467
Water Services	3,506,000	2,040,000	1,390,000	1,760,000	2,340,000
Sewer Services	1,720,210	500,000	527,000	575,000	175,000

Total by Department

\$ 31,521,155	\$ 9,299,530	\$ 6,436,092	\$ 7,409,371	\$ 9,164,967
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Schedule "B" -- Bylaw #4423
2020 Revenue Policy Disclosure

1. Table One (1) reflects the proportion of total revenue proposed to be raised from each funding source in 2020. Property taxes form the greatest proportion of revenue of the City. The first column details the proposed percentage of revenue including Conditional Government Transfers and the second column shows the proposed percentage of revenue excluding Conditional Government Transfers. Conditional Government Transfers are funds provided by other levels of government or government agencies to fund specific projects. The absence of this funding would result in an increase to property taxes, debt borrowing or funding from reserves or other sources (ie. developers, donations, etc.) or result in the project not being undertaken.

The City collects three (3) types of parcel tax; a water frontage tax; a sewer frontage tax and a transportation parcel tax. The water and sewer frontage tax rate is applied to each parcel of land taxable foot frontage. The frontage rate is comprised of a capital debt repayment component plus 10% of the water and sewer operation and maintenance budget for preventative maintenance of the utilities infrastructure. The City introduced a transportation parcel tax in 2003. The transportation parcel tax is collected to maintain the City's transportation network to an adequate level to minimize future reconstruction costs and ensure the network is safe from hazards and disrepair. To this end, the transportation parcel tax provides a stable and dedicated source of funding. The transportation parcel tax was specifically implemented on a "flat rate per parcel" rather than an "ad valorem tax" basis recognizing that all classes of property are afforded equal access to the City's transportation network and should contribute to its sustainability equally. This method directed tax dollars away from business and industry to residential.

The City also receives a Municipal Regional District Tax (MRDT) which is levied and collected by the Provincial Government on all daily accommodation rentals within the City. Under the direction and approval of the Accommodation Industry, the City has applied to the Provincial Government to levy a 2% MRDT which will be utilized on initiatives that will increase exposure/awareness of Salmon Arm as a tourism destination with emphasis on off-season event expansion.

The City endorses a 'user pay' philosophy in its collection of fees and charges. Such fees and charges (ie. development, building, plumbing and fire permits, recreational program and rental fees and cemetery services) are reviewed annually to ensure adequate cost recovery for the provision of services. The policy of the City is to work towards full cost recovery for services provided. The objective in reviewing fees and charges periodically is to measure the cost of providing municipal services versus the cost recovery established through user fees and charges. Development Cost Charges are based on the City's Long Term Financial Plan. Included in this percentage is the City's investment income. The City exercises a stringent cash management plan to maximize investment and interest income.

Other sources of revenue provide funding for specific functions such as the Columbia Shuswap Regional District's contribution to the Shuswap Regional Airport, Recreation Centre, Shaw Centre, Cemeteries and Fire Training Centre.

The proceeds from borrowing and developer contributions fund capital projects pursuant to the City's Long Term Financial Plan.

Schedule "B" – Bylaw #4423
2020 Revenue Policy Disclosure

Table 1: Proportions of Total Revenue

Revenue Source	Percentage to Total Revenue	Percentage to Total Revenue
	Includes Conditional Government Transfers	Excludes Conditional Government Transfers
Property Taxes	41.88%	51.79%
Parcel Taxes	7.88%	9.75%
User Fees, Charges and Interest Income	25.23%	31.20%
Other Sources	19.92%	0.96%
Proceeds From Borrowing	5.09%	6.30%
	100.00%	100.00%

2. Table Two (2) reflects the distribution of property tax between the different property classes. The objective of the City is to set tax rates in order to maintain tax stability while maintaining equality between the property classes. The policy of the City is to develop a tax rate which maintains the proportionate relationship between the property classes. Inflationary increases in assessments are reduced to reflect only the 'real' increase attributed to new construction for each property class. This allows the property owner to be confident that, in any year, their property tax bill will only increase as much as their proportion of the increase in tax revenue required year to year.

The City has reviewed the property tax multiple structure and adjusted the property tax multiple for Class 4 (Major Industry) by shifting \$50,000.00 in general municipal taxes from Class 4 (Major Industry) to Class 1 (Residential) for the taxation year 2020 in keeping with its objective to maintain tax stability while maintaining equality between property classes.

The City reviewed the property tax multiple structure and equalized the general municipal property tax rate and associated multiple for Class 5 (Light Industry) and Class 6 (Business) by shifting general municipal property taxes from Class 5 (Light Industry) to Class 6 (Business) commencing in 2017. This property tax stability strategy is in keeping with its objective to maintain tax stability while maintaining equality between property classifications.

Assessment values fluctuate as market values change in one class or another. It is this market value change that may precipitate an amendment to the class multiple.

The Provincial Government has legislated a municipal taxation rate cap for the Class 2 (Utilities) assessments. The City of Salmon Arm Class 2 (Utilities) general municipal property tax rate adheres to this legislation.

Schedule "B" – Bylaw #4423
2020 Revenue Policy Disclosure

Table 2: Distribution of Property Taxes Between Property Classes

Property Class	2020 Tax Rate	Class Multiple	Percentage to Total Property Tax	Percentage to Total Property Assessment Value
Residential	3.8984	1.00:1	66.25%	85.27%
Utilities	23.7386	6.09:1	0.83%	0.18%
Supportive Housing	0.000	0.00:1	0.00%	0.00%
Major Industry	66.4164	17.04:1	2.81%	0.21%
Light Industry	10.6288	2.73:1	2.47%	1.17%
Business	10.6288	2.73:1	26.93%	12.72%
Managed Forest Land	7.9356	2.04:1	0.00%	0.00%
Recreational/Non Profit	2.8219	0.72:1	0.12%	0.22%
Farm	12.7025	3.26:1	0.59%	0.23%

3. The City adopted a Permissive Tax Exemption Policy in 1998 which outlines the eligibility criteria to receive a permissive tax exemption. The Annual Municipal Report for 2019 contains a schedule of permissive tax exemptions granted for the year and the amount of tax revenue exempted.

Commencing in 1999, the City provided a three (3) year permissive tax exemption for each eligible organization. These include religious institutions, historical societies, some recreational facilities, service organizations and cultural institutions.

Table 3: Permissive Tax Exemptions

Organization	General Municipal Tax Exemption	Other Government Tax Exemption	Total
Churches	\$ 46,063.50	\$ 36,955.00	\$ 83,018.50
Non Profit Societies	392,803.00	222,863.00	615,666.00
Senior Centers	19,338.00	9,601.00	28,939.00
Other	13,754.00	10,356.00	24,110.00
Sports Clubs	290,408.00	149,213.00	439,621.00
Total	\$ 762,366.50	\$ 428,988.00	\$ 1,191,354.50

Schedule "B" – Bylaw #4423
2020 Revenue Policy Disclosure

4. The Official Community Plan for the City of Salmon Arm identifies the revitalization of the downtown as a priority. As a result, in 2005, the City established a Downtown Revitalization Tax Exemption Program pursuant to City of Salmon Arm Revitalization Tax Exemption Bylaw No. 3471.

The Revitalization Tax Exemption Program is a tool that Council is using to encourage property investment in the downtown area (hereinafter referred to as the Revitalization Area). Council's objective is to stimulate and reinforce development initiatives in the Revitalization Area by promoting property investment within the C-2, "Town Centre Commercial Zone" and to reinforce the City's investment in infrastructure upgrades and beautification projects.

City of Salmon Arm Revitalization Tax Exemption Bylaw No. 3741 establishes property tax exemptions in respect of construction of a new improvement or alteration of an existing improvement where the alteration has a value in excess of \$75,000.00 to encourage revitalization in the Revitalization Area.

Table 4: Revitalization Tax Exemptions

Area	2015 General Municipal Tax Exemption	2016 General Municipal Tax Exemption	2017 General Municipal Tax Exemption	2018 General Municipal Tax Exemption	2019 General Municipal Tax Exemption	2020 General Municipal Tax Exemption
C-2 "Downtown Commercial Zone"	\$ 45,846.66	\$ 34,828.47	\$ 29,851.20	\$ 24,304.74	\$ 24,657.03	\$ 18,939.56

5. The Official Community Plan for the City of Salmon Arm identifies the revitalization of the "Industrial Zones" as a priority. As a result, in 2014, the City established an Industrial Revitalization Tax Exemption Program pursuant to City of Salmon Arm Revitalization Tax Exemption Bylaw No. 4020.

The Revitalization Tax Exemption Program is a tool that Council is using to encourage property investment in the "Industrial Zones" (hereinafter referred to as the Revitalization Area). Council's objective is to stimulate and reinforce development initiatives in the Revitalization Area by promoting property investment within the "Industrial Zone" and to reinforce the City's investment in infrastructure upgrades and beautification projects.

City of Salmon Arm Revitalization Tax Exemption Bylaw No. 4020 establishes general municipal property tax exemptions in respect of construction of a new improvement or alteration of an existing improvement where the alteration has a value in excess of \$300,000.00 to encourage revitalization in the Revitalization Area.

This bylaw shall have an expiration date of five (5) years from the date of adoption.

Schedule "B" – Bylaw #4423
2020 Revenue Policy Disclosure

Table 5: Revitalization Tax Exemptions

Area	2016 General Municipal Tax Exemption	2017 General Municipal Tax Exemption	2018 General Municipal Tax Exemption	2019 General Municipal Tax Exemption	2020 General Municipal Tax Exemption
"Industrial Zone"	\$ 0.00	\$ 0.00	\$ 5,425.51	\$ 5,400.26	\$ 7,614.60

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Item 11.7

CITY OF SALMON ARM

Date: November 9, 2020

Moved: Councillor

Seconded: Councillor

THAT: the bylaw entitled City of Salmon Arm Zoning Amendment Bylaw No. 4405 be read a second time.

[ZON-1182; Cornerstone Christian Reformed Church/J. Roodzant; 1191 22 Street NE; P-3 to C-6]

Vote Record

- ☐ Carried Unanimously
- ☐ Carried
- ☐ Defeated
- ☐ Defeated Unanimously

Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond

10. INTRODUCTION OF BYLAWS

2. City of Salmon Arm Zoning Amendment Bylaw No. 4405 [ZON-1182; Cornerstone Christian Reformed Church/J. Roodzant; 1191 22 Street NE; P-3 to C-6] - First and Second Readings

0445-2020

Moved: Councillor Flynn

Seconded: Councillor Cannon

THAT: the bylaw entitled City of Salmon Arm Zoning Amendment Bylaw No. 4405 be read a first and second time;

AND THAT: final reading be withheld subject to Ministry of Transportation and Infrastructure approval.

Amendment:

Moved: Councillor Lavery

Seconded: Councillor Wallace Richmond

THAT: Council require a Traffic Impact Assessment prior to Public Hearing with the applicant being responsible for all associated costs.

DEFEATED

Mayor Harrison, Councillors Cannon and Flynn Opposed

Amendment:

Moved: Councillor Eliason

Seconded: Councillor Wallace Richmond

THAT: a Section 219 Covenant be registered on title of the subject property requiring a Traffic Impact Assessment prior to development of the property.

DEFEATED

Mayor Harrison, Councillors Cannon and Flynn Opposed

Amendment:

Moved: Councillor Lavery

Seconded: Councillor Wallace Richmond

THAT: the bylaw entitled City of Salmon Arm Zoning Amendment Bylaw No. 4405 be read a first time.

CARRIED

Councillors Cannon and Flynn Opposed

Motion as Amended:

CARRIED UNANIMOUSLY

From: Amy Megyesi <dramymegyesi@gmail.com>

Sent: November 2, 2020 11:29 AM

To: Alan Harrison <aharrison@salmonarm.ca>; Debbie Cannon <dcannon@salmonarm.ca>; Chad Eliason <celiason@salmonarm.ca>; Kevin Flynn <kflynn@salmonarm.ca>; Tim Lavery <tlavery@salmonarm.ca>; Louise Wallace-Richmond <lwallacerichmond@salmonarm.ca>

Cc: Alexandra Enns <alex.enns@outlook.com>

Subject: Request for Traffic Impact Analysis for property to be rezoned/subdivided from Cornerstone Christian Reform Church

Dear Sirs and Mesdames:

Further to the October 13 Council meeting, I am requesting your support to waive the request for a Traffic Impact analysis on the above noted property. (1191 22 St NE). Should the rezoning proceed, we are the intended purchasers.

The intended use of this property will be a medical clinic on the first floor and commercial offices on the second floor. We do not anticipate large volumes of vehicular traffic, especially in comparison with the surrounding current uses (school, grocery store, hotel.) As a rough estimate I would anticipate 6-8 clients per hour. The commercial office will largely be workers who are there all day long. Our peak periods are not anticipated to coincide with the school. We will have adequate on-site parking for our patients and staff.

Also Mr Roodzant (applicant from Cornerstone Church) assures me he has spoken with the Ministry of Transportation and they have no concerns regarding traffic and this property.

Requiring this additional step is going to increase our costs and really produce no meaningful result.

Respectfully yours,
Amy Megyesi

**CORNERSTONE CHRISTIAN REFORMED CHURCH**

1191 22nd St. NE, Salmon Arm, B.C., Canada, V1E 2V5
(250) 832-8452
www.sacrc.ca



Dear Council Members,

On behalf of Cornerstone Christian Reformed Church, I request that city council accept the rezoning application without the requirement of completing a Traffic Impact Analysis.

We understand that some councilors have concerns about the traffic on 11th Avenue, and that they would like to receive an outside opinion from someone not connected with developing the property. It is also my understanding that this requirement typically comes from the city Engineering and Public Works department. This department has considered the request and did not anticipate any problems and did not request this study to be completed. It was stated that the intersection and pedestrian crosswalk have recently been upgraded and they are not concerned with this zoning.

We are currently entertaining an offer to purchase the property for the building of a doctor's office. We feel that this would be a fantastic use for this piece of property, bringing a beneficial service to the upper part of town. We also feel that this development would not add a significant traffic burden to the area.

We feel that imposing a traffic study on a road that has recently been studied and improved, will not provide any benefit for the extra work and cost involved.

Respectfully,
Ed Roodzant

On behalf of
Cornerstone Christian Reformed Church.



TO: His Worship Mayor Harrison and Members of Council

DATE: September 15, 2020

SUBJECT: Zoning Amendment Application No. 1182

Legal: Lot A, Section 24, Township 20, Range 10, W6M, KDYD, Plan EPP97409

Civic: 1191 – 22 Street NE

Owner: Cornerstone Christian Reformed Church

Applicant: Roodzant, J.

MOTION FOR CONSIDERATION

THAT: A bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning the southern portion of Lot A, Section 24, Township 20, Range 10, W6M, KDYD, Plan EPP97409 from P-3 (Institutional) to C-6 (Tourist / Recreational Commercial);

AND THAT: Final Reading of the Zoning Amendment Bylaw be withheld subject Ministry of Transportation and Infrastructure approval.

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The 0.8 acre subject parcel is on the corner of 11 Avenue NE and 21 Street NE, directly south of the existing Cornerstone Church development (see Appendix 1 and 2). It is designated Commercial – Highway Service / Tourist (HC) in the City's Official Community Plan (OCP) and zoned P-3 (Institutional) in the Zoning Bylaw (Appendix 3 and 4). The portion of land under application is hooked to the Cornerstone Church property to the north, and the purpose of this application is to rezone the subject parcel to allow for subdivision and potential future commercial use. C-6 zone regulations are attached (Appendix 5).

BACKGROUND

The subject property is located in an area close to the Uptown commercial node characterized by residential, commercial and institutional uses. The Zoning Map attached shows the mix of zones in the immediate area, predominantly Residential (R-4 with R-1 and R-5) and Institutional (P-3), with Commercial zones to the south and east. Adjacent zoning and land uses include the following:

North:	P-3 & R-5	road, church & residential
East:	R-1	walkway and vacant land (City owned)
West:	P-3	road and institutional
South:	n/a	TCH and commercial

The subject property is currently vacant, as shown in site photos attached (Appendix 6).

OCP POLICY

The proposed zoning amendment aligns with the HC (Highway Service / Tourist Commercial) designation in the OCP. The amendment would align with the Commercial Objectives and Policies listed in OCP Section 9, including supporting commercial uses within the primary commercial areas of the City. Development of the parcel would be subject to the guidelines of the Highway Service / Tourist Commercial Development Permit Area.

COMMENTSMinistry of Transportation and Infrastructure

Preliminary approval has been granted (Appendix 7).

Engineering Department

No concerns with rezoning. Servicing requirements for future development have been provided. Comments attached (Appendix 8).

Fire Department

No Fire Department concerns.

Building Department

No concerns with rezoning.

Planning Department

The surrounding neighbourhood has been undergoing slow development with a mix of older, single family housing and newer condominium, and commercial development, most significantly the uptown SASCU/Askew's location, Copper View residential development, and the 21 Street NE underpass.

It should be noted that there have been six OCP amendments in this general area since 2015 involving an amendment to commercial designated land, with approximately 1.25 hectares of land redesignated from commercial to other (generally residential) land use designations, representing a minor erosion of commercial inventory in this uptown area. Overall however, considering all areas of the City, there has been a net increase of approximately 6 hectares of commercial land over a similar timeframe. This proposal would add to the commercial land base of the City.

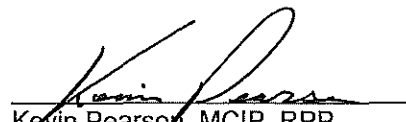
The intent for the subject parcel under application is for subdivision, sale, and future commercial use. There is no development concept proposed at this time. The parcel would be subject to the guidelines of the Highway Service / Tourist Commercial Development Permit Area, with future development requiring a Development Permit Application.

CONCLUSION

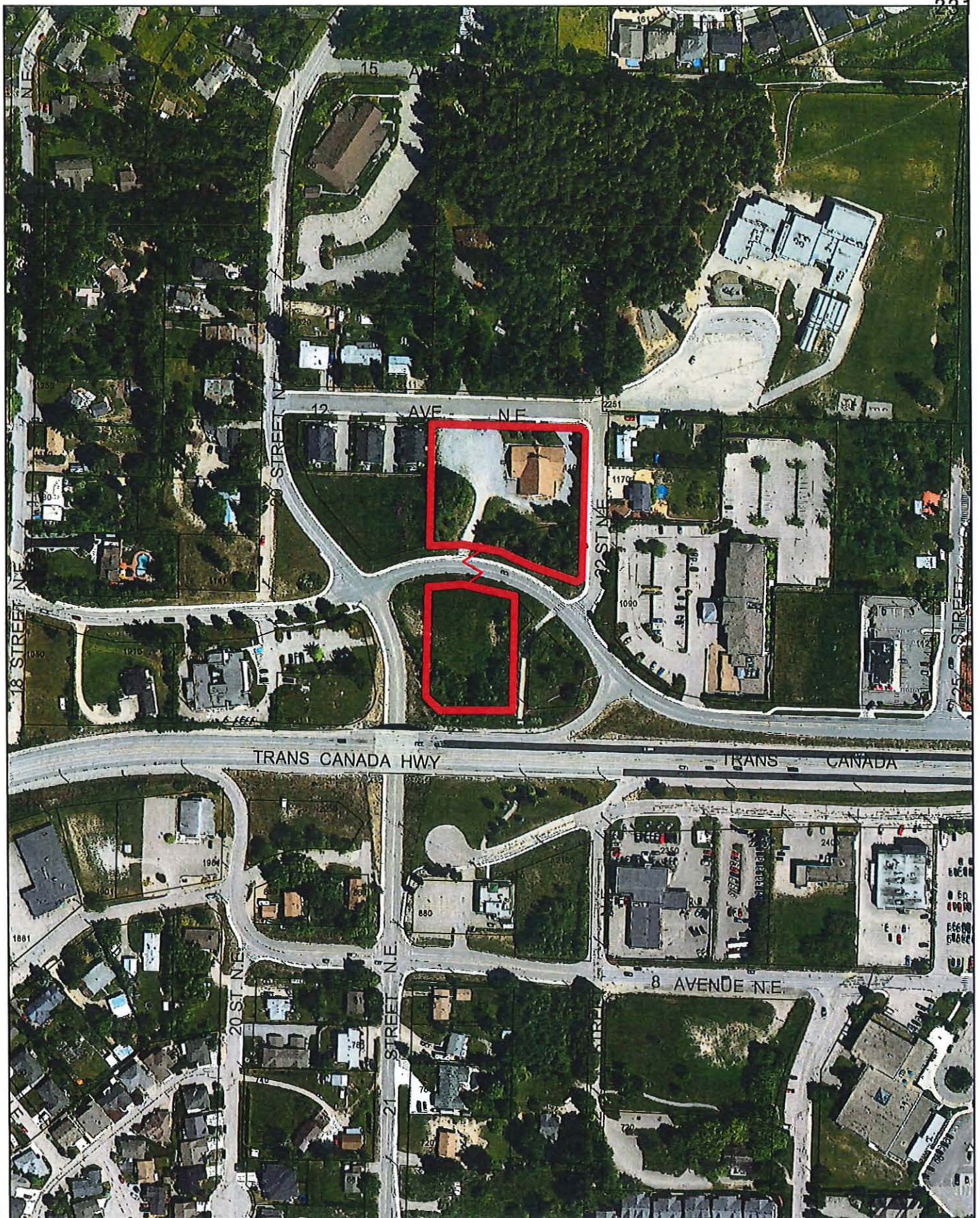
The OCP HC designation supports the proposed C-6 zoning. The subject parcel is considered by staff to be well-suited for commercial use, being within close proximity to the Trans Canada Highway, residential areas, as well as the recreation centre and arena. The proposed C-6 zoning of the subject property is consistent with OCP and is therefore supported by staff.



Chris Larson, MCP
Planning and Development Officer



Kevin Pearson, MCIP, RPP
Director of Development Services

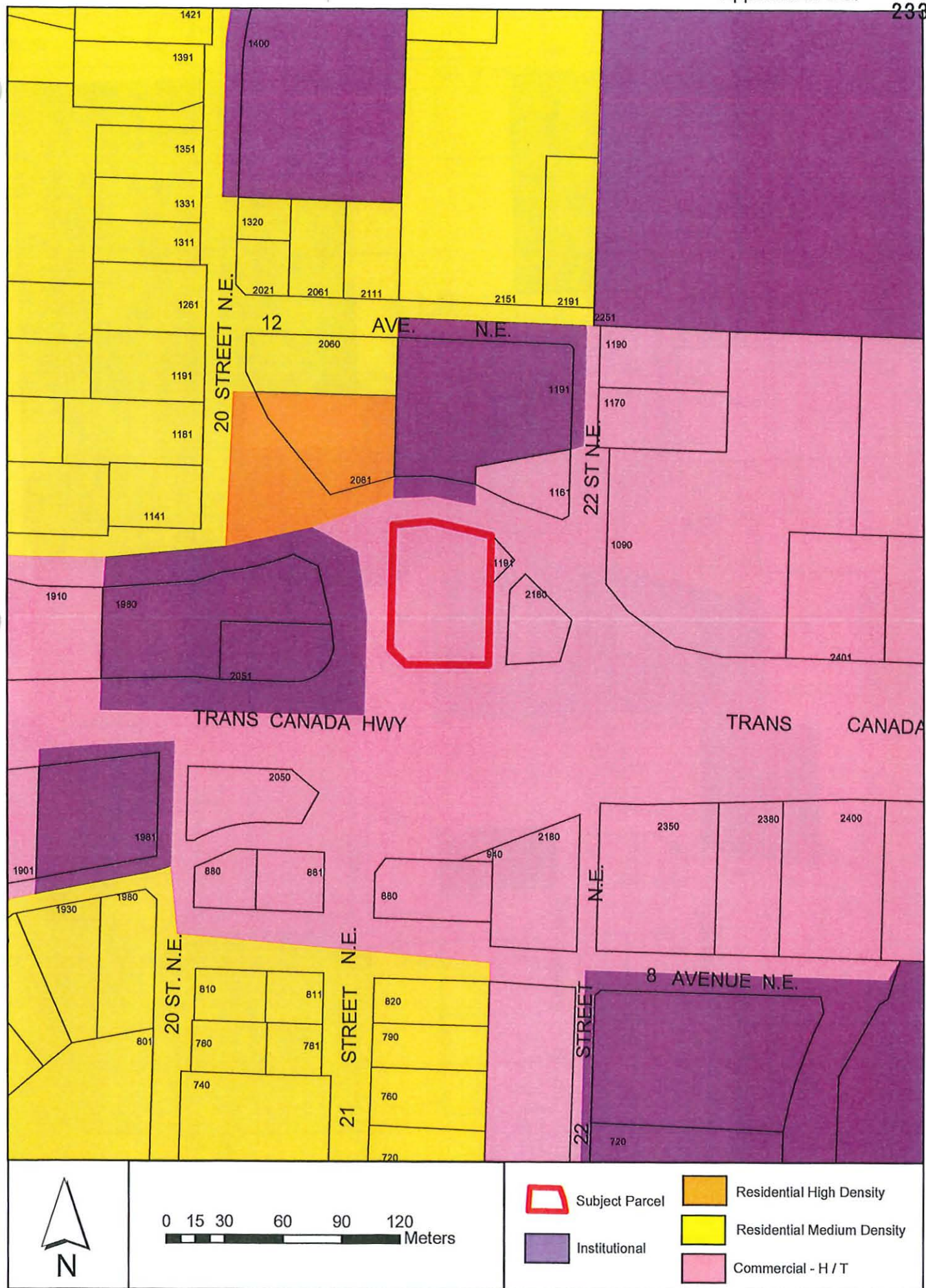


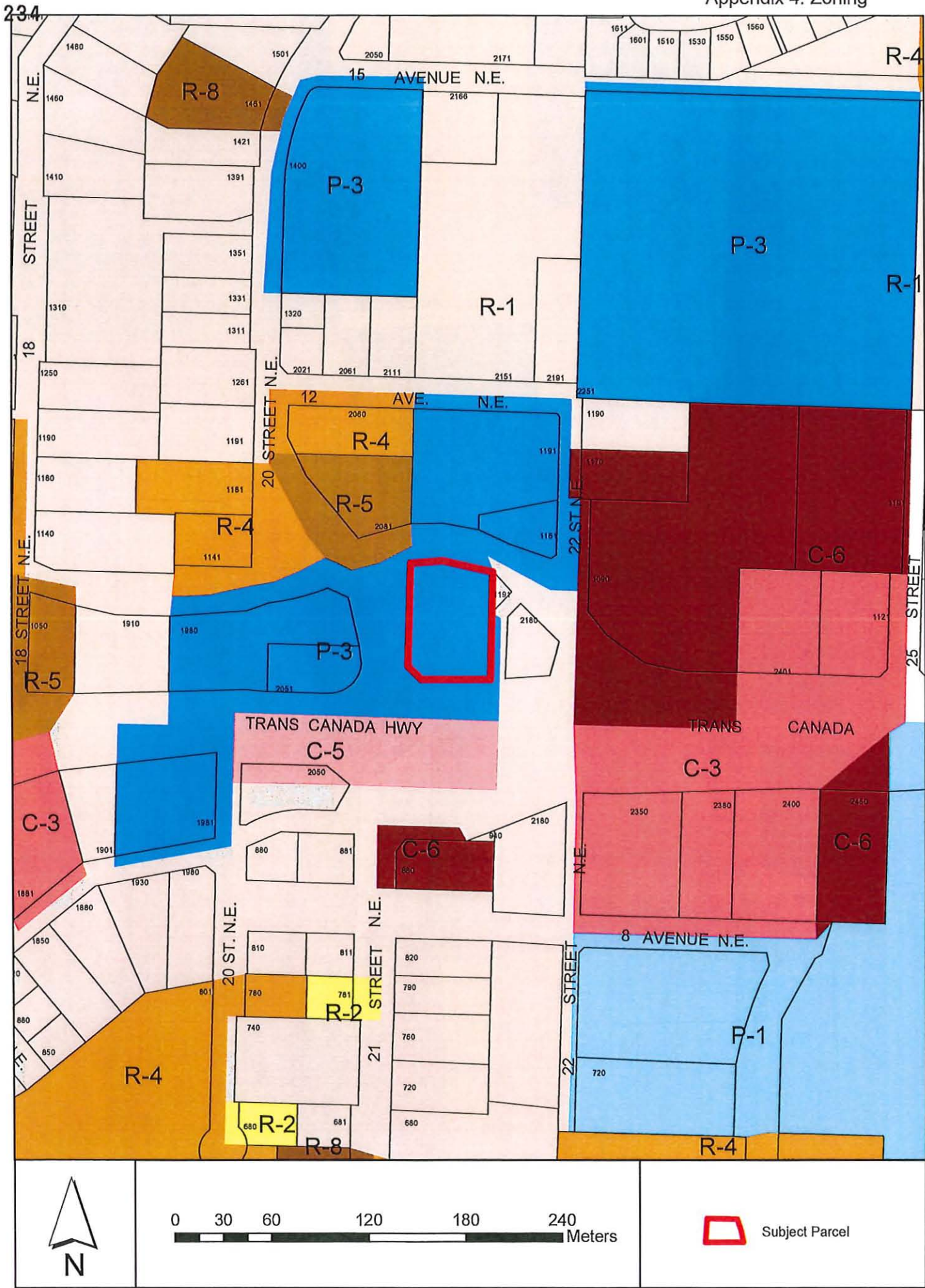
0 30 60 120 180 240 Meters



Subject Parcel







SECTION 20 - C-6 - TOURIST / RECREATION COMMERCIAL ZONE

Purpose

- 20.1 The C-6 Zone is intended to accommodate pedestrian oriented tourist/recreation businesses. The area zoned C-6 is envisioned to be developed with a mixture of land uses in an integrated manner and is intended to cater to the resident and tourist alike with a small shop and resort atmosphere. *Development* within the C-6 Zone shall be subject to a *Development Permit* as per the *Official Community Plan*.

Regulations

- 20.2 On a *parcel zoned C-6*, no *building or structure* shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out in the C-6 Zone or those regulations contained elsewhere in this Bylaw.

Permitted Uses

- 20.3 The following uses and no others are permitted in the C-6 Zone:

- .1 art gallery;
- .2 banking kiosk;
- .3 boat and marine sales, repair and rental, including outside covered or screened storage;
- #3637 .4 *commercial daycare facility*
- .5 convention centre;
- .6 craft making and sales;
- .7 farmers market;
- .8 *health service centre*;
- #2782 .9 *home occupation*;
- .10 *hotel*;
- .11 library;
- #3223 .12 *licensee retail store*;
- .13 *motel*;
- .14 museum;
- .15 night club;
- #3426 .16 *offices*;
- #2837 .17 *outside vending*;
- #3163 .18 parkade/off-street parking, in Areas "A", "B" and "C" [Waterfront Area] as shown on Schedule "C" attached hereto and forming part of this bylaw.
- .19 *personal service establishment*;
- .20 pub;
- .21 *public use*;
- #3060 .22 *private utility*;
- .23 *public utility*;

SECTION 20 - C-6 - TOURIST / RECREATION COMMERCIAL ZONE - CONTINUED

- | | | |
|-------|-----|---------------------------------------|
| | .24 | <i>recreation facility - indoor;</i> |
| | .25 | <i>recreation facility - outdoor;</i> |
| #3517 | .26 | <i>resort accommodation;</i> |
| | .27 | <i>restaurant;</i> |
| #4005 | .28 | <i>retail store;</i> |
| | .29 | <i>theatre;</i> |
| #2554 | .30 | <i>upper floor dwelling units;</i> |
| #3167 | .31 | <i>work/live studios; and</i> |
| | .32 | <i>accessory use.</i> |

Accessory Uses

- | | | | |
|-------|------|----|---|
| #2554 | 20.4 | .1 | Outside storage and <i>warehouse</i> facilities are only permitted within Area "B" as shown on Schedule "C" attached to and forming part of this Bylaw. |
| #3426 | | | |

Maximum Height of Principal Buildings

- | | | |
|-------|------|---|
| #2748 | 20.5 | The maximum <i>height</i> of <i>principal buildings</i> shall be 19.0 metres (62.3 feet). |
|-------|------|---|

Maximum Height of Accessory Buildings

- | | | |
|--|------|--|
| | 20.6 | The maximum <i>height</i> of <i>accessory buildings</i> shall be 6.0 metres (19.7 feet). |
|--|------|--|

Minimum Parcel Size or Site Area

- | | | |
|--|------|--|
| | 20.7 | The minimum <i>parcel</i> size or <i>site</i> area shall be 325.0 square metres (3,498.4 square feet). |
|--|------|--|

Minimum Parcel or Site Width

- | | | |
|--|------|--|
| | 20.8 | The minimum <i>parcel</i> or <i>site</i> width shall be 10.0 metres (32.8 feet). |
|--|------|--|

Minimum Setback of Principal and Accessory Buildings

- | | | | |
|--|------|---|---|
| | 20.9 | The minimum <i>setback</i> of the <i>principal</i> and <i>accessory buildings</i> from the: | |
| | | .1 | <i>Rear parcel line</i> adjacent to a residential <i>zone</i> shall be 3.0 metres (9.8 feet) |
| | | .2 | <i>Interior side parcel line</i> adjacent to a residential <i>zone</i> shall be 3.0 metres (9.8 feet) |

SECTION 20 - C-6 - TOURIST / RECREATION COMMERCIAL ZONE - CONTINUED

Outside Storage

20.10 Outside storage shall be screened as per Appendix III.

Parking and Loading

20.11 Parking and loading shall be required as per Appendix I.



View east of subject property from the corner of 20 Street and 11 Avenue NE.



View southwest of subject property from the corner of 22 Street and 11 Avenue NE.



Your File #: ZON-1182
eDAS File #: 2020-03510
Date: Aug/07/2020

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

Attention: City of Salmon Arm, Development Services

**Re: Proposed Bylaw for:
LOT A 24-20-10 W6M KDYD PLAN EPP97409**

Thank you for the above noted referral.

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

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

Yours truly,

Tara Knight
Development Officer

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



*Memorandum from the
Engineering and Public
Works Department*

TO: Kevin Pearson, Director of Development Services
 DATE: August 20, 2020
 Amended October 10, 2020
 PREPARED BY: Matt Gienger, Engineering Assistant
 OWNER: **Cornerstone Christian Reformed Church, Inc.,**
 1191 22 Street NE Salmon Arm, BC, V1E 2V5
 APPLICANT: **Roodzant, J., 5041 50 Street NW, Salmon Arm, BC, V1E 3A6**
 SUBJECT: **ZONING AMENDMENT APPLICATION NO. ZON-1182**
 SUBDIVISION APPLICATION NO. SUB-20.08
 LEGAL: Lot A, Section 24, Township 20, Range 10, W6M KDYD, Plan EPP97409
 CIVIC: **1191 – 22 Street NE**

Further to your referral dated July 22, 2020, we provide the following servicing information. **The following comments and servicing requirements are not conditions for Rezoning; however, these comments are conditions of subdivision and are provided as a courtesy in advance of any development proceeding to the next stages:**

General:

1. Full municipal services are required as noted herein. Owner / Developer to comply fully with the requirements of the Subdivision and Development Services Bylaw No 4163. Notwithstanding the comments contained in this referral, it is the applicant's responsibility to ensure these standards are met.
2. Comments provided below reflect the best available information. Detailed engineering data, or other information not available at this time, may change the contents of these comments.
3. Properties shall have all necessary public infrastructure installed to ensure properties can be serviced with underground electrical and telecommunication wiring upon development.
4. Property under the control and jurisdiction of the municipality shall be reinstated to City satisfaction.
5. Owner / Developer will be responsible for all costs incurred by the City of Salmon Arm during construction and inspections. This amount may be required prior to construction. Contact City Engineering Department for further clarification.
6. Erosion and Sediment Control measures will be required prior to the commencement of construction. ESC plans to be approved by the City of Salmon Arm.
7. Any existing services (water, sewer, hydro, telus, gas, etc) traversing the proposed lot must be protected by easement or relocated outside of the proposed building envelope. Owner/Developer will be required to prove the location of these services. Owner / Developer is responsible for all associated costs.

ZONING AMENDMENT APPLICATION NO. ZON-1182**SUBDIVISION APPLICATION NO. SUB-20.08**

October 5, 2020

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8. At the time of building permit 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.
9. For the off-site improvements at the time of subdivision the applicant will be required to submit for City review and approval detailed engineered plans for all off-site construction work. These plans must be prepared by a qualified engineer. As a condition of subdivision approval, the applicant will be required to deposit with the City funds equaling 125% of the estimated cost for all off-site construction work.

Roads / Access:

1. 11 Avenue NE, on the subject property's southern and northern boundary, is designated as an Urban Local Road standard, requiring 20.0m road dedication (10.0m on either side of road centerline). Available records indicate that no additional road dedication is required (to be confirmed by a BCLS).
2. 11 Avenue NE is currently constructed to an Interim Local Road standard. Upgrading to an Urban Local Road standard is required, in accordance with Specification Drawing No. RD-2. Upgrading may include, but is not limited to, offset sidewalk on south side of road (proposed zoning for south parcel requires sidewalk on both sides of road), boulevard construction, street lighting, and hydro and telecommunications. Offsets and streetlight specifications to conform to Specification Drawing No. RD-3. Owner / Developer is responsible for all associated costs.
3. 12 Avenue NE, on the subject property's northern boundary, is designated as an Urban Local Road standard, requiring 20.0m road dedication (10.0m on either side of road centerline). Available records indicate that no additional road dedication is required (to be confirmed by a BCLS).
4. 12 Avenue NE is currently constructed to an Interim Local Road standard. Upgrading to an Urban Local Road standard is required, in accordance with Specification Drawing No. RD-2. Upgrading may include, but is not limited to, fire hydrant and street lighting. Owner / Developer is responsible for all associated costs.
5. 21 Street NE, on the subject property's western boundary, is designated as an Urban Collector Road standard, requiring 20.0m road dedication (10.0m on either side of road centerline). Available records indicate that no additional road dedication is required (to be confirmed by a BCLS).
6. 21 Street NE is currently constructed to an Interim Local Road standard. Upgrading to an Urban Collector Road standard is required, in accordance with Specification Drawing No. RD-3. Upgrading may include, but is not limited to, separated sidewalk and boulevard construction. Foot traffic travelling south is encouraged to use the foot path on the subject parcel's eastern boundary and as such, sidewalk along 21 Street would only be required at the intersection of 21 Street NE and 11 Avenue NE for crosswalk access. Owner / Developer is responsible for all associated costs.

ZONING AMENDMENT APPLICATION NO. ZON-1182**SUBDIVISION APPLICATION NO. SUB-20.08**

October 5, 2020

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7. 22 Street NE, on the subject property's eastern boundary, is designated as Urban Local Road standard, with an ultimate 20.0m road dedication (10.0m on either side of road centerline). Available records indicate that no additional road dedication is required (to be confirmed by BCLS).
8. 22 Street NE is currently constructed to an Interim Local Paved Road standard. Upgrading to an Urban Local Road standard is required, in accordance with Specification Drawing No. RD-2. Upgrading may include, but is not limited to, fire hydrant and street lighting. Owner / Developer is responsible for all associated costs.
9. Owner / Developer is responsible for ensuring all boulevards and driveways are graded at 2.0% towards the existing roadway.
10. A 3.0m by 3.0m corner cut is required to be dedicated at the intersection of 12 Avenue NE and 22 Street NE.
11. A 5.0m by 5.0m corner cut would typically be required at the intersection of 11 Avenue NE and 21 Street NE; however, the large boulevard and significant distance from property line to edge of road on the west side of the subject parcel deem a corner cut unnecessary at this time.
12. For the remaining parcel, existing accesses may remain, but no additional accesses will be allowed.
13. For the proposed parcel, accesses shall be designed by keeping to a minimum number. Only one (1) driveway access will be permitted onto 11 Avenue NE at existing letdown location (directly opposed to remaining parcel access from 11 Avenue NE). Existing letdown may be widened at time of building permit or development permit, subject to approval of City Engineer. Owner / Developer responsible for all associated costs.
14. Engineering staff recommend that a Section 219 Land Title Act Covenant be registered prior to Final Reading stipulating no future Development approval on the proposed parcel until a Traffic Impact Analysis (TIA) is provided to the satisfaction of the City Engineer with acknowledgement that the owner/applicant is responsible for any and all off-site improvements recommended by the TIA.

Water:

1. The subject property fronts a 250mm diameter Zone 2 watermain on 11 Avenue NE. No upgrades will be required at this time.
2. The subject property fronts a 150mm diameter Zone 2 watermain on 12 Avenue NE. No upgrades will be required at this time.
3. The subject property fronts a 350mm diameter Zone 2 watermain on footpath to the east. No upgrades will be required at this time.

ZONING AMENDMENT APPLICATION NO. ZON-1182**SUBDIVISION APPLICATION NO. SUB-20.08**

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-
4. The subject property fronts a 400mm diameter Zone 2 watermain on 22 Street NE. No upgrades will be required at this time.
 5. No water main is present within the subject property's frontage on 21 Street NE. No upgrades will be required at this time.
 6. Records indicate the remaining parcel is serviced from 22 Street NE. Service install date of 1982 is recorded. Size and condition of existing service is unknown. If City finds the existing connection is undersized for current demand, upgrade to the service will be required. Owner / Developer responsible for all associated costs.
 7. Records indicate that the proposed parcel is not currently serviced by City Water.
 8. The proposed parcel is to be serviced by a single metered water service connection (as per Specification Drawing No. W-11), adequately sized to satisfy the proposed use (minimum 25mm). Because proposed use and demand is not known at this time, installing a new water service will not be required for subdivision. A covenant stating the parcel is not connected to water is required for subdivision and connection will be required at the time of building permit. Water meter will be supplied by the City at the time of building permit. Owner / Developer is responsible for all associated costs.
 9. The subject property is in an area with sufficient fire flows and pressures according to the 2011 Water Study (OD&K 2012).
 10. Fire protection requirements to be confirmed with the Building Department and Fire Department.

Sanitary:

1. The subject property fronts a 200mm diameter sanitary main on 12 Avenue NE. No upgrades will be required at this time.
2. A 200mm sanitary main terminates at the western extent of the subject property's frontage on 11 Avenue NE. City has no plans to develop the parcel at 2180 11 Avenue NE (east of the subject parcel) and therefore no extension or upgrades will be required at this time.
3. The subject property fronts a 150mm diameter sanitary main on 22 Street NE. No upgrades will be required at this time.
4. No sanitary main is present within the subject property's frontage on 21 Street NE. No upgrades or extension of main will be required at this time.
5. Records indicate that the remaining parcel is serviced by a 100mm service from the sanitary main on 12 Avenue NE. No upgrades are required at this time.
6. Records indicate that the proposed parcel is serviced by a 100mm service (to be confirmed) from the sanitary main on 11 Avenue NE. No upgrades are required at this time.

ZONING AMENDMENT APPLICATION NO. ZON-1182
SUBDIVISION APPLICATION NO. SUB-20.08

October 5, 2020

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Drainage:

1. The subject property fronts a 525mm diameter storm main on 11 Avenue NE. No upgrades will be required at this time.
2. The subject property fronts a 600mm diameter storm main on 12 Avenue NE. No upgrades will be required at this time.
3. The subject property fronts a 600mm diameter storm main on 22 Street NE. No upgrades will be required at this time.
4. No storm main is present within the subject property's frontage on 21 Street NE. No upgrades or extension of main will be required at this time
5. Records indicate that the remaining parcel is serviced from the storm sewer on 12 Avenue NE. No upgrades are required at this time.
6. Records indicate that the proposed parcel is serviced by a 150mm storm service (size to be confirmed) from the sanitary sewer on 11 Avenue NE. No upgrades are required at this time.
7. An Integrated Stormwater Management Plan (ISMP) conforming to the requirements of the Subdivision and Development Servicing Bylaw No. 4163, Schedule B, Part 1, Section 7 shall be provided.

Geotechnical:

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



Matt Gienger
Engineering Assistant


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

CITY OF SALMON ARM

BYLAW NO. 4405

A bylaw to amend "District of Salmon Arm Zoning Bylaw No. 2303"

WHEREAS notice of a Public Hearing to be held by the Council of the City of Salmon Arm in the Council Chambers at City Hall, 500 – 2 Avenue NE, Salmon Arm, British Columbia and by electronic means as authorized by Ministerial Order M192, British Columbia, on _____, 2020 at the hour of 7:00 p.m. was published in the _____ and _____, 2020 issues of the Salmon Arm Observer;

AND WHEREAS the said Public Hearing was duly held at the time and place above mentioned;

NOW THEREFORE the Council of the City of Salmon Arm in open meeting assembled enacts as follows:

1. "District of Salmon Arm Zoning Bylaw No. 2303" is hereby amended as follows:

Rezone Lot A, Section 24, Township 20, Range 10, W6M, KDYD, Plan EPP97409 from P-3 (Institutional Zone) to C-6 (Tourist / Recreation Commercial Zone), attached as Schedule "A".

2. SEVERABILITY

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

3. ENACTMENT

Any enactment 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.

4. EFFECTIVE DATE

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

5. CITATION

This bylaw may be cited as **"City of Salmon Arm Zoning Amendment Bylaw No. 4405"**

READ A FIRST TIME THIS 13 DAY OF October 2020

READ A SECOND TIME THIS DAY OF 2020

READ A THIRD TIME THIS DAY OF 2020

APPROVED PURSUANT TO SECTION 52 (3) (a) OF THE TRANSPORTATION ACT
ON THE DAY OF 2020

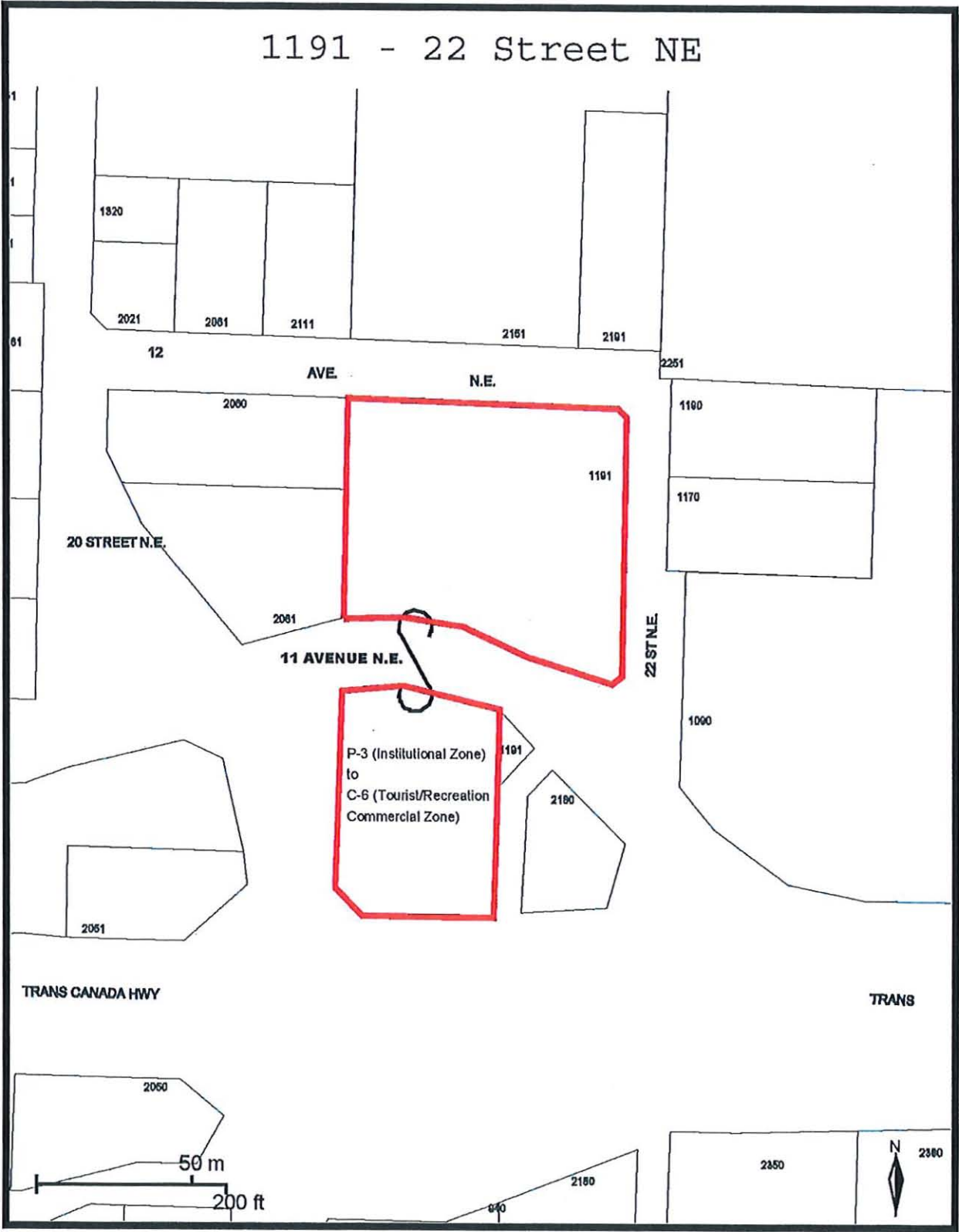
For Minister of Transportation & Infrastructure

ADOPTED BY COUNCIL THIS DAY OF 2020

MAYOR

CORPORATE OFFICER

SCHEDULE "A"



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INFORMATIONAL CORRESPONDENCE – NOVEMBER 9, 2020

1.	Building Department – Building Statistics – October 2020	N
2.	Building Department – Building Permits – Yearly Statistics	N
3.	W. Spencer – email dated November 2, 2020 – Feedback on CEEP	N
4.	M. Dentry – email dated October 20, 2020 – Salmon Arm Energy and Emissions Plan	N
5.	M. Brock, Girl Guides of Canada, 2 nd Salmon Arm Pathfinders – letter received November 3, 2020 – Use of Blackburn Park Gazebo	R
6.	R. Huls – email dated October 21, 2020 – Shuswap housing	N
7.	Storefront Alternate School, School District 83 – email dated November 4, 2020 – Art in Little Mountain	A
8.	M. Farnworth, Minister of Public Safety and Solicitor General – letter dated August 14, 2020 – Increase to RCMP Personnel Resources	N
9.	M. Sieben, Deputy Solicitor General, Ministry of Public Safety and Solicitor General – letter dated October 28, 2020 – UBCM Annual Convention Process	N
10.	K. Jardin, Deputy Minister, Ministry of Environment and Climate Change Strategy – email dated October 30, 2020 – 2020 UBCM Convention Meeting	N
11.	C. Heavener, Provincial Director of Child Welfare – email dated November 2, 2020 – Adoption Awareness Month	N
12.	K. Krishna, Deputy Minister, Ministry of Municipal Affairs and Housing – letter dated November 2, 2020 – COVID-19 Safe Restart Grant for Local Governments	N

N = No Action Required
 A = Action Requested
 C = Council Response Attached

S = Staff has Responded
 R = Response Required

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Item 14.1

CITY OF SALMON ARM

Date: November 9, 2020

Presentation 4:00 p.m. (approximately)

NAME: Matt Thompson, Urban Matters

TOPIC: Community Housing Strategy

Vote Record

- ☐ Carried Unanimously
- ☐ Carried
- ☐ Defeated
- ☐ Defeated Unanimously

Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond

Salmon Arm Community Housing Strategy - Draft

September 23, 2020

urban
matters

Key Findings from the Needs Assessment

- Steady population growth since 2006
- More seniors and youth/young adults, fewer working aged people
- Lower housing diversity than other comparably sized communities; some households may be over-housed
- More multi-family units built in recent years; projections suggest demand for 0 to 2-bedroom units may be higher than for 3-bedroom units in the future

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matters

Key Findings from the Needs Assessment

- Homeownership challenging for single income earners, other households making less than \$100,000
- Primary market median rents generally affordable for median incomes (\$800 in 2018); secondary market median rents higher (~\$1,200 for apartment or portion of house in 2019)
- Low vacancy rate since 2014 (0.7% in 2018); Especially challenging for workers moving to the City, students, and those transitioning out of care
- Frontline workers estimate at least 50 – 60 homeless individuals

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Existing Tools and Policies in Salmon Arm

- OCP policies (2011)
 - Encourage housing diversity and affordable housing
- Covenants and housing agreements (various)
- Permissive tax exemptions (annual)
- Affordable Housing Reserve Fund (2018)
- Pre-zoned vacant parcels with approved development permits for medium or high density residential (map from 2018)

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Existing Tools and Policies in Salmon Arm

- Density bonusing (various, in Zoning Bylaw updated to May 2019)
 - In medium and high density residential zones
 - For rental, affordable rental, and / or accessible housing development
- DCC Bylaw (2007)
 - Reduced for higher density projects; \$0.00 for secondary suites
- Reduced or waived requirements and variances (various)
- Fast-tracked rezoning process for BC Housing / CMHA project (2019)

urban
matters

Role of Salmon Arm



- Considering density and diversity that fits with the character of the community
- Addressing rental housing needs
- Addressing non-market housing needs
- Supporting homelessness initiatives

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matters

Key Principles of the Strategy

- *Accessibility: The Strategy is intended to ensure new housing in Salmon Arm provides equitable access to housing for residents, regardless of ability.*
- *Equity: This Strategy is intended to make housing accessible to all residents of Salmon Arm, regardless of income, gender, ethnicity, ability or sexual orientation.*
- *Inclusion: The Strategy frames approaches for developing a housing system that recognizes and includes diverse voices to help build solutions to housing issues.*
- *Partnership: Many of the actions in this Strategy are necessarily reliant on partnership, with many stakeholders and partner organizations coming together to develop solutions that meet the needs of Salmon Arm residents.*

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Strategy Area #1: Considering density and diversity that fits with the character of the community

- **Action 1.1:** Consider an appropriate range of densities for remaining land within the UCB
- **Action 1.2:** Support the development of more affordable housing opportunities for seniors
- **Action 1.3:** Encourage a range of more diverse and innovative housing types using local government levers
- **Action 1.4:** Review mechanisms for capturing value from developers, such as amenity contributions and density bonusing to ensure they are effective

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Strategy Area #2: Addressing rental housing needs

- **Action 2.1:** Facilitate the development of a broader range of purpose-built rental housing options to meet the needs of diverse households through planning and other local government levers.
- **Action 2.2:** Promote the development of secondary suites and detached secondary suites in residential neighbourhoods.
- **Action 2.3:** Where opportunities arise, support financial support programs like rent banks, to help people facing affordability challenges with upfront costs for rental units.

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matters

Strategy Area #3: Addressing non-market housing needs

- **Action 3.1:** Facilitate the development of a broader range of affordable housing options to meet the needs of diverse households through planning and other local government levers.
- **Action 3.2:** Continue to provide regional leadership around housing initiatives.
- **Action 3.3:** Develop criteria for the expenditure of funds from the Affordable Housing Reserve (e.g. not on operational costs, but to subsidize DCC waivers for example).

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Strategy Area #4: Supporting homelessness initiatives

- **Action 4.1:** Continue to partner with service providers and other non-profit organizations to help educate the community about homelessness, raise awareness, reduce stigma, and promote success stories.
- **Action 4.2:** Build on existing collaboration between City and non-profit service and housing providers in order to implement a systems approach to addressing and preventing homelessness.
- **Action 4.3:** Regularly engage with local outreach programs, prevention initiatives, and support services.

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Implementation

- Role of the Housing Task Force
 - Long-term responsibility and oversight
 - Ongoing multi-sectoral forum
- Need for dedicated staff resources
 - Consideration of what type of role the City wants to play, and resources to expend

urban
matters

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Item 14.2

CITY OF SALMON ARM

Date: November 9, 2020

Presentation 4:15 p.m. (approximately)

NAME: Trish Dehnel, Community Energy Association

TOPIC: Community Energy Plan

Vote Record

- ☐ Carried Unanimously
- ☐ Carried
- ☐ Defeated
- ☐ Defeated Unanimously

Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond

From: Patricia Dehnel
Sent: October 20, 2020 9:29 AM
To: Kevin Pearson
Cc: Carl Bannister; Erin Jackson
Subject: RE: November 9th - final documents

Hi Kevin:

You are correct. The last CEEP version is dated March 2020. "Because of COVID" is definitely the term of the year....

To help with your filing – I found the most relevant emails and attachments:

1. Email March 13, 2020: final draft version of the Salmon Arm CEEP document and edit notes.
2. Email July 31, 2020: Summary report and recommendation memo of July 31, 2020
3. Email September 9, 2020: pdf of the presentation to EAC.
4. Email September 21, 2020: follow up from the presentation to EAC

Recommendations:

1. Council adopt the CEEP with the updated community GHG reduction target of **80% below the 2007 levels by 2050**. It is further recommended that the City revisit the target, consider interim target emission levels and update this CEEP action plan in five years.
2. Staff consider ways to incorporate the CEEP into other City documents and strategies including the OCP update in 2022.
3. Work with Salmon Arm stakeholders, in conjunction with direction from the Province of BC, to implement CEEP Actions.

And in preparation of November 9th Council meeting:

- I intend it to be a shortened version of the EAC presentation, with responses to any EAC questions (if received).
- I will provide the slides to you by November 2
- And, I actually expect to be in Salmon Arm on Nov 9th (family) so could attend the meeting at 2:30 pm in person (at my own cost) if this is COVID appropriate.

Take care
 Trish



Patricia (Trish) Dehnel, RPP MCIP Community Relations Manager
 Office: (250) 469-6783 ext 702 | Mobile: (250) 505-3246
 Connecting Communities, Energy & Sustainability



Salmon Arm CEEP

Community Energy and
Emissions Plan

Presentation to Council
Trish Dehnel
Community Energy Association
November 9, 2020



Agenda

- About CEA and Partners for Climate Protection
- Actions and Big Moves
- Salmon Arm CEEP
- Salmon Arm Actions
- Funding & COVID recovery
- Targets
- Recommendations

About Us



CEA is the only non-profit in BC focused exclusively on supporting local governments and indigenous communities on **CLIMATE** and **ENERGY** activities. Our expertise is helping communities with:



Our Work



CEA helps communities with:



INITIATION

- Program design
- Grants
- Regional collaborations



MANAGEMENT

- Manage advisory committees
- RFPs/Vendor selection
- Contract negotiation & mgmt
- Deployment management
- Financial admin & reporting



COMMUNICATIONS

- Program branding, marketing & promotion
- Video production
- Digital communications

CEA has expertise in:



TRANSPORTATION



BUILDINGS

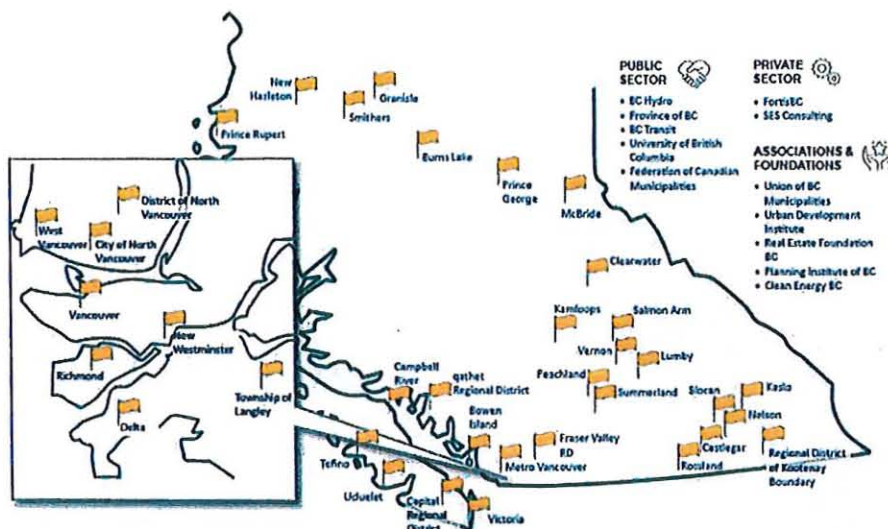


WASTE

Our Members



CEA Members are recognized as leaders in driving climate action in BC and are among the province's most driven advocates for inspiring climate solutions.



Our Members



Our Members



Partners for Climate Protection



1. Establish a baseline GHG inventory and forecast



2. Set GHG reduction targets



3. Develop a local action plan



4. Implement the plan or set of activities



5. Monitor progress and report results



The Partners for Climate
Protection Program (PCP)

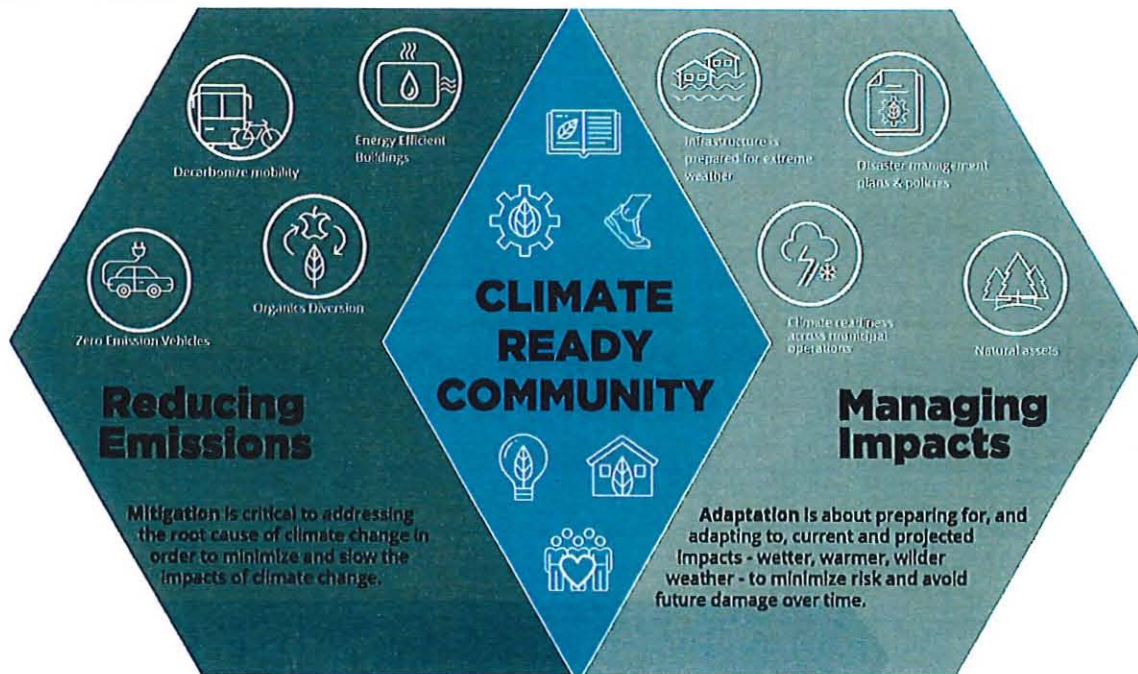
FCM FEDERATION OF CANADIAN MUNICIPALITIES / FÉDÉRATION CANADIENNE DES MUNICIPALITÉS

ICLEI Local Governments for Sustainability

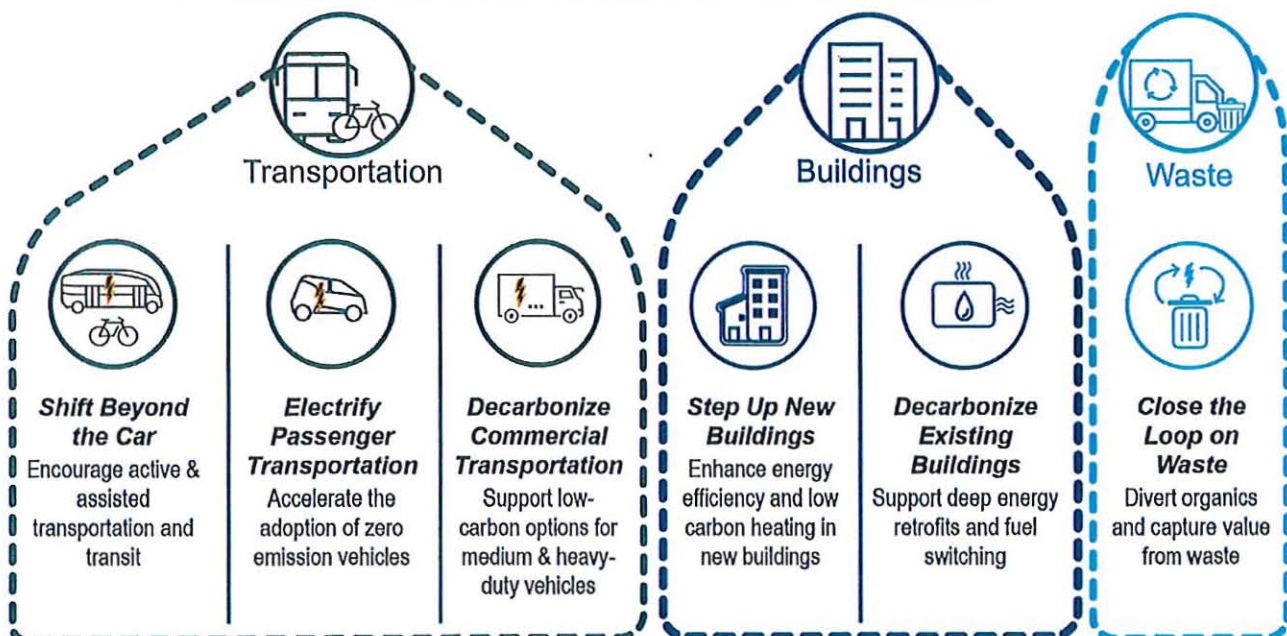
Canada









Reasons for a Plan



The Big Moves



Actions

Zero Emission Transportation <ul style="list-style-type: none"> • Electrify • Move Beyond Car 	Zero Emission Buildings <ul style="list-style-type: none"> • Step Code • Retrofits 	Close the Loop on Waste <ul style="list-style-type: none"> • Divert organics • Capture value 
Organizational <ul style="list-style-type: none"> • Climate Action structure • Climate communication 	Sequestration <ul style="list-style-type: none"> • Tree bylaw • Landscaping 	Supportive Actions <ul style="list-style-type: none"> • Water conservation • Food production 

Reasons for a Plan

- Provincial legislation
- Supports other plans
- Supports tourism
- Local economic development, & reduced energy costs
- Healthy, active and resilient community

SALMON ARM
SMALL CITY, BIG IDEAS

Healthy Built Environment



Diagram Source:

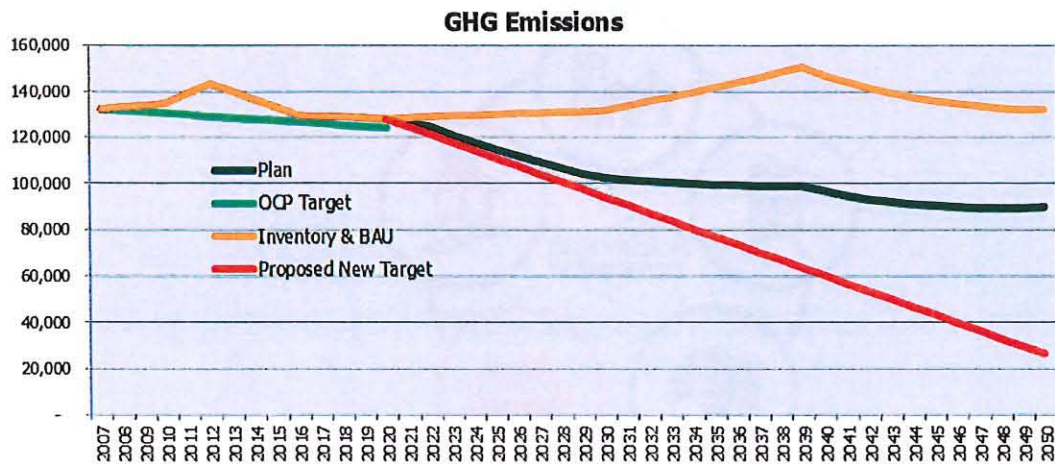
Healthy Built Environment Linkages Toolkit, BC Centre for Disease Control

Partnerships

Local Government
Regional District
Interior Health
First Nations
School District
Age Friendly
Ministry of Transportation
BC Transit
Chambers of Commerce
Large Employers
Community Groups
Utilities

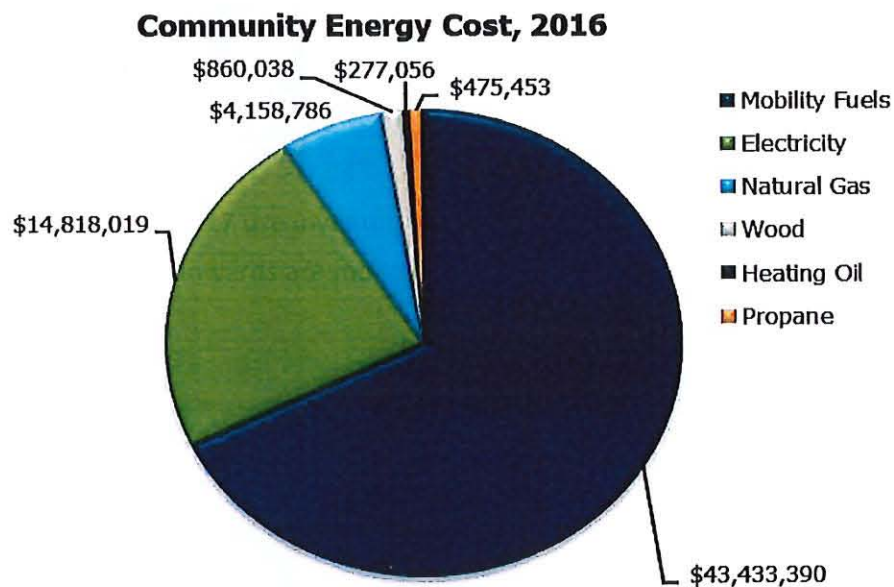


Targets

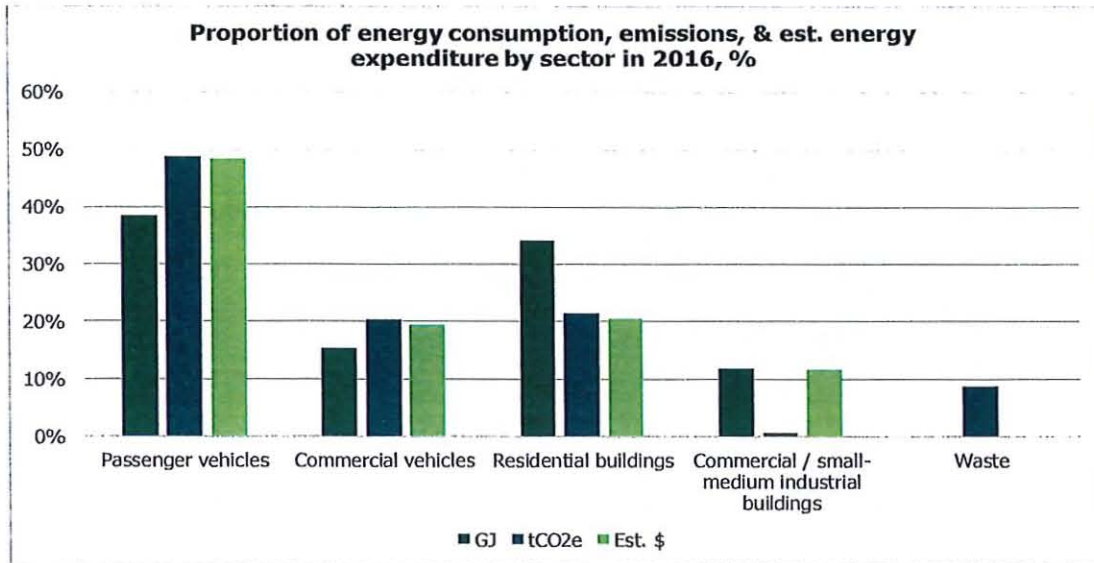


- 2007-2017 use inventory data,
- 2019 onwards are modelling projections only

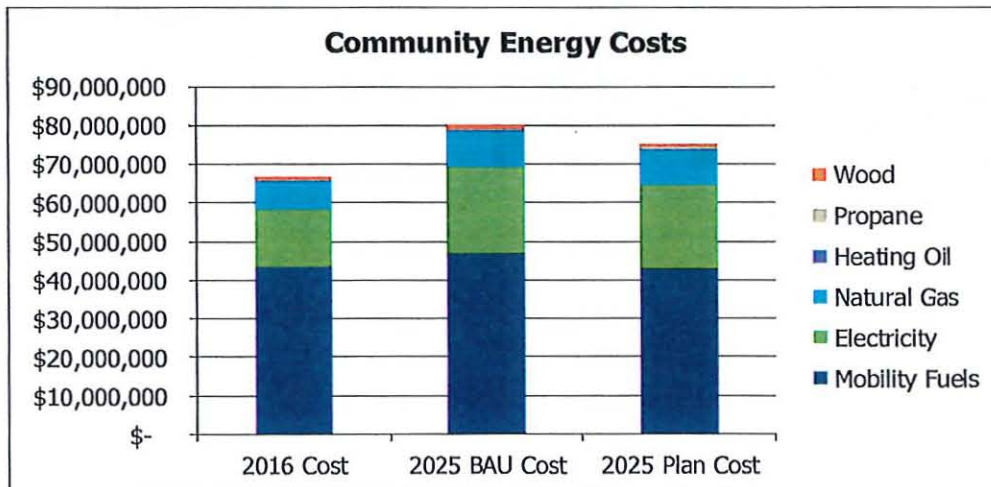
Community Energy Spending



Current Emissions - Review

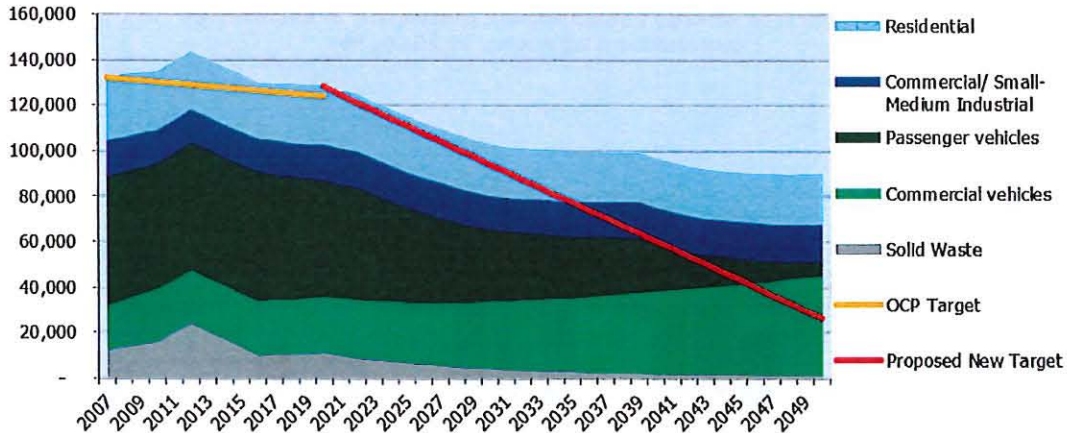


Energy Costs



Plan GHGs

Planned GHGs by Sector, tonnes/year



- Reduction in GHGs in passenger vehicles due to provincial new sales in EVs

Salmon Arm CEEP Impact

GHG reductions (tonnes per year)	Energy dollars kept in Salmon Arm (dollars per year)
<ul style="list-style-type: none"> • Low Carbon Transportation – especially electrification (9477 tonnes/yr.) • Active Transportation / Transit / Land Use (4872 tonnes/yr.) • Divert organic waste (1715 tonnes/yr.) 	<ul style="list-style-type: none"> • Low Carbon Transportation -especially electrification (\$4,200,000/yr.) • Active Transportation / Transit / Land Use (\$2,900,000/yr.) • Create a retrofit program for deep energy retrofits (\$75,000/yr.)

Low Cost Actions

Zero Emission

Transportation

- *Support and Policy Development to electrify passenger transportation*
- *Public outreach campaign*



Zero Emission Buildings:

- *BC Energy Step Code education campaign*



Close the Loop on Waste:

- *Public education campaign for organic waste diversion phase 4/5*
- *Capture the value from biogenic methane / improve landfill gas collection*



Low Cost Actions

Organizational

- *Organizational structure for climate action (City Administration)*
- *consider GHGs in every decision for Council*
- *Utilize EAC for communication, promotion, facilitation for long-term, deep community engagement (culture change)*

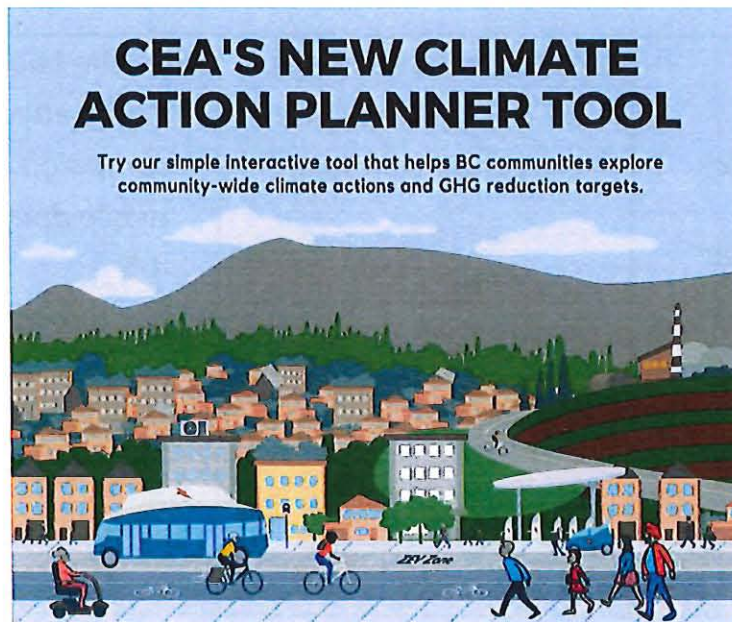


Sequestration

- *Tree Bylaw*
- *Commercial Development Permit Areas – Landscaping Requirements.*



Climate Action Planner Tool



Funding / COVID Recovery

- CEA 2020 Funding Guide for BC Local Governments
- CIVIC Info BC Grant Database
- Province of BC Active Transportation Program
- FCM Community Efficiency Financing
- CleanBC Communities Fund (CCF)
- Better Homes BC & Utilities (Deep Retrofit programs)
- Doing things differently: Clear skies, working in a crisis, working from home, recreation / physical distancing

Stay Connected

- BC Energy Step Code Peer Network
- Link to neighbours: Revelstoke and Vernon CEEPS
- Regional approach: Columbia Shuswap RD
- EV networks: Charge North, Accelerate Kootenays, Okanagan
- CEA membership / policy / research
- FCM-ICLEI and Partners for Climate Protection
- BCMCLC
- Climate Caucus
- UBCM Special Committee on Climate Action

Integration

Incorporate: OCP
 Budget: annual
 Monitor: indicators
 Convene: Staff & Council
 Report: CARIP
 Renew: five years



Targets

The City of Salmon Arm will work towards reducing its community greenhouse gas emissions to meet 100% renewable energy by 2050.

Recommended Target

That the City of Salmon Arm community GHG reduction target is to be 80% below 2007 levels by 2050.

It is further recommended that the City revisit the target, consider interim target emission levels and update this CEEP action plan in five years.

Recommendations

1. Adopt the CEEP with community GHG reduction target of **80% below the 2007 levels by 2050.**
2. Revisit the target and update CEEP in five years.
3. Incorporate into City documents/ OCP update
4. With stakeholder support, implement CEEP Actions.
5. Submit FCM-ICLEI PCP for Community Milestones 1-3.



Thank you

Patricia Dehnel

Community Relations Manager
pdehnel@communityenergy.bc.ca
250-505-3246



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Item 14.3

CITY OF SALMON ARM

Date: November 9, 2020

Presentation 4:30 p.m. (approximately)

NAME: Anne Morris

TOPIC: ICAN Cities Appeal

Vote Record

- ☐ Carried Unanimously
- ☐ Carried
- ☐ Defeated
- ☐ Defeated Unanimously

Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond

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Item 23.1

CITY OF SALMON ARMDate: November 9, 2020

Moved: Councillor

Seconded: Councillor

THAT: the Development and Planning Services Committee recommends to Council that Development Variance Permit No. VP-520 be authorized for issuance for Lot 3, Section 18, Township 20, Range 9, W6M, KDYD, Plan EPP78527, which will vary Zoning Bylaw No. 2303 as follows:

1. Section 4.12.1 (a) Fences and Retaining Walls - increase the maximum permitted combined height of a retaining wall and fence from 2.0 m (6.5 ft) to 4.5 m (14.8 ft);

AND THAT: Issuance of Development Variance Permit No. VP-520 be withheld subject to an amendment, at cost of the applicant, to the Statutory Right of Way registered under CA6583185 to document the area of encroachment of the retaining wall over Statutory Right of Way Plan EPP78528; and should the City require access to the City sewer manhole, any removal or replacement costs for the wall, be the responsibility of the property owner.

Vote Record

- ☐ Carried Unanimously
- ☐ Carried
- ☐ Defeated
- ☐ Defeated Unanimously

Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond

**CITY OF
SALMON ARM**

TO: His Worship Mayor Harrison and Members of Council

FROM: Director of Development Services

DATE: October 26, 2020

SUBJECT: Development Variance Permit Application No. VP-520
Legal: Lot 3, Section 18, Township 20, Range 9, W6M, KDYD, Plan EPP78527
Civic Address: 3181 Okanagan Avenue NE
Owner: I. & L. Clark
Applicant / Agent: Green Emerald Estates / G. Arsenault

MOTION FOR CONSIDERATION

THAT: Development Variance Permit No. VP-520 be authorized for issuance for Lot 3, Section 18, Township 20, Range 9, W6M, KDYD, Plan EPP78527, which will vary Zoning Bylaw No. 2303 as follows:

Section 4.12.1 (a) Fences and Retaining Walls - increase the maximum permitted combined height of a retaining wall and fence from 2.0 m (6.5 ft) to 4.5 m (14.8 ft).

Subject To: Issuance of Development Variance Permit No. VP-520 be withheld subject to an amendment, at cost of the applicant, to the Statutory Right of Way registered under CA6583185 to document the area of encroachment of the retaining wall over Statutory Right of Way Plan EPP78528; and, should the City require access to the City sewer manhole, any removal or replacement costs for the wall, be the responsibility of the property owner.

STAFF RECOMMENDATION

THAT: The Motion for Consideration be adopted;

PROPOSAL

The subject property is located at 3181 Okanagan Avenue NE (Appendices 1 & 2). The applicant is requesting a variance to increase the maximum permitted combined height of a retaining wall and fence from 2.0 m (6.5 ft) to 4.5 m (14.8 ft). This application is for an existing retaining wall, which was built to the maximum permitted height of 2.0 m (6.5 ft) by a previous owner in 2010. The applicant increased the height of the retaining wall and now a portion of the wall, approximately 4.3 m or 14 ft horizontally is over the maximum permitted height. For safety, the applicant is proposing a 1.2 m (3.9 ft) fence on top of the wall; therefore, the maximum combined height of the retaining wall and fence will be 4.5 metres (14.8 ft). Attached as Appendix 3 is the applicants letter of rationale, a letter of understanding from the property owner and a letter of support from a neighbouring property owner. Site photos are attached as Appendix 4.

BACKGROUND

The original wall was built to the maximum height of 2.0 metres along the north parcel line of the parent property, 3161 Okanagan Avenue NE. No variance or building permit was required for the wall in 2010 because it did not exceed the maximum height. It was a previous owner's intention to build a higher retaining wall as there is record of a variance permit application (VP-338) made for the wall to increase the height from 2.0 m (6.6 ft) to 4.27 m (14 ft) in 2011. It was noted in VP-338 the wall was built over a statutory right of way for the City's sanitary sewer system. It was also noted that it was the owner's responsibility to provide engineered plans showing the location and cross-sections of the sanitary services and easements in proximity of the retaining wall and how the wall may impact the servicing to surrounding lots and how these services will be accessed for repairs or maintenance in the future.

The previous owner did not continue with the variance permit application nor increase the height of the wall. In addition to VP-338, the previous owner applied to subdivide and rezone the property to R-4, Medium Density Residential; however, the owner never followed through with these development applications and no development ensued. The property was cleared of all trees to prepare for development but remained as vacant bare land with only the retaining wall up until 2018, when the parent property, 3161 Okanagan Avenue NE was subdivided. The subject property was one of the two lots created via this subdivision.

The applicant purchased the property in 2018 and a building permit was issued for the construction of a new house. The building department during their final inspection (August 2020), noted the existing retaining wall was built higher than the maximum 2.0 metres, thus advising the applicant and owner at the time that a variance permit and building permit would be required for the wall.

STAFF COMMENTS

Fire Department

No Fire Department concerns.

Building Department

No concerns with application. Applicant has filed a building permit (16569B) for the retaining wall along with a professional engineer's assessment to ensure structural stability.

Engineering Department

Engineering Department comments attached as Appendix 5

Planning Department

The Zoning Bylaw permits a maximum height of 2.0 m (6.5 ft) for retaining walls in all rear and interior side yards in residential zones.

OCP Policy 8.3.22 suggests minimizing cut, fill and retaining walls on hillside areas, as well as the preparation of grading plans prior to servicing and construction. However, due to the topography of Salmon Arm, there are many residential neighbourhoods built on steep slopes and construction of retaining walls is a common approach to creating level backyards in residential neighbourhoods such as this.

In this situation, the applicant increased the height of an existing retaining wall that was already built to the maximum permitted height to achieve a level and more functional backyard. Statutory right of ways are put in place to protect City infrastructure and cannot be tampered with without authorization from the City. To achieve a level backyard, the applicant also raised the level of a City sanitary sewer manhole.

The location of the retaining wall did not change; therefore, the wall is still encroaching on a statutory right of way for the City's sanitary sewer system, see Appendix 6. To address the encroachment, consideration should be given to amending the statutory right of way to document the area of encroachment of the retaining wall and making it the responsibility of the property owner for any removal

or replacement costs for the wall, should the City require. Should Council choose to require the statutory right of way amendment as a condition to issuance of the Development Variance Permit, the applicant would be responsible for all costs associated, including, but not limited to, surveyor and legal fees

CONCLUSION

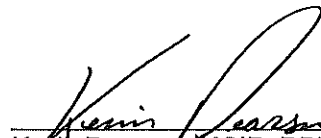
Although the applicant raised the height of the retaining wall without a permit and illegally modified City infrastructure in order to achieve a level backyard, Staff note the following considerations:

1. The wall was built to the maximum permitted height by a previous owner.
2. Only the height of the retaining wall was changed, not the location. Therefore, the wall still exists over a statutory right of way, protecting City infrastructure; and, this is an opportunity to address the encroachment.
3. The added height does not further increase the difficulty to access and maintain City infrastructure.
4. The applicant and owner of the property have initiated consultation with neighbouring property owners.
5. Structural safety of the wall will be ascertained through the building permit process.

The Engineering Department has noted in their referral comments that the retaining wall does not significantly affect access to the sanitary sewer manhole or the ability to operate or maintain the City infrastructure. For this reason and the above noted considerations, Staff support the variance, subject to amending the ROW document to address the retaining wall encroachment and placing responsibility on the property owner to incur any associated costs for the retaining wall, should the City require.



Denise Ackerman
Planner, Development Services Department



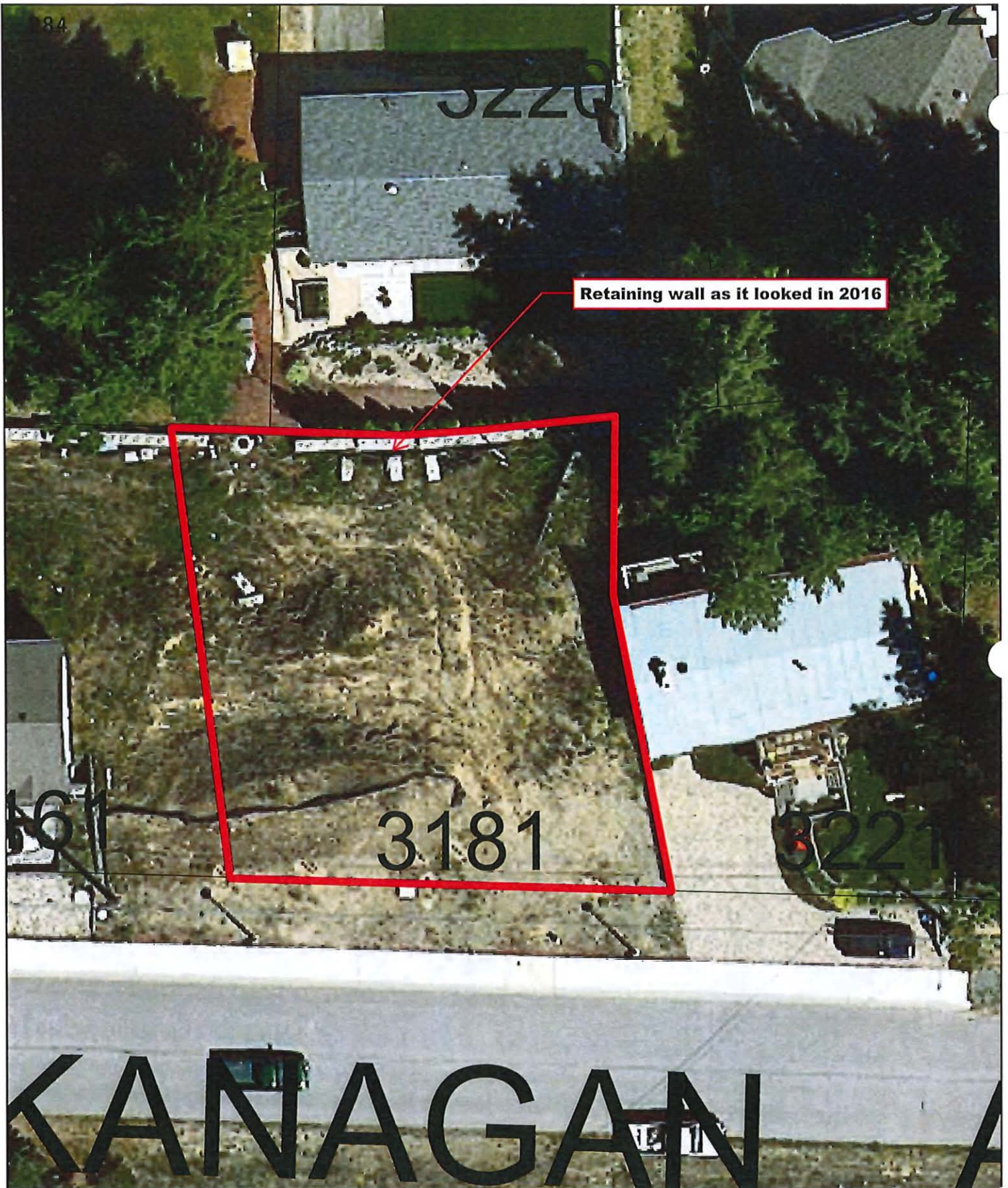
Kevin Pearson, MCIP, RPP
Director of Development Services



0 1530 60 90 120
Meters



Subject Parcel



0 1.5 3 6 9 12 Meters



Subject Parcel



Green Emerald Construction Inc.

2100 45th Ave. N. E. Salmon Arm, BC, Canada, V1E 2A3

Tel. 250-833-5855

office@greenemeraldinc.com

www.greenemeraldinc.com

August 21, 2020

City of Salmon Arm, Planning Dept.

RE: retaining wall at 3181 Okanagan Ave, NE, Salmon Arm

We are applying for a variance along with a building permit for 2 courses of block. We had thought that the variance would have been done when the original subdivision was built but are now informed that there is no record of that.

In order to cover the sewer easements on the property from the neighbours and make the back yard usable we have had to put 2 more courses of concrete block on the existing 2 block wall that was there.

Without this there would be no usable back yard.

The wall starts at 8 feet for 4 feet at the west end and tapers to four feet or 2 blocks high after 28 feet.

It is made of 2 foot by 2 foot by 4-foot textured concrete blocks with Engineered Geo Textile Fabric between each course tied back into compacted gravel behind and backfilled with the native sand from the site. The Geotech Engineers Stamp is attached.

The owners plan to install a 4-foot black chain link fence along the top with shrubs behind.

Thank you for your consideration.

Questions please contact Gary Arsenault

Page 1 of 2

24 August 2020

Apple Broom Project

1856 - 3181 Okanagan
Avenue NE
Salmon Arm, BC

See Notes Below
And on Page 2 of 2
for Location of Wall.



NOTES

Based on field reviews, discussions in December 2018 & observations of backfilling, geogrid placement, interlocking nature of blocks and height & length constructed, lock block retaining structure considered acceptable. No fill to be removed from toe; no new fill to be placed above wall. Railing to be installed.

[Signature]
24 August 2020
ENGINEER

Page 2 of 2

AppleBram Project 1856
24 August 2020

3181 Okanagan
Avenue NE
Salmon Arm
BC

BROWNE JOHNSON Land Surveyors		BRITISH COLUMBIA AND CANADA LANDS Box 362, Salmon Arm, B.C. V1E 4H5 250-632-9701 office@brownejohnson.com	
BC LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE			
To: Gary Arsenault c/o Green Emerald 2100 45 Avenue NE Salmon Arm, BC, V1E 2A3 Our File:		Re: Lot 3, Sec 18, Tp 20, Rge 9, W6M KDYD, Plan EPP78527 Parcel Identifier (PID): 030-354-706 Civic Address: 3181 Okanagan Avenue NE, Salmon Arm	
<p>2x2x4' block wall Geogrid between each course</p> <p>8' high 7' high 6' to 5' high 4' high</p>		List of documents registered on title which may affect the location of improvements: Statutory Right of Way: CA811185 Easement: CA3060066 Statutory Right of Way: CA6503185 Covenant: CA6503186 Easement: CA6503189 Covenant: CA7191880	
<p>Scale 1:150</p> <p>All distances are in metres. Dimensions derived from Plan EPP78527</p> <p>Offsets from property line to building are measured from the siding unless otherwise noted</p>			
The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document. This plan was prepared for inspection purposes and is for the exclusive use of our client. This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property boundaries. This building location certificate has been prepared in accordance with the Professional Reference Manual and is certified correct this 6th day of August, 2020.		COPYRIGHT © BROWNE JOHNSON 2020 LAND SURVEYORS All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the prior written consent of BROWNE JOHNSON LAND SURVEYORS. THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY OR DIGITALLY SIGNED.	
Joseph Johnson G5W5CT		Digitally signed by Joseph Johnson G5W5CT Date: 2020.08.07 09:03:25 -0700 BCLS	

October 13, 2020

Mr. & Mrs. Clark
3181 Okanagan Avenue NE
Salmon Arm, BC V1E 1E6

Dear Property Owner:

Re: Development Variance Permit No. VP-520 – Retaining Wall in Rear Yard
Legal Description: Lot 3, Section 18, Township 20, Range 9, W6M, KDYD, Plan EPP78527
Civic Address: 3181 Okanagan Avenue NE

On August 4, 2020 it was discovered that a retaining wall aligned along the rear parcel line of the subject property had been added onto by the previous owner. The wall addition was constructed without a Building Permit and is now over the maximum allowable height of 2.0 metres, which is a contravention of Section 4.12.1 of The City's Zoning Bylaw No. 2303.

The previous owner, Gary Arsenault (Green Emerald Construction), was advised that a Development Variance Permit application would be required to address the bylaw contravention. On August 25, 2020, the City received an application for a Development Variance Permit (VP-520), which requests to Council to vary the maximum height of a retaining wall in conjunction with a fence from 2.0 metres to 4.5 metres. Please note, the 4.5 metres takes into account a 1.2 metre fence on top of the existing retaining wall should that be your plan.

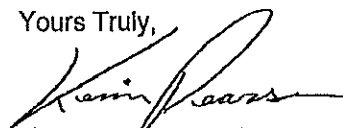
We understand that the property was sold to you on September 21, 2020. Because the application was made by the previous owner, there are several outcomes that you need to be aware of:

1. Should VP-520 proceed to City Council and the height variance not be approved, the wall height will need to be scaled back down to the previous height, which met the Zoning Bylaw requirement.
2. Should VP-520 proceed to City Council and the height variance be approved, you would be required to fulfil the Building Permit requirements for the wall, along with any conditions that Council may require.

In scenario 1., a timeline will be communicated to you for scaling down the wall height. As the previous wall was already at the maximum height, a fence affixed to the top of the wall would not be permitted.

In order to proceed VP-520 to City Council for their review, we require acknowledgment that you wish to proceed with this application and understand the circumstances noted above. Please sign and return this letter to attention of the undersigned via e-mail, kpearson@salmonarm.ca or mail or drop off at City Hall. This letter will be attached to the City staff report to Council with the associated Development Variance Permit application

Yours Truly,


Kevin Pearson, MCIP, RPP

cc. Building Department
Green Emerald Construction, 2100 – 45 Avenue NE, Salmon Arm, BC V1E 2A3

The variance was discussed as part of the purchase and Green Emerald will resolve all related issues as my current contractor

2020-10-21

Ian Clark

Subject: VP-520-retaining wall

Hello Kevin,

Please find attached the signed acknowledgement as requested.

It should be noted that the current wall extends into the neighbouring property and will be removed (roughly one full block) back to the property line which will reduce the total height at the tallest point.

I have spoken with the three neighbouring property owners who are directly effected and understand that all three are supportive with Lorne @ 3150 1st ave providing a signed letter to Green Emerald, Cooper @ 3161 Okanagan Ave in full support while we collaboratively complete landscaping on both of our properties together and Abbey @ 3220 1st ave commenting that I can go as high as I want (because it improves his privacy).

I am also willing to provide cedar hedging at my expense along the bottom of the wall to improve its appearance for the neighbourhood if Lorne and Abbey would like them planted on their properties.

I would like to attend the session if possible in case there are any concerns I can help address and to understand specifically what is required as far as handrails as any requirements for this variance will be borne by Green Emerald who built the wall and continues on site as my current contractor.

Thank you

Ian Clark

Oct 16, 2020

Lorne and Jennie Plett

3150 First Avenue, NE, Salmon Arm, BC.

To Salmon Arm Council:

Regarding Variance for retaining wall at 3181 Okanagan Ave, NE, Salmon Arm.

Dear Council,

This wall is at the rear of our property on First Ave.

We have no objection to the wall where it is and its current height.

Sincerely,

J. Plett
J. Plett



Approximately 4.3 metres (horizontally) is over the maximum permitted height of 2.0 metres.



Approximate area of encroachment.



View of City sanitary sewer manhole in the statutory right of way.

CITY OF SALMON ARM

*Memorandum from the
Engineering and Public
Works Department*

TO: Kevin Pearson, Director of Development Services
 DATE: October 21, 2020
 PREPARED BY: Matt Gienger, Engineering Assistant
 OWNER: **Green Emerald, 2100 – 45 Avenue NE, Salmon Arm, BC V1E 2A3**
 APPLICANT: **Green Emerald, 2100 – 45 Avenue NE, Salmon Arm, BC V1E 2A3**
 SUBJECT: **DEVELOPMENT VARIANCE PERMIT AMENDMENT APPLICATION No. VP-520**
 LEGAL: Lot 3, 18-20-9, W6M, KDYD, Plan EPP78527
 CIVIC: **3181 Okanagan Avenue NE**

Further to the request for variance dated September 1, 2020, the Engineering Department offers the following comments:

The applicant has raised the height of the retaining wall and adjacent backyard grade of 3181 Okanagan Ave NE prior to applying for the variance. The retaining wall traverses a statutory right-of-way in favour of the City that protects a sanitary manhole, four services and a sanitary main. In order to lift the backyards, the applicant raised the manhole and services without City authorization.

Engineering and Public Works have visited the site to review the additional retaining wall height and illegal modifications to the adjacent City Sanitary manhole. It was determined that the modifications and retaining wall would not significantly affect access to the City's infrastructure or the ability to operate or maintain the infrastructure.

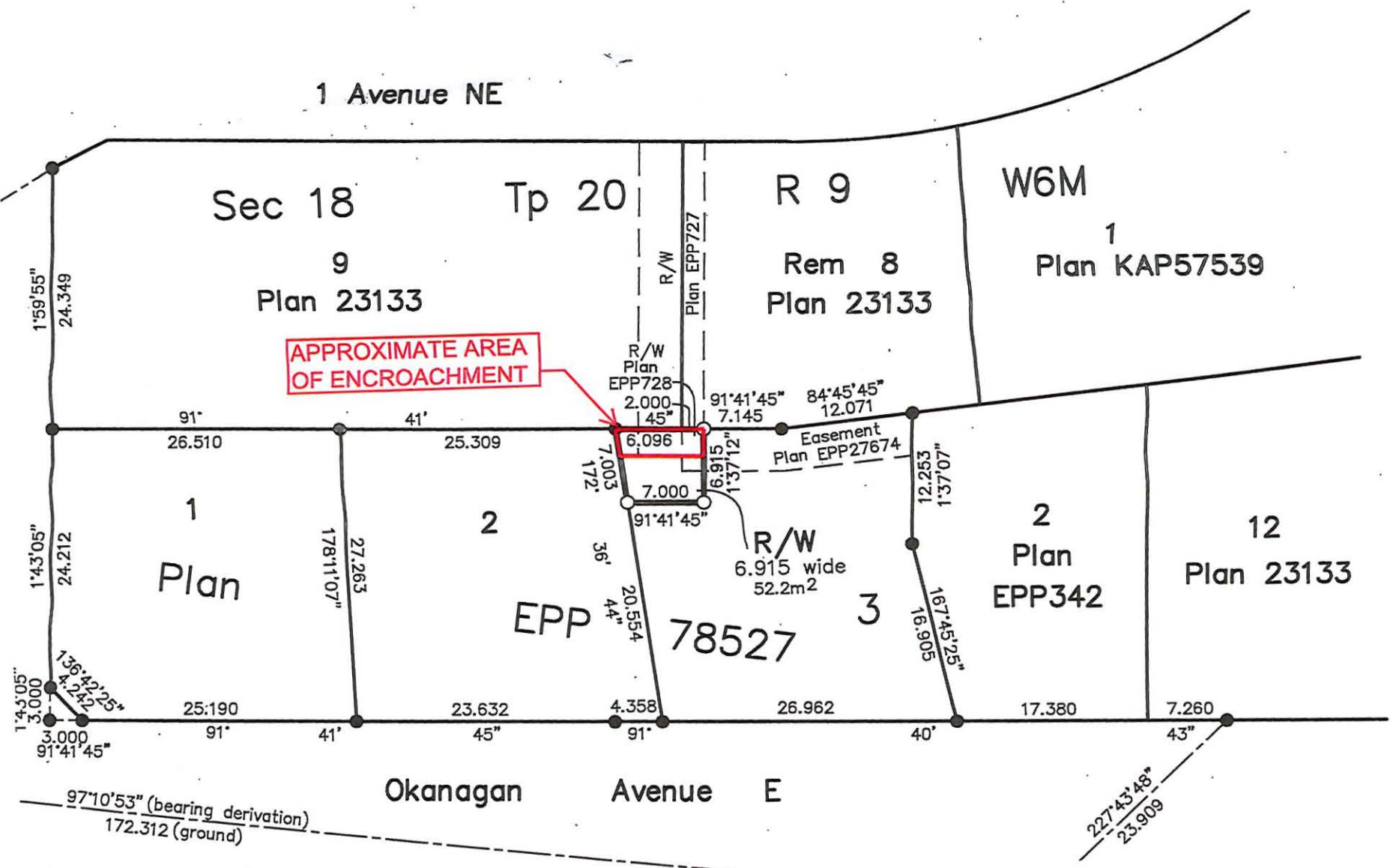
The existing ROW document registered on title must be amended to address the encroaching retaining wall and state that any removal or replacement costs for the wall should the City require access to our infrastructure will be the responsibility of the property owner.

Recommendation:

The Engineering Department has no objection to the proposed variance to increase the height of a retaining wall from 2.0m to 3.3m, subject to amending the ROW document to address the retaining wall encroachment.


 Matt Gienger
 Engineering Assistant


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



Item 27.

CITY OF SALMON ARM

Date: November 9, 2020

Moved: Councillor Lindgren

Seconded: Councillor Cannon

THAT: the Regular Council Meeting of November 9, 2020, be adjourned.

Vote Record

- ☐ Carried Unanimously
 - ☐ Carried
 - ☐ Defeated
 - ☐ Defeated Unanimously
- Opposed:

- ☐ Harrison
- ☐ Cannon
- ☐ Eliason
- ☐ Flynn
- ☐ Lavery
- ☐ Lindgren
- ☐ Wallace Richmond

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