



AGENDA

City of Salmon Arm Development and Planning Services Committee

**Monday, May 17, 2021
8:00 a.m.
By Electronic Means**

Page #	Item #	Description
	1.	CALL TO ORDER
	2.	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>
	3.	REVIEW OF AGENDA
	4.	DISCLOSURE OF INTEREST
	5.	REPORTS
1 - 6	1.	Recommendation to File Notice of Infraction of Building Bylaw No. 3939 [Greek, S. & J.; 90 2 Street SE]
7 - 12	2.	Recommendation to File Notice of Infraction of Building Bylaw No. 3939 [Radcliffe, J.; 91 3 Street SE]
13 - 20	3.	Development Variance Permit Application No. VP-527 [Blackstock, J./Passey, B./BWP Construction; 4851 73 Avenue NE; Setback requirements]
21 - 32	4.	Development Variance Permit Application No. VP-530 [Christensen, B./Laderoute, L.; 2348 5 Avenue SE; Setback requirements]
33 - 46	5.	Zoning Amendment Application No. ZON-1208 [Braby, J./Lawson Engineering Ltd./Lawson, B.; 2151 12 Avenue NE; R-1 to R-8]
	6.	Development Variance Permit Application No. VP-532 [Braby, J./Lawson Engineering Ltd./Lawson, B.; 2151 12 Avenue NE; Setback requirements] <i>See Item 5.5 for Staff Report</i>
47 - 60	7.	Zoning Amendment Application No. ZON-1209 [Buckler, J. & K.; 2920 7 Avenue NE; R-1 to R-8]
61 - 78	8.	Agricultural Land Commission Application No. ALC-405 [Priebe, A. & L.; 4890 Foothill Road SW; Non-Adhering Residential Use]
79 - 100	9.	Agricultural Land Commission Application No. ALC-406 [Megyesi, M. & A.; 3381 28 Street NE; Non-Adhering Residential Use]
101 - 114	10.	Agricultural Land Commission Application No. ALC-407 [Mierau, B. & R./Laird, B./City of Salmon Arm; 3831 20 Avenue SE; Exclusion]

6. **PRESENTATIONS**
7. **FOR INFORMATION**
8. **CORRESPONDENCE**
9. **ADJOURNMENT**

CITY OF SALMON ARM

TO: His Worship Mayor Harrison and Council

DATE: April 13, 2021

SUBJECT: Recommendation to File Notice of Infraction of Building Bylaw No. 3939, Section 3.1.1 (failure to obtain building permit) against Title of Lot 7, Block 3, Plan 392, Section 14, Township 20, Range 10, W6M, KDYD (90 – 2 Street SE).

Property Owners: Shawn Greek
Joanne Greek

STAFF RECOMMENDATION:

THAT: A notice be filed against Title of Lot 7, Block 3, Plan 392, Section 14, Township 20, Range 10, W6M, KDYD (90 – 2 Street SE) pursuant to Section 57 of the Community Charter.

BACKGROUND:

1. The City became aware of construction of a roof structure over a recreational vehicle at the referenced property on December 20, 2020. Photo attached as Appendix 1.
2. The bylaw officer attended the site on December 22 and issued a municipal ticket information.
3. The undersigned attended the site on December 24 to deliver a "Stop Work" letter. The timing of this letter, although not optimal, was considered necessary as the City office was about to close for almost two weeks. The avoidance of further development was the main objective. The letter is attached as Appendix 2.
4. There was no response to the letter, therefore following a site visit on February 01, 2021, a second letter was sent by registered mail indicating that the Section 57 notice on title process was being initiated.
5. A string of emails followed. The owner suggested the roof structure was part of the RV and the City therefore had no jurisdiction. The applicable CAN/CSA Z240 RV Standard was reviewed. It was determined that the roof structure was wider than the referenced Standard permitted and therefore could not be classified as a recreation vehicle. The owner at a point advised he would trim the roof structure back to the maximum width permitted by the Standard (8' 6"). The owner requested that the municipal ticket be cancelled and that confirmation be provided that he was "good with the city" when he brought the unit into compliance.

.../2

5.1

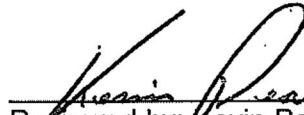
6. The final email of the string was sent to the owner on March 19, 2021 confirming that a roof meeting the width limitations of the CAN/CSA Z240 RV Standard would be considered a renovation to an RV and would therefore be exempt from building code requirements. The owner was further advised that a municipal ticket would not be held indefinitely and a firm time frame for compliance was requested. Finally the owner was advised that such broad confirmation as requested could not be granted as further bylaw infractions could be forthcoming over time.
7. The owner has not responded to the latest email of March 19, 2021. The bylaw officer made two attempts to discuss the matter on site but the owner was unavailable.
8. The municipal ticket was unpaid and was sent on to collections.

CONCLUSION:

Since there has been no remediation to date it is recommended that the City of Salmon Arm proceed with the filing of a Section 57 Notice on the title of the subject property. Once registered on title the Notice will provide warning to prospective buyers of the bylaw infraction. The Notice on title may be removed once the remedial work has been completed and the appropriate fee is paid as indicated in the City Fee for Service Bylaw.



Prepared by: Maurice Roy, RBO CRBO
Manager of Permits & Licensing



Reviewed by: Kevin Pearson, MCIP
Director of Development Services

:mr

Appendices

1. Photo of roof structure
2. Letter of December 24, 2020
3. Checklist
4. Location Map



CITY OF
SALMON ARM

December 24, 2020

S. and J. Greek
90 - 2 Street SE
Salmon Arm BC V1E 1G8

Dear Sir & Madam:

RE: STOP WORK RE: Construction of framed roof over recreational vehicle

The City Bylaw Officer recently issued a municipal ticket for construction which has occurred at the referenced address without a building permit.

This letter serves as a **"STOP WORK"** notice until a building permit is issued.

Please be advised that construction of this nature must meet the Zoning Bylaw setback of 1m from the property line. A surveyors siting certificate will be required to verify the location of the structure in relation to the east and south property lines. If construction is confirmed as less than the requisite amount, a variance permit application must be submitted to the City planning department. The application must subsequently then be approved by City Council. City staff will most likely not support a variance request however the final decision rests with Council. The application fee for the variance permit is \$1000.00.

Further be advised, a building permit application is required in order to obtain a building permit. Photos provided indicate the roof structure is supported by the recreational vehicle. This method of construction is not permitted unless you obtain the services of a structural engineer. The structural engineer must provide stamped design drawings for the building permit application and certification of works for final approval. Building permit fees are based on the value of construction. Based on the scope of work the building permit fee would most likely not exceed \$100.00. The Variance Permit must be obtained before the Building Permit can be authorized.

Ensure remedial action on or before January 29, 2021 by either submitting the Variance and Building permit applications or by completely removing the structure.

Yours truly,



Maurice Roy, RBO/CRBO
Manager of Permits and Licensing

MR/sg

Cc: Kevin Pearson, Director of Development Services

CHECKLIST FOR SECTION 57 OF THE COMMUNITY CHARTER
FILING NOTICE IN LAND TITLE OFFICE OF BUILDING BYLAW
CONTRAVENTIONS

Premise: Legal Description LOT 7 BLOCK 3 PLAN 392 14-20-10
 Civic Address 90 - 2ND STREET SE.
 Registered Owner(s) JOANNE GREEK
SHAWN GREEK

Date:

DEC. 24/2020 1.

Building Inspector should inspect property. Take photos, date and sign, note details of contraventions of Building Bylaw or other regulations relating to buildings and structures and how contravention renders the building unsafe (if applicable). If building is unsafe, a review with the Clerk and the Director of Planning is required to evaluate "time frame".

FEB 10/2021 2.

Inspector should send letter "Via Courier" or "Registered Mail" to owner and occupier detailing contraventions, citing contravened regulations and directing remedial action within a "time frame" of thirty (30) days or otherwise court action to enforce the regulation or Section 57 of the Community Charter. Send a copy of Section 57.

MAR 17/2021 3.

On the thirtieth (30th) day, inspect again. Note condition of property. Take photos if any change.

APR. 13/2021 4.

If no change or further contraventions, Inspector prepares report and recommendation that a resolution to file notice again Title pursuant to Section 57(3) be considered by Council and files it with the Municipal Clerk.

_____ 5.

Municipal Clerk sends owner a notice of Meeting of Council where Inspector's report and recommendation will be considered, together with copy of report and recommendation, by Registered Mail or Courier. Clerk should prepare resolution (see form).

_____ 6.

On day of Council Meeting, item should be announced and Mayor should ask if owner of property present and wishes to make representations. Council should listen fairly to owner, as well as to Inspector. If Council decides that a notice should be filed against Title, Council should pass resolution (see form).

_____ 7.

Clerk should prepare notice of resolution and send or deliver to Registrar of Land Titles with payment of prescribed fee.

1ST. S.E.

2 ST. S. E.

3 ST. S. E.

4 ST. S. E.

OK

CITY OF
SALMON ARM

TO: His Worship Mayor Harrison and Council

DATE: April 14, 2021

SUBJECT: Recommendation to File Notice of Infraction of Building Bylaw No. 3939, Section 3.1.1 (failure to obtain building permit) against Title of Lot 18, Block 3, Plan 392, Section 14, Township 20, Range 10, W6M, KDYD (91 – 3 Street SE).

Property Owner: Janine Radcliffe

STAFF RECOMMENDATION:

THAT: A notice be filed against Title of Lot 18, Block 3, Plan 392, Section 14, Township 20, Range 10, W6M, KDYD (91 – 3 Street SE) pursuant to Section 57 of the Community Charter.

BACKGROUND:

1. On, or about, April 11, 2018 the City became aware of a detached garage, which had been constructed without a permit, at the referenced address. A notice to "Stop Work" was issued the same day.
2. Without resolving the matter, the building official involved in the action subsequently retired. It appears the unresolved "Stop Work" notice was mistakenly placed into the property file.
3. When the error was discovered a letter, dated February 03, 2021, was sent to the owner advising of the requirement of a building permit.
4. There was no response to the letter, therefore on March 08, 2021 a second letter was sent by registered mail indicating that the Section 57 notice on title process was being initiated.
5. Receipt of the registered letter was confirmed however again there was no response from the owner.
6. The garage appears to be approximately 200 sq.ft. in area and appears to conform to the required setbacks. A photo is attached as appendix 1.

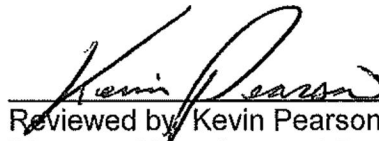
5.2

CONCLUSION:

Since the Building Bylaw contravention remains unresolved to date it is recommended that the City of Salmon Arm proceed with the filing of a Section 57 Notice on the title of the subject property. Once registered on title the Notice will provide warning to prospective buyers of the bylaw infraction. The Notice on title may be removed once a building permit is issued, a final inspection completed and the appropriate fee is paid as indicated in the City Fee for Service Bylaw for the removal of the notice on title.



Prepared by: Maurice Roy, RBO CRBO
Manager of Permits & Licensing



Reviewed by: Kevin Pearson, MCIP
Director of Development Services

:mr

Appendices

1. Photo
2. Checklist
3. Location Map

Appendix 1



Appendix 2

**CHECKLIST FOR SECTION 57 OF THE COMMUNITY CHARTER
FILING NOTICE IN LAND TITLE OFFICE OF BUILDING BYLAW
CONTRAVENTIONS**

Premise: Legal Description LOT 18 BLOCK III PLAN 392 14-20-10
 Civic Address 91 - 3 ST SE.
 Registered Owner(s) JANINE RADCLIFFE

Date:

- FEB 03/21 1. Building Inspector should inspect property. Take photos, date and sign, note details of contraventions of Building Bylaw or other regulations relating to buildings and structures and how contravention renders the building unsafe (if applicable). If building is unsafe, a review with the Clerk and the Director of Planning is required to evaluate "time frame".
- MAR 08/21 2. Inspector should send letter "Via Courier" or "Registered Mail" to owner and occupier detailing contraventions, citing contravened regulations and directing remedial action within a "time frame" of thirty (30) days or otherwise court action to enforce the regulation or Section 57 of the Community Charter. Send a copy of Section 57.
- APR. 13/21 3. On the thirtieth (30th) day, inspect again. Note condition of property. Take photos if any change.
- APR. 14/21 4. If no change or further contraventions, Inspector prepares report and recommendation that a resolution to file notice again Title pursuant to Section 57(3) be considered by Council and files it with the Municipal Clerk.
- _____ 5. Municipal Clerk sends owner a notice of Meeting of Council where Inspector's report and recommendation will be considered, together with copy of report and recommendation, by Registered Mail or Courier. Clerk should prepare resolution (see form).
- _____ 6. On day of Council Meeting, item should be announced and Mayor should ask if owner of property present and wishes to make representations. Council should listen fairly to owner, as well as to Inspector. If Council decides that a notice should be filed against Title, Council should pass resolution (see form).
- _____ 7. Clerk should prepare notice of resolution and send or deliver to Registrar of Land Titles with payment of prescribed fee.



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To: His Worship Mayor Harrison and Members of Council

Date: April 30, 2021

Subject: Variance Permit Application No. VP-527 (Setback)

Legal: Lot 1, Section 6, Township 21, Range 9, W6M, KDYD, Plan KAP63659
 Civic Address: 4851 - 73 Avenue NE
 Owner: Blackstock, J.
 Applicant: Passey, B., BWP Construction

STAFF RECOMMENDATION

THAT: Development Variance Permit No. VP- 527 be authorized for issuance for Lot 1, Section 6, Township 21, Range 9, W6M, KDYD, Plan KAP63659 (4851 - 73 Avenue NE) which will vary Zoning Bylaw No. 2303, (R1 - Single Family Residential Zone) as follows:

Section 6.10.1 - Front Parcel Line Setback for a Principal Building - reduce from the minimum 6.0 m to 1.4 m to accommodate an addition to the principal building, as shown on Schedule A.

PROPOSAL

The applicant is seeking approval for a front parcel line setback of 1.4 instead of the required minimum 6.0 m for a garage and upper floor addition to the principle dwelling. A site survey certificate prepared by a BC Land Surveyor is attached as Schedule A (Appendix 1).

BACKGROUND

The property is located in the Canoe neighbourhood on the north side of 73 Avenue NE near the intersection of 48 Street NE (Appendix 2). The property has an Official Community Plan (OCP) designation of "Low Density Residential" and is zoned R1 - Single Family Residential. Photos of the addition taken from the street are attached (Appendix 3). Adjacent zoning and land uses include the following:

North: R1 (Single Family Residences)
 South: R1 (Single Family Residences)
 East: R1 (Single Family Residences) and P3 (Institutional- Canoe Senior Citizens Association)
 West: R1 (Single Family Residences)

The circumstances involved with the building permit process are summarized in the attached report from the Manager of Permits and Licensing, dated February 17, 2021 (Appendix 4). The situation is a result of an unfortunate series of errors and oversights from the beginning of the application process in 2018 to the Final Occupancy stage late last year.

Primarily relying on the initial site plan as being true and correct (Appendix 5), the Development Services Department takes some responsibility for this situation in so far that construction continued right to the end in the absence of a site survey certificate.


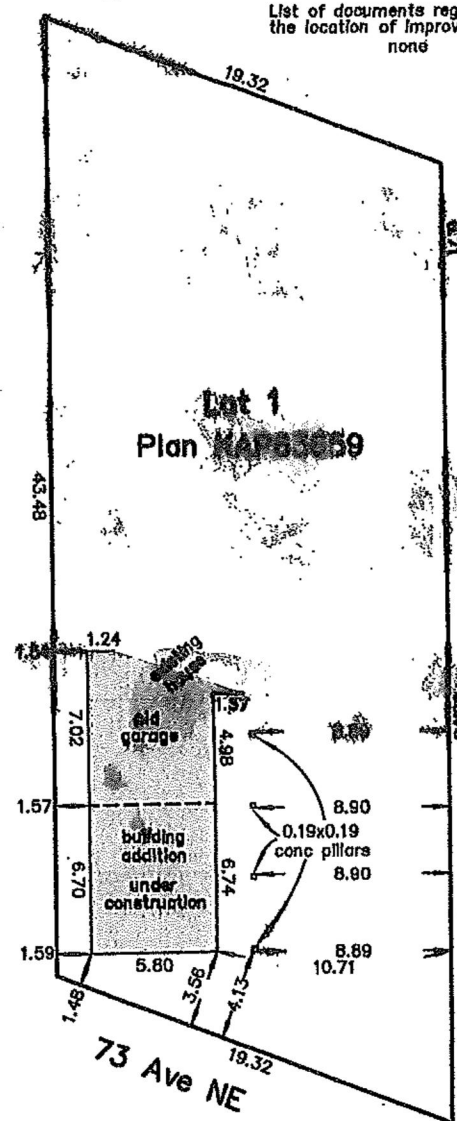
The contractor continued to build without abiding by the terms and conditions of the building permit, and only produced the site survey certificate earlier this year (note that it is dated September 2018).

Other than protruding 4.6 m into the front setback area, the addition is aesthetically pleasing in staff's opinion and does not negatively affect traffic site lines or utilities. The contractor was encouraged in March 2021 to consult with the neighbouring property owners well before this application is brought to City Council. To date, no objections from the neighbouring property owners have been brought to staff's attention.

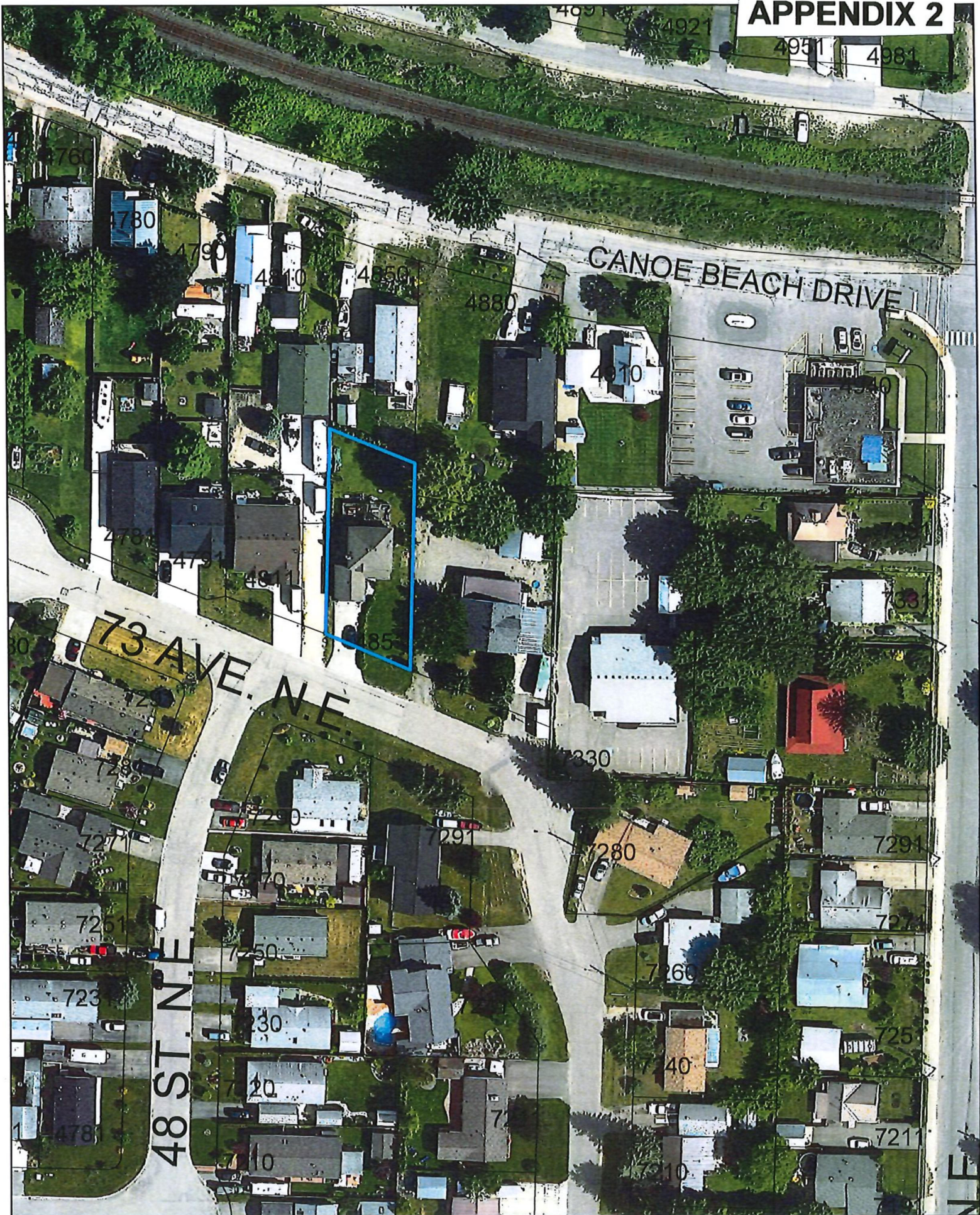
Staff is hopeful that City Council will approve this variance as rejection could lead to extremely difficult options for compliance. There is little else that can be practically done to remedy this situation.

A handwritten signature in black ink, appearing to read "Kevin Pearson". The signature is fluid and cursive, with a large loop at the end.

Kevin Pearson, MCIP, RPP
Director of Development Services

 BROWNE JOHNSON Land Surveyors		BRITISH COLUMBIA AND CANADA LANDS Box 382, Salmon Arm, B.C. V1E 4N5 250-832-9701 office@brownejohnson.com	
BC LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE			
To: BWP Construction C/O Bryce Passey 7080 50th St NE Canoe, BC V0E 1K0 Your File:		Re: Lot 1, Section 6, Township 21, Range 9, W6M, KDYD, Plan KAP63659 Parcel Identifier (PID): 024-371-459 Civic Address: 4851 73rd Ave NE, Canoe	
List of documents registered on title which may affect the location of improvements: <div style="text-align: center;">none</div>			
<div>  </div>			
<div style="display: flex; justify-content: space-between;"> <div> <p>Scale 1: 250</p> <p>All distances are in metres. Dimensions derived from KAP63659</p> </div> <div> <p>Offsets from property line to building are measured from the foundation.</p> </div> </div>			
<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.</p> <p>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.</p> <p>This building location certificate has been prepared in accordance with the Professional Reference Manual and is certified correct this 28th day of September, 2018.</p>		<p>COPYRIGHT © BROWNE JOHNSON 2018 LAND SURVEYORS</p> <p>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.</p> <p>THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY DIGITALLY SIGNED.</p> <p style="text-align: right;">Our File: 532-18 Fb: 532-18.raw</p>	

SCHEDULE A



4851 - 73 Ave. NE (Property Under Application DVP-527)





View of Front Yard from 73 Ave NE



TO: Kevin Pearson Director of Development Services

DATE: February 17, 2021

SUBJECT: Building permit 15831B and subsequent encroachment

CIVIC: 4851 – 73 Avenue NE

A building permit application for an attached garage addition and second floor master bedroom was submitted on August 03, 2018 for the referenced address. The plans were professionally prepared and the proposed site plan indicated a 6.07m front setback, which conformed to the residential setback. Unknown to the building official/plan checker there was an error on the site plan. The required 6m front setback was in fact only 1.48m. The building permit was issued on August 27, 2018 without detecting the error, however, providing a surveyors siting certificate prior to framing was listed as a permit condition. It is suspected framing commenced prior to the contractor having the property surveyed.

On September 11, 2018 the initial footing inspection was conducted without considering there may be an encroachment problem, however the survey certificate was requested by the inspector as per the permit condition. City inspectors conducted several additional inspections but the location of the garage addition was not questioned. At the time of the framing inspection on December 03, 2018 the survey certificate was again requested and the inspector was advised the contractor was in possession of same. Additional inspections were conducted on December 11, 2018, and after an insulation/vapour barrier inspection, approval was granted to continue with interior finish. There were no further requests for inspections from the owner or contractor and the permit subsequently expired on August 27, 2020.

While attempting to clear out expired files the undersigned reviewed the property file to obtain background information prior to approaching the owner with an occupancy inspection request. The property file contained a survey certificate from the original house which made it readily apparent that there was a serious encroachment at the South West corner of the garage. A site inspection was conducted on January 6, 2021 and the owner of the dwelling admitted he was aware of an encroachment. He claimed it had been the contractor's responsibility to look after any required variance details.

After several requests the contractor finally produced the outstanding survey certificate, which confirmed a 4.52m encroachment. The survey certificate is dated September 28, 2018, therefore the contractor should have been well aware of the problem prior to getting very far into the framing. The project has been completely finished.

It is acknowledged that several steps by the building officials could have prevented, or at least mitigated this problem:

1. Checking the property file for background documents, including the existing survey certificate contained within, at the time of the plan review;
2. Objectively reviewing the footing form placement at the first inspection rather than simply relying on a future survey certificate; and
3. Not granting further inspections or approvals for works above the foundation until the survey certificate had been submitted.

It is also fair to point out that the Building Officials were relying on the site plan provided with the application as being accurate. The contractor bears some responsibility for continuing on with the project contrary to the permit conditions while having knowledge of the encroachment as noted above.

The building bylaw has been reviewed to provide some guidance on how to avoid similar incidents in the future. Firstly, Article 5.2.6 of Division 5 states that when a survey certificate is required it is to be provided prior to the commencement of works above grade. Secondly, Article 6.8 of Division 6 states that sufficient information be filed with the application to establish that the proposed works will conform to the bylaw and other enactments. And lastly, Article 9.1.4 of Division 9 provides the Building Official with authority to, at application stage, ask for a site plan prepared by a BC Land Surveyor, a registered professional or as otherwise acceptable to the building official to establish conformity to the bylaw and other enactments. This latitude allows the building official to judge each application on its own merits but also to request professional involvement for complex applications where the lot configuration makes it difficult to assess the building setbacks.

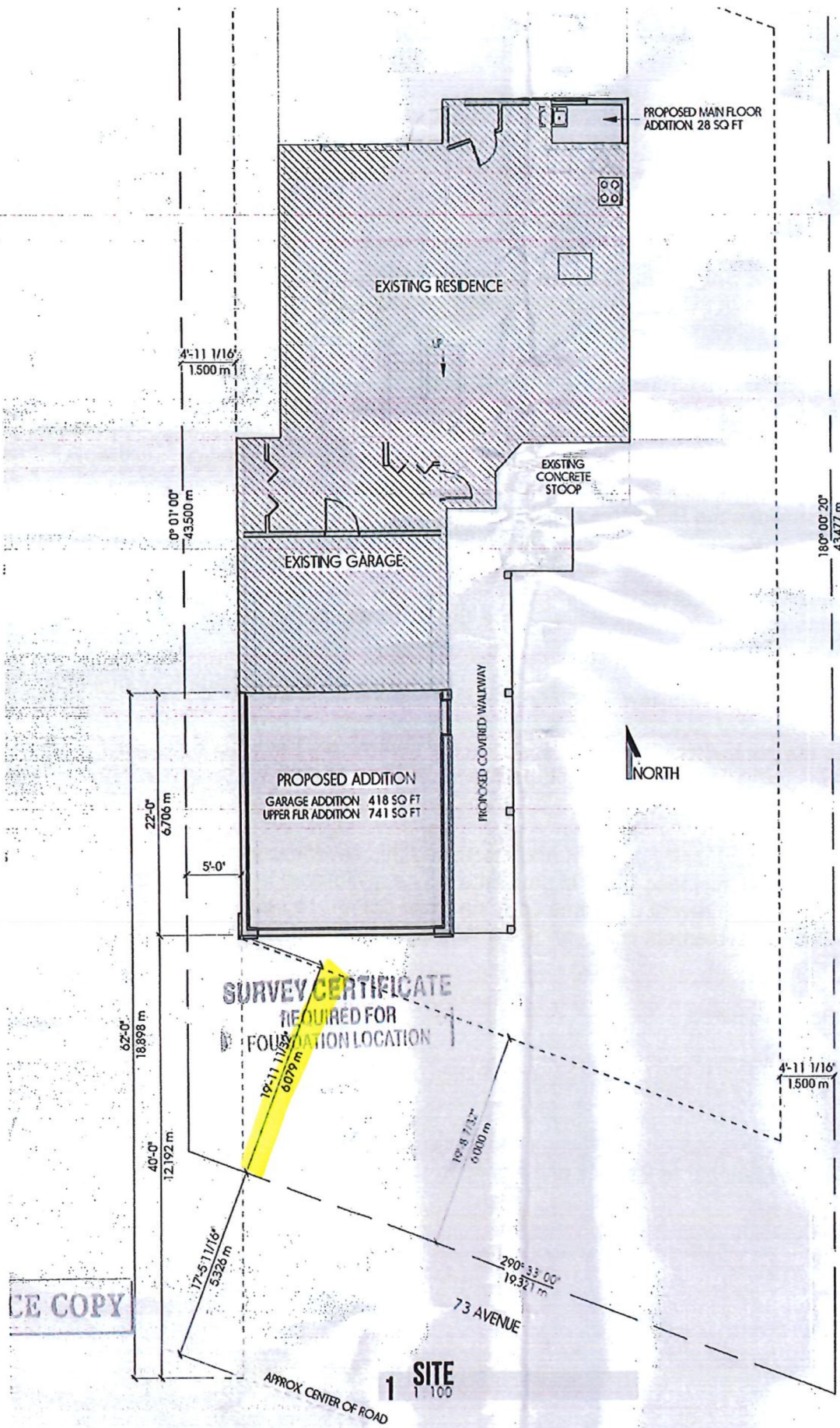
Although not part of the bylaw, some contractors engage the surveyor to locate the footing forms prior to placement of concrete. This is occurring in very tight or complex layouts but unfortunately, it doubles the contractors surveying costs. Some contractors have the equipment to locate their footings accurately so it may be a burden to make it mandatory for a surveyor to produce such works.

Building department staff have met and discussed this case in particular and conclude that with diligent plan checking these types of problems will be minimized. In addition, applying article 5.2.6 as it is intended will reveal problems early on while options to correct issues still exist. Staff will utilize all the enforcement tools above in an effort to minimize the occurrence of variance applications.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'M. Roy', written in a cursive style.

Maurice Roy, Manager of Permits and Licenses



*Site Plan Provided
with Building Permit
Application 15831B*

CE COPY



TO: His Worship Mayor Harrison and Members of Council

DATE: May 6, 2021

SUBJECT: Variance Permit Application No. VP - 530 (Setback)
 Legal: Lot 17, Section 13, Township 20, Range 10, W6M, KDYD, Plan EPP105897
 Civic Address: 2348 5 Avenue SE
 Owner/Applicant: B. Christensen & L. Laderoute

STAFF RECOMMENDATION

THAT: Development Variance Permit No. VP - 530 be authorized for issuance for Lot 17, Section 13, Township 20, Range 10, W6M, KDYD, Plan EPP105897 which will vary Zoning Bylaw No. 2303, R8 (Residential Suite Zone) as follows:

Section 13.12.3 Interior Side Parcel Line Setback reduction from 1.5m to 0.71m for the construction of a single family dwelling with a suite.

PROPOSAL

The applicant is proposing an Interior side parcel line setback variance from 1.5m to 0.71m in order to sanction the location of the single family residence currently under construction.

BACKGROUND

The subject property is approximately 600m² in area and is comprised of a single family dwelling with an attached one car garage that is under construction (Appendices 1 and 2). The property is designated Residential Low Density in the Official Community Plan (OCP) and is zoned R8 – Residential Suite Zone (Appendices 3 and 4) within Zoning Bylaw No. 2303.

Adjacent land uses include the following:

North: R8 (Residential Suite Zone)
 South: R8 (Residential Suite Zone)
 East: R8 (Residential Suite Zone)
 West: R8 (Residential Suite Zone)

According to the application, prior to the foundation stage of construction the property pins were moved. The movement resulted in the building foundation being set closer to the property line than permitted. The error was discovered when a survey to verify the location of the foundation during the Building Permit process was submitted. The applicant details the events in a letter of rationale (Appendix 5). While framing was well underway, staff advised the contractor of the issue and that continuing with construction without a remedy was at their own risk. It should be noted that the building area is not increasing, the variance is to address the eastward shift of the building toward the east property line.

Development Variance Permits are considered on a case-by-case basis and in doing so a number of factors are taken into consideration when reviewing a request. These factors include site specific conditions such as lot configuration, negative impact to general form and character of the surrounding neighbourhood and negative impact(s) on adjacent properties.

The impact of the variance will have the most impact on the development of the adjacent property to the east. The proximity to existing structures is also considered and given that there are no buildings on the adjacent property and no Building Permit application at the time of this report there is limited information to provide in terms of impact to future form and character. The proposed secondary suite access for the subject property is along the east parcel line; the negative impact to the adjacent parcel could be mitigated with landscaping and fencing.

Should Council not support the variance request the applicant would have to remove those portions of the house that encroach within the setback area, although a more reasonable solution to that options would be to seek a boundary adjustment (subdivision) with the adjacent property to the east. Appendix 9 highlights the shared property line with the owner to the east. The City could also seek a *Community Charter* Section 57 Notice on Title that would alert future property owners of the encroachment into the setback area. Appendices 6, 7 and 8 are site photos and Building Permit drawings that estimate the areas impacted by the variance.

COMMENTS

Engineering Department

No concerns.

Building Department

No concerns.

The BC Building Code includes provisions governing the limiting distance between buildings. These provisions include limitations on the number of openings a building may have and the construction materials of that building when located in close proximity to a property line. In this instance, should construction on the adjacent property be compliant with the zoning setbacks, the variance on the subject property would not impact the adjacent lot.

Fire Department

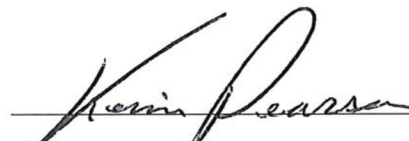
No concerns.

Planning Department

Staff have no concerns with the variance request and support the issuance of the Development Variance Permit.

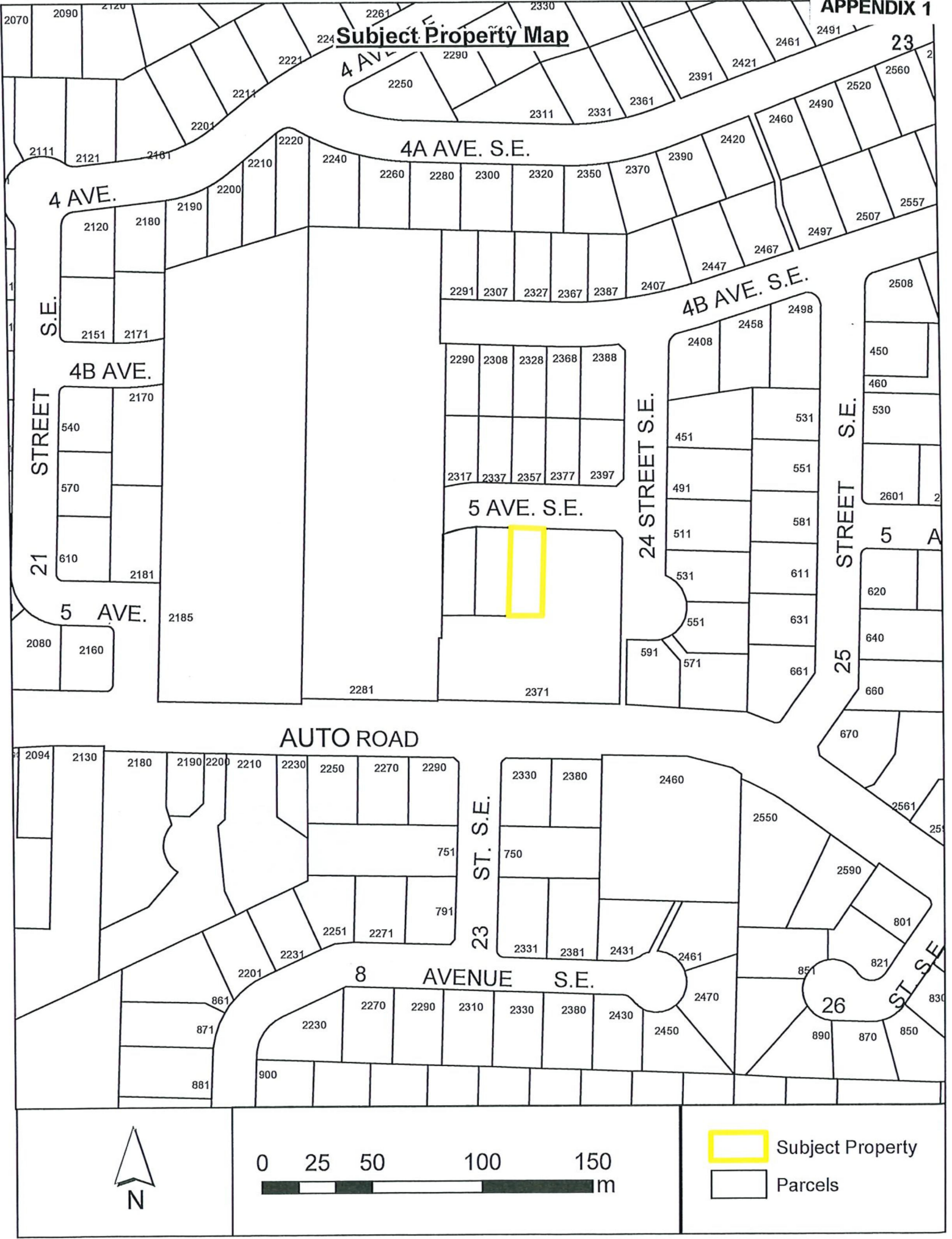


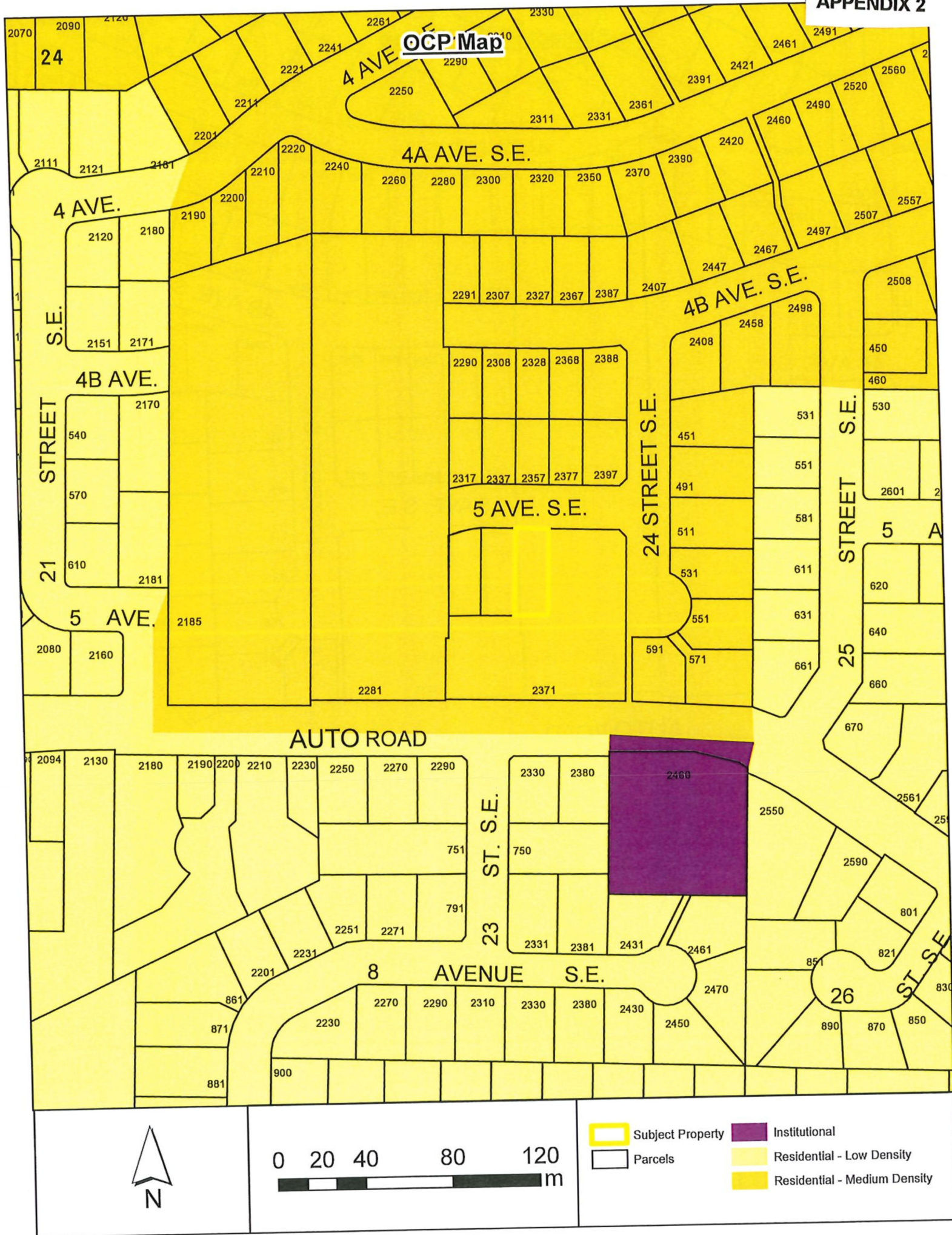
Prepared by Melinda Smyrl, MCIP, RPP
Planner



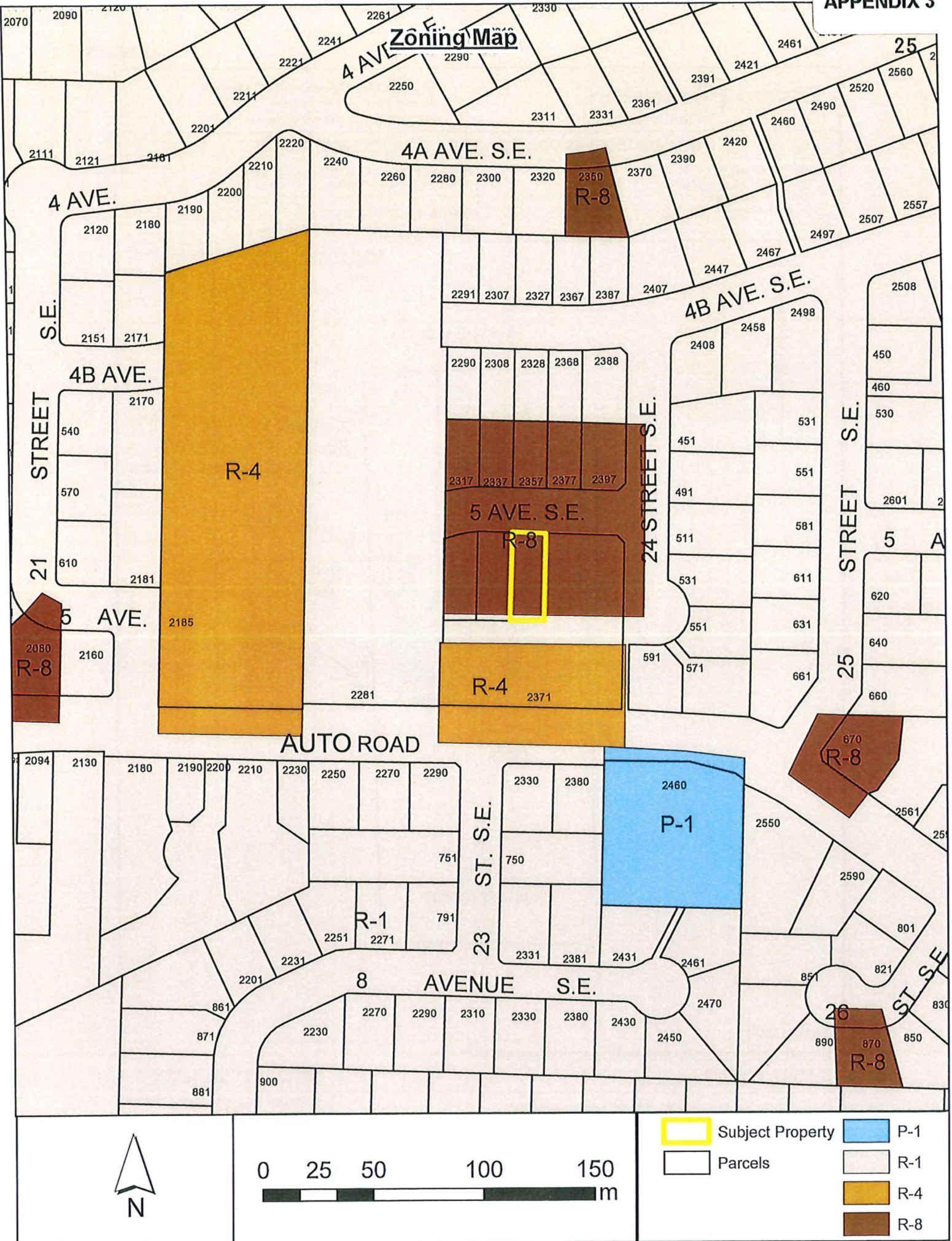
Reviewed by Kevin Pearson, MCIP, RPP
Director of Development Services

Subject Property Map





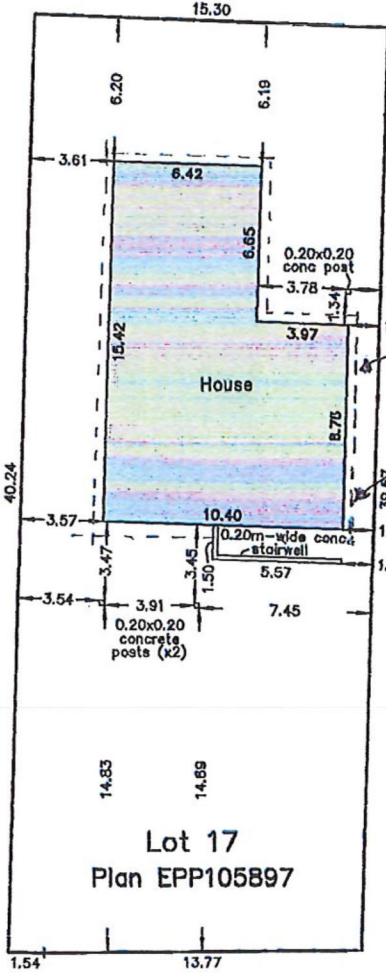



Zoning Map



0 25 50 100 150 m

- Subject Property
- Parcels
- P-1
- R-1
- R-4
- R-8

	BRITISH COLUMBIA AND CANADA LANDS Box 362, Salmon Arm, B.C. V1E 4N5 250-832-9701 office@brownejohnson.com
BC LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE	
To: Ken Christensen c/o Tybro Construction 980 60 Street NE Salmon Arm, BC, V1E 1Y3 Your File:	Re: Lot 17, Sec 13, Tp 20, Rge 10, W6M KDYD, Plan EPP105897 Parcel Identifier (PID): 031-239-111 Civic Address: 2348 5 Avenue SE, Salmon Arm
<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;">  </div> <div style="width: 55%;"> <p style="text-align: center;">5 Avenue SE</p>  <p style="text-align: center;">Lot 17 Plan EPP105897</p> </div> <div style="width: 40%; font-style: italic;"> <p>★ EAVES SURROUNDING HOUSE ARE 24" OR 0.609600 metres.</p> <p>concrete</p> <p>71m eaves</p> <p>72m eaves concrete</p> </div> </div>	
<p style="text-align: right; font-size: small;">List of documents registered on title which may affect the location of improvements: None</p>	
<p>Scale 1:200</p>  <p style="font-size: x-small;">All distances are in metres. Dimensions derived from Plan EPP105897</p>	
<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.</p> <p>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.</p> <p>This building location certificate has been prepared in accordance with the Professional Reference Manual and is certified correct this 2nd day of February, 2021.</p>	<p style="text-align: center;">Nicole Bird BTKBAK</p> <p style="font-size: x-small;">Digitally signed by Nicole Bird BTKBAK Date: 2021.02.05 16:24:49 -06'00'</p> <p style="text-align: right;">BCLS</p>
<p style="font-size: x-small;">Copyright © BROWNE JOHNSON 2021 LAND SURVEYORS</p> <p style="font-size: x-small;">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.</p> <p style="text-align: center; font-weight: bold; font-size: x-small;">THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY or DIGITALLY SIGNED.</p> <p style="font-size: x-small;">Our File: 45-21 Fb: 44-21.raw</p>	

Variance Permit Application

Brooks Christensen And Larissa Laderoute

Lot 17 section 13 township 20 range 10 west of the 6th meridian Kamloops

Division Yale district Plan Epp105897

Letter of Rationale

Attention,

His Worship, Alan Harrison,

And City Council Members.

Note: This is a brand-new residential house build.

Tybro Construction is the contractor on the build of the house and WEBB Contracting is the general contractor on the entire development of Cherrywoode Subdivision (Nakazawa subdivision).

1 rear property pin was removed by phase 4 development contractor, WEBB contracting, then was reinstalled by WEBB Contracting in which Tybro Construction was told it was reinstalled in the exact original location prior to the house start date and build permit issuance.

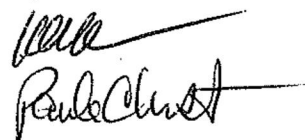
Tybro Construction laid the house out according to all the pins that were on the lot located at 2348-5th Ave SE, Salmon Arm, BC. When Browne and Johnson surveyed the house at lock up stage for Tybro Construction to obtain a survey certificate for building permit purposes, Browne and Johnson informed Tybro that not just 1, but '3 rear pins' were in the incorrect location. The house is .20 metres too close to the property line on the east side due to the incorrect location of the property pins that were removed/reinstalled by WEBB Contracting.

Original permit was issued for the house to be placed at 1.5m on the east side of property. The house is currently at 1.3 m from the east side of property.

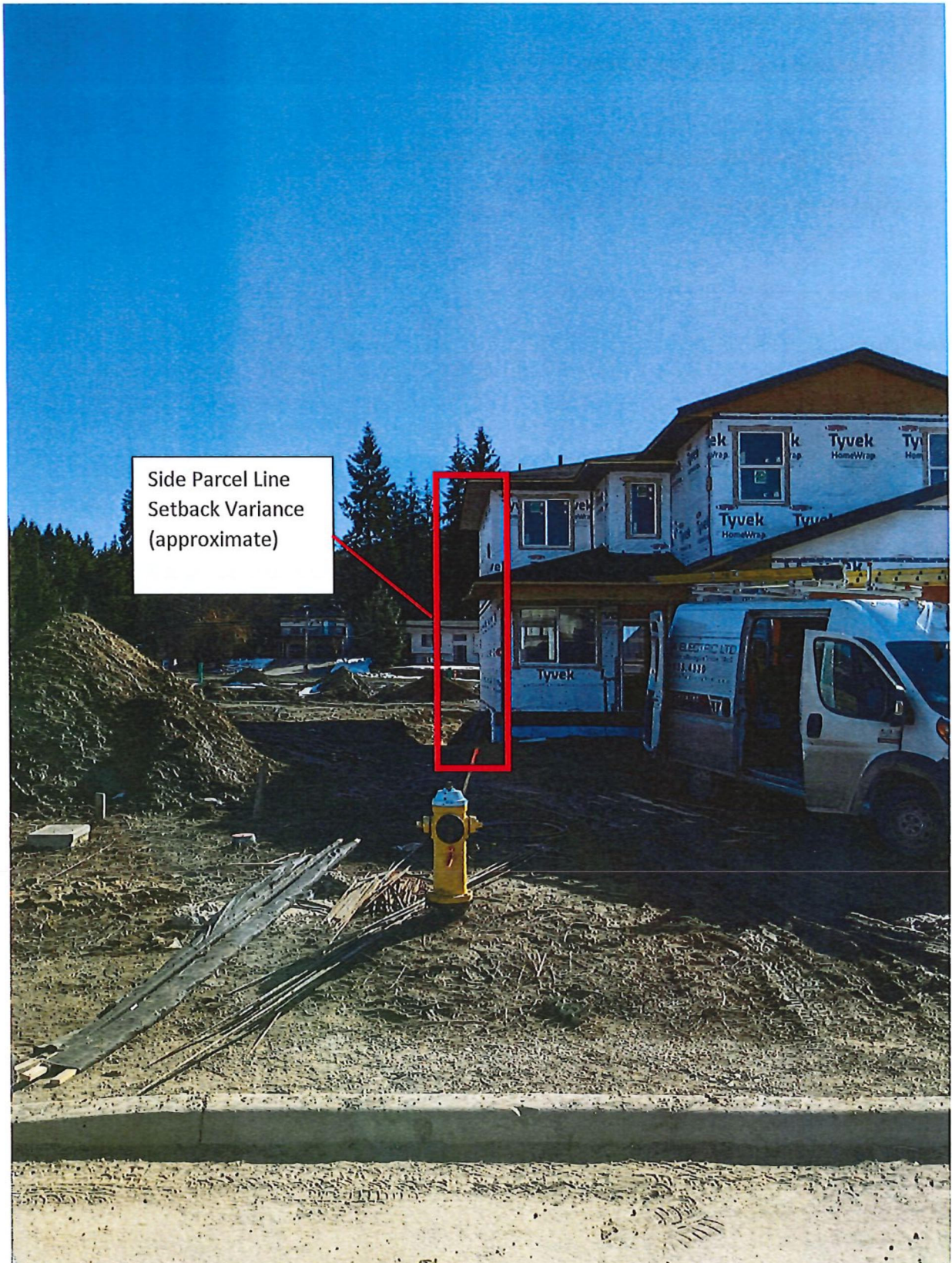
We are asking you for a Variance for the house to sit .20 metres closer to the east side of the property.

Thank you for your understanding,

Tybro Construction Ltd.



Ken and Paula Christensen

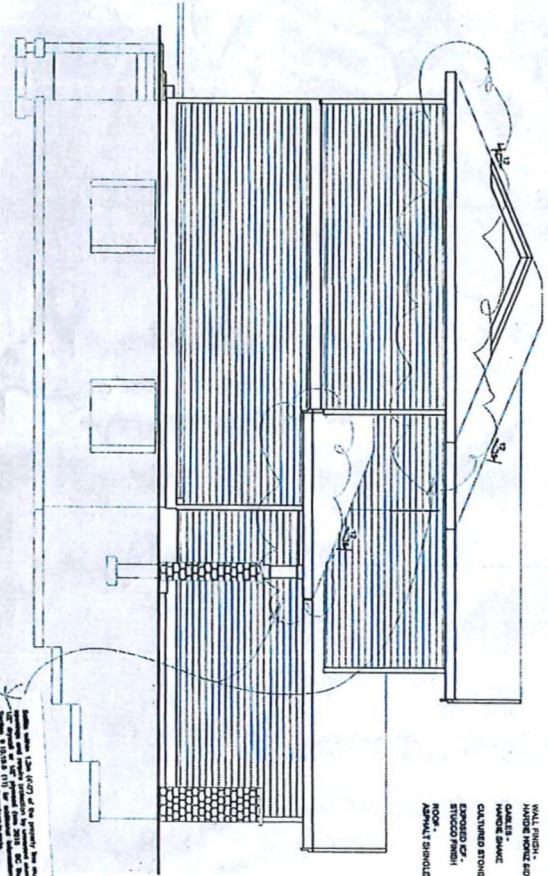


ELEVATION NOTES

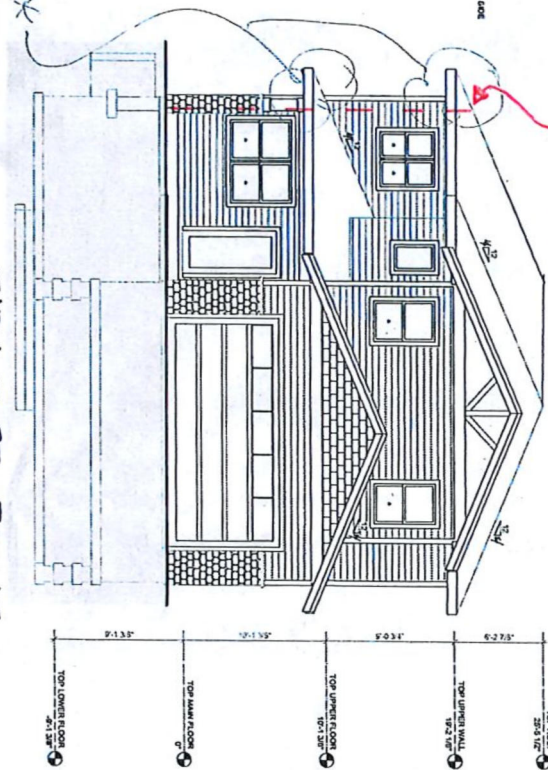
WALL FINISH -
 EXPOSED STONE ON ENTRY FEE
 STUCCO FINISH
 ROOF -
 ASPHALT SHINGLE

Variance (approx.)

E EAST ELEVATION
 SCALE 1/4" = 1'-0"



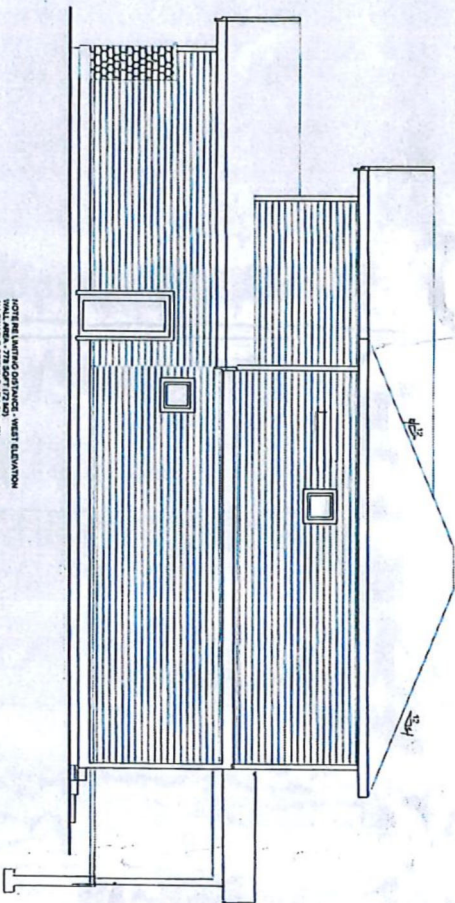
N NORTH ELEVATION
 SCALE 1/4" = 1'-0"



5TH AVE SE FRONT

Variance (approx.)

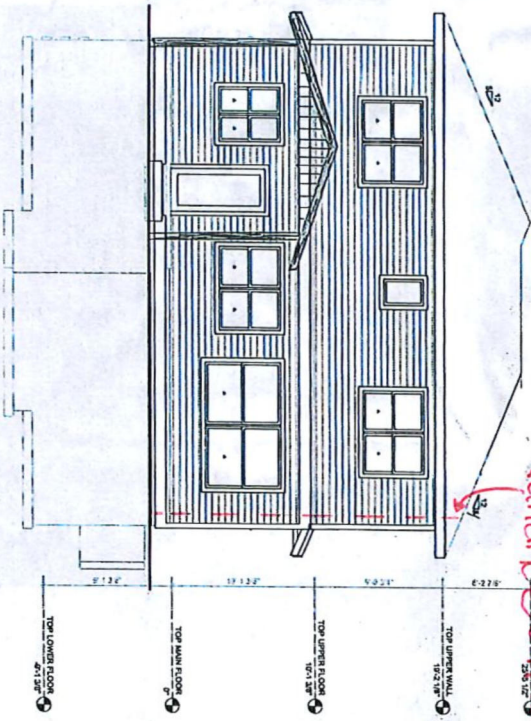
W WEST ELEVATION
 SCALE 1/4" = 1'-0"



NOTE: SEE LANDING DISTANCE - WEST ELEVATION
 HALLWAY - 7'0" x 7'0" x 7'0" x 7'0"
 ACTUAL TOTAL OVERHEADS - 11'6" x 11'6" x 11'6" x 11'6"
 LARGEST ACTUAL OVERHEADS - 22'0" x 22'0" x 22'0" x 22'0"

S SOUTH ELEVATION
 SCALE 1/4" = 1'-0"

REAR



KHM
 DESIGN

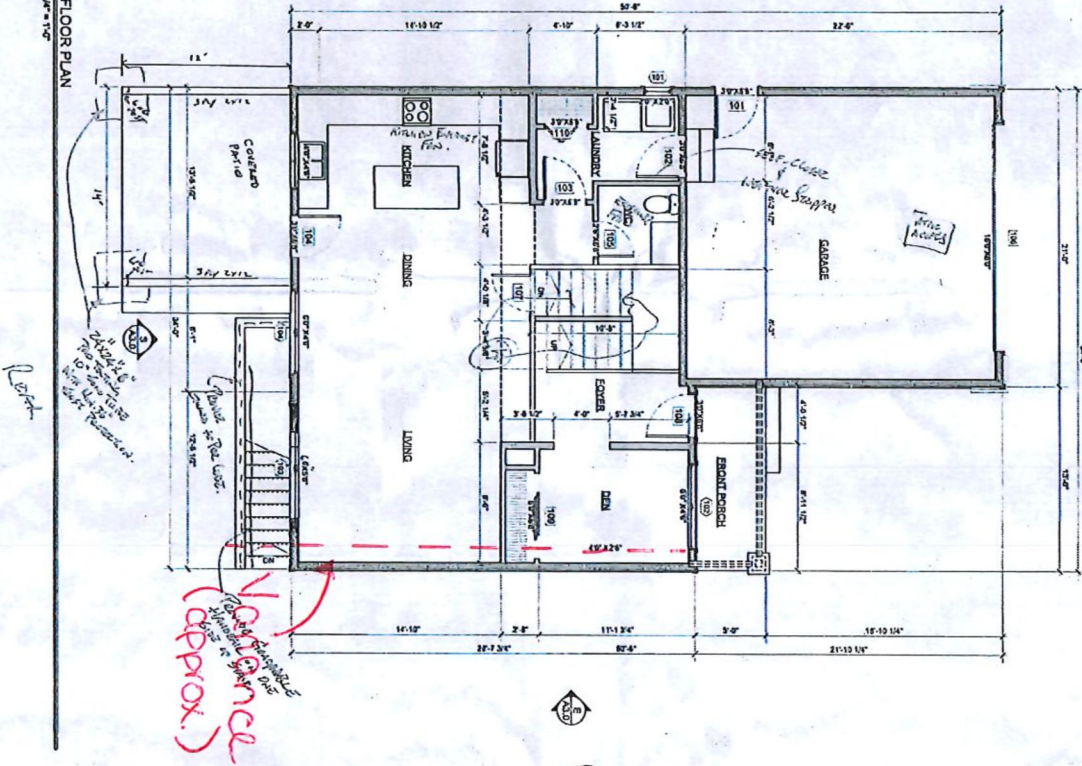
3000 28 ST NE
 SALMON ARM, BC
 V1E 2N6
 250.517.2713
 khm@khrmdesign.ca
 www.khrmdesign.ca

PROJECT:
 CHRISTENSEN REIDENCE
 LOT 19 5B AVE SE
 SALMON ARM, BC

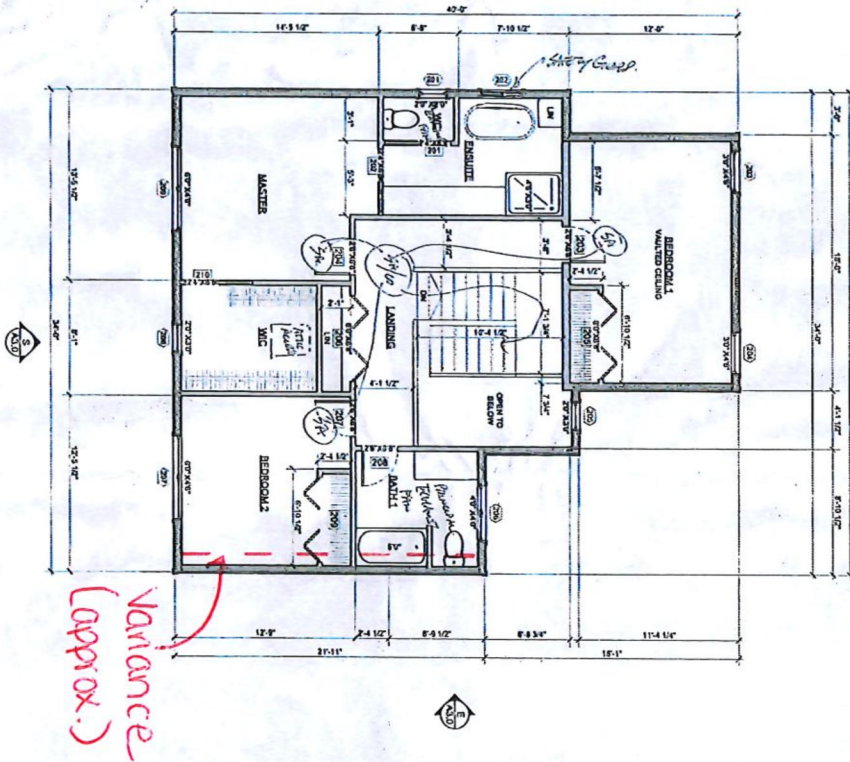
SHEET NAME:
 ELEVATIONS 1
 11/1/20 ISSUED FOR PERMIT

DATE: 11/1
 DRAWN BY: KHM
 JOB NO: 446
 A3

3 MAIN FLOOR PLAN
SCALE 1/4" = 1'-0"



2 UPPER FLOOR PLAN
SCALE 1/4" = 1'-0"



ITEM	QTY	UNIT	PRICE	TOTAL
1	1	sq. ft.	1.00	1.00
2	1	sq. ft.	1.00	1.00
3	1	sq. ft.	1.00	1.00
4	1	sq. ft.	1.00	1.00
5	1	sq. ft.	1.00	1.00
6	1	sq. ft.	1.00	1.00
7	1	sq. ft.	1.00	1.00
8	1	sq. ft.	1.00	1.00
9	1	sq. ft.	1.00	1.00
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89	1	sq. ft.	1.00	1.00
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92	1	sq. ft.	1.00	1.00
93	1	sq. ft.	1.00	1.00
94	1	sq. ft.	1.00	1.00
95	1	sq. ft.	1.00	1.00
96	1	sq. ft.	1.00	1.00
97	1	sq. ft.	1.00	1.00
98	1	sq. ft.	1.00	1.00
99	1	sq. ft.	1.00	1.00
100	1	sq. ft.	1.00	1.00

PROJECT: CHRISTENSEN REIDENCE LOT 19 5B AVE SE SALMON ARM, BC		DATE: 11/11/20 ISSUED FOR PERMIT: 11/11/20	
SHEET NAME: MAIN FLOOR PLAN, UPPER FLOOR PLAN		DATE: 11/11/20 ISSUED FOR PERMIT: 11/11/20	
DESIGNER: KIM DESIGN 250-517-7131 kim@kimdesign.ca www.kimdesign.ca		APPENDIX 8	



Approximate Property Line

Alternative to Variance:

owner could seek boundary
adjustment with neighbouring
property.

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To: His Worship Mayor Harrison and Members of Council

Date: May 4, 2021

Subject: Zoning Bylaw Amendment Application No. 1208 and Development Variance Permit Application No. 532

Legal: Lot B, Section 24, Township 20, Range 10, W6M, KDYD, Plan 38676

Civic Address: 2151 12 Avenue NE

Owner: Braby, J.

Applicant: Lawson Engineering Ltd. (Blake Lawson)

STAFF RECOMMENDATION

- THAT:** A bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303, 1995 by rezoning Lot B, Section 24, Township 20, Range 10, W6M, KDYD, Plan 38676 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 THAT:** Development Variance Permit No. VP - 532 be authorized for issuance for Lot B, Section 24, Township 20, Range 10, W6M, KDYD, Plan 38676 which will vary Zoning Bylaw No. 2303, R8 (Residential Suite Zone) as follows:

Section 13.12.2 Rear Parcel Line Setback reduction from 6.0m to 5.0m for single family dwellings.

PROPOSAL

The subject parcel is located at 2151 12 Avenue NE (Appendix 1 and 2). The proposal is to rezone the parcel from R1 (Single Family Residential) to R8 (Residential Suite Zone), in advance of a proposed nineteen (19) lot subdivision (Appendix 3). The applicant is also requesting a variance to reduce the rear yard setbacks for those proposed lots from 6.0m to 5.0m.

BACKGROUND

The parcel is designated Medium Density Residential (MDR) in the City's Official Community Plan (OCP), and zoned R1 (Single Family Residential) in the Zoning Bylaw (Appendix 4 & 5). The proposed subdivision sketch plan, showing nineteen (19) residential lots is included as Appendix 6.

The subject property is adjacent to Bastion Elementary School and south of Lakeview Meadows Subdivision. Land uses directly adjacent to the subject property include the following:

North: R1 (Single Family Residential Zone)
 South: P3 (Institutional Zone)
 East: P3 (Institutional Zone)
 West: P3 (Institutional Zone) & R1 (Single Family Zone)

OCP Policy

Land Use

Given that the subject property is designated in the OCP as Medium Density Residential (MDR) and within the Urban Containment Boundary the development of the site for nineteen (19) single family home sites, all proposed to include suites should the owners wish to build the suites. This proposal 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 MDR land for single family dwellings with secondary or detached suites is supported in the OCP (Section 8.3.14).

When considering development, the MDR designation in the OCP supports 22 units per hectare. Given that the proposed development site is approximately 1.363 ha, the density allows for a total of 29 units.

COMMENTS

Subdivision & Engineering Comments

The Engineering Department has no concerns with the proposed rezoning or variance. Comments provided for the subdivision application are enclosed as Appendix 7.

Building Department

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

Fire Department

The Fire Department raised concerns with limited fire apparatus access with vehicles parked on the roadway. The road width for the proposed subdivision is 18.0m, as per the Urban Local Road Standard, similar to other low-density residential neighbourhoods that have recently developed. In addition, the developer is required to install fire hydrants at intervals consistent with the bylaw, which is every 150m.

Planning Department

Based on zoning, there are 405 legal suites in residential areas within the Urban Containment Boundary. This proposal would provide additional housing options 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), newer areas of the Hillcrest neighbourhood and the Lamb subdivision at 3510 20 Avenue NE. 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 this instance, the proposed subdivision includes lots that range in area from 454m² to 668m². As per the R8 zone, if approved, those lots less than 465m² would be limited to a secondary suite within the single family dwelling.

The applicant is also requesting variances for all proposed lots, reducing the rear yard setback from 6.0m to 5.0m to allow for better site design because there are some irregular lot configurations. When considering variance request a number of factors are considered including negative impact on adjacent properties or uses, site constraints and lot configuration.

A reduction in the rear yard setback would allow for larger houses on the lots, increasing the area for secondary suites and potentially increasing the number of bedrooms in each unit. The applicant provided a letter of rationale in their application package (Appendix 8) in which they note the variance would "allow for the developers to maximize the development potential of the subdivision and more specifically the available building space". Staff are supportive of the variance request because consistent variances for all properties within the same development would encourage a coherent form and character for the subdivision

and, in this instance, is considered minor. Staff note that the variance may affect future development for those buildings that are constructed at the proposed 5.0m rear yard setback. In particular, decks or other projections from the primary building into the rear yard area that are greater than 0.6m (2.0ft) in height would require the issuance of a separate variance permit. Ground level decks or patios would not require the issuance of a variance permit. Additionally, the R8 zone restricts parcel coverage to 45% for the principle dwelling and accessory buildings. Should a future developer wish to exceed the permitted maximum site coverage the issuance of a variance permit would be required.

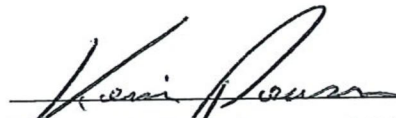
Given OCP policies mentioned above and the general lot layout and lots areas proposed staff are supportive of the rezoning of the subject property from R1 (Single Family Residential Zone) to R8 (Residential Suite Zone).



Prepared by: Melinda Smyrl, MCIP, RPP
Planner



Prepared by Brenda Kolenbrander
Planner

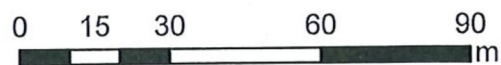
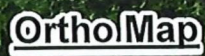


Reviewed by Kevin Pearson, MCIP, RPP
Director of Development Services

Subject-Property Map

36



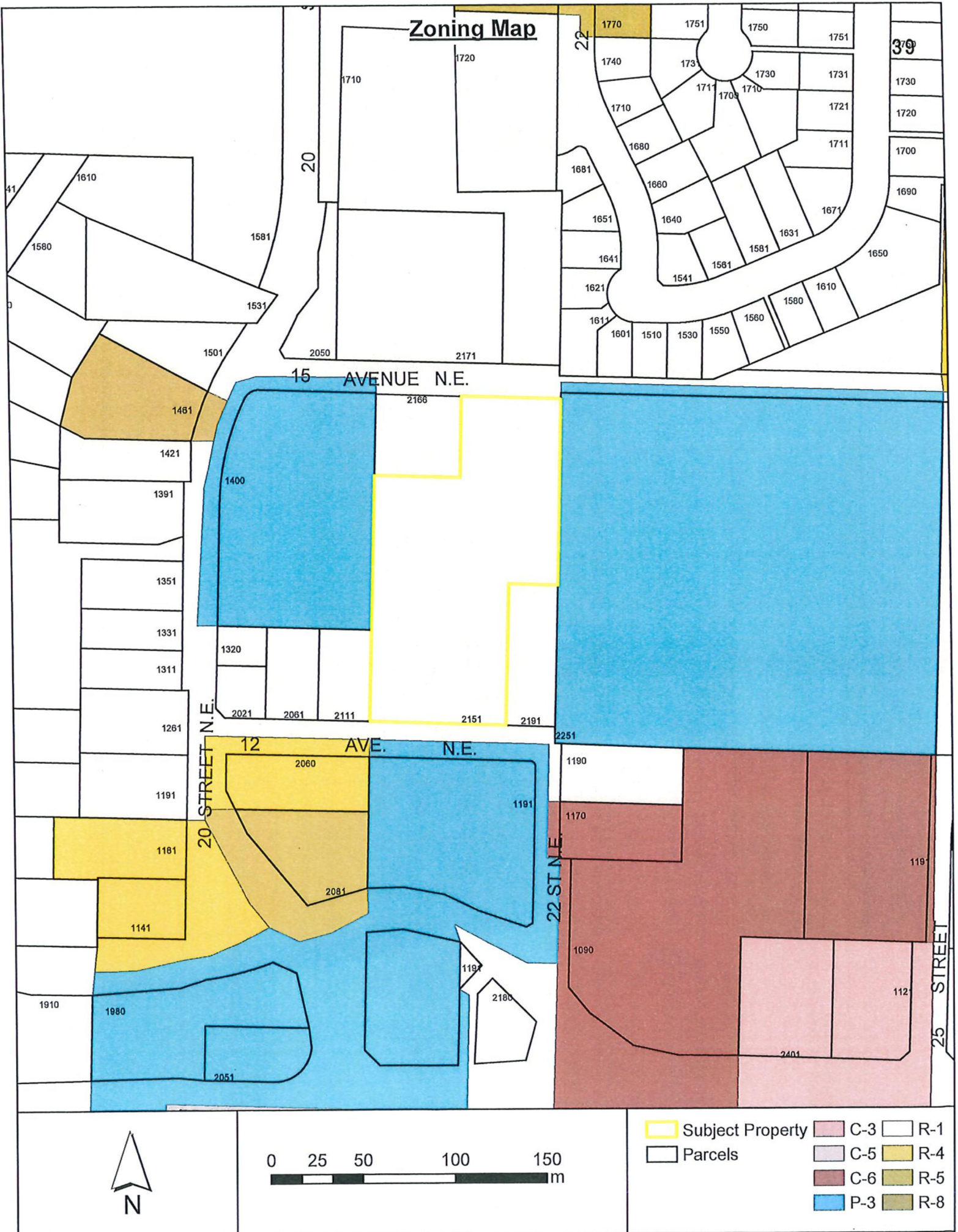


 Subject Property
 Parcels

38



Zoning Map





*Memorandum from the
Engineering and Public
Works Department*

TO:	Kevin Pearson, Director of Development Services
DATE:	14 April, 2021
REFERRAL:	ZON: 1208 & SUB-21.06
PREPARED BY:	Chris Moore, Engineering Assistant
OWNER:	Braby, J. , 1120 – 20 Street SE, Salmon Arm, BC V1E 2J4
APPLICANT:	Lawson Engineering , PO Box 106, Salmon Arm, BC V1E 4N2
LEGAL:	Lot B, Section 24, Township 20, Range 10, W6M, KDYD, Plan 38676
CIVIC:	2151 – 12 Avenue NE

Further to your referral dated 25 March, 2021, we provide the following servicing information. **The following comments and servicing requirements are not conditions for re-zoning but are for subdivision.**

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 tree removal and construction. ESC plans to be approved by the City of Salmon Arm.
7. At the time of subdivision 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.

SUBDIVISION APPLICATION FILE SUB 21.06 & RE-ZONING FILE: ZON 1208**14 April 2021****Page 2**

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, 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. 12 Avenue NE, on the subject property's southern 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. 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 curb & gutter, sidewalk, boulevard construction, street lighting, fire hydrants, street drainage and hydro and telecommunications. Owner / Developer is responsible for all associated costs.
3. 15 Avenue NE, on the subject property's northern boundary, is designated as an Urban Local (CLOSED) Road standard. Since the road is closed at this location and there are no plans to extend this road, due to the topography, no additional road dedication and no upgrades are required.
4. The proposed road shall be constructed to an 18m wide Urban Local Road standard, in accordance with Specification Drawing No. RD-2.
5. Permanent dead-end roads shall be terminated in a cul-de-sac in accordance with Specification Drawing No. RD-11. Temporary dead-end roads internal to the subdivision may be terminated with a paved temporary T-turn around in accordance with Specification Drawing No. RD-13. The proposed site plan shows part of the cul-de-sac located on the adjacent property, the entire cul-de-sac shall be located within the subject property.
6. Owner / Developer is responsible for ensuring all boulevards and driveways are graded at 2.0% towards the existing roadway.
7. 3.0m by 3.0m corner cuts are required to be dedicated at the intersection of 12 Avenue NE and the proposed road.

SUBDIVISION APPLICATION FILE SUB 21.06 & RE-ZONING FILE: ZON 1208**14 April 2021****Page 3**

Water:

1. The subject property fronts a 150mm diameter Zone 2 watermain on 12 Avenue NE. No upgrades will be required at this time.
2. Extension of the 150mm diameter Zone 2 waterman through the proposed subdivision and looping to the existing Zone 2 watermain on 15 Avenue NE is required.
3. Records indicate that the existing property is serviced by a 19mm service from the 150mm diameter watermain on 12 Avenue NE. All existing inadequate / unused services must be abandoned at the main. Owner / Developer is responsible for all associated costs.
4. The proposed parcels are to be serviced by single metered water service connections (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.
5. The subject property is in an area with sufficient fire flows and pressures according to the 2011 Water Study (OD&K 2012).
6. Fire protection requirements to be confirmed with the Building Department and Fire Department.
7. 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 150 meters.

Sanitary:

1. The subject property fronts a 200mm diameter sanitary sewer on 12 Avenue NE and on 15 Ave NE. No upgrades will be required at this time.
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 is responsible for all associated costs.
3. Records indicate that the existing property is serviced by a 100mm service from the sanitary sewer on 12 Avenue NE. All existing inadequate/unused services must be abandoned at the main. Owner / Developer is responsible for all associated costs.

Drainage:

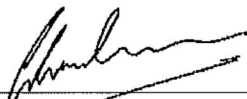
1. The subject property fronts a 675mm diameter storm sewer on the west half of 12 Avenue NE and a 600mm diameter storm sewer on the east half of 12 Avenue NE. No upgrades will be required at this time.

SUBDIVISION APPLICATION FILE SUB 21.06 & RE-ZONING FILE: ZON 1208**14 April 2021****Page 4**

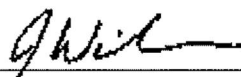
2. Records indicate that the existing property is not serviced by a storm service. However, there is an existing 600mm storm sewer and open drainage channel which receives flows in excess of the 1 / 10 year storm from 12 Avenue NE, in an easement in the south-west corner of the property. These storm flows shall be accommodated in the subdivision ISMP (see Item 3). 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 / 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

Thursday, April 15, 2021

Melinda Smyrl, MCIP, RPP
Planner, City of Salmon Arm
500-2nd Avenue NE
Salmon Arm, BC V1E 4N2

RE: Variance Request Summary – 2151 12 Avenue NE Salmon Arm (Joy Acres)

Dear Ms. Melinda Smyrl,

Further to the variance permit application for the above noted proposed subdivision, this letter is intended to provide insight into the variance that the developers and Lawson Engineering Ltd. are requesting. The variance proposed is requested for the reasons stated below and to allow for the developers to maximize the development potential of the subdivision and more specifically the available building space.

The developers of “Joy Acres” are looking to provide a quality subdivision, modern in all respects that is both affordable and consistent with the surrounding developments. The target homeowners will include people who wish to downsize, first-time homeowners, newcomers to the area and people looking for an investment through the possibility of a legal suite (pending council approval). Their initial market research has indicated that there is a shortage of these smaller affordable lots, and several builders have already expressed interest in the project.

Due to previous subdivisions of the subject parcel, the lot layout results in an irregular shape. This irregular shape creates some complexities with overall lot layout and leaves some building areas less than desirable. The developers are looking to reduce the rear yard setback from 6m to 5m for the primary building to improve buildable area throughout. Understanding that a lesser setback is undesirable from the perspective of neighboring properties – this property is unique in that the majority of the lots will back onto Bastion School property, 15th Avenue NE or a larger institutional property.

Based on the information provide above, we are requesting that the City provide this variance to the subdivision to allow the developers to construct these desirable lots.

If you have questions or concerns, please do not hesitate to call.

Best Regards,

Lawson Engineering Ltd.,



Blake Lawson, P.Eng
Project Engineer
blawson@lawsonengineering.ca

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To: His Worship Mayor Harrison and Members of Council

Date: May 4, 2021

Subject: Zoning Bylaw Amendment Application No. 1209

Legal: Lot 1, Section 13, Township 20, Range 10, W6M, KDYD, Plan 40424
 Civic Address: 2920 7 Avenue NE
 Owner/Applicant: Buckler, J. & K.

STAFF RECOMMENDATION

THAT: A bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot 1, Section 13, Township 20, Range 10, W6M, KDYD, Plan 40424 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 the following:
 1) Ministry of Transportation and Infrastructure approval; and
 2) Submission of a Building Permit application showing that the proposed *detached suite* conforms to BC Building Code and Zoning Bylaw requirements.

PROPOSAL

The subject parcel is located at 2920 7 Avenue NE (Appendices 1 and 2). The proposal is to rezone the parcel from R1 (Single Family Residential) to R8 (Residential Suite Zone) to facilitate construction of a *detached suite* (Appendix 3).

Site photos are attached as Appendix 4.

BACKGROUND

The parcel is designated Medium Density Residential (MDR) in the City's Official Community Plan (OCP), and zoned R1 (Single Family Residential) in the Zoning Bylaw (Appendix 5 & 6).

The subject property is located in the Broadview neighbourhood which consists of a variety of zones including commercial, institutional, parks and recreation, and various residential zones. There are many R1 zoned properties in the immediate vicinity and only one nearby R8 zoned property.

This property is located within the Urban Containment Boundary (UCB). Land uses directly adjacent to the subject property include the following:

North: R1 (Single Family Residential), C3 (Service Commercial)
 South: R1 (Single Family Residential), R4 (Medium Density Residential)
 East: R1 (Single Family Residential), R8 (Residential Suite), P3 (Institutional)
 West: R1 (Single Family Residential), R4 (Medium Density Residential), P1 (Parks and Recreation)

The property is approximately 0.17 ha (1,660 m²) in size and contains a single family dwelling. The proposal is to construct a *detached suite* east of the existing dwelling. The site plan provided shows an approximate size of 8.53 m by 11.58 m. The applicant has been made aware that this would exceed the maximum permitted size of 90 m² (968.8 ft²) and they have advised of their intent to revise this to comply with the Zoning Bylaw and BC Building Code regulations at the building permit stage.

COMMENTSEngineering Department

Detached suite development is generally exempt from off-site works and services. Engineering comments related to this proposal and site servicing will be provided to the applicant.

Building Department

No concern with rezoning. Maximum building area is 90 m². No floor plans supplied.

Development Cost Charges (DCCs) totalling \$6,064.31 are required for a *detached suite* payable at Building Permit issuance.

Fire Department

No concerns.

Planning Department**OCP Policy:**

Policy 8.3.25 within the OCP provides support for either a *secondary suite* or *detached suite* within all Residential (High, Medium, and Low) designated areas via a rezoning application, subject to compliance with the Zoning Bylaw and the BC Building Code. Neither this policy, nor the Zoning Bylaw, supports subdivision of a *detached suite* from the principle building on a property.

Zoning Bylaw Regulations:

Other than the size of the proposed *detached suite*, plans appear to show general compliance with the zoning regulations (R8 regulations attached as Appendix 7). Staff note that maximum height for accessory buildings containing a *detached suite* can be increased from 6.0 m (19.7 ft) to 7.5 m (24.6 ft). Only rough exterior plans have been provided so height will need to be confirmed at the building permit stage.

Additional zoning considerations for this application are as follows:

Siting

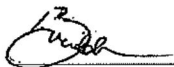
The site plan provided indicates an approximate location for the detached suite. The suite is proposed in the northeast corner of the property and shows compliance with R8 setbacks for a *detached suite*, with a 6.0 m front setback and 2.0 m interior side setback. Staff note that roof eaves do not appear to be shown on the site plan and can project a maximum depth of 0.6 metres (1.9 ft) into setbacks.

Access and Parking

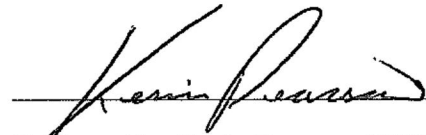
Three parking spaces will be required for all uses on this property (two for the existing single family dwelling and one for the proposed *detached suite*). Existing parking is more than adequate to accommodate the additional parking space required for the suite. The applicant is proposing access to the suite through the existing driveway.

Conclusion:

This property is well suited for a *detached suite* given its size, dimensions, and location. Subject to compliance with the BC Building Code, and confirmation that the suite will meet setbacks, staff are in support of this rezoning application.



Prepared by: Brenda Kolenbrander
Planner

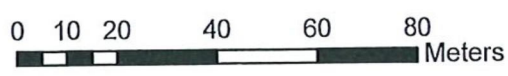
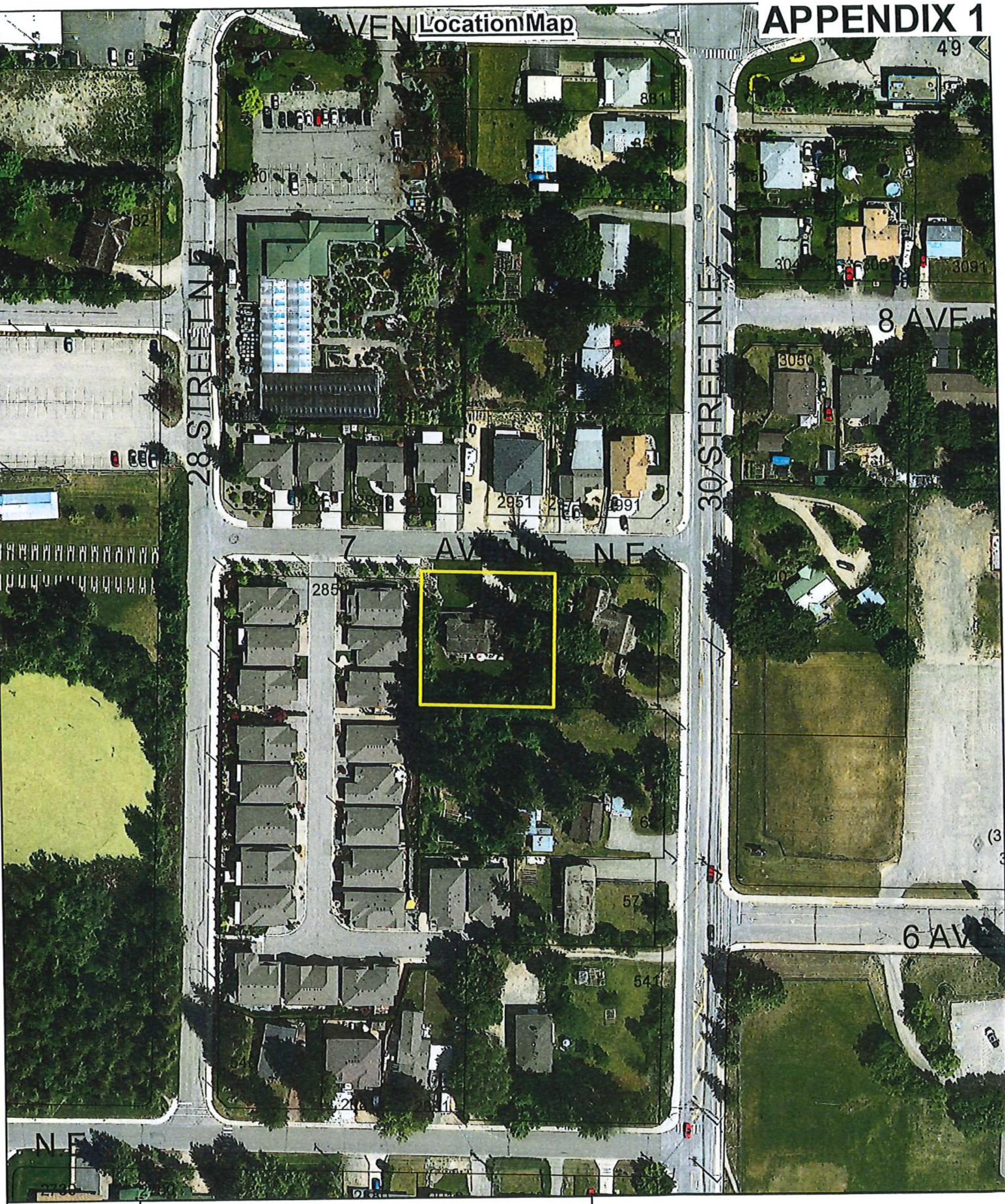


Reviewed by: Kevin Pearson, MCIP, RPP
Director of Development Services

Appendices:

Appendix 1 – Location Map
Appendix 2 – Subject Property Map
Appendix 3 – Site Plan and Proposal Photos
Appendix 4 – Site Photos

Appendix 5 – OCP Map
Appendix 6 – Zoning Map
Appendix 7 – R8 Zoning Regulations



-  Subject Property
-  Parcels

50

7 AVENUE NE



0 2.5 5 10 15 20 Meters



Subject Property



Parcels

BROWNE JOHNSON Land Surveyors		BRITISH COLUMBIA AND CANADA LANDS Box 362, Solmon Arm, B.C. V1E 4N5 250-832-9701 office@brownejohnson.com	
BC LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE			
To: Jason & Kristin Buckler, 2920 7 Avenue NE, Salmon Arm, BC V1E 2S7 Your File:		Re: Lot 1, Section 13, Township 20, Range 10, W6M, KDYD, Plan 40424 Parcel Identifier (PID): 012-465-348 Civic Address: 2920 7 Avenue NE	
List of documents registered on title which may affect the location of improvements: Easement KB34609			
7 Avenue NE			
Scale 1:250 <p>All distances are in metres.</p> <p>Dimensions derived from Plan 40424 and KAS3388</p> <p>Offsets from property line to building are measured from the siding.</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 3rd day of July, 2018.		COPYRIGHT © BROWNE JOHNSON 2018 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 DIGITALLY SIGNED. Our File: 366-18 Fb: 366-18.raw	
Mark Mason 22IS87		Digitally signed by Mark Mason 22IS87 Date: 2018.07.04 09:55:05 -0700	

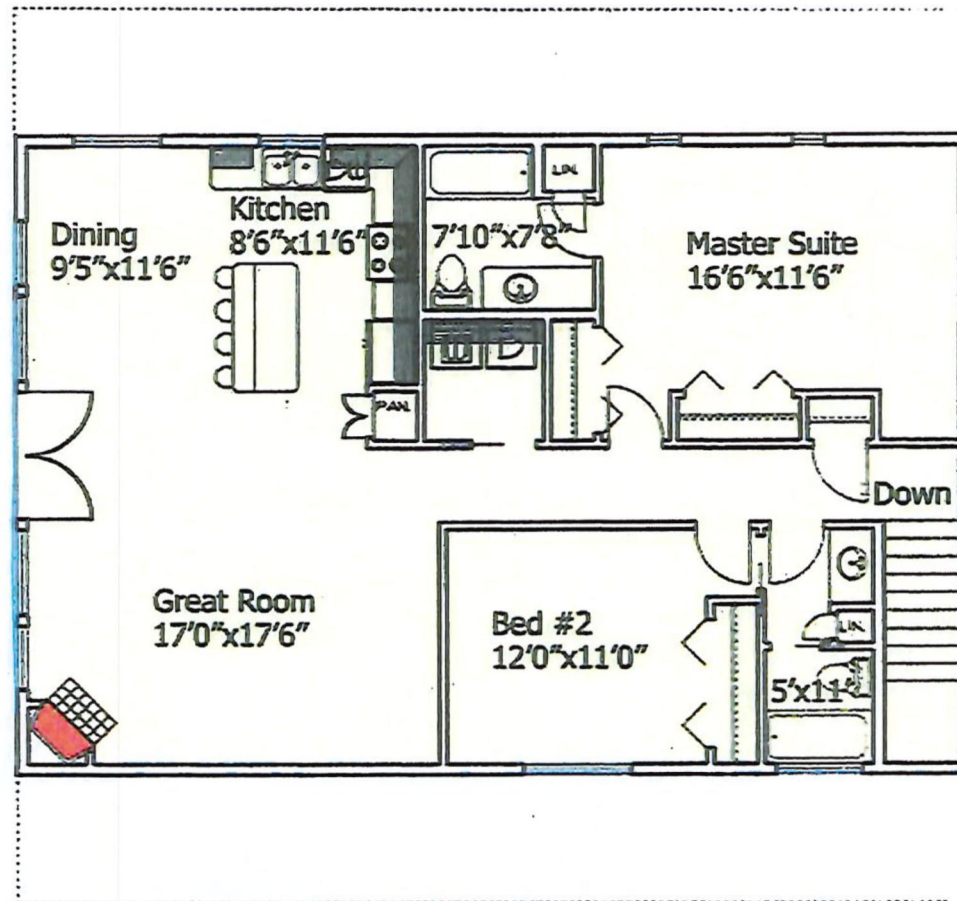


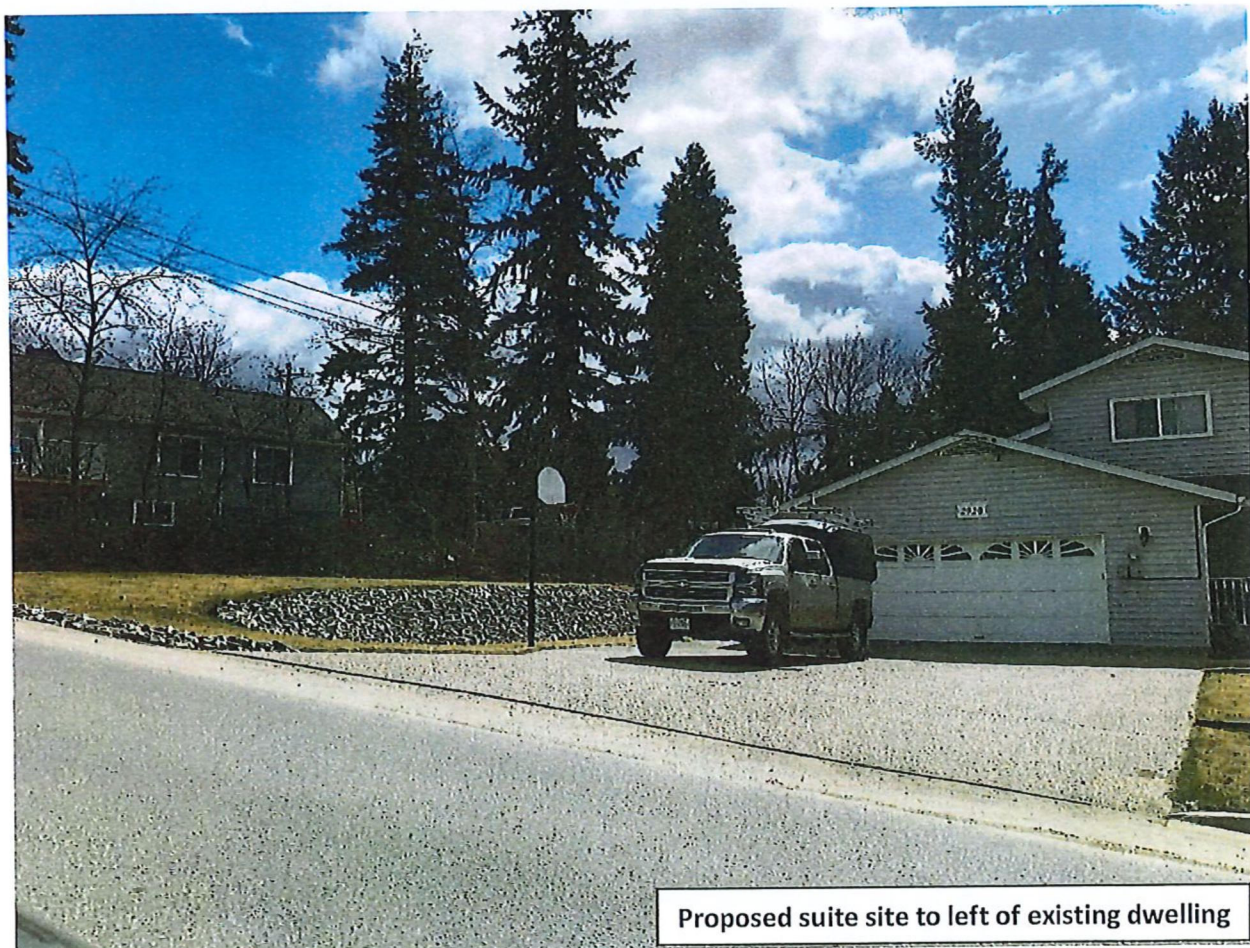
Shows how carriage house will sit into the sloped yard but with man door on other side like picture below.



House shape









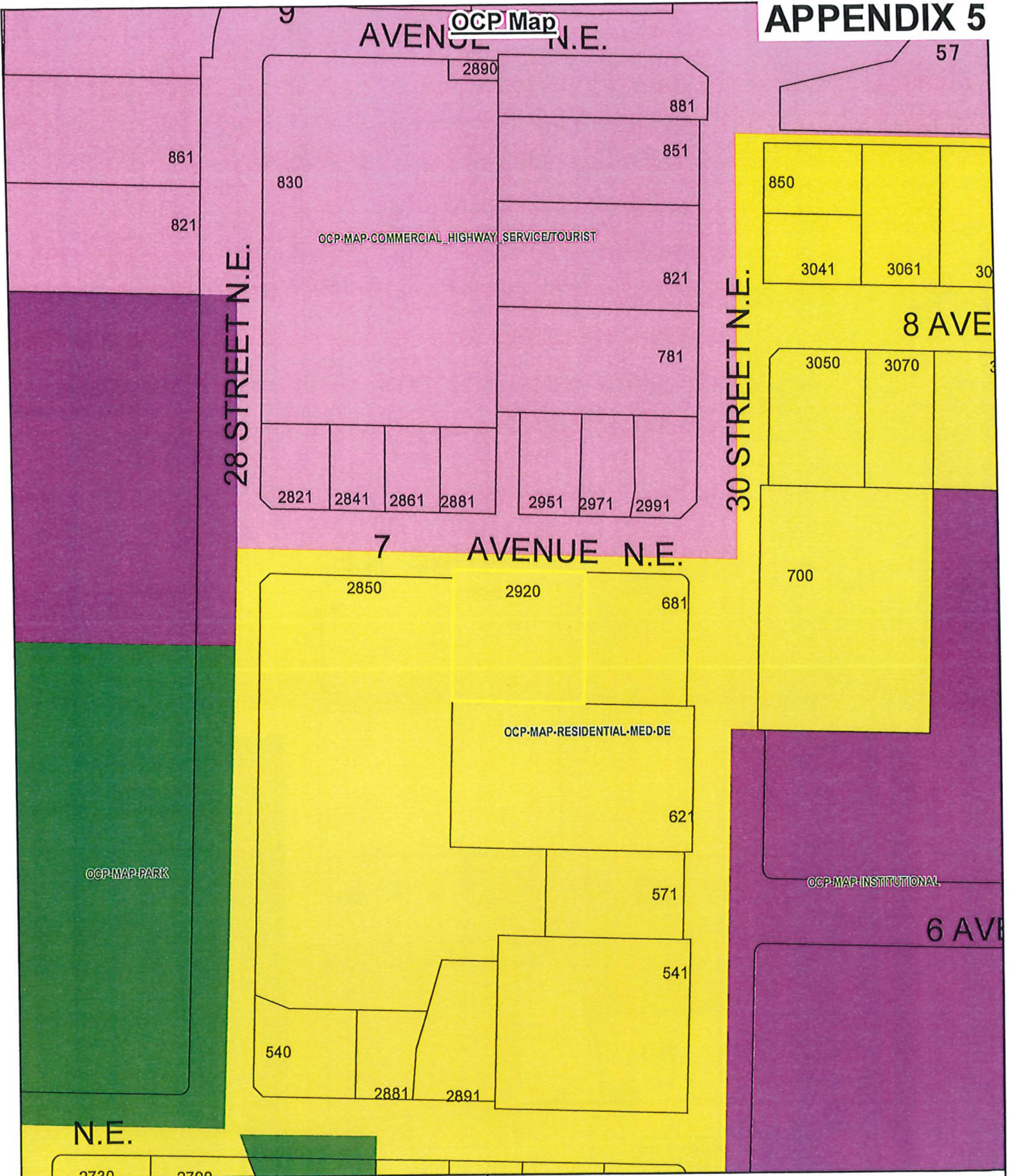
Property facing south




Location of proposed suite



Property facing east (showing neighbouring residence)





01020406080

Meters

Subject Property

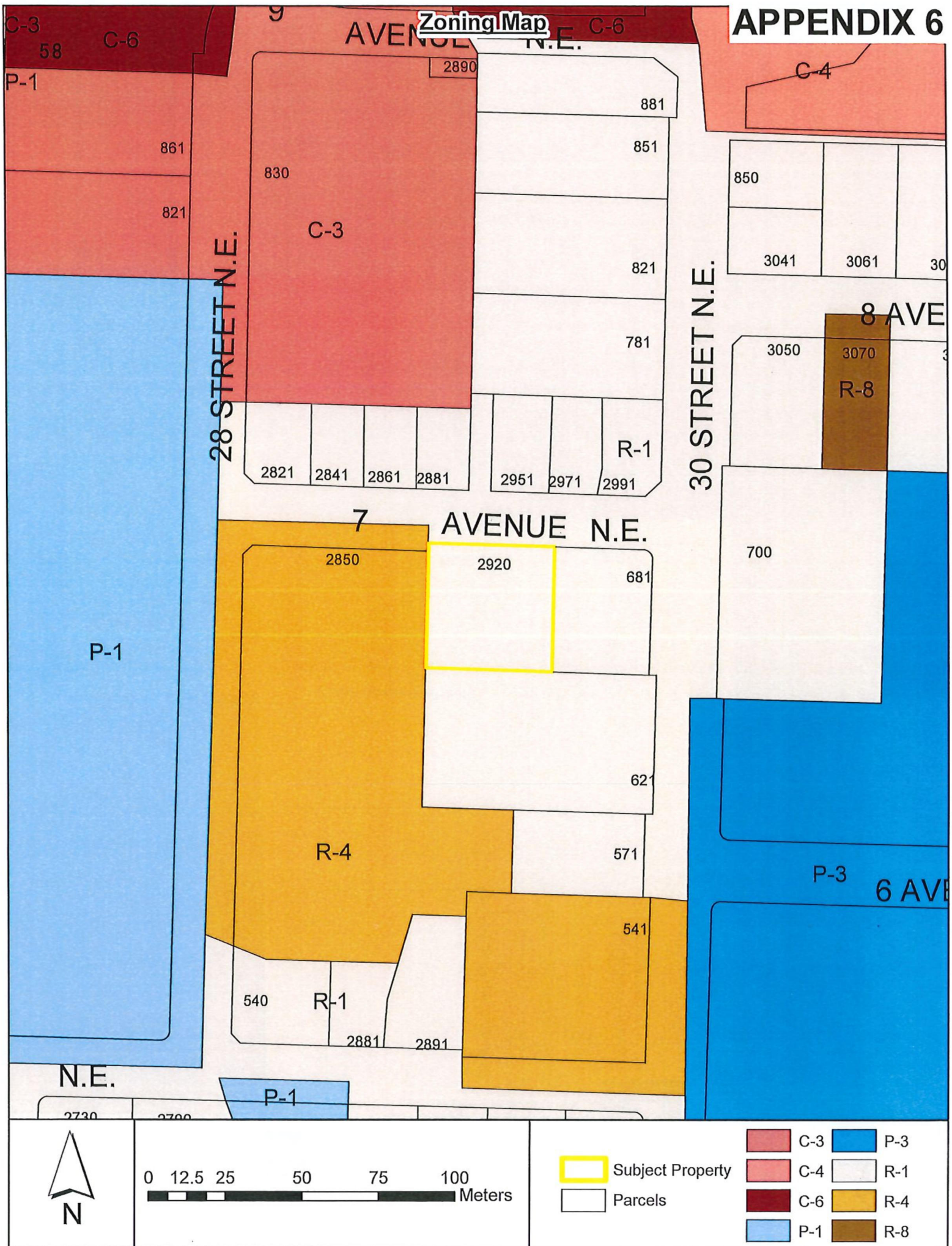
Parcels

Park

Institutional

Residential - Medium Density

Commercial - Highway Service / Tourist



Purpose

- 13.1 The purpose of the R-8 Zone is to permit the use of a *secondary suite* contained within a *single family dwelling* or a *detached suite* contained within an *accessory building*.

Regulations

- 13.2 On a *parcel* zoned R-8, no *building* or *structure* shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out in the R-8 Zone or those regulations contained elsewhere in this Bylaw.

Permitted Uses

- 13.3 The following uses and no others are permitted in the R-8 Zone:
- .1 *boarders*, limited to two;
 - .2 *family childcare facility*; #3082
 - .3 *group childcare*; #3082
 - .4 *home occupation*;
 - .5 *public use*;
 - .6 *public utility*;
 - .7 *single family dwelling*;
 - .8 *accessory use*, including *secondary suite* or *detached suite*.

Maximum Number of Single Family Dwellings

- 13.4 One (1) *single family dwelling* shall be permitted per *parcel*.

Maximum Number of Secondary Suites

- 13.5 One (1) *secondary suite* or one (1) *detached suite* is permitted per *parcel*.

Maximum Height of Principal Building

- 13.6 The maximum *height* of the *principal building* shall be 10.0 metres (32.8 feet).

Maximum Height of Accessory Buildings

- 13.7
- .1 The maximum *height* of an *accessory building* shall be 6.0 metres (19.7 feet).
 - .2 The maximum *height* of an *accessory building* containing a *detached suite* shall be 7.5 metres (24.6 feet).

Maximum Parcel Coverage

- 13.8 The total maximum *parcel coverage* for *principal* and *accessory buildings* shall be 45% of the *parcel area*, of which 10% shall be the maximum *parcel coverage* for all *accessory buildings*, which may be increased to a maximum of 15% for all *accessory buildings* including those containing a *detached suite* provided the *accessory building* containing the *detached suite* has a lesser *building area* than the *single family dwelling*. #4272

Minimum Parcel Area

- 13.9
- .1 The minimum *parcel area* shall be 450.0 square metres (4,843.9 square feet).
 - .2 The minimum *parcel area* of a *parcel* containing a *detached suite* shall be:
 - .1 With lane or second *street* frontage 465.0 square metres (5,005.2 square feet)
 - .2 Without lane or second *street* frontage 700.0 square metres (7534.7 square feet)

Minimum Parcel Width

- 13.10
- .1 The minimum *parcel width* shall be 14.0 metres (45.9 feet).
 - .2 The minimum *parcel width* of a *parcel* containing a *detached suite* shall be:
 - .1 With lane or second *street* frontage 15.0 metres (49.2 feet)
 - .2 Without lane or second *street* frontage 20.0 metres (65.6 feet)

Maximum Floor Area and Floor Area Ratio

13.11

- .1 The maximum *floor area* of a *detached suite* shall be 90.0 square metres (968.8 square feet).
- .2 The maximum *floor area ratio* of a *single family dwelling* shall be 0.65.

Minimum Setback of Principal Building13.12 The minimum *setback* of the *principal building* from the:

- .1 *Front parcel line* shall be 6.0 metres (19.7 feet)
- .2 *Rear parcel line* shall be 6.0 metres (19.7 feet)
- .3 *Interior side parcel line* shall be 1.5 metres (4.9 feet)
- .4 *Exterior side parcel line* shall be 6.0 metres (19.7 feet)
- .5 Notwithstanding Sections 13.12.2 and 13.12.3., a *principal building* on a corner *parcel* may be sited not less than 1.5 metres (4.9 feet) from the *rear parcel line* provided the combined total of the *rear* and *interior side yards* shall be not less than 6.0 metres (19.7 feet). #3426
- .6 Refer to Section 4.9 for "Special Building Setbacks" which may apply #2811

Minimum Setback of Accessory Buildings13.13 The minimum *setback* of accessory *buildings* from the:

- .1 *Front parcel line* shall be 6.0 metres (19.7 feet)
- .2 *Rear parcel line* shall be 1.0 metre (3.3 feet)
- .3 *Interior side parcel line* shall be 1.0 metre (3.3 feet)
- .4 *Exterior side parcel line* shall be 6.0 metres (19.7 feet)
- .5 Refer to "Pound and Animal Control Bylaw" for special setbacks which may apply. #2811

Minimum Setback of a Detached Suite13.14 The minimum *setback* of an *accessory building* containing a *detached suite* from the:

- .1 *Front parcel line* shall be 6.0 metres (19.7 feet)
- .2 *Rear parcel line* shall be 3.0 metres (9.8 feet)
- .3 *Interior side parcel line* shall be 2.0 metres (6.5 feet)
- .4 *Exterior side parcel line* shall be 6.0 metres (19.7 feet)
- .5 *Parcel line* adjacent to a lane 1.2 metres (3.9 feet)

Parking

13.15

- .1 Parking shall be required as per Appendix I.
- .2 An offstreet parking space provided for a *secondary suite* or *detached suite* shall not be sited in tandem to a parking space provided for a *single family dwelling*.

Detached Suite

13.16 Refer to Section 4.2 for General Regulations.



To: His Worship Mayor Harrison and Council

Date: May 5, 2021

Subject: Agricultural Land Commission Application No. ALC 405
 Non-Adhering Residential Use – Building a New Principal Residence While Occupying an Existing Residence
 Legal: Lot A, Section 4, Township 20, Range 10, W6M, KDYD, Plan 6555 Except Plan 9337
 Civic: 4890 Foothill Road SW
 Owner: Priebe, A. & L.

STAFF RECOMMENDATION

THAT: Agricultural Land Commission Application No. ALC 405 be authorized for submission to the Agricultural Land Commission.

PROPOSAL

The applicant is requesting permission to occupy an existing dwelling while constructing a new dwelling on the subject property. This property is within the Agricultural Land Reserve (ALR) and requires the issuance of a Non-Adhering Residential Use application.

BACKGROUND

The subject property is located at 4890 Foothill Road SW as shown in Appendix 1. The parcel is approximately 2.4 ha in size and contains a single family dwelling and accessory building. With the property being entirely within the Agricultural Land Reserve (ALR), as shown on Appendix 2, the applicant is proposing to have the Agricultural Land Commission (ALC) approve use of the existing residence while constructing a new residence. Once the new residence has been constructed, the owners propose to decommission the existing residence so that it can be used as an accessory building for storage and servicing.

The proposed site plan and ALC application are attached as Appendix 3 and site photos are attached as Appendix 4.

Changes made to the ALC Regulations in 2019 require land owners to request specific permission for any residential unit in addition to the single residential unit permitted. An excerpt from the ALC Policy L-26 regarding these types of applications is attached as Appendix 5.

Type B Permits, issued by the City, are Second Dwelling Agreements that allow an owner to occupy an existing residence while constructing a second residence. The Agreement provides assurance that the existing unit will be decommissioned or demolished prior to completion of the new residence. In this instance, staff would require the issuance of a Type B Permit with the issuance of the Building Permit for the new residential unit. The applicant is required to provide a \$5,000.00 security deposit and the permit is valid for 1 year. The owner is required to decommission or demolish the existing unit before the security is returned. A sample Second Dwelling Agreement and requirements for decommissioning a second dwelling are enclosed for information as Appendix 6.

5.8

Staff note that a 2017 subdivision application made by the owners was denied by the ALC for the subject property (ALC-369). This application proposed to subdivide off a 0.4 ha portion with the existing residence. The remaining 2.1 ha lot was intended to allow construction of a new residence and use as a hobby farm.

Adjacent zoning and land uses include the following:

- North: Agriculture (A-1) – Single Family Residence
- South: Agriculture (A-1) – Single Family Residence and Agriculture
- East: Agriculture (A-1) – Single Family Residence; Gravel Extraction (M-3) – Blackburn Pit; and 45 Street SW
- West: Agriculture (A-1) – Single Family Residences; and Foothill Road SW

COMMENTS

Soil Classification and Agricultural Capability are 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 Unimproved Soil Class Rating of 60% Class 5 and 40% Class 4. A copy of the Unimproved Soil Class map is attached as Appendix 7.

The attached Engineering Memo explains that requirements to upgrade Foothill Road SW and 45 Street SW have been waived for this ALC application and for subsequent Building Permit(s) related to this proposal for a period of 5 years from the date of this ALC application (Appendix 8). A water meter will be required at the building permit stage for the new residence.

In their application, the owners state that the proposed new residence would be located not more than 60.0 m from the rear or opposite side of the residence to the front parcel line, and that the new residential footprint will not exceed 2,000 m². According to the application, the footprint of the new residence would be a total of 1,112.2 m² in area (including a 433.2 m² house, 200.6 m² garage, and 218.3 m² septic field). While the existing residence and driveway would not be included in the 500.0 m² maximum permitted area for a principle residence once it is decommissioned, it would still be included in the 2,000 m² maximum home plate area if it is used for storage not related to agricultural operations. Staff estimate that the home plate of the existing residence is just over 1,000 m² (Appendix 9). That being said, City staff ultimately defer to the ALC to confirm home plate area calculations.

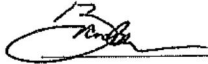
Agricultural Advisory Committee

This application will be reviewed by the Agricultural Advisory Committee (AAC) on May 12, 2021, which means the minutes from that meeting will not be ready in time for the Development and Planning Services Committee meeting on May 17, 2021. The relevant AAC minutes should be ready for the May 25 Council meeting.

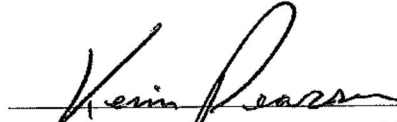
CONCLUSION

Type B Permits are regulated by the Zoning Bylaw and are used regularly to govern the demolition or decommissioning of existing residential units prior to the occupancy of a new unit on properties which permit one residential unit only. Staff note that the tools in place to enforce the Permits are sufficient and have no objections to the ALC implementing or enforcing ALC regulations in a similar manner. Staff support a review of this application by the ALC.

The risk is that owners sometimes want to keep the existing dwelling which leads to increased development in rural areas (i.e. subdivision, secondary residential/detached dwelling units), which is generally not in line with the ALC's mandate.



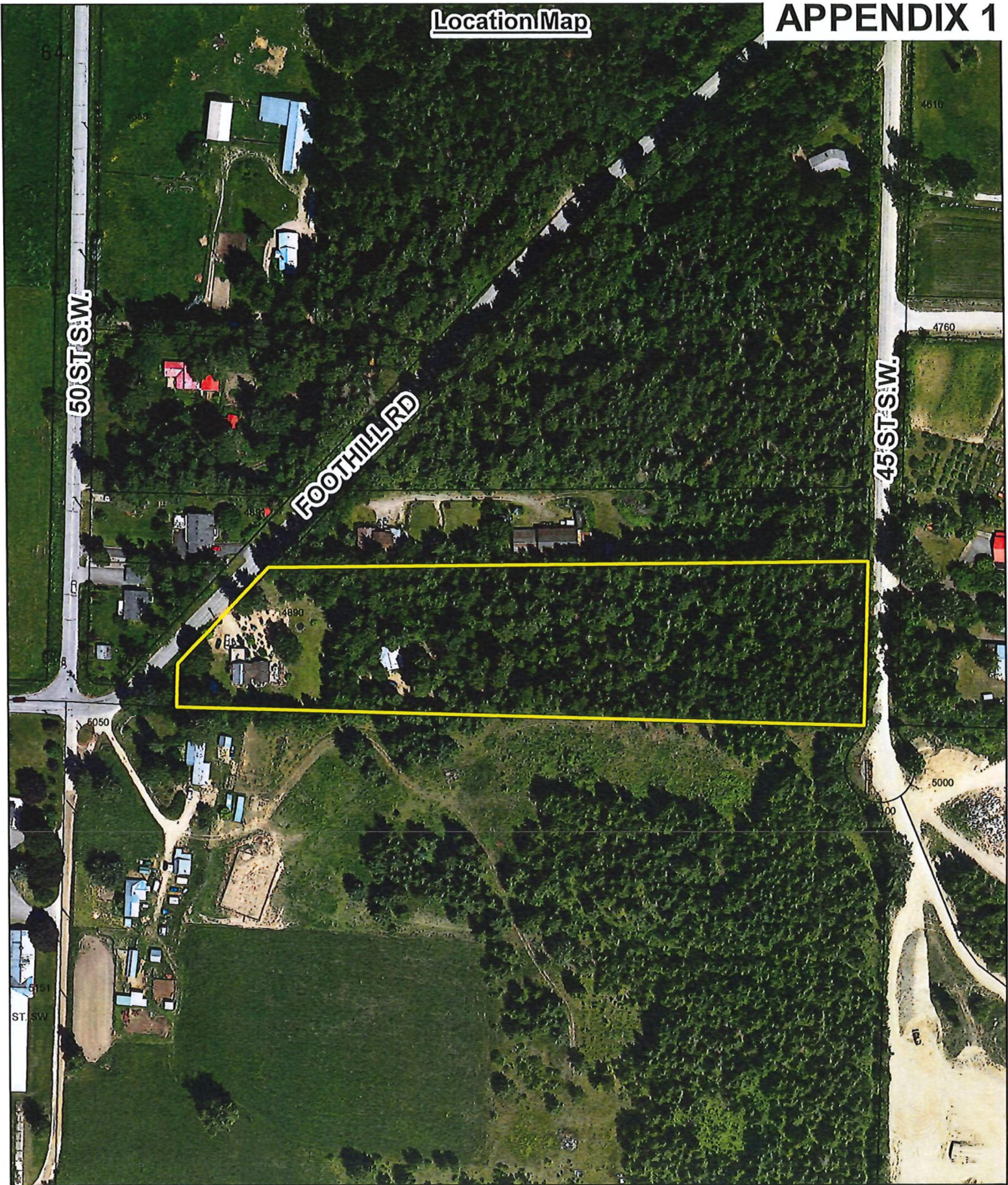
Prepared by: Brenda Kolenbrander
Planner





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

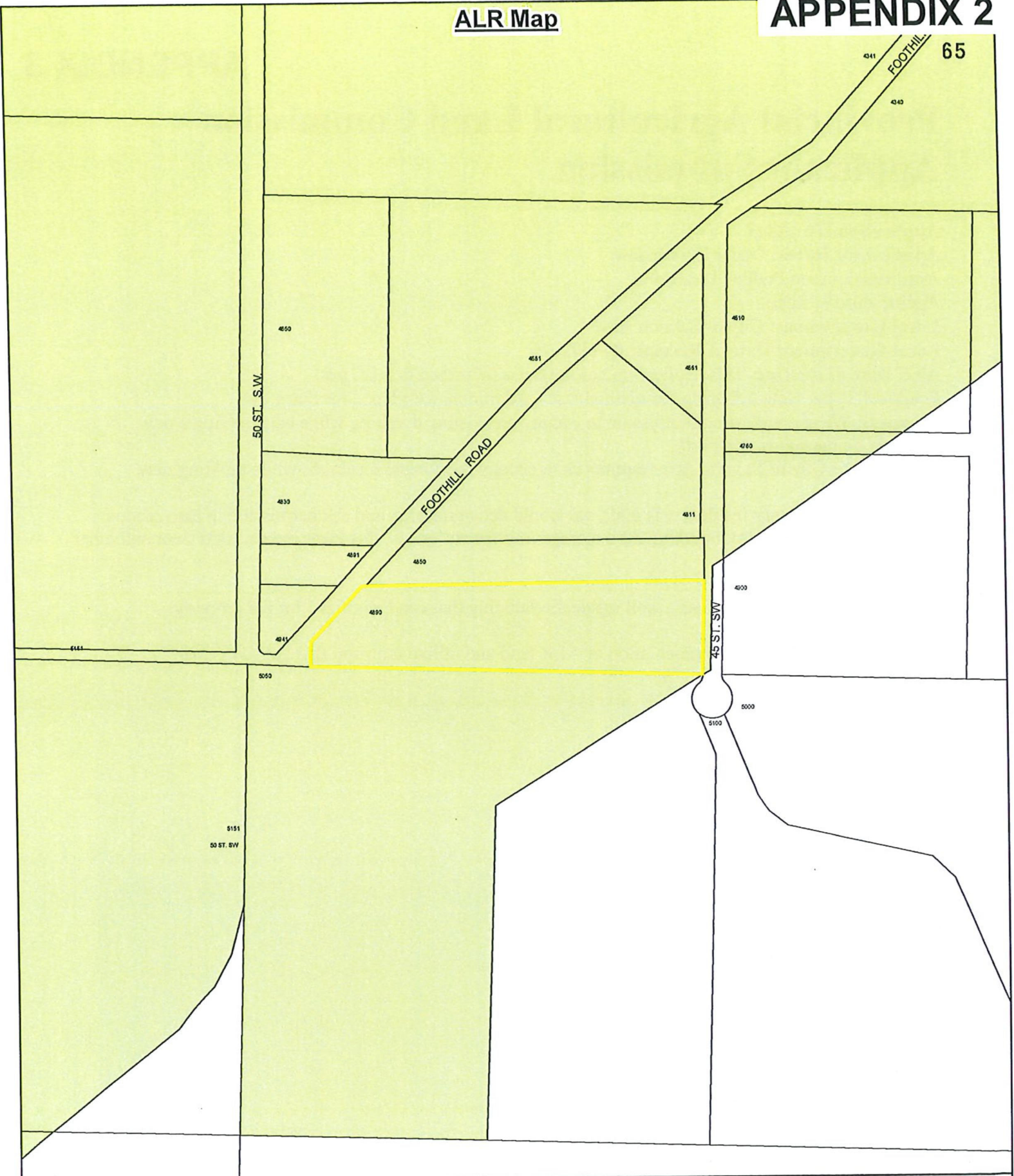
Appendices:

- Appendix 1 – Location Map
- Appendix 2 – ALR Map
- Appendix 3 – ALC Application and Site Plan
- Appendix 4 – Site Photos
- Appendix 5 – Excerpt of ALC Policy L-26
- Appendix 6 – Sample Second Dwelling Agreement
- Appendix 7 – Unimproved Soils Map
- Appendix 8 – Engineering Memo
- Appendix 9 – Total Residential Footprint



0 30 60 120 180 240 Meters

 Subject Property
 Parcels



0 50 100 200 300 400 Meters

-  Subject Property
-  Parcels
-  ALR Land

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 62847

Application Status: Under LG Review

Applicant: Aaron Priebe , Lisa Priebe

Agent: Aaron Priebe

Local Government: City of Salmon Arm

Local Government Date of Receipt: 04/09/2021

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

Proposal Type: Non-Adhering Residential Use - Additional Residence for Farm Use

Proposal: We are requesting permission to occupy an existing dwelling while constructing a new dwelling on the subject property.

Will pay fees City of Salmon Arm requires us to occupy the current residence while building new.

Once the new, primary residence, is built, we would decommission and ask permission to turn second building into an accessory building. As a storage unit for our quads, dirt bikes, boats, skid steer and other equipment we have.

Also a service building as it has a well inside the building that can be utilized for the property.

This would be to limit the fragmentation of ALR land and utilize footprint that already exists.

Agent Information

Agent: Aaron Priebe

Mailing Address:

4890 Foothill Road Southwest

Salmon Arm, BC

V1E 3C2

Canada

Primary Phone: (250) 463-9777

Email: apintothevortex@gmail.com

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 010-165-312

Legal Description: Lot A, Sec-4, Twp-20, Rge-10, Plan 6555 KDYD Exc. Pl.9337

Parcel Area: 2.4 ha

Civic Address: 4890 Foothill Road Southwest

Date of Purchase: 05/01/2006

Farm Classification: No

Owners

1. **Name:** Aaron Priebe
Address:
 4890 Foothill Road Southwest
 Salmon Arm, BC
 V1E 3C2
 Canada
Phone: (250) 463-9777
Email: apintothevortex@gmail.com
 2. **Name:** Lisa Priebe
Address:
 4890 Foothill Road SW
 Salmon Arm, BC
 V1E 3C2
 Canada
Phone: (250) 803-2173
Email: lis.priebe@gmail.com
-

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).
No agriculture, This property has never been farmed.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).
No agricultural improvements.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).
Single Family Residential that was built in the 1950's and is an old farm house that is no longer accommodating to our family of five.

The roof requires replacement and all the ceiling insulation is full of newspaper and shavings which would also need replacing.

Garage and deck over garage would need to be fully replaced as wood has rotted and leaks through. Foundation in garage is cracked and garage doors are all broken and falling apart.

At the end of its life.

Adjacent Land Uses

North

Land Use Type: Residential
Specify Activity: Single Family Dwelling

East

Land Use Type: Residential
Specify Activity: Single Family Dwelling & Black Burn Pit

South

Land Use Type: Residential

68West

Land Use Type: Residential

Specify Activity: Single Family Dwelling

Proposal

1. What is the purpose of the proposal?

We are requesting permission to occupy an existing dwelling while constructing a new dwelling on the subject property.

Will pay fees City of Salmon Arm requires us to occupy the current residence while building new.

Once the new, primary residence, is built, we would decommission and ask permission to turn second building into an accessory building. As a storage unit for our quads, dirt bikes, boats., skid steer and other equipment we have.

Also a service building as it has a well inside the building that can be utilized for the property.

This would be to limit the fragmentation of ALR land and utilize footprint that already exists.

2. Describe the necessity for an additional residence for farm use and how it will support agriculture in the short or long term.

The existing house is able to be salvaged enough to be used as an accessory building/storage unit as well as a service building to the rest of the property as it contains a well within the structure and we would continue to utilize that.

3. Describe the size, type and number, as well as occupancy of all residential structures currently located on the property.

There is one 2557 Sq. Ft. (237.55 m²) that is the current primary residence where our family of five lives in.

4. What is the total floor area of the proposed additional residence in square metres?

433.2 m²

5. Describe the rationale for the proposed location of the additional residence.

The area where the existing house is located is old, run down, at the end of its life. Is small and the layout no longer is conducive for our family of five.

It is also surrounded by 80 year old trees and very dense. Blocks, sun, wifi connections and all views. At the back of our property where it is cleared is open with mountain views all around, fast internet connections and sun all day.

We are proposing to build our new, primary residence and decommission the old residence and turn it into a storage building for all our equipment such as our skid steer, quads, dirt bikes, boat and such.

To minimize the foot print.

6. What is the total area of infrastructure necessary to support the additional residence?

Septic/Field (218.3 m²), Garage (200.6 m²) and House (433.2 m²).

There is already an existing driveway from 45th ST SW to where the proposed building would be built. (260.1 m²). This driveway in the past was used to get to the back of our property.

7. Do you need to import any fill to construct the additional residence or infrastructure?

No

Applicant Attachments

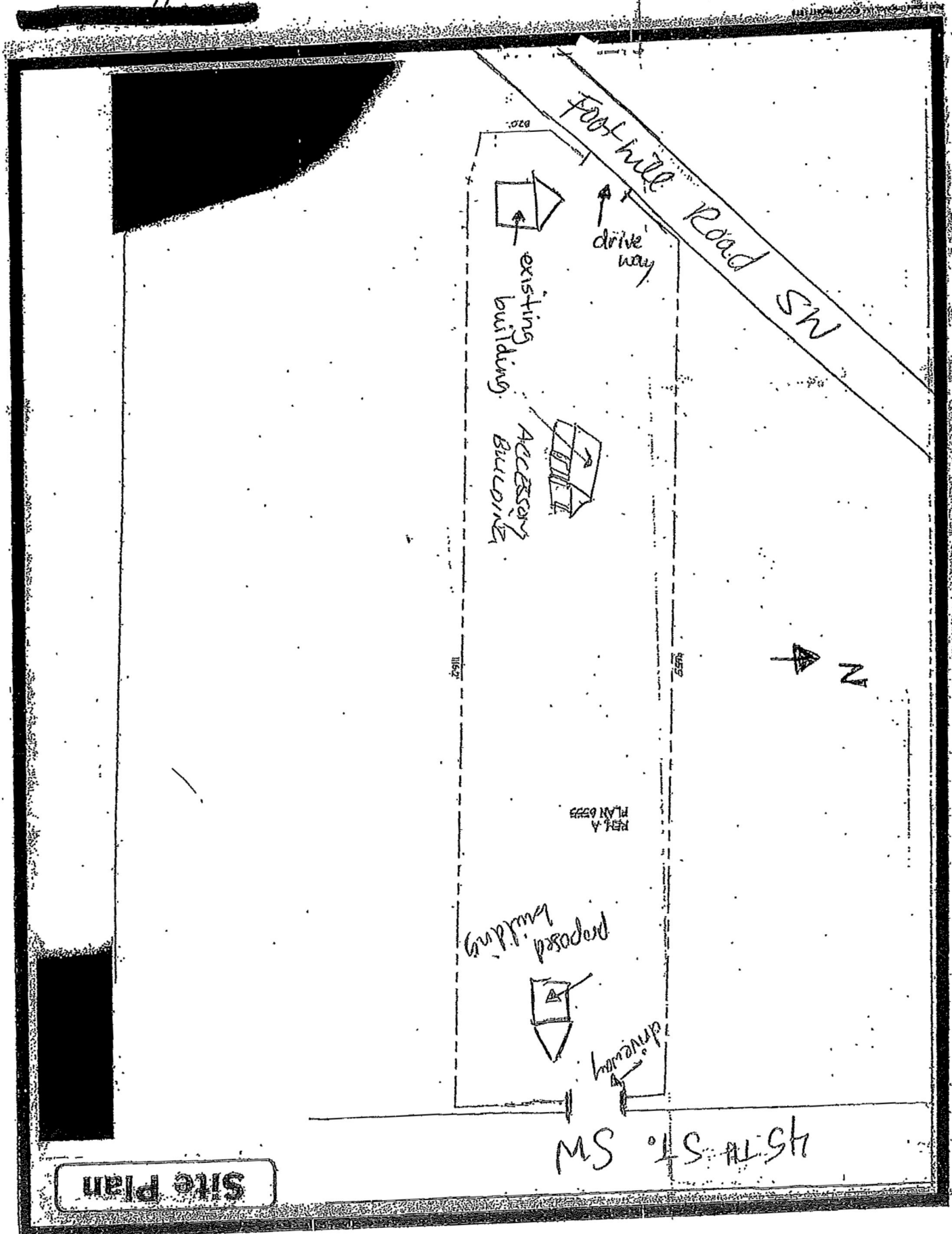
- Agent Agreement-Aaron Priebe
- Other correspondence or file information-mapping
- Other correspondence or file information-Explanation of Proposal Sketch
- Proposal Sketch-62847
- Certificate of Title-010-165-312

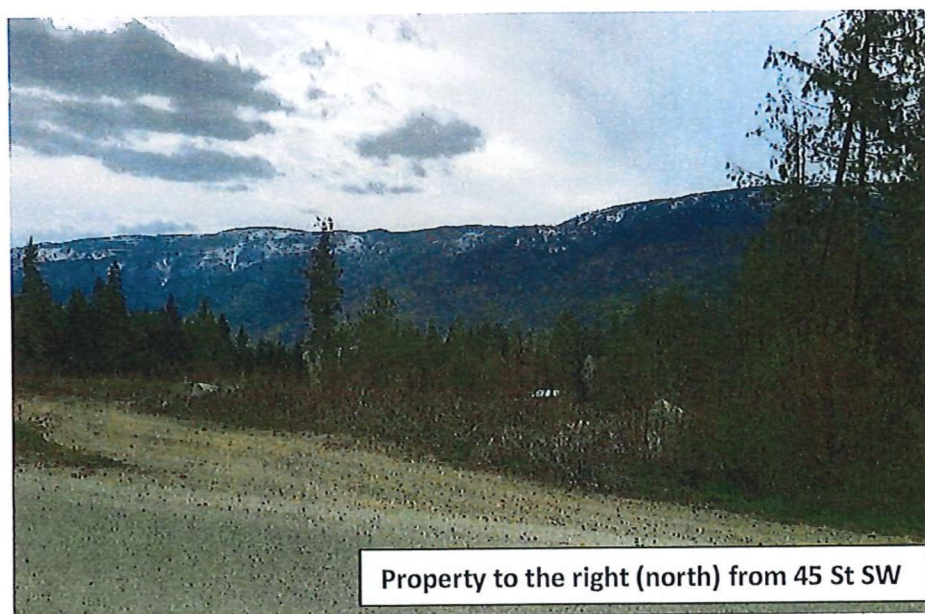
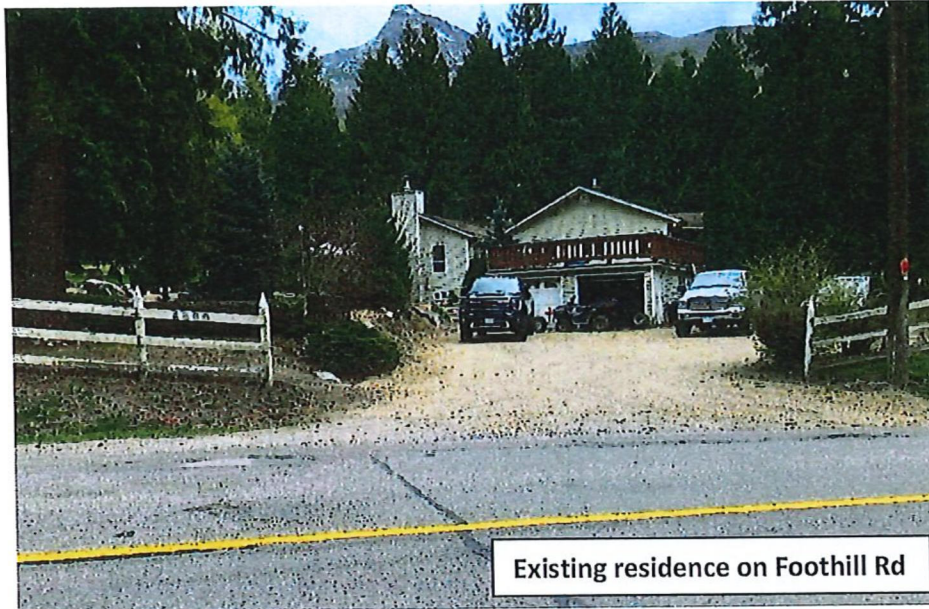
ALC Attachments

None.

Decisions

None.





5.0 Building a New Principal Residence While Occupying an Existing Residence

It is the Commission's preference that the original principal residence be removed prior to the construction of a new principal residence, so that the new principal residence can be constructed in the same location as the original residence, thus minimizing the impact on the land base. However, the Commission recognizes that in some circumstances this may not be feasible.

On October 23, 2019, the Commission delegated its decision-making authority to the CEO for NARU applications which propose to build a new residence while occupying an existing residence, when the proposal meets the criteria outlined in Appendix D.

Role of the Local Government:

Local governments must review NARU applications and either provide comments and recommendations for the Commission's consideration or, in some cases, authorize the application to proceed to the Commission: ALCA, ss. 25(3), 34(4)-(5). For applications in relation to settlement lands, the first nation government must authorize the application to proceed to the Commission: ALCA, s. 25(3.1).

An absence of local zoning bylaws does not relieve a landowner of complying with the restrictions in the ALCA and Agricultural Land Reserve Use Regulation (the "ALR Use Regulation").

Local government bylaws can be more restrictive of residential use of the ALR than the ALCA: ALCA, s. 46(6). The ALR Use Regulation identifies certain designated farm uses and permitted non-farm uses that local governments must not prohibit, but places no limitation on local government powers to prohibit or otherwise restrict residential uses of ALR land.

Appendix D:

CEO Delegated Decision-Making Criterion 17:

Non-Adhering Residential Use applications for building a new principal residence while occupying an existing residence that complies with the following criteria:

- i. At the time of the application there is only one residence on the parcel;
- ii. Siting* of the new principal residence has a maximum 60 metre setback from the front lot line to the rear or opposite side of the total residential footprint, with the total residential footprint being a maximum of 2,000 m². Lots narrower than 33 metres are exempted from the 60 metre maximum setback (for the total residential footprint) from the front lot line; however, the footprint must fill the front of the lot to a maximum of 2,000 m²; and,
- iii. Receipt/confirmation of the following within 30 days of the date of a decision to approve is issued:
 - a. registration of a restrictive covenant requiring the removal of the original residence;
 - b. a signed affidavit committing to removal of the original residence; and,
 - c. an ILOC sufficient to ensure removal of the original residence within 60 days of completion of the new principal residence.

* The following exceptional circumstances may also be considered with respect to the siting of the new principal residence:

- a. Clustering with Existing Residential Structures: The clustering of the new principal residence with other existing non-agricultural uses on the parcel to limit the fragmentation of ALR land and avoid the restriction of agricultural activities.
- b. Commodity-Specific Needs: The strategic placement of the new principal residence to benefit or optimize the agricultural operation (e.g. monitoring of livestock on a large parcel).
- c. Topographic Features: Siting of the new principal residence as appropriate to reduce the use of potentially productive farming land for residential purposes (e.g. sited on a non-farmable area of the parcel).

TYPE "B" - SECOND DWELLING AGREEMENT

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

Dear Sir(s):

Re: Civic Address _____ Roll # _____

Legal Description _____

It is my wish to construct a new single family residence on the above described property, but to reside in the existing residence during the construction period. Under the City of Salmon Arm Zoning Bylaw No. 2303, only one (1) single family residence is permitted per parcel. In order that I, _____, owner of the property, may obtain a building permit for the new residence from the building inspector, I hereby voluntarily agree to the following:

1. To submit to the City of Salmon Arm a performance bond by cash or certified cheque, or by an irrevocable letter of credit drawn upon a local chartered bank or local registered credit union for a period of one (1) year, the sum of five thousand dollars (\$5,000.00).
2. To conform to the requirements of Zoning Bylaw No. 2303 and all other municipal bylaws within one (1) year from the date of this agreement, or upon approval of the new residence for occupancy, whichever is earlier, by:

Check a) or b):

- ☐ a) conversion of the first residence to a permitted use building to the satisfaction of the building inspector, (requires a separate building permit for change of use) or;
- ☐ b) removal of the first residence to the satisfaction of the building inspector (requires a demolition permit).

Further it is my understanding that:

1. In the event of my failure to comply with the provisions of paragraph 2, within the specified time period, the City of Salmon Arm shall have the right to enter upon the land and to remove or demolish the first residence at my cost, drawing upon the deposit or letter of credit if necessary.
2. If my new residence is not completed within one (1) year, I have the right to reapply to the building inspector for an extension, not exceeding one (1) year, and conditional upon renewal of any letter of credit for a one (1) year period. Application fee is \$200; renewal prior to expiry is \$200.
3. Upon completion of the demolition or removal, or conversion to an accessory building to the satisfaction of the building inspector, any unused portion of my deposit will be refunded.

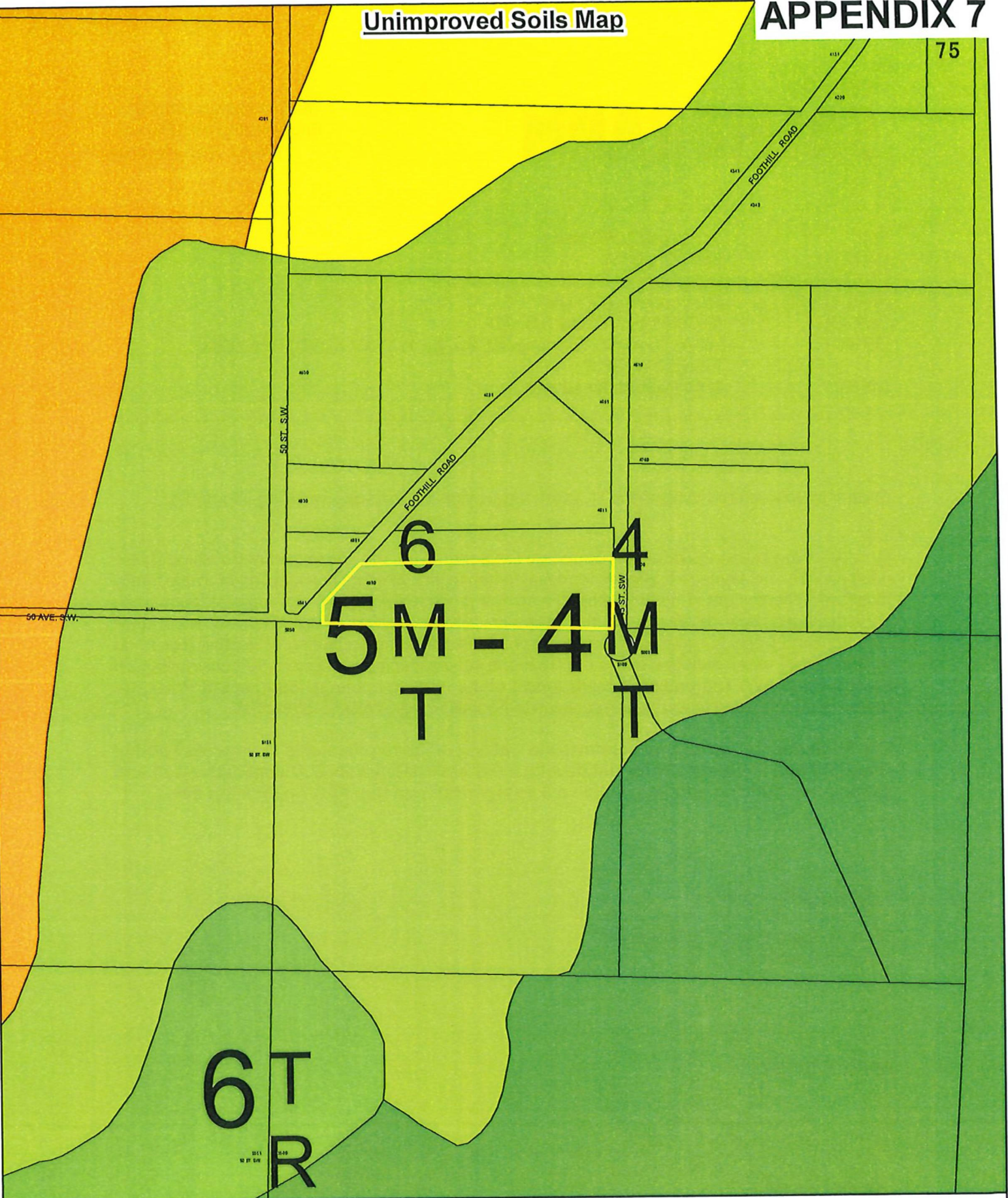
 Applicant

 Witness (Notary Public)

 Date

Information provided by this form may be subject to *Freedom of Information and Protection of Privacy Act* inquiries.

75



Unimproved Soil Classes

- Subject Property
- Parcels

- CLASS 3
- CLASS 4
- CLASS 5
- CLASS 6
- CLASS 7



*Memorandum from the
Engineering and Public
Works Department*

TO: Aaron and Lisa Priebe
DATE: April 27, 2021
PREPARED BY: Matt Gienger, Engineering Assistant
APPLICANT: Aaron and Lisa Priebe
SUBJECT: **ALC APPLICATION NO. 405**
LEGAL: Lot A, Section 4, Township 20, Range 10, W6M KDYD, Plan 6555
Except Plan 9337
CIVIC: **4890 Foothill Road SW**

Further to your referral dated April 21, 2021, we provide the following servicing information.

Outside of the Urban Containment Boundary the Subdivision and Development Servicing Bylaw 4163 requires full frontage upgrades for developments, including the construction of single family dwellings. The owners of 4890 Foothills Road SW propose living in an existing residence while constructing a new residence on the property, with demolition of existing residence once construction of new is complete. The development requires the upgrading of Foothill Road and 45 Street SW which includes but is not limited to road widening and bike lane construction on Foothill Road SW. The proposed replacement of the existing home at 4890 Foothill Road SW does not add demand to works and services to Foothill Road SW or 45 Street SW.

The Engineering Department supports the waiving of the requirements to upgrade Foothill Road SW and 45 Street SW for the development associated with ALC application 405 and subsequent building permit(s) within a 5 year period from this ALC Application date.

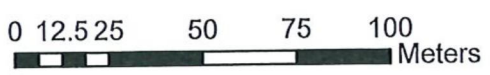
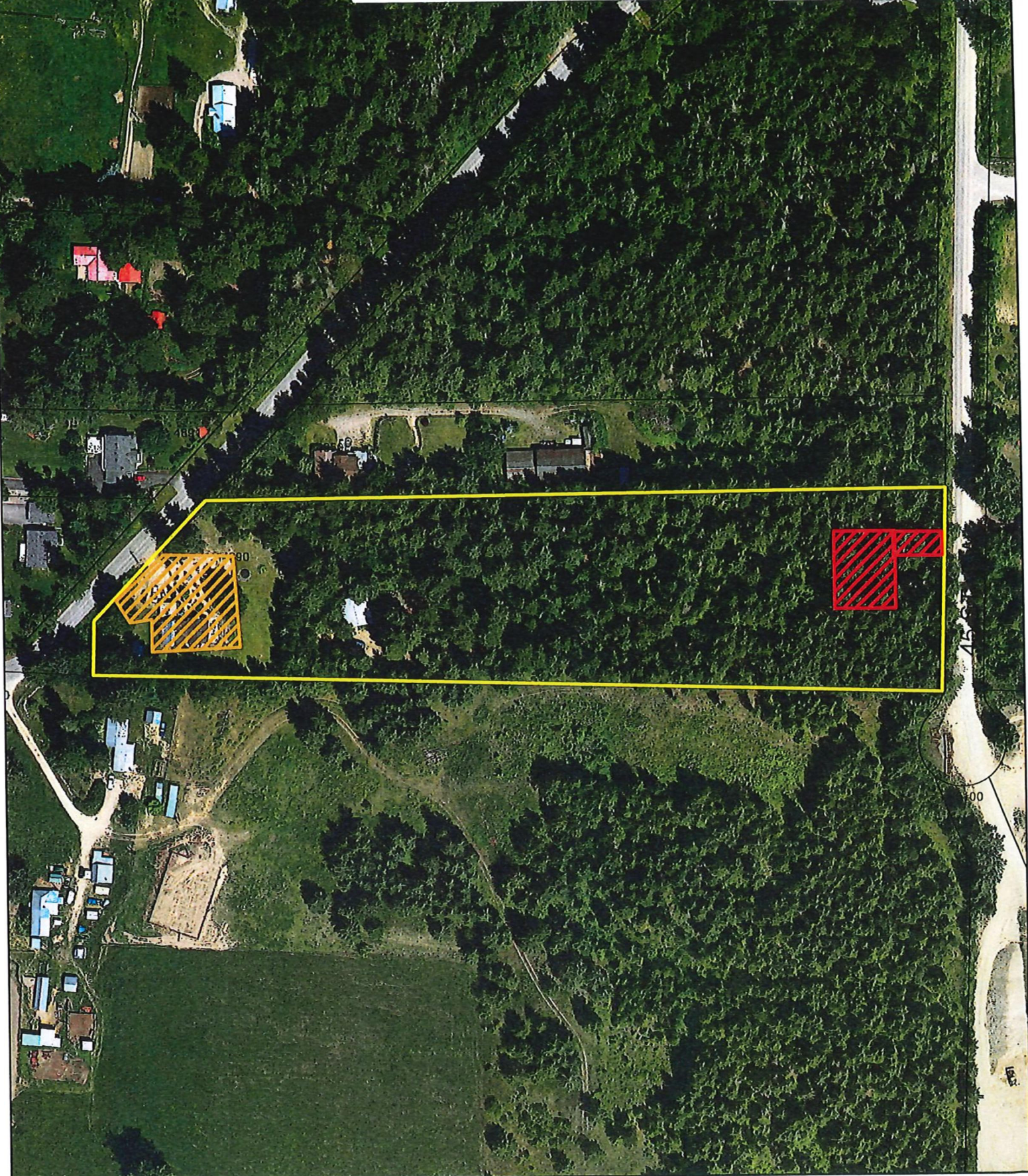
A handwritten signature in black ink, appearing to read "Jenn Wilson", written over a horizontal line.

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

APPROVED BY:

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

Kevin Pearson
Director of Development Services



- | | | | |
|---|------------------|---|--|
|  | Subject Property |  | Approximate existing residence footprint |
|  | Parcels |  | Approximate new residence footprint |

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To: His Worship Mayor Harrison and Council

Date: May 5, 2021

Subject: Agricultural Land Commission Application No. ALC 406
 Non-Adhering Residential Use – Building an Additional Residence for Farm Use
 Legal: Lot 9, Section 25, Township 20, Range 10, W6M KDYD, Plan 30250
 Civic: 3381 28 Street NE
 Owner: Megyesi, M. & A.

STAFF RECOMMENDATION

THAT: Agricultural Land Commission Application No. ALC 406 be authorized for submission to the Agricultural Land Commission.

PROPOSAL

The applicant is requesting permission to construct an accessory building on their property, which consists of both farm use and a residential suite.

The subject property is within the Agricultural Land Reserve (ALR) and requires the issuance of a Non-Adhering Residential Use application for any additional residential units on the property.

BACKGROUND

The subject property is located at 3381 28 Street NE as shown in Appendices 1 and 2. The property, approximately 2.1 ha (5.12 ac) in size, contains a single family dwelling and is largely treed. This parcel is almost entirely within the Agricultural Land Reserve (ALR) except for the eastern panhandle portion at the front of the property (see Appendix 3).

This proposal requests to construct an accessory building, totalling approximately 538 m² (5,792 ft²). The bottom floor of the building is intended for the storage of farming equipment, and the upper floor would be split between a workshop area for farm use and a 90 m² (969 ft²) residential suite (Appendix 4). The property owners state in their application that the property has minimal potential for large scale farming due to the tree cover and poor soil, suggesting that the accessory building would be located in an area with limited agricultural capability.

Changes made to the ALC Regulations in 2019 require land owners to request specific permission for any residential unit in addition to the single residential unit permitted. An excerpt from the ALC Policy L-26 regarding these types of applications is attached as Appendix 5.

This property is almost entirely zoned Rural Holding (A2), with just the panhandle portion being zoned Single Family Residential (R1). The area where this building is proposed permits a detached suite under the A2 zone subject to the *detached suite* regulations attached as Appendix 6.

Site photos are attached as Appendix 7.

5.9

COMMENTS

Engineering Comments

This development is exempt under Section 5.3.1 of the Subdivision and Development Servicing Bylaw, except that the owner will be required to upgrade their water service and install a water meter at the building permit stage.

Building Department

The property owners have been made aware that fire separation requirements will vary depending on uses within the building. The property owner confirmed that both the lower portion of the building and workshop portion of the second floor are intended to facilitate agricultural operations.

Development Cost Charges (DCCs) in the amount of \$6,064.31 would be applicable at that building permit stage.

Fire Department

No concerns.

Planning Department

Staff note that the suite is proposed the same distance from the front lot line as the existing residence which appears to be much further back than the 60.0 m setback the ALC typically permits. The ALC allows a total residential footprint of 2,000 m² for the principle residence, this includes accessory residential facilities (e.g. yard, driveway, servicing). The total residential footprint for each permitted additional residence may be a maximum of 1,000 m². The existing footprint of the principle residence appears to be approximately 1,685 m² (Appendix 8). This includes the residence and existing driveway but does not account for the yard since the treed landscape makes it difficult to differentiate what is intended for agricultural operations and what is considered part of the residential footprint.

Based on a rough calculation, an additional residence of 90 m² will likely require a driveway at least 560 m² in area (if connecting to the existing driveway at the principle residence). This means the property owners should be able to keep the additional residence within the 1,000 m² permitted by the ALC. That being said, City staff ultimately defer to the ALC to confirm home plate area calculations.

Soil Classification and Agricultural Capability are 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 Unimproved Soil Class Rating of 80% Class 4 and 20% Class 2. A copy of the Unimproved Soil Class map is attached as Appendix 9.

Adjacent zoning and land uses include the following:

- North: Rural Holding (A2) – Single Family Dwelling and Agriculture
- South: Rural Holding (A2) – Single Family Dwelling and Agriculture, Single Family Residential (R1), and Residential Suite (R8)
- East: Single Family Residential (R1) and Residential Suite (R8)
- West: Rural Holding (A2) – Single Family Dwelling and Agriculture

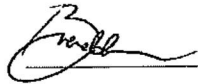
Agricultural Advisory Committee

This application will be reviewed by the Agricultural Advisory Committee (AAC) on May 12, 2021, which means the minutes from that meeting will not be ready in time for the Development and Planning Services Committee meeting on May 17, 2021. The relevant AAC minutes should be ready for the May 25 Council meeting.

CONCLUSION

Staff feel that the addition of a residential suite would fit within this neighbourhood given the mix of residential and agricultural properties. Additionally, the private, treed nature of this property means the suite likely wouldn't be visible from the roadway. The A2 zone also allows for a *detached suite* and OCP Policy 7.3.16 supports *detached suites* in the Acreage Reserve area.

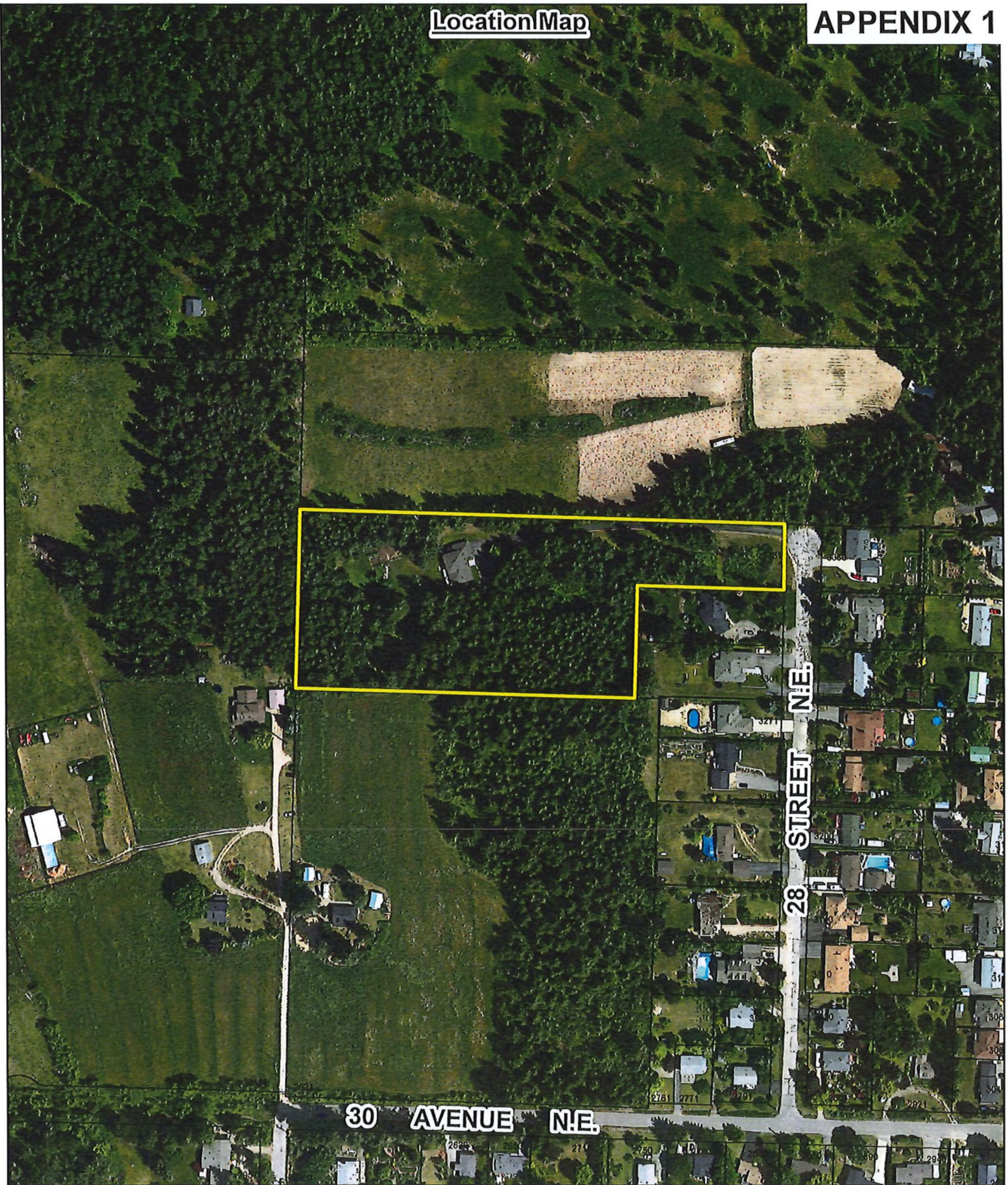
Staff are in support of a review of this application by the ALC and note that the proposal must meet *detached suite* zoning regulations as well as BC Building Code requirements.



Prepared by: Brenda Kolenbrander
Planner

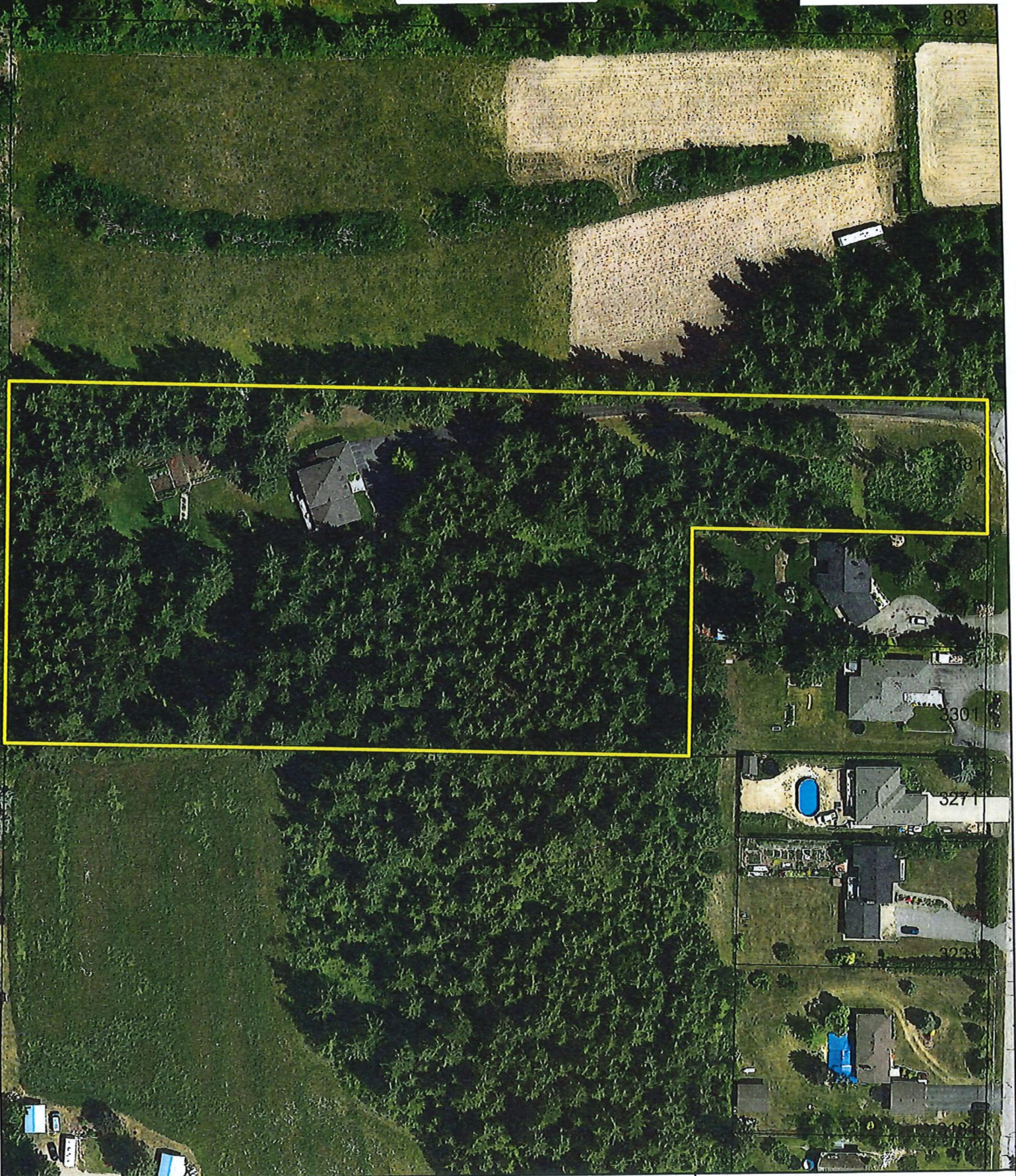

Reviewed by: Kevin Pearson, MCIP, RPP
Director of Development ServicesAppendices:

- Appendix 1 – Location Map
- Appendix 2 – Subject Property Map
- Appendix 3 – ALR Map
- Appendix 4 – Application and Site Plan
- Appendix 5 – Excerpt from ALC Policy L-26
- Appendix 6 – Detached Suite Regulations
- Appendix 7 – Site Photos
- Appendix 8 – Total Residential Footprint Map
- Appendix 9 – Unimproved Soil Map



0 30 60 120 180 240 Meters

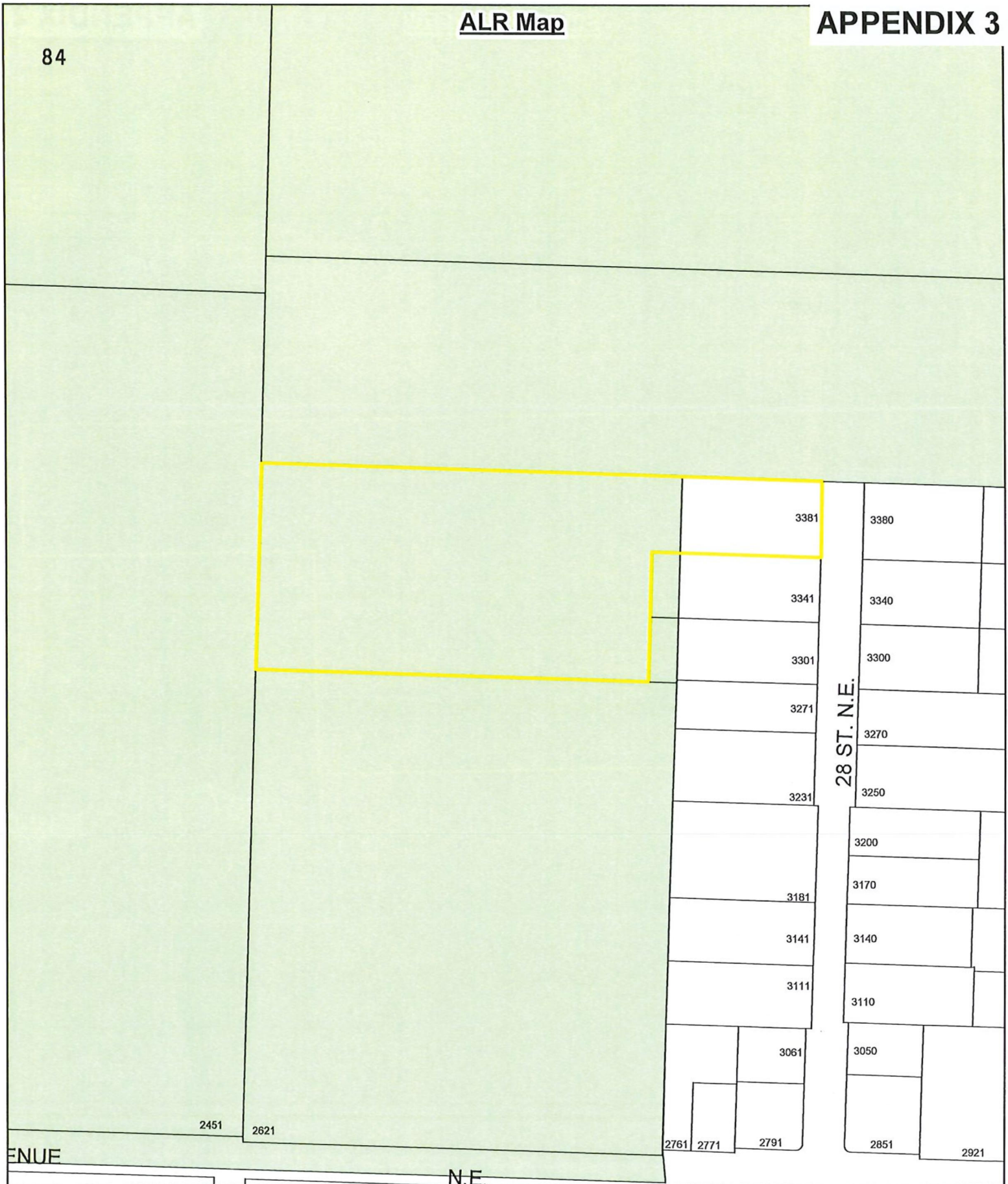
 Subject Property
 Parcels



0 15 30 60 90 120 Meters

 Subject Property
 Parcels

84



AVENUE

N.E.



0 20 40 80 120 160 Meters

-  Subject Property
-  Parcels
-  ALR Land

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 62673

Application Status: Under LG Review

Applicant: Mark Megyesi , Amy Megyesi

Agent: Amy Megyesi

Local Government: City of Salmon Arm

Local Government Date of Receipt: 04/12/2021

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

Proposal Type: Non-Adhering Residential Use - Additional Residence for Farm Use

Proposal: We need a barn to store the tractor and related implements. (squirrels have chewed through the fuel line where the tractor is currently stored). We also need a workshop for maintenance functions connected to the farm. Above the barn, we need to build a carriage house and a home based business work area to support expanding our agricultural capacity.

Agent Information

Agent: Amy Megyesi

Mailing Address:

3381 28 St NE

Salmon Arm, BC

V1E 3K8

Canada

Primary Phone: (250) 804-0564

Mobile Phone: (250) 804-3304

Email: themegyesis@gmail.com

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 004-011-716

Legal Description: Lot 9, Plan KAP30250, Section 25. Township 20, Range 10, Meridian W6,
Kamloops Div of Yale land district

Parcel Area: 2.1 ha

Civic Address: 3381 28 St NE

Date of Purchase: 01/11/2014

Farm Classification: No

Owners

1. **Name:** Mark Megyesi

Address:

3381 28 St NE

Salmon Arm, BC

V1E 3K8

Canada

Phone: (250) 804-0564

Cell: (250) 515-2554

Email: themegyesis@gmail.com

2. Name: Amy Megyesi

Address:

3381 28 St NE

Salmon Arm, BC

V1E 3K8

Canada

Phone: (250) 804-0564

Cell: (250) 804-3304

Email: themegyesis@gmail.com

Current Use of Parcels Under Application

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

2000 sq ft kitchen garden for family food security (vegetables, herbs, berries, fruit and nut trees). Planned chicken coop for laying hens and greenhouse construction within the next few months. This cannot get done without outside help as we have 3 small children.

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

The soil outside the garden is very poor and clayish and we have fairly extensive tree cover. This small parcel is poorly suited to large scale agriculture and has never been farmed. We have invested heavily in maximizing our low agricultural potential by purchasing a new tractor and related implements. (>\$25K). We have had dump truck loads of sand, chicken manure, and good garden soil brought in (\$1500) for the vegetable garden. We have spent >\$2000 on installing ground level irrigation for precision control of the vegetable crops watering, to minimize water wastage. We plant cover crops annually to keep weeds to a minimum, tilling the cover crops in as green compost. We do not use pesticides on our garden. We compost kitchen and garden waste to improve our soil. We have spent \$500 to dig and wire electricity and pipe water to a greenhouse and chicken coop which are to be built this season. The greenhouse and chicken coop are budgeted at \$7000. Further improvements to the garden to facilitate terracing and increase growing area are also planned for this season and budgeted at \$5000.

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

Single family residence.

Adjacent Land Uses

North

Land Use Type: Unused

Specify Activity: vacant field, not cultivated or used

East

Land Use Type: Residential

Specify Activity: multiple homes along the street

South

Land Use Type: Agricultural/Farm

Land Use Type: Agricultural/Farm

Specify Activity: rents for cow pasture few months/yr

Proposal

1. What is the purpose of the proposal?

We need a barn to store the tractor and related implements. (squirrels have chewed through the fuel line where the tractor is currently stored). We also need a workshop for maintenance functions connected to the farm. Above the barn, we need to build a carriage house and a home based business work area to support expanding our agricultural capacity.

2. Describe the necessity for an additional residence for farm use and how it will support agriculture in the short or long term.

We need my parents' help to run this family farm and raise our young family. The residence will go over top the planned garage and shop, so it will not take any extra land footprint. This is in accordance with the Ministry of Agriculture Policy Intentions Paper: Residential Flexibility in the ALR dated January 27, 2020. We confirm we are not building any "mega-mansions" or speculating on the land. We have roots and long term investments in this community.

3. Describe the size, type and number, as well as occupancy of all residential structures currently located on the property.

Currently there is one home on the property occupied by the owners. The home occupies 1341 sq feet on the main level.

4. What is the total floor area of the proposed additional residence in square metres?

90 m²

5. Describe the rationale for the proposed location of the additional residence.

The proposed location is on a slope that is treed and unsuitable for agriculture. It has been situated to use the grade to provide level entry upstairs as well as downstairs.

6. What is the total area of infrastructure necessary to support the additional residence?

Additional septic field--300 m²

Additional driveways and retaining walls--500 m²

Barn foundation--400 m²

7. Do you need to import any fill to construct the additional residence or infrastructure?

No

Applicant Attachments

- Agent Agreement-Amy Megyesi
- Proposal Sketch-62673
- Certificate of Title-004-011-716

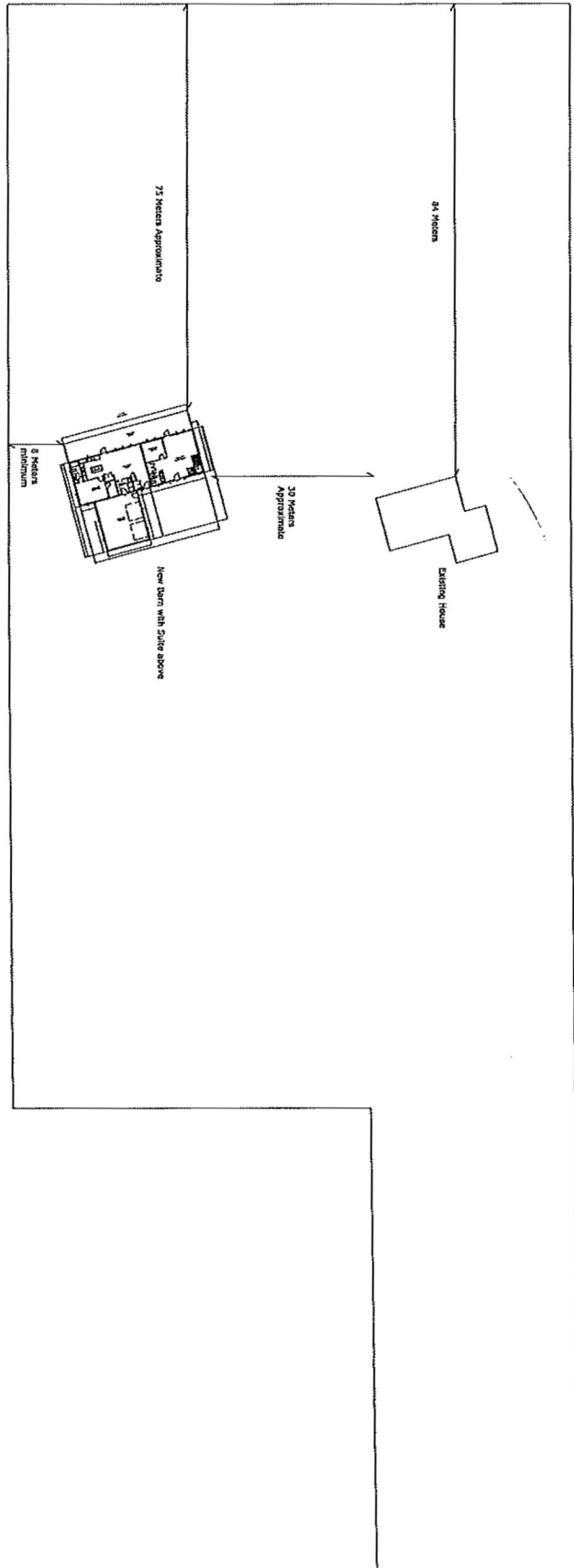
ALC Attachments

None.

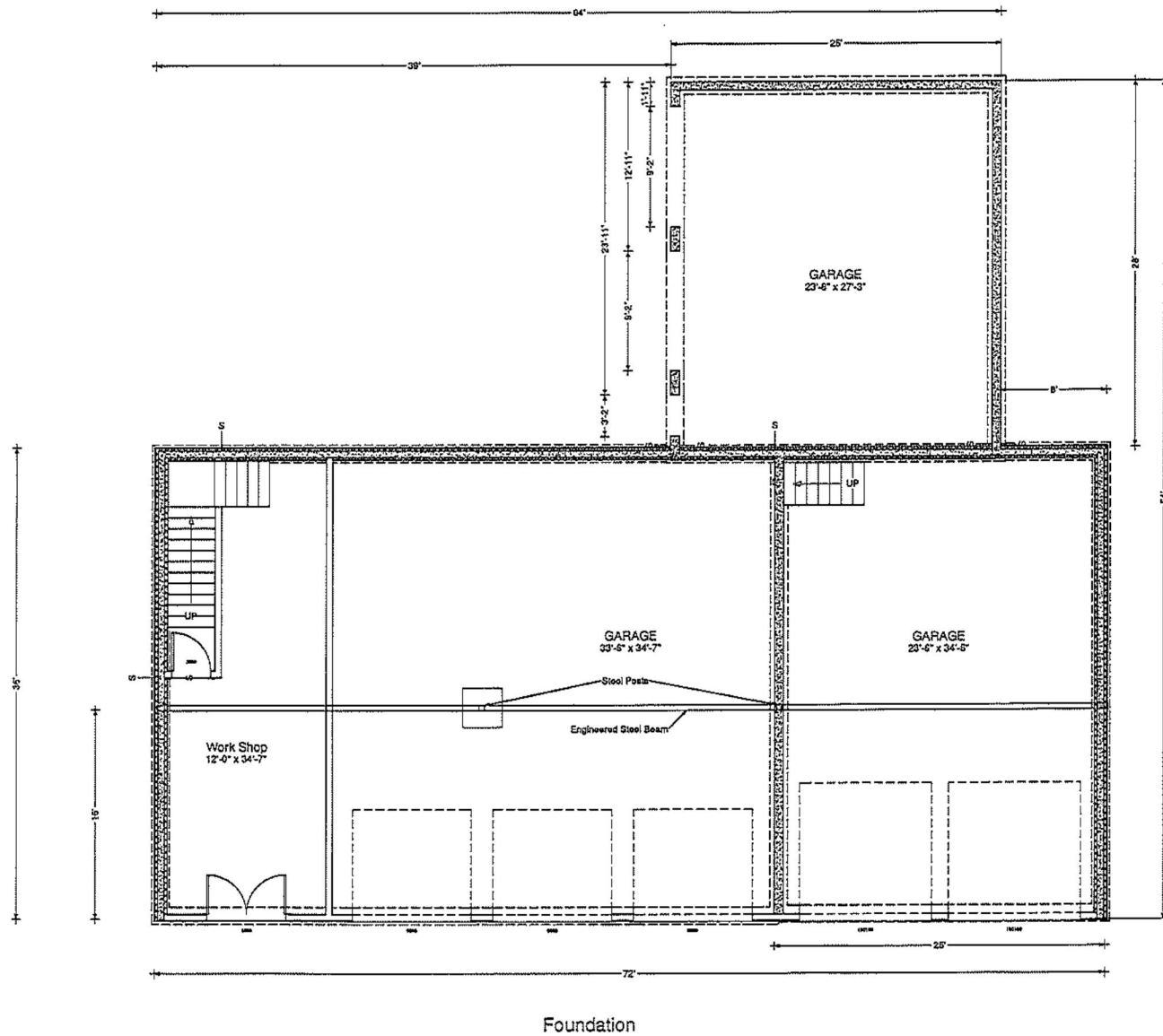
88Decisions

None.

Site Plan



SHEET: A-1	SCALE:	DATE: 2021-04-08	DRAWINGS PROVIDED BY: Prominent Homes 2281 24 Ave NE Salvich Aton BC V1E 3Y4 250 804 6760	PROJECT DESCRIPTION: Barn with Suite	SHEET TITLE: 3381 28 Street NE	NO.	DESCRIPTION	BY	DATE



NO.	DESCRIPTION	BY	DATE

SHEET TITLE:
3381 28 Street NE

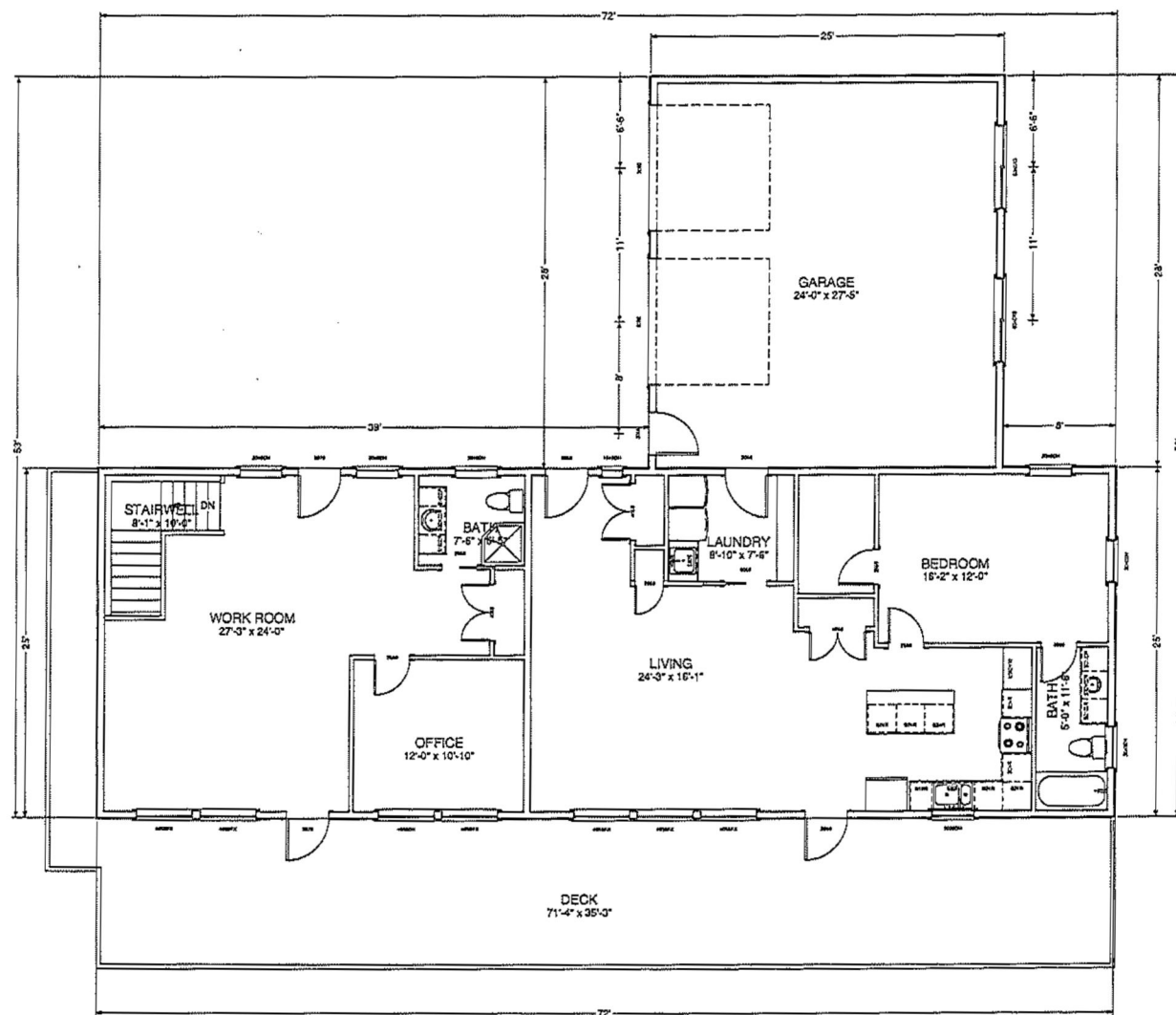
PROJECT DESCRIPTION:
Barn with Suite

DRAWINGS PROVIDED BY:
Prominent Homes
2281 21 Ave NE
Sutton 4th Floor 314
780 851 8105

DATE:
2021-04-08

SCALE:

SHEET:
A-2



LIVING AREA
969 sq ft

1st Floor

[illegible]

SHEET TITLE: 3381 28 Street NE

PROJECT DESCRIPTION:
Barn with Sulte


DRAWINGS PROVIDED BY:
Prominent Homes
2281 24 Ave NE
Saffron Arms BC V1E 3Y4
250 604 6760

DATE:
2021-04-08

SCALE:

SHEET:

A-3

 <p>Agricultural Land Commission</p>	<p>NON-ADHERING RESIDENTIAL USE APPLICATIONS</p>	<p>POLICY L-26</p> <p>Adopted April 2020</p>
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This policy outlines general guidelines for the ALC's consideration of non-adhering residential use applications which request residential uses in excess of those residential uses permitted by the Agricultural Land Commission Act (the "ALC Act") or its regulations. This includes applications for temporary farm worker housing, and other housing for farm labour, as well as applications to construct or alter a principal residence which will exceed 500m² in total floor area.

The Ministry of Agriculture is currently undertaking engagement on the proposed residential flexibility options outlined in the [Residential Flexibility Policy Intentions Paper](#). In consideration of this, there may be future regulatory changes to the permitted residential uses in the ALR.

For more information on the kinds of factors the ALC may consider when deciding on applications, please see the ["What the Commission Considers"](#) page on the ALC's website.

Principal Decision-Making Considerations:

1.0 Housing for temporary farm workers under the Canadian Seasonal Agricultural Worker Program

Employers who are approved for farm workers under the Canadian Seasonal Agricultural Worker Program ("SAWP") have already been assessed for farm business legitimacy and employment need as part of the SAWP application process. As such, the Agricultural Land Commission's ("ALC or "Commission") determination of a Non-Adhering Residential Use ("NARU") application for temporary farm worker housing ("TFWH") registered in the SAWP will be based on already determined legitimacy and need.

The Commission prefers that temporary housing for farm workers, including foreign workers, should be in an existing building, or a residential structure constructed or manufactured to be moved from one place to another, and installed on a temporary foundation with no basement.

On April 26, 2019, the Commission delegated decision-making authority to the Chief Executive Officer ("CEO") for NARU applications for TFWH registered in the SAWP that meet specific criteria outlined in Appendix A.

2.0 Housing to reflect agricultural activity

In considering whether an additional residence is necessary for a farm use, the Commission will assess the scale and intensity of the farm operation. Where an applicant can demonstrate that the scale and intensity of the farm operation has exceeded the labour capacity of the owner/residents, the Commission may determine that an additional residence would be necessary to support the farm operation. Examples of supporting evidence that may be submitted with an application to aid the Commission in its determination is found in Appendix B.

The Commission may not be supportive of housing proposals which "intend" to expand or intensify the farm operation unless it considers there to be a satisfactory mechanism to ensure that expansion is undertaken after the new housing is constructed.

3.0 Limiting housing's physical impact on the productive parcel

The type of additional residential structure should reflect the agricultural use of the property. Preference will be provided to residential uses which utilize existing structures and/or residences that are sized appropriately and located in an area which minimizes negative impacts to the agricultural land or can easily be removed from the property, such as a manufactured home.

The total residential footprint, meaning the portion of a property used for the principal residence, the additional residence(s), and the accessory residential facilities (e.g. yard, driveway, servicing, etc.), should maintain a viable agricultural remainder and should not unnecessarily infringe upon the productive farming area of the property. Unless a more restrictive local government bylaw is in place, the following parameters, consistent with the Minister's Bylaw Standards, will inform the Commission's consideration of the appropriate total residential footprint:

- a) **Principal Residence:** The total residential footprint for a principal residence should not be more than 2,000 m².
- b) **Additional Residence:** The total residential footprint for each permitted additional residence should not be more than 1,000 m².
- c) **Temporary Farm Worker Housing:** The total residential footprint for each permitted temporary farm worker housing space should not be more than 35 m² per worker.
- d) **Siting:** The setback from the front lot line to the rear or opposite side of the total residential footprint should not be more than 60 metres. Lots narrower than 33 metres are exempted from the 60 metre maximum setback guideline (for the total residential footprint) from the front lot line, however, the footprint should fill the front of the lot to a maximum of 2,000 m².
- e) The following exceptional circumstances may also apply to the siting of residential footprints and may be considered by the Commission:
 - i) **Existing Footprints:** The clustering of a residence with other existing non-agricultural uses on the property to limit the fragmentation of ALR land and avoid the restriction of agricultural activities.
 - ii) **Commodity-Specific Needs:** The strategic placement of a residence to benefit or optimize the agricultural operation (e.g. monitoring of livestock on a large property).
 - iii) **Topographic Features:** Siting of a residence as appropriate to reduce the use of potentially productive farming land for residential purposes (e.g. sited on a non-farmable area of the property).

Further explanation of sample conditions that the Commission may place on an approved NARU application are summarized in Appendix C.

4.0 Principal Residences Larger than 500 m²

Section 25(1.1)(b) of the ALCA does not apply to a NARU application for a principal residence larger than 500 m². However, the necessity for farm use of the proposed principal residence is still a relevant factor in determining whether a size over 500 m² should be allowed. For these applications, the Commission will generally consider whether the requested increase in total floor area would be supportive of the current farming operation and necessary for farm use. The Commission may also consider unique or extenuating circumstances that do not negatively impact the agricultural use of the property.

5.0 Building a New Principal Residence While Occupying an Existing Residence

It is the Commission's preference that the original principal residence be removed prior to the construction of a new principal residence, so that the new principal residence can be constructed in the same location as the original residence, thus minimizing the impact on the land base. However, the Commission recognizes that in some circumstances this may not be feasible.

On October 23, 2019, the Commission delegated its decision-making authority to the CEO for NARU applications which propose to build a new residence while occupying an existing residence, when the proposal meets the criteria outlined in Appendix D.

Role of the Local Government:

Local governments must review NARU applications and either provide comments and recommendations for the Commission's consideration or, in some cases, authorize the application to proceed to the Commission: ALCA, ss. 25(3), 34(4)-(5). For applications in relation to settlement lands, the first nation government must authorize the application to proceed to the Commission: ALCA, s. 25(3.1).

An absence of local zoning bylaws does not relieve a landowner of complying with the restrictions in the ALCA and Agricultural Land Reserve Use Regulation (the "ALR Use Regulation").

Local government bylaws can be more restrictive of residential use of the ALR than the ALCA: ALCA, s. 46(6). The ALR Use Regulation identifies certain designated farm uses and permitted non-farm uses that local governments must not prohibit, but places no limitation on local government powers to prohibit or otherwise restrict residential uses of ALR land.

Appendix C:

If the Commission approves a NARU application to place or construct an additional residence, to construct or alter a principal residence, or to reside in a residence while constructing another residence, its permission may be granted with limits or conditions. Examples of conditions may include:

- i. Siting of the residence in accordance with specified criteria
- ii. A requirement that farm help must be contributing to the farm operation as described within the application
- iii. Registration of a restrictive covenant requiring the removal or decommissioning of the additional residence should the residence not be used for the purpose of farm labour requirements or should the residence be unoccupied for a certain length of time
- iv. Residing in a residence while constructing another may require the posting of a financial security in the form of an Irrevocable Letter of Credit in the amount of \$50,000 or as otherwise determined to ensure decommissioning of a residence. Without limiting other potential repercussions to the applicant or property owner, the Commission may access some or all of the financial security upon failure to comply with any or all aspects of the conditions of permission ordered by the Commission
- v. Consolidation with neighbouring parcel(s) and/or restrictions on the future residential use of other parcels included within the farm operation

CULTURAL FACILITY means any *building* designed or utilized primarily for the presentation to the general public of live theatre, dance performances, musical concerts, cinema, lectures, exhibits of various art forms or exhibits of cultural, academic or scientific materials.

DENSITY means the ratio of the number of *dwelling units* to the *parcel area*.

DETACHED SUITE means a *dwelling unit* with a maximum floor area of 90 square metres (968.8 square feet) that is contained within a building which is accessory to a *single family dwelling*, and shall not include a *mobile home*, *manufactured home*, travel trailer, recreational vehicle, or a storage container. #3996

DEVELOPMENT means a change in the use of any land, *building* or *structure* for any purpose and includes the carrying out of any *building*, engineering, construction or other operation in, on, over or under land or water or the construction, addition or alteration of any *building* or *structure*.

DEVELOPMENT PERMIT means a permit issued pursuant to the *Official Community Plan* Bylaw No. 2301.

DINING AREA means a common area allocated exclusively for dining purposes of sufficient size to accommodate all of the residents of an *assisted living housing complex*, which has not less than 1.4 square metres of floor area per unit. #3165

DUPLEX means any *building* divided into two *dwelling units*.

DWELLING UNIT means a *suite* used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

EDUCATION/TRAINING FACILITY includes classrooms, lecture halls/rooms and dance/art/music studios that are used solely for educational and training purposes.

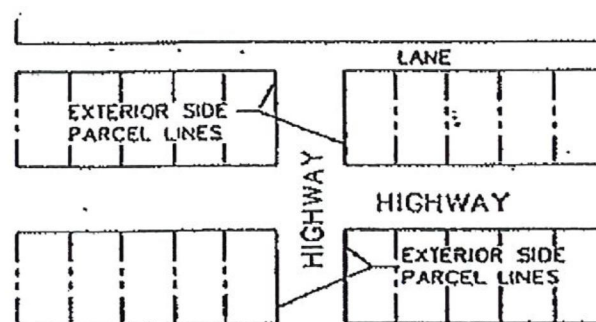
ENTERTAINMENT FACILITY means a facility where fees are charged for the provision of entertainment to the public and includes uses such as theatres and bingo halls.

EQUESTRIAN FACILITY means a facility for horse riding, training and boarding with a maximum of 40 permanent stalls. #3218

EQUESTRIAN FACILITY CAMPSITE means a temporary campsite with a maximum of ten (10) tenting or recreational vehicle sites located on the same *parcel* as a *equestrian facility*. The total developed area of an *equestrian facility campsite*, including open space, landscaped areas and access, shall be no greater than 5% of the gross *parcel area*. #3218

EXTERIOR SIDE PARCEL LINE means a *parcel line* other than a *front* or *rear parcel line* which is common to a *highway* or *access route* excluding lanes and walkways. The figure below illustrates the location of the *exterior side parcel line*.

FIGURE A



FAMILY means:

- .1 an individual, or two or more persons related by blood, marriage, common law, adoption, or foster parenthood; or
- .2 not more than five unrelated persons sharing one *dwelling unit*.

Application

- 4.1 Except as otherwise specified in this Bylaw, Sections 4.2 to 4.14 inclusive apply to all *zones* established under this Bylaw.

Notwithstanding any other provision of this Bylaw, and in keeping with the goals and objectives of City of Salmon Arm Official Community Plan Bylaw No. 2301, rezoning, subdivision and/or Agricultural Land Commission applications may not be approved by the City for any *parcels* located within the "Rural Area" as designated on Schedule "D" attached hereto and forming part of this Bylaw, except as otherwise provided in the *Official Community Plan*.

Detached Suite**4.2 #3998**

- .1 No accessory *building* or *structure* shall be used as a *dwelling unit* except for an approved *detached suite*.
- .2 A *detached suite* shall be constructed to meet the requirements of the BC Building Code.
- .3 A *detached suite* shall be accessible by a cleared and constructed pathway from the offstreet parking stall(s) to the building entrance.
- .4 A *detached suite* shall be oriented and appropriately screened with landscaping or solid fencing to provide privacy in relation to neighbouring properties.
- .5 A *detached suite* shall have sufficient access and be appropriately serviced.
- .6 Subdivision of a *detached suite* is not permitted.

Setback Exceptions - #3545

- 4.3 No *building* or *structure* other than the following shall be located in the *setbacks* required by this Bylaw:

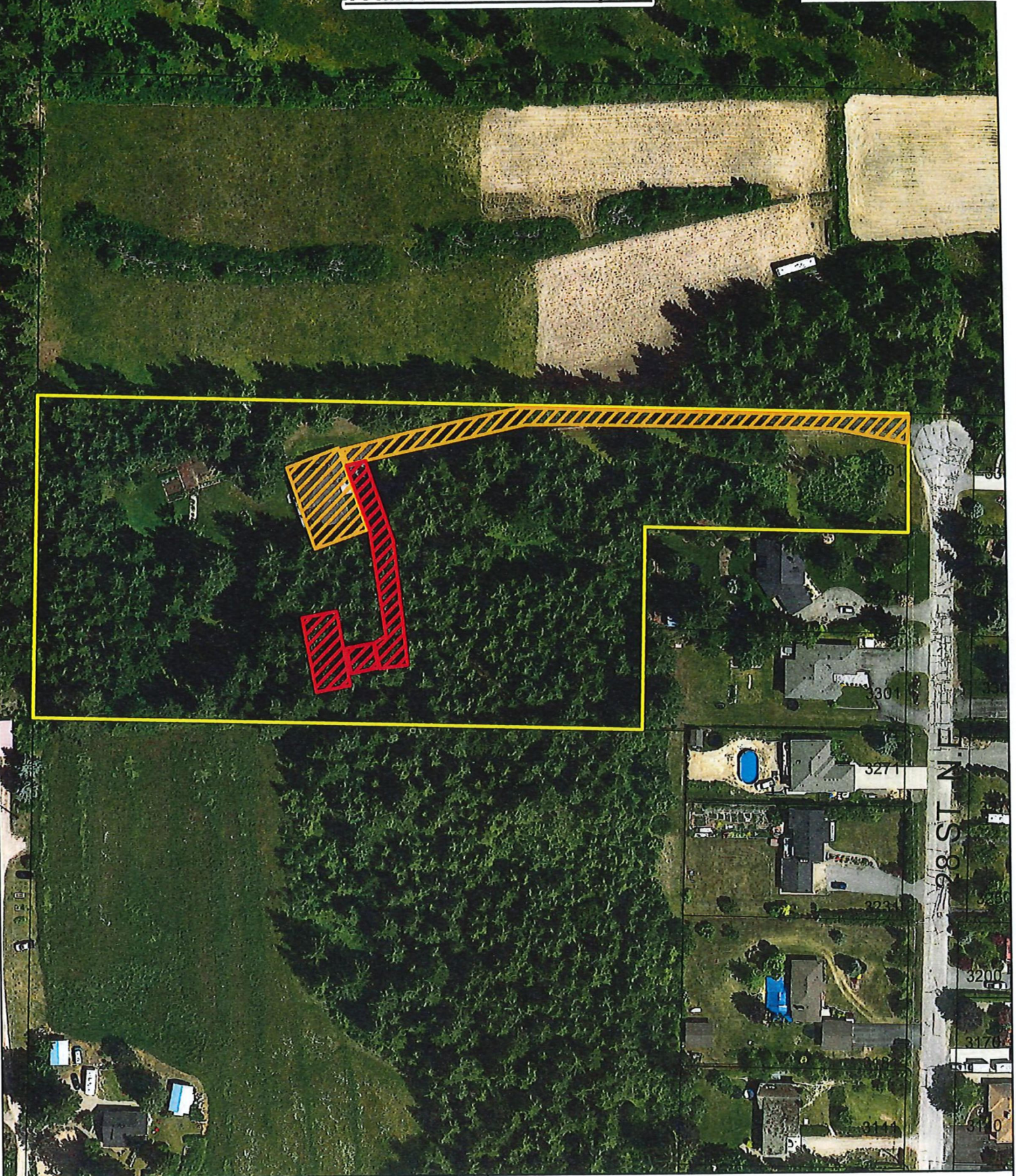
- .1 signs;
- .2 steps;
- .3 uncovered patios or terraces not greater than 0.6 metre (2.0 ft) above surrounding *grade*;
- .4 arbours, trellises, fish ponds, ornaments, flag poles, or similar landscaping;
- .5 *duplexes* where there is a common wall that coincides with an *interior side parcel line* of the *strata parcel* shown on a registered plan pursuant to the Strata Property Act;
- .6 *fences*;
- .7 *retaining walls*;
- .8 temporary *buildings* such as *offices*, lunch rooms, first aid stations or storage *buildings* on active construction sites in conjunction with a valid building permit;
- .9 display yard or unenclosed *parking space*;
- .10 projection of sills, belt courses, cornices and roof eaves to a maximum depth of 0.6 metres (1.9 ft); for each suite, the total combined area of chimney, fireplaces, bay windows, china cabinets or bathroom kickouts and cantilevered balconies is not to exceed 1.6 square metres (17 square feet) in area to a maximum depth of 0.6 metres (1.9 ft) in each required yard. No projection is permitted closer than 0.6 metres (1.9 ft) to a parcel line in a residential area. #2851

Height Exceptions**4.4 #3080**

- .1 Any of the following *structures* may exceed the height limitations specified for each *zone* of this Bylaw, except residential *zones* where the maximum *height* of the following *structures* must not exceed 11.0 metres (36.0 feet):
 - .1 Antenna or mast for the transmission or reception of radio and television signals;
 - .2 chimney;
 - .3 *church* spires, belfries;
 - .4 fire and hose tower;
 - .5 flag pole;
 - .6 mast or aerial;



Property frontage and access at west end of 28 ST N.E. cul-de-sac



0 10 20 40 60 80 Meters



Subject Property



Parcels



Approximate existing residence footprint



Approximate additional residence footprint

Unimproved Soils Map

APPENDIX 9

100

8 2
4M - 2X
T



0 37.5 75 150 225 300 Meters



Subject Property



Parcels



CLASS 4



CLASS 6

CITY OF SALMON ARM

To: His Worship Mayor Harrison and Members of Council

Date: May 6, 2021

Subject: Agricultural Land Commission Application No. 407 (Exclusion)

Legal: Lot 17, Section 7, Township 20, Range 9, W6M, KDYD, Plan 1230
 Civic Address: 3831 20 Avenue SE
 Owner: Bruce and Rose Mierau (Bill Laird)
 Applicant: City of Salmon Arm

STAFF RECOMMENDATION

THAT: Council direct staff to submit an Agricultural Land Reserve application to Exclude Lot 17, Section 7, Township 20, Range, W6M, KDYD, Plan 1230;

AND THAT: Pursuant to Section 15. 1(b) of the *ALR General Regulation* a Statutory Public Hearing be scheduled for June 14, 2021.

PROPOSAL

The subject property is located on 20 Avenue SE, west of the Airport. Under the revised Agricultural Land Reserve (ALR) Regulations ALR Exclusion applications may only be made by the municipality. The subject property is part of a Special Development Area that is slated to be zoned for the expansion of the City's Industrial Park.

BACKGROUND

The subject property is approximately 4.5ha in area, and contains a single family dwelling (Appendix 1 and 2). The subject property is designated Light Industrial in the City's Official Community Plan (OCP) (Appendix 3), inside the Urban Containment Boundary and within a Special Development Area in the OCP. The subject property is currently zoned A2 – Rural Holding Zone in the Zoning Bylaw (Appendix 4). Zoning Amendment Bylaw No. 4428 proposes to rezone the subject property from A2 (Rural Holding Zone) to M2 (Light Industrial Zone) and is currently at third reading.

Adjacent land uses of 3831 20 Avenue SE include the following:

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

In many instances OCP Designations and zoning align, in this case, the A2 zoning is a departure from the long term vision for this area to develop as Industrial. As a means to discourage adhoc development it is common planning practice to use the OCP and zoning as regulatory tools to limit piecemeal land development into unwanted areas - such as industrial development on other ALR lands or areas better suited for residential or commercial development. At a larger community scale, having an area designated for future industrial land has worked to limit the potential for piecemeal development of industrial land far outside of the Industrial Park. Also, having areas such as the SDA identified in the OCP allows for road and servicing preplans to be completed in advance of development proposals, again dissuading adhoc development.

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 and provided road network plans (Appendices 5 and 6). 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 could proceed with final reading of Zoning Bylaw Amendment No.4428 to rezone the property to M2 (Light Industrial Zone).

The proposed M2 (Light Industrial Zone), attached as Appendix 7, allows for 40 uses that range from manufacturing to larger scale repair and other uses that may require extensive outdoor storage. Single Family Dwelling is not a permitted use in the zone; therefore, should the bylaw be adopted the existing dwellings would be deemed legal non-conforming and could remain for the foreseeable future.

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 8.

COMMENTS

Public Input

Pursuant to the *Agricultural Land Commission Act*, the City must post a Notice of ALR Exclusion Notice Signs on the property for at least 10 days prior to the Public Hearing. The ALR process differs from the City process in that letters to neighbours are not used as part of the notification process. To provide some clarity a flow chart outlining the process is enclosed as Appendix 9.

Engineering Department

No concerns with ALC exclusion application. At the rezoning stage, site servicing and of-site works were assessed as a courtesy and would be applicable at the time of Building Permit. Is enclosed as Appendix 10.

Building Department

No concerns.

Fire Department

No concerns.

Agricultural Advisory Committee (AAC)

The Agricultural Advisory Committee reviewed the application at their April 14, 2021 meeting and passed the following resolution:

THAT: the AAC supports the application to Exclude 3831 20 Avenue SE from the ALR.

DEFEATED

Opposed: Ron Ganert, Jen Gamble, Serena Caner, Barrie Voth

Planning Department

All Exclusion applications after September 30, 2020 require that the Local Government act as the applicant. It is understood that this shift in application process is to have local governments initiate the Exclusion process and consider applications on a community wise basis.

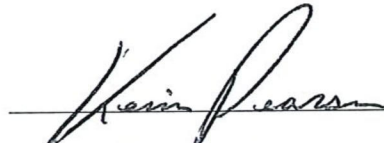
Given that the subject property is within a Special Development Area that has been identified in the OCP and endorsed by the ALC since 1988 and the applicant's proposal is consistent with the pre-plan design staff are supportive of the ALC Exclusion application. Since the ALC's endorsement supporting 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.

Should Council not support submitting the ALC application, a planning process would have to be undertaken in order to find suitable land for expansion of the Industrial Park. It could take several years to identify and designate appropriate land for industrial purposes and several more years to design road networks and servicing preplans to support development. It should be noted that much of the available larger tracks of land within the City boundary are in the ALR and/or Crown lands.

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

Subject Property

104

8 AVE. S.E.

35 ST. S.E.

10 AVE. S.E.

10 AVE. S.E.

20 AVE. S.E.

40 ST. S.E.

NOT OPEN

40 ST. S.E.



10 AVE. S.E.

43 ST. S.E.

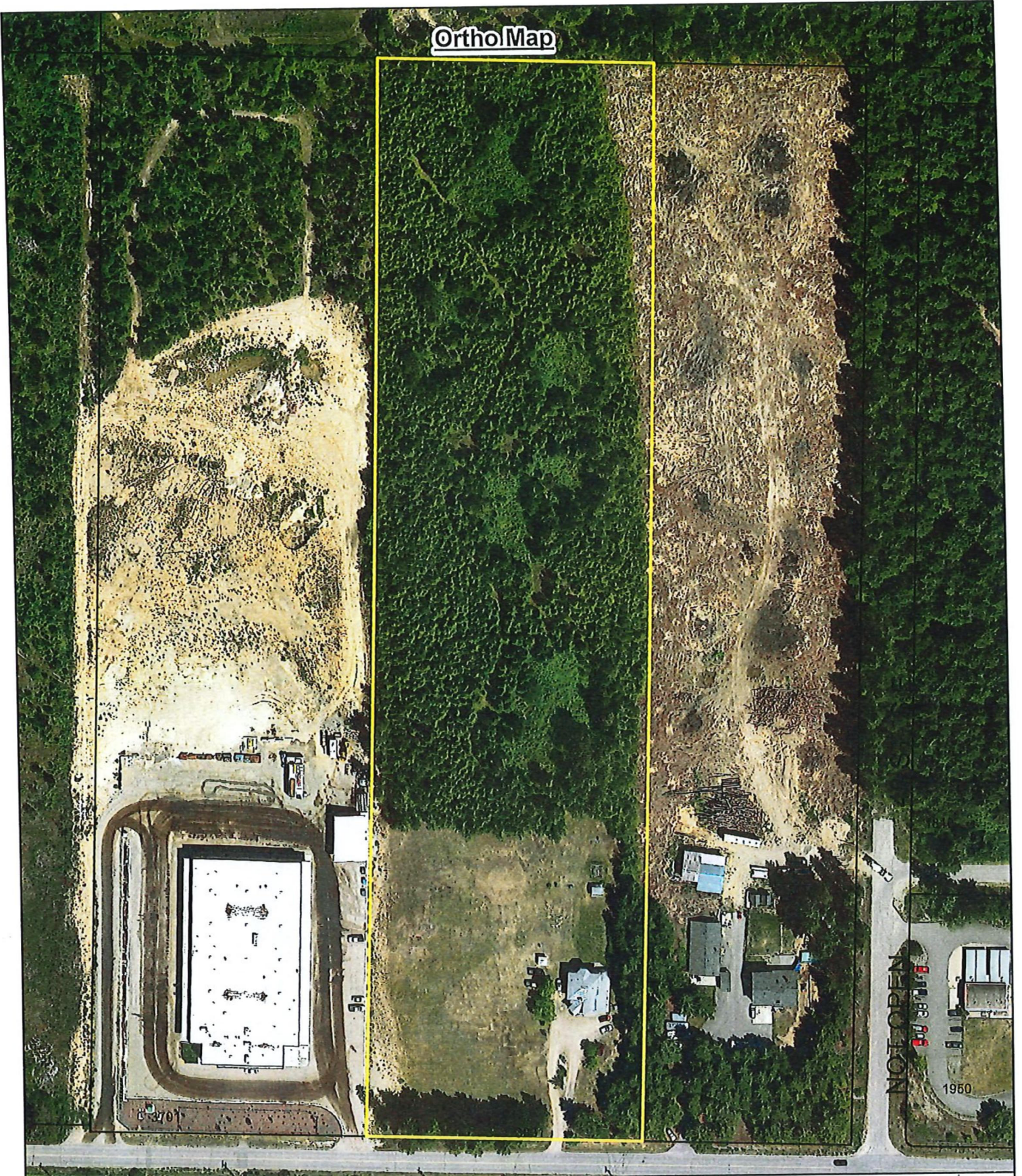
44 ST. S.E.



0 50 100 200 300
m

 Subject Area
 Parcels

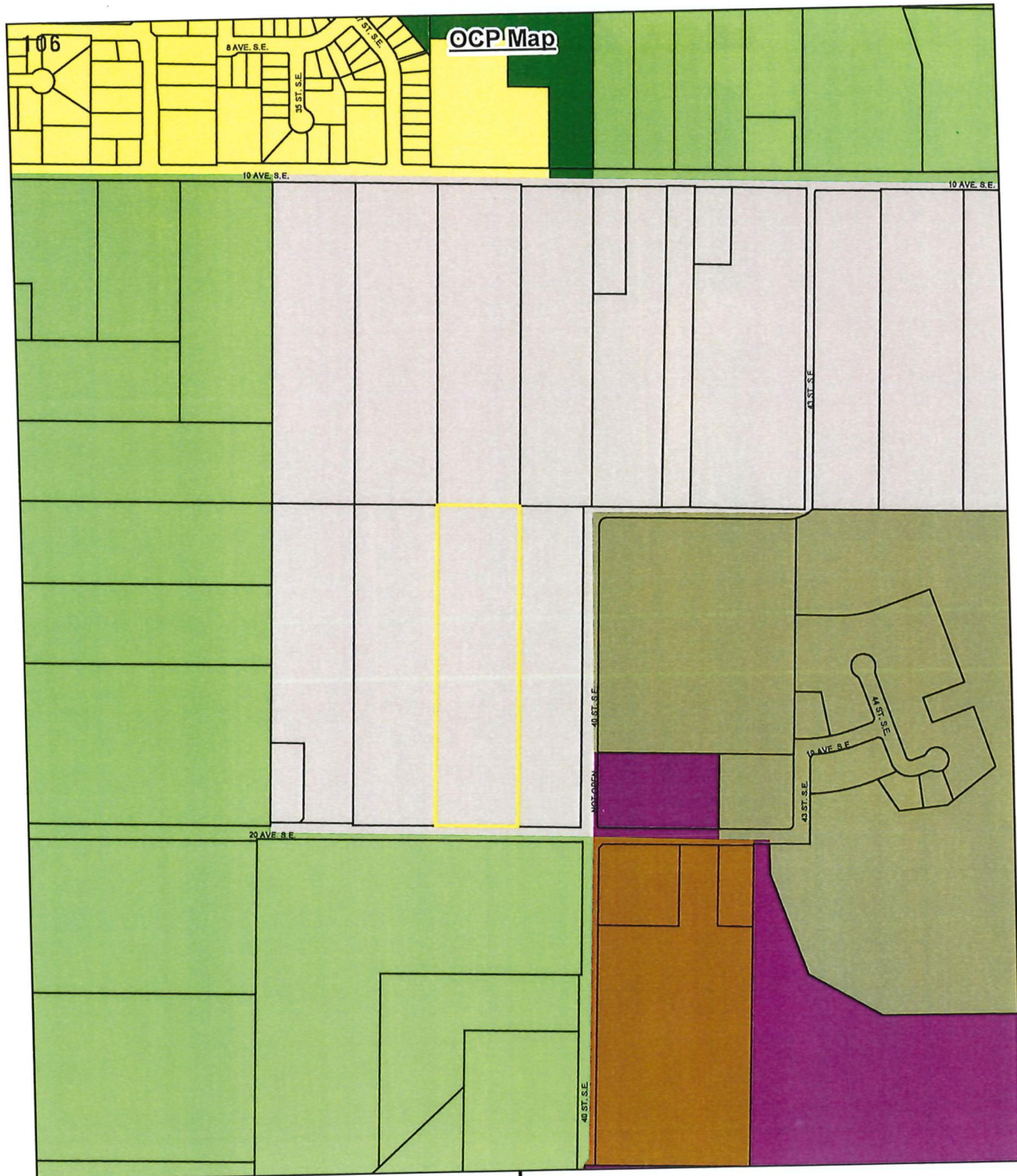
Ortho Map



0 25 50 100 150 m

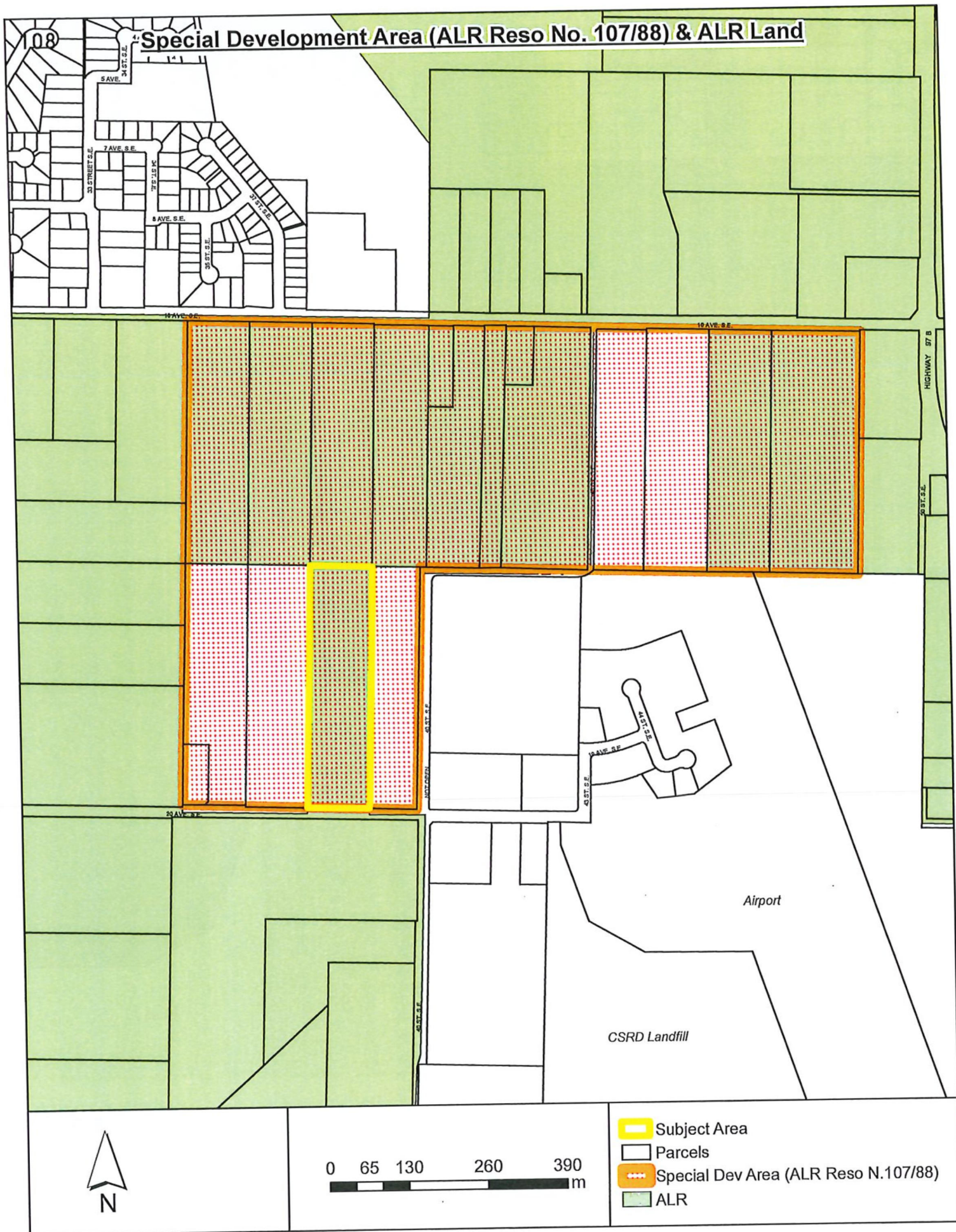
Subject Property
Parcels

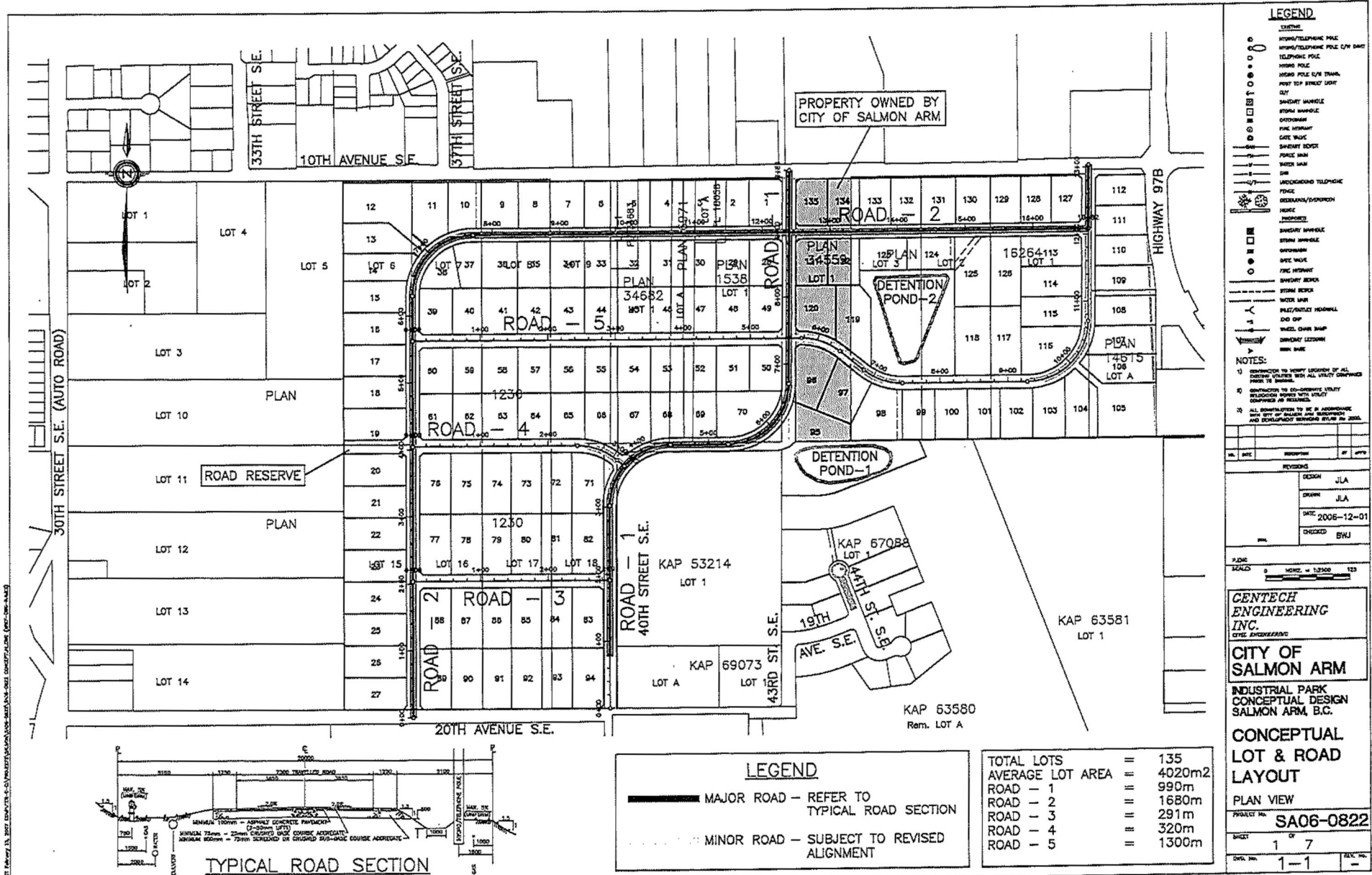
OCP Map



0 50 100 200 300 m

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





SECTION 29 - M-2 - LIGHT INDUSTRIAL ZONE**Purpose**

- 29.1 The M-2 Zone provides for the location of light manufacturing and related uses to be located in areas where conflict with surrounding uses is unlikely to occur.

Regulations

- 29.2 On a *parcel zoned* M-2, no *building* or *structure* shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out in the M-2 Zone or those regulations contained elsewhere in this Bylaw.

Permitted Uses

- 29.3 The following uses and no others are permitted in the M-2 Zone:
- .1 auction yards;
 - .2 automotive and truck repair shop, including body repair and painting, excluding *fuel service station*; #3375
 - .3 auto sales and rental lots, showroom (new and used); #2736
 - .4 boat and boat trailer sales and rental showroom, including minor repairs; #2736
 - .5 *cafe*; #2736
 - .6 distillery and brewery #2736;
 - .7 distribution of refurbished/recycled goods; #3001
 - .8 farm equipment sales and rentals; #2736
 - .9 frozen food lockers, including retail sales; #2736
 - .10 funeral services, including crematorium, embalming and related viewing rooms; #2958
 - .11 greenhouses, and nurseries, including retail sales; #2736
 - .12 *home occupation*; #2782
 - .13 *key lock fuel installation*;
 - .14 laboratory, scientific and research; #2736
 - .15 *light industry*;
 - .16 machinery sales, rental;
 - .17 *mini warehousing*;
 - .18 *mobile food vending*; #4240
 - .19 *mobile home sales*; #2736
 - .20 moving and storage establishment #2736;
 - .21 *office*, in association with a permitted industrial use, where the *office* does not exceed 50% of the lot area; #2736
 - .22 *outside vending*; #2837
 - .23 print shop; #2736
 - .24 *private utility*; #2736
 - .25 *public use*;
 - .26 *public utility*;
 - .27 recreation vehicle sales and rental lots, and showroom (new and used); #2736
 - .28 *recycling depot*;
 - .29 rental and repair of tools, small equipment; #2736
 - .30 *transportation use*;
 - .31 truck sales and rental lots, and showroom (new and used); #2736
 - .32 upholstery shop; #2736
 - .33 *ancillary retail sales*; #2736
 - .34 *accessory use*, including one *dwelling unit*, or one *single family dwelling*, or one *upper floor dwelling unit*. #2761

Maximum Height of Principal and Accessory Buildings

- 29.4 The maximum *height* of *principal* and *accessory buildings* shall be 15.0 metres (49.2 feet).

Maximum Parcel or Site Coverage

29.5 The maximum *parcel* or *site* coverage for all *buildings* and *structures* shall be 70% of the *parcel* or *site* area.

Minimum Parcel Size or Site Area

29.6 The minimum *parcel* size or *site* area shall be 465.0 square metres (5,005.4 square feet).

Minimum Parcel or Site Width

29.7 The minimum *parcel* or *site* width shall be 15.0 metres (49.2 feet).

Minimum Setback of Principal and Accessory Buildings

29.8 The minimum *setback* of the *principal* or *accessory buildings* from the:

- | | | |
|----|---|------------------------|
| .1 | Front <i>parcel line</i> shall be | 6.0 metres (19.7 feet) |
| .2 | Rear <i>parcel line</i> | |
| | - adjacent to a <i>parcel</i> not zoned | |
| | Industrial shall be | 6.0 metres (19.7 feet) |
| | - all other cases shall be | 3.0 metres (9.8 feet) |
| .3 | Interior side <i>parcel line</i> | |
| | - adjacent to a <i>parcel</i> not zoned | |
| | Industrial shall be | 6.0 metres (19.7 feet) |
| | - where the <i>parcel</i> has access to | |
| | a lane shall be | 1.5 metres (4.9 feet) |
| | - where the <i>parcel</i> does not have | |
| | access to a lane shall be | 4.0 metres (13.1 feet) |
| .4 | Exterior side <i>parcel line</i> shall be | 6.0 metres (19.7 feet) |

Accessory Retail Use

29.9 Accessory retail uses, including showrooms and display areas, shall not exceed 25% of the maximum *floor area* of the *principal building* as defined under *Light Industry*.

Outside Storage

29.10 Outside storage shall be screened from public view and any adjacent *parcel* not zoned Industrial as per Appendix III.

Parking and Loading

29.11 Parking and loading shall be required as per Appendix I.

Unimproved Soil Map

112

10 AVE. S.E.

20 AVE. S.E.

NOT OPEN 40 ST. S.E.

43 ST. S.E.

10 AVE. S.E.

43 ST. S.E.

40 ST. S.E.

7

3

5 T - 4 T

M

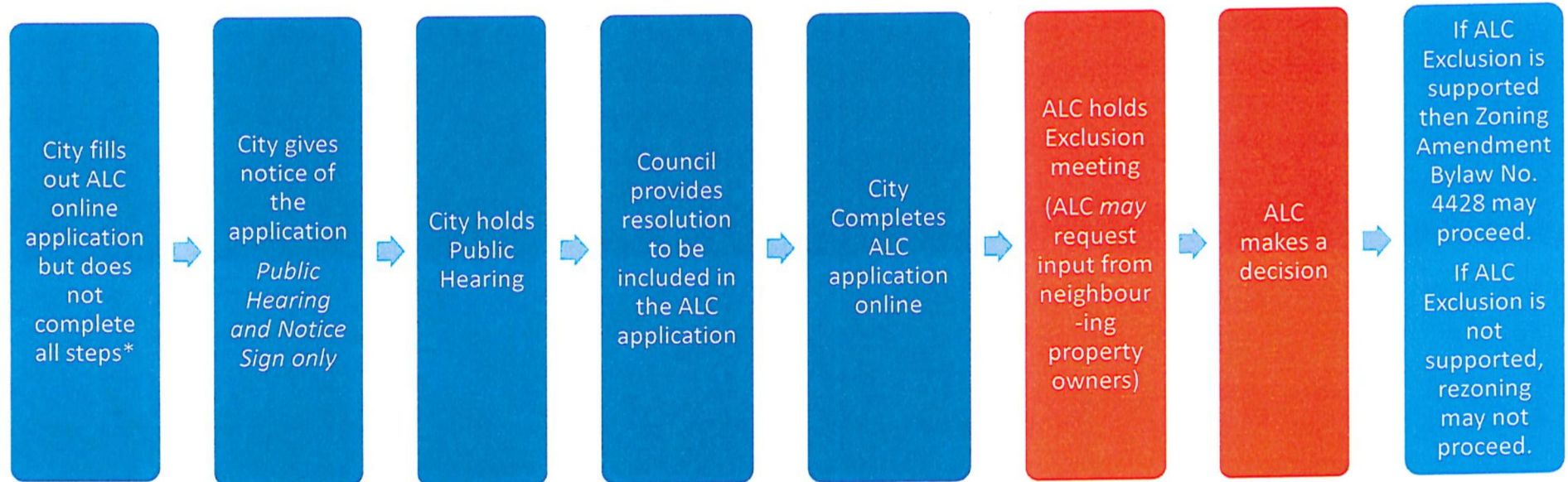
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0 60 120 240 360 m

- | | |
|--|---|
|  Subject Area |  CLASS 4 |
|  Parcels |  CLASS 5 |

ALR Exclusion Applications – Local Government Applicant Example: 3831 20 Avenue SE



*Note: ALC Exclusion applications will only be forwarded by staff if the subject property is part of a pre-planned area for ALR Exclusion.

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