



AGENDA

City of Salmon Arm Development and Planning Services Committee

**Tuesday, April 6, 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 - 12	1.	Development Variance Permit Application No. VP-529 [Beadle, D.; 981 2 Avenue SE; Setback requirements]
13 - 22	2.	Zoning Amendment Application No. ZON-1201 [Shott, B.; 830 30 Street SE; R-1 to R-8]
23 - 30	3.	Zoning Amendment Application No. ZON-1202 [Giles, S. & H.; 2050 22 Street NE; R-1 to R-8]
31 - 46	4.	Official Community Plan Amendment Application No. OCP4000-45 [Westgate Building Ltd./1028699 BC/Laird, B.; 2090 10 Avenue SW; SRV to HC]
	5.	Zoning Amendment Application No. ZON-1197 [Westgate Building Ltd./1028699 BC/Laird, B.; 2090 10 Avenue SW; A-1 to C-3] <i>[See Item 5.4 for Staff Report]</i>
47 - 72	6.	Agricultural Land Commission Application No. ALC-401 [Miller, J. & S./Regency Consultants/Holtby, B. ; 2621 30 Avenue NE; Subdivision]
73 - 74	6.	FOR INFORMATION
	1.	K. Pearson, Director of Development Services – The City's Street/Sidewalk Patio Policy
	7.	CORRESPONDENCE
	8.	ADJOURNMENT

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CITY OF SALMON ARM

To: His Worship Mayor Harrison and Members of Council

Date: March 23, 2021

Subject: Variance Permit Application No. VP-529 (Setback)

Legal: Lot 16, Section 14, Township 20, Range 10, W6M, KDYD, Plan 16762
 Civic Address: 981 – 2 Avenue SE
 Owner/Applicant: Beadle, D.

STAFF RECOMMENDATION

THAT: Development Variance Permit No. VP- 529 be authorized for issuance for Lot 16, Section 14, Township 20, Range 10, W6M, KDYD, Plan 16762 (981 2 Avenue SE) which will vary Zoning Bylaw No. 2303, (R1 – Single Family Residential) as follows:

Section 6.10.2 Exterior Side Parcel Line Setback reduction from 6.0 m to 2.3 m to accommodate an addition of a roof over an existing side entrance to the principle building, as shown on Schedule A.

PROPOSAL

The applicant is proposing an exterior side setback variance from 6.0 m to 2.3 m in order to construct a roof over the existing side entrance of the principle building. A legal survey plan prepared by a BCLS is attached as Schedule A.

BACKGROUND

The subject property is 684.5 m² (7,367.9 ft²) in area and located in the Downtown area on the corner of 2 Avenue SE and 10 Street SE (Appendix 1). The property has an Official Community Plan (OCP) designation of Residential High Density and is zoned R1 – Single Family Residential.

Adjacent land uses include the following:

North: R4 (Duplex) & R1 (Single Family Residences)
 South: R1 (Single Family Residences)
 East: R1 (Single Family Residences) & R8 (Residential Suite)
 West: R1 (Single Family Residences)

The setback variance is being requested for the exterior side parcel line, where the building fronts onto 10 Street SE. Previously, this side of the building had two sets of stairs, one set leading down to a walkout basement and another leading up to the main floor (see Appendix 2 for image from 2015). Since this time, the entrance and stairs leading up to the main floor on this side have been removed.

All that now remains on this side of the building is the basement entrance, stairs leading down to this entrance, and the landing for the now non-existent second entrance (see images within the Proposal Letter attached as Appendix 3). In the letter, the applicant cites water issues in front of the remaining lower entrance as the main reason for wanting to construct the roof addition.

The proposed roof addition would look similar to the existing roofs over the garage doors and cover the landing and stair area that previously led to the main floor side entrance (Appendix 4). The site plan provided for this application shows the roof would extend out to a total width of 4.06 m (13.33 ft) (including a 0.41 m eave overhang), leaving a setback of 2.49 m (8.17 ft) from the eaves to the exterior side parcel line

(Appendix 5). Schedule A shows the surveyed post locations for the proposed roof structure as 3.0 m and 2.93 m from the exterior side parcel line. Adding a 0.41 m roof overhang, this would make the minimum setback 2.52 m. Given the slight difference between the site plan and survey plan, staff have cited the variance request to 2.3 m to allow for the roof overhang and minor changes at time of construction.

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 applicant's rationale for this proposed roof addition is to offset water pooling issues at this entrance. The single family dwelling is sited in such a way that the setback from the building face to the exterior side parcel line at this location is only 6.5 m. Staff note that the stairs and landing for the main entrance were 3.3 m wide so the proposed roof is only requesting to extend up to 0.94 m further into this setback. Staff expect impacts of this proposal to be minimal as it will not change onsite parking, it is located at least 15.0 m from the closest neighbouring property, and there is a large boulevard fronting 10 Street SE at this location. The roof addition would also not have adverse effects to sightlines due to its distance from the edge of pavement of the street and to the intersection.

COMMENTS

Engineering Comments

Engineering comments related to this proposal will be provided to the applicant.

Building Department

No concerns.

Fire Department

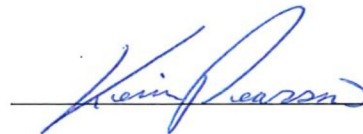
No concerns.

Planning Department

Given the rationale of this variance request and site specific conditions, staff consider this to be a minor variance request and therefore have no objection to a reduced setback of 2.3 m for this proposal.



Prepared by: Brenda Kolenbrander
Planner



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

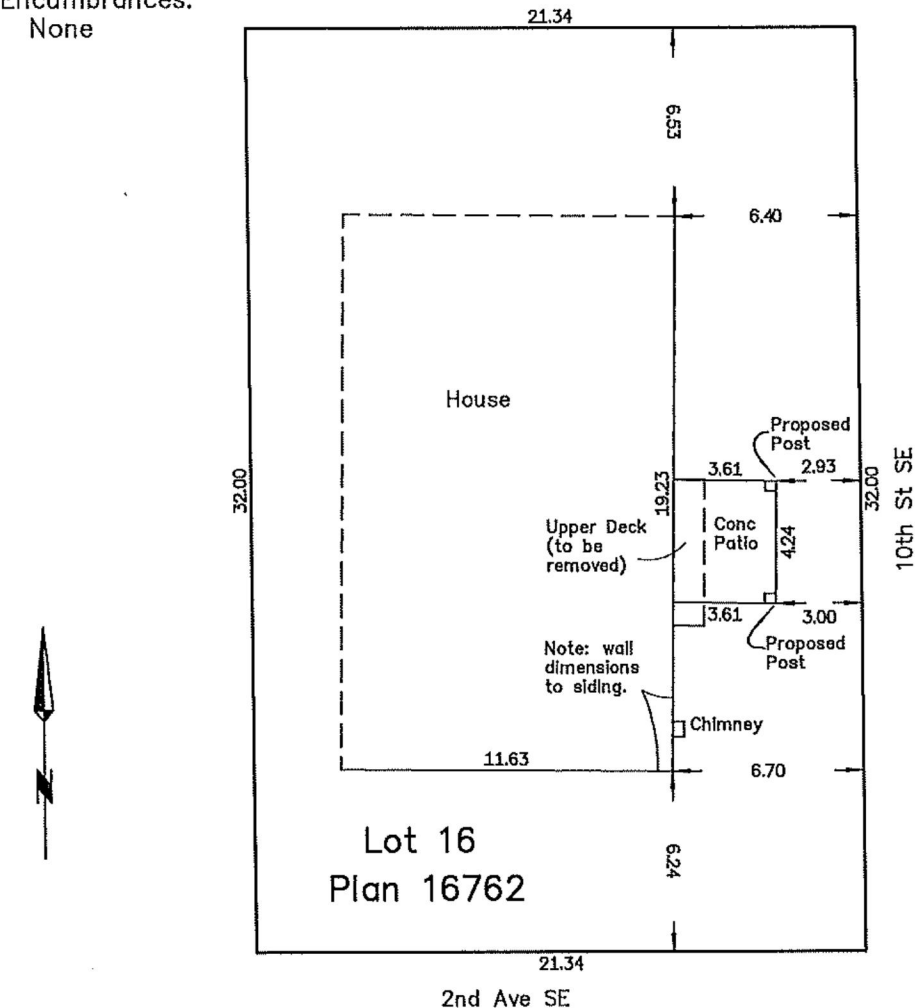
B. C. LAND SURVEYOR'S CERTIFICATE OF LOCATION

Parcel Identifier: 008-541-981

Client:
Debbie Beadle
981 - 2nd Ave SE
Salmon Arm, BC
Civic Address:
981 - 2nd Ave SE
Salmon Arm, BC

Legal Description:
Lot 16
Sec 14 Tp 20 R 10 W6M KDYD
Plan 16762

Encumbrances:
None



Scale 1:200



All distances are in metres.

Dimensions derived from Plan 16762
Dimensions to Property Line measured from siding.

This Plan was prepared for inspection purposes and is for the exclusive use of the client.
Certified correct according to Land Title & Survey Authority Records and Field Surveys. Unregistered Interests have not been included or considered.

Brian D. Sansom, BCLS
March 15, 2021
Date of certification
This document is not valid unless digitally signed.

B.D. Sansom Land Surveying Inc.
Land Surveying and Geomatics Engineering
Salmon Arm, BC
(250) 832-7916
sansomsurveying.com
File 2021007

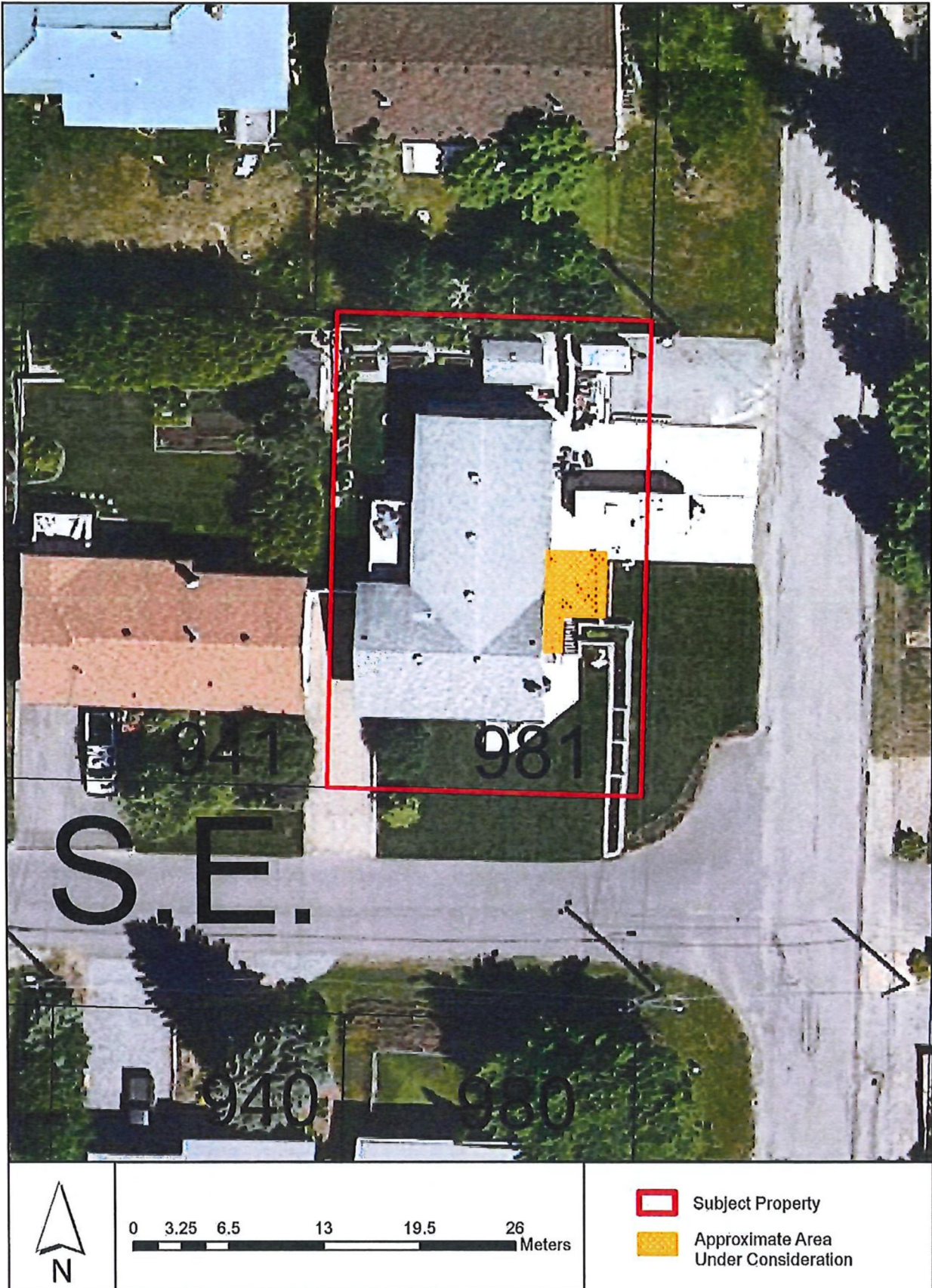
This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. The document shall not be used to define property lines or property corners.

B.D. Sansom Land Surveying Inc. and Brian Sansom accept no responsibility for and hereby disclaim all obligations and liabilities for damages, but not limited to, direct, indirect, special, and consequential damages arising out of or in connection with any direct or indirect use or reliance upon the Plan beyond its intended use.

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Subject Property

APPENDIX 1





APPENDIX 3

Good Afternoon Mayor and Council

I have submitted a request for a variance to rebuild and extend the roof over my front door. We are having an issue with water and snow running to our door and wish to resolve by building a roof over existing patio. The pitch and profile would be the same as the small roof over our garage doors.

Thank you
Deborah Beadle

Picture 1

By back tire of truck you can see rebar with red flag attached. this is approximate property line. Where the dead plant is near front of truck will be the end of new roof.

Picture 1a

Photo from stop sign at corner of 2 Ave SE & 10 Street SE

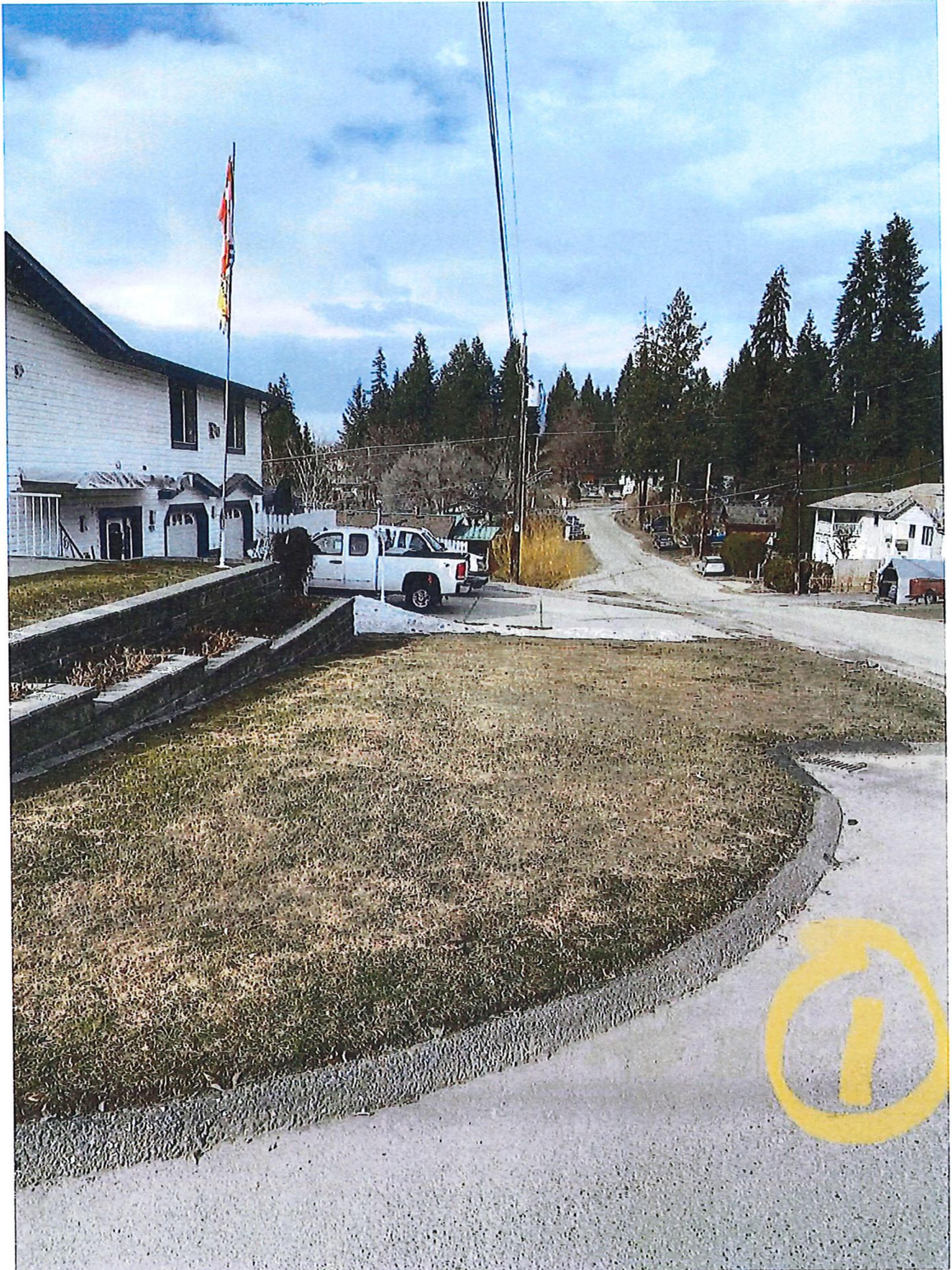
Picture 2

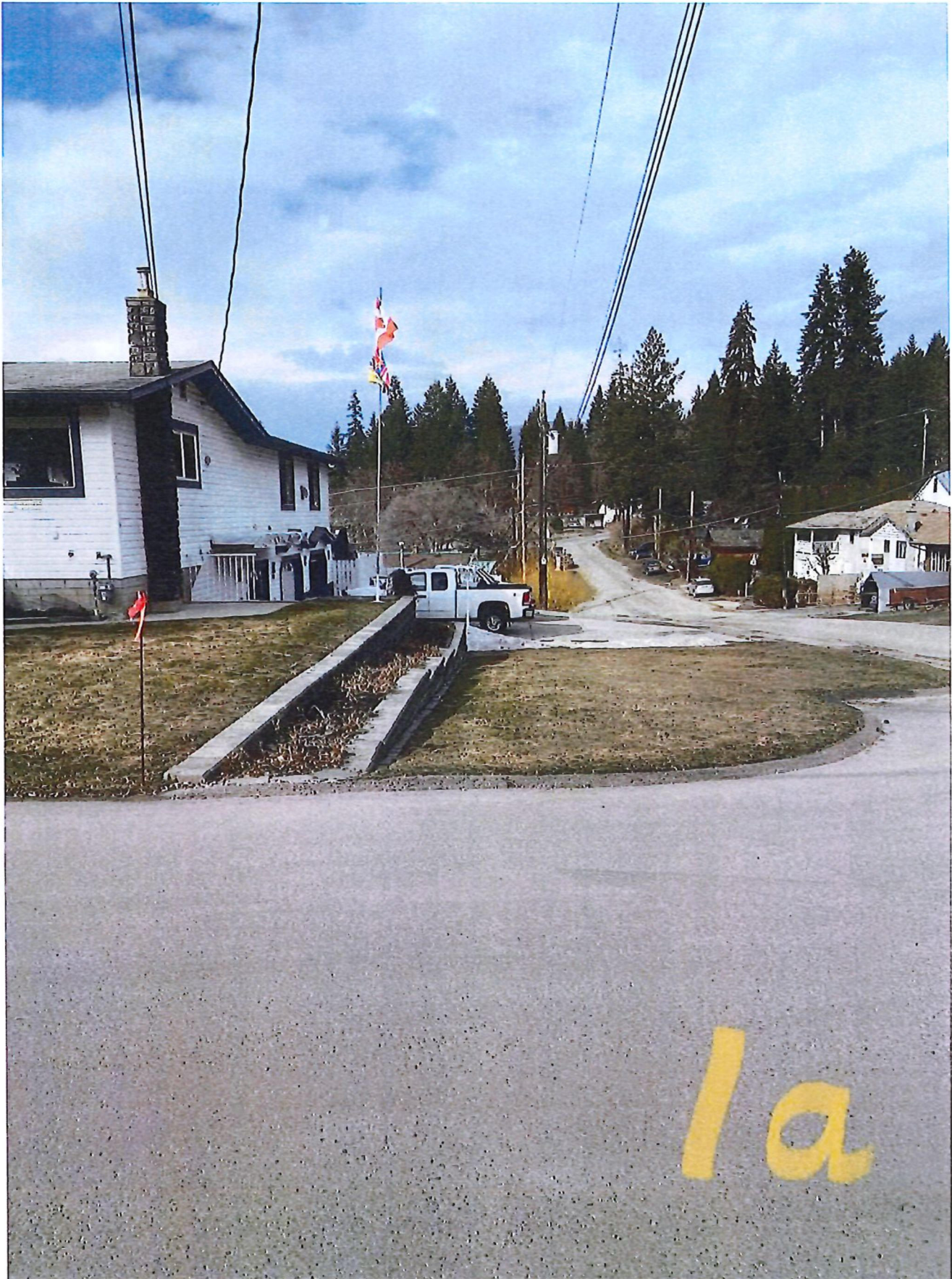
Close up of picture 1

Picture 3

Picture of existing walkway over door and garage door overhang.

Sent from my iPad









APPENDIX 4

14'-0" 12'-0"
PROPOSED 1/2" IN ENTRANCE
ROOF SECTION



To: His Worship Mayor Harrison and Members of Council

Date: March 29, 2021

Subject: Zoning Bylaw Amendment Application No. 1201

Legal: Lot 17, Section 18, Township 20, Range 9, W6M, KDYD, Plan 14512
 Civic Address: 830 - 30 Street SE
 Owner/Applicant: Brent Shott

STAFF RECOMMENDATION

THAT: a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303, 1995 by rezoning Lot 17, Section 18, Township 20, Range 9, W6M, KDYD, Plan 14512 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) Submission of a Building Permit application showing that the proposed *detached suite* in the existing detached garage conforms to BC Building Code requirements, and
- 2) Approval and issuance of a Development Variance Permit for the east setback of the proposed *detached suite*.

PROPOSAL

The subject parcel is located at 830 - 30 Street SE (Appendix 1). The proposal is to rezone the parcel from R1 (Single Family Residential) to R8 (Residential Suite Zone) to facilitate the conversion of an accessory building into a detached suite (Appendix 2).

BACKGROUND

The parcel is designated Low Density Residential (LDR) in the City's Official Community Plan (OCP), and zoned R1 (Single Family Residential) in the Zoning Bylaw (Appendix 3 & 4).

The subject property is located in the Little Mountain Park neighbourhood which largely consists of R1 and some R8 zoned parcels. There are currently three lots within 100 metres of the subject property that are zoned R8, with more scattered throughout the neighbourhood.

The closest land within the ALR is located approximately 120 metres south of the subject property. Land uses directly adjacent to the subject property include the following:

North: R1 (Single Family Residential)
 South: R1 (Single Family Residential), A2 (Rural Holding), P3 (Institutional)
 East: R1 (Single Family Residential), R8 (Residential Suite Zone)
 West: R1 (Single Family Residential)

The property is approximately 0.20 ha (2,030 m²) in size and currently contains a single family dwelling and detached garage. The applicant is proposing to convert approximately 55.7 m² (600 ft²) of the existing garage into a *detached suite*. This would be well within the 90 m² (968.8 ft²) maximum size permitted for a *detached suite*. Site photos are attached as Appendix 5.

COMMENTSEngineering Comments

- Any future building permit that increases demand on water service will require water service upgrade. For more information and pricing contact Matt Gienger in Engineering Services. This is not a requirement of re-zoning.
- No other Engineering concerns.

Building Department

- Building was originally constructed as an unheated, uninsulated garage.
- Interior side setback is relevant for this proposal as a detached suite is required to be at least 2.0 m from the interior parcel line. The existing building is only 1.6 m from the interior parcel line.
- Lots of code issues to get this up to a residential status.
- Applicant has been advised of general issues.

Fire Department

No concerns.

Planning DepartmentOCP 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.

Detached Suite Regulations:

The R8 zone relevant to *detached suites* is attached as Appendix 6.

Parking:

Three parking spaces are required for the uses on this property (two for the existing single family dwelling and one for the proposed *detached suite*). As a large property with two driveways, existing parking appears to be more than adequate to accommodate these spaces.

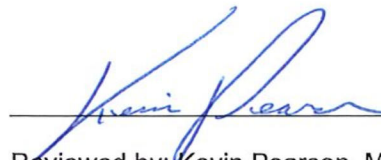
Access:

As mentioned above, the property already has two driveways with one fronting the existing detached garage where the proposed suite would be located. A parcel with a *detached suite* under the R8 zone must have a minimum street frontage of 15.0 m if the parcel has a second street frontage. This property more than meets this minimum street frontage requirement.

This large city lot located within the urban containment boundary is a suitable location for a *detached suite*. Subject to compliance with the BC Building Code and approval of a setback variance, staff are in support of this rezoning application.



Prepared by: Brenda Kolenbrander
Planner



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



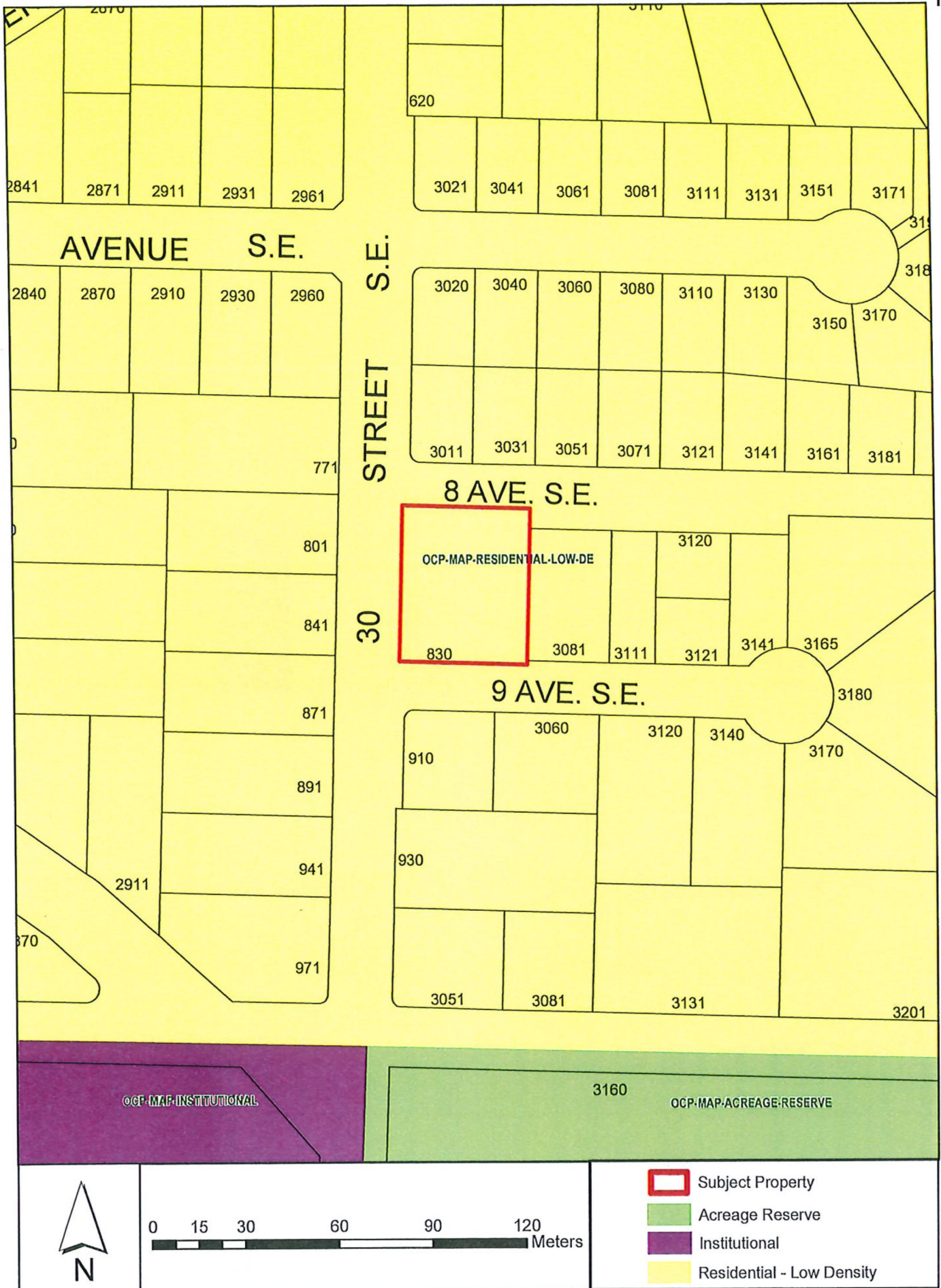
0 10 20 40 60 80 Meters



Subject Property

BROWNE JOHNSON LAND SURVEYORS [*]	
BRITISH COLUMBIA AND CANADA LANDS	
Box 362, Salmon Arm, B.C. V1E 4N5 (250)832-9701	
B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION	
To: Don Quilty 830 30th St. SE Salmon Arm, BC V1E 1J5 Your File:	Re: Lot 17, Plan 14512 Section 18, Township 20 Range 9, W6M, KDYD Parcel Identifier(PID): 008-985-341 Civic Address: 830 30th St. SE
List of documents registered on title which may affect the location of improvements:	
<p>8th Ave S.E. 41.04 <i>Rear</i></p> <p>Lot 17 Plan 14512</p> <p>Note: New construction located only</p> <p>30th Street S.E. 49.58 <i>Exterior</i></p> <p>Shop Foundation only <i>Proposed Suite 600 sq. ft.</i></p> <p>11.57 1.63 1.60 <i>Interior</i></p> <p>27.84 15.24 15.22 11.57 7.61 7.62</p> <p>9th Ave S.E. 41.03 <i>Front</i></p> <p>Scale 1:300</p>	
Dimensions derived from Plan KAP54441	Offsets from property line to building are measured from the foundation.
<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 lines or property corners.</p> <p>This building location certificate has been prepared in accordance with the Manual of Standard Practice and is certified correct this 16th day of November, 2009.</p>	<p>COPY RIGHT © BROWNE JOHNSON 2009 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.</p> <p>THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED.</p>
B.C.L.S. Our File: 409-09 Fb: R116 p.35	

Official Community Plan (OCP) Map APPENDIX 3₁₇







Property from 9 Avenue SE (facing north)



Property from 8 Avenue SE (facing south)

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.

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To: His Worship Mayor Harrison and Members of Council

Date: March 29, 2021

Subject: Zoning Bylaw Amendment Application No. 1202

Legal: Lot 2, Section 24, Township 20, Range 10, W6M, KDYD, Plan 31204
 Civic Address: 2050 – 22 Street NE
 Owner/Applicant: Giles, S. & H.

STAFF RECOMMENDATION

THAT: A bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303, 1995 by rezoning Lot 2, Section 24, Township 20, Range 10, W6M, KDYD, Plan 31204 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 confirmation that the proposed *secondary suite* meets Zoning Bylaw and BC Building Code requirements.

PROPOSAL

The subject parcel is located at 2050 – 22 Street NE (Appendices 1 & 2). The proposal is to rezone the parcel from R1 (Single Family Residential) to R8 (Residential Suite Zone) to facilitate the conversion of the basement of the existing single family dwelling into a secondary suite.

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 3 & 4).

The subject property is located in the Bastion neighbourhood which largely consists of R1 and some R8 zoned parcels. There are currently three lots within 100 metres of the subject property that are zoned R8, including a property across the street on 21 Street NE that underwent the rezoning process two years ago.

The subject property is not located close to any land within the ALR. Land uses adjacent to the subject property include the following:

North: R1 (Single Family Residential), R8 (Residential Suite Zone)
 South: R1 (Single Family Residential), R8 (Residential Suite Zone)
 East: R1 (Single Family Residential)
 West: R1 (Single Family Residential)

The parcel is approximately 0.07 ha (699.3 m²) in size and currently contains a single family residence.

The applicant is proposing to convert the basement of the existing residence into a *secondary suite*. Staff note that the suite cannot exceed 90 m² and must be no more than 40% of the gross floor area of the building. Each floor of the building is 1,167 ft² (108.4 m²), meaning the maximum floor area for the suite would be 933.6 ft² (86.7 m²).

Site photos for the property are attached as Appendix 5.

COMMENTSEngineering Comments

- Access width limited to 8.0 m (impermeable width from street to property line) for all future development. Application shows rock beside driveway, which is acceptable.
- Any future building permit which proposes additional demand to the water service will trigger the need to upgrade water service to 1" (from water main to curb stop) (not a requirement for rezoning).
- No other engineering concerns regarding rezoning.

Building Department

- Zoning Bylaw applies regarding the size of the suite.
- No concerns with balance of application.

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.

Secondary Suite Regulations:

The R8 zone relevant to *secondary suites* is attached as Appendix 6.

Parking and Access:

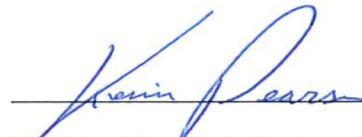
Three parking spaces are required for the uses on this property (two for the existing single family dwelling and one for the proposed *secondary suite*). The property already consists of an approximately 6.0m wide driveway and the applicant is proposing to add a gravel pad to the right of the residence to provide additional space for tenant parking.

Conclusion:

The proposed R8 zoning of the subject parcel is consistent with the OCP and is therefore supported by staff, subject to meeting BC Building Code and *secondary suite* regulations within the Zoning Bylaw. The City's Bylaw requirements have been conveyed to the owner/applicant.

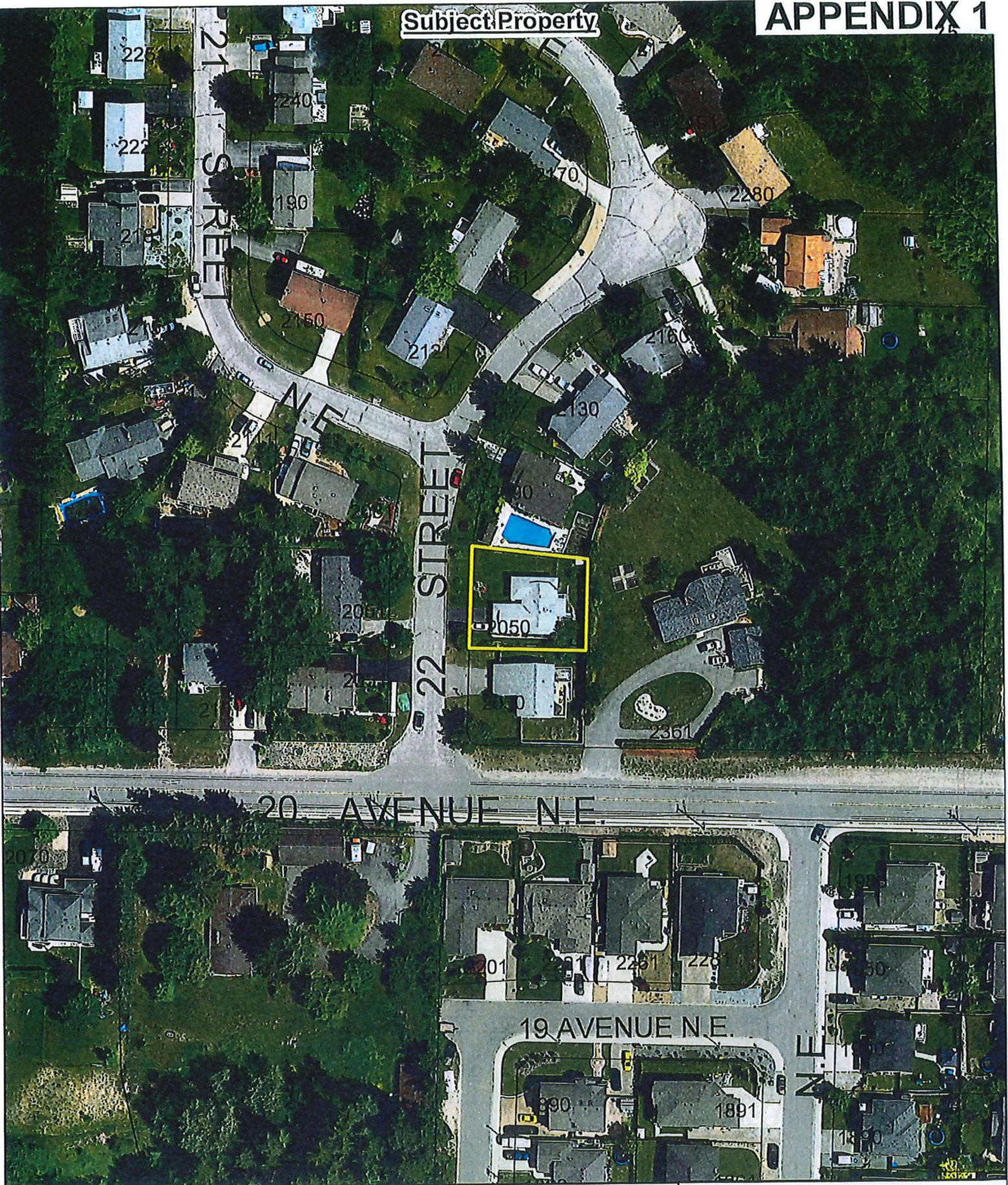


Prepared by: Brenda Kolenbrander
Planner



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

Subject Property

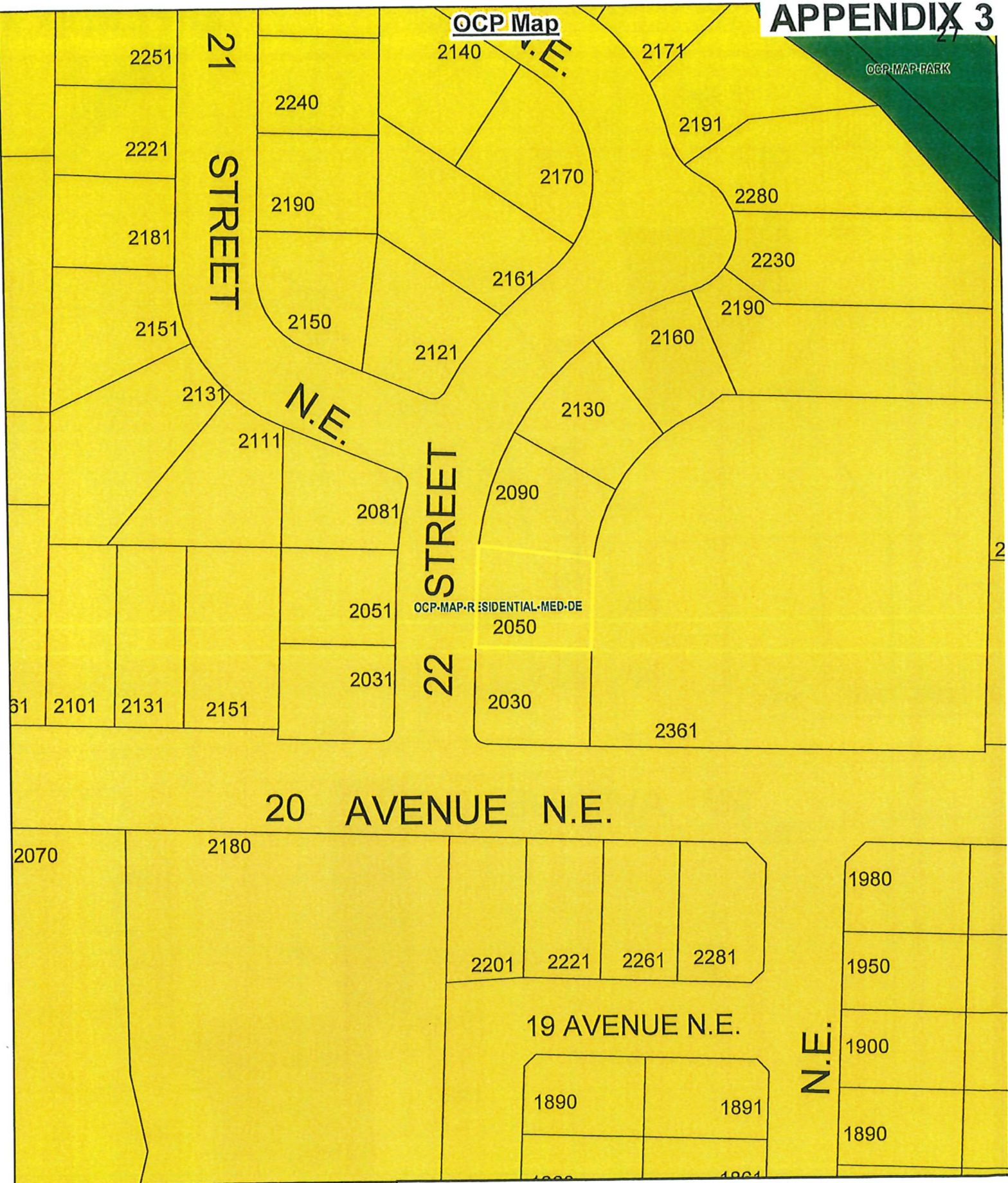


 Subject Property
 Parcels



OCP Map

OCP-MAP-PARK



0 5 10 20 30 40 Meters



Subject Property

Parcels

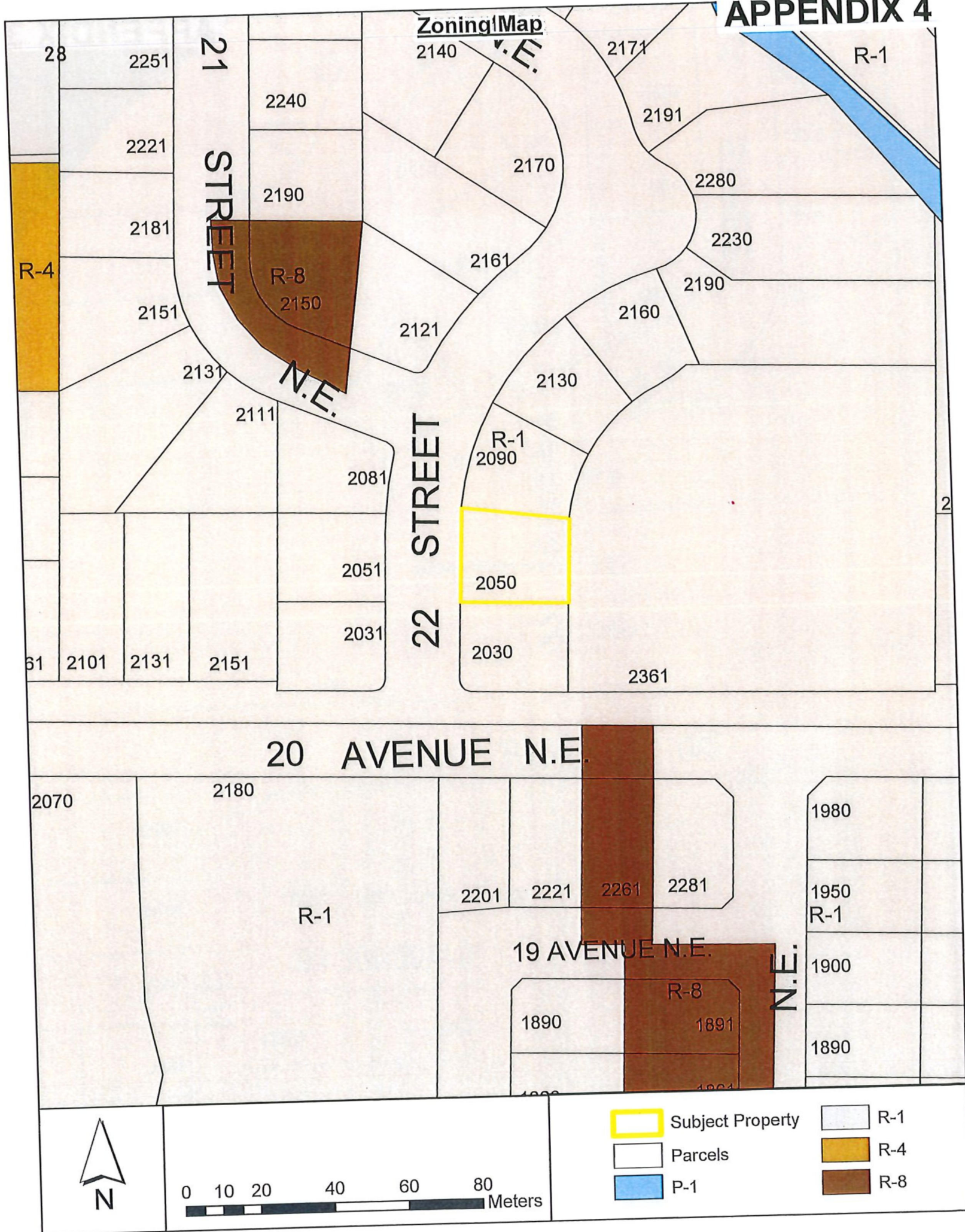


Park

Residential - Low Density

Residential - Medium Density

APPENDIX 4





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To: His Worship Mayor Harrison and Members of Council

Date: March 30, 2021

Subject: Official Community Plan Amendment Application No. 4000 – 45 and Zoning Amendment Application No. 1197

Legal: Lot 1, Section 10, Township 20, Range 10, W6M, KDYD, Plan KAP52617, Except Plan EPP68393

Civic Address: 2090 10 Avenue SW

Owner/Applicant: Westgate Building Ltd, BC1028699 (Bill Laird)

STAFF RECOMMENDATION

THAT: A Bylaw be prepared for Council's consideration, adoption of which would amend Official Community Plan Bylaw No. 4000 as follows:

1) Map 4.1 (Urban Containment Boundary):

Include the south portion of Lot 1, Section 10, Township 20, Range 10, W6M, KDYD, Plan KAP52617, Except Plan EPP68393 within the Urban Containment Boundary;

2) Map A-1 (Land Use):

Redesignate the south portion of Lot 1, Section 10, Township 20, Range 10, W6M, KDYD, Plan KAP52617, Except Plan EPP68393 from Salmon Valley Agriculture to Highway Service/Tourist Commercial;

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

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

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

- 1) The Financial Plans of the City of Salmon Arm; and
- 2) The Liquid Water Management Plan of the City of Salmon Arm;

AND THAT: Second Reading of the Bylaw be withheld subject to confirmation from the BC Archeological Branch that any conditions pursuant to the *Heritage Conservation Act* are satisfied;

AND THAT: a Bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning the south portion of Lot 1, Section 10, Township 20, Range 10, W6M, KDYD, Plan KAP52617, Except Plan EPP68393 from A1 (Agriculture Zone) to C3 (Service Commercial Zone);

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

PROPOSAL

The subject property is located at 2090 10 Avenue SW and is approximately 2.46ha (5.74ac) in area. The proposed Official Community Plan (OCP) amendment and rezoning affect the approximately 1.10ha (2.73ac) southern most portion of the subject property, south of the existing Westgate Mall building (Appendix 1 and 2). The proposal is to rezone the south portion of the property from A1 (Agriculture Zone) to C3 (Service Commercial Zone) to align the south portion of the site with the same OCP designation and zoning as the area of the existing building. In order to rezone the area, an expansion of the City's Urban Containment Boundary (UCB) is required, as well as redesignating the property from Salmon Valley Agriculture to Highway Service/Tourist Commercial. In support of their application the applicant has provided the site plan included at Appendix 3, showing the ALR covenanted area.

BACKGROUND

The subject property is designated in the OCP as Highway Service Commercial and zoned C3 (Service Commercial Zone) along the north portion of the lot. The south portion of the subject property is designated Salmon Valley Agriculture in the OCP, and zoned A1 (Agriculture Zone) in the Zoning Bylaw (Appendix 4 & 5).

Adjacent land uses include the following:

North: C3 / Westgate Mall
South: A1 / ALR/ Farm
East: A1 / ALR/ Farm
West: A1 / ALR/ Farm

With regard to the development with the Salmon Valley Agriculture Area, Policy 4.4.4 of the OCP Growth policies states that the City will "strive to protect lands within the ALR for agricultural use, particularly the Salmon Valley Agriculture area with its high quality agricultural soils, large land parcels and established agricultural base". In keeping with this policy the UCB aligns with the ALR boundary. With that the expansion of the UCB in this case may seem contradictory. On one hand, the policy deters expansion into the Salmon Valley Agriculture lands; however, the site was Excluded from the ALR in 1997 for the future expansion of the commercial use (i.e. Canadian Tire). At the time that the ALR Exclusion was contemplated the UCB was in place and in subsequent OCPs the boundary was not identified for future expansion, including the current OCP. City records indicate that the ALC had supported the Exclusion of entire subject property; however, the applicant was required to register a covenant in favour of the ALC to ensure the construction of a landscape buffer to their specifications along the south portion of the subject property.

There are two covenants that already encumber the property that will affect future development and will be scrutinized at the time development proposals are brought forward for the site. The first covenant requires a 15m landscape buffer along the south property line to satisfy the ALC requirement for the Exclusion of the subject property from the ALR. The second covenant in favour of the Ministry of Environment addresses the floodplain area and restrictions on construction at the time of building development.

It should be noted that a segment of Hobson Creek runs along the west parcel line of the subject property. As such any development within 30m of the creek requires provincial approval pursuant to the *Riparian Area and Protection Regulation* (RAPR). The applicant has advised staff that they are working with a Qualified Environmental Professional (QEP) to address this requirement and will inform future development such as Development Permit or Building Permit application(s).

COMMENTS

Section 475 & 476 - Local Government Act

Pursuant to Sections 475 and 476 of the Local Government Act (optional and mandatory consultation requirements during OCP amendments), the proposed OCP amendments were referred to the following organizations on December 23, 2020:

Adams Lake Indian Band:	Response (attached as Appendix 6)
Neskonlith Indian Band:	No response to date
Economic Development Society:	No response
School District No. 83:	No response to date

Following the response of the Adams Lake Indian Band, staff consulted with the BC Archeological Branch to confirm next steps. To date, the BC Archeological Branch has not provided a formal response but it is expected. Staff feel that should additional reporting or requirements be imposed as a result of that response there may be legislative responsibilities that are required to be addressed prior to considering land use changes or development of the subject area.

Section 477 - Local Government Act

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

Engineering Department

No concerns with OCP Amendment or rezoning applications and have provided comments on required road and service improvements at Development Permit or Building Permit stage.

As noted in the Engineering response, 10 Avenue SW will be the subject of major frontage improvements in conjunction with the Ministry of Transportation and Infrastructure (MOTi) realignment of the intersection in the next two year period (Appendix 7). As such there are a number of road frontage improvements that are to be included as part of the highway project. In addition to those improvements the City's requirements for the frontage road include a bicycle lane, which is not included within the MOTi project scope. Therefore, at the time of subdivision or Building Permit the applicant would be required to provide those components as a requirement of development. The applicant is aware of the servicing requirements should development proceed.

Building Department

No concerns.

Fire Department

No concerns.

Planning Department

When considering OCP Amendments related to the expansion of the UCB a number of factors are considered, including – area intended for inclusion to align with preplanned development areas and long term servicing plans, and impact to adjacent properties. While the subject property is not identified in the Official Community Plan for future expansion of the UCB, records indicate that the expansion of the UCB and Highway Service/Tourist Commercial designation would be supported should it be excluded from the ALR. The extension of City services and roads to the subject property frontage are being provided through the previously mentioned MOTi project and the developer.

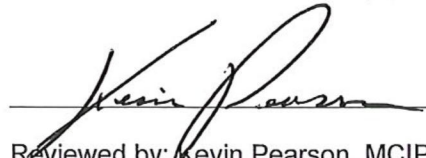
The aligning of the OCP designation and zoning over the entire property enables better development options and expands the City's commercial land inventory. Staff are supportive of the proposed OCP Amendments and rezoning.

Should these bylaws be approved there will be several items needing to be addressed at the Development Permit stage, mainly:

- 1) RAPR requirements to the satisfaction of MoE and;
- 2) ALR buffering requirements to the satisfaction of the ALC.



Prepared by: Melinda Smyrl, MCIP, RPP
Planner



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

Subject Property Map



0 20 40 80 120
m



Subject Property



Application Area: OCP Amendment and Rezoning



Parcels

OrthoMap



0 12.5 25 50 75 m

- Subject Property
- Application Area: OCP Amendment and Rezoning
- Parcels

Scale 1:400 BCGS 62L084

10 0 10 20 30 40 50

NO CORRECTION IN SCALE

See bird's-eye view of this plot in sketch by 62606 in height (0 size) when plotted at a scale of 1:100

Trans-Canada Highway
Plan H401

10 Avenue SW

9
Plan 3992

Plan
EPP69793

Road

Plan EPP68393

Rem. Parcel A
Pion B8435.

C-3 Zoning

Rem Lot A
Plan
10263

**A
Plan
4244**

Plon: B5170

Parcel A
Pion B5809

Plan 5001

A
Plan: 22795:

Plan KAP52617

A-1 Zoning
1,106 sq
2.73 acres

20 Street SW

3 "Pion" 29584

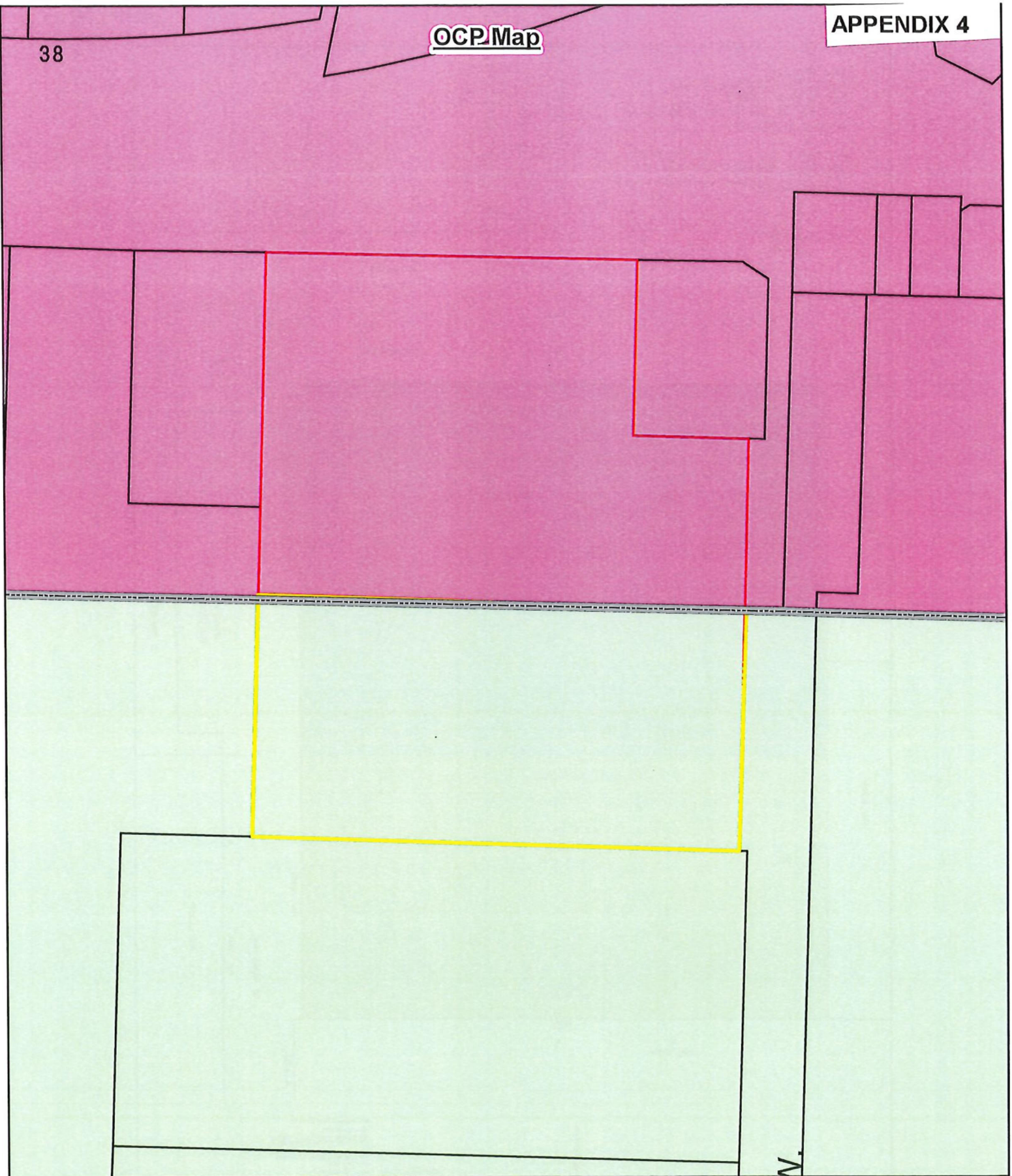
2
Plan 20324

U.S. Address: 2700 18 Avenue SE
 Ford Division (F2)
 607-692-455 Part 1 of 2, Page 12117
 U-P-217-217 Part 1 of 2, Page 12117
 List of documents registered in the which
 was a part in the location of improvement
 1st A, Page 12117
 1st A, Page 12117
 P/O 607-692-455
 P/O 607-692-455

Amended July 22, 2020
Amended July 22, 2020
Amended September 13, 2018
Amended April 23, 2016
April 5, 2016

GRANGE JOHNSON LAND SURVEYORS
B.C. AND CANADA 14505
SALVAGE AVE, B.C. FV2S-8J2-9701
TEL: 95-16 (127-20)

38



0 10 20 40 60 m

OCP

Salmon Valley Agriculture

Commercial - Highway Service / Tourist

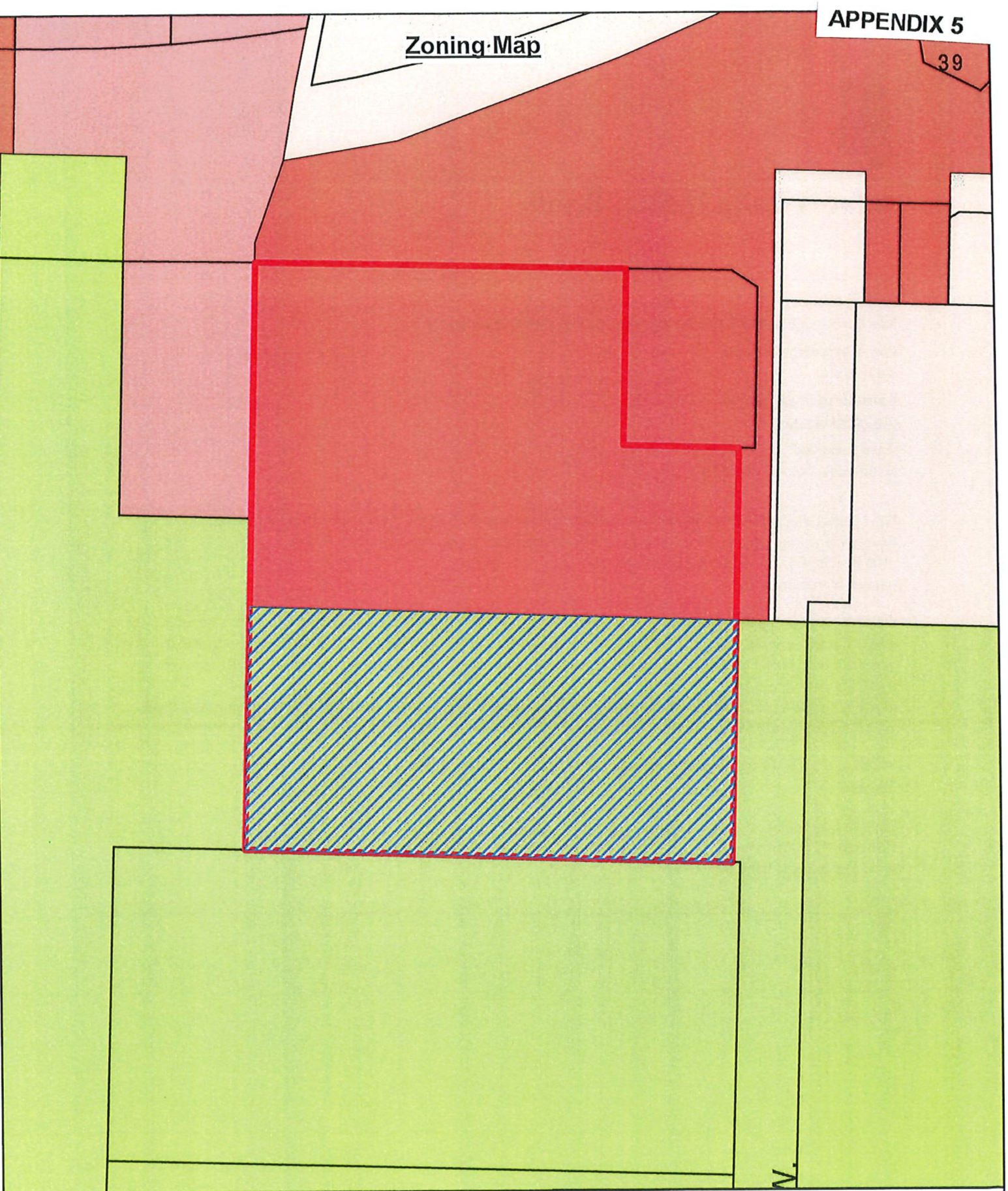
Urban Containment Boundary

Subject Property

OCP Amendment and Rezoning

Parcels

Zoning Map



0 15 30 60 90 m

- A-1
- C-3
- C-4
- C-5
- R-1
- OCP Amendment and Rezoning
- Subject Property
- Parcels



Adams Lake Indian Band

Project Name:

Salmon Arm OCP amend proposed High Density Residential Development

Consulting Org Contact:

Kathe Frese

Consulting Organization:

[City of Salmon Arm](#)

Date Received:

Wednesday, October 28, 2020

The Adams Lake Indian Band has concerns with the Salmon Arm OCP amend proposed High Density Residential Development. Through a preliminary analysis we have identified some concerns which include:

- 340 overlapping or nearby traditional use sites.
- nearby archeological sites.

We reiterate that Adams Lake holds constitutionally protected Aboriginal rights including title throughout the entirety of its traditional territory. Members of Adams Lake continue to exercise their Aboriginal rights as their ancestors have done for generations, including hunting, trapping, gathering and fishing, along with rights associated with spiritual and cultural traditions which are practiced in accordance with Secwepemc customs, laws and governance structures. al title based on a pattern of regular occupation throughout the various seasons for hunting and gathering, as well as spiritual practices within Sun Peaks. [Emphasis added]

Therefore we require that you satisfy any appropriate archeological studies needed.

Regards,

Dave Nordquist, RPF

Title and Rights Coordinator

Adams Lake Indian Band



*Memorandum from the
Engineering and Public
Works Department*

TO: Kevin Pearson, Director of Development Services
 DATE: February 1, 2021
 PREPARED BY: Matt Gienger, Engineering Assistant
 OWNER: Westgate Building Ltd., Inc. No BC1028699
 APPLICANT: Bill Laird, Box 1022, Salmon Arm, B.C, V1E 4N2
 SUBJECT: OFFICIAL COMMUNITY PLAN APPLICATION NO. 4000-45
 REZONING APPLICATION NO. 1197
 LEGAL: Lot 1, Section 10, Township 20, Range 10, W6M, KDYD, Plan KAP52617,
 Except Plan EPP68393
 CIVIC: 2090 10 Avenue SW

Further to your referral dated December 18, 2020, we provide the following servicing information. The following comments and servicing requirements are not conditions for Rezoning, Official Community Plan (OCP) amendment or Urban Containment Boundary (UCB) amendment; however, these comments are provided as a courtesy in advance of any development proceeding to the next stages:

Engineering Department does not have any concerns related to the Re-zoning, OCP Amendment or UCB amendment.

The 10 Ave SW frontage is subject to Ministry of Transportation and Infrastructure (MoTI) improvements through the Salmon Arm West project. The project has been tendered, awarded and is expected to be completed over the next 24 months. Developer is responsible to ensure the completion of the frontage works to the servicing standards indicated in this document should development occur prior to the completion of the MoTI improvements. Alternatively, the developer may provide the City with written confirmation from MoTI accepting responsibility for installation of certain frontage improvements which would allow the City to alleviate the developer from those specific responsibilities.

General:

1. Full municipal services are required as noted herein. Owner / Developer to comply fully with the requirements of the Subdivision and Development Services Bylaw No 4163. Notwithstanding the comments contained in this referral, it is the applicant's responsibility to ensure these standards are met.
2. Comments provided below reflect the best available information. Detailed engineering data, or other information not available at this time, may change the contents of these comments.
3. Properties shall have all necessary public infrastructure installed to ensure properties can be serviced with underground electrical and telecommunication wiring upon development.
4. Property under the control and jurisdiction of the municipality shall be reinstated to City satisfaction.

5. Owner / Developer will be responsible for all costs incurred by the City of Salmon Arm during construction and inspections. This amount may be required prior to construction. Contact City Engineering Department for further clarification.
6. Erosion and Sediment Control measures will be required prior to the commencement of construction. ESC plans to be approved by the City of Salmon Arm.
7. Any existing services (water, sewer, hydro, telus, gas, etc) traversing the proposed lot must be protected by easement and relocated outside of the proposed building envelope. Owner/Developer will be required to prove the location of these services. Owner / Developer is responsible for all associated costs.
8. At the time of subdivision or building permit the applicant will be required to submit for City review and approval a detailed site servicing / lot grading plan for all on-site (private) work. This plan will show such items as parking lot design, underground utility locations, pipe sizes, pipe elevations, pipe grades, catchbasin(s), control/containment of surface water, contours (as required), lot/corner elevations, impact on adjacent properties, etc., where applicable.
9. 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 or building permit 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.
10. For the off-site improvements at the time of subdivision or building permit the applicant will be required to submit for City review and approval detailed engineered plans for all off-site construction work. These plans must be prepared by a qualified engineer. As a condition of subdivision / building permit approval, the applicant will be required to deposit with the City funds equaling 125% of the estimated cost for all off-site construction work.

Roads / Access:

1. 10 Avenue SW, on the subject properties northern boundary, is designated as an Urban Arterial Road standard, with an ultimate 25.0m road dedication (12.5m on either side of road centerline). Although the City only requires an Interim total of 20.0m of road dedication (10.0m on either side of road centerline) at this time, all building setbacks will be required to conform to the ultimate 25.0m cross section. Available records indicate that no additional road dedication is required (to be confirmed by BCLS).
2. 10 Avenue SW is currently constructed to an Interim Urban Arterial Road standard. Upgrading to the current Urban Interim Arterial Road standard is required, in accordance with Specification Drawing No. RD-4. Upgrading may include, but is not limited to, road widening and construction, curb & gutter, sidewalk, boulevard construction, street lighting, fire hydrants, street drainage and hydro and telecommunications. All work to comply with MoTI design for Highway improvements. Owner / Developer is responsible for all associated costs.

3. 20 Street SW, on the subject properties eastern boundary, is designated as an Urban Local Road standard, requiring 20.0m road dedication (10.0m on either side of road centerline). Available records indicate that no additional road dedication is required (to be confirmed by a BCLS).
4. 20 Street SW is currently constructed to an Interim Local Paved Road standard. Upgrading to an Urban Paved Local Road standard is required, in accordance with Specification Drawing No. RD-2. Upgrading may include, but is not limited to, road construction, cul-de-sac construction, curb & gutter, sidewalk, boulevard construction, street lighting, fire hydrants, street drainage and hydro and telecommunications. Owner/Developer will be required to prove safe access (minimum 7.3m drive width) between 10 Ave SW to the property's frontage on 20 Street SW. Owner / Developer is responsible for all associated costs.
5. Owner / Developer is responsible for ensuring all boulevards and driveways are graded at 2.0% towards the existing roadway.
6. Additional accesses to the property will be reviewed by staff at the time of subdivision, development permit or building permit. Allowed accesses are subject to SDSB 4163 requirements and City Engineer's approval.
7. Trans Canada Highway access on the subject properties northern boundary is a provincial controlled highway access. Additional dedication/improvements will be determined by Ministry of Transportation.

Water:

1. The subject property fronts a 205mm diameter Zone 1 watermain on 10 Ave SW. No upgrades will be required at this time.
2. The subject property does not front a watermain on 20 Street SW. Extending a 200mm watermain along the entirety of the parcels frontage on 20 Street SW is required. Owner / Developer is responsible for all associated costs.
3. The existing lot is to be serviced by a single metered water service connection (as per Specification Drawing No. W-11), adequately sized to satisfy the proposed use. Records indicate that the property has a water meter already installed. If an increase to water meter size is required, the City will supply water meter at the time of building permit. Owner / Developer is responsible for all associated costs.
4. Records indicate that the existing property is serviced by a 200mm water service from the 205mm diameter watermain on 10 Ave SW. Service to be adequately sized to meet proposed demand and may require upgrading if current service is not sized sufficiently. Owner's engineer may 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). Additional fire hydrants and additional development demand of the subject parcel may require the Owner / Developer's authorized engineer to complete a flow test on the closest fire hydrant to confirm the existing watermain servicing the property is adequately sized to provide fire flows in accordance with the requirements of the Subdivision and Development Servicing Bylaw No 4163. Where the City water distribution system has insufficient capacity to meet the required fire flow, the Owner / Developer will be required to make the necessary upgrades to meet these standards. Owner / Developer is responsible for all associated costs.
6. Fire protection requirements to be confirmed with the Building Department and Fire Department.
7. Fire hydrant installation will be required on 10 Ave SW and 20 St SW. Owner / Developer's consulting Engineer shall review the site to ensure placement of fire hydrants meet the commercial density spacing requirements of 90 meters.

Sanitary:

1. The subject property fronts a 200mm diameter gravity sanitary sewer main and 150mm diameter sanitary sewer force main on 10 Ave SW. No upgrades will be required at this time.
2. The subject property does not front a sanitary sewer on 20 St SW. Adjacent properties within the Urban Containment Boundary may all be serviced from 10 Ave SW or the section of 20 St SW outside of the subject property's frontage. Because of this and the proximity of the Urban Containment Boundary where sanitary sewer connection is not permitted, no sanitary sewer main extension will be required on 20 St SW at this time.
3. The subject property is in an area with no current sanitary capacity concerns according to the City Sanitary Study (Urban Systems 2016).
4. Records indicate that the existing property is serviced by a 150mm diameter sanitary service from the sanitary sewer on 10 Ave. SW. All existing inadequate/unused services must be abandoned at the main. Owner / Developer is responsible for all associated costs.

Drainage:

1. The subject property does not front on an enclosed storm sewer system.
2. 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.
3. Where onsite disposal of stormwater is recommended by the ISMP, an "Alternative Stormwater System" shall be provided in accordance with Section 7.2. Due to high water table, this option is unlikely.

4. Where discharge into the Municipal Stormwater Collection System is recommended by the ISMP, this shall be in accordance with Section 7.3. New service and storm main extension would be required. Storm infrastructure in this area is known to have capacity issues; therefore controlling to 2 year pre-development storm flows would be required. 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.



Matt Gienger
Engineering Assistant


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

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To: His Worship Mayor Harrison and Members of Council

Date: March 30, 2021

Subject: Agricultural Land Commission Application No. 401 (Subdivision)

Legal: Lot 4, Section 25, Township 20, Range 10, W6M, KDYD, Plan 1705
 Civic Address: 2621 30 Avenue NE
 Owner: J. & S. Miller
 Agent: Regency Consultants (Bob Holtby, PAg.)

MOTION FOR CONSIDERATION

THAT: Agricultural Land Commission Application No. ALC. 401 be forwarded to the Agricultural Land Commission.

STAFF RECOMMENDATION

THAT: The motion for consideration be defeated.

PROPOSAL

The applicant is proposing a two lot subdivision in the Agricultural Land Reserve. The subdivision is intended for a relative and is being applied for under Section 514 of the *Local Government Act* (LGA).

BACKGROUND

The subject property is approximately 4.4ha (10.8ac) in area and is comprised of a single family dwelling with a portion of the land being used for haying (see Appendix 1 and 2). It is within the Agricultural Land Reserve (ALR), designated in the Official Community Plan (OCP) as Acreage Reserve and zoned A-2 (Rural Holding Zone) (see Appendices 3, 4 and 5). The subject property is outside of the OCP Urban Containment Boundary. The Unimproved Soil Classification Map shows Class 4 soils, 80% limited by moisture and topography (Appendix 6).

The applicant is proposing a two lot subdivision of the subject property (Appendix 7), each proposed lot would be approximately 2ha (5ac). The applicant has stated in the ALC application that in accordance with Section 514 of the *Local Government Act* the proposed Remainder Lot is to provide a residence for their children. It is unknown if there will be any farming activity on the parcel should the application be supported. The ALC application in its entirety is included as Appendix 8.

Adjacent land uses include the following:

North: A2 – Rural Holding Zoning/Rural Residential
 South: R1 – Single Family Residential Zone/Single Family/ Low Density Residential
 East: R1 – Single Family Residential Zone & R8 – Residential Suite Zone/Low Density Residential
 West: A2 – Rural Holding Zoning/Rural Residential

The OCP does not support subdivision in the Rural Area except under two specific circumstances – subdivision proposals in the Gleneden area and proposals meeting the Section 514 of the LGA and policies 7.3.7 and 7.3.8 of the OCP.

A Section 514 subdivision is a special clause in the LGA that allows for the subdivision of a parcel that would otherwise be prevented by minimum parcel size requirements set out by a zoning bylaw and may be approved provided that:

- 1) No parcel created under Section 514 can be less than 2ha;
- 2) The land owner must have owned the property for at least 5 years prior to application;
- 3) The purpose of the subdivision is to provide a separate residence for a relative;
- 4) A parcel created under Section 514 cannot be further subdivided under the same Section and;
- 5) Registration of a covenant restricting sale of the property for a 5 year period.

Section 514 specifically overrules minimum parcel size requirements when a residence for a relative is being created in the ALR; therefore, OCP amendments and rezoning would not be required but the areas would be non-conforming to the minimum parcel area of the A2 zone. Given that the proposed lots would not meet the minimum parcel size threshold, the application is only under consideration because the property is within the ALR. It should be noted that once a property has been subdivided under Section 514 it may not be subdivided again under Section 514 again.

The application was initially received by City via the ALC application portal in November 2020; however, the application was not identified as a Section 514 subdivision for a relative application. An Agrologist report was submitted with the application dated November 2020. Given the location (outside the Urban Containment Boundary and within the Rural Area) staff contacted the applicant to advise that a conventional subdivision application was not supported by OCP policies or Zoning Bylaw requirements for minimum parcel areas. The applicant requested that the application be returned to them for revisions and in February 2021 a revised Agrologist report was submitted that indicated the proposed subdivision was being applied for under Section 514. The Agrologist Report dated February 9, 2021 is attached as Appendix 9.

The ALC uses the guidelines within their Homesite Severance policy in considering whether to refuse or accept an application. The policy includes assessing the potential impact on the agricultural integrity of the area and in considering Section 514 subdivisions specifically, the ALC Homesite Severance policy stipulates that the subject property must have been owned by the applicant prior to 1972. In this instance, the property was acquired by the current owner in 1991. Despite guideline regarding ownership prior to 1972, the ALC has supported previous applications that have not met this guideline, albeit on rare occasions.

Typically with these types of applications the proposed lot line(s) outline the area of existing residence or follow a geographical boundary such as a creek, creating a minimum 2ha parcel. This practice, on lands within the ALR, allows for the maximum amount of farmable area on the remainder lot and meets minimum lot size requirements for on-site servicing. Staff note that although there are no policies or guidelines to enforce this practice within City bylaws, should the ALC support the application the proposed lot line could be amended to reflect this practice but, pursuant to Section 514 of the LGA no lot can be less than 2ha.

COMMENTS

Engineering Department

In considering subdivision applications a number of factors are considered, including - access, servicing, environmental, and geotechnical requirements. The subject property is located on the boundary between an "Urban Development Area" and "Rural Development Area" and pursuant to the Subdivision and Servicing Bylaw No. 4163 the entire right of way is deemed to be within the "Urban Development Area"; therefore, the frontage improvements would be required to be compliant with those standards of the "Urban Development Area". While the Engineering Department notes that there are no concerns with the ALC application, a report outlining servicing requirements should the development advance is being finalized. It is anticipated that a future subdivision would warrant road and watermain upgrades in order to meet the requirements of the Subdivision and Servicing Bylaw No. 4163. Once the servicing requirements are finalized the report will be forwarded to the applicant.

Should the application be supported by the ALC then the applicants would be required to make application to the Approving Officer for the subdivision of the subject property.

Building Department

No concerns.

Fire Department

No concerns.

Agricultural Advisory Committee

In discussing the application, AAC members noted concerns with erosion of farmland through such a subdivision. Other noted concerns include that the area seemed capable of some farming and with consistent water source could be improved and that applicant could not specify their plans to transfer the land to a child should the application be supported so the consideration of the application may be premature.

The Agricultural Advisory Committee (AAC) reviewed the application at their March 10, 2021 meeting and passed the following resolution:

Motion: THAT the Agricultural Advisory Committee recommends that ALC Application No. 401 not be forwarded to the ALC for consideration.

Moved: James Hanna
Seconded: Ron Ganert

CARRIED UNANIMOUSLY

Planning Department

Previous Section 514 subdivision proposals in the ALR have been either supported by staff in the past or recommended to be forwarded to the ALC citing that further review by the ALC is warranted because a proposal met several components of the OCP and the ALC Homesite Severance Policy. In this instance, the proposal is a significant departure from both the OCP policy 7.3.7 and the ALC Homesite Severance Policy. Should Council feel that ALC review is warranted and the subdivision is approved by the ALC, the applicant would then make a subdivision application to the City's Approving Officer.

Planning staff are not supportive of the proposal as the consideration of the proposal, given the existing lot area (less than 8.0ha) and location (outside of Gleneden), are not supported by policy in the OCP 7.3.7 but is only being considered because the subject property is within the ALR and it is a request to consider under Section 514 of the LGA.

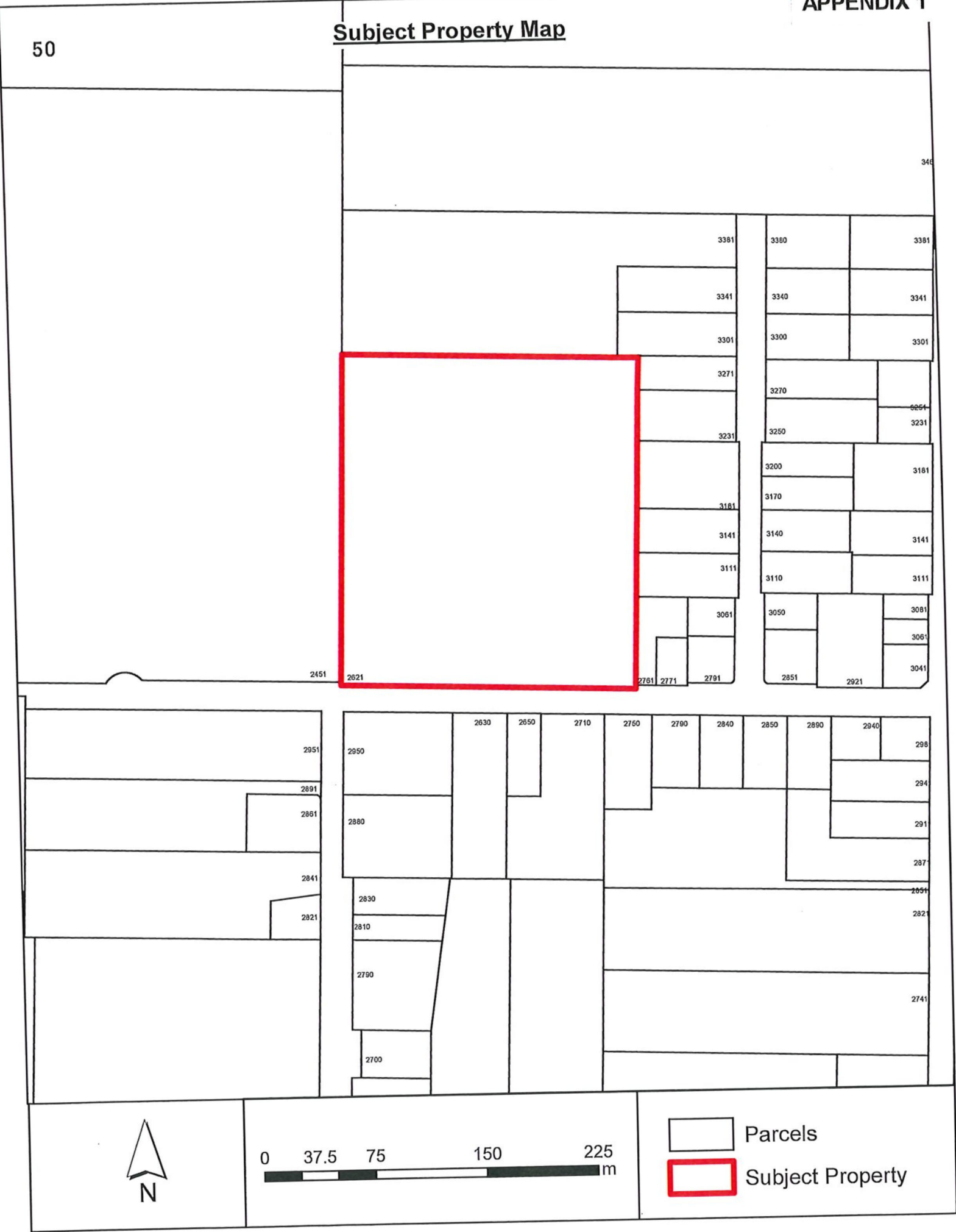


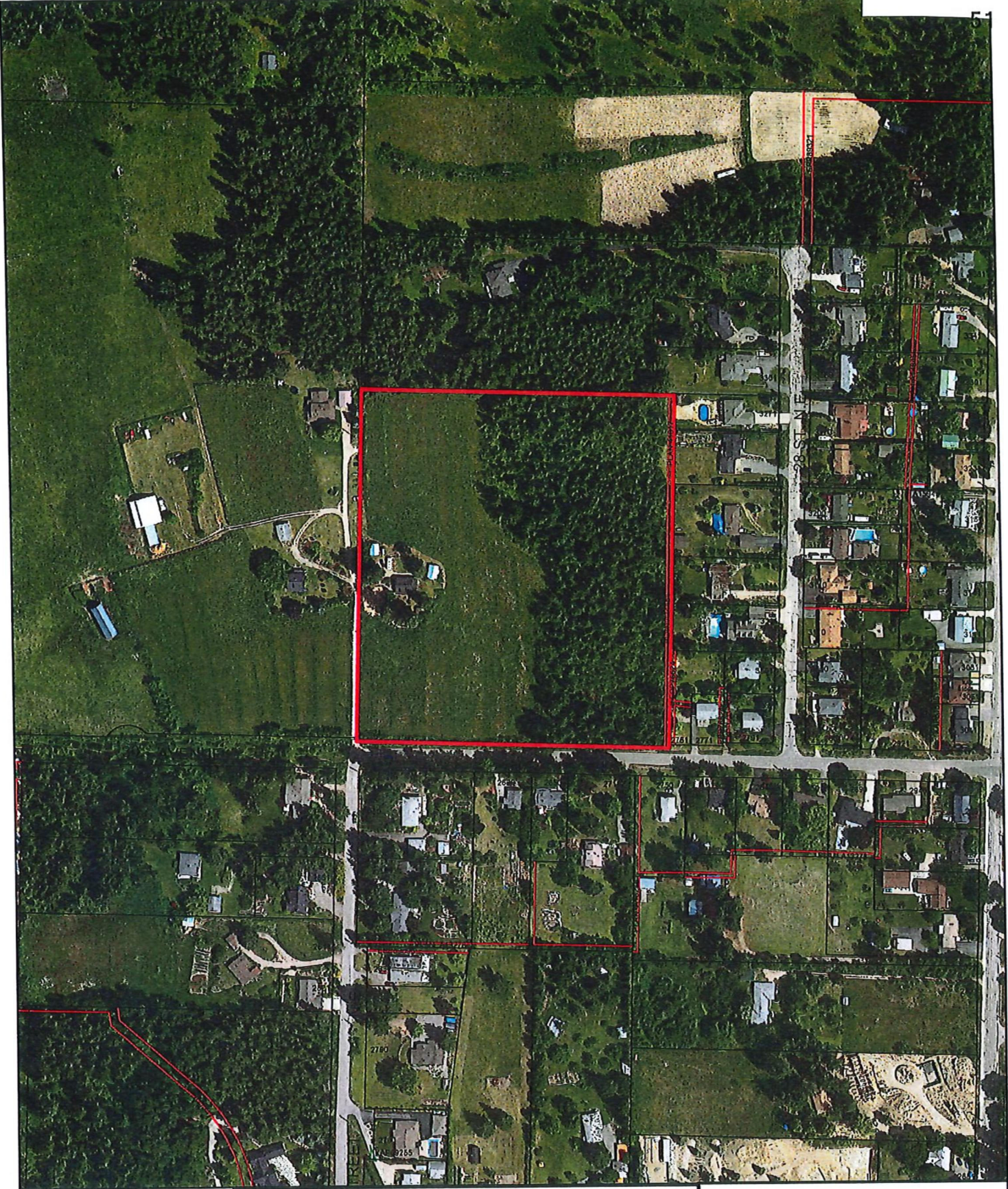
Prepared by: Melinda Smyrl, MCIP, RPP
Planner



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

Subject Property Map





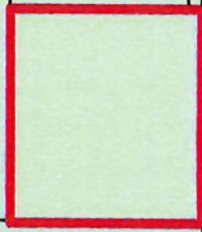
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Subject Property



ALR Map

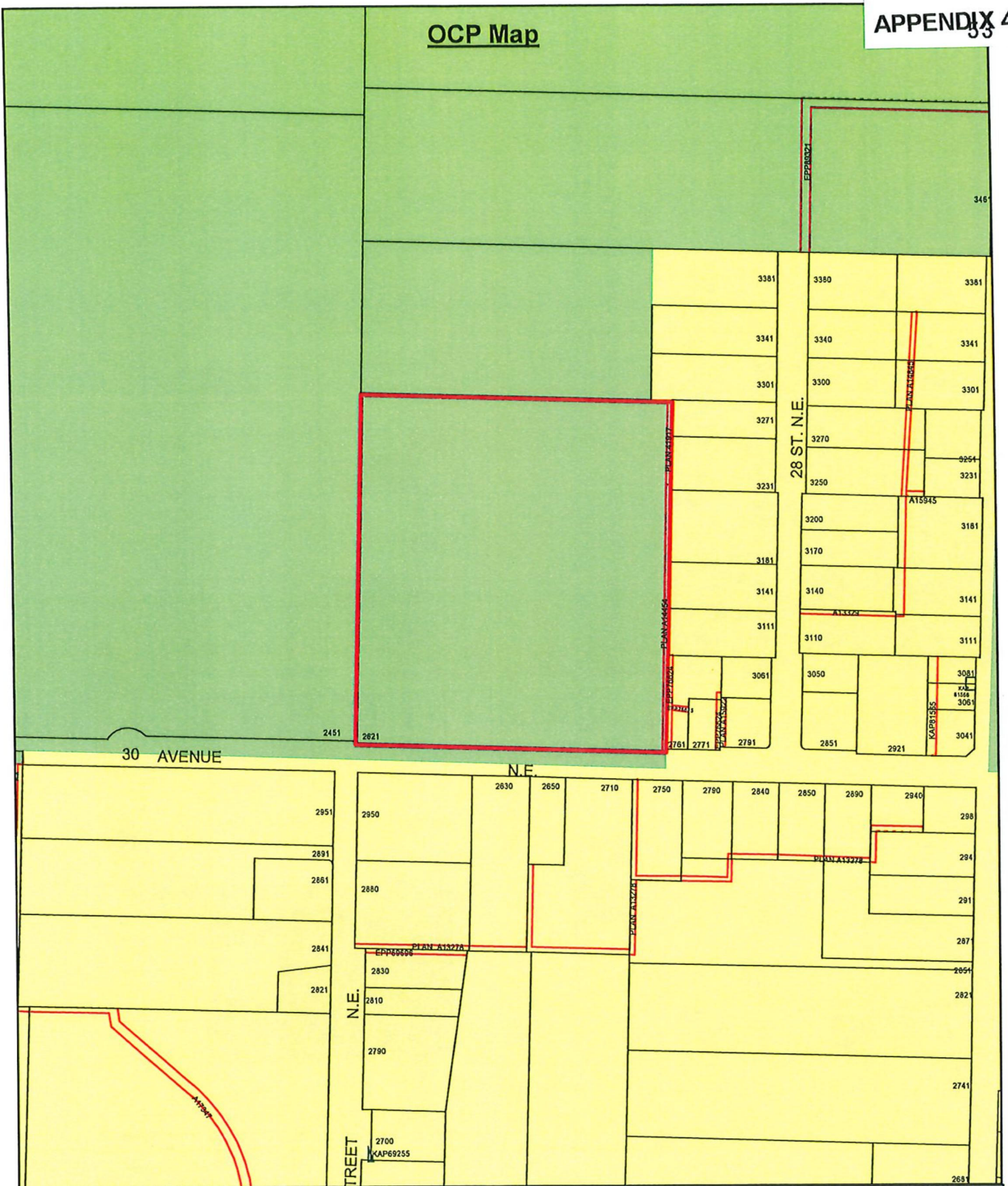
52






-  Subject Property
-  Parcels
-  ALR

OCP Map

APPENDIX 4

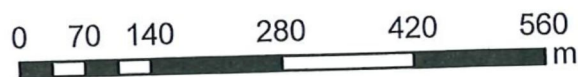
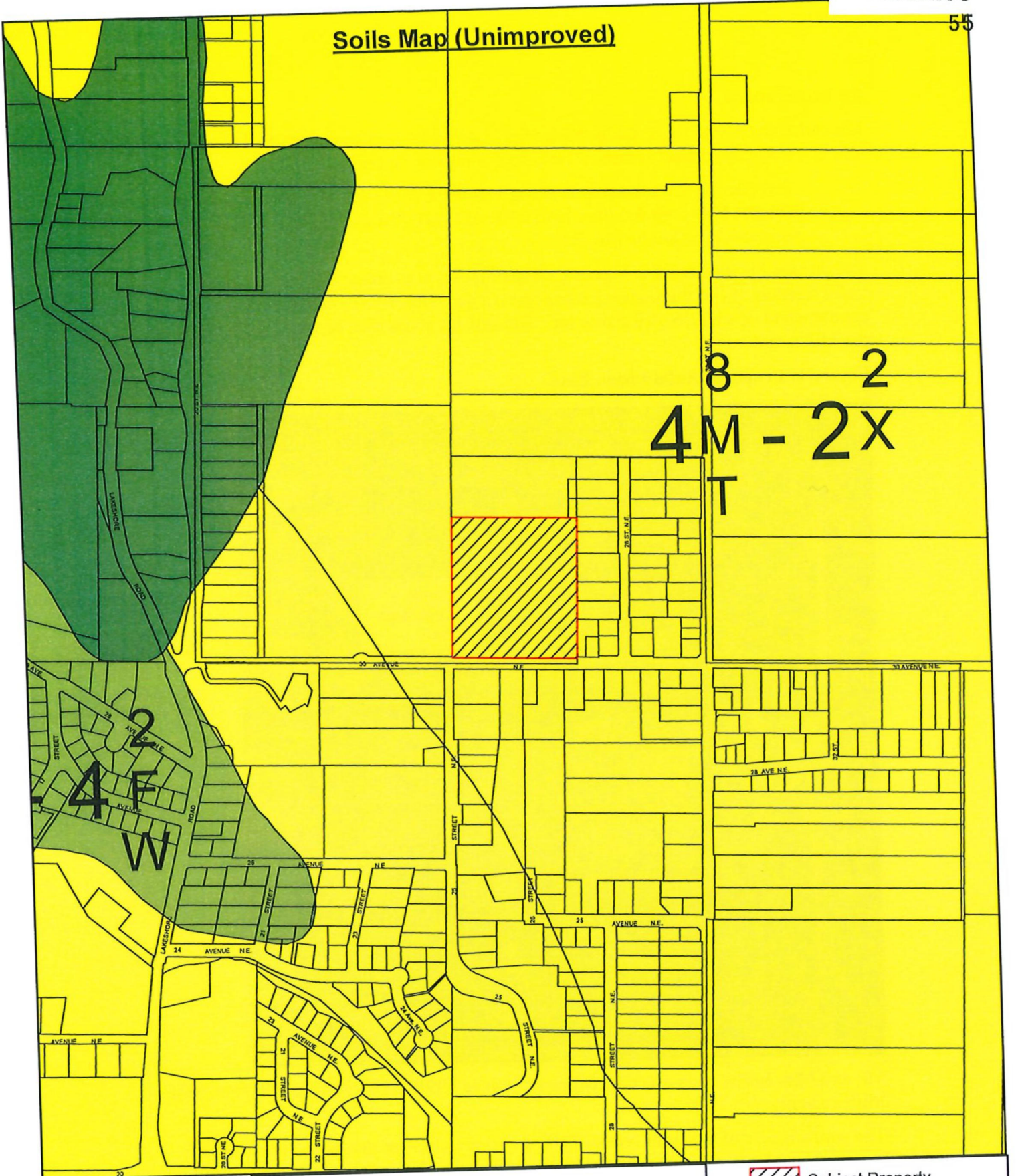






0 25 50 100 150 200 m

-  Subject Property
-  Acreage Reserve
-  Residential - Low Density



Soils Map (Unimproved)



-  Subject Property
-  CLASS 4
-  CLASS 5
-  CLASS 6

1.0 Introduction

Jim and Shirley wish to subdivide their 10.873 acre (4.4 hectare) parcel in Salmon Arm into two (roughly) 5 acre parcels. The parcel is legally described as:

Lot 4 Section 25 Township 20 Range 10 West of the 6th Meridian, Kamloops Division Yale District, Plan 1705; PID 011-351-136 and located at 2621 30th Avenue NE, Salmon Arm, BC

The proposal is illustrated in Figure 1: The proposal is to create two 5+ acre parcels under Section 514 of the *Local Government Act* from the 10.873 acre parcel to allow for development of a house on the new lot. The new lot could then be transferred to one of the Miller children.

Figure 1: Proposed Subdivision Line



Mr. and Mrs. Miller have owned this property since 1991. They purchased it from Mrs. Miller's aunt.

The parcel is part of a quarter section (160 acres) pre-emption granted to Mrs. Miller's grandfather, Matthew Laitinen in 1898. Over the years, lots were subdivided and sold,



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 61636

Application Status: Under LG Review

Applicant: James Miller , Shirley Miller

Agent: Regency Consultants Ltd.

Local Government: City of Salmon Arm

Local Government Date of Receipt: 02/09/2021

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

Proposal Type: Subdivision

Proposal: To subdivide the unused portion of the parcel which is currently in bush.

Agent Information

Agent: Regency Consultants Ltd.

Mailing Address:

2533 Copper Ridge Drive

West Kelowna, BC

V4T 2X6

Canada

Primary Phone: (250) 804-1798

Email: bholtby@shaw.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 011-351-136

Legal Description: Lot 4, Section 25, Township 20, Range 10, W6M, Kamloops Division, Yale District, Plan 1705

Parcel Area: 4.4 ha

Civic Address: 2621 - 30th Avenue NE, Salmon Arm, BC

Date of Purchase: 09/24/1991

Farm Classification: Yes

Owners

1. **Name:** James Miller

Address:

2621 - 30th Avenue, NE

Salmon Arm, BC

V1E 3G7

Canada

Phone: (250) 832-2585

Email: chicken3170@yahoo.com

2. **Name:** Shirley Miller

Salmon Arm, BC
V1E 3G7
Canada
Phone: (250) 832-2585
Email: chicken3170@yahoo.com

Current Use of Parcels Under Application

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

Approximately 1.9 ha in forage production.

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

Land clearing; forage crop establishment

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

Homesite and out buildings

Adjacent Land Uses

North

Land Use Type: Unused

Specify Activity: Bush

East

Land Use Type: Residential

Specify Activity: 1 acre homesites

South

Land Use Type: Residential

Specify Activity: Rural residential

West

Land Use Type: Agricultural/Farm

Specify Activity: Forage fields; homesites

Proposal

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

2.2 ha

2.2 ha

2. What is the purpose of the proposal?

To subdivide the unused portion of the parcel which is currently in bush.

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

See attached Agricultural Report

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

See attached Agrologist's Report

5. Are you applying for subdivision pursuant to the ALC Homesite Severance Policy? If yes, please submit proof of property ownership prior to December 21, 1972 and proof of continued occupancy in the "Upload Attachments" section.

No

Applicant Attachments

- Agent Agreement-Regency Consultants Ltd.
- Professional Report-Agrologist's Report
- Proposal Sketch-61636
- Certificate of Title-011-351-136

ALC Attachments

None.

Decisions

None.



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

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

Clients: Shirley and Jim Miller

Date: February 9, 2021

2533 Copper Ridge Drive, West Kelowna, BC, V4T 2X6,

Cell: 250-804-1798, email: bholtby@shaw.ca

1.0 Introduction

Jim and Shirley wish to subdivide their 10.873 acre (4.4 hectare) parcel in Salmon Arm into two (roughly) 5 acre parcels. The parcel is legally described as:

Lot 4 Section 25 Township 20 Range 10 West of the 6th Meridian, Kamloops Division Yale District, Plan 1705; PID 011-351-136 and located at 2621 30th Avenue NE, Salmon Arm, BC

The proposal is illustrated in Figure 1: The proposal is to create two 5+ acre parcels under Section 514 of the *Local Government Act* from the 10.873 acre parcel to allow for development of a house on the new lot. The new lot could then be transferred to one of the Miller children.

Figure 1: Proposed Subdivision Line



Mr. and Mrs. Miller have owned this property since 1991. They purchased it from Mrs. Miller's aunt.

The parcel is part of a quarter section (160 acres) pre-emption granted to Mrs. Miller's grandfather, Matthew Laitinen in 1898. Over the years, lots were subdivided and sold,

particularly on the east and west boundaries. The larger parcels within the original lot were retained for family members.

There is a history of farming activities with some fruit crops but mainly forages. The 1949 killing frost ended any attempt for orchard production on the parcel.

The Millers currently have Farm Class on their parcel due to a haying arrangement with a neighbour.

2.0 Qualifications

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

I have been involved in the work of the Agricultural Land Commission since 1974 when the reserve boundaries were proclaimed. At that time, I was District Agriculturist for the British Columbia Ministry of Agriculture in Prince George. In October 1978 I entered private practice and have provided professional opinions for clients who have sought amendments to the Agricultural Land Reserve boundaries, subdivision within the ALR, or who have needed assistance in compliance with requests or orders from the Commission.

During my years in both public and private practice, Courts and Review Boards have accepted me as an expert regarding farming practices in British Columbia. Consequently, I feel qualified to provide an assessment of a proposal under the *Agricultural Land Commission Act*. My qualifications and experience allow me to comment on the value of agricultural land and the practices of farming on that land.

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

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

Since the inception of the Application Portal, I have been identified in the application as the "Agent." The reader should note that I do not act as an agent in the normal use of the term. That is, I have no fiduciary responsibility to the applicant.

Section 3 of the Code of Ethics of the BC Institute of Agrologists includes the paragraph:

ensure that they provide an objective expert opinion and not an opinion that advocates for their client or employer or a particular partisan position.

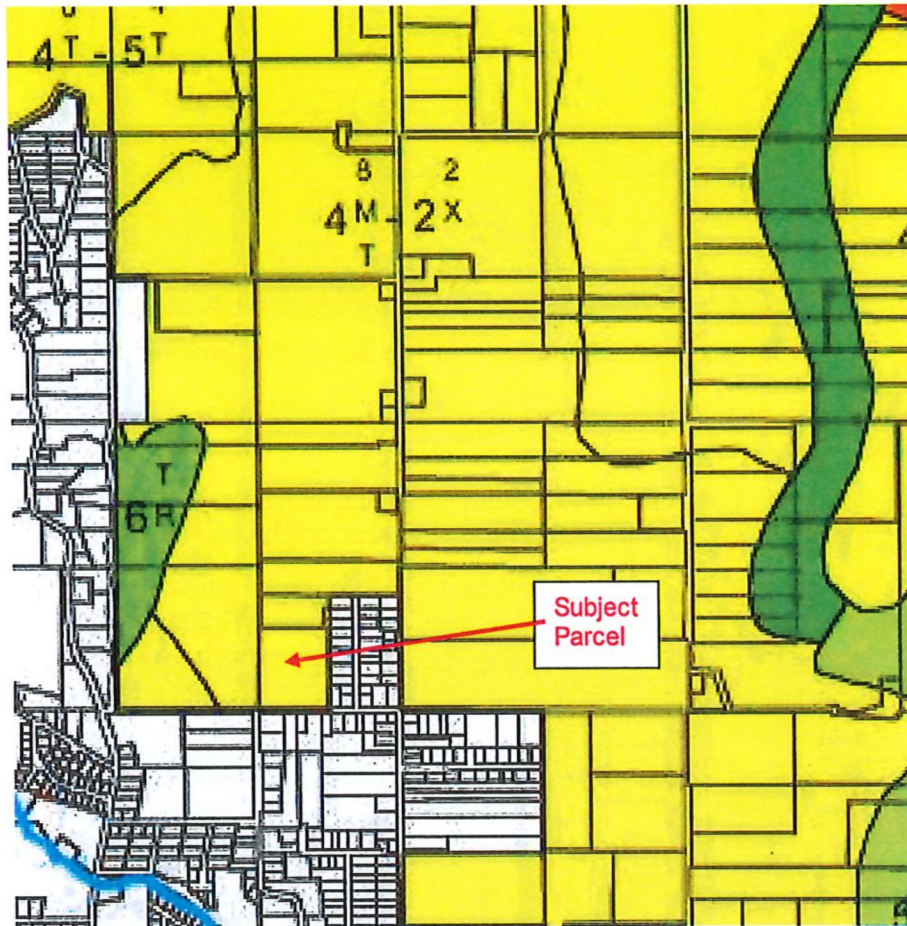
Given the complexity of the Portal, it is more expeditious for me to enter the data and forward correspondence than to expect the applicants to learn the procedure for what may be a one-time process.

I have requested that the Commission use the term "Consultant" rather than "Agent" as it describes the work performed. Given the refusal to amend the title, I am content in the understanding that I am acting in concert with the requirements of my profession whatever term is used.

3.0 Agricultural Capability of the Parcel

The unimproved capability of the parcel is shown in Figure 2.

Figure 2: Unimproved Canada Land Inventory Classification



Without irrigation, the parcel is part of a landform which is classed as 80% Class 4 limited by lack of moisture and topography with 20% classed as Class 2 with some variety of limitations.

As shown in Photograph 1, while there are some slopes on the parcel, I do not believe they would restrict the range of crops which could be grown there. I believe that if the land were planted in fruit or grapes, the slopes would provide a positive frost drainage.



Photograph 1: Taken from the South West corner

The classifications on the subject parcel improve with the addition of irrigation as shown in Figure 3.

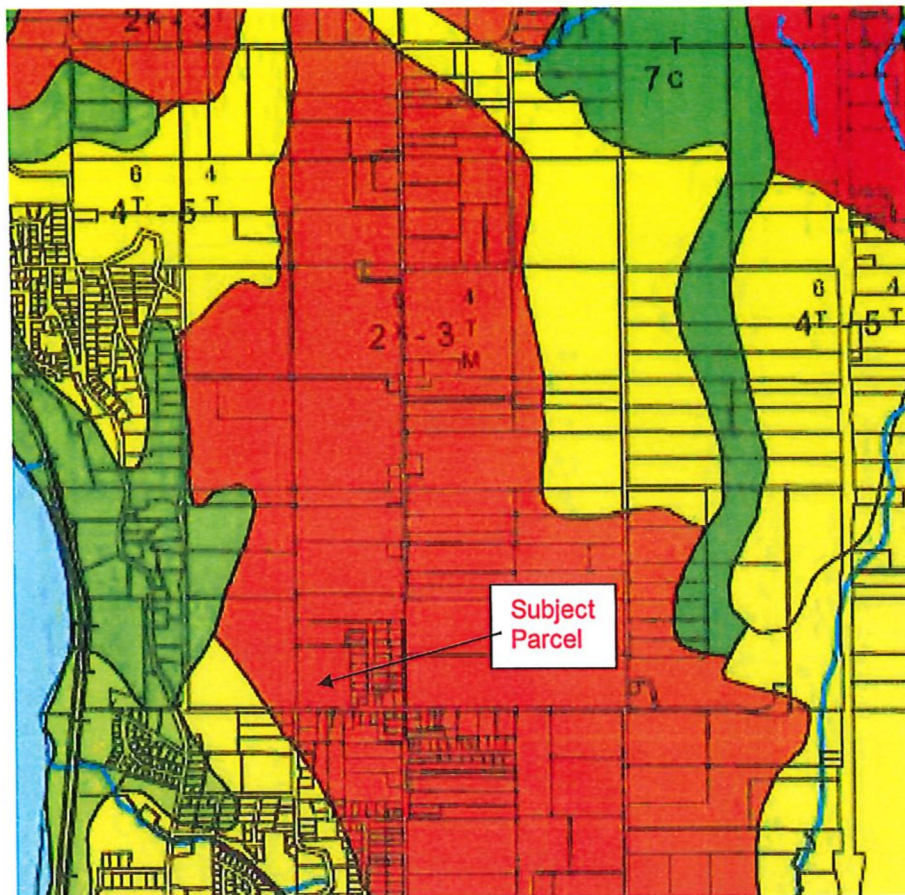
These classification rate the landform within which the subject parcel sits as 60% Class 2 with some restrictions and 40% Class 3 limited by topography and lack of moisture.

I found no evidence which would lead me to question these classifications. The soil is clay as shown in Photograph 2. As such, it should hold moisture for the crop.



Photograph 2: Soils on Subject Parcel

Figure 3: Improved Canada Land Inventory Classification



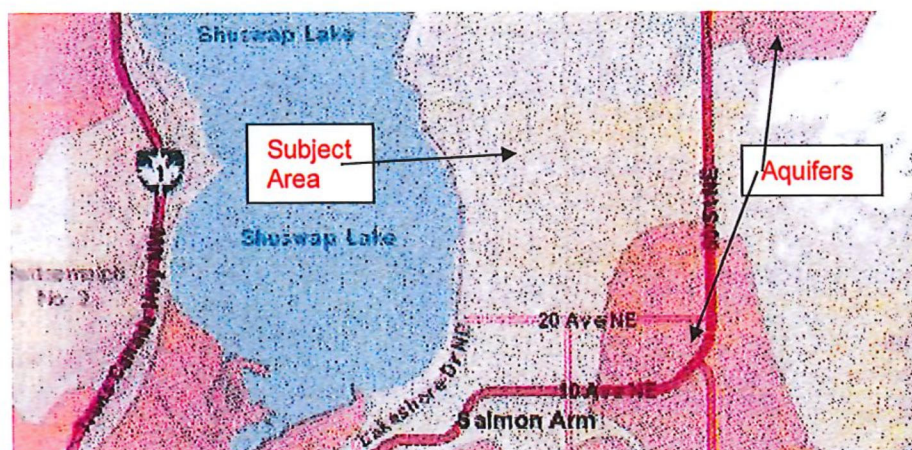
The current agricultural production on the parcel is forage crops as shown in Photograph 1. This production is consistent with the unimproved classification. Where water is available in the garden, a wide range of heat loving crops (grapes, tomatoes) are grown. These crops confirm the improved classification.

However, the availability of water for irrigation is a serious question. The Millers do not have a water licence for irrigation as produced in a search of the provincial water licence data base. Neither is there a known aquifer below the parcel as shown in Figure 4.

The only known source of water is the domestic supply from the City of Salmon Arm. However, that supply is restricted by Bylaw 1274 which states:

12. The domestic water supply shall not be used for irrigating of parcels of land in excess of $\frac{1}{2}$ acre.

Figure 4: Aquifer Map of Subject Area



In the early settlement of Salmon Arm, it was thought that irrigation was unnecessary as shown in Photograph 3 taken around 1909.



Photograph 3: Circa 1909 Real Estate Office

However, this assumption was challenged through various studies from 1930 to 1970 as cited in the *Agricultural Area Plan*. That Plan cited work at the Summerland Experimental Station that concluded:¹

¹ District of Salmon Arm, *Agricultural Area Plan*, June 2004, Page 19

“to produce good commercial crops, the orchards should be irrigated from 18 – 24 inches per acre per season depending on the soil condition. The orchardists themselves were forced to the conclusion that irrigation was their only hope and the consensus of opinion was that at least one acre-foot per acre would be required.

The Plan made two recommendations: that there be an exploration of infrastructure funding to construct a community irrigation system for the Broadview area; and that a groundwater supply study be undertaken.

I assume that since there is no community irrigation system and since the water restrictions in Bylaw 1274 as cited above, the now City of Salmon Arm has not proceeded with an infrastructure project. Consequently, there is no justification for using Improved Canada Land Inventory Classifications on the subject parcel.

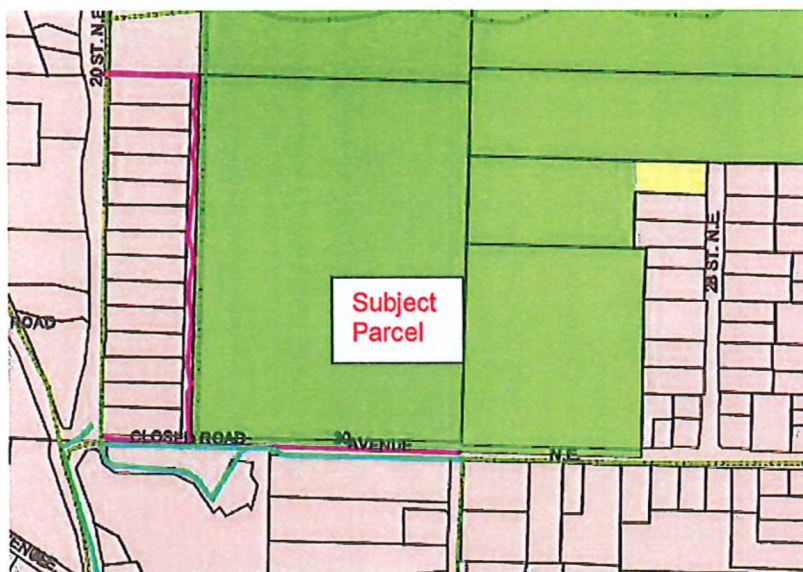
I have noticed during my visits to the subject area that there has been a considerable conversion of old orchards to forage crops. In my view, this conversion is the consequence of the failure to provide the recommended community irrigation system.

Therefore, I conclude that the highest and best agricultural use of the subject parcel is forage crops which is the traditional and current use of the parcel.

4.0 Local Government Concerns

The parcel under application is classified as Acreage Reserve in the Official Community Plan as shown in Figure 5:

Figure 5: Official Community Plan of Subject Area



The most relevant policies which are reflected in the OCP are listed as follows:

General Policies

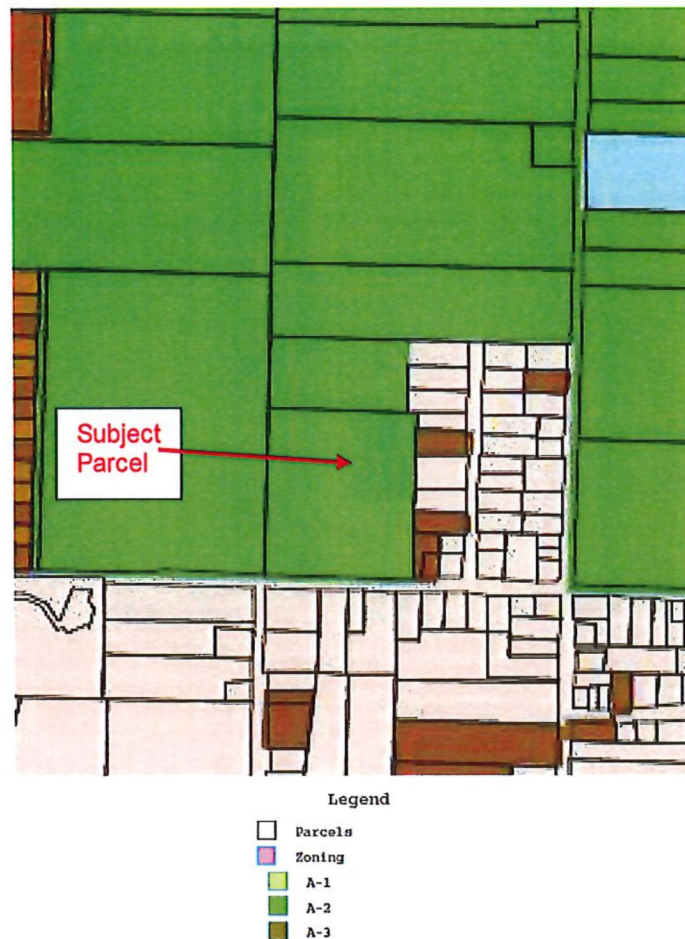
- 7.3.1 Acreage Reserve, Salmon Valley Agriculture and Forest Reserve areas are designated on Map A-1 LandUse.

- 7.3.2 Discourage additional development, particularly at urban densities, in the Acreage Reserve, Salmon Valley Agriculture and Forest Reserve designations.
- 7.3.3 Maintain or enhance the configuration and size of parcels designated Acreage Reserve, Salmon Valley Agriculture and Forest Reserve through boundary (lot line) adjustments and/or consolidations; rezoning, subdivision and/or Agricultural Land Reserve exclusion applications are not encouraged.
- 7.3.4 Support adjusting the boundaries between the Acreage Reserve, Salmon Valley Agriculture and Forest Reserve designations only on the basis of improved soil capability ratings.

As discussed above, the lack of available groundwater, and the prohibition of using the City of Salmon Arm domestic water supply does not allow the use of “improved soil capability ratings” in making land use decisions.

The parcel is zoned A-2 as shown in Figure 6. This zone has a minimum parcel size of 4 hectares or 9.9 acres.

Figure 6: Zoning Designations of Subject Area



If the application for subdivision is approved, my first thought was that the applicants would have to apply for a rezoning of the parcel to A-3, Small Holding Zone. This zone has a minimum parcel size of 2 hectares or 4.9 acres. However, following conversations Kevin Pearson, RPP, MCIP, Director of Development services, sent the following email:²

1. The only way this application can potentially be supported by the City's OCP is if it is a Section 514 Local Government Act (Subdivision for a Relative). If not, and assuming City Council and the ALC support it, it would require an OCP Policy Amendment and Rezoning to A-3. The OCP allows A-3 zoning for minimum 2 Ha lot sizes, but only in the Gleneden Area. Not in this part of Salmon Arm. As you know the lot is at the minimum with the present A-2 zone.
2. area concern except for accommodating on-site septic. No OCP amendment or rezoning would be needed.

The requirements in Section 514 are as follows:

(2) An application for subdivision of a parcel under this section may be made only if all the following requirements are met:

- (a) the person making the application has owned the parcel for at least 5 years before making the application;
- (b) the application is made for the purpose of providing a separate residence for
 - (i) the owner,
 - (ii) a parent of the owner or of the owner's spouse,
 - (iii) the owner's child or the spouse of the owner's child, or
 - (iv) the owner's grandchild;
- (c) the proposed subdivision is not a subdivision that an approving officer is prevented from approving by subsection (3).

(3) Despite subsection (1), an approving officer must not approve a subdivision under this section in any of the following circumstances:

- (a) if
 - (i) the parcel proposed to be subdivided is classified as farm land for assessment and taxation purposes, and
 - (ii) after creation of the parcel subdivided for the purpose of providing a residence as stated in subsection (2) (b), the remainder of the parcel proposed to be subdivided would be less than 2 hectares;
- (b) if the parcel proposed to be subdivided
 - (i) is not within the agricultural land reserve, and
 - (ii) was created by subdivision under this section, including subdivision under section 996 of the *Municipal Act*, R.S.B.C. 1979, c. 290, as it read

² Pearson, Kevin, email to author, November 20, 2020

before it was repealed and replaced by section 13 of the *Municipal Amendment Act (No. 2), 1989*;

(c) if the parcel proposed to be subdivided

(i) is within the agricultural land reserve, and

(ii) was within the previous 5 years created by subdivision under this section, including subdivision under section 996 of the *Municipal Act*, R.S.B.C. 1979, c. 290, as it read before it was repealed and replaced by section 13 of the *Municipal Amendment Act (No. 2), 1989*.

Section 7 of the *Local Government Act* restricts the future use of the property as follows:

For 5 years after subdivision under this section, unless the applicable use is changed by bylaw,

(a) the use of the parcel subdivided for the purpose of providing a residence as stated in subsection (2) (b) must be residential use only, and

(b) the use of the remainder of the original parcel must not be changed from the use of the original parcel.

The parcel to be subdivided is mostly uncleared as shown in Figure 1. Therefore, maintaining it for residential use will have no effect on the agricultural use of the parcel. The original lot will maintain its agricultural use.

5.0 Commission Concerns

The Agricultural Land Commission has published the following questions for applicants to respond.

Question	Response
Applicant Information	
How long has the applicant owned the property?	Since 1991. 30 years
Parcel Information	
Is the property currently used for agriculture?	Yes. Forage crops
What is the agricultural capability?	See above. 80% Class 4 without irrigation. This is considered a secondary classification.
Have there been any attempted agricultural improvements to the property?	Yes. Land clearing.
Is the property suitable for agriculture?	Yes. Both the proposed lot for subdivision and the remainder lot.
What types of land uses surround the property?	1 acre lots; rural residences; forage crop production; bush
Proposal Information	
Does the proposal encourage or enhance agriculture or agri-business in the short or long-term?	The owners have not and do not propose to clear the 2.15 ha of bush on the parcel.

Question	Response
Will the proposal encourage farm use in the ALR while preserving the land base?	Farm Class assessment will encourage a new owner to develop the land for farm use after the five year waiting period. I expect no farm use of the proposed lot under the current ownership. The application seeks to retain the land in the ALR.
Could this proposal be accommodated on lands outside of the ALR, or on an alternative site within the ALR that is less capable or suitable for agriculture?	Not applicable. The application is site specific.
Will the proposal remove agricultural land?	No.
Does the proposal/application ensure that land is available for farm use if changed circumstances in the future require it? ^{1,2}	Should irrigation water become available, the lot size will be sufficient for an orchard or vineyard.
Does the proposal/application impact the size, continuity, or integrity of the ALR land base?	No impact. The ALR boundaries remain in place.
Is a non-adhering residential use necessary for, or supportive of, farm use?	The residential use of the new parcel will stand alone as required by the <i>Local Government Act</i> .
Will the size and siting of the residential use minimize the impact to ALR land?	No decision has been made on homesite siting. I assume all bylaws and regulations will be adhered to.
Is the ALC able to approve the application or does the ALC Act or regulations require that it reject the application?	The application preserves agricultural land within the ALR.
Local Government Information	
How does the proposal relate to the local government's Agricultural Plans, Official Community Plan, and bylaws?	The OCP discourages subdivision and requires local decisions to be based on improved soil capability. The Agricultural Plan recognizes the need for irrigation and recommends only further study.
What are the recommendations from the Board/Council, Agricultural Advisory Committee, Advisory Planning Committee, and Planning Staff of the local government?	To be forthcoming.

6.0 Summary and Conclusion

The proposed subdivision would separate an existing homesite and small forage field from land which is not cleared or cultivated.

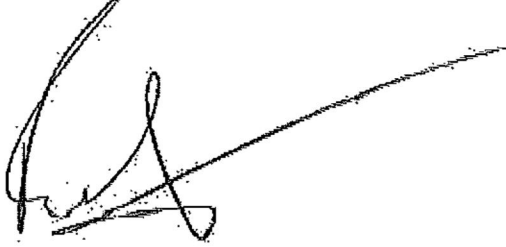
Through family subdivision, the land has not been developed in the 122 years since pre-emption. I would anticipate that subdivision would allow the current owners, the applicants, to either provide for a homesite for an adult child or to build a house for their own use. In either case, the current land use would not change.

Given the mixture of lot sizes in the subject neighbourhood, I believe that the proposal lot would be consistent with other lots within the ALR.

The highest and best agricultural use of the land is forage crops. While the capability of the land could be improved through irrigation, that is not possible given the current bylaws of the City of Salmon Arm. Therefore, it is, in my opinion, inappropriate to use improved classifications as a criterion for land use decisions. I do believe, however, that a considerable agricultural development could occur if the City developed a utility irrigation service as recommended by the Agricultural Area Plan.

I remain available to respond to questions regarding my findings and conclusions.

Respectfully submitted,

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

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

February 9, 2021

For Information – Development and Planning Committee Agenda

The City's Street / Sidewalk Patio Policy specifies a May 1 start date.

Due the PHO - COVID19 update from yesterday, City staff will allow an earlier set up for street patios in the downtown, for those with valid City Permits, after street cleaning is completed along the fronting streets. Street cleaning is expected in early April 2021 if the weather conditions remain favorable.

Kevin Pearson | Director of Development Services
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