



AGENDA

City of Salmon Arm Regular Council Meeting

Tuesday, May 25, 2021
1:00 p.m.

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

Page #	Item #	Description
	1.	CALL TO ORDER
1 – 2	2.	IN-CAMERA SESSION
	3.	ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY <i>We acknowledge that we are gathering here on the traditional territory of the Secwepemc people, with whom we share these lands and where we live and work together.</i>
	4.	ADOPTION OF AGENDA
	5.	DISCLOSURE OF INTEREST
	6.	CONFIRMATION OF MINUTES
3 – 12	1.	Regular Council Meeting Minutes of May 10, 2021
	7.	COMMITTEE REPORTS
13 – 18	1.	Development and Planning Services Committee Meeting Minutes of May 17, 2021
19 – 34	2.	Community Heritage Commission Meeting Minutes of April 19, 2021
35 – 38	3.	Downtown Parking Commission Meeting Minutes of March 16, 2021
39 – 42	4.	Traffic and Safety Committee Meeting Minutes of May 5, 2021
43 – 46	5.	Community Heritage Commission Meeting Minutes of May 17, 2021
	8.	COLUMBIA SHUSWAP REGIONAL DISTRICT UPDATE
	9.	STAFF REPORTS
47 – 52	1.	Manager of Permits and Licensing – Notice on Title [Radcliffe, J.; 91 3 Street SE; Failure to Obtain Building Permit]
53 – 60	2.	Manager of Permits and Licensing – Notice on Title [Greek, S. & J.; 90 2 Street SE; Failure to Obtain Building Permit]
61 – 84	3.	Director of Development Services – Agricultural Land Commission Application No. 406 [Megyesi, M. & A.; 3381 28 Street NE; Non-Adhering Residential Use]

- 9. STAFF REPORTS – continued**
- 85 – 104 4. Director of Development Services – Agricultural Land Commission Application No. 405 [Priebe, A. & L.; 4890 Foothill Road SW; Non-Adhering Residential Use]
- 105 – 120 5. Director of Development Services – Agricultural Land Commission Application No. 407 [Mierau, B. & R./Laird, B./City of Salmon Arm; 3831 20 Avenue SE; Exclusion]
- 121 – 124 6. Director of Engineering and Public Works – 2021/2022 Annual Transit Operating Agreement
- 125 – 126 7. Director of Engineering and Public Works – Field Maintenance Agreement – Elks Park Ball Fields
- 127 – 130 8. Director of Engineering and Public Works – RCMP Roof Replacement – Award
- 131 – 136 9. Director of Engineering and Public Works – Canoe Beach & Raven Community Park Playground Equipment Replacement, Supply & Installation
- 137 – 144 10. Director of Corporate Services – Environmental Advisory Committee Appointments
- 145 – 146 11. Director of Engineering and Public Works – Disk Filter Cloth Media – Wastewater Plant
- 147 – 152 12. Director of Corporate Services – Salmon Arm Arts & Culture Tri-Partite Agreement
- 10. INTRODUCTION OF BYLAWS**
- 153 – 170 1. City of Salmon Arm Zoning Amendment Bylaw No. 4458 [ZON-1208/DVP-532; Braby, J./Lawson Engineering Ltd./Lawson, B.; 2151 12 Avenue NE] – First and Second Readings
- 171 – 188 2. City of Salmon Arm Zoning Amendment Bylaw No. 4459 [ZON-1209; Buckler, J. & K.; 2920 7 Avenue NE] – First and Second Readings
- 11. RECONSIDERATION OF BYLAWS**
- 189 – 220 1. City of Salmon Arm Official Community Plan Amendment Bylaw No. 4433 [OCP4000-45; Westgate Building Ltd./1028699 BC/Laird, B.; 2090 10 Avenue SW; SRV to HC] – Second Reading
- 221 – 224 2. City of Salmon Arm Zoning Amendment Bylaw No.4434 [ZON-1197; Westgate Building Ltd./1028699 BC/Laird, B.; 2090 10 Avenue SW; A-1 to C-3] [See Item 11.2 for Staff Report] – Second Reading
- 12. CORRESPONDENCE**
- 225 – 226 1. Informational Correspondence
- 13. NEW BUSINESS**
- 14. PRESENTATIONS/ DELEGATIONS**
- 227 – 236 1. Presentation 4:00 – 4:15 p.m. (approximately)
Howard deLong – Shuswap Theatre Update
- 237- 238 2. Presentation 4:15 – 4:30 p.m. (approximately)
Kyle Dearing – Shuswap Tourism
- 15. COUNCIL STATEMENTS**

- 16. **SALMON ARM SECONDARY YOUTH COUNCIL**
- 17. **NOTICE OF MOTION**
- 18. **UNFINISHED BUSINESS AND DEFERRED / TABLED ITEMS**
239 – 240 1. Water Extraction – Councillor Lavery
- 19. **OTHER BUSINESS**
- 20. **QUESTION AND ANSWER PERIOD**

7:00 p.m.

Page #	Item #	Description
	21.	DISCLOSURE OF INTEREST
	22.	HEARINGS
241 – 252	1.	Development Variance Permit Application No. 530 [Christensen, B. & Laderoute, L.; 2348 5 Avenue SE; Setback]
253 – 262	2.	Development Variance Permit Application No. 527 [Blackstock, J./Passey, B./BWP Construction; 4851 73 Avenue NE; Setback]
	23.	STATUTORY PUBLIC HEARINGS
263 – 278	1.	City of Salmon Arm Zoning Amendment Application No. ZON-1193 [NTL Developments Ltd./ Franklin Engineering Ltd.; 1681 10 Street SE R-1 to R-8]
279 – 292	2.	City of Salmon Arm Zoning Amendment Application No. ZON-1207 [Johnson, D.; 481 34 Street SE; R-1 to R-8]
293 – 312	3.	City of Salmon Arm Land Use Contract Termination LUC N71309 [Greyfriars Rentals Ltd.; 4121, 4141, 4161, 4181, 4221 and 4241 45 Street SE]
	24.	RECONSIDERATION OF BYLAWS
313 – 316	1.	City of Salmon Arm Zoning Amendment Bylaw No. 4437 [ZON-1193; NTL Developments Ltd./ Franklin Engineering Ltd.; 1681 10 Street SE; R-1 to R-8] – Third and Final Readings
317 – 320	2.	City of Salmon Arm Zoning Amendment Bylaw No. 4455 [ZON-1207; Johnson, D.; 481 34 Street SE; R-1 to R-8] – Third Reading
321 – 324	3.	City of Salmon Arm Land Use Contract Termination Bylaw No. 4461 [LUC N71309; Greyfriars Rentals Ltd.; 4121, 4141, 4161, 4181, 4221 and 4241 45 Street SE]– Third and Final Readings
	25.	QUESTION AND ANSWER PERIOD
325 – 326	26.	ADJOURNMENT

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Item 2.

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor Eliason

Seconded: Councillor Wallace Richmond

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

Vote Record

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

Opposed:

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

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Item 6.1

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor Lindgren

Seconded: Councillor Flynn

THAT: the Regular Council Meeting Minutes of May 10, 2021, be adopted as circulated.

Vote Record

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

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

REGULAR COUNCIL

Minutes of a Regular Meeting of Council of the City of Salmon Arm held by electronic means as authorized by Ministerial Order M192, at 1:30 p.m. and reconvened at 2:30 p.m. on **Monday, May 10, 2021.**

PRESENT:

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

Chief Administrative Officer C. Bannister (participated remotely)
 Director of Corporate Services E. Jackson (participated remotely)
 Director of Development Services K. Pearson (participated remotely)
 Director of Engineering and Public Works R. Niewenhuizen (participated remotely)
 Recorder B. Puddifant (participated remotely)

ABSENT:

1. CALL TO ORDER

Mayor Harrison called the meeting to order at 1:30 p.m.

2. IN-CAMERA SESSION

0244-2021 Moved: Councillor Flynn
 Seconded: Councillor Lindgren
 THAT: pursuant to Section 90(1) of the Community Charter, Council move In-Camera.

CARRIED UNANIMOUSLY

Council moved In-Camera at 1:30 p.m.
 Council returned to Regular Session at p.m.
 Council recessed until 2:30 p.m.

3. ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY

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

4. REVIEW OF AGENDA

Addition under item 12.4 BC Achievement Foundation – 2021 BC Achievement Community Awardees Announced.

Addition under item 12.5 D. Shultz, Salmon Arm Curling Club – email dated May 8, 2021 – BC Community Gaming Grant.

5. DISCLOSURE OF INTEREST

6. CONFIRMATION OF MINUTES

1. Regular Council Meeting Minutes of April 26, 2021

0245-2021 Moved: Councillor Wallace Richmond
 Seconded: Councillor Cannon
 THAT: the Regular Council Meeting Minutes of April 26, 2021, be adopted as circulated.

CARRIED UNANIMOUSLY

7. COMMITTEE REPORTS

1. Development and Planning Services Committee Meeting Minutes of May 3, 2021

0246-2021 Moved: Councillor Lindgren
 Seconded: Councillor Lavery
 THAT: the Development and Planning Services Committee Meeting Minutes of May 3, 2021, be received as information.

CARRIED UNANIMOUSLY

2. Agricultural Advisory Committee Meeting Minutes of April 14, 2021

0247-2021 Moved: Councillor Lavery
 Seconded: Councillor Wallace Richmond
 THAT: the Agricultural Advisory Committee Meeting Minutes of April 14, 2021, be received as information.

Mayor Harrison will send a letter of thanks to John McLeod for his contributions to the Agricultural Advisory Committee and the Environmental Advisory Committee.

CARRIED UNANIMOUSLY

3. Active Transportation Task Force Meeting Minutes of May 3, 2021

0248-2021 Moved: Councillor Lavery
 Seconded: Mayor Harrison
 THAT: the Active Transportation Task Force Meeting Minutes of May 3, 2021, be received as information.

CARRIED UNANIMOUSLY

8. COLUMBIA SHUSWAP REGIONAL DISTRICT UPDATE18. UNFINISHED BUSINESS AND DEFERRED/TABLED ITEMS1. Water Extraction - Councillor Lavery

0249-2021

Moved: Councillor Lavery

Seconded: Councillor Lindgren

THAT: Council defer this item to the Regular Council Meeting of May 25, 2021.

CARRIED UNANIMOUSLY19. OTHER BUSINESS1. BC Timber Sales - Mt. Ida Logging Plan

Received for information.

9. STAFF REPORTS1. Director of Development Services - Agricultural Land Commission Application No. ALC-402 [BC Transportation Financing Authority (Ministry of Transportation and Infrastructure)/Talisman Land Resource Consultants Inc./Christie, P.; Exclusion]

0250-2021

Moved: Councillor Cannon

Seconded: Councillor Lindgren

THAT: Council support the Agricultural Land Commission Exclusion application submitted by Talisman Land Resource Consultants Inc. on behalf of the Ministry of Transportation and Infrastructure.

Mayor Harrison called three times for public input.

CARRIED UNANIMOUSLY2. Director of Engineering & Public Works - City Flag - New Branding & Wordmark

0251-2021

Moved: Councillor Wallace Richmond

Seconded: Councillor Cannon

THAT: Council approve the new City Flag design which incorporates the Salmon Arm Branding and Wordmark on a white background as shown on sample 2, included in the staff report dated April 19, 2021.

CARRIED

Councillors Lindgren and Lavery Opposed

3. Chief Administrative Officer - Ross Street Underpass - CPR Construction Agreement

0252-2021

Moved: Councillor Wallace Richmond

Seconded: Councillor Cannon

THAT: the Mayor and Corporate Officer be authorized to execute the 'Subway Construction Agreement' with Canadian Pacific Railway to formalize the terms of construction for the Ross Street Underpass.

CARRIED UNANIMOUSLY

9. STAFF REPORTS – continued4. Director of Engineering & Public Works – Renewal of Waste Management Web and Mobile App

0253-2021

Moved: Councillor Eliason

Seconded: Councillor Lavery

THAT: the City renew the contract with Municipal Media Inc. for the Recycle Coach residential waste management web and mobile app, standard package and SMS messaging for three years (July 1, 2021 to June 30, 2024), as outlined in the staff report dated May 3, 2021.

CARRIED UNANIMOUSLY5. Director of Engineering & Public Works – Tender Award – 2021 Paving Program

0254-2021

Moved: Councillor Cannon

Seconded: Councillor Wallace Richmond

THAT: Council award the 2021 Paving Program Contract to Okanagan Aggregates Ltd., in accordance with the unit prices specified in their Tender, in the amount of One Million Three Hundred Ninety Seven Thousand Four Hundred and Sixty Dollars (\$1,397,460.00) plus taxes as applicable.

CARRIED UNANIMOUSLY

Councillor Lavery left the meeting at 3:18 p.m.

10. INTRODUCTION OF BYLAWS1. City of Salmon Arm Land Use Contract Termination Bylaw No. 4461 [LUC N71309; Greyfriars Rentals Ltd.; 4121, 4141, 4161, 4181, 4221 and 4241 45 Street SE] – First and Second Readings

0255-2021

Moved: Councillor Eliason

Seconded: Councillor Lindgren

THAT: the bylaw entitled City of Salmon Arm Land Use Contract Termination Bylaw No. 4461 be read a first and second time.

CARRIED UNANIMOUSLY2. City of Salmon Arm Zoning Amendment Bylaw No. 4455 [ZON-1207; Johnson, D.; 481 34 Street SE; R-1 to R-8] – First and Second Readings

0256-2021

Moved: Councillor Wallace Richmond

Seconded: Councillor Lindgren

THAT: the bylaw entitled City of Salmon Arm Zoning Amendment Bylaw No. 4455 be read a first and second time;

AND THAT: final reading of the zoning amendment bylaw be withheld subject to submission of a Building Permit application showing that the proposed *detached suite* conforms to BC Building Code and Zoning Bylaw requirements.

CARRIED UNANIMOUSLY

10. INTRODUCTION OF BYLAWS - continued

3. City of Salmon Arm Zoning Amendment Bylaw No. 4437 [ZON-1193; NTL Developments Ltd./ Franklin Engineering Ltd.; 1681 10 Street SE R-1 to R-8] - First and Second Readings

0257-2021 Moved: Councillor Flynn
 Seconded: Councillor Eliason
 THAT: the bylaw entitled City of Salmon Arm Zoning Amendment Bylaw No. 4437 be read a first and second time.

CARRIED UNANIMOUSLY

11. RECONSIDERATION OF BYLAWS

12. CORRESPONDENCE

1. Informational Correspondence

7. K. Nielsen, President, Salmon Arm Pickle Ball Club - letter dated April 16, 2021 - Multi-Purposing Klahani Park Courts

0258-2021 Moved: Councillor Cannon
 Seconded: Councillor Lindgren
 THAT: Council direct staff to refer K. Nielsen's letter to the Shuswap Recreation Society for its recommendation.

CARRIED UNANIMOUSLY

8. A. Nuttall, Early Years Family Navigator, Shuswap Children's Association - letter dated May 3, 2021 - StoryWalk for July 14, 2021 and August 11, 2021

0259-2021 Moved: Councillor Wallace Richmond
 Seconded: Councillor Flynn
 THAT: Council approve the Shuswap Children's Association StoryWalk on July 14, 2021 at Blackburn Park and August 11, 2021 at William Baker Park; subject to the provision of adequate liability insurance and in accordance with the Public Health Officer's guidelines.

CARRIED UNANIMOUSLY

Councillor Eliason left the meeting at 3:49 p.m.

3. B. Ling - email dated April 28, 2021 - Sidewalk request

0260-2021 Moved: Councillor Lindgren
 Seconded: Councillor Wallace Richmond
 THAT: Council direct staff to refer B. Ling's request to the 2022 Budget process.

CARRIED UNANIMOUSLY

12. CORRESPONDENCE – continued

2. Federation of Canadian Municipalities (FCM) Virtual Convention – May 31 – June 4, 2021

0261-2021

Moved: Councillor Lindgren

Seconded: Councillor Flynn

THAT: the Mayor and Councillors be authorized to virtually attend the 2021 Federation of Canadian Municipalities (FCM) Convention.

CARRIED UNANIMOUSLY

3. C. Ondang, Child Care Resource and Referral Program, Shuswap Children's Association – email dated May 5, 2021 – May is Child Care Month

0262-2021

Moved: Councillor Lindgren

Seconded: Councillor Wallace Richmond

THAT: Council provide a letter of appreciation to the child care centres in Salmon Arm for Child Care Month.

CARRIED UNANIMOUSLY

Councillor Eliason returned to the meeting at 3:54 p.m.

4. BC Achievement Foundation – 2021 BC Achievement Community Awardees Announced

Received for information.

5. D. Shultz, Salmon Arm Curling Club – email dated May 8, 2021 – BC Community Gaming Grant

0263-2021

Moved: Councillor Flynn

Seconded: Councillor Cannon

THAT: Council provide a letter of support to the Salmon Arm Curling Club for the BC Community Gaming Grant Application.

CARRIED UNANIMOUSLY

The meeting recessed at 4:02 p.m. and reconvened at 4:05 p.m.

13. NEW BUSINESS14. PRESENTATIONS

1. Jim Cooperman, Serena Caner & Patti Thurston – Building Local Resiliency

Jim Cooperman and Serena Caner provided an overview of the *Building Local Resiliency* report. They were available to answer questions from Council.

Councillor Lavery returned to the meeting at 4:15 p.m.

15. COUNCIL STATEMENTS

16. SALMON ARM SECONDARY YOUTH COUNCIL

17. NOTICE OF MOTION

20. QUESTION AND ANSWER PERIOD

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

2. IN-CAMERA SESSION - continued

0264-2021

Moved: Councillor Flynn

Seconded: Councillor Eliason

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

CARRIED UNANIMOUSLY

Council moved In-Camera at 4:42 p.m.

Council returned to Regular Session at 5:20 p.m.

Council recessed until 7:00 p.m.

PRESENT:

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

Chief Administrative Officer C. Bannister (participated remotely)
Director of Corporate Services E. Jackson (participated remotely)
Director of Development Services K. Pearson (participated remotely)
Director of Engineering and Public Works R. Niewenhuizen (participated remotely)
Recorder B. Puddifant (participated remotely)

ABSENT:

21. DISCLOSURE OF INTEREST

22. HEARINGS

1. Development Permit Application No. DP-430 [Aviator Business Park Inc.; 3601 20 Avenue SE; Industrial Use Facility]

0265-2021

Moved: Councillor Eliason

Seconded: Councillor Flynn

THAT: Development Permit No. DP-430 be authorized for issuance for Lot 15, Section 7, Township 20, Range 9, W6M, KDYD, Plan 1230 Except Plan KAP83094;

AND THAT: Issuance of DP-430 be withheld subject to the following:

- 1) Receipt of a bond in the amount of 125% of a landscaper's estimate for completion of the approved landscaping plan including screening measures for outside storage; and
- 2) Registration of a Section 219 Covenant and survey plan to secure road reserve aligned with the road network preplan dated December 1, 2006.

Submissions were called for at this time.

M. Bray, the applicant, spoke regarding the application was available to answer questions from Council.

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

CARRIED UNANIMOUSLY

23. STATUTORY PUBLIC HEARINGS

24. RECONSIDERATION OF BYLAWS

25. QUESTION AND ANSWER PERIOD

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

26. ADJOURNMENT

0266-2021

Moved: Councillor Lindgren

Seconded: Councillor Lavery

THAT: the Regular Council Meeting of May 10, 2021, be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 7:21 p.m.

CERTIFIED CORRECT:

CORPORATE OFFICER

Adopted by Council the _____ day of _____, 2021.

MAYOR

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Item 7.1

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor Lavery

Seconded: Councillor Cannon

THAT: the Development and Planning Services Committee Meeting Minutes of May 17, 2021, be received as information.

Vote Record

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

Opposed:

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

DEVELOPMENT AND PLANNING SERVICES COMMITTEE

Minutes of a Meeting of the Development and Planning Services Committee of the City of Salmon Arm held by electronic means by Ministerial Order M192, on Monday, May 17, 2021.

PRESENT:

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

Chief Administrative Officer C. Bannister (participated remotely)
 Director of Corporate Services E. Jackson (participated remotely)
 Director of Engineering & Public Works R. Niewenhuizen (participated remotely)
 Director of Development Services K. Pearson (participated remotely)
 Manager of Permits and Licensing M. Roy (participated remotely)
 Recorder C. Simmons (participated remotely)

1. CALL TO ORDER

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

2. ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY

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

3. REVIEW OF THE AGENDA

4. DISCLOSURE OF INTEREST

5. REPORTS

1. Recommendation to File Notice of Infraction of Building Bylaw No. 3939 [Greek, S. & J.; 90 2 Street SE]

Moved: Councillor Cannon

Seconded: Councillor Eliason

THAT: the Development and Planning Services Committee recommends to Council that a notice be filed against the Title of Lot 7, Block 3, Section 14, Township 20, Range 10, W6M, KDYD, Plan 392 pursuant to Section 57 of the Community Charter.

M. Roy, Manager of Permits & Licensing, outlined the recommendation and was available to answer questions from the Committee.

CARRIED UNANIMOUSLY

5. REPORTS – continued2. Recommendation to File Notice of Infraction of Building Bylaw No. 3939 [Radcliffe, J.; 91 3 Street SE]

Moved: Councillor Wallace Richmond

Seconded: Councillor Cannon

THAT: the Development and Planning Services Committee recommends to Council that a notice be filed against the Title of Lot 18, Block 3, Section 14, Township 20, Range 10, W6M, KDYD, Plan 392 pursuant to Section 57 of the Community Charter.

M. Roy, Manager of Permits & Licensing, outlined the recommendation and was available to answer questions from the Committee.

CARRIED UNANIMOUSLY

3. Development Variance Permit Application No. VP-527 [Blackstock, J./Passey, B./BWP Construction; 4851 73 Avenue NE; Setback requirements]

Moved: Councillor Eliason

Seconded: Councillor Lavery

THAT: the Development and Planning Services Committee recommends to Council that Development Variance Permit No. VP-527 be authorized for issuance for Lot 1, Section 6, Township 21, Range 9, W6M, KDYD, Plan KAP63659 which will vary Zoning Bylaw No. 2303 as follows:

1. Section 6.10.1 – Front Parcel Line Setback for a Principal Building – reduce from the minimum of 6.0 m to 1.4 m to accommodate an addition to the principal building, as shown on Schedule A of the Staff Report dated April 30, 2021.

Councillor Eliason left the meeting at 8:15 a.m.

B. Passey, the applicant, outlined the application and was available to answer questions from the Committee.

CARRIED

Councillor Lindgren Opposed

4. Development Variance Permit Application No. VP-530 [Christensen, B./Laderoute, L.; 2348 5 Avenue SE; Setback requirements]

Moved: Councillor Cannon

Seconded: Councillor Wallace Richmond

THAT: the Development and Planning Services Committee recommends to Council 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 as follows:

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

B. Christensen, the applicant, outlined the application and was available to answer questions from the Committee.

Councillor Eliason returned to the meeting at 8:47 a.m.

CARRIED UNANIMOUSLY

5. REPORTS – continued

5. Zoning Amendment Application No. ZON-1208 [Braby, J./Lawson Engineering Ltd./Lawson, B.; 2151 12 Avenue NE; R-1 to R-8]

Moved: Councillor Cannon

Seconded: Councillor Lavery

THAT: the Development and Planning Services Committee recommends to Council that a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot B, Section 24, Township 20, Range 10, W6M, KDYD, Plan 38676 from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone) as shown on Schedule A of the Staff Report dated May 4, 2021;

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

B. Lawson, the applicant, and J. Braby, the owner, outlined the application and were available to answer questions from the Committee.

CARRIED UNANIMOUSLY

6. Development Variance Permit Application No. VP-532 [Braby J./Lawson Engineering Ltd./Lawson, B.; 2151 12 Avenue NE; Setback requirements See Item 5.5 for Staff Report

Moved: Councillor Lavery

Seconded: Councillor Wallace Richmond

THAT: the Development and Planning Services Committee recommends to Council 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 as follows:

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

CARRIED UNANIMOUSLY

7. Zoning Amendment Application No. ZON-1209 [Buckler, J. & K.; 2920 7 Avenue NE; R-1 to R-8]

Moved: Councillor Wallace Richmond

Seconded: Councillor Eliason

THAT: the Development and Planning Services Committee recommends to Council 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 R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone) as shown on Schedule A of the Staff Report dated May 4, 2021;

AND THAT: Final reading of the Zoning Amendment Bylaw be withheld subject to the following:

1. Ministry of Transportation and Infrastructure approval; and

5. REPORTS - continued7. Zoning Amendment Application No. ZON-1209 [Buckler, J. & K.; 2920 7 Avenue NE; R-1 to R-8 - continued]

2. Submission of a Building Permit application showing that the proposed detached suite conforms to BC Building Code and Zoning Bylaw requirements.

J. Buckler, the applicant, outlined the application and was available to answer questions from the Committee.

CARRIED UNANIMOUSLY

8. Agricultural Land Commission Application No. ALC-405 [Priebe, A. & L.; 4890 Foothill Road SW; Non-Adhering Residential Use]

Moved: Councillor Lindgren

Seconded: Councillor Wallace Richmond

THAT: the Development and Planning Services Committee recommends to Council that Agricultural Land Commission Application No. ALC-405 be authorized for submission to the Agricultural Land Commission.

L. and A. Priebe, the applicants, outlined the application and was available to answer questions from the Committee.

CARRIED

Councillor Lindgren Opposed

9. Agricultural Land Commission Application No. ALC-406 [Megyesi, M. & A.; 3381 28 Street NE; Non-Adhering Residential Use]

Moved: Councillor Eliason

Seconded: Councillor Wallace Richmond

THAT: the Development and Planning Services Committee recommends to Council that Agricultural Land Commission Application No. ALC-406 be authorized for submission to the Agricultural Land Commission.

A. Megyesi, the applicant, outlined the application and was available to answer questions from the Committee.

CARRIED

Councillor Lavery Opposed

10. Agricultural Land Commission Application No. ALC-407 [Mierau, B. & R./Laird, B./City of Salmon Arm; 3831 20 Avenue SE; Exclusion]

Moved: Councillor Cannon

Seconded: Councillor Eliason

THAT: the Development and Planning Services Committee recommends to Council that Agricultural Land Commission Application No. ALC-407 be authorized for submission to the Agricultural Land Commission to exclude Lot 17, Section 7, Township 20, Range 9, W6M, KDYD, Plan 1230;

5. REPORTS – continued

10. Agricultural Land Commission Application No. ALC-407 [Mierau, B. & R./Laird, B./City of Salmon Arm; 3831 20 Avenue SE; Exclusion] - continued

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

B. Laird, the applicant, outlined the application and was available to answer questions from the Committee.

CARRIED UNANIMOUSLY

6. PRESENTATIONS

7. FOR INFORMATION

8. CORRESPONDENCE

9. ADJOURNMENT

Moved: Councillor Eliason

Seconded: Councillor Wallace Richmond

THAT: the Development and Planning Services Committee meeting of May 17, 2021, be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 10:39 a.m.

Mayor Alan Harrison
Chair

Minutes received as information by Council
at their Regular Meeting of , 2021.

Item 7.2

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor Cannon

Seconded: Councillor Lindgren

THAT: the Community Heritage Commission Meeting Minutes of April 19, 2021, be received as information.

Vote Record

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

Opposed:

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

CITY OF SALMON ARM

Minutes of the Community Heritage Commission Meeting held by electronic means on Monday, April 19, 2021 at 2:30 p.m.

PRESENT:

Pat Kassa, R.J. Haney Heritage & Museum
 Deborah Chapman, R.J. Haney Heritage & Museum (arrived at item 7)
 Maureen Shaffer
 Mary Landers
 Linda Painchaud
 Cindy Malinowski, R.J. Haney Heritage & Museum
 Councillor Debbie Cannon, Chair
 Brenda Kolenbrander, City of Salmon Arm, Recorder

ABSENT:**GUESTS:**

Kevin Pearson, City of Salmon Arm Director of Development Services

The meeting was called to order at 2:32 p.m.

1. Introductions and Welcome**2. Acknowledgement of Traditional Territory**

We acknowledge that we are gathering here on the traditional territory of the Secwepemc people, with whom we share these lands and where we live and work together.

3. Presentations**Salmon Arm Wharf upgrades – Kevin Pearson**

Kevin Pearson clarified what is being done to the wharf and that the report to Council was triggered by the Heritage Branch of the Province, as they suggested the rehabilitation efforts may require Council approval. This bypassed the Commission because the plans do not actually involve a Demolition Permit. The report and resolution are for information and no further action is required by the Commission.

4. Approval / changes / additions to Agenda

Moved: Pat Kassa

Seconded: Maureen Shaffer

THAT: the Agenda for the April 19, 2021 Community Heritage Commission Meeting be approved as circulated.

CARRIED UNANIMOUSLY

5. Approval of Minutes of March 1, 2021 Community Heritage Commission Meeting

Moved: Maureen Shaffer

Seconded: Pat Kassa

THAT: the minutes of the Community Heritage Commission Meeting of March 1, 2021 be approved.

CARRIED UNANIMOUSLY

6. Old Business /Arising from minutes

a) Maintenance for Existing Plaques

Councillor Cannon advised that the maintenance work on 3 plaques has been completed.

b) Heritage Inventory

Pat Kassa advised that no more work will likely be done with the inventory until the fall.

7. Other Business &/or Roundtable Updates

a) 2571 Lakeshore Road NE - Deborah Chapman

Pat Kassa shared photos of the property and said that the owners are requesting that it be added to the Heritage Registry. Deborah thinks this property would fit within the parameters of the Registry.

Moved: Mary Landers

Second: Pat Kassa

THAT: 2571 Lakeshore Road NE is added onto the Heritage Registry.

b) Further Additions to Heritage Registry - Mary Landers

Mary Landers asked if views may be added to the Heritage Registry. This possibility will be discussed further at next meeting.

Kevin Pearson suggested that another phase of the Heritage Registry could be considered (by City Council) in the future subject to funding and resources. More than one single property should be considered for any subsequent phase.

8. Next Meeting

May 17 2021 at 2:30 p.m.

9. Adjournment

The Community Heritage Commission Meeting of April 19, 2021 adjourned at 3:29 p.m.

Debbie Cannon, Chair

March 3, 2021

Lexie and Allen Ebl
2571 Lakeshore Rd NE
Circa 1913
250 832 4724

Picture of Ebl's from 2011



Lexie and Allan Ebl from Salmon Arm were obviously enjoying the 55th Annual South Cariboo Square Dance Jamboree at the 108 Community Hall, June 17-19. The Ebls were among the 120 people who attended the event.

Lexie and Allen (correct spelling) have owned the 6 acre property and buildings at 2571 Lakeshore RD NE since 1971. She says the house was built between 1911-13. BC Assessment says 1913. There are 3 floors, top floor about 1190 sq ft, main floor 1514 sq. feet and basement about 1341 sq ft. (I didn't see the basement.) There are 5 bedrooms and 2 bathrooms.

They have done extensive renovations to the inside and outside of the property since they have owned it. They both worked at doing the renovations. Allen did all the of the woodworking so it matched the original woodwork, however, he said he no longer has the energy as he is 83. She would like to downsize but he wishes to stay there forever! She did say her daughter, who lives in Langley, is interested in taking over the place. I understand their son lives in the gardener's shed on the property. They have the big field right on Lakeshore that they seed and cut when it is ready.

As evidenced by all the work they have done, they have been passionate about trying to maintain or reuse as much of the original structure while modernizing it.

Lexie is a collector of many things, 100's of Bradbury plates, china swans, brass pots, knick knacks, etc. She did say it is getting a bit much to clean them all!

House from Lakeshore Road NE



Driveway from Lakeshore



Field



Front of house facing lake before any renovations (date unknown)



Front of house facing lake before renovations 1971



Front of house facing lake after renovations



Back of house



Back house renovations started



Back of house AFTER renovation



Side of house BEFORE renovations



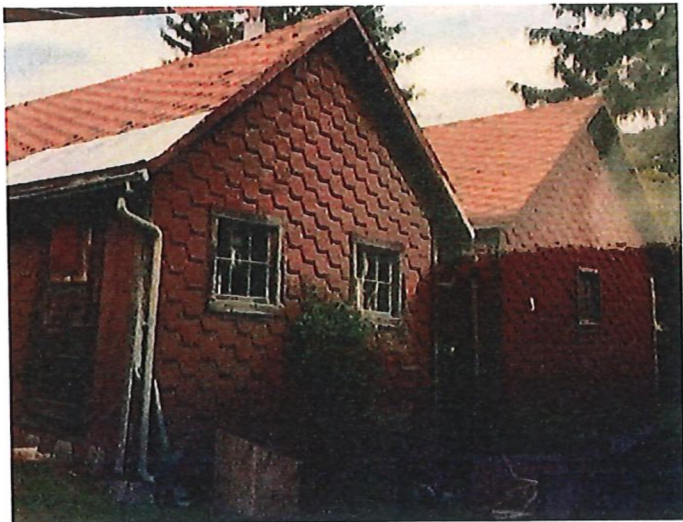
Side of house AFTER renovations



Other side of house



Outside sheds (now demolished)



Inside

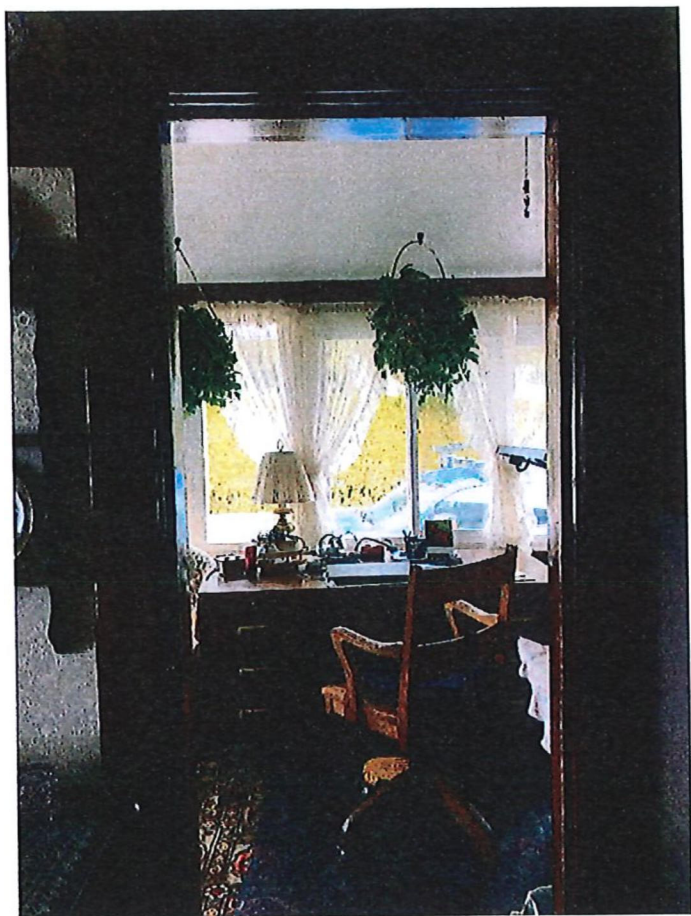
Looking up stairs to second floor



Top of stairs looking down



This door frame used to have the glass panel door in it (shown below) but moved that door to kitchen



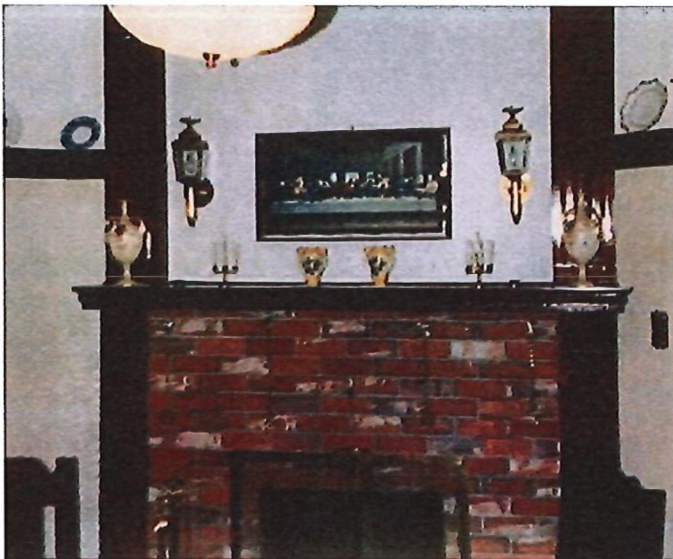
Glass panel door



Fireplace



Dining room fireplace after renovation



Inside door



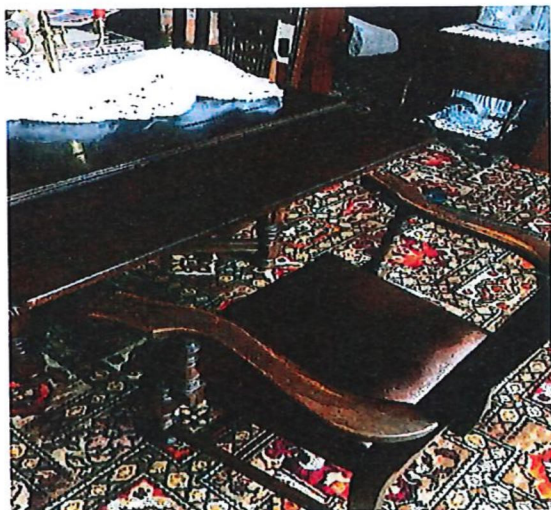
Furniture

Lexie purchased some of the furniture from the previous owners—she said it was from the 30's.

Sideboard



Table and chairs



Some of original items inside house

Hot Water radiators



Light Fixtures



Trees

There are some Norway Spruce that are from the 30s but Lexis says the only original trees are two crab apple trees



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Item 7.3

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor Eliason

Seconded: Councillor Wallace Richmond

THAT: the Downtown Parking Commission Meeting Minutes of March 16, 2021, be received as information.

Vote Record

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

Opposed:

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

CITY OF SALMON ARM

Minutes of the Downtown Parking Commission Meeting held by electronic means on Tuesday, March 16, 2021.

PRESENT:

Chad Eliason	Councillor, City of Salmon Arm
Bill Laird	Member at Large, Chair
Vic Hamilton	Member at Large
Cathy Ingebrigston	Member at Large
Regan Ready	Member at Large, Chair
Gerald Foreman	Downtown Salmon Arm Representative
June Stewart	Downtown Salmon Arm Representative
Maurice Roy	Resource Personnel, Manager Permits & Licencing
Sam Darlington	Resource Personnel, Bylaw Officer
Robert Niewenhuizen	Resource Personnel, Dir of Eng & PW

ABSENT:

Linda Thompson	Downtown Salmon Arm Representative
Jacque Gaudreau	Downtown Salmon Arm Representative
Jenn Wilson	Resource Personnel, City Engineer

GUEST:

The meeting was called to order at 8:00 a.m. by Chair Bill Laird.

1. INTRODUCTIONS AND WELCOME

2. ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY

We acknowledge that we are gathering here on the traditional territory of the Secwepemc people, with whom we share these lands and where we live and work together.

3. PRESENTATIONS

4. APPROVAL / CHANGES / ADDITIONS TO AGENDA

Moved: Cathy Ingerbrigston

Seconded: Vic Hamilton

THAT: the Downtown Parking Commission Meeting Agenda of April 20, 2021 be approved as circulated.

CARRIED UNANIMOUSLY

5. APPROVAL OF MINUTES FROM FEBRUARY 23, 2021

Moved: Cathy Ingerbrigston

Seconded: Vic Hamilton

THAT: the Downtown Parking Commission Meeting Minutes of February 23, 2021 be adopted as circulated.

CARRIED UNANIMOUSLY

6. OLD BUSINESS ARISING FROM MINUTES

a) Downtown Parking Plan 2021 (ISL)

a. Discussion on updated plan was had

- i. Meters capital cost vs revenues
- ii. Parking ticket collection
- iii. Parking availability and rates
- iv. Enforcement blitz
- v. Parkade location
- vi. Electric vehicle charge stations
- vii. Goal: bring people downtown

b. Parking revenues & expenses, enforcement costs (for next meeting)

c. Commission will review the Plan and discuss further at next meeting

7. NEW BUSINESS

a. No new business

8. OTHER BUSINESS

a. No other business

9. NEXT MEETING - Tuesday, May 18, 2021

The next meeting of the Downtown Parking Commission will be Tuesday, May 18, 2021. Chairperson will be Cathy Ingebrigston.

10. ADJOURNMENT

Moved: Regan Ready

Seconded: Gerald Foreman

THAT: the Downtown Parking Commission Meeting of April 20, 2021 be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned a.m.

Maurice Roy
Manager of Permits & Licensing

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Item 7.4

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor Cannon

Seconded: Councillor Lavery

THAT: the Traffic and Safety Committee Meeting Minutes of May 5, 2021, be received as information.

Vote Record

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

Opposed:

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

CITY OF SALMON ARM

Minutes of the Traffic Safety Committee Meeting held remotely as a GoToMeeting Wednesday May 5, 2021 at 9:00 a.m.

PRESENT:

Norma Leslie
 Scott West
 Andrea Kathrein
 David Dean
 Mike Scott
 Rob Niewenhuizen
 Darin Gerow
 Jenn Wilson
 Chris Moore
 Sam Darlington

ICBC Driver Examiner
 RCMP
 SD83, Transportation Manager
 ICBC
 MOTI
 City staff, Director of Engineering & Public Works
 City staff, Manager of Roads & Parks
 City staff, City Engineer
 City staff, Engineering Assistant
 City staff, Bylaw Officer

ABSENT:

Lisa Bennett
 Cindy Laidlaw

Direct Drive Driver Training
 BC Transit

GUESTS:

The meeting was called to order at 9:00 a.m.

1. **Introductions and Welcome**
2. **Presentations**
3. **Approval / changes / additions to Agenda**

Item f – South Canoe School added to agenda

Moved: Norma Leslie

Seconded: Sam Darlington

THAT: the Traffic Safety Committee Meeting Agenda of May 5, 2021, be approved, as amended.

CARRIED UNANIMOUSLY

4. **Approval of Minutes of November 20, 2020 Traffic Safety Committee Meeting**

Moved: Norma Leslie

Seconded: Sam Darlington

THAT: the minutes of the Traffic Safety Committee Meeting of November 20, 2020 be approved as circulated.

CARRIED UNANIMOUSLY

5. Old Business /Arising from minutes

Installation of RRFBs on 30 Street

Discussion took place regarding RRFBs on 30 Street and the proposal from the City to relocate the crosswalk further south away from the intersection.

Some concerns were raised concerning relocating the crosswalk at this location, seems unlikely that everyone would walk to the new location and would just cross at intersection anyway.

Railings and signage should be considered to direct pedestrians to the crosswalk, City to look at options before issuing traffic order.

6. New Business

- a) J. Bradbury – phone call March 2, 2021 - and D. Didow – letter received May 27, 2019 - Intersection at 3 Street SW and 5 Avenue SW
Committee recommended removing the east crosswalk and installing bumps outs, SE corner would allow vehicles from 3rd to come further forward (better sight lines). Consider truck movements. Possible future 4-way stop.
- b) V. Gunn – email to A. Harrison dated July 14, 2020 – traffic speed and pedestrians on 60 Street NW
For information only, signage to be installed this year.
- c) S. Deveau – phone call March 19, 2021 – speed signage request on 10 St SW
One additional 50kmph sign to be installed each end of 10th.
- d) J. Giesbrecht – email dated March 18, 2021 – speeding on 30 Street NE
Four way stop is being installed this year at 30th and 20th which will slow traffic, monitor in future, no signage warranted, Scott West said that we can request speed watch at this location if required.
- e) R. Wallis – phone call April 16, 2021 – crosswalk and signage on Foothill Road and 10 Street SW
No crosswalk to be installed until there is a sidewalk on north side of Foothills, consider in future together with RRFBs.
- f) J King – South Canoe School – request for “no u-turn” signage
This is not a local school anymore, more car drop offs, SD83 will also be dropping bus service, leading to more cars. SD83 to look for a solution, City to contact Travis Elwood – SD83 Director of Operations. Committee does not recommend “no u-turn” signs.

7. Updates

- a) Ross Street Underpass – tender closes this week
- b) TCH Corridor Improvements – should be completed by May long weekend.

8. Traffic Order Updates

- 2021-03 4-way Stop 20 Ave NE & 30 St NE – to be installed shortly
- 2021-04 4-way stop 70 Ave NE & 50 St NE – to be installed shortly

9. Next meeting – Thursday November 18, 2021 – 9:00 a.m.**10. Adjournment**

Moved: Sam Darlington

Seconded: David Dean

THAT: the Traffic Safety Committee Meeting of May 5, 2021 be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 10:30 a.m.


Chris Moore, Chair

Received for information by Council on the day of , 2020.

Item 7.5

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor Cannon

Seconded: Councillor Wallace Richmond

THAT: the Community Heritage Commission Meeting Minutes of May 17, 2021 be received as information.

Vote Record

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

Opposed:

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

CITY OF SALMON ARM

Minutes of the Community Heritage Commission Meeting held by electronic means on Monday, May 17, 2021 at 2:30 p.m.

PRESENT:

Deborah Chapman, R.J. Haney Heritage & Museum
 Maureen Shaffer
 Mary Landers
 Councillor Debbie Cannon, Chair
 Brenda Kolenbrander, City of Salmon Arm, Recorder

ABSENT:

Pat Kassa, R.J. Haney Heritage & Museum
 Linda Painchaud
 Cindy Malinowski, R.J. Haney Heritage & Museum

The meeting was called to order at 2:34 p.m.

1. Introductions and Welcome**2. Acknowledgement of Traditional Territory**

We acknowledge that we are gathering here on the traditional territory of the Secwepemc people, with whom we share these lands and where we live and work together.

4. Approval / changes / additions to Agenda

Moved: Maureen Shaffer

Seconded: Mary Landers

THAT: the Agenda for the May 17, 2021 Community Heritage Commission Meeting be approved as circulated.

CARRIED UNANIMOUSLY

5. Approval of Minutes of April 19, 2021 Community Heritage Commission Meeting

Moved: Maureen Shaffer

Seconded: Mary Landers

THAT: the minutes of the Community Heritage Commission Meeting of April 19, 2021 be approved.

CARRIED UNANIMOUSLY

6. Old Business /Arising from minutes**a) Heritage Inventory**

This is currently on hold. Pat Kassa and Linda Painchaud will not work on this again until the fall.

Minutes of the Community Heritage Commission of Monday, May 17, 2021

b) **Further Additions to Heritage Registry**

Mary Landers suggested that members begin working on a Statement of Significance for 2571 Lakeshore Road NE outside of the Commission since everyone may not be available to meet this summer.

This will be a working group consisting of Mary Landers and other members as they are available this summer. The working group will give email updates on progress through the summer.

7. **Other Business &/or Roundtable Updates**

a) **Budget Approval**

Councillor Debbie Cannon confirmed that the Commission's budget was approved for the same amount as previous years.

b) **Historical Title Searches**

Deborah Chapman noted that it is difficult to trace ownership of heritage buildings and track down original builders without obtaining title searches.

Moved: Deborah Chapman

Second: Mary Landers

THAT: A historical title search be obtained for Ebl House (2571 Lakeshore Road NE) to a maximum amount of \$300.

c) **Summer Adjournment**

Councillor Debbie Cannon suggested that the Commission may not need to meet this summer since a working group is being created for the Statement of Significance for Ebl House and no work is being done on the Heritage Inventory until the fall. Members in attendance agreed that regular Commission meetings can adjourn for the summer, to meet again in September.

d) **Heritage Week**

Mary Landers would like Heritage Week to be added to September agenda so the Commission can begin planning for this in the fall.

8. **Next Meeting**

September 20 2021 at 2:00 p.m.

9. **Adjournment**

The Community Heritage Commission Meeting of May 17, 2021 adjourned at 2:50 p.m.

Debbie Cannon, Chair

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Item 9.1

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

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*.

[Radcliffe, J.; 91 3 Street SE; Failure to Obtain Building Permit]

Vote Record

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

Opposed:

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

**CITY OF
SALMON ARM**

TO: His Worship Mayor Harrison and Council

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.

His Worship Mayor Harrison and Council
April 14, 2021

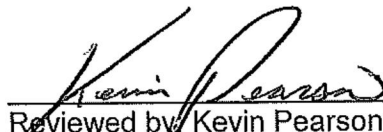
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CONCLUSION:

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 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.



Item 9.2

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

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*.

[Greek, S. & J.; 90 2 Street SE; Failure to Obtain Building Permit]

Vote Record

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

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

**CITY OF
SALMON ARM**

TO: His Worship Mayor Harrison and Council

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.

His Worship Mayor Harrison and Council
April 13, 2021

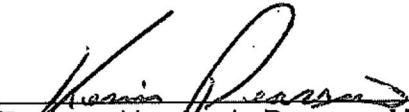
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6. The final email of the string was sent to the owner on March 19, 2021 confirming that a roof meeting the width limitations of the CAN/CSA Z240 RV Standard would be considered a renovation to an RV and would therefore be exempt from building code 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.

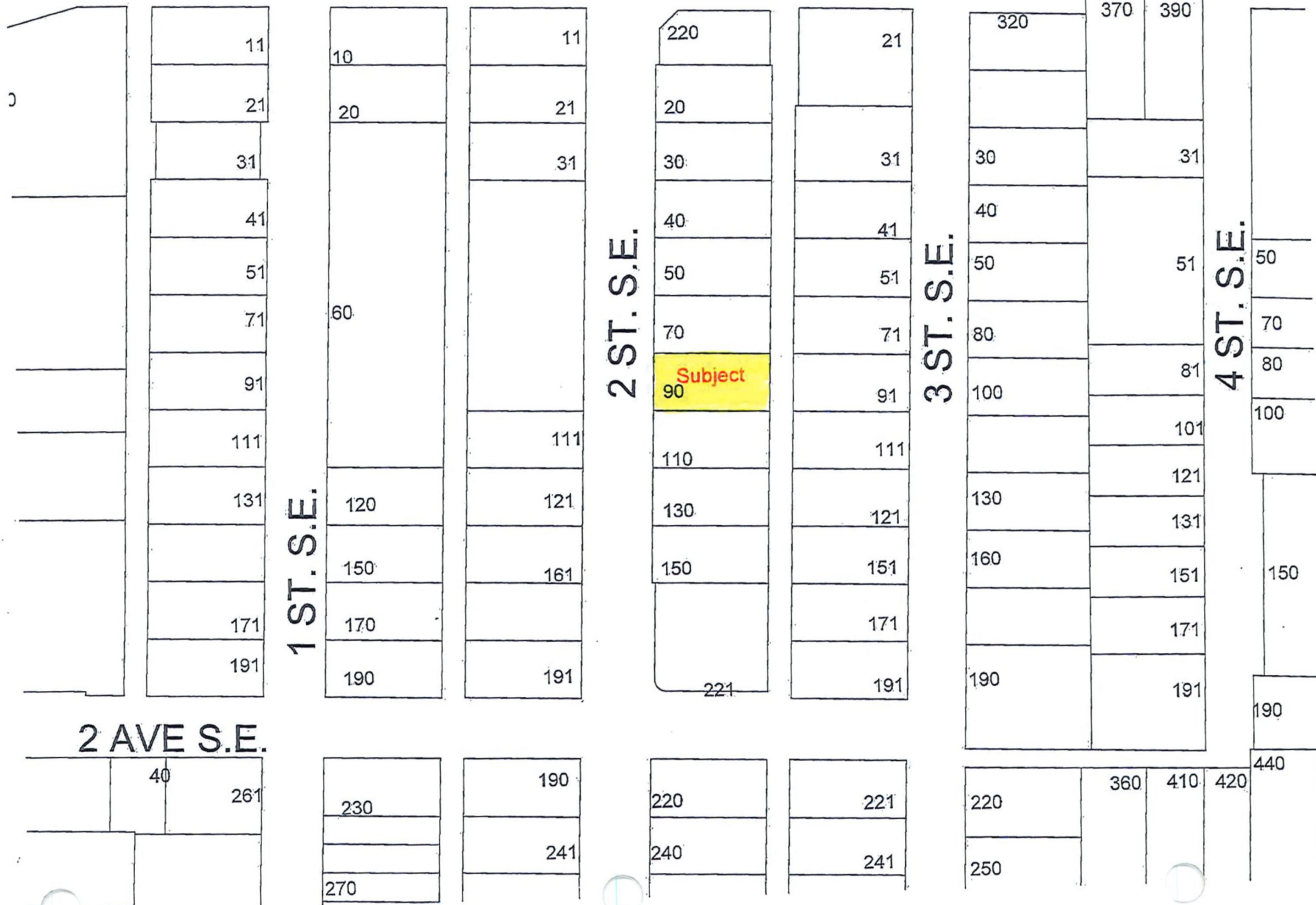
APR. 13/2021 4.

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.



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Item 9.3.

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

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

[Megyesi, M. & A.; 3381 28 Street NE; Non-Adhering Residential Use]

Vote Record

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

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

To: His Worship Mayor Harrison and Council

Date: May 17, 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.

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. Unimproved Soil Classes and Improved Soil Classes for this area can be seen in maps 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.

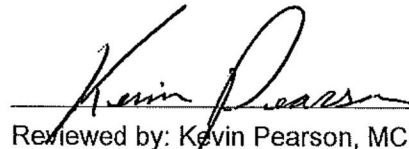
CONCLUSION

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.



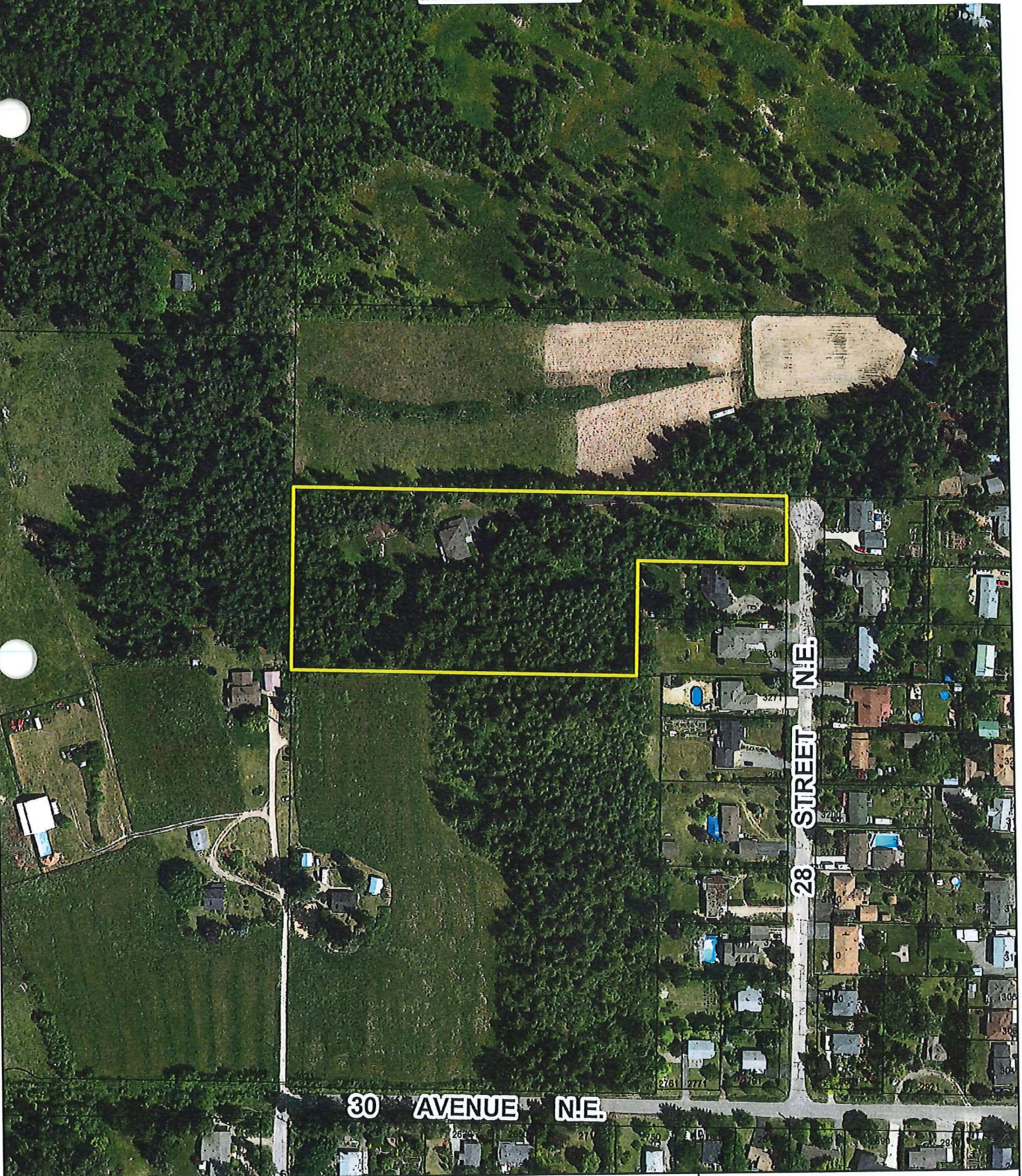
Prepared by: Brenda Kolenbrander
Planner



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

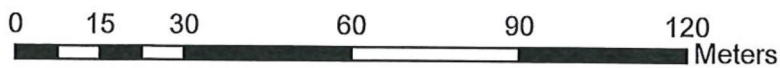
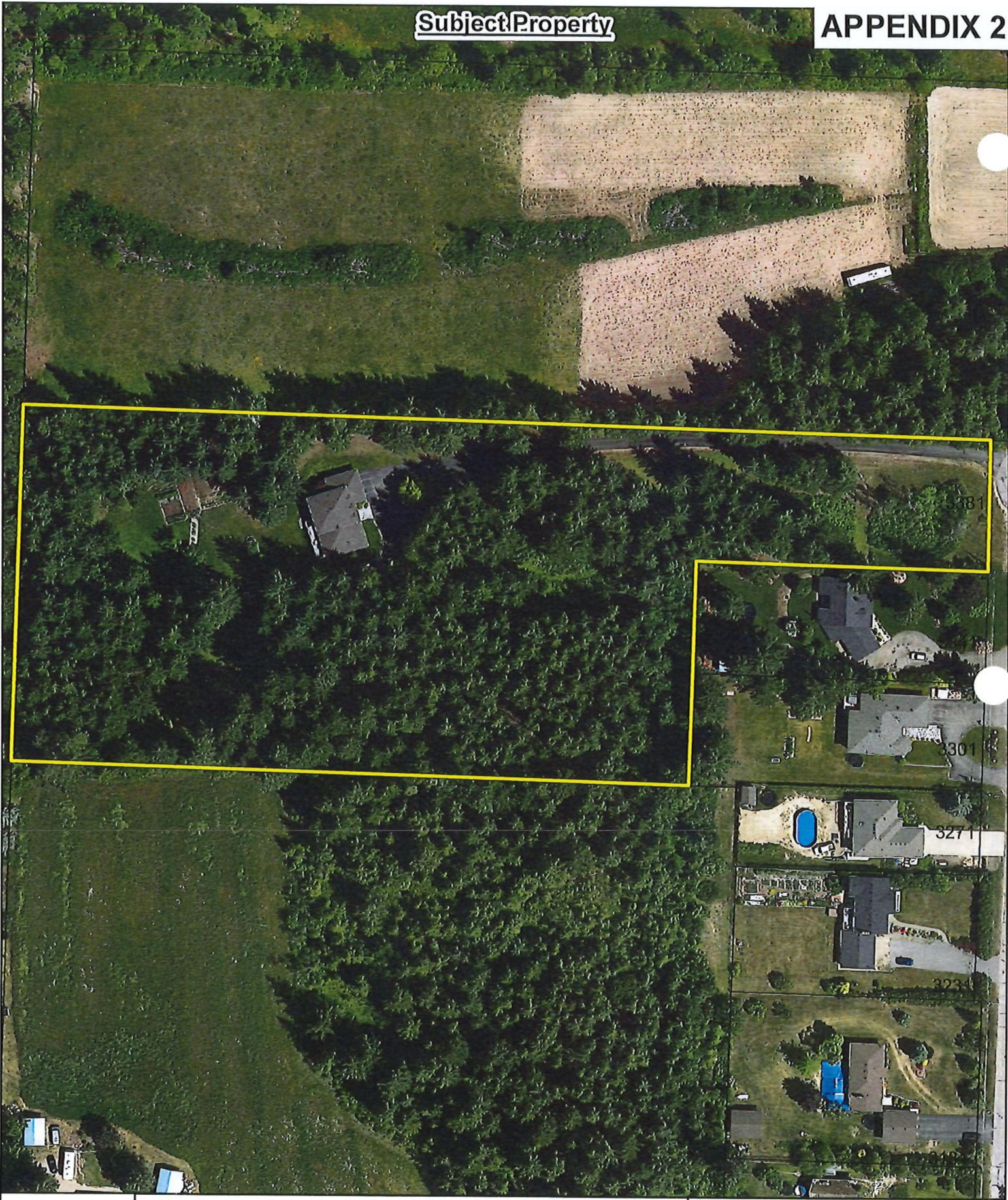
Appendices:

- 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 – Soil Classification Maps

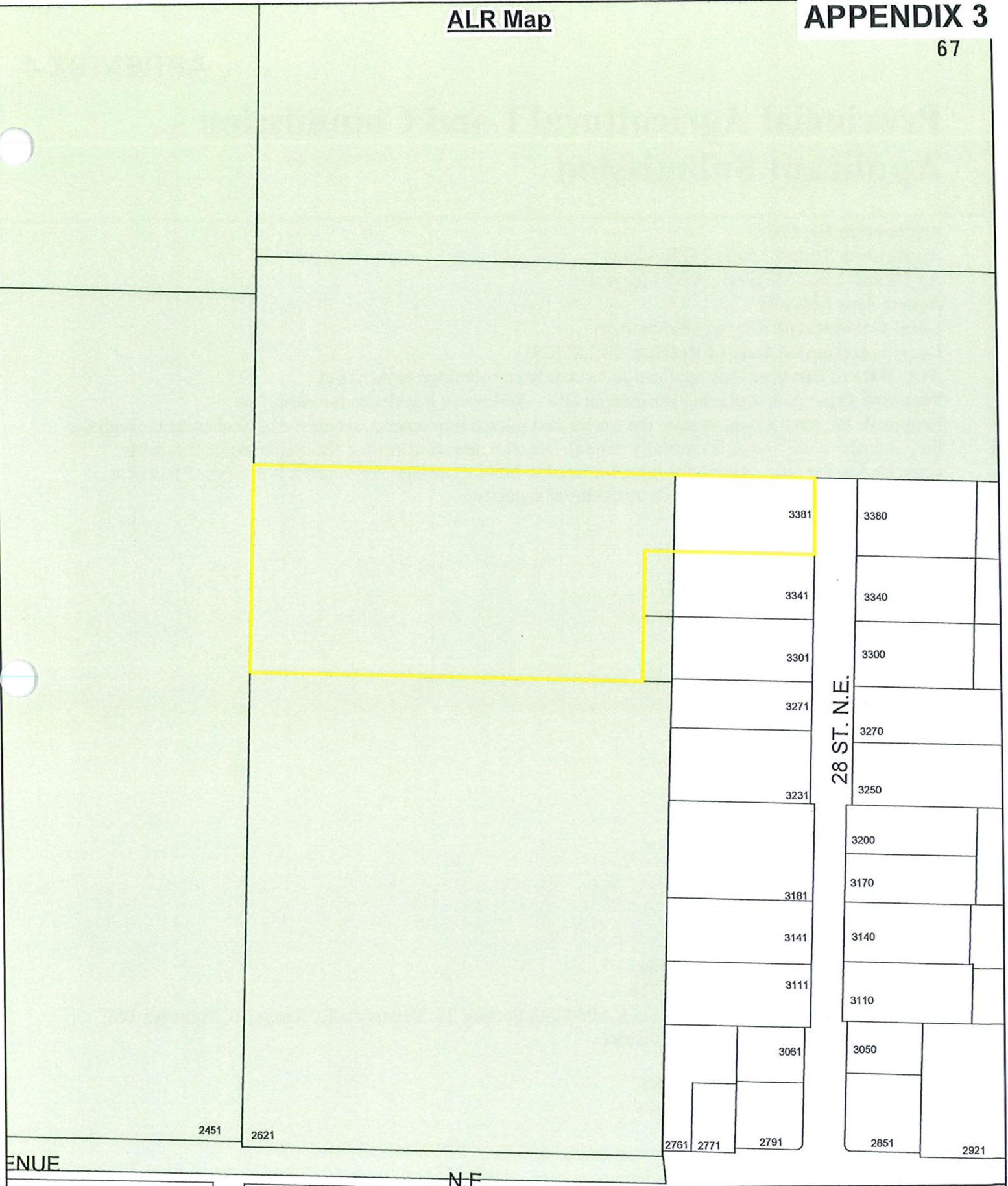


0 30 60 120 180 240 Meters

 Subject Property
 Parcels



-  Subject Property
-  Parcels



-  Subject Property
-  Parcels
-  ALR Land



0 20 40 80 120 160 Meters

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

Specify Activity: rents to hay farmers

70 West

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

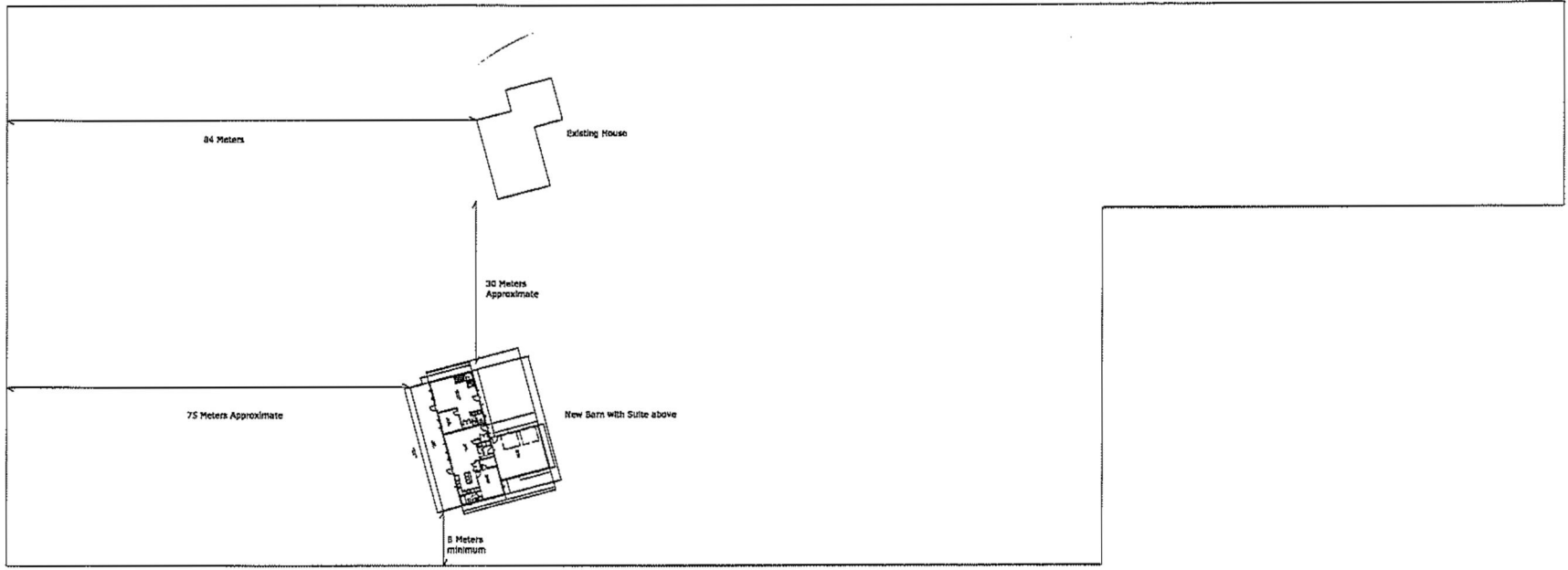
ALC Attachments

None.

Decisions

71

None.



Site Plan

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NO.	DESCRIPTION	BY	DATE

SHEET TITLE:	3381 28 Street NE
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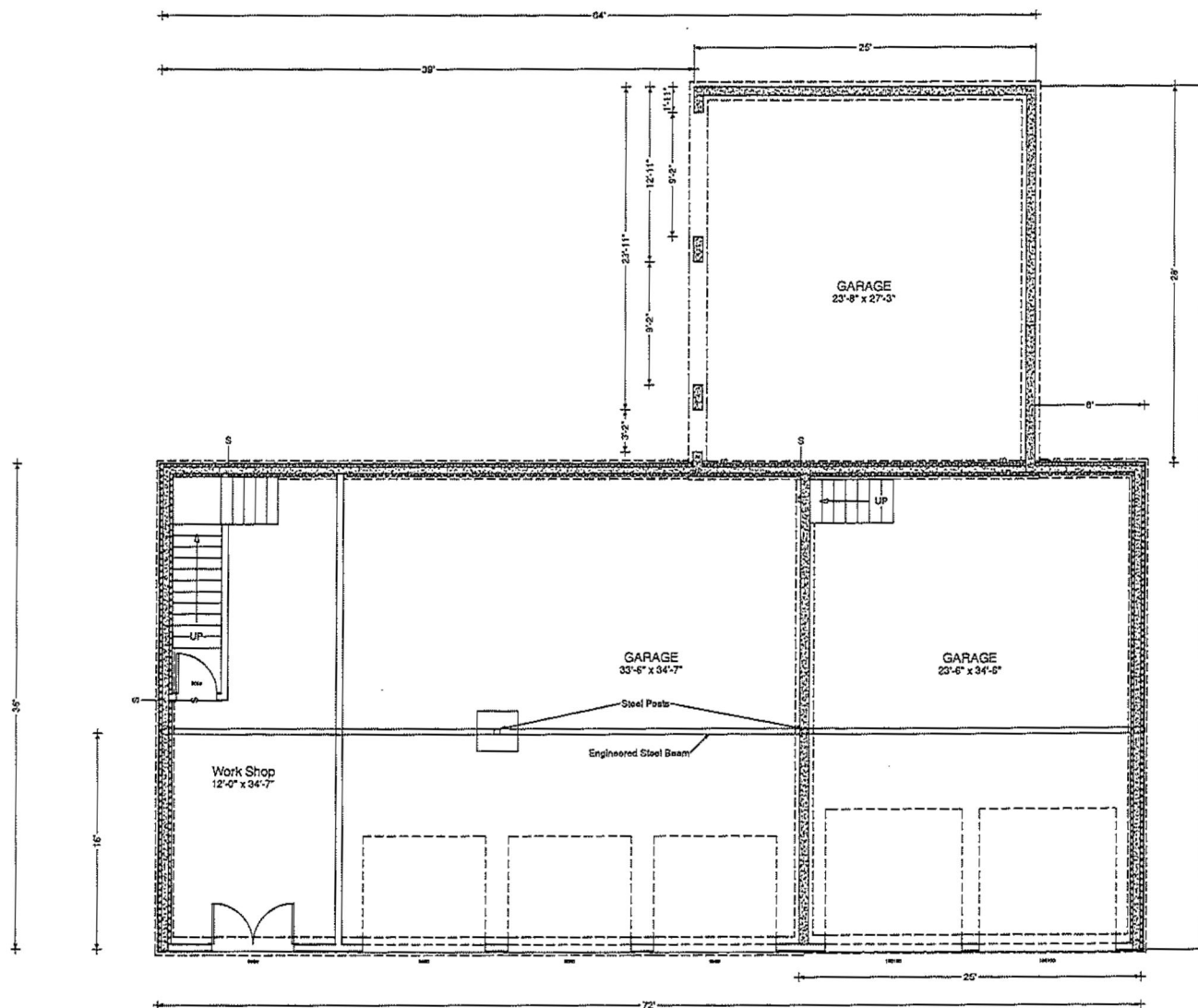
PROJECT DESCRIPTION:	Barn with Suite
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DRAWINGS PROVIDED BY:	Prominent Homes
2281 24 Ave NE	
Edmonton, AB T6E 3Y4	
250 604 4760	

DATE:	2021-04-08
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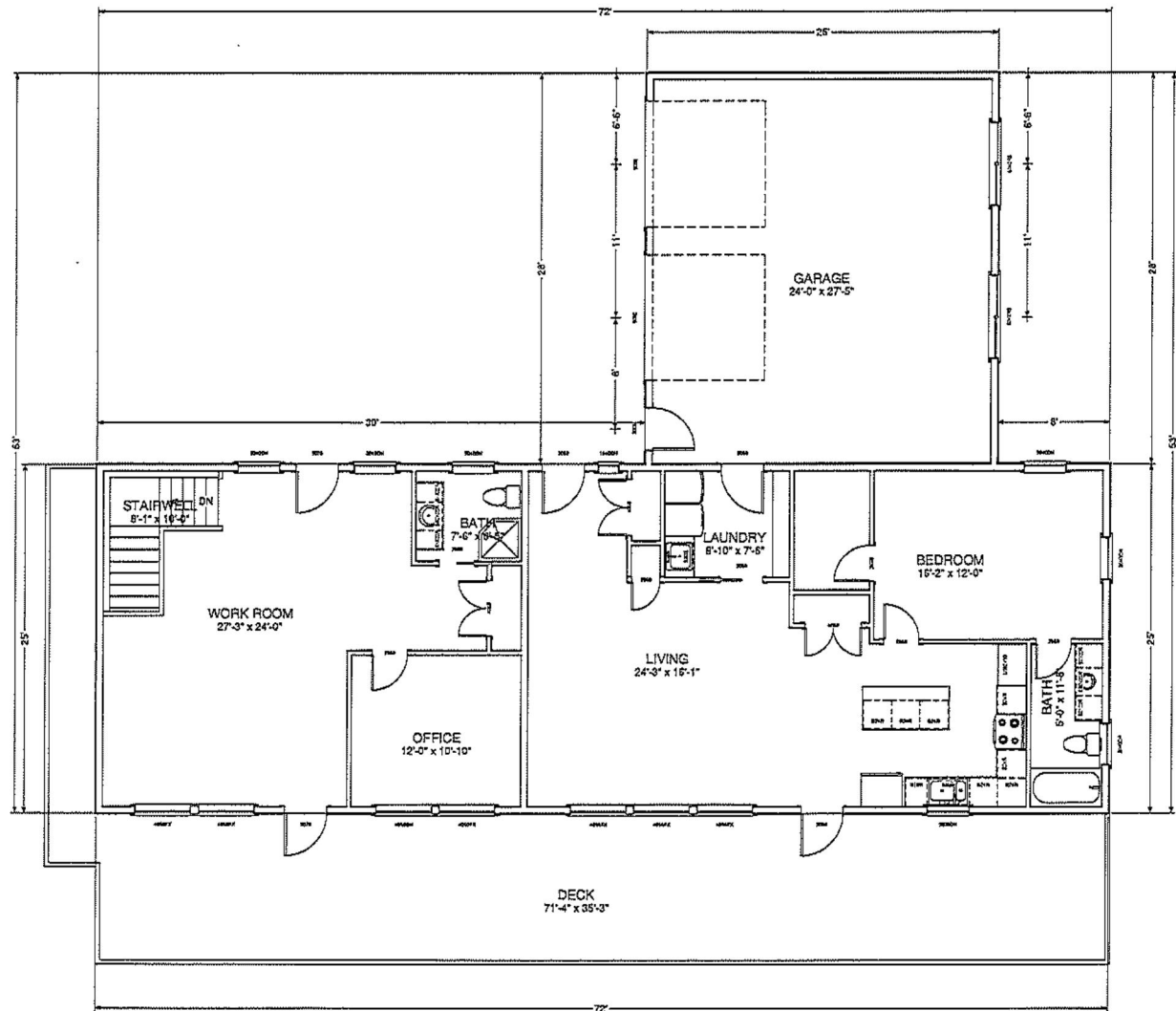
SCALE:	
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SHEET:	A-1
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Foundation

DRAWINGS PROVIDED BY:		SHEET TITLE:	
Prominent Homes		3381 28 Street NE	
2281 24 Ave NE Edmonton, Alberta T6E 6V6 250.604.6100		PROJECT DESCRIPTION:	
		Barn with Suite	
DATE:		NO. DESCRIPTION BY DATE	
2021-04-08			
SCALE:			
SHEET:			
A-2			



LIVING AREA
989 sq ft

1st Floor

74

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:
3381 28 Street NE


PROJECT DESCRIPTION:
Barn with Suite

DRAWINGS PROVIDED BY:
Prominent Homes
2281 24 Ave NE
551 Iron Arm SC NE 374
250 CH 0110

DATE:
2021-04-08

SCALE:

SHEET:
A-3

 Agricultural Land Commission	NON-ADHERING RESIDENTIAL USE APPLICATIONS	POLICY L-26 Adopted April 2020
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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.

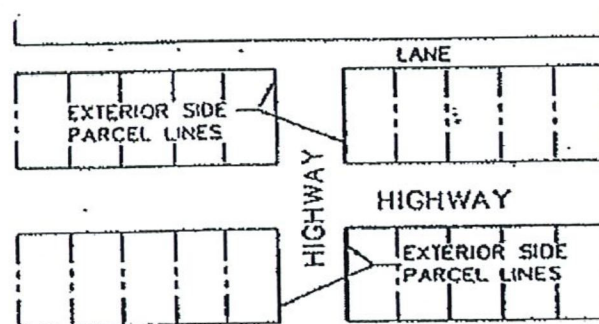
ENTERTAINMENT FACILITY means a facility where fees are charged for the provision of entertainment to the public and includes uses such as theatres and bingo halls.

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*.

SECTION 4 - GENERAL REGULATIONS

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 #3996

- .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

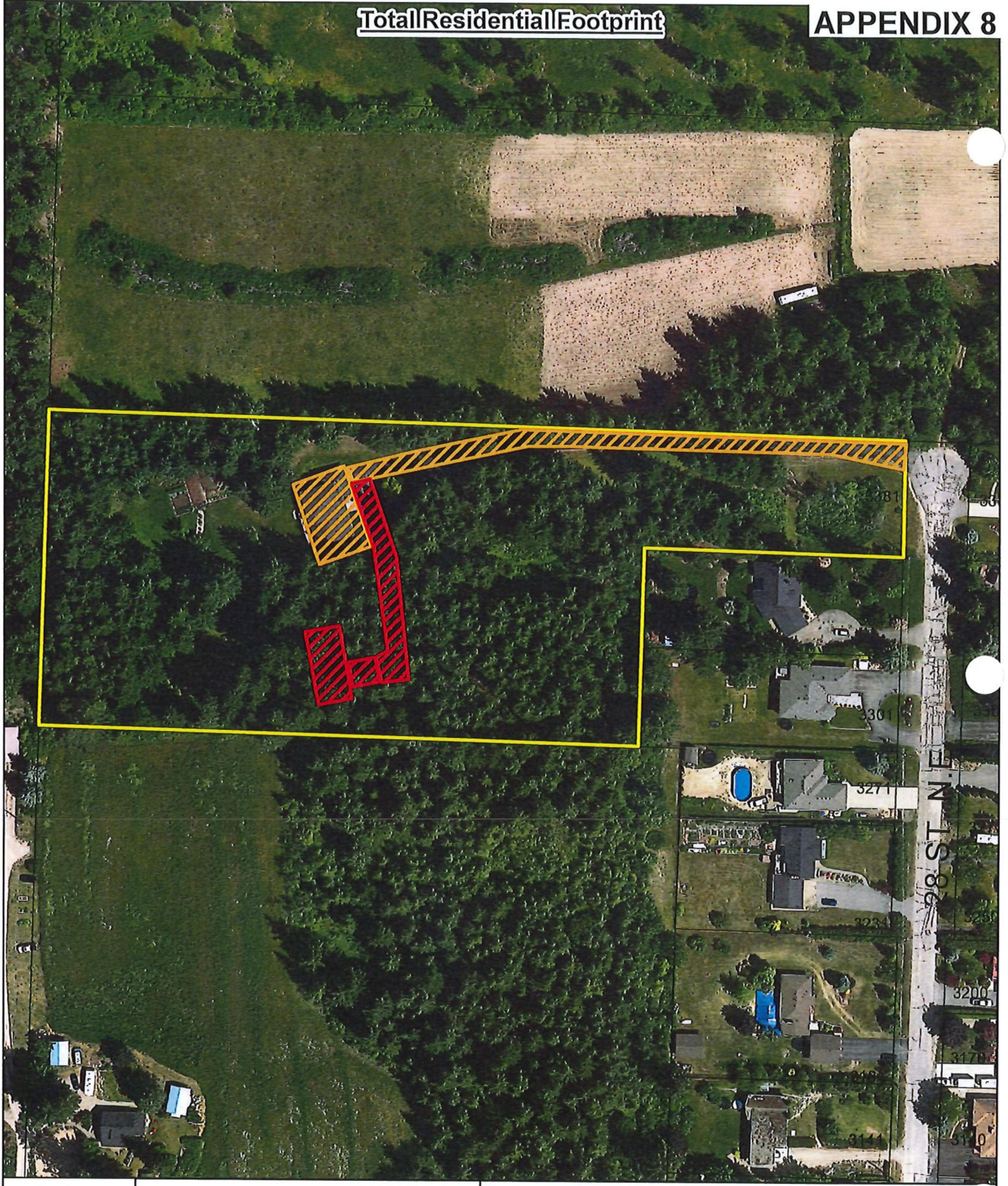
Height Exceptions

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

8 2
4M - 2X
T



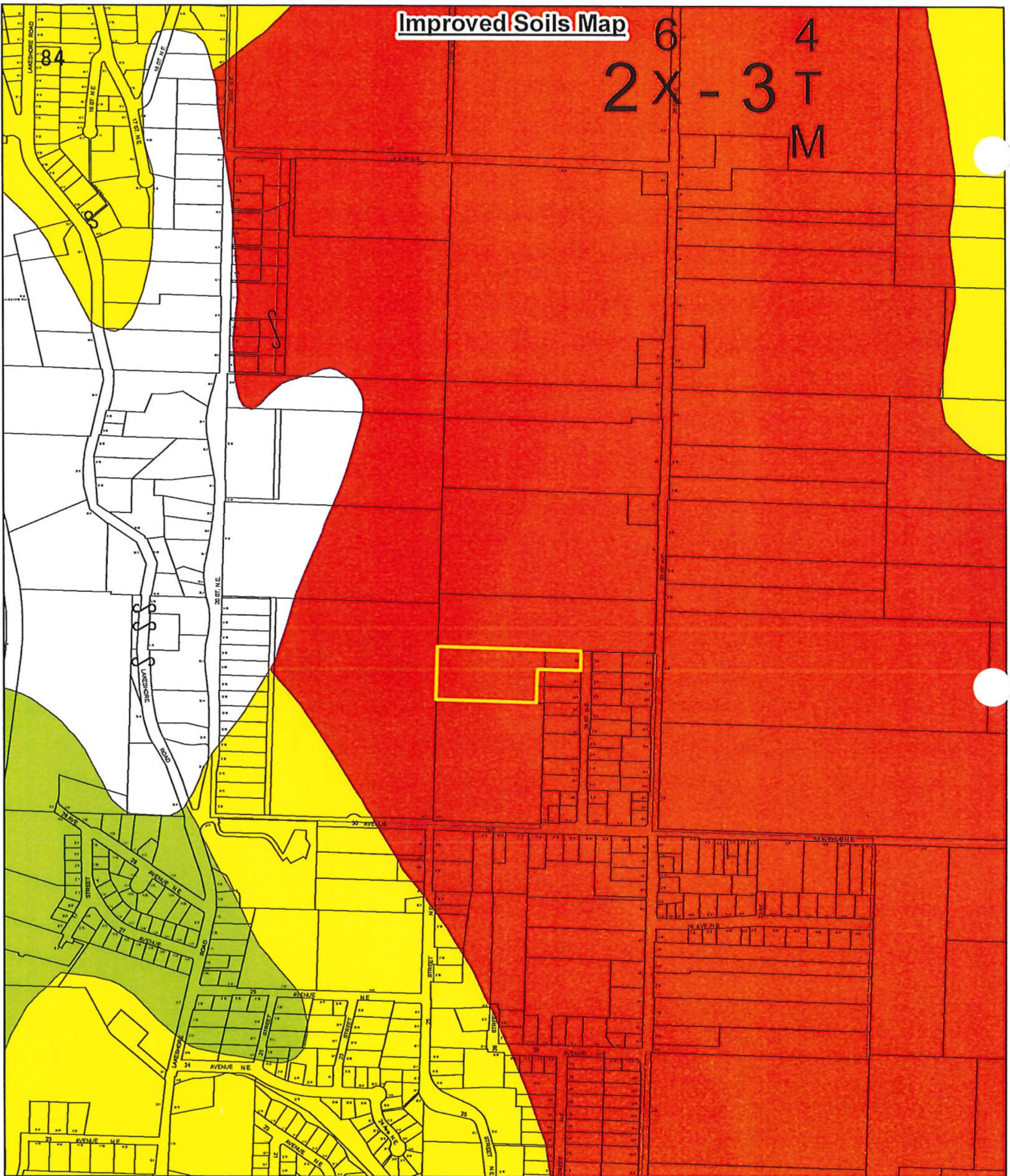
0 37.5 75 150 225 300 Meters

Subject Property
Parcels

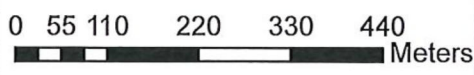
CLASS 4
CLASS 6



Improved Soils Map

6 4
2X - 3T
M



Improved Soil Classes



-  Subject Property
-  Parcels

-  CLASS 2
-  CLASS 4
-  CLASS 5

Item 9.4

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

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

[Priebe, A. & L.; 4890 Foothill Road SW; Non-Adhering Residential Use]

Vote Record

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

Opposed:

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

To: His Worship Mayor Harrison and Council

Date: May 17, 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.

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. Unimproved Soil Classes and Improved Soil Classes for this area can be seen in maps 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.

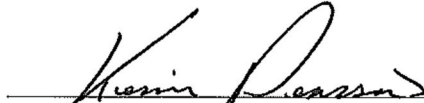
CONCLUSION

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

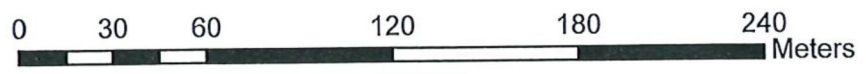
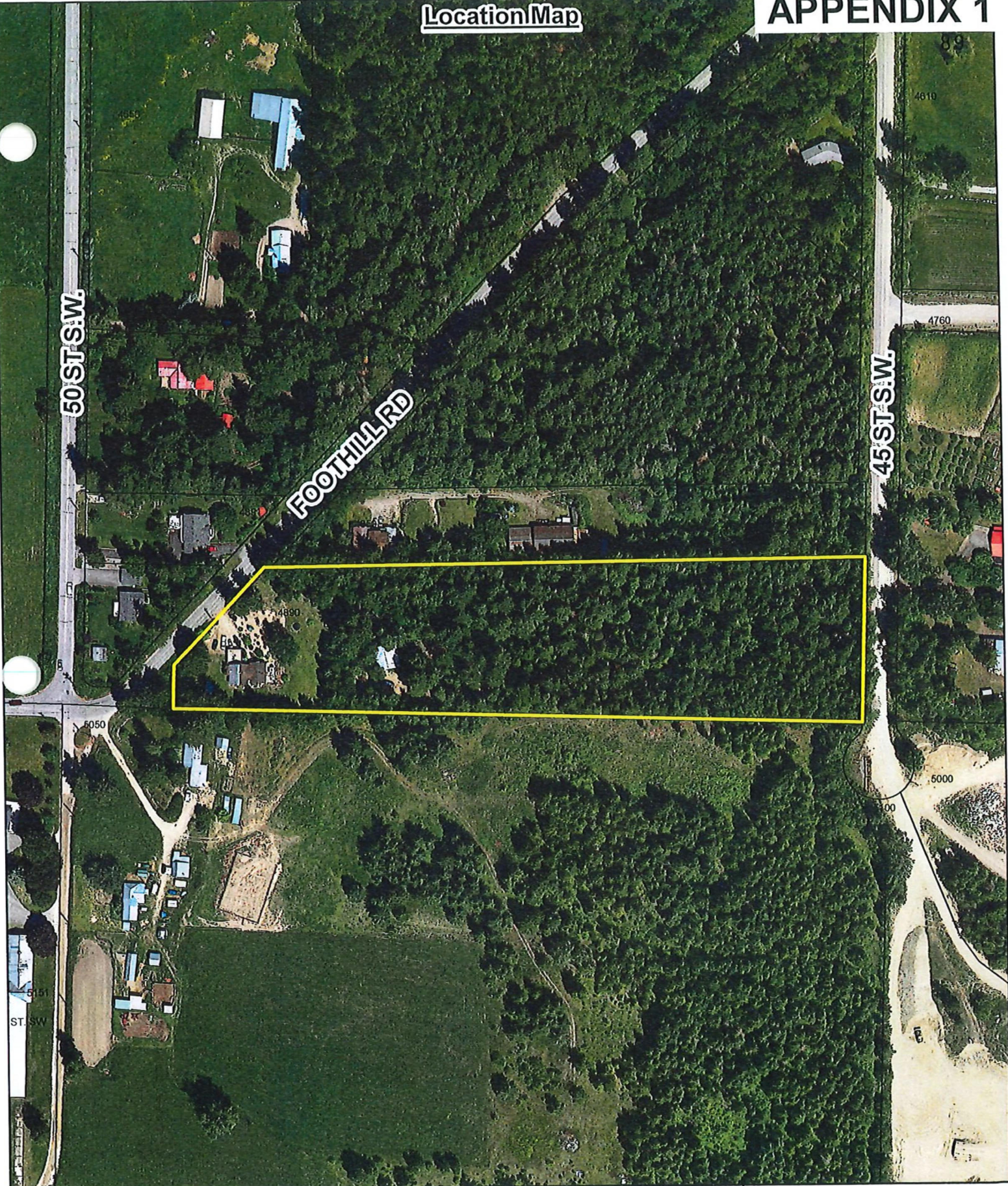


Reviewed by: Kevin Pearson, MCIP, RPP
Director of Development Services

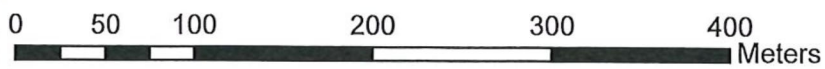
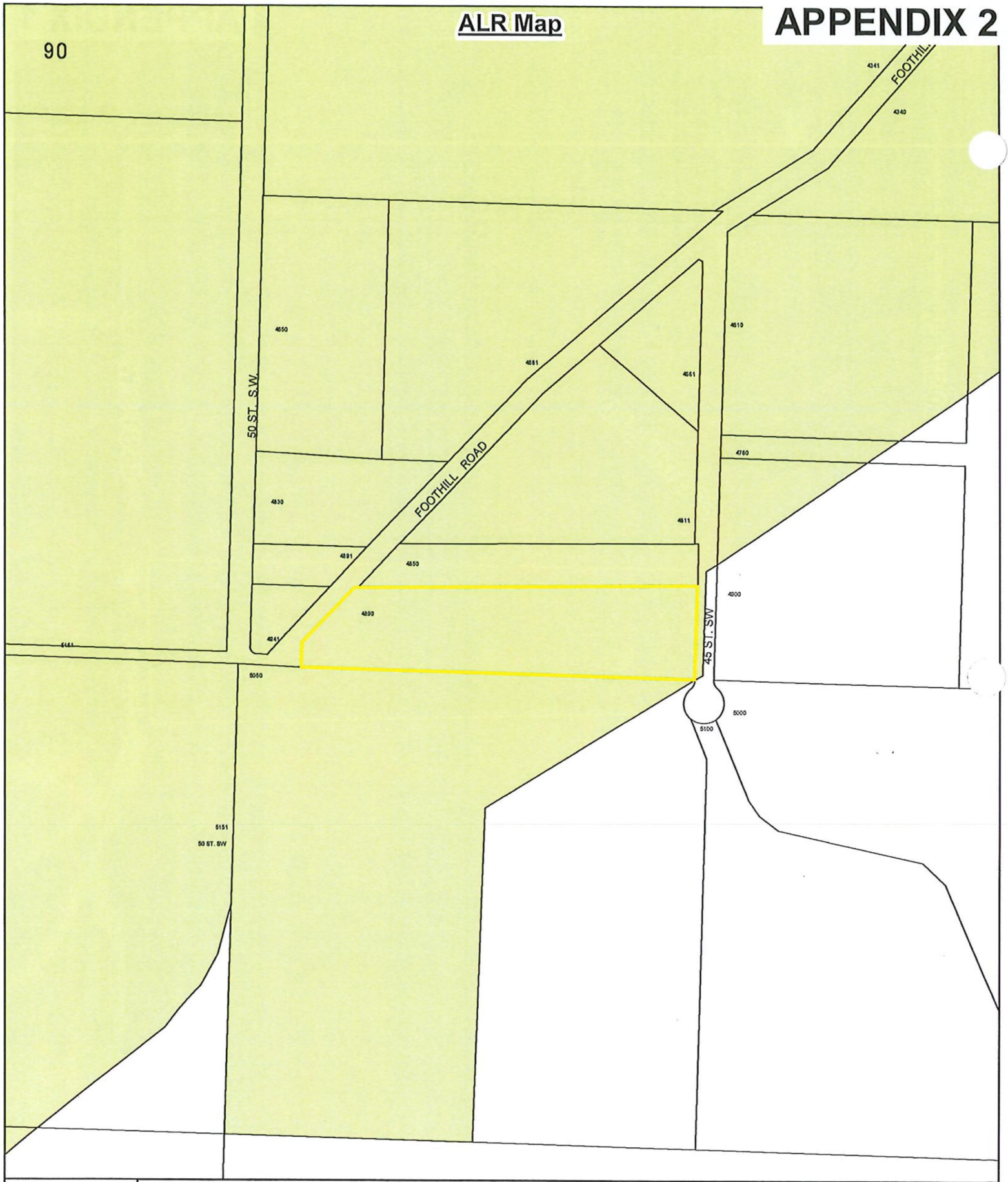
Appendices:

- 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 – Soil Classification Maps
- Appendix 8 – Engineering Memo
- Appendix 9 – Total Residential Footprint

Location Map



-  Subject Property
-  Parcels



-  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

West

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.

A Total of (1112.2 m2)

94

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

No

Applicant Attachments

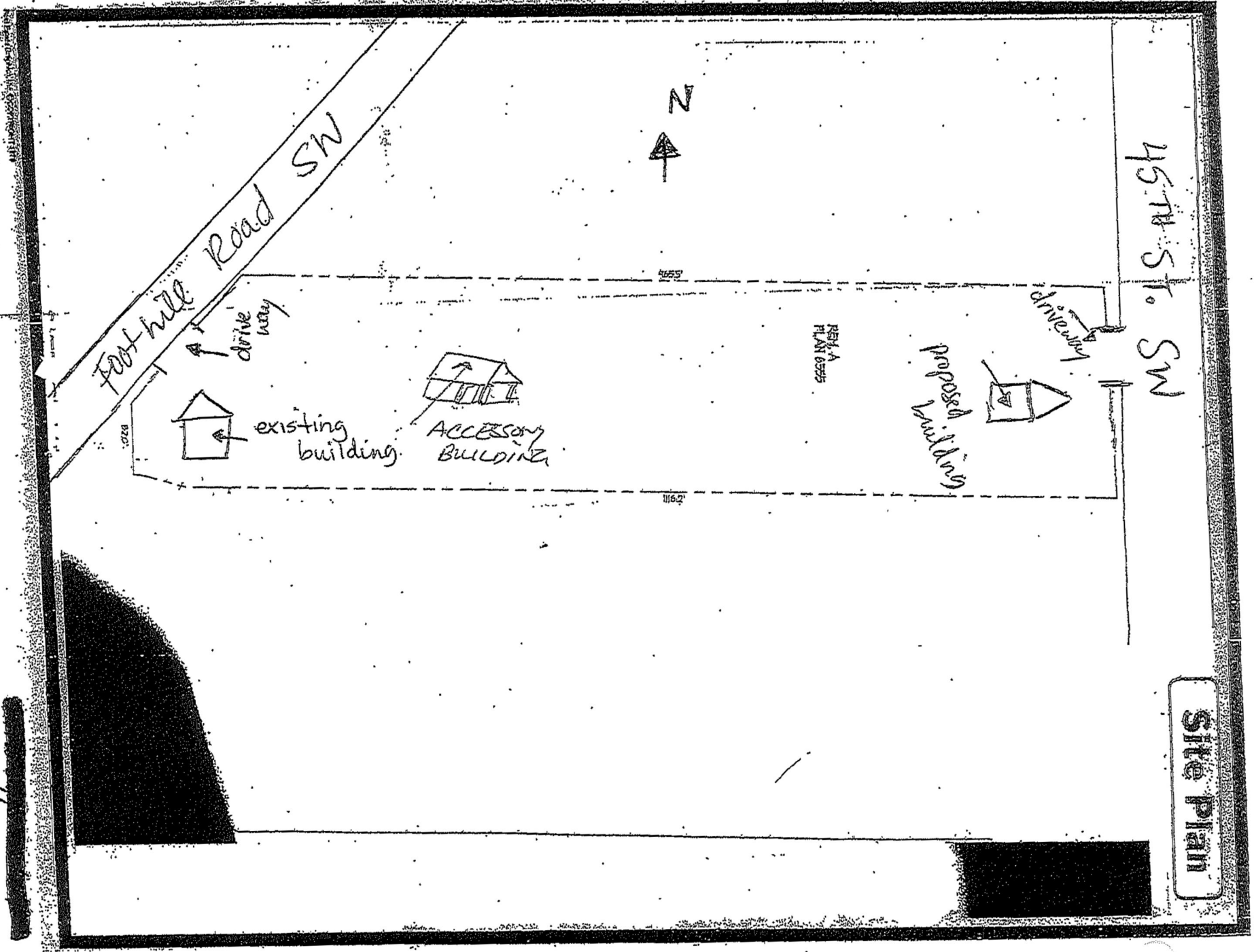
- Agent Agreement-Aaron Priebe
- Other correspondence or file information-mapping
- Other correspondence or file information-Explanation of Proposal Sketch
- Proposal Sketch-62847
- Certificate of Title-010-165-312

ALC Attachments

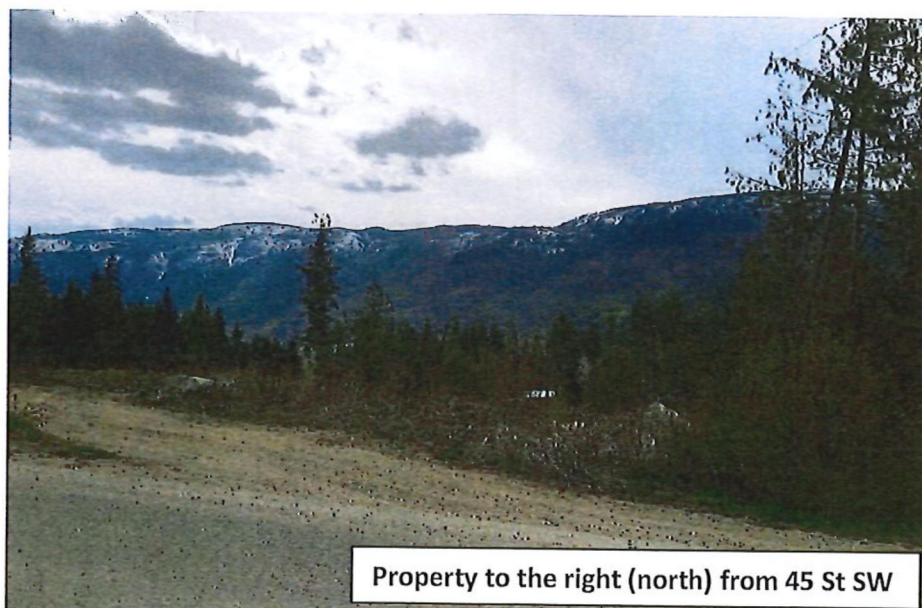
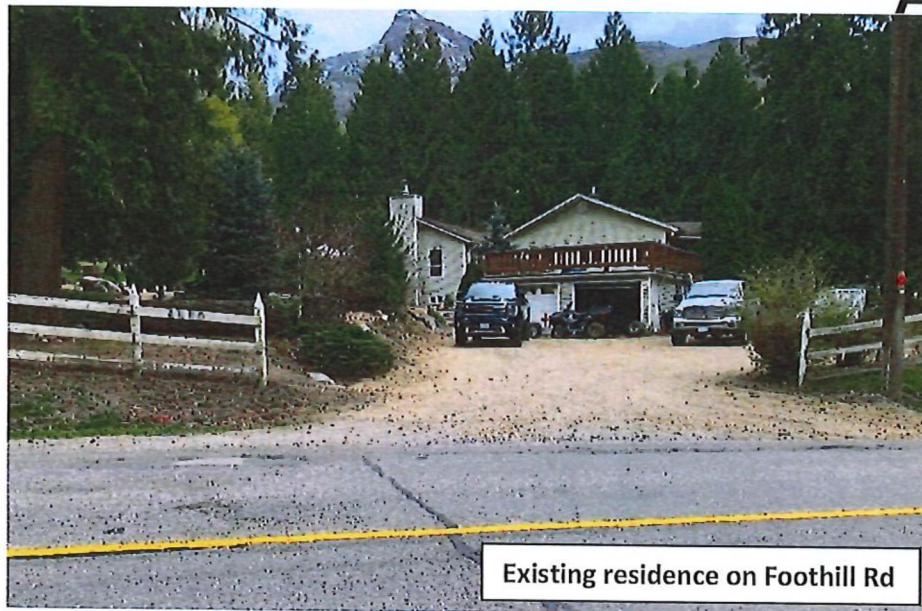
None.

Decisions

None.



Site Plan



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).

SCHEDULE "G-2" #3293

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).

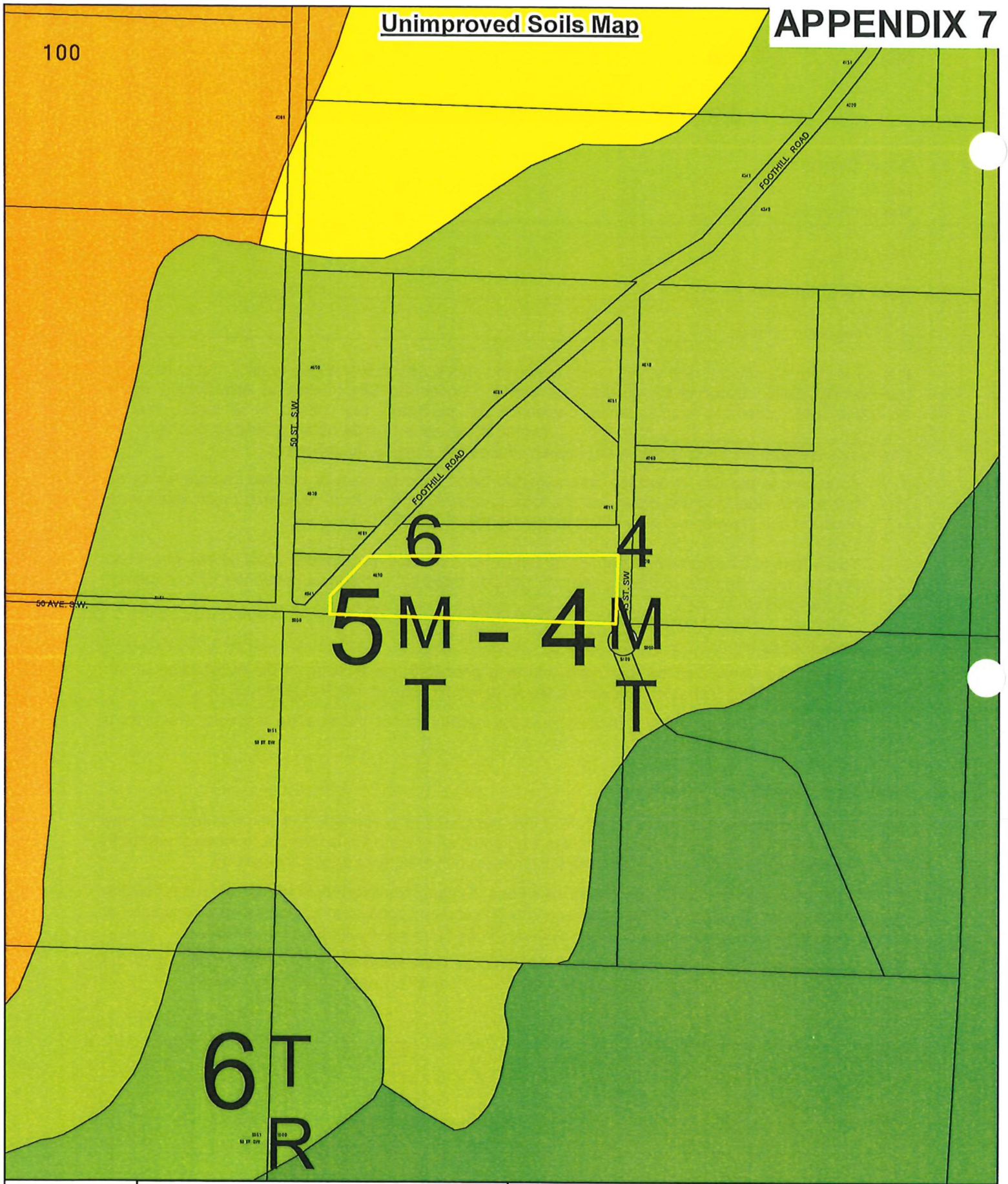
Further it is my understanding that:

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

Unimproved Soils Map

APPENDIX 7



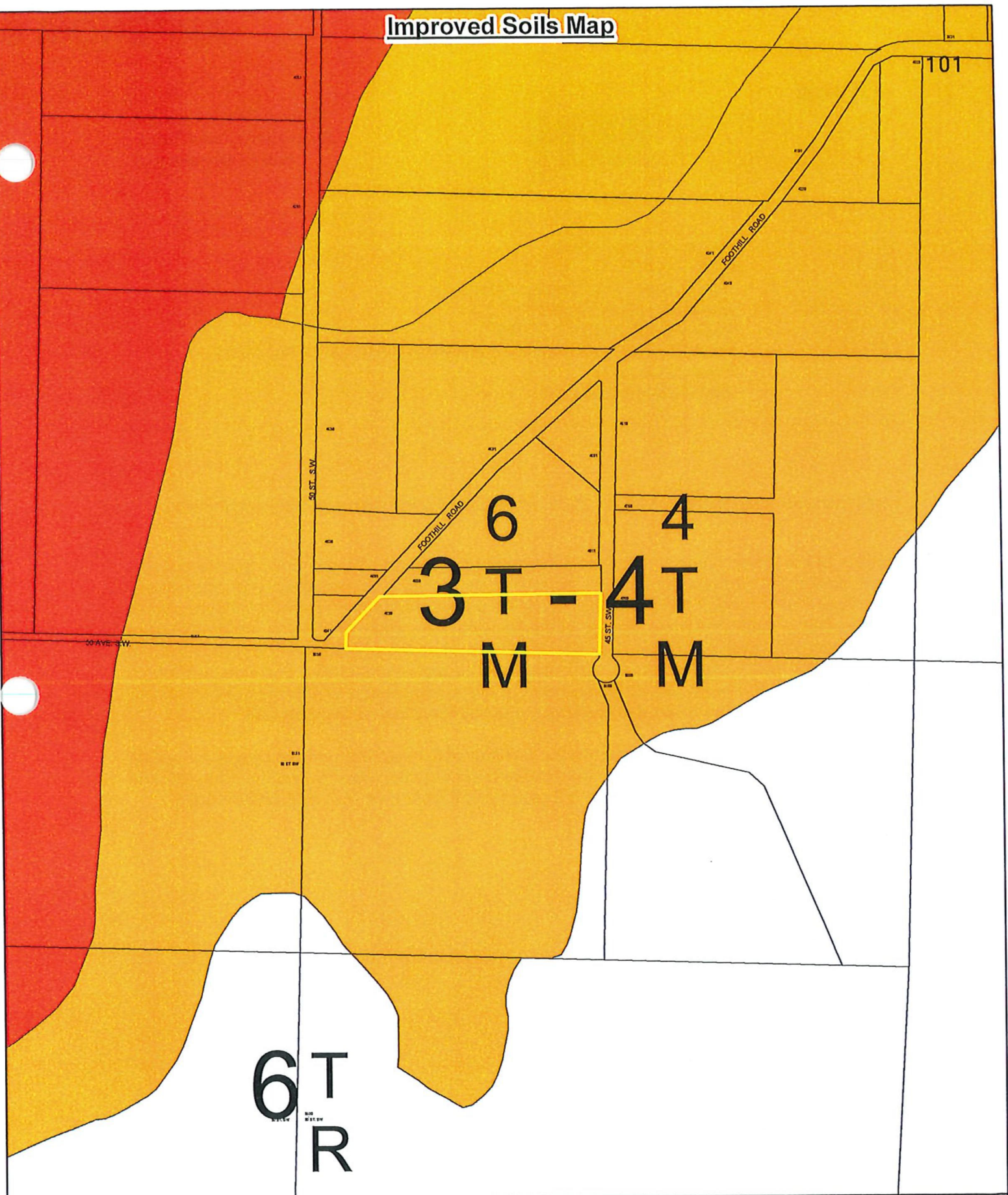
0 40 80 160 240 320 Meters

Subject Property
Parcels

Unimproved Soil Class

CLASS 3 CLASS 6
CLASS 4 CLASS 7
CLASS 5

Improved Soils Map



0 37.575 150 225 300 Meters

-  Subject Property
-  Parcels

Improved Soil Classes

-  CLASS 2
-  CLASS 3



*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.

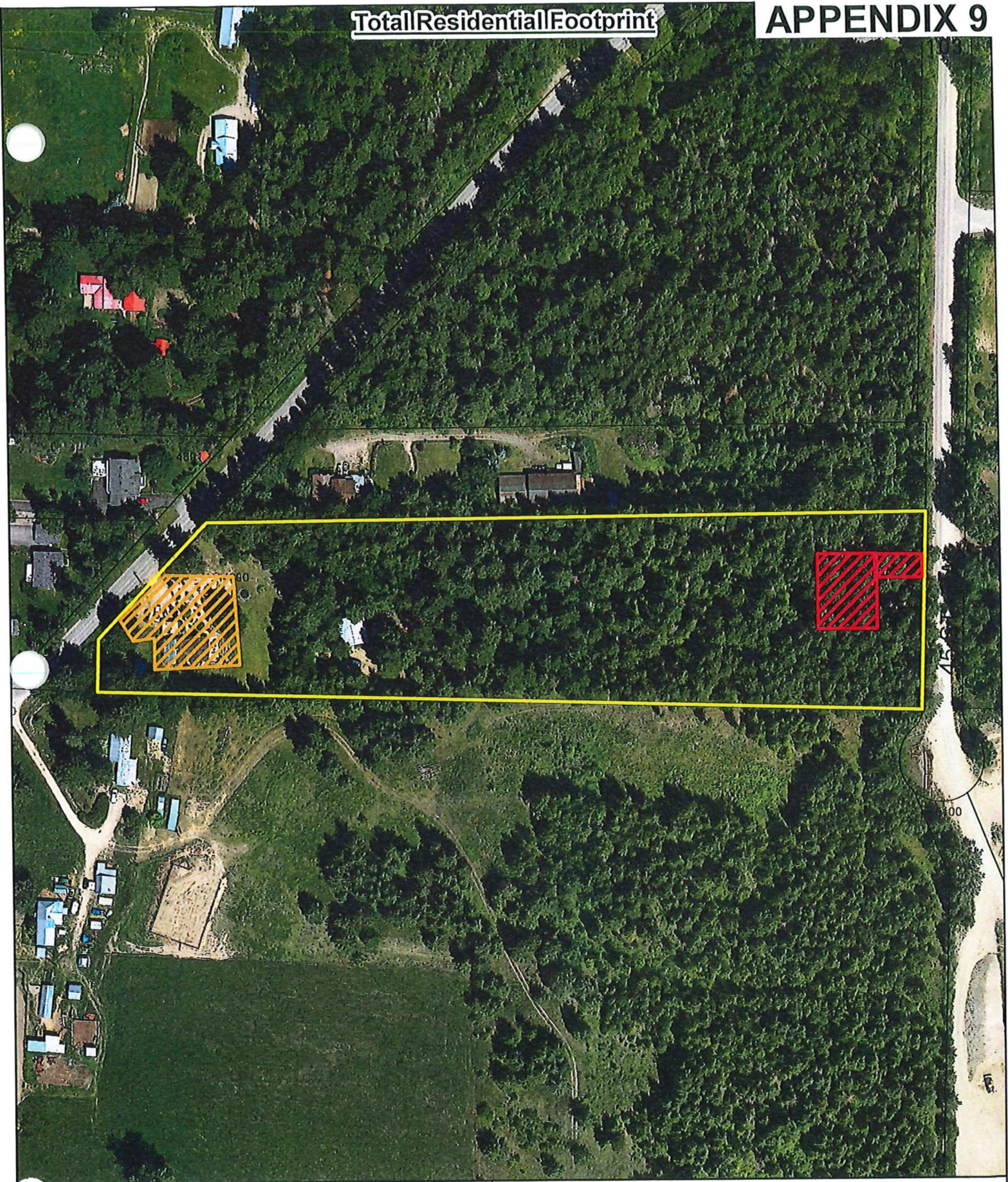
A handwritten signature in black ink, appearing to read "Jenn Wilson", is written over a horizontal line.

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

APPROVED BY:

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

Kevin Pearson
Director of Development Services



0 12.5 25 50 75 100 Meters

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

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Item 9.5

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

THAT: pursuant to Section 15. 1(b) of the ALR General Regulation a Statutory Public Hearing be scheduled for the June 14, 2021 Regular Council Meeting for Agricultural Land Reserve Application No. 407 for the property legally described as Lot 17, Section 7, Township 20, Range 9, W6M, KDYD, Plan 1230.

Vote Record

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

Opposed:

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

CITY OF SALMON ARM

To: His Worship Mayor Harrison and Members of Council

Date: May 17, 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:	Light Industrial (M-2)/Industrial
West:	General Industrial (M-1)/residential/storage

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 off-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

109

8 AVE. S.E.

35 ST. S.E.

10 AVE. S.E.

10 AVE. S.E.

20 AVE. S.E.

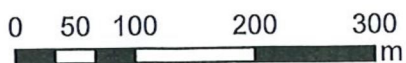
40 ST. S.E.



40 ST. S.E.

19 AVE. S.E.

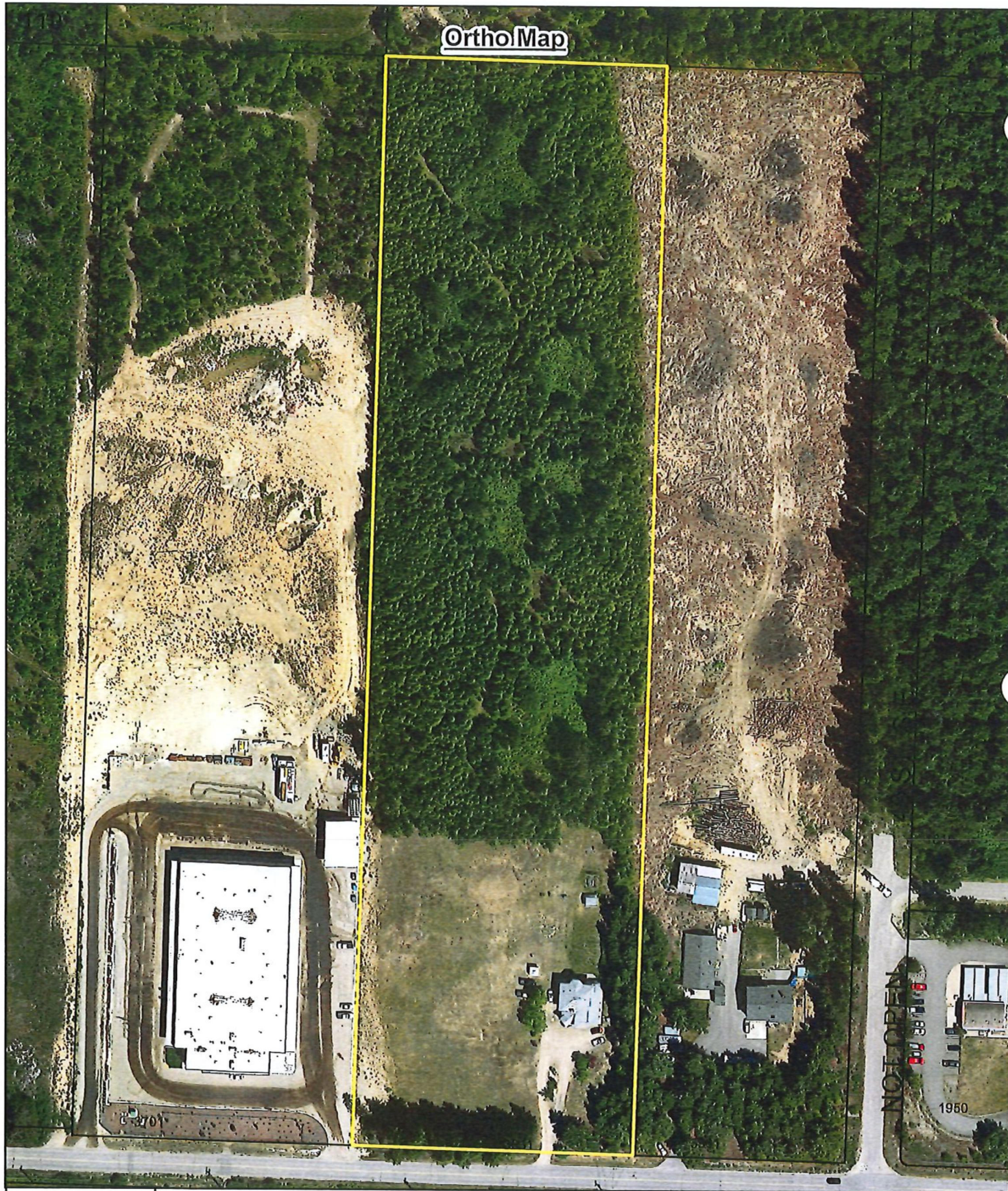
43 ST. S.E.

44 ST. S.E.



 Subject Area
 Parcels

Ortho Map



0 25 50 100 150 m

Subject Property
Parcels

OCP Map

111

8 AVE. S.E.

35 ST. S.E.

10 AVE. S.E.

10 AVE. S.E.

20 AVE. S.E.

40 ST. S.E.

40 ST. S.E.

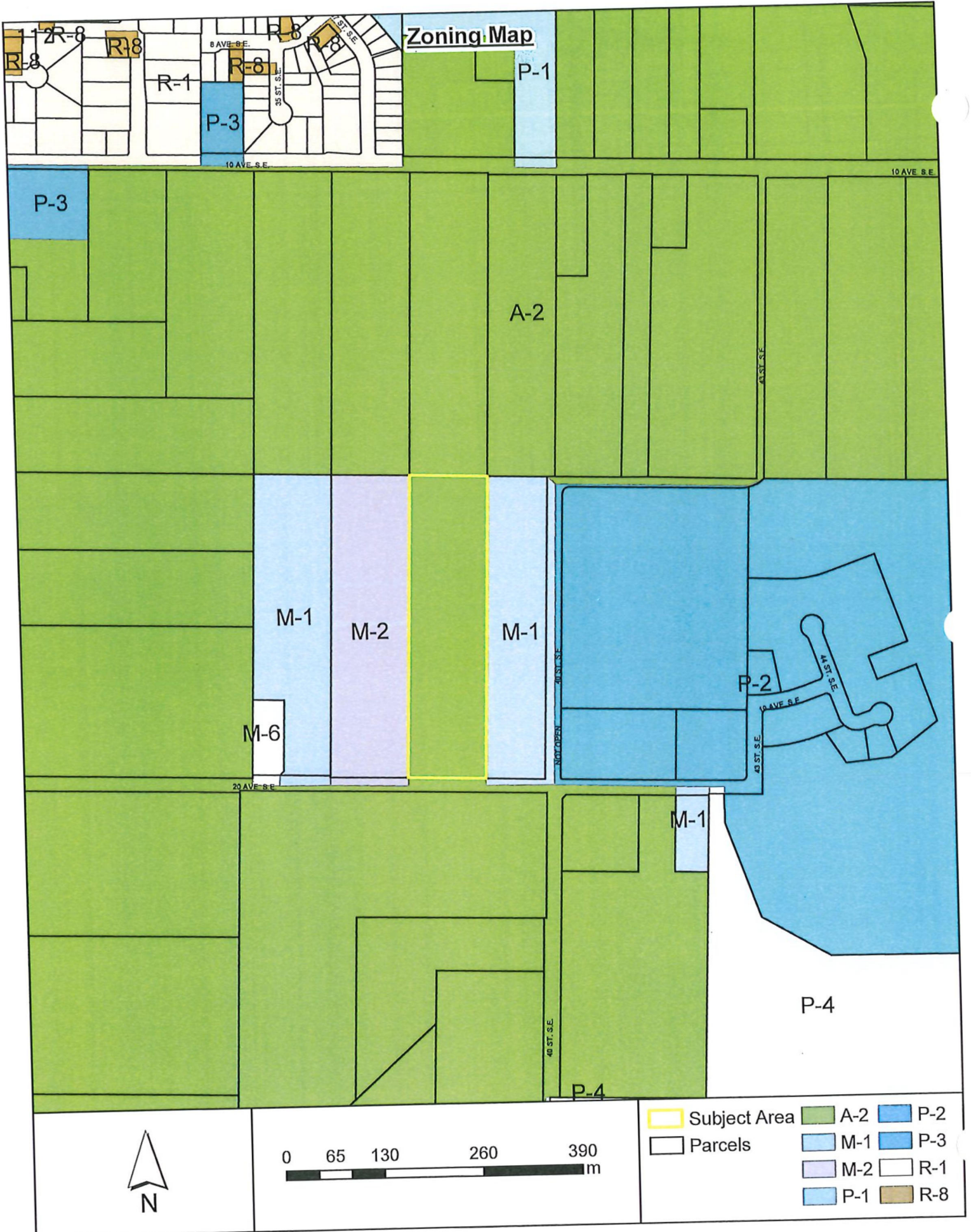
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19 AVE. S.E.

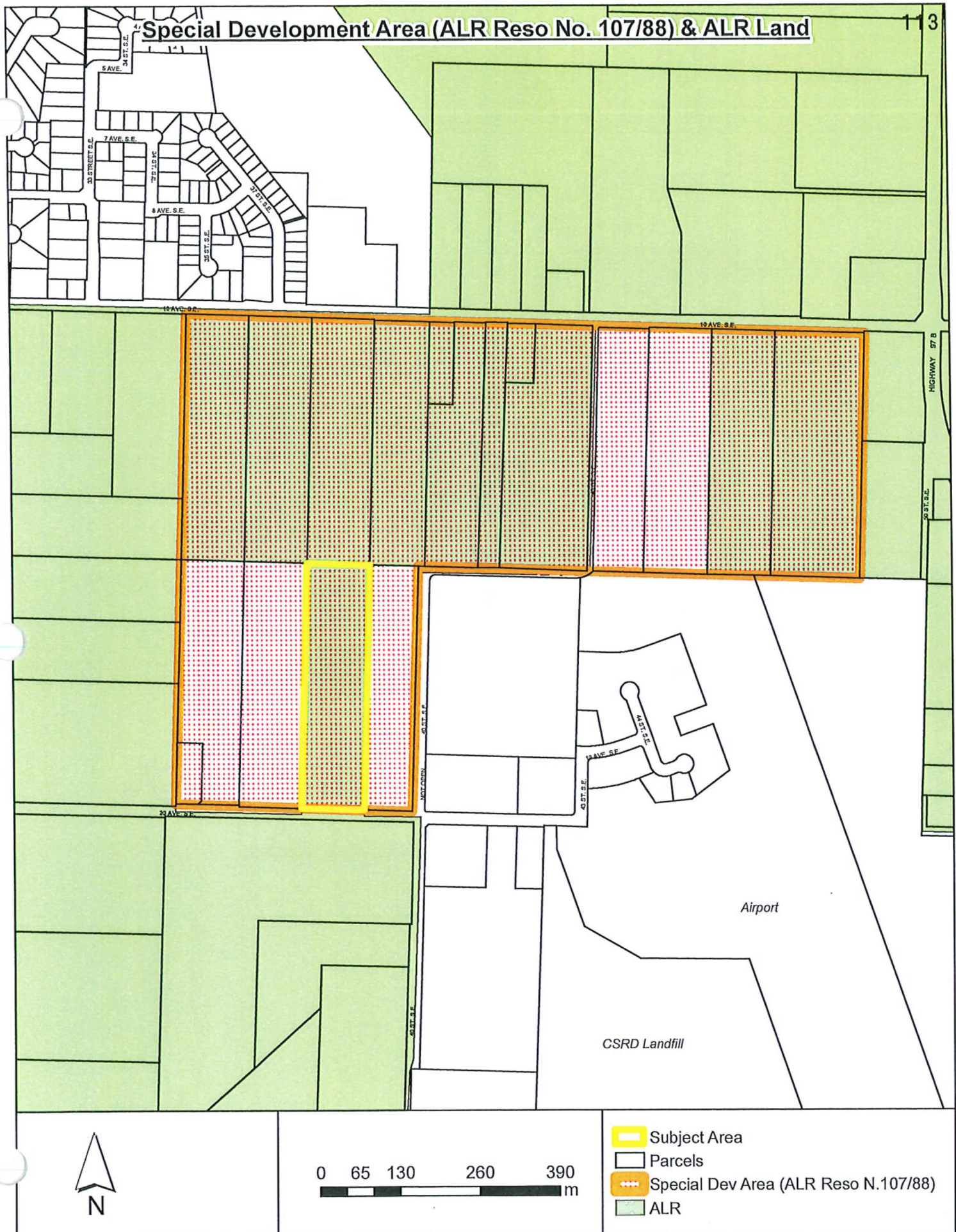


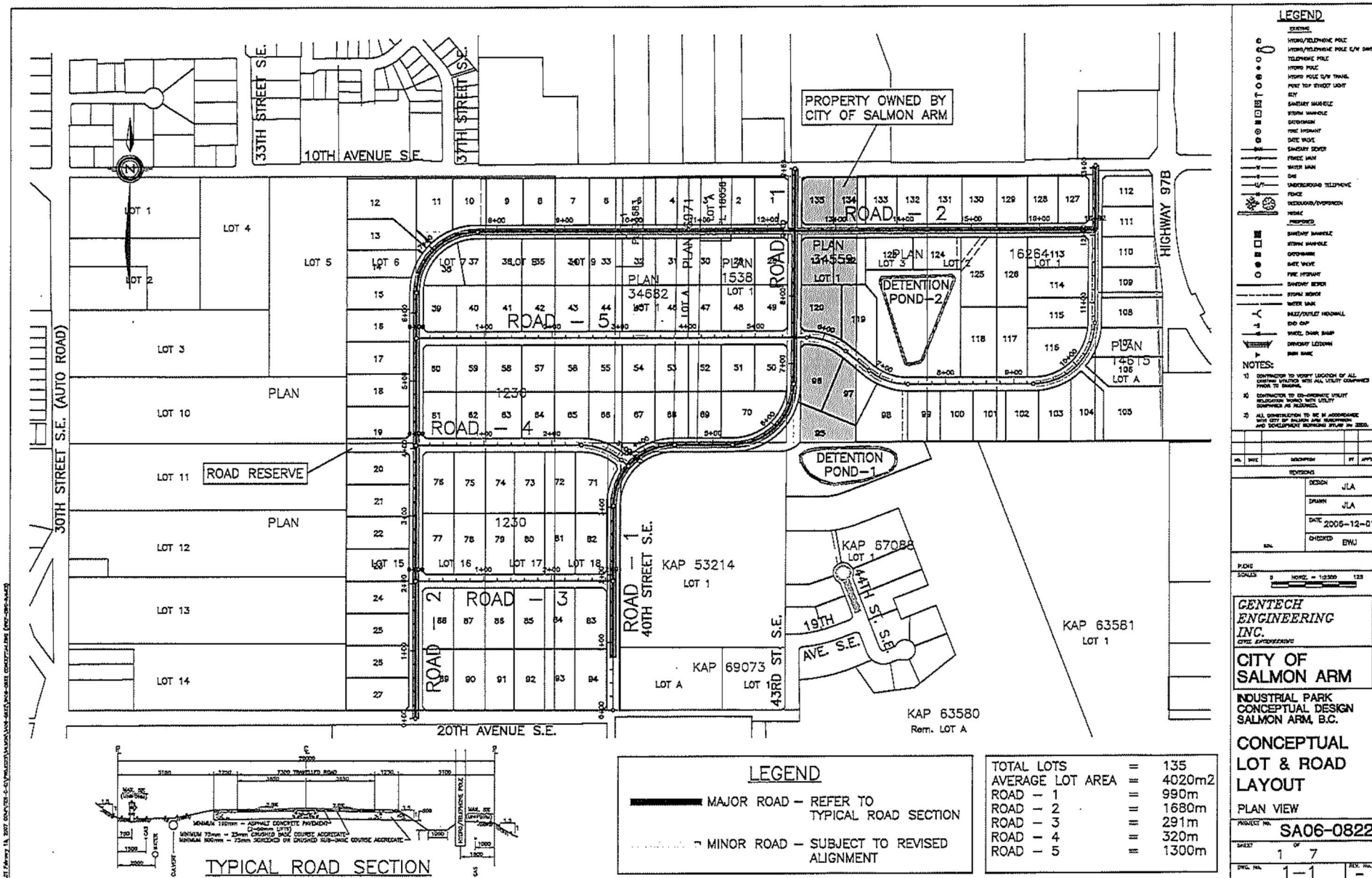
- | | | |
|--------------|---------------------------|----------------------|
| Subject Area | Acreage Reserve | Industrial - General |
| Parcels | Park | Industrial - Light |
| | Institutional | Industrial - Airside |
| | Residential - Low Density | |

Zoning Map



113





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).

SECTION 29 - M-2 - LIGHT INDUSTRIAL ZONE - CONTINUED**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 | <i>Front parcel line</i> shall be | 6.0 metres (19.7 feet) |
| .2 | <i>Rear parcel line</i>
- adjacent to a <i>parcel</i> not zoned
Industrial shall be
- all other cases shall be |
6.0 metres (19.7 feet)
3.0 metres (9.8 feet) |
| .3 | <i>Interior side parcel line</i>
- adjacent to a <i>parcel</i> not zoned
Industrial shall be
- where the <i>parcel</i> has access to
a lane shall be
- where the <i>parcel</i> does not have
access to a lane shall be |
6.0 metres (19.7 feet)
1.5 metres (4.9 feet)
4.0 metres (13.1 feet) |
| .4 | <i>Exterior side 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

117

10 AVE. S.E.

20 AVE. S.E.

NOT OPEN 40 ST. S.E.

40 ST. S.E.

43 ST. S.E.

43 ST. S.E.

12 AVE. S.E.

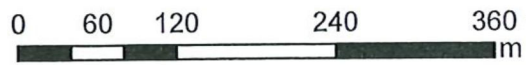
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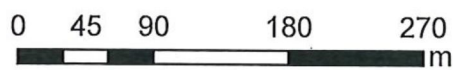
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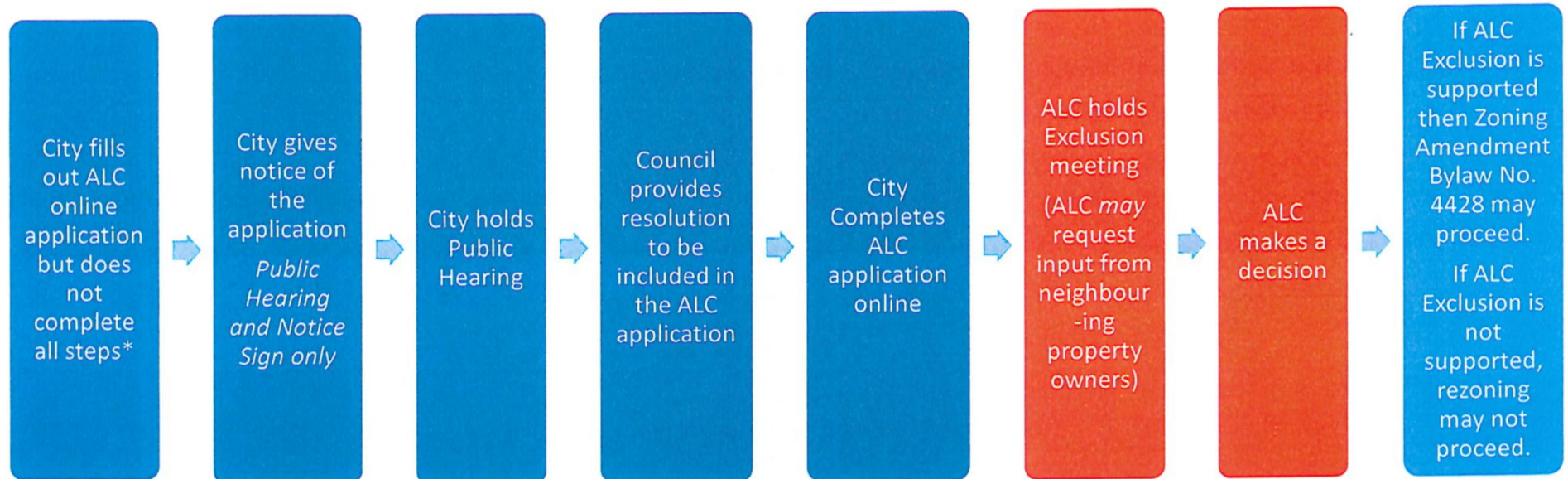
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|--|---|
|  Subject Area |  CLASS 4 |
|  Parcels |  CLASS 5 |

Improved Soil Map



- | | | |
|--------------|---------|---------|
| Subject Area | CLASS 1 | CLASS 5 |
| Parcels | CLASS 2 | CLASS 6 |
| | CLASS 3 | CLASS 7 |
| | CLASS 4 | |

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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Item 9.6

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

THAT: the Mayor and Corporate Officer be authorized to execute the 2021/2022 Annual Operating Agreement and the Transit Service Agreement between the City of Salmon Arm and BC Transit;

AND THAT: the 2021 Budget contained in the 2021 to 2025 Financial Plan be amended to re-direct anticipated net Transit savings of \$111,400.00 to the Transit Services Reserve as follows:

- Transit Revenue – Decrease \$34,400.00;
- Transit Pass Revenue – Decrease \$13,200.00; and
- Transit System – Contract – Decrease \$159,000.00.

Vote Record

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

Opposed:

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



File: 2240.20.11

TO: His Worship Mayor Harrison and Members of Council

FROM: Robert Niewenhuizen, Director of Engineering and Public Works

DATE: May 10, 2021

SUBJECT: **2021/2022 ANNUAL TRANSIT OPERATING AGREEMENT**

RECOMMENDATION:

THAT: The Mayor and Corporate Officer be authorized to execute the 2021/2022 Annual Operating Agreement and the Transit Service Agreement between the City of Salmon Arm and BC Transit.

AND THAT: The 2021 Budget contained in the 2021 to 2025 Financial Plan be amended to re-direct anticipated net Transit savings of \$111,400 to the Transit Services Reserve as follows:

- Transit Revenue – Decrease \$34,400
- Transit Pass Revenue – Decrease \$13,200
- Transit System – Contract – Decrease \$159,000

BACKGROUND:

BC Transit has forwarded the 2021/2022 Draft Annual Operating Agreement (AOA) for the Shuswap Regional Transit system for approval.

The agreement is based on the Transit Service Agreement (2014-2023) which is the principal overarching service agreement. Each year, the AOA confirms the budgeted service levels, revenue projections and cost structure for the transit system.

Shuswap Transit service levels are the same for this AOA; however the City has received confirmation that the Transit Expansion request (approximately an additional 1,200 annual service hours) was recently approved by the Provincial Government for their share of the funding support. It is anticipated that this expansion will be implemented in January of 2022. Prior to the implementation of this service expansion, a notice to amend the service specifications of the 2021/2022 AOA will be forwarded to the City for approval. A staff report will outline more details on the scope of the amendments as they become available.

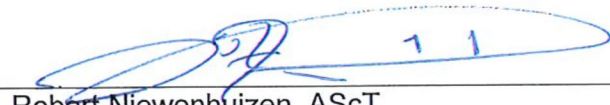
BC Transit continues to adjust to the fluid situation created by the COVID-19 pandemic and the information presented in this AOA reflects the most current information and trends. Under the terms of the "Safe Restart" funding contribution agreement and through receipt of funds, BC Transit and its local government partners are expected to maintain targeted essential transit service levels

through to the end of the 2023/24 fiscal year. Under this contribution agreement, the City will see approximately \$65,323 used in 2021 (\$65,323 in 2020) to offset reduced revenues and municipal share of operating costs.

In addition, in 2021/2022, BC Transit is reverting back to billing based on actual expenditures instead of budget and the Province has directed BC Transit to use any remaining shared operating reserve funds in 2021/2022. As a result, going forward the City will need to manage price volatility within its own reserve. Overall, this has resulted in approximate savings to the City in 2021 of \$105,000.

Staff have reviewed the agreement along with the projected revenues and expenses associated with the 2021/2022 AOA and an amendment is recommended to reallocate anticipated net savings to the Transit Services Reserve.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'R. Niewenhuizen', is written over a horizontal line. To the right of the signature, the numbers '1 1' are handwritten.

Robert Niewenhuizen, ASCT
Director of Engineering and Public Works

cc Chelsea Van de Cappelle, CFO

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Item 9.7

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

THAT: the Mayor and Corporate Officer be authorized to execute the 2021/2022/2023 Elks Park Field Maintenance Agreement, as outlined in the staff report dated May 12, 2021.

Vote Record

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

Opposed:

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



File: 0920-20-21

TO: His Worship Mayor Harrison and Members of Council
FROM: Robert Niewenhuizen, Director of Engineering and Public Works
DATE: May 12, 2021
SUBJECT: FIELD MAINTENANCE AGREEMENT – ELKS PARK BALL FIELDS

STAFF RECOMMENDATION

THAT: The Mayor and Corporate officer be authorized to execute the 2021/2022/2023 Elks Park Field Maintenance Agreement

BACKGROUND

During the 2019 budget discussion, the Salmon Arm Elks submitted a specific referral request for the City to provide assistance with their ball field maintenance. City Council approved a budget of \$5,500 on the condition that an agreement was developed with the Elks, which provided an outline of the services that would be performed by City Staff along with the Elks providing insurance coverage for this work. A one-year agreement was drafted and executed for the 2019 season. The intent of this agreement was to be a trial period to ensure that both parties were satisfied with the service level being provided. Moving forward we would enter into a three-year agreement; however, due to COVID the 2020 ball season was canceled so no agreement was signed for this period.

Although the COVID situation still exists, the Elks and Salmon Arm Minor Ball Association with assistance from the Shuswap Recreation Society have been able to establish a COVID safety protocol which will allow field activities to continue this year. City Staff have been in discussion with the Elks and they would like to continue with the field maintenance agreement.

The ball fields that the Elks provide are a critical asset to the minor baseball in Salmon Arm. These fields are used primarily by 6U (Blast ball) through 11U (Mosquito). The City does not have enough ball fields in its inventory to accommodate this level of play. Funds for this work were approved in the 2021 budget.

STAFF COMMENTS

Staff recommend that the City enter into a three-year agreement for the field maintenance of the Elks Park ball fields.

Respectfully submitted,

A blue ink signature of Robert Niewenhuizen, written over a horizontal line.

Robert Niewenhuizen, ASCT

Director of Engineering and Public Works

Item 9.8

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

THAT: Council Accept the quote from Standard Roofing (2016) Ltd. For the Roof Replacement of the Salmon Arm RCMP Detachment for the quoted amount of \$96,300.00 plus taxes as applicable.

Vote Record

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

Opposed:

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



File: 2021-80

TO: His Worship the Mayor Harrison and Members of Council

FROM: Robert Niewenhuizen, Director of Engineering and Public Works

PREPARED BY: Darin Gerow, Manager of Roads & Parks

DATE: May 13, 2021

SUBJECT: **RCMP DETACHMENT ROOF REPLACEMENT - AWARD**

STAFF RECOMMENDATION

THAT: Council accept the quote from Standard Roofing (2016) Ltd. for the Roof Replacement of the Salmon Arm RCMP Detachment for the quoted amount of \$96,300.00 plus taxes as applicable.

BACKGROUND

The City of Salmon Arm maintains the Salmon Arm RCMP Detachment. The current roof that was installed in 1988 has reached the end of its lifespan. City staff met with local qualified roofing professionals to specify the style & type of roof for replacement. This information was used to create the Request for Quotation.

A request for quotation (RFQ) was placed on BC Bid and City of Salmon Arm Webpage. On April 30, 2021, we received four (4) responses, as follows:

Contractor	Price	Tax	Total
Standard Roofing, Salmon Arm	\$96,300.00	\$4,815.00	\$101,115.00
Advantage Roofing, Salmon Arm	\$114,750.00	\$5,737.50	\$120,487.50
Laing Roofing, Vernon	\$128,420.00	\$6,421.00	\$134,840.00
Western Roofing, Kamloops	\$230,800.00	\$11,540.00	\$242,340.00

All receive quotes met the specifications, with some minor differences in the warranty period provided. In addition; the project was reviewed with City Building Department. Standard Roofing specifies a 15-year warranty on material and a 10-year warranty supplied by the contractor.

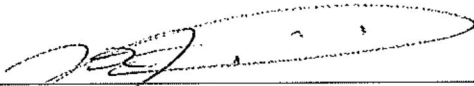
Prior to issuance of the RFQ, a cut test was performed to provide information on the existing roof. The results of this test revealed that the insulation was adhered to the roofing protection board. This unfortunately does not allow us to remove the existing roof without having to replace all insulation. This would significantly increase the budget. Due to the annual maintenance and upkeep on the existing roof, we are able to place the new roof over the existing roof.

Within the RFQ we requested a cost per square foot to “remove specific, agreed upon, compromised areas down to the roof decking to ensure all insulation is dry and functioning, including all materials and labor”. City staff will manage this, however it should be noted that the quoted price may increase due to any insulation that requires replacement.

The approved 2021 budget for this project is \$120,000. Standard Roofing has specified a start date of August 1, 2021 and completion by August 20, 2021. They will be responsible for supplying the city with all necessary documentation prior to any works taking place, such as, Insurance, WCB Clearance, warranty confirmations, etc. They have completed numerous roofing projects within the City in the past including some for City buildings.

We recommend that the RCMP Detachment Roof Replacement be awarded to Standard Roofing (2016) Ltd, in accordance with their quoted price of \$96,300.00 plus taxes as applicable.

Respectfully submitted,



Robert Niewenhuizen, ASCT
Director of Engineering and Public Works

cc Chelsea Van de Cappelle. CFO

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Item 9.9

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

THAT: the 2021 Budget contained in the 2021 - 2025 Financial Plan Bylaw be amended to reflect additional funding for the Canoe Beach Playground Replacement in the amount of \$28,000.00 reallocated from the General Capital Reserve fund from the Raven Community Park Playground Replacement;

AND THAT: the supply & installation of the Canoe Beach & Raven Community Park Playground Equipment Replacements, be awarded to Green Roots Play Equipment Inc. in accordance to their quoted amounts as follows;

- Canoe Beach - \$83,978.00, plus taxes as applicable; and
- Raven Park - \$59,988.00, plus taxes as applicable.

Vote Record

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

Opposed:

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

TO: His Worship Mayor Harrison and Members of Council

FROM: Rob Niewenhuizen, Director of Engineering and Public Works

PREPARED BY: Darin Gerow, Manager of Roads & Parks

DATE: May 7, 2021

SUBJECT: **CANOE BEACH & RAVEN COMMUNITY PARK PLAYGROUND
EQUIPMENT REPLACEMENT, SUPPLY & INSTALLATION.**

RECOMMENDATION:

THAT: The 2021 Budget contained in the 2021 – 2025 Financial Plan Bylaw be amended to reflect additional funding for the Canoe Beach Playground Replacement in the amount of \$28,000.00, reallocated from the General Capital Reserve fund from the Raven Community Park Playground Replacement.

AND THAT: The supply & installation of the Canoe Beach & Raven Community Park Playground Equipment Replacements, be awarded to Green Roots Play Equipment Inc. in accordance to their quoted amounts as follows:
CANOE BEACH - \$83,978.00, plus taxes as applicable.
RAVEN PARK - \$59,988.00, plus taxes as applicable.

BACKGROUND:

Canoe Beach, located at 7720 – 36 Street NE, has an existing playground structure built in 1990. The life span of this structure has come to an end, and has triggered a replacement. The replacement of the playground structure follows the recommendations as set out in The Canoe Beach Master Plan completed in 2016. Canoe Beach spans approximately 575 meters of waterfront that includes sandy beach, turfing areas, dog park, beach volleyball court, playground, gazebo structure, concession, washroom and a boat launch with pier. The usage of this park is significantly high during the summer months.

Raven Community Park, located at 4671 – 14 Street NE, has an existing playground structure built in 1994. The life span of this structure has come to an end, and has triggered a replacement. Raven Park is a 1.76 Acre park that includes a playground, hard surface court and large turfing fields embedded into a subdivision. The usage of this park is moderate to low throughout the year.

Each proponent was required to submit two (2) options for each park, meeting the specifications set out within the request for proposal. Some required specifications were: playground designed for kids aged 2 -12. Playground structure supply & install budget of \$80,000 for Canoe and \$60,000 for Raven, maximum areas, 150mm reinforced concrete curb continuous around entire playground, and suitable thickness of 'Engineer Wood Fibar', for a fall of three (3) meters.

Canoe Beach & Raven Community Park Playground Structure Replacement
Page 2

A request for proposal was advertised on BC Bid and City of Salmon Arm website on March 19, 2021. On April 20, 2021 six (6) company's Proposals were received, as follows:

Company		Price excluding tax	Ranking
Green Roots Play Equipment Inc.	Canoe Beach	\$ 83,978.00	1
	Raven Park	\$ 59,988.00	
Swing Time Distributors Ltd.	Canoe Beach	\$ 74,683.74	2
	Raven Park	\$ 55,744.44	
Habitat Systems Inc.	Canoe Beach	\$ 79,899.00	3
	Raven Park	\$ 59,996.00	
Suttle Recreation Parks & Playgrounds	Canoe Beach	\$ 79,944.20	4
	Raven Park	\$ 59,974.62	
Canadian Recreation Solutions	Canoe Beach	\$ 76,190.48	5
	Raven Park	DID NOT QUOTE	
Westplay	Canoe Beach	\$ 80,000.00	6
	Raven Park	\$ 60,000.00	

All proposals met the required specifications as set out in the Request for Proposal, however Westplay only provided one (1) option for each park and Canadian Recreation Solutions could not supply & install Raven playground for the required budget. The proposals were evaluated, based on: Completeness and thoroughness of RFP's, Similar experience, ability to deliver in specified time frame, technical ability, project costs and aesthetic attributes to match the atmosphere of the park.

The top four (4) proponents were evaluated very highly and competitively, with Green Roots Play Equipment evaluated the highest. The proposals were evaluated by a parks evaluation committee.

Green Roots Play Equipment are out of North Saanich and have completed numerous playground projects for other municipalities. Their completion date may be pushed back due to the delay in awarding; however, this would still provide a time for kids to utilize the structure within 2021. The evaluation committee feels the aesthetics of the proposed structures and pieces match the atmosphere and uses of each Park.

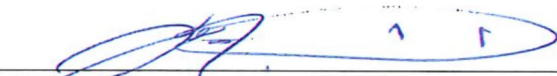
The approved funding for these projects are \$80,000.00 for Canoe and \$100,000 for Raven, from Parks - Capital Expenditure Budget. Within these budgets, we are required to complete additional works such as paths, landscaping, irrigation and any unforeseen construction constraint.

Canoe Beach & Raven Community Park Playground Structure Replacement
Page 2

Reference checks were completed and all highly recommended Green Root Play Equipment. Henderson Play equipment, which is the proposed play equipment supplier, is a 100% Canadian Manufacturer and includes acceptable warranty.

Staff recommend that the 2021 Budget contained in the 2021 – 2025 Financial Plan Bylaw be amended to reflect additional funding for the Canoe Beach Playground Replacement in the amount of \$28,000.00, reallocated from General Capital funds from the Raven Community Park Playground Replacement and that the supply & installation of the Canoe Beach & Raven Community Park Playground Equipment Replacements, be awarded to Green Roots Play Equipment Inc. for the quoted amount of: CANOE BEACH - \$83,978.00, plus taxes as applicable. RAVEN PARK - \$59,988.00, plus taxes as applicable

Respectfully submitted:



Robert Niewenhuizen, ASCT
Director of Engineering & Public Works

cc Chelsea Van De Cappelle, CFO

X:\Operations Dept\Engineering Services\5220-CAPITAL\2021\2021-07 Parks\Canoe Beach Playground Replacement\HWM Canoe Beach & Raven Park - PLAYGROUNDS.docx

Canoe Beach & Raven Community Park Playground Structure Replacement
Page 2



Canoe Beach Option #2



Raven Community Park Option #1

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Item 9.10

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

THAT: Council appoint Barrie Voth to the Environmental Advisory Committee as the member representing the Agriculture Industry for a two (2) year term ending May 25, 2023.

Vote Record

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

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



TO: His Worship Mayor Harrison and Members of Council
DATE: May 18, 2021
SUBJECT: Environmental Advisory Committee Appointments

MOTION FOR CONSIDERATION:

THAT: Council appoint Barrie Voth to the Environmental Advisory Committee as the member representing the Agriculture Industry for a two (2) year term ending May 25, 2023.

Background:

The Terms of Reference (attached as Appendix A), outlines the composition of the Environmental Advisory Committee (EAC). Committee membership currently includes 13 voting members: one (1) Council representative, three (3) Citizens at Large, a member representing each of the Forest and Agriculture Industries, members from five (5) organizations and from the Adams Lake and Neskonlith Indian Bands.

With the recent resignation of John McLeod, a new member was sought to fill the position allocated for the Agriculture Industry. Staff followed the regular process of advertising for recruitment and received one (1) application from Barrie Voth (attached as Appendix B). Mr. Voth is a working farmer and a member of the City's Agricultural Advisory Committee. Staff have no concerns with Mr. Voth being appointed to the EAC for a two (2) year term.

In addition, Christina Thomas has been appointed by the Neskonlith Indian Band to sit on the EAC. Louis Thomas has notified Councillor Lindgren that he will be stepping back and Christina will be taking his place on the Committee.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Erin Jackson".

Erin Jackson
Director of Corporate Services

Appendices:
Appendix A -Environmental Advisory Committee Terms of Reference
Appendix B - Application for Appointment - Barrie Voth

City of Salmon Arm
Environmental Advisory Committee
Terms of Reference

The City of Salmon Arm recognizes that we live in a finite world and that the natural ecosystem around us is what we depend on for our survival. As a community we will be respectful of the local and global ecosystems.

The Environmental Advisory Committee, "the Committee", has been established to advise the Council for the City of Salmon Arm on environmental matters.

1. Purpose of the Committee:

To act as an advisory body and resource group to City Council and Administration regarding ways to protect, maintain and enhance the natural environment in accordance with the provisions of the Environmental section of the Official Community Plan.

2. Activities:

1. The Committee shall undertake activities and projects with City Council's support or direction.
2. Project review and comment:
 - 2.1 Council or City staff may elect to forward specific City projects or private development projects to the committee for review and comment. The Committee will provide written review and comment on these projects in a timely manner.
 - 2.2 The Committee may also independently elect to provide review and comment on environmental issues and concerns that come directly to the attention of the Committee.
 - 2.3 The Committee's comments and recommendations will not bind council to a course of action. The Committee's reviews and comments will be presented to Council in a positive, respectful and well researched fashion.
 - 2.4 The Committee's comments and reviews will have due regard for federal, provincial and municipal legislation and the policies and direction of City Council.
 - 2.5 As part of completing recommendations, the Committee may consult with outside parties having an interest in the natural environment such as property owners, the development industry, government agencies, school boards, experts, consultants and

public interest groups. Such consultation would require the approval of City Council.

3. Upon the direction of City Council, the Committee will undertake and co-ordinate with City Administration the completion of natural environmental research projects.
4. The Committee may undertake educational initiatives both formally and informally, which raise the profile of the natural environment of the City of Salmon Arm. The nature of this education will be determined from time to time on the basis of need.
5. The Committee will provide input and comments on environmental aspects of policies of the City of Salmon Arm. Further, the Committee may make recommendations and advise Council on policies to be developed.

6. Membership

6.1 The Committee shall be composed of 15 members, as follows:

- ♦ One (1) member of City Council;
- ♦ One (1) member appointed to represent Salmon Arm Bay Nature Enhancement Society [SABNES];
- ♦ One (1) representative from the Forest Industry;
- ♦ One (1) representative from the Agricultural Industry;
- ♦ One (1) representative appointed to represent the Adams Lake Indian Band;
- ♦ One (1) representative appointed to represent the Neskonlith Indian Band;
- ♦ One (1) member appointed to represent Shuswap Environmental Action Society [SEAS];
- ♦ One (1) member appointed to represent the Fish and Game Club;
- ♦ One (1) member appointed to represent Shuswap Naturalists;
- ♦ One (1) member appointed to represent Shuswap Construction Industry Professionals;
- ♦ One (1) member appointed to represent WA:TER;
- ♦ One (1) member appointed to represent Shuswap Pro Development Association; and
- ♦ Three (3) citizens at large with professional expertise respecting environmental and/or as personal interest in the environment

6.2 Appointment of members, other than the City Councillor and those appointed by a specific group, shall be advertised and ratified by City Council. Committee membership shall be two (2) years. The terms of office for appointments may be varied to provide for continuity in the Committee.

6.3 The Committee shall be chaired by the member of City Council appointed to the Committee. If this Councillor is unable to attend a scheduled meeting, the Committee will appoint a chair from the attending membership at that meeting. Any

comments, recommendations or motions of the Committee will be as valid as if the Councillor had been present.

6.4 Fifty percent (50%) + one (1) shall constitute a quorum.

6.5 The Committee may request that members resign after missing three consecutive meetings without prior notice.

6.6 Committee members representing a specific group or organization are responsible for designating an alternate representative of that group or organization if they are unable to attend themselves.

7. Procedural Matters

7.1 The Committee shall meet once per month at City hall. The date and time of such meetings shall be determined by the Committee, and may be varied at any time by the Committee. The actual starting time may be altered to accommodate site tours. There shall be no regular meeting held during the months of July or August, unless otherwise agreed by a majority of members.

7.2 The City Councillor chairing the Committee may vote on any motion. In the event of a tie vote, the motion is defeated.

7.3 A member of City staff will be available to the Committee on a regular basis to assist with any administrative or procedural matters, including the recording of minutes. City staff members may be invited, from time to time, to attend committee meetings to comment on matters relevant to Committee proceedings.

7.4 There shall be no remuneration payable to members for sitting on the Environmental Advisory Committee.

7.5 Environmental Advisory Committee members shall obtain permission from property owners prior to entering private property.

7.6 Committee meetings are open to the public, but members of the public who attend will not be permitted to vote on any matter before the Committee. Such members of the public may ask questions or make comments, at the discretion of the Committee.

8. Reporting

Committee minutes will be presented to Council for information purposes.

8.1 All recommendations of the Committee must be ratified by Council prior to being actioned.

8.2 The Environmental Advisory Committee is responsible directly to Council.

8.3 All media releases must be ratified by Council.



Application for Appointment to the Environmental Advisory Committee

The City of Salmon Arm is seeking applications for an organization or individual from the Agricultural Industry to become a member of the Environmental Advisory Committee. The purpose of the Committee is to act as an advisory body and resource group to City Council and Administration regarding ways to protect, maintain and enhance the natural environment in accordance with the provisions of the Environmental section of the Official Community Plan.

In order to assist the City Council in the selection and appointment of the Committee membership, prospective members are requested to forward a completed application form to City Hall by April 23, 2021 at 4:00 p.m. Applications can be mailed to Box 40, Salmon Arm, BC, V1E 4N2, faxed to 250-803-4042, sent by email to ejackson@salmonarm.ca or dropped off at City Hall, 500 - 2 Avenue NE.

Organization: Hillside Dreams Goat Dairy owner and operator.

Name Barrie Voth Number of years living in Salmon Arm 7 (2014)

Civic address [REDACTED]

Mailing address (if different than above) x

Email address [REDACTED]

Telephone Home [REDACTED] Work [REDACTED] Cell [REDACTED]

Occupation Dairy Goat Farmer

Community Affiliations/Memberships Currently involved with the (AAC)

Agricultural Advisory committee.

Reasons for seeking Appointment I am not only a citizen
of Salmon Arm, but also a farmer. I live right
next to Salmon river and see the environmental impacts
that are happening. From the air we breathe the
water that flows down the river and the land that
is being farmed or not farmed. I personally feel we
have a huge potential here in Salmon Arm to improve
our own environment and would like to see our town play
a key role improving towns across B.C. with new
ideas and applied knowledge. I believe I can
contribute ideas to this committee from another perspective.

In the last two years I have been on my own personal journey trying to create an improved environment at our own farm and am passionate about

I, Barrie Voth, hereby signify that I am willing to accept an appointment to the Environmental Advisory Committee.

April 20th, 2021
 Date

[Signature]
 Signature

The purpose of this form is to provide information which will assist City Council in knowing each candidate better. The person whose name is being put forward as a candidate must sign this application in order to signify that he or she would be willing to accept the appointment should it be made.

In order to be considered, this application must be returned to City Hall prior to 4:00 p.m. on April 23, 2021.

Item 9.11

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

THAT: Council approve the purchase of 36 new Aqua Aerobic Cloth Media filters from Waste 'N Watertech Ltd., for the quoted price of \$13,872.00 plus applicable taxes and shipping;

AND THAT: the City's Purchasing Policy No. 7.13 be waived in the procurement of the material and to authorize sole sourcing of same to the Western Canada distributor of this product Waste 'N Watertech Ltd.

Vote Record

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

Opposed:

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

TO: His Worship Mayor Harrison and Members of Council
FROM: Robert Niewenhuizen, Director of Engineering and Public Works
PREPARED BY: Hart Frese, Chief Operator WWTP
DATE: May 14, 2021
SUBJECT: **DISK FILTER CLOTH MEDIA – WASTEWATER PLANT**

STAFF RECOMMENDATION

THAT: Council approve the purchase of 36 new Aqua Aerobic Cloth Media filters from Waste 'N Watertech Ltd., for the quoted price of \$13,872 plus applicable taxes and shipping.

AND THAT: The City's Purchasing Policy No. 7.13 be waived in the procurement of the material and to authorize sole sourcing of same to the Western Canada distributor of this product Waste 'N Watertech Ltd.

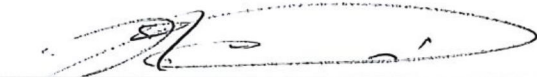
BACKGROUND

The City of Salmon Arm's Waste Water Treatment Plant utilizes two Aqua Aerobics Cloth Disk Filters to remove fine particulate from the effluent prior to disinfection. The disk filters were initially installed as part of the 2004 plant upgrade with the cloth filter socks themselves being replaced in 2013. Staff has identified replacement of the filter clothes for 2021 and will incorporate the purchase under the plant materials budget.

STAFF COMMENTS

Waste 'N Watertech is the distributor for Aqua Aerobics products in Western Canada. As such, staff views this as a sole source project under Policy No. 7.13 Section 3 whereby it is a non-competitive situation due to the proprietary nature of the materials due to the distribution policy of Aqua Aerobics Systems Inc.

Respectfully submitted,



Robert Niewenhuizen, ASCT
Director of Engineering and Public Works

Item 9.12

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

THAT: the Mayor and Corporate Officer be authorized to execute the Salmon Arm Arts and Culture Agreement with the Salmon Arm Economic Development Society and Shuswap District Arts Council, effective June 1, 2021.

Vote Record

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

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

CITY OF SALMON ARM

TO: His Worship Mayor Harrison and Members of Council
DATE: May 19, 2021
SUBJECT: Salmon Arm Arts & Culture Tri-Partite Agreement

Recommendation:

THAT: the Mayor and Corporate Officer be authorized to execute the Salmon Arm Arts and Culture Agreement with the Salmon Arm Economic Development Society and Shuswap District Arts Council, effective June 1, 2021.

Background:


The City commissioned a Cultural Master Plan in July 2019, following the recommendation of the Cultural Master Plan Task Force. In the fall of 2020, consultant Patricia Huntsman delivered the Plan to Council. There were a number of suggested actions contained in the Plan, one of which was to form a tri-partite agreement between the Shuswap District Arts Council, Salmon Arm Economic Development Society and the City to lead in advancing cultural development in the region and the implementation of the Plan.

The attached agreement has been developed to clarify the commitment each of the organizations has made to advancing Arts and Culture in Salmon Arm. It has been approved by the SAEDS Board and will be taken to the SDAC Board for approval on May 31, 2021.

Built into the agreement are quarterly meetings to engage in work planning and implementation of projects, an annual planning meeting that will allow for stakeholder input regarding priority projects and regular communication with the community to build awareness around the importance of Arts and Culture. Each organization will remain accountable to their respective Council and Boards and any resource allocations must be approved in advance of undertaking any projects.

Staff recommend adopting the Motion for Consideration and believe that this is a positive step toward delivering the recommendations in the Plan and strengthening relationships within the community.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Erin Jackson', is written over a horizontal line.

Erin Jackson

Director of Corporate Services

APPENDIX A - Draft Salmon Arm Arts and Culture Agreement

SALMON ARM ARTS & CULTURE AGREEMENT

THIS AGREEMENT made the _____ day of _____, 2021.

BETWEEN: CITY OF SALMON ARM
Box 40
Salmon Arm, B.C., V1E 4N9

(hereinafter called the "City")

AND: SALMON ARM ECONOMIC DEVELOPMENT SOCIETY
220 Shuswap St NE
Salmon Arm, BC, V1E 4N2

(hereinafter called the "Society")

AND: SHUSWAP DISTRICT ARTS COUNCIL
Box 1181, Hudson Avenue NE,
Salmon Arm, BC V1E 4P3

(hereinafter called the "Council")

WHEREAS the City recognizes the importance of Arts and Culture to a healthy and thriving community;

AND WHEREAS the City, with input from the Society and the Council, has developed a Cultural Master Plan (the "Plan");

AND WHEREAS it is of mutual benefit for the parties to work together to implement recommendations from the Plan;

NOW THEREFORE THIS AGREEMENT WITNESSES in consideration of the mutual covenants and agreements herein contained, the City, the Society and the Council hereby mutually agree as follows:

1. This Agreement shall be effective on the X day of X, 2021.
2. The parties will meet quarterly, at minimum, to engage in work planning and implementation of actions, as aligned with recommendations identified in the Plan.
3. The parties will engage in regular communication with stakeholders and the broader community to build awareness around the importance of Arts and Culture and to solicit input, where appropriate.
4. The parties will host an annual planning meeting with stakeholders to receive input on priority projects for consideration in the work plan development process.
5. The parties are accountable to their respective Council and Boards and any resource allocations must be approved in advance of undertaking any projects.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals this _____ day of _____, 2021.

The Corporate Seal of the CITY OF SALMON ARM was hereunto affixed in the presence of its duly authorized signatories:

SIGNED, SEALED AND DELIVERED on behalf of the SALMON ARM ECONOMIC DEVELOPMENT SOCIETY by a duly authorized representative in the presence of:

A. Harrison, Mayor

E. Jackson, Corporate Officer

Witness

Print Name

W.H. Laird, Chair

Witness

Print Name

SIGNED, SEALED AND DELIVERED on behalf of the SHUSWAP DISTRICT ARTS COUNCIL by a duly authorized representative in the presence of:

, Chair

Witness

Print Name

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Item 10.1

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

THAT: the bylaw entitled City of Salmon Arm Zoning Amendment Bylaw No. 4458 be read a first and second time;

AND THAT final reading be withheld subject to approval from the Ministry of Transportation and Infrastructure.

[ZON-1208/DVP-532; Braby, J./ Lawson Engineering Ltd./Lawson, B.; 2151 12 Avenue NE]

Vote Record

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

Opposed:

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

CITY OF SALMON ARM

To: His Worship Mayor Harrison and Members of Council

Date: May 17, 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, Justin

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

The subject property is designated in the OCP as Medium Density Residential (MDR) and is within the Urban Containment Boundary. The development of the site for nineteen (19) single family dwellings, potentially with suites, aligns with OCP principles supporting housing diversity (OCP Section 8.3.25). The same OCP policy does not support the secondary suites being further subdivided. The rezoning of 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 40 units per hectare. Given that the proposed development site is approximately 1.363 ha, the density allows for a total of 52 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. It should be noted that prior to subdivision approval, the easement from the end of the end of the proposed cul-de-sac to 15 Avenue NE is to be constructed as a public pedestrian walkway.

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. Staff also note that if the subject property were to be rezoned to R4 (Medium Density Residential Zone), which is supported under the Medium Density Residential OCP designation, a 5m rear parcel line setback would be permitted.

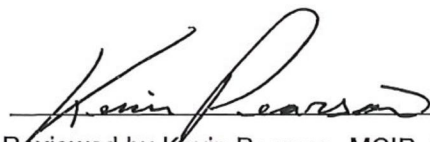
Given OCP policies mentioned above and the general lot layout and lots areas proposed staff are supportive of the rezoning of the subject property from R1 (Single Family Residential Zone) to R8 (Residential Suite Zone).



Prepared by: Melinda Smyrl, MCIP, RPP
Planner

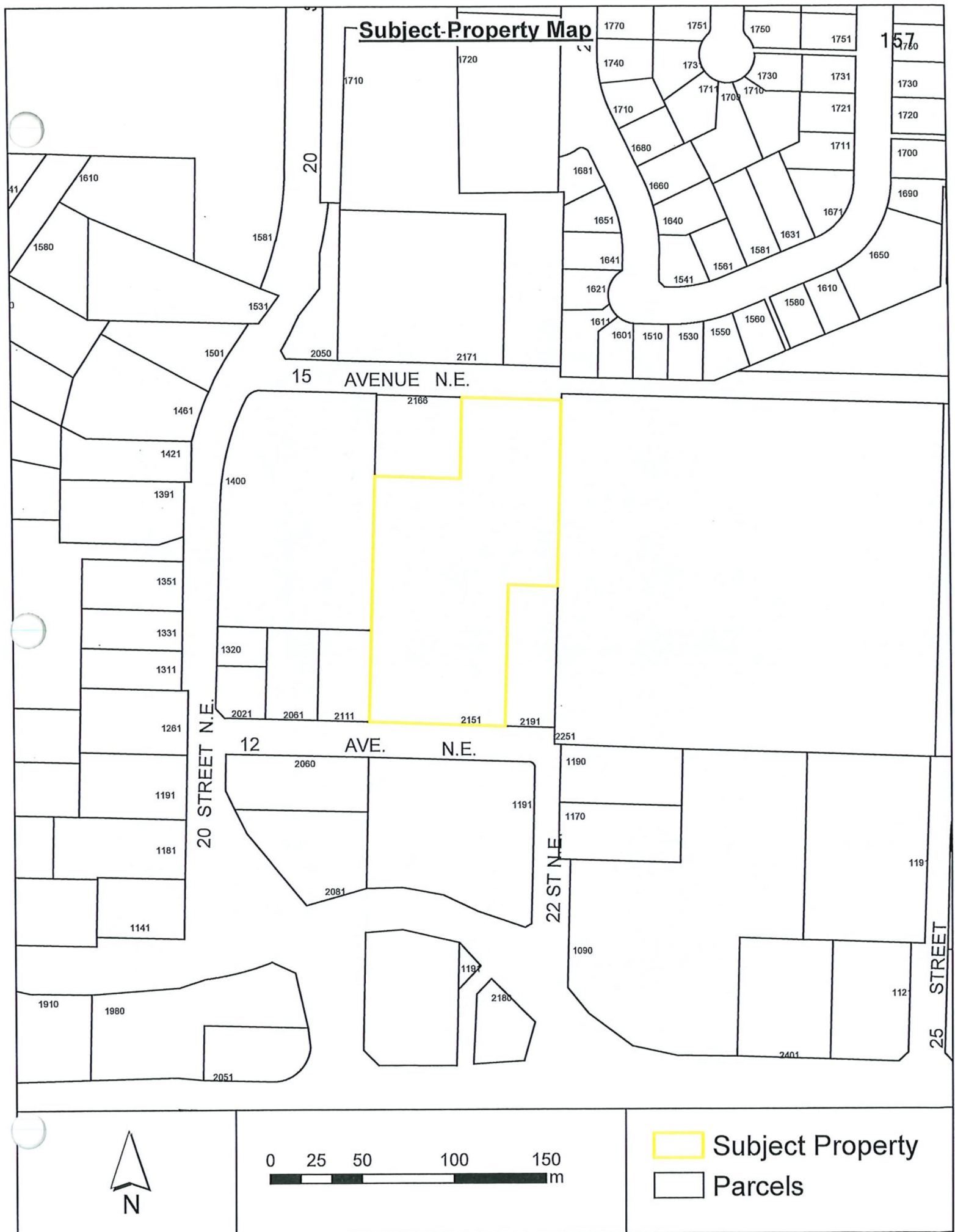


Prepared by Brenda Kolenbrander
Planner



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

Subject-Property Map



OrthoMap

15 AVE NE

20 STREET NE

12 AVE NE

22 ST NE



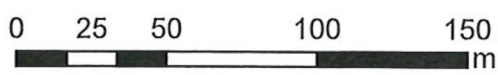
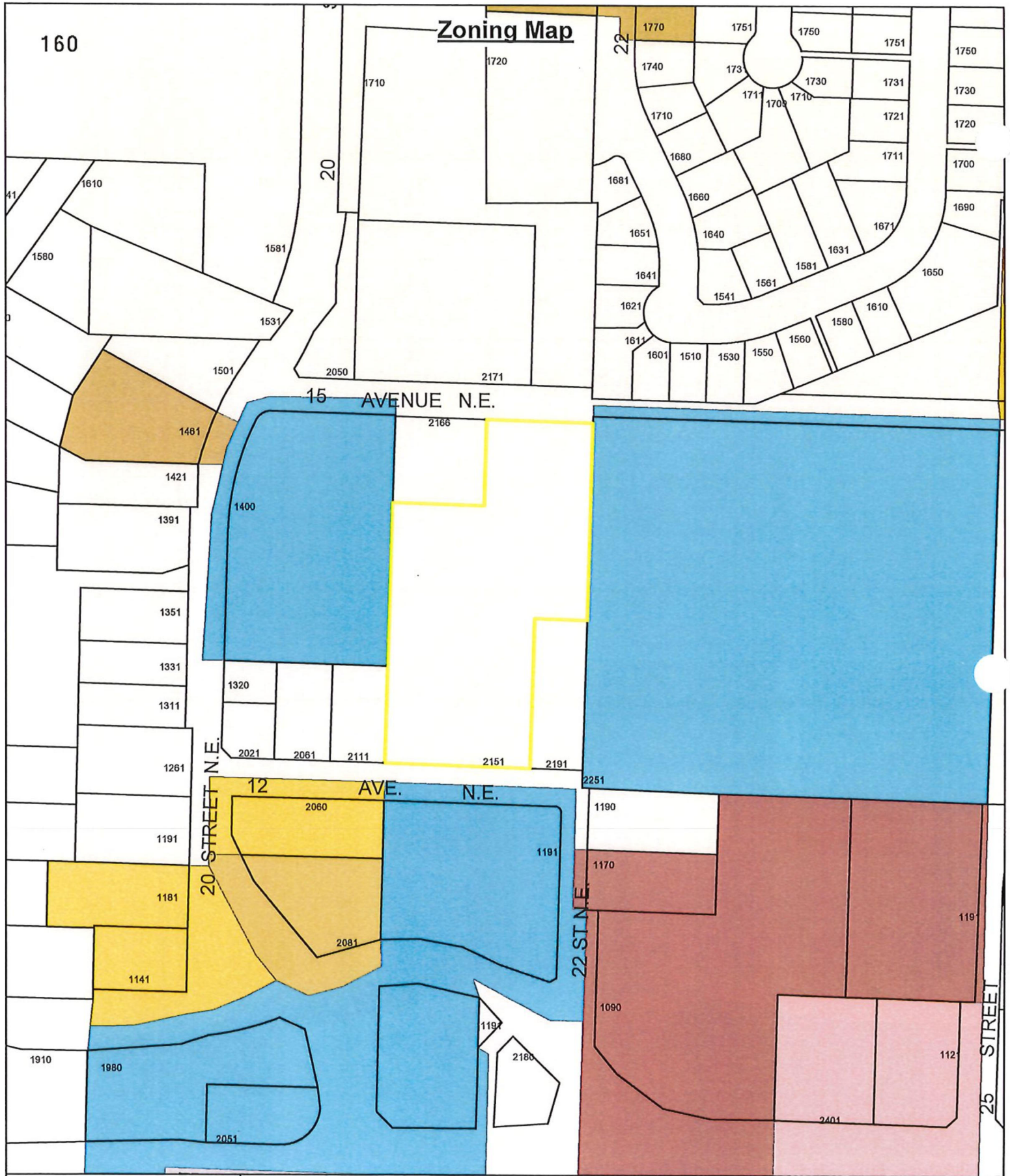
0 15 30 60 90 m

Subject Property
Parcels



-  Subject Property
 Parcels
 Park
 Institutional
 Residential - Medium Density
 Residential - High Density
 Commercial - Highway Service / Tourist

Zoning Map



 Subject Property	 C-3	 F
 Parcels	 C-5	 R-4
	 C-6	 R-5
	 P-3	 R-8

CITY OF SALMON ARM

*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:

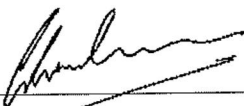
1. The subject property fronts a 675mm diameter storm sewer on the west half of 12 Avenue NE and a 600mm diameter storm sewer on the east half of 12 Avenue NE. No upgrades will be required at this time.

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

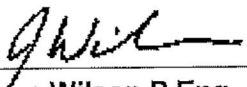
-
2. Records indicate that the existing property is not serviced by a storm service. However, there is an existing 600mm storm sewer and open drainage channel which receives flows in excess of the 1 / 10 year storm from 12 Avenue NE, in an easement in the south-west corner of the property. These storm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



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



Salmon Arm Office
825C Lakeshore Drive West
PO Box 106
Salmon Arm, BC V1E 4N2

Kamloops Office
1648 Valleyview Drive
Kamloops, BC V2C 4B5

Revelstoke Office
209 1st Street
Suite 200
Revelstoke, BC V0E 2S0

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

CITY OF SALMON ARM

BYLAW NO. 4458

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

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

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

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

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

Rezone Lot B, Section 24, Township 20, Range 10, W6M, KDYD, Plan 38676, from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone).

2. SEVERABILITY

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

3. ENACTMENT

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

4. EFFECTIVE DATE

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

5. CITATION

This bylaw may be cited as "City of Salmon Arm Zoning Amendment Bylaw No. 4458"

READ A FIRST TIME THIS DAY OF 2021

READ A SECOND TIME THIS DAY OF 2021

READ A THIRD TIME THIS DAY OF 2021

APPROVED PURSUANT TO SECTION 52 (3) (a) OF THE TRANSPORTATION ACT
ON THE DAY OF 2021

For Minister of Transportation & Infrastructure

ADOPTED BY COUNCIL THIS DAY OF 2021

MAYOR

CORPORATE OFFICER

[illegible]

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Item 10.2

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

THAT: the bylaw entitled City of Salmon Arm Zoning Amendment Bylaw No. 4459 be read a first and second time;

AND THAT: final reading be withheld subject to:

- approval from the Ministry of Transportation and Infrastructure; and
- submission of a Building Permit application showing that the proposed *detached suite* conforms to BC Building Code and Zoning Bylaw requirements.

[ZON-1209; Buckler, J. & K.; 2920 7 Avenue NE]

Vote Record

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

Opposed:

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

CITY OF SALMON ARM

To: His Worship Mayor Harrison and Members of Council

Date: 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

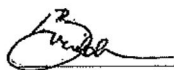
The site plan provided indicates an approximate location for the detached suite. The suite is proposed in the northeast corner of the property and shows compliance with R8 setbacks for a *detached suite*, with a 6.0 m front setback and 2.0 m interior side setback. Staff note that roof eaves do not appear 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

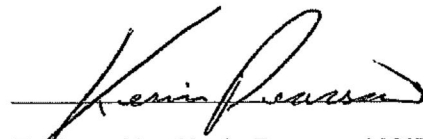
Three parking spaces will be required for all uses on this property (two for the existing single family dwelling and one for the proposed *detached suite*). Existing parking is more than adequate to accommodate the additional parking space required for the suite. The applicant is proposing access to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

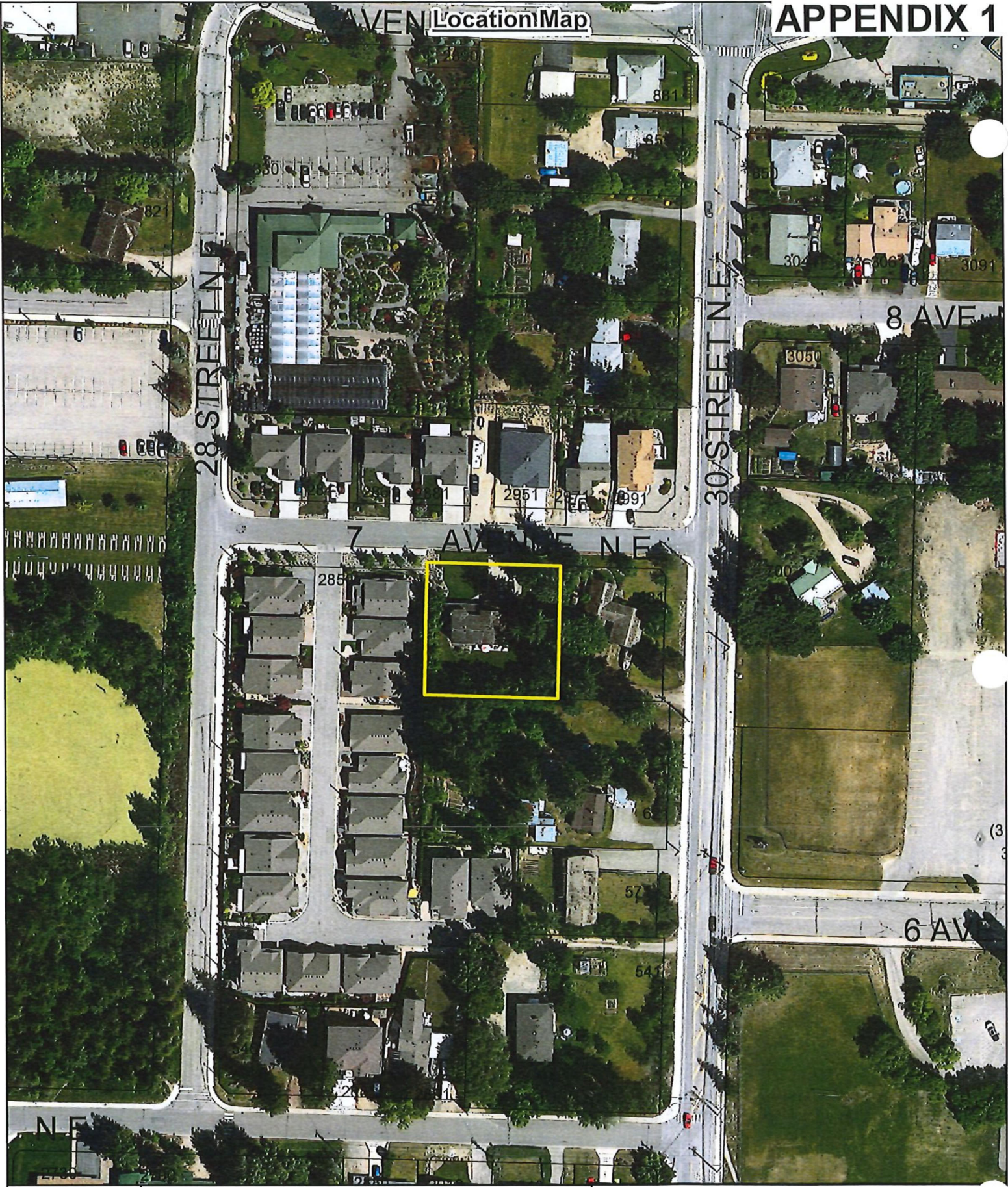


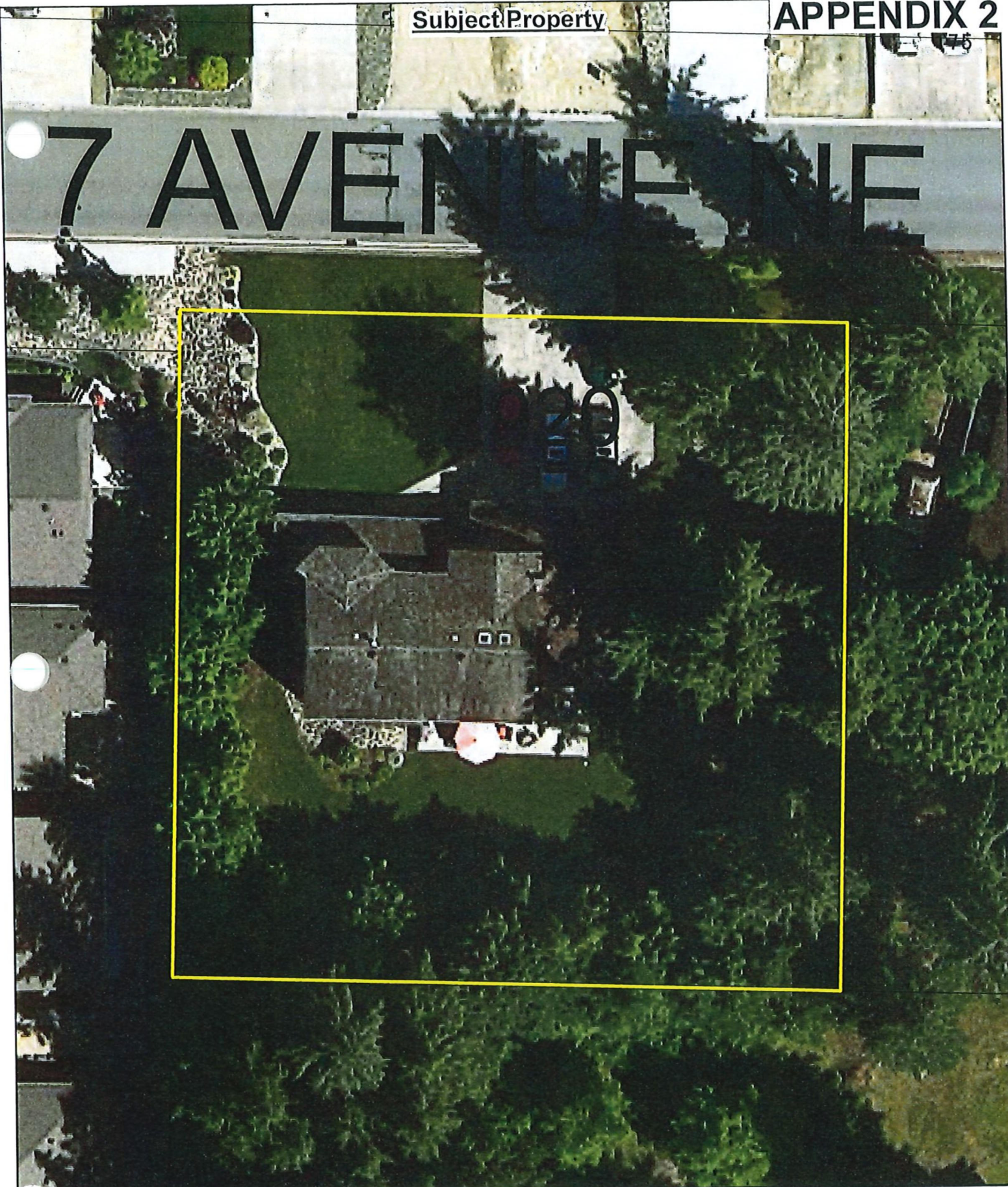
Reviewed by: Kevin Pearson, MCIP, RPP
Director of Development Services

Appendices:

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


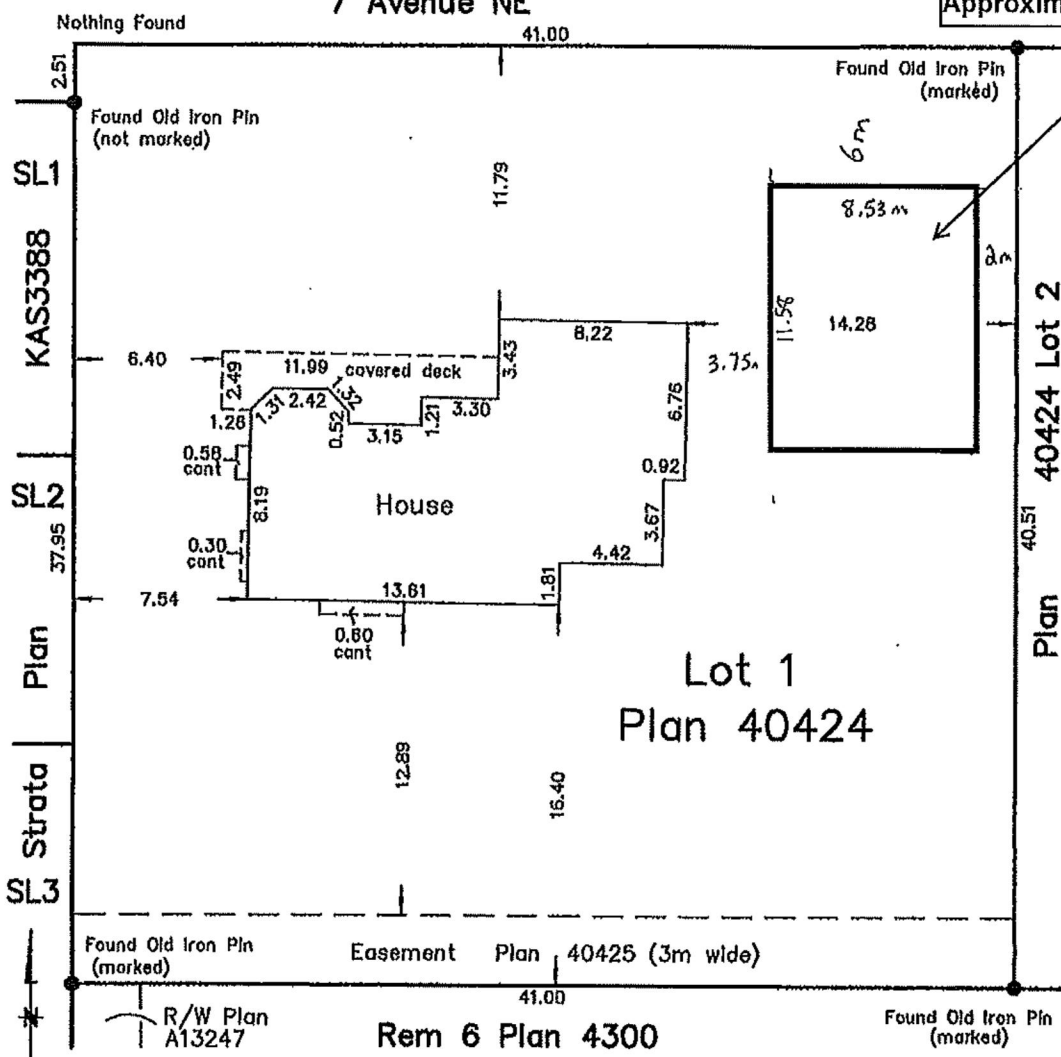
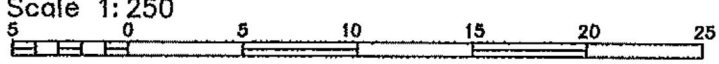
Appendix 5 – OCP Map
Appendix 6 – Zoning Map
Appendix 7 – R8 Zoning Regulations





0 2.5 5 10 15 20 Meters

 Subject Property
 Parcels

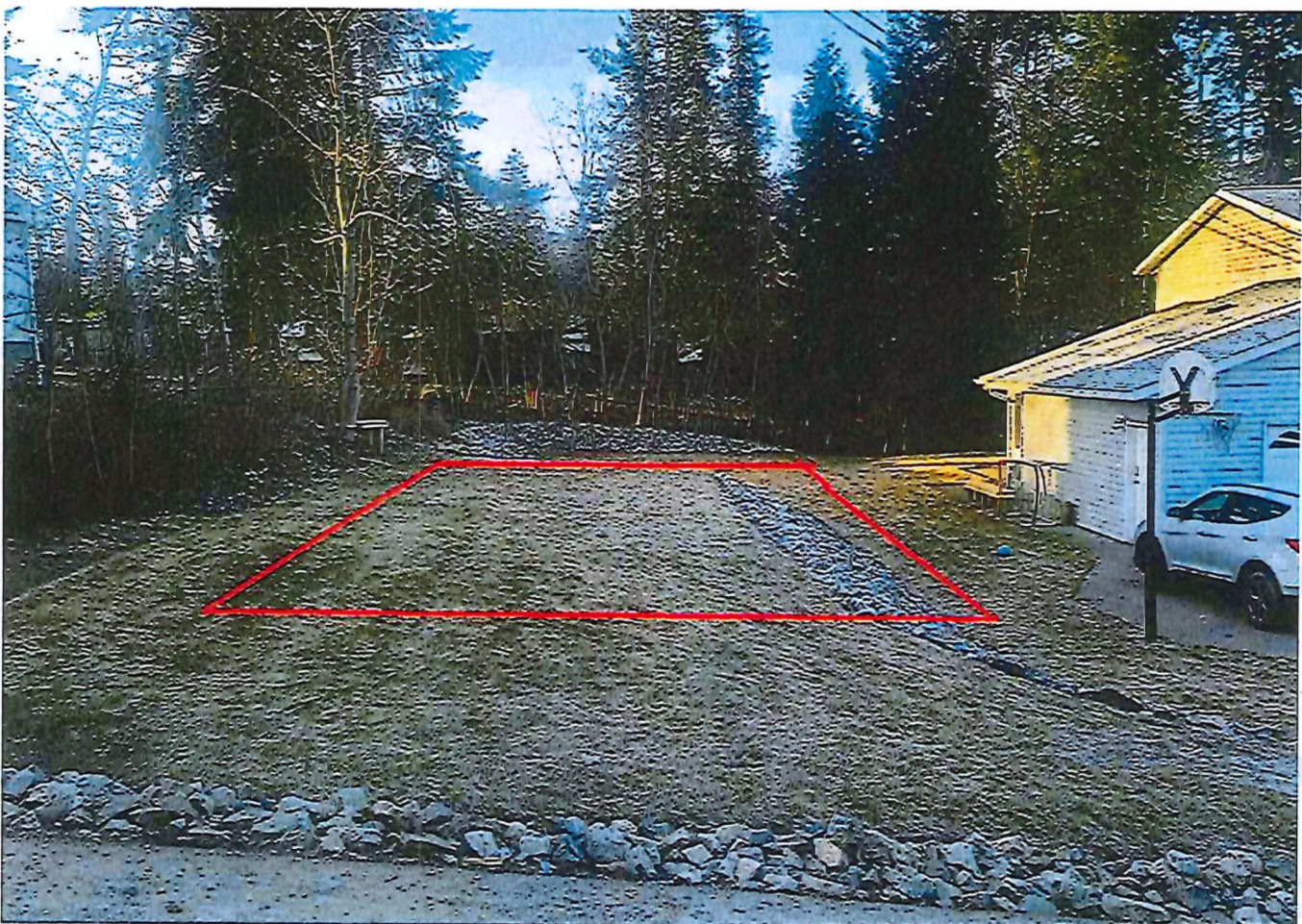
 BROWNE JOHNSON Land Surveyors		BRITISH COLUMBIA AND CANADA LANDS Box 362, Salmon Arm, B.C. V1E 4N5 250-832-9701 office@brownejohnson.com	
BC LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE			
To: Jason & Kristin Buckler, 2920 7 Avenue NE, Salmon Arm, BC V1E 2S7 Your File:		Re: Lot 1, Section 13, Township 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			
 <p style="text-align: center;">Lot 1 Plan 40424</p>			
Scale 1: 250  <p style="font-size: small;">All distances are in metres.</p>			
Dimensions derived from Plan 40424 and KAS3388 Offsets from property line to building are measured from the siding.			
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 09:53:05 -07'00'		BCLS	

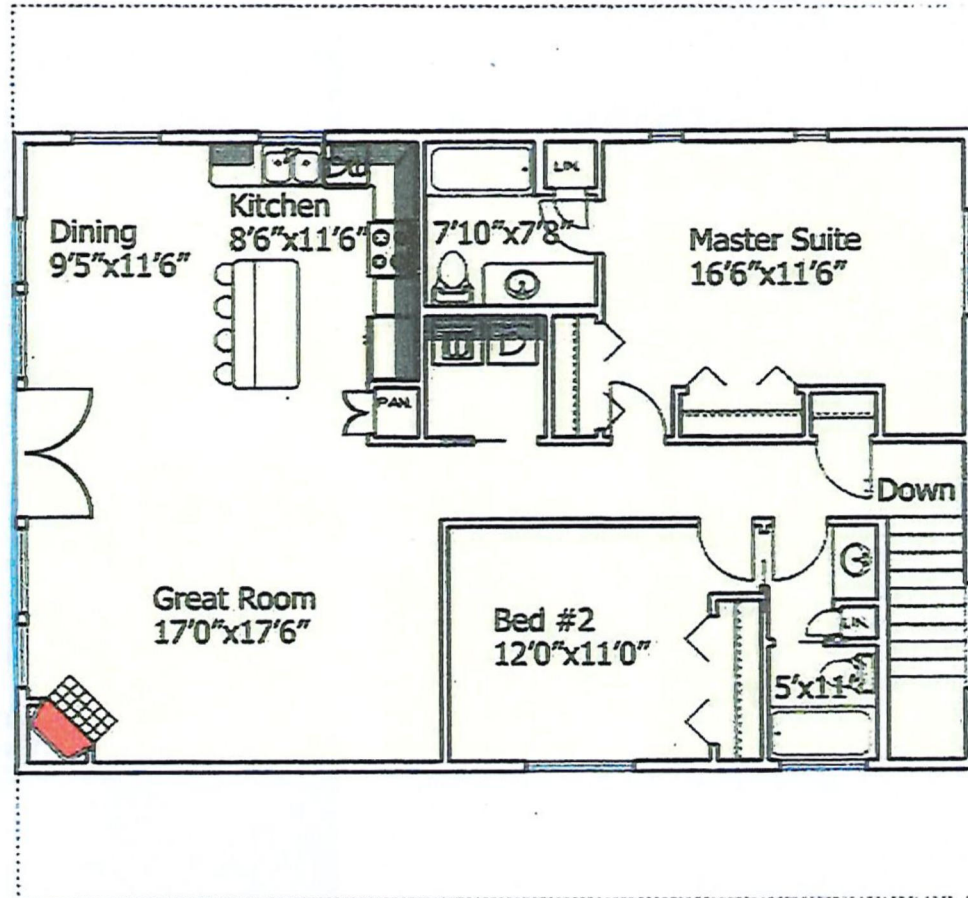


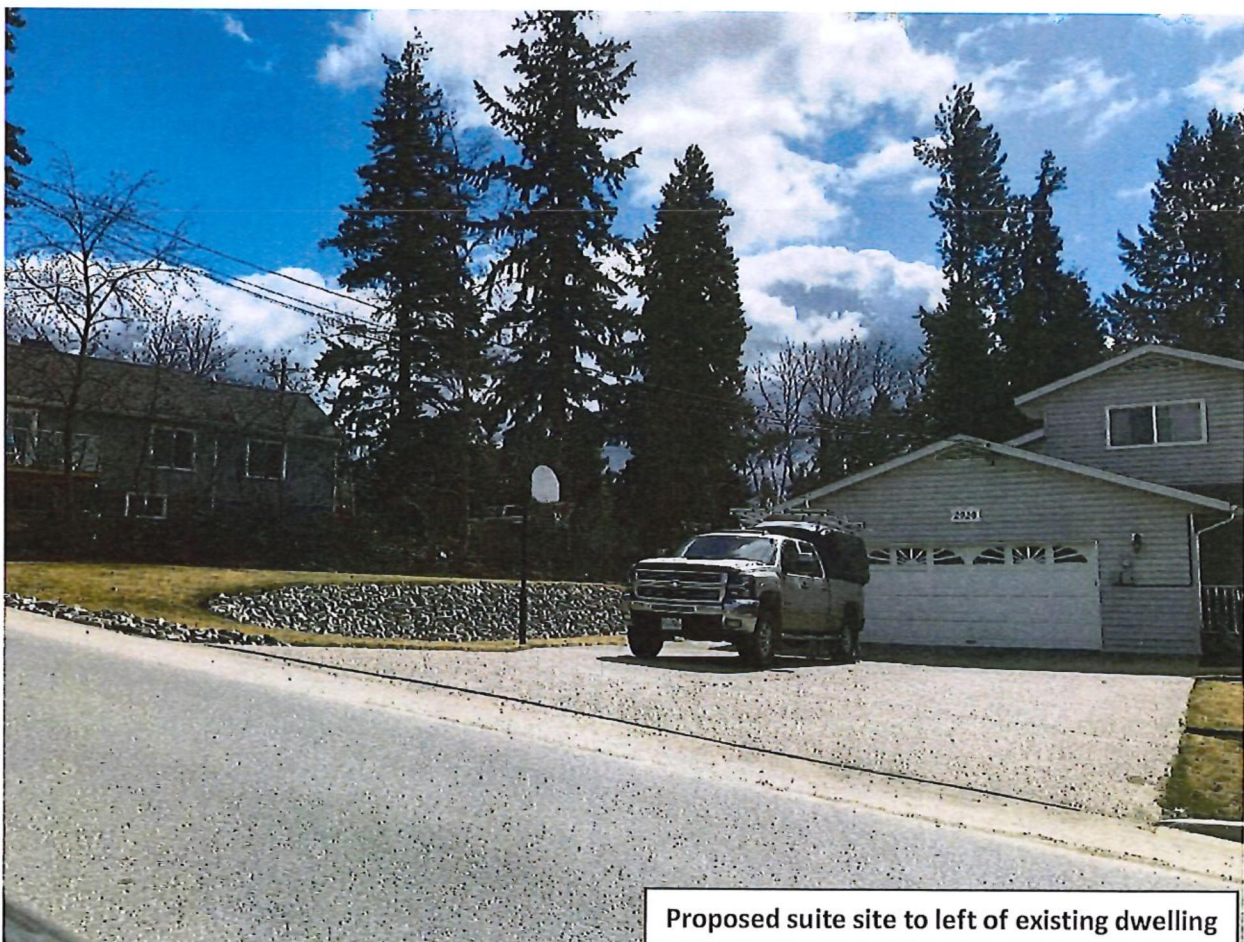
Shows how carriage house will sit into the sloped yard but with man door on other side like picture below.



House shape









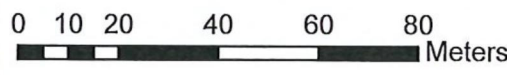
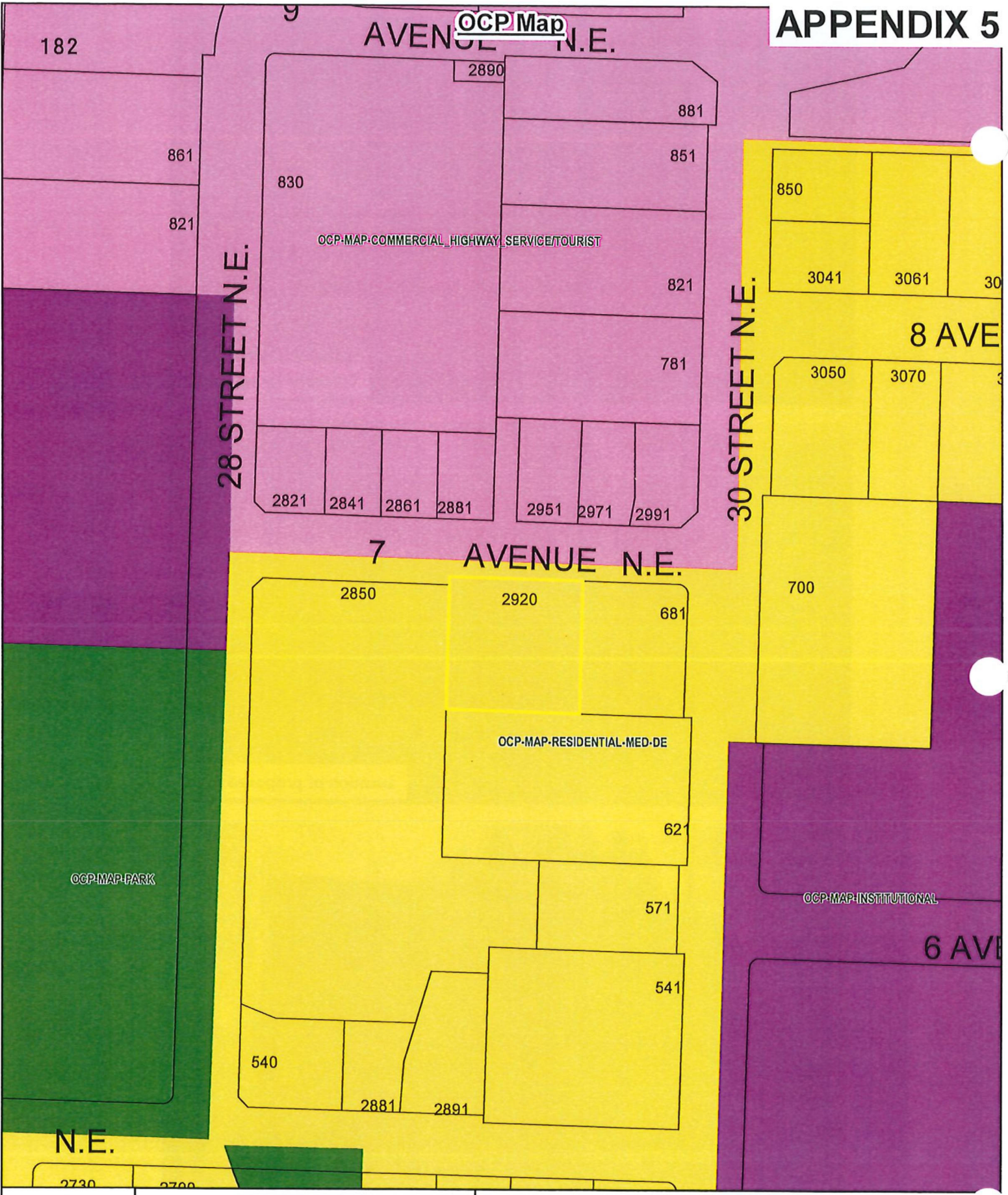
Property facing south



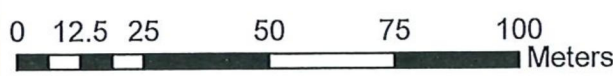
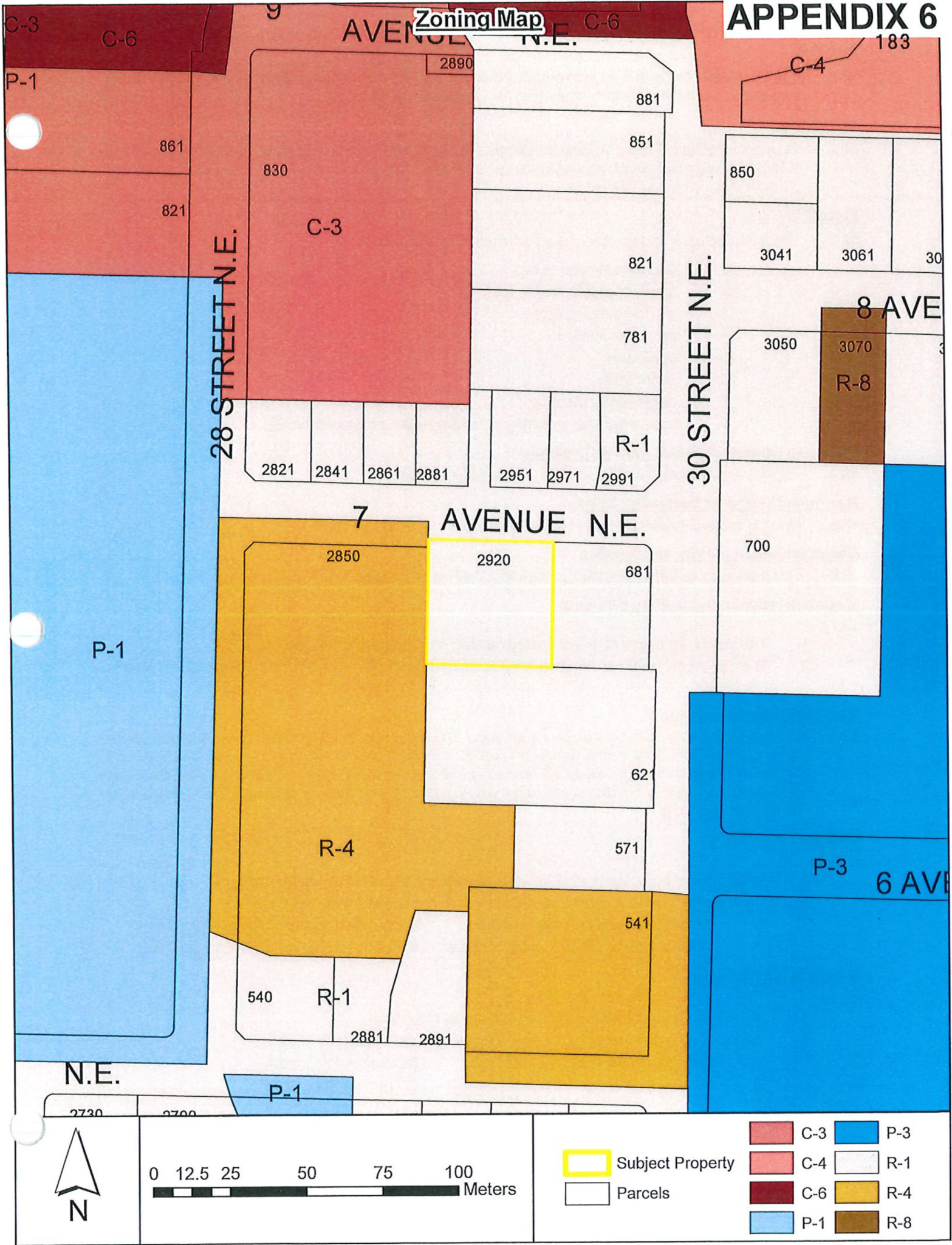
Location of proposed suite



Property facing east (showing neighbouring residence)



- | | |
|--|--|
|  Subject Property |  Park |
|  Parcels |  Institutional |
| |  Residential - Medium Density |
| |  Commercial - Highway Service / Tourist |



Subject Property

Parcels

 C-3	 P-3
 C-4	 R-1
 C-6	 R-4
 P-1	 R-8

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.

CITY OF SALMON ARM

BYLAW NO. 4459

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

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

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

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

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

Rezone Lot 1, Section 13, Township 20, Range 10, W6M, KDYD, Plan 40424, from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone).

2. SEVERABILITY

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

3. ENACTMENT

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

4. EFFECTIVE DATE

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

5. CITATION

This bylaw may be cited as "City of Salmon Arm Zoning Amendment Bylaw No. 4459"

READ A FIRST TIME THIS DAY OF 2021

READ A SECOND TIME THIS DAY OF 2021

READ A THIRD TIME THIS DAY OF 2021

APPROVED PURSUANT TO SECTION 52 (3) (a) OF THE TRANSPORTATION ACT
ON THE DAY OF 2021

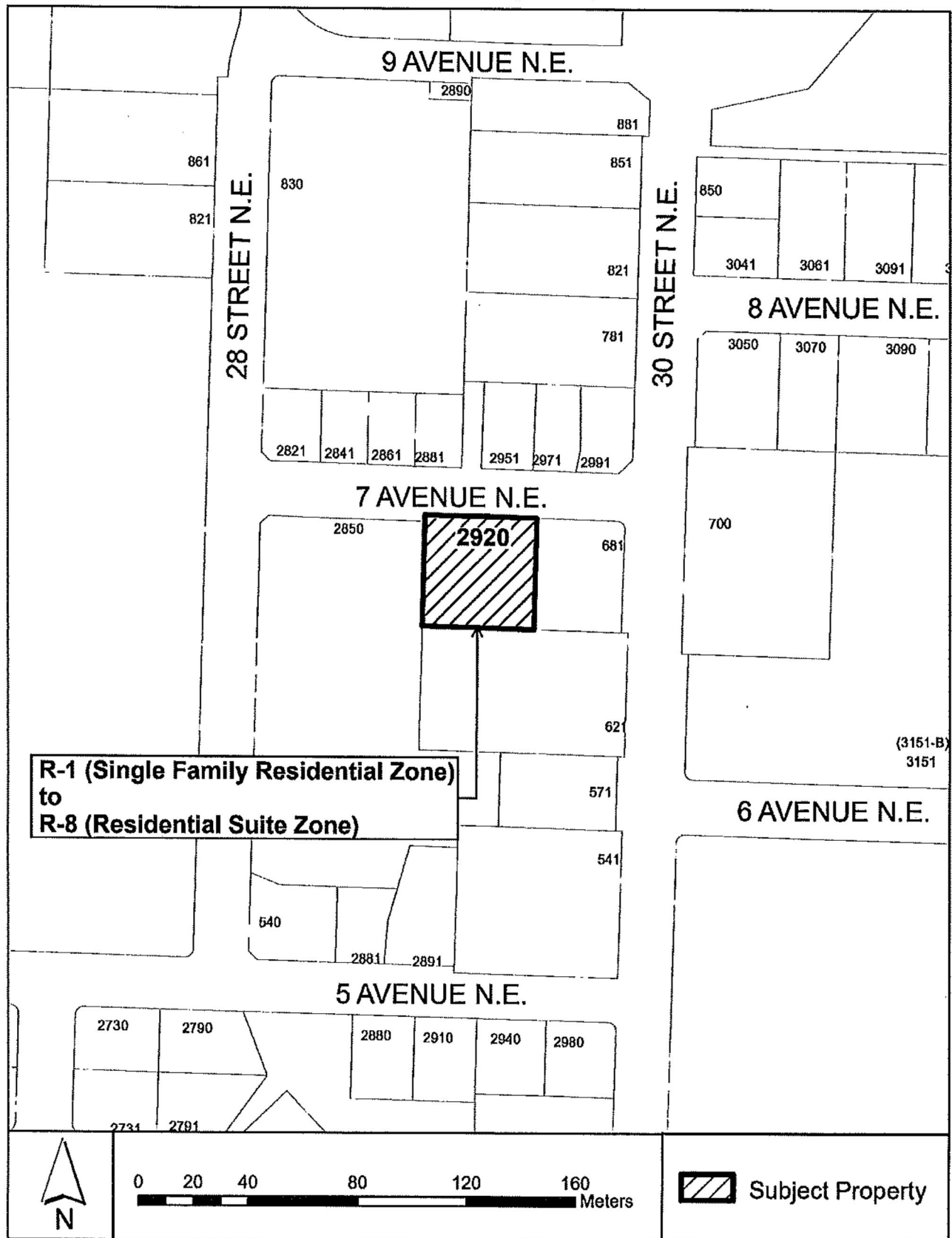
For Minister of Transportation & Infrastructure

ADOPTED BY COUNCIL THIS DAY OF 2021

MAYOR

CORPORATE OFFICER

SCHEDULE A



Item 11.1

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

THAT: the bylaw entitled City of Salmon Arm Official Community Plan Amendment Bylaw No. 4433 be read a second time.

[OCP4000-45; Westgate Building Ltd./1028699 BC/Laird, B.; 2090 10 Avenue SW; SRV to HC]

Vote Record

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

Opposed:

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

CITY OF SALMON ARM

To: His Worship Mayor Harrison and Members of Council

Date: May 5, 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 (Appendices 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 a site plan (showing the ALR covenant area), a letter from the ALC dated October 12, 2016 approving the ALR Exclusion and correspondence from the Ministry of Forest, Lands and Natural Resource Operations (FLNRO) stating that "rezoning is not considered development per the RAPR". Riparian Area and Protection Regulation (RAPR) requirements, including mitigation measures, would be scrutinized at the Development Permit stage. The materials provided by the applicant are included as Appendix 3.

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) (also see Appendix 3).

COMMENTSSection 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
BC Archeology Branch	Response (attached as Appendix 7)
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. On May 4, 2021 the BC Archeological Branch responded to the request for more information, stating that there is no known archeological sites on the subject property. However, should the land owner find an archeological artifact or site in the process of land-altering activities, the onus is on the land owner to abide by the *Heritage Conservation Act*.

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 8). 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.

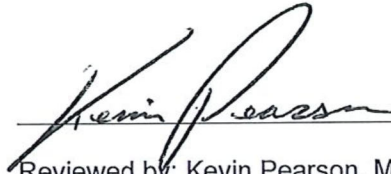
The aligning of the OCP designation and zoning over the entire property enables better development options and expands the City's commercial land inventory. Staff are supportive of the proposed OCP Amendments and rezoning.

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

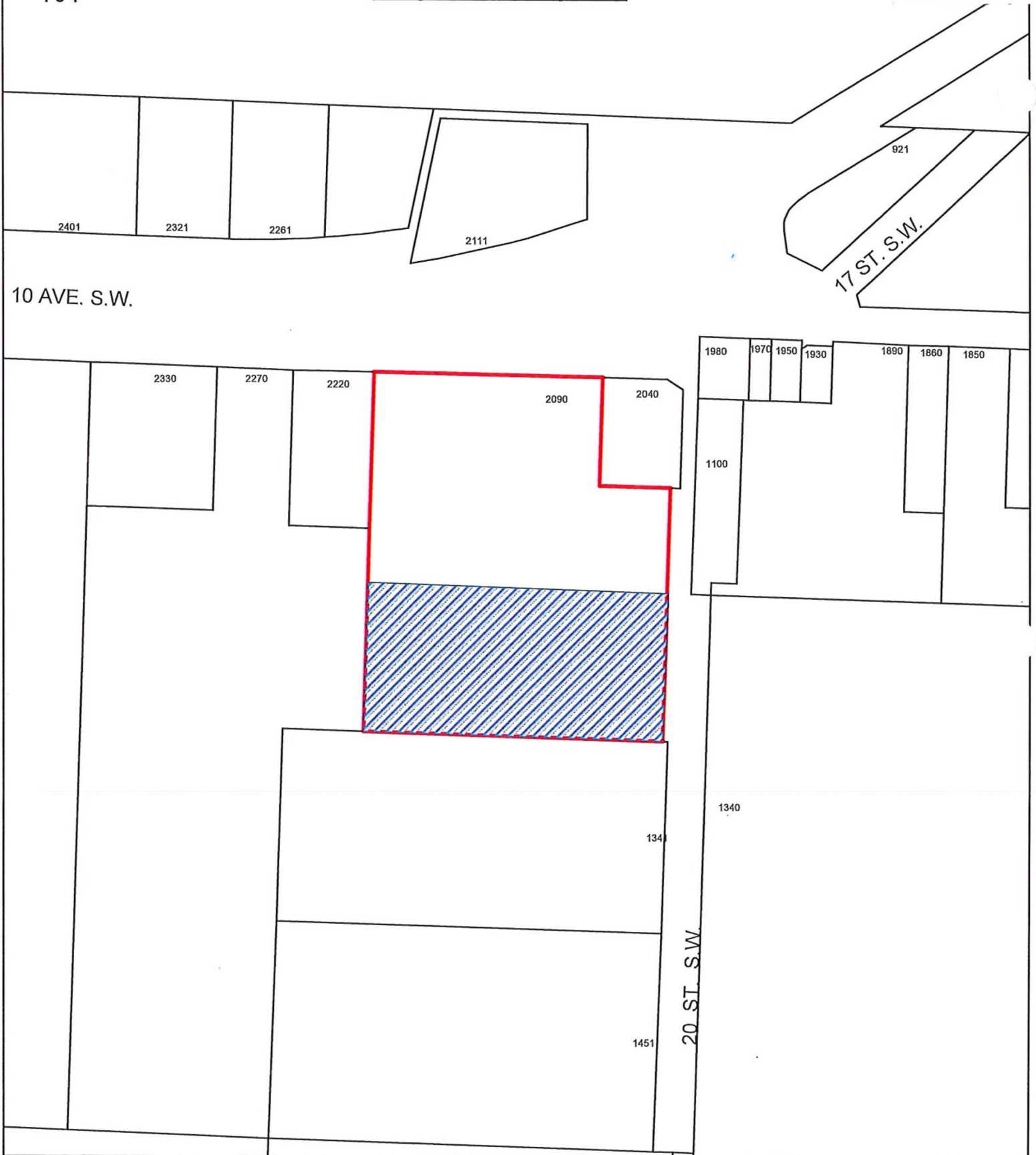
- 1) RAPR requirements to the satisfaction of MoE and;
- 2) ALR buffering requirements to the satisfaction of the ALC.



Prepared by: Melinda Smyrl, MCIP, RPP
Planner

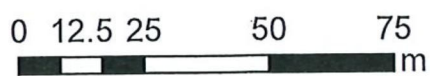


Reviewed by: Kevin Pearson, MCIP, RPP
Director of Development Services

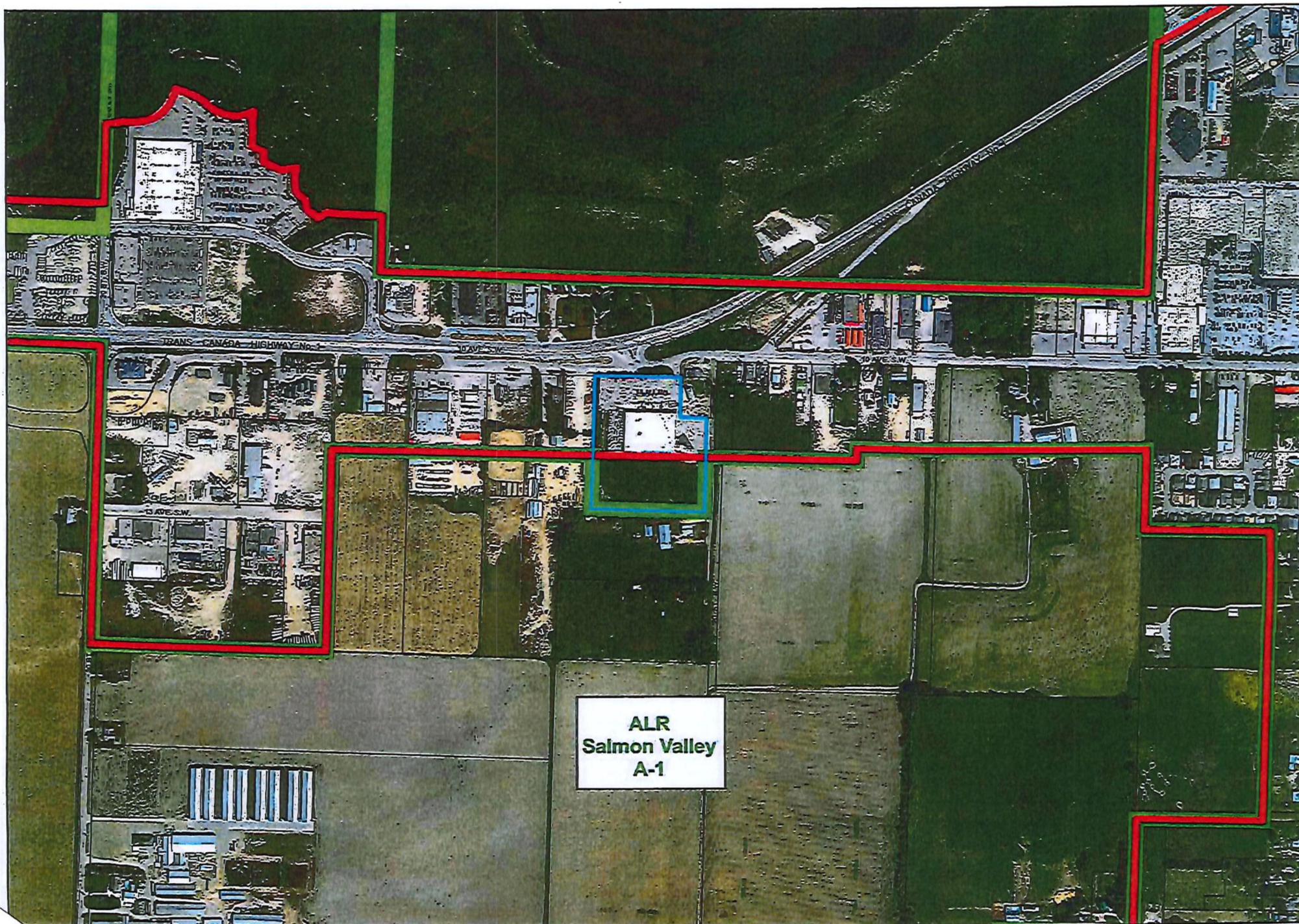


0 20 40 80 120
m

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



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



ALR
Salmon Valley
A-1

Subject Property

ALR

UCB

150 75 0 150 Meters



Site Plan of
Lot 1, Plan KAP52617 and
Lot A, Plan 10267,
Sec 10, Tp 20, R 10, W6M, KDYD
Both except Plan EPP60393

Scale 1:400

BCGS 82L.054

10 8
GHHH

Myrica sp. herb.
In flooded state etc.

when plotted at a scale of 1:60

Trans-Canada Highway
Plan H401

10 Avenue SW

Plan EPP88393

Plan
EPP69793

Rood

C-3 Zoning

Rem Lot A
Plan
10267

Rem. Parcel A
Plan B6455

Rem Lot 1

Plan KAP52617

A-1 Zoning
1,105 ha
2.73 acres

Covenant
Plan EPP61713

2.
Plan 28324

[illegible]

Amended July 28, 2020
Amended April 22, 2020
Amended September 15, 2018
Amended July 25, 2018
April 5, 2016

GROUND SURVEYS AND SURVEYORS
B.C. AND CANADA LANDS
SALVUS ASU, B.C. FN 252-832-2701
FIC: 95-16 (121-20)

Melinda Smyrl

From: Kevin Pearson
Sent: Tuesday, April 6, 2021 9:30 AM
To: William H. Laird
Cc: Melinda Smyrl
Subject: FW: comments re Westgate ALC exclusion -. Pave to drainage ditch.
Attachments: Scan 2.pdf; Scan_20161013 (7).pdf

Thanks Bill, we will add this to the staff report for additional background.

Kevin

From: William H. Laird
Sent: Tuesday, April 6, 2021 4:33 AM
To: Kevin Pearson <kpearson@salmonarm.ca>
Subject: comments re Westgate ALC exclusion -. Pave to drainage ditch.

Thank you for your email Kevin.

ALC letters attached below:

We requested a review of the 1997 letter in Aug. of 2016. ALC responded stating once the conditions in the original letter were completed (fence and registration of no build covenant) exclusion would be granted. Decision Oct. 06, 2016 after conditions met. ALC letter to LRO - Oct 12, 2016.

Riparian area:

Drainage ditch on west side. Is bordered by excavation equipment storage and gravel sales yard. The ditch is dry/stagnate 3 months of the year.

Subject property on west had been gravel drive for a number of years. Pave along west bank of ditch to north done in 1992 at time Canadian Tire constructed. Concrete manhole structures were placed in 1992 as planting points for shrubs which had died years ago.

Pave to south constructed to align with original northerly pavement. Curbs and oil/grit separator installed on lateral line.

Quotes from QEP July. 06, 2020 report to MoForests:

There is very little overhanging (shrub or tree) vegetation remaining along this channelized stream in this commercially developed area of Salmon Arm. This has likely been the case for several decades since the property was developed to maximize agricultural and then commercial use and the stream was confined along the west edge of the property. In an attempt to improve the quality of the riparian area to support aquatic life in Hobson Creek, 8 London Plane trees were recently planted along the top of the stream bank. Protecting a 10 m SPEA on either side of the stream will support the continued establishment and protection of a thriving band of vegetation along the stream banks. Riparian vegetation and decaying leaf litter provide important nutrients and shade, which moderates stream temperatures, and contributes not only to fish habitat downstream in Shuswap Lake, but also supports other aquatic and terrestrial wildlife along this urban stream corridor. Rooted vegetation on the channel banks will also benefit bank stability and reduce soil erosion.

Wind-throw is an issue where new developments remove part of an existing forest, leaving the remaining trees¹⁹⁹ exposed to high velocity winds. This agricultural and urban/commercial area has been cleared of trees for a long time. There are no trees existing within the riparian area on the subject property to create mitigation measures related to wind-throw concerns.

Encroachment within the SPEA is defined as soil disturbance and vegetation removal. Protecting the 10 m SPEA as an area of natural vegetation will help stabilize stream bank soils and minimize the erosive power of moving water.

The owner of the property recently planted 8 London Plane trees to provide shade and improve the riparian vegetation along this heavily disturbed channel.

MOForests response Nov. 03, 2020:

Activities associated with the commercial uses of the lots are evident to bank top on either side of the creek. The creek is at high risk for encroachment and sedimentation. Presence of engineered materials within SPEA is contributing further to erosion and destabilized banks. No fencing is planned at this time, however would be strongly recommended in the event of future planned development.

Rezoning is not considered development per the RAPR,

Bill Laird







Agricultural Land Commission
 133-4940 Canada Way
 Burnaby, British Columbia V5G 4K6
 Tel: 604 660-7000
 Fax: 604 660-7033
www.alc.gov.bc.ca

October 12, 2016

Reply to the attention of Ron Wallace
 ALC File: # 31560

BC Land Title & Survey
 Land Title Division
 114 - 455 Columbia Street
 Kamloops B.C. V2C-6K4

Dear Sir/Madam:

ORDER #745/97

This Order of the Provincial Agricultural Land Commission notifies the Registrar of Land Titles to accept that the following property has been excluded from the Agricultural Land Reserve (ALR):

PID: 018-824-862

Legal Description: Lot 1 Section 10 Township 20 Range 10 WGM KDYD Plan KAP 52617

Certificate of Title: CA4980591

As a result of Order #745/97 the property has been excluded from the ALR and as such, the ALR notation should be removed from its Certificate of Title.

We trust that this information is sufficient. Should you have any questions, do not hesitate to contact this office.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

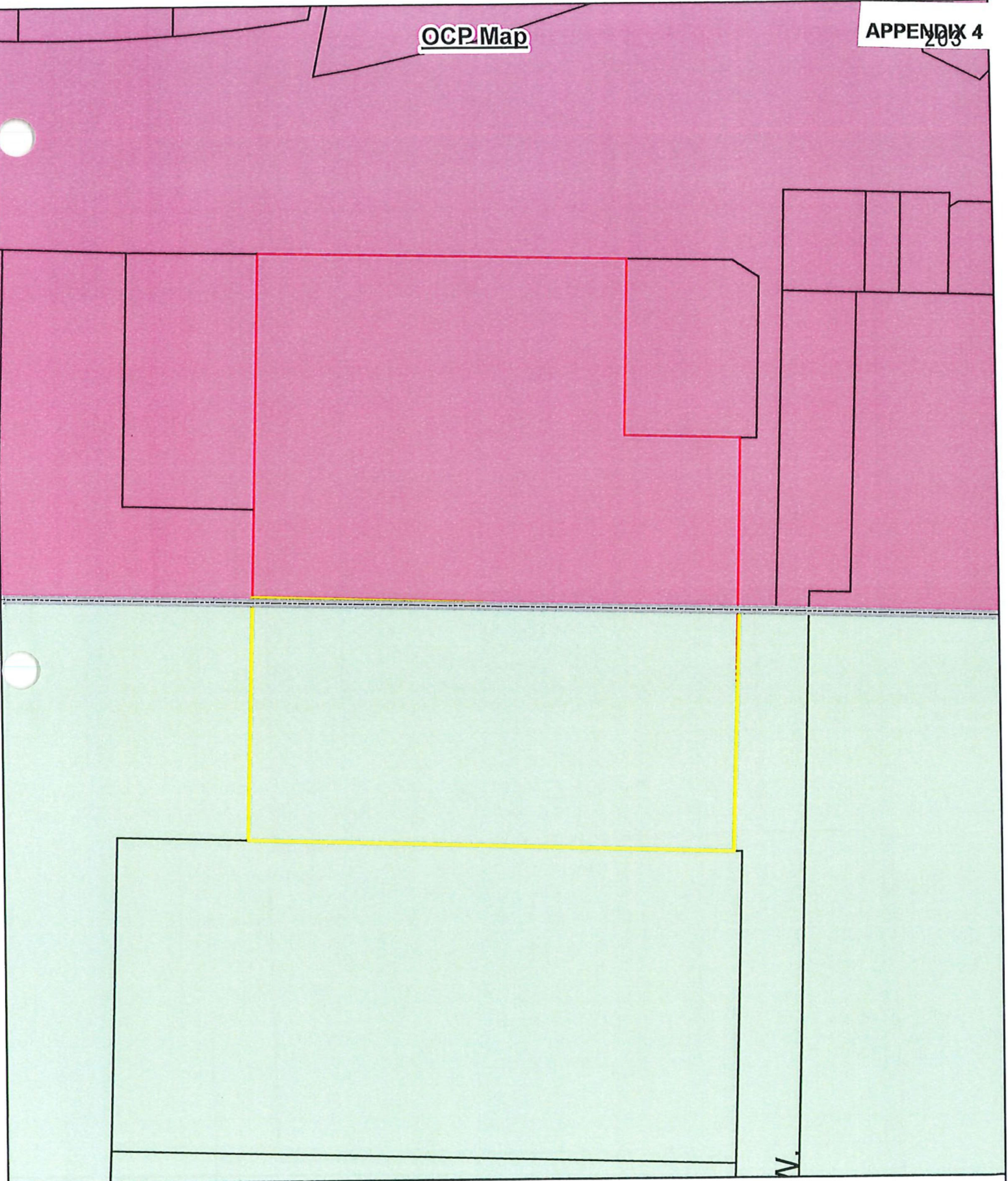
Per:

 A handwritten signature in black ink, appearing to read 'Klm Grout', is written over a horizontal line. Below the signature, the name 'Klm Grout, Chief Executive Office' is printed.

Klm Grout, Chief Executive Office

cc: Joe Johnson via electronic mail joe@brownelohanson.com




31560c1



0 10 20 40 60 m

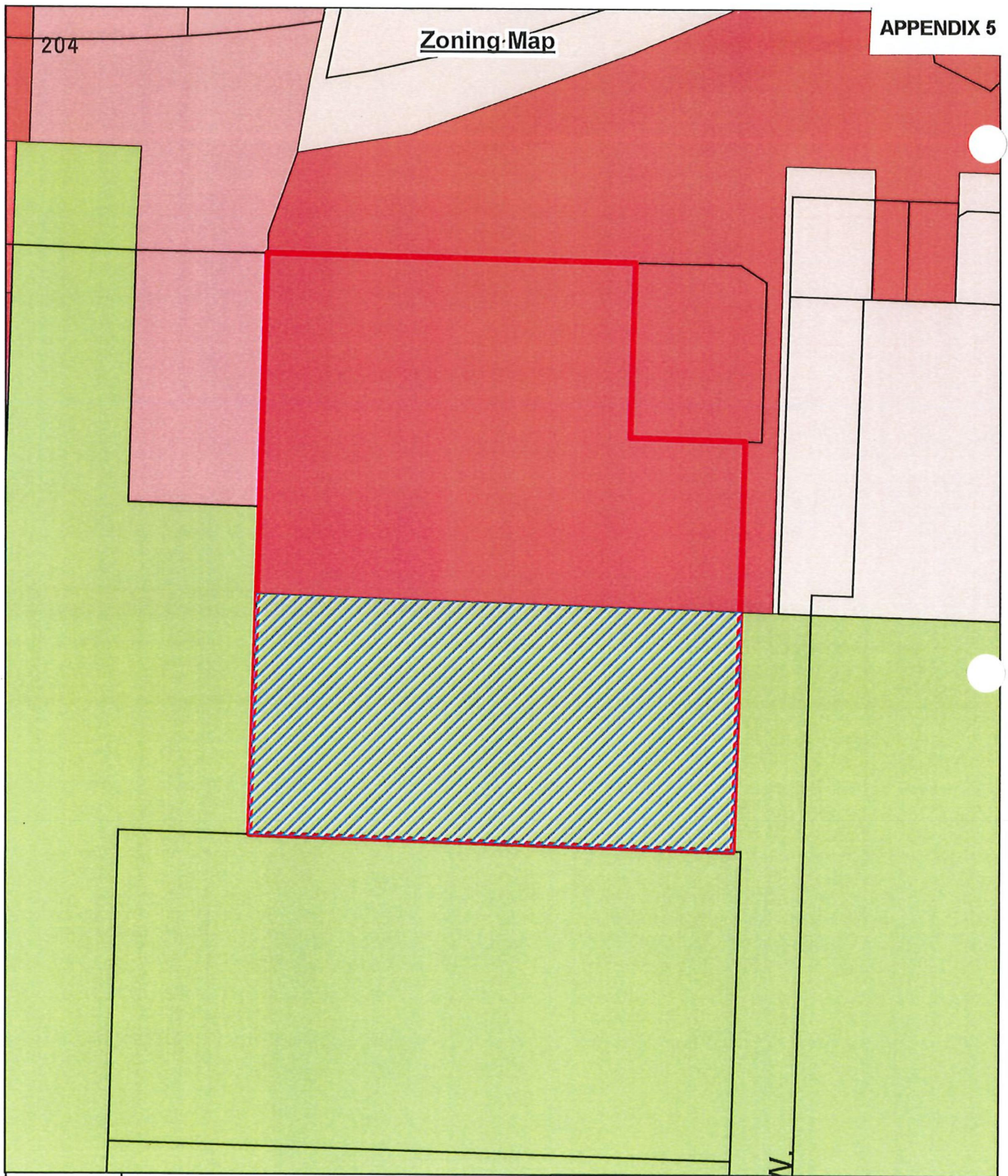
OCP

-  Salmon Valley Agriculture
-  Commercial - Highway Service / Tourist
-  Urban Containment Boundary

-  Subject Property
-  OCP Amendment and Rezoning
-  Parcels

Zoning Map

204



0 15 30 60 90 m

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



Adams Lake Indian Band

Project Name:

Westgate Building Salmon Arm OCP amendment BL 4000

Consulting Org Contact:

Chris Larson

Consulting Organization:

[City of Salmon Arm](#)

Date Received:

Wednesday, January 6, 2021

The Adams Lake Indian Band objects to the rezoning Westgate Building Salmon Arm OCP amendment BL 4000 based on the information provided.

Through a preliminary analysis we have identified concerns which include:

There is high potential for archaeology (RAAD).

There are 381 ALIB Traditional Use sites found within 5 km of the project area, including one intersecting site and many more within 1 km.

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.

Adams Lake's rights have been affirmed by the Supreme Court of British Columbia in *Adams Lake Indian Band v British Columbia*, 2011 BCSC 266 (decision on consultation overturned without disturbing this conclusion: 2012 BCCA 333). Madame Justice Bruce held that Adams Lake has strong prima facie Aboriginal rights, and a good prima facie claim to Aboriginal title, within the Sun Peaks area of their traditional territory. In particular, Bruce J. held that:

[178] Based on the evidence before me, I am satisfied that, on a preliminary assessment, the Band has a strong prima facie claim to aboriginal rights with respect to resource use such as hunting and gathering, and spiritual practices within Sun Peaks. The Band has a good prima facie claim to aboriginal title based on a pattern of regular occupation throughout the various seasons for hunting and gathering, as well as spiritual practices within Sun Peaks.

With this case and its finding the Adams Lake Indian Band believes the same test applied to this area will result in a similar finding and thus require deep consultation on this project. Therefore we require that you do an AOA and Cultural Heritage assessment for the property. Please contact us to make arrangements, provide any assessment already produced, or provide us with information on who will be doing the assessments.

Regards,

Celia Nord, BA
Assistant Title and Rights Coordinator
Adams Lake Indian Band
Chase, BC
cnord@alib.ca

Melinda Smyrl

From: Cooper, Diana FLNR:EX < >
Sent: Tuesday, May 4, 2021 10:46 AM
To: Melinda Smyrl
Subject: RE: Data Request: Melinda Smyrl - City of Salmon Arm

Follow Up Flag: Follow up
Flag Status: Completed

Hello Melinda,

Thank you for your referral regarding 2090 10 Avenue SW, Salmon Arm, PID 018824862, LOT 1 SECTION 10 TOWNSHIP 20 RANGE 10 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN KAP52617 EXCEPT PLAN EPP68393. Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your referral.

Results of Provincial Archaeological Inventory Search

According to Provincial records, there are no known archaeological sites recorded on the subject property.

However, archaeological potential modelling for the area indicates there is high to moderate potential for previously unidentified archaeological sites to exist on the property, as indicated by the brown areas (high potential) and the beige areas (moderate potential) shown in the second screenshot below. Archaeological potential modelling is compiled using existing knowledge about archaeological sites, past indigenous land use, and environmental variables. Models are a tool to help predict the presence of archaeological sites but their results may be refined through further assessment.

Archaeology Branch Advice

If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned for the subject property, a Provincial heritage permit is not required prior to commencement of those activities.

However, a Provincial heritage permit will be required if archaeological materials are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the *Heritage Conservation Act* and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays.

Therefore, the Archaeology Branch strongly recommends engaging an eligible consulting archaeologist prior to any land-altering activities. The archaeologist will review the proposed activities, verify archaeological records, and possibly conduct a walk-over and/or an archaeological impact assessment (AIA) of the project area to determine whether the proposed activities are likely to damage or alter any previously unidentified archaeological sites.

Please notify all individuals involved in land-altering activities (e.g., owners, developers, equipment operators) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.

Rationale and Supplemental Information

- There is high to moderate potential for previously unidentified archaeological deposits to exist on the property.

- Archaeological sites are protected under the *Heritage Conservation Act* and must not be damaged or altered²⁰⁷ without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.
- If a permit is required, be advised that the permit application and issuance process takes approximately 8-12 weeks; the permit application process includes referral to First Nations and subsequent engagement.
- The Archaeology Branch must consider numerous factors (e.g., proposed activities and potential impacts to the archaeological site[s]) when determining whether to issue a permit and under what terms and conditions.
- The Archaeology Branch has the authority to require a person to obtain an archaeological impact assessment, at the person's expense, in certain circumstances, as set out in the *Heritage Conservation Act*.
- Occupying an existing dwelling or building without any land alteration does not require a Provincial heritage permit.

How to Find an Eligible Consulting Archaeologist

An eligible consulting archaeologist is one who can hold a Provincial heritage permit to conduct archaeological studies. To verify an archaeologist's eligibility, ask an archaeologist if he or she can hold a permit in your area, or contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists are listed on the BC Association of Professional Archaeologists website (www.bcapa.ca) and in local directories.

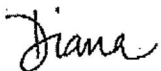
Questions?

For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.

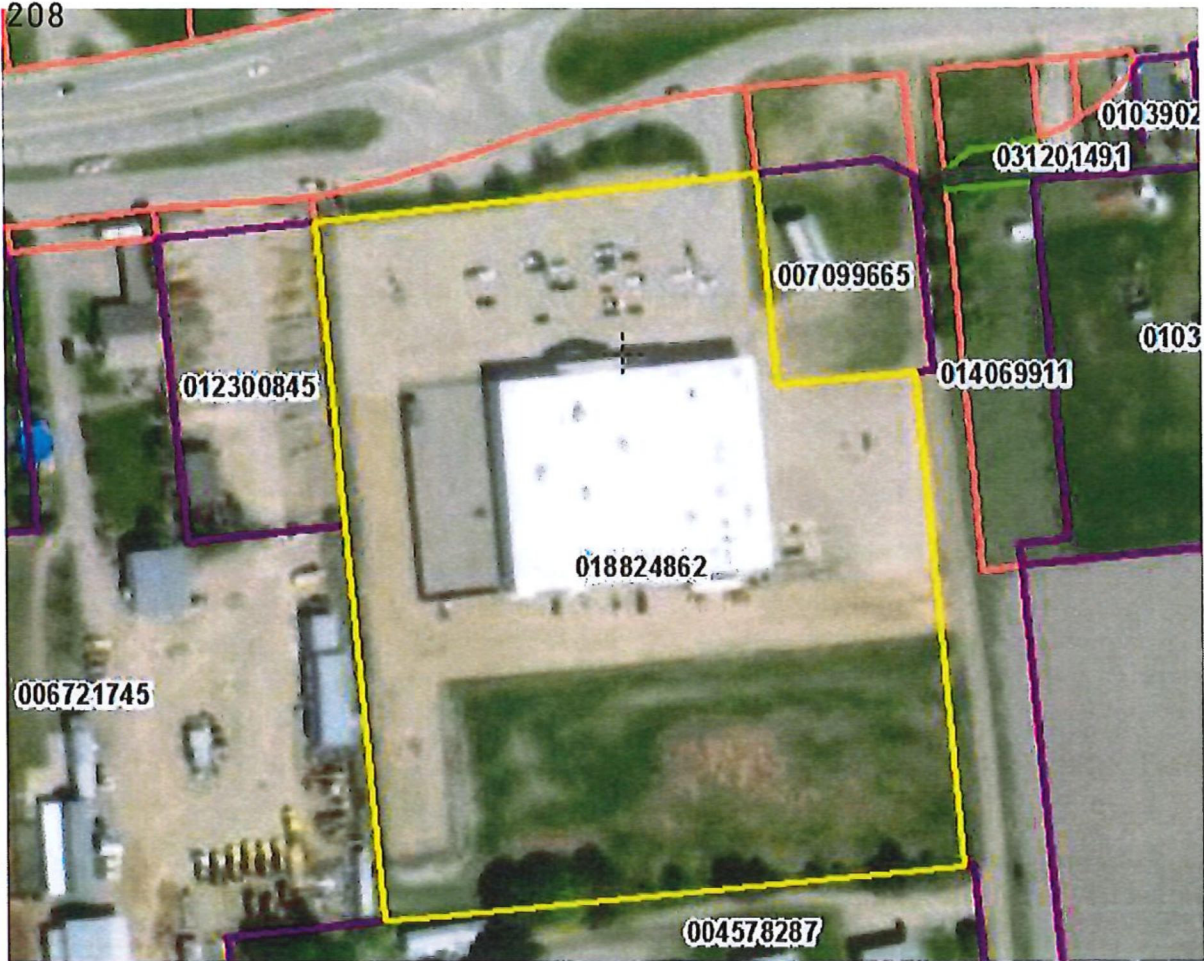
For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.

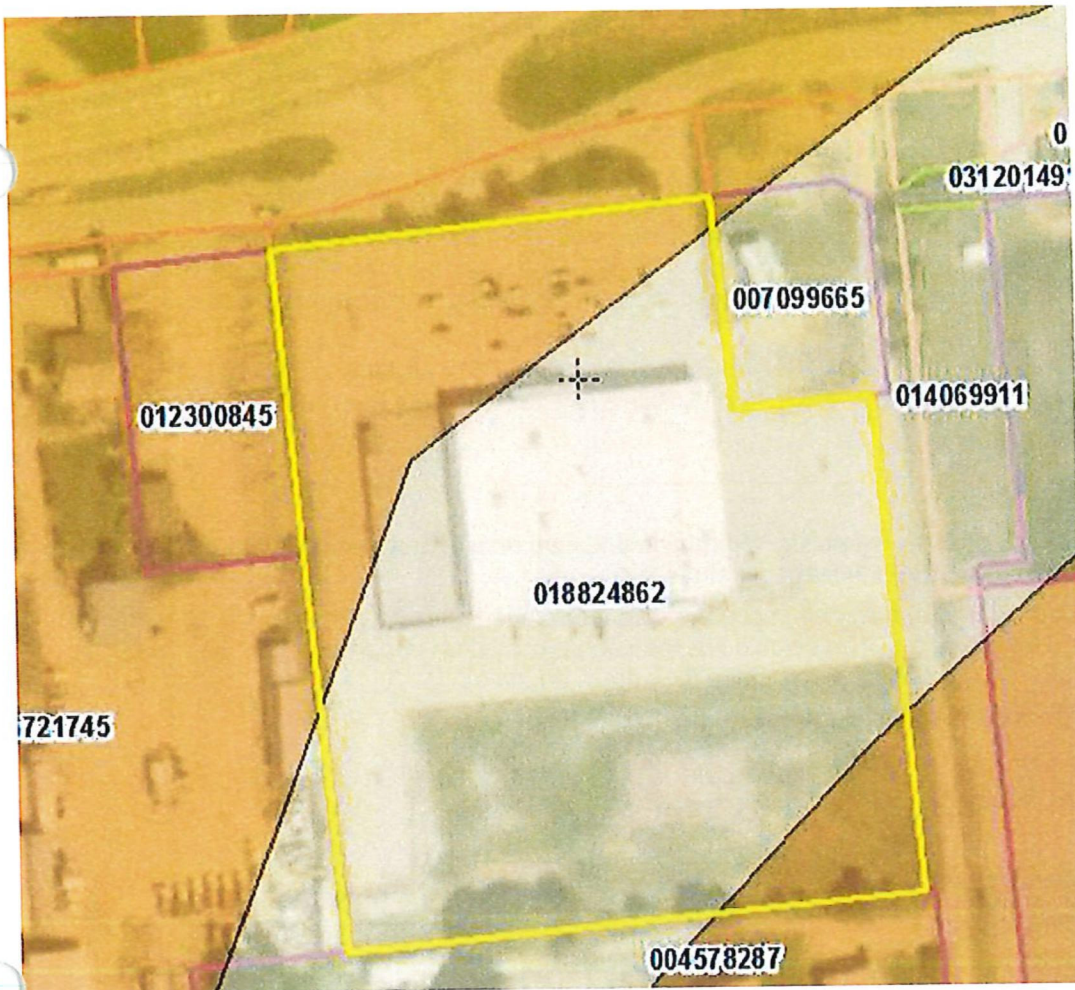
Please let me know if you have any questions regarding this information.

Kind regards,



208





Please note that subject lot boundaries (yellow) and areas of archaeological potential (brown = high potential and beige = moderate potential) indicated on the enclosed screenshot are based on information obtained by the Archaeology Branch on the date of this communication and may be subject to error or change.



Diana Cooper
Archaeologist/Archaeological Information Administrator
 Archaeology Branch | [Ministry of Forests, Lands, Natural Resource Operations and Rural Development](#)
 Phone: (250) 953-3343 | Email: diana.cooper@gov.bc.ca | Website www.gov.bc.ca/archaeology

From:

msmyrl@salmonarm.ca <msmyrl@salmonarm.ca> On Behalf Of ArchDataRequest@gov.bc.ca
 Sent: April 6, 2021 12:25 PM
 To: Arch Data Request FLNR:EX <ArchDataRequest@gov.bc.ca>
 Subject: Data Request: Melinda Smyrl - City of Salmon Arm

Terms and
 Conditions
 Accepted

Yes

Name

Melinda Smyrl

Email

msmyrl@salmonarm.ca

I am a

Local Government Representative

Affiliation

City of Salmon Arm

Address

Box 40 500 - 2Ave NE

210
City

Province

Postal Code

Phone Number

Salmon Arm

BC

V1E 4N2

Information
Requested

I request information and advice about archaeological sites on the properties described below (In the text box below, include the Parcel Identifier (PID), street address, and the legal description if available. If you have maps, please upload them to the File Attachments section near the end of the form.):

Address : 2090 10 Avenue SW, Salmon Arm PID: 018-824-862 Legal Description: Lot 1, Section 10. Township 20, Range 10, W6M, KDYD, Plan KAP52617, Except Plan EPP68393

Why Site
Information is
Required

Other (describe below):

Local Government staff requesting information and confirmation for a pending amendment of the Official Community Plan and rezoning of the site.

Third Party Access

The following person(s) may have access to this information (Include the person's full name and relationship to you below. If you would like them to be copied on our email reply containing property information, please also include their email address):

Property Owner: Westgate Building Ltd. BC 1028699

Format Required

PDF, Map(s)

Who Prompted

Adams Lake Indian Band

File Attachment#1

consultation-response-56072-20210127-1555.pdf

File Attachment#2

Zoning Amendment Map.pdf

File Attachment#3

OCP Map.pdf

File Attachment#4

REFERRAL PACKAGE OCP 400045 ZON 1197 Updated.pdf

File Attachment#5

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

CITY OF SALMON ARM

BYLAW NO. 4433

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

WHEREAS notice of a Public Hearing to be held by the Council of the City of Salmon Arm in the Council Chambers at City Hall, 500 – 2 Avenue NE, Salmon Arm, British Columbia and by electronic means as authorized by Ministerial Order M192, British Columbia, on _____, 2021 at the hour of 7:00 p.m. was published in the _____ and _____, 2021 issues of the Salmon Arm Observer;

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

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

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

1. 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, attached as Schedule "A" ;
2. 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, attached as Schedule "B".

2. SEVERABILITY

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

3. ENACTMENT

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

4. EFFECTIVE DATE

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

5. CITATION

This bylaw may be cited as "City of Salmon Arm Official Community Plan Amendment Bylaw No. 4433".

READ A FIRST TIME THIS 12 DAY OF April 2021

READ A SECOND TIME THIS DAY OF 2021

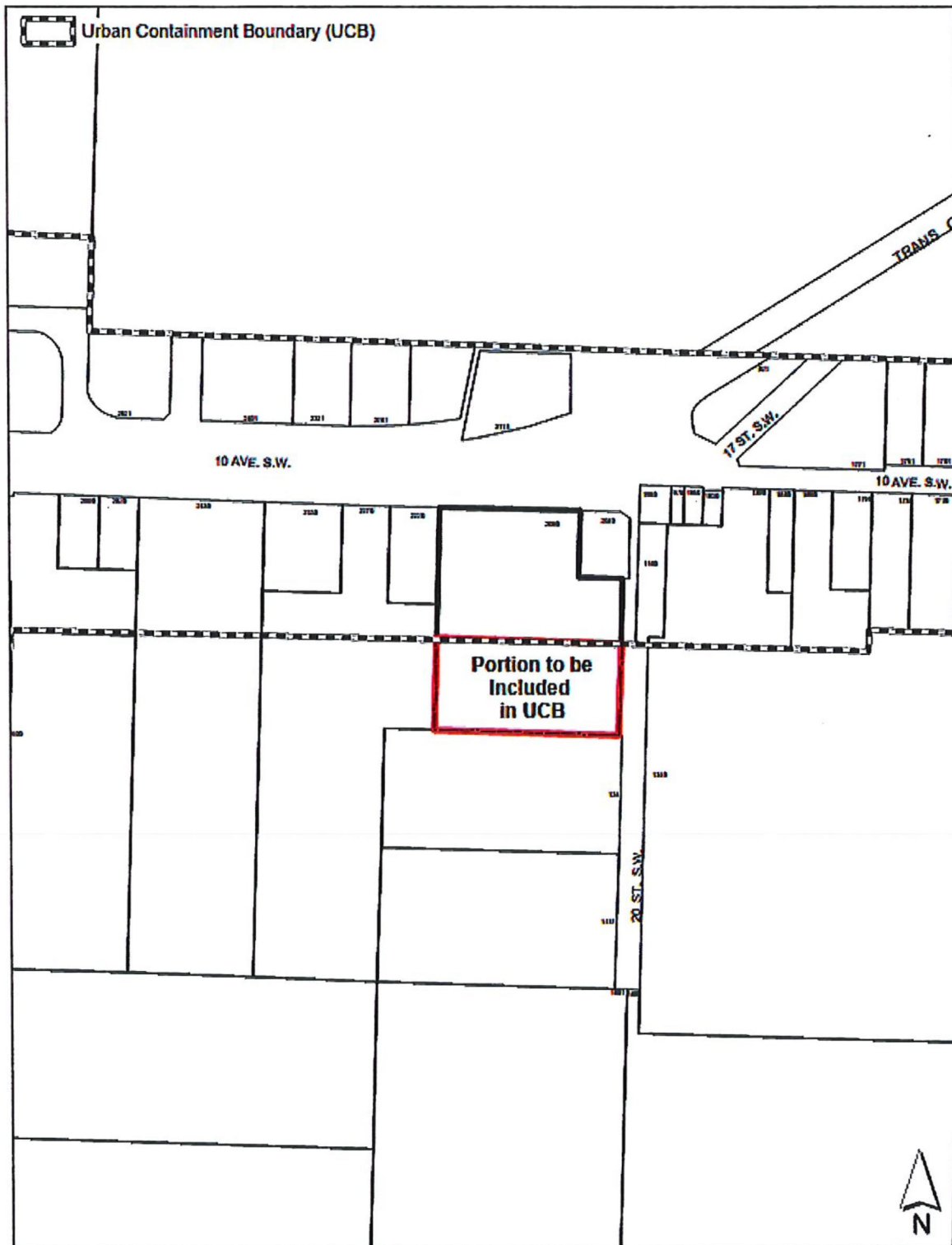
READ A THIRD TIME THIS DAY OF 2021

ADOPTED BY COUNCIL THIS DAY OF 2021

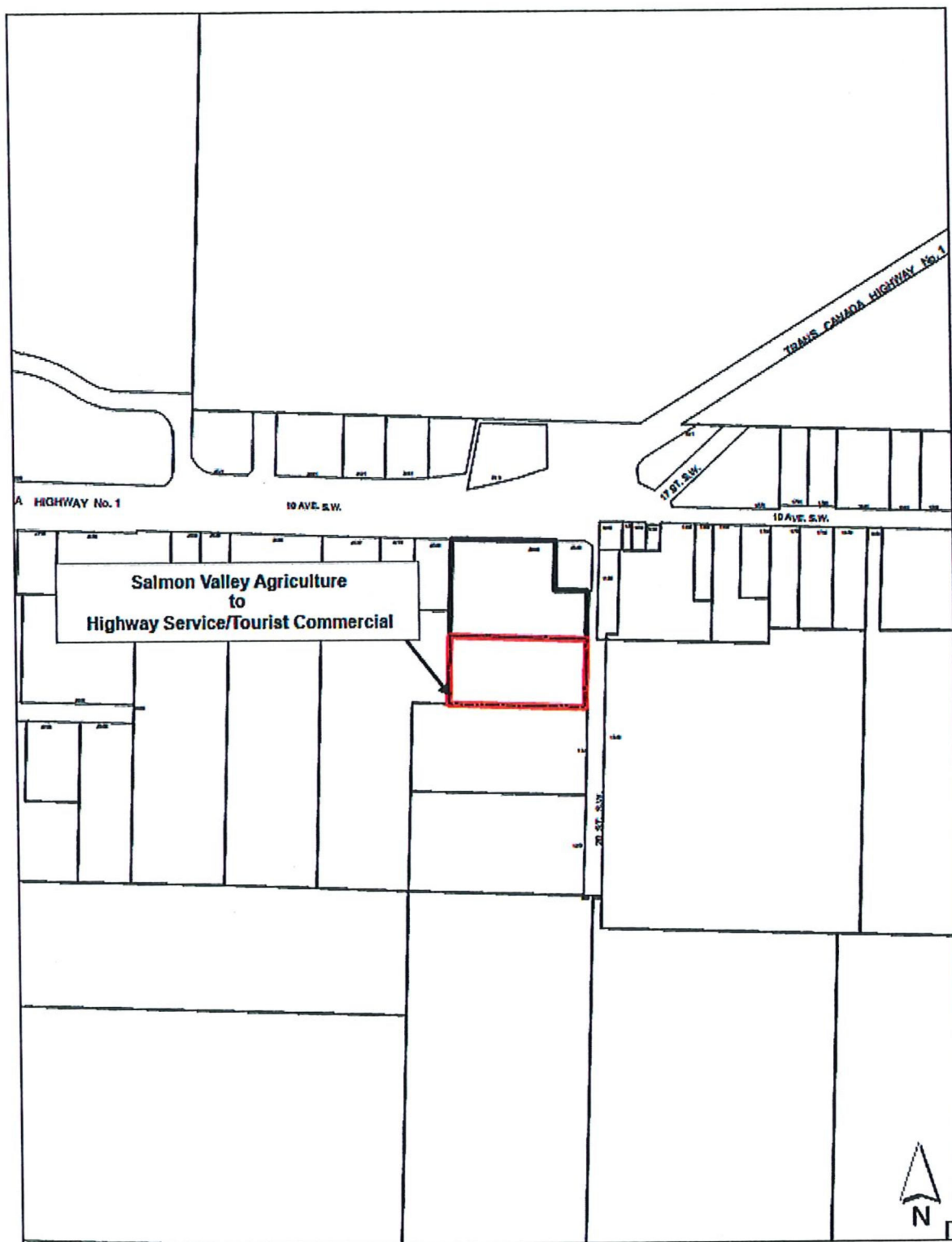
MAYOR

CORPORATE OFFICER

Schedule "A"



Schedule "B"



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Item 11.2

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

THAT: the bylaw entitled City of Salmon Arm Zoning Amendment Bylaw No.4434 be read a second time.

[ZON-1197; Westgate Building Ltd./1028699 BC/Laird, B.; 2090 10 Avenue SW; A-1 to C-3]

Vote Record

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

Opposed:

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

CITY OF SALMON ARM

BYLAW NO. 4434

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

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

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

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

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

Rezone the south portion of Lot 1, Section 10, Township 20, Range 10, W6M, KDYD, Plan KAP52617 Except Plan EPP68393, from A-1 (Agriculture Zone) to C-3 (Service Commercial Zone), attached as Schedule "A".

2. SEVERABILITY

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

3. ENACTMENT

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

4. EFFECTIVE DATE

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

5. CITATION

This bylaw may be cited as "City of Salmon Arm Zoning Amendment Bylaw No. 4434"

READ A FIRST TIME THIS 12 DAY OF April 2021

READ A SECOND TIME THIS DAY OF 2021

READ A THIRD TIME THIS DAY OF 2021

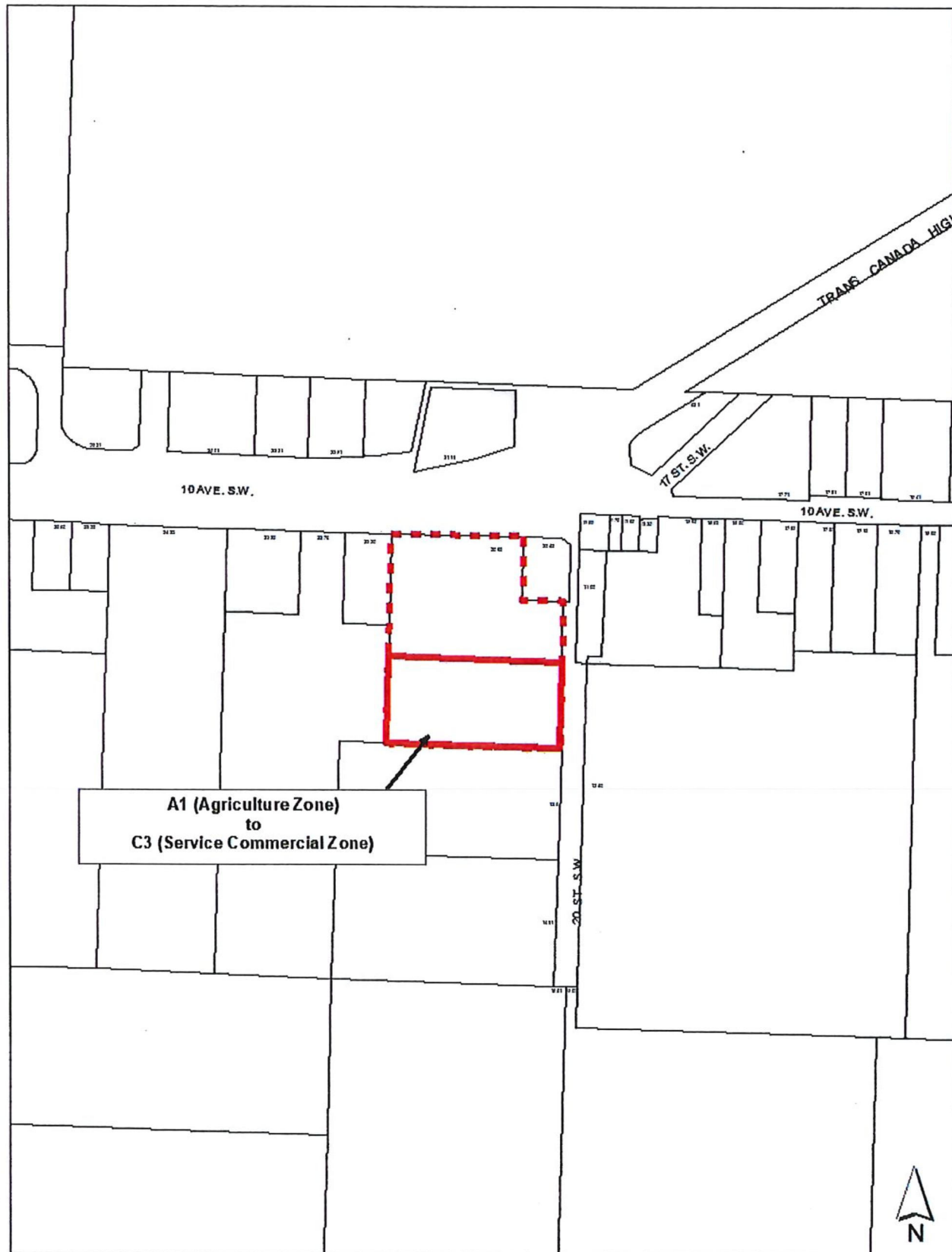
APPROVED PURSUANT TO SECTION 52 (3) (a) OF THE TRANSPORTATION ACT
ON THE DAY OF 2021

For Minister of Transportation & Infrastructure

ADOPTED BY COUNCIL THIS DAY OF 2021

MAYOR

CORPORATE OFFICER



INFORMATIONAL CORRESPONDENCE – May 25, 2021

- | | | |
|-----|---|---|
| 1. | N. Primeau to the Capital Regional District Board of Directors – email dated May 10, 2021 – Please protect our old growth forests! | N |
| 2. | M. Kaufman – email dated May 16, 2021 – Canoe Beach | A |
| 3. | K. Jamieson – email dated May 18, 2021 – Salmon Arm Flag | A |
| 4. | C. Carruthers – email dated May 19, 2021 – New Flag | A |
| 5. | J. Broadwell, Manager, Downtown Salmon Arm – letter dated May 13, 2021 – Alexander Plaza Street Painting | A |
| 6. | J. Broadwell, Manager, Downtown Salmon Arm – letter dated May 18, 2021 – Downtown Parking Commission | |
| 7. | Interior Health Authority – newsletter dated May 2021 – Healthy Communities | N |
| 8. | G. Kylo, MLA, Shuswap/Official Opposition Critic for Labour – letter received May 14, 2021 – Bill 3 – Employment Standards Amendment Act, 2021 | N |
| 9. | J. Atkinson, Mayor, District of Mackenzie to B. Zimmer, Member of Parliament – letter dated May 10, 2021 – Letter of support for national three-digit suicide prevention hotline – 988 | N |
| 10. | B. Hutchins, Director of Corporate Services to the Honourable J. Horgan, Premier of British Columbia – letter dated May 11, 2021 – Support for Authority and Training for Hospital Security Staff | N |
| 11. | D. Law, Mayor, District of Tofino – letter dated May 11, 2021 – Support for Expedient and Resourced Implementation of the Old-Growth Strategic Review | N |

N = No Action Required
A = Action Requested

S = Staff has Responded
R = Response Required

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Item 14.1

CITY OF SALMON ARMDate: May 25, 2021**Presentation 4:00 p.m. (approximately)****NAME:** Howard Delong**TOPIC:** Shuswap Theatre**Vote Record**

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

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



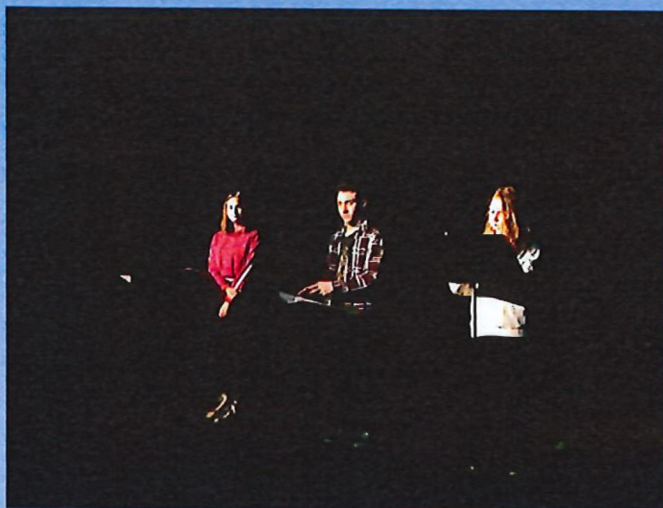
What we've been doing in 2020-21,
and what we are planning.

We've adapted our practices
and
held several performances.



Walk-About Theatre
August 28 and 29

OUTSIDE MULLINGAR
By John Patrick Shanley
A Rehearsed Play Reading
Directed by Kim MacMillan
Broadcast Online October 16, 2020 at 7:00pm



Theatre of Thrills
October 30 and 31



Dead Men Don't Do Radio Plays
Nov. 13-15

TRIVIA NIGHT

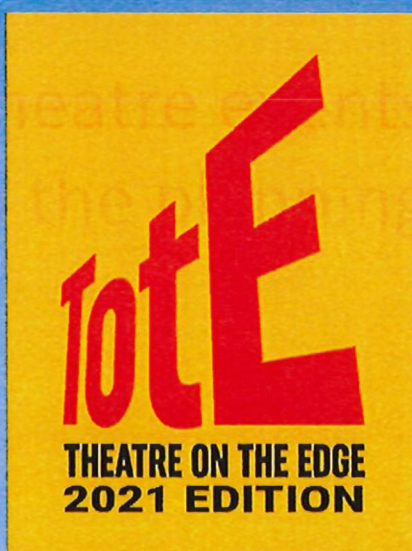
Funding Activity

- Grant-in-Aid from City for Video Camera
- Provincial grant to cover operating expenses
- SASCU grant towards replacement of Heating, Ventilation and Air Conditioning units
- Other grants and donations – two microphones, & rear and front-of-house speakers.
- Working towards plans for repairs to front of building.





Theatre events in the planning





New Shuswap Theatre Season

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Item 14.2

CITY OF SALMON ARMDate: May 25, 2021**Presentation 4:15 p.m. (approximately)****NAME:** Kyle Dearing**TOPIC:** Shuswap Tourism**Vote Record**

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

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

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Item 18.1

CITY OF SALMON ARM

Date: May 25, 2021

April 26, 2021 Notice of Motion

Water Extraction – Councillor Lavery

THAT: Due to concerns related to water quality and quantity, water resource extraction and the future of safe clean water for local consumption, Salmon Arm Council does not support the extraction of fresh water resources from surface or groundwater for the purposes of commercial bottled water sales;

AND THAT: a letter re the adopted motion be sent to the Premier, the Ministers of FLNROD & MoE and the regional office processing the extraction application;

AND FURTHER THAT: Council request a presentation to Council from the involved Ministry staff.

Vote Record

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

Opposed:

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

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Item 22.1

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

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 City of Salmon Arm Zoning Bylaw No. 2303, R-8 (Residential Suite Zone) as follows:

Section 13.12.3 Interior Side Parcel Line Setback reduction from 1.5 m to 0.71 m for the construction of a single family dwelling with a suite, as shown on Appendix 4 of the staff report dated May 6, 2021.

[Christensen, B. & Laderoute, L.; 2348 5 Avenue SE; Setback]

Vote Record

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

Opposed:

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



TO: His Worship Mayor Harrison and Members of Council

DATE: 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

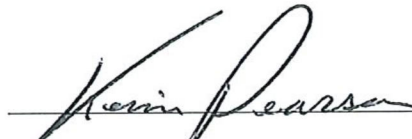
No concerns.

Planning Department

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

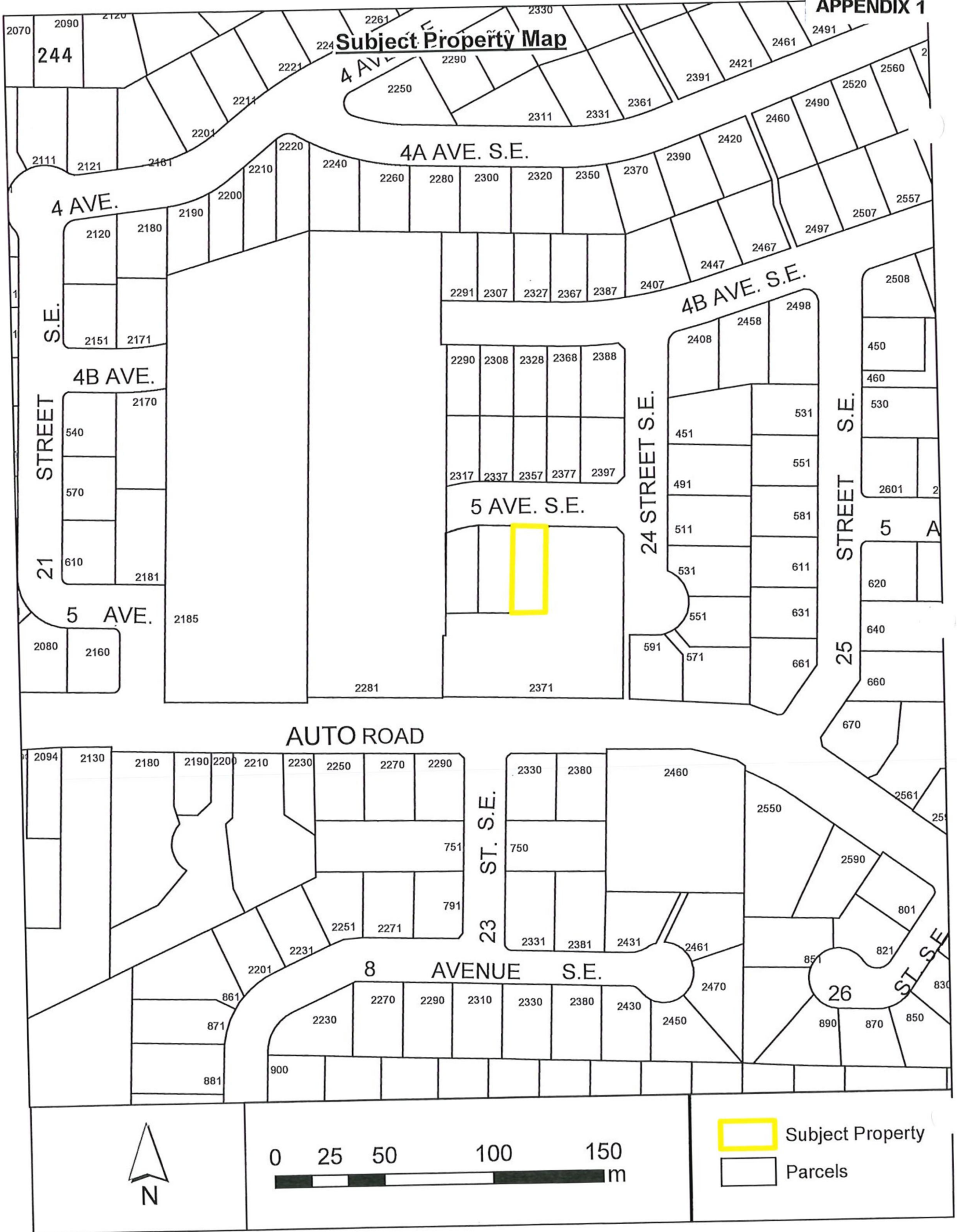


Prepared by Melinda Smyrl, MCIP, RPP
Planner



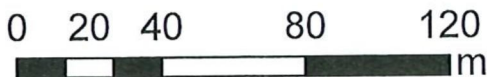
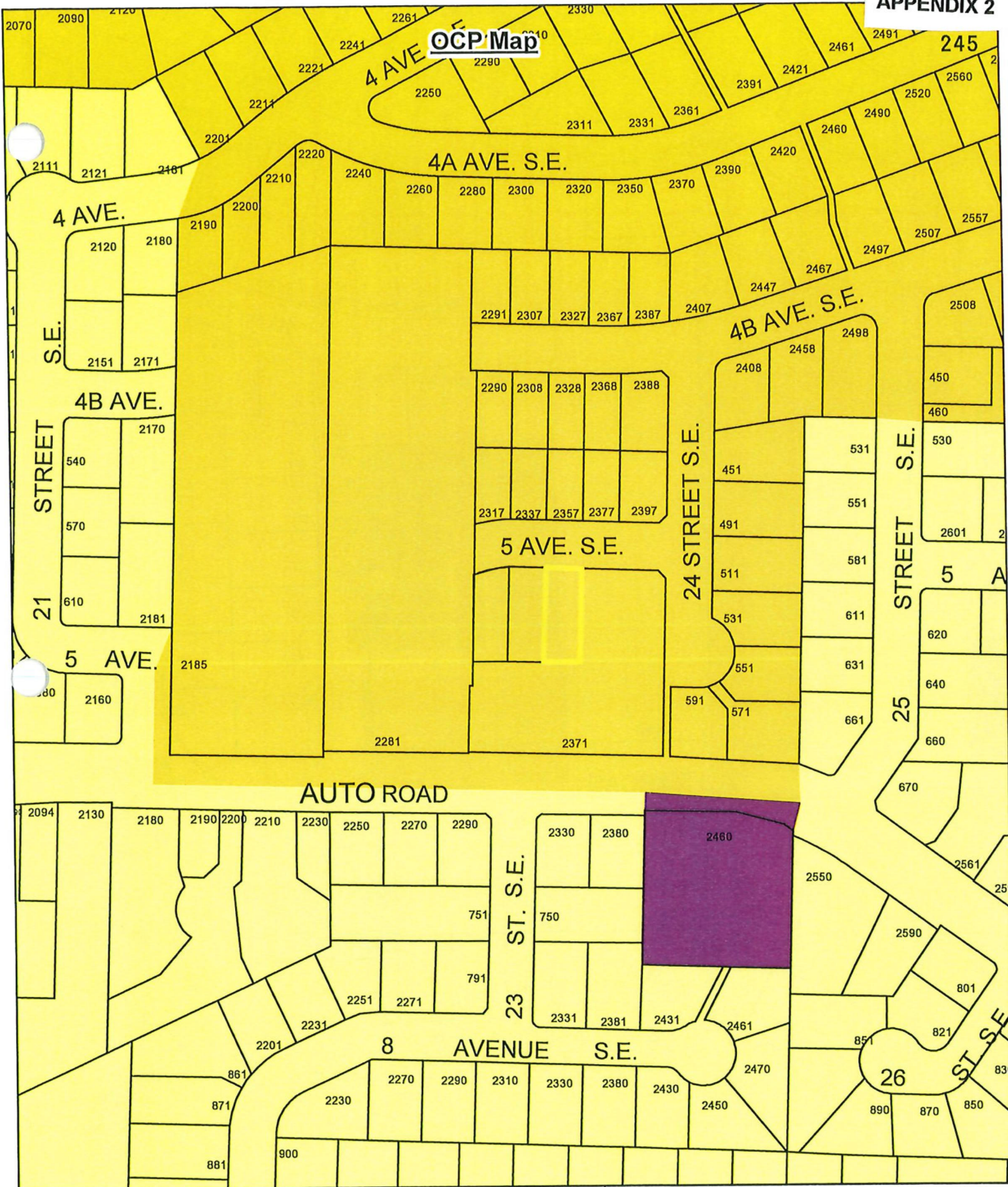
Reviewed by Kevin Pearson, MCIP, RPP
Director of Development Services

Subject Property Map

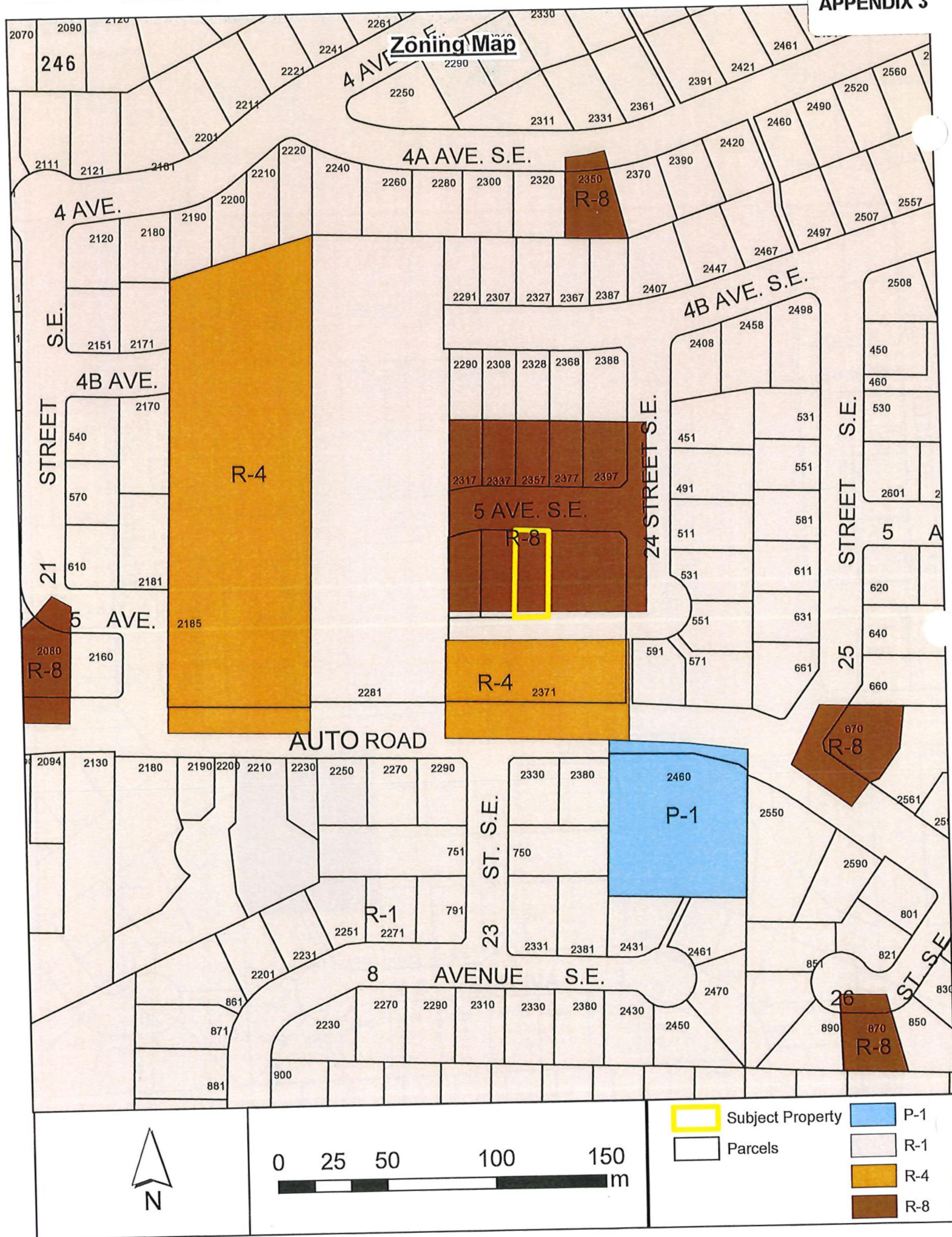


Subject Property

Parcels



- | | |
|---|--|
|  Subject Property |  Institutional |
|  Parcels |  Residential - Low Density |
| |  Residential - Medium Density |





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

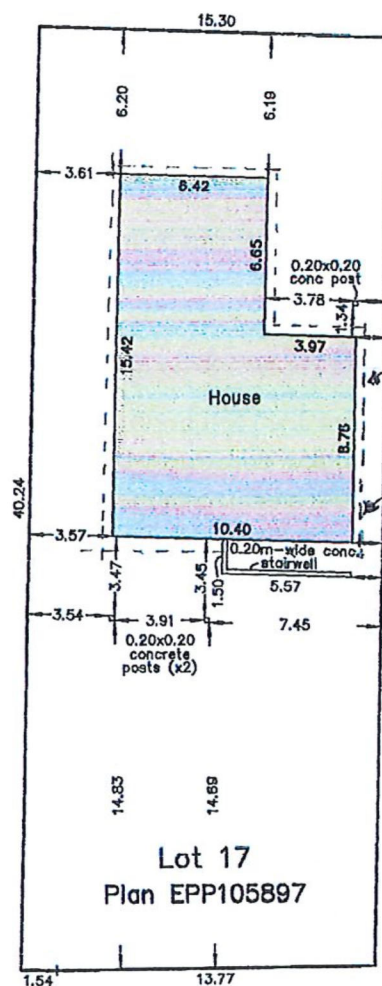
Civic Address: 2348 5 Avenue SE, Salmon Arm

List of documents registered on title which may affect
the location of improvements:

None



5 Avenue SE



EAVES SURROUNDING
HOUSE ARE 24" OR
0.609600 metres.

concrete

71m
eaves72m eaves
concrete

Lot 17
Plan EPP105897

Scale 1:200



All distances are in metres.
Dimensions derived from Plan EPP105897

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 2nd day of
February, 2021.

Nicole
Bird
BTKBAK

Digitally signed
by Nicole Bird
BTKBAK
Date: 2021.02.05
10:24:49 -06'00'

BCLS

Offsets from property line to building are
measured from the exterior sheathing.

COPYRIGHT © BROWNE JOHNSON 2021
LAND SURVEYORS

All rights reserved. No person may
copy, reproduce, transmit or alter this
document in whole or in part without
the prior written consent of
BROWNE JOHNSON LAND SURVEYORS.

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY or DIGITALLY SIGNED.

Our File: 45-21

Fb: 44-21.raw

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.

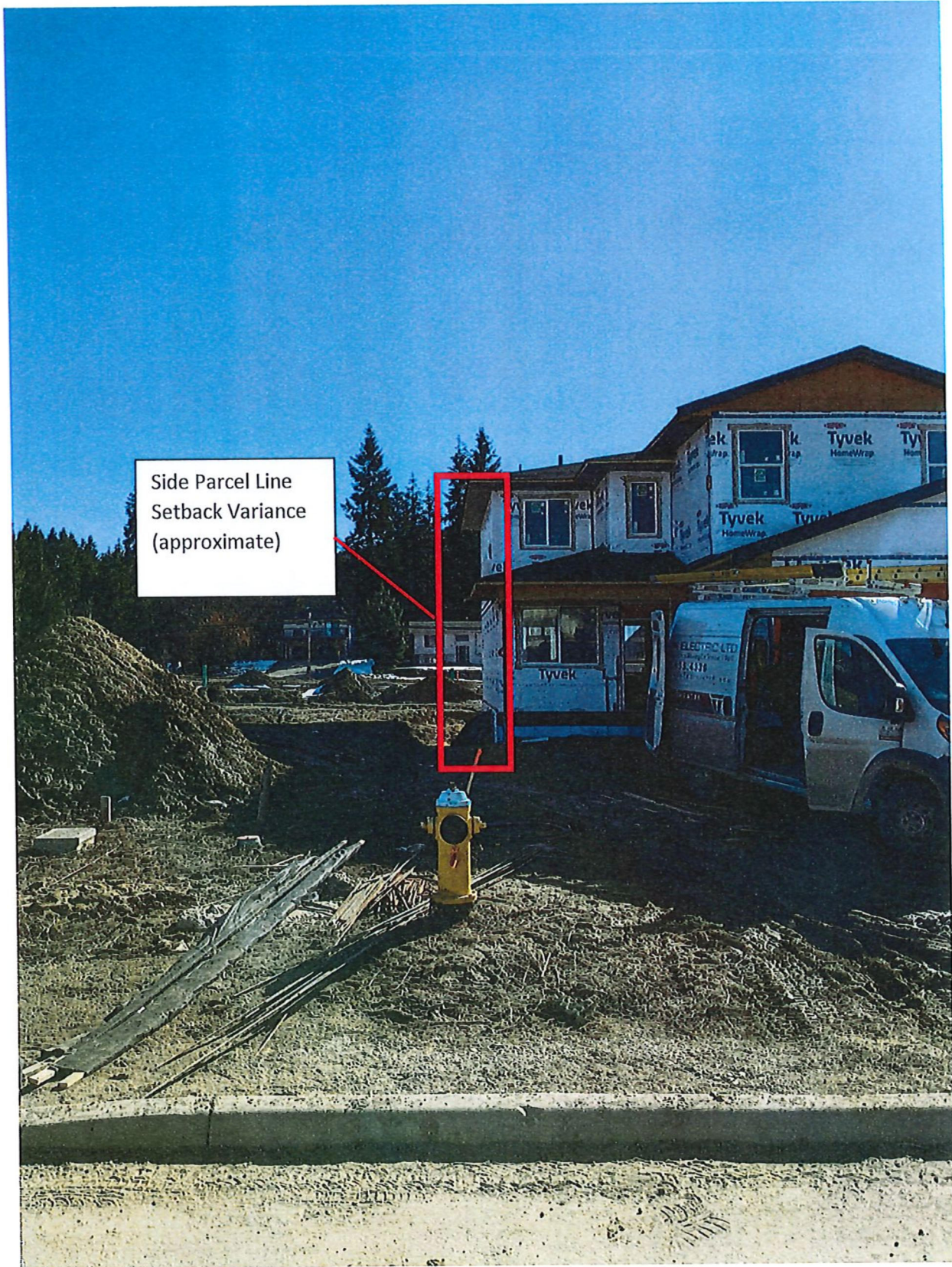
We are asking you for a Variance for the house to sit .20 metres closer to the east side of the property.

Thank you for your understanding,

Tybro Construction Ltd.



Ken and Paula Christensen





3200 28 ST NE
SALMON ARM, BC
V7E 3K7
250-517-7131
krm@khmdesign.ca
www.khmdesign.ca

PROJECT:
CHRISTENSEN REIDENCE
LOT 19 58 AVE SE
SALMON ARM, BC

SHEET NAME:
ELEVATIONS 1

ISSUED FOR PERMIT

11/1/20

THESE DESIGNS AND DRAWINGS
ARE THE EXCLUSIVE PROPERTY
OF KHM DESIGN AND MAY NOT BE
USED OR REPRODUCED WITHOUT
CONSENT.

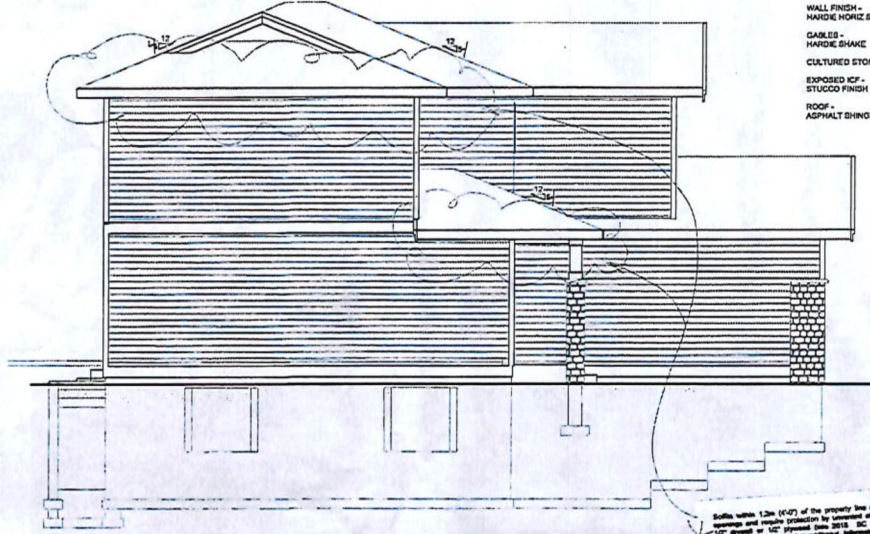
DATE: 11/1
DRAWN BY: KRM
JOB NO: 22

A3

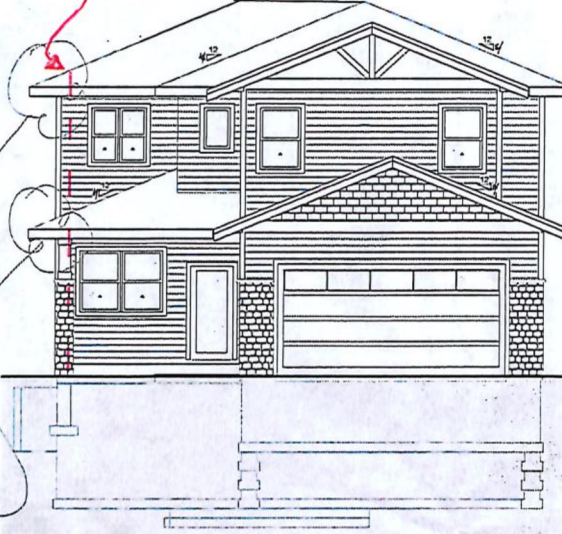
ELEVATION NOTES

WALL FINISH -
HARDIE PIONEER SIDING TYP
GABLE END
HARDIE SHAKE
CLATURED STONE ON ENTRY SIDE
EXPOSED ICF -
STUCCO FINISH
ROOF -
ASPHALT SHINGLE

Variance (approx.)



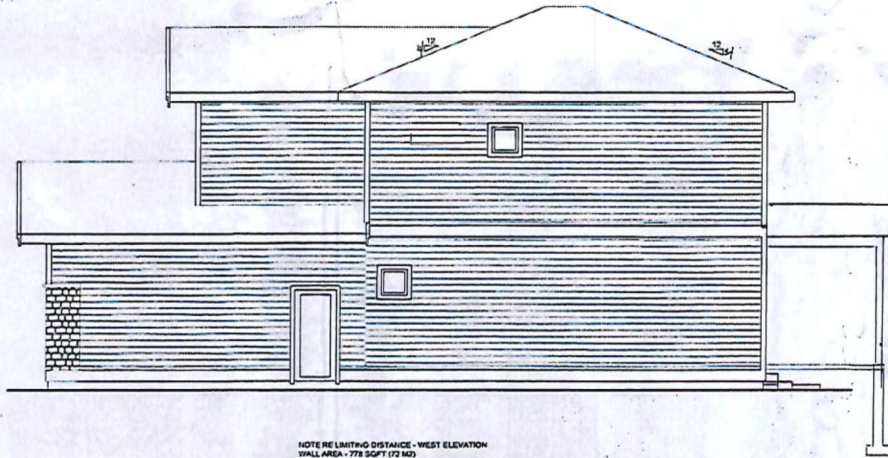
E EAST ELEVATION
SCALE: 1/4" = 1'-0"



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

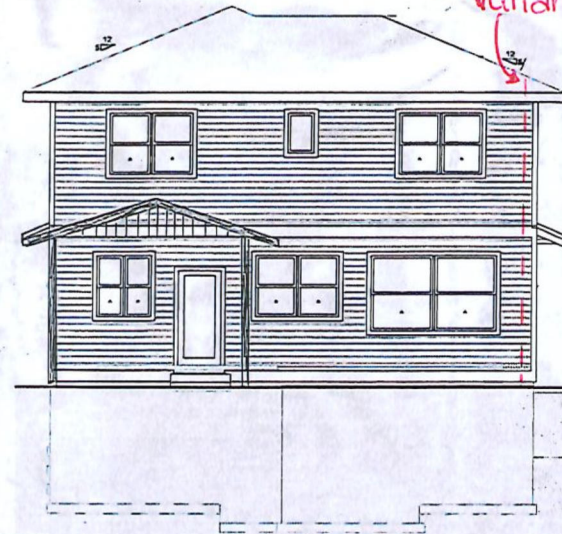
5th AVE SE - FRONT

TOP ROOF
29'-5 1/2"
TOP UPPER WALL
19'-2 1/8"
TOP UPPER FLOOR
10'-1 3/8"
TOP MAIN FLOOR
0"
TOP LOWER FLOOR
-4'-1 3/8"



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

NOTE RE LIMITING DISTANCE - WEST ELEVATION
WALL AREA - 778 SQFT (72 M2)
ALLOWABLE OPENING AT 1.5M = 29'
ACTUAL TOTAL OPENINGS - 11.5 SQFT (1.07 M2) = 1.0%
MAXIMUM INDIVIDUAL OPENING - 8.37 SQFT (1.78 M2)
LARGEST ACTUAL OPENING - 2'X2'-4 SQFT (1.37 M2)

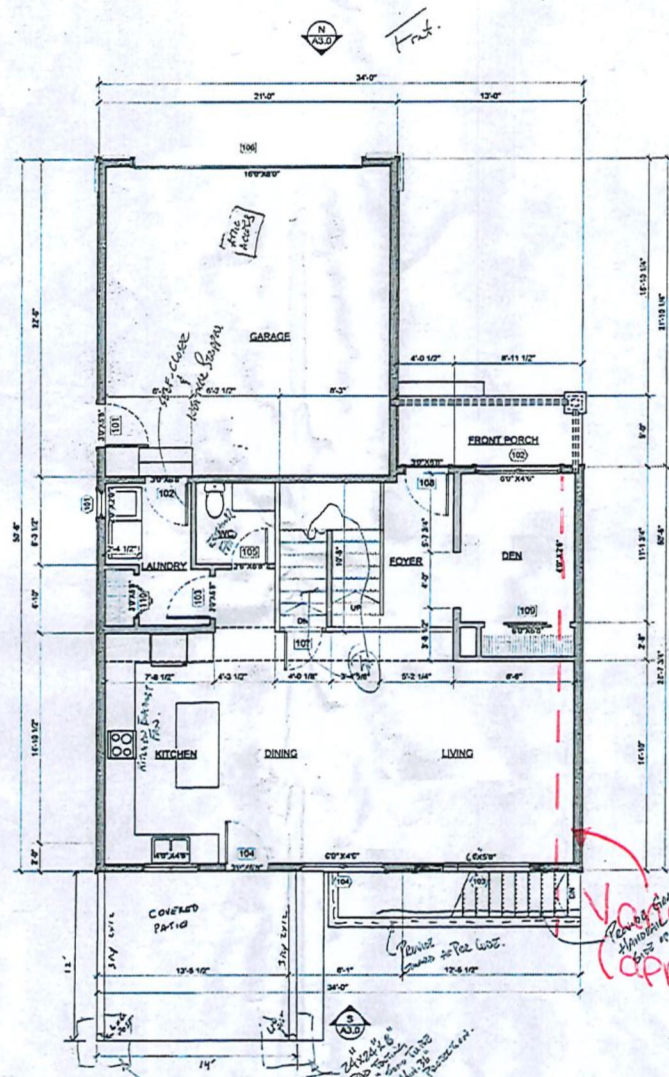
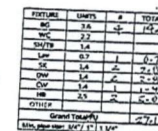


S SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

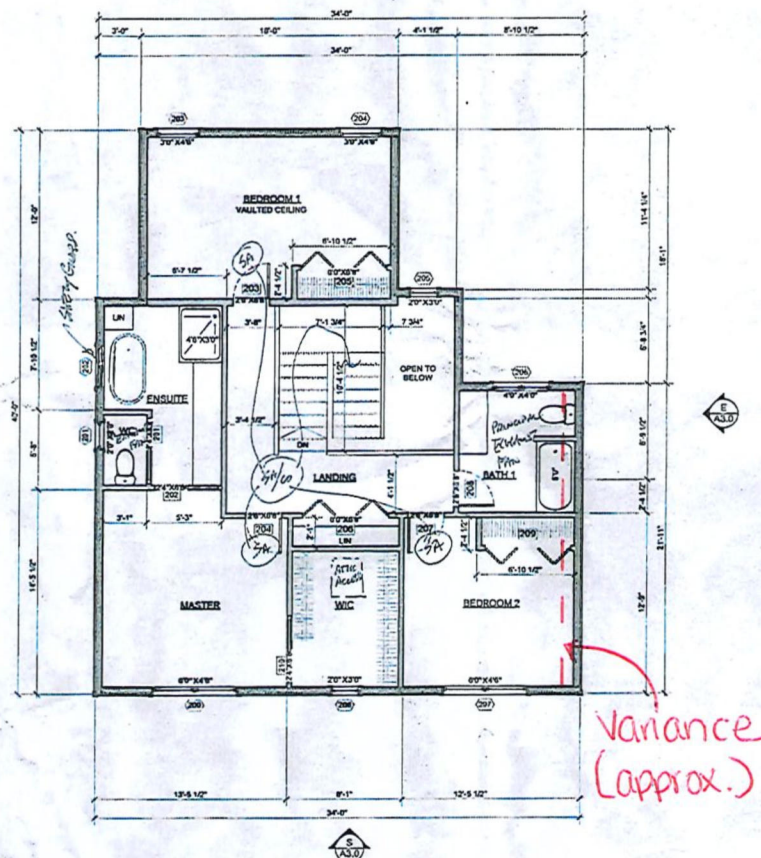
REAR

Variance (approx.)

TOP ROOF
29'-5 1/2"
TOP UPPER WALL
19'-2 1/8"
TOP UPPER FLOOR
10'-1 3/8"
TOP MAIN FLOOR
0"
TOP LOWER FLOOR
-4'-1 3/8"



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



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



Item 22.2

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

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 City of Salmon Arm 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 of the Staff Report dated April 30, 2021.

[Blackstock, J./Passey, B./BWP Construction; 4851 73 Avenue NE; Setback]

Vote Record

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

Opposed:

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



To: His Worship Mayor Harrison and Members of Council

Date: 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).

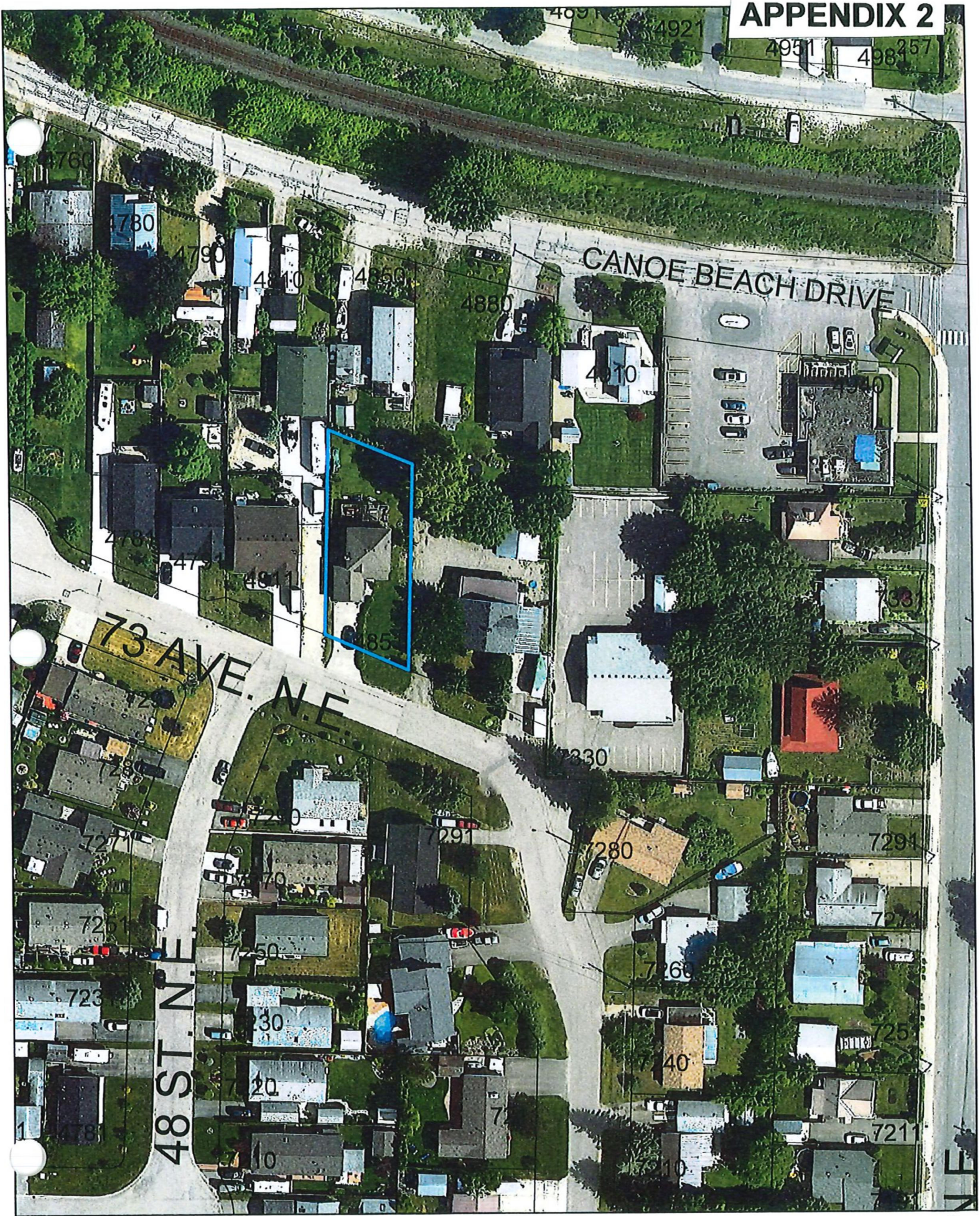
Other than protruding 4.6 m into the front setback area, the addition is aesthetically pleasing in staff's opinion and does not negatively affect traffic site lines or utilities. The contractor was encouraged in March 2021 to consult with the neighbouring property owners well before this application 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.



Kevin Pearson, MCIP, RPP
Director of Development Services

BROWNE JOHNSON Land Surveyors		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: 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: none			
<p>Scale 1: 250</p> <p>All distances are in metres. Dimensions derived from KAP63659</p> <p>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. 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 28th day of September, 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: 532-18 Fb: 532-18.raw	



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.

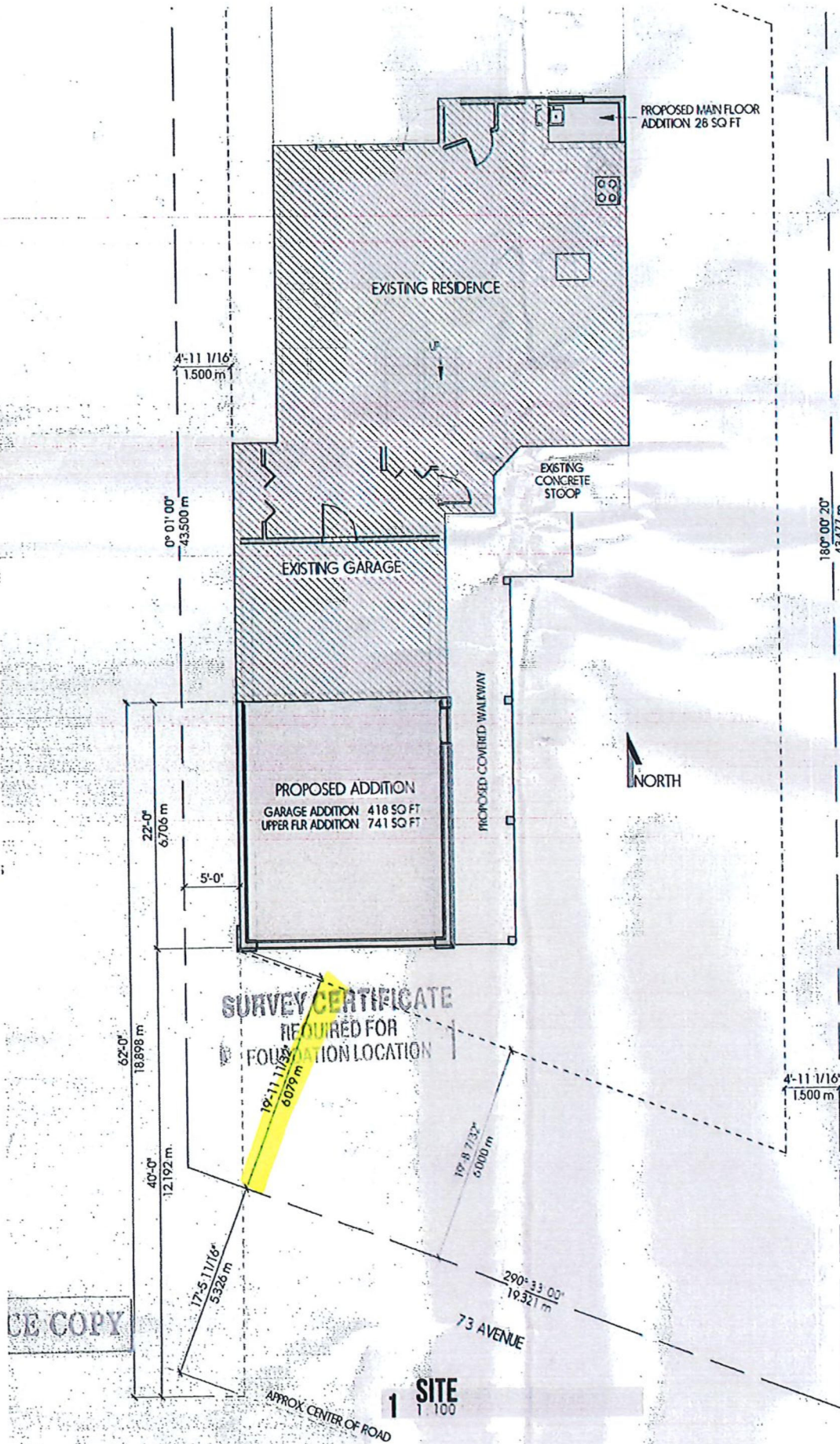
Although not part of the bylaw, some contractors engage the surveyor to locate the footing forms prior to placement of concrete. This is occurring in very tight or complex layouts but unfortunately, it doubles the contractors surveying costs. Some contractors have the equipment to locate their footings 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 read 'M. Roy', is written over the signature line.

Maurice Roy, Manager of Permits and Licenses



*Site Plan Provided
with Building Permit
Application 15831 B*

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Item 23.1

CITY OF SALMON ARM

Date: May 25, 2021

CITY OF SALMON ARM NOTICE OF PUBLIC HEARING

Notice is hereby given that the Council of the City of Salmon Arm will hold a virtual Public Hearing on Tuesday, May 25, 2021 at 7:00 p.m.

1) Proposed Amendment to Zoning Bylaw No 2303:

Rezone Lot A, Section 11, Township 20, Range 10, W6M, KDYD, Plan 11982, from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone).

Civic Address: 1681 10 Street SE

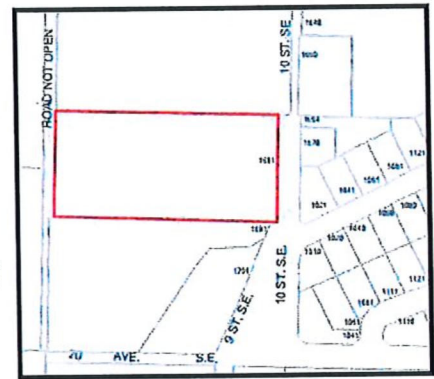
Location: On the West side of 10 Street SE, North of 20 Avenue SE

Present Use: Single Family Dwelling

Proposed Use: Single Family Dwelling with Suite

Owner/Applicant: NTL Development Ltd./ Franklin Engineering Ltd.

Reference: ZON-1193/ Bylaw No. 4437



The staff reports for the proposals are available for viewing on the City of Salmon Arm website at <https://www.salmonarm.ca/431/Public-Hearing-Notices> May 11 to 25, 2021 inclusive. Those who deem their interest affected by the proposed bylaws are urged to review the online file, contact the undersigned or phone the Development Services Department at 250.803.4000 to obtain the facts of the proposal prior to the hearing.

Pursuant to Ministerial Order No. M192 made under the *Emergency Program Act*, R.S.B.C. 1996, c.111, s.10, City Council will not be allowing members of the public to attend this meeting. If you wish to attend virtually email cityhall@salmonarm.ca.

City Council encourages the continued use of the city's website to stay informed on current Development applications and Council Agendas.

Erin Jackson, Director of Corporate Services

Vote Record

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

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

**CITY OF
SALMON ARM**

To: His Worship Mayor Harrison and Members of Council

Date: April 21, 2021

Subject: Zoning Bylaw Amendment Application No. 1193

Legal: Lot A, Section 11, Township 20, Range 10, W6M, KDYD, Plan 11982
Civic: 1681 – 10 Street SE
Owner: NTL Development Ltd.
Applicant: Franklin Engineering Ltd.

STAFF RECOMMENDATION

THAT: a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot A, Section 11, Township 20, Range 10, W6M, KDYD, Plan 11982 from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone).

PROPOSAL

The subject parcel is located at 1681 – 10 Street SE (Appendix 1 and 2), is approximately 1.69 hectares (4 acres) in area, and contains an existing single family dwelling. A subdivision application has been submitted which would split the parcel into 15 lots. This proposal is to rezone the parcel from R-1 (Single Family Residential) to R-8 (Residential Suite) to permit the future option for construction and use of *secondary suites* on the existing and new proposed parcels. Although at this time, the subdivision proposal is premature due to the lack of connecting infrastructure and there are no detailed building plans, both the existing and proposed parcels meet the conditions to accommodate a *secondary suite* or a *detached suite*.

BACKGROUND

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

The subject parcel is located in an area largely comprised of R-1, R-8, and A-2 zoned parcels containing single family dwellings. There are presently 14 R-8 zoned parcels within the vicinity of the subject parcel. The proposed zoning and subdivision aligns with the parcel to the north of the subject parcel, which is in the early stages of developing under a subdivision application proposing 42 new R-8 parcels (subdivision plans are attached as Appendix 5 and 6). The properties located to the west of the subject parcel have A-2 zoning that allows for secondary suites.

Site photos are attached as Appendix 7.

Secondary Suites

Policy 8.3.25 of the OCP provides for the consideration of secondary suites in all Residential designated areas via a rezoning application, subject to compliance with the Zoning Bylaw and the BC Building Code. Based on parcel area and width, the subject property as well as the proposed parcels all have potential to easily meet the conditions for the development of a *secondary suite* (or *detached suite*), including sufficient space for an additional off-street parking stall.

COMMENTSEngineering Department

No objections to the proposed rezoning. Comments attached as Appendix 8.

Building Department

Geotech review/report required. A Building Permit application will be required to create a secondary suite.

Fire Department

No concerns.

Fortis BC

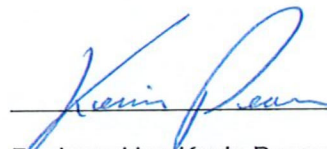
A transmission pipeline runs through the subject parcel which will require permits, detailed engineer drawings, posting plans, and an onsite Fortis BC representative through the various stages of development. FortisBC comments are attached (Appendix 9).

Planning Department

The proposed R-8 zoning of the subject parcel is consistent with the OCP and is therefore supported by staff. The large subject parcel is well suited to R-8 development and the proposed parcels have more than sufficient area to meet all R-8 Zone requirements, including the provision of onsite parking. The future development as proposed is directly dependent on road networks yet to be developed and infrastructure yet to be installed extending to the subject parcel. Any development of a secondary suite would require a building permit and will be subject to meeting Zoning Bylaw and BC Building Code requirements.

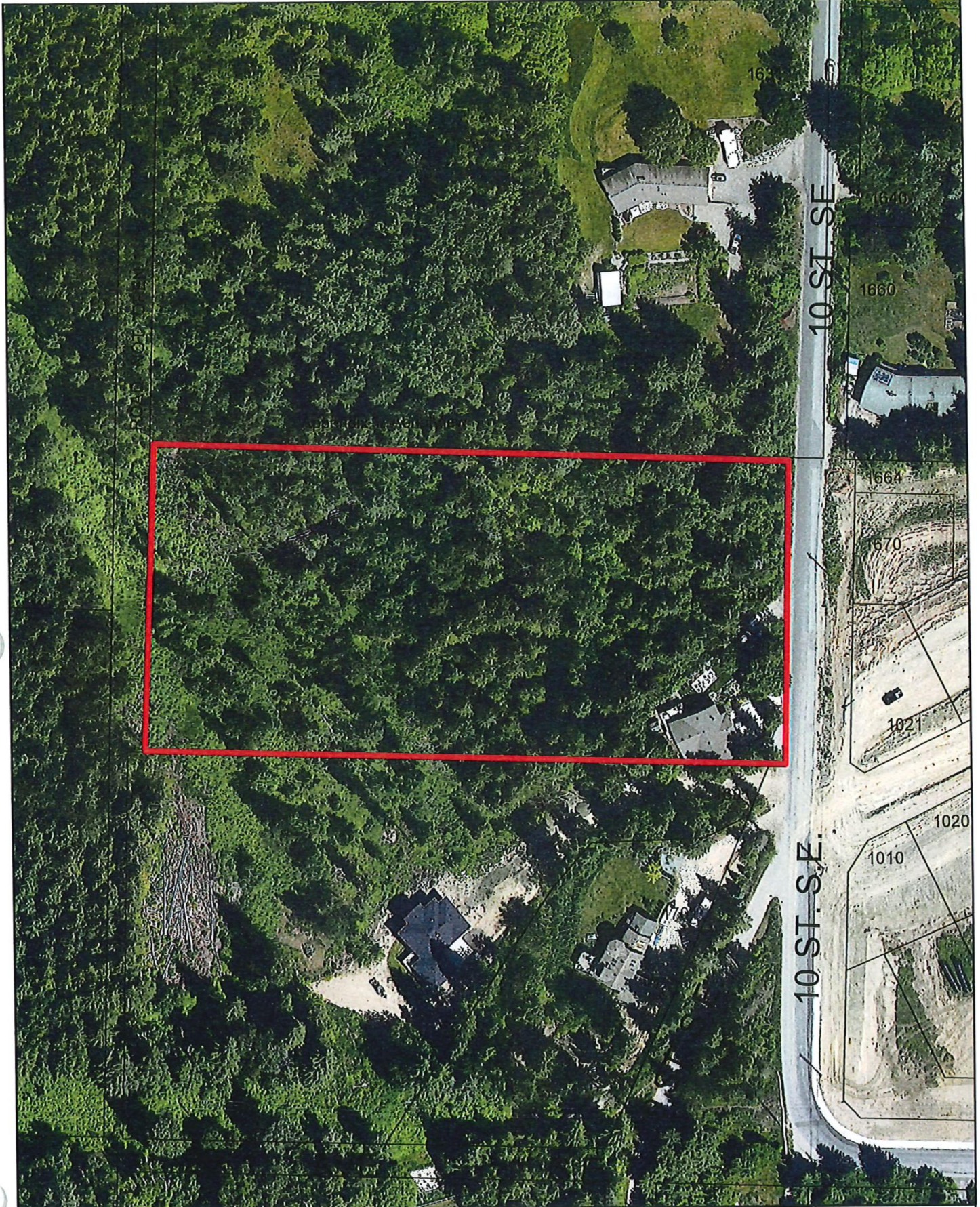


Prepared by: Chris Larson, MCIP, RPP
Senior Planner



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





0 12.5 25 50 75 100 Meters



Subject Parcel



0 12.5 25 50 75 100 Meters



Subject Parcel

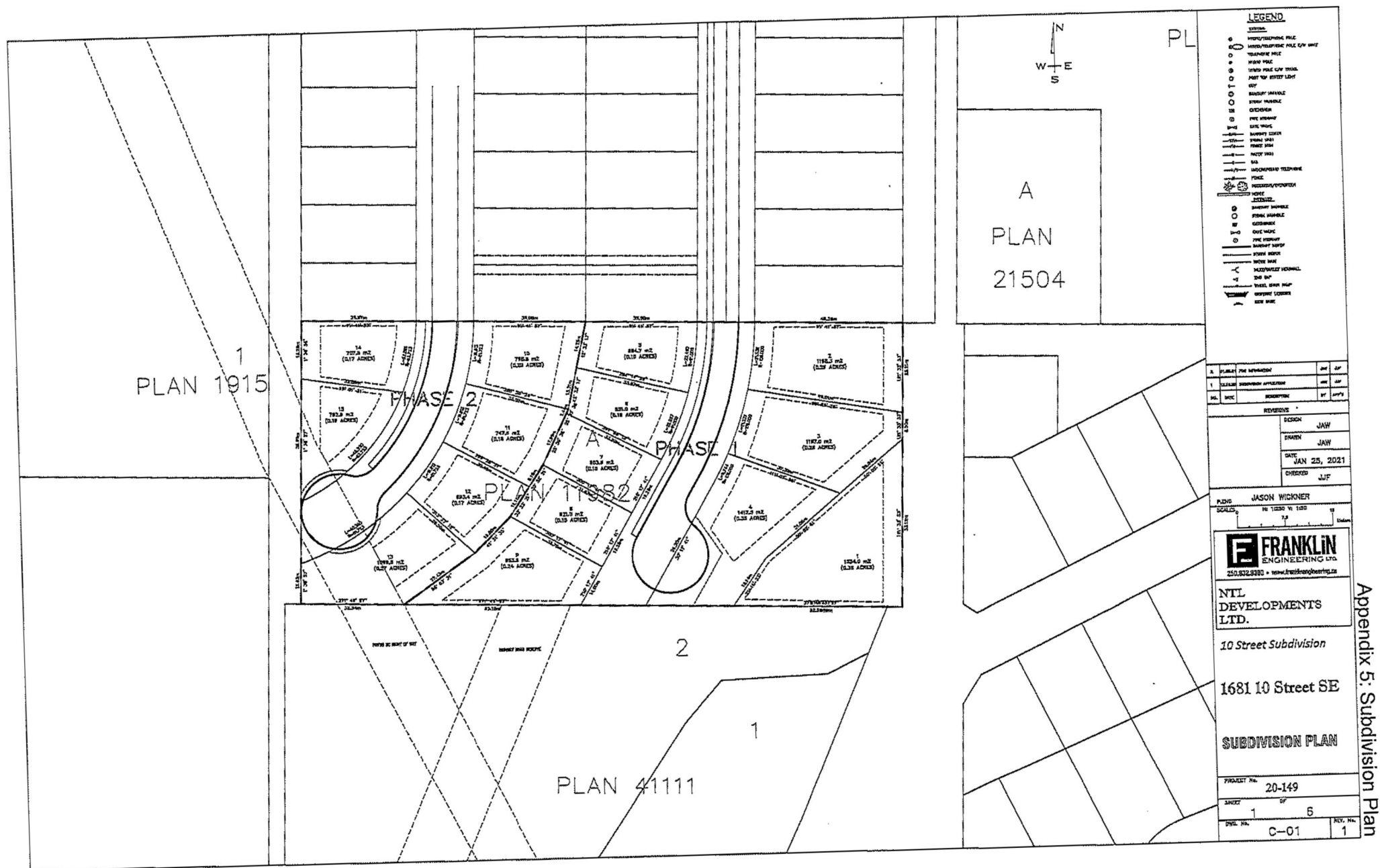


Residential Low Density



Acreage Reserve









View of subject property looking northwest from 10 Street SE.



View southwest of subject property from 10 Street SE.



*Memorandum from the
Engineering and Public
Works Department*

TO: Kevin Pearson, Director of Development Services
 DATE: 11 March 2021
 PREPARED BY: Chris Moore, Engineering Assistant
 APPLICANT: Franklin Engineering Ltd.
 SUBJECT: ZONING AMENDMENT & SUBDIVISION ZON-1193 & SUB 20.17
 LEGAL: Lot A, Section 11, Township 20, Range 10, W6M KDYD, Plan 11982
 CIVIC: 1681 - 10 Street SE

Further to your referral dated 10 February, 2021, we provide the following servicing information.

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. Comments provided assume that the subdivision of 1631 10 St SE on the northern boundary of the subject property has been completed and that all necessary infrastructure has been installed as per the City approved designs.
4. Properties shall have all necessary public infrastructure installed to ensure properties can be serviced with underground electrical and telecommunication wiring upon development.
5. Property under the control and jurisdiction of the municipality shall be reinstated to City satisfaction.
6. 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.
7. 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.
8. 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.
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 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.

SUBDIVISION APPLICATION FILE: 2020-17

11 March 2021

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10. 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. 10 Street SE, 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).
2. 10 Street SE 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, road widening and construction, curb & gutter, boulevard construction, street lighting, fire hydrants, street drainage and hydro and telecommunications. Owner / Developer is responsible for all associated costs.
3. 8 and 9 Street SE are both to be constructed to the northern property line as Urban Local Road (Hillside Development) standards, with 18.0m dedication. Extension of these roads as Urban Local Roads (Hillside Development) with an ultimate 18.0m dedication is required. Owner/developer will be required to construct roads in accordance with specification drawings RD-15. Parking will only be permitted on one side of each road, as already established through the adjacent subdivision and shall be clearly signed prior to development.
4. Owner / Developer is responsible for ensuring all boulevards and driveways are graded at 2.0% towards the existing roadway, unless otherwise specified in Hillside Development cross-sections.
5. The maximum allowable cul-de-sac or T-Turn around length in the urban areas is 160 meters. This measurement shall be measured along centerline from the centre of the first intersection having access from two alternate routes to the center of the cul-de-sac or T-Turn around. Where the maximum cul-de-sac or T-Turn around length is exceeded a secondary emergency access shall be provided. Emergency accesses are to be constructed in conformance with Policy 3.11 (Emergency Accesses). If a secondary access on 8 Street SE is not practical, a Variance Application will be required for exceeding the 160m.
6. Permanent dead-end roads shall be terminated in a cul-de-sac in accordance with Specification Drawing No. RD-11. Temporary dead-end roads at the limits of the subject property shall be terminated with temporary cul-de-sacs in accordance with Specification Drawing No. RD-11a.
7. The 8 Street SE cul-de-sac is located partially over a High Pressure Gas main. Approval from Fortis BC will be required before this road can be approved by the City.

SUBDIVISION APPLICATION FILE: 2020-17

11 March 2021

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Water:

1. The subject property fronts a 150mm diameter Zone 5 watermain on 10 Street SE. No upgrades will be required at this time.
2. A 150mm diameter watermain is proposed to be constructed to the northern property line on 8 and 9 Street through the adjacent subdivision. Extension of these watermains to the termination of 8 and 9 Street on the south-west and south property lines is required.
3. The existing lot is to be serviced by a single metered water service connection (as per Specification Drawing No. W-10), adequately sized to satisfy the proposed use. Records indicate that the property has a water meter already installed. Owner / Developer is responsible for all associated costs.
4. Records indicate that the existing property is serviced by a 19mm service from the 150mm diameter watermain on 10 Street SE. Due to the age of the existing service, no further upgrading will be required at this time. All existing inadequate / unused services must be abandoned at the main. Owner / Developer is responsible for all associated costs.
5. The proposed lots are each to be serviced by a single metered water service connection (as per Specification Drawing No. W-10), adequately sized to satisfy the proposed use (minimum 25mm). Water meter will be supplied by the City at the time of building permit, at the Owner / Developer's cost.
6. The subject property is in an area with sufficient fire flows and pressures according to the 2011 Water Study (OD&K 2012).
7. Fire protection requirements to be confirmed with the Building Department and Fire Department.
8. 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 10 Street SE. No upgrades will be required at this time.
2. A 200mm diameter sanitary sewer is proposed to be constructed to the northern property line on 8 and 9 Street through the adjacent subdivision. Extension of these sewers to the termination of 8 and 9 Street on the south-west and south property lines is required.
3. The remainder and proposed parcel(s) 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.

SUBDIVISION APPLICATION FILE: 2020-17

11 March 2021

Page 4

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- Records indicate that the existing parcel is currently serviced by a septic field. Decommissioning of the septic field, in accordance with building departments requirements will be a condition of the subdivision. Owner / Developer responsible for all associated costs.

Drainage:

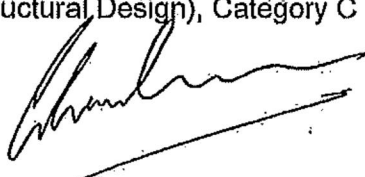
- The subject property fronts a 250mm diameter storm sewer on 10 Street SE. No upgrades will be required at this time.
- A 300mm diameter storm sewer is proposed to be constructed to the northern property line on 8 and 9 Street through the adjacent subdivision. Extension of these sewers to the termination of 8 and 9 Street on the south-west and south property lines is required.
- 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 for the proposed and remainder lot.
- Where onsite disposal of stormwater is recommended by the ISMP, an "Alternative Stormwater System" shall be provided in accordance with Section 7.2.

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. It is anticipated that onsite disposal will be problematic in this location due to the steep topography and downstream springs.

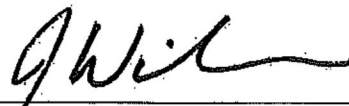
- Storm water discharge from the subject property into the City storm sewers is to be restricted to the 2 year pre-development rate for the 25 year post development flows, due to limited downstream pipe capacity.

Geotechnical:

- 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), Category C (Landslide Assessment), is required.



Chris Moore
Engineering Assistant



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

From: Referrals <Referrals@fortisbc.com>
Sent: February-22-21 2:46 PM
Subject: RE: [External Email] -- ZON-1193 & SUB 20.17 / 1681 - 10 ST SE

Hello,

FortisBC has reviewed the above noted referral. There is a Transmission Pressure pipeline that runs through this property. Any work done within 10m or crossing this pipeline, and/or within the right of way will require a permit. You can apply for a permit at www.fortisbc.com/rightofway.

If there are any proposed driveways or parking lots over the right of way or pipeline detailed engineer drawings must be submitted for review. An engineering assessment will be required to establish the potential impact to the FortisBC pipeline to establish any potential upgrades to the pipeline required to address the change in land use. The applicant/proponent will be responsible for all costs associated with any pipeline improvements required from this proposal.

Please be advised that FortisBC prohibits the stockpiling of excavated building or other materials within the right of way. There is to be no deterioration of soil stability or drainage patterns within or adjacent to the right of way. No preloading within or adjacent to the right of way. No buildings foundations or structures within the right of way. This includes overhanging roofs, tree canopies, decks, etc. Storage of any kind is prohibited within the right of way. If any heavy machinery will be crossing over the pipeline or in the right of way, a permit is required.

PROPOSED ROAD DEDICATION

If the subject referral proposes road dedication over the existing FortisBC Statutory Right of Way (SRW). Please note that prior to FortisBC relinquishing its SRW and consenting to road dedication, the applicant will be required to provide FortisBC with a legal posting plan showing the proposed road dedication area within the FortisBC right of way boundaries and the location of its facilities (with dimensions).

Relinquishing FortisBC SRW is subject to senior management review and approval.

Standard compensation principals will be used to establish the value of the FortisBC SRW being relinquished, based on BC Assessment data and available information with respect to recent comparable sales in the area. The applicant may retain the services of an Appraiser at its cost, however we suggest that FortisBC approval to relinquishment of the SRW is received prior to the applicant proceeding with any works associated with the road dedication or incurring an expense for an appraiser.

Should road dedication be approved:

- A geotechnical report should confirm the depth of the gas pipeline, soil types involved (above and below the gas pipeline) and confirm the impact of the dedication of additional road (road widening) over the transmission pressure gas pipeline in terms of vertical and horizontal ground movement.
- Provide complete civil drawings showing plan, profile and cross-sectional views in relation to FortisBC transmission pressure gas pipeline. Please provide start and end points of the dedication of additional road (road widening) by providing UTM coordinates. From road boundary to road boundary.

- Prior to the dedication of additional road (road widening) over FortisBC transmission pressure gas pipeline, the FortisBC transmission pressure gas pipeline may need to be inspected and/or upgraded to accommodate the change in land use. Cost responsibilities will be as set out in the Oil and Gas Activity Act or prevailing operating agreement as applicable.

FortisBC Permitting Requirements

Transmission Pressure Gas Pipeline

Any work within 10m of a FortisBC transmission pressure gas pipeline and/or within a FortisBC right-of-way requires a permit.

Distribution Pressure Gas Pipeline

FortisBC does not issue permits for works in close proximity to FortisBC distribution pressure gas pipelines. The applicant may proceed with the works. The applicant does not require any permit and onsite representative for the proposed works. However if the proposed work/activity is in close proximity to a FortisBC distribution pressure gas pipeline that is bigger than 10 inches, an onsite FortisBC representative would be required. To arrange for an onsite distribution representative, the applicant can call 604-576-7212. In all cases, the applicant must contact BC OneCall prior to beginning any excavations.

Process to Apply for an Online Permit Application

The applicant can submit a permit application through our new and quick automated permit system at www.fortisbc.com/rightofway. If they have any questions they can call 1-877-599-0996.

To complete and submit an application, please go to:

www.fortisbc.com/rightofway

How to apply for a right of way permit
online permit application

****Please allow a minimum of 15 workings days for processing****

If you should have any questions please contact our permit desk at 604-576-7021. Thank you!

Best regards,



Item 23.2

CITY OF SALMON ARM

Date: May 25, 2021

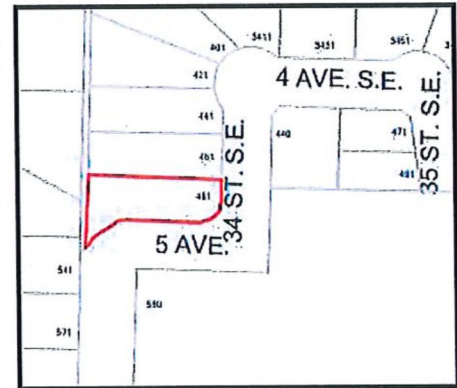
CITY OF SALMON ARM NOTICE OF PUBLIC HEARING

Notice is hereby given that the Council of the City of Salmon Arm will hold a virtual Public Hearing on Tuesday, May 25, 2021 at 7:00 p.m.

2) Proposed Amendment to Zoning Bylaw No 2303:

Rezone Lot 1, Section 18, Township 20, Range 9, W6M, KDYD, Plan EPP30551, from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone).

Civic Address: 481 - 34 Street SE
Location: Lot 1, Section 18, Township 20, Range 9, W6M, KDYD, Plan EPP30551
Present Use: Single Family Dwelling
Proposed Use: Single Family Dwelling with Detached Suite
Owner/Applicant: Johnson, D. & J.
Reference: ZON-1207/ Bylaw No. 4455



The staff reports for the proposals are available for viewing on the City of Salmon Arm website at <https://www.salmonarm.ca/431/Public-Hearing-Notices> May 11 to 25, 2021 inclusive. Those who deem their interest affected by the proposed bylaws are urged to review the online file, contact the undersigned or phone the Development Services Department at 250.803.4000 to obtain the facts of the proposal prior to the hearing.

Pursuant to Ministerial Order No. M192 made under the *Emergency Program Act*, R.S.B.C. 1996, c.111, s.10, City Council will not be allowing members of the public to attend this meeting. If you wish to attend virtually email cityhall@salmonarm.ca.

City Council encourages the continued use of the city's website to stay informed on current Development applications and Council Agendas.

Erin Jackson, Director of Corporate Services

Vote Record

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

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

To: His Worship Mayor Harrison and Members of Council

Date: April 15, 2021

Subject: Zoning Bylaw Amendment Application No. 1207

Legal: Lot 1, Section 18, Township 20, Range 9, W6M, KDYD, Plan EPP30551
 Civic Address: 481 - 34 Street SE
 Owner/Applicant: Johnson, D.

STAFF RECOMMENDATION

THAT: A bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303, 1995 by rezoning Lot 1, Section 18, Township 20, Range 9, W6M, KDYD, Plan EPP30551 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 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 481 – 34 Street SE (Appendix 1). 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 2 & 3).

BACKGROUND

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

The subject property is located in the Little Mountain Park neighbourhood which largely consists of R1 and R8 zoned parcels. In fact, there are four R8 parcels in very close proximity to the subject 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), R8 (Residential Suite), and P1 (Park and Recreation)
 South: R1 (Single Family Residential)
 East: R1 (Single Family Residential), R8 (Residential Suite)
 West: R1 (Single Family Residential), and pedestrian walkway

The property is approximately 0.10 ha (994 m²) in size and contains a recently constructed single family dwelling. The proposal is to construct a *detached suite* between two right of ways on the property, the maximum size of the suite being shown as 87.5m² (940ft²) on the site plan submitted. Site photos are attached as Appendix 6. The right of ways are for a pedestrian walkway (along west property line) and utilities (to the east of the proposed building site).

COMMENTS

Engineering Comments

- Second access permitted as proposed (details to be confirmed at building permit application).

- No portion of future building or structure (including overhangs) to encroach over Right of Way.
- No engineering concerns with proposed rezoning.

Building Department

No concerns.

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.

Access and Parking:

The property owner is requesting a second driveway to provide access to the detached suite at the corner of 33 Street SE and 5 Avenue SE. 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*). This second access would be sufficient to provide the third required parking space.

Siting:

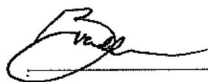
The site plan provided indicates an approximate location for the detached suite. With respect to siting, the suite appears to be proposed close to the northern (interior side) parcel line and western (rear) parcel line. The suite can be located no closer than 2.0 m from the interior side parcel line and 3.0 m from the rear parcel line with an allowable eave projection of up to 0.6 m into the setback. The applicant has been advised of zoning regulations.

Parcel Width:

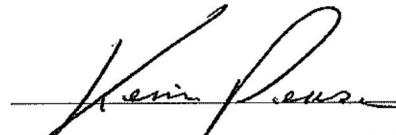
One portion of the property does not technically meet the minimum parcel width of 20.0 m for a detached suite. However, the long exterior parcel boundary compensates for that giving a sufficient lot depth to overcome the no build areas of the right of ways.

Conclusion:

The lot has a suitable size, dimensions, and location for a *detached suite*. 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 – Subject Property Map
- Appendix 2 – Proposal Letter and Photos
- Appendix 3 – Site Plan
- Appendix 4 – OCP Map
- Appendix 5 – Zoning Map
- Appendix 6 – Site Photos
- Appendix 7 – R8 Zoning Regulations



0 3.25 6.5 13 19.5 26 Meters

 Subject Property
 Parcels

To Whom it May Concern:

The Re-zoning request at 481 34th street SE is an attempt to add one of two secondary suite options to the existing property.

Ideally we would like to add a detached suite that will sit in between the two right of ways at the back side of the property. The detached suite in question would be a single level one bedroom unit, trying to keep it as low and inconspicuous as possible among the neighborhood. I have attached a photo and print I found online as a general idea only about what we are hoping to put in place. In between the detached suite and the principal residence would be a cedar fence matching the rest of the property to segregate the two buildings and try to provide as much privacy as possible to the neighbors to the north. We would also be requesting approval for vehicular access off of 5th ave. I have attached pictures of the current landscape, the access in question would be a single wide crush gravel driveway similar to whats seen. The current gated fence would be removed and the drive would be left open.

If our detached suite option is not approved we would be looking at the potential for a basement suite. The current house that we built in 2017 is laid out to easily be converted to a basement suite. This would turn the principal building into a 3 bedroom 2 bath, with a one bed one bath basement suite.

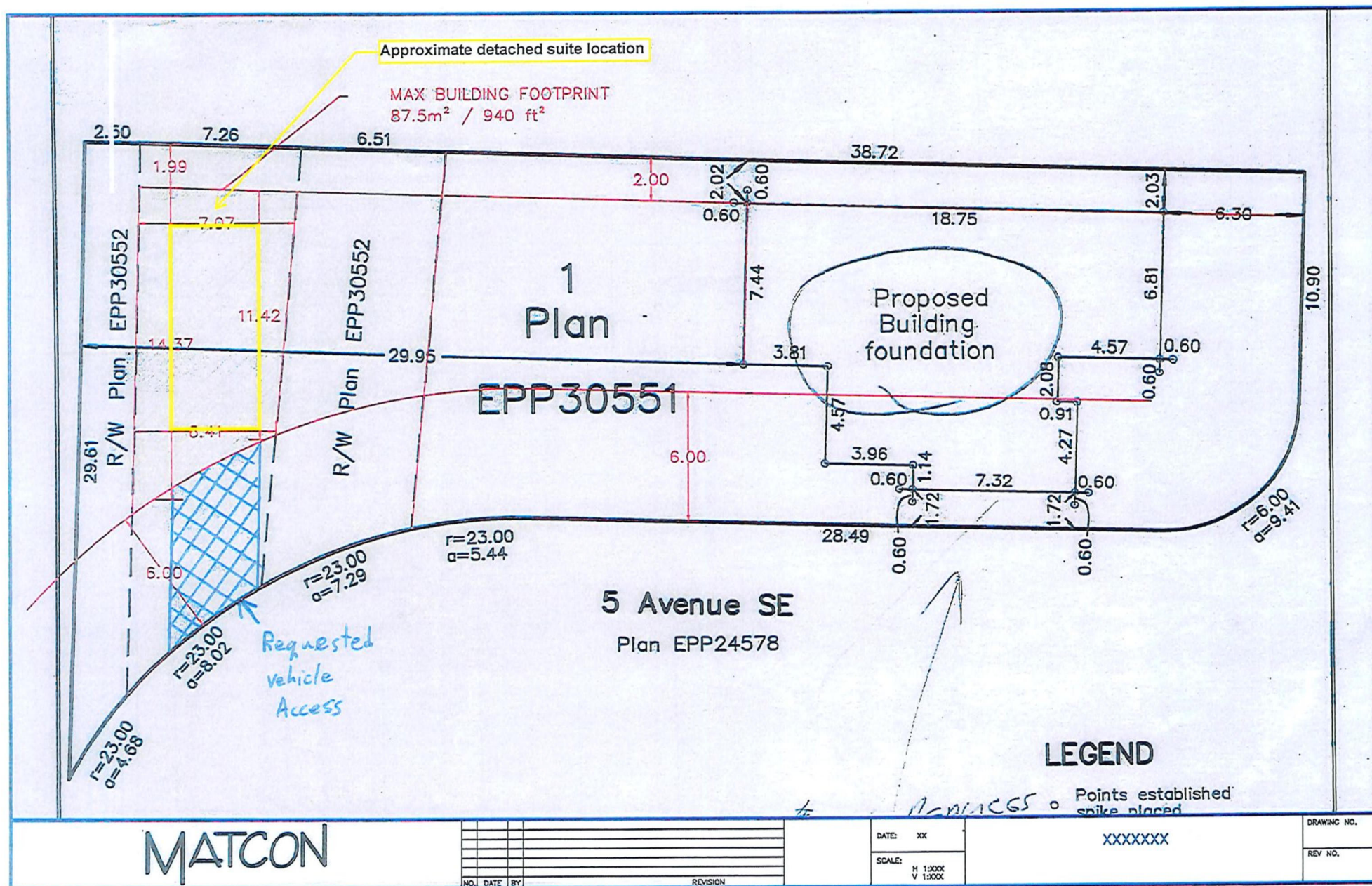
Dan Johnson





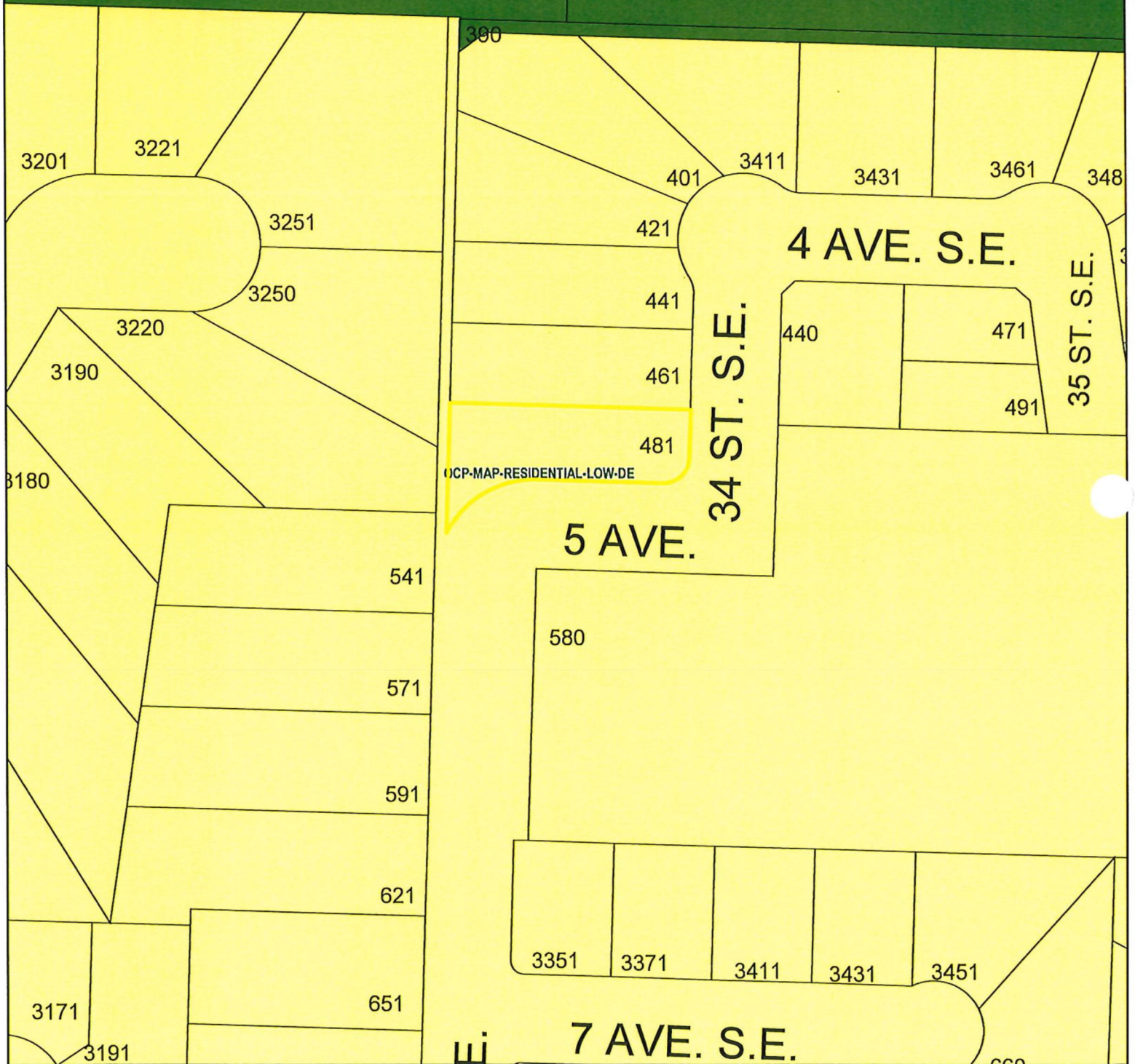






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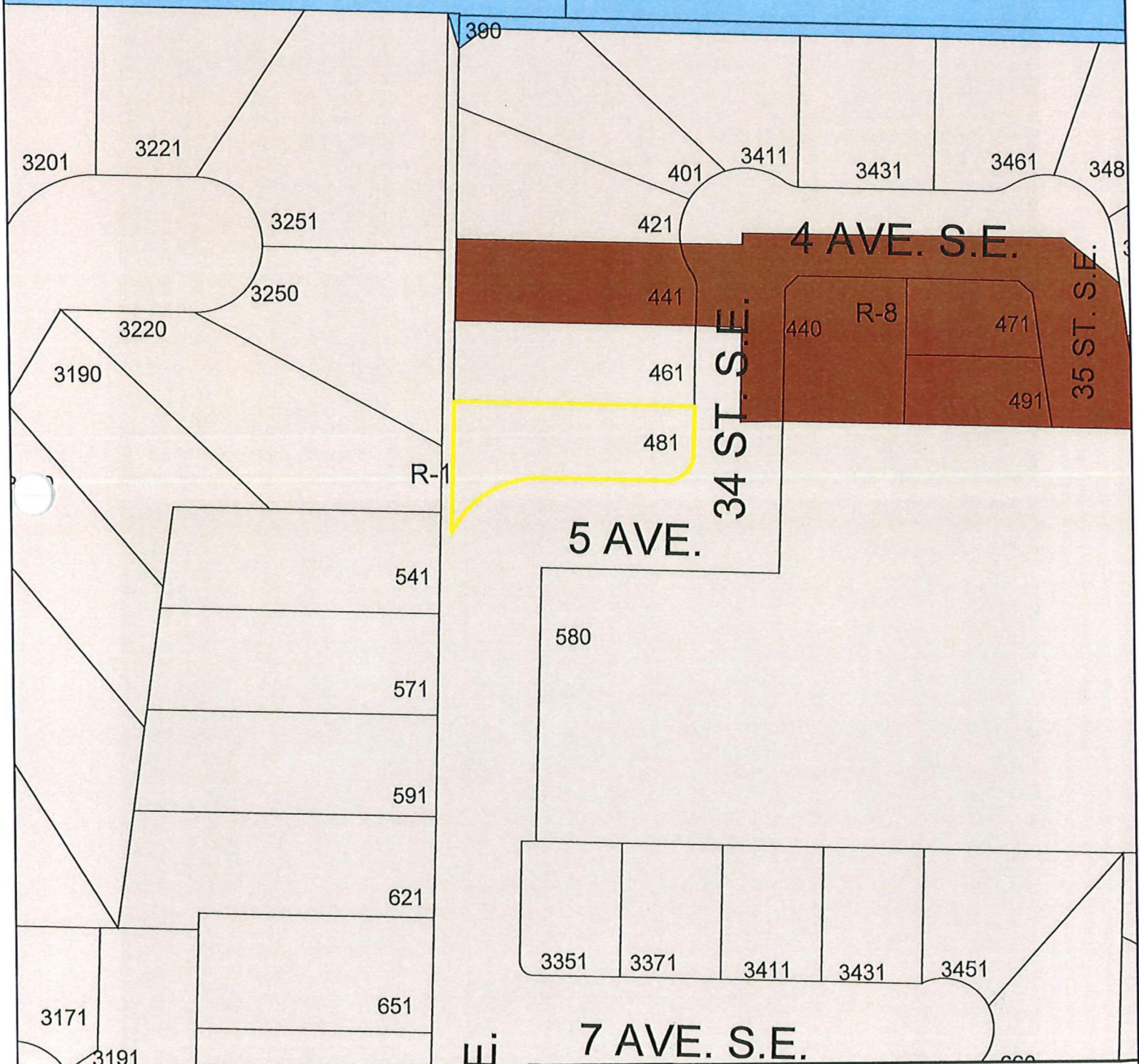
OCP MAP PARK



0 10 20 40 60 80 Meters

- Subject Property
- Parcels
- Park
- Residential - Low Density

P-1



0 10 20 40 60 80 Meters



Subject Property



Parcels



P-1



R-1



R-8



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 Building

13.12 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 Buildings

13.13 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 Suite

13.14 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.

Item 23.3

CITY OF SALMON ARM

Date: May 25, 2021

CITY OF SALMON ARM NOTICE OF PUBLIC HEARING

Notice is hereby given that the Council of the City of Salmon Arm will hold a virtual Public Hearing on Tuesday, May 25, 2021 at 7:00 p.m.

3) Proposed Termination of Land Use Contract N71309

District of Salmon Arm Land Use Contract Bylaw No. 1270 was adopted by Council to permit the subdivision of the subject property and the construction of two (2) buildings with one building straddling three lots.

Civic Addresses: 4121, 4141, 4161, 4181, 4221 and 4241 45 Street SE
Present Use: Industrial Buildings
Proposed Use: No Change
Location: South of 41 Avenue SE and north of 46 Avenue SE
Reference: LUC N71309/Bylaw 4461



The staff reports for the proposals are available for viewing on the City of Salmon Arm website at <https://www.salmonarm.ca/431/Public-Hearing-Notices> May 11 to 25, 2021 inclusive. Those who deem their interest affected by the proposed bylaws are urged to review the online file, contact the undersigned or phone the Development Services Department at 250.803.4000 to obtain the facts of the proposal prior to the hearing.

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Erin Jackson, Director of Corporate Services

Vote Record

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

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



To: His Worship Mayor Harrison and Members of Council

Date: April 23, 2021

Subject: Land Use Contract Termination – Greyfriars Rentals Ltd.

STAFF RECOMMENDATION

THAT: A bylaw be prepared for Council's consideration, adoption of which would terminate the following Land Use Contract N71309 for the parcels legally described as:

004-278-399	Lot 1, Section 6, Township 20, Range 9, W6M, KDYD, Plan 29482	4121 45 Street SE
004-278-411	Lot 2, Section 6, Township 20, Range 9, W6M, KDYD, Plan 29482	4141 45 Street SE
002-983-249	Lot 3, Section 6, Township 20, Range 9, W6M, KDYD, Plan 29482	4161 45 Street SE
003-076-938	Lot 1, Section 6, Township 20, Range 9, W6M, KDYD, Plan 36293	4181 45 Street SE
003-076-946	Lot 2, Section 6, Township 20, Range 9, W6M, KDYD, Plan 36293	4221 45 Street SE
003-076-962	Lot 3, Section 6, Township 20, Range 9, W6M, KDYD, Plan 36293	4241 45 Street SE

PURPOSE

The early termination of LUC N71309, a Land Use Contract (LUC) that governed the development of industrial lands located at 4121, 4141, 4161, 4181, 4221 and 4241 45 Street SE (Appendices 1 and 2).

BACKGROUND

The subject property is designated "Industrial" Land Use in the Official Community Plan (OCP) and zoned M1 (General Industrial) within Zoning Bylaw No. 2303 (see Appendices 3 and 4). The existing uses of the subject property include welding and fabrication shops and a cabinet woodworking shop – all uses are consistent with the M1 zone.

The surrounding uses are as follows:

North: M1 (General Industrial) Industrial
 East: M1 (General Industrial) Industrial
 West: M1 (General Industrial) Industrial
 South: M1 (General Industrial) Industrial

In 1978, prior to the LUC, the subject property was owned by the City and part of a larger pre-planned area for industrial development. The developer (Greyfriars Rentals Ltd.) negotiated the purchase of the subject property for a five (5) lot subdivision and the construction of two (2) buildings with one building straddling three lots. The realigning of the Inland Gas Line and right-of-way to accommodate later phases of industrial development were to be undertaken by the developer but never completed. An additional condition of the LUC included the registration of an easement along the westerly 10m of the subject property for a private access lane.

At the time, the City could have supported the development by approving a number of Development Variance Permits; however, a LUC was a simpler means to approve the complex proposal. Zoning Bylaw No. 1180 did not permit party wall subdivision of non-residential multi-unit buildings or 0.0m side yard setbacks, LUC N71309 effectively waived these requirements. Zoning Bylaw No. 2303 does permit party wall setbacks for multi-unit buildings on fee simple lots. Lot Consolidation and/or Building Strata would be the appropriate development scenario today.

When a LUC affects a parent parcel, at the time of subdivision the LUC transfers to any newly created parcel. The original lot configuration of affected properties is shown in Schedule "B" of LUC N71309 (Appendix 5). In 1986 the owner further subdivided and realigned parcel lines affecting the three most southern lots. When new land titles were created the LUC was transferred onto those land titles. There are currently six titles affected by LUC N71309.

The table below provides a quick summary of the zoning bylaw comparison between Zoning Bylaw 1180 and Zoning Bylaw No. 2303.

Table 1. M1 – General Industrial Zone Comparison Zoning Bylaw No. 1180 & Zoning Bylaw No. 2303

Bylaw Provision	Zoning Bylaw 1180	Zoning Bylaw 2303
Minimum Parcel Area	464.5m ² (5000ft ²)	465m (5005.4ft ²)
Minimum Parcel Width	15m (49.21ft)	15m (49.21ft)
Building Setbacks <ul style="list-style-type: none"> • Front • Side yard without Lane access • Exterior side yard 	6.0m (19.68ft) 4.0m N/A	6.0m (19.68ft) N/A 6.0
Building Heights	15.0m (49.2ft) or not greater than 3 storeys	15.0m (49.2ft)
Permitted Uses	Manufacturing – welding shops	Welding, machine or metal fabrication
Parking	1 per 2 employees on duty	1 stall per 100m ² of building area plus 1 per 2 employees

COMMENTS

Engineering Department

The Engineering Department is unaffected by the proposed LUC termination and rezoning.

A development of this scale under the current Subdivision and Servicing Bylaw would trigger requirements for lighting, ditching and other improvements in this area. However, the existing condition of the services and associated rights-of-way are consistent with other developments of a similar age and the termination of the LUC would not require upgrades. Any future building additions or a new building would require a Building Permit and servicing upgrades current to the Subdivision and Servicing Bylaw.

Building Department

No comments.

Fire Department

No comments.

BC Assessment

BC Assessment has advised that the current property assessments would remain relatively unchanged.

Planning Department

In 2014, amendments to the *Local Government Act* established June 30, 2024 as the expiry date for all LUCs in the province. After that date, the LUCs no longer have force or effect. The same amendments included the establishment of an 'early termination' process for Local Governments to address the discharge of the LUCs and consider how or if the other development tools need to be utilized to ensure properties governed by LUCs

are conforming to existing bylaws in the absence of the LUC. The benefits of the early termination process is that, rather than relying on existing rules which may not adequately capture the provisions of the LUC, the City and landowners have an opportunity to consider the introduction of zoning or variances that might better reflect currently permitted uses and density. In this instance, no additional bylaw amendments would be required.

PUBLIC CONSULTATION

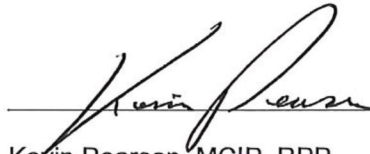
As part of the LUC Early Termination project, owners of land affected by a LUC received information letters in advance of the process beginning. Letters sent on October 9, 2020 advised all property owners that the LUC Early Termination process was to begin and they would receive further information as staff progressed through a list of outstanding LUC areas. In addition to letters, staff have created a "Land Use Contract – Early Termination" page on the City's website that provides more information to property owners. A second information letter, specific to this LUC Termination was mailed on March 25, 2021. In advance of the Statutory Public Hearing, newspaper ads and letter notices to property owners in the LUC area will be completed as per the legislative requirements.

CONCLUSION

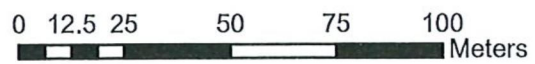
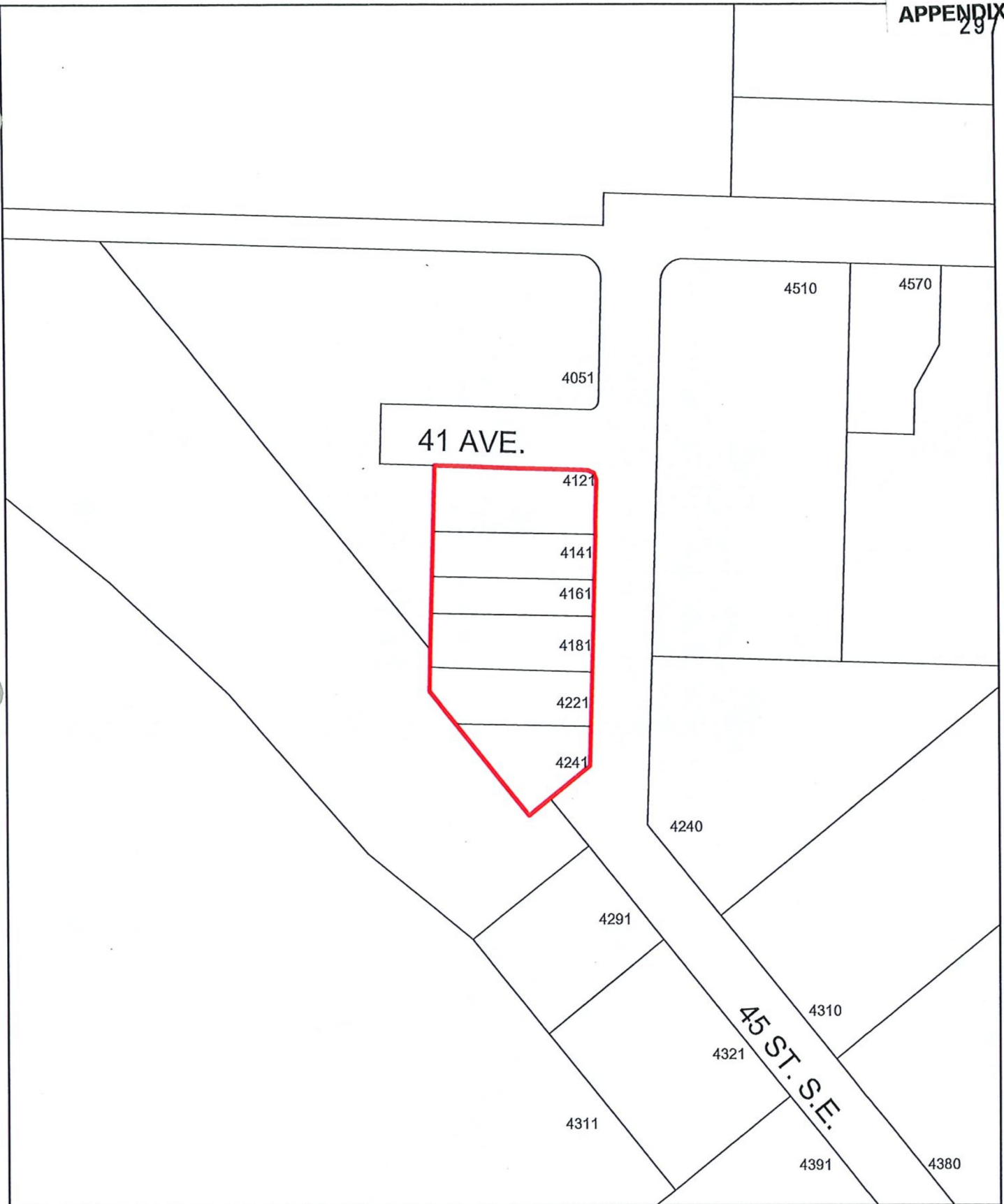
Given the changes in legislation setting an expiry date for LUCs, consistency with OCP designation and appropriate zoning, staff are supportive of the termination of LUC N71309 and rezoning is not necessary. This type of development would be nearly impossible to achieve today without lot consolidation and/or building stratification.



Melinda Smyrl, MCIP, RPP
Planner



Kevin Pearson, MCIP, RPP
Director of Development Services



■ Subject Property (LUC)

Land Use Contract No. N71309 Subject Area
Ortho Map 405-1

41 AVE

4121

4141


4161

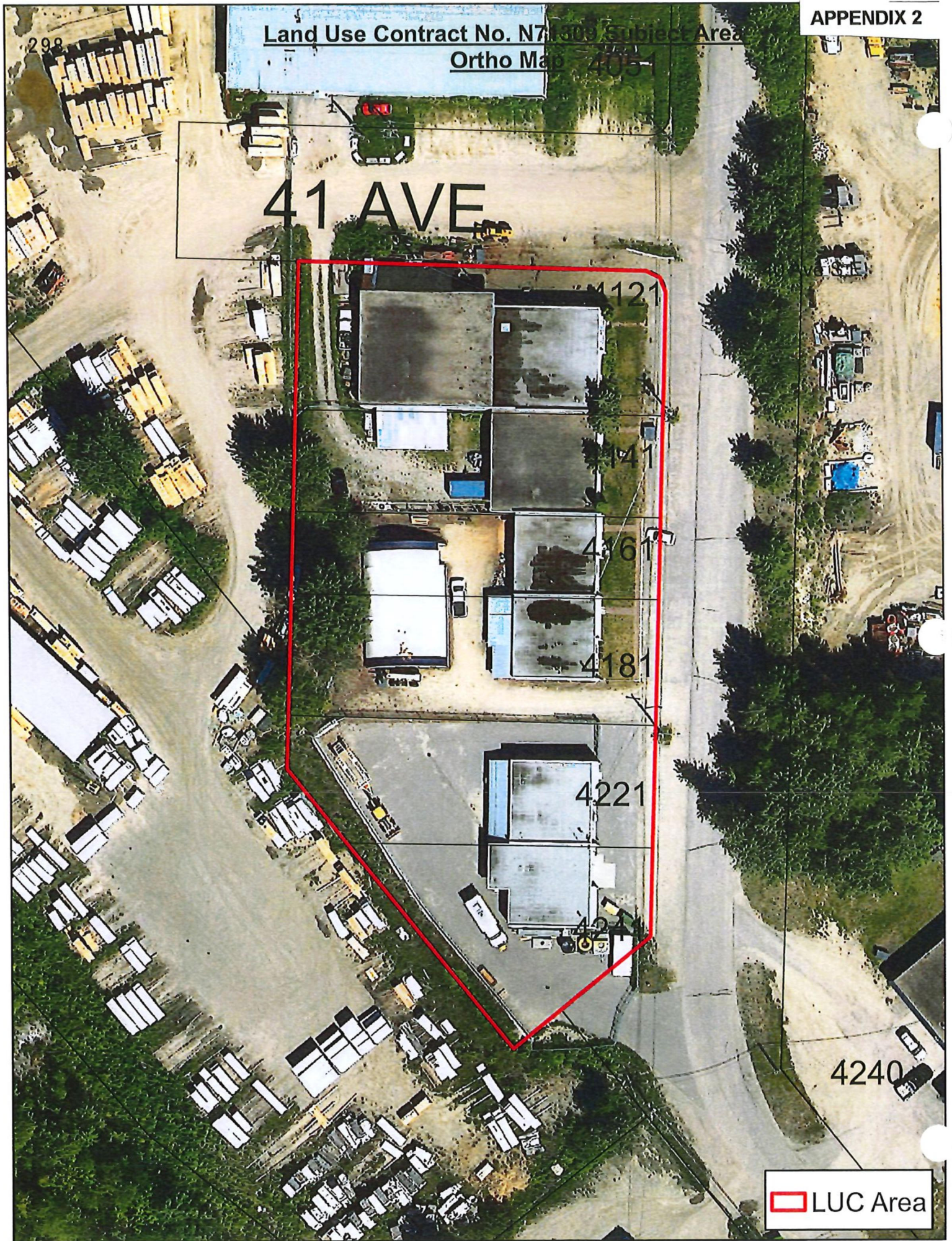
4181

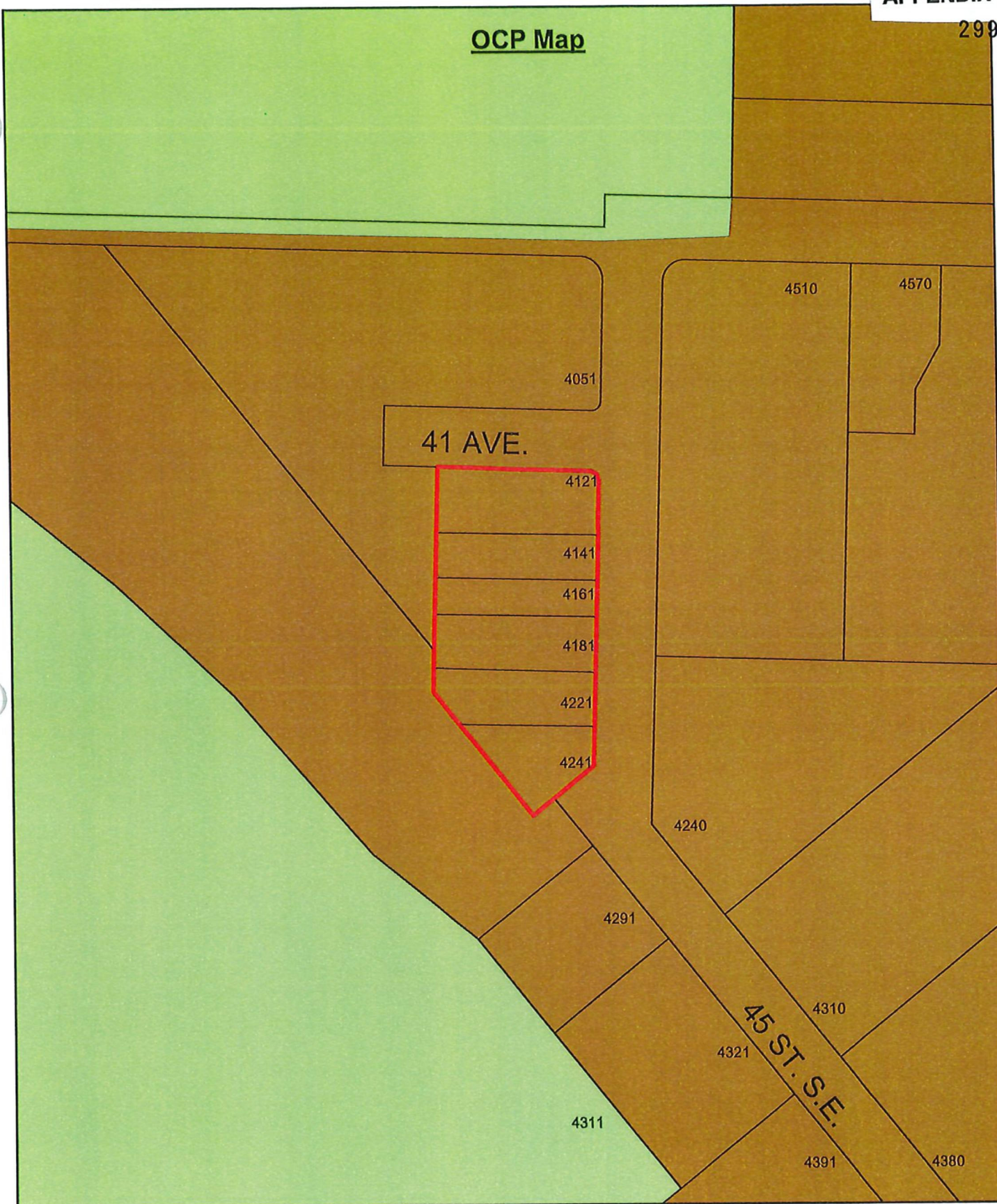
4221

4241

4240

 LUC Area



OCP Map

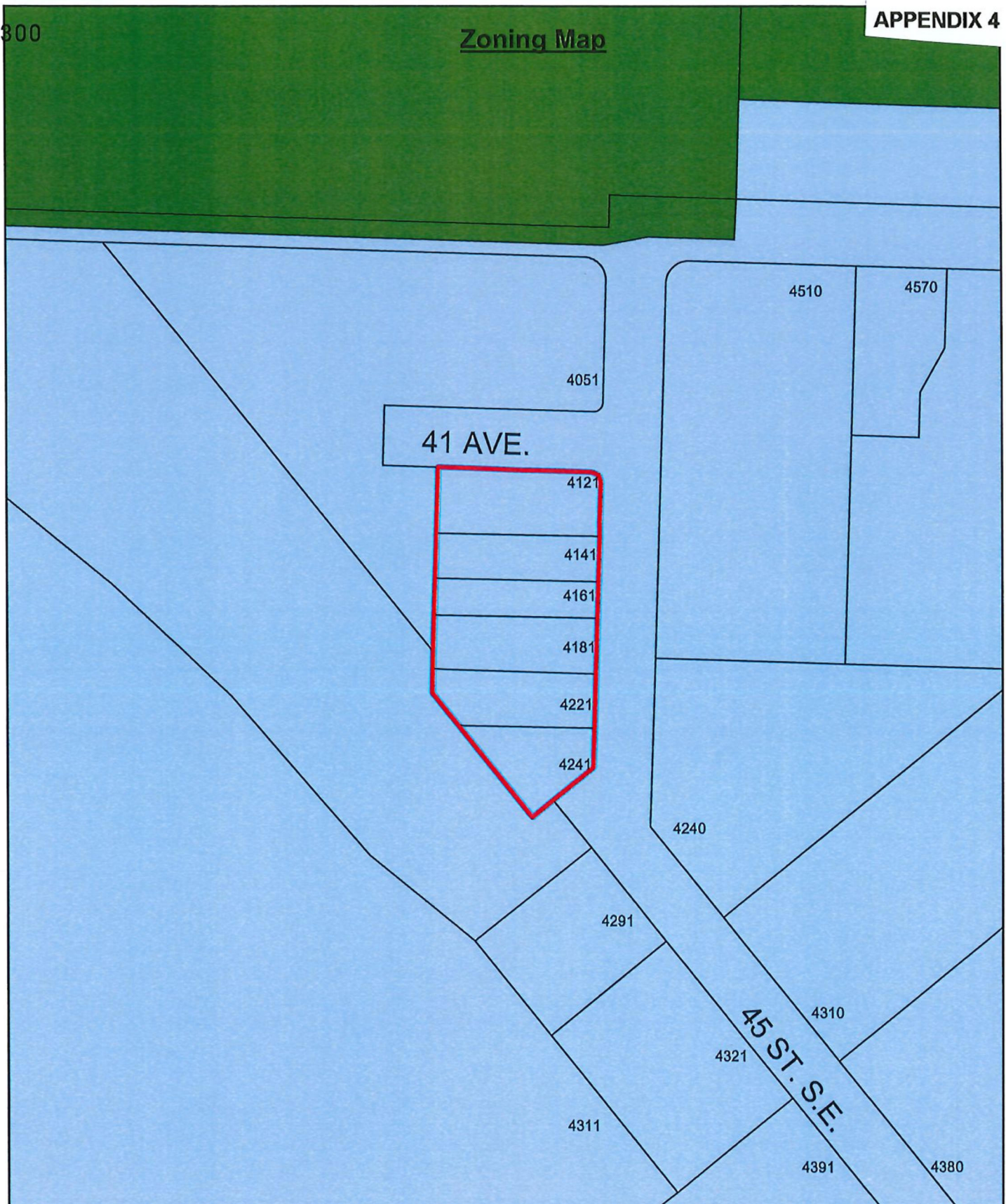
0 12.5 25 50 75 100 Meters

- ▣ Subject Property (LUC)
- Official Community Plan (2010)
- Acreage Reserve
- Industrial - General

300

Zoning Map

APPENDIX 4



0 12.5 25 50 75 100 Meters

■ Subject Property (LUC)
Zoning
■ A-2
■ M-1

Rec'd Dec 14/78

RECEIVED
LAND REGISTRY OFFICE
KAMLOOPO

N 71309

LAND USE CONTRACT
19 DEC 7 11:31

THIS AGREEMENT made the 9th day of NOVEMBER, 1978

BETWEEN:

DISTRICT OF SALMON ARM, a municipal corporation having its place of business at 8640 Harris Street, Salmon Arm, in the Province of British Columbia

(hereinafter called the "Municipality")

OF THE FIRST PART

AND:

GREYFRIARS RENTAL LTD. (inc. #135,766)
315 Ross Street
Salmon Arm, in the
Province of British Columbia

(hereinafter called the "Developer")

OF THE SECOND PART

WHEREAS the Municipality, pursuant to Section 702A of the Municipal Act, may, notwithstanding any by-law of the Municipality, or Section 712 or 713 of the Municipal Act, enter into a land use contract containing such terms and conditions for the use and development of land as may be agreed upon with a developer, and thereafter the use and development of the land shall be in accordance with the land use contract;

AND WHEREAS the Municipal Act requires that the Municipal Council consider the criteria set out in Section 702(2) and 702A(1) in arriving at the terms, conditions and consideration contained in a land use contract;

AND WHEREAS the Developer has presented to the Municipality a scheme of use and development of the within described lands and premises that would be in contravention of a by-law of the Municipality, of Section 712 or 713 of the Municipal Act or both, and has requested that the Council of the Municipality enter into this contract under the terms, conditions and for the consideration hereinafter set forth;

SUBSTITUTE FOR FORM "C"

Nov 29 1978
LAND USE CONTRACT
NOMINAL LRO
WYNNE J. BARTLETT
Box 910
SALMON ARM

AND WHEREAS the Council of the Municipality, having given due consideration to the criteria set forth in Sections 702(2) and 702A(1) of the Municipal Act, have agreed to the terms, conditions and consideration herein contained;

AND WHEREAS if the land is within a radius of one-half mile of the intersection of a controlled access highway and another highway, the approval of the Minister of Highways to the terms hereof must be obtained;

AND WHEREAS the land is within a development area of the Municipality:

AND WHEREAS the Municipality and the Developer both acknowledge that the Council of the Municipality could not enter into this Agreement, until the Council held a public hearing in relation to this Agreement, and considered any opinions expressed at such hearing, and unless a simple majority of the members of the Council present at the meeting at which the vote is taken and entitled to vote on the by-law voted in favour of the by-law authorizing the Municipality to enter into this Contract;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth, the Municipality and the Developer covenant and agree as follows:

NER

1. The Developer is the registered owner of an estate in fee simple of all and singular that certain parcel or tract of land and premises, situate, lying and being in the District of Salmon Arm, in the Province of British Columbia, and being more particularly known and described as:

Lot 1,
Section 6,
Township 20,
Range 9,
West of the 6th Meridian
Kamloops Division Yale District,
Plan 29085,

(hereinafter called the "Land")

NSENTS

2. The Developer has obtained the consent of all persons having a registered interest in the Land as set out in the schedule prefacing the consents to the use and development set forth herein which consents are attached hereto.

- 3 -

COMPLIANCE

3. Except as hereinafter specifically provided the Developer shall in his use and development of the Land comply with all of the by-laws of the Municipality and in particular, without limiting the generality of the foregoing, the Developer shall comply with the provisions of "The Salmon Arm Zoning By-Law 1976 No. 1180" as amended from time to time.

DEVELOPMENT

4. Notwithstanding the provisions of Section 51.6.1.1 of Zoning By-Law 1180 the land may be subdivided strictly in accordance with the Plan of Subdivision annexed hereto as Schedule "A" subject to the approval of the Approving Officer of the Municipality.

EASEMENT

5. The Developer shall, at his cost, cause a plan of easement to be prepared which plan shall set out an easement over the westerly 10% of the said land. The Developer shall cause easement agreements in the form set out in Schedule "C" to be entered into by all of the owners or persons interested in the land crossed by such easements and shall arrange for concurrent registration of such easements in the Land Registry Office with the subdivision plan, Schedule "A".

BUILDING
PERMITS

6. Notwithstanding the provisions of Section 51.6.2.1.C of Zoning By-law 1180 any building constructed, placed or erected upon the Land shall be sited strictly in accordance with the sketch plan attached hereto as Schedule "B" hereof and the Developer shall construct all common party walls separating any building on one lot of the said subdivision from any building on any other lot of the said subdivision in strict compliance with the applicable provisions of the National Building Code of Canada, 1977 and shall in respect of any such party walls and before obtaining any occupancy permits from the Municipality for any buildings constructed upon the Land, cause appropriate party wall agreements to be registered against each of the lots within the said subdivision providing, without limitation, for the joint maintenance thereof by the owners of adjoining lots.

INSPECTION
FEES

7. The Developer shall pay to the Municipality inspection fees of \$20.00 per lot.

LEGAL FEES

8. The Developer shall pay to the Municipality any legal costs incurred by the Municipality in the preparation or registration of this contract.

- INCORPORATION 9. Schedules "A" to "C" are hereby incorporated into and made a part of this Agreement.
- REPRESENTATIONS 10. It is understood and agreed that the Municipality has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer and the Developer has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Municipality in either case other than those in this contract.
- REGISTRATION 11. This agreement shall be construed as running with the Land and shall be registered in the Land Registry Office, Kamloops, British Columbia by the Municipality pursuant to the provisions of Section 702A (4) of the Municipal Act.
- DISCHARGE 12. It is further understood and agreed by the parties hereto that this contract may be discharged by the Municipality by the registration in the Land Registry Office in Kamloops of a Quit Claim Deed referring to the registration of this contract, at any time after the registration of same.
- INTERPRETATION 13. Whenever the singular or masculine is used herein the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.
- BINDING 14. Except as hereinafter provided this Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

A public hearing on this Contract was held on the 19th day of October, 1978.

THIS AGREEMENT was approved by an affirmative vote of a majority of all the members of the Council of the Municipality present at the meeting at which the vote was taken and entitled to vote on the by-law authorizing this Contract on the 27 day of November, 1978.

- 5 -

IN WITNESS WHEREOF the parties hereto have here-
unto affixed their respective hands and seals the day and year
first above written.

THE CORPORATE SEAL OF THE)
DISTRICT OF SALMON ARM was)
hereunto affixed in the pr-)
esence of:)

Margaret Lund)
Mayor)

[Signature])
Clerk)

(seal)

THE CORPORATE SEAL OF GREY-)
FRIARS RENTAL LTD. was here-)
unto affixed in the pres-)
ence of:)

[Signature])

(seal)

LAND USE CONTRACTSchedule of Persons Having a Registered Interest In the Land Whose Consents Are Required

<u>Full Name</u>	<u>Address</u>	<u>Occupation</u>	<u>Nature of Charge</u>
SALMON ARM SAVINGS AND CREDIT UNION	Box 686 Salmon Arm, B.C.	Credit Union	/ Mortgage # N36301 June 29, 1978

CONSENT

KNOW ALL MEN by these presents that:

SALMON ARM SAVINGS AND CREDIT UNION of
P. O. Box 868, Salmon Arm, British Columbia being
 the holder of a charge by way of mortgage registered
 in the Land Registry Office at Kamloops under
 Number N36301 against all and singular that certain parcel or
 tract of land and premises being in the District of Salmon Arm
 in the Province of British Columbia and known and described as:

inter alia Lot 1, Section 6, Township 20, Range 9, West
 of the 6th Meridian, Kamloops Division Yale District, Plan
 29085

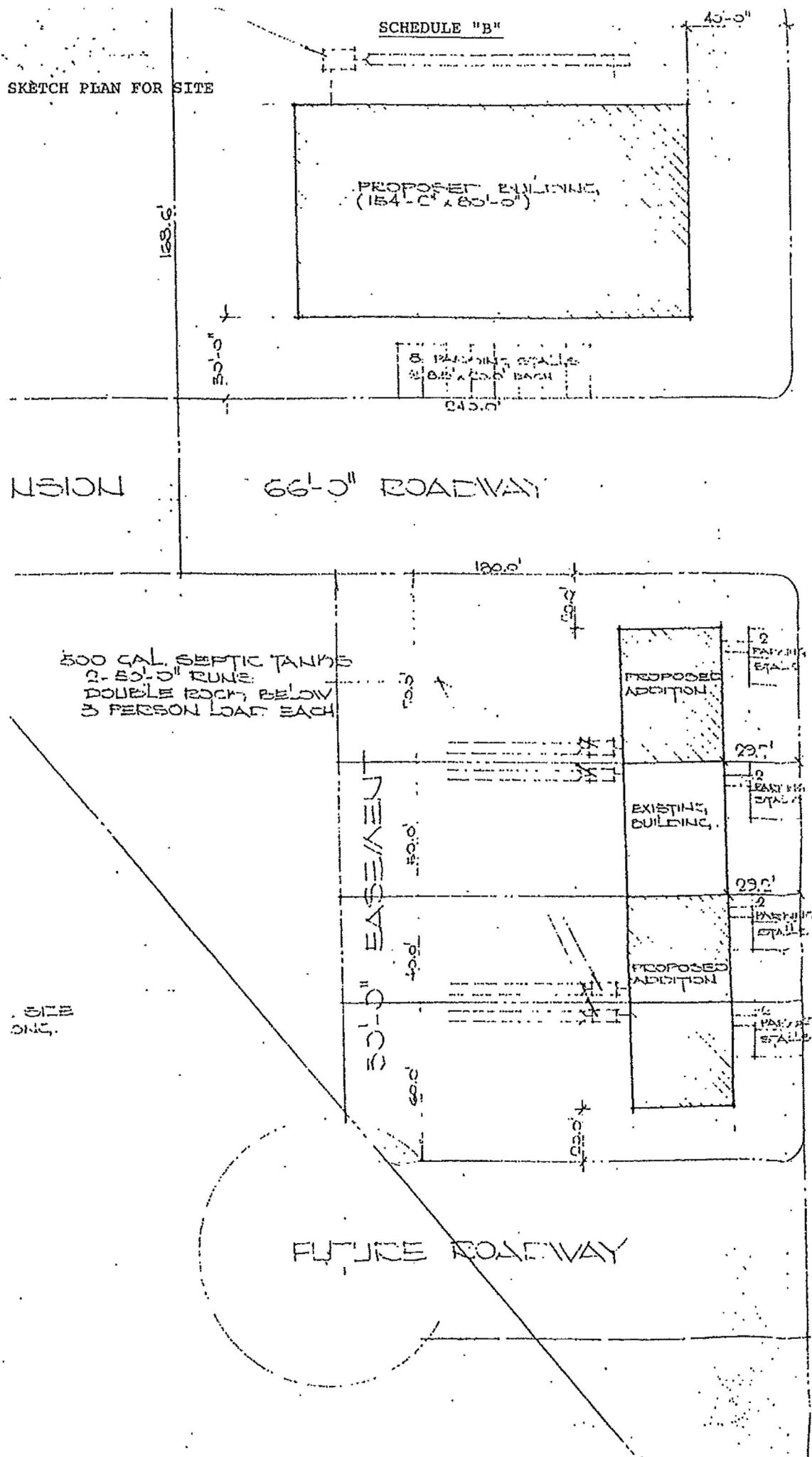
in consideration of the sum of One Dollar (\$1.00) hereby agrees and consents
 to the registration of a Land Use Contract, made between the registered owner
 of the said Lands and the District of Salmon Arm dated
 the day of 1976, against the aforementioned Lands in priority
 to the said charge in the same manner and to the same effect as if it had been
 dated and registered prior to the said charges.

Salmon Arm Savings
 and Credit Union
 BOX 868, SALMON ARM, B. C.

[Signature]
[Signature]
 SECRETARY

GENERAL MANAGER

SKETCH PLAN FOR SITE



THIS INDENTURE made the day of 1978.

BETWEEN:

GREYFRIARS RENTAL LTD. a company duly incorporated under the laws of the Province of British Columbia under No. 135,766 with registered office at 315 Ross St., Salmon Arm, British Columbia

(herein called the "Grantor")

OF THE FIRST PART

AND:

GREYFRIARS RENTAL LTD. a company duly incorporated under the laws of the Province of British Columbia under No. 135,766 with registered office at 315 Ross St., Salmon Arm, British Columbia

(herein called the "Grantee")

OF THE SECOND PART

WHEREAS the Grantor is the registered owner of Lots 1 to 4 inclusive on the plan of subdivision attached as Schedule "A" hereto, more particularly described herein;

AND WHEREAS to facilitate access to and the installation of utilities to each of the said lots, the Grantee has determined to execute this easement as a charge over each of the said lots in favour of the others.

WITNESSETH THAT in consideration of the covenants herein contained the Grantor DOTH HEREBY GRANT, CONVEY, confirm and transfer unto the Grantee the full, free and uninterrupted right, licence, liberty, privilege and permission to enter upon and pass and repass both with and without machinery or vehicles and where necessary to dig up, install, and maintain utilities upon, over, under and across that part of the Grantor's lands shown outlined in red on a plan of easement attached hereto and as prepared by M.D. Browne, B.C. Land Surveyor and sworn the 2nd day of November, 1978.

THE GRANTOR hereby covenants and agrees with the Grantee as follows:

- (a) That the easement herein granted shall be a joint and several easement over each of the said four lots in favour of all of the others and the rights herein granted may be exercised by the Grantee or any subsequent owner of any of the said lots over all of the others;
- (b) That the Grantor will not do or permit the erection, installation or maintenance of any building, structure, pipe, wire or conduit on, over or under the said easement that in any way interferes with the use of the said easement by the Grantee;
- (c) That the Grantor will from time to time and upon all reasonable requests and at the cost of the Grantee do and execute such further assurances whatsoever for the attainment of the rights herein granted to the Grantee.

THE GRANTEE hereby covenants and agrees with the Grantor as follows:

- (a) That the Grantee will, as soon as weather and soil conditions permit, and so often as it may dig up or disturb the surface of the Grantor's lands, replace the surface soil as nearly as may be possible to the same condition as it was prior to such entry PROVIDED HOWEVER that if the easement area be used by the Grantee for access he shall be entitled to gravel or otherwise surface it as he sees fit;
- (b) That the Grantee will, as far as reasonably possible, carry out all work in a proper and workmanlike manner so as to do as little injury to the lands of the Grantor as possible.

The parties hereto each HEREBY COVENANT and agree with the other, that the covenants herein contained shall be covenants

THIS AGREEMENT shall enure to the benefit of the parties hereto and their respective heirs, successors, administrators and assigns forever.

THE CORPORATE SEAL of the)
GRANTOR was hereto affixed)
in the presence of:)
)
)
)
)
)
)

THE CORPORATE SEAL of the)
GRANTEE was hereto affixed)
in the presence of:)
)
)
)
)
)
)

(seal)

Acknowledgment of Officer of a Corporation

I HEREBY CERTIFY that, on the _____ day of _____, 19____,
 at _____, in the Province of British Columbia,
 (whose identity has been proved by the evidence on _____,
 oath of _____, who is) personally known to me,
 appeared before me and acknowledged to me that he is the _____ of
 _____, and that he is the person
 who subscribed his name to the annexed instrument as _____ of the said
 _____ and affixed the seal of the _____

to the said Instrument, that he was first duly authorized to subscribe his name as aforesaid, and affix the said seal to the said Instrument, and that such corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,
 at _____ in the Province of
 British Columbia, this _____ day of _____
 one thousand nine hundred and _____

.....
 A Notary Public in and for the Province of British Columbia.
 A Commissioner for taking Affidavits for British Columbia.

NOTE—WHERE THE PERSON MAKING THE ACKNOWLEDGMENT IS PERSONALLY KNOWN TO THE OFFICER TAKING THE SAME, STRIKE OUT THE WORDS IN BRACKETS.

FORM NO. 206 ACKNOWLEDGMENT OF OFFICER OF A CORPORATION.

Acknowledgment of Officer of a Corporation

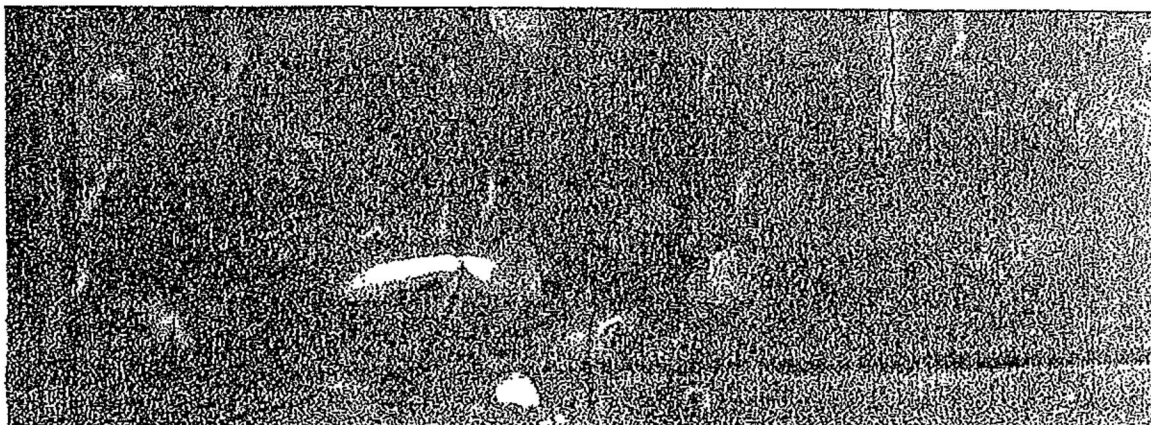
I HEREBY CERTIFY that, on the _____ day of _____, 19____,
 at _____, in the Province of British Columbia,
 (whose identity has been proved by the evidence on _____,
 oath of _____, who is) personally known to me,
 appeared before me and acknowledged to me that he is the _____ of
 _____, and that he is the person
 who subscribed his name to the annexed instrument as _____ of the said
 _____ and affixed the seal of the _____

to the said Instrument, that he was first duly authorized to subscribe his name as aforesaid, and affix the said seal to the said Instrument, and that such corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,
 at _____ in the Province of
 British Columbia, this _____ day of _____
 one thousand nine hundred and _____

.....
 A Notary Public in and for the Province of British Columbia.
 A Commissioner for taking Affidavits for British Columbia.

NOTE—WHERE THE PERSON MAKING THE ACKNOWLEDGMENT IS PERSONALLY KNOWN TO THE OFFICER TAKING THE SAME, STRIKE OUT THE WORDS IN BRACKETS.



Item 24.1

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

THAT: the bylaw entitled City of Salmon Arm Zoning Amendment Bylaw No. 4437 be read a third and final time.

[ZON-1193; NTL Developments Ltd./ Franklin Engineering Ltd.; 1681 10 Street SE; R-1 to R-8]

Vote Record

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

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

CITY OF SALMON ARM

BYLAW NO. 4437

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

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

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

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

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

Rezone Lot A, Section 11, Township 20, Range 10, W6M, KDYD, Plan 11982, from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone).

2. SEVERABILITY

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

3. ENACTMENT

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

4. EFFECTIVE DATE

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

5. CITATION

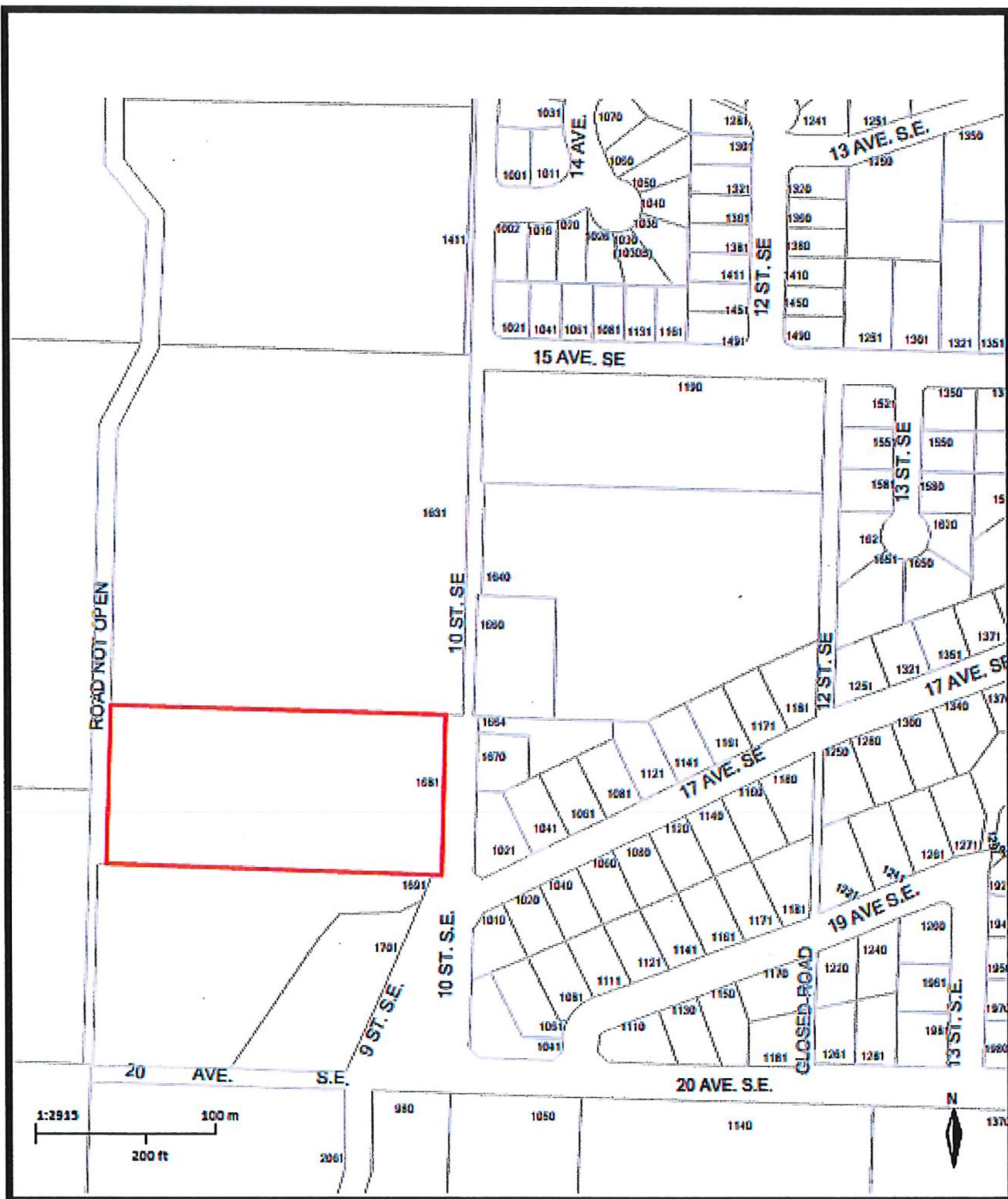
This bylaw may be cited as "City of Salmon Arm Zoning Amendment Bylaw No. 4437"

READ A FIRST TIME THIS	10	DAY OF	May	2021
READ A SECOND TIME THIS	10	DAY OF	May	2021
READ A THIRD TIME THIS		DAY OF		2021
ADOPTED BY COUNCIL THIS		DAY OF		2021

MAYOR

CORPORATE OFFICER

SCHEDULE "A"



Item 24.2

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

THAT: the bylaw entitled City of Salmon Arm Zoning Amendment Bylaw No. 4455 be read a third time.

[ZON-1207; Johnson, D.; 481 34 Street SE; R-1 to R-8]

Vote Record

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

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

CITY OF SALMON ARM

BYLAW NO. 4455

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

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

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

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

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

Rezone Lot 1, Section 18, Township 20, Range 9, W6M, KDYD, Plan EPP30551, from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone).

2. SEVERABILITY

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

3. ENACTMENT

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

4. EFFECTIVE DATE

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

5. CITATION

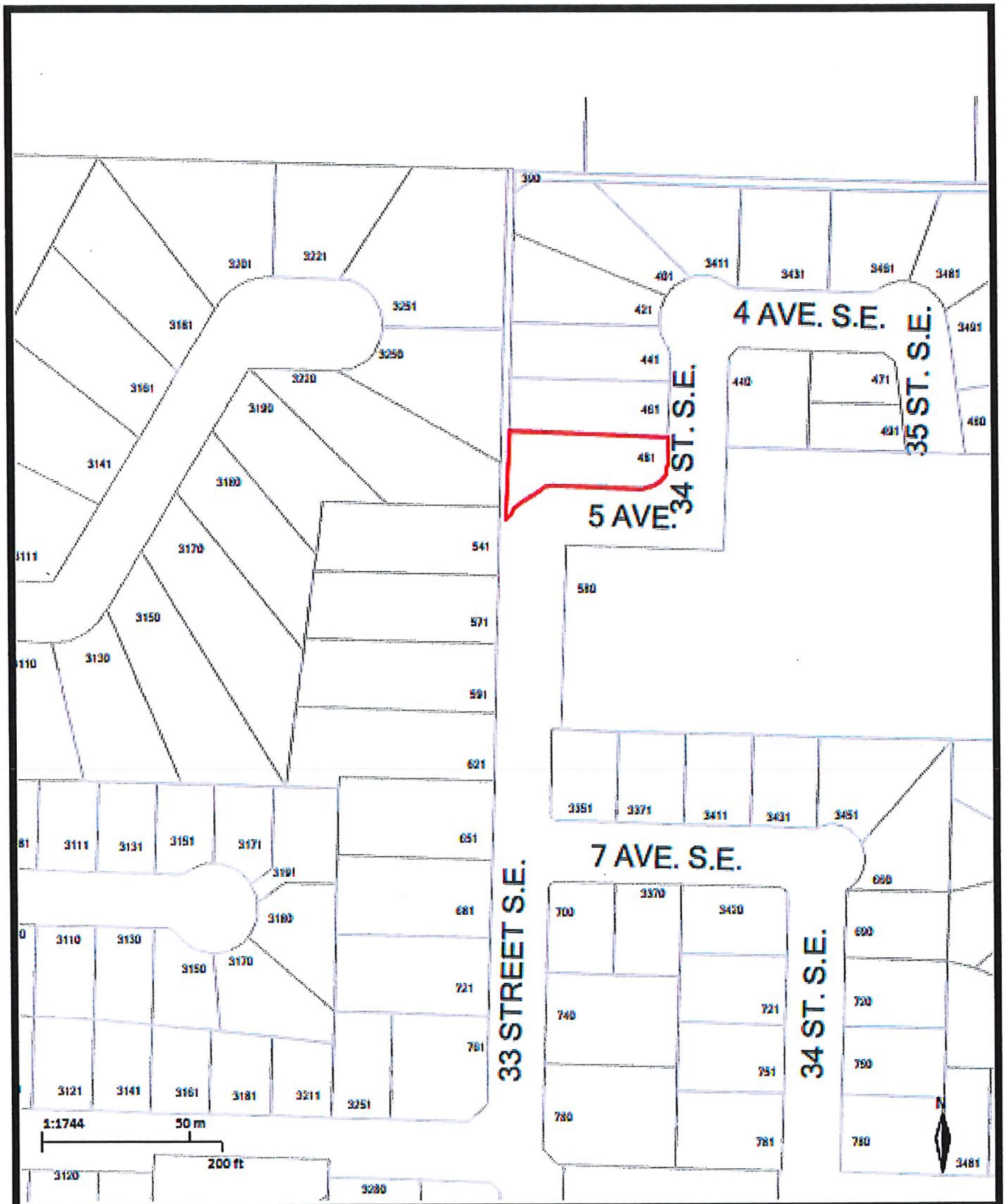
This bylaw may be cited as "City of Salmon Arm Zoning Amendment Bylaw No. 4455"

READ A FIRST TIME THIS	10	DAY OF	May	2021
READ A SECOND TIME THIS	10	DAY OF	May	2021
READ A THIRD TIME THIS		DAY OF		2021
ADOPTED BY COUNCIL THIS		DAY OF		2021

MAYOR

CORPORATE OFFICER

SCHEDULE "A"



Item 24.3

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor

Seconded: Councillor

THAT: the bylaw entitled City of Salmon Arm Land Use Contract Termination Bylaw No. 4461 be read a third and final time.

[LUC N71309; Greyfriars Rentals Ltd.; 4121, 4141, 4161, 4181, 4221 and 4241 45 Street SE]

Vote Record

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

Opposed:

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

CITY OF SALMON ARM

BYLAW NO. 4461

A bylaw to terminate Land Use Contracts in the City of Salmon Arm

WHEREAS pursuant to section 548 of the *Local Government Act* the City of Salmon Arm may address early termination of a land use contract that is entered into and registered in a land title office subject to the terms and conditions therein set out;

AND WHEREAS mandatory notice required under section 466(5) of the *Local Government Act* for a Public Hearing to be held by the Council of the City of Salmon Arm in the Council Chambers at City Hall, 500 – 2 Avenue NE, Salmon Arm, British Columbia, on _____ at the hour of 7:00 p.m. and was published _____ and _____ issues of the Salmon Arm Observer and delivered at least 10 days prior of all parcels, any part of which is subject to the land use contract that the bylaw will terminate or is within a distance specified by bylaw from that part of the area that is subject to that land use contract;

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

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

1. That "District of Salmon Arm Land Use Contract Bylaw No. 1270", registered in the Kamloops Land Title Office under document number N71309 against title to the lands in the table below and further shown on Schedule 'A', is terminated:

004-278-399	Lot 1, Section 6, Township 20, Range 9, W6M, KDYD, Plan 29482	4121 45 Street SE
004-278-411	Lot 2, Section 6, Township 20, Range 9, W6M, KDYD, Plan 29482	4141 45 Street SE
002-983-249	Lot 3, Section 6, Township 20, Range 9, W6M, KDYD, Plan 29482	4161 45 Street SE
003-076-938	Lot 1, Section 6, Township 20, Range 9, W6M, KDYD, Plan 36293	4181 45 Street SE
003-076-946	Lot 2, Section 6, Township 20, Range 9, W6M, KDYD, Plan 36293	4221 45 Street SE
003-076-962	Lot 3, Section 6, Township 20, Range 9, W6M, KDYD, Plan 36293	4241 45 Street SE

2. The Mayor and Corporate Office are hereby authorized to execute any documents necessary to terminate, release and discharge the Land Use Contracts above mentioned.

3. SEVERABILITY

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

4. ENACTMENT

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

5. EFFECTIVE DATE

This bylaw shall come into full force and effective one year and one day from the date of adoption.

6. CITATION

This bylaw may be cited as "City of Salmon Arm Land Use Contract Termination Bylaw No. 4461"

READ A FIRST TIME THIS	10	DAY OF	May	2021
READ A SECOND TIME THIS	10	DAY OF	May	2021
READ A THIRD TIME THIS		DAY OF		2021
ADOPTED BY COUNCIL THIS		DAY OF		2021

MAYOR

CORPORATE OFFICER

SCHEDULE "A"



Item 26.

CITY OF SALMON ARM

Date: May 25, 2021

Moved: Councillor Eliason

Seconded: Councillor Cannon

THAT: the Regular Council Meeting of May 25, 2021, be adjourned.

Vote Record

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

Opposed:

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

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