



AGENDA

Development and Planning Services Committee

Tuesday, February 19, 2019

8:00 a.m.

Council Chambers, City Hall

500 – 2 Avenue NE

Page #	Item #	Description
	1.	CALL TO ORDER
	2.	REVIEW OF AGENDA
	3.	DISCLOSURE OF INTEREST
	4.	PRESENTATIONS
	5.	REPORTS
1 - 8	1.	Zoning Amendment Application No. ZON-1142 [Perfection Builders Holdings Ltd./Gauthier, E. & M.; 2110 & 2150 – 14 Avenue SE; R-1 to R-8]
9 - 14	2.	Development Variance Permit Application No. VP-495 [Muto Holdings Ltd.; 1, 10, 15, 17, 18, 23 and 30 – 481 Highway 97B NE; Site Coverage Variance]
15 - 22	3.	Development Variance Permit Application No. VP-488 [Kawalle, A. & Y.; 1631 Auto Road SE; Servicing Variance]
23 - 58	4.	Agricultural Land Commission Application No. ALC-379 [Balen, R.M. & B.M./Brown Johnson Land Surveyors Ltd.; 6751 Lakeshore Road, NE; Exclusion]
59 - 68	5.	Chief Administrative Officer - Checkout Shopping Bag Regulation Bylaw No. 4297
	6.	FOR INFORMATION
69 - 76	1.	Agricultural Land Commission - Letter dated February 11, 2019 - Application 57480 to conduct a non-farm use in the Agricultural Land Reserve
	7.	IN CAMERA
	8.	LATE ITEM
	9.	ADJOURNMENT

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To: His Worship Mayor Harrison and Members of Council

Date: February 12, 2019

Subject: Zoning Bylaw Amendment Application No. 1142

Legal: Lots 6 & 7, Section 12, Township 20, Range 10, W6M, KDYD, Plan EPP67515;

Civic: 2110 & 2150 – 14 Avenue SE

Owner/Applicant: Perfection Builders Holdings Ltd / Gauthier, E. & M.

MOTION FOR CONSIDERATION

THAT: a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lots 6 & 7, Section 12, Township 20, Range 10, W6M, KDYD, Plan EPP67515 (2110 & 2150 – 14 Avenue SE) from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone).

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The subject parcels are located at 2110 and 2150 14 Avenue SE in the new Hillcrest Heights subdivision (Appendix 1). The proposal is to rezone the 2 parcels from R-1 (Single Family Residential) to R-8 (Residential Suite) to allow options for residential suite use and development.

BACKGROUND

The subject parcels are located on 14 Avenue SE, just south of Hillcrest School. The subject parcels are designated Low Density Residential in the City's Official Community Plan (OCP), zoned R-1 (Single Family Residential) in the Zoning Bylaw (Appendix 2 & 3). The two subject parcels were created through a larger subdivision application which created 32 lots. While 29 of these lots were amended to R-8 zoning under a previous application, these lots were under a different ownership group and thus the two subject parcels were not included in the previous zoning application.

With dual street frontage, the two 654 square metre subject parcels meet the minimum parcel sizes and minimum widths specified by the proposed R-8 zone for secondary suites. Site photos are attached as Appendix 4. This area is largely comprised of R-1, R-7, and R-8 zoned parcels containing single family dwellings. There are currently over 40 R-8 parcels within close proximity of the subject parcel.

The intent is to develop houses with basement suites as shown in the Site Plan attached as Appendix 5. Aligned with the topography of the area, the basement suites are intended to be accessed from parking spaces off of 14 Avenue SE, with the primary home and driveway access intended to be from the upper levels of the homes off of 15 Avenue SE.

This amendment is to provide flexibility and facilitate future development and use. Any development of a secondary suite or detached suite would require a building permit and will be subject to meeting Zoning Bylaw and BC Building Code requirements.

5.1

Secondary Suites

Policy 8.3.25 of the OCP provides for the consideration of secondary suites in Low Density Residential designated areas via a rezoning application, subject to compliance with the Zoning Bylaw and the BC Building Code. Based on parcel size requirements, the subject properties have potential for the development of either a *secondary suite* or a *detached suite*, due to the dual frontages.

COMMENTS

Engineering Department

No concerns with rezoning.

Building Department

No concerns with rezoning.

Fire Department

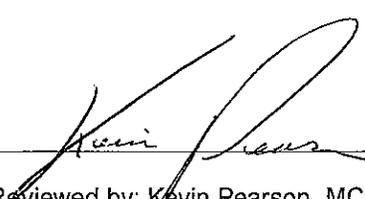
No concerns.

Planning Department

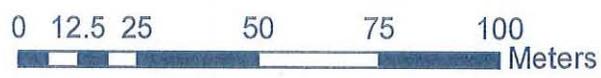
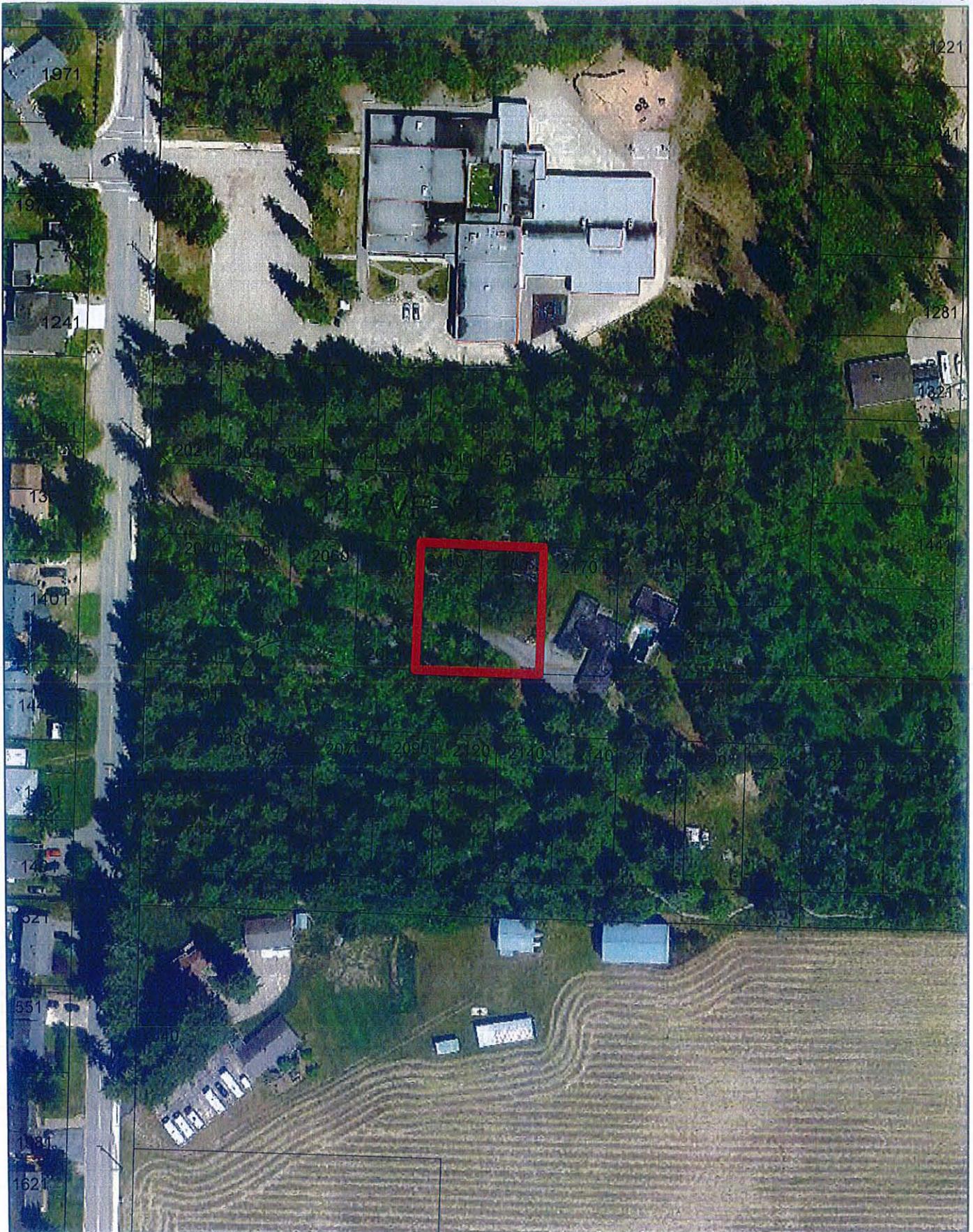
The proposed R-8 zoning is consistent with the OCP as well as the surrounding subdivision, and is therefore supported by staff. In staff's opinion, the parcels are well-suited for residential suite development. Any development would require a building permit and will be subject to meeting Zoning Bylaw, on-site servicing, and BC Building Code requirements.



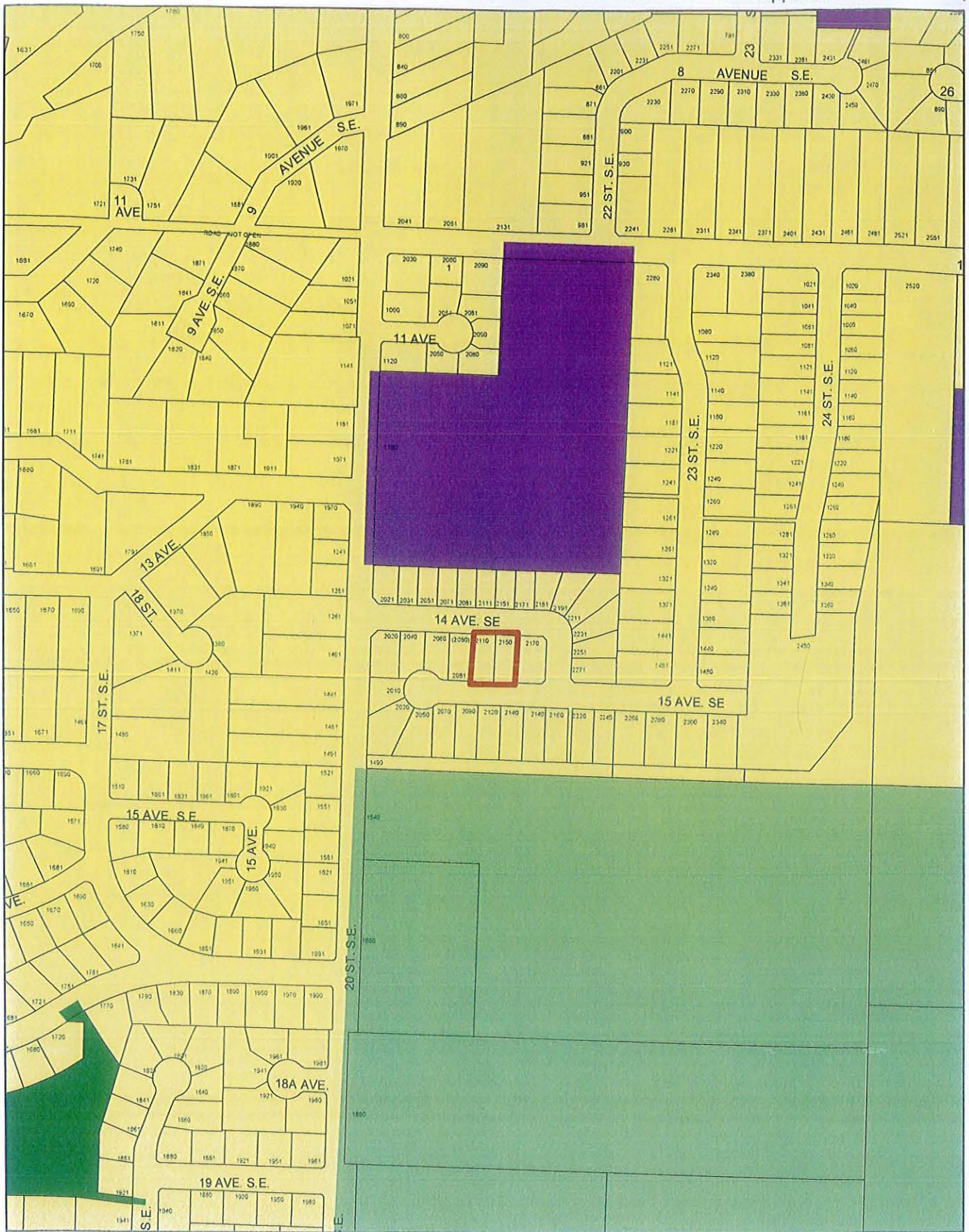
Prepared by: Chris Larson, MCP
Planning and Development Officer



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



Subject Parcels



0 150 60 90 120
Meters



Subject Parcels



Acreage Reserve



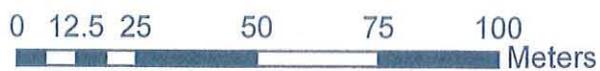
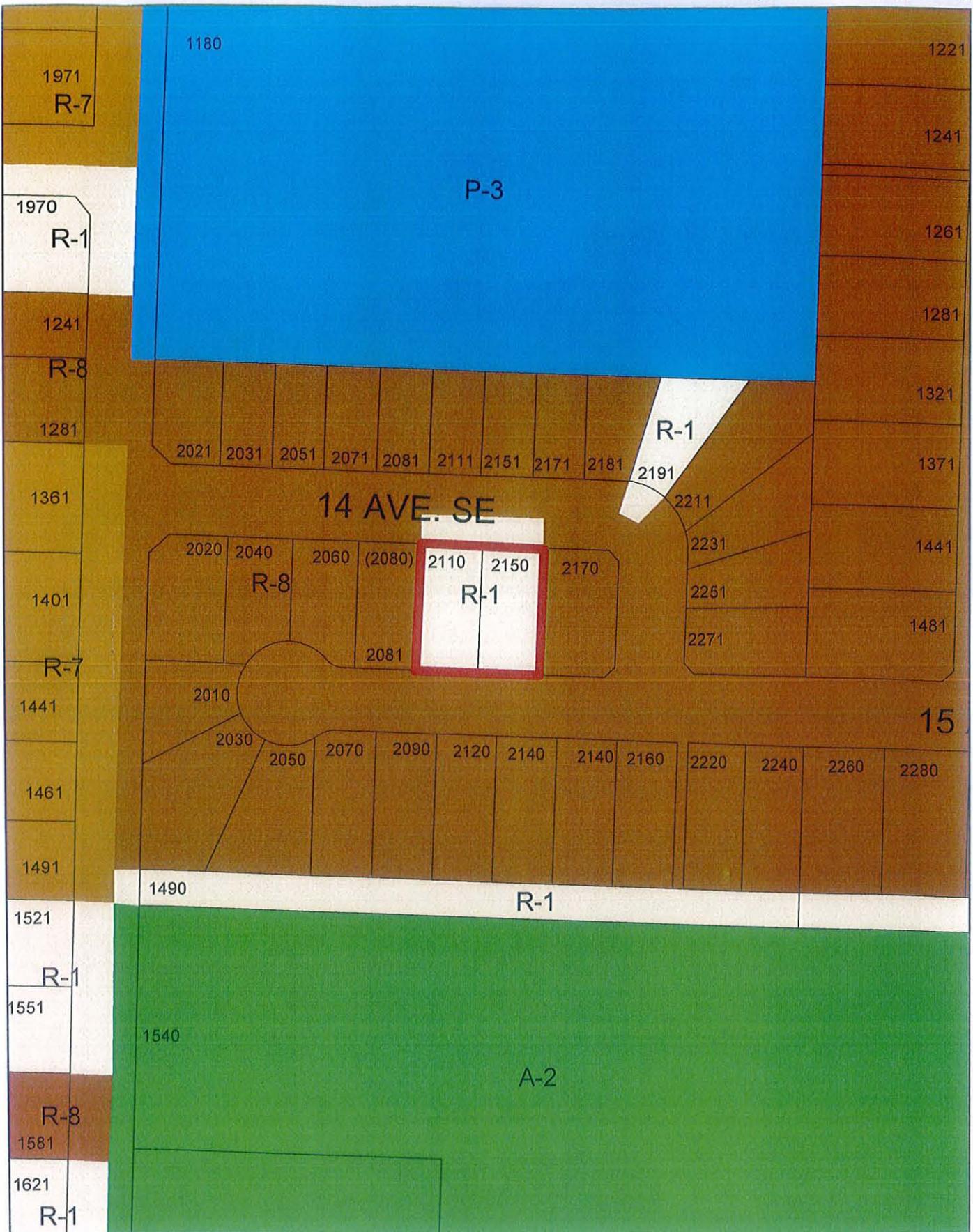
Park



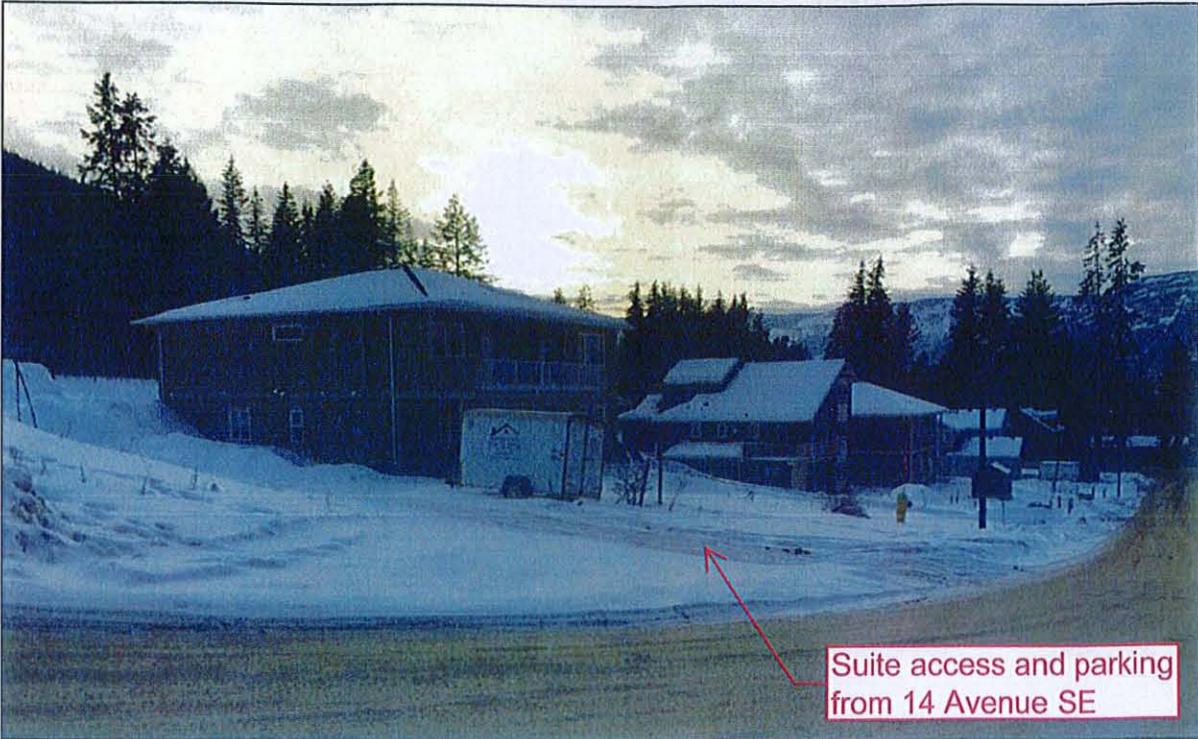
Low Density Residential



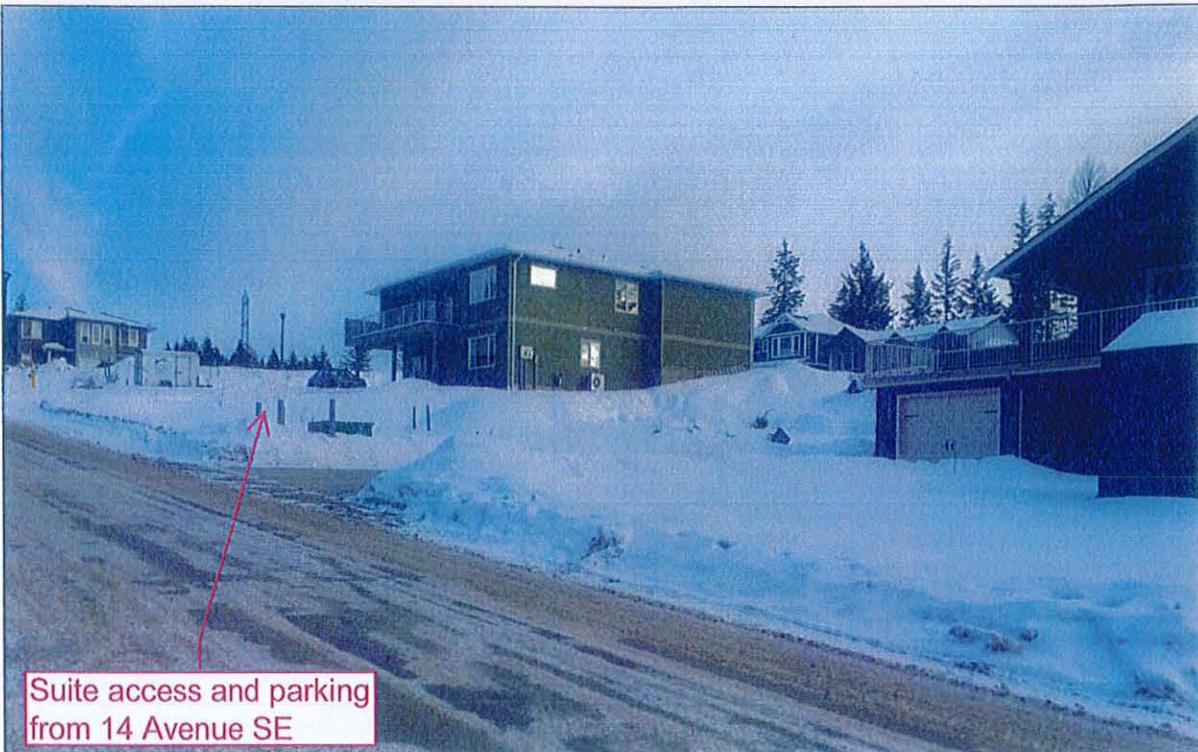
Institutional



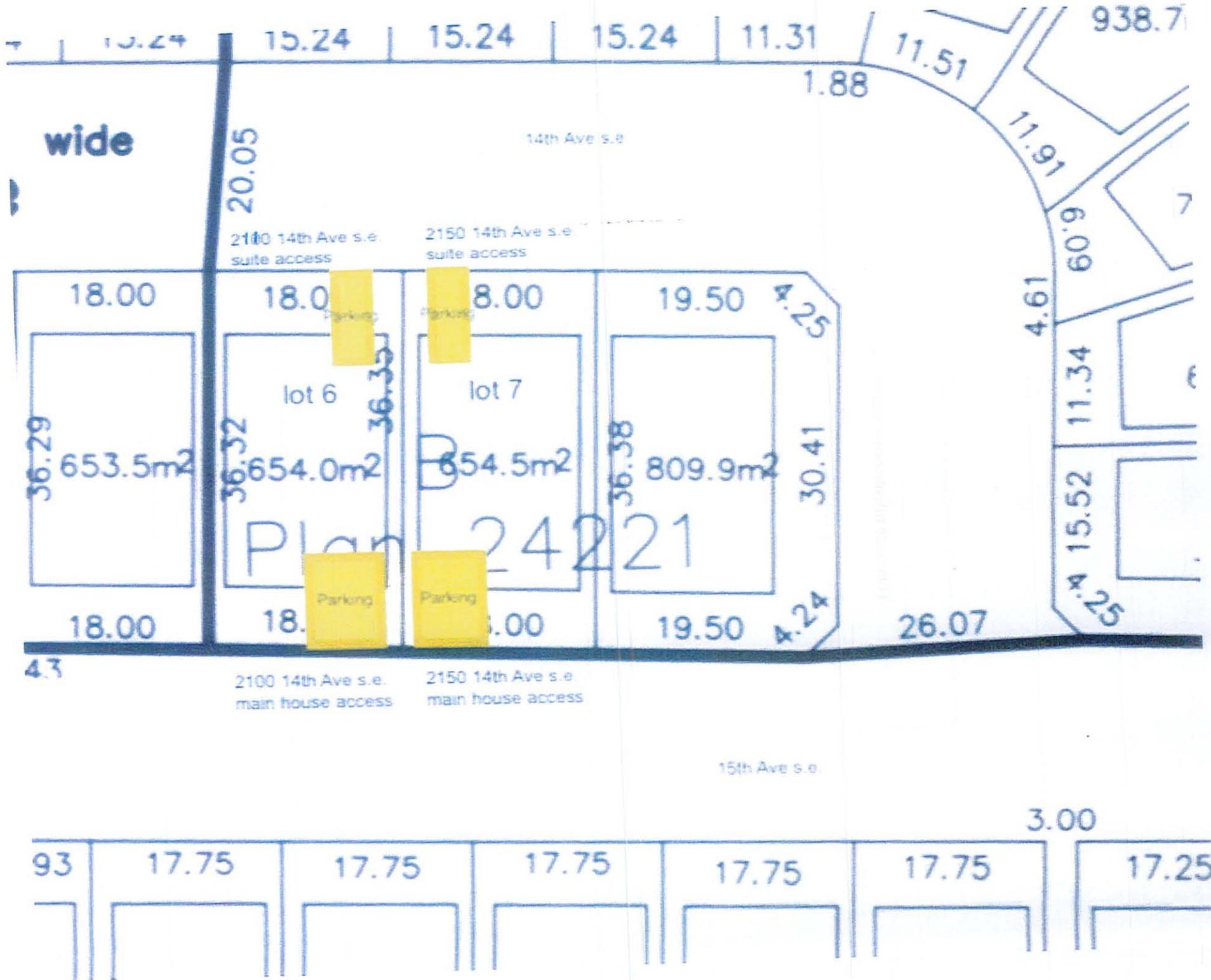
Subject Parcels



View southwest of the subject parcels from 14 Avenue SE.



View southeast of the subject parcels from 14 Avenue SE.



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CITY OF SALMON ARM

TO: His Worship Mayor Harrison and Members of Council

FROM: Director of Development Services

DATE: February 13, 2019

SUBJECT: Development Variance Permit Application No. VP-495
 Legal: Lot 1, Sec. 18, Twp. 20, R. 9, W6M, KDYD, Plan EPP5053, Except Plan EPS2062, Phases 1 – 11; and, Strata Lots 14, 24 & 25, Section 18, Township 20, Range 9, W6M, KDYD, Plan EPS2062
 Civic Address: #1, #10, #15, #17, #18, #23, #30 – 481 Highway 97B NE
 Owner / Applicant: Muto Holdings Ltd.

MOTION FOR CONSIDERATION

THAT: Development Variance Permit No. VP-487 be authorized for issuance for Lot 1, Sec. 18, Twp. 20, R. 9, W6M, KDYD, Plan EPP5053, Except Plan EPS2062, Phases 1 – 11; and, Strata Lots 14, 24 & 25, Section 18, Township 20, Range 9, W6M, KDYD, Plan EPS2062, which will vary Mobile Home Park Bylaw No. 1435 as follows:

1. Section 4.06 Site Coverage – increase the maximum site coverage from 35% to 45%.

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The subject properties are located in the Carriage Lane bare-land strata development (Appendix 1). The applicant is requesting to increase the maximum parcel coverage from 35% to 45% to accommodate the construction of future modular homes with attached garages on the subject properties.

BACKGROUND

Carriage Lane is a phased bare-land strata development consisting of 30 bare-land strata lots. The first phase of strata lots were created in 2014. The property is designated Low Density Residential in the City's Official Community Plan (OCP) and in the Agriculture Land Reserve (ALR). Apart from the property to the North designated as Park (R.J. Haney Heritage Park & Museum), the development is surrounded by properties designated Acreage Reserve and in the ALR. The property is zoned R-6 (Mobile Home Park) in the City's Zoning Bylaw and the following are adjacent land uses:

- North: R.J. Haney Heritage Park & Museum (P-1)
- South: Rural residential (A-2) and campground to the southeast (C-5)
- East: Common area / mobile home park residential and campground (C-5)
- West: Mobile home park residential (R-6) and rural residential (A-2)

5.2

STAFF COMMENTSFire Department

No response to date.

Building Department

No concerns.

Engineering Department

No response to date.

Planning Department

Since 2016 there have been three approved variances for strata lots 9, 19 and 21 to increase the maximum parcel coverage (Appendix 2). This application includes all the remaining vacant parcels which will eliminate future parcel coverage variances (Appendix 3). There have been several parcel coverage variances for Carriage Lane due to the fact that our Mobile Home Park Bylaw was adopted in 1982 and the form of mobile home parks today look a lot different to what they used to.

The R-6 Zone does not specify regulations for maximum parcel coverage or minimum setbacks. These two items are addressed in the Mobile Home Park Bylaw which dates back to when mobile home parks typically only contained single wide mobile homes. Carriage Lane is a new mobile home park and consists of double wide modular homes which closely resemble single family dwellings, most with attached garages (Appendix 4). Crystal Springs is comprised of similar looking modular homes, and at the time it was developed in 2002, parcel coverage variances were approved.

The R-1 Single Family Residential Zone allows for 45% parcel coverage with a minimum lot size of 450 m². The strata lots included in this application range in size from 458 m² to 849 m² so all the strata lots are more than the minimum parcel size of an R-1 zoned parcel. Thus, increasing the maximum parcel coverage from 35% to 45% is within the comparable provisions of the R-1 Zone.

CONCLUSION

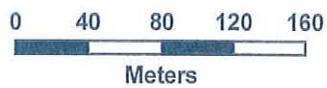
The requested variance to increase the parcel coverage from 35% to 45% for these strata lots is not anticipated to have any significant impacts on the surrounding properties and is consistent with previous approvals.



Denise Ackerman
Development Services Assistant



Kevin Pearson, MCIP, RPP
Director of Development Services



 Subject Parcel

----- Original message -----
From: Rosemarie Muto
Date: 2019-01-07 12:13 PM (GMT-08:00)
To: Kevin Pearson
Subject: RE: Carraige Lane

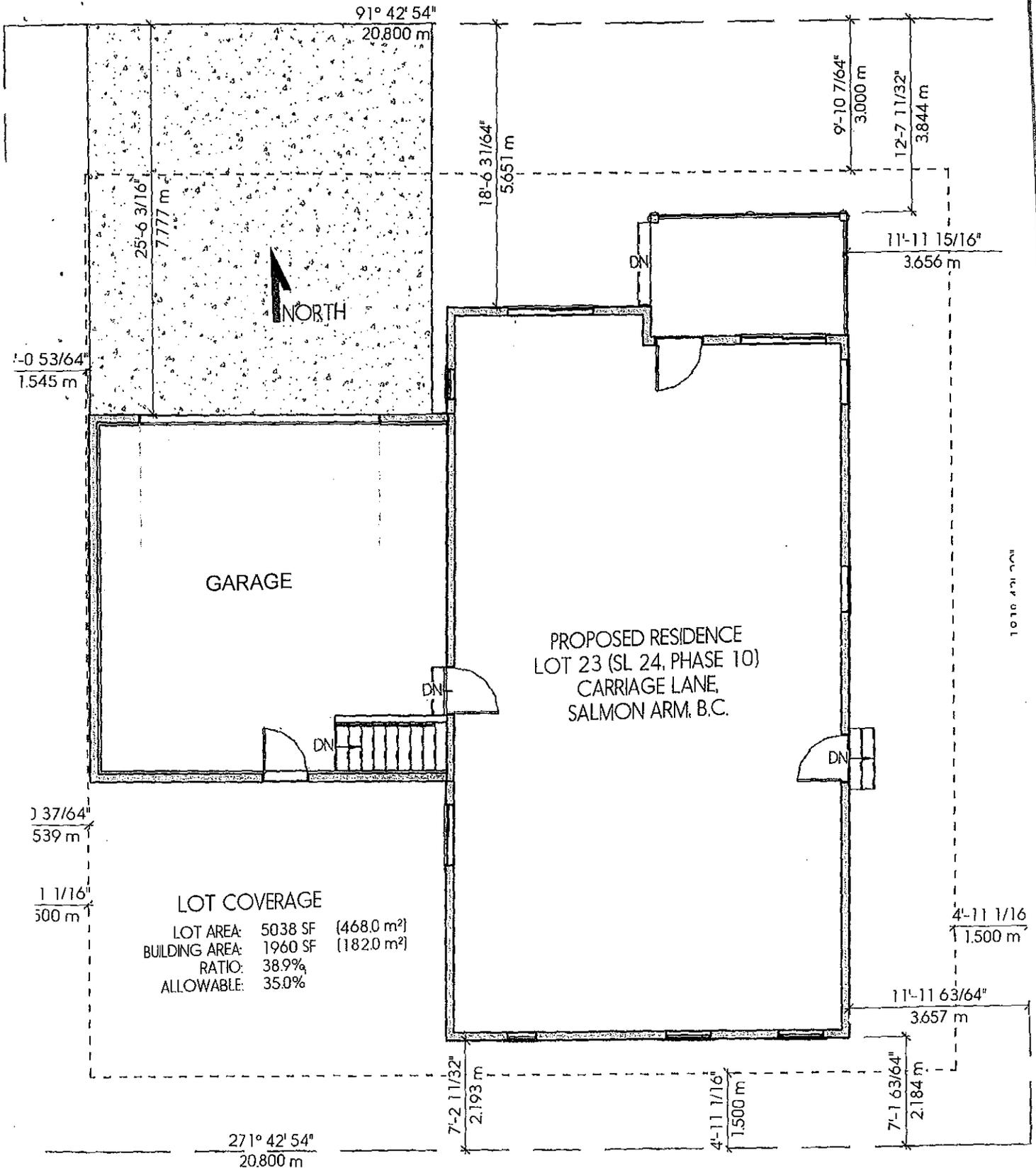
Hello Kevin,

It seems we only will have lot 15,17 and 18 left after this and they are very big lots. However, it seems to be a wise approach and if it just requires an amendment to the application you are currently working with we would prefer just to have a blanket variance for the rest to the 45% coverage. Please just let me know what is required of us and I can attend to it this week.

Thankyou Kevin,

Rosemarie Muto, B.A., LL.B

COMMON ACCESS



1 SITE PLAN
1:100

CITY OF SALMON ARM

TO: His Worship Mayor Harrison and Members of Council

DATE: February 7, 2019

SUBJECT: Variance Permit Application No. VP-488 (Servicing)
 Legal: Lot 1, Section 13, Township 20, Range 10, W6M, KDYD, Plan KAP67710, Except
 Plan KAP78170
 Civic Address: 1631 – Auto Road SE
 Owner/Applicant: A & Y Kawalle

MOTION FOR CONSIDERATION

THAT: Development Variance Permit No. VP-488 be authorized for issuance for Lot 1, Section 13, Township 20, Range 10, W6M, KDYD, Plan KAP67710, Except Plan KAP78170 which will vary the provisions of Subdivision and Development Servicing Bylaw No. 4163 as follows:

1. Waive the requirement to construct a sidewalk along the south half of 16 Street SE for the entire frontage of the subject property;
2. Waive the requirement to provide a fire hydrant on Auto Road SE; and
3. Waive the requirement to upgrade the north half of Auto Road SE to the Urban Interim Arterial Standard along the entire frontage of the subject property.

Subject to: Issuance of Development Variance Permit No. VP-488 be withheld subject to the registration of a Section 219 Land Title Act Covenant restricting any further subdivision or development on proposed Lot 1 until the lot is fully serviced to City standards.

STAFF RECOMMENDATION

THAT The motion for consideration be adopted.

PROPOSAL

The subject property is located at 1631 - Auto Road SE (Appendix 1 and 2) and is under subdivision application (SUB-18.25) to create one new lot and a remainder. The applicant is requesting that Council vary the provisions of the Subdivision and Development Servicing (SDS) Bylaw No. 4163 by waiving the requirements outlined in the Motion for Consideration. The proposed sketch plan of the subdivision (Appendix 3) and a letter of rational have been provided (Appendix 4).

BACKGROUND

The property is designated Low Density Residential in the City's Official Community Plan (OCP), and zoned Single Family Residential (R-1) in the Zoning Bylaw. The property is approximately 0.47 ha in size and has dual frontage on both Auto Road SE and 16 Street SE. There is an existing single family dwelling on the property, with the house to be retained on the Remainder Lot.

5.3

In June of 2000 a Memorandum of Agreement was signed between the City and the existing property owners for a Road Exchange, Easement, and Related Construction to accommodate re-alignment of Auto Road; a large capital project that spanned many years. In 2005, a two-lot subdivision involving the subject property was completed on the corner of 16 Street SE and Auto Road SE.

No sidewalk along the 16 Street SE frontage was required as part of that subdivision. The requirements to construct sidewalks were less clear under previous Subdivision and Development Servicing Bylaws and there was more discretion used by staff in making those decisions on the sidewalk requirements. The City ended up constructing a sidewalk along the north side of Auto Road along the new frontage of the subject property as part of the re-alignment project.

Although the City undertook the construction of Auto Road's re-alignment more than a decade ago, those upgrades were not completed to the full Urban Arterial Standard. The Engineering Department's Memorandum attached as APPENDIX 5 highlights some of the existing deficiencies along that frontage.

CONCLUDING COMMENTS

The applicant is requesting three variances to the Subdivision and Development Servicing Bylaw No. 4163 to accommodate a subdivision to create one new parcel. The property is dual fronting on Auto Road SE and 6 Street SE. The parcel area of 0.47 ha does not qualify the subject property for the Infill Exemption of the Subdivision and Development Servicing Bylaw.

16 Street SE – Sidewalk

16 Street SE is currently constructed to an Interim Urban Paved Standard and is a dead end, cul-de-sac road approximately 215 m long. No sidewalks exist on either side of the road; however there is a pedestrian route along the north side linking it by a staircase to 17 Street SE. In general, this section of 16 Street NE is a low volume vehicle and pedestrian traffic road.

Auto Road SE – Frontage Improvements and Fire Hydrant

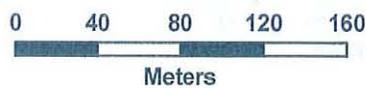
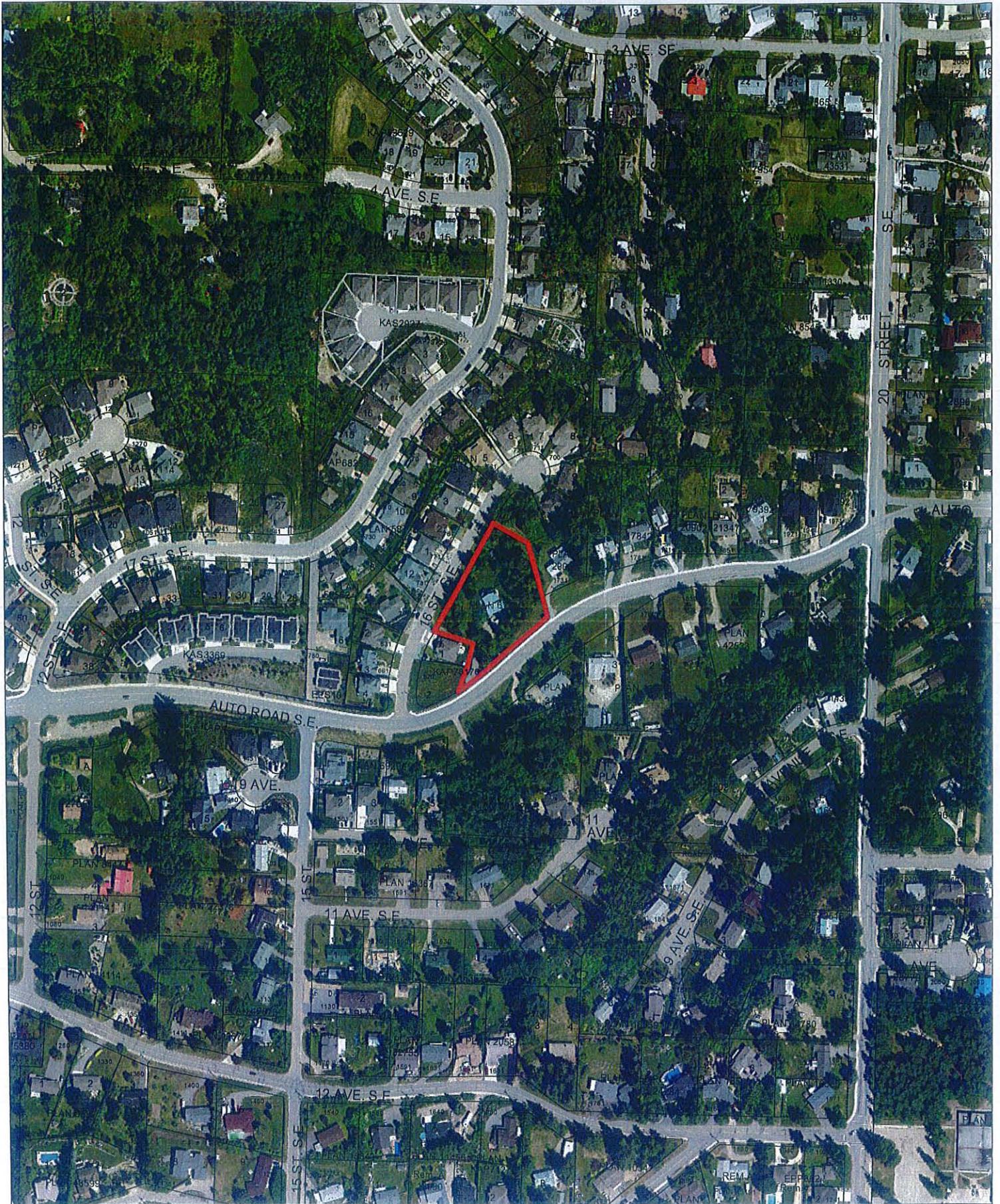
Auto Road SE is currently constructed to an Interim Paved Standard and requires upgrading to the Urban Interim Arterial Standard. Staff notes that while the upgrading of Auto Road SE (including fire hydrant) is necessary in the future, it is premature at this time and not needed at this location.

Generally with this type of application staff would request cost estimates provided by a third party engineer to aid in determination. Due to the factors specific to this particular application, staff did not require cost estimates to be submitted to bring forward the application.

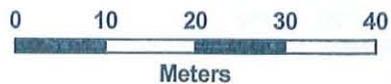
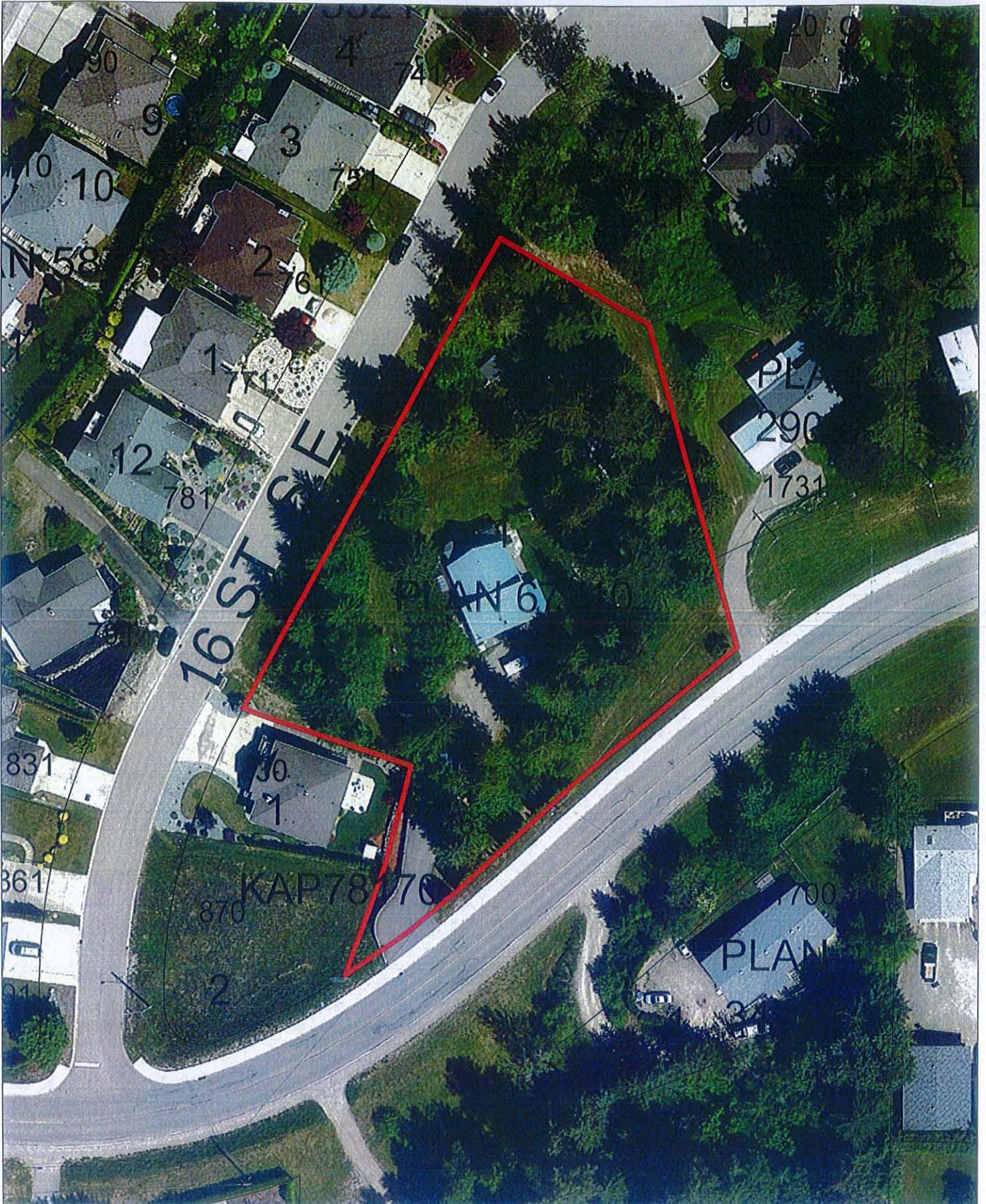
The owners agree to register a Section 219 Land Title Act covenant, which would prohibit further subdivision and development until the Remainder is fully serviced to the "Urban Standard". Staff considers this to be reasonable and consistent with other variance approvals by Council.



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



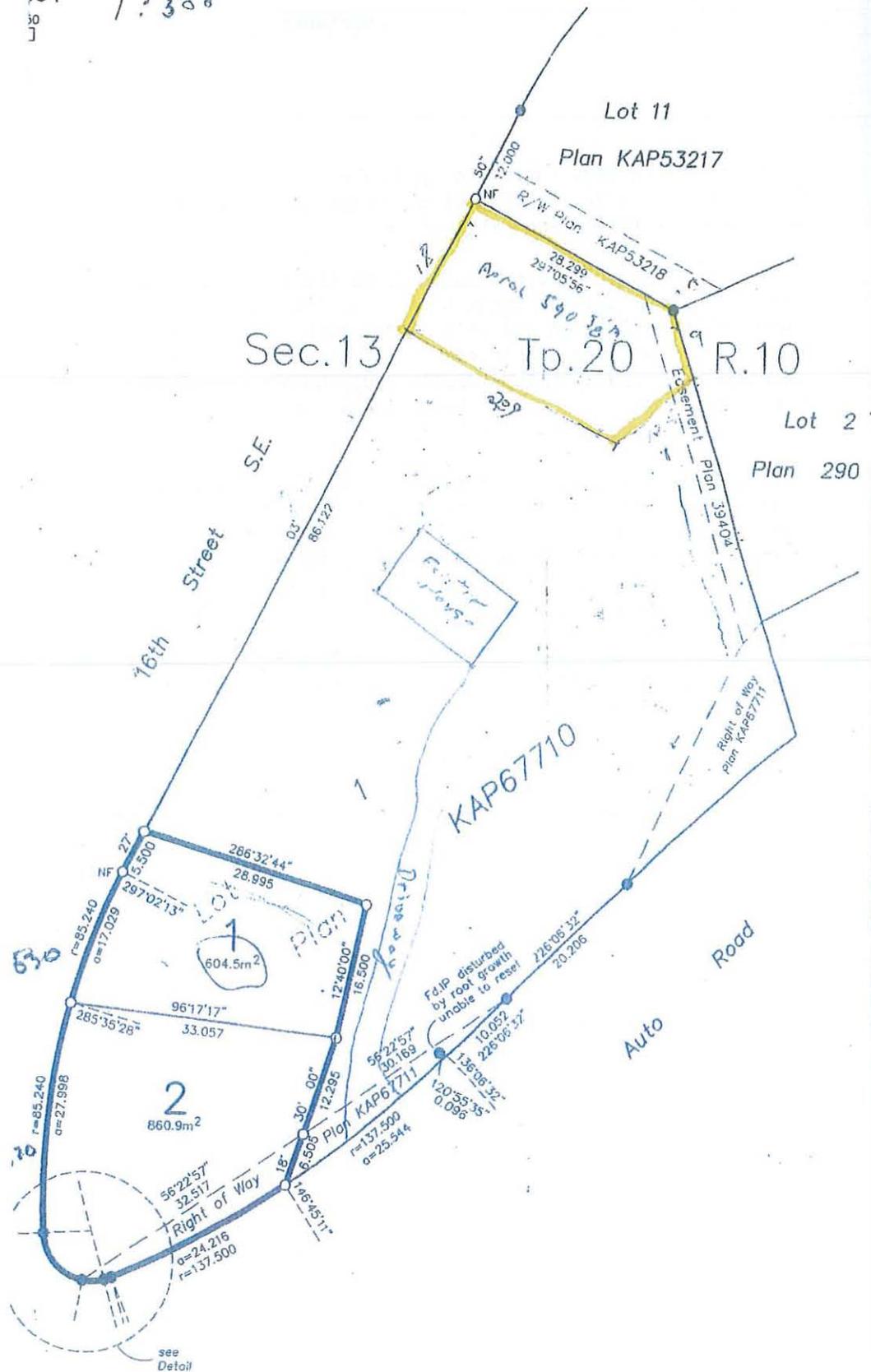
 Subject Parcel



 Subject Parcel

KAP67710,
W6M, K.D.Y.D.

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30
J



Variance

I am writing this letter to apply for a variance to your bylaw 4163. I am trying to divide a lot on 16th st se in the ne corner of my property. This lot will be serviced entirely from 16th st se.

Item 1: I am asking for a variance to the requirement that a sidewalk along the entire length of 16th st approx 87 meters, This was not required in 2005 when I subdivided two lots on the west end of 16th st. At that time I installed a sanitary line on 16th and leveled the boulevard to required grade seeded and I have maintained it since. this sidewalk would have no connection anywhere. This would also be too costly for 1 lot. The neighbors on 16th also insist that the snow is plowed to that side of the road

Item 2 In 2000 I was asked to do a property exchange to realign Auto rd which borders the south side of my property after that the road was realigned with curb and gutter and the waterline was relocated. at this time the hydrant that was located on auto rd at the se corner of my lot was removed and not replaced. Should it not have been replaced then? The lot I am trying to subdivide is serviced by the hydrant across 16th st approx 30 meters away, it is also directly across from my residence

Item 3 upgrade of Auto rd se to rd-4 This was also not required in 2005. I will not be near Auto rd with this lot. What is asked for would make my project unfeasable.

I would have no objections to a covenant to curtail further division till the servicing is addressed

Thank-you for your consideration Al Kawalle



CITY OF SALMON ARM

*Memorandum from the
Engineering and Public
Works Department*

TO: Kevin Pearson, Director of Development Services
 DATE: 18 January 2019
 PREPARED BY: Xavier Semmelink, Engineering Assistant
 OWNER: A. & Y. Kawalle, 1631 Auto Road SE, Salmon Arm, BC V1E 1P7
 AGENT: Owner
 SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION NO. VP-488
 LEGAL: Lot 4, Section 13, Township 20, Range 10, W6M, KDYD, Plan KAP67710,
 Except Plan KAP78170
 CIVIC: 1631 Auto Road SE
 ASSOCIATED: 18.25
 PREVIOUS: 05.02

Further to the request for variance dated 27 November 2018; the Engineering Department has reviewed the site and offers the following comments and recommendations relative to the requested variances:

1. Waive the requirement to build a sidewalk along 16 Street SE

16 Street SE is currently constructed to an Interim Local Paved Road standard. Upgrading to an Urban Local Road Standard is required, in accordance with Specification Drawing No. RD-2. Upgrading includes construction of sidewalk.

The subject property was previously subdivided in 2005 and at that time no sidewalk along 16 Street SE was installed. 16 Street SE has a low volume of vehicle and pedestrian traffic and future connection possibilities are limited.

Recommendation:

The Engineering Department recommends that the requested variance be granted.

2. Waive the requirement to upgrade the north half of Auto Road SE, including installation of a fire hydrant

Auto Road SE is currently constructed to an Interim Urban Paved Standard. Upgrading to the Urban Interim Arterial standard is required, in accordance with Specification Drawing No. RD-4. Upgrading may include, but is not limited to, road widening and construction, boulevard construction, street lighting, fire hydrants, street drainage and hydro and telecommunications.

The Engineering Department notes that the improvements along Auto Road SE are necessary; however would be premature at this time due to the isolated frontage. With consideration to the fact that the proposed lot fronts and is serviced off of 16 Street SE, that the remainder lot is

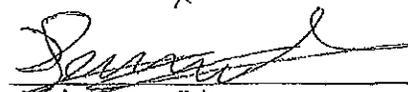
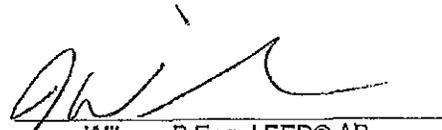
DEVELOPMENT VARIANCE PERMIT APPLICATION NO. VP-488

Page 2

subdividable in the future, and the above, the Engineering Department would be in support of postponing improvements on Auto Road SE.

Recommendation:

The Engineering Department recommends that the requested variance be granted, subject to a covenant on the remainder lot restricting further subdivision or development until such time as the required improvements are completed along Auto Road SE.


Xavier Semmelink
Engineering Assistant
Jenn Wilson, P.Eng. LEED® AP
City Engineer

CITY OF SALMON ARM

To: His Worship Mayor Harrison and Members of Council

Date: February 13, 2019

Subject: Agricultural Land Commission Application No. ALC-379 (Exclusion)
ALC File No. 58075

Legal: LS 13 of Section 36, Township 20, Range 10, W6M, KDYD, Except Part Coloured
Red on Plan B662
Civic: 6751 Lakeshore Road NE
Owner: Balen, R.M. & B.M.
Agent: Brown Johnson Land Surveyors Ltd.

MOTION FOR CONSIDERATION

THAT: Agricultural Land Commission Application No. ALC-379 be authorized for submission to the Agricultural Land Commission.

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The subject property is located at 6751 Lakeshore Road NE as shown in APPENDIX 1. The property is approximately 16.2 ha in area with approximately 12.3 ha in the ALR.

The applicant is applying under Section 30 of the *Agricultural Land Commission (ALC) Act* to exclude a 0.108 ha (0.27 acre) narrow portion of land from the ALR along the ALR boundary in exchange for a 0.517 (1.28 acre) area to be included in the ALR (see site plan - APPENDIX 2). Documentation by the applicant's agent, agrologist and engineering consultant is attached as APPENDIX 3.

Ultimately, the purpose of this ALR exclusion application is to facilitate a one-lot subdivision and single family dwelling development on the proposed Remainder (the southern portion of land mostly outside of the ALR). If this application was to be approved by City Council and the ALC, the next step could be for the applicant to apply to the ALC for an ALR inclusion application under Section 17 of the Act (unless the ALC were to approve an inclusion without an application and concurrently with the proposed exclusion).

Furthermore, if the exclusion application was approved, the need for an ALC, Section 21, ALR Subdivision application would be negated as none of the proposed Remainder would be in the ALR. Currently the southeastern portion of the property where the access has been constructed is in the ALR.

BACKGROUND

The property is designated "Acreage Reserve" in the Official Community Plan (OCP), zoned Rural Holding (A-2) and mostly within the ALR (see maps - APPENDIX 4). Approximately $\frac{3}{4}$ of the lot is in the ALR with the southern $\frac{1}{4}$ portion situated outside the boundary. The land is mostly forested with rolling terrain throughout and is topographically constrained with steep slopes in the south west corner.

5.4

The ALR portion of the property may have been used for cattle grazing in the recent past; the application form indicates there are presently no agricultural uses occurring on the subject property.

Adjacent zoning and land uses include the following:

North: Rural Holding (A-2) / rural residential
South: Small Holding (A-3) / rural residential
East: Rural Holding (A-2) / Lakeshore Road
West: Rural Holding (A-2) / rural residential

Improved Soil Classification

The area proposed for exclusion has an Improved Soil Capability Rating of 60% Class 2 and 40% Class 3, while the inclusion area is rated Class 6. Soil Classification mapping is attached as APPENDIX 5. Soil capability rating ranges from Class 1 to Class 7. The best agricultural lands are rated Class 1 because they have ideal climate and soil to allow a farmer to grow the widest range of crops. Class 7 is considered non-arable, with no potential for soil bound agriculture. The agrologist's report in APPENDIX 3 provides a more detailed account of the land's agricultural capability in relation to the ALR boundary and rationale.

COMMENTS

Public

ALR Exclusion, Non-Farm Use and Subdivision applications are filed directly to the ALC. The City acts somewhat as a referral agency during the process. The ALC's application procedures for an exclusion of land require an applicant to undergo a public notification process at the start of the process with the ALC, before the City is referred the ALC application. The process includes posting a notification sign on the property, notifying adjacent land owners, and advertising the proposal in the local newspaper. Public notification is not required for an ALC Non-Farm Use or Subdivision application.

The City does not administer the notification process, except for an expectation by the ALC that the City receives the public input. This can create awkward situations, as was the case with this application, when the City receives public comments before staff or Council's knowledge of the application background.

Public comments and a petition for this application were received by the City in November 2018 (APPENDIX 6). In reply, the first correspondence attached in APPENDIX 3 dated January 22, 2019 was sent from the Agent to property owners residing within 100 m of the subject property and to those who otherwise signed the petition or wrote in letters.

Engineering Department

Subdivision / development would be subject to the Rural Standards of the Subdivision and Development Servicing Bylaw. Preliminary comments regarding servicing requirements for a potential subdivision are attached as APPENDIX 7.

Building Department

No concerns.

Fire Department

No concerns.

Agricultural Advisory Committee

This proposal was reviewed by the Agricultural Advisory Committee at its meeting of December 12, 2018 (minutes are attached as APPENDIX 8). In a 3/3 decision the following motion was DEFEATED:

THAT: the Agricultural Advisory Committee recommends to Council that it support the application for submission to the Agricultural Land Commission subject to straightening of the proposed boundary line.

The Committee discussed points including existing driveways, timing of the new driveway construction (prior to ALC approval), general subdivision processes, soil capability, reasons for not including an agrologist report, alignment of the proposed ALR boundary, and OCP policies in regards to subdivision. Note that since the December 12 Committee meeting, the application has been amended as follows:

The proposed area to be excluded is now 0.108 ha, previously the area was 0.221 ha;
 The proposed area to be included is now 0.517 ha, previously the area was 0.630 ha; and
 The application now includes an agrologist's report.

Planning Department

This application is for ALR exclusion with the ultimate intent leading to a future subdivision. The property is designated Acreage Reserve in the OCP. Relevant OCP Rural policies of are listed below:

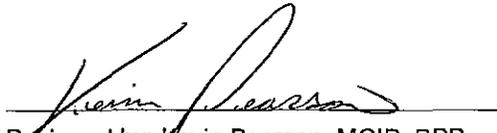
- 7.3.2 Discourage additional development, particularly at urban densities, in the Acreage Reserve, Salmon Valley Agriculture and Forest Reserve designations.
- 7.3.3 Maintain or enhance the configuration and size of parcels designated Acreage Reserve, Salmon Valley Agriculture and Forest Reserve through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

Despite the above, OCP Policies 7.3.7 & 7.3.8 (APPENDIX 9) speak to circumstances when a "Subdivision for a Relative" under Section 514 of the *Local Government Act* (APPENDIX 10) may be considered by the City's Approving Officer. Note that under Section 514, the intention may include a "subdivision for the owner" and not necessarily for a relative.

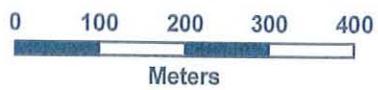
If this exclusion application is approved, the applicant would then apply to the ALC for an ALR inclusion, unless the ALC decides to grant approval of an inclusion concurrently with this exclusion application.

CONCLUSION

This proposed ALR exclusion is one step in a process leading to a subdivision application in the rural area. The City's OCP policies generally discourage rural subdivisions. There are, however, two key considerations for staff at this point. The first is that the intended subdivision could meet criteria of Section 514 of the *Local Government Act*; Policies 7.3.7 & 7.3.8 of the OCP which offer some support of a subdivision under that scenario. Secondly, the impact to agriculture and quantity of ALR land under consideration are, in staff's opinion, very minimal. It is the opinion of staff that this application warrants consideration by the ALC.

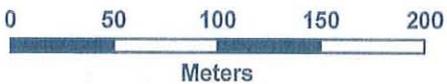

 Reviewed by: Kevin Pearson, MCIP, RPP
 Director of Development Services

Location Map



 Subject Parcel

Orthophoto
(2016)



 Subject Parcel

Sketch Plan of Proposed Subdivision of Part of Legal Subdivision 13 of Sec 36, Tp 20, R 10, W6M, KDYD Except Part Coloured Red on Plan B662

Scale 1:2000
BCGS 82L074
All distances are in metres.
The intended plot size of this plan is 560mm in width by 432mm in height (C size)
when plotted at a scale of 1:2000

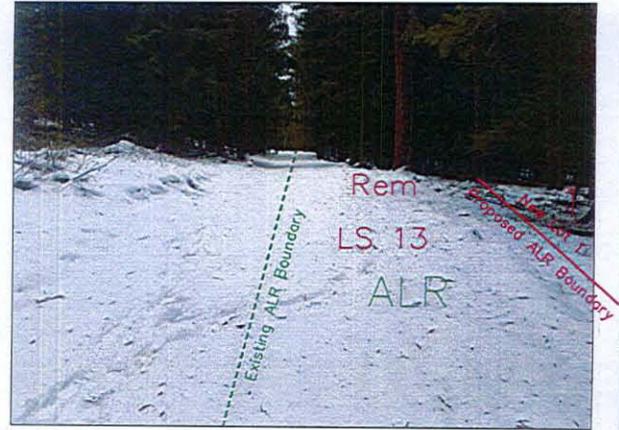
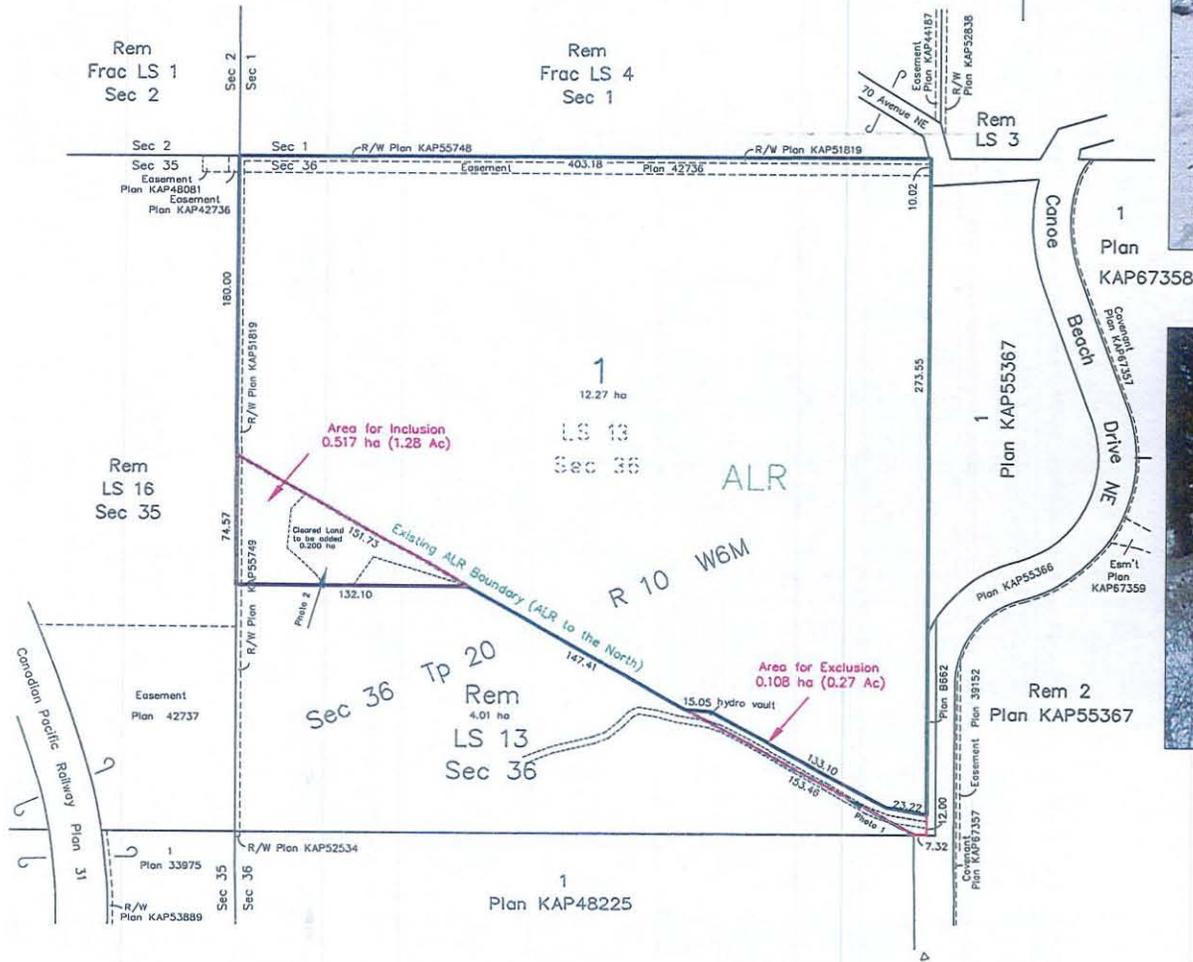


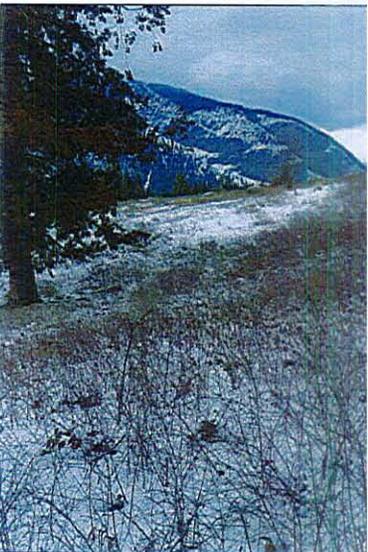
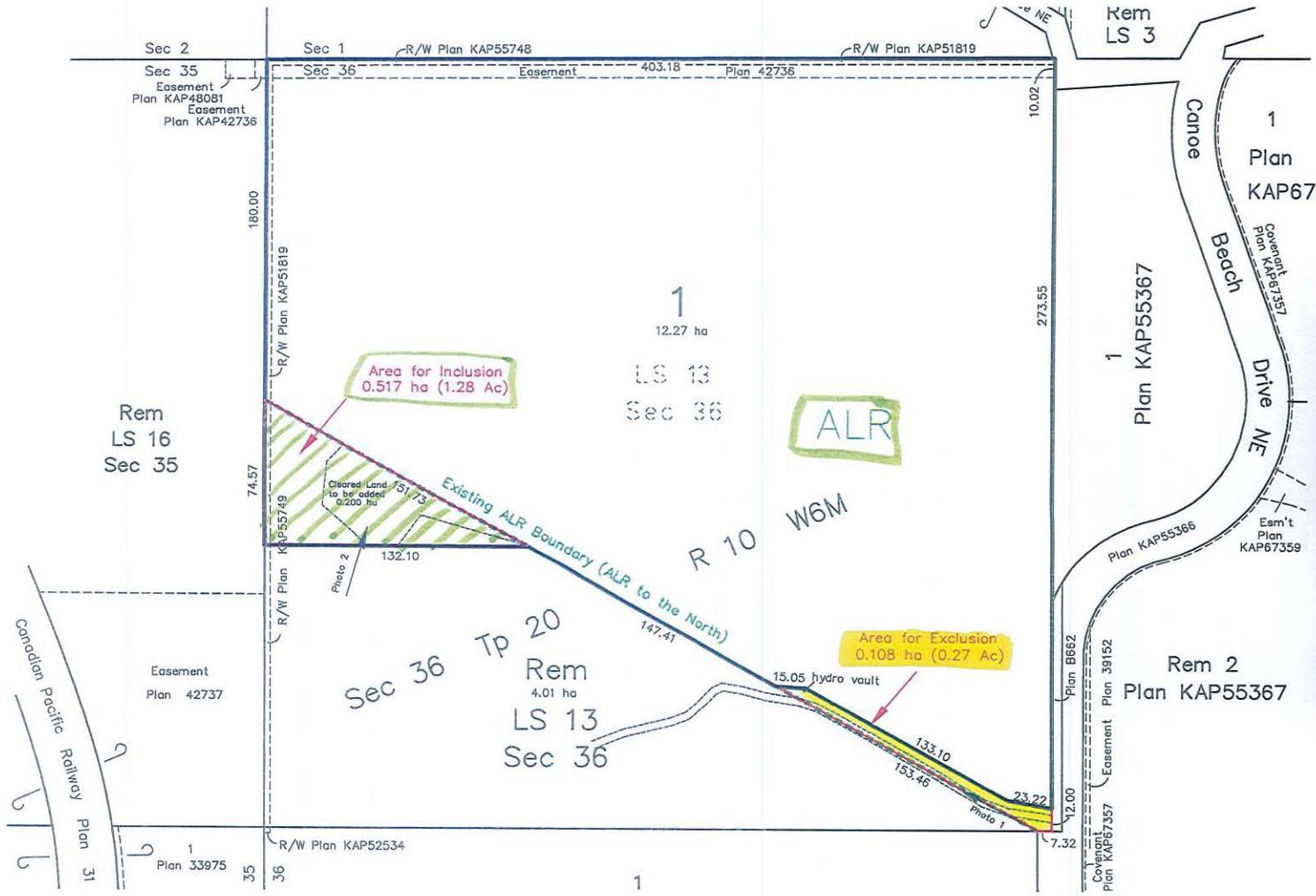
Photo 1



Photo 2

January 14, 2019

BROWNE JOHNSON LAND SURVEYORS
B.C. AND CANADA LANDS
SALMON ARM, B.C. Ph.250-832-9701
File: 87-18



Photo

Photo

OUR FILE: 87-18
ALC FILE: 58075

January 22, 2019

RE: PROPOSED AGRICULTURAL LAND RESERVE EXCLUSION, PROPOSED AGRICULTURAL LAND RESERVE INCLUSION AND POSSIBLE SUBDIVISION TO CREATE ONE LOT UNDER SECTION 514 OF THE LOCAL GOVERNMENT ACT AT 6691 LAKESHORE ROAD (ALC Application ID 58075)

To whom it may concern:

This information package has been sent to you because you have shown interest in this application or your property is within 100 metres of the parcel under application. This letter is not a statutory requirement, it is meant to provide clarity regarding this application and the proposed single lot subdivision. Please refer to the attached sketch plan for reference. To better view the sketch plan in detail, please use the following link to access a digital copy:

<https://brownejohnson.com/downloads/087-18sketch-Jan-14-19>

There are three applications necessary to complete this single lot subdivision:

1. Application to the Agricultural Land Commission (ALC) to exclude 0.108 ha (0.27 acres) of ALR lands to attach the land covered by the driveway to existing NON-ALR lands. It should be noted that as part of this application, the Okanagan Panel of the ALC will be conducting a site visit of the property to assess the merits of the application.
2. If Salmon Arm Council and the ALC approve the application to exclude the driveway lands, a second application to the ALC will be required to include 0.517 ha (1.28 acres) within the ALR. Approximately 0.200 ha (0.49 acres) of this inclusion area is arable and part of an existing clearing that would be part of the proposed new lot.
3. If the first application is successful and the ALC has received the second application, a subdivision application to the City of Salmon Arm will be submitted, based on the attached sketch plan.

The subdivision application would be submitted pursuant to Section 514 of the Local Government Act (LGA). This section allows the creation of a new parcel for the owner, the parent(s) of the owner, a child of the owner or a grandchild of the owner. In this case the 12.27

ha lot under application would be for the owner.

While a subdivision under Section 514 of the LGA is not required to conform to OCP or Zoning requirements, this proposal has taken into account the rural nature of the surrounding properties and neither the new lot nor the remainder are under 4 ha. The parcel size is consistent with the existing zoning requirements and with other parcels in the area.

There is little or no chance that the proposed 12.27 ha lot can be subdivided again using Section 514 of the LGA, as the ALC only allows for home site severance within ALR lands if the land has had a single, continuous owner since, December 1972.

The Remainder cannot be further subdivided under Section 514, as the City has a requirement that the parcel must be a minimum 8 ha in order to qualify for subdivision under this Section.

This proposal will not lead to further subdivision of the new lot or remainder.

It should be noted that ALR boundaries were not created by detailed on the ground procedures, but rather by interpreting aerial photographs and transferring the lines to maps.

The applicants are not professing that the lands to be excluded from the ALR are equal to the lands to be included. Although it does seem to make sense to keep the cleared lands within the inclusion area as part of the existing field and within the new lot proposed (see photo 2 of the sketch plan). As well, the cleared inclusion area would be roughly double the size of the land to be excluded.

The construction of the driveway and servicing may seem premature, although the driveway leads to what may be the most desirable building site on the entire property and will most likely be used for either a primary dwelling or carriage house, should the current proposal not move forward.

It should be noted that building a driveway across ALR lands is not against legislation or regulations. In this case, the driveway has been constructed in the logical location based on grade and local conditions, in order to gain access to the proposed building site.

Any questions or concerns about the information provided above can be directed to the contact listed below.

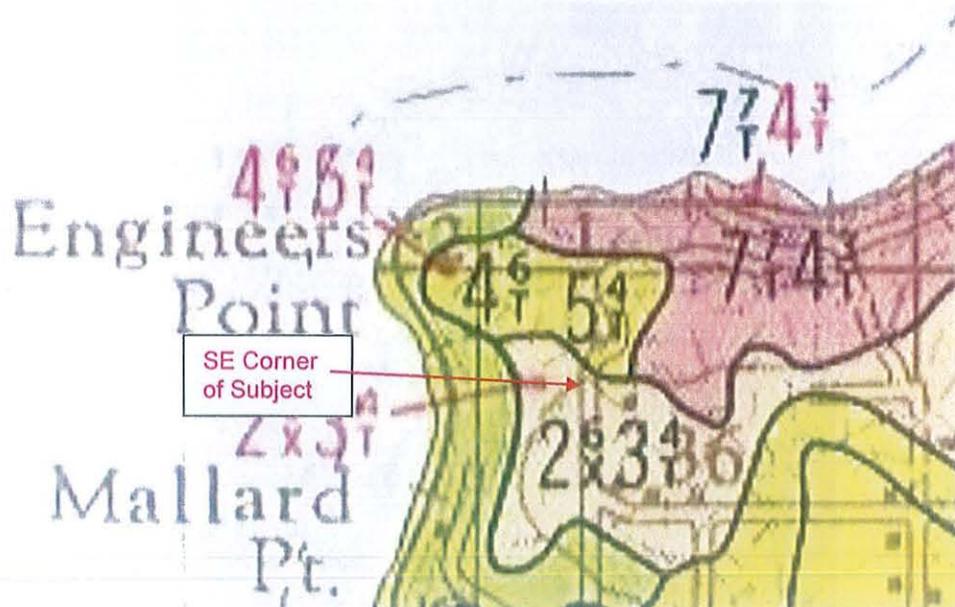
Joseph (Joe) C. Johnson, BCLS, CLS
Browne Johnson Land Surveyors
Email: joe@brownejohnson.com
Box 362 Salmon Arm, BC V1E 4N5
250-832-9701 | brownejohnson.com
Office: 201-371 Alexander St

2.0 The Exclusion

The purpose of the exclusion is to allow for the construction of a driveway to access the non ALR portion of the property. In effect, it shifts the ALR boundary slightly to the north. The shift is required to allow for access to Canoe Beach Drive.

The soil classification for this portion of the property is shown in Figure 2.

Figure 2: Canada Land Inventory Classification of Subject Area



It is interesting that the Pedologists who rated these soils considered that there would be no change in the range of crops expected from this landform from irrigation improvement (red printing vs black). Certainly, there would be an improvement of productivity considering that the area is moisture deficient.

The rating of 60% Class 2 with a variety of restrictions and 40% Class 3 limited by topography in this landform does not seem to conform to the boundary of the Agricultural Land Reserve.

The pit I dug along the boundary of the ALR as shown in Photograph 1. The ground is fairly level at this site. I note the soils are heavy with some stones in the profile.

There is a Water Licence for the property for 3,161 m³ or 2.5 acre-feet for the purpose of "Lawn, Fairway & Garden." The licence from Shuswap Lake would be sufficient for domestic purposes but would not be enough to irrigate the remainder of the parcel.

A photograph of the proposed shift of the ALR boundary is shown in Photograph 2.



Photograph 1: Soil Pit along ALR Boundary



Photograph 2: View of ALR Boundary Shift

3.0 The Inclusion

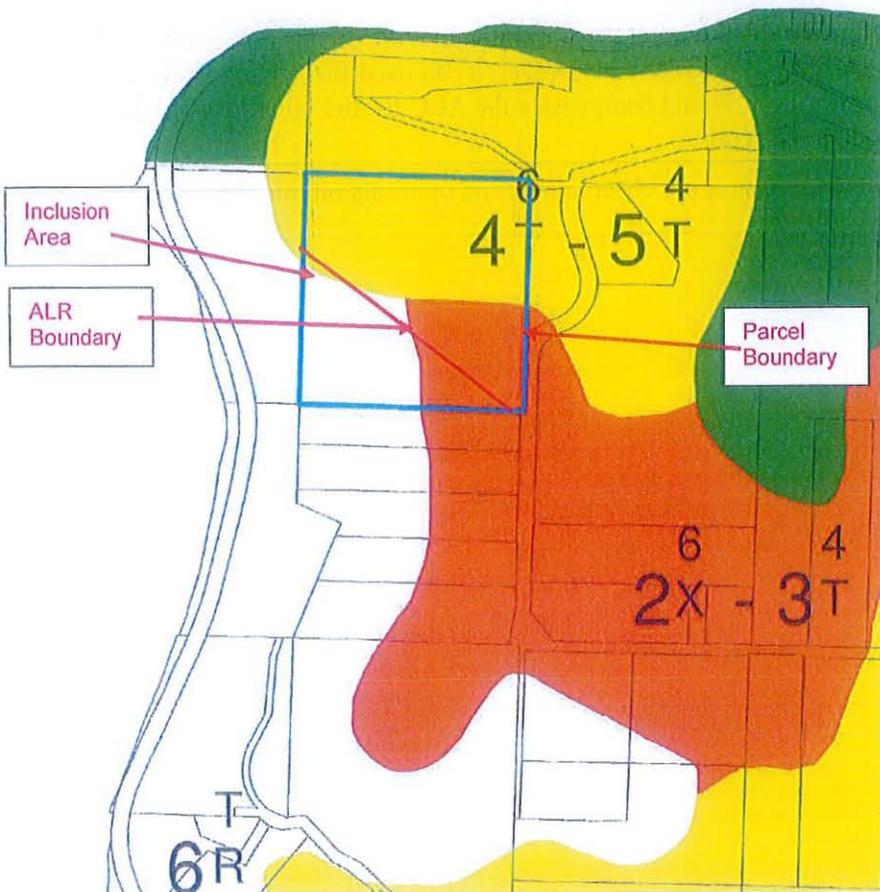
I note that after the amendment to the Agricultural Land Commission Act that land be no longer considered “suitable for farming” to be included in the ALR. Instead, the criteria is: “if the commission considers that an approval under this subsection carries out the intent of this Act.”

Nevertheless, I did inspect the area proposed for inclusion. The site is shown in the City of Salmon Arm Improved Soil Classification map as shown in Figure 3. A photograph of a pit in the area is shown in Photograph 3.



Photograph 3: Soil Pit in Proposed Inclusion

Figure 3: CLI Improved Rating



In my opinion, the difficulty with the parcel is its slope with a good portion of the proposed area above 30%. This slope is above deemed suitable for farming and is consistent with the Canada Land Inventory rating of Class 6 limited by topography and rockiness.

While it is not considered suitable for farming, there is a great deal of Class 6 land in the province in the Agricultural Land Reserve. Mainly, that land has grazing capability that is associated with a livestock operation.

Photograph 3 taken in the area shows the rockiness and topography in the area. It also shows some grazing values in the land.

4.0 Summary and Conclusion

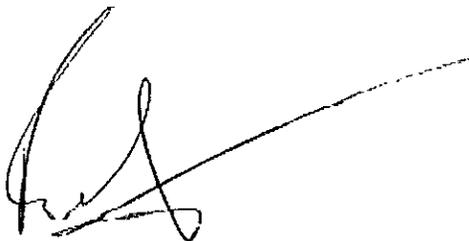
In my opinion, the soils around the ALR boundary at the South East corner of the parcel are homogenous. Therefore, the purpose of the exclusion application is to allow for a driveway access to the non-ALR land. This application, then, corrects a discretionary decision made when drafting the ALR boundaries.

By correcting a previous decision, shifting the boundary slightly to the north provides an overall benefit in the separation of ALR and non-ALR lands. The loss of 0.108 hectares or 0.27 acres is, in my opinion, a minimal cost to that benefit.

With regard to the included land, it is my opinion that the area is not suitable to being farmed due to the steep topography. However, it can be used for grazing along with the ALR land to the north. It would compensate the ALC for the other loss of ALR lands. I offer no opinion on that option.

I remain available to discuss my observations and opinions on this file.

Respectfully submitted,

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

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



PO Box 2590, 420A 4th Street NE
 Salmon Arm, BC, V1E 4R5
 Phone 250.832.8380

July 16th, 2018

Brown Johnson Land Surveyors
 201 – 371 Alexander Street NE
 Salmon Arm, BC

RE: Letter Regarding Driveway and Service Location

To whom it May Concern,

Franklin Engineering had been retained to manage the installation of a residential driveway access, City of Salmon Arm Water Service and water service line, BC Hydro electrical service, Telus Communication conduits, and Fortis gas service line.

This letter is a brief explanation as to why the driveway and services are located where they are, approximately along the ALR boundary.

Initial investigations showed the optimum location for the driveway would be along the toe of an increasingly rocky slope. Although some challenges still had to be overcome, this was in fact the best location for a driveway even though it basically straddles the ALR boundary line. All efforts were made towards keeping the driveway as high on the slope as practical.

Subsequent to the driveway installation, there were many more challenges with installation of the services. Particularly the water and power lines which require a specific depth of cover to be accepted by their respective regulatory bodies. The main challenge was depth of bedrock. As observed with driveway construction, the service trenches were increasingly pushed down slope, more into the ALR lands, to avoid the repeated outcroppings of bedrock. As it was, a large rock hammer and concrete cutting saws were used to achieve appropriate depths of cover.

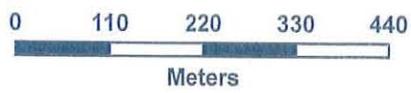
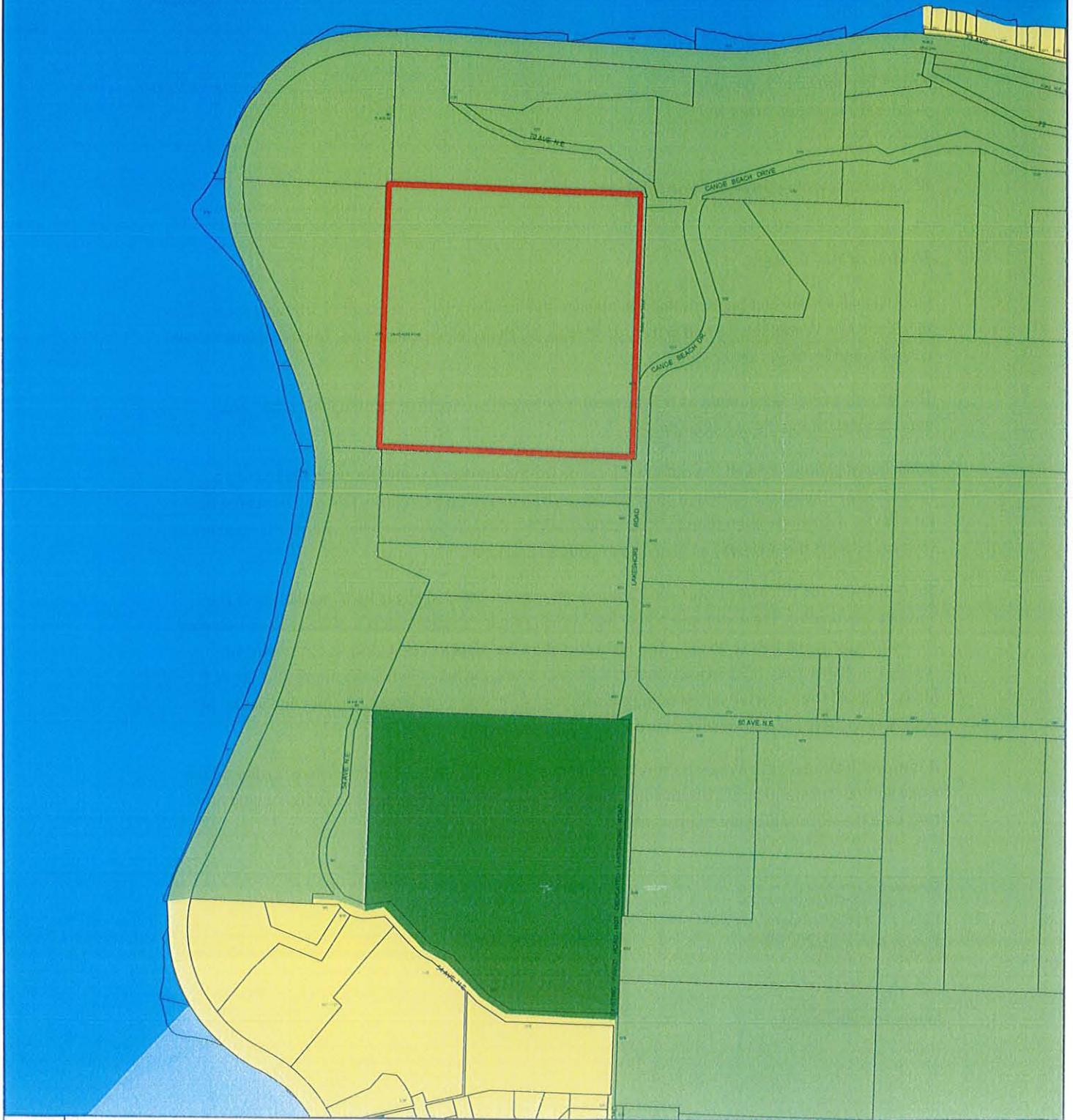
It is my professional opinion that the services and driveway could not have been located further up the slope without substantial rock blasting and major cutting and filling of cross slopes which would have rendered the surrounding areas less usable.

Sincerely,

 A handwritten signature in black ink is written over a circular professional seal. The seal contains the text 'PROFESSIONAL ENGINEER', 'BRITISH COLUMBIA', and '# 34134'.

Jayme Franklin, P.Eng.

Official Community Plan
Land Use Designation



Subject Parcel



Acreage Reserve



Park

Zoning Map

P-1

C-5

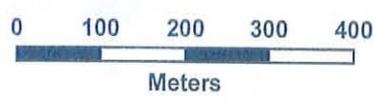
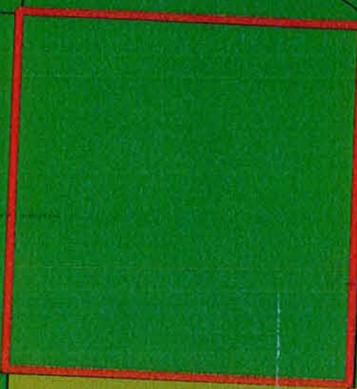
R-3

A-2

A-3

A-3

R-7

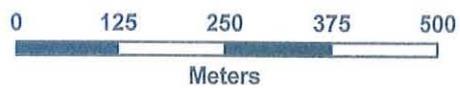
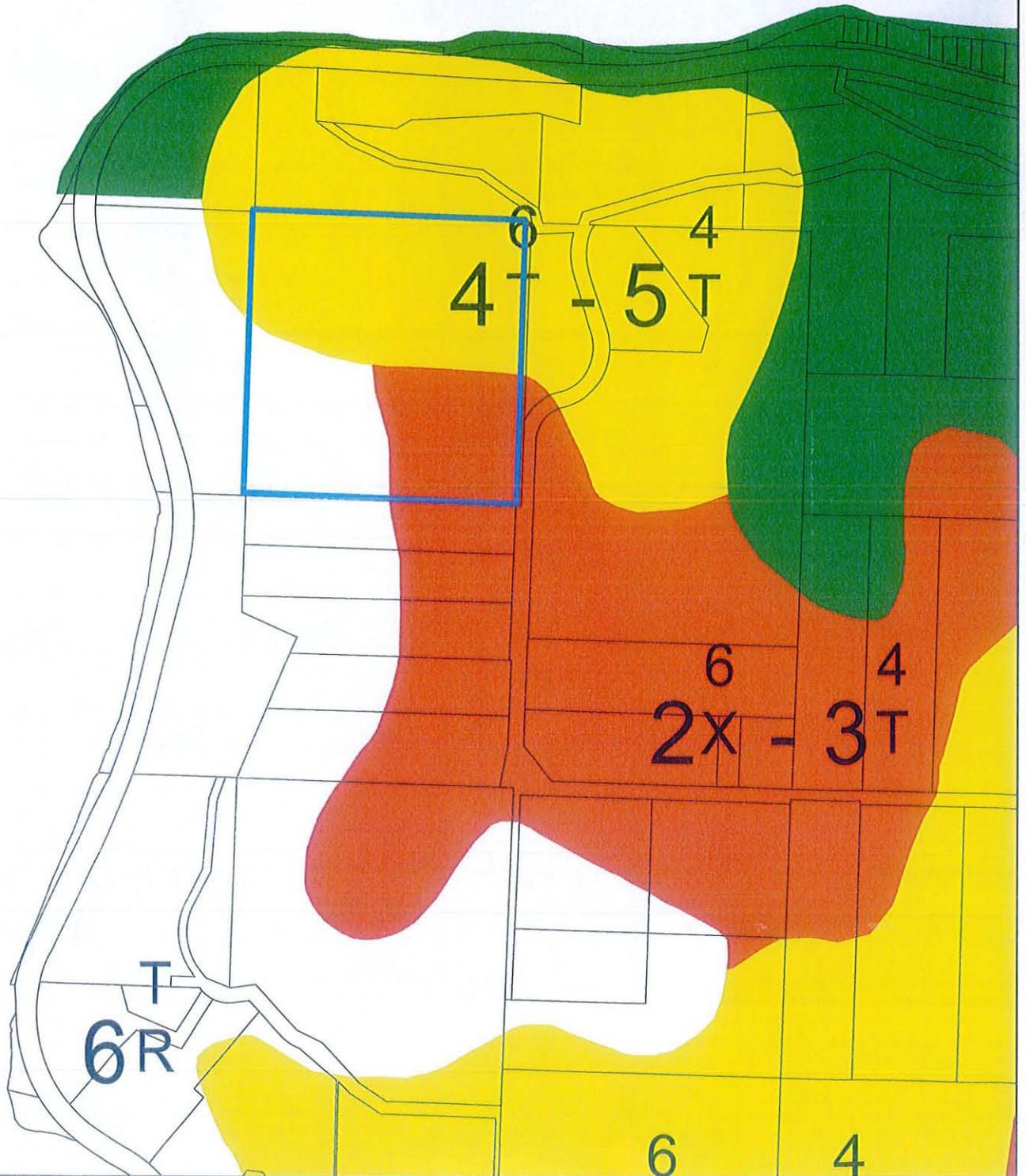


Subject Parcel

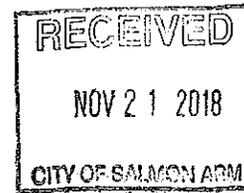
-  Park and Recreation
-  Institutional

 Rural Holding

Improved Soil Classification



- | | | |
|--|---|--|
|  Class 1 |  Class 4 |  Class 7 |
|  Class 2 |  Class 5 |  Subject Parcel |
|  Class 3 |  Class 6 | |



To Mayor and Council

City of Salmon Arm

Box 40 500 2nd Ave NE

Salmon Arm B.C., V1E4P9

Agricultural Land commission

201-4940 Canada Way

Burnaby B.C. V5G4K6

RE: ALC Application ID 58075 Exclusion of ALR land 6691 Lakeshore road

We have resided on the land to the north of this property for over 25 years 1281 70th Ave NE Salmon Arm, B.C. . We oppose this ALC exclusion and planned subdivision for the following reasons

1. This exclusion will start to enable the property to be further developed and subdivided
2. The current zoning does not allow for parcels under 4 hectares
3. The Official community Plan designates the land acreage reserve and does not plan for subdivisions under 4 Ha
4. This land should be preserved as a large parcel enabling it to have a house site and keep the rest of the land for Agricultural production for future generations.
5. The application has ambiguity and exaggerated Statements. Below are the comments and clarification of the ambiguities as we understand them.

Current Use of parcels under Application

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

Applicant states "The parcel has lots of steep topography and forested areas with some clearings."

This land has been farmed for over 75 years prior to the current ownership. This is rare bench farm land above a warm lake providing ideal orchard conditions with late frost. The ALR portion is not steep and easily used for orchards or pasture. There was a Cherry tree orchard with over 40 trees and the land was also fenced and housed cattle and horses until 2012. The present owners have now removed the cherry tree Orchard and allowed fences to go into disrepair. The land also was owned and operated as Part of Palloranta Nursery and had a large irrigation system from the lake to it.

2. Quantify and describe in detail all agricultural improvements to the property.

Applicant states "there is no agricultural improvements made to the parcel, but greenhouse pad construction has started"

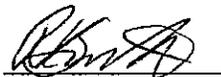
The current owner has removed 40 + tree cherry orchard and also removed fencing (which housed cattle and horses) during their ownership of the land . There are also 3 former agricultural buildings on the property which are on the eastern portion of the property A barn, a pole shed and an old poultry building. This can be seen on a google earth image.

3. **Quantify and describe all non-agricultural uses that currently take place on the parcels**

Applicant states "There are two driveways entering the property the south driveway off lakeshore is the proposed access for the proposed new lot that the client is looking to create. The driveway to the North is the access to the proposed remainder."

The applicant has failed to mention a third road on the north side of the property. There are now already 3 roads into this property using ALR land. They have also not mentioned the heavy equipment storage in the form of dump trucks , road packers, several sea Cans (more than 6)and miscellaneous discarded house parts and other debris being stored .

4. The applicant has failed to disclose an interest in other parcels of land in Salmon Arm. The owners are involved in ownership of Byersview Subdivision a 27-lot subdivision in Salmon Arm located North east of the junction of 10 St. SE and 20 Ave SE Salmon Arm
5. The owners place their address at 6751 Lakeshore Road NE Salmon Arm but after over 6 years of living there still are driving vehicles with Alberta licence plates. Is this the correct address of the applicant or is it Alberta?
6. The Sketch plan given appears to have the south driveway headed north west where the reality is the driveway heads due west off lakeshore road for a distance.
7. The existing nearby properties have a rural lifestyle with large agricultural acreages conducive to orcharding and other farming activities Small parcels are not currently zoned or in the OCP
8. We also oppose this property being subdivided for a family member under Section 546 of the highways act if that is the direction of this subdivision. Some of the improvements to date in the south corner have been paid for by a local engineer Jaime Franklin who is a business partner of the applicant. This appears to be a provision for a homesite for himself as was stated by Mr. Franklin to many locals in the last year.



Richard Smith



Margaret Smith



Mitchell B Smith

To Mayor + Council

City of Salmon Arm

Box 40 500 2nd Ave NE

Salmon Arm B.C., V1E4P9

Agricultural Land commission

201-4940 Canada Way

Burnaby B.C. V5G4K6

RE: ALC Application ID 58075 Exclusion of ALR land 6691 Lakeshore road

We the undersigned oppose this notice of exclusion for the following reasons

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2. The current zoning does not allow for parcels under 4 hectares
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The current owner has removed cherry orchard and allowed disrepair and also removed fencing during their ownership of the land . There is also 3 former agricultural buildings on the property which are on the eastern portion of the property A barn, a pole shed and an old poultry building. the land had prior to current owner over 40 cherry trees and was fenced and held horses and cattle.

3. **Quantify and describe all non-agricultural uses that currently take place on the parcels**

Applicant states "There are two driveways entering the property the south driveway off lakeshore is the proposed access for the proposed new lot that the client is looking to create. The driveway to the North is the access to the proposed remainder."

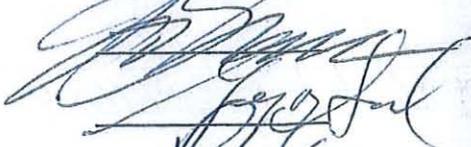
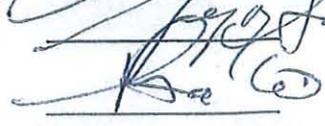
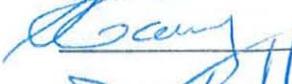
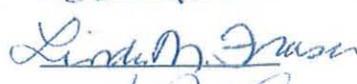
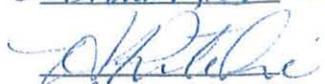
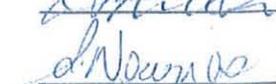
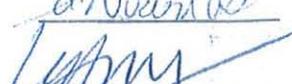
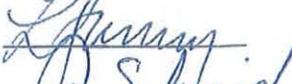
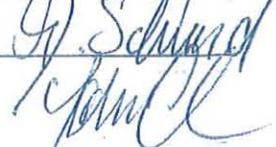
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6. The Sketch plan given appears to have the south driveway headed north west where the reality is the driveway heads due west off lakeshore road.
7. The existing ^{surrounding} properties have enjoyed a rural lifestyle and paid taxes to enjoy this We the below oppose a subdivision contrary to the OCP and current zoning . We have bought in this area to live in a rural lifestyle with large acreages nearby. Small parcels are not currently zoned or in the OCP and we would like it to stay this way.
8. We also oppose this property being subdivided for a family member as the improvements to date in the south corner have been partially paid for by a local engineer Jaime Franklin in provision for a homesite for himself.

Name	Address	Signature
<u>KATHLEEN A. JOHNSTON</u>	<u>6321 LAKESHORE RD NE</u>	<u>[Signature]</u>
<u>Kim Greave</u>	<u>1600 Canoe Beach Dr.</u>	<u>[Signature]</u>
<u>Dick Smith</u>	<u>1790 24th ST NE</u>	<u>[Signature]</u>
<u>Marie Smith</u>	<u>" " "</u>	<u>[Signature]</u>
<u>DAN SMITH</u>	<u>691-8th Ave NE</u>	<u>[Signature]</u>
<u>CURS WICKER</u>	<u>4850 46th St NE</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>1410 9th Ave SE</u>	<u>Roger Houle</u>

Dave Barnard
↓

Name	Address	Signature
_____	_____	_____
Van Johnson	5290 112 nd St.	
Greg Seed	5170 117 th St NE	
SHARON FABRE	1961 15 th St SE	
801 8 th Ave NE		
Tom Arrowsmith	361 Okanagan Avenue	
David Wallensteen	440 10 th St SW	
Terry Wallensteen	440 10 th St SW	
Ken Fraser	2681 30 th St NE	
Susan Cawsey	2681 30 th St NE	
David Maxwell	2130 22 St NE	
Cole Smith	1281 70 th Ave NE	
GLEN RITCHIE	1120 54 th Ave NE	
LINDA FRASER	940-54 th Ave NE	
Hennette Ritchie	1120 54 th Ave NE	
J. Nounso	2361-60 Ave NE	
Warren Welter	2499 65 th Ave NE	
Eryn Sutherland	2700 65 th Ave NE	
Renee Sutherland	2700 65 th Ave NE	
LEE JOHNSON	6250 30 St NE	
Lesley Gurney	2810-60 th Ave NE	
Marianne Schmid	5920 30 th St NE	
Albert Schmid	5920 30 th St NE	

Name	Address	Signature
<u>R.M. Liebich</u>	<u>2581-60 Ave. N.E.</u>	<u>R.M. Liebich</u>
<u>L.W. Johnson</u>	<u>2570 65 Ave NE</u>	<u>[Signature]</u>
<u>Joyce Johnson</u>	<u>2570 65th Ave NE</u>	<u>Joyce Johnson</u>
<u>Mary Preston Mary Johnson</u>	<u>2475 65th Ave NE</u>	<u>Mary Johnson</u>
<u>Cheryl Johnson</u>	<u>6250 30th St NE</u>	<u>[Signature]</u>
<u>Judith Murray</u>	<u>2180 60 Ave NE</u>	<u>Judith Murray</u>
<u>Blaine Carson</u>	<u>2180 60th Ave NE</u>	<u>Blaine Carson</u>
<u>Lelaine Puhos</u>	<u>2061 60th Ave NE</u>	<u>[Signature]</u>
<u>Sabine Wanstad</u>	<u>2060-60th Ave NE</u>	<u>[Signature]</u>
<u>Wim Fred Wastal</u>	<u>2060-60th Ave NE</u>	<u>W. Wastal</u>
<u>Jonah Ramsay Leah Ramsay Klauson</u>	<u>5190 Lakeshore Road</u>	<u>[Signature]</u>
	<u>5190 Lakeshore Rd</u>	<u>[Signature]</u>
<u>Dave Ramsay</u>	<u>5190 Lakeshore Rd.</u>	<u>[Signature]</u>
<u>Lawrent Ren</u>	<u>1630 60 Ave NE</u>	<u>[Signature]</u>

Allan Bahen & Anne Lockington

November 20, 2018

6431 Lakeshore Road NE

Salmon Arm BC V1E 2M5

City of Salmon Arm BC

RE Exclusion Application Regarding Land in the ALR by Robert & Beryle Balen 6751 Lakeshore Rd.

We live on the same side of Lakeshore Road two properties south of the 40 acre former church property that the Balen's own and have made this Exclusion Application on. I am concerned that a road, some services and a building site have been cleared and constructed on the non ALR portion of this property for another family and that some portion of those "Works" have been constructed on ALR land. This Exclusion Application is an legal attempt to right a wrong. We believe the work was done in disregard to the ALR boundary and the parties should have known better. The Exclusion Application should have been made and approved before the "Works" were constructed. Mr. Balen seems to have an adversarial relationship with some of his neighbours, specifically Richard Smith.

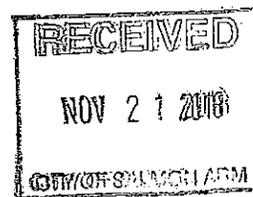
Our bigger fear is that this is the first step in the Balen's attempt to exclude the remainder of the parcel from the ALR for the purpose of building a subdivision which we would be opposed to. There are a lot of areas closer in to the city core to infill first. The properties in this area are mostly larger acreages.

Yours,

[Handwritten signatures of Allan Bahen and Anne Lockington]

Allan Bahen

Anne Lockington





Jim and Marcia Beckner
1310-54th Ave. NE
Salmon Arm, BC
V1E 3P5
250-832-3534

November 23, 2018
City of Salmon Arm

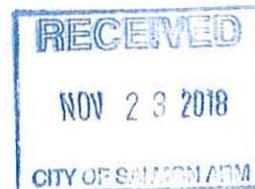
Dear Mayor, Councillors ,and Planning Committee,

With regards to the ALR exclusion for the property located at 6691 Lakeshore Road N.E. Salmon Arm BC [PID3007-479-890] submitted by Mark and Beryle Balen application to remove a portion of the land from the ALR. This property is comprised of both ALR and non ALR classification. I don't understand why there should be an allowance to reduce the ALR portion. The applicant is offering to exchange non-ALR land for what they consider to be ALR land; however, the land commission has assessed it and determined it to be non-agricultural . I trust the Authorities that gave it this designation and this should not be overturned. To allow this application to pass we believe sets a precedent for further applications to erode the ALR area of this property. Therefore we are opposed to this application to diminish the arable land of this property.

We have lived in the neighbourhood of this farm property for 38 years and remember it when it had fruit trees and livestock. Its farm potential use, as such, appears to have been neglected. However, we did know it as a farm and we believe the ALR classified ground should not be eroded for reasons of neglect. This is not justification for future non-agricultural development. We have precious little ALR land in our community and province, and we must be vigilant to preserve it.

Sincerely yours,

Jim Beckner/Marcia Beckner

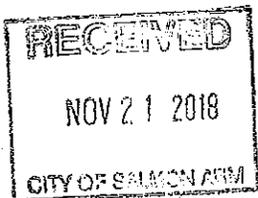


To Mayor and Council

Attached is a signed 47 name signed petition in opposition for the ALR land swap and subsequent Subdivision. Please note 24 of 47 signatures are within 1 km of the above-named property signed by landowners or their families. Several Nearby landowners not on this petition chose to write in their own letter.

Thank you

The Landowners of North Broadview area Salmon Arm, B. C.



CITY OF SALMON ARM

*Memorandum from the
Engineering and Public
Works Department*

TO: Kevin Pearson, Director of Development Services
 DATE: 08 February 2019
 PREPARED BY: Chris Moore, Engineering Assistant
 OWNER: Balen, R. M. & B. M., 6751 Lakeshore Road NE, Salmon Arm, BC V1E 2M5
 AGENT: Browne Johnson Land Surveyors, Box 362, Salmon Arm, BC V1E 4N5
 SUBJECT: AGRICULTURAL LAND COMMISSION APPLICATION NO. ALC-379
 LEGAL: LS 13 of Section 36, Township 20, Range 10, W6M, KDYD, Except Part
 Coloured Red on Plan B662
 CIVIC: 6691 Lakeshore Road NE
 ASSOCIATED: n/a
 PREVIOUS: n/a

Further to your referral dated 12 December 2018, the Engineering Department has no objection to the proposed application to exclude this property from the ALR.

The following comments and servicing requirements are not conditions for ALC Application; however, these comments are provided as a courtesy in advance of any development proceeding to the next stages.

General:

1. Full municipal services are required as noted herein. Owner / Developer to comply fully with the requirements of the Subdivision and Development Services Bylaw No 4163. Notwithstanding the comments contained in this referral, it is the applicant's responsibility to ensure these standards are met.
2. Comments provided below reflect the best available information. Detailed engineering data, or other information not available at this time, may change the contents of these comments.
3. Properties shall have all necessary public infrastructure installed to ensure properties can be serviced with 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 may be required at time of construction. ESC plans to be approved by the City of Salmon Arm.
7. Any existing services (water, sewer, hydro, telus, gas, etc) traversing the proposed lot must be protected by easement or relocated outside of the proposed building envelope. Owner/Developer will be required to prove the location of these services. Owner / Developer is responsible for all associated costs.

ALC APPLICATION FILE: ALC-379**08 February 2019**Page 2

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 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. Lakeshore Road NE, on the subject properties Eastern boundary, is designated as a Rural Local Road standard, requiring 20.0m road dedication (10.0m on either side of road centerline). Available records indicate that 4.825m of additional road dedication is required (to be confirmed by a BCLS).
2. Lakeshore Road NE is currently constructed to an Interim Rural Paved Road standard. Upgrading to a Rural Paved Road Standard is required, in accordance with Specification Drawing No. RD-7. Upgrading may include, but is not limited to, road widening and construction, ditching, boulevard construction and fire hydrants. Owner / Developer is responsible for all associated costs.

Water:

1. The subject property fronts a 450mm diameter Zone 1 watermain on the North and West property lines. There is an existing 150mm diameter Zone 3 watermain on Lakeshore Road NE which terminates at the southern boundary of the property. This Zone 3 watermain will require extending across the frontage of the subject property on Lakeshore Road NE; approximately 120m.
2. The proposed and remainder 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. Water meters will be supplied by the City at the time of building permits, at the Owner / Developer's cost.
3. Records indicate that the property currently has one 50mm service from the 150mm diameter watermain on Lakeshore Road NE which would be a suitable location for the proposed lot. The remainder lot is currently not serviced with a water service. The City discourages water services to empty lots with no immediate plans to develop. Therefore either a cash-in-lieu payment shall be made for the future installation of the service or a covenant shall be placed on title specifying no further development until the lot is fully serviced. Owner / Developer is responsible for all associated costs.

ALC APPLICATION FILE: ALC-379

08 February 2019

Page 3

-
4. The subject property is in an area with sufficient fire flows and pressures according to the 2011 Water Study (OD&K 2012).
 5. Fire protection requirements to be confirmed with the Building Department and Fire Department.
 6. Fire hydrant installation will be required. Owners consulting Engineer shall review the site to ensure placement of fire hydrants meet the Low Density spacing requirements of 300 meters.

Sanitary:

1. The site does not front on a City of Salmon Arm sanitary sewer system. Subject to the required approvals from Interior Health Authority, private on-site disposal systems will be required for each lot.

Drainage:

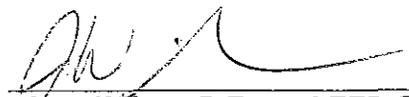
1. The site does not front on an enclosed storm sewer system. Site drainage will be by an Overland and / or Ground Discharge system. Drainage issues related to development to be addressed at time of Building Permit application to meet requirements of Building Inspection Department.

Geotechnical:

1. A geotechnical report in accordance with the Engineering Departments Geotechnical Study Terms of Reference for: Category A (Building Foundation Design) and Category C (Landslide Assessment), is required.



Chris Moore
Engineering Assistant



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

CITY OF SALMON ARM

Minutes of the Agricultural Advisory Committee (AAC) Meeting held in Room 100 of City Hall, 500 - 2 Avenue NE, Salmon Arm, British Columbia, on Wednesday, December 12, 2018 at 3:00 p.m.

PRESENT:

Councillor Tim Lavery, Chair

James Olafson

Don Syme

Ron Ganert

John McLeod

James Hanna

Joe Johnson, agent (Item 6.1)

Jayne Franklin – agent (Item 6.1)

Kevin Pearson, Director of Development Services – staff (non-voting)

Wesley Miles, Planning & Development Officer - staff/recorder (non-voting)

ABSENT: Lana Fitt, John Schut

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

1. **Introductions**
2. **Presentations**
3. **Approval of Agenda and Additional Items**

Late item added to "New Business" to discuss food policy/security for the City.

4. **Approval of Minutes**
5. **Old Business / Arising from minutes**
6. **New Business**

1. **Agricultural Land Reserve Applicant No. ALC-379 (Exclusion)**
6691 Lakeshore Road NE
Owner: Mark and Maureen Balen
Applicant: Brown Johnson Land Surveyors Ltd.

Moved: James Hanna

Seconded: Don Syme

THAT: the Agricultural Advisory Committee recommends to Council that it support the application for submission to the Agricultural Land Commission subject to straightening of the proposed boundary line.

DEFEATED

James Olafson, John McLeod, Ron Ganert Opposed

Staff provided a brief overview of the application. The agent described the exclusion and land swap proposal for the purpose of subdividing a 4 ha parcel from the subject property. The Committee discussed points including existing driveways, timing of driveway construction, general subdivision process, soil capability, reasons for not including an agrologist report, shape of the proposed ALR boundary, and OCP policies in regards to subdivision. In general, the Committee's opinion was split for the application with concerns of the overall merits of the process, exclusion/inclusion of ALR land and subdivision of the subject property.

2. Bill 52 - Agricultural Land Commission Amendment Act, 2018 - FOR DISCUSSION

Staff provided a general overview of the potential ramifications of Bill 52 and the changes to the ALC Act and Regulations.

3. Food Policy/Security

It was recommended by a Committee Member that a future agenda item involve food policy and security for the City of Salmon Arm. Items such as a committee task force and the City's previous agricultural plan were discussed.

7. Other Business &/ or Roundtable Updates

8. Next Meeting - Wednesday, January 16, 2019

9. The meeting adjourned at 4:13 p.m.



(Endorsed By Meeting Chair)

7.3 Rural and Agriculture Policies

General Policies

- 7.3.1 Acreage Reserve, Salmon Valley Agriculture and Forest Reserve areas are designated on Map A-1 Land Use.
- 7.3.2 Discourage additional development, particularly at urban densities, in the Acreage Reserve, Salmon Valley Agriculture and Forest Reserve designations.
- 7.3.3 Maintain or enhance the configuration and size of parcels designated Acreage Reserve, Salmon Valley Agriculture and Forest Reserve through boundary (lot line) adjustments and/or consolidations; rezoning, subdivision and/or Agricultural Land Reserve exclusion applications are not encouraged.
- 7.3.4 Support adjusting the boundaries between the Acreage Reserve, Salmon Valley Agriculture and Forest Reserve designations only on the basis of improved soil capability ratings.
- 7.3.5 Support boundary (lot line) adjustments which bring lot sizes more in compliance with the regulations of the City's Zoning Bylaw throughout the Acreage Reserve, Salmon Valley Agriculture and Forest Reserve designations. Boundary adjustments should not add to the degree of non-conformity of any lot.
- 7.3.6 Notwithstanding policies 7.3.3, 7.3.4, and 7.3.5, consider subdivision or boundary realignments that facilitate public ownership of a park or greenway.
- 7.3.7 ALC applications to subdivide land in the ALR under Section 946 (Subdivision to Provide Residence for a Relative) of the *Local Government Act*, should not be supported for parcels less than 8.0 ha.
- 7.3.8 Applications to subdivide land outside the ALR, under Section 946 of the *Local Government Act* (Subdivision to Provide Residence for a Relative), may be supported on parcels greater than 8.0 ha, as outlined in the City's Zoning Bylaw.
- 7.3.9 Home-based businesses are supported in the Acreage Reserve, Salmon Valley Agriculture and Forest Reserve designations subject to relevant zoning, licensing and ALC Regulations.
- 7.3.10 Municipal utilities in the Forest Reserve, Salmon Valley Agriculture and Acreage Reserve designations should not exceed the existing standard or be extended, except for the municipal water system outlined in Policy 13.3.15.

- 514** (1) If the requirements of this section are met, an approving officer may approve the subdivision of a parcel of land that would otherwise be prevented from subdivision by a provision of
- (a) a bylaw under this Act, other than a bylaw under subsection (4), that establishes a minimum parcel size, or
 - (b) a regulation under the *Local Services Act* that establishes a minimum parcel size.
- (2) An application for subdivision of a parcel under this section may be made only if all the following requirements are met:
- (a) the person making the application has owned the parcel for at least 5 years before making the application;
 - (b) the application is made for the purpose of providing a separate residence for
 - (i) the owner,
 - (ii) a parent of the owner or of the owner's spouse,
 - (iii) the owner's child or the spouse of the owner's child, or
 - (iv) the owner's grandchild;
 - (c) the proposed subdivision is not a subdivision that an approving officer is prevented from approving by subsection (3).
- (3) Despite subsection (1), an approving officer must not approve a subdivision under this section in any of the following circumstances:
- (a) if
 - (i) the parcel proposed to be subdivided is classified as farm land for assessment and taxation purposes, and
 - (ii) after creation of the parcel subdivided for the purpose of providing a residence as stated in subsection (2) (b), the remainder of the parcel proposed to be subdivided would be less than 2 hectares;
 - (b) if the parcel proposed to be subdivided
 - (i) is not within an agricultural land reserve established under the *Agricultural Land Commission Act*, and
 - (ii) was created by subdivision under this section, including subdivision under section 996 of the *Municipal Act*, R.S.B.C. 1979, c. 290, as it read before it was repealed and replaced by section 13 of the *Municipal Amendment Act (No. 2)*, 1989;
 - (c) if the parcel proposed to be subdivided
 - (i) is within an agricultural land reserve established under the *Agricultural Land Commission Act*, and
 - (ii) was within the previous 5 years created by subdivision under this section, including subdivision under section 996 of the *Municipal Act*, R.S.B.C. 1979, c. 290, as it read before it was repealed and

- (4) Subject to subsections (5) and (6), a local government may, by bylaw, establish the minimum size for a parcel that may be subdivided under this section, and different sizes may be specified for different areas specified in the bylaw.
- (5) A bylaw under subsection (4) does not apply to land within an agricultural land reserve established under the *Agricultural Land Commission Act*, with the exception of land to which section 23 (1) or (2) [*restrictions on use of agricultural land*] of that Act applies.
- (6) Any parcel created by subdivision under this section must be at least 1 hectare unless a smaller area, in no case less than 2 500 m², is approved by the medical health officer.
- (7) For 5 years after subdivision under this section, unless the applicable use is changed by bylaw,
 - (a) the use of the parcel subdivided for the purpose of providing a residence as stated in subsection (2) (b) must be residential use only, and
 - (b) the use of the remainder of the original parcel must not be changed from the use of the original parcel.
- (8) For a parcel of land that is not within an agricultural land reserve established under the *Agricultural Land Commission Act*, or that is within such a reserve but is land to which section 23 (1) or (2) of that Act applies, approval of subdivision under this section may be given only on the condition that
 - (a) the owner of the original parcel covenants with the local government, in respect of each of the parcels being created by the subdivision, that the parcel
 - (i) will be used as required by subsection (7) of this section, and
 - (ii) will not be subdivided under this section, and
 - (b) the covenants referred to in paragraph (a) be registered under section 219 of the *Land Title Act* at the same time that application is made to deposit the subdivision plan.
- (9) If a subdivision referred to in subsection (8) is approved, the approving officer must state on the note of approval required by section 88 of the *Land Title Act* that the approval is subject to conditions established by subsection (8).

CITY OF SALMON ARM

TO: His Worship Mayor Harrison and Council
 DATE: February 7, 2019
 FROM: Carl Bannister, Chief Administrative Officer
 PREPARED BY: Caylee Simmons, Executive Assistant
 SUBJECT: Checkout Shopping Bag Regulation Bylaw No. 4297

Recommendation:

For direction of Council.

Background:

At the Monday, December 10, 2018 Regular Meeting Council directed staff to prepare a report that includes a draft bylaw, a recommended stakeholder engagement process and a draft communication plan for the prohibition of single-use plastic shopping bags in the City of Salmon Arm, to be implemented in conjunction with the proposed July 1, 2019 curbside organic pick-up program.

There are many municipalities that are regulating the use of single-use shopping bags in an effort to reduce the negative environmental impact and encourage a more sustainable lifestyle. The magnitude of single-use plastic bag waste remains a concern for many municipalities due to the risks they pose to waste operations and landfills. However, global oceanic health concerns are also fueling the movement to ban single-use plastic bags.

The City of Victoria banned plastic checkout shopping bags and adopted Checkout Bag Regulation Bylaw No. 18-008 in January 2018. The bylaw regulates the use of single-use plastic bags in the City and came in to force July 2018. The bylaw then transitioned on January 1, 2019 to increase mandatory fees for reusable bags and implement penalties for non compliance. The Canadian Plastic Bag Association (the "CPBA") challenged Victoria's bylaw at the BC Supreme Court on the basis that the City had no power to enact the ban as it was an environmental regulation that required provincial approval¹. The courts ruled in favour of the City on June 19, 2018 and concluded that the Victoria Council's decision to implement the ban was based on the impact of plastic bags on municipal facilities and services and on the regulation of business. The CPBA filed a Notice of Appeal in July 2018.

¹ Sabrina Spencer, Young Anderson Barristers & Solicitors. July 9, 2018. It's in the Bag (For Now): BC Supreme Court Upholds Victoria's Ban on Single-Use Plastic Bags

It may be advisable for Council to wait for the outcome of this appeal before proceeding as it is not uncommon for the Court of Appeal to overturn or amend a ruling of the Supreme Court, the court below.

Analysis:

The City of Salmon Arm has continually worked to reduce waste in the landfill; most recently waste containers, including garbage, depositable plastic bottles and mixed recyclables, have been installed in eight downtown locations in an effort to decrease the amount of recyclable materials entering the landfill. In addition, the City (in conjunction with the CSRD) has implemented a curbside organics program and the elimination of “blue bags” in the curbside recycling program to be effective July 1, 2019. In short, the City/CSRD Solid Waste and Recycling program is likely the biggest user of plastic bags; however, efforts are continually being made to reduce the negative impact of plastic bags from entering the landfill. It is clear that established provincial and regional recycling programs alone are not capable of reducing/eliminating single-use plastic bags.

It is important to note that light weight plastic bags are often referred to as single-use; however this is somewhat of a misnomer. In an effort to recycle many individuals are reusing their plastic bags for things such as: future retail purchases, trash can liners, crafting and other various household uses. Many checkout shopping bags that are used for trash can liners or mini garbage bags are then added to a larger plastic garbage bag for curbside pickup and end up in the landfill. Furthermore, plastic checkout shopping bags may already be recycled at depots, for the most part, but escape the collection programs nevertheless.

The restriction of single-use bags may have unintended or undesirable consequences that should be considered by Council, including:

- The potential negative impact on consumer choice and/or convenience;
- Inadvertently increase the quantity of reusable bags (which may also end up in the landfill);
- An adverse business effect/consequences (less or limited consumption dependant on the number of bags a consumer carries);
- Potential health risks of contaminated bags; and/or
- Encourage consumers to cross boundaries (i.e. shop out of town).

Another important consideration is the City’s limited staff resources which may result in a challenge to enforce the proposed bylaw at the current staff capacity, although it remains to be seen what sort of enforcement measures may be required/ feasible/ practical.

Next Steps:

Although the banning of checkout shopping bags is a laudable goal which has proven to be somewhat successful in cities around the world, it is obviously imperative to have the input

and/or support of local stakeholders, consumers, advocacy groups, business, and industry leaders for the regulation to be successful in Salmon Arm. An engagement process, similar to the City of Victoria, could be replicated to encourage success of the program.

Potential Schedule of Events:

December 2018	Council direct staff to prepare a staff report and draft bylaw on the regulation of single-use bags
February 2019	Council review the staff report and proposed bylaw. Direct staff to proceed with the engagement process
February 2019	Phase I: Engagement kick-off event with local stakeholders (with letters from the Mayor to local retailers)
March 2019	Meetings with industry representatives, advocacy groups, and local businesses (by invitation from the City)
April 2019	Open House (x2) and Public Meeting (perhaps a Special Council Meeting)
April 8, 2019	Consideration of first and second readings of bylaw
May 2019	Phase II: Engagement Process – open houses, social media, school and chamber meetings, letters to businesses, student led education campaigns
June 10, 2019	Public hearing (though a public hearing is not technically required for this type of bylaw). Consider changes to the bylaw based on public/industry input and third reading
June 24, 2019	Consideration of adoption of bylaw

Budget Impact:

There is no budget impact envisioned (barring some sort of legal challenge and assuming there are no major expenditures for public education materials or program supplies), although this assumes that any enforcement measures undertaken by staff will be minimal. As with other similar issues, (e.g. Pesticide Bylaw) staff would anticipate a barrage of letters, emails, inquiries, complaints, FOI inquiries, etc. over the months to come, and subsequent to bylaw adoption. There will be expectations for enforcement.

Bylaw Highlights:

Some important highlights of the proposed Checkout Shopping Bag Regulation Bylaw No. 4297 are:

- The bylaw stipulates that paper bags must be made from at least 40% of recycled content and a reusable bag must be capable of at least 100 uses (under normal use);
- There will be a six month transition period allowing businesses to use their existing plastic bag stock and source reusable bag options before the bylaw comes into full force January 1, 2020;
- Consumers must be asked if they require a bag and if so provided a paper bag or reusable bag at a fee;
- Paper or reusable bags cannot be provided free of charge. The minimum charges are 15 cents per paper bag and \$1 per reusable bag; increasing to 25 cents and \$2 after the six month transition period (i.e. January 1, 2020). This is to discourage consumers from purchasing paper and/or reusable bags each time they make a purchase;
- The bylaw provides exemptions for many items where a reusable bag would not be suitable; including the packaging of bulk items, frozen food, meats and poultry, flowers, large items that require protection and cannot fit in a reusable bag, etc. There are likely many other categories appropriate for an exemption which will become apparent over time; and
- The set fines for any offence are outlined in the proposed Bylaw No. 4297, which also includes an amendment to the Municipal Ticket Information Bylaw No. 2760. It is envisioned that any fines issued, which is unlikely, would be to the businesses in question and not the individual consumer (although it could be either or).

Other Considerations:

Some other issues for Council to consider include:

- The proposed bylaw would impact approximately 175 retail stores and 50 food outlets/restaurants within the City of Salmon Arm.
- Single-use/disposable coffee cups, although most are recyclable, likely pose as big of a negative environmental impact.
- The road to changing consumer behavior is a long one, which may be best left to industry in this circumstance (and industry has taken some big strides already in this regard).
- The bylaw could be amended to allow for a time during the transition period where businesses can provide reusable bags to consumers free of charge.

- Some residents will likely suggest that the City should provide reusable bags to each household free of charge (the cost of this has been estimated at \$20,000.00 with a 2 month production timeline).
- Plastic bags are used as a marketing tool by many retailers/fast food restaurants (although this could also be achieved with other types of reusable bags). Possible initiative to partner with Brand Leader organizations.
- The bylaw, as written, would apply to all retailers (not just grocery stores), etc. This is expected to require a major adjustment by fast food restaurants, in particular where disposable paper and plastic bags are common place and required for hygiene purposes. Compliance with the bylaw is unlikely in this regard.
- There may be an opportunity to partner with the education program for the organics recycling program; which will potentially offer door to door education throughout the City.
- This is the sort of issue that would benefit from a Province-wide approach (similar to the Pesticide issue) rather than have individual municipalities attempt to implement and enforce a patchwork of bylaws and regulations within their jurisdiction with varying degrees of expertise/resources. However, it sometimes takes the bold action of individual local governments (however small) to force such issues on to the Provincial Agenda.

In short, the bylaw proposes a phased approach for regulatory action to reduce plastic retail bag waste, and promote the adoption of more sustainable retail bags. Draft Bylaw No. 4297 has \essentially been copied from the City of Victoria's Checkout Shopping Bag Regulation Bylaw 18-008. As outlined within, the City may be well advised to wait for the outcome of the City of Victoria's ban on single-use plastic bags at the Court of Appeal before proceeding.



Carl Bannister, MCIP
Chief Administrative Officer

CITY OF SALMON ARM

BYLAW NO. 4297

A bylaw to regulate the use of checkout shopping bags

WHEREAS the City of Salmon Arm desires to regulate the business use of single use checkout bags to reduce the creation of waste and associated municipal costs, to better steward municipal infrastructure and/or property, including sewers, streets and parks, and to promote responsible and sustainable business practices that are consistent with the values of the community;

NOW THEREFORE under its statutory powers, including sections 8(6) of the Community Charter, the Council of the City of Salmon Arm, in open meeting assembled, enacts as follows:

1. DEFINITIONS

“Checkout Bag” means:

- a) any bag intended to be used by a customer for the purpose of transporting items purchased or received by the customer from the business providing the bag; or
- b) bags used to package take-out or delivery of food;
- c) and includes Paper Bags, Plastic Bags, or Reusable Bags;

“Business” means any person, organization, or group engaged in a trade, business, profession, occupation, calling, employment or purpose that is regulated under the Business Licence Bylaw and, for the purposes of Section 3, includes a person employed by, or operating on behalf of, a Business;

“Paper Bag” means a bag made out of paper containing at least 40% of post consumer recycled paper content, and displays the words “Recyclable” and “made from 40% post-consumer recycled content” or other applicable amount on the outside of the bag, but does not include a “Small Paper Bag”;

“Plastic Bag” means any bag made with plastic, including biodegradable plastic or compostable plastic, but does not include a Reusable Bag;

“Reusable Bag” means a bag with handles that is for the purpose of transporting items purchased by the customer from a Business and is:

- a) designed and manufactured to be capable of at least 100 uses; and
- b) primarily made of cloth or other washable fabric;

“Small Paper Bag” means any bag made out of paper that is less than 15 centimeters by 20 centimeters when flat.

2. CHECKOUT BAG REGULATIONS

- 1) Except as provided for in this Bylaw, no Business shall provide a Checkout Bag to a customer.
- 2) A Business may provide a Checkout Bag to a customer only if:
 - a) the customer is first asked whether he or she needs a bag;
 - b) the bag provided is a Paper Bag or a Reusable Bag; and
 - c) the customer is charged a fee not less than:
 - a. \$0.15 per Paper Bag; and
 - b. \$1.00 per Reusable Bag.
- 3) For certainty, no Business may
 - a) sell or provide to a customer a Plastic Bag; or
 - b) provide a Checkout Bag to a customer free of charge.
- 4) No Business shall deny or discourage the use by a customer of his or her own Reusable Bag for the purpose of transporting items purchased or received by the customer from the Business.

3. EXEMPTIONS

- 1) Section 2. does not apply to Small Paper Bags or bags used to:
 - a) package loose bulk items such as fruit, vegetables, nuts, grains, or candy;
 - b) package loose small hardware items such as nails and bolts;
 - c) contain or wrap frozen foods, meat, poultry, or fish, whether pre-packaged or not;
 - d) wrap flowers or potted plants;
 - e) protect prepared foods or bakery goods that are not pre-packaged;
 - f) contain prescription drugs received from a pharmacy;
 - g) transport live fish;
 - h) protect linens, bedding, or other similar large items that cannot easily fit in a Reusable Bag;

- i) protect newspapers or other printed material intended to be left at the customer's residence or place of business; or
 - j) protect clothes after professional laundering or dry cleaning.
- 2) Section 2 does not limit or restrict the sale of bags, including Plastic Bags, intended for use at the customer's home or business, provided that they are sold in packages of multiple bags.
- 3) Notwithstanding Sections 2. 2) c) and 2. 3) b), a Business may provide a Checkout Bag free of charge if:
- a) the Business meets the other requirements of Section 2. 2);
 - b) the bag has already been used by a customer; and;
 - c) the bag has been returned to the Business for the purpose of being re-used by other customers.

4. OFFENCE

- 1) A person or a business commits an offence and is subject to the penalties imposed by this Bylaw, the Municipal Ticket Information Utilization Bylaw and the Offence Act if that person:
- a) Contravenes a provision of this Bylaw;
 - b) Consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or
 - c) Neglects or refrains from doing anything required by a provision of this Bylaw.
- 2) Each instance that a contravention of a provision of this Bylaw occurs and each day that a contravention continues shall constitute a separate offence.

5. PENALTIES

A person found guilty of an offence under this Bylaw is subject to a fine:

- a) If a corporation, of not less than \$100.00 and not more than \$10,000.00; or
- b) If an individual, of not less than \$50.00 and not more than \$500.00

for every instance that an offence occurs or each day that it continues.

6. CONSEQUENTIAL AMENDMENT TO THE TICKET BYLAW

The City of Salmon Arm Ticket Information Utilization Bylaw No. 2760 is amended by inserting, immediately after Schedule 19, the Schedule attached to this Bylaw as the new Schedule 20.

7. 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 decision that it is invalid shall not affect the validity of the remaining portions of this bylaw.

8. 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.

9. TRANSITION PROVISIONS

- 1) Section 2. 2) c) a) is amended by deleting "\$0.15" and substituting "\$0.25".
- 2) Section 2. 2) c) b) is amended by deleting "\$1.00" and substituting "\$2.00".

10. EFFECTIVE DATE

This bylaw shall come into full force and effect on July 1, 2019, except Sections 4 and 9 which come into force on January 1, 2020.

11. CITATION

This bylaw may be cited as "City of Salmon Arm Checkout Bag Regulation Bylaw No. 4297"

READ A FIRST TIME THIS	DAY OF	2019
READ A SECOND TIME THIS	DAY OF	2019
READ A THIRD TIME THIS	DAY OF	2019
ADOPTED BY COUNCIL THIS	DAY OF	2019

MAYOR

CORPORATE OFFICER

BYLAW NO. 2760**SCHEDULE 20**

BYLAW	SECTION	SET FINE
Checkout Bag Regulation Bylaw No.		
Providing a Checkout Bag to a Customer except as provided in the bylaw	2. 1)	\$100.00
Providing a Checkout Bag without asking whether a customer wants one	2. 2) a)	\$100.00
Providing a Checkout Bag that is not a Paper Bag or Reusable Bag	2. 2) b)	\$100.00
Charging less than a prescribed amount for a Checkout Bag	2. 2) c)	\$100.00
Selling or providing a Plastic Bag	2. 3) a)	\$100.00
Providing Checkout Bag free of charge	2. 3) b)	\$100.00
Denying or discouraging use of customer's own Reusable Bag	2. 4)	\$100.00



Agricultural Land Commission
 201 – 4940 Canada Way
 Burnaby, British Columbia V5G 4K6
 Tel: 604 660-7000
 Fax: 604 660-7033
 www.alc.gov.bc.ca

February 11, 2019

ALC File: 57480

Joe Johnson
 DELIVERED ELECTRONICALLY

Dear Joe Johnson:

Re: Application 57480 to conduct a non-farm use in the Agricultural Land Reserve

Please find attached the Reasons for Decision of the Okanagan Panel for the above noted application (Resolution #41/2019). As agent, it is your responsibility to notify the applicant accordingly.

Review of Decisions by the Chair

Under section 33.1 of the *Agricultural Land Commission Act* (ALCA), the Chair of the Agricultural Land Commission (the Commission) has 60 days to review this decision and determine if it should be reconsidered by the Executive Committee in accordance with the ALCA. You will be notified in writing if the Chair directs the reconsideration of this decision. The Commission therefore advises that you consider this 60 day review period prior to acting upon this decision.

Request for Reconsideration of a Decision

Under section 33(1) of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. The request must be received within one (1) year from the date of this decision's release. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the Commission website.

Please direct further correspondence regarding this application to ALC.Okanagan@gov.bc.ca.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Riccardo Peggi'.

Riccardo Peggi, Land Use Planner

Enclosures: Reasons for Decision (Resolution #41/2019)
 Schedule A: Decision Map

cc: City of Salmon Arm (File: ALC-376)



AGRICULTURAL LAND COMMISSION FILE 57480
REASONS FOR DECISION OF THE OKANAGAN PANEL

Non-Farm Use Application Submitted Under s. 20(3) of the *Agricultural Land Commission Act*

Applicant: Arlene Gale McLeod

Agent: Joe Johnson, Browne Johnson Land Surveyors

Property: Parcel Identifier: 026-778-394
Legal Description: Lot 1, Section 8, Township 20,
Range 10, West of the 6th Meridian, Kamloops
Division Yale District, Plan KAP81700
Civic: 1471 50 Street SW, Salmon Arm, BC
Area: 3.6 ha

Panel: Gerald Zimmermann, Okanagan Panel Chair
Jim Johnson



OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA). The Property is located within Zone 1 as defined in s. 4.2 of the ALCA.
- [2] In 2006, the Agricultural Land Commission (the "Commission") received an application to subdivide the parent property into two lots of 2.3 ha and 3.6 ha as divided by a ridge. The Commission approved the subdivision by Resolution #685/2006 which resulted in the configuration of the Property. A condition of Resolution #685/2006 was the registration of a covenant which restricted the construction of a residence to the lower capability portion of the 3.6 ha Property located at the western edge of the Property.
- [3] The subdivision was completed and Covenant Registration No. LA113873 (the "Covenant") was registered on title on August 15, 2006. The Covenant restricts the construction of a residence to 0.7 ha located at the western edge of the 3.7 ha Property. A residence has not been constructed on the Property at this time.
- [4] Pursuant to s. 20(3) of the ALCA, the Applicant is applying to the Commission to relocate the area affected by the Covenant (i.e. the area where a dwelling can be constructed) to a different portion of the Property and reduce the size to 400 sq. metres (0.04 ha). Once the dwelling is constructed, the Applicant would reduce the size of the covenant further to the footprint of the constructed dwelling (the "Proposal").
- [5] The issue the Panel considered is whether amending the Covenant to facilitate the Proposal would impact the agricultural utility of the Property.
- [6] The Proposal was considered in the context of the purposes of the Commission set out in s. 6 of the ALCA. These purposes are:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and



- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

EVIDENTIARY RECORD

- [7] The Proposal along with related documentation from the Applicant, Agent, local government, and Commission is collectively referred to as the "Application". All documentation in the Application was disclosed to the Agent in advance of this decision.
- [8] The Panel conducted a walk-around site visit on November 7, 2018 in accordance with the *ALC Policy Regarding Site Visits in Applications*, (the "Site Visit"). A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by the Agent on February 7, 2019 (the "Site Visit Report").

EVIDENCE AND FINDINGS

Issue: Whether amending the Covenant to facilitate the Proposal would impact the agricultural utility of the Property.

- [9] The Application submits that "*the reason for [the Proposal] is the appearance of a water course and pond that has developed over the last 5 years. The water has spread across the [P]roperty and has started to move into the current covenant area. The water course has made access from 50th St SW difficult if not impossible*". The Panel observed at the Site Visit that the Property contains points of lower elevation in which excess water would impact the construction of a dwelling and would likely require extensive works.
- [10] The Application submits that "*Any work done on or near the water course area would have an adverse effect on the agricultural viability of the property. The new proposed build area would allow for continued use of the area affected by the water course for agricultural purposes, provided the area is farmed at specific times*". The Panel agrees



that construction of the dwelling in the current covenant area would require extensive works and observed at the Site Visit that construction of a dwelling at the higher point of the Property would not require any ground works.

[11] According to the Application, the Applicant is willing to restrict the size of the covenant area to 400 sq. metres, and once the home is constructed, reduce the covenant size to the area that is covered by the residence. The Panel finds that the proposed covenant area is a relatively small footprint compared to the current 0.7 ha covenant area.

[12] The Application submits that *"[a]ccess to the covenant area from Christianson Road is impossible due to extreme grades and City of Salmon Arm Covenant LA113867"*. The Panel confirms that access from Christianson Road to the west of the Property is not feasible and that access would have to be from 50th Street SW to the east of the Property. By relocating the covenant area to the centre of the Property, the access road would only traverse half of the Property thereby using less land.

[13] The Panel finds that amending the Covenant to facilitate the Proposal would positively impact the agricultural utility of the Property. The construction of a dwelling in the proposed covenant area will not require ground works, the footprint of the dwelling will be limited to less than 400 sq. metres, and the access road will only traverse half the length of the Property.

DECISION

- [14] For the reasons given above, the Panel approves the Proposal to move the area affected by the covenant to a different portion of the Property and reduce the size to 400 sq. metres (0.04 ha), subject to the following conditions:
- a. The registration of a covenant against the title of the Property in favour of the Commission, for the purpose of restricting the residential development on the Property, with the exception of the 0.04 ha area as depicted in Schedule A: Decision Map;
 - b. the submission of a survey plan delineating the area to be restricted by the covenant;



- c. the restrictive covenant and survey plan to be in substantial compliance with Schedule A: Decision Map; and,
- d. the restrictive covenant and survey plan be submitted within three years from the date of release of this decision.

[15] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[16] These are the unanimous reasons of the Panel.

[17] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the ALCA.

[18] Resolution #41/2019

Released on February 11, 2019

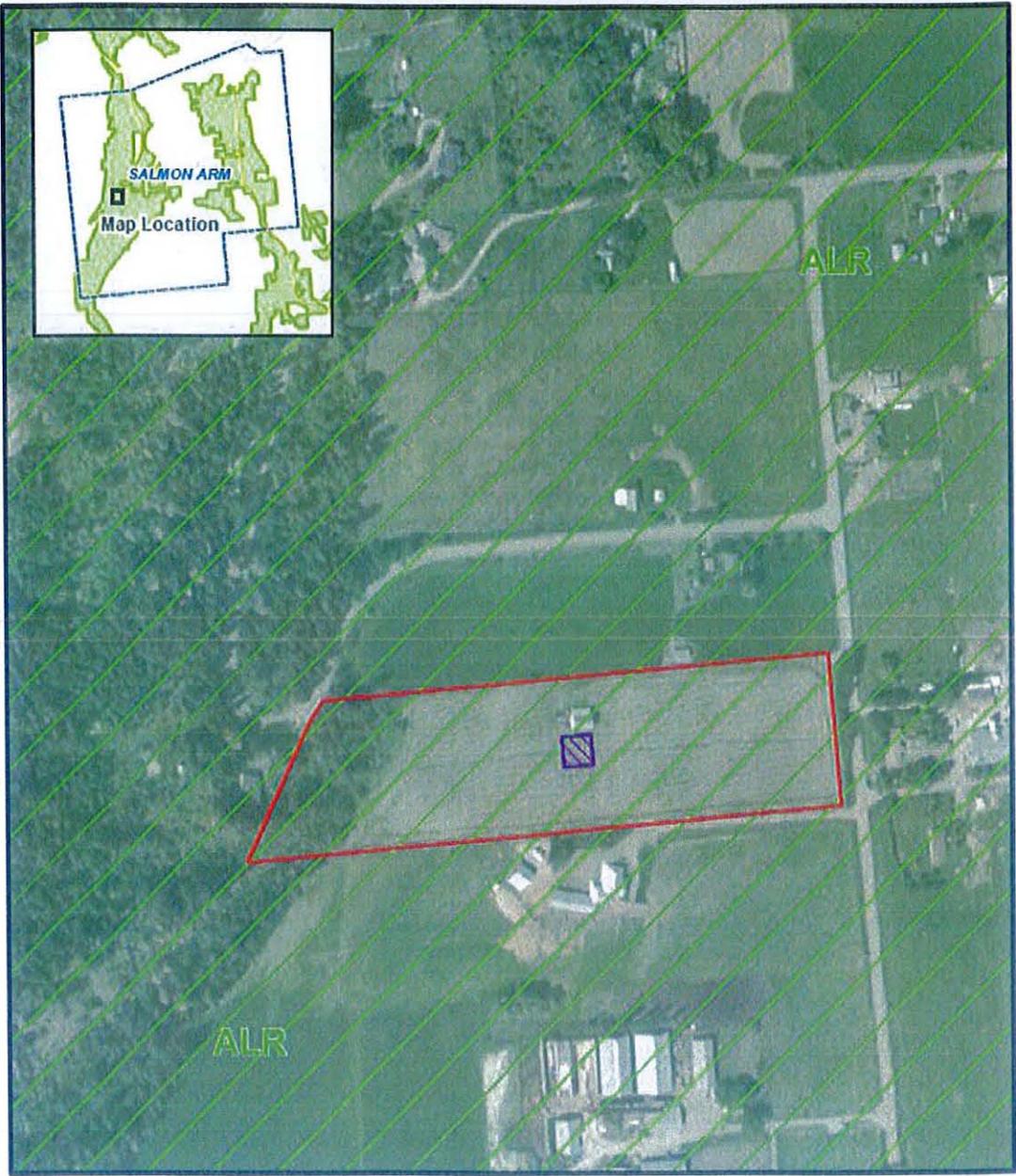
A handwritten signature in blue ink, appearing to read 'G. Zimmermann', with a long horizontal flourish extending to the right.

Gerald Zimmermann, Panel Chair

On behalf of the Okanagan Panel



Schedule A: Agricultural Land Commission Decision Map
ALC File 57480 (McLeod)
Conditionally Approved Non-farm Use
ALC Resolution #41/2019



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