



# AGENDA

City of Salmon Arm  
Development and Planning Services  
Committee

Tuesday, May 21, 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 - 12	1.	Cannabis Retail Store Application No. CRS-9 [Quantum 1 Cannabis Corp./Lee, K.; 470 Lakeshore Drive NW]
13 - 26	2.	Agricultural Land Commission Application No. ALC-380 [Smith, R. & M.; 1281 - 70 Avenue NE; Non-Farm Use]
27 - 38	3.	Zoning Amendment Application No. ZON-1148 [Massier, S./0695662 BC Ltd.; 1631 - 10 Street SE; A-2 to R-8]
	6.	FOR INFORMATION
	7.	IN CAMERA
	8.	LATE ITEM
	9.	ADJOURNMENT

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TO: His Worship Mayor Harrison and Members of Council

FROM: Director of Development Services

DATE: May 14, 2019

SUBJECT: Cannabis Retail Store Application No. 9 (CRS-9)  
 Provincial Cannabis Referral No. 001876 – Application Received February 26, 2019

Applicant: Quantum 1 Cannabis Corp. (Kwan Lee)  
 Civic Address: 470 Lakeshore Drive NW

STAFF RECOMMENDATION

THAT: By a Resolution, Council deny application CRS-9;

AND THAT: Council has considered its resolution with respect to the following:

1. Provincial Cannabis Retail Store Licence Referral No. #001876
2. City Zoning Bylaw No. 2303 and City Policy No. 3.20; and
3. Public notification followed by the holding of a Hearing on May 27, 2019

PROPOSAL

The applicant is proposing a cannabis retail business within a commercial retail building located at 470 Lakeshore Drive NW (Appendix 1 & 2). The property is just within the core commercial area as defined by Cannabis Retail Store Policy 3.20 (Appendix 3).

BACKGROUND

This application is the ninth cannabis retail store application to be considered by City Council. The City received the referral from the Liquor & Cannabis Regulation Branch (LCRB) on February 26, 2019. Once the LCRB referral was received, the applicant was advised that Policy 3.20 supports a maximum of four cannabis retail stores in the core commercial area and that City Council had already approved four stores. With that knowledge, the applicant elected to proceed with the CRS-9 application to the City, along with paying the \$1,000.00 non-refundable application fee, which was received on March 4, 2019.

Although City Council has approved four cannabis retail stores in the core commercial area (Appendix 4), only two of the four stores have, to date, received approval in principle (AIP) from the LCRB. Thus, the limit of four stores has been met, assuming the LCRB approves all four of those stores. Because two out of the four applications haven't received approval from the LCRB, the applicant elected to proceed with CRS-9.

The below table provides the status of all CRS applications to date. Note, CRS-3 (Downtown Cannabis) received Approval In Principle (AIP) recently; after CRS-9 was received.

Cannabis Retail Store Applications						
File No.	LCRB File No.	Name of Business	Address	Area as specified in Policy 3.20	Status Local Government	Status Province of BC
CRS-1	000839	The Greenery Cannabis	#2, 190 Trans Canada Hwy. NE	Core Commercial	Approved (Nov. 13/18)	Approved (May 8/19)
CRS-2	000972	Zen Canna Retail Corp.	2801 – 10 Ave (TCH) NE	Area does not meet Policy 3.20	Defeated (Nov. 13/18)	Denied
CRS-3	1078	Downtown Cannabis	111 Lakeshore Drive NE	Core Commercial	Approved (Nov. 13/18)	Approval In Principle (April 30/19)
CRS-4	001119	Buddy's Cannabis Dispensary, Green Canoe Cannabis	7390 – 50 Street NE	Canoe - Commercial Area	Approved (Dec. 10/18)	Approved (Feb. 28/19)
CRS-5	001554	Eden	191 Shuswap Street NW	Core Commercial	Approved (Dec. 10/18)	
CRS-6	001524	Salmon Arm Cannabis	81 Shuswap Street NW	Core Commercial	Approved (Dec. 10/18)	
CRS-7	n/a	BC Cannabis Store	2991 – 10 Ave (TCH) SW	Commercial Area	Approved by Council Jan 28/19	
CRS-8	001500	Hive Cannabis	391 Hudson Avenue NE	Core Commercial	Application Withdrawn (Jan. 29/19)	
CRS-9	001876	Quantum 1 Cannabis Corp.	470 Lakeshore Drive NW	Core Commercial	In progress	

* Policy 3.20 supports 4 Cannabis Retail Stores in the Core Commercial Area.
* Additional Applications Received for the Core Commercial Area

#### *Cannabis Retail Store Policy No. 3.20*

The subject property meets the location criteria of Policy 3.20 as it is located within the "Core Commercial Area". However, the policy supports no more than four cannabis retail stores within the "Core Commercial Area". This application is the sixth application. CRS-8 (Hive Cannabis) was the fifth application; but, based on the policy of only supporting four stores, that applicant elected to withdraw their application.

Public notification of the application proposal and Hearing date will be completed in accordance with Section E) 5. of the Policy. All properties within 30 m of the subject property will be provided a notice of the application at least 10 days prior to the Hearing. A notice will also be advertised in the Salmon Arm Observer one week prior to the scheduled Hearing date.

#### *Zoning Bylaw No. 2303*

The City's Zoning Bylaw permits the retail sale of cannabis in a number of commercial zones under the defined terms, *retail store* and *convenience store*. The subject property is zoned C-3, Service Commercial Zone which lists the permitted use, *retail store* which is defined as the sale of goods, including cannabis.

Currently, the parking on the site does not meet the parking requirements of the Zoning Bylaw. Many of the parking stalls on the north side of the building are on City Road Right of Way and not fully contained on the property. If this application is approved, it would be up to the property owner to address the parking concerns prior to the issuance of a business license.

*Business Licence Regulation Bylaw No. 3102*

If Council approves CRS-9, the LCRB will be notified via a Council resolution. A City Business License cannot be considered until the LCLB provides an "Approval In Principle" (AIP). Once the City receives an AIP, the applicant can apply for a Business License. Considerations for Business Licences generally include a premise meeting, BC Building and Fire Code requirements and Zoning Bylaw regulations.

*Provincial (LCLB) Licencing*

The LCLB is awaiting a resolution from City Council for this application (Appendix 5). The LCRB cannot issue a Cannabis Retail Store Licence unless the LCRB receives a positive recommendation from the local government. As the attached e-mail (Appendix 6) from Senior Licensing Analyst, Teresa Cinco states, initiation of a "fit and proper" assessment is in progress. This "fit and proper" assessment includes various background checks comprised of financial integrity and security screening to assess proprietors' suitability.

STAFF COMMENTS

*Building Department*

No concerns with this application from BC Building Code point of view. Stand alone building, no fire separations or ratings required.

*RCMP – Staff Sergeant*

As per Policy 3.20, I would suggest the report speak to the location given the number of business licences approved for this commercial area.

*Planning Department*

The proposal meets City's Zoning Bylaw No. 2303. However, the location is not supported by Cannabis Retail Store Policy No. 3.20. Policy 3.20 supports a maximum of four cannabis retail stores in the core commercial area; and while, the proposed location is in the core commercial area, there are already four approved Cannabis Retail Stores meeting the maximum number.

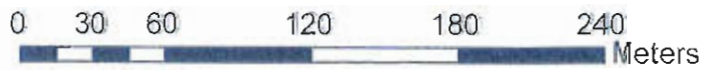


Denise Ackerman  
Planner



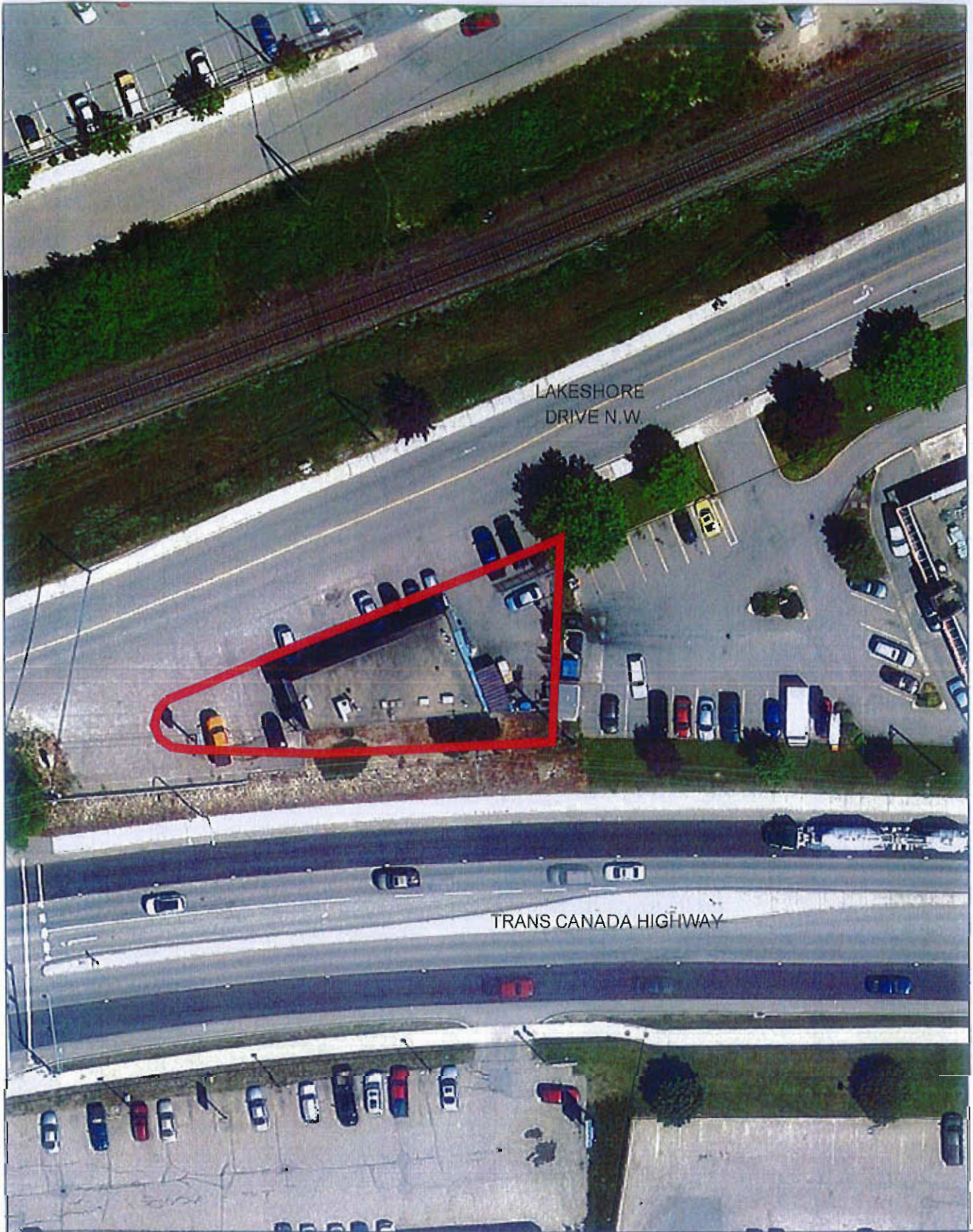
Kevin Pearson, MCIP, RPP  
Director of Development Services





Subject Parcel





LAKESHORE  
DRIVE N.W.

TRANS CANADA HIGHWAY

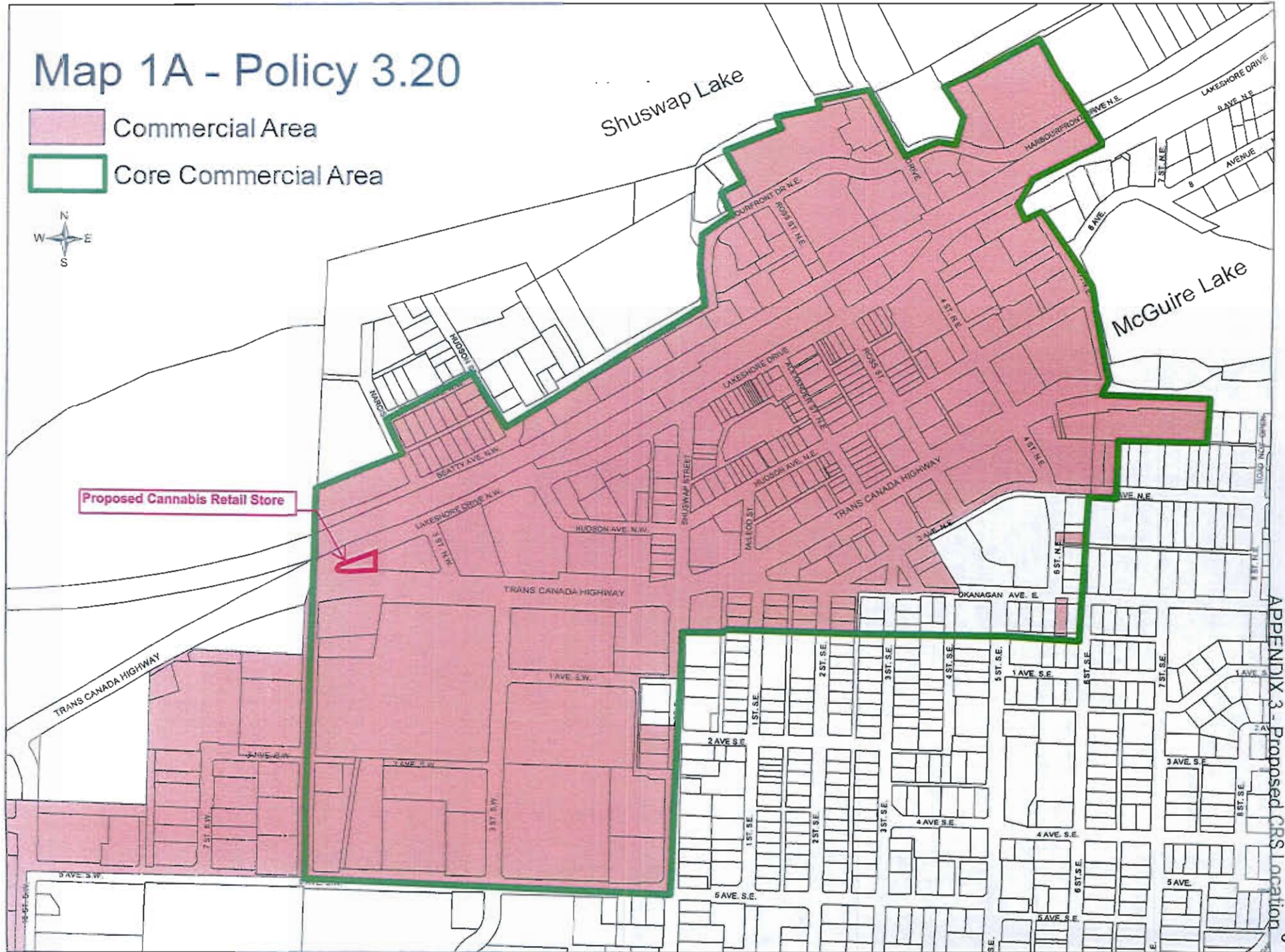


Subject Parcel



# Map 1A - Policy 3.20

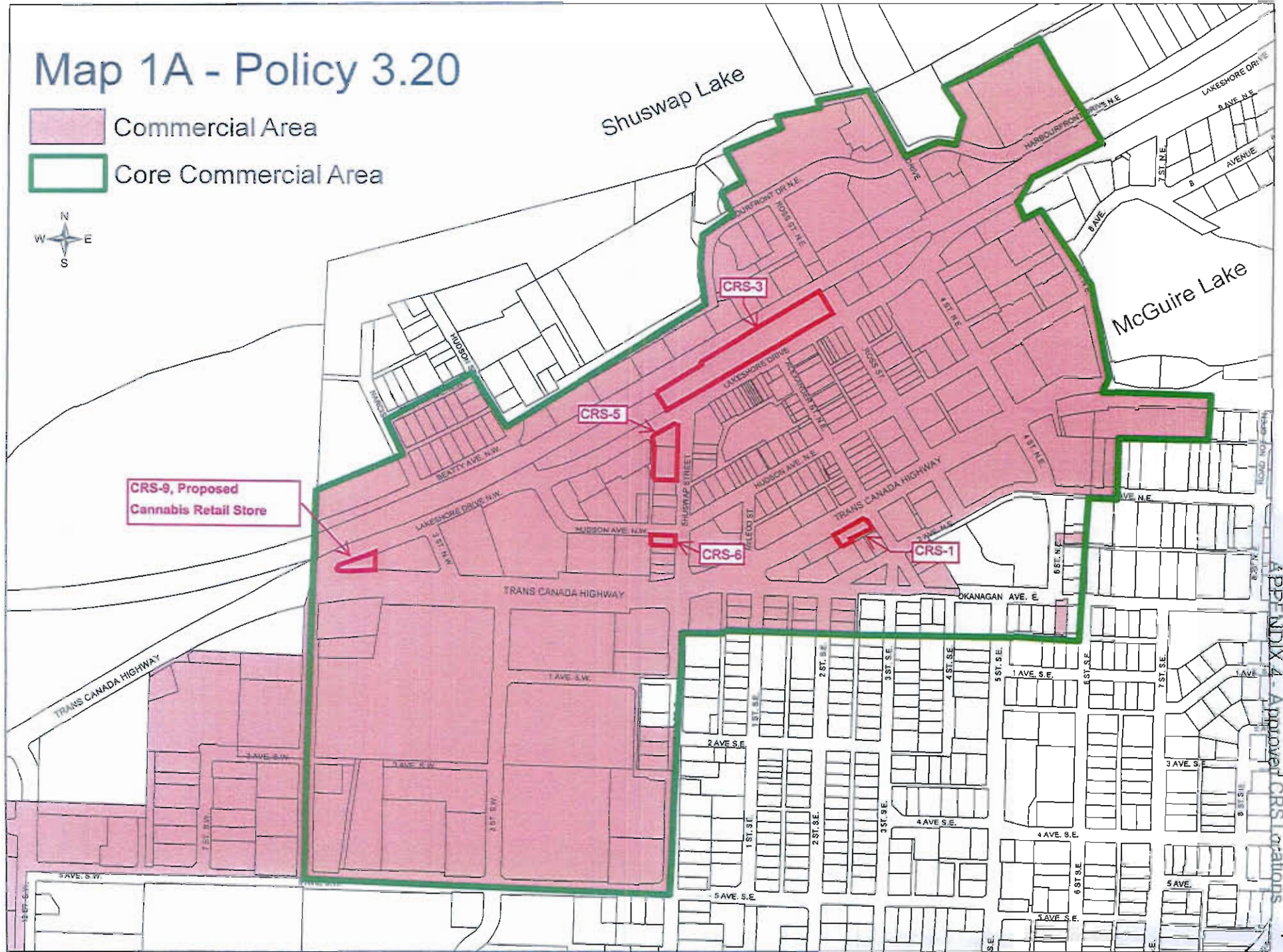
-  Commercial Area
-  Core Commercial Area





# Map 1A - Policy 3.20

-  Commercial Area
-  Core Commercial Area



Job #001876

February 26, 2019

Via email: [dackerman@salmonarm.ca](mailto:dackerman@salmonarm.ca)

Denise Ackerman  
 Development Services Assistant  
 City of Salmon Arm  
 Box 40  
 500 2 Ave. NE  
 Salmon Arm, BC V1E 4N2

Dear Denise Ackerman:

**Re: Application for a Non-Medical Cannabis Retail Store Licence**  
**Applicant: Quantum 1 Cannabis Corp.**  
**Proposed Establishment Name: Quantum 1 Cannabis**  
**Proposed Establishment Location: 470 Lakeshore Dr NW, in Salmon Arm**

The Applicant, Quantum 1 Cannabis, has applied to the Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Store (CRS) licence proposed to be located at the above-noted address. The applicant is requesting operating hours from 9:00am to 11:00pm, seven days a week. The applicant contact is Kwan Lee / 778-834-5643 / [kwan@quizam.com](mailto:kwan@quizam.com).

Local governments and Indigenous nations are a crucial part of the licensing process. Section 33(1) of the [Cannabis Control and Licensing Act](#) prevents the LCRB from issuing a CRS licence without a positive recommendation regarding the CRS licence application from the local government or Indigenous nation.

The LCRB is requesting City of Salmon Arm's Council to consider the application and provide the LCRB with a written recommendation with respect to the application. To assist with your assessment of the application, a site map of the proposed cannabis retail store is attached. The following link opens a document which provides specific and important information and instructions on your role in the CRS licensing process, including requirements for gathering the views of residents.

[Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores](#)

OR

[Indigenous Nations' Role in Licensing Non-Medical Cannabis Retail Stores](#)

Liquor and Cannabis  
 Regulation Branch

Mailing Address:  
 PO Box 9292 Ste Prov Grcet  
 Victoria BC V8W 9J8

Location:  
 645 Tyee Road  
 Victoria BC V9A 6X5  
 Phone: 250 952-5787  
 Facsimile: 250 952-7066

Website:  
[www.gov.bc.ca/cannabisregulationandlicensing](http://www.gov.bc.ca/cannabisregulationandlicensing)



The LCRB will initiate an applicant suitability assessment regarding this CRS application, also known as a “fit and proper” assessment, which is comprised of financial integrity checks and security screenings of the applicant and persons associated with the applicant. Once the assessment is complete, you will be notified of the LCRB’s determination. You may choose to withhold your recommendation until the LCRB has made a final decision regarding the applicant’s suitability.

If you choose not to make any recommendation regarding this application, please contact the LCRB at the earliest convenience. Please note that a Cannabis Retail Store Licence cannot be issued unless the LCRB receives a positive recommendation from the local government or Indigenous nation. Similarly, if a local government or Indigenous nation decides not to make any recommendation, the LCRB will not consider the application any further.

If you have any questions regarding this application please contact me at 778-698-9084 or by email at [Teresa.Cinco@gov.bc.ca](mailto:Teresa.Cinco@gov.bc.ca).

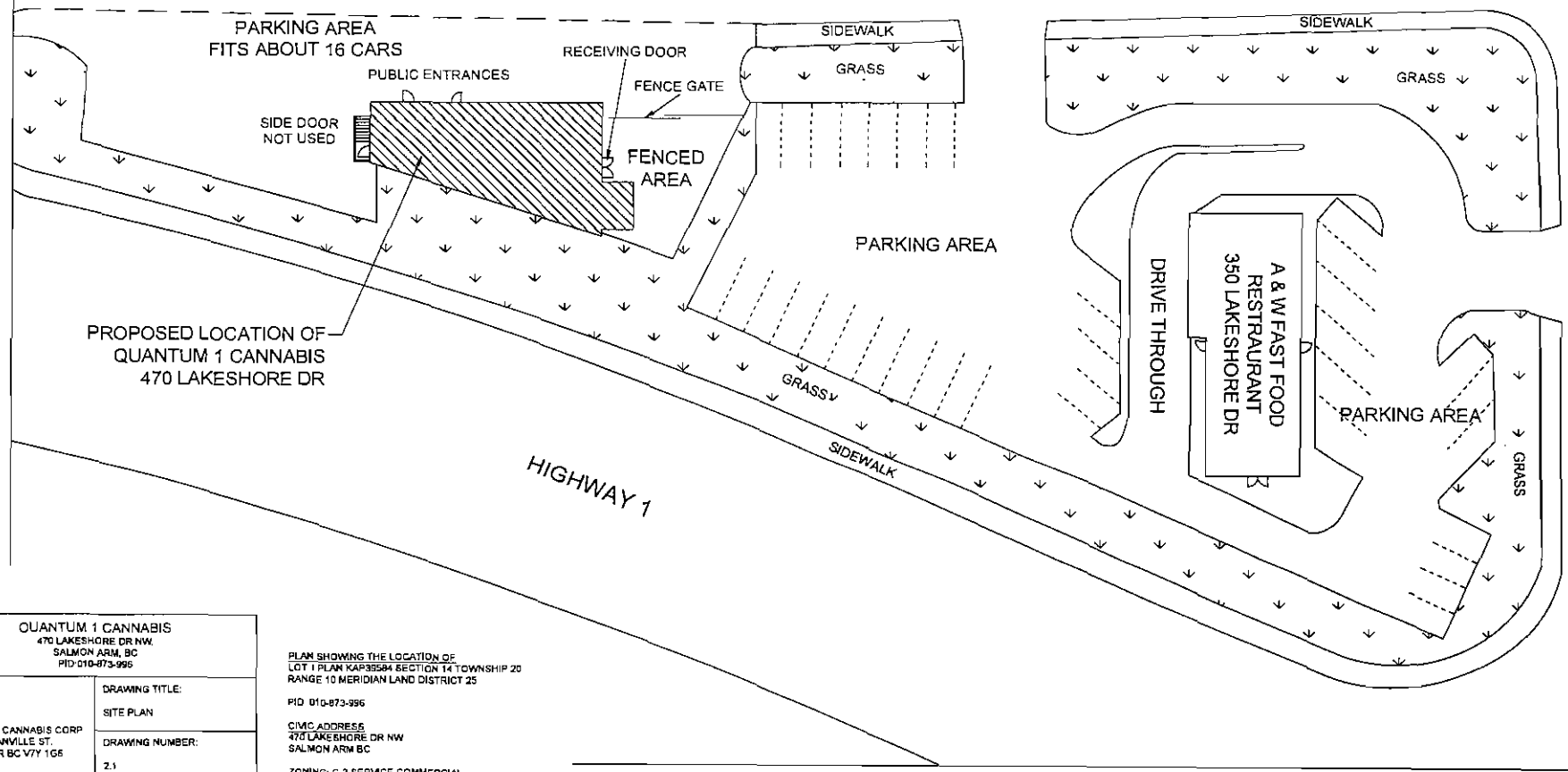
Sincerely,

Teresa Cinco  
Senior Licensing Analyst  
Liquor and Cannabis Regulation Branch

Attachment

copy: Quantum 1 Cannabis Corp.

LAKESHORE DR NW



PROPOSED LOCATION OF  
QUANTUM 1 CANNABIS  
470 LAKESHORE DR

PARKING AREA  
FITS ABOUT 16 CARS

PUBLIC ENTRANCES

RECEIVING DOOR

FENCE GATE

SIDEWALK

GRASS

SIDE DOOR  
NOT USED

FENCED  
AREA

PARKING AREA

SIDEWALK

GRASS

DRIVE THROUGH

A & W FAST FOOD  
RESTAURANT  
350 LAKESHORE DR

PARKING AREA

3 ST NW

HIGHWAY 1

GRASS

SIDEWALK

GRASS

QUANTUM 1 CANNABIS  
470 LAKESHORE DR NW  
SALMON ARM, BC  
PID 010-873-996

PLAN SHOWING THE LOCATION OF  
LOT 1 PLAN KAP35584 SECTION 14 TOWNSHIP 20  
RANGE 10 MERIDIAN LAND DISTRICT 25

PID 010-873-996

CIMC ADDRESS  
470 LAKESHORE DR NW  
SALMON ARM BC

ZONING: C-3 SERVICE COMMERCIAL

CLIENT:	DRAWING TITLE:	
QUANTUM 1 CANNABIS CORP 650-609 GRANVILLE ST. VANCOUVER BC V7Y 1G6	SITE PLAN	
	DRAWING NUMBER:	
	2.1	
DRAWING BY: BC PRECISION CAD SERVICES INC. 1280 CLARK DR. VANCOUVER BC V5L 3K7	SCALE:	DATE:
	1/32" = 1'-0"	NOV 23, 2018
	DRAWN BY:	REVISED:
	KL	

0' 32' 64' 86'





**Denise Ackerman**

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**Subject:** FW: Job 001876

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**From:** Cinco, Teresa LCRB:EX [<mailto:Teresa.Cinco@gov.bc.ca>]  
**Sent:** March-01-19 11:23 AM  
**To:** 'kwan@quizam.com'  
**Cc:** Kevin Pearson; Denise Ackerman; 'Russ123'  
**Subject:** RE: Job 001876

Hello Kwan,

I will be requesting the initiation of your "fit and proper" checks today. Once I have the opportunity to review your application thoroughly, I will be in touch.

Thank you,

Teresa Cinco | Senior Licensing Analyst  
**Liquor and Cannabis Regulation Branch**  
P: 778-698-9084 | F: 250-952-7066  
[www.gov.bc.ca/liquorregulationandlicensing](http://www.gov.bc.ca/liquorregulationandlicensing)

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**From:** [kwan@quizam.com](mailto:kwan@quizam.com) [<mailto:kwan@quizam.com>]  
**Sent:** Friday, March 1, 2019 11:28 AM  
**To:** Cinco, Teresa LCRB:EX  
**Cc:** 'Kevin Pearson'; 'Denise Ackerman'; Russ123  
**Subject:** RE: Job 001876

We understand the situation.

We'd still like to go through the Branch's "fit and proper assessment."

Salmon are allowing just 4 stores in the zone that we applied in. These have a recommendation from the city, but only one of them has an AIP.

There isn't a guarantee that all of the applications ahead of ours will pass the Branch's "fit and proper assessment"

Should this happen, we'd like to be the next in line to be considered by the city.

Thanks!

Kwan Lee

On 2019-03-01 10:55, Cinco, Teresa LCRB:EX wrote:

Good morning Kevin,

Thank you for the email. As per the *Cannabis Control and Licensing Act* (section 33(2)), the Branch must give the appropriate local government or Indigenous nation notice of a cannabis retail store application. The local government or Indigenous nation is not required to provide comments or recommendations on an application. If a reply is not received to the Branch's notification within a reasonable timeframe or the local

government/Indigenous nation informs the Branch that they do not intend to provide comments or recommendations on the application, then the application cannot be approved.

Local governments/Indigenous nations will be notified of a cannabis retail store reaching Approval in Principle in their jurisdiction, as they will be upon a final approval of the licence.

If you have any questions on this, please don't hesitate to contact me.

Kind regards,

Teresa Cinco|Senior Licensing Analyst

**Liquor and Cannabis Regulation Branch**

P: 778-698-9084 | F: 250-952-7066

[www.gov.bc.ca/liquorregulationandlicensing](http://www.gov.bc.ca/liquorregulationandlicensing)

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**From:** Kevin Pearson [<mailto:kpearson@salmonarm.ca>]  
**Sent:** Wednesday, February 27, 2019 3:27 PM  
**To:** Cinco, Teresa LCRB:EX  
**Cc:** 'kwan@quizam.com'; Denise Ackerman  
**Subject:** Job 001876

Hi Teresa,

I confirm receipt of this latest application.

Our City Council has already approved 4 Cannabis Retail Stores in our Downtown Core. The limit of 4 stores has therefore been reached according to City of Salmon Arm Policy No. 320, assuming LCRB approves all 4 of the Provincial applications. AIPs from the LCRB have been issued to at least 1 of the 4 stores, we are aware of, and we are unclear on where each of those 4 stores are at in your approval process.

I do not recommend the applicant apply to the City for the proposed site (\$1,000 non-refundable application fee) with the 4 stores already approved by the City, unless the LCRB can confirm that any of the 4 stores will not be licensed by the Province. Otherwise, I predict this will be a waste of time and money.

I did send LCRB staff several e-mails advising that our Policy limit of 4 stores has been reached.

If the applicant still wishes to apply to the City, our Clerk will send them our application form and Policy 3.20.

Thank you.

**Kevin Pearson | Director of Development Services | Approving Officer**

Box 40, 500 - 2 Avenue NE, Salmon Arm BC V1E 4N2

P 250.803.4015 | F 250.803.4041





To: His Worship Mayor Harrison and Members of Council

From: Director of Development Services

Date: May 16, 2019

Subject: Agricultural Land Commission Application No. ALC-380 (Non-Farm Use)  
ALC File ID No. 58273

Legal: Lot 1, Section 8, Township 20, Range 10, W6M, KDYD, Plan KAP81700  
Civic: 1281 - 70 Avenue NE  
Owners/Applicant: R. & M. Smith

### MOTION FOR CONSIDERATION

**THAT: Agricultural Land Commission Application No. ALC-380 be authorized for submission to the Agricultural Land Commission.**

### STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

### PROPOSAL

The owners are seeking Non-Farm Use approval for an accessory / farm building on the subject property, which has been used and occupied as a residence. The building under application is identified as "Building B" (maps attached as APPENDIX 1), and the owner's Agricultural Land Commission (ALC) application is attached as APPENDIX 2.

### BACKGROUND

This application was received by the City of Salmon Arm from the ALC on December 18, 2018. The applicant paid the City the ALC application fee of \$1,500 on January 28, 2019 (note that \$300 of that fee is for the City of Salmon Arm).

The subject property and adjacent land is designated "Acreage Reserve" Land Use in the Official Community Plan (OCP) and zoned Rural Holding (A-2) in the Zoning Bylaw. The principal dwelling and accessory buildings, including Building B, are located in the ALR.

The property is 6.3 hectares (15.5 acres) in area and Building B has a floor area of approximately 74 square metres (800 square feet). The principal dwelling and Building B are located in the ALR. The owners access their dwelling and accessory buildings over a registered easement connecting to Canoe Beach Drive and registered along the north boundaries of the adjacent land to the south. The property is hooked across 70 Avenue NE.

The Canadian Land Inventory improved soil rating of the subject property is 60% Class 4T - 40% Class 5T. 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 (CLI Soil Map attached in APPENDIX 1).

In late February 2019, the Provincial government adopted new "Agricultural Land Reserve Use Regulations" (BC Reg. 30/2019). Essentially, the new ALC regulations no longer permit a detached suite, or a second dwelling for farm help, or a second dwelling for compassionate purposes, and there is now a limit of 500 square meters on the total floor area of a new principal dwelling. Under the new ALR Use Regulations, the terminology for what was recently a Non-Farm Use application is now also referred to as a "Non-Adhering Residential Use" application (see APPENDIX 3). The ALC regulations further state that any detached suite or secondary residence approved by the ALC must be for farm help purposes.

This ALC application was scheduled to be reviewed by the City's Agricultural Advisory Committee (AAC) on two separate occasions: March 13 and May 15, 2019. As no quorum could be reached at either each meeting was cancelled. City staff has elected to forward this application to Council without an AAC recommendation. Note that AAC review and obtaining an AAC recommendation are not statutory requirements for ALC applications.

Since this application was received, the City has received written correspondence from the owners of neighbouring properties and, in response to that, documentation from the applicant. The correspondence is available for review in the City's Administration Department.

#### ADDITIONAL HISTORY

As noted in the attached ALC application, the owner constructed Building B in the 1990s. The owner states that at that time he consulted with the City's Building Department staff and was advised that, because the building was intended as an accessory building for farm purposes, no building permit was necessary. The City's unwritten practice of not requiring building permits for farm buildings on land with farm status remains in effect to this day; the subject property has farm class status for assessment purposes.

In 2013, the owners applied to City Council for a Development Variance Permit (VP). With that application, the owners declared Building B and the other nearby accessory building as "farm buildings". Council considered the VP and approved setback variances (VP-379 Permit is attached as APPENDIX 4). Note that if Building B was considered a detached suite, the minimum setback from the south – interior lot boundary would be 6 metres.

Over 2013 - 2014, the City's Zoning Bylaw was amended to permit detached suites in the agricultural zones of the City, including the A-2 zone. Detached suites in the ALR are permitted in the A-zones subject to meeting ALC regulations. The City's Zoning Bylaw allows a maximum floor area of 90 square metres (968 ft<sup>2</sup>) for a detached suite.

Soon afterwards, the ALC amended its regulations to allow detached suites, but only if a suite was built above an existing farm building. That regulation only lasted a few years and, as previously mentioned, it no longer exists as of February 2019.

Since the 1990's, and recently consistent with ALC regulations, the City's Zoning Bylaw has permitted a secondary residence for farm help in the A-2 and A-1 zones, provided that: the parcel size is a minimum 8 hectares (19.7 acres) in area; the second residence is a mobile home; the land has farm class status; and, the applicant signs a declaration that the residence is needed for farm help.

From 2013 - 2018, the owner of the adjacent properties to the south of the subject property lodged periodic complaints to the City and to the ALC about residential occupancy within the subject building. There was a significant amount of communication back and forth between the undersigned, the ALC, the neighbour to the south and the applicant. Related to this application, an e-mail from an ALC's Compliance and Enforcement Officer to the undersigned sent November 1, 2017 stated:

*"Thank you for providing the history of the property. After review, I confirmed there is a single residential building, and accommodation in the garage which is described to be used as an agricultural building. I spoke briefly with Richard Smith and he claims the accommodation is about 800 sqft. Therefore I find the property is compliant with the ALC policy which interprets residential uses in Zone 1 unless other information is provided proving otherwise. I will be closing the file on my end."*



Despite the above, the ALC resumed enforcement on this matter in 2018. It appears that the owner/applicant was provided a choice: either to cease residential use and occupancy of the subject building or, as an interim option, attempt to seek ALC approval via this Non-Farm Use application.

#### CONCLUSION

It is recognized that the policies and regulations of the City's OCP and Zoning Bylaws pertaining to detached suites may no longer have the same force or relevance pursuant to the ALC Act and BC Regs. 30/2019. It is acknowledged that Building B would not entirely meet the City's Zoning Bylaw regulations for a farm help residence (e.g. the gross parcel area is less than 8 hectares), and furthermore that no building permit has been applied for the residential use.

Given the longstanding historical use of Building B and the City's favourable policies and regulations towards detached suites (for farm help or not), staff's position is that this application deserves review by the ALC.


If Council and the ALC support/approve this application, then staff supports the use of Building B as a residential detached suite, subject to an application for and issuance of a building permit. The applicant has advised that Building B was designed to the building code when it was constructed, and further that a building permit will be applied for if residential use is approved by the ALC.



Kevin Pearson, MCIP, RPP  
Director of Development Services

# Shuswap Lake



 Subject Property



## APPENDIX 1








**Building B  
(Under ALC Application)**

**Principal Residence**

**ALR Boundary**

**Access Easement**

 **Subject Property**








1131

1281

**Building B  
(Under ALC Application)**

**Principal Residence**

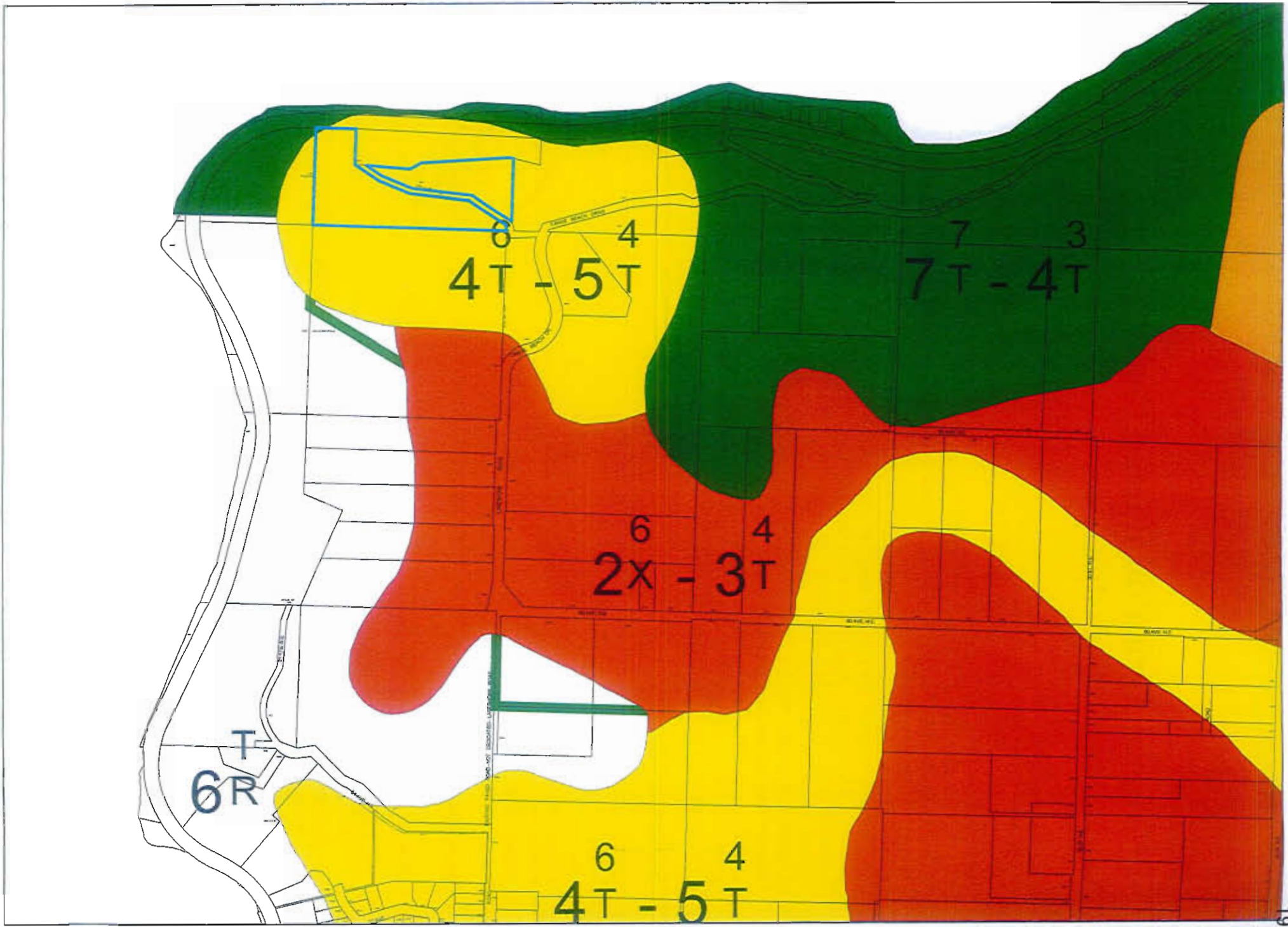
**Access Easement**

 Subject Property

30 15 0 30 Meters







 Subject Property

### CLI Improved Soil Classification







## Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 58273

**Application Status:** Under LG Review

**Applicant:** Richard Smith , Margaret Smith

**Local Government:** City of Salmon Arm

**Local Government Date of Receipt:** 12/18/2018

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

**Proposal Type:** Non-Farm Use

**Proposal:** I asked in 1998 the city of Salmon Arm if Needed a building permit for a detached building . the city employee stated " No you don't need it as you are over 10 acres and in land zoned A2 so I built an personal office 400 square feet and a residence for a farm helper 800 square feet . City zoning does allow a detached suite subject to ALR regulations. The office is now used for an office desk and fridge for storing of eggs also feed storage and a washroom . The rest is empty . I used to use it for a business office have not done so since 2007 .I had a business license and the city had no objections from 1998 to 2016. The other side is a residence for a farm worker. This person feeds our chickens when we are gone and also helps in maintenance of the lands surrounding the home . From what I can find the ALR act has no exact definition for a farm worker . the land it uses is only .0074 of a Hectare but I can not put that small of a number or the computer program rejects the application

### Mailing Address:

1281 70 Ave NE. box 1903

Salmon Arm, BC

V1E 4P9

Canada

**Primary Phone:** (250) 832-5975

**Mobile Phone:** (250) 832-5975

**Email:** richard@tekamar.ca



### Parcel Information

#### Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

**Parcel Identifier:** 007-498-047

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

Fractional Legal Subdivision 4

**Parcel Area:** 6.3 ha

**Civic Address:** 1281 70 Ave NE.

**Date of Purchase:** 10/01/1991

**Farm Classification:** Yes

**Owners**

1. **Name:** Richard Smith

**Address:**

1281 70 Ave NE. box 1903

Salmon Arm, BC

V1E 4P9

Canada

**Applicant:** Richard Smith , Margaret Smith

**Phone:** (250) 832-5975  
**Cell:** (250) 832-5975  
**Email:** richard@tekamar.ca

2. **Name:** Margaret Smith

**Address:**  
 1281 70 Ave NE. box 1903  
 Salmon Arm, AB  
 V1E 4P9  
 Canada  
**Phone:** (250) 832-2513  
**Email:** marg.smith@shaw.ca

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### **Current Use of Parcels Under Application**

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

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

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

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

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

*House built 1992*

*secondary residence built 1998*

### **Adjacent Land Uses**

#### **North**

**Land Use Type:** Other  
**Specify Activity:** shuswap lake

#### **East**

**Land Use Type:** Residential  
**Specify Activity:** vacant bush land with one house site undeveloped house site and junk storage by owner

#### **South**

**Land Use Type:** Industrial  
**Specify Activity:** Junk storage by current owner and trying to subdivide ALC land . Currently also placing rock fill on ALR land

**Applicant:** Richard Smith , Margaret Smith

## West

**Land Use Type:** Residential

**Specify Activity:** Swiss couple own summer home forested

## Proposal

### 1. How many hectares are proposed for non-farm use?

0.1 ha

### 2. What is the purpose of the proposal?

*I asked in 1998 the city of Salmon Arm if Needed a building permit for a detached building . the city employee stated " No you don't need it as you are over 10 acres and in land zoned A2 so I built an personal office 400 square feet and a residence for a farm helper 800 square feet . City zoning does allow a detached suite subject to ALR regulations. The office is now used for an office desk and fridge for storing of eggs also feed storage and a washroom . The rest is empty . I used to use it for a business office have not done so since 2007 .I had a business license and the city had no objections from 1998 to 2016. The other side is a residence for a farm worker. This person feeds our chickens when we are gone and also helps in maintenance of the lands surrounding the home . From what I can find the ALR act has no exact definition for a farm worker . the land it uses is only .0074 of a Hectare but I can not put that small of a number or the computer program rejects the application*

### 3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

*It is too late as this building is permanent and could be converted to a garage which would strand our current tenant with no home. We have more than accommodated the loss of ALR land ( 112 square meters ) by using our non alr land for farming purposes . This building is using 112 square meters while we are using for agriculture over 2 acres of non lar land for farming. I tried in 2016 to apply to the alr for removal of this 1200 square feet of ALR land used . I talked for 15 minutes with Martin Collins a regional planner with the ALC . I was told at that time that the alr does not actively search out properties with 2 residences as there are thousands in the province so it is not a concern of the ALC. He said that he did not want to entertain a trade of this land for non ALR land which would have alleviated the cities concern as they allow secondary detached suites on A2 zoned land not in the ALR. I was told to Tell the city it was their problem as they should have regulated the building when it was built . I did ask the city at the time 1998 and was told no permit was needed so I built it . I have the email string to prove this conversation other than Mr Martins comments but do have an email that proves I discussed it with him , and him stating the city should answer the question of why it was built and the city allowed it in 1998 . At that time I understood you could have a residence for a farm worker . I asked the city if I could build a building and they said I don't need a permit so I went ahead and built it. It was not a problem until the Balens started complaining in 2016 . They have done so as they wanted to buy our property so they could develop it .they have tried in many ways to drive us off our land. We have had 2 court cases which we have won them both halting them on their actions that have been detrimental to the enjoyment of our property. They also have a court injunction limiting them on their actions against our easement on their land. I have emails of their plans to develop the ALR land to the south of our property. At the current time they are trying to subdivide it which will then make a smaller parcel of the remaining alr land . That land has been orchard land for over 60 years. It is very good land for orchards as its proximity to the lake on 2 sides makes it some of the last land to get frost in the Okanagan. it is not very steep and the current proposal asking for a swap of land will then allow a subdivision applicatton that most neighbours oppose*

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

*Yes this residence allows us to have a tenant that helps out on farm chores . We easily could rent this suite for \$1100 per month but rent it for \$750 in exchange for feeding our animals when we are away and will help with berry harvest when it occurs ,and yard maintenance of ALR land used for our residence. ( I work off the property too so have to travel often. ) Without it we likely would not produce over \$2800 dollars worth of eggs or pasture our field with sheep or cattle as we would have no one to watch them*

**Applicant:** Richard Smith , Margaret Smith



*.Our tenant will also help with harvest of 300 Haskaps bushes when these bushes mature. Expected revenue of \$12,000 per year. Our lease specifically states tenant will help out with farm chores. This gives us extra income that helps pay taxes and keep farming for marginal income. The nearby neighbour has paid approximately double market value for each piece of land he owns near us and has made assessed values much higher than reality . The land currently in the air on our property is not conducive to farming as quite steep. the land north of 70th ave NE is conducive to farming as a 80 year old orchard that has very old Bing cherries and trees that were used for a nursery that were abandoned and left to overgrow. We have cleared 2.5 acres at a cost of \$12,000 to make it farmable again as it was overgrown with fir trees*

### **Applicant Attachments**

- Other correspondence or file information - email string with Mr Collins
- Other correspondence or file information - ALC memorandum
- Proposal Sketch - 58273
- Certificate of Title - 007-498-047

### **ALC Attachments**

None.

### **Decisions**

None.

## 9. INFRASTRUCTURE NECESSARY FOR RESIDENTIAL USE

Subject to any limits and conditions set out in Part 4 of the ALR Use Regulation, the use of agricultural land to construct, maintain or operate the following is permitted:

- (a) a structure, other than a residential structure, that is necessary for a residential use permitted under Part 4. Examples include detached garages;
- (b) a driveway or utility necessary for a residential use permitted under this part: ALR Use Regulation, s. 30.

## 10. APPLICATIONS FOR NON-ADHERING RESIDENTIAL USE

An owner may apply to the Commission for permission under section 25 of the ALCA for a non-adhering residential use: ALCA, s. 20.1(2). A “**non-adhering residential use**” means “any of the following: (a) an additional residence; (b) a principal residence having a total floor area that is more than 500 m<sup>2</sup>; (c) a use of a residential structure that contravenes the regulations”: ALCA, s. 1(1).

For more information on making applications to the Commission, please see the Commission’s website, at [www.alc.gov.bc.ca/alc/content/applications-and-decisions](http://www.alc.gov.bc.ca/alc/content/applications-and-decisions).

Section 25(1) of the ALCA provides that on receiving a use application the Commission normally may:

- refuse permission for the use applied for,
- grant permission, with or without limits or conditions, for the use applied for, or
- grant permission for an alternative use or subdivision, with or without limits or conditions, as applicable.

With respect to an application for a non-adhering residential use, the Commission (a) must consider the prescribed criteria, if any, (b) must not grant permission for an additional residence unless the additional residence is necessary for a farm use; and (c) must reject the application if required by the regulations to do so: ALCA, s. 25(1.1).

Examples of considerations that the Commission may take into account in determining a use application are found here: [www.alc.gov.bc.ca/alc/content/applications-and-decisions/what-the-commission-considers](http://www.alc.gov.bc.ca/alc/content/applications-and-decisions/what-the-commission-considers)



## CITY OF SALMON ARM

P.O. Box 40, Salmon Arm, BC, V1E 4N2

## DEVELOPMENT VARIANCE PERMIT

Local Government Act (Part 26)

PERMIT NUMBER: **VP-379**

SCHEDULE "B"

TO: **MARGARET and RICHARD SMITH**

1. This Development Variance Permit is issued subject to compliance with all applicable City of Salmon Arm Bylaws except as specifically varied by the Permit.
2. This Development Variance Permit applies to, and only to, (legal description),

The Fractional Legal Subdivision 4 of Section 1, Township 21, Range 10, W6M, KDYD, Except Plans 31 and 8077 (PID: 007-498-047)

and any and all buildings, structures and other development thereon.

3. The City of Salmon Arm

XX Zoning Bylaw No. 2303

\_\_\_\_\_ Subdivision and Development Servicing Bylaw No. 3596

\_\_\_\_\_ Sign Bylaw No. 2880

is hereby varied as follows:-

**THAT:** Development Variance Permit No. VP-379 be authorized for issuance for The Fractional Legal Subdivision 4 of Section 1, Township 21, Range 10, W6M, KDYD, Except Plans 31 and 8077, which would vary Section 35.10 of Zoning Bylaw No. 2303, as amended, by reducing the interior side parcel line setbacks for the four agricultural buildings identified on the building location certificate attached as Appendix 3 in the Development Services Department memorandum dated March 12, 2013, as follows:

1. Agricultural Building 'A', from 15.0 metres to 2.0 metres;
2. Agricultural Building 'B', from 15.0 metres to 13.38 metres;
3. Agricultural Building 'C', from 15.0 metres to 1.78 metres; and
4. Agricultural Building 'D' from 15.0 metres to 4.24 metres.

4. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit.
5. Notice shall be filed in the Land Title Office that the land described herein is subject to this Permit.
6. The terms of the Permit or any amendment to it are binding on all persons who acquire an interest in the land affected by the Permit.
7. This Permit is not a Building or Sign Permit.
8. Security in the amount of \$ n/a has been deposited as per Council's direction, in conjunction with subsection 15 of District of Salmon Arm Development Variance Permit Procedure Bylaw No. 2651.

AUTHORIZING RESOLUTION ADOPTED BY COUNCIL on the 25<sup>th</sup> day of March, 2013.

ISSUED this 26<sup>th</sup> day of March, 2013.

  
CORPORATE OFFICER



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# CITY OF SALMON ARM

To: His Worship Mayor Harrison and Members of Council

Date: May 15, 2019

Subject: Zoning Bylaw Amendment Application No. 1148

Legal: Lot 2, Section 11, Township 20, Range 10, W6M, KDYD, Plan 1915  
 Civic: 1631 10 Street SE  
 Applicant: Shelly Massier / 0695662 BC Ltd.

## MOTION FOR CONSIDERATION

**THAT:** A bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot 2, Section 11, Township 20, Range 10, W6M, KDYD, Plan 1915, from A-2 (Rural Holding) to R-8 (Residential Suite Zone).

## STAFF RECOMMENDATION

**THAT:** The motion for consideration be adopted.

## BACKGROUND

The subject parcel is located at 1631 10 Street SE between 15<sup>th</sup> Avenue SE and 20<sup>th</sup> Avenue SE in the Hillcrest Neighbourhood as shown on Appendix 1 and 2. The parcel has a total area of 3.96 hectares, is designated Low Density Residential in the Official Community Plan (OCP) as shown on Appendix 3, and is currently zoned A-2 Rural Holding as shown on Appendix 4.

The proposal is to rezone the subject parcel to R-8 Residential Suite Zone to facilitate a future 44 parcel subdivision, R-8 Zoning regulations are attached as Appendix 5. A conceptual layout plan, which is subject to change has been provided for an associated subdivision application as Appendix 6. Site photos are attached as Appendix 7.

The layout plan demonstrates the subdivision with potential for 43 new residential parcels between 541 m<sup>2</sup> and 955 m<sup>2</sup> and 657.8 m<sup>2</sup> identified as parkland dedication. The proposal meets the required minimum parcel size requirements of the R-8 zone. The challenges of this property include steep slopes which will require a detailed site grading plan and retaining walls to mitigate.

The surrounding properties are designated Low Density Residential by the OCP and the area is comprised of R-1 and A-2 zoned parcels containing single family dwellings. The zoning map (Appendix 4) shows the zones in the immediate area. Land uses directly adjacent to the subject property include the following:

- North: Rural Holding (A-2) parcels
- South: Single-Family Residential (R-1) parcels
- East: Single-Family Residential (R-1) parcels
- West: 7<sup>th</sup> Street SE (unconstructed) Rural Holding (A-2) parcels

The initial application was to rezone to R-1 and upon advice from staff, the proposal was amended from A-2 to R-8. A single family dwelling exists on this property and the A-2 zone minimum parcel size for subdivision is 4 hectares. This amendment would facilitate future subdivision, the R-8 Zone allows for one single family dwelling and an accessory secondary suite or detached suite per parcel. Any new

The R-8 zone regulations of the Zoning Bylaw are attached as Appendix 5. The minimum parcel area permitted under R-8 zoning is 450 square metres, or 700 square metres for a parcel containing a detached suite. At this time, it appears the intent of the applicant is to have 20 of 43 lots meet the minimum area and width required for a detached suite, 23 of the proposed lots in the would be limited to traditional secondary suites within the single-family dwelling. This R-8 pre-zoning approach was recommended to the applicant by staff.

The main access is proposed to be an extension of 15 Avenue SE from 10 Street SE. There are no up-to-date detailed street plans for this area, however the OCP has designated a basic road network plan over the area. This road network plan contemplates potential connections from the western portion of the subject property through adjacent parcels to the west and south. The proposed conceptual layout provides an option for access to adjacent lands to the west across, unopened, 7 Street SE connecting to 17 Avenue SW and Foothill Road. However it is important to note no development proposals have been made by the owners of those properties. There is also a Fortis Right of Way that could present additional challenges.

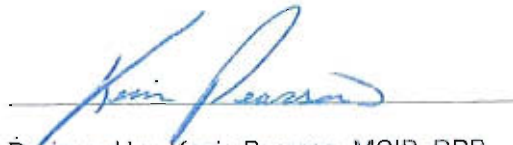
If this rezoning application is approved when development applications for the properties to the west are made further consideration of servicing needs will be required.

### CONCLUSION

The proposed R-8 zoning is consistent with the OCP and is therefore supported by staff. It is reasonable to rezone the subject parcel prior to subdivision.

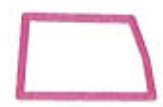
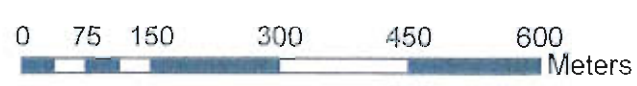


Prepared by: Scott Beeching, MCIP, RPP  
Senior Planner



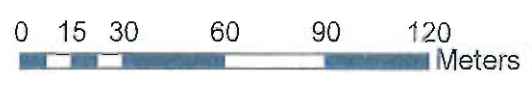
Reviewed by: Kevin Pearson, MCIP, RPP  
Director of Development Services





Subject Parcel

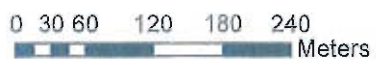
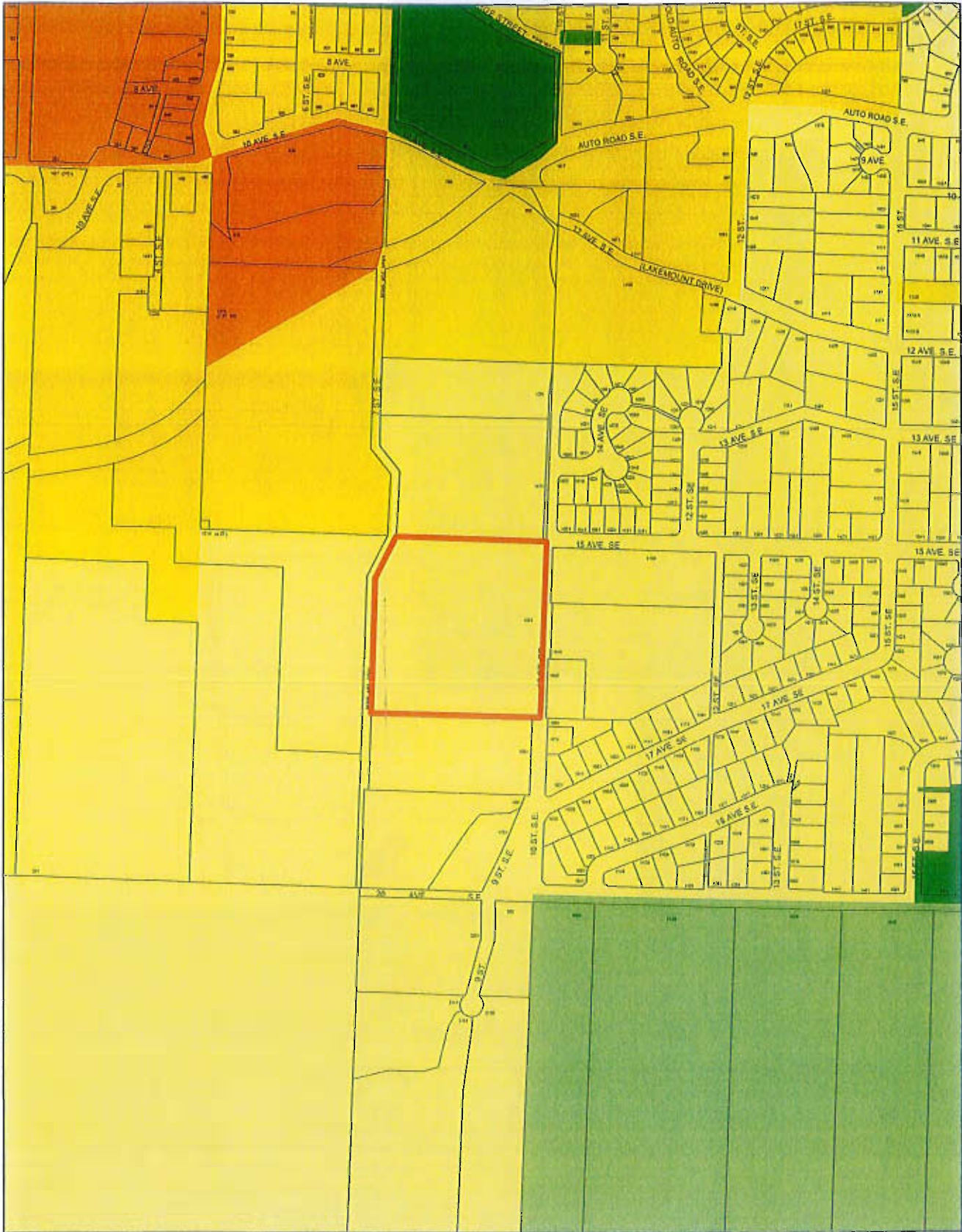




Subject Parcel

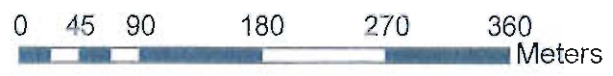
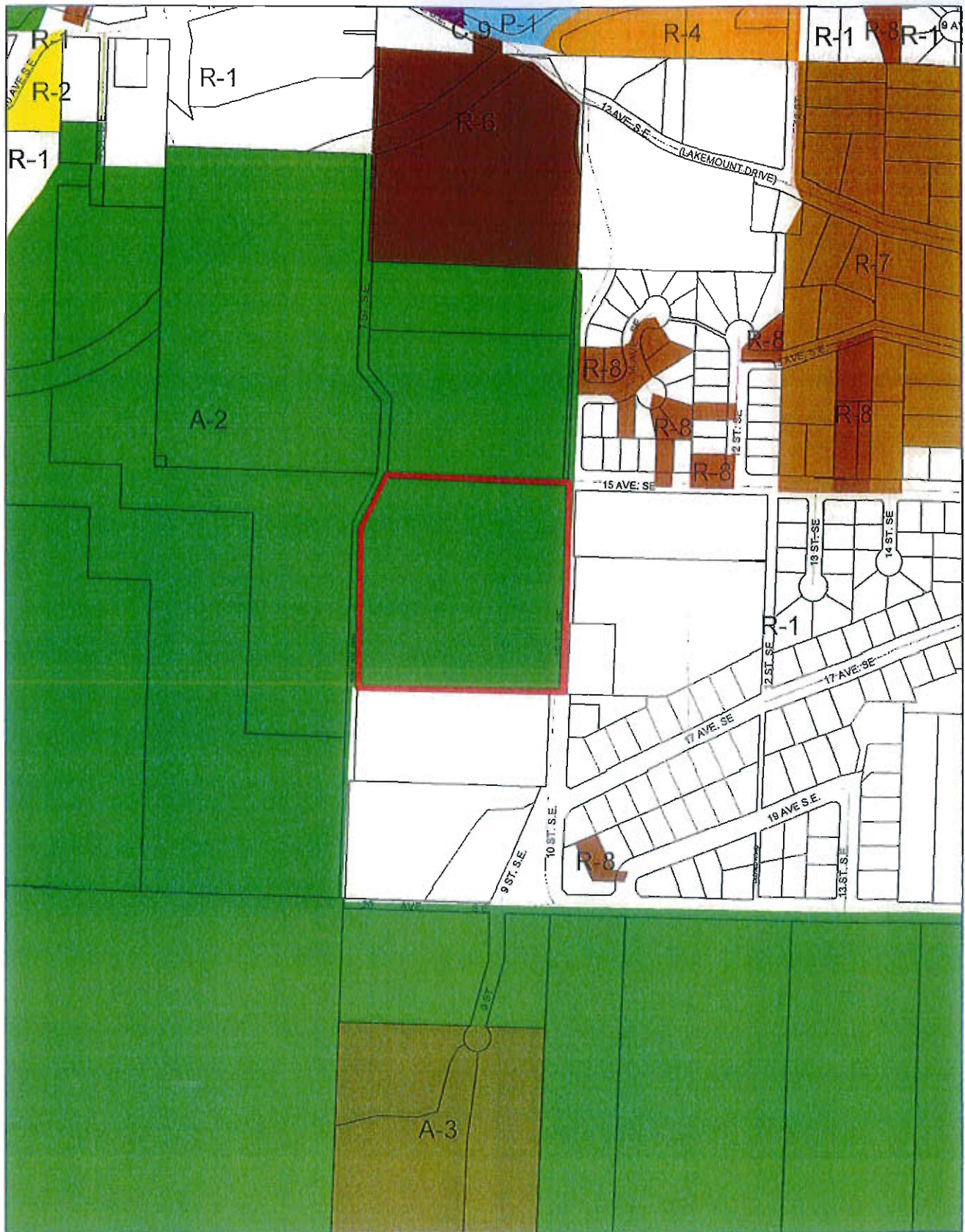


# Appendix 3: OCP Designation



- High Density Residential
- Medium Density Residential
- Low Density Residential
- Park
- Acreage Reserve





Subject Parcels

## Appendix 5: R-8 Zone

## #3996 SECTION 13 - R-8 - RESIDENTIAL SUITE ZONE

Purpose

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

Regulations

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

Permitted Uses

- 13.3 The following uses and no others are permitted in the R-8 Zone:

- |       |    |  |
|-------|----|--|
| #3082 | .1 | <i>boarders</i> , limited to two;  |
| #3082 | .2 | <i>family childcare facility</i> ;   |
|       | .3 | <i>group childcare</i> ;   |
|       | .4 | <i>home occupation</i> ;   |
|       | .5 | <i>public use</i> ;  |
|       | .6 | <i>public utility</i> ;  |
|       | .7 | <i>single family dwelling</i> ;  |
|       | .8 | <i>accessory use</i> , including <i>secondary suite</i> or <i>detached suite</i> . |

Maximum Number of Single Family Dwellings

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

Maximum Number of Secondary Suites

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

Maximum Height of Principal Building

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

Maximum Height of Accessory Buildings

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

Maximum Parcel Coverage

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

Minimum Parcel Area

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

**SECTION 13 - R-8 - RESIDENTIAL SUITE ZONE - CONTINUED**

**Minimum Parcel Width**

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

**Maximum Floor Area and Floor Area Ratio**

- 13.11 .1 The maximum *floor area* of a *detached suite* shall be 90.0 square metres (968.8 square feet).  
 .2 The maximum *floor area ratio* of a *single family dwelling* shall be 0.65.

**Minimum Setback of Principal Building**

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

**Minimum Setback of Accessory Buildings**

- 13.13 The minimum *setback* of accessory *buildings* from the:
- |       |    |   |                        |
|-------|----|---|------------------------|
|       | .1 | <i>Front parcel line</i> shall be   | 6.0 metres (19.7 feet) |
|       | .2 | <i>Rear parcel line</i> shall be  | 1.0 metre (3.3 feet)   |
|       | .3 | <i>Interior side parcel line</i> shall be                                       | 1.0 metre (3.3 feet)   |
|       | .4 | <i>Exterior side parcel line</i> shall be                                       | 6.0 metres (19.7 feet) |
| #2811 | .5 | Refer to "Pound and Animal Control Bylaw" for special setbacks which may apply. |                        |

**Minimum Setback of a Detached Suite**

- 13.14 The minimum *setback* of an accessory *building* containing a *detached suite* from the:
- |  |    |   |                        |
|--|----|---|------------------------|
|  | .1 | <i>Front parcel line</i> shall be         | 6.0 metres (19.7 feet) |
|  | .2 | <i>Rear parcel line</i> shall be          | 3.0 metres (9.8 feet)  |
|  | .3 | <i>Interior side parcel line</i> shall be | 2.0 metres (6.5 feet)  |
|  | .4 | <i>Exterior side parcel line</i> shall be | 6.0 metres (19.7 feet) |
|  | .5 | <i>Parcel line</i> adjacent to a lane     | 1.2 metres (3.9 feet)  |

**Parlour**

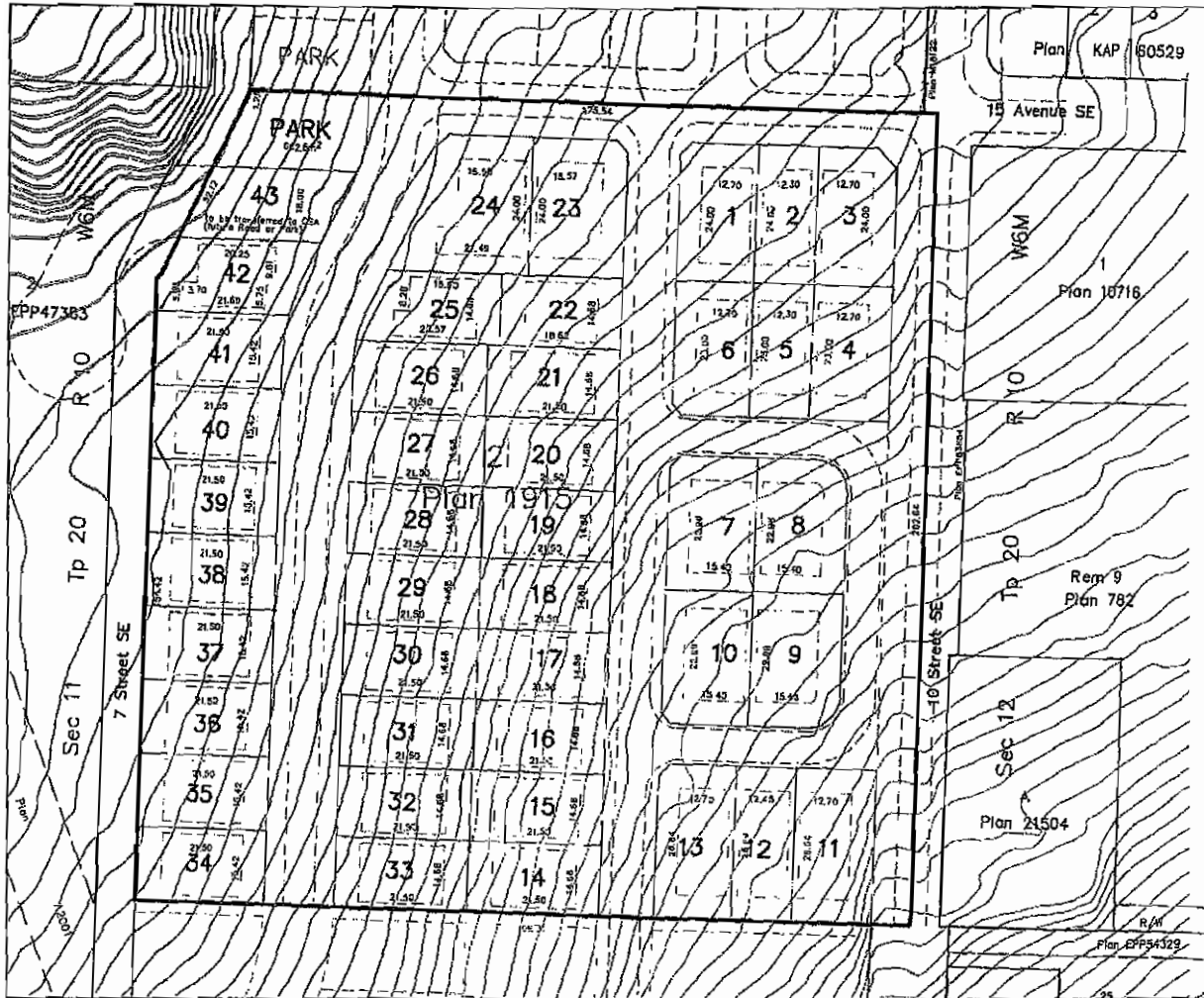
- 13.15 .1 Parking shall be required as per Appendix I.  
 .2 An offstreet parking space provided for a *secondary suite* or *detached suite* shall not be sited in tandem to a parking space provided for a *single family dwelling*.

**Detached Suite**

- 13.16 Refer to Section 4.2 for General Regulations.



Appendix 6: Conceptual Layout



Appendix 7: Site Photos



Northwest from existing driveway.



South from north property line.



Appendix 7: Site Photos



West across 10 Street SE from 15 Avenue SE



West from existing yard.



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