



AGENDA

**City of Salmon Arm
Development and Planning Services
Committee**

**Monday, June 3, 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.	FOR INFORMATION
	5.	REPORTS
1 - 40	1.	Amendment to Development Permit Application DP-419 [1112031 BC Ltd.; 481 Harbourfront Drive NE; 2 Story Mixed Use Development]
	6.	IN CAMERA
	7.	LATE ITEM
	8.	PRESENTATIONS
41 - 72	1.	Presentation 8:30 to 9:00 a.m. (approximately) Director of Development Services - Agricultural Land Commission Information Bulletin Revised May 8, 2019 – 8:30 a.m.
	9.	ADJOURNMENT

This page intentionally left blank.



To: His Worship Mayor Harrison and Members of Council

Date: May 29, 2019

Subject: Amendment to Development Permit Amendment Application No. DP-419
 Legal: Lot D, Section 14, Township 20, Range 10, W6M, KDYD, Plan KAP62328
 Civic: 481 Harbourfront Drive NE
 Owner/Applicant: 1112031 BC Ltd.

MOTION FOR CONSIDERATION

THAT: Development Permit No. 419 be amended for that part of Lot D, Section 14, Township 20, Range 10, W6M, KDYD, Plan KAP62328 in accordance with the drawings dated May 28, 2019, attached as Appendix A.

BACKGROUND

The subject property is located at 481 Harbourfront Drive NE. The amended Development Permit (DP) Drawings for the main building and for an accessory building are attached as Appendix A. DP-419 was approved by City Council on June 25, 2018. The staff report dated June 13, 2018 containing the originally approved drawings, site information and other background is attached as APPENDIX B.

Since Council approved DP-419 last June, the owner, architect and builder have scaled down the building plans significantly; now proposing a two-storey, 1,054 m² (11,347 ft²) total floor area main building and a 128 m² (1,388 ft²) accessory carport structure intended for six vehicles to be sited along the east lot line. The intent of the main building remains as a mix of office and residential uses: ground floor offices and two upper floor residential suites. The main building height has been reduced from 15.8 m (51.8 ft) to 10.4 m (34 ft), which would preserve more of the surrounding view corridors.

Due to the decreased floor area with two less storeys, another property previously involved with DP-419 located at 650 Marine Park Drive, intended for parking (and previously secured by a restrictive covenant to secure 27 parking stalls parking), is no longer needed.

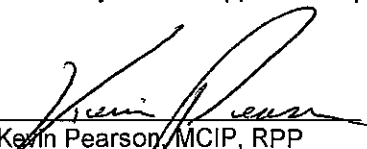
The Building Permit for the main building was applied for this year on February 12 and foundation works recently commenced after removal of the pre-load material. Note there is a minimum flood construction level of 351 metre Geodetic Survey Coordinate on the subject site. The siting and footprint of the main building is also to be consistent with the previously approved main building footprint and meets the Provincial Riparian Areas Regulatory requirements. The site landscaping approved for DP-419, including riparian planting, remains as originally proposed.

The undersigned received the proposed DP amendment drawings on May 28, 2019 and the Director of Development Services does not have delegated authority to approve minor DP amendments. For the sake of timing, the undersigned made a decision to not bring the drawings to the Design Review Panel for a recommendation (doing so would have delayed Council's consideration to either the second meeting in June or the first meeting in July instead of the June 10 Regular Council meeting).

Nevertheless, the amended drawings and overall development plan remain consistent with the *City Centre Commercial, Environmentally Sensitive Riparian Area and Potentially Environmentally Hazardous (Floodplain) Development Permit Guidelines* of the Official Community Plan.

RECOMMENDATION

THAT City Council approve the proposed amendment to DP-419.



Kevin Pearson, MCIP, RPP
Director of Development Services

PRELIMINARY

ISSUE	DATE
Developed & Final	May 1, 2010

DRAWN BY: PLS, C
 DATE: January 2010
 SCALE: 1/8"



100 BOX 2150
 4100 - 4100 S.E.
 SALMON ARM, OR 97141-0151
 T 503-335-4000
 F 503-335-4001
 WWW.ARCADIAARCHITECTS.COM

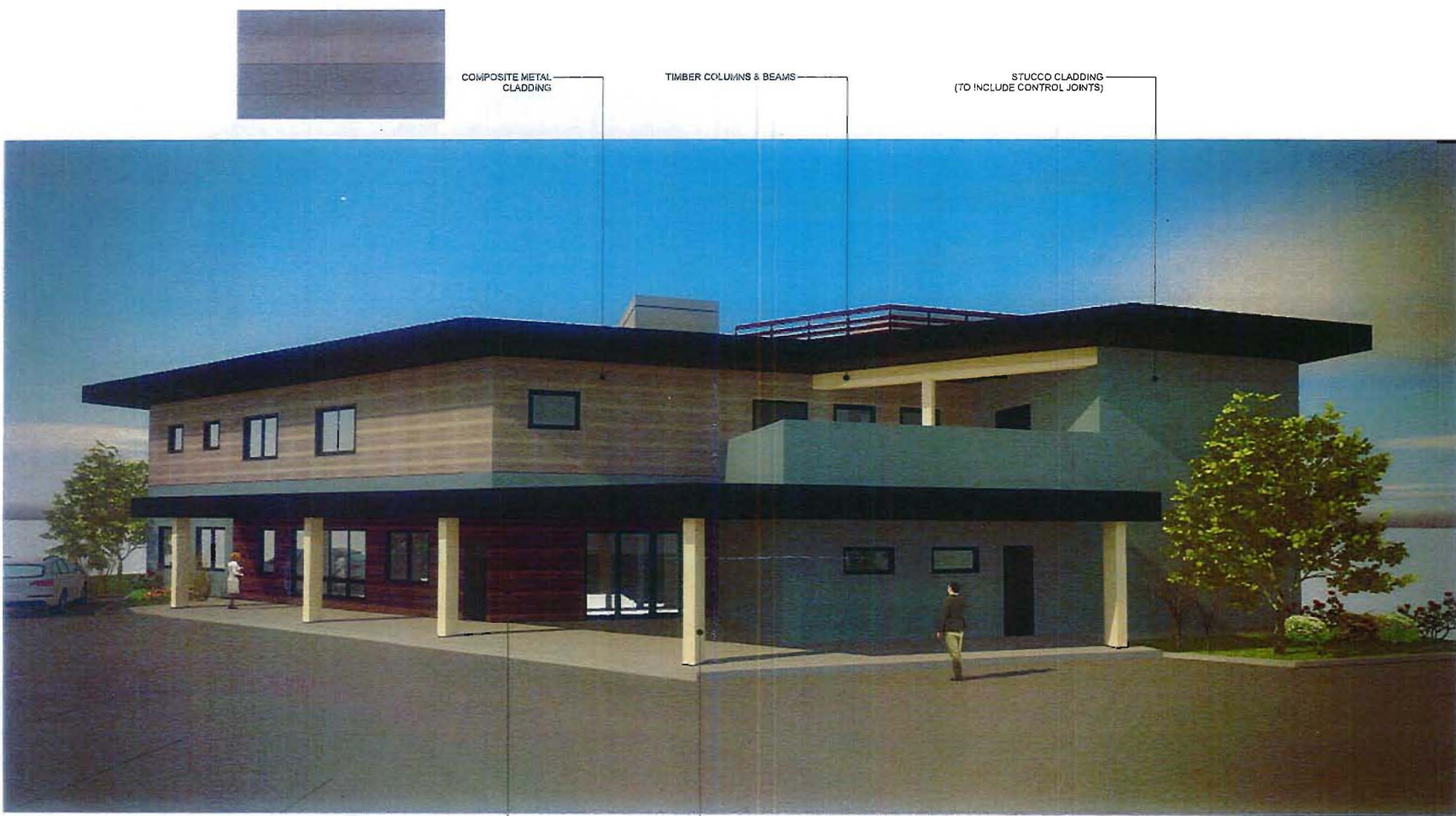
PROJECT: 07-001

The DOVEWOOD Building

481 Horseshoe Drive
 Salmon Arm, BC

DRAWING TITLE:
PERSPECTIVE RENDERING

DRAWING NO:
A--



COMPOSITE METAL
CLADDING

TIMBER COLUMNS & BEAMS

STUCCO CLADDING
(TO INCLUDE CONTROL JOINTS)



COMPOSITE METAL
CLADDING

TIMBER COLUMNS & BEAMS

1 Southeast Perspective

PRELIMINARY

FOR INFORMATION & REFERENCE ONLY
THIS DRAWING IS NOT TO BE USED FOR
CONSTRUCTION OR PERMITS WITHOUT THE
APPROVAL OF THE ARCHITECT

ISSUE	DATE
Developed & Drawn	08-1-2019

DRAWN BY: P. C.
DATE: January 2019
SCALE: 4/8"



10,800 sq. ft.
188-4023-110
SALMON ARM, BC V1E 4S1
T 250-411-4883
Email: info@architect.ca
Web: www.architect.ca

PROJECT: 17401

The DOVEWOOD Building

181 Harbourfront Drive
Salmon Arm, BC

DRAWING TITLE:
PERSPECTIVE RENDERING

DRAWING NO:

A--



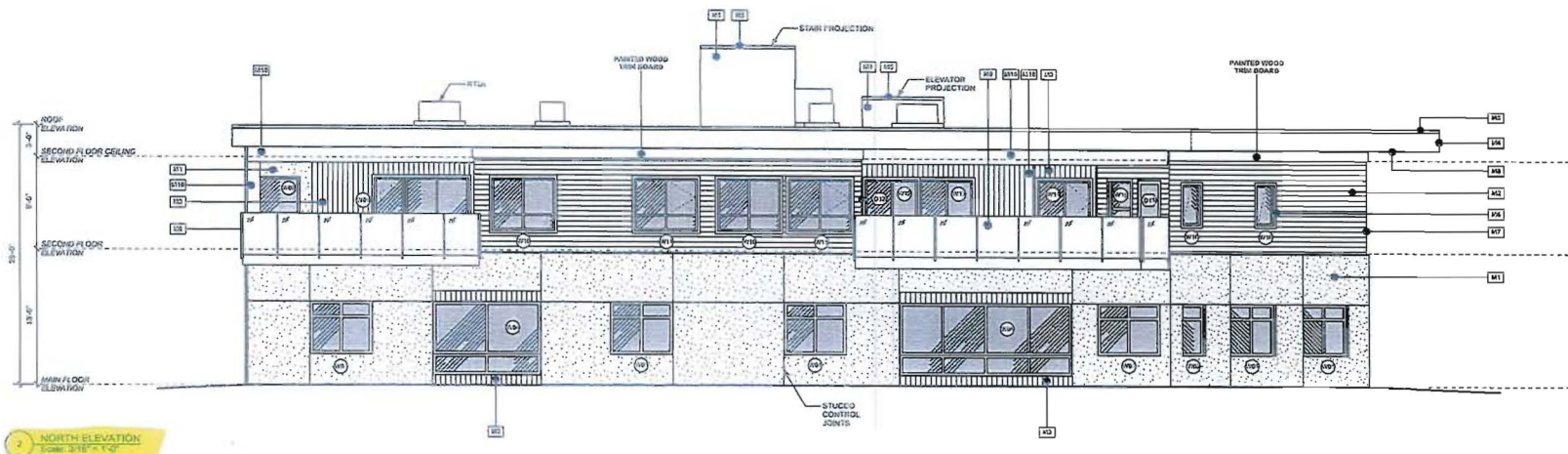
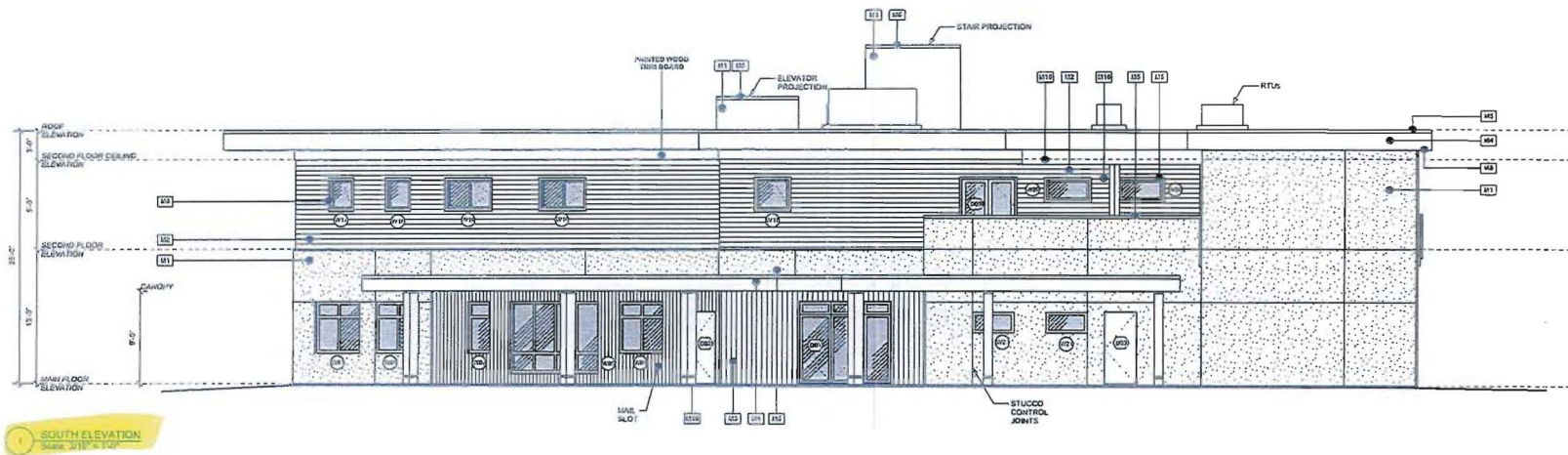
1

Northwest Perspective

STUCCO CLADDING
(TO INCLUDE CONTROL JOINTS)

COMPOSITE METAL
CLADDING

TIMBER COLUMNS & BEAMS



- ELEVATION NOTES:**
1. Contractor to confirm with Architect final selection for exterior cladding materials and colour.
 2. Contractor to confirm with Architect final locations for stucco cladding control joints (or any other cladding joints).
 3. Second Floor (Residential) windows to include 3 1/2" painted wood trim.

EXTERIOR MATERIAL NOTES	
M1 Stucco - Blue	M10 Pre-Finished Window Trim
M2 Pre-Finished Horizontal Metal Wood Grain Siding	M7 Pre-Insulated (Colour to be Confirmed) Metal Corner Trim
M3 Pre-Finished Vertical Wood Siding	M8 Solid Material
M4 Fiberglass Material	M9 Glass Curbside or Pre-Insulated Metal joints
M5 Pre-Finished Metal Flashing	M10 Gypsum Structural Cement

1000 Highway 101, Suite 100
 Salisbury, MD 21801
 Tel: 410-721-1111
 Fax: 410-721-1112
 www.achitect.com

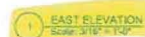
ISSUE	DATE
Developed & Drawn	Feb 1, 2011
Issued For	March 1, 2011

DRAWN BY: H.C.
DATE: February 2011
SCALE: 1/8" = 1'-0"

PROJECT: (1401)
THE DOVEWOOD BUILDING

DRAWING TITLE:
SOUTH / NORTH ELEVATIONS

DRAWING NO:
A07



EXTERIOR MATERIAL NOTES	
A01	Sluces - Blue
A02	Pre-Finished Horizontal Metal Wood Grain Siding
A03	Pre-Finished Vertical Wood Siding
A04	Fusido Material
A05	Pre-Finished Metal Flashing
M05	Pre-Finished Window Trim
M07	Pre-finished (Colour to be Confirmed) Metal Corner Trim
M08	Splice Material
M09	Glass Glazment w/ Pre-finished Metal posts
M10	Custom Structural Element

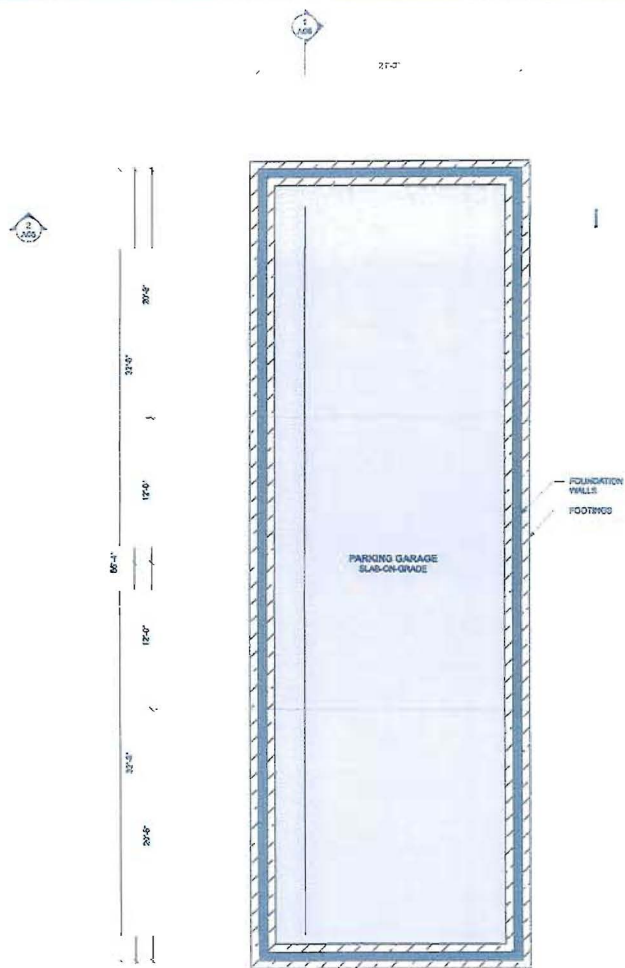
THE DOVEWOOD BUILDING - Parking Structure
481 HARBOUR FRONT DRIVE, SALMON ARM, BC



DRAWING LIST:

A00	COVER SHEET
A01	GENERAL NOTES, CODE REVIEW, ASSEMBLY TYPES
A02	SITE PLAN
A03	FOUNDATION & SLAB PLAN
A04	FLOOR PLAN / ROOF PLAN
A05	ELEVATIONS
A06	BUILDING SECTIONS
A07	DETAILS
A08	3D VIEWS
A10	ELEVATION RENDERINGS

RAWING NO:
A00



1 FOUNDATION & SLAB PLAN
Scale: 1/4" = 1'-0"

PRELIMINARY

ISSUE	DATE

DRAWN BY: HLG
DATE: May 2017
SCALE: 1/4" = 1'-0"



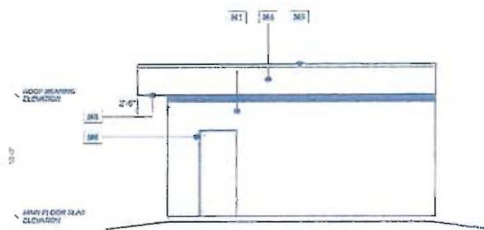
REGISTERED ARCHITECT
101.100.1100
4101 1st Ave SE
SALEM, OR 97302
T 503.441.1000
F 503.441.1001
WWW.AARCHITECT.COM

PROJECT: 17-001
THE DOVEWOOD BUILDING
Parking Structure

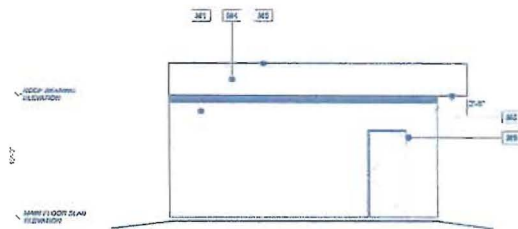
1811 Harbourfront Drive
Salem, OR, 97301

DRAWING TITLE:
FOUNDATION / SLAB PLAN & NOTES

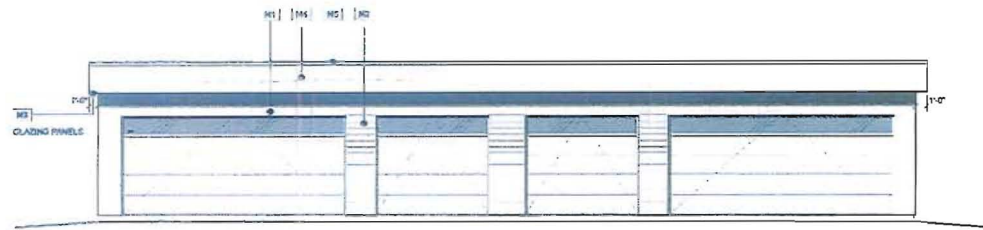
DRAWING NO:
A03



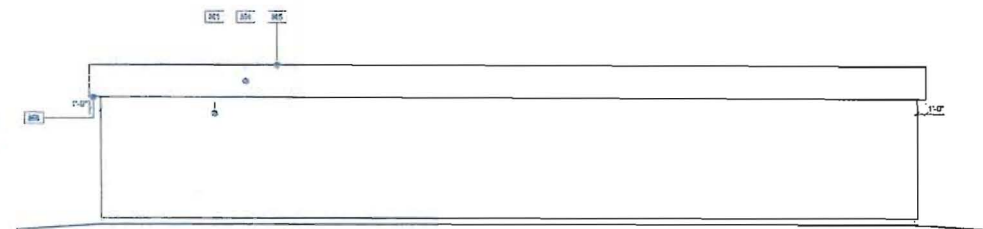
1 SOUTH ELEVATION
Scale: 1/4" = 1'-0"



2 NORTH ELEVATION
Scale: 1/4" = 1'-0"



3 WEST ELEVATION
Scale: 1/4" = 1'-0"



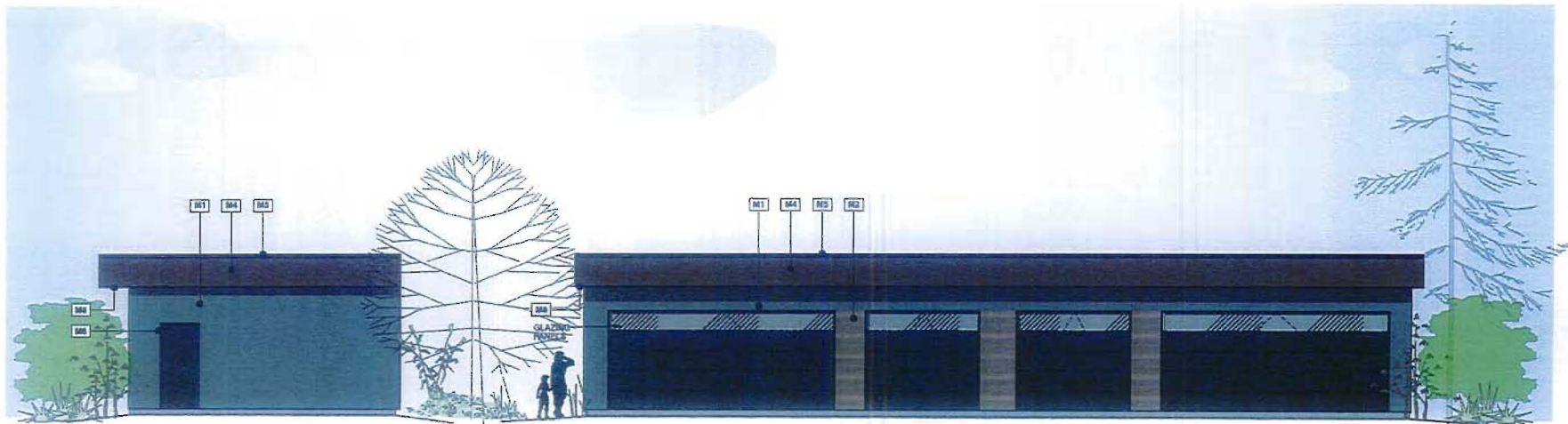
4 EAST ELEVATION
Scale: 1/4" = 1'-0"

EXTERIOR MATERIAL NOTES	
M1 Stucco - Base	M6 Pre-Finished Window Trim
M2 Pre-Finished Horizontal Metal Wood Grain Siding	M7 Pre-Finished (Colour to be Confirmed) Metal Corner Trim
M3 Pre-Finished Vertical Wood Siding	M8 Soffit Material
M4 Frieze Material	M9 Glass Outrigger w/ Pre-Finished Metal posts & bracing
M5 Pre-Finished Metal Flooring	M10 Glulam Structural Element



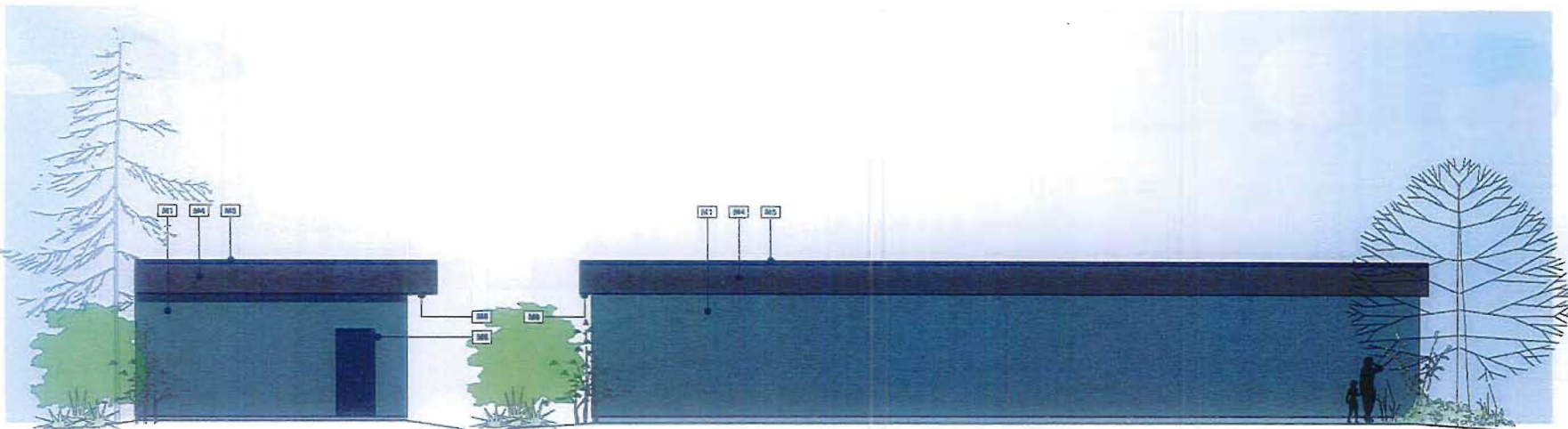
PRELIMINARY

ISSUED	DATE
DRAWN BY: P.L.C. DATE: May 2015 SCALE: 1/4" = 1'-0"	
 <p>ARCHITECT</p>	
PROJECT: 17-00 THE DOVEWOOD BUILDING Parking Structure	
481 Henderson Drive Colton, BC, V1C 4E1	
DRAWING TITLE: ELEVATIONS	
DRAWING NO: A05	



SOUTH ELEVATION

WEST ELEVATION



NORTH ELEVATION

EAST ELEVATION

EXTERIOR MATERIAL NOTES	
M1 Stucco - Blue	M6 Pre-Finished Window Trim
M2 Pre-Finished Horizontal Metal Wood Grain Siding	M7 Pre-finished (Colour to be Confirmed) Metal Corner Trim
M3 Pre-Finished Vertical Wood Siding	M8 Solid Material
M4 Maple Material	M9 Glass Glazings w/ Pre-finished Metal posts & frame
M5 Pre-Finished Metal Flashing	M10 Glulam Structural Element

PRELIMINARY

ISSUE DATE

DRAWN BY: P.L.C.

DATE: Feb 2019

SCALE: 1/4" = 1'-0"



210 BOK200
1101 - 100 337E
VANCOUVER, BC V6L 3K3
T 202 215 4821
E info@A10arch.com
W www.A10arch.com

PROJECT: 17401
**THE DOVEWOOD
BUILDING**
Parking Structure

481 Harbourfront Drive
Surrey, BC

DRAWING TYPE:
**ELEVATION
RENDERINGS**

DRAWING NO:

A10



City of Salmon Arm

Development Services Department Memorandum

To: Her Worship Mayor Cooper and Members of Council

Date: June 12, 2018

Subject: Development Permit Application No. DP-419 (Mixed Use – Commercial / Residential)
 Legal: Lot D, Section 14, Township 20, Range 10, W6M, KDYD, Plan KAP62328
 Civic: 481 Harbourfront Drive NE
 Owner: 1112031 BC Ltd.
 Applicant: Exel Construction Ltd.

MOTION FOR CONSIDERATION

THAT: Development Permit No. 419 be authorized for issuance for that part of Lot D, Section 14, Township 20, Range 10, W6M, KDYD, Plan KAP62328 (481 Harbourfront Drive NE) in accordance with the drawings dated May 4, 2018 and attached in Appendix 6 of this memorandum;

AND THAT: Issuance of Development Permit No. 419 be withheld subject to the following:

1. Registration of Section 219 *Land Title Act* covenant(s) on title ensuring the linkage of the subject parcel, 481 Harbourfront Drive NE, and 650 Marine Park Drive for the purpose of meeting the offstreet parking requirements of the Zoning Bylaw;
2. Registration of a Section 219 *Land Title Act* covenant(s) on title to acknowledge the restrictions of Riparian Areas Regulation Assessment Report number 427 dated April 17, 2007;
3. Receipt of an Irrevocable Letter of Credit in the amount of 125% of a landscaper's estimate for completion of the landscaping plan; and
4. Written confirmation from a Qualified Environmental Professional (QEP) that the construction and riparian planting will be monitored by a QEP for compliance with the Riparian Areas Regulation Assessment Report number 427 dated April 17, 2007, and in accordance with the landscaping plan dated May 1, 2018 and attached in Appendix 6 of this memorandum.

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

BACKGROUND

The subject parcel is located at 481 Harbourfront Drive NE (Appendix 1 and 2). The approximate 3,136 square meter parcel is currently vacant. The parcel is designated as Commercial City Centre land in the Official Community Plan (OCP) Bylaw and zoned C-6 Tourist/Recreation Commercial in the Zoning Bylaw (Appendix 3 and 4). Site photos are attached as Appendix 5.

This application is to permit the development of one mixed use commercial residential building, as shown in the proposed Development Permit drawings attached as Appendix 6. The office use and upper floor dwelling units proposed are permitted uses in the C-6 zone. The proposed building as illustrated would have a footprint of approximately 687 square metres and is comprised of 4 storeys to a height of 15.8 metres (the maximum height permitted in the C-6 Zone is 19 metres). The applicant has provided a letter of rationale attached as Appendix 7.

The subject parcel is adjacent to Shuswap Lake and Marine Park with an elevated walkway across the northern portion of the parcel via a right-of-way. A Riparian Areas Regulation (RAR) report has been completed for the parcel which provides additional guidance on how development may proceed adjacent the lake.

COMMENTS

Building Department

As a Part III building, full sprinkler and involvement of registered professions is required as per BCBC.

Fire Department

No concerns.

Engineering Department

No concerns. Upgrades to the property's frontage have largely been completed, with the exception of a street light. Engineering comments are attached as Appendix 8.

Design Review Panel

With the proposal for City Centre Commercial development, the application was referred to the Design Review Panel (DRP) for review. The Panel was supportive of the proposal as presented. The May 24, 2018 DRP meeting minutes are attached as Appendix 9.

Planning Department

The proposed development is subject to the guidelines of the "City Centre Development Permit Area" as described in the OCP, suggesting characteristics under the topics of siting and building, facade design, access, circulation and parking area, as well as landscape guidelines.

Siting and Building

The applicant is proposing a mixed use 8 unit development in the form of 6 commercial spaces (including one spaces prescribed as a "law office") over 3 levels, and 2 upper level residential units. The building has a footprint of 687 square metres in area, and reaches a maximum height of 15.8 metres above grade (under the 19 metre maximum height permitted in the C-6 zone). The building is set along the north parcel boundary generally following the linear shoreline (rip-rap bank), with an angular south-west facing elevation arranged to face the curving street frontage. The building design is a contemporary style with varied facades and linear rooflines providing visual interest, incorporating high quality materials with proposed cladding including stucco, stone, fiberboard, and metal siding. The height is substantially consistent with adjacent developments.

Facade

Architectural details such as fibreboard and composite wood cladding are reasonably unified on all elevations. The entrance patio creates an easily identifiable and protected access point oriented towards the street, while the angular design, upper level patios, as well as the varied materials and colour choices create visual interest.

Landscape and Screening

The landscape plan has been completed in alignment with the RAR report and OCP guidelines. The estimate for landscaping is roughly \$27,000 and includes irrigation. The landscape plan prescribes perimeter plantings along the west, south and east parcel lines, reducing the impact of the parking. The rear yard of the building is proposed to be essentially filled with a range of RAR plantings. As further described in this report, a post-construction report from a Qualified Environmental Professional will be required to ensure ultimate compliance with RAR.

Servicing

Related to landscaping on the site, frontage improvements to the Local Road standard have been completed. Frontage upgrades are expected to only include installation of a street light.

Access, Circulation and Parking Area

Vehicle access proposed is via a single shared 5.8 metre wide access route. There are a total of 49 parking stalls proposed (47 are required): 8 secure building parking stalls proposed, 2 loading stalls, 14 stalls on site, with 27 stalls proposed on a parcel west of Harbourfront Drive (650 Marine Park Drive).

The location of parking on another parcel is supported by the Zoning Bylaw in non-residential zones, subject to the parcels being located within 300 metres of each other (the applicable distance is just under 50 metres) and the registration of a covenant securing the arrangement, recognizing the challenges in meeting parking requirements. The Zoning Bylaw further specifies surfacing, grading and drainage requirements for offstreet parking.

Riparian Areas Regulation

The subject properties are within 30 m of the High Water Mark (HWM) of Shuswap Lake; therefore the Provincial Riparian Areas Regulation (RAR) applies to this proposal. A Riparian Areas Assessment Report was completed April 17, 2007 (Assessment 427). The Qualified Environmental Professional's (QEP) report identifies the Streamside Protection and Enhancement Area to be 30 m from the HWM of Shuswap Lake (348.7 m); however the report identifies that the building may be located 6 m back from the HWM and will not result in Harmful Alteration, Disruption or Destruction (HADD) of fish habitat. Staff note that the site plan indicates a slightly greater 7.5 m setback from the HWM.

An existing Section 219 Restrictive Covenant was registered May 1, 1998 outlining requirements from the Department of Fisheries and Oceans (DFO) for works and landscaping within the riparian area. Both the QEP and Landscape Architect have confirmed that the proposed landscaping plan and development are in compliance with the covenant and RAR. A post-construction report from a Qualified Environmental Professional will be required to ensure ultimate compliance with RAR.

Walkway Contribution

A Development Agreement exists between the City and owners of the subject parcel for financial contribution to the waterfront walkway constructed in 2005. The cost is calculated at \$347.55 per lineal metre of parcel frontage measured along the northerly boundaries. The total length of northern frontage is 28 m making the total required contribution by the developer \$9,731.40 required at the time of Building Permit application (measurements/calculations to be confirmed).

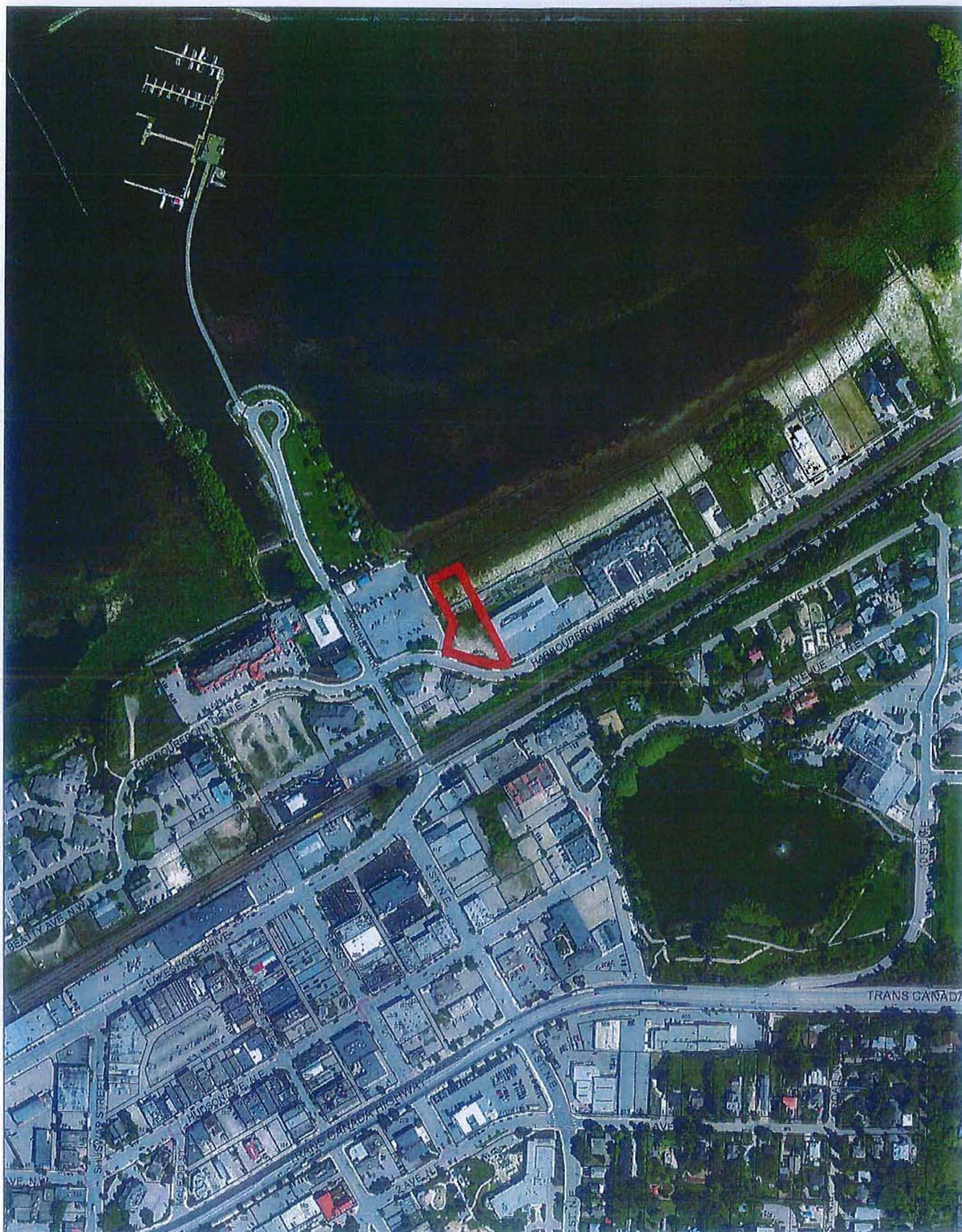
CONCLUSION

The applicant is applying for a Development Permit to support a multi use commercial / residential development (one mixed use building). The proposal aligns with the Development Permit Area guidelines as described in the OCP and is supported by staff.



Prepared by: Chris Larson, MCP
Planning and Development Officer

Reviewed by: Carl Bannister, C.A.O.



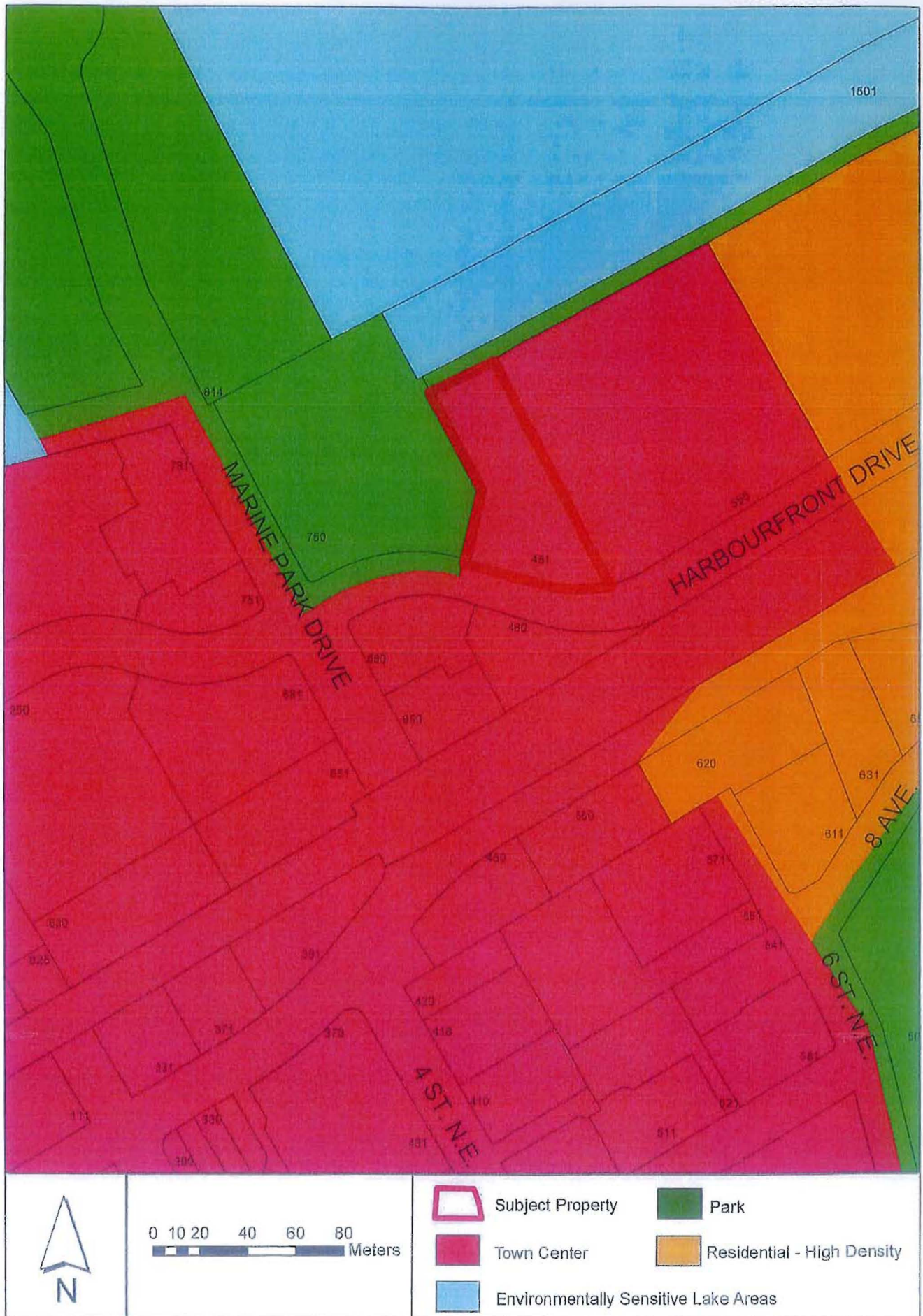
0 50 100 200 300 400 Meters

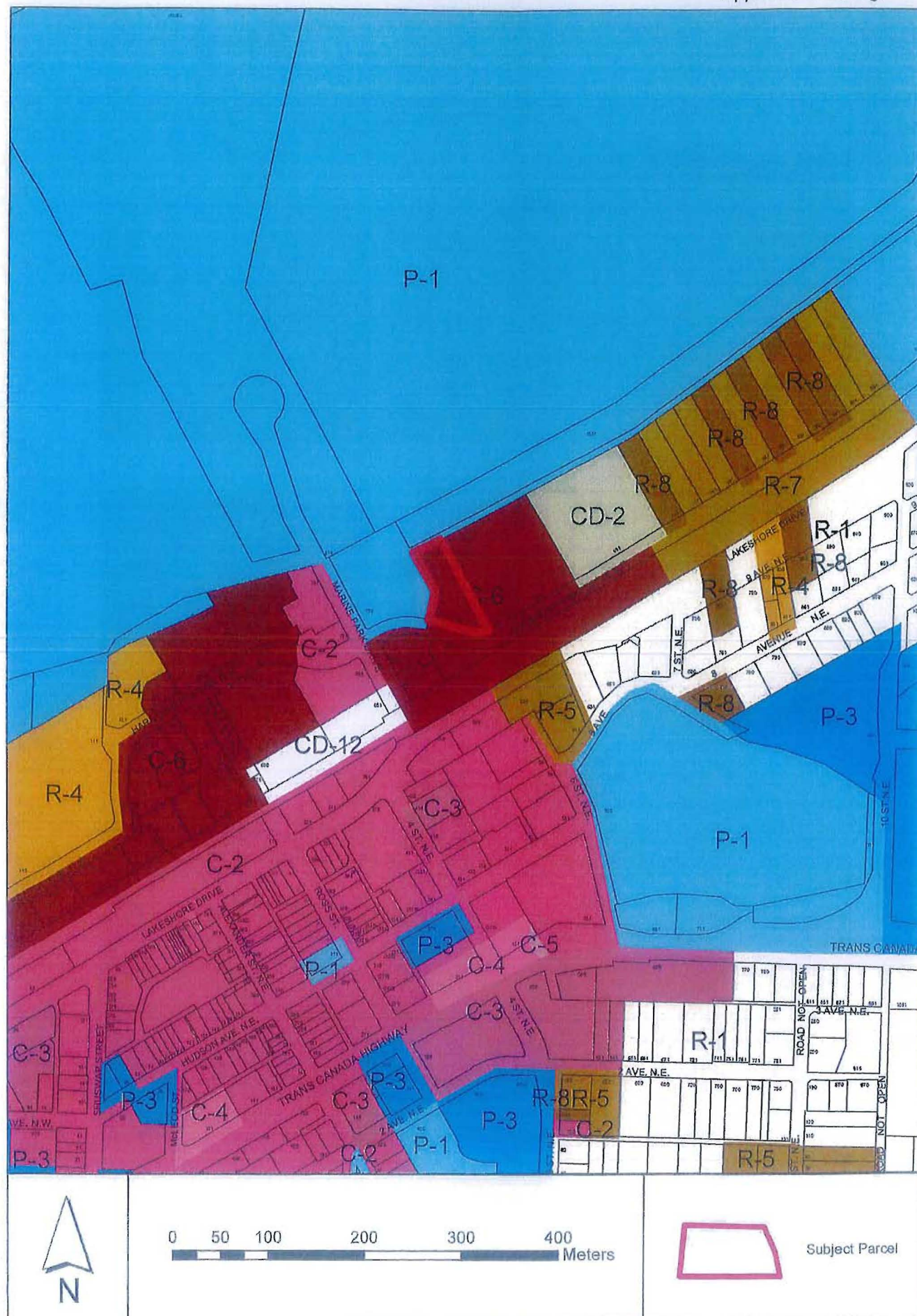


Subject Parcel



Subject Parcel





Appendix 5: Site Photos



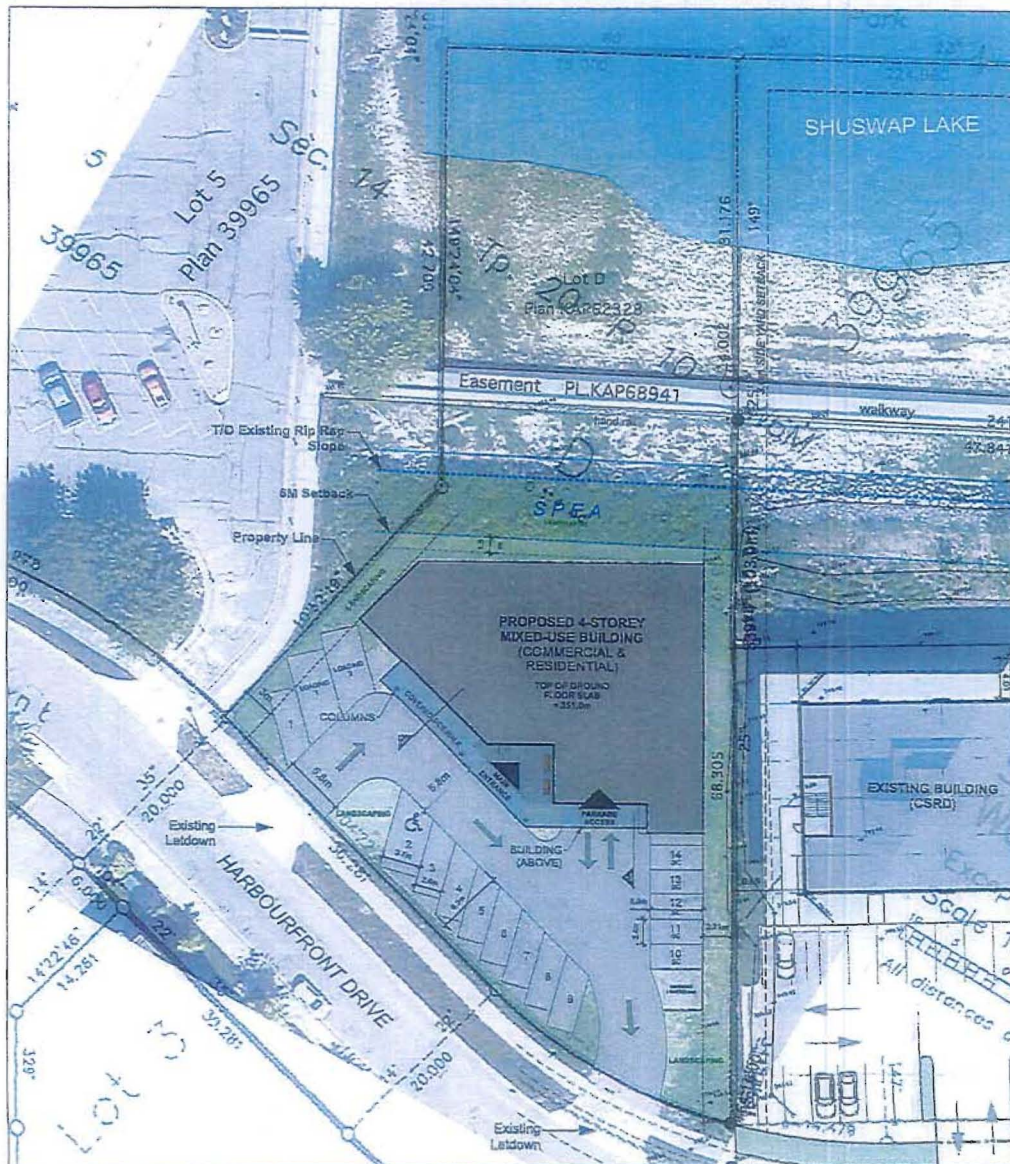
View north of subject property.



View east of subject property.



View north-west of subject property.



DRAWING LIST

A00	Site Plan & Development Data
A01	Schematic Site Sections
A02	Ground Floor Plan
A03	Second Floor Plan
A04	Third Floor Plan
A05	Fourth Floor Plan
A06	Roof Plan
A07	South Elevation
A08	Southwest Elevation
A09	North Elevation
A10	East Elevation
L01	Landscape Plan

DEVELOPMENT DATA

Zoning: C-4 - Tourist / Recreation Commercial
 GCP Development: Commercial City Centre
 Proposed Uses:
 - Office (Proposed)
 - Upper Floor: Dwelling Units (Proposed)
 Maximum Height of Principal Building:
 - 15m (49'-4")
 - Proposed: 15.6m (51'-10")
 Required Building Features:
 - adjacent to non-residential zones = no setbacks required
 Site Area:
 3,126.8sqm (30,756.7sq ft)
 Building Area:
 897.2sqm (7,705.6sq ft)
 Gross Floor Area:
 - Ground Floor: 254.8sqm (2,743.4sq ft) - Parking Garage 312.1sqm (3,359.8sq ft)
 - Second Floor: 657.2sqm (7,096.5sq ft)
 - Third Floor: 537.8sqm (5,786.9sq ft)
 - Fourth Floor: 470.8sqm (5,057.2sq ft)
 TOTAL: 1,852.5sqm (19,915.5 sq ft)
 + Parking Garage = 2,554.5sqm (27,475.5sq ft)
 Parking Required:
 - Office: 44
 - Residential: 3
 - TOTAL: 47
 Parking Provided:
 - Office: 15
 - Regular = 15
 - Small Car = 5 Stalls
 - Accessible = 1 Stall
 - Subtotal = 21 Stalls (14 Stalls Outside, 7 Stalls in Secure Building Parking)
 (Plus 2 Landing Stalls)
 - Office: 23 Stalls
 - Regular = 23 Stalls
 - Small Car = 4 Stalls
 - Subtotal = 27 Stalls
 - TOTAL = 48 Stalls
 (Development to include necessary property for parking, located at: 608 Marine Park Drive. The property is approximately 70m from the subject building and will include a restrictive Covenant forbidding leasing the required parking to the 481 Harbourfront Drive development.)

SITE PLAN NOTES

- See Landscape Plan for details on "Landscaping" areas.
- Regulation Area: See development details in RAR Report on file for the subject property (submitted by CDA Engineering, 2007).
- Site grading, retaining, access, and parking to be detailed by Civil Engineer at Building Permit stage.



DATE	DATE
Prepared by: [Name]	March 2008
Drawn by: [Name]	
Checked by: [Name]	
Approved by: [Name]	
Scale: 1:400	



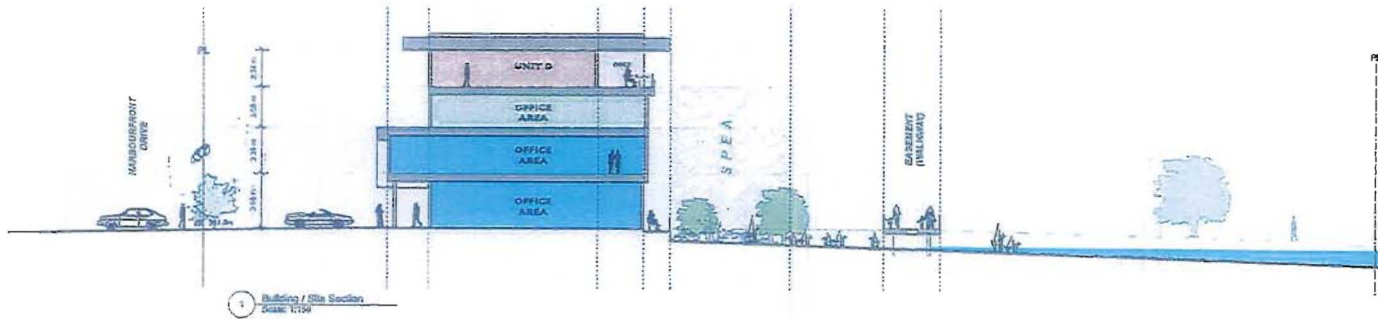
1010-1110
 481-481-1110
 481-481-1110
 481-481-1110
 481-481-1110

PROJECT
The DOVEWOOD Building

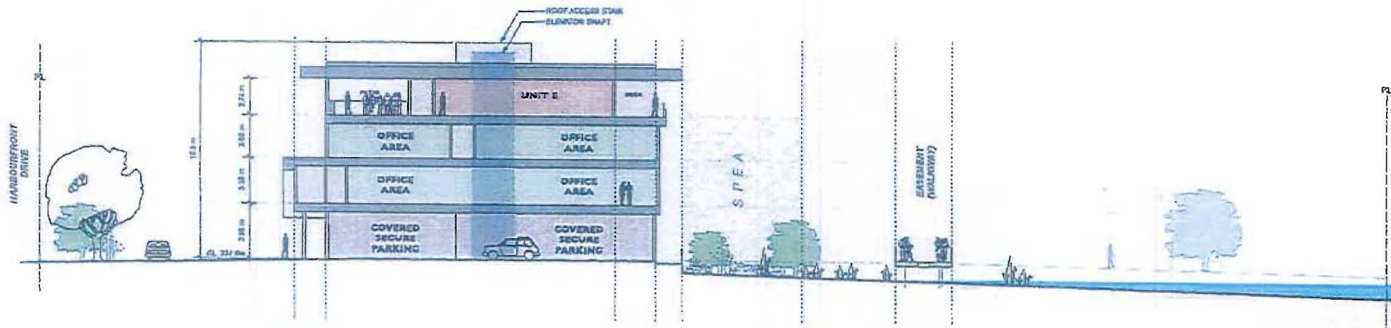
481 Harbourfront Drive
 Salmon Arm, BC

DRAWING TITLE
SITE PLAN & DEVELOPMENT DATA

DRAWING NO.
A00



1 Building / Site Section
Scale: 1:150



2 Building / Site Section
Scale: 1:150

PRELIMINARY BUILDING CODE ANALYSIS (2012 BRITISH COLUMBIA BUILDING CODE)		
Building Area	661.0sm (7,115.2sf)	Applicable Building Code Section: 3.2.2.50
Building Height	4-Stories	
Streets Facing	1 Street	
Applicable Building Code: Part 3		Sprinklered: Yes
Multiple Major Occupancies:		Max. Storeys: 5
Group F-3 (Storage Garage)		Max. Building Area: 1,800sm (if 4 storeys)
Group D (Office)		Construction Type: Combustible or Non-Combustible
Group C (Residential)		Required Fire Resistance Ratings:
Required Fire Separations:		Floors = 1 h
Between Group F-3 & Other Occupancies = 1.5 hr		Loadbearing Walls, Columns = 1 h
(as per Section 3.3.5.3)		
Between Group D & C = 1 h		

ARCHITECT

1000 12th Ave
4th - 5th Floor
Surrey, BC V4A 4A1
Tel: 604.591.1111
Fax: 604.591.1112
www.architect.ca

ISSUE	DATE

DRAWN BY: RS
DATE: Nov 2014
SCALE: as noted

PROJECT:
The DOVEWOOD Building

491 Hardscrabble Drive
Surrey, BC

DRAWING TITLE:
SCHEMATIC SITE SECTIONS

DRAWING NO:
A01

GROUND FLOOR GROSS AREA = 2,743.4sf
(+ PARKING GARAGE)

STUD **DATE**

1 _____ **Starting** **12** - **2** = **10**

2 _____

3 _____

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

DRAWN BY: **PS**

DATE: **20** **12** **14**

SCALE: **3/16" = 1'-0"**



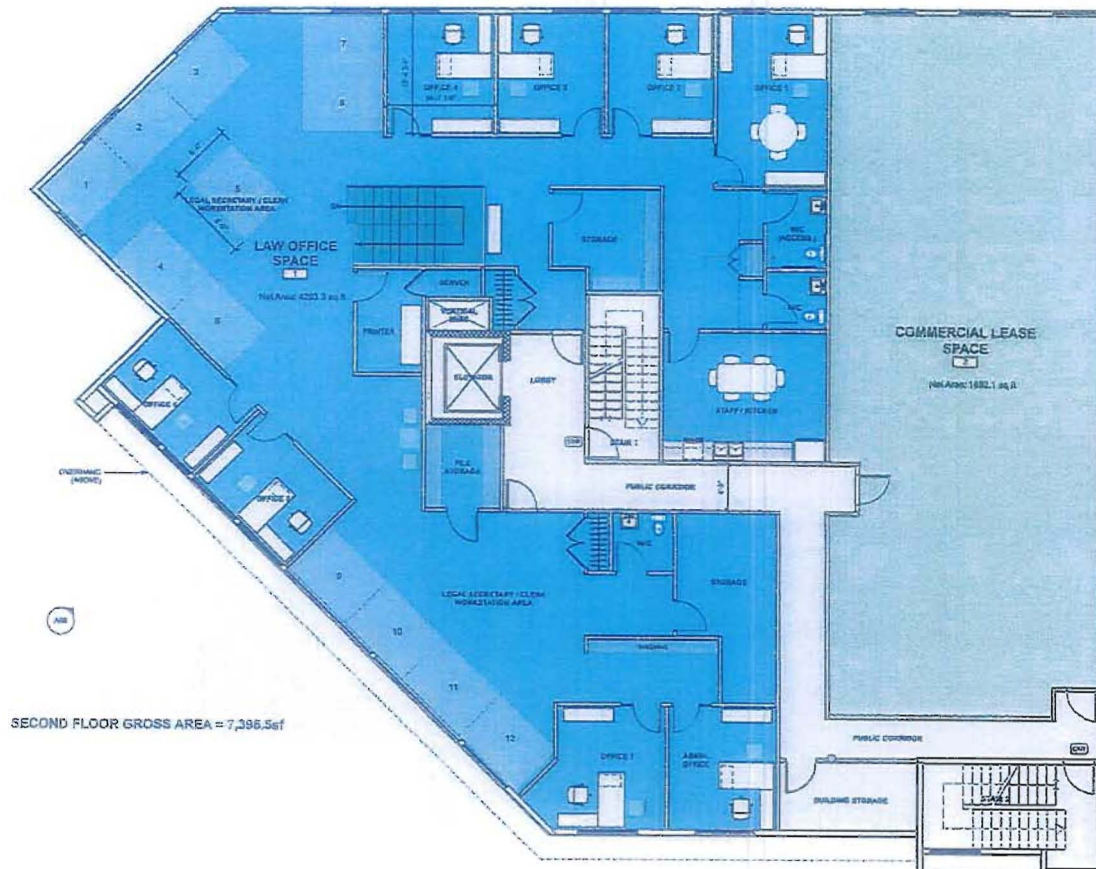
PROJECT: I/G:
The DOVEWOOD Building

481 Kettowhine Drive
Silver Spring, DC



DRAWING TITLE:

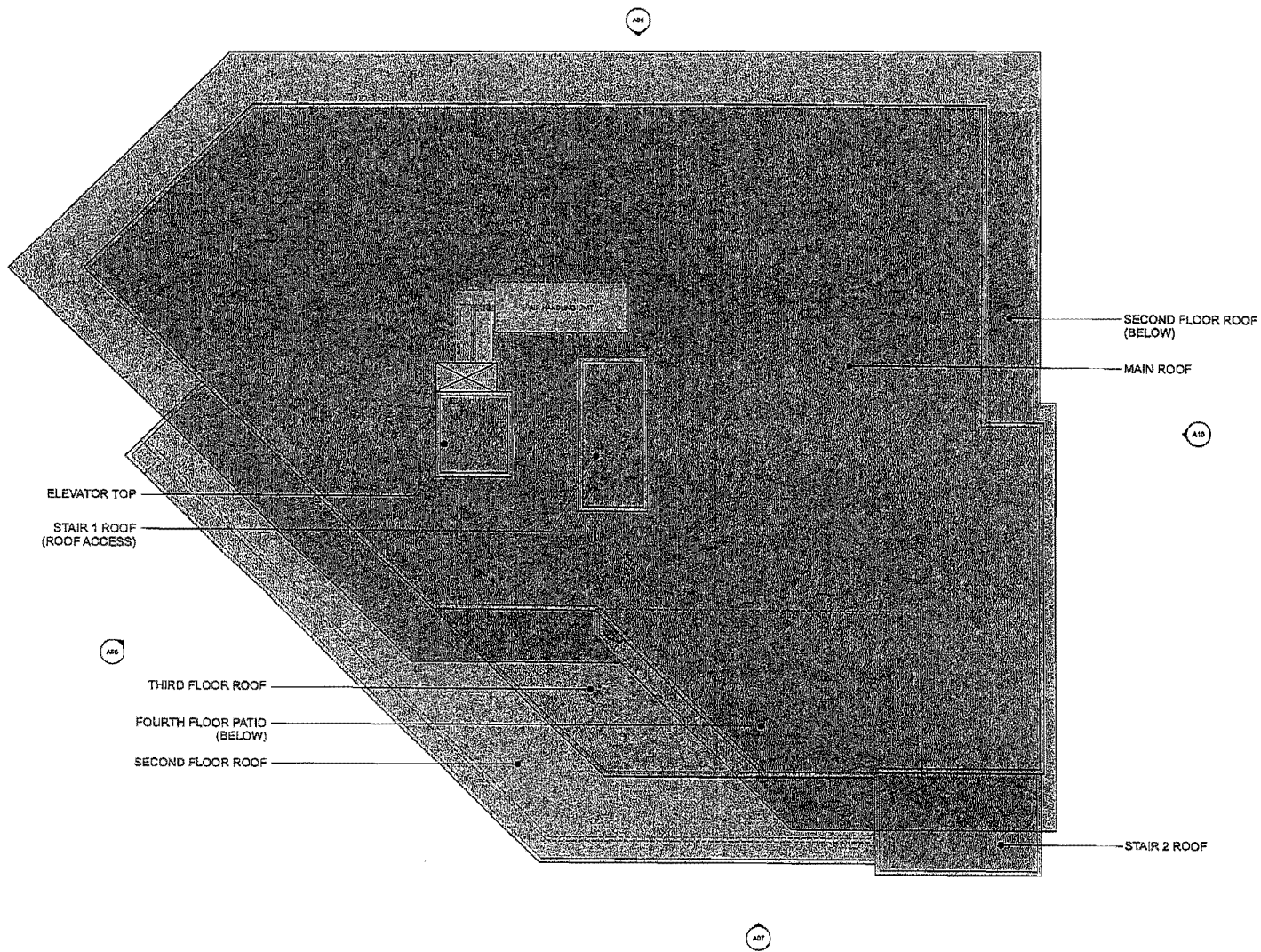
GROUND
FLOOR PLAN

DRAWING NO:
A02



SECOND FLOOR GROSS AREA = 7,386.5sf

	
DATE	DATE
DRAWN BY: PT.	DATE
DATE	DATE
SCALE	SCALE
	
PROJECT 17/02 The DOVEWOOD Building 4911 International Drive Kalamazoo, MI 49001 269.335.1111 www.dovewoodbuilding.com	
DRAWING TITLE: SECOND FLOOR PLAN	
DRAWING NO: A03	

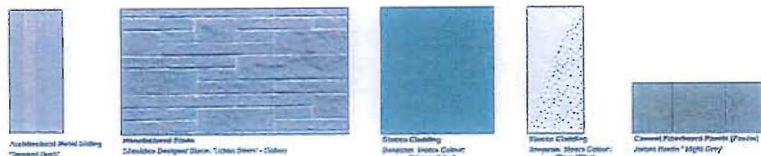


Architectural Firm Name
1234 Main Street
Vancouver, BC V6X 1A1
Tel: 604-555-1234
Fax: 604-555-5678
www.archfirm.ca

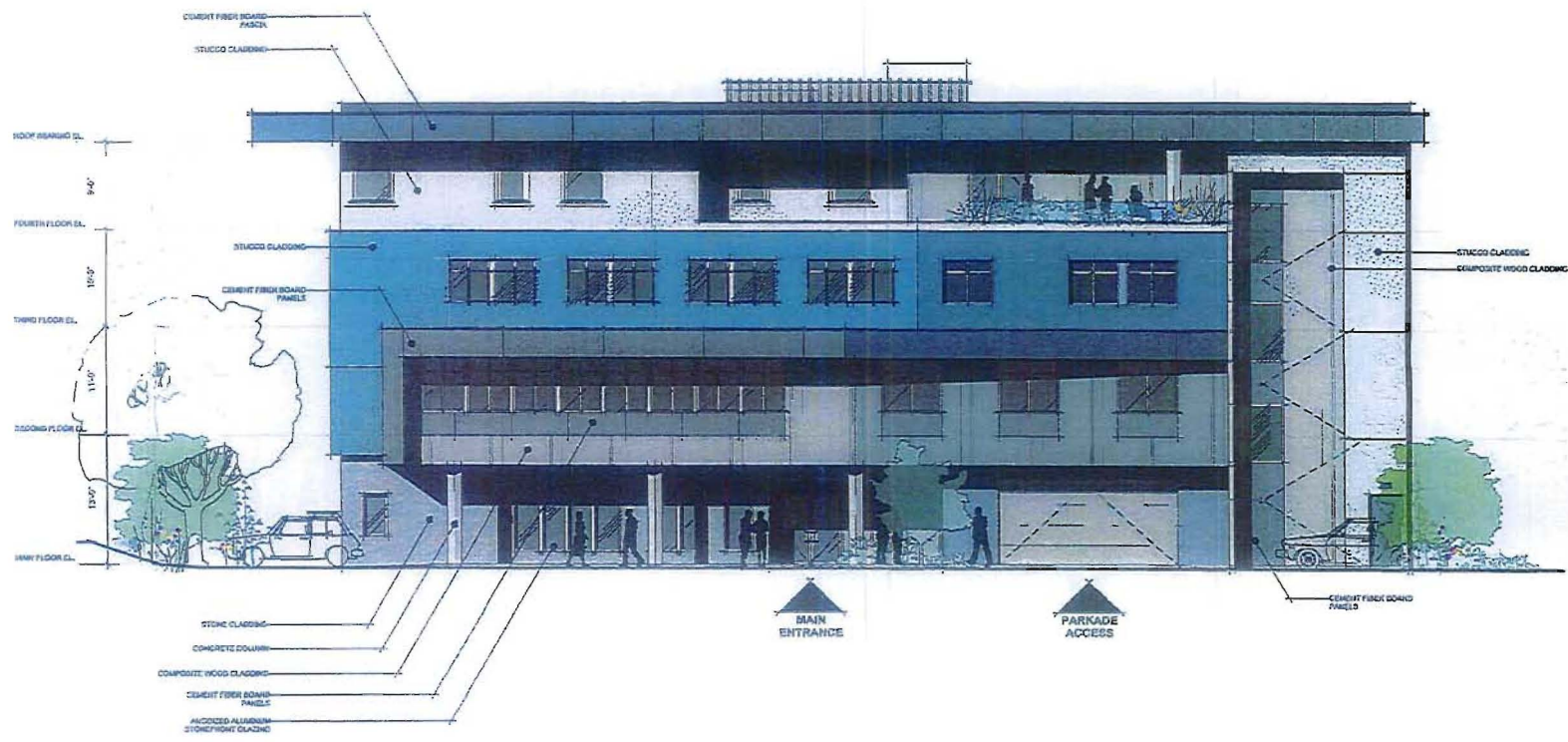
DESIGN	DATE
Masterplan / Title	Nov 1, 2018

DRAWN BY:	PL
DATE:	Mar 2019
SCALE:	1/8" = 1'-0"

PROJECT: 17-001
The DOVEWOOD Building
481 Hudson Street Drive
Salmon Arm, BC
DRAWING TITLE:
ROOF PLAN
DRAWING NO:
A06



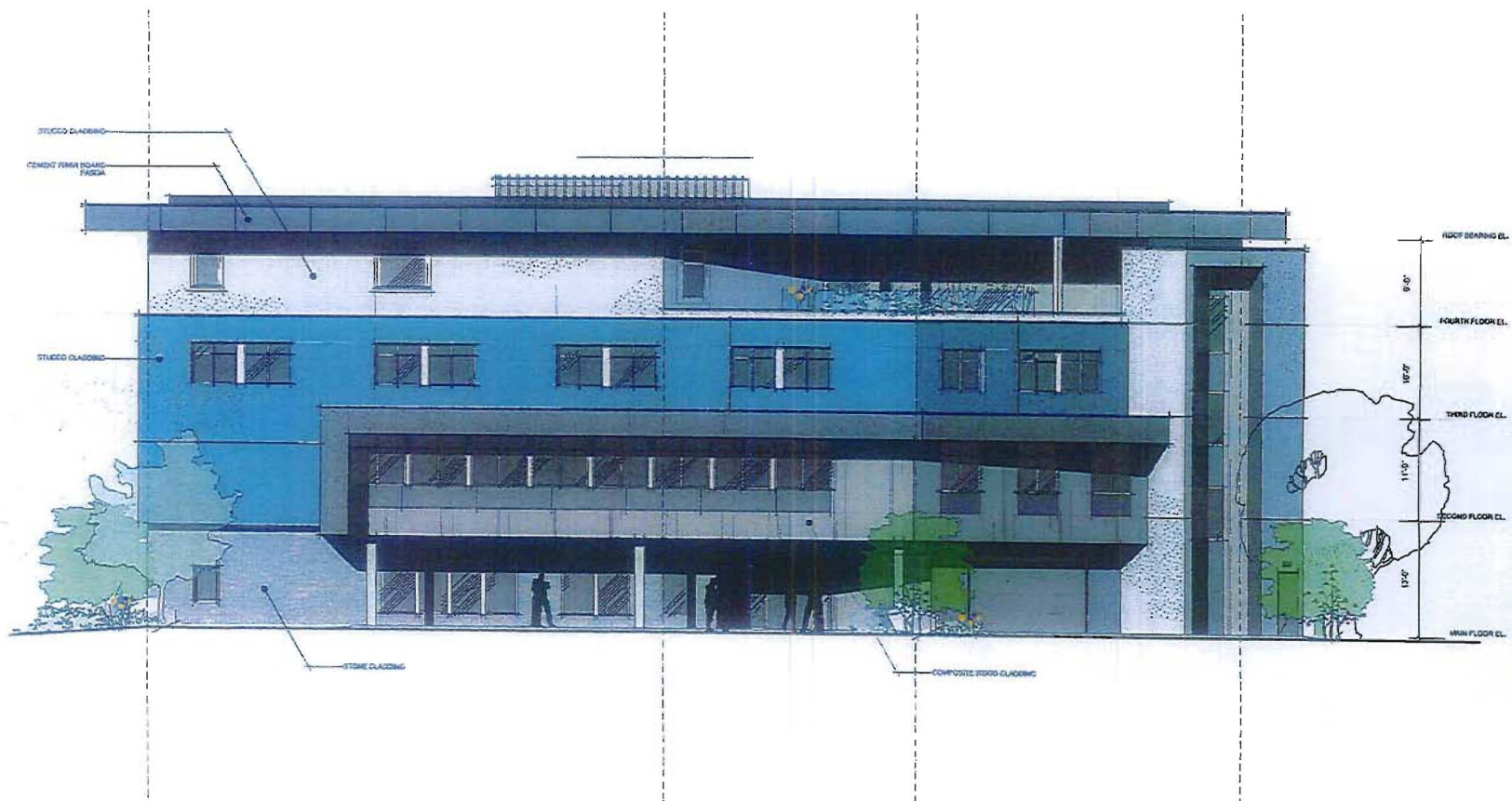
MATERIAL LEGEND






A

PROJECT: 17401
The DOVEWOOD Building
 481 Hainsworth Drive
 Victoria, BC
 DRAWING TITLE:
SOUTH ELEVATION
 DRAWING NO:
A07



	
PROJECT: 11-01 The DOVEWOOD Building	DATE: May 2014 SCALE: 1/8" = 1'-0"
DRAWN BY: FS DATE: May 2014 SCALE: 1/8" = 1'-0"	
PROJECT: 11-01 The DOVEWOOD Building	
401 Marlborough Drive Sidney, BC	
DRAWING TITLE: SOUTHWEST ELEVATION	
DRAWING NO: A08	



ISSUE	DATE
1	10/1/18
2	10/1/18
3	10/1/18
4	10/1/18
5	10/1/18
DRAWN BY: PL	
DATE: 10/1/18	
SCALE: 3/8" = 1'	
PROJECT: 12461 The DOVEWOOD Building 481 Massachusetts Drive Salem, MA 01970 DRAWING TITLE: NORTH ELEVATION DRAWING NO: A09	



MARC A. LAMERTON, Principal
Architect AIBC
B.A., M.Arch., LEED AP

May 04, 2018

To: *City of Salmon Arm
Development Services Department
Box 40, 500 – 2nd Avenue N.E.
Salmon Arm, BC, V1E 4N2*

Re: *Development Permit Application – 481 Harbourfront Drive - Design Rationale*

The proposed development at the above noted address involves the construction of a 4-storey, mixed-use building with a total gross floor area of around 24,000sf. The first floor will include the main Lobby, plus commercial (office) space and 8 indoor parking stalls. The second and third floors will be entirely office use, and the fourth floor will contain two residential units overlooking Shuswap Lake (plus a south-facing patio amenity area). Overall, the project is consistent with the vision of the Official Community Plan and the Zoning, which encourages mixed-use developments of this kind.

During the first phase of the project, a feasibility study was undertaken. At this stage, the project team discovered that the restrictions inherent to the site meant that some creativity would be needed to overcome the challenges. Firstly, we worked through the details of the Riparian Area Regulation Report that was previously registered (and still valid) for the property. The Report specified a 6m SPEA from the top of the existing rip-rap slope, plus a 1.5 meter buffer (for building maintenance and access).

The other restriction was the shape of the property itself. With the site being narrow at the back (north), and flaring out towards a curving section of Harbourfront Drive, it was clear that a non-orthogonal design solution would be needed. The desire to develop the site to its 'highest and best use' meant literally building higher, and resulted in a 4-storey project (though not close to the 19m height maximum for this zone), with a forty-five degree angle use in plan to adapt to the lot geometry.

Parking - as is typical with larger developments - was also a challenge. The decision to include 3 floors of office space, along with the 2 residential units, yielded a requirement of 47 parking stalls (plus 2 loading stalls). Even with a relatively compact building footprint (which includes the 8 indoor stalls), we were only able accommodate 22 stalls on site. After exploring a few options of how to deal with the parking shortage (including a possible Variance Request), the Owner made the conscientious move to acquire a nearby property for the sole purpose of providing the required parking. The property, located at 650 Marine Park Drive, is across the street from the proposed building and has not proven (because of its adjacency to the CP Rail line) to be a suitable site for building. The formal link between the Harbourfront Drive building and the Marine Park Drive parking area will be formally enshrined via a legal covenant registered on both titles.

The general design approach for the building is intended to reflect both the natural setting and the urban fabric of this prime location. Earth-tone colours were chosen as a way to harmonize with the lakefront environment, evoking both the water and the flora along its edges. The material palette was selected to be durable and well-suited to the building typology, while still providing enough variation to satisfy the OCP guidelines and produce an interesting architectural result.

T 250-515-4801
E marc@malarchitect.ca
W www.malarchitect.ca

416B – 4th St. NE
SALMON ARM, BC, CANADA
V1E 4R3

Appendix 7: Rationale Letter



MARC A. LAMERTON, Principal
Architect AIBC
B.A., M.Arch., LEED AP

The building form is essentially contemporary in character, fitting in with newer buildings like the CSRD and the Shoreline residential development, while respecting the more traditional nature of Lakeside Manor and the Prestige Inn. The incorporation of a flat roof design helps to keep the overall building height and visual impact to a minimum, while allowing for convenient location of screened mechanical equipment. Overhangs are provided – where practical – to offer some protection from southern sun, while ample windows are located on the north building elevation to take advantage of the remarkable views of Shuswap Lake.

Landscaping will be provided onsite to soften the effects of the parking / drive aisle area and the building itself. The planting specified for the SPEA zone meets the requirements of the RAR Report and is consistent with other improvements to the foreshore in this part of Salmon Arm.

The project team is very excited about moving on to the next phase of this development and we look forward to working with City Staff, Council, and members of the public towards a wonderful result.

Should you have any questions regarding the proposed development, please do not hesitate to contact me.

Yours very truly,

Marc Lamerton, Architect AIBC
B.A., M.Arch., LEED AP

T 250-515-4801
E marc@malarchitect.ca
W www.malarchitect.ca

416B – 4th St. NE
SALMON ARM, BC, CANADA
V1E 4R3



City of Salmon Arm
Memorandum from the Engineering
and Public Works Department

To: Kevin Pearson, Director of Development Services
 DATE: 06 June 2018
 PREPARED BY: Chris Moore, Engineering Assistant
 OWNER: 1112031 BC Ltd., Box 2, Salmon Arm, BC, V1E 4N2
 APPLICANT: **Exel Construction Ltd., Box 1086, Salmon Arm, BC, V1E 4P2**
 AGENT: Rick Semenzin, Box 1086, Salmon Arm, BC, V1E 4P2
 SUBJECT: **DEVELOPMENT PERMIT APPLICATION NO. DP-419**
 LEGAL: Lot D, Section 14, Township 20, Range 10, W6M, KDYD, Plan KAP62328
 CIVIC: **481 Harbourfront Drive NE**

Further to your referral dated 15 May 2018 we provide the following servicing information. **The following comments and servicing requirements are not conditions for Development Permit; 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. The proposed development shall be serviced with underground electrical and telecommunication wiring upon development.
4. Properties 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. At the time of development 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.
8. For the off-site improvements at the time of building permit the applicant will be required to submit for City review and approval detailed engineered plans for all off-site construction work. These plans must be prepared by a qualified engineer. As a condition of building permit approval, the applicant will be required to deposit with the City funds equaling 125% of the estimated cost for all off-site construction work.

DEVELOPMENT PERMIT APPLICATION NO. DP-419

06 June 2018

Page 2

Roads / Access:

1. Harbourfront Drive NE, on the subject properties southern boundary, is designated as an Urban Local Road standard, requiring 20.0m road dedication (10.0m on either side of road centerline). Available records indicate that no additional road dedication is required (to be confirmed by a BCLS).
2. Harbourfront Drive NE is currently constructed to Local Road standard. One additional Street Light is required but no further upgrading is necessary. Owner / Developer is responsible for all associated costs.

Water:

1. The subject property fronts a 250mm diameter Zone 1 watermain on Harbourfront Drive NE. No upgrades will be required at this time.
2. The property is to be serviced by a single metered water service connection (as per Specification Drawing No. W-11), adequately sized to satisfy the proposed use. Water meter will be supplied by the City at the time of building permit, at the Owner / Developer's cost. Owner / Developer is responsible for all associated costs.
3. Records indicate that the existing property is serviced by a service of unknown size from the 250mm diameter watermain on Harbourfront Drive NE. All existing inadequate / unused services must be abandoned at the main. Owner / Developer is responsible for all associated costs.
4. Fire protection requirements to be confirmed with the Building Department and Fire Department.

Sanitary:

1. The subject property fronts a 200mm diameter sanitary sewer on Harbourfront Drive NE. No upgrades will be required at this time.
2. The property to be serviced by a single sanitary service connection adequately sized (minimum 100mm diameter) to satisfy the servicing requirements of the development. Owner / Developer is responsible for all associated costs.
3. Records indicate that the existing property is serviced by a 100mm service from the sanitary sewer on Harbourfront Drive NE. All existing inadequate/unused services must be abandoned at the main. Owner / Developer is responsible for all associated costs.

DEVELOPMENT PERMIT APPLICATION NO. DP-419

06 June 2018

Page 3

Drainage:

1. The subject property fronts a 525mm diameter storm sewer on Harbourfront Drive NE. No upgrades will be required at this time.
2. Records indicate that the existing property is serviced by a 250mm service from the storm sewer on Harbourfront Drive NE. All existing inadequate/unused services must be abandoned at the main. Owner / Developer is responsible for all associated costs.
3. An Integrated Stormwater Management Plan (ISMP) conforming to the requirements of the Subdivision and Development Servicing Bylaw No. 4163, Schedule B, Part 1, Section 7 shall be provided.
4. Where onsite disposal of stormwater is recommended by the ISMP, an "Alternative Stormwater System" shall be provided in accordance with Section 7.2.
5. Where discharge into the Municipal Stormwater Collection System is recommended by the ISMP, this shall be in accordance with Section 7.3. The proposed lot(s) shall be serviced (each) by a single storm service connection adequately sized (minimum 150mm) to satisfy the servicing requirements of the development. Owner / Developer's engineer may be required to prove that there is sufficient downstream capacity within the existing City Storm System to receive the proposed discharge from the development. All existing inadequate / unused services must be abandoned at the main. Owner / Developer is responsible for all associated costs.

Geotechnical:

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



Chris Moore
Engineering Assistant



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

Design Review Panel – May 24, 2018 Meeting Minutes

Prior to the discussion of DP-419, panel members Marc Lamerton and Bill Laird excused themselves.

Paul Burrows was appointed as Acting Panel Chair.

Development Permit Application No. DP-419

The Applicants summarized the proposal, referring to the site plans and building elevations, providing an explanation of the rationale of building siting which is aligned with the street frontage. This proposal includes a modern design standard with high quality finishes aligned to some degree with recent development along Harbourfront. Secure under building parking is proposed, along with on site surface parking. To meet the parking requirements of the Zoning Bylaw, additional parking will be provided across Harbourfront on a nearby property.

Panel members discussed the proposal, noting the quality of the proposed overall design and building materials. Questions were addressed regarding the approach to parking, with the DRP noting that the neighbours sharing access will be directly affected and very interested in how the offsite parking lot functions. Potential future changes in the area were noted associated with the potential underpass and changes to the rail crossing at Marine Park Drive. The DRP is supportive of the proposal.

Panel Recommendation

THAT the application drawings under review for application DP-419 be supported as presented.

The meeting adjourned at 3:10 p.m.

Paul Burrows

Endorsed by Paul Burrows, Acting Panel Chair



INFORMATION BULLETIN 05

RESIDENCES IN THE ALR

Revised: May 8, 2019

Revised: February 26, 2019

Issued: February 25, 2019

Contents

1.	SCOPE OF THIS INFORMATION BULLETIN.....	2
2.	RECENT CHANGES TO STATUTE AND REGULATIONS	2
3.	ROLE OF LOCAL GOVERNMENTS.....	3
	A. Role as Approving Body	3
	B. Applications.....	3
	C. Consistency with Zoning and Other Bylaws.....	3
	D. Local Government May Restrict	4
	E. Areas Without Zoning Bylaws.....	4
4.	NEW CONSTRUCTION OF A RESIDENCE ON ALR LAND THAT HAS NO EXISTING RESIDENCE.....	4
5.	GRANDFATHERING PROVISIONS	5
	A. Completing a Residential Construction Initiated by February 22, 2019	5
	B. Completing Residential Alterations Initiated by February 22, 2019	6
	C. New Alterations Initiated After February 22, 2019.....	8
	D. Manufactured Home on ALR Land	8
	E. Single-Level Accommodation Constructed Above an Existing Building on the Farm	9
	F. Second Single Family Dwelling in Former Zone 2 ("Zone 2 Second SFD")	9
6.	REPLACING A RESIDENCE	10
	A. Parcels on which there is only one residence	10
	B. Parcels on which there is more than one residence.....	10
7.	USE OF RESIDENCE IN ALR	11
	A. Secondary Suites	11
	B. Limited Accommodation for Tourists.....	11
8.	SOIL OR FILL FOR RESIDENTIAL CONSTRUCTION	11
9.	INFRASTRUCTURE NECESSARY FOR RESIDENTIAL USE.....	12
10.	APPLICATIONS FOR NON-ADHERING RESIDENTIAL USE	12
11.	GLOSSARY	13

1. SCOPE OF THIS INFORMATION BULLETIN

This information bulletin provides guidance to assist in interpreting the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36 (**ALCA**) and the Agricultural Land Reserve Use Regulation (the **ALR Use Regulation**), in relation to residences in the agricultural land reserve (**ALR**). The ALCA and ALR Use Regulation will govern if inconsistent with this bulletin.

This information bulletin is directed only to interpretation of the ALCA and the ALR Use Regulation. All other applicable laws, regulations and bylaws related to residential uses must also be complied with.

2. RECENT CHANGES TO STATUTE AND REGULATIONS

Effective February 22, 2019, the ALCA has been amended and the ALR Use Regulation has been created. Though many concepts contained in the ALCA and its regulations are unchanged from the past, there have been changes to the use of ALR land for residences. All references in this information bulletin to the ALCA and the ALR Use Regulation are as of February 22, 2019, unless otherwise stated.

The following is a summary of key residential changes to the ALCA and the ALR Use Regulation:

- Generally land in the ALR may have **no more than one residence** per parcel: ALCA, s. 20.1(1)(a), subject to certain grandfathering exceptions (see “Grandfathering Provisions” section). In addition, the Commission may approve an application for an additional residence if necessary for farm use, but the Commission is prohibited from approving an additional residence otherwise: ALCA, s. 25(1.1).
- New size, siting and use requirements apply to residential structures: ALCA, s. 20.1(1)(c).
- The **total floor area of a principal residence must be 500 m² or less** in order to comply with the ALCA, though a local government may impose a lower size cap under their bylaws: ALCA, ss. 20.1(1)(b), 46. The Commission has resolved on a definition of “total floor area” for the purpose of the ALCA and ALR Use Regulation, as set out in the “Glossary” section at the end of this bulletin.
- The ALCA and regulations had previously contained provisions facilitating the construction of additional dwellings for farm help, manufactured homes for immediate family members, accommodation above an existing farm building, or (in parts of the province) a second single family dwelling. These provisions are no longer found in the ALCA and the ALR Use Regulation, though the ALCA provides some grandfathering protection for pre-existing structures of these kinds and the Commission may approve an application for an additional residence if necessary for farm use.

- If a landowner wishes in the absence of certain grandfathering exceptions to have a principal residence having a total floor area that is more than 500 m², to have an additional residence, or to use a residential structure in a manner that contravenes the regulations, the landowner may submit an application to the Commission, through the local government, seeking Commission approval: ALCA, ss. 20.1(2), 25. The ALCA calls this type of application an **"application for a non-adhering residential use"**. More information about this type of application is provided later in this bulletin under the heading "Applications for Non-Adhering Residential Use".

3. ROLE OF LOCAL GOVERNMENTS

A. Role as Approving Body

I. Principal Residence

In order to comply with the ALCA, an approving body such as a local government may not approve or permit construction or alteration of a principal residence on ALR land unless the principal residence has a total floor area of 500 m² or less and is sized, sited and used in accordance with the ALR Use Regulation, or is permitted by the Commission on application: ALCA, s. 18. See the Section 11 "Glossary", found at the end of this bulletin, for the definition of **"total floor area"**.

II. Additional Residence

An approving body may not approve or permit construction or alteration of an additional residence on ALR land unless the residence is approved by the Commission on application or is permitted under the ALR Use Regulation: ALCA, s. 18.

B. Applications

An application to the Commission asking it to approve a non-adhering residential use, such as new construction of a principal residence with a total floor area of more than 500m² or an additional residence, may be submitted through the landowner's local government. For more information on the process for making applications to the Commission, please see the Commission's website, at www.alc.gov.bc.ca/alc/content/applications-and-decisions as well as Section 10 of this information bulletin entitled "Applications For Non-Adhering Residential Use".

C. Consistency with Zoning and Other Bylaws

Any portion of a local government bylaw that purports to allow a use of land in the ALR that is not permitted under the ALCA or the ALR Use Regulation, or contemplates a use of land that would impair or impede the intent of the ALCA or the ALR Use Regulation, is inconsistent with the ALCA or the ALR Use Regulation and has no force or effect: ALCA, ss. 46(4), (5).

For example, if a zoning bylaw provides for more residences on ALR land than do the ALCA and the ALR Use Regulation, its provision for extra residences is of no force or effect and cannot be relied on.

Construction, alteration or use of any residences in contravention of the ALCA or the ALR Use Regulation may be subject to compliance and enforcement action even if the construction, alteration or use seems to be in compliance with a local government bylaw.

D. Local Government May Restrict

Local government bylaws can be more restrictive of residential use of the ALR than the ALCA: ALCA, s. 46(6). The ALR Use Regulation identifies certain designated farm uses and permitted non-farm uses that local governments must not prohibit, but places no limitation on local government powers to prohibit or otherwise restrict residential uses of ALR land. **As such, a local government may impose restrictions on sizing, siting and use of principal residences on ALR land additional to those found in the ALCA.** For example, a local government could enact a bylaw imposing a size limit smaller than 500 m² total floor area on principal residences on ALR land.

E. Areas Without Zoning Bylaws

Note that some areas of the province do not have zoning bylaws. The absence of local zoning bylaws does not relieve a landowner from complying with the restrictions in the ALCA and ALR Use Regulation.

4. NEW CONSTRUCTION OF A RESIDENCE ON ALR LAND THAT HAS NO EXISTING RESIDENCE

No application is required to the Commission in order to construct a residence with a total floor area of 500 m² or less on a parcel of ALR land which has **no existing residence** (a "vacant parcel").

The Commission will consider the residence when built on a vacant parcel to be the "principal residence".

If the proposed principal residence is more than 500m² or there is already another residence located on the ALR land, in order to construct the residence the landowner must apply to the Commission through the local government and obtain permission from the Commission: ALCA, s. 20.1(1).

"Construct" includes "to build a new structure" or "to place on land a new structure that is fully or partially pre-fabricated": ALCA, s. 1(1).

5. GRANDFATHERING PROVISIONS

A. Completing a Residential Construction Initiated by February 22, 2019

If by February 22, 2019 a landowner had already initiated construction of a residence in the ALR, in certain circumstances the owner may be able to complete that work without application to the Commission. In other circumstances, the work will not be able to proceed unless the Commission first approves an **application for a non-adhering residential use** made by the owner: ALCA, ss. 20.1(2), 25. See Section 10 "Applications for Non-Adhering Residential Use" later in this bulletin.

I. Unfinished Principal Residence

Total Floor Area of 500 m² or less

If the landowner is completing construction of an unfinished principal residence which will on completion have a total floor area of **500 m² or less** and is otherwise also compliant with the ALCA and regulations, the owner may complete that construction without applying to the Commission for permission to do so.

Total Floor Area of more than 500 m²

If the landowner is completing construction of an unfinished principal residence which will, if completed as designed, have a total floor area of **more than 500 m²**, the landowner may continue if:

- a) Where building permit authorization **is required** by local government bylaw
 - all required authorizations to construct the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins on or before November 5, 2019, AND
 - from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry; OR
- b) Where building permit authorization **is NOT required** by local government bylaw
 - if no authorizations to construct the residence are required, construction of the foundation of the residence had substantially begun before February 22, 2019; AND
 - from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry.

II. Unfinished Additional Residence

If the landowner is completing construction of a residence that, **if completed as designed**, will be an additional residence, the landowner may do so if:

- a) Where building permit authorization **is required** by local government bylaw
 - all required authorizations to construct the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins before February 22, 2019, AND
 - from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry; OR
- b) Where building permit authorization **is NOT required** by local government bylaw
 - if no authorizations to construct the residence are required, construction of the foundation of the residence had substantially begun before February 22, 2019; AND
 - from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry.

B. Completing Residential Alterations Initiated by February 22, 2019

If an owner wants to complete alterations to a residence on ALR land that had been initiated prior to February 22, 2019, the owner may do so without application to the Commission only in limited circumstances.

To “alter” means “(a) to alter the exterior of a structure so as to increase its size; (b) to move or alter the exterior walls or edges of a structure so as to change its siting”: ALCA, s. 1(1).

I. Completing Alterations to a Principal Residence

Total Floor Area of 500 m² or less

If the landowner is completing alterations to a principal residence that will not cause its total floor area to exceed **500 m²** and that will otherwise also be compliant with the ALCA and regulations, the landowner may complete those alterations without applying to the Commission for permission to do so.

Total Floor Area of more than 500 m²

Alterations that had already been commenced as of February 22, 2019 to a principal residence that, **if completed as designed**, will have a total floor area of more than 500 m², may be completed if:

- a) Where building permit authorization **is required** by local government bylaw
 - all required authorizations to alter the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins on or before November 5, 2019, AND
 - from the date alteration of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry; OR
- b) Where building permit authorization **is NOT required** by local government bylaw
 - if no authorizations to alter the residence are required, construction of the foundation of the residence had substantially begun before February 22, 2019; AND
 - from the date alteration of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry.

II. Completing Alterations to an Additional Residence

Alterations that had already been commenced as of February 22, 2019 to a residence in the ALR that, **if completed as designed**, will be an additional residence, may be completed if:

- a) Where building permit authorization **is required** by local government bylaw
 - all required authorizations to alter the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins before February 22, 2019, AND
 - from the date alteration of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry; OR
- b) Where building permit authorization **is NOT required** by local government bylaw

- if no authorizations to alter the residence are required, construction of the foundation of the residence had substantially begun before February 22, 2019; AND
- from the date alteration of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry.

C. New Alterations Initiated After February 22, 2019

Alterations that were not initiated by February 22, 2019 may also be undertaken in some circumstances on ALR land even without application to the Commission.

An owner who wishes to alter a residential structure that exists on ALR land on February 22, 2019 but that (a) is an additional structure; or (b) is a principal residence with a total floor area of more than 500 m²; or (c) is of a size or is sited in contravention of a regulation, may do so in some circumstances. The owner may alter the structure without applying to the Commission **only** if the alteration will lead to no further contravention of the ALCA or regulations: ALCA, s. 20.2.

The Commission expects that the alterations undertaken in the context of the above paragraph would eliminate, or at least reduce or not worsen, any pre-existing contravention of the ALCA or the regulations. It does not expect that alterations would increase the size of the residential structure or initiate a non-adhering residential use; any such alterations should be the subject of an application to the Commission.

An owner who wishes to alter a principal residence that will remain no larger than 500 m² and that will otherwise also remain in compliance with the ALCA and regulations may also do so without application to the Commission.

D. Manufactured Home on ALR Land

If on February 22, 2019, there was one manufactured home which was an additional residence, was constructed in accordance with all applicable enactments, and was used as a residence by a member of the immediate family of the owner of the land in the ALR, it may continue to be used as a residence in the ALR if on February 22, 2019 there was one manufactured home, up to 9 m in width, constructed in accordance with all applicable enactments and used as a residence by a member of the immediate family of the owner of the land in the ALR, it may continue to be used as a residence in the ALR if:

- there is no other residence on the land other than the principal residence; AND
- the size and siting of the residence is not altered after February 22, 2019 unless
 - permitted on application, OR

- the size of the manufactured home or the total area occupied by all residences and other residential structures, roads and service lines, and all agricultural land between them, as applicable, is not increased by the alteration.

ALR Use Regulation, s. 32

There is no right to replace a residential structure which is permitted due to a grandfathering exception. An application to the Commission for its approval is required to replace such a structure. See the "Replacing a Residence" section for more information.

E. Single-Level Accommodation Constructed Above an Existing Building on the Farm

If on February 22, 2019 there was accommodation that had been constructed in accordance with all applicable enactments above an existing building on the farm and that had only a single level, it may continue to be used as a residence in the ALR if:

- there is no other residence on the land other than the principal residence; AND
- the size and siting of the residence is not altered after February 22, 2019 unless
 - permitted on application, OR
 - the total area occupied by all residences and other residential structures, roads and service lines, and all agricultural land between them, as applicable, is not increased by the alteration.

ALR Use Regulation, s. 32

There is no right to replace a residential structure which is permitted due to a grandfathering exception. An application to the Commission for its approval is required to replace such a structure. See the "Replacing a Residence" section for more information.

F. Second Single Family Dwelling in Former Zone 2 ("Zone 2 Second SFD")

Until February 22, 2019, land in the ALR was considered to be either in Zone 1 (the panel regions of the South Coast, Island and Okanagan panels) or Zone 2 (the panel regions of the Interior, North and Kootenay panels).

Prior to February 22, 2019, certain activities were permitted in Zone 2 that were not permitted in Zone 1. The term "**Zone 2 Second SFD**" is used in this bulletin to refer to a second single family dwelling in the area of the province that until February 22, 2019 was Zone 2, if the parcel was at least 50 ha in size and if the total area occupied by all residences and other residential structures, roads and service lines, and all land between them, was 4 000 m² or less.

If on February 22, 2019 there was a “**Zone 2 Second SFD**” on Zone 2 land in the ALR, constructed in accordance with all applicable enactments, the Zone 2 Second SFD may continue to be used as a residence in the ALR if:

- there is no other residence on the land other than the principal residence; AND
- the size and siting of the Zone 2 Extra Home is not altered after February 22, 2019 unless
 - permitted on application, OR
 - the total area occupied by all residences and other residential structures, roads and service lines, and all agricultural land between them, as applicable, is not increased by the alteration.

ALR Use Regulation, s. 32

There is no right to replace a residential structure which is permitted due to a grandfathering exception. An application to the Commission for its approval is required to replace such a structure. See the "Replacing a Residence" section for more information.

6. REPLACING A RESIDENCE

The term “construct” includes “to replace a structure, 75% or more of which has been substantially damaged or destroyed”: ALCA, s. 1(1). In order to replace a structure, an owner must abide by the requirements in section 20.1 and, if applicable, section 20.2 of the ALCA.

A. Parcels on which there is only one residence

If an owner is replacing the only residence on a parcel in the ALR, the total floor area of the new residence must not be more than 500 m².

B. Parcels on which there is more than one residence

An application to the Commission, and Commission approval of that application, are required to replace residences which pre-date the ALR (that is, are older than December 21, 1972), residences approved by local government under the former section 18 of the ALCA and its predecessors, residences permitted without application to the Commission under previous versions of the ALCA and regulations, and residences constructed in contravention of local zoning bylaws or the ALCA or regulations.

Whether an application is required to replace a residence that the Commission itself had previously approved on application may depend on the terms of that approval.

7. USE OF RESIDENCE IN ALR

Use of a residence located in the ALR is limited. Generally it may be used only as a residence, subject to limited exceptions:

A. Secondary Suites

The use of land in the ALR for a secondary suite is permitted if there is one suite only, located in the principal residence: ALR Use Regulation, s. 31.

B. Limited Accommodation for Tourists

See the Commission's information bulletin called "Accommodation for Tourists" for more information. Strict conditions must be met for such use.

8. SOIL OR FILL FOR RESIDENTIAL CONSTRUCTION

Removing soil from or placing fill on ALR land is permitted for the construction or maintenance of a principal residence if the total area from which soil is removed or on which fill is placed is 1,000 m² or less. If the affected area is in a floodplain, an additional condition applies: the resulting elevation level must be consistent with applicable local government or first nation government requirements for flood protection: ALR Use Regulation, s. 35.

Removing soil from or placing fill on ALR land in connection with other residential uses (such as for the construction of an additional residence, alteration of a residence or where the area affected by a principal residence is greater than 1,000 m²) is not permitted. An owner of ALR land seeking to remove soil or place fill may submit a notice of intent along with payment of the required fee to the ALC's chief executive officer requesting approval: ALCA, s. 20.3. The landowner may also apply to the Commission for a soil or fill use under s. 25 of the ALCA.

The following types of fill are prohibited on ALR land (ALR Use Regulation, s. 36):

- construction or demolition waste (including masonry rubble, concrete, cement, rebar, drywall and wood waste);
- asphalt;
- glass;
- synthetic polymers;
- treated wood;
- unchipped lumber.

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 m²; (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.

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

11. GLOSSARY

The following key definitions are relevant to this information bulletin:

“additional residence” means “a residence on a parcel of agricultural land, other than the principal residence”: ALCA, s. 1(1)

“alter” means “the following: (a) to alter the exterior of a structure so as to increase its size; (b) to move or alter the exterior walls or edges of a structure so as to change its siting”: ALCA, s. 1(1)

“as designed” means as stated or shown in (a) a design, proposal or other plan approved under or accepted in support of an authorization, or (b) a design or plan finalized, before the date this section comes into force, by an architect or engineer or, if none, the designer of the residence, if no authorizations are needed to construct or alter the residence: ALCA, s. 20.2

“authorization” means a permit or other authorization, issued under an enactment, to construct or alter a residence: ALCA, s. 20.2

“construct” means “the following: (a) to build a new structure; (b) to place on land a new structure that is fully or partially pre-fabricated; (c) to replace a structure, 75% or more of which has been substantially damaged or destroyed”: ALCA, s. 1(1)

“farm use” means “an occupation or use of agricultural land for (i) farming land, plants, mushrooms, truffles or animals, (ii) a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*, or (iii) a purpose designated as a farm use by regulation”, but “farm use” does “not include a residential use or a soil or fill use”: ALCA, s. 1(1)

“fill” means “any material brought onto agricultural land other than materials exempted by regulation”: ALCA, s. 1(1)

“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 m²; (c) a use of a residential structure that contravenes the regulations”: ALCA, s. 1(1)

“non-farm use” means “a use of agricultural land other than a farm use, a residential use or a soil or fill use”: ALCA, s. 1(1)

“pre-existing residential structure” means “a residential structure that exists on agricultural land on the date this section comes into force [February 22, 2019], and (a) is an additional residence, (b) is a principal residence having a total floor area of more than 500 m², or (c) is of a size or is sited in contravention of a regulation”: ALCA, s. 20.2

“prescribed residential structure” is either a “structure” that, or a “vehicle” that, is “used, whether permanently or temporarily, to provide or in connection with providing accommodation as described in [Part 4 of the ALR Use Regulation]”: ALR Use Regulation, s. 29

“principal residence” means “the residence permitted under section 20.1(1)(a)”: ALCA, s. 1(1)

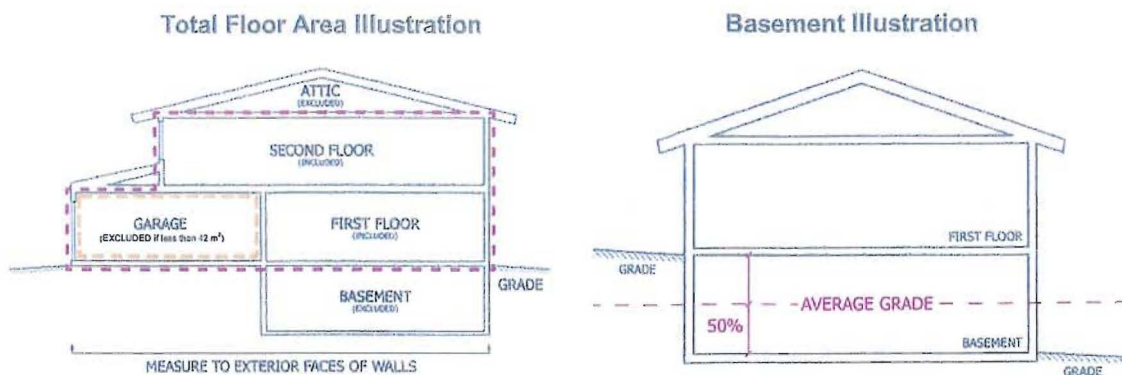
“residential structure” means “a structure used, during all or part of the year and whether fully or partially, as (a) a residence, (b) if prescribed, accommodation, or (c) if prescribed, in relation to a residence or accommodation”: ALCA, s. 1(1)

“residential use” means “a use of agricultural land for a residential structure” but “does not include a farm use or a soil or fill use”: ALCA, s. 1(1)

“soil or fill use” means “the removal of soil from, or the placement of fill on, agricultural land” but “does not include a farm use or a residential use”: ALCA, s. 1(1)

“total floor area” means, for purposes of the ALCA and ALR Use Regulation and pursuant to Commission Resolution No. 056N-2019, the total area of all floors measured to the outer surface of the exterior walls, including corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies, enclosed porches or verandas, and excluding:

- (a) attached garages and unenclosed carports to a cumulative maximum of 42 square metres;
- (b) basements that do not end beyond the outer surface of the exterior wall of the first floor, with basement meaning that portion of any floor area having more than one-half its vertical height below the average finished grade at the perimeter of a building;
- (c) attics, with attic meaning the unfinished space between the roof and the ceiling of the top storey of a building or between a partial wall and a sloping roof.



“unfinished pre-existing residence” see the definition at s. 20.2 of the ALCA and in the body of the information bulletin above

“use or subdivision application” means “an application for permission made under any of the following: (a) section 20 (2) for a non-farm use; (b) section 20.1 (2) (a) for a non-adhering residential use; (c) section 20.3 (5) for a soil or fill use; (d) section 21 (2) for subdivision”: ALCA, s. 1(1)

“Zone 2 Second SFD” means a second single family dwelling in the area of the province that until February 22, 2019 was Zone 2, but only if the parcel was at least 50 ha in size and if the total area occupied by all residences and other residential structures, roads and service lines, and all land between them, was 4 000 m² or less

B.C. Reg. 30/2019
O.C. 067/2019

Deposited February 22, 2019
effective February 22, 2019

This consolidation is current to May 21, 2019.

[Link to consolidated regulation \(PDF\)](#)

Agricultural Land Commission Act

AGRICULTURAL LAND RESERVE USE REGULATION

Contents

Part 1 — Interpretation

- 1 Definitions
- 2 Other laws not ousted
- 3 If farming extends over multiple parcels

Part 2 — Farm Uses

- 4 Farm uses that may not be prohibited
- 5 Necessary structures and ancillary services
- 6 Land development works
- 7 Soil testing, biosolids and soil amendments
- 8 Cannabis
- 9 Horse facilities
- 10 Forestry
- 11 Farm products
- 12 Agri-tourism
- 13 Alcohol production

Part 3 — Permitted Non-Farm Uses

Division 1 — Permitted Non-Farm Uses That May Not Be Prohibited

- 14 Permitted non-farm uses that may not be prohibited
- 15 Necessary structures and ancillary services
- 16 Parks and similar areas
- 17 Gathering for an event
- 18 Roads
- 19 Other permitted non-farm uses

Division 2 — Permitted Non-Farm Uses That May Be Prohibited

- 20 Permitted non-farm uses that may be prohibited
- 21 Necessary structures and ancillary services
- 22 Parks and similar areas
- 23 Keeping animals
- 24 Home occupation use

- 25 Infrastructure
- 26 Aggregate removal
- 27 Other permitted non-farm uses

Part 4 – Residential Uses

- 28 Section 20.1 (1) (a) and (b) of Act applies
- 29 Prescribed residential structures
- 30 Necessary structures and ancillary services
- 31 Secondary suites
- 32 Additional residences
- 33 Agri-tourism accommodation
- 34 Tourist accommodation

Part 5 – Soil or Fill Uses

- 35 Permitted soil or fill uses
- 36 Prohibited fill

Part 1 – Interpretation

Definitions

- 1 In this regulation:

"**Act**" means the *Agricultural Land Commission Act*;

"**agri-tourism activity**" means an activity referred to in section 12 [*agri-tourism*];

"**compost**" means a product that is

- (a) a stabilized earthy matter having the properties and structure of humus,
- (b) beneficial to plant growth when used as a soil amendment,
- (c) produced by composting, and
- (d) derived only from organic matter;

"**farm product**" means a commodity that is produced from a farm use but does not include water;

"**gathering for an event**" means a gathering of people on agricultural land for the purpose of attending

- (a) a wedding, other than a wedding to which paragraph (c) (ii) applies,
- (b) a music festival, or
- (c) an event, other than
 - (i) an event held for the purpose of an agri-tourism activity, or
 - (ii) the celebration, by residents of the agricultural land and those persons whom they invite, of a family event for which no fee or

other charge is payable in connection with the event by invitees;

"soil amendment" means compost, fertilizer, manure, mulch and soil conditioners.

Other laws not ousted

- 2 For the purpose of section 2 (1) of the Act, a person who engages in a use of agricultural land that is permitted under this regulation is not relieved from complying with
- (a) any other enactment that may apply, or
 - (b) a decision of a responsible authority that may apply.

If farming extends over multiple parcels

- 3 Unless a contrary intention appears, a reference to a use of agricultural land includes all of the agricultural land on which a single farm operation is conducted, regardless of
- (a) whether activities are conducted over one parcel or multiple parcels, or
 - (b) whether, in the case of multiple parcels, the parcels are adjacent.

Part 2 — Farm Uses

Farm uses that may not be prohibited

- 4 The farm uses referred to in this Part may not be prohibited
- (a) by a local government enactment except a bylaw under section 552 *[farming area bylaws]* of the *Local Government Act*, or
 - (b) by a first nation government law, if the activity is conducted on settlement lands.

Necessary structures and ancillary services

- 5 (1) Subject to any limits and conditions set out in this Part, the use of agricultural land to construct, maintain or operate any of the following is designated as a farm use and may not be prohibited as described in section 4:
- (a) a structure, other than a residential structure, that is necessary for a farm use;
 - (b) a driveway or utility that is necessary for a farm use.
- (2) For greater certainty, subsection (1) (a) includes all of the following:
- (a) a greenhouse;
 - (b) a structure for use in an intensive livestock operation or for mushroom production;

- (c) an aquaculture facility.

Land development works

- 6** (1) The use of agricultural land for conducting land development works may not be prohibited as described in section 4 if the works are required for farm uses conducted on the agricultural land on which the works are conducted.
- (2) Without limiting paragraph (b) of the definition of "farm operation" in section 1 of the *Farm Practices Protection (Right to Farm) Act*, land development works include all of the following:
- (a) levelling and berming agricultural land;
 - (b) constructing reservoirs;
 - (c) constructing works ancillary to clearing, draining, irrigating, levelling or berming agricultural land and to constructing reservoirs.

Soil testing, biosolids and soil amendments

- 7** (1) Soil sampling conducted on agricultural land, including testing of the soil samples, may not be prohibited as described in section 4.
- (2) The use of agricultural land for storing and applying biosolids and soil amendments, other than compost, may not be prohibited as described in section 4.
- (3) The use of agricultural land for producing, storing and applying compost may not be prohibited as described in section 4 if, in the case of
- (a) compost classified as Class A compost under the Organic Matter Recycling Regulation, all of the compost produced, stored and applied is used on the agricultural land on which it was produced, or
 - (b) any other compost, the compost is from agricultural by-products that were produced for a farm use.

Cannabis

- 8** (1) The use of agricultural land for producing cannabis lawfully may not be prohibited as described in section 4 if the cannabis is produced
- (a) outdoors in a field, or
 - (b) inside a structure that, subject to subsection (2), has a base consisting entirely of soil.
- (2) The use of agricultural land for producing cannabis lawfully may not be prohibited as described in section 4 if the cannabis is produced inside a structure that meets both of the following conditions:
- (a) the structure was, before July 13, 2018,
 - (i) constructed for the purpose of growing crops inside it, including but not limited to producing cannabis lawfully, or

- (ii) under construction for the purpose referred to in subparagraph (i), if that construction
 - (A) was being conducted in accordance with all applicable authorizations and enactments, and
 - (B) continues without interruption from the date it began until the date the structure is completed, other than work stoppages considered reasonable in the building industry;
- (b) the structure has not been altered since July 13, 2018 to increase the size of its base or to change the material used as its base.

Horse facilities

- 9** (1) The use of agricultural land for commercial horse riding, training and boarding may not be prohibited as described in section 4 if both of the following conditions are met:
- (a) facilities for horse riding do not include a racetrack that is or must be licensed by the British Columbia Racing Commission;
 - (b) no more than 40 horses are boarded on the agricultural land.
- (2) The use of agricultural land for non-commercial horse riding, training and boarding is designated as a farm use and may not be prohibited as described in section 4 if both of the conditions referred to in subsection (1) of this section are met.

Forestry

- 10** The following uses of agricultural land are designated as farm uses and may not be prohibited as described in section 4:
- (a) deliberately retaining, introducing and mixing trees or other plants in crop or animal production systems to provide an economic return, commonly referred to as "agroforestry";
 - (b) producing botanical forest products;
 - (c) producing and harvesting timber, including engaging in silviculture and forest protection activities.

Farm products

- 11** (1) In this section, "**association**" has the same meaning as in the *Cooperative Association Act*.
- (2) The use of agricultural land for storing, packing, preparing and processing farm products is designated as a farm use and may not be prohibited as described in section 4 if at least 50% of the farm product is
- (a) produced either on that agricultural land or by an association to which the owner of the agricultural land belongs, or
 - (b) feed required for farm use on that agricultural land.

- (3) The use of agricultural land for conducting farm retail sales is designated as a farm use and may not be prohibited as described in section 4 if
- (a) all of the farm products offered for sale are produced on that agricultural land, or
 - (b) the area used for all retail sales meets both of the following conditions:
 - (i) the total area, both indoors and outdoors, does not exceed 300 m²;
 - (ii) at least 50% of that area is limited to the sale of farm products produced either on that agricultural land or by an association to which the owner of the agricultural land belongs.

Agri-tourism

12 (1) The use of agricultural land for conducting an agri-tourism activity described in subsection (2) of this section is designated as a farm use and may not be prohibited as described in section 4 if all of the following conditions are met:

- (a) the activity is conducted on agricultural land that is classified as a farm under the *Assessment Act*;
- (b) members of the public are ordinarily invited to the activity, whether or not a fee or other charge is payable;
- (c) no permanent facilities are constructed or erected in connection with the activity.

(2) The following are agri-tourism activities for the purposes of subsection (1):

- (a) an agricultural heritage exhibit displayed on the agricultural land;
- (b) a tour of the agricultural land, an educational activity or demonstration in respect of all or part of the farm operation conducted on that agricultural land, and activities ancillary to any of these;
- (c) cart, sleigh and tractor rides on the agricultural land;
- (d) subject to section 9 [*horse facilities*], activities that promote or market livestock raised or kept on the agricultural land, whether or not the activity also involves livestock raised or kept elsewhere, including shows, cattle driving and petting zoos;
- (e) dog trials held on the agricultural land;
- (f) harvest festivals and other seasonal events held on the agricultural land for the purpose of promoting or marketing farm products produced on that agricultural land;
- (g) corn mazes prepared using corn produced on the agricultural land on which the activity is taking place.

Alcohol production

13 (1) In this section:

"alcohol product" means beer, cider, spirits, mead or wine;

"alcohol production facility" means a brewery, cidery, distillery, meadery or winery;

"ancillary use" means the following activities conducted at an alcohol production facility:

- (a) processing, storing and retail sales of an alcohol product produced by the alcohol production facility;
- (b) operating a food and beverage service lounge, if the area of the lounge does not exceed 125 m² indoors and 125 m² outdoors;
- (c) selling an alcoholic beverage other than one produced by the alcohol production facility, if the alcoholic beverage is intended to be consumed immediately and is sold
 - (i) as a single serving in a lounge referred to in paragraph (b), or
 - (ii) in a service area under a special event area endorsement endorsed on the licence issued under the *Liquor Control and Licensing Act* for the alcohol production facility;
- (d) conducting a cooking class, if the class is held in a food premises within the meaning of the Food Premises Regulation that has been constructed, and is being operated, in compliance with that regulation;
- (e) gathering for an event, if the event is held only in the lounge referred to in paragraph (b) or the special event area under a special event area endorsement referred to in paragraph (c), and, for this purpose, section 17 [*gathering for an event*] does not apply;

"brewery", "cidery", "distillery", "meadery" and "winery" mean a brewery, cidery, distillery, meadery or winery, as applicable, that is licensed under the *Liquor Control and Licensing Act* to produce beer, cider, spirits, mead or wine;

"primary farm product" means the farm product that is the primary ingredient used in a fermentation process to make an alcohol product.

- (2) The use of agricultural land for constructing, maintaining and operating an alcohol production facility and the use of the facility for ancillary uses are designated as farm uses and may not be prohibited as described in section 4 if
 - (a) at least 50% of the primary farm product used to make the alcohol product produced each year is harvested from the agricultural land on which the alcohol production facility is located, or
 - (b) the agricultural land on which the alcohol production facility is located is more than 2 ha in area and at least 50% of the primary farm product used to make the alcohol product produced each year is

- (i) harvested from that agricultural land, or
 - (ii) both harvested from that agricultural land and received from a farm operation located in British Columbia that provides that primary farm product to the alcohol production facility under a contract having a term of at least 3 years.
- (3) Despite subsection (2), the use of agricultural land for maintaining and operating a winery or cidery and ancillary uses is designated as a farm use and may not be prohibited as described in section 4 if
 - (a) the winery or cidery
 - (i) is the subject of a licence under the *Liquor Control and Licensing Act* to produce wine or cider, issued on or before June 15, 2015, or
 - (ii) is the subject of a letter of eligibility to produce wine or cider, given in respect of a licensing application made under the *Liquor Control and Licensing Act* and received during the period that begins June 15, 2014 and ends June 15, 2015, and
 - (b) the production of wine or cider by the winery or cidery would be designated as a farm use under section 2 (2) (b) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation as it read on June 14, 2015.

Part 3 — Permitted Non-Farm Uses

Division 1 — Permitted Non-Farm Uses That May Not Be Prohibited

Permitted non-farm uses that may not be prohibited

14 The non-farm uses permitted under this Division may not be prohibited

- (a) by a local government enactment, or
- (b) by a first nation government law, if the activity is conducted on settlement lands.

Necessary structures and ancillary services

15 Subject to any limits and conditions set out in this Division, the use of agricultural land to construct, maintain or operate any of the following is permitted and may not be prohibited as described in section 14:

- (a) a structure, other than a residential structure, that is necessary for a non-farm use permitted under this Division;
- (b) a driveway or utility that is necessary for a non-farm use permitted under this Division.

Parks and similar areas

16 The following uses of agricultural land are permitted and may not be prohibited as described in section 14:

- (a) a park established or continued under the *Park Act* or the *Protected Areas of British Columbia Act*;
- (b) an ecological reserve established or continued under the *Ecological Reserve Act* or the *Protected Areas of British Columbia Act*;
- (c) a wildlife management area designated under the *Wildlife Act*;
- (d) a reserve established under section 15 of the *Land Act* for recreational use;
- (e) a recreation site established under section 56 of the *Forest and Range Practices Act*;
- (f) an area established by order under section 7 (1) of the *Environment and Land Use Act* to protect the environment or restrict land or resource use within the area.

Gathering for an event

17 The use of agricultural land for the purpose of gathering for an event is permitted and may not be prohibited as described in section 14 if all of the following conditions are met:

- (a) the event is conducted on agricultural land that is classified as a farm under the *Assessment Act*;
- (b) no permanent facilities are constructed or erected in connection with the event;
- (c) parking for those attending the event
 - (i) is available on that agricultural land,
 - (ii) occurs only in connection with that event, and
 - (iii) does not interfere with the productivity of that agricultural land;
- (d) no more than 150 people, excluding residents of the agricultural land and employees of the farm operation conducted on that agricultural land, are gathered on that agricultural land at one time for the purpose of attending the event;
- (e) the event is of no more than 24 hours in duration;
- (f) no more than 10 gatherings for an event of any type occur on that agricultural land within a single calendar year.

Roads

18 The use of agricultural land for any of the following purposes is permitted and may not be prohibited as described in section 14:

- (a) constructing and upgrading roads within a dedicated right of way that has a constructed road bed for vehicular access and use;

- (b) upgrading an existing road that has vehicular access and use and that is declared to be a highway under section 42 of the *Transportation Act*;
- (c) widening an existing constructed road within a right of way
 - (i) to ease one curve, or
 - (ii) if the right of way width is 24 m or less, for safety or maintenance purposes or for drainage or flood control works;
- (d) declaring as a forest service road an existing road under the *Forest Act* or a new road in a managed forest;
- (e) increasing the width of a forest service road within a right of way by up to 4 m if the right of way width is
 - (i) 30 m or less, if the forest service road is located on Crown land, or
 - (ii) 20 m or less, in any other case;
- (f) constructing and upgrading a road, and conducting related works, for the purpose of realigning Highway 29 between Hudson's Hope and Charlie Lake, to the extent necessary to
 - (i) construct the dam and hydroelectric generating station on the Peace River known as the Site C Clean Energy Project, and
 - (ii) address potential adverse effects on the highway arising from the operation of the dam and generating station referred to in subparagraph (i).

Other permitted non-farm uses

19 The use of agricultural land for any of the following purposes is permitted and may not be prohibited as described in section 14:

- (a) collecting surface water for farm use or domestic use, water well drilling, connection of water lines and access to water well sites;
- (b) surveying, exploring and prospecting for gravel or minerals if all cuts, trenches and similar alterations are restored to the natural ground level on completing the surveying, exploring or prospecting;
- (c) constructing, upgrading and operating a railway on an existing railbed within a dedicated right of way;
- (d) widening an existing railbed within a right of way if the right of way width is 30.5 m or less.

Division 2 — Permitted Non-Farm Uses That May Be Prohibited

Permitted non-farm uses that may be prohibited

20 The non-farm uses permitted under this Division may be prohibited

- (a) by a local government enactment, or

- (b) by a first nation government law, if the activity is conducted on settlement lands.

Necessary structures and ancillary services

- 21** Subject to any limits and conditions set out in this Division, the use of agricultural land to construct, maintain or operate any of the following is permitted but may be prohibited as described in section 20:
- (a) a structure, other than a residential structure, that is necessary for a non-farm use permitted under this Division;
 - (b) a driveway or utility that is necessary for a non-farm use permitted under this Division.

Parks and similar areas

- 22** (1) The following uses of agricultural land are permitted but may be prohibited as described in section 20:
- (a) an open land park established by a local government or a first nation government, other than an aboriginal governing body referred to in paragraph (b) of the definition of "first nation government" in the Act, for biodiversity conservation, passive recreation, heritage, wildlife or scenery viewing purposes;
 - (b) converting non-forested land to forested land on parcels less than 20 ha, other than for a farm use as described in section 10 [forestry].
- (2) The use of agricultural land for biodiversity conservation, passive recreation, heritage, wildlife and scenery viewing purposes, other than in a park referred to in subsection (1) (a), is permitted, but may be prohibited as described in section 20, if both of the following conditions are met:
- (a) the area occupied by any associated structures does not exceed 100 m² for each parcel;
 - (b) the purpose does not include the creation of a wetland intended to manage urban runoff or waste.

Keeping animals

- 23** The following uses of agricultural land are permitted but may be prohibited as described in section 20:
- (a) pet breeding and boarding;
 - (b) sheltering and caring for surrendered, abandoned or seized livestock;
 - (c) providing a refuge for wildlife within the meaning of the *Wildlife Act*.

Home occupation use

- 24** (1) The use of agricultural land for a commercial or similar use within a structure is permitted, but may be prohibited as described in section 20, if all of the following conditions are met:

- (a) the structure is accessory to and located on the same parcel as a residence;
 - (b) the structure occupies an area that does not exceed
 - (i) the limit specified in an applicable local government enactment or first nation government law, or
 - (ii) if subparagraph (i) does not apply, 100 m².
- (2) The conditions set out in subsection (1) do not apply to a type of use referred to in any other provision of this regulation.

Infrastructure

25 The following uses of agricultural land are permitted but may be prohibited as described in section 20:

- (a) constructing, maintaining and operating force mains, trunk sewers, gas pipelines and water lines within an existing dedicated right of way;
- (b) constructing, maintaining and operating, for the purpose of drainage or irrigation or to combat the threat of flooding,
 - (i) dikes and related pumphouses, and
 - (ii) ancillary works, including access roads and facilities.

Aggregate removal

26 The use of agricultural land for the purpose of removing aggregate is permitted, but may be prohibited as described in section 20, if all of the following conditions are met:

- (a) the total volume of aggregate removed from any single parcel is less than 500 m³;
- (b) regardless of the volume of aggregate removed, the disturbed area is rehabilitated in accordance with good agricultural practice as soon as reasonably practicable after
 - (i) aggregate removal is complete, if the aggregate is removed as part of a single continuous operation, or
 - (ii) each stage of aggregate removal is complete, if subparagraph (i) does not apply;
- (c) the cultivable surface layer of soil is salvaged, stored on the parcel and available for rehabilitation in accordance with paragraph (b).

Other permitted non-farm uses

27 (1) The use of agricultural land for producing and developing biological products used in integrated pest management programs is permitted, but may be prohibited as described in section 20, if the area occupied by all structures

used for the production or development does not exceed 300 m² for each parcel.

- (2) The use of agricultural land for producing, storing and applying compost classified as Class A compost under the Organic Matter Recycling Regulation is permitted, but may be prohibited as described in section 20, if at least 50% but less than 100% of the compost produced, stored and applied is used on the agricultural land on which it was produced.
- (3) The use of agricultural land for operating a temporary sawmill is permitted, but may be prohibited as described in section 20, if at least 50% of the volume of milled timber is harvested from the agricultural land on which the sawmill is located.
- (4) The use of agricultural land for education and conducting research respecting a farm use or permitted non-farm use is permitted, but may be prohibited as described in section 20, if all of the following conditions are met:
 - (a) the area occupied by any structures necessary for conducting education or research does not exceed 100 m² for each parcel;
 - (b) the agricultural land is not used for a school within the meaning of the *School Act*.

Part 4 — Residential Uses

Section 20.1 (1) (a) and (b) of Act applies

- 28** A person who engages in a residential use that is permitted under this Part is not relieved from complying with section 20.1 (1) (a) or (b) of the Act, except as provided under section 32 [*additional residences*] of this regulation.

Prescribed residential structures

- 29** (1) A structure used, whether permanently or temporarily, to provide or in connection with providing accommodation as described in this Part is prescribed as a residential structure for the purposes of the Act.
- (2) A vehicle used, whether permanently or temporarily, to provide or in connection with providing accommodation as described in this Part is prescribed as a residential structure for the purposes of this Part.

Necessary structures and ancillary services

- 30** Subject to any limits and conditions set out in this Part, the use of agricultural land to construct, maintain or operate any of the following is permitted:
- (a) a structure, other than a residential structure, that is necessary for a residential use permitted under this Part;
 - (b) a driveway or utility necessary for a residential use permitted under this Part.

Secondary suites

- 31** The use of agricultural land for a secondary suite is permitted if there is one suite only, located in the principal residence.

Additional residences

- 32** The use of agricultural land for an additional residence is permitted if all of the following conditions are met:
- (a) there is one additional residence only;
 - (b) the residence is a pre-existing residential structure, constructed in accordance with all applicable enactments;
 - (c) on the date this section comes into force, the size, siting and use of the residence complies with section 3 (1) (b) (ii) or (b.1) (ii) or (iii) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, as it read immediately before this section came into force;
 - (d) the size and siting of the residence is not altered after the date this section comes into force unless
 - (i) permitted under section 25 or 45 of the Act, or
 - (ii) the size of the manufactured home or the total area occupied by all residences and other residential structures, roads and service lines, and all agricultural land between them, as applicable, is not increased by the alteration.

Agri-tourism accommodation

- 33** (1) In this section, "**sleeping unit**" means the following:
- (a) a bedroom or other area used for sleeping located in a residence, cabin or other structure;
 - (b) a vehicle, trailer, tent or other structure located on a campsite, field or other area.
- (2) The use of agricultural land for providing accommodation in relation to an agri-tourism activity is permitted if all of the following conditions are met:
- (a) the accommodation is located on agricultural land that is classified as a farm under the *Assessment Act*;
 - (b) the total developed area for structures, landscaping and access for the accommodation is less than 5% of any parcel;
 - (c) the accommodation is limited to 10 sleeping units in total, including bedrooms under section 34 [*tourist accommodation*];
 - (d) accommodation is provided on a seasonal or short-term basis only.

Tourist accommodation

- 34** (1) In this section, "**bedroom**" means a bedroom or other area used for sleeping in a residence.

- (2) The use of agricultural land for providing accommodation for tourists is permitted in a principal residence that is not a pre-existing residential structure if both of the following conditions are met:
- (a) the accommodation is limited to 4 bedrooms in total;
 - (b) accommodation is provided on a short-term basis only.
- (3) The use of agricultural land for providing accommodation for tourists is permitted in a principal residence that is a pre-existing residential structure if all of the following conditions are met:
- (a) on the date this section comes into force, the number of bedrooms complies with section 3 (1) (d) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, as it read immediately before this section came into force;
 - (b) the number of bedrooms is not changed after the date this section comes into force unless
 - (i) permitted under section 25 or 45 of the Act, or
 - (ii) the number of bedrooms is not increased by the change;
 - (c) accommodation is provided on a short-term basis only.

Part 5 — Soil or Fill Uses

Permitted soil or fill uses

- 35** Subject to section 36 [*prohibited fill*], the removal of soil from, or the placement of fill on, agricultural land for one or more of the following purposes is permitted if all applicable conditions are met:
- (a) constructing or maintaining a structure for farm use or for a principal residence if both of the following conditions are met:
 - (i) the total area from which soil is removed or on which fill is placed is 1 000 m² or less;
 - (ii) if the area from which the soil is removed or on which the fill is placed is in a floodplain, the resulting elevation level is consistent with the minimum elevation level established under all applicable local government enactments and first nation government laws, if any, respecting flood protection in the floodplain;
 - (b) constructing or maintaining berms for producing cranberries, if any fill placed on the area is
 - (i) no higher than 2 m above the natural grade, and
 - (ii) no wider than 10 m at the base;
 - (c) constructing or maintaining flood protection dikes, drainage, irrigation and livestock watering works for farm use, if the total annual volume

of soil removed or fill placed is 320 m³/16 ha or less;

- (d) maintaining an existing farm road, if the total annual volume of soil removed or fill placed is 50 m³ or less;
- (e) using clean sand as a top-dress for berry production, if the total annual volume of soil removed or fill placed is 100 m³/ha or less;
- (f) applying soil amendments, if incorporated into the soil to a depth of 30 cm or less;
- (g) conducting soil research and testing, if the soil removed or fill placed is limited to the amount necessary for the research or testing.

Prohibited fill

36 The following must not be used as fill on agricultural land:

- (a) construction or demolition waste, including masonry rubble, concrete, cement, rebar, drywall and wood waste;
- (b) asphalt;
- (c) glass;
- (d) synthetic polymers;
- (e) treated wood;
- (f) unchipped lumber.

[Provisions relevant to the enactment of this regulation: *Agricultural Land Commission Act*, S.B.C. 2002, c. 36, s. 58]

This page intentionally left blank.