



# AGENDA

City of Salmon Arm  
Development and Planning Services  
Committee

Monday, November 4, 2019  
8:00 a.m.  
Council Chambers, City Hall  
500 – 2 Avenue NE

Page #	Item #	Description
	1.	CALL TO ORDER
	2.	REVIEW OF AGENDA
	3.	DISCLOSURE OF INTEREST
	4.	PRESENTATIONS
	5.	REPORTS
1 - 18	1.	Official Community Plan Amendment Application No. OCP4000-41 [Shuswap Christian Education Society/Horsting, T.; 480 30 Street SE; LDR to NC
	2.	Zoning Amendment Application No. ZON-1157 [Shuswap Christian Education Society/Horsting, T.; 480 30 Street SE; R-1 to C-1] <i>[See item 5.1 for Staff Report]</i>
19 - 30	3.	Zoning Amendment Application No. ZON-1159 [Voyer, C.; 1540 15 Street SE; R-1 to R-8]
31 - 38	4.	Zoning Amendment Application No. ZON-1160 [Reid, D./Lawson Engineering & Development Services Ltd.; 3341 20 Street NE; R-1 to R-8]
	6.	FOR INFORMATION
39 - 44	1.	Agricultural Land Commission – Letter dated October 30, 2019 – Application 58332 for a non-adhering residential use in the Agricultural Land Reserve
45 - 46	2.	Agricultural Land Commission – Letter dated October 17, 2019 – Reconsideration Request – ALC Resolution #7/2019
	7.	IN CAMERA
	8.	LATE ITEM

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# CITY OF SALMON ARM

TO: His Worship Mayor Harrison and Members of Council

DATE: October 29, 2019

SUBJECT: Official Community Plan Amendment Application No. OCP4000-41  
Zoning Amendment Application No. 1157

Legal: Lot 24, Section 18, Township 20, Range 9, W6M, KDYD, Plan 22473  
Civic: 480 – 30 Street SE  
Owner: Shuswap Christian Education Society  
Applicant/Agent: T. Horsting

## MOTION FOR CONSIDERATION

**THAT:** A bylaw be prepared for Council's consideration, adoption of which would amend the Official Community Plan Bylaw No. 4000 Land Use Designation of Lot 24, Section 18, Township 20, Range 9, W6M, KDYD, Plan 22473 from LDR (Low Density Residential) to NC (Neighbourhood Commercial);

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

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

**AND THAT:** Pursuant to Section 477 (3) (a) of the *Local Government Act*, Second Reading of the Official Community Plan bylaw be withheld pending Council's consideration of the amendment in conjunction with:

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

**AND THAT:** A bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot 24, Section 18, Township 20, Range 9, W6M, KDYD, Plan 22473 from R-1 (Single Family Residential Zone) to C-1 (Local Commercial Zone);

**AND FURTHER THAT:** Final Reading of the Zoning Amendment Bylaw be withheld subject to:

- 1) Adoption of the associated Official Community Plan Amendment Bylaw.

## STAFF RECOMMENDATION

The motion for consideration be adopted.

5.1/5.2

## BACKGROUND

The civic address of the subject property is 480 – 30 Street SE. The property is located on 30<sup>th</sup> Street, two lots south of Little Mountain Fieldhouse and across the street from Shuswap Middle School (Appendices 1 & 2). The applicant wishes to relocate a commercial daycare business to this location and has provided a letter rationale and a letter of support from the Shuswap Children's Association for the proposal (Appendix 3). The parcel is a relatively flat, 0.41 acres in size and is currently vacant; site photos are attached as Appendix 4. Both an OCP and a zoning amendment are necessary to permit a *commercial daycare facility*. The proposal includes an OCP Amendment, to change the OCP designation from Low Density Residential to Neighbourhood Commercial; and, a Zoning Amendment, to change the zoning from R-1, Single Family Residential Zone to C-1, Local Commercial Zone. OCP and zoning maps are attached as Appendices 5 & 6.

Land uses adjacent to the subject parcel include the following:

North: Vacant, City owned property – R-1, Single Family Residential,  
Little Mountain Fieldhouse – P-1, Park  
Public Works Yard – P-3, Institutional  
South: Single Family Residential – R-1  
East: Single Family Residential – R-1  
West: Single Family Residential – R-1  
Shuswap Middle School – P-3, Institutional

The property is owned by Shuswap Christian Education Society and the applicant has an accepted offer on the property subject to the approval of OCP and Zoning Amendments. In 2008, The Shuswap Christian Education Society made a similar application. At the time, their proposal included a zoning amendment application (File No. ZON-906) to rezone the property from R-1, Single Family Residential Zone to P-3, Institutional Zone, to permit a preschool and a daycare facility. The property remained zoned as R-1 as there were conditions for final reading of the Zoning Amendment Bylaw.

The previous proposal in 2008 did not include an OCP amendment because the applicant was rezoning to P-3 and the OCP supports institutional uses within the Urban Containment Boundary. A Development Permit was also not required, as what was proposed at the time was an institutional development. This proposal is a neighbourhood commercial development and it requires both an OCP Amendment and a Development Permit. Subject to the adoption of the OCP and Zoning Amendment Bylaws and as per OCP Policy 9.3.22, all lands designated and rezoned for Neighbourhood Commercial uses are designated as a Neighbourhood Commercial Development Permit Area which are subject to the guidelines contained in section 9.6 of the OCP, Neighbourhood Commercial Development Permit Areas.

The applicant's letter of rationale included a request for consideration of a formal lease agreement for parking on the northern, city owned parcel. Staff are not in support of a formal parking agreement as detailed later in this report.

## OCP POLICIES

As previously noted, the property is designated Low Density Residential in the City's OCP. OCP Policy 9.3.19 supports new Neighbourhood Commercial areas in High, Medium and Low Density Residential areas.

Although the surrounding properties are predominantly single family residential, there are many institutional uses nearby, including Shuswap Middle School, South Broadview Elementary School, and Kings Christian School; these schools are all located along 30<sup>th</sup> Street within 1 km from the subject property. A *commercial daycare facility* would provide support and complement the existing schools in the area. OCP Policy 9.2.2 & 9.2.5 are supportive of this proposed use of a commercial daycare:

"4.4.11 Continue to encourage local amenities such as schools, parks and local commercial uses in residential neighbourhoods..."



- "9.2.2 Encourage and support commercial businesses that are complementary to and utilize the strengths of the community."
- "9.2.5 Support small scale local commercial businesses in appropriate locations in residential neighbourhoods."

Daycare facilities are recognized as a social service in the City's OCP.

- "15.3.22(d) Encourage and facilitate child care facilities and services, e.g., in new developments, places of employment, education and cultural facilities."
- "15.3.22(g) ...encourage social issues to be considered in new development proposals where appropriate, recognizing that social issues may include affordable and accessible housing; daycare; transit, access to schools..."

#### Section 475 & 476– Local Government Act

Pursuant to Section 475 and 476 of the Local Government Act (consultation during OCP development / amendments), the proposed OCP amendment was referred to the following external organizations:

Adams Lake Indian Band:	No response to date
Neskonlith Indian Band:	Did not provide comments
Economic Development Society:	No objections to the application
School District No. 83:	No response to date

#### Section 477 – Local Government Act

Pursuant to Section 477 of the Local Government Act, adoption procedures for official community plan, after first reading, the OCP amendment bylaw must be considered in relation to the City's financial and waste management plans. In the opinion of staff, this proposed OCP amendment is largely consistent with both the City's financial and waste management plans.

#### COMMENTS

##### Engineering Department

Engineering comments are attached as Appendix 7. Regarding the request for consideration of a formal lease agreement for parking on the northern, city owned parcel, Engineering staff note the following:

Currently this property is used as an overflow parking area for Little Mountain Sports Complex and the City utilizes the area as a snow dump site during the winter months. This property is critical to our winter operations as we are short on winter dump sites and this particular site provides the needed space to dispose of the snow which is hauled from various City Facilities parking lots, Shaw & Recreation Centres, Curling Facility, Public Works Building, Little Mountain Field House, Fire Hall #2, and various other locations. Staff's concerns with allowing a portion of this lot to be used by the Daycare for parking are:

**#1 Safety**, during the winter months we have large trucks accessing the site to dump snow, this would create increased risk to the City and Contracted trucks as there is a high potential for conflicts and patrons of the Daycare (private vehicles, parents and small children). This could also create access issues along 30<sup>th</sup> Street SE impacting the City's Arterial Roadway. A risk assessment would be needed and possible emigration measure would need to be put into place (Costs?).

**#2 Access**: There is only one entrance to this lot, concerns with keeping any parked vehicles from blocking the access during winter operations or during sporting events that would require the overflow parking areas.

**#3 Drainage**: Concerns with snow pile melt on this property could create issues with the proposed Daycare parking.

### Building Department

Professional soils review will be required for development. Comments attached as Appendix 8.

### Fire Department

No Fire Department concerns.

### Planning Department

Although this proposal is for a commercial daycare, the C-1 Local Commercial Zone includes a variety of other permitted uses. The C-1 Local Commercial Zone is attached as Appendix 9.

The subject property is well-suited for a *commercial daycare facility* as the use would complement and support current uses in the neighbourhood. The surrounding neighbourhood is comprised mainly of residential (single family homes) and institutional uses (ie. schools, churches and Little Mountain Park). From an accessibility perspective, 30 Street NE is a main transit and bike route.

The subject parcel is 0.41 acres and could accommodate a *commercial daycare facility* without the use of the property to north for parking. The parking requirements for a commercial daycare is 1 parking stall per 35 m<sup>2</sup> of gross floor area. For example, if the building was 300 m<sup>2</sup>, 9 parking spaces would be required. The applicant has not submitted a site or concept plan for their proposal at this stage, as the proposed development will be a commercial building and subject to a Development Permit.

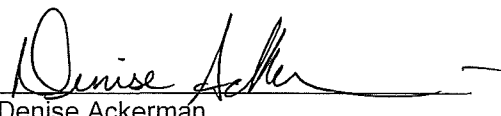
Should the OCP and zoning amendments be approved, the applicant has been advised that submission of a Development Permit application is required, with an architect retained to provide a full set of drawings addressing the form and character of the building, landscaping, and additional details as per the design guidelines for Neighbourhood Commercial development as specified in Section 9.6 of the City's OCP. Such an application would be reviewed by Staff and the Design Review Panel prior to Councils' consideration.

The applicant's letter of rationale included a request for consideration of a formal lease agreement for parking on the city owned property to the north. As previously noted in the comments from the Engineering Department, Staff are not in support of a formal parking agreement primarily for safety reasons. This section of 30<sup>th</sup> Street is already very busy with drop-off and pick-up for Shuswap Middle School. 30<sup>th</sup> Street NE is also designated as an Urban Arterial Road in the City's OCP. Urban arterial roads are designed with the function to facilitate the movement of large volumes of traffic through the community. A formal lease agreement would create another access off of 30<sup>th</sup> Street and due to the high volume of traffic and the function of 30<sup>th</sup> Street, Staff do not support a formal parking agreement.

### CONCLUSION

As our City grows, there will be an increase in demand for local neighbourhood services, outside of the traditional TCH corridor. Just recently (2018), another property in the vicinity had similar applications approved by Council, an OCP amendment from Institutional to Neighbourhood Commercial and a zoning amendment from P-3 (Institutional) to C-10 (High Technology Research and Development Zone).

This proposed development is supported by the OCP and compliments the existing uses in the neighbourhood. In addition, the proposed development would provide an amenity to the community in a location that will be accessible and well-suited for this type of development. Therefore, Staff support the OCP and zoning amendments.



Denise Ackerman  
Planner, Development Services Department

  
Kevin Pearson, MCIP, RPP  
Director of Development Services





0 15 30 60 90 120  
Meters



Subject Parcel





0 2.5 5 10 15 20  
Meters



Subject Parcel



August 16th, 2019

To Salmon Arm City Council

My name is Teresa Horsting and I have owned and operated, 'Back in Nature Childcare Programming' for 10 years this December. I have received an acceptance on my offer for the vacant lot, (480 30 ST SE), (next to the overflow parking lot for the Field House) in hopes to build a nature based commercial daycare. I have enclosed a rezoning application for this property to rezone to Neighborhood Commercial zoning (C-1) with the \$1200.00 application fee. The location is suitable for a nature based program considering the close proximity to, "Little Mountain Park," as well as its central location, easy access to families. I am sure you are aware of the challenges Salmon Arm faces for parents to find quality childcare, a much needed service in our community. I have enclosed a letter of reference from the Shuswap Children's Association in support of my project. I have a couple subjects before finalizing the purchase of the property. One is, rezoning to C1 and the other is to receive a long term lease or permission, from the 'City of Salmon Arm,' to use the overflow parking lot for parents to safely pick up and drop off their child/children. The lot itself is not large enough for a a commercial daycare and a parking lot to accommodate a commercial daycare. I have provided a map with the approximate measurements and the area that I propose to use. The daycare would be open Monday to Friday 7am to 600pm, closed on Statutory holidays.

I will inform the neighbouring property owners of my proposal for rezoning for the purpose to build a childcare center. I will forward you a copy of the letter that shows the address of each each home that I had informed.

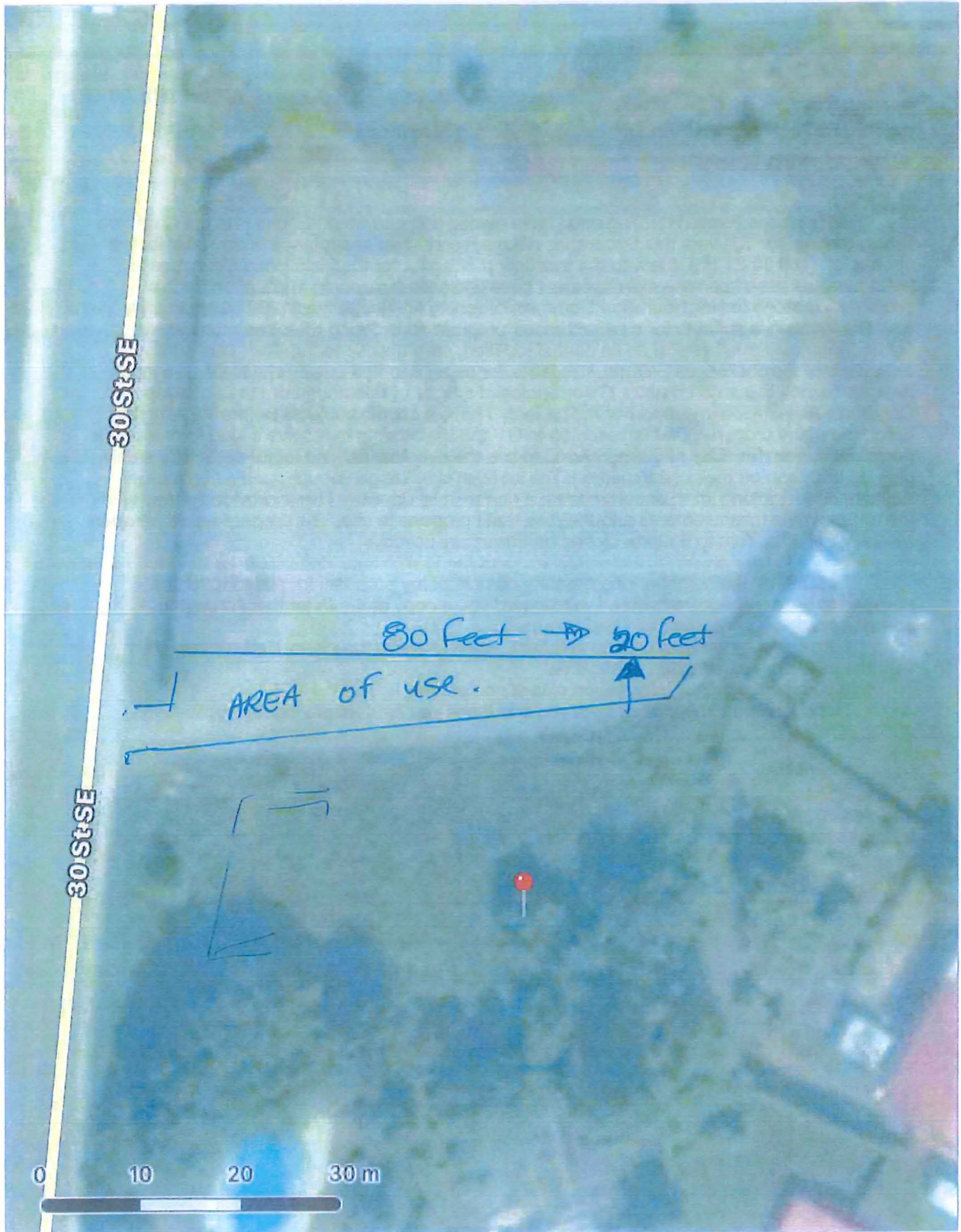
I am currently working with an architect, when I receive the plans, I will forward them with the development site plan application.

If you require further information please contact me.

I look forward to hear back from you and thank you for considering my application.

Teresa Horsing  
250-253-6366  
thorse66@telus.net







April 12, 2019

To Whom It May Concern,

I am writing to show our support for Teresa Horsting's proposed project of relocating and/or creating more child care spaces for Back In Nature Childcare in Salmon Arm. Teresa has to relocate her childcare center by end of June 2019 due to notice of rental termination.

I believe Teresa's proposed project will continue to benefit our community greatly and am writing to express the full support of Shuswap Child Care Resource and Referral Program. I would also like to express the dire need for more childcare spaces in our area. Teresa has been offering high quality child care for families for over nine years in Salmon Arm and is currently serving over 15 families in the community.

Currently, there are zero spots available for parents with children. This does fluctuate but has been the trend for some time now. The 15 working families she is serving now will be without child care spaces in July 2019. Losing Back In Nature Childcare center will have a negative impact our community. Please consider her proposal favorably.

Sincerely,

A handwritten signature in black ink, appearing to be "C. Ondang".

Christine Ondang  
Shuswap Child Care Resource and Referral Program Coordinator



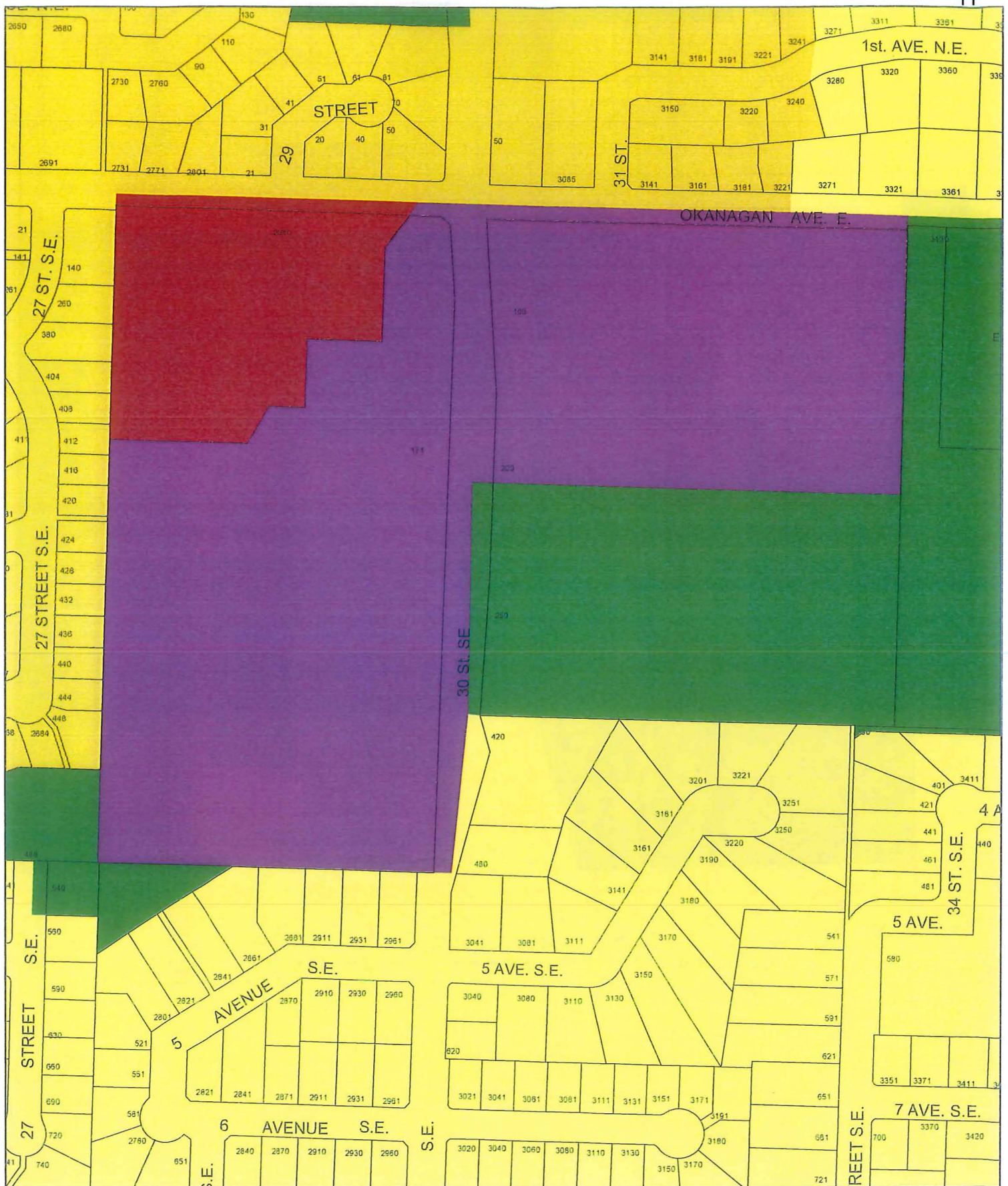


View looking southeast



View looking northeast





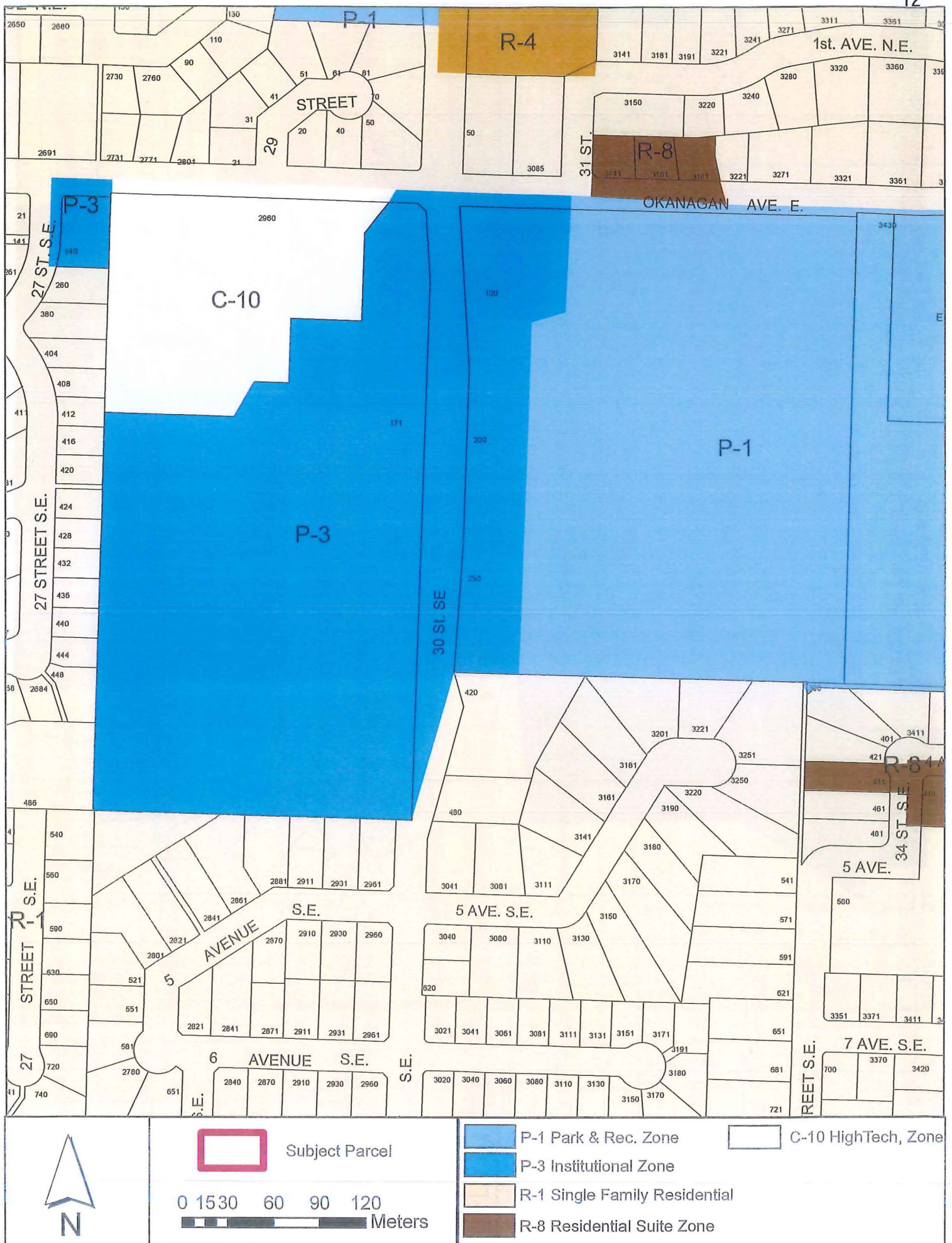
Subject Parcel

0 15 30 60 90 120  
Meters

- Low Density Residential
- Medium Density Residential
- Neighbourhood Commercial

- Park
- Institutional









*Memorandum from the  
Engineering and Public  
Works Department*

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TO: Kevin Pearson, Director of Development Services  
 DATE: Sept 5, 2019  
 PREPARED BY: Matt Gienger, Engineering Assistant  
 APPLICANT: Teresa Horsting, 3029 Cedar Drive, Sorrento, BC V0E 2W2  
 SUBJECT: OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION NO. OCP4000-41  
 ZONING AMENDMENT APPLICATION FILE NO. ZON-1157  
 LEGAL: LOT 24, SECTION 18, TOWNSHIP 20, RANGE 9, W6M KDYD, PLAN 22473  
 CIVIC: 480 – 30 Street SE

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Further to your referral dated August 21, 2019, we provide the following servicing information. The following comments and servicing requirements are not conditions for OCP or Zoning Applications; however, these comments are provided as a courtesy in advance of any development proceeding to the next stages.

**General:**

1. Full municipal services are required as noted herein. Owner / Developer to comply fully with the requirements of the Subdivision and Development Services Bylaw No 4163. Notwithstanding the comments contained in this referral, it is the applicant's responsibility to ensure these standards are met.
2. Comments provided below reflect the best available information. Detailed engineering data, or other information not available at this time, may change the contents of these comments.
3. Properties shall have all necessary public infrastructure installed to ensure properties can be serviced with overhead electrical and telecommunication wiring upon development.
4. Property under the control and jurisdiction of the municipality shall be reinstated to City satisfaction.
5. Owner / Developer will be responsible for all costs incurred by the City of Salmon Arm during construction and inspections. This amount may be required prior to construction. Contact City Engineering Department for further clarification.
6. Erosion and Sediment Control measures will be required at time of construction. ESC plans to be approved by the City of Salmon Arm.
7. Any existing services (water, sewer, hydro, telus, gas, etc) traversing the proposed lot must be protected by easement or relocated outside of the proposed building envelope. Owner/Developer will be required to prove the location of these services. Owner / Developer is responsible for all associated costs.
8. At the time of subdivision / building permit the applicant will be required to submit for City review and approval a detailed site servicing / lot grading plan for all on-site (private) work. This plan will show such items as parking lot design, underground utility locations, pipe sizes, pipe elevations, pipe grades, catchbasin(s), control/containment of surface water, contours (as required), lot/corner elevations, impact on adjacent properties, etc.

**OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION NO. OCP4000-41****ZONING AMENDMENT APPLICATION FILE NO. ZON-1157**

August 27 2019

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9. For the off-site improvements at the time of subdivision / building permit the applicant will be required to submit for City review and approval detailed engineered plans for all off-site construction work. These plans must be prepared by a qualified engineer. As a condition of subdivision / building permit approval, the applicant will be required to deposit with the City funds equaling 125% of the estimated cost for all off-site construction work.

**Roads / Access:**

1. 30 Street SE, on the subject properties western boundary, is designated as an Urban Arterial Road standard, with an ultimate 25.0m road dedication (12.5m on either side of road centerline). Although the City only requires an Interim total of 20.0m of road dedication (10.0m on either side of road centerline) at this time, all building setbacks will be required to conform to the ultimate 25.0m cross section. Available records indicate that no additional road dedication is required (to be confirmed by BCLS)
2. 30 Street SE is currently constructed to an Interim Urban Arterial Road standard. Upgrading to the current Urban Interim Arterial Road standard is required, in accordance with Specification Drawing No. RD-4. Upgrading may include, but is not limited to, road widening, curb & gutter, sidewalk and streetlights. Owner / Developer is responsible for all associated costs.
3. Owner / Developer is responsible for ensuring all boulevards and driveways are graded at 2.0% towards the existing roadway.
4. As 30 Street SE is designated as an Arterial Road, accesses shall be designed by keeping to a minimum number. Only one (1) driveway access will be permitted onto 30 Street SE. All unused driveways shall be removed. Owner / Developer responsible for all associated costs.

**Water:**

1. The subject property fronts a 305mm diameter Zone 4 watermain on 30 Street SE. No upgrades will be required at this time.
2. Records indicate that the existing property is serviced by an unknown size service from the 305mm diameter watermain on 30 Street SE. Demand of proposed development and existing size of service will determine if any upgrade is required. This service will require a water meter supplied by the City at the time of building permit, at the Owner / Developer's cost. All existing inadequate / unused services must be abandoned at the main. Owner / Developer is responsible for all associated costs
3. The subject property is in an area with sufficient fire flows and pressures according to the 2011 Water Study (OD&K 2012).
4. Fire protection requirements to be confirmed with the Building Department and Fire Department.



**OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION NO. OCP4000-41**  
**ZONING AMENDMENT APPLICATION FILE NO. ZON-1157**

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**Sanitary:**

1. The subject property fronts a 200mm diameter municipal sewer main on 30 Street SE. A 205mm diameter sanitary sewer main traverses the southeast property corner within Right of Way A13402.
2. Records indicate that the existing property is serviced by a 150mm service from the sanitary sewer on 30 Street SE. All existing inadequate/unused services must be abandoned at the main. Owner / Developer's engineer may be required to prove that there is sufficient downstream capacity within the existing City Sanitary System to receive the proposed discharge from the development. Owner / Developer is responsible for all associated costs.

**Drainage:**

1. The subject property fronts a 450/600mm diameter storm sewer on 30 Street SE. A groundwater inlet structure with 300mm diameter storm sewer to storm manhole exists 30 Street SE frontage of the property.
2. Records indicate that the existing property is serviced by a 100mm service from the storm sewer on 30 Street SE. 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. The ISMP shall address the site drainage and any upstream drainage, including the safe passage of 100 year overland flow at the low point of the site to the storm water pond on the west side of 30 Street SE.
4. Where onsite disposal of stormwater is recommended by the ISMP, an "Alternative Stormwater System" shall be provided in accordance with Section 7.2.
5. Where discharge into the Municipal Stormwater Collection System is recommended by the ISMP, this shall be in accordance with Section 7.3. The proposed parcel 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.

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ZONING AMENDMENT APPLICATION FILE NO. ZON-1157  
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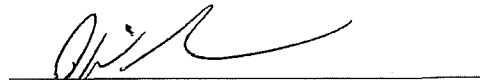
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**Geotechnical:**

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



**Matt Gienger**  
Engineering Assistant



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



SUBMIT FORM

PRINT

## DEVELOPMENT SERVICES DEPARTMENT

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

Phone: 250-803-4010 FAX: 250-803-4041

TO:

DIRECTOR OF DEVELOPMENT SERVICES (Kevin)  
 PLANNING AND DEVELOPMENT OFFICER (Scott)  
 PLANNING AND DEVELOPMENT OFFICER (Chris)  
 PLANNING AND DEVELOPMENT OFFICER (Denise)  
 MANAGER OF PERMITS & LICENSING (Maurice)  
 FIRE DEPARTMENT (Brad)  
 ENGINEERING & PUBLIC WORKS DEPARTMENT (Shelly)  
 MINISTRY OF TRANSPORTATION & INFRASTRUCTURE (Via eDAS)  
 BC HYDRO, via email utilities group  
 FORTISBC, via email utilities group  
 TELUS, via email utilities group  
 SHAW CABLESYSTEMS, via email utilities group

REFERRAL:

DATE: August 21, 2019  
 OWNER: Shuswap Christian Education Society Inc. 350 B – 30 Street NE, Salmon Arm, BC V1E 1J2  
 APPLICANT/AGENT: Teresa Horsting, 3029 Cedar Drive, Sorrento, BC V0E 2W2  
 SUBJECT: **OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION NO. OCP4000-41**  
**ZONING AMENDMENT APPLICATION FILE NO. ZON-1157**

LEGAL: Lot 24, Section 18, Township 20, Range 9, W6M KDYD, Plan 22473  
 CIVIC: 480 – 30 Street SE

Proposal: 1) Commercial Daycare (letter attached); and  
 2) Use of adjacent City land for daycare parking (see attached)

OCP Land Use Designation: Residential Low Density  
 OCP Designation Requested: Neighbourhood Commercial  
 Development Permit Areas: Environmentally Sensitive Riparian Areas  
 Neighbourhood Commercial  
 Current Zoning: R-1 (Single Family Residential Zone)  
 Requested Zoning: C-1 Local Commercial Zone  
 Previous Files: ZON-906  
 Associated File: n/a

City Planner Assigned to File: Denise Ackerman  
 (For more information contact): [dackerman@salmonarm.ca](mailto:dackerman@salmonarm.ca) or 250-803-4021

Please provide comments at your earliest opportunity.

## COMMENTS for OCP4000-41/ZON-1157:

No concern with use of land but there is potential for substantial fill on this site.  
 Professional soils review will be required for development.

SIGNATURE: MR

DATE: September 26, 2019



**SECTION 15 - C-1 - LOCAL COMMERCIAL ZONE****Purpose**

- 15.1 The C-1 Zone is intended to provide convenience shopping for people who reside in the adjacent neighbourhood. Development in the C-1 Zone should not, neither by its scale nor the variety of services or products offered, attract residents from other than the neighbourhood in which the C-1 use is located. New developments zoned C-1 shall be sited and required to obtain a Development Permit as per the requirements of the Official Community Plan. Commercial uses shall be limited to the ground floor only.

**Regulations**

- 15.2 On a parcel zoned C-1, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out in the C-1 Zone or those regulations contained elsewhere in this Bylaw.

**Permitted Uses**

- 15.3 The following uses and no others are permitted in the C-1 Zone:

#2782

#3223

#4240

#2837

- .1 commercial daycare facility;
- .2 convenience store;
- .3 home occupation;
- .4 licensee retail store;
- .5 mobile food vending;
- .6 neighbourhood pub;
- .7 office;
- .8 outside vending;
- .9 personal service establishment;
- .10 public use;
- .11 public utility;
- .12 video store;
- .13 upper floor dwelling units;
- .14 accessory use.

**Maximum Number of Principal Buildings**

- 15.4 The maximum number of principal buildings shall be one (1) per parcel.

**Maximum Height of Principal Building**

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

**Maximum Parcel or Site Coverage**

- 15.6 The maximum parcel or site coverage for all buildings and structures shall be 65% of the parcel or site area.

**Maximum Gross Floor Area**

- 15.7 The total allowable building envelope (maximum ground floor area) shall not exceed 500.0 square metres (5,382.1 square feet).

**Minimum Parcel Size or Site Area**

- 15.8 The minimum parcel size or site area shall be 465.0 square metres (5,005.3 square feet).

**Minimum Parcel or Site Width**

- 15.9 The minimum parcel or site width shall be 15.0 metres (49.2 feet).

**Minimum Setback of Principal Buildings**

- 15.10 The minimum setback of the principal buildings from:
- .1 Front parcel line shall be 6.0 metres (19.7 feet)
  - .2 Rear parcel line shall be 3.0 metres ( 9.8 feet)
  - .3 Interior side parcel line shall be 3.0 metres ( 9.8 feet)
  - .4 Exterior side parcel line shall be 6.0 metres (19.7 feet)

**Outside Storage**

- 15.11 Outside storage shall not be permitted.

**Parking and Loading**

- 15.12 Parking and loading shall be required as per Appendix I.

# CITY OF SALMON ARM

To: His Worship Mayor Harrison and Members of Council

Date: October 22, 2019

Subject: Zoning Bylaw Amendment Application No. 1159

Legal: Lot 1, Section 12, Township 20, Range 10, W6M, KDYD, Plan KAP89662

Civic: 1540 15 Street SE

Applicant: Charles Voyer

## MOTION FOR CONSIDERATION

**THAT:** A bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot 1, Section 12, Township 20, Range 10, W6M, KDYD, Plan KAP89662 from R-1 (Single Family Residential) to R-8 (Residential Suite Zone).

## STAFF RECOMMENDATION

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

## BACKGROUND

The subject parcel is located at 1540 15 Street SE at the corner of 15 Avenue SE in the Hillcrest Neighbourhood as shown on Appendix 1 and 2. The proposal is to rezone the subject parcel to R-8 Residential Suite Zone to facilitate a single-family dwelling and secondary suite.

The parcel is approximately 630 m<sup>2</sup>, 20 m wide and 30 m deep, is designated Low Density Residential in the Official Community Plan (OCP) as shown on Appendix 3, and is currently zoned R-1 Single Family Residential as shown on Appendix 4.

The proposal meets the required minimum parcel size requirements of the R-8 zone. R-8 Zoning regulations are attached as Appendix 5. A conceptual drawing showing a single family dwelling and secondary suite, which is subject to change, has been provided as Appendix 6. Site photos are attached as Appendix 7.

The surrounding properties are designated Low Density Residential by the OCP and the area is comprised of R-1 zoned parcels containing single family dwellings. The property is vacant. The R-8 Zone would allow for one single family dwelling and an accessory secondary suite on the subject parcel. Any new construction would require a building permit and will be subject to meeting Zoning Bylaw and BC Building Code requirements.

## OCP POLICY

The subject parcel is designated Low Density Residential in the OCP, and is within Residential Development Area B. The proposed R-8 zone is consistent with the Low Density land use designation. Residential Development Area B means that the land and surrounding infrastructure are the second highest priority for City investment in capital works projects. The property is within the Urban Containment Boundary (UCB) and OCP Policy 4.4.1 supports new growth within the UCB.

5.3

The proposed density is consistent with OCP Policy 4.4.7, which supports a wide range of housing types in Salmon Arm in order to meet the needs of the diverse lifestyles and aging population including affordable housing, sensitively integrated infill and intensification of existing development areas, and provision of low density single family developments.

The proposed zoning aligns with the Urban Residential Policies listed in Section 8.3 supporting compact communities. The density is consistent with Low Density Residential Policy 8.3.13 with a maximum density of 22 units per hectare. In terms of siting, the proposal appears to match with OCP Siting Policies under Section 8.3.19, including good access to transportation routes, recreation, and community services

#### Secondary Suites

Policy 8.3.25 of the OCP provides for the consideration of secondary suites in Low Density Residential designated areas subject to compliance with the Zoning Bylaw and the BC Building Code.

#### COMMENTS

##### Engineering Department

No engineering concerns.

##### Building Department

No building department concerns. Will be required to meet BC Building Code.

##### Fire Department

No Fire Department concerns.


##### Planning Department

The development as proposed is consistent with the Low Density Residential OCP designation. The proposed R-8 zoning is aligned with neighbouring R-1 land uses. The property next door, Richmond House, circa 1920, is on the City's Heritage Register.

The R-8 zone regulations of the Zoning Bylaw are attached as Appendix 5. The minimum parcel area permitted under R-8 zoning is 450 square metres, or 700 square metres for a parcel containing a detached suite. At 630 m<sup>2</sup> the subject property can meet the requirements for a secondary suite including an off-street parking space.

#### CONCLUSION

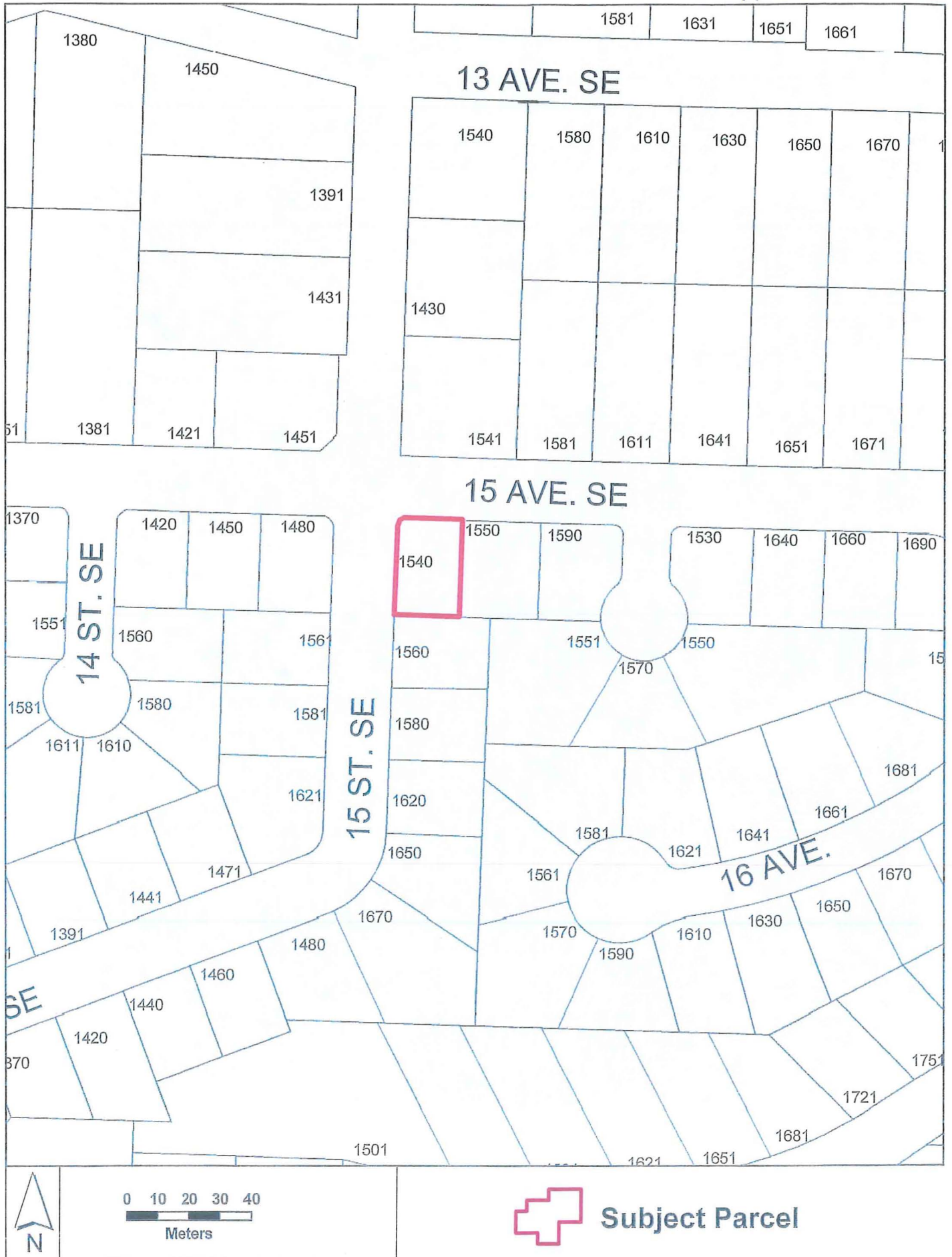
The proposed R-8 zoning is consistent with the OCP and is therefore supported by staff.

  
Prepared by: Scott Beeching, MCIP, RPP  
Senior Planner

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



Appendix 1 Location





# Appendix 2 Orthophoto





# Appendix 3 OCP Designation





## Appendix 4 Zoning



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

**Purpose**

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

**Regulations**

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

**Permitted Uses**

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

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

**Maximum Number of Single Family Dwellings**

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

**Maximum Number of Secondary Suites**

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

**Maximum Height of Principal Building**

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

**Maximum Height of Accessory Buildings**

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

**Maximum Parcel Coverage**

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

**Minimum Parcel Area**

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



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

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### Minimum Parcel Width

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

### Maximum Floor Area and Floor Area Ratio

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

### Minimum Setback of Principal Building

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

### Minimum Setback of Accessory Buildings

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

### Minimum Setback of a Detached Suite

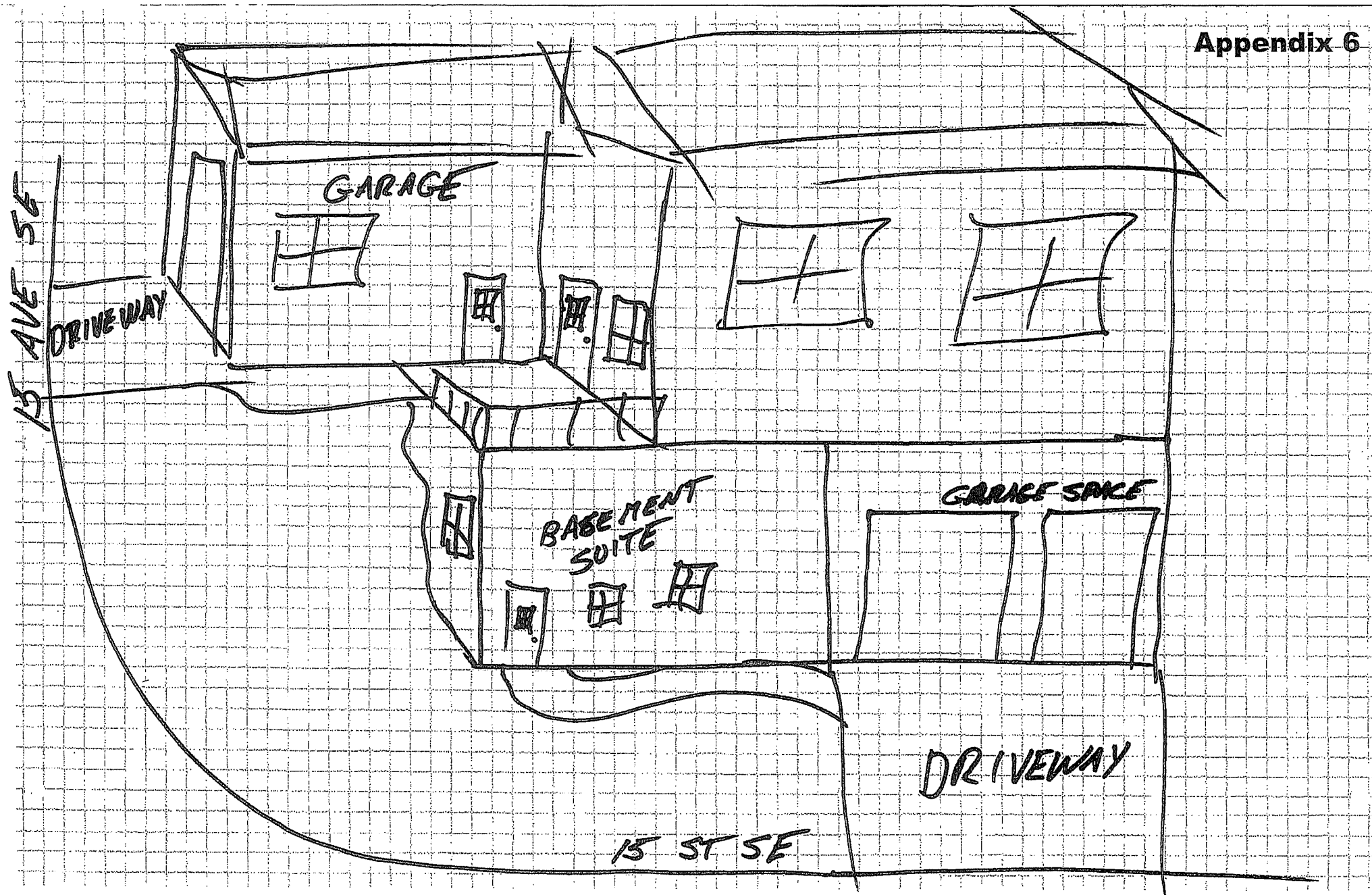
- 13.14 The minimum *setback* of an *accessory building* containing a *detached suite* from the:
- |    |   |                        |
|----|---|------------------------|
| .1 | <i>Front parcel line</i> shall be         | 6.0 metres (19.7 feet) |
| .2 | <i>Rear parcel line</i> shall be          | 3.0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

### Parking

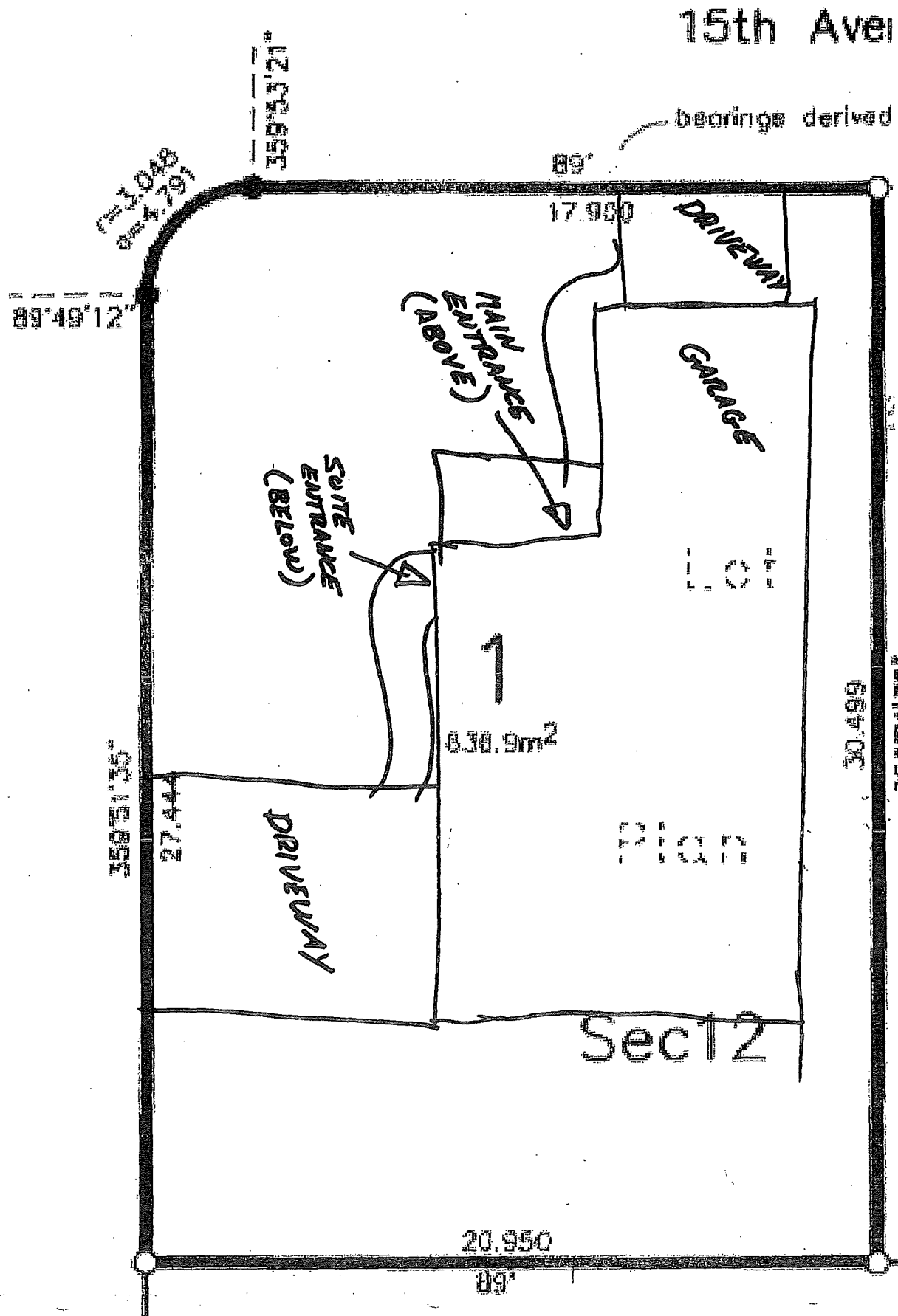
- 13.15 .1 Parking shall be required as per Appendix I.  
 .2 An offstreet parking space provided for a *secondary suite* or *detached suite* shall not be sited in tandem to a parking space provided for a *single family dwelling*.

### Detached Suite

- 13.16 Refer to Section 4.2 for General Regulations.







## Appendix 7



Looking SE at corner of 15 Street SE and 15 Avenue SE



Looking SW from 15 Street SE



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# CITY OF SALMON ARM

TO: His Worship Mayor Harrison and Members of Council

Date: October 28, 2019

Subject: Zoning Bylaw Amendment Application No. 1160

Legal: Lot 1, Section 25, Township 20, Range 10, W6M, KDYD, Plan 40950 Except Plan EPP5384

Civic: 3341 – 20 Street NE

Owner/Applicant: Reid D. / Lawson EDS Ltd.

## MOTION FOR CONSIDERATION

THAT: a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot 1, Section 25, Township 20, Range 10, W6M, KDYD, Plan 40950 Except Plan EPP5384 from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone).

## STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

## PROPOSAL

The subject parcel is located at 3341 20 Street NE (Appendix 1 and 2) and presently contains a single family dwelling and various accessory buildings. The proposal is to rezone the parcel from R-1 (Single Family Residential) to R-8 (Residential Suite) to permit the construction of a secondary suite.

## BACKGROUND

The large (1.243 hectare, approximately 102 metres wide by 102 metres deep) subject parcel is designated Low Density Residential in the City's Official Community Plan (OCP) and zoned R-1 (Single Family Residential) in the Zoning Bylaw (Appendix 3 & 4). The subject parcel is located in the Upper Lakeshore area, largely comprised of R-1 and R-7 zoned parcels containing single family dwellings with associated accessory buildings. There are currently six R-8 zoned parcels within the proximity of the subject parcel.

The subject parcel easily meets the conditions as specified to permit a secondary suite within the proposed R-8 zone. Site photos are attached as Appendix 5. The intent of the applicant is to develop a conforming *detached suite*. No site or development plan has been provided for this application. Development of either a *detached suite* or *secondary suite* within a dwelling would require a building permit and will be subject to meeting Zoning Bylaw, BC Building Code requirements.

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

5.4



COMMENTSEngineering Department

No concerns with rezoning. Preliminary comments for development provided (Appendix 6).

Building Department

BC Building Code will apply.

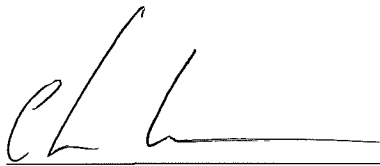
Development Cost Charges (DCCs) are payable at the time of Building Permit for a *Detached Suite* in the amount of \$6,064.31 (same as the DCCs for a High Density Residential Unit).

Fire Department

No concerns.

Planning Department

The proposed R-8 zoning is consistent with the OCP and is therefore supported by staff.

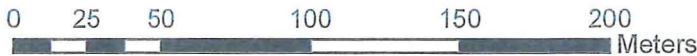
A handwritten signature in black ink, appearing to be 'CL', followed by a horizontal line.

Prepared by: Chris Larson, MCP  
Planning and Development Officer

A handwritten signature in black ink, appearing to be 'Kevin Pearson', followed by a horizontal line.

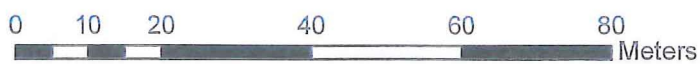
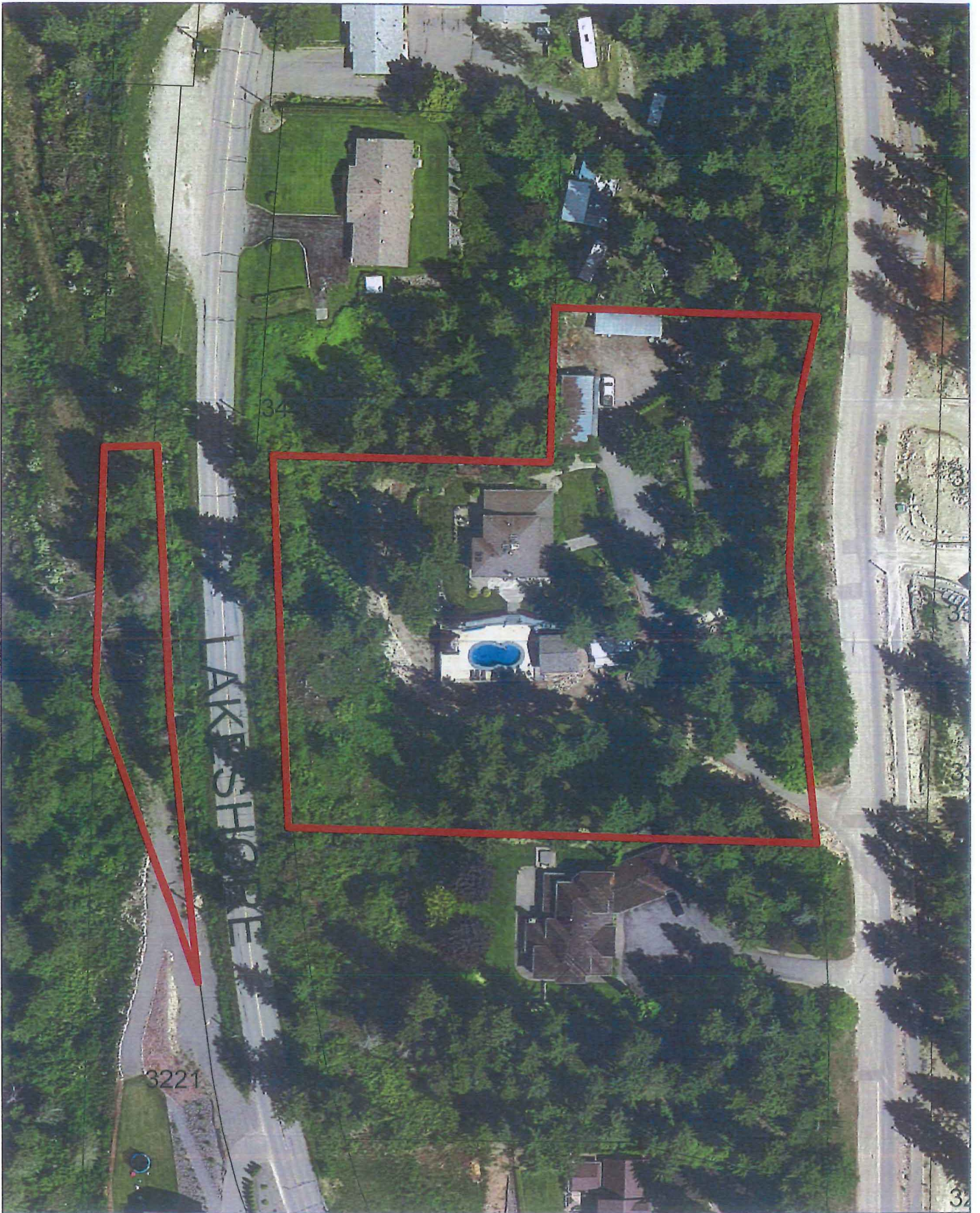
Reviewed by: Kevin Pearson, MCIP, RPP  
Director of Development Services



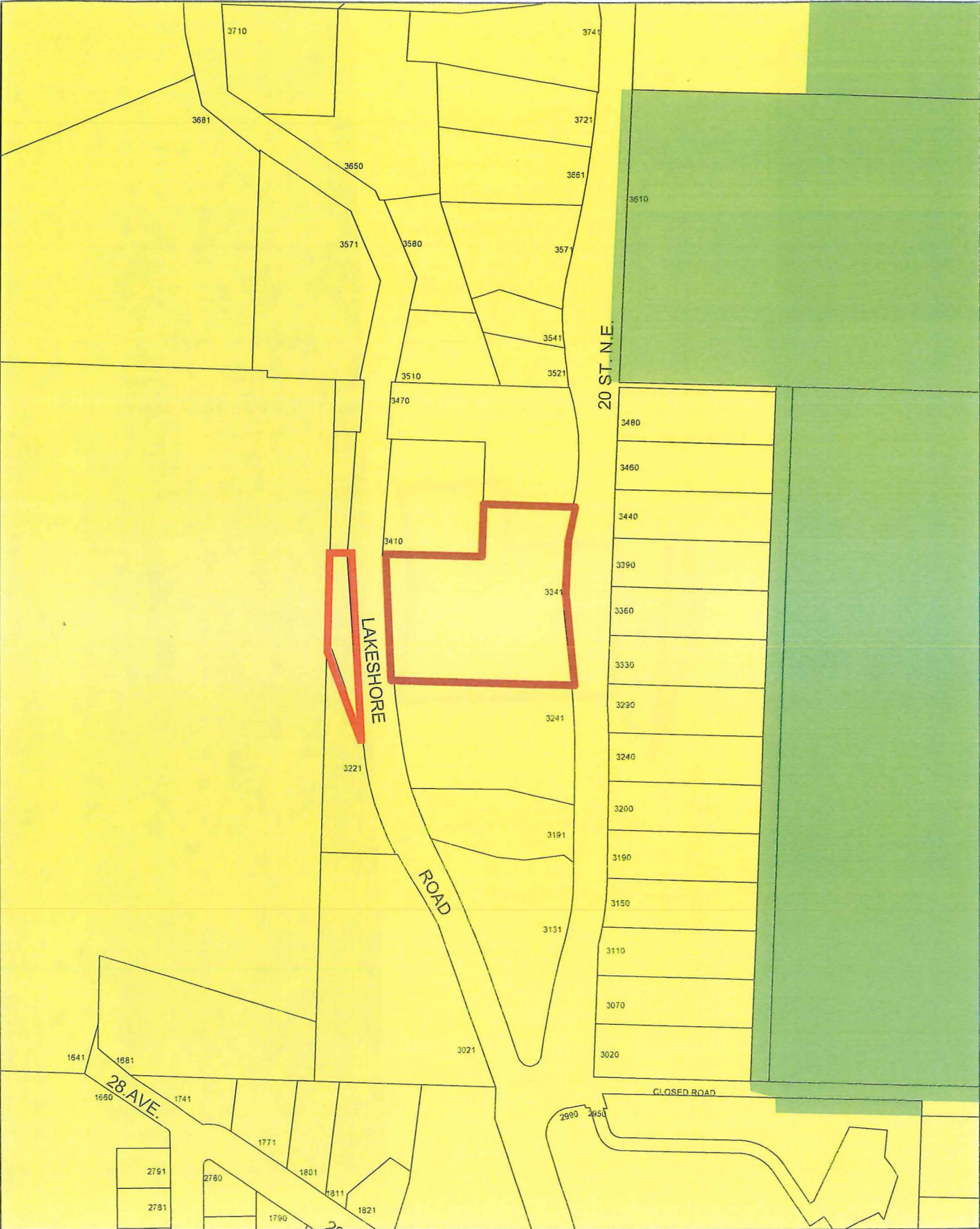


Subject Parcel









0 20 40 80 120 160 Meters



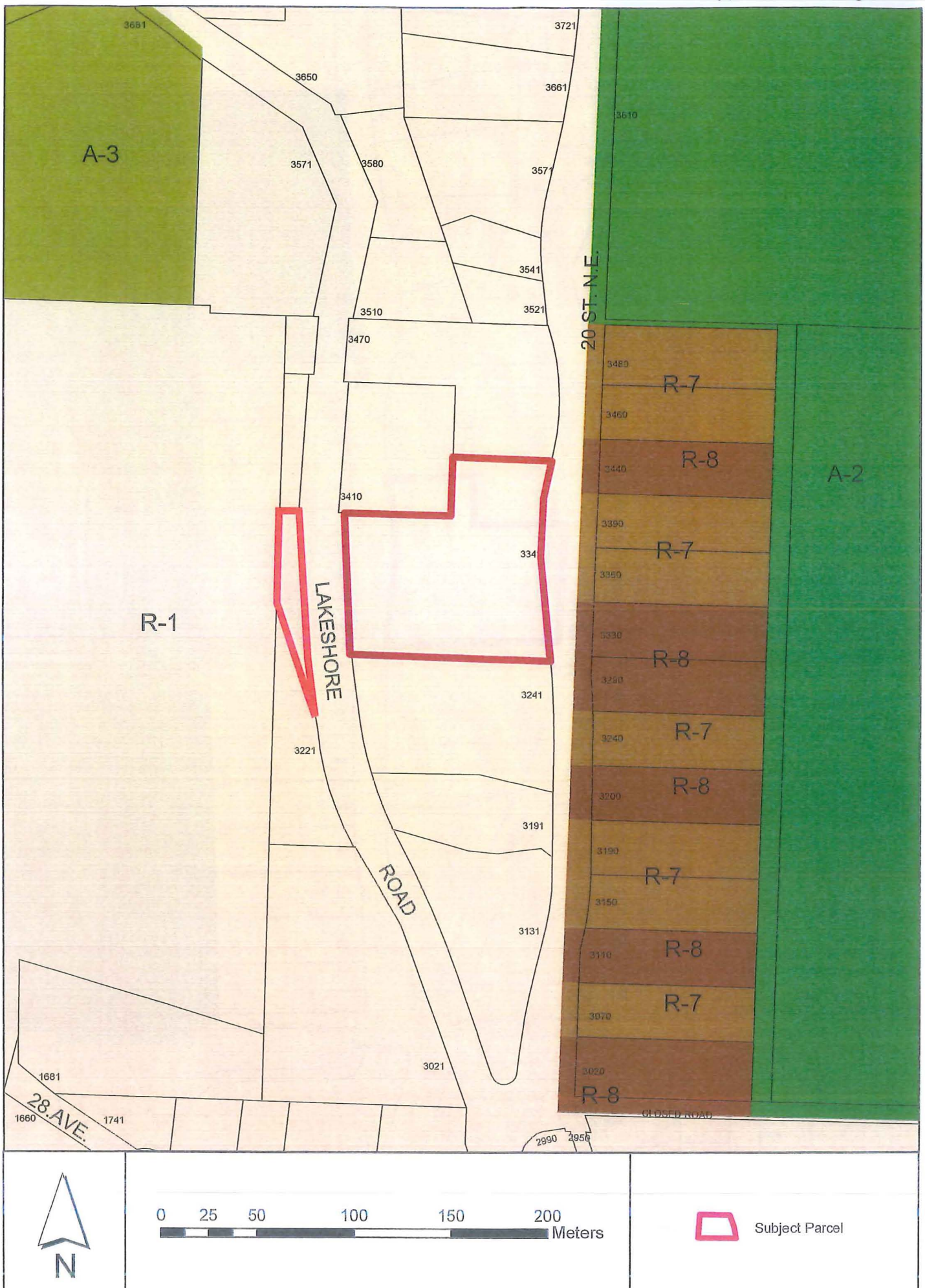
Subject Parcel



Acreage Reserve

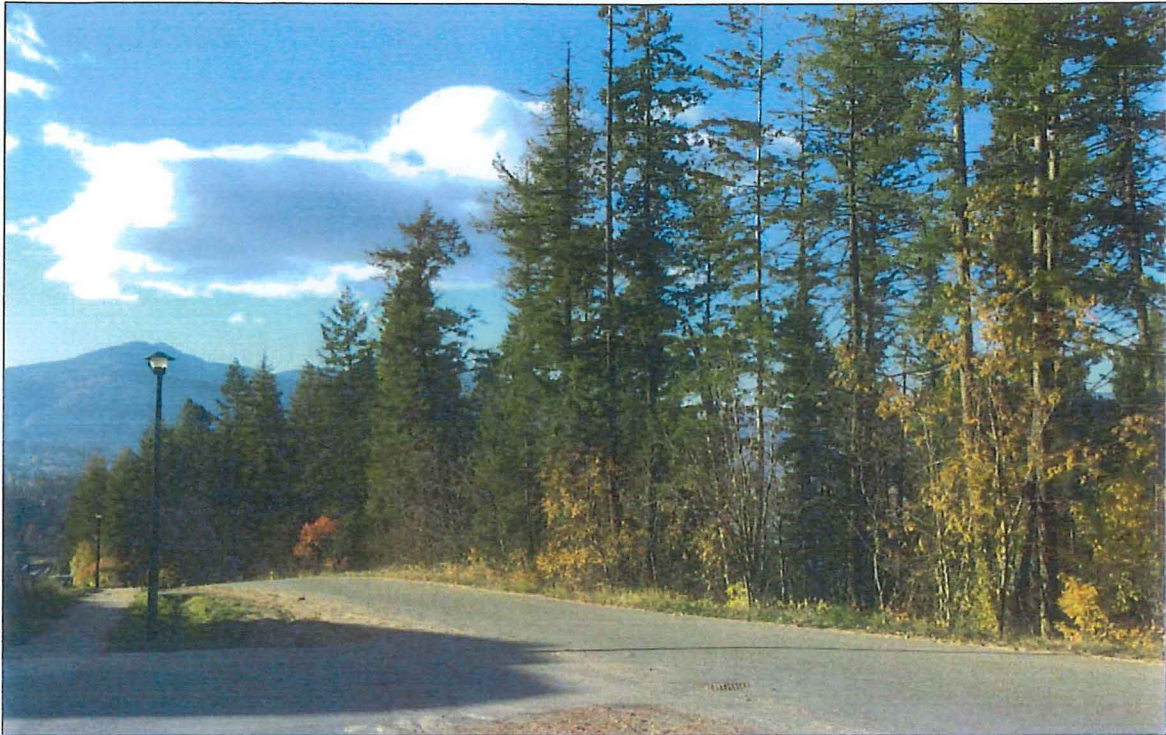
Residential Low Density







## Appendix 5: Site Photos



View of subject parcel looking southwest from 20 Street NE.



View of subject parcel looking northwest from 20 Street NE.



**CITY OF**  
**SALMON ARM**

*Memorandum from the  
 Engineering and Public  
 Works Department*

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TO: Kevin Pearson, Director of Development Services  
 DATE: Oct 18, 2019  
 PREPARED BY: Matt Gienger, Engineering Assistant  
 OWNER: Debra Reid, PO Box 2408 Salmon Arm, BC V1E 4R4  
 APPLICANT: Lawson Engineering and Development Services Ltd.,  
 PO Box 106, Salmon Arm, V1E 1N4  
 SUBJECT: **ZONING AMENDMENT APPLICATION FILE NO. ZON-1160**  
 LEGAL: Lot 1, Section 25, Township 20, Range 10, W6M KDYD, Plan 40950  
 Except Plan EPP5384  
 CIVIC: 3341 – 20 Street NE

---

Further to your referral dated October 9, 2019, we provide the following initial comments. **The following comments are not conditions for Zoning Applications; however, these comments are provided as a courtesy in advance of any development proceeding to the next stages.**

1. Future Development of detached suite may require the installation of water meter pit within 2m of property line.
2. Future Development of property may require existing home and proposed detached suite to both be connected to City sanitary main at owner's cost. Estimate will be provided at building permit application.
3. Access will be limited to 20 Street NE and no access will be permitted to Lakeshore Road.

Please note that these comments do not constitute a full formal review of the subject property and such review will be complete upon building permit application.



**Matt Gienger**  
 Engineering Assistant



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



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

October 30, 2019

ALC File: 58332

**Gerhard Brackhaus**  
**DELIVERED ELECTRONICALLY**

Dear Gerhard Brackhaus:

**Re: Application 58332 for a non-adhering residential use in the Agricultural Land Reserve**

Please find attached the Reasons for Decision of the Okanagan Panel for the above noted application (Resolution #390/2019). As agent, it is your responsibility to notify the applicants accordingly.

**Review of Decisions by the Chair**

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

**Request for Reconsideration of a Decision**

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

Please direct further correspondence with respect to this application to Claire Buchanan at [ALC.Okanagan@gov.bc.ca](mailto:ALC.Okanagan@gov.bc.ca).

Yours truly,

Claire Buchanan, Land Use Planner

Enclosure: Reasons for Decision (Resolution #390/2019)

cc: City of Salmon Arm (File: ALC-381)  
 58332d1





**AGRICULTURAL LAND COMMISSION FILE 58332**  
**REASONS FOR DECISION OF THE OKANAGAN PANEL**

**Non-Adhering Residential Use Application Submitted Under 20.1(2) of the *Agricultural Land Commission Act***

**Applicants:**

**Gerhard Brackhaus**  
**Deborah McDonald**  
**Justin Nash**  
**Shauntel Nash**

**Agent:**

**Gerhard Brackhaus**

**Property:**

**Parcel Identifier: 004-492-536**  
**Legal Description: Lot 2, Section 18, Township 20,**  
**Range 9, West of the 6<sup>th</sup> Meridan, Kamloops**  
**Division, Yale District Plan 28689, Except Plan**  
**KAP47129**  
**Civic: 4395 10<sup>th</sup> Ave SE, Salmon Arm, BC**  
**Area: 5.3 ha**

**Panel:**

**Gerald Zimmermann, Okanagan Panel Chair**  
**Jim Johnson**



## OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA).
- [2] In 2018, the Applicants applied to the City of Salmon Arm to construct a new 182 m<sup>2</sup> residence ("New Residence") on the Property. On May 30, 2018, the Applicants submitted a Second Dwelling Agreement to the City of Salmon Arm stating their intention to reside in the original 73 m<sup>2</sup> principal residence ("Original Residence") while constructing the New Residence. The Second Dwelling Agreement outlined that upon completion and occupancy of the New Residence, the Original Residence would be decommissioned and no longer used for residential purposes.
- [3] When the Applicants completed the New Residence and applied for occupancy, they also applied to the City of Salmon Arm to convert the Original Residence into an approved secondary residence and retain it on the Property.
- [4] Pursuant to s. 20.1(2) of the ALCA, the Applicants are applying to the Agricultural Land Commission (the "Commission") to retain the Original Residence (73 m<sup>2</sup>) on the Property as an approved additional residence (the "Proposal").
- [5] Section 25 (1.1)(b) of the ALCA states that the Commission must not grant permission for an additional residence unless the additional residence is necessary for farm use.
- [6] The issue the Panel considered is whether retention of the Original Residence as an additional residence is necessary for farm use.
- [7] The Proposal was considered in the context of the purposes of the Commission set out in s. 6 of the ALCA. These purposes are:
- (a) to preserve the agricultural land reserve;
  - (b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest; and,





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

### **EVIDENTIARY RECORD**

- [8] The Proposal along with related documentation from the Applicants, Agent, local government, and Commission is collectively referred to as the "Application". All documentation in the Application was disclosed to the Agent in advance of this decision.

### **EVIDENCE AND FINDINGS**

**Issue: Whether the retention of the Original Residence as an additional residence is necessary for farm use.**

- [9] The Property is currently owned by Gerhard Brackhaus, Deborah McDonald, Justin Nash, and Shauntel Nash (daughter of Brackhaus and McDonald). The purpose of the Proposal is for the Nashs to reside in the New Residence, and for Brackhaus and McDonald to reside in the Original Residence. The Nashs currently reside in the New Residence.
- [10] Brackhaus and McDonald currently own a property in Lewis Creek where they operate a farm. Their intention is to move to the Property and establish a nursery/tree farm (the "operation"). Further, the Applicants submit that they need to live and farm on the same property because at their age, they are unable to commute to operate their existing farm on the additional parcel in Lewis Creek.
- [11] While there is currently no agricultural activity taking place on the Property, the Application contained an inventory of farm equipment and plants which Brackhaus and McDonald plan to move to the Property to start the operation. These items include a commercial greenhouse and an irrigation system.
- [12] When considering the necessity for an additional residence on a parcel of ALR land, the Panel must consider whether the residence on the Property is necessary for farm use. Based on the Application, the Panel understands that Brackhaus and McDonald intend to



move their existing 24' by 80' greenhouse, tractors, and irrigation to the Property with the desire to expand in the future and also obtain farm status under the *Assessment Act*. The Panel also understands that Brackhaus and McDonald hope that their children will eventually become involved with the operation.

[13] The Panel understands that there are circumstances that may necessitate an additional residence in order to facilitate the expansion or development of a farm. When considering permitting an additional residence in advance of an establishment of a farm operation, the Panel must have some assurance that the operation will in fact be established, and that if established, the type and level of agriculture would require the additional residence to accommodate additional farm workers.

[14] Based on the description in the Application, the Applicants have been growing flowers, shrubs, and trees as a hobby on their property in Lewis Creek which they want to expand on the Property. The Panel reviewed the Application and found that there was no description of the proposed expansion, and therefore it could not assess whether an additional residence for farm help is necessary.

[15] In addition, the Panel also considered that while Brackhaus and McDonald hope that the Nashs will become further involved with the operation, the extent to which they would be involved is not apparent. The Application states that the Nashs work offsite and would not be contributing substantially to the operation in its development stages as they have other financial commitments, and that the operation would not generate enough income in its developmental stage. The Panel did not find any description of a development plan for the operation, nor a plan for integration of the Nashs into the agricultural operation. Based on the description of the proposed farm operation and the description of the Applicants potential involvement with the farm, the Panel finds that an additional residence is not necessary for farm help at this time.



**DECISION**

[16] For the reasons given above, the Panel refuses the Proposal.

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

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

[19] Resolution #390/2019

Released on October 30, 2019

A handwritten signature in black ink, appearing to read "G. Zimmermann", is positioned above the printed name.

**Gerald Zimmermann, Panel Chair**

On behalf of the Okanagan Panel



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

October 17, 2019

ALC File: 57674

**Kurt Alberts**  
**DELIVERED ELECTRONICALLY**

Dear Kurt Alberts:

**Re: Reconsideration Request – ALC Resolution #7/2019**

A meeting of the Executive Committee of the Agricultural Land Commission ("the Executive Committee") was held on August 29, 2019 as it relates to the request for reconsideration of Resolution #7/2019 (Application #57674). All members of the Executive Committee were in attendance, except for Gerald Zimmerman.

The Executive Committee received correspondence dated July 30, 2019 requesting reconsideration of its decision recorded as Resolution #7/2019, by which, the proposal to construct a new church building on the southwest 0.4 ha area of a 1.2 ha property with an approximate footprint of 400 m<sup>2</sup>, was refused.

The Executive Committee considered your request for reconsideration pursuant to section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

- 33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:
- (a) evidence not available at the time of the original decision has become available,
  - (b) all or part of the original decision was based on evidence that was in error or was false.

After reviewing the file material and the request for reconsideration, the Executive Committee did not believe your submission constituted evidence that was not available at the time of the previous decision or demonstrated that all or part of the original decision was based on evidence that was in error or was false. The Executive Committee concluded that the request for reconsideration did not meet the requirements for reconsideration pursuant to s. 33(1) of the *Agricultural Land Commission Act*.

First, the request for reconsideration asserts that the Commission did not consider the property's statutory non-farm use status under Section 23(2) of the *Agricultural Land Commission Act* in the evidence and finding of Resolution #7/2019. The Executive Committee draws the Agents attention to Section 23(3) of the *Agricultural Land Commission Act* which states:

6.2



(3) For greater certainty, the exception in subsection (2) applies only to the land that was actually being used for a non-farm use and not to the entire parcel on which that use was being carried on.

The Executive Committee finds that Section 23(2) of the *Agricultural Land Commission Act* does not apply to the entire property and therefore does not apply to the lands that have been requested for the church building expansion.

Second, the request for reconsideration points to previous ALC Application 51067 (Resolution #221/2011), in which the Harvest Baptist Church applied for an expansion of their church infrastructure in Langley, BC. The Executive Committee finds that each application is reviewed based on its own merits and that the Okanagan Panel based its findings on information particular to the application's individual circumstances.

Third, the request for reconsideration asserts that the Commission was in error considering the area for parking and municipal zoning. The Executive Committee finds the errors pointed out in the reconsideration request are considered by the Executive Committee to be trivial in nature and/or not material to the reasons for the Panel's decision.

Lastly, the request for reconsideration asserts that the applicants were not afforded an opportunity to a site visit. The Commission does not have a statutory requirement to conduct an applicant meeting or site visit for subdivision applications. Applicant meetings and site visits are at the discretion of the Commission.

Further correspondence with respect to this application is to be directed to Celeste Barlow at [ALC.Okanagan@gov.bc.ca](mailto:ALC.Okanagan@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Jennifer Dyson, ALC Chair

cc: City of Salmon Arm (File: ALC-377)

57674m2