



DEVELOPMENT and PLANNING SERVICES COMMITTEE

March 19, 2018

City of Salmon Arm

Council Chamber

City Hall, 500 - 2 Avenue NE

8:00 a.m.

Page #	Section	Item#
	1.	<u>CALL TO ORDER</u>
	2.	<u>REVIEW OF THE AGENDA</u>
	3.	<u>DECLARATION OF INTEREST</u>
	4.	<u>PRESENTATION</u> n/a
	5.	<u>REPORTS</u>
1 - 10	5.1	ZON-1123, Findlay, J. & R., 4541 – 71 Avenue NE – R-1 to R-8
11 - 20	5.2	ZON-1122, Glanville, B. & Rose, A., 2621 – 30 Street NE – R-1 to R-8
21 - 30	5.3	ZON-1121, 1120170 BC Ltd. / Walters, R., 1160 – 16 Street NE – R-1 to CD-7
31 - 38	5.4	VP-459, City of Salmon Arm / Salmon Arm Folk Music Society, 541 – 3 Street SW – Setback Variance
39 - 44	5.5	VP-471, Shmyr, J. & Weninger, J., #27 – 481 Highway 97B NE – Site Coverage Variance
45 - 72	5.6	OCP4000-32 / ZON-1109, Homecraft Construction Ltd. / Onsite Engineering, 6810 Park Hill Road NE – MR to LR / R-4 & R-7 to R-1
	6.	<u>FOR INFORMATION</u>
73 - 82	6.1	Regulating Cannabis Retail Sales
	7.	<u>IN CAMERA</u> n/a
	8.	<u>LATE ITEM</u> n/a
	9.	<u>ADJOURNMENT</u>

<http://www.salmonarm.ca/agendacenter>

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City of Salmon Arm

Development Services Department Memorandum

To: Her Worship Mayor Cooper and Members of Council

Date: March 9, 2018

Subject: Zoning Bylaw Amendment Application No. 1123

Legal: Lot 21, Section 6, Township 21, Range 9, W6M, KDYD, Plan EPP67163

Civic: 4541 – 71 Avenue NE

Owner / Applicant: Findlay, J. & R.

MOTION FOR CONSIDERATION

THAT: a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot 21, Section 6, Township 21, Range 9, W6M, KDYD, Plan EPP67163 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 in Canoe at 4541 71 Avenue NE (Appendix 1 and 2) and is presently vacant. The proposal is to rezone the parcel from R-1 (Single Family Residential) to R-8 (Residential Suite) to permit the construction and use of a *secondary suite* within a new single family dwelling.

BACKGROUND

The subject parcel is designated Low Density Residential in the City's Official Community Plan (OCP) and zoned R-1 (Single Family Residential) in the Zoning Bylaw (Appendix 3 & 4). The subject parcel is located in an area largely comprised of R-1 zoned parcels containing single family dwellings. There are three R-8 zoned parcels within the vicinity of the subject parcel.

The subject parcel 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 *secondary suite* just over 550 square feet in area within the new single family dwelling, as shown in a site plans attached as Appendix 6.

Secondary Suites

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

COMMENTSEngineering Department

No objections to the proposed rezoning, subject to the provision of sufficient onsite parking.

Building Department

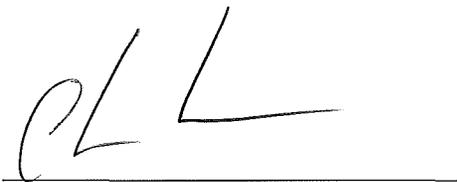
BC Building Code will apply. No concerns with proposed zoning.

Fire Department

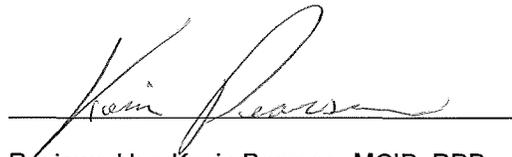
No concerns.

Planning Department

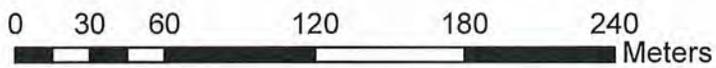
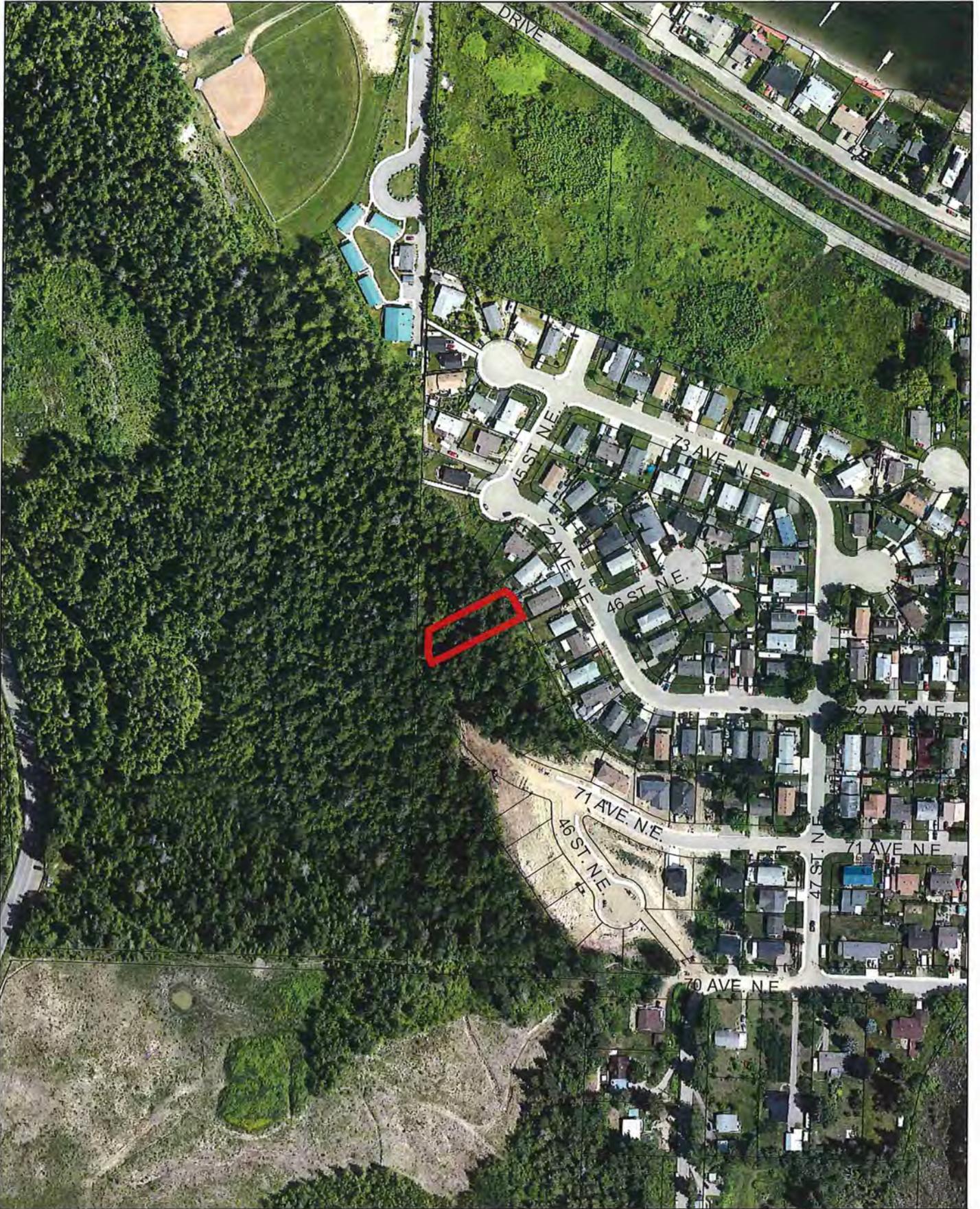
The proposed R-8 zoning of the subject parcel is consistent with the OCP and is therefore supported by staff. The site plan provided indicates that all R-8 Zone requirements can be met, including the provision of onsite parking, and that the proposed building substantially aligns with development patterns in the area. Any development of a secondary suite would require a building permit and will be subject to meeting Zoning Bylaw and BC Building Code requirements.



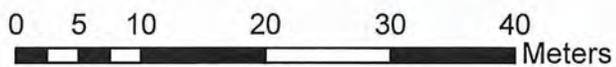
Prepared by: Chris Larson, MCP
Planning and Development Officer



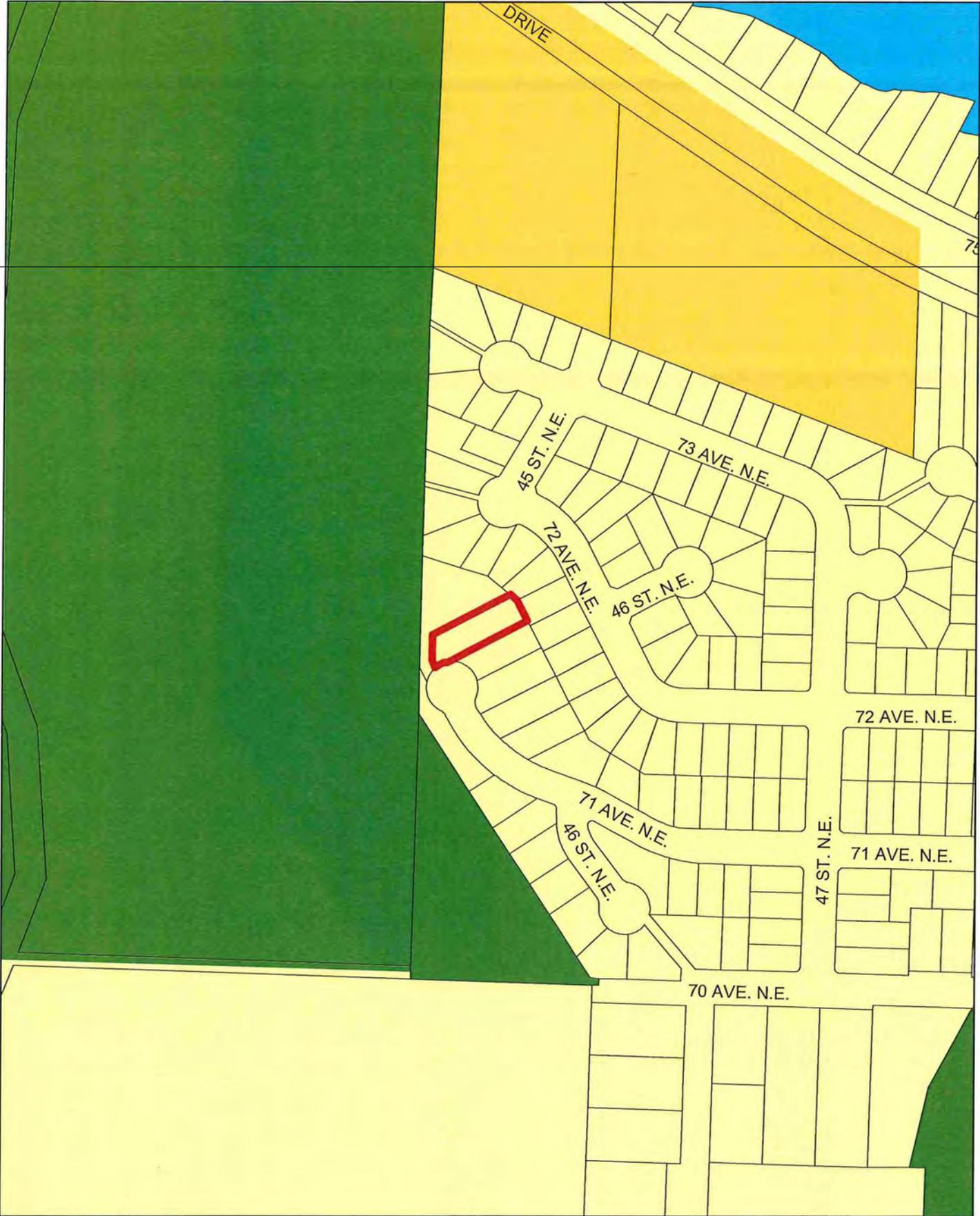
Reviewed by: Kevin Pearson, MCIP, RPP
Director of Development Services



Subject Parcel



Subject Parcel



0 15 30 60 90 120
 Meters



Subject Parcel



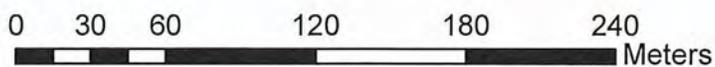
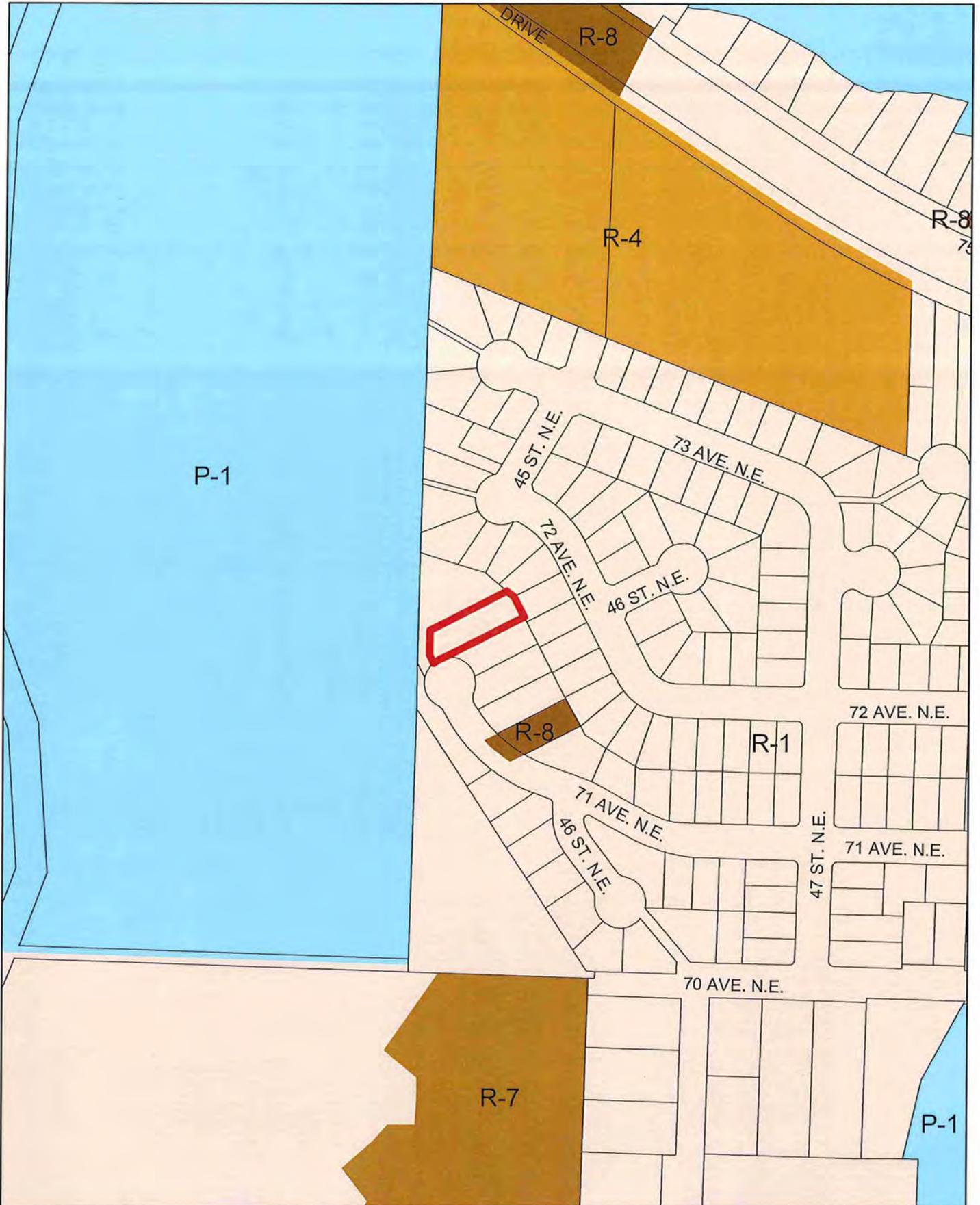
Park



Low Density Residential



Medium Density - Residential



Subject Parcel

Appendix 5: Site Photos



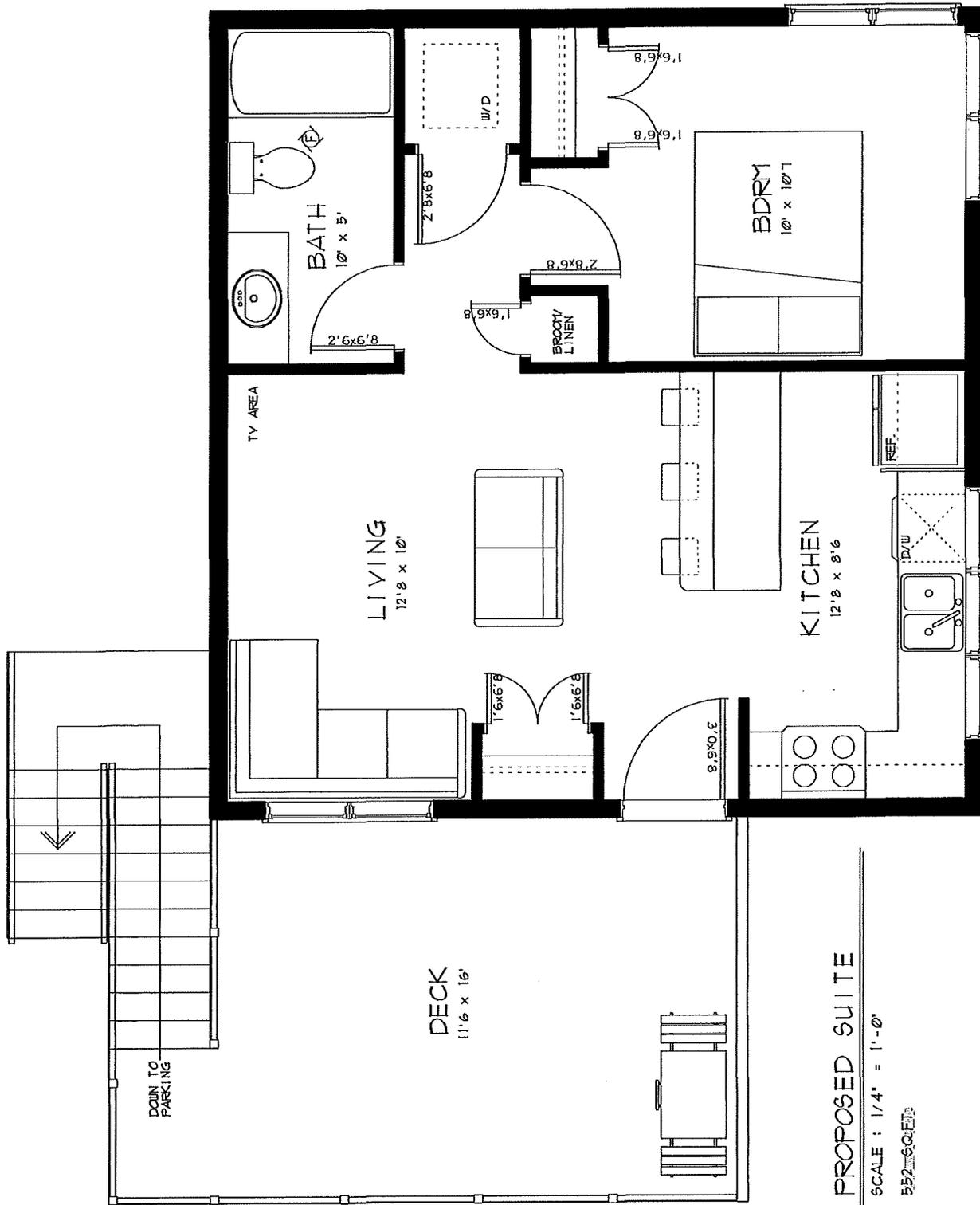
View north of subject parcel from 71 Avenue NE.



View east of subject parcel from trail at north end of 71 Avenue.



View south of subject parcel from 45 Street NE showing adjacent development.



1
A1
PROPOSED SUITE
SCALE : 1/4" = 1'-0"
552-6641

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City of Salmon Arm

Development Services Department Memorandum

To: Her Worship Mayor Cooper and Members of Council

Date: March 8, 2018

Subject: Zoning Bylaw Amendment Application No. 1122

Legal: Lot 1, Section 24, Township 20, Range 10, W6M, KDYD, Plan EPP59280

Civic: 2621 30 Street NE

Owner: Glanville, B. & Rose, A.

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 24, Township 20, Range 10, W6M, KDYD, Plan EPP59280 from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone);

AND FURTHER THAT: final reading of the zoning amendment bylaw be withheld subject to confirmation that the proposed suite meets Zoning Bylaw and BC Building Code requirements.

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The subject parcel is located at 2621 30 Street NE and currently contains a single-family dwelling and accessory buildings (Appendix 1 and 2). The proposal is to rezone the parcel from R-1 (Single Family Residential Zone) to R-8 (Residential Suite) in order to develop a *detached suite* within an existing accessory building.

BACKGROUND

The subject parcel is designated Low Density Residential in the City's Official Community Plan (OCP) and zoned R-1 (Single Family Residential) in the Zoning Bylaw (Appendix 3 and 4). The subject parcel is located just north of the Uptown commercial area and the secondary school, a residential area largely comprised of R-1, R-8, and A-2 zoned parcels. There are currently five R-8 zoned parcels within close proximity of the subject parcel.

The large subject parcel is just under 1 acre in area and meets the conditions of minimum parcel area and minimum parcel width as specified by the proposed R-8 zone. Site photos are attached as Appendix 5. The intent of the applicant is to renovate an existing accessory building (currently a workshop) to contain a *secondary suite* (a Letter of Intent is attached as Appendix 6). Staff note that the residential area of a suite is limited to 90 square metres (to be confirmed at Building Permit stage).

Any development of a *detached suite* would require a building permit and will be subject to Zoning Bylaw regulations, BC Building Code requirements, and applicable Development Cost Charges.

Secondary Suites

Policy 8.3.25 of the OCP provides for the consideration of secondary suites in Low Density Residential designated areas via a rezoning application, subject to compliance with the Zoning Bylaw and the BC Building Code. Based on the parcel area, the lot as it presently exists has potential for the development of either a *secondary suite* or a *detached suite*, including sufficient parking to serve the suite.

COMMENTSEngineering Department

No objections provided that onsite parking requirements are met.

Building Department

No Concerns with rezoning.

Staff note that the conversion of existing garage buildings for residential use can present a significant challenge. Often the building must be completely dismantled and reconstructed to meet the energy, window/egress, ventilation, and radon mitigation requirements of the BCBC.

A secondary suite is subject to BC Building Code requirements.

Fire Department

No concerns.

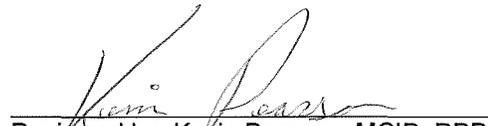
Planning Department

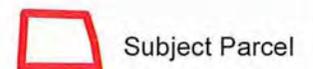
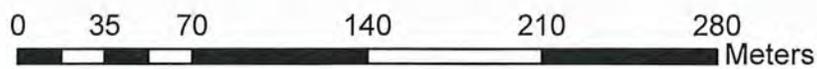
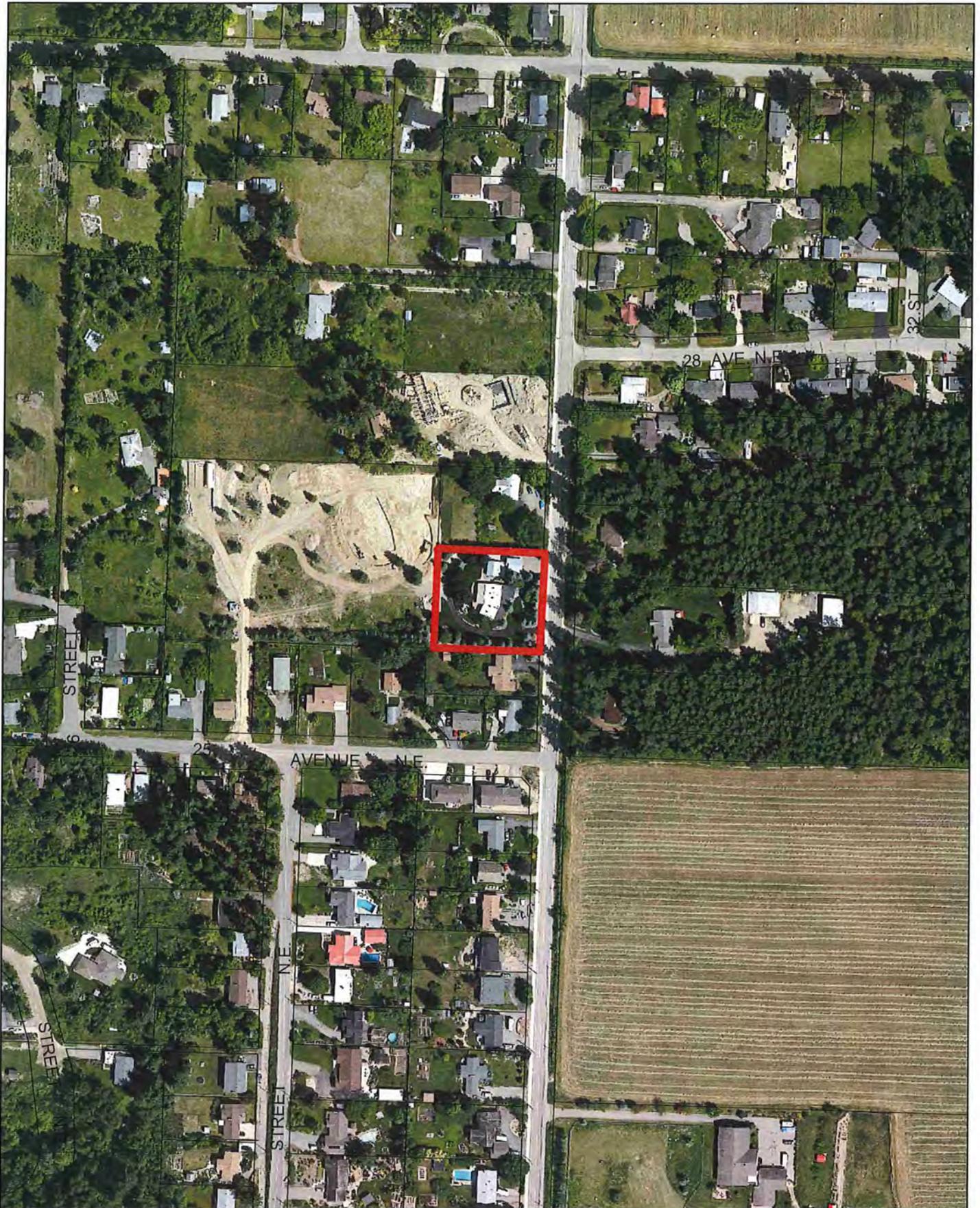
The proposed R-8 zoning of the subject parcel is consistent with the OCP and is therefore supported by staff. Any development of a *secondary suite* or *detached suite* will require a building permit and will be subject to meeting Zoning Bylaw regulations, BC Building Code requirements, and applicable Development Cost Charges.

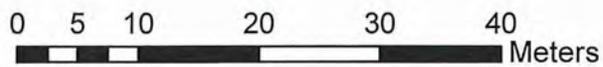
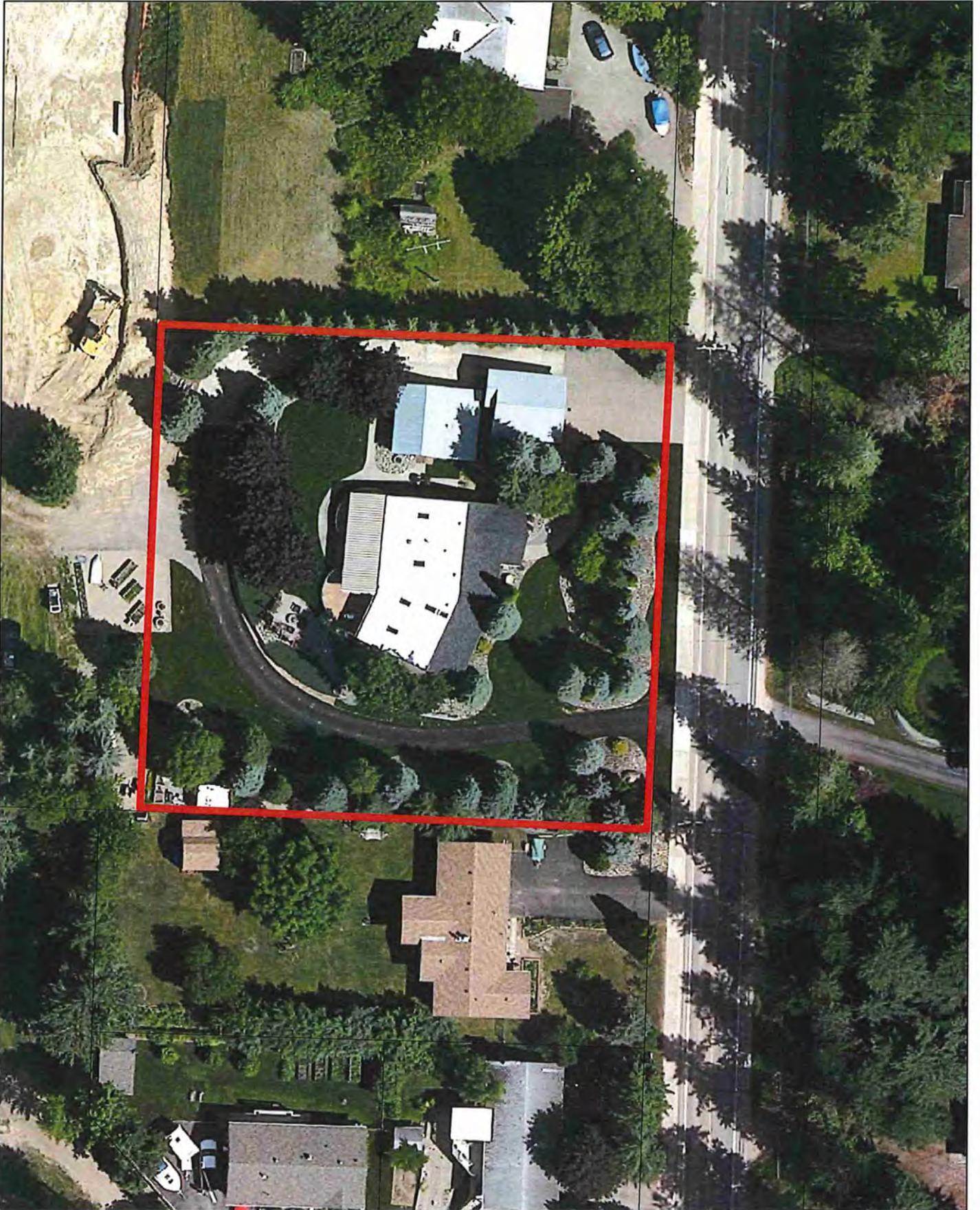
While the proposed conversion of an accessory building to residential use can be practically challenging, the proposed use substantially aligns with existing development patterns in the area.



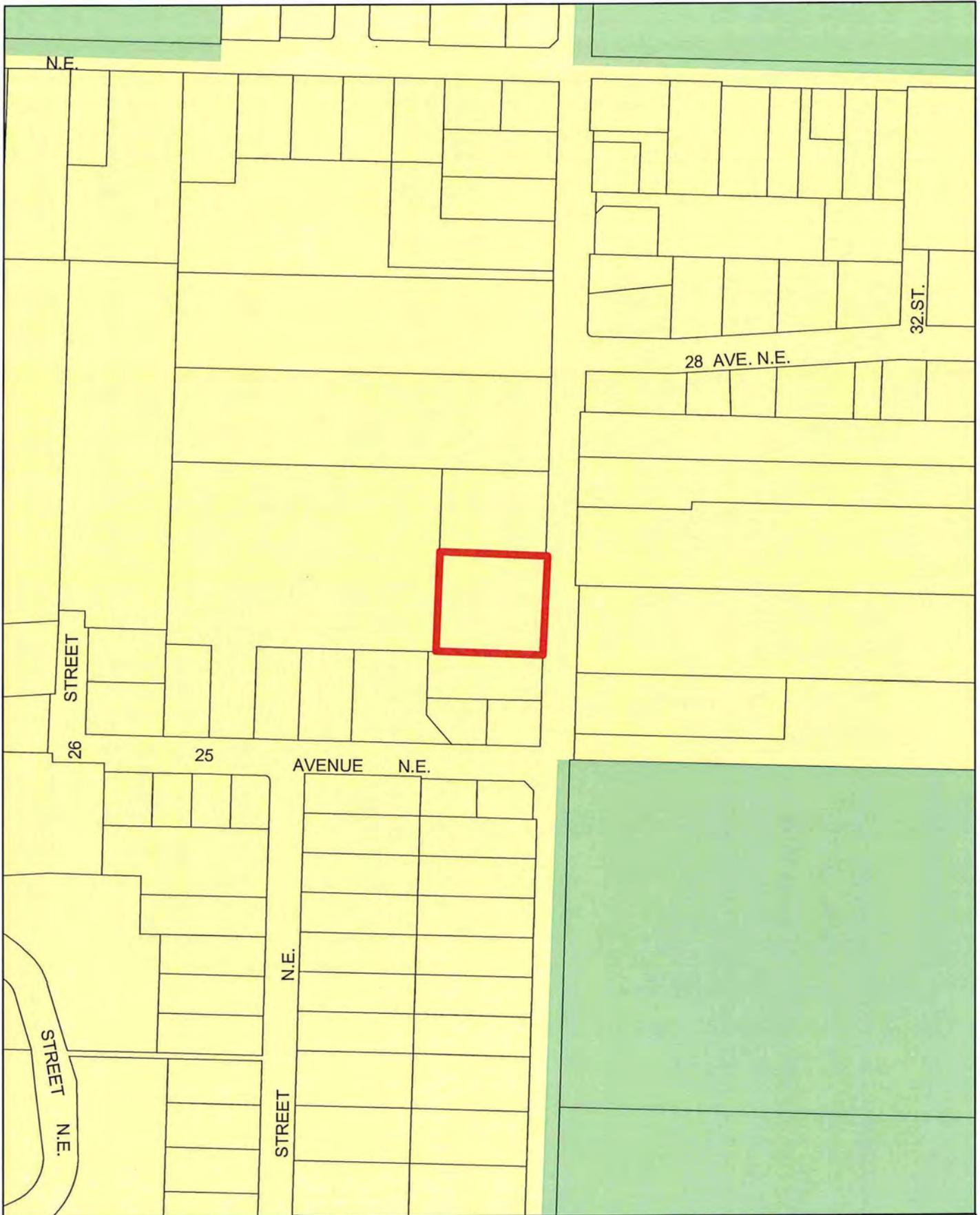
Prepared by: Chris Larson
Planning and Development Officer


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





Subject Parcel



0 15 30 60 90 120
Meters



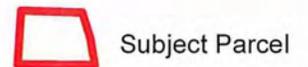
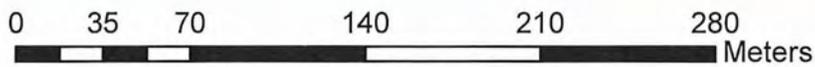
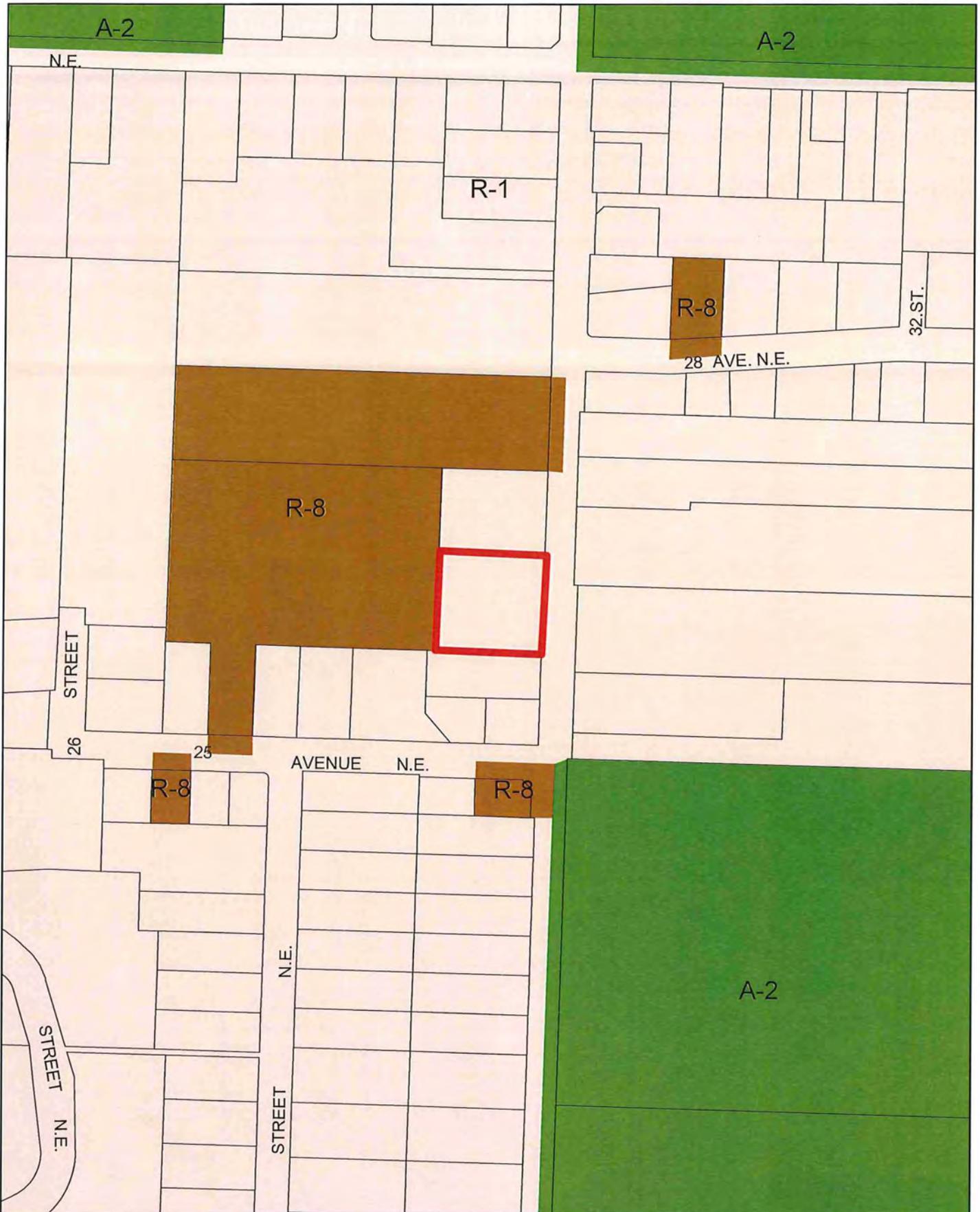
Subject Parcel



Low Density Residential



Acreage Reserve



Appendix 5: Site Photos



View north-west of subject parcel from 30 Street NE. The parcel lines have a buffer of mature trees.



View south-west of subject parcel from 30 Street NE.

Appendix 6: Applicant's Intent

To: City of Salmon Arm

Date: January 14, 2018

Re: Rose/Glanville Guest and Caregiver Suite (2621 30 st NE Salmon Arm) – Rezoning and building permit

To whom it may concern,

On our property, there is a free standing building behind the garage and next to the house that currently serves as a shop. We are hoping to convert it into a guest/live in care giver suite as there is not an extra room in the house to fit that purpose. There are therefore 2 parts to this application – 1. A rezoning application from R1 to R8, and 2. A building permit application for the changes we would like to make to the building.

Of note, we would not be changing the dimensions or location of the building. We would be separating the building into a guest suite at the back and a smaller storage area at the front (see drawn plans for details). We would be adding a bathroom (tied into the existing house sewer system), insulating and dry walling, putting in a subfloor and flooring, and adding a window at the back.

Both my husband and I are family physicians in Salmon Arm and are needing to complete this project as soon as possible to accommodate a live in caregiver for our children starting this summer. If there is any way to expedite the rezoning/permit process to help us with this we would be very grateful!

Thanks for your consideration.

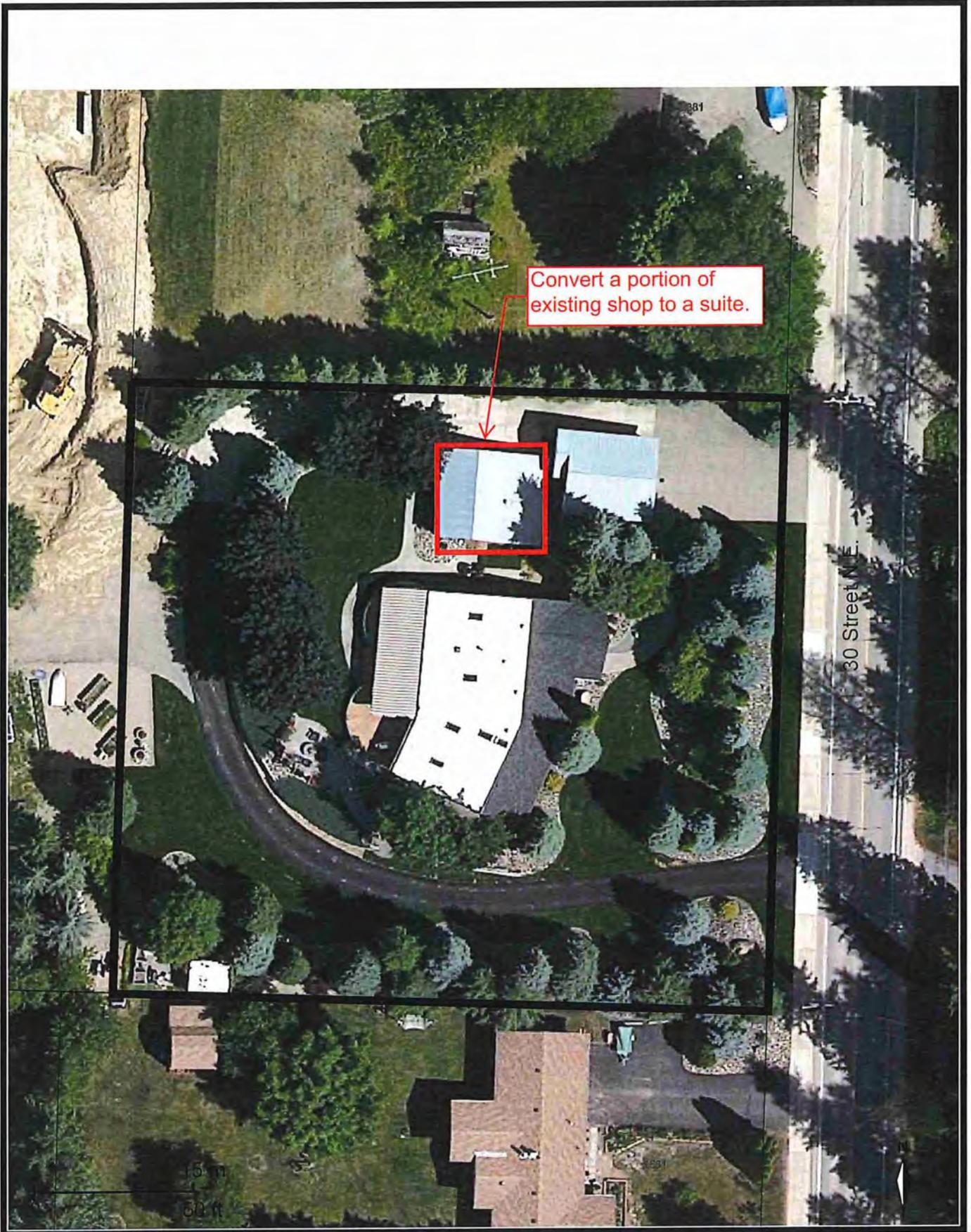
Sincerely,

Andrea Rose



Phone: 250-253-3510

Appendix 6: Applicant's Intent

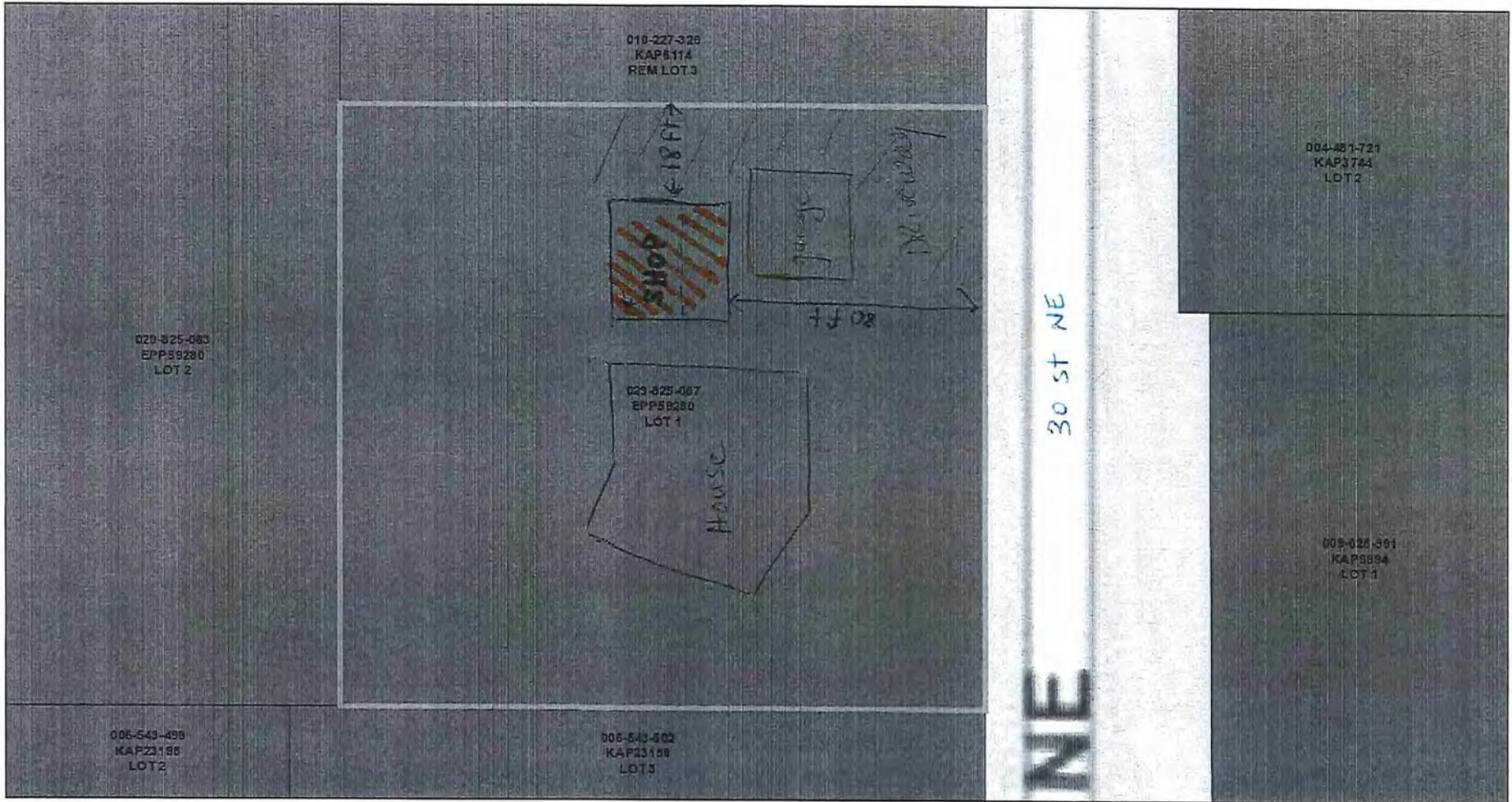


Convert a portion of existing shop to a suite.

30 Street NE

15 m
50 ft

ParcelMap BC Print Report



January 11, 2018

Interest Parcels

Interest

Parcels By Class

Subdivision

Absolute Fee Book

Building Strata

Bare Land Strata

Common Ownership

Park

Air Space

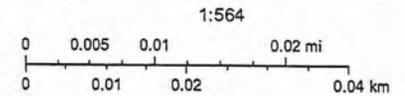
Road

Crown Subdivision

Primary

Part of Primary

TileCache



Government of British Columbia, DataBC, GeoBC

Cadastral data from ParcelMap BC
Copyright 2015 LTSAA

Appendix 6: Applicant's Intent



City of Salmon Arm

Development Services Department Memorandum

TO: Her Worship Mayor Cooper and Members of Council

DATE: March 13, 2018

SUBJECT: Zoning Bylaw Amendment Application No. 1121 (R-1 to CD-7)
 Legal: Lot 1, Section 24, Township 20, Range 10, W6M, KDYD, Plan 3898, Except Plan KAP55055
 Civic Address: 1160 – 16 Street NE
 Owner: 1120170 BC Ltd.
 Applicant: Reg Walters

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 24, Township 20, Range 10, W6M, KDYD, Plan 3898, Except Plan KAP55055 from R-1 (Single Family Residential Zone) to CD-7 (Comprehensive Development Zone - 7);

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

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The subject parcel is located at 1160 – 16 Street NE and is currently vacant (APPENDICES 1 and 2). The proposal is to rezone the parcel from R-1 (Single Family Residential) to CD-7 (Comprehensive Development Zone – 7) to accommodate a five lot subdivision with secondary suites.

The plan of subdivision is attached as APPENDIX 5 and site photos as APPENDIX 6.

SITE CONTEXT

The subject parcel is a corner lot fronting both 16 Street NE and 11 Avenue NE and is approximately 3,656 m² in size. The property is designated Medium Density Residential in the City's Official Community Plan (OCP) and zoned Single Family Residential (R-1) in the Zoning Bylaw. The adjacent land uses are described as follows:

North: Single Family Residential (R-1)
 South: 11 Avenue NE / Single Family Residential (R-1)
 East: Single Family Residential (R-1)
 West: 16 Street NE / Single Family Residential (R-1)

Secondary Suites

Policy 8.3.25 of the OCP provides for the consideration of secondary suites in Medium Density Residential designated areas via a rezoning application, subject to compliance with the Zoning Bylaw and the BC Building Code. In this case, the CD-7 zone permits only secondary suites within the principle dwelling and not detached secondary suites. Based on the parcel area, if the proposed lots were rezoned to the more common R-8 zone, two of the proposed lots (1 & 2) would meet the minimum lot size for detached suites.

COMMENTSFire Department

No concerns.

Building Department

No concerns.

Engineering Department

Engineering Department has no objections to the rezoning; however it is recommended that the lot sized be maintained to allow for onsite parking as offsite parking is not advised in this location.

Planning Department

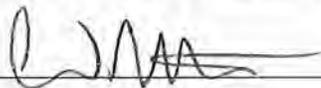
The subject parcel is designated Medium Density Residential in the City's OCP. The proposed CD-7 zone is supported within the Medium Density Residential designation and therefore the proposal is consistent with the current OCP land use designation.

The purpose of the CD-7 zone, attached as APPENDIX 7, is to provide medium density, single family dwellings with secondary suites. The zone allows for 350 m² minimum parcel area and reduced setbacks in comparison to the R-1 zone. In terms of neighbourhood design, there would also be a notable difference in the siting of dwellings with the minimum setback of 5 m from a front parcel line prescribed in the CD-7 zone. Most of the older homes in this neighbourhood are sited well further back than the 6 m minimum of the R-1 zone. The proposed lots are 540 m² and larger which exceeds the minimum parcel area required. Given the proposed size of the lots, onsite parking and additional parking required for secondary suites is not anticipated to be an issue. However, there is limited opportunity for on street parking in this location. 11 Avenue NE in this location is also a designated a Bike Route in the OCP (Map 12.2).

The CD-7 zone has been implemented in the Maplewoods subdivision on 24 Street NE with lots sizes ranging from 400 m² to 558 m². Some concerns have been raised regarding on street parking and snow clearing along this block. On street parking is used extensively even though onsite parking requirements are met for all single family dwellings and secondary suites.

CONCLUSION

The requested zoning amendment to CD-7 to accommodate a five lot subdivision is recommended for approval by staff for the above noted reasons.



Prepared by: Wesley Miles, MCIP, RPP
Planning and Development Officer

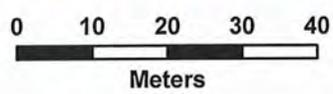


Reviewed by: Kevin Pearson, MCIP, RPP
Director of Development Services



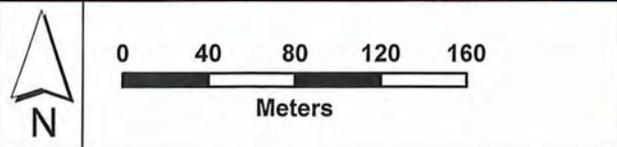
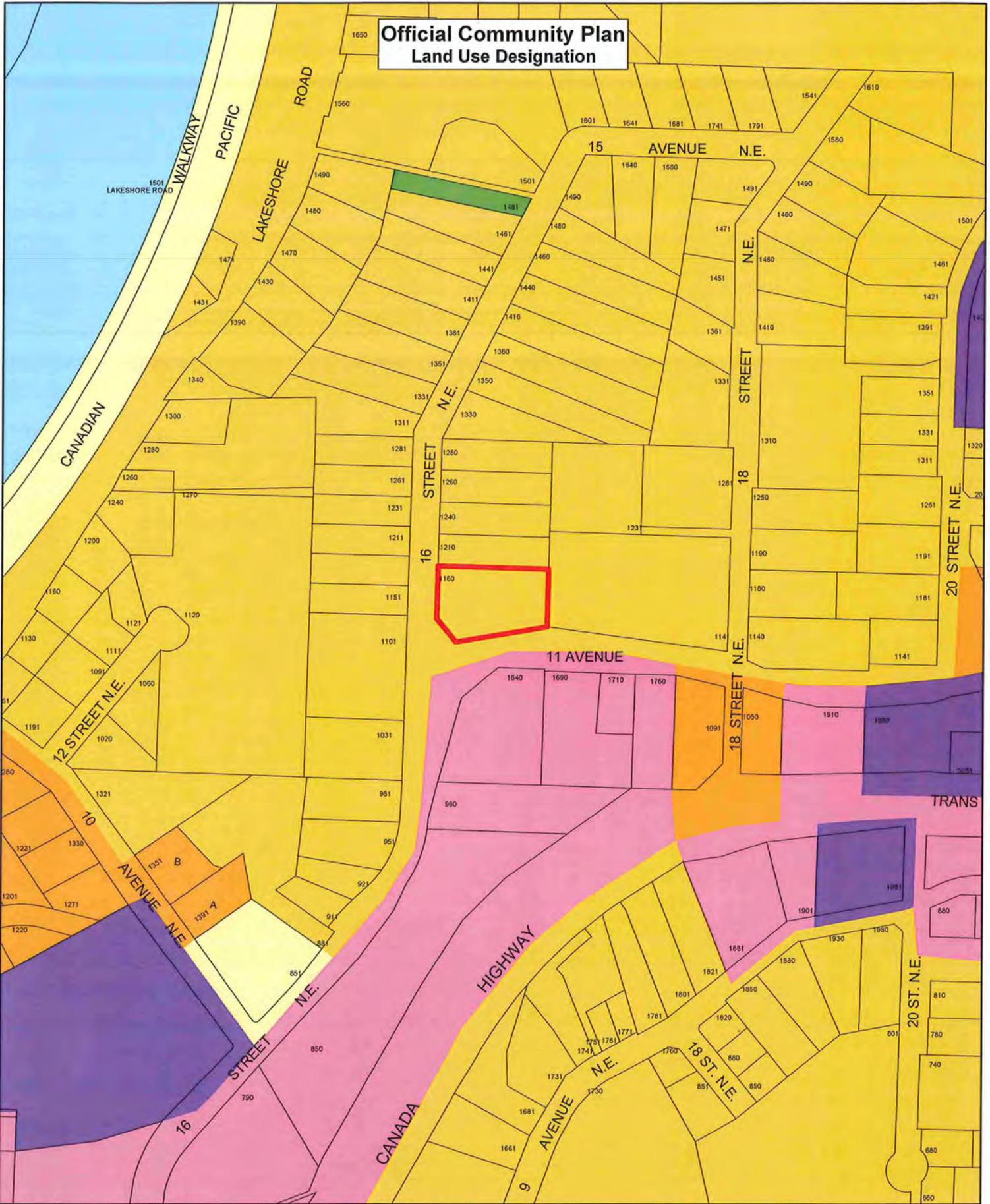
Orthophoto

PLAN 55055



 Subject Parcel

**Official Community Plan
Land Use Designation**



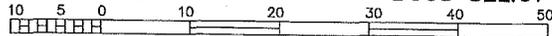
-  Subject Parcel
-  Residential Medium Density
-  Residential High Density
-  Highway Service / Tourist Commercial

Sketch Plan of Proposed Subdivision of Lot 1, Sec 24, Tp 20, R 10, W6M, KDYD, Plan 3839

Except Plan KAP55055

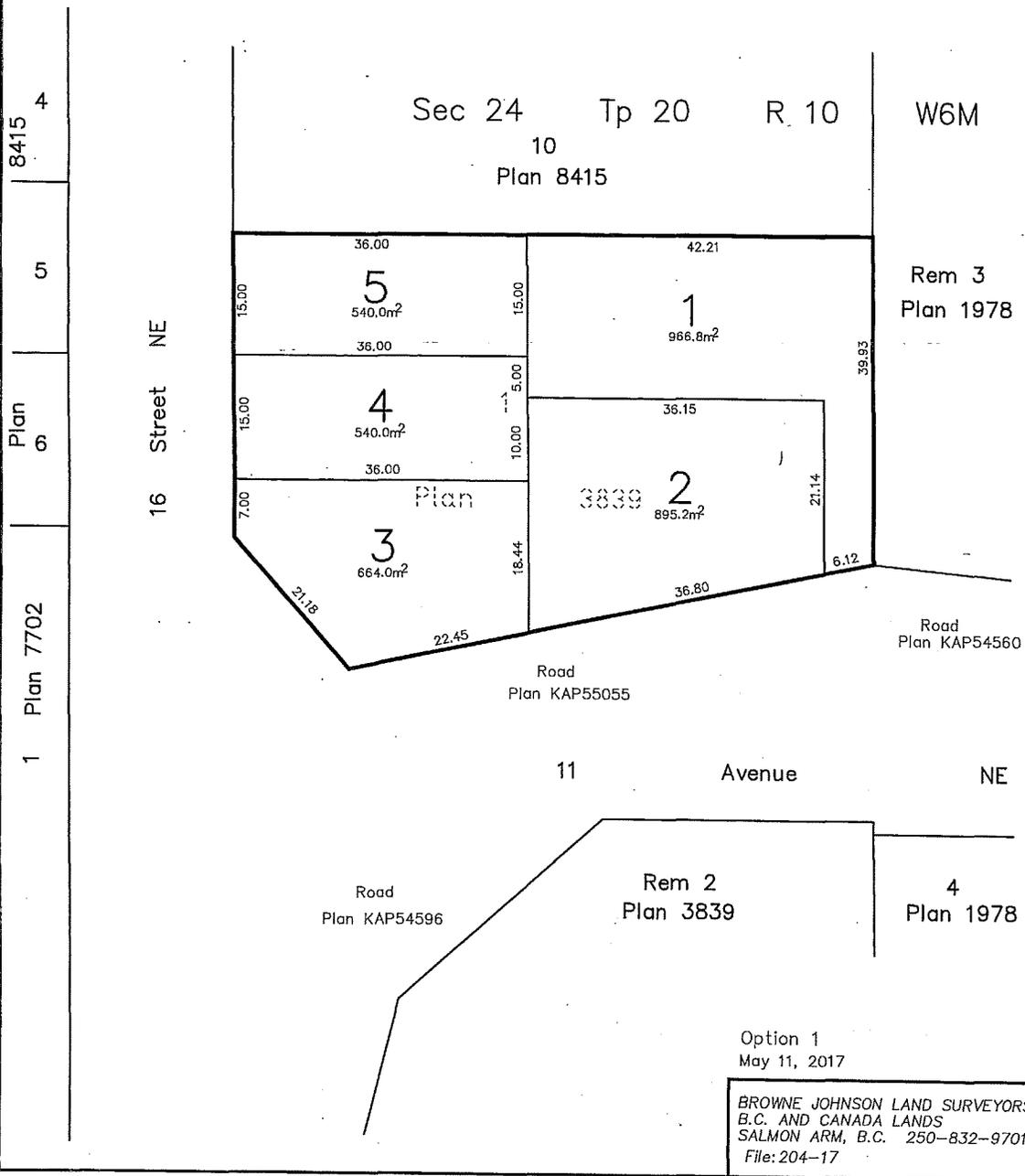
Scale 1:500

BCGS 82L.074



All distances are in metres.

The intended plot size of this Plan is 280mm in width by 432mm in height (B size) when plotted at a scale of 1:500



Option 1
May 11, 2017

BROWNE JOHNSON LAND SURVEYORS
B.C. AND CANADA LANDS
SALMON ARM, B.C. 250-832-9701
File: 204-17

APPENDIX 6



Photo 1: Photo looking south east from 16 Street NE at the subject property.



Photo 2: Photo looking south at the subject property from the intersection of 11 Avenue NE and 16 Street NE.

#3685

SECTION 45 - CD-7 - COMPREHENSIVE DEVELOPMENT ZONE - 7

Purpose

- 45.1 The purpose of the CD-7 *Zone* is to provide for medium density, *single-family dwellings* with *secondary suites*.

Regulations

- 45.2 On a *parcel* zoned CD-7, no *building* or *structure* shall be constructed located or altered and no plan of subdivision approved which contravenes the regulations set out in the CD-7 *Zone* or those regulations contained elsewhere in this Bylaw.

Permitted Uses

- 45.3 The following uses and no others are permitted in the CD-7 *Zone*:
- .1 *bed and breakfast*, limited to two let rooms;
 - .2 *boarders*, limited to two;
 - .3 *home occupation*;
 - .4 *public use*;
 - .5 *public utility*;
 - .6 *single family dwelling*;
 - .7 *accessory use*, including *secondary suite*.

Maximum Number of Single-Family Dwellings

- 45.4 The maximum number of *single family dwellings* shall be one (1) per *parcel*.

Maximum Number of Secondary Suites

- 45.5 The maximum number of *secondary suites* shall be one (1) per *parcel*.

Maximum Height of Principal Building

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

Maximum Height of Accessory Building

- 45.7 The maximum *height* of an *accessory building* shall be 6.0 metres (19.7 feet).

Maximum Parcel Coverage

- 45.8 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 *accessory buildings*.

SECTION 45 - CD-7 - COMPREHENSIVE DEVELOPMENT ZONE - 7 - CONT'D

Minimum Parcel Area

45.9 The minimum *parcel area* shall be 325.0 square metres (3,498 square feet).

Minimum Parcel Width

45.10 The minimum *parcel width* shall be 11.0 meters (36 feet).

Minimum Setback of Principal Building

45.11 The minimum *setback* of the *principal building* from the:

- .1 *Front parcel line* shall be 5.0 metres (16.4 feet)
- .2 *Rear parcel line* shall be 5.0 metres (16.4 feet)
- .3 *Interior side parcel line* shall be 1.2 metres (3.9 feet)
- .4 *Exterior side parcel line* shall be 5.0 metres (16.4 feet)
- .5 Notwithstanding Sections 6.10.2 and 6.10.3, 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 5.0 metres (16.4 feet).
- .6 Refer to Section 4.9 for "Special Building Setbacks" which may apply.

Minimum Setback of Accessory Buildings

45.12 The minimum setback of an *accessory building* from the:

- .1 *Front parcel line* shall be 5.0 metres (16.4 feet)
- .2 *Rear parcel line* shall be 1.0 metre (3.3 feet)
- .3 *Interior side parcel line* shall be 1.0 metre (3.3 feet)
- .4 *Exterior side parcel line* shall be 5.0 metres (16.4 feet)
- .5 Refer to "Pound and Animal Control Bylaw" for special *setbacks* which may apply.

Maximum Floor Area Ratio

45.13 The maximum *floor area ratio* of a *single family dwelling* shall be 0.65.

Parking

45.14 Parking shall be required as per Appendix I.



City of Salmon Arm

Development Services Department Memorandum

TO: Her Worship Mayor Cooper and Members of Council

DATE: March 13, 2018

SUBJECT: Variance Permit Application No. VP-459 (Setback)
 Legal: Lot 1, Section 14, Township 20, Range 10, Plan EPP34573
 Civic Address: 541 – 3 Street SW
 Owner: City of Salmon Arm
 Applicant/Agent: Salmon Arm Folk Music Society / Bernd Hermanski

MOTION FOR CONSIDERATION

THAT: Development Variance Permit No. VP-459 be authorized for issuance for Lot 1, Section 14, Township 20, Range 10, Plan EPP34573 which will vary Zoning Bylaw No. 2303 as follows:

1. Section 26.9.1 **Minimum Setback of Principle Building** - decrease the minimum setback of a principle building from the front parcel line from 6.0 m to 0.0 m.

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The subject property is located at 541 – 3 Street SW (APPENDICES 1 and 2), is owned by the City of Salmon Arm and leased to the Salmon Arm Folk Music Society. The proposal is to construct a covered walkway to shelter an existing elevated public entranceway from 5 Avenue SW. The applicant is requesting that the front parcel line setback be reduced from 6.0 metres to 0.0 metres to accommodate the proposed structure. The siting of the existing and proposed structures is attached as APPENDIX 3.

The applicant has provided a rationale letter attached as APPENDIX 4 and site photo showing a markup of the proposed structure as APPENDIX 5.

BACKGROUND

The subject property consists of a two storey building which is currently occupied by the Salmon Arm Folk Music Society. The main public entrance to the building is by an uncovered walkway from the 5 Avenue SW frontage. The property is designated High Density Residential in the City's Official Community Plan (OCP) and zoned P-3 (Institutional) in the City's Zoning Bylaw. Adjacent land uses include the following:

North: 5 Avenue SW / Comprehensive Development Zone 6 (CD-6)
 South: Park and Recreation (P-1)
 East: 3 Street SW / High Density Residential (R-5)
 West: Park and Recreation (P-1)

COMMENTSFire Department

No concerns.

Building Department

No concerns.

Engineering Department

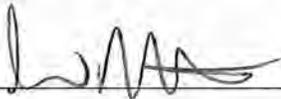
Comments attached as APPENDIX 6.

Planning Department

The application was originally received in April 2017 however was put on hold by the applicant until March of 2018. The applicant is requesting to reduce the front yard setback from 6.0 m to 0.0 m to accommodate the proposed covered walkway. In discussions with the applicant, staff had concerns over the zero lot line setback as 5 Avenue SW does not currently have the 20.0 m dedication required for the ultimate roadway width. An estimated 2.4 m of additional dedication is needed from the subject property to meet the 20.0 metre requirement. If the dedication was taken the future proposed covered walkway would encroach into the dedication area.

In consideration of this and as identified in their rationale letter, the applicant has acknowledged that it will remove, modify or adjust the structure and be responsible for all associated costs if and when the City widens 5 Avenue SW. There are no current plans to widen 5 Avenue SW and staff do not anticipate it being completed in the near future. Given the applicant has acknowledged and committed to modification of the structure if the road widening occurs; staff have no objection to the proposed variance.

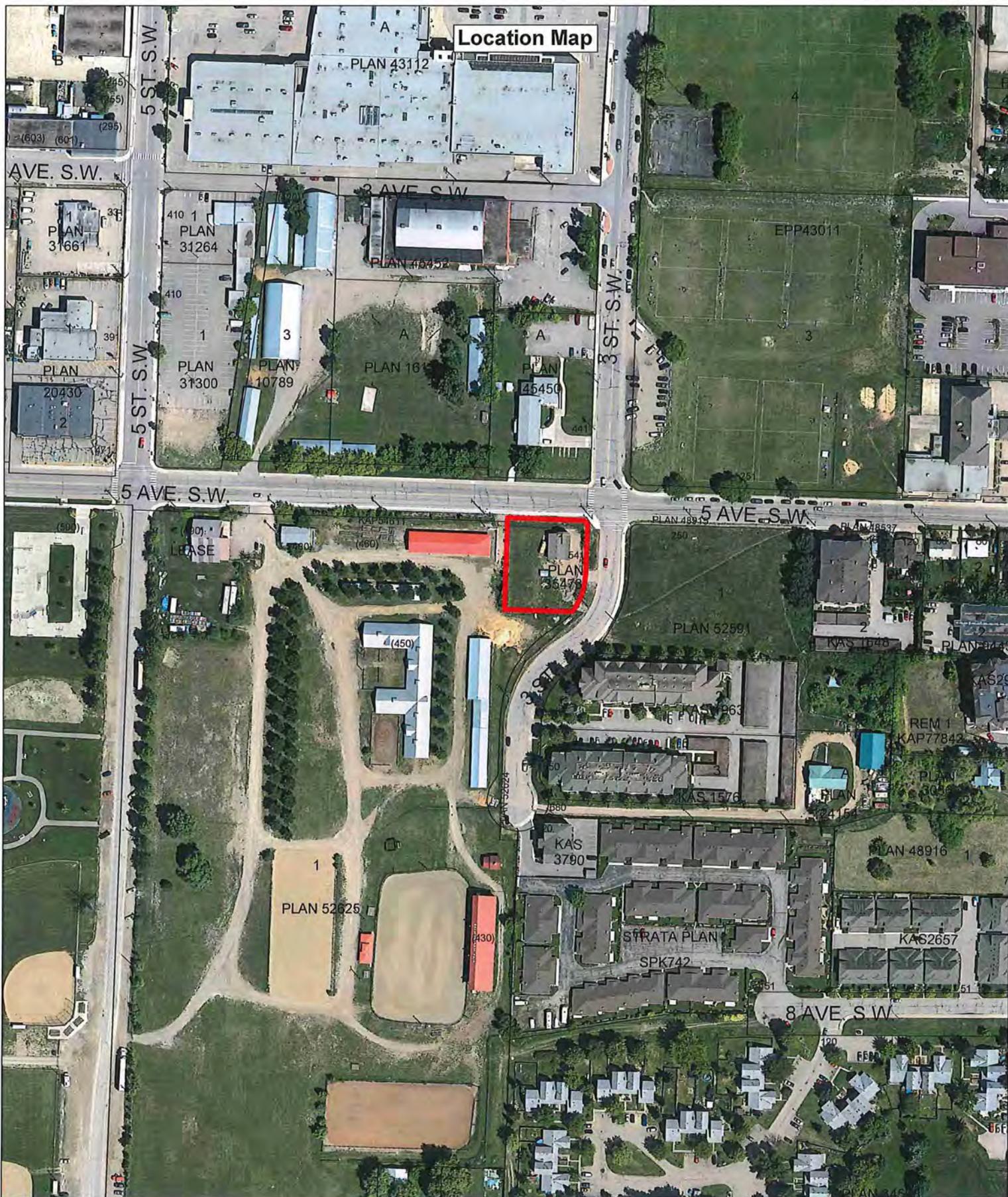
The open supportive post concept versus a closed wall structure alleviates the initial site line concerns staff had with the closed concept.



Prepared by: Wesley Miles, MCIP, RPP
Planning and Development Officer



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



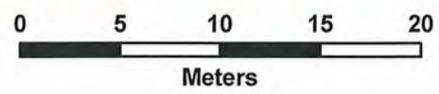
0 25 50 75 100
Meters

Subject Parcel

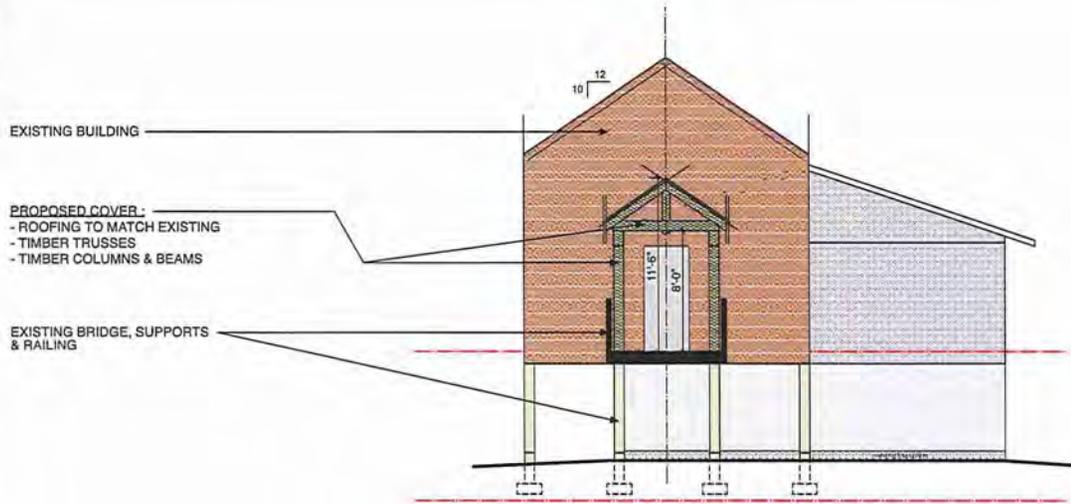
Orthophoto



1
541
PLAN
35473



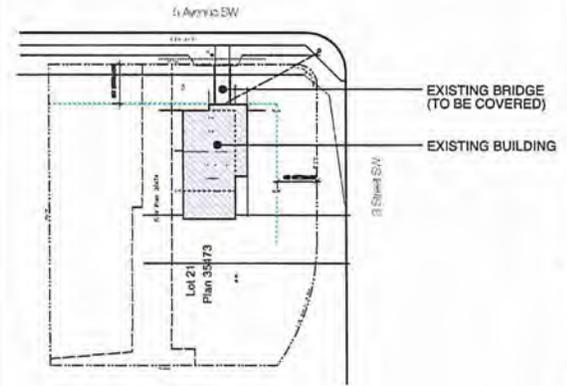
 Subject Parcel



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



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



SITE PLAN SCALE: 1" = 10'-0" (1:120)

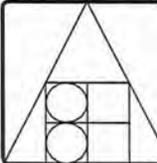
PROJECT DATA

CIVIC ADDRESS: 541 - 3RD ST SW
 LEGAL DESCRIPTION: LOT 1, PLAN 35473, SEC 14, TP 20, R10, W6M, KDYY
 PID 001-648-934
 ZONING: P3
 SITE AREA: APPROX. 19,000 SQ. FT. (0.176 HA)

NOT FOR CONSTRUCTION

ISSUE:	DATE:
VARIANCE APPL.	18 APR 2011

DRAWN: BH + kb
 DATE: MARCH 10, 2016
 SCALE: AS NOTED



BERND HERMANSKI ARCHITECT
 INCORPORATED
 46 - ALEXANDER ST. N.E.
 P.O. BOX 1438
 SALMON ARM, B.C. V1E 4P4
 TEL (250) 832 7400
 FAX (250) 832 7468
 E-MAIL: erndypp@bhsa.net

PROJECT:
SALMON ARM FOLK MUSIC SOCIETY
 Renovation to White House
 SALMON ARM B.C.

DRAWING TITLE:
PROPOSED COVERED BRIDGE

DRAWING NO.
A1 variance
 of
 1

Sent March 2, 2018



Salmon Arm Folk Music Society
Box 21 Salmon Arm, BC V1E 4N2
e-mail: info@rootsandblues.ca
website: www.rootsandblues.ca
phone: 250-833-4096
fax: 250-833-4097
August 17, 18 and 19th, 2018

March 1, 2018

Attn: Kevin Pearson
Director of Development Services
City of Salmon Arm
Box 40
500 2 Ave. NE
Salmon Arm, BC V1E 4N2

RE: Bridge Cover Variance Request Letter (Re: VP-459)

This letter is written to acknowledge that the Salmon Arm Folk Music Society will remove, modify, and/or adjust the bridge/roof structure applied for under file #VP-459, to the City's satisfaction in the event the City decides to widen 5th Avenue SW.

The cost to change the structure will be the leaseholder's (Salmon Arm Folk Music Society) responsibility (if still leasing the property) and the City will not be responsible to provide financial support in the event the structure is deemed to impede the road widening.

The Salmon Arm Folk Music Society requests the City to provide written notice at least six months in advance to allow the organization time to properly plan for the structure to be removed and/or modified.

Please do not hesitate to contact myself if you require further information to help this matter proceed forward.

Thank you,

A handwritten signature in blue ink, appearing to read "David Gonella". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David Gonella
Executive Director
Salmon Arm Folk Music Society
250-833-4096



Photo 1: Photo looking west at the subject property and markup of the proposed covered walkway structure.



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

To: Kevin Pearson, Director of Development Services
 Date: May 23, 2017
 Prepared by: Darin Gerow, Engineering Assistant
 SUBJECT: **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. VP- 459E**
 LEGAL: Lot 1, Section 14, Township 20, Range 10 Plan EPP34573
 CIVIC: 541 – 3 Street SW
 Owner: Salmon Arm Folk Music Society, Box 21, Salmon Arm, BC, V1E 4N2
 Agent: Bernd Hermanski Architect Inc., Box 1438, Salmon Arm, BC, V1E 4P6

Further to your referral dated May 5, 2017, the Engineering Department has thoroughly reviewed the site and offers the following comments and recommendations, relative to the variances requested:

The applicant is requesting to vary City of Salmon Arm Zoning Bylaw No. 2303 as follows:

- 1) Reduce the front parcel setback from 6.0 metres to 0 metres.**

Engineering Department has no objection to the proposed variance to reduce setbacks subject to the following considerations:

1. Runoff from the covered roof assembly shall not be directed onto City right-of-way.
2. Any roof support structures including footings shall be contained on private property.

Darin Gerow, AScT
Engineering Assistant

Rob Niewenhuizen, AScT
Director of Engineering & Public Works



City of Salmon Arm

Development Services Department Memorandum

TO: Her Worship Mayor Cooper and Members of Council

DATE: March 13, 2018

SUBJECT: Variance Permit Application No. VP-471 (Parcel Coverage)
 Legal: Strata Lot 9, Section 18, Township 20, Range 9, W6M, KDYD, Strata Plan
 EPS2062
 Civic Address: 27-481 Hwy 97B NE (Carriage Lane)
 Owner/Applicant: Joe Shmyr and Joyce Weninger

MOTION FOR CONSIDERATION

THAT: Development Variance Permit No. VP-471 be authorized for issuance for Strata Lot 9, Section 18, Township 20, Range 9, W6M, KDYD, Strata Plan EPS2062 which will vary Mobile Home Park Bylaw No. 1435 as follows:

- 1. Section 4.06 Site Coverage – Increase the maximum site coverage from 35% to 38%.**

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The subject property is located at 27-481 Hwy 97B NE in the Carriage Lane bare-land strata development (APPENDICES 1 and 2). The property is under permit for a modular home with attached garage. The applicants are requesting that the maximum site coverage be increased from 35% to 38% as outlined in the motion for consideration.

The site plan and proposed building layout are shown in APPENDIX 3.

BACKGROUND

The property is designated Low Density Residential in the City's Official Community Plan (OCP) and zoned R-6 (Mobile Home Park) in the City's Zoning Bylaw. The property is completely within the ALR but within the Urban Containment Boundary. Carriage Lane is a phased bare-land strata development consisting of 30 bare-land strata lots. Adjacent land uses include the following:

North: Common Access Road / Mobile Home Park Residential (R-6)
 South: Common Area / Mobile Home Park Residential (R-6)
 East: Mobile Home Park Residential (R-6)
 West: Mobile Home Park Residential (R-6)

COMMENTSFire Department

No concerns.

Building Department

No concerns.

Engineering Department

No concerns.

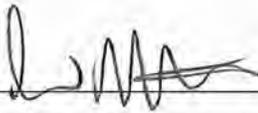
Planning Department

The R-6 zoning of the property dates back to 1977 and coincided with the Agricultural Land Commission's Non-Farm Use approval in 1979 for a mobile home park on the western portion of the original parcel at that time. The subject property is approximately 510 m² in area which is over the minimum lot size of 450 m² for a double wide modular home. The R-1 Single Family Residential Zone has the same minimum lot size requirement however allows for 45% parcel coverage. A previous variance (VP-210) was granted in 2002 for the Crystal Springs bare-land strata mobile home park development for lots 1 through 15. It permitted an increase in site coverage from 35% to 45%. Other similar variances have been granted for the Uplands and Willow Cove subdivisions and most recently (VP-438) for Lot 19 of Carriage Lane, which is three lots to the west, was granted in 2016 to allow for 40.2% lot coverage. Carriage Lane is approximately half built out at this time. The R-6 Zone itself does not have a maximum parcel coverage or minimum setback regulation; it defers to the Mobile Home Park Bylaw for those requirements. The Mobile Home Park Bylaw is old and when it was adopted, it did not contemplate double wide modular homes which essentially resemble single family dwellings. Single wide mobile homes within the older mobile home parks did not need high parcel coverage.

The requested variance is not anticipated to have any significant impact on the surrounding properties as all the required setbacks are being met and the site coverage is within the comparable provisions of the R-1 zone. In addition, it is consistent with previous approvals and with less than 45% total site coverage.

CONCLUSION

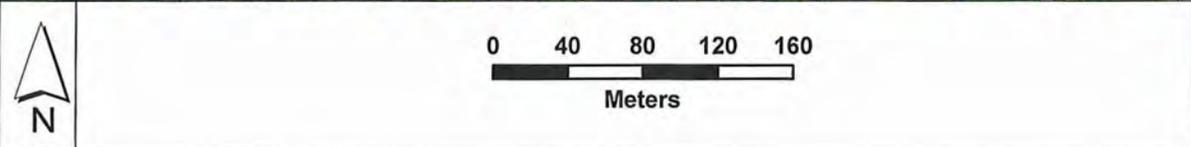
The requested variance to increase the maximum site coverage from 35% to 38% to accommodate the construction of a modular home with attached garage is recommended for approval by staff for the reasons noted above.



Prepared by: Wesley Miles, MCIP, RPP
Planning and Development Officer



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



 Subject Parcel

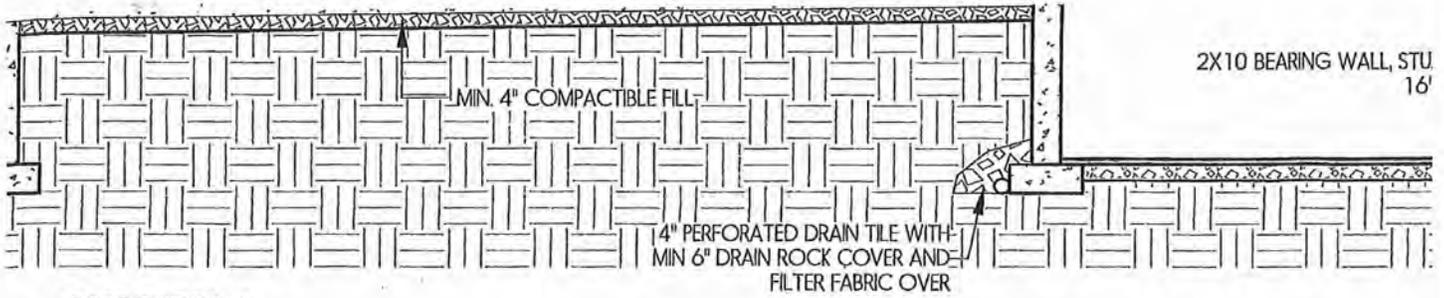
Orthophoto



0 5 10 15 20
Meters

 N

 Subject Parcel



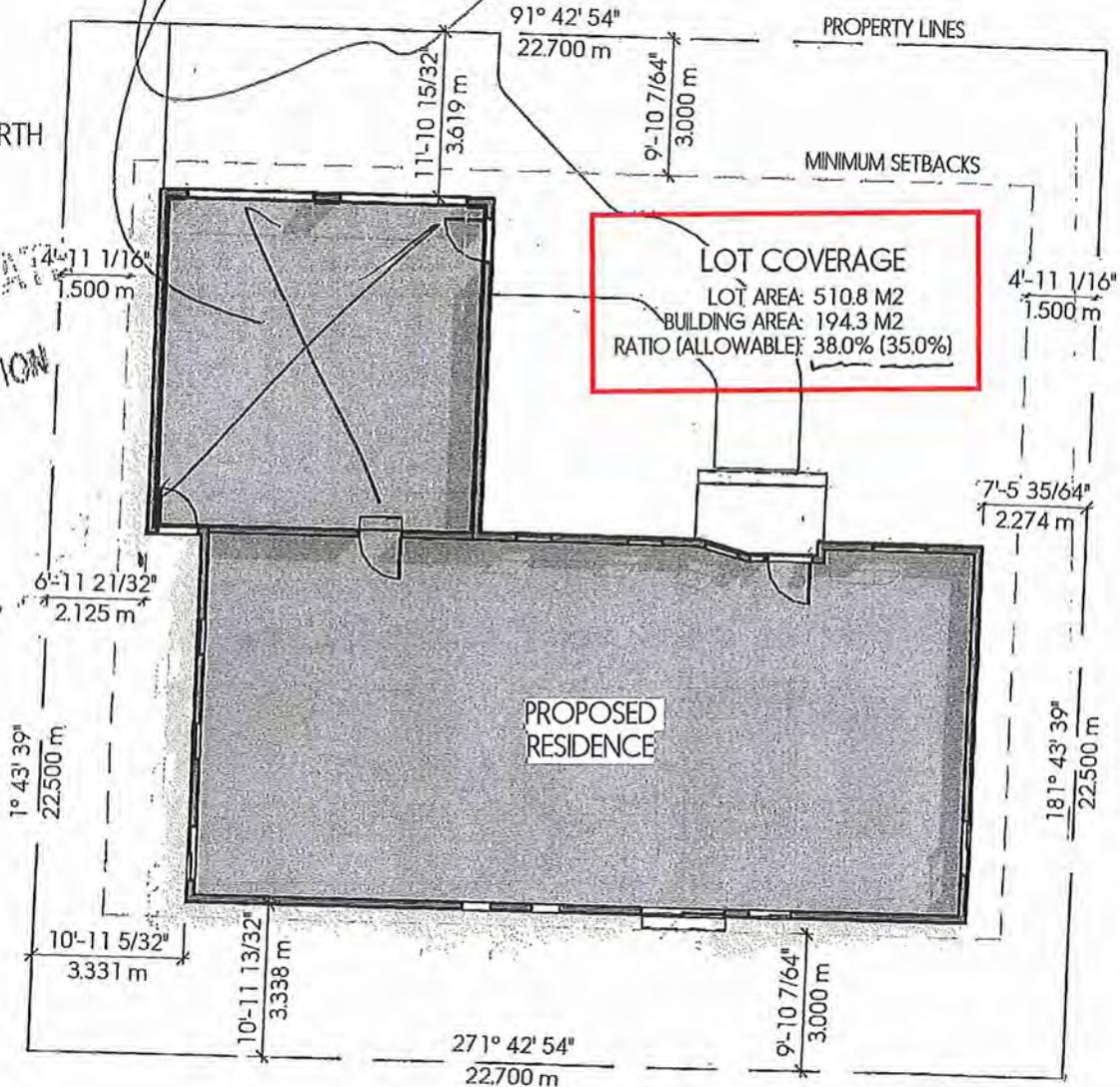
1 SECTION 1
1/4" = 1'-0"

Requested Variance: to increase maximum parcel coverage from 35% to 38%

Separate Permit Required.

COMMON ACCESS

PERMITS REQUIRED FOR FOUNDATION LOCATION



3 SITE
1:150



City of Salmon Arm
Development Services Department Memorandum

TO: Her Worship Mayor Cooper and Council

FROM: Development Services

DATE: March 12, 2018

SUBJECT: Official Community Plan Amendment Application File No. OCP4000-32
Zoning Amendment Application File No. ZON.1109
Amended Legal Subdivision 15 of Sec. 31, Tp. 20, R. 9, W6M, KDYD, except Plans 10393 and 21686
6810 Park Hill Road NE
Owner: Wilmark Homes Ltd. / Homecraft Construction Ltd.
Agent: Onsite Engineering Ltd. (Jan van Lindert)

Motion for Consideration

- THAT: A bylaw be prepared for Council's consideration, adoption of which would amend Official Community Plan Bylaw No. 4000 as follows:
- 1) Re-designate that part of Amended Legal Subdivision 15 of Sec. 31, Tp. 20, R. 9, W6M, KDYD, except Plans 10393 and 21686 as shown on Appendix 10, from Medium Density Residential to Low Density Residential; and
 - 1) Amend Map No. 11.1 by removing the proposed Neighbourhood Park on Amended Legal Subdivision 15 of Sec. 31, Tp. 20, R. 9, W6M, KDYD, except Plans 10393 and 21686.
- AND THAT: Pursuant to Section 475 of the *Local Government Act*, Council has considered the Official Community Plan amendment after appropriate consultation with affected organizations and authorities.
- AND THAT: Pursuant to Section 477(3)(a) of the *Local Government Act*, Second Reading of the Official Community Plan amendment be withheld pending Council's consideration of the proposed Official Community Plan 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 as follows:
- 1) Rezone that Part of Amended Legal Subdivision 15 of Sec. 31, Tp. 20, R. 9, W6M, KDYD, except Plans 10393 and 21686 as shown on Appendix 11, from R-4 (Medium Density Residential) and R-7 (Large Lot Single Family Residential) to R-1 (Single Family Residential).
- AND THAT: Final Reading of the Zoning Bylaw be withheld pending Final Reading of the Official Community Plan Amendment Bylaw.

Staff Recommendation

THAT: The Motion for Consideration be adopted.

Proposal

The subject property is located at 6810 Park Hill Road NE. The property is approximately 14 hectares in size and is vacant. The owner is applying for Official Community Plan (O.C.P.) and Zoning Bylaw amendments to permit construction of approximately 131 residential parcels. A location map, ortho photo and sketch plans of the proposed subdivision are attached as Appendices 1 through 3.

Background

The subject property is located within Residential Development Area 'A' and is designated Low Density Residential and Medium Density Residential in the O.C.P.. The property is zoned R-1 (Single Family Residential), R-4 (Medium Density Residential), R-7 (Large Lot Single Family Residential) and R-9 (Estate Residential). O.C.P. and Zoning maps are attached as Appendices 4 and 5.

The property is also located within an Urban Hillside Development Area as identified on Map 1 in Schedule A of Subdivision and Development Servicing Bylaw No. 4163. A copy of Map1 together with a Contour map and an Ortho showing steep slope areas are attached as Appendices 6 through 8. The Hillside Development Area criteria allow for consideration of narrower road widths, including one-way roads, lanes and decreased turn around areas where topography warrants.

The property has been the subject of four previous O.C.P. and zoning amendment applications:

1. In 1993, an application to rezone the property to R-6 (Mobile Home Park) was defeated by Council at third reading (File: ZON-413). Area residents expressed concerns with the density of development and the creation of another mobile home park in Canoe.
2. In 1994, an application to rezone the property from A-2 (Rural Holding) to R-1 (Single Family Residential) was also defeated at third reading (File: ZON-482). Area residents primarily expressed concerns with the proposed density of development.
3. In 1996, an application to rezone the property from A-2 (Rural Holding) to R-7 (Large Lot Single Family Residential) was adopted by Council (ZON-514). The application received little, if any, opposition and was supported by a number of area residents.
4. In 2008, an application to re-designate part of the property from Low Density Residential to Medium Density Residential and to rezone portions of the property from R-7 (Large Lot Single Family Residential) to R-1 (Single Family Residential), R-4 (Medium Density Residential) and R-9 (Estate Residential) zones was adopted by Council (ZON- 841). No concerns were expressed by area residents.

With the 2008 application, the O.C.P. and zoning boundaries were determined by the proposed internal road network and this restricted the subdivision layout, lot sizes and residential uses to that road network. A copy of the proposed development in 2008 is attached as Appendix 9. The applicants have now re-designed the proposed subdivision to remove the Medium Density Residential portion and to take advantage of the Urban Hillside Development Area provisions which were incorporated into Subdivision and Development Servicing Bylaw No. 4163 in 2016. As a result, they are requesting that the Medium Density Residential designation be removed and the entire property east of Park Hill Road NE be designated Low Density Residential and that the R-4 and R-7 portions be rezoned to R-1. The triangular portion of the property west of Park Hill Road NE will retain its current R-9 zoning. The proposed O.C.P. and Zoning Amendments are shown on Appendices 10 and 11.

Parks and Greenways

At the time of the 2008 application, the O.C.P. did not identify a need for a park on the subject property but it was recommended by City staff that given the size of the proposed residential subdivision, it would be appropriate to have a small neighbourhood park included in the development. Council agreed with staff's recommendation and the requirement for a park at this location was incorporated into the current O.C.P. in 2011. The applicants are now requesting that the park dedication requirement be removed from the property and that only the identified greenways be required. O.C.P. Map 11.1 (Existing and Proposed Parkland) and Map 11.2 (Existing and Proposed Greenways) are attached as Appendices 12 and 13.

As the O.C.P. now identifies a need for a park at this location, Section 510 of the Local Government Act requires that the owner/developer provide, without compensation, park land of an amount (not exceeding 5% of the land being subdivided) in a location acceptable to the City. Five percent of the land area of the subject property is 7,000 square metres. Should Council agree to remove the requirement for parkland dedication, the applicant would pay an amount that equals the market value of 5% of the land in accordance with Section 510. The value of the land is calculated on the basis of the average market value of all the land in the subdivision as that value would be on the date of preliminary layout approval of the subdivision or as agreed by the City and the applicant. In lieu of requiring an independent appraisal of the market value, the City often accepts 5% of the current assessed land value. The 2017 assessed land value and the preliminary 2018 assessed value is \$1,173,900.00 which equates to a \$58,650.00 payment under the park land provisions of the Act. Section 510(14) of the Local Government Act requires that this payment be deposited into a reserve fund for the purpose of acquiring park lands.

As shown in Appendices 12 and 13, in addition to the Neighbourhood Park identified on the subject property, the O.C.P. identifies the large Community Park immediately to the north, an existing greenway adjacent to the south boundary and proposed greenways adjacent to the north boundary, along Park Hill Road and north/south through the property.

Site Context:

North: City owned properties zoned P-1 (Park & Recreation) and R-1 (Single Family Residential)
 South: Golf course (Club Shuswap Golf & RV) zoned P-1 and Rural Residential lots zoned A-2 (Rural Holding)
 East: Residential lots zoned R-1 (Single Family Residential)
 West: Residential lot zoned R-9 (Estate Residential) and a Rural Residential lot zoned A-2 (Rural Holding)

Local Government Act - Section 475

Pursuant to Section 475 of the Local Government Act (consultation during O.C.P. development / amendments), the proposed O.C.P. amendments were referred to the following external organizations on December 4, 2017:

Adams Lake Indian Band	No response to date
Neskonlith Indian Band	No response to date
Economic Development Society	No response to date
Interior Health Authority	No response to date

Local Government Act - Section 477

Pursuant to Section 477(3)(a) of the Local Government Act (adoption procedures for an O.C.P. amendment), Council must consider O.C.P. amendments in relation to the City's Financial and Liquid Waste Management Plans. In the opinion of staff, the proposed development is consistent with both the City's Financial and Liquid Waste Management Plans.

Staff Comments

Staff have reviewed the proposal and provide the following:

Building Department

No concerns.

Fire Department

No concerns

Engineering Department

See Appendix 14.

Planning Department*Proposed Subdivision*

The current Hillside Development provisions in Subdivision and Development Servicing Bylaw No. 4163 were not available to the developer with the previous application and the resulting development was not ideal given the topographic limitations. A number of lots had awkward panhandle accesses, three of the internal roads were to be dead-end cul-de-sacs and the proposed Medium Density Residential area required a long panhandle access to provide emergency access. With the current layout, all roads are through roads, the panhandle lots have been eliminated and the two short one-way roads allow the developer to achieve a slightly higher lot count. As with the previous design however, the smaller residential parcels are limited to the flatter areas of the property and larger parcels are being retained in the steeper areas.

Proposed O.C.P. and Zoning Amendments

As previously noted, the current O.C.P. and zoning designations on the property follow the road network of the previous subdivision proposal and although this approach works in many situations, it can also create issues when changes to the road network are desired or necessary. The current proposal to designate all of the property Low Density Residential and rezone it to R-1 (Single Family Residential) removes these constraints and allows for design changes should they be needed as the development proceeds.

Due to the narrower road width, limited parking and snow removal requirements on the proposed one-way internal roads, the owner/developer has agreed to limit the residential uses on all parcels fronting these roads to one single family dwelling and, as a condition of subdivision approval, Land Title Act, Section 219 covenants will be registered to prohibit secondary and detached suites on these lots. Property owners will still have the option of applying for rezoning to R-8 (Residential Suite) on the other parcels within the development.

Park and Greenway Requirements

At the request of the applicant, staff has again reviewed the existing and potential park opportunities in this area. As previously noted, there is a large natural city park to the north and the property has greenways identified on three sides and one through the property. The amount of land available through the park requirements of the Local Government Act is 7,000 square metres which would likely restrict any park within the subdivision to a 'tot lot' or small unstructured play space. There a number of these lots throughout the community but most have not been developed for their intended use and the City has no plans or budget for their development in the foreseeable future. Given the existing recreational opportunities in the area, the limited size of the park dedication and the likelihood that a park would not be developed for its intended purpose for quite some time, staff are recommending that City approve the O.C.P. amendment to remove the park dedication requirement and that the developer provide a cash contribution towards funding of future park acquisitions.

As a condition of subdivision approval, the applicants will be required to construct the identified greenways along Park Hill Road and through the development. These new greenways will provide connections between the existing greenways to the north and south and provide access to the large park north of the property, the Lakeside Pines subdivision and Canoe Beach Drive.

Summary

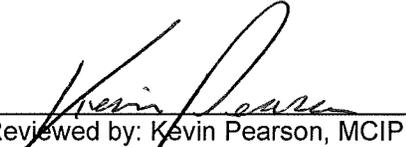
The proposed development will create an additional 131 residential lots within the Urban Containment Boundary and Residential Development Area 'A'. The development recognizes the topographical limitations of the property and the revised road network improves traffic flows and reduces the City's maintenance concerns, primarily with snow removal.

A small neighbourhood park within a subdivision of this size can be a beneficial amenity but only if it is developed for its intended purpose. As the City has no immediate plans to develop these type of parks and given the existing recreational lands in this area, a cash in lieu contribution would likely provide a larger benefit in terms of future parkland acquisition.

It should be noted that the applicants have also submitted a Variance Permit Application (VP-465) to have some of the servicing requirements associated with the proposed subdivision reduced or eliminated. The requested variances are being addressed in a separate report and will not affect the requested O.C.P. and zoning amendments. A letter from the applicant's agent outlining the requested O.C.P. and zoning amendments and the requested variances is attached as Appendix 15.



Prepared by: Jon Turlock
Planning & Development Officer



Reviewed by: Kevin Pearson, MCIP
Director of Development Services

Appendices

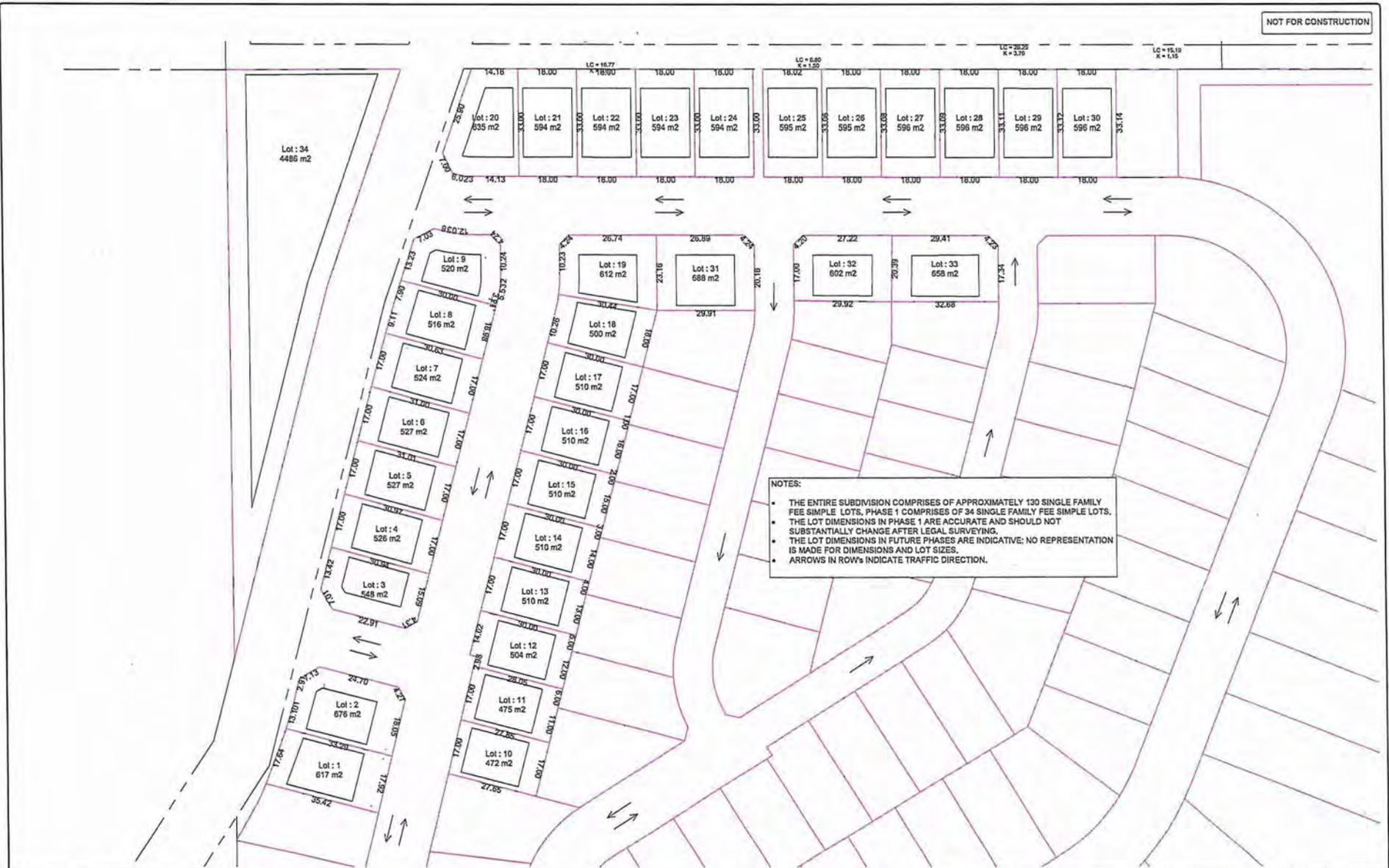
1. Location map
2. Ortho photo
3. Sketch plan of proposed subdivision
4. OCP map
5. Zoning map
6. Map 1, Schedule A of Bylaw No. 4163.
7. Topographical map
8. Steep slopes ortho

9. 2008 proposed subdivision layout
10. Proposed O.C.P. amendment (MR to LR)
11. Proposed zoning amendments
12. O.C.P. Map 11.1
13. O.C.P. Map 11.2
14. Engineering Dept. comments.
15. Agent's letter dated Feb. 26/18



 Subject Property

NOT FOR CONSTRUCTION



NOTES:

- THE ENTIRE SUBDIVISION COMPRISES OF APPROXIMATELY 130 SINGLE FAMILY FEE SIMPLE LOTS. PHASE 1 COMPRISES OF 34 SINGLE FAMILY FEE SIMPLE LOTS.
- THE LOT DIMENSIONS IN PHASE 1 ARE ACCURATE AND SHOULD NOT SUBSTANTIALLY CHANGE AFTER LEGAL SURVEYING.
- THE LOT DIMENSIONS IN FUTURE PHASES ARE INDICATIVE. NO REPRESENTATION IS MADE FOR DIMENSIONS AND LOT SIZES.
- ARROWS IN ROW'S INDICATE TRAFFIC DIRECTION.

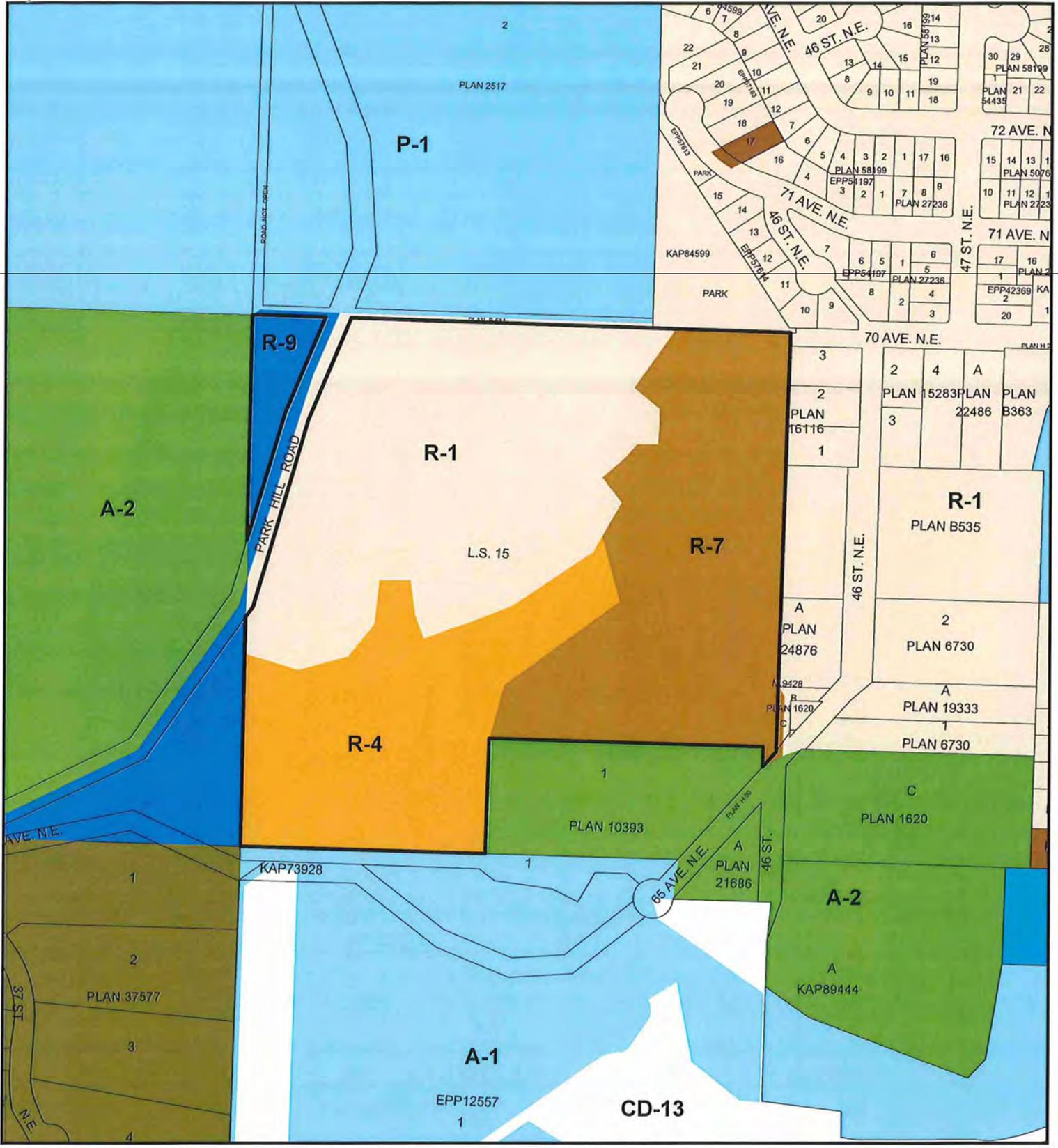
8	03/26/19	REDESIGNED FOR SUBDIVISION APPLICATION, LOT#4 REVISED
A	02/29/19	ISSUED FOR SUBDIVISION APPLICATION
Rev.	Date	Revision

Designed:	FVL
Drawn:	FVL
Checked:	BP
Surveyed:	-
Date:	02-26-2018

PREPARED BY:
ONSITE
ENGINEERS LTD.
INTERIOR OPERATIONS
2000 TRADE CENTER WAY
SUDBURY, ONT. N3H 4W7
PH: 514-944-0444 FAX: 514-944-0445

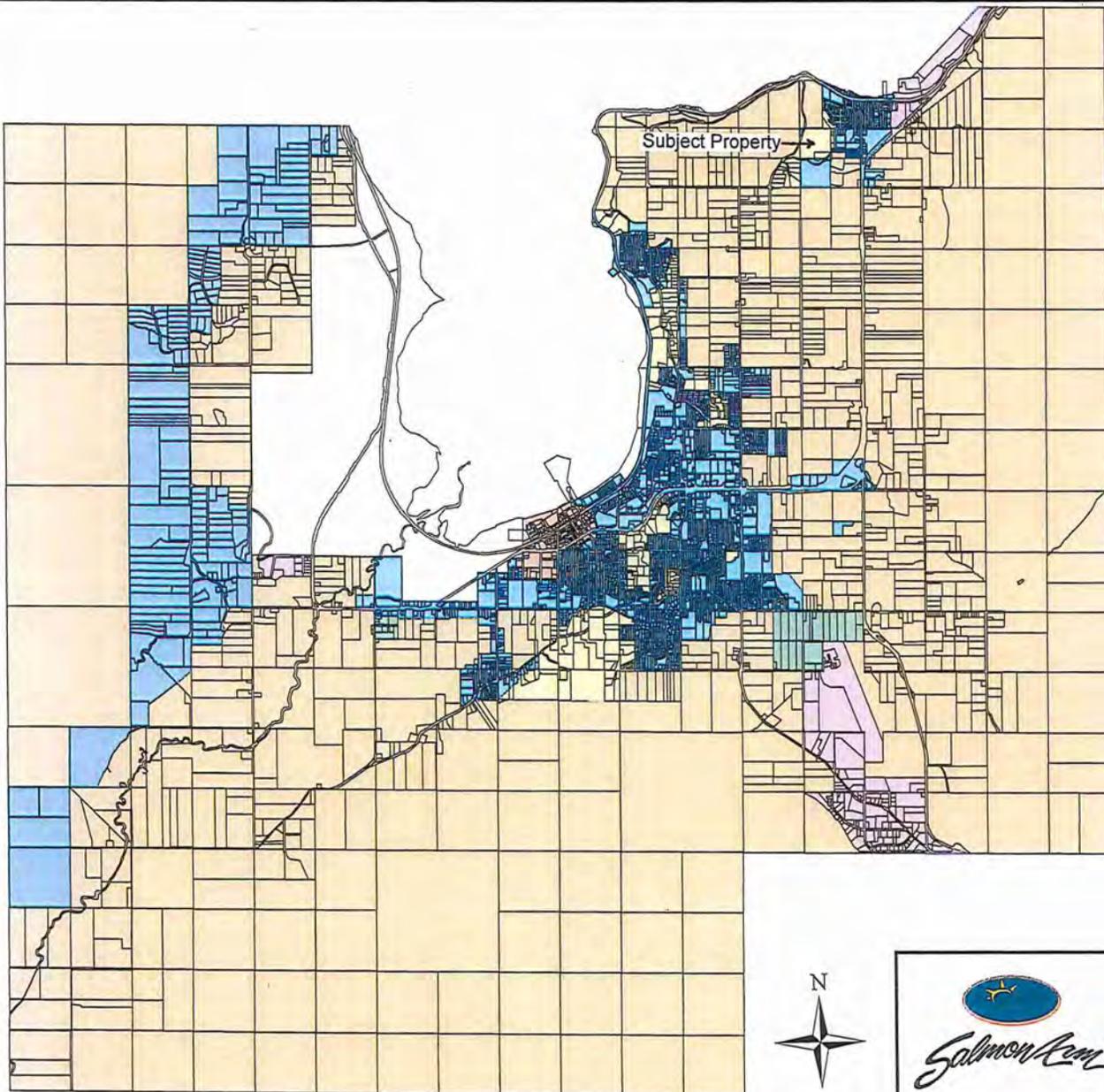
WILMARK HOMES
PARK HILL SUBDIVISION
PHASE 1
6810 PARK HILL ROAD

Client Project No.	
ONS Form No.	1644-1
Drawing No.	1644-1-001
Sheet	1 of 1
Revision	A



 Subject Property

Zoning



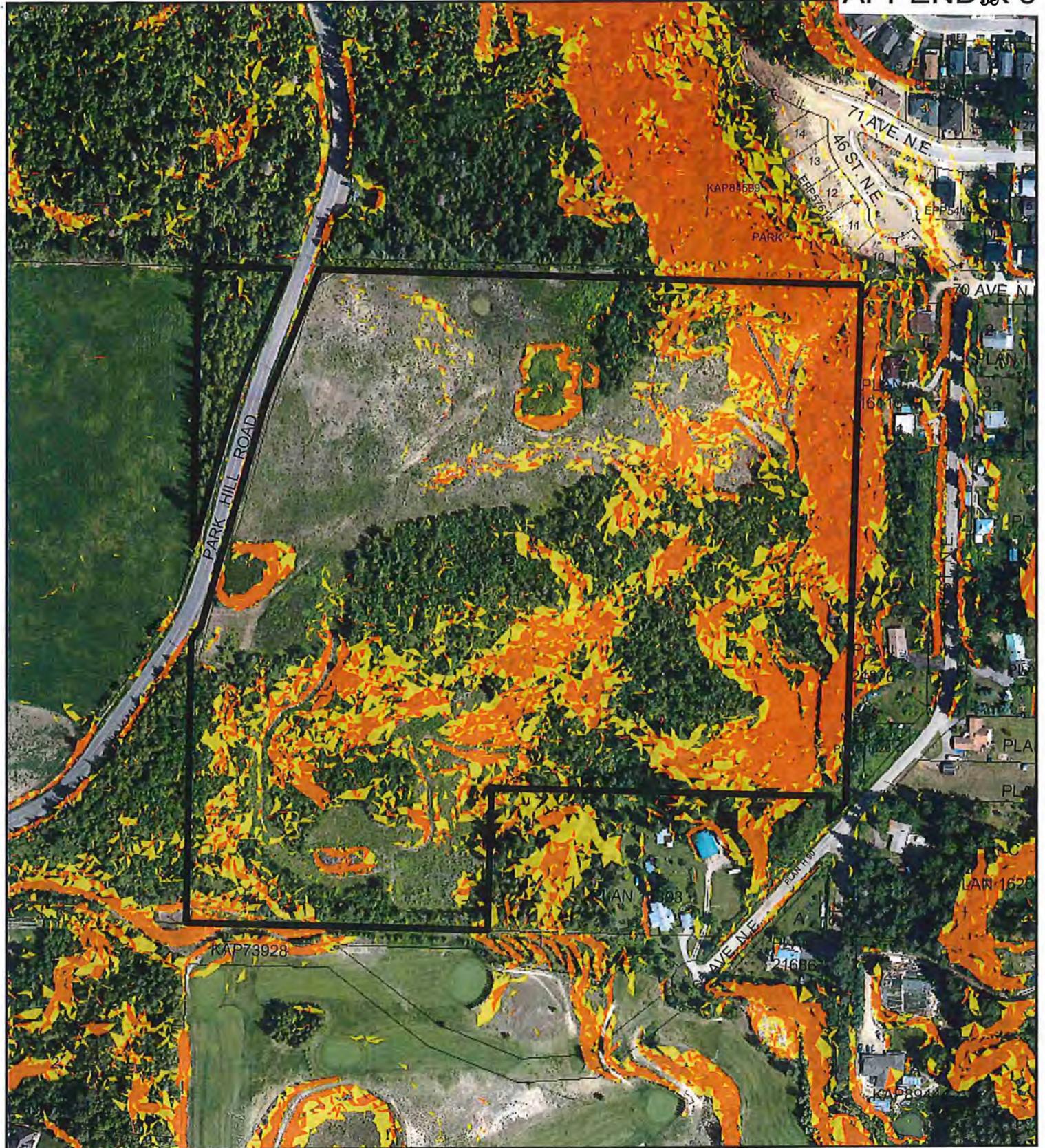
Legend

-  Industrial Development Area
-  Light Industrial Development Area
-  Rural Development Area
-  Urban Development Area
-  Town Centre Development Area
-  Rural Hillside Development Area
-  Urban Hillside Development Area

- NOTE:**
1. In the event of a discrepancy between this Schedule 'A' Bylaw No. 4163 and the Official Community Plan land maps, the land mapping shall take precedence.
 2. Where the boundary between an "Urban Development Area" and a "Rural Development Area" is shown to be along a highway, the entire highway right-of-way is deemed to be within the "Urban Development Area"
 3. A more detailed map is available for viewing on the City of Salmon Arm's Geographical Information System at City Hall.
 4. Roadways along the boundary or two different development areas shall meet the higher service level standard.

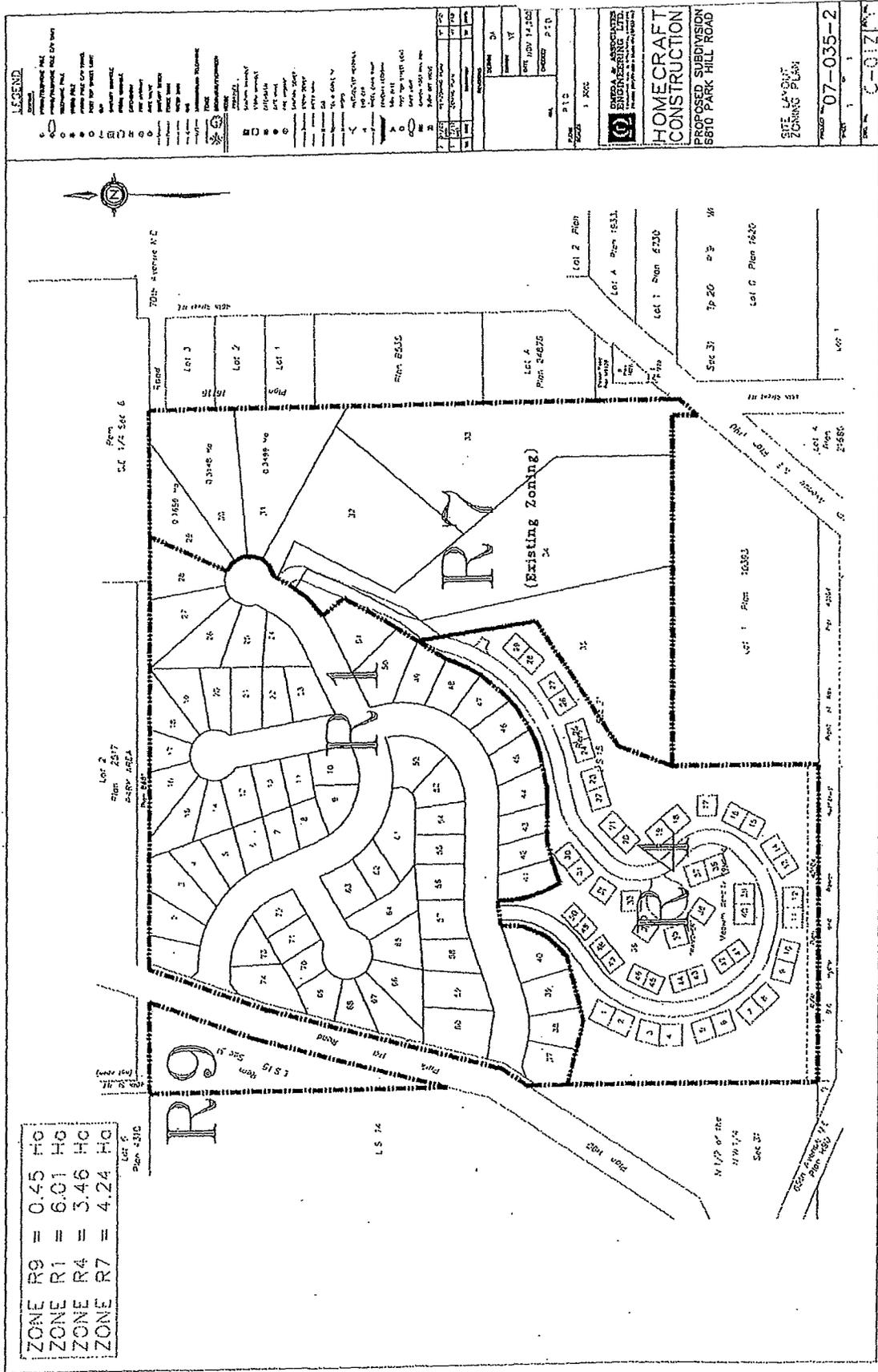


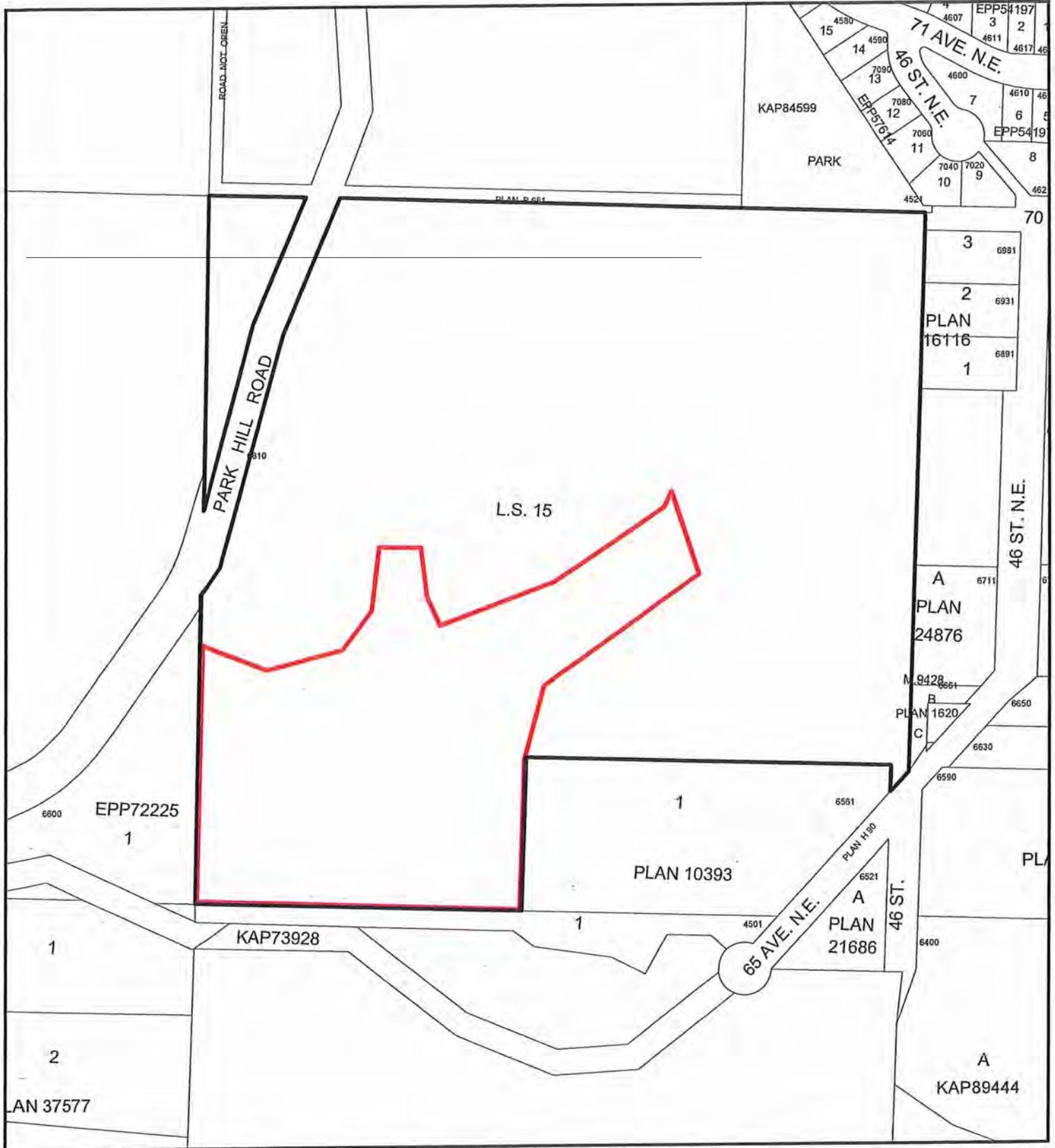
	SCHEDULE A	Scale: 1:55,000
	SUBDIVISION AND DEVELOPMENT SERVICING BY-LAW No. 4163	Map: 1 August 3, 2016



-  N
-  Subject Property
-  20-30% Slope
-  >30% Slope

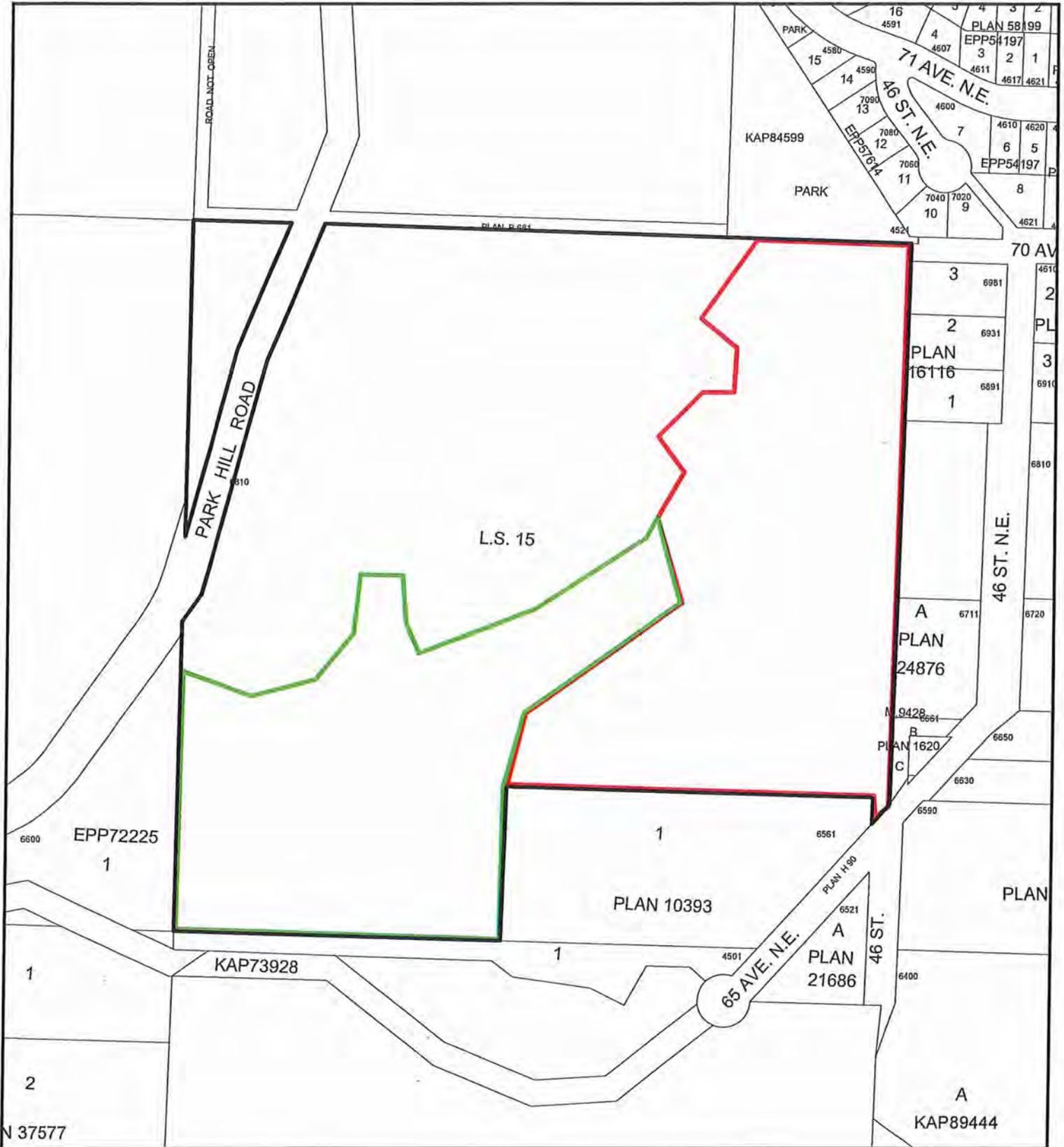
Steep Slopes





 Subject Property

 Portion to be re-designated from MR (Medium Density Residential) to LR (Low Density Residential)



 Subject Property

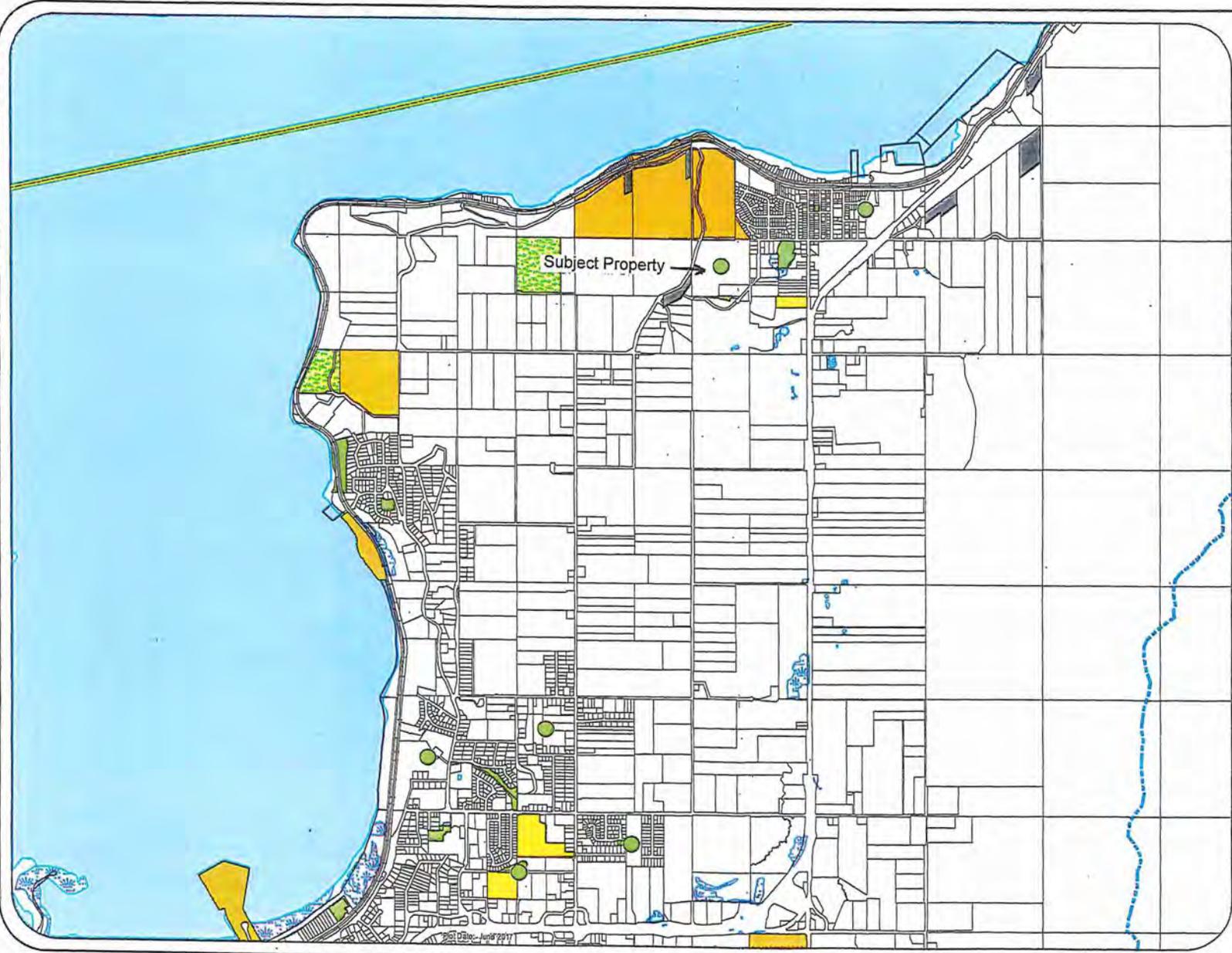
 Portion to be rezoned from R-7 (Large Lot Single Family Residential) to R-1 (Single Family Residential)

 Portion to be rezoned from R-4 (Medium Density Residential) to R-1 (Single Family Residential)



Official Community Plan

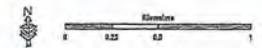
Map 11.1
Existing and Proposed Parkland



Legend

- Community Park
- Neighbourhood Park
- Open Space
- Indoor Recreation Facilities
- Proposed Community Park (Approx. Location)
- Proposed Neighbourhood Park (Approx. Location)
- Schools
- City Boundary
- Indian Reserves
- East Cance Creek Watershed Boundary
- Parcels

Key Map





Official Community Plan

Map 11.2 Existing and Proposed Greenways

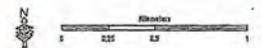
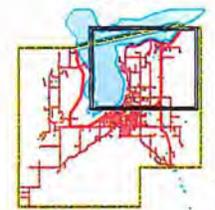
Legend

- Existing Greenways
- Proposed Greenways
- Community Park
- Neighbourhood Park
- Open Space
- Indoor Recreation Facilities
- Schools
- City Boundary
- Indian Reserves
- East Canoe Creek Watershed Boundary
- Parcels
- Streams

Note:

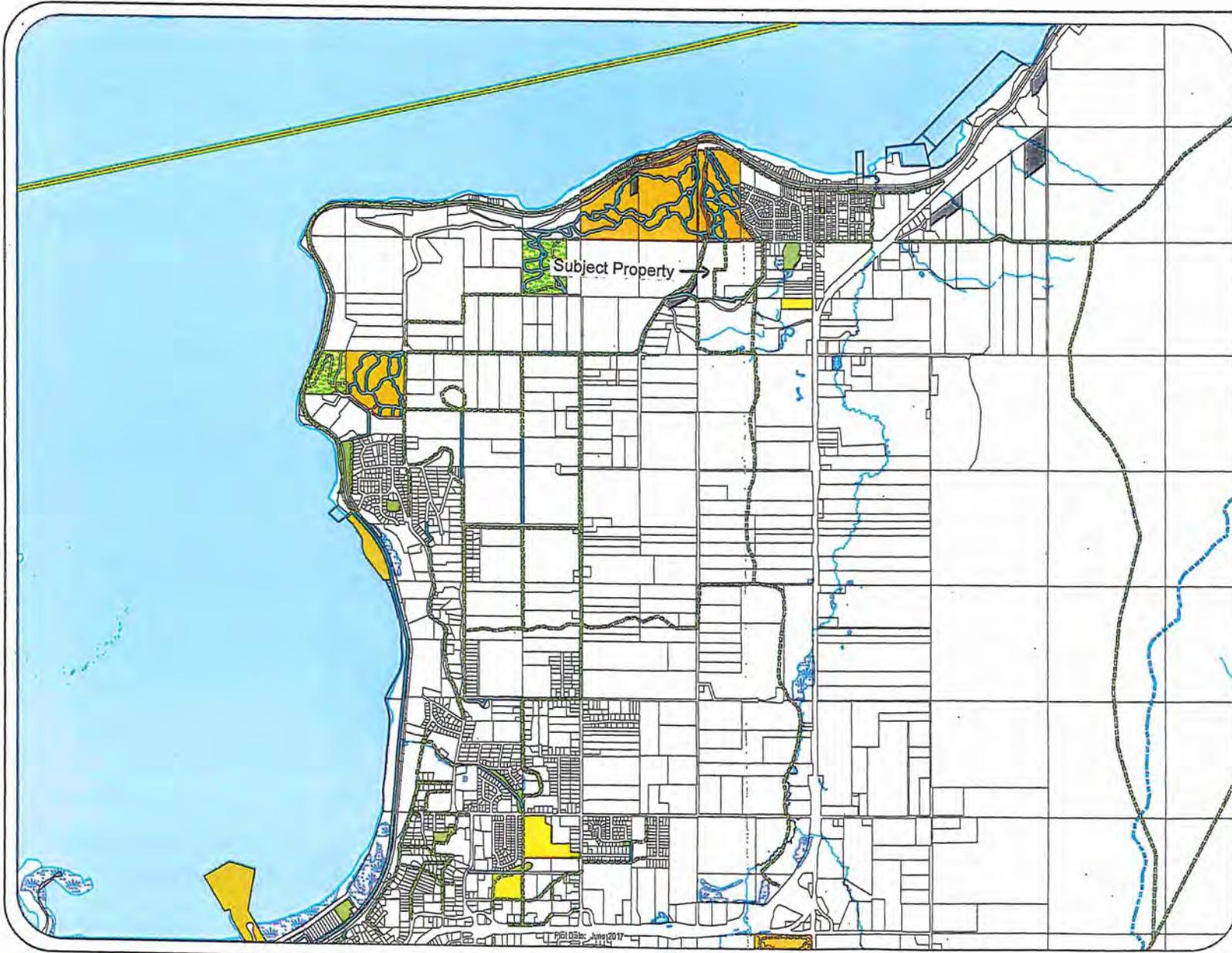
For Type and Priority of each existing and proposed greenway refer to Greenways Strategy.

Key Map



CATHERINE BERRIS ASSOCIATES INC.
Community • Environmental Planning • Landscape Architecture

PSL 0310c June 2017





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

TO: Kevin Pearson, Director of Development Services
DATE: 27 September 2017
PREPARED BY: Chris Moore, Engineering Assistant
OWNER: Homecraft Construction Ltd., 33677 Arcadian Way, Abbotsford, V2S 7T4
APPLICANT: Owner
AGENT: Omega Engineering (J. Van Lindert), Box 1182, Salmon Arm, BC V1E 4P3
**SUBJECT: OFFICIAL COMMUNITY PLAN AMENDMENT APP. NO. OCP4000-32
ZONING AMENDMENT APPLICATION FILE NO. ZON-1109**
LEGAL: Amended Legal Subdivision 15 of Section 31, Township 20, Range 9, W6M,
KDYD, Except Plans 10393 & 21686
CIVIC: 6810 Park Hill Road NE

Further to your referral dated 14 September 2017, we provide the following servicing information. **The following comments and servicing requirements are not conditions for Rezoning and OCP amendment; however, these comments are provided as a courtesy in advance of any development proceeding to the next stages:**

Engineering Department does not have any concerns related to the Re-zoning and OCP Amendment and recommends that they be granted.

General:

1. Full municipal services are required as noted herein. 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 to be serviced completely by underground electrical and telecommunications wiring.
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 will be required as per the Subdivision and Development Services Bylaw 4163, Section 3.1.
7. At the time of subdivision the applicant will be required to submit for City review and approval a detailed site servicing / lot grading plan for all on-site (private) work. This plan will show such items as parking lot design, underground utility locations, pipe sizes, pipe elevations, pipe grades, catchbasin(s), control/containment of surface water, contours (as required), lot/corner elevations, impact on adjacent properties, etc.

OFFICIAL COMMUNITY PLAN AMENDMENT APP. NO. OCP4000-32
ZONING AMENDMENT APPLICATION FILE NO. ZON-1109
27 September 2017
Page 2

8. For the off-site improvements at the time of subdivision the applicant will be required to submit for City review and approval detailed engineered plans for all off-site construction work. These plans must be prepared by a qualified engineer. As a condition of 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. Park Hill Road NE on the subject property's north west corner is designated as an Urban Arterial Road with an ultimate 25.0m dedication. Although the City only requires an Interim total of 20.0m of dedication at this time, all building setbacks will be required to conform to the ultimate 25.0m cross section. Current records indicate that 1.712m additional dedication is required at this time (to be confirmed by BCLS).
2. Owner/developer will be required to upgrade the full Park Hill Road NE frontage to the Interim 20.0m Urban Arterial Road standard (RD-4). Upgrading may include, but is not limited to road widening, curb & gutter, sidewalk, boulevard construction, street drainage, street lighting.
3. The subject property fronts onto approximately 15m of 65 Ave NE which is designated as an Urban Local Road with an ultimate dedication of 20.0m Current records indicate that no additional dedication is required.
4. Owner/developer will be required to upgrade 65 Ave NE frontage to the Urban Local Road standard (RD-2). Upgrading may include, but is not limited to road widening, curb & gutter, sidewalk, boulevard construction, street drainage, street lighting.
5. The property is designated as a Hillside Development and internal streets may therefore be designated as Urban Local Road (Hillside Development) or Urban Single Lane Local Road (Hillside Development) with an ultimate 18.0m and 12.0m dedication respectively. Owner/developer will be required to construct roads in accordance with specification drawings RD-15 and RD-16.
6. Corner cuts will be required at the junction with Park Hill Road (5m x 5m) and internally (3m x 3m.)
7. No direct access will be permitted to Park Hill Road by individual lots, except for the portion of land to the west of Park Hill Road which will be permitted one access. Each lot to be reviewed to confirm that driveways comply with the requirements of Policy 3.11.
8. Owner/developer is responsible in ensuring all boulevards and driveways are graded towards roadway at minimum 2.0%

OFFICIAL COMMUNITY PLAN AMENDMENT APP. NO. OCP4000-32
ZONING AMENDMENT APPLICATION FILE NO. ZON-1109
27 September 2017
Page 3

Water:

1. The subject property fronts a 250mm diameter Zone 1 water main on the northern boundary, a 100mm diameter Zone 1 water main at the south-east corner on 65 Ave NE and a 500mm diameter Zone 2 water main on Park Hill Road. The Owner / developer is required to upgrade the 100mm water main on 65 Ave NE along the property's frontage to 200mm. Since this work is considered premature at this time, a 50% cash in lieu contribution to future works will be required.
2. Subdivision is to be serviced by extension of Zone 2. Water distribution design to be looped internally, with two feeds from Park Hill Road.
3. The proposed new parcels are to be serviced each with single, metered water service connections, adequately sized to satisfy the proposed use, as per specification drawing W-10 (minimum 25mm diameter). City records indicate that the subject property is currently unserved. All existing inadequate services must be abandoned at the main at the owner/developers cost. The City of Salmon Arm will supply new meters at the time of building permit application (at the owner/developers cost).
4. The subject property is in an area with sufficient fire flows, according to the 2011 Water Study (OD&K 2012).
5. Fire protection requirements to be confirmed with the Building Department and Fire Department.
6. Fire Hydrant spacing is insufficient; developer is responsible for installing hydrants along Park Hill Road as needed to meet the 150m spacing requirement. Internal Fire Hydrants will also be required to meet the minimum applicable spacing requirement.

Sanitary Sewer:

1. The subject property does not front on the City's sanitary sewer collection system. Extension of the system westward from 70 Avenue NE will be required. Owner / developers engineer is required to prove that there is sufficient downstream capacity within the existing City Sanitary System to receive the proposed discharge from the development.
2. The proposed lots are each to be serviced by a single sanitary service connection adequately sized (minimum 100mm) to satisfy the servicing requirements of the development. Owner / Developer is responsible for all associated costs.

Drainage:

1. The subject property does not front on the City's storm drainage system.
2. An Integrated Stormwater Management Plan (ISMP) conforming to the requirements of the Subdivision and Development Servicing Bylaw No. 4163, Schedule B, Part 1, Section 7 shall be provided. The subject property currently receives significant storm flows from Park Hill

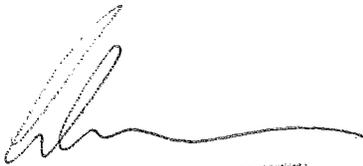
OFFICIAL COMMUNITY PLAN AMENDMENT APP. NO. OCP4000-32
ZONING AMENDMENT APPLICATION FILE NO. ZON-1109
27 September 2017
Page 4

Road and the property to the west, these are to be taken into account in the ISMP. Owner/developers engineer is required to prove that there is sufficient downstream capacity within the existing City Storm System to receive the proposed discharge from the development.

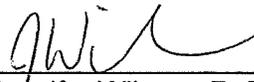
3. Subject to approval of the ISMP, the proposed lots may be serviced by single storm service connections adequately sized (minimum 150mm) to satisfy the servicing requirements of the development. All existing inadequate/unused services must be abandoned at the main; applicant is responsible for all associated costs. City records indicate that the existing property was not serviced with a City storm service.

Geotechnical:

1. A geotechnical report in accordance with the Engineering Departments Geotechnical Study Terms of Reference Category A (Building Foundation and Site Drainage), Category B (Pavement Structural Design) and Category C (Landslide Assessment) is required.
2. Due to the steepness of the terrain site grading, structural fills and retaining walls will be part of the design package. To insure adherence to the grading plan covenants will be required. Covenants will stipulate elevations for footings, garage/parking slabs, etc. Easements will also be required to ensure future maintenance of retaining walls, inter-lot grading, etc.
3. All retaining walls required for site grading between Phase 1 and future phases are to be completed in Phase 1.



Chris Moore
Engineering Assistant



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

ONSITE

Engineering Ltd.

February 26, 2018

City of Salmon Arm
500 – 2nd Avenue NE
Salmon Arm, BC
V1E 4N2

OEL File #: 1644-1
City File #:

Attn: Salmon Arm Council, Director of Development Services

Re: Proposed rezoning and subdivision of 6810 Park Hill Road legally described as Amended LS 15 of Section 31, Twp 20, R9, W6M, KDYD, except Plans 10393 and 21686

On behalf of our client Wilmark Homes Ltd./Homecraft Construction Ltd. we are applying for the rezoning of the property at 6810 Park Hill Road in Canoe, Salmon Arm, BC. The current zoning is R1, R4 and R7. We're requesting to rezone the entire property to R1.

Further we are applying to amend the Official Community Plan to remove the neighborhood park requirement from the subject site.

Thirdly we are applying to subdivide the property as per the attached plan titled "Proposed Phase I".

Lastly we are applying for variances with respect to the anticipated frontage improvements for Park Hill Road.

History of the site:

The initial start of the development of the site dates back to 2007. Based on the old Subdivision Bylaw a concept road and lot layout was designed. The layout resulted in the rezoning of the site into 3 zones: R1, R4 and R7. The zoning boundaries coincided with the then proposed road centerlines. The development never proceeded to the construction phase.

City Staff recognized that development of the site is complicated due to the presence of moderate to moderately steep slopes on the site. Therefore, to increase development opportunities, the site is designated "Hillside Development Area" in the new Subdivision Bylaw 4163. This designation provides alternate engineering requirements for road right of way width, road surface width, road right of way grading, and allows for single direction vehicle traffic amongst other items. Our client retained Onsite Engineering Ltd. (OEL) to review the new Bylaw and to conceptually design a new road and lot layout based on the new Bylaw. The road and lot layout design has been informally discussed between City Staff and OEL Staff and we agree that the road and lot layout is generally suitable. The new road and lot layout however do not coincide with the existing zoning boundaries and therefore rezoning is required.

Proposed zoning:

The proposed road network consists of a ring road with access to and from Park Hill Road and 3 internal roads with access to and from the ring road. The ring road is a "standard" two-way road (18 metre ROW

North Vancouver
Unit 2 - 252 East 1st
North Vancouver, BC V7L 1B3
Tel: (778) 802-1263
Fax: 1-866-235-6943

Abbotsford
106-2825 Clearbrook Rd
Abbotsford, BC V2T 6S3
Tel: (604) 996-4722
Fax: 1-866-235-6943

Campbell River
1040 Cedar Street
Campbell River, BC V9W 7H2
Tel: (250) 287-9174
Fax: 1-866-235-6943

Salmon Arm
201 - 231 TransCanada Hwy;
Box 2012
Salmon Arm, BC V1E 4R1
Tel: (250) 836-6004

Prince George
3661 15th Avenue
Prince George, BC V2N 1A3
Tel: (250) 562-2252
Fax: 1-866-235-6943

ONSITE Engineering Ltd.

width). There are 2 internal roads that are narrower roads that only allow one-way traffic (12 metre ROW width). The most western internal road and the south internal road are standard two-way traffic roads. Our client is requesting to rezone the entire property to R1.

It is expected that some individual home purchasers will be applying to rezone their property to R8. It is up to future Councils to review and approve individual rezoning request; however, for the one-way roads Staff and the developer agree that R8 zoning would cause too much pressure on the road system, both due to moving traffic and due to parking. Further it is expected that snow clearing will become an issue if excessive parking on the road takes place. Therefore we not only request rezoning of the internal areas serviced by one-way roads to R1 (low density) but also request Council to decide in principle not to allow rezoning of these properties to R8 in the future. This will enhance the attractiveness of the subdivision as a whole.

Official Community Plan:

The Official Community Plan proposes greenways and a neighborhood park on the subject property; however, the OCP is not specific as to where exactly these items are to be situated. This leaves the interpretation to the Approving Officer. The feasibility of the entire subdivision will be strongly affected by the park. In discussions between City Staff and OEL Staff we concluded that cash in lieu for parkland over actual land dedication likely would be supported by City Staff. Our client is in favour of this solution and therefore we request to amend the OCP and remove the neighborhood park requirement from the site. Note that the developer will accommodate and construct greenways as per OCP.

Variances:

The development site fronts Park Hill Road and therefore frontage improvements are required. These requirements will be listed in the PLA that will be issued at a later date. With prior applications our client applied for variances and several were granted. It is therefore to be expected that we will yet again apply for variances.

City Staff and OEL staff agree that the preferred process is to insert the variance applications in the rezoning, subdivision, and OCP amendment applications instead of initiating a new variance process after the PLA is issued. Therefore OEL and Engineering Staff have discussed the requirements to be expected as those defined by Bylaw 4163 specification drawing RD-4. Our client's variance requests are listed below.

1. The triangle area west of Park Hill Road is "hooked" to the main site. The client has no intention to subdivide this lot, rather sell it as one individual lot. The lot will be serviced off of the infrastructure that is to be constructed in the northern access road to the subdivision. Since the lot will not be subdivided we request to waive the requirement to upgrade the west side of Park Hill Road to the RD-4 standard.
2. Bylaw 4163 requires a hydrant spacing of no more than 150 metres. The frontage on Park Hill Road is approximately 250 metres. We believe that the preferred locations for hydrants are at the accesses to the subdivision. Along Park Hill road therefore the spacing will be 180 to 200 metres which technically requires an extra hydrant. This hydrant however is unlikely to be used since no homes will front Park Hill Road. We request to vary the spacing requirement to allow the developer to install hydrants on both proposed intersections only.
3. Bylaw 4163 requires the construction of a sanitary main in Park Hill Road. The sanitary service of the "hooked" lot will be connected to the main in the subdivision and therefore a main in Park Hill Road is not needed. We request that the sanitary main requirement be waived as this sewer will not have a practical purpose.
4. Bylaw 4163 requires undergrounding of Hydro, tel, and cable services. The subdivision will be serviced by underground hydro, tel and cable. Aerial Hydro, Telus and Shaw along Park Hill Road is currently in place. BC Hydro has indicated that they will not underground their existing 3 phase infrastructure on Park Hill Road; therefore, we request to vary the requirement to underground hydro, tel and cable along Park Hill Road.

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5. In the OCP Park Hill Road is designated a Rural Arterial Road, cross section RD-4. The cross section ultimately requires a 25 metre Right of Way but for interim situations a 20 metre Right of Way is sufficient as well. Currently the ROW is approximately 20 metres wide. Our client proposes to complete land dedication to the 25 metres width; however, we feel there are no valid arguments that justify the full construction as per RD-4 to two lanes in each direction. The traffic count does not justify two lanes in each direction. Further, the adjacent road sections to the north and to the south are only single lane cross sections and will not be widened in the foreseeable future. We propose and request approval of the cross section as per the attached plan titled "Park Hill Road X-section". It takes both the preferred future cross section and today's traffic volume and adjacent road sections into consideration.
6. Bylaw 4163 requires illumination of Park Hill road that meets or exceeds IESNA RP-8-14 values. In our opinion this required illumination level is justifiable within urban areas due to traffic and personal safety concerns. Park Hill Road however is a rural road and the adjacent road sections to the north and south are not illuminated at all. We believe that illuminating Park Hill Road to the urban standard is unnecessary and might even cause safety issues when vehicles enter and exit the dark road sections to the north and south. We propose to install LED lighting at both intersections to accentuate the entries to the subdivision and some street lighting along the multi-use path with illumination below Bylaw requirements. The details are to be worked out between OEL staff, City Staff, and an electrical engineer.

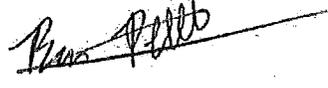
If you have any questions, please contact us.

Sincerely,

ONSITE ENGINEERING LTD.



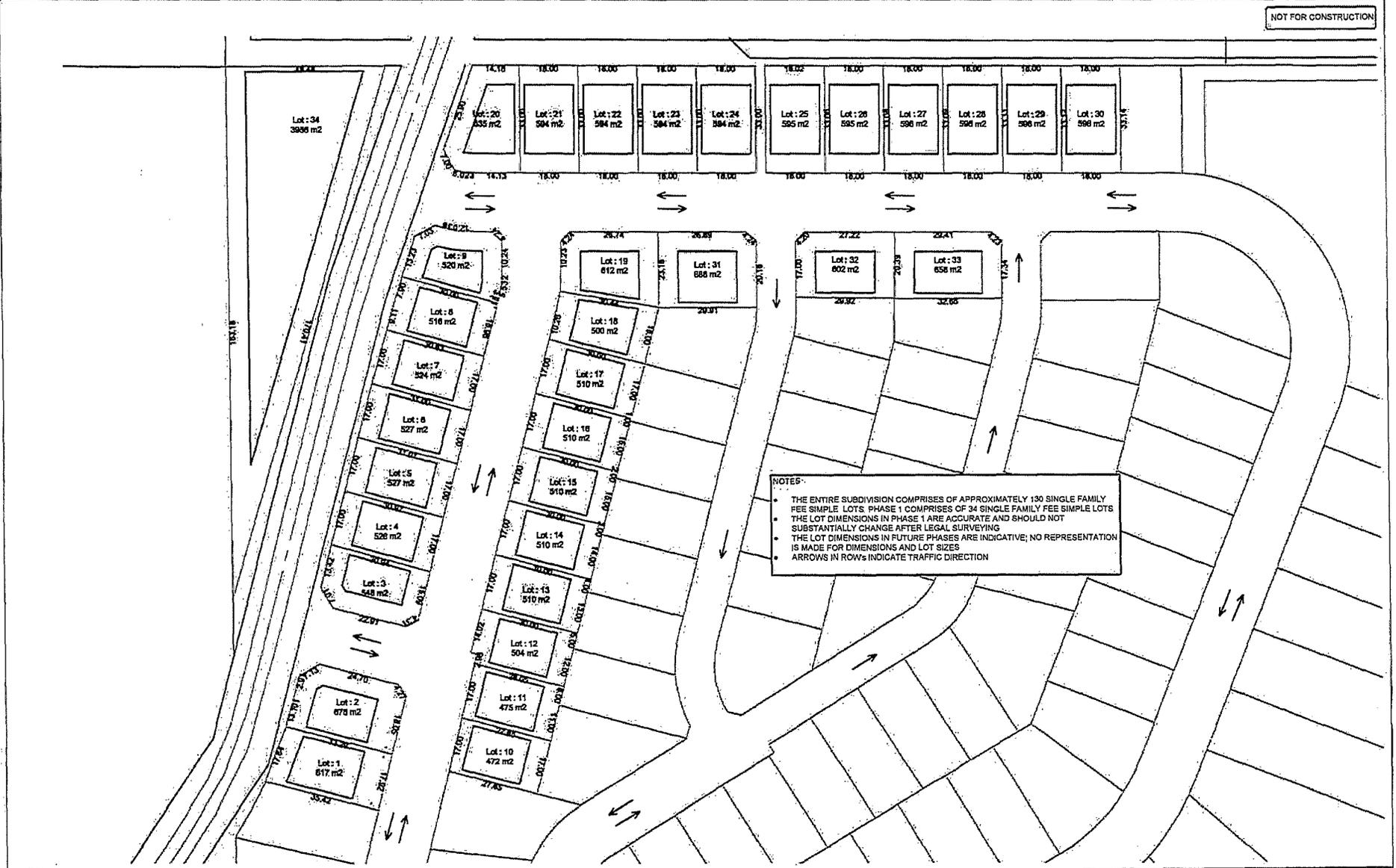
J. van Lindert



B. Pellett, P.Eng.

Cc: Wilmark Homes Ltd./Homecraft Construction Ltd.

NOT FOR CONSTRUCTION



NOTES:

- THE ENTIRE SUBDIVISION COMPRISES OF APPROXIMATELY 130 SINGLE FAMILY FEE SIMPLE LOTS. PHASE 1 COMPRISES OF 34 SINGLE FAMILY FEE SIMPLE LOTS.
- THE LOT DIMENSIONS IN PHASE 1 ARE ACCURATE AND SHOULD NOT SUBSTANTIALLY CHANGE AFTER LEGAL SURVEYING.
- THE LOT DIMENSIONS IN FUTURE PHASES ARE INDICATIVE; NO REPRESENTATION IS MADE FOR DIMENSIONS AND LOT SIZES.
- ARROWS IN ROWS INDICATE TRAFFIC DIRECTION.

No.	Date	Revision
1	16/09/18	ISSUED FOR SUBDIVISION APPLICATION

REFERENCE DRAWINGS

Drawn	JVL
Checked	JVL
Surveyed	BP
Date	12/06/2018

PREPARED BY
CONSTAT
 CONSULTANTS LTD.
 1001 SOUTH GARDNER STREET
 SUITE 1000 VANCOUVER, BC V6C 1G7
 TEL: 604-681-7322 FAX: 604-681-7323

WILMARK HOMES
 PARK HILL SUBDIVISION
 PHASE 1
 6810 PARK HILL ROAD

Client Program No.	
Site Plan No.	1444
Drawing No.	1644-1-001
Sheet	1 of 1



Report from the Director of Development Services

TO: Her Worship Mayor Cooper and Members of Council

DATE: March 13, 2018

SUBJECT: Regulating Cannabis Retail Sales

FOR INFORMATION

Bill C-45, *The Cannabis Act* is expected to come into force in August 2018. The federal legislation will legalize the retail sale of cannabis across the country, subject to provincial legislation and local government bylaws. Last month the Province of BC unveiled its legislative framework with respect to the legalization of cannabis. There are various aspects of the new federal and provincial legislation that will need to be considered by Salmon Arm's Council, and the first step is to look at options to address some of the central questions regarding cannabis retail sales in the context of the City's Zoning Bylaw. The focus of this report is mostly on the regulation of cannabis retail sales in Salmon Arm from a location and siting perspective.

Similar to liquor sales, the Province will control the wholesale distribution of cannabis product and the licencing of retail stores through its Liquor Distribution Branch and Liquor Control and Licensing Branch (LCLB). The Province has further committed that local governments will have significant controls over the cannabis retail landscape within their respective communities in so far as:

1. Local government support, it appears, is a mandatory pre-requisite to issuance of a Provincial retail licence;
2. The Province will not be regulating the location of cannabis retail stores or the number of stores allowed in each community;
3. Local governments may regulate the number of retail stores within their boundaries, and may prohibit them all together; and
4. Local governments may regulate the location of retail stores, including their distance from schools and other similar stores.

Existing retail stores in the City selling cannabis are operating illegally and will not automatically be legalized with the final passage of Bill C-45. The provincial licensing model is set up so that City Council would need to be in support of a Provincial retail licence application before it is issued by the LCLB. The Provincial application process should be similar to obtaining a liquor licence with the application referred to City Council for comment and a resolution. The public input process involved for those applications has not been clarified by the Province yet, but it sounds as though the City will be expected to administer that process.

OPTIONS

The following approach options available to regulate the retail sale of cannabis involve the City's Zoning Bylaw and potentially the City's OCP and Business Licence Bylaws.

1. **Closed Approach** - the Provincial framework suggests a local government can ban the retail sale of cannabis on all land within its jurisdiction. An amendment to the General Regulations of the City's Zoning Bylaw could speak to a municipal-wide prohibition on the retail sales of cannabis

Cannabis Retail Sales

products. City staff does not recommend this sort of blanket ban approach on a product that is considered legal and regulated at the federal and provincial levels of government.

2. **Moderately Regulated Approach** - the City could allow the retail sales of cannabis under the Zoning Bylaw's present use and definition of "*retail store*", which is permitted in the C2, C-3, C-6 and a number of comprehensive development zones. This would be the simplest approach for the City to administer and no zoning bylaw amendments would be needed. The market forces of supply and demand would influence the number and location of stores and Council would still have significant control. In this scenario, Council would be asked to provide a resolution of support or non-support on a referral for a Provincial retail license application. So far, it appears that Council would not be bound to support a Provincial application even if the zone of the property permits the use.

As public input is required for a Provincial retail licence application, and the City will be responsible for the public input process, there should be a new municipal application created and associated fee to cover advertising, staff and administration costs. Again, at this point it is unclear what exactly the Province expects for public input.

To aid Council's decision making on whether to support a Provincial retail license application in a commercial zone allowing *retail store*, a City Policy could be adopted with location guidelines and other expectations. The policy would not necessarily need to be complicated and drawn out. For example, a Location Preference Policy could state "Provincial retail licence applications will be evaluated by City Council based on the following criteria:

- Premise is located beyond ____ m* of a school or children's daycare;
- Premise is located beyond ____ m* of another retail store licensed to sell cannabis;
- Premise is located beyond ____ m* of a liquor store;
- Premise is not located in a building containing residential dwelling units; and
- Applications demonstrate a plan to control potential nuisances such as odour and ventilation controls within and outside of the business premise."**

* Council could decide on appropriate distances. It is noted that the few communities in BC which have adopted proximity regulations / policies reference a wide range of distances from schools, daycares, liquor stores, between stores, etc. The rationale for the varying distances in each community is not clear and appears to be unique to each community's built environment, zoning patterns, community input and/or and political desires.

For example, the City of Victoria requires a minimum distance of 200 m from schools, similar business and daycares. Williams Lake requires a minimum distance of 1,000 m between stores and 500 m from a school. Vancouver specifies a 300 m buffer from schools, community centers, youth facilities, similar business and daycares. Penticton has a 200 m minimum distance from school, while Nelson has a 150 m between store policy and 80 m from a school.

** This type of plan could potentially be included as terms and conditions of a Business Licence. However, staff is doubtful that this type plan is necessary and is skeptical that a retail store selling properly packaged legalized cannabis would cause a nuisance.

Option 2 - **Moderately Regulated Approach** - is recommended by City staff. A Location Preference Policy of some sort could be drafted for Council's review by August 2018.

3. **Highly Regulated Approach** - this approach would involve OCP and Zoning Bylaw regulation amendments. This approach would demand staff and Council's time not only in creating new policies and regulations, but subsequently in reviewing rezoning applications for each proposed store. It is questionable whether this approach would provide Council with more control over siting compared to the moderately regulated approach.

Cannabis Retail Sales

- a) New Use - a first step would be to create a new use in the Zoning Bylaw such as "*cannabis retail sales*" with a definition. For more clarity, the definition would indicate that the new use is not permitted in a *retail store, convenience store, personal services establishment or ancillary retail sales or home occupation*.
- b) General Regulation - to further reinforce a) there could be a section in the General Regulations section of the Zoning Bylaw prohibiting *cannabis retail sales* unless approved with an amendment to the Zoning Bylaw (i.e. Council's approval of a rezoning application).
- c) New Zone - with a new use and definition, there are several possibilities. One is to wait for the first Provincial retail licence referral to the City. With that, the City would respond by indicating the application is not supported as it does not meet the City's Zoning Bylaw (and the proposal may or may not meet the siting policies of the OCP). The applicant applying to the Province would then be given an opportunity to apply for a site-specific rezoning, or possibly a new C-10 - Cannabis Retail Zone could be created. Either way, the onus falls on the applicant to make a rezoning application, then to City staff to process the application, followed by City Council to review the bylaw, readings, public hearing, etc.

The site-specific rezoning approach would be a better way to handle rezoning applications in the near term because the zoning regulations can be tailored to each proposed property, development and characteristics. The rezoning application process would take a minimum of three - four months depending on workload.

- d) Siting Policies - OCP commercial land use policies could address location and proximity expectations for new zones allowing cannabis retail sale. Proximity policies in an OCP could be considered with some flexibility for each rezoning application. Council could, for example, consider the following Commercial Cannabis Retail Policies for the OCP:

"Subject to rezoning and Provincial licensing:

- i) Cannabis retail sales is generally supported on land either designated City Centre or Highway Commercial west of the City Centre;
- ii) Cannabis retail stores are discouraged within 500 m of a school and on land designated Highway Commercial and located east of the City Centre;
- iii) Land designated Neighbourhood Commercial or currently zoned commercial in Canoe may be appropriate for cannabis retail sales;
- iv) Cannabis retail stores are encouraged to be located a minimum of ____ m from one another; and
- v) Cannabis retail stores are discouraged from locating in a building containing residential dwelling units."

Being OCP policies with encouraging and discouraging statements, Council could still consider rezoning applications for proposals that do not meet one or more of the policies. An applicant may be able to present Council a good case for rezoning support; although staff would likely be in a position to recommend against a rezoning request that does not meet the OCP.

The attached maps attempt to show three examples considering the Highway Commercial and City Centre Commercial land use designations of the OCP and several proximity scenarios.

Map 1 - is a scenario in which the OCP's Commercial Cannabis Retail Policies would be in line with example policies i) and ii) listed above.

Map 2 - would be a scenario in line with i), ii), iii) assuming a 250 m between store policy.

Cannabis Retail Sales

Map 3 - would be the most restrictive scenario with a 500 m in between store policy, and assuming there were to be a minimum _____ m distance between various uses that may be deemed as a "sensitive location" (e.g. daycares, seniors homes, liquor stores, public health buildings, etc.).

OTHER CONSIDERATIONS

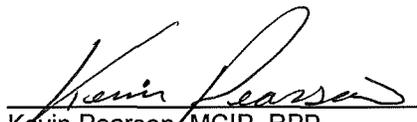
The following considerations may be examined more closely after Council has decided on the appropriate zoning regulations and siting policies. Any further bylaw amendments beyond the OCP and Zoning Bylaws would need Council direction and a timeline that could extend to the end of this year. Additional staff time and resources needed for bylaw creation, Business Licence administration, inspections, and expectations for additional monitoring and enforcement is not anticipated with the status quo.

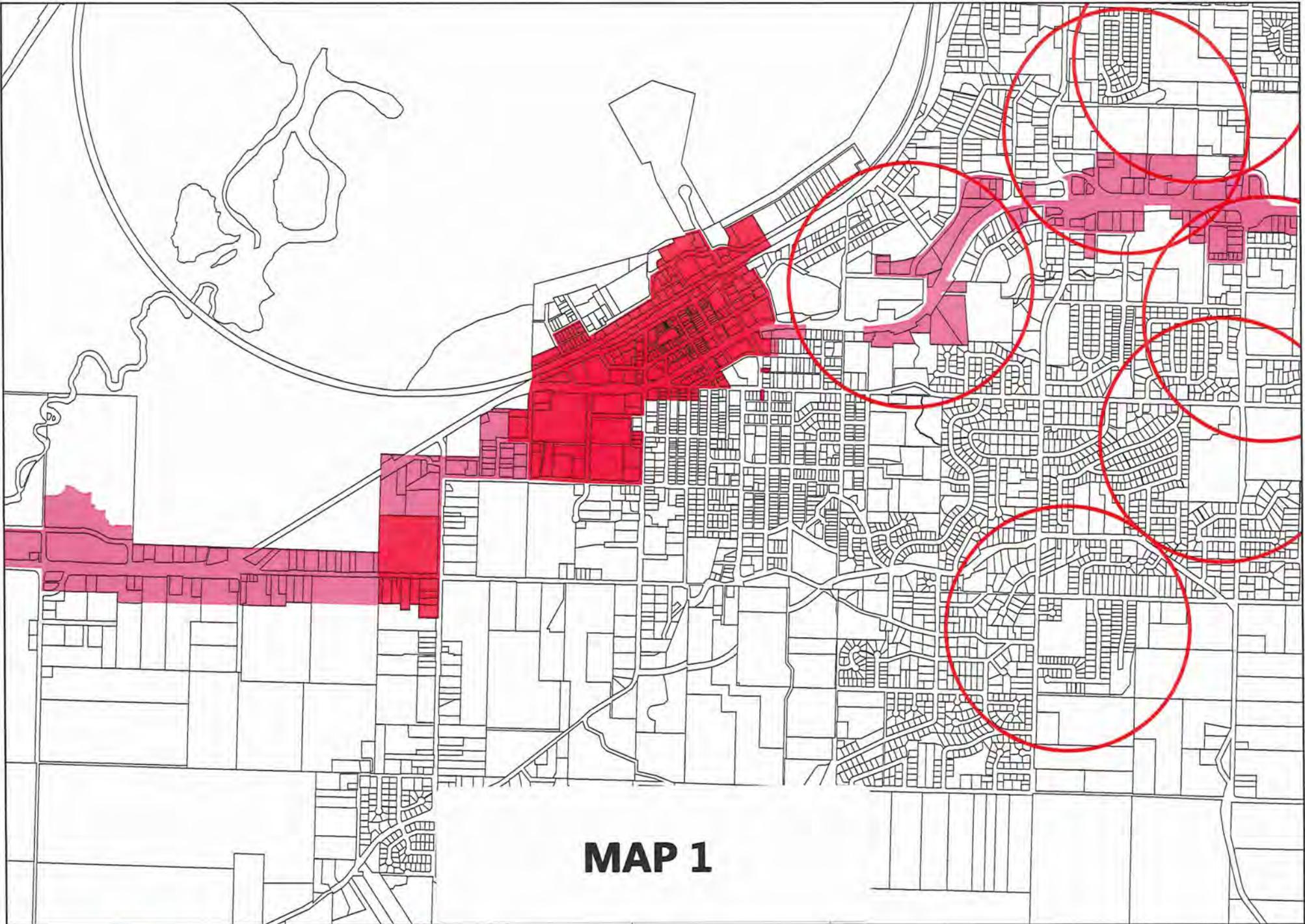
1. Business Licensing - there is much discussion about municipalities contemplating amendments to their Business Licence Bylaws and associated fees to address cannabis retail stores. Licence fees cannot be arbitrarily raised in an attempt to keep certain business out of a municipality based on moral objections if that business can operate as a legal entity under federal and provincial law. Licence fees cannot be raised on a presumption that there will be extra demands on city services (e.g. staff resources for licensing, inspections and enforcement). As far as staff knows, Provincial Licence Inspectors will be responsible for regulating in-store operations.

At this point, and based on annual licence fees for similar businesses such as a private liquor store (approx. \$350), staff do not see justification to set a business licence fee higher than those categories at this time.

There may be an ability to limit the number of licenses issued for a retail store selling cannabis. Capping the number of business licenses for a certain business category is not a practice the City has undertaken in the past. Doing so would likely involve a lottery system, selection criteria, and amendments to the Business Licence Bylaw. In staff's opinion, zoning and siting policies are a better way to control the number of cannabis retail stores in the City.

2. Places of Use - the Province has indicated cannabis use will be prohibited in parks, beaches and playgrounds frequented by children, and in vehicles. "Dan's Bylaw" adopted in 2013 would appear to cover off the smoking of cannabis (an "organic substance") within most City parks and lands (Bylaw is attached). For a number of reasons, this Bylaw is difficult to enforce.
3. Age Restrictions - the minimum age of 19 for purchase and consumption will be a province-wide regulation. It is assumed that age restriction will be monitored and enforced by the RCMP and Provincial Licence Inspectors.
4. Number of Plants - Bill C-45 allows for up to four cannabis plants to be growing in a house under certain conditions. The provincial regulations will require that plants cannot be visible from public spaces off the property and will be banned in dwellings used for daycares. Strata properties and landlords will be able to further ban or allow a lesser number plants.

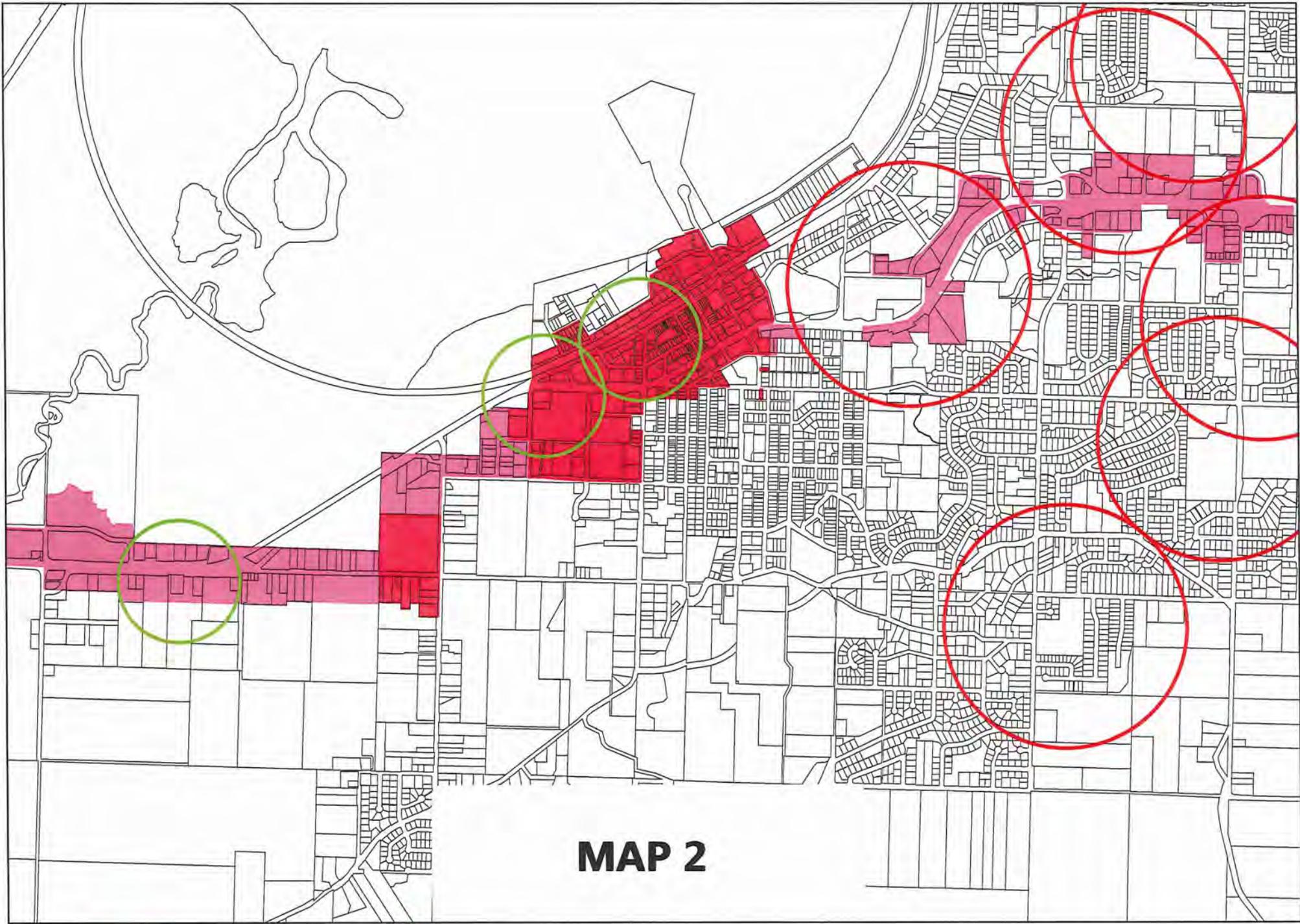

Kevin Pearson, MCIP, RPP
Director of Development Services



MAP 1

OCP  Commercial - City Centre  500 m Radius - School
 Commercial - Highway



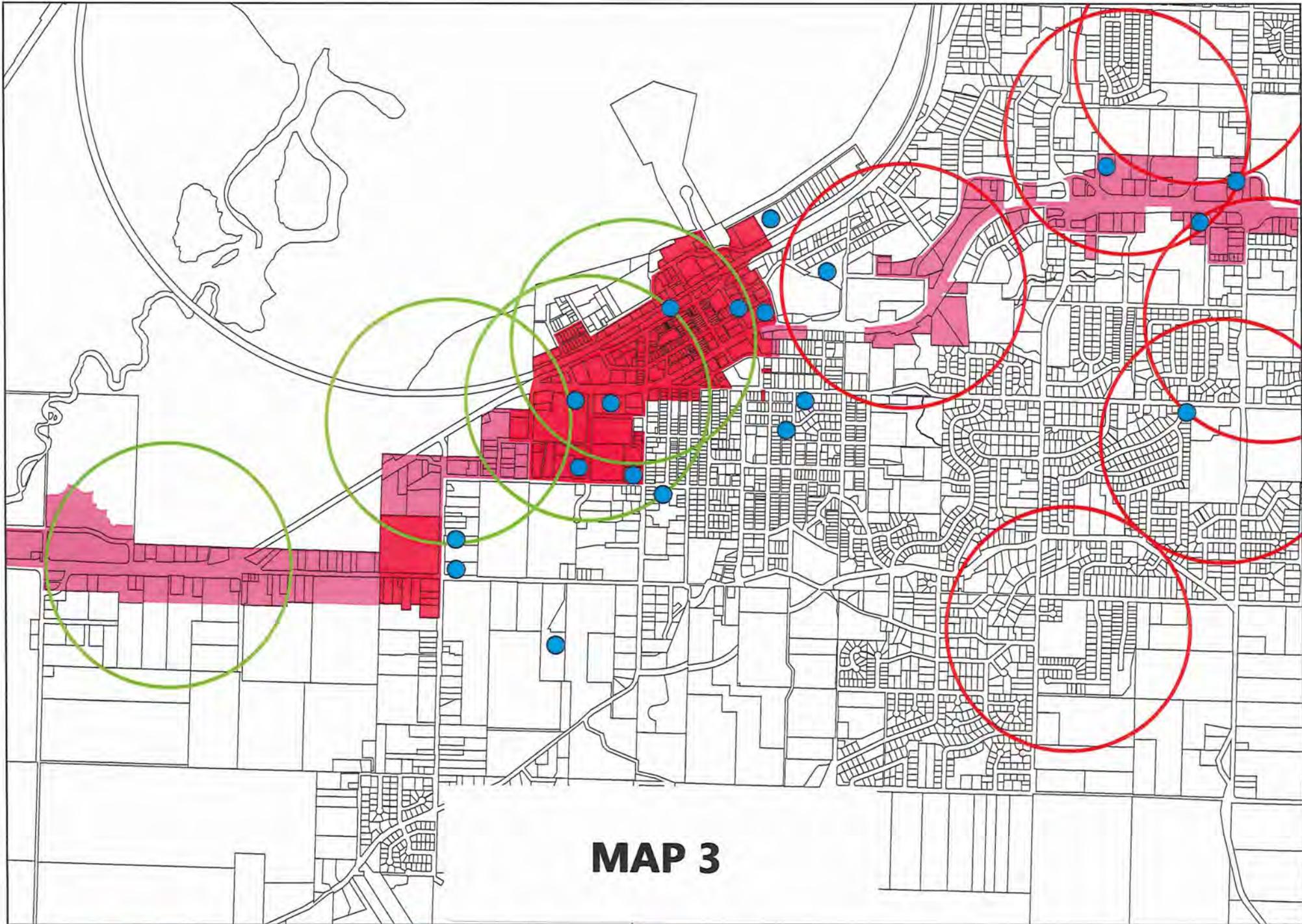


MAP 2

OCP

- | | | | |
|---|--------------------------|---|---|
|  | Commercial - City Centre |  | 500 m Radius - School |
|  | Commercial - Highway |  | 250 m Radius - Stores (Not Incl. Band Land) |





MAP 3

OCP



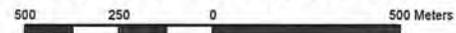
Commercial - City Centre
Commercial - Highway



500 m Radius - School
500 m Radius - Stores



Potentially Sensitive Locations
(Daycares, Senior's Homes, Liquor Stores, Public Health Buildings)



CITY OF SALMON ARM**BYLAW NO. 3954****A bylaw to amend "Parks Regulation Bylaw No. 2119, 1993"**

WHEREAS the Council of the City of Salmon Arm has enacted "Parks Regulation Bylaw No. 2119, 1993", being a bylaw to provide for the use, regulation and protection of public lands and parks within the City of Salmon Arm;

AND WHEREAS under the provisions of Section 8 (Fundamental Powers) (3)(i) of the Community Charter, Council may regulate persons in respect to public health matters;

AND WHEREAS Council considers it expedient and desirable for the health, safety and welfare of the residents to prohibit smoking in parks in the City of Salmon Arm;

AND WHEREAS the Ministry of Health has been consulted with prior to the adoption pursuant to the Public Health Bylaws Regulation;

AND WHEREAS it is deemed expedient to amend said bylaw;

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

"Parks Regulation Bylaw No. 2119, 1993" is hereby amended as follows:

- 1) New definition of "Park" as follows: "Park" shall mean:
 - (a) any improved land used for outdoor recreation such as a playground, beach, spray park, skateboard park, athletic court, athletic field, trail, wharf and public plaza that are under the care, management and jurisdiction of the City;
 - (b) any unimproved land for natural and environmental purposes that is under the care, management and jurisdiction of the City;
- 2) New definition of "Smoking" as follows: "Smoking shall mean the inhaling of, or exhaling of, the smoke from tobacco or other organic substance, or the carrying of a burning cigarette, cigar or any device in which tobacco or any other organic substance is burning";
- 3) New smoking prohibition in 4m) "Smoking shall be prohibited in a park";
- 4) Deleting Appendix C "Smoking shall be prohibited in those parks list in Appendix "C";

Parks Regulation Amendment Bylaw No. 3954
Page 2

2. This bylaw may be cited as "City of Salmon Arm Parks Regulation Amendment Bylaw No. 3954 'Dan's Bylaw'".

READ A FIRST TIME THIS 13th DAY OF May 2013

READ A SECOND TIME THIS 13th DAY OF May 2013

READ A THIRD TIME THIS 10th DAY OF June 2013

APPROVED PURSUANT TO SECTIONS 8 AND 9 OF THE *COMMUNITY CHARTER*
AND DEPOSITED WITH THE MINISTRY OF HEALTH THIS

25th DAY OF June 2013

"K. Laughlin, Environmental Health Policy Analyst
For the Ministry of Health

ADOPTED BY COUNCIL THIS 8th DAY OF July 2013

"N. COOPER"

MAYOR

"C. PAIEMENT"

CORPORATE OFFICER

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