



AGENDA
City of Salmon Arm
Development and Planning Services
Committee

Monday, November 15, 2021
8:00 a.m.

Council Chambers, City Hall
500 – 2 Avenue NE
Salmon Arm, BC

Page #	Item #	Description
	1.	CALL TO ORDER
	2.	ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY <i>We acknowledge that we are gathering here on the traditional territory of the Secwepemc people, with whom we share these lands and where we live and work together.</i>
	3.	REVIEW OF AGENDA
	4.	DISCLOSURE OF INTEREST
	5.	REPORTS
1 – 14	1.	Zoning Amendment Application No. ZON-1223 [Robillard, C. (AR Broadview Holdings)/Brentwell Construction Ltd.; 1231 1 Street SE; R-1 to R-4
15 – 30	2.	Development Variance Permit Application No. VP-539 [Sismey, T./MacDonald, C. & E.; 650 60 Street SW and 795 Christison Road SW; Servicing requirements]
31 – 44	3.	Development Variance Permit Application No. VP-540 [Heyde, R. (Heydewerk Homes Ltd.); 41, 1581 – 20 Street NE; Height requirements]
45 – 70	4.	Land Use Contract Termination, Zoning Bylaw Amendment and Mobile Home Park Bylaw Amendment [LUC P1971; Canoe Creek Estates; 5440, 5420, 5390, 5370, 5350, 5330, 5310, 5280, 5260, 5240, 5220 70 Avenue NE/5391, 5381, 5371, 5351, 5331, 5311, 5299 69 Avenue NE/6950, 6920 54 Street NE/5380, 5370, 5350, 5340 and 5320 69 Avenue NE/6850, 6820 53 Street NE/5291, 5381, 5261, 5251 68 Avenue NE/6820, 6840, 6860, 6880 52 Street NE/5250, 5260, 5280, 5290, 5281, 5271, 5261, 5251, 5231, 5221 69 Avenue NE/6881, 6861, 6841, 6821 52 Street NE/5150, 5140, 5120, 5130, 5141, 5151, 5161 69 Avenue NE/5180, 5160, 5140, 5120 70 Avenue NE/5191 69 Avenue NE/5061, 5081, 5091 68 Avenue NE/6790, 6770, 6750 51 Street NE/5201, 5221, 5231, 5241, 5251, 5261, 5271, 5280, 5260, 5250, 5240, 5230 67 Avenue NE/6690, 6670, 6660, 6650, 6640, 6630, 6620, 6610, 6611, 6621, 6631, 6641, 6651, 6661, 6671, 6691, 6721, 6731, 6751, 6771, 6791 51 Street NE/5021 68 Avenue NE]

6. FOR INFORMATION
7. CORRESPONDENCE
8. ADJOURNMENT

TO: His Worship Mayor Harrison and Members of Council

Date: November 8, 2021

Subject: Zoning Bylaw Amendment Application No. 1223

Legal: Lot 11, Section 11, Township 20, Range 10, W6M, KDYD, Plan 9916
 Civic: 1231 - 1 Street SE
 Owner: Robillard, C. (AR Broadview Holdings)
 Applicant: Brentwell Construction Ltd.

STAFF RECOMMENDATION

THAT: A bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot 11, Section 11, Township 20, Range 10, W6M, KDYD, Plan 9916 from R-1 (Single-Family Residential Zone) to R-4 (Medium Density Residential Zone).

BACKGROUND

The subject parcel is located at 1231 – 1 Street SE, east of the Salmon Arm Fairgrounds and south of 10 Avenue SE (Appendix 1 and 2). The subject parcel is designated Medium Density Residential (MR) in the City's Official Community Plan (OCP) and zoned R-1 (Single-Family Residential) in the Zoning Bylaw (Appendix 3 and 4). This area is generally residential with a mix of zones, predominantly Single Family Residential (R-1) and Medium Density Residential (R-4), with some additional Residential, Agricultural and Institutional zoned parcels also in the vicinity.

The subject parcel is approximately 2942.5 square metres in area, has an irregular lot shape with five (5) sides, and currently contains a single family dwelling and one accessory building/structure. Site photos are attached, as Appendix 5.

Land uses adjacent to the subject parcel include the following:

North: R-1 (Single-Family Residential Zone), R-8 (Residential Suite Zone) and R-4 (Medium Density Residential Zone) – single family dwellings, secondary/detached suites, and multi family dwellings
 South: R-1 (Single-Family Residential Zone) – single family dwelling
 East: R-1 (Single-Family Residential Zone) – 1 Street NE and single family dwellings
 West: R-1 (Single-Family Residential Zone) – Single family dwellings

The proposal is to subdivide and rezone the northern portion of the subject parcel to R-4 (Medium Density) to facilitate future medium density residential development. Although not technically required at this rezoning stage, a site concept showing 2 multiple family dwellings containing 5 rental units each (10 units total) has been provided (Appendix 6). Staff note that while the provision of the development concept illustrates the intent of the applicant, further details including professional designs and subsequent analysis would be required to demonstrate feasibility and compliance with the applicable regulations.

If subdivided and rezoned to R-4 as proposed, a multi-family development proposal would require a Development Permit application, and such an application would detail the proposed development concept. A Development Permit application would consider precisely the form and character details of the proposed development concept, including a site plan, landscape plan, and building elevations.

OCP POLICY

The subject parcel is designated Medium Density Residential in the OCP, which supports R-4 zoning and is within Residential Development Area B, the second-highest priority area for development. The proposed density aligns well with OCP Policy 4.4.3, which encourages all growth to be sensitively integrated with neighbouring land uses. Furthermore, the proposed zoning aligns with the Urban Residential Objectives of Section 8.2 and Urban Residential Policies listed in Section 8.3, including but not limited to providing a variety of housing types, providing housing options, and supporting compact communities. In terms of siting, the proposal appears to match with OCP Siting Policies under Section 8.3.19, including good access to transportation routes, recreation, community services, and utility servicing. The proposal also aligns with OCP Siting Policies under Section 8.3.22, which suggests clustering development on mid elevations in Residential Development Area B.

COMMENTS

Building Department

No concerns with rezoning. Need an Architect for the design and review of residential structures with 5 or more suites. There is also known groundwater in the vicinity.

FortisBC

No issues with the proposal.

Engineering Department

Installation of full works and services in accordance with the City's Subdivision and Development Servicing Bylaw at the time of development. Detailed comments will be provided when ready.

Planning Department

The surrounding neighbourhood is characterized by a mix of both older and newer single family housing and newer multi-family housing developments. The subject parcel is located in an area well-suited for higher density residential development, being within reasonable walking distance to downtown, The Mall at Piccadilly and other commercial businesses, schools including the Salmon Arm Storefront School, and transportation/transit routes.

The maximum residential density permitted under R-4 (Medium Density) zoning is 16.2 dwelling units per acre of land. As the proposed second lot is approximately 0.550 acres in area (2226 square metres), the maximum permitted density under R-4 would be roughly 8.91 (8) dwelling units assuming: 1) some form of strata development; 2) the present gross area of the subject parcel; and 3) no density bonus. However, as indicated in the Letter of Rationale provided by the owner/applicant (Appendix 7), the proposed housing developments will consist entirely of rental units. Since this is the case, the owner/applicant would then be eligible/qualify for the added density bonus of 5 units per hectare (2.0 units per acre) for the provision of affordable rental dwelling units, provided the owner/applicant registers a rental Covenant on Title. This would then increase the maximum permitted density under R-4 to 10 dwelling units. The R-4 Zoning regulations are attached, as Appendix 8.

This proposal includes two 5-unit multi-family (10 units total) buildings at this preliminary stage. Staff note that if subdivided and rezoned to R-4, a number of residential development scenarios could present themselves, including single-family, duplex, triplex, and multi-family residential development scenarios, potentially involving subdivision or stratification. A multi-family development would require a Development Permit application, and such an application would be expected to address the form and character of the multi-family development concept and detail the proposed development concept, including a site plan, landscape plan, and building elevations. Frontage improvements as per the Subdivision and Servicing Bylaw would be required for any development with R-4 zoning.

CONCLUSION

The proposed subdivision and R-4 zoning of the new subject property are supported by OCP policy and are therefore supported by staff.

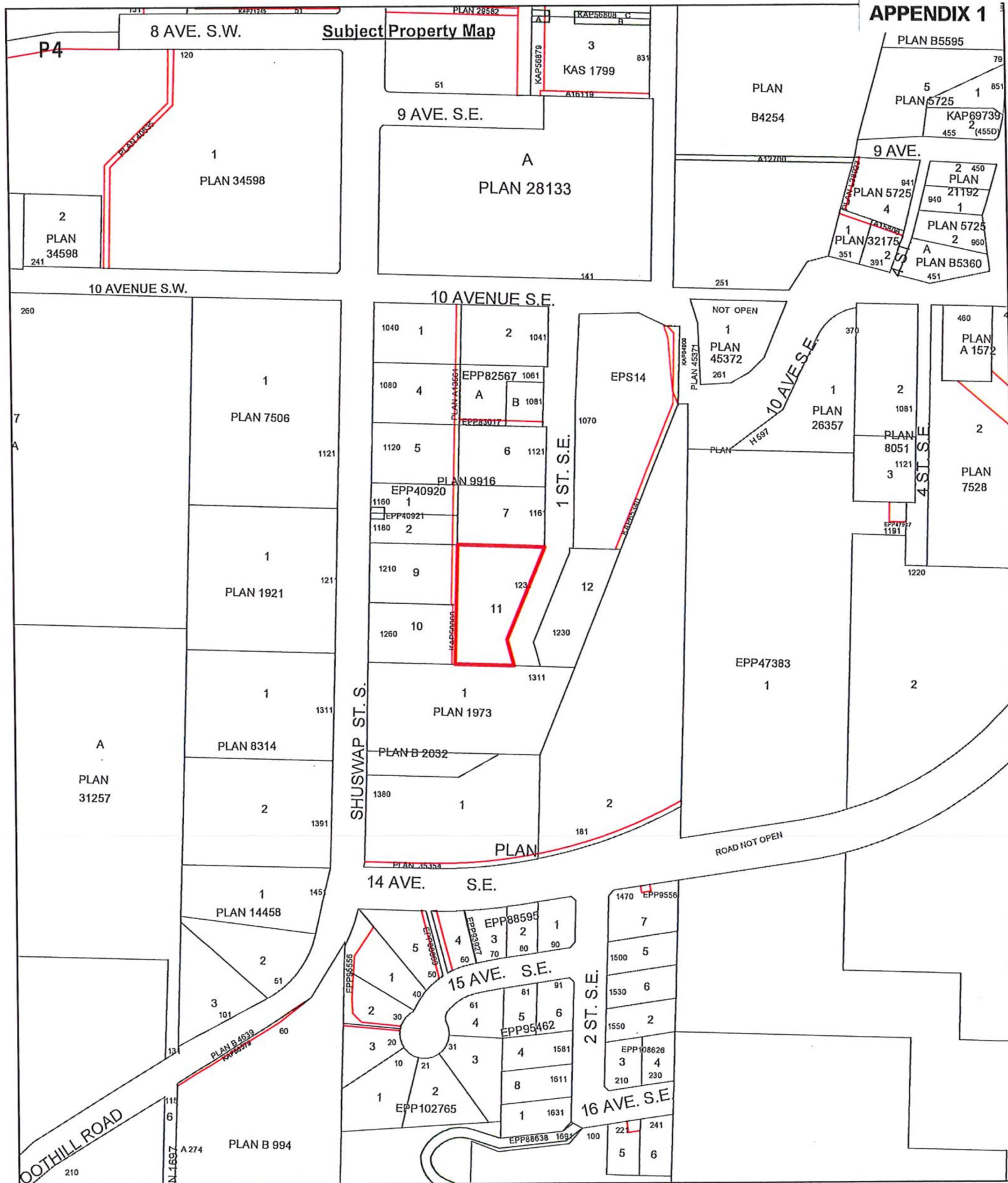


Prepared by: Evan Chorlton
Planner I



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

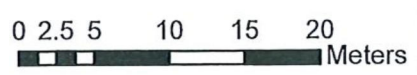
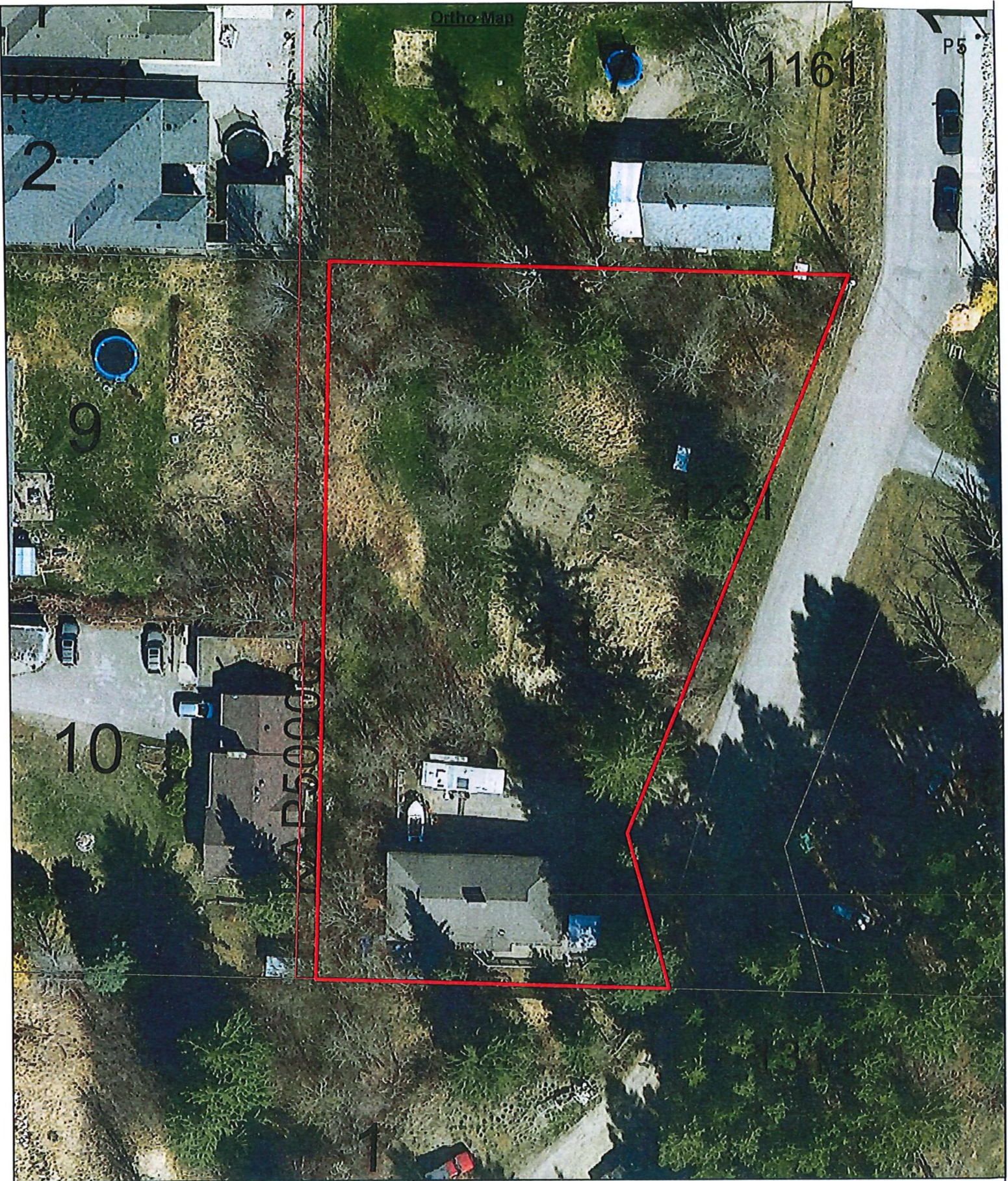
APPENDIX 1



A scale bar labeled "Meters" with markings at 0, 15, 30, 60, 90, and 120.

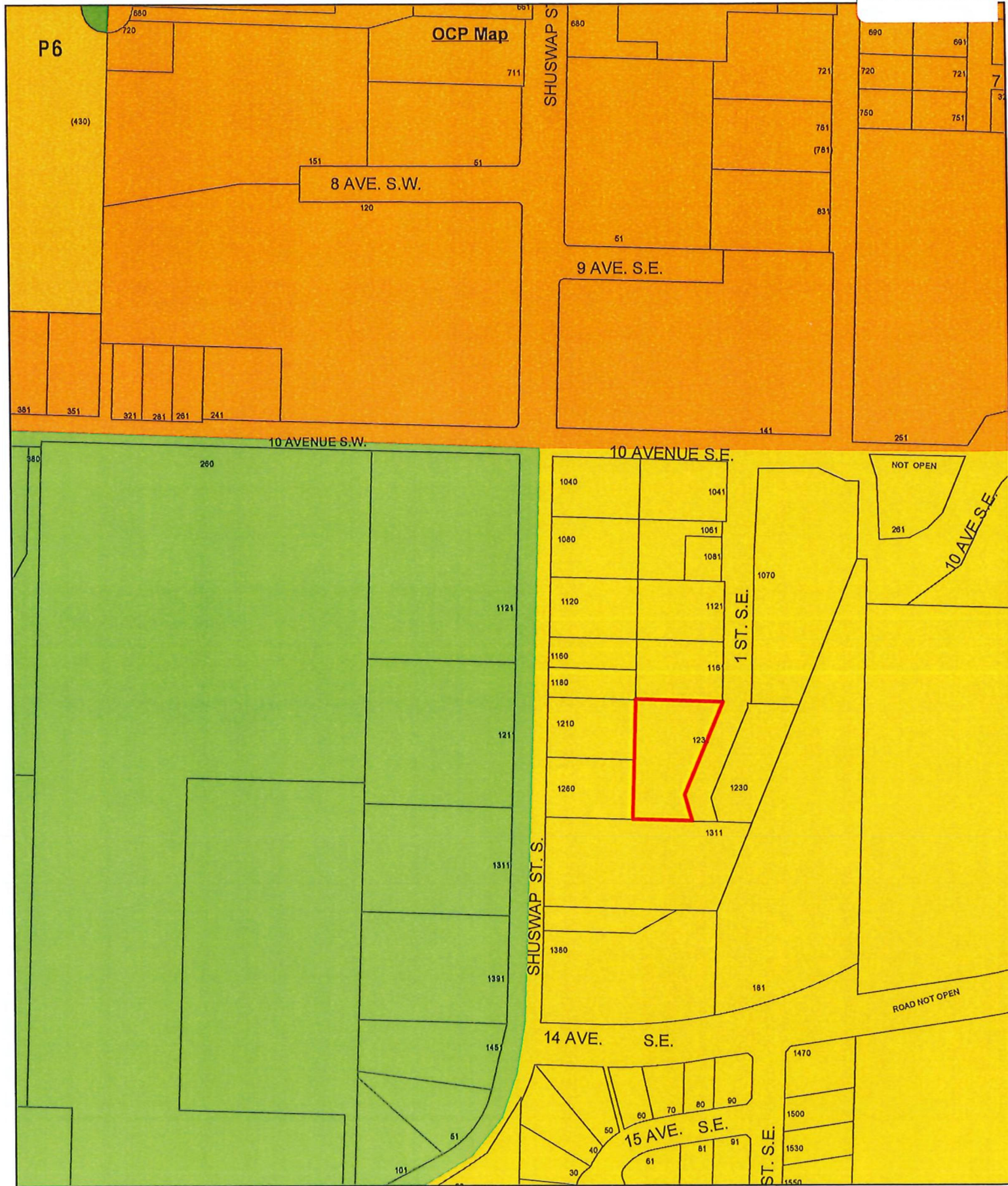
 Subject Property

☐ Parcels



 Subject Property

 Parcels



0 15 30 60 90 120
Meters

- | | | | | | |
|--|------------------|--|-----------------|--|------------------------------|
| | Parcels | | Community Park | | Residential - Medium Density |
| | Subject Property | | Acreage Reserve | | Residential - High Density |
| | | | Park | | |

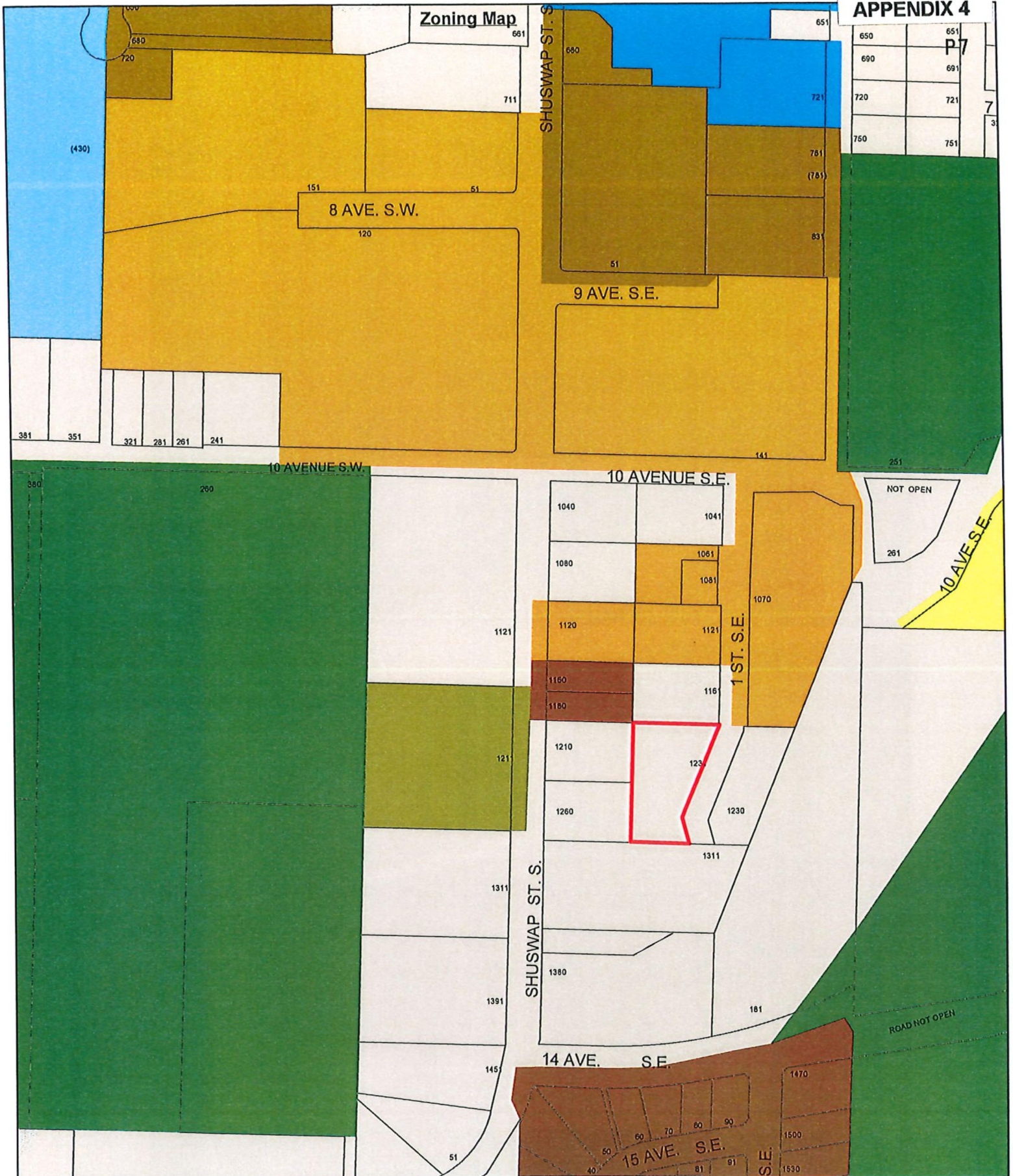
Zoning Map

APPENDIX 4

650	651
690	691
720	721
750	751

P7

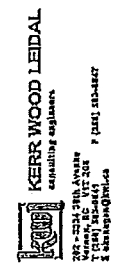
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3



- Parcels
- Subject Property
- A-2
- A-3
- P-1
- P-3
- R-1
- R-2
- R-4
- R-5
- R-8

P8





1231 1st STREET SE SALMON ARM
FIGURE 1
LEGAL PLAN (REV-2)

P10

Letter of Rational

September 21, 2021

Chris Larson
Planner
City of Salmon Arm
500 2 Ave NE
Salmon Arm BC
V1E 4H2

Re: Rezoning Application – 1231 1st St SE Salmon Arm

AR Broadview is pleased to present a formal rezoning application for the property located on 1231 1st Street NE.

The submission seeks to subdivide and rezone the property adjacent to the existing structure from the R1 to R4 in order to accommodate two multi-family structures containing 10 rental units in total with a common parking area. The units will be a variety of sizes including three and possibly four-bedroom units. The existing structure will remain as is and is currently tenanted.

We believe this project will provide significant benefit to the city and residents of Salmon Arm by providing much needed rental accommodation for families and individuals. Furthermore, the location of the proposed development aligns with the city's stated plans for adding density to the core.

Thank you for your consideration and we look forward to continuing to work with City staff on this proposal.

Yours truly,

AR Broadview Holdings Ltd.

Cole Robillard
Principal

SECTION 9 - R-4 - MEDIUM DENSITY RESIDENTIAL ZONE

P11

Purpose

- 9.1 The purpose of the R-4 Zone is to provide for medium *density*, *multiple family* and small lot *single family* residential developments. New *multiple family* developments zoned R-4 shall be required to obtain a *Development Permit* as per the requirements of the *Official Community Plan*, and shall comply with the provisions of the *Fire Services Act*, *British Columbia Building Code*, and other applicable legislation. #289, #3740

Regulations

- 9.2 On a *parcel* zoned R-4, no *building* or *structure* shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out in the R-4 Zone or those regulations contained elsewhere in this Bylaw.

Permitted Uses

- 9.3 The following uses and no others are permitted in the R-4 Zone:

- .1 *assisted living housing*; #4336
- .2 *bed and breakfast* in a *single family dwelling*, limited to two let rooms;
- .3 *boarders*, limited to two;
- .4 *boarding home*; #2789
- .5 *commercial daycare facility*;
- .6 *dining area*; #4336
- .7 *duplexes*;
- .8 *family childcare facility*; #3082
- .9 *group childcare*; #3082
- .10 *home occupation*; #2782
- .11 *multiple family dwellings*;
- .12 *public use*;
- .13 *public utility*;
- .14 *single family dwelling*;
- .15 *triplexes*;
- .16 *accessory use*.

Maximum Height of Principal Buildings

- 9.4 The maximum *height* of a *principal buildings* shall be 10.0 metres (32.8 feet). This may be increased to 13.0 metres (42.7 ft.), via the *Development Permit* process, if any of the special amenity(ies) in Table 2 are provided.

Maximum Height of Accessory Buildings

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

Maximum Parcel Coverage

- 9.6 The total maximum *parcel coverage* for *principal* and *accessory buildings* shall be 55% of the *parcel area*, of which 10% shall be the maximum *parcel coverage* for *accessory buildings*. #2811

Minimum Parcel Area

- 9.7
- .1 The minimum *parcel area* for a *single family dwelling* shall be 300.0 square metres (3,229.3 square feet).
 - .2 The minimum *parcel area* for a *duplex* shall be 600.0 square metres (6,458.6 square feet).
 - .3 The minimum *parcel area* for all other uses shall be 900.0 square metres (9,687.8 square feet).

SECTION 9 - R-4 - MEDIUM DENSITY RESIDENTIAL ZONE - CONTINUED**Minimum Parcel Width**

9.8

- .1 The minimum *parcel width* shall be 30.0 metres (98.5 feet). #3740
- .2 Notwithstanding Section 9.8.1, the minimum *parcel width* for a *single family* lot shall be 10.0 metres (32.8 feet).
- .3 Notwithstanding Section 9.8.1, the minimum *parcel width* for a stacked *duplex* lot shall be 14.0 metres (45.9 feet).
- .4 Notwithstanding Section 9.8.1, the minimum *parcel width* for a side-by-side *duplex* lot shall be 20.0 metres (65.6 feet)).

Minimum Setback of Principal Buildings9.9 The minimum *setback* of *principal buildings* from the:

- .1 *Front parcel line*
 - adjacent to a *highway* shall be 5.0 metres (16.4 feet)
 - adjacent to an *access route* shall be 2.0 metres (6.6 feet)
- .2 *Rear parcel line*
 - adjacent to a *parcel zoned*
R-4 shall be 3.0 metres (9.8 feet)
 - all other cases shall be 5.0 metres (16.4 feet)
- .3 *Interior side parcel line*
 - adjacent to a *parcel zoned*
R-4 shall be 1.2 metres (3.9 feet) #3475
 - all other cases shall be 1.8 metres (5.9 feet)
- .4 *Exterior side parcel line*
 - adjacent to a *highway* shall be 5.0 metres (16.4 feet)
 - adjacent to an *access route* shall be 2.0 metres (6.6 feet)
- .5 Minimum separation between residential *buildings* on the same lot of not more than one storey in height shall be 1.5 metres (4.9 feet)
- .6 Minimum separation between residential *buildings* on the same lot of more than one storey in height shall be 3.0 metres (9.8 feet)
- .7 Notwithstanding Sections 9.9.2 and 9.9.3, a *principal building* on a corner *parcel* may be sited not less than 1.5 metres (4.9 feet) from the *rear parcel line* provided the combined total of the *rear* and *interior side yards* shall be not less than 6.0 metres (19.7 feet).
- .8 Refer to Section 4.9 for "Special Building Setbacks" which may apply. #2811

Minimum Setback of Accessory Buildings9.10 The minimum *setback* of accessory *buildings* 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 0.6 metre (1.9 feet)
- .4 *Exterior side parcel line* shall be 5.0 metres (16.4 feet)

Refer to "Pound and Animal Control Bylaw" for special setbacks which may apply. #2811

Maximum Density

Note: The following *density* provisions are based on the *gross parcel area*. Parking requirements, *setback* requirements, road dedication, etc. have not been taken into consideration.

9.11

- .1 The maximum *density* shall be a total of 40 *dwelling units* or *sleeping units* per hectare (16.2 *dwelling units* or *sleeping units* per acre). #2789
- .2 Notwithstanding Section 9.11.1, the maximum *density* in the R-4 Zone may be increased to a maximum of 50 *dwelling units* per hectare (20.2 units per acre) in accordance with Table 2. In Table 2, Column I sets out the special amenity to be provided and Column II sets out the added *density* assigned for the provision of each amenity.
- .3 Notwithstanding Section 9.11.1, the maximum *density* in the R-4 Zone may be increased to a maximum of 50 *dwelling units* per hectare (20.2 units per acre) for the provision of *Assisted Living Housing*. #4336

TABLE 2

COLUMN I SPECIAL AMENITY TO BE PROVIDED	COLUMN II ADDED DENSITY
1. Provision of each dwelling unit which caters to the disabled (e.g. wheelchair access)	□ 2 units per hectare (0.8 units per acre)
2. Provision of <i>commercial daycare facility</i> 7 - 10 children 11 - 15 children 16 or more children	□ 3 units per hectare (1.2 units per acre) □ 4 units per hectare (1.6 units per acre) □ 7 units per hectare (2.8 units per acre)
3. Provision of below <i>grade</i> or parkade type parking for at least 50% of the required off street parking	□ 10 units per hectare (4.0 units per acre)
4. Provision of each rental <i>dwelling unit</i>	□ 2 units per hectare (0.8 units per acre)
5. Provision of affordable rental <i>dwelling units</i> in accordance with special agreement under Section 904 #3218	□ 5 units per hectare (2.0 units per acre)

Maximum Floor Area Ratio

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

Parking

9.13 Parking shall be required as per Appendix I.

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TO: His Worship Mayor Harrison and Members of Council

DATE: November 8, 2021

SUBJECT: Development Variance Permit Application No. VP-539
 Legal: Legal Subdivision 2, Section 17, Township 20, Range 10, W6M, KDYD, Except Plans 10532, 12894, 13914, 16245, 17363, 34939 and EPP7555 and The West ½ of Legal Subdivision 1, Section 17, Township 20, Range 10, W6M, KDYD, Except Plan 10532, 12894, 16245, 16383, 17363 and EPP7555
 Civic Address: 650 60 St SW (Parcel A) and 795 Christison Road SW (Parcel B)
 Owner: Trent Sismey (650 60 Street SW) and Conner and Emma Macdonald (795 Christison SW)
 Applicant: Trent Sismey

STAFF RECOMMENDATION

THAT: Development Variance Permit No. VP-539 be authorized for issuance for Legal Subdivision 2, Section 17, Township 20, Range 10, W6M, KDYD, Except Plans 10532, 12894, 13914, 16245, 17363, 34939 and EPP7555 (Parcel A) and The West ½ of Legal Subdivision 1, Section 17, Township 20, Range 10, W6M, KDYD, Except Plans 10532, 12894, 16245, 16383, 17363 and EPP7555 (Parcel B) to vary Section 4.8.1, Subdivision and Development Servicing Bylaw No. 4163, waiving the requirement to install bike lane and infrastructure along the Christison Road frontage along the parcel boundaries subject to:

- 1. The owner/developer registering a Section 219 covenant restricting subdivision of the lands until the road frontage is upgraded as required by the Subdivision and Development Servicing Bylaw No. 4163.**

PROPOSAL

The applicant is requesting to waive the road upgrade requirements of Christison Road SW along the parcel boundaries of 650 60 Street SW (Parcel A) and 795 Christison Road SW (Parcel B) (see Appendix 1 and 2), in order to support the development of a single family dwelling on each lot.

BACKGROUND

The subject property encompasses two parcels located in the Gleneden area and the total subject property is approximately 11.9ha. It is designated Acreage Reserve in the City's Official Community Plan (OCP) (Appendix 3). In Zoning Bylaw No. 2303, the subject property is zoned A2 (Rural Holding Zone) (Appendix 4). The A2 zoning permits agricultural development and limits residential development to a single family dwelling and a Rural Detached Suite. The Subdivision and Development Servicing Bylaw No. 4163 provides the servicing standard for a 20m right-of-way cross section for a Rural Collector Road (Appendix 5). With the exception of the bike lane the frontages are at the Bylaw standards.

Adjacent land uses include the following:

North: A2 (Rural Holding Zone) – Agriculture and Single Family Residences
 South: A1 (Agriculture Zone) – Agriculture and Single Family Residences
 East: A3 (Small Holding Zone) & A2 (Rural Holding Zone) – Agriculture and Single Family Residences

West: A3 (Small Holding Zone) – Agriculture and Single Family Residences

The unusual configuration of the parcels is attributed in part to historical lot configurations and a previous Homesite Severance Subdivision in 2010. A previous owner of 650 60 St SW had proposed rezoning and 6 lot subdivision of the parcel in 2007. The subdivision was supported by the ALC, however, the rezoning from A3 to A2 was defeated by Council. Presently, the two parcels are vacant. The owner of 650 60 Street SW obtained a Tree Cutting Permit in 2021 in pursuit of developing a single family residence and starting agricultural activities on the parcel. The applicants have stated that there is no intent to further subdivide or rezone the parcels at this time.

At this location Christison Road SW is approximately 19.5m wide and includes a 1.5m drainage ditch on the east side of the road. There is no existing bike lane in the vicinity of the subject property. The Engineering Department has provided comments and are detailed below.

650 60 St SW (Parcel A)

At the time of Building Permit the owner would be required to provide cash in lieu for the upgrading of 60 Street SW fronting the subject property to a Rural Collector Road standard. The upgrades at this location would include the widening of the shoulder and drainage ditch to 1.25m and the installation of a bike lane (1.5m wide). For the 270m frontage of 650 60 Street SW the requirement would amount to \$199,111.50. The letter and Opinion of Probable Costs (OPC) in support of the application (Appendix 6) itemizes the costs associated with the required works. The applicant is requesting that Council waive the requirement to provide cash in lieu for the frontage improvements because the unusual lot configuration has resulted in longer than typical frontage(s) and the scale of development does not align with the probable costs of development.

795 Christison Road SW (Parcel B)

As noted in the submission by the applicant, similar to 650 60 Street SW the subject parcel is affected by an unusual lot configuration that results in a disproportionate parcel frontage along Christison Road SW with limited uses that do not align with required road frontage improvements. In the case of the subject parcel the requirements would amount to approximately \$112,329.00 in road improvements. The applicant submitted an OPC and letter of rationale and is enclosed as Appendix 7.

COMMENTS

Engineering Department

Engineering comments have been provided and are attached as Appendix 8. Engineering staff note that Christison Road SW is a Rural Collector Road and as per the RD-8 cross section upgrades along this section are to include bike lane construction, road widening and ditching. In this instance, the Engineering Department is supportive of the variance request(s).

Building Department

No concerns

Fire Department

No response

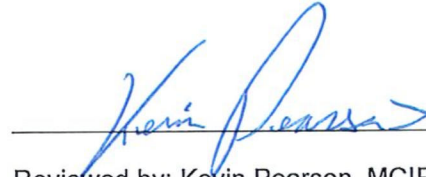
Planning Department

When considering variances of this nature a number of factors are taken into consideration, including – the impact on neighbourhood form and character and impact on future development potential in the area. On the whole road improvements and amenities in the Rural area are limited; however, in recent years the demand for community-wide amenities such as bike lanes has been increasing. The provision of bike lanes may not be directly attributable to development on the subject parcel but as a community amenity a bike lane connection over a large track of land could be viewed as an important connection linking future bike riding in area.

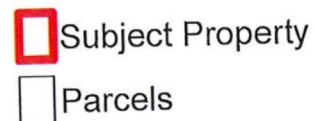
When considering variances to the Subdivision and Development Servicing Bylaw No. 4163 staff also consider future development in the area because sometimes improvements such as these can be considered premature at this time but relevant in the future when potential is sought. Given the boundary of the Agricultural Land Reserve and general development in this area it is unlikely that there would be a future opportunity to obtain these improvements through development; however, should subdivision be proposed in the future the covenant registered on title would ensure that the road frontage improvements would be constructed as per the bylaw at that time.



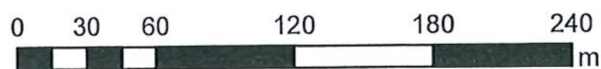
Prepared by: Melinda Smyrl, MCIP, RPP
Planner III



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

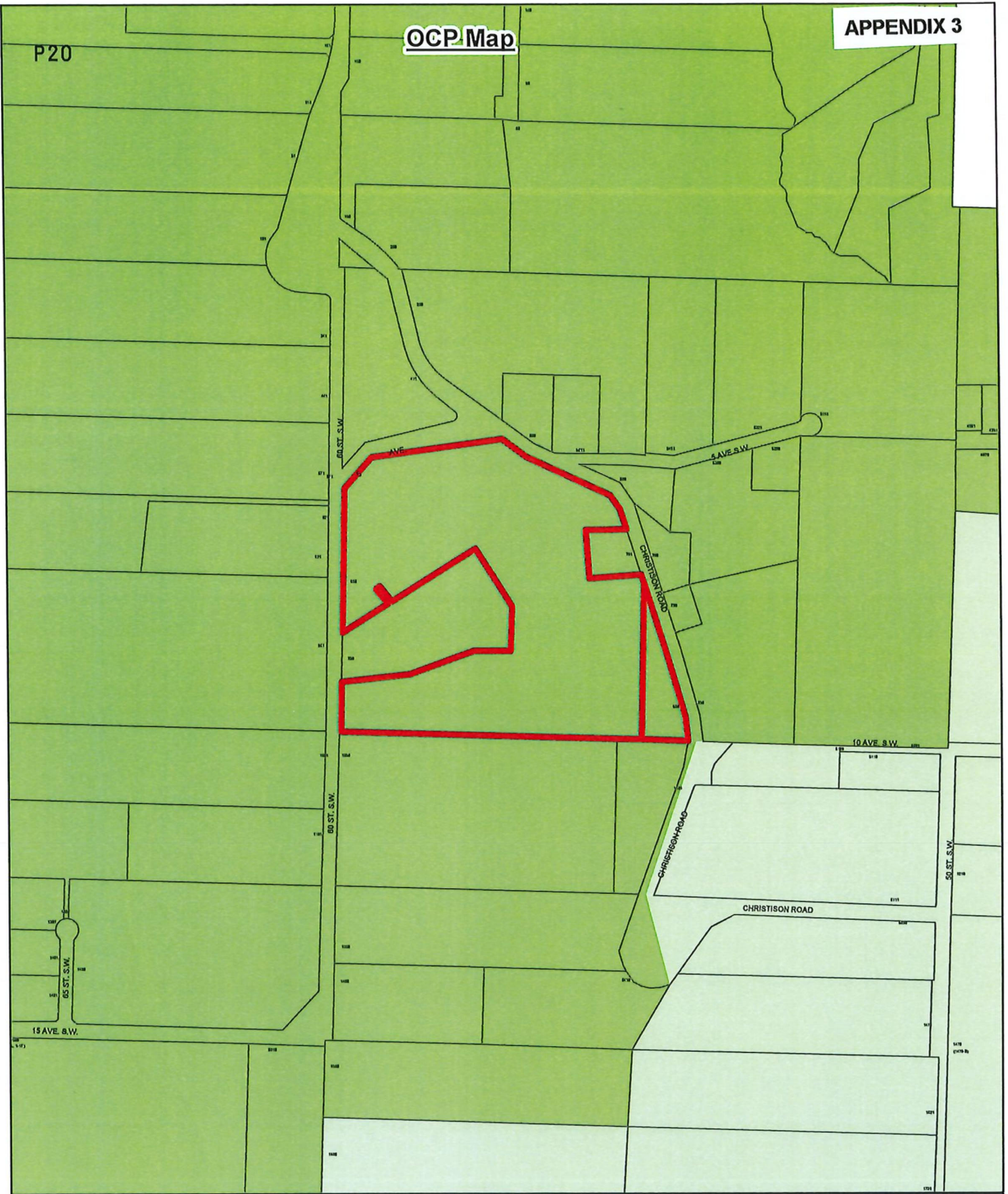


Bike Lane
Required



-  Subject Property
-  Parcels

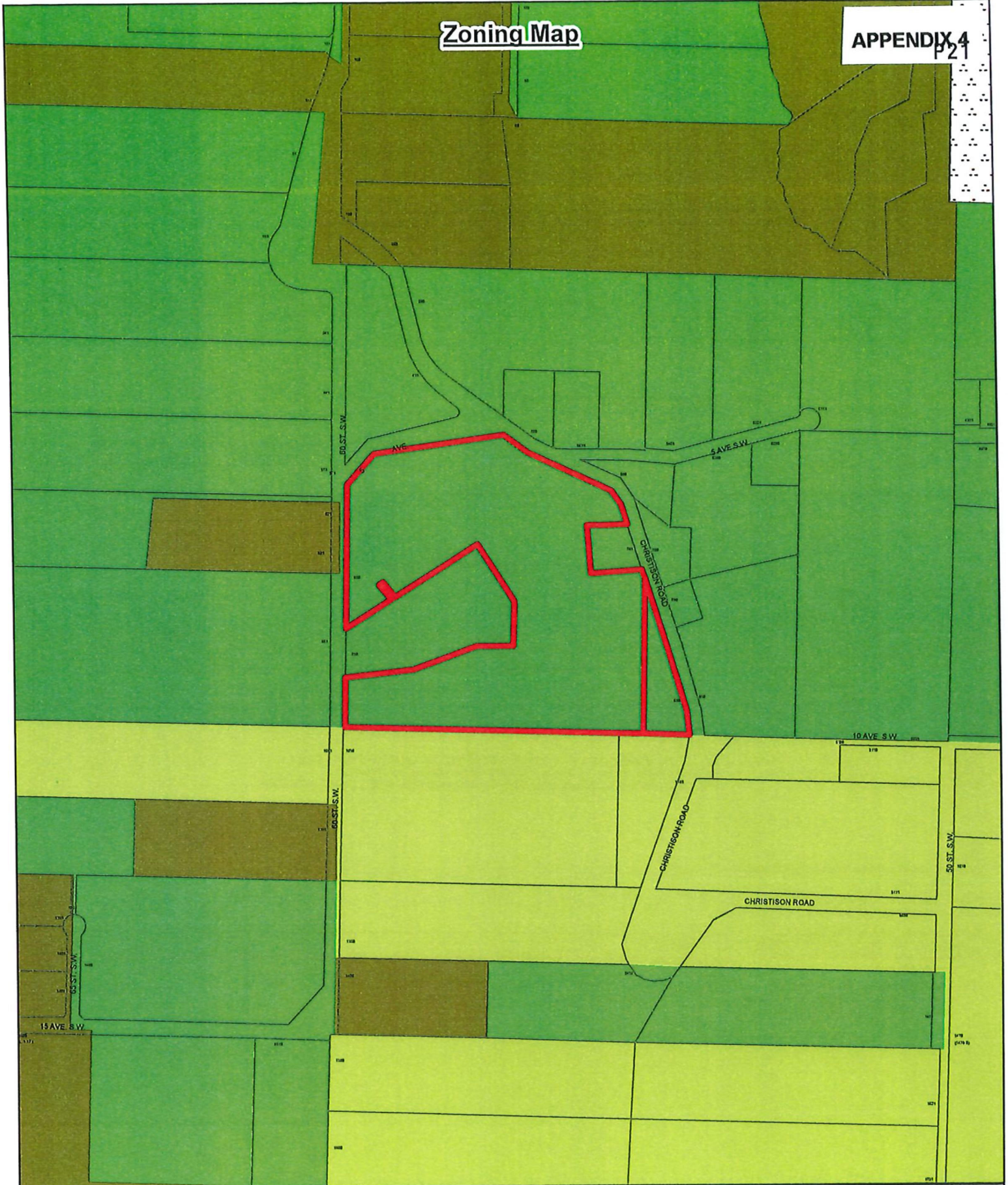
P20



-  Subject Property
-  Acreage Reserve
-  Parcels
-  Salmon Valley Agriculture

Zoning Map

APPENDIX 4
P21



0 50 100 200 300 400 m

 Subject Property  A-1  A-3
 Parcels  A-2  IR

PAVE MINIMUM 1.0m AROUND FIRE HYDRANTS

20000

3750 1250 1500 3500 3500 1500 1250 3750

BICYCLE LANE

10000 TRAVELLED ROAD

2.0%

2.0%

1.5

500

500

1800

1000

300

MINIMUM LENGTH IS 5.00m

8700

2000

WATER

MINIMUM 100mm - ASPHALT CONCRETE PAVEMENT(2-50mm LIFTS)

MINIMUM 75mm - 25mm CRUSHED BASE COURSE AGGREGATE

MINIMUM 450mm - 75mm SCREENED OR CRUSHED SUB-BASE COURSE AGGREGATE

CULVERT (SIZE TO SUIT)

HYDRANT

HYDRO/TELEPHONE POLE

GAS

CURB STOPS

CLEAN OUTS

INSPECTION TEES



MAX. 5% (UNIFORM)

2

1

0

- 1) Where gravel surface is permitted, crossfall shall be 4.0%
- 2) Drainage shall be sheet drainage, no point load drainage permitted
- 3) All materials shall be supplied and placed in accordance with schedule B, Part 3.0 and Schedule D, Approved material list.
- 4) Grades in excess of 2H:1V shall be recommended by a geotechnical engineer and approved by the City Engineer.

 CITY OF SALMON ARM			20m R/W Rural Collector Road Cross-Section		
No.	Revision	Date	Date	Approved	SPECIFICATION DRAWING No.
A	ISSUED FOR APPROVAL	07/14/16	10-11-2016	 City Engineer	RD-8

Adopted by Council October 11, 2016



LAWSON
— ENGINEERING LTD. —

Salmon Arm Office
1200 Lakeshore Drive West
PO Box 100
Salmon Arm, BC V1E 4N2

Nanaimo Office
1343 Millstream Drive
Nanaimo, BC V2Y 1R5

Revelstoke Office
200 Campbell Ave
Suite 200
Revelstoke, BC V0E 2S0

Tuesday, August 31, 2021

Kevin Pearson, Approving Officer
City of Salmon Arm
Box 40 500 2nd Avenue NE
Salmon Arm, B.C. V1E 4N2

RE: 650 60th Street SW Variance Application

Dear Mr. Kevin Pearson:

This letter is intended to provide insight into the *building permit* variance application submitted for 650 60th Street SW by the owner (Sismey Holdings Ltd.).

The subject parcel is located at 650 60th Street SW with substantial property frontage along Christison Road, 5th Avenue SW and 60th Street SW in Salmon Arm, BC. The subject property is a vacant property approximately 27.5 acres in size with the majority of the property forested and one smaller 2-acre field cleared in the northwestern corner for agricultural purposes. The *owner* is proposing to submit a *building permit* for the construction of a single-family residence on the vacant parcel of land. The City of Salmon Arm has requested that the *owner* complete the following as conditions to the issuance of a *building permit*:

- (1) Cash-in-lieu to: Upgrade Christison Road to the Rural Collector Road Standard (CoSA – RD8) which would require; Installation of a 1.5m wide Bike Lane, 1.25m wide Shoulder and Drainage Ditch along the West side of Christison Road for the full frontage of the subject property (270m).

As such, the *owner* is requesting the following variance:

- 1) *Subdivision & Development Servicing Bylaw No. 4163 (Schedule B, Part 1, Section 4.0):*

Waive the requirement to install 270m of 1.5m wide Bike Lane, 270m of 1.25m wide Shoulder and Installation of a Drainage Ditch for the extent of the subject parcel along Christison Road:

- a) The reasons for this variance request are that adding a single residence on a previously vacant parcel of property will not significantly increase traffic, vehicular or bicycle, along Christison Road however would create safety concerns and burden the *owner* with major financial costs:
 - i) *City of Salmon Arm Official Community Plan – Map 12.2 Cycle Network Plan* does not outline Christison Road as a 'Bike Route';
 - ii) Surrounding properties to the subject parcel (1101 Christison Road, 701 Christison Road, 411 Christison Road) all have minimal and unrealistic future development potential due to their smaller size, presence of existing residences and steep grade of the properties. As such, if required as a condition of the *building permit* for 650 60 Street SW, an 'island' of bike-lane would effectively be created without high likelihood of future connection on either side of the subject parcel;
 - iii) As the requested *Rural Collector Road* improvements would terminate at the subject property's frontage of Christison Road the bike-lane would similarly terminate at the junction of a blind-corner on a road with centerline grades in excess of 10% creating public safety concerns;
 - iv) As per attached Class D *Opinion of Probable Costs* the *owner* would be required to pay an estimated \$199,111.50 to the City in a scenario that would add little in regards to public value.



LAWSON
— ENGINEERING LTD. —

Salmon Arm Office
5250 Lakeshore Drive West
PO Box 105
Salmon Arm, BC V1E 4B2

Kamloops Office
1548 Valleyview Drive
Kamloops, BC V2C 4B5

Revelstoke Office
200 Campbell Ave
Suite 200
Revelstoke, BC V0E 2N0

Based on the information provided above, the owner would request that the City provide this variance to waive the *owner's* responsibility of paying for the upgrades to the West-side of Christison Road to the *Rural Collector Standard*. We feel that this variance will not take-away from public value meanwhile would come at a massive expense to the *owner* and create potential public safety concerns.

If you have questions or concerns, please don't hesitate to call or email.

Best Regards,

Lawson Engineering Ltd.

Alistair Waters, AScT, CCA
Project Manager, Principal
awaters@lawsonengineering.ca

Attachment(s):

- Class D Opinion of Probable Cost – 650 60th Street SW - Lawson Engineering Ltd. – August 27, 2021



LAWSON
— ENGINEERING LTD. —

650 60 STREET SW - OFFSITE UPGRADE WORKS

27-Aug-21

OPINION OF PROBABLE COSTS - CLASS 'D'

(*Denotes Nominal Quantity)

ITEM NO.	DESCRIPTION OF WORK	UNIT	QUANTITY	UNIT PRICE	AMOUNT \$
A.	MOB/DEMOB	LS	LS	2,500.00	2,500.00
1.0	ROADS AND EARTHWORKS				
1.1	Supply & Install Asphalt (100mm)	m2	405 *	52.00	21,060.00
1.2	Supply & Install 25mm Crushed Base Aggregate	m3	60 *	95.00	5,700.00
1.3	Supply & Install 75mm Crushed Sub-Base Aggregate	m3	370 *	55.00	20,360.00
1.4	Supply & Install Import Fill	m3	2250 *	32.00	72,000.00
1.5	Hydro-seeding (Disturbed Areas)	LS	LS *	2,500.00	2,500.00
1.6	Key-In Asphalt - Lap-Joint	m	270 *	10.50	2,835.00
1.7	Line Painting (Bike Lane)	LS	LS *	2,500.00	2,500.00
1.8	Supply & Install Bike Lane Sign	ea.	2 *	850.00	1,700.00
1.9	Remove and Reinstall Street Sign	ea.	2 *	450.00	900.00
1.10	Clearing and Grubbing	LS	LS *	18,500.00	18,500.00
2.0	STORM SEWER WORKS				
2.1	Supply & Install Drainage Ditch	m	270 *	24.00	6,480.00
2.2	Supply & Install Erosion and Sediment Control Measures	LS	LS *	1,000.00	1,000.00
SUMMARY					
A.	MOB/DEMOB				\$ 2,500.00
1.0	ROADS AND EARTHWORKS				\$ 148,045.00
2.0	WATER WORKS				\$ 7,480.00
	SUB TOTAL				\$ 158,025.00
A.	ENGINEERING (10%)				\$ 15,802.50
B.	CONTINGENCY (10%)				15,802.50
	SUB TOTAL				\$ 189,630.00
	GST (5%)				\$ 9,481.50
	TOTAL CASH-IN-LIEU				\$ 199,111.50

1) Quantities may vary depending on field revisions and/or conditions encountered at the time of construction, thereby affecting the final cost.

2) Unit Prices are influenced by supply & demand for both contractors & materials at the time of construction, thereby affecting the final cost.



LAWSON
— ENGINEERING LTD. —

Salmon Arm Office
325C Lakeshore Drive West
PO Box 190
Salmon Arm, BC V1E 4N2

Kamloops Office
1543 Valleyview Drive
Kamloops, BC V2C 4S5

Penticton Office
200 Campbell Ave
Penticton, BC
250-490-8888 BC V9E 2S0

Tuesday, August 31, 2021

Kevin Pearson, Approving Officer
City of Salmon Arm
Box 40 500 2nd Avenue NE
Salmon Arm, B.C. V1E 4N2

RE: 795 Christison Road Variance Application

Dear Mr. Kevin Pearson:

This letter is intended to provide insight into the *building permit* variance application submitted for 795 Christison Road by the owner (Trent Sismey).

The subject parcel is located at 795 Christison Road with approximately 220m of road frontage along Christison Road in Salmon Arm, BC. The subject property is a vacant lot approximately 1.7 acres in size with the entirety of the property being forested. The owner is proposing to satisfy City required offsite upgrades triggered by a *building permit* for the construction of a single residence. The City of Salmon Arm has requested that the owner complete the following as conditions to the issuance of a proposed *building permit*:

- (1) Cash-in-lieu to: Upgrade Christison Road to the Rural Collector Road Standard (CoSA – RD8) which would require; Installation of a 1.5m wide Bike Lane, 1.25m wide Shoulder and Drainage Ditch along the West side of Christison Road for the full frontage of the subject property (270m).

As such, the owner is requesting the following variance:

- 1) *Subdivision & Development Servicing Bylaw No. 4163 (Schedule B, Part 1, Section 4.0):*

Waive the requirement to install 220m of 1.5m wide Bike Lane, 220m of 1.25m wide Shoulder and Installation of a Drainage Ditch for the extent of the subject parcel along Christison Road:

- a) The reasons for this variance request are that adding a single residence on a previously vacant parcel of property will not significantly increase traffic, vehicular or bicycle, along Christison Road however would burden the owner with major financial costs:
 - i) *City of Salmon Arm Official Community Plan – Map 12.2 Cycle Network Plan* does not outline Christison Road as a 'Bike Route';
 - ii) Surrounding properties to the subject parcel (1101 Christison Road, 701 Christison Road, 411 Christison Road) all have minimal and unrealistic future development potential due to their smaller size, presence of existing residences and steep grade of the properties. As such, if required as a condition of the *building permit* for 795 Christison Road, an 'island' of bike-lane would effectively be created without high likelihood of future connection on either side of the subject parcel;
 - iii) As per attached Class D *Opinion of Probable Costs* the owner would be required to pay an estimated \$112,329.00 cash-in-lieu to the City in a scenario that would add little in regards to public value.



LAWSON
— ENGINEERING LTD. —

Salmon Arm Office
8750 Lakeshore Drive West
PO Box 196
Salmon Arm, BC V1E 4A2

Kamloops Office
1848 Valleyview Drive
Kamloops, BC V2C 4B5

Revelstoke Office
200 Campbell Ave
Suite 201
Revelstoke, BC V0E 2S0

Based on the information provided above, the owner would request that the City provide this variance to waive the *owner's* responsibility of paying for the upgrades to the West-side of Christison Road to the *Rural Collector Standard*. We feel that this variance will not take-away from public value meanwhile would come at a massive expense to the *owner*.

If you have questions or concerns, please don't hesitate to call or email.

Best Regards,

Lawson Engineering Ltd.

Alistair Waters, ASCT, CCA
Project Manager, Principal
awaters@lawsonengineering.ca

Attachment(s):

- Class D Opinion of Probable Cost – 795 Christison Road - Lawson Engineering Ltd. – August 27, 2021



LAWSON

ENGINEERING LTD.

795 CHRISTISON ROAD SW - OFFSITE UPGRADE WORKS

27-Aug-21

OPINION OF PROBABLE COSTS - CLASS 'D'

(*Denotes Nominal Quantity)

ITEM NO.	DESCRIPTION OF WORK	UNIT	QUANTITY	UNIT PRICE	AMOUNT \$
A.	MOB/DEMOB	LS	LS	2,500.00	2,500.00
1.0	ROADS AND EARTHWORKS				
1.1	Supply & Install Asphalt (100mm)	m2	330 *	52.00	17,160.00
1.2	Supply & Install 25mm Crushed Base Aggregate	m3	50 *	95.00	4,750.00
1.3	Supply & Install 75mm Crushed Sub-Base Aggregate	m3	300 *	55.00	16,500.00
1.4	Common Ex. & Disposal	m3	1400 *	18.50	25,900.00
1.5	Hydro-seeding (Disturbed Areas)	LS	LS *	2,200.00	2,200.00
1.6	Key-In Asphalt - Lap-Joint	m	220 *	10.50	2,310.00
1.7	Line Painting (Bike Lane)	LS	LS *	1,850.00	1,850.00
1.8	Supply & Install Bike Lane Sign	ea.	2 *	850.00	1,700.00
1.9	Clearing and Grubbing	LS	LS *	8,500.00	8,500.00
4.0	STORM SEWER WORKS				
4.1	Supply & Install Drainage Ditch	m	220 *	24.00	5,280.00
4.2	Supply & Install Erosion and Sediment Control Measures	LS	LS *	500.00	500.00
SUMMARY					
A.	MOB/DEMOB				\$ 2,500.00
1.0	ROADS AND EARTHWORKS				\$ 80,870.00
2.0	WATER WORKS				\$ 5,780.00
	SUB TOTAL				\$ 89,150.00
A.	ENGINEERING (10%)				\$ 8,915.00
B.	CONTINGENCY (10%)				\$ 8,915.00
	SUB TOTAL				\$ 106,980.00
	GST (5%)				\$ 5,349.00
	TOTAL CASH-IN-LIEU				\$ 112,329.00

1) Quantities may vary depending on field revisions and/or conditions encountered at the time of construction, thereby affecting the final cost.

2) Unit Prices are influenced by supply & demand for both contractors & materials at the time of construction, thereby affecting the final cost.



*Memorandum from the
Engineering and Public
Works Department*

TO: Kevin Pearson, Director of Development Services
DATE: November 2, 2021
PREPARED BY: Matt Gienger, Engineering Assistant
OWNER: **T. Sismey and Sismey Holdings Ltd.**, 795 Christison Rd SW & 650 60 St SW, Salmon Arm, BC, V1E 2C8
APPLICANT: **Owner**
SUBJECT: **VARIANCE PERMIT APPLICATION FILE VP-539**
LEGAL: LS 2, Sec 17, Twp 20, Rng 10, W6M, KDYD, Except Plan 10532, 12894, 13914, 16245, 17363, 34939 and EPP7555 & The West ½ of LS 1, Sec 17, Twp 20, Rng 10, W6M, KDYD, Except Plan 10532, 12894, 13914, 16245, 17363, 34939 and EPP7555
CIVIC: **795 Christison Rd SW & 650 60 St SW**

Further to the request for variance dated September 7, 2021; the Engineering Department has reviewed the site and offers the following comments and recommendations relative to the requested variances:

The applicant is requesting a SDSB variance to waive the requirements to install a bike lane along the frontages of 795 Christison Road and 650 60 St SW.

Where construction of a home is proposed on bareland within the rural area, the Subdivision and Development Servicing Bylaw 4163 requires full upgrade of the road(s), works and services within the property's frontage.

Christison Road is designated as a Rural Collector Road and upgrading to this standard is required, in accordance with Specification Drawing No RD-8 (attached). Upgrades required include bike lane construction and associated road widening and ditching (as noted in the submitted Opinion of Probable Cost).

The Official Community Plan (OCP) does not currently include this section of road in the Cycle Network Plan; therefore, staff are in support of waiving the requirements of the SDSB.

Recommendation:

The Engineering Department recommends that the requested variance to waive the requirement for bike lane construction along Christison Road be approved.

A black ink signature of Matt Gienger, consisting of a stylized 'M' followed by a horizontal line.

Matt Gienger
Engineering Assistant

A blue ink signature of Jenn Wilson, consisting of a stylized 'JW' followed by a horizontal line.

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

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TO: His Worship Mayor Harrison and Members of Council

DATE: November 8, 2021

SUBJECT: Development Variance Permit Application No. VP-540
 Legal: Strata Lot 41, Section 24, Township 20, Range 10, W6M, KDYD, Plan KAS3061
 Civic Address: #41 1581 - 20 Street NE
 Owner/Applicant: Heyde, R. (Heydewerk Homes Ltd.)

STAFF RECOMMENDATION

THAT: Development Variance Permit No. VP-540 be authorized for issuance for Strata Lot 41, Section 24, Township 20, Range 10, W6M, KDYD, Plan KAS3061 to vary Zoning Bylaw No. 2303: Section 6.5 - R-1 - Single-Family Residential Zone - Increase the maximum height of the principal building from 10.0 metres (32.8 feet) to 11.6 metres (38.06 feet).

PROPOSAL

The subject parcel is located at #41 1581 20 Street NE (Appendices 1 and 2). The proposal is to construct a single family dwelling on the property (Appendix 3). There are currently no buildings or structures on the property. Due to the steep slopes and natural topography of the property, the proposed building would require a maximum height variance from 10.0 m increased to 11.6 m in order to accompany the proposed design of the building.

BACKGROUND

The parcel is designated Residential Medium Density (MR) in the City's Official Community Plan (OCP) and is zoned Single-Family Residential (R-1) in the Zoning Bylaw (Appendices 4 and 5). The subject property is located in the Bastion area, more specifically in Willow Cove, with frontage onto both the Willow Cove common access road and 20 Street NE. This area consists largely of residential uses, in addition to some institutional uses. Nearby uses include Andover Terrace Seniors Community, The Church of Jesus Christ of Latter-day Saints, and Bastion Elementary School.

While Willow Cove and the subject parcel in particular are somewhat isolated/separated from neighboring parcels by topography, land uses adjacent to the subject property include the following:

North: R-1 (Single-Family Residential Zone) – Single family dwelling
 South: R-1 (Single-Family Residential Zone) – Willow Cove common access road and single family dwellings
 East: R-1 (Single-Family Residential Zone) – 20 Street NE and single family dwellings
 West: R-1 (Single-Family Residential Zone) – Willow Cove common access road and single family dwellings

The subject property is approximately 0.110 ha (11840 ft²) in area/size and currently contains no buildings or structures. The property owner/applicant is proposing a new 11.6 m tall single family dwelling on the property. Aside from section 6.5 – Maximum Height of Principal Building, the proposed single family dwelling fulfills/meets all other R-1 – Single-Family Residential Zone Regulations.

Site photos are attached as Appendix 6.

COMMENTSBuilding Department

No concerns with height variance. However, since it is a very steep lot, a full geotechnical and structural review is required for development.

FortisBC

No concerns.

Engineering Department

No concerns.

Planning Department

The applicant wishes to construct a 3-storey, single family dwelling on the subject property. The proposed building/residence will consist of 3 bedrooms, 2.5 bathrooms, a building area of 1655 square feet, and a total lot coverage of approximately 13.9%. In addition, the proposed development shows that there is sufficient room for parking outside of the garage, as shown on the driveway in the Site Plan included as part of Appendix 3.

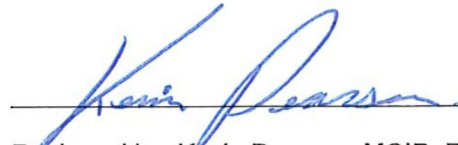
Development Variance Permits are considered on a case-by-case basis and in doing so a number of factors are taken into consideration when reviewing a request. These factors include site-specific conditions, such as lot configuration, negative impact to the general form and character of the surrounding neighbourhood and negative impact(s) on adjacent properties. Written support from the Willow Cove Strata Council has been provided by the applicant and has been attached as Appendix 7.

Historically, there have been 5 previous Development Variance Permit applications in Willow Cove (1581 20 Street NE). Of which, the first 4 were in regards to setbacks and were all approved and/or issued. However, the most recent one was in regard to both setbacks and retaining wall/fence height (VP-421), that of which was defeated. The Willow Cove development/subdivision is known for being challenged by its topography, as reflected in the number of Development Variance Permit applications that have been submitted to the City since 2006. That being said, the proposed single family dwelling and requested maximum height variance would have limited visual impact relative to both 20 Street NE and the Willow Cove common access road due to the natural topography of the site.

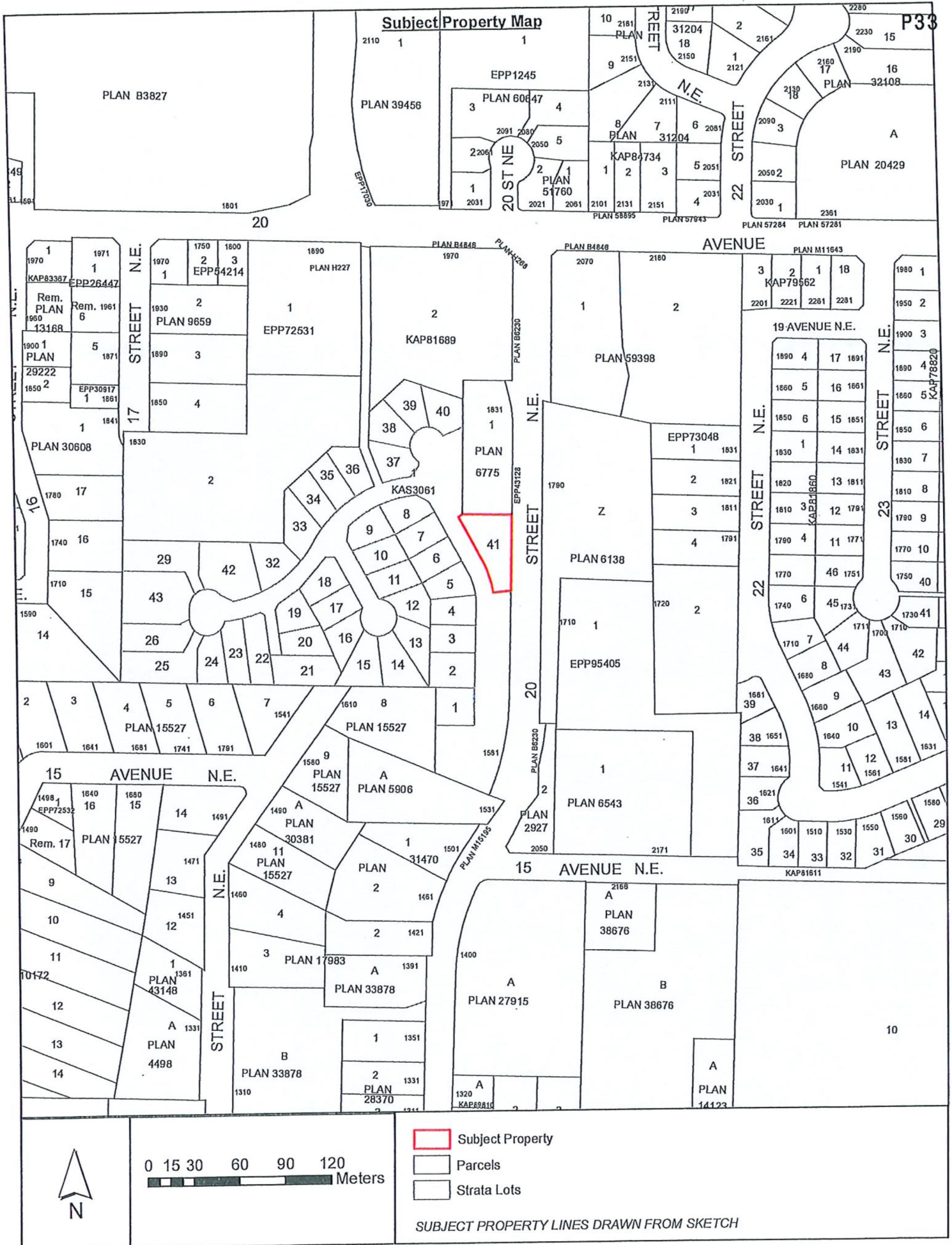
Staff feel that this is a minor variance request and are in support of this application.



Prepared by: Evan Chorlton
Planner I



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





0 2.5 5 10 15 20 Meters

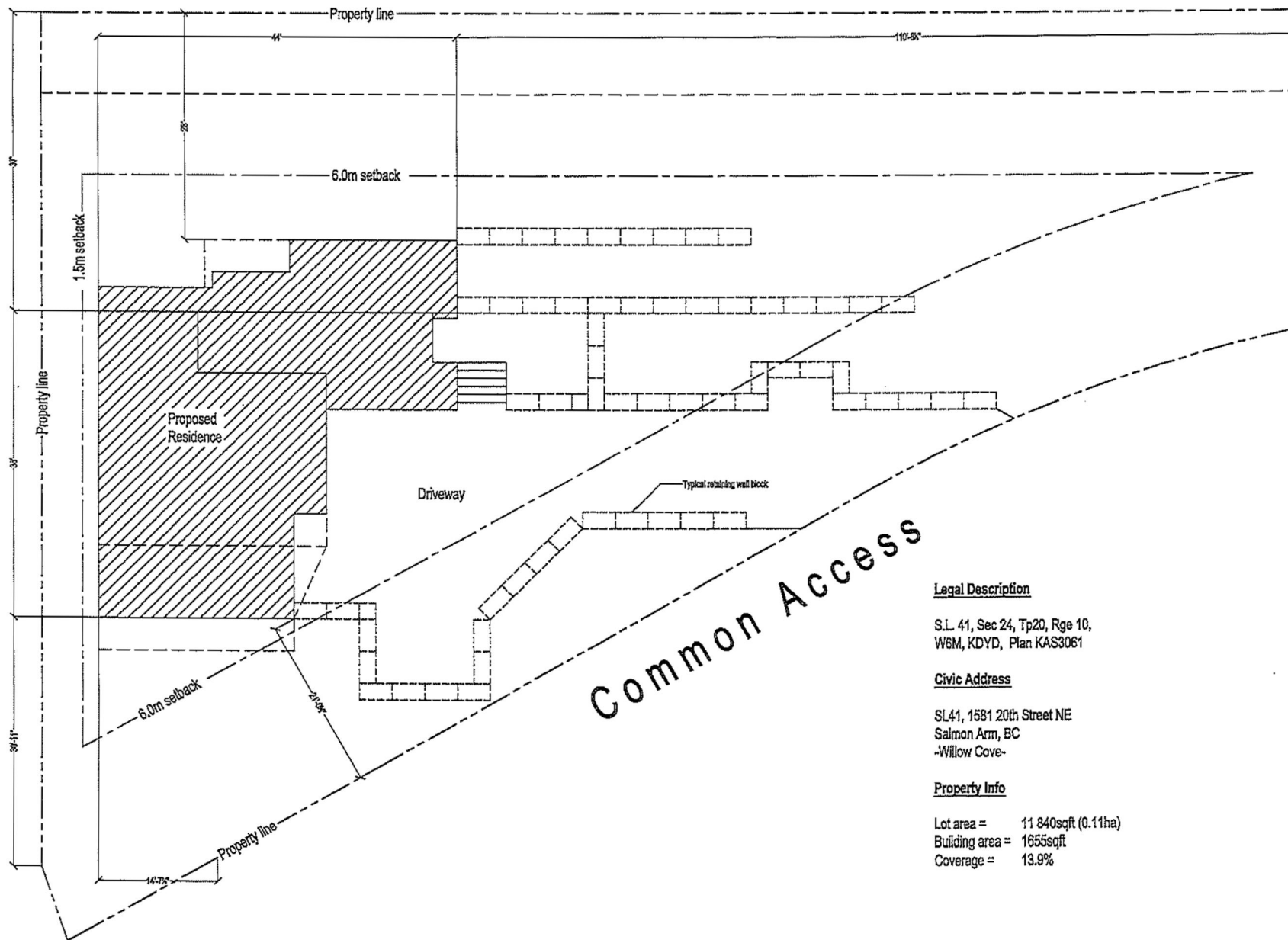
Subject Property

Parcels

Strata Lots

SUBJECT PROPERTY LINES DRAWN FROM SKETCH

20th Street NE



Common Access

Legal Description

S.L. 41, Sec 24, Tp20, Rge 10,
W6M, KDVD, Plan KAS3061

Civic Address

SL41, 1581 20th Street NE
Salmon Arm, BC
-Willow Cove-

Property Info

Lot area = 11 840sqft (0.11ha)
Building area = 1655sqft
Coverage = 13.9%

Heyde Werk Homes Ltd.
Spec 2021-1

PROJECT CONTACT:
-Rudy Heyde 250. 604. 8841
DESIGN CONTACT:
-Mika Thieson 250. 253. 5041

PROJECT ADDRESS:
Lot 41
1581 20th St. NE
Salmon Arm, BC
-Willow Cove-

SHEET TITLE:
Site Plan

SHEET No:
A1

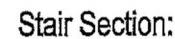
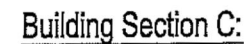
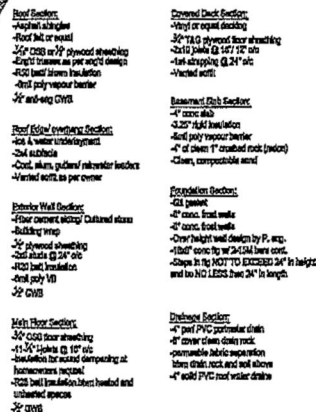
DATE:
21. 08. 25

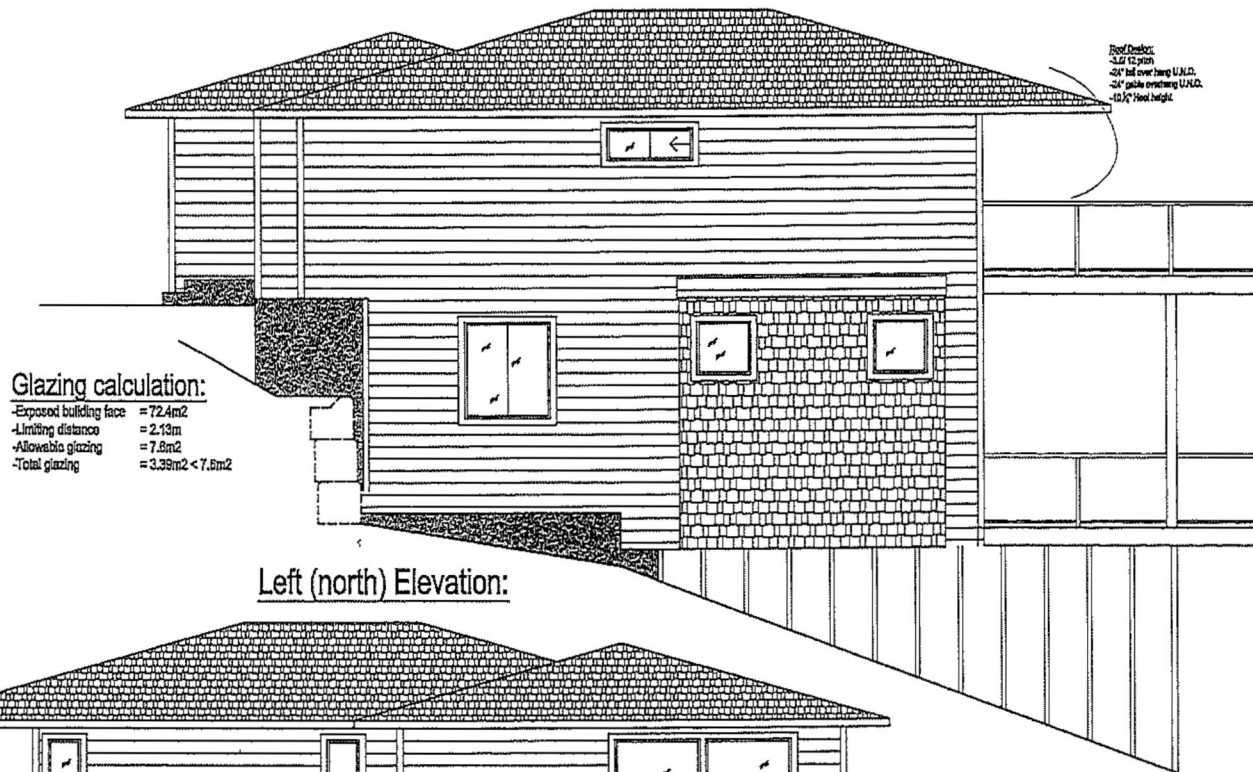
SCALE:
1/8" 1'-0"

P35

Spec 2021-1

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

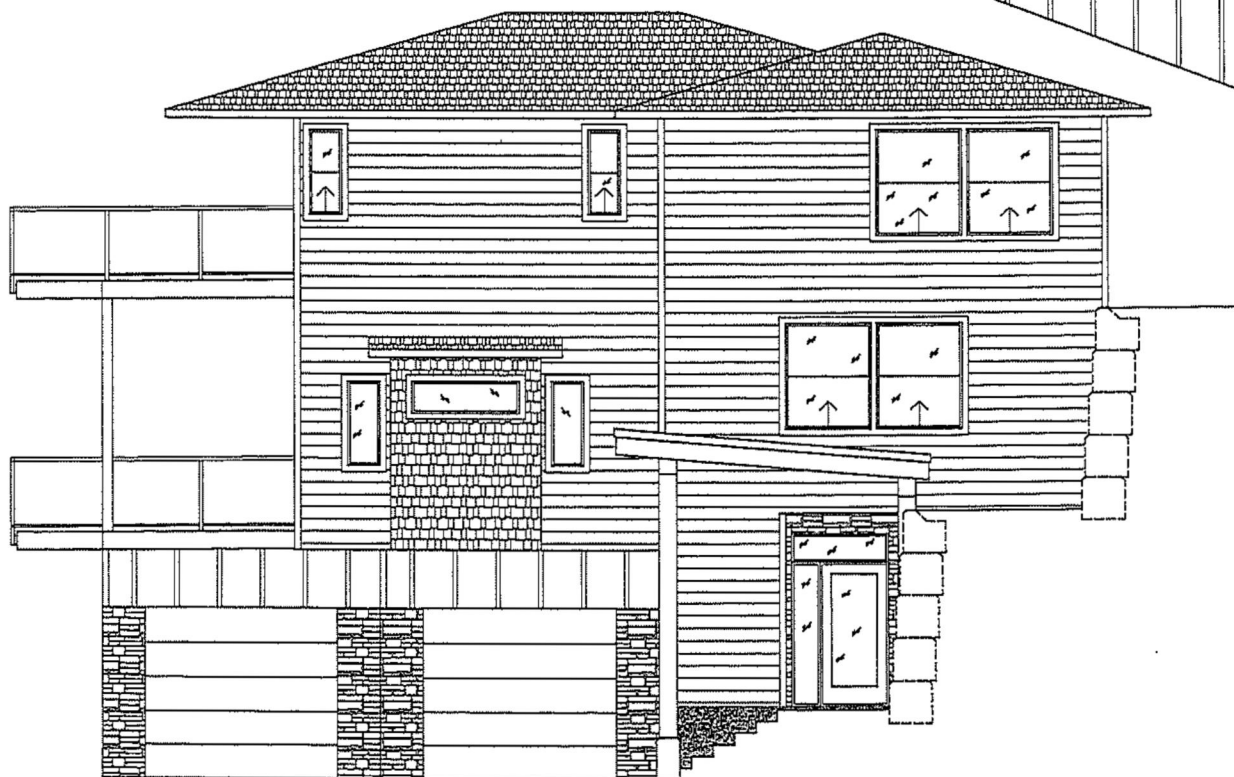




Glazing calculation:

-Exposed building face = 72.4m²
 -Limiting distance = 2.13m
 -Allowable glazing = 7.6m²
 -Total glazing = 3.39m² < 7.6m²

Left (north) Elevation:



Right (south) Elevation:

Heyde Werk Homes Ltd.

Spec 2021-1

PROJECT CONTACT:
 -Rudy Heyde 250. 804. 8841
DESIGN CONTACT:
 -Mike Thiessen 250. 253. 5041

PROJECT ADDRESS:
 Lot 41
 1581 20th St. NE
 Salmon Arm, BC
 -Willow Cove-

SHEET TITLE:
 Left & Right
 Side Elevations

SHEET No:
A7

DATE:
 21. 08. 25

SCALE:
 1/4" 1'-0"

P37

Heyde Werk Homes Ltd. Spec 2021-1

PROJECT CONTACT:
-Rudy Heyde 250. 604. 8841
DESIGN CONTACT:
-Mike Thilsson 250. 253. 5041

PROJECT ADDRESS:
Lot 41
1581 20th St. NE
Salmon Arm, BC
-Willow Cove-

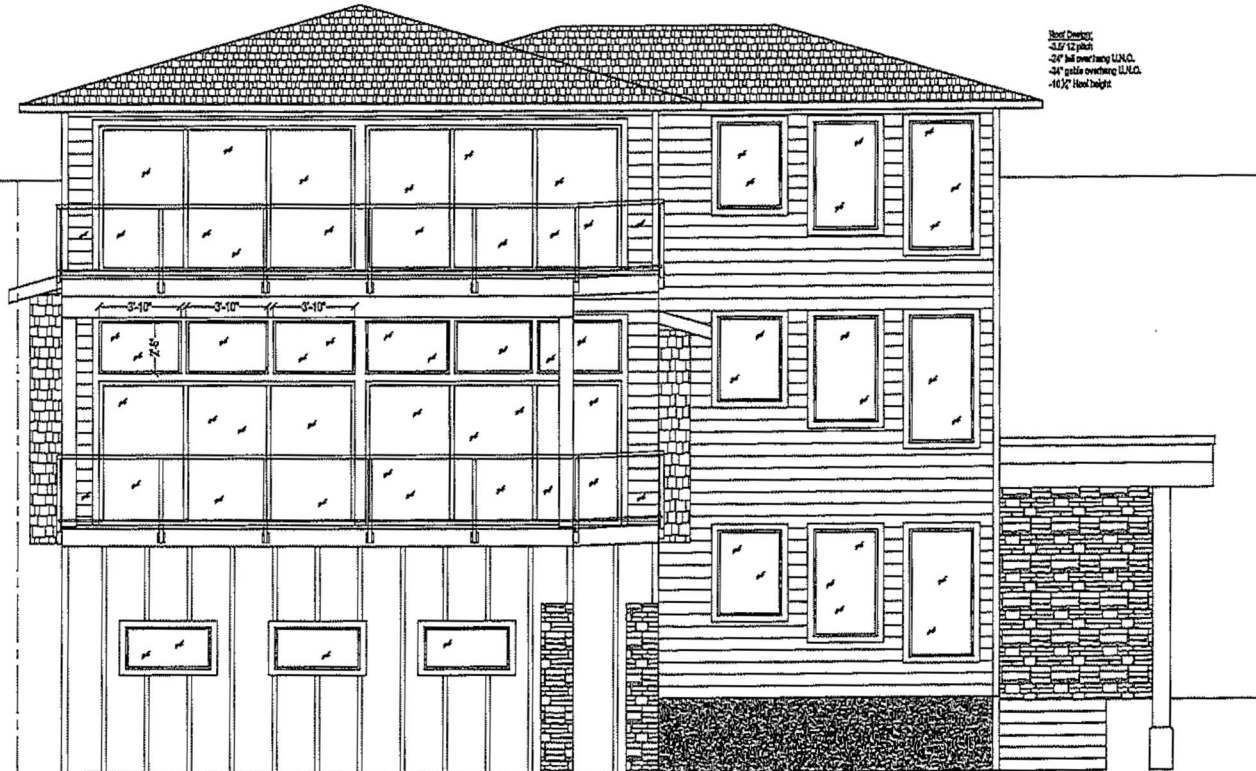
SHEET TITLE:
Front & Rear
Elevations

SHEET No:
A8

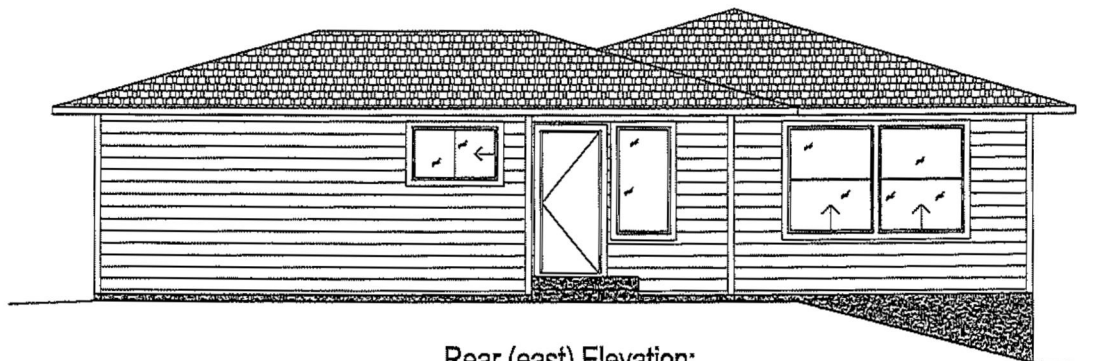
DATE:
21. 08. 25

SCALE:
1/4" 1'-0"

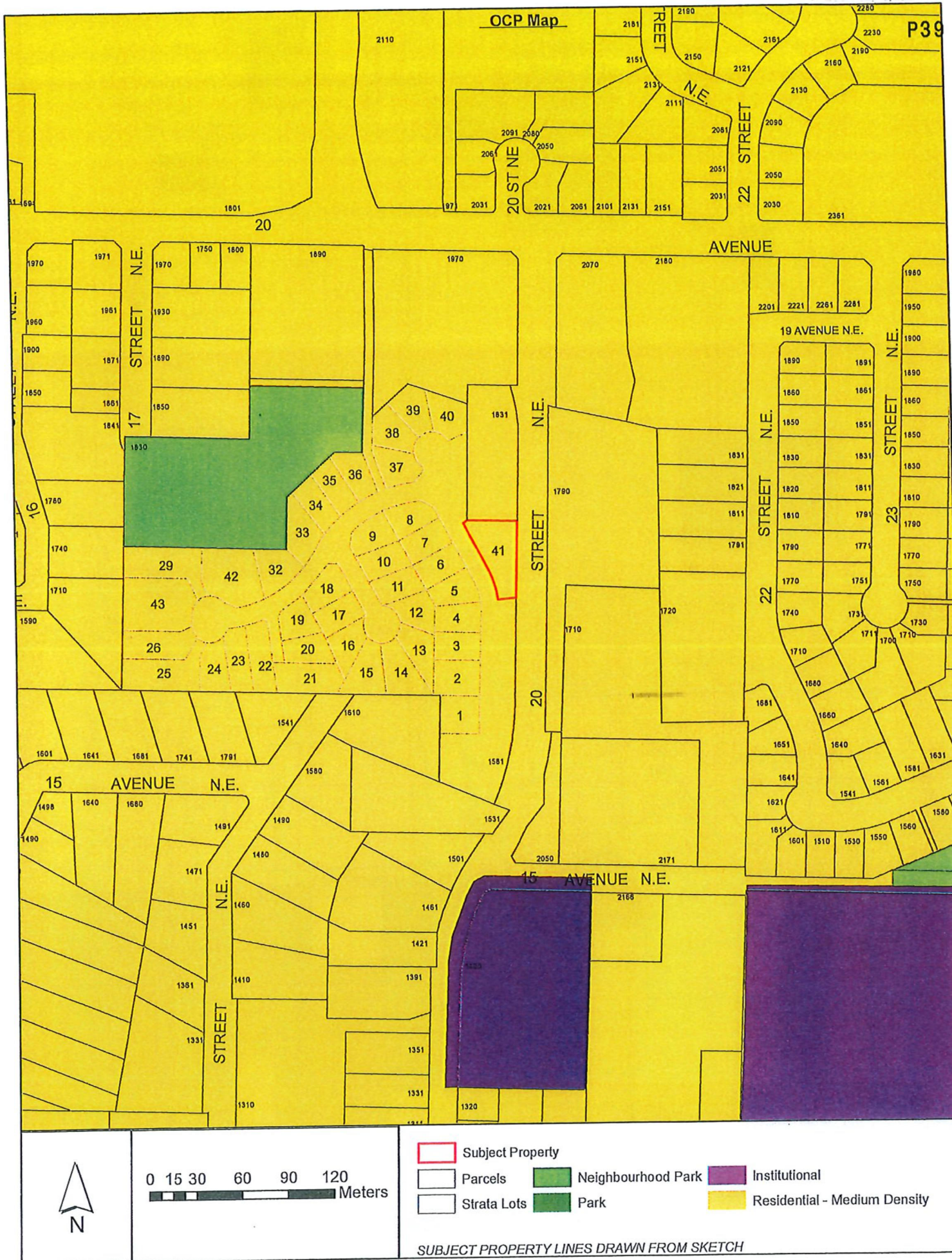
Roof Overhang:
-5/8" 12 pitch
-3/4" 12 pitch U.N.G.
-3/4" gable overhang U.N.G.
-10 1/2" Roof height

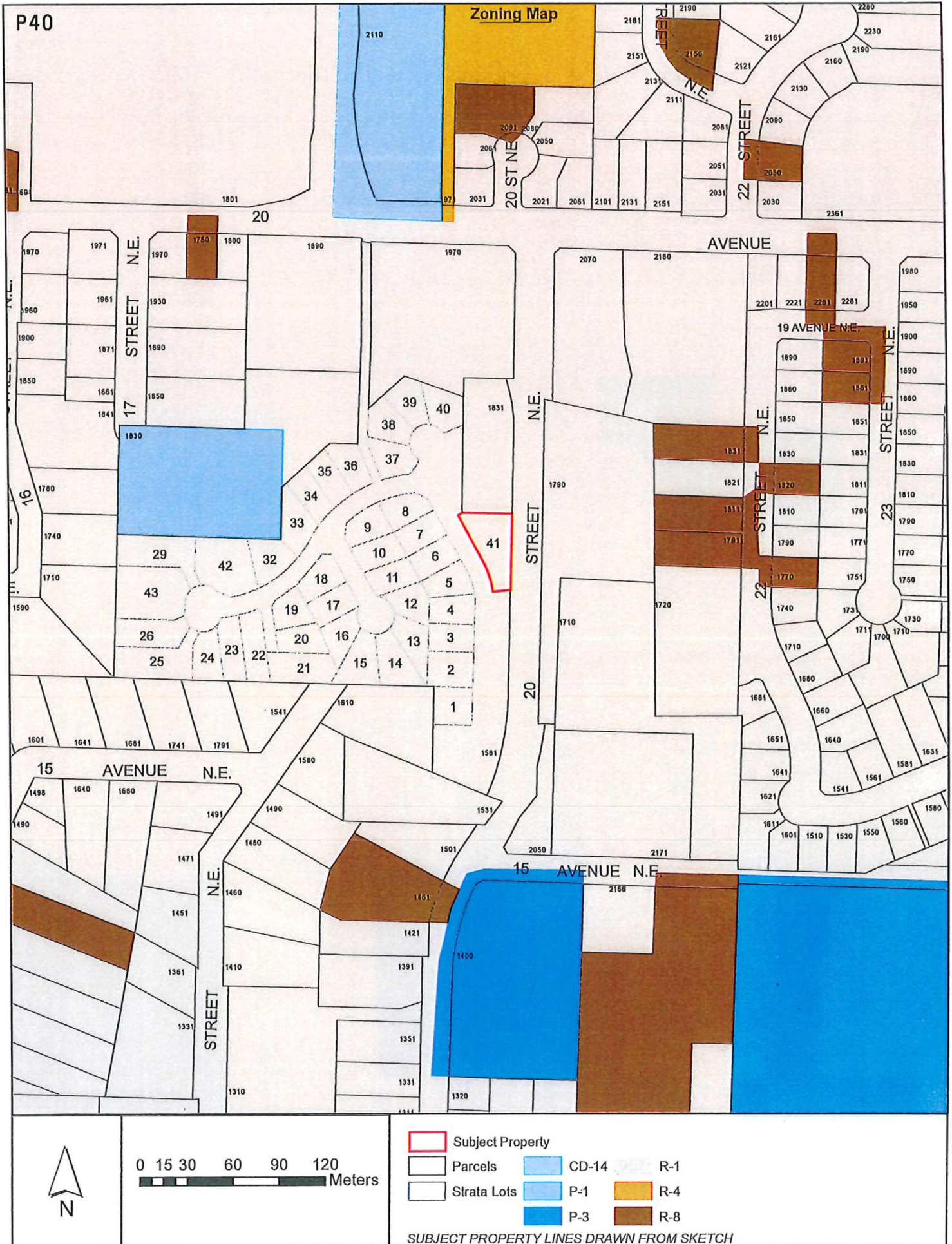


Front (west) Elevation:

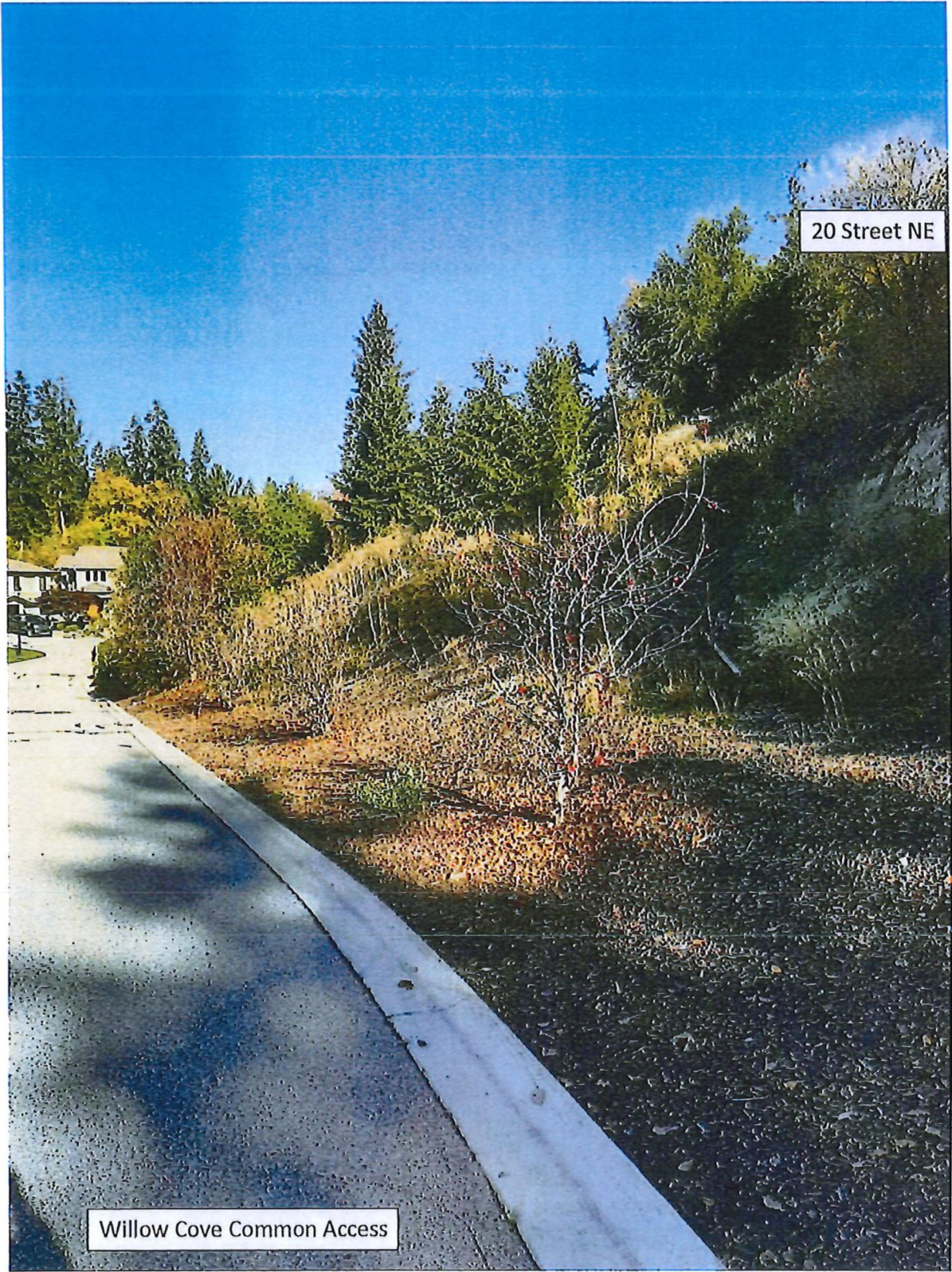


Rear (east) Elevation:











From: Rudy and Judy Heyde <heyde777@gmail.com>
Sent: Thursday, October 14, 2021 11:42 AM
To: Evan Chorlton
Subject: Fwd: Lot 41 construction - Hyde
Attachments: Construction_Guidelines.pdf; Building_Restrictions.pdf; HWH L41WC 0920.pdf; HWH L41WC A8 0920.pdf; HWH L41WC A6 0920.pdf

----- Forwarded message -----

From: Willow Cove <willowcove1581@gmail.com>
Date: Sun, Oct 10, 2021 at 12:48 PM
Subject: Lot 41 construction - Hyde
To: Rudy HEYDE <heyde777@gmail.com>, Undisclosed recipients <willowcove1581@gmail.com>

Good day Rudy and Judy:

Please be advised that Willow Cove Strata Council has unanimously approved your house plans and exterior Color scheme as submitted. I have attached a copy of the Willow Cove Schedule of restrictions for your review.

Any construction must also comply with the City of Salmon Arm's bylaws in effect at the time of construction, the National Building Code or any other relevant building Codes.

As per the Willow Cove Strata Schedule of Restrictions please ensure that a \$5,000.00 compliance and damage deposit is submitted to the strata prior to start of construction. I have attached details with cheque payment information

Thanks again,

Doug Wasylenki for
Willow Cove Strata Council

To: His Worship Mayor Harrison and Members of Council

Date: November 8, 2021

Subject: Land Use Contract Termination – Canoe Creek Estates

MOTION FOR CONSIDERATION

THAT: A bylaw be prepared for Council's consideration, adoption of which would terminate the following Land Use Contract P1971 for the parcels legally described as:

PID	Legal Description	Civic Address
002-496-569	Strata Lot 1, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5440 70 Avenue NE
002-496-577	Strata Lot 2, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5420 70 Avenue NE
002-496-593	Strata Lot 3, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5390 70 Avenue NE
002-496-607	Strata Lot 4, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5370 70 Avenue NE
002-496-615	Strata Lot 5, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5350 70 Avenue NE
002-496-623	Strata Lot 6, Section 32, Township 20, Range 9, W6M, KDYD, Plan K299	5330 70 Avenue NE
002-496-631	Strata Lot 7, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5310 70 Avenue NE
001-510-941	Strata Lot 8, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5280 70 Avenue NE
002-496-640	Strata Lot 9, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5260 70 Avenue NE
002-496-658	Strata Lot 10, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5240 70 Avenue NE
001-525-883	Strata Lot 11, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5220 70 Avenue NE
002-496-674	Strata Lot 12, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5391 69 Avenue NE
002-465-124	Strata Lot 13, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5381 69 Avenue NE
002-496-691	Strata Lot 14, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5371 69 Avenue NE
005-496-712	Strata Lot 15, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5351 69 Avenue NE
002-496-739	Strata Lot 16, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5331 69 Avenue NE
002-496-755	Strata Lot 17, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5311 69 Avenue NE
002-496-763	Strata Lot 18, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5299 69 Avenue NE
002-496-771	Strata Lot 19, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6950 54 Street NE
002-496-801	Strata Lot 20, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6920 54 Street NE

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002-496-828	Strata Lot 21, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5380 69 Avenue NE
002-496-852	Strata Lot 22, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5370 69 Avenue NE
002-496-879	Strata Lot 23, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5350 69 Avenue NE
002-496-887	Strata Lot 24, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5340 69 Avenue NE
002-496-909	Strata Lot 25, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5320 69 Avenue NE
002-496-917	Strata Lot 26, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6850 53 Street NE
025-496-925	Strata Lot 27, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6820 53 Street NE
002-496-941	Strata Lot 28, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5291 68 Avenue NE
002-496-950	Strata Lot 29, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5281 68 Avenue NE
002-496-968	Strata Lot 30, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5261 68 Avenue NE
002-496-976	Strata Lot 31, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5251 68 Avenue NE
002-496-984	Strata Lot 32, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6820 52 Street NE
002-497-034	Strata Lot 33, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6840 52 Street NE
002-497-042	Strata Lot 34, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6860 52 Street NE
002-497-051	Strata Lot 35, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6880 52 Street NE
002-497-077	Strata Lot 36, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5250 69 Avenue NE
002-497-085	Strata Lot 37, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5260 69 Avenue NE
002-497-096	Strata Lot 38, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5280 69 Avenue NE
002-497-115	Strata Lot 39, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5290 69 Avenue NE
002-497-123	Strata Lot 40, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5281 69 Avenue NE
002-497-131	Strata Lot 41, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5271 69 Avenue NE
002-497-140	Strata Lot 42, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5261 69 Avenue NE
002-497-174	Strata Lot 43, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5251 69 Avenue NE
002-497-182	Strata Lot 44, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5231 69 Avenue NE
002-497-191	Strata Lot 45, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5221 69 Avenue NE
002-497-212	Strata Lot 46, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6881 52 Street NE
002-497-239	Strata Lot 47, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6861 52 Street NE
002-497-247	Strata Lot 48, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6841 52 Street NE
002-497-255	Strata Lot 49, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6821 52 Street NE

002-497-263	Strata Lot 50, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5150 69 Avenue NE
002-497-280	Strata Lot 51, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5140 69 Avenue NE
002-497-298	Strata Lot 52, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5120 69 Avenue NE
002-497-328	Strata Lot 53, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5130 69 Avenue NE
0029-497-361	Strata Lot 54, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5141 69 Avenue NE
002-497-379	Strata Lot 55, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5151 69 Avenue NE
002-497-395	Strata Lot 56, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5161 69 Avenue NE
002-497-468	Strata Lot 59, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5180 70 Avenue NE
002-497-492	Strata Lot 60, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5160 70 Avenue NE
002-497-654	Strata Lot 61, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5140 70 Avenue NE
002-497-662	Strata Lot 62, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5120 70 Avenue NE
005-045-070	Strata Lot 63, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5191 69 Avenue NE
017-513-502	Strata Lot 64, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5061 68 Avenue NE
017-513-511	Strata Lot 65, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5081 68 Avenue NE
017-513-529	Strata Lot 66, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5091 68 Avenue NE
017-513-537	Strata Lot 67, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6790 51 Street NE
017-513-545	Strata Lot 68, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6770 51 Street NE
017-513-553	Strata Lot 69, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6750 51 Street NE
017-513-561	Strata Lot 70, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5201 67 Avenue NE
017-513-570	Strata Lot 71, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5221 67 Avenue NE
017-513-588	Strata Lot 72, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5231 67 Avenue NE
017-513-596	Strata Lot 73, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5241 67 Avenue NE
017-513-600	Strata Lot 74, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5251 67 Avenue NE
017-513-618	Strata Lot 75, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5261 67 Avenue NE
017-513-626	Strata Lot 76, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5271 67 Avenue NE
017-513-634	Strata Lot 77, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5280 67 Avenue NE
017-513-642	Strata Lot 78, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5260 67 Avenue NE
017-513-651	Strata Lot 79, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5250 67 Avenue NE
017-513-669	Strata Lot 80, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5240 67 Avenue NE

017-513-677	Strata Lot 81, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5230 67 Avenue NE
017-513-685	Strata Lot 82, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6690 51 Street NE
017-513-693	Strata Lot 83, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6670 51 Street NE
017-513-707	Strata Lot 84, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6660 51 Street NE
017-513-715	Strata Lot 85, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6650 51 Street NE
017-513-723	Strata Lot 86, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6640 51 Street NE
017-513-731	Strata Lot 87, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6630 51 Street NE
017-513-740	Strata Lot 88, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6620 51 Street NE
017-513-758	Strata Lot 89, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6610 51 Street NE
017-513-766	Strata Lot 90, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6611 51 Street NE
017-513-774	Strata Lot 91, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6621 51 Street NE
017-513-782	Strata Lot 92, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6631 51 Street NE
017-513-791	Strata Lot 93, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6641 51 Street NE
017-513-804	Strata Lot 94, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6651 51 Street NE
017-513-812	Strata Lot 95, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6661 51 Street NE
017-513-821	Strata Lot 96, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6671 51 Street NE
017-513-839	Strata Lot 97, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6691 51 Street NE
017-513-847	Strata Lot 98, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6721 51 Street NE
017-513-855	Strata Lot 99, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6731 51 Street NE
017-513-863	Strata Lot 100, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6751 51 Street NE
017-513-871	Strata Lot 101, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6771 51 Street NE
017-513-880	Strata Lot 102, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	6791 51 Street NE
017-513-898	Strata Lot 103, Section 32, Township 20, Range 9, W6M, KDYD, Plan KAS299	5021 68 Avenue NE

AND THAT: a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303, 1995 rezoning Lots 1 to 101, Section 32, Township 20, Range 9, W6M, KDYD, Plan K299 from R1 – Single Family Residential to R6 – Mobile Home Park Residential, as shown on 'Schedule A';

AND THAT: a bylaw be prepared for Council's consideration, adoption of which would amend the Mobile Home Park Bylaw No. 1435;

AND FURTHER THAT: Final reading of the zoning amendment bylaw be withheld subject to Ministry of Transportation and Infrastructure approval.

PURPOSE

To review the Early Termination of Land Use Contract (LUC) P1971 (Canoe Creek Estates) and rezoning the subject property from R1 (Single Family Residential) to R6 (Mobile Home Park Residential) with amendments to the Mobile Home Park Bylaw No. 1435 to accommodate existing development on the subject property.

BACKGROUND

The subject property located in the Canoe Area adjacent to 70 Avenue NE and also accessed via 50 St NE. the subject property is designated in the Official Community Plan (OCP) as Residential Low Density and zoned R1(Single Family Residential) in Zoning Bylaw 2303. The subject property is approximately 6.8ha in area and is comprised of 101 bareland strata lots. A map of the subject property, OCP, zoning and ortho are attached as Appendix 1, 2 3, and 4. The proposed zoning is shown in Appendix 5. The survey plan of the development is faded and a higher quality plan is unavailable; however, the subject property map shows the strata lot boundaries as shown in the original plan.

Developed in the late 1970's and early 1980's the developer approached the City to develop the mobile home park. However, the development would have required several variances to the governing Mobile Home Park Bylaw and Zoning Bylaw No. 1180 at the time. In order to simplify the development process the LUC was adopted and included requisites such as the number of lots, buffers and park areas, building setbacks, permitted uses (mobile homes and a single family dwelling for a caretaker) and off-site engineering costs. The mobile home park eventually developed over 3 phases with the section between the creek and 70 Ave NE developed in two phases and the remainder of the property, south of the creek, as developed as the last phase. The LUC is enclosed as Appendix 6.

The surrounding uses are as follows:

North: Single Family Dwellings
East: Trans Canada Highway/Mobile Home Park
West: Single Family Dwellings, Duplex and Historic Church
South: Canoe Fire Hall

Density

The subject property is approximately 6.8ha in area. Residential Low Density in the OCP allows for 22 units per hectare, given the lot area, the site could develop a maximum of 149 lots. The R6 zone allows for 17 units per ha. The Mobile Home Park Bylaw No.1435 restricts density to 10.5 per hectare, which would permit 71 lots. With 101 lots, the subject property would be conforming with permitted density under the OCP but not the R6 zone. There is no further development or subdivision expected; however, including the density of existing development in the proposed amendments ensures consistency into the future.

Setbacks

In the interest of ensuring that the development remains conforming to bylaws, staff are proposing changes to the Mobile Home Park Bylaw No. 1435 to incorporate the existing development that was approved with the LUC.

Table 1. Canoe Creek Estates Development Information & Bylaws is a summary of the different governing bylaws and compares the LUC with the Mobile Home Park Bylaw at the time the LUC was adopted, the current R6 zone and the current Mobile Home Park Bylaw No. 1435. The R6 zone includes some provisions regarding parcel area and maximum density, Mobile Home Park Bylaw No. 1435 provides more details regarding setbacks, buffering, height restrictions and site coverage. The proposed amendments to the Mobile Home Park Bylaw are highlighted in red in Table 1. The proposed amendments have involved researching all property files within the strata and noting development approvals for buildings and variances as well as analyzing any future development potential. The proposed bylaw amendments would permit additions to the existing buildings and placement of new structures in accordance with the setbacks governed under the LUC.

There have been two site specific variances granted for development within the strata. A Development Variance Permit was issued for Lots 63, 66, 87, 88 and 92 to reduce the rear yard setback from 1.5m to 1.0m. Another Development Variance Permit was issued for Lot 101, reducing the setback from an internal roadway from 3.0m to 2.3m. The Development Variance Permits are registered on the titles for those properties and would be unaffected by these proposed changes.

From 1979 to 2005 City policy did not require Building Permits for the placement of mobile homes within Mobile Parks. Building setbacks existed but it was the responsibility of the owner to ensure the setbacks were adhered

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to when the unit was placed on a property. At the time that units are replaced within Canoe Creek Estates staff may find some discrepancies between the placement of a unit and the required setbacks, at which time, the owner would then have to apply for a Development Variance Permit to ensure that the building is compliant.

COMMENTS

Engineering Department

The Engineering Department noted no concerns related to the LUC Early Termination or Bylaw Amendments. Given that full buildout of the development site has occurred the early termination of the LUC and proposed bylaw amendments do not trigger any service upgrades.

Building Department

No comments.

Fire Department

No comments.

BC Assessment

BC Assessment Staff noted that since there would be no change in the classification of the property (i.e. Residential) the amendments should not result in any appreciable change.

Consultation

In addition to the statutory letter requirements that accompany bylaw amendments, staff have sent letters to property owners informing them of the LUC Early Termination process and created a webpage to support the process. A letter was mailed to owners and occupiers in October 2020 with general information related to the Early Termination project. A second letter specific to the timeline of the Canoe Creek Estates LUC was mailed in early November 2021. The letters and website provide background information with regard to LUCs in general and those specific to each affected property. The letters have provided timelines and 'next steps' for property owners and how they may provide input to staff and Council regarding the LUC termination and any accompanying bylaw amendments. It should be noted that Statutory Hearing letters are mailed to the owners affected by the LUC Early Termination; however, pursuant to the *Local Government Act*, because the rezoning affects more than 10 properties, letters to adjacent land owners within a 30m radius will not be mailed.

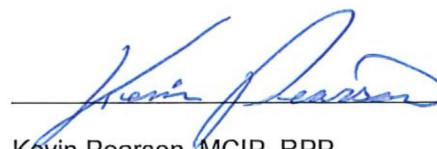
Table 2, below, is a list of LUCs that form the basis for the Early Termination project, the general conditions of the LUC and the number of properties encumbered by a LUC is included in the table. To date Council has adopted three LUC Early Termination Bylaws – Multifamily Residential Area around the Recreation Centre, Abacus and Greyfriars. After staff review, three LUCs will expire as per the legislation in June 2024 and the prevailing zoning for the properties will come into effect for the Captain's Cove, Fritzel and Fuller LUCs. The owners will be notified by mail.

CONCLUSION

When considering the Early Termination of and rezoning of a property a number of factors are taken into consideration. Specific factors include – analysis of development potential under the existing and future regulations, existing parcels and lot widths for compliance with proposed regulations, permitted uses under the existing regulations, those uses permitted under the proposed bylaws and the effect of non-conforming status for the existing development. Planning staff support the proposed termination of the LUC and rezoning from R1 Single Family Residential to R6 Mobile Home Park Residential because the bylaw amendments would bring the existing development into conformance with the current City's Bylaws. Given that the subject property is fully 'built-out', the proposed regulatory changes would apply to the site redevelopment or placement of new units within the development.



Melinda Smyrl, MCIP, RPP
Planner



Kevin Pearson, MCIP, RPP
Director of Development Services

Table 1. Canoe Creek Estates Development Information & Bylaws

Land Use Contract	Mobile Home Park Bylaw No. 1258, 1978 (Referenced in LUC)	Mobile Home Park Bylaw (MHB) No 1435, 1982 (Referenced in Zoning Bylaw 2303)	R6 Zoning Bylaw No. 2303
Density & Number of Lots: 101 Lot 58 SFD site LUC 24 Double wide sites: Lots 1-15, 63-68, 76-78	N/A	10 units /ha <i>Amendment to MHB add: 14.8 units/ha</i>	17 units/ha (6.8/ac)
Minimum Lot Areas Single Wide: 252.7m ² Double Wide: 514.3m ²	Minimum Lot Areas Single Wide: 420m ² Double wide: 465m ²	Minimum Lot Areas Single Wide: 420m ² Double wide: 465m ² <i>Amendment to MHB add: LUC dimensions</i>	Minimum Lot Areas Single Wide: 420m ² Double wide: 450m ²
Single Wide: 9m Double Wide: 9m	Lot Width and Length Single wide: 13m Double wide: 15m Lot length (Both): 30m	Lot Width and Length Single wide: 13.5m Double wide: 15.0m Lot length (Both): 15m Site coverage: 35% <i>Amendment to MHB to add: LUC dimensions</i>	Refers back to MHPB 2003
Separation from other units: 3.66m	Separation from other units: 4.0m	3.0m from roadway 1.0 from rear or side mobile home space line 4.0m from any other mobile unit <i>Amendment to MHB to add: LUC unit setback</i>	
Height: Lot 58 varied, no height specified		Owners home, management office 8.0m	
Lot 58 SFD unit for Resident Manager		Permitted use	Permitted Use
Parking: 21 stalls off-street for RVs	Not referenced in Bylaw	Not referenced in Bylaw	Not referenced in Bylaw
Buffers: as shown on Plan. Park spaces: 2 shown on Schedule 'B'	Buffers 13m minimum and may be reduced to 4.0m based on adjacent uses	Buffers: as shown on Plan. Park spaces + 4m width buffers adjacent to Hwy 1	
Creek Protection: Developer and Strata assume control over creek maintenance		Creek Protection & Floodplain areas regulated	RAPR applies

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Table 2. LUC Early Termination Project – Affected Properties and Status

Order	LUC Name	Affected Properties	Contract #	Permitted Uses under LUC	Zoning Bylaw 2303, 1995 Map Schedule	Number of Affected Properties
1 Terminated by Bylaw No. 4430 & Zoning Amendment Bylaw No. 4431	Abacus (Orchard Hill)	Plan 29598, Plan 4653, Plan 3311	N54304	18 SFD lots and 11 Multi Family Buildings	R1, including the M/F	85
2 Terminated by Bylaw No. 4461	Greyfriars Rental Ltd.	Lots 1-3, Plan 29482 & Lots 1-3 Plan 36293	N71309	6 units, 2 buildings (4 units +2 units) To allow for parcels less than 464.5sqm, less than 15, width and non-conforming party walls (0.0m side yard setback)	M1 – General Industrial Zone	6
3	Canoe Creek Estates	K299	P1971	SFDs Mobile home park	R1	102
4 Will Terminate by legislation in 2024	Captain's Cove Marina	Lot 1, Plan 9386 Lot A, Plan 29586	P1684	Lot 1, Plan 9386: C-5 Tourist Commercial Zone (1976) lodge, cabins, trailer, wash house and boat storage shed. Accessory: café, dining located within the lodge. Parcel A: boat storage and vehicular parking in conjunction with tourist/resort Marina.	Lot A Plan 29586: A2 – Rural Holding Zone C5 – Tourist Commercial Zone: Lot 1, Plan 9386 P1 – Park and Recreation Zone: Marina Lease Lot P1	2
5 Will Terminate by legislation in 2024	5121 30 Ave SW (Fritzel)	Lot A, Plan 5558	P2310	Frozen food processing plant	A1	1
6 Will terminate by legislation in 2024	8610 TCH NE (Fuller)	Lot A, Plan 5558	N74011 Permitting "an additional Single Family residence" to the A2 zoning of 1978 Bylaw 1108	2 SFDs	A2	2

Subject Property Map

APPENDIX 1
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50 ST. N.E.

51 ST. N.E.

52 ST. N.E.

53 ST. N.E.

54 ST. N.E.

71 AVE. N.E.

70 AVE. N.E.

69 AVE. N.E.

68 AVE. N.E.

68 AVE. N.E.

67 AVE. N.E.

TRANS CANADA HIGHWAY No. 1

55 ST. N.E.

56 ST. N.E.

NOT OPEN



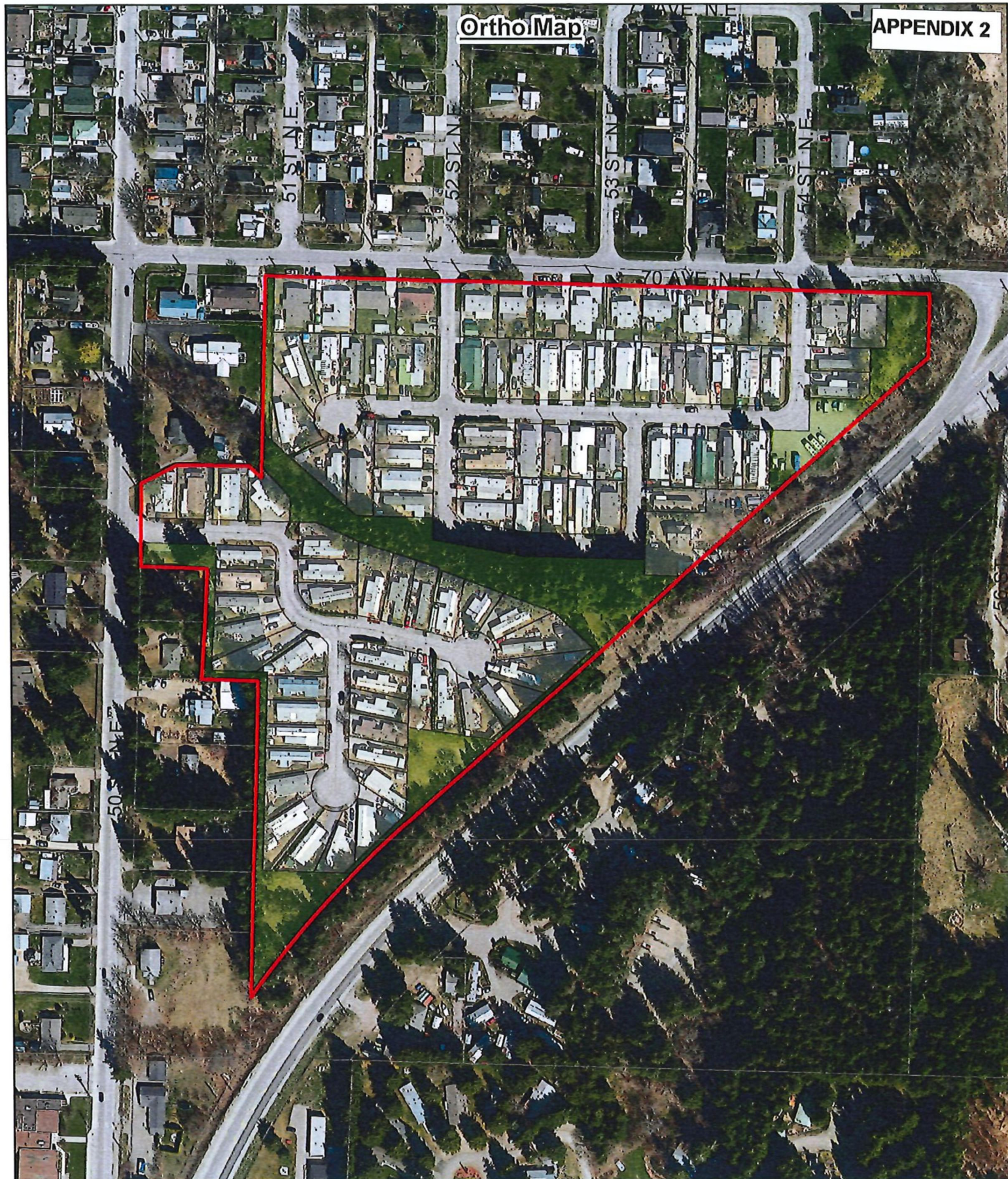
0 12.5 25 50 75 100 m

LUC Area

Mobile Home Space (lot area sq.m.)

Common Areas - Buffer, Riparian Areas, Parks and Trails

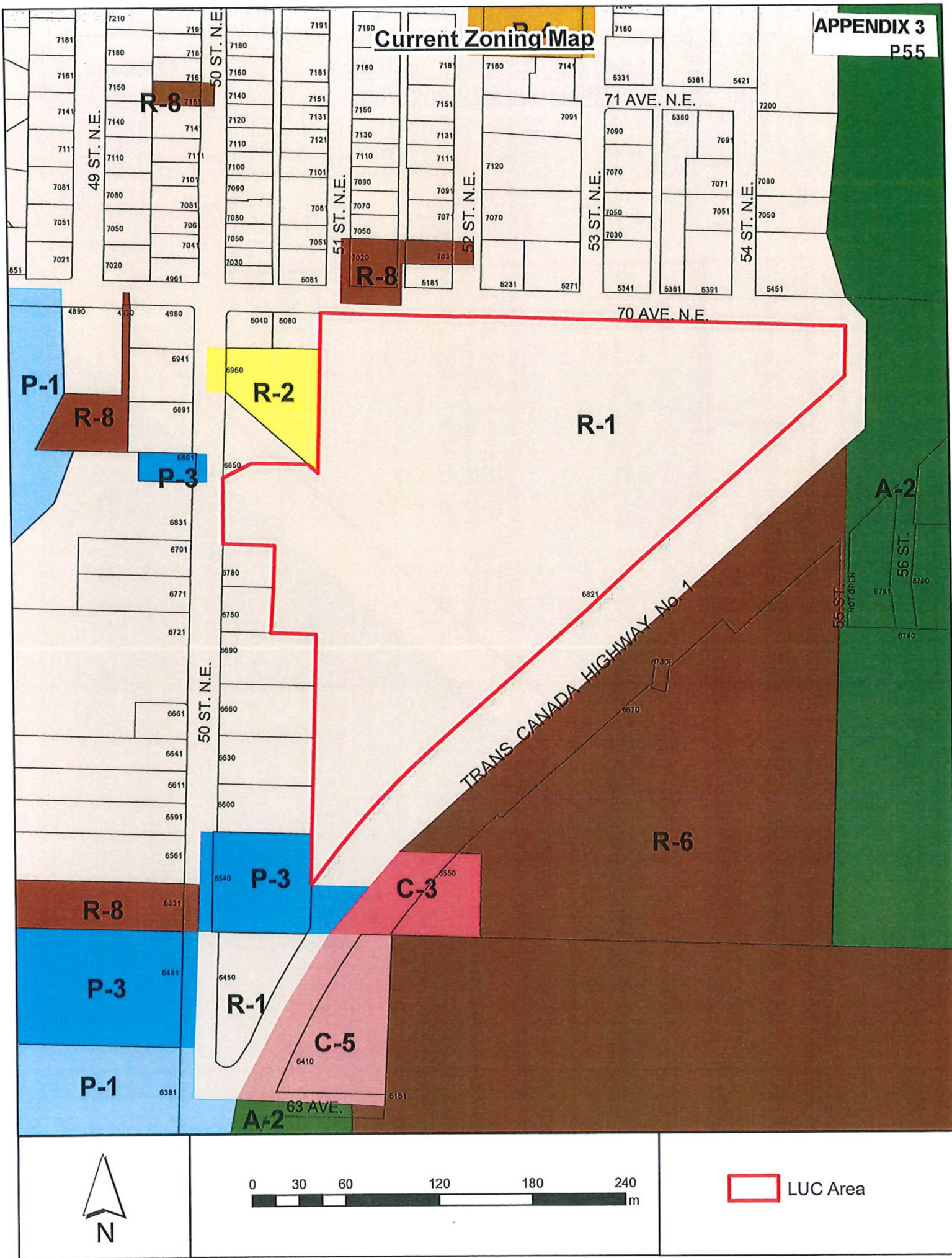
Parcels



-  LUC Area
 Mobile Home Space
 Common Areas - Buffer, Riparian Areas, Parks and Trails
 Parcels

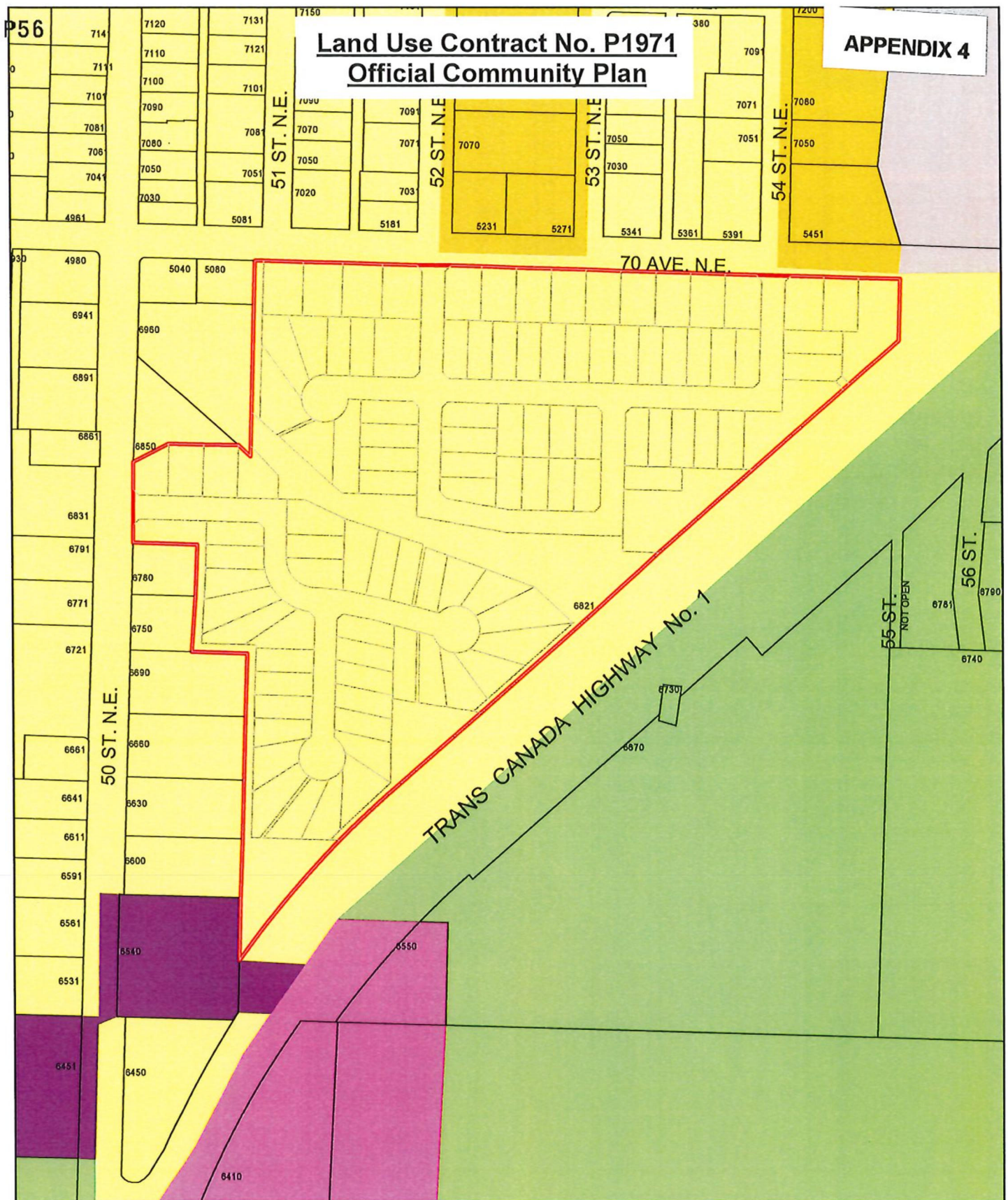
Current Zoning Map

APPENDIX 3
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Land Use Contract No. P1971
Official Community Plan

APPENDIX 4

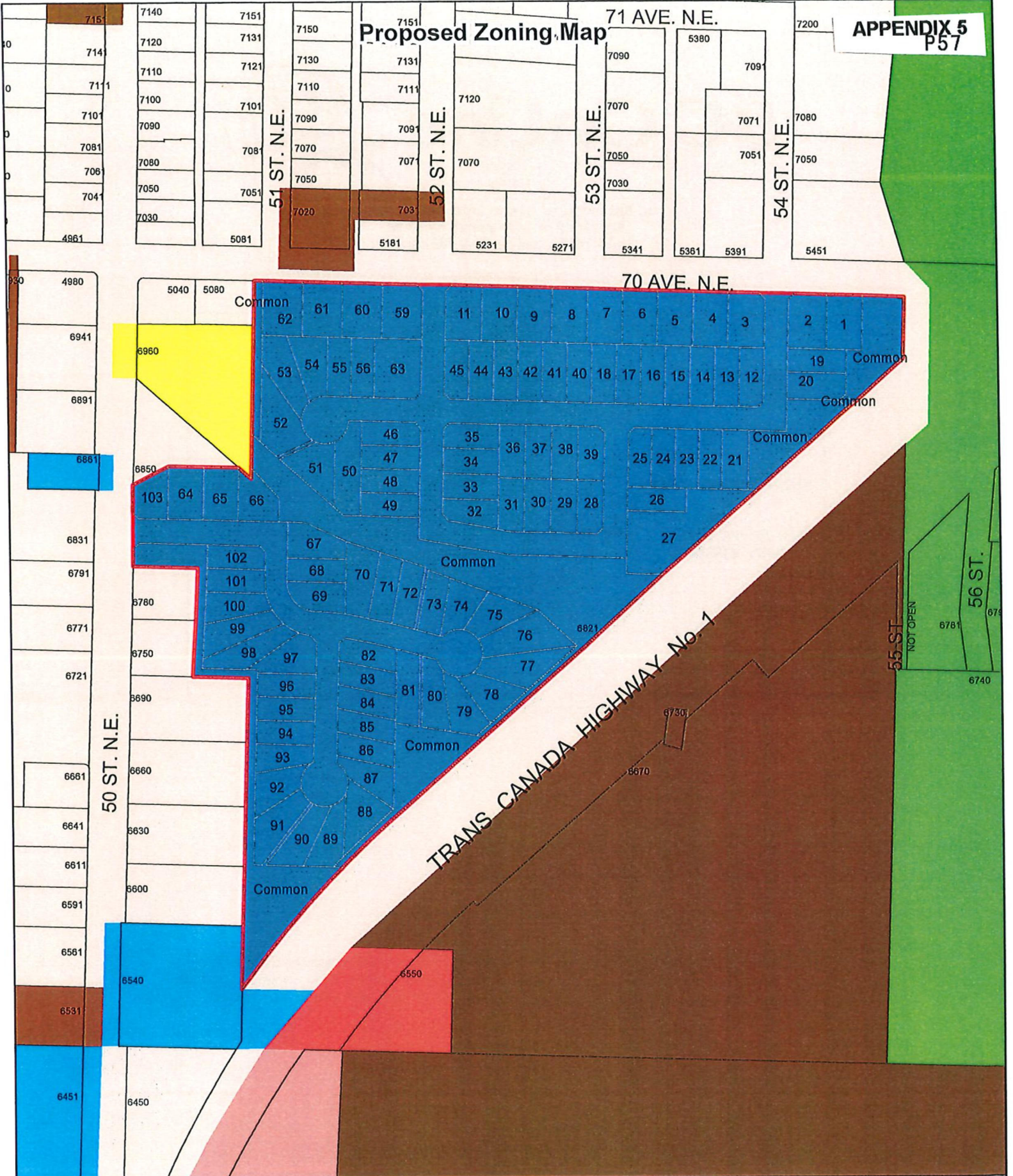


0 12.5 25 50 75 100 Meters

- Subject Property (LUC) Official Community Plan (2010)
- Acreage Reserve
- Institutional
- Residential - Low Density
- Residential - Medium Density
- Commercial - Highway Service / Tourist
- Industrial - Light

Proposed Zoning Map

APPENDIX 5
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- Parcels
- Strata Lots
- LUC Area
- Rezoned To R6
- A-2
- C-3
- C-5
- P-3
- R-1
- R-2
- R-6
- R-8

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BC OnLine



BC OnLine Land Title Internet Service
Provided in co-operation with
Land Title and Survey Authority

LTSA - DOCUMENT RETRIEVAL			REF # V26357	REQUESTED: 2012-02-03 12:24
CLIENT NAME:	CITY OF SALMON ARM			
ADDRESS:	500 - 2ND AVENUE NE SALMON ARM BC V1E 4N2			
PICK-UP INSTRUCTIONS:				
USER ID: PA77852	APPL-DOC # P1971	KA Registered RCVD:1979-01-11		
ACCOUNT: 819956				
FOLIO				
REMARKS:				

Help Desk Victoria (250) 953-8200
In B.C. 1-800-663-6102
Administration Office ... (250) 953-8250
Fax Number (250) 953-8222

Persons who need to rely on a plan for legal purposes must examine the official version at the Land Title Office in which the plan is deposited. However, plans with plan numbers beginning with the letters EPP or EPS are electronic plans which constitute the official version.

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PARTICULARS: Land Use ContractAPPLICANT is A. C. [unclear]
Barrister & Solicitor Box 2112, Salmon Arm, B.C.B32-2076, agent of "Developer"Declared Value: \$ 1/2Delivery of Duplicate G/T is not required
Per: [signature]79 JAN 11 14:47
LAND USE CONTRACT

THIS AGREEMENT made the 9 day of January, A. D. 1979.

BETWEEN:

DISTRICT OF SALMON ARMa municipal corporation having its municipal offices
at 8640 Harris Street, in the District of Salmon Arm
Province of British Columbia,

(hereinafter called the "Municipality")

OF THE FIRST PART

AND:

INTER-X ENTERPRISES LTD.

(Incorporation No. 110,118)

a body corporate duly registered under the laws of
the Province of British Columbia with offices at
P. O. Box 1098, in the District of Salmon Arm,
Province of British Columbia,

(hereinafter called the "Developer")

OF THE SECOND PART

WHEREAS the Municipality, pursuant to Section 702A of the Municipal Act, may, notwithstanding any by-law of the Municipality, or Section 712 or 713 of the Municipal Act, enter into a land use contract containing such terms and conditions for the use and development of land as may be agreed upon with a developer, and thereafter the use and development of the land shall be in accordance with the land use contract;

AND WHEREAS the Municipal Act requires that the Municipal Council consider the criteria set out in Section 702(2) and 702A(1) in arriving at the terms, conditions and consideration contained in a land use contract;

AND WHEREAS the Developer has presented to the Municipality a scheme of use and development of the within described lands and premises that would be in contravention of a by-law of the Municipality, of Section 712 or 713 of the Municipal Act, or both, and has requested that the Council of the Municipality enter into this contract under the terms, conditions and for the consideration hereinafter set forth; 051 0005.00 - 2

11 JAN 79 6/7

AND WHEREAS the land hereinafter described is zoned Residential One under the provisions of the Salmon Arm Zoning By-law 1976 No. 1180;

AND WHEREAS the Council of the Municipality, having given due consideration to the criteria set forth in Sections 702(2) and 702A(1) of the Municipal Act, have agreed to the terms, conditions and consideration herein contained;

AND WHEREAS if the land is within a radius of one-half mile of the intersection of a controlled access highway and another highway, the approval of the Minister of Highways to the terms hereof must be obtained;

AND WHEREAS the land is within a development area of the Municipality;

AND WHEREAS the Municipality and the Developer both acknowledge that the Council of the Municipality could not enter into this Agreement, until the Council held a public hearing in relation to this Agreement, and considered any opinions expressed at such hearing, and unless a majority of all of the members of the Council present at the meeting at which the vote is taken and entitled to vote on the by-law, voted in favour of the by-law authorizing the Municipality to enter into this Contract;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth, the Municipality and the Developer covenant and agree as follows:

OWNER

1. The Developer is the registered owner of an estate in fee simple of ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the District of Salmon Arm, in the Province of British Columbia and being more particularly known and described as:

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OK'D
10.1.79
"Those portions of Block 1, Plan 1882, except Plans 2494, 4894, 6012, 15363, 15500 and 15754, Lot 2, Plan 4894, and Lot 1, Plan 6012, all of Section 32, Township 20, Range 9, West of the 6th Meridian, Kamloops Division, Yale District, shown and described as Lot 1 on a Plan of Subdivision of the said lands, prepared by William E. Maddox, B.C. Land Surveyor, and completed on October 6th, 1978, a print of which is hereto attached as Schedule A".

(hereinafter called the "Land")

COMPLI-
ANCE

2. Except as hereinafter specifically provided, the Developer shall in his use and development of the Land comply with all of the By-laws of the Municipality;

2 (a) The Developer shall be specifically excluded from complying with, inter alia, the following provisions of By-Law No. 1258:

"FIRSTLY - Section 4.04(2) Mobile Home Lot dimensions shall be those shown and described on Schedule B hereto;"

SECONDLY - Section 4.08(2) (a) re: separation between mobile homes and between other principal buildings. The Developer shall ensure instead that such sitings shall be not less than 3.66 metres (12 ft.);

THIRDLY - Section 4.08(5) re: height of buildings shall specifically not apply to the existing house and buildings contained on the said land at the date of this agreement, nor to any renovation or replacement of the said building on the strata lot on which it is situated. The provisions of said Section 4.08(5) shall apply to all other lots and buildings located on the said lands.

3. "The Developer may develop subject always to the terms hereof and use the land as a Mobile Home Subdivision as more particularly shown on the Plan attached hereto as Schedule B".

USE

4. The Land, including the surface of water and any and all buildings, structures and improvements erected, placed or located thereon may be used for the following and no other purposes, that is to say:

- (a) Lots 1 to 102 inclusive except Lot 58 of the Subdivision may be used for the purpose of single family mobile home dwellings of either single or double width as more particularly designated on Schedule "B" hereof;
- (b) that portion of the Land shown cross-hatched in black on Schedule "B" hereof may be used for the purposes of accomodation of the strata corporation's Resident Manager and family and in respect thereof the provisions of the R-1 Zone of the Salmon Arm Zoning By-Law 1976 No. 1180 as amended from time to time shall apply thereto;
- (c) those portions of the Land designated as parking areas on Schedule "B" hereof may be used for the purposes of off-street parking for guests of mobile home owners within the Subdivision; Provided 21 parking spaces shall be reserved for the use of residences of the subdivision for the parking of recreation vehicles;
- (d) those areas of the Land designated as park or buffer on Schedule "B" hereof may be used for the purposes authorized for such areas under the provisions of District of Salmon Arm Mobile Home Park By-Law 1978 No. 1258;

SUBDIVISION

5. The Developer may, notwithstanding the provisions of Section 21 of the District of Salmon Arm Zoning By-Law 1976 No. 1180, but subject to the provisions of the Bare Land Strata Regulations enacted pursuant to the Strata Titles Act, subdivide the Land by way of a Bare Land Strata plan and create thereby one hundred and one (101) Bare Land Strata lots, common areas, roads and access routes all of a size, configuration and in locations more particularly shown on the plan attached hereto as Schedule "C" hereof (hereinafter called the "Subdivision"), together with one strata lot containing an existing house, located thereon at the date of this agreement, providing such subdivision may be in phases of not less than ten (10) lots per phase.

SERVICING

6. The Developer shall prior to obtaining the Approving Officer's approval of any Strata Plan for any phase or obtaining any building permit from the Municipality in respect of the placement on the Land of any mobile home, whichever application is earlier made by the Developer, at its sole cost:

- (a) provide, install and construct the works, services, roads and access routes within the Subdivision required to be provided, installed and constructed pursuant to the provisions of the Bare Land Strata Regulations enacted pursuant to the Strata Titles Act; Providing the developer shall not be required to actually construct mobile home pads prior to obtaining the above approval;
- (b) provide, install and construct such off-site works and services as may be required by the Engineer of the Municipality including, without limitation:
 - (i) extending existing municipal water and sanitary sewer trunk mains to the boundaries of the Land;
 - (ii) providing and installing fire hydrants and street lighting on perimeter roads surrounding the Land;
 - (iii) providing and installing a storm drainage system in the area of the Land
 - (iv) providing a partial overhead, partial underground power supply

and such works and services shall be provided, installed and constructed by the Developer in accordance with the standards and specifications set out in District of Salmon Arm Subdivision Control By-Law No. 1087 as supplemented by standards and specifications provided by the Engineer of the Municipality;

- (c) deposit with the Municipality an unconditional, irrevocable Letter of Credit drawn on a Canadian Chartered Bank in an amount equal to fifteen per cent (15%) of the total cost of the works and services provided in each phase of development, described in paragraph 6(b)(i)(ii) and (iii) hereof and the total cost of any works and services described in paragraph 6(a) hereof contained within the boundaries of public highways or rights of way in favour of the Municipality, in each phase of development, each for a term of not less than one (1) year from the date of completion

SERVICING

6. (c) of such works and services and in a form satisfactory to the Municipality;
- (d) reproducible "as-built" drawings of the works and services described in paragraph 6(c) hereof;
- (e) execute and register against title to the Land in the Land Registry Office at Kamloops an Agreement under Section 24A of the Land Registry Act whereby the Developer covenants and agrees to maintain the existing creek on the property in its natural state.

7. Notwithstanding the provisions of paragraph 6(a) hereof in the event the Developer intends to develop the Subdivision by way of a phased strata plan under the provisions of Part II of the Strata Titles Act, the Developer may provide, install and construct the works and services, roads and access routes required to be provided, installed and constructed pursuant to paragraph 6(a) and 6(b) hereof in accordance with the phased Strata Plan deposited by the Developer.

MOBILE HOME
PARK BY-LAW

8. In its development and use of the Land as a mobile home subdivision the Developer, and any strata corporation created upon the subdivision of the Land and any owner of any strata lot shall comply with and be subject to the provisions of District of Salmon Arm Mobile Home Park By-Law 1978 No. 1258, as amended from time to time and any reference in the said by-law to "owner" shall be deemed to be a reference to the Developer or to the strata corporation, as the case may be, PROVIDED ALWAYS, HOWEVER, that in the event of any conflict between the provisions of By-Law No. 1258 and the provisions of this Agreement or the provisions of District of Salmon Arm Subdivision Control By-Law No. 1087 or the provisions of the Bare Lands Strata Regulations enacted pursuant to the Strata Titles Act, the provisions of this Agreement or By-Law No. 1087 or the Bare Land Strata Regulations, as the case may be, shall prevail.

MAINTEN-
ANCE OF
SERVICES

9. The Developer shall:
- (a) maintain the works and services installed by the Developer and more particularly described in paragraph 6(c) hereof, in complete repair for a period of one (1) year from the completion thereof to the satisfaction of the Engineer of the Municipality;
- (b) remedy any defects appearing in the said works and services and pay for any damage to other property or works resulting therefrom for a period of one (1) year from completion of the said works and services, save and except for defects caused by reasonable wear and tear, negligence of the Municipality, its servants or agents or acts of God.

USE OF
SECURITY

10. In the event that the Developer fails to perform any of the covenants on its part to be performed pursuant to Paragraph 9 hereof within the time limited therein for performance the Municipality may call for and receive all funds secured by the Letter of Credit deposited by the Developer pursuant to paragraph 6(c) hereof and may complete the work at the cost of the Developer and deduct from any such funds the costs of such

USE OF
SECURITY

completion and the balance of such funds, if any, without interest thereon, shall be returned to the Developer less any administration fees required by the Municipality. If there is insufficient money on deposit with the Municipality then the Developer shall pay such deficiency to the Municipality upon receipt of the Municipality's bill for completion. It is understood that the Municipality may do such work either by itself or by contractors employed by the Municipality. If the Developer performs the said covenants the Municipality shall deliver up the Letter of Credit to the Developer for cancellation.

ACCEPT-
ANCE

11. The Municipality shall, upon the expiration of the one (1) year period referred to in paragraph 9 hereof and provided such works and services have been constructed and maintained in accordance with the provisions of this Agreement and are functioning properly, accept the works and services referred to in paragraph 6(c) hereof and thereafter the Municipality shall be solely responsible for the operation, upkeep and maintenance thereof.

OWNERSHIP
OF
SERVICES

12. All works and services installed by the Developer described in paragraph 6(c) hereof shall, upon their acceptance by the Municipality as hereinbefore provided, become the property of the Municipality free and clear of any claim by the Developer or any person claiming through the Developer and the Developer shall save harmless the Municipality from any such claim.

EXTRA OFF-
SITE
COSTS

13. It is acknowledged by the parties hereto that as a result of the Developer paying the funds hereinafter specified the development proposed will not create an excessive cost to be borne by the Municipality. It is further acknowledged by the parties hereto that the impact of the proposed development on present and future public costs has been partially eliminated as a result of the Developer providing the funds hereinafter specified and carrying out the works provided for in this Agreement.

The Developer shall pay to the Municipality, by way of cash or certified cheque at the time of approval by the Approving Officer of any Strata plan for any phase of the Subdivision or at the time of application for a building permit authorizing the placement of a mobile home on the Land for such phase or sooner at the Developer's option, whichever the earlier occurs.

- (a) if on or before December 31, 1980, the sum of Seven Hundred and Eighty-Three Dollars (\$783.00) for each strata lot created by the plan or for each mobile home authorized to be placed by a building permit issued by the Municipality, whichever the case may be; or
- (b) if subsequent to December 31, 1980, such sum for each strata lot as is then charged by the Municipality in respect of like developments either pursuant to the provisions of a development cost charge by-law enacted by the Municipality or otherwise.

MISCELLA-
NEOUS

14. The Developer shall pay to the Municipality:
- (a) upon execution of this Agreement by the Municipality any fees required to be paid pursuant to the provisions of Section 2.02(8) of District of Salmon Arm Mobile Home Park By-Law No. 1258;
 - (b) at the time of approval of any plan of any phase of the subdivision any fees required to be paid pursuant to the provisions of the Bare Land Strata Regulations enacted pursuant to the Strata Titles Act;
 - (c) upon demand, any legal costs incurred by the Municipality in the preparation or registration of this Agreement.

INCORPOR-
ATION

15. Schedules A to E inclusive hereof are hereby incorporated into and made part of this Agreement.

REPRESENT-
ATION

16. It is understood and agreed that the Municipality has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer other than those contained in this Agreement.

REGISTRA-
TION

17. This Agreement shall be construed as running with the Land and shall be registered in the Land Registry Office at Kamloops by the Municipality pursuant to the provisions of Section 702A(4) of the Municipal Act.

BINDING

18. Except as hereinbefore provided this Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

INTERPRE-
TATION

19. Whenever the singular or masculine or neuter is used herein the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

DISCHARGE

20. It is further understood and agreed by the parties hereto that upon completion of the Development contemplated by this Agreement, this Agreement may be discharged by the Municipality at the Developer's cost by the registration in the Land Registry Office at Kamloops of a Quit Claim Deed referring to the registration of this Agreement. PROVIDED, HOWEVER, that this Agreement may not be discharged by the Municipality if the discharge thereof will render any of the lands or improvements thereon non-conforming with the by-laws of the Municipality.

A Public Hearing on this Agreement was held on the 19 day of ~~OCTOBER~~, A.D., 1978.

The terms of this Contract were approved by the Ministry of Highways and Public Works on the 8 day of ~~JANUARY~~, 1979.

This Agreement was approved on the 8 day of ~~JANUARY~~ A.D., 1979 by a majority vote of all the members of the Council present at the meeting at which the vote was taken and entitled to vote on the authorizing by-law.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the day and year first above written.

THE CORPORATE SEAL OF DISTRICT OF SALMON ARM was hereunto affixed in the presence of:

Margaret Lund
Mayor

[Signature]
Clerk

THE CORPORATE SEAL OF INTER-X ENTERPRISES LTD. was hereunto affixed on the 9th day of January, 1979 in the presence of its proper officers in that behalf:

[Signature]
President

APPROVED by the Department of Highways this _____ day of January, 1979.

Approving Officer.

RECEIVED
MINISTRY OF HIGHWAYS
JANUARY 8 1979
[Signature]
SECRETARY OF
MINISTRY OF HIGHWAYS

ACKNOWLEDGMENT OF OFFICER OF A CORPORATION

I HEREBY CERTIFY that on the 9th day of January 1979, at Salmon Arm
in the Province of British Columbia,

DAVID ARCHIBALD LOUDOUN personally known to me, appeared before
me and acknowledged to me that he is the President of
INTER-X ENTERPRISES LTD. and that he is the person who subscribed his name to the
annexed Instrument, as President of the said corporation and affixed the seal
of the said corporation to the said Instrument, that he was first duly authorized to subscribe his name as aforesaid and affix the said
seal to the said Instrument, and that such Corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY WHEREOF I have hereunto set my hand
at Salmon Arm British Columbia, This
9th day of January, in the year of our
Lord one thousand nine hundred and seventy-nine.

A Commissioner for taking Affidavits within British Columbia,
or A Notary Public within the Province of

A. GLEN SCHAEF

ACKNOWLEDGMENT OF OFFICER OF A CORPORATION

I HEREBY CERTIFY that on the 9th day of January 1979, at Salmon Arm
in the Province of British Columbia,

FRANK WILLIAM SPENCE personally known to me, appeared before
me and acknowledged to me that he is the Clerk - Administrator of
DISTRICT OF SALMON ARM and that he is the person who subscribed his name to the
annexed Instrument, as Clerk - Administrator of the said corporation and affixed the seal
of the said corporation to the said Instrument, that he was first duly authorized to subscribe his name as aforesaid and affix the said
seal to the said Instrument, and that such Corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY WHEREOF I have hereunto set my hand
at Salmon Arm British Columbia, This
9th day of January, in the year of our
Lord one thousand nine hundred and seventy-nine.

A Commissioner for taking Affidavits within British Columbia,
or A Notary Public within the Province of

A. GLEN SCHAEF

WHEREAS it is considered desirable to enter into a Land Use Contract with Mr. W.E. Maddox pertaining to the development of Lot 1, Plan 1882; South 155 ft. $\frac{1}{4}$ of Lot 1, Plan 6012, and east 95 ft. $\frac{1}{4}$ of Lot 2, Plan 4894, NW $\frac{1}{4}$ Section 32, Township 20, Range 9;

AND WHEREAS pursuant to Section 702A(3) of the Municipal Act the Council may, upon the application of an owner of land within the development area, or his agent, enter into a land use contract;

AND WHEREAS the public hearing required by Section 702A(6) of the Municipal Act was held on the 19th day of October, 1978;

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

1. The Mayor and Clerk are hereby authorized to execute the Land Use Contract with Mr. W.E. Maddox attached hereto and marked Schedule "A".
2. The Clerk is hereby authorized to register the said Land Use Contract as a charge against the aforementioned property of Mr. W.E. Maddox which shall have the force and effect of a restrictive covenant running with the land; and is further authorized to do all things necessary to complete registration in the Land Registry Office in Kamloops.
3. This by-law may be cited as "District of Salmon Arm Land Use Contract By-law No. 9, 1978".

READ A FIRST TIME this 10th day of October, 1978.

READ A SECOND TIME this 10th day of October, 1978.

READ A THIRD TIME this 14th day of November, 1978.

RECONSIDERED, FINALLY PASSED AND ADOPTED by the District Council on the 8th day of January, 1979.

I HEREBY CERTIFY the foregoing to be a true and correct copy of By-law No. 1279 cited as "District of Salmon Arm Land Use Contract By-law No. 9, 1978" as adopted by Council on the 8th day of January, 1979.

Dated at Salmon Arm, B.C. this 9th day of January, 1979.

"L.M. Lund"
Mayor

"F.W. Spence"

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