



AGENDA
City of Salmon Arm
Development and Planning Services
Committee

Monday, May 2, 2022
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 – 12	1.	Development Variance Permit Application No. VP-553 [Chursky, M. & R.; 580 Old Auto Road SE; Setback requirements]
13 – 24	2.	Temporary Use Permit Application No. TUP-16 [Salmon Arm Folk Music Society/Thompson, J., B. & S./De Dood, J. & J.; 550 10 Avenue SW/1300 10 Street SW/690 10 Avenue SW; Temporary Camping for Roots and Blues Festival]
25 – 30	3.	Temporary Use Permit Application No. TUP-17 [Page, L. & D.; 460 10 Avenue SW; Temporary Camping for Roots and Blues Festival]
31 – 60	4.	Development Permit Application No. DP-429 [Terra Civis Inc./Heydewerk Homes Ltd.; 1017 10 Avenue SE and 981 12 Street SE; Residential]
61 – 72	5.	Agricultural Land Commission Application No. ALC-413 [Birch Haven Farms Ltd./Browne Johnson Land Surveyors; 3710 and 3280 10 Avenue SW; Subdivision]
73 – 78	6.	Permanent Patio Application [Tanto Latte; Crimi, S.; 1481 10 Avenue SW]
	6.	FOR INFORMATION
	7.	CORRESPONDENCE
79 – 90	1.	Agricultural Land Commission – Reason for Decision – ALC Application No. 61443 and Application No. 61439
	8.	IN-CAMERA
	9.	ADJOURNMENT

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To: His Worship Mayor Harrison and Members of Council

Date: April 22, 2022

Subject: Development Variance Permit Application No. VP-553 (Setback)

Legal: Lot 1, Section 14, Township 20, Range 10, W6M, KDYD, Plan 14206

Civic Address: 580 Old Auto Road SE

Owner/Applicant: M. & R. Chursky

MOTION FOR CONSIDERATION

THAT: Development Variance Permit No. VP-553 be authorized for issuance for Lot 1, Section 14, Township 20, Range 10, W6M, KDYD, Plan 14206 to vary Zoning Bylaw No. 2303 as follows:

Section 6.10.4 Exterior Side Parcel Line Setback reduction from 6.0 m to 0.9 m to facilitate construction of a deck addition on this property.

STAFF RECOMMENDATION

THAT: The Motion for Consideration be adopted.

PROPOSAL

The subject parcel is located at 580 Old Auto Road SE (Appendices 1 and 2). The proposal is to construct a second-storey deck addition on the north side of the existing single family dwelling and south of Old Auto Road SE (Appendix 5). Due to the orientation/position of the existing single family dwelling, the proposed location of the deck requires an exterior side parcel line setback variance from 6.0 m to 0.9 m along the north property line.

BACKGROUND

The parcel is designated Medium Density Residential (MR) in the City's Official Community Plan (OCP) and is zoned R1 (Single Family Residential Zone) in the Zoning Bylaw (Appendices 3 and 4). The subject property is located just off of Old Auto Road SE and has frontage onto both Old Auto Road SE, as well as a closed road. This area consists almost entirely of residential uses. Nearby uses include the Pileated Woods Trail System to the east and City Hall/Fletcher Park further to the north.

Land uses directly adjacent to the subject property include the following:

North: Old Auto Road SE and single family dwelling with accessory structures	Zoned R1
South: single family dwelling	Zoned R1
East: closed road and vacant lot	Zoned R1
West: single family dwelling with accessory building (garage)	Zoned R1

The property is 0.19 ac in area/size and currently contains a single family dwelling (with an already existing deck) and an accessory building. The property owners/applicants are proposing a new and approximate 6' x 26' (156 ft²) second storey deck for the north side of the existing single family dwelling. Asides from Section 6.10.4 of the Zoning Bylaw, the proposal meets all other zoning regulations.

Site photos are attached, as Appendix 6.

COMMENTSEngineering Department

No Engineering concerns.

Building Department

No concerns at this time. Building Permit required for this project. All BCBC requirements must be adhered to.

Public Consultation

Pursuant to the *Local Government Act* and *City of Salmon Arm Development Variance Permit Procedures Bylaw* notices are mailed to land owners within a 30m radius of the application. The notices outline the proposal and advises those with an interest in the proposal to provide written submission prior to the Hearing and information regarding attending the Hearing. It is expected that the Hearing for this application will be held on May 9, 2022.

Planning Department

Development Variance Permits are considered on a case-by-case basis, and in doing so, a number of factors are taken into consideration. These factors include site-specific conditions, such as lot configuration, negative impact on the general form and character of the surrounding neighbourhood and negative impact(s) on adjacent properties.

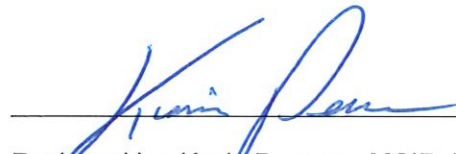
As described in the letter of rationale submitted by the owners/applicants (Appendix 7), the owners wish to build a second storey deck on the property. The existing single family dwelling was designed with an awkward entry into the yard space and limited visibility. Since the owners have young children, they wish to build a deck onto the side of the single family dwelling with stairs to access the backyard in order to make the home more suitable for their children.

Historically, there has been one other Variance Permit issued on Old Auto Road SE (Vp-417 in 2015/2016) on the property directly to the west (of which, planning staff did not support). This VP application was to also vary the exterior side parcel line setback from 6.0 metres to 0.9 metres. The only difference, however, was that this variance was for an accessory building (garage), as opposed to an above-grade deck. It is also worth noting that the existing single family dwelling already encroaches into the 6.0 m setback. This is likely because the house was built in 1927 (as per BC Assessment), which would have predated building inspection.

The existing proximity of the house to Auto Road is close relative to other dwellings. However, given Council's approval of VP-417 in 2015/2016 for the same variance request on the adjacent parcel of 6.0 m to 0.9 m, staff have no concerns with this application.



Prepared by: Evan Chorlton
Planner I



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

Subject Property Map

APPENDIX 1

P3

5 AVE.

5 AVE. S.E.

6 AVE. S.E.

7 AVE. S.E.

OLD AUTO ROAD S.E.

8 AVE.

9 AVE.

10 AVE. S.E.

10 AVE. S.E.

5 ST. S.E.

6 ST. S.E.

7 ST. S.E.

6 ST. S.E.

4 ST.

4 ST. S.E.

ROAD NOT OPEN

ROAD NOT OPEN



0 10 20 40 60 80 Meters

Subject Property
Parcels

P4

AUTO ROAD S.E

583

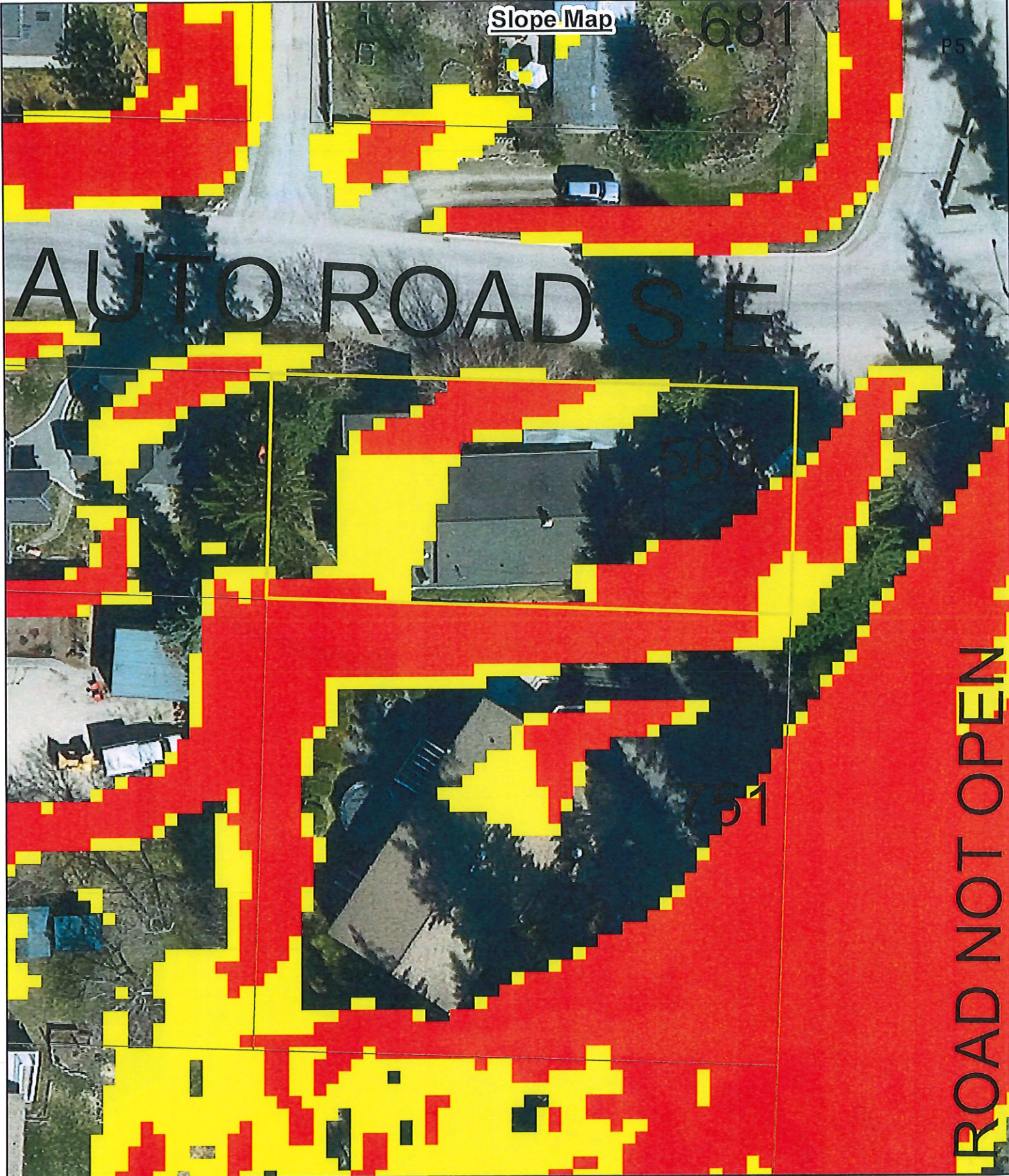
754

ROAD NOT ON



0 2 4 8 12 16 Meters

 Subject Property
 Parcels



Slope Map

681

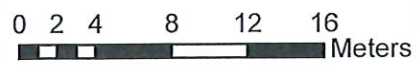
P5

AUTO ROAD S.E.

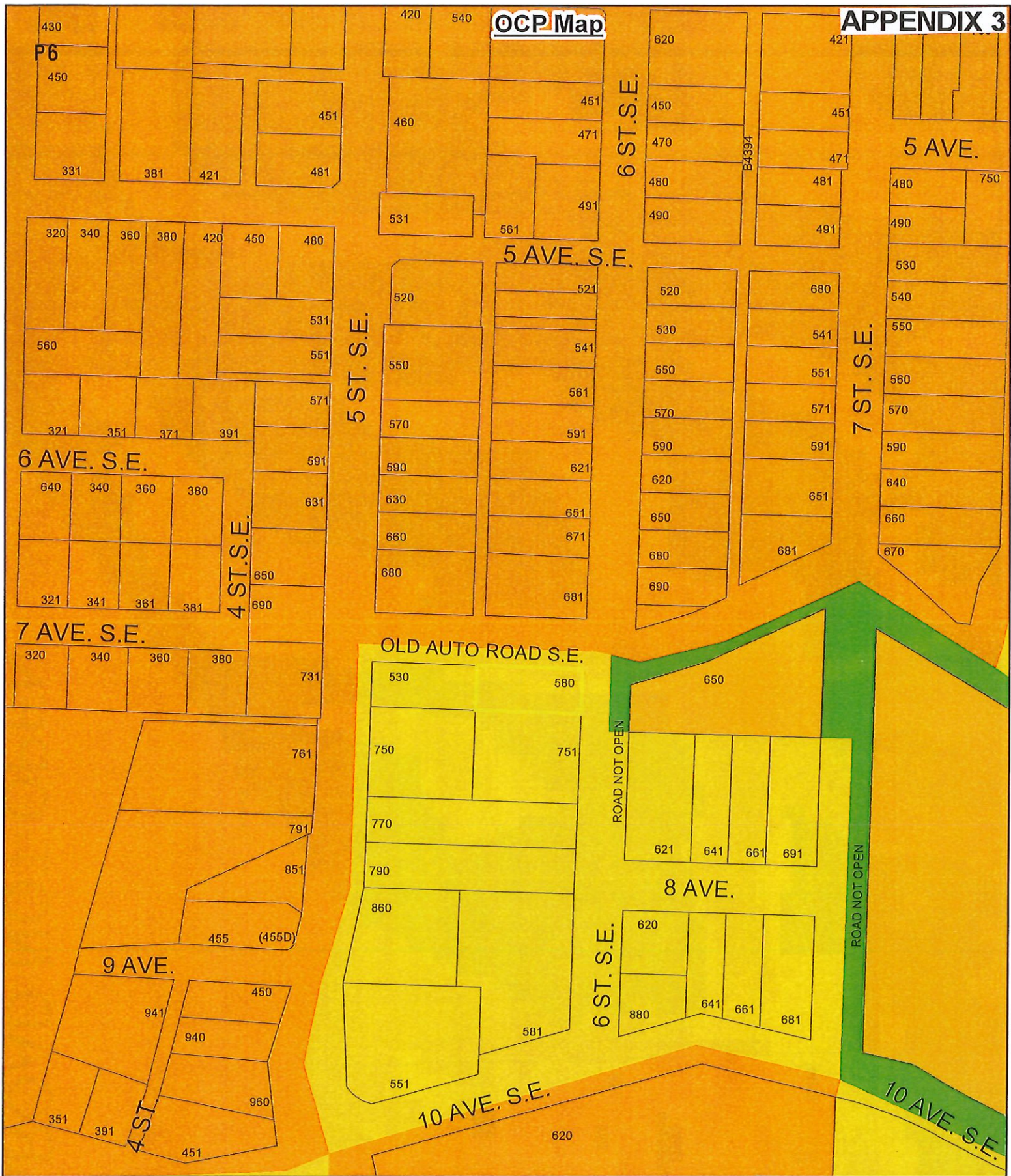
580

751

ROAD NOT OPEN



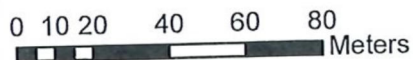
-  Subject Property
-  Parcels
-  20 - 30% Slope
-  30% + Slope



0 10 20 40 60 80 Meters

- Subject Property
- Parcels
- Community Park
- Residential - Medium Density
- Park
- Residential - High Density

Zoning Map



BC LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE

 To: Sandy Ridge Construction
 c/o Dave Mleku
 1389 Robin Road
 Toppen, BC V0E 2X2

 Re: Lot 1, S 14, Tp 20, R 10,
 W6M, KDYO, Plan 14206

Parcel Identifier (PID): 001-492-055

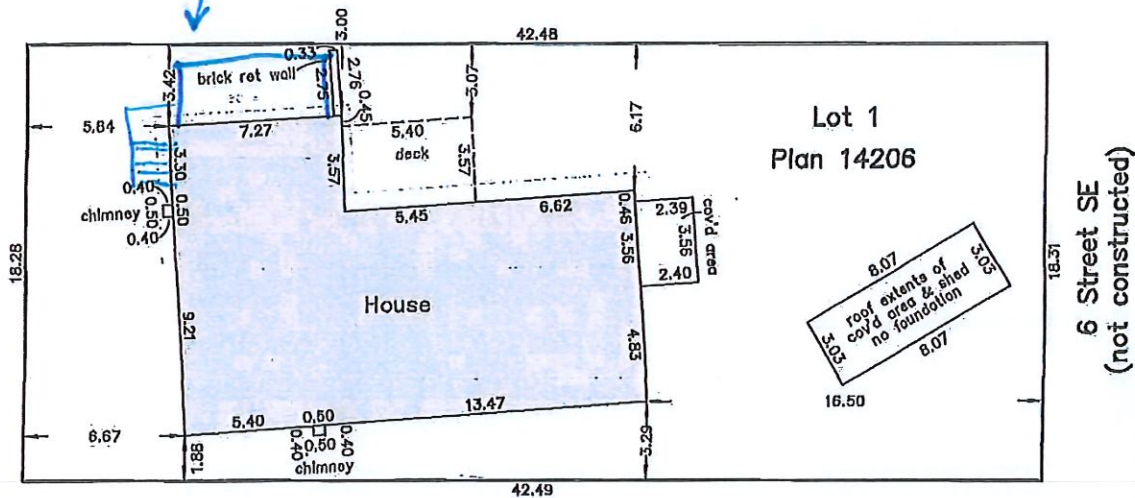
Civic Address: 580 Old Auto Rd, Salmon Arm

 List of documents registered on title which may affect
 the location of improvements:

N/A

*add deck with stairs to side yard
 deck to extend to new proposed variance of 0.9m*

Old Auto Road SE



Scale 1:200


 All distances are in metres.
 Dimensions derived from field measurements

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

This plan was prepared for inspection purposes and is for the exclusive use of our client. This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property boundaries.

This building location certificate has been prepared in accordance with the Professional Reference Manual and is certified correct this 5th day of September, 2019.

**BRADLEY
 COOPER
 HMQLK9**

 Digitally signed by
 BRADLEY COOPER
 HMQLK9
 DN: o=CA, cn=BRADLEY
 COOPER HMQLK9, o=BC
 Land Surveyor, ou=Veilley
 ID: a1www.furcert.com/
 LUP:cn=HMQLK9
 Date: 2019.09.12 13:52:45
 +0700

BCLS

 Offsets from property line to building are
 measured from the stucco and brick.

 COPYRIGHT © BROWNE JOHNSON 2019
 LAND SURVEYORS

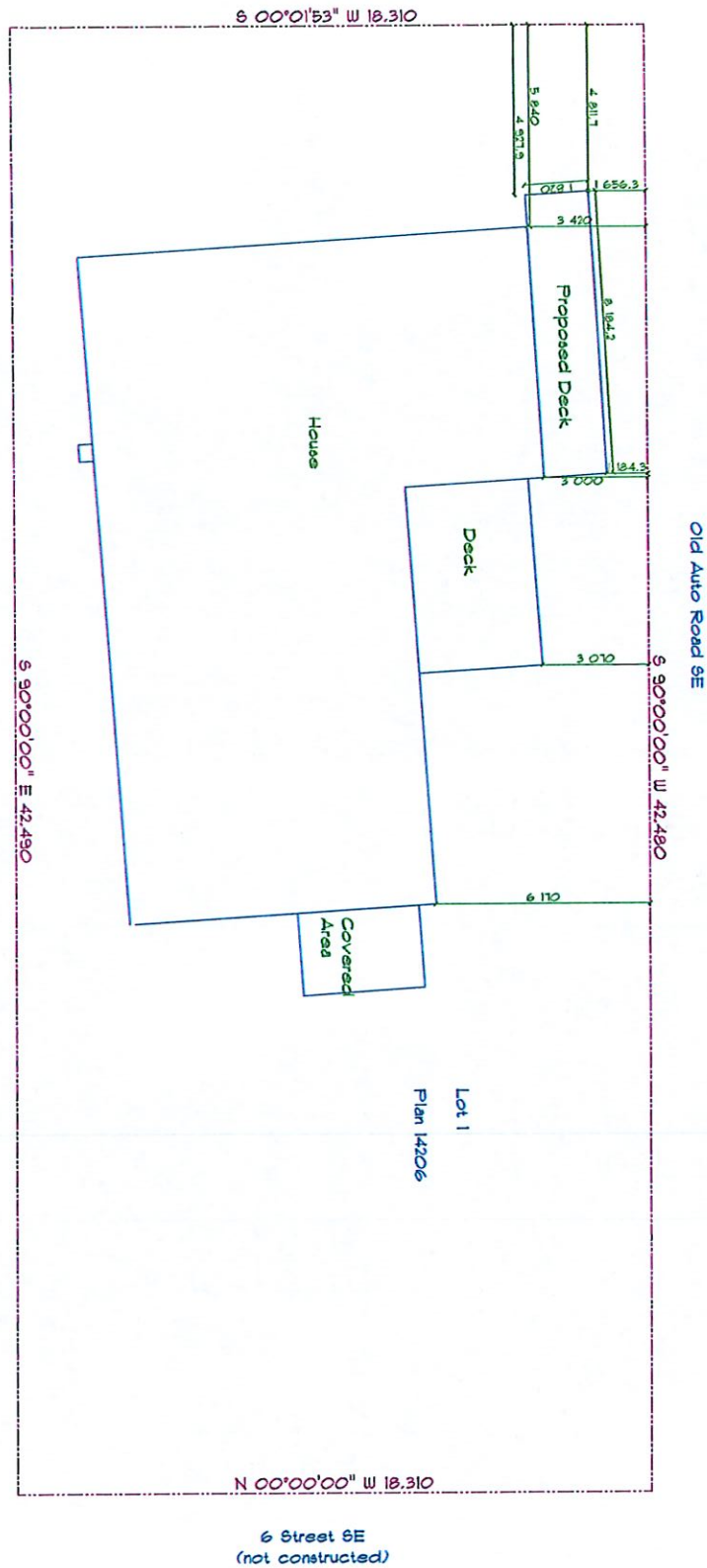
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 the prior written consent of
 BROWNE JOHNSON LAND SURVEYORS.

 THIS DOCUMENT IS NOT VALID UNLESS
 ORIGINALLY or DIGITALLY SIGNED.

Our File: 432-19

Fb: 432-19.raw

Site Plan
SCALE: 1:96



Matthew Chursky

580 Old Auto Rd SE
Salmon Arm
BC

PHONE:
FAX:
MOBILE:

SOFTPLAN
ARCHITECTURAL DESIGN SOFTWARE

Sandy Ridge Construction

1389 Robin Rd
Tappen
BC
V0E 2X2

PHONE: 250-803-2762
FAX:
MOBILE:
src2005@live.com

SCALE: 1:96

DRAWN BY:

DATE: April 7, 2022



SECTION
LETTER
PAGE
NUMBERS

PAGE:

1/1

Site Plan

APPENDIX 6



City of Salmon Arm
Variance Permit Application Form
Feb. 16, 2021

APPENDIX 7

Please find attached our application to vary the setback requirement in order to build a small deck on our property (VARY 6.10.4: Exterior side parcel setback from 6 M to 0.9 M).

Our house is approximately 95 years old and was designed with awkward entry into our yard space and extremely limited visibility to monitor children at play. As our family is growing, it is our desire to build a deck onto the side of our house with stairs to access the backyard in order to make the home more suitable for our young children to play in a safe, easily accessible, outdoor green space, away from traffic.

Proceeding with the deck would encroach into the setback on Old Auto Road, therefore we are applying for a variance of the setback from 6 M to 0.9 M. In 2015, our neighbours, Lynne and Ian Wickett (530 Old Auto Road, SE) were granted a variance for construction of their new garage which used the same setback. Seeing as how their structure is already approved and built to this setback of 0.9 M, construction of our requested deck should not interfere with Old Auto Road any further than it currently is.

This new setback would allow the deck to extend 6 feet off the side of our home toward Old Auto Road, and span approximately 26 feet across the side of the house lengthwise. A set of stairs would then proceed off of the side of the deck and into the back yard.

We foresee no negative impact on any of our neighbours, and approval of this variance would greatly improve the usability of our relatively small lot for our family.

Thank you for your consideration of our request,

Matthew and Rebecca Chursky

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To: His Worship Mayor Harrison and Members of Council

Date: April 25, 2022

Subject: Temporary Use Permit Application No. TUP 16

Applicant: Salmon Arm Folk Music Society (David Gonella)

Owners (Civic Addresses):

- 1) Thompson, J., B. & S. (550 - 10 Avenue SW)
- 2) de Dood, J. & J. (690 - 10 Avenue SW)
- 3) Thompson, J., B. & S. (1300 - 10 Street SW)

MOTION FOR CONSIDERATION

THAT: Temporary Use Permit No. TUP 16 be issued for:

- 1) Lot 1, Section 11, Township 20, Range 10, W6M, KDYD, Plan 27414 (550 - 10 Avenue SW);
- 2) Parcel B (Plan B5839) of the NW ¼ of Section 11, Township 20, Range 10, W6M, KDYD (690 - 10 Avenue SW); and
- 3) Lot 1, Section 11, Township 20, Range 10, W6M, KDYD, Plan 4279 except Parcel A on Plan B7061, Plans 29487 and 42166 (1300 - 10 Street SW);

AND THAT: TUP 16 permits the temporary use of campgrounds as shown in Appendix 4 and in accordance with the following:

- 1) The total number of tent or recreational vehicle sites on the subject properties shall not exceed 600;
 - 2) Check-in stations are to be setback appropriately from each entrance, ideally to provide a minimum queuing distance of 100 metres (15 vehicles);
 - 3) Plumbing Permit issuance by the City's Building Department is required prior to the commencement of the Roots and Blues Festival;
 - 4) Approval of a Fire Safety Plan by the City's Fire Department;
 - 5) Approval of a Security Plan by the RCMP;
 - 6) Non-Farm Use approval from the Agricultural Land Commission (ALC); and
 - 7) TUP 16 is valid for a two week period during the month of August for the years 2022, 2023 and 2024, with camping limited to a maximum seven day time period during the Roots and Blues Festival.
-

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The three subject parcels are located at 550, 690 and 1300 – 10 Avenue SW (Appendix 1 and 2). The applicant is proposing Temporary Use Permit (TUP) to allow for up to 600 camp sites during the Salmon Arm Roots and Blues Festival. A rationale letter from the applicant is attached as (Appendix 3).

BACKGROUND

In 2019 a similar TUP was issued for the subject property, which also permitted 600 campsites for the Roots and Blues Festival. In conjunction with the 2019 TUP, the applicant was required to obtain ALC Non Farm Use approval, which was approved and recently extended to include the 2022 Festival. Following the 2022 festival the applicant will be required to obtain approvals from the ALC for future use of the site.

COMMENTS

Engineering Department

The Engineering Department has no objections with the TUP provided the vehicle check-in stations are located to provide a minimum cueing distance of 100m (15 vehicles) and that a Plumbing Permit and inspection prior to public use of the hand washing stations is required.

Building Department

No concerns.

Fire Department

The applicant is required to have a fire safety plan approved by the Fire Chief as a condition of TUP issuance. The following, specific items, are to be addressed as part of the overall plan:

- Grass to be cut just prior to grounds being occupied.
- No Fires Permitted.
- Approval of Fire Safety Plan.
- Free and clear roadways within campground.
- Entrances/Exits minimum of 4m width.
- Fire Suppression equipment available on site including ABC rated dry chemical extinguishers and 45 gal water barrels with buckets.
- Campground attendant to periodically patrol site.

RCMP (Staff Sergeant S. West)

The applicant is required to have a Security Plan approved by the RCMP as a condition of TUP issuance. At the time of writing the applicant has been in contact with the RCMP and is working toward the completion of the security plan.

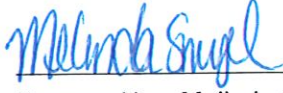
Public Consultation

Pursuant to the *Local Government Act* Section 494 (3) and *City of Salmon Arm Temporary Commercial and Industrial Use Permit Procedures Bylaw No. 3548*, notices are mailed to land owners within a 30m radius of the application, one newspaper ad is placed in a local paper and a sign posted on the subject property. The notices outline the proposal and advises those with an interest in the proposal to provide written submission prior to the Public Hearing and information regarding attending the Public Hearing.

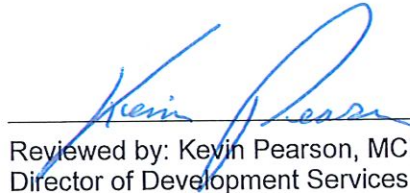
Planning Department

The existing ALC approval does not restrict the extent of camping days however stipulates that all uses are limited to a 10 day period in August (including set-up, festival days and clean up). The proposed camping areas are similar to previous approvals granted for the subject property in 2018, 2019 & 2020. The site plans provided by the applicant are enclosed as Appendix 4.

Staff are supportive of the issuance of Temporary Use Permit Application No. TUP 16 subject to the terms and conditions outlined in the motion for consideration and recommendations from the Fire Department and RCMP are adhered to.



Prepared by: Melinda Smyrl, MCIP, RPP
Planner III



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

Picadilly Mall

Fall Fair Grounds

10 ST. SW

10 AVENUE S.W.

0 AVE

Campground No. 4

Campground No. 3A

690
Campground No. 2

550
Campground No. 1

1300

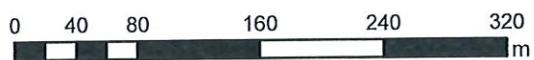
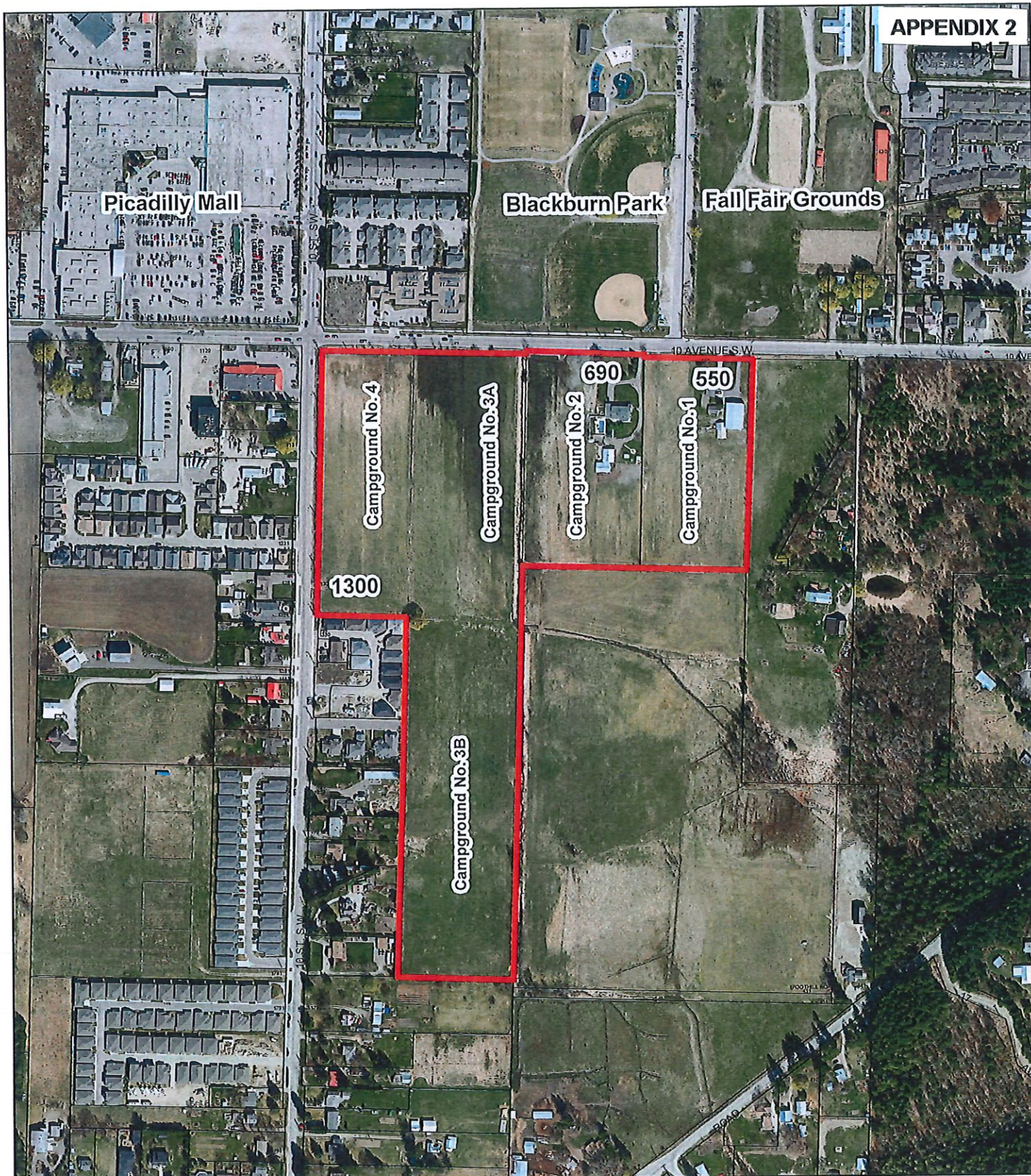
Campground No. 3B

10 ST. S.W.



TUP 16

Parcels



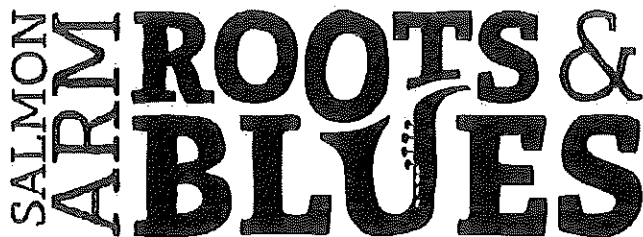
Ortho Photo Date: 2021



TUP 16



Parcels



Salmon Arm Folk Music Society
 Mail: PO Box 21, Salmon Arm, BC V1E 4N2
 Location: 541 3rd St. SW, Salmon Arm, BC
 Phone: 250.833.4096 | Fax: 250.833.4097
 General Inquiries: info@rootsandblues.ca
 Sponsor: sponsor@rootsandblues.ca
 Volunteer and Grants: volunteer@rootsandblues.ca
www.rootsandblues.ca

March 21, 2022

City of Salmon Arm
 500 2nd Avenue SE
 Salmon Arm, BC
 V1E 4H2

Attention: Kevin Pearson

Dear Kevin,

RE: TUP Application - ALC File: 56448 (Non-Farm Use)

Owner:

1. 0847774 BC Ltd. Inc. – J. Thompson (550-10 Avenue SW)
2. Judy Dedood (690 – 10 Avenue SW)
3. J. Thompson (1300 – 10 Street SW)

Legal:

1. Lot 1 Section 11, Township 20, Range 10, W6M, KDYD, Plan 27414 (PID: 004-831-853)
2. Parcel B (Plan B5839), of the North West ¼, Section 11, Township 20, Range 10, W6M, KDYD (PID: 014-072-009)
3. Lot 1 Section 11, Township 20, Range 10, W6M, KDYD, Except Parcel A on Plan B7061, Plans 29487 and 42166 (PID: 009-460-411)

On behalf of the Salmon Arm Folk Music Society, I would like to thank the Mayor and Councilors for their continued support of the Salmon Arm ROOTS and BLUES Festival. On behalf of the 30th Annual and future events, please find within this package:

1. TUP application;
2. ALC Non-Farm Use Permit Extension;
3. Signed Agent Authorization forms;
4. Property Land Titles;
5. Festival Camping Maps.

Within the TUP application the SAFMS is seeking approval from the City to allow the southern portion of the property for camping (Campsite #3) use. The reasoning for this inclusion is:

1. Offer additional low cost accommodations to the area for families and low-income households. Due to the popularity of the region's hotel and motel the lack of affordable accommodations is a barrier for some to attend the festival. Reducing the overall financial impact potential the event can contribute to the local economy.
2. The ALC has previously approved this portion of the property for camping (see ALC Non-Farm Use Permit Extension).

3. Increase 100-125 (depending on slot size) camping slots available on the Campsite #3. The southern portion to be added (see map for Campsite #3, southern portion) for details. With the City's pending approval the total camping slots available for 2022 would be 725 slots. In 2019 there were 600 slots available, 550 sold and 50 provided for volunteers and in-kind supporters.
4. To mitigate concerns with the property owners residing next to the fence line along the southern portion on Campsite #3, all camping slots near these properties will be placed 40' feet (12.19m) away from the property owner's fence line.
5. Additional camping slots will add flexibility if the site is required for a fire camp during the event. We want to be prepared to handle festival camping and fire crews working in the Shuswap region. We would set aside 20 to 30 camping slots for this purpose. In the event Salmon Arm is under an evacuation order the properties within this application would be fully vacated to allow fire crew access.
6. As of March 21, 75% of the camping slots have been reserved. We expect to sell to the current 600 slots allowed in the previously approved TUP-15 by May 31st.

The SAFMS fully acknowledges the privilege of using these properties, and takes great measures not to disturb their natural balance in order to ensure future use. We are appreciative of the support we have received from the City of Salmon Arm in assisting us with the accommodation needs of our growing audience. With the low vacancy rates in the summer months, the use of these campsite properties is crucial to the long-term viability and growth of the event.

The Salmon Arm Folk Music Society would like to thank the Mayor, Salmon Arm City Council and the City of Salmon Arm Planning Department for considering this application. The Society looks forward to the earliest possible response to this application.

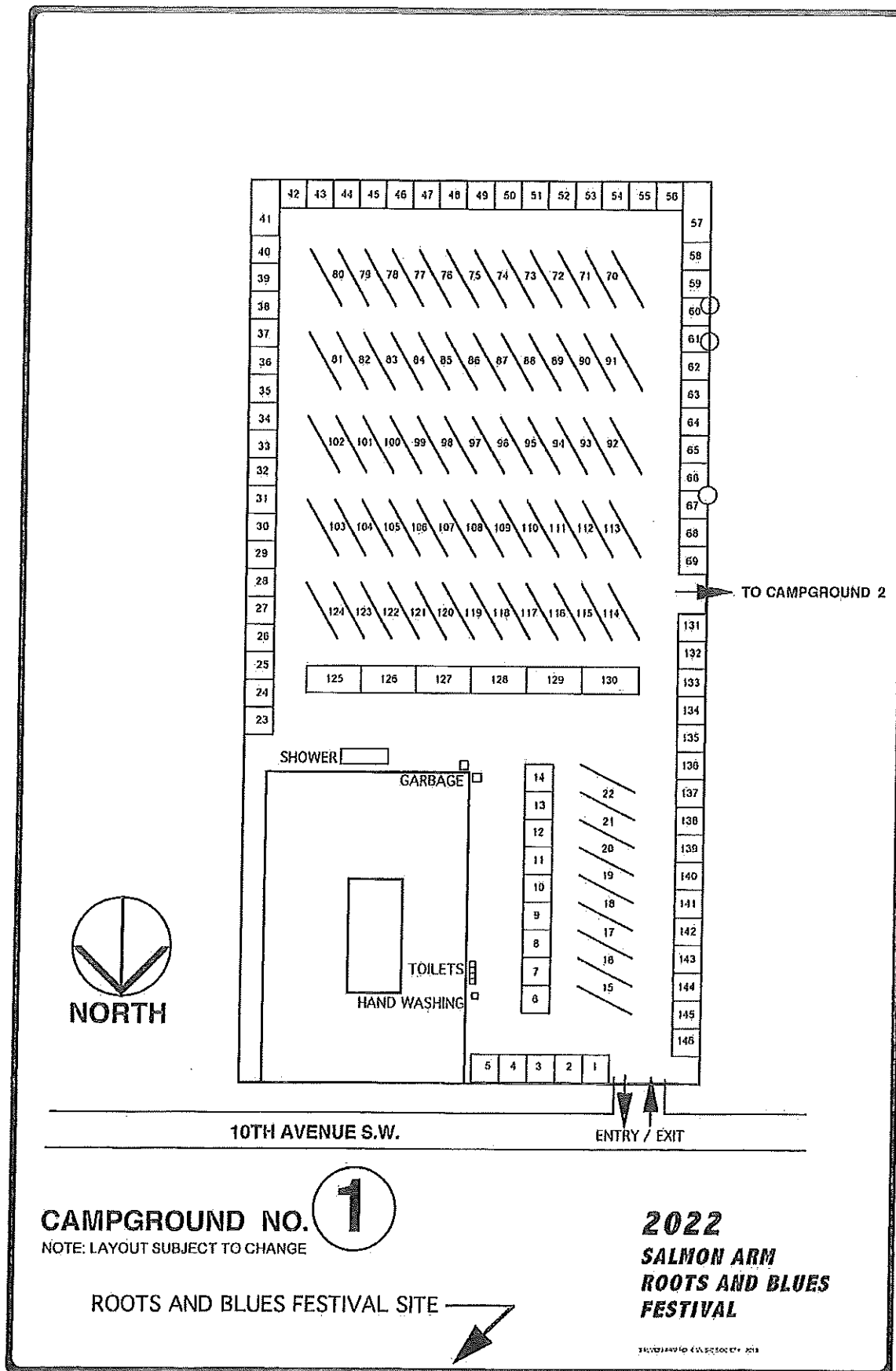
Please do not hesitate to contact me if you require further information.

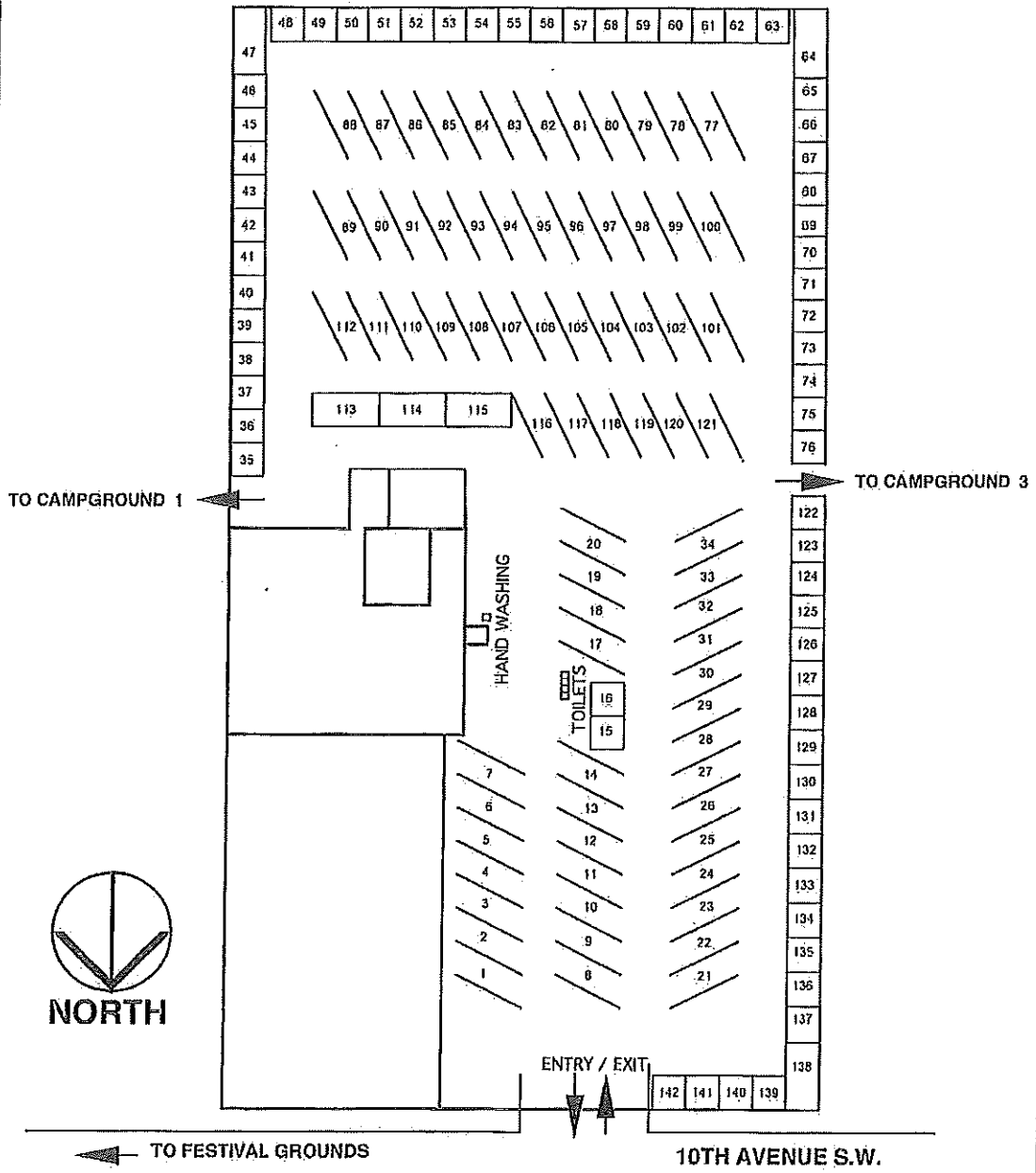
Sincerely,



David Gonella

Executive Director

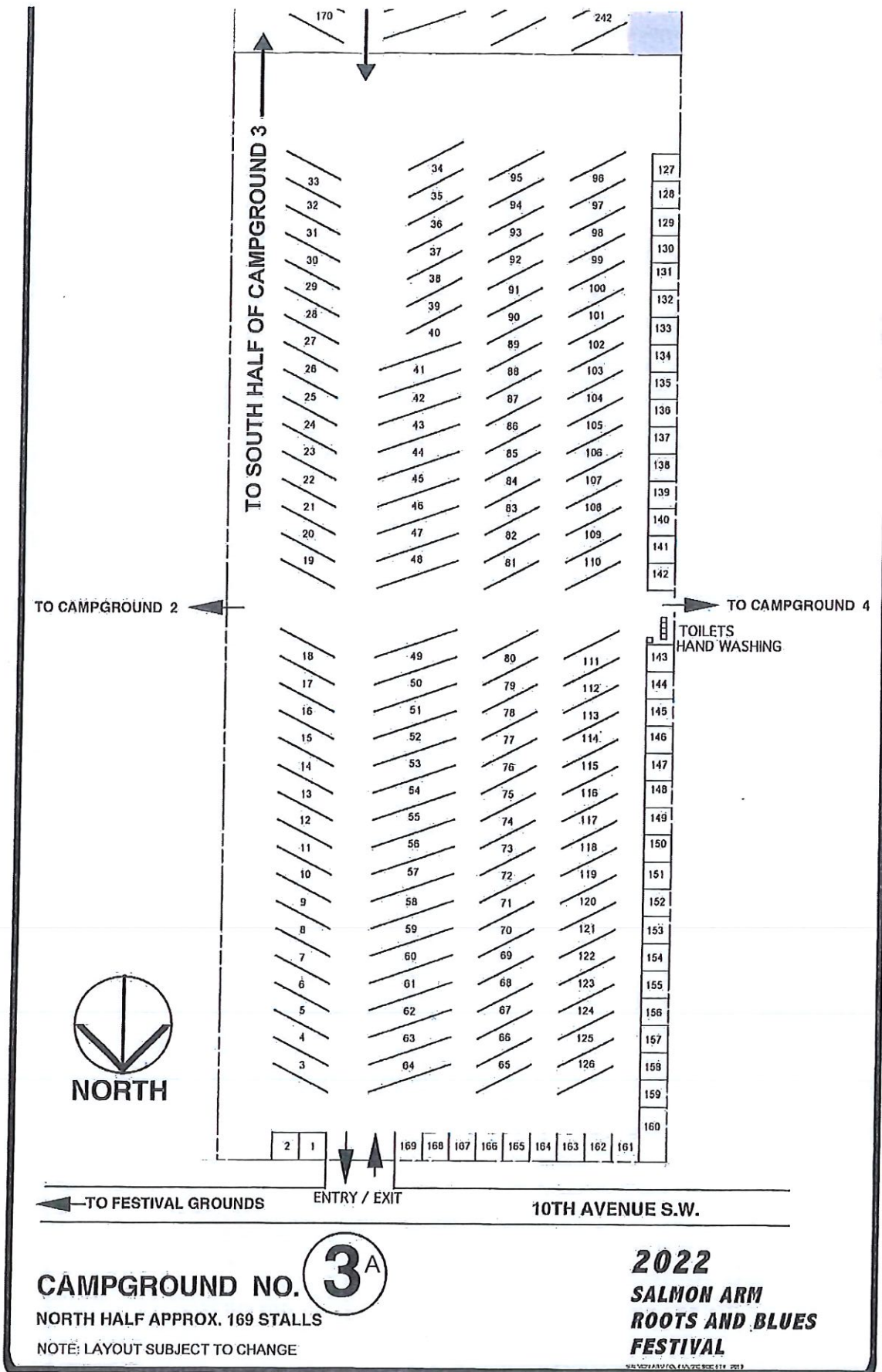




CAMPGROUND NO. **2**

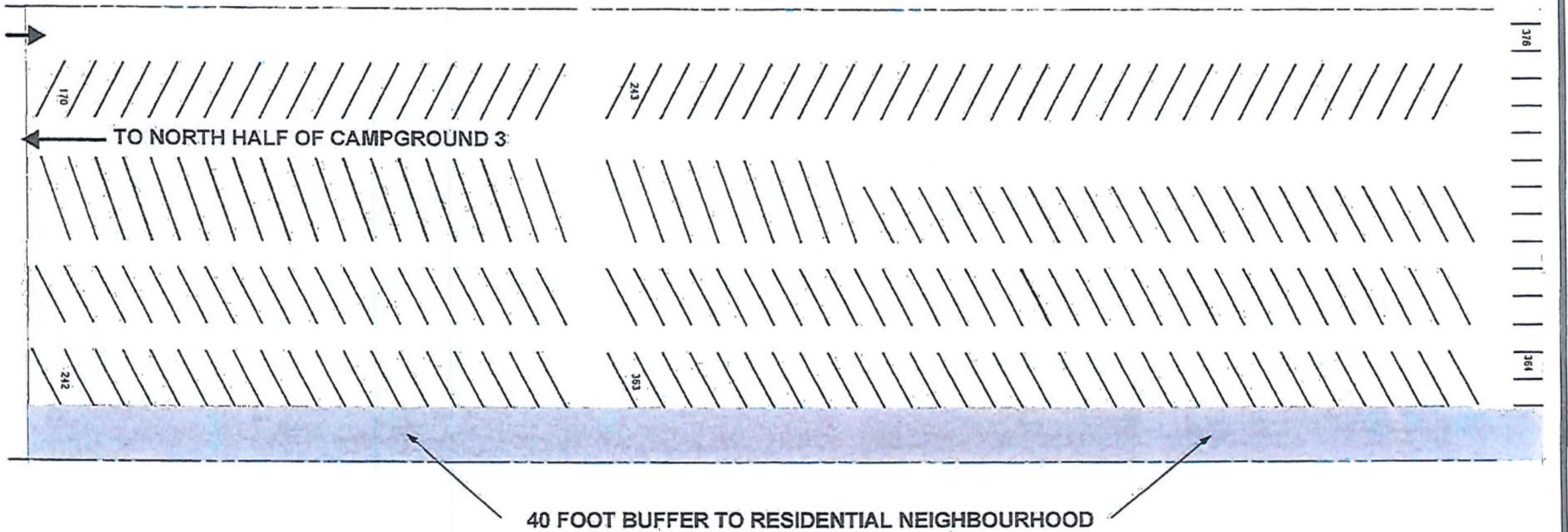
NOTE: LAYOUT SUBJECT TO CHANGE

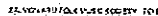
2022
SALMON ARM
ROOTS AND BLUES
FESTIVAL





CAMPGROUND NO. 3^B
SOUTH HALF APPROX. 207 STALLS







To: His Worship Mayor Harrison and Members of Council

Date: April 25, 2022

Subject: Temporary Use Permit No. TUP 17
Civic Address: 460 10 Avenue SW
Owner/Applicant: Page, L. & D.

MOTION FOR CONSIDERATION

THAT: Temporary Use Permit No. TUP 17 be issued for Lot 2, Section 11, Township 20, Range 10, W6M, KDYD, Plan 27414 the temporary use of the subject property for a campground as shown in Appendix 3 and in accordance with the following terms and conditions:

- 1) The total number of tent or recreational vehicle sites on the subject property shall not exceed 100;
- 2) Plumbing Permit issuance by the City's Building Department is required prior to the commencement of the Roots and Blues Festival;
- 3) Approval of a Fire Safety Plan by the City's Fire Department;
- 4) Approval of a Security Plan by the RCMP; and
- 5) TUP 17 is valid for a two week period during the month of August for the years 2022, 2023 and 2024, with camping limited to a maximum seven day time period during the Roots and Blues Festival.

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The subject property is located at 460 10 Avenue SW (see Appendices 1 and 2). The applicant is proposing Temporary Use Permit (TUP) to allow for 100 camp sites and facilities during the Salmon Arm Roots and Blues Festival in August 2022. The site plan provided by the applicant is enclosed as Appendix 3.

BACKGROUND

The subject property is zoned A2 (Rural Holding Zone) and is within the Agricultural Land Reserve (ALR). In order to accommodate temporary camping the owner is required to obtain approval through the City by way of a Temporary Use Permit and permission for Non-Farm Use of the site through the Agricultural Land Reserve. The owner received similar approvals in 2013 and 2016. Under the previous applications the owner has been compliant with the conditions of the previous permits.

COMMENTSEngineering Department

The Engineering Department comments are included as Appendix 4.

Building Department

No concerns

Fire Department

The owner is required to have a fire safety plan approved by the Fire Chief as a condition of TUP issuance. The following, specific items, are to be addressed as part of the overall plan:

- Grass to be cut just prior to grounds being occupied.
- No Fires Permitted.
- Approval of Fire Safety Plan.
- Free and clear roadways within campground.
- Entrances/Exits minimum of 4m width.
- Fire Suppression equipment available on site including ABC rated dry chemical extinguishers and 45 gal water barrels with buckets.
- Campground attendant to periodically patrol site.

RCMP (Staff Sergeant S. West)

The applicant is required to have a Security Plan approved by the RCMP as a condition of TUP issuance. At the time of writing the applicant has been in contact with the RCMP and is working toward the completion of the security plan.

Public Consultation

Pursuant to the *Local Government Act* Section 494 (3) and *City of Salmon Arm Temporary Commercial and Industrial Use Permit Procedures Bylaw No. 3548*, notices are mailed to land owners within a 30m radius of the application, a newspaper ad and a sign posted on the subject property. The notices outline the proposal and advises those with an interest in the proposal to provide written submission prior to the Public Hearing or attending the Public Hearing.

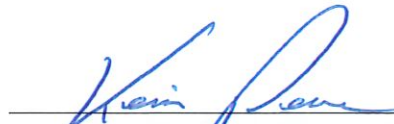
Planning Department

The ALC Non-Farm Use approval of 75-100 temporary camp sites is valid through to August 31, 2022, after which time the owner would have to make another application to the ALC for duration of the proposed TUP or longer.

Staff are supportive of the issuance of TUP No. 17 subject to the terms and conditions outlined in the motion for consideration and recommendations from the Fire Department and RCMP are adhered to.



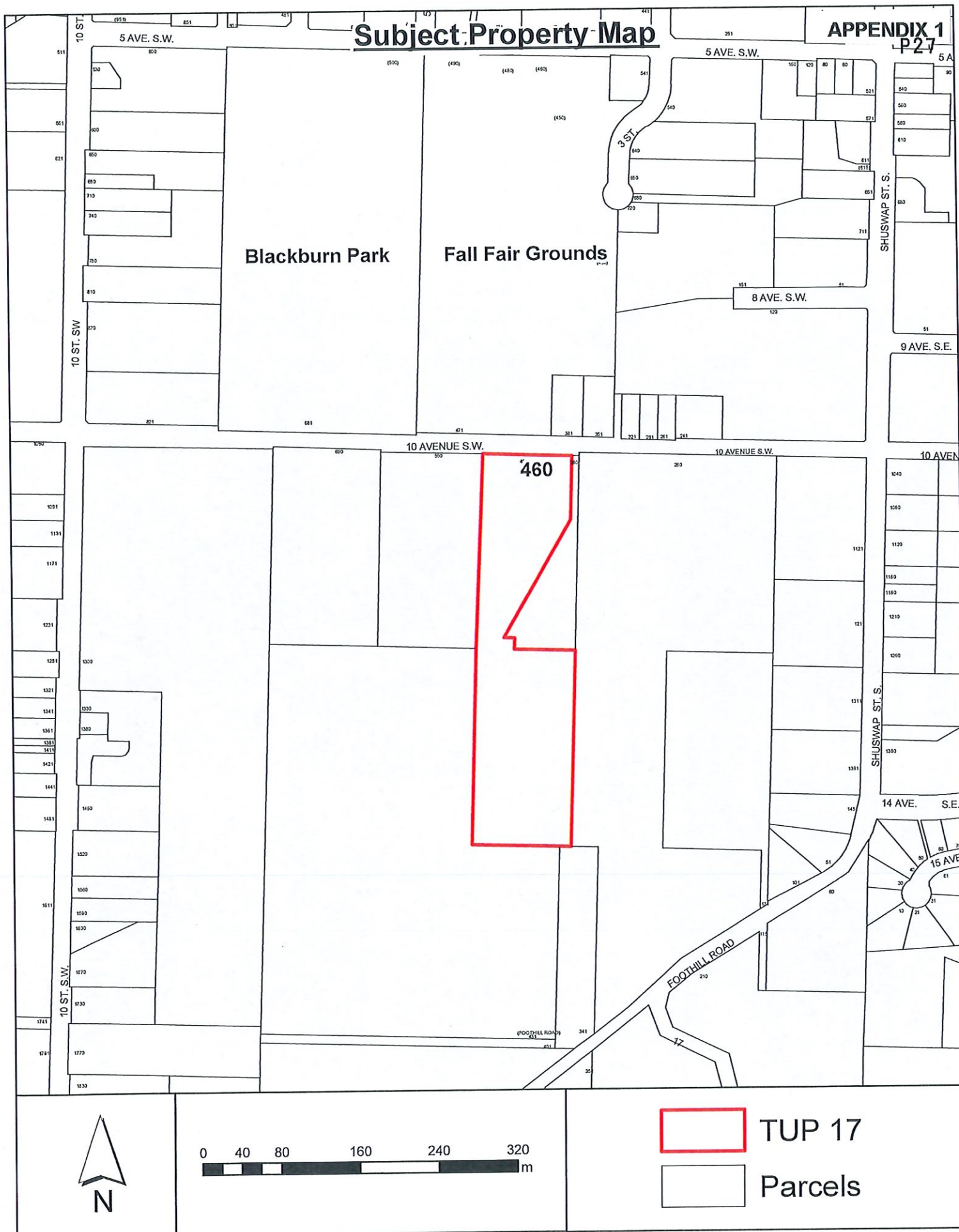
Prepared by: Melinda Smyrl, MCIP, RPP
Planner III



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

Subject Property Map

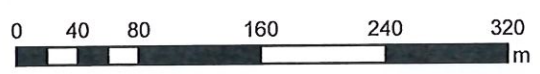
APPENDIX 1
P27



Blackburn Park

Fall Fair Grounds

460



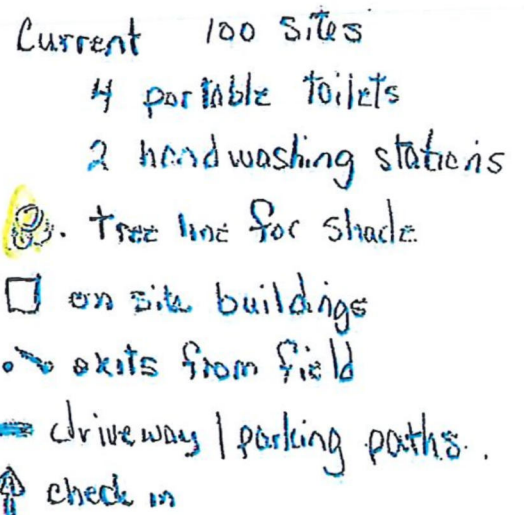
Ortho Photo Date: 2021



TUP 17



Parcels



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To: His Worship Mayor Harrison and Members of Council

Date: April 19, 2022

Subject: Development Permit Application No. DP-429 (Residential)

Legal: Lot 2, Sections 13 and 14, Township 20, Range 10, W6M, KDYD, Plan KAP87228 and Lot 2, Section 13, Township 20, Range 10, W6M, KDYD, Plan KAP82683 Except Plan EPP94805

Civic: 1017 – 10 Avenue SE and 981 – 12 Street SE

Owner: Terra Civis Inc., Inc No. 3106873

Agent: Heydewerk Homes Ltd.

MOTION FOR CONSIDERATION

THAT: Development Permit No. 429 be authorized for issuance for Lot 2, Sections 13 and 14, Township 20, Range 10, W6M, KDYD, Plan KAP87228 (1017 – 10 Avenue SE) and Lot 2, Section 13, Township 20, Range 10, W6M, KDYD, Plan KAP82683 Except Plan EPP94805 (981 – 12 Street SE) in accordance with the drawings dated March 25, 2022 and attached in Appendix 6 of this memorandum;

AND THAT: Development Permit No. 429 include the following variance to Zoning Bylaw No. 2303:

Section 9.4 – increase the maximum height of a principal building from 10.0 metres (32.8 feet) to 10.6 metres (34.8 feet) in accordance with the attached drawings;

AND FURTHER THAT: Issuance of Development Permit No. 429 be withheld subject to:

1. Revisions to the landscape plan to the satisfaction of City staff to include an additional 16 fire smart landscape trees; and
2. Receipt of an Irrevocable Letter of Credit in the amount of 125% of a landscaper's estimate for completion of the landscape plan and installation of fencing.

BACKGROUND

The irregularly shaped subject parcels are located at 1017 – 10 Avenue SE and 981 – 12 Street SE and have a combined area of just under 2.4 acres (Appendix 1).

The parcels are vacant (other than an old non-conforming accessory structures to be removed) and designated Medium Density Residential in the Official Community Plan (OCP) Bylaw, and R4 Medium Density Residential in the Zoning Bylaw (Appendix 2 & 3). Site photos are attached (Appendix 4).

This application is to permit a 38 unit multi family residential development with a total of 10 residential buildings, as described in the applicant's letter (Appendix 5) and shown in the proposed Development Permit drawings (Appendix 6).

COMMENTS

Building Department

No limiting distance concerns and fire department access should be satisfactory.

Fire Department

No fire department concerns.

Engineering Department

No concerns. Engineering comments are attached as Appendix 7.

Design Review Panel

With the proposal for multi family development, the application was referred to the Design Review Panel (DRP) for review. The February 23, 2022 DRP meeting minutes are attached as Appendix 8. The Panel was conditionally supportive of the proposal as presented, subject to the inclusion of:

1. a screened and shared garbage/recycling area,
2. additional landscaping for privacy along shared parcel lines (particularly at the daycare), and
3. some form of cladding to screen the outer sides of the Building D and E carports.

Subsequent to receipt of the DRP recommendations, the applicant submitted revised plans on March 25, 2022 to incorporate the comments and to attempt to address any related concerns.

Public Consultation

Pursuant to the *Local Government Act* and *City of Salmon Arm Development Permit Procedures Bylaw* notices are mailed to land owners within a 30m radius of the application. The notices outline the proposal and advises those with an interest in the proposal to provide written submission prior to the Hearing and information regarding attending the Hearing. It is expected that the Hearing for this application will be held on May 9, 2022.

Planning Department

The proposed development is subject to the guidelines of the "Residential Development Permit Area" as described in the section 8.4 of the OCP, suggesting characteristics under the topics of siting and building, landscape and screening guidelines, as well as access, circulation and parking area.

Siting and Building

The applicant is proposing a 38 unit multi family development in the form of 10 residential buildings, each with 3 or 4 units. The proposed buildings as illustrated would have footprints of approximately 140 to 180 square metres each and are generally comprised of 3 storeys to a height.

The buildings are generally distributed along the south parcel boundary, with the building designs featuring a contemporary style with varied facades, colours, and linear rooflines reasonably unified on all elevations and providing visual interest. Multiple buildings generally present less of an impact than a single larger building in terms of overall massing on the site, allowing for sightlines between buildings. High quality materials are incorporated with proposed cladding featuring wood and fiberboard siding.

A variance has been requested to increase the permitted height from 10 to 10.6 metres for buildings A and B, while buildings C, F, G, H, I and J are proposed at 10.3 m (under R4 zoning, the maximum height can be increased up to 13 metres with the inclusion of specified special amenities). This request is to accommodate the peaked roof pitch design as proposed in the attached elevation drawings. The heights proposed are generally aligned with the maximum permitted height in the R1 zone (10 m), and are substantially consistent with developments in the area.

Staff have no concerns with the requested heights considering: the relatively small increase requested, the slopes across the development site, and as it is a variance internal to the proposed development (the buildings are set into the sloping site and the rear or south-facing elevations are two storeys in height) there appears to be generally limited potential for impact on adjacent developments. No further variances are requested and the setbacks between the proposed development and parcel lines adjacent other developed parcels have been achieved.

Landscape and Screening

A landscape plan has been completed in consultation with the OCP guidelines. The landscape plan prescribes plantings throughout the site, including Dogwood and Blue Spruce trees, reducing the impact of the proposed development on the streetscape. Staff have provided the City's list of "Fire Smart" landscaping to the proponents. Staff would suggest that species revisions and inclusions to the landscape plan incorporate "Fire Smart" species and principals.

Aligned with OCP policy, surface parking is broken up and screened with landscaping, while screening is also proposed for the garbage/recycling collection and between buildings. Furthermore, fencing is proposed along all interior parcel lines. Following up on the DRP comments, additional fencing has been proposed adjacent the carports (Buildings D & E) which will serve to screen the development from the adjacent properties and streetscape.

No plantings are currently proposed along the shared interior parcel lines. The DRP has suggested additional landscaping along the shared parcel lines, particularly adjacent the daycare property. Aligned with the DRP comments, staff would recommend the inclusion of additional landscaping to reduce impacts on the adjacent parcels to the south and northeast and to provide privacy for the future residents. To address this deficiency, staff suggest an additional 16 "Fire Smart" landscape trees be included between and at each proposed building corner.

Furthermore, staff note that as per OCP Policy 8.4.28, installation of street trees is required along the road frontages, at a 15 m spacing along the Auto Road frontage to the west and north (approximately 13 trees), and 10 m spacing along 12 Street SE (3 trees). If boulevard planting is not feasible, planting along the exterior lot boundaries will be required. This should serve to enhance the Auto Road streetscape.

The sloped portion of the parcels along Auto Road is proposed to be armoured with 3-to-12" stone, with turf above. Staff have recommended some formal walkways be provided for pedestrian access to Auto Road in order to serve the residents.

An estimate for landscaping has not been provided and will be required (including the additional landscape and boulevard trees, as well as irrigation).

Servicing

Related to landscaping on the site, frontage improvements to the Urban Interim Arterial Road (RD-4 – Auto Road SE) and the Urban Local Road (RD-2 – 12 Street SE) standards are required, including installation of curb, sidewalk, boulevard, multi-use pathway, fire hydrants, and street lighting as required. Staff provided preliminary information regarding these offsite works and service requirements to the applicant in the early stages of their application and have since provided them with the full detailed Engineering referral. No concerns have been noted to date, and no variances have been requested. Staff note that these are important upgrades to support multi family development including active transportation infrastructure at a key location in our transportation network, and that there is some history of requests for such improvements in this area.

Access, Circulation and Parking Area

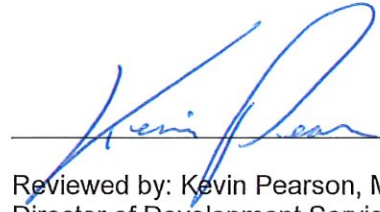
Vehicle access proposed is via a single shared 7.3 metre wide access route with turnarounds. There are a total of 82 parking stalls proposed (57 are required): 32 parking stalls proposed in garages, 8 carports, with an additional 42 surface parking stalls on site. The exterior of the carports is proposed to be screened with fencing and landscaping. The proposed parking exceeds the bylaw requirements. The required street tree boulevard trees should also provide screening.

CONCLUSION

The applicant is applying for a Development Permit to support a multi family residential development. In the opinion of staff the proposal aligns with the Development Permit Area guidelines as described in the OCP, with the exception of the landscaping guidelines. With the proposed revisions to address landscaping deficiencies, staff recommends approval of Development Permit No. 429 and the associated variance.



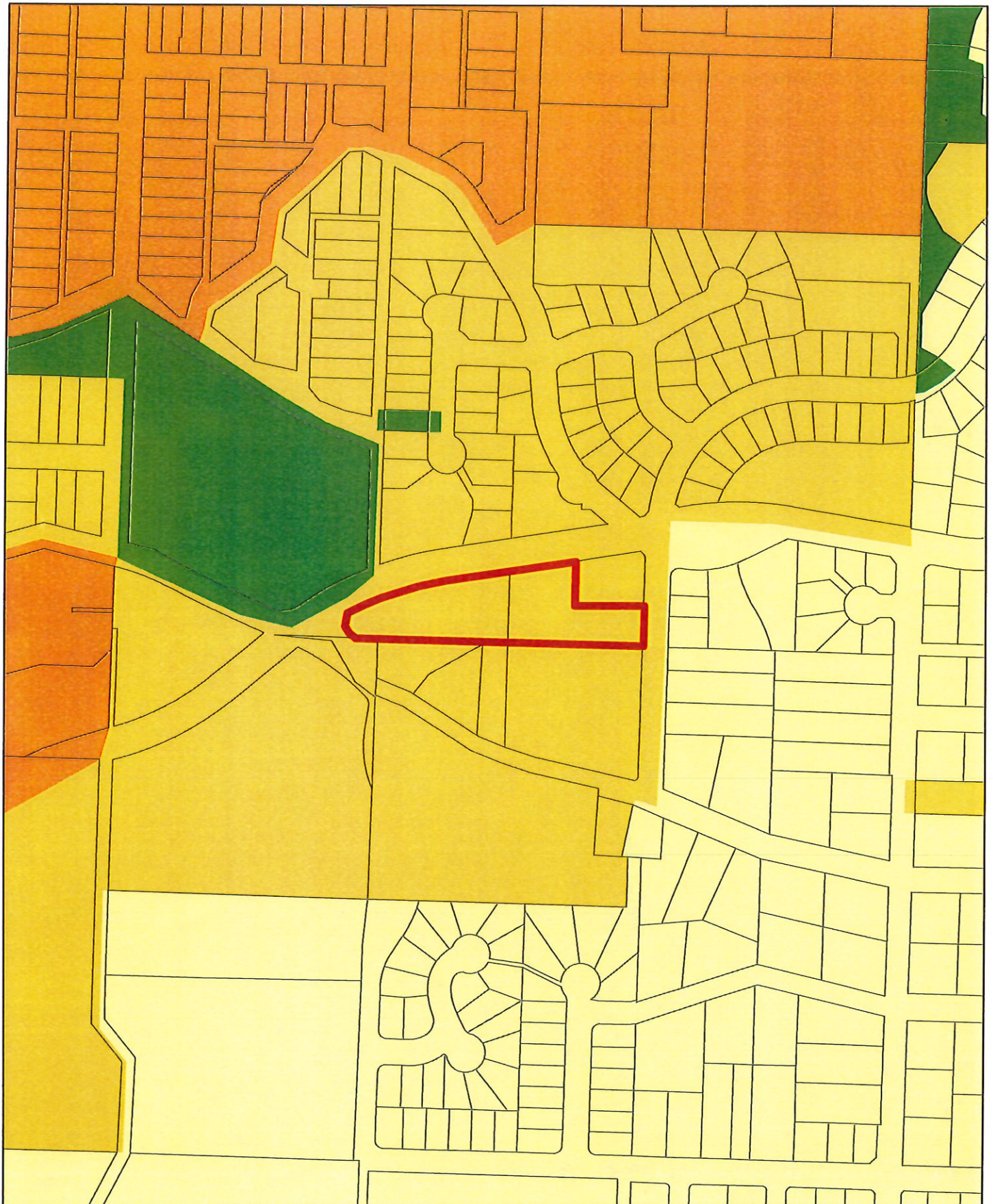
Prepared by: Chris Larson, MCIP, RPP
Senior Planner



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



Subject Parcels



0 25 50 100 150 200 Meters



Subject Parcel



Park



Residential High Density



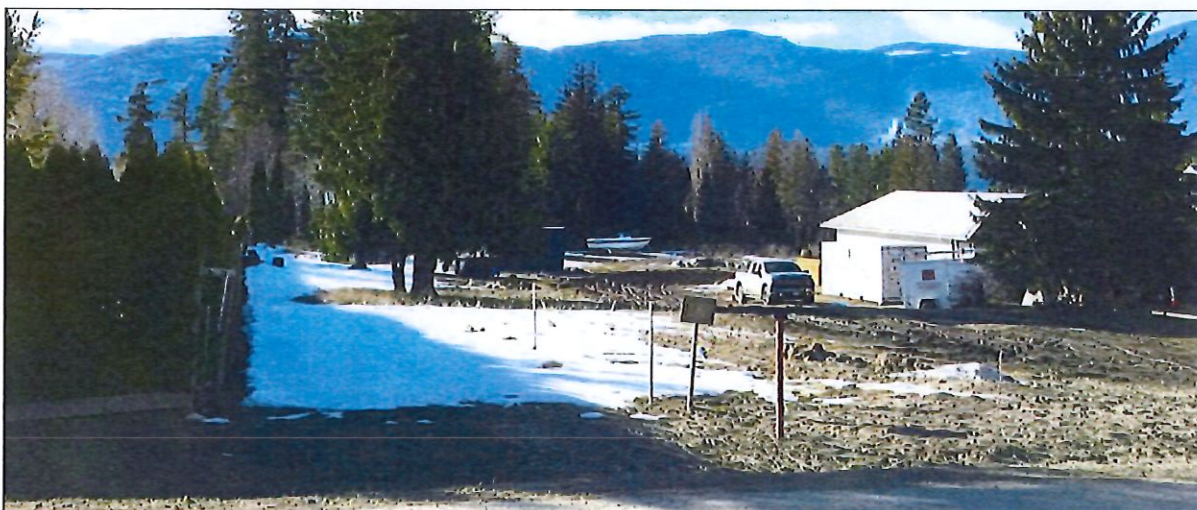
Residential Medium Density



Residential Low Density



View west along Auto Road SE.



View west from 12 Street SE.



View east along Auto Road SE.

Terra Civis Inc.

5769 146 Street
Surrey, BC
V3S 2Z5
604-830-9788
spinder@twinexport.ca

Letter of intent for the proposed development of

981 12th Street SE and 1017 Auto Rd. SE.

Project name: Buena Vista Lane

Applicant/ Project Owner: Terra Civis Inc.

January 3, 2022

To the Planning Department of the City of Salmon Arm,

It is our pleasure to submit this letter of intent for the proposed development of 981 12th Street SE (PID 026-923-386) and 1017 Auto Road SE (PID 027-599-248), currently owned by Terra Civis Inc.

Project Summary

The development will consist of eight 4 unit buildings and two 3 unit buildings for a total of 38 units. Units along the south property line will have basement garages and walk out main floors with bedrooms on the upper floor. Each unit will have its own backyard space. The buildings along the north side will be level entry with carport parking. Each unit will have a raised deck or patio as grade dictates.

Existing Site Conditions

Currently zoned R4, the properties are vacant of structures less a pole shed approximately 24x36' which will be removed. The site is bordered on the north/ west by Auto Road and The Montessori School, on the east by 12th Street SE, and the south by private residences.

Zoning Compliance (R4)

-All buildings are located within the setbacks of:

- 3.0m rear adjacent to R4 parcel
- 5.0m exterior side
- 1.8m interior side
- 5.0m front
- no structural or aerial encroachment on right of ways

-Buildings A&B require a height variance of 0.52m. Buildings C& F thru J require a height variance of 0.26m. Buildings D and E will be under the maximum height of 10m due to being partially underground along their tallest elevation.

-Total lot coverage is 2293.6m² (0.229ha) =23.7% < the allowable of 55%

Project Layout

Buildings will be clad in a mix of fibre-cement and engineered wood siding in five colours plus a tri-tone wood look. Roofing will be asphalt shingles throughout. On-site parking will total 82 spaces with 40 being covered. Landscaping will consist of a mix of garden areas, irrigated turf, and hardscaping thoughtfully placed for ease of maintenance and snow removal/ storage.

Project Objectives and Benefits

The project will benefit the City of Salmon Arm in the following ways:

- Increase in annual property tax.
- Add 38 affordable units to the market.
- Provide jobs for local building trades during construction and property maintenance companies long term.

Project Specifics

Start Construction: 2022
Main entrance: 981 12th Street SE
Allowable density: 40units/ hectare
of units: 38
Sq. ft. per unit: 1824 including garage/ basement.
land area: 0.967ha (2.39ac) (104 087sqft)
Building area : 2293.6m² (24688 sqft)
Lane width: 24.6' (7.5m)
Lane lighting: LED fixtures mounted to each building
vehicle parking: 82 stalls. 32 garage, 8 carport, and 42 off lane.

Project Team

Terra Civis Inc. (Spinder Grewal) Project Owner

Heydewerk Homes Ltd. (Rudy Heyde) General Contractor

On-site Engineering Ltd. (Jan Van Lindert) Site Engineer

Michael Thiessen Building Design

In Closing, we look forward to working with the City of Salmon Arm throughout the approval process to create more affordable living spaces in the desirable Hillcrest area.

Sincerely,

Spinder Grewal

Development Info

Legal Description
 Property # 1
 Lot 2, Section 13, Township 20, Range 10, West 6, NCTD
 KAP02302, P10 029-023-001
 001 1201 Street SE, Salmon Arm, BC

Property # 2
 Lot 2, Section 13, Township 20, Range 10, West 6, NCTD
 KAP02328, P10 029-023-002
 1017 Auto Road, Salmon Arm, BC

Lot Size (total):
 0.0071ha (2.33ac) (104,007sqft)

Lot Coverage:
 24,200sqft - 23.7% < 25%

Zoning Analysis:
 Medium Density R-4
 0.0071ha (2.33ac) @ 10,000sf/acre = 23 Units
 Parking required = 1.5 spaces/unit + 457 min
 Proposed = 62 stalls
 32 private, 6 carport, 42 off site

Required setbacks:
 Front yard = 6.0m (19.6ft)
 Rear yard = R-4 = 3.0m (9.8ft)
 All other = 0.9m (2.9ft)
 Side yard = Interior R-4 = 1.2 (3.9ft)
 Interior other = 1.2m (3.9ft)
 Minimum separation between buildings more than one storey = 3.0m (9.8ft)

Maximum Heights:
 Proposed = 10.0m (32.8ft)
 Proposed = Buildings A&B @ 11.62m, Buildings C&D @ 10.0m, and Buildings E & F @ 10.25m

Project Summary

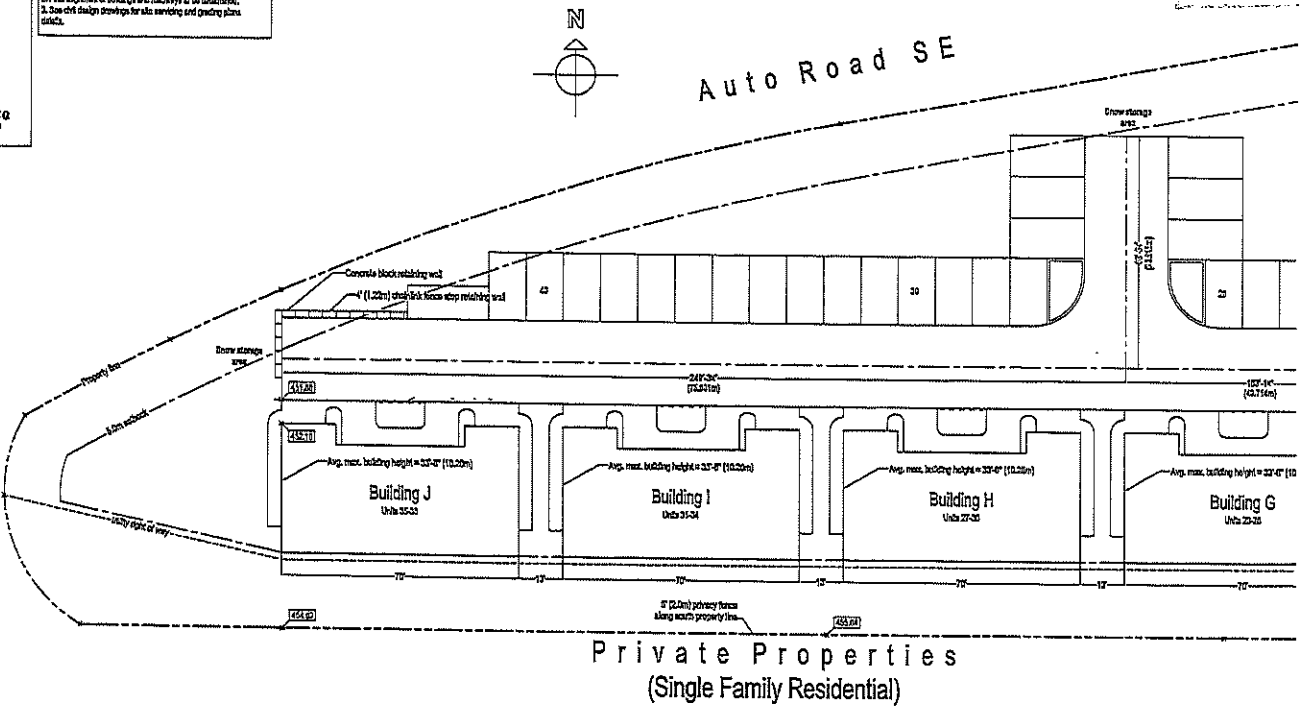
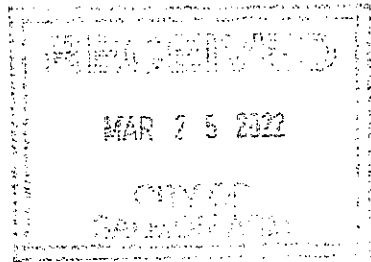
Buildings A-C, F-J
 -4 units per building
 -3 levels (basement, dining room, living room - main floor; 2 bedrooms - upper floor; laundry, garage, entry - basement)
 -109.00m (357sf) floor area

Buildings D-E
 -3 units per building
 -3 levels (basement, dining room, living room - main floor; 2 bedrooms - upper floor; laundry, study room - basement)
 -109.00m (357sf) floor area

Total units = 24

Site Plan Notes

1. See D2/D4 for landscape layout and details.
2. Final alignment of buildings and setbacks to be determined.
3. Use civil design drawings for site servicing and grading plans.



Buena Vista Lane

Address:
 801 12th St. SE
 Salmon Arm, BC

Design Contact:
 1300-201 Thessalon
 250.223.0241

Builder Contact:
 Rudy Hays
 250.604.8241

Drawing Date:
 21.12.15

Scale (ANSI):
 1/8" = 1'-0"

Appendix 6: Site & Building Plans

Overall Site Plan Cont.

D2

Development Info

Legal Description
 Property #1
 Lot 12, Section 12, Township 33, Range 10, West 6, NHD
 KAP0203, PID 020-023-335
 001 12th Street SE, Edmon Arm, DC

Property #2
 Lot 12, Section 12, Township 33, Range 10, West 6, NHD
 KAP0203, PID 020-023-335
 1017 Auto Road, Edmon Arm, DC

Lot Area (Total):
 0.9671ha (2.39ac) (104,007sqft)

Lot Coverage:
 24.00% (23.75% < 25%)

Zoning Analysis:
 Medium Density R-4
 0.9671ha (2.39ac) @ 16.2 units/ha = 39 Units
 Parking required = 1.5x total unit = 57 units
 Proposed = 120 units
 21 garage, 8 carport, 42 off-street

Required Setbacks:
 Front yard = 5.0m (16.4ft)
 Rear yard = R-4 = 3.0m (9.8ft)
 All other = 0.6m (1.9ft)
 Interior R-4 = 1.2 (3.9ft)
 Side yard
 Interior other = 1.0m (3.3ft)
 Minimum separation between buildings more
 than one storey = 3.0m (9.8ft)

Maximum Height:
 Permitted = 10.2m (33.5ft)
 Proposed = Buildings A&D @ 10.2m, Buildings G&H @
 < 10.2m, and Buildings C & F @ 10.2m

Project Summary

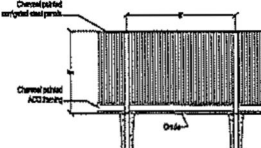
Buildings A-C, F-J
 -4 units per building
 -3 levels (Kitchen, dining room, living room + mezz.
 floor, 2 bedrooms - upper floor, laundry, garage, entry -
 basement)
 -107.5m (353ft) floor area

Buildings D-H
 -3 units per building
 -3 levels (Kitchen, dining room, living room + mezz.
 floor, 2 bedrooms - upper floor, laundry, entry mezz -
 basement)
 -105.5m (348ft) floor area

Total units = 14

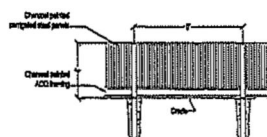
Site Plan Notes

1. Use DSD 04 for landscape layout and details.
2. Final alignment of buildings and roadways to be determined.
3. Use civil design drawings for site marking and grading plan details.



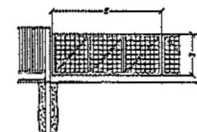
6' Privacy Fence Details:
 Scale: 1/2" = 1'-0"

This profile is used:
 -Along south property line from the
 end of the existing utility to west corner of
 building A.
 -Along with the east and north property line boundary
 to the west corner of building D.

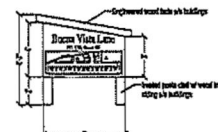


4' Privacy Fence Details:
 Scale: 1/2" = 1'-0"

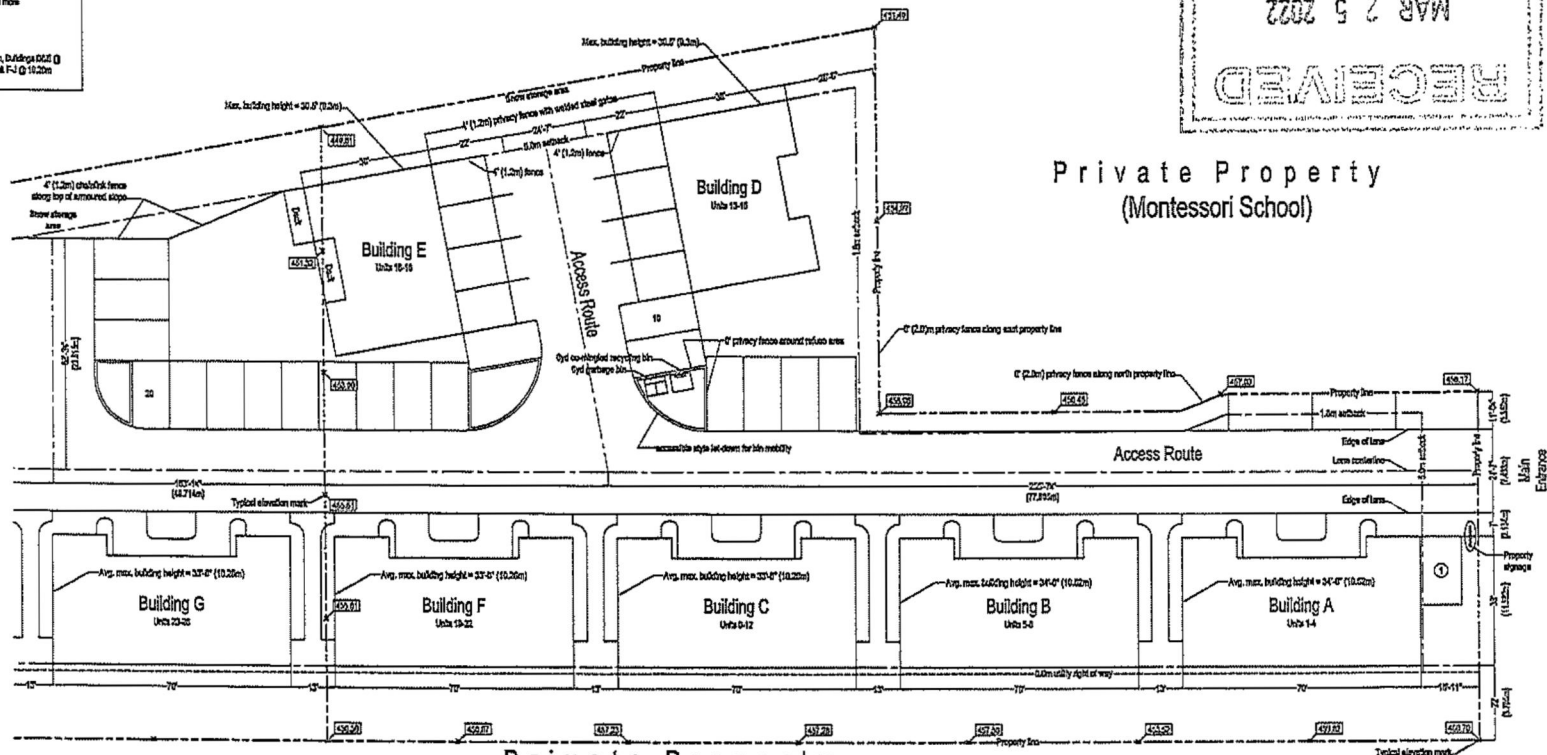
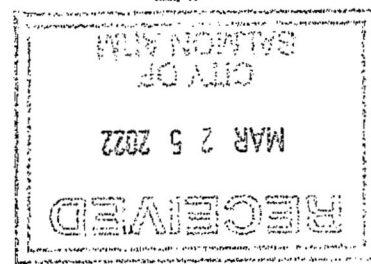
This profile is used:
 -Along site and between the corners of buildings D & E



Gates between buildings D & E:
 Scale: 1/2" = 1'-0"



Signage Details:
 Scale: 1/2" = 1'-0"



Private Property
 (Single Family Residential)

ES Appendix G: Site & Building Plans

Buena Vista Lane

Overall Site Plan

D1

Address: 431 12th St. SE, Edmon Arm, DC

Design Contact: Michael Thomson, 250.223.0041

Builder Contact: Rudy Hoyle, 250.004.0041

Drawing Date: 22.03.24

Scale (UNITS): 1/16" = 1'-0"

Buena Vista Lane

Address:
801 12th St, SE
Calverton, VA, 22011

Design Contact:
Michael Thompson
202.338.1011

Builder Contact:
Rudy Virgata
202.854.6841

Drawing Date:
26.12.15

Scale (NOT):
1/4" = 1'-0"

Building A
Front &
Rear
Elevations

A6

Appendix 6: Site & Building Plans

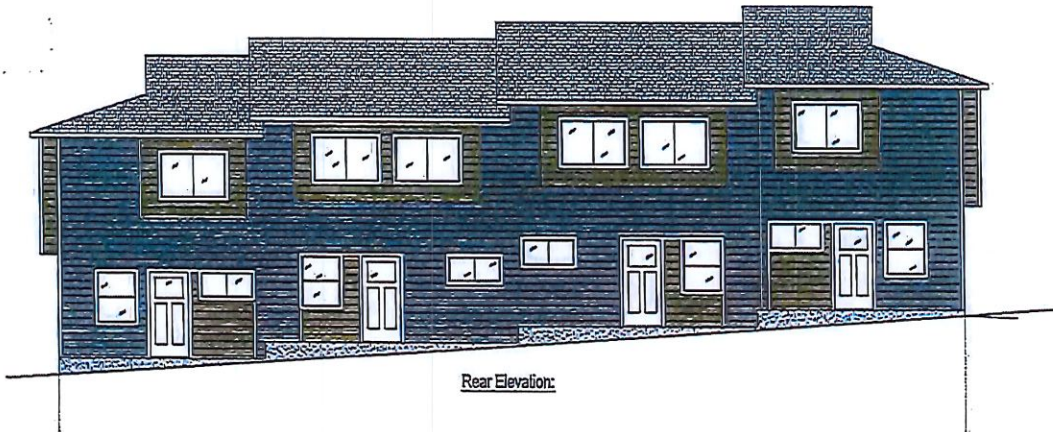
North Facing Elevation

Variance - 10.6 m height proposed



Buildings A & B Front Elevation:
Average height 34'-8 1/2" (22.5' variance req'd)

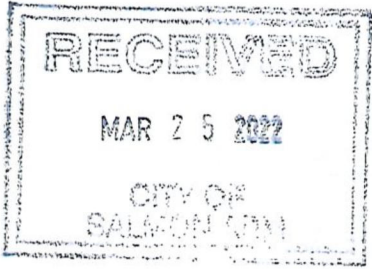
South Facing Elevation



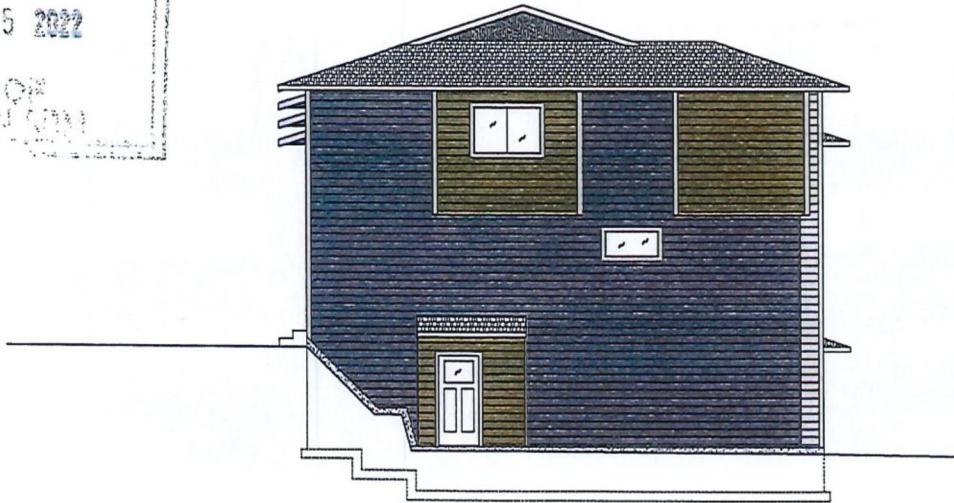
Rear Elevation:

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MAR 25 2022



Right Elevation:



Left Elevation:

Buena Vista Lane	
Address: 221 12th St SE Salmon, OR, 97131	
Design Contact: Michael Thiesen 250.252.0041	
Builder Contact: Rusty Heyde 250.604.0041	
Drawing Date: 21.12.15	
Scale (INCH): 3/4" = 1'-0"	
Building A Left & Right side Elevations	
A7	

Appendix 6: Site & Building Plans

Buena Vista Lane

Address:
6811 12th St, SE
Tacoma, WA, 98403

Design Contact:
Michael Thompson
206.253.2941

Author Contact:
Toby Wright
206.254.4241

Drawing Date:
03.02.15

Scale (ANSI):
1/2" = 1'-0"

Building C & F-J
Front & Rear
Elevations

A6

Appendix 6: Site & Building Plans

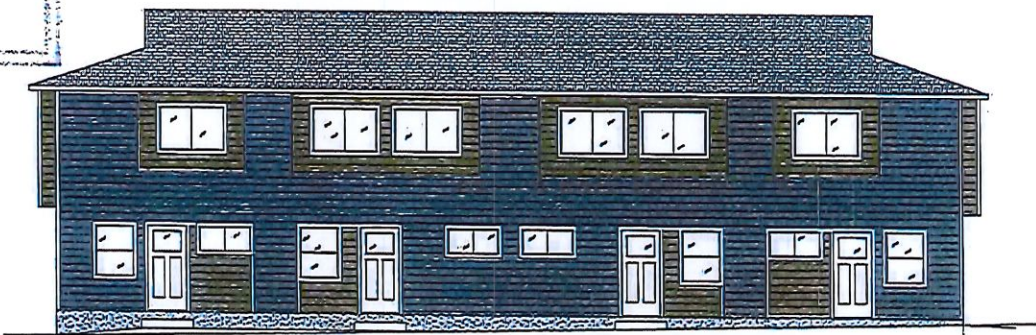
North Facing Elevation

Variance - 10.3 m height proposed



Buildings C & F thru J - Front Elevation:
Average height = 33'-0" (12' variance req'd)

South Facing Elevation

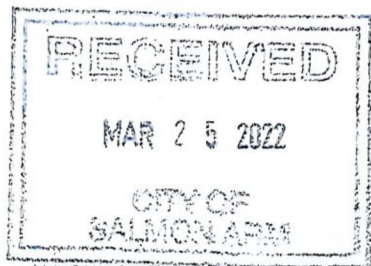


Buildings C & F thru J - Rear Elevation:

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SALMON ARM

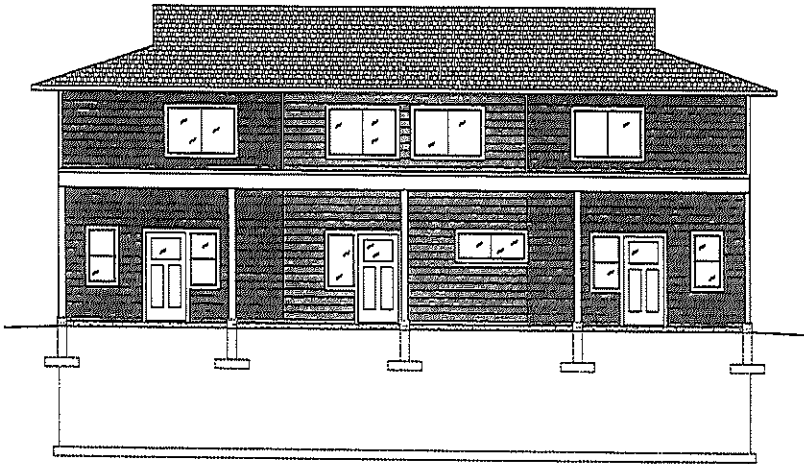


Right Elevation:

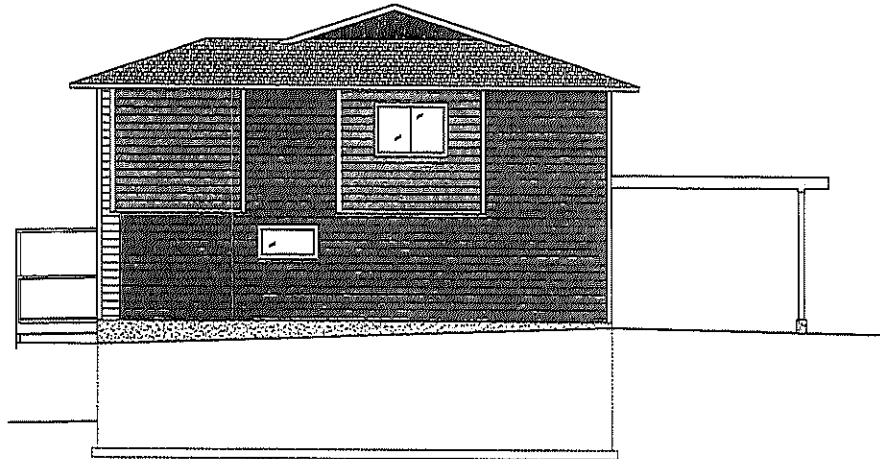


Buildings C & F thru J - Left Elevation:

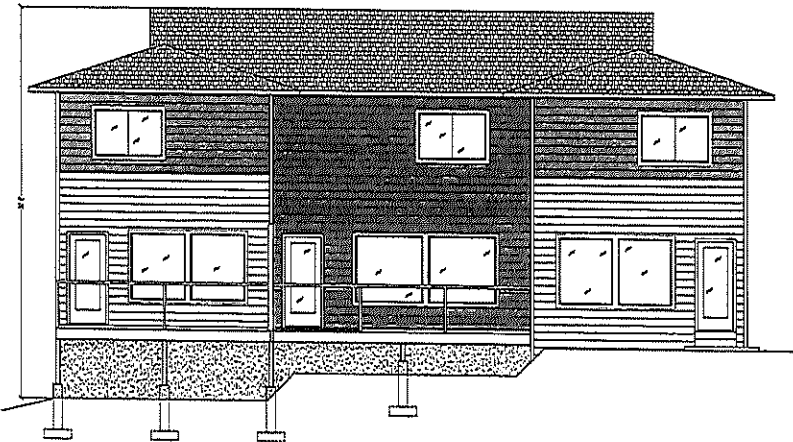
Buena Vista Lane	
Address: 601 12th St, SE Salmon Arm, BC	
Design Contact: Michael Thibault 250.233.0041	
Builder Contact: Rudy Heyde 250.804.0041	
Drawing Date: 21.12.15	
Scale (UNITS): 1/2" = 1'-0"	
Appendix 6: Site & Building Plans	
Buildings C & F-J Left & Right side Elevations	
A7	



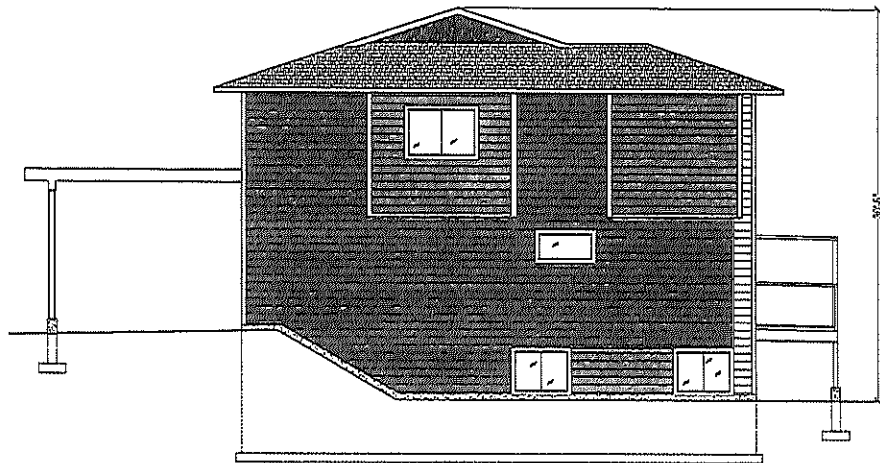
Front Elevation:



Left Elevation:



Rear Elevation:
Max. building height < 10m - no variance req'd



Right Elevation:

Buena Vista Lane

Address:
031 12th St, SE
Salmon Arm, BC

Design Contact:
Michael Thomson
250.201.6341

Builder Contact:
Rudy Hayfs
250.864.0941

Drawing Date:
21.12.18

Scale (MM):
1/2" = 1'-0"

Building E-
Front &
Rear
Elevations

A6

Appendix 6: Site & Building Plans

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SALMON ARM

OCEAN DEEP



Front Elevation:

GRAY SLATE



Front Elevation:

COUNTRY LANE



Front Elevation:

MOUNTAIN SAGE



Front Elevation:

Buena Vista Lane

Address:
6811 12th St. SE
Salmon Arm, BC

Design Contact:
Michael Thibault
250.252.0411

Builder Contact:
Randy Hayde
250.864.6611

Drawing Date:
21.12.15

Scale (A1):
3/4" = 1'-0"

Colour
Schemes

C1

Appendix 6: Site & Building Plans

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MAR 25 2022

CITY OF
SALMON ARM

Buena Vista Lane

Address: 2311 12th St. SE
Spartanburg, SC

Design Contact:
Michael Tolson
251.253.5041

Bidder Contact:
Rusty Mayo
251.254.5041

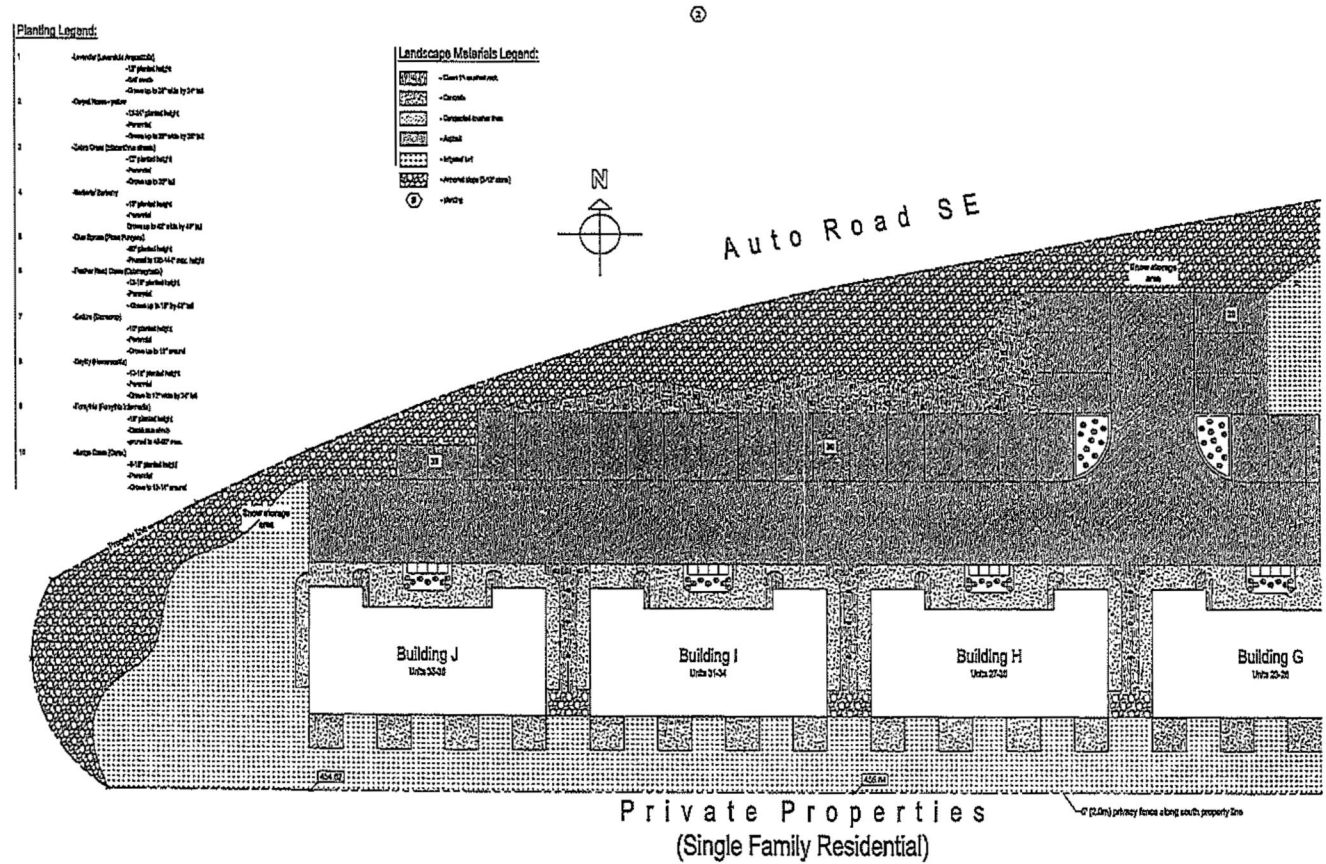
Drawing Date:
21.12.15

Gate (UNO):
X/1000

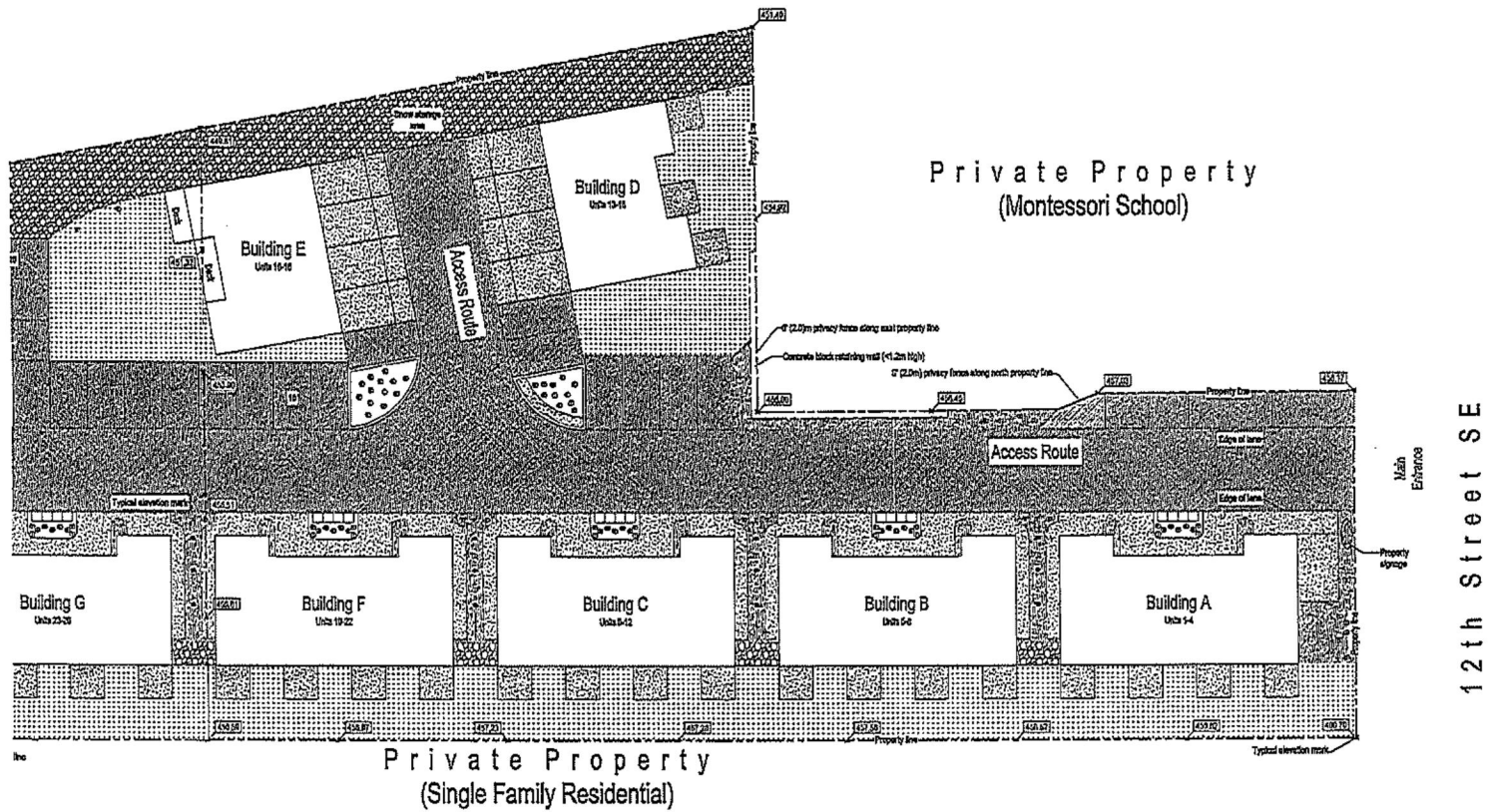
Landscape
plan cont.

D4

Appendix 6: Site & Building Plans



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MAR 25 1962
CITY OF
SALMON ARM



Appendix 6: Site & Building Plans

Buena Vista Lane

Address: 531 12th St SE
Edmonton, AB
Design Contact: Michael Thibault
250.253.5541
Builder Contact: Rusty Heyda
250.854.5541
Drawing Date: 21.12.19
Scale (NAD): 1/8" = 1'-0"

Landscape plan

D3

RECEIVED

MAR 25 2022

CITY OF
SALMON ARM

Buena Vista Lane planting Index



Berberis



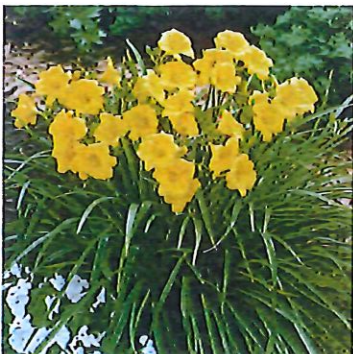
Feather Reed Grass



Blue Spruce



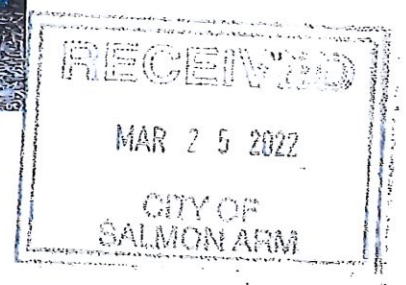
Forsythia



Daylily



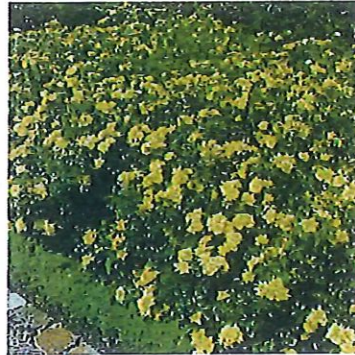
Lavender



Appendix 6: Site & Building Plans



Sedge



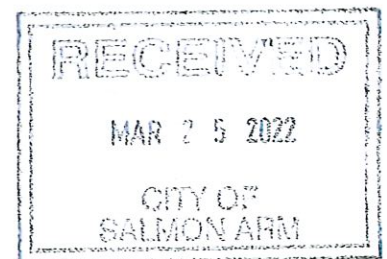
Yellow Rose



Sedum



Zebra Grass



**CITY OF
SALMON ARM***Memorandum from the
Engineering and Public
Works Department*

TO:	Kevin Pearson, Director of Development Services
DATE:	March 11, 2022
PREPARED BY:	Mustafa Zakreet, Engineering Assistant
APPLICANT:	Terra Civis Inc.
SUBJECT:	DEVELOPMENT PERMIT AMENDMENT APPLICATION No. DP-429
LEGAL:	Lot 2, Section 13, Township 20, Range 10, W6M KDYD, Plan KAP82683 Except Plan EPP94805; and Lot 2, Section 13 and 14, Township 20, Range 10, W6M KDYD, Plan KAP87228
CIVIC:	981 – 12 Street SE and 1017 – 10 Avenue SE

Further to your referral dated February 8, 2022, we provide the following servicing information. **The following comments and servicing requirements are not conditions for Development Permit; however, these comments are provided as a courtesy in advance of any development proceeding to the next stages. The comments assume that the properties will undergo stratification or some form of subdivision:**

General:

1. Full municipal services are required as noted herein. Owner / Developer to comply fully with the requirements of the Subdivision and Development Services Bylaw No 4163. Notwithstanding the comments contained in this referral, it is the applicant's responsibility to ensure these standards are met.
2. Comments provided below reflect the best available information. Detailed engineering data, or other information not available at this time, may change the contents of these comments.
3. Properties shall have all necessary public infrastructure installed to ensure properties can be serviced with underground electrical and telecommunication wiring upon development.
4. Property under the control and jurisdiction of the municipality shall be reinstated to City satisfaction.
5. Owner / Developer will be responsible for all costs incurred by the City of Salmon Arm during construction and inspections. This amount may be required prior to construction. Contact City Engineering Department for further clarification.
6. Erosion and Sediment Control measures will be required prior to the commencement of construction. ESC plans to be approved by the City of Salmon Arm.
7. Any existing services (water, sewer, hydro, telus, gas, etc) traversing the proposed lot must be protected by easement or relocated outside of the proposed building envelope. Owner/Developer will be required to prove the location of these services. Owner / Developer is responsible for all associated costs.

Development Permit APPLICATION FILE: DP-429

March 11, 2022

Page 2

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8. At the time of building permit the applicant will be required to submit for City review and approval a detailed site servicing / lot grading plan for all on-site (private) work. This plan will show such items as parking lot design, underground utility locations, pipe sizes, pipe elevations, pipe grades, catchbasin(s), control/containment of surface water, contours (as required), lot/corner elevations, impact on adjacent properties, etc.
 9. For the on-site development, prior to commencement the applicant will be required to submit to the City for review and approval detailed engineering plans in accordance with the requirements of the Subdivision and Development Servicing bylaw 4163. These plans must be prepared by a qualified professional engineer. As a condition of final subdivision approval, the applicant will be required to deposit with the City for a period of 1 year, funds equaling 10% of the estimated cost for all works that are to be transferred to the City.
 10. For the off-site improvements at the time of building permit the applicant will be required to submit for City review and approval detailed engineered plans for all off-site construction work. These plans must be prepared by a qualified engineer. As a condition of building permit approval, the applicant will be required to deposit with the City funds equaling 125% of the estimated cost for all off-site construction work.

Roads / Access:

1. Auto Road SE, on the subject property's northern boundary, is designated as an Urban Arterial Road standard, with an ultimate 25.0m road dedication (12.5m on either side of road centerline). Although the City only requires an Interim total of 20.0m of road dedication (10.0m on either side of road centerline) at this time, all building setbacks will be required to conform to the ultimate 25.0m cross section. Available records indicate that no additional road dedication is required (to be confirmed by BCLS).
2. Auto Road SE is currently constructed to an Interim Urban Arterial Road standard. Upgrading to the current Urban Interim Arterial Road standard is required, in accordance with Specification Drawing No. RD-4. Upgrading may include, but is not limited to, road widening and construction, curb & gutter, 3m multi-use path, boulevard construction, street lighting, fire hydrants, street drainage and hydro and telecommunications. Owner / Developer is responsible for all associated costs.
3. 12 Street SE, on the subject property's eastern boundary, is designated as an Urban Local Road standard, requiring 20.0m road dedication (10.0m on either side of road centerline). Available records indicate that no additional road dedication is required (to be confirmed by a BCLS).
4. 12 Street SE is currently constructed to an Interim Urban Local Road standard. Upgrading to an Urban Local Road standard is required, in accordance with Specification Drawing No. RD-2. Upgrading may include, but is not limited to, road widening and construction, curb & gutter, sidewalk, boulevard construction, street lighting, fire hydrants, street drainage and hydro and telecommunications. Owner / Developer is responsible for all associated costs.

Development Permit APPLICATION FILE: DP-429

March 11, 2022

Page 3

-
5. 12 Ave SE on the subjected property's western side is designated as an Urban Local and currently constructed to an Interim Urban Local. Since this upgrade is premature at this time due to a proposed round-about, a 100% cash in lieu payment towards future upgrading will be accepted. Owner / Developer is responsible for all associated costs.
 6. Owner / Developer is responsible for ensuring all boulevards and driveways are graded at 2.0% towards the existing roadway.
 7. A 5.0m by 5.0m corner cut is required to be dedicated at the intersection of Auto Road SE and 12 Ave SE. An extra dedication may be required where the two roads meet to accommodate a proposed round-about at the intersection.

Water:

1. The subject property fronts a 100mm diameter Zone 2 watermain on 12 Street SE. Upgrading this watermain to 150mm diameter across the frontage of the property is required. As the frontage is small, a cash-in-lieu contribution will be taken for this section to have it completed as part of a larger project in the future.
2. The subject property fronts a 225mm diameter Zone 2 watermain along the property's south boundary protected by a 6m easement. No upgrade will be required at this time.
3. Bare Land Strata developments with ground oriented access have the option of a bulk water meter installed at property line at time of subdivision with invoicing to the Strata Corporation or individual strata lot metering with invoicing to each strata lot (currently on an annual flat rate). To qualify for the second option each unit requires a separate outside water service shut-off connected to the onsite private water main. Contact Engineering Department for more information. All meters will be provided at time of building permit by the City, at the owner/developers cost.
4. Records indicate that an existing water service was left by the request of the owner at the time of subdivision. Water service is to be disconnected off watermain zone 2 at the owner/developer cost.
5. The subject property is in an area with sufficient fire flows and pressures according to the 2011 Water Study (OD&K 2012).
6. Fire protection requirements to be confirmed with the Building Department and Fire Department.
7. Fire hydrant installation will be required. Owners consulting Engineer shall review the site to ensure placement of fire hydrants meet the medium density spacing requirements of 90 meters.

Development Permit APPLICATION FILE: DP-429

March 11, 2022

Page 4

Sanitary:

1. The subject property fronts a 200mm diameter sanitary sewer on 12 Street SE. No upgrades will be required at this time.
2. The subject property fronts a 200mm diameter sanitary sewer at the intersection of Auto Road SE and 12 Ave SE that terminates at a Sani Endcap. No upgrades will be required at this time. The development may consider the 200mm stub to be part of the service to property line if convenient, as no further extension of this main will be required with the consolidation of the subject properties.
3. The development is to be serviced by a single sanitary service connection adequately sized (minimum 100mm diameter) to satisfy the servicing requirements of the development. Owner / Developer's engineer may be required to prove that there is sufficient downstream capacity within the existing City Sanitary System to receive the proposed discharge from the development. Owner / Developer is responsible for all associated costs.
4. The subject property is in an area with no current sanitary capacity concerns according to the City Sanitary Study (Urban Systems 2016).
5. Records indicate that the existing parcel, 981 12 St SE is currently serviced by a septic field. Decommissioning of the septic field, in accordance with building departments requirements will be a condition of the subdivision. Owner / Developer responsible for all associated costs.

Drainage:

1. The subject property fronts a 450 mm diameter storm sewer on Auto Road SE on the west side of the property. Extension of the storm main along Auto Road to the eastern limit of the frontage is required.
2. The subject property is in an area with current storm capacity concerns according to the Stormwater Master Plan Study (April 2020). It is anticipated that stormwater will require control to the 2 year pre-development flows. Owner / Developer's engineer shall review downstream capacity within the existing City Storm System to receive the proposed discharge from the development and upstream contributing drainage areas.
3. An Integrated Stormwater Management Plan (ISMP) conforming to the requirements of the Subdivision and Development Servicing Bylaw No. 4163, Schedule B, Part 1, Section 7 shall be provided.
4. Where onsite disposal of stormwater is recommended by the ISMP, an "Alternative Stormwater System" shall be provided in accordance with Section 7.2.
5. Where discharge into the Municipal Stormwater Collection System is recommended by the ISMP, this shall be in accordance with Section 7.3. The proposed parcel(s) shall be serviced (each) by a single storm service connection adequately sized (minimum 150mm) to satisfy the servicing requirements of the development. Owner / Developer's engineer may be

Development Permit APPLICATION FILE: DP-429

March 11, 2022

Page 5

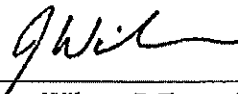
required to prove that there is sufficient downstream capacity within the existing City Storm System to receive the proposed discharge from the development. All existing inadequate / unused services must be abandoned at the main. Owner / Developer is responsible for all associated costs.

Geotechnical:

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



Mustafa Zakreet
Engineering Assistant



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



DESIGN REVIEW PANEL MINUTES

February 23, 2022, 3:05 to 4:20 pm - Online, City Hall

Present: Paul Burrows (Panel Member)
Trent Sismey (Panel Member)
Marc Lamerton (Panel Member)
Dennis Lowe (Panel Member)
Bill Laird (Panel Member - Chair)
Chris Larson (Senior Planner)
Evan Chorlton (Planner)

Applications: Development Permit Applications No. DP-429, DP-437, DP-438, and DP-439

Application No. DP-429

981 12 Street SE and 1017 10 Avenue SE – Terra Civis Inc. & Heydewerk Homes Ltd.

Staff provided an overview of the proposal under the current application. Panel members discussed the proposal and the need for housing. The height variance requested was noted as reasonable based on terrain conditions. The DRP discussed how the proposed design is fairly simple and relatively utilitarian in terms of the site layout. The DRP does not support the individual garbage/recycling collection shown and recommends a fenced/screened community collection point. An opportunity for increased landscape screening is suggested, particularly adjacent the daycare site, while some form of cladding is suggested to enhance the sides of the carports on buildings D and E. With these considerations, the DRP is supportive of the proposal as such:

Panel Recommendation

THAT the DRP supports application DP-429 subject to the consideration of the following conditions:

the inclusion of a screened and shared garbage/recycling area,
the inclusion of additional landscaping for privacy along shared parcel lines (particularly at the daycare),
and
the inclusion of some form of cladding to screen the outer sides of the Building D and E carports.

Application No. DP-437

700 30 Street NE – TSL Development Ltd. (Avex Architecture)

Staff provided an overview while the designer detailed the proposal under the current application. Panel members discussed the proposal and the need for a range of housing. The panel was favourable to the design presented, noting landscaping and privacy fencing. The setback variance was not of concern. The DRP discussed how the proposal is a great example of multi family design, complimenting the form of the buildings and noting how the area is well-suited to such a multi-family proposal. The DRP is supportive of the proposal as presented.

Panel Recommendation

THAT the DRP supports application DP-437 as presented noting the high quality design.

Design Review Panel – February 23, 2022 Meeting Minutes

Application No. DP-438
1910 11 Avenue NE – McGregor and Elidoros

Staff provided an overview of the proposal under the current application. Panel members discussed the proposal and the need for housing. The setback variance requested was noted as minor and not of concern. The DRP discussed the simple site layout and conventional design, positively noting the range in the facades and finishes proposed. The DRP recommends including a fenced/screened community collection point while the inclusion of increased landscape screening is suggested, particularly adjacent the RCMP and TCH. Relative to the prominent position of this property, some form of enhancement to the somewhat blank north and south building facades is recommended to enhance the visual impact of this development relative to the adjacent streetscapes. With these considerations, the DRP is supportive of the proposal as such:

Panel Recommendation

THAT the DRP supports application DP-438 subject to the consideration of the following conditions:

the inclusion of a screened and shared garbage/recycling area,
the inclusion of additional landscaping for privacy along the RCMP and TCH parcel lines, and
the inclusion of some enhancements to the exterior buildings facades along the TCH and 11 Ave.

Application No. DP-439
2430 10 Avenue (TCH) SW – Bremmvic Holdings Ltd.

Staff and the applicant provided an overview of their project. Panel members discussed the proposal and the need for storage relative to commercial use, the positive effort to clean up the site and address non-conforming uses. It was noted that setback variances have been requested and there may be related storm water concerns. The DRP is supportive of the proposal as presented.

Panel Recommendation

THAT the DRP supports application DP-439 as presented.



Endorsed on behalf of Design Review Panel



To: His Worship Mayor Harrison and Members of Council

Date: April 25, 2022

Subject: Agricultural Land Commission Application No. 413 (Subdivision)

Legal: Lot B, Section 9, Township 20, Range 10, W6M, KDYD, Plan 15901, Except Plan 32284 & Lot 1, Section 9, Township 20, Range 10, W6M, KDYD, Plan 1530, Except Plans 10804, H401, KAP78956 and EPP66515
 Civic Address: 3710 and 3280 10 Avenue SW
 Owner: Birch Haven Farms Ltd.
 Agent: Browne Johnson Surveyors

MOTION FOR CONSIDERATION

THAT: Agricultural Land Commission Application No. ALC. 413 be authorized for submission to the Agricultural Land Commission.

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The applicant submitted a boundary adjustment subdivision to the Agricultural Land Commission (ALC) on March 8, 2022. The boundary adjustment proposes to realign the property line between the two existing properties and place that property line around the existing commercial portion of the subject property (Appendix 1).

BACKGROUND

The subject property is designated in the Official Community Plan (OCP) as Salmon Valley Agriculture and outside of the Urban Containment Boundary (see Appendices 2 and 3). The subject property is split zoned A1 (Agriculture Zone) and C8 (Farm Produce Commercial Zone). The A1 and C8 zoning is attached as Appendix 4. In 2021 the C8 zone was the subject of a zoning text amendment that added *licensee retail store* as a permitted use.

The Unimproved Soil Class Map (Appendix 5) shows classes 3, 4 and 6 soils. The Improved Soil Class Map (Appendix 6) shows class 2 and 4 soils. The best agricultural lands are rated Class 1 because they have ideal climate and soil to allow a farmer to grow the widest range of crops. Class 7 is considered non-arable, with no potential for soil bound agriculture. A map showing the ALR boundary is included as Appendix 7.

Adjacent land uses include the following:

North: A2 – Rural Holding Zoning/Rural Residential & Trans Canada Highway
 South: A1 – Agriculture Zone
 East: A1 – Agriculture Zone & C8 – Farm Produce Commercial Zone
 West: A1 – Agriculture Zone & Salmon River

In 2021 the C8 zone was the subject of a zoning text amendment that added *licensee retail store* as a permitted use. In 2020 the owner sought Non-Farm Use approval to allow for liquor sales within the existing commercial building. The ALC Non-Farm Use application was approved in 2021.

The C8 zone does not include building setbacks and limits Site Coverage to 40%, it is expected that if subdivided that portion would be conforming to the zone. The A1 zone includes building setbacks for

Agricultural and non-Agricultural buildings. Should the subdivision proceed the location of all buildings and proximity to property lines would have to be confirmed by a BC Land Surveyor.

Adjacent to the subject property there is another C8 zoned lot that is also within the ALC. It should be noted that the subdivision of that parcel is dated prior to the ALC (1962) and was not subject to the regulations of the ALC.

COMMENTS

Engineering Department

The proposed boundary adjustment is exempt from the Subdivision and Development Services Bylaw No. 4163 (Section 5.1).

Building Department

No concerns.

Fire Department

No concerns.

Agricultural Advisory Committee

The Agricultural Advisory Committee reviewed the application at their April 13, 2022 meeting and passed the following resolution:

THAT: The AAC supports ALC Application No 413.

Planning Department

In reviewing subdivision applications a number of factors are considered including – provincial legislation, OCP designations and permitted uses, minimum parcel areas and widths as regulated by Zoning Bylaw No. 2303 and servicing. Should the ALC support the proposed subdivision, the owner would then have to make a subdivision application to the City. In considering subdivisions in the Salmon Valley Agriculture designation the OCP includes the following policies:

Section 7.3.3 maintain or enhance the configuration and size of parcels designated "Acreage Reserve, Salmon Valley Agriculture and Forest Reserve through boundary (lot line) adjustments and/or consolidations; rezoning, subdivision and/or Agricultural Land Reserve exclusion application are not encouraged.

Section 7.3.5 Support boundary (lot line) adjustments which bring lot sizes more in compliance with the regulations of the City's Zoning Bylaw throughout the Acreage Reserve, Salmon Valley Agriculture and Forest Reserve designations. Boundary adjustments should not add to the degree of non-conformity of any lot.

Sections 7.3.12 Support the maintenance and enhancement of lands for agricultural use within the Agricultural Land Reserve.

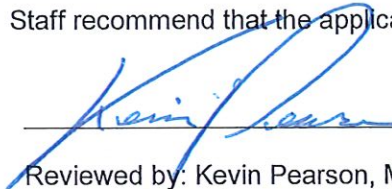
The proposed subdivision of the C8 portion from the A1 portion of land meets the minimum parcel area and width for both zones. Any existing buildings that do not meet the minimum building setbacks of the zone

would have to be removed prior to final subdivision approval, unless a Development Variance Permit is approved and BC Building Code requirements are met. No building encroachments will be permitted.

The portion of land to the west of the access is currently used as 'overflow' parking for the commercial uses on the subject property. Continued use of that area for 'overflow' parking may require future Zoning Bylaw amendments to allow parking as a use and an ALC application for Non-Farm Use.

In this instance, the policies regarding subdivision along a commercial boundary on Agricultural lands in the ALR is unclear. The ALC typically considers the negative or positive impacts the proposed development may have on the subject property and agricultural uses adjacent lands, scenarios such as this are rare and it is unknown how this application would be considered by the ALC.

Staff recommend that the application be forward to the ALC for a decision.



Reviewed by: Kevin Pearson, MCIP, RPP

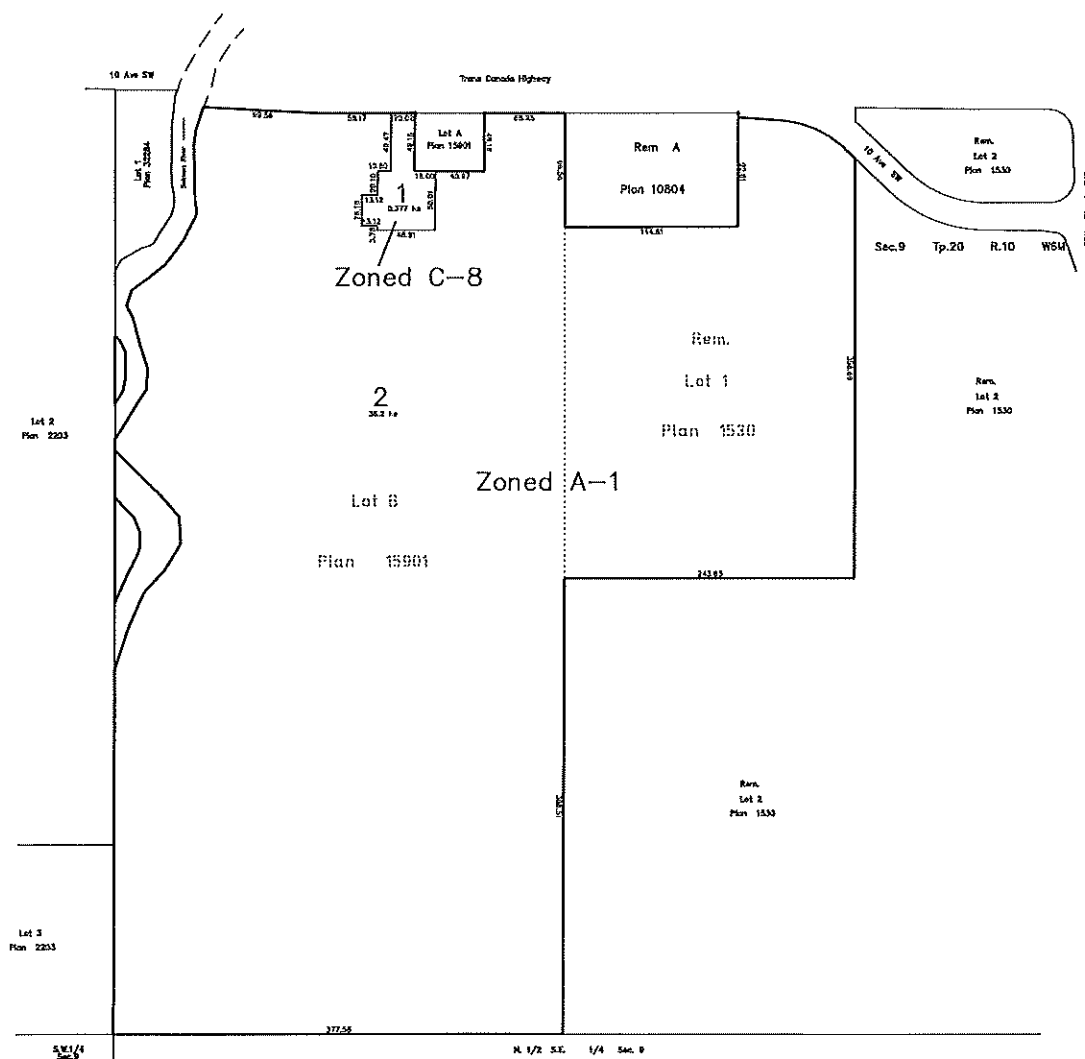
Director of Development Services

Sketch Plan of Proposed Subdivision of
Lot B, Plan 15901 and
Lot 1, Plan 1530 Except Plans 10804, H401, KAP78956 and EPP66516,
Sec 9, Tp 20, Rge 10, W6M, KDYD

Scale 1:2000 BCGS 82L064

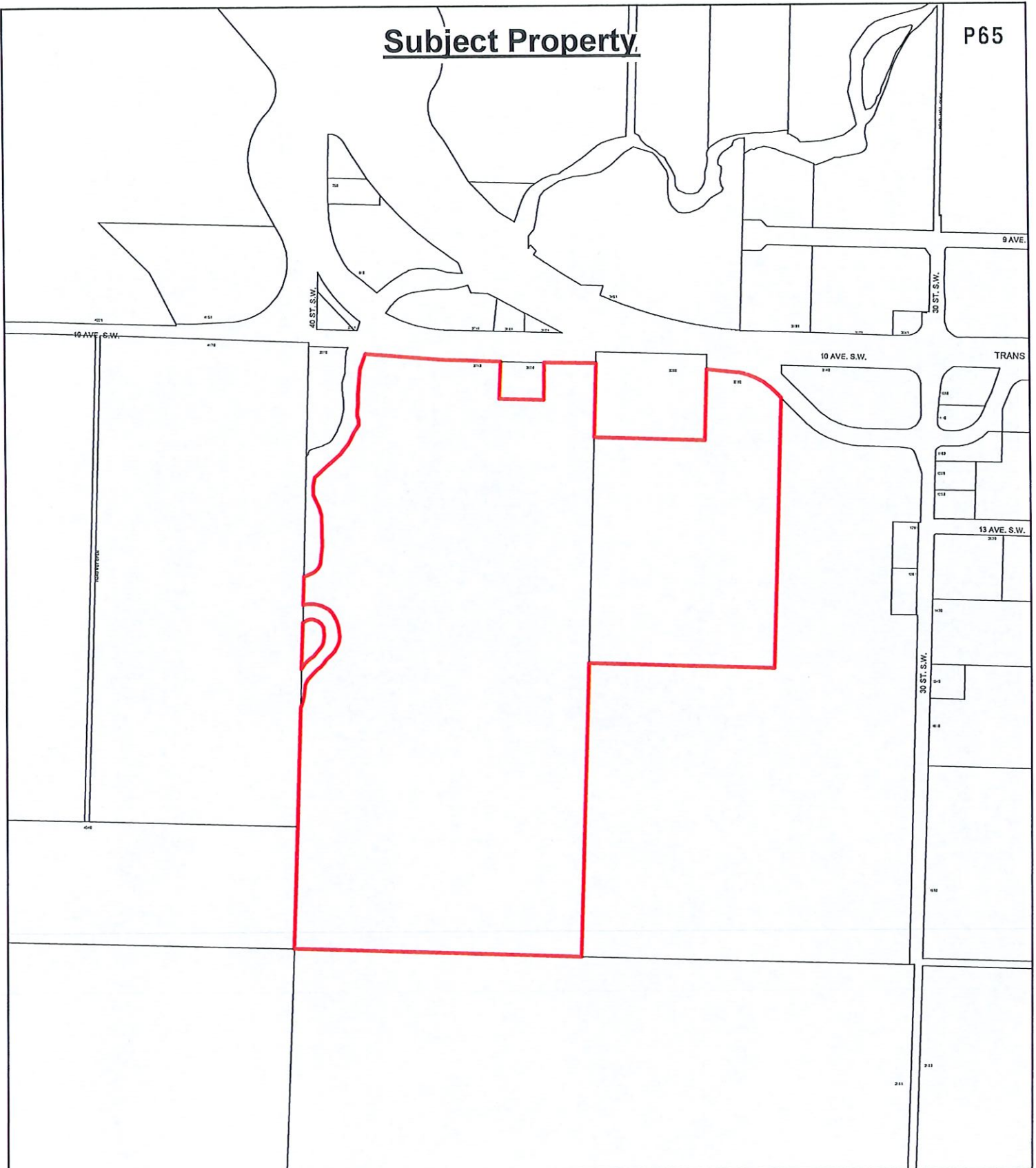


The intended plot size of this plan is 550mm in width by 854mm in height (C size) when plotted at a scale of 1:2000



Subject Property

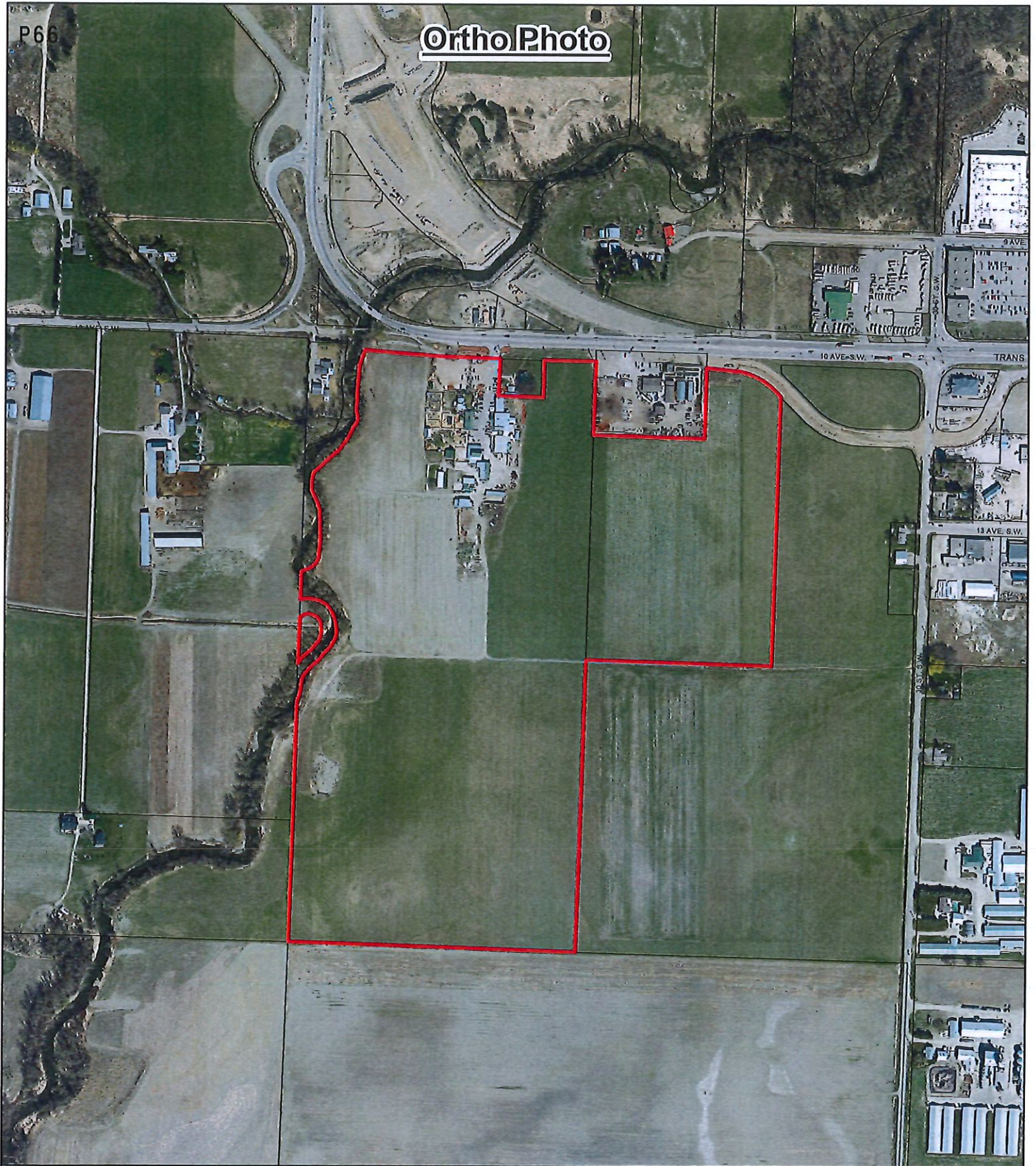
P65



-  Subject Property
-  Parcels

P66

OrthoPhoto



0 60 120 240 360 480 m

Ortho Photo Date: 2021



Subject Property



Parcels

SECTION 22 - C-8 - FARM PRODUCE COMMERCIAL ZONE**Purpose**

22.1 The C-8 *Zone* is intended to provide for the year-round retail sale of farm produce.

Regulations

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

Permitted Uses

22.3 The following uses and no others are permitted in the C-8 *Zone*:

- .1 retail sale of farm produce;
- .2 *licensee retail store*; #4473
- .3 *mobile food vending*; #4240
- .4 *outside vending*; #2837
- .5 *public use*;
- .6 *public utility*;
- .7 *accessory use*.

Accessory Use

22.4 The following *accessory uses* and no others are permitted in the C-8 *Zone*:

- .1 retail sale of confectioneries and soft drinks;
- .2 retail sale of packaged food stuffs;
- .3 retail sale of bedding plants, processed fruits, shrubs or trees and plant food;
- .4 retail sales of arts and crafts. #3768

Maximum Parcel or Site Coverage

22.5 The maximum *parcel* or *site* coverage for all *buildings* and *structures* shall be 40% of the *parcel* or *site* area.

Maximum Height of Principal Buildings

22.6 The maximum *height* of the *principal buildings* shall be 10.0 metres (32.8 feet).

Minimum Parcel Size or Site Area

22.7 The minimum *parcel* size or *site* area shall be 1,000.0 square metres (10,764 square feet).

Minimum Parcel or Site Width

22.8 The minimum *parcel* or *site* width shall be 20.0 metres (65.6 feet).

Minimum Setback of Principal Building

22.9 The minimum *setback* of the *principal building* from all *parcel* lines shall be 6.0 metres (19.7 feet).

Maximum Sales Floor Area

22.10 The maximum sales *floor area* shall be 680.0 square metres (7,319 square feet). #3768

Outside Storage

22.11 Outside storage shall be screened as per Appendix III.

Parking and Loading

22.12 Parking and loading shall be required as per Appendix I. #3768

SECTION 34 - A-1 - AGRICULTURE ZONE**Purpose**

- 34.1 The A-1 Zone is intended to identify and preserve land with good agricultural or forestry potential. Development on land located in the A-1 Zone will respect the rural nature of the area.

Regulations

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

Permitted Uses

- 34.3 The following uses and no others are permitted in the A-1 Zone:

- .1 *agriculture*;
- .2 *bed and breakfast*, limited to three let rooms;
- .3 *boarders*, limited to two; #2767
- .4 *rural detached suite* (development of a *rural detached suite* in the Agricultural Land Reserve is subject to the Agricultural Land Commission Act and Regulations); #4013, #4193, #4465
- .5 *equestrian facility*; #3218
- .6 *equestrian facility campsite*; #3218
- .7 *family childcare facility*; #3426
- .8 *group childcare*; #3426
- .9 *home occupation*;
- .10 *intensive agriculture*;
- .11 *kennel*;
- .12 *outdoor recreation*;
- .13 *public use*;
- .14 *public utility*;
- .15 *silviculture*;
- .16 *secondary suite*; #3212
- .17 *single family dwelling*;
- .18 *accessory use*, including the retail sale of agricultural products produced on the *parcel*.

Maximum Number of Single Family Dwellings

34.4

- .1 On *parcels* less than 8.0 hectares (19.8 acres) in area, the maximum number of *single family dwellings* shall be one (1) per *parcel*
- .2 On *parcels* 8.0 hectares (19.8 acres) or larger in area, a second dwelling is permitted provided the second dwelling is used for farm help and is a mobile home. The additional dwelling shall be for the exclusive use of a person employed full-time to work on the farm or for temporary farm help and, where applicable, shall comply with the provisions of the Agricultural Land Commission Act and amendments thereto. The property owner will sign a Declaration, substantially in the form attached hereto as Schedule "H" and forming part of this bylaw that the second dwelling is to be for the exclusive use of a person employed full-time to work on the farm. #3322
- .3 A second dwelling may be permitted under Section 4.13 of this bylaw.

Maximum Number of Secondary Suites #4018

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

Maximum Residential Building Area #4223

- 34.6 The maximum combined *building area* for all dwelling units (single family dwelling, *rural detached suite* and farm help) shall be no greater than 500 m² (5,382ft²).

Maximum Height of Residential Buildings

- 34.7 The maximum *height* of a residential *building* shall be 10.0 metres (32.8 feet).

SECTION 34 - A-1 - AGRICULTURE ZONE - CONTINUED**Maximum Height of Accessory Buildings**

34.8 The maximum *height* of an accessory *building* shall be 12.0 metres (39.4 feet).

Minimum Parcel Size

34.9 The minimum *parcel* size shall be 8.0 hectares (19.8 acres).

Minimum Parcel Width

34.10 The minimum *parcel width* shall be 150.0 metres (492.1 feet).

Minimum Setback of Principal and Accessory Buildings Intended to Accommodate Non-Agricultural Uses

34.11 The minimum *setback* of *principal* and accessory *buildings* intended to accommodate non-agricultural uses from the:

- | | | | |
|----|---|-------------------------|-----------------|
| .1 | <i>Front parcel line</i> shall be | 6.0 metres (19.7 feet) | |
| .2 | <i>Rear parcel line</i> shall be | 6.0 metres (19.7 feet) | |
| .3 | <i>Interior side parcel line</i> shall be | 3.0 metres (9.8 feet). | <i>Exterior</i> |
| | <i>side parcel line</i> shall be | 6.0 metres (19.7 feet) | |
| .5 | Refer to Section 4.9 for "Special Building Setbacks" which may apply. #2811 | | |

Minimum Setback of Rural Detached Suites #4018

34.12 The minimum *setback* of a *rural detached suite* from all *parcel* lines shall be 6.0 metres (19.7 feet).

Minimum Setback of Buildings or Structures Intended to Accommodate Agricultural Uses

34.13 The minimum *setback* of *buildings* and *structures* intended to accommodate agricultural uses from the:

- | | | |
|----|---|--------------------------|
| .1 | <i>Front parcel line</i> shall be | 30.0 metres (98.4 feet) |
| .2 | <i>Rear parcel line</i> shall be | 15.0 metres (49.2 feet) |
| .3 | <i>Interior side parcel line</i> shall be | 15.0 metres (49.2 feet) |
| .4 | <i>Exterior side parcel line</i> shall be | 30.0 metres (98.4 feet) |
| .5 | <i>Any single family dwelling</i> shall be | 15.0 metres (49.2 feet) |
| .6 | <i>Any watercourse</i> or body of water shall be | 30.0 metres (98.4 feet) |
| .7 | Refer to "Pound and Animal Control Bylaw" for special setbacks which may apply. #2811 | |

Minimum Setback of Kennels

34.14 The minimum *setback* of *kennels* from all *parcel* lines shall be 30.0 metres (98.4 feet).

Minimum Setback of Feed Lots

34.15 The minimum *setback* of feed lots from:

- | | | |
|----|--|---------------------------|
| .1 | any <i>highway</i> right-of-way shall be | 100.0 metres (328.1 feet) |
| .2 | any <i>parcel</i> not zoned A-1 shall be | 65.0 metres (213.3 feet) |

Sale of Agricultural Products

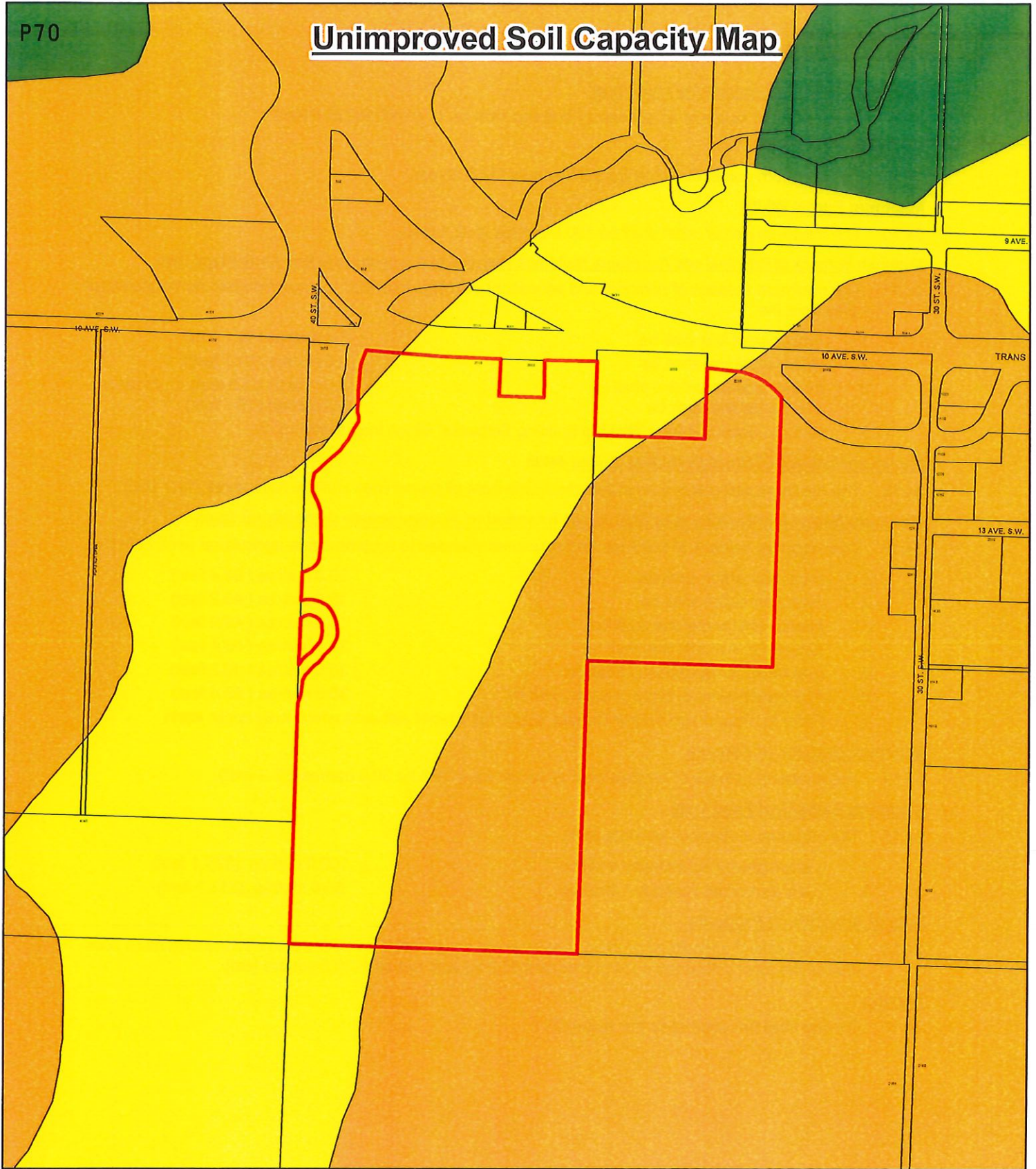
34.16 The retail sale of agricultural products produced on the *parcel* is permitted provided the maximum *floor area* of the retail sale stand does not exceed 40.0 square metres (430.5 square feet).

Parking

34.17 Parking shall be required as per Appendix I.

P70

Unimproved Soil Capacity Map



0 60 120 240 360 480 m



Subject Property



Parcels



CLASS 3



CLASS 4



CLASS 6

Improved Soil Capacity Map

P71

7
3
2x - 4 T
W

9 AVE

10 AVE. S.W.

TRANS

13 AVE. S.W.

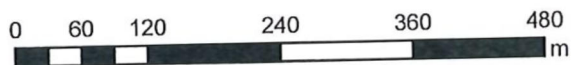
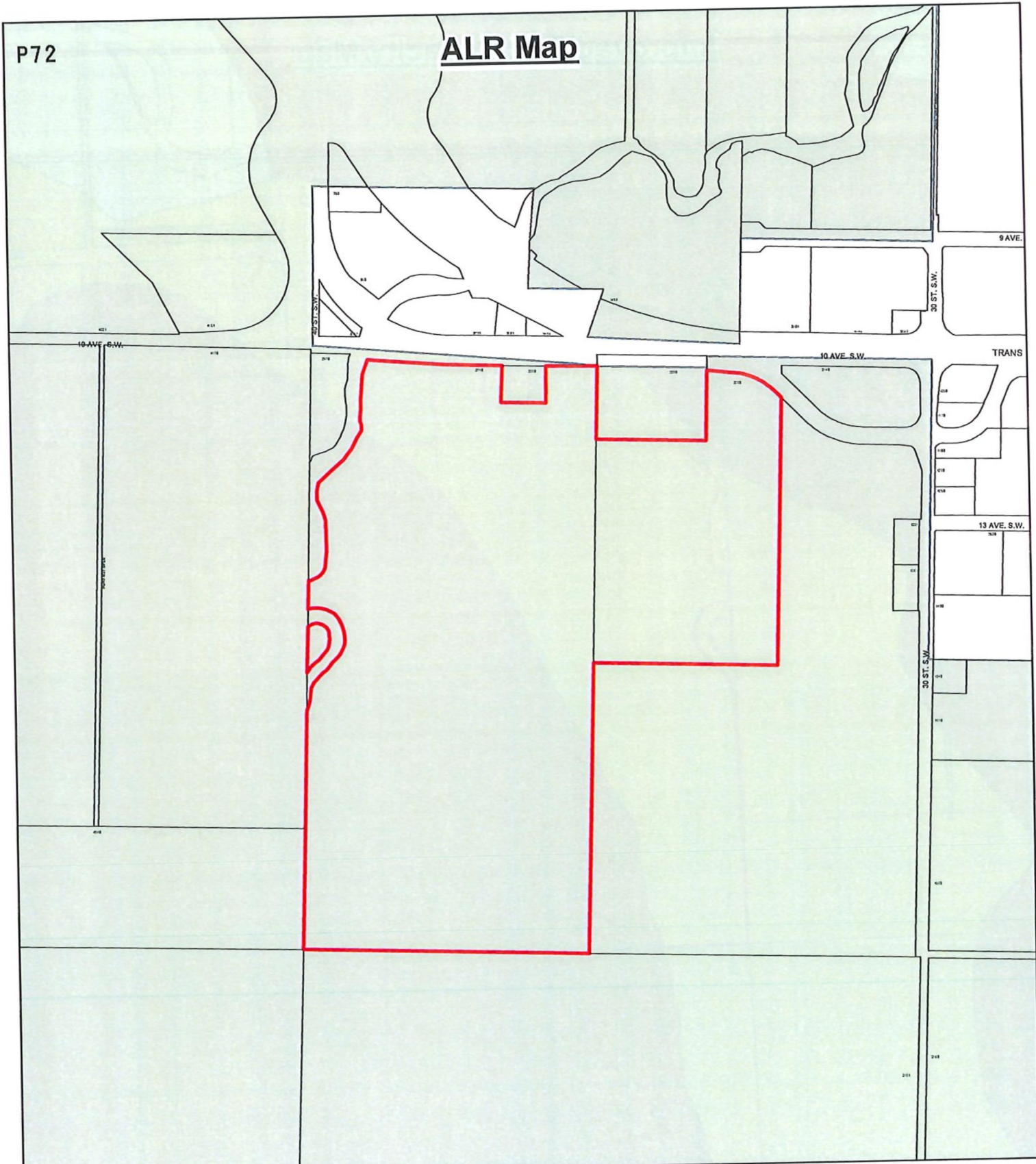
30 ST. S.W.






- | | |
|--|---|
|  Subject Property |  CLASS 2 |
|  Parcels |  CLASS 4 |

P72

ALR Map



-  Subject Property
-  Parcels
-  ALR



TO: His Worship Mayor Harrison and Council

DATE: April 22, 2022

SUBJECT: Tanto Latte (307864) (Permanent Patio)
1481 – 10 Ave. SW

OWNER: Susana Crimi

MOTION FOR CONSIDERATION:

BE IT RESOLVED THAT: Council of the City of Salmon Arm has no objection to the creation of a permanent licensed patio at 1481 – 10 Ave. SW for Tanto Latte (307864).

AND THAT: Council of the City of Salmon Arm is opting out of the comment and public consultation process.

BACKGROUND: The owner of Tanto Latte (307864) has applied for a liquor license to create a permanent licensed patio which will result in an increase of 14 occupants to the current liquor license. The end result will be a total occupant load of 50 persons.

The proposal may affect up to 3 parking spaces, however, 15 parking spaces were provided with the original development when only 10 were required.

A floor plan and site plan and owner's submission are attached for reference.

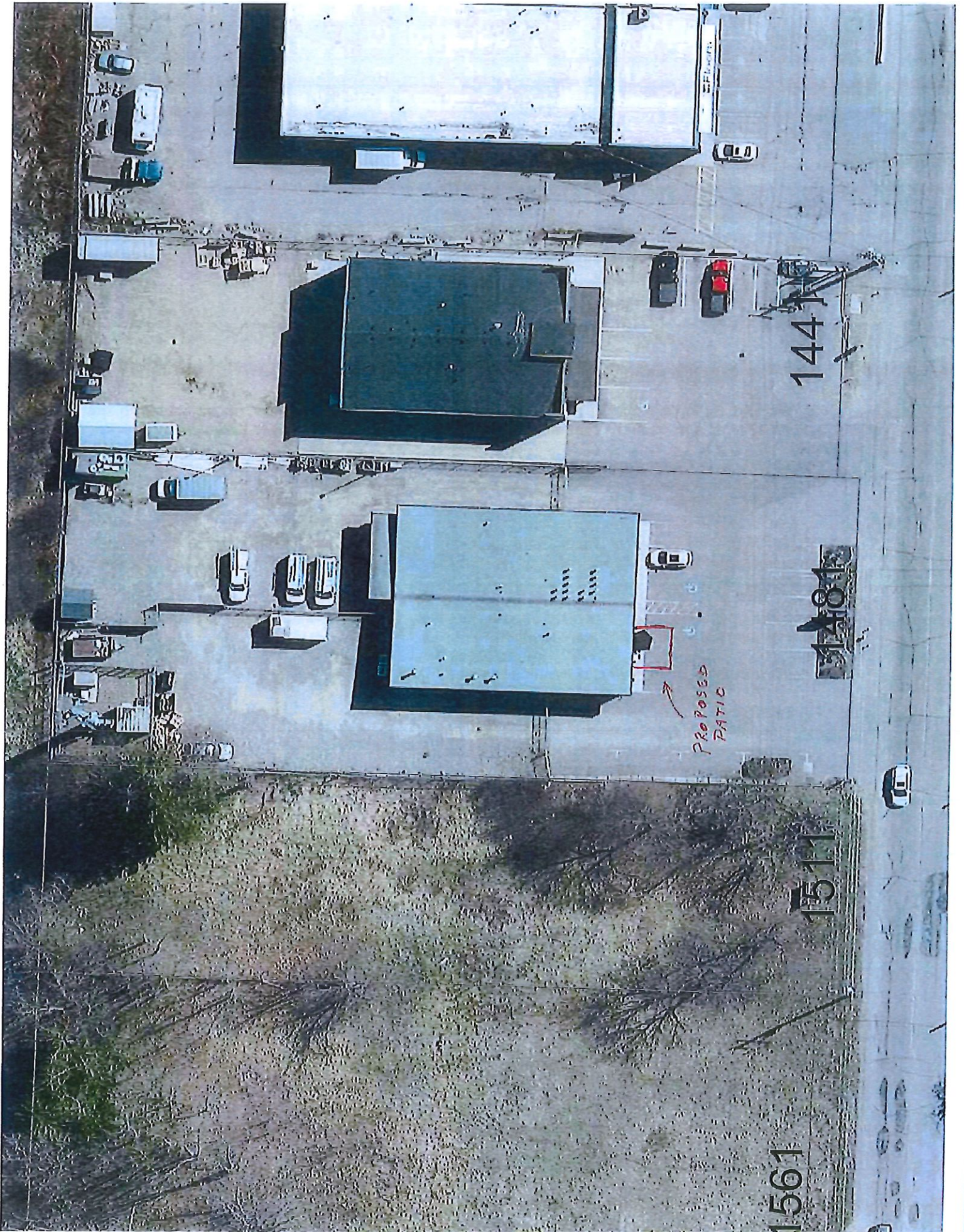
Respectfully submitted,

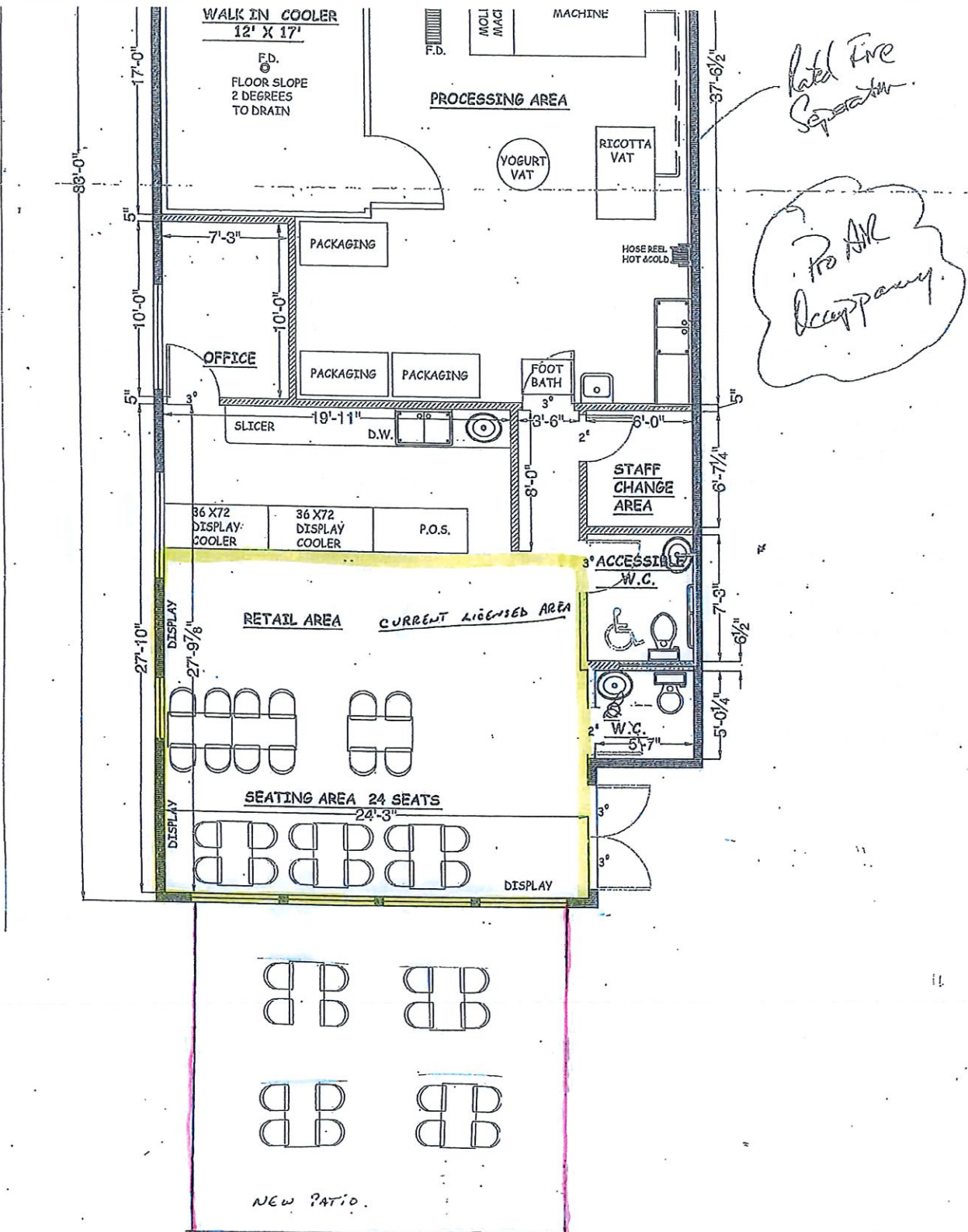
A handwritten signature in black ink, appearing to be "M. Roy".

Maurice Roy, RBO/CRBO
Manager of Permits & Licensing

MR:mr

attach. Site Plan
 Floor Plan
 Owner's Submission





CITY OF
SALMON ARM

TOTAL OCCUPANT LOAD 50 PERSONS

Date: APR. 21/22 Approval: [Signature]

Comments: BASED ON AVAILABLE WATER CLOSETS.

"As you know, Covid forced everybody, especially small businesses, to be very flexible and to flow with the situation as presented day by day.

Because of the size of our shop, during the imposed distance measures, we had to reduce to only two tables inside.

This situation plus, the usual lacking of work force, made us decide to transitioning gradually to be more a "market". But our customers continue even today begging us for outside tables (since we opened in 2018 people wanted us to have some sittings outside)

Spring and Summer, tourism season, brings more people to town, everything is vibrant again, this is the time to "squeeze" at the max the opportunity to make business (Winter in Salmon Arm is long and very quiet).

Last summer we did benefit from the TESA permit, and it was gladly appreciated from our customers.

Then Liquor Board, sent us a letter saying that TESA would be available only until June 1st 2022; and that if we wanted to have a patio, even just for the summer season, we needed to apply for a "permanent patio permit", application that I've submitted.

Recently, we've received another communication from the board stating that TESA permits are now extended until March 2023.

We would like to offer, just during the warm season, the opportunity for our customers to enjoy a pizza with a glass of wine or a cappuccino seated outside.

People really enjoy the patio and they ask for it. Having the patio represents a vital opportunity for our business, it would make us stronger to go through the long winters."

Susana Crimi
1481 10 Ave SW
Salmon Arm, BC V1E 1T2
250.832.0521



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

April 20, 2022

ALC File: 61443 and 61439

Richard Smith
DELIVERED ELECTRONICALLY

Dear Richard Smith,

Re: Reasons for Decision - ALC Application 61443 and 61439

Please find attached the Reasons for Decision of the Okanagan Panel for the above noted application (Resolution #141/2022 and Resolution #142/2022). As agent, it is your responsibility to notify the applicants accordingly.

Please note that the submission of a \$150 administrative fee may be required for the administration, processing, preparation, review, execution, filing or registration of documents required as a condition of the attached Decision in accordance with s. 11(2)(b) of the ALR General Regulation.

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

Under section 33 of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. A request to reconsider must now meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides either:
 - Evidence that was not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
 - Evidence that all or part of the original decision was based on evidence that was in error or was false.

The time limit for requesting reconsideration of a decision is one year from the date of the decision's release, as per [ALC Policy P-08: Request for Reconsideration](#).

Please refer to the ALC's [Information Bulletin 08 – Request for Reconsideration](#) for more information.

Please direct further correspondence with respect to this application to ALC.Okanagan@gov.bc.ca

Yours truly,

A handwritten signature in black ink, appearing to read "Claire Buchanan", with a horizontal line extending from the end of the signature.

Claire Buchanan, Land Use Planner

Enclosures: Reasons for Decision (Resolution #141/2022 and Resolution #142/2022)
Schedule A: Decision Map (Resolution #142/2022)

cc: City of Salmon Arm (File: ALC-397). Attention: Kathy Frese

61443d1 and 61439d1



**AGRICULTURAL LAND COMMISSION FILE 61443 AND 61439
REASONS FOR DECISION OF THE OKANAGAN PANEL**

Exclusion Application 61443 Submitted Under s.30(1) of the Agricultural Land Commission Act
as it was written immediately prior to September 30, 2020 and
Inclusion Application 61439 Submitted Under s. 17(3) of the Agricultural Land Commission Act

Applicants:

Richard Smith
Margaret Smith

Agent:

Richard Smith

Property:

Parcel Identifier: 007-498-047
Legal Description: The Fractional Legal Subdivision
4 of Section 1 Township 21 Range 10 West of the
6th Meridian Kamloops Division Yale District Except
Plans 31 And 8077
Civic: 1281 70 Ave NE Salmon Arm, BC
Area: 6.3 ha (2.6 ha within the ALR)

Panel:

Gerald Zimmermann, Okanagan Panel Chair
Joe Deuling



OVERVIEW

[1] The Property is located partially within the Agricultural Land Reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* ("ALCA").

[2] Applications 61443 and 61439 (the "Applications") were presented by the Applicants as a joint application for exclusion and inclusion:

- a. Pursuant to s. 30(1) of the ALCA as it was written immediately prior to September 30, 2020, the Applicants are applying to the Agricultural Land Commission (the "Commission" or "ALC") to exclude a ~1.8 ha portion of the Property from the ALR (the "Exclusion Proposal").
- b. Pursuant to s.17(3) of the ALCA, the Applicant is applying to the Commission to include a ~1.9 ha portion of the Property in to the ALR (the "Inclusion Proposal").

[3] Application 61439 (Inclusion Application) states that the purpose of the inclusion and exclusion is to *"...make the flat arable land on my property in the alr [sic] and swap it for the steep no [sic] arable land that is not in the alr [sic]. The Current ALR land is covered in Mature Fir trees which protect it from sloughing. The AIR [sic] land is restricted from clearing by local government bylaw identifying land as geotechnically at risk"*.

[4] The first issue the Panel considered is whether the ~1.8 ha exclusion area should be excluded from the ALR.

[5] The second issue the Panel considered is whether the ~1.9 ha inclusion area would be appropriately designated as ALR.

[6] The Applications were considered in the context of the purposes of the Commission set out in s. 6 of the ALCA:

- 6 (1) The following are the purposes of the commission:
 - (a) to preserve the agricultural land reserve;



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

(2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:

- (a) the size, integrity and continuity of the land base of the agricultural land reserve;
- (b) the use of the agricultural land reserve for farm use.

- [7] On September 30, 2020, the ALCA was further amended and changes were made to its regulations; specifically, s. 30(1) of the former ALCA, which previously enabled private landowners to apply to the Commission to exclude their property from the ALR, was repealed. Section 61 of the ALCA provides transitional procedures for matters commenced prior to September 30, 2020. Section. 61(5) of the ALCA states: *"The Provincial Agricultural Land Commission may take up and carry on to completion all proceedings or other matters commenced under any enactment that were, immediately before the coming into force of this section, before the Land Reserve Commission."* For this reason, the Application was processed in accordance with the ALCA and its regulations as they were written immediately prior to September 30, 2020.

EVIDENTIARY RECORD

- [8] The Applications were accompanied and supplemented by related documentation from the Exclusion Proposal and Inclusion Proposal Applicants, Agent, local government, third parties, and Commission. All documentation that came before the Commission on the Applications was disclosed to the Agent in advance of this decision.



- [9] On January 18, 2021, the Panel conducted a meeting with the Agent via teleconference (the "Exclusion Meeting"). An applicant meeting report was prepared and was certified as accurately reflecting the observations and discussions of the Exclusion Meeting by the Agent on February 11, 2021 (the "Exclusion Meeting Report").
- [10] The Panel conducted a walk-around site visit on April 19, 2021 in accordance with the *ALC Policy Regarding Site Visits in Applications*, (the "Site Visit"). A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by the Agent on May 15, 2021 (the "Site Visit Report").

BACKGROUND

Property Background

- [11] The 1.8 ha proposed exclusion area contains the principal residence, that was constructed in 1992 (the "Principal Residence") and is occupied by the Applicants. In addition, there is a 74 m² detached secondary suite sited above a barn that was constructed in 1998 (the "Additional Residence"). There are also fruit trees and a garden on the proposed exclusion area.
- [12] The ~1.9 ha proposed inclusion area has been cleared and is partially fenced. There are currently ~300 haskup berry bushes planted. The Applicant submits that 0.6 ha (~1.5 acres) of the proposed inclusion area is used for pasture for ~4 to 8 sheep.

Application Background

- [13] In 2020, ALC Application 58273 was submitted to the Commission by the Applicants to retain the existing 74 m² Additional Residence for farm help. Section 25(1.1)(b) of the ALCA states that the Commission must not grant permission for an additional residence unless the additional residence is necessary for farm use. The Panel considered the agricultural activities on the Property and found that an additional residence for farm help was not warranted. The Panel refused the application by Resolution #252/2020.



EVIDENCE AND FINDINGS

[14] The Applicants submitted ALC Application 61443 (Exclusion Proposal) and ALC Application 61439 (Inclusion Proposal) as joint applications; however, the ALCA does not contain an application type for, or refer to the concept of a dependent application intended to offset the other (i.e. a "land swap"). The Panel has the discretion to approve both applications, refuse both applications, or permit one while refusing the other. The Panel is aware that the Inclusion Proposal was submitted as a land swap to offset the loss of ALR land should the Exclusion Proposal be approved.

Public Correspondence

[15] The Panel received public correspondence regarding the Applications. The public correspondence raised several concerns about both proposals, particularly the Exclusion Proposal. The following is a summary of the concerns raised in the public correspondence, but is not an exhaustive list:

- a. There are agricultural activities occurring on the proposed exclusion area;
- b. Excluding the Property may support future development or subdivision of the Property;
- c. There has been extensive logging on the Property;
- d. The Proposal is an attempt to legally permit an additional residence on the Property;
- e. The Applicants have previously not supported neighbouring property owners' applications for exclusion or non-farm uses;
- f. The portion of the Property proposed for inclusion, could be included into the ALR, without the Exclusion Proposal.

The Panel reviewed the public correspondence and understands from the submissions that there are conflicting views about the Proposals between the Applicant and the neighbouring property owners. The Panel wishes to clarify their role when considering an application. Specifically, while the Panel considered all documentation submitted as part of the application, including all public correspondence, the Panel must consider the Exclusion Proposal and Inclusion Proposal within the mandate of Section 6 of the ALCA which



includes protecting and enhancing the size, integrity, and continuity of the land base of the ALR.

Issue 1: Whether the ~1.8 ha exclusion area should be excluded from the ALR.

[16] To assess agricultural capability of the exclusion and inclusion area, the Panel referred to agricultural capability ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability ratings applicable to the exclusion and inclusion area are Class 4, Class 5, specifically (60% Class 4T and 40% Class 5T).

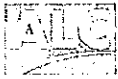
Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

The limiting subclass associated with this parcel of land is T (topographic limitations).

[17] In addition, the Panel received a professional Agrologist's opinion, prepared by Bob Holtby dated November 4th, 2020 (the "Holtby Opinion"). The Holtby Opinion submits that the exclusion area has topographical limitations and is not suited for either arable agriculture or sustained natural grazing. Further, the Holtby Opinion submits that City of Salmon Arm contour analysis shows slopes of over 30% on approximately 7,500 m² of the proposed exclusion area. The Holtby Opinion states that due to the 30% slope, the land should be considered either Class 6 or Class 7. The Holtby Opinion submits that the exclusion area should be considered a Class 7T and is inappropriately designated ALR.

[18] The Panel notes that the Holtby Opinion suggests that the CLI ratings applicable to the exclusion area are incorrect. The Panel assessed the Holtby Opinion in the context of ALC Policy P-10: Criteria for Agricultural Capability Assessments ("ALC Policy P-10"). Policy P-10 is intended to provide information for professional agrologists submitting



ALC File 61443 and 61349 Reasons for Decision

agricultural capability assessment reports as part of an application to ensure that they are providing sufficient information and evidence to support their assessment, are qualified to complete this work, and perform their work on the Reports in accordance with the Code of Ethics of the British Columbia Institute of Agrologists. ALC Policy P-10 states that a "detailed soil survey must be completed in order to support the agricultural capability assessment and confirm or revise existing published capability mapping". Any reports that are deficient in information may not be given the same weight as compliant reports. The Panel finds that the Holtby Report did not conduct a detailed soil survey in accordance with ALC Policy L-10, this impacted the weight the Panel gave to the findings of the Holtby Report. For this reason, after reviewing all of the application material, the Panel did not give weight to the revised agricultural capability rating proposed in the Holtby Report and instead relied on the published CLI map ratings.

- [19] As such, based on the agricultural capability ratings, the Panel finds that the Property has secondary agricultural capability.

- [20] The Application indicates that there are two primary reasons for the Exclusion Proposal.

- [21] The first reason is that the exclusion area cannot be farmed due to steep topography, which has resulted in an inability to clear the land. The Application material indicates that due to the City of Salmon Arm's slope analysis, the land can't be cleared due to concerns regarding slope stability. Additionally, the Holtby Opinion submits that the Exclusion Proposal would have no impact on agriculture since there is no substantial agricultural activity on the proposed exclusion area.

- [22] As noted in the Site Visit Report, the Panel observed the variable topography within the exclusion area at the Site Visit. The Panel notes that the CLI agricultural capability ratings recognize the limiting subclass for the Property is T (topographical limitations). While the Panel is aware that there are steep areas in the proposed exclusion area, in the Panel's experience land with topography is not necessarily precluded from agriculture and many agricultural activities can occur on lands with slope. Further, the Panel also notes that land with secondary capability ratings still serve an important purpose within the ALR. Land



with secondary capability can support a range of agricultural endeavours and can be used for siting infrastructure and residences required to support agricultural operations. The Application material indicates that portions of the exclusion area can't be cleared due to concerns regarding slope stability. While the Panel is aware of the steep portions of the exclusion area, based on the Site Visit Report the Panel finds that the exclusion area has flatter portions that could be used for agriculture.

- [23] The Panel must consider the Exclusion Proposal within the context of s. 6 of the ALCA. Section 6(2) of the ALCA states that the Commission, must give priority to protecting and enhancing the size, integrity and continuity of the land base of the ALR, and the use of the ALR for farm use. The Panel finds that, while the Exclusion Proposal and Inclusion Proposal are approximately the same size, the configuration of the ALR boundary would be irregularly shaped if the Proposal was approved. The Panel would prefer to retain the ALR boundary as a large continuous area in order to support agricultural endeavors without spatial limitations. The Panel finds that the Exclusion Proposal would negatively impact the continuity and integrity of the ALR boundary.
- [24] Overall, the Panel finds that the exclusion area has agricultural suitability and is appropriately designated as ALR.
- [25] The second reason for the Exclusion Proposal described in the Application is to permit the use of the Additional Residence on the Property, that was refused by ALC Resolution #252/2020. The Holtby Opinion states that issue of the exclusion area being within the ALR, was not problematic until the Applicants built and wished to use the Additional Residence within the ALR portion of the Property. The Holtby Opinion submits that the Exclusion Proposal would allow the Applicants to utilize the Additional Residence on the Property and would have no impact on agriculture since there is no agricultural activity on proposed exclusion area. The Panel finds that excluding land from the ALR to facilitate an additional residence that was previously refused as there was not enough agriculture to warrant it, (ALC Resolution 252/2020) is not consistent with the Commission's considerations in s. 6 of the ALCA.



[26] The City of Salmon Arm's Staff Report dated October 27, 2020, states that the A2 (Agriculture 2) zone applicable to the Property allows for detached secondary dwellings. The Applications were submitted to the ALC in November 2020, and at this time an additional residence was not outright permitted within the ALR Use Regulation (the "Regulation"). On December 31, 2021, the Regulation was amended to permit an additional residence up to 90 m² on parcels with a principal residence less than 500 m². There is no grandfathering clause in the Regulation to permit additional residences that were not constructed in accordance with all applicable enactments. However, in light of the recent amendments to the Regulation, the Panel has no objection to use of the Additional Residence in accordance with the Regulation, subject to the approval of the City of Salmon Arm. It should be noted that a local government may prohibit additional residences or impose further restrictions on the size, siting and use of residences in ALR.

Issue 2: Whether the ~1.9 ha inclusion area should be included into the ALR.

[27] Although the Panel does not support the Exclusion Proposal, it considered whether the Inclusion Proposal would be appropriately designated as ALR if the Applicants wish to proceed with the Inclusion Proposal independently.

[28] The Holtby Opinion states that *"the area slated for inclusion is arable and is being use for small farming"*. The Applicant submits that the inclusion area is relatively flat and is currently in agricultural production. The Panel noted in the Site Visit Report that the inclusion area appeared to be in agricultural production and is relatively flat. Based on the agricultural capability ratings and the Panels' observations at the Site Visit, the Panel finds that the inclusion area is suitable for agricultural production. The Panel finds that the inclusion area would be appropriately designated ALR.

DECISION

[29] For the reasons given above, the Panel refuses the Exclusion Proposal (Application 61443) to exclude a ~1.8 ha portion of the Property from the ALR.



[30] For the reasons given above, the Panel approves the Inclusion Proposal (Application 61439) to include a ~1.9 ha portion of the Property into the ALR, should the Applicant wish to proceed with the Inclusion Proposal independently, subject to the following conditions:

- (a) the submission of a survey plan to the Commission delineating the inclusion area within three years of the date of this decision, that is in compliance with Schedule A of this decision;

[31] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

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

[33] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.

[34] Resolution #141/2022 (Application 61443) and Resolution #142/2022 (Application 61439)

Released on April 20, 2022

A handwritten signature in black ink, appearing to read 'G. Zimmermann', is written over a horizontal line.

Gerald Zimmermann, Panel Chair

On behalf of the Okanagan Panel



Schedule A: Agricultural Land Commission Decision Sketch Plan
ALC File 61439 (Smith)
Conditionally Approved Inclusion Area
ALC Resolution #142/2022



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