



## ***AGENDA***

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

**Monday, July 5, 2021  
8:00 a.m.  
By Electronic Means**

<b>Page #</b>	<b>Item #</b>	<b>Description</b>
	<b>1.</b>	<b>CALL TO ORDER</b>
	<b>2.</b>	<b>ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY</b> <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>
	<b>3.</b>	<b>REVIEW OF AGENDA</b>
	<b>4.</b>	<b>DISCLOSURE OF INTEREST</b>
	<b>5.</b>	<b>REPORTS</b>
1 - 20	1.	Zoning Amendment Bylaw Application No. ZON-1210 [Fieldstone Place Inc./Franklin Engineering Ltd.; 1830 & 1860 10 Street SW; R-1 to R-4]
21 - 40	2.	Development Variance Permit Application No. VP-524 [Salmon Arm & Shuswap Lake Agricultural Association; 421 5 Avenue SW; Setback requirements]
41 - 72	3.	Development Variance Permit Application No. VP-534 [Hasselaar, A.; 1981 18A Avenue SE; Setback and height requirements]
73 - 84	4.	Zoning Amendment Bylaw Application No. ZON-1216 [City of Salmon Arm; Text Amendment; General and Light Industrial Zone]
	<b>6.</b>	<b>PRESENTATIONS</b>
	<b>7.</b>	<b>FOR INFORMATION</b>
85 - 92	1.	Agricultural Land Commission – Reason for Decision – ALC Application No. 61847
	<b>8.</b>	<b>CORRESPONDENCE</b>
	<b>9.</b>	<b>ADJOURNMENT</b>

This page intentionally left blank.



To: His Worship Mayor Harrison and Members of Council

Date: June 28, 2021

Subject: Zoning Bylaw Amendment Application No. 1210

Legal: Lot A, Section 11, Township 20, Range 10, W6M, KDYD, Plan 5795; AND  
 Lot 2, Section 11, Township 20, Range 10, W6M, KDYD, Plan 3797 Except  
 Plan 5795  
 Civic Address: 1830 and 1860 10 Street SW  
 Owner: Fieldstone Place Inc.  
 Applicant: Franklin Engineering Ltd.

### **STAFF RECOMMENDATION**

**THAT: A Bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot A, Section 11, Township 20, Range 10, W6M, KDYD, Plan 5795 and Lot 2, Section 11, Township 20, Range 10, W6M, KDYD, Plan 3797 Except Plan 5795, from R1 (Single Family Residential Zone) to R4 (Medium Density Residential Zone).**

### **PROPOSAL**

The subject parcels are located at 1830 and 1860 10 Street SW (Appendices 1 & 2). The proposal is to rezone these properties from R1 (Single Family Residential) to R4 (Medium Density Residential) in order to facilitate subdivision of these two parcels into 27 small bare land strata lots for medium density single family residential (Appendix 3).

### **BACKGROUND**

These parcels are both designated Medium Density Residential (MR) in the City's Official Community Plan (OCP), and zoned Single Family Residential (R1) in the Zoning Bylaw (Appendix 4 & 5).

The subject properties are located in a semi rural transitional area just north of Foothill Road. The property backs onto ALR land (the "ALR island") and the Urban Containment Boundary (UCB) runs along the rear (eastern) property lines of these two properties. See ALR map attached as Appendix 6.

The surrounding uses largely consist of single family residences and farmland, with Blackburn Park, Piccadilly Mall and other commercial uses located further north.

There are five similar R4 developments in close proximity to the subject parcels.

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

North:	Single Family Residential, Hopkins Meadow Strata, and Farmland	Zoned R1, R4, and A2
South:	Single Family Residential	Zoned R1
East:	End of UCB, Farmland with Single Family Residence	Zoned R1
West:	10 Street SW and Country View Estates Strata	Zoned R4

1830 10 Street SW is 3,600.4 m<sup>2</sup> in size and 1860 10 Street SW is 6,389.1 m<sup>2</sup> in size. The combined total area is about 0.64 ha. The subdivision proposal would create 27 single family residential strata lots with a

single access route off of 10 Avenue SW (labelled Common Property on Appendix 2 – Proposed Subdivision Plan).

Both properties currently contain a single family dwelling and accessory buildings.

The properties appear flat from 10 Street SW with no hazards or geotechnical issues identified through the Development Permit Waiver process.

Site photos are attached as Appendix 7.

### COMMENTS

#### BC Hydro

BC Hydro will require a blanket right-of-way for this proposal. Applicant has been advised that they should contact BC Hydro directly about this.

#### Engineering Department

Appendix 8 attached details servicing requirements on the assumption that this rezoning is approved. The applicant received a copy of the Engineering Servicing Report on June 7, 2021.

The report notes that no further road dedication is required for 10 Street SW; however, frontage improvements are required to bring this street up to Urban Collector Road (RD-3) standard. Required improvements include road widening, curb and gutter, sidewalk, boulevard construction, street lighting, and utility upgrades.

#### Building Department

Geotechnical review required.

Limiting distance will be restrictive due to building spacing but is entirely possible.

#### Fire Department

Would require T turnaround or cul-de-sac if more than 90 m in length. No other concerns.

#### Planning Department

##### *OCP Policy:*

This property is designated Medium Density Residential (MR) in the OCP which supports R4 zoning.

Staff note that these properties are located in Residential Development Area B, meaning this is in an area considered to be second priority for residential development. This area has only 10% medium density designation. The OCP states that when sufficient infilling has occurred within Area A, municipal cost sharing programs, including Development Cost Charge expenditures and capital works programs, may be allocated to Area B, as determined by Council and City Bylaws.

##### *Zoning Regulations:*

The R4 zone permits a variety of housing types including small lot single family residential and different forms of multifamily development (see R4 zoning regulations attached as Appendix 9). This proposal aims to utilize the smaller lot sizes permitted for single family dwellings under the R4 zone (300 m<sup>2</sup> minimum).

##### *Development Permit:*

The applicant has made an application for a Development Permit Waiver so that an Environmentally Sensitive Development Permit is not required. A Residential Development Permit is not required for single family dwellings. Some forms of multi-family development not contemplated at this time may trigger a DP application.

*Access:*

One common access route is being proposed for the entire site. Since this is proposed to be a strata development, this will be a privately maintained road. A turnaround is required to provide sufficient access for emergency vehicles, which is likely to result in a loss of one or two lots.

*Agricultural Land Reserve:*

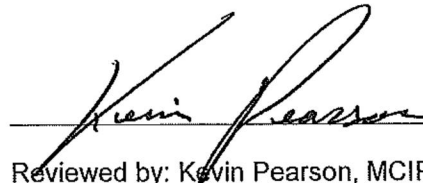
The internal access road will not be permitted to terminate at the ALR boundary as shown in proposed subdivision plan. Buffering (fencing) along the ALR boundary will be required as per ALC fencing guidelines.

*Conclusion:*

Although this proposal is for single family residential lots, the smaller parcel sizes will result in medium density development similar to other nearby developments. Given that these properties are designated for medium density, staff feel that the R4 zone is well suited to the subject properties and neighbourhoods.



Prepared by: Brenda Kolenbrander  
Planner



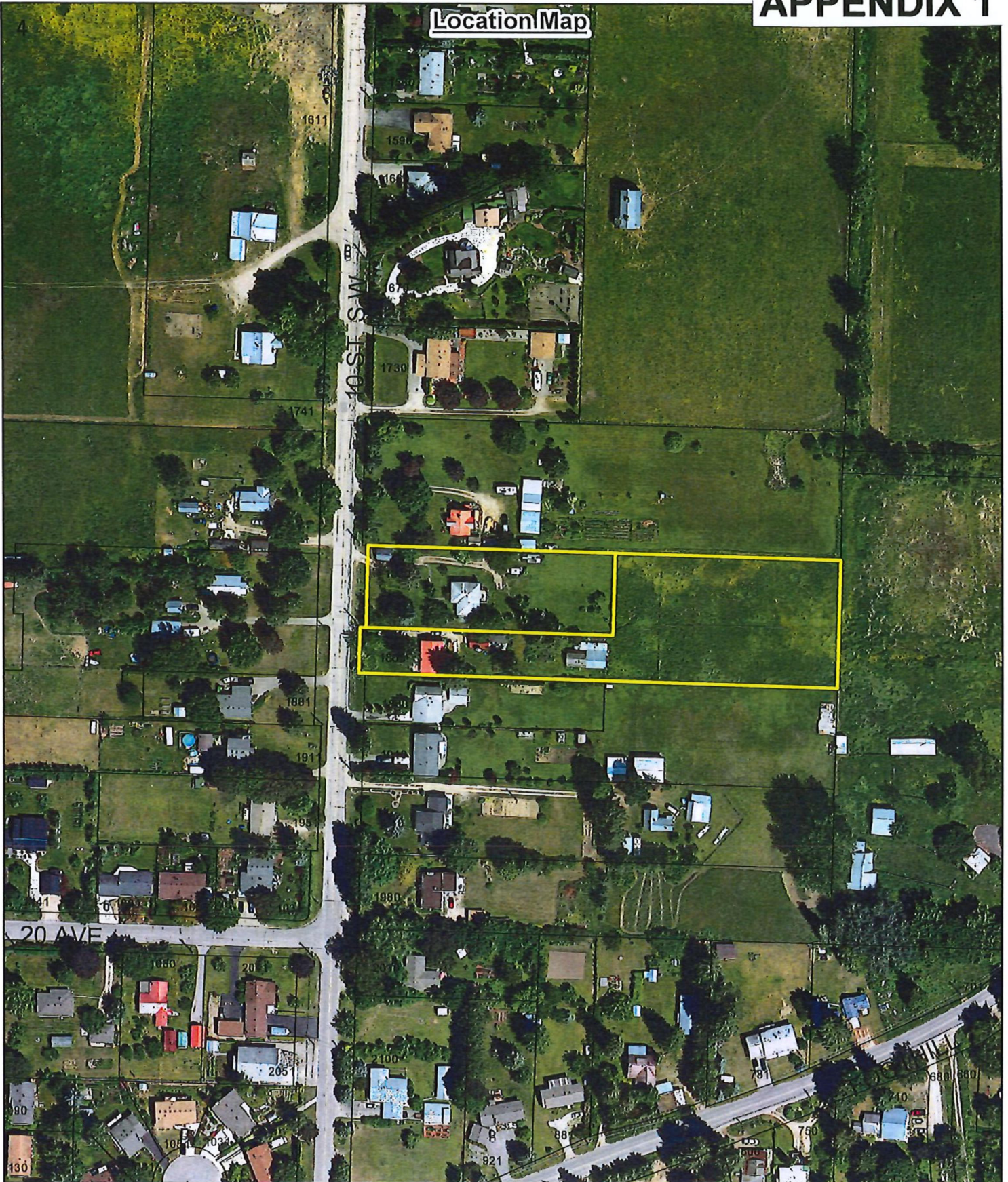
Reviewed by: Kevin Pearson, MCIP, RPP  
Director of Development Services

*Appendices:*

- Appendix 1 – Location Map
- Appendix 2 – Subject Property Map
- Appendix 3 – Proposed Subdivision Plan
- Appendix 4 – OCP Map
- Appendix 5 – Zoning Map
- Appendix 6 – ALR Map
- Appendix 7 – Site Photos
- Appendix 8 – Engineering Servicing Report
- Appendix 9 – R4 Zoning Regulations



Location Map

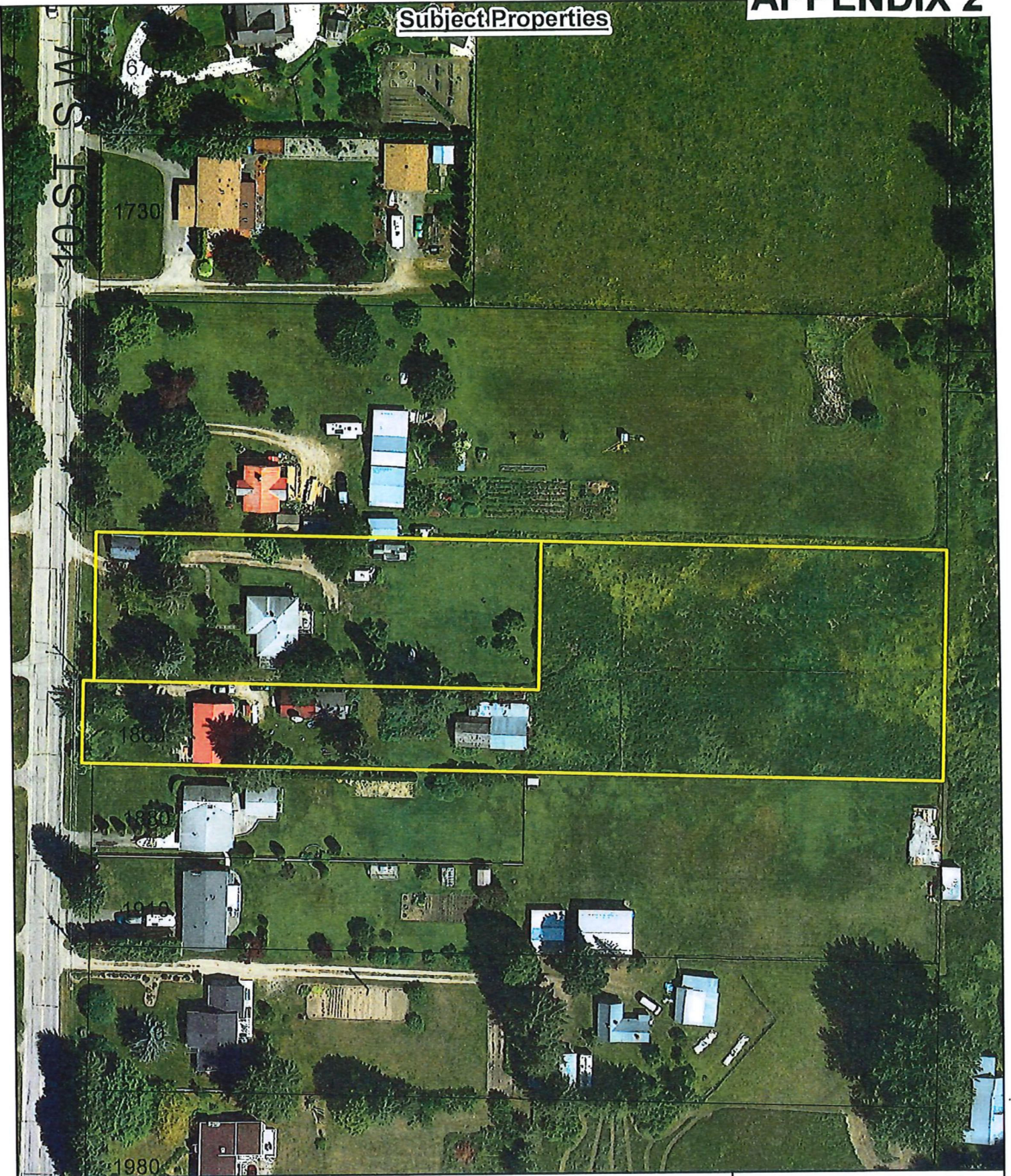


0 20 40 80 120 160 Meters

Subject Properties  
 Parcels



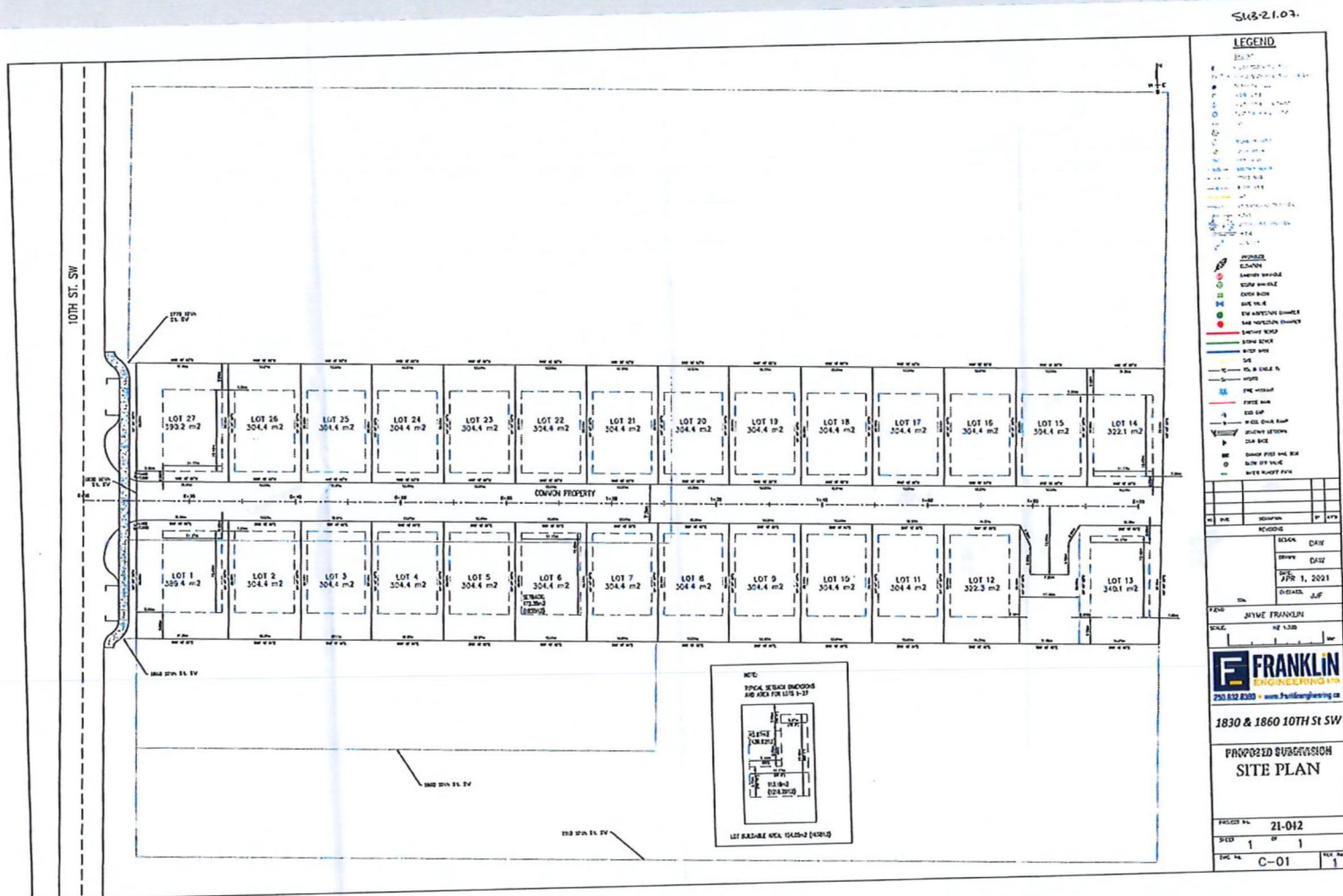
## Subject Properties



0 12.5 25 50 75 100 Meters

Subject Properties  
 Parcels

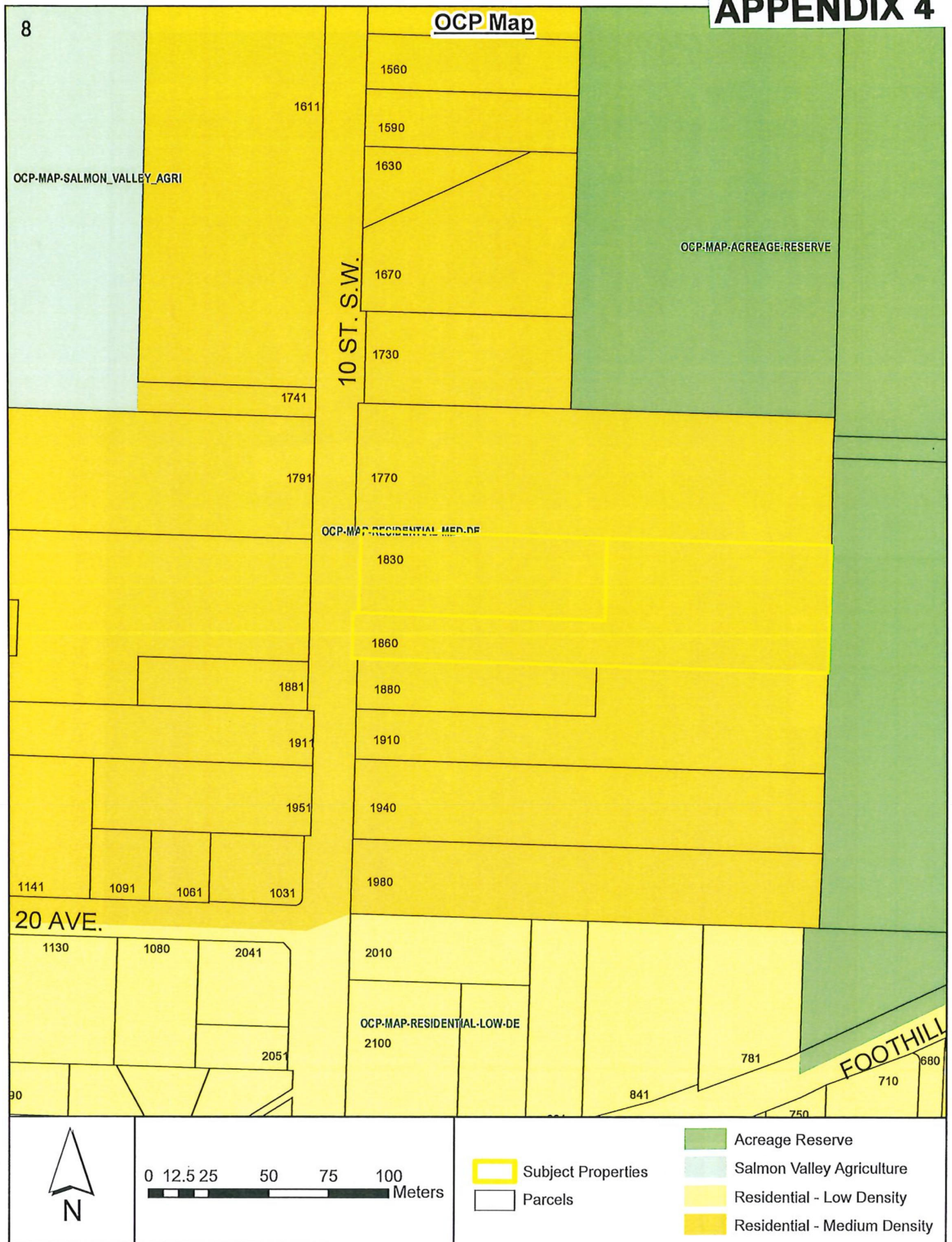




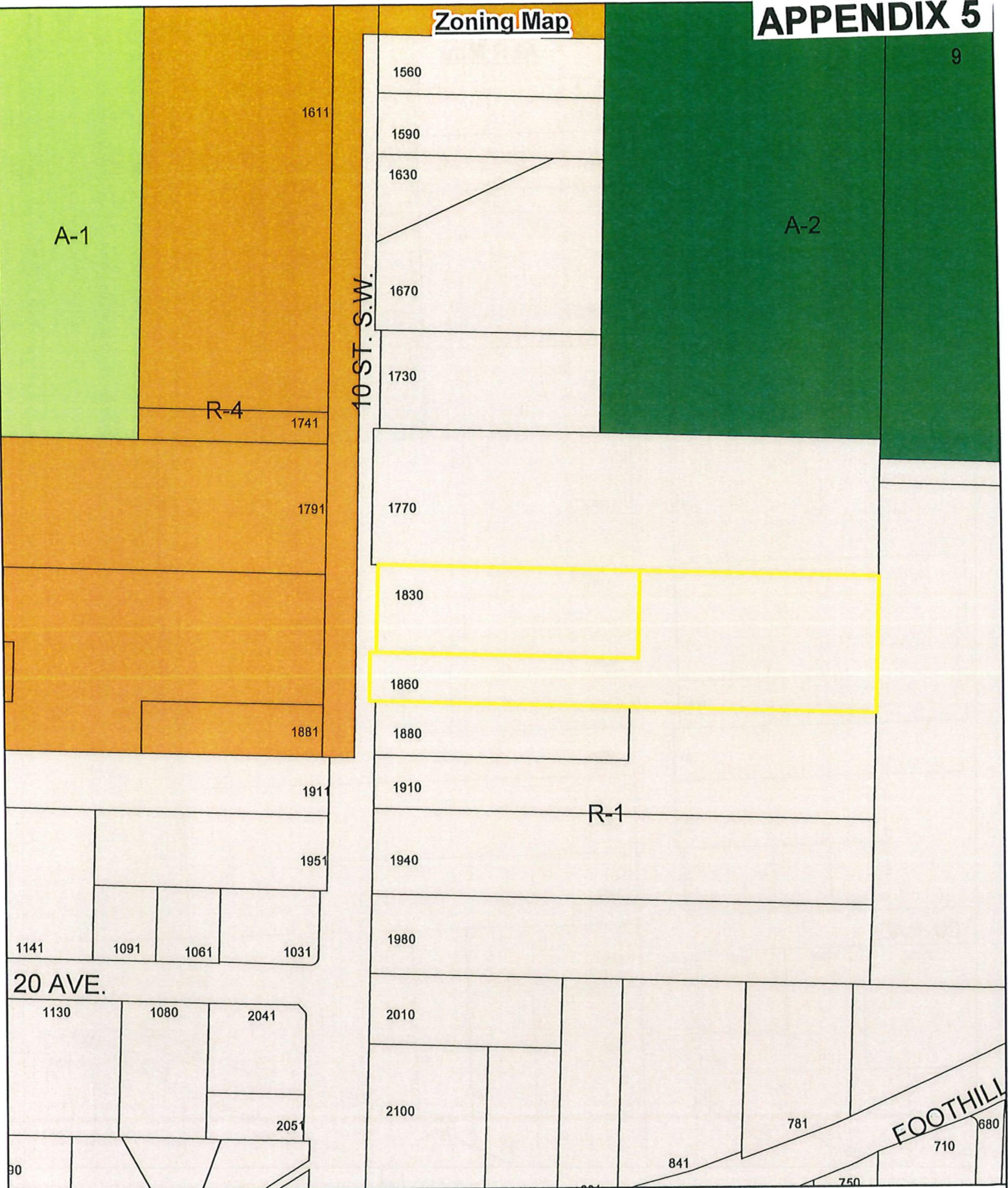












0 12.5 25 50 75 100 Meters

Subject Properties  
 Parcels

A-1  
 A-2  
 R-1  
 R-4



## ALR Map

10

10 ST. S.W.

20 AVE.

FOOTHILL



0 20 40 80 120 160 Meters

- Subject Properties
- Parcels
- ALR Land

1611

1560

1590

1630

1670

1730

1741

1791

1770

1830

1860

1881

1880

1911

1910

1951

1940

1141

1091

1061

1031

1980

2010

2100

921

881

841

781

800

750

710

680

660

704

1051

1031

1081

1020

2090

2130













1880 10 ST SW facing southeast



---

TO: Kevin Pearson, Director of Development Services  
 DATE: 07 June 4, 2021  
 PREPARED: Chris Moore, Engineering Assistant  
 REFERRAL: **ZONING & SUBDIVISION APPLICATION FILES NO. ZON-1210 & SUB-21.07**  
 OWNERS: **P. Hordos**, 2100 – 10 St SW, Salmon Arm, BC V1E 1T9; and  
           **S, I, N, G. & S. Chhokar** – 1860 10 St SW, Salmon Arm, V1E1V3  
 AGENT: **Franklin Engineering** – PO Box 2590, Salmon Arm, V1E 4R5 LEGAL: Lot A,  
           Section 11, Township 20, Range 10, W6M KDYD, Plan 5795;  
           Lot 2, Section 11, Township 20, Range 10, W6M KDYD, Plan 3797 Except Plan  
           5795  
 CIVIC: **1830 – 10 Street SW; and 1860 – 10 Street SW**

---

Further to your referral dated 19 April 2021, we provide the following servicing information (based on the assumption that Rezoning to R4 will be approved):

**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 will 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. At the time of subdivision the applicant will be required to submit for City review and approval a detailed site servicing / lot grading plan for all on-site (private) work. This plan will show such items as parking lot design, underground utility locations, pipe sizes, pipe elevations, pipe grades, catchbasin(s), control/containment of surface water, contours (as required), lot/corner elevations, impact on adjacent properties, etc.
8. 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,



**SUBDIVISION APPLICATION FILE: 21.07**

7 June 2021

Page 2

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.

9. For the off-site improvements at the time of subdivision the applicant will be required to submit for City review and approval detailed engineered plans for all off-site construction work. These plans must be prepared by a qualified engineer. As a condition of subdivision 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. 10 Street SW, on the subject property's western boundary, is designated as an Urban Collector Road standard, requiring 20.0m road dedication (10.0m on either side of road centerline). Available records indicate that no additional road dedication is required (to be confirmed by a BCLS).
2. 10 Street SW is currently constructed to an Interim Collector Road standard. Upgrading to an Urban Collector Road standard is required, in accordance with Specification Drawing No. RD-3. Upgrading may include, but is not limited to, road widening and construction, curb & gutter, sidewalk, boulevard construction, street lighting, street drainage and underground hydro and telecommunications. Owner / Developer is responsible for all associated costs.
3. Owner / Developer is responsible for ensuring all boulevards and driveways are graded at 2.0% towards the existing roadway.
4. As 10 Street SW is designated as a Collector Road, accesses shall be designed by keeping to a minimum number. Only 1 driveway access will be permitted onto 10 Street SW.
5. Internal roadways are to be a minimum of 7.3m measured from face of curb. Truck turning movements shall be properly analysed to ensure internal road network will allow emergency and service vehicle access. A turn-around facility is required for any dead end portion of the access route exceeding 90m.

**Water:**

1. The subject property fronts a 200mm diameter Zone 1 watermain on 10 Street SW. No upgrades will be required at this time.
2. Records indicate that neither of the existing properties are serviced by a City water service. All existing inadequate / unused services must be abandoned at the main. Owner / Developer is responsible for all associated costs.
3. The proposed development is to be serviced by a single metered water service connection (as per Specification Drawing No. W-10), adequately sized to satisfy the proposed use (minimum 25mm). Water meter will be supplied by the City at the time of building permit, at the Owner / Developer's cost. Owner / Developer is responsible for all associated costs.

**SUBDIVISION APPLICATION FILE: 21.07**

7 June 2021

Page 3

---

4. 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.
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.

**Sanitary:**

1. The subject property fronts a 200mm diameter sanitary sewer on 10 Street SW. No upgrades will be required at this time.
2. The proposed 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 is responsible for all associated costs.
3. The subject property is in an area with no current sanitary capacity concerns according to the City Sanitary Study (Urban Systems 2016).
4. Records indicate that both the existing properties are serviced by a 100mm services from the sanitary sewer on 10 Street SW. All existing inadequate/unused services must be abandoned at the main. Owner / Developer is responsible for all associated costs.

**Drainage:**

1. The subject property fronts a 600mm diameter storm sewer on 10 Street SW. No upgrades will be required at this time.
7. Records indicate that neither of the existing properties are serviced by City Storm. All existing inadequate / unused services must be abandoned at the main. Owner / Developer is responsible for all associated costs.
2. An Integrated Stormwater Management Plan (ISMP) conforming to the requirements of the Subdivision and Development Servicing Bylaw No. 4163, Schedule B, Part 1, Section 7 shall be provided.
3. Where onsite disposal of stormwater is recommended by the ISMP, an "Alternative Stormwater System" shall be provided in accordance with Section 7.2.

**SUBDIVISION APPLICATION FILE: 21.07**

7 June 2021

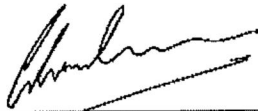
Page 4

---

4. 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 required to prove that there is sufficient downstream capacity within the existing City Storm System to receive the proposed discharge from the development. Based on available information, it is expected that site retention and release at 5 year pre-development flows will be required. Owner / Developer is responsible for all associated costs.

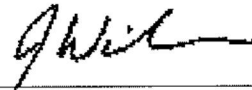
**Geotechnical:**

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.



---

**Chris Moore**  
Engineering Assistant



---

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

**Purpose**

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

**Regulations**

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

**Permitted Uses**

- 9.3 The following uses and no others are permitted in the R-4 Zone:
- .1 *assisted living housing*; #4336
  - .2 *bed and breakfast* in a *single family dwelling*, limited to two let rooms;
  - .3 *boarders*, limited to two;
  - .4 *boarding home*; #2789
  - .5 *commercial daycare facility*;
  - .6 *dining area*; #4336
  - .7 *duplexes*;
  - .8 *family childcare facility*; #3082
  - .9 *group childcare*; #3082
  - .10 *home occupation*; #2782
  - .11 *multiple family dwellings*;
  - .12 *public use*;
  - .13 *public utility*;
  - .14 *single family dwelling*;
  - .15 *triplexes*;
  - .16 *accessory use*.

**Maximum Height of Principal Buildings**

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

**Maximum Height of Accessory Buildings**

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

**Maximum Parcel Coverage**

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

**Minimum Parcel Area**

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



**Minimum Parcel Width**

9.8

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

**Minimum Setback of Principal Buildings**9.9 The minimum *setback* of *principal buildings* from the:

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

**Minimum Setback of Accessory Buildings**9.10 The minimum *setback* of accessory *buildings* from the:

- .1 *Front parcel line* shall be 5.0 metres (16.4 feet)
- .2 *Rear parcel line* shall be 1.0 metre ( 3.3 feet)
- .3 *Interior side parcel line* shall be 0.6 metre ( 1.9 feet)
- .4 *Exterior side parcel line* shall be 5.0 metres (16.4 feet)

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

## **SECTION 9 - R-4 - MEDIUM DENSITY RESIDENTIAL ZONE - CONTINUED**

20

### **Maximum Density**

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

9.11

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

**TABLE 2**

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

### **Maximum Floor Area Ratio**

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

### **Parking**

9.13 Parking shall be required as per Appendix I.





TO: His Worship Mayor Harrison and Members of Council

DATE: June 18, 2021

SUBJECT: Development Variance Permit Application No. VP-524  
 Legal: Lot A, Section 14, Township 20, Range 10, W6M, KDYD, Plan 16126  
 Civic Address: 421 - 5 Avenue SW  
 Owner/Applicant: Salmon Arm and Shuswap Lake Agricultural Association (SASLAA)

### **MOTION FOR CONSIDERATION**

**THAT:** Development Variance Permit No. VP-524 be authorized for issuance for Lot A, Section 14, Township 20, Range 10, W6M, KDYD, Plan 16126 (subject property) to vary Zoning Bylaw No. 2303 as follows:

**Section 24.8.1 - P1 - Park and Recreation Zone - reduce the front parcel line setback from 6.0 m to 3.0 m for an office building;**

**AND THAT:** Development Variance Permit No. VP-524 also vary Section 4.0 (Works and Services Requirements) of Subdivision and Development Servicing Bylaw No. 4163 as follows for the subject property:

1. **Waive the requirement to upgrade the 5 Avenue SW frontage, including the installation of three streetlights;**
2. **Waive the requirement to install one of two fire hydrants;**
3. **Waive the requirement to upgrade the 100 mm water main along the northern frontage to 200 mm; and**
4. **Waive the requirement to extend storm sewer to and across the southern frontage of the subject property.**

### **STAFF RECOMMENDATION**

THAT The Zoning Bylaw setback variance be approved.

### **OPTIONS FOR CONSIDERATION**

Council may consider the following options with respect to the requested servicing variances:

1. Approve all or some of variances presented in the Motion for Consideration\*;
2. Agree to the recommendations outlined in the Engineering Department's Memorandum dated May 21, 2021 (attached as Appendix 4); or
3. Deny all of the servicing variance requests.

\*It should be noted that with a Development Variance Permit approved under Option 1, the development could still not proceed regardless in the absence of an Integrated Storm Water Management Plan, which may involve extension of the City's storm sewer or other approved drainage solution. Staff further recommend that Council not approve the fire hydrant variance request.



## BACKGROUND

SASLAA intends to develop an administration office building near the southeastern corner of the subject property located at 421 5 Avenue SW. Location map is attached as APPENDIX 1. The footprint of the proposed building is approximately 185 m<sup>2</sup>. The Original Letter of proposal from SASLAA and site plan received in October 2020 are attached as APPENDIX 2.

The subject property is zoned Park & Recreation (P-1). The minimum setback for a principal building in the P-1 zone is 6 m from 5 Avenue SW. Considered as a proposal for an institutional development, a form and character development permit application is technically not required. Staff have limited knowledge of the proposed building design, materials, façade, roofline, form or character.

Fifth Avenue SW is designated "Urban Collector" in the Official Community Plan and is subject to the RD-3 Standard of the Subdivision and Development Servicing Bylaw. City staff met with SASLAA in the fall of 2020 to explain the SDS Bylaw requirements. The payment of development cost charges and fees (which cannot be waived) was also explained.

Adjacent land uses and zones are described as follows:

North:	Memorial Arena	Zoned P-1
South:	5 Avenue SW / City Land / SASLAA Fair Grounds	Zoned P-1
East:	Salvation Army Lighthouse Shelter	Zoned CD-6
West:	SASLAA Fair Grounds	Zoned P-1

### *Zoning Bylaw - Setback Variance Request*

A 3 m setback variance is supported by staff, mainly because the south property line is aligned > 4 m inward (northward) than is required to be for an Urban Collector road. At one time, the ultimate width was 25 m for a collector, which is the width along 5 Ave. SW adjacent to the subject property. Today, the ultimate Urban Collector width is 20 m or 10 m from centreline.

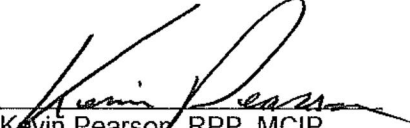
The existing historical barns sited near the southern boundary of the subject property are setback approximately 3 m, and most of the older developments along this stretch 5 Avenue SW meet the setbacks of the Zoning Bylaw. Staff understand that SASLAA would like to retain as much outdoor space on site as possible for festival use.

### *SDS Bylaw - Servicing Variances Request*

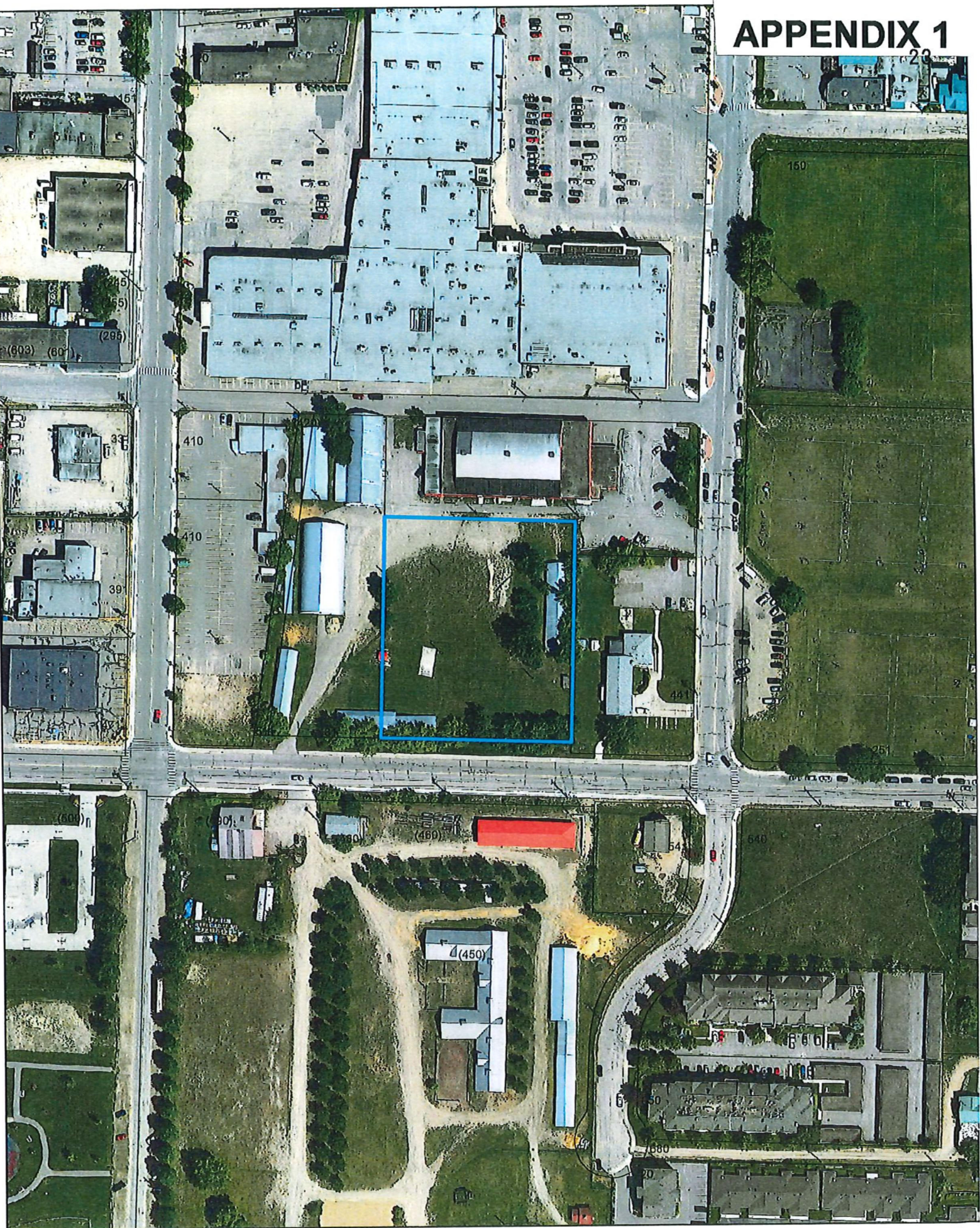
The applicant's servicing cost analysis has been amended a number of times this year with revised estimates. The latest correspondence from Franklin Engineering dated May 25 2021 is attached as APPENDIX 3 and contains updated opinion of probable costs. It is recognized that SASLAA may have limited funds available for off-site works and services, and/or cash in lieu contributions. The scale of the development is relatively small compared to the parcel area, frontages and infrastructure requirements.

However due to the infrastructure deficit in this core area of the City, Development Services staff concur with the City Engineer's recommendations (APPENDIX 4). It is noted that the Fire Department does not support the request to waive the 2 fire hydrant installations required.

Finally, as mention on P. 1, addressing storm water requirements to the satisfaction of the Engineering Department is a necessity and cannot be varied by Council.

  
Kevin Pearson, RPP, MCIP  
Director of Development Services





421 - 5 Ave. SW (Application DVP-524)





## City of Salmon Arm

### Variance Permit Application Form Attachments: Salmon Arm and Shuswap Lake Agricultural Association (SASLAA)

**Applicant: Phil Wright (President)**

#### City of Salmon Arm Variance Application request:

*"Describe the proposal for the property; please include a site plan and specific specifications of proposed development drawn to an appropriate scale, including a 8 ½" x 11" legible site plan, together with a full description of landscaping, location and description of any signs, parking lots, access, egress etc. Provide reason/s for your application."*

#### **Proposal for the Property and Reasons for Application**

For over 123 years, the Salmon Arm and Shuswap Lake Agricultural Association (SASLAA) has been operating the lead local City asset and resource of agricultural event facilities, property usage including tenant facilitation; supporting Agricultural, Community, Regional, Cultural and Touring events, Education and Community commerce activities. It not only supports the Salmon Arm Community but also offers service to over five main cities - Revelstoke, Kamloops, Merritt, Vernon and Kelowna - and hundreds of communities and smaller towns in between.

SASLAA went into an agreement with the City of Salmon Arm to sell the City aging Arena where the non-profit Association current use is: **Administration Offices, Maintenance, Workshop, Storage and Janitorial Room** to maintain the Fair North and South Grounds for year round rentals; Work and Storage area for facilitation of their signature event – the community's beloved 'Salmon Arm Fair' and the main building for Fair entry and Trade Show at the Fair. There is an understanding that SASLAA could continue to use the building for 2 more years, allowing them time to build a suitable facility on site to re-home these key operations.

SASLAA formulated minimal space required in a new build to continue year round operations in servicing the Community asset. The drafted proposal and building plans were submitted to Maurice Roy, RBO CRBO Manager of Permits and Licensing (**July 7, 2020 meeting**) to identify and approve steps required by the City. The following information was understood at that time;

- The City approved that the Bylaw, BC Building Code (Part 9) and Architectural AIBC directives were met to proceed with application.
- No DP was required (waived by the City Planning Dept) – can build along city sidewalk.
- No re-zoning required for a new Administration/Maintenance Building

- DCC: per square meter – not to include the deck or area directly under the deck. Habitable areas only. \$4.29 Sq. meter.
- Set back from front of 5<sup>th</sup> Ave. SW is 6 meters from the property line
- Set back from Lighthouse Building's property line is 3 meters
- It was approved by the City that Sewer hook-up would be allowed to connect to the existing Arena building and were given a quote for the work.
- SALAA's concept for 'Street Enhancement' Street Banner Project to enhance the Fairground landmark was introduced with directive to submit a workable plan to Council; to then go to the Director of Operations and Planner for review and approval if adopted.
- This existing property will not require any new signage, landscaping, parking areas or new access and egress as the operations and site will not change. The location of the new build is serviced by the same pre-existing parking area, very near the existing Administration and Maintenance facility.

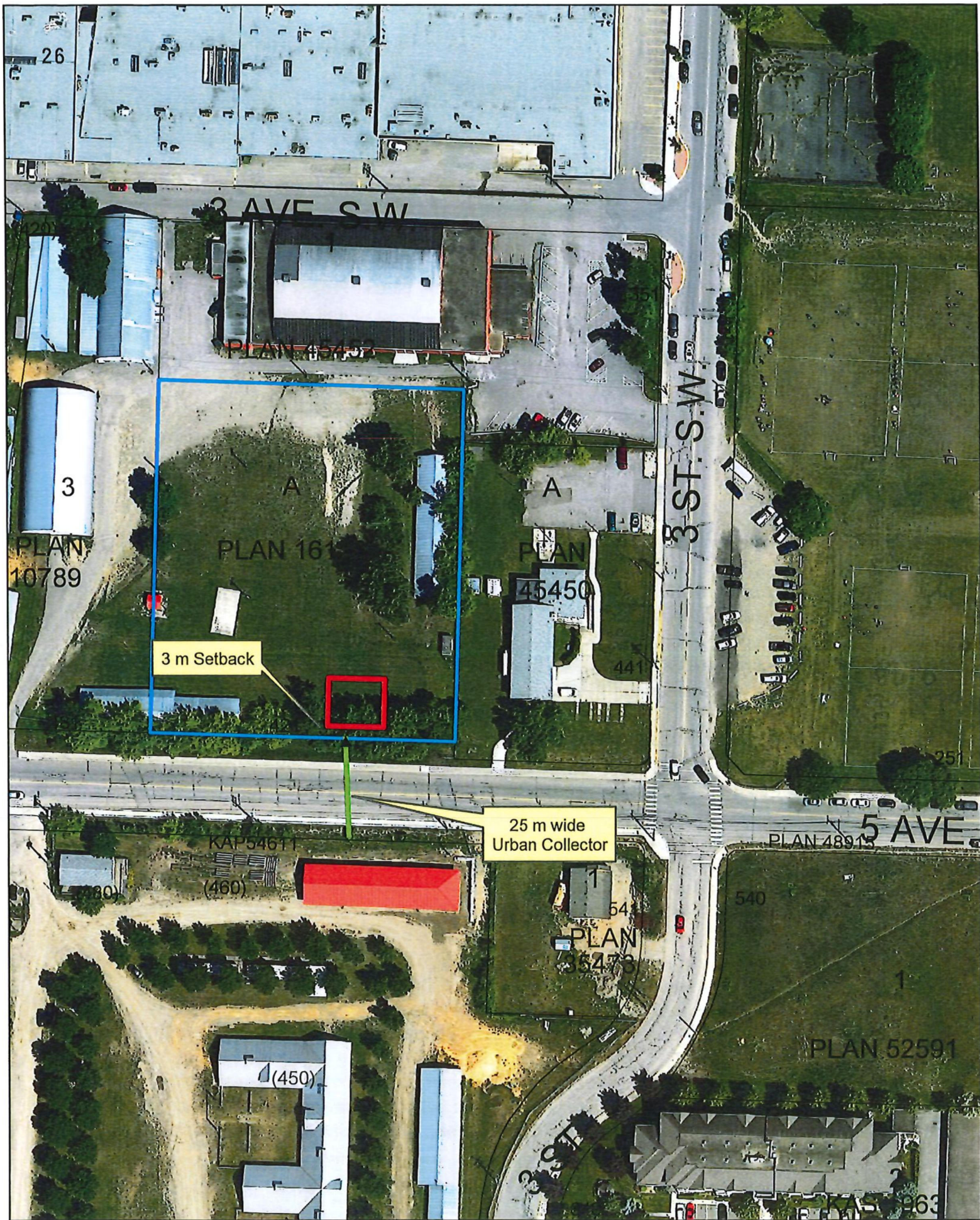
### Reasons for Application

In the process of getting Storm Sewer information to our Designer, for finalizing our building plan to submit for a Building Permit and because the DP was waived, the discovery of requirement for a Variance for the Subdivision and Development Servicing Bylaw requirement was just brought to our attention.

- We had been advised by the City to seek Geo Tech expertise for Storm Water and Foundation considerations - a former Geo Tech Report for the same site was recovered and the Geo Tech confirmed it was still valid. City was informed and was sent the report. The Geo Tech advised that runoff by gutter and directional downspout on site into the ditch area for temporary measures, might be the best course. Information from the City is pending if the ditch is to be linked with existing catchment areas at property street intersection.
- SASLAA understands that the items from the Memorandum received from the Engineering and Public Works Department for the proposed building permit, need to be addressed as already resolved, not applicable or pending. The Memorandum cites headings of; General, Roads/Access, Water, Sanitary and Drainage. At the **October 21, 2020 Meeting** with City Representatives from Permits and Licensing, Engineering and Public Works and Planning Department; the SASLAA Representatives were advised to submit this Variance Application now and seek council of an Engineering Firm for rationale to address the items from the Memorandum for an **(OPC) 'Opinion of Probable Cost'**, to be submitted later, as an addendum to the Variance Application.

The Building Plan is to be a simple box design (Designer: Ron Pederson) with a single ridgeline peaked roof - 1 story build on a maximum allowable height for crawlspace (storage) and facility height restrictions as compliant with the City of Salmon Arm Subdivision and Servicing Bylaw No. 4163 and the BC Building Code. Heat source: natural gas furnace.





421 - 5 Ave. SW (Property Under Application DVP-524)







PO Box 2590, 416A 4<sup>th</sup> Street NE  
Salmon Arm, BC, V1E 4R5  
Phone 250.832.8380

May 25, 2021

Kevin Pearson, Approving Officer  
City of Salmon Arm  
PO Box 40, 500 2<sup>nd</sup> Ave NE  
Salmon Arm, BC V1E 4N2

---

**RE: Development Variance Permit Application for 421 5 Avenue SW**

---

Dear Mr. Pearson,

The Salmon Arm and Shuswap Lake Agricultural Association wish to construct an administration building at 421 5<sup>th</sup> Avenue SW, Salmon Arm, BC. The application of the Subdivision and Development Servicing Bylaw No 4163 prohibits this development due to the requirement of major offsite upgrades.

This letter describes requested variances to the Subdivision and Development Servicing Bylaw and the client's rationale for their acceptance to make this project possible. It is our opinion that these requested variances are reasonable and sensible given the location and existing condition of the site.

The proposed building location is on the north side of 5<sup>th</sup> Avenue SW, 80 meters west of the intersection of 5<sup>th</sup> Avenue SW and 3<sup>rd</sup> Street SW. The site is lower than the road with historical drainage from the fronting boulevard along 5<sup>th</sup> Avenue SW and the neighbouring property to the east, and not the road, entering the subject property.

The purpose of this administration building is to provide much needed support to the non-profit Salmon Arm and Shuswap Lake Agricultural Association (SASLAA). The SASLAA, incorporated in 1911, is a staple of the Salmon Arm community. The Association's signature community event, the first Salmon Arm Fair, was held in 1897.

**Executive Summary**

The main goal of this variance request is to reduce costs of the unnecessary upgrades and cash-in-lieu contributions to make the project feasible. We request the reduction of the required road upgrades, whilst still providing a new fire hydrant, and we request the reduction of watermain cash-in-lieu contributions for unnecessary upgrades. These variances will reduce the cost burden from \$204,304 to \$38,615 while still improving area drainage and fire protection.

### Variance Specifics

The following variance requests reference sections outlined in the September 23, 2020 "Memorandum from the Engineering and Public Works Department" which was prepared by the City's Engineering Department in response to the proposed Building Permit application.

### Roads / Access:

1. "Upgrading will include, but [may] not be limited to, curb & gutter, sidewalk, boulevard construction, 3 davit [streetlights], 1 fire hydrant and 1 catch basin with street drainage."

We request the elimination of the requirement to replace curb & gutter, sidewalk, and boulevard construction. – The existing curb and sidewalk are in good condition and follow a previous standard like the rest of this section of 5<sup>th</sup> Ave SW. To achieve the new RD-3 standard cross section as requested, the existing sidewalk would need to be removed and reinstalled approximately 2.0m back from its current location to accommodate the required boulevard. The cost of this work is high due to boulevard filling and would create a small 80m section of the sidewalk to be out of alignment with the rest of this section of road.

We request the elimination of the requirement for 3 davit streetlights. – There is existing lighting on the other side of 5<sup>th</sup> Ave in the form of utility pole mounted davits. If frontage lighting is required, our review shows only 2 davit streetlights would have been required to meet the bylaw lighting levels. The attached plan shows the location of these 2 davit streetlights.

Although a significant financial addition, we do recognize the importance of proper fire hydrant spacing when practical. We propose to install the required 1 fire hydrant on the north side of 5<sup>th</sup> Avenue SW as requested. Installing the fire hydrant on the north side of 5<sup>th</sup> Avenue SW will minimize road disturbance since the water service for the road can be run parallel to the hydrant lead. Installing the fire hydrant on the south side of 5<sup>th</sup> Avenue SW would create another patch in relatively new curb and sidewalk as well as a filled bump out area with fence relocation to create a hydrant area as the fence currently runs along the back of sidewalk.

A subsequent request for a second hydrant to be installed on the North watermain has been corresponded via email. We request the elimination of this requirement as a hydrant in this location would provide limited aid in firefighting capabilities as it would be too close to provide fire protection to the arena building. As well, the North watermain is undersized for fire flows and would have to be upgraded all the way to 3<sup>rd</sup> St SW, a significantly distance and costly upgrade from just the requested frontage upgrade which we also request elimination of as discuss below.





PO Box 2590, 416A 4<sup>th</sup> Street NE  
 Salmon Arm, BC, V1E 4R5  
 Phone 250.832.8380

Alter the requirement for 1 catch basin with street drainage. – There is no drainage infrastructure on 5<sup>th</sup> Ave in this location. The addition of a catch basin is required due to a large area being serviced by a single catch basin. We propose the addition of 1 catch basin piped to the boulevard. Sent with this request is an integrated stormwater management plan outlining how to best handle the drainage. The plan includes regrading of the boulevard to direct drainage via ditching to a storm inlet to the west. The new building would sheet flow or swale away from splash pads as inground disposal of storm water seems unlikely. The proposed building would require building up off the ground and grading around to avoid any drainage issues. Substantial work would be required to extend the Storm Main from 5<sup>th</sup> St SW with replacement of considerable amounts of road structure and asphalt. Please refer to the opinion of probably cost for reference to the enormous costs associated with this endeavor.

#### Water:

1. "property fronts a 150mm diameter Zone 1 watermain on 5 Ave SW and a 100mm diameter Zone 1 watermain in a right of way (ROW) on the northern boundary. Upgrading of both watermains to 200mm diameter across the frontage of the property is required.

Eliminate the requirement to upgrade the 150mm diameter watermain on 5 Ave SW. – Record drawings show the watermain in 5<sup>th</sup> Avenue SW to be 250mm diameter. Email correspondence has proved this to be an error in the GIS mapping.

Eliminate the requirement to upgrade the 100mm diameter watermain behind the property. – Upgrading this main does not provide any future benefits as it only serves one property without any fire protection. Future upgrades should be considered on adjacent roadways for more suitable long-term infrastructure and to not constrain the aging Indoor Soccer Arena from future development potentials. Instead of us tying in the new service for the proposed building off this main which would be more cost advantageous, we propose to install the new service off 5<sup>th</sup> Ave SW as discussed above. Although cash in lieu has been offered, adhering to this requirement still needlessly compromises project feasibility.

#### Drainage:

2. "Due to known groundwater and drainage issues, it is anticipated that extension of and connection to the City's storm sewer will be required."

Eliminate the anticipated requirement to extend the City's storm sewer main. – As discussed above, an Integrated Stormwater Management Plan has been developed for the property's safe disposal of storm water.



PO Box 2590, 416A 4<sup>th</sup> Street NE  
Salmon Arm, BC, V1E 4R5  
Phone 250.832.8380

Part of the plan confirms offsite flow paths to be safely conveyed from the boulevard to a suitable storm system input. The proposed building will be built above the existing ground level to allow for drainage to continue historical routing.

### **Conclusion**

The reduction of requirements in this memorandum will allow the building on the subject property to become economically feasible. These variances do not negatively impact the property, City land, nor neighbouring properties.

We welcome your review of these proposed variance requests and look forward to addressing any questions or concerns you may have regarding them. We trust that we have presented a case that these are reasonable, sound variances to the applicable bylaws, which allow for an efficient use of this site.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Wickner', with a long, sweeping flourish extending to the right.

Jason Wickner, P.Eng.  
Franklin Engineering Ltd.











PREPARED BY:  
Jason Wickner  
FRANKLIN ENGINEERING LTD.  
Date: May 25, 2021

# Opinion of Probable Cost OFFSITE Without Variance Granted Rev 1

Project Code: 20-146

421 5 Ave SW

ITEM	MMCD Reference	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL
<b>1.0</b>	<b>Division 32</b>	<b>Road &amp; Site Improvements</b>				
1.0.1		Boulevard grading including turf and ditching (and culvert cleaning)	m	135	\$ 25.00	\$ 3,375.00
		Site Improvements Subtotal				\$ 3,375.00
<b>1.1</b>		<b>Asphalt Patch</b>				
1.1.1	32 01 16.7	Cold Milling/Asphalt Removal	m <sup>2</sup>	48	\$ 12.00	\$ 576.00
1.1.2	32 11 16.1	Supply and Install Granular SubBase (450mm thk)	m <sup>2</sup>	48	\$ 22.00	\$ 1,056.00
1.1.3	32 11 23	Supply and Install Granular Base (75mm thk)	m <sup>2</sup>	48	\$ 25.00	\$ 1,200.00
1.1.4	32 12 16	Supply and Install Asphalt Paving (100mm thk)	m <sup>2</sup>	48	\$ 80.00	\$ 3,840.00
		Asphalt for Storm Extension Subtotal				\$ 6,672.00
<b>1.2</b>		<b>Sidewalk relocation</b>				
1.2.1	32 01 16.7	Sidewalk removal	m <sup>2</sup>	183	\$ 10.00	\$ 1,830.00
1.2.2	32 11 16.1	Supply and Install Granular SubBase (450mm thk)	m <sup>2</sup>	183	\$ 22.00	\$ 4,026.00
1.2.3	32 11 23	Supply and Install Granular Base (75mm thk)	m <sup>2</sup>	183	\$ 12.00	\$ 2,196.00
1.2.4	32 12 16	Supply and Install Concrete Sidewalk (100mm thk)	m <sup>2</sup>	183	\$ 95.00	\$ 17,385.00
		Sidewalk relocation Subtotal				\$ 25,437.00
<b>1.3</b>		<b>Asphalt for Storm Extension</b>				
1.3.1	32 01 16.7	Cold Milling/Asphalt Removal	m <sup>2</sup>	540	\$ 12.00	\$ 6,480.00
1.3.2	32 11 16.1	Supply and Install Granular SubBase (450mm thk)	m <sup>2</sup>	540	\$ 22.00	\$ 11,880.00
1.3.3	32 11 23	Supply and Install Granular Base (75mm thk)	m <sup>2</sup>	540	\$ 12.00	\$ 6,480.00
1.3.4	32 12 16	Supply and Install Asphalt Paving (100mm thk)	m <sup>2</sup>	540	\$ 80.00	\$ 43,200.00
		Asphalt for Storm Extension Subtotal				\$ 68,040.00
		Road Works Subtotal				\$ 103,524.00
<b>2.0</b>	<b>Division 33</b>	<b>Utilities - Water Works</b>				
2.0.1	33 11 01	Supply & install service to property line with curb stop	ea	1	\$ 3,500.00	\$ 3,500.00
2.0.2	33 11 01	Cap existing service from entering property on west property line	ea	1	\$ 1,000.00	\$ 1,000.00
2.0.3	33 11 01	Supply & install 250x250x150 tee c/w thrust block	ea	1	\$ 3,000.00	\$ 3,000.00
2.0.4	33 11 01	Supply & install 150 gate valve	ea	1	\$ 2,000.00	\$ 2,000.00
2.0.5	33 11 01	Supply & install 150mm C900 PVC watermain	m	13	\$ 300.00	\$ 3,900.00
2.0.6	33 11 01	Supply & install fire hydrant assembly	ea	1	\$ 7,500.00	\$ 7,500.00
2.1.1	33 11 01	Supply & install 200mm C900 PVC watermain 5th Ave SW	m	80	\$ 200.00	\$ 16,000.00
2.1.2	33 11 01	Supply & install 200mm C900 PVC watermain in rear of property	m	60	\$ 200.00	\$ 12,000.00
		Water Works Subtotal				\$ 48,900.00
<b>3.0</b>	<b>Division 33</b>	<b>Utilities - Storm Water</b>				
3.0.1	33 01 30.1	CCTV Pipeline Inspection	LS	1	\$ 500.00	\$ 500.00
3.0.2	33 42 13	Supply & install 300mm PVC main	m	152	\$ 150.00	\$ 22,800.00
3.0.3	33 42 13	Supply & install manhole complete with base, barrels, lid, frame, etc.	ea	1	\$ 5,000.00	\$ 5,000.00
3.0.4	33 42 13	Supply & install catch basin with 200mm PVC lead	ea	2	\$ 3,000.00	\$ 6,000.00
3.0.5	33 42 13	Connect 300mm PVC to existing manhole	LS	1	\$ 3,220.00	\$ 3,220.00
		Storm Works Subtotal				\$ 37,520.00
<b>4.0</b>	<b>Division 33</b>	<b>Utilities - Sanitary</b>				
4.0.1	33 42 13	Supply & install 100mm PVC service c/w connection to main, Inspection Chamber and extend to property line	LS	1	\$ 3,000.00	\$ 3,000.00
		Sanitary Subtotal				\$ 3,000.00
<b>5.0</b>		<b>Electrical</b>				
5.0.1	26 56 01	Post top street light c/w power base, pedestal, supply & install	ea	1	\$ 6,400.00	\$ 6,400.00
5.0.2	26 56 01	Post top street light and pedestal, supply & install	ea	1	\$ 4,000.00	\$ 4,000.00
5.0.3		Supply and install street light conduit and wiring	m	80	\$ 12.00	\$ 960.00
		Electrical Subtotal				\$ 11,360.00
		ESTIMATE SUB-TOTAL:				\$ 204,304.00



PREPARED BY:  
Jason Wickner  
FRANKLIN ENGINEERING LTD.  
Date: May 25, 2021

**Opinion of Probable Cost OFFSITE With Variance Granted Rev 1**  
421 S Ave SW

Project Code: 20-146

ITEM	MMCD Reference	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL
<b>1.0</b>	<b>Division 32</b>	<b>Road &amp; Site Improvements</b>				
1.0.1		Boulevard grading including turf and ditching (and culvert cleaning)	m	135	\$ 25.00	\$ 3,375.00
		Site Improvements Subtotal				\$ 3,375.00
<b>1.1</b>		<b>Asphalt Patch</b>				
1.1.1	32 01 16.7	Cold Milling/Asphalt Removal	m <sup>2</sup>	60	\$ 12.00	\$ 720.00
1.1.2	32 11 16.1	Supply and Install Granular SubBase (450mm thk)	m <sup>2</sup>	60	\$ 22.00	\$ 1,320.00
1.1.3	32 11 23	Supply and Install Granular Base (75mm thk)	m <sup>2</sup>	60	\$ 25.00	\$ 1,500.00
1.1.4	32 12 16	Supply and Install Asphalt Paving (100mm thk)	m <sup>2</sup>	60	\$ 80.00	\$ 4,800.00
		Asphalt for Storm Extension Subtotal				\$ 8,340.00
		Road Works Subtotal				\$ 11,715.00
<b>2.0</b>	<b>Division 33</b>	<b>Utilities - Water Works</b>				
2.0.1	33 11 01	Supply & Install service to property line with curb stop	ea	1	\$ 3,500.00	\$ 3,500.00
2.0.2	33 11 01	Cap existing service from entering property on west property line	ea	1	\$ 1,000.00	\$ 1,000.00
2.0.3	33 11 01	Supply & Install 250x250x150 tee c/w thrust block	ea	1	\$ 3,000.00	\$ 3,000.00
2.0.4	33 11 01	Supply & Install 150 gate valve	ea	1	\$ 2,000.00	\$ 2,000.00
2.0.5	33 11 01	Supply & Install 150mm C900 PVC watermain	m	13	\$ 300.00	\$ 3,900.00
2.0.6	33 11 01	Supply & install fire hydrant assembly	ea	1	\$ 7,500.00	\$ 7,500.00
		Water Works Subtotal				\$ 20,900.00
<b>3.0</b>	<b>Division 33</b>	<b>Utilities - Storm Water</b>				
3.0.4	33 42 13	Supply & Install catch basin with 200mm PVC lead	ea	1	\$ 3,000.00	\$ 3,000.00
		Storm Works Subtotal				\$ 3,000.00
<b>4.0</b>	<b>Division 33</b>	<b>Utilities - Sanitary</b>				
4.0.1	33 42 13	Supply & Install 100mm PVC service c/w connection to main, Inspection Chamber and extend to property line	LS	1	\$ 3,000.00	\$ 3,000.00
		Sanitary Subtotal				\$ 3,000.00
ESTIMATE SUB-TOTAL:					\$	38,615.00





*Memorandum from the  
Engineering and Public  
Works Department*

---

TO: Kevin Pearson, Director of Development Services  
 DATE: May 21, 2021  
 PREPARED BY: Chris Moore, Engineering Assistant  
 OWNER: Salmon Arm and Shuswap Lake Agricultural Association (SASLAA)  
 APPLICANT: SASLAA / Phil Wright  
 SUBJECT: DEVELOPMENT VARIANCE PERMIT AMENDMENT APPLICATION No. VP-524  
 LEGAL: LOT A SECTION 14 TOWNSHIP 20 RANGE 10 W6M KDYD PLAN 16126  
 CIVIC: 421 – 5 Avenue SW

---

Further to the request for variance dated November 27, 2020, the amended Franklin Engineering Letter dated April 8 2021 and Integrated Storm Water Management Plan (ISMP) dated May 4 2021, the Engineering Department has thoroughly reviewed the site and offers the following comments and recommendations, relative to the variance requested:

**The applicant applying to vary the following upgrades required under the Subdivision and Development Servicing bylaw 4163 (SDSB). These upgrades are required through "development" as the applicant has applied for a building permit.**

**1. Waive the requirement for Road Upgrades across the frontage of the subject property:**

5 Ave SW on the subject property's southern boundary is currently constructed to an Interim Collector Road standard. Upgrading to an Urban Collector Road standard is required, in accordance with Specification Drawing No. RD-3. Upgrading will include, but may not be limited to, curb & gutter, sidewalk, boulevard construction, 3 davit street lights and street drainage.

The curb on 5 Ave SW has no gutter which can lead to ongoing maintenance issues and the sidewalk should be offset, separating pedestrians from traffic and creating an area for snow storage. The boulevard should be graded towards the road so that plowed snowmelt will run into the road, not onto private property.

Three streetlights are required to adequately light 5 Avenue to the SDSB standard, existing hydro lease lights should not be taken into account as these are significantly more expensive to the City and are being replaced with City owned lights wherever possible.

There is currently over 1500m<sup>2</sup> of road / sidewalk draining to the only catchbasin on fairgrounds frontage. The SDSB allows up to 500m<sup>2</sup> per catch basin and so two additional catch basins are required on the subject property's frontage. The existing catchbasin drains to a shallow swale, extension of the storm sewer will be required to service the new catchbasins.

**Recommendation:**

**Since 5 Avenue SW does not comply with the current SDSB standards, the Engineering Department recommends that the requested variance to waive the requirement for Road Upgrades be denied.** However, it is noted that curb and sidewalk do exist on the property's frontage and that street lighting exists on the south side of 5 Ave but none meet the current standards.

**2. Waive the requirement to install one of two required Fire hydrants:**

Fire hydrants shall meet the high density spacing requirements of 90 meters. This will require one additional hydrant on 5 Avenue SW and one within the ROW on the northern boundary. It can be seen from Appendix A that the fairground and Indoor Soccer Arena are very poorly served with fire hydrants. As both properties have older, mostly timber buildings located on them, fire protection is seen as a high priority.

**Recommendation:**

**The Engineering Department recommends that the requested variance to waive the requirement to install a Fire Hydrant be denied.** The Engineering Department does not support waiving of safety related requirements, due to potential liability concerns.

**3. Waive the requirement to upgrade the 100mm Watermain on the northern frontage of the subject property:**

The subject property fronts a 250mm diameter Zone 1 watermain on 5 Ave SW and a 100mm diameter Zone 1 watermain in a right of way (ROW) on the northern boundary. Upgrading the 100mm watermain on the northern boundary to 200mm diameter across the frontage of the property is required by the SDSB.

**Recommendation:**

**Since the watermain does not comply with the current SDSB standards, the Engineering Department recommends that the requested variance to waive the requirement to upgrade the watermain be denied.** Where upgrades are not urgently required to service the development, the City has historically reduced the amount of contribution to 50% of the cost of upgrade, in theory, splitting the cost of upgrade between the fronting properties. Subject to confirmation of adequate fire flows on the existing main, the engineering department would support a cash-contribution to future works to 50% of the cost to upgrade.

**4. Waive the requirement to extend storm sewer to and across the frontage of the subject property:**

The subject property does not front on an enclosed storm sewer system and is not serviced with City storm. Franklin Engineering acknowledge that there are "known stormwater issues" on the subject property and ground conditions are not favourable for onsite storm disposal. It appears that the Salvation Army Property to the east drains onto this property and the proposed building location has at times been covered with standing water. Extension of the storm sewer is required by the SDSB and to provide adequate road drainage, as per item 1 and to service the proposed building. The nearest available storm sewer is at the intersection of 5 Avenue and 5 Street, approximately 90m from the subject property.

There have been ongoing drainage issues at this location for many years. The City has identified the storm extension as a priority improvement in the asset management planning process, but there is no budget currently available to undertake this work.



**DEVELOPMENT VARIANCE PERMIT AMENDMENT APPLICATION No. VP-524**

May 21, 2021

Page 3

Franklin Engineering submitted an Integrated Storm Water Management Plan (ISMP) (May 4 2021), intended to address storm water disposal from the property. However the report does not contain sufficient information to determine if it will adequately work and their current proposal is for a ditch that will cross third party land before connecting to our storm sewer, which cannot be approved.

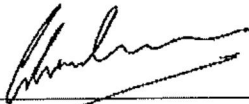
**Recommendation:**

Since storm sewer is required to service the proposed development and to address existing drainage issues, the Engineering Department recommends that the requested variance to waive the requirement to install storm sewer be denied.

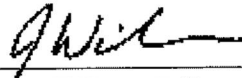
**Servicing:**

It should be noted that the proposed development will require the following servicing upgrades and that these may not be varied:

1. Installation of a metered water service.
2. Installation of Backflow Protection (Double Check Valve Assembly.)
3. Installation of sanitary service.
4. Installation of storm service or other approved drainage solution.

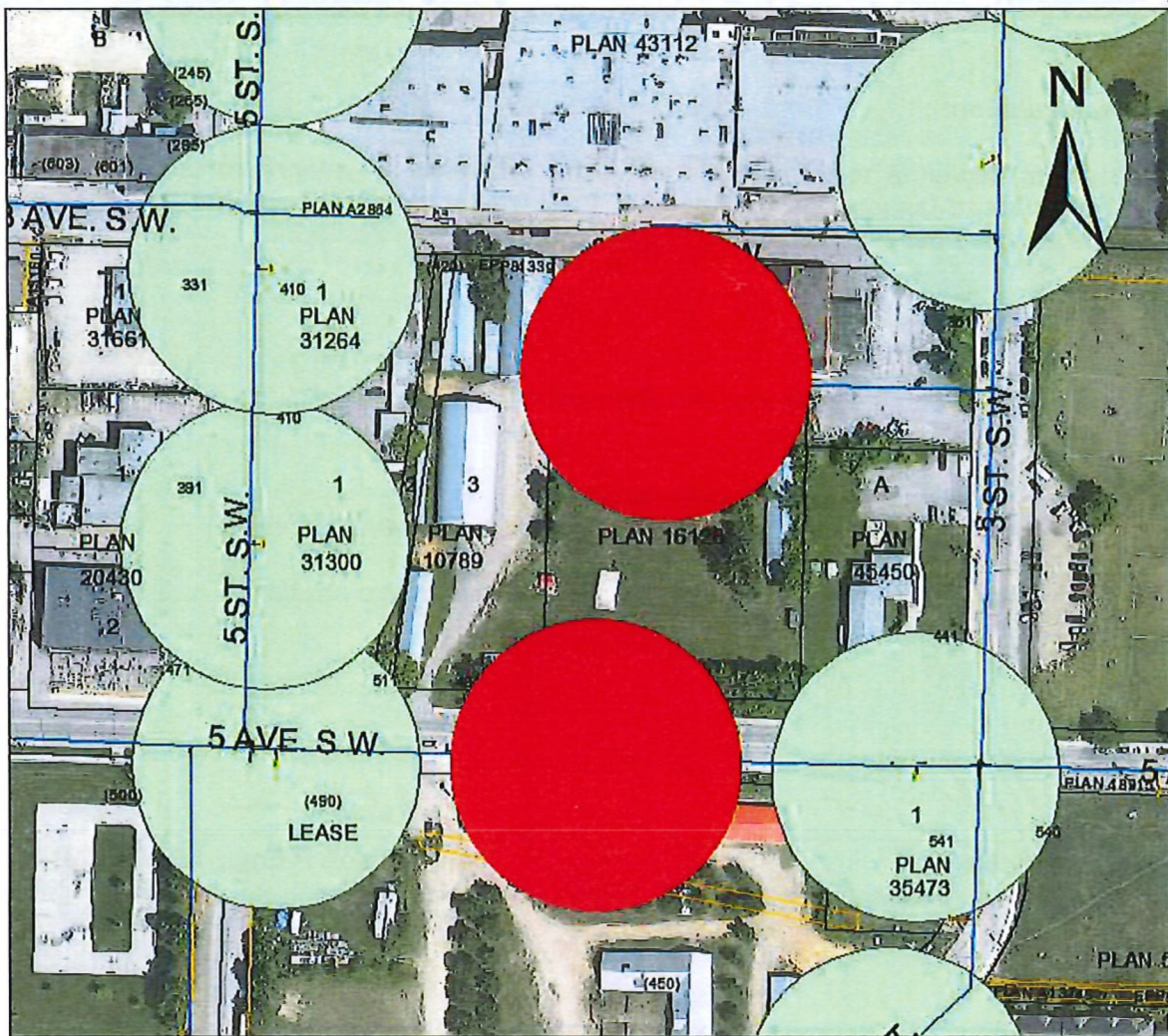


**Chris Moore**  
Engineering Assistant



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



Appendix A: Fire Hydrant Spacing



CITY OF  
**SALMON ARM**

90

Meters

-  Proposed Hydrant Location
-  Existing Hydrant Locations



PLAN A2864

3 AVE. S.W.

ST. S.W.

5 ST. S.W.

5 AVE. S.W.

2. Two Fire Hydrants Required

3. 63m Watermain to be upgraded from 100mm to 200mm

Area of trespass over third party land for proposed ditch flows

Required Street Lights

30m Storm extension would avoid third party land

Existing CB

Required CBs

4. 165m of 250mm diameter storm sewer to be extended.

1. 80m curb & gutter, sidewalk, boulevard construction, 3 davit street lights and street drainage required.

PLAN A1320



This page intentionally left blank.



To: His Worship Mayor Harrison and Members of Council

Date: June 25, 2021

Subject: Variance Permit Application No. VP-534

Legal: Lot 4, Section 12, Township 20, Range 10, W6M, KDYD, Plan KAP57572  
 Civic Address: 1981 18A Avenue SE  
 Owner/Applicant: Hasselaar, Andrew

### **MOTION FOR CONSIDERATION**

**THAT:** Development Variance Permit No. VP-534 be authorized for issuance for Lot 4, Section 12, Township 20, Range 10, W6M, KDYD, Plan KAP57572 to vary Zoning Bylaw No. 2303 as follows:

**Section 4.12.1 (a) – Fences and Retaining Walls – increase fence height to 2.0 m along entire rear and interior side yards;**

**Section 4.12.1 (b) – Fences and Retaining Walls – increase fence height from 1.2 m to 2.0 m along front and exterior side yards;**

**Section 6.6 – R1 - Single Family Residential Zone – increase height of an accessory building (i.e. detached shop) from 6.0 m to 8.0 m;**

**Section 6.7 – R1 - Single Family Residential Zone – increase maximum parcel coverage for accessory buildings from 10% to 11% of the parcel;**

**Section 6.11.2 – R1 - Single Family Residential Zone – reduce setback from 1.0 m to 0.4 m from the eaves of a detached shop to the rear parcel line; and**

**Section 6.11.3 – R1 - Single Family Residential Zone – reduce setback from 1.0 m to 0.4 m from the eaves of a detached shop to the interior side parcel line.**

### **STAFF RECOMMENDATION**

**THAT:** Council approve only the requests to vary Section 4.12.1 (a) and 4.12.1 (b) to permit construction of a 2.0 m high fence and that all requested variances to the proposed accessory building be defeated.

### **PROPOSAL**

The property owners are proposing an increase to fence height in order to replace the existing fence on the property, as well as the following variances to construct a 98.6 m<sup>2</sup> (1061 ft<sup>2</sup>) detached shop: a reduction to the interior side and rear setbacks, an increase to accessory building height, and an increase to parcel coverage for accessory buildings.

A proposal letter submitted by the applicant to explain rationale for the variance requests is attached as Appendix 1 and a survey plan showing the existing single family dwelling is attached as Appendix 2.

## BACKGROUND

The subject property is 901 m<sup>2</sup> (0.09 ha) in size and contains an existing single family dwelling that has a footprint of roughly 147 m<sup>2</sup> (1,582 ft<sup>2</sup>) (Appendices 3 & 4). The property is located in the Hillcrest area on the corner of 18a Avenue SE and 20 Street SE.

The property has an Official Community Plan (OCP) designation of Low Density Residential and is zoned R1 – Single Family Residential (Appendices 5 & 6).

Adjacent land uses include the following:

North:	Single Family Residences	Zoned R1
South:	18a Avenue SE / Single Family Residences	Zoned R1
East:	20 Street SE / Farmland	Zoned A2
West:	Single Family Residences	Zoned R1

These variance requests are discussed in further detail below.

### *1. Fence*

Construction of the proposed fence at a height of 2.0 m around the entire property requires two variances. The first request would allow the fence height to be constructed to 2.0 m along the entire rear and interior side yard. This is required because Section 4.12.1 (a) of the Zoning Bylaw requires fence height to go down to 1.2 m within 6.0 m of the front and exterior side parcel lines. A fence height variance from 1.2 m to 2.0 m for the front and exterior side yards is also required (Section 4.12.1 (b)).

The property owner notes that the existing fence is already roughly 2.0 m along the front. While the existing chain link fencing along the exterior side was much lower, this was covered by a hedge that probably exceeds 2.0 m in height. The hedge was partially dead and considered by the property owner to be a fire hazard so removal of the existing fence and hedge had already begun at the time of writing this report.

### *2. Detached Shop*

The property owner states that in order for the proposed detached shop to meet their needs for all uses they intend to construct it for, variances are required to the accessory building height, parcel coverage for accessory buildings, and interior side and rear setbacks.

The detached shop is proposed at a maximum height of 7.5 m (24.5 ft) from the main floor to the highest point of the roof. Without elevation drawings, staff are unable to confirm this measurement using our definition of height. Height is defined in our Zoning Bylaw as the vertically measured distance between the lowest of the average levels of grade adjoining each exterior wall of a building prior to the start of construction of the building, to the roof line of the building when roof line means the highest point on any roof top or edge or parapet forming the top line of the (roof) building silhouette. Staff have sited a height variance request from 6.0 m to 8.0 m to account for minor changes at time of construction.

Proposed at 98.6 m<sup>2</sup> in size, the shop would be slightly above the maximum parcel coverage permitted for accessory buildings at 10.9%. While this slightly exceeds the 10% maximum parcel coverage permitted for accessory buildings, the total parcel coverage for both the existing single family dwelling and the proposed shop would still be well within the permitted 45% at approximately 27%.

The building is proposed at 0.91 m from the interior side and rear parcel lines with an eave overhang of 0.44 m. This means setback variances from 1.0 m to 0.4 m from the eaves to both the interior side and rear parcel lines are required.

Proposal drawings can be seen attached as Appendix 7 and site photos showing the existing lot can be seen attached as Appendix 8.



## COMMENTS

### Engineering Comments

No engineering concerns for this application.

Building permit conditions: sheet drainage will not be permitted. Shop gutters will be required to connect to existing storm service.

### Building Department

Eaves may not project over property lines.

Home occupation use must be contained within the principle building. The property owner has not indicated that they plan to use the proposed building for a home occupation use but should be aware that it would not be permitted within an accessory building.

### Fire Department

No concerns.

### 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 when reviewing a request. These factors include site specific conditions such as lot configuration, negative impact to general form and character of the surrounding neighbourhood and negative impact(s) on adjacent properties.

#### *Fence*

Staff are in support of the fence height variance given the rationale of privacy and safety concerns with existing fence and hedge. Additionally, the property owner noted that much of the fence and hedge is already 2.0 m in height so this is likely to have very minimal impacts to surrounding properties.

#### *Detached Shop*

While some of the variance requests associated with the detached shop are considered quite minor, staff feel that there would be substantial overall impacts when considering a detached shop that is both larger in size and height than otherwise permissible for an accessory building, and also located closer to neighbouring properties.

The building mass and location is likely to have significant impacts to neighbours, particularly the neighbour to the west. Staff estimate that the detached shop will likely be taller than the existing single family dwelling on the property as building plans for the original house appear to show a height of approximately 7.0 m to the highest point of the roof. While a building of this height would be allowable as an addition to the existing house, an addition would require setbacks of 4.5 m from the rear parcel line and 1.5 m from the interior parcel line. Staff do question if the building would still meet the intent of an accessory building given its proposed mass and proximity to two neighbouring properties.

The property owners have expressed that they would like the proposed detached shop to fit with the form and character of the existing neighbourhood. However, it is difficult to determine this without elevation drawings showing how the proposed shop will look. The property owners have been advised that elevation drawings may help Council and neighbours to visualize the building and would also allow staff to confirm building height. Given that the height of the proposed building is likely to be taller than the existing single family dwelling, and the footprint of the proposed shop is nearly  $\frac{1}{4}$  the size of the existing house, staff are concerned with how this will fit with the form and character of the existing house and neighbourhood.

While the parcel coverage variance request appears minor (and total parcel coverage is considerably under the maximum permitted), the footprint of this proposed shop appears to be roughly 28.0 m<sup>2</sup> (300 ft<sup>2</sup>) larger than that of the detached garage on the property next door (see site photos attached as Appendix 8). When combined with the height and setback variances, staff do feel that this increases the impact of the building.

The property owner states that the proposed building scale is in part intended to accommodate storage of a boat that will otherwise remain parked in the driveway. While it would be positive to relocate the boat within a building, staff feel that the site would be large enough to accommodate this without requiring all of the requested variances. This is an irregular shaped lot and the positioning of the existing single family dwelling on the property does make siting of an accessory building more difficult. That being said, it is felt that the main difficulty of siting with this building is due to its large mass. Staff have had thorough discussion with the property owners about some potential alternatives and compromises. Proposed alternatives include an addition to the existing house or relocation of the building to the northeast corner of the property in order to somewhat reduce the required variances and potentially some impacts. Through these discussions, the owners indicated that this is their desired location because it was felt that alternatives would create other issues and not totally remove the need for variances. In order to construct the shop for all intended purposes, the property owners feel that all variances are required.

Staff do acknowledge that the property owners have done extensive consultation with neighbours and had indicated that they had not had any negative feedback when proposing this to direct neighbours verbally (see Appendix 9 attached).

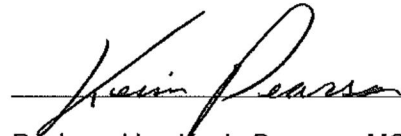
#### *Conclusion*

Overall, staff are in support of the variances related to fence height and feel that the variance requests to accessory building regulations would not be unreasonable when looked at individually. That being said, the combination of variances to the height, setbacks, and parcel coverage required to accommodate the proposed detached shop make staff question if this building actually meets the intent of an accessory building in the R1 zone. Staff are concerned with the precedent that multiple variances to the accessory building regulations could set and therefore are not in support of the variance requests for the proposed detached shop.

On a more localized, site-specific basis, if nearby and adjacent neighbours have no concerns, Council may want to consider supporting all of the applicants variance requests.



Prepared by: Brenda Kolenbrander  
Planner



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

#### Appendices:

- Appendix 1 – Proposal Letter
- Appendix 2 – Survey Plan
- Appendix 3 – Location Map
- Appendix 4 – Subject Property Map
- Appendix 5 – OCP Map
- Appendix 6 – Zoning Map
- Appendix 7 – Proposal Drawings
- Appendix 8 – Site Photos
- Appendix 9 – Letter to Neighbours
- Appendix 10 – R1 Zoning Regulations



# Summary of Variance

Hasselaar Family Detached Shop

1981 18A Ave SE

Salmon Arm, BC, V1E 1N6

**Purpose:** Why are we interested in pursuing the construction of a detached shop?

We enjoy our house and are looking to improve its functionality and enhance the yard appearance from the street. Though we enjoy our home... we've quickly discovered with our growing family the design of the house doesn't enable us to have practical internal storage space; the absence of a basement further compounds the problem.

The desire is to build a detached shop on top of an excavated basement.

The shop will be professionally engineered and designed with care to make it aesthetically pleasing to its residential setting.

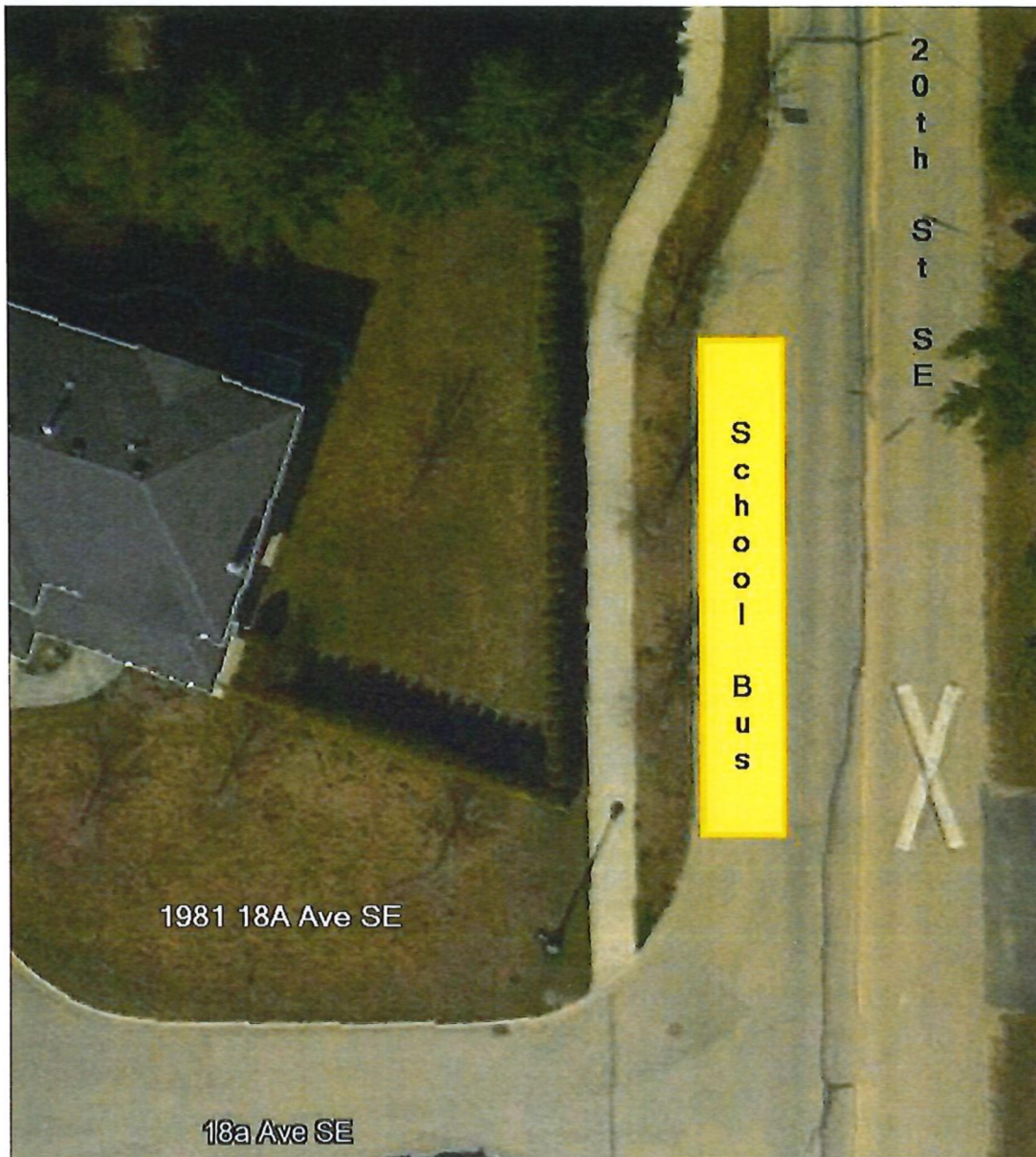
What we are looking to achieve is a variance application is as follows...

## **4.12.1(b) - 1.2 metres (3.9 ft.) in all front and exterior side yards**

Having a dog and the school bus stop on the other side of the fence (20<sup>th</sup> St SE) we're experiencing difficulties with school kids (in waiting) taunting and teasing the family dog. Kids have been observed kicking and rattling the fence to get the dog riled up.

Whether it be school kids or otherwise... Garbage mysteriously makes its way over the existing short fence.

The proposed solution is to construct the east property line fence to match the height of the existing southern fence. This would alleviate the concerns with the school kids taunting the dog and also provide privacy from the busy street.



The north and west fence will not exceed 6.6'; consistent with bylaw 4.12.1(a).

For additional fence details please refer to further documents located deeper in this variance package.

**6.11.2** - The minimum setback of an accessory building from the Rear parcel line shall be 1.0 metre (3.3 feet)

**6.11.3** - The minimum setback of an accessory building from the Interior side parcel line shall be 1.0 metre (3.3 feet)

The positioning of the house on the property leaves an odd (pie shaped) piece of land along the northwest property lines. We'd like to maximize this odd space as best as possible to accommodate the detached shop.

In the proposed location the shop would straddle the two lots to the north; minimizing the visibility of the shop either one of the two neighbours would see while looking south.



Here we're asking for a setback of the exterior shop walls at the North and West property line to be (0.9144m or 36"). This would also translate to setbacks of the protrusion of the eaves at the North and West property line to be (0.4788m).

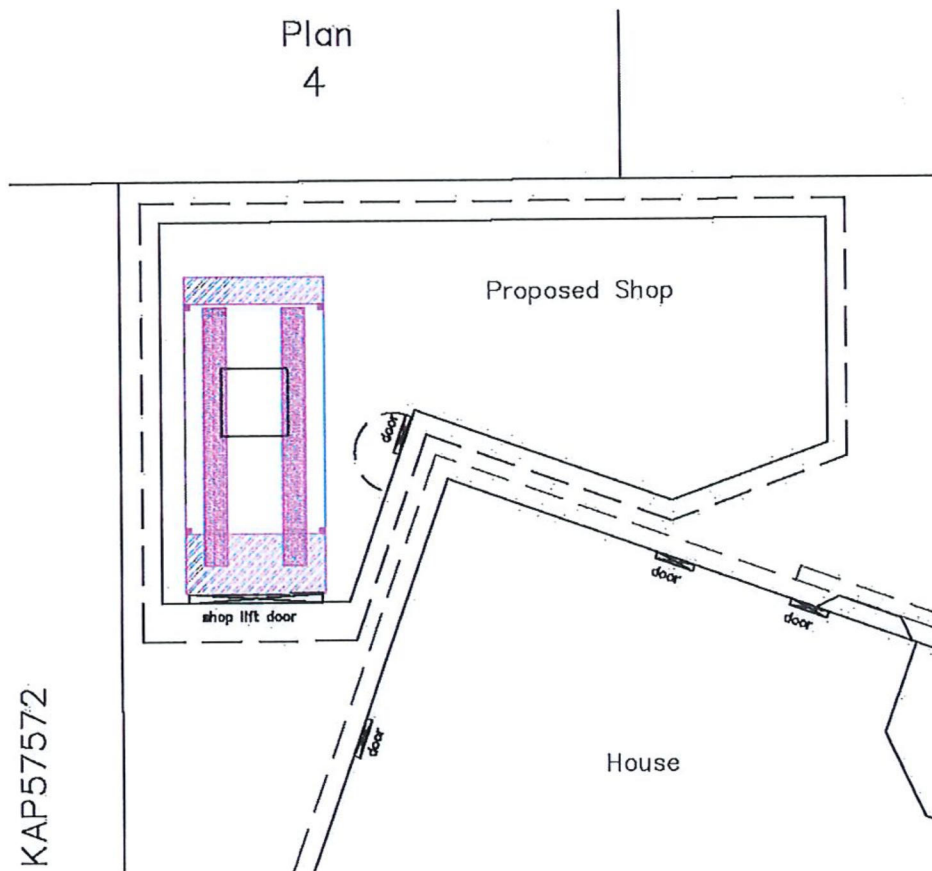
Building at this proposed offset will permit the installation of a sectional garage door and storage of the family boat.

Storing the boat in the shop space will lessen the need to park vehicles on the street since the boat would otherwise occupy the driveway.

Having less vehicles parked along the street will make it easier for waste management and public works (street sweeping and snow removal) personnel to perform their work.

As the setbacks are increased the depth of the shop decreases proportionally.

Unfortunately building at the standard offset will not accommodate the installation of a sectional garage door nor the storage of the boat.



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

Here we're asking for 24.5' maximum from the main floor to the topmost point of the roof.

The requirement is to have 20.5' from the main floor to the ceiling of the shop.

The additional 4' is to account for rafters and roof pitch (4:12).

~~7.8~~ height is needed to accommodate a four-post vehicle/boat lift that will store the boat.

**6.7 - The total maximum parcel coverage for principal and accessory buildings shall be 45% of the parcel area, of which 10% shall be the maximum parcel coverage for accessory buildings.**

The shop design takes up 1061 square feet (or 98.57 square meters) from exterior wall to exterior wall.

With the property being 901 square meters, this puts the accessory building at 10.9% coverage.

If the additional 8.47 square meters or (0.9%) can be gained will greatly help with storage potential and fit well with the existing concrete walkway against the house.

Additional notes:

- 1) The property was surveyed by Browne Johnson on May 14, 2020. Their survey plot was used as a basis to evaluate the shop design.

Thank you for your consideration.

Sincerely,

*Drew and Sarah Hasselaar*

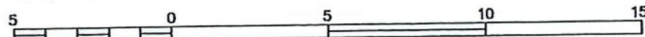
Drew and Sarah Hasselaar



## Site Plan of Lot 4 Sec 12, Tp 20, Rge 10, W6M KDYD, Plan KAP57572

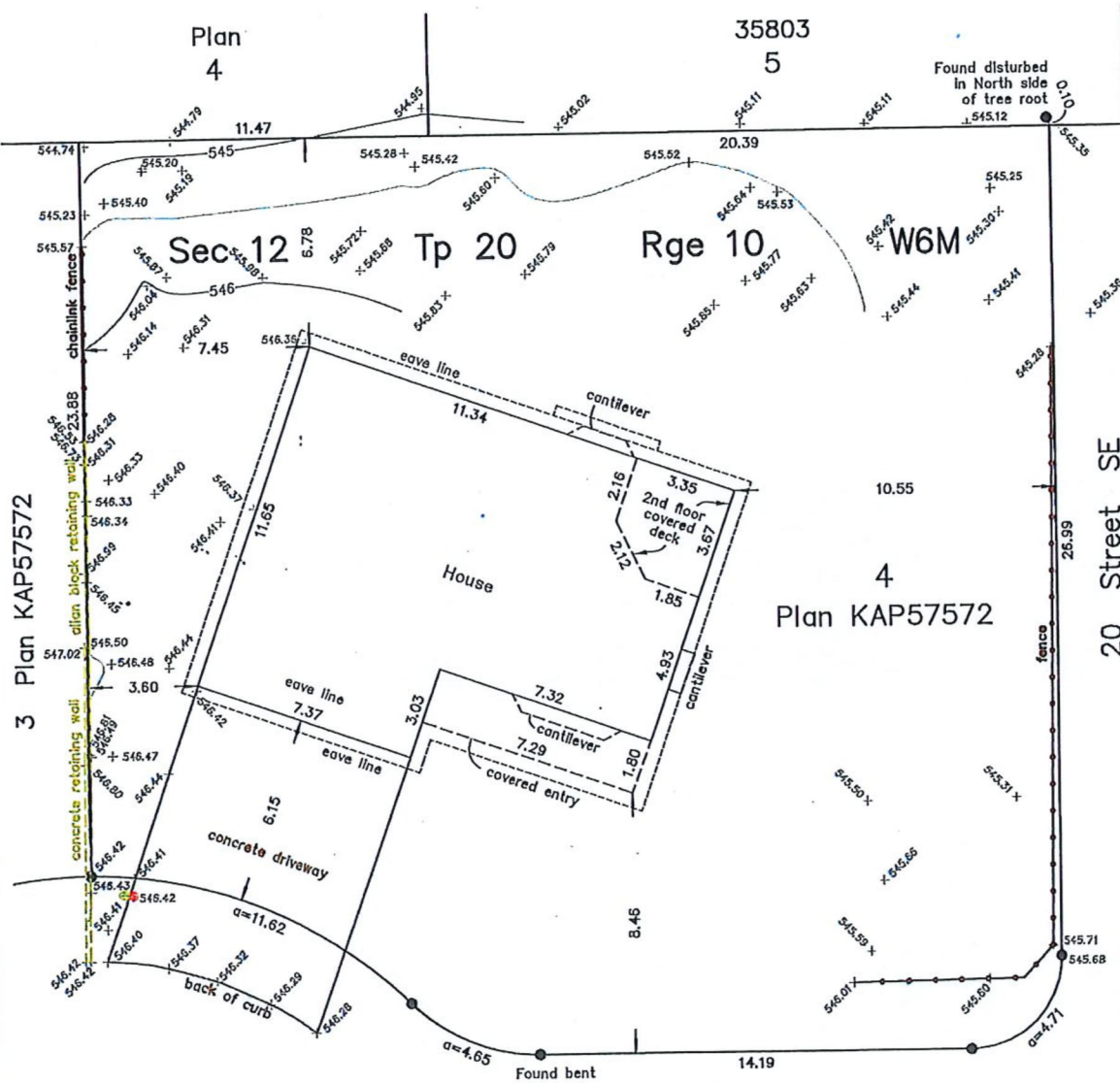
Scale 1:150

BCGS 82L.064



All distances are in metres.

The intended plot size of this plan is 280mm in width by 432mm in height (B size) when plotted at a scale of 1:150



### LEGEND

- Standard Iron Post Found (OIP)
- + 123.4 Denotes Spot Elevation

- sanitary clean-out
- storm clean-out

- Date of Survey: May 14, 2020
- Dimensions derived from Plan KAP57572
- Contour Interval is 0.5m

Elevations are geodetic and are derived from Natural Resource Canada's PPP GNSS processing services.  
Vertical datum used: CGVD28 (HTV2.0)

Civic Address: 1981 18A Avenue SE, Salmon Arm

Parcel Identifier(PID): 023-527-366

List of documents registered on title which may affect the location of improvements:  
None

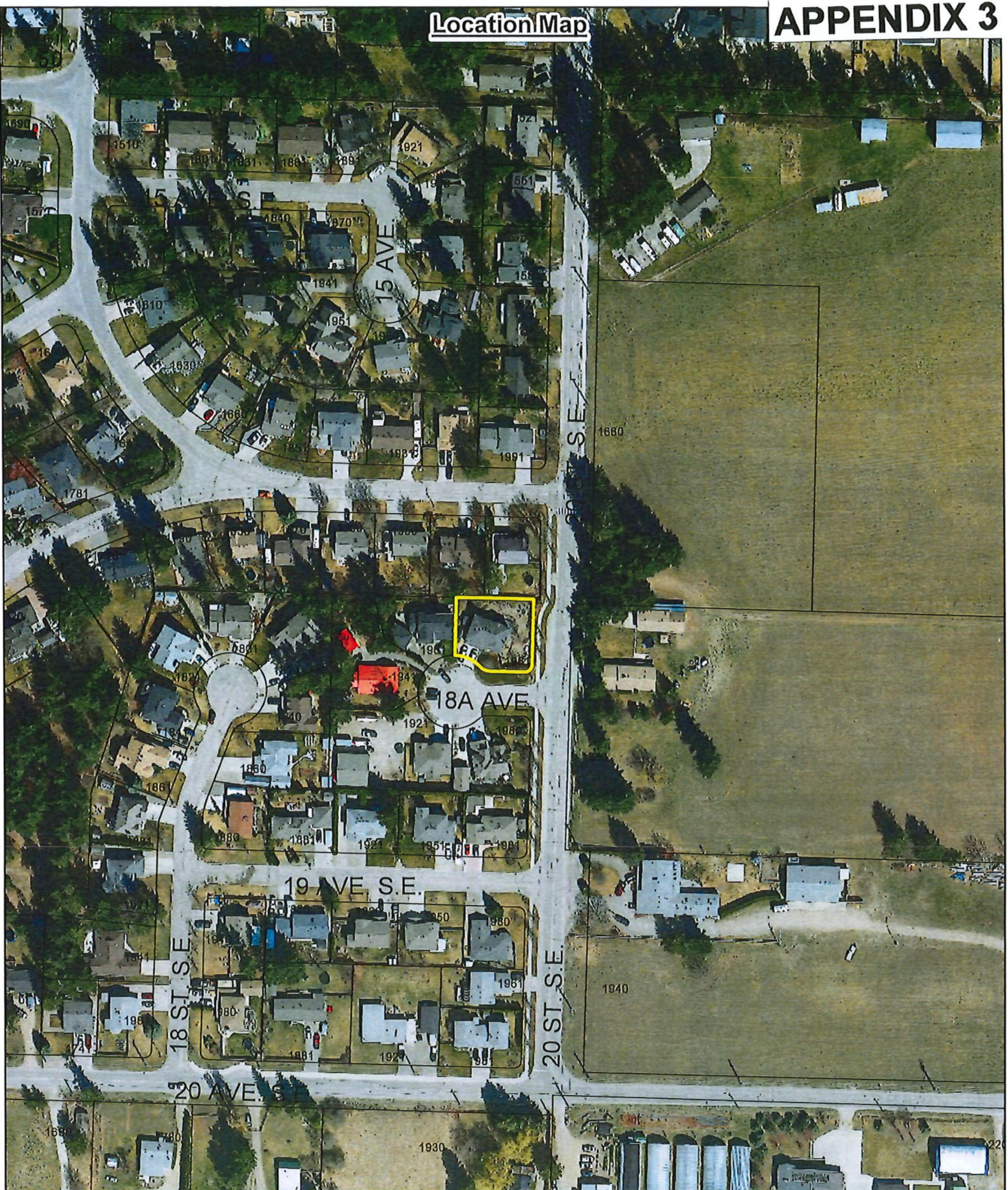
18A Avenue SE

This plan was prepared for construction planning purposes and is for the exclusive use of our client. BROWNE JOHNSON LAND SURVEYORS accepts no responsibility or liability for any damages that may be suffered by a third party as a result of reproduction, transmission or alteration to this document without consent of BROWNE JOHNSON LAND SURVEYORS.

May 28, 2020

BROWNE JOHNSON LAND SURVEYORS  
B.C. AND CANADA LANDS  
SALMON ARM, B.C. 250-832-9701  
File: 151-20 Fb. R134 p.87  
151-20.raw





0 20 40 80 120 160 Meters

Subject Property  
 Parcels



Subject Property

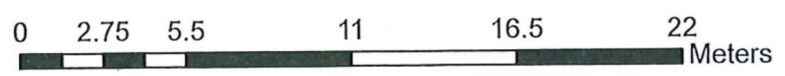
51



961

1981

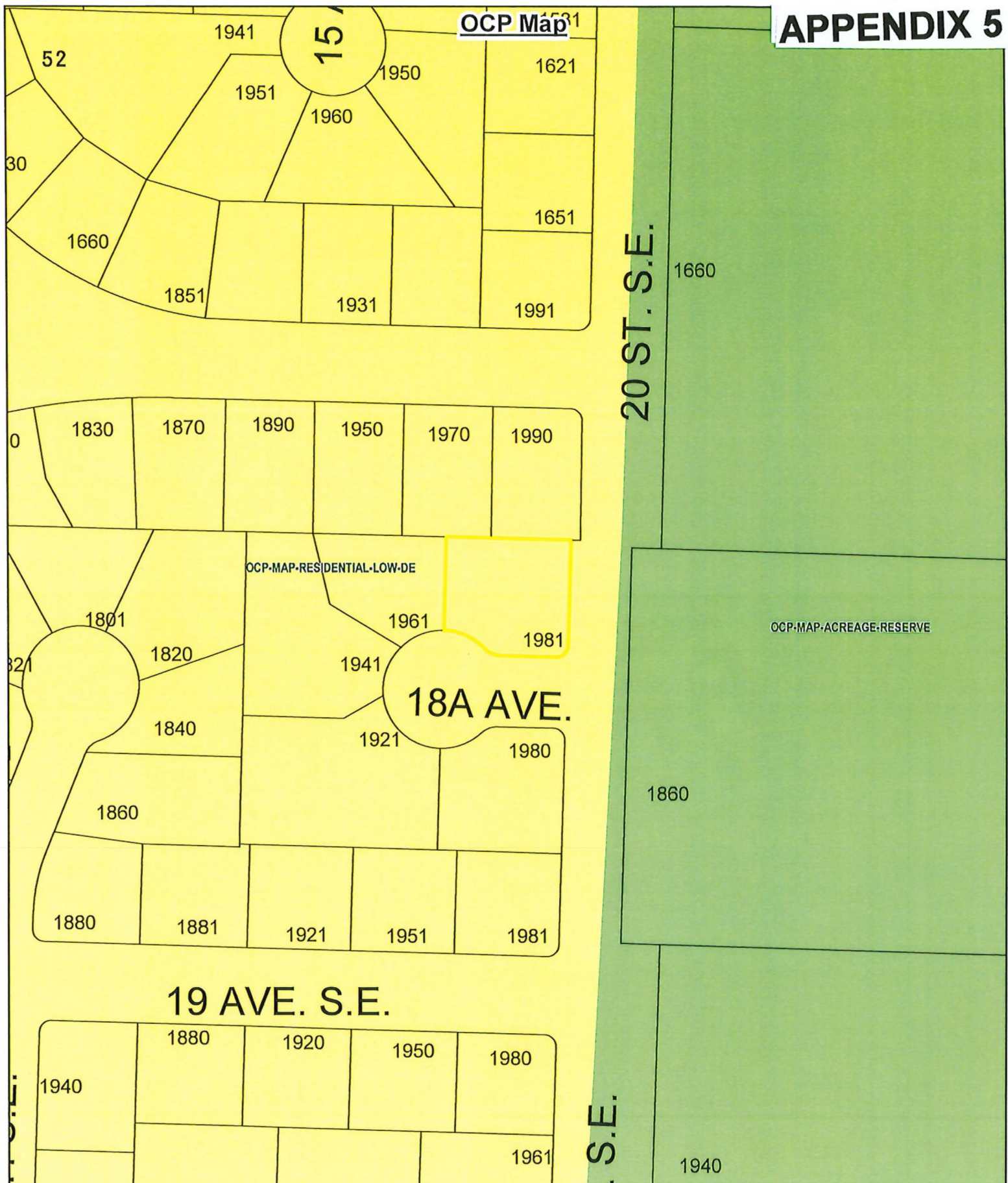
18A AVE.



-  Subject Property
-  Parcels



OCP Map



0 5 10 20 30 40  
Meters

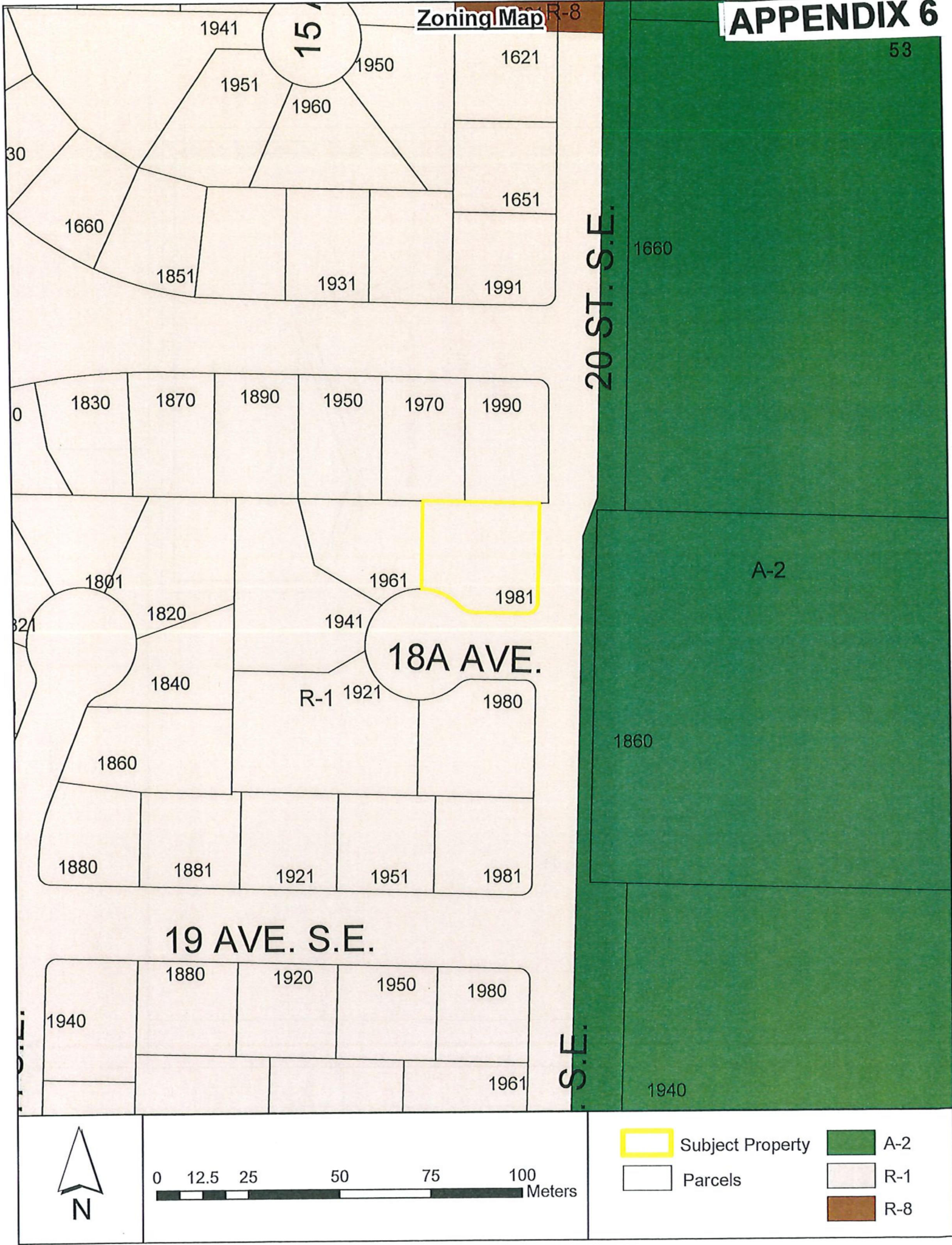
 Subject Property

 Parcels

 Acreage Reserve

 Residential - Low Density





Plan  
4

35803  
5

Drew's  
Shop

1981 18A Ave  
SE Salmon Arm

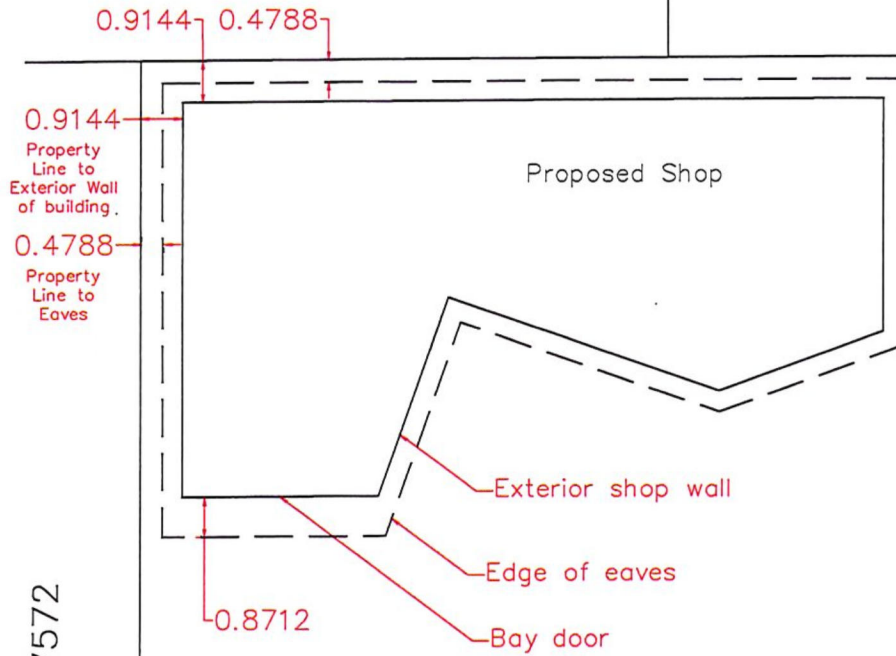
Description:  
Shop site plan  
showing footprint  
and offsets

Notes:  
Eaves are 0.4356  
meters all around  
except for the  
front of the shop  
where the bay  
door will be.

Page 1 of 1

Drafter:  
Drew Hasselaar

Revision date:  
May 9, 2021



Proposed Shop

Exterior shop wall

Edge of eaves

Bay door

4  
Plan KAP57572



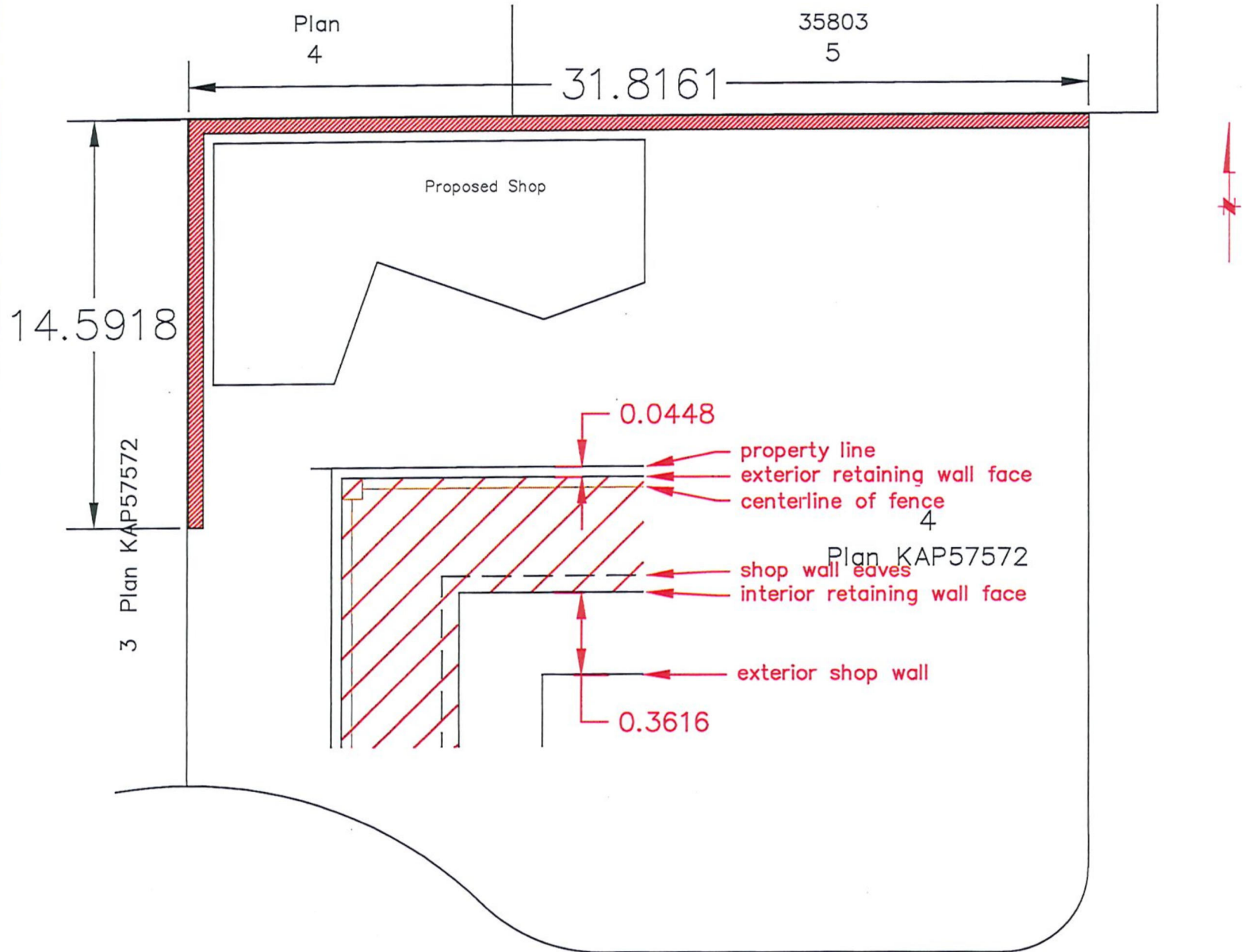
All measurements are in meters unless specified otherwise

3 Plan KAP57572

54



55



# Drew's Shop

1981 18A Ave  
SE Salmon Arm

Description:  
Shop site plan  
showing retaining  
wall

Notes:

Retaining wall to  
be 6" above final  
grade.

Width of wall likely  
to be 508mm.

Dept of wall to  
exceed 4'.

Wall is to be  
professionally  
engineered and  
certified along with  
rest of shop.  
Exact dimensions  
of wall to follow.

Page 1 of 1

Drafter:  
Drew Hasselaar

Revision date:  
May 9, 2021

Plan  
4

35803  
5

# Drew's Shop

1981 18A Ave  
SE Salmon Arm

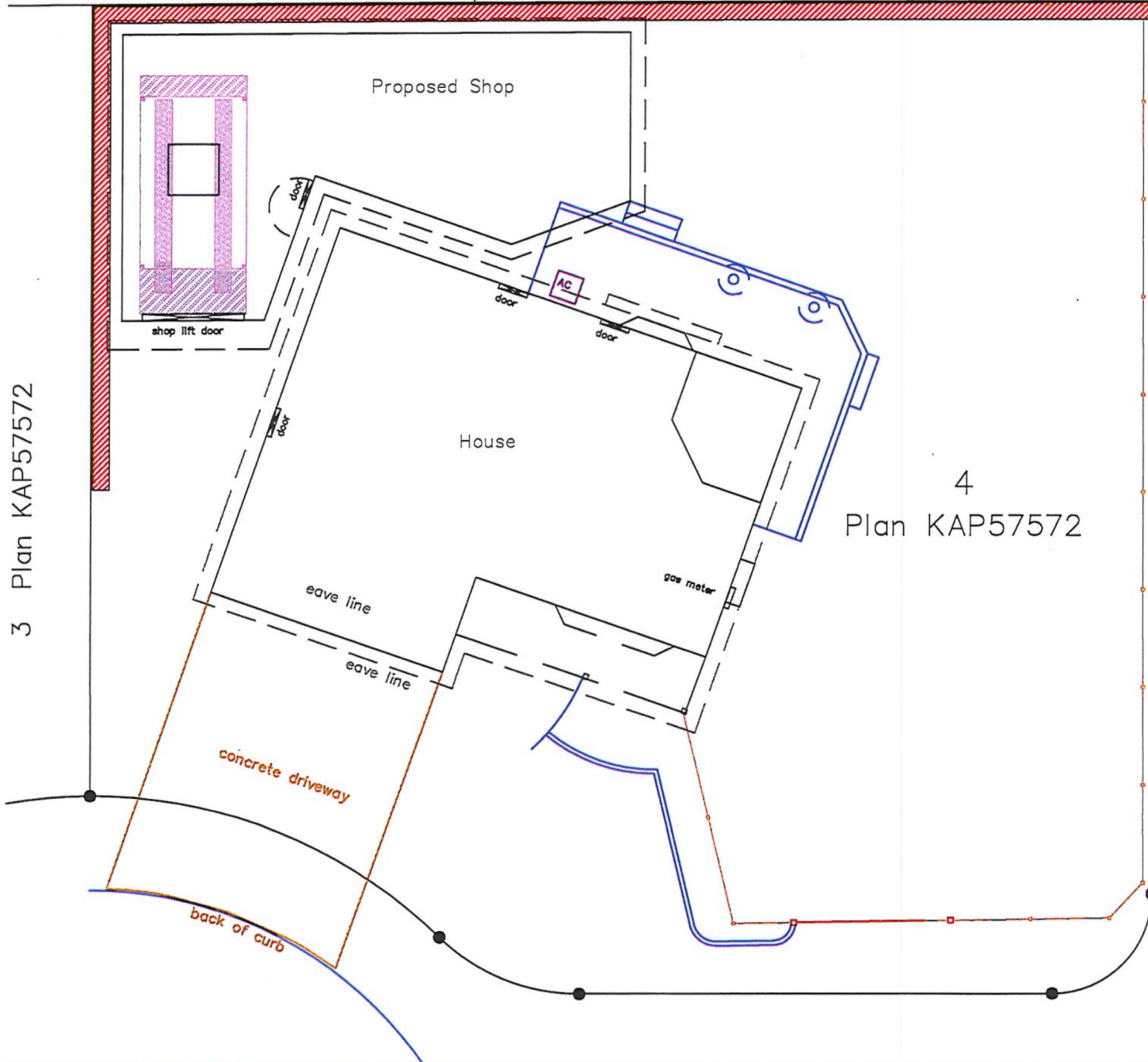
Description:  
Site Plan

Notes:

Page 1 of 1

Drafter:  
Drew Hasselaar

Revision date:  
March 25, 2021



3 Plan KAP57572

4  
Plan KAP57572



57

Plan  
4

35803  
5

# Drew's Shop

1981 18A Ave  
SE Salmon Arm

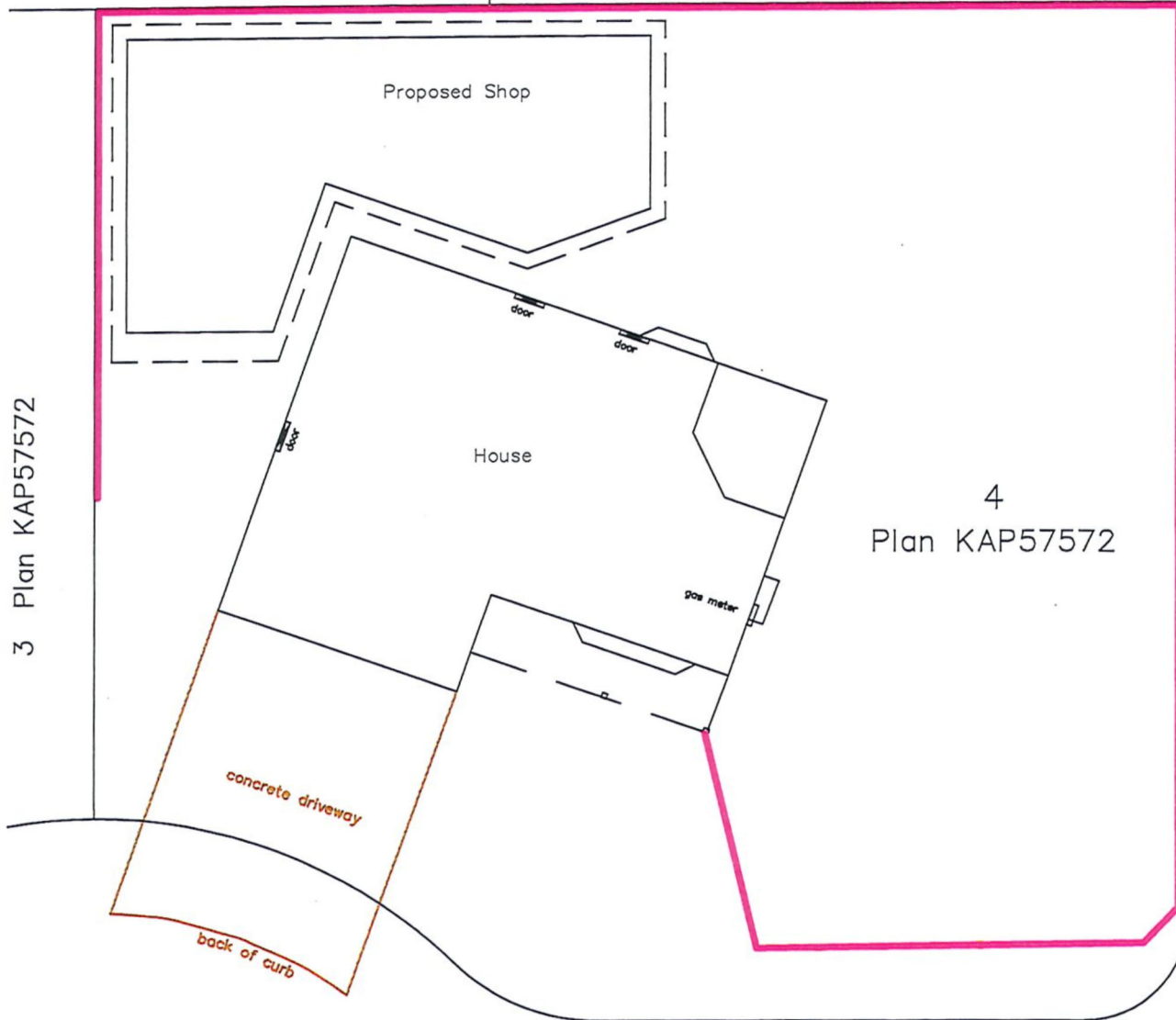
Description:  
Fence Plan

Notes:

Page 1 of 4

Drafter:  
Drew Hasselaar

Revision date:  
May 1, 2021



5 0 5 10 15  
All measurements are in meters unless specified otherwise



# Drew's Shop

1981 18A Ave  
SE Salmon Arm

Description:  
Fence Plan

Notes:

Page 2 of 4

Drafter:  
Drew Hasselaar

Revision date:  
May 1, 2021

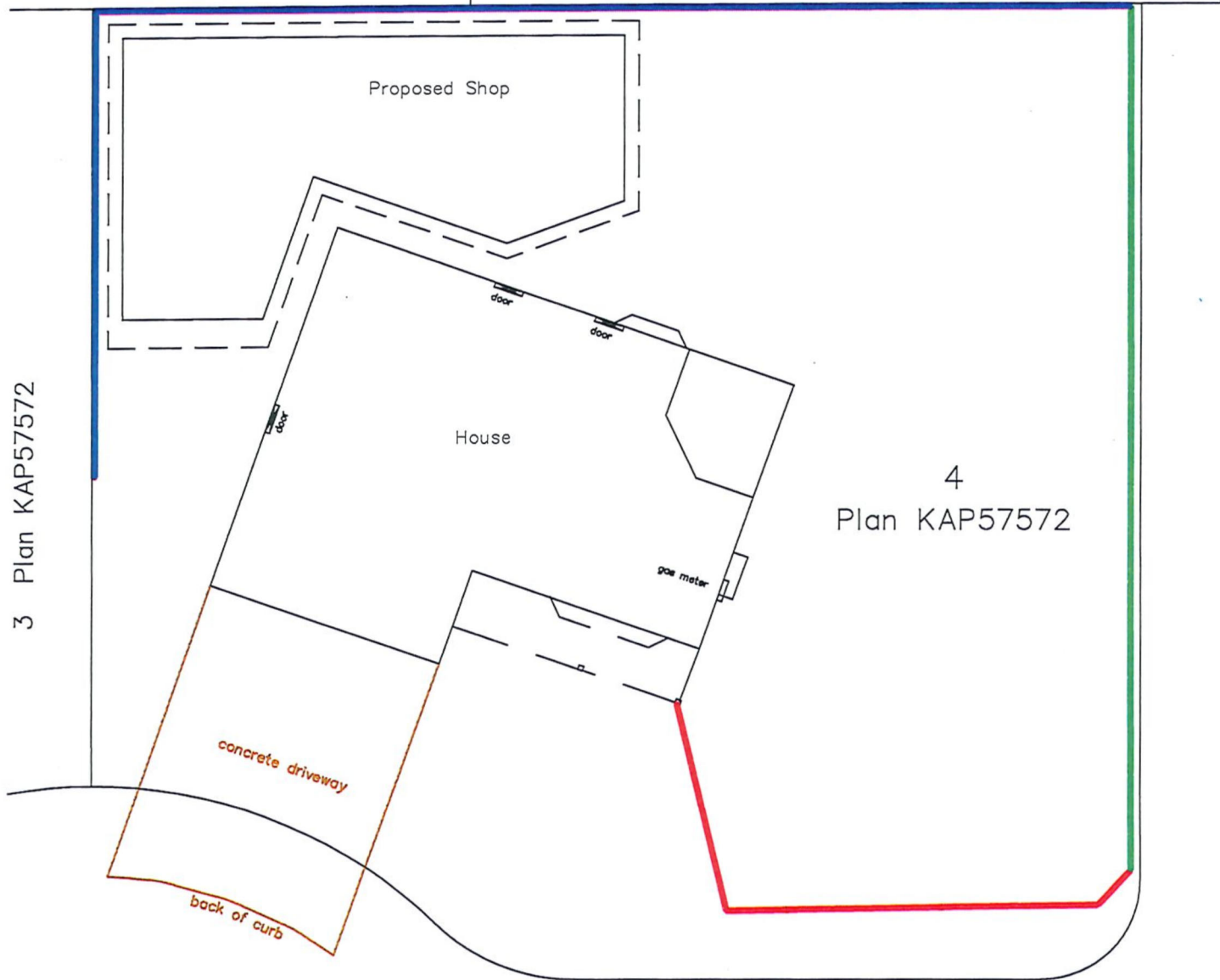


Drew's  
Shop1981 18A Ave  
SE Salmon ArmDescription:  
Fence Plan

Notes:

- Existing Fence
- Proposed Fence built to height standard of existing fence (above)
- Proposed Fence built to maximum panel height of 5.25'

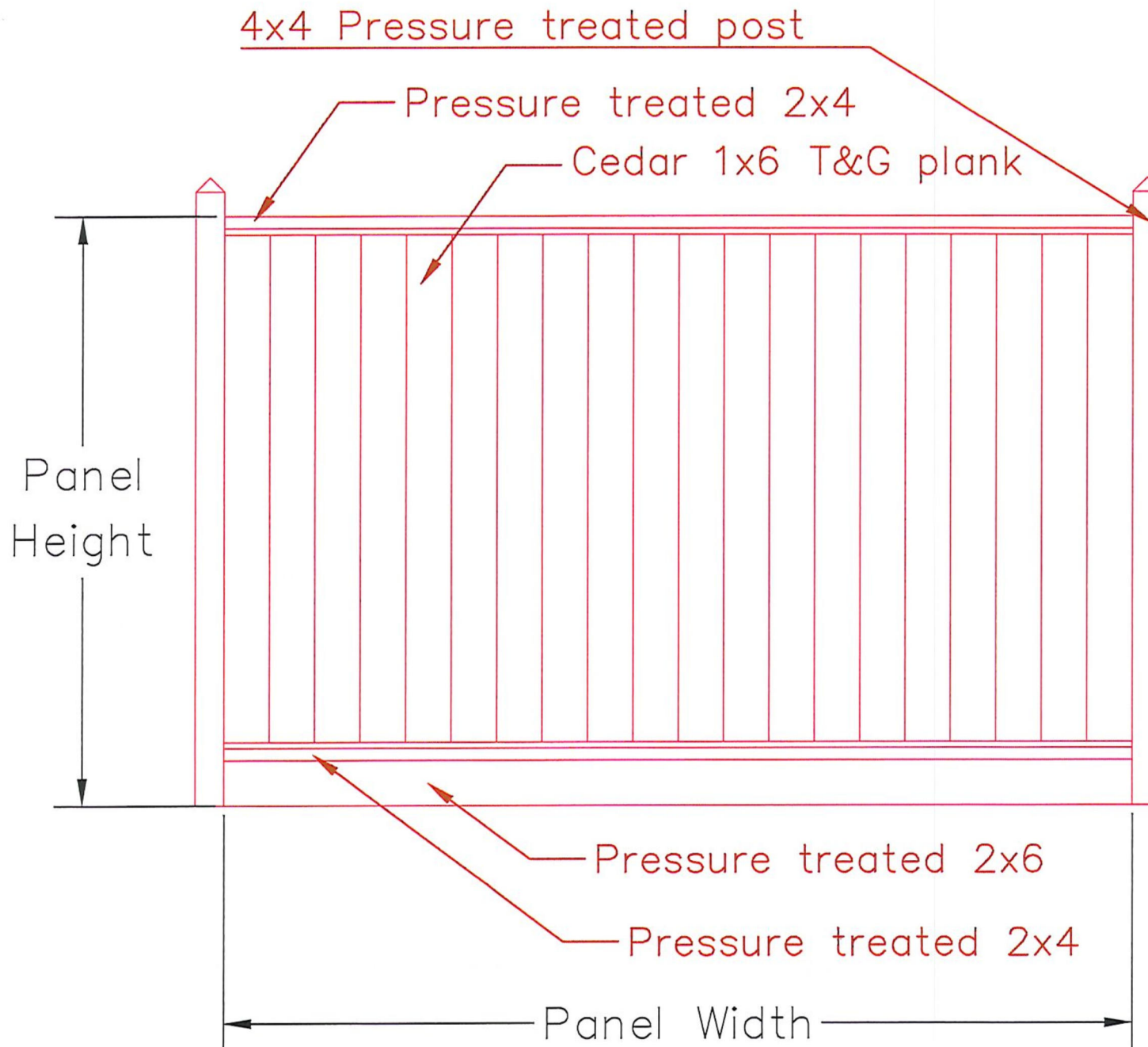
Page 3 of 4

Drafter:  
Drew HasselaarRevision date:  
May 1, 2021

3 Plan KAP57572

5 0 5 10 15

All measurements are in meters unless specified otherwise



# Drew's Shop

1981 18A Ave  
SE Salmon Arm

Description:

"Good Neighbor"  
Fence Design

Notes:

Panel width and height are specific to location.

Fence on East property line to match panel height standard of existing fence along the South property line. Fence on North and West property line to be built to a maximum panel height of 5.25".

The latter (North and West) to be constructed on top of a proposed retaining wall.

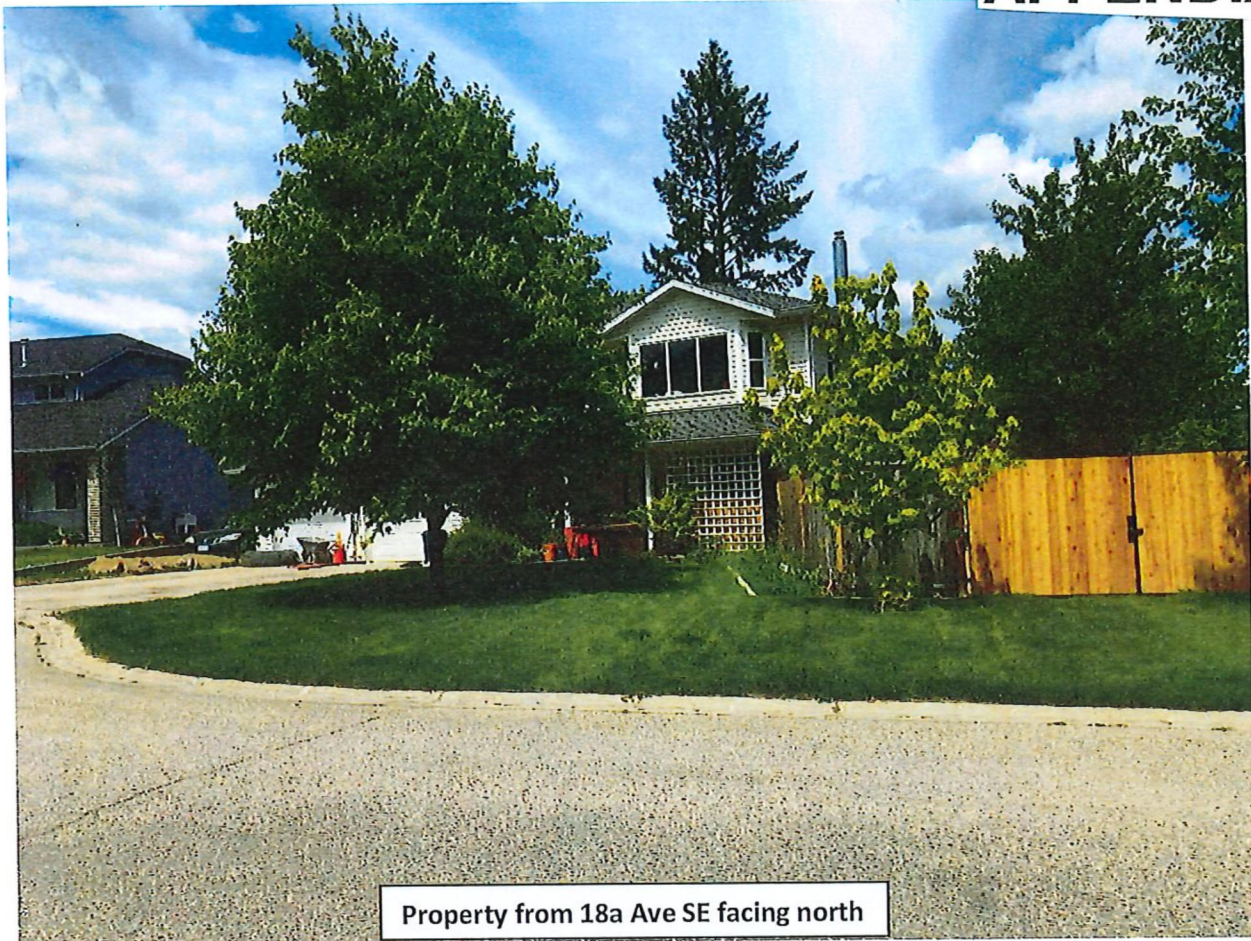
Fence on East, North and West property line may employ a thicker post and plank.

Page 4 of 4

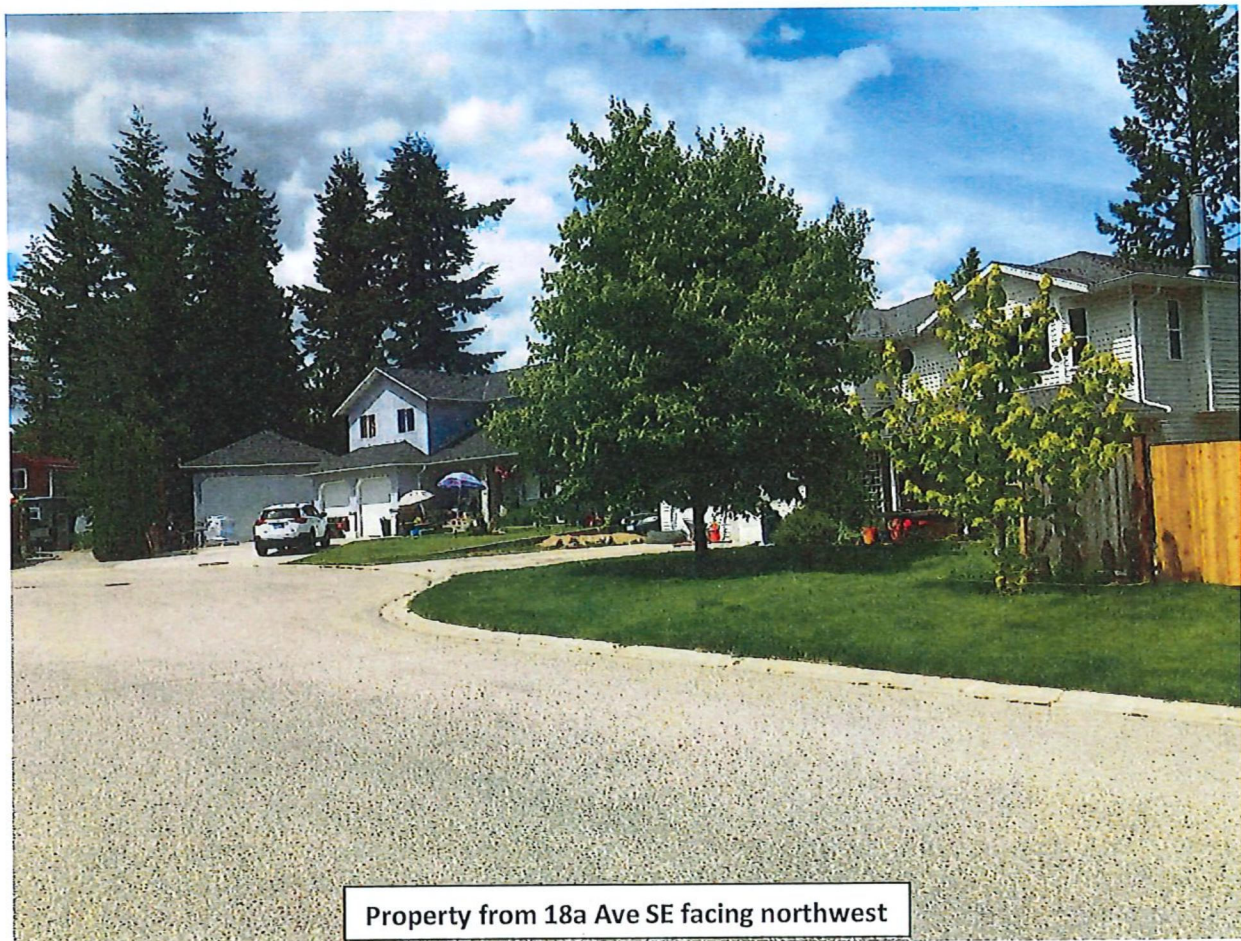
Drafter:  
Drew Hasselaar

Revision date:  
May 1, 2021





Property from 18a Ave SE facing north

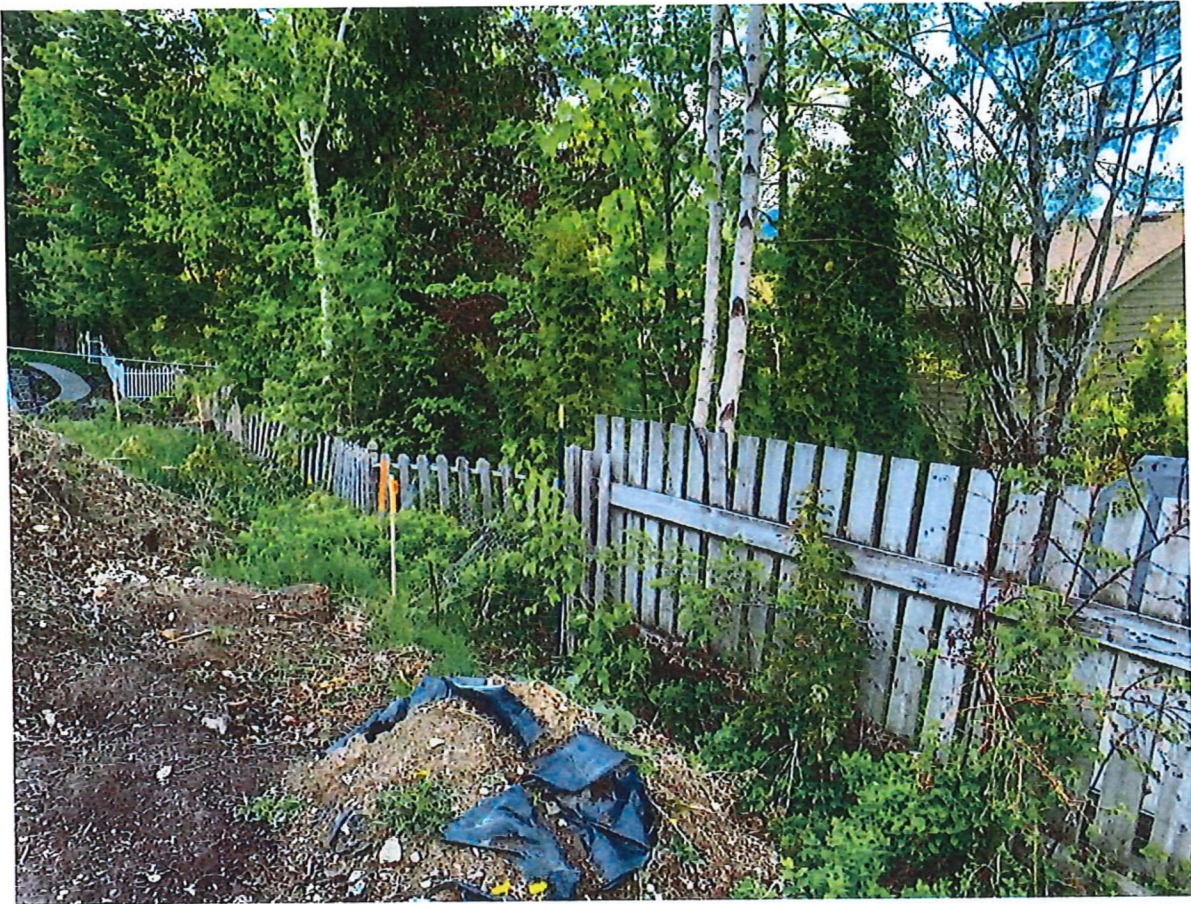


Property from 18a Ave SE facing northwest

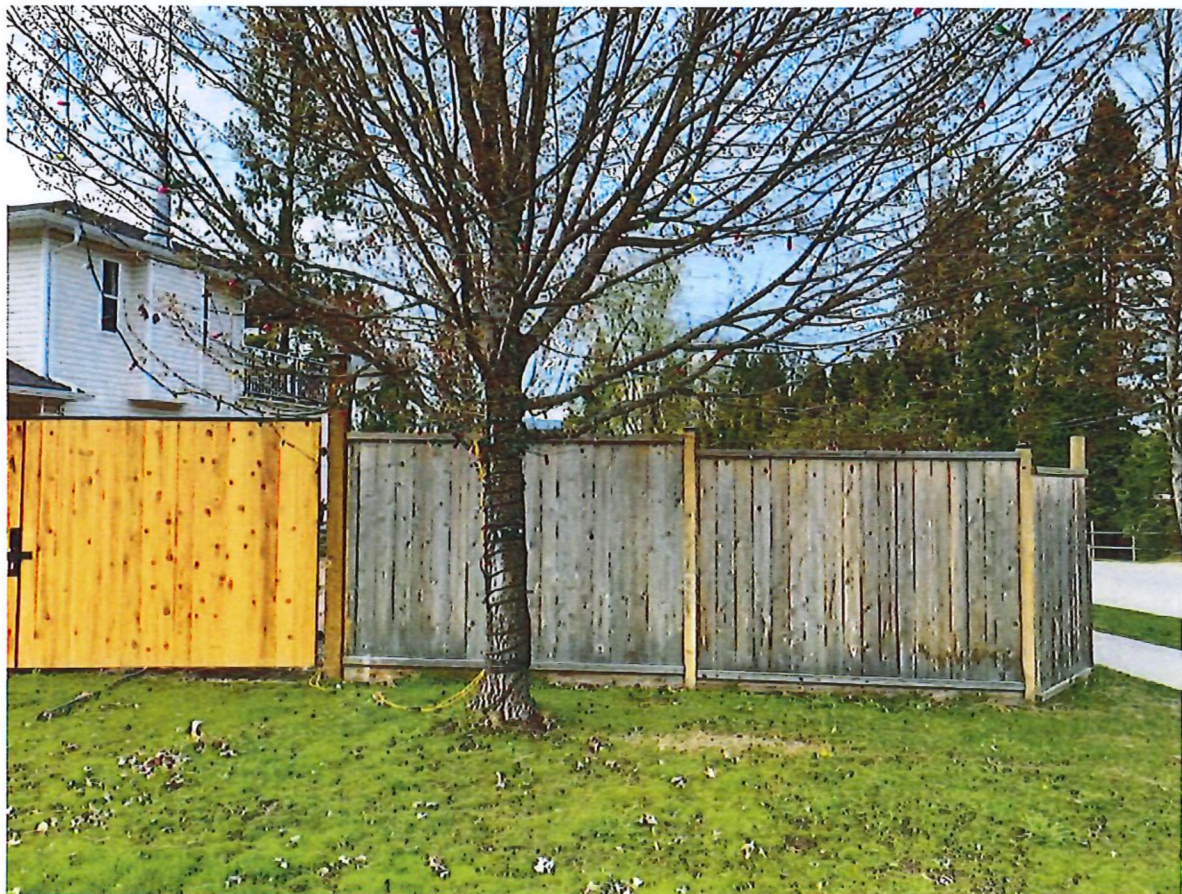
















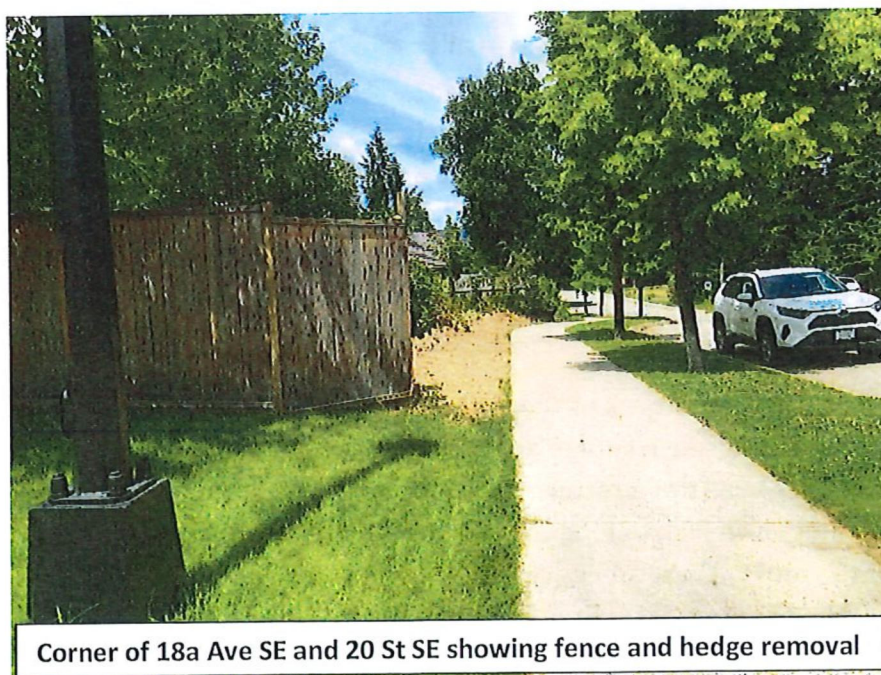
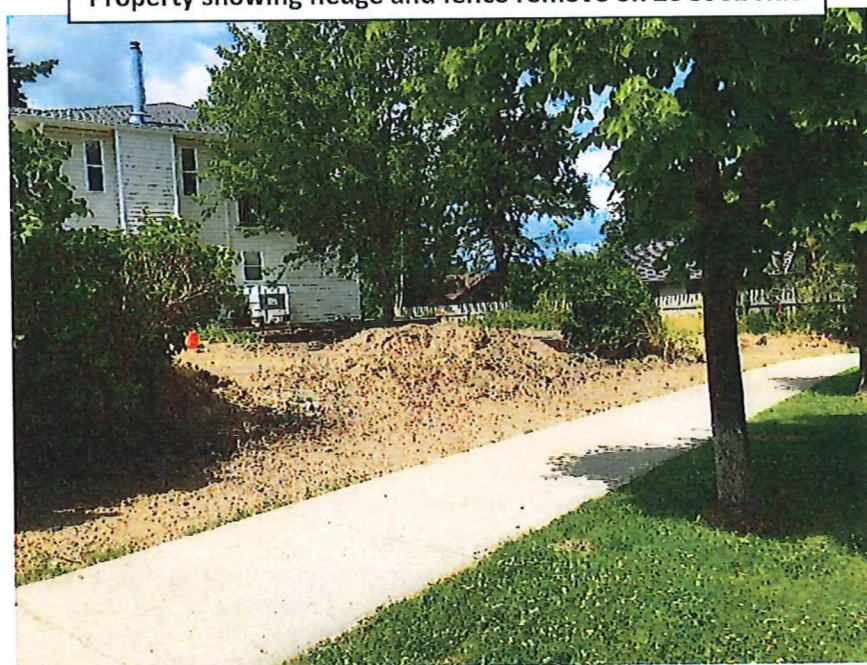








Property showing hedge and fence remove on 20 St SE side



Corner of 18a Ave SE and 20 St SE showing fence and hedge removal



## Summary of Development

### Hasselaar Family Detached Shop

1981 18A Ave SE

Salmon Arm, BC, V1E 1N6

Good day neighbours. Please allow us to introduce our family to yours. My husband and I moved into this neighbourhood in 2015 and have since started to grow our family with the addition of our 1.5 year old son.

The reason for this writing is we are interested in building a detached shop and pursuing landscaping enhancements to our property. We are working with the City of Salmon Arm development department to work through the application process.

We would like to take this opportunity to present to you what our family would like to achieve.

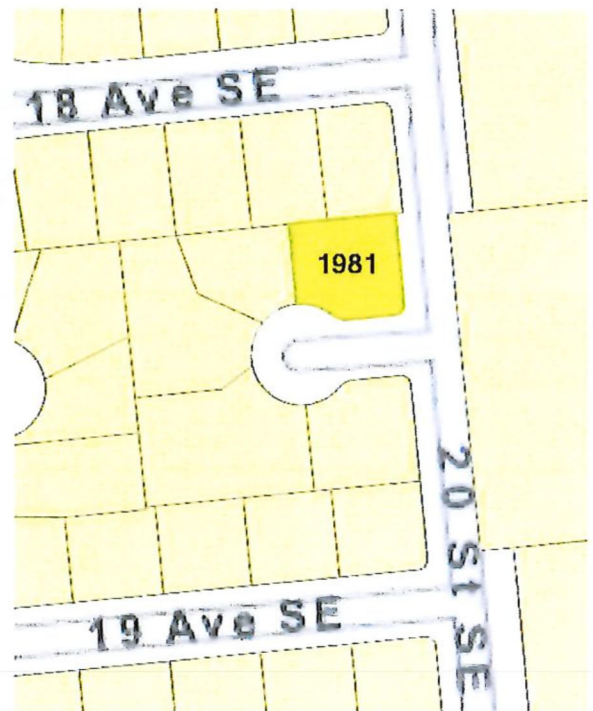
It is important to us that we are transparent with you and make ourselves available to answer any questions or concerns you may have.

We are interested in pursuing the construction of a detached shop and performing landscaping upgrades because, though we enjoy our home, we have quickly discovered with our growing family the design of the house doesn't provide us with practical internal storage space; the absence of a basement further compounded the problem.

The desire is to build a detached shop on top of an excavated basement; the latter providing us with the much-needed storage space.

The shop will be professionally engineered and designed with care to make it aesthetically pleasing and fitting to its residential setting. We will be exploring the option of ICF construction, hardie board finishing and using as many non-combustible building materials as possible.

We are looking to achieve a 40 cm setback to the eaves along the north and west property lines. This setback makes it possible for us to have a single garage door facing 18A Ave SE. Having the space available for vehicle/boat storage will maximize the effectiveness of the shop space and ultimately work to reduce the frequency of parking additional vehicles along the street. Please note that even with the plan to install a vehicle lift the peak of the roof will not exceed 8 meters in height.



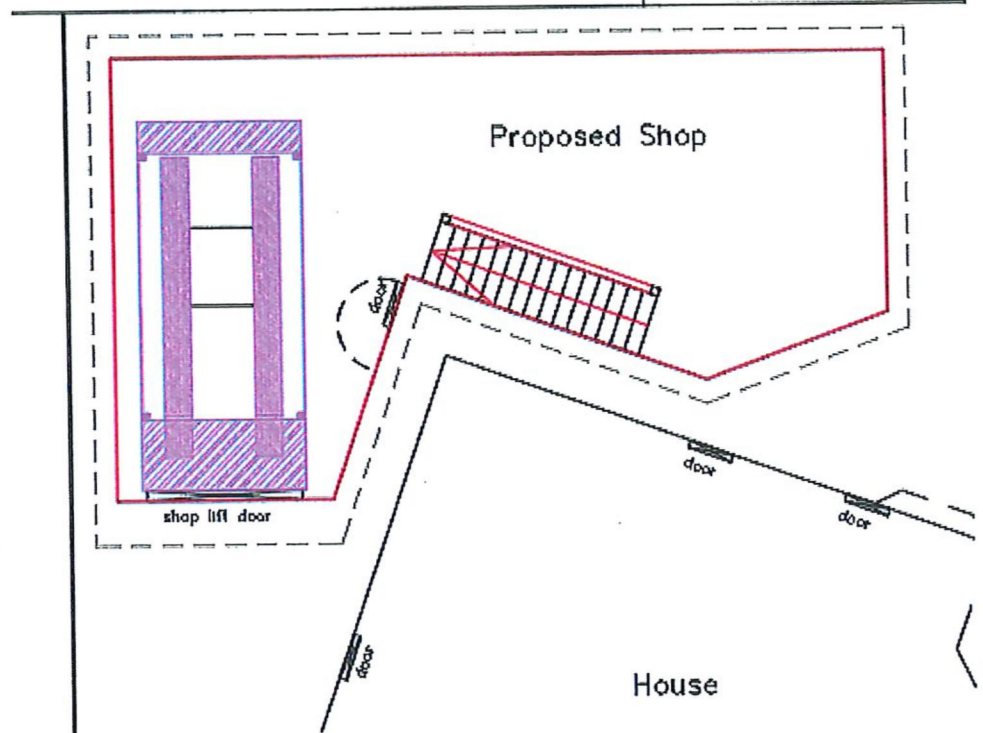


Windows will not be installed on the north wall and this is done intentionally to help maintain yours and our privacy.

Plan  
4

69

You may have seen my husband recently removing the cedar hedge along 20<sup>th</sup> Ave SE. Despite efforts to keep the hedge healthy it had started to die off in sections already when we moved in and it became quite haggard. The hedge was discovered to be very dry inside and this concerned us as being a potential fire hazard. The plan is to replace the hedge with a solid wood 'good neighbour' designed fence. With the busy street, family dog and the school bus stop on the other side of the fence we're asking the city to permit us to construct a fence that would similarly match the height of the existing fence along the south side of the property. We'd like to work with the city and explore options to enhance the appearance of the corridor and make it nice for the young folks waiting for the bus and really anybody making use of the sidewalk space.



Completely optional... If you would like to show support for our project by providing written acknowledgement of your awareness of the proposal, we would be very grateful to present your acknowledgment along with the development permit to city hall.

Homeowner name(s): \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

If interested in showing support please return to 1981 18A Ave SE, Salmon Arm at your earliest convenience. Please note that though you may feel distanced from the property, anybody within 30 meters of the property is helpful in providing their support.

You may reach out to us at phone # 778-765-0856 with any questions or concerns.

Thank you for your consideration - The Hasselaar Family

70

**Purpose**

- 6.1 The purpose of the R-1 Zone is to provide for *single-family* residential areas developed to an urban *density*.

**Regulations**

- 6.2 On a *parcel zoned* R-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 R-1 Zone or those regulations contained elsewhere in this Bylaw.

**Permitted Uses**

- 6.3 The following uses and no others are permitted in the R-1 Zone:

- .1 *bed and breakfast*, limited to two let rooms;
- .2 *boarders*, limited to two;
- .3 *family childcare facility*; #3082
- .4 *group childcare*; #3082
- .5 *home occupation*;
- .6 *public use*;
- .7 *public utility*;
- .8 *shelter*; #3275
- .9 *single family dwelling*;
- .10 *accessory use*.

**Maximum Number of Single-Family Dwellings**

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

**Maximum Height of Principal Building**

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

**Maximum Height of Accessory Building**

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

**Maximum Parcel Coverage**

- 6.7 The total maximum *parcel coverage* for *principal* and *accessory buildings* shall be 45% of the *parcel area*, of which 10% shall be the maximum *parcel coverage* for *accessory buildings*. #2811

**Minimum Parcel Area**

- 6.8 The minimum *parcel area* shall be 450.0 square metres (4,843.9 square feet).

**Minimum Parcel Width**

- 6.9 The minimum *parcel width* shall be 14.0 meters (45.9 feet).

**Minimum Setback of Principal Building**

- 6.10 The minimum *setback* of the *principal building* from the:

- .1 *Front parcel line* shall be 6.0 metres (19.7 feet)
- .2 *Rear parcel line* shall be 6.0 metres (19.7 feet)
- .3 *Interior side parcel line* shall be 1.5 metres (4.9 feet)
- .4 *Exterior side parcel line* shall be 6.0 metres (19.7 feet)
- .5 Notwithstanding Sections 6.10.2 and 6.10.3, a *principal building* on a corner *parcel* may be sited not less than 1.5 metres (4.9 feet) from the *rear parcel line* provided the combined total of the *rear* and *interior side yards* shall be not less than 6.0 metres (19.7 feet).
- .6 Refer to Section 4.9 for "Special Building Setbacks" which may apply. #2811



**Minimum Setback of Accessory Buildings**

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

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

**Maximum Floor Area Ratio**

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

**Parking**

6.13 Parking shall be required as per Appendix I.

This page intentionally left blank.



---

TO: His Worship Mayor Harrison and Members of Council

DATE: June 25, 2021

SUBJECT: Zoning Bylaw Text Amendment Application No. 1216  
Applicant: City of Salmon Arm

---

**MOTION FOR CONSIDERATION**

**THAT:** A Bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 as follows:

**1) Section 28 - General Industrial Zone**

**Add to sub-section 28.3.17 - Permitted Uses**

*mini warehouse to a maximum parcel area of 20%, inclusive of any outside storage;*

**Add a sub-section to section 28.10 - Outside Storage**

*28.10.1 an outside storage business is limited to a maximum parcel area of 20%, inclusive of an *mini warehouse*. This limitation does not apply to a contractor's storage yard or other accessory use storage purposes;*

**2) Section 29 - Light Industrial Zone**

**Add to sub-section 29.3.18 - Permitted Uses**

*mini warehouse to a maximum parcel area of 20%, inclusive of any outside storage area;*

**Add a sub-section to section 29.10 - Outside Storage**

*29.10.1 an outside storage business is limited to a maximum parcel area of 20%, inclusive of any *mini-warehousing*. This limitation does not apply to a contractor's storage yard or other accessory use storage purposes;*

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

---

**BACKGROUND**

Based on the attached report (APPENDIX 1), the undersigned received direction from City Council to proceed with Option 3 related to the above Zoning Bylaw Amendment. The attached report maps the industrial zoned properties where mini warehouses and outside storage businesses are operating.

Assuming Bylaw adoption, new mini warehouses and storage businesses on M1 and M2 zoned land will be subject to the new limitations on parcel area. The M1 and M2 zones are attached as APPENDIX 2 with the relevant sections highlighted.

Assuming Bylaw adoption, those businesses currently in operation will be subject to Division 14 the Local Government Act (Non-conforming Use and Other Continuances<sup>1</sup>). The sections of this Act are extensive and have implications on redevelopment, obtaining insurance, financing and land value.

Furthermore, the amendment could limited future subdivision opportunities of industrial properties with either mini-warehousing / outside storage businesses. Case in point: a 5 acre lot in which 50% of the parcel area is being used for mini-warehousing could not be subdivided in half (i.e. two 2.5 acre lots) unless the mini warehousing business either ceased or was reduced in scale by 45% and the floor area of the existing buildings used for another M1 or M2 zoned use.

The intent is to regulate the land area used for mini-warehousing and similar businesses using land for the outside storage of peoples' items either within storage containers or exposed. It is not intended to regulate outside storage yards which are accessory to a non-commercial storage business. This amendment does not involve commercially zoned properties where mini warehousing and similar storage businesses are permitted (e.g. C3 Service Commercial).

Last week, staff referred the attached report to the EDS for comment. As a text amendment affecting more than 10 properties, public notification in the newspaper is required for a Statutory Public Hearing after second reading; however individual notification to all properties zoned M1 and M2 is not required.

As the City becomes more densified with smaller lots and units, the demand for storage will likely not recede. Staff remains concerned with this proposed amendment, yet understands and respects the intent.

  
Kevin Pearson, MCIP, RPP  
Director of Development Services





---

To: Development and Planning Services Committee

From: Director of Development Services

Date: May 31, 2021

**Subject: Storage Zoning - For Information**

---

Recent development proposals for storage facilities have raised discussion and some concern by Council.

### Background

Storage is a land use permitted in a number of industrial and commercial zones. Storage is usually restricted to inside a building, or within an industrial shipping container (sea cans), or the open outside storage of items with screened conditions.

1. Industrial Zones: General Industrial (M1), Light Industrial (M2) and Auto Wrecking (M5). Within the M1 and M2 zones, the permitted use is *mini warehousing* (defined). In M5, outside storage is permitted if the yard is appropriately screened.
2. Commercial Zones: Service Commercial (C3) permits mini-warehousing and screened outside storage. The downtown, waterfront and some of the highway corridor commercial zones (e.g. C2 and C6) either do not allow outside storage at all or only under strict conditions or specific locations.

There are other zones where outside storage is either permitted outright or confined, such as the Airport Zone (P2) and the Institutional Zone (P3). Council amended the P3 zone not too long ago to allow outside storage for the Roots and Blues office - maximum of 15% site area or 280 m<sup>2</sup>, whichever is less.

There has been a growing need for secure storage on commercial and industrial zoned land for boats, RVs, contractor's equipment and society's "stuff", in general. Some of the need in recent years is due in part to the ALC's enforcement of illegal storage on lands in the ALR. The concern appears to be with mini warehouse development and outside storage consuming remaining industrial lands, with a relatively low employee / m<sup>2</sup> or hectare ratio (more discussion on the next page).

### Analysis

Within the Industrial Zones there are currently seven (7) business licences issued for primary storage businesses comprised of outside storage yards (undeveloped) or mini-warehousing (developed). This count does not include auto-wrecking yards or industrial / commercial businesses storing inventory / items outside and on site. Five (5) of the seven businesses are located in the SE industrial quadrant and two (2) are located in the SW. Maps showing these locations are attached.

With recent subdivision and development in the older and newer industrial areas and some C3 zoned land near 30 Street SW / TCH, there is a possibility for 2 - 3 more licences for mini-warehousing and boat / marine storage businesses.

There is approximately 283 hectares (700 acres) of land designated by the OCP for industrial use in the City. The SE industrial area is where most of the remaining undeveloped, industrial designated land is situated. There is approximately 53 hectares (130 acres) of undeveloped, industrial designated land remaining throughout the City, and most of that lies between 10<sup>th</sup> and 20<sup>th</sup> Avenues SE within the Special Industrial Development Area and adjacent to Highway 97B near Auto Road.

Of the 283 hectares of industrial land, approximately 12 hectares (29 acres) or > 4% of that is being used for mini warehousing and outside storage within the SE and SW industrial areas. There is another 2 hectares (5 acres) of land zoned C3 in the SW areas of the City where staff anticipate proposals in the near future for additional marine storage and mini-warehousing, as well as a pocket of C3 zoned land in the Canoe highway NE area where storage yards exist.

## Discussion

The OCP supports warehousing and storage within the Industrial and Service Commercial areas of the City. The M1, M2, and C3 zones are the most wide-open, free enterprise zones in the City allowing for a very wide range of land uses and businesses with many uses added to these zones over decades.

There is an emerging trend of citizens in residential neighbourhoods, businesses in the downtown and waterfront areas and organizations using sea cans to store materials on lands not zoned for that use. The proliferation of these steel containers, uncontrolled or unregulated can lead to safety risks and, from an aesthetics point of view, do not fit well in those zones. They are a far cheaper alternative to new buildings and they lie in a gray area for building inspection. Stemming from a legal opinion obtained for residential bylaw enforcement complaints, the City deems them as an industrial use and entity.

The other obvious societal trend driven by consumer demand and the global chain of large supply outlets is on-line shopping, which will require land in local markets for shipping, receiving, warehousing and distribution, transportation and contractors equipment yards. The M1, M2 and C3 zones already allow for this. Staff periodically receive enquiries and complaints that there is not enough land for these purposes.

Developing the industrial lands where some of the storage businesses exist are challenged by two main obstacles: 1) road building and servicing requirements (albeit servicing that is common to other types of development and even at a lesser standard); and 2) contaminated sub-surface conditions which triggers onerous brownfield remediation requirements. For some of these properties, that use is the only affordable option for the land / business owner, and the market demand for it continues to grow, seemingly.

Of the 14 hectares total of industrial and commercial zoned land, approximately one-half of that is outside storage and mostly undeveloped, which means it could be developed for other industrial/commercial uses in the future should the market demand a conversion.

Staff understand the concerns with the possibility for the last remaining industrial lands being consumed by more mini-warehousing and storage businesses. The desire for these lands to be built out with value added, high technology, clean industry, with skilled workforce and high employment is an admirable long-term vision. Controlling mini-warehousing and storage use by zoning may or may not facilitate that. The overall amount of land being used for commercial storage is reflective of consumer demand. Should Council wish to restrict this use, Options 1 - 3 may be considered with a Zoning Bylaw text amendment.

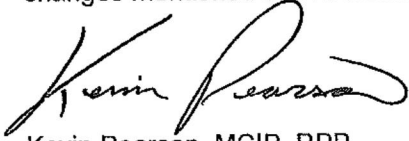
## Options

1. Consider a General Regulation or General Prohibition in the Zoning Bylaw prohibiting mini-warehousing and outside storage. With that, delete those uses from the M1 and M2 zones. Although this could seem to be a drastic approach, it could be in place on a temporary basis; however long Council deems necessary and the uses could remain permitted in C3.
2. Delete mini-warehousing from the M1 and M2 zones, and create a new Industrial Zone (M7) permitting warehousing and screened outside storage, possibly with transportation and trans-shipment uses. With this option, one would need to apply to Council to rezone. The OCP could be adjusted to provide site specific and potentially market specific circumstances for support (i.e. the business / applicant / developer would need to provide Council with a market analysis).
3. Identify *mini-warehousing* and *outside storage* as accessory uses in the industrial zones and/or to a maximum of 20% or less of a gross parcel area (or some other percentage).



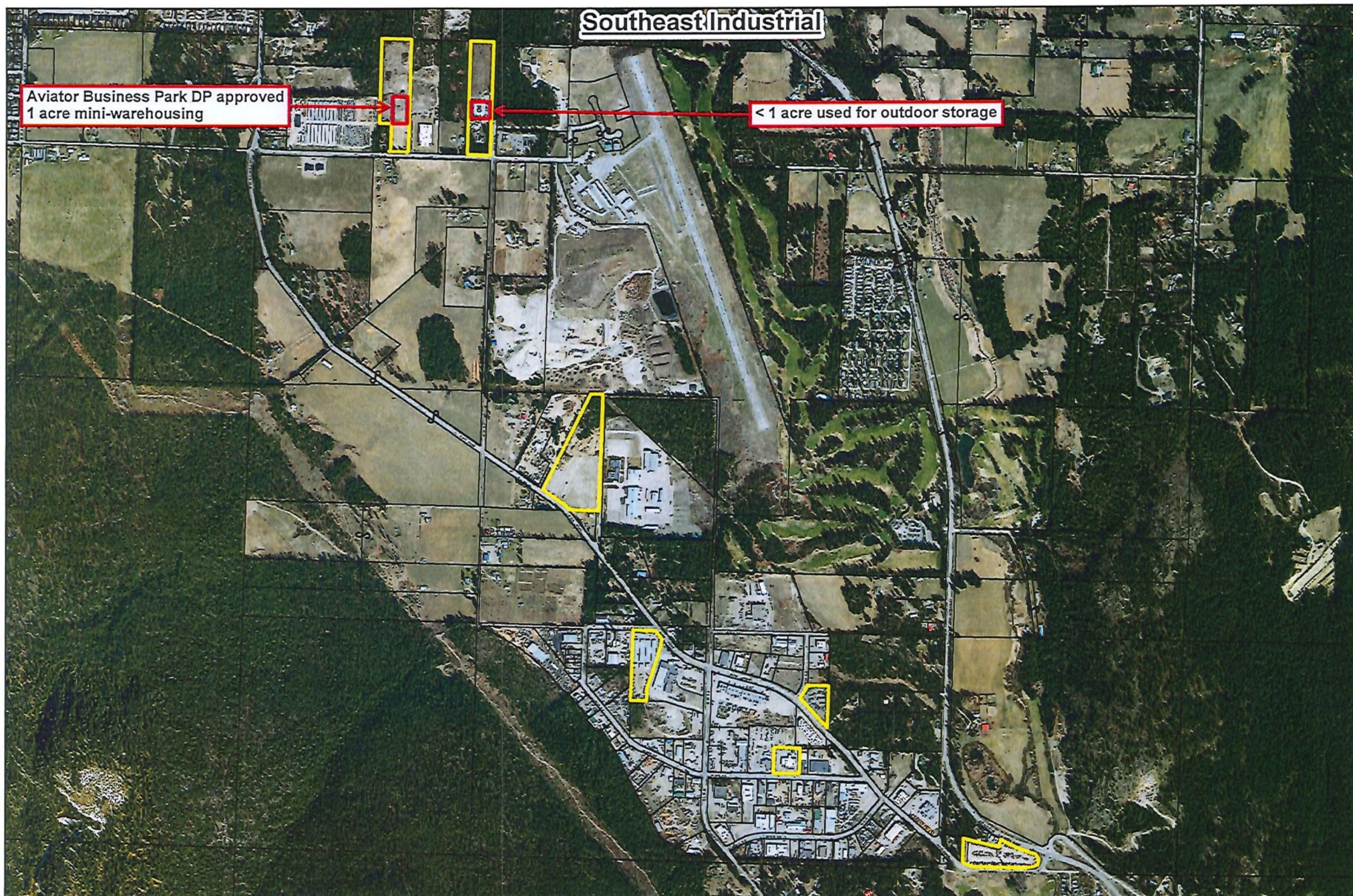
4. Maintain the status quo and let the market dictate what industrial uses can afford to develop and service the approximately 53 hectares (130 acres) remaining industrial land base.

Should Council wish to proceed Options 1 - 3, staff would require a motion to that effect. Any zoning changes mentioned above would result in non-conforming status for the existing businesses.

A handwritten signature in black ink, appearing to read "Kevin Pearson". The signature is fluid and cursive, with a large loop at the end.

Kevin Pearson, MCIP, RPP  
Director of Development Services





0 345 690 1,380 2,070 2,760 Meters

- Parcels
- Storage Businesses Zoned Industrial

Total Area = 25.2 acres

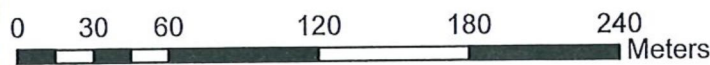


1 AVE S.W.

42 ST S.W.

TRANS CANADA HIGHWAY

740



Parcels

Storage Businesses  
Zoned Industrial

Total Area = 4.1 acres



9. STAFF REPORTS

2. Director of Development Services – Storage Zoning

0311-2021

Moved: Councillor Eliason

Seconded: Councillor Cannon

THAT: Council direct staff to prepare a bylaw amendment to proceed with Option 3 outlined in the staff report dated May 31, 2021.

CARRIED

Councillor Flynn and Lavery Opposed



## SECTION 28 - M-1 - GENERAL INDUSTRIAL ZONE

### Purpose

- 28.1 The M-1 Zone provides for the location of general industrial and manufacturing uses to be located in areas where conflict with other uses is unlikely to occur.

### Regulations

- 28.2 On a *parcel zoned* M-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 M-1 Zone or those regulations contained elsewhere in this Bylaw.

### Permitted Uses

- 28.3 The following uses and no others are permitted in the M-1 Zone:

- .1 auction yards; #2736
- .2 automotive and truck repair shop, including body repair and painting;
- .3 building supply establishment; #2736
- .4 bulk petroleum products sales and limited retail fuel sales, maximum two [2] pumps;
- .5 *café*; #2736
- .6 *commercial daycare facility*; #3724
- .7 concrete products and readi-mix concrete;
- .8 distillery and brewery;
- .9 farm equipment sales and rentals; #2736
- .10 greenhouses, nurseries, including retail sales; #2736
- .11 *high technology research and development*; #4368
- .12 *home occupation*; #2782
- .13 *key lock fuel installation*;
- .14 laboratory, scientific and research; #2736
- .15 *light industry*;
- .16 machinery sales, rental; #2736
- .17 *mini warehousing*;
- .18 *mobile food vending*; #4240
- .19 *mobile home* manufacturing and sales;
- .20 moving and storage establishment; #2736
- .21 *office, storage building, workshop and yard* for general contractor and trade contractor;
- .22 *outside vending*; #2837
- .23 *private utility*;
- .24 *public use*;
- .25 *public utility*;
- .26 radiator repair shop; #2736
- .27 *recreation facility - indoor*; #2736
- .28 recreation vehicle sales and rental lots, and showroom (new and used); #2736
- .29 *recycling depot*;
- .30 rental and repair of tools, small equipment; #2736
- .31 sale and repair of machinery, farm implements, and heavy equipment;
- .32 *storage building, warehousing and wholesale establishment, packing and crating, cold storage*;
- .33 storage yard;
- .34 *transportation use*;
- .35 truck and truck-tractor sale or rental lot;
- .36 veterinary hospital; #2736
- .37 welding, machine or metal fabrication;
- .38 wood products manufacturing;
- .39 *ancillary retail sales*; #2736
- .40 *accessory use, including one dwelling unit, or one single family dwelling, or one upper floor dwelling unit.* #2761

**SECTION 28 - M-1 - GENERAL INDUSTRIAL ZONE - CONTINUED****Maximum Height of Principal and Accessory Buildings**

28.4 The maximum *height* of *principal* and accessory *buildings* shall be 15.0 metres (49.2 feet).

**Maximum Parcel or Site Coverage**

28.5 The maximum *parcel* or *site* coverage for all *buildings* and *structures* shall be 60% of the *parcel* or *site* area.

**Minimum Parcel Size or Site Area**

28.6 The minimum *parcel* size or *site* area shall be 465.0 square metres (5,005.4 square feet).

**Minimum Parcel or Site Width**

28.7 The minimum *parcel* or *site* width shall be 15.0 metres (49.2 feet).

**Minimum Setback of Principal and Accessory Buildings**

28.8 The minimum *setback* of the *principal* and accessory *buildings* from the:

- |    |   |                        |
|----|---|------------------------|
| .1 | <i>Front parcel line</i> shall be         | 6.0 metres (19.7 feet) |
| .2 | <i>Rear parcel line</i> shall be          | 6.0 metres (19.7 feet) |
| .3 | <i>Interior side parcel line</i>          |                        |
|    | - adjacent to a <i>parcel</i> not zoned   |                        |
|    | industrial shall be                       | 6.0 metres (19.7 feet) |
|    | - all other cases shall be                | 4.0 metres (13.1 feet) |
| .4 | <i>Exterior side parcel line</i> shall be | 6.0 metres (19.7 feet) |

**Accessory Retail Use**

28.9 Accessory retail uses, including showrooms and display areas, shall not exceed 25% of the maximum *floor area* of the *principal building* as defined under *Light Industry*.

**Outside Storage**

28.10 Outside storage shall be screened from any adjacent *parcel* not zoned Industrial as per Appendix III.

**Parking and Loading**

28.11 Parking and loading shall be required as per Appendix I.



**Purpose**

29.1 The M-2 Zone provides for the location of light manufacturing and related uses to be located in areas where conflict with surrounding uses is unlikely to occur.

**Regulations**

29.2 On a *parcel zoned* M-2, no *building* or *structure* shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out in the M-2 Zone or those regulations contained elsewhere in this Bylaw.

**Permitted Uses**

29.3 The following uses and no others are permitted in the M-2 Zone:

- .1 auction yards;
- .2 automotive and truck repair shop, including body repair and painting, excluding *fuel service station*; #3375
- .3 auto sales and rental lots, showroom (new and used); #2736
- .4 boat and boat trailer sales and rental showroom, including minor repairs; #2736
- .5 *cafe*; #2736
- .6 distillery and brewery #2736;
- .7 distribution of refurbished/recycled goods; #3001
- .8 farm equipment sales and rentals; #2736
- .9 frozen food lockers, including retail sales; #2736
- .10 funeral services, including crematorium, embalming and related viewing rooms; #2958
- .11 greenhouses, and nurseries, including retail sales; #2736
- .12 *high technology research and development*; #4368
- .13 *home occupation*; #2782
- .14 *key lock fuel installation*;
- .15 laboratory, scientific and research; #2736
- .16 *light industry*;
- .17 machinery sales, rental;
- .18 *mini warehousing*;
- .19 *mobile food vending*; #4240
- .20 *mobile home sales*; #2736
- .21 moving and storage establishment #2736;
- .22 *office*, in association with a permitted industrial use, where the *office* does not exceed 50% of the lot area; #2736
- .23 *outside vending*; #2837
- .24 print shop; #2736
- .25 *private utility*; #2736
- .26 *public use*;
- .27 *public utility*;
- .28 recreation vehicle sales and rental lots, and showroom (new and used); #2736
- .29 *recycling depot*;
- .30 rental and repair of tools, small equipment; #2736
- .31 *transportation use*;
- .32 truck sales and rental lots, and showroom (new and used); #2736
- .33 upholstery shop; #2736
- .34 *ancillary retail sales*; #2736
- .35 *accessory use*, including one *dwelling unit*, or one *single family dwelling*, or one *upper floor dwelling unit*. #2761

**Maximum Height of Principal and Accessory Buildings**

29.4 The maximum *height* of *principal* and *accessory buildings* shall be 15.0 metres (49.2 feet).

**SECTION 29 - M-2 - LIGHT INDUSTRIAL ZONE - CONTINUED****Maximum Parcel or Site Coverage**

29.5 The minimum *parcel* or *site* coverage for all *buildings* and *structures* shall be 70% of the *parcel* or *site* area.

**Minimum Parcel Size or Site Area**

29.6 The minimum *parcel* size or *site* area shall be 465.0 square metres (5,005.4 square feet).

**Minimum Parcel or Site Width**

29.7 The minimum *parcel* or *site* width shall be 15.0 metres (49.2 feet).

**Minimum Setback of Principal and Accessory Buildings**

29.8 The minimum *setback* of the *principal* or accessory *buildings* from the:

- |    |   |                        |
|----|---|------------------------|
| .1 | <i>Front parcel line</i> shall be         | 6.0 metres (19.7 feet) |
| .2 | <i>Rear parcel line</i>                   |                        |
|    | - adjacent to a <i>parcel</i> not zoned   |                        |
|    | Industrial shall be                       | 6.0 metres (19.7 feet) |
|    | - all other cases shall be                | 3.0 metres ( 9.8 feet) |
| .3 | <i>Interior side parcel line</i>          |                        |
|    | - adjacent to a <i>parcel</i> not zoned   |                        |
|    | Industrial shall be                       | 6.0 metres (19.7 feet) |
|    | - where the <i>parcel</i> has access to   |                        |
|    | a lane shall be                           | 1.5 metres ( 4.9 feet) |
|    | - where the <i>parcel</i> does not have   |                        |
|    | access to a lane shall be                 | 4.0 metres (13.1 feet) |
| .4 | <i>Exterior side parcel line</i> shall be | 6.0 metres (19.7 feet) |

**Accessory Retail Use**

29.9 Accessory retail uses, including showrooms and display areas, shall not exceed 25% of the maximum *floor area* of the *principal building* as defined under *Light Industry*.

**Outside Storage**

29.10 Outside storage shall be screened from public view and any adjacent *parcel* not zoned Industrial as per Appendix III.

**Parking and Loading**

29.11 Parking and loading shall be required as per Appendix I.





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

85

June 17, 2021

ALC File: 61847

**Jessica Johnson**  
**Lawson Engineering Ltd.**  
**DELIVERED ELECTRONICALLY**

Dear Jessica Johnson,

**Re: Reasons for Decision - ALC Application 61847**

Please find attached the Reasons for Decision of the Okanagan Panel for the above noted application (Resolution #281/2021). As agent, it is your responsibility to notify the applicant accordingly.

Under section 33 of the *Agricultural Land Commission Act* (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

Claire Buchanan, Land Use Planner

Enclosure: Reasons for Decision (Resolution #281/2021)

cc: City of Salmon Arm (File: ALC-403). Attention: Kathy Frese

61847d1

7.1



**AGRICULTURAL LAND COMMISSION FILE 61847  
REASONS FOR DECISION OF THE OKANAGAN PANEL**

Subdivision Application Submitted Under s.21(2) of the *Agricultural Land Commission Act*

**Applicant:** Sharleen Miller

**Agent:** Jessica Johnson, Lawson Engineering Ltd.

**Property:** Parcel Identifier: 007-883-668  
Legal Description: Lot 3 Section 8 Township 20  
Range 9 West of the 6<sup>th</sup> Meridian Kamloops Division  
Yale District Plan 1888A Except Pans M13835,  
H251 and H10964  
Civic: 2240 Highway 97B SE Salmon Arm BC  
Area: 19.2 ha (entirely within the ALR)

**Panel:** Gerald Zimmermann, Okanagan Panel Chair  
Joe Deuling





## **OVERVIEW**

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

[2] Pursuant to s. 21(2) of the ALCA, the Applicants are applying to the Agricultural Land Commission (the "Commission" or "ALC") to subdivide the Property into one ~3.8 ha lot (the "Proposed Western Lot") and one ~15.3 ha remainder lot (the "Proposed Remainder Lot") (the "Proposal"). The proposed boundary between the Proposed Western Lot and Proposed Remainder Lot is Canoe Creek, which bisects the Property north to south.

**Note:** There is a property size discrepancy in the Application. The City of Salmon Arm and the Applicant reference the size of the Property as ~18.9 ha. The ALC Mapping Department indicates the Property is 19.2 ha. As a result, the sizes of the Proposed Western Lot and Proposed Remainder Lot differed between the City of Salmon Arm, Applicant, and the ALC Mapping Department. The Agent confirmed the Commission should consider the above size and configuration.

[3] The issue the Panel considered is whether the Proposal would impact the agricultural suitability of the Property.

[4] The Proposal was considered in the context of the purposes and priorities 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.

### **EVIDENTIARY RECORD**

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

### **BACKGROUND**

[6] In 1983, Application ID 20681 was submitted to the Commission to subdivide the Property into one 4.4 ha lot and one 14.6 ha lot. By Resolution #1544/83, the Commission refused the proposal on the grounds that the subdivision would reduce the options for agricultural use of the Property.

### **EVIDENCE AND FINDINGS**

**Issue: Whether the Proposal would impact the agricultural suitability of the Property.**

[7] To assess agricultural capability on the Property, 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 Property are Class 2, Class 3, Class 4, and Class 5 more specifically (60% 3T and 40% 2T) and (70% 5T and 30% 4T).

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.





Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

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).

- [8] Based on the agricultural capability ratings, the Panel finds that the Property has mixed prime and secondary agricultural capability.
- [9] The Applicant submits that approximately 9 ha of the Property is in hay production and approximately four cattle are raised on the Property each year. The Application indicates that several agricultural improvements have been made to the Property including fencing and cross fencing. The Property contains loading pens, a hay barn, an agricultural equipment shed, and a shop used to repair agricultural equipment and land fixtures.
- [10] There is currently one residence on the Property which is occupied by the Applicant. According to the Application, the Applicant intends to construct a residence on the Proposed Remainder Lot for her daughter. The Applicant submits that the current workload of the agricultural operation is becoming arduous to maintain on her own and the Proposal would allow her daughter to reside on the Proposed Remainder Lot. Following the Proposal, the Applicant intends to share the agricultural workload with her daughter. The Application submits that the Proposal would not impact the agricultural operation on the Property and that the Applicant and her daughter intend to continue to operate the farm in its current configuration.
- [11] The Applicant submits that the Proposal is consistent with Section 514 of the *Local Government Act* (LGA) as the Proposed Remainder Lot will provide a residence for the



Applicant's daughter. A Section 514 subdivision under the LGA allows for a subdivision of a parcel that would otherwise be prevented by minimum parcel size requirements set out in a zoning bylaw, subject to conditions. The Panel notes that while the Applicant has indicated the Proposal is consistent with Section 514 of the LGA, the Panel must consider the Proposal within the context of the Commission's mandate set out in Section 6 of the ALCA.

- [12] The Panel considered the proposed subdivision configuration within the context of Section 6 of the ALCA which includes preserving the size, integrity, and continuity of the ALR land base. While the Panel understands that Proposal would not impact the existing agricultural operation as the Applicant intends to continue to operate the existing agricultural operation in its current configuration following the subdivision, the Panel must take a long-term approach to protecting land for agriculture, beyond the current ownership of the Property. In this regard, the Panel finds that the creation of smaller lots decreases the likelihood of agriculture taking place in the future and reduces the range of agricultural options that may be pursued on the parcels. Further, the Panel finds that the Proposal would negatively impact the continuity and size of the ALR land base and contribute to the parcelization of the ALR. In this case, the Panel finds that retaining the Property in its current configuration and size would better ensure its suitability and use for agriculture in the long-term.

### **DECISION**

- [13] For the reasons given above, the Panel refuses the Proposal to subdivide the Property into one ~3.8 ha lot and one ~15.3 ha remainder lot.
- [14] These are the unanimous reasons of the Panel.
- [15] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.





[16] Resolution #281/2021

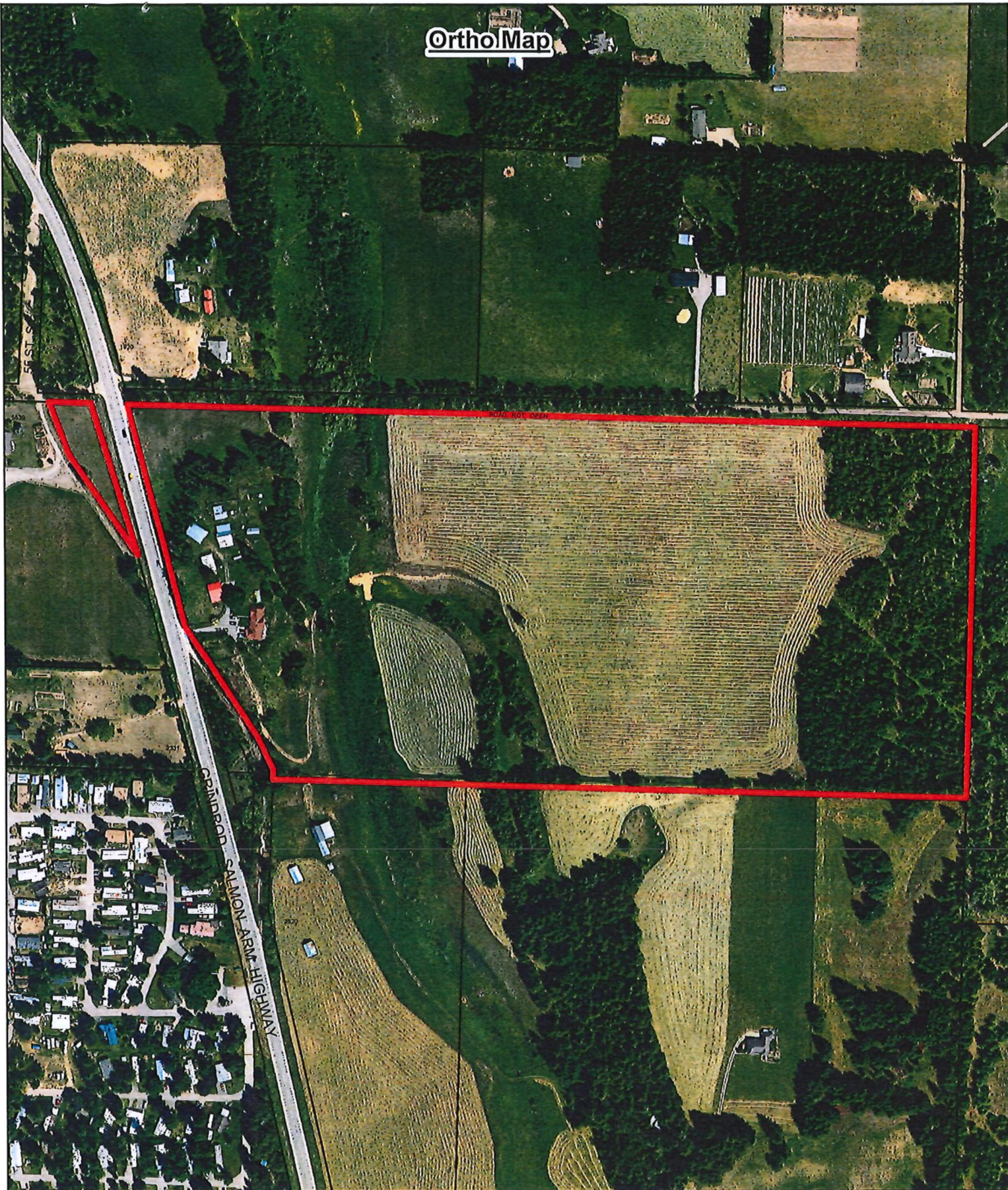
Released on June 17, 2021

A handwritten signature in black ink, appearing to read "G. Zimmermann", is positioned above the printed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.



**Gerald Zimmermann, Panel Chair**

On behalf of the Okanagan Panel





0 50 100 200 300  
m

 Subject Property  
 Parcels