



**AGENDA**

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

**Monday, July 20, 2020  
8:00 a.m.**

**Council Chambers, City Hall  
500 – 2 Avenue NE**

Page #	Item #	Description
	1.	CALL TO ORDER
	2.	<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>
	3.	<b>REVIEW OF AGENDA</b>
	4.	<b>DISCLOSURE OF INTEREST</b>
	5.	<b>REPORTS</b>
1 - 10	1.	Development Variance Permit Application No. VP-518 [Imperial Oil Limited/Prestige Harbourfront Resort/Schneider, T.; 371 Trans Canada Highway NE; Sign area]
11 - 28	2.	Zoning Amendment Application No. ZON-1178 [Nyland, H./Brierley, B.; 111 60 Street NW; A-2 to A-3]
29 - 36	3.	Development Variance Permit Application No. VP-517 [Babakaiff, T./Passey, B.; 7080 50 Street NE; Setback requirements]
	6.	<b>PRESENTATIONS</b>
	7.	<b>FOR INFORMATION</b>
	8.	<b>CORRESPONDENCE</b>
	9.	<b>ADJOURNMENT</b>

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# CITY OF SALMON ARM

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TO: His Worship Mayor Harrison and Members of Council

FROM: Director of Development Services

DATE: July 10, 2020

SUBJECT: Request for Council Approval to Install an Information Sign; and,  
Development Variance Permit Application No. VP-518  
 Legal: Lot B, Section 14, Township 20, Range 10, W6M, KDYD, Plan 23811  
 Civic Address: 371 Trans Canada Highway NE  
 Owner: Imperial Oil Limited  
 Applicant/Agent: Prestige Harbourfront Resort / Travis Schneider

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## MOTION FOR CONSIDERATION

**THAT:** Council approve the installation of an Information Sign on Lot B, Section 14, Township 20, Range 10, W6M, KDYD, Plan 23811 for the Prestige Harbourfront Resort pursuant to Section 5.10 of Sign Bylaw No. 2880;

**AND THAT:** The provisions Sign Bylaw No. 2880 be varied as follows:

**Section 5.10.1 – increase the maximum sign area for an Information Sign from 1.0 m<sup>2</sup> (10.8 ft<sup>2</sup>) to 9.0 m<sup>2</sup> (96 ft<sup>2</sup>).**

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## STAFF RECOMMENDATION

**THAT:** The Motion for Consideration be adopted.

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## PROPOSAL

This proposal is for an Information Sign for the purpose of directing traffic to Prestige Harbourfront Resort & Convention Centre. The applicant wishes to install a sign on an existing and vacant free-standing sign frame located at 371 Trans Canada Highway, which was previously the 7-Eleven sign, Appendix 1 & 2.

The applicant is requesting a variance to increase the maximum sign area permitted for an information sign from 1.0 m<sup>2</sup> (10.8 ft<sup>2</sup>) to 9.0 m<sup>2</sup> (96 ft<sup>2</sup>) or 4.5 m<sup>2</sup> (48 ft<sup>2</sup>) per side. A letter of rationale and sign rendering has been submitted by the applicant, see Appendix 3.

## BACKGROUND

What is being proposed could technically be considered as a billboard sign with off-premise advertising, which is strictly prohibited and restricted by the Sign Bylaw. When created in 1999, one of the main intents and purposes of the Sign Bylaw was to strictly prohibit off-premise advertising via billboard signage outright throughout the municipality. The only means for allowing off-premise advertising sign under the Sign Bylaw is as follows:

- Information signage to a maximum sign area of 1.0 m<sup>2</sup> (10.8 ft<sup>2</sup>).

- Off-premise advertising, which is accessory to principal advertising, is permitted up to maximum of 66% of the maximum sign area, in which case there would need to be in place principal signage for businesses located on the subject property.
- As an alternative to “billboard” type signs and to allow advertising for those businesses which many not be visible from the Trans Canada Highway or other major vehicular routes, businesses are permitted to advertise on existing signs to a maximum of 2/3 of the sign area that is allowed for the principal business(es) advertising on the sign.

The structure in question is a sign frame absent of any principal signage for the subject property (no business exists – the former 7-11 was destroyed by fire 2 years ago).

While the proposed sign can be regarded simply as a billboard and interpreted as being 100% prohibited, staff is taking the approach that the sign can be interpreted as an information sign, that could be approved by Council with a resolution and a sign area variance. This interpretation is based on the definitions of a billboard sign and an information sign as specified in the Sign Bylaw:

“Billboard Sign means an Off-Premises Sign.”

“Information Sign means an Off-Premises Sign indicating the direction of a business or group of businesses, parking area, product, service or event for the purpose of directing pedestrian or vehicular traffic.”

To support staff’s interpretation, other off-premise advertising / information signage is located on the Critter’s freestanding sign one block to the west along the Trans Canada Highway frontage, yet with that the signage the area falls under the maximum 66% for accessory signage (Appendix 4). Other similar signage approved by Council in recent years with billboard and off-premise advertising characteristics include the “Gregg Kyo” sign on Highway 97B and off-premise advertising signage for Uptown Askew’s.

Information signs are permitted within all zones (no permit required) but require Council approval by a resolution and with a maximum area of 1.0 m<sup>2</sup> (the sign area defined as both sides of the sign, therefore a maximum area of 0.5 m<sup>2</sup> per sign face).

The sign is proposed to be 2.4 m (8 ft) wide x 1.8 m (6 ft) height, with an area of 4.5 m<sup>2</sup> (48 ft<sup>2</sup>) per side. The sign is proposed to be double sided so it will be visible to vehicular traffic travelling either east or west on the Trans Canada Highway. Both sides of the sign are included in the calculation of sign area. The maximum sign area permitted for an information sign is 1.0 m<sup>2</sup>. Because the proposed sign has 2 sides, 4.5 m<sup>2</sup> per side, the variance requested includes the area of both sides of the sign, 9.0 m<sup>2</sup>.

Currently, there are no signs mounted onto the existing free-standing sign structure located on the subject property, site photos attached as Appendix 5. Off-premise advertising is accessory to principal advertising and is permitted up to a maximum of 66% percent of the allowable sign area. The maximum sign area of a free-standing sign is 24 m<sup>2</sup> (258.3 ft<sup>2</sup>) and the proposed sign will take up 38% (9 m<sup>2</sup>) of the maximum sign area; therefore, there will be space available on the free-standing structure for off-premise advertising and on-premise advertising, should there be a future business on the property.

#### STAFF COMMENTS

##### Fire Department

No comments received to date.

##### Building Department

No sight line concerns.

##### Engineering Department

No Engineering Department concerns.

Ministry of Transportation & Infrastructure

A referral was sent June 9, 2020 and no comments have been received to date.

CONCLUSION

Information signs are signs that require Council endorsement as off-premise signs are prohibited, with the exception of information signs. Section 5.10 specifies the conditions under which an information sign may be permitted:

1. The maximum sign area shall not exceed 1.0 m<sup>2</sup> (10.8 ft<sup>2</sup>);
2. The maximum number of signs shall not exceed one (1) per lot and one (1) per business or group of businesses; and,
3. An affirmative Council resolution shall be required prior to the erection or placement of any sign.

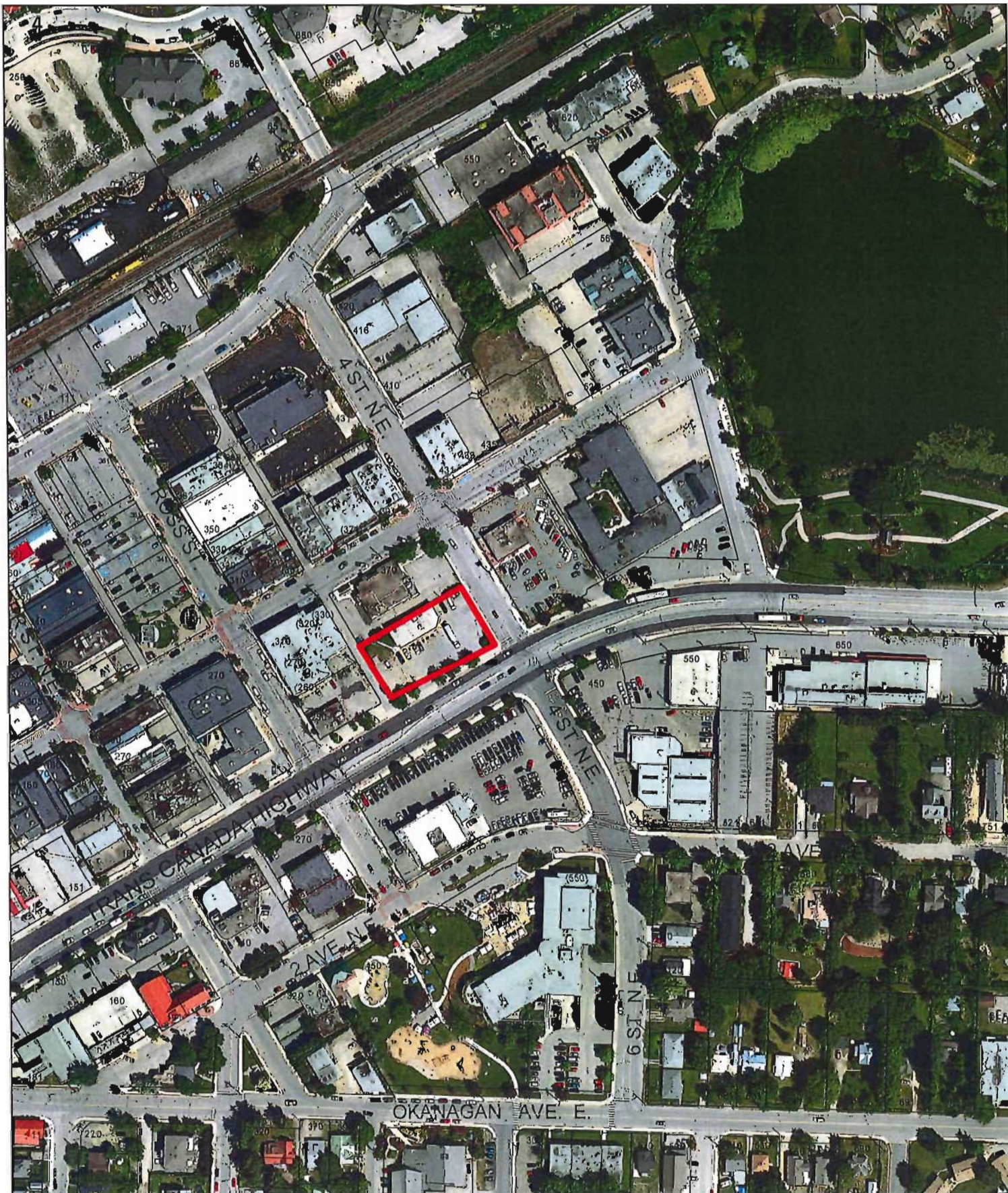
The rationale for prohibiting off-premise signs with the exception of information signs, subject to Council approval, is to prevent billboard type signage and the proliferation of information signs. The maximum sign area of 1.0 m<sup>2</sup> is to keep the size and appearance of the sign somewhat discreet.

The Prestige Harbourfront Resort is a premier destination spot for tourists and adding signage along the Trans Canada Highway is an opportunity to aid in directing tourists. Also, there is a new traffic light proposed at the intersection of 4<sup>th</sup> street and the Trans Canada Highway which will benefit traffic turning off the Trans Canada Highway.

Staff supports the Motion for the following reasons: there is an existing and vacant free-standing sign structure; although the requested variance for sign area is significant, staff view the sign as aesthetically pleasing with adequate space available for additional signs for on and off-premise advertising; and, there are no sight line concerns for vehicular traffic. In addition, there has not been a high frequency of information sign requests. The last application for an information sign the City received was for the Askew's Uptown Shopping Centre in 2013.

  
Denise Ackerman  
Planner, Development Services Department

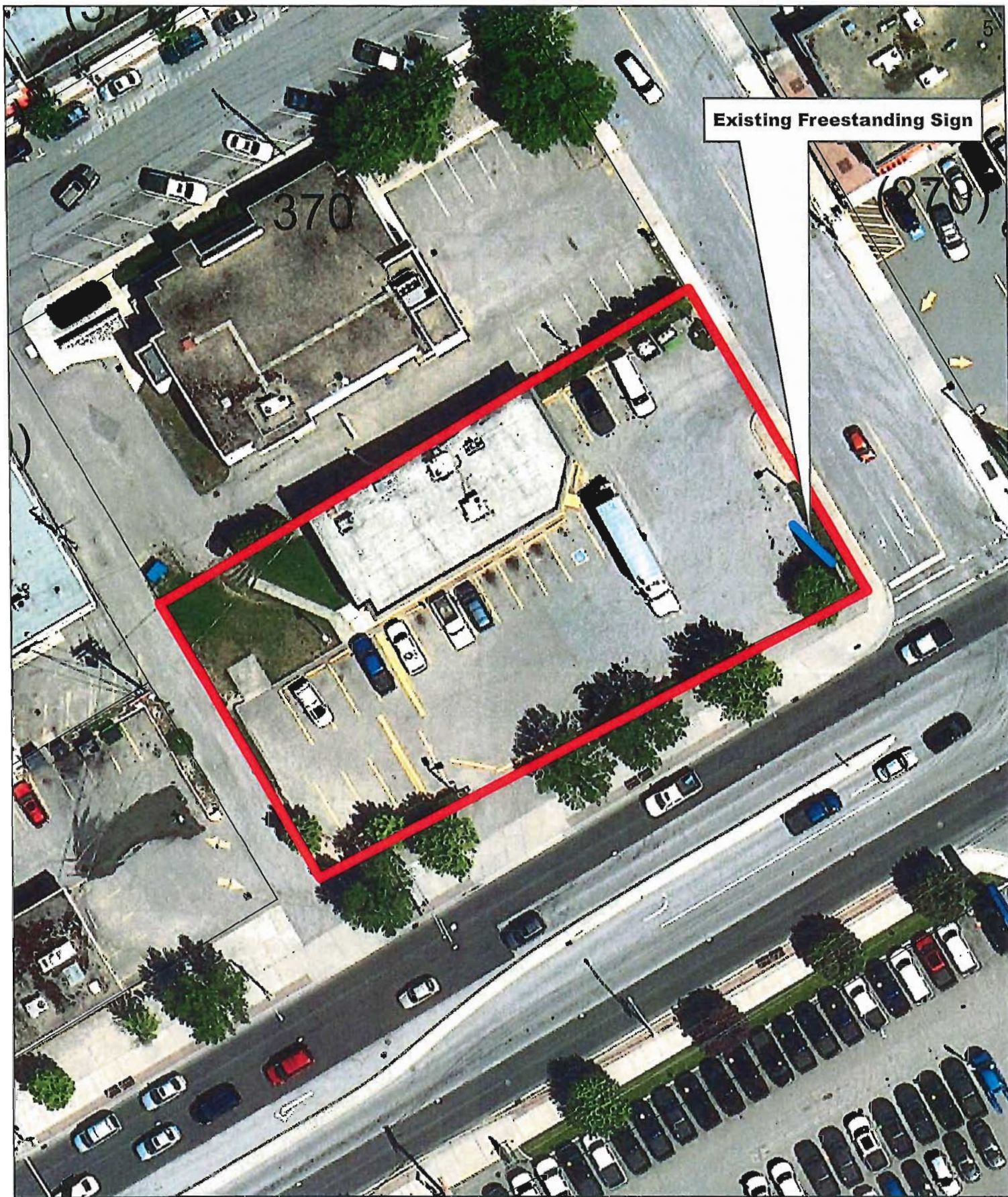
  
Kevin Pearson, MCIP, RPP  
Director of Development Services



012.525 50 75 100  
Meters



Subject Parcel



Existing Freestanding Sign



0 2.5 5 10 15 20 Meters



Subject Parcel

Please let this letter serve as our explanation behind the application for a variance on the permitted Information Sign dimensions as referred to in section 5.10 of Bylaw No. 2880.

With the recent softening of the economy, and now the dire impact of Covid-19 on the hotel industry, we have recognized the need for a visible marker to highlight our presence at the harbourfront and provide direction to the resort. As such, we are asking for a variance on the sign bylaw:

Why the Sign Variance:

- Make use of the existing signpost at the Imperial Oil Limited property while it remains vacant
- Indicate the presence of the resort and direct traffic to "Prestige Harbourfront Resort & Convention Centre"
- Require more than the allowable 10.8 ft<sup>2</sup> (1m<sup>2</sup>) for directional signage to ensure visibility
- Variance size requested: 48 ft<sup>2</sup> (8 ft tall by 6'ft wide)
  - This uses the existing framework of the upper portion of the existing sign post
  - Sign text will only fill 2/3 of this area (see attached photo)

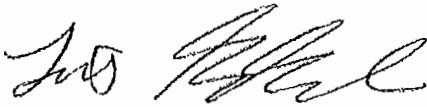
Why the Need for a Directional Sign:

- Identifies access toward the harbourfront for both the general visitor and our guests
- Responds to frequent guest complaints of difficulty locating the access point from the highway
- Follows through on the original partnering agreement for development of the resort, whereby we were assured that there would be signage directing visitors to the harbourfront
- Addresses the inability of the province to agree to placing wayfinding signs (as attempted by the MRDT committee)
- Assists our ability to address a need to market in more traditional ways due to the softening economy and COVID-19 pandemic
  - Our industry will be dependent on the motor-travel visitor. As a result, signage with highway presence will be key to our business opportunity from the travelling public



discuss this application at your convenience.

Sincerely,



Travis Schneider  
Director of Training and Leadership Development  
Prestige Hotels & Resorts  
102-1635 Abbott St.  
Kelowna, BC  
V1Y 1A9  
[travis.schneider@prestigehotels.ca](mailto:travis.schneider@prestigehotels.ca)  
C: 250-859-1670

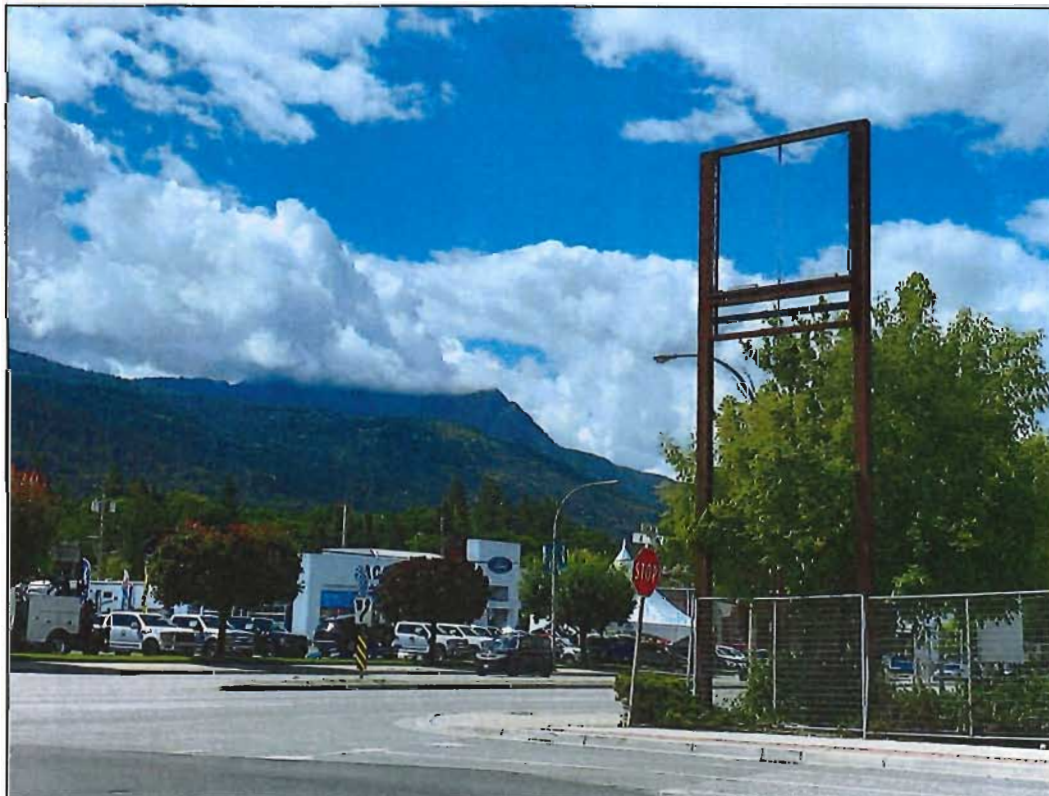
Proposed Sign and Dimensions:







Existing free-standing sign structure



# CITY OF SALMON ARM

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To: His Worship Mayor Harrison and Members of Council

Date: July 10, 2020

Subject: Zoning Bylaw Amendment Application No. 1178

Legal: Lot A, Section 17, Township 20, Range 10, W6M, KDYD, Plan EPP96461  
 Civic: 111 – 60 Street NW  
 Applicant: H. Nyland & B. Brierley

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## MOTION FOR CONSIDERATION

**THAT:** a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot A, Section 17, Township 20, Range 10, W6M, KDYD, Plan EPP96461 from A-2 (Rural Holding Zone) to A-3 (Small Holding Zone).

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## STAFF RECOMMENDATION

**THAT:** The Motion for Consideration be adopted.

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## BACKGROUND

The subject parcel is located at 111 - 60 Street NW in the Gleneden area as shown on Appendix 1 and 2. The proposal is to rezone the property from A-2, Rural Holding Zone to A-3, Small Holding Zone to facilitate a 2 ha (5 ac) subdivision. A sketch plan of the proposed subdivision has been submitted (Appendix 3) and site photos are attached as Appendix 4.

The existing parcel is 4.00 ha in size, designated Acreage Reserve in the Official Community Plan (OCP) and is zoned A-2, Rural Holding Zone as shown on Appendices 5 & 6. Approximately one third of the eastern portion of the property is in the Agricultural Land Reserve (ALR) (Appendix 7).

The surrounding properties are designated Acreage Reserve in the OCP and the area is generally comprised of a mixture of A-2 and A-3 zoned parcels, with a mix of agriculture and residential uses. There are several properties directly across 60 Street, which were rezoned from A-2 to A-3 in 2001. More recently (March, 2020), a property to the north was rezoned from A-2 to A-3, also to facilitate a one lot subdivision, File No. ZON-1168.

The subject property was created via a subdivision in 2013 and the ALC authorized the registration of Plan EPP27192, which created Lots 1 - 3, with the subject property being Lot 1. Since 2013, there has been 2 boundary adjustments and the most recent boundary adjustment (April, 2020), realigned the western parcel line of former Lot 1 to create Lot A, Plan EPP96461 (Appendix 8).

The ALC provided a detailed response to the zoning amendment referral. The ALC report is attached as Appendix 9. The report provides a historical timeline outlining previous ALC Resolutions as well as next steps. The report notes that the subdivision is outside the ALR; however, the road dedication is through the ALR. ALC staff advises that construction associated with the dedication of the road is subject to an ALC Transportation, Utility and Recreational Trail Use Application.

There has also been two previous zoning amendment applications for the parent property. In 2012, the parent property was rezoned from A-2 to A-3 to facilitate subdividing the 24 ha parent property into multiple 2.0 ha lots (Appendix 10). At the time of rezoning in 2012, the applicants were prepared to extend and connect the proposed new lots to the City water main. OCP Policy 13.3.15 states: "Consider extensions of the water system outside the Urban Containment Boundary when the project is funded primarily by the benefitting property owners." Later in 2012, the applicants decided not to proceed with the water main extension and the proposed subdivision; thus, another zoning application resulted and the original A-2 zoning was reinstated. Because the water main was not extended, a covenant was registered to the title of the property to ensure quantity and quality of an alternative water source.

The property is affected by a no access covenant prohibiting access from 60<sup>th</sup> Street to the subject property. This covenant was required at the time of subdivision in 2012 due to limited sight lines at the southeast corner of the property. Access to the subject property and to 233 – 60 Street NW is via a 20 m wide easement, Plan EPP27220 (Appendix 11), along the panhandle portion of 151 – 60 Street NW. The future plan for this easement is to dedicate it as road, which as previously mentioned, will be subject to ALC's review via a Transportation Use Application.

The proposal meets the required minimum parcel size requirements as specified in the A-3, Small Holding Zone; the A-3 zoning regulations are attached as Appendix 12. The A-3 Zone would allow for agriculture, one single family dwelling and an accessory secondary suite. Any new construction would require a building permit and will be subject to meeting Zoning Bylaw and BC Building Code requirements.

### OCP POLICY

The subject parcel is designated Acreage Reserve in the OCP. The proposed A-3 zone is consistent with the Acreage Reserve land use designation. The proposed subdivision is consistent with OCP Policy 7.3.29, which supports subdivision within this area of Acreage Reserve commonly known as Gleneden.

" 7.3.29 Subdivision to accommodate further rural small agricultural holdings may be supported within the Acreage Reserve area situated west of both the Salmon River and the Trans Canada Highway subject to compliance with the following criteria:

- a. the site is well drained and free from flooding, unstable soils or other hazardous conditions;
- b. soil conditions permit permanent on-site sewage disposal for each parcel as determined by the appropriate agency;
- c. availability of adequate potable water supply on each parcel, approved by the appropriate agency;
- d. minimum two (2) hectare parcel size, other than subdivisions or boundary adjustments contemplated under policy 7.3.6 and subject to appropriate zoning; and
- e. the lands have an improved agricultural soils capability rating of class four (4), class five (5), class six (6) or class seven (7) as determined by the ALC, based on the Canada Land Inventory Agricultural Capability Classification System. The principle of protecting better quality agricultural soils from subdivision into small lots will guide decisions on mixed category applications and the ALC will continue to consider each subdivision application on its own merits to ascertain the potential impact of subdivision on existing and potential agricultural development."

Note that the Gleneden area is the only rural area of the City where subdivision is supported outright, along with A-3 and CD (Comprehensive Development) zoning. This support stems from a historical City and ALC decision approving the related OCP policy.

### COMMENTS

#### Engineering Department

Engineering Department comments are attached as Appendix 13.

#### Building Department

No building department concerns.

Fire Department

No Fire Department concerns.

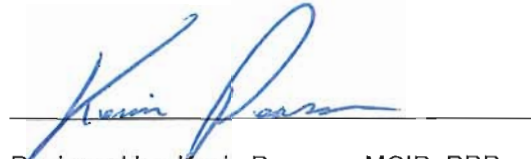
CONCLUSION

Staff supports this rezoning application based on the following:

- The development as proposed is consistent with OCP Policy 7.3.29.
- The proposed A-3 zoning is consistent with the existing mix of A-2 and A-3 properties in the area.
- The proposed 2 ha subdivision meets the A-3 minimum parcel area requirements.



Prepared by: Denise Ackerman  
Planner, Development Services



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

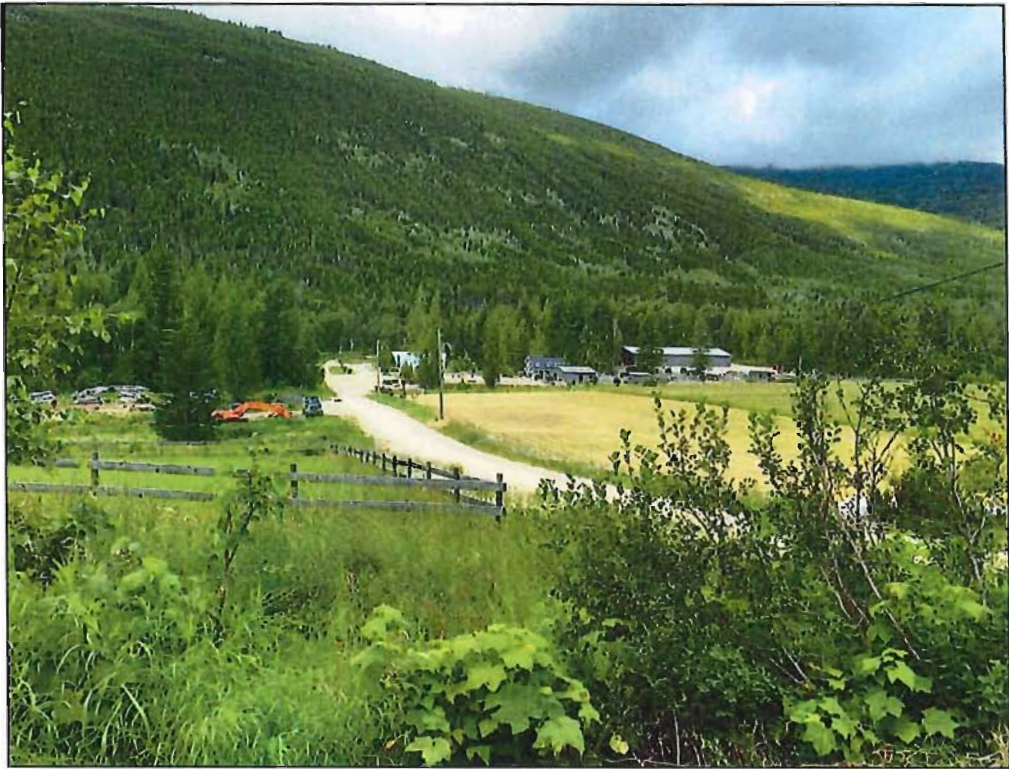


View looking west.



View looking northwest.

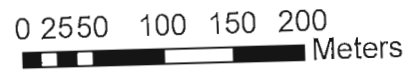
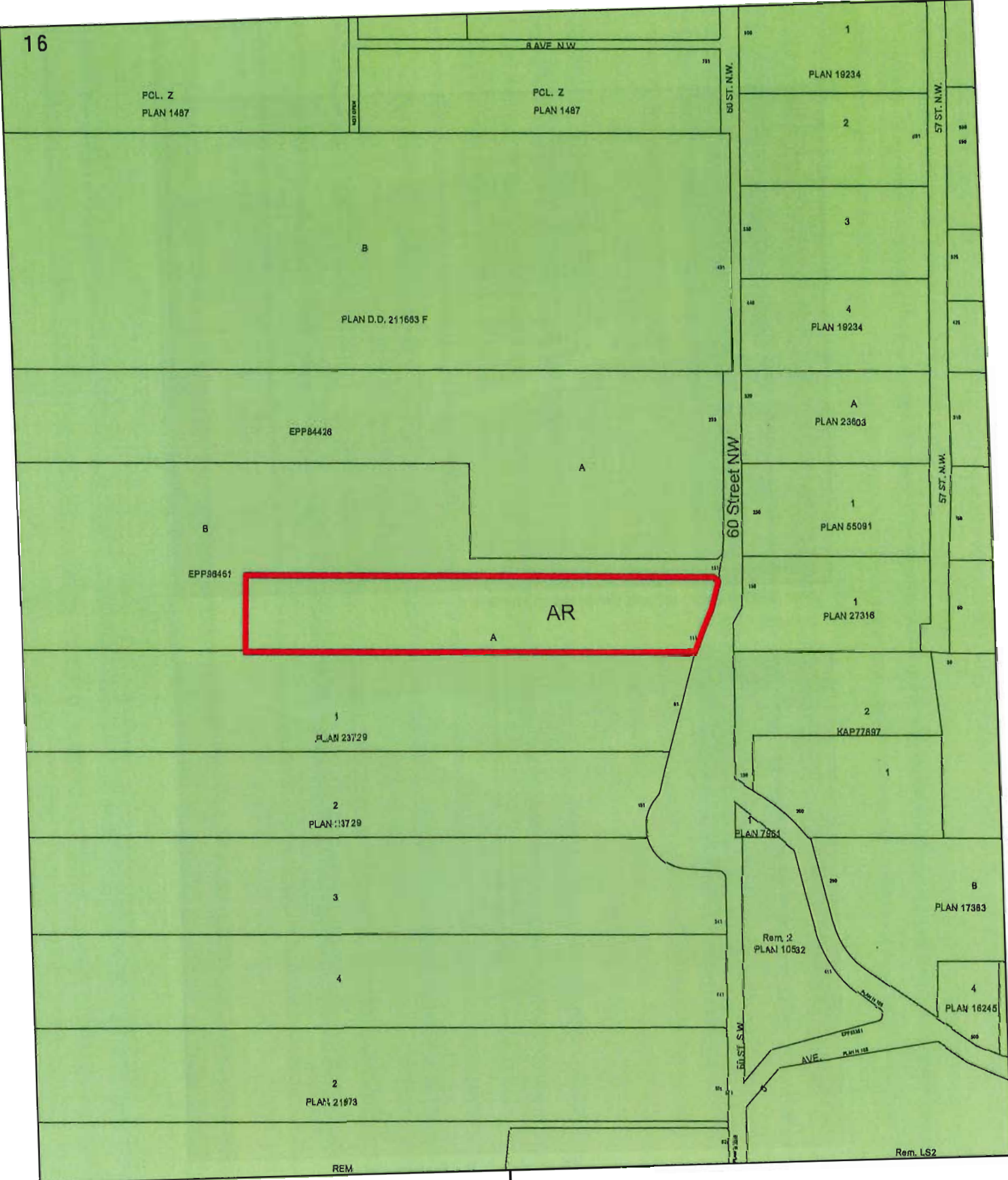






View looking west; subject property on the left.

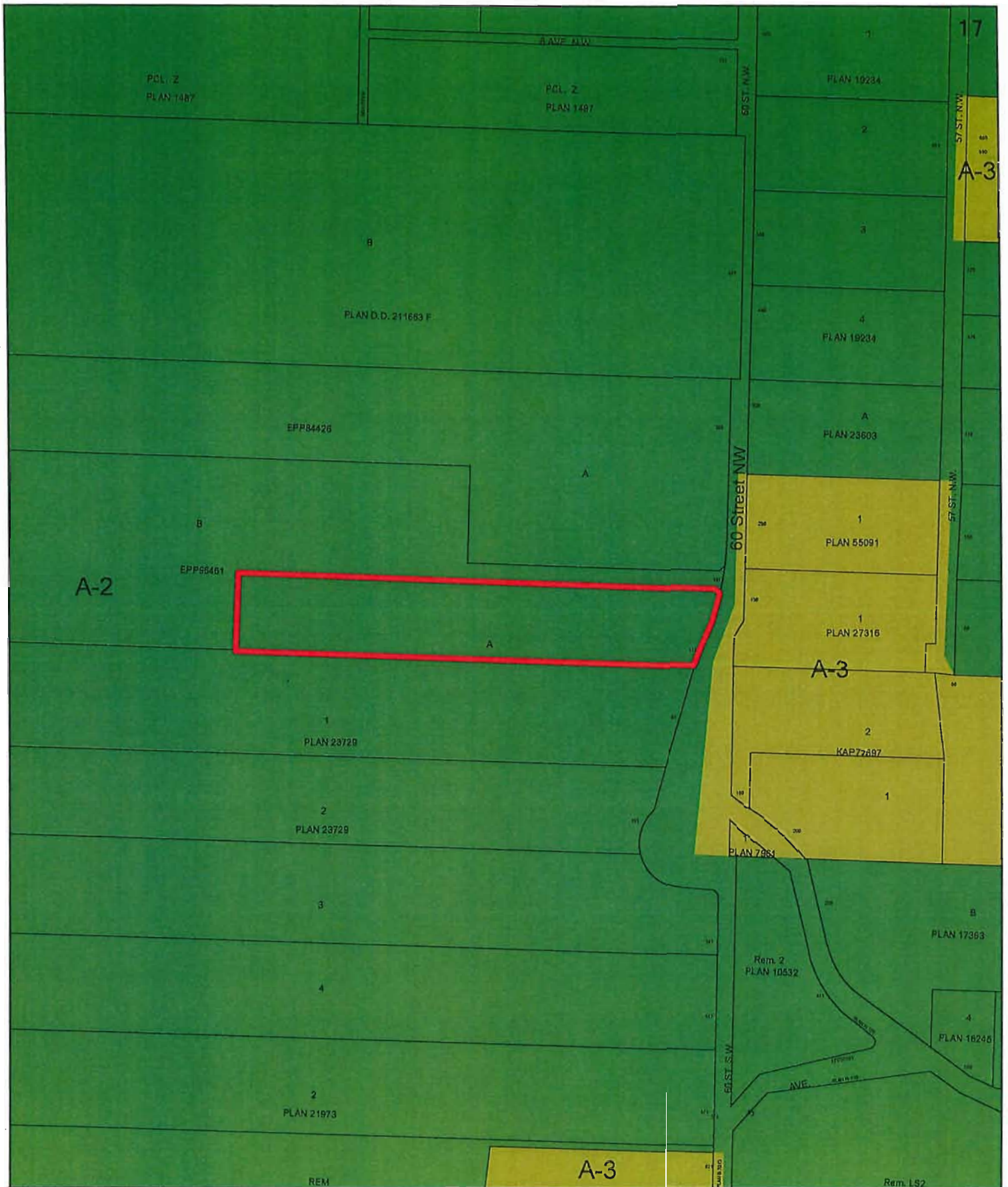


View looking southwest; easement for access in the foreground.



 Subject Parcel

 AR - Acreage Reserve



0 2550 100 150 200  
Meters



Subject Parcel



A-2, Rural Holding Zone



A-3, Small Holding Zone

18

PCL. Z  
PLAN 1487

PCL. Z  
PLAN 1487

PLAN D.D. 211663 F

EPP84426

EPP96461

1  
PLAN 23729

2  
PLAN 23728

3

4

2  
PLAN 21973

REM

RAVE N.W.

60' D.P.C.

60 ST. N.W.

60 Street NW

60 ST. S.W.

57 ST. N.W.

57 ST. N.W.

KAP77897

PLAN 7261

Rem. 2  
PLAN 10532

AVE.

Rem. LS2

1  
PLAN 19234

2

3

4  
PLAN 19234

A  
PLAN 23603

1  
PLAN 55091

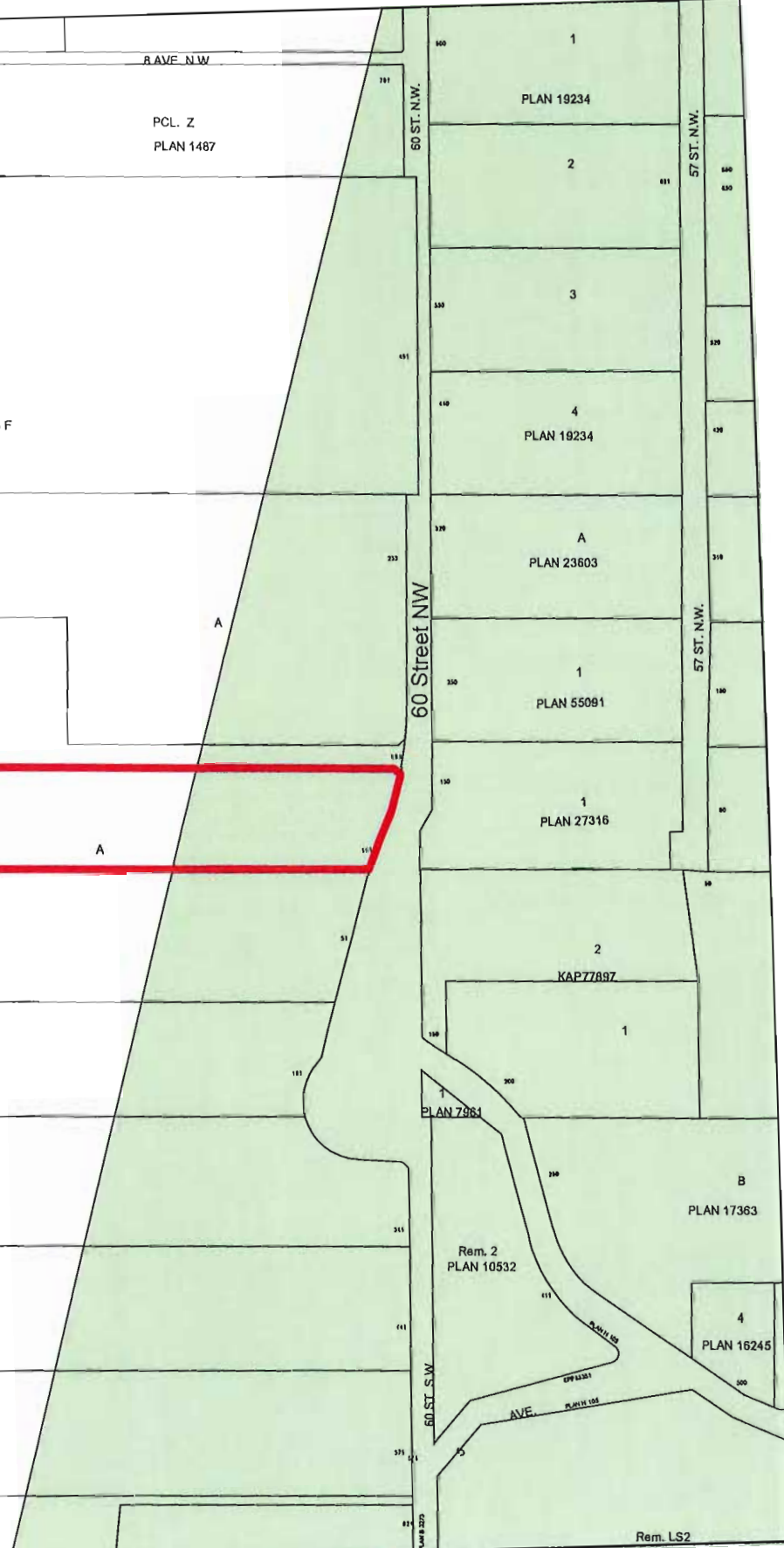
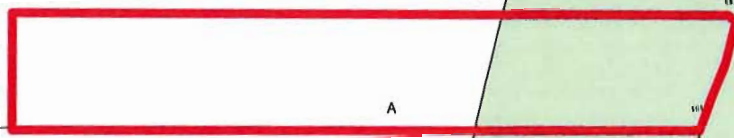
1  
PLAN 27316

2

1

B  
PLAN 17363

4  
PLAN 16245



0 250 100 150 200  
Meters



Subject Parcel



ALR

Subdivision Plan of  
 Lot 1, Plan EPP27192 and  
 Lot B, Plan EPP84426  
 Both in Sec 17, Tp 20, R 10, W6M  
 KDYD

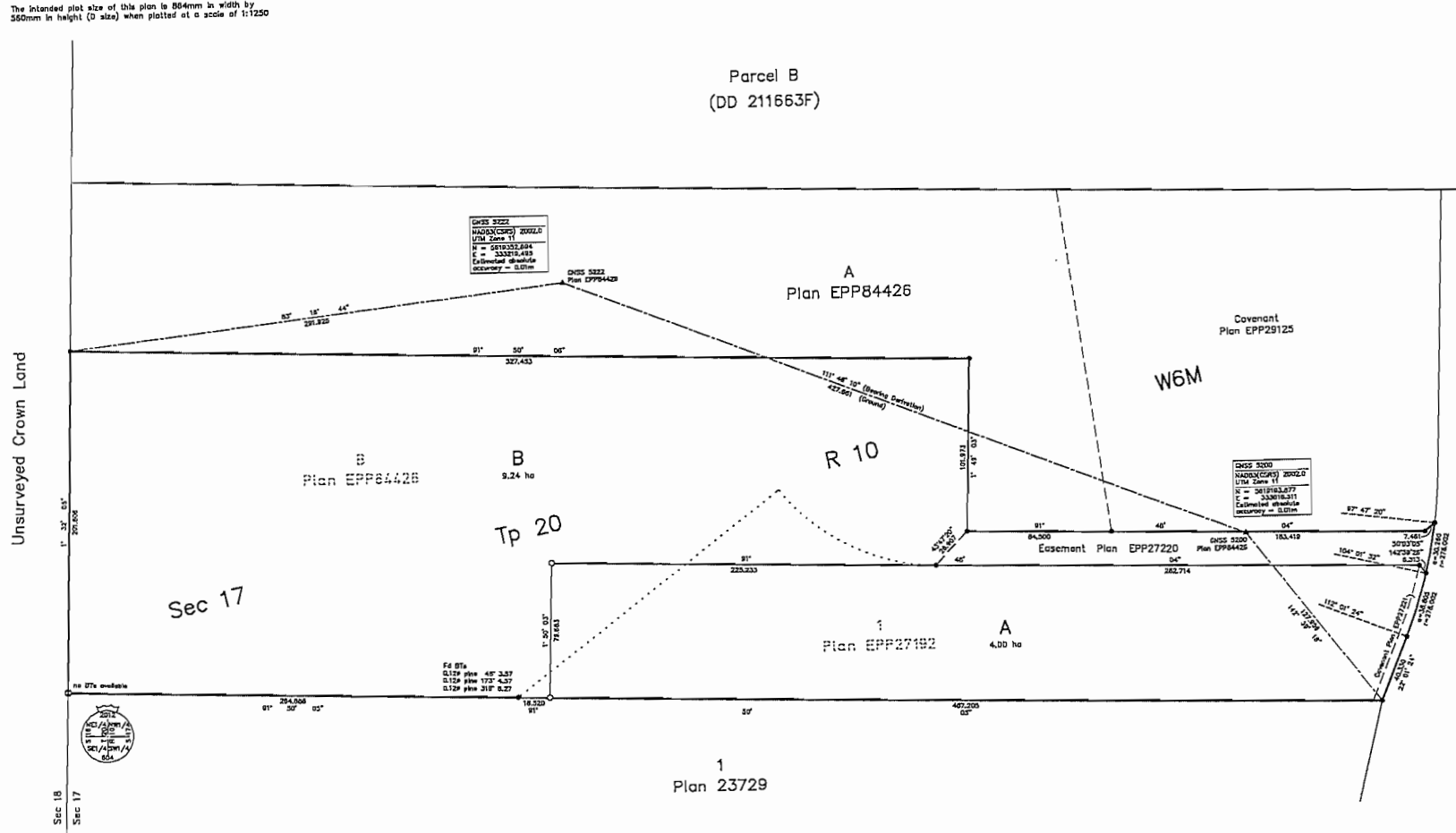
BCGS 82L054 and 82L074



All distances are in metres.  
 The intended plot size of this plan is 864mm in width by  
 560mm in height (D size) when plotted at a scale of 1:1250



Parcel B  
 (DD 211663F)



LEGENO

Grid bearings are derived from differential dual frequency GNSS observations and are referred to the central meridian of UTM Zone 11.

This plan shows horizontal ground level distances, unless otherwise specified. To compute grid distances, multiply ground level distances by the average combined factor of 0.9998544. The average combined factor has been determined based on an ellipsoidal elevation of 487.7 metres.

The UTM coordinates and estimated absolute accuracy achieved are derived from differential dual frequency GNSS observations post processed using the Natural Resources Canada Precise Point Positioning Service.

- ⊙ Standard Capped Post Found
  - Standard Iron Post Found (IPP)
  - Standard Iron Post Placed (IP)
  - ▲ Traverse Hub Found
- BT bearings are plan

This plan lies within the Agricultural Land Reserve

This plan lies within the jurisdiction of the Approving Officer for the City of Salmon Arm

This plan lies within the Columbia Shuswap Regional District

The field survey represented by this plan was completed on the 16th day of September, 2019  
 Joseph Charles Johnson, BCLS (564)

BRONNE JOHNSON LAND SURVEYORS  
 B.C. AND CANADA LANDS  
 SALMON ARM, B.C. 250-832-9701  
 Plan: 438-19 438-19.rsw

Unsurveyed Crown Land

60 Street NW 09

APPENDIX 8: Plan EPP96461



**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

June 23, 2020

Reply to the attention of Sara Huber  
 ALC Issue: 51817  
 Local Government File: ZON-1178

Kathy Frese  
 Development Services Assistant, City of Salmon Arm  
 kfrese@salmonarm.ca

**Delivered Electronically**

**Re: City of Salmon Arm Zoning Amendment Application File No. 1178**

Thank you for forwarding a draft copy of City of Salmon Arm (the "City") Zoning Amendment Application File No. 1178 (the "Application") for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Application is consistent with the purposes of the *ALC Act* (ALCA), the Agricultural Land Reserve (ALR) General Regulation, (the "ALR General Regulation"), the ALR Use Regulation (the "ALR Use Regulation"), and any decisions of the ALC.

**Current Proposal:**

The Application proposes to rezone the property identified as 111 60 Street Northwest; PID: 031-056-911 (the "Property") from A-2 (Rural Holding Zone) to A-3 (Small Holding Zone) to subdivide a 2 ha lot outside of the ALR. A road dedication is required to provide access to the new lot.

**Application History:**

In 1998, the ALC put forth an application to include 50 ha within the Gleneden, Canoe Creek, and Grinrod areas of Salmon Arm based on the soil capability and agricultural use of the lands (Application 9103; Legacy 31729). After review of the lands, the ALC decided to not to include the 18 ha Gleneden area, but approved the inclusion of the remainder of the lands (Resolution #102/1998). The 2.2 ha portion of the parent parcel of the Property was not included as a result of this application, as it is located within Gleneden.

In 2010, the ALC received applications to realign the ALR boundary of the parent parcel by excluding approximately 2 ha and including 2.2 ha to reflect the agricultural capability. The 24 ha parent parcel was then to be subdivided along the ALR boundary into a 5.3 ha ALR parcel and an 18.6 ha non-ALR remainder (Applications 51842 and 51843). The ALC conditionally allowed the exclusion of 1 ha, rather than the proposed 2.2 ha exclusion, and allowed the inclusion (Resolutions #2827/2010 and #2828/2010).

In 2011, the applicants requested reconsideration of Resolution #2827/2010 (the exclusion application) on the grounds that the location where the ALC had approved the access to the remainder was unsafe due to limited visibility because of the presence of a gully. The applicants proposed a new access which would be dedicated as road and the 2 ha north of the road was proposed to be excluded. The City supported the revised road alignment.

In 2012, the ALC acknowledged the rationale for the revised access road location, but indicated that some of the land separated by the road and proposed for exclusion had agricultural capability. As such, while it was not prepared to exclude the 2 ha area south of the access road, the ALC allowed subdivision of a 2 ha lot within the ALR in this location (Resolution #243/2012).

In addition, the ALC recalled that it had approved the inclusion of 2.2 ha into the ALR (Resolution #2828/2010). In view of the reduction in agricultural potential reflected in the relocation of the road and the associated subdivision, the ALC believed that a covenant should be registered against the title of the proposed inclusion property prohibiting the construction of a residence in the cleared field area.

In 2013, the ALC authorized the registration of Plan EPP27192 (the subdivision plan) and CA3170092 (the no-build covenant). The subdivision created three separate lots (Lots 1-3 comprised of 4 ha, 14.5 ha, and 5.55 ha, respectively). At this time, a 20 m wide easement was registered (Plan EPP27220) to provide access to Lot 2.

In 2019, Plan EPP84426 was registered which revised the boundaries of the former Lots 2 and 3 to create Lot A (10.8 ha) and Lot B (9.24 ha).

In 2020, Plan EPP96461 was registered which revised the boundaries of the former Lot 1, to create Lot A (4 ha).

**ALC Staff Comments:**

The area of the former easement (Plan EPP27220) is now proposed to be dedicated as road and the subdivision proposes to subdivide Lot A into two 2 ha lots. The subdivision is outside the ALR; however, the road dedication is through the ALR.

ALC staff advises that if there is construction association with the dedication of the road, a transportation application must be submitted for the ALC's review. More information about the application process may be found here: <https://www.alc.gov.bc.ca/alc/content/applications-and-decisions/application-instructions>

ALC staff understands that the A-3 zone is intended to provide for the creation of 2 ha parcels in areas specified in the OCP where further urbanization is not anticipated and where the ALC has either excluded land from the ALR or agreed to the zoning. Agriculture is permitted as a permitted use in the A-3 zone.

ALC staff note that the minimum setback for buildings and structures to accommodate agricultural uses range from 15 to 30 m from the lot lines. The [Ministry of Agriculture's Guide for Bylaw Development in Farming Areas](#) (also known as the Minister's Bylaw Standards) provides guidance on appropriate setbacks for agricultural uses. ALC staff recommends that the City consider implementing setbacks which reflect the Minister's Bylaw Standards.

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The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any Orders of the Commission.

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

If you have any questions about the above comments, please contact the undersigned at 236-468-3258 or by e-mail ([Sara.Huber@gov.bc.ca](mailto:Sara.Huber@gov.bc.ca)).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Sara Huber, Regional Planner

Enclosure: Referral of ZON-1178

CC: Ministry of Agriculture – Attention: Chris Zabek

51817m1



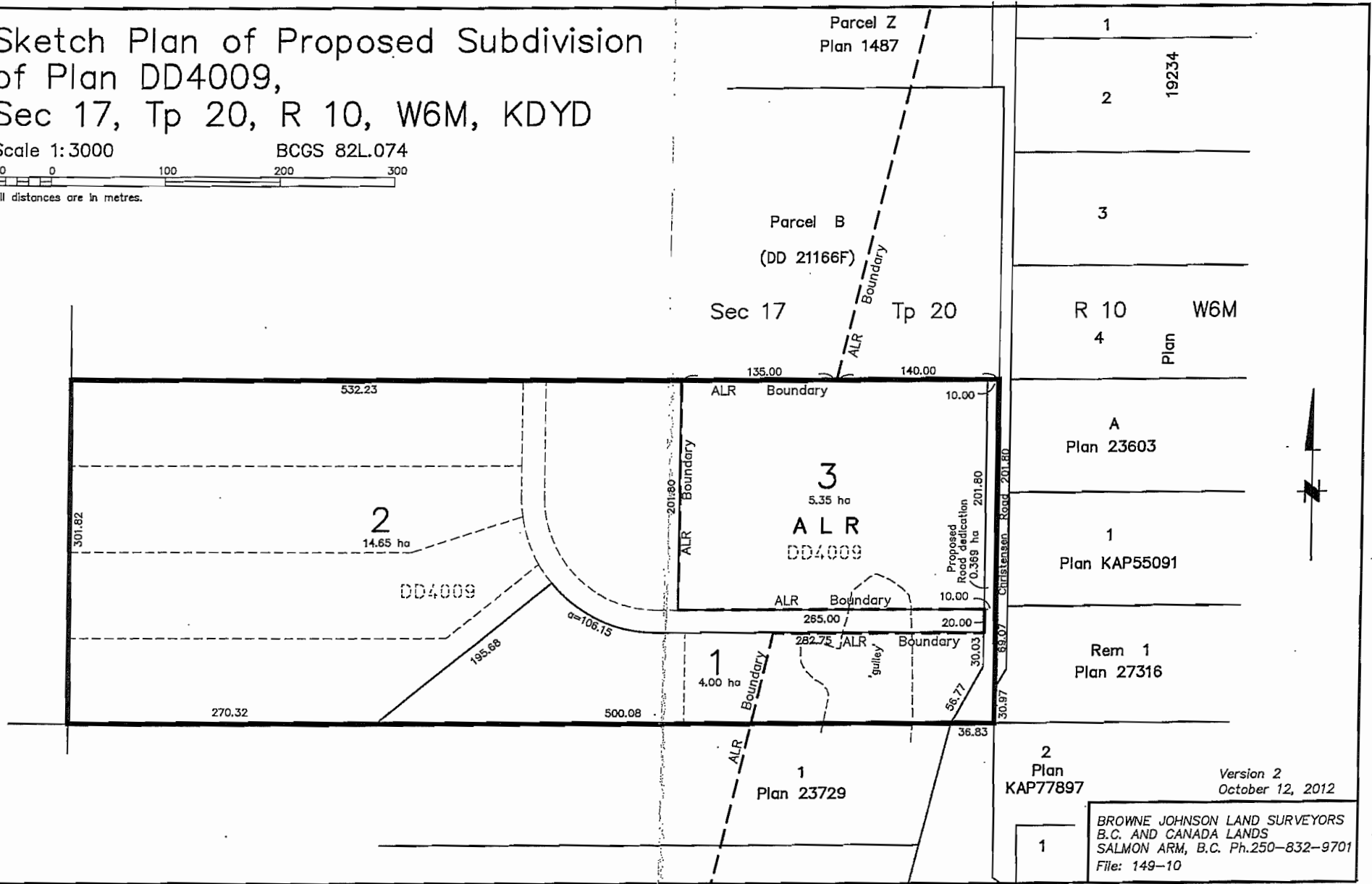
# Sketch Plan of Proposed Subdivision of Plan DD4009, Sec 17, Tp 20, R 10, W6M, KDYD

Scale 1:3000

BCGS 82L.074



All distances are in metres.

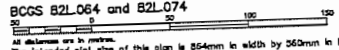


PLAN EPP27220

Reference Plan of Easement in Lot 2, Sec 17, Tp 20, R 10, W6M, KDYD, Plan EPP27192

Pursuant to Section 99(1)(e) of the Land Title Act, BCGS 82L.064 and 82L.074

All dimensions are in metres. The intended plot size of this plan is 854mm in width by 560mm in height (D size) when plotted at a scale of 1:1500



Sec 20 Tp 20 R 10 W6M

1 Plan 33563

MANAGED UTM ZONE 11  
EPS 432  
NAD83/CSRS  
K=333733.141

Rem 1 Plan 16672

10 Avenue NW

1 Plan 23305

60 Street NW

60 Street NW

60 Street NW

60 Street NW

Parcel B (DD 211663F)

FM 875  
D1186 side 222' 7.87  
D1186 side 367' 8.64  
3M

FM 875  
D1186 corner 107' 10.85  
D1186 corner 178' 13.28  
D1186 corner 387' 8.40

W6M  
R 10  
NE1/4 Sec 18  
Tp 20  
Sec 18  
SE1/4 Sec 18

137.00'

FM 875  
NE1/4 side 46' 3.27  
D1186 side 177' 4.31  
D1186 side 316' 8.27

284.688

FM 875  
D1186 side 46' 3.27  
D1186 side 177' 4.31  
D1186 side 316' 8.27

1 Plan 23729

Sec 17

Tp 20

R 10

W6M

3 Plan EPP27192

2 Plan EPP27192

1 Plan EPP27192

Easement 20.0m wide

LEGEND

Grid bearings are NAD83 (CSRS) and are derived from differential carrier phase GPS observations and are referred to the central meridian of UTM Zone 11. To obtain local astronomic bearings referred to the meridian through GPS 432, subtract 1'49'22".

This plan shows ground level distances, based on a mean ellipsoidal elevation of 481.4. To convert grid distances, multiply ground level distances by the mean combined scale factor of 0.99998720.

The UTM coordinates and estimated network horizontal accuracy are derived from dual frequency differential carrier phase GPS observations post processed using the Natural Resources Canada Precise Point Positioning (PPP) Service.

The estimated network horizontal accuracy is 0.1m.

- Standard Iron Post Found
- ⊙ Standard Capped Post Found
- △ Traverse Hub Placed

BT bearings are plan



This plan lies within the Columbia Shuswap Regional District

The field survey represented by this plan was completed on the 27th day of November, 2012 Joseph Charles Johnson, BCLS

BROWNE JOHNSON LAND SURVEYORS  
B.C. AND CANADA LANDS  
SALMON ARM, B.C. PH:250-832-9707  
FAX:250-12 (146-10) F8.R118.p.64

## SECTION 36 - A-3 - SMALL HOLDING ZONE

### Purpose

- 36.1 The A-3 *Zone* is intended to provide for the creation of two hectare *parcels* in areas specified in the *Official Community Plan* where further urbanization is not anticipated and where the Agricultural Land Commission (ALC) has either excluded the area from the Agricultural Land Reserve or where the ALC has agreed to the A-3 Zoning).

### Regulations

- 36.2 On a *parcel zoned A-3*, no *building* or *structure* shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations set out in the A-3 *Zone* or those regulations contained elsewhere in this Bylaw.

### Permitted Uses

- 36.3 The following uses and no others are permitted in the A-3 *Zone*

- .1 *agriculture*;
- .2 *bed and breakfast*, limited to three let rooms;
- #2767  
#4018, #4193 .3 *boarders*, limited to two;
- .4 *detached suite* (*development of a detached suite* in the Agricultural Land Reserve is subject to the Agricultural Land Commission Act and Regulations);
- #3082 .5 *family childcare facility*;
- #3426 .6 *group childcare*;
- .7 *home occupation*;
- .8 *public use*;
- .9 *public utility*;
- #3212 .10 *secondary suite*;
- .11 *silviculture*;
- .12 *single family dwelling*;
- .13 *accessory use*, including the retail sale of agricultural products produced on the *parcel*.

### Maximum Number of Single Family Dwellings

- 36.4 The maximum number of *single family dwellings* shall be one (1) per *parcel*.
- .1 A second dwelling may be permitted under Section 4.13 of the bylaw.

### Maximum Number of Secondary Suites

- #4018 36.5 One (1) *secondary suite* or one (1) *detached suite* is permitted per *parcel*.

### Maximum Residential Building Area

- #4223 36.6 The maximum combined building area for all dwelling units (single family dwelling, detached suite and farm help) shall be no greater than 500 m<sup>2</sup> (5,382ft<sup>2</sup>).

## SECTION 36 - A-3 - SMALL HOLDING ZONE - CONTINUED

**Maximum Height of Single Family Dwellings**

36.7 The maximum *height of the single family dwelling* shall be 10.0 metres (32.8 feet).

**Maximum Height of Accessory Buildings**

36.8 The maximum *height of accessory buildings* shall be 12.0 metres (39.4 feet).

**Minimum Parcel Size**

36.9 The minimum *parcel size* shall be 2.0 hectares (4.9 acres).

**Minimum Parcel Width**

36.10 The minimum *parcel width* shall be 50.0 metres (164.0 feet).

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

- 36.11 .1 The minimum *setback of principal and accessory buildings* intended to accommodate non-agricultural uses from all *parcel lines* shall be 6.0 metres (19.7 feet).
- #2811 .2 Refer to Section 4.9 for “Special Building Setbacks” which may apply.

**Minimum Setback of Buildings or Structures Intended to Accommodate Agricultural Uses**

- 36.12 The minimum *setback of buildings and structures* intended to accommodate agricultural uses from the:
- |          |   |                         |
|----------|---|-------------------------|
| .1       | <i>Front parcel line</i> shall be   | 30.0 metres (98.4 feet) |
| .2       | <i>Rear parcel line</i> shall be  | 15.0 metres (49.2 feet) |
| .3       | <i>Interior side parcel line</i> shall be                                       | 15.0 metres (49.2 feet) |
| .4       | <i>Exterior side parcel line</i> shall be                                       | 30.0 metres (98.4 feet) |
| .5       | Any <i>single family dwelling</i> shall be                                      | 15.0 metres (49.2 feet) |
| .6       | Any <i>watercourse</i> or body of water shall be                                | 30.0 metres (98.4 feet) |
| #2811 .7 | Refer to “Pound and Animal Control Bylaw” for special setbacks which may apply. |                         |

**Sale of Agricultural Products**

36.13 The retail sale of agricultural products produced on the *parcel* is permitted provided the maximum *floor area* of the retail sale stand is 40.0 square metres (430.5 square feet).

**Parking**

36.14 Parking shall be required as per Appendix I.

**TO:**

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

PRINT

SUBMIT FORM

**REFERRAL:**

DATE: June 1, 2020  
 OWNER: **H. Nyland & B. Brierley**, PO Box 2008, Salmon Arm V1E 4P9  
 APPLICANT/AGENT: **Owner**,  
 SUBJECT: **ZONING AMENDMENT APPLICATION FILE NO. ZON-1178**  
 LEGAL: Lot A, Section 17, Township 20, Range 10, W6M KDYD, Plan EPP96461  
 CIVIC: **111 – 60 Street NW**

Please provide comments on the attached Zoning Amendment Application at your earliest opportunity.

OCP Designation: AR (Acreage Reserve)  
 OCP Designation Request: n/a  
 Development Permit Area: Environmentally Sensitive Riparian Areas  
 Current Zoning: A-2 (Rural Holding Zone)  
 Requested Zoning: A-3 (Small Holding Zone)  
 ALR: Yes, portion of property  
 Previous Files: 19.21  
 Associated File: n/a

Thank you.

*Denise Ackerman*  
 Denise Ackerman  
 Development Services Planner

**COMMENTS for ZON-1178:**

No Engineering Concerns.

The subject property does not front onto a City watermain; an Alternative Water Source is required. Installation of a new on-site water supply system is required in accordance with Section 5.2 of the bylaw. Either a Professional Driven Approach (completed by a qualified Professional Engineer) or a Homeowner Driven Approach (completed by the homeowner and/or qualified well driller) may be required to certify quality and quantity of the alternative water source.

 SIGNATURE & DEPARTMENT:
 

DATE: 09-07-2020

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To: His Worship Mayor Harrison and Members of Council

Date: July 9, 2020

Subject: Development Variance Permit Application No. 517

Legal: Lot 2, Section 5, Township 21, Range 9, W6M, KDYD, Plan KAP86212  
 Civic: 7080 – 50 Street NE  
 Applicant: Babakaiff, T. & Passey, B.

### MOTION FOR CONSIDERATION

**THAT:** Development Variance Permit No. 517 be authorized for issuance for Lot 2, Section 5, Township 21, Range 9, W6M, KDYD, Plan KAP86212 (7080 50 Street NE) to vary the provisions of Zoning Bylaw No. 2303 as follows:

1. Section 6.11.2 – R-1 Single Family Residential Zone – reduce the minimum setback to a rear parcel line from 1.0 m (3.3 ft) to 0.8 m (2.6 ft) to allow for the siting of an accessory building.

### STAFF RECOMMENDATION

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

### PROPOSAL

The subject parcel is located in the residential portion of Canoe at 7080 50 Street NE (Appendix 1 and 2), is approximately 530 square metres in area, and contains a single family dwelling and accessory building. The subject parcel is designated Low Density Residential in the City's Official Community Plan (OCP) and currently zoned R-1 (Single Family Residential) in the Zoning Bylaw (Appendix 3).

### BACKGROUND

A 0.56 m Road Reserve Covenant is in place on the title of the subject parcel restricting development along the east (rear) parcel line (Appendix 4) and alerting the owners of the applicable setback regulations. This covenant was registered on title in March 2008 and its purpose is to facilitate lane widening from the current 4.87 m to the standard 7.3 m, if and when needed.

The non-conforming accessory building was constructed in 2017 under Building Permit. The applicant submitted a building permit application and site plan proposing an accessory building conforming to setbacks in October of 2017. However, as construction commenced, Building Officials advised the applicant of a potential setback issue on November 6, 2017. A survey completed November 28, 2017 confirmed that the accessory building's constructed siting did not conform to setback regulations.

The proposed variance has been requested as of June 1, 2020 to support the non-conforming siting of the accessory building and close the Building Permit. The applicant has ensured that the siting of the building does not impact the road reserve covenant area adjacent the lane, removing a portion of the eaves. Site photos are attached as Appendix 5.

COMMENTSEngineering Department

No concerns, subject to compliance with Road Reserve Covenant.

Building Department

No concerns.

Fire Department

No concerns.

Planning Department

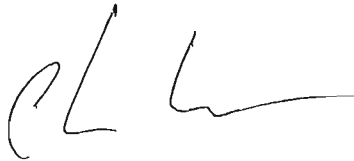
The proposal involves a parcel within an established residential area, specifically an accessory building adjacent to a rear lane. The future widening of the lane is somewhat unlikely, and staff note that there are several accessory buildings, fences, and mature trees along this lane which would be similarly impacted by future lane widening. The accessory building achieves the minimum setbacks required to the interior side parcel lines, as well as the front parcel line.

It is the opinion of staff that the proposed development variance will not unreasonably or significantly impact existing development in the area.

CONCLUSION

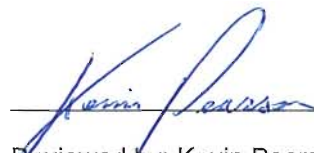
Considering the context of the parcel, similar development along the lane, as well as the relative small size of the variance requested (0.2 m), Staff support the requested variance.

Staff note that the variance is only in regards to the siting of the accessory building and does not permit any new or additional use other than what is permitted the Zoning Bylaw under the current R-1 zone regulations.



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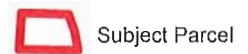
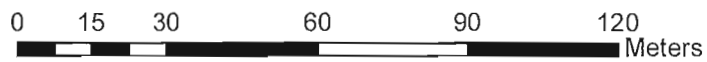
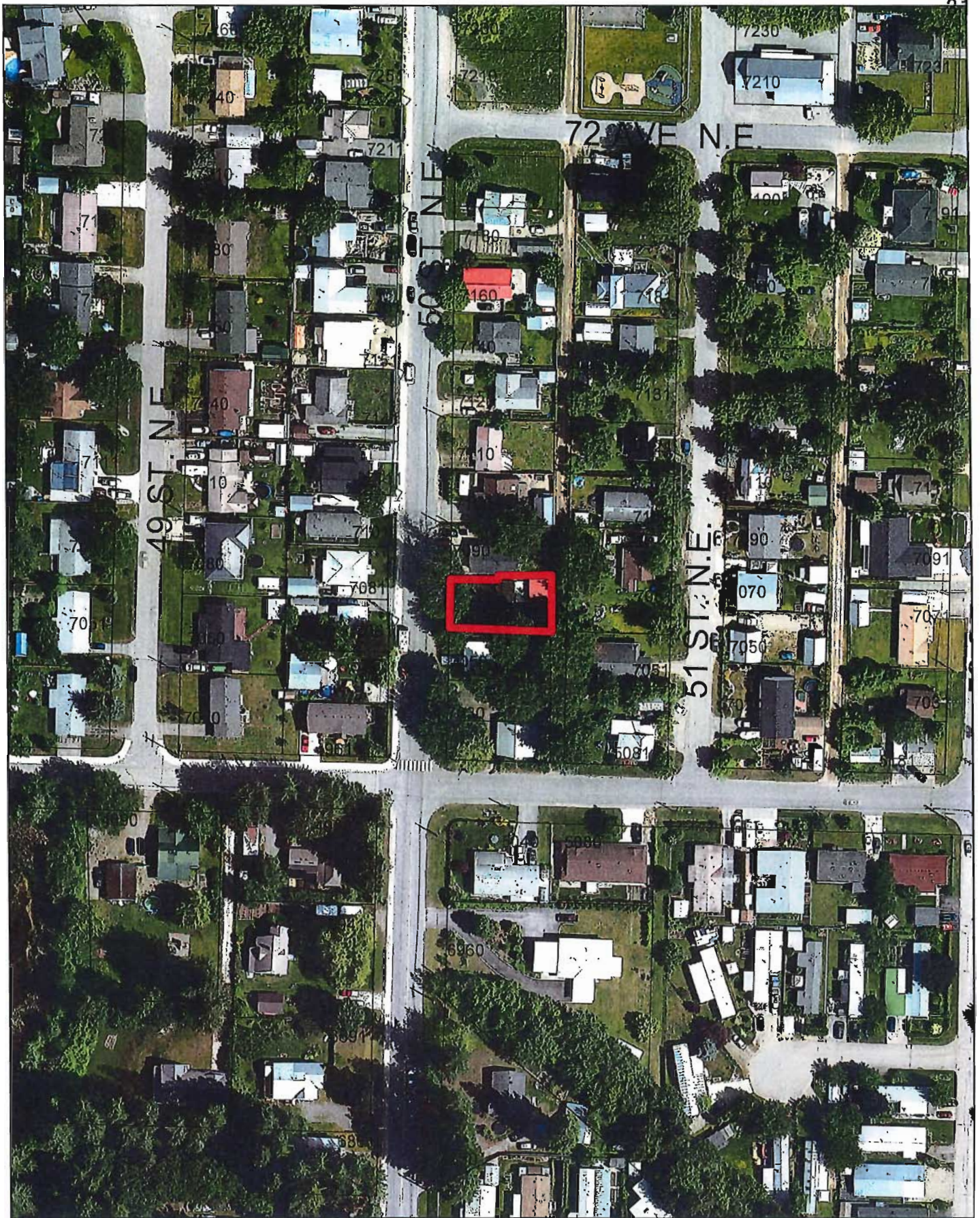
Prepared by: Chris Larson, MCP  
Senior Planner

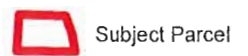
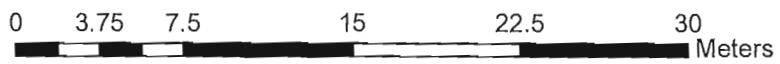


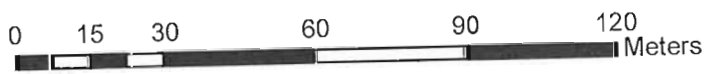
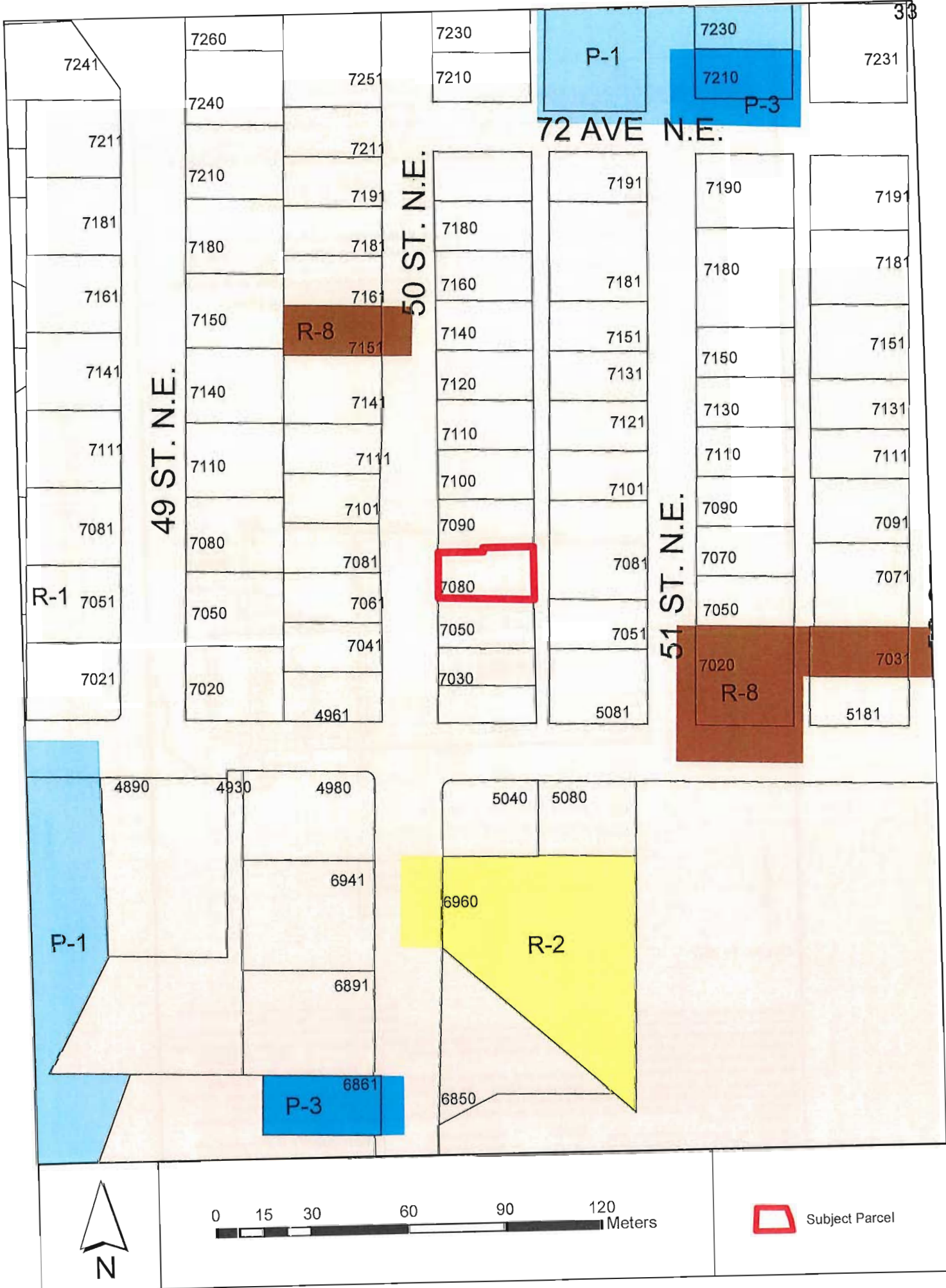
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Reviewed by: Kevin Pearson, MCIP, RPP  
Director of Development Services









 Subject Parcel



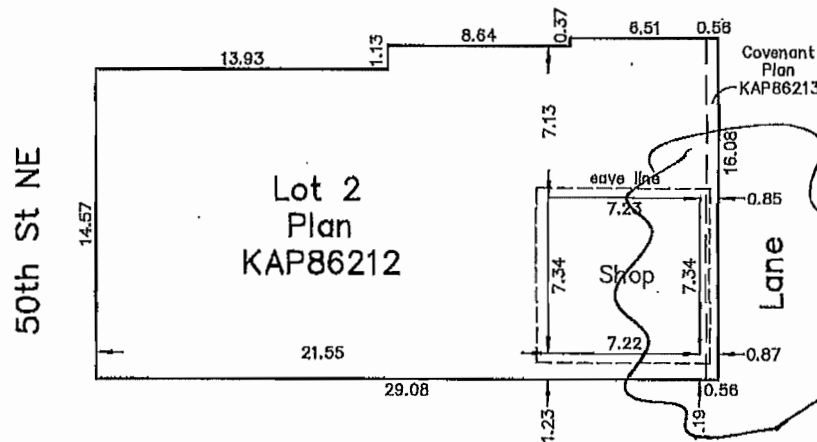
**BRITISH COLUMBIA AND CANADA LANDS**  
 Box 362, Salmon Arm, B.C. V1E 4N5  
 250-832-9701 | office@brownejohnson.com

**BC LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE**

To: Bruce Passey  
 BWP Construction  
 7080 50th St NE  
 Salmon Arm, BC V0E 1K0  
 Your File:

Re: Lot 2, S 5, T 21, R 9,  
 W6M, KDYD, Plan KAP86212  
 Parcel Identifier (PID): 027-440-451  
 Civic Address: 7080 50th St NE, Canoe, BC

List of documents registered on title which may affect the location of improvements:  
 Covenants LB178807 and LB178809



Building location certificate on new construction only. Other structures exist on property.

Scale 1:250

Dimensions derived from Plan KAP86212

Offsets from property line to building are measured from the sheathing

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

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

This building location certificate has been prepared in accordance with the Professional Reference Manual and is certified correct this 20th day of November, 2017.

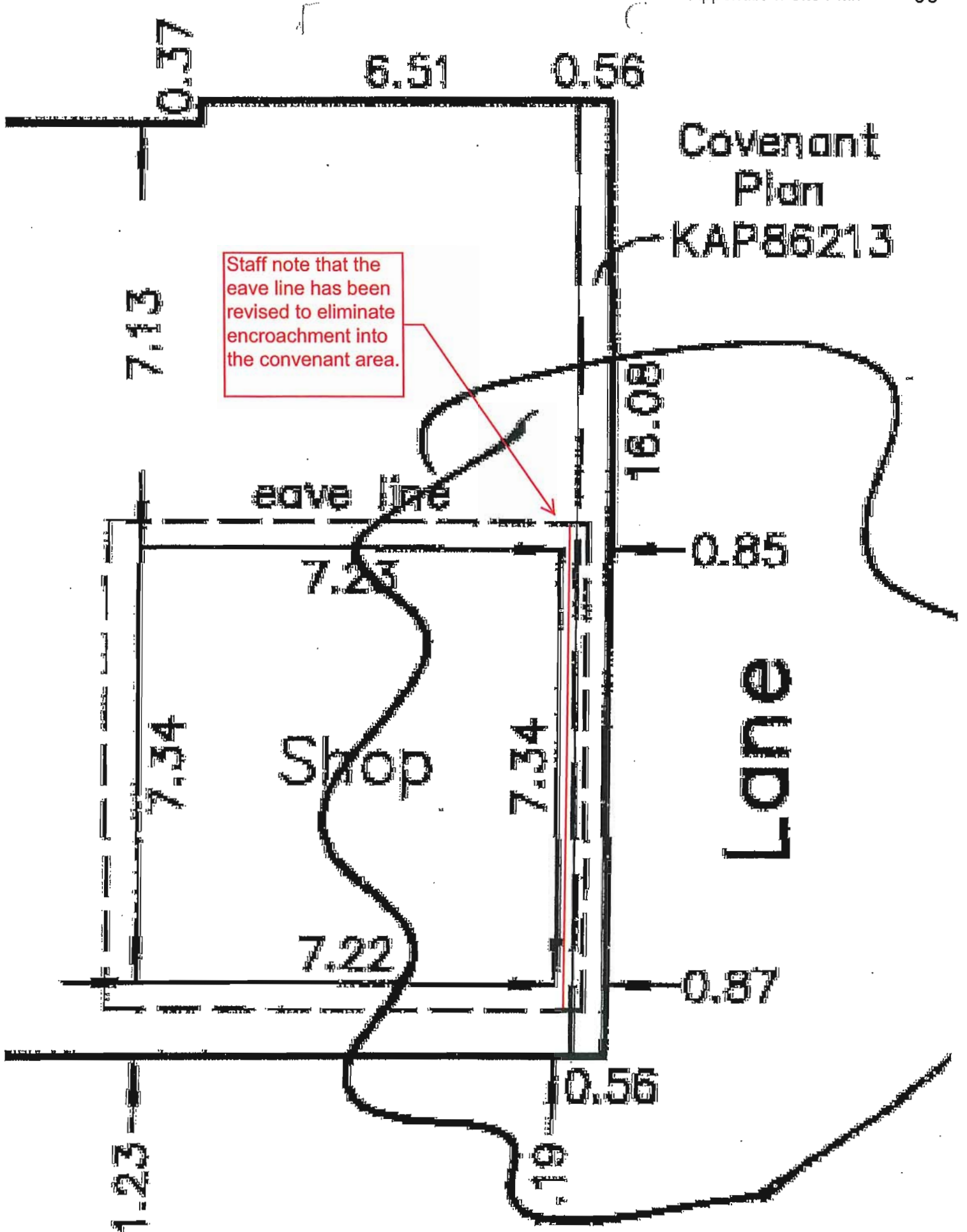
Mark Mason  
 221587  
 Digitally signed by Mark Mason 221587  
 Date: 2017.11.28 07:53:52-08'00'

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Our File: 644-17 Fb: raw





View north along lane.



View south along lane.