

City of Salmon Arm  
Development and Planning Services Committee

Tuesday, April 2, 2024, 8:00 a.m.

Council Chambers of City Hall

500 – 2 Avenue NE, Salmon Arm, BC

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Pages

1. **CALL TO ORDER**
2. **ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY**  
*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.*
3. **ADOPTION OF AGENDA**  
Motion for Consideration  
THAT: the Agenda be adopted as presented.
4. **APPROVAL OF MINUTES**
  - 4.1 Development and Planning Services Committee Meeting Minutes of March 18, 2024 4 - 9  
Motion for Consideration  
THAT: the Development and Planning Services Committee Meeting Minutes of March 18, 2024 be approved.
5. **DISCLOSURE OF INTEREST**
6. **REPORTS**
  - 6.1 Development Variance Permit Application No. VP-596 10 - 21  
251 Highway 97B NE  
Owner: B. & V. Micku  
Parcel Frontage upgrades  
Motion for Consideration  
THAT: the Development and Planning Services Committee recommends to Council that Development Variance Permit No. VP-596 be authorized for issuance for Lot 1, Section 18, Township 20, Range 9, W6M, KDYD, Plan 1903 Except Plan H10964 to vary Section 4.8.1, Subdivision and Development Servicing Bylaw No. 4293, to waive the parcel frontage upgrades (greenway installation) within the 40 Street NE right-of-way.
  - 6.2 Development Procedures Bylaw and Council Policy 22 - 48  
Land Development Policies 3.23, 3.24 and 3.25  
Motion for Consideration  
THAT: the Development and Planning Services Committee recommends to Council that a bylaw be prepared for Council's consideration, adoption of which

would establish Development Procedures;

AND THAT: Council approve Land Development Policy No. 3.23 – Development Variance Permit Application Process (effective following adoption of the Development Procedures Bylaw);

AND THAT: Council approve Land Development Policy No. 3.24 – Development Permit Application Process (effective following adoption of the Development Procedures Bylaw);

AND THAT: Council approve Land Development Policy No. 3.25 – Delegated Development Variance Permit Consideration Guidelines (effective following adoption of the Development Procedures Bylaw).

- |     |   |         |
|-----|---|---------|
| 6.3 | Official Community Plan Amendment Application No. 4000-58<br>Development Permit Area Guidelines | 49 - 54 |
|-----|---|---------|

Motion for Consideration

THAT: the Development and Planning Services Committee recommends to Council that a bylaw be prepared for Council's consideration, adoption of which would amend Official Community Plan Bylaw No. 4000 to add after section 8.4, Section 8.5 Infill Residential Development Permit Area guidelines for the development of infill housing consistent with provincial regulations governing Small Scale Multi Unit Housing (SSMUH).

- |     |   |         |
|-----|---|---------|
| 6.4 | Zoning Bylaw Amendment Application No. 1288<br>Accessory Dwelling Unit Definitions<br>General Regulations<br>Removal of R-1, R-2 and R-8 Zones<br>Addition of R-10 Zone | 55 - 69 |
|-----|---|---------|

Motion for Consideration

THAT: the Development and Planning Services Committee recommends to Council that a bylaw be prepared for Council's consideration that if adopted would have the effect of amending Zoning Bylaw No. 2303 adding definitions, general regulations, amending establishment of zones, and removing the R-1 Single Family Residential Zone, R-2 Single Family/Duplex Zone and R8 Residential Zone and replacing with the R-10 Residential Zone in order to be compliant with Provincial legislation to implement Small Scale Multi Unit Housing (SSMUH).

**7. FOR INFORMATION**

- |     |   |         |
|-----|---|---------|
| 7.1 | Agricultural Land Commission<br>Reason for Decision<br>ALC Application No. 70256<br>J. & S. Dobie<br>821 60 Street NW | 70 - 78 |
|-----|---|---------|

Received for Information.

**8. IN-CAMERA**

Motion for Consideration

THAT: pursuant to Section 90(1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and

that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public; of the *Community Charter*, Council move In-Camera.

**9. ADJOURNMENT**

## DEVELOPMENT AND PLANNING SERVICES

### Minutes of a Meeting of the Development and Planning Services Committee of the City of Salmon Arm

March 18, 2024, 8:00 a.m.  
Council Chambers of City Hall  
500 – 2 Avenue NE, Salmon Arm, BC

COUNCIL PRESENT: Mayor A. Harrison  
Councillor K. Flynn  
Councillor T. Lavery  
Councillor L. Wallace Richmond  
Councillor D. Cannon  
Councillor S. Lindgren

ABSENT: Councillor D. Gonella

STAFF PRESENT: Chief Administrative Officer E. Jackson  
Director of Corporate Services S. Wood  
Director of Engineering & Public Works R. Niewenhuizen  
Director of Planning and Community Services G. Buxton  
Executive Assistant B. Puddifant  
Manager of Planning & Building, M. Smyrl

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#### 1. CALL TO ORDER

Mayor Harrison called the meeting to order at 8:00 a.m.

#### 2. ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY

*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.*

#### 3. ADOPTION OF AGENDA

**Moved by:** Councillor Flynn

**Seconded by:** Councillor Wallace Richmond

THAT: the Agenda be adopted as presented.

Carried Unanimously

#### 4. APPROVAL OF MINUTES

**Moved by:** Councillor Cannon

**Seconded by:** Councillor Lindgren

THAT: the Development and Planning Services Committee Meeting Minutes of March 4, 2024 be approved.

Carried Unanimously

5. **DISCLOSURE OF INTEREST**

6. **REPORTS**

6.1 Zoning Bylaw Amendment Application No. 1286 – Definitions for Height of Buildings and Grade

The Meeting recessed at 8:07 a.m. and resumed at 8:10 a.m.

**Moved by:** Councillor Lavery

**Seconded by:** Councillor Wallace Richmond

THAT: The Development and Planning Services Committee recommends to Council that a bylaw be prepared for Council's consideration, amending Zoning Bylaw

No.	2303	as	follows:
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1. **Section 2 – Definitions**

HEIGHT when determining the *height of buildings*, except for those *structures* listed in Section 4.4 (Height Exceptions), means 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 constructions 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.

Be replaced with:

**HEIGHT** when determining the *height of buildings or structures*, except for those *structures* listed in Section 4.4 (Height Exceptions) and Section 4.12 (Fences and Retaining Walls), means the vertically measured distance between the average *grade* and the highest point of the *structure* of a non-sloping roof, or the mid-point of a sloping roof.

and

1. **Section 2 – Definitions**

GRADE means a natural or mechanically developed ground level elevation approved by the *Authority* for the purposes of measurement of a *building* or *structure's height* using the following criteria:

- a. Natural ground level shall be so common and usual, long and continued in its character by visible trees, shrubs, vegetation, and surrounding terrain and the nature of the soil itself to indicate no visible landfill or soils removal in recent years; or

- b. Mechanically developed ground level shall be an altered elevation of soils upon one or more parcels to obtain levelled, terraced, or sloped buildings sites, usually graded to blend with one another as shall be approved by the Approving Officer or Council through due process.

Be replaced with:

**GRADE** means the ground level elevation approved by the Authority for the purposes of measurement of a *building or structure's height* using the natural ground level (being the usual and continued in character by visible trees, shrubs, vegetation, and surrounding terrain and the nature of the soil itself to indicate no visible landfill or soils removal in recent years), or

means the ground level elevation approved by the Authority for the purposes of measurement of a *building or structure's height* using the mechanically developed ground levels shown on a site grading plan where required and approved by the Authority.

Carried Unanimously

6.2 Development Variance Permit Application File No. VP-594

Legal: Lot 1, Section 15, Township 20, Range 10, W6M, KDYD, Plan EPP10328  
Except Plans EPP17085 & EPP18478  
2991 – 9 Avenue SW  
Owner: Salmon Arm Shopping Centres Ltd. and Calloway REIT (Salmon Arm) Inc.  
Agent: D. Alvarado

B. Savard, Salmon Arm Shopping Centres Ltd., outlined the application and was available to answer questions from the Committee.

**Moved by:** Councillor Wallace Richmond

**Seconded by:** Councillor Cannon

THAT: the Development and Planning Services Committee recommends to Council that Development Variance Permit No. VP-594 be authorized for issuance for Lot 1, Section 15, Township 20, Range 10, W6M, KDYD, Plan EPP10328 Except Plans EPP17085 & EPP18478, which varies Sign Bylaw No. 2880, as shown in Appendices 6 & 7 of the staff report dated March 18, 2024 and as follows:

Section 5.3.1(a)(b) – Freestanding Signs Sign Area – increase the maximum sign area from 12.0 m<sup>2</sup> to 17.92 m<sup>2</sup> per sign face and from 24.0 m<sup>2</sup> to 35.84 m<sup>2</sup> for the total sign area.

Carried Unanimously

6.3 Development Permit Application No. 453

Legal: Lot 1, Section 15, Township 20, Range 10, W6M KDYD Plan EPP10328  
Except Plans EPP17085 and EPP18478  
2991 – 9 Avenue SW  
Owner: Salmon Arm Shopping Centres Ltd. & Calloway REIT (Salmon Arm) Inc.  
Agent: Arcadis Professional Services (Canada) Inc. c/o Dean Todd

B. Savard, Salmon Arm Shopping Centres Ltd., D. Todd, L. Todd and A. Dowell, Arcadis Professional Services (Canada) Ltd., were available to answer questions from the Committee.

**Moved by:** Councillor Cannon

**Seconded by:** Councillor Lindgren

THAT: the Development and Planning Services Committee recommends to Council that Development Permit No. 453 be authorized for issuance for Lot 1, Section 15, Township 20, Range 10, W6M KDYD Plan EPP10328 Except Plans EPP17085 and EPP18478 in accordance with the elevations and site plan attached as Appendix 5 and Appendix 6 in the staff report dated March 18, 2024.

AND THAT: Issuance of Development Permit No. 453 be withheld subject to the receipt of an Irrevocable Letter of Credit in the amount of 125% of a landscape estimate.

Carried Unanimously

6.4 Temporary Use Permit Application No. TUP 18 and Agricultural Land  
Commission Application No. ALC – 421 (ALC ID 700055)

Legal: Lot 1, Section 11, Township 20, Range 10, W6M, KDYD, Plan 4279,  
Except Parcel A on Plan B7061, Plans 29487 and 42166 (1300 10 Street SW)  
Lot B (Plan B5839) of the NW¼ of Section 11, Township 20, Range 10, W6M,  
KDYD (690 10 Avenue SW)  
Lot 1, Section 11, Township 20, Range 10, W6M, KDYD, Plan 4279 Except  
Parcel A on Plan B7061, Plans 29487 and 42166 (550 10 Avenue SW)  
Parcel A (Plan B5838) of the Northwest ¼ Section 11, Township 20, Range 10,  
W6M, KDYD (431 Foothills Road SW)  
Civic: 1300 10 Street SW, 690 10 Avenue SW, 550 10 Avenue SW and 431  
Foothills Road SW  
Owner: J.B. Thompson, J.B. & S. Thompson, J. & J. de Dood  
Agent: Salmon Arm Folk Music Society

T. Starkell, Salmon Arm Folk Music Society, was available to answer questions from the Committee.

**Moved by:** Councillor Lindgren

**Seconded by:** Councillor Lavery

THAT: the Development and Planning Services Committee recommends to Council that Temporary Use Permit No. TUP 18 be issued for:

- 1) Lot 1, Section 11, Township 20, Range 10, W6M, KDYD, Plan 27414  
(550 - 10 Avenue SW);

- 2) Parcel B (Plan B5839) of the NW ¼ of Section 11, Township 20, Range 10, W6M, KDYD (690 - 10 Avenue SW);
- 3) Lot 1, Section 11, Township 20, Range 10, W6M, KDYD, Plan 4279 except Parcel A on Plan B7061, Plans 29487 and 42166 (1300 - 10 Street SW); and
- 4) Parcel A (Plan B5838) of the Northwest ¼ Section 11, Township 20, Range 10, W6M, KDYD

AND THAT: TUP 18 permits the temporary use of campgrounds as shown in Appendix 11 and in accordance with the following:

1. The total number of tent or recreational vehicle sites on the subject properties shall not exceed 1,000;
2. Check-in stations are to be setback appropriately from each entrance, ideally to provide a minimum queuing distance of 100 metres (15 vehicles);
3. Plumbing Permit issuance by the City's Building Department is required prior to the commencement of the Roots and Blues Festival;
4. Approval of a Fire Safety Plan by the City's Fire Department;
5. Approval of a Security Plan by the RCMP;
6. Non-Farm Use approval from the Agricultural Land Commission (ALC); and
7. TUP 18 is valid for a two week period during the months of July or August for the years 2024, 2025 and 2026, with camping limited to a maximum seven day time period during the Roots and Blues Festival.

AND FURTHER THAT: Non-Farm Use Application No ALC – 421 be forwarded to the Agricultural Land Commission with a resolution of support by Council.

Carried Unanimously

- 6.5 Agricultural Land Reserve (ALR) Applications and Amendments to Fee for Service Bylaw No. 2498



**Moved by:** Councillor Wallace Richmond

**Seconded by:** Councillor Flynn

THAT: the Development and Planning Services Committee recommends to Council that a bylaw be prepared for Council's consideration, amending Fee for Service Bylaw No. 2498, as follows:

i) Replacing Schedule "B" a) Appendix 2 Development Services, Section 14 with the following table:

14.	a. Non-Adhering Residential Use b. Soil Use to Place Fill and/or Removal Soil c. Non- Farm Use d. Subdivision (owner as applicant) e. Transportation, Utility and Recreational Uses (City as applicant as per Policy 3.22) f. Subdivision application (City as applicant as per Policy 3.22) g. Legal Fees for registration of documents as per Policy 3.22	\$450.00 \$750.00 \$750.00 \$750.00 \$1500.00 \$750.00 \$2500.00
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ii) Appendix 4: after section 1.11.1 i), a new section is added as 1.11.1 v) as follows:

The permit fee for Purpose-built residential rentals that provide Affordable Housing be reduced by 50% for market units and 100% for Non-Profit Housing.

Carried Unanimously

**7. FOR INFORMATION**

**8. IN-CAMERA**

**9. ADJOURNMENT**

There being no further business on the agenda, the meeting adjourned at 8:53 a.m.

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MAYOR, A. HARRISON



## REQUEST FOR DECISION

To: Development & Planning Services Committee

From: Senior Planner

Title: Development Variance Permit Application No. VP-596

Legal: Lot 1, Section 18, Township 20, Range 9, W6M, KDYD, Plan 1903, Except Plan H10964  
Civic: 251 – HWY 97B NE  
Owner: Micku, B. & V.

Date: April 2, 2024

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### **Executive Summary/Purpose:**

The applicant is requesting to waive required frontage upgrades (greenway installation) in order to reduce the servicing requirements for development of a single family dwelling on the subject property.

### **Motion for Consideration:**

THAT: Development Variance Permit No. VP-596 be authorized for issuance for Lot 1, Section 18, Township 20, Range 9, W6M, KDYD, Plan 1903 Except Plan H10964 to vary Section 4.8.1, Subdivision and Development Servicing Bylaw No. 4293, to waive the parcel frontage upgrades (greenway installation) within the 40 Street NE right-of-way.

### **Staff Recommendation:**

THAT: the Motion for Development Variance Permit No. VP-596 be defeated.

### **Proposal:**

The applicant is requesting to waive required frontage upgrades (greenway installation) in order to reduce the servicing requirements for development of a single family dwelling on the subject property.

### **Background:**

The 1.722 hectare subject property is located southwest of Haney Heritage Park in the Agricultural Land Reserve (ALR), and has frontage along Highway 97B and 40 Street NE which is undeveloped (Appendix 1 & 2). It is designated Acreage Reserve in the City's Official Community

Plan (OCP) (Appendix 3). In Zoning Bylaw No. 2303, the subject property is zoned A2 - Small Holding Zone (Appendix 4). The A2 zoning permits agricultural development and limits residential development to a single family dwelling and a Rural Detached Suite.

Adjacent land uses include the following:

North: A2 (Rural Holding Zone) – Agriculture and Single Family Residences

South: A2 (Rural Holding Zone) – Agriculture and Single Family Residences

East: R6 (Mobile Home Park Residential Zone) – Single Family Residences

West: 40 Street NE and A2 (Rural Holding Zone) – Agriculture and Single Family Residences

In June 2023, a building permit was submitted for the development of a single family dwelling on the subject property which triggered frontage works as required by Subdivision and Development Servicing Bylaw No. 4293. Subsequently, a variance application was submitted in December 2023 to waive these works, with additional information received in January 2024. The applicant has included a letter (Appendix 5). The Engineering and Servicing Report dated March 7, 2024 that forms the basis of this report is included as Appendix 6, and includes details related to the costs for the works required.

#### *40 Street NE – Heritage Trail*

40 Street NE along the subject parcel's west boundary is identified for the development of a greenway (OCP Map 11.2). The Heritage Trail (Appendix 7) has been referenced or included in various City policies going back to 1995:

- OCP, 1995
- OCP, 2002
- Current OCP, 2009
- Heritage Strategy, 2009
- Greenways Strategy, 2011
- Strategic Plan, 2013
- Active Transportation Network Plan, 2022

The entire Heritage Trail is a network that would link the West Bay Connector through the City, connecting First Nations lands to Haney Heritage Village. This proposes approximately 913 m of new greenway development between the existing trails in Little Mountain Park and the eastern parking area at Haney Heritage Village. The 410 m section of trail within the 40 Street NE right-of-way is one portion of this. The subject parcel has approximately 200 m of frontage along the 40 Street NE right-of-way. As detailed in the Engineering Report attached as Appendix 6, the required upgrades would include the installation of a gravel path and bridging along the parcel's frontage.

The City has an active application with the Agricultural Land Commission (ALC) submitted in the Fall of 2021 to support the development of this greenway. In May 2023 the ALC requested additional information for this application. Following receipt of this information, the ALC issued a decision to reject the application in August 2023, but has offered to review a supplemental submission from the City prior to August 29, 2024. Staff are working with the Shuswap Trail Alliance on this response. Additional information has been provided including up-to-date costing for trail and bridge work. Further to this, there may be additional options should the ALC reject the application after reviewing the requested supplemental information as the City could

potentially request the ALC reconsider their decision in its entirety. Should approval for the works be denied, the applicant's contribution would be refunded.

### **Referral Comments:**

#### Engineering Department

Recommendation to deny request.

As detailed in the Engineering Report (Appendix 6), the required upgrades include the installation of a gravel path and bridging along the parcel's frontage. The total estimated project cost to construct the 410 m section of trail within the 40 Street NE right-of-way to help connect Little Mountain Park to Haney Heritage Village is \$251,700, while isolating the costs to the subject parcel's 200 m frontage would be \$203,276.03, due to the position of the water body and cost of bridging. Staff suggest that a 25% contribution would be acceptable and recommend a cash-in-lieu payment of \$62,925 for the future completion of these works.

#### Planning Department

When considering servicing variances a number of factors are taken into consideration, including physical or legal constraints such as topography, scale of proposed development, and the growth potential in the area. In this situation there are no physical or legal constraints that would necessitate a relief from bylaw requirements.

Future growth is generally limited to residential development in most of the rural areas due to the ALR and OCP policies regarding growth. Staff recognize that there are other constraints on development potential, the undeveloped state of the adjacent roadways and surrounding lands, and the particular burden that parcels with larger frontages face when developing. However, completely offsetting the cost of frontage upgrading and construction onto future developer/land owners or the City is problematic. Waiving these requirements places additional financial burden on the City for the improvements in the future or increased costs to future developers of adjacent properties.

Considering the requirements as previously detailed, staff do not recommend that the variance as requested by the applicant be granted. Should Council wish to grant variances to requirements to provide some relief, staff suggest that Council consider a 50% contribution of the \$62,925 amount or (\$31,462.50) rather than complete waiver. An alternate recommendation is noted at the end of this report.

### **Financial Considerations:**

Offsetting the cost of frontage upgrades and construction places additional financial burden on the City for the improvements in the future or increased costs to future developers of adjacent properties.

### **Public Consultation:**

Pursuant to the *Local Government Act* and City of Salmon Arm Development Variance Permit Procedures Bylaw notices are mailed to land owners within a 30m radius of the application. The

notices outline the proposal and advises those with an interest in the proposal to provide written submission prior to the Hearing and information regarding attending the Hearing. It is expected that the Hearing for this application will be held on April 8, 2024.

### **Alternatives & Implications:**

Staff recognize that Council may wish to consider alternatives with regard to this application. The alternate motion, below, would advance the issuance of the variance permit as per the Engineering recommendation in the report attached as Appendix 6.

THAT: Development Variance Permit No. VP-596 be authorized for issuance for Lot 1, Section 18, Township 20, Range 9, W6M, KDYD, Plan 1903 Except Plan H10964 to vary Section 4.8.1, Subdivision and Development Servicing Bylaw No. 4293, to reduce the parcel frontage upgrades (greenway installation) within the 40 Street NE right-of-way to a 50% contribution (\$31,462.50).

Prepared by: Senior Planner

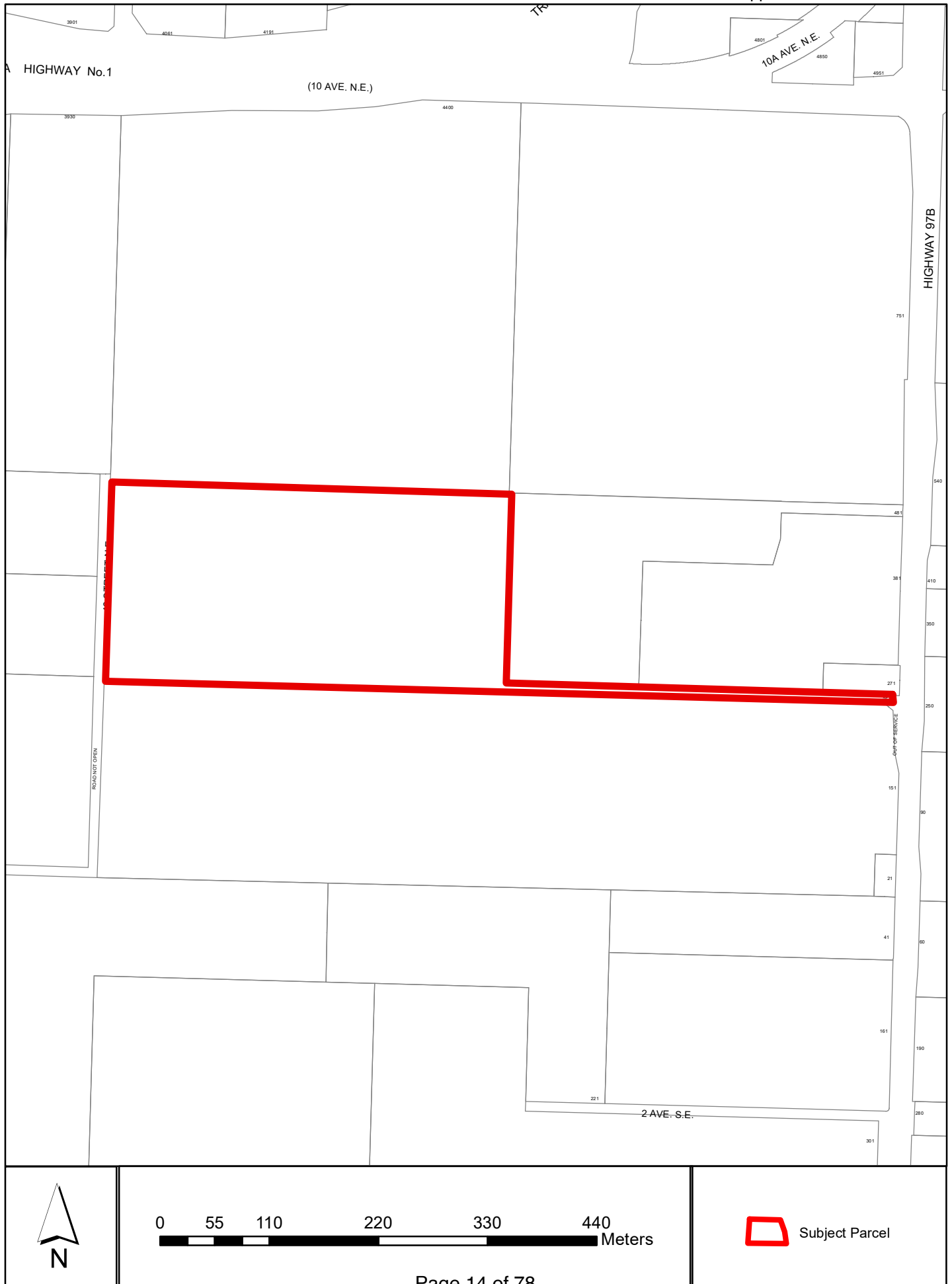
Reviewed by: Manager of Planning and Building

Reviewed by: Director of Planning & Community Services

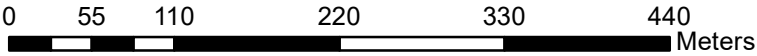
Approved by:

#### **Attachments:**

- Appendix 1 – Location
- Appendix 2 – Parcel View
- Appendix 3 - OCP
- Appendix 4 - Zoning
- Appendix 5 – Applicant's Letter
- Appendix 6 – Engineering Report
- Appendix 7 – Heritage Trail Overview

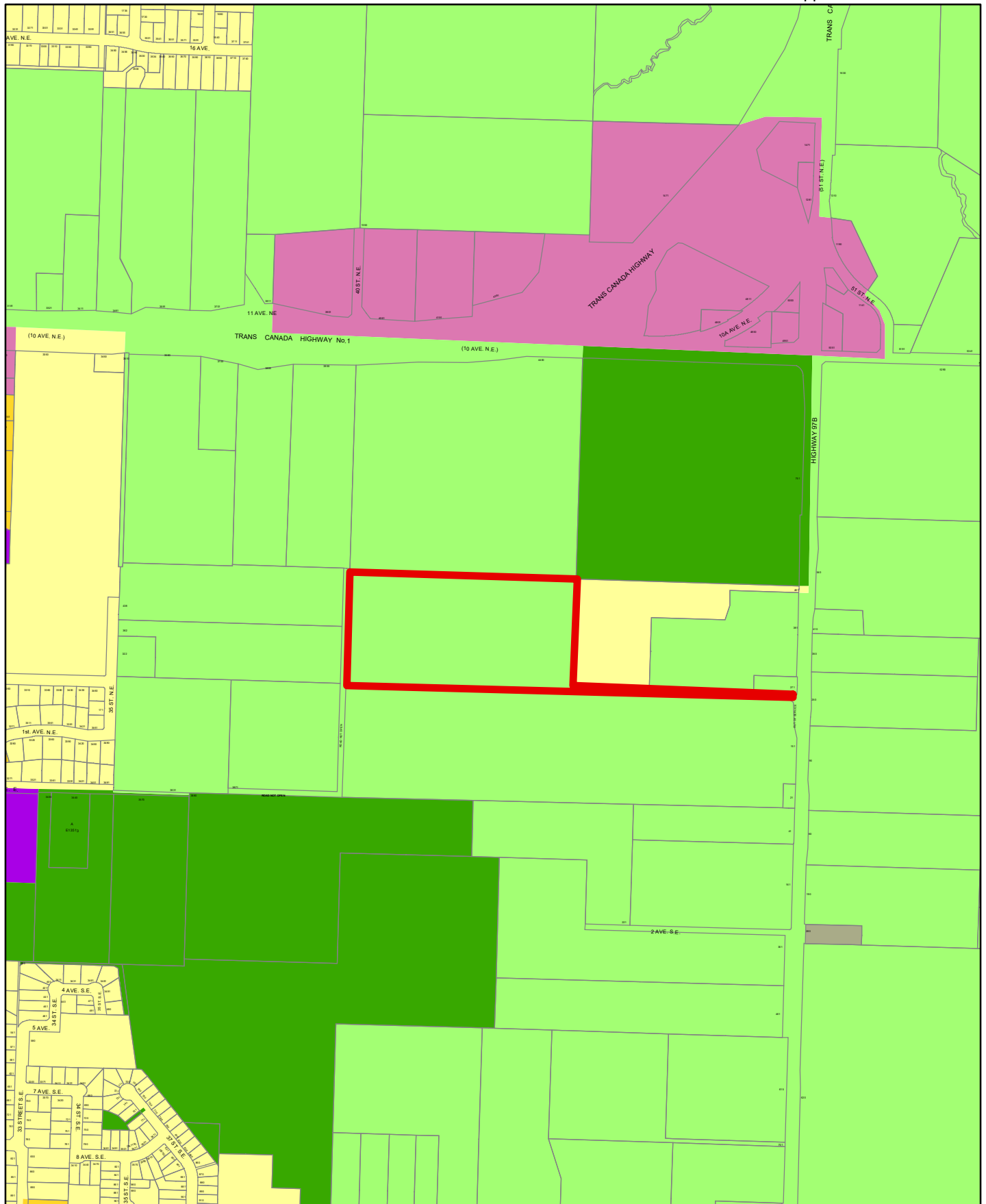




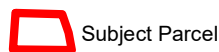


Subject Parcel



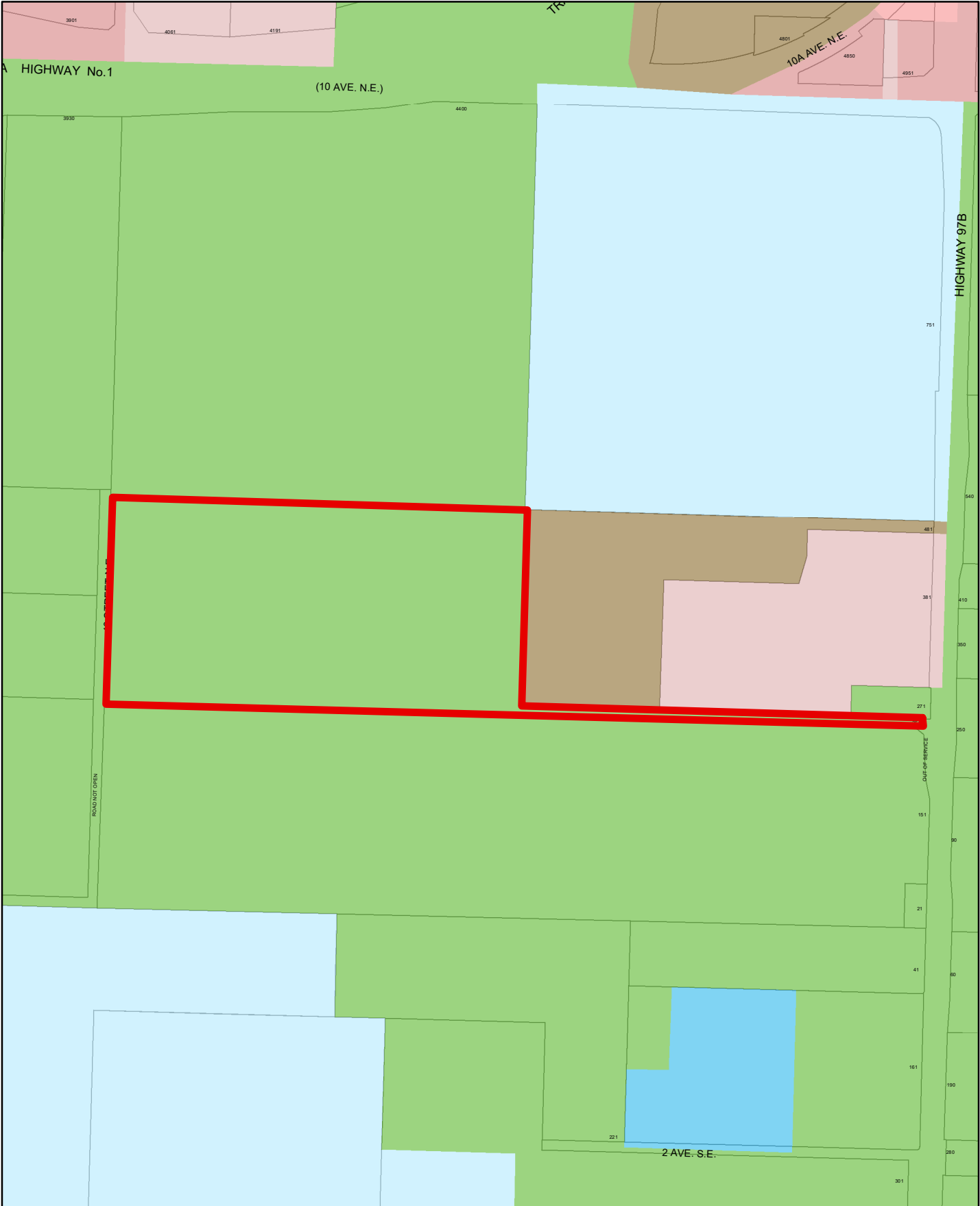


0 65 130 260 390 520 Meters



- Acreage Reserve
- Park
- Institutional
- Residential - Low Density
- Residential - Medium Density
- Commercial - Highway Service / Tourist
- Industrial - Airside





0 45 90 180 270 360 Meters

Subject Parcel

	A-2		P-1
	C-3		P-3
	C-4		R-6
	C-5		

**Dear City Council,**

My name is Brandon Micku. My wife, Vanessa and I are submitting this application in regards to our newly purchased farm property.

The proposal for our property is to build a single family dwelling on it for our family to live in. This variance application is to stop the proposed city trail that is said to be going along the west edge of our property.

We are opposed to the trail for the following reasons:  
Paying for it personally will affect our mortgage and personal finances.

Fear for the security of our livestock and young family because of the public access to our property.

Concerns for the impact a trail would cause on our water and pond that supports our livestock, Hay field, and other wildlife.

We would also like to discuss the water upgrade that we are required to do. The previous owner upgraded the water service already. He put in a pit and water meter that the city required him to do. He went through all the permits with the city and the city sized it to what he needed to do. So we are wondering why it is again needing upgrading, when the work has been done.

The water main is only 40 feet from our property line, so changing what is already done, isnt going to benefit our property. Its just going to cost us unnecessary money.

Thank you for considering our letter.

Sincerely,  
Brandon Micku

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TO: Director of Development Services  
DATE: 12 March 2024  
PREPARED BY: Chris Moore, Engineering Assistant  
SUBJECT: **VARIANCE PERMIT APPLICATION FILE NO. VP- 596**  
OWNER: **B. & V. Micku** – 251 HWY 97B NE Salmon Arm, BC V1E 1X5  
APPLICANT: Owner  
LEGAL: Lot 1, Section 18, Township 29, Range 9, W6M, KDYD, Plan 1903  
Except Plan H10964  
CIVIC: **251 HWY 97B NE**

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Further to the request for variance dated February 9, 2024; the Engineering Department has reviewed the site and offers the following comments and recommendations relative to the requested variances.

**The applicant is requesting that Council waive the requirements of the Subdivision and Development Servicing Bylaw No. 4293 (SDSB) to install a trail within the City right of way on the western property line.**

**Background:**

A Building Permit was submitted in June 2023 and since the application was for a Principle Dwelling on a Rural Lot, the applicant was required by the SDSB to upgrade all frontages to the current standards. The property is a panhandle lot, fronting onto Hwy 97B and no upgrades were required to this frontage. However, the rear parcel boundary on the west side fronts onto 40 Street NE which is an unconstructed City road. The City has no plans to construct a road in this location, however the OCP and the Active Transportation Network Plan both show a trail in this right of way from Little Mountain Park to the Haney Heritage Village. This is a section of the “Heritage Trail”, which is also identified in Council’s Strategic Plan.

The SDSB requires that the owner constructs all offsite works on the frontages of the property at their cost, to the standards specified in the bylaw. In this instance the right of way bisects a significant pond and a bridge across the pond will be required, in addition to trail construction. Furthermore both ALC and DFO approvals would be required before the trail and bridge could be constructed.

In situations where works are premature, cash-in-lieu (CIL) of future works is often agreed by the City Engineer. This unique situation with the bridge and required regulatory approvals would unreasonably hold up the issuing of this building permit, as such, CIL was recommended by staff. Since the cost of the bridge was unknown and well above a

basic trail construction cost, it was determined that trail construction over the full 200m of frontage would be a reasonable requirement; whereas the construction value of the bridge would more reasonably be shared over the unit cost of the full trail, not just borne by the fronting property owner. The linear rate provided by our Manager of Roads was \$80/m, equating to a total CIL of \$16,000. This amount was requested from the owner with the Building Permit, on the understanding that if the ALC denied permission for the construction of the trail, the CIL would be refunded. However, the applicant elected not to pay the CIL and proceed with his building permit, and has instead requested this Variance Permit.

Subsequently staff have now received a quote for the full cost of trail construction and the proposed bridge across the applicant's frontage. The total estimated project cost is \$203,276.03, with the bridge portion of this being \$192,500 (including 10% contingency). With this new information now available, staff have been able to calculate the total cost of the trail construction with bridge from Little Mountain Park to the Haney Heritage Village to be \$251,700 (410 linear metres). The applicant's frontage is approximately 25% (200m) of the trail and therefore, distributing the trail construction costs equally across all fronting properties, staff recommend a cash contribution of \$62,925.

#### **Recommendation:**

**The Engineering Department recommends that the requested variance to waive the requirements of the SDSB to install a trail within the City right of way on the western property line be denied.** A cash-in-lieu payment of \$62,925 for the work to be completed in the future is requested; should approval for the trail not be granted by the required regulatory bodies, the monies would be returned to the applicant.



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**Chris Moore**

Engineering Assistant

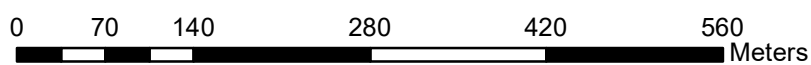
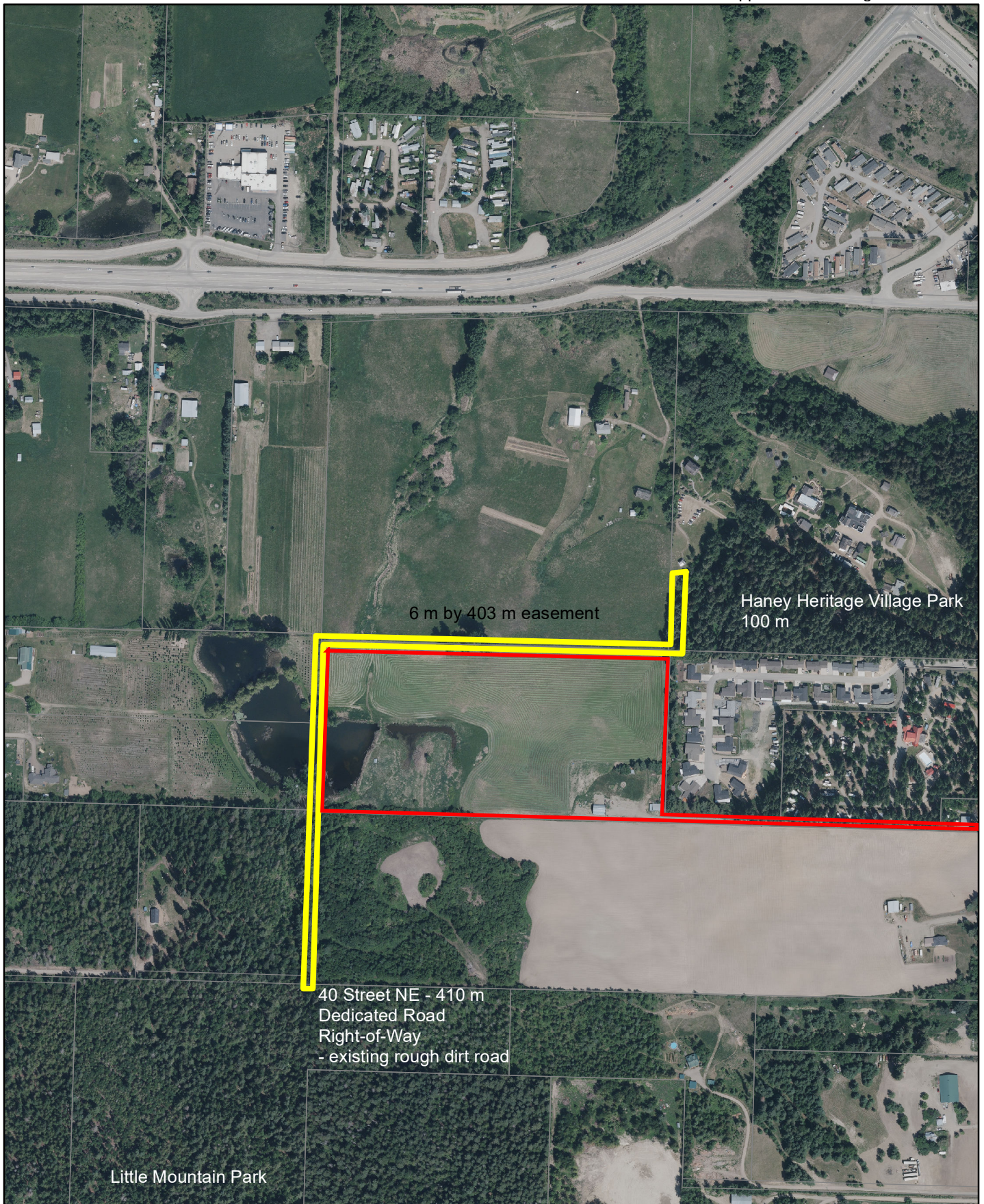


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**Jennifer Wilson, P.Eng**

City Engineer





Heritage Trail  
application





## **REQUEST FOR DECISION**

To: Development & Planning Services Committee

From: Planning Analyst & Manager of Planning and Building

Title: Development Procedures Bylaw and Council Policy – Land Development 3.23, 3.24 & 3.25

Date: April 2, 2024

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### **Executive Summary/Purpose:**

This report introduces updated bylaw and guidance policies that 1) govern City procedures for development applications; 2) establish existing delegation authorities/practices by bylaw; and 3) introduce some new authorities related to the imminent zoning changes for residential infill (i.e. small-scale multi-unit housing (SSMUH)). The companion Council Policies support the proposed Procedures Bylaw and clarify for all involved how Council and staff is to undertake the development processes.

### **Motion for Consideration:**

- THAT: a bylaw be prepared for Council's consideration, adoption of which would establish Development Procedures;
- AND THAT: Council approve Land Development Policy No. 3.23 – Development Variance Permit Application Process (effective following adoption of the Development Procedures Bylaw);
- AND THAT: Council approve Land Development Policy No. 3.24 – Development Permit Application Process (effective following adoption of the Development Procedures Bylaw);
- AND THAT: Council approve Land Development Policy No. 3.25 – Delegated Development Variance Permit Consideration Guidelines (effective following adoption of the Development Procedures Bylaw).

### **Staff Recommendation:**

That the Motion for Consideration be adopted.

## Background:

Similar to a Council Procedures Bylaw, legislation requires municipalities to have, in effect, a development procedures bylaw. Unless legislation expressly prohibits it, any action that is undertaken via a Council resolution can be delegated. This delegation must be authorized by bylaw; conversely, what is not listed as delegated remains with Council, for example, major variance applications and rezoning applications as these are via bylaw.

Currently, there are several City bylaws and provisions within bylaws and policies that set out the procedures for how to administer development. The proposed Development Procedures Bylaw would replace provisions in Section 3.8, 3.9 and 4.14 of Zoning Bylaw No. 2303 and the following City bylaws (available on our website):

- Temporary Commercial and Industrial Use Permit Procedure Bylaw No. 3548, 2006;
- Development Variance Permit Procedure Bylaw No. 3024, 2000; and
- Development Permit Procedure Bylaw No. 2870, 1998.

It would also set out OCP amendment procedures; cite what is delegated; how a delegated decision may be advanced for reconsideration by Council; and attributes of various administrative tasks such as mail out distances that staff undertake in processing applications.

### *What is the best practice for a procedure bylaw and why?*

Bylaws should not repeat what is already explicitly set out in provincial legislation. At best, this may result in confusion: at worst, it may result in conflict since legislation can and does change. For example, the timing of notices by “day” in newspapers prior to a public hearing is prescribed in the Act. Then a precise definition of what constitutes a “day” is in the *Interpretation Act*. Staff routinely refer to these primary documents in our work and keep up on any changes that impact how we process development.

A bylaw should not be a policy: it is a *regulation* and so needs to be drafted in regulatory form. It may have associated policy where *softer* guidance directs how applications proceed. This is especially the case for any delegated decisions.

A Development Procedures bylaw is also not intended to be a long detailed staff and Council task list. A bylaw or policy should not direct staff to make a file, draft a report, or register a permit on title. These are internal department operational steps or requirements under legislation rather than bylaw procedures.

### *What has changed in legislation?*

In 2021 the Province passed legislation that enabled councils to delegate a broader variety of approvals, including variance and temporary use permits. The Act has already enabled the delegation of development permits for decades. Public hearings were increasingly optional and their notices no longer needed to be posted in local newspapers (twice). This was in part because so many communities and regions of BC no longer had local newspapers. While the City of Salmon Arm has not implemented these changes (and a development procedures bylaw is where they would be established), staff have worked to ensure timely processing for Council consideration.

Since 2021, recent changes to the Act mean that there are cases where public hearings are prohibited, for example OCP consistent rezoning applications. The proposed Bylaw accounts for

this change and covers the range of circumstances. One further note about public hearings, Council Policy 3.7 of 1992 affirms that Council opposes the waiving of optional public hearings. This Policy can remain unchanged as it only applies when they can be waived and not when mandatory or prohibited. Cases of optional hearings will be fewer.

As relayed to Council in February, staff anticipate that the changes for small-scale multi unit housing will compel some changes in how the City processes applications. The legislation did not and does not require hearings for Development Permits and there is a risk to holding a hearing when there is a narrow window of discretion prescribed by the Development Permit Guidelines. The public may believe their input can impact a development; however, if a proposal is consistent with the OCP and its development permit guidelines, meets zoning, and any applicable legislation (e.g. floodplain, riparian areas, building code), then the permit **must** be issued. This has been tested in BC courts who have underlined the limited discretion to deny development permits that meet municipal bylaws. This is not the case for variances and land use changes.

Finally, application, permit, and agreement forms were historically appended to bylaws as templates but this has not been best practice for decades. The Bylaws proposed to be repealed have a series of scheduled forms. In the context of rapidly changing technology, provincial legislation, and right to information (or privacy) it is prudent to delegate this to the Corporate Officer and Director who may then make timely adjustments to forms as needed.

*What has carried through from previous Procedure Bylaws?*

The following provisions have carried through to the proposed Bylaw:

1. mail-out distance for notices;
2. development information sign requirements for a site subject to public hearing;
3. requirements to provide application supporting information and professional reports;
4. fees remain as stipulated in the Fee for Service Bylaw No. 2498 with the proposed bylaw simply referencing it;
5. refunding of fees for withdrawn applications;
6. Development Permits waivers for environmental/riparian protection areas, etc. administered by staff;
7. requirements and procedures for the posting, the use, and the return of security monies; and
8. bylaw recitals and purpose statements are updated and renamed for concordance with current legislation.

The proposed Development Procedures Bylaw is more comprehensive but shorter than the three prior bylaws and sections of the Zoning Bylaw that it replaces. It has eliminated repeated or overlapping sections. Also, based upon the best practices rationale outlined on the previous page, numerous provisions that are set out in legislation have simply been removed from the proposed Bylaw.

There are sections of the Bylaw that set out delegated authority that cover current department practices but there are also a few that introduce additional delegated authority. For clarity, these are detailed below and have proposed policy for added certainty and transparent decision-making.

Specific changes, additions and key content of the procedures bylaw include:



1. the form associated with applications is delegated to the Corporate Officer with a general list of application fields;
2. the form associated with permits is delegated to the Director;
3. the authority to ask for additional and more specific qualified professional submissions such as geo-tech reports, traffic studies, etc. is delegated to the Director;
4. a process is established for closing applications that are incomplete, lapsed or shelved for years;
5. a conditional refund of fees is established;
6. delegation of certain development permits for protection of the environment and infill housing to the Director – *all other DPs for multi-family residential, industrial, commercial, and institutional continue to go before Council as will cases where a DP is combined with a variance permit*;
7. delegation of minor variance permits to the Director (see companion policy) – *major variance permits and combination applications as well as those related to subdivision will continue to go before Council*;
8. delegation of temporary use permits that are regulated in the Zoning Bylaw – *all other temporary use permits continue to go before Council*;
9. Statutory Public Hearings are limited to OCP Amendments, Zoning Bylaw Amendments and Temporary Use Permits. Staff note that it is not in legislation that the issuance of Development Variance Permits occur after a Public Hearing, as currently practiced. Under the proposed bylaw notices are mailed to adjacent land owners and occupiers within 30m of the application and comments received for Council's consideration in their deliberation of the issuance of that permit as per the Act. As presented in the proposed procedures bylaw, the issuance could take place during the Regular Council meeting. Evening sessions would then be reserved for Statutory Public Hearings.
10. regulation and timing of the reconsideration process is set out in section 12; and
11. the process for taking, holding and using security deposits has been prescribed in more detail in section 11 than under the current Bylaws.

Where an application or an approval is not delegated, it remains with Council. It is not advisable to list all the items that go before Council as this is the default route for consideration if and where not delegated in the Bylaw.

A more detailed analysis of the DP and DVP changes follows:

#### *Development Permit (DP)*

Given the pending small-scale multi-unit housing changes, delegated authority for infill residential DPs is recommended to be implemented in this bylaw. To qualify, a DP would not be required for one or two detached dwellings (with or without suites) but only in cases where three or four *detached* housing units are proposed upon one property. So a principal dwelling with a suite and an accessory dwelling unit (ADU) in a yard does not require a DP nor does a dwelling with two ADUs attached side by side or one over the other. The objective is to encourage applicants to add housing by combining units to minimize the number of buildings and the “build-out” on a property.

In cases where an applicant opts to **detach** three or four dwellings, these developments would be scrutinized for massing, architectural design, site plan, pedestrian and vehicle access, etc. as outlined in the proposed DP Policy and the OCP guidelines. For those developments in which

three or four ADUs are proposed in three buildings or less, the DP would be delegated to staff. For developments in which four ADUs in four separate buildings, the DP would be issued by Council. The present OCP policy under *8.4 Residential Development Permit Area* is adequate and comprehensive so as to serve as a starting point. The DPA scope in 8.4 will have to be revised to apply to these cases of multi-unit infill developments on “Low Density Residential” designated lands. The DPA Guidelines will be presented for Council’s consideration in a separate bylaw.

Over four units in clusters, apartment buildings, and row housing across medium to high-density lands remain subject to form and character DP policies set out in the current OCP and will all continue to go before Council for review and approval. Finally, delegation for environment related and geotechnical matters covered via DP areas are typically processed by staff via a waiver - provided the applicant undertakes the necessary review with a qualified professional. No change is proposed for these cases.

*Minor development variance permits (VPs)*

Minor variance permits as defined below, are proposed to be delegated:

- a) the variance must be for an individual property or development;
- b) the variance is not conditional on *Council* approval for a related application;
- c) the variance is generally consistent with any applicable OCP policy;
- d) the variance is a one-time renewal of a lapsed approved application;
- e) building setback variance to a parcel line would result in a reduction of no more than 20%;
- f) building height variance would permit an increase of no more than 15%;
- g) a screening and landscaping requirement that does not serve a purpose in the given context;
- h) a sign variance would permit an increase in sign size of no more than 20%;
- i) off-street parking space requirements would result in a reduction of no more than 20% on residential lands and no more than 10% on institutional, industrial or commercial lands; and
- j) will not vary any provision of a subdivision servicing bylaw in effect.

The Bylaw stipulates the parameters of what is “minor” as required by the Act, then the associated Council Policy sets out the kinds of items and questions with respect to the issuance of a delegated Development Variance Permit.

Recall that if a development is for three or four detached dwellings on one property and it requires a variance to be issued by Council, then under the proposed Bylaw terms, it would be advanced to Council for consideration.

**Relevant Policy(ies):**

The Official Community Plan includes guidelines on Development Permits such as those cited in the proposed bylaw.

**Planning Department**

Given that the *Local Government Act* (the “Act”) is often amended and processes/practices change, it is prudent to consider procedures amendments at this time.

While the attached Bylaw *could* go much further with respect to the scope of delegation, it is less ambitious as regards delegation than the norm of other similar sized and larger municipalities, some of which delegate all development permits.

In closing, the proposed Bylaw will bring Salmon Arm into compliance with the Act and will enable both staff and applicants be clear on the procedures that govern how we administer development applications. It will reduce risk and increase efficiency.

**Financial Considerations:**

None expected at this time; however, at a later date staff will bring forward fee changes to reflect the revised processes noted within the proposed development procedures bylaw.

**Committee Recommendations:**

N/A

**Public Consultation:**

The adoption of a Development Procedures Bylaw does not require a Public Hearing.

**Alternatives & Implications:**

N/A

Prepared by: Planning Analyst & Manager of Planning and Building

Reviewed by: Director of Planning & Community Services

Reviewed by: Position

Approved by: Chief Administrative Officer

**Attachments:**

- Appendix 1 – Proposed Development Procedures Bylaw
- Appendix 2 – Council Policy Land Development 3.23 – Development Variance Permit Application Process
- Appendix 3 - Council Policy Land Development 3.24 – Development Permit Application Process
- Appendix 4 - Council Policy Land Development 3.25 – Delegated Development Variance Permit Application Process

**City of Salmon Arm**  
**Development Procedure Bylaw No. XXXX, 2024**

# **CITY OF SALMON ARM**

## **BYLAW NO. XXXX**

### **A bylaw to establish procedures for the processing of land use and development applications in the City of Salmon Arm**

WHEREAS pursuant to s. 460 of the *Local Government Act*, the City of Salmon Arm must, by bylaw, establish procedures by which owners of land may apply to amend land use bylaws and apply for permits required under Part 14 of the Act;

AND WHEREAS Council may, pursuant to Part 5, Division 5 of the *Liquor Control and Licensing Act* and s. 33 of the *Cannabis Control and Licensing Act*, impose fees and prescribe processes and delegated authority for providing comments or recommendations on license applications made under that Act;

AND WHEREAS Council may, pursuant to Part 5, Division 6 of the *Community Charter*, delegate its powers, duties and functions to its officers, employees and members, and must, in certain cases, provide for the reconsideration by the Council of decisions of its delegates;

AND WHEREAS, pursuant to s. 468 of the *Local Government Act*, Council may require the posting of notification signs on lands that are subject to a proposed development;

AND WHEREAS the City may require that an Applicant for a permit under Part 14 of the *Local Government Act* provide security in a form and manner satisfactory to the City;

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

#### **1. PURPOSE & SCOPE**

- 1.1 The purpose of this Bylaw is to establish procedures for applications and referrals including the establishing of forms, procedures, and delegated authorities.
- 1.2 This Bylaw applies to the following applications, permits and referrals to the *City*:
  - a) amend any OCP Bylaw and/or Zoning Bylaw in effect;
  - b) issue and amend a Development Permit;
  - c) issue and amend a Development Variance Permit (DVP);
  - d) issue and amend a Temporary Use Permit (TUP);
  - e) enter into a housing agreement;
  - f) obtain comments on a liquor license or endorsement application or amendment;
  - g) issue and amend a liquor license and related sidewalk patio permit;
  - h) obtain comments on a cannabis license application or amendment;
  - i) strata title conversion of a previously occupied building;  
floodplain exemptions under s. 524(5) of the *Local Government Act*;
  - j) enter into, amend and/or discharge a registered legal agreement;
  - k) obtain comments on telecommunication tower application; and
  - l) minor referrals from other levels of government, agencies or other organizations.

## 2. DEFINITIONS

All words or phrases used in this Bylaw have their normal or common meaning except where they are changed, modified, or expanded by the following definitions, and are generally shown in italics for ease of reference:

**“ACT”** means the *Local Government Act* [R.S.B.C. 2015] Ch. 1.

**“APPLICANT”** means the registered owner of real property or any agent authorized, in writing, by the registered owner to act on their behalf.

**“APPROVING OFFICER”** means the *City Approving Officer*, as set out in the *Land Title Act*.

**“CITY”** means the City of Salmon Arm, a local government in the Province of British Columbia.

**“COUNCIL”** means Mayor and Council of the City of Salmon Arm.

**“DIRECTOR”** means the person holding the senior office responsible for planning and development for the City of Salmon Arm.

**“HOUSING AGREEMENT”** means an agreement made pursuant to Part 14, Division 5 of the Act.

**“IN WRITING”** means an email, fax, or letter hand delivered or sent via post or courier.

**“OFFICIAL COMMUNITY PLAN”** or **“OCP”** means the Official Community Plan Bylaw No. 4000, in effect as adopted by the City of Salmon Arm, as amended or superseded.

**“QUALIFIED ENVIRONMENTAL PROFESSIONAL”** means an applied scientist or technologist who practices in a relevant applied science or technology field including, but not limited to agrology, forestry, biology, engineering, geomorphology, geology, hydrology, hydrogeology or landscape architecture, whether acting alone or together with another qualified environmental professional, if:

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an act, acting under that association's code of ethics and subject to disciplinary action by that association;
- (b) the individual's area of expertise is recognized in the Assessment Methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal; and
- (c) that the individual is acting within their area of expertise.

**“QUALIFIED PROFESSIONAL”** means a professional engineer, geoscientist, architect, biologist, or other professional licensed to practice in British Columbia having relevant expertise to the matter to be considered or evaluated, and includes a qualified environmental professional as defined in this Bylaw.

**“SUBDIVISION AND DEVELOPMENT SERVICING BYLAW”** means the City of Salmon Arm Subdivision and Development Servicing Bylaw No. 4293, as amended or superseded.

***“TEMPORARY USE PERMIT” OR “TUP” means a temporary approval issued under Part 14, Division 8 of the Act.***

### **3. ADMINISTRATION & INTERPRETATION**

- 3.1 This Bylaw shall be administered by the Corporate Officer and the *Director*, as specified.
- 3.2 The provisions of this Bylaw are severable; if any provision is for any reason held to be invalid by the decision of a court of lawful jurisdiction, such decision shall not affect the validity of the remaining provisions of this Bylaw.

### **4. FORMS, SUPPORTING INFORMATION & APPLICATION**

- 4.1 The Corporate Officer shall prescribe, and may from time to time modify, the form of application for each category of application within the scope of this Bylaw; and in so doing, may prescribe different forms for different categories of applications based on the nature or complexity of the application; whereby, such forms may require, but not be limited to, the following:
  - a) name and contact information of owner and any agents delegated on their behalf;
  - b) disclosures such as reasons for the application and condition upon lands;
  - c) copy of current certificate of title, including applicable encumbrances on title;
  - d) site profiles, soils and geotechnical reports,
  - e) traffic impact reports;
  - f) site and development plans, surveys, surveyor site certificates; and
  - g) information pertinent or specific to an application listed in s. 1.2 of this Bylaw.
- 4.2 Additional Supporting Information for Application

The *Director* is delegated the authority to determine and require development review and approval information prepared at the Applicant's expense, including a report prepared and certified by a *qualified professional* that:

  - a) addresses the potential impacts of the proposed activity or development upon land use, traffic, riparian areas or the more broad environment impacts, analysis of tree removal and replanting; utilities and any other *City* services and facilities;
  - b) establishes trail design, estimates costs, and undertakes development within a road dedication, a right of way, or an amenity area such as a park;
  - c) identifies and defines the context, scope, magnitude and significance of the anticipated impacts of the activity or development on the community;
  - d) provides recommendations for conditions or requirements that may be imposed to mitigate or ameliorate any anticipated negative impacts; and
  - e) provides recommendations and estimated costs for modifications to the proposed development, construction of works or other measures to mitigate or ameliorate any anticipated impacts.
- 4.3 An application will not be accepted until an *Applicant* has provided the information listed on the form applicable to that category, and required supporting information; incomplete applications will not be accepted and the *Applicant* will be notified of the deficiencies.



4.4 Notwithstanding Section 4.3, if, in the opinion of the *Director*, the content of an application is sufficient to proceed with a review, it may be accepted.

4.5 Change of Ownership

If there is a change of registered owner on title of property or land that is the subject of an application, the *Director* may require an updated state of title certificate and authorization in writing to proceed from the owner.

4.6 Form of Permits

The *Director* shall prescribe the form of permits and in so doing may prescribe different forms for different categories of permits.

**5. APPLICATION FEE**

5.1 Prior to acceptance of an application or processing a referral, the *Applicant* must pay to the *City*, all applicable fees in the amount prescribed in Fee for Service Bylaw No. 2498, as amended or superseded.

5.2 In addition to any fees payable, *City* legal costs for review or preparation of development related agreements for any applications shall be borne by the *Applicant*, including but not limited to the preparation and registration of restrictive covenants, easements, and housing agreements.

**6. FEE REFUND**

6.1 Where an application is withdrawn, in writing, by the *Applicant* or has lapsed due to inactivity prior to processing, referrals, issuance of notices, or preparation of a staff report, the *Applicant* shall be refunded 50% of the fees paid.

6.2 Where an application or referral has been processed in part and has lapsed due to inactivity or is incomplete and thus cannot be formally assessed, no refund shall be made.

6.3 Any deposits paid for security of works such as landscaping, will be returned in the case of applications that did not proceed.

**7. LAPSE OF INACTIVE APPLICATIONS**

7.1 Where the *Director* has determined that an application is incomplete and has requested information, including professional reports or assessments that are required to complete the application process, and the *Applicant* does not provide the required additional information within 12 months, then the application will be deemed to have lapsed; and, if any portion of the fee is refundable, the *City* shall provide the refund to the *Applicant*.

7.2 Within one year of the date of submission of any complete application within the scope of this Bylaw, if the file has been inactive for a period of over one year due to inaction on the part of the *Applicant*, it will be deemed to be abandoned and lapsed and the *Applicant* will be notified in writing that the application will be closed in 60 days from the time of notification.

7.3 Where a bylaw amendment application is made, in conformance with this Bylaw, and the bylaw that is the subject of the application has not received first reading or further

readings within one year following, the application will be deemed inactive and the *Applicant* will be notified *in writing* that the application will be closed in 60 days from the time of notification.

7.4 Despite the foregoing, prior to the lapse of an application the *Applicant* may submit a written request for a one-time six month extension, at the discretion of the *Director*.

7.5 If any application is deemed to have lapsed under this section, a new application and fee are required if the *Applicant* wishes to proceed with the activity or development.

## **8. REFUSALS & REAPPLICATION**

8.1 The *Director* will notify an *Applicant* in writing within 15 days of a decision by *Council* to deny or refuse an application under this bylaw.

8.2 The *Director* will provide an *Applicant* with written reasons within 15 days for the denial or refusal of an application or decision that is delegated under this Bylaw.

8.2 Re-application for any application within the scope of this Bylaw, that has been denied or refused shall not be made within six months of the date of refusal, qualifying that as set out in the *Act*, an *Applicant* may request of *Council* to vary this limit by submitting, in writing, a detailed statement explaining their reasons for re-application.

## **9. DELEGATION OF APPROVALS, AGREEMENTS, & OTHER POWERS**

### **9.1 Development related agreements**

The *Council* delegates to the Approving Officer, the Corporate Officer and the Mayor all the powers, duties and functions of *Council* in respect to the approval, release, amendment and execution of the following development related agreements:

- a) housing agreements;
- b) easement agreements under s. 181 and 182 of the *Land Title Act*;
- b) statutory right-of-way agreements under s. 218 of the *Land Title Act*; and
- c) covenant agreements under s. 219 of the *Land Title Act*.

### **9.2 Strata Conversion Signing Authority**

In accordance with the *Strata Property Act*, *Council* delegates to the Approving Officer, the power to approve an application to execute legal plans and deposit a strata plan for the conversion of a previously occupied commercial or industrial building.

### **9.3 Development Permit Authority**

Despite that the *Director* may decline to exercise delegated power where they consider that the application is of such significance that the *Council* may wish to make decision, the *Council* delegates to the *Director* all the powers, duties and functions of the *Council*, regarding development permits issued in respect of:

- a) development permit areas designated for the protection of riparian areas, the environment, its ecosystems and biological diversity specified in the designation of the development permit area;

- b) development permit areas designated for the protection of development from flooding, torrents of debris, erosion, land slip, rock falls, subsidence, avalanche, wildfire, or another hazard specified in the designation of the development permit area; and
- c) development permit areas designated for form and character where up to four accessory dwelling units are proposed within three buildings or less on a single parcel, provided no variance is required (except as in accordance with Section 9.4 of this Bylaw) and the permit is not a part of an application that is conditional on *Council* approval for a related application.

#### 9.4 Minor Development Variance Permit Authority

Pursuant to s. 498.1 of the *Act*, *Council* delegates to the *Director*, the authority to issue, deny and perform related duties for the administration of development variance permits which are deemed to be minor; where, the criteria for determining if an application is minor shall be as follows:

- a) the variance must be for an individual property or development;
- b) the variance is not a part of an application that is conditional on *Council* approval for a related application;
- c) the variance is consistent with any applicable OCP policy;
- d) the variance is a one-time renewal of a lapsed approved application;
- e) building setback variance to a parcel line would result in a reduction of no more than 20% of the required setback;
- f) building height variance would permit an increase of no more than 15% above the height limit;
- g) a screening and landscaping requirement that does not serve a purpose in the context;
- h) a sign variance would permit an increase in sign size of no more than 20% above the size limit;
- i) off-street parking space requirements would result in a reduction of no more than 20% of the required amount of stalls on residential lands and no more than 10% of the required amount of stalls on institutional, industrial or commercial lands; and
- j) shall not vary any provision of the *Subdivision and Development Servicing Bylaw* in effect.

#### 9.5 Temporary Use Permit Authority

*Council* delegates to the *Director* all the powers, duties and functions of the *Council*, regarding consideration of *Temporary Use Permits* for the following:

- a) temporary or seasonal buildings and structures related to agriculture use on land excluded from the Agriculture Land Reserve;
- b) temporary residential building for use as a new dwelling is constructed; or

- c) placement of a temporary construction office building or trailer for the purposes of on-site management and/or site security during construction approved through a valid Building Permit.

## **9.7 REFERRALS**

The *Council* hereby delegates to the *Director*, the authority to submit responses to referrals relating to the following:

- a) land use referrals for lands beyond and not contiguous to *City* boundaries that do not require *Council* resolution; and
- b) permit issuance, renewal and amendment in respect of Aggregate & Mining referrals and the *Mines Act*; and
- c) issuance of new licenses and temporary licenses in respect of Liquor License referrals;
- d) amendment and renewal of existing licenses in respect of Liquor License referrals; and
- e) in accordance with *Council* Policy 3.2, only amendment and renewal, in respect of Cannabis License Referrals.

## **10.0 RECONSIDERATION OF DELEGATED DECISION**

- 10.1 Any *Applicant* who is dissatisfied with a delegated decision pursuant to any applicable provisions of this Bylaw is entitled, at no charge, to have the decision reconsidered by the *Council* through the process prescribed in this section.
- 10.2 Requests for reconsideration must be made within 14 days of the date on which the decision is communicated to the *Applicant* by delivering, to the Corporate Officer, a written submission setting out the following:
  - a) name of the delegate who made the decision, date and nature of the decision;
  - b) reason(s) why the decision should be reconsidered by *Council* including the grounds on which the *Applicant* considers the decision to be inappropriate;
  - c) the remedy sought by the *Applicant* for consideration by *Council*; and
  - d) copies of any materials or information considered relevant by the Applicant.
- 10.3 Notwithstanding s. 10.2, if the *Applicant* wishes to submit new or additional information, they must first submit this information to the delegated authority for reconsideration of the decision and if no change is made, may then advance the matter to *Council* for reconsideration.
- 10.4 Upon receipt of a written request for Council's consideration the Director shall prepare a report to Council attaching the application and setting out the reasons for the decision:
  - a) place the request on the agenda of a regular *Council* meeting held within 60 days of a complete reconsideration request submission;
  - b) give notice of each reconsideration by the *Council* in accordance with any notice requirements that applied to the original application or referral; and
  - c) deliver to each *Council* member, a copy of the materials that were considered by the delegate in making the decision to be reconsidered.

- 10.5 In reconsidering a delegated decision, the *Council* shall:
- a) hear from the *Applicant*, delegate, and any other person deemed by the *Council* to have an interest in the decision; and
  - b) either confirm the decision or set aside the decision and substitute a decision of the *Council*.

## 11.0 PERFORMANCE SECURITY

- 11.1 Security required in respect of a permit shall be in the form of cash or an irrevocable letter of credit that remains effective for the term and applies to the conditions specified in the permit; and further, such letter shall be unconditional; shall renew automatically; and shall be in a form approved by the *Director*.
- 11.2 The amount of the security shall be approved by *Council* or the authorized delegate and shall be based upon 125% of the total itemized cost estimate provided by a registered professional engineer or a *qualified professional* retained by the *Applicant* to secure the following:
- a) completion of geotechnical works necessary to protect the site from hazardous conditions;
  - b) installation of permanent fencing and signage for the protection of the natural environment;
  - c) installation of tree protection and other temporary measures or fencing;
  - d) installation, maintenance, and monitoring of replacement trees;
  - e) implementation of specific plant and wildlife mitigation measures and habitat enhancement for an environmentally sensitive area; and
  - f) installation, maintenance and monitoring of physical works within a streamside protection and enhancement area.
- 11.3 The security may be used by the *City* as follows:
- a) to complete the works required to satisfy any or all of the permit terms, requirements and conditions;
  - b) to ameliorate the effects of a contravention or non-compliance of a permit;
  - c) to remediate an unsafe condition; and
  - d) to restore damage to the environment that has resulted from a breach of a permit.
- 11.4 Where a development permit is required for the form and character of multi-family, commercial and industrial developments, including a requirement to undertake landscaping works, including soft planting and hard landscaping (such as pavers, brick, concrete, retaining walls, fences, etc.), a security deposit, may be used by the *City* to undertake and complete the works required to satisfy the terms, requirements and

conditions or to ameliorate the effects of the contravention or non-compliance of a permit.

- 11.5 Upon completion of the works and any required warranty period, authorization of the release and return of the security is delegated to the *Director*.

## **12. PUBLIC NOTICE**

### **12.1 Written Notice to surrounding properties**

At minimum ten days prior to a public hearing where or when the *Council* decision is on the meeting agenda, where required or allowed by the Act, the *City* shall mail or otherwise deliver notice to owners and occupiers of all parcels any part of which is within 30 metres of the subject application, advising of any of the following:

- a) the holding or the waiver of a public hearing for any land use amendment where the *Act* requires or allows, and such notice shall comply with Section 466 or Section 467 of the *Act*;
- b) issuance of a Development Variance Permit where considered by *Council*;
- c) issuance of a Development Permit where considered by *Council*;
- d) issuance of a Temporary Use Permit where considered by *Council*.

### **12.2 Posting of a development notice sign**

In respect of an application for a Zoning Bylaw, OCP Bylaw amendment, or Temporary use Permit, the *Applicant* must, at their cost, erect a sign on the parcel of land which is the subject of the application. Said sign shall comply with the requirements set out in this Bylaw in Schedule 'A' attached hereto and forming a part of this Bylaw, all in accordance with the following:

- (a) each sign must be erected no less than ten days before the *Council* considers the matter; and
- (b) the *Applicant* must keep all signs in place continuously and in good repair until the close of the public hearing or the date that *Council* considers the matter; and
- (c) must remove all signs within seven business days following the third reading or refusal of the bylaw by *Council*.

- 12.3 The text of each sign shall be as illustrated on Schedule 'A' and as reviewed and approved by the *Director* who may at their discretion, require additional information and content be placed on the development sign.

- 12.5 Failure to install or maintain required signs may result in the postponement of any consideration of the application, and any notification costs incurred by the *City* as a result of such failure shall be the responsibility of the *Applicant*.

- 12.6 The *Applicant* must ensure that all signs are updated throughout the application process to reflect any amendments to the proposal, and that revision to the content of the development signs is undertaken in accordance with the requirements of Schedule 'A'.

- 12.7 In the case of an application in respect of two or more adjoining parcels, the *Director* may specify the required number and location of signs by this Bylaw.

- 12.8 If no public hearing is required or to be held, no sign is required to be posted.

### **13. PERMITS ISSUED BY COUNCIL OR THEIR DELEGATE**

- 13.1 If authorized by Council, or their delegate, the Planning and Community Services Department will complete the Development Variance Permit and forward it to the Corporate Officer for issuance on behalf of the Municipality. Permits shall be in the form attached hereto as Schedule “B”.
- 13.2 If authorized by Council, or their delegate, the Planning and Community Services Department will complete the Development Permit and forward it to the Corporate Officer for issuance on behalf of the Municipality. Permits shall be in the form attached hereto as Schedule “C”.
- 13.3 The Corporate Officer shall file in the Land Title Office a notice in the form of Schedule “C” attached hereto, that the land described in the notice is subject to a development permit.
- 13.4 A copy of all Permits issued by the Municipality shall be retained by the Planning and Community Services Department who shall make the same available for perusal by any member of the public upon request during normal business hours.
- 13.5 Council may issue more than one Permit for an area of land and the land shall be developed strictly in accordance with the permit or permits, issued, which shall also be binding on the City of Salmon Arm.

### **14. CITATION**

This Bylaw may be cited for all purposes as “City of Salmon Arm Development Procedure Bylaw No. XXXX, 2024”.

### **15.0 TRANSITION**

- 15.1 Upon adoption of this Bylaw, the following *City* Bylaws and all amendments thereof are repealed:
- a) Temporary Commercial and Industrial Use Permit Procedure Bylaw 3548, 2006;
  - b) Development Variance Permit Procedure Bylaw No. 3024, 2000; and
  - c) Development Permit Procedure Bylaw No. 2870, 1998.
  - d) Zoning Bylaw No. 2303, 1995 Sections 3.8 Public Hearing, 3.9 Bylaw Amendments and 4.14 – Posting of Notice.
- 15.2 The processing of any application made after the date of adoption of this Bylaw shall be continued and dealt with by the *Council* in accordance with the provisions of this Bylaw.

READ A FIRST TIME THIS DAY OF 2024

READ A SECOND TIME THIS DAY OF 2024

READ A THIRD TIME THIS DAY OF 2024

ADOPTED BY COUNCIL THIS DAY OF 2024

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER



## SCHEDULE “A”: Development Notice Sign Requirements

Development signs must be installed and retained on the parcel in accordance with the following specifications and as illustrated below:

- 2.4 by 1.2 metres (8 x 4ft) in area;
- constructed of 1.3cm (1/2”) plywood or other durable material;
- comprised of black letters on a white background;
- lower edge of sign a minimum of 1.2 metres (4ft) above ground level;
- installed within 3 metres (10ft) of the abutting road at the mid-point of the subject parcel frontage;
- securely fixed to withstand wind and weather;
- located so as to be visible and legible from the abutting road on each principal and secondary road frontage of the parcel, except that parcels smaller than one hectare require only one sign;
- not create a hazard or interfere with pedestrian and vehicular traffic; and
- not obstruct visibility of oncoming traffic from roads, walkways and driveways.

**DEVELOPMENT APPLICATION**

SUBJECT PROPERTY:

Proposal: \_\_\_\_\_

To Permit: \_\_\_\_\_

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

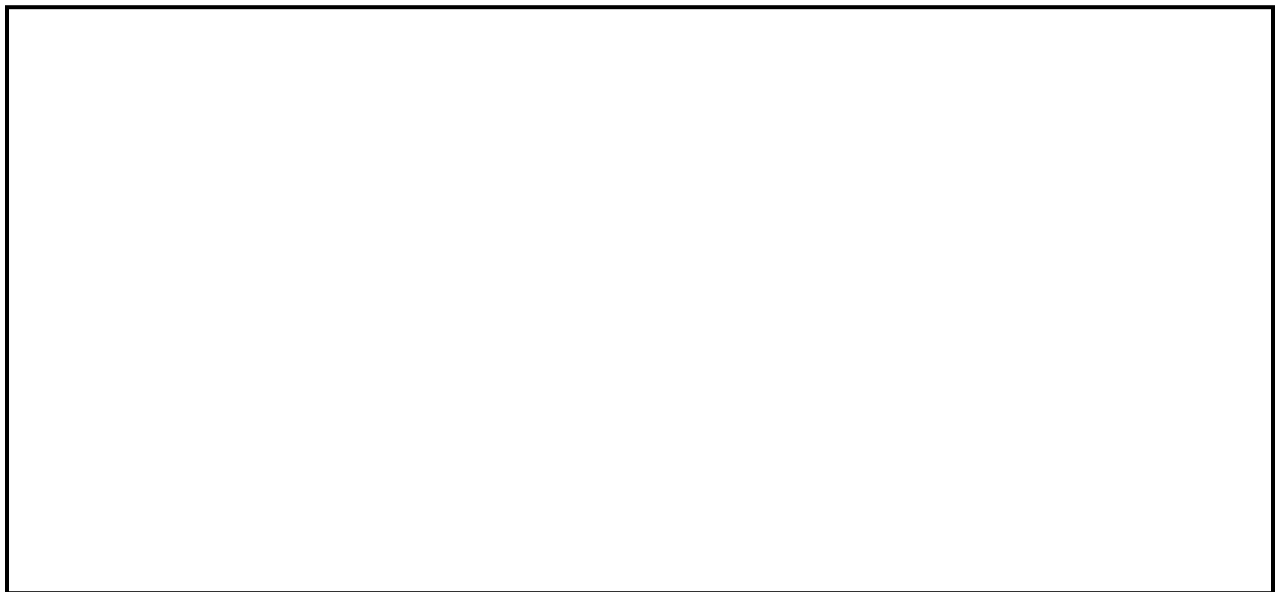
Lot: \_\_\_\_\_ Plan: \_\_\_\_\_

Public Hearing Details: \_\_\_\_\_

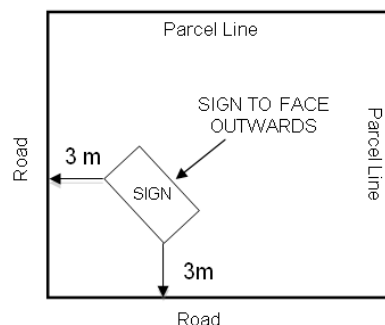
For more information visit [www.salmonarm.ca](http://www.salmonarm.ca) or email [planning@salmonarm.ca](mailto:planning@salmonarm.ca) or call Development Services 250.863.4010

4 Feet

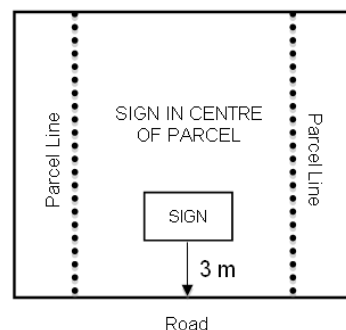
4-5 Feet



### TYPICAL SIGN SITING



**CORNER LOT**



**INTERIOR LOT**

Schedule 'B'

**DEVELOPMENT VARIANCE PERMIT**

Local Government Act (Part 14)

PERMIT NUMBER: VP-

Bylaw No. 4640

SCHEDULE "B"

TO: (Property Owner)

For Location at: (CIVIC ADDRESS) (PID: )

- 
1. This Development Variance Permit is issued subject to compliance with all applicable City of Salmon Arm Bylaws except as specifically varied by the Permit.
  2. This Development Variance Permit applies to, and only to, (legal description),
  3. The City of Salmon Arm
    - Zoning Bylaw No. 2303
    - Subdivision and Development Servicing Bylaw No. 4293
    - Sign Bylaw No. 2880
    - Required under Development Permit Areas (Official Community Plan Bylaw No. 4000)

is hereby varied as follows:

---

THAT: Development Variance Permit No.        be authorized for issuance to vary the provisions of Zoning Bylaw No. 2303 as follows:

- 
4. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit.
  5. This Permit is not a Building or Sign Permit.
  6. Notice shall be filed in the Land Title Office that the land described herein is subject to this Permit.
  7. The terms of the Permit or any amendment to it are binding on all persons who acquire an interest in the land affected by the Permit.
  8. **If the holder of a land use permit does not substantially start any construction with respect to which the permit was issued within 2 years after the date it is issued, the permit lapses.**

AUTHORIZING RESOLUTION ADOPTED BY COUNCIL on the        day of                      **2024.**

ISSUED this        day of                      **2024.**

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CORPORATE OFFICER

Schedule 'C'

**DEVELOPMENT PERMIT**

Local Government Act (Part 14)

Bylaw No. 4640

SCHEDULE "C"

PERMIT NUMBER: DP-XXX

TO: NAME

RE: ADDRESS (PID:\_\_\_\_\_)

1. This Development Permit is issued subject to compliance with all applicable City of Salmon Arm By-Laws except as specifically varied by this Permit.
2. This Development Permit applies to, and only to (legal description),

and any and all buildings, structures and other development thereon.

3. The City of Salmon Arm

\_\_\_\_\_ Zoning Bylaw No. 2303

\_\_\_\_\_ Subdivision and Development Servicing Bylaw No. 4293

\_\_\_\_\_ Sign Bylaw No. 2880

\_\_\_\_\_ Required under Development Permit Areas (Official Community Plan Bylaw No. 4000)

---

Development Permit No. \_\_\_\_\_ be authorized for issuance for \_\_\_\_\_ (Legal Description) \_\_\_\_\_ Attached as Appendix X of the staff report dated \_\_\_\_\_

---

4. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit.
5. This Permit is **not** a Building or Sign Permit.
6. Notice shall be filed in the Land Title Office that the land described herein is subject to this Permit.
7. The terms of the Permit or any amendment to it are binding on all persons who acquire an interest in the land affected by the Permit.
8. **If the Permittee or its successor(s) in title does not substantially commence any construction with respect to which this permit was issued within 2 years after the date it was issued, the Permit shall lapse.**
9. Security in the amount of \_\_\_\_\_ has been deposited as per Council's direction, in conjunction with subsection 10 of District of Salmon Arm Development Permit Procedure Bylaw No. 2870.

AUTHORIZING RESOLUTION ADOPTED BY COUNCIL on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ISSUED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
CORPORATE OFFICER



**TOPIC:** Development Variance Permit Applications

**PURPOSE:** This policy is to guide Council and staff in the application processing for Development Variance Permits that are issued by Council.

**POLICY:**

1. Complete applications include all materials as specified in Development Procedures Bylaw No. 4640.
2. Complete applications shall be referred to the City's Internal and External Agencies as required. For Development Variance Permits delegated by Council circulation of the application may be limited.
3. Complete applications shall be referred to the Ministry of Transportation as required by the Local Government Act and Transportation Act.
4. The application shall be processed by the Planning and Community Services Department or Engineering Department (servicing variance), which shall prepare a report, containing a recommendation on the matter, to be placed on Council's agenda for consideration.
5. Persons wishing to register an opinion with respect to the proposed Development Variance Permit may do so by making a written submission and/or appearing before Council as a delegation at the Public Input Session.
6. The Council may, upon receipt of a report from the Planning and Community Services Department and hearing any public input, by resolution:
  - i) authorize issuance of the Development Variance Permit;
  - ii) authorize issuance of the proposed Development Variance Permit as amended by the Council resolution;
  - iii) refuse to authorize the issuance of the Development Variance Permit, with reasons.

**PROCEDURE:** Processing of a Development Permit shall be in compliance with the *Local Government Act* and *Transportation Act*, with both Council Procedure Bylaw No. 4276, 2018, as amended, and with Development Procedure Bylaw No. 4640, 2024, as amended

Prepared by:	Date:
Approved by Council:	Date:
Amended or Replaced: Amended	Date:

**TOPIC:** Development Permit Applications

**PURPOSE:** This policy is to guide Council and staff in the application processing for Development Permits that are issued by Council.

**POLICY:**

1. Complete applications include all materials as specified in Development Procedures Bylaw No. 4640.
2. Complete applications shall be referred to the City's Internal and External Agencies as required.
3. Complete applications shall be referred to the Ministry of Transportation as required by the *Local Government Act* and *Transportation Act*.
4. If specified by a Committees Terms of Reference the application shall be referred to a Committee of Council.
5. The application shall be processed by the Planning and Community Services Department which shall prepare a report, containing a recommendation on the matter, to be placed on Council's agenda for consideration.
6. Persons wishing to register an opinion with respect to the proposed Development Permit may do so by making a written submission and/or appearing before Council as a delegation at the Public Input Session.
7. The Council may, upon receipt of a report from the Planning and Community Services Department and hearing any public input, by resolution:
  - i) authorize issuance of the Development Permit;
  - ii) authorize issuance of the proposed Development Permit as amended by the Council resolution;
  - iii) refuse to authorize the issuance of the Development Permit, with reasons.

**PROCEDURE:** Processing of a Development Permit shall be in compliance with the *Local Government Act* and *Transportation Act*, with both Council Procedure Bylaw No. 4276, 2018, as amended, and with Development Procedure Bylaw No. 4640, 2024, as amended.

Prepared by:	Date:
--------------	-------

Approved by Council:	Date:
Amended or Replaced: Amended	Date:

**TOPIC:** Delegated Development Variance Permit Consideration Guidelines

**PURPOSE:** This policy is to guide Council and the *Director* in the case of delegated authority as defined by Bylaw 4640, in determining whether to approve or refuse a Development Variance Permit (DVP) and in setting conditions.

**POLICY:** In deliberating an application for a variance, the following criteria or questions may be considered:

- a) is there a direct conflict with applicable OCP policy or does it maintain the intent of the OCP and Zoning Bylaws;
- b) does the variance defeat the purpose of the overall bylaw provision or zone;
- c) reasons, site constraints, or rationale why bylaw requirements cannot be met;
- d) are there alternative solutions that do not require the variance;
- e) what is the magnitude or scope of impact to the given area or context;
- f) what input has been received regarding the proposal or the application and;
- g) will the variance adversely impact the natural environment;

**PROCEDURE:** Processing of a Development Variance Permit shall be in compliance with the *Local Government Act*, with Council Procedure Bylaw No. 4276, 2018, and with Development Procedure Bylaw No. 4640, 2024.

Prepared by:	Date:
Approved by Council:	Date:
Amended or Replaced: Amended	Date:





## **REQUEST FOR DECISION**

To: Development & Planning Services Committee

From: Planning Analyst & Manager of Planning and Building

Title: Official Community Plan Amendment Application No. 4000-58 Development Permit Area Guidelines

Date: April 2, 2024

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### **Executive Summary/Purpose:**

In order to provide Development Permit Area (DPA) guidelines to implement the Small Scale Multi Unit Housing regulations as per the Local Government Act, the Official Community Plan (OCP) must be amended. The proposed form and character DPA guidelines provide Council, staff and the development community with direction on developing housing units compliant with Small Scale Multi Unit Housing (SSMUH).

### **Motion for Consideration:**

THAT: a bylaw be prepared for Council's consideration, adoption of which would amend Official Community Plan No. 4000 to add after section 8.4, Section 8.5 Infill Residential Development Permit Area guidelines for the development of infill housing consistent with provincial regulations governing Small Scale Multi Unit Housing (SSMUH).

### **Staff Recommendation:**

That the Motion for Consideration be adopted.

### **Proposal:**

To introduce DPA guidelines into the Official Community Plan in order to govern the form and character of accessory residential units under SSMUH and the Provincial Policy Manual and Site Standards

### **Background:**

The proposed DPA guidelines provides direction on the building massing, building design, site circulation and landscaping for "infill residential development" and were developed to provide some design control over the development of accessory dwelling units within the Urban Containment Boundary.

In cases where an applicant opts to **detach** three or four dwellings, these developments would be scrutinized for massing, architectural design, site plan, pedestrian and vehicle access, etc. as outlined in the proposed DP policy and the OCP guidelines.

The guidelines specifically provide direction on building orientation, massing, landscaping consideration, as well as servicing, access and parking guidelines. Regulations contained in the Zoning Bylaw and Subdivision and Development Servicing Bylaw would govern the specific requirements.

At the time of writing this report, the proposed Development Procedures bylaw sets forth that any configuration of units within four detached buildings would require a Development Permit issued by Council. Any configuration of four units within three buildings or less would be the subject of a Development Permit issued by staff.

### **Relevant Policy(ies):**

A draft Development Procedures Bylaw and accompanying Council policies have been brought forward for Council consideration.

Prior to the June 30, 2024 deadline, zoning and other bylaws will be brought forward for Council's consideration that would be utilized by Council, staff to review and approve Small Scale Multi Unit Housing (SSMUH).

### **Referral Comments:**

#### Fire Department

N/A

#### Building Department

N/A

#### Engineering Department

N/A

#### Other

N/A

#### Planning Department

Staff, through research and case study analysis, have carefully considered the design guidelines as proposed. The Provincial legislation requires the various bylaw amendments to be completed by June 30, 2024 and all changes must consider the Provincial Policy Manual and Site Standards publication. Additionally, the legislation prohibits Councils from using their authority under the powers of development permit issuance to prevent the development of accessory dwelling units. Given these factors staff feel that the guidelines proposed are consistent with the intent of the mandated amendments and legislation.

**Financial Considerations:**

N/A

**Committee Recommendations:**

N/A

**Public Consultation:**

The *Local Government Act* prohibits Council from holding a Public Hearing for bylaw amendments that are for the sole purpose of implementing bylaw amendments related to SSMUH. Notice will be given in two consecutive editions of the newspaper in advance of Council considering first reading of the proposed bylaw. It is expected that first reading will be considered at the April 22, 2024 Regular Council meeting.

**Alternatives & Implications:**

N/A

Prepared by: Planning Analyst & Manager of Planning and Building

Reviewed by: Director of Planning & Community Services

Approved by: Chief Administrative Officer

**Attachments:**

- Appendix 1 – Proposed OCP Section 8.5 Infill Residential Development Permit Area

## 8.5 Infill Residential Development Permit Area

### ***Designation***

Pursuant to Section 488(1)(f) of the *Local Government Act*, all land within the Low, Medium and High Density Residential designated areas shown on Map A-1 Land Use, is designated “Infill Residential Development Permit Area” and shall require a Development Permit for cases where three (3) or four (4) detached dwelling units are proposed to be developed on a single parcel where permitted by the Zoning Bylaw.

### ***Objectives***

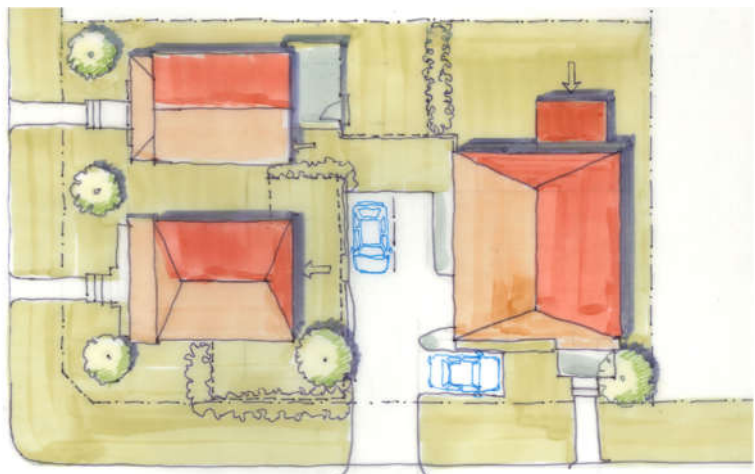
- 8.5.1 To positively contribute to and integrate quality higher density ground-oriented housing within the context, scale and fabric of the streetscape in mainly large-lot residential neighbourhoods.
- 8.5.2 To secure well-considered landscaping and site planning that provides quality private outdoor living space for each dwelling unit; provides a clear transition between the private and public realm; and protects and preserves mature trees.
- 8.5.3 To ensure that building design including massing, cladding materials and window placement are well considered and contribute positively to the neighbourhood without unduly compromising the privacy of adjacent dwelling units and properties.
- 8.5.4 To secure clearly identified and accessible pedestrian and emergency services access to all dwelling units as well as the provision of adequate servicing, on-site parking and safe vehicle access from the public road.

### ***Submission Requirements***

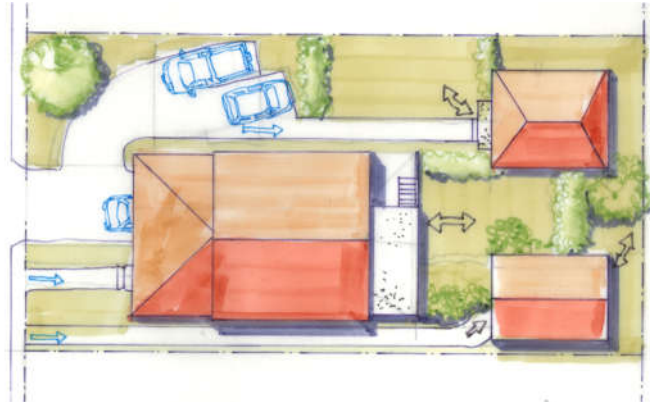
- 8.5.5 For required drawing submissions, see s. 8.4.5 of the OCP. This Infill Residential Development Permit Area shall have the same requirements.

### ***Streetscape and Site Concept Guidelines***

- 8.5.6 Respect and be generally consistent with the area streetscape by considering surrounding building heights, scale, and setbacks - despite build-out limits allowed by zoning. For example, limit significant height differences between proposed and existing development by stepping down dwelling massing to reflect the scale of surrounding homes.



- 8.5.7 Overall design should respond to site characteristics; for example, taking advantage of views, topography and solar/wind orientation. Consider the location of adjacent pedestrian/trail/cycling networks.
- 8.5.8 Individual dwellings must not comprise of identical repeated designs; instead, they should be distinct in massing with some variation of unit size and façade design - all while achieving cohesion on the overall parcel.
- 8.5.9 Infill dwellings should improve upon and reflect the attributes of adjacent homes (e.g.: roof styles, porches, entrance features, materials). Where a neighbourhood may contain neglected properties, the development should set an improved standard for infill going forward.
- 8.5.10 Individual dwelling units should face and have entrances oriented to and visible from a fronting street wherever possible. In the case of parcels with flanking or double frontages, building design should also address these streets through the orientation of entries and windows.



#### ***Landscape and Site Plan and Guidelines***

- 8.5.11 Design the site and locate buildings so as to protect mature trees, where possible; and, if trees cannot be protected or if there are no trees, ensure that adequate space will protect root systems and allow shade trees to reach mature size.
- 8.5.12 Consider landscaping strategically, for example: to frame building entrances; soften edges; screen parking and waste bins; break up long building elevations; enhance privacy; and manage snow and storm water storage.
- 8.5.13 Maximize permeable surfaces across the entire parcel. Developments with extensive nonporous concrete, asphalt, and solid roofs will not be supported.
- 8.5.14 Use low fencing, gates, landscaping and a modest change in grade to define transitions from the public right of way to the private realm.
- 8.5.15 Link unit entrances to public sidewalks and parking via an accessible path of a minimum 1.2 metres width, and be adequately illuminated for pedestrian safety but not cast nuisance light into other dwellings and yards (see figure 8.5).
- 8.5.16 Design and delineate a semi-private sheltered or recessed transition space at the front door of each dwelling unit. Carefully consider unit way-finding to minimize confusion for visitors (or emergency services).

- 8.5.17 Design each dwelling unit to have direct access to its own designated private outdoor amenity space that maximizes sun and daylight and can be used year-round.
- 8.5.18 Maximize the privacy of units on site and on neighbouring properties by minimizing “overlook” and direct sight lines between dwellings through strategies such as:
- off-set window locations in facing walls;
  - consider dormers or clerestory windows for light;
  - use of landscaping or screening;
  - locate doors and patios to minimize potential noise and nuisance between units; and
  - setback, angle or articulate facades where windows may compromise privacy.



**Figure 8.5**

Down-lights & signs at access path to units

### ***Building Design Guidelines***

- 8.5.19 Ensure that each building is unique, but the development remains cohesive, sharing an architectural style, proportions, and material palette.
- 8.5.20 Consider focal points at entrances, generous glazing, porches and other architectural features to emphasize the ground floor as the highest design priority.
- 8.5.21 Avoid blank monolithic walls by incorporating windows and articulating the façade with well-proportioned recesses/projections, reinforced by building material changes and with two or at most three durable, quality exterior cladding materials. Vinyl siding is discouraged.

### ***Servicing, Access and Parking Guidelines***

- 8.5.22 Ensure that vehicle access is via one shared driveway off the secondary street or lane, where available, and minimize the impact of headlights shining into unit windows. Where vehicle access is only available via the primary street, provide for safe access/egress, eliminating the need for vehicles to back onto the public road (see figure ?.).
- 8.5.23 Ensure that on-site parking is integrated in one common area or structure, preferably enclosed or screened, to eliminate the need to access parking and garages within individual units.
- 8.5.24 Minimize internal vehicle circulation. Where it is necessary, consider that it may serve as additional shared amenity space using strategies such as quality permeable materials (e.g. interlocking, permeable pavers), providing useable gathering and playing areas (and not large, monolithic paved areas).
- 8.5.25 Ensure the common utility and water service location is protected and remains accessible for service providers.
- 8.5.26 Ensure the site provides for combined solid waste pick-up/bin storage that is enclosed or otherwise screened from view.



## REQUEST FOR DECISION

To: Development & Planning Services Committee

From: Manager of Planning and Building

Title: Zoning Bylaw Amendment Application No. 1288 – Accessory Dwelling Unit Definitions, General Regulations, Removal of R1, R2 and R8 zones, and Addition of R-10 Zone

Date: April 2, 2024

---

### **Executive Summary/Purpose:**

The first of three text amendments to the Zoning Bylaw in order to bring the City's bylaws into compliance with the Local Government Act regulations to allow for Small Scale Multi Unit Housing (SSMUH). The amendments proposed in this report are specific to the following sections of the Zoning Bylaw:

- Section 2. Definitions,
- Section 4. General Regulations,
- Section 5. Establishment of Zones, and
- Section 6. Residential Zones.

### **Motion for Consideration:**

THAT: a bylaw be prepared for Council's consideration that if adopted would have the effect of amending Zoning Bylaw No. 2303 adding definitions, general regulations, amending establishment of zones, and removing the R-1 Single Family Residential Zone, R-2 Single Family/Duplex Zone and R8 Residential Zone and replacing with the R-10 Residential Zone in order to be compliant with Provincial legislation to implement Small Scale Multi Unit Housing (SSMUH).

### **Staff Recommendation:**

That the motion for consideration be adopted.

### **Proposal:**

This report summarizes the required Small Scale Multi Unit Housing (SSMUH) legislation the Province has implemented and details changes to section 3 Definitions and section 4 General Regulations. It also explains how this is proposed to be incorporated into the Zoning Bylaw via the new R-10 Zone. This zone would replace the R-1, R-2 and R-8 zones of Zoning Bylaw 2303, allowing up to four dwelling units on almost all properties currently zoned for one or two dwellings.



Subsequent changes to the R-7 Large Lot Single Family Residential Zone and R-9 Estate Residential Zone and the three Agriculture Zones will be less complicated as those can build upon the framework of amendments explained in this report.

## Background:

### *SMUHH Policy Manual*

The *Housing Amendment Statute* (formerly Bill 44) is accompanied by a 95 page manual (the “Policy”) which details the standards that must be considered by municipalities when making the necessary bylaw changes to meet the increased densities across what is now one and two family residential zoning.

While density is prescribed by legislation, other zoning provisions remain under municipal authority. The key is that these must not undermine the spirit or intent of the density changes. The Policy standards that needs to be considered in making the bylaw changes, includes:

- Building type/form – *recommend to be more broad and permissive*
- Parcel setbacks – *recommend to keep to minimum*
- Building height/number of storeys –*recommend 3 storey*
- Parcel coverage – *recommend ~50%*
- Floor area ratio – *recommend to eliminate this zoning provision*
- Off-street parking requirements – *recommend to reduce*



The Policy is drafted with a focus on large urban centres with relatively small parcels, little snow, and frequent transit.

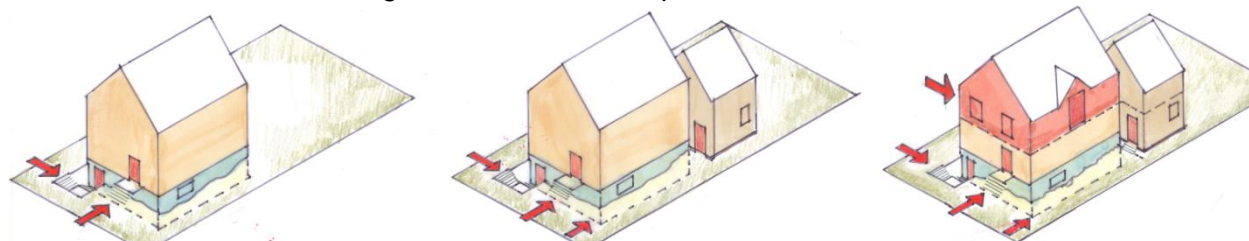
— Small-Scale, Multi-Unit Housing —

### *Salmon Arm Context and Scope*

According to recent geo-spatial information, the average parcel area across Salmon Arm suburban residential land is 0.35 acre, three to five times larger than the assumed urban context in the Policy’s site standards. The vast majority of serviced residential lands within the Urban Containment Boundary (UCB) are zoned R1 and will have increased density of up to 4 units. There are 16 small R1 lots in the City, having less than 280m<sup>2</sup>, which may have up to three housing units. The proposed bylaw will impact the following number of parcels (*source: SA GIS mapping*):

R1	3666	parcels (incl. 3 strata parcels and 18 comprising of more than one zone)
R2	12	parcels (incl. 2 strata condo and 2 fee simple –i.e. duplex is one title)
R8	419	parcels (incl. 2 bare land strata and 4 comprising of more than one zone)

There are ample opportunities for landowners to add accessory dwelling units to their yard or, if yards/topography do not allow, several secondary suites into or onto their home (as illustrated below). While it is reasonable to anticipate that most landowners will maintain the status quo, some will seek to add dwelling units where and as permitted.





Other than density, floor area ratio (FAR), and parking requirements, the majority of existing Zoning Bylaw provisions for setbacks, building height, and parcel coverage are generally acceptable as measured against the provincial Policy. This is a benefit because a zoning change that is more restrictive results in a non-conformity albeit a lawful one (i.e. “grandfathering”). Where possible, it is preferable to avoid non-conformity as this can impact insurance and rebuilding in the case of a loss. There is an opportunity to make some refinements to Bylaw provisions, in line with the added density and build-out, to avert unintended and/or negative consequences.

As compared to typical municipal zoning bylaws from across the province, the Salmon Arm bylaw is shorter, less complex and less regulatory, so the main change will in fact be the increase in density.

### *R-10 Residential Zone*

Based upon staff analysis, seven of the nine “R” zones in Bylaw 2303 will be substantially impacted. Three of these zones are effectively rolled into one zone, named “R-10”. The R2 and R8 zones are redundant given the R1 will allow up to four dwelling units. Various revisions to existing bylaw definitions and some additional provisions that will effectively regulate build-out are recommended for Council consideration.

The “Purpose” statement at the beginning of each zone speaks to why we have the given zone. The new R-10 Purpose reads as follows:

“The purpose of the R-10 Zone is to permit ground-oriented small scale residential use comprising of *single family dwellings* and *duplexes*, either with or without *secondary suites*, and detached *accessory dwelling units*, developed up to a maximum density that is based upon *parcel area*.”

The list of permitted uses and the number of permitted dwellings/buildings on R-10 properties have been updated to enable density based upon parcel area, specifically:

“No more than two dwelling units are permitted on a parcel of area 4050 square metres (1 acre) or more, where the largest building is deemed the principal building; and

No more than three dwelling units are permitted per parcel of area less than 280 square metres (3014 square feet), where the largest building is deemed the principal building; and

No more than four dwelling units are permitted per parcel of area between 280 and 4050 square metres (3014 square feet and 1 acre), where the largest building is deemed the principal building.”

The limit to two dwellings on parcels over an acre is to protect orderly future subdivision, including provision of utilities, sidewalks, road/bike lane dedications, etc. It is similar to the increase in density across all rural and semi-rural zones, outside the urban containments boundary, where two dwelling units, either a secondary suite or an accessory dwelling unit, must be permitted.

### *Zoning Bylaw Changes*

The points below list the changes and provide a short summary followed with the rationale and background for each change. Some of these are quite minor and proposed to align with the terminology in the Act and for consistency through the Bylaw. A draft of the proposed bylaw is attached as Appendix 1 for reference.

1. **Accessory Dwelling Unit (ADU) definition** will replace the current “detached suite” definition and will remove the limit to dwelling unit gross floor area. It also clarifies and continues to spell

out what is not a dwelling unit; for example a mobile home or recreational vehicle are not permitted ADUs.

*The change is to apply consistent terminology used in both legislation and the Policy. The proposed term covers the full range of building type (i.e. carriage house, garden suite, laneway home, etc.). The area restriction is proposed to be eliminated – but even if it was to be maintained (or some revised limit is added), this should be set out in a bylaw body and not in the definitions section.*

2. **Duplex definition** revised to clarify it may or may not be subdivided by strata or fee simple.

*The proposed change clarifies that a duplex can have various forms of ownership while secondary suites and ADUs cannot and do not invite subdivision - their purpose is to create rental housing.*

3. **Dwelling Unit** definition is updated to read that it must have (not “usually” have) a kitchen, bathroom, etc.

*This is a minor wording change to align with the Policy and for concordance with other definitions.*

4. **Secondary Suite definition** is replaced/updated to accord with the Policy and remove both the 90m<sup>2</sup> area limit and the cap of 40% of dwelling floor space.

*The proposed change will remove regulatory provisions from the definition. Should Council wish to re-introduce a size limit to secondary suites, this will be in the general regulation or under the given zone in the body of the bylaw. The definition continues to stipulate that it is the same real estate entity as the principal dwelling and so cannot be subdivided.*

5. **Short-Term Rental definition** is added to ensure clarity for potential future enforcement as the use of ADUs and secondary suites is to secure long term rental housing and not compete with motels.

*This term is not currently used in the Bylaw but is proposed to be added for certainty as a prohibition for ADU and secondary suite use. It should be defined to mean rental for less than 30 days.*

6. **Suite definition** is proposed to be deleted.

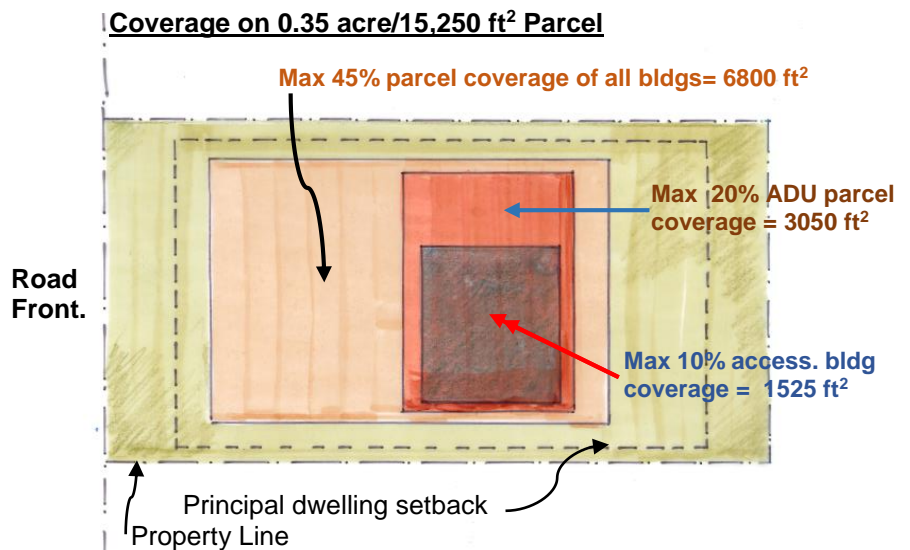
*The current definition is the common or dictionary definition and so is unnecessary. Also, it may result in confusion with “secondary suite” which is necessary to limit and define in the Bylaw.*

7. **Building parcel coverage** is proposed to be progressively delineated by the building use. The total of all buildings (incl. principal dwelling) remains capped at 45%, whereby of this 45% up to 20% can be accessory dwellings and up to 10% can be all other permitted accessory dwellings.

*The current limit of 45% is proposed to remain as it is in the middle of the 40% to 50%, depending on the given total parcel area, suggested in Policy. What is added is the cap of 20% for ADUs.*

*If we are to eliminate the 90m<sup>2</sup> cap of unit size, this is a critical control for regulating parcel build-out. It may prompt developers to create suites in the principal dwelling or additions to the dwelling rather than detach the new construction.*

*It may also encourage developers to go to 2 storeys rather than cover their yards horizontally with buildings. In cases where an ADU is combined with an accessory building (e.g. above a garage) this would be calculated to comprise a part of the 20%, to the benefit of the applicant. Please refer to the explanatory diagram above.*



**8. Accessory Dwelling Unit (ADU) general regulations in section 4.2 that apply to all case of SSMUH infill are proposed to be renamed and updated as follows:**

- .1 No accessory building or structure shall be used as a dwelling unit except for an approved ADU.
- .2 An ADU entrance shall be accessible via an unobstructed minimum 1.2 metre wide and 2.1 metre high illuminated, constructed pedestrian walkway from the public road and from the off-street parking space(s).
- .3 An ADU address shall be identified and visible from the public road frontage.
- .4 An ADU shall be oriented and appropriately screened with landscaping or solid fencing to provide privacy in relation to neighbouring properties.
- .5 An ADU shall be appropriately serviced.
- .6 No detached ADU shall be used for short term rental or bed and breakfast operation.
- .7 Subdivision and strata subdivision of an ADU is prohibited.



*Aside from some minor terminology updates, the two main changes to the preceding are 1) removal of the 90m<sup>2</sup> size limit for ADUs and 2) the dimensioned parameters for unit access, identification, and visibility. The latter is critical for both guests (e.g. parcel*

delivery contractors) and emergency service attendants to quickly, confidently and safely way-find themselves to the correct front door.

With regard to 8.7, staff note that the prohibition on the subdivision or strata subdivision of ADUs is in place until the Subdivision and Development Servicing Bylaw amendments are adopted. Until then, units will be constructed under a single title (rental) and may undergo the strata conversion process at a later date.

9. **Water permeable surfaces** such as grass, gravel, gardens must comprise at least 40% of lot area in the R-10 zone. To support this new provision, the following definition and general provision are proposed to be added to the Bylaw front end:

**PERMEABLE SURFACE** means a porous material that enables stormwater to be absorbed and percolated into subsurface soils such that it will not run-off, collect, or pool in the course of normal storm events.

For the purposes of this Bylaw and the calculation of minimum *permeable surface* lot coverage, measured horizontally, the following surfaces or finishes are not *permeable surfaces*:

- .1 buildings and roofed structures, with the exception of those with green roofs that reduce storm water discharge by more than 25% (by both rate and quantity);
- .2 asphalt, concrete, grouted pavers, and similar hard surfacing;
- .3 non-permeable artificial turf;
- .4 tongue in groove and vinyl or fibreglass decking;

And for clarity, structures designed to retain water such as swimming pools, reflecting pools and ornamental ponds, shall be considered permeable.

*Aside from the required density change, regulating the hard surfacing of parcels is arguably the most significant proposed change in the Bylaw. The rationale is that the proposed changes in density will result, in some cases, in significant build-out on a property. Zoning Bylaw 2303 does not currently regulate this attribute of development; however, limiting parcel hard-surfacing is commonplace in urban municipal zoning bylaws.*

*The municipal storm water system, aquifer recharge, as well as aesthetic character of our residential neighbourhoods will all be better served by adding a regulation to keep a meaningful portion of a property green instead of hard-surfaced. This will encourage developers to be more creative and rigorous in their site planning. Where a developer wishes to exceed the 40%, a variance shall be required forcing a fulsome analysis of the development and its stormwater management, topography, catch basins and the capacity of the City stormwater system. A Council Policy to support and guide this will be forthcoming in a report next month.*

*Acknowledging that “improvements” such as paving of a gravel driveway or adding small out-buildings does not trigger any development application, staff propose to educate the public regarding the changes. Bylaw enforcement of these specific regulations would be on a case by case basis. However, after adoption of the bylaw amendments all Building Permits for residential development must provide permeable surface calculations to ensure compliance with the regulations.*

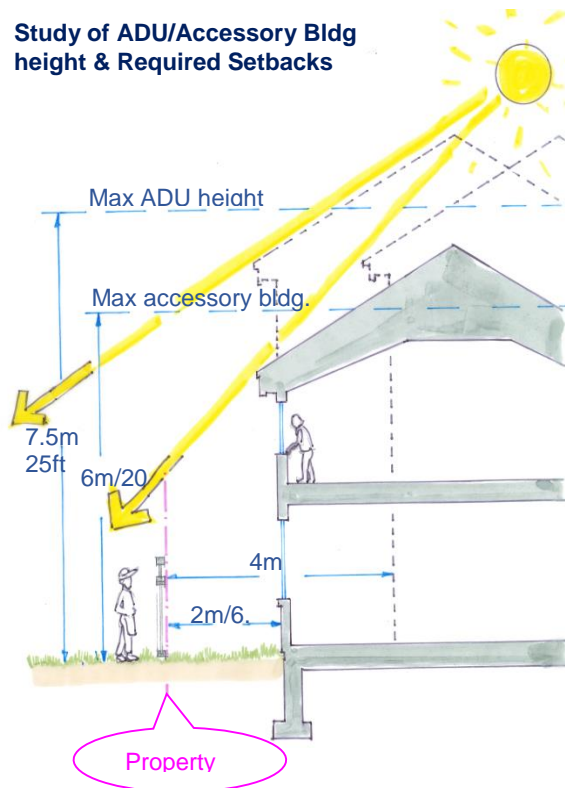
10. **Building Setbacks for Accessory Dwelling Units** are increased but only where higher building heights are proposed.

*The increase in density means that there will be cases where a property in an established, treed, large lot neighbourhood is transformed.*

*A change to setbacks is recommended to give some relief in cases where larger, higher accessory dwelling units (one, two, or three be they attached or detached) are proposed to be added to yards. As illustrated in the adjacent sketch, it will afford some measure of protection of sun and privacy to adjoining properties. The current ADU setback of 3m to the rear lot line and 2m to an interior side are not proposed to change in the case of buildings that are up to 6 metres high.*

*The existing Bylaw setbacks for the principal building/dwelling and for accessory buildings are not proposed to change. Note that an accessory building can also be up to 6m high and at a setback of only 1m to the rear and 1m to an interior lot line and can present a large building mass; however, these are limited to 10% of parcel coverage and typically do not include a lot of windows. Accessory buildings do not present as a wall of development to the neighbour.*

**Study of ADU/Accessory Bldg height & Required Setbacks**



11. **Parking space** requirements are proposed to decrease from 2 to 1 per single family dwelling or duplex and from 1.5 or 1.25 to 1 per unit in multi-family zones. Secondary Suites and detached dwelling will remain at 1 per unit. Note that these are minimum parking requirements and developers / builders can exceed them if they wish.

*The Policy recommends to eliminate minimum parking requirements altogether and enable owners and developers to determine if and how many spaces they wish to develop on a given property. Given that limited transit options and snow removal challenges need to be considered, the Bylaw requirements are recommended to reduce but not be eliminated outright.*

### **Relevant Policy(ies):**

In draft form Development Permit Area Guidelines to be added into the Official Community Plan and a Development Procedures Bylaw with accompanying Council Policies have been brought forward for Council consideration.

Prior to the June 30, 2024 deadline zoning and other bylaws will be brought forward for Council's consideration that would be utilized by Council, staff and the public to review and approve Small Scale Multi Unit Housing (SSMUH).

### **Referral Comments:**

In the drafting of the various bylaws related to SSMUH, planning staff consulted with staff.

Fire Department

N/A

Building Department

N/A

Engineering Department

N/A

Other

N/A

Planning Department

As previously directed by Council, the changes are being implemented progressively with several zoning bylaws, each progressing to second reading. Since the R-10 is the first “new” zone and it will apply to the majority of residential land within the urban containment boundary, this report is fulsome and detailed. The subsequent zoning bylaws will be shorter and will build upon these changes.

Advancing the proposed Bylaw to Council for first and second reading will place it on the agenda and start the process to meet the June deadline.

In closing, staff acknowledge that the changes to density are substantial. How they will play out in new development and how many homeowners or developers of vacant lands will opt to develop to these densities is unknown. As development proceeds after all the SSMUH bylaws are adopted staff may need to initiate ‘house keeping’ amendments to the bylaws in the first year in which the bylaws take effect.

**Financial Considerations:**

N/A

**Committee Recommendations:**

N/A

**Public Consultation:**

The *Local Government Act* prohibits Council from holding a Public Hearing for bylaw amendments that are for the sole purpose of implementing bylaw amendments related to SSMUH. Notice will be given in two consecutive editions of the newspaper in advance of Council considering first reading of the proposed bylaw. It is expected that first reading will be considered at the April 22, 2024 Regular Council meeting.

**Alternatives & Implications:** (alternatives written in motion form)

N/A

Prepared by: Planning Analyst & Manager of Planning and Building

Reviewed by: Director of Planning & Community Services

Approved by: Chief Administrative Officer

**Attachments:**

- Appendix 1 – Draft Bylaw No. XXXX



# CITY OF SALMON ARM

## BYLAW NO. XXXX

### A bylaw to amend “District of Salmon Arm Zoning Bylaw No. 2303”

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WHEREAS pursuant to the December of 2023 amendments of the Local Government Act [RSBC 2015] Chapter 1, Council of the City of Salmon Arm is legislated to require enabling of small-scale multi-unit housing across serviced, primarily single family residential zoned lands within the Urban Containment Boundary;

AND WHEREAS as required by the Province of British Columbia no Public Hearing was held;

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

1. “District of Salmon Arm Zoning Bylaw No. 2303” is hereby amended as follows:
  - a) by deleting the definition of “detached suite” in Section 2 and adding the following in alphabetic order:

*ACCESSORY DWELLING UNIT* means a *dwelling unit* constructed in accordance with the BC Building Code that is contained within an accessory *building* or a part of a *building*, that is accessory to a *principal use dwelling*, and shall not include a *mobile home*, *manufactured home*, travel trailer, recreational vehicle, or a storage container;
  - b) by replacing the definition of “duplex” in Section 2 with the following:

*DUPLEX* means any *building* divided into two *dwelling units* sharing at least one heated wall or floor, whether strata titled or one real estate entity;
  - c) by replacing the definition of “detached suite” in Section 2 with the following:

*SECONDARY SUITE* means a self-contained *dwelling unit* within but accessory to a *principal use single family dwelling* or *duplex* sharing at least one heated wall or floor; comprising of one real estate entity with shared utility services; having a separate entrance to the exterior or a shared space; and having an Occupancy Certificate attesting compliance to the BC Building Code.
  - d) by replacing the definition of “dwelling unit” in Section 2 with the following:

*DWELLING UNIT* means accommodation in a *building* providing interconnected spaces that include bedroom(s), bathroom(s), and one kitchen all intended for the permanent or long term domestic residential use of one *family*.



- e) by adding the following to Section 2 in alphabetic order:
- *PERMEABLE SURFACE* means a porous material that enables stormwater to be absorbed and percolated into subsurface soils, such that it will not run-off, collect, or pool in the course of normal storm events.

- f) by deleting the definition of "suite;"

- g) by adding the following to Section 2 in alphabetic order:

*SHORT TERM RENTAL* means the rental of any *dwelling unit* or part thereof for periods of 29 days or less.

- h) by replacing all references to "detached suite" with "accessory dwelling unit;"

- i) by replacing Section 4.2 *Accessory Dwelling Unit* with the following:

#### **Accessory Dwelling Unit**

##### **4.2**

- .1 No accessory *building* or *structure* shall be used as a *dwelling unit* except for an approved *Accessory Dwelling Unit*.
- .3 An *Accessory Dwelling Unit* entrance shall be accessible via an unobstructed minimum 1.2 metre wide (4 feet) and 2.1 metre (7 feet) high illuminated, constructed pedestrian walkway from the public road and from the off-street parking space(s).
- .4 An *Accessory Dwelling Unit* address shall be identified and visible from the public road frontage.
- .4 An *Accessory Dwelling Unit* shall be oriented and appropriately screened with landscaping or solid fencing to provide privacy in relation to neighbouring properties.
- .5 An *Accessory Dwelling Unit* shall be appropriately serviced.
- .6 No *Accessory Dwelling Unit* shall be used for *short term rental* or *bed and breakfast*.
- .7 Subdivision and strata subdivision of an *Accessory Dwelling Unit* is prohibited.

- j) by adding the following as Section 4.14

#### **Permeable Lot Coverage**

- 4.14 For the purposes of this Bylaw and the calculation of minimum permeable lot coverage, measured horizontally, the following surfaces or finishes are not permeable:

- .1 buildings and roofed structures, with the exception of those with green roofs that reduce storm water discharge by more than 25% (by both rate and quantity);
- .2 asphalt, concrete, grouted pavers, and similar hard surfacing;
- .3 non-permeable artificial turf;
- .4 tongue in groove and vinyl or fibreglass decking;

And for clarity, structures designed to retain water such as swimming pools, reflecting pools and ornamental ponds, shall be considered permeable.

- k) by revising Section 5.1 to remove references to R1, R2 and R8 zones from Columns I and II;
- l) by adding to Section 5.1 R-10, under Column I, and Residential Zone, under Column II;
- m) by replacing Sections 6, 7 and 13 with Schedule "A," the R-10 - Residential Zone, attached hereto and forming a part of this Bylaw;
- n) revising Bylaw 2303 Scheduled Zoning Maps for all R-1, R-2 and R-8 Zone lands to become R-10 Zone;
- o) by revising the requirements for all forms of residential development stipulated on Column II of "Table A1-1 Required Off-street Parking Spaces" to 1 per dwelling unit.

## 2. SEVERABILITY

If any part, section, sub-section, clause of this bylaw for any reason is held to be invalid by the decisions of a Court of competent jurisdiction, the invalid portion shall be severed and the decisions that it is invalid shall not affect the validity of the remaining portions of this bylaw.

## 3. ENACTMENT

Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto as amended, revised, consolidated or replaced from time to time.

## 4. EFFECTIVE DATE

This bylaw shall come into full force and effect upon adoption of same.

## 5. CITATION

This bylaw may be cited as "**City of Salmon Arm Zoning Amendment Bylaw No. ????"**

READ A FIRST TIME THIS	DAY OF	2024
READ A SECOND TIME THIS	DAY OF	2024
READ A THIRD TIME THIS	DAY OF	2024

ADOPTED BY COUNCIL THIS

DAY OF

2024

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MAYOR

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CORPORATE OFFICER

**SECTION 6 – R-10 - RESIDENTIAL ZONE****Purpose**

- 6.1 The purpose of the R-10 Zone is to permit ground-oriented small scale residential use comprising of *single family dwellings* and *duplexes*, either with or without *secondary suites*, and detached *accessory dwelling units*, developed up to a maximum density that is based upon *parcel* area.

**Regulations**

- 6.2 On a *parcel* zoned R-10, 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-10 Zone or those regulations contained elsewhere in this Bylaw.

**Permitted Uses**

- 6.3 The following uses and no others are permitted in the R-10 Zone:
- .1 *single family dwelling with or without secondary suite(s)*;
  - .2 *duplex with or without secondary suite(s)*;
  - .3 *accessory dwelling unit(s)* in compliance with s. 4.2 of this Bylaw;
  - .4 *accessory use*;
  - .5 *bed and breakfast* limited to two let rooms within a *principal single family dwelling only*;
  - .6 *boarders*, limited to a maximum of two;
  - .7 *family childcare facility* within a *principal single family dwelling only*;
  - .8 *group childcare* within a *principal single family dwelling only*;
  - .9 *home occupation*;

**Maximum Number of Buildings and Dwellings Units**

- 6.4 No more than two *dwelling units* are permitted on a *parcel* of area 4050 square metres (1 acre) or more, where the largest *building* is deemed the *principal building*; and
- No more than three *dwelling units* are permitted per *parcel* of area less than 280 square metres (3014 square feet), where the largest *building* is deemed the *principal building*; and
- No more than four *dwelling units* are permitted per *parcel* of area between 280 and 4050 square metres (3014 square feet and 1 acre), where the largest *building* is deemed the *principal building*.

**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 Buildings**

- 6.6
- .1 The maximum *height* of an *accessory building* shall be 6.0 metres (19.7 feet).
  - .2 Subject to increased setbacks, the maximum *height* of an *accessory building* containing one or more *accessory dwelling units* shall be 7.5 metres (24.6 feet).

**Maximum Building Parcel Coverage**

- 6.7 The total maximum *parcel coverage* for all *buildings* shall be 45% of *parcel area*; whereby, within this cap, up to 20% of *parcel area* may comprise *accessory buildings* containing one or more *accessory dwelling units*; and up to 10% may comprise any and all other *accessory buildings*.

**Permeable Surface Parcel Coverage**

6.8 Water permeable surfaces, as regulated in Section 4 of this Bylaw, shall cover at minimum 40% of the *parcel area*.

**Minimum Parcel Area**

6.9 The minimum *parcel area* for the purposes of subdivision shall be 450 square metres (4,843.9 square feet).

**Minimum Parcel Width**

6.10 The minimum *parcel width* shall be 14 metres (45.9 feet).

**Minimum Setback of Principal Building**

6.11 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 the preceding 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

**Minimum Setback of any Accessory Dwelling Unit**

6.12 The minimum *setback* of any building with one or more *accessory dwelling unit(s)* from the:

- .1 *Front parcel line* shall be 6.0 metres (19.7 feet)
- .2 *Rear parcel line* shall be 3.0 metres (9.8 feet) where 6.0 metres or less in *height*
- .3 *Rear parcel line* shall be 6.0 metres (9.8 feet) where 6.0 to 7.5 metres in *height*
- .4 *Interior side parcel line* shall be 2.0 metres (6.5 feet) where 6.0 metres or less in *height*
- .5 *Interior side parcel line* shall be 4.0 metres (6.5 feet) where 6.0 to 7.5 metres in *height*
- .6 *Exterior side parcel line* shall be 6.0 metres (19.7 feet)
- .7 *Parcel line* adjacent to a lane 1.2 metres (3.9 feet)

6.13 The minimum separation between buildings with dwelling units upon a parcel shall be 3.0 metres (9.8 feet).

**Minimum Setback of Accessory Buildings**

6.14 The minimum *setback* of accessory *buildings* from the:

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

**Parking**

6.15 Required off-street parking shall be as prescribed in Appendix I.

March 19, 2024

ALC File: 70256

Michael McCurrach  
Chernowski Marsden LLP.

**DELIVERED ELECTRONICALLY**

Dear Michael McCurrach:

**Re: Reasons for Decision - ALC Application 70256**

Please find attached the Reasons for Decision for the above noted application (Resolution #144/2024). As agent, it is your responsibility to notify the applicant accordingly.

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


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

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

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

Please refer to the ALC's [Information Bulletin 08 – Request for Reconsideration](#) for more information. Please direct further correspondence with respect to this application to [ALC.Okanagan@gov.bc.ca](mailto:ALC.Okanagan@gov.bc.ca)

Yours truly,

A handwritten signature in black ink, appearing to read "Martin Collins". The signature is written in a cursive, flowing style.

Martin Collins, Land Use Planner

Enclosures:        Reasons for Decision (Resolution #144/2024)  
                          Schedule A: Decision Map

cc: City of Salmon Arm

70256d1



**AGRICULTURAL LAND COMMISSION FILE 70256**  
**REASONS FOR DECISION OF THE CHIEF EXECUTIVE OFFICER**

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

**Applicants:** Jody and Susan Dobie

**Agent:** Michael McCurrach

**Property:** **Parcel Identifier:** 003-128-491

**Legal Description:** Lot 2, Section 17 Township  
20 Range 10 W6M KDYD, Plan 33563

**Parcel Area:** 4.16 ha

**Name:** Jody and Susan Dobie

**Chief Executive Officer:** Kim Grout  
(the "CEO")



**OVERVIEW**

- [1] The Property is located partially within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA).
- [2] Pursuant to s. 21(2) of the ALCA, the Applicant is applying to the Agricultural Land Commission (the “Commission”) to subdivide 0.012 ha for road widening in the ALR at the corner of 8<sup>th</sup> Ave N.W. and 60<sup>th</sup> St N.W. to accommodate a subdivision outside the ALR (the “Proposal”).
- [3] The ALCA indicates that a person must not subdivide agricultural land unless permitted by the Commission after an application, or permitted under section 3 of the ALR General Regulation. Likewise, unless the subdivision of agricultural land is permitted under the ALCA (i.e. by application to the Commission under section 25 or as permitted by section 3 of the ALR General Regulation), a Registrar of Titles must not, under the Land Title Act or the Strata Property Act, do either of the following things if it would cause the subdivision of agricultural land: (a) accept an application for the deposit of a plan; (b) permit a new parcel of land to be created by a metes and bounds description or an abbreviated description. As set out in section 19 of the ALCA, a plan means: (a) a subdivision plan, reference plan, explanatory plan or other plan showing subdivision of land; (b) a statutory right of way plan allowed under section 114 of the Land Title Act.
- [4] The Proposal along with related documentation from the Applicants, Agent, and Commission, is collectively referred to as the “Application”. All documentation in the Application was available on the ALC Application Portal to the Agent in advance of this decision.

[5] Under Section 27 of the ALCA the Commission, by resolution, may establish criteria under which the CEO may approve applications for exclusion, subdivision, non-farm use, non-adhering residential use, and soil or fill use applications. By resolution, the Commission as specified that the following applications may be decided by the CEO:

14. Subdivision, non-farm use, non-adhering residential use and soil or fill use that are not consistent with any of the existing approved criteria (Criteria 1 – 13) but nonetheless are minor in nature and in the opinion of the CEO, the interests of the Commission would be unaffected by an approval of the application. In the case of exclusion applications, the CEO may only consider applications submitted to the local government before midnight on September 29, 2020.

[6] 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.

## **BACKGROUND**

- [7] The subdivision proposal originally was not thought to affect the ALR, as the subdivision of a new lot lay outside the ALR. Approximately 0.3 ha of the ~4 ha property lies in the ALR at the southeastern corner. However, a minor right of way widening of 8<sup>th</sup> Ave N.W. was prompted by the subdivision.
- [8] The soil capability rating for the 0.012 ha affected area is: 7:6TP 3:5TW indicating that the area is comprised of secondary soils.
- [9] 8 Avenue NW, on the subject property's southern boundary, is designated as a Rural Local Road standard, requiring 20 meter road dedication (10.0m on either side of road centerline). Approximately 4 meters of additional dedication width is required for a distance of ~ 30 meters.

## **FINDINGS**

- [10] The Commission finds that the dedication/subdivision of 0.012 ha of ALR for minor road widening/corner cut has no substantive effects on the ALR, and will allow the City to ensure that the road is maintained to a reasonable rural standard.

**DECISION**

- [11] After reviewing the Application, I am satisfied that the Proposal is consistent with Criterion #14 and approve the Proposal subject to the submission of a subdivision plan to the Commission, within five years of the date of this release of this decision, that is consistent with Schedule A of this decision.
- [12] When the Commission confirms that all conditions have been met, it will authorize the Registrar of Titles to accept registration of the surveyed subdivision plan.
- [13] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.
- [14] A decision of the CEO is a decision of the Commission pursuant to s. 27(5) of the *ALCA*.
- [15] Resolution #144/2024  
Released on March 19, 2024

A handwritten signature in black ink, appearing to read "Kim Grout", is written over a horizontal line.

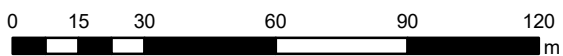
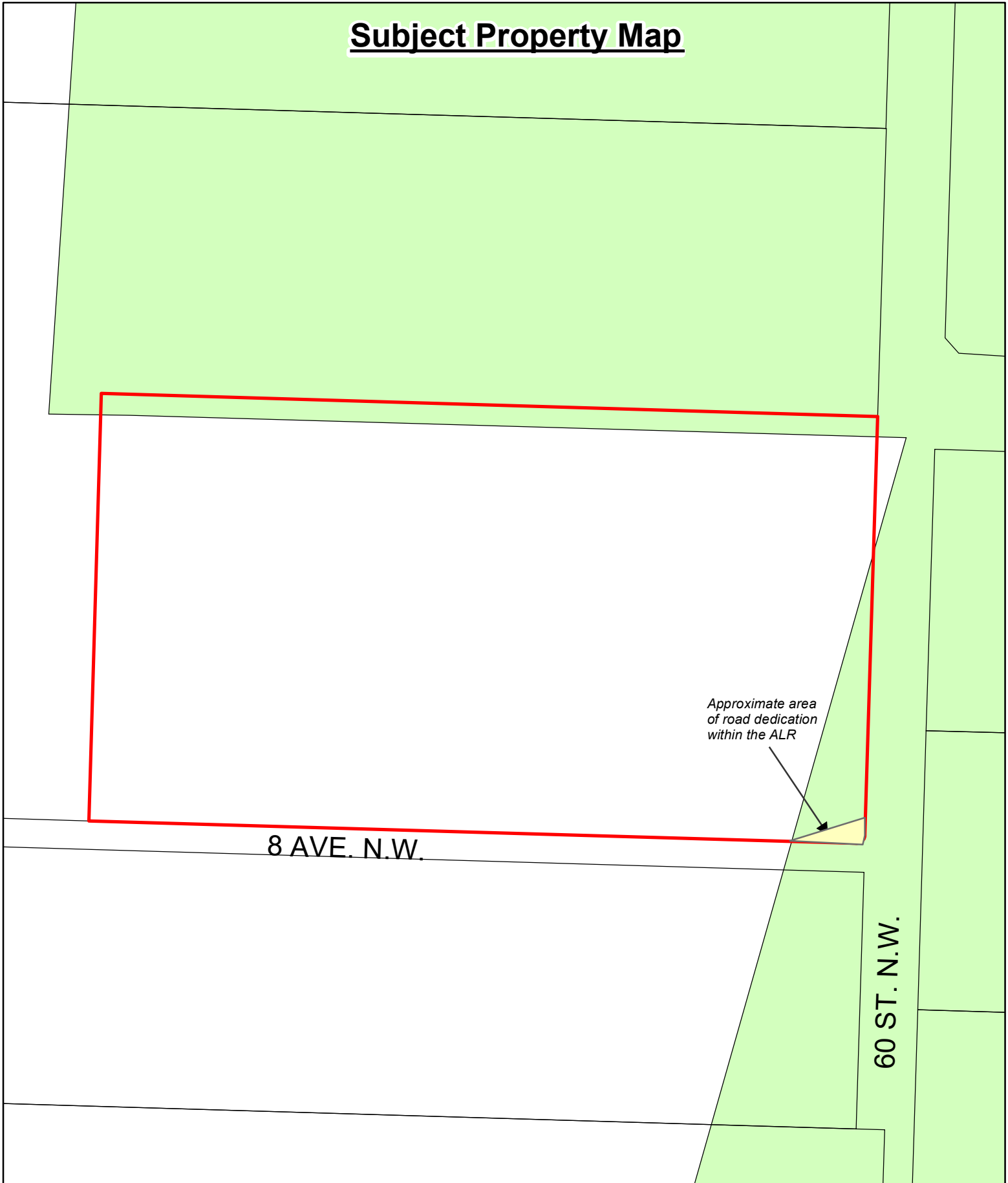
Kim Grout, Chief Executive Officer






Approved Subdivision Proposal – in yellow



# Subject Property Map



-  Subject Property
-  Parcels
-  ALR