A. APPROVAL OF AGENDA

   (Opportunity for Introduction of Late Items)

   **RECOMMENDATION 1**
   That the Agenda of the December 14, 2015 Advisory Planning Commission Electoral Area “F” meeting be approved as presented.

B. ADOPTION OF MINUTES


   **RECOMMENDATION 2**
   That the minutes of the October 19, 2015 Advisory Planning Commission Electoral Area “F” meeting be adopted as circulated.

C. DELEGATIONS

D. UNFINISHED BUSINESS

E. NEW BUSINESS

1. Development Permit with Variances Application

F. BUSINESS ARISING FROM DELEGATIONS

G. REPORTS

H. ADJOURNMENT
MINUTES of a REGULAR meeting of the ELECTORAL AREA ‘F’ ADVISORY PLANNING COMMISSION of the REGIONAL DISTRICT OF NORTH OKANAGAN held at the Enderby Fire Hall on Monday October 19, 2015.

Members: Keith Gray  
Bob Honeyman  
Tilman Ernest Nahm  
Robert Whitley

Other: Denis Delisle, Electoral Area “F” Alt. Director

Guests: Kevin Stefanyk  
Sean Poggemoeller

CALL MEETING TO ORDER

The Chair called the meeting to order at 7:00p.m.

APPROVAL OF AGENDA

Moved and seconded by Bob Honeyman and Tilman Nahm  
That the Agenda of the October 19, 2015 Advisory Planning Commission Electoral Area “F” meeting be approved as presented, no late items.

CARRIED

ADOPTION OF MINUTES

Moved and seconded by Tilman Nahm and Bob Honeyman  
That the minutes of the June 15, 2015 regular meeting of the Advisory Planning Commission Electoral Area “F” be adopted as circulated.

Error: Robert Whitley’s name had been misspelt.

CARRIED

NEW BUSINESS

Development Variance Permit Application  
STEFANYK, K. [15-0355-F-DVP]

• Kevin Stefanyk said they want the variances so they don’t waste the land in case they ever need to build another barn in the future. They will plant the trees to avoid the noise and dirt from the adjoining properties.
• Bob Honeyman has no issues with this application as it makes no sense to waste the land with a barn being 100 feet away from a boundary, as long as they have the trees for noise and dust.
• Robert Whitley asked if they would have a compost incinerator and was informed by Kevin Stefanyk that they would have instead a screed in shed for the compost and most of it would be removed in a very short time. He too had no issues with this application.
• Keith Gray has no issues with this application.
• Tilman Nahm enquired about the fan noise and Kevin Stefanyk reported the fans are way quieter than the old ones; Tilman Nahm also has no issues with this application.
• Denis Delisle asked how did the neighbours feel about this application and was told by Kevin Stefanyk they had one neighbour who was concerned about the noise, smell and disease but the fans are very quiet, the compost does not stay very long and the chickens will be there for a very short time frame.

Moved and seconded by Bob Honeyman and Robert Whitley
That they accept the Planning Department Recommendation “That upon consideration of input from adjacent landowners, a Development Variance Permit be issued for the property legally described as Lot B, DL 526, KDYD, Plan KAP60768 and located at 51 Foxwood Road, Electoral Area “F” to allow a variance to Table 1 of Division 1601 of the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 by reducing the front and side yard setbacks of a poultry barn from 30 m to 15 m and 9.14 m as shown on the plans attached to the Planning Department report dated October 2, 2015 subject to the following:
1. the existing stand of coniferous trees along the south and west property lines must be retained as shown on the plans attached to the Planning Department report dated October 2, 2015;
2. a solid double row of mixed coniferous plantings with foliage from base to crown and a finished height of at least 6 meters be planted along the west property line as shown on the plans attached to the Planning Department report dated October 2, 2015;
3. Fan hoods be used on the west side of the barn to vent exhaust towards the ground.”

CARRIED

Development Permit with Variances Application
POGGEMOELLER, S. [15-0235-F-DP / 15-0236-F-DVP]

• Bob Honeyman enquired about the designated loading/unloading areas. Mr. Poggemoeller said they load/unload in several areas and having designated spots does not work in a sawmill. We load and unload the trucks as close as we can to where they are going. They have about 15 logging trucks, 5 super B lumber trucks, 4-5 hog trucks and 2 chip trucks a day and it makes no sense to travel with a loaded wheel loader from a designated loading/unloading area all through the sawmill with all of their different product. When Bob enquired about the RDNO's need for 120 parking spots, Sean Poggemoeller said they have approximately 70 parking spots now. He has acquired a lease from CP and he could potentially park cars there if there is ever a need. He said the formula to figure out how many parking spots you need is based on the square footage of the buildings and NET does not have that many employees. There is about 90 and quite a few of them car pool from Vernon. Bob then asked about the screening and he was told that it is all about safety. The buffer between the ALR land and NET is something the neighbour Forster does not want. He said the trees will grow too big and create a lot of shade on that field, as it is on the south side of that field. It could impact 20 feet of his field.
• Tilman Nahm wanted to know why they are not putting in a left turn lane and Sean informed him that it is illegal for NET to put one in, you are only allowed a left turn onto a municipal road.

Moved and seconded by Bob Honeyman and Robert Whitley
That they do not support the Planning Department not to issue a Development Permit with Variances for the properties legally described as Lot 1, Sec 2, Twp 19, R9, W6M, KDYD, Plan 4734 AND Lot 2, Sec 2, Twp 19, R9, W6M, KDYD, Plan 1548 AND That Part NW 1/4, Sec 2, Lying W of the Spallumcheen River, Twp 19, R9, W6M, KDYD, Except: Plan R170 and Parcel A (DD134553F) and located at 6253, 6261 AND 6314 Highway 97A, Electoral Area “F” to allow variances to the following Sections of the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003. We support the variances they approve and recommend the following:
1. The APC recommends the screening of evergreen trees on the west boundary, screening also is to be on the north boundary subject to his neighbour Dan Forster’s approval and that the screening be excluded on the south boundary known as lot 1, Plan 4734.

2. The APC also recommend that there is enough designated parking to accommodate the staff for one shift.

3. The APC supports the Applicant request for a variance in not having defined loading areas. We see no practical way of implementing the defined loading and or unloading areas.

CARRIED

Moved and seconded by Bob Honeyman and Tilman Nahm
That the Regional District of North Okanagan approach the Highways Department and request that they reduce the speed limit from 100 km to 90 km from the City of Enderby to the intersection at Highway 97A and Highway 97 B.

CARRIED

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:00 p.m.

Certified Correct:

[Signatures]

Chair

Recording Secretary
December 8, 2015

[X] Director Halvorson
[X] Advisory Planning Commission, Area "F"

Re: Development Permit with Variance application for the property legally described as Lot A, Sec 23, Twp 18, R8, W6M, KDYD, Plan 18399 and located at 3772 Trinity Valley Road, Electoral Area “F” (Furlong)

We enclose a copy of the above application for review and comments from the Advisory Planning Commission. The Commission is requested to review the application at their earliest convenience and advise Marnie Skobalski at this office of any concerns they may have with respect to the proposed development. Also enclosed is the Information Report, which contains the Planning Department recommendation concerning the application.

The application will be considered by the Board of Directors at their meeting to be held on Wednesday, January 20, 2016 at 4:00 p.m.

Sincerely,

Ashley Bevan
Executive Assistant

/ab
Enclosures
Regional District of North Okanagan
9848 Aberdeen Road
Coldstream, BC V1B 2K9
Tel: (250) 550-3700 / Fax: (250) 550-3701 / info@rdno.ca

APPLICATION FOR PERMIT

FOR OFFICE USE ONLY:

APPLICATION FEE OF $ 100 RECEIVED BY:

RECEIPT NO.:

DATE:

PRELIMINARY REVIEW BY:

I/We hereby make application under the provisions of Part 26 of the Local Government Act for:

a: (check where applicable)

- Development Variance Permit
- Development Permit – circle one or more of the following:
  - Form & Character; Wildfire, Floodplain or Protection of the Natural Environment
  - Temporary Commercial and Industrial Permit
  - Temporary Use Permit
  - Development Permit Minor Amendment

To permit the proposed development as described in the attached form upon (legal description of property):

LOT A - SEC 23 - TP 18 - RS

wem, koyo, plaw 18399

and located at (street address or general location):

3772 - TRINITY VALLEY RD.

BC

September 17, 2015

Date

Applicant’s Signature

THIS APPLICATION IS MADE WITH MY FULL KNOWLEDGE AND CONSENT:

Sept 22, 2015

Date

Registered Owner’s Signature

Date

Registered Owner’s Signature

Where the applicant is NOT the REGISTERED OWNER(S), the Application must be signed by the REGISTERED OWNER(S), or his AUTHORIZED AGENT

(use a separate sheet if necessary)
PERMIT INFORMATION FORM

THE INFORMATION REQUESTED IN THIS FORM IS REQUIRED TO EXPEDITE THE APPLICATION AND ASSIST THE STAFF IN PREPARING A RECOMMENDATION.

The form is to be completed in full and submitted with all requested information, Permit Application, Application Fee, and Title Search or Certificate of Indefeasible Title for the subject property.

1. Applicant and Registered Owner(s)

Applicant's Name(s): Robert & Linda Furlong

Address: 3772 TRINITY VALLEY ROAD

Enderby B.C. Postal Code: V0E 1V5

Phone No. (home): 250 838 2700 Phone No. (work): 250 833 6791

Fax No.: Email: linda4furlong@shaw.ca

Registered Owner's Name(s): Same as above.

Address:

Postal Code:

Phone No. (home):

Phone No. (work):

Fax No.: Email:

A copy of a Title Search, or a copy of a Certificate of Indefeasible Title, dated no more than thirty (30) days prior to submission of the application, must accompany the application as a proof of ownership.

Agent Authorization (if applicable) must accompany this application form.

2. Subject Property and Development

a. Size of property (area, number of parcels):

b. Present Zoning:

   0

   6

   2

c. Description of Existing Use/Development (use a separate sheet if necessary):

   Family Residential
d. Full Description of the Proposed Use/Development (use separate sheet if necessary):

- Foundation setback of 0.67 meter from 1.5 meter on south west corner of existing dwelling.
- Porch on north side of house if setback change is required.
- Setback change on east side of dwelling from 2.72 meters to 2 meters.
- Residential - Rebuild existing footprint on south east bedroom - Garage on east side.

e. Proposed Variation and/or Supplementation to Existing Regulations (use separate sheet if necessary)

- Setback variance as outlined in (d).

1. Proposed uses master bedroom (same as existing footprint).
2. Porch on north side of house.

3. Reasons in Support of Application

Reasons and comments in support of the application (use separate sheet if necessary):

- C.E.P. suggested to get setback change on east side of house because part of where we wanted to build is in 3.0 meter paparian setback. The 0.67 meter setback is already existing.

September 17, 2015

Date

Applicant's Signature
4. **Required documents to accompany application form**

At the time of providing Application and Information Form to the applicant, the Regional District of North Okanagan Development Services Department shall indicate which of the following attachments are required or not required for this application. The Development Services Department may also require additional information.

a. A copy of a Title Search, or a copy of a Certificate of Indefeasible Title, dated no more than thirty (30) days prior to submission of the application.

   REQUIRED: Yes ☑

b. A dimensioned Sketch Plan showing the parcel(s) or part of the parcel(s) to be developed and the location of existing buildings, structures, and uses.

   REQUIRED: Yes ☐ No ☐

c. A dimensioned Site Development Plan showing the proposed use, buildings and structures, highway access, parking, etc.

   REQUIRED: Yes ☐ No ☐

d. A Contour Map (Plan), if warranted by the topographic condition of the subject site.

   REQUIRED: Yes ☐ No ☐

e. A dimensioned Sketch Plan of the proposed subdivision, where subdivision (small or large) is contemplated.

   REQUIRED: Yes ☐ No ☐

**FOR OFFICE USE ONLY:**

a. Water course/body within 30 metres:

   Yes ☐ No ☐

b. Within the Agricultural Land Reserve:

   Yes ☐ No ☐

c. Affected by Controlled Access Highway:

   Yes ☐ No ☐

d. Major Grid Road other than Controlled Access Highway:

   Yes ☐ No ☐

e. Consent of Ministry of Transportation Required* for Development Permit:

   Yes ☐ No ☐

   *Yes, if proposed building is larger than 4,500 m²
f. Referral to:

<table>
<thead>
<tr>
<th>Referral</th>
<th>Yes</th>
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</tr>
</thead>
<tbody>
<tr>
<td>APC Chairman</td>
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<td>No</td>
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<tr>
<td>Director</td>
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<td>No</td>
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<td>Interior Health Authority</td>
<td>Yes</td>
<td>No</td>
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<td>Ministry of Transportation and Infrastructure</td>
<td>Yes</td>
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<td>Ministry of Community Development</td>
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<td>No</td>
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</tr>
<tr>
<td>Other</td>
<td>Yes</td>
<td>No</td>
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FORMS DULY COMPLETED, RECEIVED:

DATE: ____________________________

(signature)

Consolidated Copy: amended by Bylaw:
No. 2454, 2010 – September 1, 2010
No. 2533, 2012 – August 15, 2012
Site Plan of
Lot A, Sec 23, Tp 18, R 8,
W6M, KDYD, Plan 18399

Scale 1:250

The intended plot size of this plan is 1400mm in width by 432mm in height (C size) when plotted at a scale of 1:250

Note:
Required Flood Construction
Elevation is 357.80m

LEGEND
- Standard Iron Post Found
- Stake placed
- Driveway
- Present Natural Boundary
- 30m setback

Date of Survey: August 25, 2015
Dimensions derived from Plan 18399

Elevations are approximate and are derived from historical GNSS data and natural resources.

Vertical datum used: OD1/28 (HTV2.0)

Civil Address: 3772 Trinity Valley Road
Postal Address: PO Box 249, Salmon Arm, BC

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

This plan was prepared for construction planning purposes and is for the exclusive use of our client. BROHME JOHNSON LAND SURVEYORS accepts no responsibility or liability for the accuracy of this plan. Production or distribution of this document without consent of BROHME JOHNSON LAND SURVEYORS is prohibited.

August 27, 2015
BROHME JOHNSON LAND SURVEYORS
B.C. AND CANADA LANDS
SALMON ARM, B.C. Ph.250-832-9701
File 151-16 B.C. 311-15 p.05
NEW TO REPLACE DELAPIDATED BUILDING
MANUFACTURED TRUSS ROOF 5/12 PITCH
C/W 1/2" PLYWOOD N-CLIPS 30 YEAR LAMINATE SHINGLES

BUILT TO BC BUILDING CODE

NOT TO SCALE
Leola Borhaven

From: Tonkacon <Tonkacon@telus.net>
Sent: September-02-15 1:48 PM
To: Leola Borhaven
Subject: FW: QEP report 3772 trinity valley rd

From: Linda Furlong [mailto:linda4furlong@shaw.ca]
Sent: September-02-15 12:38 PM
To: tonkacon@telus.net
Subject: QEP report 3772 trinity valley rd

----- Original Message -----
From: Michele Hill work
To: 'Linda Furlong'
Sent: Monday, August 24, 2015 4:16 PM
Subject: RE: email

Hi Linda
Here is the response I got.

This would appear to fall somewhat in the category of "repair" of an existing structure on its existing foundation. Provided the footprint of the structure does not change, there would be no impact to the SPEA or harm to FFCs. Is there other work being contemplated during the construction? You may wish to provide a professional opinion regarding preventing encroachment into the SPEA (i.e.: protective methods around the work site to ensure vegetation isn't disturbed in the SPEA while the construction is occurring around the structure) - also, erosion and sediment control related to the (I assume) concrete pour would be important.

Take Care

Michele Hill, RPBio.
Senior Environmental Scientist
Hill Environmental Ltd.
4574 Larkin X Road, Armstrong, B. C. V0E 1B6
Office: 250-546-4069
Fax: 250-546-8796
Email: micheleh@hillenvironmental.ca

-----Original Message-----
From: "Linda Furlong" <linda4furlong@shaw.ca>
Sent: 24/08/2015 3:35 PM
To: "micheleh@hillenvironmental.ca" <micheleh@hillenvironmental.ca>
Subject: Re: email

Thank you Michele Hill
Yes you have the correct e-mail address!
RE: Geotechnical Assessment - Flood Plain Conditions
Proposed Addition to Residence
Lot A, Plan 18399, Sec 23, Tp. 8, ODYD
3772 Trinity Valley Road, Enderby, BC

Dear Sir or Madam:

As requested, Horizon Geotechnical Ltd. has conducted site inspections of the existing house located near the Shuswap River, and the proposed addition to the house on the existing foundations of the carport. The site inspections were recently conducted by the undersigned geotechnical engineer.

Details of the location of the house are shown on the attached site plan dated August 27, 2015 prepared by Browne Johnson Land Surveyors. The site plan shows the 30 m setback from the natural boundary which is approximately the center of the house. A note is shown on the legal site plan is as follows — Note: Required Flood Construction Elevation is 357.80 m.

Relative elevation levels are shown on the diagram prepared by the builder.

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<tr>
<th>Location</th>
<th>Elevation (m)</th>
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<tr>
<td>Top of Deck</td>
<td>358.30</td>
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<tr>
<td>Top of Upper Retaining Wall</td>
<td>357.36</td>
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<tr>
<td>Top of Bottom Retaining Wall</td>
<td>356.55</td>
</tr>
<tr>
<td>Top of Retain (Concrete Carport Wall)</td>
<td>356.30</td>
</tr>
<tr>
<td>Top of Slab</td>
<td>355.74</td>
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<tr>
<td>High Water Mark in Last 20 yrs</td>
<td>355.44</td>
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The enclosed diagrams prepared by the builder show the existing foundations will be filled with 3 feet of compacted gravel fill. The lower area will be used for storage area only and "non-habitable"; and the new habitable area will be at the same main floor level, same as the present time, which is at a level of _??_ m and is above the Required Flood Construction Elevation of 357.80 m.
Based on the foregoing information, it is the opinion of the undersigned that the proposed development will be safe for the intended use.

I trust the foregoing information will be of assistance to you on this project. Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,
Horizon Geotechnical Ltd.

Cc   Submitted To:
     Planning Department
     North Okanagan Regional District

Jerry Lay, P.Eng.
Geotechnical Engineer
Land Title District: KAMLOOPS
Land Title Office: KAMLOOPS

Title Number: KL99929
From Title Number: KF8704

Application Entered: 1997-09-30
Application Received: 1997-09-16

Registered Owner in Fee Simple:
Registered Owner/Mailing Address: ROBERT LEE FURLONG, MACHINE OPERATOR
LINDA DARLENE FURLONG, HOMEMAKER
3772 TRINITY VALLEY ROAD
ENDERBY, BC
VOE 1V5
AS JOINT TENANTS

Taxation Authority: VERNON ASSESSMENT AREA

Description of Land:
Parcel Identifier: 008-249-351
Legal Description:
LOT A SECTION 23 TOWNSHIP 18 RANGE 8 WEST OF THE 6TH MERIDIAN KAMLOOPS
DIVISION YALE DISTRICT PLAN 18399

Legal Notations:
THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL
LAND COMMISSION ACT, SEE PLAN M11122

Charges, Liens and Interests:
Nature: MORTGAGE
Registration Number: KV103260
Registration Date and Time: 2003-08-29 08:38
Registered Owner: ENDERBY & DISTRICT CREDIT UNION

Duplicate Indefeasible Title:
NONE OUTSTANDING

Transfers:
NONE

Pending Applications:
NONE
### Regional District Of North Okanagan

**Property Information Management System**

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<tr>
<th>Roll Number:</th>
<th>Jurisdiction:</th>
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<tr>
<td>789 01321.000</td>
<td>ELECTORAL Area F</td>
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</table>

#### Site Address:

- **Address:** 3772 TRINITY VALLEY RD
- **RDNO Assigned Address:**

#### Legal Description:

- **LOT BLK SEC TWP RGE MER DL PLAN:**
  - A 23 18 8 6 KAP18399
- **Meridian:** W6.

#### Property ID#:

- **008-249-351**

#### Land Use Designation(s):

- **O.C.P.**
  - **O.C.P. Area:** 0.250 ha.
  - **Zoning:** NU 0.250 ha.
- **MR**
- **DPA**

#### Natural Hazards:

- **FLOODPLAIN - SHUSWAP RIVER - 357.8 Meter minimum Building Elevation.**

#### Planning Applications:

<table>
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<tr>
<th>FILE NUMBER</th>
<th>STATUS</th>
<th>OPEN DATE</th>
<th>NOTES</th>
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<tr>
<td>15-0456-F-3P</td>
<td>A</td>
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#### Building Permits:

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<td>Archive</td>
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<td>ACCSSRY BLDG (CARPORT &amp; SUNDECK)</td>
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<tr>
<td>15-0453- F -BP</td>
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<td>New</td>
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<td>SFD ADDITION</td>
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#### BCAA DATA:

- **School District:** 83
- **Neighbourhood:** 930
- **Land Use:**
- **Actual Use:** SINGLE FAMILY DWELLING

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<tr>
<th>Property Values</th>
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<tbody>
<tr>
<td>Land: $89,400.00</td>
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<tr>
<td>Improvements: $108,000.00</td>
</tr>
<tr>
<td>Total: $197,400.00</td>
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</table>

**NOTICE OF COLLECTION OF PERSONAL INFORMATION**

Personal information collected on this form is collected for the purpose of processing this application and for administration and enforcement. The personal information is collected under the authority of the Municipal Act and the Regional District's bylaws.
NOTICE OF COLLECTION OF PERSONAL INFORMATION

Personal information collected on this form is collected for the purpose of processing this application and for administration and enforcement. The personal information is collected under the authority of the Municipal Act and the Regional District's bylaws.
DEVELOPMENT PERMIT WITH VARIANCE APPLICATION

DATE: December 8, 2015
FILE NO.: 15-0456-F-DP / 15-0457-F-DVP
APPLICANT: Robert and Linda Furlong
LEGAL DESCRIPTION: Lot A, Sec 23, Twp 18, R8, W6M, KDYD, Plan 18399
P.I.D.#: 008-249-351
CIVIC ADDRESS: 3772 Trinity Valley Road
PROPERTY SIZE: 0.25 ha (0.62 ac)
ZONING: Non-Urban (N.U)
O.C.P. DESIGNATION: Agricultural
PROPOSAL: Reconstruct an addition to a single family dwelling
PROPOSED VARIANCE: Interior side yard setback

PLANNING DEPARTMENT RECOMMENDATION:

That upon consideration of input from adjacent landowners, a Development Permit with Variances be issued for the property legally described as Lot A, Sec 23, Twp 18, R8, W6M, KDYD, Plan 18399 and located at 3772 Trinity Valley Road, Electoral Area “F” to allow variances to the following sections of the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003:
1. Section 701.9.d by reducing the interior side yard setback of the walls of an addition to a single family dwelling from 2 m to 0.67 m;
2. Section 307.2 by decreasing the interior side yard setback of the eaves of an addition to a single family dwelling from 1.0 m to 0.37 m; and further

That a Development Permit with Variances be issued for the property legally described as Lot A, Sec 23, Twp 18, R8, W6M, KDYD, Plan 18399 and located at 3772 Trinity Valley Road, Electoral Area “F” subject to the following:
1. The dimensions and siting of the building addition to be constructed on the land be in accordance with the site plan, floor plan and building elevations attached to the Planning Department report dated December 8, 2015;
2. A Section 219 Covenant be registered as a priority charge on the title of the subject property to provide that:
Development Permit with Variance Application
15-0456-F-DP/15-0457-F-DVP (Furlong)  Page 2

a) no natural vegetation shall be removed or degraded within a horizontal distance of 15 m from the natural boundary of the Shuswap River nor shall any development occur which will preclude growth of natural vegetation except with the written authorization of Fisheries and Oceans Canada and/or the Ministry of Environment;
b) no building or structure or any part thereof, including any fixed equipment may be constructed, reconstructed, moved, extended or located, nor should any landfill, land clearing or other disturbance take place within a horizontal distance of 15 m from the natural boundary of the Shuswap River;
c) the use of the lower floor of the building addition be restricted to a garage use;
d) the Regional District does not represent that proposed building addition will not be damaged by flooding or erosion;
e) the Covenantor agrees not to claim damages or to hold the Regional District responsible for damages caused by flooding;
f) the Covenantor indemnifies and saves harmless the Regional District from any claims, demands, actions, and costs associated with losses or damages occurring as a result of the breech of any provisions of the Covenant by the Covenantor.

BACKGROUND:
This report relates to an application for a Development Permit with Variances for the property located at 3772 Trinity Valley Road in Electoral Area “F”. The applicant is proposing to construct an addition to a single family dwelling located on the property. The proposed new addition would replace a previously constructed addition. The building wall and eaves are proposed to be setback 0.67 m and 0.37 m respectively from the west property line. The proposal requires a variance to the Regional District Zoning Bylaw as it would not comply with the interior side yard setback requirements which require that the walls of the building be setback a minimum of 2.0 m from the west side property line and the eaves be setback a minimum of 1.0 m. The proposal also requires an exemption to the floodplain setback requirements of the Zoning Bylaw as the building addition would be setback 22.8 m from the natural boundary of the Shuswap River. The Zoning Bylaw requires that buildings be setback a minimum of 30 m from the natural boundary of the Shuswap River.

The proposal also requires the approval of a Development Permit prior to the issuance of a Building Permit for the proposed building addition as the area of the property within 30 m of the Shuswap River is designated in the Electoral Area “F” Official Community Plan as a Development Permit Area for the Protection of the Natural Environment.

Site Context
The 0.25 ha subject property is located on the southwest side of Trinity Valley Road. The Shuswap River flows from east to west along the south side of the property. The Riverside Community Hall / Ashton Creek Park borders the west side of the property. The property contains a single family dwelling, accessory buildings and a gated, private boat launch which extends from Trinity Valley Road to the river along the east side of the property. RDNO Building Permit records indicate that a 3.6 m x 9.1 m (12 ft x 30 ft) carport and sundeck were added to the house in 1976, the southwest corner of which is setback 0.67 m from the west property line.
Access to the property is gained from a driveway extending from Trinity Valley Road to an attached garage on the east side of the house. The property is serviced by an on-site wall and septic sewage disposal area, the latter of which is located at the front of the dwelling.

The following ortho photo of the subject and surrounding properties was taken in 2013.

The subject property and lands to the north, east, and south (across the river) are within the Agricultural Land Reserve and are designated Agricultural in the Electoral Area “F” Official Community Plan. In accordance with Section 23 of the Agricultural Land Commission Act, restrictions imposed by the ALC Act do not apply to the subject property as it was created in 1968, prior to the inception of the ALR (December 21, 1972) and it is less than 2 acres in area.

The Park / Community Hall property to the west of the subject property is designated in the OCP as Civic and Assembly and is zoned Non-Urban (N.U). To the east, across Trinity Valley Road, land is zoned Large Holding (L.H) and is utilized as a hayfield. To the south, across the Shuswap River, a former sawmill site bordered by Miska Road is zoned Large Holding (L.H).
The Proposal

The applicant is proposing to remove the carport / sundeck addition on the west side of the house and rebuild a new addition on the existing footprint that would provide a ‘non-habitable’ storage area for quads, lawnmower etc. on the lower level and a master bedroom with ensuite bathroom on the upper level. The shortest horizontal distance between the walls of the proposed addition and the westerly property boundary would be 0.67 m (same as existing). The eaves would project 0.30 m from the wall and so the shortest horizontal distance between the eaves of the addition and the westerly property boundary would be 0.37 m. The applicant is proposing to use laminated shingles on the roof of the building addition. No windows are proposed on the west side of the building addition. The attached building elevations show an open patio area at the rear of the addition. The applicant states that the area is within the existing footprint of the building.

A surveyed site plan notes that the required Flood Construction Level is 357.8 m. To reduce the risk of flooding, it is proposed that the existing foundation (under the west end addition) would be filled with 0.9 m of compacted gravel fill and topped by a poured concrete floor. The elevation of the upper floor would be above the required Flood Construction Level of 357.8 m. The southwest corner of the addition would be setback 22.8 m from the natural boundary of the Shuswap River.

The applicant has provided a letter dated September 19, 2015 from Jerry Lay, P.Eng of Horizon Geotechnical Ltd. which states that in his opinion the proposed development will be safe for the intended use.

The applicant is also proposing to add a new entrance foyer on the north side of the dwelling. The foyer would comply with the setback requirements of the Zoning Bylaw.

ZONING BYLAW:

The subject property is zoned Non-Urban (N.U). The uses permitted in the N.U zone include: single and two family dwellings, accessory buildings and structures, accessory farm sales, bed and breakfast use, community care facilities, home occupations, agricultural uses, manufactured homes, public parks and playgrounds, veterinary clinics, wineries and cideries, and medical marihuana production facilities.

Section 803.10.i of the N.U zone states that, insofar as residential buildings are concerned, where a lot of less than 0.5 ha was existing at the effective date of the Zoning Bylaw (June 7, 2004), the provisions of Section 701.9 (Residential Single Family (R.1) zone) of the Zoning Bylaw shall apply. This provision is applicable to the 0.25 ha subject property which was created by subdivision in 1968. The proposal as compared to the setback requirements of the Zoning Bylaw, including the R.1 zone, is as follows:

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>PROPOSAL</th>
<th>ZONE REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setbacks (min.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Front (Trinity Valley Road)</td>
<td>21.5 m</td>
<td>7.5 m</td>
</tr>
<tr>
<td>- Rear (south)</td>
<td>&gt; 7.5 m</td>
<td>7.5 m</td>
</tr>
<tr>
<td>- Interior Side (west)</td>
<td>0.67 m</td>
<td>2.0 m</td>
</tr>
<tr>
<td>- Major Road (Trinity Valley Road)</td>
<td>21.5 m</td>
<td>20 m from centreline</td>
</tr>
<tr>
<td>- Shuswap River</td>
<td>± 22.8 m</td>
<td>30 m from high water mark</td>
</tr>
</tbody>
</table>
Setback Exceptions

Section 307.1 of the Zoning Bylaw states that projections such as cornices, gutters, and bay windows may project into a required setback area by no more than 0.6 m. Section 307.2 states that steps, eaves, canopies, balconies and open porches may project into a required setback area by no more than 1 m. The eaves of the proposed addition would project 0.30 m from the wall and so the shortest horizontal distance between the eaves and the westerly property boundary would be 0.37 m.

Floodplain Management Provisions

The purpose of the Floodplain Management Provisions is to reduce the risk of injury, loss of life, and damage to buildings and structures due to flooding. To protect development from damage caused by flooding, Section 1701.3 requires that the underside of any floor system, or the top of any pad supporting any space or room that is used for dwelling purposes, business, or the storage of goods must be above the Flood Construction Level as determined by interpolation from the levels shown on Floodplain maps forming part of the Zoning Bylaw. In this regard, Floodplain mapping of the Shuswap River indicates that the Flood Construction Level of the subject property is 357.8 m.

Carports, garages or entrance foyers are exempt from the Flood Construction Level requirements.

In addition to Flood Construction Levels, Section 1701.3.b of the Zoning Bylaw requires that buildings and structures, including any landfill or structural support required to elevate a floor system or pad above the Flood Construction Level, be setback a minimum of 30 m from the Natural Boundary of the Shuswap River.

Section 1701.4.f of the Zoning Bylaw states that pursuant to Section 910(5) of the Local Government Act, the Board of Directors may grant exemptions from the application of Floodplain Setbacks provided that:

a) the property owner submits a written request for an exemption to the Board of Directors; and  
b) the exemption is consistent with the Provincial Guidelines; or  
c) a professional engineer or geoscientist, or other prescribed person, certifies that the property can be safely used for the intended use.

Riparian Area Regulation Provisions

As stated in Section 1702 of the Zoning Bylaw, the Riparian Areas Regulation applies to all development related to residential, commercial and or industrial activities including removal, alteration, disruption or destruction of vegetation disturbance of soils construction or erection of buildings and structures, creation of non-structural impervious or semi-impervious surfaces, flood protection works, construction of roads, trails, docks, wharves, and bridge, provision and maintenance of sewer and water services, development of drainage systems, and development of utility corridors and subdivision. Section 1702.2.a states that development may not occur within the Riparian Assessment Area unless a lesser setback is determined by an assessment completed by a Qualified Environmental Professional under the Riparian Areas Regulation. The Riparian Assessment Area means the area within 30 m of the high water mark of a riparian watercourse.
Section 3.2 of the Riparian Areas Regulation state that the Regulation does not apply to the repair of a permanent structure described in Section 911.8 of the Local Government Act if the structure remains on its existing foundation. Section 911.8 of the Local Government Act states that if a building is damaged or destroyed to the extent of 75% or more of its value above its foundations, it must not be repaired or reconstructed except for a conforming use in accordance with the (local government) bylaw. Section 1.4 of the Riparian Areas Regulation Implementation Guidebook states that the Regulation has no effect on any repair, renovation, or reconstruction of a permanent structure on its existing foundation. Based on the above, the proposed addition is exempt from the Riparian Areas Regulation as it would be built above an existing foundation.

OFFICIAL COMMUNITY PLAN:

The subject property is designated in the Electoral Area “F” Official Community Plan as Agricultural. The subject property is also designated as being within a Development Permit Area for the Protection of the Natural Environment due to its proximity to Shuswap River and for the Protection of the Development from Hazardous Conditions due to it being within the floodplain area of the Shuswap River. Development Permit guidelines for both designations are as follows:

Development Permit Area for Hazardous Conditions (Shuswap River Floodplain)

All lands within the Shuswap River floodplain are designated as Development Permit Areas for the protection of development from hazardous conditions. New development must obtain a Development Permit as a condition precedent to building construction, land alteration, or subdivision approval. The following summarizes the Development Permit guidelines to be considered by the Regional Board:

1. A Land Title Act Section 219 Covenant should be required to be registered on the title of the subject property to provide that no building or structure be constructed, reconstructed, moved, extended or located within a designated Floodplain Setback.
2. The Covenant should specify restrictions on the use of any area within any part of a building or structure where the underside of the floor system or the top of any pad would be less than the Flood Construction Level specified in the Zoning Bylaw.
3. The Covenantor should acknowledge and agree that the Regional District does not represent that any building or structure constructed in compliance with the covenant terms will not be damaged by flooding or erosion, and the Covenantor agrees not to claim damages or to hold the Regional District responsible for damages caused by flooding.
4. The Covenantor should agree to indemnify and save harmless the Regional District from any claims, demands, actions, and costs associated with losses or damages occurring as a result of the breech of any provisions of the Covenant by the Covenantor.
5. The Covenant should be registered against the title of the subject property as a priority charge over any financial charges registered against the property.

The OCP states that with respect to the Shuswap River floodplain, a Development Permit may not be required for the types of development cited in Section 1701.3.a of the Regional District Zoning Bylaw. Section 1701.3.a of the Zoning Bylaw exempts certain types of developments from meeting the Flood Construction Level requirements, including but not limited to the following:

- an addition to a building that would increase the size of the building by less than 25% of the floor area of the building provided that the degree of conformity regarding setbacks is not increased; and
that portion of a building to be used as a carport, garage or entrance foyer.

Floor area is defined in the Zoning Bylaw as the space of any storey of a building between the exterior walls including the space occupied by interior walls and partitions, but not including the floor area of basements, attached garages, open porches or breezeways.

Based on the above noted guidelines and regulations, the proposed development is exempt from the requirement for a Development Permit for the Protection of Development from Hazardous (Floodplain) Conditions.

**Development Permit Area for Protection of the Natural Environment (Shuswap River)**

The Shuswap River, Mara Lake and Mabel Lake and their tributary watercourses and the lands within an adjacent strip of 30 m from the Natural Boundary of each water body are designated as Development Permit Areas for the protection of the natural environment, its ecosystems, and biological diversity. All new development within these designated areas requires a Development Permit as a condition precedent to subdivision approval, building permit issuance or land alteration. The following summarizes the Development Permit guidelines to be considered by the Regional Board:

1. A Covenant should be required to be registered on the title of the subject property to provide that no natural vegetation shall be removed or degraded within a horizontal distance of 15 m from the natural boundary of the affected water body except with the written authorization of Fisheries and Oceans Canada and the Ministry of Environment.

2. No building or structure, or any part thereof, should be constructed, reconstructed, moved, extended or located within a horizontal distance of 15 m from the natural boundary of the affected water body.

3. If livestock are present, those areas of the subject property that are located within the Covenant areas described above should be fenced to prohibit livestock access.

4. The Covenantor should ensure that any clearing and/or excavation or fill done on the subject property should be completed in such a manner as to ensure that sediment, concrete washwater, leachates or any other substance of any type that may be deleterious to aquatic life should not be deposited into the affected water body and/or adjacent flood channels via ditches, storm sewers or overland flow.

5. The proposed development must be serviced with a potable water supply. If a water intake is required into a watercourse, lake or pond then the plans for construction should be submitted to Fisheries and Oceans Canada for their comments prior to construction.

7. A means of sewage disposal that does not discharge directly into a waterbody or watercourse shall be installed for all developments. The applicant must provide evidence that the filings required by the Sewerage System Regulation under the Health Act have been made, or that a holding tank permit has been issued, or that treated sewage effluent will be disposed of to ground in accordance with the Environmental Management Act.

8. A storm water management plan should be prepared by a professional engineer to provide for the control of run-off from any new parking areas, internal roadways, and buildings during and after the period of construction of any proposed buildings or structures.

12. The Regional District will stress the need for an Environmental Impact Analysis by qualified professionals as part of the land use application process in environmentally sensitive areas.
PLANNING ANALYSIS:

Side Yard Setback Variance Request

The applicant is proposing to construct an addition to a single family dwelling located on the property. The proposed new addition would replace a previously constructed addition. The building wall and eaves are proposed to be setback 0.67 m and 0.37 m respectively from the west property line. The proposal requires a variance to the Regional District Zoning Bylaw as it would not comply with the interior side yard setback requirements which require that the walls of the building be setback a minimum of 2.0 m from the west side property line and the eaves be setback a minimum of 1.0 m.

The Planning Department recommends that the requested variances be supported for the following reasons:

- the existing building does not comply with the west side yard setback requirements of the Zoning Bylaw and the applicant is not proposing to expand the building footprint or reduce the setback beyond what currently exists;
- options related to constructing an addition to the existing dwelling are constrained due to the configuration of the existing dwelling, the location of the septic field at the front of the dwelling, the location of an attached garage on the east side of the dwelling and the proximity of the Shuswap River at the rear of the house and the proximity of Trinity Valley Road at the front and side of the house;
- the roof of the proposed addition has been designed to ensure the rain and snow run-off would be retained on the subject property.

Floodplain Setback Exemption Request

The applicant has requested an exemption to the 30 m Shuswap River floodplain setback requirement of the Zoning Bylaw. Approval of the exemption would allow the building addition to be setback +22.8 m from the natural boundary of the Shuswap River. Section 1701.4.f of the Zoning Bylaw states that pursuant to Section 910.5 of the Local Government Act, the Board of Directors may grant exemptions from the application of Floodplain Setbacks provided that:

- the property owner submits a written request for an exemption to the Board of Directors; and
- the exemption is consistent with the Provincial Guidelines; or
- a professional engineer or geoscientist, or other prescribed person, certifies that the property can be safely used for the intended use.

Section 910.5 of the Local Government Act permits local government to exempt a person from the floodplain setback and the floodplain elevation in relation to a specific parcel of land or use of a building if the local government considers it advisable and:

- considers that the exemption is consistent with the Provincial guidelines, or
- has received a report that the land may be used safely for the use intended, which report is certified by a person who is a professional engineer or geoscientist and experienced in geotechnical engineering.

Section 910.6 of the LGA further states that the granting of an exemption, and the exemption, under Section 910.5 may be made subject to the terms and conditions the local government considers necessary or advisable, including without limitation:
Development Permit with Variance Application  
15-0456-F-DP/15-0457-F-DVP (Furlong)

a) imposing any term or condition contemplated by the Provincial guidelines in relation to an exemption,
b) requiring that a person submit a report described in Section 910.5.b, and
c) requiring that a person enter into a covenant under Section 219 of the Land Title Act.

The applicant has submitted Geotechnical Engineering comments by way of letter dated September 19, 2015 stating that the proposed development will be safe for the intended use. The Planning Department suggests that the comments provided by the applicants Geotechnical Engineer satisfies the requirements of Section 910.5.b of the Local Government Act and recommends that as a condition of approval of the proposed floodplain setback exemption, the applicant be required to register a covenant as a priority charge on the title of the subject property to:

- restrict the use of the lower floor of the building addition to a garage use;
- require the Covenantor to acknowledge and agree that the Regional District does not represent that any building or structure constructed in compliance with the covenant terms will not be damaged by flooding or erosion, and the Covenantor agrees not to claim damages or to hold the Regional District responsible for damages caused by flooding;
- require the Covenantor to indemnify and save harmless the Regional District from any claims, demands, actions, and costs associated with losses or damages occurring as a result of the breech of any provisions of the Covenant by the Covenantor.

Development Permit for the Protection of the Natural Environment (Shuswap River)

The proposal requires the approval of a Development Permit prior to the issuance of a Building Permit for the proposed building addition as the area of the property within 30 m of the Shuswap River is designated in the Electoral Area “F” Official Community Plan as a Development Permit Area for the Protection of the Natural Environment. In keeping with the above noted Development Permit Guidelines, it is recommended that a Development Permit be approved for issuance subject to a Section 219 Restrictive Covenant being registered as a priority charge of the title of the subject property to provide that:

- no natural vegetation may be removed or degraded within a horizontal distance of 15 m from the natural boundary of the Shuswap River except with the written authorization of Fisheries and Oceans Canada and the Ministry of Environment.
- no building or structure, or any part thereof, should be constructed, reconstructed, moved, extended or located within a horizontal distance of 15 m from the Shuswap River.

SUMMARY:

The subject Development Permit with Variance application requests the Regional Board’s approval to vary the side yard and floodplain setback requirements associated with the reconstruction of an addition to a single family dwelling located on the property located at 3772 Trinity Valley Road. The application also requests the Board’s approval to construct the proposed building addition within 30 m of the Shuswap River which is designated in the Electoral Area “F” Official Community Plan as a Development Permit Area for the Protection of the Natural Environment. The Planning Department recommends that upon consideration of input from adjacent land owners, the application be approved for the reasons outlined in the Planning Analysis section of this report.
Development Permit with Variance Application
15-0456-F-DP/15-0457-F-DVP (Furlong)

REFERRAL COMMENTS:

The application was referred for comments to the following:

1. Electoral Area "F" Director
2. Electoral Area "F" Advisory Planning Commission
3. Electoral Area Advisory Committee
4. Building Inspection Department
5. City of Enderby
6. Ministry of Environment / Ministry of Forests, Lands and Natural Resources
   The Ecosystems Section of the Ministry advises that they have no comment.

Submitted by:  
Marnie Skobalski
Planner

Reviewed by:  
Greg Routley
Deputy Planning Manager

Endorsed by:  
Rob Smailes, MCIP, RPP
General Manager, Planning and Building

Approved for Inclusion:  
David Sewell
Chief Administrative Officer
ELECTORAL AREA "F"
DEVELOPMENT PERMIT WITH VARIANCE APPLICATION
SUBJECT PROPERTY MAP

File:  15-0456-F-DP / 15-0457-F-DVP
Applicant:  Robert & Linda Furlong
Location:  3772 Trinity Valley Road
- asphalt laminate shingles to be used for roofing;
- eaves to project no more than 12 inches from wall of building addition
- asphalt laminate shingles to be used for roofing;
- eaves to project no more than 12 inches from wall of building addition
NEW TO REPLACE DELAPIDATED BUILDING

MANUFACTURED TRUSS ROOF 5/12 PITCH
C/L 10" PLYWOOD H-CLIPS 30 YR LAMINATED SHINGLES

BUILT TO BC BUILDING CODE

ROBERT/LINDA FURLONG - 3772 TRINITY VALLEY RD.
RUGBY B.C.

- NO WINDOWS WEST SIDE

- FOOTPRINT TO REMAIN SAME AS EXISTING

- FLOOR LEVEL RAISED 36"

36" X 8" FOUNDATION C/W 3 RUNS 10MM REBAR

18" X 8" FOOT 2 RUNS 10MM REBAR

GRAVEL FILL

5/8" THICK PLY. 2X10 TOE
2X6 WALLS 1/2" PLYWOOD

EXISTING 6" SLAB

NOT TO SCALE