

# BOARD REPORT

**TO:** Chair and Directors

**File No:** LC2567C  
PL20190000069

**SUBJECT:** Electoral Area C: Agricultural Land Commission (ALC) Application  
Section 20(3) – Non-Farm Use in the Agricultural Land Reserve (ALR)  
(Launch Construction Ltd)

**DESCRIPTION:** Report from Erica Hartling, Planner I, dated July 4, 2019.  
2336 Balmoral Road, Balmoral

**RECOMMENDATION:** THAT: Application No. LC2567C, Section 20(3) – Non Farm Use in the ALR, for Lot A, Section 8, Township 22, Range 10, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan 23134 Except Plans 28614, KAP44525 and KAP46842, only for the stable operation and boarding of horses and livestock, be forwarded to the Provincial Agricultural Land Commission recommending approval this 18<sup>th</sup> day of July, 2019.

### SHORT SUMMARY:

The subject property is located at 2336 Balmoral Road of Electoral Area C. As a result of both CSRD and Agricultural Land Commission (ALC) enforcement action, the property owner has made an application to the ALC for non-farm use in the Agricultural Land Reserve (ALR) for newly constructed buildings to be used for a stable operation and for boarding horses and livestock. The owner had originally constructed two unauthorized buildings on the property to be used for commercial storage, including personal belongings and equipment/materials related to their construction business. The owner is now in the process of discontinuing the unauthorized uses and converting the land and buildings into a stable operation in order to bring the property into compliance.

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**VOTING:** Unweighted  LGA Part 14  Weighted  Stakeholder   
Corporate (Unweighted) Corporate (*Weighted*)

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### BACKGROUND:

REGISTERED OWNER:  
Launch Construction Ltd.

ELECTORAL AREA:  
C

LEGAL DESCRIPTION:  
Lot A, Section 8, Township 22, Range 10, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan 23134 Except Plans 28614, KAP44525 and KAP46842

PID:  
006-571-042

**CIVIC ADDRESS:**

2336 Balmoral Road, Balmoral

**SURROUNDING LAND USE PATTERN:**

North = Rural residential, in the ALR and has Farm Status

South = Gas Station, Trans-Canada HWY

East = Agricultural, Farm Status

West = Treed private land in ALR

**CURRENT USES:**

- Single family dwelling rented out on a monthly basis
- Residential trailer that is now vacant (the owner has noted that they will apply to demo it in the future)
- Commercial storage units which are currently being emptied and must be vacant by August 1, 2019
- Coverall building that was used by a marine mechanic but is now vacant
- Small empty storage sheds
- Three newly constructed buildings (to be used for hay & sand storage, stables, stable office, and wood/farm equipment)
- Newly constructed fencing and riding ring

**PROPOSED USES:**

The proposal is to allow the property and newly constructed buildings to be converted into and operated as a stable operation and to board horses and livestock. Three new unauthorized buildings are already constructed on the property and proposed to be used for a hay & sand storage, stables, stable office, and wood/farm equipment.

**PARCEL SIZE:**

8.61 ha (21.27 acres)

**DESIGNATION:**

Electoral Area C Official Community Plan Bylaw No. 725

AG – Agriculture

**ZONE:**

South Shuswap Zoning Bylaw No. 701

AR2 - Agriculture (4ha)

**AGRICULTURAL LAND RESERVE:**

100%

**SOIL CAPABILITY:**

See the Soils Map in the attached "Maps\_Plans\_Photos\_LC2567C.pdf".

According to the Canada Land Inventory mapping, the property contains 70% Class 2 soils with undesirable soils structure and/or low permeability as a limiting factors and 30% Class 2 with topography as a limiting factor.

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

**ALR HISTORY:**

See the ALR/History Map in the attached "Maps\_Plans\_Photos\_LC2567C.pdf".

ALC applications on subject property:

- #2074 (1990) application to subdivide withdrawn.
- #2287 (2003) A previous owner of the subject property submitted a non-farm use application to use 4.5 ha of an 8.9 ha property as a storage facility. CSRD staff recommended refusal due to the class 2 soils and that the proposal would be better suited as an industrial use and be located on lands outside of the ALR. The CSRD Board of Directors reviewed the application at its April 24, 2003 meeting and forwarded the application to the ALC without recommendation. The ALC refused the non-farm use because the land has good agricultural capability.

ALC applications on neighbouring properties:

- #1378 (1977) allowed subdivision of 14 acres including the home and home site from the subject property.
- #1625 (1979) allowed exclusion of area east of Hendrickson Road subject to the area west of Hendrickson Road being included into ALR.
- #1652 (1980) refused a non-farm use for a shopping mall because of Class 2 soils.
- #1706 (1981) refused a nonfarm use for a 30 ac area for a shopping centre because of agricultural potential and possible intrusion into the ALR.
- #1955 (1984) allowed subdivision to create an 11 ha parcel south of the TCH and the 47 ha subject property north of the TCH.
- #2079 (1990) allowed non-farm use of 4 ac of the property for a log home building for 2 years with conditions. (1996) rescinded condition about topsoil stockpiling and extended approval of operation for a 5 year period subject to conditions.
- #2221 (1998) allowed exclusion subject to fencing and the registration of a covenant on the south boundary.
- #2231 (1998) allowed subdivision of a 2.3 ha lot.
- #2247 (2002) refused exclusion of a 47 ha property because the ALC believes allowing urban development would result in continued pressure on remaining ALR lands in the area to the detriment of agriculture. (2003) reconsideration – confirmed refusal.
- #2545 (2018) refused exclusion of a 49 ha parcel from the ALR. The application had proposed to develop 35.5 ha into the Balmoral Village Centre and utilize 13.5 ha for a lagoon for wastewater storage effluent facility for the CSRD spray irrigation program.

**SITE COMMENTS:**

See the Site Plan and Photos in the attached "Maps\_Plans\_Photos\_LC2567C.pdf".

The property has access off of Balmoral Road and White Lake Road and is north of the Trans-Canada Highway. The property's terrain is primarily flat and the majority of the 8.61 ha parcel is cleared with some treed areas along the northwest and eastern boundary. Uses and structures on the property include the following:

- A single family dwelling next to the northern boundary that is rented out monthly and a residential trailer to the west. The trailer is still on the property but it is vacant and proposed to be demolished, after the owner received ALC bylaw enforcement action.
- A coverall building in the southeast corner of the property that is accessed off of White Lake Road that was leased and used by a marine mechanic, this building is now vacant after enforcement action.
- The northern and middle section of the property contains 3 single bay garages, 3 small sheds, 3 RV trailers, and a newly constructed shipping container building and two large storage buildings. These buildings and uses are in the process of being vacated, demolished, or are being converted into the proposed stable operation under the subject non-farm use application.
- Fencing and a riding ring have been constructed as part of the proposed stable operation, which currently has one horse and four cattle.

**POLICY:**

See "BL725\_BL701\_Excerpts\_LC2567C.pdf" attached to this report.

Electoral Area C Official Community Plan Bylaw No. 725

- Section 3.10: AG - Agriculture

South Shuswap Zoning Bylaw No. 701

- Section 6: AR2 - Agriculture Zone
- Section 1: Definitions
- Section 3: General Regulations

**FINANCIAL:**

There are no financial implications to the CSRD as a result of this application.

**KEY ISSUES/CONCEPTS:**

See "Maps\_Plans\_Photos\_LC2567C.pdf" attached.

**Enforcement History**

The current owner bought the property in 2018 and started construction of two large buildings of 14,800 ft<sup>2</sup> and 2880 ft<sup>2</sup>. The CSRD was notified and looked into the proposed uses of the buildings, which they found out were to be used for storage, including personal belongings and equipment/materials related to the construction business. As the proposed uses and building sizes are not permitted in the AR2 - Agriculture zone, the property owner was advised (December 12, 2018) to:

- immediately cease the construction of the new buildings on the subject property;
- submit a rezoning application to the CSRD; and,
- to contact the ALC concerning their required approvals.

The ALC contacted the owner (December 17, 2018) and added additional requirements that the owner must:

- cease the aforementioned non-farm use activity immediately;
- not continue if and until permitted under application decision; and,
- submit a non-farm use application.

The owner did not immediately stop construction of the two buildings and received further letters and enforcement action. The two building that were under construction are now completed and the owner has changed the original proposed use from a storage operation to a stable operation and submitted their non-farm use application March 13, 2019.

### **Building Regulation**

The CSRD Building Regulation Bylaw No. 660 was amended on October 18, 2018 to include all of Electoral Area C, effective March 4, 2019. After the amendment to the Bylaw No. 660 and during the pending subject non-farm use application, enforcement and building staff completed a site visit and confirmed additional contraventions to CSRD and ALC regulations. Staff observed that the existing 3 shipping containers were undergoing construction and installation of a roof system without a building permit. As no construction can commence without both ALC and CSRD approval, the property received a Stop Work Order May 8, 2019 issued by the CSRD Building Official. The owner is required to submit a building permit application or a demolition permit application for the shipping container building. In addition to the required building permit application, the owner has included the noncompliant building to their non-farm use application and has noted that they are constructing it into a hay and sand storage building for the proposed stable operation.

The Board of Directors adopted the "Columbia Shuswap Regional District Building Amendment Bylaw No. 660-02" and the "CSRD Policy P-23 - Farm Building Exemption" at the May 16<sup>th</sup> Board meeting. The adopted Bylaw No. 660-02 and Policy P-23 exempts a building from requiring a Building Permit for:

- A farm building conforming to the Bylaw definition and both the land and the use of the building meet BC Assessment definitions for Farm Classification and Qualifying Agriculture Use.

The owner's current building under construction does not qualify for a building permit exemption, as the property has not received farm status from BC Assessment.

### **Non-Farm Use Proposal**

The owner has applied for a non-farm use application to the ALC in order to convert their property into a stable operation and to board both horses and livestock. The owner has installed fencing and a riding ring to prepare the property for the stable operation, which currently has one horse and four cattle.

The property is designated AG - Agriculture in Electoral Area C Official Community Plan Bylaw No. 725 (Bylaw No. 725) and zoned AR2 - Agriculture in the South Shuswap Zoning Bylaw No. 701 (Bylaw No. 701). The AG designation encompasses agricultural uses, and uses accessory to agriculture. The AR2 zone permits agriculture use, defined as:

- the use of land for the growing, rearing, producing, and harvesting of agricultural products, including the storing of agricultural products, the sale of agricultural products produced from the same parcel or same farm, the repair of farm machinery and related equipment used on the same farm and includes farming, ratite production, forestry, greenhouses, kennels and nursery uses and does not include intensive agricultural use or commercial garden centres.

Under Bylaw No. 701, the subject property is not permitted the use of the previous commercial storage operation or the size of the two newly constructed buildings as a home business or home industry use. However, the AR2 zone of Bylaw No. 701 does permit the owner's current proposed use of a stable operation and boarding of horses and livestock and does not restrict the size of farm buildings.

**SUMMARY:**

Development Services staff is recommending that the Board send application LC2567C to the ALC with a recommendation of approval for the following reasons:

- The original non-compliant non-farm uses are not part of the proposal and the owner must cease and remove these uses by August 1, 2019.
- The proposed uses in application LC2567C comply with the AG - Agriculture designation and AR2 - Agriculture zone.
- The ALC has the option to include conditions as part of its review/approval on the proposed uses and buildings.

**IMPLEMENTATION:**

If the ALC approves the non-farm use, the owner will be able to proceed with their stable operation and boarding of horses and livestock and must comply with any conditions outlined in the ALC decision letter.

If this application is not approved by the ALC, then it will go back to ALC Bylaw Enforcement.

**COMMUNICATIONS:**

The recommendation of the Board will be forwarded to the ALC for consideration during its review of this application.

Referrals have been sent to the following:

- Electoral Area C Advisory Planning Commission (APC).

The APC reviewed the application at their June 24, 2019 meeting and passed a resolution in support of the application, as the owner is in the process of converting the land and buildings into a stable operation in order to bring the property into compliance.

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendation.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. South Shuswap Zoning Bylaw No. 701
2. Electoral Area C Official Community Plan Bylaw No. 725
3. Electoral Area C Advisory Planning Commission Minutes June 24, 2019

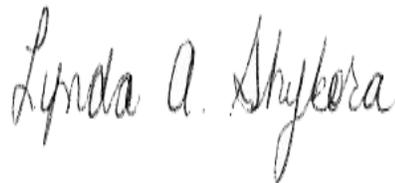
**Report Approval Details**

Document Title:	2019-07-18_Board_DS_LC2567C_Launch-Construction-Ltd.docx
Attachments:	- BL725_BL701_Excerpts_LC2567C.pdf - Maps_Plans_Photos_LC2567C.pdf
Final Approval Date:	Jul 5, 2019

This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Jul 4, 2019 - 4:33 PM**



**Lynda Shykora - Jul 5, 2019 - 9:10 AM**

**No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora**

**Charles Hamilton - Jul 5, 2019 - 9:11 AM**