



# BOARD REPORT

**TO:**

Chair and Directors

**File No:** LC2594C

PL2022-114

**SUBJECT:**

Electoral Area C: Agricultural Land Commission (ALC) Application  
Section 20 (3) - Non-farm Use LC2594C

**DESCRIPTION:**

Report from Hayley Graham, Planner I, dated July 21, 2022.  
3513 White Lake Road, White Lake

**RECOMMENDATION:**

THAT: Application No. LC2594C Section 20(2) – Non-farm Use, for The Fractional South West ¼ Section 15 Township 22 Range 10 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Except: (1) Part Legal Subdivision 5 Section 15 Lying to the West of the West Shore of White Lake at the Time of Survey of said Lake (2) Plan 28530, be forwarded to the Provincial Agricultural Land Commission recommending refusal, this 18<sup>th</sup> day of August 2022.

**SHORT SUMMARY:**

The subject property is located at 3513 White Lake Road in White Lake of Electoral Area C. The property owners are applying for approval from the Agricultural Land Commission (ALC) to conduct Non-Farm Use in the Agricultural Land Reserve (ALR) by continuing to use an existing coverall building on the subject property for boat storage.

**VOTING:**

Unweighted  
Corporate



LGA Part 14  
(Unweighted)



Weighted  
Corporate



Stakeholder  
(Weighted)

**BACKGROUND:**

ELECTORAL AREA:  
C (White Lake)

**LEGAL DESCRIPTION:**

The Fractional South West ¼ Section 15 Township 22 Range 10 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Except: (1) Part Legal Subdivision 5 Section 15 Lying to the West of the West Shore of White Lake at the Time of Survey of said Lake (2) Plan 28530

**PID:**

014-281-643

**CIVIC ADDRESS:**

3513 White Lake Road

**SURROUNDING LAND USE PATTERN:**

North = Little White Lake

South = Agriculture

East = Neighbourhood Residential

West = Agriculture (Residential Lots)

**CURRENT USE:**

A 1138 m<sup>2</sup> (12, 250 square foot) coverall building currently used for boat storage. A single family dwelling for the caretakers of property, a horse barn, and several other horse sheds are on the subject property.

**PROPOSED USE:**

Non- farm use application to continue use of the existing coverall building for boat storage.

**PARCEL SIZE:**

45.96 ha (111 acres)

**DESIGNATION:**

Electoral Area C Official Community Plan Bylaw No. 725

AG – Agriculture

**ZONING:**

No zoning

**AGRICULTURAL LAND RESERVE:**

100%

**SOIL CAPABILITY:**

The Agricultural Capability Classification in BC provides seven land capability classes. The best agricultural lands are rated Class 1, and 2. Soils within those classification are considered arable with highest productivity for a wide variety of crops.

The subject property is separated into 3 different classes of soils. (See L2594C\_Maps\_Plans\_Photos). For the portion of the property proposed for Non-Farm use, the soils are 40% Class 4 with undesirable soil structure, 40% Class 5 with soil moisture deficiency, and 20% Class 6 with shallow soil over bedrock and/or bedrock outcroppings.

Land in Class 4 has limitations which make it suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop failure is high, or soil conditions are such that special development and management practises are required. The limitations may seriously affect one or more of the following practises: timing and ease of tillage, planting and harvesting, and methods of soil conservation.

Land in Class 5 is generally limited to the production of perennial crops or other specially adapted crops. Productivity of these suited crops may be high. Class 5 lands can be cultivated, and some may be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated field crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be expected under average conditions. Note that in areas which are climatically suitable for growing tree fruits and grapes the limitations of stoniness and/or topography on some Class 5 lands are not significant limitations to these crops.

Land in Class 6 provides sustained natural grazing for domestic livestock and is not arable in its present condition. Land is placed in this class because of severe climate, or the terrain is unsuitable for

cultivation or use of farm machinery, or the soils do not respond to intensive improvement practises. Some unimproved Class 6 lands can be improved by draining and/or diking.

**HISTORY:**

There have been two previous ALR Applications on the subject property:

- #1190- Subdivision application in 1976 requesting to subdivide a 25 acre parcel off of the subject property, which was approved and created the neighbouring property to the south.
- LC2190C- Subdivision application in 1996 requesting to subdivide the subject property into 11 lots, which has denied by the Agricultural Land Commission.

**SITE COMMENTS:**

100% of the subject property is in the ALR. There are 5 cleared pastures encompassing 15 acres of the property, a horse barn, and several associated small horse sheds on the property. There is a 1138 m<sup>2</sup> (12, 250 square foot) coverall building currently used for boat storage, but has been used as a riding arena in the past. There is one single family dwelling on the property which is occupied by the caretakers of the property.

**BYLAW ENFORCEMENT:**

No

**POLICY:**

See "LC2594C\_Excerpts" for all relevant policies and regulations from Official Community Plan Bylaw No.725 and for relevant definitions from South Shuswap Zoning Bylaw No. 701.

**FINANCIAL:**

There are no financial implications associated with this application.

**KEY ISSUES/CONCEPTS:**

The property owners have submitted a Non-Farm Use application to the ALC to be able to continue to use a 1138 m<sup>2</sup> (12, 250 square foot) coverall building for boat storage. The current owners have been using this existing coverall building for boat storage for the past two years. The previous owners had also been using the same existing coverall building for boat storage for 5 years prior to the purchase of the property. There is no new construction or expansion proposed to the existing building and the coverall building is not visible from the road or any neighbouring properties.

Agricultural Land Commission (ALC)

The ALC limits non-farm related uses in the ALR (a list of permitted non-farm uses in the ALR can be found in the ALC Act, and ALR Regulations). Uses not listed must be authorized by the ALC regardless of local government regulations.

The current property owners were not aware of ALC regulations and were contacted by the ALC enforcement and told to make an application seeking non-farm use for the use of this coverall building for boat storage. It is the ALC's final decision whether or not to approve this non- farm use application.

Land Use Regulations

The subject property is in an area without a Zoning Bylaw in effect. Without zoning, the uses on the property are not regulated. However, there is an Official Community Plan Bylaw (OCP) in effect on the

subject property (Bylaw No. 725), which guides development in designated areas. The property is designated AG – Agriculture in Bylaw No. 725 (See LC2594C \_Excerpts).

The Agricultural land use designations encompass agricultural uses and uses that are accessory to agriculture. Subject to the guidelines of the ALC, uses that will not affect the long- term agricultural capability of the land are appropriate.

Boat storage on this scale 1138 m<sup>2</sup> (12, 250 square foot) would typically be permitted in an Industrial designated area. The Industrial Designation within Bylaw No 725 states that light industrial uses such as storage is generally acceptable in the AG designation, provided they are in compliance with Provincial ALC regulations, are located away from watercourses, are not on waterfront parcels, and are compatible with adjacent land uses.

There are policies within the OCP for Home Business and Home Industry. Policies for Home Industry are larger in scale and often include outdoor uses and storage. OCP Policies for Home Industries must be subordinate (meaning less than or secondary) to the principal residential use of the property, must be on lots over 2 hectares in size, complement the character of the community, and have no negative impact on nearby neighbours due to unsightliness, noise, or traffic generation.

#### Analysis

The policies for the AG designation policies are not specific to allow or prohibit boat storage. However, uses on the subject property are to be accessory to agriculture and not affect the long term agricultural capability of the land. The use of boat storage is not accessory to any agricultural uses currently occurring on the property. The use of the existing coverall building for boat storage does not affect the long term agricultural capability of the property, however, the coverall building had been previously used as a horse riding arena in the past as the applicant has indicated in the Application form (See LC2594C\_Application) and could be used for agricultural purposes in the future.

The Industrial Designation within the OCP states that light industrial uses such as storage is generally acceptable in the AG designation if it is in compliance with ALC regulations and is not waterfront and compatible with adjacent land uses. The subject property is not in compliance with ALC regulations currently as it has not received any approvals, and it is waterfront to Little White Lake. The adjacent land uses and properties are designated Agricultural and Neighborhood residential. Boat Storage on this larger scale (1138 m<sup>2</sup> or 12, 250 square foot) is more of an Industrial Use and is generally not compatible in agricultural or residential areas.

Boat Storage would be considered a Home Industry as described in the OCP policies as it is larger scale than a home based business. Policies for Home Industry need to be subordinate than the principal residential use and complement character of the area and have no negative impact on nearby neighbours due to unsightliness, noise, or traffic generation. The existing coverall building would not be subordinate (secondary or less than) to the existing residential use on the property, which is the caretakers residing on the property in a single family dwelling. This Boat storage coverall building does not complement the agricultural and residential uses in the area. The coverall building is not visible from the road or neighbouring properties, so it does not generate unsightliness. The applicant has stated that approximately 36 boats can be stored in the existing coverall building. Traffic would only be generated in the spring and fall when approximately 36 boat owners would come to drop off or pick up their boats, which would only amount to a small amount of traffic and very limited noise.

If the property was subject to a zoning bylaw it would likely be zoned "Agriculture" within the South Shuswap Zoning Bylaw No. 701 (Bylaw No. 701), as it is 100% in the ALR. The "Agriculture" zone allows for the use of home business or home industry. Both home businesses and home industries need to be subordinate to the principal residential use or an agricultural operation on the property. There are currently no agricultural activities occurring on the property and the only residential use is for the caretakers of the property who reside on the property. The existing coverall building would not be subordinate to a residential or agricultural use on the property. There are Home Industry regulations in Bylaw No. 701 that restrict floor area used for the home industry to 100m<sup>2</sup> within the ALR. This boat storage coverall building is approximately 1138m<sup>2</sup> in floor area and which greatly exceeds the maximum floor area permitted on ALR land.

**SUMMARY:**

The property owners have made an application to the ALC for a Non-Farm Use, to continue use of an existing coverall building for boat storage. Development Services Staff are recommending that the Board send application LC2594C to the ALC with a recommendation to not approve the application for the following reasons:

- As the use is not accessory to any agricultural uses on the property, policies for AG designation do not support the use;
- As the use of boat storage occurring in an existing coverall building is not in compliance with ALC regulations, is a waterfront property and is not compatible with adjacent agricultural and residential properties the Industrial Designation doesn't support boat storage in AG designation; and
- As the use is not subordinate to the residential use occurring on the property and does not complement the agricultural and residential uses in the area, the policies for home industry are not supported for this proposal.

**IMPLEMENTATION:**

If the ALC approves this application, the property owners will be able to continue the use of the existing coverall building for boat storage as there is no zoning bylaw in effect for the area.

**COMMUNICATIONS:**

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

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendation(s).

**BOARD'S OPTIONS:**

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

**Report Approval Details**

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|----------------------|--|
| Document Title:      | 2022-08-18_Board_DS_LC2594C.docx   |
| Attachments:         | <ul style="list-style-type: none"><li>- LC2594C_Excerpts.pdf</li><li>- LC2594C_Letter_AquatechMarine.pdf</li><li>- LC2594C_Application.pdf</li><li>- LC2594C_Maps_Plans_Photos.pdf</li></ul> |
| Final Approval Date: | Aug 9, 2022  |

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



Corey Paiement



Gerald Christie



Jennifer Sham



Jodi Pierce