



BOARD REPORT

- TO:** Chair and Directors
- SUBJECT:** Electoral Area D: Ranchero/Deep Creek Zoning Amendment Bylaw No. 751-02
- DESCRIPTION:** Report from Christine LeFloch, Planner III, dated June 19, 2024. 5530 Gardiner Frontage Road, Ranchero.
- RECOMMENDATION #1:** THAT: "Ranchero/Deep Creek Zoning Amendment Bylaw No. 751-02" be read a first time, this 18th day of July, 2024.
- RECOMMENDATION #2:** THAT: In accordance with Section 464(2) of the Local Government Act, the public hearing for "Ranchero/Deep Creek Zoning Amendment Bylaw No. 751-02" be waived.
Stakeholder Vote Unweighted (LGA Part 14) Majority
- RECOMMENDATION #3:** THAT: The Board utilize the simple consultation process for "Ranchero/Deep Creek Zoning Amendment Bylaw No. 751-02" and the bylaws be referred to the following agencies and First Nations:
- CSR D Community and Protective Services;
 - CSR D Environmental and Utility Services;
 - Ministry of Transportation & Infrastructure;
 - All applicable First Nations Bands and Councils
- Stakeholder Vote Unweighted (LGA Part 14) Majority*

SUMMARY:

The owners of the subject property have applied to add a special regulation to the ID1 Industrial Zone to add mini-storage as a permitted use for the subject property only. The mini-storage business on the subject property is currently operating under a temporary use permit. Staff are recommending that the amending bylaw be read a first time, the public hearing be waived, and bylaw be referred to applicable agencies and First Nations for comments.

BACKGROUND:

ELECTORAL AREA:
D

LEGAL DESCRIPTION:

Lot 1, Section 32, Township 19, Range 9, West of the 6th Meridian, Kamloops Division Yale District, Plan 40014

PID:
011-787-503

CIVIC ADDRESS:

5530 Gardiner Lake Frontage Road, Rancho

SURROUNDING LAND USE PATTERN:

North = Rural Residential

South = Agriculture

East = Agriculture

West = Rural Residential, Highway 97B

CURRENT USE:

Single family dwelling, 2 shops, stacked shipping containers used for mini-storage, large storage building (967 m²), outdoor storage of RV's

PROPOSED USE:

Applicant would like to continue to use the property as a commercial mini-storage facility

PARCEL SIZE:

1.84 Ha (4.55 Acres)

DESIGNATION:

[Rancho/Deep Creek Official Community Plan Bylaw No. 750](#)

ID – Industrial

ZONE:

[Rancho/Deep Creek Zoning Bylaw No. 751](#)

ID1 - Industrial

PROPOSED ZONE:

ID1 - Industrial – text amendment to add a special regulation to allow mini-storage as a permitted use for the subject property

AGRICULTURAL LAND RESERVE:

0% - Property is adjacent to the ALR boundary on the west and south sides

SITE COMMENTS:

The subject property is located just south of the City of Salmon Arm boundary along the west side of Highway 97B. The property contains a single-family dwelling along with three large accessory buildings, an Atco trailer, and a number of shipping containers that have been placed on the property for the proposed mini-storage use. Materials left by the previous owners have been removed from the property and it has been graded and fenced. The property has limited frontage on a public road and gains access from Gardiner Lake Frontage Road.

BYLAW ENFORCEMENT:

There was previous bylaw enforcement on the property related to the property owner beginning the mini-storage use contrary to zoning. This file has been closed as the owners applied for and were issued TUP750-03 for the mini-storage use and are also pursuing a zoning amendment to add a special

regulation to the ID1 Zone which would allow the mini-storage use for the subject property. If the zoning amendment is not approved the mini-storage is non-compliant with zoning and if the owners do not cease the use then further bylaw enforcement would be required.

POLICY:

See excerpts of the relevant policies and land use regulations in the attached "BL751-02_Excerpts_BL750_BL751.pdf".

FINANCIAL:

There are no financial implications associated with this application.

KEY ISSUES/CONCEPTS:Ranchero/Deep Creek Official Community Plan Bylaw No. 750 (OCP)

The subject property is designated ID – Industrial in the OCP and is one of two parcels in the Ranchero/Deep Creek area that is designated for Industrial use. The Industrial designation provides for limited industrial land uses including small scale light industry serving the needs of local residents. All industrial development must be in scale with and appropriate to the character of the rural community and must not adversely affect the natural environment.

Ranchero/Deep Creek Zoning Bylaw No. 751 (zoning bylaw)

The subject property is zoned ID1 Industrial 1 in the zoning bylaw for Ranchero/Deep Creek. Permitted uses in this zone include "outdoor storage" but commercial storage within a building or buildings (typically referred to as "mini-storage") is not a permitted use. The full list of permitted uses in this zone includes:

- Aggregate sale
- Farm and garden supply
- Kennel
- Log building manufacturing
- Manufacturing
- Outdoor sales
- Outdoor storage
- Recycling drop-off facility
- Sawmill
- Single detached dwelling
- Vehicle wrecking

The definition of mini-storage in Bylaw No. 751 is:

MINI STORAGE is the use of land, buildings or structures to provide separate, individual self-storage units inside a building, each with a separate entrance designed to be rented or leased to the general public for private storage of personal goods, materials or equipment.

The bylaw includes this definition because mini-storage is a permitted use in the HC Highway Commercial zone. Staff believe it is also appropriate for the subject property which is in the ID1 Industrial Zone.

The use of shipping containers as a mini-storage units meets this definition. There are also other large buildings on the property used for storage, but these do not meet the definition of mini-storage as they do not include individual storage units. Storage is permitted in the other large buildings.

The owner is also providing some outdoor storage of recreational vehicles and other equipment on the property which is permitted in the ID1 zone. The ID1 zone also specifies that all outdoor storage must be screened with landscape screening that is not less than 2 m in height. The property is fenced with chain link fencing but does not have privacy slats to provide screening.

It is noted that the maximum parcel coverage permitted in the ID1 Zone is 40%. At the time of issuance of the TUP there were an existing single-family dwelling, 2 accessory buildings (shops) and the stacked shipping containers on the property. This amounted to less than 40% of the 1.84 ha parcel. The applicant advised at that time that they would like to be able to add more shipping containers as they are able to acquire them. Staff advised that the maximum parcel coverage is 40%. Since then, the owners have added a 967 m² storage building and a small Atco trailer to the property. The site plan provided for the application is not to scale. However, the 2023 orthophoto of the property shows all the buildings on the property. Staff did a calculation and determined that that these buildings only cover about 15% of the property. See BL751-02_Maps_Plans_Photos_2024-07-18.pdf

Analysis

The Senior Bylaw Enforcement Officer has advised that no complaints were received regarding the subject property during the three-year term of the TUP. However, It is noted that not all the conditions of the TUP were met by the applicants. Specifically, the shipping containers used to house the mini-storage facility were to be painted a uniform colour. This has not yet been done. It is noted that the Rancho/Deep Creek OCP does not have an Industrial Form and Character Development Permit Area. As a Development Permit is not required for the proposed industrial use this cannot be a condition of development permit issuance.

Staff do not have any objections to inclusion of mini-storage as a permitted use for this ID1 zoned property as it is consistent and compatible with other permitted uses in the ID1 zone. Mini-storage is also typically a permitted use in industrial zones in other zoning bylaws in the CSRD. Storage located within a building is generally preferable to outdoor storage as it is not visible from public spaces.

There is some outdoor storage occurring on the property that appears to be recreational vehicles and other equipment. As noted above, screening of outdoor storage areas is a requirement in the Industrial Zone, and while the property is currently fenced there are no privacy slats to screen the property from view. There is vegetation along the east and south property boundaries which helps to buffer views from the highway and the residential properties to the east. While there is little vegetation on the west side of the property, the abutting lands are agricultural and there are no residences nearby that would be affected. There is also no vegetation on the north side of the property and there is an abutting residential property. Also, part of the outdoor storage area on the subject property can be seen from Hwy 97B from the north. The outdoor storage area should be screened from view of the traveling public and the adjacent residential property to the north. Staff are not recommending screening be installed along the other sides of the property as there is either adequate vegetation or no residential use. As there is no requirement for an Industrial Form and Character Development Permit in Rancho/Deep Creek, staff recommend that screening be included as a condition of zoning approval. This may be done by installing privacy slats in the chain link fence. The location for the required screening is shown on a site plan included in "BL751-02_Maps_Plans_Photos.pdf". Inclusion of privacy slats in the fence to provide screening will also mitigate the need for painting of the shipping containers. Staff are no longer recommending that the painting be done.

As noted earlier, the subject property is adjacent to ALR lands to the west and south. While the Agricultural policies in the OCP do not speak to adjacent uses, the Industrial policies note that one of the objectives is to minimize land use incompatibility and conflicts between industry and surrounding land uses. Staff do not foresee any conflicts arising as the subject property is fenced and this prevents encroachment of the industrial use onto ALR lands. If the adjacent ALR property is ever used for pasture it would also prevent animals from encroaching onto the industrial property.

The impact of the storage facility on adjacent properties is expected to be minimal. The property has been industrial for many years and was previously used as a wrecking yard. As noted earlier in this report, the current owners have done significant work to clean up the property as evidenced in the ortho imagery included in the attached "BL751-02_Maps_Plans_Photos.pdf". The proposed amendment is consistent with the Industrial zoning and is not expected to create any additional impacts on adjacent properties to the south, east and west. However, the adjacent property to the north does have direct views of the subject property due to the lack of any buffering vegetation. The proposed fence slats recommended to screen views from Hwy 97 from the north will also provide screening to and from this residential property.

Rationale for Recommendation

This rezoning application has been made by the owners of the subject property to allow continuation of the mini-storage use currently allowed through TUP751-02 as a permitted use in the Industrial Zone. Staff are recommending that the amending bylaw be read a first time and referred to applicable agencies and First Nations for the following reasons:

- The property is designated and zoned Industrial and the proposed special regulation to allow mini-storage use for the property is appropriate for this zone in this location;
- There are expected to be no negative impacts to adjacent properties by permitting the mini-storage use;
- The recommended installation of privacy slats in the fence will screen views from Hwy 97B and the adjacent residential property to the north; and
- The property has been operated as a mini-storage facility under TUP750-03 for three years without any complaints being received by the CSR.

Prior to staff bringing the amending bylaw to the Board for adoption the applicant will need to complete the following:

- Install privacy slats in the section of chain link fence located along the northern end of the storage compound to provide screening from adjacent properties and public view from the highway as shown on the site plan included in "BL751-02_Maps_Plans_Photos.pdf".

IMPLEMENTATION:

Neighbourhood residents will first become aware of this application when a notice of application sign is posted on the property. The notice of application sign is required to be posted on the subject property no more than 30 days after the Board has given the amending bylaw first reading, in accordance with Development Services Procedures Bylaw No. 4001-2, as amended. It is recommended that the sign be placed at the entrance to the property at Gardiner Lake Frontage Road.

COMMUNICATIONS:

Consultation Process

It is recommended that the Public Hearing be waived for this application because the proposal is consistent with the Ranchero/Deep Creek Official Community Plan. In accordance with Section 467 of the Local Government Act, staff prepared an advertisement which will be published in two issues of the Shuswap Market News prior to first reading of the bylaw (July 4 and July 11, 2024), notifying of the application and that a public hearing is not required. Notifications will also be mailed to landowners and tenants in occupation of properties located within 100 m of the subject property prior to first reading. Further notifications will be mailed out and a third ad placed in the newspaper with the deadline for written submissions prior to third reading of the bylaw (4 PM on the Tuesday prior to the Board meeting where the bylaw will be considered for third reading). All written public submissions received regarding the proposed bylaw amendment will be attached to a future report when the Board considers the bylaw for third reading.

Simple consultation has been recommended in accordance with [Policy P-18 \(Consultation Process\)](#) as the proposed zoning is consistent with the current Industrial designation and does not require an OCP land use designation change. This means the applicant does not need to hold a public information meeting regarding the proposed bylaw amendment.

Referrals

If the Board gives Bylaw No. 751-02 first reading, the bylaw will be sent out to referral agencies and First Nations. Referral responses will be provided to the Board with a future Board report, prior to consideration of second reading.

The following list of referral agencies is recommended:

- CSRD Community and Protective Services;
- CSRD Environmental and Utility Services;
- Ministry of Transportation & Infrastructure;
- All applicable First Nations Bands and Councils:
 - Adams Lake Indian Band;
 - Skw'lax te Secwepemc
 - Lower Similkameen Indian Band;
 - Neskonlith Indian Band;
 - Okanagan Indian Band;
 - Okanagan Nation Alliance;
 - Penticton Indian Band;
 - Splatsin First Nation;
 - Upper Nicola Band.

It is noted that referrals were done for the previous TUP application to CSRD Operations Management, Ministry of Transportation and Infrastructure, the Archaeology Branch, and all applicable First Nations. The Archaeology Branch provided comments at that time noting that while there are no recorded archaeology sites on the subject property or in the immediate vicinity, modeling suggests that there is high potential for unrecorded sites to exist. They further noted that while it is not required that the property owners obtain a Heritage Alteration Permit prior to conducting land altering work, if a heritage object is found while work is occurring, they are required to stop all work until a permit is obtained. It was strongly suggested that the owners hire a consulting archaeologist to conduct a Preliminary Field Review prior to any works being undertaken. This is generally the advice provided by the Archaeology Branch in cases where modeling suggests that there is high potential for unrecorded archaeology sites. It is not recommended that another referral be sent to the Archaeology Branch regarding the rezoning application as they have already provided detailed comments to the property owner.

Referral comments from the Ministry of Transportation and Infrastructure at the time of the TUP noted that a Commercial Access Permit is required for the proposed use and the applicant was directed to contact the Ministry. Staff contacted the Ministry to find out if an Access Permit has been issued. At the time of writing staff were awaiting a response. The Ministry is also required to approve the zoning bylaw amendment following third reading because the subject property is located within 800 m of a controlled access highway. It is recommended that a referral be sent to the Ministry for the rezoning application. Staff will provide an update in a future Board report including comments from MOTI regarding this application.

DESIRED OUTCOMES:

That the Board endorse the staff recommendations.

BOARD'S OPTIONS:

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

Report Approval Details

Document Title:	2024-07-18_Board_DS_BL751-02_First.docx
Attachments:	- BL751-02_Maps_Plans_Photos_2024-07-18.pdf - BL751-02_CA9307763_TUP_Redacted.pdf - BL751-02_Excerpts_BL750_BL751.pdf - BL751-02_First_.pdf
Final Approval Date:	Jul 9, 2024

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



Corey Paiement

No Signature - Task assigned to Gerald Christie was completed by assistant Jennifer Sham

Gerald Christie



Jennifer Sham

No Signature - Task assigned to John MacLean was completed by assistant Jennifer Sham

John MacLean