



# BOARD REPORT

**TO:** Chair and Directors

**SUBJECT:** Electoral Area D: Development Variance Permit No. 2500-23

**DESCRIPTION:** Report from Laura Gibson, Planner II, dated September 25, 2024.  
4333 Colebank Road, Falkland

**RECOMMENDATION:** THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 2500-23 for the East ½ of the Northwest ¼ of Section 16 Township 17 Range 11 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Except Plans A322 and 29247, varying Salmon Valley Land Use Bylaw No. 2500 as follows:

- 1) Section 2.4.3 minimum siting of other buildings and structures or uses from the front parcel line from 10 m to 0 m, only for the east pumphouse (including eaves) and from 10 m to 2 m, only for the west pumphouse (including eaves),

be approved for issuance this 17<sup>th</sup> day of October 2024.

*Stakeholder Vote Unweighted (LGA Part 14) Majority*

## SUMMARY:

The subject property is located at 4333 Colebank Road in Falkland in Electoral Area D and is zoned R – Rural in the Salmon Valley Land Use Bylaw No. 2500 (Bylaw No. 2500). The property owners are proposing to relocate two accessory buildings (pumphouses for irrigation wells) within the front parcel line setback. Bylaw No. 2500 requires a 10 m setback for buildings and structures from the front parcel line. The recently constructed accessory buildings are currently located in a FortisBC gas transmission line right-of-way and must be relocated. The property owners are seeking approval to relocate the pumphouses to 0 m and 2 m from the front parcel line (along Colebank Road).

## BACKGROUND:

ELECTORAL AREA:  
D

## LEGAL DESCRIPTION:

The East ½ of the Northwest ¼ of Section 16 Township 17 Range 11 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Except Plans A322 and 29247

## PID:

013-970-607

## CIVIC ADDRESS:

4333 Colebank Road, Falkland

## SURROUNDING LAND USE PATTERN:

North = Colebank Road, Canada Pacific Railway

South = Rural private property

East = Rural private property  
West = Rural private property

**CURRENT USE:**

Agriculture (barn and three other accessory buildings, plus the two pumphouses)

**PROPOSED USE:**

Relocating two accessory buildings (pumphouses) within the front parcel line setback

**PARCEL SIZE:**

18.25 ha (50.36 ac)

**DESIGNATION:**

[Salmon Valley Land Use Bylaw No. 2500](#)

R – Rural

**ZONE:**

[Salmon Valley Land Use Bylaw No. 2500](#)

R – Rural

**AGRICULTURAL LAND RESERVE:**

100%

**SITE COMMENTS:**

The subject property is large and primarily flat. The southern third of the subject property is treed while the northern two thirds are cleared for hay crops. There is no dwelling on the property. There is a hay barn and three small accessory buildings in the trees. The wells and two associated pumphouses are for irrigation of the fields.

**BYLAW ENFORCEMENT:**

There is no bylaw enforcement related to this file.

**POLICY:**

[Salmon Valley Land Use Bylaw No. 2500](#)

2.4 R – Rural

2.4.1 Permitted Uses

.1 agriculture

.14 accessory use

2.4.2 Regulations

.3 minimum siting of other buildings, structures, or uses from parcel lines:

\* front and rear parcel lines: 10 metres

.6 maximum height for:

\* accessory buildings: 10 metres

**FINANCIAL:**

There are no financial implications associated with this application.

**KEY ISSUES/CONCEPTS:**Background

The subject property owners use the property for agriculture (hay crops). There is no dwelling on the property, only a hay shed and three small accessory buildings (outbuildings), plus the two new accessory buildings (pumphouses for wells). The fields were previously irrigated by water from Salmon River, but the owners were finding that small fish would get stuck in the hoses and, with permission from the Province, decided to drill wells to source water for irrigation instead.

A FortisBC gas transmission line runs through the property on a slight angle, approximately 20 m south of the front parcel line on the west and approximately 13 m from the front parcel line on the east. The FortisBC right-of-way surrounding the gas transmission line is 60 ft wide, which is approximately 9 m north and south of the gas transmission line.

The two wells were drilled near the front parcel line. The west well was drilled outside of the right-of-way. However, the owners and well-driller, not realizing the gas transmission line and right-of-way runs on an angle and not parallel to Colebank Road, mistakenly drilled the east well inside the right-of-way. The pumphouse buildings that were constructed for the wells were also placed on the FortisBC right-of-way (see locations on attached "DVP2500-23\_Maps\_Plans\_Photos.pdf"). FortisBC came across the pumphouse buildings and notified the property owners that the pumphouse buildings need to be relocated outside the right-of-way. FortisBC is has yet to confirm whether the well that is placed in the right-of-way can remain or needs to be relocated.

In the Salmon Valley Land Use Bylaw No. 2500, the required front parcel line setback is 10 m for accessory buildings in the R - Rural zone. The property owners are seeking a variance to the front parcel line setback from 10 m to 0 m for the east pumphouse and from 10 m to 2 m for the west pumphouse. The reason for the difference in distance is the angle of the FortisBC transmission line and associated right-of-way.

Analysis

The principal use on the subject property is agriculture (hay crops) and the pumphouse buildings are permitted accessory buildings. The property owners are applying for a Development Variance Permit (DVP) to reduce the front parcel line setback for the two pumphouse buildings because they are currently situated in a FortisBC gas transmission line right-of-way, which is not permitted by FortisBC. The buildings cannot be placed further south because they would be too far from the wells, which are drilled near the front parcel line (see "DVP2500-23\_Maps\_Plans\_Photos.pdf"). The only other option would be to remove the pumphouse buildings from the subject property.

The subject property is located along a straight section of Colebank Road. There are access driveways to adjacent properties directly to the east and west of the subject property. The subject property's access is along the east parcel boundary. The west pumphouse is proposed to be situated approximately 30 m from the west parcel line and 2 m from the front parcel line, and the east pumphouse is proposed to be situated approximately 25 m from the east parcel line and 0 m from the front parcel line. Both buildings are 3.05 m (10 feet) in height, below the 10 m maximum height permitted in the Rural zone by Bylaw No. 2500. The buildings are 6 feet by 8 feet (4.45 m<sup>2</sup>).

Although not included in Bylaw No. 2500, other CSRD zoning bylaws include regulations for 'sight triangles', which is a term used by the Province in the Transportation Act to describe a triangular area on parcels that are at the corner of two intersecting public roads. The sight triangle is created by measuring 6 m along each parcel boundary from the corner at the road intersection and connecting

those points. No fences, plants or structures higher than 0.6 m should be placed in the sight triangle. If you were to apply the same principles to the nearby driveways off Colebank Road, the proposed buildings are well away from the sight triangle and therefore should not provide any obstruction to drivers.

There should be no negative impacts to nearby property owners as a result of the proposed variance given the proximity from the side parcel lines. The buildings will not interfere with neighbouring views. There should also be no adverse impact to the natural environment as there are no nearby watercourses or slopes.

#### Building Permit and BC Building Code

The subject property is in Electoral Area D which currently has no CSRD Building Regulation and Inspection. This means building permits were not required for the pumphouse buildings. BC Building Code still applies to the subject pumphouses. With regard to fire spatial separation setbacks for buildings, the distance is measured from the centre of the road, and the buildings are outside this required setback.

#### Ministry of Transportation

The property owners have been advised to apply for a setback permit from the Ministry of Transportation as the accessory buildings will be situated in the 4.5 m setback from the front parcel line required by the Ministry.

#### Rationale for Recommendation

The property owners have applied for a Development Variance Permit to vary the front parcel line setback for two accessory buildings (pumphouses), in order to relocate the buildings outside of an existing FortisBC right-of-way. The proposed variance is from 10 m to 0 m, only for the east pumphouse (including eaves) and from 10 m to 2 m, only for the west pumphouse (including eaves). Staff recommend approval of DVP2500-23 for the following reasons:

- The location of the accessory buildings (pumphouses) should not block sightlines from driveways for adjacent properties; and,
- There should be no negative impact to nearby property owners as a result of the proposed variance.

#### **IMPLEMENTATION:**

If DVP2500-23 is approved, staff will prepare a notice to be sent to the Land Title and Survey Authority for registration on title.

#### **COMMUNICATIONS:**

Notices of the proposed variance were sent out to property owners and tenants in occupation of properties within 100 m of the subject property. No written submissions have been received as of the date of this report. Any written submissions received before the submission deadline (October 15, 2024, at 4 PM) will be included and attached to the Late Agenda Board package.

#### **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.*

**Report Approval Details**

Document Title:	2024-10-17_Board_DS_DVP2500-23.docx
Attachments:	- DVP2500-23_Redacted.pdf - DVP2500-23_Maps_Plans_Photos.pdf
Final Approval Date:	Oct 8, 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



John MacLean