



BOARD REPORT

TO: Chair and Directors

FROM: Dan Passmore
Senior Planner

SUBJECT: Salmon Valley Land Use Amendment (Spa Hills Farm Inc.) Bylaw No. 2553

File No: BL 2553

Date: March 27, 2014

RECOMMENDATION #1: THAT:
Bylaw No. 2553 cited as "Salmon Valley Land Use Amendment (Spa Hills Farm Inc.) Bylaw No. 2553" be read a first time this 17th day of April, 2014;

AND THAT:

the Board utilize the simple consultation process for Bylaw No. 2553 and in accordance with Section 879 of the Local Government Act, it be referred to the following agencies and First Nations:

- Area 'D' Advisory Planning Commission;
- Ministry of Transportation and Infrastructure;
- Interior Health Authority;
- Ministry of Environment;
- Ministry of Forests, Lands and Natural Resource Operations;
- Provincial Agricultural Land Commission;
- Ministry of Agriculture;
- CSRD Operations Management;
- CSRD Financial Services;
- School District #83; and,
- Relevant First Nations Bands and Councils.

AND FURTHER THAT:

pursuant to Section 882 of the Local Government Act, the Board has considered this "Salmon Valley Land Use Amendment (Spa Hills Farm Inc.) Bylaw No. 2553" in conjunction with the Columbia Shuswap Regional District's Financial Plan and its Waste Management Plan.

APPROVED for Board Consideration:

Meeting Date: April 17, 2014


Charles Hamilton, CAO

SHORT SUMMARY:

The applicant had previously applied to the ALR for a non-farm use on the subject property, as the result of a bylaw enforcement action. The applicant was using the property for a classic auto restoration business, which eventually was approved by the Agricultural Land Commission (ALC Resolution #407/2011). Further, on September 12, 2013 the Board adopted Salmon Valley Land Use Amendment (CSRD) Bylaw No. 2547, which incorporated regulations regarding the operation of organic matter compost facilities.

VOTING:

Unweighted Corporate	<input type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder <i>(Weighted)</i>	<input type="checkbox"/>
LGA Part 26 (Unweighted)	<input checked="" type="checkbox"/>				

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- .d) includes covered storage for organic matter, to prevent exposure to precipitation;
 - .e) includes an enclosed building with mechanical aeration, designed to ensure that the compost is maintained in an aerobic condition, and with a negative pressure differential between the inside and outside of the building in which the composting process occurs; and a filter system designed by a professional whose area of specialty includes the design of these systems; and
 - .f) is designed to keep the impact on the environment, and exposure and disturbance to humans, including dust, pollution, noise and odour, to a minimum.
- .2 Blending, grinding and making or mixing of raw materials must take place on an impermeable surface.
 - .3 Any property used for a composting facility shall have a minimum parcel area of 30 ha.
 - .4 The area used for primary composting and curing shall not exceed 500 m² per parcel.
 - .5 Buildings and structures for a composting facility use shall be sited not less than:
 - .a) 75.0 m from all parcel lines
 - .b) 100.0 m from the natural boundary of a watercourse
 - .c) 75.0 m from Rural Residential areas
 - .d) 100.0 m from all wells and sources of domestic water

R – Rural

Permitted uses:

- .1 agricultural;
- .2 airfield, airstrip;
- .3 equestrian centre;
- .4 fish farm;
- .5 forestry;
- .6 golf course and clubhouse;
- .7 guest ranch;
- .8 gun club and archery range;
- .9 harvesting wild crops;
- .10 home occupation;
- .11 kennel;
- .12 portable sawmill;
- .13 single family dwelling;
- .14 trapping;
- .15 accessory use.

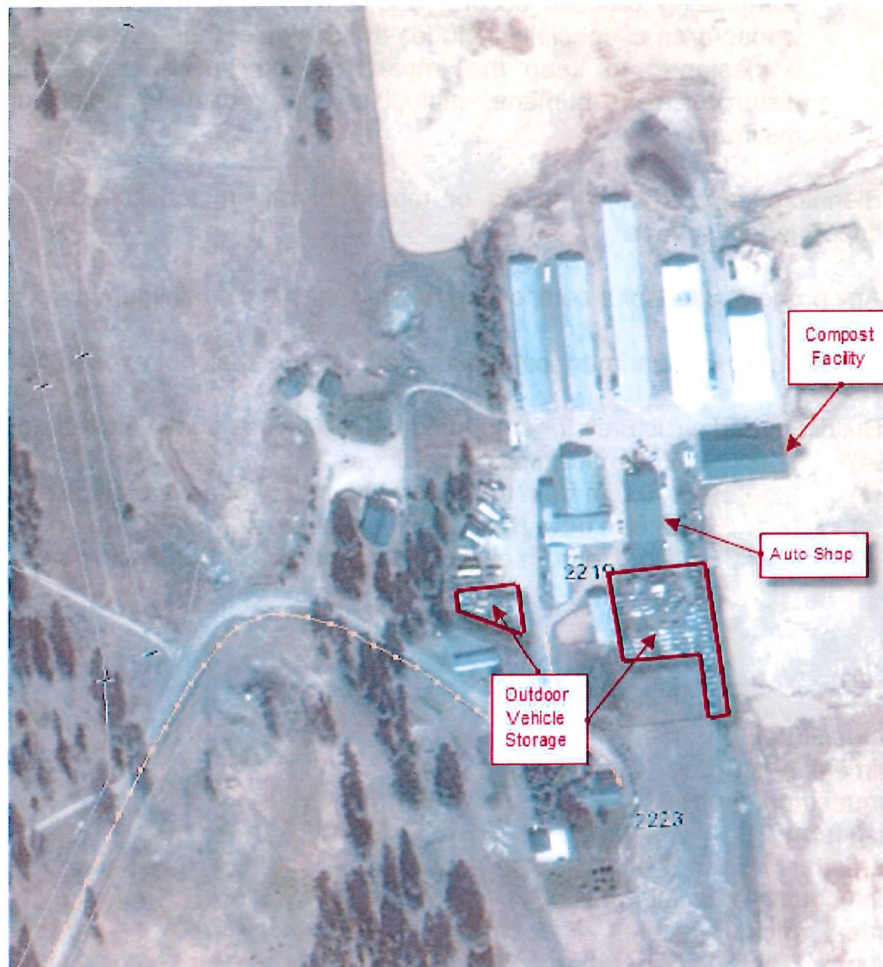
Proposed Amendments:

The applicant is proposing amendments to the R Rural Zone to include special regulations that are specific to the subject property which will recognise existing uses on the site. These amendments are as follows;

- Permitted uses for the subject property to include classic auto restoration shop in the building currently used for this purpose, including ancillary outdoor storage of automobiles, provided the total area for storage does not exceed 0.15 ha.

- Permitted uses for the subject property to include organic matter composting facility, in the building identified for that purpose.

A map identifying the new uses would also be included as follows;



FINANCIAL:

The rezoning is the result of a bylaw enforcement action. If the Board does not adopt the proposed amending bylaw, the Board may then wish to direct staff to seek a legal opinion regarding possible court action. Costs for the legal opinion and possible court action, although partially recoverable through Court, could nonetheless be substantial. Staff involvement in legal action is not recoverable.

KEY ISSUES/CONCEPTS:

The Agricultural Land Commission (ALC) reviewed the non-farm use application for the auto restoration business and approved it in Resolution #407/2011. In the same year the owners of the property began operation of the organic matter composting facility. Initially the composting facility met with ALC regulations. It was only later that the owners expanded the scope of the facility to begin accepting organic matter from outside of the farm, which outstripped the Salmon Valley Land Use Bylaws ability to permit it on an R- Rural zoned property as an agricultural use.

In an effort to accommodate this use, the CSRD initiated a zoning amendment bylaw No. 2547 in April

2012 to introduce this use and to establish regulations for such operations. At that time, the zoning amendment bylaw only recognised the organic matter composting facility as a permitted use in the AP Agriculture Processing Zone, meaning that property owners wanting to start an Organic Matter Composting Facility would need to rezone.

The auto restoration business has been in operation for a number of years and the organic matter composting facility has been in operation for 3 years without garnering complaints directly related to the operation of the facility, despite garnering significant public attention during the notification process under the Province's licensing regimen.

IMPLEMENTATION:

Referral Process

The following list of referral agencies is recommended:

- Area 'D' Advisory Planning Commission;
- Ministry of Transportation and Infrastructure;
- Interior Health Authority;
- Ministry of Environment;
- Ministry of Forests, Lands and Natural Resource Operations;
- Provincial Agricultural Land Commission;
- Ministry of Agriculture;
- CSRD Operations Management;
- CSRD Financial Services;
- School District #83; and,
- Relevant First Nations Bands and Councils..

Staff is recommending the simple consultation process. Neighbouring property owners will first become aware of the application for the zoning amendments when a notice of development sign is posted on the subject property.

SUMMARY:

The proposal is to amend the R – Rural zone to allow the permitted use of the subject property for an auto restoration business as well as an organic matter composting facility only on the subject property. Staff are recommending that the Board consider the bylaw for first reading as well as to forward the bylaw to referral agencies.

LIST NAME OF REPORT(S) / DOCUMENT(S):

1. Maps: Location, Orthophoto, OCP, Zoning	Attached to Agenda Summary: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
2. Salmon Valley Land Use Amendment (Spa Hills Farm Inc.) Bylaw No. 2553	Attached to Agenda Summary: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>

DESIRED OUTCOMES:

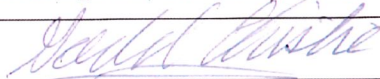
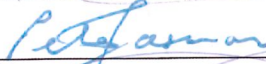

That the Board endorse staff recommendation.

BOARD'S OPTIONS:

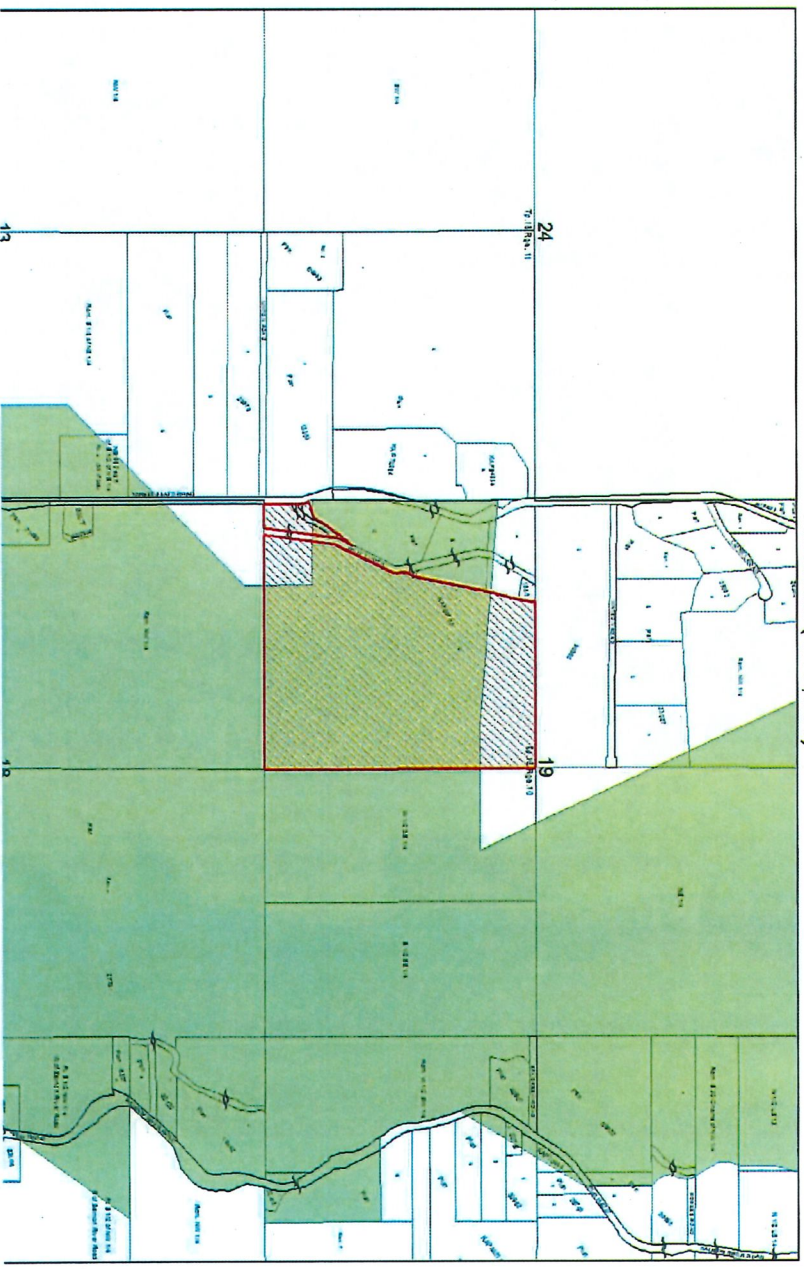
1. *Endorse recommendation. Bylaw No. 2553 will be given first reading and will be sent out to the referral agencies.*
2. *Deny first reading. Bylaw No. 2553 will be defeated*
3. *Defer*
4. *Any other action deemed appropriate by the Board*

COMMUNICATIONS:

If the Board gives Bylaw No. 2553 first reading, the bylaw will be sent out to referral agencies. Referral responses will be provided to the Board with a future Board report prior to second reading.

REVIEWED BY:	Date Signed Off (MO/DD/YR)	Approval Signature of Reviewing Manager or Deputy Manager
Development Services	04/07/14	
Financial Services	Apr/7/14	
Operations Management	Apr 7 / 2014	

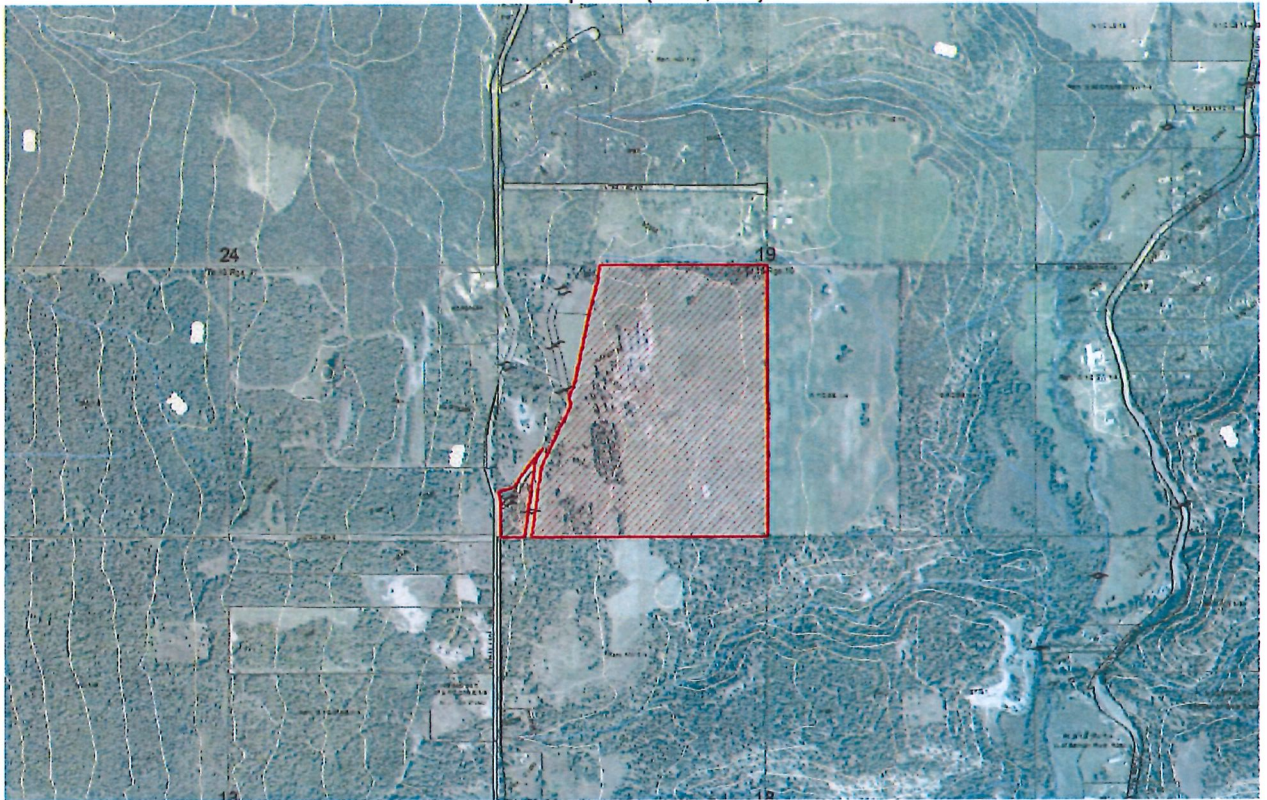
Location (1:10,000)



Location (1:7,500)



Orthophoto (1:10,000)



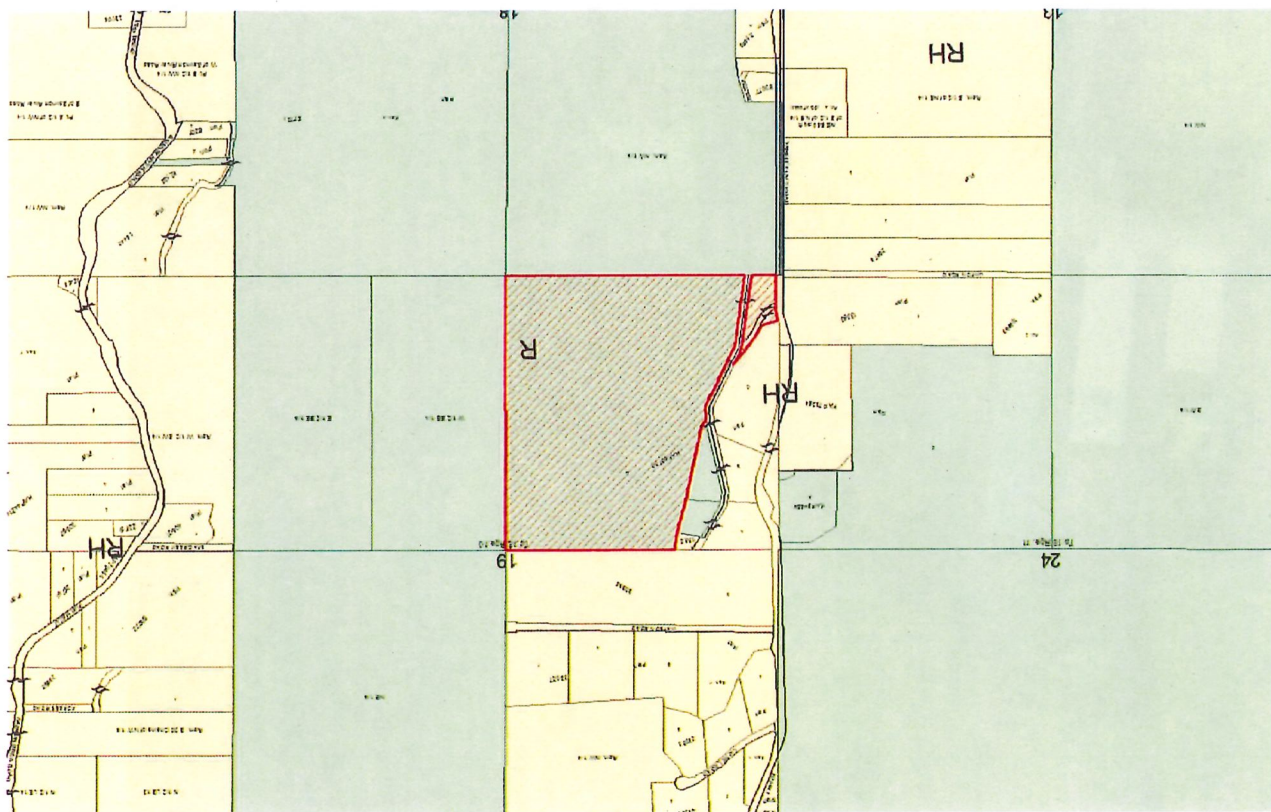
Orthophoto (1:5,000)



Current Orthophoto of Site Development



Current OCP Designation/Zoning



COLUMBIA SHUSWAP REGIONAL DISTRICT

SALMON VALLEY LAND USE AMENDMENT (SPA HILLS FARM INC.) BYLAW NO. 2553

A bylaw to amend the "Salmon Valley Land Use Bylaw No. 2500"

WHEREAS the Board of the Columbia Shuswap Regional District adopted Bylaw No. 2500;

AND WHEREAS the Board deems it appropriate to amend Bylaw No. 2500;

NOW THEREFORE the Board of the Columbia Shuswap Regional District, in open meeting assembled, HEREBY ENACTS as follows:

1. "Salmon Valley Land Use Bylaw No. 2500" is hereby amended as follows:

A. TEXT AMENDMENT

i) Part II Land Use Regulations, Section 2.4 R Rural zone, is hereby amended as follows:

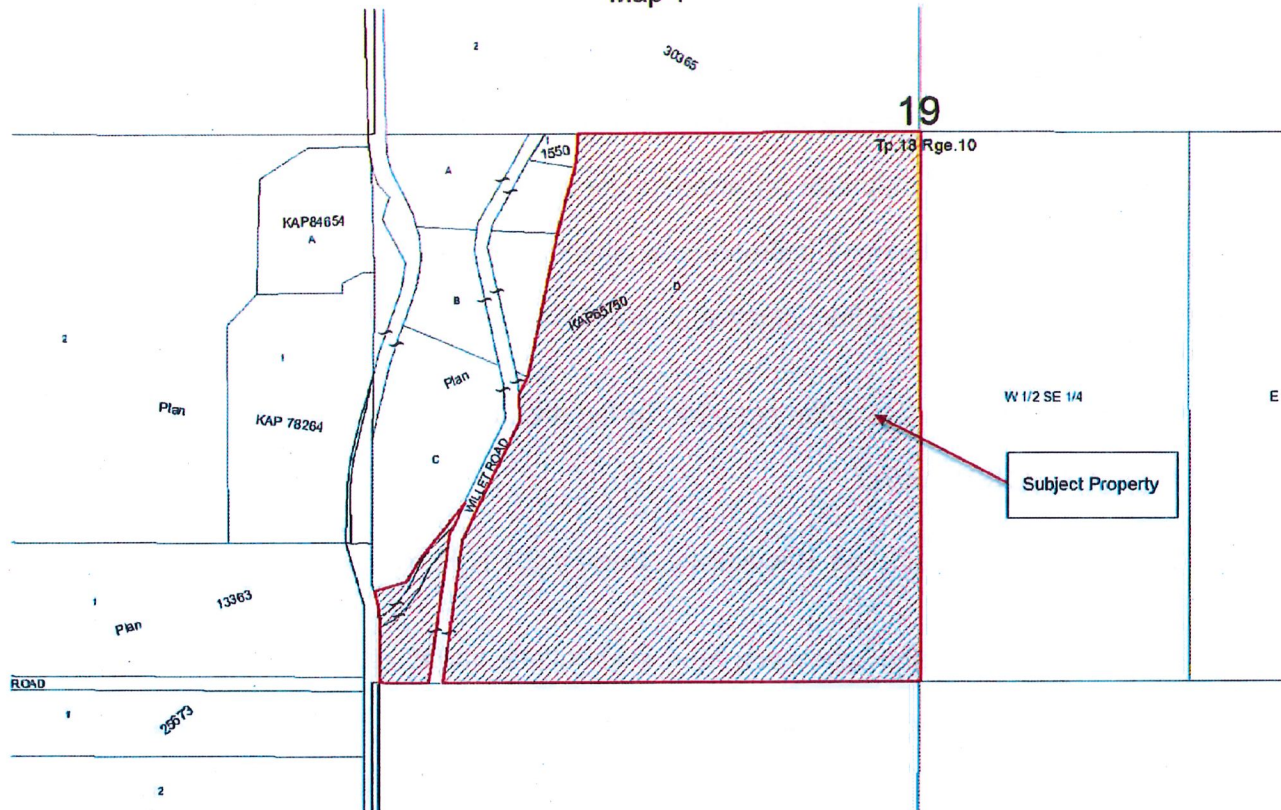
a) by adding Subsection 2.4.4, in its entirety, including the attached maps as follows:

"Special Regulations

2.4.4 In this subsection, lands are described by legal description and by map and in the event of any discrepancy between the legal description of the lands and the map, the map governs.

- a) In addition to the permitted uses listed in subsection 2.4.1, the principal uses on Lot D, Section 19, Township 18, Range 10, W6M, KDYD, Plan KAP65750, as shown hatched on Map 1 below, shall include classic auto restoration shop, in the building labelled "auto shop", on Map 2 below; including ancillary outdoor storage of automobiles, provided the area used for outdoor storage does not exceed 0.15 ha. in area and is in the area outlined in bold and labelled "outdoor vehicle storage" on Map 2 below.
- b) In addition to the permitted uses listed in subsection 2.4.1, the principal uses on Lot D, Section 19, Township 18, Range 10, W6M, KDYD, Plan KAP65750, as shown hatched on Map 1 below, shall include Organic Matter Composting Facility, as labelled "Compost Facility" on Map 2 below.

Map 1



Map 2



- ii) Part III Interpretation and Administration, subsection 3.1.1 is hereby amended by adding the following new definition after "aisle":

"Classic Auto Restoration Shop" means a building where motor vehicles are disassembled, repaired, re-manufactured and/or restored and includes auto body repairs and painting."

2. This bylaw may be cited as "Salmon Valley Land Use Amendment (Spa Hills Farm Inc.) Bylaw No. 2553."

READ a first time this _____ day of _____, 2014.

READ a second time this _____ day of _____, 2014.

PUBLIC HEARING held this _____ day of _____, 2014.

READ a third time this _____ day of _____, 2014.

ADOPTED this _____ day of _____, 2014.

CORPORATE OFFICER

Certified true copy of Bylaw No. 2553
as read a third time.

CHAIR

Certified true copy of Bylaw No. 2553
as adopted.

Corporate Officer

Corporate Officer