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**MEETING TYPE:** Regular Council Meeting  
**MEETING DATE:** December 20, 2022  
**AUTHOR:** Inonge Aliaga, Senior Planner  
**DEPARTMENT:** Planning and Development  
**ITEM TITLE:** ALR Non-farm Use Application - ALR2020-010 (7097 Glenmore Road)  
**DESCRIPTION:** Application to allow the use of two existing quonsets for the prefabrication and storage of construction material

## QUESTION

Does the Council support an Agricultural Land Reserve (ALR) application to allow a Non-farm Use, using two existing quonsets for the prefabrication of construction material such as fence panels, cabinetry and prefab walls, and the storage of such material?

## OPTIONS

- A. THAT Non-farm Use Application ALR2020-010 for property located at 7097 Glenmore Rd. (Roll 2097000) to allow a business using two existing quonsets with an area totaling 362.32 m<sup>2</sup> /3,900 ft<sup>2</sup> for the prefabrication of construction material and the storage of such material be supported;  
AND THAT ALR2020-010 be forwarded to the Agricultural Land Commission.
- B. THAT Non-farm Use Application ALR2020-010 for property located at 7097 Glenmore Rd. (Roll 2097000) to allow a business using two existing quonsets with an area totaling 362.32 m<sup>2</sup> /3,900 ft<sup>2</sup> for the prefabrication of construction material and the storage of such material not be supported;  
AND THAT ALR2020-010 be forwarded to the Agricultural Land Commission.
- C. THAT ALR2020-010 for property located at 7097 Glenmore Rd. (Roll 2097000) to allow a business using two existing quonsets with an area totaling 362.32 m<sup>2</sup> /3,900 ft<sup>2</sup> for the prefabrication of construction material and the storage of such material not be supported;  
AND THAT ALR2020-010 not be forwarded to the Agricultural Land Commission.
- D. THAT ALR2020-010 for property located at 7097 Glenmore Rd. (Roll 2097000) to allow a business using two existing quonsets with an area totaling 362.32 m<sup>2</sup> /3,900 ft<sup>2</sup> for the prefabrication of construction material and the storage of such material be deferred pending receipt of additional information as identified by Council.

## EXECUTIVE SUMMARY

The property at 7090 Glenmore Road is in active agricultural production. There is an existing house and two large quonsets as well as other farm related storage buildings on site. The farmyard is surrounded by fruit trees. There is a wide access with minimal slope onto the property from Glenmore Road.

The owners are proposing to use the space inside the two existing quonsets, a total area of 362.32 m<sup>2</sup> (3,900 ft<sup>2</sup>), for the prefabrication of construction material such as fence panels, cabinetry and prefab walls, and the storage of such material. No outdoor storage is proposed. The applicant reports that floor inside the quonsets is concrete. The construction material being fabricated is wood. The business will be constructing kitchen cabinets and wood fencing. There will be no use of hazardous materials or chemicals.

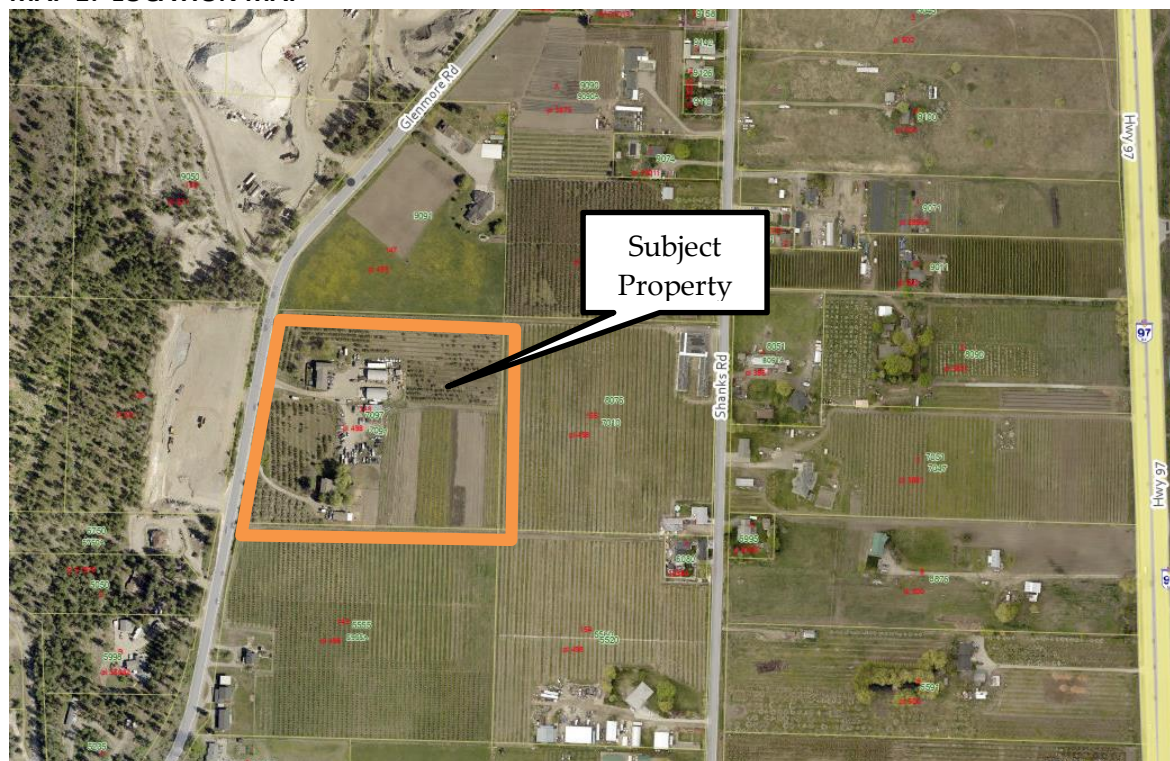
If the ALC permits the non-farm use, the applicant will be required to return to the District for a Temporary Use Permit.

**BACKGROUND/HISTORY**

PROPERTY INFORMATION			
Civic Address:	7097 Glenmore Rd.		
Roll Number:	2097000		
Legal Description:	PID: 012-297-500 Lot 148 Section 3 Township 20 ODYD Plan 498 Except Plan H10875		
Applicant:	Surinderpal Gosal	Owner(s):	Surinderpal and Kulwinder Gosal
OCP Designation:	Agricultural		
Existing Zoning:	A1 – Agriculture 1		
Proposed Zoning:	No change		
Land Use Contract:	No		
ALR:	Yes		
Parcel Size:	4.6 ha (11.3 acres)		
DP Area(s):	Hillside, Drainage, Natural Environment, Industrial		
Water Supply:	Onsite		
Sewer:	Onsite – septic tank		
Adjacent Properties:	<b>Zoning:</b>	<b>Use:</b>	
<i>North:</i>	Agriculture 1 - A1	Farm – grain and forage	
<i>East:</i>	Agriculture 1 - A1	Farm – tree fruits	
<i>South:</i>	Agriculture 1 - A1	Farm – tree fruits	
<i>West:</i>	Industrial - I1	Vacant	

**SITE CONTEXT**

The owner/applicant runs a tree fruit operation, which is the primary use on the subject property. The property also has a single-family dwelling and a history of non-farm rural home occupation businesses. The site has good access off Glenmore Rd with a wide gently sloped driveway. Adjacent uses are farm related, mostly tree fruit operations. Across Glenmore Rd the uses are industrial, with a large gravel pit to the northwest.

**MAP 1: LOCATION MAP**



**MAP 2: ORTHOPHOTO SHOWING THE TWO QUONSETS AND ACCESS FROM GLENMORE RD.**



**SITE PHOTO 1**



North Quonset, with House and Driveway

**SITE PHOTO 2**

South Quonset from Glenmore Rd.

**CHRONOLOGY**

As recently as 2017 there was a business license associated with the property for wood and concrete construction, called K.O.A.D construction. The business was operated by Les Henzle and the business application stated that there were 3 full-time and 2 part-time employees. The business operated within a gross floor area of 167m<sup>2</sup> (1800 ft<sup>2</sup>), which is the equivalent of one of the quonsets. The business was operating as a home occupation with the office located in the home.

On further review of the business license, it was noted that this ALR property did not have approval from the Agricultural Land Commission (ALC) to run a non-farm business of this size from the property as the ALR Use Regulation limits home based businesses to 100m<sup>2</sup>. In December 2020, the owner applied for a Non-Farm Use application. The Business License was not renewed and was officially cancelled on September 1, 2021.

On October 17, 2022 the District of Lake Country's Agricultural Advisory Committee (AAC) reviewed the Non-Farm Use application and requested additional information prior to making a recommendation. After the applicant provided additional information, the AAC again considered the application on December 12, 2022. The Committee's recommendation is included as Attachment B.

Date	Event
2020-12-03	Application submission
n/a	Core Team Meeting
2022-10-14	Internal and External Referrals
2022-10-17 & 2022-12-12	Committee consideration – Agricultural Advisory Committee
-	Previous Council consideration

## DISCUSSION/ANALYSIS

**Home Occupations and Temporary Use Permits:** The maximum area allowed for a Rural Home Occupation under the Zoning Bylaw or a Home Based Business on ALR land is 100 m<sup>2</sup>(1076 ft<sup>2</sup>). The Zoning Bylaw also limits the number of employees to a maximum of 2 employees on the property at any time. The business in its previous form used 167.23m<sup>2</sup> (1800 ft<sup>2</sup>) and had 3 full time and 2 part time employees.

Rural Home Occupations are intended to be operated at a relatively small scale (maximum floor area of 100m<sup>2</sup>). Larger-scale businesses would be required to locate on a property that is zoned for industrial or commercial use. Concerns unique to ALR property are to ensure the business is not in conflict with the agricultural activity and to ensure there are no long-term negative impacts on the agricultural potential of the land.

To gain permission to use the two quonset huts (362.32 m<sup>2</sup> /3,900 ft<sup>2</sup>) for the proposed prefabrication business, the applicant requires approval from the ALC for a Non-farm Use. If granted, further application to the District of Lake Country for a Temporary Use Permit is required. The A1 zoning does not allow a Rural Home Occupation of this size (greater than 100m<sup>2</sup>) and number of employees (greater than 2). A Temporary Use Permit can permit the business activity to continue for a period of up to 3 years with a possible 3-year extension, for a total of 6 years.

## APPLICABLE LEGISLATION AND POLICIES

### Agricultural Land Reserve Use Regulation

Division 2 — permitted non-farm uses that may be prohibited

#### Home occupation use

24 (1) The use of agricultural land for a commercial or similar use within a structure is permitted, but may be prohibited as described in section 20, if all of the following conditions are met:

- (a) the structure is accessory to and located on the same parcel as a residence;
- (b) the structure occupies an area that does not exceed
  - (i) the limit specified in an applicable local government enactment or first nation government law, or
  - (ii) if subparagraph (i) does not apply, 100 m<sup>2</sup>.

### Official Community Plan Bylaw 1065-2018

Objective 18.1.10 Provide opportunities for home and farm -based commercial activities

18.1.11 The policies of Council are as follows:

- c. Temporary Use Permits may be used to allow businesses to temporarily locate in non-commercially zoned areas.

Objective 18.8.1 To encourage home based business as a traditional form of rural economic development

18.8.2 The policies of Council are as follows:

- b. Allow home-based businesses to be facilitated by Temporary Use Permits provided they do not impact or change the character of the neighbourhood, require servicing beyond residential standards or are a noxious use.

Objective 19.1.3 Provide suitable and sufficient serviced industrial lands

19.1.4. The policies of Council are as follows:

- c. Temporary Use Permits may be used to allow businesses to temporarily locate in non-industrially zoned areas
- d. Evaluate home occupation and Temporary Use Permits with the mind to encouraging industrial business owners on residential lots to move into industrial areas.



### 23.6 Temporary Use Permits

Temporary Use Permits may be considered to allow specific land uses on properties throughout the District for a limited period of time. A Temporary Use Permit allows for a land use not permitted by the applicable Zoning Bylaw to occur on a specified property.

The District has historically used Temporary Use Permits to enable a local business to continue operating from a site while the owner attempts to find a suitable location. Such permits have also been used to accommodate long-standing businesses in residential areas which are not compliant with the Zoning Bylaw, but nonetheless have historical ties to the area.

The policies of Council are as follows:

- a. The District will consider the issuance of a Temporary Use Permit provided the proposed use:
  - i. is temporary or seasonal;
  - ii. not be noxious or undesirable because of smoke, noise, vibration, dirt, glare, odour, radiation, electrical interference or an offensive trade within the meaning of the Health Act, as amended from time to time;
  - iii. have no negative impact on adjacent lands;
  - iv. create no significant increase in the level or demand for services;
  - v. not permanently alter the site upon which it is located.
- b. The District may apply any conditions to the permit, including but not limited to the hours of operation, square footage, appearance, screening, site rehabilitation or clean up, or any other matters deemed appropriate by Council.
- c. Temporary Use Permits may be issued for a period of up to three years and may be renewed once for a second period of up to three years.
- d. Temporary Use Permits may be issued in all areas of the District.

### **Zoning Bylaw 561, 2007:**

#### 10.6 Rural Home Occupation

10.6.2 Rural Home Occupation is permitted within the principal dwelling or accessory building in all rural zones on lots 1 hectare or more in size.

10.6.3 Floor Area: The maximum floor area is 100 m<sup>2</sup>, plus a maximum of 50 m<sup>2</sup> of storage space. If the storage area is exterior, it must be screened from adjoining properties by a solid fence or continuous vegetation 1.8 m in height. No exterior storage may be located within a setback area.

10.6.6 Employees: In addition to the persons who permanently reside in a dwelling unit or accessory home located on the subject parcel, there may be two non-resident employees working on site at any given time.

### **IMPACT ON INFRASTRUCTURE OR MUNICIPAL SERVICES**

There is not anticipated impact on infrastructure or municipal services.

### **IMPACT ON STAFF CAPACITY AND FINANCIAL RESOURCES**

If the application is approved by the Agricultural Land Commission a Temporary Use Permit and Business License will be required. Initial and annual inspections from the Fire department will be required for the Business License.

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**COMMENTS FROM EXTERNAL AGENCIES, COMMITTEES AND STAKEHOLDERS**

Agricultural Land Commission staff confirmed that ALC approval for a non-farm use was required. No other external agencies were consulted on this proposal.

The resolution provided by the Agricultural Advisory Committee is presented in Attachment B.

**CONSULTATION AND COMMUNICATION**

No public consultation or communication is required for this application. If this proposal is approved by the ALC, consultation will be required for the temporary use permit application.

**ANALYSIS OF OPTIONS FOR CONSIDERATION**

The ALR application process requires a joint approval of the application both at the Local Government and at the Provincial Commission levels.

**Options A or B:** Council has the option to support or not to support the application, and forward the application to the ALC. The ALC will take Council's recommendation into consideration when making their decision. In either case, if the ALC decision is to approve the request the applicant will be able to apply to the District for a Temporary Use Permit.

**Option C:** If Council does not wish to consider a Temporary Use Permit for this business at this location, they can not support the application and not forward it to the ALC for consideration. The applicant will not be able to proceed with the proposal to operate the business from 7097 Glenmore Road.

**Option D:** If Council requires additional information before making a decision regarding the application, staff will work with the applicant to ensure the required information is submitted. Once the information is received, staff will bring the application back to Council for consideration.

Respectfully Submitted,  
Inonge Aliaga, Senior Planner

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**Report Approval Details**

Document Title:	RFCD-ALR2020-010 - 7097 Glenmore Rd.- Non-farm Use to Allow a Prefabrication Business .docx
Attachments:	- Attachment A. ALC Submission 2021-01-14.pdf
Final Approval Date:	Dec 12, 2022

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

**Jared Kassel, Director of Planning & Development - Dec 11, 2022 - 8:31 PM**

**Tanya Garost, Chief Administrative Officer - Dec 12, 2022 - 10:28 AM**