



BOARD REPORT

TO: Chair and Directors

File	TUP 830-5
No:	PL20190000048
	DP 830-261
	PL20190000050

SUBJECT: Electoral Area F: Temporary Use Permit No. 830-5 (Kotterkey Enterprises Ltd.) and Development Permit No. 830-261 (Kotterkey Enterprises Ltd.)

DESCRIPTION: Report from Dan Passmore, Senior Planner, dated March 4, 2019.
3797 Kenwood Gate, Scotch Creek.

RECOMMENDATION #1: THAT: in accordance with Section 493 of the Local Government Act, Temporary Use Permit No. 830-5 for Lot F, Section 33, Township 22, Range 11, West of the 6th Meridian, Kamloops Division, Yale District, Plan KAP72803, be authorised for issuance this 21st day of March, 2019, for the temporary industrial use of the property for a Road/Highways Maintenance yard subject to the following conditions being fulfilled:

- a) proof of installation of an adequate sewer system in compliance with the Section 219 covenant registered against the title of the subject property for the proposed use of the property;
- b) water servicing (quantity and quality) documentation from a qualified professional indicating that the existing well has capacity for proposed use of the property;
- c) that the TUP stipulate that:
 - All maintenance work on road maintenance equipment be conducted within buildings on the site during nighttime hours;
 - Appropriate drainage control measures are observed to ensure that any anti-icing material does not enter the groundwater; and,
 - Appropriate dust control measures are to be observed for stockpiled traction material.

RECOMMENDATION #2: THAT: in accordance with Section 490 of the Local Government Act, Development Permit No. 830-261 for the development of Road/Highways maintenance facilities on Lot F, Section 33, Township 22, Range 11, West of the 6th Meridian, Kamloops Division, Yale District, Plan KAP72803, be issued this 21st day of March, 2019.

SHORT SUMMARY:

The applicant is the Road/Highways Maintenance contractor for the Provincial Government's Ministry of Highways and Infrastructure (MoT). The applicant is applying for a Temporary Use Permit to use the property at 3797 Kenwood Gate for a 3 year period for industrial purposes for a Road/Highways Maintenance yard.

The applicant is proposing building on the subject property a 12'x52' modular office building, a 25'x50' steel maintenance building, and a 50'x50' concrete block containment structure with a fabric roof cover. Construction on the site will also include some paved aprons around the proposed new buildings. The subject property is designated I - Industrial and is within the Scotch Creek Primary Settlement Area in the Electoral Area F Official Community Plan Bylaw No. 830, and therefore an Industrial Development Permit for form and character of the proposed development must be reviewed and issued by the Board.

VOTING:	Unweighted <input type="checkbox"/> Corporate	LGA Part 14 <input checked="" type="checkbox"/> (Unweighted)	Weighted <input type="checkbox"/> Corporate	Stakeholder <input type="checkbox"/> (Weighted)
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BACKGROUND:

PROPERTY OWNER:
Kotterkey Enterprises Ltd.

APPLICANT:
Acciona Infrastructure Maintenance Inc.

ELECTORAL AREA:
F

CIVIC ADDRESS:
3797 Kenwood Gate, Scotch Creek

LEGAL DESCRIPTION:
Lot F, Section 33, Township 22, Range 11, West of the 6th Meridian, Kamloops Division, Yale District, Plan KAP72803

PID:
025-598-457

SIZE OF PROPERTY:
0.47 ha (1.17 ac)

DESIGNATION:
Electoral Area F Official Community Plan Bylaw No. 830
I –Industrial

ZONE:
Scotch Creek/Lee Creek Zoning Bylaw No. 825

C1 – Commercial - 1

CURRENT USE:
Storage

PROPOSED USE:
Road/Highways maintenance yard

SURROUNDING LAND USE PATTERN:
North: Scotch Creek Indian Reserve #4, ALR
South: Kenwood Gate, Industrial/Dock Manufacturing under TUP
East: Lumber yard building supplies/Manufactured home
West: Vacant Industrial

POLICY:

See attached "BL830_BL825_Policies_Regulations.pdf"

FINANCIAL:

There are no financial implications to the CSRD with regard to this application.

KEY ISSUES/CONCEPTS:

The Proposal

The applicant is the Road/Highways Maintenance contractor for the Provincial Government's Ministry of Highways and Infrastructure (MoT). As such, they have selected the site at 3797 Kenwood Gate to construct a maintenance yard to serve as a base for Highways maintenance activities in the area. They propose to construct a 12'x52' modular office building, a 25'x50' steel maintenance building, and a 50'x50' concrete block containment structure with a fabric roof cover. Construction on the site will also include some paved aprons around the proposed new buildings, as well as some other site development, including a large central area of asphalt pavement for an impervious capture pond to isolate salt contaminated rainfall and snow melt.

The applicant has indicated that during the winter months the site will be subject to 24 hour activity, which would include equipment and vehicle maintenance on site, both inside and outside of proposed site buildings; however, they have conceded that maintenance activities could be confined to within a building for the hours of 10:00 pm to 7:00 am.

The Temporary Use Permit

The subject property is located at 3797 Kenwood Gate and is currently zoned C-1 Commercial – 1, in accordance with Scotch Creek/Lee Creek Zoning Bylaw No. 825. The C-1 zone does not permit the industrial use of the property proposed as a maintenance yard for Road/Highways contractors. So an application for a Temporary Use Permit for the site has been submitted. If granted, the Temporary Use Permit will allow the site to be used for the maintenance yard for a 3 year period, possibly extendable by another 3 years.

The Development Permit

The subject property is designated I – Industrial and is within the Scotch Creek Primary Settlement Area, in accordance with Electoral Area F Official Community Plan Bylaw No. 830. As such any site development requires that the Board review and issue a Form and Character Development Permit. The applicant has provided details of the site development that comply with the guidelines for an Industrial form and character Development Permit.

In response to Development Services staff concerns regarding certain aesthetic considerations, the applicant offers the following:

There is no defined area for outdoor storage established, however, the yard will have trucks, and equipment, fuel and brine tanks and snow plow blades, for example, visible on site. Acciona intends to keep the yard neat and tidy. Appearance will be typical for a well-organized and managed highway maintenance yard.

We have not allowed for, nor do we see the need for screening for: the mobile equipment, tanks and seasonally static heavy components, like winter plows for the trucks. The open chain link fence currently in place provides some visual screening and is prevalent throughout the Kenwood Gate adjacent lots without any additional slats or screening structures being apparent on these previously developed sites.

Development Staff note that the Industrial Development Permit guidelines do not include details regarding screening, but do include a landscape buffer between parking areas and the public street, where possible. An alternative to maintaining landscaping in an industrial area is the installation of privacy slats in chain link fencing. The purpose of the Industrial Development Permit Guidelines is to incrementally improve the look (the form and character) of the area as the properties are redeveloped. The other properties with frontages along Kenwood Gate were developed prior to the Industrial Development Permit Guidelines being adopted by the Board in to the Official Community Plan in 2012.

The Site

The subject property is in an area of Industrial designated properties, which are currently zoned C-1 Commercial - 1. Few of the neighbouring properties comply with the current zoning of the area, as most properties are used for industrial-type purposes, except for the property at 3828 Squilax-Anglemont Road to the northeast of the subject property, which is used for residential purposes, although it has been designated for future industrial use. As a result of the proximity of residential uses to the subject property staff are concerned that the proposed 24 hour winter operation may be in conflict with those residential uses.

Two of the neighbouring properties (3848 Squilax-Anglemont Road and 3810 Kenwood Gate) have been issued Temporary Use Permits for industrial type uses.

The property immediately to the north of the subject property is both in the ALR and in Scotch Creek Indian Reserve #4.

Site Drainage Considerations

The applicant is aware of the importance of containing salt water run off to the Scotch Creek aquifer and have set a high standard for containing drainage to the salt water containment pond. The site will be graded to the pond and asphalt surfacing will be placed in all locations where salt may be spilled during the mixing and loading operations. The site plan shows the intended asphalted area and drainage to the pond. The pond itself will be bentonite clay lined with an impervious liner placed on top of the clay liner for additional

security. Pond water will be utilized in the operations by recycling into brine tanks and Acciona Staff will maintain water levels in the ponds at all times to prevent any overflow to ground and the aquifer.

Site Access

Access is proposed to be from Kenwood Gate, which outlets onto Squilax-Anglemont Road.

Water

The applicant has indicated that there is an existing groundwater well available on the subject property. The applicant has advised that adjacent wells in this area have high yields which would be suitable for the volumes required for the highway maintenance operation. Staff are concerned that the applicant has not indicated the volumes necessary for the operation, and have not tested the existing well for either quantity or quality of water. As a result, staff are recommending that the Board consider requiring this information as a condition for issuance of the TUP.

Sewer

A Section 219 covenant registered against the title of the property at the time of subdivision in 2003, by the Interior Health Authority (IHA), required a secondary treatment plant (package treatment plant) with nitrate reduction capabilities designed by a BC Professional Engineer to be installed on all lots in the proposed plan of subdivision.

The applicant has stated that an on-site sewage treatment facility has been developed on the site adequate for five manufactured homes, and that this system was designed for this usage. The applicant has also stated that this system's capacity is in excess of that which would be required from their development proposal. The applicant has indicated that an Engineer's certificate would be provided for the intended use in regard to the existing system. Staff are recommending that information indicating compliance with the covenant requirement as well as the capacity of the existing system be provided as a condition of issuance of the TUP.

The applicant has provided the Interior Health Authority filing for the sewerage system installed on the subject property. See attached "IHA_Filing_3797-Kenwood-Gate.pdf". Unfortunately, the IHA filing indicates a Type 1 system was installed despite the covenant requirement noted above.

Official Community Plan Policy

Both the OCP policies and the Development Approval Information Bylaw No. 644 allows staff to ask for further information as part of the TUP process. As this is a request for a change in use, staff has requested servicing information for site, in particular information regarding water and sewer servicing.

Zoning Bylaw No. 825

The applicant has indicated that proposed new buildings will comply with building siting requirements in the Scotch Creek/Lee Creek Zoning Bylaw No. 825, including building height restrictions.

Hazard Area – Scotch Creek Flooding and Debris Flow

The subject property is located in an area that has been identified as a hazard area for Flooding and Debris Flow Potential, which requires staff to consider a technical Development Permit. The applicant has provided a report from Mr. Alan Bates, P.Eng., of Streamworks Consulting Inc., dated February 22, 2019 analyzing potential hazard to the proposed development from flooding and debris flow potential. The report concludes that the proposed development is safe to use for the intended use. The applicant has applied for the required Hazard Development Permit which will be reviewed as a technical Development Permit and issued by the Manager, Development Services.

SUMMARY:

The applicant has applied for a TUP, which, if issued, would allow the property at 3797 Kenwood Gate to be used for the industrial purpose of a Roads/Highways Maintenance Yard. Staff are recommending that the Board consider issuing the Temporary Use Permit, subject to the applicant providing details for staff review and approval regarding on-site sewerage and water supply.

The applicant has also applied for an Industrial Form and Character Development Permit. Staff are recommending that the applicant's proposal to construct buildings and develop the site for the Roads/Highways Maintenance Yard substantially complies with the guidelines for such a Development Permit and can be considered for issuance by the Board. However, staff are concerned about the lack of landscape buffering separating the parking area from the public street and strongly suggest that privacy slats installed in the chain link fence along the Kenwood Gate frontage of the subject property is an appropriate alternative to landscaping.

IMPLEMENTATION:

Neighbouring property owners will become aware of the proposal when the applicant posts a notice of development sign on the subject property for the TUP and when required notifications from this office are received by property owners within 100 m of the subject property about the TUP and Form and Character Development Permit. An advertisement will be placed in the March 15, 2019 edition of the Shuswap Market News about the TUP application

If the TUP and DP are issued, and the Technical DP for hazard lands is issued by staff, the applicant will apply for a building permit for the various building and structures that are proposed.

COMMUNICATIONS:

If the TUP and DPs are approved for issuance, the owner and applicant will be advised of the decision and staff will ensure that the applicant has fulfilled the conditions associated with the permits. The TUP and the DPs will be registered at the Land Title Office.

The purpose of the TUP and the DP, together with the proposed site plan have been referred to First Nations, The Agricultural Land Commission, and the MoT. Responses received from these referrals will be provided to the Board.

DESIRED OUTCOMES:

That the Board endorse staff recommendations

BOARD'S OPTIONS:

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


LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Electoral Area F Official Community Plan Bylaw No. 830
2. Scotch Creek/Lee Creek Zoning Bylaw No. 825
3. Streamworks Consulting Inc. report dated February 22, 2019

Report Approval Details

Document Title:	2019-03-21_Board_DS_TUP830-5_DP830-261_Kotterkey-Enterprises-Ltd.docx
Attachments:	<ul style="list-style-type: none">- TUP830-5.pdf- DP830-261.pdf- BL830_BL825_Excerpts_TUP830-5_DP830-261.pdf- IHA_Filing_3797-Kenwood-Gate.pdf- Maps_Plans_Photos_TUP830-5_DP830-261.pdf
Final Approval Date:	Mar 9, 2019

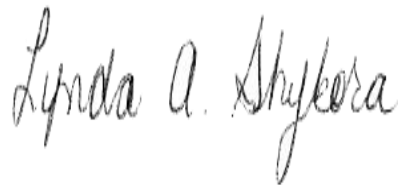
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Mar 6, 2019 - 11:27 AM



Gerald Christie - Mar 8, 2019 - 12:39 PM



Lynda Shykora - Mar 8, 2019 - 12:57 PM



Charles Hamilton - Mar 9, 2019 - 1:39 PM