



BOARD REPORT

TO:**Chair and Directors**

File No:	TUP 830-4 PL20170189
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SUBJECT:**Electoral Area F: Temporary Use Permit No. 830-4****DESCRIPTION:**

Report from Dan Passmore, Senior Planner, dated September 29, 2017.
3810 Kenwood Gate, Scotch Creek.

RECOMMENDATION:

THAT: in accordance with Section 493 of the Local Government Act, Temporary Use Permit No. 830-4 for the property at 3810 Kenwood Gate to be used for industrial purposes as a manufacturing and assembly facility to manufacture and assemble docks, dock anchors, buoy anchors, and water treatment systems on Lot C, Section 33, Township 22, Range 11, West of the 6th Meridian, Kamloops Division Yale District, Plan KAP72803 (PID: 025-598-422), be issued this 19th day of October, 2017.

SHORT SUMMARY:

The subject property where the new building is proposed is currently zoned Commercial – 1 (C1) which does not permit industrial type uses such as the proposed manufacturing and assembly facility to manufacture and assemble docks, dock anchors, buoy anchors, and water treatment systems. The proposed industrial use of the property is requested for 3 years.

VOTING:Unweighted
Corporate☐LGA Part 14
(Unweighted)☒Weighted
Corporate☐Stakeholder
(Weighted)☐

BACKGROUND:

REGISTERED OWNER:

Leopold Developments Ltd.

ELECTORAL AREA:

F

LEGAL DESCRIPTION:

Lot C, Section 33, Township 22, Range 11, West of the 6th Meridian, Kamloops Division Yale District, Plan KAP728 (PID: 025-598-422)

CIVIC ADDRESS:

3810 Kenwood Gate

SURROUNDING LAND USE PATTERN:

North = Commercial Storage

South = Residential/Boat Storage TUP

East = Industrial

West= Industrial

CURRENT AND PROPOSED USE:

Sale of Docks, water treatment systems, boat and dock anchor systems

PARCEL SIZE:

0.4 ha. (0.98 ac)

DESIGNATION:

ID – Industrial

ZONE:

Commercial – 1 (C1)

POLICY:**Electoral Area 'F' Official Community Plan No. 830**

PSA - Primary Settlement Area

ID – Industrial

Section 11

Managing Growth: North Shuswap

Policy 1

The Primary and Secondary Settlement Areas are delineated on Schedules B & C. This Plan directs growth and development to these areas. The Plan does not support significant growth and development outside the Primary and Secondary Settlement Areas.

Policy 3

Scotch Creek is the Primary Settlement Area. The Regional District will encourage residential, commercial, and light industrial growth in Scotch Creek that is consistent with the policies of this plan. All new development must be connected to community water and sewer systems.

Section 12

Managing Growth: Scotch Creek (Primary Settlement Area)

SubSection 12.2**Principle 1**

Encourage the development of a livable community that provides a high quality of life within its unique environmental setting by:

- b) Striving for a balance of residential, recreational, commercial and light industrial uses, and ensure that adjacent uses are compatible;

Principle 2

Strive for an economically and socially sustainable community by:

- c) Identifying opportunities for economic development that would support the local population and address needs; and
- d) Encouraging the development of employment opportunities, especially year-round permanent jobs.

Subsection 12.7 Industrial (ID)*Objective 1*

The intent of this land use is to provide for a range of light industrial uses, including manufacturing, high technology industries, warehousing, storage and distribution, machine and automobile repair. These activities will also help in providing viable year-round employment opportunities.

Policy 1

Permitted uses include light industrial uses, including manufacturing, high technology industries, warehousing, storage and distribution, machine and automobile repair. Commercial uses are also permitted within this land use, as are residential uses as part of a mixed-use building.

Policy 2

A maximum building height of three storeys is permitted.

Policy 3

All parcels designated as Industrial are also designated as Development Permit Areas. The DPA guidelines provide additional direction for development regarding form and character, and they should be considered together with the general land use guidelines.

Section 14 Temporary Use Permits

The Regional District may consider issuing Temporary Use Permits through the authority of the *Local Government Act*.

Area

Temporary Use Permits are allowed in all designations.

Guidelines

For all temporary use permits:

Applicants must demonstrate how the proposed use will not markedly impact adjacent residents, local services and the environment. Where impacts are expected, applicants must provide details of those impacts and mitigative measures.

Scotch Creek/Lee Creek Zoning Bylaw No. 825

Section 5.13 Commercial – 1 (C1)

Principal Uses

- (a) *Amusement establishment*
- (b) *Campground*
- (c) *Convenience store*
- (d) *Day care*
- (e) *Marina*
- (f) *Mini storage*
- (g) *Motel*
- (h) *Office*
- (i) *Outdoor sales*
- (j) *Personal services*
- (k) *Plant nursery and services*
- (l) *Pub*
- (m) *Public assembly facility*

- (n) *Recycling drop-off facility*
- (o) *Rental shop*
- (p) *Restaurant*
- (q) *Retail store*
- (r) *Service station*
- (s) *Single family dwelling*
- (t) *Tourist cabin*
- (u) *Library*

Secondary Uses

- (a) *Accessory use*
- (b) *Owner/operator dwelling*

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

The subject property is currently serviced by an on-site septic disposal system, although CSRD records on the property do not indicate a permit to construct the system was obtained from the jurisdiction having authority. 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. Staff have reviewed a building permit issued for the existing building in 2004 which indicates that the building did not require plumbing facilities, so are unaware of whether this requirement was fulfilled by the time the existing on-site sewerage system was installed. Staff are also unaware whether the addition would trigger a new filing, or whether the IHA would enforce their own covenant with respect to this development.

The existing building is currently serviced with a groundwater well.

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 April 18, 2017 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 proposed new building is 446 m² (4,800 ft²). The building is proposed to be situated in the southwest corner of the subject property, separate from the existing building. The new building will more than double the size of buildings on the subject property. The owner is not proposing to upgrade the existing building.

The proposed new building complies with building siting requirements in the Scotch Creek/Lee Creek Zoning Bylaw No. 825, including building height restrictions.

The owner has indicated that his intention is to use the existing building and the proposed new building for industrial purposes as a manufacturing and assembly facility to manufacture and assemble docks, dock anchors, buoy anchors, and water treatment systems. The proposed business operation does not

conform with the permitted uses in the Commercial – 1 (C1) zone in accordance with Scotch Creek/Lee Creek Zoning Bylaw No. 825. As a result the owner has applied for a Temporary Use Permit (TUP 830-4) to be allowed to utilise the property for the industrial uses. The property is designated in Electoral Area F Official Community Plan Bylaw No. 830 as Industrial use, so the industrial use of the property is supported in the OCP.

The proposed new building does not contravene the applicable guidelines in Section 13.8 of Electoral Area F Official Community Plan Bylaw No. 830, as it is similar to other buildings in the area.

SUMMARY:

The owner has requested a Temporary Use Permit to be allowed to use the property for industrial uses. Since the property is designated industrial in the Electoral Area F Official Community Plan Bylaw No. 830, staff recommend that the Board consider issuing the Temporary Use Permit, subject to the following conditions:

- The owner must install surface treatments for the parking area, and must control dust and drainage;
- Use of the property for industrial purposes is limited to the hours of 7:00 am until 10:00 pm daily;
- All industrial activity on the subject property is to be confined to the interior of the buildings indicated on the site plan, attached as Schedule B; and,
- The owner is wholly responsible for the proper disposal of all garbage, recycling, and waste on the subject property.

IMPLEMENTATION:

Neighbouring property owners will become aware of the proposal when the applicant posts a notice of development sign on the subject property and when required notifications from this office are received by property owners within 100 m of the subject property. An advertisement will be placed in the October 13, 2017 edition of the Shuswap Market News.

COMMUNICATIONS:

If the Board approves issuance of TUP 830-4, the owner and agent will be advised of the decision, and upon satisfying any necessary conditions, the TUP will be registered at the Land Title Office.

DESIRED OUTCOMES:

That the Board endorse staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
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. Application
4. Streamworks Consulting Inc. report dated April 18, 2017

Report Approval Details

Document Title:	2017-10-19_Board_DS_TUP830-4_Leopold.docx
Attachments:	- Maps_Plans_DP830-218.pdf - TUP830-4-Permit.pdf
Final Approval Date:	Oct 6, 2017

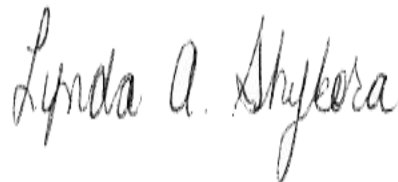
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Oct 4, 2017 - 4:47 PM



Gerald Christie - Oct 5, 2017 - 8:14 AM



Lynda Shykora - Oct 6, 2017 - 12:41 PM



Charles Hamilton - Oct 6, 2017 - 3:11 PM