



REGIONAL DISTRICT OF NORTH OKANAGAN

BOARD of DIRECTORS MEETING

Wednesday, October 19, 2011

4:00 pm

PUBLIC HEARING AGENDA

A. CALL PUBLIC HEARING TO ORDER

B. INTRODUCTION OF BYLAWS

1. ALDON EQUIPMENT LTD.

95 and 101 Trinity Valley Road, Electoral Area "D" [File No. 07-0555-D-OR]

- Staff report dated September 14, 2011

Bylaw 2452, 2010 – Official Community Plan Amendment

Purpose: to amend the land use designation of a portion of the property legally described as Lot A, Section 12, Township 2, and District Lot 4017, ODYD, Plan KAP83707 and located at 95 Trinity Valley Road, Electoral Area "D" from Non-Urban to Industrial.

Bylaw 2453, 2010 – Rezoning

Purpose: to rezone a portion of the property legally described as Lot A, Section 12, Township 2, and District Lot 4017, ODYD, Plan KAP83707 and located at 101 Trinity Valley Road, Electoral Area "D" from Non-Urban Zone [N.U] to General Industrial Zone [I.2]

C. PUBLIC PRESENTATIONS

D. CLOSE PUBLIC HEARING



REGIONAL DISTRICT
of
NORTH OKANAGAN

PLANNING REPORT

File No.: 07-0555-D-OR

TO: Board of Directors
FROM: Planning Department
DATE: September 14, 2011
SUBJECT: Official Community Plan Amendment Bylaw No. 2452 and Rezoning Bylaw No. 2453 [Aldon]

RECOMMENDATION:

That following consideration of comments received at a Public Hearing, Electoral Area "D" and "E" Official Community Plan Amendment Bylaw No. 2452, 2010 which proposes to change the land use designation of a portion of the property legally described as Lot A, Section 12, Township 2, and District Lot 4017, ODYD, Plan KAP83707 and located at 95 Trinity Valley Road, Electoral Area "D" from Non-Urban to Industrial be given Third Reading; and further,

That following consideration of comments received at a Public Hearing, Rezoning Bylaw No. 2453, 2010 which proposes to rezone a portion of the property legally described as Lot A, Section 12, Township 2, and District Lot 4017, ODYD, Plan KAP83707 and located at 95 Trinity Valley Road, Electoral Area "D" from Non-Urban Zone [N.U] to General Industrial Zone [I.2] be given Third Reading.

BACKGROUND:

At the Regular Meeting of August 3, 2011 the Board of Directors gave Second Reading to Official Community Plan Amendment Bylaw No. 2452, 2010 and First and Second Reading to Rezoning Bylaw No. 2453, 2010 and referred the Bylaws to a Public Hearing.

The applicant has submitted a Development Notification Certificate which confirms that on August 21, 2011, a Development Notice was posted on the subject property in accordance with the Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2315, 2008.

The Public Hearing for the application and associated Bylaws have been advertised in the local newspapers and the adjacent land owners have been notified by letter of the Public Hearing, all in accordance with the Regional District Development Application Procedures and Administrative Fees Bylaw and the provisions of the Local Government Act.

There are no conditions that are required to be met prior to Third Reading of the subject Bylaws.

Rezoning Bylaw No. 2453 requires approval of the Ministry of Transportation and Infrastructure. The Board of Directors resolved at their Regular Meeting held on June 2, 2010 that the Bylaws associated with the application cannot be considered for Adoption unless and until the applicant has:

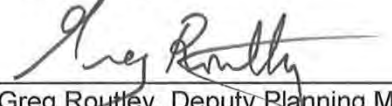
1. Submitted a complete development permit and building permit application for the structures already placed on the property for the purpose of conducting the proposed recycling operation;
2. Provided an undertaking to obtain a Waste Stream Management License if and when the Regional District of North Okanagan enacts such bylaw to regulate private waste stream facilities; and
3. Provided a solicitor's undertaking to register a plan dedicating Trinity Valley Road widening in accordance with its designation as a Major Road in the OCP.

At the regular meeting of September 1, 2011 the Board of Directors resolved to waive the requirements for a Waste Stream Management Licence.

SUMMARY:

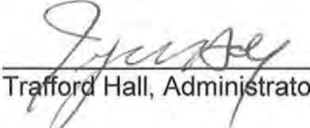
As there are no conditions that are required to be met prior to Third Reading of Official Community Plan Amendment Bylaw No. 2452, 2010 and Rezoning Bylaw No. 2453, 2010, it is recommended that upon consideration of comments received at a Public Hearing, the Bylaws be considered for Third Reading. Upon receipt of a complete development permit and building permit application, letter of undertaking to register a plan dedicating Trinity Valley Road, and approval from the Ministry of Transportation and Infrastructure of Rezoning Bylaw No. 2453 the Bylaws can be considered for Adoption.

Submitted by:




Greg Routley, Deputy Planning Manager

Approved For Inclusion:



Trafford Hall, Administrator

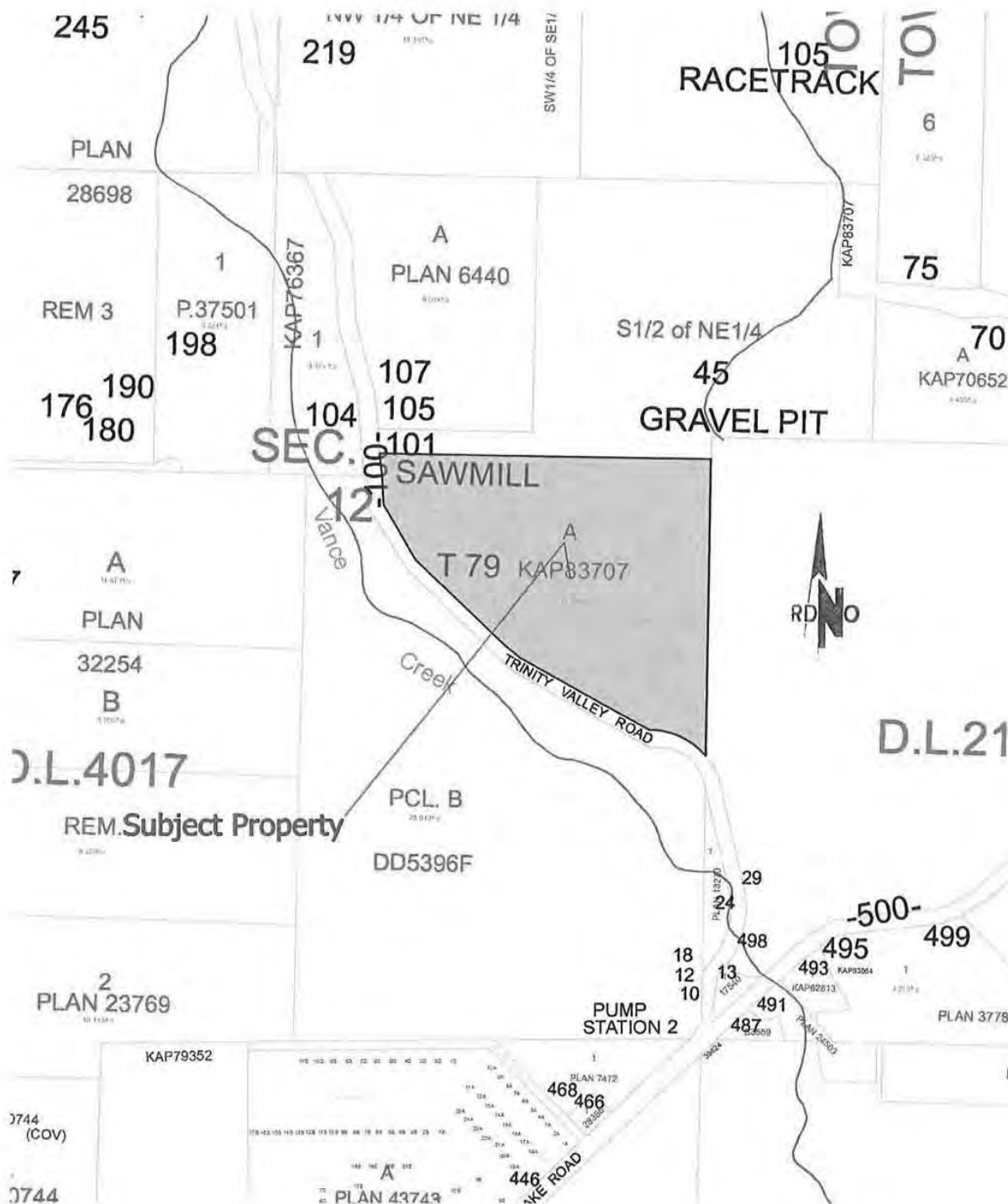
Endorsed by:



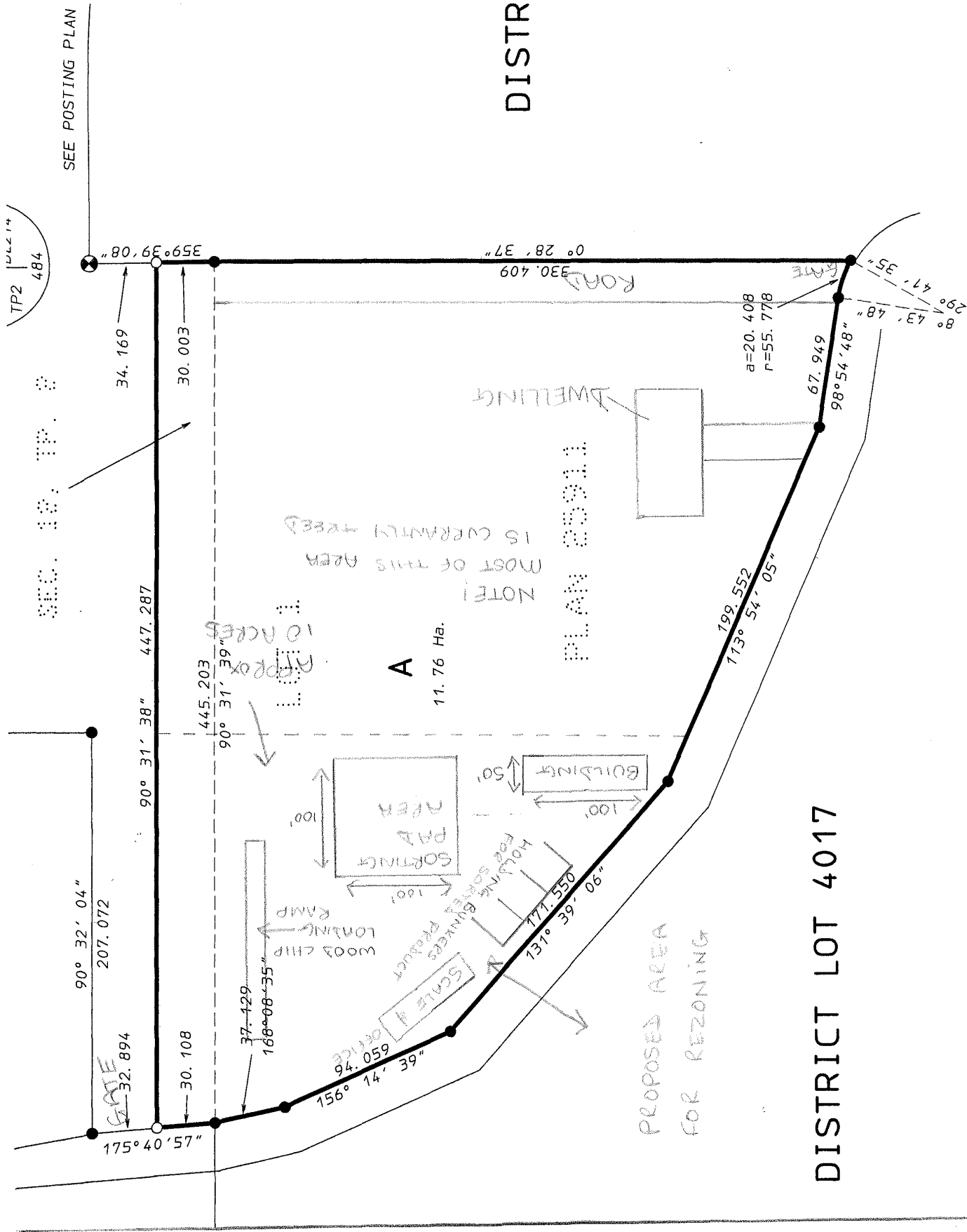
Rob Smailes, MCIP
General Manager, Planning and Building

**ELECTORAL AREA "D"
OCP/REZONING APPLICATION
SUBJECT PROPERTY MAP**

File: 07-0555-D-OR
Applicant: Aldon Equipment Ltd.
Location: 101 Trinity Valley Road



DISTR



DISTRICT LOT 4017

REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW NO. 2452

A bylaw to amend *Electoral Areas "D" and "E" Official Community Plan Designation Bylaw No. 1690, 2001* and amendments thereto

WHEREAS pursuant to Section 876 [*Authority to adopt a bylaw*] of the *Local Government Act*, R.S.B.C., 1996, Chapter 323, as amended, and Regulations passed pursuant thereto, the Board of the Regional District of North Okanagan may, by Bylaw, adopt one or more official community plans;

AND WHEREAS the Board has enacted the "*Electoral Areas 'D' and 'E' Official Community Plan Designation Bylaw No. 1690, 2001*" to provide a statement of objectives and policies to guide decisions on planning and land use management, within the area covered by the plan;

AND WHEREAS, pursuant to Section 895 [*Development approval procedures*] of the *Local Government Act*, the Board must, by bylaw, define procedures under which an owner of land may apply for an amendment to an Official Community Plan and must consider every application for an amendment to the plan;

AND WHEREAS the Board has enacted the "*Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2315, 2008 and amendments thereto*" to establish procedures to amend an Official Community Plan, a Zoning Bylaw, or a Rural Land Use Bylaw, or to issue a Permit:

AND WHEREAS the Board is desirable and expedient to amend the "*Electoral Areas 'D' and 'E' Official Community Plan Designation Bylaw No. 1690, 2001*".

NOW THEREFORE, the Board of the Regional District of North Okanagan, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "***Electoral Area "D" and "E" Official Community Plan Amendment Bylaw No. 2452, 2010.***"
2. The Official Community Plan marked Schedule "B", attached to and forming part of the *Electoral Area "D" and "E" Official Community Plan Bylaw No. 1690, 2001* is amended by changing the land use designation of a portion of the property legally described as Lot A, Section 12, Township 2, and District Lot 4017, ODYD, Plan KAP83707, located at 95 Trinity Valley Road, Electoral Area "D" from **Non-Urban** to **Industrial** as shown on attached Schedule "A".

Read a **FIRST** time this 1st day of September, 2010

Bylaw No. **2452** considered in conjunction with the Regional District Financial Plan and Waste Management Plan this 1st day of September, 2010.

Read a SECOND time this 3rd day of August, 2011

Advertised on the _____ day of _____, 2011, and
the _____ day of _____, 2011

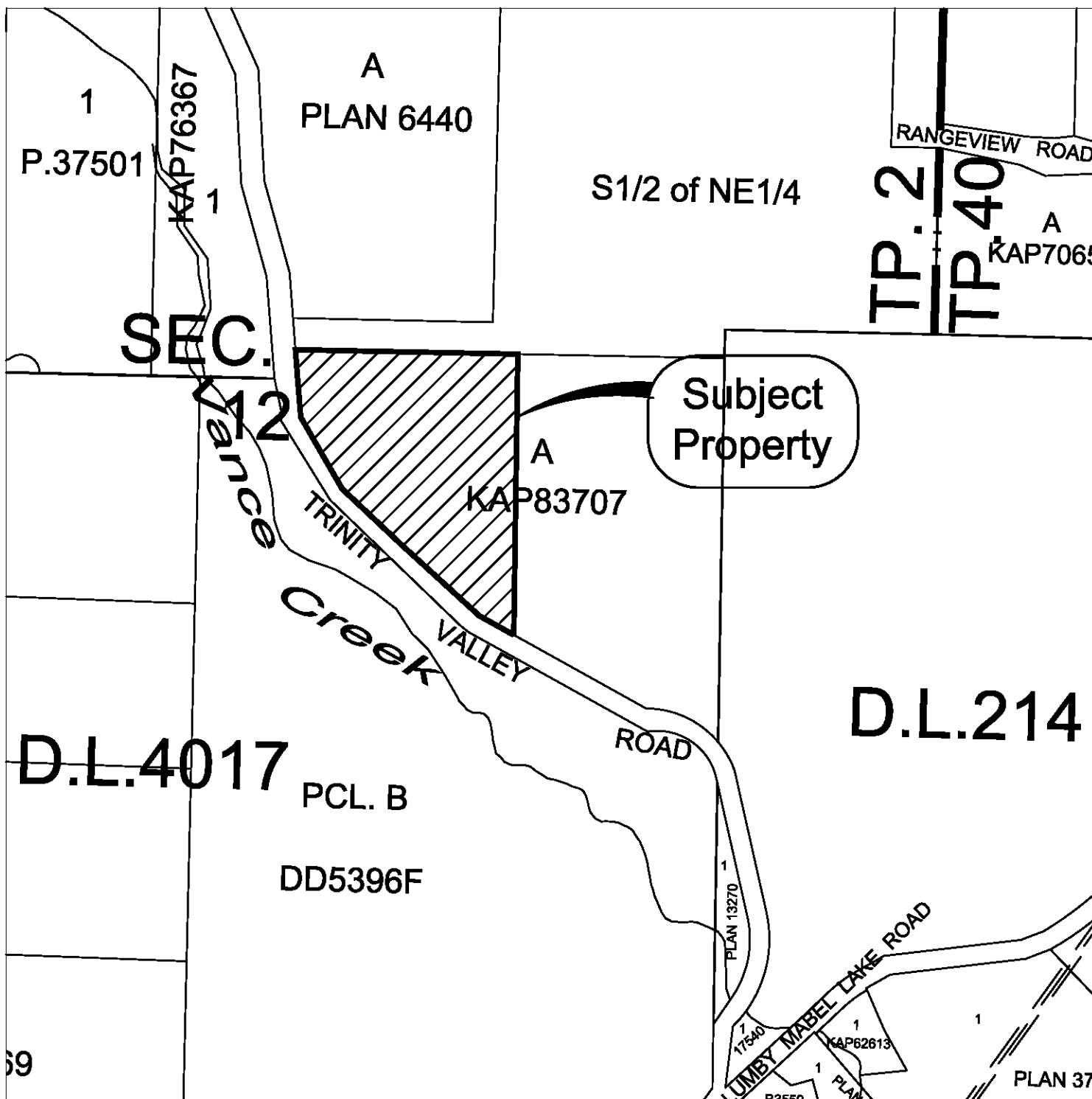
Public Hearing held pursuant to the provisions of Section 890 of the *Local Government Act* on the _____ day of _____, 2011

Read a THIRD time this _____ day of _____, 2011

Reconsidered, Finally Passed and ADOPTED this _____ day of _____, 2011

CHAIR

CORPORATE OFFICER



Schedule "A" to accompany the Regional District of North Okanagan "Electoral Area "D" and "E" Official Community Plan Amendment Bylaw No. 2452, 2010.

Area redesignated from Non-Urban to Industrial shown...



I hereby certify this to be a true and correct copy of Schedule "A" attached to and forming part of the Regional District of North Okanagan "Electoral Area "D" and "E" Official Community Plan Amendment Bylaw No. 2452, 2010.

Dated at Coldstream, BC this _____ day of _____, 2010

 Corporate Officer



Not to Scale

REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW NO. 2453

A bylaw to rezone lands and amend the Zoning Map attached to the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 change a zone designation (Aldon)

WHEREAS pursuant to Section 903 [Zoning bylaws] of the *Local Government Act*, R.S.B.C., 1996, Chapter 323, as amended, and Regulations passed pursuant thereto, the Board of the Regional District of North Okanagan may, by Bylaw, divide the whole or part of the Regional District into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

AND WHEREAS the Board has created zones, named each zone, established boundaries for these zones and regulated uses within those zones by Bylaw No. 1888, being the "*Regional District of North Okanagan Zoning Bylaw No. 1888, 2003*" and amendments thereto;

AND WHEREAS, pursuant to Section 895 [*Development approval procedures*] of the *Local Government Act*, the Board must, by bylaw, define procedures under which an owner of land may apply for an amendment to a Zoning Bylaw and must consider every application for an amendment to the bylaw;

AND WHEREAS the Board has enacted the "*Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2315, 2008 and amendments thereto*" to establish procedures to amend an Official Community Plan, a Zoning Bylaw, or a Rural Land Use Bylaw, or to issue a Permit:

AND WHEREAS the Board has received an application to rezone property;

NOW THEREFORE, the Board of the Regional District of North Okanagan, in open meeting assembled, hereby ENACTS AS FOLLOWS:

GENERAL

1. This Bylaw may be cited as "***Rezoning Bylaw No. 2453, 2010***".
2. That a portion of the property legally described as: Lot 1, DL 4017, ODYD, Plan25911 – located at 101 Trinity Valley Road, Electoral Area 'D', be rezoned from ***Non-Urban Zone [N.U]*** to ***General Industrial Zone [I.2]*** as shown on attached Schedule "A".
3. That the Zoning Map, being Schedule "A" to *Zoning Bylaw No. 1888, 2003* be amended accordingly.

Bylaw No. 2453, 2010

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Read a FIRST and SECOND time this 3rd day of August, 2011

Advertised on the _____ day of _____, 2011, and

the _____ day of _____, 2011

Public Hearing held pursuant to the provisions of Section 890 of the *Local Government Act* on

the _____ day of _____, 2011

Read a THIRD time this _____ day of _____, 2011

APPROVED by Ministry of Transportation & Infrastructure

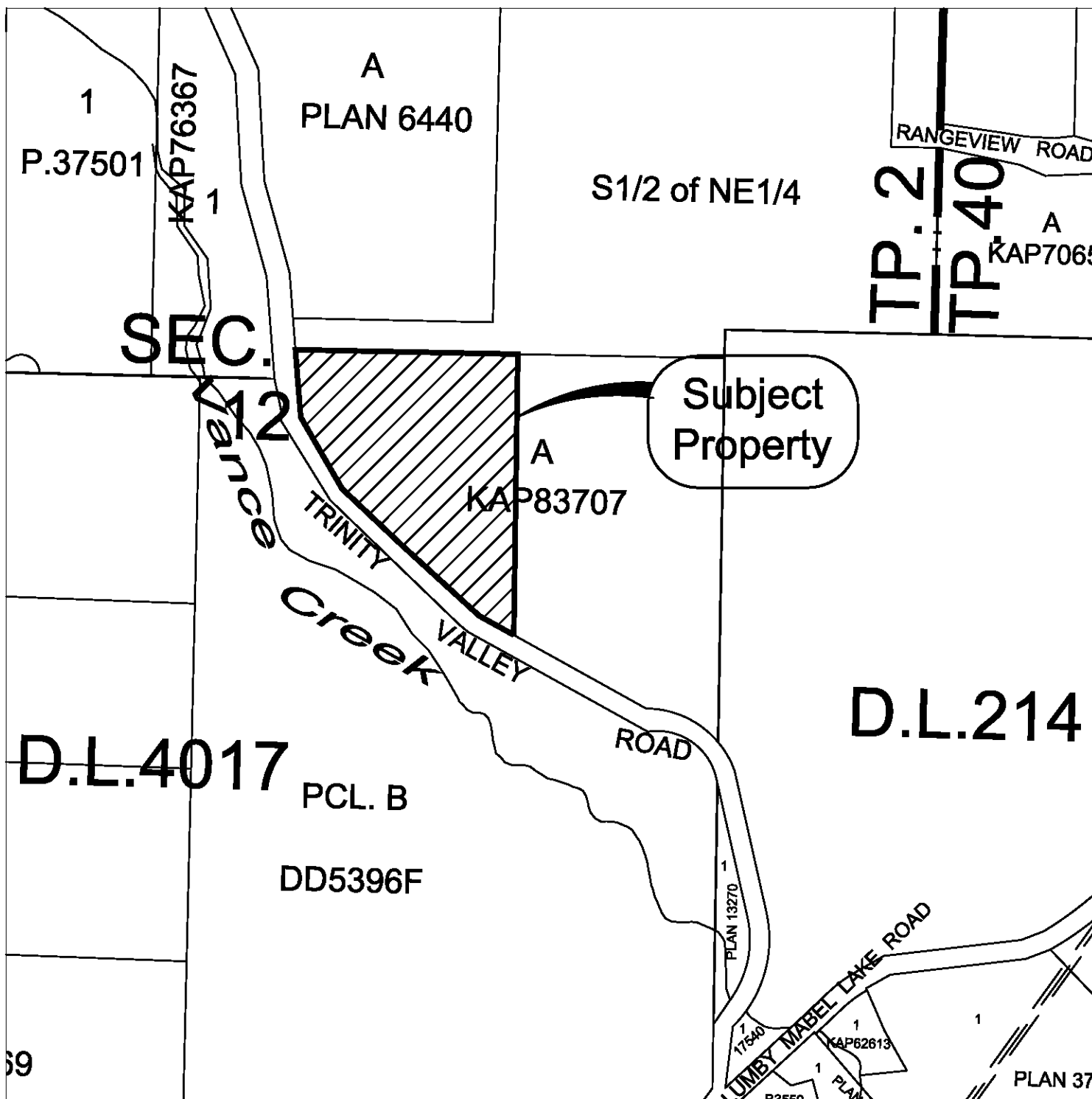
this _____ day of _____, 2011

(Transportation Act, Sec. 52(3))

Reconsidered, Finally Passed and ADOPTED this _____ day of _____, 2011

CHAIR

CORPORATE OFFICER



Schedule "A" to accompany the Regional District of North Okanagan
"Rezoning Bylaw No. 2453, 2010 (Aldon)"

Area rezoned from Non-Urban (N.U.) to General Industrial (I.2) shown...



I hereby certify this to be a true and correct copy of Schedule "A" attached to and forming part of the Regional District of North Okanagan "Rezoning Bylaw No. 2453, 2010 (Aldon)"

Dated at Coldstream, BC this _____ day of _____, 2011

Corporate Officer



Not to Scale



REGIONAL DISTRICT
of
NORTH OKANAGAN

DEVELOPMENT SERVICES INFORMATION REPORT

OFFICIAL COMMUNITY PLAN / REZONING APPLICATION

Date: April 22, 2010

File No.: 07-0555-D-OR

Applicant: Aldon Equipment Ltd.
c/o Allen Hale

Legal Description: Lot A, DL 4017, ODYD, Plan KAP83707

P.I.D.# 027-044-882

Civic Address: 101 Trinity Valley Road

Property Size: 11.76 ha. (29.06 Acres)

Servicing: On Site Water and Sewage Disposal

Present Zoning: Non Urban Zone (N.U.)

Proposed Zoning: General Industrial Zone (I.2)

O.C.P. Designation: Non-Urban

Proposed OCP Designation Industrial

Proposed Use: Re-Designate and Rezone a portion (approximately 4.05 ha. (10.0 Acres)) of the property to allow for a commercial construction / demolition recycling facility

DEVELOPMENT SERVICES RECOMMENDATIONS

That it be recommended to the Board of Directors that the application to amend the Official Community Plan designation from Non-Urban to Industrial and to amend the zoning from Non-Urban Zone [N.U.] to General Industrial Zone [I.2] for a 4.05 ha. (10.0 Acre) portion of that property legally described as Lot A, DL 4017, ODYD, Plan KAP83707, located at 101 Trinity Valley Road, Electoral Area "D" to permit a commercial construction/demolition recycling facility be supported;

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07-0555-D-OR (Aldon Equipment Ltd. c/o Allen Hale)

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And further, that staff be directed to prepare the Official Community Plan Amendment Bylaw for first reading only;

And further, that the applicant be required to hold a Public Information Meeting in accordance with the Public Information Meeting Guide, prior to consideration of bylaws for further readings;

And further, that an official Public Hearing not be scheduled unless and until the applicants have:

1. Provided details regarding water servicing, on-site sewage treatment appropriate to the anticipated site development, and stormwater management plan sufficient to support the proposed subdivision;
2. Provided details regarding screening and landscaping of the site; and,
3. Provided a geotechnical analysis of the soils present on the site to determine the viability of extraction potential for aggregate resources and make further recommendations on the suitability of the property to support the intended land use, in accordance with current OCP Resource Area Policies.

And further, that the Bylaws not be considered for adoption unless and until the applicants have:

1. Submitted a complete development permit and building permit application for the structures already placed on the property for the purpose of conducting the proposed recycling operation;
2. Provided an undertaking to obtain a Waste Stream Management License if and when the Regional District of North Okanagan enacts such bylaw to regulate private waste stream facilities; and,
3. Provided a solicitor's undertaking to register a plan dedicating Trinity Valley Road widening in accordance with its designation as a Major Road in the OCP.

BACKGROUND

The applicant is proposing to amend the Electoral Areas "D" and "E" Official Community Plan (OCP) by re-designating a 4.05 ha. (10.0 Acre) portion on the west side of the subject property from Non-Urban to Industrial. The applicant has also applied to rezone the same portion from Non-Urban Zone (N.U) to General Industrial Zone (I.2). It is anticipated that the applicant would apply to subdivide the re-designated/rezoned portion of the property from the portion that would remain Non Urban.

The applicant appeared at an Electoral Area "D" Advisory Planning Committee meeting in the summer of 2006 to discuss his proposal to rezone the property. The applicant was advised to make an application for Rezoning/OCP Amendment shortly after that meeting. An application to rezone the property was submitted in June of 2007. Staff advised the applicant that the OCP would need to be amended also to support the rezoning. The application for Rezoning/OCP amendment was finally submitted July 27, 2007.

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07-0555-D-OR (Aldon Equipment Ltd. c/o Allen Hale)

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In August of 2007, the Interior Health Authority responded to a referral by advising that they were not prepared to supply a recommendation on the proposal until such time as the applicant supplied them with detailed information on the proposed operation. Staff wrote to the applicant and advised that the application would be placed on hold until such time as the Interior Health Authority had indicated that they were satisfied with the proposal. A letter was received in October of 2009 from Interior Health Authority advising that the applicant had fulfilled their requirements.

Upon reviewing the application staff noted that the property was within an area indicated in the OCP as having aggregate extraction potential. Staff forwarded a copy of the proposal to the Ministry of Energy, Mines and Resources. The Ministry responded to this referral in November by indicating they had no concerns. As a result of this staff had enough information to prepare a report to the Board of Directors.

The applicant is proposing to use the re-designated/rezoned site for a Material Recovery Facility, which would take construction waste and demolition waste and sort and recycle the waste into useable products which would then be sold, or disposed off site. No indication is given in the application of the source of the waste material, although it is surmised it would come from all over the North Okanagan.

Consultation with the Environmental Services Manager indicates that the current Solid Waste Management Plan suggests that a process be instituted for private waste collection and treatment operators to obtain licenses from the Regional District in order to operate these facilities. Environmental Services staff anticipate that a bylaw to create a solid waste stream management license process and procedure would be introduced to the Board of Directors some time in the future for their consideration. Environmental Services staff indicate that such a license would be required for this operation. Environmental Services staff also advise that a license to operate would not be forthcoming if the applicant does not have correct zoning for such an operation. It is also likely that such a license would require the applicant to provide adequate screening for the operation in accordance with Zoning Bylaw requirements.

The property is located north of the Village of Lumby, to the west of Lumby Mabel Lake Road, a short distance along Trinity Valley Road. The applicant has indicated on a plan submitted that there is currently a single family dwelling/mobile home situated in the southeast corner of the property. The home would be situated on the portion of the property that would remain Non-Urban. The property size is sufficient to accommodate the proposed subdivision. A previous owner of the property used it for a sawmill operation. The sawmill operation has not been operational for a number of years.

The site plan submitted indicates that there is a large (100' x 50') building on the property. It also shows a large (100' x 100') sorting pad, and a scale and office building. The Environmental Services Manager has been on the site and reports that these buildings have been constructed, but Building Permit records indicate that the owner has never applied for building permits for these structures. Bylaw Enforcement staff have attended the site and taken pictures of the current operation to verify that there are structures that do not have permits constructed on the property. The photographs appear to verify that the owner is already using the site for the use intended by the OCP/Rezoning amendment application. Planning staff have verified this with

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07-0555-D-OR (Aldon Equipment Ltd. c/o Allen Hale)

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Environmental Services staff, who have advised that the owner is under contract with the City of Vernon to remove recycling material from the downtown core. The use is not permitted under the current zoning on the site.

Planning staff have consulted with Building staff and advise that a building permit is required for the large structure and the office on the site. The owner has neglected to obtain building permits for these structures. Unfortunately, neither building is permitted under the current zoning. Should the OCP/Rezoning amendment application be successful, the owner would need to get a building permit for each of these existing structures.

Located to the north of the subject property are 2 properties which are owned by the Regional District of North Okanagan. One of these properties is a depleted gravel pit and the other is used for the Lumby Recycling and Disposal Facility (RDF). The former gravel pit site was purchased by RDNO in 2004.

Lands to the south, west and east of the subject property are in the ALR and appear to be actively farmed. Trinity Valley Road fronting the property has been designated in the OCP as a Major Road. The property may be located in an area identified in the OCP as a known Aggregate Reserve.

ELECTORAL AREAS “D” AND “E” OFFICIAL COMMUNITY PLAN

The Electoral Areas “D” and “E” Official Community Plan contains the following comments and policies for consideration;

5. Industrial Land Use Policies

1. *Electoral Areas “D” and “E”, in association with the Village of Lumby and the District of Coldstream, should identify appropriate land resources for short and long term industrial development.*
2. *Industrial land shall be serviced with potable water supplies, proper sanitary sewage disposal facilities, and suitable storm water drainage collection, treatment and disposal systems.*
3. *Industry should be encouraged, particularly those industries which take advantage of local conditions and employ local people.*
4. *Electoral Areas “D” and “E” should take advantage of possible grants available to aid in servicing industrial land.*
5. *Major industrial land developments shall not be considered for rezoning until a comprehensive plan in accordance with the industrial policies is provided, and until the roads and services adequate for the development are either in place, or financial guarantees regarding their construction and installation are provided.*

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07-0555-D-OR (Aldon Equipment Ltd. c/o Allen Hale)

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6. *Industry emissions shall not adversely affect the land, water or air environment, either in the short term or cumulatively in the long term.*
 8. *In accordance with the Development Permit Sections of this Plan, land designated as "Industrial" is also designated a Development Permit Area in order to establish requirements respecting the form and character of development.*
- 6. Resource Areas Policies**
- b. Mineral Land Policies**
 1. *Land covering areas of high mineral and aggregate potential shall be retained in large parcels (Non-Urban and Large Holding Zones) to allow for extraction with minimum conflicts.*
 3. *The Regional District recognizes that certain properties within the plan area as shown on Figure 1, including areas on Trinity Valley Road and along the boundary of the District of Coldstream have aggregate potential. The Regional District will have due regard for these resource values when considering land development proposals within the general vicinity of these deposits.*

ZONING BYLAW NO. 1888, 2003

The current zone of the property is Non-Urban Zone (N.U). The proposed zone for the western 4.05 ha. (10 acre) portion is General Industrial Zone (I.2). The I.2 zone allows all permitted uses under the Light Industrial Zone (I.1). The I.1 zone allows for a single family dwelling on the site, but under the restriction that the dwelling unit is located either in the second floor or behind the industrial premises, but an integral part of the premises. The existing manufactured home on the site would be situated on a portion of the property that would be appropriately zoned for that use.

The I.2 zone also permits the proposed use of the property to receive, sort, process and sell recovered materials. The Zoning Bylaw contains specific requirements in regard to screening and landscaping of such a facility.

PLANNING ANALYSIS

The proposed OCP and zoning amendment complies with most of the above noted Official Community Plan policies and the suitability of the land for the intended use seems satisfactory. The applicant has supplied information related to the availability of water supply on the site. The applicant has also recently provided information indicating that the Interior Health Authority is satisfied that the water supply on the property is capable of supporting the development without creation of a "domestic water system". However, more detailed information would be required to approve the subdivision.

Several key components of the OCP requirements; however, remain outstanding. The applicant has not provided information regarding proposed water servicing, sewage disposal plans or

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storm water drainage. Such information is necessary, according to Industrial Land Use Policies 2 and 5 in the Electoral area "D" and "E" OCP, to support the proposed change of land use for this property. Staff have recommended that these issues are dealt with prior to consideration of the official Public Hearing for the bylaws.

Trinity Valley Road has been designated as a Major Road in the OCP. The property owner should offer dedication of sufficient road widening to meet the OCP requirements. Although the applicant has indicated that he would like to subdivide the proposed Industrial area of the property from the remainder, this is not guaranteed, and in any event authority for subdivision and roads is with MoTI, who may not make this a condition of subdivision. Therefore it is recommended to request a commitment for the road widening as a condition of the Rezoning/OCP amendment.

The property appears to be identified in the OCP for the presence of mineral resources in the form of aggregate reserves. If the property contains such resource value then the OCP policies are clear that the OCP amendment and rezoning should not be supported. The OCP is also clear that definitive studies of the area for aggregate extraction potential have not been conducted, but the Ministry of Energy and Mines encourages the Regional District to do so. Therefore, staff suggest that the application process can be supported, but that the application not progress to Public Hearing of the bylaws until the applicant has provided the Regional District with proof that a viable supply of resource materials is not present on the property.

Proposed amendments to the OCP for the purpose of reviewing applications for various developments have been approved subject to the requirement for the applicant to hold a Public Information Meeting in accordance with the Public Information Meeting Guide. Holding such a meeting allows the public an opportunity to gather information about the proposed development and also fulfills the requirements pursuant to Section 879 of the Local Government Act, whereby the Board of Directors must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected by amending the Official Community Plan. In this case, the immediate neighbourhood is afforded an opportunity for consultation.

Planning staff cannot provide comment with regard to the issue of the Solid Waste Management Plans anticipated process for licensing private waste recovery facilities. However, it is noted that the owner appears to be utilising the site for the intended purpose already. The illegal use of the site has not generated any complaints. Regardless of this, the operation of this facility has potential for becoming a nuisance in the neighbourhood, and therefore compliance with Zoning Bylaw requirements for screening should be adhered to. Likewise, the owner will be required to obtain building permits for the structures he has placed on the property for the purpose of conducting this use.

Should the Board of Directors support the proposed land use designation and zoning, the property would be subject to the Industrial Development Permit requirements for form and character. Normally, staff would review the proposed site development and ensure that the OCP guidelines for Industrial development are met, and that zoning bylaw requirements for siting, screening and landscaping, and off-street parking, together with storm water management requirements are being met, prior to site development. Since the owner has already constructed the required infrastructure to operate the proposed Industrial use on the site, this process would

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then be used more to ensure that what has been built meets Zoning Bylaw requirements to ensure that the Industrial use is adequately screened from neighbouring properties.

Planning staff have recommended that the owner provide additional information with respect to the intended use of the site, as well as a Public Information Meeting. The fact that the site is currently being used for the purpose intended in the application is problematic. Regional Solid Waste staff are aware of and have visited the facility, as it is currently located beside the Lumby Recycling and Disposal Facility. But since there is no current licensing process, they have no authority over the facility. Since the operation of the facility is being conducted under a contract with the City of Vernon, and not the Regional District, verification that the operation meets all associated legislation is the responsibility of the contract holder. In considering this matter, the Board of Directors may want to consider the issues and eliminate the requirement for some or all of the additional information requested.

SUMMARY

Staff have recommended that the Board of Directors may conditionally support the OCP and rezoning amendment application. However, issues regarding the property's ability to support the proposed change in use to Industrial and the proposed zone's screening and landscaping requirements, as well as the potential for a subsequent subdivision in regard to adequate servicing should be dealt with so that the information supporting the land use change as required in the OCP has been submitted and reviewed prior to consideration of adoption of the bylaws. Staff is also recommending that a Public Information Meeting be held to gather neighbourhood input early in the process.

REFERRALS

The application has been referred to the following for their review and comment:

- 1. Electoral Area "D" Director**
- 2. Electoral Area "D" Advisory Planning Commission**
- 3. Electoral Area Advisory Committee**
- 4. Interior Health Authority**

The granting of this recommendation is based on the proposed OCP/Rezoning application being in compliance with the *BC Sewerage System Regulation*, the *BC Drinking Water Protection Act* and its Regulations.

At the present time, this office has been informed that no water connection is necessary to the "top yard". As such, there is no creation of a "domestic Water system", and this office requires no further information. If at some point in the future, a water connection is added which permits the use of the water for "domestic purposes" an application will be required by this office for the creation of a domestic water system. This application will necessitate source water approval, and the source water may require treatment to reduce the risk of waterborne illness.

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We have also received information that this facility will not store or process any items that may cause contamination of any nearby drinking water supply systems. (September 3, 2009)

5. Building Inspection

6. Ministry of Transportation and Infrastructure

This Ministry has no objection, in principle to the proposal. The applicant must apply for and receive Access Permit(s) to the property. No buildings, concrete pads, holding bunkers and/or dwellings shall be within the 4.5 meter Provincial Setback. No materials of any type will be permitted within the Provincial Setback. (August 14, 2007)

7. Energy Mines and Petroleum Resources

No issues. (November 6, 2009)


Submitted by:



Dan Passmore, Sr. Planning Technologist

Approved For Inclusion:

Endorsed by:



Rob Smailes, MCIP
General Manager, Planning and Building



Greg Betts, Administrator