REGULAR AGENDA

A. APPROVAL OF AGENDA

   (Opportunity for Introduction of Late Items)

   RECOMMENDATION 1
   That the Agenda of the October 19, 2015 Advisory Planning Commission Electoral Area “F” meeting be approved as presented.

B. ADOPTION OF MINUTES


   RECOMMENDATION 2
   That the minutes of the June 15, 2015 Advisory Planning Commission Electoral Area “F” meeting be adopted as circulated.

C. DELEGATIONS

D. UNFINISHED BUSINESS

E. NEW BUSINESS

1. Development Variance Permit Application
   STEFANYK, K. [15-0355-F-DVP]

2. Development Permit with Variances Application
   POGGEMOELLER, S. [15-0235-F-DP / 15-0236-F-DVP]

F. BUSINESS ARISING FROM DELEGATIONS

G. REPORTS

H. ADJOURNMENT
CALL MEETING TO ORDER

The Chair called the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA

Moved and seconded by Robert Whitley and Dale Fennell
That the Agenda of the June 15, 2015 Advisory Planning Commission Electoral Area “F” meeting be approved as presented, no late items.

CARRIED

ADOPTION OF MINUTES

Moved and seconded by Tilman Nahm and Bob Honeyman
That the minutes of the May 11, 2015 regular meeting of the Advisory Planning Commission Electoral Area “F” be adopted as circulated.

CARRIED

NEW BUSINESS

Agricultural Land Commission Application
deDood, J. And J.

- Bob Honeyman likes the concept, great idea will bring the public in but he sees one problem – the exit and entrance from Highway 97 onto Grandview Bench Road
- Robert Whitely enquired about the well and was informed it was new last August. They have not put septic in until they get a permit for the store as it is very expensive. Robert also asked how much area had been used up between the barn and parking and was told about 7 – 8 acres. Questioned the land going out of farming and was told the barn would have been built and they do need that much room to turn milk trucks around.
- Dale Fennell too considered this a real benefit to the community and thinks the education aspect is great. He too has real concerns regarding the access on and off highway 97.
- When the deDood’s were questioned about the access off of Highway 97 he stated he had gone to the Department of Highways and was told he would never get access off of Highway 97 even if it was further down towards Grindrod on the straight section of the highway.
- Tilman Nahm too was in favour of this application stated the 50% would be tough to achieve.

Moved and seconded by Bob Honeyman and Dale Fennell
That they accept the Planning Department Recommendation that the application of John and June deDood under Section 20(3) of the Agricultural Land Commission Act for a non-farm use (retail sales and food services) on the property legally described as Amended Lot 41 (DD204435F) DL 526, K (Formerly)) DYD, Plan 1010, Except Plan 42675 and located at 15 Grandview Bench Road, Electoral Area “F” be authorized for submission to the Agricultural Land Commission subject to the following conditions:

1. At least 50% of the total sales area must be limited to the sale of farm products produced on the farm on which the retail sales are taking place; and
2. The total area, both indoors and outdoors, used for the retail sales of all products and for food services consisting of ice cream, coffee, tea, bakery items, soup and sandwiches may not exceed 300 m2.

Moved and seconded by Bob Honeyman and Dale Fennell
That they amend the motion that the Department of Highways be approached regarding a stacking lane or left turn lane off of Highway 97 onto Grandview Bench Road.

Referral Application
FrontCounterBC

- Dale Fennell noted that once again they have received another Referral Application with a requested response dated before the APC even received it. He really has concerns on why does it have to happen so fast. The Regional District has to go after the government to give them more lead time so they can put forward any comments.
- Bob Honeyman questioned how it would affect the caribou? This seems like a real disruption of their habitat.
- Herman Halvorson wondered if this proposal would interfere with parking etc the existing clubs have in place that they pay to maintain.
- Keith Gray asked if these clubs received a package like the one the APC received.
- Dale Fennell stated all the snowmobile clubs have agreements in place to collect fees and they are responsible for maintenance on the snowmobile cabins (garbage, firewood etc.)

Moved and seconded by Dale Fennell and Bob Honeyman
That the Regional District approach the Ministry and strongly advise that the APC needs at least 3 months lead time on these Crown land applications. Also that this proposal is referred to local snowmobile clubs and other interested groups in this area for their feedback on this referral to avoid any possible conflicts.

CARRIED
ADJOURNMENT

There being no further business, the meeting was adjourned at 7:55 p.m.

Certified Correct:

__________________________  ________________________________
Chair                                                                 Recording Secretary
October 9, 2015

[X] Director Halvorson
[X] Advisory Planning Commission, Area F

Re: Development Variance Permit Application for the property legally described as Lot B, DL 526, KDYD, Plan KAP60768 and located at 51 Foxwood Road, Electoral Area “F” (Stefanyk)

We enclose a copy of the above application for review and comments from the Advisory Planning Commission. The Commission is requested to review the application at their earliest convenience and advise Laura Frank at this office of any concerns they may have with respect to the proposed development. Also enclosed is the Information Report, which contains the Planning Department recommendation concerning the application.

The application will be considered by the Board of Directors at their meeting to be held on Wednesday, November 18, 2015 at 4:00 p.m.

Yours truly,

[Signature]
Ashley Bevan
Executive Assistant

/ab
Enclosures
FOR OFFICE USE ONLY:

APPLICATION FOR PERMIT

APPLICANT FOR PERMIT

RECEIPT NO.: 

DATE:

PRELIMINARY REVIEW BY:

I/We hereby make application under the provisions of Part 26 of the Local Government Act for a: (check where applicable)

- Development Variance Permit
- Development Permit – circle one or more of the following: Form & Character; Wildfire; Floodplain; or Protection of the Natural Environment
- Temporary Commercial and Industrial Permit
- Temporary Use Permit

To permit the proposed development as described in the attached form upon (legal description of property):

LOT B DL 526

PLAN KAP 60768 Property ID 024-083-933

ROLL # 789 13224.004

and located at (street address or general location):

51 Foxwood Road Grindrod BC

Aug 10 2015 Date

Applicant's Signature

THIS APPLICATION IS MADE WITH MY FULL KNOWLEDGE AND CONSENT:

Aug 10/2015 Date

Registered Owner's Signature

Where the applicant is NOT the REGISTERED OWNER(S), the Application must be signed by the REGISTERED OWNER(S), or his AUTHORIZED AGENT

(use a separate sheet if necessary)
PERMIT INFORMATION FORM

THE INFORMATION REQUESTED IN THIS FORM IS REQUIRED TO EXPEDITE THE APPLICATION AND ASSIST THE STAFF IN PREPARING A RECOMMENDATION.

The form is to be completed in full and submitted with all requested information, Permit Application, Application Fee, and Title Search or Certificate of Indefeasible Title for the subject property.

1. Applicant and Registered Owner(s)

   Applicant's Name(s):   Kevin John Stefanyk (Springfend Chicken Corp.)
   Address:               61 Emery Rd Enderby BC V0E 1V3
   Postal Code:           V0E 1V3
   Phone No. (home):      Phone No. (work): 250 8045302
   Fax No.:               Email: winstoneriver@hotmail.com
   Registered Owner's Name(s): Herman Halvorson
   Address:               51 Foxwood Rd. Grindrod BC
   Postal Code:           V0E 1Y0
   Phone No. (home):      Phone No. (work): 250 260 0435
   Fax No.:               Email: hjhalvor@telus.net

A copy of a Title Search, or a copy of a Certificate of Indefeasible Title, dated no more than thirty (30) days prior to submission of the application, must accompany the application as a proof of ownership.

Agent Authorization (if applicable) must accompany this application form.

2. Subject Property and Development

   a. Size of property (area, number of parcels): 3.140 ha 7.758 acres
   b. Present Zoning: non urban
   c. Description of Existing Use/Development (use a separate sheet if necessary):

      single dwelling home with bare and treed land.
d. Full Description of the Proposed Use/Development (use separate sheet if necessary):
To build a commercial chicken barn (360' x 62')
Tunnel ventilation with cross ventilation
with the most up to date, modern equipment.
The barn will house approx. 25,000 birds
with room for 30,000.

---

e. Proposed Variation and/or Supplementation to Existing Regulations (use separate sheet if necessary)
25m setbacks as per required
Asking for 15m setback on south side
of property and 9.14m on west side.

---

3. Reasons in Support of Application
Reasons and comments in support of the application (use separate sheet if necessary):
see attached papers

Aug 10 2015
Date

[Signature] Applicant's Signature
4. **Required documents to accompany application form**

At the time of providing Application and Information Form to the applicant, the Regional District of North Okanagan Development Services Department shall indicate which of the following attachments are required or not required for this application. The Development Services Department may also require additional information.

a. A copy of a Title Search, or a copy of a Certificate of Indefeasible Title, dated no more than thirty (30) days prior to submission of the application.

   REQUIRED: Yes ✓

b. A dimensioned Sketch Plan showing the parcel(s) or part of the parcel(s) to be developed and the location of existing buildings, structures, and uses.

   REQUIRED: Yes ✓ No □

c. A dimensioned Site Development Plan showing the proposed use, buildings and structures, highway access, parking, etc.

   REQUIRED: Yes ✓ No □

d. A Contour Map (Plan), if warranted by the topographic condition of the subject site.

   REQUIRED: Yes ✓ No □

e. A dimensioned Sketch Plan of the proposed subdivision, where subdivision (small or large) is contemplated.

   REQUIRED: Yes ✓ No □

**FOR OFFICE USE ONLY:**

a. Water course/body within 30 metres:

   Yes □ No □

b. Within the Agricultural Land Reserve:

   Yes □ No □

c. Affected by Controlled Access Highway:

   Yes □ No □

d. Major Grid Road other than Controlled Access Highway:

   Yes □ No □

e. Consent of Ministry of Transportation Required* for Development Permit:

   Yes □ No □

   *Yes, if proposed building is larger than 4 500 m²
f. Referral to:

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<thead>
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</tr>
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<tr>
<td>APC Chairman</td>
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FORMS DULLY COMPLETED, RECEIVED: ______________________________ (signature)

DATE: ______________________________

Consolidated Copy: amended by Bylaw:
No. 2454, 2010 – September 1, 2010
Reasons in Support of Application

West side of barn I’m requesting for a 21.33 meter variance (70’). The land next to this property is an old sawmill site used by Reimers farm service to store sawdust, topsoil and chicken compost. Soon this land will be reclaimed back to its natural state (farm land) and sold. This new tunnel ventilation barn with cross ventilation is 2/3 more efficient than our current cross ventilation barn with 50% less fans. The four 2’ by 2’ fans on the west side of barn blow directly down to the ground and only leave 8’ of noticeable dust at most on the ground. Our old barn only leaves 12’ of noticeable dust with them blowing straight out. I have attached some pictures. The 30’ between the barn and property line is full of big cedar trees and would act as great barrier for any noise, dust and privacy. These new fans are pretty much noiseless for the record. North Enderby Timber owns the adjacent land and knows we are interested in their land when the time comes to sell. The owner also said he had no problem with our future development. The main reason for asking for this variance is because I hate wasted land around the building, a guy can’t really do anything with this area but burn fuel keeping the grass down. The plus side to this variance is creating more distance from the Shuswap river and creating more land for us in the future. I’ve been in this industry for many years and can’t see any conflict arising out of this. I’ve attached a picture of our old barn. We only have 9.14 meters (30’) from west side of barn to the property line and have only 4 fans in the new barn verses 21 fans in the old barn ranging from 2’ by 2’ up to 4’ by 4’. Our neighbor Henry Bremer has never complained of dust on his property. I’ve attached his number if you wish to contact Henry.

South side of barn, (Foxwood Rd.) I am requesting a variance 15.24 meter (50’) for the same reasons as mentioned above. Also having a great barrier too, with big cedar trees which I have no problem creating a covenant or legal contract to keep these trees in place for my privacy, protection and others. This new barn (tunnel ventilation) is designed to run its fans at low RPM to move oxygen through the barn with minimal ventilation because of its design of big cooling pads on the front of the barn (radiator style that drips water down the cooling pads) so we are not blowing all the gas heat out of the barn. Also there is no immediate residence or buildings near this area or near this property at this time. I’ve attached pictures of the exact barn we propose to build. John and Lisa Kennedy out in Tappen BC Area C let me take pictures of their barn to show the dust and only have 12.19 meters (40’) from the back of their barn to the property line showing no dust beyond 3.04 meters (10’). They built within two years ago and didn’t need a variance because the Area C has no regulations as they say. I’ve attached photos and their number if you have any questions or a viewing by appointment is okay with them. Being a farmer I can utilize this extra 50’ of land in front of the barn and as I mentioned earlier I hate to see land wasted. Little effort on your part would confirm this.
All chicken manure will be hauled away by Reimers Farm Service and or Blue Goose Cattle Co. within two days after flock goes out. No compost will be stored on this site. All culls will be incinerated in a gas incinerator.

If all goes well I'd like to have the foundation in the ground this fall because the Chicken Marketing Board has given us 8 months' timeline to buy and build a new facility due to our dairy farm selling.

John and Lisa Kennedy Cell: 250-309-3299

Henry Bremer Cell: 250-838-6728
CURRENT BARN / CROSS VENT 21 FANS
- 7 4'x4' FANS / 14 2'x2' FANS
- 30' FROM BARN TO PROPERTY LINE
- HENRY BREMER OWNS ADJACENT PROPERTY
TITLE SEARCH PRINT
File Reference: STEFANYK #1467-
Declared Value $150000

**CURRENT AND CANCELLED INFORMATION SHOWN**

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<th>HERMAN JOHN HALVORSON, BUSINESSMAN</th>
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<td>GRINDROD, BC</td>
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<td>Registration Number:</td>
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<td>Registration Date and Time:</td>
<td>REGIONAL DISTRICT OF NORTH OKANAGAN</td>
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<td>Registered Owner:</td>
<td>INTER ALIA</td>
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<tr>
<td>Remarks:</td>
<td>INCLUDES AN INDEMNITY UNDER SECTION 215(2)(A) LTA</td>
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Nature: COVENANT
Registration Number: KL135798
Registration Date and Time: 1997-12-11 11:09
Registered Owner: THE CROWN IN RIGHT OF BRITISH COLUMBIA
Remarks: AS REPRESENTED BY THE MINISTRY OF ENVIRONMENT AND REGIONAL DISTRICT OF NORTH OKANAGAN

Nature: MORTGAGE
Registration Number: KW9007
Registration Date and Time: 2004-01-26 10:56
Registered Owner: ENDERBY & DISTRICT CREDIT UNION
Cancelled By: KX42890
Cancelled Date: 2005-04-13

Nature: MORTGAGE
Registration Number: KX13195
Registration Date and Time: 2005-02-02 13:55
Registered Owner: THE TORONTO-DOMINION BANK
Cancelled By: CA2464317
Cancelled Date: 2012-03-30

Nature: MORTGAGE
Registration Number: CA2392811
Registration Date and Time: 2012-02-15 09:54
Registered Owner: ENDERBY & DISTRICT CREDIT UNION

Duplicate Indefeasible Title: NONE OUTSTANDING

Transfers: NONE

Pending Applications: NONE

Corrections: NONE
**Regional District Of North Okanagan**

Property Information Management System

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<td>789 13224.004</td>
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**Site Address:**
51 FOXWOOD RD
RDNO Assigned Address:

**Legal Description:**
LOT BLK SEC TWP RGE MER DL PLAN
B 526 KAP60768

**Property ID#:** 024-083-933

**Land District:** Kamlo

**Land Use Designation(s):**
- O.C.P. AG 3.100 ha.
- O.C.P. Area
- Zoning NU 3.100 ha.
- Zoning Area
- DPA

**Bylaw Enforcement**

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**NOTES:** INSPECTED 92/09/22

**Natural Hazards:**
FLOODPLAIN - SHUSWAP RIVER - 352.2 Meter minimum Building Elevation.

**Planning Applications:**

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**Building Permits:**

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**History Notes:**
- No Final Inspection

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**NOTICE OF COLLECTION OF PERSONAL INFORMATION**

Personal information collected on this form is collected for the purpose of processing this application and for administration and enforcement. The personal information is collected under the authority of the Municipal Act and the Regional District's bylaws.
DEVELOPMENT VARIANCE PERMIT APPLICATION

DATE: October 2, 2015
FILE NO.: 15-0355-F-DVP
APPLICANT: Kevin Stefanyk
LEGAL DESCRIPTION: Lot B, DL 526, KDYD, Plan KAP60768
P.I.D.# 024-083-933
CIVIC ADDRESS: 51 Foxwood Road
PROPERTY SIZE: 3.14 ha
ZONING: Non-Urban (N.U)
O.C.P. DESIGNATION: Agricultural
PROPOSED VARIANCES: Reduce the front and side yard setback requirements of a poultry barn

PLANNING DEPARTMENT RECOMMENDATION:

That upon consideration of input from adjacent landowners, a Development Variance Permit be issued for the property legally described as Lot B, DL 526, KDYD, Plan KAP60768 and located at 51 Foxwood Road, Electoral Area “F” to allow a variance to Table 1 of Division 1601 of the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 by reducing the front and side yard setbacks of a poultry barn from 30 m to 15 m and 9.14 m as shown on the plans attached to the Planning Department report dated October 2, 2015 subject to the following:

1. the existing stand of coniferous trees along the south and west property lines must be retained as shown on the plans attached to the Planning Department report dated October 2, 2015;
2. a solid double row of mixed coniferous plantings with foliage from base to crown and a finished height of at least 6 meters be planted along the west property line as shown on the plans attached to the Planning Department report dated October 2, 2015;
3. fan hoods be used on the west side of the barn to vent exhaust towards the ground.

BACKGROUND:

This report relates to an application for a Development Variance Permit for the property located at 51 Foxwood Road. The applicant is proposing to construct a 2,074 m² (22,320 ft²) poultry barn which would house up to 30,000 broiler chickens. The location of the proposed new barn requires a variance from the 30 m setback requirement of the Zoning Bylaw as it is proposed to be setback 15 m from the south lot line and 9.14 m from the west lot line.
Site Context

The 3.14 ha subject property is located on the west side of the Shuswap River and the north side of Foxwood Road just east of Crandlemire Road and south of Grindrod. The property is relatively flat with a gradual slope towards the Shuswap River. The property contains a single family dwelling near the north side of the property and four accessory buildings in various locations. Access to the dwelling is gained from a driveway that connects with Foxwood Road. A mature stand of coniferous trees is located on the south side of the property. The west side of the property is not as heavily vegetated but does contain a mix of mature and younger coniferous trees.

The subject property and properties to the north and south are zoned Non-Urban (N.U) and are designated Agricultural in the Electoral Area “F” Official Community Plan. The adjacent property to the west has a dual zoning of Large Holdings (L.H) and General Industrial (I.2) and a dual designation of Agricultural and Industrial. The subject and surrounding properties are located in the Agricultural Land Reserve.

The following orthophoto of the subject and surrounding properties was taken in 2007.
The Proposal

The applicant is requesting setback variances to permit the construction of a poultry barn to be located in the south-west quadrant of the subject property. The Zoning Bylaw requires poultry farm buildings to be setback a minimum of 30 m from all property lines. The proposed setback for the poultry barn would be 15 m from the south lot line and 9.14 m from the west lot line. If approved, the barn would be 22,320 ft² and house up to 30,000 birds.

The proposed poultry barn would be accessed from the existing driveway with the construction of a new driveway loop which would facilitate loading and unloading of birds and sawdust. The north end of the barn would contain two overhead doors for the loading of chicks and new sawdust. An office is also proposed to be located in the north end of the barn with access gained via a side door on the east elevation. A third overhead door would be located at the south-east corner of the barn to accommodate the loading ramp for birds and clean out of used sawdust. The barn would be equipped with ventilation which requires fewer fans than other ventilation systems. Two hooded fans would be located on the west side of the barn. The applicant states that any dust from these fans would settle within approximately 2.4 m (8 ft) from the barn. The applicant is proposing to plant additional trees along the west property line to provide a more dense vegetative buffer. Along the south elevation of the barn would be four fans that would blow directly towards the existing tree stand. The applicant states that any dust from these fans would settle within approximately 6 m (20 ft) from the barn. The applicant has no intentions of removing the trees along the south property line.

The majority of manure produced on site is proposed to be hauled away within two days after the flock goes out. Some manure will be retained to facilitate the composting of bird culls. The composting building is proposed to be located on the east side of the barn and a minimum of 30 m from all property lines.

ZONING BYLAW:

The subject property is zoned Non-Urban. The uses permitted in the Non-Urban zone include Accessory buildings and structures; accessory farm sales; ancillary single family dwellings; bed and breakfast use; boarding house use; community care facilities; fruit and produce pickers cabins; home occupation; intensive agricultural use; limited agricultural use; manufactured home; packing houses; public parks and playgrounds; rapid infiltration and spray irrigation; resource use; single family dwellings; two family dwellings; veterinary clinics; wineries and ciders; work force housing units; secondary suites; medical marihuana production facilities. The proposal as compared to the Non-Urban zone requirements is as follows:

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<th>CRITERIA</th>
<th>PROPOSAL</th>
<th>ZONE REQUIREMENTS</th>
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<tr>
<td>Lot Area (min.)</td>
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<tr>
<td>- Front (south lot line)</td>
<td>15 m</td>
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<tr>
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<td>&gt;30 m</td>
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</tr>
<tr>
<td>- Side (west lot line)</td>
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<td>30 m</td>
</tr>
<tr>
<td>- Side (east lot line)</td>
<td>&gt;30 m</td>
<td>30 m</td>
</tr>
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</table>
Other Setbacks

There are additional setback requirements for accessory farm buildings, structures and areas under Tables 3 and 4 of Division 1601 of the Bylaw. In this regard, compost storage and solid agricultural waste, must be located at least 30 m away from all property lines and a minimum of 15 m from a watercourse.

OFFICIAL COMMUNITY PLAN:

The subject property is designated in the Electoral Area “F” Official Community Plan as Agricultural and as being within a Development Permit Area for the Protection of the Natural Environment (Shuswap River) and for the Protection of Development from Hazardous Conditions (Floodplain). The following Policies are to be considered when reviewing this application:

Agricultural Policies

1. All use and subdivision of agricultural land, except those exempted under Part 2 and Part 5 respectively of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002 shall be in accordance with the provisions of the Agricultural Land Commission Act, regulations thereto, and the orders of the Commission.

2. Lands within the Agricultural Land Reserve shall be protected from conflict with non-agricultural use by a separation with the type and intensity of conflicting land use through the adoption of appropriate setbacks and buffering within the non-agricultural areas, in which the recommendations of the Ministry of Agriculture shall be considered.

Development Permit Areas

A 30 m strip measured inland from the natural boundary of the Shuswap River is designated as a Development Permit Area for the Protection of the Natural Environment. Since no development is proposed in this area, a Development Permit in this regard is not required.

The Shuswap River floodplain mapping shows the area east of the farm and homesite as being subject to a Development Permit for the Protection of Hazardous Conditions. Since no development is proposed in this area, a Development Permit in this regard is not required.

PLANNING ANALYSIS:

The Regional District Zoning Bylaw requires that principal farm buildings which house animals be setback a minimum of 30 m from property lines in order to mitigate potential impacts (noise, odour, dust) on neighbouring properties. The location of the proposed new barn requires a variance from the 30 m setback requirement of the Zoning Bylaw as it is proposed to be setback 15 m from the south lot line of the subject property and 9.14 m from the west lot line. The Planning Department recommends that, upon consideration of input from adjacent property owners, the proposed variances be supported for the following reasons:

- the options associated with siting a new poultry barn of this size on the subject property are limited by the size of the property, the location of the dwelling on the property and the location of the Shuswap River floodplain and riparian area;
- the applicant has chosen to locate the barn near the southwest corner of the property which currently contains a mature stand of coniferous trees. Retention of these trees would provide...
a natural buffer that would help mitigate impacts associated with the noise, odour and dust coming from the barn. To help further mitigate impacts, the applicant is proposing to plant additional vegetation along the west property line and to use hood fans to direct exhaust on the west side of the barn towards the ground. The applicant is also proposing to locate driveways associated with the barn towards the interior of the property and to place loading doors on the north and east facing sides of the barn which face the interior of the property;

- the properties most likely to be affected by the proposal are located to the west and south of the subject property. The neighbouring property to the west is currently used for industrial purposes with the exception of the southeast corner of the property which contains a mature stand of coniferous trees. As a condition associated with the expansion of the North Enderby Timber lumber mill, the 4.9 ha east half of the property is required to be subdivided and rehabilitated for agricultural use. The 4.9 ha property would be vacant of buildings. The applicant states that the owner of the property raises no objections to the proposed variances. The neighbouring property to the south (across Foxwood Road) would be located approximately 35 m from the proposed poultry barn and the dwelling on the property would be located approximately 82 m from the barn.

- The applicant is proposing to implement measures for noise and dust reduction, and odour prevention as highlighted in the Siting and Management Guidelines for Poultry Barns published by the Ministry of Agriculture and Lands including:
  - Locating loading doors on the barn away from neighbours as well as locating the driveway as far as possible from neighbouring residences.
  - The applicant is proposing to use exiting vegetative buffers to minimize dust, odour and noise, and has indicated the fans they propose to install are almost noiseless.
  - The applicant will not be locating any liquid manure storage systems or solid manure storage facilities on site as all chicken manure will be hauled away within two days after the flock goes out.
  - The applicant will be composting birds using a properly constructed composter which is out of sight of road traffic, neighbors and passersby.

The proposed siting and design of the barn largely complies with the Ministry of Agriculture and Lands Siting and Management Guidelines for Poultry Barns. It is identified that these buildings be setback as far as possible from neighbours’ residences while at the same time allowing for future expansion. The proposed location appears to be the most appropriate spot for a barn of this size. The applicant has indicated that moving the barn closer to the river, east property line, would negatively impact his ability to maximize the use of his lands.

SUMMARY:

The subject Development Variance Permit application proposes a variance to the setback requirements associated with the construction of a poultry barn on the property located at 51 Foxwood Road. The location of the proposed new barn requires a variance from the 30 m setback requirement of the Zoning Bylaw as it is proposed to be setback 15 m from the south lot line of the subject property and 9.14 m from the west lot line. Subject to input from adjacent land owners, the Planning Department recommends that the Development Variance Permit application be supported as it is proposed to be constructed in an area where natural vegetative buffers currently exist and, in areas where the vegetation is sparse, the applicant will plant additional trees to minimize any negative impacts such as noise, dust and privacy issues. The proposed barn location makes efficient use of the property and it appears that it would not negatively impact the use and enjoyment of the surrounding properties.
REFERRAL COMMENTS:

The application was referred for comments to the following:

1. **Electoral Area “F” Advisory Planning Commission**
2. **Electoral Area Advisory Committee**
3. **Building Inspection Department**
   - No comments provided.
4. **Ministry of Transportation and Infrastructure**
   - The Ministry advises that they have no comments as their interests are unaffected.
5. **Ministry of Environment**
   - The Ministry of Environment has indicated that the proposed changes may impact the riparian area of the water feature on this property. If works are within 30m of the water body but are not residential, commercial, or industrial in nature it is recommended that the changes still be made to ensure riparian protection equivalent to the Riparian Area Regulation.
6. **Ministry of Agriculture**
   - No comments provided.
7. **Fire Department**
   - No comments provided.

---

Submitted by:

Laura Frank, MCIP, RPP  
Regional Planning Projects Manager

Reviewed by:

Greg Routley  
Deputy Planning Manager

Endorsed by:

Rob Smailes, MCIP, RPP  
General Manager, Planning and Building

Approved for Inclusion:

David Sewell  
Chief Administrative Officer
ELECTORAL AREA "F"
DEVELOPMENT VARIANCE PERMIT APPLICATION
SUBJECT PROPERTY MAP

File:  15-355-F-DVP
Applicant:  Kevin Stefanyk
Location:  51 Foxwood Road
SITE PLAN

PROPOSED VARIANCE

51 Foxwood Rd. Gainord BC

**Legend**
- Proposed Chicken Barn 360' x 60'
- Natural Gas/Underground Power
- Waterline to Well/Barn
- New Driveway
- Tree's

**Diagram Details**
- Chicken Barn: 109.72 m x 18.89 m
- Apron: 62' x 20'
- Leading Deck Clean Out Apron: 20' x 20'
- Feed Bins
- Front of Barn
- New Driveway
- Tree's/Lawn
- Driveway
- House
- Well

**Map Features**
- SHUSWAP RIVER

**Notes**
- APC "F" - Regular Agenda
  October 19, 2015 - Item E.1

**Measurement**
- 18.89 m
October 9, 2015

[X] Director Halvorson
[X] Advisory Planning Commission, Area “F”

Re: Development Permit with Variance application for the properties legally described as Lots 1 & 2, Sec 2, Twp 19, R9, W6M, KDYD, Plans 4734 and 1548 and located at 6253 and 6261 Highway 97A, Electoral Area “F” (North Enderby Timber)

We enclose a copy of the above application for review and comments from the Advisory Planning Commission. The Commission is requested to review the application at their earliest convenience and advise Jennifer A. Miles at this office of any concerns they may have with respect to the proposed development. Also enclosed is the Information Report, which contains the Planning Department recommendation concerning the application.

The application will be considered by the Board of Directors at their meeting to be held on Wednesday, November 18, 2015 at 4:00 p.m.

Yours truly,

Ashley Bevan
Executive Assistant

/ab
Enclosures
APPLICATION FOR PERMIT

FOR OFFICE USE ONLY:

APPLICATION FEE OF $ $100 RECEIVED BY:

RECEIPT NO.:

DATE:

PRELIMINARY REVIEW BY:

I/we hereby make application under the provisions of Part 26 of the Local Government Act for:

(a) Development Variance Permit

(b) Development Permit – circle one or more of the following:

- Form & Character; Wildfire; Floodplain; or Protection of the Natural Environment
- Temporary Commercial and Industrial Permit
- Temporary Use Permit
- Development Permit Minor Amendment

To permit the proposed development as described in the attached form upon (legal description of property):

LOT 1 Plat: KAPY1734 Sec. 2 Twp: 19 Rg: 9 W6M Meridian W6

LOT 2 Plat: KAPI548 Sec. 2 Twp: 19 Rg: 9 W6M Meridian W6

and located at (street address or general location):

6261 Hwy 97A, Enderby BC

May 29, 2015

Sam Pugliesi

Applicant’s Signature

THIS APPLICATION IS MADE WITH MY FULL KNOWLEDGE AND CONSENT:

May 29, 2015

Sam Pugliesi

Registered Owner’s Signature

Date

Registered Owner’s Signature

Date

Where the applicant is NOT the REGISTERED OWNER(S), the Application must be signed by the REGISTERED OWNER(S), or his AUTHORIZED AGENT

(use a separate sheet if necessary)
PERMIT INFORMATION FORM

THE INFORMATION REQUESTED IN THIS FORM IS REQUIRED TO EXPEDITE THE APPLICATION AND ASSIST THE STAFF IN PREPARING A RECOMMENDATION.

The form is to be completed in full and submitted with all requested information, Permit Application, Application Fee, and Title Search or Certificate of Indefeasible Title for the subject property.

1. Applicant and Registered Owner(s)

Applicant’s Name(s): North Enderby Timber Ltd

Address: PO Box 428, 16261 Hwy 97A, Enderby BC

Postal Code: V0E 1V0

Phone No. (home): 250-503-6764 Phone No. (work): 250-838-9668

Fax No.: 250-838-9637 Email: roxanne@netimber.ca

Registered Owner’s Name(s): North Enderby Timber Ltd

Address: PO Box 428, 16261 Hwy 97A, Enderby BC

Postal Code: V0E 1V0

Phone No. (home): 250-503-6764 Phone No. (work): 250-838-9668

Fax No.: 250-838-9637 Email: roxanne@netimber.ca

A copy of a Title Search, or a copy of a Certificate of Indefeasible Title, dated no more than thirty (30) days prior to submission of the application, must accompany the application as a proof of ownership.

Agent Authorization (if applicable) must accompany this application form.

2. Subject Property and Development

a. Size of property (area, number of parcels): 22 acres, 2 parcels

b. Present Zoning: T, Z

c. Description of Existing Use/Development (use a separate sheet if necessary):

Sawmill, log and lumber storage
d. Full Description of the Proposed Use/Development (use separate sheet if necessary):

Proposed use - log and lumber storage plus full sawmill development - Upgrading of existing sawmill buildings
- adding 3 Dry Kilns, J-Bar lumber sorter,
- mechanic shop and additional dry lumber storage buildings
- adding weigh scale

3. Reasons in Support of Application

Reasons and comments in support of the application (use separate sheet if necessary):

see Attachment

May 29, 2018
Date

[Signature]
Applicant's Signature
4. **Required documents to accompany application form**

At the time of providing Application and Information Form to the applicant, the Regional District of North Okanagan Development Services Department shall indicate which of the following attachments are required or not required for this application. The Development Services Department may also require additional information.

**a.** A copy of a Title Search, or a copy of a Certificate of Indefeasible Title, dated no more than thirty (30) days prior to submission of the application.

**REQUIRED:** Yes ☑

**b.** A dimensioned Sketch Plan showing the parcel(s) or part of the parcel(s) to be developed and the location of existing buildings, structures, and uses.

**REQUIRED:** Yes ☑ No ☐

**c.** A dimensioned Site Development Plan showing the proposed use, buildings and structures, highway access, parking, etc.

**REQUIRED:** Yes ☑ No ☐

**d.** A Contour Map (Plan), if warranted by the topographic condition of the subject site.

**REQUIRED:** Yes ☐ No ☑

**e.** A dimensioned Sketch Plan of the proposed subdivision, where subdivision (small or large) is contemplated.

**REQUIRED:** Yes ☑ No ☐

**FOR OFFICE USE ONLY:**

**a.** Water course/body within 30 metres:

Yes ☐ No ☐

**b.** Within the Agricultural Land Reserve:

Yes ☐ No ☐

**c.** Affected by Controlled Access Highway:

Yes ☐ No ☐

**d.** Major Grid Road other than Controlled Access Highway:

Yes ☐ No ☐

**e.** Consent of Ministry of Transportation Required* for Development Permit:

Yes ☐ No ☐

*Yes, if proposed building is larger than 4 500 m²
f. Referral to:

APC Chairman: Yes ☐ No ☐
Director: Yes ☐ No ☐
Interior Health Authority: Yes ☐ No ☐
Ministry of Transportation and Infrastructure: Yes ☐ No ☐
Ministry of Community Development: Yes ☐ No ☐
Other: Yes ☐ No ☐
Other: Yes ☐ No ☐
Other: Yes ☐ No ☐

FORMS DULY COMPLETED, RECEIVED:

DATE: __________________________ (signature)

Consolidated Copy: amended by Bylaw:
No. 2454, 2010 – September 1, 2010
No. 2533, 2012 – August 15, 2012
Development and Variance Permit

North Enderby Timber Ltd.
**Proposed Variation**

We will require the following variances:

- Section 602(10)i storage yards not permitted in front yard setback area,
- Section 1501(1)[a](i) outside storage areas to be situated to conform with front yard setback and shall be closed by screening consisting of either a 2 m evergreen hedge or a 2.5 m solid fence or wall and no material to be piled to extend above screening,
- Section 1501(1)(f)(iii) fences or hedges not greater than 2.5 m high shall be located to the rear of required front yard setback, except where the fence is an open chain link fence in industrial zones (Section 1501(1)(g)),
- Section 1501(2)(a)(ii) where any industrial development abuts a controlled access highway a landscaped buffer of a minimum of 7.5m width is required,
- Section 1101(2)(e)(ii) requires that off-street parking areas must be drained,
- Section 1101(2)(e)(iii) requires that off-street parking areas must be surfaced with asphaltic concrete,
- Section 1101(2)(f) requires that off-street parking areas must be curbed,
- Section 1201(6)(c) requires that off-street loading areas must be curbed,
- Section 1201(6)(d) requires that off-street loading areas must be surfaced with asphaltic concrete.
- Variance for the planting of trees (Chinese elms) along the highway boundary. The trees have become a safety issue obstructing sight lines on the highway. We will use logs and lumber 80% of the time as they can be moved back if they become a problem. Logs and lumber create a much better sound barrier and do not loose leaves in the winter. They create a better enclosure than trees. If they become a problem for future highway upgrades, they can be easily moved.
- Variance for setback on building six off of map.

**Support of Application**

NET is a primary manufacturer of lumber and a secondary remanufacturer (lumber into bevels, channels, T&G). We have a large supportive group of customers who purchase our lumber, other sawmills that purchase our logs, vendors sell us supplies, loggers to cut down trees and employees that work for us. We have community support both indirect and direct that would like us to succeed in growing and sustaining our business. We support almost all businesses in the North Okanagan spending over $15,000,000 per year in the North Okanagan alone. Almost all our employees come from this area and spend their money here. The money that NET spends in the North Okanagan comes from around North America and the world being concentrated and spent here. As we are a primary manufacturer, businesses that provide services require us to be in business for their businesses to grow including local and provincial government agencies. The tax revenue generated from us through both direct and indirect means is substantial economically viable.
This development will employ several skilled workers from the area that are currently unemployed from the oil downturn. We need to install a J-Bar lumber sorter, which every modern sawmill has to stay competitive. The turnover we get on our labourers is extreme as 15 people pile on the green chain and that particular group turns over 10+x a year. This is due to a variety of reasons. The oilfields and construction love to take our hard working labourers and the others simply don't want to do manual labour long term. A j-bar lumber sorter will still maintain our current employees but it will be a vast improvement on improving the position and pay. We will be able to produce a much better product that fits the current lumber market. Currently this is the bottleneck in our operations and we can only get a person to pile so much.

**Reducing Carbon Footprint**

Overall there will be a huge decrease in use of non-renewable fossil fuels as the proposal eliminates the duplication we have in place due to our leased log yard.

1) Reduced CO₂ and other emissions from transferring logs at Baird Brothers yard to North Enderby Timber's yard. This would amount to emissions from a logging truck using approximately 7500L of diesel fuel per year.

2) Reduced emissions from wheel loader and excavator used for log movement in Baird's yard that would not be needed. This amounts to approximately 15000L of diesel fuel per year.

3) All yard waste would be ground up and sent to the Kamloops pulp mill to make power. This amounts to about 500 metric tonnes of log chunks and bark that are currently being piled and open burned twice a year. In the foreseeable future, open burning won't be allowed and this waste would need to be sent to the landfill.

4) The installation of dry kilns on this site will reduce the natural gas used to heat the kilns by 10%.

5) Reduced emissions from extra movement of lumber before drying that will no longer be necessary. This amounts to approximately 5000 Litres of diesel fuel.

**Economic and Job Stimuli**

We will be able to meet current and future customer demands. This will allow us to further increase our customer base, thus leading to a steady and stable growth for North Enderby Timber Ltd.

With storage moved to this site, more innovation will occur leading to more job opportunities and more support to the local and abroad businesses. We have turned down opportunities in the past due to our limited footprint for log storage. These opportunities may come up again which could help us further diversify our customer base. This diversification will lead to more security in North Enderby Timber Ltd. being a continual economic driver for Enderby and further beyond.

**Safety Improvements**

There would be great safety gains to be had upon expanding our footprint.

1) Reduction in repetitive stress injuries due to piling lumber (installation of J-Bar that can only be installed with more acreage.)
2) Less handling of logs and movement of logs either by truck or by loader decreases the chance of an accident occurring.

3) Increased yard size allows the installation of a load wrap removal station that Worksafe BC would like to see implemented. Large yard size also allows the machines to work in a larger area which will lower chances of accidents occurring.

4) Where the logging trucks will enter this yard, there is a much better sight line and sight distances down Hwy 97A. There will also be less trucks turning into the yard with the reduction of log transferring. This will greatly increase safety on Hwy 97A at our location.

5) Significantly less forklift congestion will greatly decrease chance of accidents.

6) No tree impeding sight lines on highway. Logs/lumber can be easily moved if they create a problem.

Community Benefit

North Enderby Timber is a truly value added producer of lumber. In comparison to traditional large producers, we can create up to 3 times the product value from a cubic meter of logs. North Enderby Timber also has greatly increased employment per cubic meter from this valuable natural resource. North Enderby Timber is committed to employing local individuals. For every employee at North Enderby Timber, there are at least 1.5 jobs linked to the mill (e.g. Loggers, truckers, parts suppliers, various trades and professional consultants). This development permit and variance permit is crucial for our long term survival. The only way we will continue to be the largest employer and keep increasing the pay to our workers is through this upgrade.

If you have any questions or concerns, please call Sean or Roxanne Poggemoeller at (250) 838-9668 or (250) 503-6765 (cell).
**CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN**

Land Title District
Land Title Office
KAMLOOPS
KAMLOOPS

Title Number
From Title Number
LB271672
X69642

Application Received
2009-01-12

Application Entered
2009-01-14

Registered Owner in Fee Simple
Registered Owner/Mailing Address:
NORTH ENDERBY TIMBER LTD., INC.NO. BC0842760
PO BOX 428
ENDERBY, BC
VOE 1V0

Taxation Authority
VERNON ASSESSMENT AREA

Description of Land
Parcel Identifier:
002-663-724
Legal Description:
LOT 1 SECTION 2 TOWNSHIP 19 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS
DIVISION YALE DISTRICT PLAN 4734

Legal Notations
THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL
GOVERNMENT ACT, SEE LB349375

Charges, Liens and Interests
NONE

Duplicate Indefeasible Title
NONE OUTSTANDING

Transfers
NONE

Pending Applications
NONE
Land Title District
KAMLOOPS
Land Title Office
KAMLOOPS

Title Number
LB271671
From Title Number
X69649

Application Received
2009-01-12

Application Entered
2009-01-14

Registered Owner in Fee Simple
NORTH ENDERBY TIMBER LTD., INC.NO. BC0842760
Registered Owner/Mailing Address:
PO BOX 428
ENDERBY, BC
VOE 1V0

Taxation Authority
VERNON ASSESSMENT AREA

Description of Land
Parcel Identifier:
002-664-861
Legal Description:
LOT 2 SECTION 2 TOWNSHIP 19 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1548

Legal Notations
THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE LB275361

Charges, Liens and Interests
Nature: UNDERSURFACE RIGHTS
Registration Number: 31546E
Registered Owner: THE DIRECTOR OF SOLDIER SETTLEMENT
Remarks: INTER ALIA DD 98967F OTHER THAN THOSE EXCEPTED BY THE CROWN

Nature: EASEMENT
Registration Number: 82186E
Remarks: PART DESCRIBED IN DD 210690F APPURTenANT TO BLK 1, PLAN 1548
Duplicate Indefeasible Title: NONE OUTSTANDING

Transfers: NONE

Pending Applications: NONE
Regional District Of North Okanagan

Property Information Management System

Roll Number: 789 02984.000
Jurisdiction: ELECTORAL Area F

Site Address: 6253 HIGHWAY 97A
RDNO Assigned Address: 82L-055-3-3

Legal Description:
LOT BLK SEC TWP RGE MER DL PLAN
1 2 19 9 6 KAP4734

Meridian W6.
Property ID#: 002-663-724
Land District: Kamlo

Land Use Designation(s):
O.C.P. O.C.P. Area Zoning Zoning Area
I 1.170 ha. I2 1.170 ha.
MR LUC102

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NOTICE OF COLLECTION OF PERSONAL INFORMATION
Personal information collected on this form is collected for the purpose of processing this application and for administration and enforcement. The personal information is collected under the authority of the Municipal Act and the Regional District's bylaws.
**Regional District Of North Okanagan**

**Property Information Management System**

**Roll Number:** 789 02984.000  
**Jurisdiction:** ELECTORAL Area F  
**10-0644- F -BP**  
**History Notes:**

**Fire Inspections**

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**Comments:**

1. 09-0754-F-DP - DP ISSD 09/10/23
   Requirements, conditions, or standards applicable pursuant to Section 920 of the Local Government Act:
   a. The configuration of the proposed development shall be as shown on Schedule 'A' attached to and forming part of this Development Permit.

**BCAA DATA:**

<table>
<thead>
<tr>
<th>School District</th>
<th>Neighbourhood</th>
<th>Land Use</th>
<th>Actual Use</th>
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**Property Values**

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<td>$128,000.00</td>
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**NOTICE OF COLLECTION OF PERSONAL INFORMATION**

Personal information collected on this form is collected for the purpose of processing this application and for administration and enforcement. The personal information is collected under the authority of the Municipal Act and the Regional District's bylaws.
Regional District Of North Okanagan

Property Information Management System

<table>
<thead>
<tr>
<th>Roll Number:</th>
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**Site Address:**
6261 HIGHWAY 97A

**RDNO Assigned Address:**

**Legal Description:**

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Meridian W6.

**Property ID#:** 002-664-861

**Land District:** Kamlo

**Land Use Designation(s):**

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**Notes:** NOISE - NORTH ENDERBY TIMBER

**Comments:**

**Planning Applications:**

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<td>I</td>
<td>12/10/2008</td>
<td>002-664-861 RB APRV 09/01/14</td>
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<td>82-0018-F-DP</td>
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<td>I</td>
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**History Notes:**

NOTICE OF COLLECTION OF PERSONAL INFORMATION

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Roll Number: 789 02963.000

Jurisdiction: ELECTORAL Area F

History Notes:

76-3629- F -BP

Archive

$0.00

ROOF OVER PILING & SORTING LUMBER

History Notes:

10 Aug 2011 Final $114,000.00 PLANER MILL ROOF

History Notes:

19 Jan 2009 Final $61,500.00 SAWMILL ROOF

History Notes:

13 Aug 2009 Final $45,600.00 SAWMILL ROOF (PHASE II)

History Notes:

26 Oct 2009 Final $38,200.00 ACCSSRY BLDG (DRY KILN)

Comments:

1. 08-1001-F-DP - RB APRV 09/01/14

Zoning Bylaw No. 1888, 2003 is hereby varied or supplemented as follows:

• Section 602(10)(i) is hereby varied and the storage yards will be permitted in the front yard setback area as shown on Schedule 'A' attached to and forming part of this Permit;

• Section 1501(1)(a)(i) is hereby varied as shown on Schedule 'A' attached to and forming part of this Permit;

• Section 1501(1)(f)(iii) is hereby varied as shown on Schedule 'A' attached to and forming part of this Permit;

• Section 1501(2)(a)(ii) is hereby varied and the off-street parking areas are not required to be drained;

• Section 1101(2)(e)(ii) is hereby varied and the off-street parking areas are not required to be surfaced with asphaltic concrete;

• Section 1101(2)(f) is hereby varied and the off-street parking areas are not required to be curbed;

• Section 1201(6)(c) is hereby varied and the off-street loading areas are not required to be curbed;

• Section 1201(6)(d) is hereby varied and the off-street loading areas are not required to be surfaced with asphaltic concrete.

4. Requirements, conditions, or standards applicable pursuant to Section 920 of the Local Government Act:

a. The configuration of the development, including the required landscaping, and screening and apron paving shall be as shown on Schedule 'A', attached to and forming part of this Development Permit;

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Regional District Of North Okanagan

Property Information Management System

Roll Number: 789 02983.000
Jurisdiction: ELECTORAL Area F

b. Parking consisting of a total of 68 stalls shall be provided in accordance with the provisions of Schedule B (Section 1101 - Off Street Parking) of the Regional District of North Okanagan Zoning Bylaw 1888, 2003, shall be as shown on Schedule 'A', attached and forming part of this Development Permit.

C. Signage must conform with the provisions of Section 1401 of the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003.

d. A storm water management plan shall be prepared by a professional engineer to provide for the control of run-off from parking areas, internal roadways, and buildings during and after the period of construction. Storm water outlet facilities shall not be installed directly into Shuswap River or into any wetland, tributary watercourse, drainage ditch or gully except where a stormwater renovation system is being implemented. The plan should adhere to the guidelines in the provincial best management practices document "Develop with Care: Environmental Guidelines for Urban and Rural Land Development".

2. 09-0754-F-DP - SEE PID# 002-663-724

BCAA DATA:
School District: 83
Neighbourhood: 920
Land Use: INDUSTRIAL - VACANT
Actual Use: INDUSTRIAL - VACANT
Special Lot:

Property Values
Land: $208,000.00
Improvements: $0.00
Total: $208,000.00

NOTICE OF COLLECTION OF PERSONAL INFORMATION
Personal information collected on this form is collected for the purpose of processing this application and for administration and enforcement. The personal information is collected under the authority of the Municipal Act and the Regional District's bylaws.
That upon consideration of input from adjacent landowners, a Development Permit with Variances not be issued for the properties legally described as Lot 1, Sec 2, Twp 19, R9, W6M, KDYD, Plan 4734 AND Lot 2, Sec 2, Twp 19, R9, W6M, KDYD, Plan 1548 AND That Part NW 1/4, Sec 2, Lying W of the Spallumcheen River, Twp 19, R9, W6M, KDYD, Except: Plan R170 and Parcel A (DD134553F) and located at 6253, 6261 AND 6314 Highway 97A, Electoral Area “F” to allow variances to the following Sections of the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003:
1. Section 309 by waiving the requirement to provide a buffer between the subject properties and the adjacent lands to the north which are located in the Agricultural Land Reserve;
2. Section 602.10.i by reducing the front yard setback of an outside storage area (log / lumber storage yard area) from 9 m to 0 m;
3. Section 1501.1.a.i by waiving the requirement to screen an outside storage area (log / lumber storage yard area);
4. Section 1501.2.a.ii by waiving the requirement for a landscaped buffer along the west side of the subject properties which are adjacent to Highway 97A;
5. Section 1101.2.b by waiving the requirement to provide designated maneuvering aisles associated with on-site parking areas;
6. Sections 1101.2 and 1101.3 by waiving the requirement to designate 119 parking spaces;
7. Section 1201 by waiving the requirement to designate 3 loading spaces; and further,

That upon consideration of input from adjacent landowners, a Development Permit with Variances be issued for the properties legally described as Lot 1, Sec 2, Twp 19, R9, W6M, KDYD, Plan 4734 AND Lot 2, Sec 2, Twp 19, R9, W6M, KDYD, Plan 1548 AND That Part NW 1/4, Sec 2, Lying W of the Spallumcheen River, Twp 19, R9, W6M, KDYD, Except: Plan R170 and Parcel A (DD134553F) and located at 6253, 6261 AND 6314 Highway 97A, Electoral Area “F” to allow variances to the following Sections of the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003:
1. Section 602.9.c by reducing the rear yard setback of a dry lumber storage building from 9 m to 0.5 m;
2. Section 602.9.c by reducing the rear yard setback of a dry kiln / dry lumber storage building from 9 m to 7.6 m;
3. Sections 602.9.c and 602.9d by reducing the rear and side yard setbacks of a fire truck / mechanic building from 9 m to 7.6 m and 6 m to 5.0 m respectively;
4. Section 602.9.d by reducing the side yard setback of a weigh scale control building from 6 m to 5.0 m;
5. Section 1101.2.e.iii by waiving the requirement that off-street parking areas be paved;
6. Section 1101.2.f by waiving the requirement that off-street parking areas be curbed;
7. Section 1201.6.c by waiving the requirement that off-street loading areas be curbed;
8. Section 1201.6.d. by waiving the requirement off-street loading areas be paved;
9. Table 3 of Section 1601 by reducing the front yard setback of an accessory farm building (hay storage) from 7.5 m to 5.8 m; and further,

That a Development Permit with Variances be issued for the properties legally described as Lot 1, Sec 2, Twp 19, R9, W6M, KDYD, Plan 4734; AND Lot 2, Sec 2, Twp 19, R9, W6M, KDYD, Plan 1548; AND That Part NW 1/4, Sec 2, Lying W of the Spallumcheen River, Twp 19, R9, W6M, KDYD, Except: Plan R170 and Parcel A (DD134553F) and located at 6253, 6261 and 6314 Highway 97A, Electoral Area “F” subject to the following:
1. the dimensions and siting of the buildings to be constructed on the land and the subdivision of the lands be in general accordance with the site plan attached to the Planning Department report dated October 8, 2015;
2. 119 gravel parking spaces be provided and each have a clear length of not less than 6 m and a clear width of not less than 2.8 m;
3. an 8 m wide gravel driveway / maneuvering aisle associated with designated parking areas to be provided;
4. 3 gravel loading spaces be provided and each have a clear length of not less than 9 m and a clear width of not less than 2.8 m;
5. access aprons be paved in accordance with the specifications of the Ministry of Transportation and Infrastructure;
6. no storage yard shall be located within a front yard setback area;
7. outside storage areas shall be screened. The height of fences or walls and evergreen hedges used as landscape screens must be 2.5 m and 2 m respectively;
8. a 7.5 m wide landscape buffer be provided along the west side of the properties which front Highway 97A. Landscape buffers are to consist of a grass to shrubbery ratio of 6:4 to 8:2;
9. a buffer be provided between the subject properties and the adjacent lands to the north which are located in the Agricultural Land Reserve;
10. a Section 219 Restrictive Covenant be registered on the title of the subject properties to require that all construction meet the Floodplain Setbacks and Flood Construction Levels of the Shuswap River and to save harmless the Regional District from losses or damages that may be caused due to flooding;
11. the subject 4.9 ha portion of the property legally described as That Part NW 1/4, Sec 2, Lying W of the Spallumcheen River, Twp 19, R9, W6M, K DYD, Except: Plan R170 and Parcel A (DD134553F) be consolidated with the property legally described as Lot 2, Sec 2, Twp 19, R9, W6M, K DYD, Plan 1548; and further,

That prior to issuance of the Development Permit with Variances, security be provided in an amount equal to 1.25 times the estimated cost of installing the screening and landscaping and the gravel associated with the parking, loading and driveway areas. The estimate must be prepared by a qualified contractors.

BACKGROUND:

This report relates to a Development Permit with Variances application for the properties located at 6253, 6261 and 6314 Highway 97A, Electoral Area “F”. The properties located at 6253 and 6261 Highway 97A contain an existing sawmill known as North Enderby Timber Ltd. The applicant proposes to expand its operations to a 4.9 ha portion of an adjacent property located at 6314 Highway 97A. The applicant also proposes to alter the existing sawmill site by constructing new buildings and additions to existing buildings. The owners of the subject properties are also proposing to consolidate the 4.9 ha portion of the property located at 6314 Highway 97A with the existing sawmill properties.

The subject properties located at 6253 and 6261 Highway 97A and the 4.9 ha portion of the property located at 6314 Highway 97A are designated in the Official Community Plan (OCP) as Industrial and as being within a Development Permit Area for the Form and Character of Industrial Development. The subject properties are also within a Development Permit Area for Protection of Development from Hazardous Conditions (Floodplain). As such, approval of a Development Permit is required for the proposed development. The proposal also requires variances to the Regional District Zoning Bylaw as it would not comply with the regulations associated with the provision of parking and loading areas, screening outdoor storage areas, landscaping along highway frontages, buffering next to ALR lands, and setbacks related to buildings and outdoor storage areas.
Application History

In 1974, Land Use Contract Bylaw No. 102 was adopted to permit the manufacturing of fencing and related specialty wood materials on the property located at 6253 Highway 97A. Bylaw No. 102 also included requirements for landscaping, screening and parking.

In 1982, a Development Permit (DP) with Variances was issued for the property located at 6261 Highway 97A to permit the replacement of a lumber manufacturing building that had been destroyed by fire. The Permit waived the Zoning Bylaw requirements to: pave parking areas, landscape along Highway 97A; and screen outdoor storage areas.

In 1983, a DP with Variances was issued for the property located at 6253 Highway 97A to permit the construction of a dry storage shed. The Permit required a landscape screen of Chinese Elm trees to be planted at 4.57 m intervals along the west (Highway 97A) side of the properties located at 6253 and 6261 Highway 97A and half of the north property line of the property located at 6261 Highway 97A.

In 2008, a Development Permit with Variances was issued for the property located at 6261 Highway 97A to permit the reconstruction of a sawmill building which was destroyed by fire. The Permit waived the requirements to drain, pave and curb driveway, parking and loading areas, screen and locate storage areas outside of a front yard setback and landscape adjacent to Highway 97A subject to a landscape screen of Chinese elm trees being planted at 4.57 m intervals along the entire west (Highway 97A) frontage of the properties located at 6253 and 6261 Highway 97A and north side of the property located at 6261 Highway 97A and access aprons being paved in accordance with the specifications of the Ministry of Transportation.

In 2012, the 4.9 ha portion of the property located at 6314 Highway 97A was authorized to be excluded from the Agricultural Land Reserve for the purpose of rezoning the 4.9 ha of land from the Large Holding (L.H) zone to the General Industrial (I.2) zone. The Agricultural Land Commission approved the proposal subject to the following conditions:
1. a fence be constructed and vegetation be planted for buffering (3 m wide) along the northern boundary of the excluded area for the purpose of limiting the mill's impact on the farm property to the north;
2. a 4.9 ha portion of an industrial zoned property located at 91 Crandlemire Road be reclaimed to a standard capable for agricultural use;
3. the zoning of the rehabilitated 4.9 ha portion of the Crandlemire Road parcel be changed from its current Industrial zone to an Agricultural zone;
4. all topsoil from the excluded land be stripped and salvaged and then utilized in the remediation of the Crandlemire Road site proposed for agricultural use;
5. financial security be posted in the form of an Irrevocable Letter of Credit for the costs associated with the proposed remediation plan.

Site Context

The properties located at 6253 and 6261 Highway 97A are located just north of the City of Enderby on the east side of Highway 97A and west side of a Canadian Pacific Railway right-of-way and the Shuswap River. The properties contain an existing sawmill which consists of several sawmill buildings, dry sheds and planer buildings, an office, a log yard, and parking areas. Both properties currently have a paved driveway apron which connects to Highway 97A.
The owner states that, aside from a gravel parking area located near the south side of the subject properties and an area around an office building, there are no designated parking areas on the properties as parking occurs wherever it can be accommodated. In this regard, the Planning Department notes that the parking area around the office was approved by the above noted Development Permits whereas the parking area on the south side of the property was not approved by these Permits. The owner also states that there are no designated loading or unloading areas as this activity also occurs wherever it can be accommodated or wherever it is convenient. The remainder of the properties are used for the storage of logs and lumber.

In keeping with the above noted Development Permit which was issued in 2008 for the subject properties, trees have been planted along the west and north property lines of the subject properties. The Regional District is currently holding security associated with cost of planting these trees. The owners of the properties have been advised that the security will be returned once it has been confirmed that the trees have been planted within the boundaries of the properties and that they have been planted at 4.57 m intervals.

The 4.9 ha portion of the property located at 6314 Highway 97A adjacent to the north side of the subject sawmill properties and is used for agricultural purposes.

The attached maps show the zoning and Official Community Plan land used designations of the subject and surrounding properties. Detailed orthophotos of the properties located at 6253 and 6261 Highway 97A are also attached to this report. The following orthophoto of the subject and surrounding properties was taken in 2013.
Proposal

The applicant proposes to expand the North Enderby Timber sawmill operations to a 4.9 ha portion of an adjacent property located at 6314 Highway 97A. The applicant also proposes to alter the existing sawmill site by constructing new buildings and additions to existing buildings. The owners of the subject properties are also proposing to consolidate the 4.9 ha portion of the property located at 6314 Highway 97A with the existing sawmill properties. In this regard, the applicant proposes to: construct a new dry lumber storage building on the property located at 6253 Highway 97A; construct building additions to the planer and sawmill buildings located at 6261 Highway 97A; and to construct a J-bar lumber sorter building, a fire truck / mechanic building, weigh scales / weigh control building and dry kiln / dry lumber storage buildings on the 4.9 ha of the property located 6314 Highway 97A.

The applicant is requesting setback variances to reduce: the rear yard setback of the proposed dry lumber storage building from 9 m to 0.5 m; the rear and side yard setback of the proposed fire truck / mechanic building from 9 m to 7.6 m and 6 m to 5.0 m respectively; the rear yard setback of one of the property dry kiln / dry lumber storage buildings from 9 m to 7.6 m; and the side yard setback of the weigh scales control building from 6 m to 5.0 m.

Access to the proposed new lot is proposed to be gained from the existing driveway located on the property located at 6253 Highway 97A and a proposed new driveway located on the 4.9 ha portion of the property located at 6314 Highway 97A. The existing access driveway located on the property located at 6261 is proposed to be closed. The applicant proposes to continue to use the parking areas located on the south side of the sawmill operation and on the north and south side of the existing office building. The applicant also proposes to provide parking on the north side of the access driveway located on the expanded portion of the sawmill as well as around the proposed fire truck / mechanic building. The applicant has not provided information on the dimensions of the proposed parking areas nor on the location of the driveway that would provide access to the parking areas (aside from the entrance to the properties). The applicant is proposing to surface the parking areas with gravel.

The owner states that there would be no designated loading or unloading areas as this activity would occur wherever it can be accommodated or wherever it is convenient.

The remainder of the properties are used for the storage of logs and lumber.

The applicant has indicated that landscaping is not proposed on the properties and that other than logs and lumber which would be stored along the Highway 97A frontage no screening is proposed.

The proposed 34.3 ha Remainder Lot would continue to be used for agricultural and rural purposes. Road dedication is required by the Ministry of Transportation and Infrastructure for the proposed subdivision. An existing hay storage building will be located 5.8 m from the front property line established by the proposed subdivision. The applicant is requesting a variance to the 7.5 m setback requirement associated with this building.
ZONING BYLAW:

The subject properties located at 6253 and 6261 Highway 97A and a 4.9 ha portion of the property located at 6314 Highway 97A are zoned General Industrial (I.2). Uses permitted in the I.2 zone include retail sale of heavy equipment and machinery, service and repair including automobile wrecking and junk yards, bulk storage plants, contractors for general and heavy construction, machinery and heavy equipment repair and the manufacturing, processing, and storage of: chemical and allied products, food products, machinery and transportation equipment, metal products, non-metallic mineral products including concrete products or ready mix concrete, petroleum and coal products, synthetic fibres, wood products and uses permitted in the Light Industrial (I.1) zone.

Sections 602.9.b and 602.9.c of the Zoning Bylaw states that where the parcel abuts a lot in a rural zone, front and rear yards must have a minimum of 9 m free of all buildings and structures. Section 602.9.d of the Zoning Bylaw states that no side yard is required except where the parcel abuts a lot in a rural zone, in which case there must be a side yard free of all buildings and structures for a minimum of 6 m.

The remainder of the property located at 6314 Highway 97A is zoned Large Holding (L.H). Uses permitted in the L.H zone include ancillary single family dwellings, bed and breakfast uses, community care facilities, home occupations, intensive agricultural uses, public parks and playgrounds, resource uses, single and two family dwellings, veterinary clinics, work force housing and pickers’ cabins, and secondary suites.

Table 3 of Section 1601 of the Zoning Bylaw states that grain and hay storage accessory farm buildings shall be setback at least 7.5 m from a front property line.

Storage Yards

Section 602.10.i of the Zoning Bylaw states that storage areas are not permitted in the required 9 m front yard setback area.

Off-Street Parking

Section 1101.1 of the Zoning Bylaw states that where any building or structure is being erected, enlarged, or increased in capacity, provisions shall be made for off-street parking on the same lot as the principal building or on a lot within 60 m thereof.

Section 1101.3 of the Zoning Bylaw states that industrial uses are required to provide 1.5 paved spaces for every 100 m² of gross floor area. The total floor area of the industrial portions of the buildings is 4364.25 m² which results in the need for 66 parking stalls. Section 1101.3 of the Zoning Bylaw states that offices are to provide 2.8 paved spaces for every 100 m² of gross floor area. The total floor area of the portions of the buildings to be used as office is 695.25 m² which results in the need for 20 parking stalls. Section 1101.3 of the Zoning Bylaw states that 1 parking space be provided for every 2 employees associated with a warehouse use. According to the applicant, the maximum number of warehouse employees is 130 which results in 33 required parking spaces. The total number of required parking spaces is 119.
Section 1101.2.a of the Zoning Bylaw states that parking spaces shall have a clear length of not less than 6 m and a clear width of not less than 2.8 m.

Section 1101.2.b of the Zoning Bylaw states that maneuvering aisles associated with parking stalls shall be not less than 8 m wide for all two way aisles and all right angle parking. One way aisles may be reduced to 6 m wide for sixty (60) degree parking and 4 m for forty-five (45) degree parking and parallel parking.

Section 1101.e states that every off-street parking area must be surfaced with asphaltic concrete or cement pavement. Section 1101.f states that all parking lots must be provided with curbs.

**Off-Street Loading**

Section 1201.4 of the Zoning Bylaw states that for every site used for industry, 3 off-street loading spaces must be provided where the total gross floor area of buildings on the property is between 2300 m² and 4600 m². Loading and unloading spaces must be of adequate size and have adequate access to accommodate the types of vehicles which will be loading and unloading, but in no case can be less than 9 m in length and 2.4 m in width.

Section 1201.6 of the Zoning Bylaw states that the location of all points of ingress and egress to a loading area is subject to the approval of the Ministry of Transportation and Infrastructure. The Zoning Bylaw requires that each loading space be surfaced with asphalt, concrete or similar pavement to provide a durable dust-free surface and be graded and drained to properly dispose of all surface water. Loading areas must also be provided with curbs.

**Screening and Landscaping**

Section 1501.1.a.i of the Zoning Bylaw states that any part of an Industrial zoned lot used as a storage yard must be closed by screening on any side not facing upon a building on the lot, and no material may be piled to extend above such screen. The height of fences or walls and evergreen hedges used as landscape screens must be 2.5 m and 2 m respectively.

Section 1501.2.a.ii of the Zoning Bylaw requires that where any commercial or industrial development abuts a controlled access highway, a 7.5 m landscaped buffer area must be provided. Landscaping is to consist of the following:
- A grass to shrubbery ratio of 6:4 to 8:2.
- A minimum of 5% of the landscaped area must be planted in trees.
- A maximum of 15% of the area shall be planted in annuals.

**Floodplain Regulations**

Section 501.3.b.iii of the Zoning Bylaw states that industrial uses are exempt from Flood Construction Level requirements provided that they are located with the top of the pad no lower than 1 m above the Natural Ground Elevation taken at any point on the perimeter of the building or no lower than the Flood Construction Level minus freeboard. Main electrical switchgear shall be no lower than the Flood Construction Level. The Zoning Bylaw Floodplain maps indicate the Flood Construction Level of the subject properties to be 352.6 GCS Datum.
OFFICIAL COMMUNITY PLAN:

Development Permit Area for Hazardous Conditions (Shuswap River Floodplain)

All lands within the Shuswap River floodplain are designated as Development Permit Areas for the protection of development from hazardous conditions. New developments must obtain a Development Permit as a condition precedent to building construction. In this regard, the OCP Guidelines recommend that a Section 219 Restrictive Covenant be required to be registered as a priority charge against the title of a property prior to the approval of a subdivision or issuance of a Building Permit. The covenant should state that all construction must meet the Floodplain Setbacks and Flood Construction Levels as outlined in the Zoning Bylaw and that the Regional District would be indemnified from any losses or damages caused by flooding.

Development Permit Area for Form and Character of Industrial Development

The Electoral Area “F” OCP states that all land designated as Industrial are designated as Development Permit Areas for the establishment of guidelines for the form and character of development. New development must obtain a Development Permit as a condition precedent to subdivision, building construction or land alteration. On reviewing a Development Permit Application, the Regional Board is to consider the following guidelines:
1. Vehicle parking should be encouraged at the rear or side of building and should be in smaller clusters and screened from view with landscaping or natural vegetation while still maintaining sight distances for safe access and egress;
2. The massing of buildings should be variable in form and should be incorporated where practical into smaller blocks which relate to the contours of the natural landscape;
3. Building heights and setbacks should generally conform with the height and setbacks of those of the property to be developed and/or adjacent lands and in all circumstances shall conform to the "Regional District of North Okanagan Zoning Bylaw No. 1888, 2003";
4. Vistas should be respected where practical through the development to prominent natural features beyond the subject land;
5. Exterior design and finish should incorporate products which complement the natural setting;
6. The form and character of development and landscaping should harmonize with the natural setting and should reflect a low density form of development.

PLANNING ANALYSIS:

The applicant proposes to upgrade the existing North Enderby Timber sawmill buildings and to expand its operations to a 4.9 ha portion of the property located at 6314 Highway 97A. The subject properties are designated in the Electoral Area “F” Official Community Plan as Industrial. Prior to approval of the proposed subdivision or issuance of Building Permits for the proposed building additions and new buildings, the issuance of a Development Permit for form and character of industrial development is therefore required. To address the above noted form and character guidelines, it is recommended that the Development Permit be issued to include conditions related to parking and loading areas, landscaping, and storage yards. To address the OCP guidelines related to the Shuswap River floodplain, it is recommended that the Development Permit be issued to include a requirement that a Restrictive Covenant be registered on the title of the subject property to state that all construction must meet the Floodplain Setbacks and Flood Construction Levels as outlined in the Zoning Bylaw and save harmless the Regional District in this regard.
With regard to the proposed variances, the Planning Department recommends that the following proposed variances not be approved:

**Buffer area between ALR and non-ALR lands**

The Planning Department recommends that the proposed variance to waive the requirement to provide a buffer area between the non-ALR subject properties and the ALR property to the north not be approved as the ALC has required a 3 m wide buffer along the north side of the subject properties as part of the conditional approval to exclude the lands from the ALR. The 3 m wide buffer would amount to 1.8% of the area of land that was conditionally approved to be removed from the ALR, which leaves the majority of the excluded lands to be used for the expansion of the sawmill operations.

**Setback and screening of outside storage areas and landscape buffer area abutting Highway 97A**

The requirements to setback and screen outside storage areas and to landscape along highway frontages are intended to maintain an attractive view of commercial and industrial uses. In this regard, the Planning Department recommends the proposed variances not be supported as:

- the owner is not proposing to install any landscaping or screening to help block or screen the view of the log and lumber storage areas from Highway 97A. The Planning Department acknowledges the applicant’s concern that adhering to this requirement would reduce the area of land that could be used for the industrial operation. In this regard, it is suggested that reducing the landscaping, screening and setback standards rather than waiving them could provide a reasonable solution to softening the view of the industrial operations;
- the proposal is not consistent with the OCP Industrial Form and Character Guidelines which states that the form and character of development and landscaping should harmonize with the natural setting and should reflect a low density form of development;
- the Ministry of Transportation and Infrastructure has expressed concerns with the past storage of materials within 4.5 m of Highway 97A right-of-way;
- through the approval of two separate Development Permit applications, the Board has previously required that trees be planted at 4.57 m intervals along Highway 97A. The Regional District is currently holding security associated with cost of planting these trees as the owners have not confirmed that the trees have been planted within the boundaries of the properties and that they have been planted at 4.57 m intervals;
- other industrial developments have adhered to the landscaping and screening requirements of the Zoning Bylaw. Approval of the requested variances would potentially lead to additional requests to waive the landscaping and screening requirements.

**Number of parking and loading spaces, width of driveway maneuvering aisles**

The applicant is requesting to not provide defined parking, loading and driveway areas as he feels parking and loading can be provided anywhere onsite. The Planning Department recommends that these variance requests not be supported as:

- the subject property is large enough to accommodate the required number of parking and loading spaces;
• the proposed variances do not comply with the OCP Industrial Form and Character Development Permit Guidelines which encourage vehicle parking to be located at the rear or side of buildings, to be in smaller clusters and screened from view with landscaping or natural vegetation while still maintaining sight distances for safe access and egress;
• providing designated parking, loading and driveway areas ensures that a sufficient amount of parking and loading areas are provided for the proposed development and helps to ensure the safety of those working and driving onsite;
• other industrial developments have adhered to the parking, loading and driveway requirements of the Zoning Bylaw. Approval of the requested variances would potentially lead to additional requests to waive these requirements.

The Planning Department recommends that the following proposed variances be approved:

Paving and curbing of loading and driveway areas

The applicant is requesting to waive the requirements to pave and curb the off-street parking, loading and driveway areas as he feels the continuous movement of large trucks makes it impractical to pave the existing driveways which have been suitable for the current purpose. A paved apron exists on the current accesses from Highway 97A. The Planning Department recommends that the request to waive the requirement to pave and curb the off-street parking, loading and driveway areas be supported subject to access aprons being paved to the satisfaction of the Ministry of Transportation and Infrastructure.

Building Setbacks

It is recommended that the proposed variances to vary the side yard and rear yard setbacks of the proposed new buildings as it does not appear that the proposed variances would negatively affect the use and enjoyment of the subject and surrounding properties. In this regard, it is noted that the proposal to reduce the side yard setback from 6 m to 5 m on the north side of the property would still allow for the 3 m wide buffer required by the ALC for that side of the property. It is also noted that the proposed rear yard setback variances are separated from the adjacent rural properties by the railway right-of-way and the Shuswap River.

It is noted that due to Building Code requirements that buildings may not straddle a property line. As recommended by the Building Inspector, as a condition of the Permit, prior to the issuance of a Building Permit, the consolidation of the properties would be required.

The Planning Department recommends that the setback variance associated with an existing farm building be supported as the Ministry of Transportation and Highways raises no concerns with regard to its distance from the highway and the proposed new right-of-way along the highway.

SUMMARY:

This report relates to a Development Permit with Variances application for the properties located at 6253, 6261 and 6314 Highway 97A. The applicant wishes to expand the North Enderby Timber Sawmill operations to the 4.9 ha portion of the adjacent property located at 6314 Highway 97A and to upgrade the existing sawmill site including several buildings. The owners are also proposing to subdivide the 4.9 ha portion of the property located at 6314 Highway 97A from the remaining property which is used for agricultural purposes.
The proposal requires the approval of a Development Permit for Form and Character of Industrial Development and also requires variances to the Regional District Zoning Bylaw as it would not comply with the requirements associated with: paving, curbing and designating driveway, parking and loading areas; screening and locating storage areas outside of a front yard setback area; landscaping adjacent to Highway 97A; buffering between ALR and non-ALR lands; and building setbacks.

As noted in the Planning Analysis section of this report, the Planning Department recommends that the proposed variances to waive the requirements to pave and curb driveway, parking and loading areas and to vary the setbacks associated with proposed new buildings be approved and that the proposed variances the waive the requirements to screen and to locate storage yards outside of a front yard setback area, to provide buffering between ALR and non-ALR lands and to landscape adjacent to Highway 97A not be approved. Planning also recommends that the requests to waive the requirement to designate parking, loading and driveway areas also not be approved.

REFERRAL COMMENTS:

The application was referred for comments to the following:
1. Electoral Area “F” Director
2. Electoral Area “F” Advisory Planning Commission
3. Electoral Area Advisory Committee
4. Fire Department – No comments received
5. Canadian Pacific Railway – No comments received
6. Ministry of Agriculture – No comments received
7. Building Inspection Department
   The Building Inspector provided the following comments:
   Due to the fire department response time and the reduced setbacks there may be some issues regarding the fire resistance ratings on some walls and a source of water for fire-fighting that is compliant with NFPA standards. These issues can be dealt with at the building permit stage but the owner may want to consult with a fire protection engineer before finalizing plans. Buildings may not straddle a property line. Consolidation of properties would be required.
8. Ministry of Transportation and Infrastructure
   The Ministry provided the following comments:
   MoTI commented they have no problem with the location of the existing buildings. If any happen to be within our legislated 4.5m setback, once all is said and done, we are willing to issue setback permits. If this one in the drawing is, in fact, 5.8m away, MoTI doesn’t require anything further and has no concerns.
   Please be advised that we have no objections to the RDNO providing relief to the applicant in regards to RDNO Bylaws. The MoTI respectfully requests that you consider limiting the front yard setback variance to 4.5 metres for any storage of goods or materials. The drainage in this area is extensive and MoTI has been unable to maintain our ditches in this area of the Highway due to the placement of materials. Pursuant to Section 49 & 62 of the Transportation Act and Section 12 & 13 of BC Regulation 513/2004, the applicant is required to submit applications and receive written approval from the Ministry of Transportation for the following:
   1. Direct access to Highway 97 A - we have received an application from North Enderby Timber and it is being reviewed.
2. Placement of any structure (including Signs) within the provincial 4.5 metre setback area for all existing and proposed Lots.

3. Placement of anything, deposit of or construction of, or use or occupation of any area identified as Public Right-of-Way.


The Ministry reviewed the application and advised that they have no comments regarding the proposal.

Submitted by:

[Signature]

Jennifer A. Miles, B.Sc.
Planning Assistant

Reviewed by:

[Signature]

Greg Rustley
Deputy Planning Manager

Approved for Inclusion:

[Signature]

David Sewell
Chief Administrative Officer
ELECTORAL AREA "F"
DEVELOPMENT PERMIT WITH VARIANCE APPLICATION
SUBJECT PROPERTY MAP

File:  15-0235-F-DP / 15-0236-F-DVP
Applicant:  North Enderby Timber
Location:   6253 and 6261 Highway 97A
ELECTORAL AREA "F"
DEVELOPMENT PERMIT WITH VARIANCE APPLICATION
OFFICIAL COMMUNITY PLAN DESIGNATION
SUBJECT PROPERTY MAP

File: 15-0235-F-DP / 15-0236-F-DVP
Applicant: North Enderby Timber
Location: 6253, 6261 and 6314 Highway 97A
ELECTORAL AREA "F"
DEVELOPMENT PERMIT WITH VARIANCE APPLICATION
ZONING SUBJECT PROPERTY MAP

File:  15-0235-F-DP / 15-0236-F-DVP
Applicant:  North Enderby Timber
Location:  6253 and 6261 Highway 97A
ELECTORAL AREA "F"
DEVELOPMENT PERMIT WITH VARIANCE APPLICATION
ORTHOPHOTO SUBJECT PROPERTY MAP

File: 15-0235-F-DP / 15-0236-F-DVP
Applicant: North Enderby Timber
Location: 6253 and 6261 Highway 97A
Parking is in blue with a total space of 150 with the ability to make more. Surface is gravel.

Screening is in pink and consists of logs and lawns 80% of the N.

Log and lawns storage is in yellow.

Sawmill site

Note: Everything on the property line will reflect depending on how appropriate.
List of documents registered on title which may affect the location of improvements:
Covenant No 32186£

Lot 2
Plan 1548

PROPOSED NEW BUILDING (PLAVER ROOF RWF)

RWF UNDERGROUND

Key:
- WATERLINE (3\" SCH 40 PVC)
- 8\" BLUE SEAL SOLID PLASTIC UNEERT
- STORM DRAIN C/G GRADE (VERNON CITY STYLE)
- VALVE (3" TRUNION)
- VALVE (3\" TRUNION) & 1\" DRAIN

Dimensions derived from Plan NH1358.
Offsets from property line to building are measured from the side line.

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This building location certificate has been prepared in accordance with the Standards Practice and is certified correct as of the 1st day of August 2005.

Page 73 of 74