

ADMINISTRATIVE REPORT



TO: Planning & Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: December 16, 2021

RE: Electoral Area “D” Official Community Plan Amendment Bylaw No. 2603.23, 2021 – Development Permit Triggers (D2021.022-ZONE)

Administrative Recommendation:

THAT Bylaw No. 2603.23, 2021, being a bylaw to amend the Electoral Area “D” Official Community Plan to clarify the types of development which require a permit in the Industrial and Multiple Family Development Permit Areas, be initiated.

Purpose:

The purpose of the proposed amendments to the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, are to clarify what activities “trigger” the need for a Multiple Family or Industrial Development Permit.

Background:

Under Section 488 of the *Local Government Act*, the Regional District may designate a development permit area in order to address such things as the protection of the natural environment, the form and character of industrial buildings or the protection of development from hazardous conditions.

In designating such areas, the Act further requires that the Regional District establish the types of activities required to obtain a permit before being commenced. This generally involves either the subdivision of land, construction of buildings or alteration of land.

At its meeting of March 6, 2014, the Regional District adopted the Electoral Area “D” OCP Bylaw No. 2603, 2013, which included six different development permit area designations. A seventh development permit area was added in 2018 when the Okanagan Falls Town Centre Development Permit Area was adopted. Two of these, being the Industrial and Multiple Family Development Permit (DP) areas, do not clearly establish what forms of activities require a permit and which are exempt.

Both of these development permit areas have been designated under Section 488(1)(f) of the Act, which relates to the “establishment of objectives for the form and character of commercial, industrial or multi-family residential development.” The Industrial DP Area has further been designated under Section 488(1)(a) in order to protect the natural environment (e.g. Aquifer Protection Area).

Analysis:

Notice of a pending subdivision of the former Weyerhaeuser site in the Okanagan Falls industrial area has been received and the Industrial DP Area that applies to these lands is not clear on what

development “triggers” the need for a permit, and if a DP is required prior to final approval of the subdivision.

A review of the other development permit area designations within the OCP Bylaw revealed the same issue with the Multiple Family Development Permit Area.

Generally, a “form and character” DP is only triggered at the building permit stage as such DPs are primarily concerned with the aesthetic, or built form (i.e. appearance) of a structure. Landscaping can also be a secondary consideration.

Given both the Industrial and Multiple Family DP Areas have been designated in order to establish “form and character” objectives the construction of, addition to or alteration of a building or other structure” should be established as a “trigger”.

The Industrial DP Area was also designated to protect the aquifer which provides drinking water to the community and an additional trigger should be applied, this being:

any development with contamination potential that involves new or existing uses for any of the purposes or activities listed in Schedule 2 of the Contaminated Sites Regulation, (B.C. Reg. 375/96).

For reference purposes, a copy of Schedule 2 of the *Contaminated Sites Regulation* is included in Attachment No. 1. This requirement will capture a majority of activities with the potential to affect the local aquifer.

Alternatives:

1. THAT the Electoral Area “D” Official Community Plan Amendment Bylaw No. 2603.23, 2021, being a bylaw to clarify the types of development which require a permit in the Industrial and Multiple Family Development Permit Areas, be denied.

Respectfully submitted



Shannon Duong, Planner I

Endorsed by:



C. Garrish, Planning Manager

Attachment No. 1 - Schedule 2 of the *Contaminated Sites Regulation*

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Specified Industrial or Commercial Uses

A	Chemical industries and activities <ol style="list-style-type: none">1. adhesives manufacturing, bulk storage, shipping or handling2. chemical manufacturing, bulk storage, shipping or handling3. explosives or ammunition manufacturing, bulk storage, shipping or handling4. fire retardant manufacturing, bulk storage, shipping or handling5. fertilizer manufacturing, bulk storage, shipping or handling6. ink or dye manufacturing, bulk storage, shipping or handling7. leather or hides tanning8. paint, lacquer or varnish manufacturing, formulation, recycling, bulk storage, shipping or handling, not including retail stores9. pharmaceutical products, or controlled substances as defined in the <i>Controlled Drugs and Substances Act</i> (Canada), manufacturing or operations10. plastic products (foam or expanded plastic) manufacturing or repurposing11. textile dyeing12. pesticide manufacturing, formulation, bulk storage, shipping or handling13. resin or plastic monomer manufacturing, formulation, bulk storage, shipping or handling
B	Electrical equipment and activities <ol style="list-style-type: none">1. battery manufacturing, recycling, bulk storage, shipping or handling2. facilities using equipment that contains PCBs greater than or equal to 50 ppm3. electrical equipment manufacturing, refurbishing, bulk storage, shipping or handling4. electrical transmission or distribution substations5. electronic equipment manufacturing6. transformer oil manufacturing, processing, bulk storage, shipping or handling7. electrical power generating operations fuelled by coal or petroleum hydrocarbons that supply electricity to a community or commercial or industrial operation, excluding emergency generators.
C	Metal smelting, processing or finishing industries and activities <ol style="list-style-type: none">1. foundries2. galvanizing3. metal plating or finishing4. metal salvage operations5. metal smelting or refining6. welding or machine shops (repair or fabrication)

D	<p>Mining, milling or related industries and activities at or near land surface</p> <ol style="list-style-type: none"> 1. asbestos mining, milling, bulk storage, shipping or handling 2. coal coke manufacture, bulk storage, shipping or handling 3. coal or lignite mining, milling, bulk storage, shipping or handling 4. milling reagent manufacture, bulk storage, shipping or handling 5. metal concentrate bulk storage, shipping or handling 6. metal ore mining or milling
E	<p>Miscellaneous industries, operations or activities</p> <ol style="list-style-type: none"> 1. appliance, equipment or engine maintenance, repair, reconditioning, cleaning or salvage 2. ash deposit from boilers, incinerators or other thermal facilities 3. asphalt and asphalt tar manufacture, storage and distribution, including stationary asphalt batch plants 4. coal gasification (manufactured gas production) 5. medical, chemical, radiological or biological laboratories 6. outdoor firearm shooting ranges 7. road salt or brine storage 8. measuring instruments (containing mercury) manufacture, repair or bulk storage 9. dry cleaning facilities or operations and dry cleaning chemical storage, excluding locations at which clothing is deposited but no dry cleaning process occurs 10. contamination or likely contamination of land by substances migrating from an industrial or commercial site 11. fire training facilities at which fire retardants are used 12. single or cumulative spills to the environment greater than the reportable quantities of substances listed in the Spill Reporting Regulation
F	<p>Petroleum (including blends and biodiesels) and natural gas drilling, production, processing, retailing, distribution and commercial storage</p> <ol style="list-style-type: none"> 1. petroleum or natural gas drilling 2. petroleum or natural gas production facilities 3. natural gas processing 4. petroleum coke manufacture, bulk storage, shipping or handling 5. petroleum product, other than compressed gas, dispensing facilities, including service stations and card locks 6. petroleum, natural gas or sulfur pipeline rights of way excluding rights of way for pipelines used to distribute natural gas to consumers in a community 7. petroleum product (other than compressed gas), or produced water storage in non-mobile above ground or underground tanks, except tanks associated with emergency generators or with secondary containment 8. petroleum product, other than compressed gas, bulk storage or distribution 9. petroleum refining 10. solvent manufacturing, bulk storage, shipping or handling 11. sulfur handling, processing or bulk storage and distribution

G	<p>Transportation industries, operations and related activities</p> <ol style="list-style-type: none"> 1. aircraft maintenance, cleaning or salvage 2. automotive, truck, bus, subway or other motor vehicle maintenance, repair, salvage or wrecking 3. dry docks, marinas, ship building or boat repair and maintenance, including paint removal from hulls 4. marine equipment salvage 5. rail car or locomotive maintenance, cleaning, salvage or related uses, including railyards
H	<p>Waste disposal and recycling operations and activities</p> <ol style="list-style-type: none"> 1. antifreeze bulk storage, recycling, shipping or handling 2. barrel, drum or tank reconditioning or salvage 3. biomedical waste disposal 4. bulk manure stockpiling and high rate land application or disposal (nonfarm applications only) 5. landfilling of construction demolition material, including without limitation asphalt and concrete 6. contaminated soil or sediment storage, treatment, deposit or disposal 7. dry cleaning waste disposal
	<ol style="list-style-type: none"> 8. electrical equipment recycling 9. industrial waste lagoons or impoundments 10. industrial waste storage, recycling or landfilling 11. industrial woodwaste (log yard waste, hogfuel) disposal 12. mine tailings waste disposal 13. municipal waste storage, recycling, composting or landfilling 14. organic or petroleum material landspreading (landfarming) 15. sandblasting operations or sandblasting waste disposal 16. septic tank pumpage storage or disposal 17. sewage lagoons or impoundments 18. hazardous waste storage, treatment or disposal 19. sludge drying or composting 20. municipal or provincial road snow removal dumping or yard snow removal dumping 21. waste oil reprocessing, recycling or bulk storage 22. wire reclaiming operations
I	<p>Wood, pulp and paper products and related industries and activities</p> <ol style="list-style-type: none"> 1. particle or wafer board manufacturing 2. pulp mill operations 3. pulp and paper manufacturing 4. treated wood storage at the site of treatment 5. veneer or plywood manufacturing 6. wood treatment (antisapstain or preservation) 7. wood treatment chemical manufacturing, bulk storage