

Memo



DATE: March 19, 2010

TO: City Manager

FROM: Community Sustainability Division

APPLICATION NO. TUP07-0002 OWNER: Pinto Developments

AT: 148 Pinto Rd. APPLICANT: Pinto Developments

PURPOSE: To extend an issued Temporary Industrial Use Permit to allow "Outdoor Storage" on the subject property for an additional two years

EXISTING OCP DESIGNATION: Industrial

EXISTING ZONE: A1 - Agriculture 1 Zone

REPORT PREPARED BY: Paul McVey

1.0 RECOMMENDATION

THAT Council authorize a two year extension to December 11, 2011, of the issued Temporary Use Permit No. TUP07-0002 to allow "outdoor storage" on Lot 23, Section 2, Township 23, O.D.Y.D., Plan 18861, located on Pinto Road, Kelowna, BC, subject to the following conditions:

1. That a continuous opaque barrier be erected to properly screen the storage area from public view, to the satisfaction of the Director of Land Use Management;
2. Removal of vehicles stored on the subject property outside of the fenced compound;
3. Submission of an acceptable Site Profile Document upon decommissioning of the temporary use on the subject property to ensure all possible contaminants have been satisfactorily remediated.

2.0 SUMMARY

The applicant applied for and was granted a Temporary Industrial Use Permit in 2007, which authorized a temporary use of the subject property for "outdoor storage". That Temporary Use Permit was set to lapse on December 11, 2009. The applicant wishes to extend the Temporary Industrial Use Permit an additional two years to allow the use to continue to December 11, 2011.

A handwritten signature in black ink, appearing to be the name of the author or reviewer.

3.0 BACKGROUND/PROPOSAL

There is an existing dwelling on the north end of this 7,487 m² (1.85 ac) property. The applicant intends to temporarily use the remaining undeveloped portion of the site for “outdoor storage” for vehicles.

Vehicle access to the existing home is from Pinto Road. A second driveway was constructed south of the existing dwelling, which provides access to the storage facility (see attached site plan). The applicants have stripped the topsoil, and installed a gravel surface to the storage yard, and have also installed a fence around the site in order to secure the property for vehicle storage.

Since the Temporary Use Permit was issued, the area for vehicle storage has expanded beyond the fenced compound area and now occupies the yard area adjacent to the dwelling. As well, the existing fence has proven to be an ineffective visual buffer to the storage yard beyond.

For these reasons, Staff request the removal of the derelict vehicles from around the existing dwelling and that the fencing and slats be revisited to improve the visual buffering of the storage yard from a public road view.

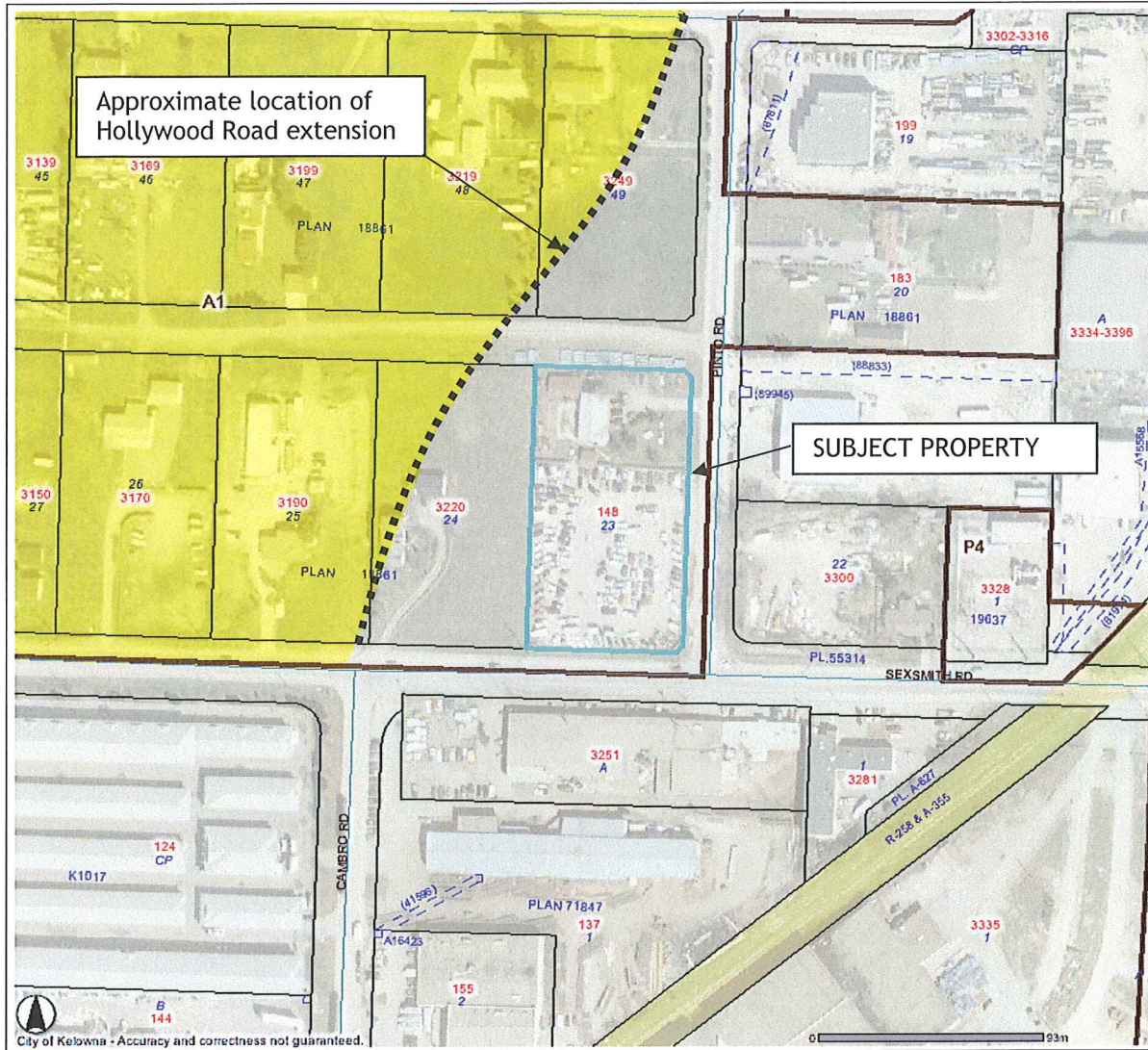
3.1 Site Context

The subject property is located at the northwest corner of Pinto Road and Sexsmith Road. Prior to these lands being incorporated in the City of Kelowna in 1973, the surrounding area was subdivided into small agricultural lots, similar to the subject property.

Adjacent zones are, to the:

North-	A1 - Agriculture 1
East	I2 - General Industrial
	A1 - Agriculture 1
South	I2 - General Industrial
West	A1 - Agriculture 1

3.2 Subject Property Map



3.3 Current Development Policy

The purpose of the A1 - Agriculture 1 zone is to provide a zone for rural areas and agricultural uses as well as other complementary uses suitable in an agricultural setting. A maximum of one single dwelling house is permitted. In addition a secondary suite may be permitted when in accordance with relevant provisions of this bylaw including subsection 6.5 and 9.5.

3.4 Current Development Policy

Kelowna 2020 Official Community Plan (OCP)

Future Land Use Designation - The property is designated Industrial, pursuant to Map 19.1 of the OCP. The proposed temporary use of the site is consistent with that future land use designation.

4.0 Land Use Management Department Comments

This property is the subject of Temporary Use Permit (TUP07-0002) which was issued on December 14, 2007, authorizing the use for outdoor storage of vehicles within the fenced compound. This application seeks a two year extension of that Temporary Use Permit. The extension is set to lapse on December 11, 2011.

Development of this parcel and a few of the abutting parcels (which lie north of Sexsmith Road and east of the future Hollywood Road extension), is stalled until the City moves forward with the Hollywood Road extension. That project will then allow for the affected landowners of those parcels east of Hollywood Road to coordinate the necessary road dedication, road closure, and lot line adjustments that would allow for the intended industrial development.

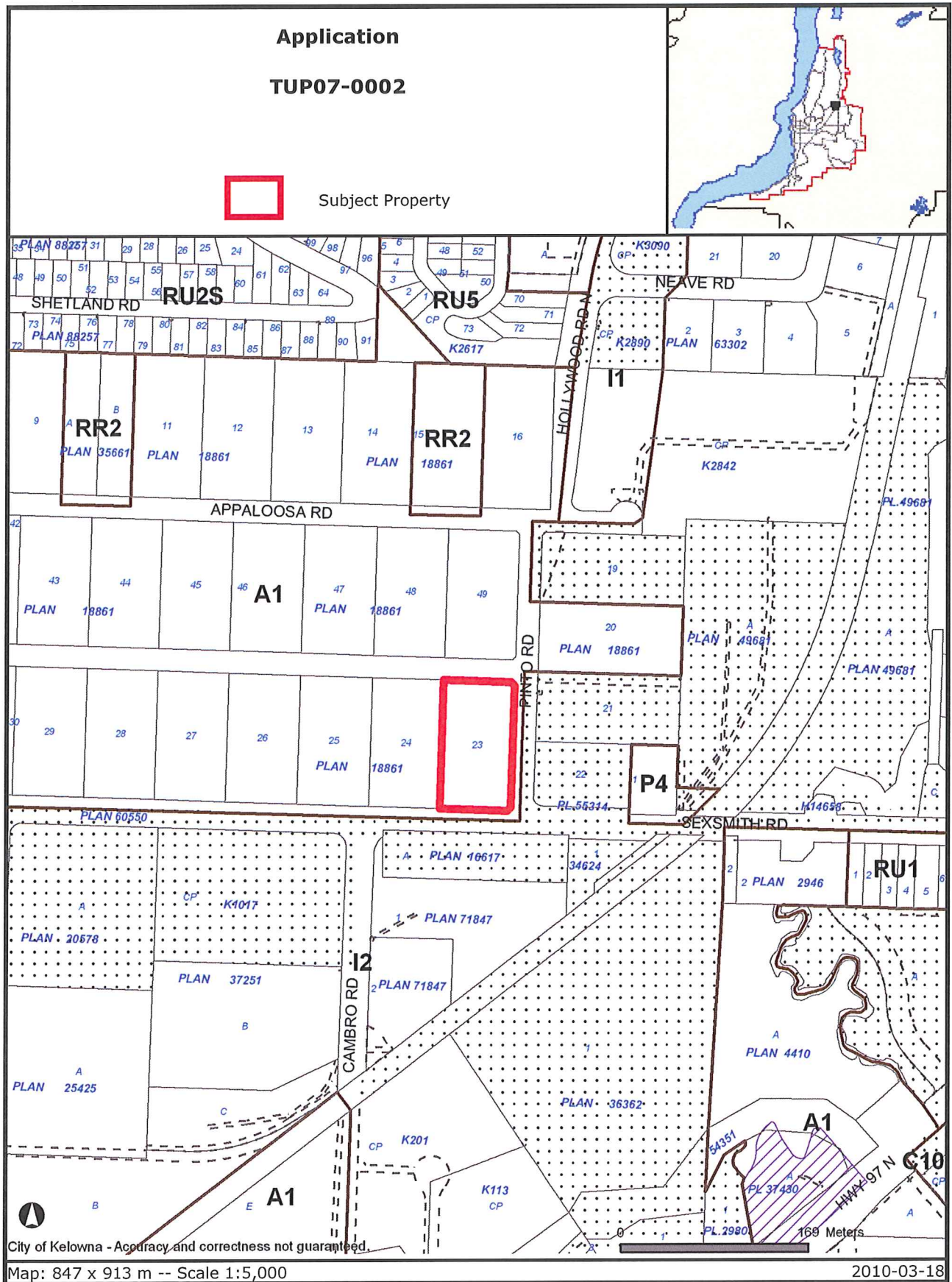
Danielle Noble
Urban Land Use Manager

Approved for Inclusion:

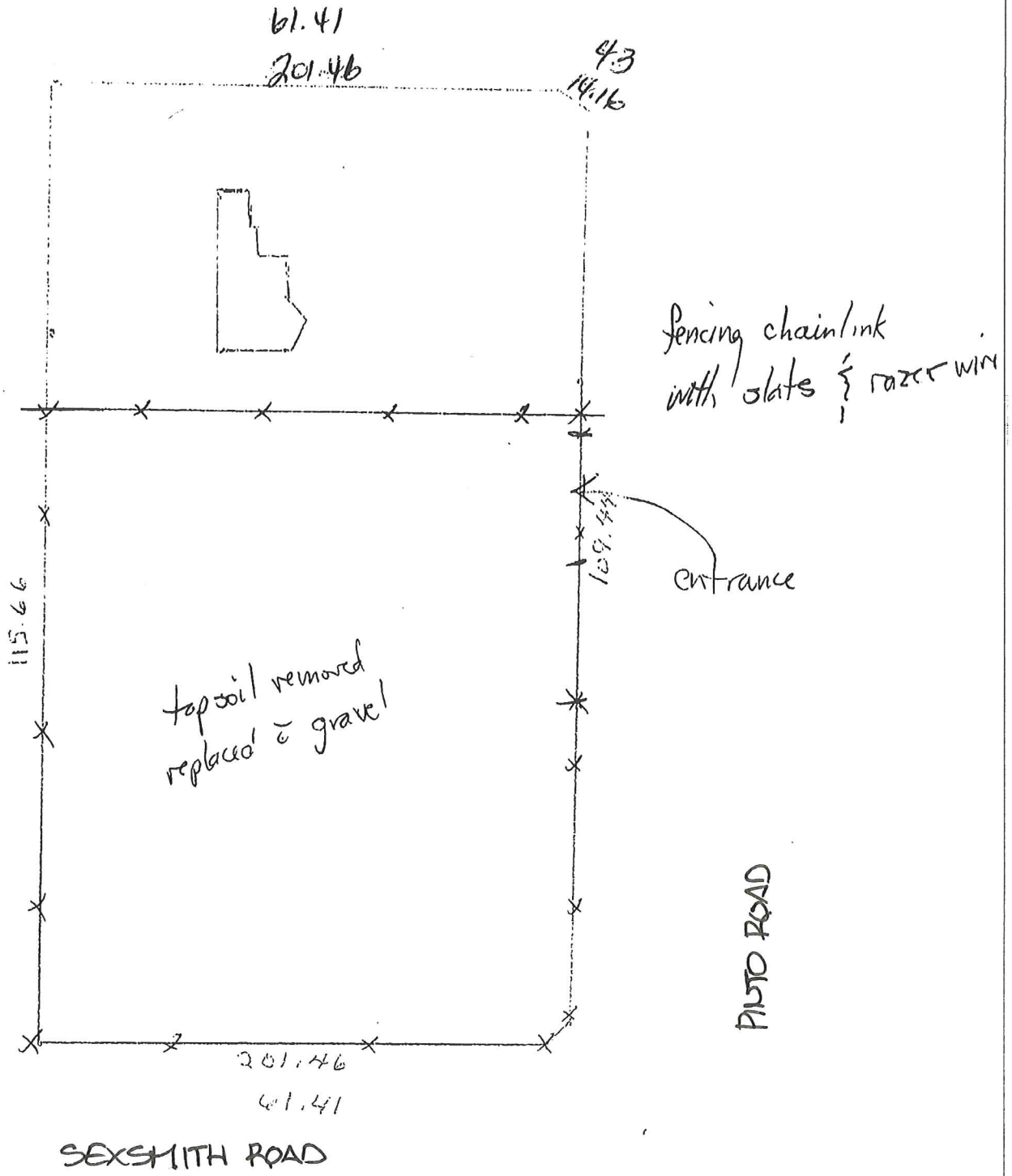
~~F~~ Shelley Gambacort
Director of Land Use Management

PMc/DN
Attach.





Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



SITE PLAN



Site Profile Requirements for Site Decommissioning

What is site decommissioning?

Site decommissioning involves the treatment or removal of soil, or deconstruction involving equipment, buildings or storage tanks, in order to stop or reduce a significant portion of the operations at a site or to significantly change the use of a site. Examples include the permanent removal of underground fuel storage tanks or the demolition of a commercial building at a petroleum service station.

When does decommissioning trigger the submission of a site profile?

A property owner must provide a site profile to the Director of Waste Management if the owner dismantles a building or structure, or otherwise decommissions a type of site where a Schedule 2 activity has occurred, as outlined in section 40 of the *Environmental Management Act* and section 3 of the Contaminated Sites Regulation.

Common decommissioning activities requiring a site profile submission include decommissioning at:

- petroleum service stations (including card locks)
- sawmills and pulp mills
- forestry camps and forestry special use permit sites
- dry cleaners
- vehicle maintenance and auto body repair shops
- small engine repair operations
- landfill and waste disposal facilities

To whom should decommissioning site profiles be submitted?

Site profiles submissions triggered by site decommissioning should be sent directly to the ministry for review. While they should not be submitted to local governments, some

municipalities require demolition permits during decommissioning, which would trigger a site profile submission to the local government.

If there are any 'yes' answers in sections IV through IX of a site profile it should be submitted to a Director for assessment and a decision on the need for a site investigation. If there are all 'no' responses, the site profile should be forwarded to the Site Registrar in Victoria who will upload it directly to the Site Registry. Please refer to Administrative Guidance Document 1, "Completing and Submitting Site Profiles" for further information on completion and submission procedures for site profiles.

Are decommissioning triggered site profiles required if the site is in a local government area that has opted out?

Yes. A site owner who decommissions a site in a municipality or region that has opted out of administering site profiles is still required to submit a site profile to the ministry.

Does decommissioning an illegal drug operation trigger a site profile submission?

Yes. Illegal drug manufacturing sites would be considered a Schedule 2 activity (A9 or E11) if the drug is a controlled substance listed in the Federal [Controlled Drugs and Substances Act](#). Methamphetamine, ecstasy and marijuana are all controlled substances under that Act. Thus, if an illegal drug manufacturing operation is decommissioned a site profile must be submitted to the ministry.

What if offsite migration of contamination is discovered during decommissioning?

If decommissioning work involving site investigation or independent remediation reveals that one or more substances has migrated (or is likely to have migrated) onto a neighbouring site and is causing (or is likely causing) contamination of the neighbouring site, the owner of the neighbouring site and a Director must be notified within 15 days of the responsible person becoming aware of the situation. Please refer to Fact Sheet 34, "Requirements for Offsite Contaminant Migration" for more information.

Do I need to submit a Notification of Independent Remediation if I am decommissioning a site?

If not previously submitted, a Notification of Independent Remediation is required if site decommissioning involves remedial activities including the handling, management or treatment of contamination. Please refer to Fact Sheet 21, "Requirements for Independent Remediation" for further information.

What must I do with contaminated soil during site decommissioning?

The responsible person must ensure that contaminated soil removed from a site during decommissioning activities is disposed of in accordance with the *Environmental Management Act*. Contaminated soil can be sent to a facility preauthorized to accept soil up to maximum concentrations of substances.

If the receiving site is not authorized to accept contaminated soil, a Contaminated Soil Relocation Agreement may be required. Please see Fact Sheet 41, "Contaminated Soil Relocation Agreements" for further information.

Note: This summary is solely for the convenience of the reader. The current legislation and regulations should be consulted for complete information.

For information about site profiles, please send a message to siteprofiles@gov.bc.ca.