

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: October 3, 2024
RE: Temporary Use Permit Application – Electoral Area “D” (D2024.019-TUP)

Administrative Recommendation:

THAT Temporary Use Permit No. D2024.019-TUP, to allow for a recycling materials and drop-off facility at 5009 Veterans Way, Okanagan Falls, be approved.

Legal: Lot 1, Plan KAP23248, District Lot 374, SDYD Folio: D-00806.050

OCP: Administrative, Cultural and Institutional (AI) Zone: Administrative and Institutional (AI)

Proposed Development:

This application is seeking to allow for a recycling materials and drop-off facility on the subject property through the issuance of a Temporary Use Permit (TUP).

In support of this proposal, the applicant has stated that “Return-It & Go stations, which Encorp introduced in 2019, revolutionize the consumer’s recycling experience by providing them with an accessible, unstaffed, cashless, contactless, and solar powered used beverage container recycling option ... Encorp is confident that the Express & Go Program is a benefit to the community and meets our joint goals of expanding accessibility to convenient recycling options.”

Site Context:

The subject property is approximately 2,798 m² in area and is situated on the southwestern corner of Veterans Way and Highway 97, in Okanagan Falls. It is understood that the parcel is comprised of an assembly building, the Royal Canadian Legion.

The surrounding pattern of development is generally characterised by low density residential parcels on the south side of Veterans Way, other similar Administrative and Institutional buildings, and Centennial Park on the northwestern corner of Veterans Way and Highway 97.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on November 2, 1972, while available Regional District records indicate that building permits for a ramp/staircase (2010), an interior alteration for a smoking room (2006), a patio smoking area (2002), a building addition (1991) alterations to washrooms (1990) and a shed access (1989) have previously been issued for this property.

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Administrative, Cultural and Institutional (AI), and is the subject of a Watercourse Development Permit (WDP) Area designation.

Section 22.2.4 of Electoral Area “D” OCP Bylaw establishes criteria for evaluating a Temporary Use Permit application:

- The use must be clearly temporary or seasonal in nature;
- Compatibility of the proposal with adjacent uses;
- Impact of the proposed uses on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas;
- Intensity of the proposed use;
- Opportunity to conduct the proposed use on land elsewhere in the community; and
- The remedial measures to be carried out to mitigate any damage to the natural environment as result of the temporary use.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2024, the property is currently zoned Administrative and Institutional (AI), which allows for a range of community uses such as “assembly”, “child care centre”, “cultural facility” and “educational facility”.

Importantly, the bylaw defines “salvage operation”, which is seen to best capture the proposed recycling materials and drop-off facility, as meaning the following:

a place where old articles, waste or discarded material including but not limited to rubber tires, metal, plastics, plastic containers, glass, papers, sacks, wire, ropes, rags, machinery, cans, any other scrap or salvage including more than two derelict vehicles, are stored or kept, for private or commercial purposes;

A “salvage operation” is considered, by the bylaw, to be an industrial use and is currently only permitted in the General Industrial (I1) and Heavy Industrial (I2) zones.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Shuttleworth Creek and any future development of the property may be required to meet floodplain regulations.

BC Assessment has classified the property as part “Business and Other” (Class 06), and part “Rec/Non Profit” (Class 08).

Public Process:

Adjacent property owners will have received notification of this application with written comments being accepted up until one (1) week prior to the Board’s regular meeting at which the application is to be considered. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

In considering this proposal, Administration notes that the use the applicant is proposing to introduce is normally associated with the industrial zones, whereas the zoning of the subject property is intended to facilitate administrative and institutional uses.

However, it is also recognized that the proponent is a federally incorporated, not-for-profit, product stewardship corporation whose mandate is to develop, manage and improve systems to recover used packaging and end-of-life products from consumers and ensure that they are properly recycled and not land-filled or incinerated.

While Administration has concerns about the consistency of this use with the intent of the Official Community Plan (OCP) Bylaw as well as with adjacent land uses, it is also recognised that there may be limited opportunities to pursue the use elsewhere within the community.

It is also recognised that the applicant is seeking a temporary approval in order to ascertain the appropriateness and viability of the proposed use at this particular location, and that the intensity of the proposed use will be limited and largely confined to the placement of a single container on the property.

Finally, it is not envisioned that this use will adversely impact the natural environment or ground water and that limited remediation of the site would be required following cessation of the use.

Alternative:

Conversely, the applicant is seen to have other options, such as locating the proposed beverage container recycling drop-off station in a zoning in which such a use is intended, such as within the Okanagan Falls industrial area.

Summary:

In summary, and for the reasons outlined above, staff are supportive of trialing the use on the subject property for a temporary period and are recommending in support of the permit.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

The proposed Temporary Use Permit (TUP) has been notified in accordance with the requirements of the *Local Government Act* as well as the Regional District's Development Procedures Bylaw No. 2500, 2011.

Alternatives:

1. THAT Temporary Use Permit No. D2024.019-TUP be denied.

Respectfully submitted:



C. Garrish, Senior Manager of Planning

Attachments:

- No. 1 – Agency Referral List
- No. 2 – Aerial Photo
- No. 3 – Site Photos (Google Streetview)
- No. 4 – Illustrative Example of a “Return-it Express & Go” facility

Attachment No. 1 – Agency Referral List

Referrals to be sent to the following agencies as highlighted with a , prior to the Board considering adoption of Temporary Use Permit No. D2024.019-TUP.

<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" type="checkbox"/>	Fortis
<input type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	City of Penticton
<input type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Energy, Mines & Petroleum Resources	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing	<input type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Ecosystem Section)	<input type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input type="checkbox"/>	Ministry of Transportation and Infrastructure	<input type="checkbox"/>	Penticton Indian Band (PIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Upper Similkameen Indian Band (USIB)
<input checked="" type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	Lower Similkameen Indian Band (LSIB)
<input type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	Kootenay Boundary Regional District	<input type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>	Fraser Valley Regional District	<input type="checkbox"/>	Irrigation District / improvement Districts / etc.
<input checked="" type="checkbox"/>	Okanagan Falls Fire Department	<input type="checkbox"/>	

Attachment No. 2 – Aerial Photo



Attachment No. 3 – Site Photos (Google Streetview)



Approximate Location of "Return-it Express & Go" facility

Attachment No. 4 – Illustrative Example of a “Return-it Express & Go” facility



Figure 2: An example of one of the currently operational Express & Go locations