
TO: Electoral Area Services Committee **DATE:** February 11, 2020
FROM: Greg Keller
Senior Planner **FILE:** PL2019-146
SUBJECT: Temporary Use Permit Application No. PL2019-146
Minetown Road, Electoral Area A

RECOMMENDATIONS

1. That the Board receive the Summary of the Public Information Meeting held on January 9, 2020.
2. That the Board approve Temporary Use Permit No. PL2019-146 to allow temporary mini storage on the subject property subject to the terms and conditions outlined in Attachment 3.
3. That the Board direct staff to complete the required notification for Temporary Use Permit No. PL2019-146.

SUMMARY

To consider a Temporary Use Permit (TUP) to allow temporary mini-storage using approximately 30 relocatable pre-manufactured buildings on the subject property. A Public Information Meeting was held January 9, 2020. The applicant has provided security and an undertaking to secure removal of the proposed temporary buildings and to restore the land to its current condition upon expiration of the TUP. Given that the proposed use is consistent with the Official Community Plan (OCP) and TUP regulations in the Zoning Bylaw, is compatible with adjacent land uses and is not anticipated to have any significant negative impacts on adjacent properties or the environment, it is recommended that the Board approve the TUP pending the outcome of public notification and subject to the terms and conditions outlined in Schedules 1 to 4 of the Draft Temporary Use Permit included as Attachment 3.

BACKGROUND

The Regional District of Nanaimo has received an application from Seward Developments Inc. on behalf of Cave Properties Inc. to temporarily allow the subject property to be used for mini-storage using relocatable pre-manufactured mini-storage buildings. The subject property is legally described as Lot A, Section 13, Range 6, Cranberry District, Plan 15652, Except Parcel A (DD 381293-I), is approximately 0.75 hectares in area, and is zoned Residential 2 Zone (RS2), Subdivision District 'F', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Bylaw 500). The property is located south of Minetown Road and north of an undeveloped public road right-of-way. The lands located to the north and east of the subject property are zoned Industrial 2 (IN2) and Commercial 4 (CM4) and the lands on all

other sides of the subject property are zoned (RS2). The subject property is currently unserviced and the applicant is not proposing to service the proposed development with onsite water and wastewater as it is not required to support the proposed development.

A significant portion of the subject property has been cleared for many years and is primarily a flat graveled surface. There is a stand of mature trees and vegetation adjacent to a small drainage located at the bottom of a steep bank located to the west of the property. It should also be noted that, based on photographic evidence provided by the applicant, the subject property has historically been used for commercial purposes. The applicant indicates that Gordon's Home Sales has operated on the land located at 1985 South Wellington Road and the subject property since 1974 (approximately 46 years).

There are a number of existing accessory buildings located on the subject property which appear to have been in their current location for quite some time. In addition, during a site visit it was observed that a portion of the property was currently being used for modular home storage.

Proposed Development

The applicant proposes to use the subject property for temporary mini storage for a period of three years. Approximately 30 relocatable metal pre-manufactured buildings are proposed to be sited on the subject property (see Schedule 2 of Attachment 3 – Draft Temporary Use Permit). Each building is compartmentalized into four or five temporary storage units. In total approximately 120 - 150 temporary storage units are proposed.

OCP Implications

The subject property is designated within the Rural Residential Land Use designation pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011" (OCP). Lands within this designation include lands located outside the Growth Containment Boundary (GCB) which typically share some of the same characteristics of larger rural acreages. Although the Rural Residential Land Use designation does not support Commercial or Industrial land uses, the OCP supports the issuance of TUP's in any land use designation to encourage a vibrant and sustainable economy and provide flexibility in zoning regulations.

It should be noted that while this application is a request for a TUP for a three-year term, the applicant has advised that their intent is to request a three-year extension prior to expiration. If an extension is granted, the applicant indicates that they intend to apply to rezone the subject property to allow the use to continue on a permanent basis. Currently, the OCP supports the intended approach should the use prove satisfactory upon completion of the terms of a renewed TUP.

Land Use Implications

TUP's may be considered on lands where the use is not permitted in the zoning bylaw provided that the applicant can satisfy the conditions in Section 3.3 (17) - Temporary Use Permits. As mini storage is not permitted in the RS2 zone, a TUP is required to allow the proposed use on a temporary basis.

The subject property is adjacent on two sides to Commercial and Industrial uses. In addition, the subject property includes a natural buffer of mature vegetation which separates it from the residential uses to the west and south. Further, the undeveloped road right-of-way to the south is heavily vegetated and provides additional separation from the adjacent RS2 zoned parcel.

Lastly, the proposed use is not anticipated to result in excessive traffic, noise, or light emissions. Based on the above, the proposed use is considered compatible from a land use perspective.

In support of this application, the applicant has submitted a site plan prepared by Seward Developments Ltd. (see Schedule 2 of Attachment 3). The proposed site plan indicates that the subject property will be maintained as a graveled surface and that the existing vegetation located to the west adjacent to the seasonal drainage is proposed to remain. As the proposal is to support the proposed temporary use from the adjacent property at 1985 South Wellington Road as an extension of Gordon's Home Sales, no additional landscaping, signage, lighting or parking are proposed at this time. The subject property has adequate area to accommodate internal traffic flow and parking. Should the temporary storage use be considered for rezoning at a later date, parking, landscaping, lighting, and site-servicing would be reviewed and appropriate more permanent provisions for the above would be recommended at that time.

The applicant has also submitted a Stormwater Management Plan (SWMP) prepared by Cascara Consulting Engineering Ltd., dated January 7, 2020. The SWMP assesses on site drainage conditions and potential drainage implications resulting from the proposed temporary mini storage use. The report indicates that the subject property is located at the top of its sub-catchment and the property is currently contributing water to the seasonal drainage located on the adjacent property to the west. The report indicates that the site is capable of accommodating all anticipated flows onsite resulting from the proposed development provided stormwater is retained in an appropriately designed detention pond. A detailed stormwater design prepared by a Qualified Engineer will be submitted prior to the issuance of the required building permit and will be completed prior to final building inspection.

To ensure that the proposed buildings and related improvements are removed, and the property is restored to its previous condition upon expiration of the proposed TUP, the applicant is proposing to provide an undertaking to remove the buildings and related improvements (see Schedule 4 of Attachment 3). In addition, the applicant is proposing to provide security in the amount of \$7,500 to guarantee the performance of the terms of the permit (see Schedule 1 of Attachment 3).

Given that the proposed use is consistent with the OCP policies, is compatible with adjacent land uses and is not anticipated to have any significant impacts on adjacent properties or the environment, it is recommended that the Board approve TUP No. PL2019-146.

Environmental Implications

The applicant has provided a Watercourse Determination Report prepared by Aquaparian Environmental Consulting Ltd., dated November 8, 2019. This report assesses the small drainage on the property and indicates that the drainage does not appear to support fish as it is dry most of the year and is not connected to fish bearing waters downstream. It is therefore not subject to the Provincial Riparian Areas Protection Regulation. Further, the Freshwater and Fish Habitat Development Permit Area does not apply to the seasonal drainage.

Intergovernmental Implications

This TUP application was referred to RDN building staff and fire services coordinator, the Cranberry Volunteer Fire Department, Snuneymuxw First Nation, and the Ministry of Transportation and Infrastructure (MOTI). No concerns have been expressed with the proposed development.

Public Consultation Implications

A Public Information Meeting (PIM) was held on January 9, 2020. Eight members of the public attended, and no written submissions were received prior to the PIM (see Attachment 2 – Summary of Minutes of the Public Information Meeting).

ALTERNATIVES

1. To approve Temporary Use Permit Application No. PL2019-146 to allow temporary mini-storage on the subject property in accordance with the conditions outlined in Schedules 1 to 4 of Attachment 3 and to direct staff to complete the required public notification.
2. To deny Temporary Use Permit Application No. PL2019-146.

FINANCIAL IMPLICATIONS

The proposed development has no implications related to the Board 2019 – 2023 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and the proposal is consistent with the Board 2019 – 2022 Strategic Plan. The proposed TUP helps work towards the Board's Goal 6 - Set the Table to enable diverse economic opportunities across the region by supporting flexibility in land use regulations to support compatible uses that foster local economic opportunities.



Greg Keller
gkeller@rdn.bc.ca
January 23, 2020

Reviewed by:

- P. Thompson, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments:

1. Subject Property Map
2. Summary of the Public Information Meeting
3. Draft Temporary Use Permit

Attachment 2
Summary of the Public Information Meeting
Held at South Wellington Community Hall
1555 Morden Road
Thursday, January 9, 2020 at 6:30 pm
RDN Application PL2019-146

Note: This summary of the meeting is not a verbatim recording of the proceedings but is intended to summarize the comments and questions of those in attendance at the Public Information Meeting.

There were eight members of the public in attendance at this meeting.

Present for the Regional District of Nanaimo:

Director Wilson, Electoral Area A (the Chair)
Greg Keller, Senior Planner
Sarah Martin, Recording Secretary

Present for the Applicant:

Toby Seward, Representing the Applicant
Rod Ekland, Subject Property Owner

The Chair opened the meeting at 6:32 pm, outlined the evening's agenda, and introduced the RDN staff and the applicant(s) in attendance. The Chair then stated the purpose of the Public Information Meeting and asked RDN staff to provide background information concerning the development application.

Greg Keller provided a brief summary of the proposed Temporary Use Permit application, supporting documents provided by the applicant, and the application process.

The Chair invited the applicant to give a presentation of the development proposal.

Toby Seward presented an overview of the proposal.

Following the presentation, the Chair invited questions and comments from the audience.

Carol Bowman, 1979 Minetown Road, asked how many storage units are proposed, if they will be available to the public, and about security, citing concern regarding introducing crime to the area. Ms. Bauman also asked about the application process.

Toby Seward responded by explaining that the proposal is for about 30 buildings and the intent is initially to offer them to Gordon's Home Sales customers and then to the public at a later date.

Greg Keller provided an overview of the application process.

Rod Ekland addressed concerns about site security.

Kurt Tomlinson, 2029 South Wellington Road, clarified the approval process and timelines for building permits as well as the effect of zoning on land use with Greg Keller.

Carol Bowman, 1979 Minetown Road, raised concerns about the water feature on the subject property and its impacts on the road.

Greg Keller responded, citing the biologist report and explaining the relationship with the Ministry of Transportation and Infrastructure regarding road maintenance.

The Chair asked if there were any further questions or comments.

Being none, the Chairperson thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting was concluded at 6:49 pm.

Sarah Martin
Recording Secretary

**Attachment 3
Draft Temporary Use Permit**

 <p>REGIONAL DISTRICT OF NANAIMO</p>	<p>STRATEGIC & COMMUNITY DEVELOPMENT</p> <p>6300 Hammond Bay Road, Nanaimo, BC V9T 6N2 250-390-6510 or 1-877-607-4111 www.rdn.bc.ca</p> <p>TEMPORARY USE PERMIT NO. PL2019-146</p>
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To: ("Permittee") Cave Properties Inc.

Mailing Address: c/o Rod Ekland
1985 South Wellington Road
Nanaimo, BC V9X 1R4

1. Except as varied or supplemented by this permit, the Temporary Use Permit is issued subject to compliance with all applicable bylaws and provincial and federal statutes and regulations.
2. This Temporary Use Permit applies only to those lands within the Regional District of Nanaimo described below and all buildings, structures and other development thereon:

Legal Description: Lot A, Section 13, Range 6, Cranberry District, Plan 15652, Except Parcel A (DD 381293-1) ("Lands")

Civic Address: Minetown Road **P.I.D.:** 000-409-944

3. The Lands shall be developed strictly in accordance with the terms and conditions of this permit.
4. The Permittee, as a condition of issuance of this permit, agrees to comply with the conditions of Schedule 1, which is attached to and forms part of this permit.
5. The Permittee, as a condition of issuance of this permit agrees to develop the Lands in substantial compliance with the plans and specifications included in Schedules 2 and 3 which are attached to and form part of this permit.
6. With respect to the Lands, there are no variances to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" associated with this permit.
7. Subject to the terms of the permit, if the Permittee does not substantially start the construction with respect to which the permit was issued within two years after the date it is issued, the permit shall lapse in accordance with Section 504 of the *Local Government Act*.
8. This permit prevails over the provisions of the bylaw in the event of conflict.
9. The RDN shall file a notice of this permit in the Land Title Office in Victoria under Section 503 of the *Local Government Act*, and upon such filing, the terms of this permit or any amendment hereto shall be binding upon all persons who acquire an interest in the Lands affected by this permit.
10. Provisions of Section 495 of the *Local Government Act*, to provide an undertaking to remove the temporary buildings and restore the land, applies to this development as attached to and forming part of this permit as Schedule 4.
11. Provisions of Section 496 of the *Local Government Act*, to provide security in the amount of seven thousand five hundred dollars (\$7, 500) ("Deposit") to guarantee the performance of this permit, applies to this development.
12. This permit is not a building permit.

Authorizing Resolution to issue passed by the Board this XXth day of February, 2020.

Schedule 1 Conditions of Permit

The following sets out the conditions of Temporary Use Permit No. PL2019-146:

Conditions of Approval

1. This permit authorizes the use of the lands for a temporary mini-storage of up to a maximum of 150 mini-storage units to be located within approximately 30 relocatable metal pre-manufactured buildings in general accordance with the Site Plan prepared by Seward Developments attached as Schedule 2.
2. The Temporary Use Permit is valid for a period of three years commencing upon the date of the authorizing resolution.
3. The Permittee shall, prior to the issuance of the first building permit, submit a detailed stormwater management plan prepared by a Qualified Engineer, to the satisfaction of the General Manager of Strategic and Community Development (the "General Manager"), which is designed to retain the 6-month 24-hour storm on the lands, to ensure that the volume of stormwater leaving is not increased as a result of the proposed development.
4. Prior to final building inspection, the stormwater management system required in 1 above must be constructed to the satisfaction of the General Manager.
5. The proposed development is in general compliance with the Stormwater Management Plan prepared by Cascara Consulting Engineers Ltd., dated January 7, 2020, except where replaced by a detailed stormwater management plan as outlined in item 1 above.
6. The proposed development is in general accordance with the Site Plan prepared by Seward Developments attached as Schedule 2.
7. The proposed development is in general compliance with the Building Elevations attached as Schedule 3.
8. No outdoor lighting shall be permitted on the subject property, unless required by the British Columbia Building Code or is required for security purposes and all lighting shall be full cut off.
9. No signage shall be permitted on the subject property.
10. The proposed use shall be decommissioned immediately upon expiration of this permit as required by the undertaking attached as Schedule 4 in the general area outlined in blue on Schedule 2, to the satisfaction of the General Manager.
11. Upon decommissioning, the Permittee shall restore the subject property to a flat gravel surface free of all commercial and industrial buildings, garbage, rubbish, debris, improvements, concrete, and materials related to the temporary mini-storage use to the satisfaction of the General Manager.

12. The RDN shall return the Deposit to the Permittee on the following terms:
 - a. Upon expiration of this Temporary Use Permit or expiration of an approved renewed Temporary Use Permit only after the Permittee has restored the portion of the subject property shown on Schedule 2 to a flat graveled surface free of all contaminants, commercial and industrial buildings, garbage, rubbish, debris, improvements, concrete, and materials related to the temporary mini storage use to the satisfaction of the General Manager.

or

 - b. In the case of rezoning upon successful completion of this Temporary Use Permit and a renewed Temporary Use Permit, the Deposit shall be returned within 60 days of Bylaw adoption.
13. The Permittee shall obtain an access permit from the Ministry of Transportation and Infrastructure.
14. The Permittee shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Schedule 3
Proposed Building Elevations (Sample Only)



(credit: Miller Building Systems)



(credit: Miller Building Systems)

**Schedule 4
Draft Undertaking**

January 24, 2020

Greg Keller, RPP
Senior Planner
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

Re: Undertaking in Relation to Temporary Use Permit PL2019-146

Dear Greg,

Whereas Gordon's Homes Sales Ltd. has applied for a Temporary Use Permit for legal description: Lot A, Section 13, Range 6, Cranberry District, Plan 15652, Except Parcel "A" (DD 381293-I), it undertakes to demolish or remove the temporary buildings, foundations and all related improvements and restore the land described in the temporary usage permit to its condition before issue of Temporary Use Permit on expiry of the Temporary Use Permit.

This letter is provided as an undertaking in accordance with section 495 of the Local Government and represents the owner's commitment to the above-described works and may be relied upon by the Regional District of Nanaimo to enforce upon the owner the commitments made herein.

If the Temporary Use Permit is extended this undertaking will be extended during a renewal until the expiry of the renewed temporary usage permit.

Sincerely,



Cathy Corbin
Authorized Director
Cave Properties
250-756-5480