

TO: Electoral Area Services Committee **DATE:** April 14, 2020
FROM: Kristy Marks
Planner **FILE:** PL2019-223
**SUBJECT: Floodplain Bylaw Exemption Application No. PL2019-223
6099 Island Highway West, Electoral Area H**

RECOMMENDATION

That the Board approve Floodplain Bylaw Exemption Application No. PL2019-223 to permit the siting of a manufactured home subject to the conditions outlined in Attachment 2.

SUMMARY

To consider a site-specific exemption pursuant to “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006 (Bylaw 1469) to exempt the requirement for the top of pad for a manufactured home to be constructed at an elevation which meets the Flood Construction Level (FCL) and allow the underside of the floor system for the manufactured home to be constructed at an elevation that meets the FCL. The applicants have provided a geotechnical hazards assessment that supports their proposal to meet the FCL by structural elevation for the proposed manufactured home and the applicant has provided a rationale in accordance with Board Policy; therefore, the requirements for a site-specific exemption have been met.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of Ralph & Kelly Scholinder to permit the siting of a manufactured home whereby the elevation of the top of pad is below the minimum Flood Construction Level required by Bylaw 1469. The subject property is legally described as Lot 2, District Lot 33, Newcastle District, Plan 20958, is approximately 0.19 hectares in area and is zoned Commercial 5 (CM5), Subdivision District ‘M’ pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located in Qualicum Bay and is surrounded by developed Commercial parcels to the north and south, the Strait of Georgia to the east and the Island Highway to the west (see Attachment 1 – Subject Property Map).

The property contains an existing manufactured home with attached sunroom and a shop. The applicants recently obtained a development permit (DP PL2019-223) to allow the installation of a foreshore revetment above the present natural boundary to aid in protecting the foreshore from erosion and to recognize the removal of the existing manufactured home and shed within the Marine Coast Development Permit Area (DPA). DP PL2019-223 secured conditions related to the construction of the revetment including planting of native species consistent with ‘Green Shores for Homes’ principles to enhance the foreshore and mimic natural shoreline processes.

The applicant is now proposing to site a new manufactured home and construct a garage outside the DPA. Given that DP PL2019-223 was issued to address all work within the DPA and the proposed manufactured home and garage are located outside the DPA, a DP is not required. The property is serviced with community water and an on-site sewage disposal system.

Proposed Development

The applicant proposes to site a new manufactured home, re-using portions of the existing manufactured home pad located outside the 15.0 metre DPA, and construct a new garage (see Attachment 3 – Site Plan). The existing manufactured home sits on a block foundation over a concrete pad. The top of the pad is at 3.7 metres geodetic. As the proposed FCL for the manufactured home pad is approximately 1.3 metres less than the FCL identified by the applicants' engineer, a site-specific exemption is required. The garage is not required to meet the FCL and therefore can be constructed at grade.

Land Use Implications

Bylaw 1469 provides the ability for an applicant to apply for a site-specific exemption to allow a property to be developed in a way which is not consistent with the bylaw.

To apply for an exemption, applicants must provide the information required by Bylaw 1469, which includes submission of a report from a Professional Engineer or Geoscientist to certify that the property can be safely used for the intended use. In addition, the report must certify protection from sea level rise to the year 2100 and a section 219 covenant must be registered respecting the use and development of the land including an indemnity in favour of the RDN (see Attachment 2 – Conditions of Approval).

In support of this application, the applicants have submitted a Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated March 25, 2020. The Assessment specifies an FCL of 5.03 metres geodetic is applicable based on the methodology outlined in the Provincial Guidelines for Management of Coastal Flood Hazard Land Use. In the case of a mobile or manufactured home, Bylaw 1469 requires the top of the pad on which the manufactured home is sited to meet the minimum FCL. This is different than a conventionally constructed dwelling unit where the underside of any wooden floor system must meet the minimum FCL. The Assessment includes several recommendations including ensuring that the blocking structure for the manufactured home be 1.33 metres in height, inclusive of the steel framing. This would ensure the manufactured home itself would be above the FCL. The assessment notes that typical modular home blocking structures in excess of 0.8 metres need to be filled with concrete and cemented to the top of pad. To resist designed seismic forces the blocking structure would be installed with a tie-down system composed of galvanized steel to prevent rust. The Assessment confirms that a manufactured home and blocking structure designed and constructed in accordance with the Engineers recommendations would perform similarly to a conventional site-built residence. In addition, the Assessment confirms that the site is considered safe and suitable for the proposed use.

“Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation” for evaluation of Floodplain Bylaw Exemption Applications (Policy B1.5) requires that the proposed exemption is necessary and that it be supported by an adequate demonstration of an acceptable land use justification prior to the

Board's consideration. In this case, the applicant must demonstrate that the following be consistent with the policy:

- there are no other practical building sites located on the subject property;
- the applicant has exhausted all other options including variances; or,
- it is not practical to develop the subject property without a site-specific exemption.

In order to address Policy B1.5, the applicant notes that the subject property is within a mapped archaeological site and that they propose to retain and utilize the existing concrete pad to reduce site disturbance. The applicants have also stated that the subject property is relatively flat and there is no building site that would meet the FCL without requiring either significant fill or structural elevation. The Geotechnical Hazards Assessment supports this rationale, stating that site disturbance that would occur in order to construct a structural fill pad to raise the proposed manufactured home to the FCL is impractical and that leaving the pad in place would greatly limit subsurface disturbance to the site. The Assessment also notes that the proposed blocking structure is the most practical approach to development of this site and the safe siting of the proposed manufactured home and confirms that it is not practical to develop the subject property without a site-specific exemption.

The applicant has provided adequate justification in support of the exemption and based on the above, have made reasonable efforts to address Policy B1.5.

Intergovernmental Implications

As the majority of the property is within a mapped archaeological site (DiSd-19), the applicant has obtained the required *Heritage Conservation Act* Site Alteration Permit and Inspection Permit from the Archaeology Branch. Qualicum First Nation has also been advised of the proposed development.

ALTERNATIVES

1. To approve Floodplain Management Bylaw Exemption Application No. PL2019-223 subject to the conditions outlined in Attachment 1 and 2.
2. To deny Floodplain Management Bylaw Exemption Application No. PL2019-223.

FINANCIAL IMPLICATIONS

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

STRATEGIC PLAN IMPLICATIONS

The proposed development is in keeping with the 2019 – 2022 Board Strategic Plan Key Strategic Area - Climate Change which aims to take immediate actions towards adaptation and mitigation. The requirement for a geotechnical assessment to support the site-specific exemption is consistent with this goal as it will help mitigate the impacts of climate change and sea level rise.



Kristy Marks
kmarks@rdn.bc.ca
March 27, 2020

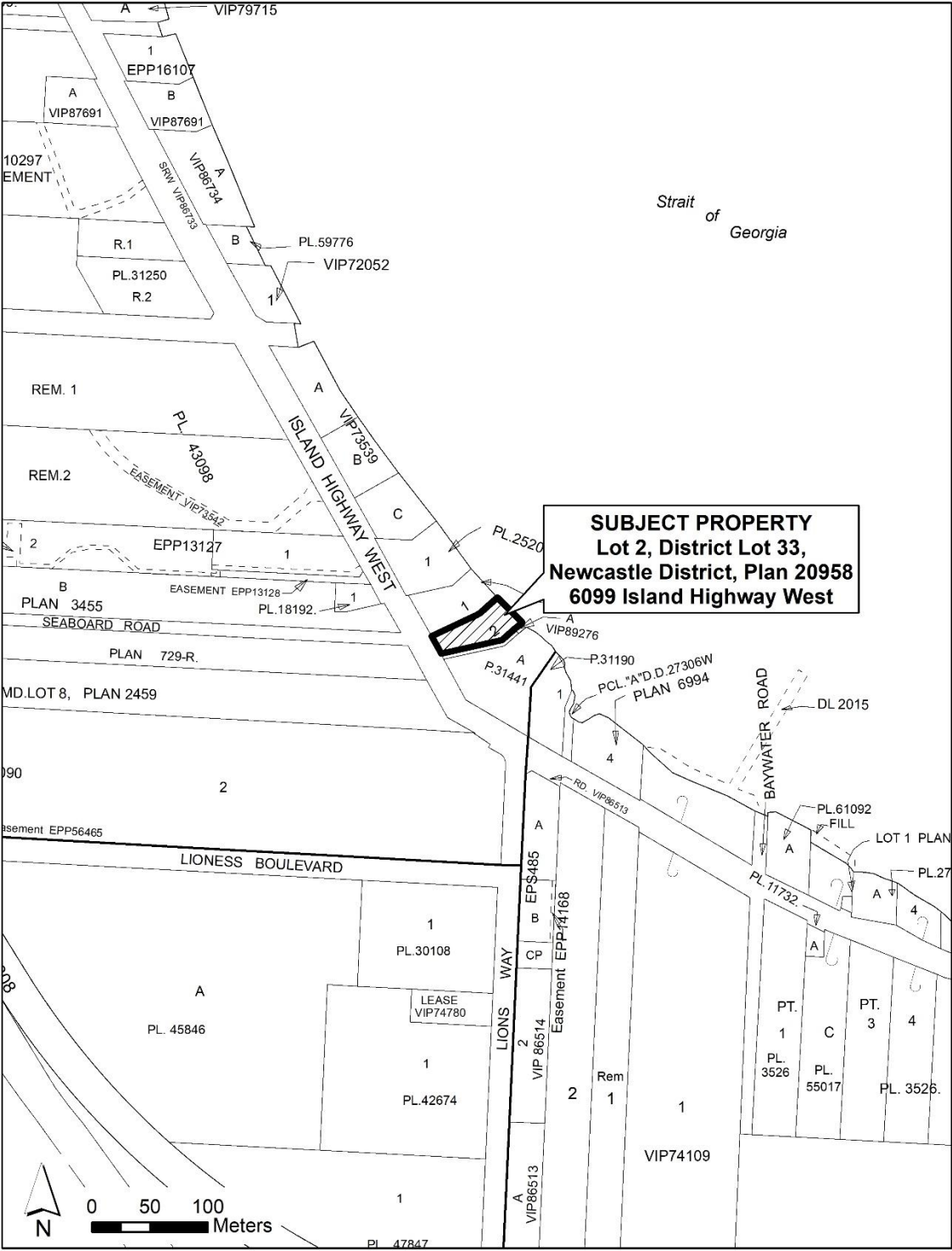
Reviewed by:

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

Attachments:

1. Subject Property Map
2. Conditions of Approval
3. Site Plan

Attachment 1 Subject Property Map



Attachment 2
Terms & Conditions Site-Specific Exemption

The following sets out the conditions of the Site-Specific Exemption No. PL2019-223:

Conditions of Approval

1. The Lands shall be developed:
 - a. in accordance with the Site Plan prepared by Sims Associates Land Surveying Ltd., dated March 26, 2020, and attached as Schedule 3.
 - b. in accordance with the recommendations contained in the Geotechnical Hazards Assessment prepared by Lewkowich Engineering Associates Ltd., dated March 25, 2020.
2. The issuance of this permit shall be withheld until the Permittee, at the Permittee's expense, registers a Section 219 Covenant on the property title containing the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associate Ltd., dated March 25, 2020, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as result of the potential hazard.

**Attachment 3
 Site Plan**

