
TO: Electoral Area Services Committee **DATE:** July 14, 2020
FROM: Stephen Boogaards
Planner **FILE:** PL2020-007
SUBJECT: **Zoning Amendment Application No. PL2020-007**
Horne Lake Road, Electoral Area H
Amendment Bylaw 500.431, 2020 – Introduction

RECOMMENDATIONS

1. That the Board receive the Summary of the Public Feedback.
2. That the conditions set out in Attachment 2 be completed prior to Amendment Bylaw No. 500.431 being considered for adoption.
3. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.431, 2020”, be introduced and read two times.
4. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.431, 2020” be delegated to Director McLean.

SUMMARY

The Regional District of Nanaimo (RDN) has received an application from David Woodman on behalf of the Saa'men Economic Development Limited Partnership to rezone the subject properties in order to permit a commercial development of a service station, convenience store, café, and artist studio. Online engagement was held for the application from April to June 2020. The requirements set out in the Conditions of Approval are to be completed by the applicant prior to the Board's consideration of the Bylaw for adoption (see Attachment 2). It is recommended that Amendment Bylaw No. 500.431, 2020 be granted first and second reading.

BACKGROUND

The RDN has received an application from David Woodman on behalf of the Saa'men Economic Development Limited Partnership to rezone the subject properties in order to permit a commercial development of a service station, convenience store and café, and artist studio. The subject properties are legally described as Lot B and C, District Lot 90, Newcastle District Plan EPP79321, and are approximately 2.43 and 3.16 hectares in area respectively. The properties are currently vacant and entirely vegetated (see Attachment 3 – Site Plan). The properties are located southwest of the Inland Island Highway 19 and are north of rural residential properties (see Attachment 1 – Subject Property Map and Attachment 4 – Current Zoning Map).

Proposed Development

The applicant proposes to rezone the subject properties from Rural 6 (RU6), Subdivision District 'D' to Horne Lake Road Commercial Centre Comprehensive Development 54 (CD54) Zone, Subdivision District 'D' to allow a commercial development on the property consisting of a service station, convenience store, café, and artist studio (see Attachment 6 – Proposed Bylaw 500.431, 2020). Given that the proposal will also apply to Lot C, other uses for produce market and tourist information booth are also included within the zoning amendment.

The property is subject to the Rural Commercial and Aquifer Development Permit Area (DPA) per the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2017" (OCP). A development permit will be completed in conjunction with the zoning amendment.

The proposed development will be serviced by a well, onsite sewage disposal and stormwater management system. The properties will be accessed from Horne Lake Road, as direct access to the Island Highway 19 would not be permitted.

Official Community Plan Implications

Section 6, First Nations and Reconciliation, of the OCP supports economic development initiatives of the Qualicum First Nations on lands that are added or intended to be added to Reserve without amendment to the OCP. The Saa'men Economic Development Limited Partnership represents the business interests of the Qualicum First Nation, and therefore the proposal implements this OCP policy.

The subject property is also designated Rural pursuant to the OCP. The OCP supports small scale service commercial in the Rural designation to serve local needs. However, this development would be beyond the scale envisioned in the OCP and serves a larger regional population. Despite this, the applicant has adapted the proposed development to fit into the rural character of the area.

The OCP supports the provision of a community amenity where a rezoning results in the increased value of a property. For this application a need for fire fighting infrastructure was identified through the referral to the local fire department and internally to RDN staff. The OCP identifies the provision of emergency response facilities and equipment as a desired community amenity. As a condition of rezoning the applicant will be installing and making available to the fire department fire protection infrastructure that will serve the surrounding area.

Land Use Implications

The existing RU6 zoning of each subject property allows one dwelling unit, one secondary suite, home based business, agriculture, silviculture, and produce stand. The proposed CD54 Zone would allow gasoline and electric vehicle service station, artist studio, convenience store, café, and gathering spaces identified in the proposal. The zone also permits tourist store, tourist information booth and produce market or other compatible uses that may occur at a later time (see Attachment 7 – Proposed Amendment Bylaw 500.431, 2020).

New land use definitions have been developed for the new zone to be more specific for the proposed service commercial use. A new service station definition encompasses both gasoline and electric vehicle charging while uses like vehicle servicing and cleaning which may be more risk to groundwater have been removed. The convenience store and café definitions include

maximum floor areas to coincide with the proposal and clarify that a drive through is permitted for the café. The artist studio in the applicant's proposal, including a carving shed, has been written to allow flexibility for the creation and display of art either inside or outside of a building. Also, accessory outdoor public gathering space will permit picnic areas for the patrons of the businesses or artist studio or the dog park shown in the concept plan.

The zone permits a maximum amount of permitted impermeable surfaces, equivalent to 40% of the parcel area, which would encompass all buildings and paved surfaces. Restrictions on impermeable surface will further maintain the rural character of the parcels and limit the scale of uses that are higher risk to groundwater, such as surfaces used for fueling or parking. For the purpose of groundwater protection, the zone includes requirements for all parking and fueling to occur on impermeable surfaces connected to an engineered oil-water separator and prescribes specific setbacks for gasoline storage tanks and sources of contamination to wells. The proposal will also need to demonstrate consistency with Rural Commercial and Aquifer DPA guidelines at the development permit stage, which will include requirements for a rainwater management plan and revised hydrogeological report specific to the development.

With respect to the visual impact on Island Highway 19, the adjacent right-of-way contains a large earth berm between the subject properties and the constructed highway. The berm currently screens the property from the highway and reduces the visual distraction of the development for motorists on the highway. As the berm does provide screening, a vegetated buffer of 15.0 metres is proposed in the CD 54 zone. This may be reduced to 10.0 metres where projections into the area are adequately screened. The Horne Lake Road and Thorpe Road sides of the properties will follow the landscaping standards in the zoning bylaw of a 5.0 metre buffer. The details on the buffer and screening, whether using existing or introduced vegetation, will be established at the time of the development permit.

Signage will not be visible from the northern property line due to the berm, though the CD 54 zone allows signage at 4.5 metres from Horne Lake Road and 7.5 metres in height to allow some business recognition. To maintain the rural character of the properties, distracting forms of signage are not permitted in the CD 54 zone. The zone does not limit internal illumination of signage, though it will be addressed at the development permit stage to ensure that the amount of light emitted is appropriate for the rural setting and complies with dark sky guidelines.

Environmental Implications.

The applicant has submitted a Preliminary Hydrogeologic Report by H₂O Environmental Ltd., dated August 21, 2019, to address RDN Board Policy B1.21 - Hydrogeological Assessment Requirements for Rezoning Un-serviced Lands and for Development Permits. The Policy requires a professional hydrogeologist to confirm that the well can provide for the proposed uses without adverse impacts on adjacent properties. The report estimated the potential water use for the service station, retail space, restaurant and irrigation at 14.8 m³ per day; and would require water to be supplied at a rate of 16 litres per minute. Comparatively, the pumping tests from the two wells at the time of subdivision in 2018 indicate the long term pumping capacity of the wells are 36-37 litres per second. The report identified there was no impact from pumping the well on neighbouring wells. The report notes that aquifer #662 is an extremely productive aquifer that is considered confined in the area, which also reduces the vulnerability of the aquifer to surficial contamination.

Despite the hydrogeological assessment and the characteristics of the aquifer, due to the nature of the proposal for a gasoline services station, the applicant has also provided a Petroleum System Design Brief by Morrow Engineering Ltd., dated March 6, 2020, to conceptually demonstrate that the fuel storage tanks and fueling station would not pose a threat to the aquifer. The report identifies that the storage tanks will be reinforced double wall fiberglass, which have secondary containment due to the double wall design. The space between the inner and outer wall is electronically monitored for leaks and the four corners of the excavation for the tanks would have monitoring wells (piezometers). The report establishes standards for dispensers, piping, site grading, and the oil-water separator collection system. It also identifies that the monitoring system is capable of monitoring all tank compartments for fuel levels, interstitial spaces for leaks and all sumps and underground piping for leaks.

At the time of the development permit, the applicant will be required to prepare a stormwater management plan, which will need to include information on site grading and oil-water separator maintenance. The Preliminary Hydrogeologic Report will also need to be revised to reflect the final plan and DPA guidelines. As a condition of the zoning amendment, a Section 219 covenant with the oil-water separator maintenance schedule and stormwater management plan is proposed prior to the adoption of the bylaw. The covenant also covers systematic sampling of groundwater wells and reporting any exceedances to the Province of BC (Environmental Emergency Program). As per the requirements of Policy B1.21, the applicant will also need to receive source approval from Island Health and a groundwater license from the Province of BC, or have these conditions secured through the Section 219 covenant to ensure approval is received at building permit stage.

Intergovernmental Implications

The Qualicum First Nation and the RDN share a Cooperation Protocol to develop and maintain a government to government relationship built on trust and respect. The Saa'men Economic Development Partnership, representing the business interests of the Qualicum First Nation, has presented a development proposal that is intended to address the mutual interests and concerns of both the Qualicum First Nation and the RDN for the community and stewardship of groundwater. In alignment with the protocol, the Saa'men Economic Development LP has agreed to covenants for water storage for community firefighting and groundwater protection.

The application was referred to the Qualicum Bay – Horne Lake Waterworks District as the properties are situated within the Well Protection Area and Capture Zone under the improvement districts Well Protection Plan. Given the location, the improvement district identified concerns with the gas station and has submitted a letter that Board of Trustees cannot support the zoning amendment at this time (see Attachment 5 – Qualicum Bay Horne Lake Waterworks District Letter). The improvement district also requests a greater understanding of the precautions being taken to protect the community water supply. In response to the improvement district's concerns to date, the applicant has provided the additional Petroleum System Design Brief and has identified that systematic well water quality monitoring will be occurring as an additional measure to ensure no leaks should occur from the storage tanks or surface. To ensure proper measures are being taken, further consultation will occur with the improvement district on the zone and development permit requirements prior to the bylaw receiving third reading.

As identified above, the application was referred to the Bow Horn Bay Fire Department and internally to RDN staff. Referral response comments identify the necessity that the buildings be equipped with sprinklers and that onsite water storage be required, which the fire department will have access to for firefighting in the surrounding community. As the community amenity for the zoning amendment, the applicant has agreed to equip the building with sprinklers and designing the site with onsite storage of water dedicated for fire protection. The water is proposed to be stored in a lined fire storage pond filled through well water or recycled rainwater. The water storage will also include a dry hydrant only for the use of the fire department. The Saa'men Economic Development LP has agreed to a Section 219 covenant with right-of-way to secure access to the storage area for community firefighting. The applicant has agreed to the covenant provided the properties subject to the zoning amendment are brought into the existing fire protection area served by the fire department before construction commences. It is recommended that the properties are brought into the fire protection area concurrently with the adoption of the zoning amendment.

The application was referred to the Ministry of Transportation and Infrastructure (MOTI). MOTI has no concerns with the zoning amendment provided the following conditions are met: no direct access to Highway 19; a commercial access permit is issued for access to Horne Lake Road; stormwater must be dealt with on site; and all landscaping and signage must be located entirely on the property and does not interfere with sight lines.

Public Consultation Implications

A Public Information Meeting (PIM) was not held for the proposal due to the COVID-19 pandemic and restrictions on public gatherings. Instead, the online community engagement was enhanced and the public was invited to provide feedback and submit questions about the proposed zoning amendment application through a Get Involved page at www.getinvolved.rdn.ca/pl2020-007. The Get Involved webpage also provided information and professional studies that were only previously available at the PIM or by viewing the material at the RDN Administration Office.

The Get Involved program tracks statistics on the traffic to the website in terms of visitors who are aware, informed and engaged, in which engaged and informed are subsets of aware. The report identified 294 aware visitors who have visited the website at least once though may not have clicked on any information; 64 informed visitors who have viewed the attached information; and 23 engaged visitors who participated in the webpage content. With respect to engaged, 15 visitors have posted comments on the proposal. Most comments received support the proposal. A few comments express concern with the impact on the rural community (see Attachment 6 – Summary of the Public Feedback).

The Saa'men Economic Development Limited Partnership has also undertaken public engagement prior to submitting their proposal. Saa'men hosted an Open House at the Lighthouse Community Hall on November 22, 2019, which was advertised in the Parksville Qualicum Beach News, Spider Lake Community Facebook page, and the Saa'men public website. The event was attended by 100 people and 59 submitted feedback forms. The Saa'men incorporated feedback into the plans for aquifer protection, management of waste, crime prevention, fire protection, traffic, light pollution and noise. In particular, the Saa'men responded to public comments by removing the cardlock from the proposal which would reduce potential impacts with noise, traffic and lighting in the rural community.

In accordance with Section 464 of the *Local Government Act*, should the Board grant first and second reading to the amendment bylaw, a Public Hearing is required to be held or waived prior to the Board's consideration of 3rd reading. The purpose of the Public Hearing is to provide an opportunity for those who believe that their interest in property is affected by the proposed bylaw to be heard by the Board. In addition, the Board may delegate the Public Hearing by resolution in accordance with Section 469 of the *Local Government Act*. Therefore, it is recommended, that should the Board grant first and second reading to the proposed amendment bylaw, that a Public Hearing be held in accordance with Section 464 of *The Local Government Act* and that the Public Hearing be delegated to Director McLean.

Due to restrictions on public gatherings, the proposed public hearing will be held both electronically and in person. The in-person portion will be limited in attendance according to the venue, including representatives of the RDN and applicant. Notification for the meeting will advise of the limited meeting capacity and encourage participation in the electronic meeting options. The meeting proceedings will be available online and residents may participate remotely.

ALTERNATIVES

1. To proceed with Zoning Amendment Application No. PL2020-007, consider first and second reading of the Amendment Bylaw and proceed to public hearing.
2. To not proceed with the Amendment Bylaw readings and public hearing.

FINANCIAL IMPLICATIONS

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

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and the proposal will be in keeping with the People and Partnerships Key Strategic Area of the 2019 – 2022 Board Strategic Plan, which directs to build and enhance relationships with First Nations. As this proposal supports economic development initiatives of the Qualicum First Nation, it is consistent with the Strategic Plan.



Stephen Boogaards
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June 29, 2020

Reviewed by:

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

Attachments:

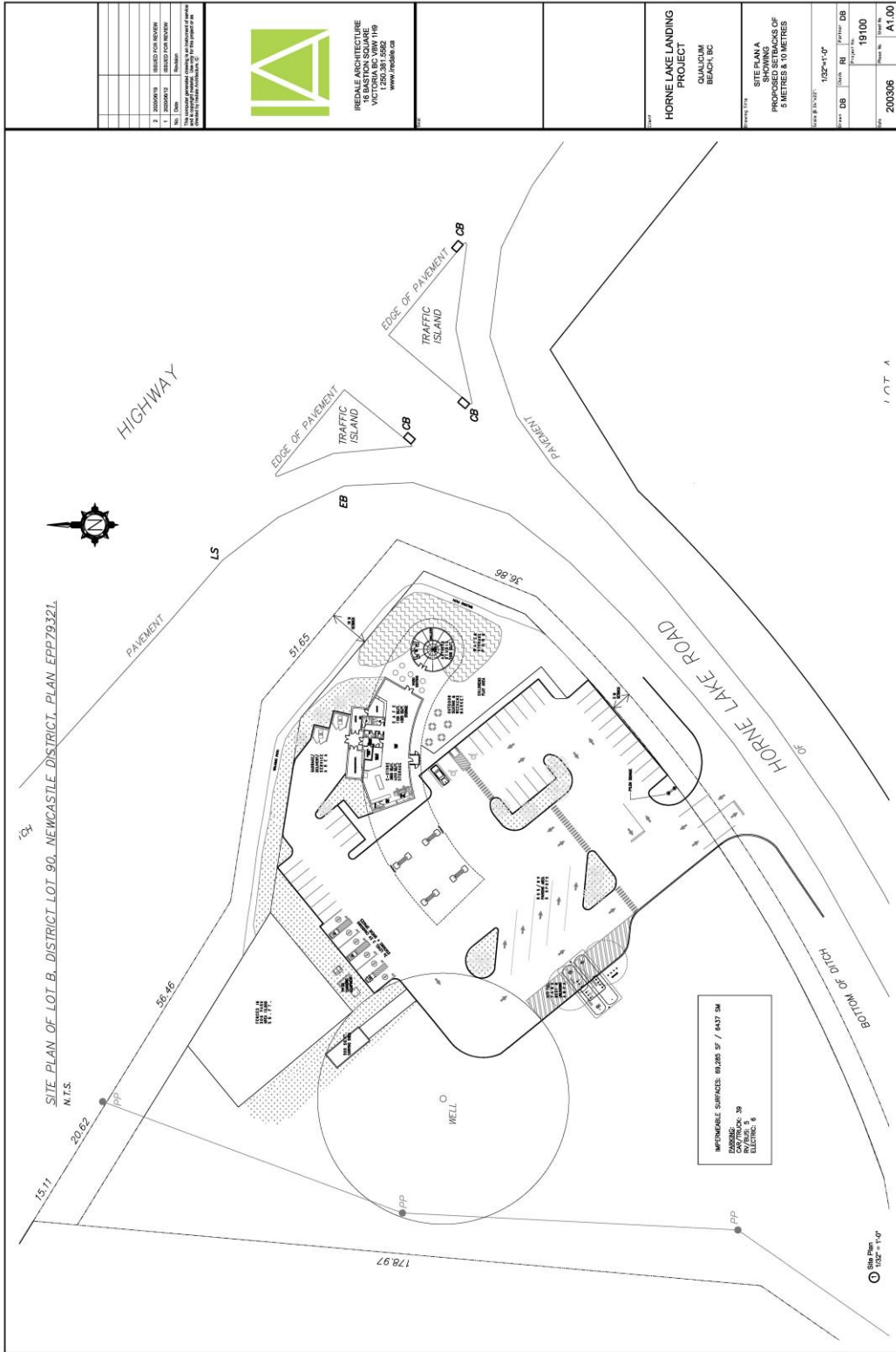
1. Subject Property Map
2. Conditions of Approval
3. Proposed Concept Plan
4. Current Zoning Map
5. Qualicum Bay – Horne Lake Waterworks District Letter
6. Summary of the Public Feedback
7. Proposed Amendment Bylaw No. 500.431, 2020

Attachment 2 Conditions of Approval

The following is required prior to the “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.431, 2020” being considered for adoption:

1. The applicant is required to register, at the applicant’s expense, a Section 219 Covenant and Statutory Right-of-way on the property title stating onsite water storage for firefighting will be constructed and access will be provided for community fire protection, including conditions to have the water storage and dry hydrant constructed prior to final inspection of the first commercial building.
2. The applicant is required to register, at the applicant’s expense, a Section 219 Covenant requiring source approval from Island Health and a non-domestic water license from the Province of BC prior to the issuance of a building permit, unless approval is obtained prior to the adoption of the bylaw.
3. The applicant is required to register, at the applicant’s expense, a Section 219 Covenant with a rainwater management plan and oil-water separator maintenance schedule.
4. The applicant is required to register, at the applicant’s expense, a Section 219 Covenant requiring systematic sampling of groundwater on the property for any contamination originating from the commercial uses on the property.

Attachment 3
Proposed Concept Plan (Page 1 of 2)



1	PREPARED FOR REVIEW	DATE
2	APPROVED FOR REVIEW	DATE
3	ISSUED FOR REVIEW	DATE
4	APPROVED FOR REVIEW	DATE
5	ISSUED FOR REVIEW	DATE
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10	APPROVED FOR REVIEW	DATE



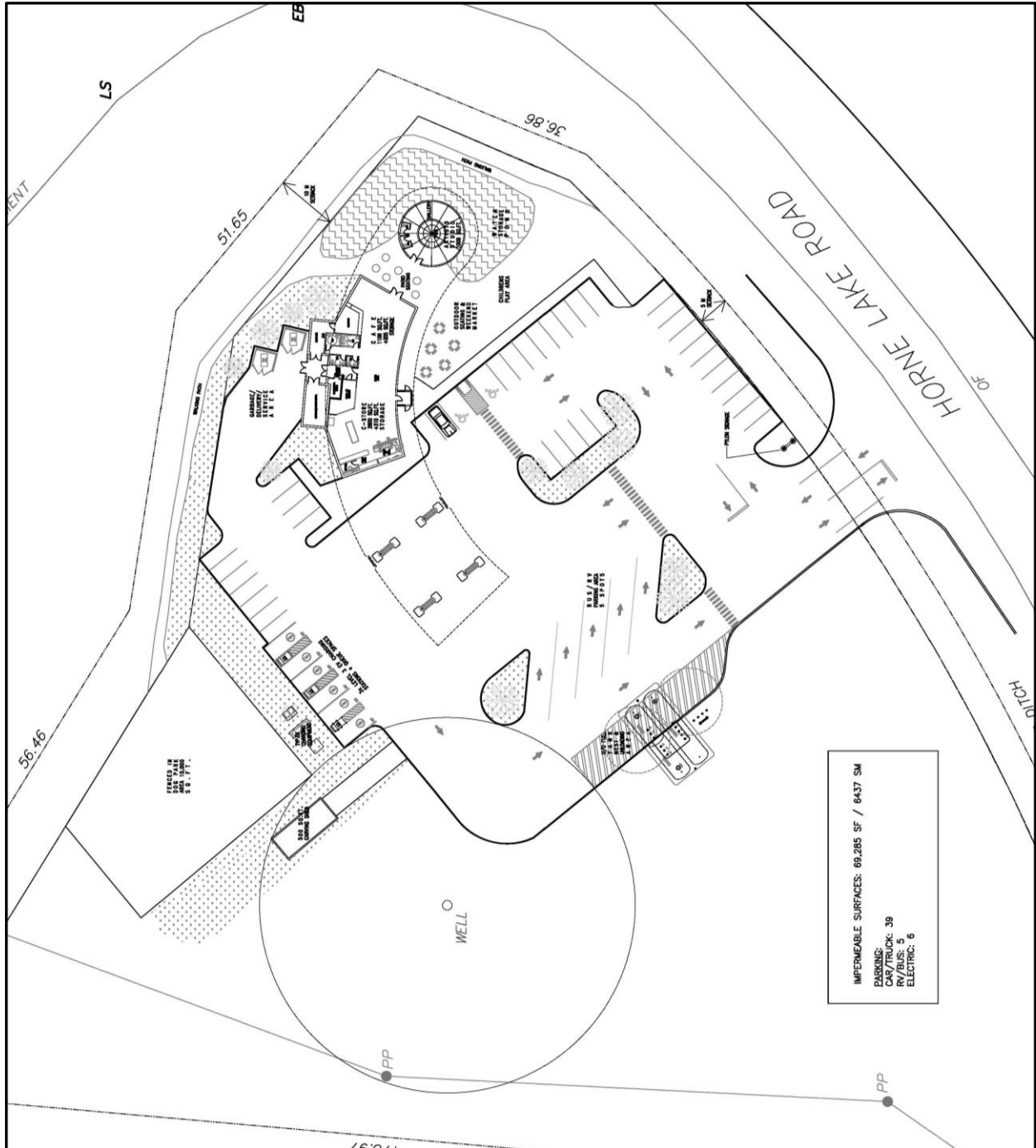
IRIDIUM ARCHITECTURE
 18 EASTON SQUARE
 VICTORIA BC V8W 1H8
 TEL: 250-383-1111
 WWW.IRIDIUM.CO

HORNE LAKE LANDING PROJECT
 QUALICUM BEACH, BC

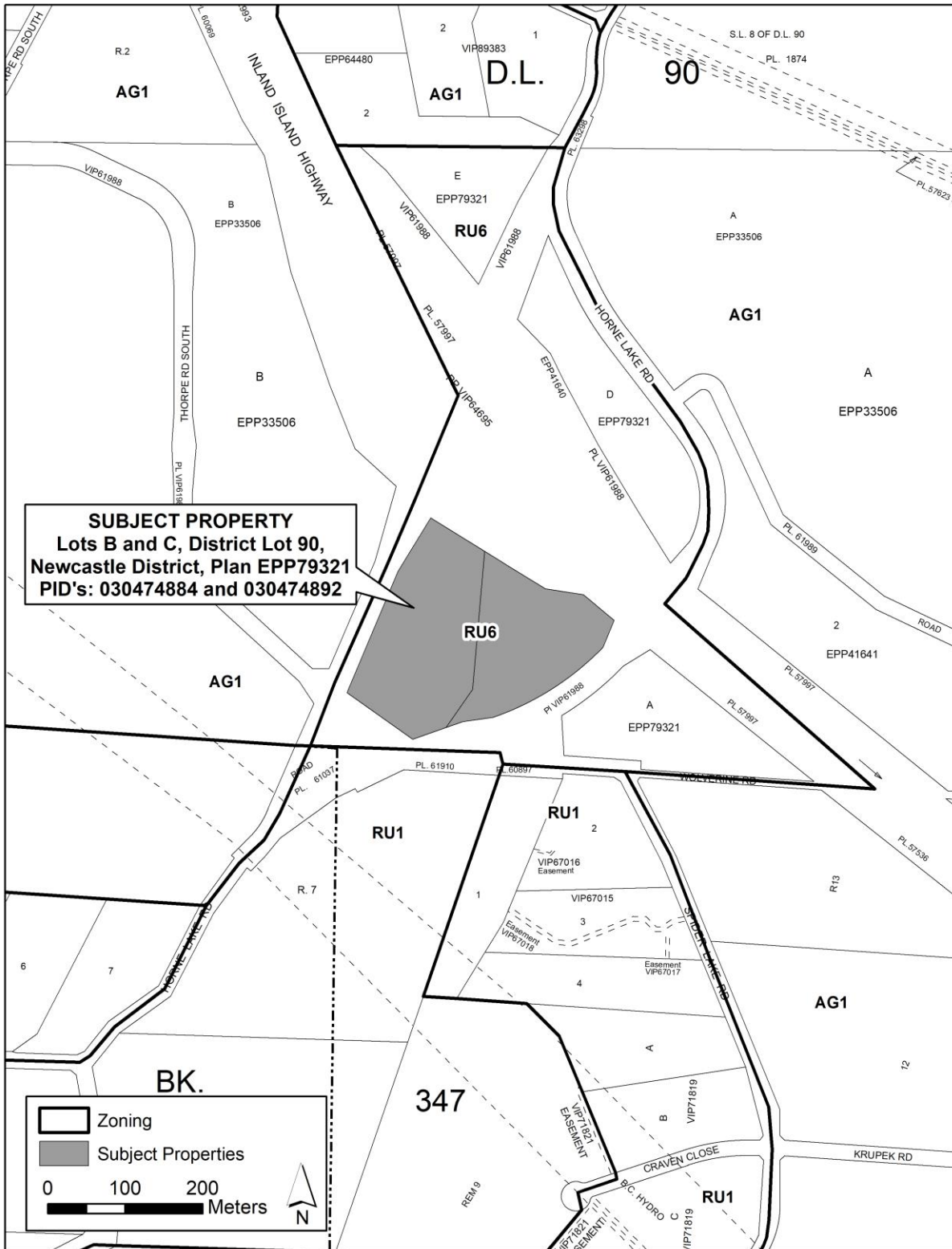
SITE PLAN A
 SHOWING
 PROPOSED BUILDING FOOTPRINTS OF
 8 METRES X 10 METRES

Scale	1:500 = 1"=1'-0"
Sheet No.	19100
Project No.	200306
Date	A1.00

Attachment 3
Proposed Concept Plan (Page 2 of 2)



Attachment 4 Current Zoning Map



Attachment 5
Qualicum Bay – Horne Lake Waterworks District



Qualicum Bay-Horne Lake Waterworks District
234 Lions Way, Qualicum Bay, BC V9K 2E2
Tel: (250) 757-8507 ~ Office: Mon-Fri, 12:30-4:00 pm

June 18, 2020

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Re: Development Application No. PL2020-007

In July of 2017, the Qualicum Bay Horne Lake Water District (QBHLWD) commissioned Waterline Resources to do a Wellhead Protection plan for the water district as required by the BC Ministry of Environment (2004).

The QBHLWD has reviewed the proposed rezoning application for Subject Properties Lots B and C, District Lot 90, Newcastle District, Plan Epp79321 PID's: 030477884 and 03047892. We understand the applicant has proposed to rezone the properties from a Rural 6 Zone, Subdivision District 'D' to a Comprehensive Development Zone.

Please be advised that the subject properties are located within the Water Works District Well Protection Area. We have included a copy of our Well Head Protection Plan for reference. Please note Figure 7 for the Well Capture Zone and Well Protection area.

Based on the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 197, this proposed zoning would permit land uses that could be detrimental to our local water supply and 506 active water connections. As such, the Qualicum Bay Horne Lake Waterworks Districts' Board of Trustees are unable to support the proposed rezoning application at this time.

We have been examining the proposed development and we would welcome further understanding as to how the draft plan could be modified to deliver additional environmental protection and would like to understand what those steps would look like.

We understand the desire for different forms of development, our primary concerns are to ensure quality water for our ratepayers.

We would be interested in being involved in how to safely develop this property that would provide suitable protection for our aquifer.

The Trustees of the Qualicum Bay Horne Lake Water District

Attachment 6
Summary of the Public Feedback
Online Public Engagement Comments
www.getinvolved.rdn.ca/pl2020-007
April 21, 2020 to June 29, 2020

Attachment 7
Proposed Amendment Bylaw No. 500.431, 2020