



ZONING AMENDMENT APPLICATION NO. PL2022-186
1788 FIELDING ROAD, ELECTORAL AREA A
AMENDMENT BYLAW 500.443 – INTRODUCTION

RECOMMENDATIONS

1. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.443, 2023” not be held in accordance with Section 464(2) of the *Local Government Act*.
2. That the Board direct staff to complete the required notification in accordance with Section 467(2) of the *Local Government Act*.
3. That the Board receive the Summary Report of the Community Engagement as provided in Attachment 4.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Seward Developments Inc. on behalf of TFN Ventures Ltd. to rezone the subject property from Residential 2 (RS2) Zone to Industrial 1 (IN1) Zone to permit a warehousing business. The subject property; legally described as Lot B, Sections 14 and 15, Range 6, Cranberry District, Plan VIP78751 is approximately 1.58 hectares in area and contains a dwelling (see Attachment 1 – Subject Property Map). Over the last two years, significant amounts of fill have been placed on the property from other infrastructure projects in the region and a drainage channel constructed (see Attachment 2 – Survey Plan). The property is adjacent to other residentially zoned properties, though is situated within the South Wellington Light Industrial and Commercial Area. The property is south of the City of Nanaimo municipal boundary.

In accordance with Section 464 (2) of the *Local Government Act*, the Board may choose to not hold a public hearing if there is an Official Community Plan (OCP) in effect for the area subject to the zoning bylaw and the bylaw is consistent with the OCP. The proposed development is consistent with the OCP, and no interest has been expressed by the community with respect to the proposed amendment. It is, therefore, recommended that the Board not hold a Public Hearing and provide a motion to proceed with the notification of first reading in accordance with Section 467(2) of the *Local Government Act*.

The Electoral Area Services Committee (EASC) considered the introduction of the zoning amendment on July 4, 2023. The EASC passed the following motion:

It was moved and seconded that Zoning Amendment Application No. PL2022-186 1788 Fielding Road, Electoral Area A Amendment Bylaw 500.443 be referred to staff.

The motion reflects concerns with the impact to the environment from the development, including previous alterations to the wetland riparian area. Other concerns included the scale of the proposed development and ability of the fire department to service a fire in a building over 12.0 metres in height.

Proposed Development

The applicant proposes to rezone the subject property from Residential 2 (RS2) Zone, Subdivision District 'F' to Industrial 1 (IN1) Zone, Subdivision District 'F' to allow a warehousing and storage business (see Attachment 3 – Site Plan and Building Elevations).

The property is located within the South Wellington Industrial – Commercial, Aquifer, and Freshwater and Fish Habitat Development Permit Areas (DPA) per the "Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011." A development permit will be required to address the applicable DPA guidelines.

The development is proposed to be serviced by a new well, an on-site septic system and storm water management systems. Access to and from the subject property will be from Fielding Road.

Official Community Plan Implications

The subject property is designated South Wellington Light Industrial and Commercial Area pursuant to the OCP. Permitted uses within the designation include light industrial, business and commercial uses which enhance the area and do not have a negative impact on the environment and groundwater resources. The proposal for warehousing and storage is consistent with light industrial uses intended in the OCP, though development must also comply with environmental protection policies outlined in Section 4 -Protecting the Environment of the OCP. Section 4 contains policies to protect sensitive habitat, protect groundwater resources for the community and reduce the of impact of impervious surfaces in new development. To comply with the OCP criteria, the applicant has provided an environmental assessment of the wetland affected by previous development, a preliminary hydrogeological assessment to ensure the development is adequately serviced with water without affecting other groundwater users, and a stormwater plan to ensure runoff from the property is properly managed (see Attachment 6 – Planning Implications).

The applicant will require two different development permits: one for the existing alterations to the wetland that have occurred and one for the proposed warehousing business development.

- (1) **Development permit for alterations to the wetland:** Prior to the adoption of the zoning amendment bylaw, the applicant will be required to receive a development permit to address the land alterations and vegetation removal that has occurred around the wetland adjacent to the property (see Attachment 4 – Streamside Protection and Enhancement Area Restoration Area (SPEA) and Attachment 7 - Conditions of Approval). The RDN will require a landscaping security to ensure the SPEA is revegetated, and that vegetation is maintained over a two-year period.
- (2) **Development permit for warehousing business:** Following the zoning amendment, the applicant will require a development permit for the proposed warehousing development prior to undertaking any proposed development. This warehousing development on the property must be consistent with the South Wellington Industrial – Commercial, Aquifer and Fish Habitat DPA guidelines. For the Fish Habitat DPA, this second development permit will be for any new development proposed to occur within 30.0 metres of the wetland, which will include any pavement in the DPA. Though this process, the applicant's biologist will need to confirm that any pavement will not affect vegetation within the protected Streamside Protection and Enhancement Area. For the aquifer DPA, the applicant will be required to demonstrate that stormwater collected from impervious surfaces is treated through an oil water separator and is managed on the property. The conceptual professional reports submitted with the application indicate that treated stormwater will discharge to the wetland at pre-development flow rates. Maintaining pre-development flow rates to the wetland will require a Section 11 Water Sustainability Act

approval from the Province of BC prior to the issuance of a development permit. A development permit cannot be issued unless all DPA guidelines are met.

Community Engagement

Community engagement was conducted online through the RDN Get Involved site with notices sent to all properties within 500 metres and a notice published in the newspaper. The public was invited to provide feedback and submit questions about the proposed zoning amendment application through the Get Involved page at www.getinvolved.rdn.ca/pl2022-186. The Get Involved webpage also provides information and professional studies that were only previously available at a Public Information Meeting 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 55 aware visitors who have visited the website at least once though may not have clicked on any information; 14 informed visitors who have viewed the attached information; and 0 engaged visitors who participated in the webpage content. There were no community comments received in support or against the proposal (see Attachment 5 – Summary Report of the Community Engagement).

FINANCIAL IMPLICATIONS

The proposed development has been reviewed and has no implications related to the Board 2023 – 2027 Financial Plan.

STRATEGIC PLAN ALIGNMENT

The proposed development has been reviewed and will be in keeping with Key Strategic Area 6 of the 2019-2022 Board Strategic Plan by enabling economic opportunities.

REVIEWED BY:

G. Keller, Acting Manager, Current Planning
L. Grant, General Manager, Development and Emergency Services
T. Osborne, Acting Chief Administrative Officer

ATTACHMENTS:

1. Subject Property Map
2. Survey Plan
3. Site Plan and Building Elevations
4. Streamside Protection and Enhancement Area Restoration Area
5. Summary Report of the Community Engagement
6. Planning Implications
7. Conditions of Approval
8. Proposed Amendment Bylaw No. 500.443, 2023