

## **Attachment 6**

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#### ***Land Use Implications***

The subject property is designated within the South Wellington Light Industrial and Commercial Area as per the “Electoral Area ‘A’ Official Community Plan Bylaw No. 1620, 2011” (OCP). Under the OCP designation, light industrial uses, such as warehousing is supported provided the development will have minimal environmental impact. To demonstrate consistency with the OCP, the applicant has provided a conceptual Site Plan and Building Elevations by Christopher Bozyk Architects Ltd., dated April 20, 2023 (see Attachment 3 – Site Plan and Building Elevations). While the form and character of the buildings will be consistent with light industrial uses, the proposed buildings will be 12.0 metres in height and will exceed the maximum height of 8.0 metres in the requested IN1 zone. The proposed 12.0 metre building height is based on draft changes for the Industrial 1 (IN1) zone in proposed Draft Bylaw No. 2500. Should the height amendment not be adopted into Bylaw No. 2500, the applicant will require a variance from the RDN Board.

As fill has been placed and graded on the property over a several year period, information is not currently available on the depth of the fill and natural grade. Prior to a development permit being issued for the proposed comprehensive development of the property, the applicant will need to provide information from a professional engineer to establish any safe measures for building on the fill. While building elevations and a site plan have been prepared, a BC Land Surveyor or engineer for the project will need to establish the natural grade of the site, as Bylaw 500 and draft Bylaw 2500 establish the height of buildings and structures from natural grade. This may result in the fill being regraded or a variance request for height. Any variance would be subject to RDN Board approval and an adequate land use justification.

The property is also above mapped coal workings. At the time of development or building permit, the applicant’s geotechnical engineer will need to advise on any measures necessary to ensure the development is protected from any potential hazards associated with the coal workings. Provided the Conditions of Approval are met, and that future development will be subject to a subsequent development permit to address any potential environmental impacts, the proposal is considered consistent with RDN policies and is recommended that the Board approve the recommendations as presented.

#### ***Environmental Implications***

The OCP support for commercial and light industrial projects in South Wellington is contingent on compliance with the policies of Section 4 – Protecting the Environment. An objective of Section 4 of the OCP, is to protect and re-establish habitat for indigenous and endangered species and ensure development does not decrease environmentally sensitive features. In the process of placing fill on the property, previous owners have encroached into the Riparian Assessment Area (RAA) and Streamside Protection and Enhancement Area (SPEA) for a wetland near the property line, though located on the adjacent property to the southeast (see Attachment 2 – Survey Plan). As the wetland is considered a watercourse under the Riparian Area Protection Regulation (RAPR), the applicant has submitted an Environmental Impact Assessment and Remediation Plan by Aquaparian Environment Consulting, dated December 16, 2022 to remove fill from the SPEA and re-establish riparian vegetation. As a condition of

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approval, the applicant will be required to receive a development permit to address this previous development and land alteration (see Attachment 4 – SPEA Restoration Area). A condition of the development permit will include a landscaping security in the amount of \$4,704 to ensure planting is completed and maintained over a two year period.

The applicant will require a second development permit for any proposed development within the RAA. This second development permit will be for the proposed warehousing business and be subject to the South Wellington, Aquifer, and Fish Habitat Development Permit Area (DPA). This second development permit would be pursued following the rezoning of the property. The applicant must demonstrate compliance with the DPA guidelines and provide detailed plans at this stage. For Fish Habitat DPA, the applicant will be required to submit a Riparian Area Protection Regulation (RAPR) Assessment report, approved by the Ministry of Forests, for any impervious surfaces or other development within 30.0 metres of the wetland, which will establish conditions for protection of the revegetated SPEA.

An objective of Section 4 of the OCP is to ensure that development applications are supplied with adequate water and do not have a negative effect on the quantity or quality of groundwater for existing residents. To meet this OCP objective, the proposed zoning amendment is required to demonstrate compliance with “Board Policy B1.21 Hydrological (groundwater) Assessment Requirements for Rezoning of Un-serviced Lands and for Development Permits” (Policy B1.21). To comply with Board Policy, the applicant has provided a Preliminary Hydrogeological Assessment for Rezoning Application by Waterline Resource Inc., dated November 30, 2022. The assessment determines the water demand for the development to be 0.6 m<sup>3</sup> to 3.0 m<sup>3</sup> per day based on the number of employees and size of the business. The maximum well demand is expected to be 60 per cent of the well yield of 5 m<sup>3</sup> per day for a previously decommissioned well on the site or the average well yield of 61 m<sup>3</sup> per day for wells constructed in the aquifer. Given the diverse nature of fractured bedrock aquifers, the assessment notes that the well capacity and sustainable well yield will need to be verified with a well pumping test at the time of groundwater licencing.

Under Board Policy B1.21, the applicant is required to obtain groundwater licencing from the Province of BC and source approval of the well from Island Health. In cases where the water quantity for the development is not known at the time of rezoning, the RDN has accepted a Section 219 covenant to ensure that these approvals will be received prior to the issuance of the first building permit and that an operating permit from Island Health is received during the construction of the buildings. Compliance with the Province of BC licencing requirements will also substantially implement recommendations of the Preliminary Hydrogeological Assessment, that a pumping test should be conducted to support the water licence application. As a condition of approval, it is recommended that the applicant register a Section 219 covenant with the Preliminary Hydrogeologic Assessment and with conditions to demonstrate that Province of BC groundwater licencing and Island Health approvals are received prior to the issuance of a building permit.

Policy 4.4.11 of Section 4 of the OCP, also states that all development applications must minimize impervious surfaces and consider both natural and man-made systems to maximize groundwater recharge while ensuring that groundwater resources are protected from potential deleterious substances. While the buildings will be below the maximum parcel coverage of 60 per cent in the IN1 zone, most of the property will be paved for parking and vehicle maneuvering areas (see Attachment 3 – Site Plan and

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Building Elevations). To address the large amount of impervious surfaces, the applicant has submitted a Stormwater Management Plan by Herold Engineering, dated October 31, 2022, and has reduced the amount of impervious surfaces in the original submission to leave vegetation areas along the south property line for septic disposal and the eastern property line for additional land within the RAA.

The Stormwater Plan submitted by the applicant identifies that stormwater currently leaves the property and discharges into the adjacent wetland. The proposal recommends that the stormwater collected from impervious surface be directed to a detention tank that regulates the outflow from the property to the pre-development flow rates. The Preliminary Hydrogeological Assessment also clarifies that releasing stormwater into the wetland will maintain the same recharge capacity for the underlying aquifer. However, surface water should pass through an oil and grit separator to protect the wetland. This will comply with the Aquifer DPA guidelines to maintain pre-development flow rates with no increase in peak runoff to adjacent lands, not interfere with groundwater recharge, and replicate the function of a naturally vegetated watershed. As maintaining pre-development flow rates to the wetland will involve directly connecting stormwater to the wetland and Akenhead Creek, a *Water Sustainability Act* Section 11 Notice of Authorized Change will be required. At the time of development permit, the applicant will need to provide detailed stormwater and landscaping plans to demonstrate the concept will comply with DPA guidelines and will need to demonstrate the proposal complies with the *Water Sustainability Act*. A development permit will not be issued unless the applicant can demonstrate stormwater complies with the DPA requirements.

#### ***Intergovernmental Implications***

The application was referred to the Ministry of Transportation and Infrastructure (MOTI). MOTI has identified that the development requires a traffic impact assessment prior to approval and that the MOTI engineer will review the storm water management plan. As the property is within a controlled access area for the Trans Canada Highway, under Section 52 of the *Transportation Act*, the bylaw must be approved in writing by MOTI. Also as per Section 505 of the *Local Government Act*, since the gross floor area of the proposed industrial building will exceed 4500 m<sup>2</sup> the development permit will require review and approval by MOTI.

The application was referred to Island Health. For water use, Island Health identified that if the warehouse has a lunchroom then the *Drinking Water Protection Act* and *Regulations* apply. As a condition of approval, the applicant will be required to register a covenant to ensure that source approval for the well is received prior to the issuance of a building permit. It is the RDN practice to require confirmation that an Island Health operating permit is received prior to the final inspection of the building. Island Health has also commented that a suitable area must be set aside for septic disposal and should be protected from traffic. At the development permit stage, the applicant will be required to design the septic field to ensure there is adequate space for the septic field, well and drainage systems.

RDN Building Inspection have commented that the buildings will need to be sprinklered and constructed with non-combustible construction materials. Building Inspection have also commented that the development will likely require a large amount of on-site water storage needed for firefighting purposes. Securing onsite water storage will be through the building permit.

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The Cranberry Volunteer Fire Department has previously identified that they are unable to provide fire protection services to a building exceeding 9.0 metres in height, which would affect the 12.0 metre warehousing building in the conceptual plans. The fire department has also commented that if the RDN proceeds with permitting higher buildings, that property owners should be notified of the fire department's limited ability to provide fire services to buildings over 9.0 metres in height. For the purposes of this zoning amendment, the height of the building will not be changed from 8.0 metres currently in the Industrial 1 zone. If the height does change to 12.0 metres, it will be either through the adoption of Bylaw 2500 or a specific variance granted by the RDN Board.