
TO: Electoral Area Services Committee **DATE:** June 11, 2019

FROM: Greg Keller
Senior Planner **FILE:** PL2015-084

SUBJECT: **Zoning Amendment Application No. PL2015-084**
Angel Road – Electoral Area F
Amendment Bylaw 1285.32, 2019 – Introduction
Lots A - D District Lot 103, Nanoose District, Plan EPP68815

RECOMMENDATIONS

1. That the Board receive the Summary of the Public Information Meeting held on July 12, 2018.
2. That the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 1285.32, 2019” being considered for adoption.
3. That “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.32, 2019” be introduced and read two times.
4. That the Public Hearing on “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.32, 2019”, be waived in accordance with Section 464(2) of the *Local Government Act*.
5. That staff be directed to proceed with notification in accordance with Section 467 of the *Local Government Act* of the Board’s intent to consider third reading of “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.32, 2019” at a regular Board meeting to be held on July 23, 2019.
6. That the Board direct staff to prepare a report on options to implement a consistent, coordinated, and equitable approach to respond to requests received from Fire Departments, in response to development referrals, for an applicant to install water storage tank(s) for firefighting purposes.

SUMMARY

The applicant proposes to increase the maximum lot coverage permitted in the 1805 Church Road (CD-1) zone in order to permit the subject properties to have a larger building footprint. A Public Information Meeting was held on July 12, 2018. 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. 1285.32, 2019 be granted first and second reading.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from J.E. Anderson and Associates on behalf of Springhill Holdings Ltd., T. Shepherd Holdings Ltd., 488395 BC Ltd., and Levesque Enterprises Ltd. to rezone four lots in order to increase the maximum lot coverage. Lots A, B, and C are each 2.01 hectares in area and are currently vacant. Lot D is 5.03 hectares in area and contains a heavy equipment parts and service use. The subject properties are located west of Church Road, and are located between Angel Road and the Inland Island Highway (see Attachment 1 – Subject Property Map).

It should be noted that the RDN is in receipt of subdivision application PL2019-003 which proposes to subdivide Lot D to create one additional 1.6 hectares lot through parcel averaging provisions. Once subdivided, the proposed bylaw amendment would apply to a total of five lots.

Proposed Development

This is an application to amend the 1805 Church Road Zone (CD-1) by increasing the maximum lot coverage. It should be noted that the CD-1 zone only applies to the subject properties and no other lands within Electoral Area F. The proposed amendment is intended to allow larger building footprints on the subject properties. In addition, as the address referenced in the above zone title is not a valid street address, the proposed amendment bylaw includes provisions to change the name of the zone to Angel Road Industrial (CD-1).

Although no development is proposed at this time, future development is proposed to be serviced by EPCOR community water on Lot D and individual on-site wells on all remaining parcels. All of the subject properties are proposed to be serviced with individual septic systems and stormwater management systems. It should be noted that the community water on Lot D is for daily use only and does not provide adequate capacity for firefighting purposes.

Official Community Plan Implications

The subject property is designated Rural pursuant to the “Regional District of Nanaimo Electoral Area ‘F’ Official Community Plan Bylaw No. 1152 1999” (OCP). The Rural land use designation indicates that it also applies to a number of properties used for commercial or industrial purposes, and indicates that these uses are not considered incompatible with the Rural Lands designation. The CD-1 zone reflects the intent of the Rural Lands designation as it was established in response to direction provided by the OCP. In recognition that the existing industrial uses are supported by the Rural Lands designation, the proposed amendment is consistent with the OCP.

Land Use Implications

The existing CD-1 zone allows Equipment Rental, Heavy Equipment Salvage, Manufacturing, Marshalling Yard, Outdoor Sales, as well as a number of accessory uses. The proposed increased maximum lot coverage is intended to better accommodate the permitted uses by providing increased opportunity for containing uses within a building (see Attachment 5 – Proposed Amendment Bylaw 1285.32, 2019). Increased building footprint may help improve land use compatibility and encourage more efficient use of industrial lands.

If approved, the amendment would increase the maximum lot coverage from 30% of the first 1 hectare of a lot and 5% of the remainder, to 30% of the first 2 hectares of a lot and 5% of the

remainder. The proposed increase would permit approximately 2,500 m² of additional lot coverage on each of the subject properties with the exception of 1,600 m² of additional lot coverage on the proposed 1.6 hectare lot following the pending subdivision.

It should be noted that Section 2.5 – Runoff Control Standards of Bylaw 1285 would address the proposed increased parcel coverage concurrently with the building permit process by requiring a review by a professional Engineer to certify that stormwater will be managed on site in a way which satisfies bylaw requirements.

To satisfy Board Policy B1.21 – Groundwater Application Requirements for Rezoning of Unserved Lands (Policy B1.21) that was in place at the time of application, the applicant has submitted a Desktop Aquifer Protection Assessment dated October 28, 2016 prepared by WSP Canada Inc. The assessment indicates that a minimum year-round water supply to support the proposed increased parcel coverage can be provided and that the proposed wells will have no adverse impacts on surrounding wells, groundwater resources, and receiving water. The Assessment provides recommendations pertaining to rain water management, sewage disposal, and spill avoidance and response. To ensure that the properties are developed in accordance with the recommendations contained in the report, it is recommended that the applicant be required to register a Section 219 Covenant on title of the subject properties prior to adoption of the proposed amendment bylaw (see Attachment 2 – Conditions of Approval). In accordance with Policy B1.21, the applicant is required to demonstrate that the wells have received source approval prior to adoption of the corresponding amendment bylaw (see Attachment 2 – Conditions of Approval).

The applicant also provided a follow up aquifer protection report in response to a request for clarification from RDN Drinking Water Watershed Protection. The follow up report was prepared by the same author working for Chinook Arch Geoscience Inc. dated July 10, 2018. This report reaffirmed the findings of the October 28, 2016 WSP report and provided a number additional recommendations aimed at promoting water efficiency, minimizing groundwater use, and maintaining groundwater recharge. The applicant is proposing to implement the recommendations by registering a Section 219 Covenant on title of the subject properties prior to adoption of the proposed amendment bylaw (see Attachment 2 – Conditions of Approval).

With respect to onsite sewage disposal, the applicant has submitted a letter from Gibson and Sons Consulting dated March 12, 2019 which confirms that the subject properties can accommodate the anticipated sewage flows given the proposed increased parcel coverage.

Covenant ES014343 is registered on title in favour of the RDN and the Ministry of Environment, Lands, and Parks. This covenant requires that no buildings or structures be erected or placed and that no trees or vegetation be removed within 30.0 metres from the Inland Island Highway. Vegetation has been removed from a portion of the covenant area measuring approximately 36.0 metres by 9.0 metres. The applicant is proposing to revegetate the cleared portion of the covenant area by planting 36 native trees generally in accordance with a replanting sketch prepared by Vancouver Island Tree Service Ltd. (see Attachment 4 – Replanting Sketch). The applicant has submitted a landscaping security deposit in the amount of \$10,280.00 which represents the total cost of materials and installation (see Attachment 2 – Conditions of Approval).

Provided the recommended conditions are implemented, the proposed development is anticipated to have a positive effect in the community as it supports greater opportunity for industrial uses to be contained within a building and more efficient use of industrial lands.

Intergovernmental Implications

The application was referred to the Ministry of Transportation and Infrastructure (MOTI), Island Health, Nanoose First Nation, Qualicum First Nation, City of Parksville, Errington Fire Department, and EPCOR for review and comment.

The Errington Fire Chief has requested that additional water storage be provided on site given the increased industrial activity in the area. As hydrant service is not available on the subject properties, the Fire Chief, in discussion with the RDN Fire Services Coordinator recommends that the applicant provide a water storage tank with a minimum volume of 24,000 imperial gallons with a dry hydrant or other appropriate water connection. The recommended on-site water supply would help the fire department work towards providing a superior tender shuttle rating, which is equivalent to fire hydrant protection. Superior tender shuttle rating would provide the subject property owners, as well as owners within 300 metres, with a higher level of fire protection and reduced fire insurance rates would result.

In recognition that water storage for fire protection is not a bylaw requirement, the applicant is proposing to provide a cash contribution in the amount of \$17,500 as a voluntary community amenity contribution to be used towards the installation of a water storage tank in an area that would benefit the subject properties. This amount represents \$3,500 per lot and is the maximum that the applicant is willing to contribute. The proposal would contribute towards creating an overall strategy of strategically placed water storage tanks throughout the community to provide the fire department with improved access to water for firefighting purposes.

Given our recent experience, it is estimated that the cost of installing a water tank of the recommended size is in excess of \$180,000 in 2019 dollars. Given the significant cost of the recommended installation and the lack of an RDN bylaw requirement or Board Policy, it is recommended that the RDN accept the proposed contribution as it represents a reasonable proportion of the anticipated costs and is generally in line with the scale of the proposed development.

Increasingly over the last few years, referral comments received from Fire Departments on all types of planning applications across the region have recommended the installation of water storage for firefighting purposes. The current ad hoc approach results in staff negotiating with applicants to provide water storage tank(s) recommended by Fire Departments. The current approach has also resulted in unanticipated, and sometimes, unequitable costs borne by applicants. A coordinated approach to respond to requests from Fire Departments is needed to ensure that recommendations received from Fire Departments are secured in a consistent, coordinated, and equitable manner. Therefore, it is recommended that the Board direct staff to prepare a report on options to implement a consistent, coordinated, and equitable approach to respond to requests received from Fire Departments, in response to development referrals, for an applicant to install water storage tank(s) for firefighting purposes.

No other agencies have indicated any concerns with the proposed amendment.

Public Consultation Implications

A Public Information Meeting (PIM) was held on July 12, 2018. Other than the applicant and the applicant's engineer, no members of the public attended and no written submissions were received prior to the PIM being closed (see Attachment 3 – Summary of Minutes of the Public Information Meeting).

In accordance with Section 464 of *The Local Government Act*, the Board may waive the holding of a Public Hearing if the proposed amendment 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. Therefore, staff recommends that the Board waive the Public Hearing and direct staff to proceed with the notification requirements outlined in Section 467 of the *Local Government Act*.

ALTERNATIVES

1. To proceed with Zoning Amendment Application No. PL2015-084, consider first and second reading of the Amendment Bylaw and waive the Public Hearing.
2. To proceed with Zoning Amendment Application No. PL2015-084, consider first and second reading of the Amendment Bylaw and proceed to Public Hearing.
3. To not proceed with the Amendment Bylaw readings.

FINANCIAL IMPLICATIONS

The proposed development has been reviewed and has no implications related to the Board 2018 – 2022 Financial Plan. However, it is noted that there has been an increased desire by the local fire departments, in response to development referrals, to increase water storage volumes and locations in rural areas across the region. In the absence of RDN Bylaw requirements, Board policies, or specific Local Service Area provisions, inequity and uncertainty exists whereby developers and property owners are being requested to contribute voluntarily towards water storage for firefighting purposes on an ad hoc basis. This has resulted in unexpected costs of development and application processing delays. A comprehensive strategy addressing the placement, funding, construction, and maintenance of water storage tanks for firefighting purposes could provide more certainty with respect to costs, standardization across the region, and most importantly a greater level of fire protection in rural areas.

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and the proposal will help foster economic development in keeping with the 2019 – 2022 Board Strategic Plan.



Greg Keller
gkeller@rdn.bc.ca
May 27, 2019

Reviewed by:

- G. Garbutt, Acting, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Conditions of Approval
3. Summary of Minutes of the Public Information Meeting
4. Replanting Sketch
5. Proposed Amendment Bylaw No. 1285.32, 2019

D.L.18

NORTH 1/2

D.D. M-81261

VIP84016 EASEMENT

VIP65865 R/W

PT S 1/2 DL18

VIP84015

SUBJECT PROPERTY
Lots A - D, District Lot 103,
Nanoose District, Plan EPP68815
1390 and 1398 Springhill Rd

EPP68815

VIP73532

POSTING PLAN 63858

ANGEL RD.

SPRINGHILL RD.

EPP9446 SRW

EPP9445

VIP73533 SRW

VIP73532 3

VIP68531

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Attachment 2 Conditions of Approval

The following is required prior to the “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.32, 2019” being considered for adoption:

1. The applicant is required to register, at the applicant’s expense, a Section 219 Covenant on the property titles requiring that the development of the land occur in a manner consistent with the Desktop Aquifer Protection Assessment prepared by WSP Canada Inc. dated October 28, 2016 and which provides for the following:
 - a. Prior to the issuance of a Building Permit, the applicant shall submit a rain water management and aquifer protection plan prepared by a Qualified Engineer or Geoscientist, to the satisfaction of the RDN, that includes measures for aquifer protection and recharge. Rain water management designs should include the following measures for storing rain water and encouraging infiltration:
 - i. Absorbent landscape soils a minimum of 30.0 cm in depth across the property.
 - ii. Permeable paving/permeable pavers.
 - iii. Native vegetation should be retained/replanted in contiguous clusters rather than in discontinuous patches.
 - iv. Bioswales or other agreed upon and engineered methods to store, filter, improve water quality, and infiltrate rain water.
 - v. Appropriate spill containment and response plan.
 - b. The following high water use activities shall not be permitted unless they are connected to an approved community water system:
 - i. Garment and textile manufacturing
 - ii. Seafood canning and processing
 - iii. Vegetable and fruit canning and processing
 - iv. Aggregate production
 - v. Food and beverage manufacturing
 - vi. Water bottling, filtration, and purification
 - vii. Primary metal, chemical, and petroleum manufacturing

- c. The owner agrees that no manufacturing, wash pads, or wash bays, or vehicle washing areas shall be established unless a water consumption and re-use plan is prepared by a qualified Engineer or other agreed upon qualified professional and is fully implemented concurrently with the establishment of the use.
2. That the applicant demonstrate a groundwater license for a non-domestic water use on each lot has been obtained in accordance with the *Water Sustainability Act*.
3. That the applicant demonstrate source approval for a potable water source on each lot has been obtained in accordance with the *Drinking Water Protection Act*, where applicable.
4. The applicant shall submit a landscaping security deposit in the amount of \$10,280.00.
5. The site is developed in accordance with the Replanting Sketch prepared by Vancouver Island Tree Service Ltd. and attached as Attachment 4 using trees that meet or exceed the following standards:
 - a. Spacing is to be a maximum of 3.0 metres on centre
 - b. Minimum pot size 15 gallons
 - c. Minimum tree height 2.0 metres with a minimum diameter of 6.0 centimetres
6. The applicant shall provide a voluntary community amenity contribution in the amount of \$17,500 to be earmarked for use towards water storage for firefighting purposes within the Errington Fire Protection Area.

Attachment 3
Summary of Minutes of the Public Information Meeting
Held at Bradley Centre
975 Shearme Road
Thursday, July 12, 2018 at 6:30 PM
RDN Application PL2015-084

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 zero (0) members of the public in attendance at this meeting.

Present for the Regional District of Nanaimo:

Director Fell, Electoral Area 'F' (the Chair)
Greg Keller, Senior Planner

Present for the Applicant:

Jeff Tomlinson, J.E. Anderson and Associates
Phil Levesque, Subject Property Owner
Brenda Levesque, Subject Property Owner
Hans Baan, Subject Property Owner
Lee Ringham, Applicant's Engineer

The Chair postponed the meeting until 6:45 pm as there were no members of the public in attendance.

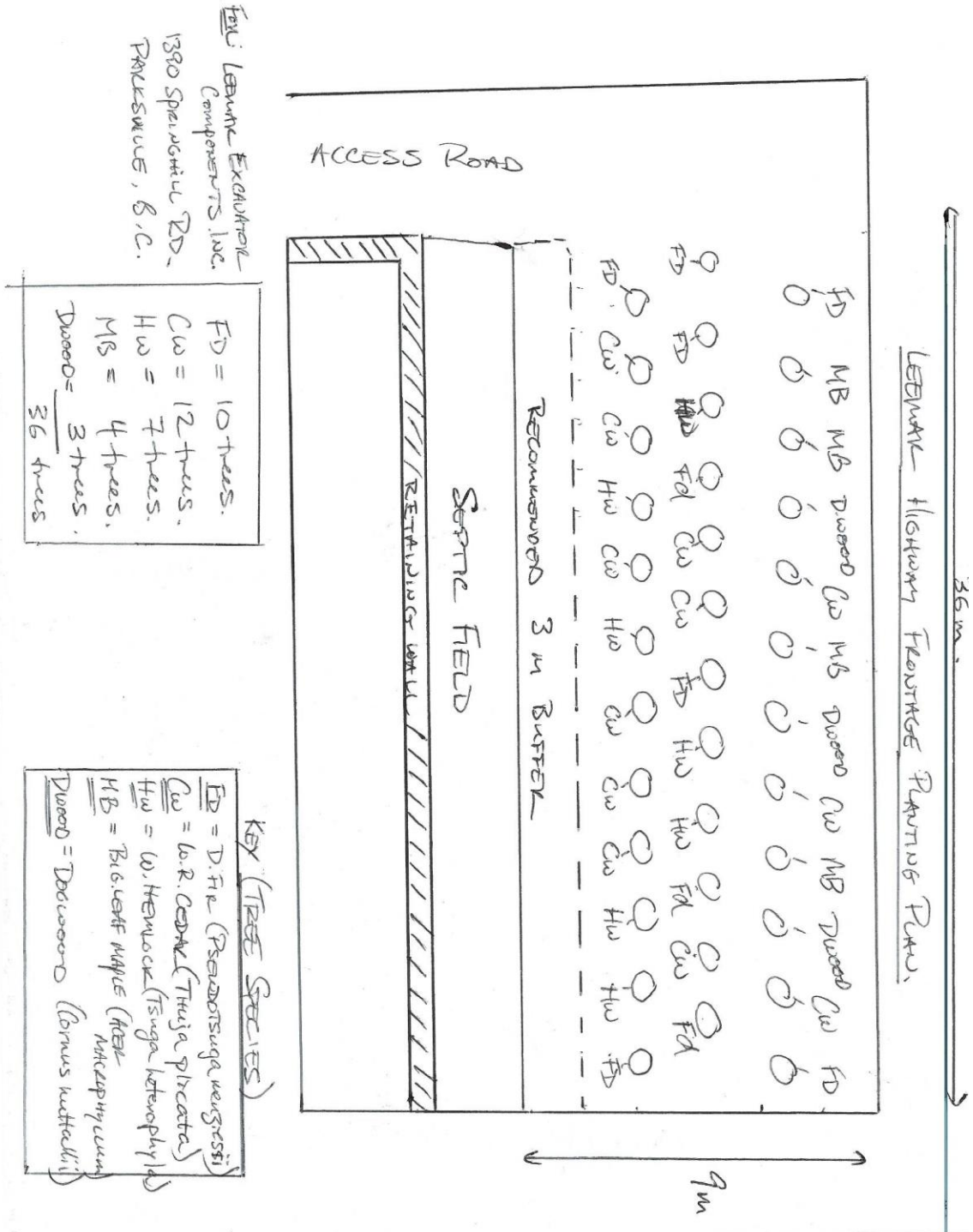
The Chair opened the meeting at 6:45 pm and there were no members of the public in attendance.

The meeting was concluded at 6:46 pm.



Greg Keller
Recording Secretary

Attachment 4
 Replanting Sketch



Attachment 5
Proposed Amendment Bylaw No. 1285.32, 2019