

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Committee Report

Date of Report: March 6, 2017
Date & Type of Meeting: March 16, 2017 Rural Affairs Committee
Author: Kristin Aasen, Planner
Subject: HUGHES DEVELOPMENT PERMIT (1256 IRON HILL ROAD, OOTISCHENIA)
File: DP1606J-07289.465-HUGHES-DP000067; Z1604J; BP021904

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to recommend that the Board issue an Industrial Development Permit (DP) with variances for a shop used for a trucking and excavating business at 1256 Ironhill Road in Ootischia. The proposal would enable a building permit to be issued for a shop constructed in 2014. The objective of the Industrial Development Permit Area is to ensure that new industrial development is compatible with surrounding rural residential character. The variance requests are from lot line setback requirements.

SECTION 2: BACKGROUND / ANALYSIS

Owner:	Dennis Hughes	Parcel size:	3.1 acres/ 1.2 ha
Address:	1256 Ironhill Road, Ootischia	Agent:	Peter Muirhead
OCP designation:	Suburban Residential 1 (SR1) and Industrial (I)	Zoning:	Ootischia Suburban Residential (R1A) and Light Industrial (M1) (limited)

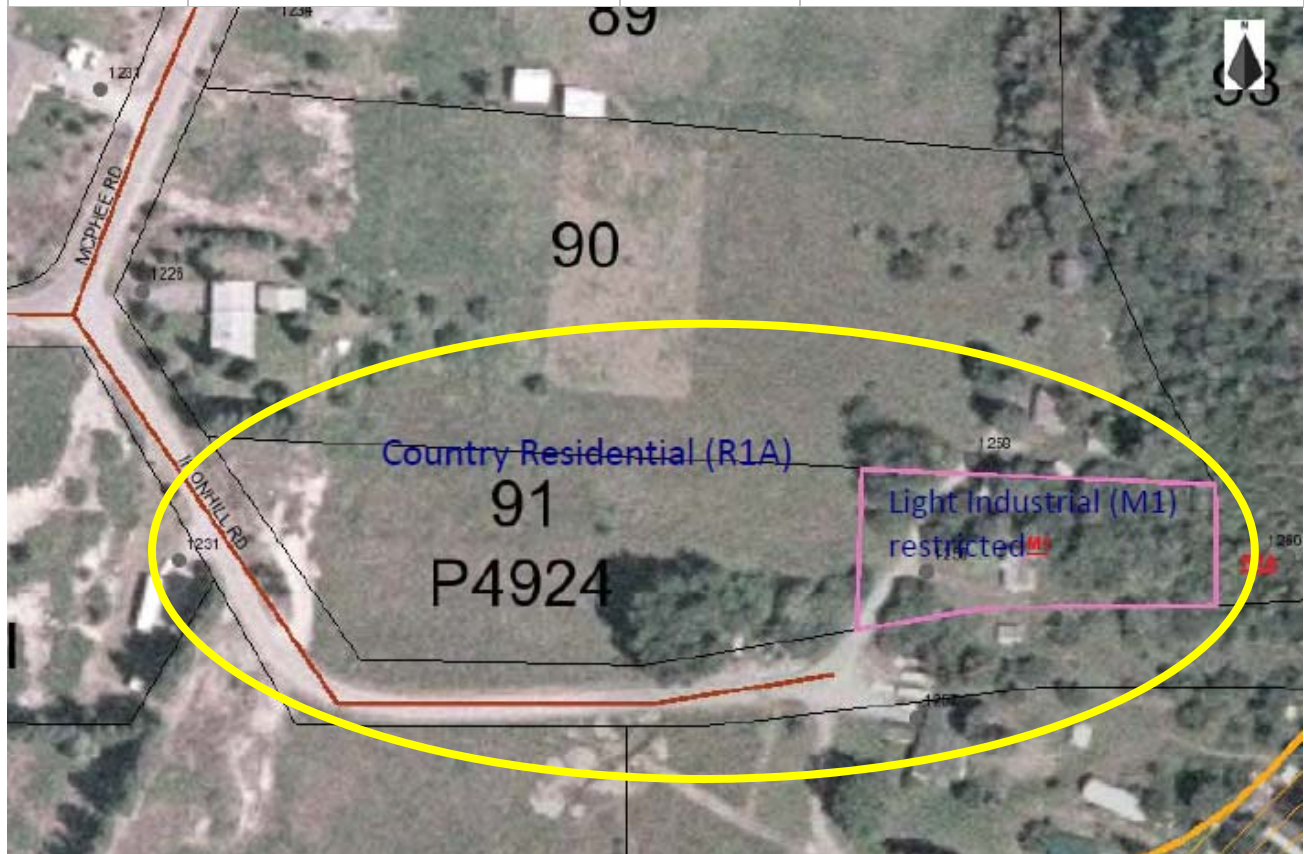


Figure 1: Orthophoto of subject property

HISTORY/ SITE CONTEXT:

At the November 17, 2016 meeting, the Regional District of Central Kootenay Board approved amendments to the Kootenay Columbia Rivers Official Community Plan Bylaw No. 1157 and Zoning Bylaw No. 1675 to permit a limited contractor’s yard on a portion of a property previously zoned Ootischenia Suburban Residential. The landowner requires an Industrial Development Permit to authorize a shop for the trucking and excavating business constructed without a building permit. The objective of the ‘Industrial’ designation is to ensure that new industrial development is compatible with surrounding residential and rural character, is ‘aesthetically pleasing and environmentally sensitive.’

The subject property is split zoned Ootischenia Suburban Residential (R1A) and Light Industrial (M1) limited. A “Contractors’ Offices, Shops and Yards” use is permitted in the M1 portion, provided the use is within a fully enclosed building, and up to a maximum site coverage of 35 percent.

Surrounding properties to the north, east, south and west are zoned ‘Ootischenia Suburban Residential’ and are designated by the OCP as ‘Suburban Residential 1.’ Iron Hill creek flows south of the parcels. The subject property is located in the Ootischenia Irrigation District and serviced with on-site septic disposal. Currently there is one dwelling unit and several accessory buildings.

Figure 2: Area orthophoto

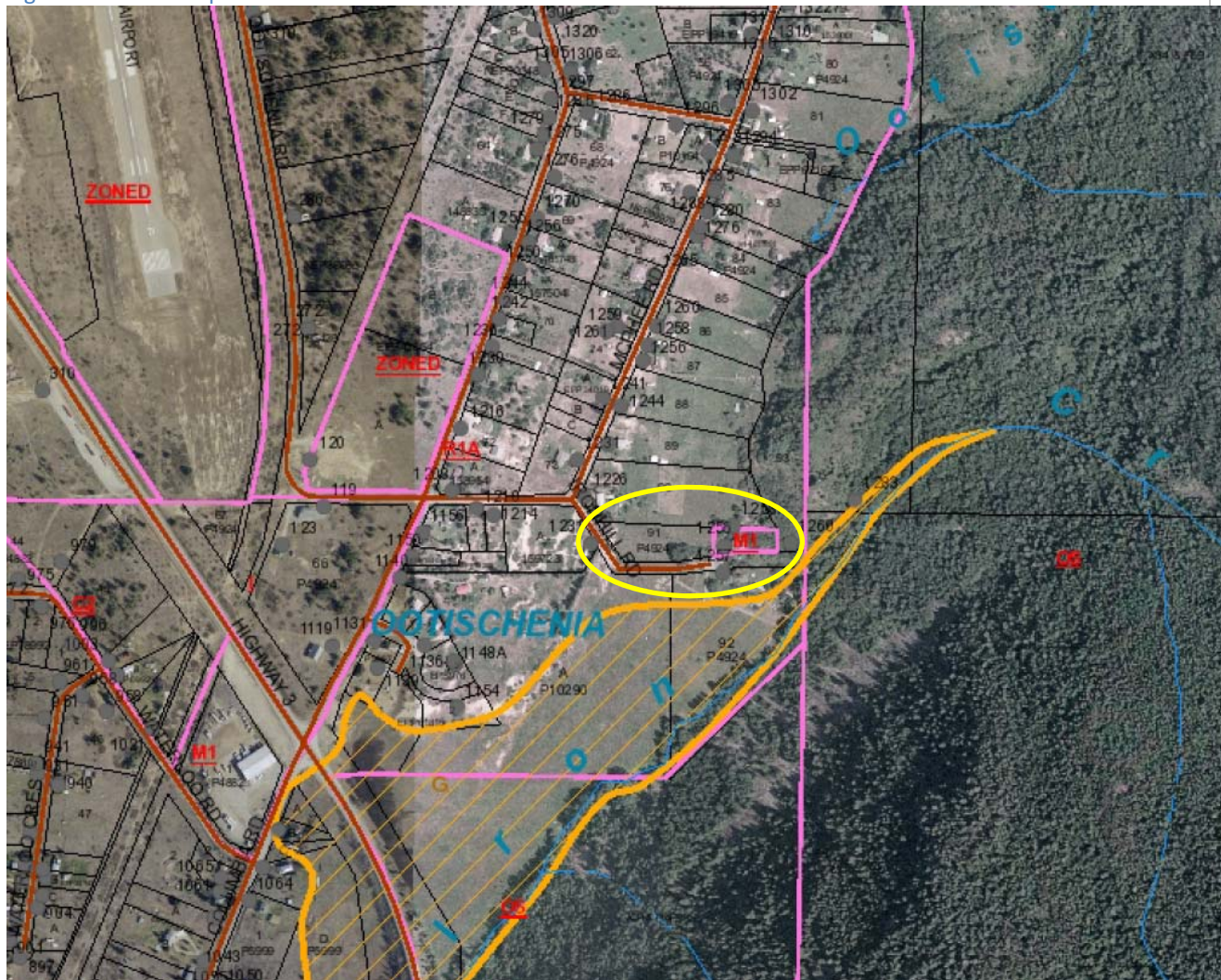


Figure 3: Industrial shop constructed in 2014. Note mature vegetation along the boundary with the adjacent residential parcel to the east.



Figure 4: Mature vegetation along the northern and western M1 boundaries. Note the vegetation is largely deciduous, so staff recommend infilling with conifers.



Figure 5: Looking south east towards the subject property – deciduous screening circled in yellow



REFERRAL COMMENTS:

This application has been circulated to neighbours and public agencies on two occasions. The first referral was circulated through July 2016 regarding the rezoning proposal. The second referral was circulated in January 2017.

The proposal was referred to the Local Area Director, relevant agencies and to 43 neighbouring property owners of all parcels within 400 metres of the subject property. The large catchment area aligns with the property owners and tenants who were invited to comment on the rezoning process. No responses were received from neighbours.

RDCK Building Services, Building Official, January 18, 2017
The Building Department has no objections to the proposed setbacks.

The following agencies were consulted on this proposal – no response was received:

- RDCK Regional Fire Chief
- Electoral Area J Advisory Planning Commission
- Ootischenia Irrigation District
- Ministry of Transportation

PLANNING ANALYSIS

Floodplain Management Bylaw No. 2080, 2009

The Non-Standard Flooding and Erosion Area (NSFEA) for Ironhill Creek flows south of the subject parcel. The shop is sited outside of the hazard area.

ZONING BYLAW NO. 1675, 2004

Setbacks from lot lines The applicant is proposing variances from the following lot line setbacks:

- Front lot line: 15 meters (proposed at 6.19 meters)
- Interior lot lines: 25 meters (proposed at 17.17 meters).

Other provisions: The proposal is otherwise compliant with the lot coverage and other lot line setbacks. The applicant has until December 2017 with the indoor storage requirements of the zoning.

Landscaping: The following regulations apply where adjacent to residential parcels (in this case all lot lines), and have been incorporated into the landscaping terms of the Development Permit:

- Off-street parking areas be screened, and such screening should be planted or installed so that no person shall be able to see through it.
- Off-street parking and loading area be provided with screening in the form of a fence not less than 1.5 metre in height or by a hedge not less than 1.5 metre in height at the time of planting, such screening shall be planted or installed so that no person shall be able to see through it;
- Off-street parking and loading area be separated from any directly abutting lot in any Residential zone and from any adjoining highway other than a lane, by a fully and suitably landscaped and properly maintained strip not less than 1.5 metres in width.
- Where any lot is used for commercial, industrial and institutional purposes, any part of such lot that is not used for buildings, exterior display areas, parking or loading facilities shall be maintained as a landscaped area, or as undisturbed forest.
- The design, installation and maintenance of any landscaping area or screen should be in conformity with the current specifications of the “British Columbia Landscape Standard” prepared by the B.C. Society of Landscape Architects and the B.C. Nursery Trades Association.

KOOTENAY-COLUMBIA RIVERS OFFICIAL COMMUNITY PLAN BYLAW NO. 1157, 1996

The subject property is designated ‘Industrial’ under the Official Community Plan. All new development requires a development permit to meet the following objectives.

Development Permit guidelines:

Under Section 490 of the *Local Government Act*, a development permit must be issued if the proposal is compliant with the applicable guidelines specified under the Official Community Plan (OCP). The following list of guidelines pertains to the proposal.

DP Guideline	Staff comments	Compliant
<i>Form and Character of Building</i>		
<i>4.1.3.3 Buildings and structures should be sited and shaped in such a manner as to be visually unobtrusive and aesthetically pleasing.</i>	The landowner proposes to provide screening around the building, except along the Ironhill Road frontage. No comments were received regarding the visual quality of the building.	ok

4.1.3.4 <i>The shape, siting, roof line and exterior finish of buildings should be sufficiently varied to avoid a monotonous appearance.</i>	The landowner proposes to provide screening around the building, except for the Ironhill Road frontage. No comments were received regarding the visual quality of the building.	ok
4.1.3.5 <i>A residential component located above commercial or industrial development is encouraged.</i>	The parcel has a residential component. This guideline may be applicable for smaller lots.	ok
4.1.3.6 <i>Parking should be in smaller clusters, screened from view from internal and adjacent residential uses and from adjacent streets.</i>	The zoning requires machinery parking to be indoors. The employee parking area is not proposed to be screened, but may include 1-2 vehicles.	ok

Landscaping and screening

4.1.3.7 <i>Particular emphasis should be given to landscaping and the retention of natural vegetation. Obtrusive industrial uses shall be screened. Landscaping and screening shall comply with the requirements of any applicable zoning bylaw.</i>	The landowner has maintained existing landscaping. Additional coniferous vegetation and fencing will be added to complete visual screening.	ok
4.1.3.8 <i>Outside storage and manufacturing areas shall be located to the rear of buildings and structures where appropriate and shall be adequately screened.</i>	No outside storage permitted under the zoning.	ok
4.1.3.9 <i>Landscaping along the street should be established so that it is sympathetic to the neighbourhood.</i>	The proposal includes landscaping along Ironhill Road.	ok

Utility Services

4.1.3.12 <i>Signage should be low, visually unobtrusive and grouped whenever possible. Particular emphasis should be given to signage which is aesthetically pleasing and requires a minimal amount of lighting and boldness to be effective. Lighting should be unobtrusive and in scale with the surroundings.</i>	No illuminated signage or lighting proposed.	ok
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Security:

Section 502 of the *Local Government Act* enables the Board to compel an applicant to provide security for ensuring the performance of the terms of the permit (i.e. to satisfy a landscaping condition). The amount must be stated in the permit, and the applicant may choose either to provide an irrevocable letter of credit or a deposit of securities in a form satisfactory to the local government.

The landowner supplied a landscaping estimate of \$1500. As per the security calculation procedure in the Procedures Bylaw No. 2457, staff recommends obtaining security for \$1875. The applicant has indicated that they intend to plant the trees immediately upon Board approval. Because the building is already in place, replanting should occur by the fall of 2017.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov't Approvals req'd: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

The required \$600 fee for a Development Permit with minor variances was paid in full.

b. Legislative Considerations (Applicable Policies and/or Bylaws):

The application was processed in accordance with RDCK Planning Procedures and Fees Bylaw No. 2457.

c. Environmental Considerations:

Some noise and air quality impacts associated with a trucking and excavating operation may be anticipated. No issues were raised by the Habitat Biologist through the rezoning process.

d. Social Considerations:

No comments from neighbours were received in response to the Development Permit with variances referral. Feedback through the rezoning proposal indicated a range of perspectives, from support to strong opposition. Staff anticipates the noise and some visual impact to be mitigated by the requirement for the use to occur indoors. The current landscaping provides screening of the industrial use. The proposed enhancement should complete the visual impacts once mature.

e. Economic Considerations:

None anticipated.

f. Communication Considerations:

Should the Board approve the proposal, staff would notify the applicant and Building Inspection Department.

g. Staffing/Departmental Workplan Considerations:

Board approval would mean that the Building Inspector may proceed with processing the associated Building Permit application.

h. Board Strategic Plan/Priorities Considerations:

None.

SECTION 4: OPTIONS & PROS / CONS

There are two components to this proposal: the Industrial Development Permit and the request for approval of variances for the shop constructed within the front and interior lot line setbacks.

Development Permit: Development Permits must be issued in accordance with guidelines as stated in the Official Community Plan. The application has merit with respect to the guidelines, and staff recommends approval of the Development Permit.

Variances: The Board has greater discretion in terms of the variance proposal. The options presented for Board consideration are:

Option 1: Approve the Development Permit with variances as proposed. This would enable the applicant to retain the industrial building where it was constructed, and maintain the trucking operation in accordance with the limited Light Industrial zoning. Building Staff would then proceed with the Building Permit process for the shop. Staff anticipates that the proposed landscaping plan should mitigate the visual impact of the industrial building. Steep topography separates the adjacent residential property to the east that the building encroaches on. This parcel is currently vacant – staff did not receive comments from this property owner.

Option 2: Deny the proposed variances. The intent of the industrial setbacks is to enhance compatibility between residential and industrial uses. Staff did not identify any conflicts between the reduced setbacks and neighbouring residential uses. The applicant owns the parcels to the north and south of the subject property. If the Board refused the variances, the shop would be required to be re-located within the required setbacks. Staff has not identified any grounds for the Board to reject the Development Permit.

SECTION 5: RECOMMENDATIONS

That the Regional District of Central Kootenay Board APPROVE the issuance of Development Permit DP1606J-07289.465 for the property 1256 Ironhill Road, legally described as Lot 91 District Lot 4598, Kootenay District Plan 4924 (PID 009-597-581), which includes the following variances:

1. Section 3701(23)(a) of Zoning Bylaw No. 1675, 2004 is varied to reduce the minimum setback from a front lot line from 15 meters to 6.1 meters.
2. Section 3701(23)(c) of Zoning Bylaw No. 1675, 2004 is varied to reduce the interior side lot line that abuts a residential zone from 25 meters to 17.1 meters.

Respectfully submitted,

Signature: *Kristin Aasen*

Name: Kristin Aasen, Planner

CONCURRENCE

Initials:

Planning Manager
General Manager of Development Services
Chief Administrative Officer

ATTACHMENTS:

Attachment A – Proposed Development Permit



REGIONAL DISTRICT OF CENTRAL KOOTENAY

DEVELOPMENT PERMIT

DP1606J-07289.465-Hughes-DP000067 (D1606J - Muirhead)

Date: March 16, 2017

Issued pursuant to Section 488 of the *Local Government Act*

1. This Development Permit is issued to Dennis Hughes, 1257 Ironhill Road, Castlegar, BC, as the registered owner (hereinafter called the "Permittee") and shall only apply to those lands within the Regional District of Central Kootenay, in the Province of British Columbia legally described as **Lot 91 District Lot 4598, Kootenay District Plan 4924 (PID 009-597-581)** as shown on the attached Schedule 1, forming part of this Permit, referred to hereafter as the "said lands".
2. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District of Central Kootenay applicable thereto, except as specifically varied or supplemented by Section 6.7 of this Permit.
3. This Development Permit shall not have the effect of varying the use or density of land as specified in the applicable Zoning Bylaw of the Regional District of Central Kootenay, nor a Floodplain Specification under Section 910(2) of the Local Government Act.
4. The said lands are designated as 'Industrial' and are located within Development Permit Area #1 pursuant to the Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 as amended.
5. The Permittee has applied to the Regional District of Central Kootenay to construct a shop and to use land and buildings situated on the said lands for this purpose. Pursuant to this Development Permit and subject to the terms and conditions herein contained, as well as all other applicable Regional District Bylaws, the Regional District of Central Kootenay hereby authorizes the use of the said lands for a 'Contractors' Offices, Shops and Yards' use.
6. The Permittee is required to obtain approval in writing from the Regional District of Central Kootenay prior to the construction any new buildings, external additions to existing buildings or for any deviation from the development authorized under this Development Permit. Furthermore, the Permittee is hereby advised of the following requirements:
 - 6.1 Development is authorized in accordance with the terms included in this permit. For clarity, any external lighting detail shall not trespass on the roadway or adjacent properties.
 - 6.2 The Regional District of Central Kootenay Building Department requires that the Permittee obtain a demolition permit and/or building permit prior to the removal of any existing buildings and structures, the renovation, expansion or alteration of any existing building and the construction of any new building.
 - 6.3 So as to form a continuous landscape buffer, the Permittee shall be required to install new landscape planting consisting of tree, shrubs and fencing to supplement the existing landscaping along the entire frontage of the said lands adjacent to Ironhill Road. Trees and shrubs shall be a minimum of 1.5 meters (5 feet) in height at the time

of planting and spaced no more than 1.5 meters (5 feet) apart. The areas and extent of landscape buffer is indicated on "Schedule 2 – Landscape Plan."


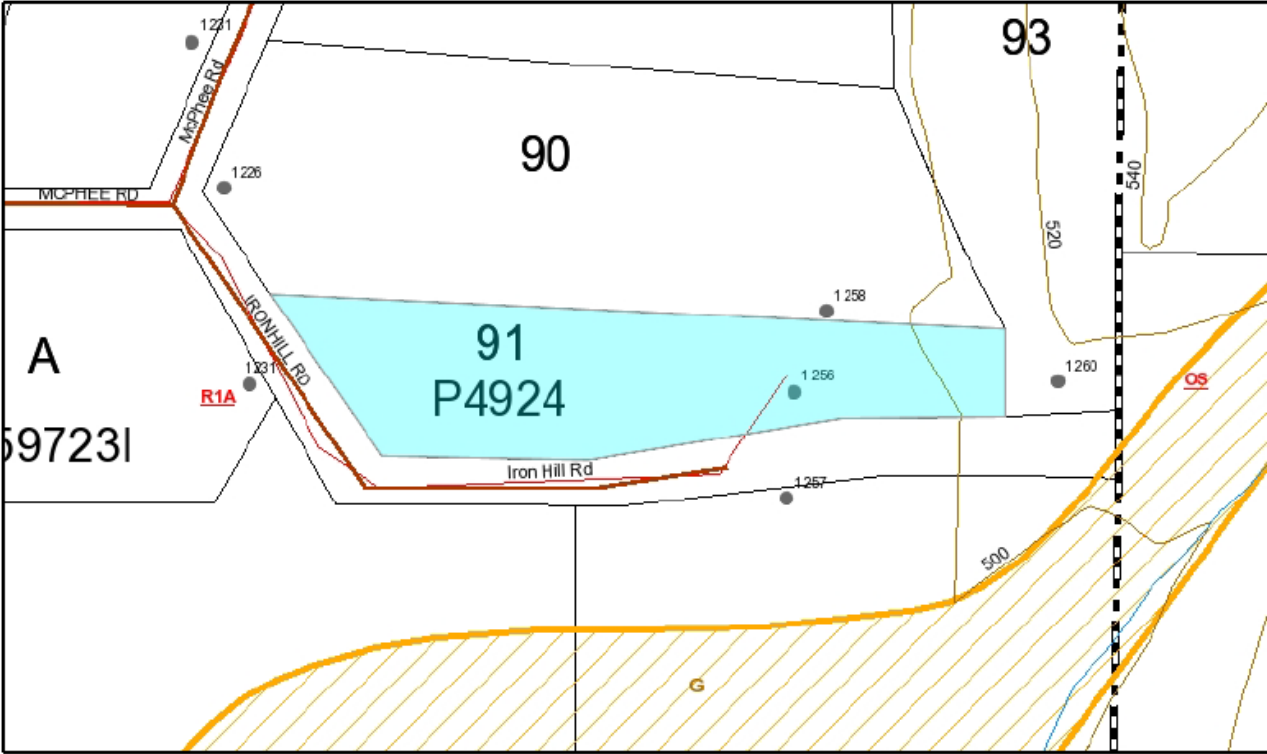
- 6.4 All landscape planting shall be installed and inspected by Regional District of Central Kootenay staff prior to the Permittee obtaining an Occupancy Permit. Furthermore, subject to Section 7, the Permittee shall be required to provide a Letter of Credit in the amount of \$1875 to allow the Regional District to complete the required landscaping if necessary.
 - 6.5 A building permit shall be required prior to any construction involving land in this location at which time the Permittee shall be required to address sewage disposal issues to the satisfaction of the Interior Health Authority and Regional District of Central Kootenay Senior Building Official.
 - 6.6 Unless otherwise stated all buildings and structures shall comply with the site coverage, height of building and building setback requirements of the Light Industrial zone of Regional District of Central Kootenay Zoning Bylaw 1675, 2004 as amended.
 - 6.7 In accordance with Resolution XX/17 of the Board of Directors of the Regional District of Central Kootenay (attached as "Schedule 4 – RDCK Board Resolution XX/17"), the Permittee is granted variances from the Regional District of Central Kootenay Zoning Bylaw 1675, 2004 to the extent specified in Section 6.7.1 and 6.7.2 below as depicted on "Schedule 3 – Setback variances."
 - 6.7.1 Section 3701(23)(a) of Zoning Bylaw No. 1675, 2004 is varied to reduce the minimum setback from a front lot line from 15 meters to 6.1 meters.
 - 6.7.2 Section 3701(23)(c) of Zoning Bylaw No. 1675, 2004 is varied to reduce the interior side lot line that abuts a residential zone from 25 meters to 17.1 meters.
7. As a condition of the issuance of this Permit, the Regional District shall hold an irrevocable Letter of Credit submitted by the Permittee in the amount of \$1875 to ensure the landscaping requirements as set forth in Section 6 are completed and in accordance with the following provisions:
- 7.1 A condition of the posting of the Letter of Credit is that should the Permittee fail to carry out the works and services as herein above stated, according to terms and conditions of this permit within the time provided, the Regional District may use the Letter of Credit to complete these works or services by servants, agents or contractors, and any surplus shall be paid over to the Permittee. If the amount of funds is insufficient to cover the actual cost of completing the works, then the Permittee shall pay such deficiency to the Regional District immediately upon receipt of the Regional District's bill for same.
 - 7.2 The Permittee shall complete the landscaping works required by this Permit prior to November 2017. Within this time period the required landscaping must be inspected and approved by the Regional District.
 - 7.3 If the landscaping is not approved within this time period, the Regional District has the option of continuing to renew the Letter of Credit until the required landscaping is completed or has the option of drawing from the Letter of Credit to complete the required landscaping. In this event, the Regional District or its agents have the irrevocable right to enter into the property to undertake the required landscaping for which the Letter of Credit was submitted.

- 7.4 If the landscaping is approved within this time period without the Regional District having to draw the on the Letter of Credit, 70% of the original amount of the Letter of Credit shall be returned to the Permittee.
- 7.5 A hold back of 30% of the original amount of the Letter of Credit shall be retained until a final inspection is undertaken within 12 months of the date of the original inspection and approval was given to the landscaping. If the landscaping receives approval at final inspection, the 30% hold back will be returned to the Permittee. If after the final inspection, approval of the landscaping is not given, the Regional District has the option of continuing to renew the Letter of Credit until the required landscaping is approved or has the option of drawing on the Letter of Credit the funds to complete the required landscaping. In this event, the Regional District or its agents have the irrevocable right to enter onto the property to undertake the required landscaping for which the Letter of Credit was submitted.
8. The said lands shall be developed strictly in accordance with the terms and conditions of this Development Permit and the requirements of all applicable Regional District Bylaws as well as any plans and specifications which may, from time to time, be attached to this Permit shall form a part thereof.
9. In accordance with the Local Government Act, if the development authorized by this Development Permit is not commenced within two years of the date of this Permit, this Permit shall lapse.
10. In accordance with the Local Government Act, 'Notice' shall be filed in the Land Title Office that the said lands are subject to this Development Permit.
11. The terms of this Development Permit including subsequent amendments, are binding on all persons who acquire an interest in the said lands associated with this Permit.
12. It is understood and agreed that the Regional District has made no representations, covenants, warranties, guarantees, promises, or agreement (verbal or otherwise) with the Permittee other than those in this Development Permit. It is solely the responsibility of the Permittee to ensure that the requirements of all other applicable government agencies are satisfied.
13. This Development Permit does not constitute a building permit.

Sangita Sudan, General Manager of Development Services

Date of Issuance

Schedule 1: Subject Property

		The Regional District of Central Kootenay Box 590, 202 Lakeside Drive, Nelson British Columbia V1L 5R4 Phone: 250-352-6665 Toll Free 1-800-268-7325 Web: www.rdck.bc.ca E-Mail: Info@rdck.bc.ca		01-Apr-2016
Property Information Report				
Owners:	HUGHES, DENNIS C			EA: J
Mailing Address:				
Folio Number:	709.07289.465	PID: 009-597-581	Parcel area: 3.16 ACRES	
Site Address:	1256 IRONHILL RD			
Legal Description:	LOT 91 PLAN NEP4924 DISTRICT LOT 4598 KOOTENAY LAND DISTRICT MANUFACTURED HOME REG. # 76384.			
				
Land-use Information				
Zoning Designation:	1675-R1A			
	Actual Use Code:	063 2 Acres Or More (Manufactured Home)		
General Services Information				
		Fire Department:	OOTISCHENIA	

Attachment A - Landscape plan

