



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Committee Report

Date of Report: October 4, 2017
Date & Type of Meeting: October 18, 2017 Rural Affairs Committee
Author: Meeri Durand, Planning Manager
Subject: DEVELOPMENT PERMIT AND VARIANCE – CAN FILTERS LTD.
File: 9-4260-20-DP1706F-03544.050

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to consider the issuance of an Industrial Development Permit Addendum with Variance to the front lot setback for the last phase of redevelopment for Can Filters Ltd. in Electoral Area F.

SECTION 2: BACKGROUND / ANALYSIS

Owner:	Can Filters Ltd.	Parcel size:	1.3 acres
Address:	2719 Lower Six Mile Road	Agent:	Thomas Loh
OCP:	Industrial (M)	Zoning:	Light Industrial (M1)

RELEVANT INFORMATION

The subject property is designated 'Industrial' under Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2011 and as such is subject to the requirements of a 'Development Permit'. The property has been under a phased re-development that was initiated in 2012 under approved Development Permit D1204F that was issued in 2013. Phases were completed in 2013, 2014 and 2016. During the final phases of the project it has been identified that one of the original structures on the property requires removal and replacement due to structural concerns. A variance to the required setback of 4.5 meters to 1.5 metres to the front lot line adjacent to Lower Six Mile Road is required as a result of the requested amendment. The original structure was legal non-conforming to the setback requirements.

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.

Industrial Development Permit Area Guidelines and Staff Comments

GUIDELINES (as per Bylaw No. 2214)	COMMENT
Capability of the natural environment to support the proposed development	The re-development has resulted in site coverage exceeding 83% which has been addressed through a drainage plan and landscaping plan.
Compatibility with adjacent land uses and designations, and the character of the area	The property is located in an area with mixed residential, light industrial and commercial use in which many land uses pre-date land use regulation in the area. It is a prominent feature in the area.
Susceptibility to natural hazards, including but not	The re-development is located in the Duhamel Creek

limited to flooding, slope instability, or wildfire risk	alluvial fan as identified under RDCK Floodplain Management Bylaw No. 2080. A geo-hazard assessment was completed for the property at the initial stages of the project in 2012.
The size of the property in relation to the proposed activity	The property was recently consolidated to create more area for the re-development. However, even with an increase in site area, the development has required several variances to setback requirements and site coverage requirements to accommodate the growth in operations.
Any new development should take into account the overall physical aesthetic, ambience or sense of place, respecting the general scale, quality, eclectic variety of architecture and nature of the streetscape	The re-development of the site has been well engineered and designed from an aesthetic perspective, however the street scape is not well screened and landscaping is limited adjacent to residential developments to the north and east.
Creative use of signs is encouraged. Pedestrian scale front lit or neon designs are permitted, while back lit fluorescent and plastic light boxes are discouraged	No foreseen issues with signage have been identified.
The Province is requested to ensure activities involving emission of toxic or irritant material meet the highest standards regarding the protection of groundwater catchment areas, surface water and riparian areas and air-borne industrial pollutants	The re-development was intended to reduce the emission of irritant materials and the proposed new building will increase interior circulation to allow reduced emissions and noise from operations.
Wherever possible, new activity shall be located in close proximity and with direct access to major roads	The development is located adjacent to Highway 3A and Lower Six Mile Road. Traffic flow has been improved on site but heavy trucks still make use of Lower Six Mile Road for travel if toward Balfour.
Prior to commencement of activity, a landscape buffer shall be required adjacent to non-industrial, non-commercial, and non-high density residential designated properties	The landscape buffer as required under former Development Permit DP1204F has not been installed to the satisfaction of the permit requirements.
All activity, including parking and storage must be screened and wide buffers shall be left along roads and property lines	Parking has been screened though new fencing along Highway 3A, but is limited along Lower Six Mile Road and adjacent residential development to the east. A portion of this area is set aside for septic disposal and will need to remain clear of trees. Additional landscaping requirements will be integrated into the proposed Development Permit as a result of this Variance request.
Can include operational guidelines, including hours of operation, noise restrictions, sign requirements, siting of proposed operations, and other measures as identified to ensure that impacts to adjacent properties are mitigated	Operational guidelines have not been incorporated into the requirements of the Development Permit to date.

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. Security in the amount of \$12,910 was received as a renewable letter of credit in 2013. This letter of credit is still available to ensure the

requirements of DP1204F are completed in full.

Fencing and screening has been completed to an extent, however additional screening is required along the frontage of Lower Six Mile Road and the eastern property line.



Variance:

The proposed addendum to the original Development Permit will require a variance to the front lot line setback from 4.5 metres to Lower Six Mile Road to 1.5 metres. This variance will reduce the available site area for screening and landscape requirements under the original Development Permit DP1204F will need to be adjusted accordingly.

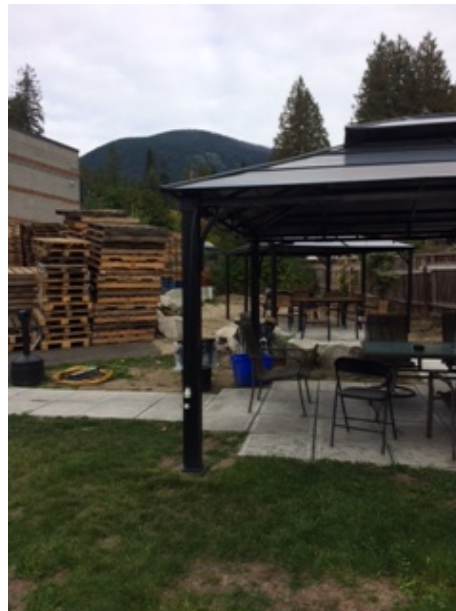


Some concerns have been expressed with regard to the proximity of the proposed structure to existing Nelson Hydro infrastructure and to the setback requirements required by the Ministry of Transportation and Infrastructure. Adjacent property owners have also expressed opposition to further losses to

landscaping and screening along this area as a result of the new building. Current use of this area was observed to be for garbage disposal facilities.



Installed screening along Highway 3A and fronting Lower Six Mile Road



Area where screening is deficient from that required under DP1204F

Deficiencies under DP1204F:

<u>Requirements (DP1204F)</u>	<u>Status</u>
<p>No temporary buildings shall be placed on the property upon completion of the development authorized under this Development Permit</p>	<p>The area intended for landscaping and septic disposal has been improved with paving stones and an outdoor gazebo used by staff.</p>
<p>Schedule 3: Landscape Plan indicates landscape screening to be placed adjacent to the existing warehouse adjacent to Lower Six Mile Road where the variance is being proposed and trees being planted along the eastern property line</p>	<p>Landscaping has not been installed adjacent to Lower Six Mile Road in the location indicated and only two of nineteen trees proposed for the eastern property line have been installed to date. An addendum for a slight revision of screening requirements along Highway 3A was issued in 2015 which allowed landscaping to be replaced with a wooden fence that has since been</p>

	installed. This approval did not provide approval for changes to the landscape plan applicable to other areas of the subject property.
Exterior storage will be screened from view	The property has external storage of pallets in an area indicated to be maintained as landscaping. These piles are of significant height. Fencing and shrubs located on the lands adjacent are not sufficient in meeting this requirement as there is no mechanism to ensure continued maintenance.

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 checked="" type="checkbox"/> YES <input type="checkbox"/> NO

The required \$100 fee for a Development Permit Addendum was paid in full at the time of application.

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

The application was processed in accordance with RDCK Planning Procedures and Fees Bylaw No. 2457. The application requires a setback permit from the Ministry of Transportation and Infrastructure prior to issuance.

c. Environmental Considerations:

The re-development of the property has increased site coverage and has reduced landscaping and screening options of the subject property. The re-development has resulted in improved emissions and other off-site impacts.

d. Social Considerations:

Can Filters has improved conditions on site considerably with the phased re-development of the property, leading to improved efficiencies on site and reducing traffic congestion. However, on-going concerns have been expressed at the rapid growth of operations and the long term capacity of the property to sustain additional manufacturing.

e. Economic Considerations:

Can Filters provides local employment and product that supports other local industries in the agricultural and industrial sectors. The business is expected to continue to grow and expand.

f. Communication Considerations:

The application was referred to sixty adjacent property owners and relevant agencies for comment on September 25th, 2017. Comments received to date are as follows:

Environmental Health Officer, Interior Health Authority, received October 2nd, 2017
Thank you for the opportunity to provide comments. It is my understanding the property is serviced by onsite sewerage, and condition 6.6 of the July 26, 2013 DP 4260-20-D1204F-03544.002 directs "no construction shall be permitted in the areas labelled as... "Enviro Septic System Type 2 Inground Treatment"

and "Backup Septic Field Area" as shown on Schedule 4."

There are no objections from Interior Health perspective to this development permit application. However, it is important to understand that in order for the soils in the backup septic field area to be suitable for sewerage use in the future the soils cannot be compacted. This means in addition to being protected from construction this land should not be driven on, parked on or used for storage of heavy goods.

District Development Technician, Ministry of Transportation and Infrastructure, dated October 4th, 2017
Applicants are required to apply for a permit to construct within the 4.5 metre setback allowance from Lower 6 Mile Road. Permit application found at: <http://www.th.gov.bc.ca/permits/Apply.asp>

Adjacent Property Owner, dated October 3rd, 2017

*Thank you for the opportunity for feedback on the Can Filter development changes. My main concern is the lack of green space on this property. According to pg. 3 of the development permit file 4260-20-D1204F-03544.002 at heading **6.5 there was to be a continuous landscape buffer**. The site does not have most of the proposed vegetation shown on the schedule 3 landscape plan. With the reduced setback there will be no room for part of that proposed landscape buffer.*

g. Staffing/Departmental Work Plan Considerations:

Board approval would mean that the Building Inspector may proceed with processing the associated Building Permit application. Planning staff would need to ensure that the stated deficiencies are addressed.

h. Board Strategic Plan/Priorities Considerations:

None anticipated.

SECTION 4: OPTIONS & PROS / CONS

Option 1:

Consider issuance of the Development Permit and associated variance as proposed. This option would be subject to ensuring that deficiencies that have been identified are addressed in full. Staff would also recommend withholding issuance of further building permits until such a time as deficiencies have been resolved to the satisfaction of the Regional District.

Option 2:

Consider issuance of the Development Permit Addendum without the associated variance as proposed.

Option 3:

Refuse issuance of the Development Permit Addendum.

SECTION 5: RECOMMENDATION(S)

That the Regional District of Central Kootenay Board APPROVE the issuance of a Industrial Development Permit DP1706F for property located at 2719 Lower Six Mile Road and legally described as Lot 1 District Lot 787 Kootenay Land District Plan EPP20302 (PID 028-872-673)with the following variance:

1. Section 605 (5) of RDCK Zoning Bylaw No. 1675 is varied by reducing the required front lot line setback for lands within Electoral Area F from 4.5 metres to 1.5 metres subject to approval and issuance of a setback permit by the Ministry of Transportation and Infrastructure; and

FURTHER

2. That issuance of a Building Permit be held until such a time as requirements for screening and landscaping are completed as required under DP1204F and DP1706F.

Respectfully submitted,

Signature:



Name: Meeri Durand, Planning Manager

CONCURRENCE

Initials:

General Manager of Development Services
Chief Administrative Officer

ATTACHMENTS:

Attachment A – Draft Development Permit DP1706F

Attachment B – Development Permit DP1204F and associated Addendum