

MINUTES OF THE PLANNING, ENVIRONMENT AND DEVELOPMENT
STANDING COMMITTEE MEETING HELD IN THE BOARD ROOM, CITY HALL, ON THURSDAY,
2003-OCT-23, COMMENCING AT 3:36 P.M.

PRESENT: Councillor L. J. Sherry, Chair

Members: Councillor R. A. Cantelon
Councillor W. J. Holdom

Staff: B. N. Mehaffey J. T. Bowden
E. C. Swabey C. Hambley

1. ADOPTION OF MINUTES:

- (a) Minutes of the 2003-JUL-31 Meeting of the Planning, Environment and Development Standing Committee held in the Board Room, City Hall at 3:35 p.m.

Moved by Councillor Cantelon, seconded by Councillor Holdom that the Minutes be adopted as circulated. The motion carried.

2. RECEIVING OF DELEGATIONS:

- (a) Mr. Keith Brown, Keith Brown and Associates, 4-3179 Barons Road, Nanaimo, B.C., regarding the rezoning of the Morrell Sanctuary.

Keith Brown was in attendance to answer any questions regarding the Morrell Sanctuary property.

3. CITY MANAGER'S REPORT:

- (1) Request for Support of Proposed Liquefied Natural Gas Facility

At the Regular Meeting of Council held 2003-SEP-29, Council received a delegation from Terasen Gas in relation to a liquefied natural gas (LNG) storage facility proposed for Vancouver Island. The delegation consisted of Ms. Sherri Sheffman, Manager of Communications for Terasen Gas, and Mr. Mark Walmsley, Westland Resource Group of Victoria, who have been working on site selection. They explained that Terasen's existing gas pipeline on Vancouver Island is under-utilized for much of the year. Accordingly, Terasen Gas is considering constructing a storage facility on Vancouver Island to allow storage of surplus gas for use later during times of higher demand. This is to be accomplished through lowering the temperature of the gas to -162° Celsius and storing it in a large container. (When cooled, the gas is approximately 1/600 of the volume than would be the case under normal temperatures and conditions.)

According to Terasen, the facility proposed would allow Terasen Gas to better serve existing customers, as well as one or more gas fired electrical plants. It would also delay the need for construction of an additional pipeline for some time. Ms. Sheffman explained that Terasen Gas had identified a number of potential sites on Vancouver Island and that, as part of the site selection process, Terasen Gas officials are asking local governments in jurisdictions where the potential sites are located, for support of the project. Ms. Sheffman indicated that presentations had already been made to Cowichan Valley Regional District and the Municipality of North Cowichan and in both cases a favourable response was received.

A number of questions were asked by Council of the delegation, following which the matter was referred to the Economic Development Standing Committee and the Planning, Environment and Development Standing Committee for comments. Accordingly, this report is provided to facilitate this review process.

Although a specific site has not been chosen, Mr. Walmsley indicated that one of the proposed locations is the Duke Point/Harmac area. He further indicated that although the actual facility would only require a site of approximately ten acres, additional requirements imposed by Canadian Standards Association installation standards related to containment and buffering would result in the need for a total area of approximately 20 to 200 acres, depending on design conditions.

Staff has previously advised Terasen Gas that the I-4 zone could accommodate the proposed use. Although Staff believe the use to be acceptable under the I-4 zone, there are several issues which would likely have to be considered by Council as part of the approval process. These involve a variance to accommodate the height of the proposed project and the possibility that part of the buffer zone may not be on I-4 zoned land. The variance issue is a certainty, while the issue of site zoning may or may not be, depending on the site location and size.

One of the questions raised by Council related to the level of risk associated with a plant of this nature. Terasen Gas officials confirmed that there have been no incidents associated with this type of plant in North America. It was further explained that the gas is not pressurized and that it presents a different and less hazardous condition than facilities such as propane storage tanks. The Fire Chief conducted a review of the facility and has determined that it would likely pose a risk factor of five (out of a potential 25). The risk factor is based on a combination of the probability of an occurrence, coupled with the potential consequences. In the case of the LNG Plant, the probability of an occurrence is as low as possible; the potential consequences, however, could be substantial. As a means of comparison, an existing propane storage facility located in North Nanaimo poses an estimated risk factor of eight, while the Petro Canada Tank Farm on Stewart Avenue poses a risk factor of six. Fire Department officials have also been in contact with their counterparts in Delta to determine its experience with a similar facility. In the case of Delta, the facility has been in existence since the early 1970's and Fire Department officials have confirmed that it has been well managed, conforms to the appropriate safety standards and is not seen as a major threat to the community.

Economic impacts of the project would be relatively large at the construction stage and approximately nine permanent jobs at the completion of the facility. At Terasen's presentation it was suggested that tax revenues would be approximately \$300,000. a year. This has not been confirmed by Staff, or is it clear that that figure is the total taxes payable for the municipal portion. Staff have assumed that it is the total taxes payable.

Additional issues for consideration by Council could be the aesthetics of the plant. Again, given that the site has not been selected as of yet, it is impossible to determine what the impact of the facility would be on the viewscape until such time as it is chosen. Nonetheless, at 150 feet high and 100 feet across, it is a very large facility which will likely be visible from a distance. Additionally, given the very low temperature which the gas is to be kept, it is highly unlikely that there are a lot of options for exterior paint colours other than white.

In summary, there are a number of factors to be considered in determining whether or not to provide the requested letter of support. At this point, Terasen Gas is requesting various local governments provide their support in those areas which are under consideration, however, this is not a request for a formal approval of any kind. Staff would, however, understand that a motion of support from Council would generally provide a signal that the project is acceptable in concept and that Council would be willing to consider having the plant located in the Duke Point area subject to resolution of any technical areas related to fire safety, aesthetics, structural considerations, etc.

Recommendation: The Committee's direction is sought.

Moved by Councillor Sherry, seconded by Councillor Cantelon that the Planning, Environment and Development Standing Committee recommend that Council indicate that the project is acceptable, in concept, and that Council be willing to consider having the plant located in the Duke Point area subject to resolution of any technical issues related to fire safety, aesthetics, structural consideration and other issues including the environmental impact. The motion carried.

PLANNING:

(2) Morrell Sanctuary Society Lands

Staff have been recently approached by Mr. Keith Brown of Keith Brown and Associates, on behalf of the Morrell Sanctuary Society, asking for permission to expand the existing uses of the Morrell Sanctuary. The Morrell Sanctuary is managed by the Morrell Sanctuary Society and owned by the Nature Trust of British Columbia.

Staff are of the opinion that the uses on-site have been historically viewed as ancillary to the principle use of a wildlife sanctuary. The applicant is proposing to expand on these uses and Staff would, unless directed otherwise, continue to consider the following proposed uses ancillary:

- office space / meeting rooms;
- nature centre with educational theatre;
- workshop / equipment storage; and,
- caretaker suites.

Further review identified other similar sites, such as the Buttertubs Marsh, which are owned by third parties and are not recognized as civic-use under the existing definition, or as an outright permitted use in the current Zoning Bylaw.

In order to clarify the legality of these uses, Staff recommend that amendments be considered to the Zoning Bylaw to recognize these uses and that proposed amendments be brought forward in the next round of general housekeeping amendments.

Recommendation: The Planning, Environment and Development Standing Committee recommend that Council:

1. receive the report; and,
2. direct Staff to bring forward the appropriate Zoning Bylaw amendments in the next round of Zoning Bylaw housekeeping amendments in order to recognize the use of land by such groups as the Nature Trust of British Columbia.

Moved by Councillor Cantelon, seconded by Councillor Holdom that the recommendation be adopted. The motion carried.

(3) Revised Terms of Reference – Rezoning Advisory Committee

In the most recent appointments to Council Committees, no member of Council was appointed to the Rezoning Advisory Committee. As a result of this decision, the Terms of Reference for the Committee need to be updated.

The primary amendment to the Terms of Reference is within the membership section, where the requirement of one member of Council will be replaced with one additional member at-large. As such, the composition of the Committee will now be as follows:

- two members from either the development community, real estate industry, or local business community;
- one neighbourhood representative; and,
- two members at-large.

The Committee will continue to operate as a sub-committee of the Plan Nanaimo Advisory Committee (PNAC). If Council endorses the revised Terms of Reference, PNAC will be requested to nominate the additional member at-large for the Rezoning Advisory Committee.

Recommendation: The Planning, Environment and Development Standing Committee recommend that Council endorse the revised Terms of Reference for the Rezoning Advisory Committee.

Moved by Councillor Cantelon, seconded by Councillor Holdom that the Planning, Environment and Development Standing Committee recommend that Council keep the current Terms of Reference and appoint one member of Council to the Rezoning Advisory Committee. The motion carried.

The Planning, Environment and Development Standing Committee requested copies of all future Rezoning Advisory Committee reports for the Committee's information.

(4) Automotive Related Home-Based Businesses

At the Regular Meeting of Council held 2003-AUG-18, Council requested a Staff report with respect to the issue of automobile related home-based businesses.

The Zoning Bylaw defines a home-based business as "an occupation business for professional practice which is carried on for remuneration or financial gain and which is clearly ancillary for the residential use of the property and which generates little or no traffic". The regulations contained within the Zoning Bylaw with respect to home-based businesses are such that they describe the characteristics of an acceptable business and do not typically list acceptable or unacceptable businesses.

The general Zoning Bylaw regulations pertaining to home-based businesses are as follows:

- There is no limit on the number of home-based businesses permitted per dwelling unit.
- Where there is more than one home-based business within a dwelling, no more than one non-resident employee shall be permitted to work at the residence.
- The home-based business shall be wholly contained in either the dwelling unit or an accessory building.
- When located in the principal dwelling, the home-based business shall not occupy more than 100 square metres (1,076.42 square feet) or 50 percent of the dwelling unit, whichever is less.
- Where the home-based business is in an accessory building, the business shall not occupy more than 42 square metres (452.10 square feet).
- The business license holder of the home-based business shall be a resident of the dwelling unit.
- Retail stores are specifically excluded as home-based businesses.
- The home-based business shall not discharge or emit odorous, toxic or noxious matters, vapors, heat, glare, noise, vibrations, smoke, dust, effluent or other

omission hazards, electrical interference or radiation across any lot line.

- Home-based business shall not generate significantly more traffic than the dwelling unit would and specifically should not generate more than ten vehicle trips to or away from the property per day between the hours of 7:00 a.m. and 9:00 p.m.
- Not more than one identifiable commercial vehicle shall be stored or parked on the lot at any one time.
- One additional parking space shall be required for each home-based business.
- All storage related to home-based business must be wholly contained within a permanent building.

Provided that the applicant can demonstrate that their business can meet the above noted criteria, Planning Staff will generally recommend the issuance of a home-based business license.

There are a number of uses, which by their very nature, would appear to be difficult to operate in compliance with the home-based business regulations as outlined in the Zoning Bylaw. As such, Staff typically request greater explanation from applicants on how the proposed use will comply. This is especially true of uses which would be expected to produce extra traffic, such as personal service uses, or excessive noise, with uses such as woodworking, machinery or automobile repair.

In the case of automobile repair businesses, Staff review each application for the potential for noise generation and typically request clarification from the applicant on how the business will be conducted and how sound attenuation will be proposed. In addition, clarification is typically sought regarding the type of automobile repair and that it would not generate excessive noise or odour (i.e. body work or painting).

However, if the applicant is able to demonstrate that the business can operate within the regulations of the home-based business, the license will typically be recommended for approval by the Planning department.

Although Staff, and presumably Council, are often contacted with respect to automobile related home-based businesses regarding noise, odour and the number of vehicles on-site, there are only seven formal complaints on record since 1998. Three complaints were about unlicensed operations. Of the remaining four complaints, three were with respect to noise generated from the property and one was with respect to a new business that raised concern with the immediate neighbours regarding the potential for noise generation.

Staff acknowledge that a review of the formal complaints on its own does not portray an accurate assessment of the general public's concern regarding the operations of automobile related businesses within residential areas. As stated above, Staff receive a number of queries with respect to these uses which do not evolve into formal complaints, but do raise concerns with respect to impact of these uses on the neighbourhood. Once Staff identify that these uses are permitted and/or licensed, the concerned caller often does not pursue a formal complaint.

Staff have identified the following options to deal with automobile related home-based businesses:

Option A – Status Quo: Staff would continue to evaluate individual applications in order to ensure to the best of their ability, that the proposed business can operate within the guidelines of the home-based business regulations. However, once approved there becomes limited ability to revoke the home-based business license, however, the Zoning Bylaw does identify ticketable violations with respect to home-based businesses.

Option B – Prohibit Automobile Related Home-Based Businesses: The Zoning Bylaw could be amended to specifically exclude automobile repair related home-based businesses in the same manner that retail sales has been specifically excluded. As such, no future licenses would be issued and unlicensed operators, identified by complaint, would no longer be encouraged to seek a license and instead directed to discontinue the use.

Option C – Add Additional Restrictions with Respect to Automobile Related Home-Based Businesses: The Zoning Bylaw could be amended to add additional restrictions with respect to automobile related home-based businesses. Such restrictions could include:

- A specific prohibition on types of automobile related work which would generate excessive noise (i.e. body work).
- A further restriction on the maximum number of vehicles on-site in relation to the automobile repair business. (At present, the Bylaw limits the number of vehicles on a residential site to four.)

Recommendation: The Committee's direction is sought.

Moved by Councillor Cantelon, seconded by Councillor Holdom that the Planning, Environment and Development Standing Committee recommend that Council endorse Option C to add additional restrictions with respect to automobile home-based business such as:

- A specific prohibition on types of automobile related work which would generate excessive noise (i.e. body work).
- A further restriction on the maximum number of vehicles on-site in relation to the automobile repair business. (At present, the Bylaw limits the number of vehicles on a residential site to four.)

The motion carried.

4. ADJOURNMENT:

Moved by Councillor Cantelon, seconded by Councillor Holdom at 4:25 p.m. that the meeting terminate. The motion carried.

C H A I R

CERTIFIED CORRECT:

SENIOR MANAGER,
CORPORATE ADMINISTRATION