



COUNCIL REPORT

To: Paul Gipps, CAO

Date: December 8, 2020

From: Hailey Rilkoff, Planner II

File No: FEX 20-02

Subject: **FEX 20-02, Floodplain Exemption, 15A - 1375 Green Bay Road**

RECOMMENDATION

THAT Council approve the Floodplain Exemption (FEX 20-02) to S. 3.24 of Zoning Bylaw No. 0154 for manufactured home site #15A of Lot B, DL 434 & 523, ODYD Plan KAP76165 (1375 Green Bay Road) for the placement of a mobile home subject to the registration to title of an indemnity covenant and the following conditions:

- A minimum 5.0m setback is provided from the top of the bank of Green Bay Canal to the mobile home;
- The underside of the mobile home's structure frame shall meet or exceed 343.66m; and
- An environmental monitor will be engaged for the placement of the mobile home.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – Quality, innovative urban development (Council's 2020-2022 Strategic Priorities)

BACKGROUND

This application proposes to exempt the subject site (#15A) on the parcel (1375 Green Bay Road) from the required setbacks within the City's Floodplain Regulations. The exemption is required in order to place a new mobile home on the site.

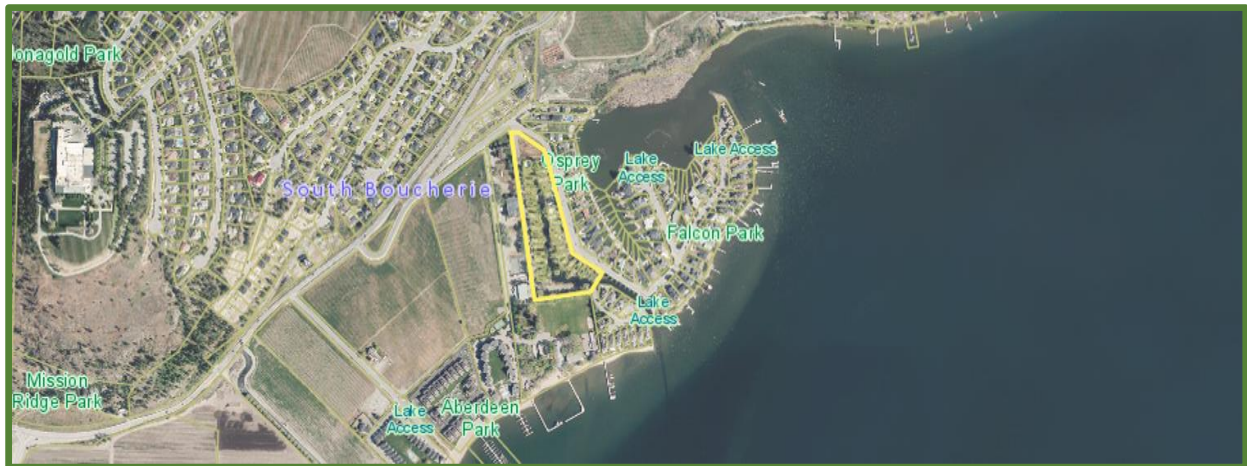
PROPERTY DETAILS			
Address		1375 Green Bay Road	
PID		026-034-867	
Folio		36412293.002	
Lot Size		6.25 Acres (25,297 m ²)	
Owner	Green Bay Landing Inc.	Agent	Dobson Engineering Ltd.
Current Zoning	RMP – Manufactured Home Park	Proposed Zoning	-

Current OCP	SFR – Single Family Residential	Proposed OCP	-
Current Use	Manufactured Home Park	Proposed Use	-
Development Permit Areas	Aquatic Ecosystem, Form & Character		
Hazards	Floodplain		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES

North	^	R1 – Single Detached Residential
East	>	R1 - Single Detached Residential; P1 – Parks (Osprey Park)
West	<	P2 - Institutional and Assembly (Green Bay Bible Camp)
South	v	P2 - Institutional and Assembly (Green Bay Bible Camp); RC4 - Compact Single Detached Residential Zone

NEIGHBOURHOOD MAP



PROPERTY MAP



History

A Temporary Use Permit (TUP 18-05) was first issued for this site in June 2019 for the use of a recreational vehicle (RV) for a period of one year on the site. In spring of 2020, the applicant requested a renewal of the TUP to permit the use of the RV for another three years. Council approved the renewal of the permit (TUP 18-05.01) until October 31, 2020, after which time the use of the RV was required to cease. The RV is no longer on the subject site and the applicant has worked with staff to develop a longer term plan for the site which fits within the subject property's current zoning.

Proposal

The applicant is requesting a Floodplain Exemption in order to place a new mobile home on site 15A of 1375 Green Bay Road. The site is currently constrained based on the required Zoning Bylaw siting regulations for the RMP – Manufactured Home Park Zone as well as the Floodplain Regulations, specifically requiring a 15.0 m setback from Okanagan Lake (Green Bay Canal).

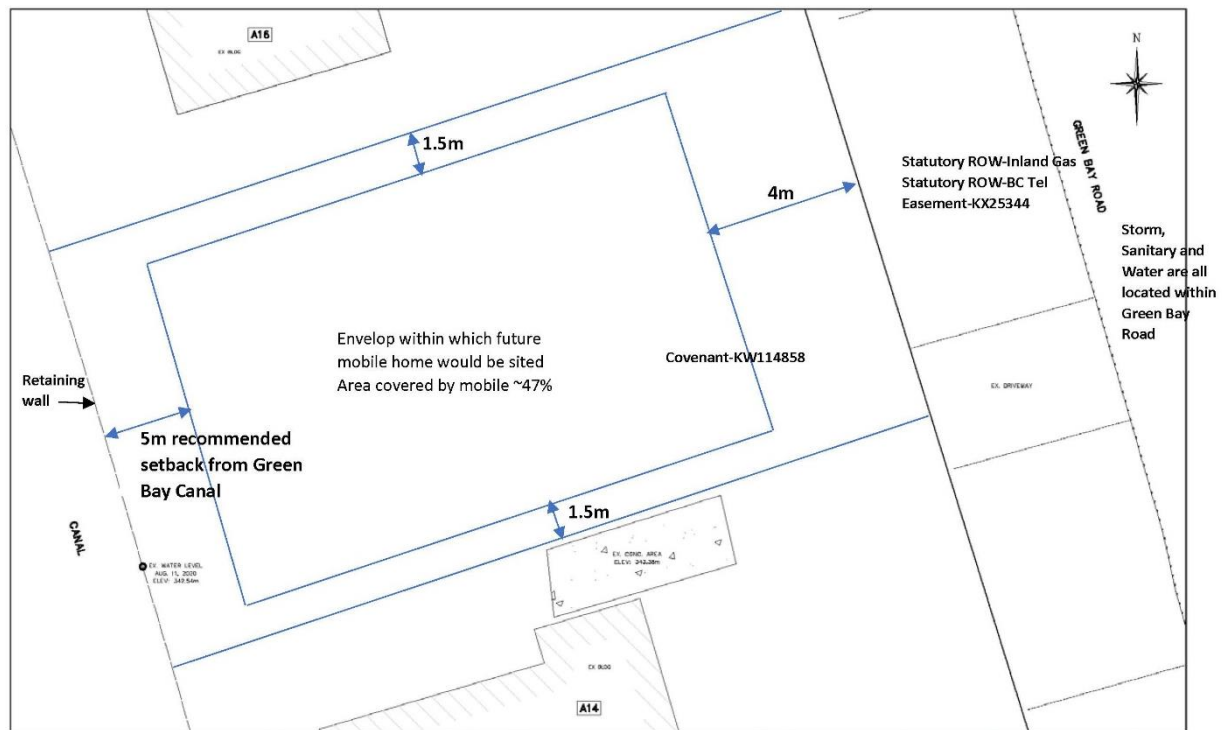


Figure 1 - Site Plan for Pad #15A from Flood Hazard Assessment

Applicant's Rationale

The applicant is requesting the Floodplain Exemption in order to continue to use this site as a mobile home site which is consistent with the use of the other mobile home sites on the property and its zoning.

Policy & Bylaw Review

Official Community Plan Bylaw No. 0100

The subject property has a future land use designation of Single Family Residential, intended to provide traditional single family housing opportunities and encourage more land efficient compact housing forms for families.

3.3.1 Residential Policies

12. Mobile home parks are recognized as an affordable housing form, and any proposed zoning amendment of existing mobile home parks will be considered in accordance with the Manufactured Home Park Redevelopment Policy, and in light of surrounding development, Land Use Designation and optimizing infrastructure provision.

The subject property falls within the City's Aquatic Ecosystem and Form & Character Development Permit Area's (DPA's). The proposed development is exempt from an Aquatic Development Permit (DP) as previously a mobile home occupied the site and the site has been assessed by a Qualified Environmental Professional who has provided a report which concludes that the proposed development would have no significant impacts on the aquatic environment. The proposed development is exempt from a Form & Character DP as the proposal is for a single dwelling unit.

Zoning Bylaw No. 0154

Section 3.24 of the Zoning Bylaw speaks to development located within floodplain areas. The underside of a floor system or top of any pad supporting any space or room that is used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater shall be located a minimum of 343.66 metres above Geodetic Survey of Canada (GSC) for a parcel abutting Okanagan Lake.

The property is within the RMP – Manufactured Home Park Zone, which permits manufactured or mobile home residential uses. The placement of the proposed mobile home must meet the RMP Zone's siting regulations. The Zoning Bylaw defines a mobile home as:

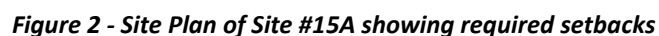
a manufactured home constructed to the CAN/CSA Z240 MH (Mobile Home) standard, capable of being moved from place to place and installed with skirting concealing the chassis and wheels of the home.

Technical Review

Planning Department

A Flood Hazard Assessment prepared by Dobson Engineering Ltd, dated October 19, 2020 has been submitted to support the Floodplain Exemption (Attachment 1). The assessment identifies that the most significant flood hazard is during high water in Okanagan Lake. The assessment provides that the risk from erosion along the canal banks is low, due to the existing bank protection works and that there is effectively no flow within the canal.

Based on the site plan provided, a 40.0 ft (12.2 m) mobile home could be placed on site #15A while meeting the required RMP Zone siting regulations and the recommended setback from the Flood Hazard Assessment from Green Bay Canal.



An Environmental Management Plan (EMP) prepared by Northland Environmental Ltd, dated November 2020, was submitted to address environmental monitoring and riparian protections during the mobile home placement (Attachment 2). The EMP indicates that due to the existing levels of disturbance of the site and the limits of the mobile home placement, that negative impacts to critical habitat are unlikely if mitigation measures are in place. The EMP recommends installation of a silt fence between the mobile home pad and the canal prior to commencing work, maintaining all equipment in a clean and good operating condition, and to engage an Environmental Monitor for the duration of the work.

Building Department

The proposed mobile home to be placed on the subject property must meet the CSA Z240 MH standard for factory built housing. A Geotechnical Engineer will be required to assess the pad/foundation of the proposed mobile home for soil bearing capacity. A review of the structural integrity of the existing retaining wall along Green Bay Canal to determine if the wall has bearing on integrity of the structural soil stability for the placement of the mobile home.

Local Government Act

The *Local Government Act* empowers local governments to exempt development from the requirements of a floodplain setback or flood construction elevation in relation to a specific parcel of land or a use, building or other structure on the parcel of land, if the local government considers it advisable. Decisions on floodplain exemptions should include consideration on the following:

- That the exemption is consistent with Provincial Flood Hazard Area Land Use Management Guidelines (Section 524(7)(a) of the *Local Government Act*); or
- The local government has received a report from a certified professional (in geotechnical engineering) that the land may be used safely for the use intended (Section 524(7)(b) of the *Local Government Act*).

Under this authority, local governments may also impose conditions considered necessary or advisable.

Provincial Flood Hazard Area Land Use Management Guidelines

The Province allows local governments the authority to grant flood hazard area land development exemptions if the exemptions are consistent with the provincial guidelines. The Guidelines are based on the policies and procedures established over the life of the provincial flood hazard management program and must be considered by local governments in making bylaws under Section 524 of the *Local Government Act* and address the following:

- Permit the local government to require engineering reports assessing flood hazards and require restrictive covenants;
- Provide guidance on whom is deemed to be a qualified professional (must have geotechnical expertise) to report on flooding hazards;
- Provide the scope of work required for flood hazard assessment reporting; and
- Stipulate acceptable parameters for conditions of hardship, which may warrant that a local government agrees to site-specific modifications to floodplain regulations. The hardship must be of a serious nature and cannot include economic circumstances or design and siting preferences.

DISCUSSION

The proposed use is permitted within, and meets the purpose of, the Manufactured Home Park Zone. Based on the site plan provided, a 40ft mobile home can be placed on site #15A while meeting the required RMP Zone siting regulations and the recommended setback from the Flood Hazard Assessment from Green Bay Canal. The assessment recommends a minimum setback of 5.0 m from Green Bay Canal, which would be a greater setback than existing mobile homes in the park are currently sited from the edge of the canal.

The impacts of placing a mobile home are significantly less than what would be required for traditional construction of a single detached dwelling and the Environmental Management Plan identifies that the site has already been heavily disturbed with low habitat value. There are not anticipated to be any significant negative impacts to the aquatic ecosystem if the recommendations in the plan are adhered to.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
July 14, 2020	THAT Council renew the Temporary Use Permit (TUP 18-05.01) to allow use of a recreational vehicle at 1375 Green Bay Road (Lot B, DL 434 & 523, ODYD, Plan KAP76165) on manufactured home site #15A for a period ending October 31, 2020, subject to the conditions outlined in the attached permit.	C184/20
June 11, 2019	THAT Council approve a temporary use permit (TUP 18-05) to allow a recreational vehicle on manufactured home site #15A at 1375 Green Bay Road for a period of one year subject to the conditions outlies in the attached permit (Attachment 1); and THAT Council deny the request to utilize the additional two manufactured home sites (#16B and #19B) for recreational vehicles.	C227/19

CONCLUSION

It is recommended that Council approve a floodplain exemption for manufactured home site #15A of 1375 Green Bay Road to allow the placement of a mobile home. Staff have worked with the applicant and support the floodplain exemption, based on the Flood Hazard Assessment and Environmental Management Plan provided. The mobile home will be placed to meet or exceed the Flood Construction Level (FCL) of 343.66 m GSC and a geotechnical engineer will be engaged at the time of Building Permit for the mobile home placement. In addition, a covenant will be registered to the title of the subject

property indemnifying the City in the event the mobile home is damaged due to a flood event.

Alternate Motion:

THAT Council deny the Floodplain Exemption (FEX 20-02) to S. 3.24 of Zoning Bylaw No. 0154 for manufactured home site #15A of Lot B, DL 434 & 523, ODYD Plan KAP76165 (1375 Green Bay Road).

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Draft FEX 20-02
2. Flood Hazard Assessment, prepared by Dobson Engineering Ltd., dated October 19, 2020
3. Environmental Management Plan, prepared by Northland Environmental, dated November 2020