

REGIONAL DISTRICT OF NANAIMO
DEVELOPMENT SERVICES COMMITTEE MEETING
TUESDAY, MARCH 20, 2001
(immediately following the Special Board Meeting)
(Nanaimo City Council Chambers)

A G E N D A

PAGES

DELEGATIONS

MINUTES

- 3-8 Minutes of the regular Development Services Committee meeting held February 27, 2001.

UNFINISHED BUSINESS

From February 27, 2001 Development Services Committee:

That a notice be filed against the title of the property listed, pursuant to Section 700 of the Local Government Act and that if the infraction is not rectified within ninety (90) days, legal action will be pursued:

Lot 2, Section 12, Range 3, Plan 38230, Mountain Land District, 3033 Jameson Road, Electoral Area D, owned by D. and P. Stalker.

CORRESPONDENCE/COMMUNICATIONS

- 9 Frank Haylock, re DVP Application No. 0102, Richard Place, Area E.
- 10-12 Robert Hobson, UBCM, re Streamside Protection Regulation.

BUILDING INSPECTION

- 13-16 Section 700 Filings.

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 17-21 Application No. 0103 - Frederick - 4781 Ocean Trail - Area H.
- 22-26 Application No. 0104 - Derkach - 1051 Surfside Drive - Area G.
- 27-32 Application No. 0105 - Heringa and Rajotte/Griffin - 781 Miller Road - Area G.

DEVELOPMENT VARIANCE PERMIT

- 33-38 Application No. 0101 - Ken & Wendy May - Lambert Lane - Area A.
- 39-42 Application No. 0102 - Tad-Mar Resources Ltd. - Richard Place - Area E.

OTHER

- 43-50 New FM Radio Programming License - Central Island Broadcasting - Little Mountain - Area F.
- 51-53 Replacement Lease - Weyerhaeuser - Northwest Bay - Area E.
- 54-58 Request for Provision of Park Land Dedication & Creation of Non-Contiguous Parcel - WR Hutchinson, BCLS on behalf of BOA Developments Ltd. - Nanaimo River Road & South Forks Road - Area C.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

That pursuant to Section 242.2(I)(h) of the Local Government Act the Committee proceed to an In Camera Meeting to consider a matter of litigation or potential litigation affecting the Local Government.

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE DEVELOPMENT SERVICES COMMITTEE
MEETING HELD ON TUESDAY, FEBRUARY 27, 2001, AT 8:57 PM
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,
455 WALLACE STREET, NANAIMO, BC**

Present:

Director E. Hamilton	Chairperson
Alternate	
Director P. Grand	Electoral Area A
Director B. Sperling	Electoral Area B
Director D. Haime	Electoral Area D
Director G. Holme	Electoral Area E
Director J. McLean	Electoral Area F
Director J. Stanhope	Electoral Area G
Director R. Quittenton	Electoral Area H
Director J. Macdonald	City of Parksville
Alternate	
Director A. Kruyt	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Director T. Krall	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director D. Rispin	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

B. Lapham	General Manager, Development Services
S. Schopp	Manager, Inspection & Enforcement
P. Shaw	Manager, Community Planning
D. Jensen	Planner
N. Tonn	Recording Secretary

DELEGATIONS

Brian Henning, re Munro – 2955 Dufferin Road – Area E.

Mr. Henning was not in attendance.

Helen Sims, re Perry – 890 Epron Road – Area F.

Ms. Sims raised her concerns with respect to the moratorium on 10% frontage relaxation in Electoral Area 'F' and urged the Board to approve alternative no. 1 in the staff report which would allow consideration of all frontage relaxations on an application-by-application basis.

Wayne Hamilton, re FLR 0101 Exclusion – Extension Road – Area C.

Mr. Chuck Addison, the owner of the property requesting FLR exclusion, spoke briefly on his application and made himself available for any questions.

LATE DELEGATIONS – AMENDMENT APPLICATION NO. ZA0101

Director Hamilton noted that Amendment Application No. ZA0101 will be postponed to allow for a Public Information meeting. This will allow members of this evening's audience including the late delegations listed on the DSC Addendum as well as additional residents in the area the opportunity to voice their concerns with the Director and the applicant.

MOVED Director Holme, SECONDED Director Stanhope, that Amendment Application No. ZA0101 be referred back to staff and brought forward after consultation through the public information process.

CARRIED

MINUTES

MOVED Director Sherry, SECONDED Director Krall, that the minutes of the regular Development Services Committee meeting held on January 16, 2001, be adopted.

CARRIED

CORRESPONDENCE/COMMUNICATION

Robert Hobson, UBCM Environment Committee, re Streamside Protection Regulation.

MOVED Director Rispin, SECONDED Director Stanhope, that the correspondence received from the UBCM Environment Committee with respect to a new regulation under the Fish Protection Act to protect fish habitat in urban areas, be received for information.

CARRIED

Richard Taylor, UBCM, re 2001 Resolution Process.

MOVED Director Rispin, SECONDED Director Stanhope, that the correspondence received from UBCM with respect to the 2001 resolution process, be received for information.

CARRIED

Eric Smith, re Amendment Application No. ZA0102 – 2470 Apollo Drive.

MOVED Director Rispin, SECONDED Director Stanhope, that the correspondence received from Eric Smith with respect to Amendment Application No. ZA0102, be received for information.

CARRIED

Kenneth Gibson, re Application No. ZA0101 – Brown Madsen – Timberlands Road – Area C.

MOVED Director Rispin, SECONDED Director Stanhope, that the correspondence received from Kenneth Gibson with respect to health concerns surrounding the approval of Amendment Application No. ZA0101, be received for information.

CARRIED

G. Cordingley, re Zoning Amendment Application – Yellowpoint & Cedar Roads – Area A.

MOVED Director Rispin, SECONDED Director Stanhope, that the correspondence received from G. and H. Cordingley with respect to the re-zoning of property for the proposed North Cedar Fire Department, be received for information.

CARRIED

Jan & Fred Tukham, re Zoning Amendment Application No. ZA0101 – Brown/Madsen – Timberlands Road – Area C.

MOVED Director Rispin, SECONDED Director Stanhope, that the correspondence received from Jan and Fred Tukham requesting a public information meeting in the area prior to first and second reading of zoning Amendment Application No. ZA0101.

CARRIED

BUILDING INSPECTION

Section 700 Filings.

The Chairperson noted that the following filing has been deferred for one month:

Lot 32, Nanoose Land District, 2955 Dufferin Road, Electoral Area 'E', owned by C. Munro.

The Chairperson listed each filing and asked that any property owner in the audience wishing to address the Committee come forward when their name was called.

Mr. Wilkie presented a short history behind the building of his log home and noted that he is in agreement with the RDN relinquishing all liability.

MOVED Director Haime, SECONDED Director Stanhope, that the following Section 700 filing be deferred for thirty days to allow for further discussion:

Lot 2, Section 12, Range 3, Plan 38230, Mountain Land District, 3033 Jameson Road, Electoral Area 'D', owned by D. and P. Stalker.

CARRIED

MOVED Director Sherry, SECONDED Director Rispin, that a notice be filed against the titles of the properties listed, pursuant to Section 700 of the Local Government Act and that if the infractions are not rectified within ninety (90) days, legal action will be pursued:

- (a) Lot 1, Section 6, Plan 26447, Wellington Land District, 6761 Alger Road, Electoral Area 'D', owned by T. Wilkie;
- (b) Lot 10, District Lot 81, Plan VIP51544, Nanoose Land District, 949 Riley Road, Electoral Area 'G', owned by D. and W. Zuehlke;
- (c) Lt A, District Lot 88, Plan VIP71580, Nanoose Land District, 1075/1085 Ravensbourne Lane, Electoral Area 'G', owned by D. Larsen.

CARRIED

Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250.

MOVED Director McNabb, SECONDED Director Holme,:

1. That "Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001" be introduced and given three (3) readings.
2. That "Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001" be advertised in accordance with the *Local Government Act*.

MOVED Director Sperling, SECONDED Director Haime, that this item be deferred until the next Development Services Committee meeting.

DEFEATED

The question was called on the main motion.

The motion CARRIED.

BYLAW ENFORCEMENT

Animal Control Contracts.

MOVED Director McNabb, SECONDED Director Krall, that the Chairperson and the General Manager of Corporate Services be authorized to sign the Animal Control Contract on behalf of the Regional District of Nanaimo to engage the services of Parksville-Qualicum SPCA and Nanaimo Animal Shelter Ltd. to provide animal control services for the term of March 1, 2001 to February 28, 2003.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Amendment Application No. ZA0102 and Development Permit Application No. 0101 – James – 2470 Apollo Drive – Area E.

MOVED Director Holme, SECONDED Director Kruyt,:

1. That Amendment Application No. 0102 submitted by Dr. and Mrs. D.E. James, to rezone the subject property legally described as Lot 36, District Lot 6, Plan 23588, Nanoose District, from Residential 1 (RS1) to Commercial 7 (CM7) be advanced to a public hearing subject to the conditions outlined in Schedule 1.
2. That Development Permit Application No. 0101 to allow for the authorized operation of a medical clinic facility and vary the signage and parking requirements on the property legally described as Lot 36, Plan 23588, District Lot 6, Nanoose Land District, be approved subject to notification procedures pursuant to the *Local Government Act* and subject to the conditions outlined in Schedule 1.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.273, 2001" be given 1st and 2nd reading and proceed to Public Hearing.

4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.273, 2001" be delegated to Director Holme or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Application No. 0102 – Meyer/Homes by Kimberly – 3512 Bluebill Place – Area E.

MOVED Director Holme, SECONDED Director McLean, that Development Permit Application No. 0102 to vary the minimum 2.0 metre setback from the side lot line to 1.18 metres, to vary the maximum height of 8.0 metres to 8.4 metres and to vary the Watercourse Protection Development Permit Area of 15.0 metres from the natural boundary to 11.1 metres to construct an addition to a single family home and to vary the minimum 8.0 metres setback from the front lot lines to 6.6 metres to legalize an historical accessory building on the property legally described as Lot 57, Plan 15983, DL 78, Nanoose District, be approved, subject to notification procedures pursuant to the *Local Government Act*.

CARRIED

FRONTAGE RELAXATION

Request to Review the Requirement for Minimum 10% Frontage Relaxation for Electoral Area 'F'.

MOVED Director McLean, SECONDED Director McNabb, that the Board maintain the current Board policy that minimum 10% frontage relaxation requests will not be considered in Electoral Area 'F' until they are addressed as part of the proposed zoning and subdivision regulations.

CARRIED

OTHER

ALR 0010 Inclusion – Qualicum Farms – Rupert Road – Area G.

MOVED Director Stanhope, SECONDED Director Grand, that the Board of the Regional District of Nanaimo, in recognition of policies contained in the Regional Growth Management Plan, the French Creek Official Community Plan, Bylaw No. 1115, 1998, and regulations within Land Use and Subdivision Bylaw No. 500, 1987, recommend that the application for inclusion within the Agricultural Land Reserve for the property legally described as Those Parts of District Lot 78, Newcastle District, Shown Outlined in Red on Plan 310R, Except That Part in Plan 9359, VIP61315 and VIP61732, be supported.

CARRIED

FLR 0101 Exclusion – Wessex Enterprises Ltd. – Extension Road – Area C.

MOVED Director Sherry, SECONDED Director McNabb, that the Board of the Regional District of Nanaimo provide no comment on the application for exclusion from the Forest Land Reserve for the property legally described as Lot Z, Section 13, Range 1, Cranberry Land District, Portion Sections 12 and 13, Range 2 (DDK83923) and further that the Land Reserve Commission be advised that the land use designation of the property will be considered as part of the Growth Management Plan review process.

CARRIED

IN CAMERA

MOVED Director Sherry, SECONDED Director McNabb, that pursuant to Section 242.2(1)(h) of the *Local Government Act* the Committee proceed to an In Camera Meeting to consider a matter of litigation or potential litigation affecting the Local Government.

CARRIED

ADJOURNMENT

MOVED Director Sherry, SECONDED Director McNabb, that this meeting terminate.

CARRIED

TIME: 8:44 PM

CHAIRPERSON

March 7, 2000

To Whom It May Concern

I am the owner of the ^{LOT}(residence) on Lot 9 Richard Place. I have reviewed the plans of the home that Mr. Stevens intends to build on Lot 7, Richard Place. I am aware that a portion of the home exceeds the height restriction for the area by approximately one meter.

By my signature I attest that I am in agreement with construction of this home as per plan.

Frank Haylock
(Signature)

FRANK HAYLOCK
(Name-please print)

PRES. & G.M., HBP LTD.
(Address)

Post-it FAX TRANSMITTAL MEMO 7671 NO OF PAGES

TO: <u>John & Mike</u>	FROM: <u>Bob Stevens</u>
CO.:	CO.:
DEPT.: <u>LAST ONE</u>	PHONE #: <u>729 3728</u>
FAX #: <u>752 9241</u>	FAX #:

PAGE
1

Re DVP 0102 (Richard Place)

MEMBER NOTICE

TO: Mayor and Council
Chair and Regional District Board

FROM: Chair Robert Hobson
Chair, UBCM Environment Committee

DATE: February 7, 2001

RE: **STREAMSIDE PROTECTION REGULATION**

REGIONAL DISTRICT OF NANAIMO			
FEB 13 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCrS		GMES	
<i>DSC info</i>			

The provincial cabinet on January 19, 2001 approved a new regulation under the Fish Protection Act to protect fish habitat in urban areas.

Outlined below is a summary of local government participation in the development of the regulation and general highlights of the new regulation.

BACKGROUND

Local government, since the passage of the Fish Protection Act in the summer of 1997, has had ongoing consultations with the provincial government on the development of a regulation to protect riparian habitat. A local government workshop was held in December of 1997; a series of regional and technical workshops were held in 1998 and 1999; and consultation sessions were held on the protection of fish habitat at the 1997, 1998 and 1999 UBCM Convention.

At the 2000 UBCM Convention the Ministry of Environment Lands and Parks provided local government with a draft of the regulation for review. A policy session was held at the conference where local government could raise any concerns that it might have.

The delegates at the conference endorsed the following recommendation:

UBCM indicate that it has been consulted on the Streamside Protection Regulation, and if the federal and provincial government provide the technical assistance and financial resources required for local government to implement the regulation at the community level, it is willing to consider support for the regulation currently outlined.

STREAMSIDE PROTECTION REGULATION

The Streamside Protection regulation will allow local government to use a planning approach to address streamside issues and give it the **flexibility to determine the type of process which will work best in their community** – watershed management plans; stormwater management; development areas etc.

The regulation establishes a **five year time frame** for implementing the regulation.

CONCLUSION

The Streamside Protection regulation does not address all of local government concerns related to the provision of technical assistance and the provision of the resources needed to implement it.

The regulation does however provide a framework for local government to identify its needs and to focus its efforts in the community on those areas where a partnership can be developed.

Overall the Streamside Protection Regulation is a positive initiative which will assist in the protection of fish habitat, promote cooperation between the three levels of government, and provide a more effective and efficient framework for decision-making.

More information is available on the Streamside Protection Regulation at http://www.elp.gov.bc.ca/fsh/protection_act/sppd on the Ministry of Environment, Lands and Parks Web site.



REGIONAL DISTRICT OF NANAIMO	
MAR 12 2001	
CHAIR	GMCS
CAC	GMOS
GMMS	GMES
[Handwritten signature]	
DATE: March 12, 2001	

MEMORANDUM

TO: Stan Schopp
Manager, Building Inspection Services

FROM: Allan Dick
Senior Building Inspector

SUBJECT: Local Government Act - Section 700 - Contravention of Bylaw
Meeting Date - March 20, 2001

PURPOSE

To provide for the Committee's review, proposed Section 700 filings on properties which have outstanding occupancy or safety issues that contravene Building Bylaw No. 1000.

BACKGROUND

The individual area inspectors have worked closely with the property owners to resolve outstanding issues prior to the sending of letters. A minimum of two letters addressing deficiencies has been sent to the registered property owners. Where required, the Manager and/or the Senior Building Inspector have been involved with proposed resolutions. At this time we are unable to approve construction at the indicated addresses.

SUMMARY OF INDIVIDUAL INFRACTIONS

Electoral Area 'A'

- Owners Name:** Donna McNaughton

Legal Description: Lot 1, Section 18, Range 3, Cedar District, Plan 24306 except parts in Plans 30692, 44695 and VIP55689

Street Address: 2640 Cedar Heights Road

Summary of Infraction:

 - BP 22972 issued August 23, 2000; cheque returned NSF
 - inspection report left on site stating permit invalid due to NSF cheque; that work could not be inspected or approved unless permit validated
 - SFD now occupied without an occupancy permit
- Owners Name:** Lance and Patricia Case

Legal Description: Lot B, Section 13, Range 1, Cedar Land District, Plan 17697

Street Address: 1978 Cedar Road

Summary of Infraction:

 - placed Stop Work Order January 25, 2001
 - sent letter re SWO via certified mail January 26, 2001
 - verification of certified mail received February 10, 2001
 - March 1, 2001 - no response from owner
 - March 8, 2001 - attempted to contact owner by phone; number not listed in phone book or through directory information
 - 750.1 on title for previous building violations

Electoral Area 'B'

1. Owners Name: Kathleen Ramsey and Ian Harrison
Legal Description: Lot 11, Plan 23365, Section 12, Nanaimo Land District, Gabriola Island
Street Address: 464 Berg Road
Summary of Infraction:
 - Stop Work Order February 16, 2001
 - letter sent certified mail re SWO February 19, 2001
 - owner will not pick up mail

2. Owners Name: Albert and Catherine Holland
Legal Description: Lot 5, Section 6, Gabriola Island, Plan 29233, Nanaimo District
Street Address: 1475 Peterson Road
Summary of Infraction:
 - require building permit for change of use to school classroom use
 - letter sent March 5, 2001 advising of Islands Trust zoning violation and requirement for change in occupancy

3. Owners Name: Gordon McDonald
Legal Description: Lot 3, Sections 9 and 28, Gabriola Island, Nanaimo Land District, Plan 27119
Street Address: 1985 Ferne Road
Summary of Infraction:
 - BP 19547 issued September 11, 1995
 - permit to complete issued August 27, 1998
 - permit expired August 27, 2000
 - inspector visited site February 12, 2001; left inspection sheet
 - follow up letter sent February 27, 2001
 - no response

Electoral Area 'D'

1. Owners Name: David and Pamela Stalker
Legal Description: Lot 2, Section 12, Range 3, Mountain District, Plan 38230
Street Address: 3033 Jameson Road
Summary of Infraction:
 - file deferred from February DSC meeting
 - owner agreed with bylaw officer to reduce non-conforming kennel to 100 sq. m. August 1999
 - complaint received; Bylaw Enforcement Officer attended site and observed facilities expanded. Owner was informed building permit were required and to reduce size of operation
 - letter sent outlining compliance requirements
 - owner responded requesting more time
 - letter sent informing owner 700 filing recommended

2. Owners Name: Richard and Dawn Brennan
Legal Description: Lot 1, Section 18, Range 2, Mountain District, Plan VIP67127
Street Address: 3395 Richards Road
Summary of Infraction:
- permit expired letter sent certified mail January 10, 2001
 - letter returned unclaimed February 8, 2001
 - hand delivered letter to site; left letter in the door February 9, 2001
 - inspector called owner and left message to call him February 26, 2001
 - March 1, 2001 – no response from owner
 - final inspection March 8, 2001. 'C' Schedule from structural engineer still outstanding

Electoral Area 'E'

1. Owners Name: Bernard and Phyllis Kaspar
Legal Description: Lot 1, District Lot 35, Nanoose Land District, Plan 2230 except parts in Plans 8472, 142-R and VIP56073
Street Address: 2183 Morello Road
Summary of Infraction:
- placed Stop Work Order March 3, 2000
 - letter sent re SWO March 6, 2000
 - inspector met owner on site June 27, 2000
 - Owner spoke with manager July, 19, 2000
 - February 6, 2001 – inspector confirmed construction not removed and still no BP application
 - Senior inspector attempted to contact owner; left message on machine
 - no response
2. Owners Name: Rolf and Linda Phillips
Legal Description: Lot 8, District Lot 6, Nanoose District, Plan 23588
Street Address: 2471 Schirra Drive
Summary of Infraction:
- Stop Work posted April 10, 2000
 - received building permit application April 10, 2000
 - unable to process application due to unacceptable plans
 - sent letter February 28, 2001 outlining building permit requirements; advise possible 700 filing

Electoral Area 'G'

1. Owners Name: Terje and Marlene Terjesen
Legal Description: Lot 83, District Lot 28, Nanoose Land District, Plan 26472
Street Address: 916 Barclay Crescent
Summary of Infraction:
- permit expired letter sent November 21, 2000
 - second permit expired letter sent via courier January 24, 2001
 - phone owner February 3, 2001 – line disconnected
 - attempted to contact owner March 5, 2001 – line still disconnected

RECOMMENDATION

That a notice be filed against the titles of the properties listed, pursuant to Section 700 of the *Local Government Act* and that if the infractions are not rectified within ninety (90) days, legal action will be pursued.

per AD

Report Writer

Star Schopp

Manager Concurrence

[Signature]

General Manager Concurrence

[Signature]

C.A.O. Concurrence

COMMENTS:

devsvs/reports/2001/3810-20-S700March.doc



REGIONAL DISTRICT
OF NANAIMO
MAR 13 2001

CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
DSE ✓			

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: March 12, 2001

FROM: Deborah Jensen
Planner

FILE: 3060 30 0103

SUBJECT: Development Permit Application No. 0103 - Frederick
Lot 73, District Lot 82, Newcastle District, Plan 31044
Electoral Area 'H' - 4781 Ocean Trail

PURPOSE

To consider an application for a Development Permit in the "Regional District of Nanaimo Shaw Hill – Deep Bay Official Community Plan Bylaw No. 1007, 1996" Natural Hazards Development Permit Area and vary the minimum setback requirement from the front lot line to facilitate the construction of a 55 m² (600 ft²) second storey addition to a single-family dwelling.

BACKGROUND

This is an application to facilitate the construction of a second storey on a single dwelling unit located on a residential property located in Bowser (*see Attachment 1*). The subject property is a 0.26 hectare (0.64 acre) parcel located along Ocean Trail.

Zoning and Proposed Variances

The subject property is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The minimum setback requirements for buildings and structures in this zone are: 8.0 metres from the front lot line; 2.0 metres from the rear lot line; 2.0 metres from the interior side lot lines; and 5.0 metres from other lot lines.

The siting and dimensions of the single dwelling unit with the proposed addition are shown in *Attachment 2*. Due to the design of the proposed addition the applicants are requesting a variance to the front lot line from 8.0 metres (26.3 feet) to 6.6 metres (21.7 feet), and to the other lot line from 5.0 metres (16.4 feet) to 3.6 metres (11.8 feet). The subject property is not located within a building inspection area.

Development Permit Requirements

The building envelope is located within the Hazard Lands Development Permit Area, which is intended to address areas such as steep, unstable slopes along watercourses, along the coastal shore zone, and areas that are environmentally sensitive. Staff notes the proposed construction does not encompass additional land area. Rather, the variance requested is largely due to the increased roof overhang over the proposed new second storey (*see Attachment 3*).

Restrictive Covenants

A notation for a restricted covenant registered in favour of the Ministry of Transportation and Highways has been listed on the title for the subject property. The covenant specifies that no buildings shall be

constructed within 75 feet of the top of the bank along the Strait of Georgia toward the roadway named Ocean Trail. The proposed construction will be located outside the boundary of this covenant.

Staff notes that a small deck has been previously constructed along the back of the house. This deck appears to be within the covenant area. The Ministry of Transportation and Highways has been advised of this construction but, to date, no comments have been received.

ALTERNATIVES

- 1. To approve Development Permit No. 0103.
- 2. To deny the requested permit.

LAND USE AND DEVELOPMENT IMPLICATIONS


The proposed addition of a second storey to a dwelling unit is located on a level area of the subject property, bordering a steep oceanfront slope. The bank is included within a covenant area prohibiting building construction. The existing dwelling unit is not located within the covenant area, and it does not appear that construction of a second storey will place additional pressure within a hazard lands area. From staff's assessment of this application, the potential visual impact of the proposed variances to lot lines is reduced due to the character of the surrounding properties. Road dedication to the east of the subject property would deter further development of the area. The height of adjacent trees also serves to blend the proposed construction into the landscape and minimize visual impact.

SUMMARY/CONCLUSIONS

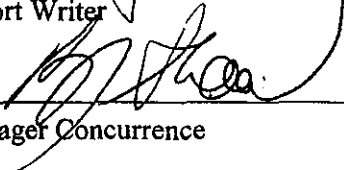
This is an application for a development permit within the Shaw Hill – Deep Bay Official Community Plan, Bylaw No. 1007, 1996 Hazard Lands Development Permit Area. The application requests a variance to the minimum setback to the front lot line from 8.0 metres (26.3 feet) to 6.6 metres (21.7 feet), and to the other lot line from 5.0 metres (16.4 feet) to 3.6 metres (11.8 feet). Given that the proposed addition does not encompass any additional land area and the variances are primarily to accommodate overhangs, staff recommends the requested Development Permit be approved subject to notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION


That Development Permit Application No. 0103, submitted by Gerald Frederick and Beverley Frederick, to facilitate the construction of a second storey to a single dwelling unit and vary the minimum permitted setbacks within the Residential 2 (RS2) zone from 8.0 metres to 6.6 metres for the front line and from 5.0 metres to 3.6 metres for the other lot line for the property legally described as Lot 73, District Lot 82, Newcastle District, Plan 31044, be approved subject to the notification requirements pursuant to the *Local Government Act*.



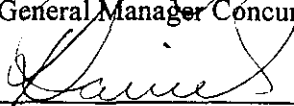
Report Writer



Manager Concurrence

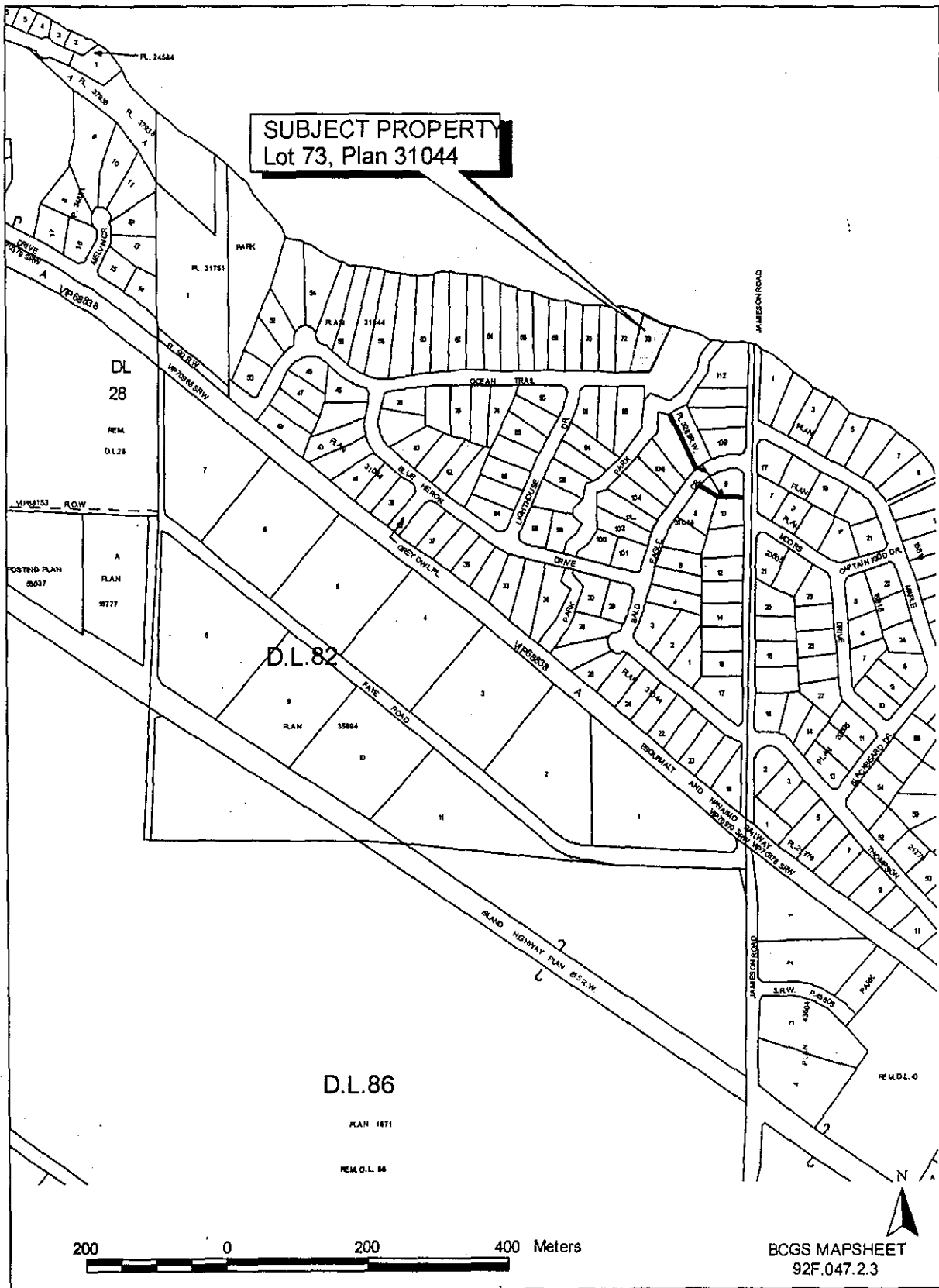


General Manager Concurrence

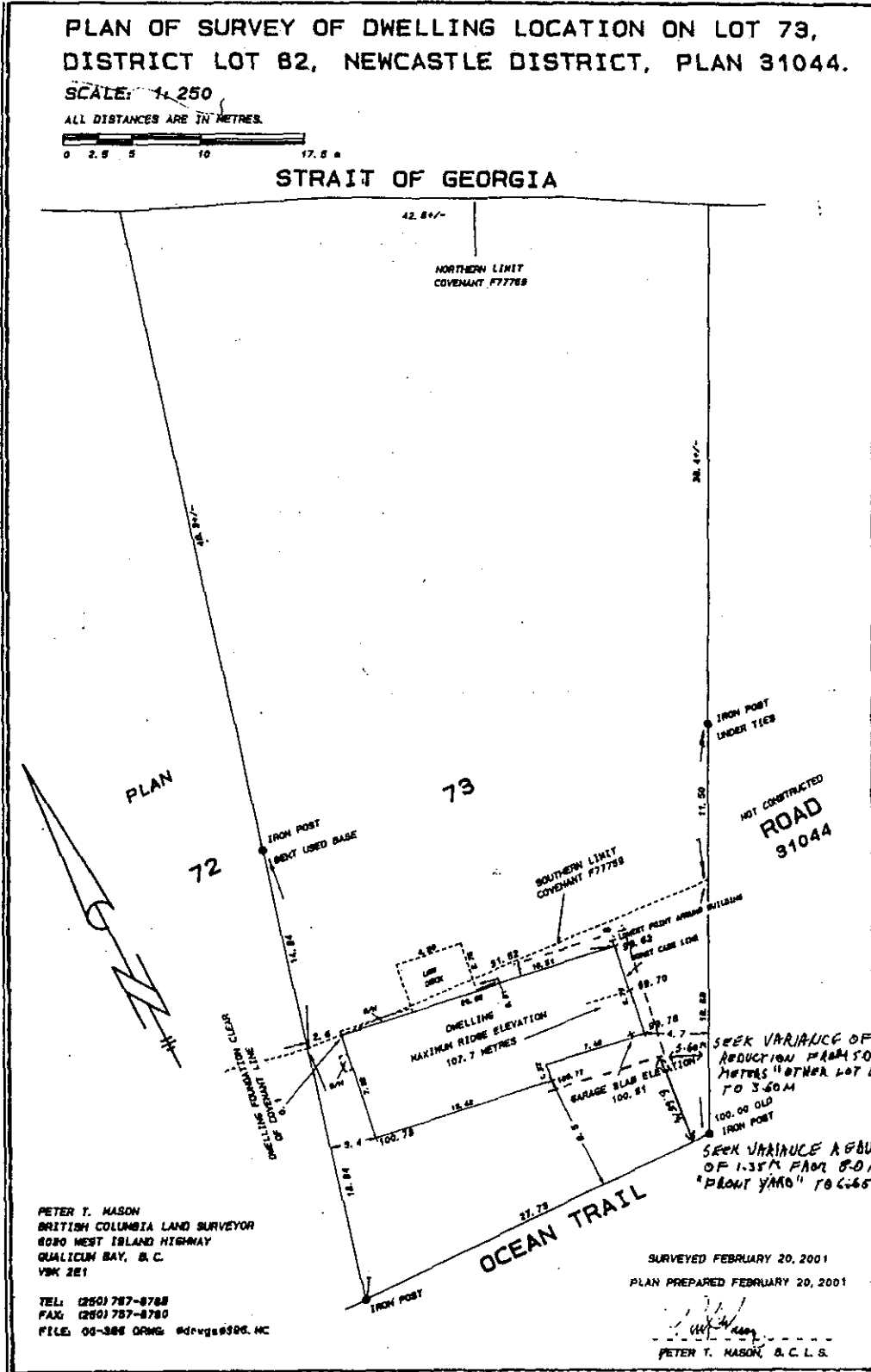


CAO Concurrence

ATTACHMENT 1

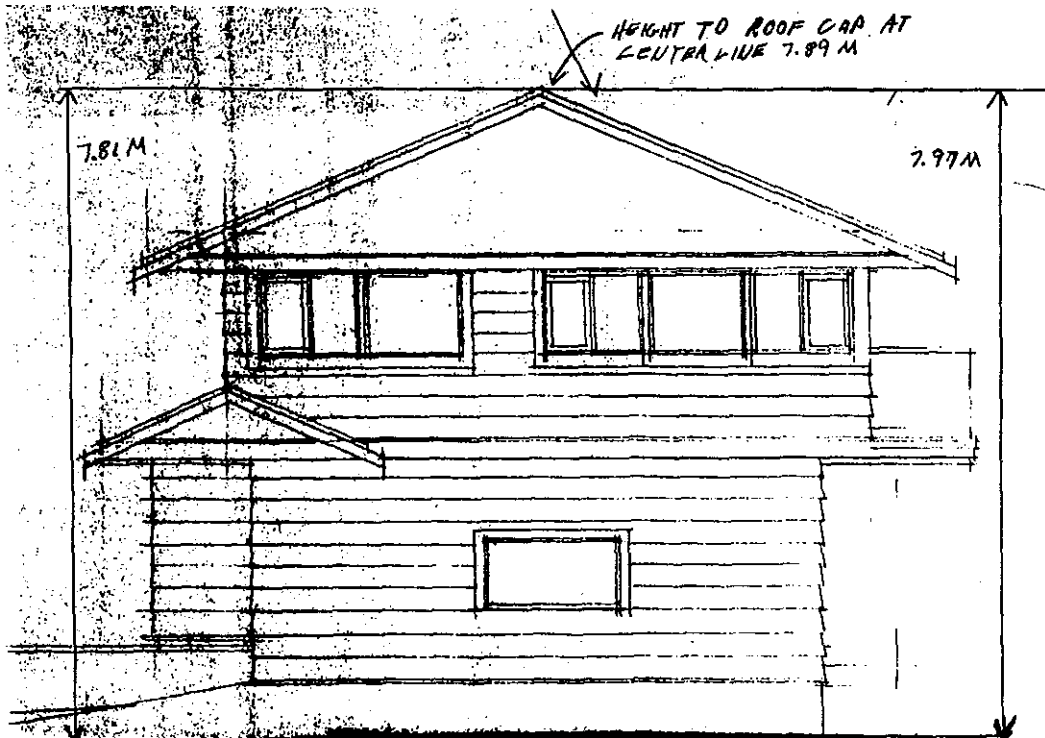
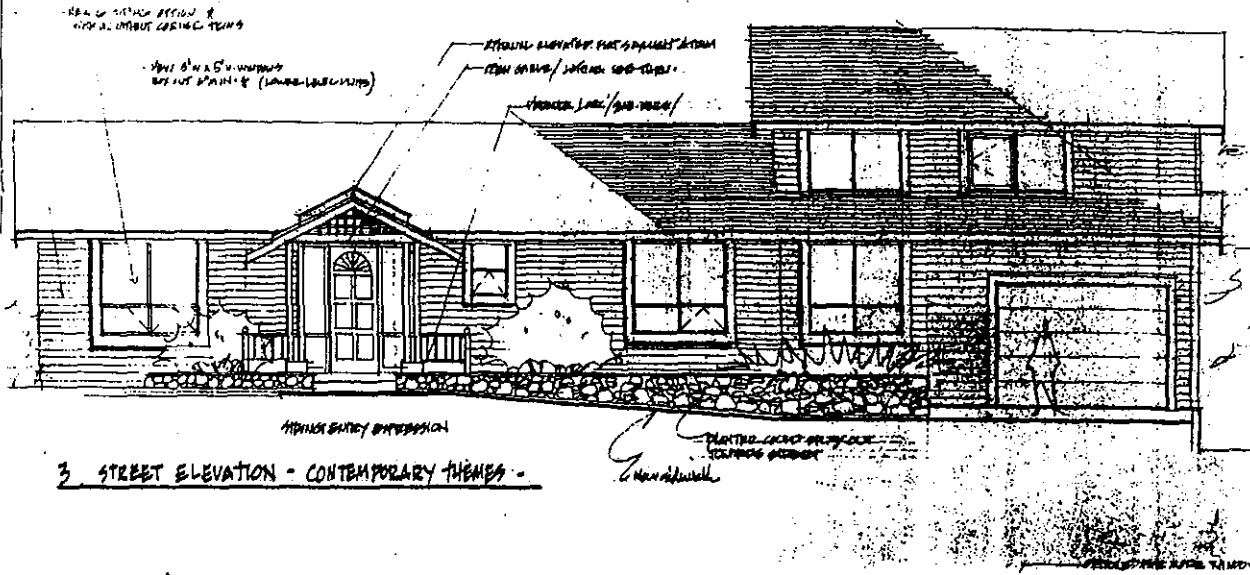


ATTACHMENT 2



PAGE
 20

ATTACHMENT 3





REGIONAL DISTRICT OF NANAIMO	
MAR 13 2001	
CHAIR	GMCrs
CAO	GMDS
GMCrsE	GMES
DSE ✓	
DATE:	
FILE:	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

March 12, 2001

FROM: Deborah Jensen
Planner

FILE: 3060 30 0104

SUBJECT: Development Permit Application No. 0104 - Derkach
Lot 6, Block 1, District Lots 9 and 10, Newcastle District, Plan 15370
Electoral Area 'G' - 1051 Surfside Drive, Qualicum Beach

PURPOSE

To consider an application for a Development Permit in the "Regional District of Nanaimo Shaw Hill - Deep Bay Official Community Plan Bylaw No. 1007, 1996" Natural Hazards Development Permit Area and vary the minimum setback requirement from the front lot line to facilitate the construction of a garage and second storey addition.

BACKGROUND

This is an application to facilitate the construction of an attached garage and second storey to an existing single dwelling unit on a residential property located near Qualicum Beach (see Attachment 1). The subject property is an 847 m² (9120 ft²) parcel located along Surfside Drive. It is bordered by residential properties to the east and west, by the coastline to the north, and by a nature sanctuary to the south. A seawall has previously been constructed along the northern portion of the property, and the nature area is predominantly at a lower elevation than the subject property.

Zoning and Proposed Variances

The subject property is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The minimum setback requirements for buildings and structures in this zone are: 8.0 metres from the front lot line; 2.0 metres from the rear lot line; 2.0 metres from the interior side lot lines; and 5.0 metres from the other lot lines. The property is located within a building inspection area, and may also be subject to a building scheme.

The siting and dimensions of the single dwelling unit, with the proposed additions, are shown in Attachments 2 and 3. Due to the design of the proposed construction, the applicants are requesting a variance to the minimum permitted setback to a front lot line from 8.0 metres (26.3 feet) to 4.5 metres (14.8 feet). The applicant has indicated the siting for the garage would bring it in line with the existing garage located on the adjacent property. No height variance is required.

Development Permit Requirements

The building envelope is located within the Hazard Lands Development Permit Area, which is intended to address areas such as steep, unstable slopes along watercourses, along the coastal shore zone, and areas that are environmentally sensitive. The subject property is located within a floodplain area. Staff notes the proposed construction of a garage is not required to meet flood levels, and the addition of a second storey will be above the required flood level.

PAGE 22

ALTERNATIVES

1. To approve Development Permit No. 0104.
2. To deny the requested permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

The applicants have indicated that the limited depth of the lot necessitates the application for a variance to the setback requirement for the proposed garage and second storey addition. The potential visual impact of the second storey construction should be reduced due to the alignment of buildings located on adjacent properties. While there are no apparent site stability issues, a geotechnical report may be necessary during the construction phase as required by the building inspector.


The Hazard Land Development Permit Area speaks to restrictions on the removal of trees or undergrowth from the site. In this situation, the applicant is proposing to remove two ornamental fruit trees to construct the garage. It should be noted that the fruit trees were planted for aesthetic reasons, not to contribute to site stability. Staff would clarify that the intent of the development permit area guidelines are for the protection and enhancement of natural vegetation or in recognition of the hazard land designation; therefore, removal of these trees would not be contrary to the intent of the guidelines.

SUMMARY/CONCLUSIONS

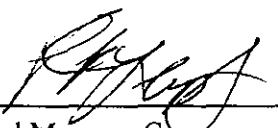
This is an application for a development permit within the Shaw Hill – Deep Bay Official Community Plan, Bylaw No. 1007, 1996 Hazard Lands Development Permit Area. The application requests a variance for the minimum setback to the front lot line from 8.0 metres (26.3 feet) to 4.5 metres (14.8 feet) to permit the construction of a garage and second storey addition. In consideration of the existing building located on the site, and similar construction within the adjacent area, staff recommends the Development Permit be approved subject to notification requirement pursuant to the *Local Government Act*.

RECOMMENDATION

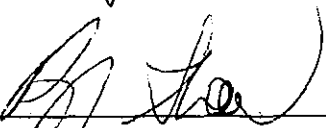
That Development Permit Application No. 0104, as submitted by Linda Derkach, to facilitate the construction of a garage and second storey addition, and to vary the front lot line setback within the Residential 2 (RS2) zone from 8.0 metres to 4.5 metres for the property legally described as Lot 6, Block 1, District Lots 9 and 10, Newcastle Land District, Plan 15370, be approved subject to the notification requirement pursuant to the *Local Government Act*.



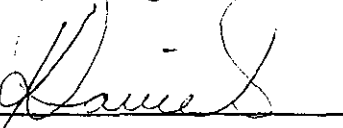
Report Writer



General Manager Concurrence



Manager Concurrence

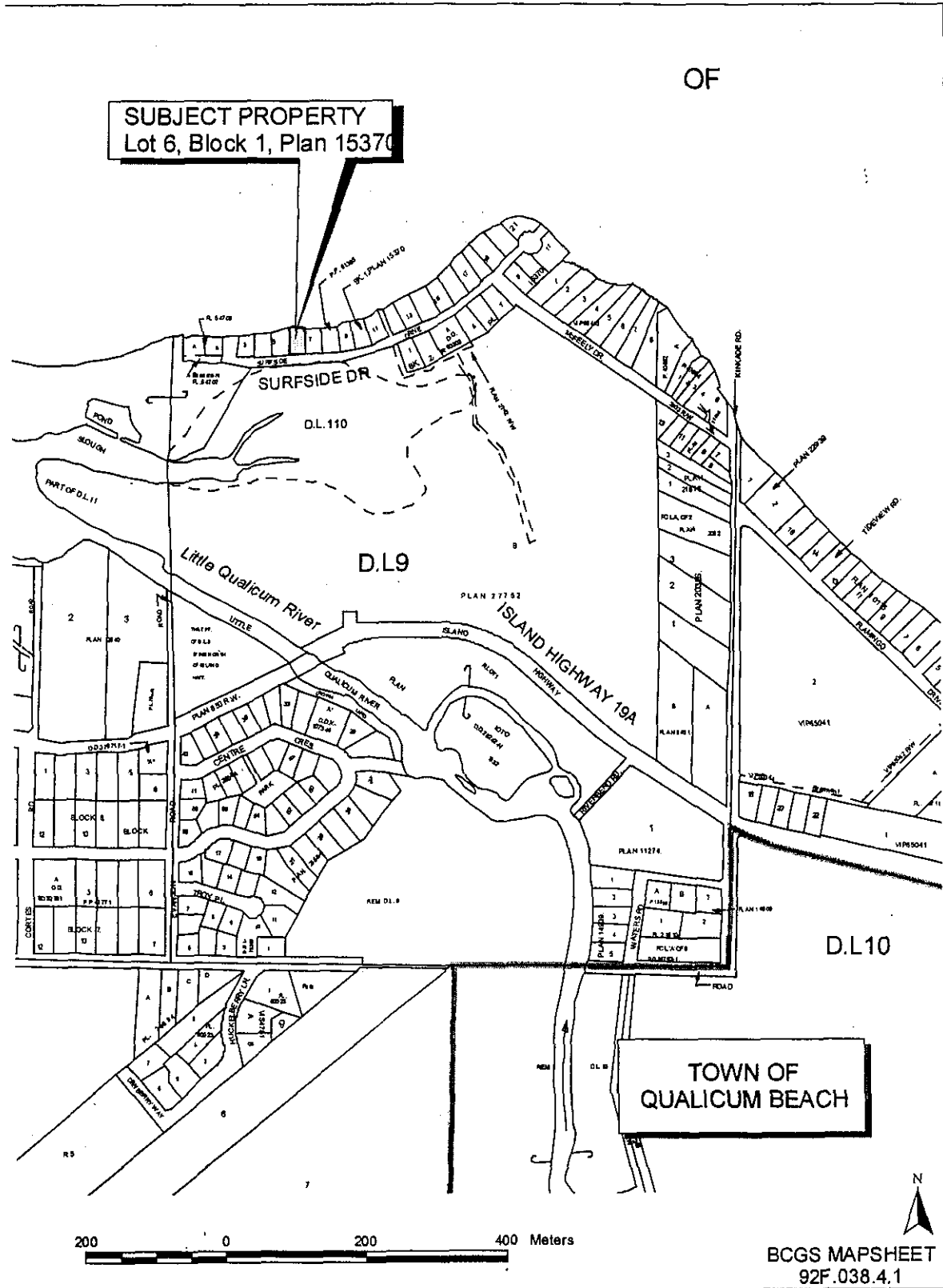


CAO Concurrence

COMMENTS:

devsvs/reports/2001/dp mr 3060 30 0104 Derkach.doc

ATTACHMENT 1



OF

SUBJECT PROPERTY
Lot 6, Block 1, Plan 15370

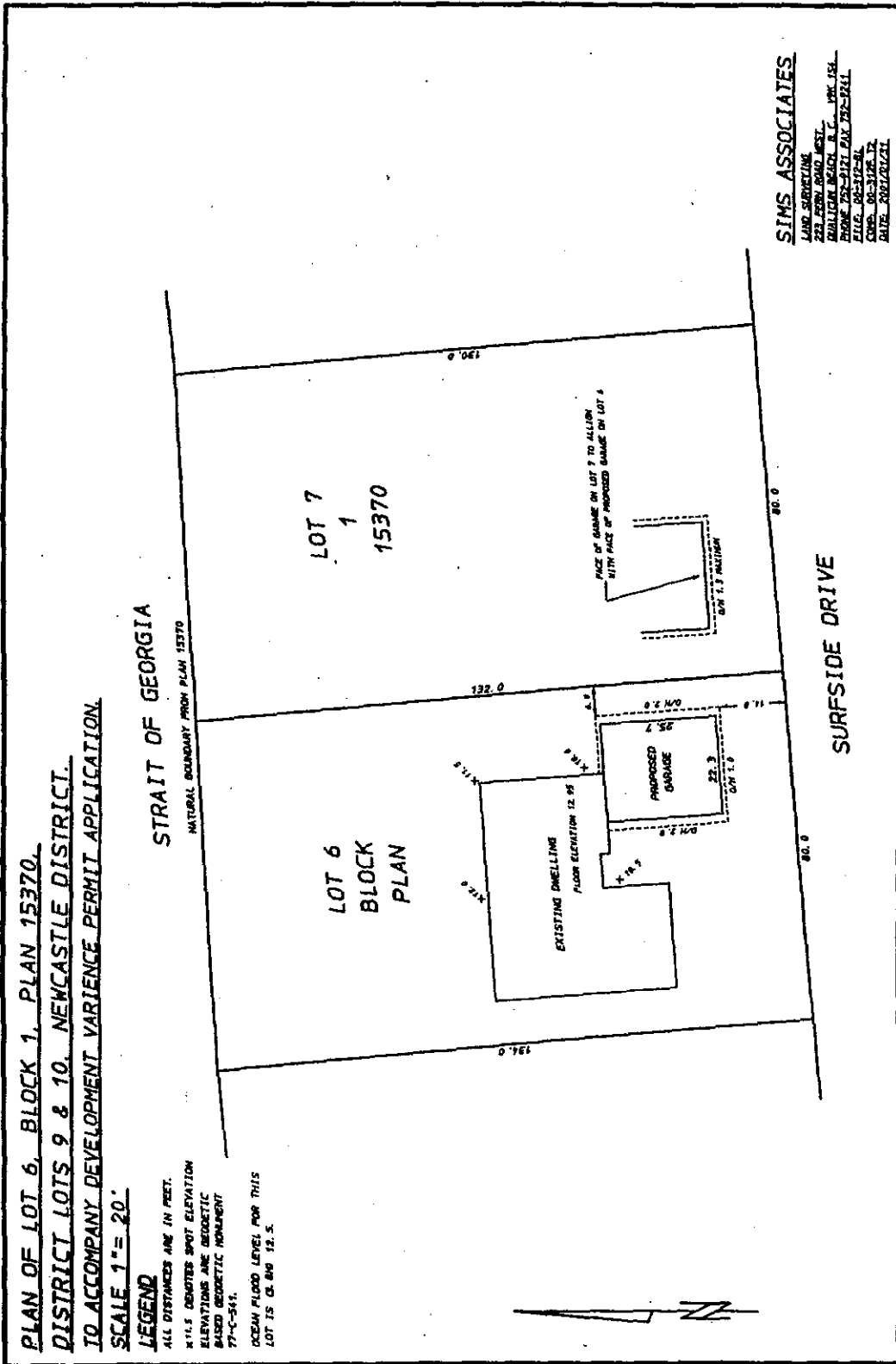
TOWN OF
QUALICUM BEACH



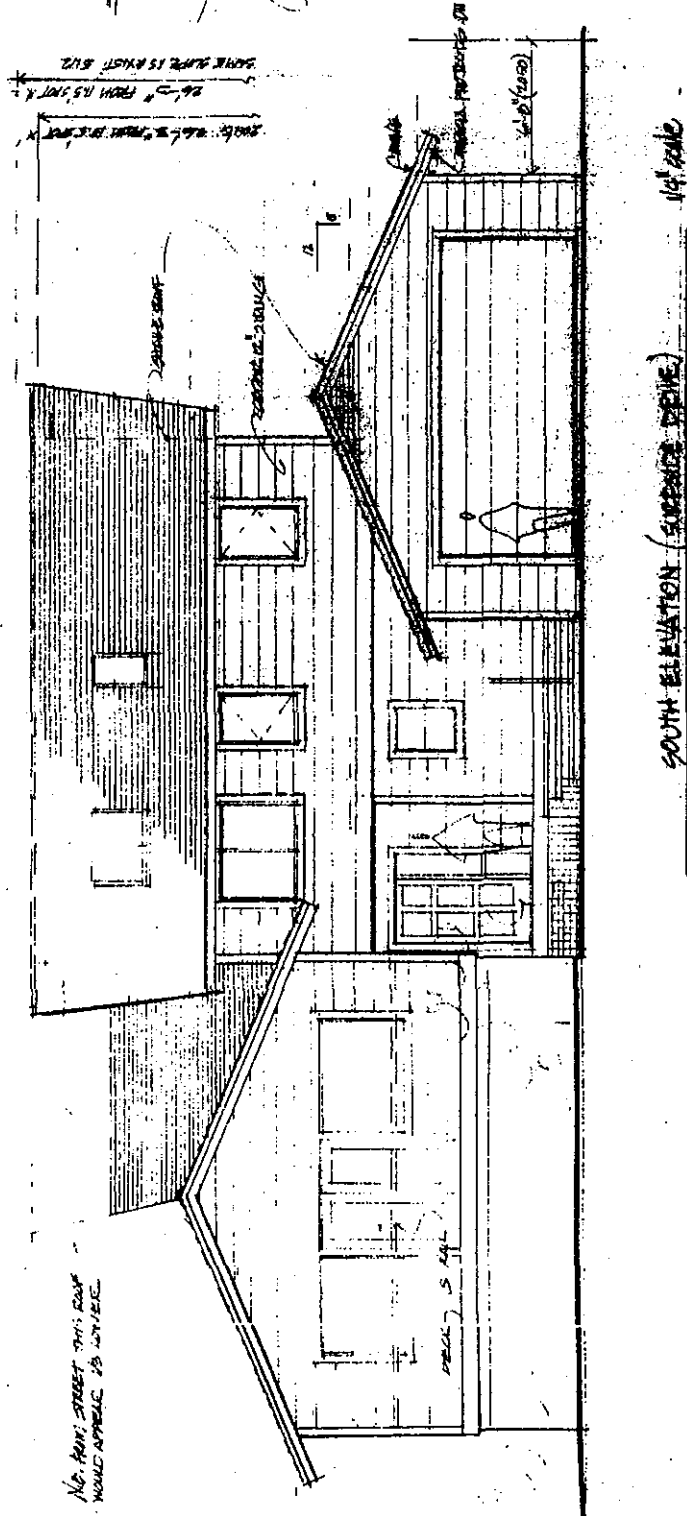
BCGS MAPSHEET
92F.038.4.1

PAGE
24

ATTACHMENT 2



ATTACHMENT 3





REGIONAL DISTRICT OF NANAIMO			
MAR 13 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	
	DSC		✓
DATE: _____			

MEMORANDUM

TO: Pamela Shaw Manager, Community Planning DATE: March 12, 2001

FROM: Deborah Jensen Planner FILE: 3060 30 0105

SUBJECT: Development Permit Application No. 0105 – Heringa and Rajotte/Griffin Strata Lot 3, District Lot 28, Nanoose District, Strata Plan VIS4363 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1 Electoral Area 'G' – 781 Miller Road, French Creek

PURPOSE

To consider an application for a Development Permit in the “Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998” Sensitive Lands Development Permit Area to facilitate the construction of a single-family dwelling. This application includes a request to vary the maximum permitted height of a structure.

BACKGROUND

This is an application to facilitate the construction of a single dwelling unit on a residential property located in French Creek (see Attachment 1). The subject property is a 0.2-hectare (0.5 acre) parcel located along Miller Road.

Zoning and Proposed Variances

The subject property is zoned Residential 1 (RS1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.” The minimum setback requirements for buildings and structures in this zone are: 8.0 metres from the front lot line; 2.0 metres from the rear lot line; 2.0 metres from the interior side lot lines; and 5.0 metres from other lot lines. The maximum dwelling unit height within this zone is 8.0 metres.

The siting and dimensions of the single dwelling unit are shown in Attachment 2. Due to architectural design, the applicants are requesting a proposed variance to the maximum permitted height of a single dwelling unit from 8.0 metres (26.3 feet) to 11.8 metres (38.7 feet) (see Attachment 3).

Development Permit Requirements

The building envelope is located within the Sensitive Lands Development Permit Area, which is intended to address flood prone lands and all those lands with a natural grade greater than 30% where lands may be susceptible to mass movement, erosion, or degradation from development. Staff notes the proposed

construction would occur in an area where fill has been deposited, thereby raising the elevation and further leveling the slope.

Restrictive Covenants

Two notations for restrictive covenants have been registered in favour of the Regional District of Nanaimo, and one restrictive covenant has been registered in favour of the Ministry of Environment, Lands and Parks (MELP), and these have been listed on the title for the subject property. Two former covenants specify that no natural vegetation shall be removed or buildings constructed within the covenant area. The proposed building area is not affected by these covenants.

The third covenant refers to the flood level of French Creek. The covenant stipulates that no area used for habitation, business, or storage of goods damageable by floodwaters shall be located within any building at an elevation such that the underside of the floor system thereof is less than three (3.0) metres above the natural boundary of French Creek. It should be noted that the existing grade is higher than the natural grade as fill was brought on site prior to this application for a development permit. The proposed construction will occur on existing grade and will, therefore, be located above the natural boundary of French Creek.

It should also be noted that a building scheme is registered on the title for the subject property.

ALTERNATIVES

1. To approve Development Permit No. 0105.
2. To deny the requested permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

From staff's assessment of this application, the potential visual impact of the height variance is reduced, as the house would be situated below the existing residences located to the east. Due to the flood level and existing grade of the subject property, it is difficult to accommodate the proposed dwelling unit without a variance to the height of the structure.

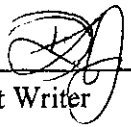
Due to the amount of fill placed on site and the slope of the subject property, staff recommends that a geotechnical report be required as part of the building permit during the construction stage, as requested by the building inspector.

SUMMARY/CONCLUSIONS


This is an application for a development permit within the French Creek Official Community Plan, Bylaw No. 1115, 1998 Sensitive Lands Development Permit Area. The application includes a request to vary the maximum permitted dwelling unit height from 8.0 metres (26.3 feet) to 11.8 metres (38.7 feet). Staff recommends the requested Development Permit be approved subject to notification provisions pursuant to the *Local Government Act*.

RECOMMENDATION

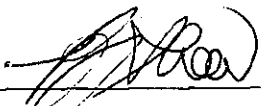
That Development Permit Application No. 0105, submitted by Henry Griffin, Agent on behalf of Heringa and Rajotte, to facilitate the development of a single dwelling unit and vary the maximum permitted height within the Residential 1 (RS1) zone from 8.0 metres to 11.8 metres for the property legally described as Strata Lot 3, District Lot 28, Nanoose District, Strata Plan VIS4363 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1, be approved as submitted subject to the notification procedures pursuant to the *Local Government Act*.



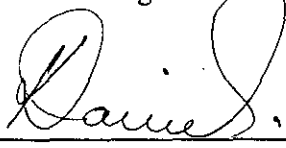
Report Writer



General Manager Concurrence



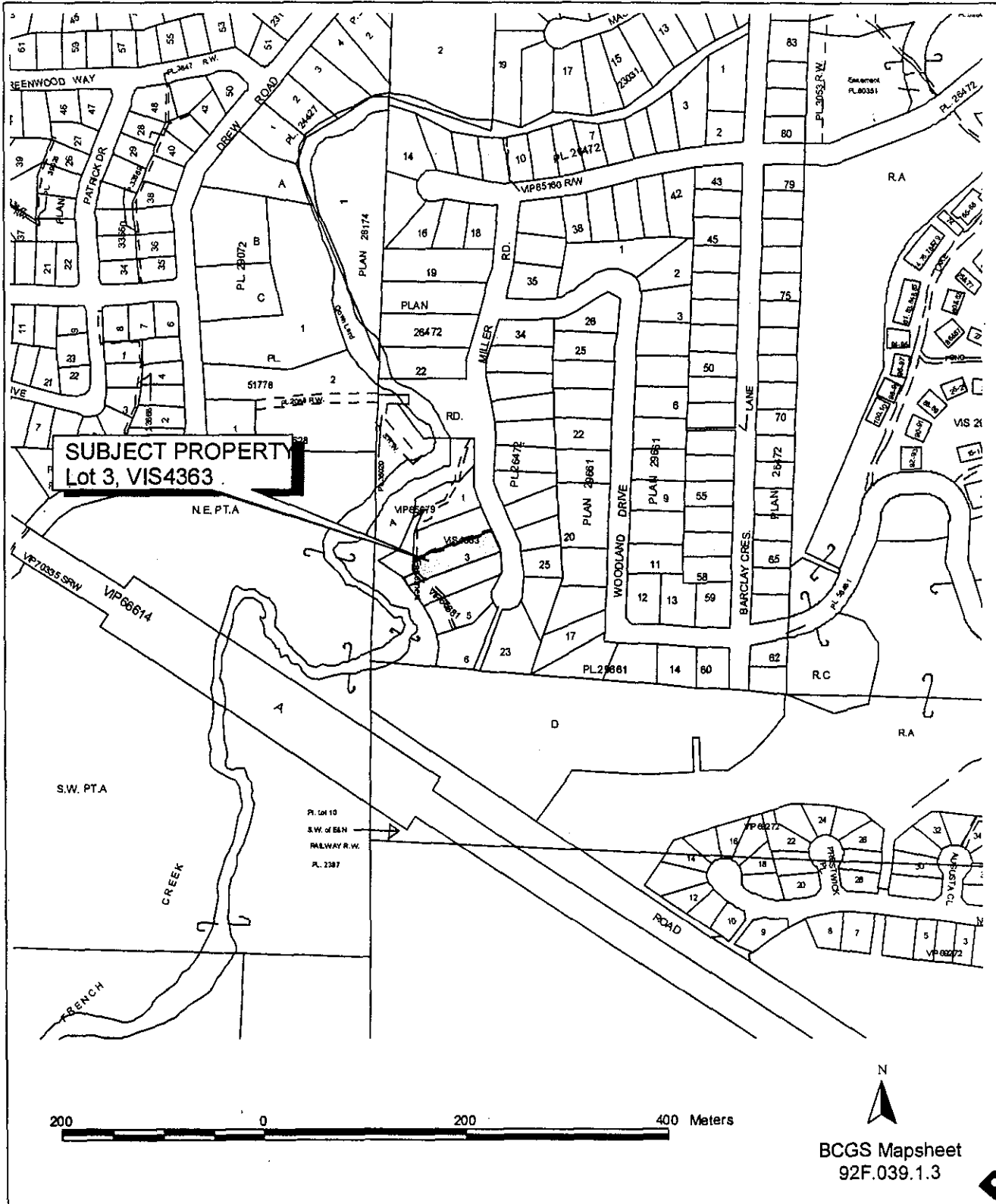
Manager Concurrence

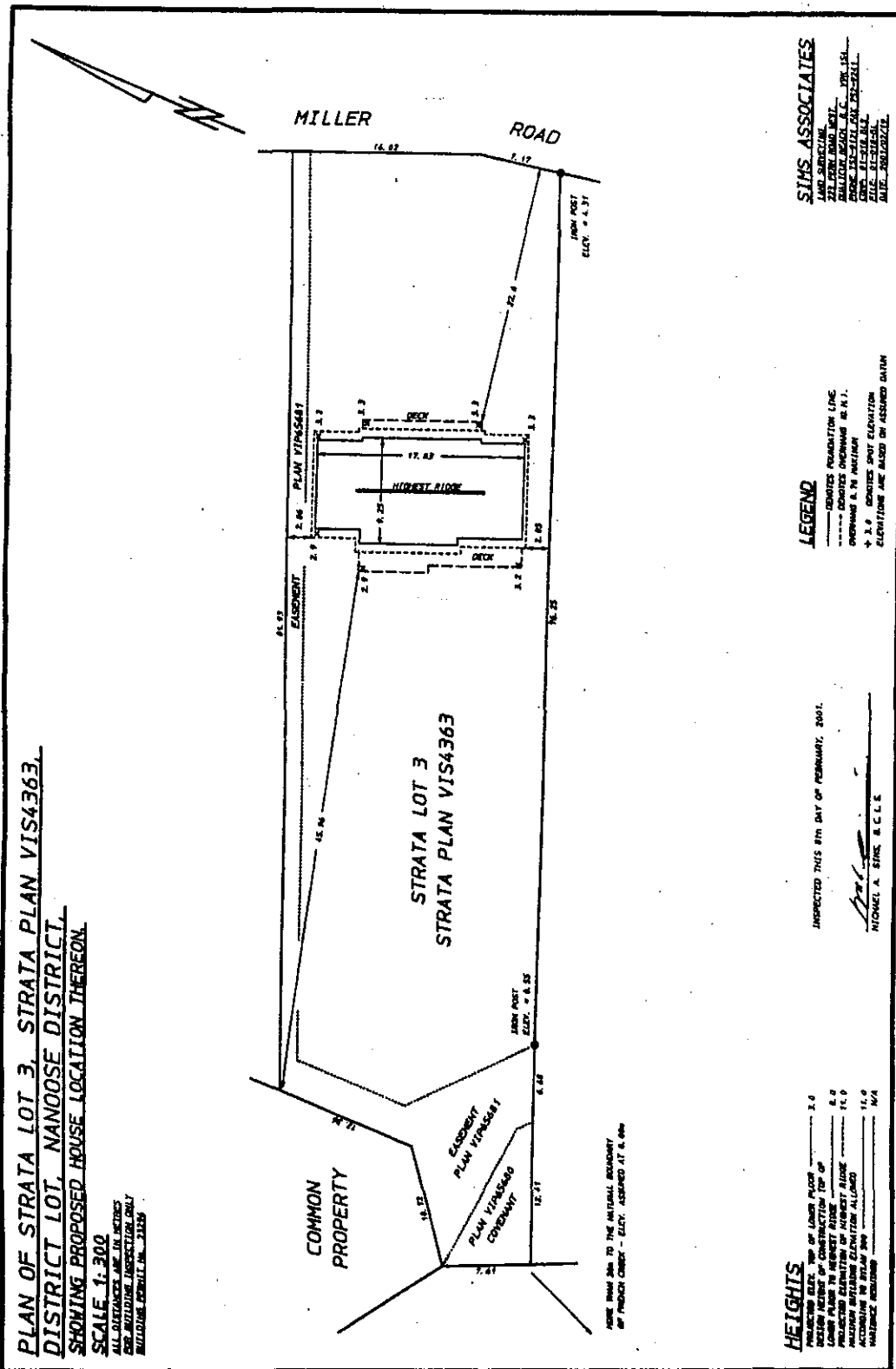


CAO Concurrence

COMMENTS:
devsvs/reports/2001/dp mr 3060 30 0105 Heringa Rajotte Griffin.doc

ATTACHMENT 1





PLAN OF STRATA LOT 3, STRATA PLAN VIS4363,
DISTRICT LOT, NANOOSE DISTRICT,
SHOWING PROPOSED HOUSE LOCATION THEREON.
SCALE 1:300
ALL DIMENSIONS ARE IN METERS
FOR BUILDING INSPECTION ONLY
BUILDING DEPARTMENT NO. 31126

NOTE: THIS IS THE NATURAL BOUNDARY
OF PRIORITY CHECK - ELEV. ASSUMED AT 5.0m

SIMS ASSOCIATES
LAND SURVEYOR
211 FORT ROAD, WEST
VICTORIA, B.C. V8S 4R6
PHONE: 251-5111 FAX: 251-1111
EMAIL: S@S.A.S.A.
ALIC. 51-218-044
ALIC. 51-218-044

LEGEND
- - - - - DENOTES FOUNDATION LINE
- - - - - DENOTES EXISTING B.C.T.
+ 3.0 DENOTES ELEVATION
ELEVATIONS ARE BASED ON ASSUMED DATUM

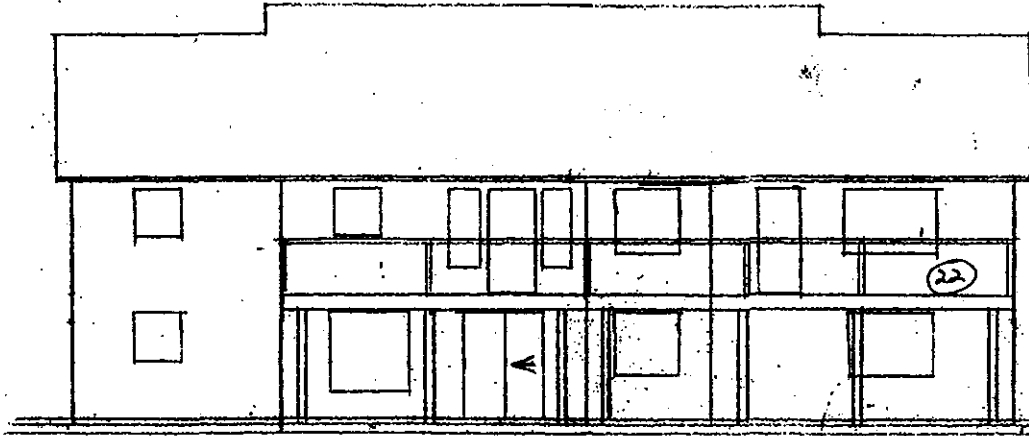
INSPECTED THIS 8TH DAY OF FEBRUARY, 2001.

MICHAEL A. SIMS, R.C.S.

HEIGHTS

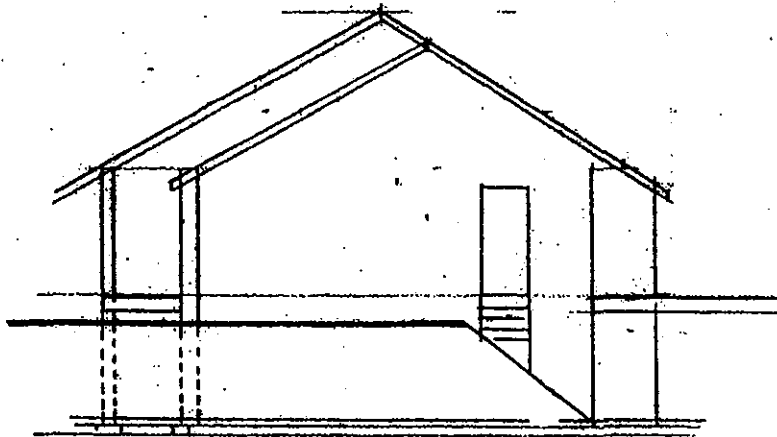
FINDING ELEV. TOP OF LOWER FLOOR	3.0
DESIGN HEIGHT TO CONSTRUCTION TOP OF	8.0
LOWER FLOOR TO HIGHEST RIDGE	8.0
HIGHEST RIDGE TO FINISH FLOOR	11.0
FINISH FLOOR TO FINISH CEILING	11.0
FINISH CEILING TO FINISH FLOOR	11.0
FINISH FLOOR TO FINISH FLOOR	N/A
VARIANCE INCLUDING	N/A

ATTACHMENT 3



REAR ELEVATION

SCALE $\frac{1}{8}'' = 1'$



LEFT ELEVATION
RIGHT



REGIONAL DISTRICT OF NANAIMO			
MAR 13 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCrS		GMES	
DSC ✓			
			DATE:

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

FROM: Lindsay Chase
Planner

SUBJECT: Development Variance Permit Application No. 0101 – Ken and Wendy May
Lot 1, Section 5, Range 5, Cedar District, Plan VIP57053
Electoral Area 'A' – Lambert Lane

FILE: 3090 30 0101

DATE: March 12, 2001

PURPOSE

To consider a development variance permit to vary the maximum height provisions in the Rural 4 (RU4) zone to facilitate the establishment of a single dwelling unit.

BACKGROUND

This is an application for a development variance permit to facilitate the establishment of single dwelling unit on a property located on Lambert Lane in Electoral Area 'A' (see Attachment 1). The subject property is a rural, relatively flat, approximately 2.72 ha. parcel, bounded by Quennell Lake to the south, rural properties to the east and west, and Lambert Lane to the north.

Zoning and Proposed Variances

The subject property is zoned Rural 4 (RU4) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The maximum height of structures in this zone is 9.0 meters from the natural grade.

The siting and dimensions of the proposed single-family dwelling unit are shown in Attachment 2 & 3. Due to architectural design, the applicants are requesting a variance to the maximum permitted height of the dwelling unit from 9.0 metres to 10.6 metres.

Restrictive Covenants

There are restrictive covenants registered against the title of the property indicating the covenanted septic area, geotechnical requirements, flood elevations, and limiting vegetation removal adjacent to Quennell Lake. The applicant has provided documentation providing assurances from a BCLS that the proposed building site is outside of all covenanted areas.

ALTERNATIVES

1. To approve Development Variance Permit No. 0101.
2. To deny Development Variance Permit No. 0101.

ENVIRONMENTAL IMPLICATIONS

The Environmentally Sensitive Areas Atlas indicates the presence of trout habitat in Quennell Lake and a Fisheries Planning Boundary adjacent to the shoreline. The proposed building site is located outside of the covenanted vegetation removal area and will meet the requirements for setbacks to watercourses pursuant to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.

LAND USE AND DEVELOPMENT IMPLICATIONS

From staff's assessment of this application, the potential visual impact of the height variance is reduced due to the size of the subject property and the surrounding properties. While there are no apparent site stability issues, a geotechnical report may be necessary during the construction phase as required by the building inspector (to be determined by the Building Inspection Department).

SUMMARY/CONCLUSIONS

This is an application for a development variance permit to facilitate the development of a single dwelling unit. The application includes a request to vary the maximum permitted height of a structure from 9.0 metres to 10.6 metres. Staff recommends that this application be approved subject to notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

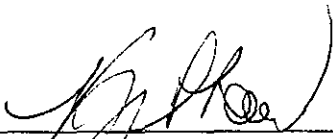
That Development Variance Permit Application No. 0101, submitted by Kevin and Wendy May to facilitate the development of a single dwelling unit and vary the maximum permitted height of a structure within the Rural 4 (RU4) zone from 9.0 metres to 10.6 metres for the property legally described as Lot 1, Section 5, Range 5, Cedar District, Plan VIP57053, be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.



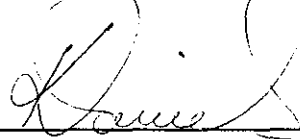
Report Writer



General Manager Concurrence



Manager Concurrence

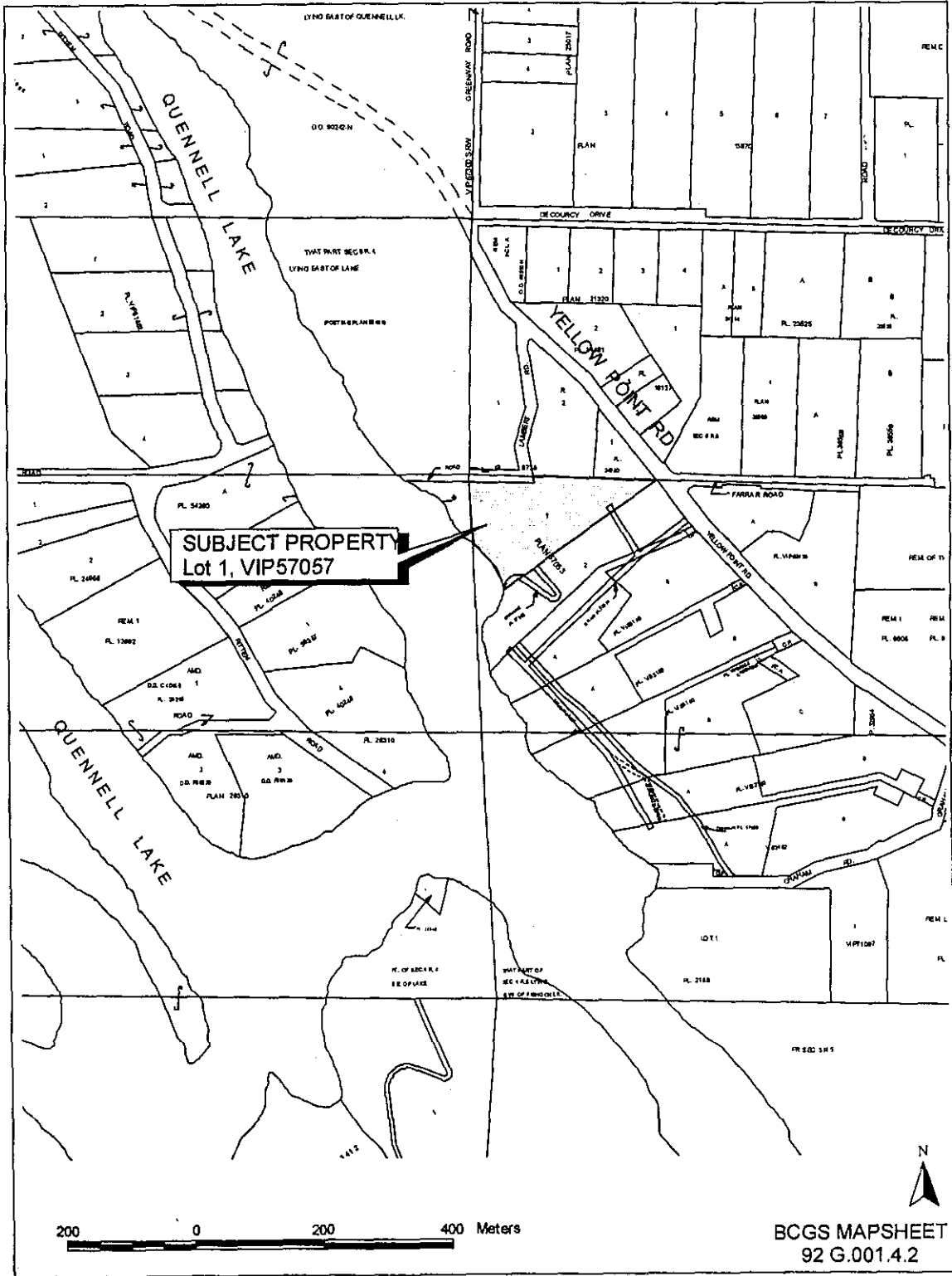


CAO Concurrence

devsvs/reports/2001/dvp mr 3090 30 0101 May.doc

COMMENTS:

Attachment 1
Location of Subject Property



BCGS MAPSHEET
92 G.001.4.2

PAGE
35

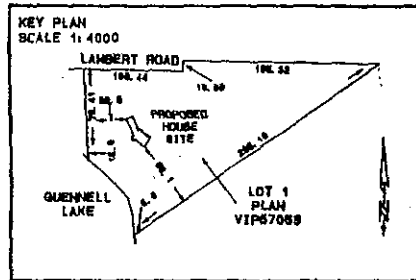
Attachment 2
 Site Survey Plan

BRITISH COLUMBIA LAND SURVEYOR'S SKETCH PLAN

THIS DOCUMENT PREPARED FOR DETERMINING
 MAXIMUM RIDGE ELEVATIONS ONLY.
 THIS DOCUMENT PREPARED FOR KEVIN MAY.

LEGEND

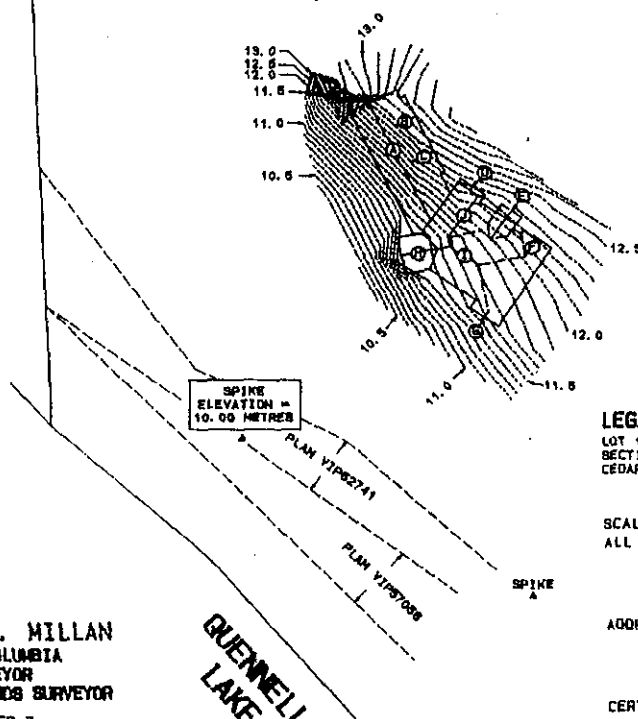
ELEVATIONS ARE REFERRED TO AN ASSUMED DATUM
 AND ARE IN METRES.
 ELEVATIONS TAKEN AT EXISTING NATURAL GRADE.
 CONTOUR INTERVAL IS 0.10 METRES.
 ▲ DENOTES TRAVERSE NUB PLACED.



RIDGE	NATURAL GRADE BENEATH RIDGE	MAXIMUM RIDGE ELEVATION
A	11.57	20.57
B	12.35	21.35
C	12.15	21.15
D	12.24	21.24
E	11.50	20.50
F	12.05	21.05
G	11.55	20.55
H	11.84	20.84
I	11.57	20.57
J	11.55	20.55

LAMBERT ROAD

LOT 1
 PLAN VIP57059



SPIKE
 ELEVATION =
 10.00 METRES

LEGAL DESCRIPTION

LOT 1, PLAN VIP57059,
 SECTION 5, RANGE 5,
 CEDAR DISTRICT

SCALE : 1:500
 ALL MEASUREMENTS IN METRES

ADDRESS (ABANDONED CIVIC NO.)
 LAMBERT ROAD

CERTIFIED CORRECT

DATE : FEBRUARY 29, 2001

Leigh A. Millan BCLB, CLS
 NOT VALID UNLESS
 ORIGINALLY SIGNED
 AND SEALED

LEIGH A. MILLAN
 BRITISH COLUMBIA
 LAND SURVEYOR
 CANADA LANDS SURVEYOR

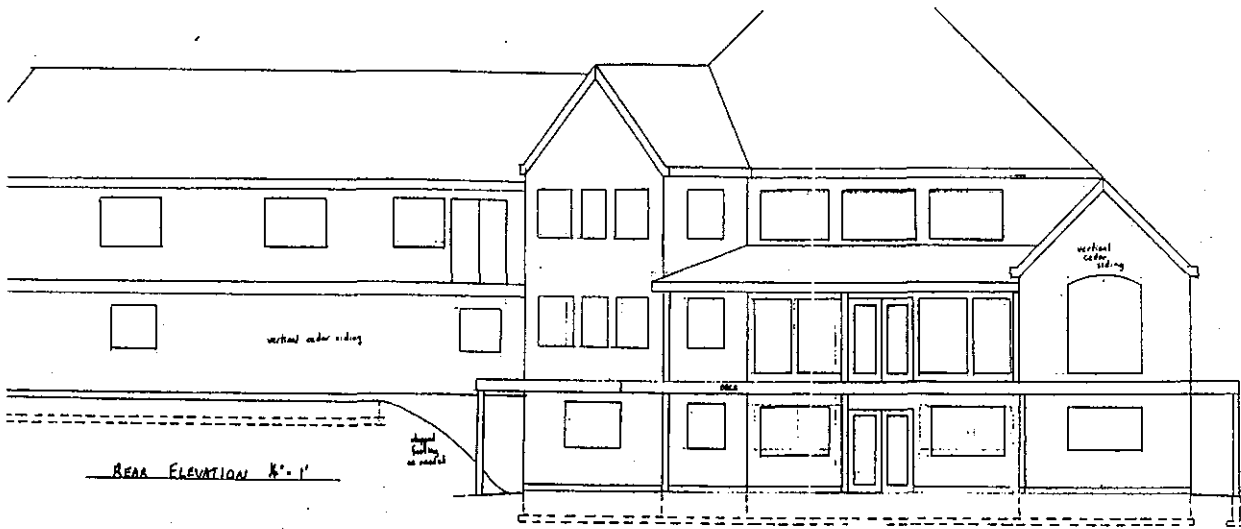
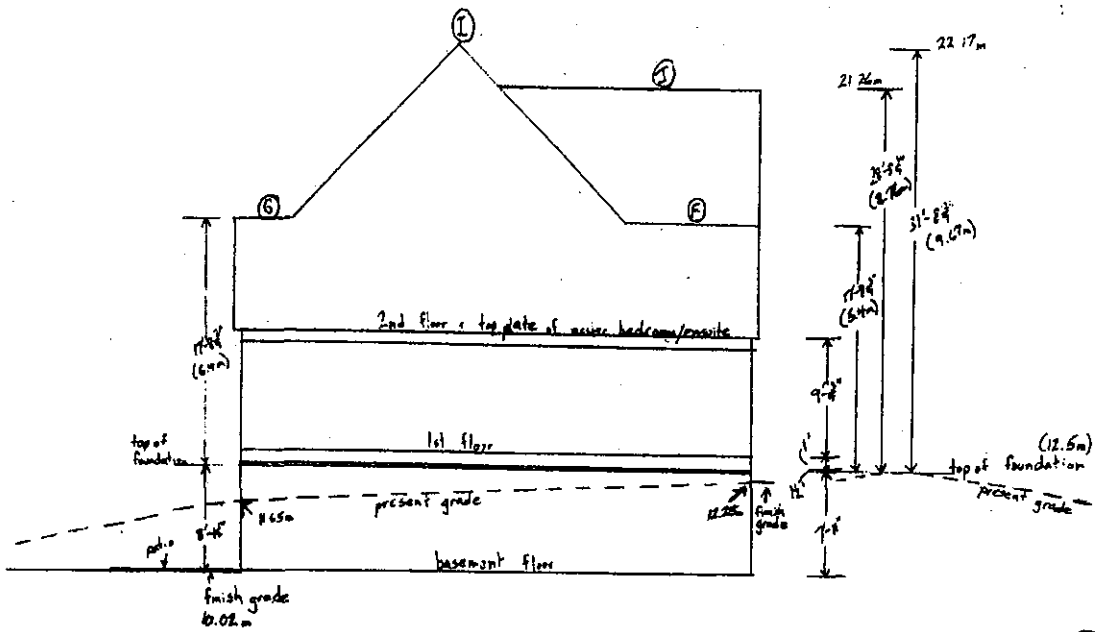
SUITE NUMBER 7
 20 FRONT STREET
 VANUVER, B.C. V9R-5N8

FILE NO. 288
 P.L. NO. 384-58
 CNRP FILE EBLC.901

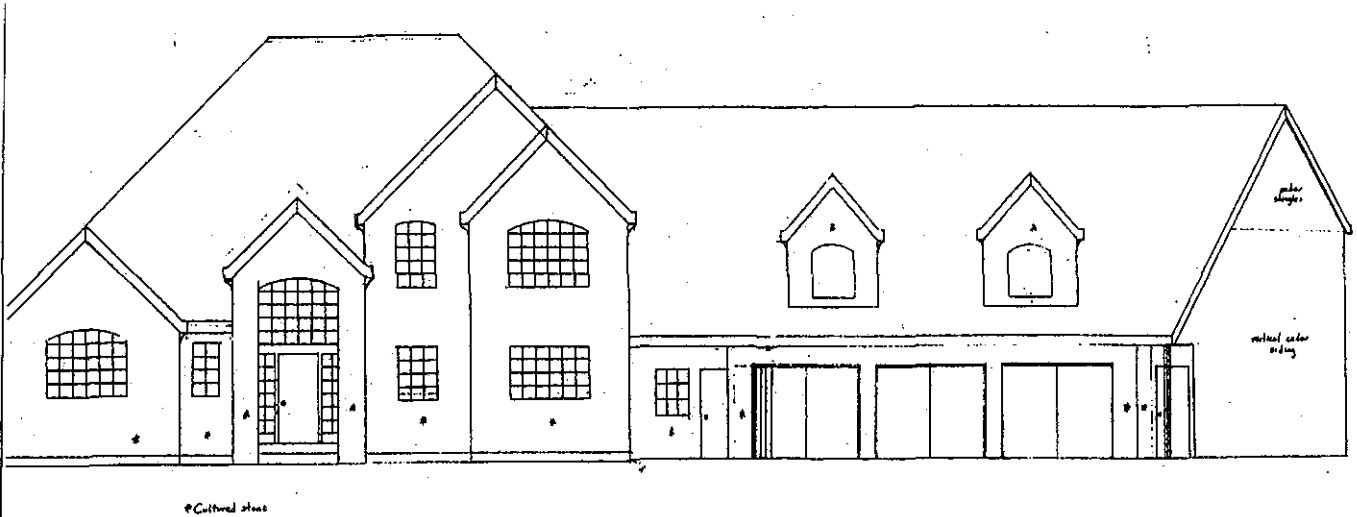
QUENNELL LAKE

Attachment 3
Elevations of Proposed Dwelling Unit

SOUTH EAST ELEVATION 1/8" = 1'



Attachment 3 (cont'd)
Elevations of Proposed Dwelling Unit



FRONT ELEVATION W-1



REGIONAL DISTRICT OF NANAIMO			
MAR 13 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	
P.S.C.			
			DATE

MEMORANDUM

TO: Pamela Shaw
 Manager, Community Planning

FROM: Lindsay Chase
 Planner

SUBJECT: Development Variance Permit Application No. 0102 – Tad-Mar Resources Ltd
 Lot 7, District Lot 78, Nanoose District, Plan VIP56437
 Electoral Area 'E' – Richard Place

DATE: March 12, 2001

FILE: 3090 30 0102

PURPOSE

To consider a development variance permit to vary the maximum height provisions in the Residential 3 (RS3) zone to facilitate the establishment of a single dwelling unit.

BACKGROUND

This is an application for a development variance permit to facilitate the establishment of single dwelling unit on a property located on Richard Place in Electoral Area 'E' (see Attachment 1). The subject property is a large, sloping, waterfront, approximately .370 ha. parcel, bounded by residential properties to the north and south, Nanoose harbour to the east, and Richard Place to the west.

Zoning and Proposed Variances

The subject property is zoned Residential 3 (RS3) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The maximum height of structures in this zone is 8.0 metres from the natural grade.

The siting and dimensions of the proposed single-family dwelling unit are shown in Attachment 2. Due to the slope of the site, the applicants are requesting a variance to the maximum permitted height of the dwelling unit from 8.0 metres to 8.9 metres.

Restrictive Covenants

There are covenants registered on the title of the property providing restrictions on: an easement for a trail; a protected vegetation removal area; protected tree removal area; setbacks (no structures located within 15 metres of the natural boundary of Nanoose Harbour; and required flood elevations. The applicant has provided documentation from a BCLS that the proposed building site is outside of all covenanted areas.

ALTERNATIVES

1. To approve Development Variance Permit No. 0102.
2. To deny Development Variance Permit No. 0102.

ENVIRONMENTAL IMPLICATIONS

The Environmentally Sensitive Areas Atlas indicates the presence of fish habitat along the shoreline and a Fisheries Planning Boundary adjacent to the shoreline. The proposed building site is located outside of

the covenanted vegetation removal area and will meet the requirements for setbacks to watercourses pursuant to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.

LAND USE AND DEVELOPMENT IMPLICATIONS

From staff's assessment of this application, the potential visual impact of the height variance is reduced due to the size of the subject property and the height of dwelling units on surrounding properties. It would appear that the applicant has made efforts to conform to the bylaw, as evidenced in the siting of the proposed dwelling unit; the variance requested is primarily in response to the slope of the subject property. In addition, the applicant appears to have complied with all requirements of the restrictive covenants and Building Scheme registered on the Title of the property. It should be noted that while there are no apparent site stability issues, a geotechnical report may be necessary during the construction phase as required by the building inspector (to be determined by the Building Inspection Department).

SUMMARY/CONCLUSIONS

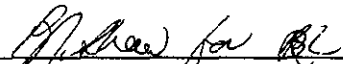
This is an application for a development variance permit to facilitate the development of a single dwelling unit. The application includes a request to vary the maximum permitted height of a structure from 8.0 metres to 8.9 metres. Staff recommends that this application be approved subject to notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

That Development Variance Permit Application No. 0102, submitted by Sims and Associates, Agent to facilitate the development of a single dwelling unit and vary the maximum permitted height of a structure within the Residential 3 (RS3) zone from 8.0 metres to 8.9 metres for the property legally described as Lot 7, District Lot 78, Nanoose District, plan VIP56437, be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.



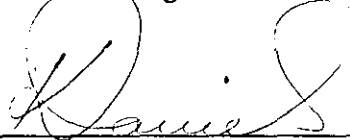
Report Writer



General Manager Concurrence



Manager Concurrence

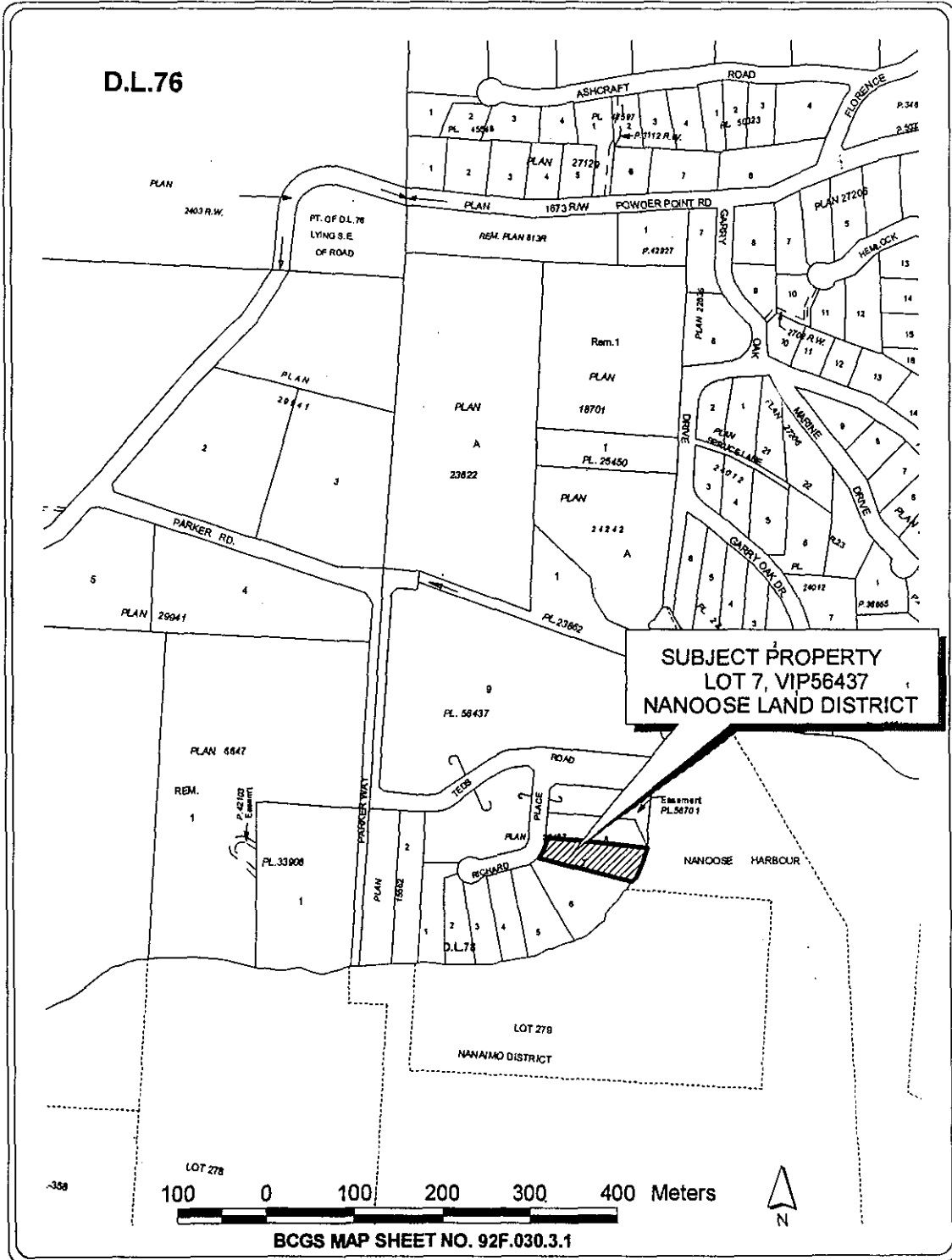


CAO Concurrence

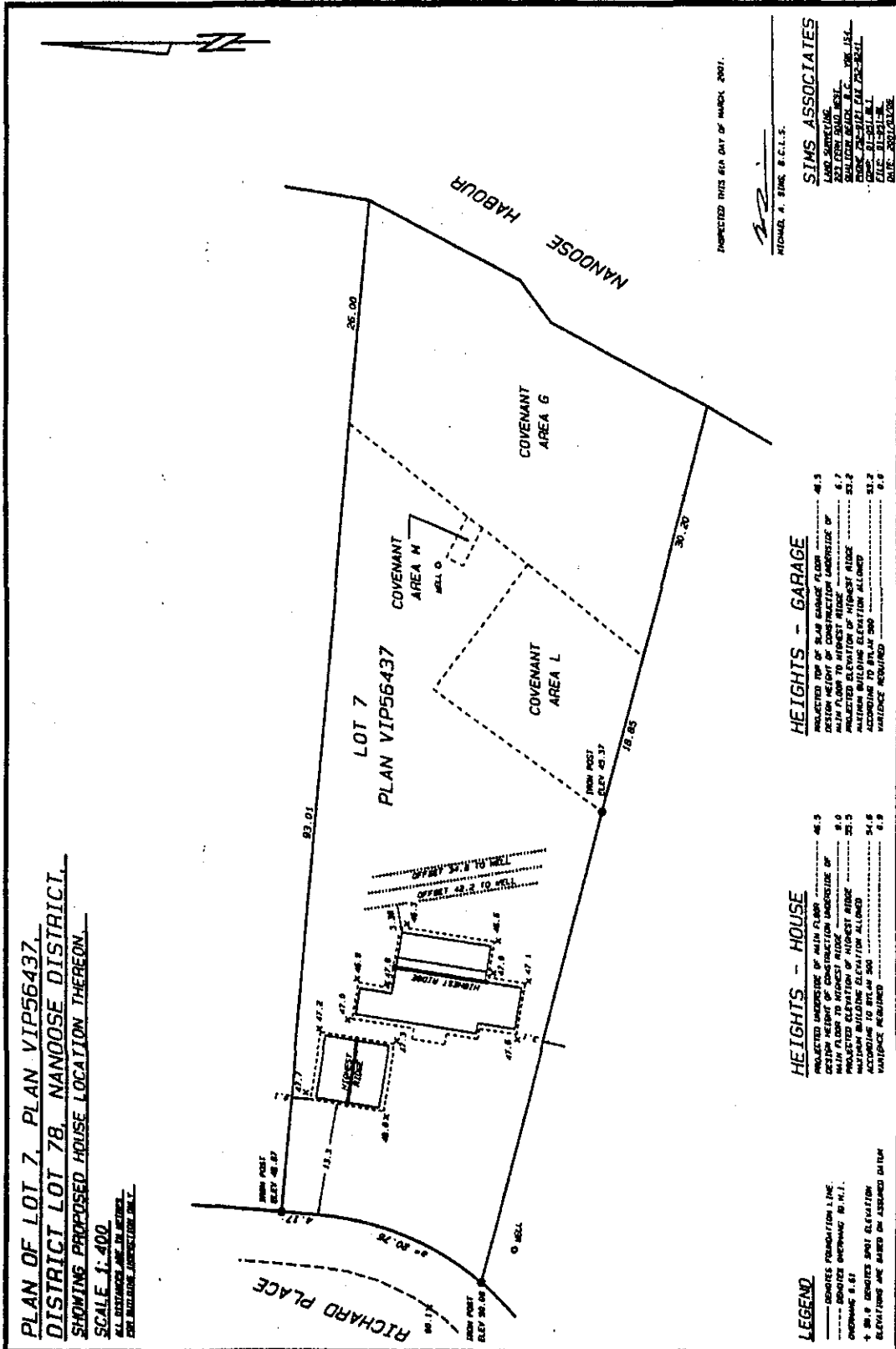
devsvs/reports/2001/dvp mr 3090 30 0102 Tad Mar Sims.doc

COMMENTS:

Attachment 1
Subject Property Location



Attachment 2
 Site Survey of Subject Property





**REGIONAL
DISTRICT
OF NANAIMO**

**REGIONAL DISTRICT
OF NANAIMO**

MAR 13 2001

CHAIR		GMCRs	
CAO		GMDS	
GMCRs		GMES	
		DSC	✓

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: March 12, 2001

FROM: Lindsay Chase
Planner

FILE: 3010 01 FMRA

SUBJECT: New FM Radio Programming Undertaking – Central Island Broadcasting
Electoral Area 'F' - Little Mountain

PURPOSE

To consider a proposal for a new FM Radio Programming License submitted by Central Island Broadcasting Ltd. to be broadcasted from their existing site on Little Mountain in Electoral Area 'F' (*see Attachment 1*).

BACKGROUND

Radio Broadcasting facilities are dealt with at the federal level pursuant to the *Radiocommunications Act*. Industry Canada is the department of the federal government responsible for administering this *Act*. Because the Canadian Constitution stipulates that no lower order government may regulate within the jurisdiction of a higher-order government, Industry Canada is ultimately responsible for authorizing the location of these facilities. As a courtesy to local governments, applicants are expected to notify the local land use authority and solicit feedback on their application.

Proposed Development

The applicant is proposing to co-locate the proposed new FM within the present facility for CKWN-1 FM, which is in the existing cage at the top of Little Mountain. The applicant has indicated that no external modifications, changes or additions are proposed for the existing building or facility where the current transmitter site for CKWN-1 FM is located.

The subject property is not located within a Development Permit area designated pursuant to the Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999. If a zoning bylaw were in effect for this area, it would not apply to the tower as a federal authority regulates it.

The applicant has submitted information detailing the 115 dBU contour for the proposed facility (*see Attachment 2*). They have also provided documentation from Industry Canada detailing the responsibility of the Broadcaster should interference to radio frequency devices occur inside the contour (*see Attachment 3*).

ALTERNATIVES

1. To receive this report for information and direct staff to provide a letter indicating that the Regional District has no objections to the proposed license application.
2. To receive the report and provide comments as directed by the Board.

PUBLIC CONSULTATION IMPLICATIONS

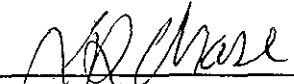
As part of staff's review of this proposal, staff have found that there apparently are no regulations requiring public notification (through advertising, posting on site, or notifying adjacent land owners) for licenses of this type. Given this, staff will monitor any public comments and ensure that they are directed to the FM broadcaster and Industry Canada.

SUMMARY/CONCLUSIONS

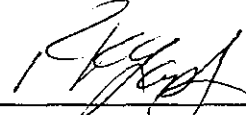
Central Island Broadcasting Ltd. has requested that the Regional District support their application for new FM radio programming license that will result in a new band frequency to be transmitted from their existing site on Little Mountain. There are no new land use implications with respect to the proposal as existing facilities are proposed to be modified in their present location. The applicant has supplied guidelines from Industry Canada indicating that should interference to radio frequency devices occur within the 115 dBu contour they are responsible to remedy them.

RECOMMENDATION

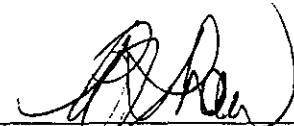
That Central Island Broadcasting be advised that the Regional District has no objections to the new FM license application and is willing to grant an approval in principle to the proposal.



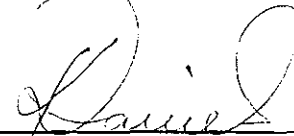
Report Writer



General-Manager Concurrence



Manager Concurrence

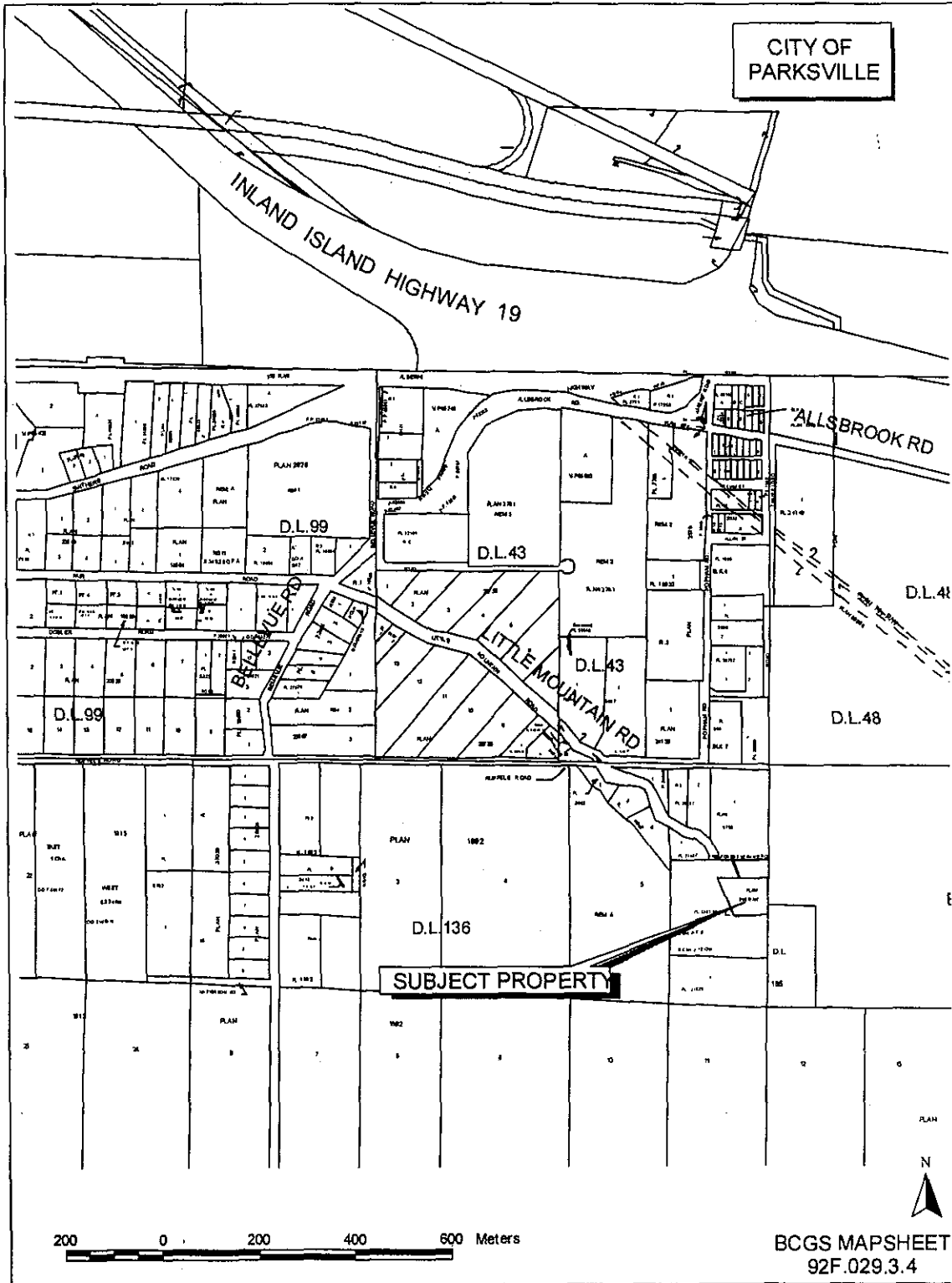


CAO Concurrence

devsys/reports/2001/3010 01 FMRA mr referral Central Island.doc

COMMENTS:

Attachment 1
Subject Property Location



Part III: Application Procedures and Rules for FM Broadcasting Undertakings

$$d_i = \frac{57.3 H}{\Theta_i + A}$$

This general relationship is plotted for various antenna heights as shown in Figure 3 of APPENDIX 1.

C-5.5 Broadcaster's Responsibilities

The broadcaster will accept responsibility to:

- remedy *valid* complaints of interference to radio frequency devices within the 115 dBu contour (refer to Section C-5.6 for list of complaints judged *not valid* by the Department), and
- provide technical advice to complainants, located between the 115 dBu contour and the service contours of the station, concerning appropriate action to resolve interference problems attributed to the station, and
- keep the appropriate district office of the Department fully informed of all complaints received and action taken.

At a future date, and following the development of radio frequency immunity standards for non-radio frequency devices, the broadcaster will be responsible for remedying *valid* complaints of interference caused by the station to such devices.

C-5.5.1 Broadcaster's Commitment

To acknowledge the responsibilities of the broadcaster with respect to the high field strength contours, all applicants shall submit the following commitment to the Department:

"In the event a broadcasting certificate is issued as a result of this application, the holder of the broadcasting certificate agrees to take prompt and appropriate action to correct overload and/or blanketing interference and any other type of interference to radio frequency devices inside the 115 dBu contour of the station, bearing all corrective costs involved, unless such complaints are of a type judged **not valid** by Industry Canada. Where interference occurs in areas between the 115 dBu contour and the service contours of the station, the holder of the broadcasting certificate agrees to provide technical advice to complainants by suggesting appropriate remedial action to resolve interference problems attributed to the station".

C-5.5.2 Notifying the Local Municipality

An applicant for a new station or for changes¹⁰ to an existing station shall submit a notice to the local municipality(ies) (all municipalities with an area enclosed by the 115 dBu contour) stating his or her intention to operate an FM broadcasting station in the area. The purpose of this notice is to provide the municipal authority with an opportunity to consider the implication of the proposed antenna structure and site. The municipal authority may file a written objection to the proposed facilities with the appropriate Industry Canada District Office. The applicant and the municipal authority shall resolve all municipal problems and objections. Failing this, the Department will consider all factors pertaining to the application, as well as the municipal comments, and render a final decision.

The notice shall include the following information:

- (a) a statement to indicate that a broadcasting station is planned for the municipality and that, if approved, the operation of the station would be subject to federal regulations for which a broadcasting licence from the CRTC and a broadcasting certificate from Industry Canada are required;
- (b) a sketch of the building, the proposed tower(s) and antennas, with sufficient detail and dimensions to give a pictorial representation of the total structure;
- (c) a map showing the transmitter site and the location of the 115 dBu contour. This shall be accompanied by a statement to say that should interference to radio frequency devices occur inside this contour, the applicant would be responsible for corrective action in remedying the complaints, unless such interference complaints are deemed to be not valid by the Department. A list of complaints normally considered not valid by the Department is given in Section C-5.6, and shall be included with the statement. In addition, the statement shall indicate that the applicant will provide advice by suggesting appropriate remedial action to resolve valid complaints of interference caused by the station when such complaints originate from the area between the 115 dBu contour and the station's service contours;
- (d) a statement to indicate that, if subsequent building development occurs inside the 115 dBu contour, which could give rise to interference complaints, or if new or existing devices are added or re-located inside the contour, the applicant would not be expected to assume responsibility for corrective action for such new entrants; and
- (e) a statement to indicate that the performance of some radio frequency, as well as some non-radio frequency devices, may be degraded by high signal strengths from

¹⁰ Changes to existing stations that do not modify the structure and its attachments nor change the location of the 115 dBu contour need not be notified.

the station because of design limitations such as inadequate or improper shielding of the devices.

The notice is to be filed with each municipal authority with sufficient lead time to permit it to consider the impact of the proposal. Insufficient lead time could delay the processing of the application by the Department and may also cause the CRTC to reschedule this item for a later Public Hearing. A copy of this notice is to be filed with the Department's headquarters office.

C-5.5.3 Sharing of Responsibility

Within the 115 dBu contour of co-located or near co-located FM stations, should a new station experience problems of overloading, blanketing or IM interference or cause such problems to the reception of other broadcasting stations, all stations involved shall assume their appropriate share of the responsibility to remedy such problems.

C-5.6 List of Complaints Judged Not Valid by Industry Canada

The following list identifies the types of complaints judged *not valid* by the Department and for which the broadcaster is not responsible for remedial action:

- (a) where the complaint is attributed to the use of a malfunctioning or mistuned receiver or an improperly installed or defective antenna system;
- (b) where the complaint involves non-radio frequency devices such as computers, microprocessors, calculators, audio or video tape recorders, record or disc players, electronic organs, telephones, hi-fi amplifiers, garage door openers etc.;
- (c) where the complaint is attributed to the desired signal being received at a location outside the coverage area of the station;
- (d) where the complaint is attributed to the desired signal not being favourably received because of adverse local propagation conditions or building penetration losses;
- (e) where the complaint involves the reception of signals originating from outside of Canada;
- (f) where the complaint involves the malfunction of radio frequency devices that are located inside the 115 dBu contour, if the devices were introduced within the contour *after* the station started operating with the new facilities;
- (g) where the complaint involves a high gain receiving antenna and/or an antenna booster amplifier intended for reception of distant stations which, as a consequence, overloads the receiver or creates intermodulation in the amplifier output;

- (h) where the complaint is attributed to overload interference in radio receivers that are located outside the 115 dBu contour;
- (i) any other complaint which, in the judgement of the Department, is considered *not valid*.

C-6 POTENTIAL INTERFERENCE TO TV FROM FM BROADCASTING STATION ASSIGNMENTS

These guidelines identify a number of potential interference situations involving FM and television reception, and establish an interim requirement pending the results of further studies.

C-6.1 Second Harmonic Interference

Second harmonic radiation from FM transmitters may cause objectionable interference to the reception of TV signals on Channels 7-13 in areas where the TV signal level is relatively low compared to the FM signal. Present standards in Canada require that the second harmonics of FM transmitters be attenuated 80 dB or more below the level of unmodulated carrier, depending on the operating power. In areas where the ratio of FM to TV signals is quite large, the relative level of the FM second harmonic may interfere with TV reception. Since there are a number of cases where such second harmonic relationships exist in the present channel allotment plans for FM and TV, care may nspaceed to be exercised in selecting sites for new stations in order to avoid high ratios of FM to TV signal levels which might result in objectionable interference.

In circumstances where it is difficult to avoid the aforementioned channel relationships, FM proposals predicated on the use of these channels shall include a complete engineering analysis of the potential interference situation. The brief shall include an undertaking from the applicant that complaints of interference will be investigated and appropriate measures will be take to remedy the n situation at the applicant's own expense.

C-6.2 Interference to Channel 6 from FM Broadcasting Stations on Channels 201-220

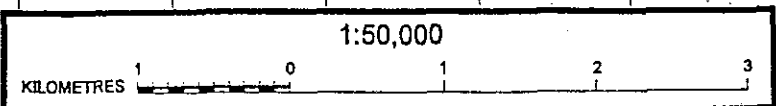
C-6.2.1 To minimize possible interference to TV Channel 6 from FM transmissions on channels 201-220 inclusive, it is required that the FM and TV signal strengths at TV receiver locations not exceed certain levels. To achieve this objective, the siting of FM stations and their power levels, in relation to TV Channel 6, have to be considered.

The perceptibility of interference to TV Channel 6 depends on the frequency separation and the levels of both the FM and TV signal strengths. To minimize interference, it is desirable to equalize the ratio of the FM to TV signal strengths at all receiver locations and therefore co-location or near¹¹ co-location of the FM and TV stations is highly recommended.

¹¹ Near co-located means within 400 m of the TV ch. 6 transmitter site.

124°

400 01 02 03 20' 04 05 06 07 08 38



PROPOSED SITE LOCATION (NAD27)
 LATITUDE 49° 17' 40" NORTH
 LONGITUDE 124° 19' 25" WEST

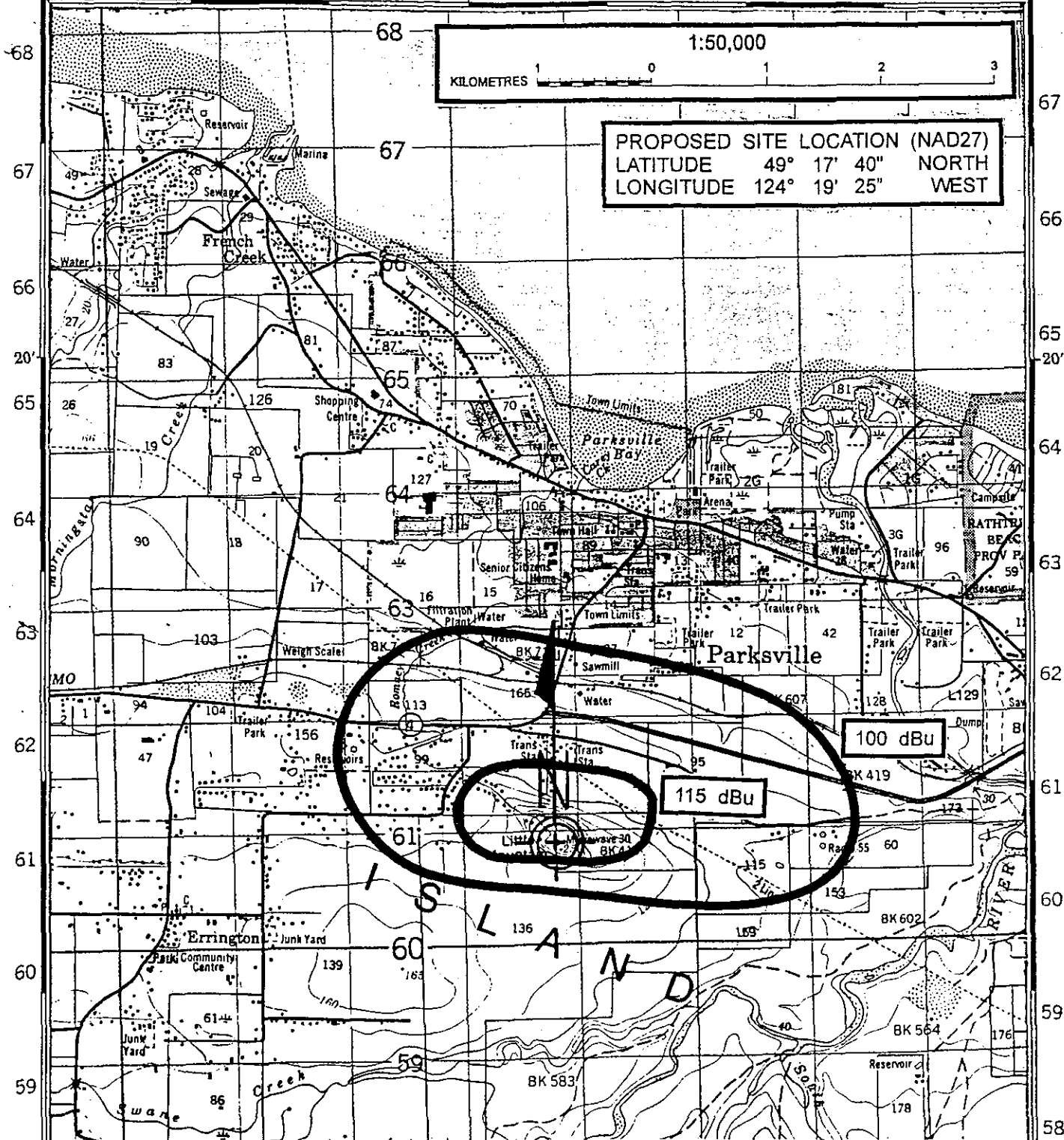
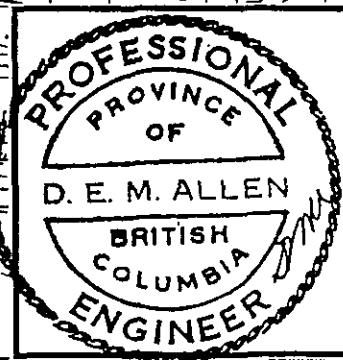


FIGURE 17
 ESTIMATED CONTOURS - 115dBu AND 100dBu

APPLICANT: CENTRAL ISLAND BROADCASTING LIMITED
 NEW FM BROADCASTING STATION

PARKSVILLE BRITISH COLUMBIA
 CHANNEL 203A 88.5 MHz
 PROJECT# 11820 FEBRUARY 16, 2000

D.E.M. ALLEN & ASSOCIATES LTD.
 CONSULTING ENGINEERS



PAGE 20

5457000m. N.

5457000m. N.

49°15' 400 01 02 20' 04 05 06 07 08 49°

124°



**REGIONAL
DISTRICT
OF NANAIMO**

REGIONAL DISTRICT OF NANAIMO			
MAR 13 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
		DSC	✓
		DATE:	

MEMORANDUM

TO: Robert Lapham
General Manager of Development Services

DATE: March 12, 2001

FROM: Brigid Reynolds
Planner

FILE: 0510 20 BCAL

SUBJECT: Replacement Lease for Log Dump, Boom and Storage
Application No. 0510 20 BCAL - Weyerhaeuser
Block A, DL 182, Nanaimo District
Electoral Area 'E' – Northwest Bay

PURPOSE

To consider a referral for a replacement lease for log dumping, booming and storage purposes.

BACKGROUND

Weyerhaeuser has an exiting lease in Northwest Bay for log dumping, booming, and storage. The lease is located in Northwest Bay in Electoral Area 'E' (see Attachment 1).

This lease will expire October 22, 2001. Weyerhaeuser has made application to BC Assets and Land Corporation for a 30-year replacement lease. As part of the referral process BCAL requests comments from local governments, provincial agencies, First Nations and other bodies with a potential interest. The BCAL referral process requires a response within 30 days of receipt of the referral, which was February 27, 2001.

The subject property is zoned Water 3 (WA3) pursuant to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The existing uses of log dumping, booming and storage are permitted under this zone. There are two adjacent land parcels, DL 51 and DL 102. DL 51 is within the FLR, is zoned Resource Management 2 (RM2) pursuant to The RDN's Land Use and Subdivision Bylaw No. 500, 1987 and is designated as Resource Lands pursuant to the Nanoose Bay Official Community Plan Bylaw No. 1118, 1998. DL 102 is zoned Rural 5 (RU5) pursuant to Bylaw No. 500 and is designated as Rural Lands pursuant to Bylaw No. 1118, 1998.

ALTERNATIVES

1. To support the lease renewal.
2. To not support the lease renewal.
3. To support the lease renewal subject to the application and issuance of a development permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

The subject property is located within a Watercourse Protection Development Permit Area pursuant to Nanoose Bay Official Community Plan, Bylaw No. 1118, 1998. Any new activity or a lease renewal is subject to the terms of the current bylaws therefore the landowner must apply for and receive a development permit.

ENVIRONMENTAL IMPLICATIONS

Northwest Bay is productive from a fisheries perspective. The marine area is utilized for herring and squid spawning, and salmon rearing. Shellfish and crabs can also be found in the bay. One study identifies the site as being not particularly good for log handling, from a biological perspective, but that it is likely the best location in the region.

The log handling has generated considerable debris and the leaseholders clean the area from time to time. As well, the beach has been altered as a result of the log sorting operations.

PUBLIC CONSULTATION IMPLICATIONS

The renewal of leases for similar activities in the Nanaimo Estuary (in the Cedar/Duke Point area) has received considerable attention from the public and interest groups. Although BCAL requests comments from local governments, provincial agencies, First Nations and other bodies with a potential interest, there appears to be no specific opportunity for public involvement at this stage in the process.

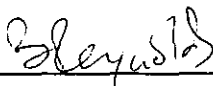
Should the applicant be required to apply for a development permit, information on the application (in the form of a staff report) would be available on the RDN website or through the Board Agenda.

SUMMARY/CONCLUSIONS

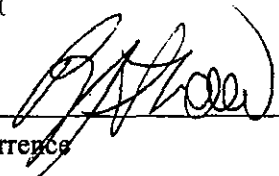
This is a referral from BCAL requesting a response for a 30-year lease replacement for log dumping, booming, and storage in Northwest Bay. Northwest Bay is located within a Watercourse Protection Development Permit Area and as a result the landowner is required to apply for a development permit.

RECOMMENDATION

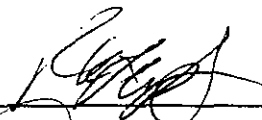
That the Regional District of Nanaimo support the referral request pending the application and issuance of a development permit.




Report Writer



Manager Concurrence



General Manager Concurrence

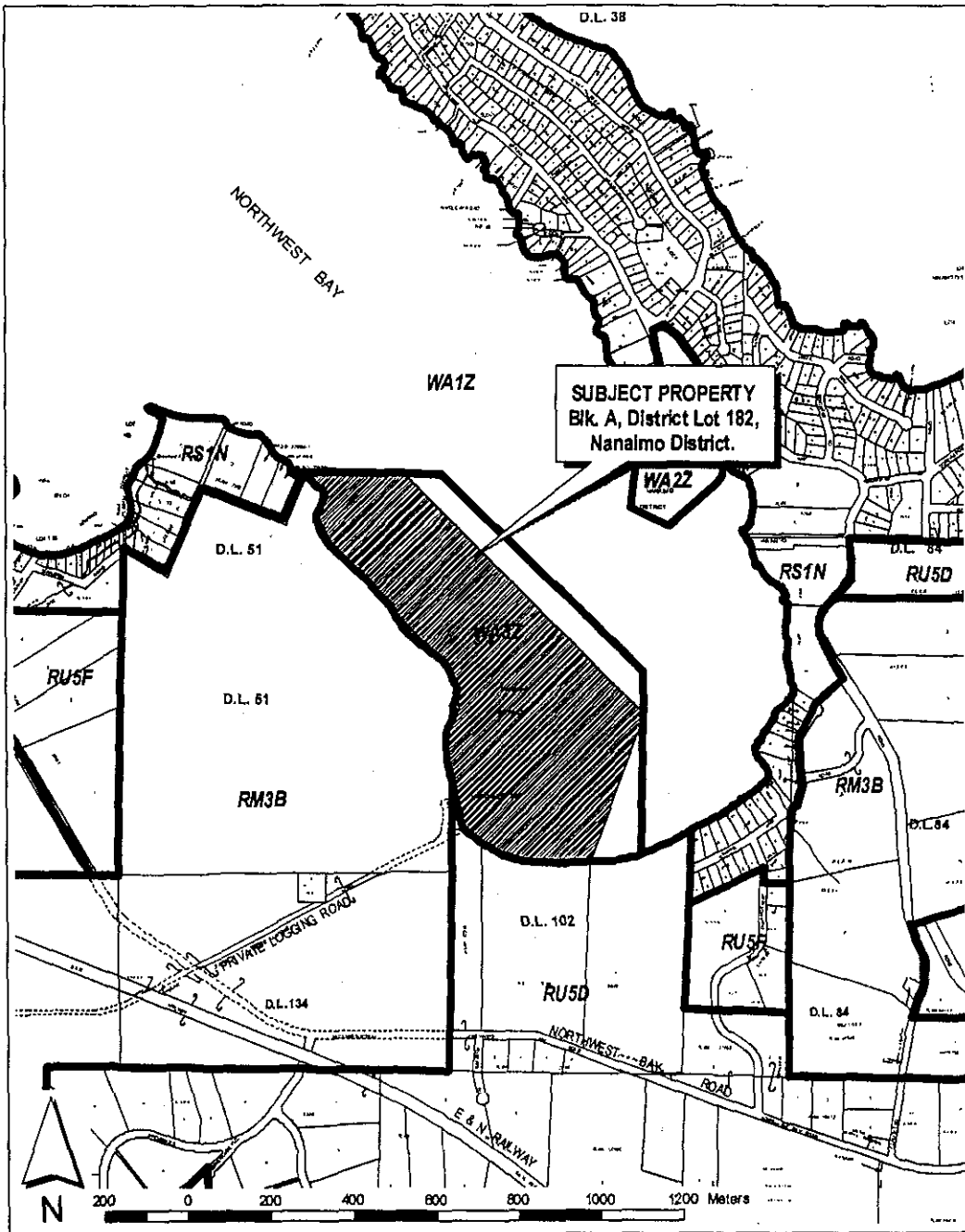


CAO Concurrence

COMMENTS:

devsvs/reports/2001/0510 20 bcal mr weyerhaeuser lease renewal

ATTACHMENT NO.1





REGIONAL DISTRICT OF NANAIMO			
MAR 13 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMS	
DSC		DATE: March 13, 2001	

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

FROM: Susan Cormie
Senior Planner

SUBJECT: Request for Provision of Park Land Dedication & Creation of Non-Contiguous Parcel
Applicant: WR Hutchinson, BCLS on behalf of BOA Developments Ltd.
Nanaimo River Road and South Forks Road, Electoral Area 'C'

PURPOSE

To consider a request for the dedication of additional park land and the creation of a non-contiguous parcel in order to facilitate a phased 22 lot subdivision.

BACKGROUND

The applicant's agent, WR Hutchinson, BCLS, has requested that park land dedication be considered as part of a phased 22 lot subdivision proposal for a 65 hectare property located at South Forks Road and Nanaimo River Road within Electoral Area 'C'. This proposed dedication would be in addition to park land previously accepted by the Board (see Attachment No. 1 for location). The applicant's agent is also requesting that a non-contiguous parcel be created as part of the subdivision proposal.

The subject property is currently zoned Rural 9 (RU9) and is within Subdivision District 'D' pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. At this time, the applicant is proposing to subdivide the parent parcel into 8 lots, all 2.0 ha and greater in size, therefore meeting the minimum parcel size requirements of Bylaw No. 500 (see Attachment No. 2 for proposed subdivision). The remainder of the parcel is proposed to be subdivided at a later date into 14 parcels. All parcels are proposed to be serviced by individual private septic disposal systems and individual private wells.

Park Land Requirements

At the October 2000 Board Meeting, the applicant's offer to dedicate 4.7 ha or 7.2% of the entire parent parcel area was accepted by the Regional Board. This park land is proposed to follow one of the watercourses situated within the subject property, which is a tributary of the Nanaimo River. At the time of considering this park land request, the applicant was proposing to protect the other tributaries that cross the property by conservation covenants. Since that time, the applicant has decided that the conservation covenant process is inappropriate for his situation and is now requesting the Board to consider accepting additional park land along the other tributaries within the subject parcel.

Pursuant to the Local Government Act, the maximum amount of park land that the Regional District may request for this property is 5% of the total site area; however, an applicant may offer an amount greater than 5%. In this case, the applicant is offering to dedicate an additional 5.1 ha of land that will bring the total area of proposed park land to 9.7 ha or 14.9% of the entire parent parcel area. The applicant is proposing that park land dedication, during the first phase of subdivision, will be 4.9 ha (2.4 ha plus the 2.5 ha previously accepted by the Board). The balance of park land offered (4.8 ha) is proposed to be dedicated during the second phase of subdivision.

PAGE 54

Where an official community plan contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land or cash. In this case, the Arrowsmith Benson – Cranberry Bright Official Community Plan Bylaw No. 1148, 1999 specifies that park land may be considered at the time of subdivision subject to meeting criteria set out in the Plan. The criteria defines 'desirable' lands as those which contain environmentally sensitive features and/or lands which links environmentally sensitive areas as part of a natural corridor.

Non Contiguous Parcel

Due to the request for park land dedication through proposed Lot 6, the creation of a non-contiguous parcel is now proposed by the applicant. Section 7.6.4 of Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 prohibits the creation of non-contiguous parcels. Therefore, a variance permit is necessary to allow the creation of this parcel.

ALTERNATIVES

1. To accept the request as proposed by the applicant for dedication of park land in the proposed amount and location, and approve the request for the creation of a non-contiguous parcel subject to the notification requirements pursuant to the *Local Government Act*.
2. To deny the request for the creation of a non-contiguous parcel and the dedication of park land.

DEVELOPMENT IMPLICATIONS

Official Community Plan Implications

A portion of the land is designated within the Environmentally Sensitive Area Atlas as containing watercourses and therefore, meets the criteria for consideration of acceptance of park land in this location. With the exception of the watercourse crossing proposed Lot 6, the other watercourse joins the main tributary, thus providing an opportunity to link environmentally sensitive areas and provide for a continuous wildlife corridor.

Park and Recreation Implications

Parks and Recreation staff has reviewed this request for park land and are prepared to support the dedication. Parks and Recreation staff commented that the park land should be retained for its environmental values and that the construction and management of pedestrian trails should not be expected at this time or in the near future, as the Parks function is not in the position to develop the proposed park land. Parks staff also noted that the Parks Department is not in a position to monitor the park land on a regular basis as would occur with a conservation covenant in place.

Lot Configuration Implications

As a result of the request for additional park land dedication, Lot 6 is proposed to be split by park land that will result in the creation of a non-contiguous parcel. Staff have spoken with the Ministry of Environment staff that have indicated that park land dedication, as an alternative to a section 219 covenant, is acceptable. The dedication of park land will ensure greater protection of the environmentally sensitive area of proposed Lot 6.

SUMMARY

This is a request to dedicate park land pursuant to Section 941 of the *Local Government Act* as part of the first phase of a 22 lot subdivision development (in addition to the park land on the subject property previously accepted by the Regional Board). Pursuant to the Arrowsmith Benson – Cranberry Bright Official

PAGE
65

Community Plan Bylaw No. 1148, 1999, the Regional District may consider parcels as containing potential park land if one or more specific criteria can be met. In this case, the applicant is offering to dedicate park land in an amount greater than 5% of the total land area over an existing watercourse feature. With the exception of the proposed park land crossing Lot 6, the park land is proposed to cross the subject property and connect with proposed park land previously accepted by the Regional Board. This proposed park land corridor will provide a link to existing park land located to the south of the subject property. With respect to Lot 6, while the proposed park land crossing Lot 6 does not offer the possibility of creating a wildlife corridor to the south, park land dedication of the creek and riparian area offers a greater certainty for ensuring protection of the environmentally sensitive feature.

As the OCP criteria can be met, staff recommends Alternative No. 1, to accept the offer for park land dedication and approve the request for the creation of a non-contiguous parcel subject to the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATIONS

1. That the request submitted by WR Hutchinson, BCLS on behalf of BOA Development Ltd., to offer additional dedication of park land as part of the subdivision of District Lot 3, Douglas District; be accepted in the amount and location as outlined in the staff report; and
2. That the request for the creation of a non-contiguous parcel be approved subject to the notification requirements pursuant to the *Local Government Act*.



Report Writer



General Manager Concurrence



Manager Concurrence

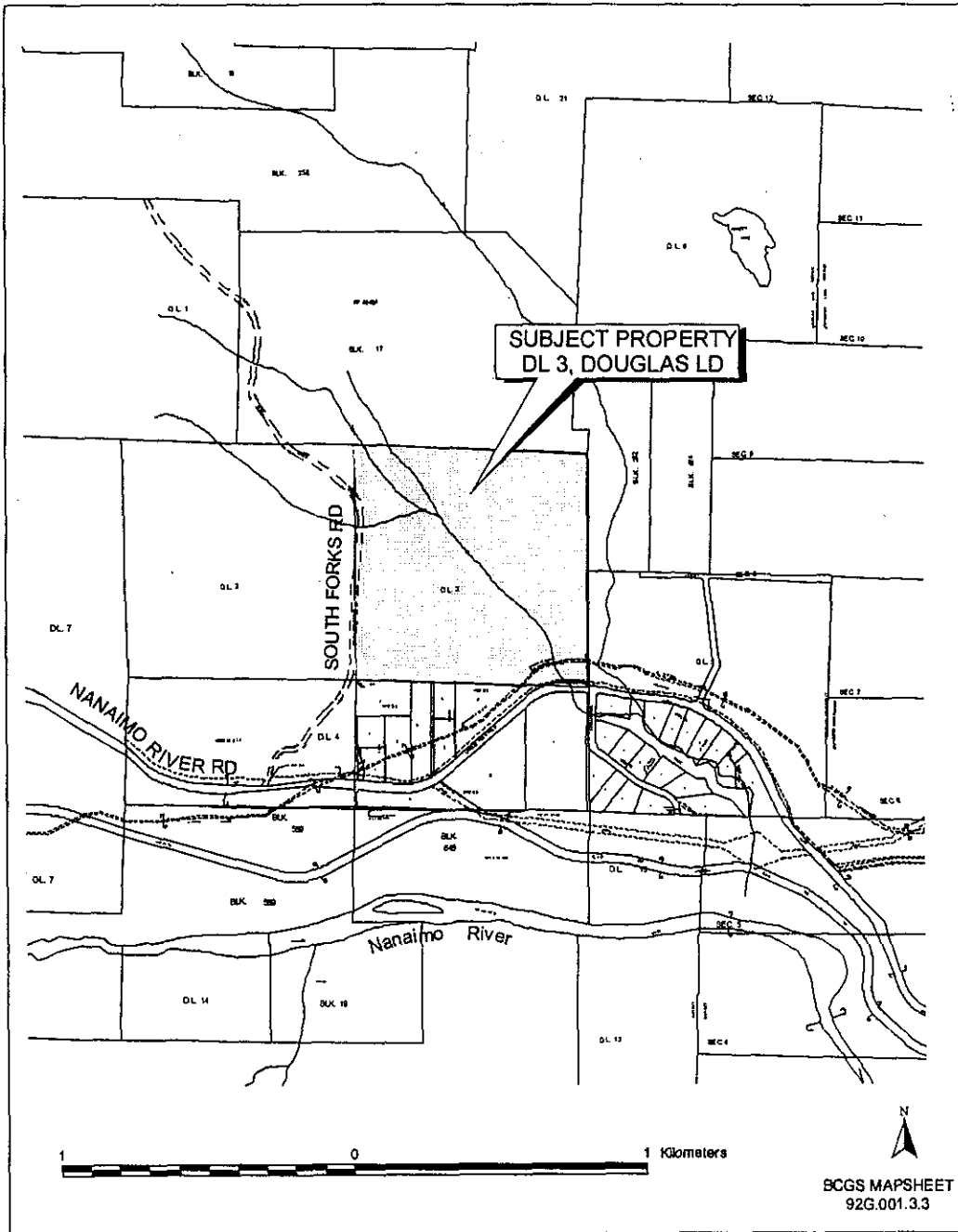


CAO Concurrence

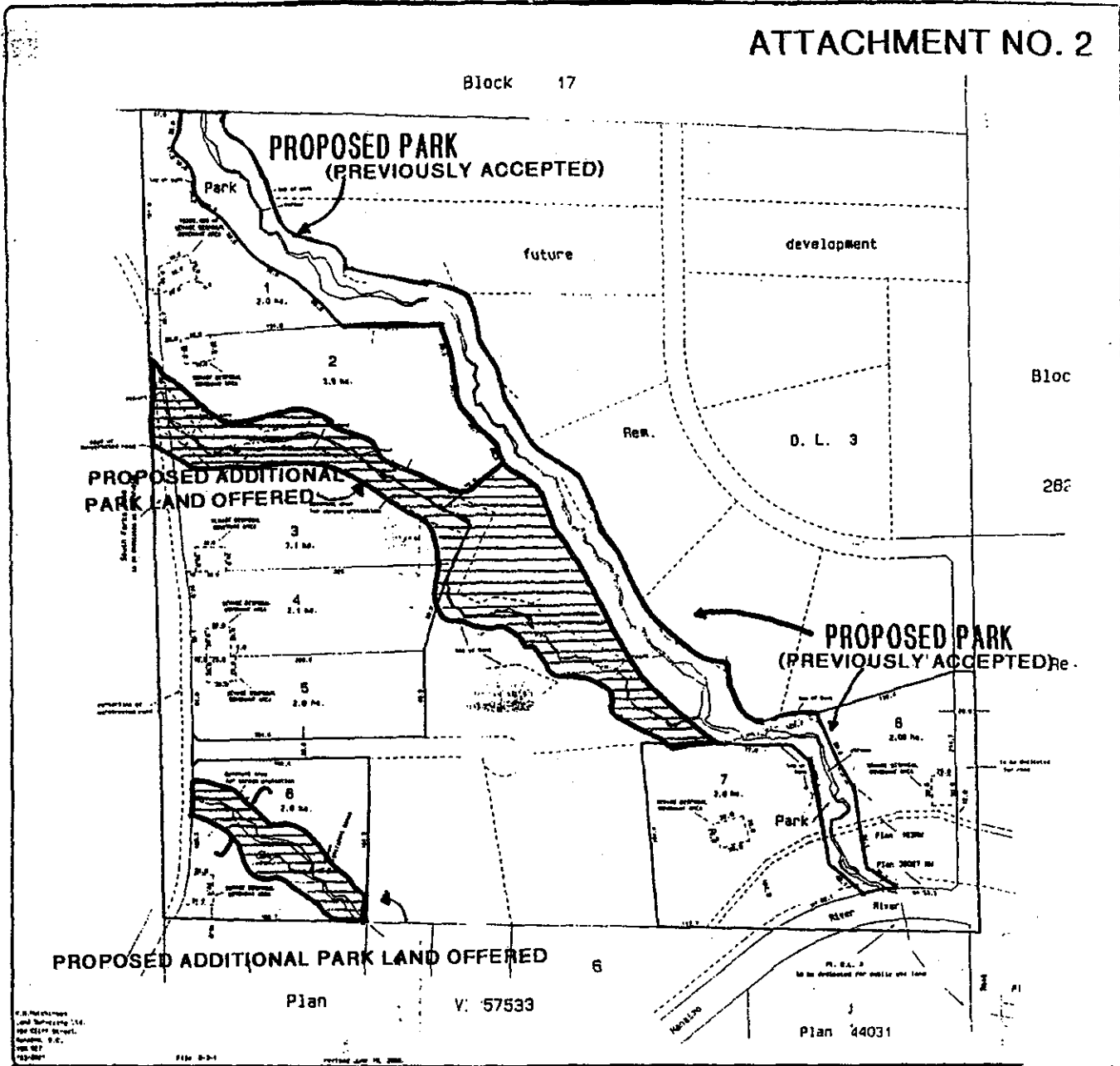
COMMENTS:

devsvs/report/2001/park mr 3320 30 22435 BOA Ent.doc

ATTACHMENT NO. 1



Proposed Additional Park Land Offered
(to be verified by survey at time of subdivision)



PROPOSED PLAN AS SUBMITTED BY APPLICANT