

REGIONAL DISTRICT OF NANAIMO

DEVELOPMENT SERVICES COMMITTEE

TUESDAY, SEPTEMBER 18, 2001

7:30 PM

(Nanaimo City Council Chambers)

A G E N D A

PAGES

CALL TO ORDER

MINUTES

2-3 Minutes of the regular Development Services Committee meeting held on August 28, 2001

BUSINESS ARISING FROM THE MINUTES

CORRESPONDENCE/COMMUNICATIONS

4-5 **Oceanside Development & Construction Association**, re Bylaw No. 500.268 - Amendments to Subdivision Districts - Area E.

BUILDING INSPECTION

6-7 Section 700 Filings.

PLANNING

DEVELOPMENT VARIANCE PERMIT

8-13 Application No. 0107 - Pearce and Dorcich - 2945 Ingram Road - Area A.

OTHER

14-23 Application No. FLR 0105 - McGarrigle - Munroe Road - Area D.

24-32 Zoning Amendment - Valentim - 2651 Island Highway - Area A.

33-37 Manufactured Homes in RS1 Zone - Columbia Beach - Area G.

38-44 Liquor License Increased Occupancy Capacity Applications - Areas A & G.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE DEVELOPMENT SERVICES COMMITTEE
MEETING HELD ON TUESDAY, AUGUST 28, 2001, AT 8:18 PM
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,
455 WALLACE STREET, NANAIMO, BC

Present:

Director E. Hamilton	Chairperson
Director L. Elliott	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
Director T. Westbrook	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Director T. Krall	City of Nanaimo
Director G. Korpan	City of Nanaimo
Alternate	
Director R. Cantelon	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director L. McNabb	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
B. Lapham	General Manager of Development Services
N. Avery	Manager of Financial Services
D. Trudeau	Manager of Liquid Waste
N. Tonn	Recording Secretary

MINUTES

MOVED Director Westbrook, SECONDED Director Krall, that the minutes of the regular Development Services Committee meeting held July 24, 2001, be approved.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Application No. 0116 – Coldstream (Vernon) Ltd. – 2048 Hemer Road – Area A.

MOVED Director Elliott, SECONDED Director Krall, that Development Permit No. 0116, submitted by Coldstream (Vernon) Ltd., to legalize an existing free-standing sign by varying the minimum setback requirement for another lot line located along Cedar Road within a Recreation 1 (RC1) zone from 5.0 metres (16.4 feet) to 2.1 metres (6.9 feet) and permit the construction of two scoreboards for the property legally described as Lot A, Section 14, Range 1, Cedar District, Plan 37404, be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

Temporary Commercial Use Permit No. 0104 & Development Permit No. 0119 – Intracorp (on behalf of Fairwinds) – Fairwinds Drive – Area E.

MOVED Director Holme, SECONDED Director Macdonald, that Temporary Commercial Use Permit No. 0104 and Development Permit No. 0119, submitted by Intracorp on behalf of Fairwinds Development Corporation Inc. No. 441838 for the property legally described at the Remnant of District Lot 78, Nanoose District, to allow a temporary real estate office use, proceed to a public information meeting prior to the Board's consideration of these permits, subject to the conditions outlined in Schedule No. 1 and notification requirements pursuant to the *Local Government Act*.

CARRIED

DEVELOPMENT VARIANCE PERMIT

Application No. 0106 – Dueck – 6941 Seaside Terrace – Area D.

MOVED Director ^{Holme}Macdonald, SECONDED Director Sherry, that Development Variance Permit No. 0106, submitted by Blair Dueck, Agent on behalf of Dean and Roberta Dueck, to legalize the siting of an existing retaining wall by varying the minimum setback requirements for an interior side lot line within the Residential 1 (RS1) zone from 2.0 metres to 0.05 metres for the property legally described as Strata Lot 3, District Lot 37, Wellington District, Strata Plan VIS4291 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 requirements pursuant to the *Local Government Act*.

CARRIED

FRONTAGE RELAXATION

Request for Relaxation of the Minimum 10% Perimeter Requirement - Ward – 640 Grovehill Road – Area H.

MOVED Director Quittenton, SECONDED Director McLean, that the request from Douglas Ward, on behalf of Douglas Reid Ward and Mary Jacqueline Ward, to relax the minimum 10% frontage requirement for proposed Lot 2, as shown on the plan of subdivision of Lot 9 (DD51005N), District Lot 90, Newcastle District, Plan 1874, Except Part in Plan VIP52920, be approved.

CARRIED

ADJOURNMENT

MOVED Director Westbrook, SECONDED Director Stanhope, that this meeting terminate.

CARRIED

TIME: 8:20 PM

CHAIRPERSON



P.O. Box 616, Parksville, BC V9P 2G7
Telephone: 954-5388 Fax: 954-1948

REGIONAL DISTRICT OF NANAIMO			
SEP - 5 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
<i>DSC Correspondence</i>			

August 29, 2001

Board of Directors
Regional District of Nanaimo
PO Box 40
6300 Hammond Bay Road
Lantzville, BC
V0R 2H0

Dear Regional Board Directors,

**RE: Proposed Amendment Bylaw No 500.268, 2000
Amendments to Subdivision Districts, Nanoose Bay O.C.P.
Coast Residential Neighbourhoods change to 10,000 sq.m.**

We understand that following the Public Hearings regarding Proposed Amendment By No 500.268, the Board of Directors passed a motion for this bylaw to "be held in abeyance indefinitely".

On March 29, 2001, the O.D.C.A. forwarded a letter to the Board of Directors outlining our serious concerns with the portion of this bylaw which changes the Coast Residential Neighbourhoods from Subdivision District N (minimum lot size 1000 square metres when fully serviced with sewer and water) to Subdivision District F (minimum lot size 10,000 square metres when fully serviced with sewer and water), and recommending that:

- the bylaw be revised to delete the sections which change Subdivision District N to Subdivision District F.
- the bylaw be re-introduced with those sections deleted.

We have not received a response to that letter, and our subsequent research to determine the current status of the proposed bylaw has revealed some disturbing items:

- the notice for the November 8, 2000 Public Information meeting did not correctly state the intention of the bylaw, resulting in Director Holme calling for another advertising and Public Information meeting on December 6, 2000.

- the draft minutes of the January 2001 Board Meeting show that Director Stanhope moved "that this item be held in abeyance for 90 days to allow more time to consider the amendments", however the minutes were corrected by Director Stanhope at the February Board Meeting that the resolution should have read "be held in abeyance indefinitely".
- research on the R.D.N. web site has not revealed any information of the status of this bylaw. We wonder why a bylaw that has had 1st & 2nd reading, public hearing, and is held in abeyance, can not be found on the web site.
- inquiries to staff from Mr. Lettic of N.P.O.R.A. by e-mail and by telephone for clarification of the status of this bylaw have not been answered.

We are concerned that staff may bring this bylaw back to the Board without changes, and since it has had 1st & 2nd reading and public hearing, would not have to be advertised or be subject to any further public input.

We therefore would like clarification to the following:

1. what is the current status of this bylaw ?
2. what is the intent and ramifications of "held in abeyance indefinitely" ?
3. does staff intend, or can the Board direct staff, to make amendments to the bylaw as recommended in our letter of March 29, 2001 ?
4. if it is the intention of the R.D.N. to revisit this bylaw, will the R.D.N. provide sufficient notification to the public and to the O.D.C.A. of that intention ?

We are very strongly of the opinion that the section of the proposed bylaw changing Subdivision District N to Subdivision District F is not in the public interest since it is contrary to the good planning principles of infilling fully serviced areas, does not encourage the installation of sewers into these neighbourhoods, and ignores the fact that these neighbourhoods have existed as residential nodes for over 30 years.

For clarification, we attached a copy of our March 29, 2001 letter.

We look forward to your response to our questions.

Yours very truly,

Egon Kuhn
President

Helen Sims
Vice President

Ken Kyler
Director at Large

Michelle Jones
Treasurer

c.c. Via Fax - Mr. George Holme, Area E Director
Mr. Joe Stanhope, Area G Director
Mr. Jack McLean, Area F Director
Mr. Richard Quittenton, Area H Director
Mrs. D. Haime, Area D Director

TO: Stan Schopp
Manager, Building Inspection Services

DATE: September 7, 2001

FROM: Allan Dick
Senior Building Inspector

FILE: 3810-20

SUBJECT: Local Government Act - Section 700 - Contravention of Bylaw
Meeting Date - September 18, 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. 1250.

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:** Rodney Soderstrom
Legal Description: Lot 3, Section 11, Range 7, Plan 3163, Cranberry
Street Address: 2180 South Wellington Road
Summary of Infraction: April 9, 2001, letter sent; final inspection required
 April 30, 2001, letter sent; follow up to final inspection required letter
 July 5, 2001, letter re: outstanding issues.

Electoral Area 'B'

- Owners Name:** Clifford and Deborah Guest
Legal Description: Lot B, Section 19, Plan 33183, Gabriola Island, Nanaimo District
Street Address: 900 Bertha Avenue
Summary of Infraction: April 10, 2001, notice left with owner - permit required
 April 25, 2001, letter sent certified mail; permit required
 May 4, 2001, verification certified mail received by owner
 May 29, 2001 - 2nd letter sent certified mail; apply for permit to avoid 700 action
 June 12, 2001, verification certified mail received by owner
 no response

Electoral Area 'D'

- 1. Owners Name: Manuel and Kari Monteiro
 Legal Description: That part of Lot 1, Block 4, District Lot 27G (formerly known as District Lot 27), Wellington District, Plan 6756, Lying to the south of a boundary extending at right angles to the easterly boundary of said lot, from a point in the said easterly boundary distant 140 feet from the north easterly corner of said Lot 1, except that part in Plan 7960
 Street Address: 7022 Lavender Road
 Summary of Infraction: June 19, 2001, phoned owner regarding expired permit, no response
 June 22, 2001, letter sent; permit expired
 July 12, 2001, phoned owner, no answer
 July 23, 2001, spoke with owner – said he would make arrangement with the tenants to have the house inspected on July 30th, 2001
 August 9, 2001, contacted the owner; gave him one week to arrange for an inspection
 August 14, 2001, no response from owner, file forward to senior inspector
 September 6, 2001, senior inspector contacted owner. Owner unwilling to call for final. Owner informed of bylaw contravention procedure

- 2. Owners Name: Ricky and Louise Easthorn
 Legal Description: Lot 5, Section 16, Range 3, Mountain District, Plan 30151
 Street Address: 3126 West Road
 Summary of Infraction: February 18, 2000, letter sent; permit expired, no activity
 July 31, 2001, letter sent; occupancy required
 August 21, 2001, second letter sent; occupancy required
 August 30, 2001, owner to call for inspection September 6, 2001.
 September 6, 2001, inspection booked for Monday, September 10th; filing process to proceed until occupancy permit issued

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.



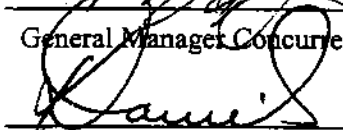
Report Writer



General Manager Concurrence



Manager Concurrence



C.A.O. Concurrence

COMMENTS:

devsvs/reports/2000/3810-20-sec700September.doc



REGIONAL DISTRICT OF NANAIMO			
SEP 10 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
P. Shaw			
DATE:			

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: September 10, 2001

FROM: Deborah Jensen
Planner

FILE: 3090 30 0107

SUBJECT: Development Variance Permit Application No. 0107 – Pearce and Dorcich Lot B, Section 10, Range 4, Cedar District, Plan VIP66286 Electoral Area 'A' – 2945 Ingram Road

PURPOSE

To consider an application for a Development Variance Permit to facilitate the development of a two-car detached garage. This application includes a request to vary minimum setback requirements to the exterior side and rear lot lines.

BACKGROUND

This is an application to facilitate the construction of a two-car detached garage on a rural property located in Electoral Area A (see Attachment No. 1). The subject property is a 0.56-hectare (1.38 acres) parcel located along Ingram Road.

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 minimum setback requirements for buildings and structures in this zone are 8.0 metres from all lot lines.

The siting and dimensions of the proposed two-car detached garage is shown on Schedules No.1, 2 and 3. The applicants are requesting a proposed variance to the minimum setback requirement for a building or structure from 8.0 metres (26.3 feet) to 6.0 metres (19.7 feet) for the exterior side lot line located along Ingram Road, and from 8.0 metres (26.3 feet) to 2.0 metres (6.6 feet) for the rear lot line located along the south boundary of the subject property. The applicants have indicated that topographical and physical constraints of the subject property preclude the development of the detached garage on a site that would not require variances to Bylaw No. 500.

Bylaw Contravention

An RDN Section 700 Bylaw Contravention Notice was registered against the subject property in January 1998 as a previous owner allowed a building permit for a mobile home to expire and made no attempt to renew the permit. The applicants are aware of this notice, and currently applying for and completing RDN requirements to ensure that this notice may be removed from the title of the property.

ALTERNATIVES

1. To approve the requested permit subject to the conditions outlined in Schedule No. 1.
2. To deny the requested permit.

ENVIRONMENTAL IMPLICATIONS

The subject property is not located in an environmentally sensitive area as designated by the Electoral Area 'A' Official Community Plan, Bylaw No. 1116, 1999." Further, the proposed 45 m² (484 ft²) building site is not proximate to the watercourses noted in the restrictive covenants registered on the title of the property.

LAND USE AND DEVELOPMENT IMPLICATIONS

From staff's assessment of this application, the potential visual impact due to setback variances is reduced due to the size of the subject property and surrounding parcels, as well as the presence of extensive mature vegetation within the area.

Development of the subject property is restricted due to topography of the parcel. A steep bank running northeast to southwest across the property physically divides the parcel in half, rendering the back portion of the lot unsuitable and inaccessible for development. A further portion of the property is subject to a septic covenant area and, therefore, not permissible for development. Given the physical constraints of the property, access considerations and the limited area of the property remaining for development, the proposed location appears to be a logical site for construction of a detached garage.

SUMMARY/CONCLUSIONS

This is an application for a development variance permit to facilitate the development of a two-car detached garage. The application includes a request to vary the minimum setback requirement for a building or structure from 8.0 metres (26.3 feet) to 6.0 metres (19.7 feet) for the exterior side lot line located along Ingram Road, and from 8.0 metres (26.3 feet) to 2.0 metres (6.6 feet) for the rear lot line located along the south boundary of the subject property. Staff recommends this application be approved subject to notification procedures pursuant to the *Local Government Act*.

RECOMMENDATION

That Development Variance Permit Application No. 0107, submitted by David Pearce and Lesley Doricich, to facilitate the development of a two-car detached garage and vary the minimum setback requirement for a building or structure within a Rural 4 zone from 8.0 metres (26.3 feet) to 6.0 metres (19.7 feet) for the exterior side lot line located along Ingram Road, and from 8.0 metres (26.3 feet) to 2.0 metres (6.6 feet) for the rear lot line located along the south boundary of the subject property for the property legally described as Lot B, Section 10, Range 4, Cedar District, Plan VIP66286, be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.



Report Writer



Manager Concurrence

COMMENTS:

devsvs/reports/2001/dvp3090 30 0107 Pearce Doricich.doc



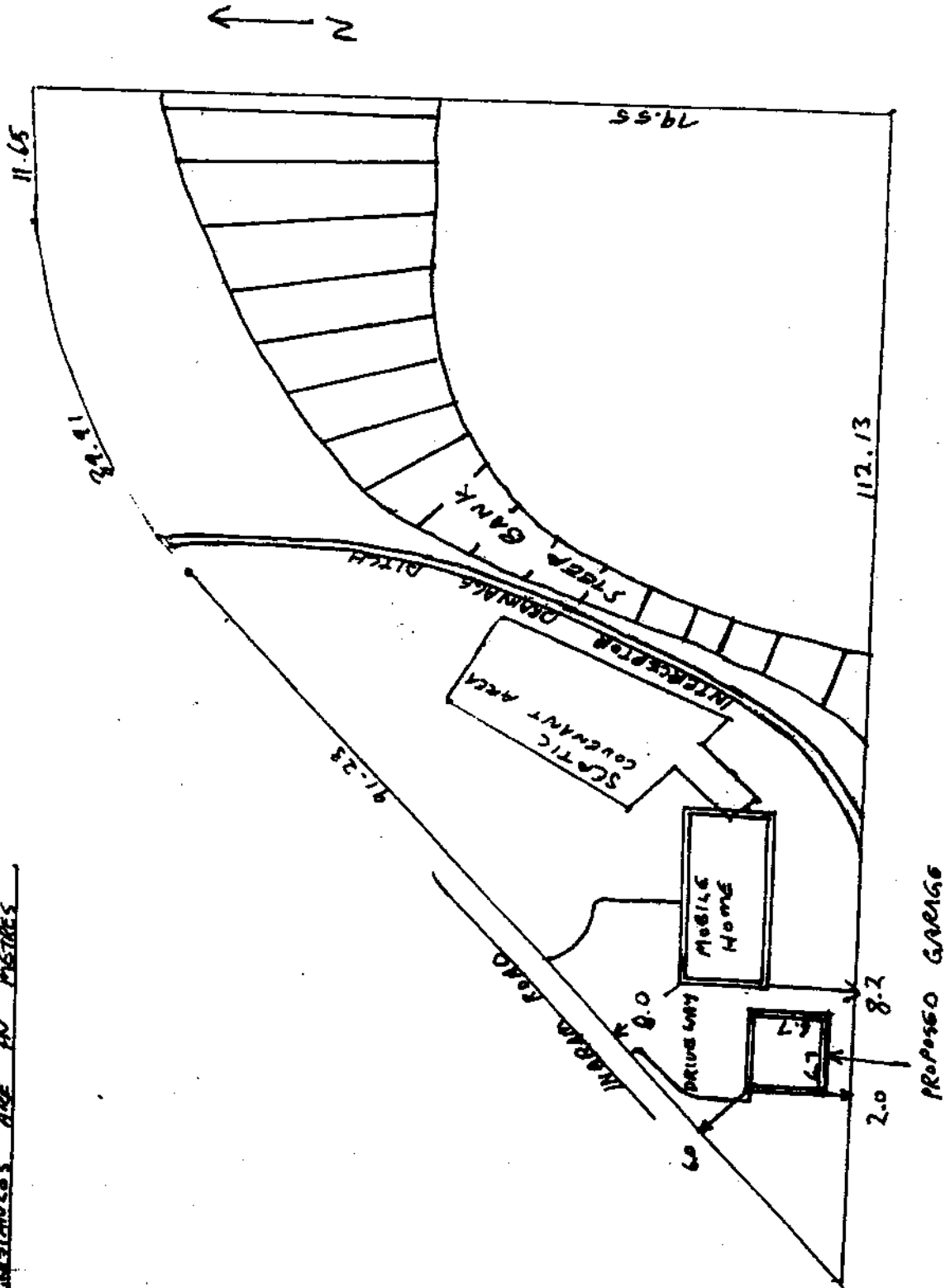
General Manager Concurrence



CAO Concurrence

Schedule No. 1
Survey Plan

SCALE 1:500
DISTANCES ARE IN METRES

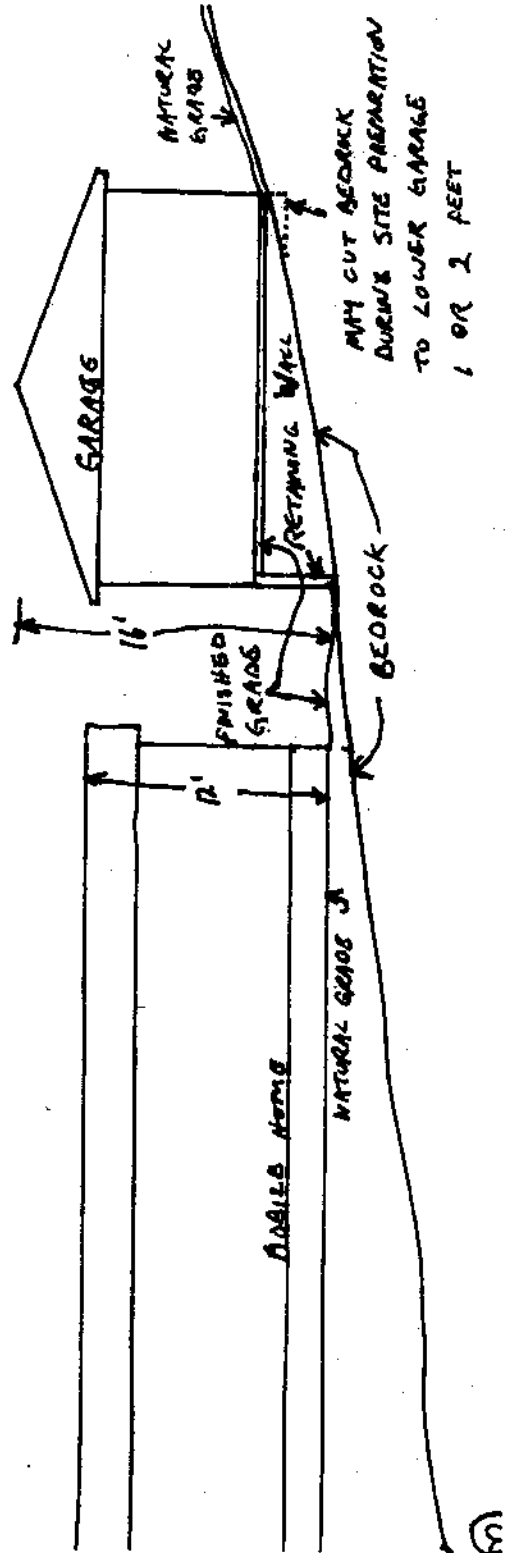


As Submitted by Applicant

Schedule No. 2
Garage Design (Side Profile)

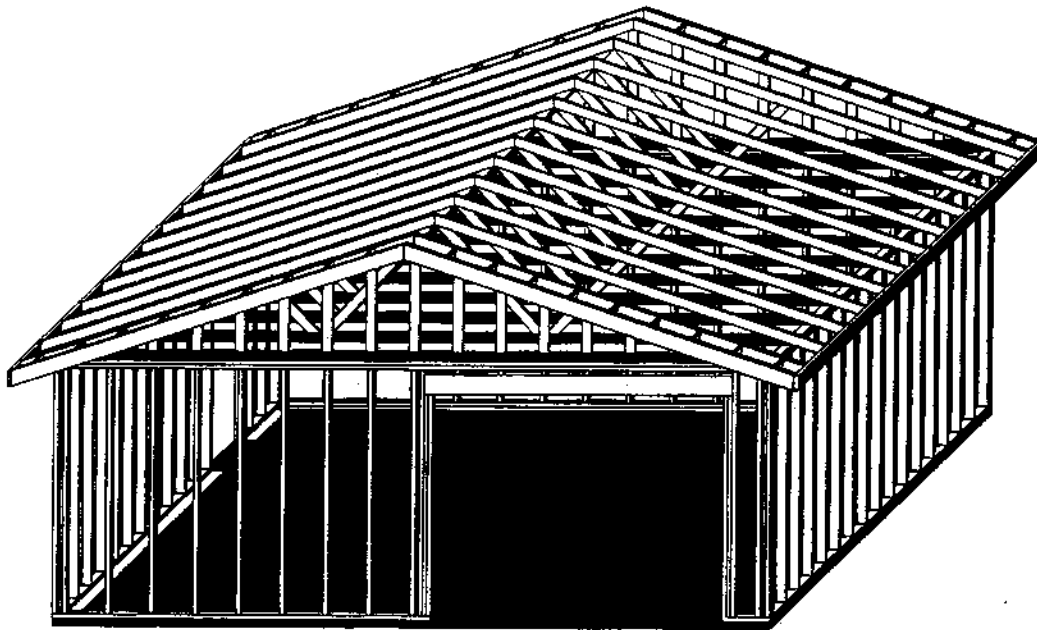
FRONT ELEVATION

1/4" = 1'



As Submitted by Applicant

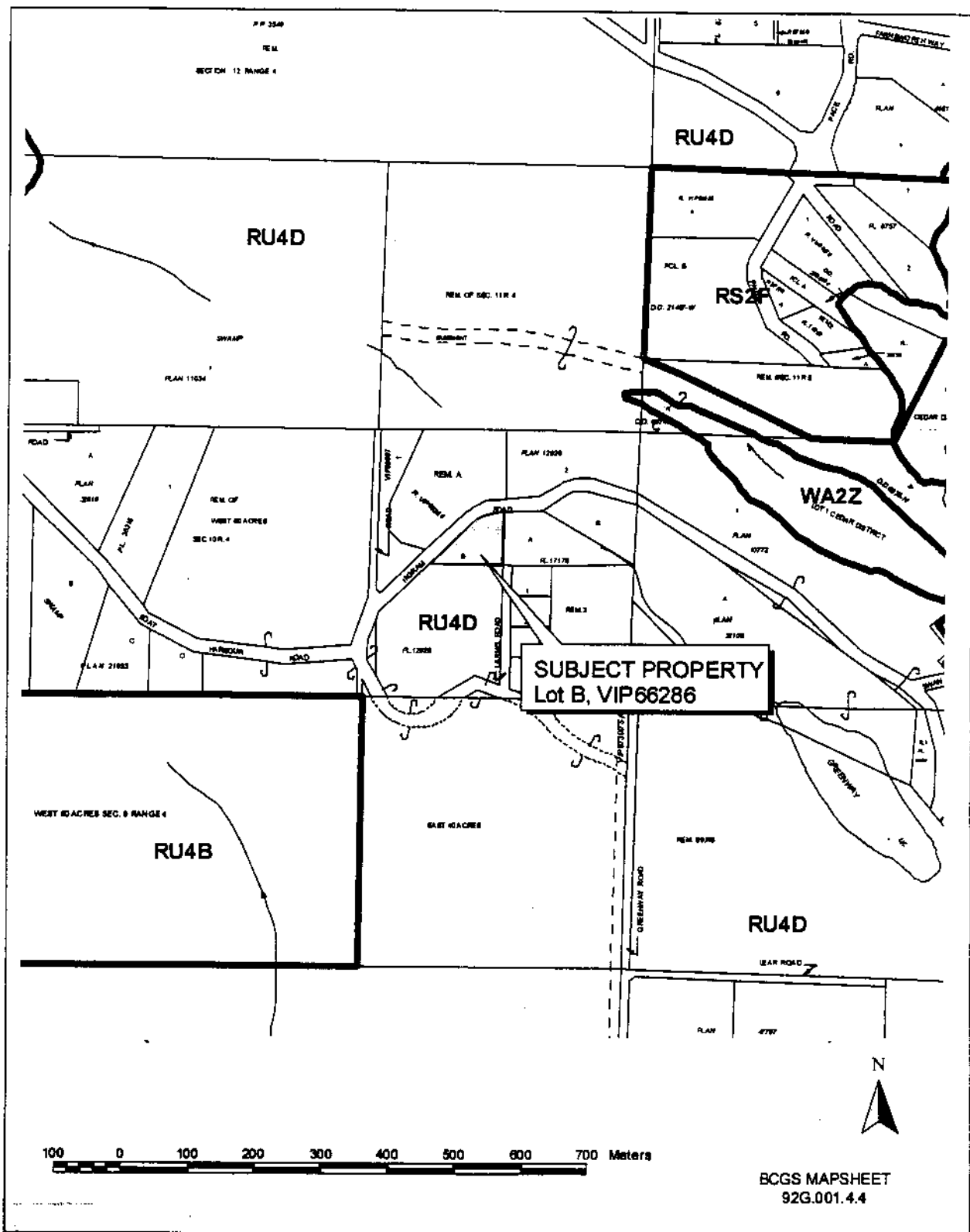
**Schedule No. 3
Garage Design**



As Submitted by Applicant

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Attachment No. 1
Subject Property Map





REGIONAL DISTRICT OF NANAIMO			
SEP 10 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	
DSE ✓			
DATE:		September 10, 2001	
FILE:		6660 02 0105	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

FROM: Deborah Jensen
Planner

SUBJECT: FLR 0105 Inclusion - McGarrigle
The West 20 Acres of Section 15, Range 5, Mountain District; The East 20 Acres of the West 40 Acres of Section 15, Range 5, Mountain District; Parcel B (DD 8669N) of Section 15, Range 5, Mountain District
Electoral Area D – Munroe Road

PURPOSE

To consider an application for inclusion of land into the Forest Land Reserve and to provide a resolution by the Board to be forwarded to the Land Reserve Commission as input for their decision.

BACKGROUND

The Regional District of Nanaimo has received an application to include an approximately 24.3 hectare (60.0 acres) property into the Forest Land Reserve (FLR). Applications received for inclusion into the FLR are forwarded to the Board for consideration due to Regional Growth Management Plan issues and to highlight potential OCP amendment or rezoning implications.

The subject parcel is located in the East Wellington – Pleasant Valley area, and access is provided from Munroe Road. Some areas located to the southwest are located within the FLR, while lands to the north, east and southwest are located within the Agricultural Land Reserve (ALR) (see Schedule 1). The applicant’s stated intention is to include the subject property in the FLR, retaining the property in a natural state and allowing for some selective logging and the possibility of constructing a dwelling unit (see Schedule 2).

The *Regional District of Nanaimo Growth Management Plan Bylaw No. 985, 1997* designates the subject property as “Rural Residential” land.

The *East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1998* designates the subject property as Rural Residential (see Schedule 3).

The *Land Use and Subdivision Bylaw 500, 1987* zones the subject property as Rural 1 (RUID) (see Schedule 4).

The subject property was formerly situated within the ALR, but was removed in 1983 as part of a review of updated soil and agricultural mapping.

Director Haime (Electoral Area ‘D’) has indicated support for the FLR inclusion as long as any future uses are supported by the Rural 1 zoning. Director Haime’s comments are attached (see Schedule 5).

ALTERNATIVES

1. To provide a Board Resolution recommending the FLR inclusion application be approved.
2. To provide a Board Resolution recommending the FLR inclusion application be denied.

GROWTH MANAGEMENT PLAN IMPLICATIONS

The Growth Management Plan (GMP) designates the subject property as “Rural Residential,” which reflects the parcel sizes and uses indicated by the OCP. This category identifies areas where subdivision into relatively small parcels has already occurred or where future rural residential development could occur without affecting the rural economy or environmental quality, and without requiring community water or community sewer services.

The subject property is not located within or adjacent to Urban Containment Boundaries, Village Centers or Present Status lands. It is surrounded by lands designated “Rural Residential” or “Resource Lands and Open Space”.

Policy 3A of the GMP promotes and encourages the retention of large rural holdings. Policy 3C supports the protection of FLR land for forestry, environmental stewardship and wilderness recreation. Given the applicant’s stated intentions for future use of the property, the proximity of the subject property to other lands designated “Resource Lands and Open Space”, the consideration of this application would be in keeping with the policies and objectives of the GMP.

While the above-noted policies support the inclusion of lands in the Forest Land Reserve, the bulk of Forest Land Reserve property located within the Regional District of Nanaimo has been designated “Resource Lands and Open Space” under the Growth Management Plan. Therefore, staff note this application for inclusion would require an amendment to the Growth Management Plan and it is recommended the proposed change in land use designation be referred to the Growth Management Plan review process for consideration.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

The East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1998, designates the subject property as “Rural Residential” land, which is characterized by large lots and low population density. Uses on these properties include agricultural operations, hobby farms and large-lot residential development, thus providing for a rural character and large pockets of green space within the community. Residential development is restricted to one dwelling unit per hectare to a maximum of two dwelling units per parcel. Properties within this land use designation are typically not located within the FLR.

OCP policies pertaining to forestry suggest that lands designated as Forest Land Reserve and, which are bounded by and/or adjacent to lands designated as Agricultural Land Reserve or Rural Residential in the Plan, shall generally be included within the Rural designation of the OCP, but is not compulsory. The OCP also encourages the retention of large holdings with forestry potential in order to maintain options for future silviculture activities.

The OCP recognizes and supports the retention of productive forest lands within the managed forest classification and encourages environmentally-sound harvesting and reforestation activities, and also speaks to minimizing the impact of forestry-related activities on surrounding lands, the natural environment and transportation routes. Again, the inclusion of the subject property within the FLR would be in keeping with the policies and objectives of the OCP. No OCP amendment would be required although a future review of the OCP should consider amending the land use designation to “Rural”.

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ZONING IMPLICATIONS

The Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 zones the property as Rural 1 (RU1). Permitted uses in this zone are Agriculture, Aquaculture, Domestic Industry Use, Home Occupation Use, Produce Stand, Residential Use, and Silviculture. No rezoning application would be required as a result of the inclusion of the subject property into the FLR, or to permit the intended uses as stated by the applicant.

SUMMARY/CONCLUSIONS

An application has been received for the inclusion of the subject property into the Forest Land Reserve. The applicant has requested that the Board provide a resolution to be forwarded to the Land Reserve Commission to include approximately 24.3 hectares (60.0 acres) of land into the FLR. The proposed inclusion is for the purpose of retaining the subject property in a natural state and allowing for some selective logging and the possibility of constructing a dwelling unit.

The application was referred to Electoral Area 'D' Director Haime for comment. Director Haime indicated support for the proposal as long as any future uses are supported by the Rural 1 zoning (*see Schedule 5*).

Policies in the Regional Growth Management Plan and the East Wellington – Pleasant Valley Official Community Plan support the applicant's proposal. However, inclusion of the subject property into the Forest Land Reserve would require an amendment to the subject property's GMP land use designation. Therefore, it is recommended that the Regional District recommend that the property be included within the FLR and referred to the GMP review process for consideration of GMP amendments subject to the approval of the Land Reserve Commission.

RECOMMENDATIONS

1. That the Board of the Regional District of Nanaimo support the application for inclusion into the Forest Land Reserve for the property legally described as The West 20 Acres of Section 15, Range 5, Mountain District, the East 20 Acres of the West 40 Acres of Section 15, Range 5, Mountain District, Parcel B (DD 8669N) of Section 15, Range 5, Mountain District,
2. That the application be referred to the Growth Management Review Process as a potential amendment for consideration subject to the approval of the inclusion by the Land Reserve Commission.



Report Writer



General Manager Concurrence



Manager Concurrence

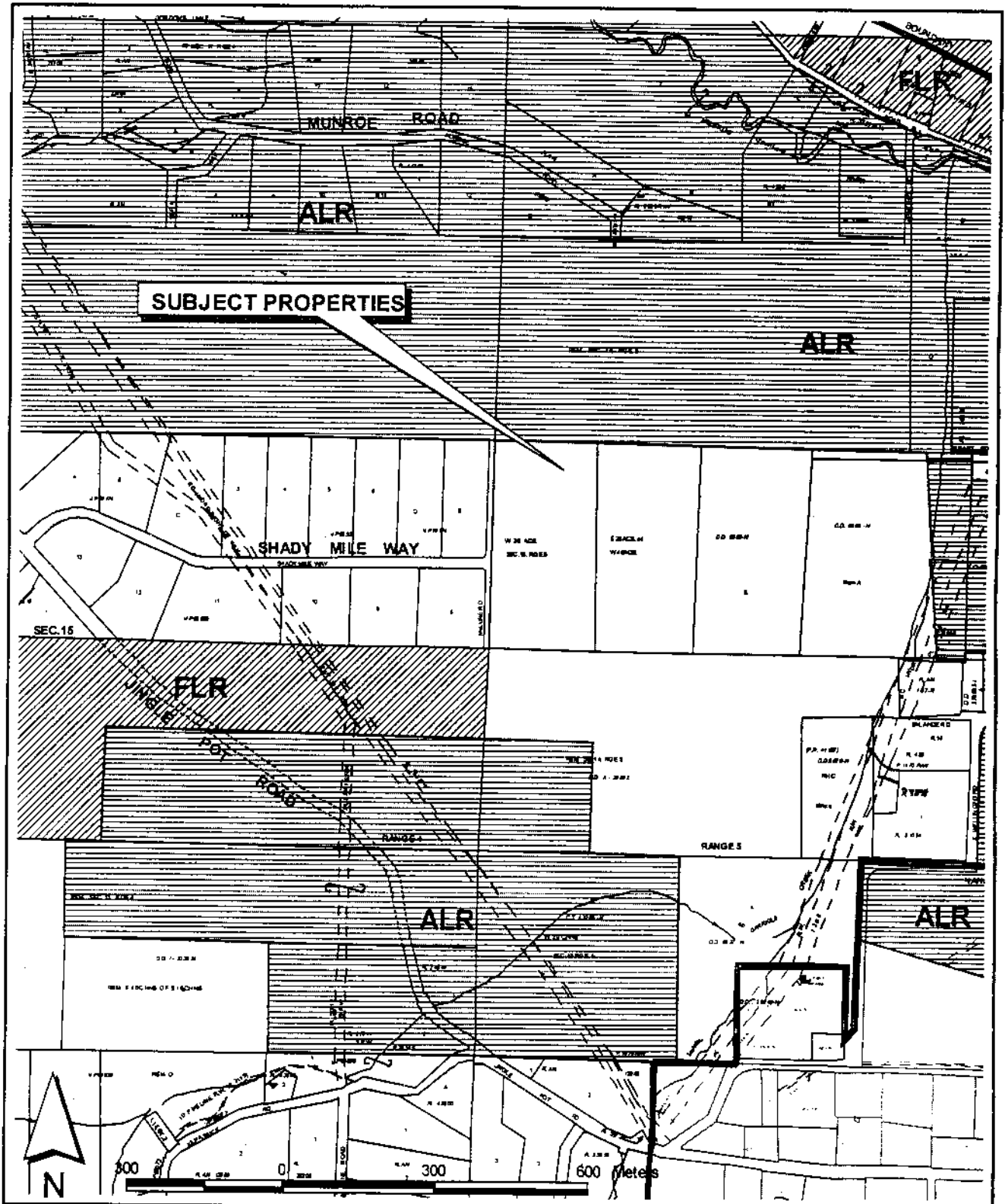


CAO Concurrence

COMMENTS:

devsvs/reports/2001/FLR 6660 02 0105 se Munroe McGarrigle.doc

Schedule 1
ALR/FLR Land



Schedule 2
 FLR Application



APPLICATION UNDER THE FOREST LAND RESERVE ACT

NOTE: The information on this form is collected to process your application under the Forest Land Reserve Act. Confidentiality of information contained within this application and information gathered by the Commission is governed by the Freedom of Information and Protection of Privacy Act.

Registered Owner: Charles Arthur Phillips		Agent:	
Contact Person: McGarrigle		Contact Person:	
Telephone No. (250) 758 4598	Fax No. 756 2397	Telephone No. ()	Fax No.
Address: 2647 Munroe Rd		Address: RECEIVED LAND RESERVE COMMISSION JUL 23 2001	
Nanaimo BC			
Postal Code: V9R 6X4		Postal Code:	

- Inclusion in the Forest Land Reserve Under Section 11
- Special Use in the Forest Land Reserve Under Section 14
- Removal from the Forest Land Reserve Under Section 18
- Subdivision in the Forest Land Reserve Under Section 16

Legal Description and PID Number	Total Area (ha.)	Application Area (ha.)	Date of Acquisition
ALL x Section 15 Range 05 Mtn Land Dist			
x Portion W 20 ACS PID 009 451 510	8.1 ha		
x Portion E 20 ACS of W 40 ACS PID 009 451 501	8.1 ha		
x Parcel B Plan DD 8669 N PID 009 451 609	8.1 ha		

Assessment Roll Number(s) 04 68 768 05316.000 Managed Forest Number _____
04 68 768 05317.000
04 68 768 05319.000

Schedule 2 (cont'd)
 FLR Application

PART 4 LAND STATUS (✓ check appropriate box)

- Private land not subject to a license under the Forest Act
- Private land subject to a Tree Farm License
- Private land subject to a Woodlot License

PART 5 LOCAL GOVERNMENT JURISDICTION (Specify Municipality or Regional District / Estate Trust)

Regional District of Nanaimo

PART 6 ADJACENT LANDS OWNED OR LEASED (Specify Municipality or Regional District)

None

Legal Description and PID Number:	Present Use:

PART 7 CURRENT USE OF LAND UNDER APPLICATION (Specify Information on Part 6 above)

List all existing uses on the entire parcel: forestry, residential, recreational, etc.

residential 13ac. hay field
 forestry - firewood, lumber.

Describe all buildings:

1 home 1 barn (2160 sq ft) 1 woodshed.
 1 carpentry shop (1500 sq ft)

PART 8 USE ON ADJACENT LOTS (Specify Information on Part 6 above)

North Wooded + hay field
 East Wooded
 South Wooded + hay field
 West Hayfield + subdivision - forestry

Schedule 2 (cont'd)
FLR Application

PART 9 PROPOSAL AND REASONS FOR APPLICATION (Show on plan or sketch if appropriate)

60% of the property is in 2nd growth fir, cedar, maple, alder etc.
We hope to have the property included in the Forest Land Reserve to make the Prop. Taxes more manageable as we have lost Farm Classification. We want to keep the land as natural as possible while doing some selective logging. The only changes we propose would be to allow our children to build a house some time in the future.

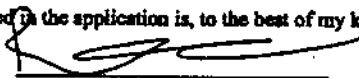
PART 10 OTHER APPROVALS REQUIRED

Specify if other approvals such as zoning amendment, subdivision, land use permits, etc. have been applied for.

PART 11 DECLARATION

I declare that the information contained in the application is, to the best of my knowledge, true and correct.

17 July 2001
Date


Signature of Owner

C.A. Philip McGarrigle
Print Name

Date

Signature of Owner

Print Name

ATTACHMENTS

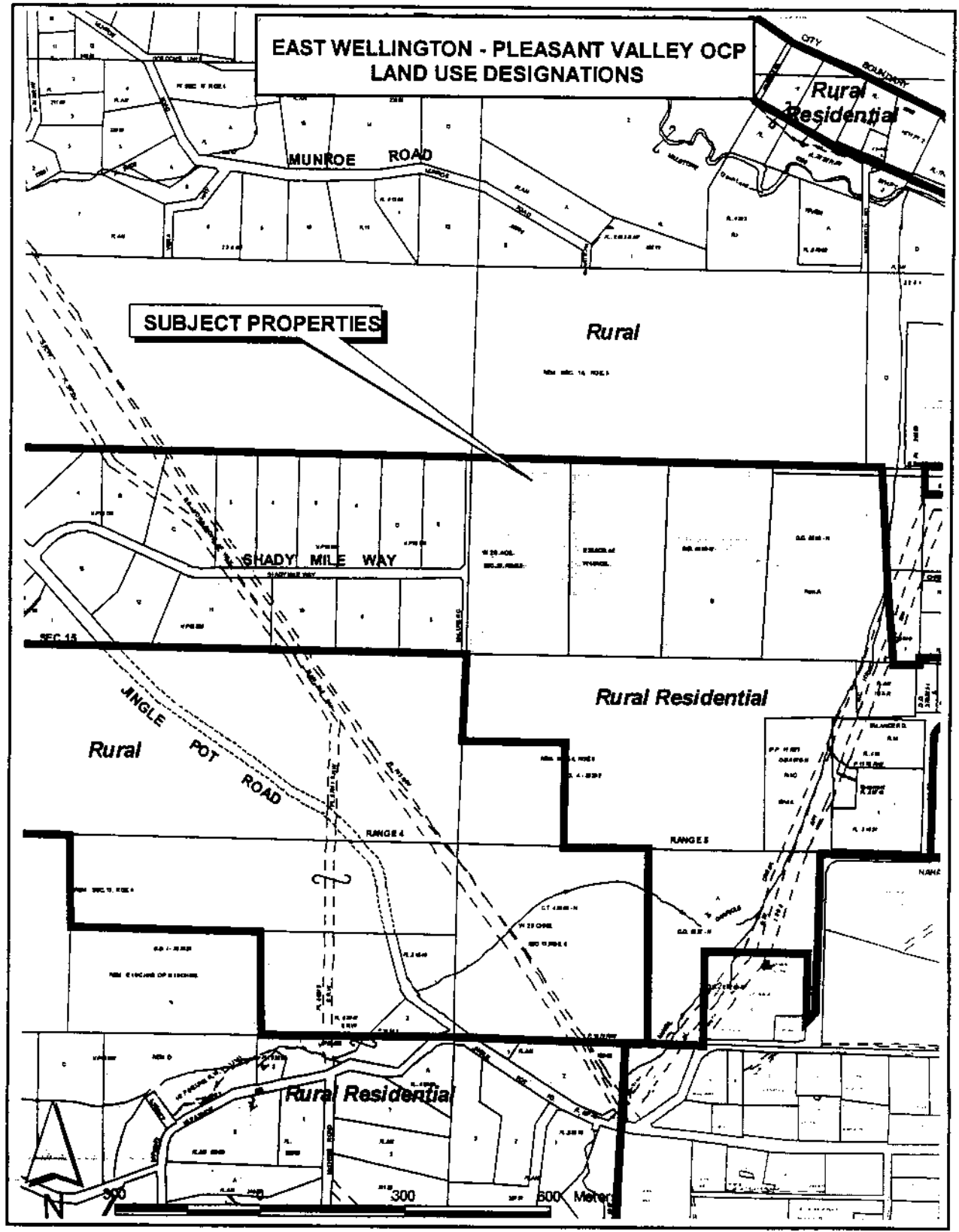
The following documents must accompany the application:

- Current Certificate of Title or Title Search Print
- Agent authorization (if using an agent)
- Map or sketch showing details requested
- Current Property Tax Notice
- Copy of current Forest Management Plan or proposed Plan
- Application Fee

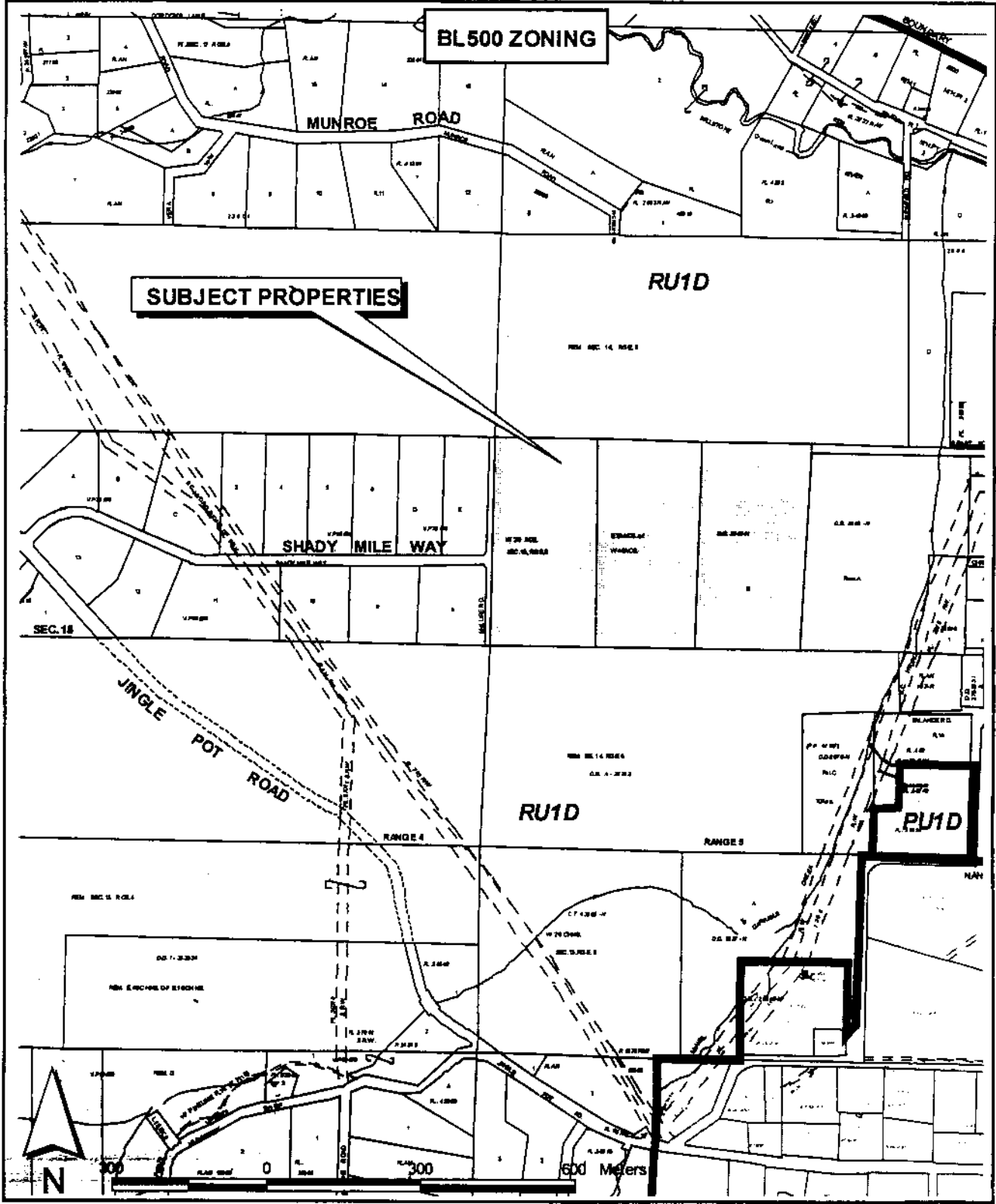
INCOMPLETE OR MISSING INFORMATION WILL DELAY YOUR APPLICATION

Should your application be successful, it in no way implies that other necessary approvals or permits will be granted by other authorities who may also have jurisdiction over the property.

Schedule 3
OCP Land Use Designations



Schedule 4
Bylaw No. 500 Zoning



Schedule 5
Director Comments



REGIONAL
DISTRICT
OF NANAIMO

File: FLR 0105

August 7, 2001

Director D. Haime
7190 Lantzville Road
Lantzville, BC
V0R 2H0

Dear Director Haime:

RE: *FLR Application 0105*
The West 20 Acres of Section 15, Range 5, Mountain District; The East 20
Acres of the West 40 Acres of Section 15, Range 5, Mountain District; Parcel
B (DD8669N) of Section 15, Range 5, Mountain District
Munroe Road Electoral Area: 'D'
RDN Map Reference No: 92F.020.4.4

Enclosed is a copy of an application for inclusion within the Forest Land Reserve on the above-mentioned property located in Electoral Area D. Your comments with respect to this application would be appreciated by August 21, 2001. These comments will be forwarded, along with the application prepared by staff, to the LRC for their decision.

Yours truly,

Deborah Nensen
Planner

Enclosures

1. *FLR Application*

DIRECTOR'S COMMENTS:

I have no objection to the inclusion of this property into the FLR as long as it does not allow for temporary or permanent sawmills to be operated.

The uses on the property must conform to RUI uses.

6300 Hammond Bay Rd.
Nanaimo, B.C.
V9T 6N2

Ph: (250) 390-4111
Toll Free: 1-877-687-4111
Fax: (250) 390-4163

Web: www.rdn.bc.ca

PAGE
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REGIONAL DISTRICT OF NANAIMO			
SEP 11 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCrS		GMES	
		DSE	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: September 10, 2001

FROM: Deborah Jensen
Planner

FILE: 3360-30-0105

SUBJECT: Zoning Amendment - Valentim
Electoral Area 'A' - 2651 Island Highway

PURPOSE

To consider an application to rezone the subject property from Rural 4 (RU4) to Comprehensive Development 10 (CD10) within the Electoral Area 'A' Official Community Plan Bylaw No. 1116, 1999 area to recognize an existing autobody facility.

BACKGROUND

The Regional District of Nanaimo has received an application to rezone an approximately 1.65 hectare (4.18 acres) property from Rural 4 (RU4) to a new Comprehensive Development zone(CD10) proposed exclusively for this application. The applicant's stated intention is to allow an established autobody operation to continue operating on the site and introduce an outdoor display area for no more than four (4) vehicles.

The subject property is located adjacent to the Trans Canada Highway in South Wellington (see Attachment No. 1) and is surrounded by property zoned Rural 4 (RU4) with the exception of one parcel zoned Industrial 2 (IN2). Lands to the north and east are situated within the ALR. Land to the south is currently vacant, and land to the west is low density residential with one industrial site.

The subject property is the site of an existing autobody shop, which, subsequent to a bylaw enforcement review, was determined to meet the definition of a "Domestic Industry Use," with legal non-conforming status, so long as outdoor storage and contravening signs were removed. These outstanding issues were resolved. The applicant has now applied for a zoning amendment to allow for continued operation of the autobody facility and to include an outdoor display area for a maximum of four vehicles. The current operation repairs/rebuilds between two and four vehicles per month, and utilizes the paint booth contained within the accessory building approximately two times per month.

The subject property is located within the Agricultural Land Reserve (ALR). The applicant has applied for and, upon reconsideration, received approval for non-farm use within the ALR dated August 1, 2001 (see Schedule No. 2).

Proposal as Submitted

The applicant is proposing to amend Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, by changing the zoning designation for the subject property from Rural 4 (RU4) to Comprehensive Development Zone 10 (CD10), which is a new Comprehensive Development zone. Development of the site, as indicated in *Schedule No. 4*, would consist of:

- a) continued operation of an auto repair shop;
- b) employment of no more than two (2) non-resident employees;
- c) outdoor display area to contain no more than four (4) vehicles at any given time; and
- d) installation of one 4.5 m² (48 ft²) indirect illuminated sign, with dimensions of 1.8 metres (6 feet) by 2.4 metres (8.0 feet)

ALTERNATIVES

1. To approve the amendment application to rezone the subject property from Rural 4 (RU4) to Comprehensive Development 10 (CD10), as submitted by the applicant.
2. To approve the amendment application to rezone the subject property from Rural 4 (RU4) to Comprehensive Development 10 (CD10) subject to the conditions outlined in Schedule No. 1.
3. To not approve the amendment application to rezone the subject property from Rural 4 (RU4) to Comprehensive Development 10 (CD10).

PUBLIC CONSULTATION IMPLICATIONS

The subject property is located in an area of large properties with rural zoning, with only one industrial zoned property located to the west. An assessment of the application by the General Manager in consultation with the Electoral Area 'A' Director, resulted in a decision to not hold a public information meeting in advance of the report to the Development Services Committee. Should the application be given 1st and 2nd reading, the property will be posted, notification will be provided in local newspapers, and a public hearing will be held pursuant to the requirements of the *Local Government Act*.

GROWTH MANAGEMENT PLAN IMPLICATIONS

The Regional District of Nanaimo Growth Management Plan Bylaw No. 985, 1997 designates the subject property as "Resource" land, which includes lands situated in the ALR and FLR or lands included within this category in OCPs. While policies in the GMP support the retention of land within the ALR, it should be noted that the site under consideration is not being removed from the ALR; instead the Land Reserve Commission has allowed for a 'non-farm use' of the parcel with specific conditions related to the proposed use.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

The current 'Electoral 'A' Official Community Plan Bylaw No. 1116, 1998' designates the subject property as "Rural" land, a designation that is characterized by large lots and low population density. This consists predominately of rural activities such as intensive agricultural operations, hobby farms, and

large-lot residential subdivisions. The new Electoral Area A Official Community Plan (currently under review) also applies the "Rural" land designation to the subject property.

While the current OCP does not allow for further expansion of Industrial lands, the new OCP suggests that lawfully established industrial uses may be considered for rezoning without an amendment to the OCP. In this case, the autobody shop is operating with legal non-conforming status and is proposing to increase its usage with the addition of outdoor display for four vehicles. Therefore, the policy in support of lawfully existing industrial uses would apply with respect to the current use of the property. As the property is intended to remain in the ALR the OCP designation would remain "Rural" and no amendment to the OCP is required.

LAND USE IMPLICATIONS

The proposed amendment to a new Comprehensive Development 10 zone would permit the continued operation of an autobody shop, agriculture and residential use, as well as allowing for the proposed outdoor sales area. (*see Schedule No. 3*).

Although the autobody shop was previously viewed as a Domestic Industry, staff note that the development of an outdoor sales area would extend the use past that allowed under a home occupation definition and alternate zoning is necessary.

The Ministry of Water, Land and Air Protection has indicated a waste permit is generally not required for a small-scale autobody repair operation, particularly when it is located in an area of sparse residential dwelling units. However to ensure that there are no environmental implications it is recommended that that the application be considered subject to a number of conditions including, but not limited to, the requirement for impervious concrete containment pads (*see Schedule No. 1*) to prevent the possibility of any seepage of lubricants, fuels, solvents, and other chemicals. Structures are already in place for housing the autobody operation, including an area for automotive repair and rebuilding and a separate self-contained automotive paint booth.

The Ministry of Transportation and Highways has issued an access permit based upon operation of the existing single dwelling unit and automotive shop, and also includes provision for the proposed "4-car sales lot." This permit is subject to a right-in and right-out only access and egress point, and requires the applicant to supply parking in the amount of 2 vehicles for the dwelling unit and 4 vehicles for the autobody operation.


SUMMARY/CONCLUSIONS

This is an application to rezone an approximately 1.65 hectares (4.18 acres) property from Rural 4 (RU4) to Comprehensive Development 10 (CD10) to allow the continued operation of an autobody facility. Relevant approvals have been obtained from the Land Reserve Commission, with the allowance for a non-farm use on this site, and the Ministry of Transportation with the issuance of an access permit.


Staff recommends Alternative No. 2, to approve the rezoning application for 1st and 2nd reading subject to the conditions outlined in Schedule No. 1 of this report, and subject to notification procedures pursuant to the *Local Government Act*.

RECOMMENDATIONS


1. That Amendment Application No. 0105 submitted by John and Rhonda Valentim, to rezone the subject property legally described as Lot 3, Section 6, Range 7, Cranberry District, Plan 10423 Except Parcel A (DDG95323), from Rural 4 (RU4) to Comprehensive Development 10 (CD10) be advanced to a public hearing subject to the conditions outlined in Schedule No. 1.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.278, 2001" be given 1st and 2nd reading and proceed to Public Hearing.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.278, 2001" be delegated to Director Elliott or his alternate.



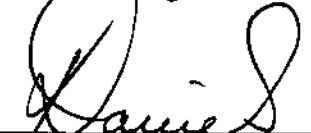
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

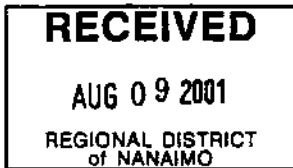
COMMENTS:

devsvs/reports/2001/za3360 30 0105 se Valentim 1st 2nd.doc

Schedule No. 1
Conditions of Approval

1. Land Reserve Commission approval of one 4.5 m² (48 ft²) indirect illuminated sign, with dimensions of 1.8 metres (6 feet) by 2.4 metres (8.0 feet) prior to replacement of existing sign and installation of new sign as specified.
2. For waste disposal, applicant to confirm installation or designation of a suitable containment pad to collect any spills or prevent the possibility of any seepage of lubricants, fuels, solvents, and other chemicals. etc.

Schedule No. 2
Land Reserve Commission Approval



Land Reserve Commission

Working Farms, Working Forests

August 1, 2001

Reply to the attention of Gordon Bednard

John and Rhonda Valentim
2651 Trans Canada Highway
Nanaimo, BC V9X 1S6

Dear Mr. and Mrs. Valentim:

Re: Application #S-33623
Lot 3, Section 6, Range 7, Cranberry District, Plan 10423, Except Parcel "A"
(DD G95323)

Further to your letter of May 23, 2001, the Land Reserve Commission (the "Commission"), acting pursuant to section 26 of the *Agricultural Land Reserve Act*, has reconsidered the above noted application.

The Commission, by Resolution #399/2001, has allowed your application to:

- legitimize the auto repair shop that was established in 1989 without Commission approval.
- hire a maximum of two (2) employees to assist Mr. Valentim
- display/sell a maximum of four (4) vehicles from the property at any one time

Please note that this decision does not include permission to hard-surface the parking area or to increase the size of the buildings for the non-farm use.

The land referred to in the application remains subject to the provisions of the *Agricultural Land Reserve Act*, the *Soil Conservation Act* and applicable regulations except as provided by this approval. Furthermore, the Commission's approval does not relieve you of the responsibility of adhering to any other enactment, legislation or decision of any agency having jurisdiction. Please contact the Regional District of Nanaimo as other approvals may be needed before your development can proceed.

Please quote your application number in any future correspondence.

Yours truly,

LAND RESERVE COMMISSION

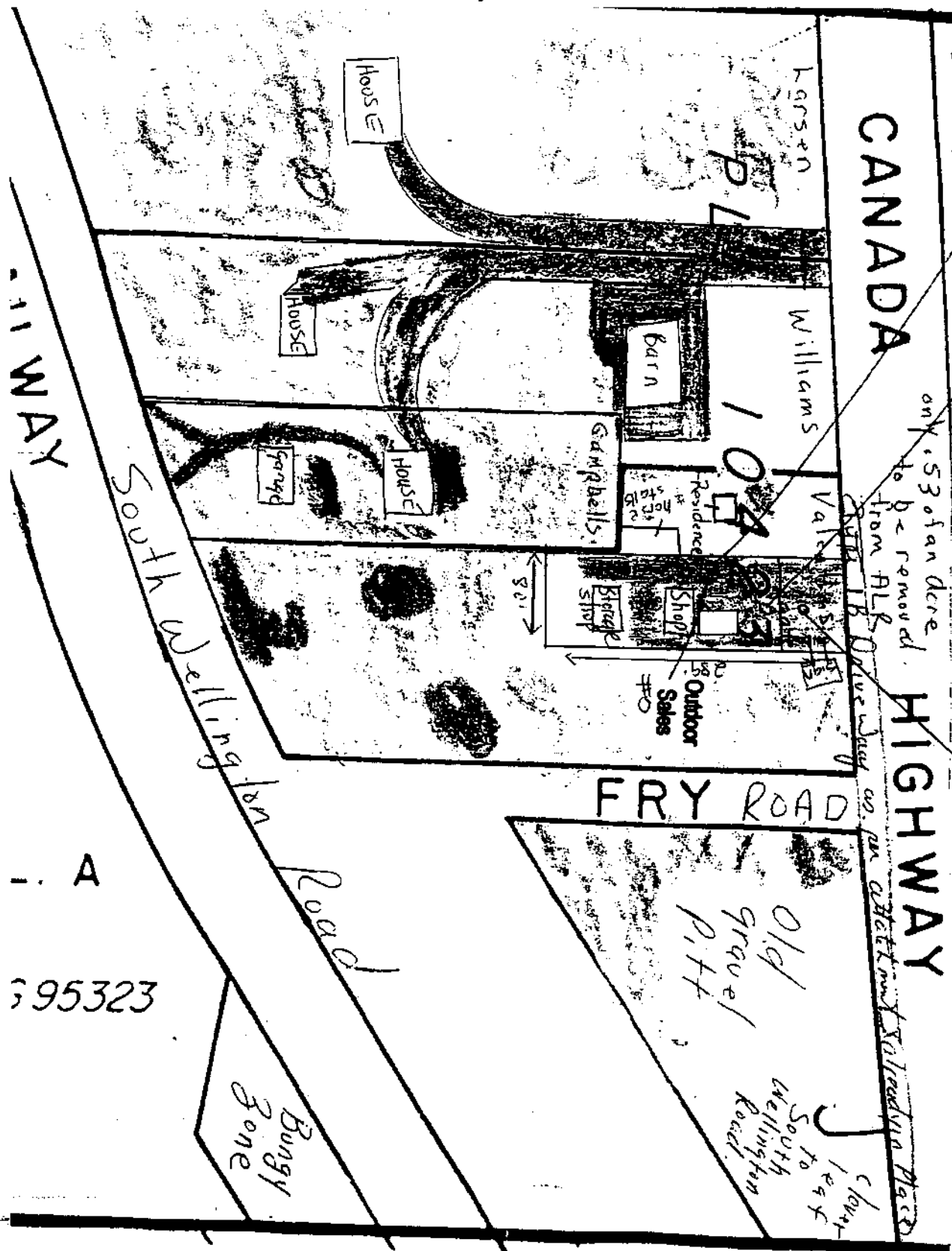
per: 

A. Chambers, Chair

cc: Regional District of Nanaimo
BC Assessment - Nanaimo

CF/iv

Schedule No. 3
Survey Plan



AIRWAY

South Wellington Road

FRY ROAD

CANADA

HIGHWAY

A

395323

Bunge Zone

Old gravel pit

clear way to South Wellington Road

any 53 of an acre to be removed from ALR

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Schedule No. 4

Section 6.4.108

SOUTH WELLINGTON COMPREHENSIVE DEVELOPMENT

CD10

Section 6.4.108.1

Permitted uses and Minimum Site Area

Permitted Uses	Required Site Area with:		
	Community Water & Sewer System	Community Water System	No Community Services
a) Agriculture	n/a	n/a	n/a
b) Aquaculture	5000 m ²	5000 m ²	5000 m ²
c) Home Occupation Use	n/a	n/a	n/a
d) Produce Stand	n/a	n/a	n/a
e) Residential Use	n/a	n/a	n/a
f) Silviculture	n/a	n/a	n/a
g) Light Industry	n/a	n/a	n/a
h) Outdoor Sales	n/a	n/a	n/a

6.4.108.2 Maximum Number and Size of Buildings and Structures

Accessory buildings: combined floor area 400 m²

Light Industry The combined total floor area of all light industry uses must not exceed 170 m²

Dwelling units/parcel

- a) on a parcel having an area of 2.0 ha or less - 1
- b) on a parcel having an area greater than 2.0 ha - 2

Floor area ratio

Height - 9.0 m

Parcel coverage - 25%

6.4.108.3 Minimum Parcel Area

Despite Section 7.4.4, no parcel having an area less than 2.0 ha may be created by subdivision, and for the purposes of this subsection, "parcel" includes a lot created by deposit of a strata plan under the Strata Act (British Columbia)

6.4.108.4 Minimum Setback Requirements

1. Buildings and structure for housing livestock or for storing manure
 - All lot lines - 30.0 m
2. All other buildings and structures
 - All lot lines - 8.0 m

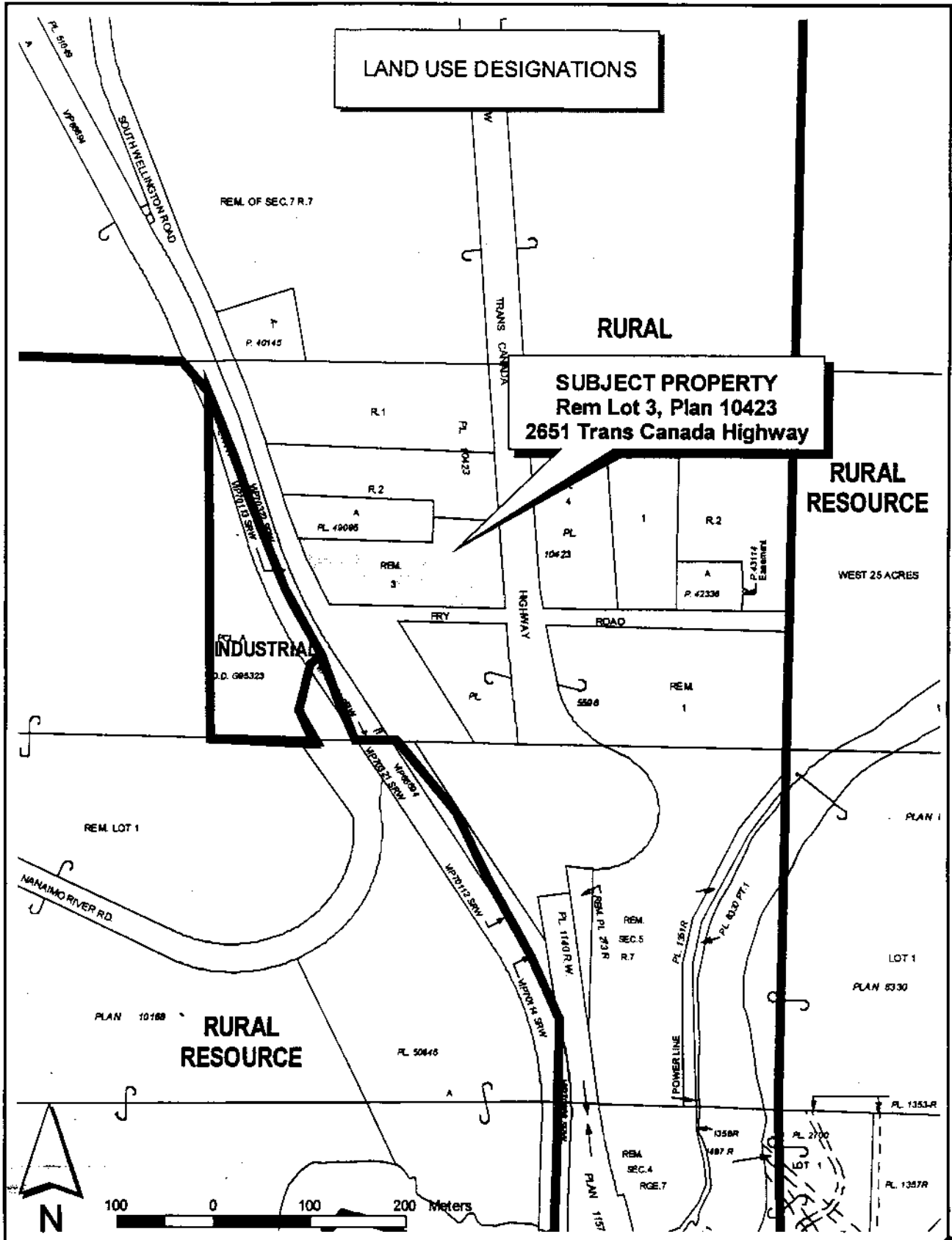
except where:

- a) any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 6.3.8 shall apply.

6.4.108.5 Other Regulations

1. For the purpose of this zone, the "light industry" use is limited to:
 - i) autobody repair with not more that two employees
2. For the purpose of this zone, the "outdoor sales" use is limited to:
 - i) the display and sale of automobiles
 - ii) the display of not more than 4 automobiles at any given time
 - iii) an outdoor display and sales area of not more than 72 m²
3. For the purpose of this zone signage will be restricted to: not more than 1 free standing indirectly illuminated sign with a surface area of 4.5 m² and not exceeding 6.0 metres in height from its supporting foundation; and the use of ribbon flags, pennants and other on-site display props or advertising is prohibited.
4. For the purpose of this zone, the use "home occupation" is limited to the provisions listed for a Rural 4 zone.
5. In the event of inconsistency between any provision of Section 6.4.108.5 and any other provision of this Bylaw, the Section 6.4.108.5 provision will apply and the other provision will not apply to the extent of the inconsistency.

Attachment No. 1
Subject Property Map





REGIONAL DISTRICT OF NANAIMO			
SEP 11 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCrS		GMES	
		DSE	✓

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

DATE: September 10, 2001

FROM: Geoff Garbutt
Senior Planner

FILE: 3010-01 MAHO

SUBJECT: Manufactured Homes in RS1 Zone
Electoral Area 'G' - (Columbia Beach)

PURPOSE

To investigate options for restricting the location of manufactured homes in the Columbia Beach neighbourhood (Electoral Area 'G').

BACKGROUND

At the July 26, 2001 Development Services Committee meeting, a resolution was passed by the Committee "that staff be directed to investigate amending the zoning bylaw for the Columbia Beach neighbourhood to disallow mobile or modular homes at Columbia Beach".

This motion was a result of a developing issue in the Columbia Beach neighbourhood, where a mobile home was recently sited in an area of predominantly on-site constructed, wood frame dwelling units. Residents in the area approached the Electoral Area Director enquiring as to steps that could be taken to restrict the future siting of mobile homes on residential lots in the neighbourhood.

Pursuant to the Regional District of Nanaimo Bylaw No. 500, 1987, the neighbourhood is zoned Residential 1 (RS1) and permitted uses in this zone include Home Occupation Use and Residential Use.¹

With respect to mobile homes or manufactured homes, the Regional District does not restrict the location of manufactured homes in the RS1 zone or in any zone where a Residential Use is permitted. Depending on the location of the property (for example, within a building inspection area) and the zoning of the property, a building permit is may be required for construction and the installation of manufactured homes. The siting of mobile homes is regulated through the RDN's Building Bylaw No. 1250, 2001, which state that manufactured homes must meet CSA standards and be sited on the property to ensure structural stability and have approved water, sewer, and electrical connections.

Residents in the area were of the opinion that a building scheme registered on the title of the 91 properties in the original Columbia Beach subdivision restricted the siting of mobile homes. However, staff review of the building scheme notes that manufactured homes were not specifically identified as a prohibited use or dwelling type within this subdivision. In addition, this building scheme had a 'sunset'

¹The Zoning Bylaw defines Residential Use as "the accommodation and homelife of a person or persons in common occupancy, and shall only be conducted within a dwelling unit". A Dwelling Unit is defined as a "one self contained unit contained within common walls with a separate entrance intended for year round occupancy and the principal use of such dwelling unit is residential with complete living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation".

clause and expired in 1984. It should be noted that there currently is a building scheme registered against properties recently subdivided as part of the Admirals Point subdivision, and as part of the developers prospectus of future subdivision east of Columbia Drive that prohibits the siting of mobile homes.

Regional District staff has surveyed a number of municipalities and Regional Districts in British Columbia to establish how other jurisdictions regulate the location of manufactured homes in residential zones. The results of this survey are included as Attachment No. 1. Of the 16 municipalities and Regional Districts contacted, only one jurisdiction prohibited the location of manufactured homes in their zoning. The majority of jurisdictions contacted did not recognize a difference between different types of dwellings and allowed any dwelling unit provided that it met regulations that included minimum floor area, minimum width, Canadian Standards Association (CSA) regulations and foundation requirements.

ALTERNATIVES

1. Prohibit manufactured homes or mobile homes in the Residential 1 (RS1) zone.
2. Amend the RS1 zone to include a new definition of Dwelling Unit that includes minimum width provisions (setting minimum width standards beyond those normally achieved by mobile or manufactured homes).
3. Create a new residential zone that prohibits the siting of mobile homes and apply it to parcels in the Columbia Beach portion of Electoral Area 'G'.
4. Do not amend regulations in the RS1 zone to restrict the location of manufactured or mobile homes and continue the practice whereby developers/landowners restrict types of dwellings through restrictive covenants.

LAND USE IMPLICATIONS

The Columbia Beach neighbourhood is zoned Residential 1 (RS1), which is the dominant residential zone in the Regional District (there is approximately 2,400 ha (5,900 acres) of land under this zoning). Historically, all forms of dwellings have been developed in the Regional District and the zoning has not differentiated between the various styles of single residential development. However, in some areas of the RDN (Fairwinds, for example), entire subdivisions have been developed with design standards registered as building schemes on the title of the properties. These building schemes are not regulated nor enforced by the RDN or recognized in the Zoning Bylaw.

Based on discussions with the RDN Building Inspection Department, manufactured homes in both 'single wide' and 'double wide' models make up a large portion of the housing developed throughout the Regional District and restricting this form of housing in the future may have a negative impact on housing and residential development due to the relatively low cost of this type of housing. In building inspection areas, RDN Building Inspectors require that all manufactured homes meet CSA standards for safety and the regulations in the Building Bylaw ensure that the dwellings are installed in a safe manner that protects occupants as well as surrounding properties.

LEGAL IMPLICATIONS

With respect to prohibiting manufactured or mobile homes either across the RS 1 zone or specifically in Columbia Beach, staff research suggests that the courts and the federal government have established that any form of housing that provides sleeping, eating and living facilities is considered a dwelling unit and as such, a dwelling that is built on a site is considered the same as a factory built manufactured home

(recognizing that the form of housing must meet the standards of the National Building Code and BC Building Code). Therefore, case law would suggest that the Regional District cannot regulate against the installation of one type of housing over another (as long as the form of housing is permitted under the Building Codes). Although some jurisdictions do prohibit certain types of housing, it would appear that they might be subject to challenge. The majority of jurisdictions contacted recognized that the courts have limited the local government's ability to restrict types of dwelling in a zone.

With respect to amending the RS 1 zone to set out new minimum width provisions (at a level wider than normally achieved by mobile homes), staff would also not recommend this option as it could limit architectural options and residential infill possibilities and does not recognize possible site constraints.

From staff's assessment, the most expedient and effective option to regulate the form of dwelling units is through restrictive covenants.

For example, in predominantly single residential neighbourhoods, developers often register restrictive covenants that stipulate prohibited uses and dwelling types. Residents that buy property in these areas agree to the restrictions in these covenants and are legally forced to abide by them. As an alternative to new local government regulations, landowners in the area could agree to a restrictive covenant that prohibits the siting of manufactured homes as a dwelling unit in the area. This restrictive covenant could be considered for all 91 lots in the Columbia Beach neighbourhood formerly covered by the building scheme, or apply only to selected areas, blocks, or lots. A solicitor with experience in property law could assist landowners in the development of this restrictive covenant.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

With regards to overall land use policy for the area, the French Creek Official Community Plan is silent on the issue of manufactured home infill development. The location or infill of manufactured homes in single residential areas was not a widely discussed issue for the public when this Official Community Plan was last reviewed. The community discussed 'infilling', but the policies contained in this OCP are specific to the creation of multi-family type development.

Since the adoption of this OCP in 1998, the *Local Government Act* has been amended to require that municipalities and Regional Districts adopt policies that encourage and provide for affordable housing. Typically in rural and rural residential areas, due to their lower cost, manufactured homes provide the majority of affordable housing opportunities.

PUBLIC CONSULTATION IMPLICATIONS

The Electoral Area Director and the Planning Department have been contacted by area residents on this issue. Comments focussed on perceived declining property values, longevity of forms of housing, and 'fit' with the neighbourhood. In response to these concerns, staff would recommend that the residents pursue the restrictive covenant option as it provides a practical, useful, and resident-controlled response to their issues.

SUMMARY/CONCLUSIONS

Staff were directed to investigate amending the zoning bylaw for the Columbia Beach neighbourhood to disallow mobile or modular homes. This motion was a result of a developing issue in the Columbia Beach neighbourhood, where a mobile home was recently sited in an area of predominantly on-site constructed, wood frame dwelling units. Residents in the area approached the Electoral Area Director

enquiring as to steps that could be taken to restrict the future siting of mobile homes on residential lots in the neighbourhood.

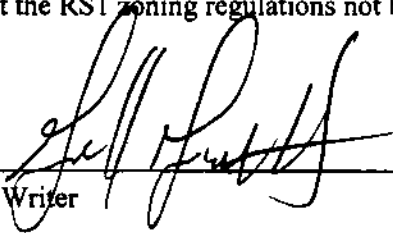
The courts have indicated that discriminating against one form of housing over another is illegal and most jurisdictions in BC have recognized this as the case. Therefore, staff do not recommend amending the RS 1 zoning to prohibit mobile homes either across the RDN or only within the Columbia Beach neighbourhood, nor does staff recommend amending the bylaw to set out new minimum dwelling unit width provisions.

With regards to land use policy for the area, the French Creek Official Community Plan is silent on the issue of mobile or manufactured homes development and the *Local Government Act* requires that municipalities and Regional Districts provide for affordable housing.

Staff would recommend that landowners in the Columbia Beach area pursue the filing of a restrictive covenant on their properties as the most expedient and effective means of specifying the form and character of dwelling units in the area.

RECOMMENDATION

That staff report outlining options with respect to restricting the siting of mobile homes or manufactured dwelling units in the Columbia Beach neighbourhood of Electoral Area 'G' be received for information and that the RS1 zoning regulations not be amended.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENT

report/devsvs /2001/3010 01 MAHO se manuf homes EA G.doc

ATTACHMENT NO. 1

COMPARISON OF LOCAL GOVERNMENTS ON ISSUE OF MOBILE/MANUFACTURED HOMES

Local Government	Regulate Mobile/Manufactured Homes (MH) in Residential Areas	Regulations
Comox Strathcona RD	<ul style="list-style-type: none"> ▪ Allow MH as dwelling unit in residential zones, ▪ Some zones prohibit manufactured zones outright 	<ul style="list-style-type: none"> ▪ Prohibition of MH use in some zones
Cowichan Valley RD	<ul style="list-style-type: none"> ▪ Allow only double wide MH in ZB R-3 residential zones ▪ Allow MH in all other R zones 	<ul style="list-style-type: none"> ▪ Recommend developer use covenant
Capital RD	<ul style="list-style-type: none"> ▪ Allow MH in all R zones ▪ Previously did not allow MH in some R zones but got legal opinion that this approach was illegal so amended by law 	<ul style="list-style-type: none"> ▪ Minimum Floor Area 80 m² ▪ Average Width 7 m
Alberni Clayoquot RD	<ul style="list-style-type: none"> ▪ Allow MH in residential zones 	<ul style="list-style-type: none"> ▪ Dwelling Unit minimum floor area 900 sf
Fraser Valley RD	<ul style="list-style-type: none"> ▪ Allow MH in residential zones provided that meets width ▪ Older Zoning Bylaws have prohibition on MH 	<ul style="list-style-type: none"> ▪ Dwelling Unit minimum width is 5 m ▪ Recommend to developer to covenant
Columbia Shuswap RD	<ul style="list-style-type: none"> ▪ MH allowed in all residential zones 	<ul style="list-style-type: none"> ▪ Dwelling Unit minimum width is 5 m
Thompson Nicola RD	<ul style="list-style-type: none"> ▪ MH allowed in all residential zones 	<ul style="list-style-type: none"> ▪ N/A
Courtenay	<ul style="list-style-type: none"> ▪ Allow MH in ZB residential zones provided that meets width and foundation requirements 	<ul style="list-style-type: none"> ▪ MH must meet CSA standards ▪ Minimum 5m width ▪ On a concrete foundation
Comox	<ul style="list-style-type: none"> ▪ MH allowed in all residential zones 	<ul style="list-style-type: none"> ▪ No additional standards, not an issue in community
Campbell River	<ul style="list-style-type: none"> ▪ MH allowed in all residential zones 	<ul style="list-style-type: none"> ▪ Dwelling Unit minimum width is 6.5 m exclusive of additions ▪ Concrete foundation
Qualicum Beach	<ul style="list-style-type: none"> ▪ MH technically allowed in all residential zones but permit requirements make location difficult 	<ul style="list-style-type: none"> ▪ Must meet CSA standards
Parksville	<ul style="list-style-type: none"> ▪ MH allowed in all residential zones 	<ul style="list-style-type: none"> ▪ Need permit to move a building
Nanaimo	<ul style="list-style-type: none"> ▪ MH allowed in all residential zones 	<ul style="list-style-type: none"> ▪ Dwelling Unit minimum width is 5 m ▪ Minimum floor area of 87m²/Minimum width of 7.3 m ▪ On concrete foundation ▪ Sloping roof
Kamloops	<ul style="list-style-type: none"> ▪ MH allowed in some residential zones, must meet regulations in other zones 	<ul style="list-style-type: none"> ▪ Dwelling Unit minimum width is 7 m ▪ On concrete foundation
Village of Chase	<ul style="list-style-type: none"> ▪ MH allowed in all residential zones 	<ul style="list-style-type: none"> ▪ Dwelling Unit minimum width is 6 m
Quesnel	<ul style="list-style-type: none"> ▪ MH allowed in all residential zones 	<ul style="list-style-type: none"> ▪ Dwelling Unit minimum width is 5.6 m

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CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	

MEMORANDUM

TO: Bob Lapham
General Manager, Development Services

DATE: September 10, 2001

FROM: Stan Schopp
Manager of Inspection/Enforcement

FILE: 4320-50

SUBJECT: Liquor License Increased Occupancy Capacity Applications
Electoral Areas A and G

PURPOSE

To provide a resolution on three applications to the Liquor Control and Licensing Branch (LCLB) regarding increases in occupancy capacity of licensed establishments in response to the Liquor Control Board bulk capacity increase process.

BACKGROUND

The Liquor Control and Licensing Branch (LCLB) has implemented a capacity increase bulk process, whereby the current licensed establishments may apply, on a one-time basis, to increase their seating capacity to either 150% of their existing licensed capacity or to a maximum occupancy by floor area, whichever is less. The Regional Board is requested to provide a resolution supporting or opposing the requested capacity increase.

Licensed facilities identified by the LCLB were notified and advised to submit an application; three applications were submitted in the RDN:

Facility	Civic Address	Legal Description	EA
Timberland Pub	1680 Timberlands Rd	R. 1, Plan 29967, DL 15, Bright LD Except that Part in Plan 38105	A
Wheat Sheaf Hotel	1866 Cedar Rd	Lot A, VIP67433, S 14, R 1, Cedar LD	A
French Creek House Resort	1025 Lee Rd	Lot 1, Plan 58358, DL 28, Nanoose LD	G

Although the Wheat Sheaf Hotel made application for increased occupancy, according to the LCLB, this facility is currently operating at capacity; therefore the LCLB is not considering an increase for this establishment and no resolution from the RDN Board is required.

Staff reviews of the remaining applications are attached as *Schedule No. 1*. The locations of these facilities are included as *Attachment No. 1*.

ALTERNATIVES

- To approve the applications for increased capacity.
- To approve the applications for increased capacity subject to the applicants meeting zoning, building inspection and official community plan bylaw requirements.
- To not approve the applications for increased capacity.

LAND USE IMPLICATIONS

Changes in maximum capacity allowed by the LCB require consideration of official community plan provisions, land use contract requirements, zoning, development permit areas, and building inspection provisions. The specifics for each facility are outlined below:

Timberland Pub

The Timberland Pub is zoned Residential 6 (RS6). The pub and surrounding development is subject to Land Use Contract No. 98, which allows for uses currently located on site, including the pub, cold beer and wine store, and one residence located above the beer and wine store.

The LCLB has proposed an Estimated Allowable Additional Capacity of 47 persons for this pub. At this level, parking facilities for the property uses pursuant to Schedule 6B, Section 1.1 of the RDN's Land Use and Subdivision Bylaw No. 500, 1987 are considered inadequate by approximately 11 parking spaces. Staff suggests that adequate site area is available to accommodate these 11 additional parking spaces; however it would be necessary for the applicant to provide a parking plan illustrating compliance with bylaw requirements. It should be noted that any renovations or additions to the establishment might require amendments to the land use contract. Staff also notes that, given that this establishment is not in a building inspection area, referral comments should also be obtained from the Ministry of Health and the Local Area Fire Commissioner.

French Creek House Resort

The French Creek House Resort is zoned Commercial 6 (CM6), which allows for uses currently occupying the site. In addition to parking allowances located on the subject property, the Resort has leased 49 parking spaces from the French Creek Harbour Authority. However, due to the requirements of Bylaw No. 500 for on-site parking, these spaces were not included in calculations for parking requirements.

Three development permits affect the subject property. The French Creek Harbour Centre Development Permit Area is intended to provide protection for the natural environment and guidelines for the form and character of multi-family residential, commercial and resort commercial development. The Sensitive Lands Development Permit Area provides protection for development from hazardous conditions and for the natural environment, specifically identifying flood prone lands or areas containing slopes with grades greater than 30%. The Watercourse Protection Development Permit Area provides protection for watercourses and adjacent lands. While the increase in occupancy may not require a development permit, any exterior changes to the property (including revisions to parking) may require a development permit.

The LCLB has proposed an Estimated Allowable Additional Capacity of 32 persons for this pub. At this level, parking facilities for the property uses are considered inadequate by approximately 2 parking spaces pursuant to Schedule 6B, Section 1.1 of the RDN's Land Use and Subdivision Bylaw No. 500, 1987. Staff suggests that adequate site area is available to accommodate these 2 additional parking spaces, but it would be necessary for the applicant to provide a parking plan illustrating compliance with bylaw requirements. As the property is within a building inspection area, any renovations or additions to the establishment would require building permits. Further, amendments to the site layout may require an application for development permits.

SUMMARY/CONCLUSIONS

The Liquor Control and Licensing Branch (LCLB) has requested that the RDN Board provide a resolution supporting or opposing the requests for capacity increase as received from the Timberland Pub, Wheat Sheaf Hotel, and French Creek House Resort. However, the LCLB has indicated that no increase is being considered for the Wheat Sheaf Hotel; therefore no resolution is required at this time for that establishment.

A review of the Timberland Pub and French Creek House Resort examined parking requirements, building code requirements and occupancy capacity. Staff notes that for both establishments, increased parking is required and any changes to the establishments or sites may require building permits, amendments to the Land Use Contract, development permits, or consideration of official community plan requirements. While approval in principle for the increased capacities is recommended, approval should be contingent upon the applicant's completion of RDN zoning, building inspection and official community plan bylaw requirements.

RECOMMENDATION

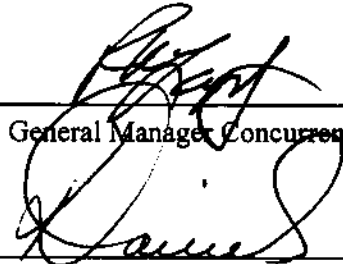
That the Board of the Regional District of Nanaimo recommend that the applications for increases in occupancy capacity, as submitted by Timberland Pub, legally described as R. 1, Plan 29967, District Lot 15, Bright Land District Except that Part in Plan 38105, and French Creek House Resort, legally described as Lot 1, Plan 58358, District Lot 28, Nanoose Land District, be supported, subject to the applicants meeting all zoning, building inspection and official community plan bylaw requirements.

Report Writer



Manager Concurrence

General Manager Concurrence



CAO Concurrence

COMMENTS:

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**Schedule No. 1
 Facility Description**

Timberland Pub

Electoral Area: A
 OCP Designation: Cassidy Village Centre
 Zoning: Residential 6 (RS6)
 Permitted Uses: Mobile Home Park
 Current Uses on Site: Neighbourhood Pub, Retail/Convenience Store, Residential

Capacity Increase Requirements: Interior Seating Area: 197.5 m² (2,126 ft²)
 Exterior Seating Area: 46.5 m² (500 ft²)
 Building Code Maximum Occupant Load: 202 persons
Potential Washroom Requirements: 4 water closets (female)
 (for Allowable Additional Capacity of 147) 2 water closets and 2 urinals (male)
 Current Washrooms Provided: 3 water closets (female)
 1 water closet and 2 urinals (male)
Potential Exit Requirements: 2 Exits
 Current Exits Provided: 2 Exits
Other Potential Requirements: Fire Alarm
 Exit Signs
 Panic Hardware

Parking Requirements: Neighbourhood Pub: 1 per 3 Seats
 Retail/Convenience Store: 1 per 15 m² floor area
 Single Dwelling Unit: 2 per dwelling unit
 Disability Spaces: Requires 1
 Loading Spaces: Requires 1

LCLB Current Licensed Capacity	100	Current Available Parking:	≈ 47
LCLB Maximum Capacity:	150	Maximum Parking Requirements:	61
LCLB Capacity by Floor Area:	147		
Est. Allowable Additional Capacity:	47	Parking Requirements for Allowable Additional Capacity:	58

Development Permit Areas: N/A
 Other: Subject to Land Use Contract No. 98 (Bylaw No. 239)
 Located Within an Environmentally Sensitive Area

Building Inspection Comments

1. There is a potential occupant load increase from 100 to 147 maximum occupants.
2. The current number of washroom facilities and exits is adequate.
3. It is recommended the exit width, exit signage, and panic door hardware be reviewed by the Local Area Fire Commissioner.
4. It is recommended the washroom facilities be reviewed by the Ministry of Health, as the subject property is not within a building inspection area.
5. No building permit for additional works is required as the subject property is located outside of building inspection jurisdiction.

Schedule No. 1 (cont'd)
 Facility Description

French Creek House Resort

Electoral Area: G
 OCP Designation: French Creek Harbour Comprehensive Development Area
 Zoning: Commercial 6 (CM6)
 Permitted Uses: Hotel, Resort Condominium, Neighbourhood Pub, Office, Personal Service, Public Assembly, Recreation Facility, Residential, Restaurant, Retail Store
 Current Uses on Site: Neighbourhood Pub, Restaurant, Hotel Units, Hair Salon, Law Office, Retail/Convenience Stores

Capacity Increase Requirements: Interior Seating Area: 184.9 m² (1,990 ft²)
 Exterior Seating Area: 145.8 m² (1,569 ft²)
 Building Code Maximum Occupant Load: 274 persons
Potential Washroom Requirements: 3 water closets (female)
 (for Allowable Additional Capacity of 107) 1 water closet and 1 urinal (male)
 Current Washrooms Provided: 3 water closets (female)
 3 water closets and 2 urinals (male)
Potential Exit Requirements: 2 Exits
 Current Exits Provided: 2 Exits
Other Potential Requirements: Exit Signs
 Panic Hardware

Parking Requirements: Neighbourhood Pub: 1 per 3 Seats
 Hotel: 1 per unit plus 1 per 4 units (visitor)
 Restaurant: 1 per 10.0 m² floor area
 Retail/Convenience Store: 1 per 15 m² floor area
 Office: 1 per 30.0 m² floor area
 Personal Service: 1 per 50.0 m² floor area
 Disability Spaces: Requires 3
 Loading Spaces: Requires 1

LCLB Current Licensed Capacity:	75	Current Available Parking:	≈ 136
LCLB Maximum Capacity:	113	Potential Parking Requirements:	144
LCLB Capacity by Floor Area:	107		
Est. Allowable Additional Capacity:	32	Parking Requirements for Allowable Additional Capacity	138

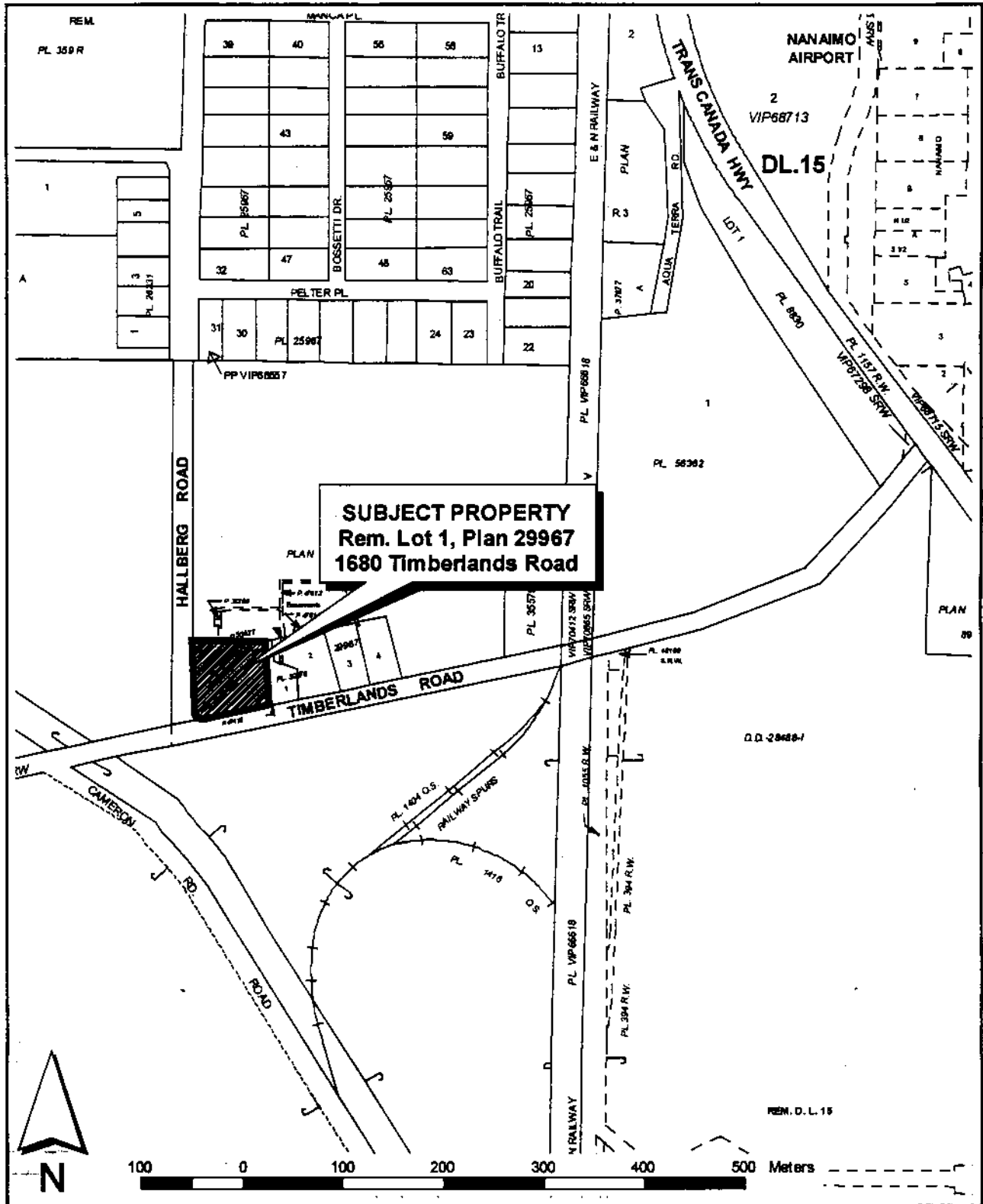
Development Permit Areas: French Creek Harbour Development Permit
 Sensitive Lands Development Permit
 Watercourse Development Permit
 Other: Subject to: Development Permit No. 062 (free-standing sign variance)
 Development Variance Permit No. 8529
 (conversion of office space to eight hotel units)

Building Inspection Comments

1. There is a potential occupant load increase from 75 to 107 maximum occupants.
2. The current number of washroom facilities and exits is adequate.
3. It is recommended the exit width, exit signage, and panic door hardware be reviewed by the Local Area Fire Commissioner.
4. No building permit is required.

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Attachment No. 1
 Subject Property Map
 Timberland Pub



Attachment No. 1 (cont'd)
Subject Property Map
French Creek House Resort

