

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, FEBRUARY 24, 2004

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 2-6 Minutes of the Electoral Area Planning Committee meeting held Tuesday, January 27, 2004.

BUSINESS ARISING FROM THE MINUTES

PLANNING

AMENDMENT APPLICATIONS

- 7-17 Zoning Amendment Application No. 9626 – Rondalyn Resort/Danron Holdings Ltd.
- 1350 Timberlands Road – Area C.

DEVELOPMENT PERMIT APPLICATIONS

- 18-23 DP Application No. 60403 & Request for Relaxation of Minimum 10% Frontage
Requirement – G & B Duckett – 400 Lowry's Road – Area G.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 24-29 DVP Application No. 90402 & Request for Relaxation of the Minimum 10%
Frontage Requirement M. Keen – 1012 Nanaimo River Road – Area C.
- 30-35 DVP Application No. 90403 – Lehigh Cement/Lum – 920 Chatsworth Road –
Area F.
- 36-42 DVP Application No. 90404 - Lyle Hollingworth on behalf of Hollingworth &
Jorgensen 1410 & 1420 Price Road – Area F.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, JANUARY 27, 2004, AT 6:00 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director E. Hamilton	Chairperson
Director H. Kreiberg	Electoral Area A
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director Joe Stanhope	Electoral Area G
Director D. Bartram	Electoral Area H

Also in Attendance:

B. Lapham	General Manager, Development Services
P. Shaw	Manager of Community Planning
N. Tonn	Recording Secretary

MINUTES

MOVED Director Bibby, SECONDED Director Biggemann, that the minutes of the Electoral Area Planning Committee meeting held December 9, 2003 be adopted.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0313 – Slocombe – Parker Way & Ted’s Road – Area E.

MOVED Director Bibby, SECONDED Director Bartram,:

1. That the minutes of the Public Information Meeting held on January 14, 2004 be received.
2. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004” be given 1st and 2nd reading.
3. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004” proceed to public hearing.
4. That the public hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004” be delegated to Director Bibby or her alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Director Bibby left the meeting citing a possible conflict of interest.

DP Application No. 60358 – Smith & Tomei/Timberlake Jones – Clayton Crescent –Area E.

MOVED Director Stanhope, SECONDED Director Kreiberg, that Development Permit No. 60358, submitted by Timberlake Jones Engineering on behalf of T. Smith & N. Tomei, for the protection of an eagle nest tree designated within the Sensitive Ecosystem Development Permit Area, in conjunction with the proposed subdivision of the parcel legally described as Lot 3, District Lot 52, Nanoose District, Plan VIP67511, be approved, subject to the requirements outlined in Schedule Nos. 1, 2 and 3.

CARRIED

Director Bibby returned to the meeting.

DP Application No. 60359 – Horne Lake Strata Corp. – Finholm – Strata Lot 313 Horne Lake – 2498 Shady Lane – Area H.

MOVED Director Bartram, SECONDED Director Stanhope, that Development Permit Application No. 60359, submitted by the agent, Keith Finholm, on behalf of Horne Lake Land Corporation, for the property legally described as Strata Lot 313, District Lot 251, Alberni District, Strata Plan VIS5160, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, requesting to relax the minimum setback requirements for all watercourses except Horne Lake from 15.0 metres from the top of bank to 5.0 metres in order to accommodate the siting of a recreational residence with deck and porch, and an accessory building, be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

DVP No. 0304 – Revision – Melvyn – Seaview Drive – Area H.

The Chairperson noted that this application has been withdrawn.

DVP No. 90324 – Eddy – 5058 Longview Drive – Area H.

MOVED Director Bartram, SECONDED Director Stanhope, that Development Variance Permit Application No. 90324, submitted by Diane Eddy and Nelson Eddy, to legalize the existing accessory buildings and structures within a Residential 2 (RS2) zone by varying the minimum permitted setbacks for lot lines and for a watercourse, as shown in Schedule No. 3 of this staff report, for the property legally described as Lot 43, District Lot 28, Newcastle District, Plan 22249, be approved subject to the conditions outlined in Schedule No. 1 and subject to the notification procedures pursuant to the *Local Government Act*.

CARRIED

DVP No. 90325 – Green – Martindale Road – Area G.

The General Manager of Development Services noted that Schedule 1 to DVP Application No. 90325 be amended as follows:

- (a) Item number 5 be removed.
- (b) The words “within 30 metres” be deleted and replaced with “within 20 metres” in Item No. 6.

MOVED Director Stanhope, SECONDED Director Bibby, that Development Variance Permit No. 90325, submitted by Dale Green and Peggy Green, to facilitate the development of a single dwelling unit within a Rural 1 (RU1) zone by varying the minimum permitted setback to the south lot line from 8.0 metres to 4.0 metres, for the property legally described as Lot 9, District Lot 128, Nanoose District, Plan 20938, be approved as amended, subject to notification procedures pursuant to the *Local Government Act* and subject to the conditions outlined in Schedule No. 1.

CARRIED

DVP No. 90326 & Request for Minimum 10% Frontage Requirement – RK Brown & Associates on behalf of Wayne Roine – Farrar, Yellow Point & McQuarrie Roads – Area A.

MOVED Director Kreiberg, SECONDED Director Biggemann, that the request, submitted by RK Brown, on behalf of Wayne Roine to relax the minimum 10% frontage requirement for the Proposed Lot 1, as shown on the revised plan of subdivision of The East 20 Chains of Section 5, Range 5, Cedar District, Except Parcel C (DD2340N) and Except That Part in Plan 8609 and to allow the creation of a non-contiguous parcel in conjunction with the proposed 3-lot subdivision, be approved subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

DVP No. 90401 – Sertic Simmons (Jorgensen) – 3525 Shetland Place – Area E.

MOVED Director Bibby, SECONDED Director Stanhope, that Development Variance Permit Application No. 90401, submitted by the agent, Peter Jorgensen, on behalf of Marijan Sertic and Renate Dawn Simmons, for the property legally described as Strata Lot 48, District Lot 78, Nanoose District, Strata Plan VIS3393 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1 to:

- a) Relax the minimum setback requirements for the front lot line from 8.0 metres to 2.85;
- b) Relax the minimum setback requirements for the west interior side lot line from 2.0 metres to 0.0 metres;

in order to accommodate the siting of a riprap retaining wall be approved subject to the conditions outlined in Schedules No. 1 and 2 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

OTHER

Aquaculture – Official Community Plan & Zoning Amendment Issues & Public Consultation Strategy.

MOVED Director Stanhope, SECONDED Director Kreiberg,:

1. That the staff report on Aquaculture containing the minutes of the Public Consultation Strategy be received.
2. That staff arrange a public information meeting to present the draft zoning bylaws and OCP policy amendments to the public, government agencies and the shellfish industry.
3. That staff prepare official referrals for the proposed amendments and forward them to the agencies listed in the Public Consultation Framework.

4. That staff contact those landowners on the list supplied by MAFF that have an existing aquaculture facility on non-ALR land for comments on the proposed site specific zoning amendment for these properties.

CARRIED

MOVED Director Bartram, SECONDED Director Bibby, that the existing definition of aquaculture pursuant to RDN Subdivision and Land Use Bylaw No. 500, 1987 be expanded to specific types of aquaculture so that no confusion exists between various types of aquaculture that will or will not be permitted in the RDN land use regulations.

CARRIED

MOVED Director Bartram, SECONDED Director Bibby, that the siting criteria or guidelines in OCP policies for considering zoning amendments to facilitate more intensive aquaculture development including seafood processing and zoning amendment applications for new sites outside identified areas proposed in the staff report be reviewed with appropriate federal and provincial ministries to ensure consistency and concurrence and to ensure no duplication of the requirements.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the proposal in the report to reduce noise and visual impacts for upland owners and provide a safer environment for employees by encouraging shellfish growers to conduct their operations in a building rather than on vessels or outside on decks on the lease area be strengthened by not only expanding the building envelope in the RDN land use bylaw but entering into discussion with the Shellfish Growers Association and the provincial ministry to have them endorse this best practice policy.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the RDN enter into a review of the existing Memorandum of Understanding with LWBC to ensure they provide a referral on any proposed aquaculture leases in the RDN, to include any public notification requirements in appropriate local newspapers.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the RDN enter into a Memorandum of Understanding with the Ministry of Agriculture on various types of aquaculture best practices.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that Schedule No. 2 policy proposal "New Aquaculture Development" be held in abeyance until after discussion with appropriate federal and provincial ministries to ensure consistency and concurrence and to ensure no duplication of the stated information requirements.

CARRIED

MOVED Director Bartram, SECONDED Director Stanhope, that Schedule No. 2 be amended to read "Electoral Area 'H' Bylaw No. 1335, 2003" – Section 5.2 – "Resource Lands" and Section 5.3, "Rural Lands", at the bottom of the Schedule.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the General Manager of Development Services begin individual discussions with RDN Directors on possible OCP map zoning amendments prior to beginning public information meetings.

CARRIED

Intergovernmental Advisory Committee.

The General Manager of Development Services presented a visual and verbal report on the Intergovernmental Advisory Committee.

MOVED Director Bibby, SECONDED Director Stanhope, that the report "Intergovernmental Advisory Committee" be received.

CARRIED

Nanoose Bay Official Community Plan – Terms of Reference – Area E.

MOVED Director Bibby, SECONDED Director Stanhope,:

1. That the staff report on the Nanoose Bay Official Community Plan Terms of Reference be received.
2. That the Nanoose Bay Official Community Plan Terms of Reference (*Attachment No. 1*) be endorsed by the Board.

CARRIED

NEW BUSINESS

Board of Variance.

MOVED Director Stanhope, SECONDED Director Bartram, that staff be directed to prepare a report on the Board of Variance's authority and make recommendations on possible revisions to the public information guide, fees and relationship to the RDN development variance permit process; and further that this report be presented to the Board following the Province's Board of Variance seminar.

CARRIED

MOVED Director Bibby, SECONDED Director Bartram, that staff review and report back to Committee on policies with respect to retrospective variance applications.

CARRIED

ADJOURNMENT

MOVED Director Kreiberg, SECONDED Director Bibby, that this meeting terminate.

CARRIED

TIME: 6:56 PM

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO			
FEB 16 2004			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	
CAP ✓			
DATE:			
FILE:			

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

FROM: Keeva Kehler
Planner

SUBJECT: Zoning Amendment Applicant No. 9626 – Rondalyn Resort/Danron Holdings Ltd.
Electoral Area 'C' – 1350 Timberlands Road

PURPOSE

To receive an update with respect to the proposed zoning amendment application for the Rondalyn Resort and to receive the past Report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing held July 3rd, 2002 on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.287, 2002."

BACKGROUND

In 1996, the Regional District received an application to rezone a portion of the subject property in the Resource Management 9 (RM9) Subdivision District 'B' zone to Rondalyn Resort Comprehensive Development 13 (CD13) Subdivision District 'Z' zone. The subject property is approximately 14 hectares in size and is located at the end of Timberlands Road. The property is bisected into 2 roughly equal portions by Haslam Creek (see Schedule No. 2). This application addresses only the portion of the property to the southeast of Haslam Creek that has already been developed as an RV campsite and resort; the northwest portion of the property is proposed to retain its current Resource Management 9 zoning. A portion of this north section of the parcel is located within the Agricultural Land Reserve.

The southeast portion of the property was initially developed as a resort vehicle park in 1992. At that time 'Campground' was a permitted use on the parcel. However, as this property did not have an approved community water service system, the maximum number of campsites permitted under the zoning regulations was 50. The previous bylaw did not allow for permanent occupancy of the campsites. In 1997, Amendment Bylaw No. 500.162 was adopted and deleted campground as a permitted use in the Resource Management zones. This amendment affected several campgrounds and resort vehicle parks in the RDN, and it was understood at that time that existing RV parks would likely apply for zoning amendments.

Staff held a Public Information Meeting with respect to this application on May 9, 2002 and a Public Hearing was held on July 3rd, 2002 (see Attachment No. 1). The applicants requested a zoning amendment to legalize existing legal non-conforming uses and to facilitate the addition of 40 new RV campsites, for a total of 90 campsites. The application was delayed while the applicants attempted to meet a number of conditions of approval. To date there are still conditions that require completion prior to the Board considering final adoption of the amendment bylaw. The Resort was recently sold to new property

owners. This report will provide an update to the Board on the status of the application and will offer recommendations on a proposed zoning amendment to close the file.

Existing Uses

Rondalyn Resort presently has 90 fully and partially serviced RV campsites and a number of accessory uses on the southeast side of Haslam Creek. Fifty (50) of the RV sites are considered legal non-conforming as they were part of the original resort development prior to campsite being removed as a permitted use from the Resource Management zones. Forty (40) of the RV sites are considered illegal as they were developed after the campground use was removed from the zone. The applicants are requesting to legalize these newly developed sites as part of the zoning amendment application. Thirty (30) of the illegal RV campsites are fully serviced and 10 are serviced with water and power only. The additional campsites were developed despite RDN staff's advice to the owners, both verbal and written, that they did not have permission to expand the resort and any works were conducted at the owners' risk.

In addition to the 90 RV campsites and accessory facilities such as washrooms, showers and laundry facilities, the owners have developed various accessory outdoor recreation uses, accessory retail space and an accessory outdoor storage compound on the property. The application also includes a request to legalize an existing sign for the resort located within the 5.0 metre setback area required by the proposed CD13 zone. The RM9 zone currently requires a setback of 20.0 metres from all lot lines.

Although the campsites are serviced by a water system, the system is not considered a 'community water system' pursuant to the RDN regulations, as it is not operated by the RDN or as a water utility. For this reason, only 50 of the existing sites are considered legal non-conforming. As this is a zoning amendment application, the RDN Board could consider permitting additional sites provided all the necessary approvals from other agencies can be obtained. Based on conversations with the Ministry of Water, Land and Air Protection, a maximum of 60 RV sites will be permitted on the property and therefore it is recommended that the RDN consider abandoning the current version of Amendment Bylaw No. 500.287, 2002 and approving a revised Amendment Bylaw No. 500, 287 that permits 60 RV sites subject to Conditions of Approval. (*see Schedule No. 1*)

ALTERNATIVES

1. To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions held July 3, 2002 and grant 1st and 2nd Reading to the revised Amendment Bylaw 500.287.
2. To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions held July 3, 2002 and provide further direction to staff.

OCP IMPLICATIONS

Pursuant to the "Arrowsmith Benson – Cranberry Bright Official Community Plan, 1148, 1998" the subject property is designated Resource. This OCP Land Use Designation allows for outdoor recreation uses and campground uses within this designation provided that the maximum occupancy for an individual within the new development is limited to 6 months in any calendar year. Rondalyn Resort has traditionally used approximately 30 sites for non-seasonal occupancy in the park. They have indicated that they would like to continue this use in order to make the RV Park more economically viable, and are

willing to register a covenant that no more than these thirty sites shall be used for non-seasonal use. Currently there are approximately 36 sites that are occupied year round, but the applicants indicated that they will ultimately only require 30 year round sites. It is proposed that the sites used for year round occupancy will be located on the southwest portion of the resort. Therefore, staff recommends that this issue be addressed with an RDN approved covenant, prepared and registered at the owners' expense, agreeing to limit further development of the campground to the definition of the Comprehensive Development 13 (CD13) zone and allowing them to continue to use the 30 sites that are currently being utilized for non-seasonal occupancy, subject to approval from the Ministry of Health and the Ministry of Water, Land and Air Protection.

The Arrowsmith Benson – Cranberry Bright OCP establishes Development Permit Areas to provide additional protection for natural features, ecosystems and agricultural lands. The subject property is located within the Farmland Protection, Sensitive Ecosystem and Watercourse Protection Development Permit Areas (DPAs).

ZONING IMPLICATIONS

Due to difficulties with obtaining provincial approvals for a 90 RV campsite facility, staff recommends that the Board consider approving a rezoning of the property from Resource Management 9 to a Comprehensive Development zone to recognize the existing legal non-conforming campground uses on the property and facilitate the expansion to a maximum of 60 RV campsites. In addition to the resort vehicle park use, the zoning amendment would also allow for the following permitted uses; clubhouse, accessory outdoor recreation uses, accessory resort vehicle storage, residential use, and accessory retail space, accessory permanent accommodation unit (cabin) (see Schedule No. 1 Conditions of Approval).

Rondalyn Resort has placed a freestanding sign at the entrance to the development that meets the requirements of "Regional District of Nanaimo Sign Bylaw No. 993, 1995" in terms of size, materials and lighting. However, the freestanding sign is currently located within the setback of the zone. Staff supports allowing this sign to remain where it is currently located, and to legalize the siting of the sign by referencing the setback for the sign in the new CD13 zone.

Should the Board consider amending the zoning to legalize the existing 50 sites and permit the expansion to a maximum of 60 RV sites, it is recommended that the subdivision district of the southeast portion of the parcel will concurrently be amended to the 'Z' subdivision district, which does not allow for further subdivision.

ENVIRONMENTAL IMPLICATIONS

Sewage disposal on the parcel is presently regulated under Waste Management Permit PE-12121 pursuant to the *Waste Management Act*. This permit authorizes the discharge of 46 m³ per day from a 60-unit RV Park to a secondary sewage treatment plant and ground disposal fields. Staff has discussed the proposed expansion with representatives from the Ministry of Water, Land and Air Protection (WLAP). According to WLAP staff, the proposed increase in number of RV sites will represent a substantial change from the existing permit and will require approval under the Waste Management Act Municipal Sewage Regulation (MSR). The most recent correspondence from the Ministry to the applicants indicates that the proposed discharge does not meet the requirements of the MSR (*Attachment No. 2*). WALP staff indicated to RDN staff that there are some requirements under the new regulations that the applicants cannot currently meet due to the proximity of the sewage disposal fields to existing lot lines. Therefore,

the additional RV sites cannot be legalized at this time. However, the Waste Management Permit PE-12121 allows for a maximum of 60 sites, which would allow the applicants to request an amendment to the zoning to permit 60 RV sites on the property.

There is some existing development within 30 metres from the natural boundary of Haslam Creek. The OCP establishes a 30 metre buffer strip in the Watercourse Development Permit Area in 1999, so it is likely that the majority of the development occurred prior to the OCP being adopted. This application does not propose any additional alteration of land within the Watercourse Development Permit Area. The applicants have maintained a 15 metre vegetated buffer between Haslam Creek and the RV campsites.

PUBLIC CONSULTATION IMPLICATIONS

A Public Hearing for this application was held July 3rd, 2002 at Waterloo Elementary School Gymnasium. Approximately 6 people attended this meeting. Notification of this meeting was sent to all property owners within a 200-metre radius of the subject property, and was placed as a display ad in the Harbour City Star Newspaper on June 26th and 29th, 2002. Since a significant amount of time has passed since the Public Hearing and staff proposes a revised Amendment Bylaw No. 500.287 be given 1st and 2nd Reading, it is recommended that adjacent property owners be notified directly in writing of the proposed zoning amendment prior to 3rd Reading.

VOTING

Electoral Area Directors - one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

Rondalyn Resort submitted an application to rezone the subject property from RM9 to a Comprehensive Development Resort zone in 1996. The application proposes amending the zoning to permit a total of 90 fully and partially serviced RV campsites on the subject property including accessory uses as outlined in the Conditions of Approval. This proposal was the subject of public notification and was discussed at a Public Hearing on July 3rd, 2002 (*see Attachment No. 1*).

Over the last few years, the applicants have worked to resolve the Conditions of Approval for the rezoning. The Ministry of Water, Land and Air Protection has met with the applicants and their engineer to discuss current regulations and requirements and has informed the RDN and the applicants that some of the requirements under the MSR to legalize the expansion to a total of 90 RV campsites cannot be met. Therefore, the Ministry will not issue approval to facilitate the expansion to 90 RV campsites and the proposal cannot be approved by the RDN at this time.

In order to process the zoning amendment application and bring closure to the file, it is recommended that the RDN Board consider approving a zoning amendment that legalizes the existing legal non-conforming uses on the subject property that have or can obtain all the necessary Provincial approvals. This will result in a Rondalyn Resort Comprehensive Development Zone (CD13) that recognizes the 50 RV sites that are considered legal non-conforming (30 of which can be occupied year round, subject to Covenant restrictions), 10 additional RV sites, accessory outdoor uses, accessory office and retail space,

the existing residential use and accessory outdoor storage space. Should the Board grant approval for the legal non-conforming uses, it is further recommended that the issue of the additional 30 illegal campsites be resolved within one year as a condition of approval. Should the applicants obtain the necessary provincial approvals, they may submit a separate zoning amendment application to legalize these sites. However, should the applicants be unable to obtain provincial approvals, the additional sites must be removed within a time frame specified by the Board.

RECOMMENDATIONS

1. That the Report of the Public Hearing containing the Summary of the Minutes and Submissions held July 3, 2002 be received for information.
2. That the original Amendment Bylaw No. 500.287, 2002 which proposed to create the Rondalyn Resort Comprehensive Development Zone (CD13) with a maximum of 90 campsites be reconsidered and reintroduced as suggested in the staff report to reflect the existing legal non-conforming uses on the property and permit expansion of the facility to a maximum of 60 RV sites together with a number of existing accessory uses.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.287, 2002" be given 1st and 2nd as amended subject to Conditions of Approval as outlined in Schedule No. 1 of the staff report and be referred to public notification.
4. That the Regional Board waive the requirement for a Public Hearing pursuant to Section 893 of the Local Government Act and further, that adjacent landowners within 200 metres of the subject property be notified of the revised Amendment Bylaw No. 500.287, 2004 by way of direct mail and display ad in the local newspaper.
5. That the applicants be provided one year to resolve the waste management issues with respect to the 30 additional unauthorized RV sites. Should the applicants be unable to obtain the necessary provincial approvals and commence the zoning amendment process, the additional 30 sites must be removed within one year of the date of adoption of Amendment Bylaw No. 500.287, 2004. During this period the campsites would not be occupied and the future use of these sites would be subject to successfully rezoning the subject property.



Report Writer



General Manager Concurrence

CAO Concurrence

COMMENTS:

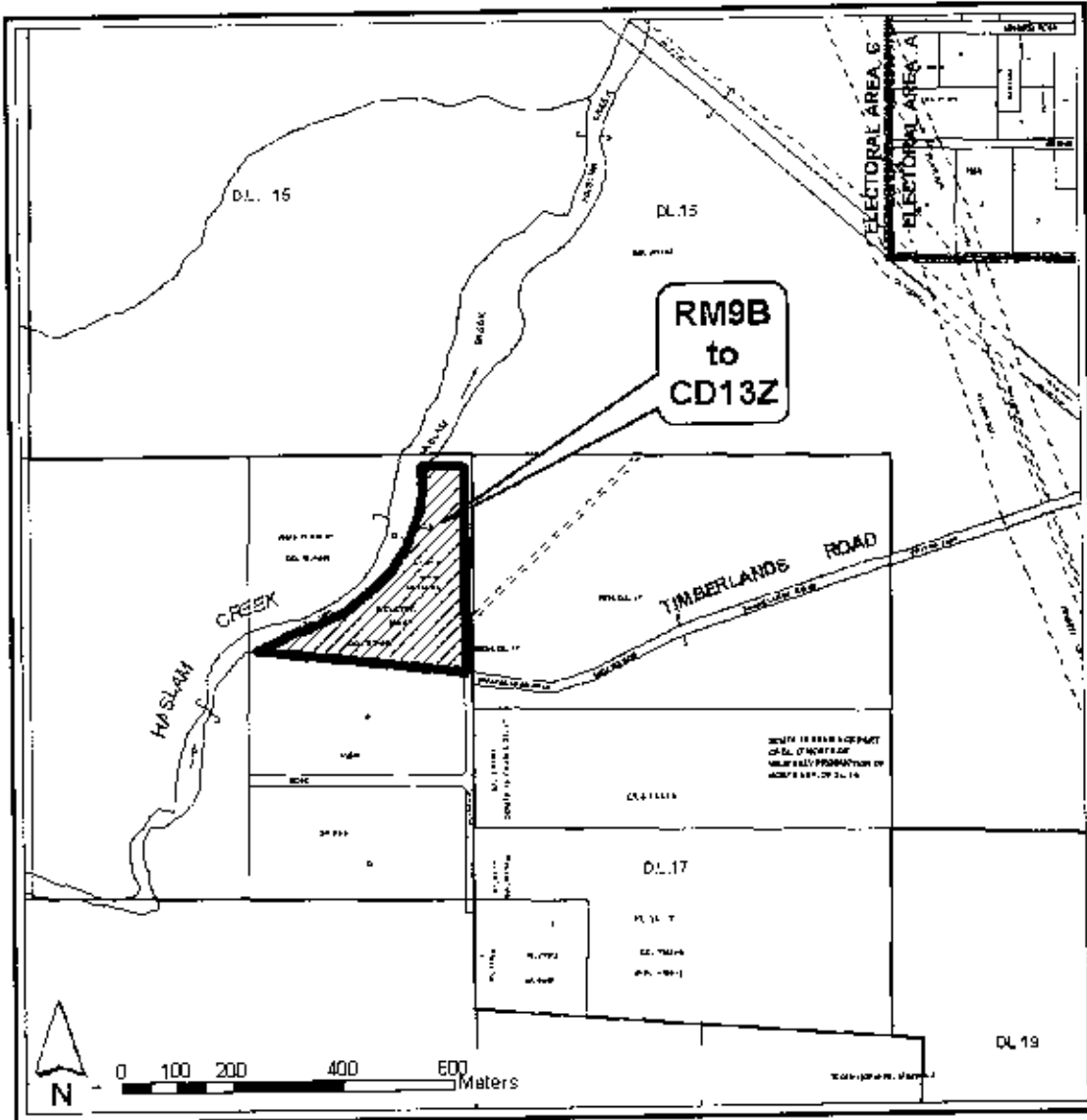
Schedule No. 1
Conditions of Approval for Amendment Application ZA 9626

Prior to the adoption of a bylaw to rezone the campground site from Resource Management 9 (RM9) to Rondalyn Resort Comprehensive Development 13 (CD13), the applicant must complete the following conditions:

1. Registration of a restrictive Covenant for the lands comprising the resort vehicle park site in which:
 - a) The Grantor must not use or permit the Lands to be used for a Resort Vehicle Park except for a total of 60 RV camping spaces, of which only 30 spaces may be continuously occupied for more than six months acknowledging that the purpose of this Agreement is to define and clarify the extent to which the use of non-seasonal camping spaces may be continued under section 911 of the *Local Government Act*;
 - b) The Grantor must not construct, build or plan on the Land or cause to be built, constructed or placed on the Land buildings or structures to be used in connection with a non-seasonal camping space, including without limiting the generality of the foregoing, decks, canopies, awnings, or accessory buildings;
 - c) The Grantor must not make any alterations to any existing building or structure on the Land used in connection with a non-seasonal camping space including, without limiting the generality of the foregoing, decks, canopies, awnings, or accessory buildings;
 - d) The Grantor must not place a mobile home on the Land or use or permit the use of any permanent camping space on the Land for a mobile home, except for the existing Manager's residence.
 - e) The grantor must not construct, build or place on the Land or cause to be built, constructed or placed on the Land, any building, structure or campsite within 8.0 metres of the front lot line or 5.0 metres from any other lot line, except for the existing sign within the required setback in compliance with the RDN Sign Bylaw No.993, 1995.
 - f) The Grantor must not remove, alter or injure or cause to be removed, altered or injured any of the natural vegetation on the Land lying within 30.0 metres of the natural boundary of Haslam Creek;
 - g) In the event that the Land or a portion of the Land is used for a sewer treatment plant, such plant will be designed to connect to the community sewer system and will be operated by a certified operator.
 - h) The covenant document may be amended to permit a total of 90 RV sites if the applicants obtain the necessary provincial and Regional District approvals.
 - i) The Grantor agrees to restrict accessory uses to the following:
 - Office and clubhouse with retail sales not exceeding 30 m²
 - Hobby workshop and games room
 - Washroom and laundry facilities
 - Recreation uses restricted to a 9 hole pitch and putt, swimming pool, hot tub, volleyball court and children's adventure playground, catch and release trout pond and picnic area
 - Outdoor storage area not exceeding 600 m² for the storage of recreational vehicles, motor vehicles, boats, car and utility trailers

2. Applicant to provide proof of approval from the Ministry of Water, Land and Air Protection with respect to existing approvals for 60 RV sites.
3. Applicant to provide a current site plan at a 1:1000 scale indicating the location of the existing uses including the accessory outdoor recreation uses and the distance of the structures to the lot lines.
4. Applicant to provide one parking space per RV campsite and an additional 40 sites for the day use adjacent to the picnic area and the swimming pool. The parking spaces shall be noted on the revised site plan.
5. Written confirmation from the Ministry of Health and the Ministry of Water, Land and Air Protection that there is no objection to the year round occupancy of 30 of the RV campsites.
6. Confirmation from the local Fire Chief that the water flows on site are adequate for fire protection.
7. Written confirmation that no variances to Schedule '6C' Campground Regulations and Standards of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" are required.
8. The zoning amendment approval is conditional upon the applicants resolving the issue of the additional 30 illegal sites and ancilliary services with the Ministry of Water, Land and Air Protection within one year. Should the applicant be able to obtain approval for the 30 additional sites, they may apply for a zoning amendment to legalize the additional 30 RV sites. However, should the applicant be unable to resolve the waste management issues, the additional 30 sites must be removed from the resort.
9. There shall be no alteration of land within the Development Permit Areas without written approval from the RDN. A Development Permit may be required.
10. Applicants to provide confirmation of the exact location with respect to the lot lines of the "Rondalyn Resort" sign located within the required setbacks of the proposed Comprehensive Development zone.

Schedule No. 2
Subject Property Map



Attachment No. 1
Public Hearing Minutes
(Page 1 of 2)

**SUMMARY OF MINUTES AND SUBMISSIONS TO THE PUBLIC HEARING HELD
WEDNESDAY, JULY 3, 2002 AT 7:00 PM AT WATERLOO ELEMENTARY SCHOOL
GYMNASIUM 3519 HALLBERG ROAD TO CONSIDER "REGIONAL DISTRICT OF
NANAIMO LAND USE AND SUBDIVISION BYLAW AMENDMENT BYLAW NO.
500.287"**

Note that these minutes are not a verbatim recording of the proceedings, but summarize the comments of those in attendance at the Public Hearing.

Present:
E. Hamilton Chair, Electoral Area 'C' Director
L. Chase Planner/Recording Secretary

There were approximately six (6) people in attendance.

There is one written submission attached to and forming part of the minutes of this report.

The Chair called the public hearing to order at 7:00 pm, introduced those present at the head table, and outlined the procedures to be followed during the Hearing.

Lindsay Chase provided an explanation of the Amendment Bylaw.

The Chair called for formal submissions with respect to Bylaw No. 500.287, 2002.

Mr. Wong commented on the number of people attending the public hearing.

The Chair called for further submissions a second time.

The Chair read into the minutes correspondence received from Tracey Thompson, which is attached to the minutes.

The Chair called for further submissions a third time. There being no further submissions, the Chairperson adjourned the Hearing at 7:06 pm.

Certified fair and accurate this 3rd day of July, 2002.


L. Chase,
Recording Secretary


Director E. Hamilton
Electoral Area 'C'

Attachment No. 1
Public Hearing Minutes and Submissions
(Page 2 of 2)

DATE: May 9, 2002.

To: THE REGIONAL DISTRICT OF NANAIMO

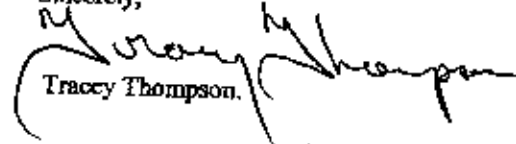
For: PUBLIC INFORMATION MEETING TO DISCUSS THE RE-ZONING AND
ADDITION OF 30 CAMPSITES AT RONDALYN RESORT.

I have lived next door to Rondalyn Resort on the south boundary of the Resort property. My sons Brad and Jessie Thompson own the property that I live on. They purchased the land at approximately the same time as the Lee's bought their land to build the Resort. My son, Jessie and the Lee's shared the cost of bringing the hydro down to both our properties. The Lee's used their machines to help with some of our clearing and development.

I am the only neighbor to Rondalyn Resort. I am not bothered by the Resort or its activities. The owners are quick to respond and correct any problem that may exist. The Resort and its patrons are quiet because they don't tolerate parties. The grounds and buildings are clean and well cared for. The Lee's are owner/operators who seem to be on site every day to make sure that everything is well managed.

I think the Resort is an asset to our community. I have no problem with the addition of 30 more seasonal camp sites at Rondalyn Resort.

Sincerely,


Tracy Thompson.

Attachment No. 2
Recent Correspondence from the
Ministry of Water, Land and Air Protection
with respect to the Waste Management Permit



To: <i>Keewa Kohler</i>	From: <i>Duncan McLaren</i>
Co./Dept: <i>RDN</i>	Co: <i>MWLAP</i>
Phone #	Phone #: <i>251 3188</i>
Fax #: <i>390 7511</i>	Fax #

No contact with client since this letter

May 6, 2003

File: 50100-03/Pre-Reg
PE-12121

REGISTERED MAIL

Danron Holdings Ltd.
1350 Timberlands Rd
Ladysmith BC V9G 1L5

ATTENTION: Linda Lee

Dear Ms. Lee:

Re: Registration under the Municipal Sewage Regulation - Rondalyn Resort (Ladysmith).

This is further to your April 2, 2003 meeting with ministry staff to review the subject registration application under the Waste Management Act Municipal Sewage Regulation (MSR) and my telephone conversations with Dan Lee and Bob Davey. It is evident, based on the discussions at the meeting, that the discharge being proposed does not meet the requirements of the MSR. You should be aware that a registrant who discharges a waste in contravention of the requirements of the regulation is subject, upon conviction, to the penalties described in Section 54 of the *Waste Management Act*.

Accordingly, I am returning the registration application. A registration application and supporting information should not be submitted until such time as all the requirements of the MSR are met.

If you wish to discuss this further please contact me at 250 751 3188.

Yours truly,

Duncan A. McLaren, AScT
Environmental Protection Officer
Environmental Management Section

Enclosure

DAM/jlk
Rondalyn.doc

FEB 16 2004

MEMORANDUM

CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMS	

TO: Robert Lapham
General Manager, Development Services

FROM: Susan Cormie
Senior Planner

SUBJECT: Development Permit Application No. 60403 & Request for Relaxation of the Minimum 10% Frontage Requirement
Applicant: Duckett
Electoral Area 'G', 400 Lowry's Road

DATE: February 15, 2004

FILE: 3060 30 60403
3320 30 25530

PURPOSE

To consider a development permit application to permit works associated with a proposed subdivision within a Watercourse Development Permit Area and to consider a request to relax the minimum 10% perimeter frontage requirement in conjunction with a proposed two-lot subdivision development.

BACKGROUND

The applicants have applied for a development permit requesting works within the Watercourse Protection Development Permit Area as part of a 2-lot subdivision proposal. The applicants have also requested that the minimum 10% perimeter frontage requirement be relaxed for both proposed parcels as part of the subdivision application for the property legally described as of Parcel A (DD 2666 N) of District Lot 20 Nanoose District and located at 400 Lowry's Road within the Electoral Area 'G' (see Attachment No. 1 for location of parent parcel).

The subject property is currently zoned Rural 1 (RU1) and is within Subdivision District 'D' pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The property is also situated within the Provincial Agricultural Land Reserve. The applicants are proposing to subdivide the parent parcel into 2 lots, which will be greater than the 2.0 ha minimum parcel size, therefore meeting the minimum parcel size requirement (see Schedule No. 2 for proposed subdivision). In addition, a portion of the parent parcel is designated within the Watercourse Development Permit Area pursuant to the French Creek Official Community Plan Bylaw No. 1115, 1998. The new parcels are proposed to be served by individual private septic disposal systems and private water wells.

10% Minimum Frontage Requirement

Proposed Lots 1 and 2 as shown on the plan of subdivision as submitted by the applicant, do not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontages on these proposed parcels are as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
1	137.1 m	20.0 m	1.5 %
2	140.0 m	20.0 m	1.4 %

Therefore, as these proposed lots do not meet the minimum 10% parcel frontage requirement pursuant to section 944 of the *Local Government Act*, approval of the Regional Board of Directors is required.

ALTERNATIVES

1. To approve the request for the relaxation of the minimum 10% frontage requirement for proposed Lots 1 and 2 and approve the development permit application as submitted, subject to Schedule Nos. 1 and 2.
2. To deny relaxation of the minimum 10% frontage requirement and the development permit application.

DEVELOPMENT IMPLICATIONS

The Provincial Agricultural Land Reserve Commission has approved the subdivision of this parcel. In keeping with the guidelines of the Land Reserve Commission not to extent roads into the ALR as well as the requirements of the *Land Title Act* to limit roads being extended into ALR lands, the only additional road proposed is a cul-de-sac road for the purposes of providing sufficient and reasonable access to the proposed new parcels. Therefore, the Provincial guidelines and regulations support the reduced proposed frontages to serve the proposed parcels. Ministry of Transportation staff has indicated that the frontages, as proposed, are acceptable to the Ministry.

OFFICIAL COMMUNITY PLAN / ENVIRONMENTAL IMPLICATIONS

The French Creek Official Community Plan Bylaw No. 1115, 1998 designates portions of the subject property within the Watercourse Development Permit Area. Specifically, a portion of leave strip area of one of the watercourses (located along the west lot line of the parent parcel) is proposed to be dedicated as road. Currently, the existing driveway is located within this proposed road area. In addition, with the exception of the proposed cul-de-sac area, there is a narrow strip (approximately 3.0 metres) of mature trees and vegetation located in close proximity to the watercourse. Beyond this 3.0 metre area, the property is being utilized as part of the current farm operation. The applicants have indicated that they are in concurrence to register a protective covenant for the purposes of retaining this existing vegetation (see *Schedule No. 1 for Conditions of Approval*). The Ministry of Transportation has indicated that, due to the proximity of the watercourse and as the cul-de-sac will be for local traffic only, there will be no requirements for upgrading the proposed cul-de-sac area of the road, only for the dedication of the road. As a result, approvals from the Provincial and Federal jurisdictions for works about a stream are not required.

The applicants are exempt from requiring a development permit for the other watercourses as the works associated with the subdivision are outside the development permit area. Despite this, information concerning the presence of these other watercourses will be forwarded to the Ministry of Transportation as part of the subdivision review process. Please note that the *Farm Protection (Right to Farm) Act* would still have precedence over any environmental covenants.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY

This is a request to relax the minimum 10% perimeter frontage requirement for both proposed parcels as part of a 2-lot subdivision proposal. This is also a request for a development permit to allow the dedication of a cul-de-sac road in association with the subdivision within the designated Watercourse Protection Development Permit Area. The subject property is located within the Provincial Agricultural Land Reserve and the Commission has granted approval of the subdivision. Ministry of Transportation staff has indicated that the Ministry has no objection to the request for the proposed minimum 10% perimeter frontage relaxation. Further, the applicant is prepared to register a protective covenant to address any concerns about possible impacts on existing riparian vegetation. Therefore, in consideration of other agency comments and the applicants' concurrence to provide a protective covenant staff recommends Alternative No. 1, to approve relaxation of the minimum 10% perimeter frontage for the proposed new parcels and to approve the development permit subject to Schedule Nos. 1 and 2.

RECOMMENDATION

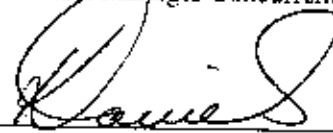
That the request, submitted by G & B Duckett to allow works associated with a subdivision proposal within a Watercourse Protection Development Permit Area and to relax the minimum 10% frontage requirement for the proposed parcels as shown on the plan of subdivision of Parcel A (DD 2666 N) of District Lot 20 Nanoose District, be approved subject to Schedules No. 1 and 2.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/report/2004/fe_3320_30_25530/dp60403_duckett.doc

SCHEDULE NO. 1
Conditions of Approval
Development Permit Application No. 60403

The following sets out the conditions of approval with respect to Development Permit Application No. 60403:

Covenant

The applicant shall prepare and register a section 219 covenant for the watercourse and its riparian area located along the west lot line of the parent parcel restricting the use to a vegetation retention (no removal of vegetation other than noxious weeds) / no building or development area except for the existing driveway for 3.0 metres wide. This covenant is to be reviewed and accepted by the Regional District prior to be registered on title concurrently with the plan of subdivision at Land Title Office.

Subdivision

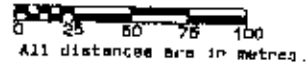
No construction shall occur within the riparian area of the watercourse located adjacent to the west lot line of the parent parcel in association with the subdivision development.

The subdivision shall be in substantial compliance with Schedule No. 2.

SCHEDULE NO. 2
Proposed Plan of Subdivision
 (as submitted by applicant)

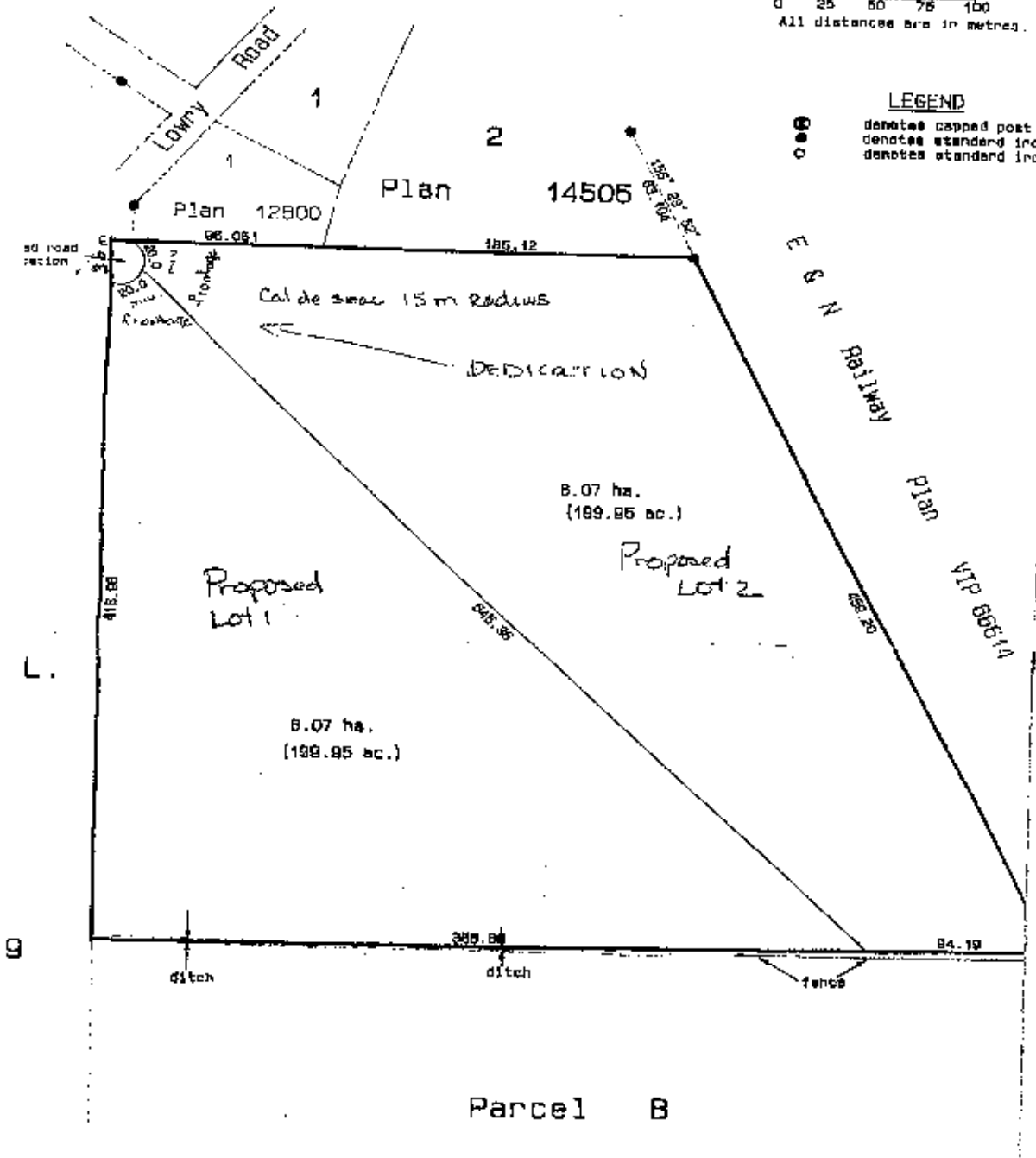
Plan of Parcel A (DD 2666 N) of
District Lot 20, Nanoose District.

SCALE 1 : 2000



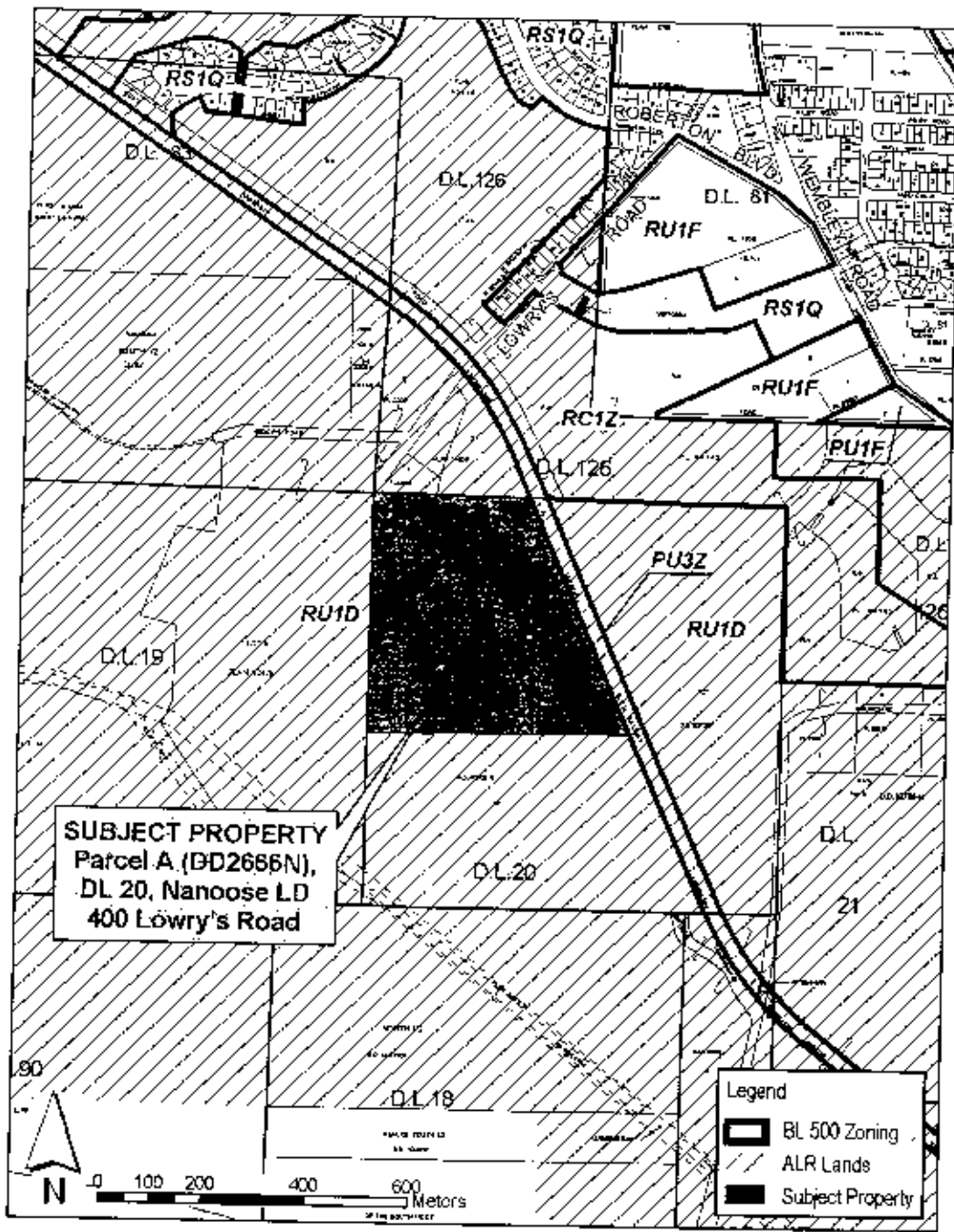
LEGEND

- denotes capped post to
- denotes standard iron
- denotes standard iron



Parcel B

ATTACHMENT NO. 1
SUBJECT PROPERTY LOCATION





REGIONAL DISTRICT OF NANAIMO			
FEB 16 2004			
CHAIR		GMGRS	
CAO		GMDS	
GMGRS		GMES	
EAP ✓			

MEMORANDUM

TO: Robert Taphan
General Manager, Development Services

DATE: February 13, 2004

FROM: Susan Cormie
Senior Planner

FILE: 3090 30 90402
3320 30 25490

SUBJECT: Development Variance Permit Application No. 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement
Applicant: Mark Keen
Electoral Area 'C' - 1012 Nanaimo River Road

PURPOSE

To consider an application for a development variance permit to create a non-contiguous parcel and to consider a request to relax the minimum 10% perimeter frontage requirement in conjunction with a 3-lot subdivision proposal.

BACKGROUND

The applicant has applied for a development variance permit requesting approval for the creation of a non-contiguous parcel in conjunction with a 3-lot subdivision proposal. The applicant has also requested that the minimum 10% perimeter frontage requirement be relaxed for two of the proposed parcels as part of the same subdivision proposal for the property legally described as The West 40 Acres of Section 5, Range 3, Cranberry District as shown Coloured Red on Plan Deposited Under DD 15454F, Except Parcel A (DD 2849N) and Except Plans 3317, 25660, and 33499 and Except That Part Outlined in Red on Plan 450 RW, and Except Part in Plans 40918 and 41817 and located at 1012 Nanaimo River Road within Electoral Area 'C' (see Attachment No. 1 for location).

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". The applicant is proposing to subdivide the parent parcel into 3 parcels, which will meet or exceed 2.0 ha in size, therefore meeting the minimum parcel size requirement (see Schedule No. 2 for proposed plan of subdivision). The parcels are proposed to be served by individual private septic disposal systems and water wells.

As the applicant is proposing to create a non-contiguous parcel for the proposed Remainder Lot, which is not permitted under Section 4.5.4 of Bylaw No. 500, 1987, a development variance permit is required.

In addition, proposed Lots 1 and 2 as shown on the plan of subdivision as submitted by the applicant, do not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontages on these proposed parcels are as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
1	74.2 m	56.7 m	7.64 %
2	771.8 m	56.7 m	7.35 %

Therefore, as these proposed lots do not meet the minimum 10% parcel frontage requirement pursuant to section 944 of the *Local Government Act*, approval of the Regional Board of Directors is required.

ALTERNATIVES

1. To approve the request for the relaxation of the minimum 10% frontage requirement for proposed Lots 1 and 2 and to approve the development variance permit application as submitted, subject to Schedule Nos. 1 and 2 and the notification procedures.
2. To deny the minimum 10% frontage requirement request and the development variance permit application.

DEVELOPMENT IMPLICATIONS

The issue of providing access to lands beyond, pursuant to the *Land Title Act*, is a decision of the Regional Approving Officer. In this case, the Approving Officer is requiring that the applicant provide access by way of dedicated road to those lands beyond where there is currently no access at this time. However, in order to achieve acceptable sight distance line on Nanaimo River Road, the Ministry of Transportation has required that the applicant situate the new road right-of-way in the location as shown on the submitted plan of subdivision (see Schedule No. 2), thus splitting the proposed Remainder Lot, which results in the creation of a non-contiguous parcel.

With respect to the request for relaxation of the minimum 10% frontage request for proposed for Lots 1 and 2, the existing subdivision pattern combined with the road layout and lot configuration of the parent parcel restricts the ability to achieve the full frontage requirement. Ministry of Transportation staff has indicated that the Ministry has no issues with the proposed minimum 10% relaxation request. It is also noted that in order to ensure compliance with the zoning regulations, the applicant is in concurrence to register a section 219 covenant restricting the number of residences on Proposed Lots 1 and 2 to a maximum of 1 dwelling unit per parcel. This condition is set out in Schedule No. 1 of the staff report.

OFFICIAL COMMUNITY PLAN / ENVIRONMENTAL IMPLICATIONS

The Arrowsmith Benson - Cranberry Bright Official Community Plan Bylaw No. 1148, 1999 does not designate a Sensitive Ecosystems or Watercourse Protection Development Permit Area within or adjacent to the parent parcel. In addition, the Environmentally Sensitive Areas Atlas does not indicate the presence of any sensitive features on the parent parcel.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY

This is a request to relax the minimum 10% perimeter frontage requirement for 2 proposed parcels as part of a 3-lot subdivision proposal. This is also a request for a development variance permit to allow the creation of a non-contiguous parcel as part of the same subdivision proposal. Due to the statutory requirement with respect to providing access to lands beyond and the Ministry of Transportation's road

design standards as to the location of the proposed dedicated road from a sight line distance and safety perspective, the proposed Remainder Lot will be split by the new road, therefore creating a non-contiguous parcel.

With respect to the request for relaxation of the minimum 10% frontage requirement, the historical pattern of subdivision combined with the existing road configuration limits the ability to achieve the required frontages. In addition, Ministry of Transportation staff has indicated that there is no objection to this request. For these reasons and as the applicant is in concurrence to register a section 219 covenant restricting the number of dwelling units to 1 per parcel for proposed Lots 1 and 2, which is in keeping with the zoning provisions, staff recommends Alternative No. 1; to approve relaxation of the minimum 10% perimeter frontage for proposed Lots 1 and 2 and to approve the development variance permit to allow the creation of a non-contiguous parcel, subject to Schedule Nos. 1 and 2 and the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

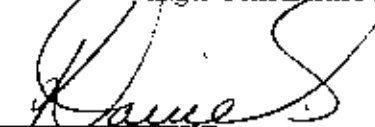
That the request, submitted by Mark Keen to relax the minimum 10% frontage requirement for the Proposed Lots 1 and 2, as shown on the plan of subdivision of The West 40 Acres of Section 5, Range 3, Cranberry District as shown Coloured Red on Plan Deposited Under DD 15454F, Except Parcel A (DD 2849N) and Except Plans 3317, 25660, and 33499 and Except That Part Outlined in Red on Plan 450 RW, and Except Part in Plans 40918 and 41817, and to allow the creation of a non-contiguous parcel in conjunction with the proposed 3-lot subdivision, be approved subject to the notification requirements pursuant to the *Local Government Act*.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

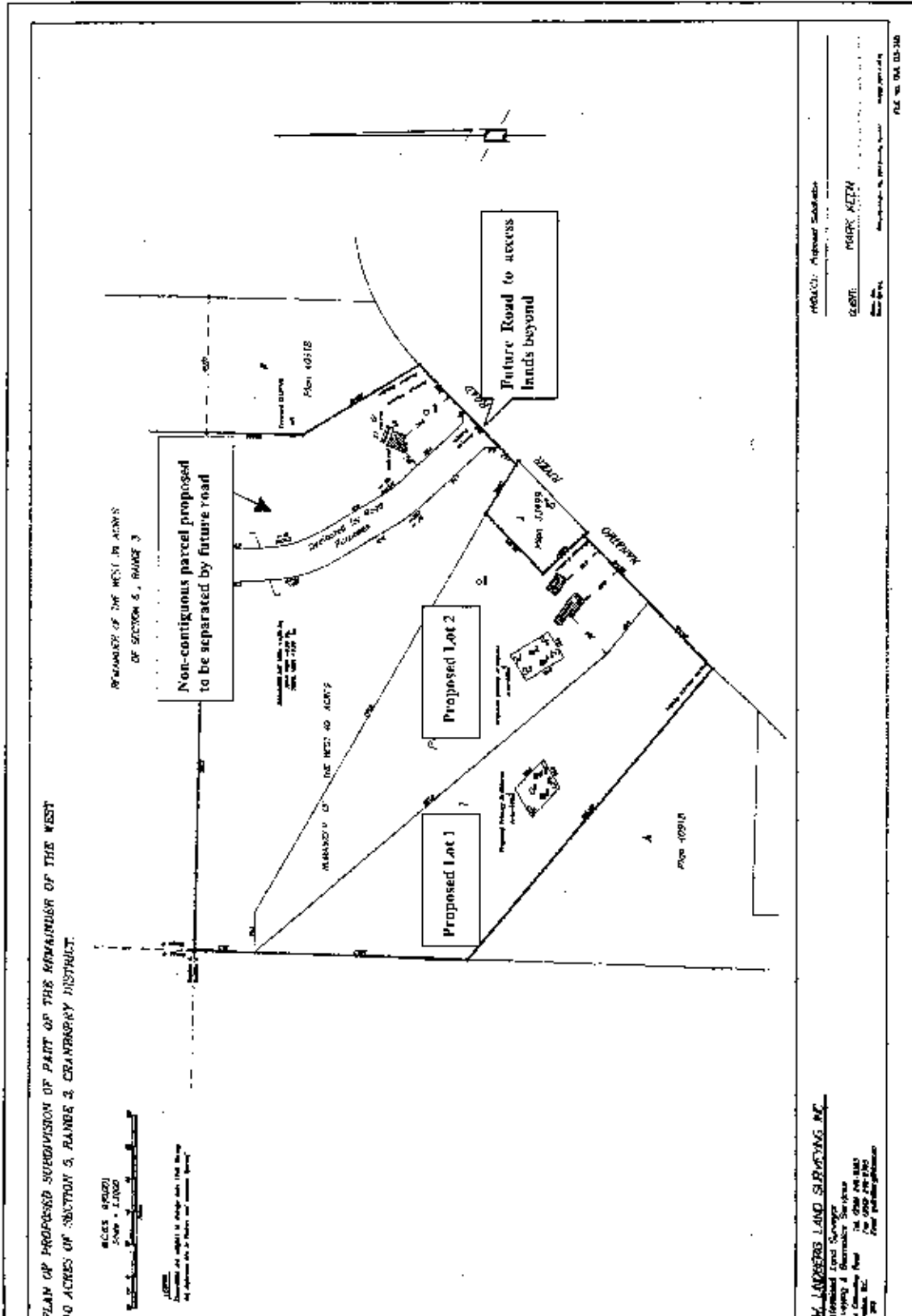
devsvs/report/2004/dvpfe.3090.30.90402Keen.doc

**SCHEDULE NO. 1
CONDITIONS ATTACHED TO DEVELOPMENT VARIANCE PERMIT NO. 90402**

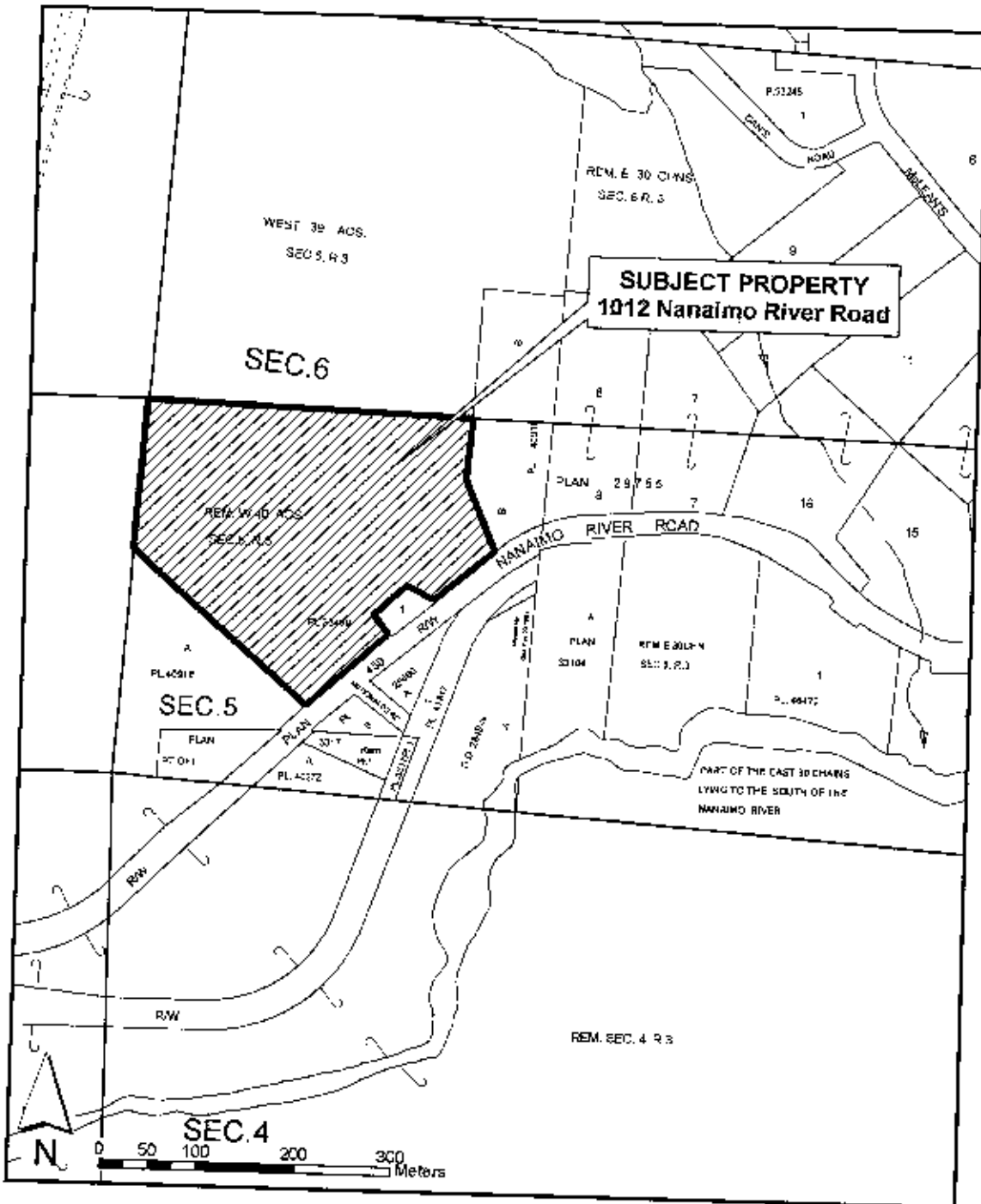
The following sets out the conditions of approval with respect to Development Variance Permit No. 90402:

1. Applicant to prepare and register at his expense and to the satisfaction of the Regional District, a section 219 covenant restricting Proposed Lots 1 and 2 to a maximum of 1 dwelling unit per parcel.
2. Subdivision to be in substantial compliance as set out in Schedule No. 2.

SCHEDULE NO. 2
PROPOSED PLAN OF SUBDIVISION
 (as submitted by applicant)



ATTACHMENT NO. 1
LOCATION of SUBJECT PROPERTY



LAND USE AND DEVELOPMENT IMPLICATIONS

Approval of the requested variance would legalize the over height silo. The silo is an integral part of the ready mix concrete plant as it is the storage unit for the cement.

The parcel is 5.25 ha in size and the silo is located approximately 40.0 metres from Chatsworth Road. There might be some impact to views as there are residential lots within the 0.5 kilometres; however, the width of the silo is such that any view would only be partially impacted. In addition, other adjacent land uses include forestry and heavy industry.

As the Board will recall, the Electoral Area F Zoning and Subdivision Bylaw No. 1285 was adopted in June 2002. Given that zoning is relatively new to Electoral Area 'F' and there are no building permits required, the project supervisor was unaware that there were any local government land use restrictions. Once the project supervisor was informed about the land use regulations he began the process to address the situation.

As part of the new development, the company is proposing to include landscaping and some form of noise suppression to reduce the negative impacts to adjacent property owners. These works have not yet been done.

ENVIRONMENTAL IMPLICATIONS

With the construction of the new plant there have been various best management practices incorporated into the development and on going process to reduce any negative impacts to the natural environment. There is a dust collection system that traps the dust that occurs with loading and unloading concrete and recycles the dust back into the process. There is an existing infiltration pond that is used to collect stormwater runoff from the roofed and paved areas. There is also a two-tiered settling pond that is intended to catch residual solids in the process. The outflow from the ponds is recycled back through the process. Prior to the construction the Ministry of Water, Land and Air Protection was onsite and approved the infiltration and settling ponds.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'.


SUMMARY/CONCLUSIONS

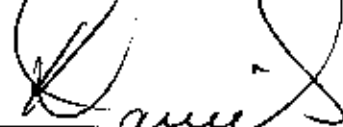
This is an application to vary the maximum building and structure height requirements of the MU1 zone to legalize a silo that was recently constructed as part of the replacement of an existing concrete plant with a new and improved ready mix concrete plant. As the zoning bylaw was recently adopted and no building permits were required, the project supervisor was unaware that any local government land use regulations applied. Once he was made aware of the oversight he began the process to resolve the issue. The MU1 zone requires buildings and structures to have a maximum height of 15 metres. The existing silo on the subject property is 23.72 metres in height. In addition, as part of the recent redevelopment various best management practices were incorporated into the development and process to reduce any negative environmental impacts. Views from adjacent residential lots may be partially impacted, however, the most immediate adjacent land uses include forestry and other heavy industry.

RECOMMENDATION

That Development Variance Permit Application No. 90403 submitted by Doug Lum, project supervisor, to legalize a recently constructed silo and vary the maximum height requirements 15 metres to 23.72 metres for the property legally described as Lot A, District Lots 9 & 18, Cameron Land District, Plan VIP67169 be approved subject to notification requirements pursuant to the *Local Government Act*.


Report Writer


General Manager Concurrence


CAO Concurrence

COMMENTS:

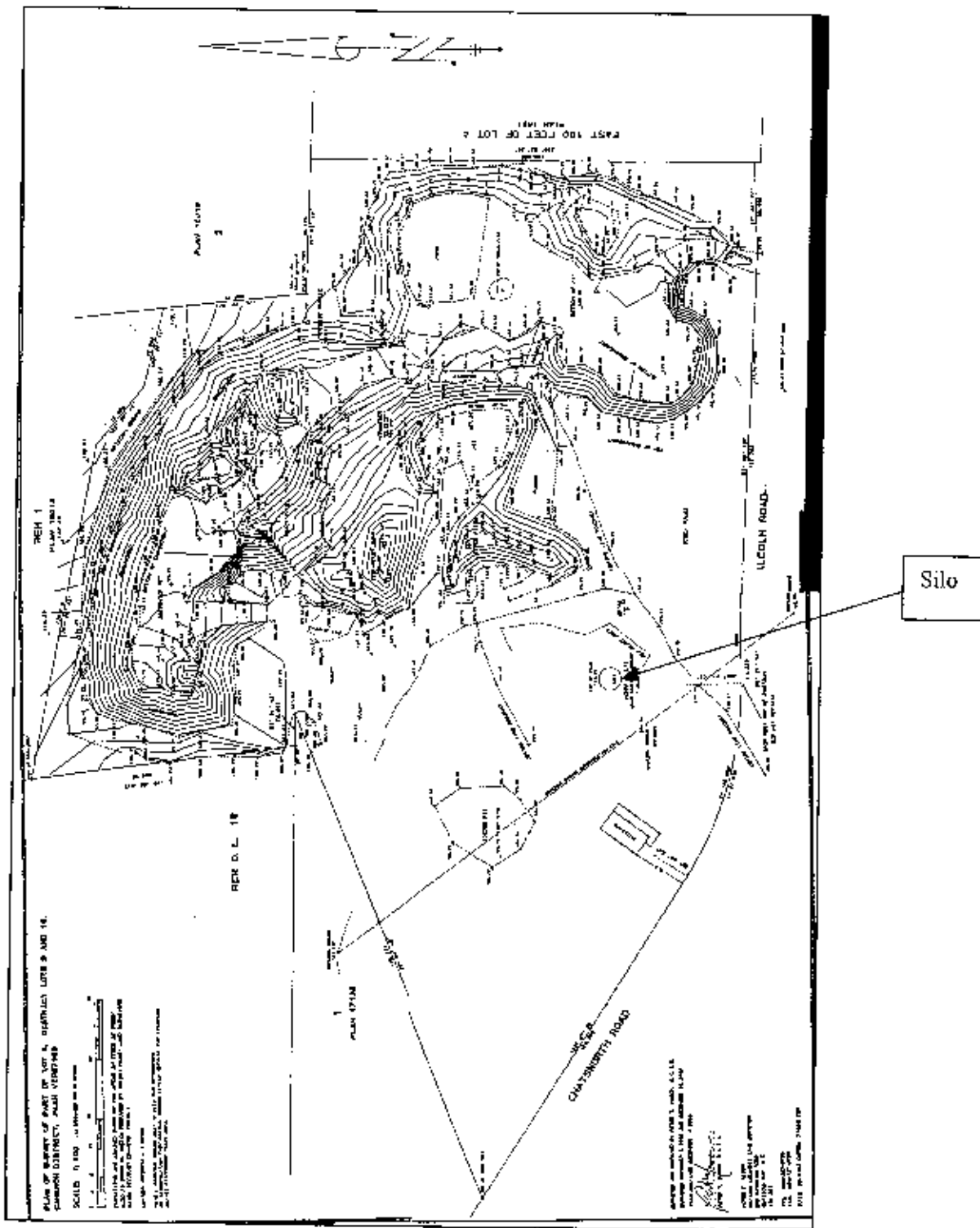
devsvs/reports/2004/dvp fe 3090 30 90403 lehigh comenc/sum

**Schedule No. 1
Requested Variances
Development Variance Permit No. 90403**

Development Variance Permit No. 90403 is proposed to vary the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002", as follows:

1. **Section 4.6.3 e) Maximum Building and Structure Height** – by relaxing the maximum structure height from 15 metres to 23.75 metres to legalize a recently constructed silo.

Schedule No. 2
Site Plan
Development Variance Permit No. 90403





REGIONAL DISTRICT OF NANAIMO

FEB 16 2004

MEMORANDUM

CHAIR	GMCrs
CAO	GMDS
GMCms	GMES

ERP ✓

TO: Robert Lapham
General Manager, Development Services

DATE: February 13, 2004

FROM: Susan Cormie
Senior Planner

FILE: 3090 30 90404
3320 30 25530

SUBJECT: Development Variance Permit Application No. 90404
Applicant: Lyle Hollingworth on behalf of Hollingworth & Jorgensen
Electoral Area 'F' - 1410 & 1420 Price Road

PURPOSE

To consider an application for a development variance permit in conjunction with a boundary adjustment subdivision proposal.

BACKGROUND

The applicant has applied for a development variance permit requesting the relaxation of the bylaw provisions for exempting minimum parcel sizes in conjunction with a boundary adjustment subdivision proposal for the properties legally described as Lot 1, Plan 50612 and the Remainder of Lot 52, Plan 1964, Both of District Lot 156, Nanoose District and located at 1410 & 1420 Price Road within Electoral Area 'F' (see Attachment No. 1 for location).

Lot 1 is currently zoned R-2 (Rural Residential 2) while the Remainder of Lot 52 is split zoned R-2 (Rural Residential 2) and A-1 (Agriculture 1) pursuant to the "Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002". The A-1 portion of the Remainder of Lot 52 is situated within the Provincial Agricultural Land Reserve (ALR). In addition, a watercourse crosses the southeast corner of the ALR portion of the property which is designated within the Watercourse Protection Development Permit Area pursuant to the Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999".

The subject lots currently contain 1 dwelling unit each and are each served by individual private septic disposal systems and individual wells. A mobile home pad, which has been disconnected from utilities, is situated within the non-ALR portion of the Remainder of Lot 52.

The proposed boundary adjustment subdivision is consistent with the ALR boundary and therefore approval from the Land Commission is not required.

The applicant is proposing to adjust the boundary between the 2 parent parcels, which will result in the ALR portion of the lands becoming part of the parent Lot 1 (shown as Proposed Lot A on the submitted plan of subdivision - see Schedule No. 3). This proposal will result in the Remainder of Lot 52 (shown as proposed Lot A on the submitted plan) with a lot size of 0.76 ha, which is less than the minimum lot size of 1.0 ha. However, where the effect of the subdivision is not to increase the number of lots, Bylaw No. 1285 has a provision where boundary adjustment subdivisions may allow a reduction of size of a lot up to 20% of the original size, subject to approval of water and septic disposal requirements. For this application, as the applicant is requesting a lot line adjustment where the Remainder of Lot 52 will be reduced in size to more than 20% of the lot's original size (in this case, 71%), a variance is required (see Schedule No. 2 for proposed variance).

ALTERNATIVES

1. To approve the development variance permit as submitted subject to the conditions outlined in Schedule Nos. 1 and 2 and the notification requirements pursuant to the *Local Government Act*.
2. To deny the development variance permit.

OFFICIAL COMMUNITY PLAN / ENVIRONMENTAL IMPLICATIONS

The Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999 designates the southeast portion of Proposed Lot B within the Watercourse Development Permit Area. However, in this case, the applicant is exempt from requiring a development permit as the proposed subdivision and all works associated with the subdivision are outside the development permit area. The applicant is in concurrence to keep all subdivision related works and services outside the 15-metre buffer area. As part of the subdivision review process, information concerning the presence of this watercourse will be forwarded to the Ministry of Transportation. As the watercourse and its riparian area are also situated within the Agricultural Land Reserve, it is noted that farm operations as defined in the *Farm Protection (Right to Farm) Act* are applicable.

DEVELOPMENT IMPLICATIONS

The proposed boundary adjustment will not increase the maximum number of dwelling units currently permitted on these lots. With respect to the existing un-serviced manufactured home pad, the applicant has confirmed that the manufactured home was removed and the site decommissioned in terms of services including the hydro and septic disposal system. As there are no services to this concrete pad, it is no longer considered to be a manufactured home pad. Therefore, this concrete pad cannot be re-established as a manufactured home pad as the R-2 zone permits 1 dwelling unit per 1.0 ha and the proposed lot is less than 1 ha in size. This will be reflected in the development variance permit conditions as set out in Schedule No. 1 of this staff report.

Ministry of Transportation staff has verbally indicated that the Ministry has no objection to the proposal.

VOTING


Electoral Area Directors - one vote, except Electoral Area 'B'.

SUMMARY

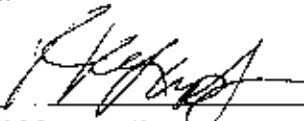
This is a request for a development variance permit to relax the bylaw provisions for exempting minimum parcel sizes where the subdivision proposal is not to increase the number of lots but rather to adjust the boundary between the lots on properties. A portion of one of the parent lots is designated within the Watercourse Development Permit Area, but is exempt from requiring a development permit. All the same, as part of the subdivision review process, staff will recommend to the Approving Authority the protection of the watercourse by covenant. As the applicant is in concurrence with the conditions of the development variance permit as set out in Schedule No. 1 and the proposed boundary adjustment subdivision will not increase the permitted residential density beyond what is currently allowed, staff recommends Alternative No. 1, to approve the development variance permit to allow for the boundary adjustment subdivision, subject to Schedule Nos. 1, 2, and 3 and the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION


That Development Variance Permit No. 90404, submitted by Lyle Hollingworth, on behalf of James Hollingworth, Dorrie Jorgensen, Robert Jorgensen, & Donna Jorgensen to vary the bylaw provision for lots exempts from minimum lot size requirements in conjunction with the proposed lot line boundary subdivision of Lot 1, Plan 50612 and the Remainder of Lot 52, Plan 1964, Both of District Lot 156, Nanoose District, be approved subject to the conditions set out in Schedule Nos. 1, 2 and 3 and the notification requirements pursuant to the *Local Government Act*.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/report/2004/dvp fe 3090 30 90404Hollingworth.doc

SCHEDULE NO. 1

CONDITIONS ATTACHED TO DEVELOPMENT VARIANCE PERMIT NO. 90404

The following sets out the conditions of approval with respect to Development Variance Permit No. 90404:

1. No works associated with the subdivision will occur within the 15-metre riparian area as measured from the natural boundary.
2. The concrete pad located on proposed Lot A shall not be used for a mobile home pad.
3. Applicant is to create the new parcels in substantial compliance with the boundary adjustment subdivision proposal as set out in Schedule No. 3.

SCHEDULE NO. 2

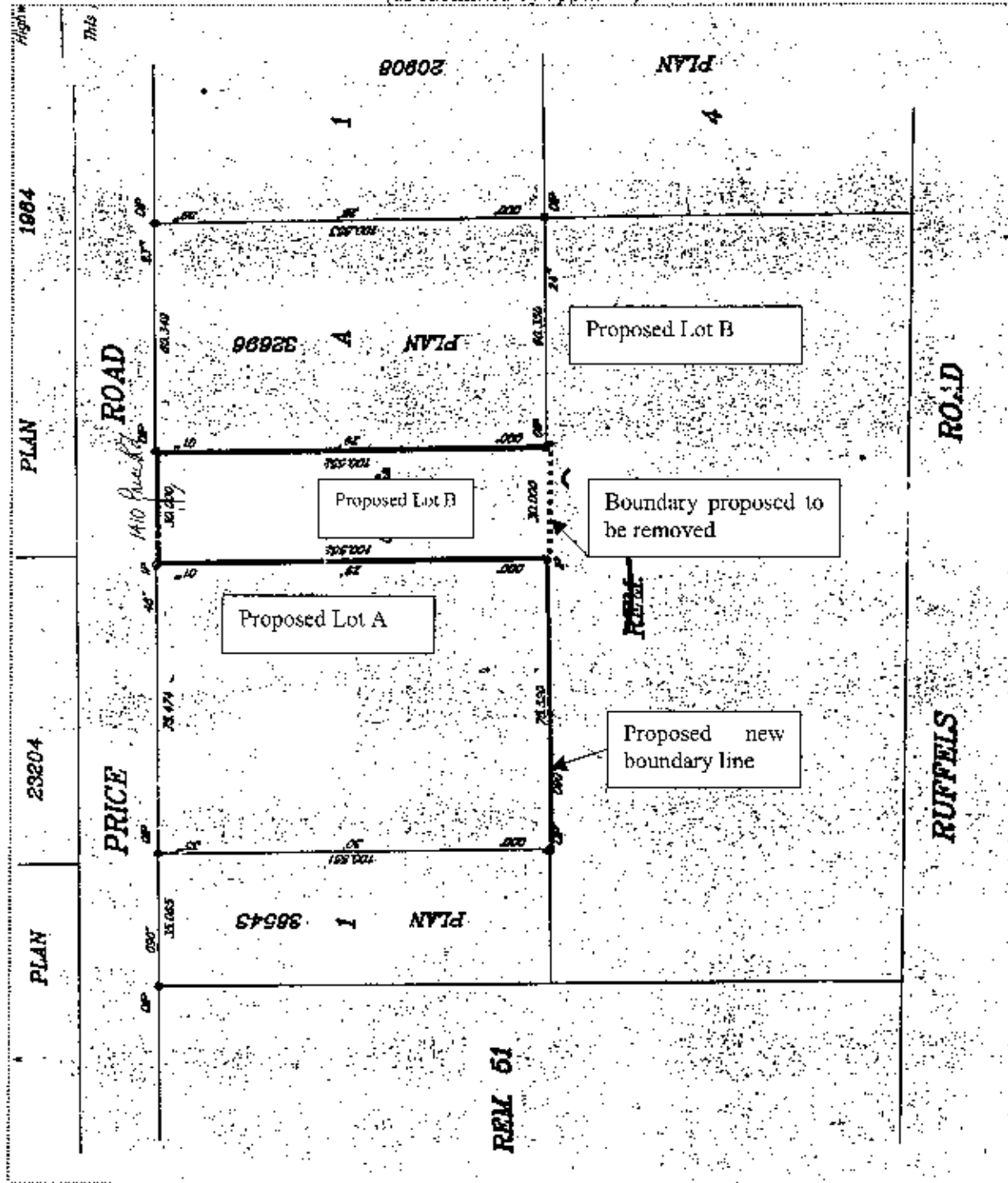
BYLAW NO. 1285, 2002 – REQUESTED VARIANCE

With respect to the lands, the Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002, the following variance is proposed:

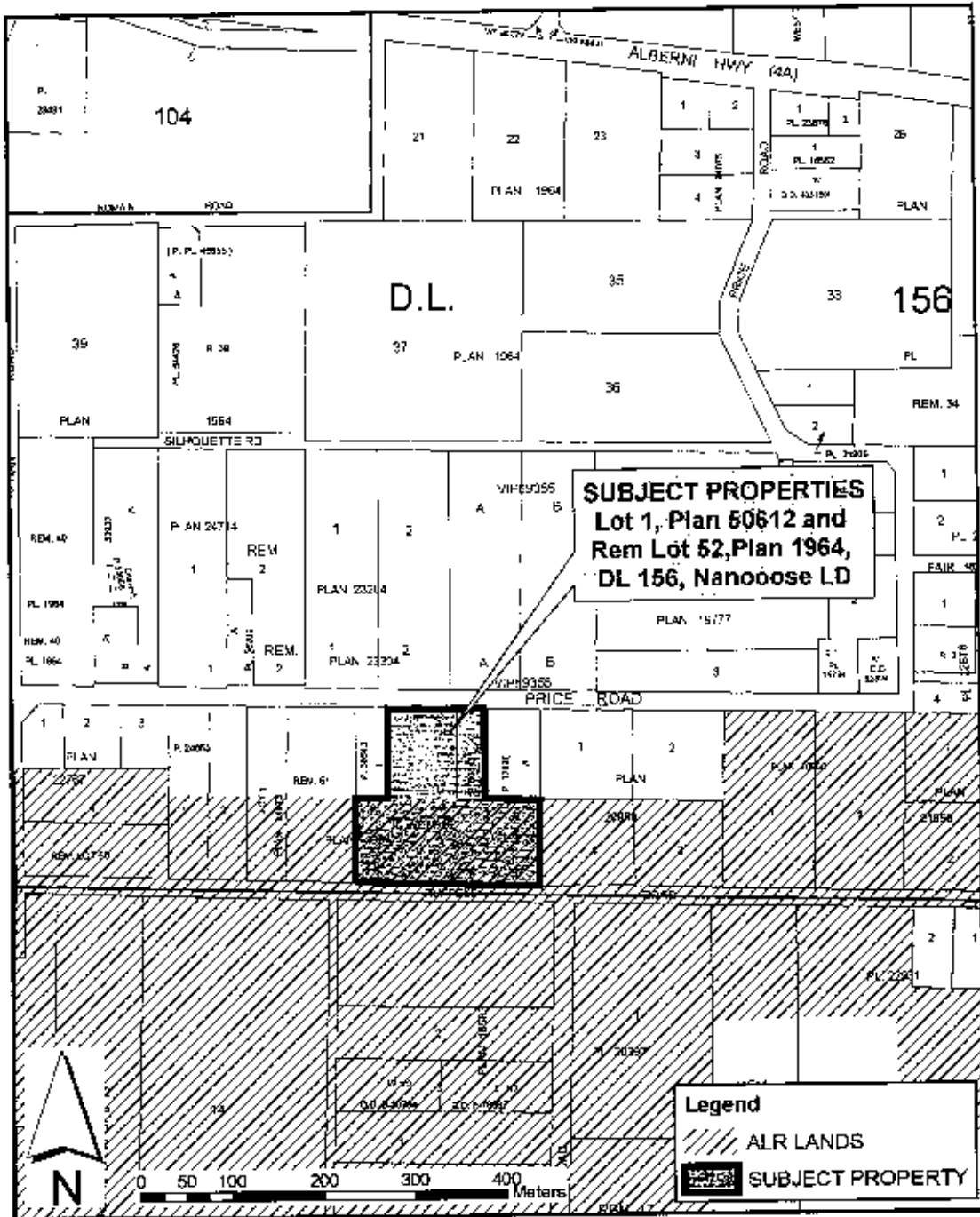
1. pursuant to section 6.71. b) the minimum lot size to be varied from 20% to 71% to accommodate the proposed boundary adjustment subdivision as shown on Schedule No. 3.

SCHEDULE NO. 3

PROPOSED PLAN OF BOUNDARY ADJUSTMENT SUBDIVISION
(as submitted by applicant)



ATTACHMENT NO. 1
LOCATION OF SUBJECT PROPERTY



BOGS MAPSHEET NO 32F.029.3 3