

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, JANUARY 28, 2003

7:00 PM

(Nanaimo City Council Chambers)

A G E N D A

PAGES

CALL TO ORDER

ELECTION OF DEPUTY CHAIRPERSON

DELEGATIONS

MINUTES

3-5 Minutes of the Electoral Area Planning Committee meeting held Tuesday, November 26, 2002.

BUSINESS ARISING FROM THE MINUTES

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

6-12 DP Application No. 0301 – Juthans/Murphy - 5489 Deep Bay Drive – Area H.

13-20 DP Application No. 0302 – Guy (Percora Holdings/Coast Distributors) – 6855 Mart Road – Area D.

21-28 DP Application No. 0303 – Askew – 1465 E. Island Highway – Area E.

29-35 DP Application No. 0304 – Stranaghan Enterprises Ltd. (Riverside Resort) – 3506 West Island Highway – Area G.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

36-43 DVP Application No. 0301 – Hilchey/Gauthier – 1348 Leask Road – Area A.

44-47 DVP Application No. 0302 – Kardynal – 1881 Sea Lion Crescent – Area E.

OTHER

48-52 Request for Relaxation of the Minimum Perimeter Frontage Requirement – Fern Road Consulting Ltd. on behalf of Simone Bibby – 1843/1845 Swayne Road – Area F.

- 53-57 Request for Acceptance of Park Land Cash in Lieu of Park Land - Sims Associates on behalf of Beausoleil Enterprises Ltd. - 2100 & 2130 Errington Road - Area F.
- 58-65 Protection & Control of Foreshore Development Through Zoning Bylaws.
- 66-78 Electoral Area 'H' Planning Project - OCP Public Process Design Document - Terms of Reference and Public Consultation Strategy.

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, NOVEMBER 26, 2002, AT 7:00 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 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

Also in Attendance:

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

MINUTES

MOVED Director Holme, SECONDED Director Quittenton, that the minutes of the Electoral Area Planning Committee meeting held Tuesday, October 22, 2002 be adopted.

PLANNING

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

DP Application No. 9802 – Beachcomber Marina/Laughland – 1600 Brynmarl Road – Area E.

MOVED Director Holme, SECONDED Director Stanhope, that Development Permit No. 9802, Phase 4 of Beachcomber Marina strata condominium development on the property legally described as Remainder Lot A, District Lot 38, Nanoose Land District, Plan VIP 52108 be approved subject to the conditions as outlined in Schedules No. 1, 2 and 3 of the staff report.

DP Application No. 0252 – Hubbard – 152 Burne Road – Area H.

CARRIED

MOVED Director Quittenton, SECONDED Director Stanhope, that Development Permit Application No. 0252, submitted by Don and Lynne Hubbard, to:

1. vary the minimum setback requirement from 15 m horizontal distance from the natural boundary of a watercourse to a minimum of 5.9 m for a building envelope; and
2. vary the minimum setback requirement from 15 m horizontal distance from the natural boundary of a watercourse to a minimum of 5.3 m for an existing boathouse

within the Shaw Hill-Deep Bay Official Community Plan Natural Hazard and Environmentally Sensitive Areas Development Permit Areas for the property legally described as Lot 83, District Lot 1, Newcastle District, Plan 20442 be approved, subject to the requirements outlined in Schedules No. 1, 2 and 3 and notification requirements pursuant to the *Local Government Act*.

CARRIED

DP Application No. 0253 – Fletcher – 6615 Island Highway West – Area H.

MOVED Director Quittenton, SECONDED Director Stanhope, that Development Permit Application No. 0253, submitted by Fern Road Consulting on behalf of William Fletcher and Joan Fletcher, for the property legally described as Lot A, District Lot 85, Newcastle District, Plan 19744 Except Part in Plan 22209, requesting a variance to the minimum setback for the western interior side lot line from 2.0 metres to 1.5 metres, and to the natural boundary setback from 15.0 metres to 8.7 metres to legalize the existing dwelling; a variance to the natural boundary setback from 15.0 metres to 0.0 metres to legalize the existing seawall be approved, subject to the notification requirements pursuant to the *Local Government Act* and subject to the conditions outlined in Schedule No. 1.

DP Application No. 0254 – Roy – Blueback Drive – Area E.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that Development Permit Application No. 0254, submitted by Fern Road Consulting, Agent, on behalf of Louise Roy, to facilitate the construction of a single dwelling unit within the Development Permit Area, and to vary the maximum permitted height of the dwelling unit within the Residential 1 (RS1) zone from 8.0 metres to 9.4 metres for the property legally described as Lot 28, District Lot 78, Nanoose District, Plan 15983, be approved, subject to conditions as outlined in Schedule No. 1 and subject to notification requirements pursuant to the *Local Government Act*.

DP Application No. 0255 – Mark – Higginson Road – Area E.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that Development Permit Application No. 0255 to permit the construction of a shoreline protection device and vary the minimum permitted setback from the natural boundary of the sea from 8.0 metres to 0.0 metres for the property legally described as Lot 13, District Lot 102, Nanoose District, Plan 21022, be approved, subject to the conditions outlined in Schedule No. 1 and subject to notification requirements pursuant to the *Local Government Act*.

DP Application No. 0256 – Hutt/Sims – 956 Surfside Drive – Area G.

CARRIED

MOVED Director Stanhope, SECONDED Director Elliott, that Development Permit Application No. 0256, submitted by Hutt/Sims to:

1. vary the minimum setback requirement from the sea from 8.0 metres from the natural boundary
 - a. to a minimum of 0.0 metres for a 2.4 metre high retaining wall
 - b. to a minimum of 5.3 metres for a porch attached to a proposed dwelling unit, and
2. vary the maximum building height for a proposed dwelling unit from 8.0 metres to 8.9 metres

to facilitate the construction of a dwelling unit and retaining wall on the property legally described as Lot 11, Block 2, District Lot 9, Newcastle District, Plan 15370 be approved subject to the requirements outlined in Schedules No. 1, 2, 3 and 4 and subject to notification requirements pursuant to the *Local Government Act*.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

CARRIED

DVP Application No. 0220 – Estate of Marion Monks – 7850 Shangri-La Road – Area D.

MOVED Director Haime, SECONDED Director Stanhope, that Development Variance Permit Application No. 0220 by the Estate of Marion Monks, to relax the minimum other lot line setback requirement from 5.0 metres to 2.46 metres for the property legally described as Lot 1, District Lot 53, Nanoose District, Plan 19195 to accommodate an addition to a dwelling unit, be approved subject to Schedules No. 1, 2 and 3 and the notification requirements pursuant to the *Local Government Act*.

CARRIED

PAGE
4

OTHER

**Request for Relaxation of the Minimum 10% Perimeter Requirement - Fern Road Consulting Ltd.
On Behalf of Nora Kent, Roy Drew & Sandra Drew - 2763 & 2779 Parker Road - Area E.**

MOVED Director Holme, SECONDED Director Quittenton, that the request, submitted by Fern Road Consulting Ltd., on behalf of Nora Kent, Roy Drew, and Sandra Drew, to relax the minimum 10% frontage requirement for proposed Lots A and B, as shown on the proposed plan of subdivision of Lot A, District Lot 78, Nanoose District, Plan 23622 be approved, subject to the applicants providing a solicitor's letter undertaking to register the required covenants as outlined in Schedule No. 1 of the staff report concurrently with the plan of subdivision prior to the subdivision review report being forwarded to the Provincial Regional Approving Authority.

ADJOURNMENT

CARRIED

MOVED Director McLean, SECONDED Director Holme, that this meeting terminate.

TIME: 7:12 PM

CARRIED

CHAIRPERSON

IAN 20 2003

CHAIR		GMCrS	
CAO		GMDS	
CMO		GMES	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: *ERP.*

January 17, 2003

FROM: Keeva Kehler
Planner

FILE:

3060 30 0301

SUBJECT: Development Permit Application No. 0301 — Juthans/ Murphy
Electoral Area 'E' — 5489 Deep Bay Drive

PURPOSE

To consider an application for a development permit within the Environmentally Sensitive and Natural Hazards Development Permit Areas pursuant to the "Regional District of Nanaimo Shaw Hill – Deep Bay Official Community Plan Bylaw No. 1007, 1996" for the purpose of legalizing the location of the existing workshop; retaining wall; and to permit the placement of a hot tub structure and to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" to accommodate an existing garage, courtyard, woodshed, and workshop.

BACKGROUND

This is an application to legalize the existing workshop, retaining wall and hot tub structure which are located within 15 metres of the natural boundary and to legalize the existing garage, courtyard and woodshed, which are located within the minimum front and side lot line setback areas. The subject property, legally described as Lot 39, District Lot 1, Plan 20442, Newcastle District, is a 0.7-hectare (0.3 acre) parcel located along Deep Bay Drive (*see Attachment No. 1*).

Zoning and Proposed Variances

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

The locations of the existing buildings are shown in *Schedule No. 2*. Due to the location of the existing structures, the applicants are requesting to vary Section 3.4.62 of the "Regional District of Nanaimo Subdivision and Land Use Bylaw No. 500, 1987" as follows:

1. Reduce the minimum setback requirement for the front lot line from 8.0 metres (26.25 feet) to 3.1 metres (10.4 feet) to accommodate the existing garage and courtyard.
2. Reduce the minimum setback requirement for the front and eastern interior side lot lines from 8.0 metres (26.25 feet) and 2.0 metres (6.56 feet) respectively to 0.0 metres to accommodate the existing woodshed.
3. Reduce the minimum setback requirement for the eastern interior side lot line from 2.0 metres (6.56 feet) to 1.2 metres (3.93 feet) to legalize the existing workshop at the rear of the parcel.

No setbacks from interior or rear lot lines shall be required for one accessory building not exceeding a floor area of 10m² and with a maximum height of 3.0 m. There is one such accessory building located within the eastern interior side lot line of the property. The hot tub structure was located within the 2 metre interior lot line setback at the time of staff's site inspection; however, the applicants stated that they would relocate the structure so that it complies with the interior lot line setback requirements.

Development Permit Requirements

This Development Permit Application was initiated by the Bylaw Enforcement Department. Upon inspection of the site, staff noted that the hot tub structure and a number of other structures did not comply with the zoning or development permit regulations. The applicants wish to legalize all the existing structures that currently are not in compliance with Regional District of Nanaimo regulations.

A large portion of the existing workshop is located within the Environmentally Sensitive and Hazard Lands Development Permit Areas. The Shaw Hill - Deep Bay Official Community Plan established these Development Permit Areas to protect the natural environment along the coastal shore and protect development from hazardous conditions such as flooding. The development permit area extends 15 metres from the natural boundary and all land modification and construction within the 15 metre area requires the issuance of a development permit. The applicants stated that a previous owner constructed the workshop in 1988. There is a stone retaining wall located approximately 4.5 metres from the natural boundary, also installed by a previous owner. The applicants propose to retain the hot tub structure within the development permit area and to install a hot tub and flat retractable roof on the structure if the Board grants approval.

The applicants are requesting permission to vary the minimum setback requirement from the natural boundary from 15 metres (49.2 feet) to 6.9 metres (22.64 feet) to accommodate the existing workshop and from 15 metres to 9.6 metres (31.4 feet) to accommodate the proposed hot tub structure. The subject property is not located within a building inspection area and therefore building permits were not required prior to construction of any of the buildings.

Staff suggested that the applicant move the structure outside of the development permit area when they would be relocating it to comply with the lot line setbacks; however the applicant indicated that the septic field occupies the majority of the remaining space in the rear yard. The applicant feels it is not possible to locate the hot tub structure on the septic field, as it would damage the drainage pipes below the surface. The applicant believes that there is no alternative site outside the development permit area to locate the hot tub structure. Staff contacted Glenn Gibson, Vancouver Island Health Officer, on January 6, 2003 to determine the exact location of the septic field, but the Health office has no information on file for this property.

On January 2, 2003 staff received information indicating that the applicants had installed the hot tub and dug a trench across portions of the development permit area to hook the tub up to the dwelling unit. While these works were being done, the applicants moved the hot tub structure to comply with the 2 metre interior side lot line setback. Staff wrote a letter to the applicants instructing them to remove the hot tub from the illegally sited deck structure by January 17, 2003 while the Board considers Development Permit Application. The applicant contacted staff on January 13, 2003 to state that he had complied with the RDN's request.

As a mitigative measure, the applicant proposes to install a cedar hedge along the property line to increase the privacy of the neighbour to the west and provide a buffer from any potential noise impacts that may arise from the hot tub use.

ALTERNATIVES

1. To approve Development Permit Application No. 0301 as submitted.
2. To deny the requested Development Permit.
3. To approve Development Permit Application No. 0301 in part, and require relocation of the hot tub structure outside the 15 metre setback from the natural boundary.

LAND USE AND DEVELOPMENT IMPLICATIONS

Although other buildings and structures on the site require variances, the structure primarily at issue is the hot tub. Potential negative impacts on views and privacy for neighbouring properties are possible should the hot tub remain in its current location. In addition, it would also appear that vegetation has been removed in siting the hot tub.

The variances to accommodate the other existing structures appear to have less impact on the development permit area and surrounding properties. There is a large evergreen hedge located on the eastern property line behind the workshop. The workshop has existed on the property for 14 years and is lower in elevation than the hedge and therefore does not affect the viewscape. The variances at the front of the lot do not create a visual impact for surrounding properties due to the character of the subdivision. The properties are located along a spit; therefore properties on both sides of Deep Bay Drive have ocean front lot lines and views.

VOTING

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

SUMMARY/CONCLUSIONS

This is an application for a Development Permit within the Environmentally Sensitive and Hazard Lands Development Permit Areas pursuant to "Shaw Hill - Deep Bay Official Community Plan, Bylaw No. 1007, 1996."

First, the application requests a variance to the minimum setback for the front lot line from 8.0 metres to 3.1 metres to legalize the garage and courtyard, and from 8.0 metres to 0.0 metres for the woodshed. Second, the application requests permission to vary the eastern interior lot line setback from 2.0 metres to 1.2 metres to legalize the workshop, and from 2.0 metres to 0.0 metres to legalize the same woodshed at the front of the property. Third, the application proposes to vary the minimum natural boundary setback requirement from 15.0 metres to 6.9 metres to accommodate the workshop and from 15 metres to 4.5 to legalize the retaining wall. Finally, the applicants request an additional variance to the natural boundary setback from 15.0 metres to 9.6 metres to permit the retention of the hot tub structure within the development permit areas.

Because the Development Permit Application involves proposed variances to "Regional District of Nanaimo Subdivision and Land Use Bylaw No. 500, 1987," the neighbouring property owners will be notified of the application prior to the Board considering the proposal.

The applicant cites the constraints created by the location of the septic field as the justification for the location of the hot tub and deck structure within the development permit area. However, staff feels that it is possible to locate the hot tub closer to the dwelling unit adjacent to the sunroom at the rear of the property without damaging the septic field. Therefore, this staff report supports all requested variances excluding the variance to allow the siting of the hot tub within the development permit area.

RECOMMENDATION

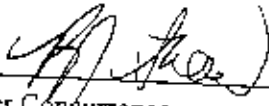
That Development Permit Application No. 0301, submitted by Sven Juthans and Colleen Murphy for the property legally described as Lot 39, District Lot 1, Newcastle District, Plan 20442, requesting to;

1. Vary the minimum setback for the front lot line;
 - a) From 8.0 metres to 3.3 metres to accommodate the existing garage and courtyard.
 - b) From 8.0 metres to 0.0 metres to accommodate the existing woodshed.
2. Vary the eastern interior lot line setback;
 - a) From 2.0 metres to 1.2 metres to accommodate the existing workshop at the rear of the parcel.
 - b) From 2.0 metres to 0.0 metres to accommodate the existing woodshed.
3. Vary the minimum setback requirement from the natural boundary;
 - a) From 15 metres to 6.9 metres to accommodate the existing workshop at the rear of the parcel.
 - b) From 15 metres to 4.5 metres to accommodate the existing retaining wall.

be approved, subject to the siting provisions outlined in Schedules No. 1 and 2 and subject to the notification requirements pursuant to the *Local Government Act*.



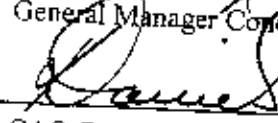
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

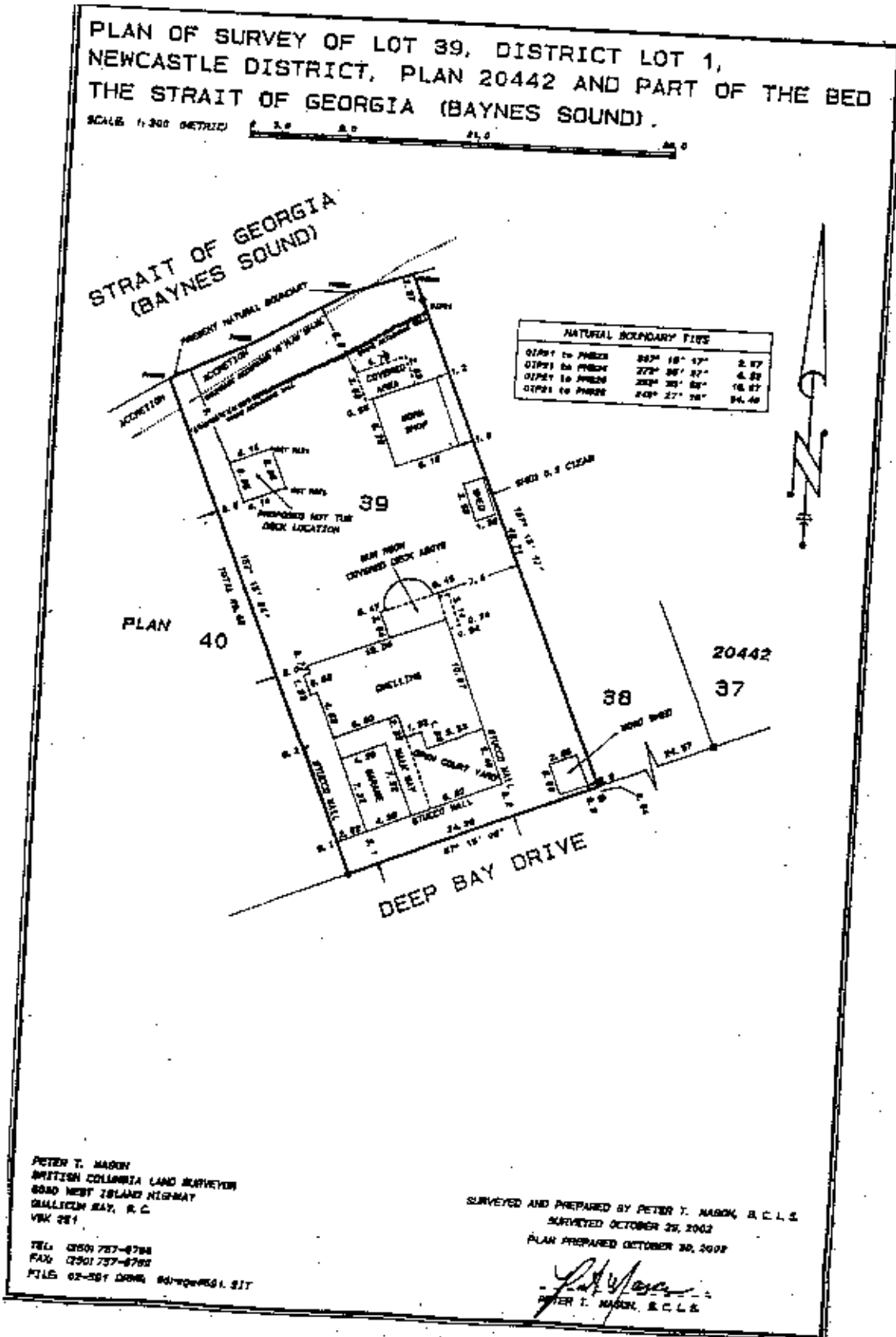
COMMENTS:

Dev. permit application - Juthans/Murphy 5489 Deep Bay Drive

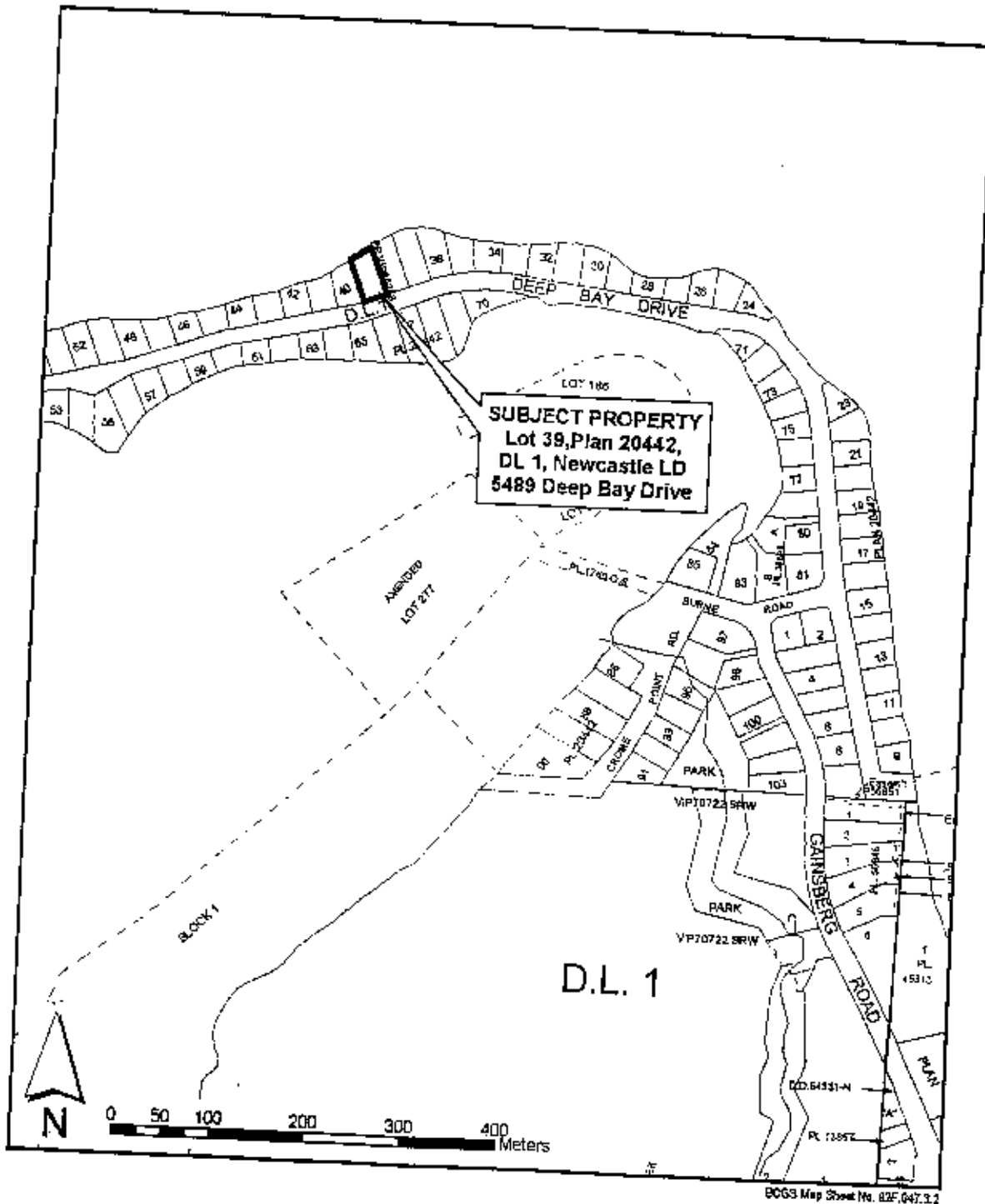
Schedule No. 1
Requested Variances
Development Permit No. 0301

1. Vary the minimum setback for the front lot line;
 - a) From 8.0 metres to 3.3 metres to accommodate the existing garage and courtyard.
 - b) From 8.0 metres to 0.0 metres to accommodate the existing woodshed.
2. Vary the eastern interior lot line setback;
 - a) From 2.0 metres to 1.2 metres to accommodate the existing workshop at the rear of the parcel.
 - b) From 2.0 metres to 0.0 metres to accommodate the existing woodshed
3. Vary the minimum setback requirement from the natural boundary;
 - a) From 15 metres to 6.9 metres to accommodate the existing workshop at the rear of the parcel.
 - b) From 15 metres to 4.5 metres to accommodate the existing retaining wall.

Schedule No. 2
 Survey Plan
 (As supplied by Applicant)



Attachment No.1
Location of Subject Property
(Attached for Convenience only)



BOGS Map Sheet No. 02F.047.3.2



REGIONAL DISTRICT OF NANAIMO		
JAN 20 2003		
CHAIR		GMCrs
CAD		GMDS
		GMES
		<i>EAP</i>

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: January 17, 2003

FROM: Blaine Russell
Planning Assistant

FILE: 3060 30 0302

SUBJECT: Development Permit Application 0302 - Guy (Percora Holdings / Coast Distributors)
Electoral Arca 'D' - 6855 Mart Road

PURPOSE

To consider a development permit application with a variance to facilitate an addition to an existing warehouse.

BACKGROUND

This is a development permit application with a variance, to allow for the construction of an addition to an existing warehouse and the removal of an existing Quonset hut on the subject property legally described as Lot 11, District Lot 44, Wellington District, (situate in Nanoose District), Plan 15245 and situated at 6855 Mart Road.

The subject property is currently zoned 'Industrial 1' (IN1) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The permitted uses of the 'Industrial 1' zone are: Light Industry, Heavy Equipment Display and Residential Use. In addition, the subject property is designated within the 'Metro Mart Industrial Permit Area' of the "Regional District of Nanaimo Lantzville Official Community Plan Bylaw No. 974, 1995" for the purpose of form and character and aquifer protection. Three development permits have been issued on the subject property. The subject property is currently connected to community water and has a private septic disposal system.

Proposal

The applicant is proposing a 300.9 m² addition to an existing 752.49 m² warehouse on a 2136.70 m² property. The proposed addition brings the total parcel coverage to 49.3 percent. The maximum permitted parcel coverage is 60 percent in the 'Industrial 1' zone. The addition will be of a similar form and style to that of the existing structure. The proposal provides for 13 parking stalls, in total, that are 3.0 metres wide and 5.8 metres long to the curb. The proposal also provides for 2 loading bays, one 6.10 m², and one 6.60 by 10.60 metres. Landscaping exists along the front driveway of the property and the applicant is proposing to enhance the landscaping along the perimeter of the property that is adjacent to the Esquimalt and Nanaimo Railway. There are 2 existing fascia signs and no new signage is being proposed as part of this application.

Requested variance

The applicant is requesting that the 'other lot line', under the 'Industrial 1' zoning, be relaxed from 5.0 metres to 0.0 metres. The requested relaxation is located along the portion of the subject property that is adjacent to the Esquimalt and Nanaimo Railway, and it is intended to allow for the construction of an addition to a warehouse as submitted by the applicant. The subject property is bound by two other 'Industrial 1' properties to the north and to the west. In addition, the subject property is bound by Mart Road to the east, and the E&N Railway to the south (*See Attachment No. 1 for location of property*).

ALTERNATIVES

1. To approve the development permit application with variance as submitted, subject to notification procedures.
2. To deny the development permit application with variance.

DEVELOPMENT IMPLICATIONS

The proposal to allow for an addition to an existing warehouse follows the guidelines of the 'Metro Mart Industrial Permit Area'. The proposal complies with the permitted use, and parcel coverage requirements of the 'Industrial 1' zone and meets or exceeds the parking and signage requirement of Bylaws 500, 1987. The form of the addition will be similar in appearance, construction, and height to that of the existing warehouse.

Setback Implications

There would be little if any impact on adjacent properties if the property line setback, adjacent the E&N Railway, was relaxed from 5.0 metres to 0.0 metres as the property is adjacent to a 3.5 metre high bank. It should be noted that prior to the recent change in zoning of the E&N Railway to Public Utility 3 (PU3), the section of railway adjacent the subject property was zoned Industrial 1 (IN1) and this would have allowed a setback of 0.0 metres. The prospects for improved landscaping along Mart Road are limited due to an existing retaining wall, thus no additional landscape is requested along Mart Road. The applicant has proposed landscaping adjacent to the E&N Railway. It should be noted that landscaping of natural vegetation has been proposed on previous development permits but due to the fact that the asphalt parking lot extends to the property line, it is uncertain on how it was implemented. The physical layout of the subject property makes it unnecessary for any additional landscaping adjacent to the railway. The elevation of the subject property is 3.5 meters below the railway, due to a steep bank, and thus would make any additional landscaping redundant. The bank itself is treed and provides screening.

Outdoors Storage Issues

In general, outdoor storage on the subject property occurs on the paved parking surface to the side of the existing structure. As the parking surface is well screened, its use as an outdoor storage area should have minimal visual impact. There may be issues if outdoor storage interferes with parking or reduces parking to less than Bylaw No. 500 requirements. There are outdoor storage issues existing on the property that the applicant verbally agreed to rectify. Specifically, it was agreed that storage cease in the compound at the front of the property. In addition, a structure on the property that straddles the property line and is within the 5.0 metre buffer, adjacent the E&N railway and established under DP No. 9920, will be required to be removed. It is anticipated that with the proposed addition of the warehouse, that there will be less of a need to utilize outdoor storage.

PUBLIC CONSULTATION IMPLICATIONS

As part of the required public notification process pursuant to the *Local Government Act*, adjacent and nearby property owners will have an opportunity to comment on the proposal prior to the Board's consideration of the permit.

VOTING

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

SUMMARY

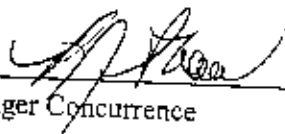
This is an application for a Development Permit in the 'Metro Mart Industrial Permit Area' with variance to allow for an addition to an existing warehouse. As part of the application, the applicant has requested that the 'other lot line' setback be relaxed from 5.0 to 0.0 metres to allow for the proposed addition.

RECOMMENDATION

That Development Permit Application No. 0302 by Alex Guy on behalf of Percora Holdings - Coast Distributor Ltd. with variance to relax the minimum 'other lot lines' setback requirement from 5.0 metres to 0 metres for the property legally described as Lot 11, District Lot 44, Wellington District, (situate in Nanoose District), Plan 15245 to accommodate an addition to a warehouse, be approved subject to Schedules No. 1, 2, 3, and 4 and the notification requirements pursuant to the *Local Government Act*.



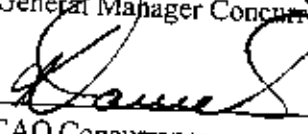
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:

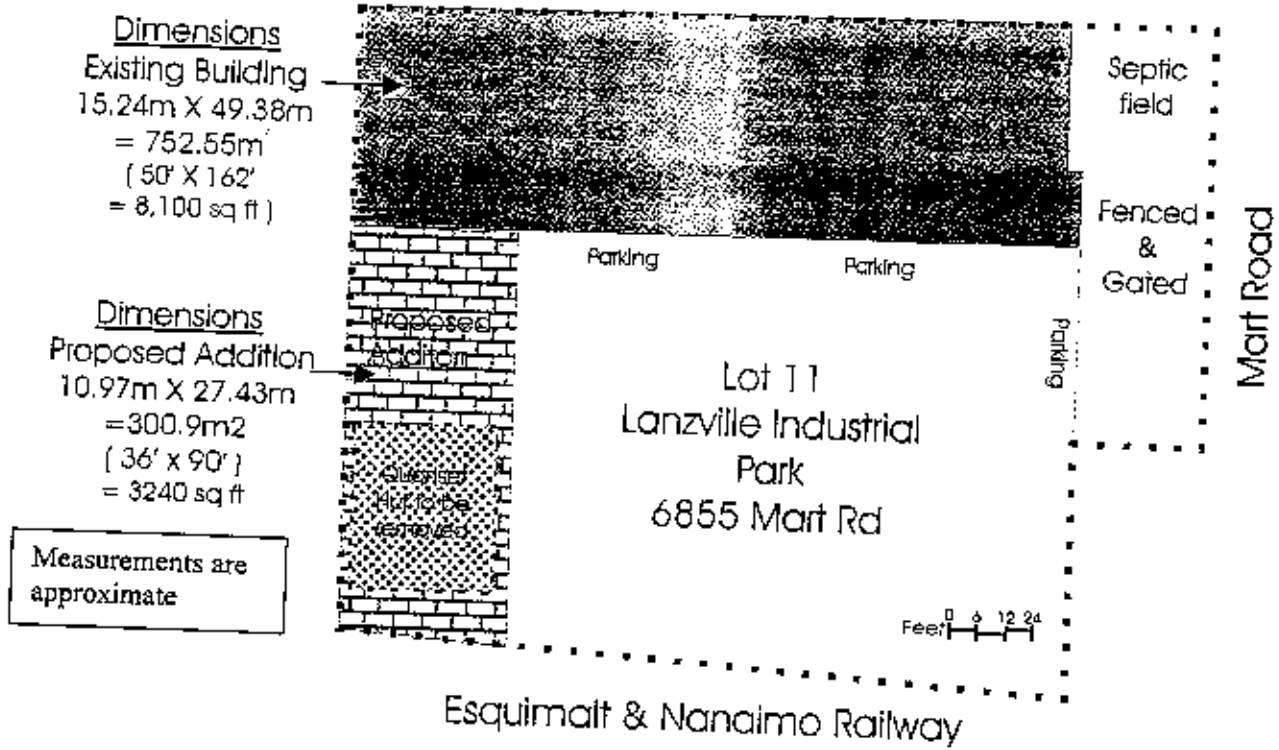
Schedule No. 1

Conditions of Approval for Development Permit No. 0302

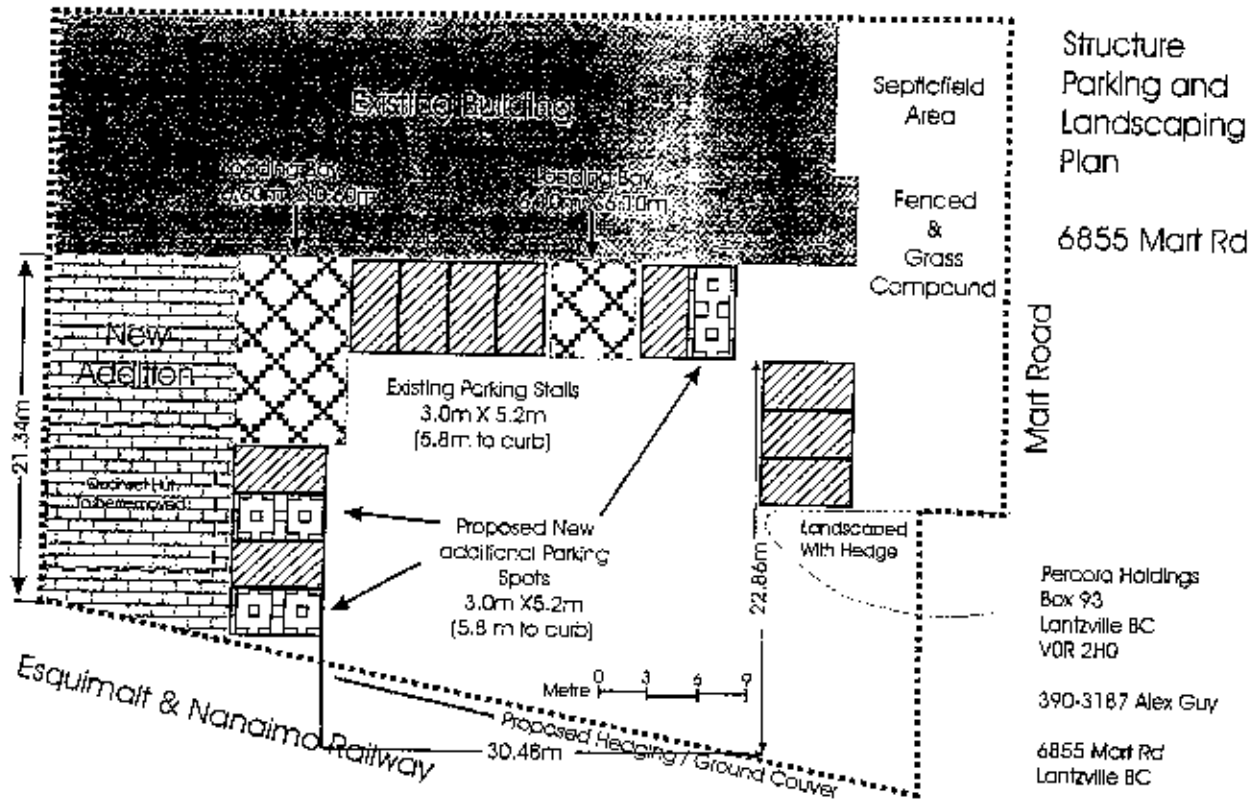
1. No outdoor storage is to occur in the enclosed septic field area at the front of the property or within 5.0 metres of the property line adjacent to the E&N Railway.
2. There shall be available, a minimum of 6 parking spaces, 1 loading bay, required aisle and access areas, pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" that are free from outdoor storage.
3. Parking stalls and loading areas shall be clearly delineated on site.
4. Contaminants that may be harmful to the nearby aquifer may not be stored on the subject property

Schedule No. 2
Proposed Site Plan

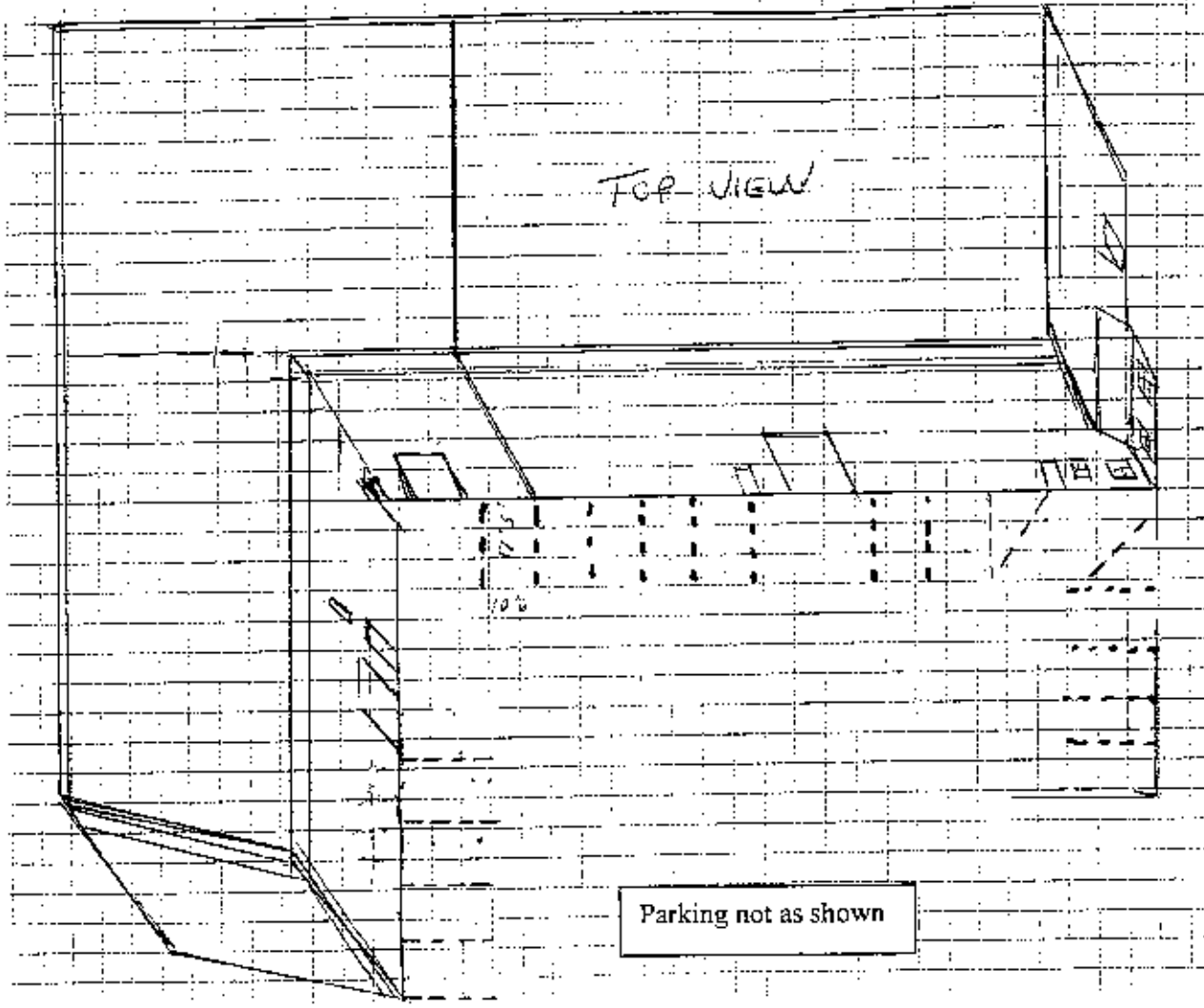
Building Plan - 6855 Mart Rd



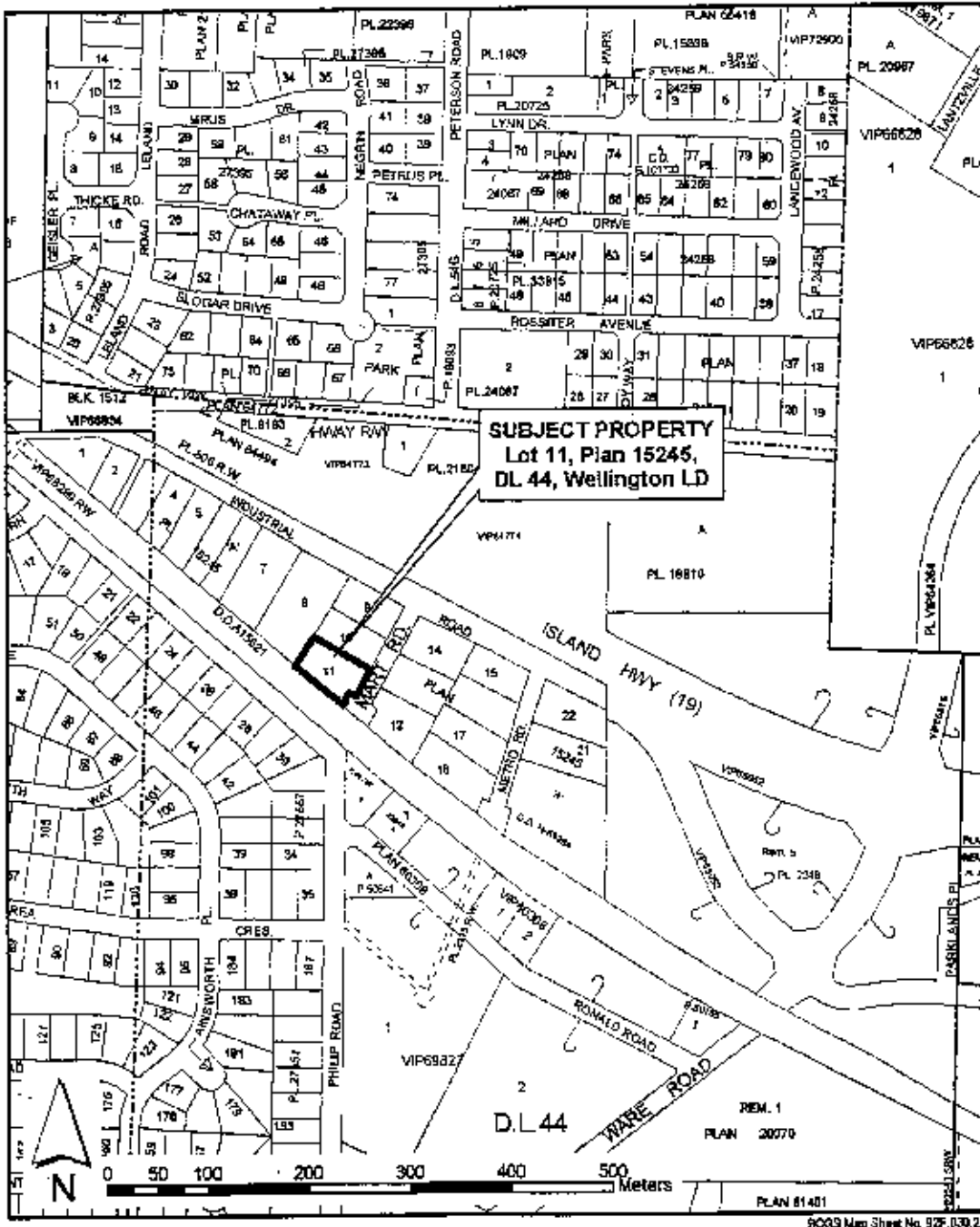
Schedule No. 3 Proposed Parking and Landscape Plan



**Schedule No. 4
Proposed Building Plan**



Attachment No. 1
Location of Subject Property





REGIONAL DISTRICT OF NANAIMO			
JAN 20 2003			
CHAIR		GMCrs	
CAO		GMDS	
CMOms		GMES	
CIV. ✓			
DATE:		January 17, 2003	
FILE:		3060 30 0303	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

FROM: Deborah Jensen
Planner

SUBJECT: Development Permit Application No. 0303 - Askew
Electoral Area 'E' - 1465 E. Island Highway

PURPOSE

To consider an application for a Development Permit in the "Nanoose Bay Official Community Plan Bylaw No. 1118, 1998" Form and Character Development Permit Area to legalize operations of Hub City RV Ltd. This application includes variances to setbacks for parking, and variances to the number of signs permitted on site.

BACKGROUND

The subject property legally described as Lot 3, District Lot 56, Nanoose District, Plan 11289, Except That Part Road Only, Plan 39893 is located adjacent to the Island Highway, and is currently used for the operation of Hub City RV Ltd. Access to the subject property is via a private road owned by Weyerhaeuser. Bylaw enforcement action was initiated on the subject property in May 2002, when RDN staff identified the parking area and signage as in contravention of setback requirements pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." As a result of bylaw enforcement action, the applicant is proposing to legalize the uses on the site through this application for a development permit.

Zoning and Proposed Variances

The subject property is zoned Industrial 1 (IN1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." This zoning allows for light industry and heavy equipment display uses, including outdoor sales. The minimum setback requirements for buildings and structures in this zone are 8.0 metres for the front lot line and 5.0 metres for other lot lines. The subject property is located within a building inspection area.

The applicant has indicated the Hub City operation stocks 75 or more recreational units, ranging from 16' to 35' in length. In order to store this many units on site, vehicles have been parked along the fence lines at a 0.0 metre setback from the property lines. The applicant has thereby requested that property lines be reduced to 0.0 metre setbacks, particularly along the Island Highway, thereby allowing for additional visual exposure and increased parking/storage areas for vehicles.

Development Permit Requirements and Proposed Variances

The subject property is located within the Form and Character Development Permit Area, which is intended to address the form and character of commercial, industrial, and multiple family residential development. In this case, the industrial-zoned subject property is operated as a recreational vehicle sales

PAGE 21

facility and therefore, must conform to the guidelines of the development permit area. Specifically, the development permit guidelines applicable to this application state: (a) introduced landscaping areas shall be provided to enhance buildings and structures and promote compatibility with surrounding land uses; (b) off-street parking areas shall primarily be located to the rear of buildings or in other locations that are not visible from roads; (c) signage shall complement the design of buildings and structures, be visually unobtrusive, grouped together and use a minimum amount of lighting; (d) entrances and exits should be well marked to indicate their location; and (e) adequate lighting should be provided for safety and security purposes. There are no environmental implications.

The siting of the proposed signage is indicated on *Schedule No. 2*. The applicant is proposing to increase the maximum number of allowable signs from two to six to allow for: four illuminated fascia signs, with lighting shining down on the signs; one free-standing sign at the entrance to the site; and one sign attached to the fence near the highway frontage. Signage is proposed as a rectangular design, keeping in style with the site's existing signs. In addition, the RDN Bylaw No. 993, 1995 "A Bylaw to Regulate Signs," applies to the subject property.

ALTERNATIVES

1. To approve Development Permit No. 0303 as submitted.
2. To approve Development Permit No. 0303 subject to the conditions outlined in Schedule No. 1.
3. To deny the requested development permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

The subject property is located adjacent to other industrial uses along the Island Highway, and bordered to the east and west by land held within the Forest Land Reserve or Agricultural Land Reserve. The site was previously home to a cedar mill operation, and still maintains the physical characteristics of a large building, chain link fencing, and both paved and gravel parking surfaces.

The applicant is proposing to reduce the minimum setback requirements to lot lines in order to accommodate the inventory of Hub City RV Sales. This would include those lot lines located along the Island Highway in order to create additional visual exposure for the business operation.

Reduction of the setback requirement along the highway would require approval from the Ministry of Transportation (MOT) due to their 4.5 metre setback. Staff referred the application to the Ministry, and their response indicated reluctance to grant any relaxation within this setback area due to the close proximity of a major roadway. MOT has also not issued an access permit for this property. Access and egress points to this site is from Northwest Bay Logging Road, which is a private road owned by Weyerhaeuser. Discussions with Weyerhaeuser staff indicate there is currently no agreement in place with the applicant to utilize the private road for their operations; however, it is unlikely obtaining such an agreement will be an issue.

In addition to the 4.5 metre setback as required by MOT, both the septic tank and drainage field are located along the western boundary of the site, adjacent to the Island Highway. The Ministry of Health has stated no parking of vehicles is permitted over these areas. Given placement of the septic system, and proximity of the building to the western boundary of the property, staff has previously suggested to the applicant that obtaining variances to setbacks for those lot lines located along the Island Highway is not feasible. It is noted that potential display areas would need to be situated between the septic tank and field areas and the southwest corner of the property if the minimum setback is maintained at 5.0 metres.

This potential vehicle display area is shown on Schedule No. 1 together with the other display frontage areas at a setback of 5.0 metres and 0 metres along the south property line.

As previously mentioned, the applicant is proposing to increase the maximum number of allowable signs from two to six signs, as indicated on *Schedule No. 2*. Development permit guidelines indicate that signage should complement the design of buildings and structures, and be visually unobtrusive and grouped together wherever possible. A staff assessment of the site indicates that the proposed signage would be in excess to the guidelines provided in the Official Community Plan and high visibility for the site could be achieved through a lesser number of signs. Therefore, the amount of signage requested by the applicant is not supported; rather, placement of a fascia sign along 3 sides of the building as well as an entrance sign to the property is supported in the report's recommendation.

VOTING


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


SUMMARY/CONCLUSIONS


This is an application for a development permit within the Nanoose Bay Official Community Plan Bylaw No. 1118, 1998 Form and Character Development Permit Area to legalize the operation of Hub City RV Sales. The application includes a request to vary the minimum setback requirements for lot lines for provision of parking and sales area, and to allow for additional on-site signage. This report supports modifications to the applicant's proposal, recommending variances to the side and rear lot line setbacks and recommending amended signage provisions that will retain high visibility for the site. The relaxation of setbacks for lot lines sited along the Island Highway is not supported due to health and safety concerns. Therefore, staff recommends the application be approved subject to the conditions outlined in Schedule No. 1 of this report, and subject to the notification procedures pursuant to the *Local Government Act*.

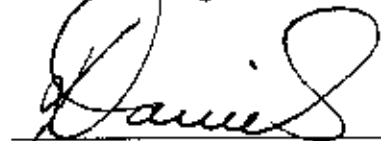
RECOMMENDATION

That Development Permit No. 0303, submitted by Gord Bragg, Agent, on behalf of Robert Askew, Grant Armstrong and Danny Curran, to legalize the operations of Hub City RV Ltd. within an Industrial 1 (IN1) zone by varying the minimum permitted setbacks from specified 'other' lot lines from 5.0 metres to 0.0 metres to accommodate on-site parking areas, and to vary the signage requirements on the property legally described as Lot 3, District Lot 56, Nanoose District, Plan 11289, Except That Part Road Only, Plan 39893, be approved subject to notification procedures pursuant to the *Local Government Act* and subject to the conditions outlined in Schedule No. 1.


Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

COMMENTS:

Schedule No. 1
Conditions of Approval
Development Permit No. 0303
(Page 1 of 2)

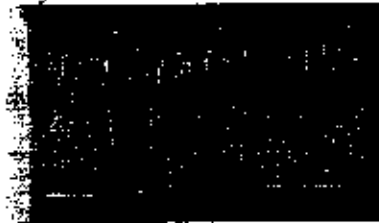
Signage

1. Applicant to provide confirmation of sign dimensions, subject to the Regional District of Nanaimo Bylaw No. 993, 1995, "A Bylaw to Regulate Signs."
2. Vary the Regional District of Nanaimo Bylaw No. 993, 1995, "A Bylaw to Regulate Signs, by:
 - a) increasing the maximum number of allowable signs from two to four by:

Signage

- | <i>Signage</i> | <i>Dimensions</i> |
|---|--------------------------------|
| * Fascia sign attached to west (front) side of building. | ≈4' x 8' (3.0 m ²) |
| * Fascia sign attached to south side of building. | ≈4' x 8' (3.0 m ²) |
| * Fascia sign attached to north side of building. | ≈4' x 8' (3.0 m ²) |
| * No placement of signage along fence, with the exception of a directional sign located at site entrance. | ≈4' x 6' (2.0 m ²) |
| * No placement of fascia sign at east (rear) side of building. | |

- b) and to consist of a style similar to that indicated below:



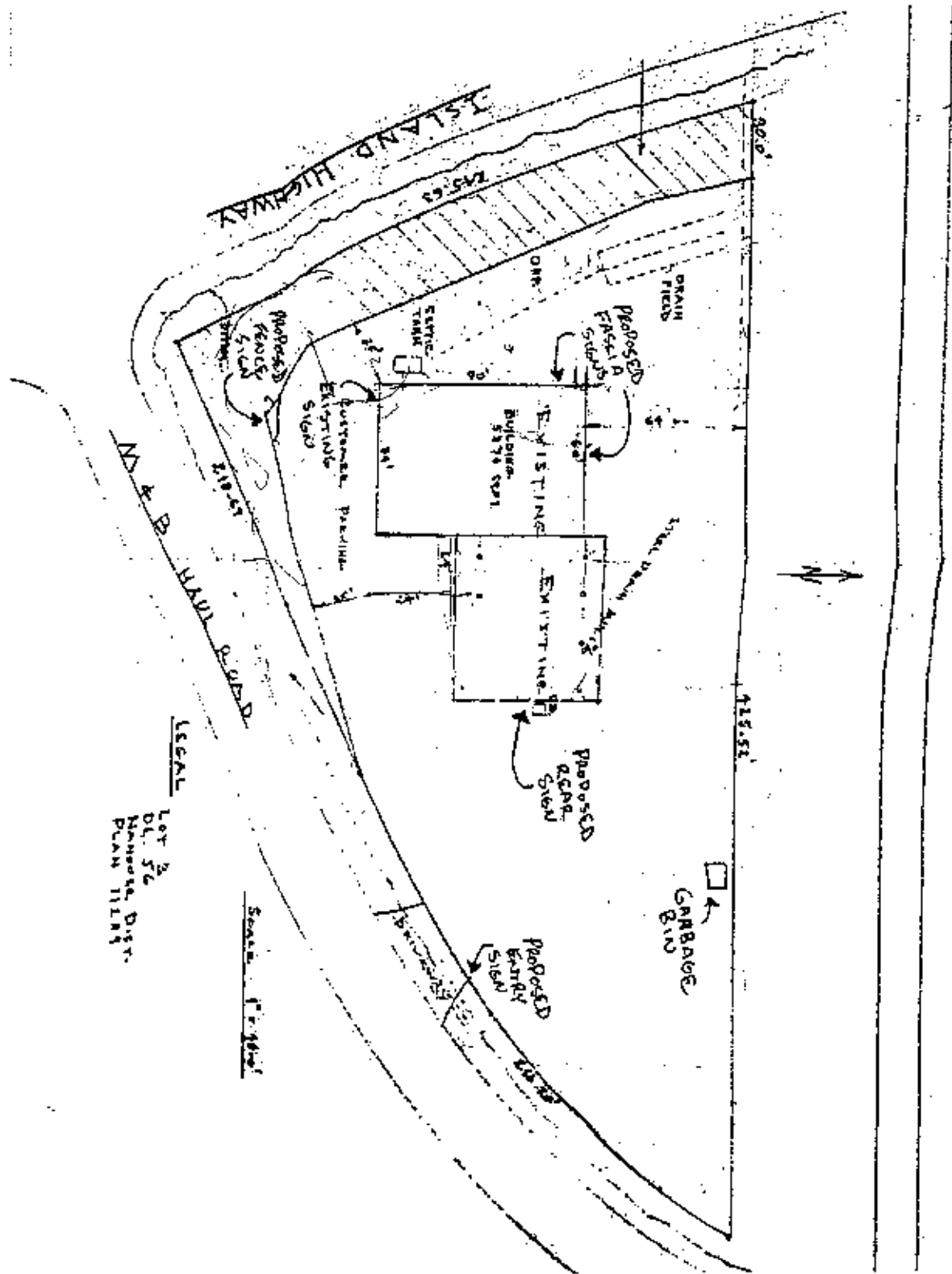
to allow for existing signage and additional signage subject to all signs meeting the minimum setback and maximum surface area requirements unless otherwise indicated as above.

2. Removal of all temporary signage structures.

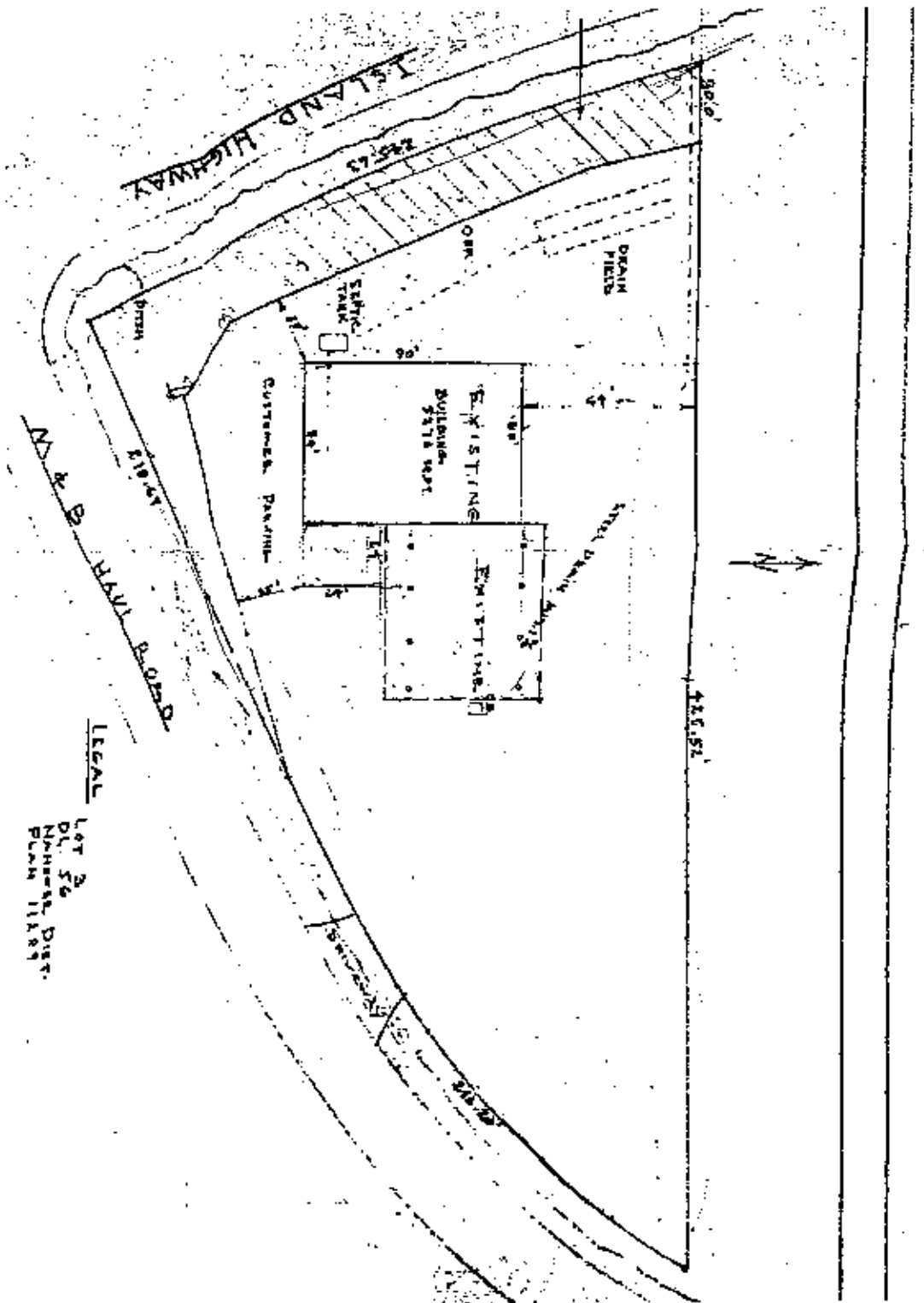
Landscaping

1. A landscape security deposit, in the amount of \$3,300.00, shall be held by the Regional District of Nanaimo pending the completion of the required landscaping, in accordance with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."
2. Landscaping shall include planting one evergreen tree for every 4.0 metres of parcel frontage along the Island Highway, and such trees shall have a minimum height of 2.0 metres and may be grouped or clustered.
3. Landscaping shall be totally comprised of biologically diverse and drought resistant plants.
4. Individual plants to be used in the landscaping shall have normal, well developed branches and vigorous, fibrous root systems; such plants shall be healthy, vigorous and free from defects, decay, disfiguring roots, sunscald, injuries, abrasions of the bark, plant diseases, insect pests' eggs, borers and all forms of infestations or objectionable disfigurements.
5. All landscaping shall be permanently maintained in good condition with, at the minimum, the same quality and quantity of landscaping as was initially approved; the owner shall make provisions for the permanent irrigation works necessary to water the landscaping.
6. The design of landscaping shall be such that the growth of roots, trunks, and branches of natural or introduced vegetation or the location of planted berms shall not conflict with the utilities, structures, necessary access, or required sight triangle.
7. All landscaped areas shall be constructed with a permanent curb, a minimum of 15 cm in height, to protect all landscaped areas from potential vehicular damage.
8. Any fencing is to be secondary to the use of vegetation and/or berm in satisfying the requirements of a landscape buffer or landscape screen.

Schedule No. 2
Proposed Signage
Development Permit No. 0303

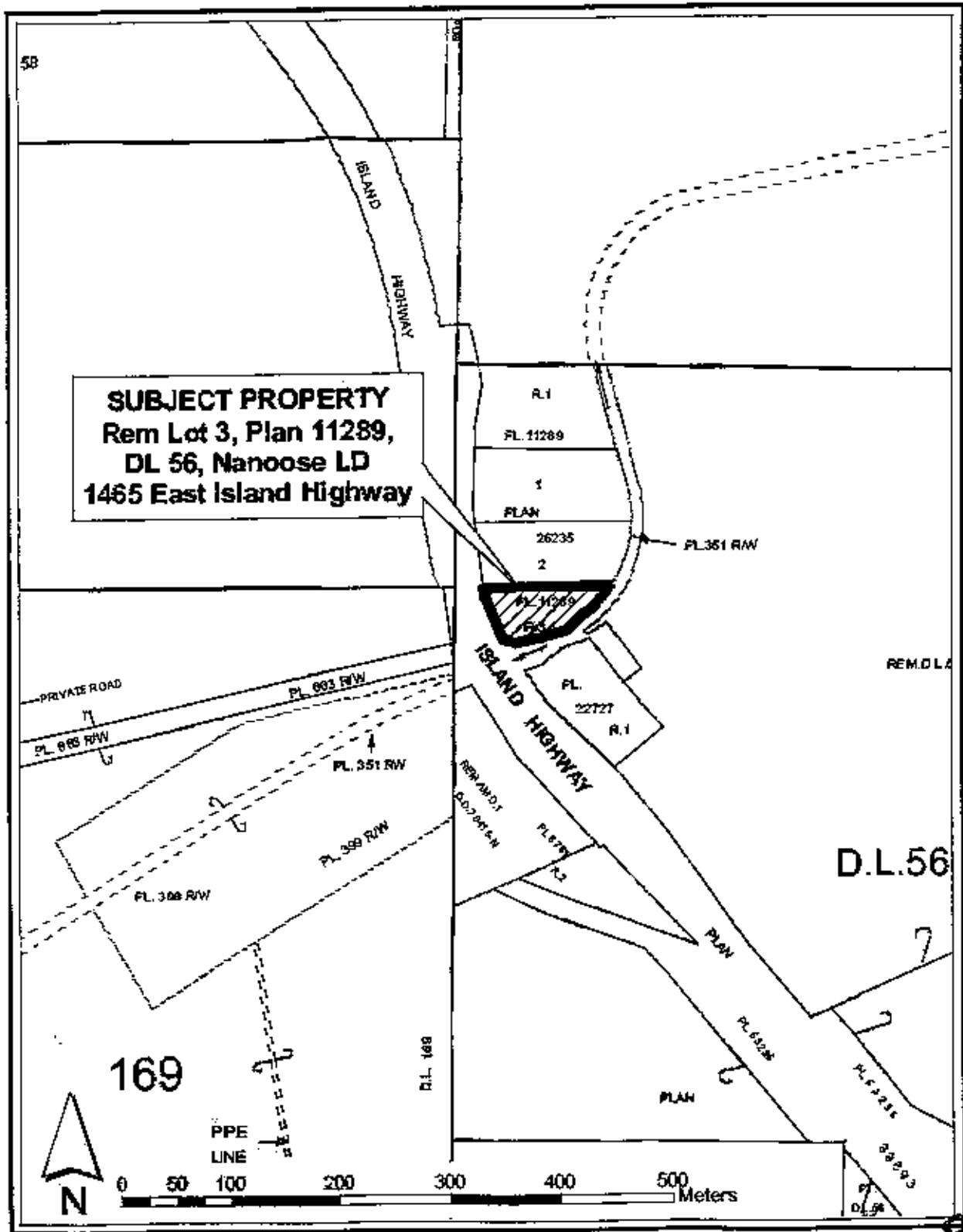


Schedule No. 3
Site Plan
Development Permit No. 0303



LEGAL
LOT 3
DL 56
MUNICIPAL DIST.
PLAN 11889

Attachment No. 1
Subject Property Map





REGIONAL DISTRICT OF NANAIMO	
JAN 20 2003	
CHAIR	GMCrS
CAO	GMDS
GNCMS	GMES
EAP ✓	

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

DATE: January 17, 2003

FROM: Susan Cormie
Senior Planner

FILE: 3060 30 0304

SUBJECT: Development Permit Application No. 0304 – Stranaghan Enterprises Ltd.
(Riverside Resort)
Electoral Area 'G' - 3506 West Island Highway

PURPOSE

To consider an application for a development permit to allow the reconstruction of a mini golf course on a parcel designated within the Natural Hazardous Area Development Permit Area.

BACKGROUND

The subject property, legally described as Lot 1, District Lot 9, Newcastle District, Plan 11274 is located at 3506 West Island Highway, in Electoral Area 'G' (See Attachment 1 for location). The property is currently zoned Commercial 5 (CM5) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The resort has been in operation for approximately 50 years and therefore pre-dates the zoning provisions of Bylaw No. 500. The applicant, at this time, is proposing to rebuild and expand an 18-hole mini golf course (Schedule No. 3 for proposal).

Pursuant to the "Regional District of Nanaimo Shaw Hill – Deep Bay Official Community Plan Bylaw No. 1007, 1996", the subject property is designated within the Hazardous Land Development Permit Area (DPA), which was established for, in this case, protection of development from the possibility of flooding from the Little Qualicum River. As the applicant has removed the old mini golf course and is proposing to replace it with an expanded mini golf course, a development permit is required to be in place.

The Riverside Resort currently contains the motel use, 19 permanent campsites, 31 overnight campsites, a store, a small waterslide and pool area, a children's playground, an 18-hole mini-golf course, and 1 freestanding sign. It is noted that the subject property is currently served by community sewer service and at the time of connection, the applicant entered into a restrictive covenant with the Regional District restricting the land uses allowed within the site. An 18-hole mini course is one of the permitted uses under the covenant agreement.

The parcel is currently serviced by a private well.

The subject property is bordered by the Island Highway to the northeast, Riverbend Road to the northwest, Kinkade Road to the east, a small residential area to the south, and the Little Qualicum River to the west.

The applicant is proposing the expanded 18-hole mini golf course will be built with a combination of materials including, concrete and turf grass featuring a landscaped water feature in the centre of the course. The proposed elevation of the course is a maximum of 1.0 metre above the existing grades. The course and surrounding area is proposed to be landscaped with a combination of native plantings and grassed areas with underground watering system. As well, the applicant is proposing to retain all the existing large trees. Lighting of the site is proposed to be a series of ground level lights with 3 security floodlights. A small kiosk is proposed to be located southwest corner of the golf course site to house electrical and other equipment needed in the operation of the mini golf course. In addition, the applicant wishes to construct a freestanding sign to be located at the corner of the Island Highway and Riverbend Road to advertise the golf course. The applicant is also proposing to replace the existing fencing with new chain link fencing a maximum of 2.0 metres in height adjacent to the lot line along the Island Highway.

While the applicant is proposing to locate the mini golf course in generally the same location, (4.5 metres from lot line) the course is proposed to be expanded and a variance with respect to minimum setback requirement from the lot line adjacent to the Island Highway has been requested as part of this application. In addition, the applicant is proposing new signage for the mini golf course in the form of a freestanding sign in front of the mini golf course site. The proposed addition of a new free standing sign will also requires a variance to Bylaw No. 500 (for setbacks) and the "Regional District of Nanaimo Sign Bylaw No. 993,1995" (for number of signs and width of sign) (see Schedule No. 2 for proposed variances).

ALTERNATIVES

1. To approve the requested development permit subject to the conditions outlined in Schedule Nos. 1, 2, and 3.
2. To deny the development permit application as requested.

DEVELOPMENT IMPLICATIONS

There has been a mini golf course on the subject property for many years. The new course will be built on a sand base and there is not sufficient runoff to require a drainage collection system. In addition, the course and surrounding area will be well landscaped which supports the surrounding natural environment.

There is no new flood protection implications associated with the redevelopment on the property.

Due to the historical uses on the property, staff has determined that no additional parking on site is required. In addition, the Ministry of Transportation does not require any additional parking. However, in the future, should demand for parking increase, the applicant has indicated that additional parking can be developed as outlined in Schedule No. '1'.

Ministry of Transportation Implications

The Ministry of Transportation staff has reviewed the submission and has indicated they have no objections to the reconstruction of the mini golf course. It is noted that the existing fencing will be removed from the highway right-of-way and a new fence will be constructed within the subject property.

Environmentally Sensitive Areas (ESA) Atlas

The ESA Atlas indicates that the subject property is adjacent to the Little Qualicum River, which is considered a salmon present fish habitat and its planning fisheries boundary crosses a portion of the property. The location of the mini golf course is located outside the planning fisheries boundary and will not result in any new discharge to the watercourse.

VOTING

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

SUMMARY

This is an application to replace an 18-hole mini golf course on the property located at 3506 West Island Highway and designated within the Hazardous Lands Development Permit Area pursuant to the Shaw Hill – Deep Bay Official Community Plan Bylaw. The applicant is proposing to replace the old mini golf course with an expanded course, provide landscaping for the course and adjacent areas, and add 1 freestanding sign. Variances to Bylaw No. 500 and the Sign Bylaw No. 993 are required to allow the golf course to be located as proposed and for the proposed new signage. While additional parking is not required, the applicant is in concurrence to provide additional parking spaces as necessary and delineate these spaces and aisle ways as per Bylaw No. 500 provisions. As the applicant is in concurrence with the conditions outlined in Schedules No. 1, 2, and 3 of this staff report, staff support Alternative No. 1 to approve the development permit to allow a new 18-hole mini golf course with variances subject to the notification procedures of the *Local Government Act*.

RECOMMENDATION

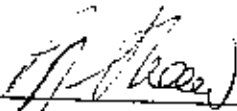
That Development Permit Application No. 0304 submitted by Stranaghan Enterprises Ltd., to replace an 18-hole mini golf course within the Natural Hazardous Development Permit Area on the property legally described as Lot 1, District Lot 9, Newcastle District, Plan 11274, be approved, subject to the conditions outlined in Schedules No. 1, 2, and 3 of the corresponding staff report and the notification requirements pursuant to the *Local Government Act*.



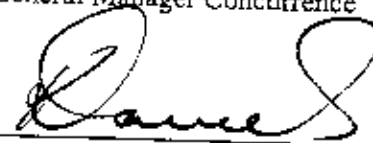
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2003/dp ja 3060 30 0304

Schedule No. 1
Conditions of Approval
Development Permit No. 0304
Lot 1, District Lot 9, Newcastle District, Plan 11274

The following sets out the conditions of approval:

1. Building Development

A maximum 10 m² building a maximum of 3 metres in height in the location as illustrated on Schedule No. '1' may be added for a kiosk building to the golf course.

2. Landscaping

- a The existing trees in the golf course area shall be retained.
- b The landscaped areas located through and around the perimeter of the gold course shall include native plantings and grassed areas.
- c The new fencing to be located adjacent to the Island Highway shall be less than 2.0 metres in height.

3. Off-Street Parking Spaces

If necessary, additional off-street parking may be incorporated next to the main access road provided no trees are removed and the surface of the parking spaces are dust free and clearly delineated through the use of concrete parking stops on compacted and dust free surfaces. All parking spaces are to be to Bylaw No. 500 standard.

4. Signage

- a The location of 1 freestanding sign shall be permitted to be situated in the northwest corner of the subject property a minimum of 1.0 metre from all property lines. This sign shall not exceed a maximum of 3.7 metres in height and a maximum of 3.0 m² in sign face area per side to a maximum of 2 sides and be aesthetically pleasing and may be indirectly illuminated but specifically not permitting the use of neon on the back of the sign face.

- b No other signs may be permitted.

5. Security Lighting

A maximum of 4 poles may be erected to provide security lighting for the mini golf course provided the poles are no taller than 6.0 metres in height and each pole supports a maximum of 1 light. Lighting shall be directed on the gold course only and not on the Island Highway or adjacent neighbouring properties.

Schedule No. 2
Proposed Variances to Bylaw No. 500, 1987 & Sign Bylaw No. 993, 1995
Development Permit No. 0304
Lot 1, District Lot 9, Newcastle District, Plan 11274

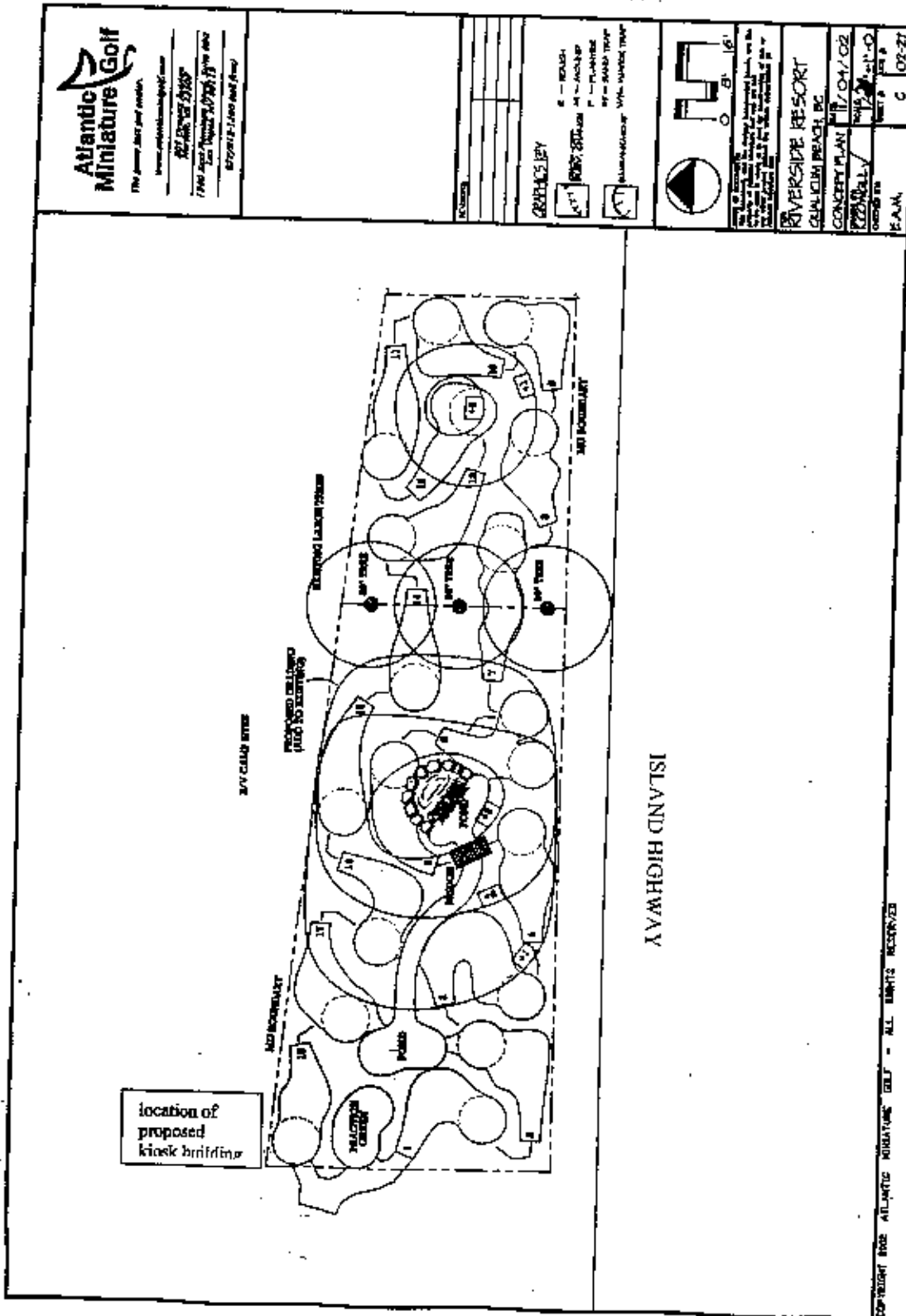
With respect to the lands, the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, the following variances are proposed:

1. The minimum setback requirement pursuant to Section 3.4.15, be reduced from 5.0 metres to 4.0 metres from the lot line adjacent to the Island Highway in order to allow the construction of the 18-hole mini golf course.
2. The minimum setback requirement pursuant to Section 3.4.15, be reduced from 5.0 metres to 1.0 metre from the lot lines adjacent to the Island Highway and Riverbend Road in order to allow the placement of 1 freestanding sign a maximum of 3.7 metres in height with a maximum 3.0 m² sign face per side to a maximum of 2 sides.

With respect to the lands, the Regional District of Nanaimo Sign Bylaw No. 993, 1995, the following variances are proposed:

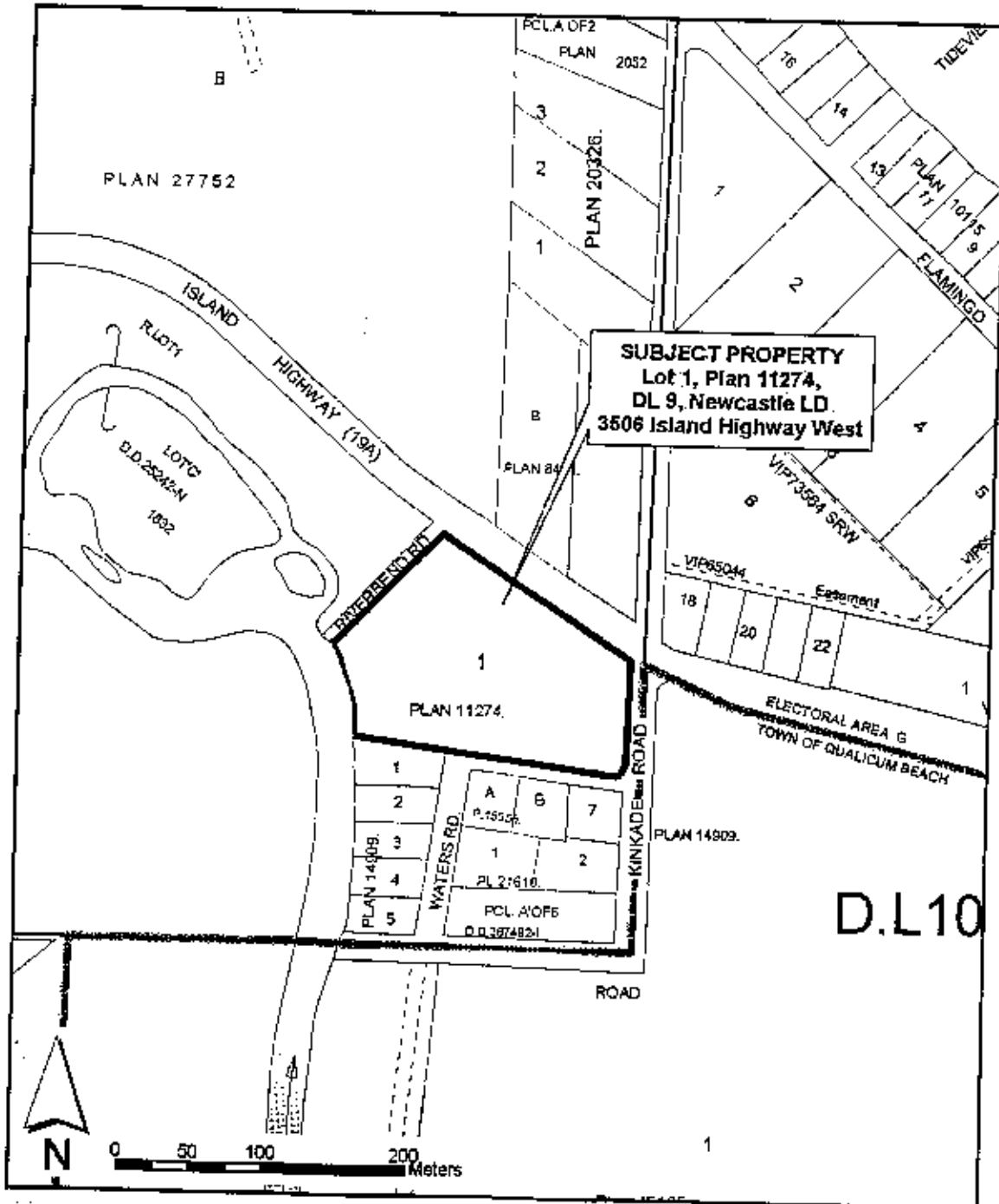
1. Section 5 (b) to be varied to include 1 additional freestanding sign on the subject property
2. Section 5 (c) to be varied to permit a maximum width of the sign to 4.8 metres from 4.0 metres.

Schedule No. 3
 Site Plan
 (as submitted by applicant / reduced for convenience)
 Development Permit No. 0304



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Attachment No. 1
Location of Subject Property





REGIONAL DISTRICT OF NANAIMO			
JAN 20 2003			
CRAB		GMCrs	
		GMDS	
		GMES	
		EAP	✓

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: January 17, 2003

FROM: Blaine Russell
Planning Assistant

FILE: 3090 30 0301

SUBJECT: Development Variance Permit Application 0301 –Hilchey/Gauthier
Electoral Area 'A' – 1348 Leask Road

PURPOSE

To consider a Development Variance Permit Application to relax the minimum setback requirements from the top of bank, rear lot line and the interior side lot line for a waterfront property on Leask Road in Electoral Area 'A'.

BACKGROUND

This is an application to relax the 'top of bank' setback requirement from 8.0 metres to 0.6 metres and to relax both 'interior side lot line' setbacks from 2.0 metres to 0.0 metres to legalize a retaining wall attached to concrete decking and guardrails. Further, this application requests that the Board relax the setback from the sea and the rear property line to 0 metres to allow for the construction of a stairway, with handrails, from the top of the retaining wall to property line adjacent to the sea for the property legally described as Lot B, Section 19, Range 5, Cedar District, Plan 25757.

The property is bound by the sea to the east and is adjacent to Leask Road to the west. North and south of the property are similarly sized residential lots (see Attachment No. 1 for location of property). The subject property is currently zoned Residential 2 (RS2) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The subject property is located within the RDN Building Inspection Area and is subject to "Regional District of Nanaimo Floodplain Management Bylaw No. 843, 1991". The subject property is currently connected to community water and has a private septic disposal system.

The retaining wall has at its highest point, a maximum structural height of 2.1336 metres and is 0.9144 metres high in relation to the natural grade. It should be noted that the height from the current grade is at its maximum 2.1336 metres at the highest point of the wall. The retaining wall runs completely across the property (see Schedule Nos. 2, 3 and 4 for details)

It has been proposed that concrete decking that will assist in anchoring the retaining wall and will use a thickened slab type anchor or will be anchored to the dwelling unit (see Attachment No 2 for details). The Engineer's Report by Ludek Sotola, P. Eng. of Sotola Engineering Inc. indicates that a concrete slab (decking) is required for portions of the retaining wall that exceed 1.2192 metres in height and that if this requirement was met that the retaining wall would be adequate. The Geotechnical report prepared by

G. F. Lewkowich, P. Eng. of Lewkowich Geotechnical Ltd. recommends against attaching of the deck to the dwelling unit and thus the thickened slab type anchor may be preferred. Lewkowich considers the setback from the top of bank adequate for the landscaped nature of the retaining wall.

ALTERNATIVES

1. To approve the development variance permit application as submitted, subject to notification procedures.
2. To deny the development variance permit application.

DEVELOPMENT IMPLICATIONS

As this is a waterfront property the retaining wall and stairway may impact the views from the water or beach below, however, neighbours will be notified and have an opportunity to comment on the application prior to the Board's consideration of the permit.

The height of the retaining wall may be a safety concern; however the applicant has verbally indicated that a guardrail will be installed. There may be drainage impacts due to the retaining walls confinement of surface and groundwater flows that could impact the bank by possibly intensifying erosive forces. It should be noted that neither Ludek Sotola, P. Eng. of Sotola Engineering Inc. or G. F. Lewkowich, P. Eng. of Lewkowich Geotechnical Ltd mention surface water or how it could be impacted by such a retaining wall. The proposed stairway was not noted in the engineering report or geotechnical report and there could be stability issues depending on the mass of the stairway and how it is anchored to the bank. The proposed stairway may also impact the bank via the removal of vegetation and root systems, depending on how it is constructed. However, in staff's estimation, the stability of the retaining wall, the height of the structure and topographic conditions on the site limit potential concerns with the construction of the stair structure.

PUBLIC CONSULTATION IMPLICATIONS

As part of the required public notification process pursuant to the *Local Government Act*, adjacent and nearby residents and property owners will have an opportunity to comment on the proposal prior to the Board's consideration of the permit.

VOTING

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

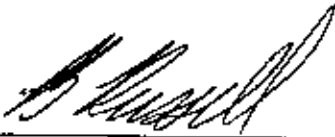
SUMMARY

This is an application to relax the minimum 'top of bank' setback requirement from 8.0 metres to 0.6 metres and to relax both interior side lot line setback from 2.0 metres to 0.0 metres to legalize a retaining wall, with guardrails and attached concrete decking and to relax the setback from the sea and the rear property line to 0 meters to allow for the construction of a stairway, with handrails, from the top of the

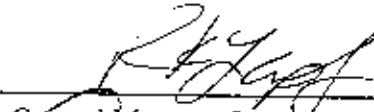
retaining wall to property line adjacent the sea. Staff would suggest that the applicant has provided sufficient information to support the requested variances.

RECOMMENDATION

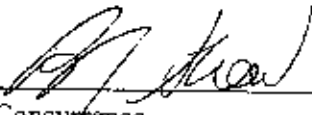
That Development Variance Permit Application No. 0301 by Gauthier Development limited on behalf of Hilchey, to legalize a retaining wall with guardrail and decking by varying the 'top of bank' setback requirement from 8.0 metres to 0.6 metres and varying both 'interior side lot line' setbacks from 2.0 metres to 0.0 metres, and further, to vary the setback from the sea and the rear property line to 0 metres to allow for the construction of a stairway from the top of the retaining wall to property line adjacent the sea, for the property legally described as Lot B, Section 19, Range 5, Cedar District, Plan 25757, be approved, subject to Schedules No. 1, 2, 3 and 4 and to the notification requirements pursuant to the *Local Government Act*.



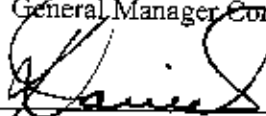
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

Schedule No. 1
Conditions of Approval

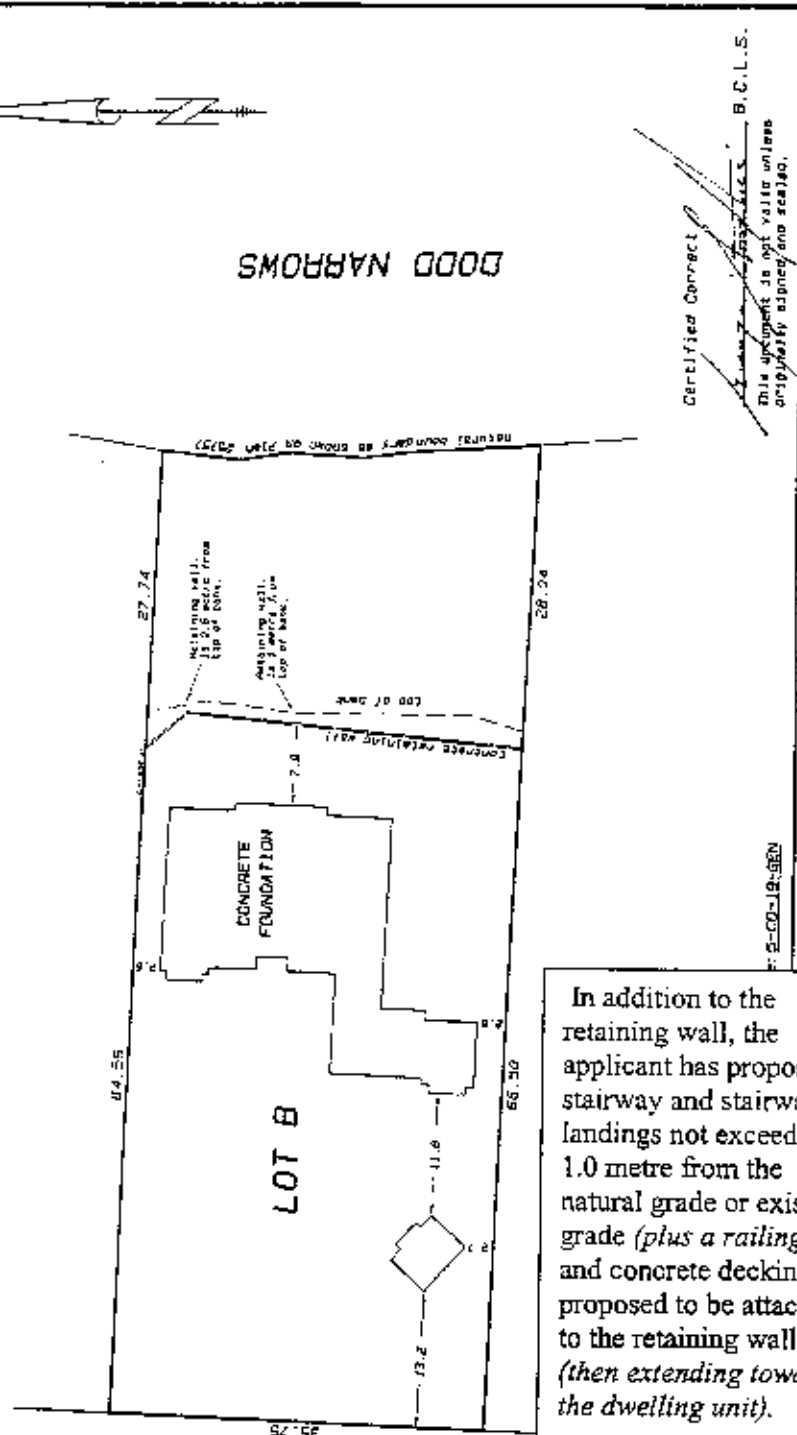
1. An uninterrupted guardrail be permanently affixed on top of the retaining wall along all sections that exceed 0.6 metres in height and that such a guardrail only be interrupted where it is abutted by the stairway railing;
2. The maximum height of the retaining wall shall not exceed 2.30 metres from base to top of the structure, nor shall the retaining wall exceed 1.0 metre from the natural grade nor shall the retaining wall exceed 2.30 metres from the existing grade;
3. The maximum height of the retaining wall guardrail shall not to exceed 1.25 metres from base to top;
4. The stairway, railings, and landings shall not exceed 1.5 metres in width;
5. Landing and stairway railing shall not exceed 1.25 metres in height from base to top;
6. The maximum height of the stairway and landings, excluding railings, shall not exceed 1.0 metre from the natural grade or existing grade, except where the stairway or landing is within 1.5 metres of the retaining wall; then the maximum height of the stairway or landing, excluding railings, shall not exceed the height of the retaining wall;
7. The stairway, railings and landings be sited and constructed to avoid the removal of trees and vegetation disturbance shall be minimized. Any disturbed vegetation should be restored;
8. The retaining wall, stairway and stairway landings are certified by a Professional Engineer to be safe for siting and use if deemed necessary by the Chief Building Inspector of the Regional District of Nanaimo.

Schedule No. 2
Site Plan

**B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION
OF FOUNDATION ON LOT B, PLAN 25757,
SECTION 19, RANGE 5, CEDAR DISTRICT.**

SCALE = 1:500

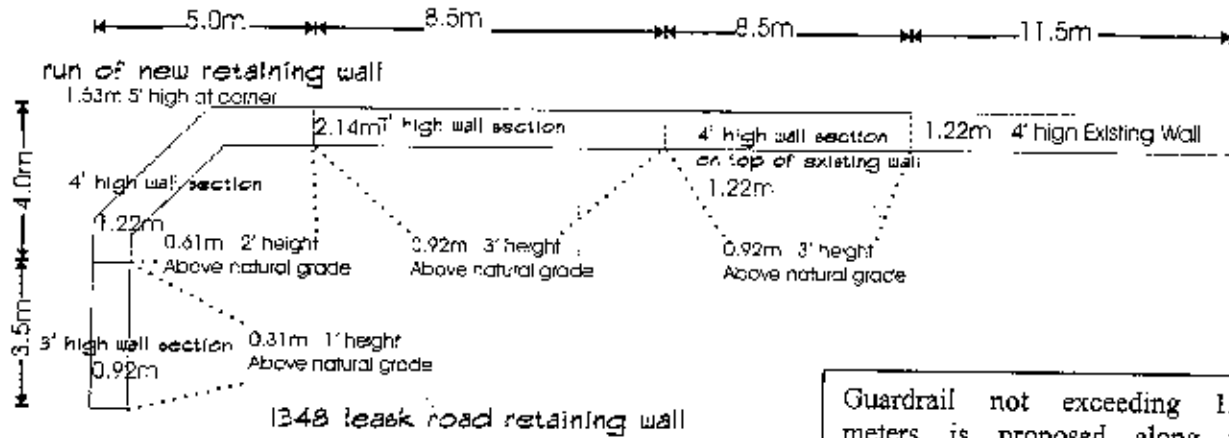
All distances are in metres.



In addition to the retaining wall, the applicant has proposed a stairway and stairway landings not exceeding 1.0 metre from the natural grade or existing grade (plus a railing); and concrete decking is proposed to be attached to the retaining wall (then extending toward the dwelling unit).

Certified Correct
This document is not valid unless originally signed and sealed.
B.C.L.S.

Schedule No. 3 Retaining Wall Plan

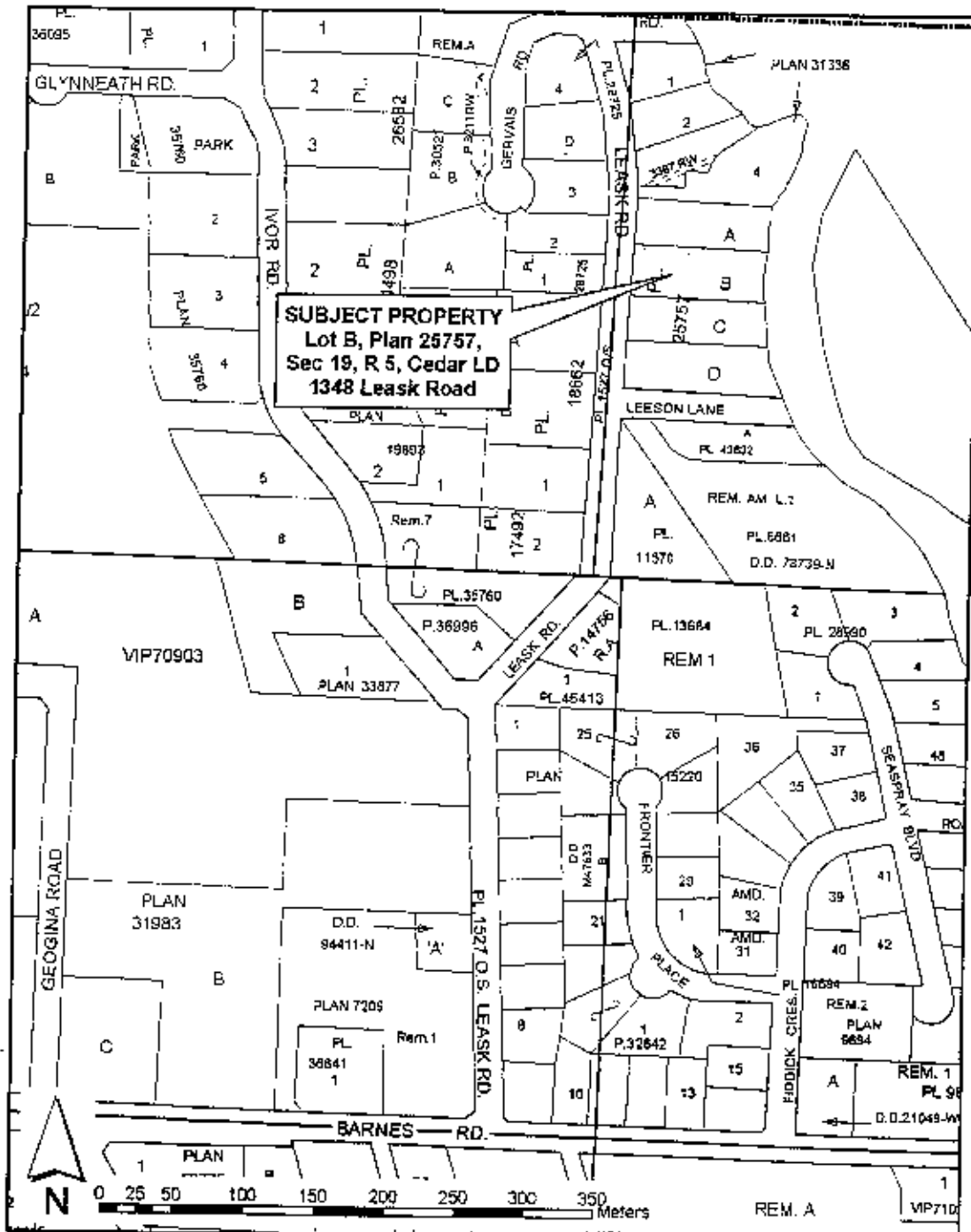


Length measurements, height and height above grade measurements are approximate.

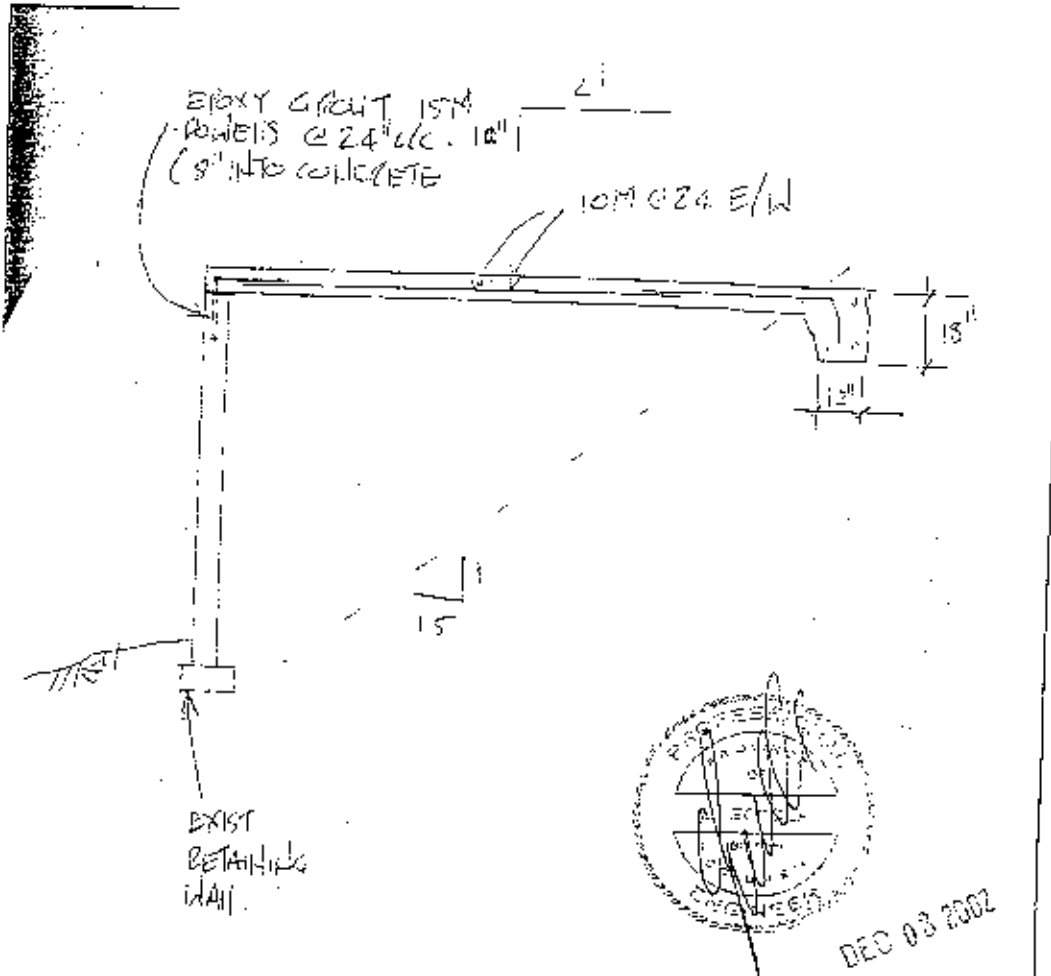
Length measurements are + or - 0.5m

Height above grade and structure height are + or - 0.3 metres

Attachment No. 1
Location of Subject Property



Attachment No. 2
Engineer's Plan



RETAINING WALL BEAR DETAIL
FOR ALL RETAINING WALLS EXCEEDING
4'-0" HEIGHT

ALL WORK TO BE TO BCBC 1998, LAM FOR INSPECTION PRIOR TO CONCRETE



Fafala
Engineering Inc.

4105 APPLE GATE
NANAIMO, B.C. V9T 4E5
PHONE (250) 751-0433
FAX (250) 751-0451

DRAWN: [blank]
DESIGN: LS
DATE: Dec 03 2002

PROJECT: 1208 LEASE,
CEDAR.



REGIONAL DISTRICT OF NANAIMO	
JAN 20 2003	
CHAIR	GMCrS
CAD	GMDS
GMCmS	GMES
EAP ✓	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: January 17, 2003

FROM: Susan Cormie
Senior Planner

FILE: 3090 30 0302

SUBJECT: Development Variance Permit Application 0302 - Kardynal
Electoral Area 'E' - 1881 Sea Lion Crescent

PURPOSE

To consider a development variance permit application to relax the minimum interior side lot line setback requirement to accommodate the siting of an existing accessory building.

BACKGROUND

This is an application to legalize the siting of accessory building (a garage), which was constructed on the property legally described as Lot 10, District Lot 78, Nanoose Districts, Plan 28202 and located at 1881 Sea Lion Crescent in Electoral Area 'E'. The property contains a dwelling unit and a separate accessory building (garage). Surrounding uses include residential lots to the north, east, and west, and the Fairwinds properties to the south (see Attachment No. 1 for location). The subject property is serviced with community water and a private septic disposal system.

The subject property is currently zoned Residential 1 (RS1) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicant recently purchased the property and was informed that the accessory garage building was built under Bylaw No. 53, a land use bylaw in place prior to the adoption of Bylaw No. 500, 1984 and subsequently Bylaw No. 500, 1987. At that time, the minimum setback requirement was 5 feet (1.52 m) from an interior side property line. The accessory garage building was built at 4 feet (1.22 m) from the lot line. It would appear that this siting issue was not addressed at the time of issuance of the building permit for the accessory building, nor was a variance issued, nor was the owner required to have the building moved or adjusted to meet setback requirements. Pursuant to Bylaw No. 500, 1987, the minimum setback requirement is 2.0 metres. The applicant (new owner) would like to legalize the siting of the accessory garage building (see Schedule No. 1 for location of accessory garage building). As the minimum setback requirement under the Residential 1 zone from an interior side lot line is 2.0 metres, a variance to reduce the setback requirement to 1.2 metres is required.

ALTERNATIVES

1. To approve the development variance permit application as submitted, subject to notification procedure.
2. To deny the development variance permit application.

DEVELOPMENT IMPLICATIONS

The applicant recently took possession of the subject property and was under the impression that all the existing buildings were legally sited in that building permits had been issued for the house and accessory garage. Upon being aware that the accessory garage was not legally sited, the applicant asked that this oversight be corrected. As the applicant does not wish to move the garage or reduce the size of it, a variance to legalize the siting is necessary in order to legalize the location.

PUBLIC CONSULTATION IMPLICATIONS

As part of the required public notification process, adjacent and nearby residents and property owners will have an opportunity to comment on the proposal prior to the Board's consideration of the permit.

VOTING

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

SUMMARY

This is an application for a development variance permit to relax the minimum interior side lot line setback requirement to legalize the siting of an accessory garage building. Although a building permit was issued for the accessory building, the building is sited within the setback area. As the request is for a variance to an existing accessory garage that has been in the same location since 1981 and is considered minor having little impact on the surrounding residential neighbourhood, staff supports Alternative No. 1, to approve the development variance permit, subject to Schedules No. 1 and to the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

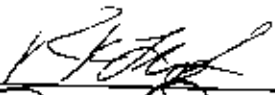
That Development Variance Permit Application No. 0302, to relax the minimum interior side lot line setback requirement from 2.0 metres to 1.2 metres to legalize an existing accessory garage building, for the property legally described as Lot 10, District Lot 78, Nanoose District, Plan 28202, be approved subject to Schedule No. 1 and the notification requirements pursuant to the *Local Government Act*.



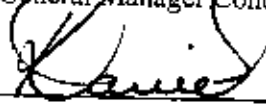
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:

devsrvs/report/2003/dvp Ja 3090 30 0302 kardynal.doc

Schedule No. 1
Site Plan

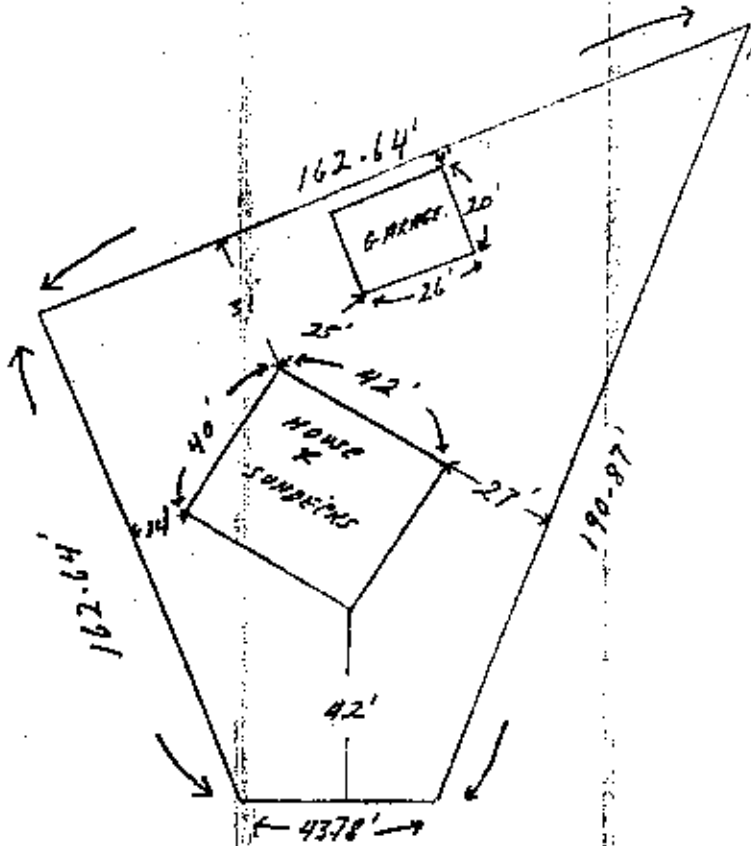
LEGAL DESCRIPTION

LOT #10

P.L. #78 NARMOSE DIST.

PLAN 28202

SCALE: 1" REP. 30 FT



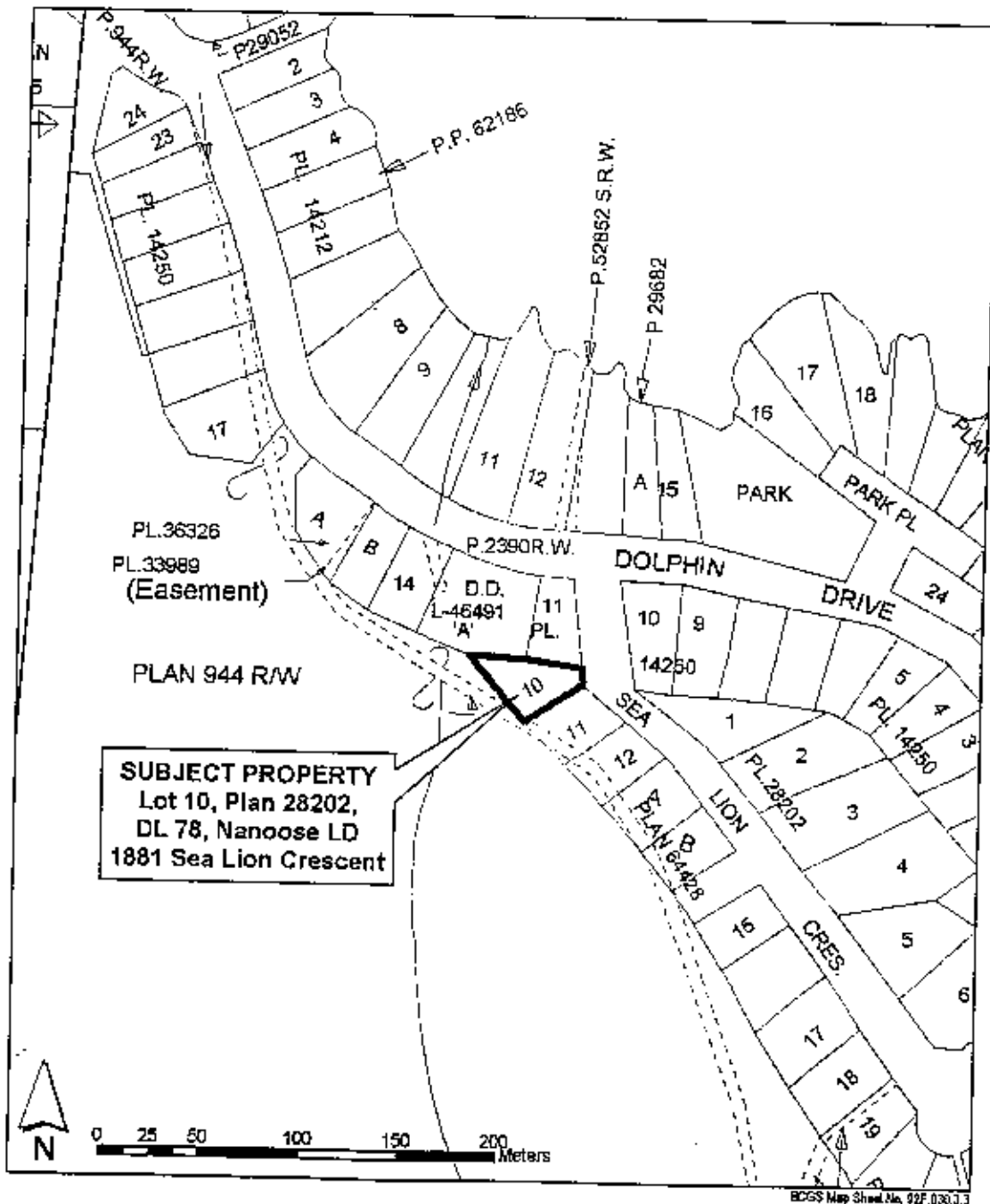
SER LION CR.

NORTH

MR & MRS. W. BARTHOLD

6820 SO. ST. ROBERT, BEL.

Attachment No. 1
Location of Subject Property





REGIONAL DISTRICT OF NANAIMO		
JAN 20 2003		
CHAIR		GMCrs
CAP		GMDS
		GMES
		EAP ✓

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

DATE: January 17, 2003

FROM: Susan Cormie
Senior Planner

FILE: 3320 30 24568

SUBJECT: Request for Relaxation of The Minimum Perimeter Frontage Requirement
Applicant: Fern Road Consulting Ltd., on behalf of Simone Bibby
Electoral Area 'F' - 1843 / 1845 Swayne Road

PURPOSE

To consider a request to relax the minimum perimeter frontage requirement pursuant to section 944 of the Local Government Act for a proposed 2-lot subdivision development.

BACKGROUND

The applicant's agent, Ms. Helen Sims of Fern Road Consulting Ltd., has requested that the current Board moratorium on 10% frontage relaxation requests for properties in Electoral Area 'F' be rescinded in order to permit the Board to consider a request for relaxation of the minimum 10% perimeter frontage requirement as part of the proposed subdivision of property legally described as The East 5 Chains of Block 30, District Lot 140, Nanoose District, Plan 1918 and located at 1843 / 1845 Swayne Road in Electoral Area 'F' (see Attachment No. 1 for location of subject property).

In May 1996, the Regional Board of Directors placed a moratorium on relaxing the minimum 10% perimeter frontage as part of a subdivision approval process for applications in Electoral Area 'F'. At that time, the Board was considering a number of applications that involved relaxation of the minimum 10% perimeter frontage requirement for new parcels. The Board indicated that further review was needed in the evaluation of these types of requests. Since that time, applications for subdivision in Electoral Area 'F' have been required to meet the minimum 10% perimeter requirement or the application would not proceed.

The applicant is proposing to subdivide the parent parcel into 2 lots, of which one is proposed to be a section 946 parcel. Although both proposed parcels meet the minimum lot size requirements pursuant to Bylaw No. 1285, 2002, the subdivision application is considered to have 'in-stream' status in that the requirements of "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" do not come into effect for the subdivision application until June 25, 2003 (see Attachment No. 2 for proposed subdivision).

However, if the application were considered under the requirements of Bylaw No. 1285, 2002, a variance to the minimum frontage requirement would still be required as the proposed section 946 (Lot B) lot does not meet the minimum frontage requirement of 100 metres.

The parcels are proposed to be serviced by individual private septic disposal and water well systems.

The subject lot is situated within the Agricultural Land Reserve and approval from the Land Commission for this subdivision has been granted.

Lot A is proposed to have a frontage of 131.9 metres or 9.7% of the perimeter. Therefore, as this proposed lot does 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 rescind Board policy that currently places a moratorium on frontage relaxations in Electoral Area 'F' and approve the request for the relaxation of the minimum perimeter frontage requirement for proposed Lot A.
2. To amend Board policy that currently places a moratorium on frontage relaxations in Electoral Area 'F' to consider such requests only where the proposal is consistent with the minimum lot size requirements and the permitted land uses of the applicable zone in Bylaw No. 1285, 2002 and approve the request for the relaxation of the minimum perimeter frontage requirement for proposed Lot A.
3. To maintain the current Board policy on relaxing the minimum 10% perimeter frontage as part of a subdivision approval process for 'in-stream' status applications in Electoral Area 'F' and deny the request for the relaxation of the minimum lot frontage requirement.

DEVELOPMENT IMPLICATIONS

With the adoption of Bylaw No. 1285, parcel configuration, including minimum frontage provisions and minimum parcel sizes, for subdivision applications within Electoral Area 'F' are now administered by the RDN, with the exception those subdivision applications with 'in-stream' status (expires June 25, 2003 when the provisions of the bylaw come into effect). Therefore, the Board policy is no longer applicable except for those 'in-stream' status applications. Upon reviewing the current 'in-stream' status applications, there are 3 other applications that have not proceeded partially because the minimum 10% frontage requirement cannot be met. Rescinding the moratorium will allow these other applications to apply to relax the minimum 10% frontage requirement. However, in order to maintain the integrity of the Bylaw No. 1285, it is recommended that any 'in-stream' status applications for frontage relaxations only be considered where the proposal is consistent with Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285 in terms of minimum lot size provisions and permitted land uses.

Ministry of Transportation Implications

Ministry of Transportation staff has indicated that they have no objection to the request for relaxation of the minimum lot frontage requirement.

ENVIRONMENTAL IMPLICATIONS

The Regional District of Nanaimo Environmentally Sensitive Areas Atlas indicates that there is an unknown fish habitat and its corresponding fisheries planning boundary and an area of riparian vegetation within the subject property. This information will be forwarded to the Provincial Approving Authority as part of the subdivision application process.

VOTING


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

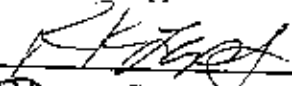
SUMMARY

This is a request to rescind the Board moratorium on relaxation of the 10% perimeter frontage requirement in order to consider a request to relax the minimum perimeter frontage requirement pursuant to section 944 of the *Local Government Act* for a proposed 2-lot subdivision development. The subject property is situated within the ALR lands and subdivision approval from the Land Reserve Commission has been granted. Ministry of Transportation staff has indicated that they have no objection to the request for the proposed minimum frontage relaxation. Rescinding the Board moratorium may result in other 'in-stream' status applications coming forward; however staff recommend that amending the Board policy to allow 'in-stream' status applications to be considered for relaxation of the minimum 10% frontage requirement only where the proposal is consistent with the minimum lot size and permitted land uses of the applicable zone in Bylaw No. 1285 for all proposed lots. Therefore, as the subdivision proposal has received approval from the Land Reserve Commission, the minimum lot sizes pursuant to Bylaw No. 1285, 2002 can be met, and the land uses are consistent to the A-1 (Agriculture 1) zone, staff support Alternative No. 2, to amend the Board policy and to approve relaxation of the 10% minimum perimeter frontage for proposed Lot A.

RECOMMENDATIONS

1. That the Board reconsider its resolution of May 1996 and allow requests for the minimum 10% perimeter frontage requirements for the subdivision of parcels in Electoral Area 'F' to be considered only where the proposal is consistent with the minimum lot size requirements and permitted land uses provisions of Bylaw No. 1285, 2002 for all proposed lots.
2. That the request, submitted by Fern Road Consulting Ltd., on behalf of Simone Bibby, to relax the minimum lot frontage requirement for proposed Lot A, as shown on the plan of subdivision of East 5 Chains of Block 30, District Lot 140, Nanoose District, Plan 1918, be approved.


Report Writer


General Manager Concurrence

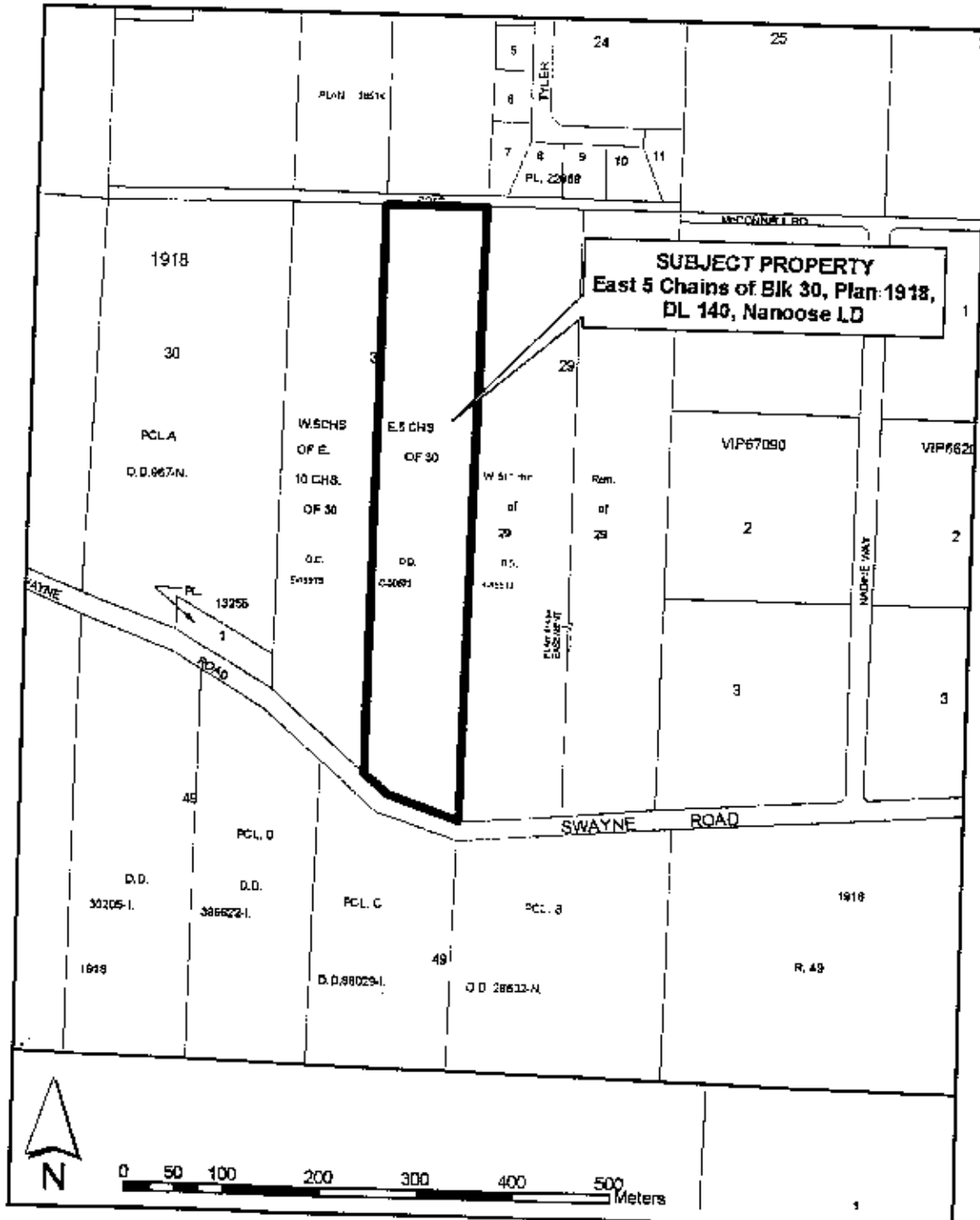

Manager Concurrence


CAO Concurrence

COMMENTS:

devsaireport/2003/frontage relaxation ja 3320 30 24568 bibby.dac

ATTACHMENT NO. 1
 SUBJECT PROPERTY LOCATION

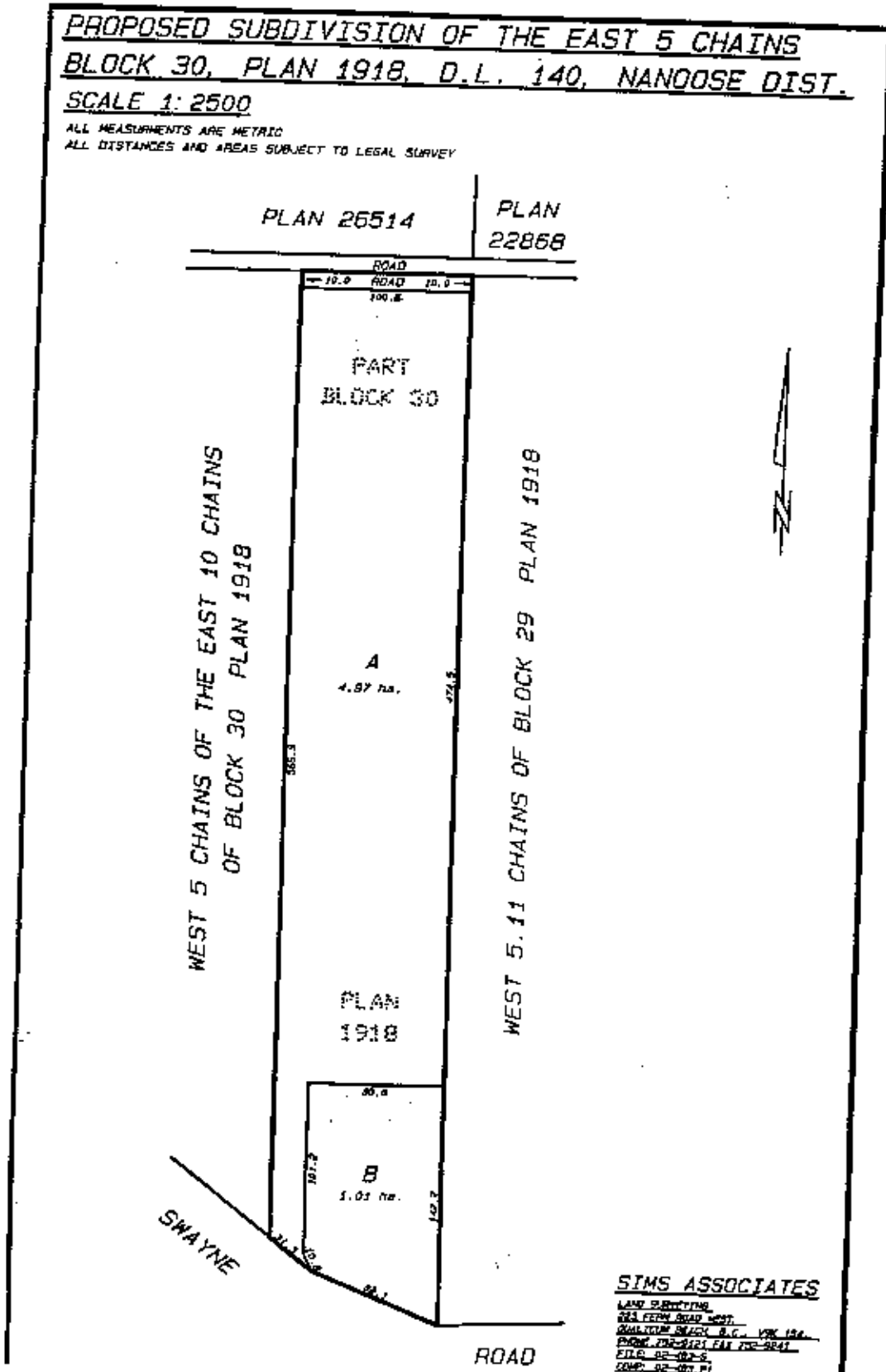


ATTACHMENT NO. 2
PROPOSED SUBDIVISION
(as submitted by applicant)

PROPOSED SUBDIVISION OF THE EAST 5 CHAINS
BLOCK 30, PLAN 1918, D.L. 140, NANOOSE DIST.

SCALE 1:2500

ALL MEASUREMENTS ARE METRIC
ALL DISTANCES AND AREAS SUBJECT TO LEGAL SURVEY



SIMS ASSOCIATES
LAND SURVEYING
255 FERRY ROAD WEST
DANFORTH BRANCH, B.C., V3K 1S4
PHONE 778-2121 FAX 778-2841
F.T.D. 92-02-5
COMP. 92-02-51



REGIONAL DISTRICT OF NANAIMO	
JAN 22 2003	
CHAIR	GMCrs
GAC	GMS
GMCMS	GMS
Celle ✓	

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

DATE: January 17, 2003

FROM: Susan Cornie
Senior Planner

FILE: 3320 20 23419

SUBJECT: Request for Acceptance of Park Land Cash in-lieu-of Park Land
Sims Associates, BCLS, on behalf of Beausoleil Enterprises Ltd.
Electoral Area 'F' - 2100 & 2130 Errington Road

PURPOSE

To consider a request to dedicate park land as part of a proposed 66 bare land strata lot subdivision development.

BACKGROUND

The applicant's agent, Sims Associates, BCLS, has requested that park land dedication be accepted for the 66 bare land strata lot subdivision proposal for the properties legally described Lots 5 & 6, Both of District Lot 98, Nanoose District, Plan 31789 and located at 2100 & 2130 Errington Road within Electoral Area 'F' (see Attachment No. 1 for location). In addition to the offer to dedicate 5% (0.51 ha) of the total area of the properties for park land, the applicant's agent has indicated the applicant will provide a statutory right-of-way to permit the general public to access the proposed park land, fencing the adjacent water well area from the park land, and providing a parking area for park visitors.

A manufactured home park is currently located within these properties. Surrounding uses include a commercial resort development, rural properties, the Englishman River Falls Provincial Park, and Errington Road.

The current zoning of the subject properties, pursuant to the "Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002", is MHP 1 (Manufactured Home Park 1) with a permitted maximum density of 1 ha per manufactured home space. However, pursuant to section 943 of the Local Government Act, this subdivision application is considered to have in-stream status for a period of 12 months from the date of adoption of Bylaw No. 1285. Therefore, the applicable requirements of the bylaw will come into effect for this application on June 25, 2003 (see Attachment No. 2 for proposed subdivision). Until that time, the requirements of the Local Services Act, administered by the Ministry of Transportation, are in effect.

It is also noted that if the subdivision is not created by June 25, 2003 and the requirements of Bylaw No. 1285 come into effect, a zoning amendment to Bylaw No. 1285 would be required.

Lot 5 is designated as Tourist Commercial Lands while Lot 6 is designated as Rural Residential Lands pursuant to the Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999 (OCP). The MHP-1 zone classification reflects the proposed development plans for the site.

The 66 bare land strata lots are proposed to be serviced by a private utility sewer disposal and private utility water systems pursuant to the *Bare Land Strata Regulations* and subject to the satisfaction of the Regional Approving Officer. Ministry of Transportation guidelines require the applicant to provide proof that these systems are built as conventional community utility systems. The applicant has provided confirmation that the water utility is buildable and that the Health Authority and/or the Ministry of Water, Land & Air Protection will accept the sewer utility. It is noted that the Regional District is on record as not supporting the creation of new private utilities. The Comptroller of Water Rights however, has a duty under the *Water Utility Act* and the *Utilities Commission Act* to consider each application on its own merit and where a water service cannot be provided by another water authority and where it is in the public interest to do so, the Comptroller is bound by legislation to consider such an application. It is also noted that Bylaw No. 1285, 2002 does not provide for the creation of community water and sewer systems.

Park Land Requirements

Pursuant to section 941 of the *Local Government Act*, where an OCP contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must:

- a. provide 5% of the gross site area as park land; or
- b. pay cash in-lieu-of providing park land; or
- c. provide a combination of both park land with the balance of 5% given in cash.

In this case, the Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999 specifies that park land dedication may be considered at the time of subdivision subject to meeting the policies set out in the Plan. The maximum amount of park land that the Regional District may request for this property is 5% or in this case, 0.507 ha of the total lot area.

ALTERNATIVES

1. To accept the offer by the applicant to dedicate park land in the location and amount as shown on the submitted plan of subdivision with proposed public access by a statutory right-of-way.
2. To deny the request for park land dedication and request cash-in-lieu of dedication of park land.

DEVELOPMENT IMPLICATIONS

Official Community Plan/RDN Parks Department/BC Parks Implications

BC Parks staff has reviewed the proposal and indicated that the access from the proposed park land into the adjacent Englishman River Falls Park is not desirable from their perspective. Staff cite park security reasons and the lack of a formal trail as the main reasons for not supporting this proposed access.

RDN Parks staff has reviewed the proposal and note that the park land, as proposed in this location, does not provide linkages to any formal trails system in the area. Despite the offer to provide a statutory right-of-way for the general public to access the property in order to access the park land, the north boundary of the park is bound by private property with no current or future public access. Furthermore, as a potential area for a community park, the proposal does not provide a large enough contiguous area to provide any community park facilities other than the trail access which primarily serves the adjacent property as the mobile home park already fronts on Englishman River Falls Park.

The Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999, contains park land related policies which stipulates that park land be considered for trails. As this park land, as proposed in this location, does not offer any linkage to existing or future trails in the area, staff are of the opinion that cash should be provided in-lieu-of park land.

PAGE
54

Environmentally Sensitive Areas Atlas

The Regional District of Nanaimo Environmentally Sensitive Areas Atlas indicates that there is Unknown Fish Habitat and its corresponding Fisheries Planning Boundaries that crosses the subject properties. The Provincial Approving Officer is aware of this tributary and has required that the applicant provide a storm drainage system that will not have a negative affect on any watercourse.

FINANCIAL IMPLICATIONS

The subject properties have a combined assessed value of \$256,000.00 according to the 2003 assessment roll (unauthenticated). The valuation of the property for 5% cash in-lieu-of park land charges would be based on a certified appraisal of the land at the time of preliminary subdivision approval (PLA). Therefore, it is anticipated that the appraised market value may result in \$12,800.00 or higher contribution to Electoral Area 'F' community parks fund.

VOTING

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

SUMMARY

This is a request to offer the dedication of park land pursuant to section 941 of the *Local Government Act* as part of a 66 bare land strata lot subdivision. The proposed subdivision has 'in-stream status' pursuant to section 943 of the *Local Government Act* and the provisions of Bylaw No. 1285, 2002 will not come into effect for this application until June 25, 2003. RDN Parks staff has reviewed the proposal and note that the park land, as proposed in this location does not link to any existing or potential formal trails system in the area and therefore, is not recommended to be accepted. BC Parks staff have also provided comments and have indicated that they do not support an access into the adjacent Englishman River Fall Provincial Park in the proposed location citing park security as the main reason. Therefore, for these reasons, staff recommends Alternative No. 1, that the request to offer park land be refused and the applicant be required to pay cash in-lieu-of dedicating park land.

RECOMMENDATION

That the request, submitted by Sims Associates, BCLS, on behalf of Beausoleil Enterprises Ltd., pursuant to section 941 of the *Local Government Act*, offering to dedicate park land in conjunction with the proposed subdivision of Lots 5 and 6, Both of District Lot 98, Nanoose District, Plan 31789 be refused and the applicant be required to provide cash in-lieu-of park land dedication.

Normie

Report Writer

[Signature]

General Manager Concurrence

[Signature]

Manager Concurrence

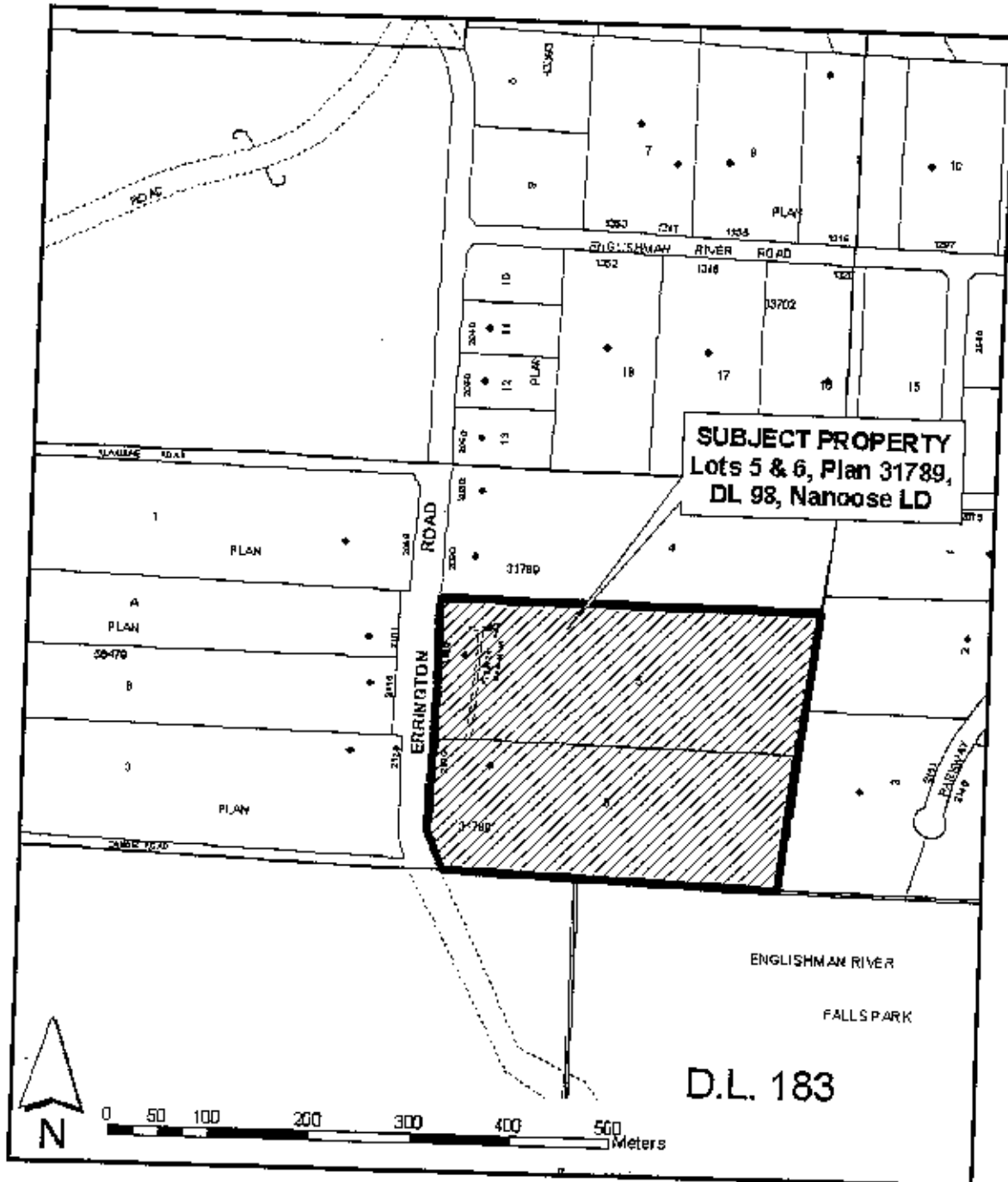
[Signature]

CAO Concurrence

COMMENTS:

Devstr/reports/2002/parkland/ja 3320 20 23419 beausoleil.doc

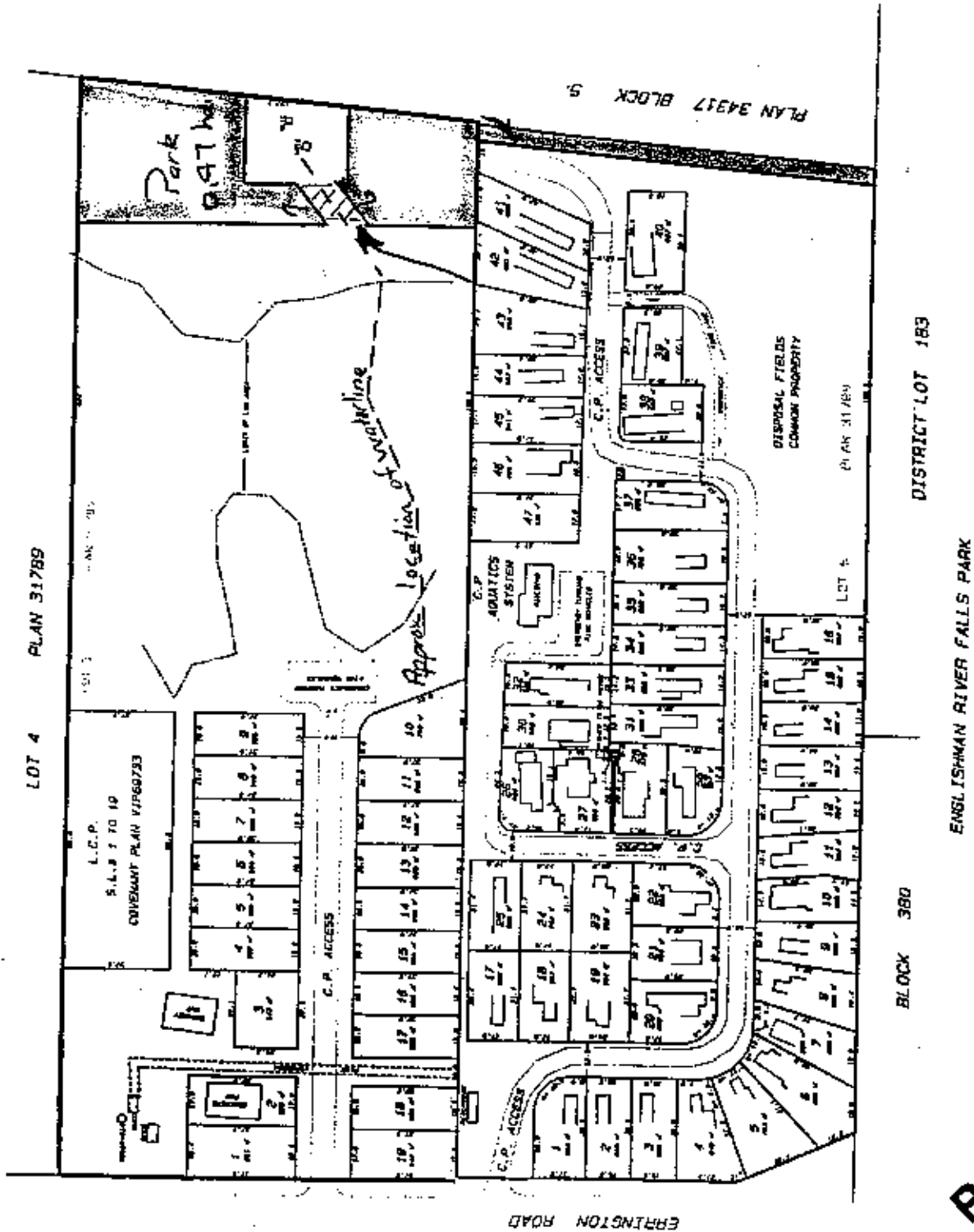
ATTACHMENT NO. 1
LOCATION OF SUBJECT PROPERTY



BCGS Map Sheet No. 32F0233.1

ATTACHMENT NO. 2

PROPOSED PLAN OF SUBDIVISION
(as submitted by applicant - reduced for convenience)





REGIONAL DISTRICT OF NANAIMO	
JAN 20 2003	
CHAIR	GMCS
CAO	GMDS
GMCS	GMES
CA Planning	

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

DATE: January 17, 2003

FROM: Keeva Kehler
Planner

FILE: 3360-30-AQUA

SUBJECT: Protection and Control of Foreshore Development through Zoning Bylaws
All Electoral Areas except Electoral Area 'B'

PURPOSE

To provide a report to the Board on amending regulations for aquaculture development in the RDN.

BACKGROUND

At its Regular Board meeting held on November 5, 2002, the Regional Board directed staff to prepare a report addressing the implications of removing aquaculture as a permitted use from the Water 1 (WA1) zone. The Board expressed concern that proposed changes to provincial legislation on aquaculture will remove the ability of local governments to regulate aquaculture development along the marine foreshore. This report follows a previous staff report outlining the implications of the amendments to the ALR Regulations and the potential inclusion of the foreshore into a resource reserve, thereby removing the ability of the RDN to control or prohibit aquaculture uses along the marine foreshore and on ALR lands.

A formal request has been sent to the Deputy Ministers of Agriculture, Food and Fisheries (MAFF), Sustainable Resource Management (MSRM) and Water, Land and Air Protection (WLAP) requesting consultation with the RDN prior to amending any provincial legislation regarding aquaculture facilities. A request was also made that any applications for aquaculture leases and tenures be referred to the RDN for comment prior to approval being granted. A response from the MAFF is attached (*see Attachment No. 1*).

Community stakeholder groups and landowners have expressed the view that unchecked expansion of aquaculture facilities along the coast could have significant impacts on tourism and recreational opportunities, waterfront development potential and residential quality of life for coastal residents. Removal of aquaculture as an outright use would allow the RDN to examine each proposal individually and consult with the community before granting permission for a new or expanded aquaculture facility. It could also give the RDN the ability to encourage aquaculture activities in areas with suitable habitat/growth conditions.

ALTERNATIVES

1. Receive the staff report for information.
2. Direct staff to develop a public consultation plan for involving the public in recommending potential changes to the zoning bylaw and official community plans to address aquaculture issues.

ZONING IMPLICATIONS

The majority of the coastal areas in the RDN are zoned Water 1 (WA1) which permits 'aquaculture' as a use. There are a small number of areas zoned Water 2 and Water 3 (WA2 & WA3), which allow marinas, shipping yards, boat ramps or recreation uses but do not permit aquaculture. Home Lake is zoned Water 4 (WA4) and allows docks only as a permitted use.

Aquaculture is also a permitted use in all Rural zones (1 to 9) and Resource Management zones 1 to 5 and 7 to 9 in the electoral areas regulated by "Regional District of Nanaimo Subdivision and Land Use Regulation Bylaw No. 500, 1987". "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" is structured to allow all uses determined to be 'farm use' by the Land Reserve Commission in the A-1 zone. Land-based aquaculture is considered an outright use on properties in the ALR.

If aquaculture were removed as a permitted use from these zones, all new facilities would require a zoning amendment before they could establish finfish or shellfish farms along the marine foreshore or on-land aquaculture facilities (unless the use was deemed a 'farm use' and thus permitted on lands situated within the ALR). The local community and affected upland owners would be notified of the application subject to the requirements of the *Local Government Act* for rezoning to establish the aquaculture facility. Provincial agencies also require notification as part of the tenure and licensing process.

If a zoning amendment is initiated to remove aquaculture from the zones, existing operations would either be afforded legal non-conforming status at their current levels of operation, or a special aquaculture zone could be created for existing facilities reflecting the intensity of development. For example, the Regional District of Comox-Strathcona has established four distinct Aquaculture zones to regulate the types of use in each area along the foreshore. Their Aquaculture 1 (AQ1) zoning permits passive aquaculture with no structures on site compared to Aquaculture 3 (AQ3), which allows active aquaculture and sorting, grading, storage facilities with structures to a maximum height of 8 metres. The zoning could be based on the actual capability of the sites for aquaculture so that high capability sites would be zoned accordingly.

There is currently a lack of scientific and mapping information related to the physical capability of the coastline for aquaculture operations. In the absence of the data indicating where waters with potential exist, the RDN would benefit from assessing the suitability of each site on an individual basis. When the data becomes available the RDN can utilize the information during the zoning amendment process.

It is noted that the RDN has the ability to regulate the use of ALR land for aquaculture facilities, provided the regulation is not considered prohibitive. The minimum site area requirement for aquaculture facilities could be increased to direct such uses away from the more populated rural areas. The RDN also has the ability to amend the zoning to not permit aquaculture on parcels outside the ALR. It is recommended that amending the bylaw for all non-ALR properties with rural or resource management zoning be investigated to prohibit activities such as intensive farming or aquaculture.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

Agriculture is strongly supported in all RDN OCPs. However, on the issue of aquaculture, the OCP for Lantzville specifically does not support aquaculture along the foreshore in the plan area. The OCP for Electoral Area 'A' also supports a bylaw amendment to prohibit the siting of aquaculture farms along the coastline.

However, all references to agriculture refer to the activity occurring on land and not in the water. In light of the Province's stand that 'aquaculture is agriculture,' it is advisable that the definition of agriculture in the OCP policies be revised to differentiate between land based, traditional forms of farming and marine aquaculture. Public consultation and notification must precede the amendment of an OCP Bylaw.

PUBLIC CONSULTATION IMPLICATIONS

A delegation was recently made to the Board by a resident of the Shaw Hill – Deep Bay Official Community Plan area expressing concern with the impact of unrestrained aquaculture development on residential property values along the shoreline. Staff has heard concerns from other residents that tourism and recreation opportunities will be adversely affected by the presence of aquaculture operations along the foreshore. Noise pollution, beach damage and alteration, restriction of public access to the foreshore and odour problems are also issues of concern for residents in coastal areas.

In the future, official community plans or the zoning bylaw could be amended to regulate aquaculture. Potentially, localized siting criteria could be established that could be used when considering OCP/zoning amendments for aquaculture facilities.

It is anticipated that there will be a great deal of public interest in this issue. It is recommended that a public consultation process be developed to ensure region-wide discussion of potential changes to the RDN's OCPs and zoning bylaws. Issues such as amending bylaws for all non-ALR properties with rural or resource management zoning could be considered, as well as the issue of prohibiting activities such as intensive farming or aquaculture.

The public consultation process will be vital in the identification of significant tourism, recreation and residential areas that should be avoided, and in the identification of prime aquaculture sites. In the absence of suitable capability mapping data, local public knowledge may help to locate important features along the coastline that may create suitable aquaculture habitat or that may need strong environmental protection measures.

ENVIRONMENTAL IMPLICATIONS

Aquaculture is afforded protection under the *Farm Protection Practices (Right to Farm) Act* provided the operation is conducted under normal farm practices as determined by the Farm Practices Protection Board. Finfish aquaculture facilities must also operate in accordance with the *Finfish Aquaculture Waste Control Regulation*. Operators must establish a Best Management Practices Plan (BMP) to address the management of potentially harmful materials including disinfectants, anaesthetics, pesticides and other agents that may cause environmental impacts. The plan must contain strategies for preventing spillage of feed into the natural environment, mortalities management, odour control during storage and transportation and a contingency plan in the event of a finfish kill.

The RDN has little control over the levels of effluent that are permissible from aquaculture facilities. Provincial regulations govern the production and release of waste into the marine environment. Removing aquaculture uses from the Rural, Resource and Water 1 (WA1) zones will allow the RDN to protect environmentally sensitive features along the coastline through the zoning bylaw process.

INTERGOVERNMENTAL IMPLICATIONS

Each OCP contains policies to suggest that the RDN should not amend its bylaws without first consulting with the Ministries responsible. In this case, the Ministry of Agriculture, Food and Fisheries (MAFF) and the Ministry of Sustainable Resource Management (MSRM) should be invited to discuss potential implications.

The Ministry of Agriculture, Food and Fisheries (MAFF) defines aquaculture as an agricultural activity and opposes the prohibition of aquaculture in British Columbia's coastal areas. The *Farm Practices Protection (Right to Farm) Act* defines aquaculture as a farming operation. The Province argues

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that aquaculture can be environmentally sound and economically productive if managed properly and conducted in accordance with the *Farm Protection Practices (Right to Farm) Act*. If an aquaculture operator follows normal farm practices, the operation "is not liable in nuisance to any person for any odour, noise, dust or other disturbance resulting from the farm operation" and the operator cannot be prevented from conducting the farm operation. For aquaculture facilities, the farm operation must be "conducted on, in or over land as permitted by a valid and subsisting license, issued to that person under the *Fisheries Act*."

MAFF representatives have indicated that they would oppose any removal of aquaculture uses from the foreshore zones. Further, the Nanaimo representative indicated that there are few opportunities to develop finfish aquaculture sites along the coast of the RDN due to water temperature constraints and stormy conditions. The shellfish industry is well suited to certain areas along the RDN's coastline however, and it is more likely that tenures will be sought for oyster, clam and scallop culture in this area.

The **BC Assessment Authority** indicated that for taxation purposes, aquaculture facilities are considered farm uses and they can obtain farm class like any other agricultural use.

Land and Water BC (LWBC) fully supports the development of the aquaculture industry along the marine foreshore and is committed to processing new tenure applications for shellfish and finfish facilities in a timely and efficient manner.

The **Land and Resource Management Plan (LRMP)** for Vancouver Island recommended that areas identified as having aquaculture capability be designated as 'Agriculture' in the LRMP area. The Commission on Resources and Environment (CORE) identified 34,000 ha of foreshore and ocean areas that are suitable for aquaculture on Vancouver Island. Nanoose Bay and Baynes Sound are identified as areas important to the aquaculture industry. However, no specific directions are provided to guide aquaculture development in the region.

The LRMP mentions that newly created environmental protection areas may preclude some sites with high aquaculture capability from aquaculture expansion or new development. The LRMP notes that the coastal zone adjacent to the RDN is heavily urbanized and subject to sewage and industrial pollution. The Fraser River Plume affects parts of the marine environment, which may have implications for finfish development. Some of the major constraints to aquaculture in the region identified in the LRMP include extensive sanitary closures for shellfish, restrictive regional zoning and proximity to human settlements. The LRMP states that there may be some diversion from Vancouver Island to locations elsewhere in BC that have fewer resource conflicts, although this is tempered by the lack of essential infrastructure in more remote regions.

Given that this is an issue that affects all coastal local governments, *Attachment No. 2* provides a resolution to be forwarded to Association of Vancouver Island and Coastal Communities. The resolution is in response to the letter received from the Ministry of Agriculture, Food and Fisheries, which implies that consultation on this topic will take place only through discussions with UBCM and further offers no commitment on consultation of any kind with the Regional District of Nanaimo. Given the importance of this issue to all coastal regional districts and municipalities, the resolution requests a commitment to a more direct consultation approach which will involve any interested local governments.

VOTING

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

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SUMMARY/CONCLUSIONS

Following direction from the Board, staff has prepared a report on the removal of aquaculture as a permitted use from the Water 1 (WAI) zone. The report also addresses other zones where aquaculture is a permitted use, specifically all Rural zones and Resource Management zones 1 to 5 and 7 to 9.

The zoning amendment would afford the RDN and community stakeholders the opportunity to regulate the development of aquaculture facilities along the marine foreshore through the zoning bylaw process.

Provincial agencies, specifically the Ministry of Agriculture, Food and Fisheries and the Ministry of Sustainable Resource Management, may be opposed to any amendment to the Water 1 zone that would limit development of aquaculture operations.

Given that this is an issue important to all coastal local governments, it is recommended that a resolution be forwarded to the Association of Vancouver Island and Coastal Communities.

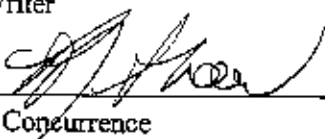
Further, it is recommended that a public consultation process be developed to ensure region-wide discussion of potential changes to the RDN's OCPs and zoning bylaws. The process could consider amending bylaws for all non-ALR properties with rural or resource management zoning and prohibiting activities such as intensive farming or aquaculture. The public consultation process will be vital in the identification of significant tourism, recreation and residential areas that should be avoided, and in the identification of prime aquaculture sites. Local knowledge will be vital in identifying important coastal areas that provide high aquaculture capability or conversely, areas that should be protected from any offshore activity.

RECOMMENDATIONS

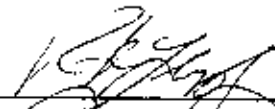
1. That the staff report be received for information.
2. That a resolution be prepared for the Association of Vancouver Island and Coastal Communities regarding the issue of local government regulations on aquaculture as outlined in Attachment No. 2.
3. That staff be directed to report back with a public consultation process to address the issue of aquaculture in the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002", and all Official Community Plans.



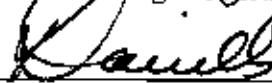
Report Writer



Manager Concurrence



General Manager Concurrence



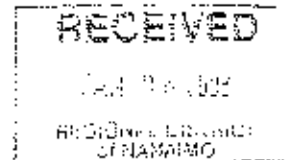
CAO Concurrence

COMMENTS:

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Attachment No. 1 (1 of 2)



JAN - 2 2003

File: 0280-30
Ref: 63919

Robert Lapham
General Manager
Development Services
Regional District of Nanaimo
6300 Hammond Bay Rd
Nanaimo BC V9T 6N2

Dear Mr. Lapham:

Thank you for your letter of November 18, 2002 asking for assurances that the Ministry of Agriculture, Food and Fisheries and other provincial agencies, will consult with the Regional District of Nanaimo on changes to legislation concerning aquaculture.

The Provincial Government is committed to creating jobs and revitalizing the economy in all areas of British Columbia. The aquaculture industry holds tremendous economic potential for British Columbia's coastal communities and First Nations. To that end, the Province is taking steps which will enable the aquaculture industry to expand and develop in a sustainable and responsible manner.

The Honourable John van Dongen, Minister of Agriculture, Food and Fisheries, is currently evaluating policy and legislation options to ensure that the industry can grow in appropriate locations. The Minister is working with the executive of the Union of British Columbia Municipalities and the Honourable George Abbott, Minister of Community, Aboriginal and Women's Services, in finalizing an approach. I should add that any future implementation, should any proposal currently under discussion proceed, will involve discussions with the Union of British Columbia Municipalities. The proposals under consideration would result in the direct involvement of local governments in decision-making.

.../2

Ministry of Agriculture,
Food and Fisheries

Office of the Deputy Minister

Mailing Address:
PO Box 9120 Stn Prov Govt
Victoria BC V8W 9B4
Phone: (250) 356-1800
Fax: (250) 355-5392

Location:
5* Fl. 308 Douglas St

Web Address:
<http://www.gov.bc.ca/ag0>

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Attachment No. 1 (2 of 2)

- 2 -

Our policy of consulting with affected interests on matters relating to the development of the aquaculture industry, including applications for tenures of Crown land, will continue to apply.

Sincerely,


Gordon Macatee
Deputy Minister

cc: Honourable John van Dongen
Minister of Agriculture, Food and Fisheries

Bob de Faye, Deputy Minister
Ministry of Community, Aboriginal and Women's Services

Jon O'Riordan, Deputy Minister
Ministry of Sustainable Resource Management

Derek Thompson, Deputy Minister
Ministry of Water, Land and Air Protection

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ATTACHMENT No. 2

RESOLUTION on AQUACULTURE

AQUACULTURE REGIONAL DISTRICT OF NANAIMO

WHEREAS the proposed changes for aquaculture in provincial government legislation will have an impact on all coastal regional districts and municipalities

AND WHEREAS the Ministry of Agriculture, Food and Fisheries has indicated that consultation on this topic will take place only through discussions with UBCM

THEREFORE BE IT RESOLVED that the province also commit to direct consultation with Vancouver Island and coastal communities on this issue

AND FURTHER BE IT RESOLVED that the provincial governments mandate of job creation and revitalizing the economy consider all sectors of the economy that rely on coastal resources as well as implications for protection of the natural environment and the need to avoid conflicts with neighbouring uses such as residential settlement on the waterfront and other land uses that are currently recognized by local government Official Community Plans.



REGIONAL DISTRICT OF NANAIMO	
JAN 20 2003	
CHAIR	MEMORANDUM
CAO	GMDS
CUCOS	GMES

TO: Pamela Shaw
Manager, Community Planning

DATE: January 17, 2002

FROM: Geoff Garbutt
Senior Planner

FILE: 6480 00 EAH

SUBJECT: Electoral Area 'H' Planning Project – OCP Public Process Design Document
(Terms of Reference and Public Consultation Strategy)

PURPOSE

To consider the terms of reference and public consultation strategy for the new Electoral Area 'H' Official Community Plan (OCP) and further, to initiate the Electoral Area 'H' Planning Project.

BACKGROUND

The provisional budget approved by the Board in December 2002 included plans to initiate the review the Shaw Hill Deep Bay Official Community Plan in 2003. The Shaw Hill-Deep Bay OCP was adopted in 1996 (Bylaw No. 1007) and is consistent with the eight growth management principles contained in the Regional Growth Strategy.

In the past, a mix of resource, seasonal recreation/tourist commercial, and seasonal residential uses, has characterized land use patterns in Electoral Area 'H'. However, this pattern of development is changing, with seasonal tourist recreational uses being redeveloped as full-scale resorts and seasonal residential properties becoming full time residences. Due to the time period since the drafting of this OCP, increased development pressures, changes to provincial legislation for resource lands, environmental concerns, and the recent completion of the Electoral Area 'H' Sewer Study, there is merit in proceeding with a review of the Shaw Hill-Deep Bay Official Community Plan. Background information collection and the public consultation process is planned to proceed in January of 2003.

Currently, all of Electoral Area 'H' and a small portion of Electoral Area 'G' (Dashwood and Surfside areas) are located within the Shaw Hill-Deep Bay OCP area. When this OCP was originally drafted, the Plan Area boundary was designated to encompass those Area 'G' lands which were similar in land use characteristics and perceived to be more functionally attached to Electoral Area 'H'. Over the past few years however, there has been considerable growth and activity taking place in the more northerly portions of the Plan Area. Given that the communities that make up the Shaw Hill portion of the plan area (Dashwood and Surfside) are stable from a development perspective, not subject to the same potential growth rates, and receive the majority of their services from the Qualicum Beach/French Creek area, it is proposed that a new OCP be created that applies only to Electoral Area 'H'. The portion of Electoral Area 'G' that makes up the remainder of the Shaw Hill-Deep Bay plan area will remain subject to the existing Shaw Hill-Deep Bay OCP and in the future, a new OCP or Local Area Plan may be created to address the future development of these communities.

The historical communities that make up Electoral Area 'H' are absorbing an increasing portion of the residential growth in the region. According to Statistics Canada Census Data, the population of the

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electoral area has grown from 2,951 in 1996 to 3,108 persons in 2001, which translates into overall growth of approximately 5.3% for this area. Although, this does not represent exponential growth rates as have been experienced in previous census years, increasingly there is development pressure building in the area that must be addressed relative to the needs and vision of the residents of Electoral Area 'H'.

To implement a new Official Community Plan for Electoral Area 'H', staff, in consultation with the Area Director, has prepared a Public Process Design Document, which includes the Terms of Reference for the project and the Public Consultation Strategy (see Attachment I).

ALTERNATIVES

1. To receive the staff report and approve the Public Process Design Document (Terms of Reference and Public Consultation Strategy) for the Electoral Area 'H' Official Community Plan and initiate the Electoral Area 'H' Planning Project.
2. To amend the Public Process Design Document, then direct staff to proceed with the Electoral Area 'H' Planning Project.
3. To not proceed with the Electoral Area 'H' Official Community Plan at this time.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

An OCP is the guiding land use document for a community, drafted by the community as a whole, based on detailed public consultation. The OCP will be developed to reflect the needs and vision of the communities that make up Electoral Area 'H' and meet all the provincial legislative requirements. The *Local Government Act* requires that an OCP include policy statements and land use map designations that address a number of issues including:

- location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 5 years;
- location, amount and type of present and proposed commercial, industrial, institutional, agricultural, recreational and public utility land uses;
- location and area of sand and gravel deposits that are suitable for future sand and gravel extraction;
- restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development;
- phasing of any major road, sewer and water systems;
- location of present and proposed public facilities, including schools, parks and waste treatment and disposal sites;
- policies with respect to affordable housing, rental housing and special needs housing.

In addition to the required content outlined above, an OCP may include the following:

- policies relating to social needs, social well-being and social development;
- policies respecting the maintenance and enhancement of farming on land in a farming area or in an area designated for agricultural use in the community plan; and
- policies relating to the preservation, protection, restoration and enhancement of the natural environment, its ecosystems and biological diversity.

From a policy and regulatory perspective, it is anticipated that the new Electoral Area 'H' OCP will consider updated information on Environmental and Hazard Lands Development Permit Areas, will more fully develop policies for in the Village nodes relating to infill and redevelopment, and provide further consideration to future sewer and water servicing in the Plan Area. In addition, as was evident in the recent review of the Electoral Area 'A' Official Community Plan, it may be that issues around the future growth in Electoral Area 'H' (such as the location of the village centre boundaries) could ultimately conclude in proposed amendments to the Growth Management Plan. It is anticipated that the public, throughout the consultation process on the OCP, will raise many other issues.

PUBLIC CONSULTATION IMPLICATIONS

The Electoral Area 'H' Public Process Design Document (PPDD) has been drafted in accordance with both the RDN Board Public Consultation Policy and the *Local Government Act* requirements. The PPDD provides an overview of the terms of reference and public consultation strategy, which is proposed to be used to draft the new OCP for Electoral Area. Following the process outlined in the PPDD, the Electoral Area 'H' OCP will be prepared with broad based public input however, as required in the *Local Government Act*, it will also include formal stakeholder, local government and agency consultation.

Staff, working closely with the Electoral Area Director, recognizes that there is a considerable amount of interest in developing the new OCP. In response to this, a series of Community Planning Working Group Sessions will be held. As outlined in the PPDD the Community Planning Working Group Sessions are to be comprised of any number of interested volunteers including residents, landowners, and stakeholder groups. People who participate in these sessions are charged with the responsibility of representing the community as a whole, in a consensus based model, addressing the broad issues that face the neighbourhoods and interests that make up the plan area.

The PPDD does not provide for a Board appointed planning advisory committee, as has been the case with other OCP processes in the RDN. The PPDD proposes an innovative approach to public input whereby opportunities for public input are varied and designed to engage both 'big picture' residents at General Public Meetings and those individuals who are personally interested in developing the Plan through the Community Planning Working Group Sessions. This Electoral Area 'H' Planning Project will be fully open to the public and designed to build on public consensus on issues to create the land use policies contained in the Plan.

FINANCIAL IMPLICATIONS

All costs related to the preparation of the Electoral Area 'H' OCP have been accounted for in the RDN 2003 Budget. As there are no Community Planning Grant monies available from the Ministry of Community, Aboriginal and Women's Services, no funds beyond those budgeted for in the Public Process Design Document have been allocated for the preparation of the OCP. Should additional background studies be required to support the plan process, additional funds must be allocated through the RDN Budgeting process. Currently, One Full Time Staff Equivalency has been slated for this project and it is estimated that the public consultation costs for the project will be \$10,000.

LEGAL IMPLICATIONS

The process to draft and adopt a new Official Community Plan must be consistent with the requirements outlined in the *Local Government Act*. By adopting the attached Public Process Design Document, the Board of the Regional District has considered public consultation issues related to proposed new Official Community Plan for Electoral Area 'H' and adopted a terms of reference and public consultation strategy that satisfies the requirements contained in section 879 of the *Local Government Act*.

VOTING

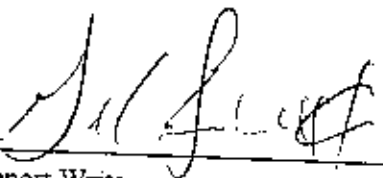
Electoral Area Directors – one vote, except Electoral Area 'B'

SUMMARY/CONCLUSIONS

A new Official Community Plan for Electoral Area 'H' is scheduled to be initiated this year, with the public consultation process to be completed by the end of the 2003 calendar year. The planning process will focus on a number of areas including, rural/resource development, urban growth, environmental protection issues and the future integration of new community services. A new OCP for Electoral Area 'H' will be prepared with particular focus on meaningful public consultation using the tools outlined in the attached Public Process Design Document, including participation by the community at General Public Meetings and interested residents at Community Planning Working Group Sessions.

RECOMMENDATIONS

1. That the staff report on the Electoral Area 'H' Planning Project be received.
2. That the Electoral Area 'H' Official Community Plan Public Process Design Document (*Attachment No. 1*) be endorsed by the Board.



Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:

devsrs/reports/2003/6480 00 EAH OCP ja TOR.doc

Attachment No. 1

ELECTORAL AREA 'H'
OFFICIAL COMMUNITY PLAN
PUBLIC PROCESS DESIGN DOCUMENT

Terms of Reference &
Public Consultation Strategy

Regional District of Nanaimo

JANUARY 15, 2003

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OFFICIAL COMMUNITY PLAN PROCESS

The Electoral Area 'H' Official Community Plan is scheduled to begin in January 2003. The planning process will focus on a number of areas including, rural/resource development, urban growth, environmental protection and future community services.

In keeping with the overall direction of the Regional District of Nanaimo Public Consultation policy, one measure of success for the Electoral Area 'H' Planning Project will be meaningful and on-going public involvement. The purpose of the public consultation strategy or Public Process Design Document (PPDD) is to ensure that the public is fully involved in the development of their Official Community Plan. The PPDD forms the Terms of Reference and Work Program for the OCP and addresses other important considerations such as the sequencing of the planning process and the roles and responsibilities of participants.

The PPDD is a checklist designed to ensure that the public process, and the planning project, successfully achieves its goals. However, it should be noted that the PPDD could be amended to reflect new information or the request for additional discussion about specific issues; this flexibility is important as the planning process can evolve over time.

PUBLIC CONSULTATION GOALS

The success of the public process component of the Electoral Area 'H' Official Community Plan will be achieved through meeting the following goals:

- Ensuring that the public process meets the needs and expectations of Electoral Area 'H' residents.
- Providing meaningful opportunities for public input and participation.
- Recognizing that the communities that make up the area have diverse characteristics, patterns of land use and interests in property.
- Making all relevant information about the planning process readily available to the public.
- Providing periodic updates about progress on the planning process to the public.
- Presenting information to the public in a clear, understandable and concise form.
- Making available for review all public input gained during the planning process.
- Accurately and objectively recording and assessing public input.
- Seeking broad-based agreement and consensus during the planning project.
- Meeting and exceeding all required consultation requirements in the *Local Government Act*.
- Responding to new public needs and/or direction by amending or refining the public process as required, provided that all changes are consistent with its overriding goals.

LOCAL GOVERNMENT ACT REQUIREMENTS

As outlined in section 879 of the *Local Government Act*, during the development of an Official Community Plan, or the repeal or amendment of an Official Community Plan, the Regional District must, at a minimum, provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. The Board of the Regional District must specifically consider whether consultation is required with, the board of any regional district that is adjacent to the area covered by the plan, the council of any municipality that is adjacent to the area covered by the plan, first nations, school district boards, greater boards and improvement district boards, and the Provincial and Federal governments and their agencies.

As required by the *Act*, the Board of the Regional District will consider the formal consultation requirements related to the OCP for the Electoral Area 'H' Plan area, and referrals are proposed to be sent to the following community groups, organizations, local governments, and ministries.

- Local resident associations;
- Deep Bay Waterworks;
- Bowser Waterworks;
- Qualicum Bay-Horne Lake Waterworks;
- Little Qualicum Waterworks;
- Bow Horn Bay Fire Protection;
- Dashwood Fire Protection;
- Qualicum First Nation;
- School District No. 69;
- Lighthouse Country Business Association
- Oceanside Construction and Development Association;
- Town of Qualicum Beach;
- Regional District of Alberni-Clayoquot;
- Comox-Strathcona Regional District;
- Vancouver Island Health Authority;
- Ministry of Community, Aboriginal and Women's Services;
- Ministry of Transportation;
- Ministry of Water, Land and Air Protection,
- Ministry of Forests;
- Ministry of Agriculture, Food and Fisheries
- Ministry of Sustainable Resource Management;
- Ministry of Energy and Mines;
- Land and Water BC; and
- Land Reserve Commission;

PUBLIC CONSULTATION STRATEGY & SCHEDULE

In addition to the legislative requirements, the community planning process is guided by a comprehensive consultation strategy. The following outlines the schedule of events, publications and 'happenings', and sets out the key elements of each step in the community planning process.

2003 *Public Consultation Strategy*

January

- ✓ Advertisement in local papers, website and postings in area for public event
- ✓ **General Public Meeting - Introduction to the OCP Process**, topics covered include the proposed consultation process, invitation to join the **Community Planning Working Group Sessions**, discussion on logistics (the how, where and when of future meetings)
- ✓ **Introductory Newsletter** - general information on the OCP, schedule of proposed events, invitation to public event- direct mailed to all property owners
- ✓ Report to the January Electoral Area Planning Committee on Plan Process requesting formal acceptance of Public Consultation Strategy
- ✓ Notification to all referral agencies

February

- ✓ **Newsletter on Planning ABCs** - the legal and practical implications of key planning concepts and tools - bulk mailed to residents
- ✓ **Background information compiled by staff**- land use inventory, build out calculations, environmental inventory, studies of village centres, interviews with government agencies, improvement districts/local service providers (to be available on website and at future public events)
- ✓ **General Public Meeting - Visioning the Future**. All residents are invited to attend a public meeting to discuss the following:
 - What do you like about your community?
 - What don't you like about your community?
 - What do you want your community to look like/be like in 10 years? 20 years?
 - Residents will also be asked to identify community issues.
- ✓ Report to the Board recommending ratification of the Plan Process
- ✓ Notification to all referral agencies.

March

- ✓ Working Group Session #1- *Prioritizing the Issues*. Residents attending the working group session will be asked to consider the issues raised at the January 2003 Public Meeting, prioritize these issues, then set out a draft direction for dealing with these issues.
- ✓ The following are possible issues areas to be discussed at the Working Group Session. Additional issues areas may be identified during the community visioning stage. Also, some of these issues areas may be combined together as a single focus area.
 - * Business (commercial, industrial, tourism)
 - * Agriculture (ALR) & Forestry (FLR)
 - * Mineral resources
 - * Parks, trails and recreation
 - * Water management (watersheds, riparian areas, septic issues, groundwater etc.)
 - * Transportation and utilities
 - * Safety and health
 - * Residential issues (nodes, cottage industry)
 - * Community integrity
 - * Environment and sustainability
- ✓ Government Agencies & Service Providers Forum- staff from federal, provincial and local government agencies as well as local Improvement Districts and service providers will be invited to attend a Plan event to identify their mandate within the Plan area, their issues, and their agencies' goals for the future. This event will be open to the public
- ✓ The Forum will be advertised through the website, local newspapers, and through a bulk mailed information flyer
- ✓ Notification to all referral agencies.

April

- ✓ Series of Working Group Sessions. Over a series of events, the Community Planning Working Group participants will be asked to draft a vision for the community, complete prioritization of issues, identify challenges and opportunities in the Plan Area, and consider other potential plan amendments
- ✓ The events will be advertised through the website, local newspapers, and through a bulk mailed information flyer
- ✓ Notification to all referral agencies.

- May*
- ✓ **General Public Meeting- Confirmation of Strategy.** The public will be asked to review the direction established at the Working Group Sessions and provide confirmation on their support for the plan strategy.
 - ✓ The event will be advertised through the website, local newspapers, and through a bulk mailed information flyer
 - ✓ Notification to all referral agencies.
- May & June*
- ✓ **Series of Working Group Sessions.** Over a series of events, the Working Group participants will be asked to set out the 'how' of the Official Community Plan- the objectives, guidelines and policies that will be contained in the draft OCP
 - ✓ The events will be advertised through the website, local newspapers, and through a bulk mailed information flyer
 - ✓ Notification to all referral agencies.
- July/August*
- ✓ Staff compile a draft of the OCP
- September*
- ✓ **Series of Working Group Sessions.** Over a series of events, the Working Group participants will be asked to review/amend the OCP
 - ✓ The events will be advertised through the website, local newspapers, and through a bulk mailed information flyer
 - ✓ The process will proceed to the General Public for Confirmation
 - ✓ If the process identifies additional work, the Working Group participants and staff will regroup around issues and work to consensus.
- October*
- ✓ **General Public Meeting- Confirmation of Draft OCP.** The public will be asked to confirm the draft OCP
 - ✓ The event will be advertised through the website, local newspapers, and through a bulk mailed information flyer.
 - ✓ Depending on public comments, further amendments or consultation may be necessary
 - ✓ Notification to all referral agencies.
- Year end/
early 2004*
- ✓ Report to RDN Board requesting 1st reading of OCP
 - ✓ Formal notification to referral agencies
 - ✓ Report to RDN Board requesting 2nd reading of OCP
 - ✓ **Public Hearing**
 - ✓ Report to Board requesting 3rd reading
 - ✓ Notification to province
 - ✓ Report to Board requesting 4th reading and adoption.

As outlined above, the process is designed to engage the general public while at the same time allowing interested residents and stakeholders to participate more directly through the Community Planning Working Group Sessions.

The Role of the General Public is to identify local issues, generate and participate in the visioning and goals setting process and ultimately provide feedback on the proposed Official Community Plan for their area. The Role of the Electoral Area Director is to provide situational leadership throughout the community planning process by chairing, facilitating, and/or presenting at public events, reporting the RDN Board on the process as required, and remaining as the key community contact on the project.

The Role of the participants at the Community Planning Working Group Sessions will be to confirm and prioritize local issues, act as information sources for both the community as a whole and staff, and guide the plan preparation process. The intention of the Community Planning Working Group Sessions is that any number of interested volunteers including residents, landowners, and stakeholders, will work toward consensus on the issues that face the plan area. The individuals who attend the Community Planning Working Group Sessions will participate through a series of public meetings to refine the community vision and planning principles, confirm the direction of the development strategy, provide/present information at the General Public Events and provide feedback on the draft Official Community Plan for the area.

Once the people of Electoral Area 'H' have made the choices about the direction of their official community plan, much of the hard work has been completed. What is left is the actual writing of the plan including finalizing policies regarding land use, development and other important community issues, as well as a land use map showing the types of land uses which will be supported in particular parts of the Electoral Area 'H' plan area in the future. As outlined in the public process, staff will take the information, vision, and general policies and draft the document in accordance with the requirements of the *Local Government Act*, for review at the Community Planning Working Group Sessions and confirmation by the General Public. It is proposed that a draft official community plan will be finalized by year-end 2003; it would be adopted in 2004.

RESOURCES & BUDGET

All work to gather and collate data, consult with the public, produce and design documents/consultation materials and draft the Official Community Plan will be completed by RDN staff as outlined in the 2003 RDN budget. No resources have been allocated for consulting fees or supplementary technical studies. Public consultation costs, including all materials, mailing, newsletters, web resources, and room rentals for the project are estimated at \$10,000.

FINAL PRODUCT & MONITORING

The final product will be an adopted Electoral Area 'H' Official Community Plan, which reflects the vision and goals of the people who live in the area, and is designed to meet the needs of the unique communities in the area. The process will be evaluated pursuant to the successful completion of the consultation requirements specified in the *Local Government Act*, public consultation policies adopted by the Board of the Regional District of Nanaimo and the goals of the adopted Public Process Design Document.

ALTERNATIVE APPROACHES TO ENGAGE THE PUBLIC

As the process evolves through general public events and the Working Group public sessions, there may be a number of other ways to generate public input, depending on the needs and direction by the people participating in the process. These methods or tools can be considered and used throughout the planning project as required.

- A temporary 'site office' in Shaw Hill - Deep Bay OCP could be used to present information and gain input. It would be in a central, accessible location (such as the Lighthouse Community Centre) and would be staffed by the RDN. It would be open for several hours a week if practical and feasible. The dates, time, location etc. would be advertised in advance.
- Drop off or suggestion boxes could be located at post offices or other high volume locations.
- Consider developing a presentation to make a special effort to consult and engage youth with respect to the OCP.
- RDN staff could attend other community meetings.
- A permanent, unstaffed display at a central location could be set up for the duration of the project.
- Web postings that include outcomes and principles identified during public consultation events could be linked to the RDN website. The deliverables, minutes, summaries and other material could be placed on the RDN website and input from those who could not participate in traditional methods could voice their opinions and provide comments.
- Coverage in the local media will be pursued throughout the project.

