

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, MAY 28, 2002
7:00 PM

(Nanaimo City Council Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 2-5 Minutes of the Electoral Area Planning Committee meeting held Tuesday, April 23, 2002.

CORRESPONDENCE/COMMUNICATIONS

BUSINESS ARISING FROM THE MINUTES

PLANNING

AMENDMENT APPLICATIONS

- 6-17 Zoning Amendment Application No. 9626 - Rondalyn Resort/Danron Holdings Ltd. - 1350 Timberlands Road - Area C.

DEVELOPMENT PERMIT APPLICATIONS

- 18-24 DP Application No. 0228 - Baldwin - East Side Road (Horne Lake) - Area H.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 25-30 DVP Application No. 0211 - Kosak - 3043 Jameson Road - Area D.
31-35 DVP Application No. 0212 - Sims/Husson-Fallows - 2825 Sea Blush Drive - Area E.

OTHER

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, APRIL 23, 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 Alternate	Electoral Area A
Director B. Jepson	Electoral Area D
Director G. Holme	Electoral Area E
Director J. McLean	Electoral Area F
Director J. Stanhope	Electoral Area G
Alternate	
Director J. Pipes	Electoral Area H
Director T. Westbroek	Town of Qualicum Beach

Also in Attendance:

B. Lapham	General Manager of Development Services
N. Tonn	Recording Secretary

DELEGATIONS

Ross Rainsford, re DP Application No. 0218 – Horne Lake Cave Road – Area H.

Mr. Rainsford provided a short history of the cabin which has to be moved from Lot S47 to Lot 26 and the difficulty in complying with the height restrictions for the cabin at its new location.

George Tinga, re Water 1 Zone to Exclude Aquaculture.

Mr. Tinga raised his concerns with respect to shellfish farming, foreshore tenures and water tenures and their effect on the existing residential waterfront properties (upland owners). Mr. Tinga requested that the Board approve an exclusion of aquaculture from water zoning.

Robert Fuller, re Zoning Amendment Application – Cedar View Estates Ltd. – Cedar and Hemer Roads – Area A.

Mr. Fuller provided an oral and visual overview of the mixed use development as proposed in Zoning Amendment Application No. 9809.

MINUTES

MOVED Director McLean, SECONDED Director Pipes, that the minutes of the Electoral Area Planning Committee meeting held Tuesday, March 26, 2002 be adopted.

CARRIED

CORRESPONDENCE/COMMUNICATIONS

Greta Taylor, re Water 1 Zone to Exclude Aquaculture.

MOVED Director Holme, SECONDED Director Stanhope, that the correspondence from Greta Taylor, Deep Bay Planning and Environmental Association, with respect to the proposed change in water zoning to have water 1 zone amended to exclude aquaculture as a permitted use, be received.

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. 0204 – PRA Holdings Ltd. – Harold Road – Area A.

MOVED Director Elliott, SECONDED Director Stanhope,:

1. That Amendment Application No. 0204 submitted by PRA Holdings Ltd. to rezone a portion of the property legally described as Lot 9, Section 12, Range 7, Cranberry District, Plan 27070 from Industrial 1 (IN1) to Industrial 2 (IN2) be advanced to a public hearing subject to the conditions outlined in Schedule No. 1.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.285, 2002" be given 1st and 2nd reading and proceed to Public Hearing.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.285, 2002" be delegated to Director Elliott or his alternate.

CARRIED

Zoning Amendment Application No. 9809 – Cedar View Estates Ltd. – Cedar & Hemer Roads – Area A.

MOVED Director Elliott, SECONDED Director Stanhope,:

1. That Amendment Application No. 9809 submitted by Cedar View Estates Ltd. to rezone a portion of the property legally described as Lot A, Plan VIP57874 and Lot 6, Plan VIP59634 Both of Section 14, Range 1, Cedar District from Commercial 2 (CM2) to Comprehensive Development 12 (CD12) be advanced to a public hearing subject to the conditions outlined in Schedule No. 1.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.284, 2002" be given 1st and 2nd reading and proceed to Public Hearing.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.284, 2002" be delegated to Director Elliott or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

DP Application No. 0215 – Fairwinds/Dafoe – 3730 Fairwinds Drive – Area E.

MOVED Director Holme, SECONDED Director Stanhope, that Development Permit Application No. 0215 to facilitate bank stabilization works on 45 metres of stream channel on Dolphin Creek within a Watercourse Protection Development Permit Area on the property legally described as Lot 1, District Lot 8, 30 and 78, Nanoose District, Plan 48585, Except Part in Plan 51142 be approved subject to the conditions outlined in Schedules No. 1, 2 and 3.

CARRIED

DP Application No. 0218 – Rainsford – Horne Lake Cave Road – Area H.

MOVED Director Pipes, SECONDED Director Stanhope, that Development Permit Application No. 0218 to vary the maximum floor area of the main floor of the recreational residence from 70 m² to 72 m²; the maximum floor area of the second story from 35 m² to 45 m²; and the maximum building height of 6.1 metres to 6.5 metres pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 to permit the relocation of a recreational residence and to permit a landscape deck to be located a minimum of 12.5 metres from the natural boundary, the removal of vegetation, and the development of a 1 metre wide beach access within the Environmentally Sensitive Areas Development Permit Area on the property legally described as Strata Lot 26, District Lot 251, Alberni District, Plan VIS5160, be approved subject to the requirements outlined in Schedules No. 1, 2 and 3.

CARRIED

DP Application No. 0220 – Bulger – Horne Lake Cave Road – Area H.

MOVED Director Pipes, SECONDED Director Stanhope, that Development Permit Application No. 0220 to facilitate the relocation of a recreational residence and deck to be located a minimum of 8 metres, an accessory building to be located a minimum of 11 metres from the natural boundary of Horne Lake, and a 1 metre wide beach access located within the Environmentally Sensitive Areas Development Permit Area on the property legally described as Strata Lot 58, District Lot 251, Alberni District, Plan VIS5160 be approved subject to the conditions outlined in Schedules 1 and 2.

CARRIED

DP Application No. 0221 – Gerard/Fern Road Consulting – Lot 14, Amberwood Lane – Area E.

MOVED Director Holme, SECONDED Director Stanhope, that Development Permit Application No. 0221 submitted by Helen Sims, on behalf of Patricia Gerard to facilitate construction of a single dwelling, attached patio, patio for hot tub, and retaining walls within the Watercourse Protection Development Permit Area pursuant to "Nanoose Bay Official Community Plan Bylaw No. 1118, 1998" for the property legally described as Lot 14, District Lot 78, Nanoose District, Plan 47638 be approved subject to the conditions and variances outlined in Schedule No. '1' and notification requirements pursuant to the *Local Government Act*.

CARRIED

DP Application No. 0222 – Mauriks/Fern Road Consulting – 1429 Dorcas Point Road – Area E.

MOVED Director Holme, SECONDED Director Stanhope, that Development Permit Application No. 0222, submitted by Helen Sims on behalf of Patricia Mauriks to legalize the siting and renovation of an existing dwelling unit within the Watercourse Protection Development Permit Area pursuant to "Nanoose Bay Official Community Plan Bylaw No. 1118, 1998" for the property legally described as Lot 5, District Lot 110, Nanoose District, Plan 17536 be approved subject to the conditions and variances outlined in Schedule No. '1' and notification requirements pursuant to the *Local Government Act*.

CARRIED

OTHER

Home Based Business Regulations – RDN Land Use and Subdivision Amendment Bylaw No. 500.286 – Areas A, C, D, E, G & H.

The General Manager of Development Services noted that the words "convenience stores" should be removed under the heading of "Proposed replacement text" in the staff report.

MOVED Director Stanhope, SECONDED Director Holme,:

1. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.286, 2002" be introduced and given 1st and 2nd reading.

2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.286, 2002" be advanced to a public hearing.
3. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.286, 2002" be delegated to Director Holme or his alternate.

ADJOURNMENT

CARRIED

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

CARRIED

TIME: 7:43 PM

CHAIRPERSON



**REGIONAL
DISTRICT
OF NANAIMO**

REGIONAL DISTRICT OF NANAIMO			
MAY 21 2002			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
E.A. PC. ✓			
		DATE:	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

FROM: Lindsay Chase
Planner

FILE: 3360 30 9626

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

PURPOSE

To consider a zoning amendment application for a property located at 1350 Timberlands Road in Electoral Area 'C' from a Resource Management 9 (RM9) zone to Rondalyn Resort Comprehensive Development 13 zone (CD13) and to receive the minutes of a Public Information Meeting held with respect to this application.

BACKGROUND

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

Rondalyn Resort presently has 60 fully and partially serviced camping sites on the southeast side of Haslam Creek. In addition to the campsites and accessory facilities such as washrooms, the owners have developed a pitch and putt golf course, a clubhouse, swimming pool and hot tub, a children's play area, a RV storage compound, and a catch and release trout pond. The applicant is proposing to add an additional 30 campsites on the property.

The subject property is surrounded by resource management properties and is in proximity to a parcel zoned Industrial 4 (IN4), which is the subject of an application to the Ministry of Energy and Mines for a Gravel Extraction Permit.

This application will address the existing legal non-conforming use of the parcel and to allow the expansion of the campground. The site has been developed as a resort vehicle park since 1992. 'Campground' was a permitted use on this parcel until Amendment Bylaw No. 500.162, 1997 was adopted which deleted campground as a permitted use in the Resource Management zones. This amendment affected several campgrounds and resort vehicle parks in the RDN, and it was understood at that time that existing parks would likely apply for zoning amendments. This application was initially

made in 1996, and after referrals to various agencies; additional information was requested from the applicant, including a hydro geological study and an assessment of the capacity of the existing ground disposal system for additional campsites. This information has now been provided, and staff held a public information meeting with respect to the application on May 9, 2002, the minutes of which are attached to this report (*See Attachment No. 1*).

Pursuant to the "Arrowsmith Benson - Cranberry Bright Official Community Plan, 1148, 1998" the subject property is designated Resource. This OCP Land Use Designation does allow for outdoor recreation uses and campground uses within this designation provided that the maximum occupancy for an individual within the new development is limited to 6 months in any calendar year. Rondalyn Resort has traditionally used approximately 30 sites for non-seasonal occupancy in the park. They have indicated that they would like to continue this use, and are willing to register a covenant that no more than these thirty sites shall be used for non-seasonal use.

ALTERNATIVES

1. To approve the application to rezone a portion of the property to Rondalyn Resort Comprehensive Development 13 (CD13), subject to the conditions outlined in Schedule No. 1.
2. To deny the application to rezone a portion of the property to Rondalyn Resort Comprehensive Development 13 (CD13).

LAND USE AND SUBDIVISION IMPLICATIONS

The proposed rezoning of the property from Resource Management I to CD13 would recognize the existing legal non-conforming campground use on the property and would provide the applicant with an opportunity to increase the number of campsites from 60 to 90. In addition to the resort vehicle park use, the zoning amendment would also allow for outdoor recreation (to recognize the existing pitch and putt course), accessory resort vehicle storage, residential use, and Tourist Store as permitted uses. Definitions for Accessory Recreational Vehicle Storage and Seasonal or Periodic Accommodation are proposed to be added to the Bylaw as follows:

Accessory Recreational Vehicle Storage means one designated area within a resort vehicle park for the purpose of storing recreational vehicles, motor vehicles, boats, car dollies, utility trailers, and the like and shall not exceed 600 m² in total area and specifically excludes vehicle wrecking yard and outdoor sales;

Seasonal or Periodic Accommodation means that no recreational vehicle, park model trailer, or tents shall be located within a Resort Vehicle Park for more that a total of six (6) months within any twelve (12) month period, and no person shall occupy a recreational vehicle park for more than a total of six (6) months within any twelve (12) month period, with the exception of the owner or manager of the Resort Vehicle Park;

The proposed definition for 'Seasonal or Periodic Accommodation' serves to clarify the definitions for Campground, Resort Vehicle Park, and Recreational Vehicle Park and will apply to all future development of these uses in the Regional District. The intent of the definition for 'Accessory

Recreational Vehicle Storage' is to address a particular situation on this parcel where frequent guests of the resort store their recreational vehicles for periods of time between visits.

Rondalyn Resort has indicated that 30 of the existing sites at the development are used for non-seasonal occupation. For the most part, the sites used in this manner are those numbered 1-30. In some cases these sites are rented for longer periods by 'snowbirds' who leave their recreational vehicle parked on the site at all times. Some of the recreational vehicles are also occupied on a more permanent basis. The applicant has indicated that they would like to maintain these sites for non-seasonal occupation as they make the park more economically viable. Staff proposes that this issue be addressed in a similar manner as at the Mountaineer Campground, with a covenant from the owners agreeing to limit further development of the campground to the definition of the bylaw and allowing them to continue to use the 30 sites that are currently being utilized for non-seasonal occupancy.

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

If this rezoning application is approved by the Board, the subdivision district of the southeast portion of the parcel will concurrently be amended to the 'Z' subdivision district, which does not allow for further subdivision.

ENVIRONMENTAL IMPLICATIONS

When this application was initially submitted in 1996, staff referred it to several agencies including the Fish and Wildlife Branch of the Ministry of Environment (now the Ministry of Water, Land, and Air Protection). Ministry staff expressed concerns at that time with respect to increasing flow regime impacts in Haslam Creek and the potential for a net loss of habitat through increased storm water run-off rates and reduced summer low flow supply.

The applicant has indicated that as the sites adjacent to the creek are already in existence, and additional development would be beyond 15.0 metres from the natural boundary of the creek, there would be minimal impact on the creek. In addition, the applicant has indicated that the wellhead adjacent to the creek is no longer in use and has been capped. The applicant's engineer has stated that there is no evidence of any surface drainage traversing to Haslam Creek and it is the engineer's opinion that there is no need for additional storm water management facilities to accommodate proposed expansion of the resort.

Community members have expressed concern with respect to ground water on previous applications in the vicinity of Rondalyn Resort. The applicant has commissioned a groundwater study by a professional engineer as part of their application to the waste management branch. The applicant's engineer has indicated that based on the percolation rates, the average water table level, and on the ground water flow, that wastewater treatment is sufficient and does not impact the aquifer.

Sewage Disposal on the parcel is presently under Waste Management Permit PE-12121 under the *Waste Management Act*. This permit authorizes the discharge of 46 m³ per day from a 60-unit RV Park to a

secondary sewage treatment plant and ground disposal fields. The engineer's report indicates that at 100% occupancy of the resort, effluent discharge has been less than 22 m³ per day. The applicant is currently in discussions with the Waste Management Branch with respect to either amending the existing permit, or coming under the new regulations. The applicant has verbally indicated that it is likely they will be required to come under the new regulations. Staff recommends that approval, with respect to waste disposal, be required from the appropriate Ministry or Agency prior to final reading of this proposed zoning amendment.

PUBLIC CONSULTATION IMPLICATIONS

A public Information Meeting for this application was held May 9, 2002 at Waterloo Elementary School Gymnasium. Approximately 16 people attended this meeting. Notification of this meeting was sent to all property owners within a 200-metre radius of the subject property, and was placed as a display ad in the Harbour City Star Newspaper on May 4, 2002. Community members indicated concern with ground water, security on the site, and the cleanliness of the site, and those who attended the meeting appeared to be generally supportive of the application.

VOTING

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

SUMMARY/CONCLUSIONS

This is an application to recognize and expand an existing 60 unit non-seasonal and seasonal campground to a total 90 campsites and to provide for related accessory uses by rezoning a portion of a 14 hectare parcel from Resource Management 9 to a new Rondalyn Resort Comprehensive Development 13 Zone.


The existing use was established in 1992 and was zoned legal non-conforming when 'Campgrounds' were deleted as a permitted use in all Resource Management Zones in 1997.

Bylaw No. 500 does not currently define seasonal or periodic occupation with respect to campgrounds and campsites. The owners of Rondalyn Resort acknowledge that approximately 30 of the sites are being used non-seasonally and they request that this non-seasonal use be allowed to continue. This approach has been used for other non-conforming campgrounds in the RDN, and concerns about occupancy have been addressed by a restrictive covenant ensuring that no additional non-seasonal sites are developed.

To ensure that the definition of Seasonal or Periodic Occupation is clear with respect to future applications, staff recommends that definitions for 'Seasonal and Temporary Occupation' and 'Accessory Recreational Vehicle Storage' be added to Bylaw No. 500.

RECOMMENDATIONS


1. That Application ZA9626 by Danron Holdings Ltd. to amend "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" for the lands legally described as That Part of Block 87, Bright, Douglas and Cranberry Districts, (Lying Within Said Bright District), Lying to the East of a Straight Boundary Bearing Due South From the Point on the Northerly Boundary of Said Block Distant 19.8 Chains Easterly From the South East Corner of District Lot 8, Bright District, Except Part in Plan VIP54950 by rezoning from Resource Management 9 (RM9) Subdivision District 'B' to Rondalyn Resort Comprehensive Development 13 (CD13) Subdivision District 'Z' that portion of the lands shown outlined on *Schedule No. 2*, be approved subject to the conditions as outlined in *Schedule No. 1*.
2. That definitions for *Accessory Recreational Vehicle Storage* and *Seasonal or Periodic Accommodation* be added to Bylaw No. 500 as shown on *Schedule No. 4*;
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 Amendment Bylaw No. 500.287, 2002" be given 1st and 2nd reading and proceed to a Public Hearing.
4. That the Public Hearing be chaired by the Director for Electoral Area 'C', Director Hamilton, or her alternate.



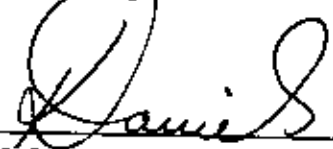
per Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

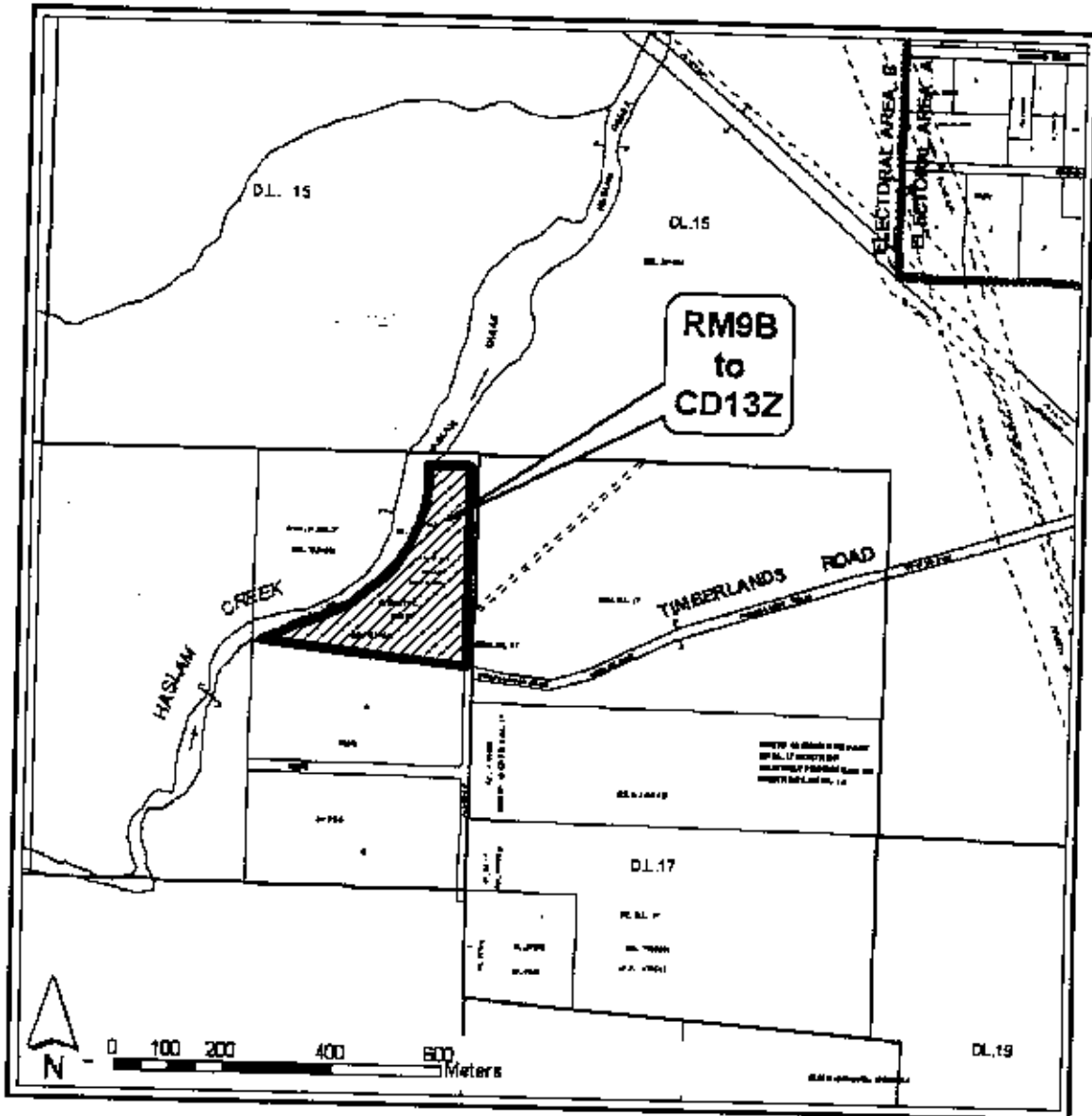
COMMENTS:

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

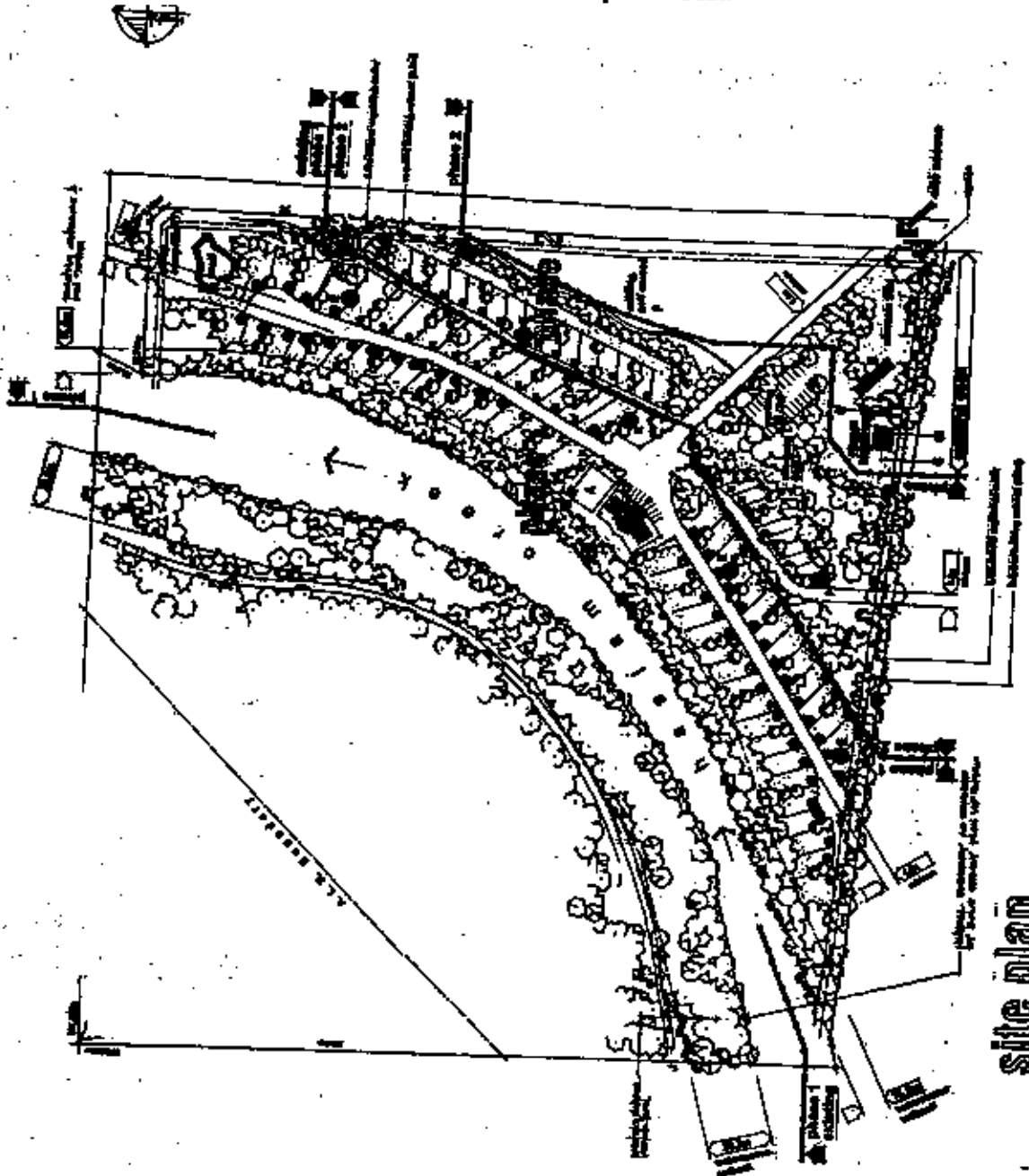
Prior to the adoption of a bylaw to rezone the campground site from Resource Management 9 (RM9) to Rondalyn Resort Comprehensive Development 13 (CD13), the applicant must complete the following conditions:

1. Registration of a restrictive covenant for the lands comprising the resort vehicle park site in which:
 - a) The Grantor must not use or permit to Land to be used for a Resort Vehicle Park except for a total of 90 camping spaces, of which only those located within the area designated on the Plan may be used for non seasonal camping spaces, it being acknowledged that the purpose of this Agreement is to define and clarify the extent to which the use of non-seasonal camping spaces may be continued under section 911 of the *Local Government Act*;
 - b) The Grantor must not build, construct, install or provide for any new additional non-seasonal camping spaces on the Land other than the thirty (30) non-seasonal camping spaces existing as of the date of this Agreement and identified on the Plan;
 - c) The Grantor must not construct, build or plan on the Land or cause to be built, constructed or placed on the Land and buildings or structures to be used in connection with a non-seasonal camping space, including without limiting the generality of the foregoing, decks, canopies, awnings, or accessory buildings;
 - d) The Grantor must not make any alterations to any existing building or structure on the Land used in connection with a non-seasonal camping space including, without limiting the generality of the foregoing, decks, canopies, awnings, or accessory buildings;
 - e) The Grantor must not place a mobile home on the Land or use or permit the use of any permanent camping space on the Land for a mobile home;
 - f) The grantor must not construct, build or place on the Land or cause to be built, constructed or placed on the Land, any building, structure or campsite within 8.0 metres of the front lot line or 5.0 metres from any other lot line;
 - g) The Grantor must not remove, alter or injure or cause to be removed, altered or injured any of the natural vegetation on the Land lying within 30.0 metres of the natural boundary of Haslam Creek;
 - h) In the event that the Land or a portion of the Land is used for a sewer treatment plant, such plant will be designed to connect to the community sewer system and will be operated by a certified operator.
2. Provide proof of approval from the Ministry of Water, Land and Air Protection with respect to amending the existing Waste Management Permit No. PE-12121 or come under the *Waste Management Act* Municipal Sewage Regulation.
3. Confirmation from the local Fire Chief that the water flows on site are adequate for fire protection;
4. Written confirmation that no variances to Schedule '6C' Campground Regulations and Standards of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" are required.
5. The development is to be in substantial compliance with the site plan as submitted and attached as *Schedule No. 3*.

Schedule No. 2
Subject Property Map



Schedule No. 3
Proposed Development Plan



site plan
scale 1/8" = 1'-0"

NOTES

1. All dimensions shown on this plan are in feet.
2. All dimensions shown on this plan are in feet.
3. All dimensions shown on this plan are in feet.
4. All dimensions shown on this plan are in feet.
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PROFILES

Profile	Description	Area	Volume
PROFILE 1	Existing Proposed Paved Area	11	0
PROFILE 2	Proposed Paved Area	20	0
TOTAL		31	0

① Ground conditions shown on this plan are in feet.

② All dimensions shown on this plan are in feet.

③ All dimensions shown on this plan are in feet.

④ All dimensions shown on this plan are in feet.

⑤ All dimensions shown on this plan are in feet.

⑥ All dimensions shown on this plan are in feet.

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⑧ All dimensions shown on this plan are in feet.

⑨ All dimensions shown on this plan are in feet.

⑩ All dimensions shown on this plan are in feet.

Profile	Description	Area	Volume
PROFILE 1	Existing Proposed Paved Area	11	0
PROFILE 2	Proposed Paved Area	20	0
TOTAL		31	0



Schedule No. 4
Definitions to be Added to Bylaw 500

After Accessory building and before Accessory to:

Accessory Recreational Vehicle Storage means one designated area within a resort vehicle park for the purpose of storing recreational vehicles, motor vehicles, boats, car dollies, utility trailers, and the like and shall not exceed 600 m² in total area and specifically excludes vehicle wrecking yard and outdoor sales;

After Seafood Processing and before Separation Distance:

Seasonal or Periodic Accommodation means that no recreational vehicle, park model trailer, or tents shall be located within a Resort Vehicle Park for more than a total of six (6) months within any twelve (12) month period, and no person shall occupy a recreational vehicle park for more than a total of six (6) months within any twelve (12) month period, with the exception of the owner or manager of the Resort Vehicle Park;

Attachment No. 1
Public Information Meeting Minutes

REGIONAL DISTRICT OF NANAIMO

SUMMARY OF PROCEEDINGS OF A PUBLIC INFORMATION MEETING HELD
THURSDAY MAY 9, 2002 AT 7:00 PM AT WATERLOO ELEMENTARY SCHOOL
GYMNASIUM TO CONSIDER ZONING AMENDMENT APPLICATION 9626

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

Present:

E. Hamilton	Director, Electoral Area 'C'
Geoff Garbutt	Senior Planner
Lindsay Chase	Planner
Linda Lee	Applicant
Dan Lee	Applicant
Robert Roenicke	Qualicum Engineering

There were approximately 16 people in attendance.

Director Hamilton opened the meeting at 7:00 pm and followed with greetings and an introduction of the head table.

Director Hamilton provided a general overview of the purpose of a public information meeting.

L. Chase provided an overview of campgrounds in resource management zones and the OCP Land Use Designation.

Linda Lee Provided an overview of the proposal and outlined the benefits to the community of having a Resort Vehicle Park in the area.

Director Hamilton invited questions from the audience.

Dan Jarvis questioned where the new proposed sites were to be located.

Linda Lee indicated that the new sites would be behind the existing sites and that they were already in existence although they were not being used.

Janeane MacGillivray expressed concern with respect to protecting the aquifer and also with respect to security on the site for long-term guests.

Linda Lee indicated that there was security on site at all times.

Bob Roenicke spoke to the aquifer and the characteristics of the groundwater flow in the area. Mr. Roenicke also referenced the monitoring program that was in place, the amount of time it takes for effluent to percolate down, and how long it takes to reach the property boundary. Mr. Roenicke indicated the regulations governing waste management and indicated that the wastewater had been treated well enough so that it did not impact the aquifer. Mr. Roenicke further commented that there are actually 2 aquifers and that most wells in the area are tapped into the deeper aquifer.

A guest of the resort asked if any additional sanitary facilities would be provided.

Staff indicated that Bylaw 500 had campground standards that this application would be subject to.

Otto, a long term guest of the resort indicated a need for a speed bump on the internal road network.

Gunter Yost of 3665 Glen Oaks Drive asked for clarification with respect to the 30 sites that are proposed.

Linda Lee indicated the 30 sites are already constructed, but are not used.

Janeane MacGillvary commented on the cleanliness and design of the resort and asked if there were any additional future plans for development, and also asked about air quality with respect to campfires.

Linda Lee indicated that the initial proposal included wilderness sites across the river but that the proposal no longer included that side of the river. Ms. Lee then indicated that she had not considered campfires as having a negative effect on air quality, and that the majority of overnight visitors who had campfires were grouped at one end of the site.

Ms. MacGillvary commented on the detail provided as part of the application and indicated support for the application.

An unknown resident, 1705 Benton Road indicated that smoke from campfires was not a significant issue. The speaker also commented on the cleanliness of the resort and the apparent willingness of the owners to address any issues that come up.

Garner Mah, 3395 Halvern Road commented that the resort has very little impact on water in the area.

Director Hamilton asked if there were any additional questions or comments.

Staff explained the process that would occur after this meeting.

A speaker questioned water quality and the frequency of water quality testing.

Linda Lee indicated water was tested frequently and offered to share the results with those who were interested.

The Chair asked if there were any final comments or questions. Being none, the Chair thanked those in attendance and announced that the public information meeting was closed.

The meeting concluded at approximately 7:40 pm.

Lindsay Chase
Recording Secretary



REGIONAL DISTRICT OF NANAIMO	
MAY 21 2002	
CHAIR	GMCrs
CAO	GMDS
GMCms	GMES
	<i>Col</i> ✓

MEMORANDUM

TO: Robert Lapham
General Manager of Development Services

DATE: May 21, 2002

FROM: Brigid Reynolds
Planner

FILE: 3060 30 0228

SUBJECT: Development Permit Application No. 0228 - Baldwin
Electoral Area 'H' - East Side Road (Horne Lake)

PURPOSE

To consider a request to vary the minimum setback requirement from a watercourse to legalize the siting of an existing recreational residence, permit the replacement of structural support for the recreational residence, permit the construction of a 10 m² minor addition, permit a 6 m² addition to the existing deck, as well as the replacement of stairs within the Environmentally Sensitive Areas Development Permit Area pursuant to the "Regional District of Nanaimo Shaw Hill - Deep Bay Official Community Plan Bylaw No. 1007, 1996."

BACKGROUND

The subject property legally described as Strata Lot 280, District Lot 251, Alberni District, Plan VIS5160 is located on East Side Road at Horne Lake in Electoral Area 'H' (see Attachment 1).

The subject property is zoned Comprehensive Development 9 (CD9) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The bylaw states the minimum setback requirement for all watercourses except Horne Lake is 15 metres from the top of the bank. The recreational residence was constructed 20 years ago and is sited a minimum of 3 metres from the top of the bank of the creek that flows through this lot (see Schedule No. 1). The lot is 19 metres wide. The recreational residence is sited more than 15 metres from the natural boundary of Horne Lake and meets the flood construction elevation required by the Flood Protection Covenant that was registered on title at the time of the subdivision.

As the Board will recall, in October 2001 "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.275" was adopted. This Bylaw created a new CD9 zone and rezoned the land surrounding Horne Lake from Resource Management 1 (RM1) to Comprehensive Development 9 (CD9) for the creation of a maximum of 400 Bare Land Strata lots. As part of the rezoning and subdivision, existing buildings and structures that do not conform to Bylaw No. 500 were permitted to remain in their current location and state but were not granted nonconforming status. Therefore, when any structural alteration is proposed to an existing illegally sited recreational residence the owner is required to apply for a site specific variance in order that the building will conform to Bylaw No. 500.

Concurrent with the adoption of Bylaw No. 500.275, creating the CD9 zone, Development Permit No. 0120 was issued as a blanket development permit. DP 0120 varied Bylaw No. 500, Section 6.4.107.4 Minimum Setback Requirements - All Watercourses except Horne Lake from 15.0 metres to 8.0 metres

for any existing cabins. However, this variance does not apply as the recreational residence on Strata Lot 280 is sited a minimum of 3.0 metres from the top of bank of the watercourse.

The applicant is requesting to undertake structural works to replace the structural support and footings for the recreational residence and deck. In addition, the applicant is proposing to construct a 10 m² minor addition to the recreational residence, construct a 6 m² addition to the existing deck and replace the stairs within 15 metres of top of the bank of the creek and within the Environmentally Sensitive Areas Development Permit pursuant to Shaw Hill - Deep Bay Official Community Plan Bylaw No. 1007, 1996.

The Environmentally Sensitive Areas Development Permit Area was established to protect the natural environment. The Development Permit Area is measured 15.0 metres from the natural boundary of Horne Lake and other watercourses. The proposed minor addition, deck addition and new stairs will be constructed within the development permit area.

Some erosion of the stream banks has occurred over the years. Mike Miles, geoscientist, prepared a report in June 2001 outlining erosion mitigation works for this and three other lots around Horne Lake. Mr. Miles recommendations for the subject property are included in Schedule No. 3.

ALTERNATIVES

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

LAND USE AND DEVELOPMENT IMPLICATIONS

The recreational residence was constructed 20 years ago and is located a minimum of 3.0 metres from the top of the bank of the watercourse flowing through the lot. The existing structural supports for the recreational residence and deck are rotting and in need of repair and or replacement. Undertaking structural repairs or alterations to an illegally sited cabin triggers the requirement to conform to Bylaw No. 500. The recreational residence is illegally sited and granting this variance would make the siting legally conforming.

The lot is over 19 metres wide and if the recreational residence were required to be moved behind the 15-metre setback the lot could not accommodate the recreational residence. The recreational residence conforms to Bylaw No. 500 in every respect except for the siting.

ENVIRONMENTAL IMPLICATIONS

This is also an application to permit the construction of a 10 m² minor addition, an addition of 6 m² to the existing deck and new access stairs to the recreational residence within the Environmentally Sensitive Areas Development Permit Area pursuant to the Shaw Hill - Deep Bay OCP.

These works are proposed to be located in existing cleared areas; therefore, no riparian vegetation will be removed. The riparian vegetation adjacent to the watercourse flowing through the lot consists of mature trees and shrubs and ranges in width from 6.0 metres to approximately 1.0 metre from the top of the bank, however, there are some bare sections. The report prepared by Mike Miles recommends that the riparian area be enhanced using native plantings to improve bank stability. These recommendations are included in Schedule No. 3 and other conditions of approval will reduce any potential negative impacts to the watercourse and Horne Lake.

VOTING

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

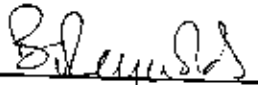
SUMMARY/CONCLUSIONS

This is an application to vary the minimum setback requirement from a watercourse of the Comprehensive Development 9 (CD9) zone to legalize the siting of an existing recreational residence and to permit the construction of a 10 m² minor addition, a 6-m² addition to the existing deck, and replacement of the stairs within a Development Permit Area.

From staff's assessment of this application, the request to vary the setback legalize the location of an existing recreational residence should be supported because the lot is approximately 19 metres wide and it would not be possible to move the recreational residence more than 15 metres from the top of the bank from the watercourse. In addition, staff recommend that the request for the development permit to construct a 10 m² minor addition, a 6 m² deck addition, and replace access stairs to the recreational residence be approved subject to the conditions outlined in Schedule No. 3 as this construction will be located in existing clearings and does not require the removal of any riparian vegetation.

RECOMMENDATION

That Development Permit Application No. 0228 to vary the minimum setback requirements of the Comprehensive Development 9 (CD9) zone of 15 metres from the top of the bank of a watercourse to a minimum of 3.0 metres from the top of the bank pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 to legalize the location of an existing recreational residence and permit the repair and replacement of structural supports and footings; and to permit the construction of a 10 m² minor addition, a 6 m² deck addition, and the replacement of access stairs to the recreational residence within the Environmentally Sensitive Areas Development Permit Area on the property legally described as Strata Lot 280, District Lot 251, Alberni District, Plan VIS5160, be approved subject to the requirements outlined in Schedule Nos. 1, 2, and 3.

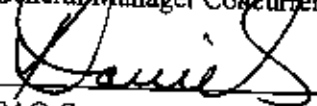

Report Writer


Manager Concurrence

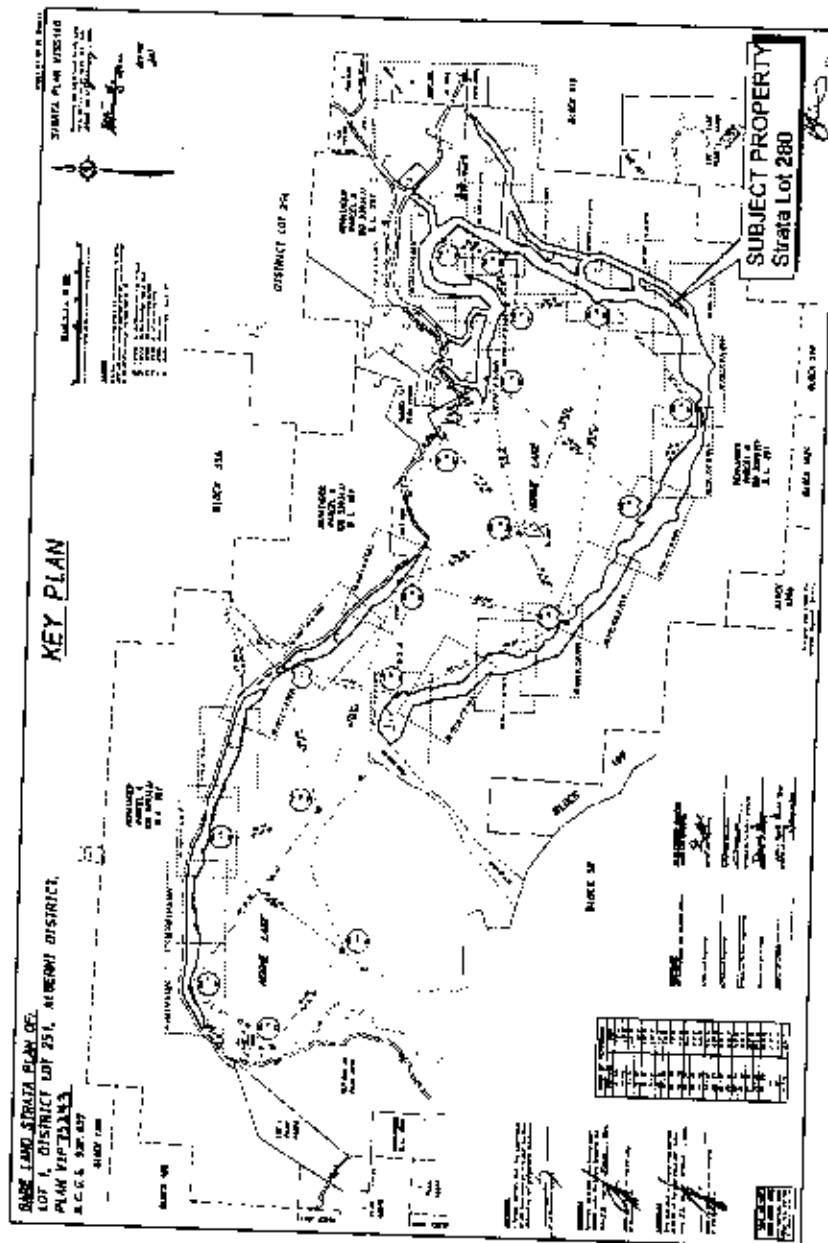
COMMENTS:

devs/rpports/2002/dp ma 3060 30 0228 baldwin home lk sl280

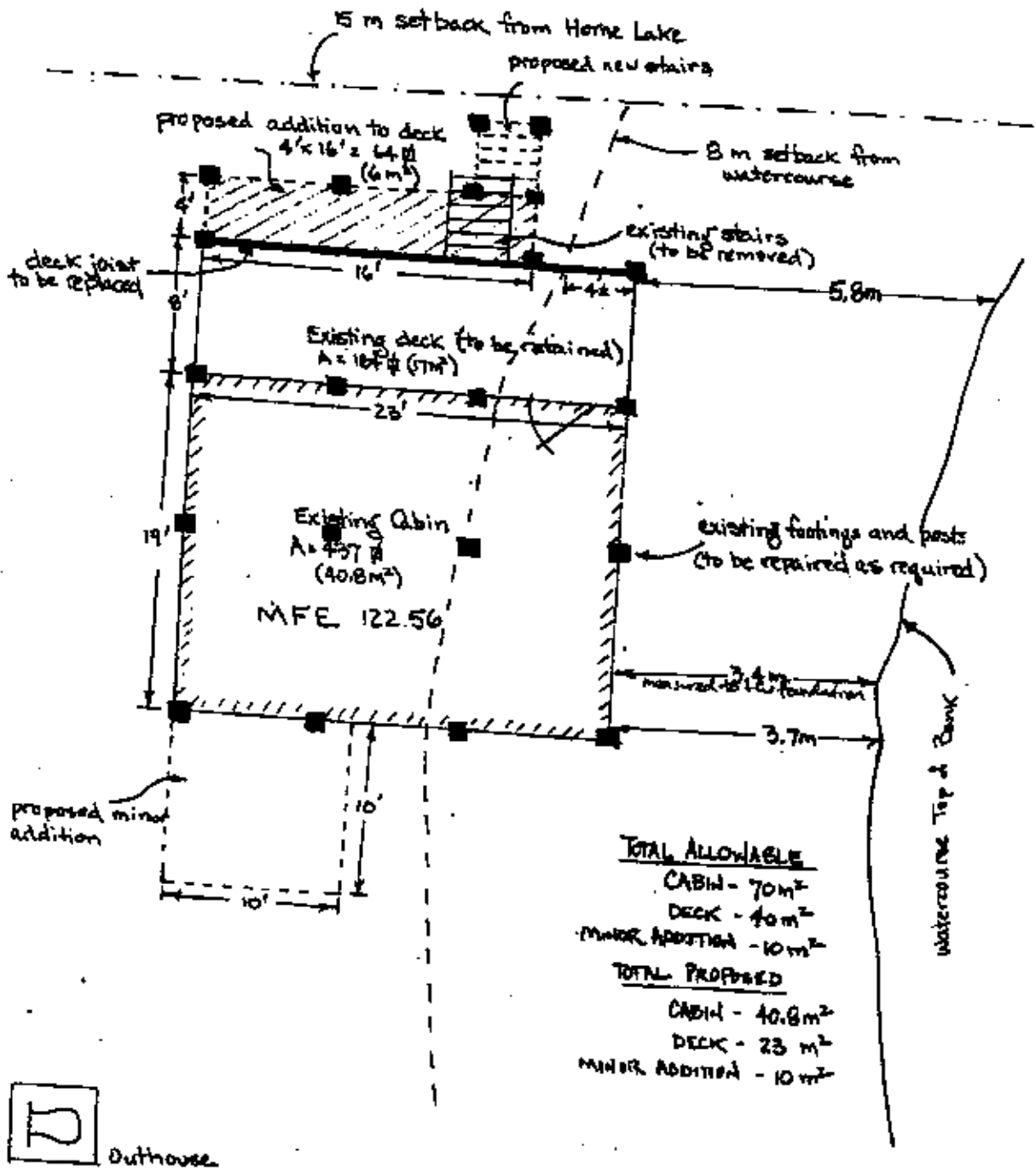

General Manager Concurrence


CAO Concurrence

Attachment No. 1
Subject Property
Development Permit No. 0228



Schedule No. 1
 Site Plan
 Development Permit No. 0228



**Schedule No. 2
Requested Variances
Development Permit No. 0228**

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

1. Section 6.4.107.4 Minimum Setback Requirements - All watercourses except Horne Lake is varied from 15.0 metres from the top of the bank to a minimum of 3.0 metres.

**Schedule No. 3
Conditions of Approval
Development Permit No. 0228**

Development Permit No. 0120

1. Works shall be undertaken in accordance with Development Permit No. 0120.

Vegetation Removal

2. Vegetation removal within the Development Permit Area shall consist of that which is required to locate the minor addition, deck addition, and access stairs to the recreational residence.

Streambank Stabilization

3. Plant cleared sections of stream banks with shrubs or rooted saplings to stabilize the stream bank.
4. Plantings shall consist of plants native to the area and suitable to the site conditions including amount of sun, soil type, and soil moisture.
5. Establish a riparian buffer a minimum of 2.5 metres wide.

Sediment and Erosion Control

6. Sediment and Erosion control measures must be utilized to control sediment during construction and to stabilize the site after construction is complete. These measures must include:
 - a) Exposed soils must be seeded as soon as possible to reduce erosion during rain events;
 - b) Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite during the works;

Flood Construction Elevation

7. A signed 'Release and Indemnity' form regarding renovations and construction being undertaken prior to the completion of the Horne Lake Dam reconstruction, has been received by the RDN as a condition of the issuance of this permit prior to beginning construction.
8. The Mean Flood Elevation of 122.56 m GSC, as shown on the plan of subdivision, must not be reduced.

Site Survey

9. A legal site survey completed by a BCLS confirming the siting of all buildings and structures on the lot must be submitted to the RDN prior to completion of the works.



REGIONAL DISTRICT OF NANAIMO			
MAY 21 2002			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
EA. PC ✓			

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: May 17, 2002

FROM: Deborah Jensen
Planner

FILE: 3090 30 0211

SUBJECT: Development Variance Permit Application No. 0211 - Kosak
Lot 1, Section 12, Range 3, Mountain District, Plan 38230
Electoral Area 'D' - 3043 Jameson Road

PURPOSE

To consider an application for a Development Variance Permit to vary Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 requirements in order to legalize the siting of an existing accessory building.

BACKGROUND

The subject property containing the accessory building is a 2.234 ha parcel located adjacent to Jameson Road and bordered to the east and west by similar sized properties (*see Attachment No. 1*). The property is zoned Rural 1 (RU1) 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 for all lot lines, or 30.0 metres for buildings and structures housing livestock or storing manure.

While completing an inspection on an adjacent property, RDN Bylaw Enforcement staff became aware of the contravening accessory building on the subject property. Specifically, the accessory building is in contravention of building permit requirements and of setback requirements pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" in January 2001. As a result of bylaw enforcement action, the applicant is proposing to legalize the subject accessory building through this application for a development variance permit and is aware that building permit requirements must also be met.

The existing accessory building, currently used for vehicle and miscellaneous storage, was constructed prior to purchase of the property by the current owner, and is sited within setbacks between the subject parcel and the adjacent property to the east. The siting and dimensions of the accessory building are shown on *Schedules No. 1 and 2*. The applicant is requesting a variance to the minimum setback requirements of a lot line from 8.0 metres to 1.89 metres.

ALTERNATIVES

1. To approve Development Variance Permit No. 0211.
2. To deny the requested development variance permit.

ENVIRONMENTAL IMPLICATIONS

The subject property is not located in an environmentally sensitive area as designated by the "Regional District of Nanaimo East Wellington - Pleasant Valley Official Community Plan Bylaw No. 1055, 1998." The front of the property has a steep slope rising up from Jameson Road, and the remainder of the property is quite flat. The majority of the buildings are sited across the east - central portion of the property.

LAND USE IMPLICATIONS

From staff's assessment of this application, the potential impact of this variance is reduced due to the size of adjacent parcels and the topography and remaining forest cover on the subject parcel. The south portion of the subject property remains wooded and is bordered by vacant, forested land. The presence of natural vegetation to the west and a steep slope to the north further ensure that the visual impact of the buildings located on the subject property is minimal from Jameson Road or the neighbouring property to the west.

The accessory building, which is 61 m² in size, is enclosed on three sides but open to the west-facing front. The rear and side portions of the building are bordered by mature trees. While the accessory building is sited only 1.89 metres from the east lot line, it does provide a buffer between the residential use of the subject property and the numerous buildings and dog kennel operation located on the adjacent property, thus providing both a visual and noise barrier for both properties.

VOTING


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

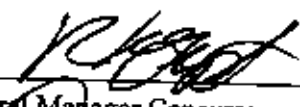
SUMMARY/CONCLUSIONS

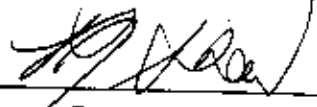
This is an application for a development variance permit to legalize an existing accessory building. The application includes a request to vary the minimum setback requirement for the east lot line from 8.0 metres to 1.89 metres. Given that the accessory building does not appear to have a significant impact on adjacent properties, staff recommends this application be approved subject to the notification requirements pursuant to the *Local Government Act*.

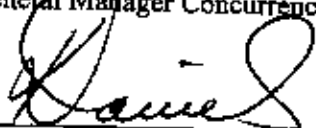
RECOMMENDATION

That Development Variance Permit Application No. 0211, submitted by Wanda Kosak for the property legally described as Lot 1, Section 12, Range 3, Mountain District, Plan 38230, to vary a lot line from 8.0 metres to 1.89 metres, be approved, subject to notification requirements pursuant to the *Local Government Act*.


Report Writer

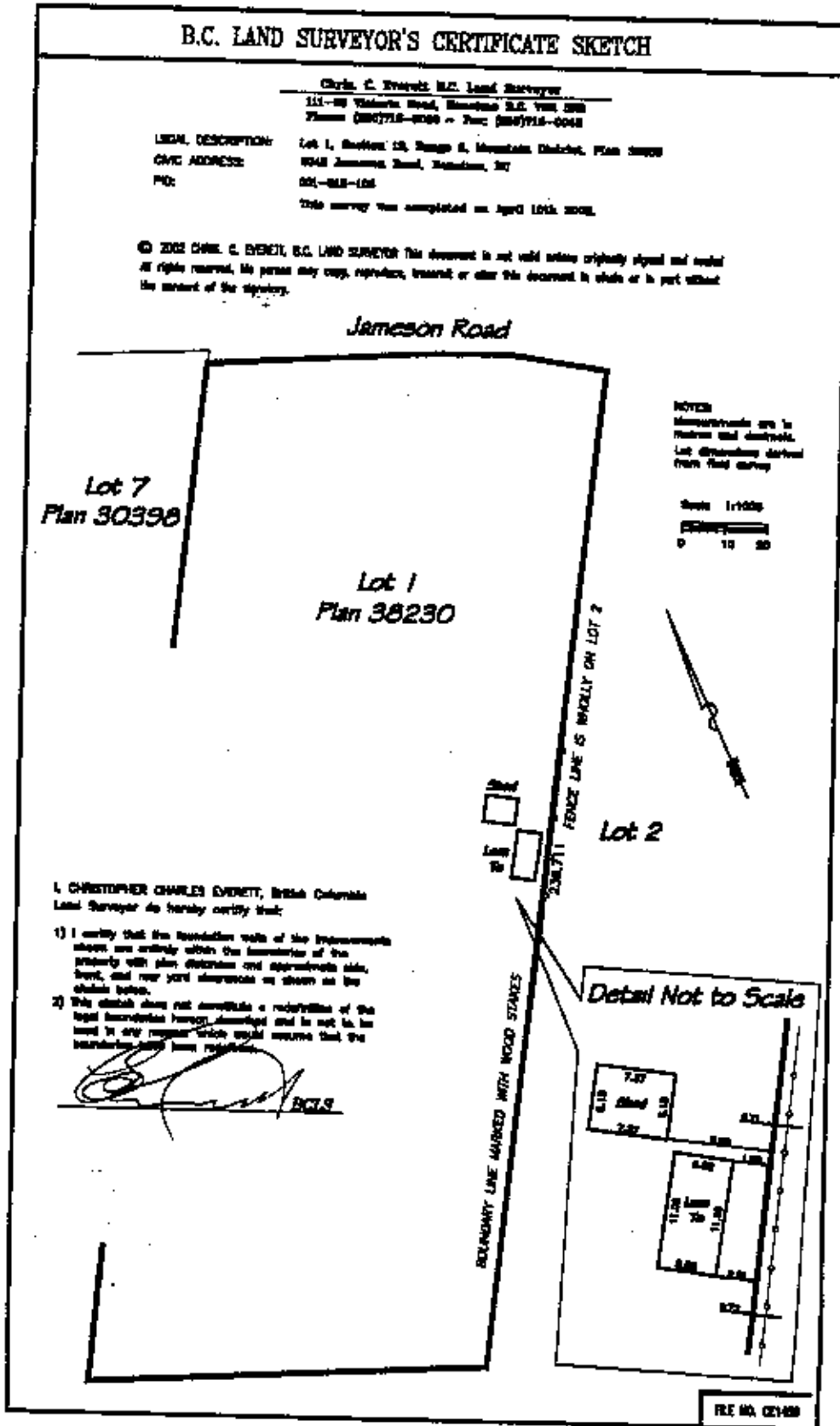

General Manager Concurrence


Manager Concurrence

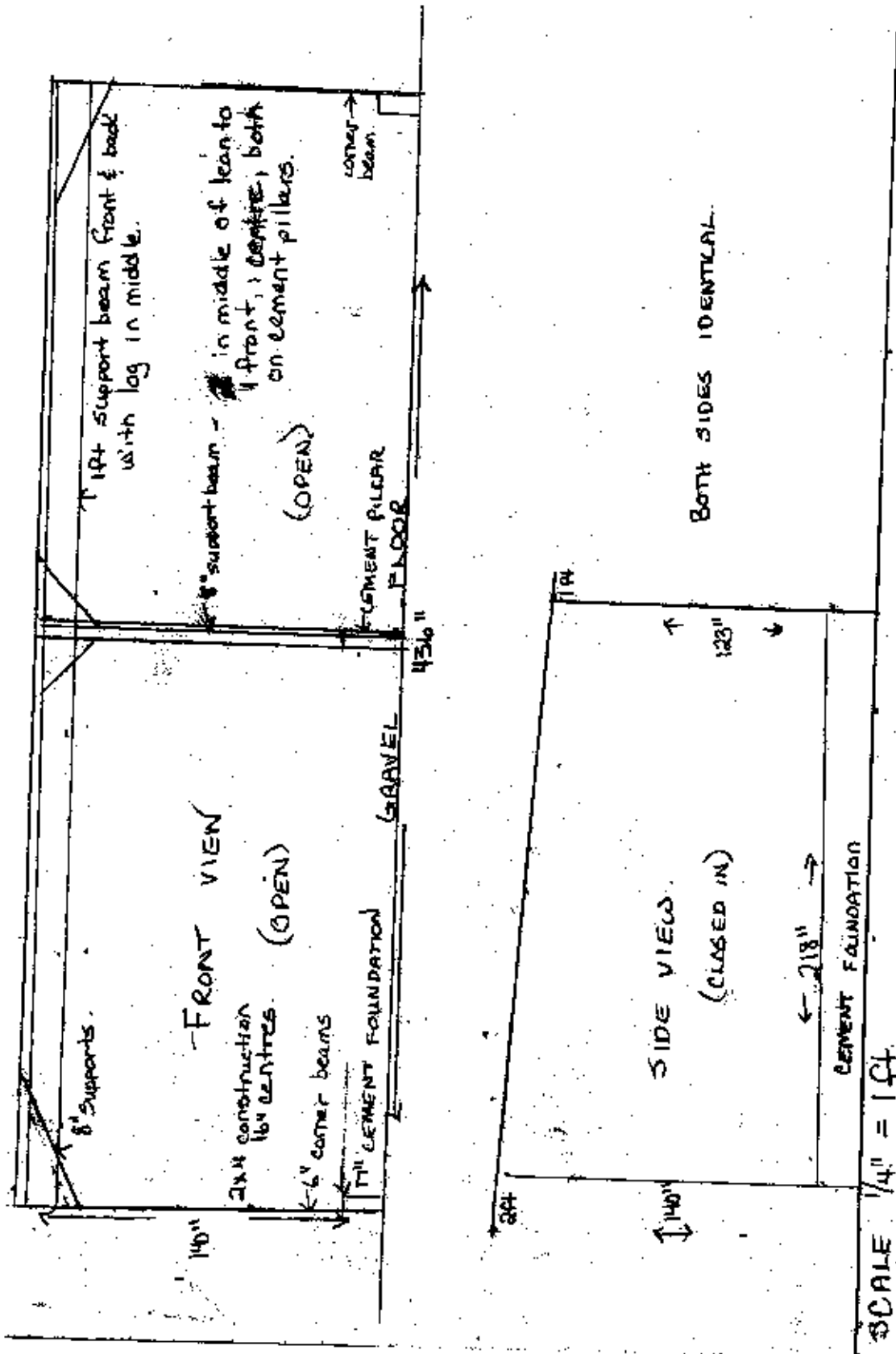

CAO Concurrence

COMMENTS:

Schedule No. 1
Survey Plan
(As Submitted by Applicant)

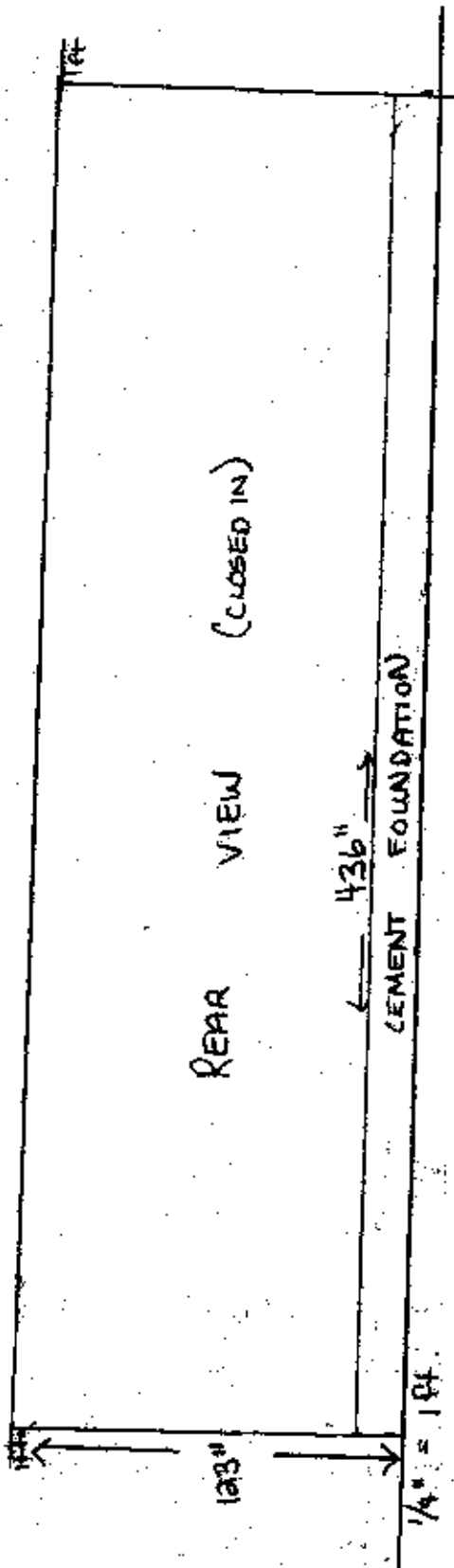


Schedule No. 2 (Page 1 of 2)
Building Profile
(As Submitted by Applicant)

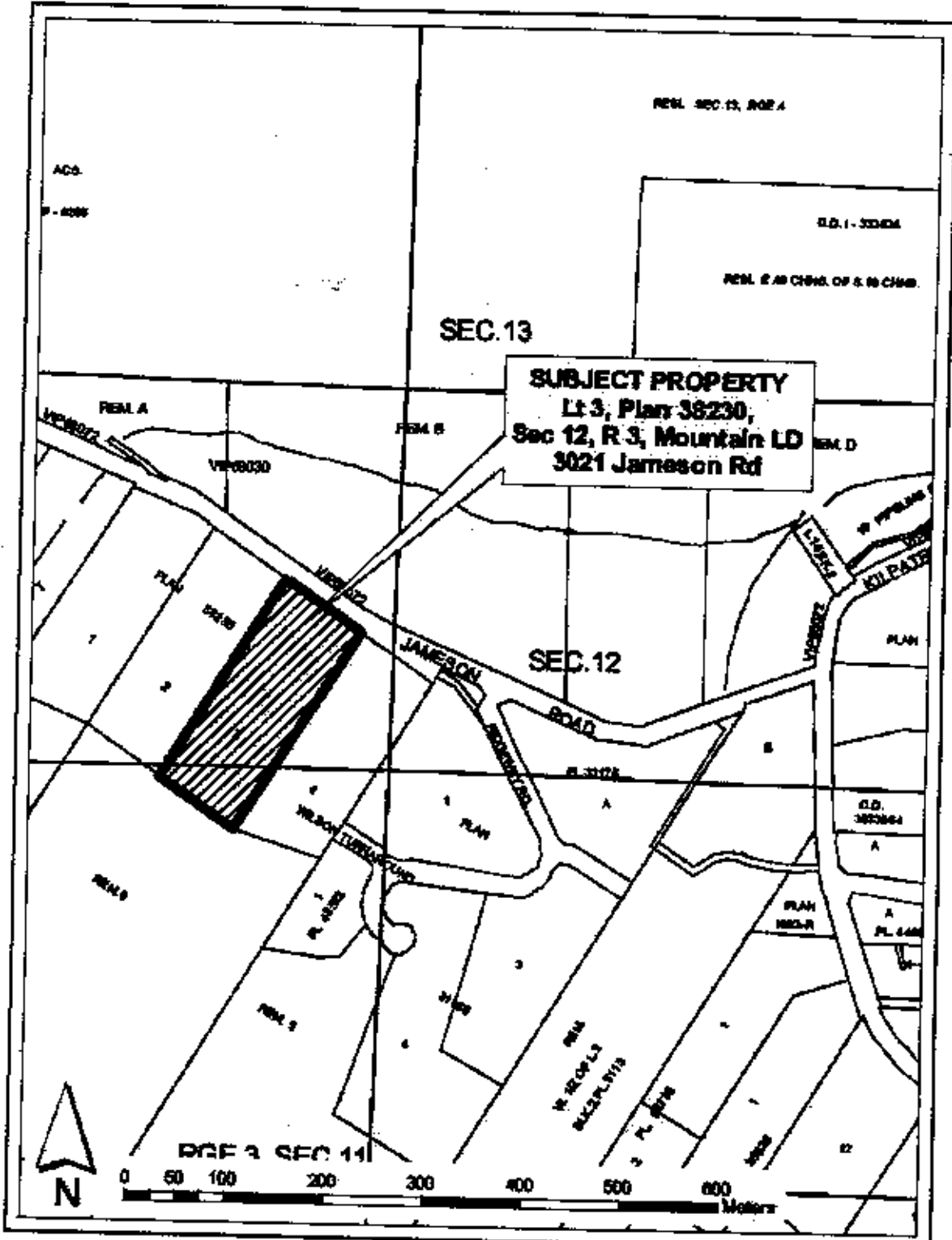


Schedule No. 2 (Page 2 of 2)
Building Profile
(As Submitted by Applicant)

PLAN OF OPEN LEAN TO AT 3043 JAMESON RD. APRIL 15/02



Attachment No. 1
Subject Property Map





REGIONAL DISTRICT
OF NANAIMO

MAY 21 2002

CHAIR		GMCrS	
CAO		GMDS	
GMCms		GMES	
EA PL			✓

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: May 16, 2002

FROM: Lindsay Chase
Planner

FILE: 3090 30 0212

SUBJECT: Development Variance Permit Application 0212 - Sims/Husson-Fallows
Electoral Area 'E' - 2825 Sea Blush Drive

PURPOSE

To consider an application for a development variance permit to vary the side lot line setback in order to legalize the siting of an existing accessory building located on Sea Blush Drive in Electoral Area 'E'.

BACKGROUND

This is an application to legalize the siting of an existing accessory building on a rural property in the Nanoose Bay area (*See Attachment No. 1*). The subject property is a 2.02-hectare parcel located at the end of Sea Blush Drive.

The subject property, legally described as Lot 25, Block 586, Nanoose District, Plan 29314 is zoned Rural 5 (RU5) Subdivision District 'D' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The minimum lot line setback for an accessory building in this zone is 8.0 metres from all lot lines provided the structure is not used for housing livestock or storing manure. The applicant is requesting that the side lot line setback be varied from 8.0 metres to 0.7 metres to legalize the siting of the accessory building. The siting of the existing accessory building is shown in *Attachment No. 2*.

The property is located in a building inspection area and at the regular May 14, 2002 Board meeting, the Board directed staff to initiate filing a Section 700 notice on title with respect to the accessory building. If the infractions are not rectified within 90 days legal action may be pursued.

The applicant has indicated that he was unaware of the setback requirements at the time of construction as he removed an existing barn and placed the new accessory building in its location. The new accessory building contains an 1100-liter diesel fuel tank used for refueling the property owners' bobcat. The tank is contained within a concrete moat that is capable of containing the entire contents of the tank in the event of a spill. In addition to hiding the fuel tank, the accessory building is also utilized as a wood shed.

ALTERNATIVES

1. To approve Development Variance Permit No. 0212.
2. To deny Development Variance Permit No. 0212.

PAGE
31

LAND USE IMPLICATIONS

The applicant has indicated that the new accessory building replaces an old structure that was considered to be an eyesore. The applicant has also indicated that the new building provides a safe means of fuel storage. The applicant submitted letters of support from 5 nearby property owners with this application, with the exception of the adjacent property owner to the north. All of the submitted letters indicate a high level of support for this application.

From staff's assessment of this application, the potential visual impact of the accessory building is minimal. The property owner has planted a cedar hedge along the property line to screen the shed from the adjacent property, and the shed is not visible from the property across Sea Blush Drive based on correspondence from that property owner. While the shed is visible from the end of the driveway, the subject property is located at the end of Sea Blush Drive, which is a dead end; therefore passing traffic is minimal and the visual impact of the accessory building when viewed from Sea Blush Drive is also minimal.

VOTING


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

SUMMARY/CONCLUSIONS

This is an application for a Development Variance Permit to legalize the siting of an existing accessory building. The application includes a request to vary the minimum lot line setback from 8.0 metres to 0.7 metres. The accessory building contains an 1100-liter diesel fuel storage tank that is contained within a concrete moat designed to contain the contents of the tank in the event of a spill. The applicant has submitted 5 letters of support for this development variance permit application from adjacent property owners, with the exception of the property owner to the north of the subject property. Staff recommends that this application be approved subject to notification procedures pursuant to the *Local Government Act*.

RECOMMENDATION

That Development Variance Permit Application No. 0212, submitted by Helen Sims, agent, on behalf of Kerry Husson and Tracey Fallow, to legalize the siting of an accessory building and to vary the minimum side lot line setback from 8.0 metres to 0.7 metres within the Rural 5 (RUS) zone for the property legally described as Lot 25, Block 586, Nanoose District, Plan 29314, be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.



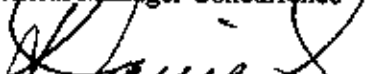
Report Writer



General Manager Concurrence



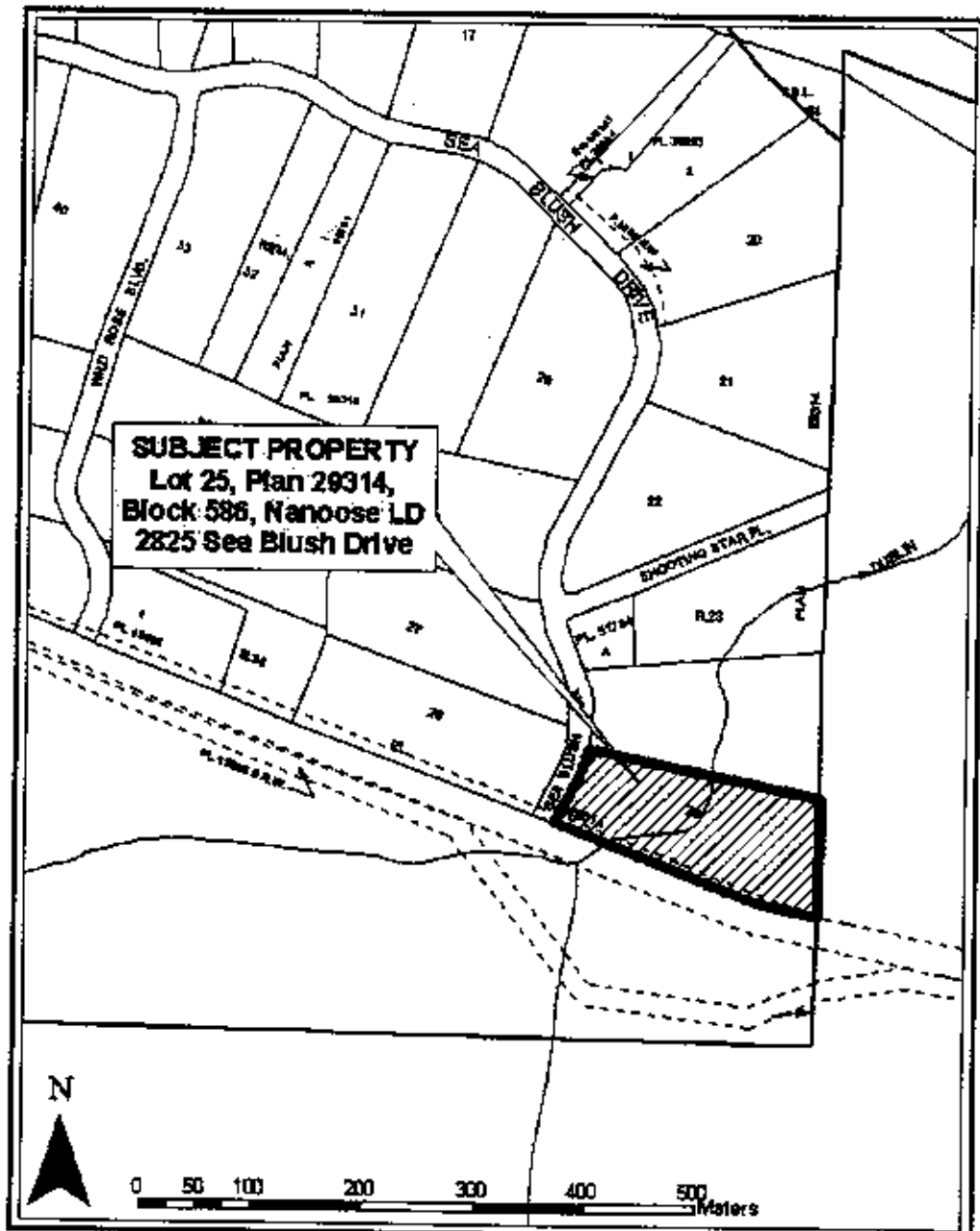
Manager Concurrence



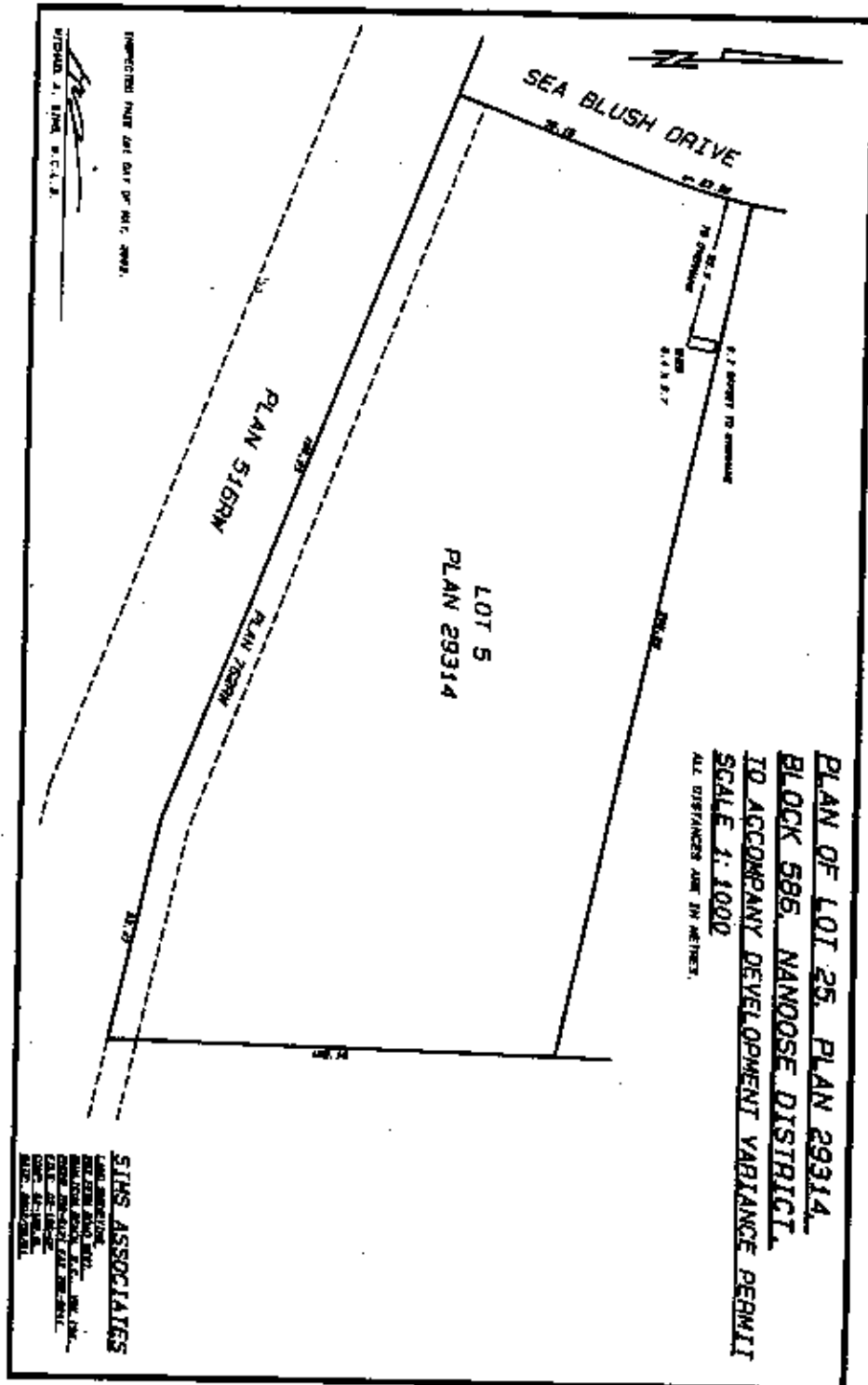
CAO Concurrence

COMMENTS:

Attachment No. 1
Subject Property Location



Attachment No. 2
Subject Property Site Survey



Attachment No. 3
Photographs of Accessory Building submitted by Applicant

