

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, MARCH 8, 2005
6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

- 3 **Ron Fuller**, re Zoning Amendment Application No. ZA0505 – RG Fuller & Associates, on behalf of Land & Water BC – Fielding Road – Area A.

MINUTES

- 4-6 Minutes of the Electoral Area Planning Committee meeting held Tuesday, February 8, 2005.

BUSINESS ARISING FROM THE MINUTES

PLANNING

AMENDMENT APPLICATIONS

- 7-15 Zoning Amendment Application No. ZA0502 – Kerr/Van Ijzendoorn – 2910 Extension Road – Area C.
- 16-23 Zoning Amendment Application No. ZA0505 – RG Fuller & Associates, on behalf of Land & Water BC – Fielding Road – Area A.

DEVELOPMENT PERMIT APPLICATIONS

- 24-29 Development Permit Application No. 60452 – Snyder/Shortman – 2925 Marshall Road – Area H.
- 30-39 Development Permit Application No. 60508 – Windward Developments/Turner – Viking Way – Area G.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 40-46 Development Variance Permit Application No. 90503 – Rempel – 1479 Bay Drive – Area E.
- 47-54 Development Variance Permit Application No. 90504 – Fern Road Consulting Ltd., on behalf of Lisa Holmgren – Meadow Drive – Area G.

OTHER

- 55-57 Restrictive Covenant – Wilson - Mallard Road – Area G.
- 58-63 Request for Relaxation of the Minimum 10% Perimeter Requirement – WR Hutchinson, BCLS, on behalf of Sangha – Jameson Road – Area D.
- 64-68 Bylaw No. 500 – Technical Review Planning Project – Public Consultation Framework.
- 69-78 Fees and Charges Amendment Bylaw No. 1259.02.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

Maurice Pearce

I'm requesting to address the
EAPC with respect to zoning
amendment 2A 0505 Fielding
Road.

Ron Fuller

753 2410

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, FEBRUARY 8, 2005, AT 6:00 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director E. Hamilton	Chairperson
Director H. Kreiberg	Electoral Area A
Director D. Haime	Electoral Area D
Alternate	
Director H. Webster	Electoral Area E
Director L. Biggemann	Electoral Area F
Alternate	
Director J. Chase	Electoral Area G
Alternate	
Director D. Heenan	Electoral Area H

Also in Attendance:

B. Lapham	General Manager, Development Services
J. Llewellyn	Manager of Community Planning
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Directors Webster, Chase and Heenan to the meeting.

DELEGATIONS

Mike Fowler, Can-Corp Ventures, re Proposed Highway Commercial Development.

Mr. Fowler introduced Art Phillips, also of Can-Corp Ventures, who provided an overview of a proposed commercial development Can-Corp Ventures would like to present to the residents of Electoral Area 'E' prior to the adoption of the Official Community Plan.

MINUTES

MOVED Director D. Haime, SECONDED Director Biggemann, that the minutes of the Electoral Area Planning Committee meeting held January 11, 2005 be adopted.

CARRIED

PLANNING

OFFICIAL COMMUNITY PLAN

Director Webster noted that in his capacity as Alternate Director for Electoral Area 'E', the adoption of the Official Community Plan should not proceed until such time as an elected Director is in the position to complete the process. He also suggested that many waterfront property owners are not aware of development permit requirements and have non-conforming uses.

Nanoose Bay Official Community Plan Update.

MOVED Director Webster, SECONDED Director D. Haime, that the Board receive the Summary of Proceedings and Written Submissions from the Public Information Meeting held January 18, 2005, receive the staff report containing the recommendations included in Schedule No. 1, and then hold the process in abeyance pending the election of a new Director for Electoral Area 'E'.

CARRIED

AMENDMENT APPLICATIONS

Zoning Amendment ZA0418 & ZA0419 – Fern Road Consulting/Brookwater Homes and Pal – MacPherson & Marshland Road – Area H.

MOVED Director D. Heenan, SECONDED Director Biggemann,:

1. That the minutes of the Public Information meeting held on January 27, 2005 be received.
2. That Zoning Amendment Application Nos. ZA0418 and ZA0419 as submitted by Fern Road Consulting to rezone Lots 2 & 5, Both of Block 390, Newcastle District, Plan 39504 from Resource Management 1 Subdivision District A (RM1A) to Rural 1 Subdivision District D (RU1D) be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw Nos. 500.312, 2005 and 500.313, 2005" be given 1st and 2nd reading.
4. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw Nos. 500.312, 2005 and 500.313, 2005" proceed to public hearing.
5. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw Nos. 500.312, 2005 and 500.313, 2005" be delegated to Director Bartram or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60460 – Miroslav Danielka and Margaret Chi – Van Isle Road - Area H.

MOVED Director Heenan, SECONDED Director Webster, that Development Permit Application No. 60460 submitted by Miroslav Danielka and Margaret Chi to facilitate the construction of a single dwelling unit, accessory building and driveway, with variances attached as Schedule No. 4, within the Electoral Area 'H' Official Community Plan Hazard Lands and Environmentally Sensitive Features Development Permit Areas for the property legally described as Lot A, District Lot 16, Newcastle District, Plan 25618, be approved, subject to the requirements outlined in Schedules No. 1, 2 and 3 and notification requirements pursuant to the *Local Government Act*.

CARRIED

Development Permit Application No. 60504 – Smith/Vectis Ventures – 3645 Dolphin Drive – Area E.

MOVED Director Webster, SECONDED Director Kreiberg, that Development Permit Application No. 60504, submitted by Tim Rann of Vectis Ventures on behalf of Dan and Christina Smith for the demolition of the existing dwelling unit, non-conforming cabin and deck and construction of a new dwelling unit with variances to RDN Bylaw No. 500, 1987 as outlined in Schedule No. 4 for the property legally described as Lot B, District Lot 78, Nanoose Land District, Plan 44229, be approved as submitted subject to Schedules No. 1, 2, 3, 4 and 5 and subject to the comments received as a result of public notification pursuant to the *Local Government Act*.

CARRIED

Development Permit Application No. 60505 – Scott – 961 Clark Road – Area F.

MOVED Director Biggemann, SECONDED Director Kreiberg, that Development Permit Application No. 60505, submitted by Karen and Brad Scott to permit the subdivision of the property legally described as Lot 1, Parcel A (DD3792N), District Lot 74, Newcastle District and partially designated within the Watercourse Protection Development Permit Area, be approved as submitted subject to the conditions of Schedules No. 1 and 2.

CARRIED

OTHER

Request for Acceptance of Parkland Dedication – Newcastle Engineering Ltd. on behalf of Woodridge Holdings Ltd. & H. Bhatti – MacMillan Road – Area A.

MOVED Director Kreiberg, SECONDED Director Webster, that the park land proposal submitted by Newcastle Engineering Ltd., on behalf of Woodridge Holdings Ltd. & H. Bhatti in conjunction with the subdivision of Lot 1, Section 17, Range 8: Part of the South ½ of Section 17, Range 8, With Exceptions; and Road Closure; All of Cranberry District be accepted subject to the conditions and as outlined in Schedule No. 1 of the staff report.

CARRIED

Request for Acceptance of Parkland Dedication or Cash in Lieu & Relaxation of Minimum 10% Frontage – WR Hutchinson on behalf of Sweeney/Cochran – Storey & Yellow Point Roads – Area A.

MOVED Director Kreiberg, SECONDED Director Biggemann, that the offer to provide 5% cash in-lieu-of park land and the request for relaxation of the minimum frontage requirement for proposed Lots 2, 3, 4 and 5, submitted by WR Hutchinson, BCLS, on behalf of Ms. L. Sweeney & Ms. A. Cochran, c/o Rad Star Investments Inc. in conjunction with the subdivision of Lot 1, Section 12, Range 2, Cedar District, Plan VIP53334, Except Part in Plans VIP64754, VIP71957 & VIP73838, be approved.

CARRIED

ADJOURNMENT

MOVED Director Kreiberg, SECONDED Director D. Haime, that this meeting terminate.

CARRIED

TIME: 6:38 PM

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO	
FEB 28 2005	
CHAIR	GMCMS
	GMCrS
CAO	GMDS
	GMES
EAPC	

MEMORANDUM

TO: Jason Llewellyn
 Manager, Community Planning

DATE: February 28, 2005

FROM: Blaine Russell
 Planner

FILE: 3360 30 0502

SUBJECT: Zoning Amendment No. 0502 - Kerr/Van Ijzendoorn
 Electoral Area 'C' - 2910 Extension Road

PURPOSE

To consider an application to rezone the subject properties from Residential 2 and Commercial 1 to a Comprehensive Development zone in order to facilitate a dog boarding and training facility and accessory vehicle marshalling for the existing mobile dog walking service.

BACKGROUND

The Regional District has received a zoning amendment application for the property legally described as Lots 1, 2, 3, and 4, Block 6, Section 12, Cranberry District, Plan 716 and located at 2910 Extension Road in Extension Village Centre of Electoral Area 'C' (see Attachment No. 1 for location of subject property). The amendment application proposes to rezone the subject properties, in this case Lot 3 which is zoned Commercial 1 subdivision district 'M' (CM1M) and Lots 1, 2 and 4 which are zoned Residential 2 subdivision district 'M' (RS2M) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", to a Comprehensive Development zone to permit a dog boarding and training facility and accessory vehicle marshalling for the existing mobile dog walking service on the subject properties, which have a combined total area of approximately 2176 m².

Pursuant to the "Regional District of Nanaimo Electoral Area 'C' Official Community Plan Bylaw No. 1148, 1999" (OCP), the subject property is designated within the Village Centre Land Use. In addition, Bylaw No. 1148 designates the subject property within the Village Centre - Commercial Development Permit Area.

Surrounding uses include Extension Road to the north, John Street to the west, residential zoned parcels to the south and west, and lands zoned for public use to the east. Of the 4 subject properties, only Lot 3 is currently developed and contains a storefront in which the dog training use is currently undertaken and includes a residence.

The applicant has submitted a proposed site plan, proposed building profile, and proposed landscaping as part of the submission.

Proposal

The proposal as submitted includes boarding and training of a maximum of 10 dogs and marshalling of a maximum of 3 vehicles. The development of the facility is proposed in stages as follows:

Stage A - Continuation of Existing Use on Lot 3

- existing storefront continued use for dogs boarding;
- dog training in storefront building;
- new fencing constructed with minimum height of 1.8 metres; and,
- business frontage improvements including painting and window coverings for the existing building and constructing sound barriers.

Stage B – Extension of Service

- establish supervised dog training within proposed fenced-in area on Lots 1, 2 and 4; and,
- plant hedge adjacent to the right-of-way on the west side of Lots 3 and 4.

Stage C- Site Upgrades

- parking improvements;
- circular driveway;
- upgraded fencing along John Street; and,
- tentative studio building.

ALTERNATIVES

1. To approve the application, in consideration of the applicant offering to undertake the improvements as outlined in the proposal and direct staff to draft an amendment bylaw for consideration of 1st and 2nd reading and proceed to public hearing.
2. To not approve the amendment application.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

The Village Centre Land Use policies pursuant to Bylaw No. 1148 permit compatible home occupation and commercial uses to the residential use. A number of noise complaints have been received and suggest that compatibility may be difficult to achieve. The policies also state that commercial uses are to be developed in accordance with the condition that they are limited to; uses whose principle customers are residents of Extension and surrounding areas. The market area for the expanded dog boarding and training use is similar to that of the existing dog walking business, which serves customers well beyond Extension and surrounding areas, for example, customers within the city of Nanaimo. Therefore, the scope of customers served appears to be beyond that which is supported in the OCP.

If the zoning amendment proceeds, a development permit application may be considered by the Regional Board concurrently with consideration of adoption of the corresponding amendment bylaw.

DEVELOPMENT IMPLICATIONS

In mid-June, the Regional District of Nanaimo became aware that dog boarding was occurring on the subject properties. However, pursuant to Bylaw No. 500 animal care, which includes dog boarding, is not a permitted use on the subject properties. In order to achieve compliance with Bylaw No. 500, the applicant has made this application for the Board's consideration.

Infrastructure and Land Use

As previously mentioned, the combined subject properties total area is approximately 2176 m². As with many of the lots in the Extension area, they are very small and are as follows: Lot 1 - 218 m²; Lot 2 - 395.8 m²; Lot 3 - 818 m²; and Lot 4 - 745.6 m². As a result, establishing an individual use on each of these lots may be difficult. Therefore, consolidation of the subject properties should be considered as part of any bylaw amendment application.

The applicant has stated that a maximum of 10 dogs will be using the facility at any one time but indicates that there may be more dogs during 'transitional periods'. However, it is unclear how long these 'transitional periods' might be.

Noise

As previously stated, a number of noise complaints regarding dogs in the area were received by the Electoral Area Director. Therefore, as part of this application the applicant is proposing to improve noise reduction methods by installing fencing of no less than 1.8 metres, hedging the adjacent public right-of-way to the west and undertake building improvements.

Pursuant to Bylaw No. 500, dog boarding is permitted as an Animal Care Use in Rural 2 (RU2) and Rural 3 (RU3) zoned properties. All RU2 and RU3 properties within the RDN have a minimum parcel size of 2 hectares. These parcels offer better sound barrier potential due to their larger size and the potential for mature vegetation. The applicant is proposing to board no more than 10 dogs; however, as the combined size of the properties is 2176 m² staff anticipates that noise abatement will be difficult to achieve, especially for the outside training component of the operation. *(Please refer to Schedule No. 1 for location of fencing and hedges)*

Visual

The applicant is proposing to improve visual screening on the properties by upgrading fencing and planting a new hedge adjacent the public right-of-way along the west side of the property. The proposed improvements will provide better visual screening of the property and, in the opinion of the applicant, will reduce noise by decreasing the potential for the dogs to get excited by pedestrian traffic.

Lighting

Lighting is proposed to be minimal as only a front door entrance light is proposed. Training activity is proposed to occur indoors in the winter; therefore, minimal external lighting is required.

Traffic Impacts

Vehicular traffic is expected to be minimal as the applicant's business provides pick-up service. As well, customer drop-off is proposed to be by appointment only. The applicant is proposing to have 3 vehicles as part of the business, therefore accessory marshalling is being requested. If the property were rezoned, it is likely that regular traffic at the beginning and end of the workday might increase as the business became more established.

Parking

The applicant is proposing parking for up to 4 vehicles in a circular driveway, an additional area for 2 marked parking spaces for clients, and 1 residential parking space. Bylaw No. 500, Schedule 3B, outlines Parking Requirements and states for the Animal Care use 1 parking space per 20.0 m² of floor area, office use requires 1 per 32 m² of floor area, and residential use requires 2 parking spaces. While the applicant has not provided the floor area dimensions of the existing and proposed buildings, there appears to be enough room for adequate parking if the parking plan is revised. Parking would be required to be addressed by way of subsequent development permit. *(Please refer to Schedule No. 1 for location of parking)*

Signage

The applicant is proposing minimal signage with a main fascia sign of less than 1 m² and ancillary directional signage such as hours of operation etc. Proposed signage appears to be consistent with "Regional District of Nanaimo Sign Bylaw No. 993, 1995". However, any new signage would trigger the need for a development permit to be obtained prior to installation. *(Please refer to Schedule No. 2 for location and appearance of proposed signage)*

Waste Disposal

The applicant has indicated that waste would be disposed of using residential curbside pick up. However, the Environmental Services Department, Solid Waste has stated they will not accept waste from a 10 dog kennel since the quantity would be in excess of what the typical family would generate. They suggest that the applicant contract with one of the "doggie-doo" firms or haul the waste to the landfill themselves.

PUBLIC CONSULTATION IMPLICATIONS

Due to the number of noise complaints received by the Electoral Area Director with respect to dogs and the staff recommendation that the application not be approved, pursuant to the Impact Assessment Bylaw No. 1165, no public information meeting was held.

VOTING


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

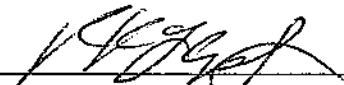
SUMMARY/CONCLUSIONS

This is an application to amend the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" to permit dog boarding and training and accessory vehicle marshalling at 2910 Extension Road in the Extension Village Centre of Electoral Area 'C'. This facility has existed at a smaller scale than proposed by the application and noise complaints have been received. The OCP supports commercial activity that is compatible with the adjacent residential use and serves primarily the Extension and surrounding area. However, the proposed use serves customers from the City of Nanaimo and the Regional District and is therefore a larger customer base than envisaged in the OCP. The traffic impact may be greater than anticipated. As well, numerous noise complaints have been received since the facility has been in operation and it is expected that noise abatement will be difficult to achieve due to the size of the properties. Therefore, due to the incompatibility with the surrounding residential uses, the size of the properties and the noise complaints staff do not recommend approval of this application.

RECOMMENDATIONS

1. That Zoning Amendment Application No. ZA0502 submitted by Robert Kerr of U-Dog Fitness and Behaviour, on behalf of Jan H. Visser van Ijzendoorn, to rezone the properties legally described as Lot 3, Block 6, Section 12, Cranberry District, Plan 716 from Commercial 1 subdivision district 'M' (CM1M) and Lots 1, 2 and 4, Block 6, Section 12, Cranberry District, Plan 716 from Residential 2 subdivision district 'M' to a Comprehensive Development zone, in order to permit dog boarding, dog training and accessory vehicle marshalling be denied.
2. That bylaw enforcement action be taken with respect to the existing dog boarding and dog training use on the properties legally described as Lots 1, 2, 3, and 4, Block 6, Section 12, Cranberry District, Plan 716.


Report Writer


General Manager Concurrence


Manager Concurrence

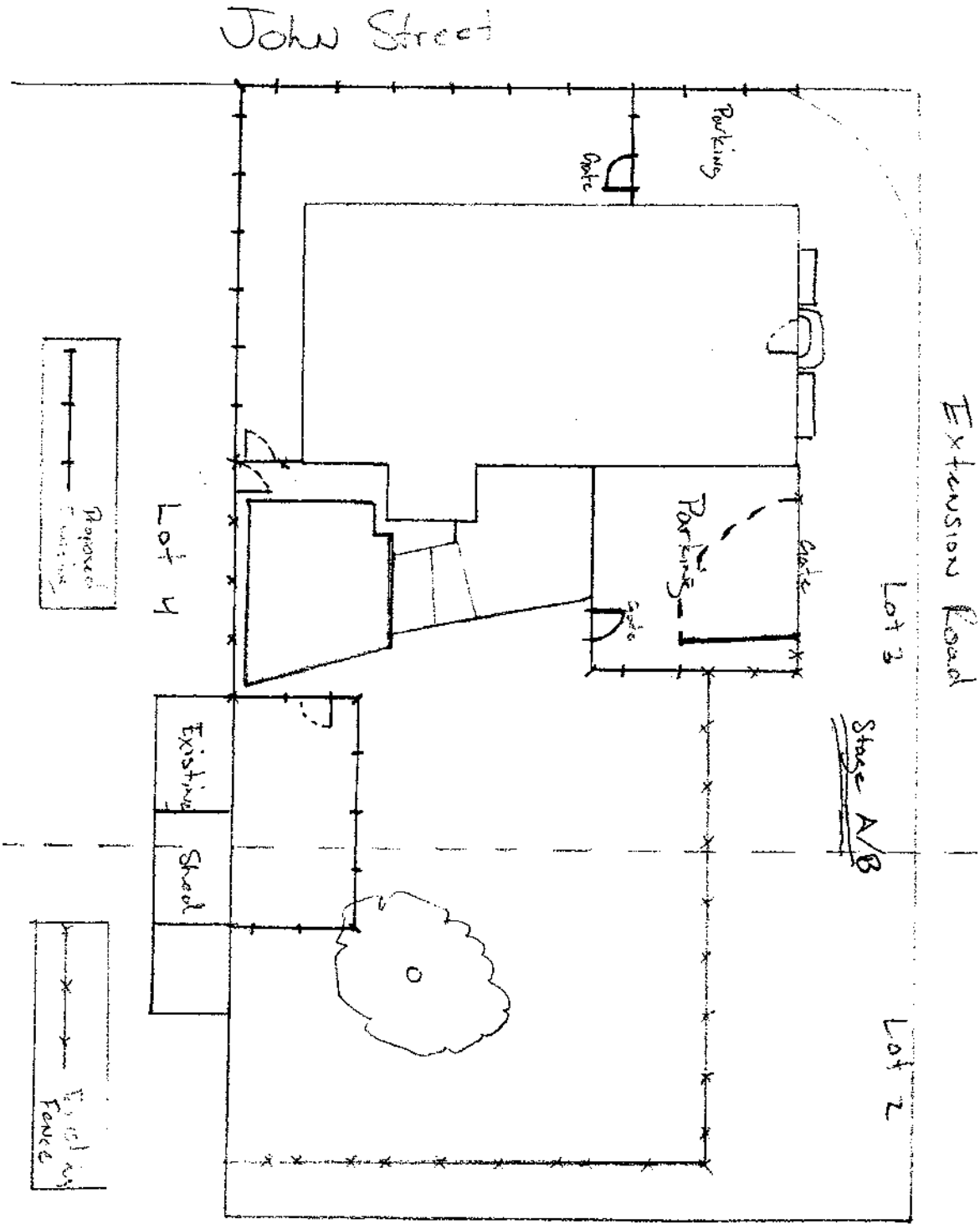

CAO Concurrence

COMMENTS:

devsvs/reports/2005/za 3360 30 0502 mr van ijzendoorn

SCHEDULE No. 1

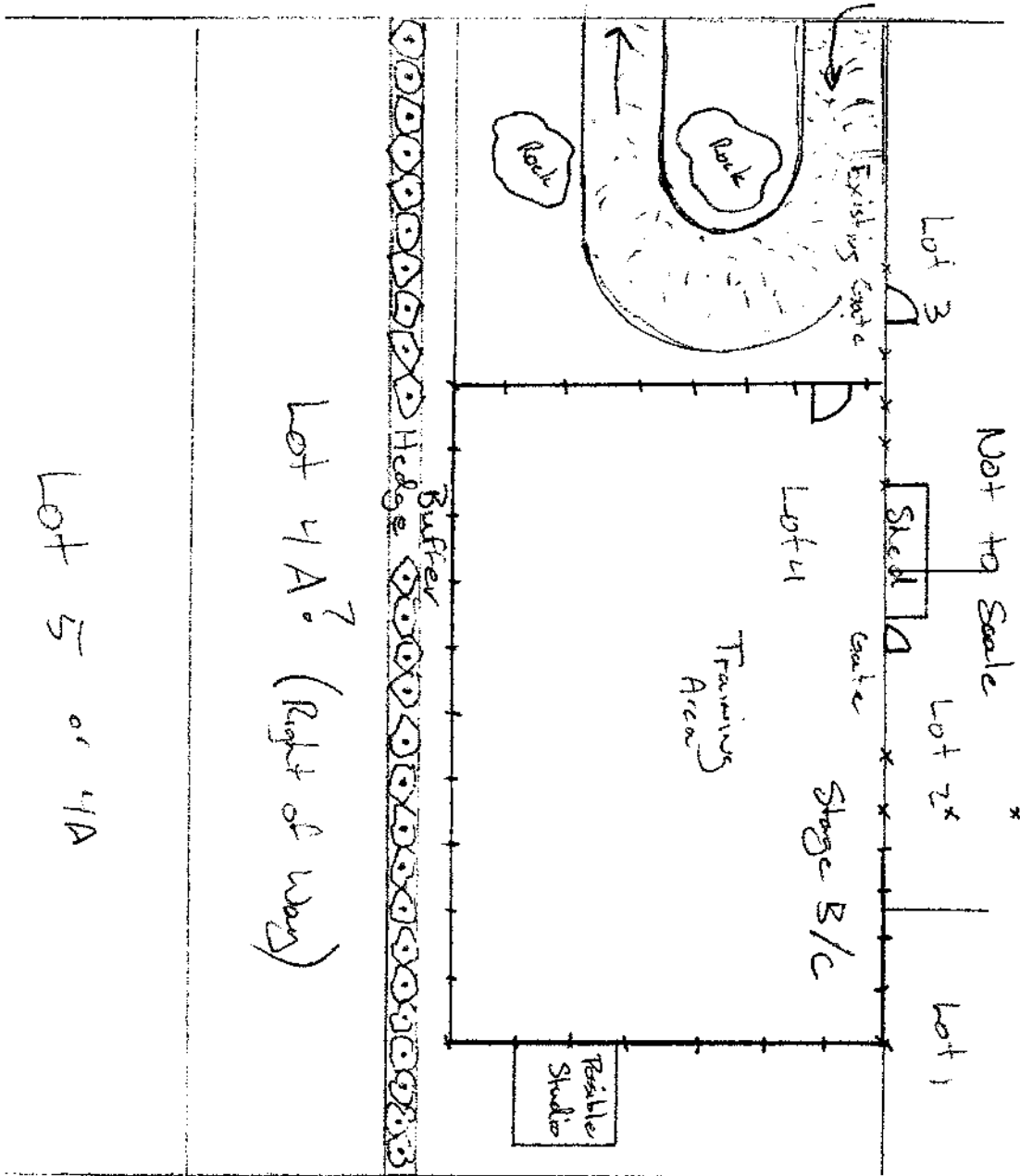
Site Plan
(as submitted by applicant)
(reduced for convenience)



SCHEDULE No. 1

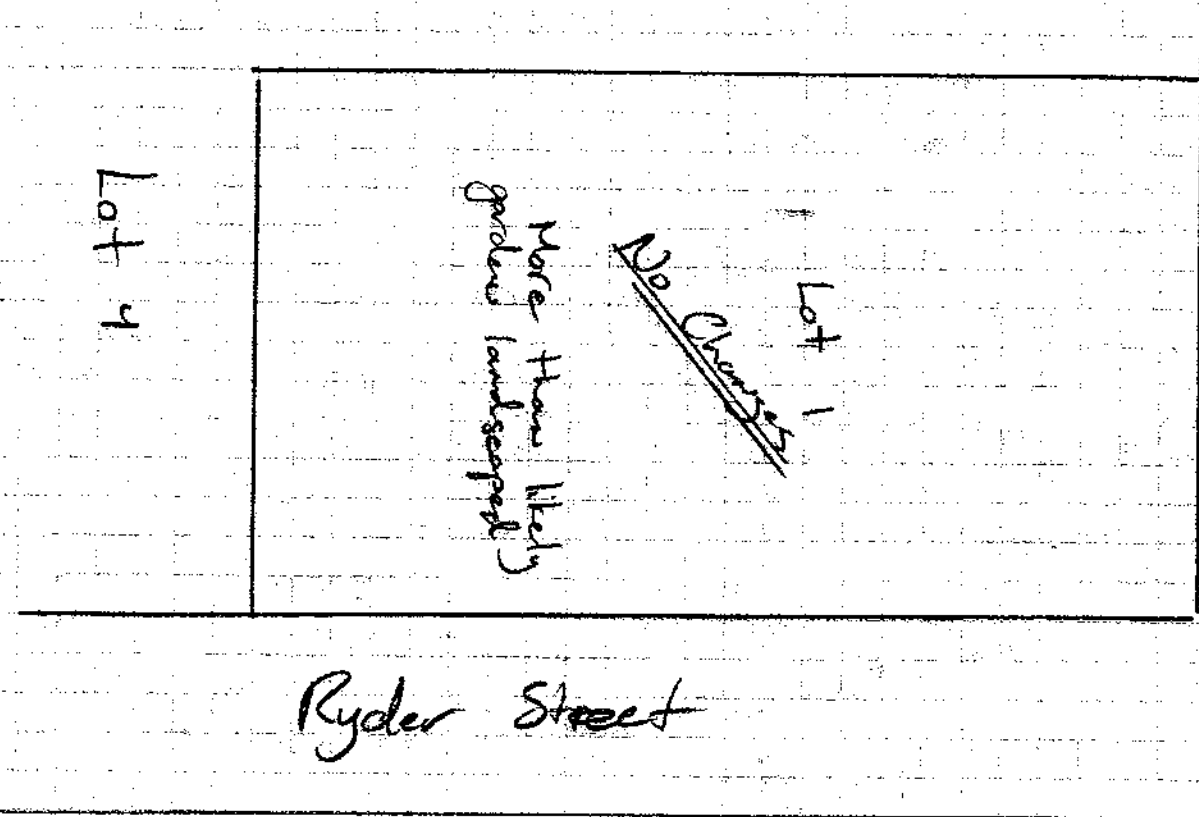
Site Plan
(as submitted by applicant)
(reduced for convenience)

John Street



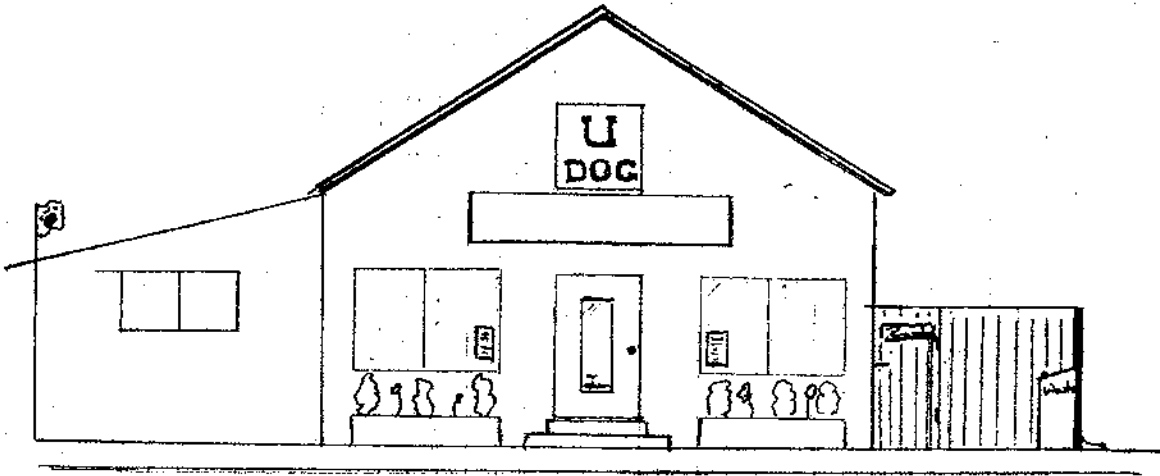
SCHEDULE No. 1

Site Plan
(as submitted by applicant)
(reduced for convenience)



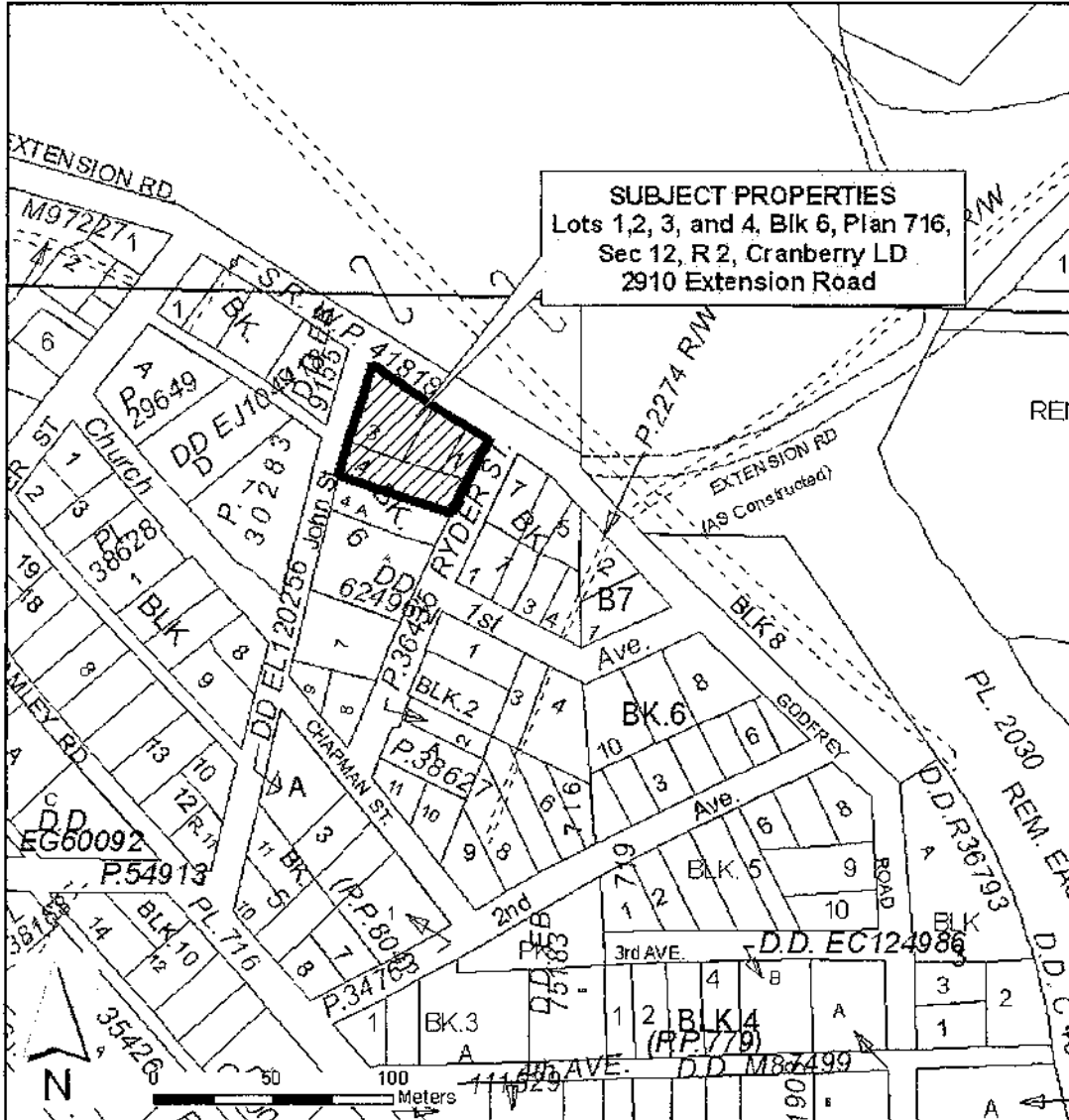
SCHEDULE No. 2

Profile Plan
(as submitted by applicant)
(reduced for convenience)



ATTACHMENT No. 1

Location of Subject Property





REGIONAL DISTRICT OF NANAIMO	
FEB 25 2005	
CHAIR	GMCMS
	GMCRS
CAO	GMDS
	GMES
EARC ✓	

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: February 25, 2005

FROM: Susan Cormie
Senior Planner

FILE: 3360 20 0505

SUBJECT: Zoning Amendment Application No. ZA0505
RG Fuller & Associates, on behalf of Land & Water BC
Electoral Area 'A' – Fielding Road

PURPOSE

To consider an application to rezone the subject property from Residential 2 Subdivision District 'F' (RS2F) to Comprehensive Development Zone 22 Subdivision District 'Z' (CD22Z) in order to facilitate the future development of light industrial uses.

BACKGROUND

The Planning Department has received a zoning amendment application for the properties legally described as Lots 16 & 17, Both of Section 14, & Lot 18, Sections 14 & 15, All of Range 6, Cranberry District, Plan 9244 and located adjacent to Fielding Road in the South Wellington area of Electoral Area 'A' (see Attachment No. 1 for location of subject properties). These properties, which total 2.3 ha in size, are currently zoned Residential 2 (RS2) and are within Subdivision District 'F' (minimum 1.0 ha parcel size without community services) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

Pursuant to the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" (OCP), the subject property is designated within the South Wellington Industrial - Commercial Land Use Designation. The OCP policies for this designation recognize and support the use of the land for industrial uses.

In addition, Bylaw No. 1240 designates the subject properties within the South Wellington Development Permit Area No. 1. Therefore, a development permit would be required prior to the development of the site.

Surrounding uses include residential zoned parcels to the north, Fielding Road and residential zoned parcels to the east, and industrial zoned parcels to the south and west. The subject properties are currently vacant and well vegetated.

There are currently no community water or community sewer services within the area nor are services anticipated in the future. The subject property is within an RDN Building Inspection area.

Proposal:

The applicant is requesting that Bylaw No. 500, 1987 be amended from Residential 2 Subdivision District 'F' (RS2F) (1.0 ha minimum parcel size without community services) to Comprehensive Development 22 Zone Subdivision District 'Z' (CD22Z) (no further subdivision) in order to allow for a number of light industrial uses.

The submitted proposal includes that the subject properties will be consolidated into 1 parcel to be served by private on-site well and septic disposal system. Detailed site plans have not been included because there is no proponent. As part of the application information process, the applicant has submitted an engineer's report on onsite sewage and water services, a Stages 1 and 2 Preliminary Site Investigation report, a Detailed Site Investigation report, and a preliminary geotechnical report.

Public Information Meeting

As the Committee is aware, there have been a number of recent applications for rezoning parcels in the South Wellington area. As the proposal is consistent with the OCP and there has been relatively low attendance at similar public information meetings in the area, in consultation with the Electoral Area Director, it was decided, pursuant to the Impact Assessment Bylaw No. 1165, that a public information meeting would not be held for this application.

ALTERNATIVES

1. To approve the amendment application as submitted for 1st and 2nd reading and proceed to public hearing.
2. To approve the application, in consideration of the applicant offering to undertake the conditions outlined in Schedule No. '1' of this report, for 1st and 2nd reading and proceed to public hearing.
3. To not approve the amendment application.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

The Electoral Area 'A' Official Community Plan No. 1240, 2001 policies support the proposal for a light industrial use in this location. Therefore, the rezoning of this parcel to a comprehensive development zone for light industrial uses is supported by the Official Community Plan.

DEVELOPMENT IMPLICATIONS

The subject properties are currently vacant. To ensure the future uses are in keeping with the OCP direction to support light industrial uses in the South Wellington area, staff is recommending that a comprehensive development zone be created to include a number of specific land uses, which support light industrial uses with less emphasis on retail sales. The proposed uses, which are set out in *Schedule No. 2* of this staff report, will generally require less potable water than other light industrial uses permitted under the Industrial 1 zone of Bylaw No. 500. The proposed CD zone will also include requirements for protection of the aquifer such as oil / water separators.

With respect to on-site sewage disposal, the submitted engineer's report concludes that soil and groundwater conditions comply with the relevant guidelines for onsite sewage disposal for industrial uses. This analysis is based on the applicant's proposal to consolidate the three existing parcels into one parcel.

However, the applicant has not yet made application for a sewage disposal permit. If the zoning amendment proceeds, staff recommends that the applicant be required to submit proof of on-site septic disposal approval prior to consideration of adoption of a bylaw.

With respect to potable water, the submitted engineer's report reviews wells in the surrounding area, as there is no well on the subject properties. The report concludes that new water wells can be expected to provide potable water if the wells are sited, constructed, and tested by qualified professionals and the water quality is tested to confirm that it meets drinking water quality guidelines. If the zoning amendment proceeds, staff recommends that the applicant be required to submit proof of potable water prior to consideration of adoption of a bylaw.

As there are no community services in this area and as these services are not anticipated, a no further subdivision clause is recommended to be included within the comprehensive development zone.

Although the applicant is not proposing any specific development for the site at this time, it is noted that the subject properties are designated within the South Wellington Development Permit Area No. 1 and any development of the site would require the issuance of the development permit prior to commencing construction. It is noted that the South Wellington Development Permit Area No. 1 includes guidelines such as the provision of groundwater protection and the location of off-street parking and outdoor storage areas. The requirement to provide landscaping adjacent to Fielding Road would be exempt from development permit guidelines. In order to ensure that an area adjacent to Fielding Road would be landscaped, staff recommends this requirement be secured by a development covenant. The applicant's agent is in concurrence with this condition.

PUBLIC CONSULTATION IMPLICATIONS

If the application proceeds, a Public Hearing will be required as part of the zoning amendment process.

ENVIRONMENTAL IMPLICATIONS

The Environmentally Sensitive Areas Atlas indicates that there are no environmentally sensitive features within the subject properties.

The applicant also has completed a Waste Management Site Profile, which indicates there has been wood waste material placed on a portion of Lot 18. The Detailed Site Investigation (DSI) Report concluded that while the wood waste layers are not considered an environmental concern; there are geotechnical concerns associated with this fill that will need to be considered at time of development of the property. It is noted that this Site Profile and associated reports have not been submitted to the Ministry of Water Land and Air Protection. The applicant's agent is aware that this must be completed prior to consideration of consideration of adoption if the amendment bylaw proceeds.

As a result of the DSI Report, the applicant also submitted a geotechnical report dated August 2000, which concludes that ground improvements would be required prior to development within the wood waste area. Given that the report sites limitations to future development, it is recommended that this geotechnical report be registered on title. It is noted that, as the subject properties are within a building inspection area, an additional geotechnical report may be required at time of building permit application. In order to lessen negative impacts on the groundwater, staff recommends that the proposed land uses include limitations on the amount of outdoor storage use and that no commercial vehicle washing be allowed on the site unless an approved water recycling / oil separator system is in place.

INTERGOVERNMENTAL IMPLICATIONS

Ministry of Transportation – the Ministry has forwarded a number of conditions concerning this application including dedication of highway, no increase to off-site drainage, and submission of access application. It is also noted that an amendment bylaw is subject to the approval of the Ministry pursuant to the *Highway Act*.

Vancouver Island Health Authority - the applicant has not submitted a current septic disposal permit; however an engineer's assessment report has been received with respect to septic disposal capability for this site. It is noted that the Vancouver Island Health Authority, as of May 31, 2005, will not longer be issuing septic disposal permits.

Cranberry District Local Fire Chief – The Planning Department, in consideration of fire safety issues, has been referring applications for rezonings or OCP amendments to local fire departments. To date, comments have not been received on this application, but the RDN will continue to keep local fire officials informed of proposed changes in their areas.

VOTING

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

SUMMARY

This is a request to amend Bylaw No. 500, 1987 to permit future industrial related uses on property adjacent to Fielding Road in the South Wellington area of Electoral Area 'A'. The public information meeting was waived due to the lack of attendance at other similar meetings. The applicant will be required to meet all conditions of the Ministry of Transportation with respect to access. In addition, as the subject property is within 800 metres of a highway interchange, the amendment bylaw would be subject to the approval of the Ministry pursuant to the *Highway Act*.


With respect to potable water and on-site septic disposal, the applicant has provided an engineer's report, which concludes that these private services should be achievable if the properties are consolidated. Therefore, staff recommends that the applicant consolidate the parcels and prior proof of septic disposal and potable water prior to consideration of 4th reading of the corresponding bylaw. The applicant's agent is in concurrence with these conditions.

The Electoral Area 'A' OCP designates the subject properties within the South Wellington Development Permit Area. Therefore, prior to any development of the properties occurring, a development permit will have to be issued. As landscaping is not a requirement under the development permit guidelines, staff recommends that a section 219 covenant be registered on title, which requires landscaping along Fielding Road. The applicant's agent has indicated concurrence with these conditions.

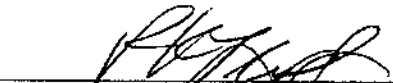
Given that the OCP supports industrial uses on these properties and the applicant's agent is in concurrence with the conditions outlined in Schedule No. 1, staff recommends Alternative No. 2, to approve the amendment application subject to the conditions set out in Schedule No. 1 for 1st and 2nd reading and to proceed to public hearing.

RECOMMENDATIONS

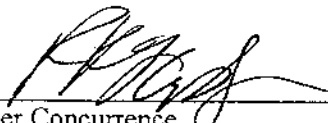
1. That Zoning Amendment Application No. ZA0505 submitted by RG Fuller & Associates, on behalf of Land & Water BC to rezone the properties legally described as Lots 16 & 17, Both of Section 14, & Lot 18, Sections 14 & 15, All of Range 6, Cranberry District, Plan 9244 from Residential 2 Subdivision District F (RS2F) to Comprehensive Development 22 Subdivision District 'Z' (CD22Z) in order to facilitate the future development of light industrial uses be approved to proceed to public hearing.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.316, 2005" be given 1st and 2nd reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.316, 2005" proceed to public hearing.
4. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.316, 2005" be delegated to Director Kreiberg or his alternate.



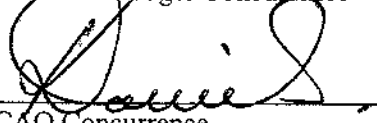
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2005/ZA3360 30 0505 Fuller LWBC mr 1st and 2nd

**Schedule No. 1
Conditions of Approval
Zoning Amendment Application No. ZA0505
Lots 16 & 17, Both of Section 14, & Lot 18, Sections 14 & 15, All of Range 6,
Cranberry District, Plan 9244 - Fielding Road**

The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.316, 2005 for final reading:

1. Applicant, at his expense and to the satisfaction of the Regional District, is to consolidate parcels into 1 parcel or register a covenant restricting no development of the parcels unless the Lots 16, 17, and 18 have been consolidated in one parcel.
2. Applicant, at his expense and to the satisfaction of the Regional District, to register on title the geotechnical report prepared by EBA Engineering Ltd. and dated August 21, 2000.
3. Applicant to provide proof of potable water to the satisfaction of the Regional District.
4. With respect to on-site septic disposal, applicant to provide Vancouver Island Health Authority confirmation of approval or if no longer the approving authority, applicant to provide confirmation of approval from an authorized person or professional engineer.
5. Applicant, at his expense and to the satisfaction of the Regional District, to register on title a section 219 covenant restricting that at the time of development, a landscaping screen a minimum of 4.0 metres in width will be provided the length of the property adjacent to Fielding Road, with the exception of accesses. Landscaping is to be completed in accordance with the Landscaping Regulations pursuant to Bylaw No. 500, 1987 or any subsequent bylaw.
6. Applicant to meet requirements of Ministry of Transportation as set out in its letter dated February 24, 2005.
7. Applicant to obtain approval from the Ministry of Water Land and Air Protection with respect to the required Site Profile.

Schedule No. 2
Proposed Uses for CD22 Zone
Zoning Amendment Application No. ZA0505
Lots 16 & 17, Both of Section 14, & Lot 18, Sections 14 & 15, All of Range 6,
Cranberry District, Plan 9244 - Fielding Road

Proposed uses:

Construction office and yard
Dwelling unit
Marshalling yard (with approved oil water separator)
Mini storage warehouse
Ornamental rock yard
Prefabricated home building
Product assembly use
Production studio
Warehouse
Wholesale use
Woodworking shop (no waste generated business)

For the purposes of this zone, the following definitions apply:

Construction office and yard means the use of buildings, structures, or land for carrying on of a construction business and may include outdoor storage of materials, goods, and equipment, but specifically excludes outdoor sales and outdoor assembly.

Dwelling unit – (as currently defined in Bylaw No. 500, 1987)

Marshalling yard (with approved oil water separator) – (as currently defined in Bylaw No. 500, 1987)

Mini-storage warehouse means a building or buildings containing individual self storage units designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials, and equipment.

Ornamental rock yard means the use of buildings, structures, or land for the storage and selling of ornamental landscaping rock products, but specifically excludes outdoor processing and soil processing.

Prefabricated home building means a building or buildings used to assemble and construct prefabricated homes, but specifically excludes log home building, outdoor sales, and outdoor assembly.

Product assembly use means the use of a building or buildings for assembling a product, article, substance, material, fabric or compound, but specifically excludes outdoor sales and outdoor assembly.

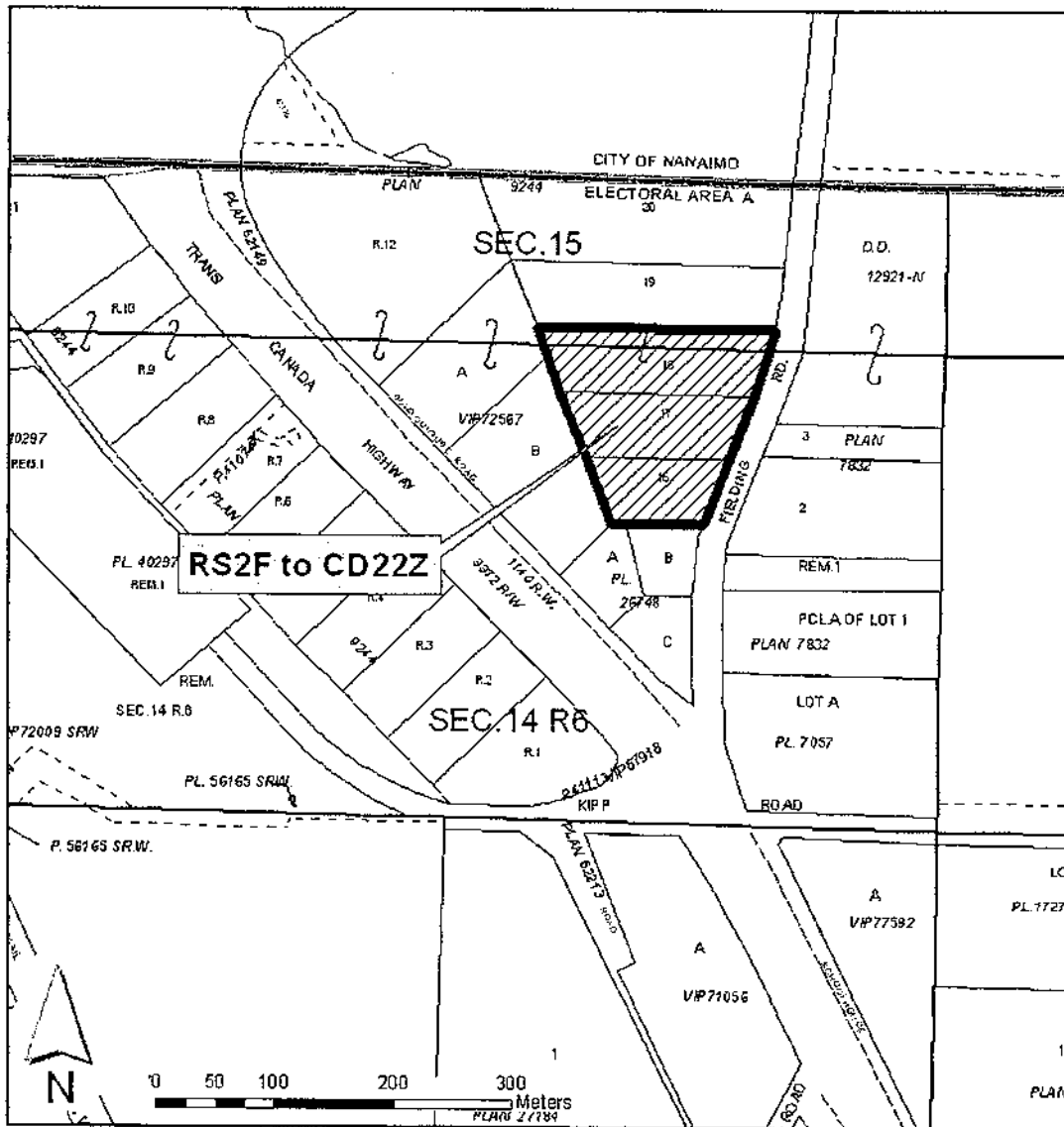
Production studio means the use of a building or buildings for the production of video, moving or still photography involving on-site film processing.

Warehouse means a building or buildings used primarily for the storage of goods or materials, but specifically excludes outdoor sales and outdoor assembly.

Wholesale use means the use of a building or buildings consisting primarily of a business engaged in selling merchandise to retailer, but specifically excludes outdoor sales and outdoor assembly.

Woodworking shop means a building where manufacturing is performed in the production and assembly of wood based products, but specifically excludes outdoor sales and outdoor assembly.

Attachment No. 1
Location of Subject Property





REGIONAL DISTRICT OF NANAIMO	
FEB 26 2005	
CHAIR	GMCMS
	GMCIS
CAO	GMDS
	GMES
EAPC ✓	

MEMORANDUM

TO: Jason Llewellyn
 Manager of Community Planning

DATE: February 25, 2005

FROM: Keeva Kehler
 Planner

FILE: 3060 30 60452

SUBJECT: Development Permit Application No. 60452 – Snyder/ Shortman
 Electoral Area 'H' – 2925 Marshall Road

PURPOSE

To consider an application for a development permit within the Environmentally Sensitive Features Development Permit Area pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003".

BACKGROUND

The subject property, legally described as Lot B, District Lot 19, Newcastle District, Plan VIP76621, is located at 2925 Marshall Road in Electoral Area 'H' (see Attachment No. 1). Westglade Brook runs through the subject property and is a fish-bearing stream that supports coho, chum salmon and cutthroat trout. The subject property is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". As part of the development permit application, the applicants are requesting a variance to Bylaw No. 500, 1987 to legalize the existing dwelling unit under construction within the watercourse setback area.

The Environmentally Sensitive Features (streams) Development Permit Area (DPA) was established to protect streams and riparian areas within Electoral Area 'H'. In the case of Westglade Brook, the DPA is measured 15.0 metres from the natural boundary. The applicants have cleared the land and constructed a single dwelling unit within the DPA. In addition, in order to access the property, the applicants must cross Westglade Brook. The applicants have constructed a dual pipe culvert system to enable construction of the driveway.

The lot has been mostly cleared and the dwelling unit and attached garage are almost complete. The southern portions of the lot adjacent to the Brook are vegetated predominantly with Alders and riparian reeds and grasses. The applicants stated that they purchased the property last summer and due to the dry conditions, were not aware that there was a creek traversing the property. The Federal Fisheries Officer and RDN Bylaw Enforcement Officer attended the property on September 22, 2004, when development had commenced, and informed the applicants of the requirements to obtain a development permit for the works.

ALTERNATIVES

1. To approve the requested development permit subject to the conditions outlined in Schedule Nos. 1, and 2.
2. To deny the requested development permit and direct staff to undertake enforcement action to relocate the dwelling.

LAND USE AND DEVELOPMENT IMPLICATIONS

Development Permit Area Implications

The applicants have cleared the land within the DPA, constructed a soil berm approximately 1 metre high adjacent to the Brook, installed a two pipe culvert and driveway across the Brook and built a portion of the dwelling unit within 12 metres of the Brook. In addition to the work already completed, the applicants wish to landscape portions of the DPA upon completion of the dwelling.

The Federal Department of Fisheries and Oceans (DFO) advised the applicants to install the culvert immediately without a Development Permit so as to rehabilitate the creek before fish returned to the property. The applicants notified the Ministry of Water, Land and Air Protection of the works in the stream pursuant to Section 9 of the *Water Act*. The applicants hired an environmental consultant to design the culvert and provide advice with respect to its design and the timing of the installation. The consultant has provided a report to the RDN that the culvert was installed as per his recommendations. The applicants have no other alternative to access the property as the Brook crosses the entire property in proximity to Marshall Road (*see site plan in Schedule No. 2*). The culverts are 80 cm in diameter but are set into the creek bed below the natural grade. The applicants have placed some rip-rap around the culvert to stabilize the driveway and prevent any sediment from entering the Brook. The rip-rap does not exceed one metre in height above natural grade and does not retain more than a metre of earth. Therefore it is not considered a structure and no setback variance is required. In staff's opinion, the applicants have followed the recommendations of DFO and the environmental consultant and legalizing the works should not result in negative impacts to the Brook.

Planning staff conducted a site inspection on February 9, 2005 and met with Craig Snyder, the applicant. Except for the driveway access, there is a strip approximately 4 metres in width between the Brook and the dwelling that remains vegetated with alders and riparian reeds. The area between the Brook and Marshall Road is vegetated with large blackberry bushes and some alders. The applicants indicated during the site visit that it would be desirable to remove or at least prune the blackberry bushes. Due to their invasive nature, staff feel that the applicants can remove the blackberry bushes without negatively impacting the watercourse, provided the area is re-vegetated with native species and the blackberry bushes are removed during the appropriate fisheries window (August 1 to September 30). The applicants wish to landscape the property upon completion of the dwelling. It is recommended that the area within 5.0 metres of the Brook on either side (except for the driveway access) be re-vegetated and enhanced with native species only to provide a filtration system and riparian habitat for the Brook (*see Schedule No. 1 for more details*).

Westglade Brook enters the property on the west side approximately 8 metres north of the culvert. The applicants could have constructed the dwelling further back on the property to avoid encroaching into the DPA, but the applicant was apparently unaware of the significance of the creek. As the dwelling is already constructed moving the building at this point would represent a significant hardship to the applicants. The dwelling is located far enough away from the Brook that staff does not anticipate that there will be negative impacts on the Brook if the area within 5.0 metres of the Brook is enhanced with native vegetation as recommended.

Zoning Implications

The subject property is not located within a building inspection area; therefore, a building permit is not required for the construction of the dwelling. As part of the review process for the development permit application, RDN staff required the applicants to obtain a site survey from a BC Land Surveyor indicating the location of all structures and the watercourse on the property. The survey indicates that

the dwelling unit does not meet the required minimum setbacks to watercourses pursuant to RDN Bylaw No. 500, 1987. Therefore, the applicants are requesting to vary **section 3.3.8 Setbacks – Watercourses, excluding the Sea** from 18.0 metres horizontal distance from a stream centreline to 12.0 metres from the centreline of Westglade Brook to legalize the siting of the dwelling unit. The surveyor measured the distance from the centreline to the foundation of the building and not the outermost portion of the structure and so the variance request is for 12.0 metres to accommodate the overhang of the dwelling.

This area is relatively flat and the surrounding lots are large and developed with residential uses. The neighbouring properties are vegetated along the property lines. Due to the location of the dwelling units on the adjacent lots and the nature of the surrounding lands, staff does not anticipate any negative impacts on adjacent property owners due to the variance request.

VOTING

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

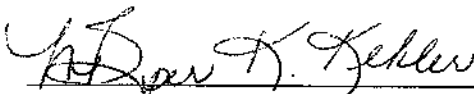
SUMMARY/CONCLUSIONS

This is an application for a development permit to legalize land alteration and land clearing, the installation of a soil berm, installation of a culvert for driveway access and construction of a dwelling unit within the Environmentally Sensitive Features Development Permit Area.

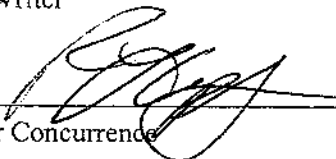
From staff's assessment of this application, Development Permit No. 60452 is acceptable given the conditions outlined in Schedule No. 1 as the applicants have adequately addressed the environmental issues in accordance with the recommendations of an environmental consultant and DFO.

RECOMMENDATION

That Development Permit Application No. 60452 submitted by Craig Snyder and Joanne Shortman to legalize land alteration, the siting of the existing dwelling unit and driveway access including culvert and to permit further landscaping within the Environmentally Sensitive Features Development Permit Area within 15.0 metres of Westglade Brook, be approved as outlined in Schedules No. 1 and 2.



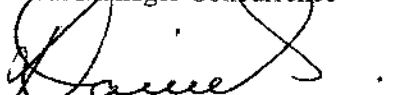
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2005/dp fe 3060 30 60452 Davies

Schedule No. 1
Conditions of Development Permit No. 60452
For Lot B, District Lot 19, Newcastle District, Plan VIP76621,

Development Permit No. 60452 authorizes the development of the subject property as follows:

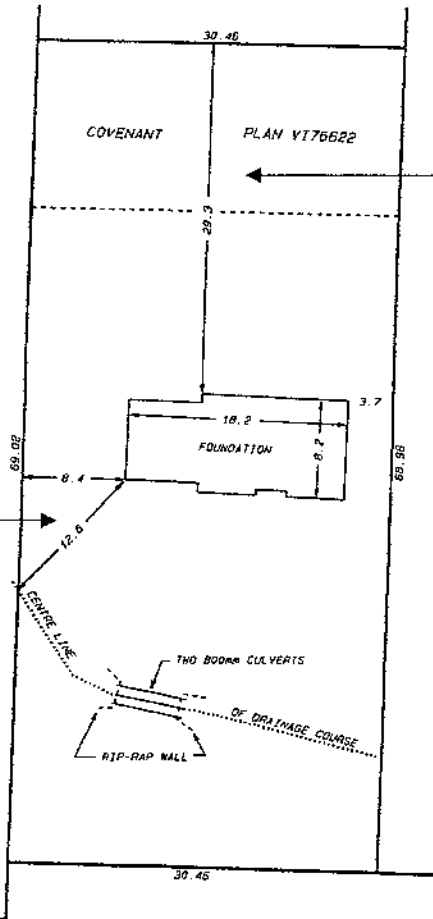
Development Permit Area Works

1. The site development must be completed in accordance with Schedule No. 1 and 2.
2. Section 3.3.8 of Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 is varied by reducing the horizontal distance required from the centreline of Westglade Brook from 18.0 metres to 12.0 metres for the existing dwelling unit only.
3. The invasive blackberry bushes may be removed provided the area within 5.0 metres of the natural boundary of Westglade Brook is re-vegetated with native species only.
4. The removal of the blackberry bushes shall only occur when the creek is dry, during the reduced risk fisheries window between August 1 and September 30 of any calendar year.
5. Should machinery be used to remove the bushes, the machinery shall not enter Westglade Brook or disturb its banks or bed.
6. The rest of the Development Permit area may be landscaped with non-invasive species.
7. No soils or fines shall be introduced into Westglade Brook.
8. Perimeter drainage from the roof leaders of the dwelling unit shall be directed away from the Development Permit Area.
9. All plantings 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 infestation or objectionable disfigurements.
10. The installation of an in-ground sprinkler system is permitted, provided the system is designed so that it does not cause erosion of the riparian banks.

Schedule No. 2
Site Plan (submitted by applicants, reduced for convenience)
Development Permit No. 60452

B.C. LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE
LOT B, PLAN VIP76621, DISTRICT LOT 19,
NEWCASTLE DISTRICT.

SCALE 1: 400 ALL DISTANCES ARE IN METRES.
CIVIC ADDRESS: 2925 MARSHAL ROAD, BOHSE
MORTGAGOR: CRAIG SNYDER



VIHA septic covenant

Requested variance from 18m to 12 m from centreline of Westglade Brook to legalize dwelling and overhangs

LOT B
PLAN VIP76621

MARSHAL ROAD

This Survey is not valid unless originally signed and sealed
This Survey is protected by copyright and may not be reproduced
Inspected this 16th day of November, 2004.

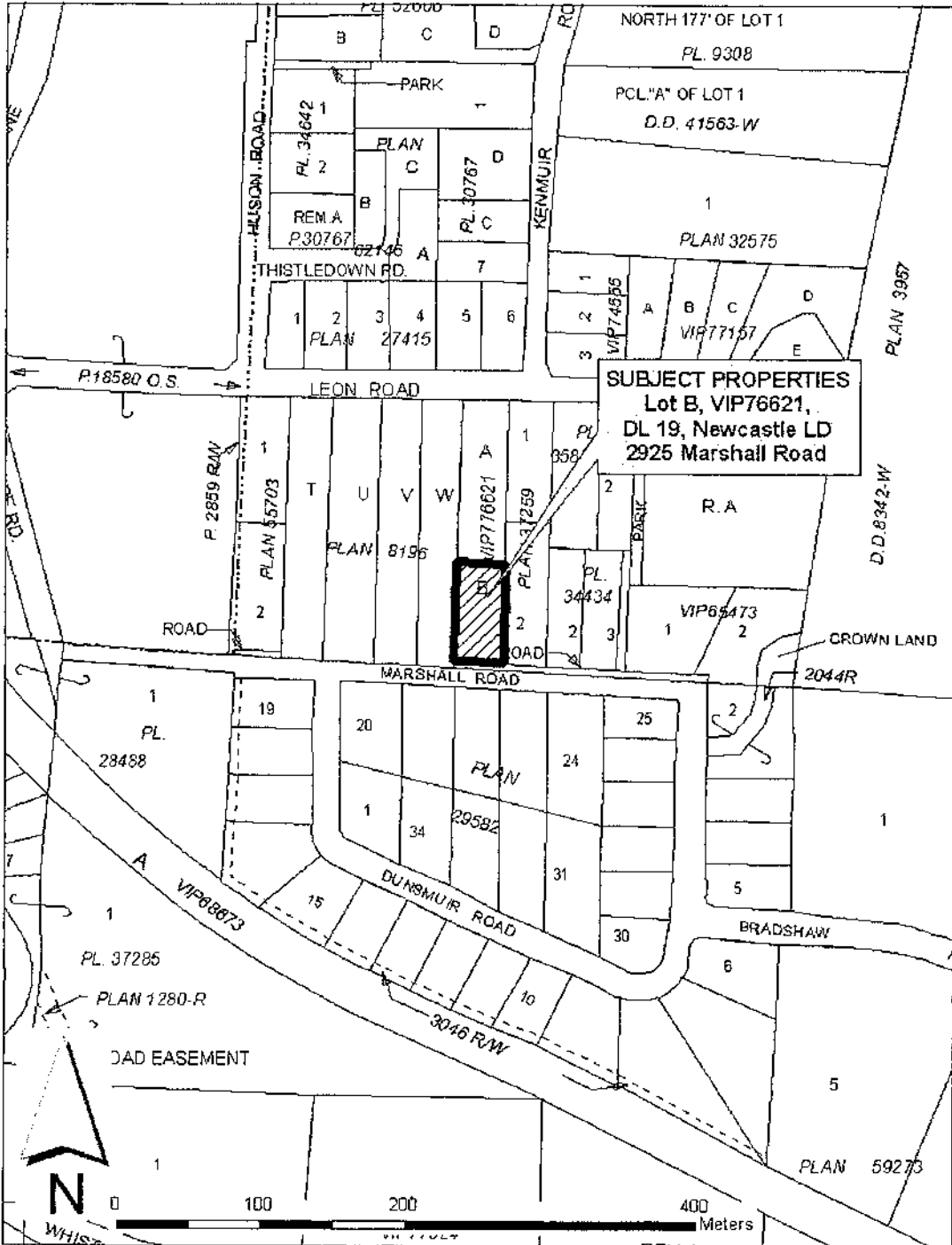
Michael A. Sims
Michael A. Sims, B.C.L.S.

NOTE:
THIS LOT SUBJECT TO L.T.O. CHARGE NUMBERS
N76300 AND E28614.

This Survey is prepared for the above named Mortgagee and their Lender and purports to show only the improvements shown on the above described parcel(s) and their relative location thereon. This Plan provides no warranty or representation whatsoever with respect to any other building, patio, retaining wall, parking facility, fence, underground, aboveground, or overhead utility or any other improvements and their relative location to any internal or external boundaries of the above described parcel(s) and is not to be used to re-establish property lines.

SIMS ASSOCIATES ©
LAND SURVEYING LTD.
223 FERN ROAD WEST,
QUALICUM BEACH, B.C. V9K 1S4
PHONE: 752-9121 FAX: 752-9241
OUR FILE: 04-396-MS

Attachment No. 1
Subject Property
Development Permit No. 60452



BC65 Map Sheet No. 92F-0374.4



REGIONAL DISTRICT OF NANAIMO	
FEB 28 2005	
CHAIR	GMCrs
	GMCrs
CAO	GMS
	GMS
EPO DATE:	

MEMORANDUM

TO: Robert Lapham
General Manager of Development Services

FROM: Brigid Reynolds
Senior Planner

SUBJECT: Development Permit Application No. 60508 - Windward Developments/ Turner Electoral Area 'G' - Viking Way

February 25, 2005

FILE: 3060 30 60508

PURPOSE

To consider an application to amend a development permit to vary the minimum setback requirement for the front and exterior lot lines on two lots to permit the development of a dwelling unit.

BACKGROUND

The properties, legally described as Lots 38 and 39, District Lot 28, Nanoose District, Plan VIP76143, are located on Viking Way in the Columbia Beach area of Electoral Area 'G' (see Attachment No. 1).

The subject properties are zoned Residential 5 (RS5) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The Residential 5 zone has a minimum setback requirement for buildings and structures excluding multiple dwelling units, of 8.0 metres from the front and exterior lots lines and 3.0 metres from other lot lines. The applicant is requesting to vary the front and exterior lot lines from 8.0 m to 5.1 m to site a dwelling unit on each lot (See Schedule No. 2).

Pursuant to the previous OCP, "French Creek Official Community Plan Bylaw No. 741, 1987," the subject properties were designated as being with Development Permit Area 'D' French Creek. The purpose of this DPA was to protect the natural environment, to protect development against hazardous conditions, and for form and character of commercial and multi-family development. Development Permit No. 77 was issued to permit the subdivision and development of the lands with that DPA and established protection requirements to the ocean and French Creek, established flood construction elevations, as well as other requirements. Development Permit No. 77 also varied the height for the dwelling units in this portion of the subdivision to 8.0 metres above the flood level as defined by the Ministry of Environment (now Ministry of Water, Land and Air Protection) to accommodate the flood construction elevation and also varied the interior and rear setbacks to 2.0 metres for single family dwelling units. This application request is to amend Development Permit No. 77 and vary the front and exterior lot lines.

Both subject properties are flat and have been cleared up to an existing covenant area at the rear of the property. The dwelling units are proposed to be between 214.7 and 219.8 m² in floor area, including the garage and consist of one storey with a room in the roof line. The proposed dwelling units are similar in style to existing dwelling units in the Columbia Beach neighbourhood.

The section 219 covenant that covers a portion of the rear of both properties was established in 1995 when the parent parcel, Lot 2, DL 28, Nanoose District, Plan VIP62528, was created, to provide a

vegetated buffer to the eagle nesting tree. As a result, the section 219 covenant does not permit the removal of vegetation without prior permission from the Ministry of Water, Land and Air Protection.

Other requests have been made to vary the front lot line in this subdivision to create adequate building site areas. The Board at their regular meetings on January 11, 2004 and November 23, 2004 denied the requested variances.

ALTERNATIVES

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

LAND USE AND DEVELOPMENT IMPLICATIONS

The required setback pursuant to the RS5 zone is 8.0 metres from the front and exterior lot lines. The applicant is requesting to vary the front and exterior lot lines to a minimum of 5.1 metres due to the covenant area in the rear of the lots. The section 219 covenant applies to seven lots and has resulted in complications for building on the adjacent lots such that the covenant area has been encroached upon. The covenant encroaches into Lot 38 between 5.99 and 7.99 metres and into Lot 39 between 4.99 and 5.99 metres (*See Attachment No. 2*). As a result, without the variance the useable backyard would be 1.1 m for Lot 38 and 1.8 m for Lot 39. There is also the potential that it could be encroached upon during construction and over time by property owners.

The applicant is also proposing to include a small patio at the rear of each dwelling unit approximately 4 m in depth. This would not be possible without the varying the front and exterior lot lines.

In addition, if the front lot line setback of 8.0 is maintained it becomes impossible to move machinery around the rear of the lot without encroaching into the covenant area as has been the case on some of the adjacent lots.

Due to the flood construction elevation requirements, the lots must be filled such that they are between 0.7 to 1.0 m above the covenanted area at the rear of the lot. In order to contain the fill for the dwelling units, the applicant is proposing to install retaining walls (less than 1.0 m in height) to reduce the possibility of the fill sloughing into the covenant area. Without the variance it is very difficult to complete the retaining wall without working in the covenant area and possibly compromising some of the root systems of the mature trees.

While these dwelling units are proposed to be sited closer to the road than adjacent lots, due to the angle of Viking Way they should not create an odd looking streetscape.

The proposed dwelling unit design is similar to those in the surrounding subdivision. It is not possible to modify the design to reduce the length of the dwelling unit by relocating the garage below grade due to the flood construction elevation requirements.

Previous requests to vary front and exterior lots lines in this subdivision have not been supported by the Regional Board. However, the covenant area to the rear of these parcels creates a hardship such that there is no useable backyard and during the development of the adjacent properties encroachment into the

covenant area has occurred. While this encroachment does not appear to have resulted in permanent damage there is still the potential for subsequent property owners to 'creep' into the covenant area.

ENVIRONMENTAL IMPLICATIONS

The section 219 covenant was registered in favour of the Ministry of Water, Land and Air Protection (MWLAP) when the parent parcel was created in 1995. This subdivision layout was approved in 2003 by the Ministry of Transportation with the section 219 covenant registered on the titles of these lots in spite of concerns by the Wildlife Tree Stewards and the French Creek Residents Association that the lot lay out had the potential to impact the eagle tree. Development of the other lots on Viking Way with the covenant registered on the titles has resulted in encroachment into the covenant area and numerous complaints have been received from adjacent property owners, the Wildlife Tree Stewards, and the French Creek Residents Association. However, due to the nature of section 219 covenants enforcement tools are limited and the MWLAP has not undertaken any enforcement action against the encroachments. Therefore, to reduce potential impacts and future encroachment, MWLAP staff support relaxing the setback to the front and exterior lot lines on these lots and any other lot that have not yet been developed.

DEVELOPMENT PERMIT AREA IMPLICATIONS

Prior to the subdivision of the parent parcel the subject property was originally in a Development Permit Area (DPA). Development Permit No. 77 which applies to the subject property was issued pursuant to the previous designation. However, when "French Creek Official Community Plan Bylaw No. 1115" was adopted in 1998 this Development Permit area designation was removed. Therefore, the current application, although not currently within a DPA, requires an amendment to the original DP No. 77.

VOTING

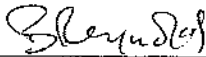
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

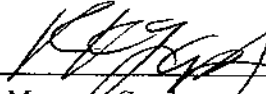
This is an application to amend Development Permit No. 77 and to vary the minimum setback from the front and exterior lot line of the RS5 zone for two properties to facilitate the construction of a dwelling unit on each property. The Residential 5 (RS5) zone requires buildings and structures to be located a minimum of 8.0 metres from the front and exterior lot lines. Development Permit No. 77 relaxed the interior side lot lines to 2.0. The proposed development is requesting to relax the exterior and a portion of the front lot line to a minimum of 5.1 metres. Both lots have a section 219 covenant registered on the title that restricts vegetation removal and land alteration at the rear of the property to protect an eagle nest tree on the adjacent lot. The covenant area encroaches into Lot 38 by 5.99 m to 7.99 m and Lot 39 by 4.99 to 5.99 m. As a result, it is difficult to construct at the rear of the property without impacting the covenant area as the usable backyard would be 1.1 m for Lot 38 and 1.8 m for Lot 39. Without the variance there is the potential that during construction and over time subsequent property owners might encroach into the covenant area. The variance would also enable the applicants to install a small patio and have a useable backyard. Reducing the length of the dwelling unit by relocating the garage below grade is not possible due to the flood construction elevation requirements. The Ministry of Water, Land and Air Protection supports and encourages varying the front and exterior lot lines to reduce further encroachments into the covenant area and potential impacts to the active eagle nest tree.

RECOMMENDATION

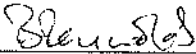
That Development Permit Amendment Application No. 60508 to vary the minimum exterior and a portion of the front setback requirements of the Residential 5 (RS5) zone from 8.0 metres to 5.1 metres to permit the construction of a dwelling unit on the property legally described as Lots 38 and 39, District Lot 28, Nanoose District, Plan VIP76143 be approved subject to the conditions outlined in Schedule Nos. 1, 2, 3, and 4 and subject to notification requirements pursuant to the *Local Government Act*.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2005/dp mr 3060 30 60508 windward turner

**Schedule No. 1
Conditions of Approval
Development Permit No. 60508**

Development of Site

- a) Uses and construction of buildings and structures to be undertaken must be consistent with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," except where varied by this Permit.
- b) Applicant to obtain building permit prior to commencing construction.
- c) Development to be in substantial compliance with Schedule Nos. 2, 3, and 4.

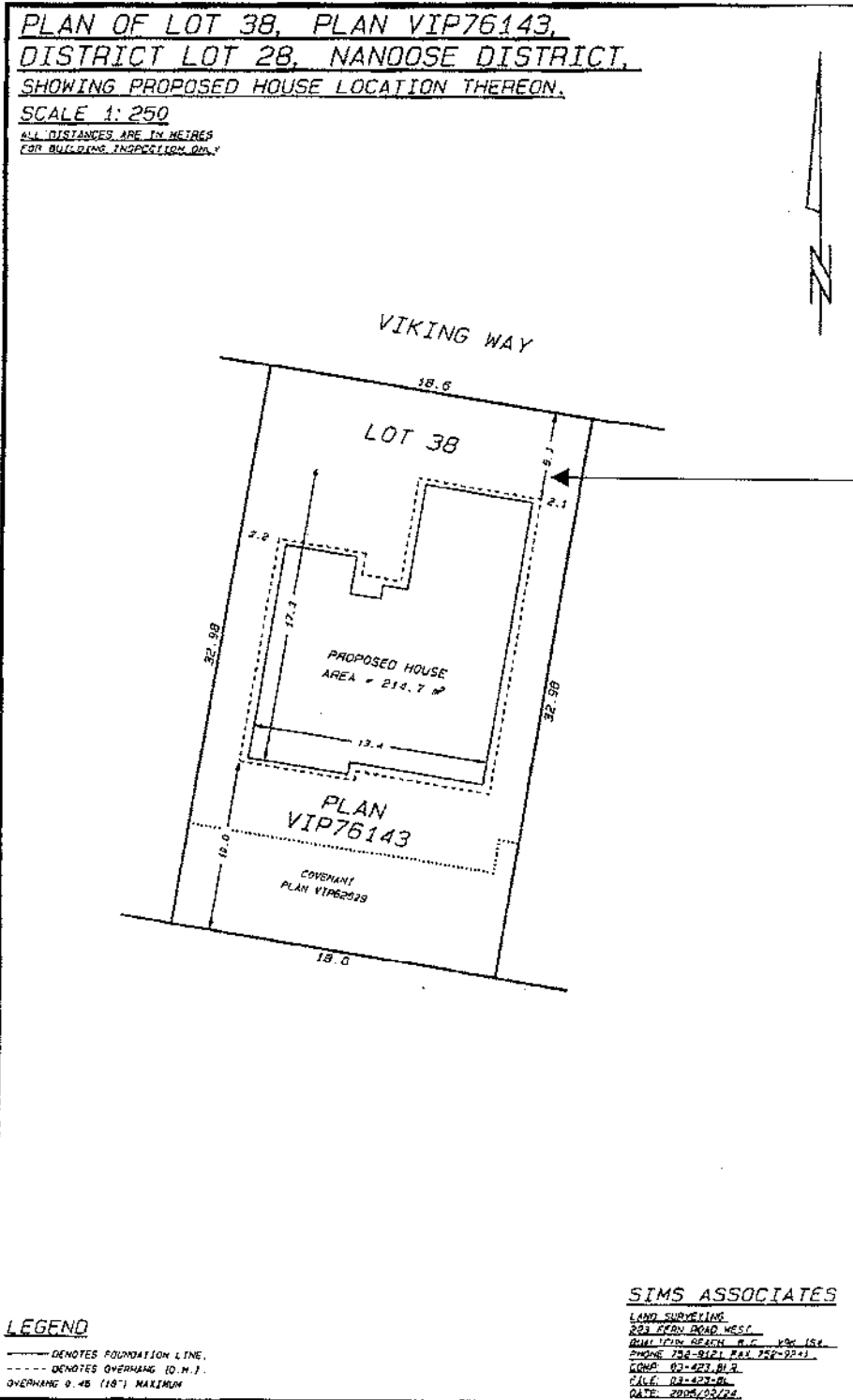
Survey

- d) A survey prepared by a British Columbia Land Surveyor (BCLS), is required upon completion of the dwelling unit and prior to occupancy, to confirm its siting and height. This survey should include indication of the outermost part of the building such as the overhang, gutters etc, and shall be prepared to the satisfaction of the Regional District of Nanaimo.

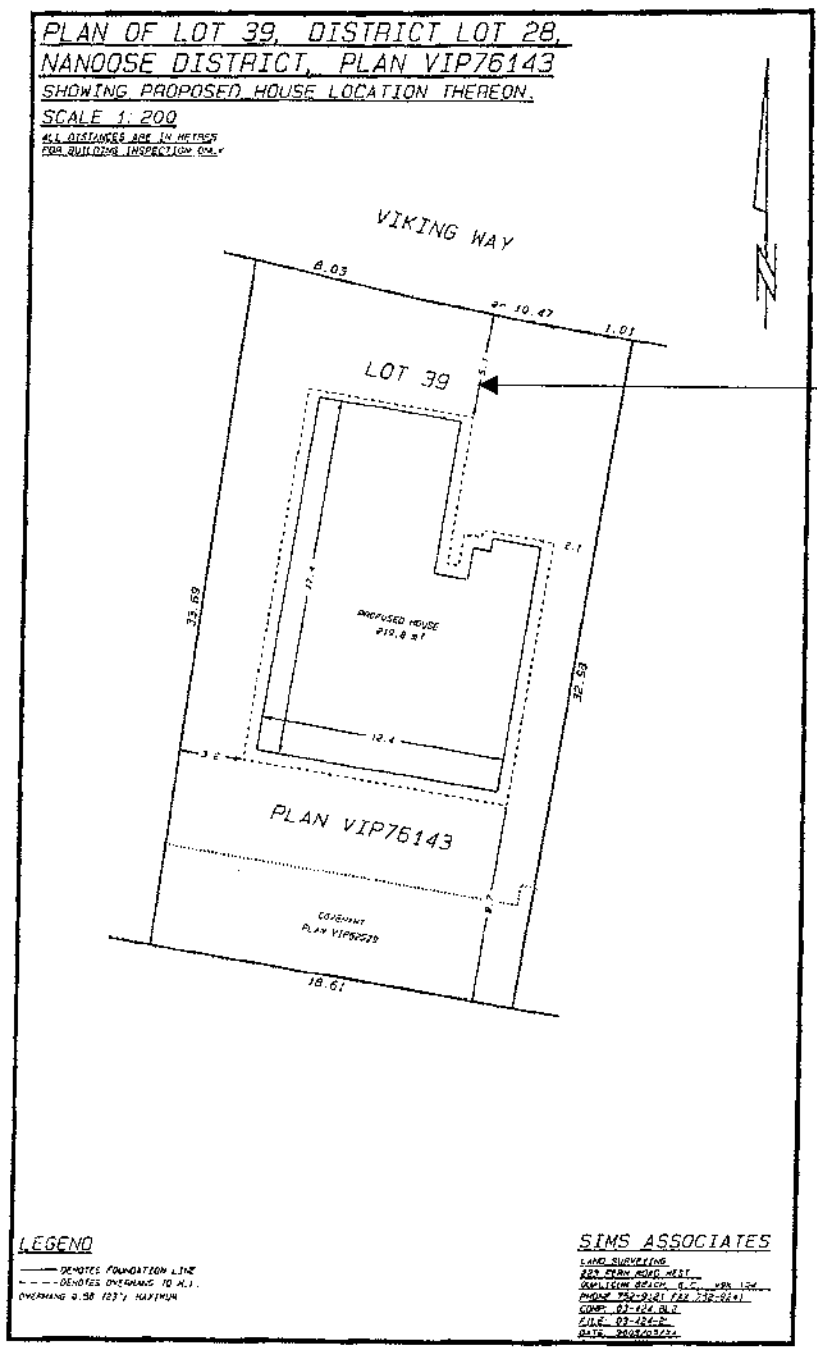
Geotechnical

- e) A Geotechnical report prepared by a Geotechnical Engineer to the satisfaction of the Regional District of Nanaimo shall be required if deemed necessary by the Chief Building Inspector.

Schedule No. 2
Site Plan (1 of 2)
Lot 38, DL 28, Nanoose District, Plan VIP76143
Development Permit No. 60508
(as submitted by the applicant and reduced for convenience)



Schedule No. 2
Site Plan (2 of 2)
Lot 39, DL 28, Nanoose District, Plan VIP76143
Development Permit No. 60508
(as submitted by the applicant and reduced for convenience)



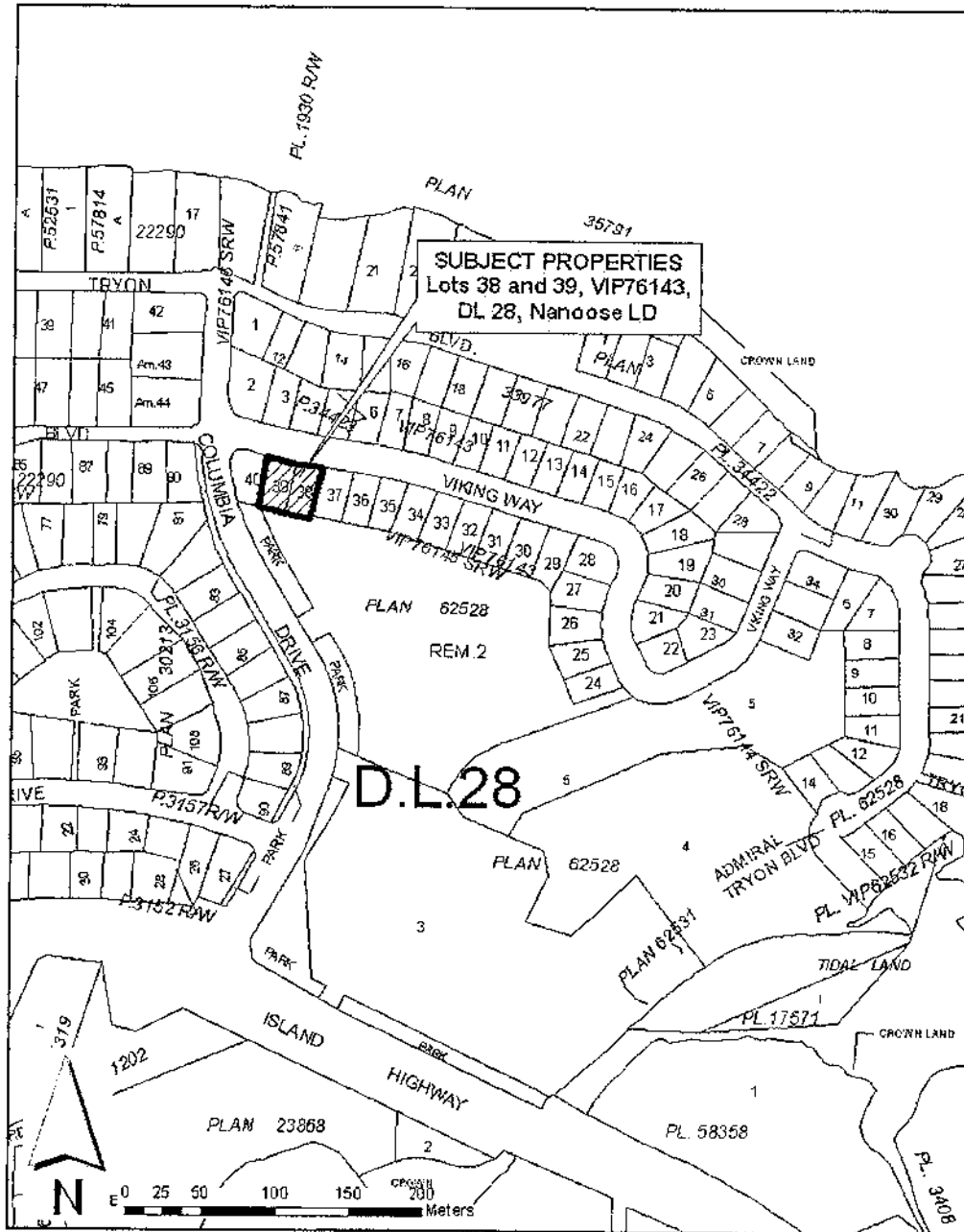
Variance request
 from 8.0 m to 5.1
 metres from the
 front and exterior
 lot lines

Schedule No. 3
Requested Variances
Development Permit No. 60508

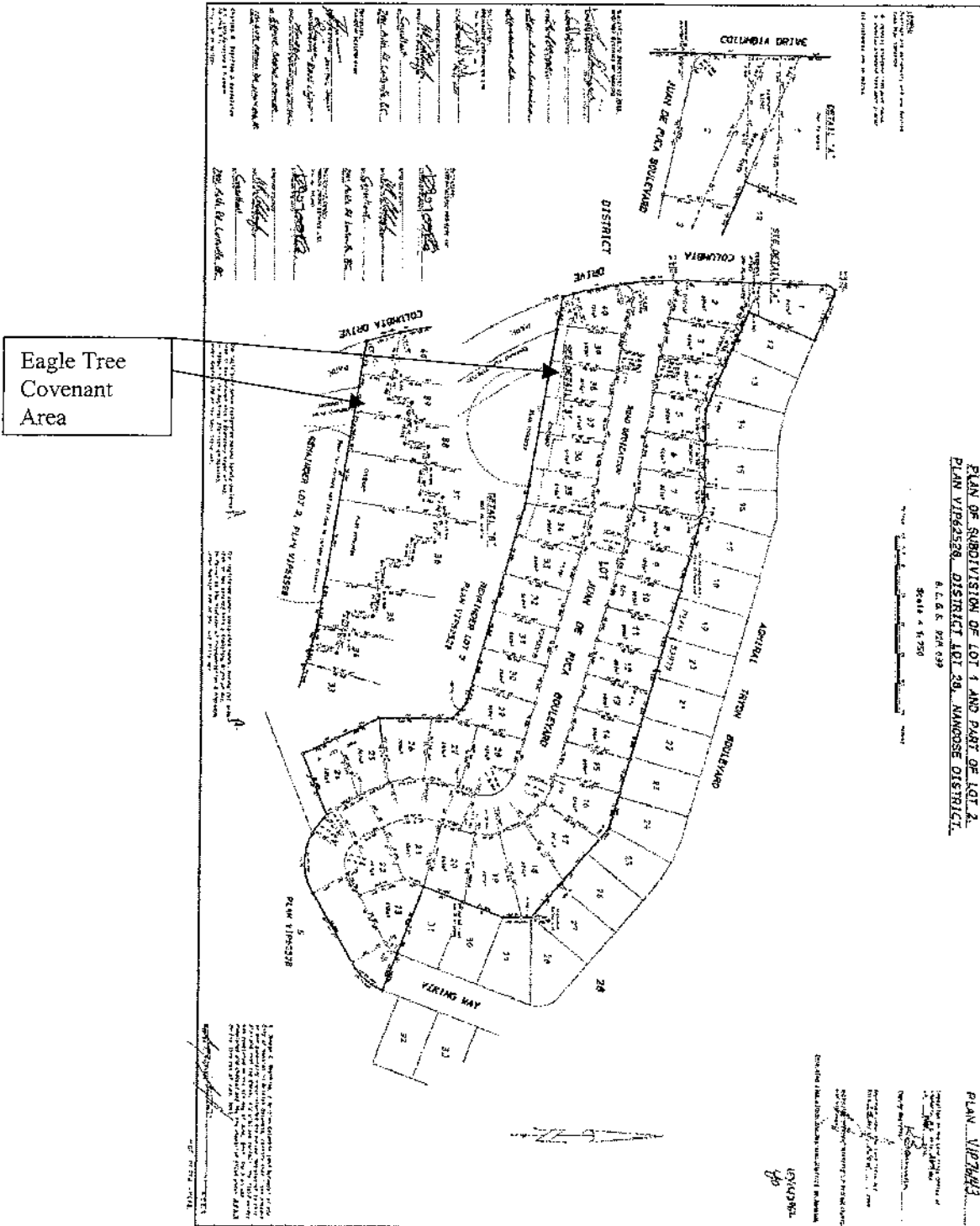
With respect to the Lands, the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", the following variances are proposed:

1. Section 3.4.65 Minimum Setback Requirements Front and Exterior Lot Line – proposed to be varied from 8.0 metres to 5.1 metres to facilitate the construction of two dwelling units as shown on Schedule No. 2.

Attachment No. 1
Subject Property
Development Permit No. 60458



Attachment No. 2
Plan VIP76143 and Section 219 Covenant Area
Development Permit No. 60508





REGIONAL DISTRICT OF NANAIMO	
FEB 25 2005	
CHAIR	GMCMS
	GMCRS
CAO	GMDS
	GMES
EAPC	

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: February 26, 2004

FROM: Greg Keller
Planner

FILE: 3090 30 90503

SUBJECT: Development Variance Permit Application No. 90503 - Rempel
Electoral Area 'E' - 1479 Bay Drive, Nanoose

PURPOSE

To consider an application for a Development Variance Permit to legalize the siting of three (3) existing accessory buildings for a property located in Nanoose Bay.

BACKGROUND

The planning department has received a development variance permit application to relax the minimum interior side lot line in order to legalize the siting of three (3) existing accessory buildings located on the property legally described as Lot 2, District Lot 22, Nanoose District, Plan 26956 (see Attachment No. 1).

The subject property is a 0.52 hectare waterfront parcel located at 1479 Bay Drive and is currently zoned Residential 1, Subdivision District 'N' (RS1N) 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 interior side lot lines, 2.0 metres from the rear lot line, and 8.0 metres horizontal distance from the natural boundary or inland from the top of a slope of 30% or greater for a coastal watercourse. The maximum accessory building height is 6.0 metres as measured from the natural grade.

The subject property is designated Rural Residential pursuant to "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1118, 1998." Portions of the property are located within the Watercourse Protection Development Permit Area (DPA) designated by this Official Community Plan. However, the existing accessory buildings are outside of the 15 metre leave strip required by the DPA.

The planning department became aware of the non-conforming accessory buildings when the applicant applied for a building permit for a proposed addition to an existing single dwelling unit on the subject lot. Upon further investigation, it was determined that four (4) accessory buildings have been constructed on the lot without building permits and within the minimum interior side lot line setback requirement pursuant to Bylaw No. 500. One of the four accessory buildings labeled 'PUMPHOUSE' on the survey submitted by the applicants is exempt from requiring a building permit or interior side lot line as it is less than 10 m² in floor area and less than 3.0 metres in height. The other three accessory buildings require building permits and are subject to setback requirements pursuant to Bylaw No. 500. The applicants have applied for all necessary building permits for the three existing accessory buildings. The building department has verified that all three accessory buildings are of sufficient quality to obtain building department approval; however, this approval can not be granted given the non-conforming setbacks.

Proposed Variances

The applicants are proposing to vary **Section 3.4.61** of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" by relaxing the minimum interior side lot line setback as follows:

- a) From 2.0 metres to 0.5 metres for the structure labeled 'WOODSHED' as shown on the survey submitted by the applicant;
- b) From 2.0 metres to 0.3 metres for the structure labeled 'SHOP & CARPORT' as shown on the survey submitted by the applicant; and,
- c) From 2.0 metres to 1.49 metres for the structure labeled 'GREENHOUSE' as shown on the survey submitted by the applicant.

ALTERNATIVES

1. To approve Development Variance Permit No. 90503 subject to the outcome of the public notification.
2. To deny the requested permit, register a bylaw contravention notice on title and take no further action at this time.
3. To deny the requested permit and seek a Court order to have the structures removed or relocated to comply with Bylaw No. 500 and Bylaw No. 1250.

LAND USE AND DEVELOPMENT IMPLICATIONS

The applicants have indicated that the structures labeled 'WOOD SHED' and 'SHOP & CARPORT', as shown on the survey submitted by the applicants, were constructed on permanent foundations between the years of 1984 to 1987. At that time, "Regional District of Nanaimo Zoning Bylaw No. 53, 1973" was in effect and designated the subject property Rural 1 (A-1). The A-1 zone required a 1.52 metre setback from any side yard lot line provided the aggregate width of both side property lines was not less than 4.6 metres. The applicant indicated that he misinterpreted the location of the property line when siting the accessory buildings and was under the impression that zoning setbacks were measured from the foundation. The greenhouse was located on the property at a later date unknown to the planning department.

The subject property is a relatively large waterfront residential parcel and is separated from the adjacent parcels by a wood panel fence, which appears to reduce the impact of the existing accessory buildings on the adjacent properties. In addition, no complaints with respect to the accessory buildings have been received from the adjacent property owners. Since all three accessory buildings are located adjacent to the west property line, views from the adjacent dwelling unit to the west do not appear to be impacted. Therefore, staff recommend Alternative No. 1, to approve Development Variance Permit application No. 90503 subject to the outcome of the public notification.

PUBLIC CONSULTATION IMPLICATIONS

As part of the required public notification process pursuant to the *Local Government Act*, property owners located within a 50 metre radius will receive notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the permit.

VOTING

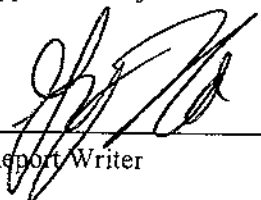
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

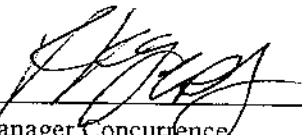
This is an application for a Development Variance Permit to relax the minimum interior side lot line in order to legalize the siting of three (3) existing accessory buildings. The proposed variances, if approved, would vary Section 3.4.61 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Minimum Setback Requirements) as shown on attached Schedule No. 2. Since the subject property is relatively large and the views from the adjacent properties are primarily directed away from the existing accessory buildings, there is no apparent visual impact on the adjacent properties. In addition, the accessory buildings have been located in their current location for a number of years, with no complaints received from adjacent property owners. Therefore, staff recommends this application be approved subject to the notification procedures pursuant to the *Local Government Act*.

RECOMMENDATION

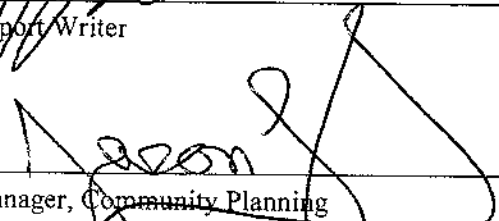
That Development Variance Permit Application No. 90503, submitted by William and Ruth Rempel, to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" as outlined on Schedule No. 1 to legalize the existing accessory buildings as shown on Schedule Nos. 2 and 3, be approved subject to the notification procedures pursuant to the *Local Government Act*.



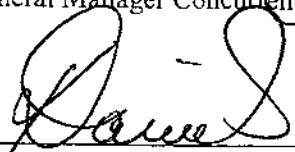
Report Writer



General Manager Concurrence



Manager, Community Planning



CAO Concurrence

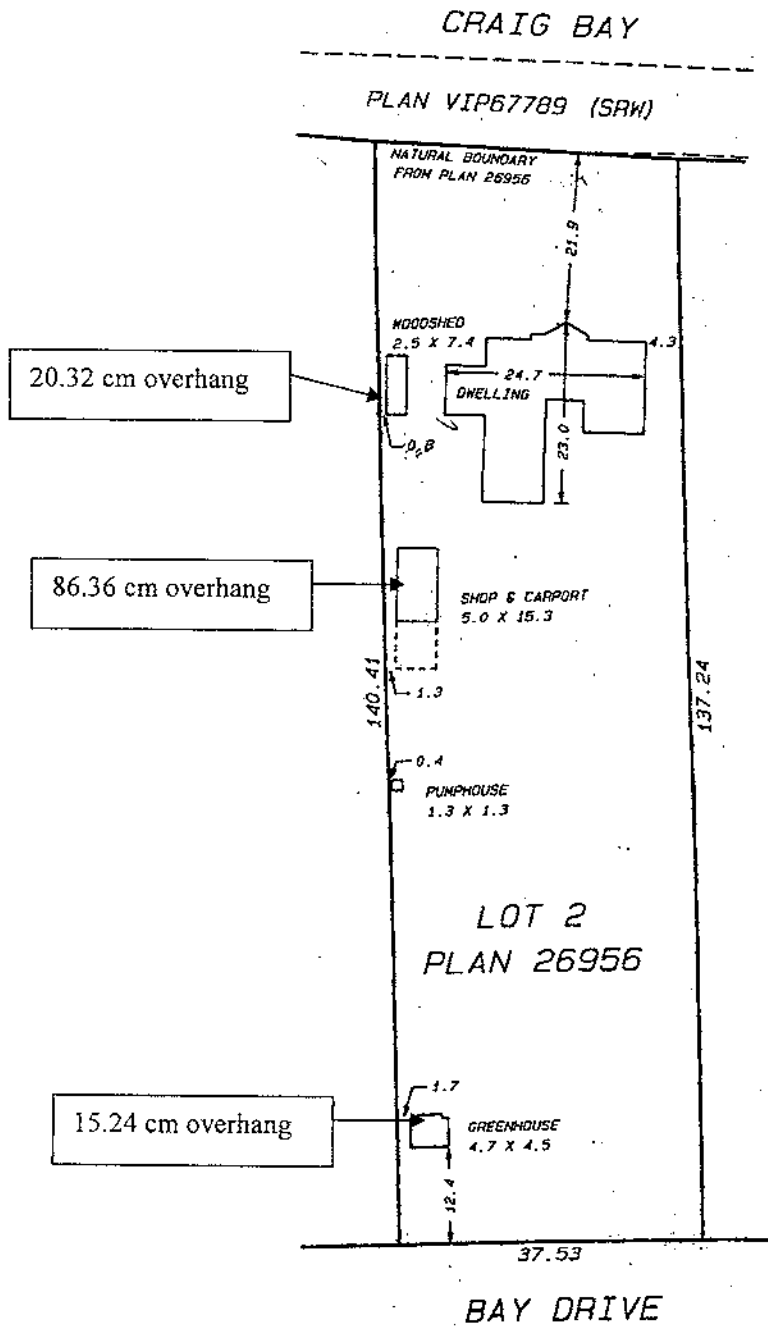
COMMENTS:

**Schedule No. 1
Requested Variances
Development Variance Permit Application No. 90503
for Lot 2, District Lot 22, Nanoose Land District, Plan 26956**

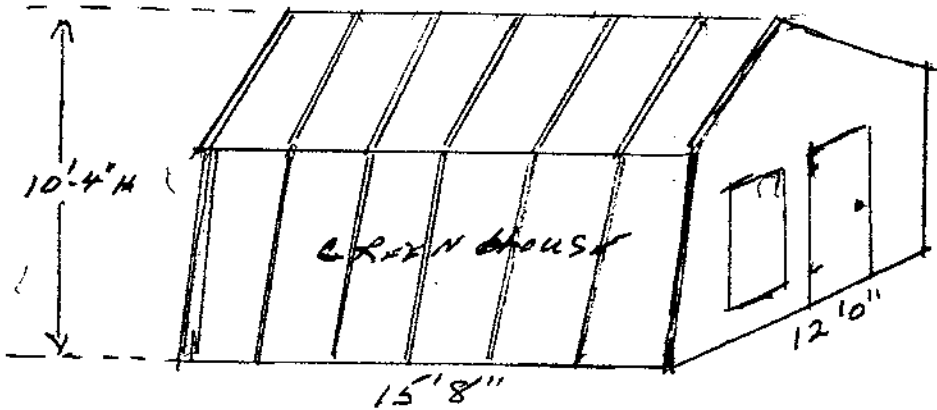
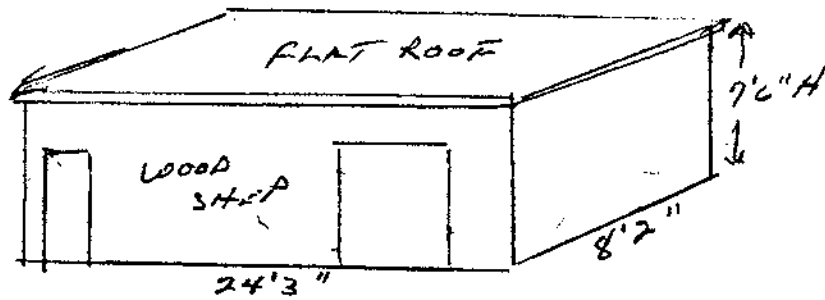
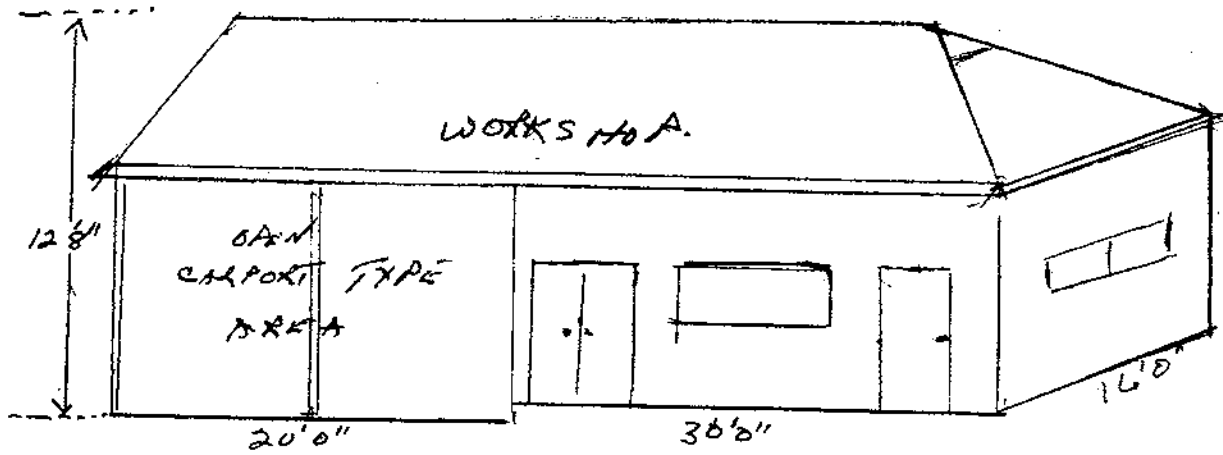
Development Variance Permit No. 90503 varies Section 3.4.61 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" by relaxing the minimum interior side lot line setback as follows:

1. From 2.0 metres to 0.5 metres for the structure labeled 'WOODSHED' as shown on the survey submitted by the applicant;
2. From 2.0 metres to 0.3 metres for the structure labeled 'SHOP & CARPORT' as shown on the survey submitted by the applicant; and,
3. From 2.0 metres to 1.49 metres for the structure labeled 'GREENHOUSE' as shown on the survey submitted by the applicant.

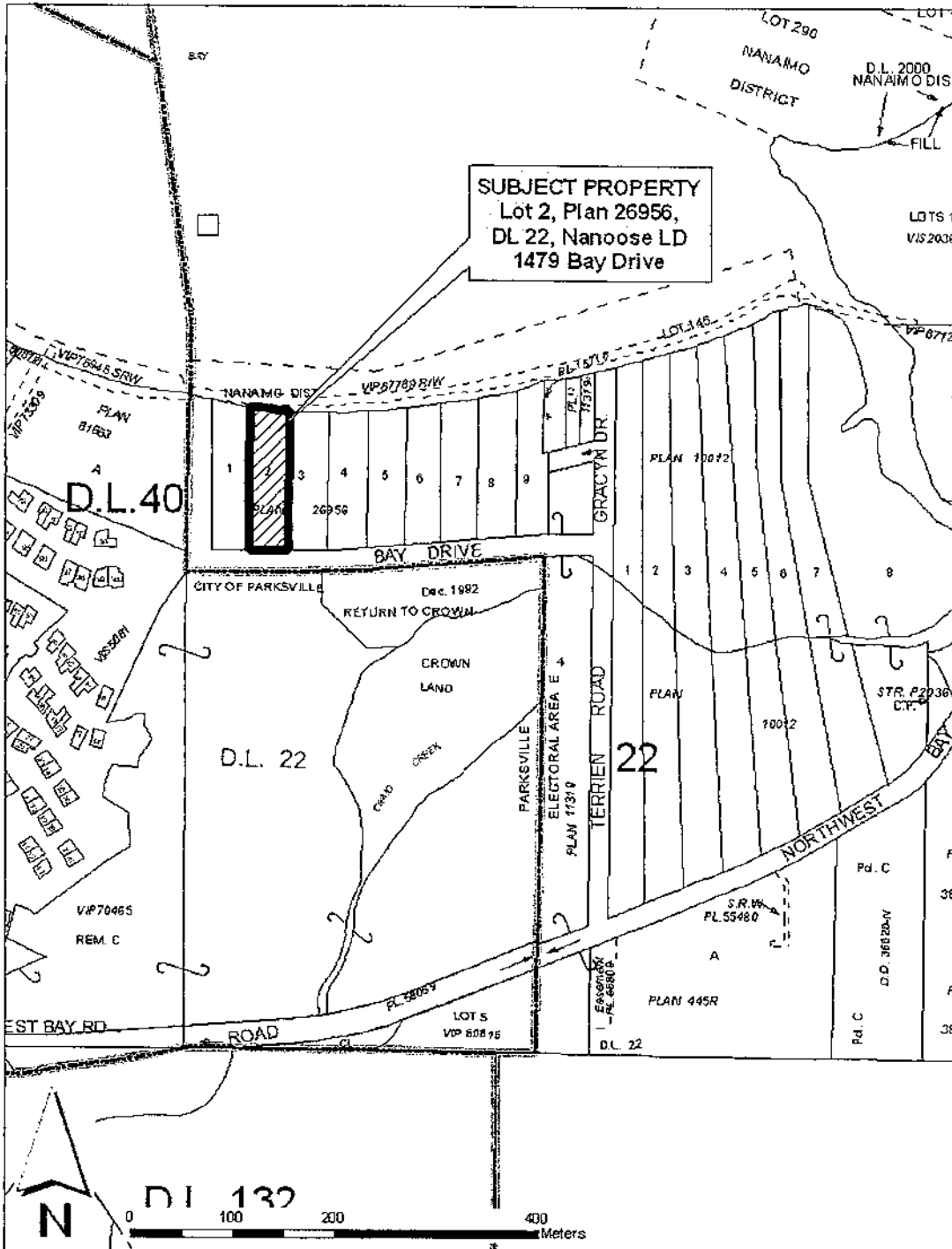
Schedule No. 2
Building Location Certificate (Submitted by applicant reduced for convenience)
All measurements are taken from foundation
Development Variance Permit Application No. 90503



Schedule No. 3
Building Profiles (Submitted by Applicant)
Development Variance Permit No. 90503



Attachment No. 1
Subject Property Map
Development Variance Permit Application No. 90503



BCGS Map Sheet No. 92F-033.2.2



REGIONAL DISTRICT OF NANAIMO	
FCR 25 2005	
CHAIR	GMCMS
	GMCrS
CAO	GMS
	GMES
EADCL	

MEMORANDUM

TO: Jason Llewellyn
 Manager, Community Planning

DATE: February 25, 2005

FROM: Greg Keller
 Planner

FILE: 3090 30 90504

SUBJECT: Development Variance Permit Application No. 90504
 – Fern Road Consulting Ltd., on behalf of Lisa Holmgren
 Electoral Area 'G' – Meadow Drive

PURPOSE

To consider an application for a Development Variance Permit to permit the construction of a single dwelling unit for a property located on Meadow Drive.

BACKGROUND

The Planning Department has received a development variance permit application requesting to vary the maximum dwelling unit height pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" to permit the construction of a single dwelling unit located on the property legally described as Lot 12, District Lot 49, Nanoose District, Plan VIP76162 (see Attachment No. 1).

The subject property is a 0.146 hectare parcel located on the corner of Meadow Drive and White Pine Way in the French Creek Area of Electoral Area 'G' and is currently zoned Residential 1, Subdivision District 'Q' (RS1Q) pursuant to Bylaw No. 500. The maximum dwelling unit height in the RS1 zone is 8.0 metres as measured from the natural grade.

The subject parcel is generally flat with a slightly concaved surface within the proposed building envelope and has been cleared of native vegetation. The adjacent properties are also zoned RS1 and have recently been developed with a variety of single dwelling units of various architectural designs.

PROPOSAL

The applicants are proposing to vary Section 3.4.61 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" by increasing the maximum dwelling unit height from 8.0 metres to 8.5 metres (See Schedule No. 3 for building elevations).

As part of this application, the applicant has submitted a geotechnical report dated February 23, 2005 prepared by Lewkowich Geotechnical Engineering Ltd.

ALTERNATIVES

1. To approve Development Variance Permit No. 90504 subject to the notification requirements.
2. To deny the Development Variance Permit as submitted.

LAND USE AND DEVELOPMENT IMPLICATIONS

The applicant has stated that the subject parcel has a relatively high water table, which limits the depth of construction below natural grade. The geotechnical report verifies this due to the underlying poorly draining glacial till. Despite the high water table, the geotechnical report found the site suitable for the proposed use provided the site preparation recommendations contained within the report are implemented.

The dwelling unit design includes a 0.91 metre crawl space, of which approximately 0.81 metres is below natural grade. This is the maximum depth of construction below natural grade achievable given the high water table and the difficulty of providing suitable site drainage. To limit the maximum height of the dwelling unit, the crawl space has been designed at the minimum height required to provide adequate reasonable access to the furnace, associated duct work, and wiring, all of which are proposed to be located in the crawl space.

The architectural design of the dwelling unit incorporates two stories with a relatively steep pitched (10.5/12) roof. To minimize the dwelling unit height, the applicant is proposing to use standard height ceilings. The applicant has also indicated that redesigning the roof pitch will compromise the overall integrity of the house design. Staff note that the proposed architectural design and roof pitch of the single dwelling unit appear to be consistent with existing dwelling units on adjacent parcels.

Given that the applicant has kept the proposed crawl space at a minimum height and there are site limitations to placing the construction level below grade, the requested variance appears to be warranted. In addition, as there are no significant view corridors being affected by this proposal, the proposed siting of the single dwelling unit should not negatively impact adjacent properties.

ENVIRONMENTALLY SENSITIVE AREAS ATLAS

There are no identified watercourses or other environmentally significant features located on the subject parcel.

PUBLIC CONSULTATION IMPLICATIONS

As part of the required public notification process pursuant to the *Local Government Act*, property owners located within a 50 metre radius will receive notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the permit.

VOTING

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

SUMMARY

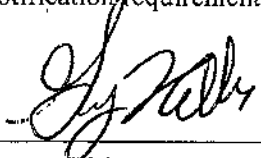
This is an application for a Development Variance Permit to facilitate the construction of a single dwelling unit on a property located on Meadow Drive in the French Creek Area of Electoral Area 'G'. The proposed variance, if approved, would increase the Maximum Dwelling Unit Height pursuant to Section 3.4.61 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" from 8.0 metres to 8.5 metres as shown on attached Schedule Nos. '2' and '3'.

The proposed variance is requested in order to accommodate architectural preference and to allow for a 0.91 metre crawl space. To limit the maximum height of the dwelling unit, the crawl space has been designed at the minimum height required to provide adequate reasonable access to the furnace, associated duct work, and wiring, all of which are proposed to be located in the crawl space. The applicant is also proposing to use standard height ceilings in order to minimize the height of the dwelling unit.

As the architectural features of the proposed dwelling unit are consistent with the existing residential development in the surrounding neighborhood and the proposed siting of the single dwelling unit should negatively impact adjacent properties, staff recommend this application be approved subject to the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

That Development Variance Permit Application No. 90504, submitted by Fern Road Consulting Ltd. on behalf of Lisa Holmgren for the parcel legally described as Lot 12, District Lot 49, Nanoose District, Plan VIP76162, to relax the maximum dwelling unit height from 8.0 metres to 8.5 metres to allow for the construction of a single dwelling unit, be approved subject to Schedule Nos. '1', '2', and '3', and the notification requirements pursuant to the *Local Government Act*.



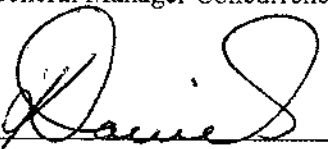
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:
reports/dev/2005/dvp mr 3090 30 90504 holmgren

**Schedule No. 1
Terms of
Development Variance Permit Application No. 90504**

The following are to be completed as part of Development Variance Permit No. 90504:

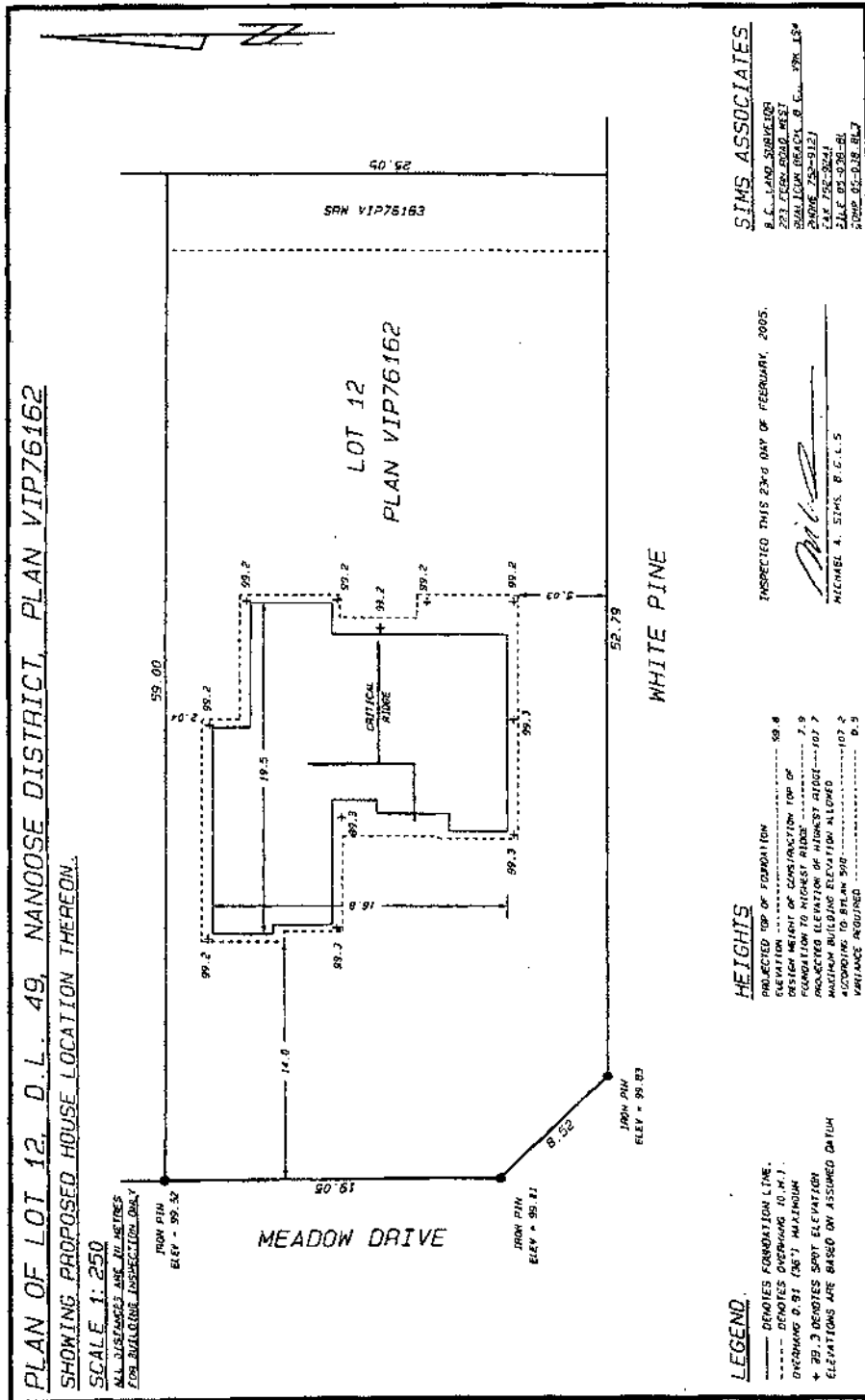
Construction

1. The subject property shall be developed in accordance with Schedule Nos. '2' and '3' which are attached to, and form part of this report.
2. The applicant shall obtain a building permit from the Regional District of Nanaimo prior to construction.
3. The subject property shall be developed in accordance with all recommendations contained within the geotechnical report dated February 23, 2005, prepared by Lewkowich Geotechnical Engineering Ltd.
4. A survey prepared by a registered British Columbia Land Surveyor (BCLS) shall be required prior to occupancy to verify the height and siting of the dwelling unit.

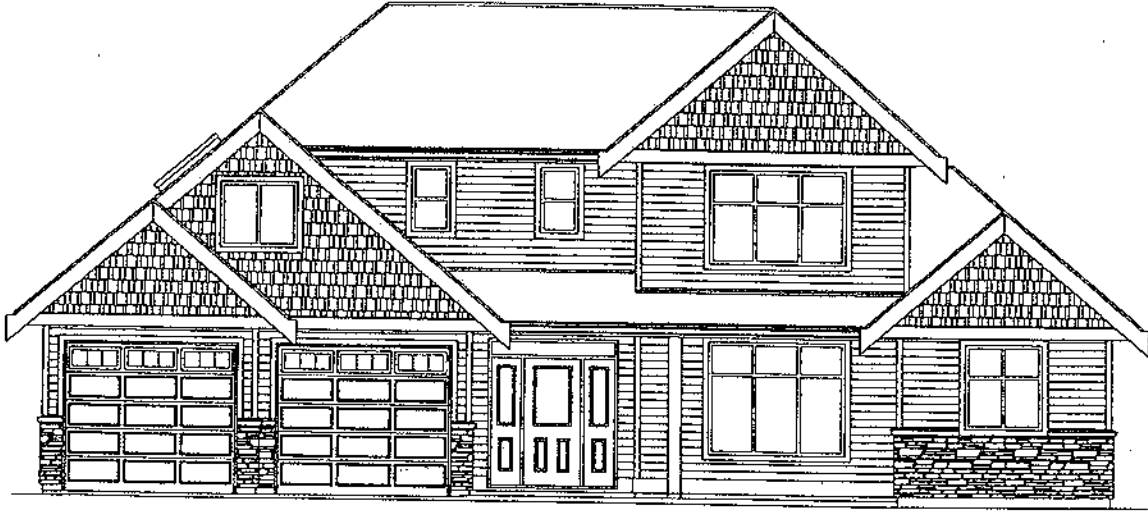
Schedule No. 2

Building Location Certificate (Submitted by applicant reduced for convenience)

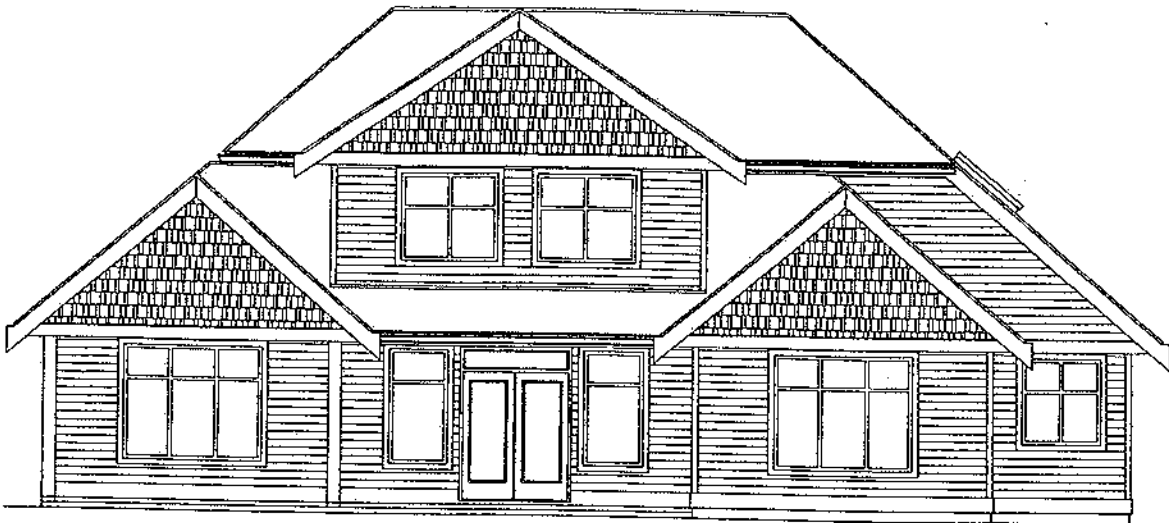
Development Variance Permit Application No. 90504



Schedule No. 3 (1 of 2)
Building Profiles (As Submitted by Applicant reduced for convenience)
Development Variance Permit No. 90504

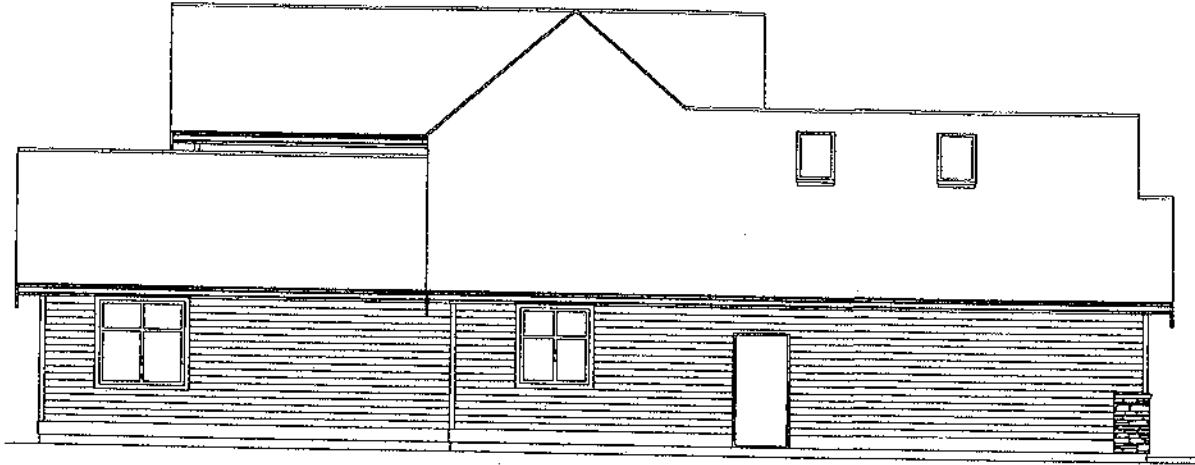


FRONT ELEVATION

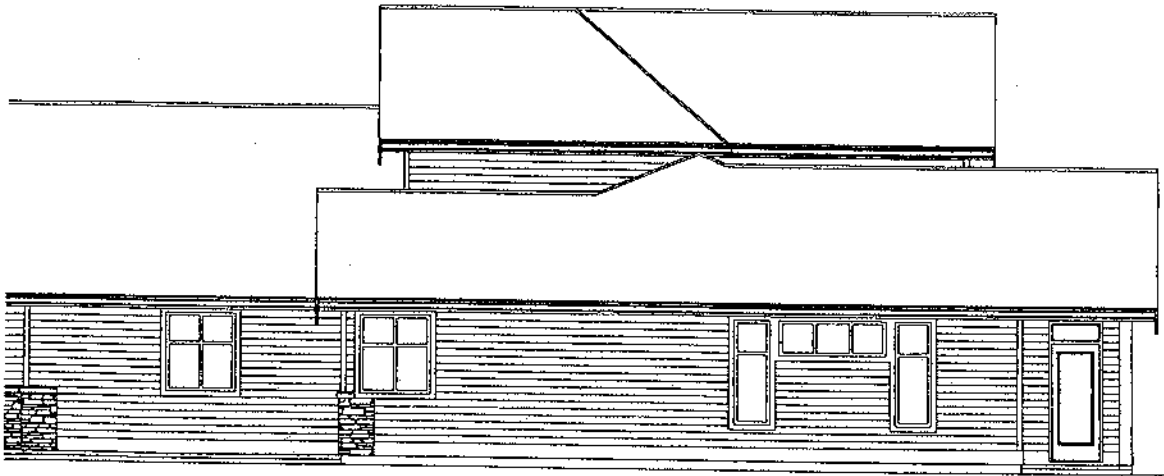


REAR ELEVATION

Schedule No. 3 (2 of 2)
Building Profiles (As Submitted by Applicant reduced for convenience)
Development Variance Permit No. 90504

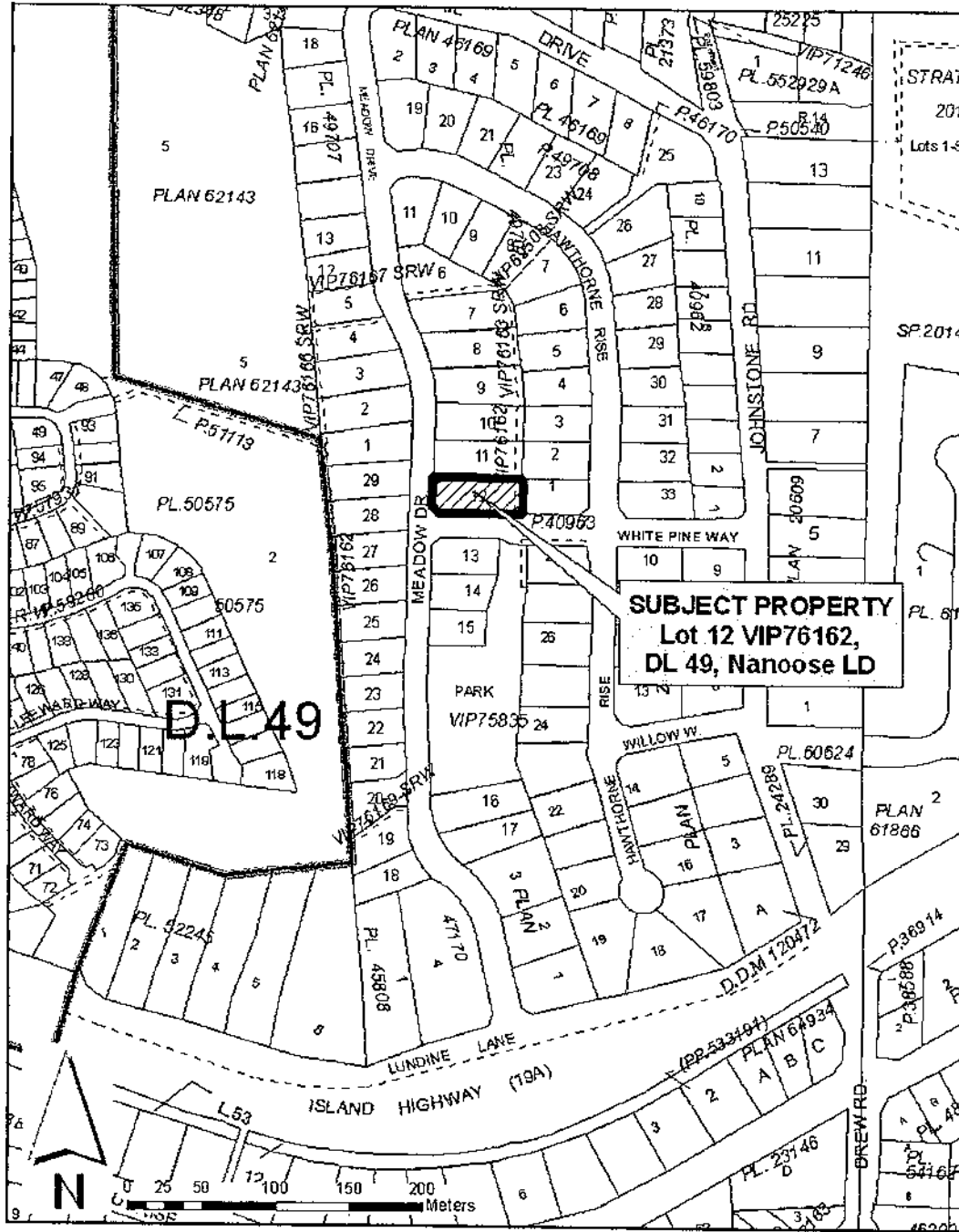


LEFT ELEVATION



RIGHT ELEVATION

Attachment No. 1
Subject Property Map
Development Variance Permit Application No. 90504





REGIONAL DISTRICT OF NANAIMO	
FEB 24 2005	
CHAIR	GMCMS
	GMCMS
CAO	GMDS
	GMES
EAPC	

MEMORANDUM

TO: Jason Llewellyn
 Manager, Community Planning

DATE: February 25, 2005

FROM: Brigid Reynolds
 Senior Planner

FILE: 2450 20 MARD

SUBJECT: Restrictive Covenant - Wilson
 Electoral Area 'G' – Mallard Road

PURPOSE

To consider being the grantee for section 219 covenants for no vegetation removal for eight properties along Mallard Road.

BACKGROUND

The eight subject properties, legally described as Lots 1 to 8, District Lot 49, Nanoose District, Plan 22087, are located on Mallard Road in the Pebble Beach area of Electoral Area 'G'.

The land was subdivided in 1969 and the eight ocean front properties were originally developed in the late 70's and 80's.

In 2003, one of the property owners contacted the RDN regarding the feasibility of the property owners voluntarily entering into a section 219 covenant to restrict the removal of native vegetation within approximately 15 metres from the natural boundary of the ocean. All eight property owners have now agreed to the proposal and they would like to proceed with the registration of the covenant.

The properties are designated as being within the Watercourse Protection Development Permit Area pursuant to the "Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998." This development permit area applies to 15 metres from the natural boundary of the ocean.

A building scheme is registered on the title of the properties but does not speak to setbacks from the ocean.

ALTERNATIVES

1. To approve entering into the section 219 covenant.
2. To not approve entering into the section 219 covenant.

LAND USE AND DEVELOPMENT IMPLICATIONS

All eight lots are currently developed however there is some significant mature vegetation within the proposed covenant area. The property owners who began the process were concerned with the potential that subsequent property owners could remove these trees. They thought that a section 219 covenant registered on the title of the properties would deter their removal. They contacted the Planning Department for sample covenant language and proceeded to work with their neighbours to get their approval.

The properties are designated as being within a Watercourse Protection Development Permit Area that restricts the alteration of land within 15 m of the natural boundary of the ocean. However, the removal of trees does not in every case result in the alteration of land, therefore a development permit is not always required to remove vegetation.

In addition, as a section 219 covenant is registered on the title of the property any potential property owner is aware of the restriction. In contrast, the property owner must contact the local government to confirm any land use regulations that might apply prior to altering the land. There have been cases where property owners have undertaken extensive vegetation clearing in a development permit area and not first checked with the Regional District.

The proposed covenant is consistent with the development permit area justification to protect the natural environment.

LEGAL IMPLICATIONS

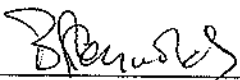
By agreeing to be the grantee, the Board assumes responsibility for enforcing the section 219 covenant. This is a responsibility that the Board assumes regularly on various applications including zoning amendments, some development permits, subdivision, building permits, etc.

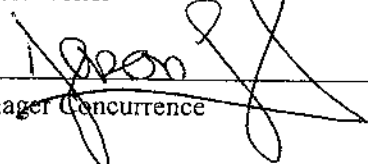
SUMMARY/CONCLUSIONS

This is a request by eight property owners on Mallard Road in Electoral Area 'G' that the Regional Board agree to enter into a section 219 covenant restricting the removal of vegetation adjacent to the marine foreshore. The properties are designated within a Watercourse Protection Development Permit Area that restricts the alteration of land within 15 m of the natural boundary of the marine foreshore.

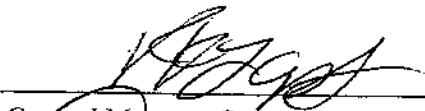
RECOMMENDATION

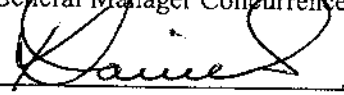
That the request to enter into a section 219 covenant by eight property owners on Mallard Road to restrict the removal of vegetation, be approved.



Report Writer


Manager Concurrence



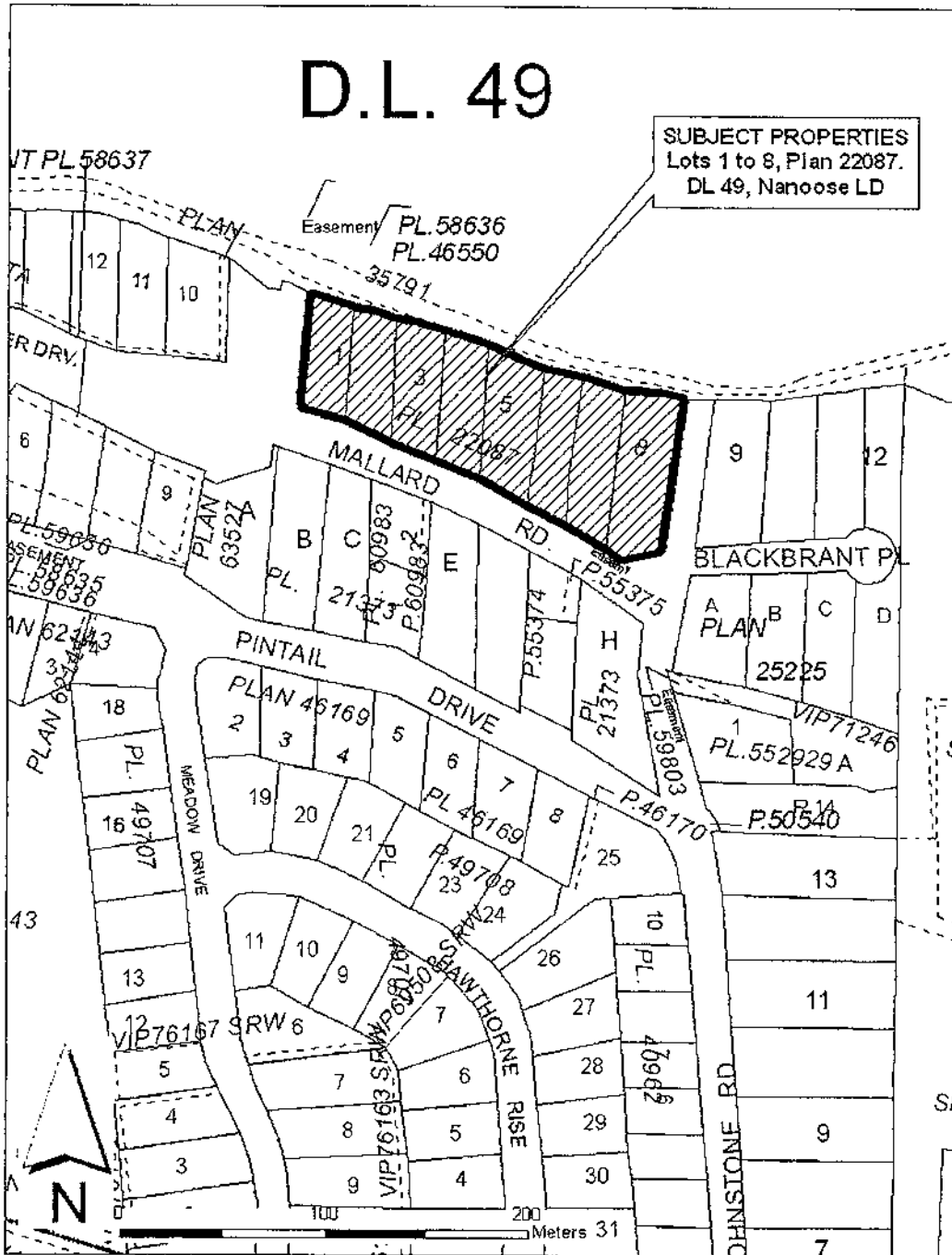
General Manager Concurrence


CAO Concurrence

COMMENTS:

devsus/reports/2005/2450 20 mard Wilson

Attachment No. 1
Subject Properties





REGIONAL DISTRICT OF NANAIMO			
FFR 2.4 2005			
CHAIR		GMCMS	
		GMCMS	
CAO		GMDS	
		GMES	
<i>EAPC</i>			

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: February 23, 2005

FROM: Susan Cormie
Senior Planner

FILE: 3320 20 26096

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Requirement
WR Hutchinson, BCLS, on behalf of Sangha
Electoral Area 'D' – Jameson Road

PURPOSE

To consider a request to relax the minimum 10% perimeter frontage requirement in order to facilitate the creation of one parcel as part of a 2-lot subdivision proposal.

BACKGROUND

This is an application requesting relaxation of the minimum 10% perimeter frontage requirement for a proposed parcel as part of a 2-lot subdivision proposal for the property legally described as Lot 1, Section 12, Range 3, Mountain District, Plan 26828 and located adjacent to Jameson Road within Electoral Area 'D' (see Attachment No. 2 for location of parent parcel).

The subject property, which is 4.6 ha in size, is currently zoned Rural 1 (RU1) and is within Subdivision District 'D' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicants are proposing to subdivide the parent parcel into two parcels, both of which will be greater than the 2.0 ha minimum parcel size, therefore meeting the minimum parcel size requirement pursuant to Bylaw No. 500 (see Attachment No. 1 for proposed subdivision).

The south boundary of the parent parcel follows a small creek. It is noted that the same creek is designated within an Environmentally Sensitive Development Permit Area pursuant to the East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055 commencing two properties to the east of this parcel. Surrounding properties are rurally zoned with the property to the south currently being held as Crown Lands. The parcels are proposed to be served by individual private septic disposal systems and private water wells.

10% Minimum Frontage Requirement

Proposed Lot A, as shown on the submitted plan of subdivision, does not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontage is as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
A	88.7 m	60.0 m	6.8 %

Therefore, as this proposed parcel 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 approve the request to relax the minimum 10% perimeter frontage requirement for proposed Lot A.
2. To deny the request to relax the minimum 10% perimeter frontage requirement.

DEVELOPMENT IMPLICATIONS

Site Constraints

Due to the steep slopes located in the southwest corner of the parent parcel, the availability of buildable site areas is limited. In order to ensure that there are two building site areas for each proposed parcel, the applicant is proposing an L-shaped parcel. This proposed lot configuration would ensure that the intended residential uses of the Rural 1 would be met.

Environmentally Sensitive Area

The small creek which runs along the south property boundary is well vegetated. The applicant is in concurrence to provide a protective covenant for the creek and its 15-metre riparian area with the exception of a pedestrian access crossing to provide access to the adjacent Crown Lands located on the south side of the creek. As this portion of the creek is outside a development permit area, the registration of such a covenant would provide protection of the creek and its riparian area for this property.

Ministry of Transportation

The Ministry of Transportation staff have indicated that they have no objection to the request for relaxation of the minimum 10% frontage requirement provided the applicant constructs separate driveway accesses to each proposed parcel. The applicant has indicated that he is in concurrence to provide separate accesses.

VOTING


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

SUMMARY

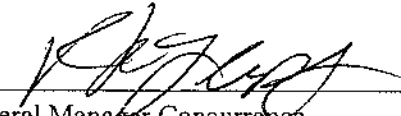
This is a request to relax the minimum 10% frontage requirement pursuant to Section 944 of the *Local Government Act* in order to facilitate the creation of a new parcel as part of a two-lot subdivision proposal. Due to the physical site constraints of the parent parcel, the applicant is proposing an L-shape parcel in order to ensure there are sufficient buildable site areas for each proposed parcel. Given that the applicant is in concurrence to provide a section 219 covenant for protection of the creek and its riparian area, and the Ministry of Transportation is satisfied that access to each proposed parcel is achievable, staff recommend Alternative No. 1, to approve the relaxation of the minimum 10% frontage for proposed Lot A subject to the conditions set out in Schedule No. 1 of the staff report.

RECOMMENDATION

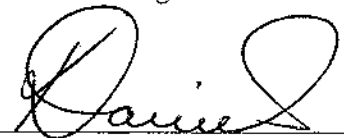
That the request from WR Hutchinson, BCLS, on behalf of Sangha, to relax the minimum 10% frontage requirement for proposed Lot A, as shown on the plan of subdivision of Lot 1, Section 12, Range 3, Mountain District, Plan 26828, be approved subject to the conditions set out in Schedule No. 1.



Report Writer



General Manager Concurrence



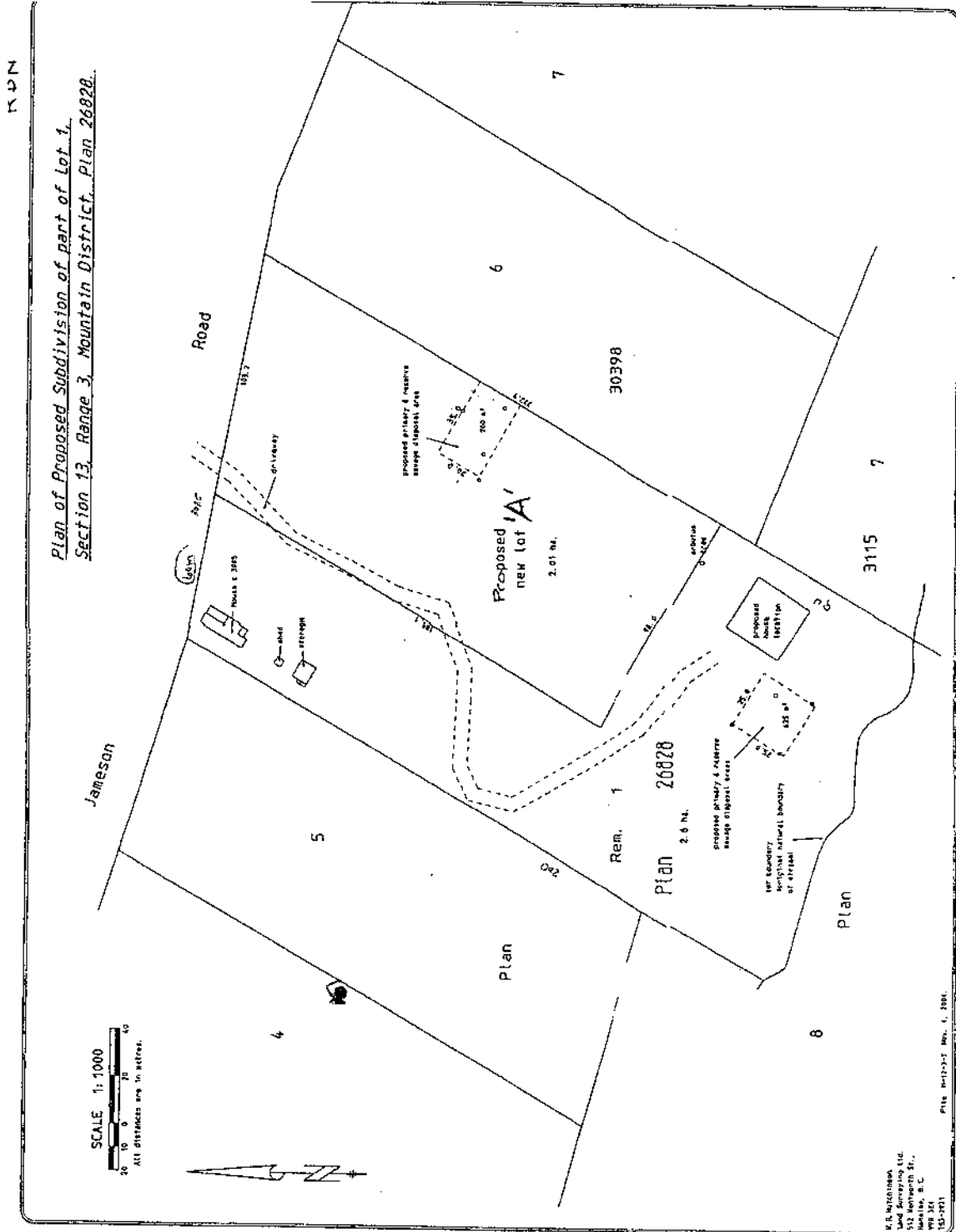
CAO Concurrence

COMMENTS:
Devsrs/reports/2004/frtge mr 3320 20 26096sangha.doc

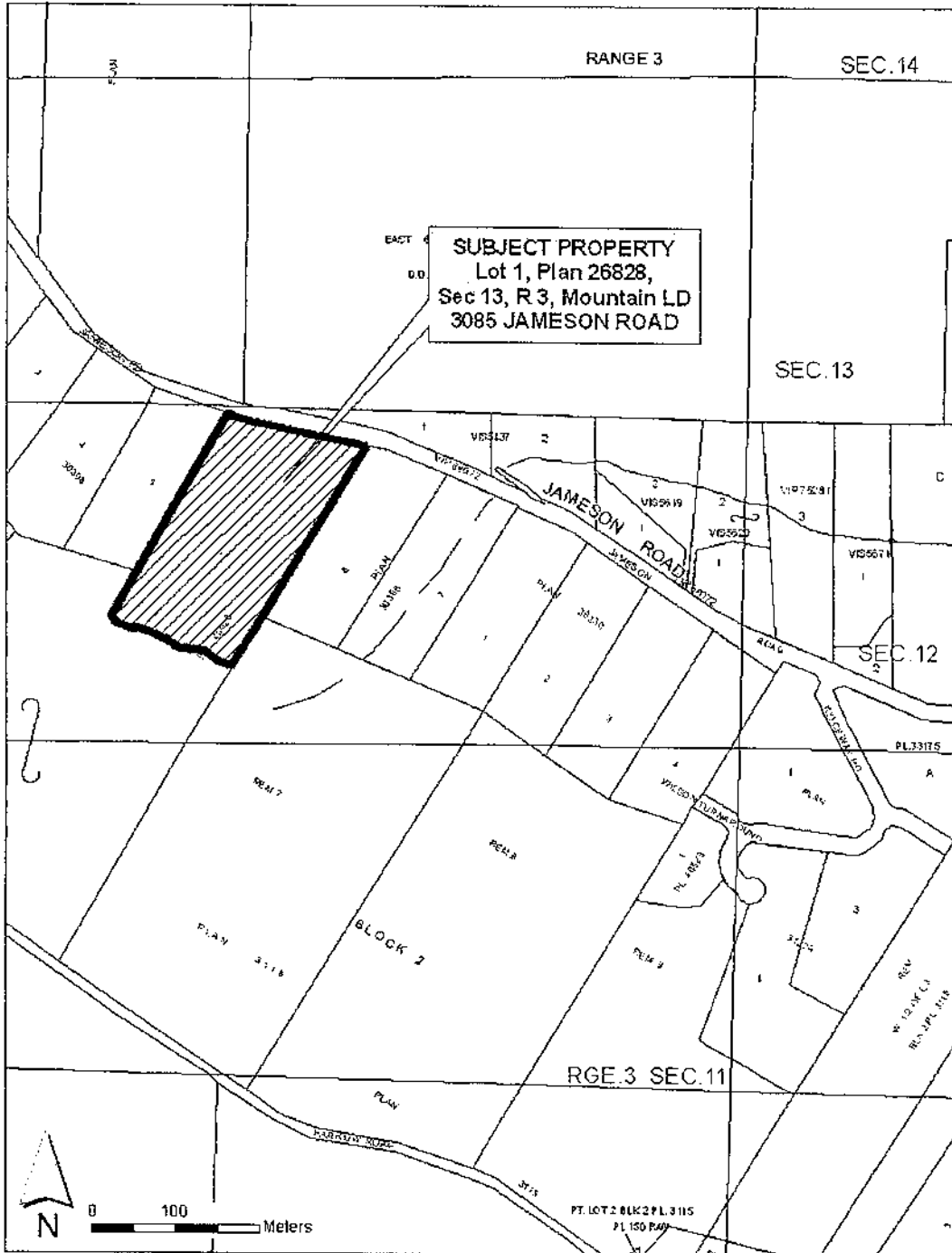
**Schedule No. 1
Conditions
Subdivision File No. 26096**

1. The applicant shall prepare and register at his expense, concurrently with the proposed plan of subdivision, a section 219 covenant restricting the removal of vegetation or alteration of land with the exception of a crossing of the creek provided a section 9 permit has been issued by the Ministry of Land, Water and Air Protection as required.
2. Applicant's solicitor to provide a letter undertaking to register the covenant concurrently with the plan of subdivision at Land Title Office.

Attachment No. 1
Proposed Plan of Subdivision
Subdivision File No. 26096
(As Submitted by Applicant)



Attachment No. 2
Location of Subject Property



REGIONAL DISTRICT OF NANAIMO	
FEB 7 8 2005	
CHAIR	GMCS
	GMCS
CAO	GMDS
	GMES
<i>EAPC</i> DATE:	
FILE:	

TO: Jason Llewellyn
Manager, Community Planning

February 23, 2005

FROM: Susan Cormie
Senior Planner

3360-30-0306

SUBJECT: Bylaw No. 500, 1987 Technical Review Planning Project
- Public Consultation Framework

PURPOSE

To consider the public consultation framework for the Bylaw No. 500, 1987 Technical Review.

BACKGROUND

The Planning Department's work program for 2005 includes plans to complete a technical review of the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". This project, which came forward from the 2004 Work Program, was not completed within the original timeframe due to the volume of activity experienced in the Planning Department during the past year. The purpose of this review is to update the bylaw from a technical perspective with the main focus of the review being on the Interpretation Section (definitions). This review is not intended to consider proposals or applications for changes to the zoning regulations applicable to individual properties or to consider a wholesale change to standards for subdivision or servicing.

Bylaw No. 500 is the current governing land use and subdivision bylaw for Electoral Areas 'A', 'C', 'D', 'E', 'G' and 'H'. This bylaw was first adopted in 1984 and the current version was re-enacted and has been in effect since 1987. The bylaw has had more than 300 amendments in response to specific applications and Board initiated changes.

While there will continue to be additional amendments to the bylaw in response to specific applications, the format and the approach used to manage development is sound and legally certain. It is noted that the purpose of this review is not to open the bylaw to amendments on specific parcels or to review the servicing standards; this review is intended to update and clarify specific portions of the bylaw.

In addition, to the above, due to this volume of amendments, staff also recommends the re-enactment of Bylaw No. 500, 1987. This would consolidate all amendments into a comprehensive bylaw.

To implement the technical review of Bylaw No. 500, staff has prepared a Public Consultation Framework (*see Schedule No. 1*).

ALTERNATIVES

1. To receive the staff report and approve the Public Consultation Framework in conjunction with the technical review of Bylaw No. 500, 1987.
2. To amend the Public Consultation Framework, then direct staff to proceed with the Bylaw No. 500 technical review.
3. To not proceed with the Bylaw No. 500 technical review at this time.

PUBLIC CONSULTATION IMPLICATIONS

A Public Consultation Framework for the Bylaw No. 500 Technical Review has been prepared in accordance with both the RDN Board Public Consultation Policy and the *Local Government Act* requirements (*see Schedule No. 1*). This Framework includes:

- an information advisory published in community newspapers and on the RDN Web page;
- a mail-out to technical users advising of the review process, proposed revisions and requesting comments;
- a Public Hearing pursuant to the requirements of the *Local Government Act*.

It is anticipated that there will be interest in this technical review from the development community and community groups. Staff will ensure information is available to any interested group or individual.

FINANCIAL IMPLICATIONS

Costs for the project relate to staff time, hall rentals, advertising, newsletter production, mail-outs, and web fees and will be funded by the 2005 Community Planning budget.

LEGAL IMPLICATIONS

The process to draft and adopt amendments to a land use bylaw must be consistent with the requirements outlined in the *Local Government Act*. As noted in the Public Consultation Framework, the proposed amendments to the bylaw will be submitted to the RDN's counsel for a legal review to ensure that any legal issues are fully considered and addressed.

Specifically, with the process of re-enacting the bylaw, staff must ensure that all in-stream applications are updated to ensure they will be considered under the re-enactment bylaw. For example, if an amendment bylaw is currently at 3rd reading, this bylaw would have to be re-named to correspond with the re-enactment bylaw. It is noted any in-stream amendment bylaws that have been forwarded to Public Hearing would not be required to have another Public Hearing for a name change.

VOTING

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

SUMMARY

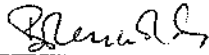
Amendments to Bylaw No. 500, 1987 are scheduled to be considered by the RDN Board in 2005. This technical review is intended to update specific aspects of the bylaw with the main focus being on the interpretation section (definitions) and not to open the bylaw to amendments on specific parcels. Staff also recommends that a re-enactment bylaw be considered for Bylaw No. 500, 1987 as this would result in a more succinct bylaw by including all amendments. Staff has prepared a Public Consultation Framework, which sets out the process to be used in conjunction with this bylaw review for the Committee's consideration (*see Schedule No. 1*). It is anticipated that the review will be completed by mid-2005. As Bylaw No. 500, 1987 is considered to be a legally sound bylaw and technical amendments will assist in keeping the bylaw current, staff recommends that the staff report be received and the Public Consultation Framework be approved.


RECOMMENDATIONS

1. That the staff report on the Bylaw No. 500 Planning Project be received.
2. That the Public Consultation Framework as set out in Schedule No. 1 of the staff report be endorsed by the Board.



Report Writer



 Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2005/mr bylaw 500 review

Schedule No. 1

Public Consultation Framework Bylaw No. 500, 1987 Technical Review

Goals and Objectives

The goal of the Regional District of Nanaimo Land Use and Subdivision Bylaw No., 500, 1987 Technical Review is to adopt a number of amendments to the bylaw for the purposes of updating the bylaw.

The main areas of focus of the review are the Interpretation Section (definitions) and the General Regulation Section of Bylaw No. 500. The intent of this review is to update the bylaw from a technical perspective and not to open the bylaw to general amendments.

Given the direction of the review, the public consultation framework focuses on reaching the technical users of the bylaw. The public consultation framework, as outlined below, utilizes an information advisory notice format for the purposes of informing the both the technical users of the bylaw and the public of the review with consultation taking place on the proposed amendments.

Methodology

It is noted that this initiative is not intended to initiate a full-scale review of the Bylaw No. 500, 1987. Instead, all amendments are to be specific to the technical operations of the bylaw. It is anticipated that technical users of the bylaw will have the greatest interest in the proposed amendments. This includes BC Land Surveyors, planning and building consultants. While it is important to ensure technical users are able to comment on any proposed changes, it is also important that the general public is notified and able to make submissions. The following actions are planned:

- An information advisory published in community newspapers and on the RDN Web page.
- A mail-out to technical users requesting comments on proposed changes.
- A staff report together with submissions will be forwarded to the EAPC for its consideration.
- A Public Hearing will be held pursuant to the requirements of the *Local Government Act*. The Public Hearing will be advertised as per the notification requirements specified in the *Local Government Act*. The Public Hearing notice will also be posted on the RDN website (www.rdn.bc.ca).
- Staff will remain available throughout the bylaw amendment process to respond to questions, concerns, or to discuss the process.
- A staff report summarizing the proceedings of the Public Hearing and including copies of all written correspondence on the proposed amendment shall be forwarded to the RDN Board for the Board's consideration.

Outcomes and Products

The intent of the Bylaw No. 500, 1987 review is to update the current bylaw with particular focus on the Interpretation Section of the Bylaw.

Schedule

Date	Action
Late March 2005	Notify technical users and the public of the review process through an information advisory, the RDN Web site, and by mail to technical users.
Late March 2005	Initial referrals to affected agencies.
April 2005	Gather comments from technical users and review proposed revisions.
May 2005	Staff report forwarded to the EAPC for consideration requesting 1 st and 2 nd reading of amendment bylaw and re-enactment bylaw
May 2005	Recommendations from the EAPC forwarded to the Regional Board for consideration.
May 2005	Formal referrals to affected agencies pursuant to the <i>Local Government Act</i> .
May 2005	Notification of public hearing pursuant to the <i>Local Government Act</i> .
June 2005	Public Hearing held pursuant to the <i>Local Government Act</i> .
June 2005	Report to RDN Board requesting consideration of 3 rd reading of bylaws.
July 2005	Report to RDN Board requesting consideration of 4 th reading and adoption of bylaws (<i>pending receipt of approval from agencies</i>).

Resources

Existing staff resources will administer all components of the public consultation process including researching, investigating, providing recommendations as well attending the public hearing for the Bylaw No. 500, 1987 Technical Review. It is expected that this project will take approximately 5 to 6 months to complete.

Budget

Staff time budgeted as part of regular work program in 2005 Development Services Department Budget.

Monitoring and Evaluation

The process will be evaluated pursuant to the successful completion of the consultation requirement specified in the *Local Government Act*.



REGIONAL DISTRICT OF NANAIMO	
FEB 26 2005	
CHAIR	GMCrS
	GMCrS
CAO	GMDS
	GMES
EAPC ✓	

MEMORANDUM

TO: Jason Llewellyn
 Manager, Community Planning

DATE: February 25, 2005

FROM: Susan Cormie
 Senior Planner

FILE: 3360-30-0506

SUBJECT: Proposed Amendments to RDN Fees and Charges Bylaw No. 1259, 2002

PURPOSE

To review current planning related fees and charges and to consider amendments to the Fees and Charges Bylaw No. 1259.

BACKGROUND

A review of the current fees and charges as they relate to amendment applications, permit applications, and subdivision applications was endorsed by the Board as part of the Planning Department's 2005 Work Program. The last comprehensive fees review for these types of applications was completed in 1997.

The existing fee structure is largely based on a combination of factors including an assessment of the legislative and administrative requirements; a comparison of fees imposed by other local governments; the historical cost of providing the service; and what is perceived to be fair relative to the market place. It is also noted that there is no formal policy for weighing these various approaches in establishing fees for applications.

Pursuant to the *Local Government Act*, a local government may charge for these types of application fees provided the fee does not exceed the estimated average costs of processing, inspection, advertising, and administration that are usually related to the type of application or other matters to which the fee relates. The *Act* does not have provisions for a local government to profit from these types of planning related applications nor can fees be a source of general revenue for a Planning Department. It is noted that where newspaper advertisements are required as part of the application process, the entire advertisement costs are borne by the applicant.

In the case of the Planning Department, the *Local Government Act* provides for the ability of a local government to recover the average costs related to the processing, inspecting, advertising, and administering of amendment applications, permit applications, and subdivision applications coordinated by the Planning Department.

Current RDN fees for amendment applications, permit applications, and subdivision applications are outlined in Table No. 1 along with the current fee structures of other jurisdictions.

In addition to reviewing the above-noted fees, the Board, at it regular meeting held on October 26, 2004 passed the following resolution with respect to fees for Liquor Licence Applications:

That the Board direct staff, by resolution, to process an amendment to "Regional District of Nanaimo Fees and Charges Bylaw No. 1259, 2002" to incorporate the fees discussed in the corresponding staff report.

CARRIED

The proposed fees for liquor licence applications, as set out in the previous staff report, are as follows:

- Liquor or Food Primary Application.....\$800.00 plus \$1,000.00 advertising deposit
- Liquor or Food Primary Application with associated application to amend land use.....\$400.00
- Application for a temporary amendment Director approved.....\$400.00
- Application for a temporary amendment Board approved.....\$800.00 plus \$1,000.00 advertising deposit

Finally, a housekeeping amendment is required to be added to the available maps products list to include Electoral Area Maps with Aerial Photography at a cost of \$15.00.

ALTERNATIVES

1. To approve the proposed amendments to the Fees and Charges Bylaw No. 1259 as set out in Schedule No. 1.
2. To not approve the proposed amendments to the Fees and Charges Bylaw No. 1259.

FINANCIAL IMPLICATIONS

As part of the review of applications fees, staff has attempted to advance a user pay philosophy while staying within the statutory authority to recover the average costs of processing, inspecting, advertising, and administering these types of applications. All development based applications advance the interests of the applicant to allow the development of their property; however, these benefits range from the ability to construct a building within a setback area to establishing new land uses or subdivision potential, which can be marketed or sold to other parties. Conversely, community interests may be affected by a development application and these interests are often measured with various degrees of importance based on various community objectives including the level of public process and review requested or deemed necessary; the need to advance greater protection of the environment; the need to establish better community form and character; and the need to protect the interest of the public by ensuring safe, functional, and compatible development.

Amendment Applications

With respect to amendment applications, since the last review of fees and charges, the amendment application process continues to provide a comprehensive review of proposals. Specifically, the most significant change to the process in recent years is the requirement for a public information meeting (PIM) as part of the public consultation process. Currently, the costs associated with the newspaper advertisement for a PIM is paid by the applicant. While there is a cost associated to the holding of a public information meeting, staff also recognizes that this additional meeting promotes the public interest aspect of an application.

The estimated cost of reviewing and processing applications varies greatly with individual applications. For example, the recent Spider Lake zoning amendments were considered as a group application and therefore the costs associated with staff time were slightly lower, whereas an amendment application such as Block 564 (Englishman River Estates) is a complicated application and required much more staff time. Due to diversity of amendment applications for a wide variety of potential land uses, it is extremely difficult to estimate the average total costs associated with amendment applications. It is noted that in

reviewing the fees structures of other jurisdictions, the RDN's current amendment application fees are generally within the scope of the industry standard.

Permit Applications

With respect to permit applications since the last review of the fees and charges, the most significant change to the process involves the staff time to conduct site visits, meet with applicants, and write more comprehensive reports. This is largely due to the complexity of many of the permit applications in that they may involve environmental issues, the potential of hazardous site conditions, or extensive form and character applications such as commercial uses, multi residential uses, or a combination of both.

Currently, where an amendment application is being considered for property, which is designated within a development permit and the applicant has applied for a development permit concurrently with the amendment application, the bylaw does not provide a fee for this specific situation. These types of development permit applications usually require less staff time because the analysis, along with the Public Information Meeting process, is being completed through the amendment application process. As a result, it is recommended that a lesser fee (\$200.00 without variance / \$400 with request for variance) be charged where a development permit application is being considered concurrently with an amendment application.

Subdivision Applications

Since the last full fees and charges review in 1997, compared to amendment applications and permit applications, the RDN's role in the subdivision review process has evolved considerably and now includes a far more comprehensive examination of applications than previously conducted. For example, to ensure that a proposal meets the applicable RDN bylaws and regulations, as well as specific statutory requirements, an application may involve:

- conducting a site visit to determine the probability of the lot layout in terms of topography, natural features, man-made features, surrounding land uses, and the existing road pattern;
- reviewing and analyzing a application in terms of park land proposals which involve an extensive public consultation process;
- meeting and negotiating with applicants concerning natural features, park land proposals, 10% frontage requirements;
- co-coordinating, negotiating and securing agreements with other RDN departments for engineering works and services, building inspection, and bylaw enforcement issues;
- co-coordinating discussions with various Provincial agencies;
- conducting comprehensive reviews of documents such as covenants to be registered on title;
- preparing staff reports, agreements, and correspondence; and,
- collecting various fees and charges including development cost charges.

This has resulted in a far greater amount of staff time being required to co-ordinate the entire subdivision application process. Staff notes that subdivision proposals involving numerous parcels or multiple phases are far more complex and result in the need for greater staff resources. Specifically, with requests to relax the minimum 10% perimeter frontage statutory requirement, there is no additional fee. As this request requires a comprehensive review, staff report, and approval of the Regional Board, staff recommends an additional fee be required for these types of applications. As these are similar to variance applications, a \$400.00 would be consistent with the current fee structure.

It is noted that as with the amendment application and permit application processes, actual costs may vary depending upon the scope and complexity of an application.

Applications Exempt from Fees

Currently, other than the cost of advertising, there are no application fees for local governments, non-profit organizations registered under the *Society Act*, and an agency of the Crown creation under provincial or federal status. This has resulted in a number of applications, which have required considerable staff time and resources, to be advanced at no charge to the applicant. It is noted that several of these applications have been to rezone or subdivide lands for the purposes of selling the properties to private interests. In keeping with the theme of equity in administering application fees, staff recommends that, local governments and agencies of the Crown no longer be exempt from payment of application fees. As non-profit societies are limited in their resources, staff recommends these types of applications continue to be exempt from payment of application or permit fees.

Other Jurisdictions

As part of the review, staff examined the fee structures of a number of other local government jurisdictions including the Cities of Nanaimo and Parksville, the Town of Qualicum Beach, adjacent Regional Districts and other jurisdictions of similar size. Table No. 1 outlines the fee structures for these jurisdictions.

The proposed fees, which are outlined in Schedule No. 1, are suggested based on an assessment of the review of the current industry standard and methods of achieving equity between the different types of applications and the size of such applications.

While, some jurisdictions base an application fee on a sliding scale, where for example, the greater the number of parcels proposed to be created, the fee per parcel is reduced. Staff does not support this approach as experience has shown that, with larger subdivision applications, there is in fact more staff time and analysis required than with a small-scale subdivision application.

COMMUNITY IMPLICATIONS

The costs necessary to process and advance applications benefits both the applicants and the community. Therefore, in addition to the statutory authority to recover the average costs of the processing, inspecting, advertising, and administering these types of applications, the planning function includes a general tax requisition which provides for the representation of the community's interests through the preparation of official community plans, the administration of land use regulations, and the ability to advance other interests of the residents by providing information, advice, and comments to other agencies and the public.

VOTING

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

SUMMARY

Fees for amendment applications, permit applications, and subdivision applications are being reviewed as part of the 2005 Planning Work Program endorsed by the Board by the Budget process. As part of this review, staff has included the proposed fees for Liquor Licence Applications, which was considered under a previous staff report and a housekeeping amendment to the map Products fees. Staff examined the amendment application, permit application, and subdivision application processes independently in terms of staff time, resources, complexity of applications, fee structures of other jurisdictions while keeping in mind the statutory requirements for collecting fees and charges. As a result, staff recommends that the proposed new applications fees be limited to the subdivision application process only with the exception of a fee for development permit where an amendment application is being considered concurrently. The recommended applications fees, as set out in Schedule No. 1, reflect the complexity of conducting full

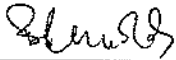
reviews of planning related applications; to recover the average cost of processing, inspecting, advertising, and administering subdivision applications; to establish the current industry standard, and to achieve equity between applications of various scales. Therefore, staff recommends Alternative No. 1 to approve the proposed amendments to the Fees and Charges Bylaw No. 1259 as set out in Schedule No. 1.

RECOMMENDATIONS


1. That the proposed fees for planning related applications as outlined in Schedule No. 1 be approved.
2. That "Regional District of Nanaimo Fees and Charges Bylaw Amendment Bylaw No. 1259.02, 2005" be introduced and read 3 times.
3. That "Regional District of Nanaimo Fees and Charges Bylaw Amendment Bylaw No. 1259.02, 2005" be adopted.



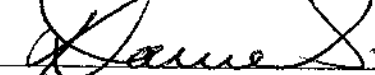
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2005/3360 30 0506 mr fees bylaw

**Schedule No. 1
 Proposed Amendments to Fees and Charges Bylaw**

The following sets out the proposed amendments to the Fees and Charges Bylaw:

1. Development Permit Applications:

Proposed:

Where a development permit is being considered for approval with an amendment application - \$200.00 if there is no variance(s) requested and \$400.00 if a variance(s) requested.

2. Subdivision Applications:

Current:

Subdivision Application Fee	Strata Conversion Application
\$200 plus \$200 / fee simple parcel being created	\$200 plus \$200/parcel being created
\$200 plus \$200 / bare land strata lot being created	
\$200 per lot line for boundary adjustment	

Proposed:

Subdivision Application Fee	Strata Conversion Application
\$300 plus \$300 / fee simple parcel being created	\$300 plus \$300 / parcel being created
\$300 plus \$300 / bare land strata lot being created	
\$300 per lot line for boundary adjustment	
additional \$400 where an application includes a request for relaxation of the minimum 10% frontage requirement	

3. Fee Exceptions:

Current:

Other than advertising, fees for planning services do not apply to local government, non-profit organization under the *Society Act*, and an agency of the Crown created under provincial or federal status

Proposed:

Fee Exceptions only apply to a non-profit organization under the *Society Act*.

4. Liquor Licence Applications:

Current:

No fee structure

Proposed:

The fees for liquor licence applications are as follows:

Liquor or Food Primary Application.....	\$800.00 plus \$1,000.00 advertising deposit
Liquor or Food Primary Application with associated application to amend land use.....	\$400.00
Application for a temporary amendment Director approved.....	\$400.00
Application for a temporary amendment Board approved	\$800.00 plus \$1,000.00 advertising deposit

5. Mapping Products:

Proposed:

\$15.00 for an Electoral Area Map with aerial photography.

TABLE NO. 1 (Page 1 of 4)
Fees and Charges for Amendment Applications

Jurisdiction	Zoning Amendment	OCP Amendment	Zoning / OCP Concurrently	Land Use Contract Amount
RDN – existing bylaw fees	Base fee of \$800.00 plus: <ul style="list-style-type: none"> ▪ \$100.00/dwelling unit for the first 20 units and where there are more than 20 units, \$50.00 per unit in excess of 20 units – residential use or resort commercial use ▪ \$100 for each 0.1 hectare of site area or portion thereof – commercial, institutional, or industrial use uses ▪ \$100 for each hectare or portion thereof of parcel area – rural use, resource use, or recreation uses ▪ for a comprehensive development use involving several uses, each use is calculated separately and combined with the base fee. 	\$800.00	Base fee of \$1,500.00 plus: <ul style="list-style-type: none"> ▪ \$100.00/dwelling unit for the first 20 units and where there is more than 20 units, \$50.00 per unit in excess of 20 units – residential use or resort commercial use ▪ \$100 for each 0.1 hectare of site area or portion thereof – commercial, institutional, or industrial use uses ▪ \$100 for each hectare or portion thereof of parcel area – rural use, resource use, or recreation uses ▪ for a comprehensive development use involving several uses, each use is calculated separately and combined with the base fee. 	\$800
City of Nanaimo	Under .2 ha - \$500 plus \$2/ 100m ² site area to a max of \$2,000 Over .2 ha - \$1,000 plus \$2/ 100m ² site area to a max of \$2,000 Duplex - \$500	\$500	Applied separately.	To amend - \$1,000 To discharge - \$500 N/A
City of Parksville	\$1,150 plus \$5/m ² 100 m ² of site area to a maximum of \$5,000	\$1,100	Applied separately.	N/A
Town of Qualicum Beach	\$600	N/A	\$1,200	
Comox Strathcona RD	\$1,170 – residential uses less than 3 lots \$1,750 – all other uses	\$1,170 – residential uses less than 3 lots \$1,750 – all other uses	\$1,170 – residential uses less than 3 lots \$1,750 – all other uses	
Alberni Clayoquot RD	\$250 residential uses \$400 for other uses	\$250	Applied separately.	\$150
Cowichan Valley RD	\$2,200 plus <ul style="list-style-type: none"> ▪ 100 / dwelling unit or parcel for 3 or more residential units ▪ \$100 plus \$100 for each additional 0.1 ha of parcel area for commercial or industrial 	\$2,200	\$2,400 plus <ul style="list-style-type: none"> ▪ \$100 / dwelling unit or parcel for 3 or more residential units ▪ \$100 plus \$100 for each additional 0.1 ha of parcel area for commercial or industrial 	Same as applicable permit
Squamish Lillooet RD	\$2,500 except where construction costs will exceed \$10 million or 50 or more lots or strata lots may be created, the fee is \$7,500	\$2,500 except where construction costs will exceed \$10 million or 50 or more lots or strata lots may be created, the fee is \$7,500	\$2,750 except where construction costs will exceed \$10 million or 50 or more lots or strata lots may be created, the fee is \$7,500 environmental / geotechnical consultant fee – independent review of report up to \$5,000	
Islands Trust (Gab. Isl.)	\$3,200	\$3,200	\$4,000	\$3,200

TABLE NO. 1 - (Page 2 of 4)
Fees and Charges for Permit Applications

Jurisdiction	Development Permit	Development Variance Permit	Temporary Use Permit
RDN - existing bylaw fees	<p>\$400.00 plus \$50.00 per dwelling unit - multiple development</p> <p>\$400.00 plus \$1.00 per square metre of commercial floor space - commercial development</p> <p>\$400.00 plus \$1.00 per square metre of gross floor area - industrial development</p> <p>\$200.00 where no variance to regulations are required and \$400.00 in cases where a variance or variances are required - special case, including environmental, natural hazard, sensitive ecosystems, watercourse protection, farm land protection, signs</p> <p>\$200.00 - permit approved by delegation of the Board</p>	\$400.00	\$800.00 for a new permit and \$400.00 for a request to renew an existing permit.
City of Nanaimo	<p>\$750 plus \$2/100 m² new or additional GFA to a maximum of \$2,000 - residential, commercial, institutional, industrial, multi-family - new construction and additions, except as follows:</p> <p>\$100 - Watercourse DPA for single dwelling or no construction or building</p> <p>no fee - Watercourse DPA - restoration for stream improvement projects</p> <p>\$500 - Heritage Alteration Permit</p>	<p>\$750 - commercial, institutional, industrial or multi-family</p> <p>\$500, except for variance to floor area ratio and/or maximum gross floor area \$100 - single or two family dwellings</p>	\$500
City of Parksville	\$500 plus \$1/100 m ² of site area to a maximum of \$10,000.	\$500 plus \$1/100 m ² of site area to a maximum of \$10,000.	N/A
Town of Qualicum Beach	\$600	N/A	\$1,200
Comox Strathcona RD	<p>For residential uses less than 3 lots - \$930</p> <p>All other uses - \$1,1750</p> <p>For ESA application - residential uses less than 3 lots - \$110</p> <p>Renewal - \$100</p> <p>Amd to existing permit - \$250</p> <p>Add \$50 each accommodation unit or \$1/metre of Gross Floor Area, the greatest of which shall apply when both are applicable</p>	<p>For residential uses less than 3 lots - \$1,170</p> <p>All other uses - \$1,750</p>	<p>\$1,400</p> <p>Renewal - \$100</p> <p>Amendments to existing permits not requiring notification \$100</p> <p>All other amds - \$250</p> <p>Add \$50 each accommodation unit or \$1/metre of Gross Floor Area, the greatest of which shall apply when both are applicable</p>
Alberni Clayoquot RD	\$250	\$150	N/A

TABLE NO. 1 (Page 3 of 4)
 Fees and Charges for Permit Applications – continued from Page 2

Jurisdiction	Development Permit	Development Variance Permit	Temporary Use Permit
Cowichan Valley RD	\$400 minor commercial or industrial \$400 major commercial or industrial sign only... varies between \$20 and \$100 depending on size \$300 exterior cosmetic reno, parking and loading changes \$100 single dwelling \$100 plus \$100 per unit – more than 1 dwelling unit environmental / geotechnical consultant fee – independent review of report up to \$5,000 \$25 filing notice	\$275 per unit or lot \$25 – filing notice	\$1,000
Squamish Lillooet RD	\$2,5000 except where construction costs will exceed \$10 million or 50 or more lots or strata lots may be created, the fee is \$7,500	\$2,500 except where construction costs will exceed \$10 million or 50 or more lots or strata lots may be created, the fee is \$7,500	\$2,750 except where construction costs will exceed \$10 million or 50 or more lots or strata lots may be created, the fee is \$7,500
Islands Trust (Gabriola Island)	\$400 protection \$480 form and character \$120 amendment \$560 residential with variance \$720 commercial with variance	\$520 residential \$680 non residential	\$800 \$120 for renewal

**TABLE NO. 1 (Page 4 of 4)
 Fees and Charges for Subdivision Applications**

Jurisdiction	Subdivision Application Fee	Strata Conversion Application
RDN - existing bylaw fees	\$200 plus \$200 / fee simple parcel being created \$200 plus \$200 / bare land strata lot being created \$200 per lot line for boundary adjustment	\$200 plus \$200/parcel being created
City of Nanaimo	Lots 1-3..... \$500.00 (in total) Lots 4-10..... an additional \$250.00 per lot Lots 11-25..... an additional \$100.00 per lot Lots 26 and above..... an additional \$50.00 per lot Lot Consolidation \$500.00 Boundary Adjustment..... \$500.00 PLA Extension..... \$500.00 PLA Amendment..... \$500.00 Final Subdivision Application: Approval Fee \$150.00 x No. Lots for each parcel included in the plan of subdivision (including the remainder parcel). Plan Examination Fee for: \$50.00	Form P (for phased strata developments)..... \$500.00 Form P Amendment..... \$500.00 Strata Conversion..... \$500.00 Final Approval Fees Final Approval for each phase/Form P \$150.00
City of Parksville	Application - \$500 plus \$100 / lot Approval - \$25 plus \$10 / lot	N/A
Town of Qualicum Beach	\$500 for first lot created plus \$100 for each additional lot PLA extension \$100 Boundary Adjustment \$100 Form P Approval \$100	N/A
Comox Strathcona RD	For residential uses less than 3 lots..... \$270 All other uses..... \$700 Plus \$75 for each additional lot/unit over 10 lots/units	\$1,080
Alberni Clayoquot RD	\$100 plus \$10 per lot	N/A
Cowichan Valley RD	\$300 / parcel	N/A
Squamish Lillooet RD	N/A	N/A
Islands Trust (Gabriola Island)	\$800 for first parcel plus \$80 / additional parcels \$240 for boundary adjustment	\$1000