

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, APRIL 12, 2005
6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3-6 Minutes of the Electoral Area Planning Committee meeting held Tuesday, March 8, 2005.

BUSINESS ARISING FROM THE MINUTES

PLANNING

AMENDMENT APPLICATIONS

- 7-19 Zoning Amendment Application No. 0415 - Wessex Enterprises Ltd./Addison – Midora Road & Extension Road – Area C.
- 20-32 Zoning Amendment Application No. 0503 – Owners of Strata Plan VIS5160/Hamilton – Horne Lake – Area H.
- 33-50 Zoning Amendment Application No. 0507 – RDN Recreation and Parks Department – Horne Lake Regional Park – Area H.
- 51-57 Zoning Amendment Application No. 0508 – RDN Recreation & Parks Department – Qualicum River Corridor – Area H.

DEVELOPMENT PERMIT APPLICATIONS

- 58-69 Development Permit Application No. 60449 – Reilly – 1651 Admiral Tryon Boulevard – Area G.
- 70-76 Development Permit Application No. 60510 -- Weighill – 1501 Gordon Road – Area A.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 77-83 Development Variance Permit Application No. 90505 – Shannon/McLeod-Shannon – 1827 Ballenas Road West – Area E.

- 84-92 Development Variance Permit Application No. 90506 – Eagles – 1380 Leeson Lane – Area A.
- 93-100 Development Variance Permit Application No. 90508 – Seefried – Kirkstone Way – Area A.
- 101-107 Development Variance Permit Application No. 90509 – McCullough – 1265 Marina Way – Area E.
- 108-116 Development Variance Permit Application No. 90510 – Tepler – 2424 Ainsley Place – Area E.
- 117-124 Development Variance Permit Application No. 90511 – Heinz-Farris – 2130 Sherritt Drive – Area E.

OTHER

- 125-129 Land Use and Subdivision Amendment Bylaw No. 500.303 – Fern Road Consulting Ltd., on behalf of Duanne Vincent – 930 Spider Lake Road – Area H.
- 130-152 Development Approval Procedures and Notification Bylaw No. 1432.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, MARCH 8, 2005, AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

| | |
|-----------------------|------------------|
| Director E. Hamilton | Chairperson |
| Director H. Kreiberg | Electoral Area A |
| Director D. Haime | Electoral Area D |
| Director G. Holme | Electoral Area E |
| Director L. Biggemann | Electoral Area F |
| Director J. Stanhope | Electoral Area G |
| Director D. Bartram | Electoral Area H |

Also in Attendance:

| | |
|--------------|---------------------------------------|
| B. Lapham | General Manager, Development Services |
| J. Llewellyn | Manager of Community Planning |
| M. Pearse | Manager of Administrative Services |
| L. Burgoyne | Recording Secretary |

DELEGATIONS

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

Mr. Fuller was not in attendance.

MINUTES

MOVED Director Biggemann, SECONDED Director Stanhope, that the minutes of the Electoral Area Planning Committee meeting held February 8, 2005 be adopted.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0502 – Kerr/Van Ijzendoorn – 2910 Extension Road – Area C.

MOVED Director Stanhope, SECONDED Director Holme,:

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.

CARRIED

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

MOVED Director Kreiberg, SECONDED Director Bartram,:

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.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60452 – Snyder/Shortman – 2925 Marshall Road - Area H.

MOVED Director Bartram, SECONDED Director Holme, 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.

CARRIED

Development Permit Application No. 60508 – Windward Developments/Turner – Viking Way – Area G.

MOVED Director Stanhope, SECONDED Director Haime, 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*.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90503 – Rempel – 1479 Bay Drive – Area E.

MOVED Director Holme, SECONDED Director Biggemann, 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 Schedules Nos. 2 and 3, be approved subject to the notification procedures pursuant to the *Local Government Act*.

CARRIED

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

MOVED Director Stanhope, SECONDED Director Bartram, 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*.

CARRIED

OTHER

Restrictive Covenant – Wilson – Mallard Road – Area G.

MOVED Director Stanhope, SECONDED Director Holme, 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.

CARRIED

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

MOVED Director Haime, SECONDED Director Stanhope, 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.

CARRIED

Bylaw No. 500 – Technical Review Planning Project – Public Consultation Framework.

MOVED Director Bartram, SECONDED Director Kreiberg,:

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.

CARRIED

Fees and Charges Amendment Bylaw No. 1259.02.

MOVED Director Stanhope, SECONDED Director Bartram,:

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.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:50 PM

CHAIRPERSON



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|---------------------------------|-------|
| REGIONAL DISTRICT OF NANAIMO | |
| APR - 6 2005 | |
| CHAIR | GMCMS |
| | GMCrs |
| CAO | GMDS |
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| EAPC. ✓ | |

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: April 6, 2005

FROM: Blaine Russell
Planner

FILE: 3360 30 0415

SUBJECT: Zoning Amendment No. 0415 - Wessex Enterprises Ltd. / Addison
Electoral Area 'C' – Midora Road and Extension Road

PURPOSE

To consider an application to rezone the subject property from Rural 6 subdivision district 'V' (RU6V) to Comprehensive Development Zone 19 (CD19) to permit a residential subdivision.

BACKGROUND

The Regional District has received a zoning amendment application for the property legally described as Parcel Z (DD K83923) Section 13, Range 1 and Sections 12 and 13, Range 2, Cranberry District, located on Midora and Extension Road in the Extension area of Electoral Area 'C' (see Attachment No. 1 for location of subject property). The subject property, which is approximately 20 ha in size, is currently zoned Rural 6 Subdivision District 'V' (RU6V) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

Pursuant to the "Regional District of Nanaimo Electoral Area 'C' Official Community Plan Bylaw No. 1148, 1999" (OCP), the subject property is within the Rural Residential Expansion Area of the Resource land use designation. The OCP policies for this designation support residential use and mineral extraction.

The OCP designates the portion of the subject property within 15 metres from the natural boundary of Scannel Creek, or 15 metres from the top a bank, whichever is greater, as being subject to the Watercourse Protection Development Permit Area.

Surrounding uses include resource uses to the north, rural uses to the west and northwest, residential uses to the east and along the neck of the property and Extension village, with mostly residential use and some commercial and public uses to the south. The subject property is bound by Extension Road to the south and southwest, an unnamed gazetted road to the north and is intersected by Midora Road where the old railway corridor meets the main portion of the property. The main portion of the property is divided approximately in half by Scannel Creek, which flows from south to north. In addition, a tributary from an underground stream enters the property from the west by way of an old mine entrance.

The property is currently vacant. A large portion of the subject property, approximately 8 ha, includes a coal slag pile that has been there prior to the 1950's. It was established when the area was being actively mined.

Proposal

The applicants are requesting that Bylaw No. 500 be amended from Rural 6 Subdivision District V (RU6V) to a Comprehensive Development zone to permit residential use, facilitate the subdivision of 9 parcels, plus park land and road dedication with an average overall parcel size of 2.0 hectares derived from the size of the parent parcel (see Attachment No. 1). In addition, the applicants are proposing to remove an existing coal pile.

The applicants are proposing to dedicate the riparian corridor adjacent to Scannel Creek and adjacent to the creek that flows from the old coal mine. The parkland dedication proposal requires approval from the Regional District as part of the subdivision approval process.

The property is proposed to be served by the South West Extension Waterworks District for community water and on-site septic disposal system. The applicants have provided confirmation from the water utility.

The proposed subdivision, as submitted by the applicants, includes a request to relax the minimum 10% perimeter frontage provision, pursuant to section 944 of the *Local Government Act*, for proposed lots 8 and 9.

Proposal Summary

Subdivision

- create 9 lots with an average parcel size of 2.0 ha;
- consisting of 8 lots of approx 1 ha and 1 lot of approx 8 ha;
- 10% frontage relaxation for proposed lots 8 and 9;
- agree to inclusion of entire property within the RDN Building Inspection Services Area; and,
- Parkland Dedication.

Coal Removal

- gravelled access route proposed to cross Midora Road and proceed down the old railway corridor to connect at Extension Road;
- remove approximately 100,000 metric tonnes in the first year;
- to be transported a distance of 5 to 8 kilometres towards Nanaimo River Road to an as of yet unspecified site;
- on-site equipment to consist of one front-end loader or excavator plus a bulldozer may be present from time to time, non-mechanical debris screen, and a wheel wash system;
- activity to occur over a 5 to 8 year time frame;
- expected hours of operation 7:00am to 6:00pm five days per week, with no working on weekends or statutory holidays;
- 25 trips per day from Extension to processing site with highway trucks that have a 40 metric tonne capacity;
- option to purchase old railway corridor and 15 metre strip of land adjacent Scannel Creek for the sum of \$10 Canadian upon completion of waste pile removal;
- a reclamation report will be prepared; and,
- visual markers will be used to prevent inadvertent disturbance of the development permit area and employees will be made aware of the buffer area.

Creek Restoration

- clean up garbage in creek; and,
- improve water flows by directing water from the mine creek to provide year-round habitat for spawning fish,

This is to be done in consultation with RDN, WLAP and DFO.

Public Information Meeting

A Public Information Meeting was held on Thursday January 13, 2005 at Extension Community Hall. Notification of the meeting was advertised in the Saturday January 8th, 2005 edition of *The Harbour City Star* and on the RDN web site, along with a direct mail out to all property owners within 200 metres of the subject property. Signage was also posted on the subject property. Approximately 25 people attended the information meeting. Issues raised at the Public Information Meeting included the following:

Residential Subdivision Development

- concerns over mobile homes being allowed;
- support of proposed residential lots;
- support of proposed park land; and,
- support of creek enhancements and protection.

Coal Removal Activity

- concern with the times of operation and duration of the proposed coal removal activity;
- concern with choice of trucking route, preference for route along old rail grade;
- concern regarding potential impact on road surface from heavy vehicles;
- concern with dust and mud from trucks;
- concern with where the coal will ultimately be transported for processing;
- concern with loading noise and vehicles audible warning systems;
- concern regarding detrimental activities occurring in proximity to Scannel Creek;
- concern with the protection of existing water wells from leachate caused by potential disturbance; and,
- concern if there were any future methane extraction plans.

The complete meeting minutes are available from the Development services Department.

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 applicants offering to undertake the conditions outlined in Schedule No. 'I' 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 lands are within the Possible Rural Residential Expansion Area of the Resource Land Use designation pursuant to the "Regional District of Nanaimo Electoral Area 'C' Official Community Plan Bylaw No. 1148, 1999." As the Forest Land Reserve no longer exists, the lands within this designation, including the subject property, attain the Rural Residential status and rezoning Rural Residential is possible. The policies for lands designated as Rural Residential support a minimum parcel size of 2.0 hectares, which is proposed by the bylaw amendment application to rezone the subject property to subdivision district 'D'.

The OCP policies recognize the central location and proposed reclamation of the mine slag deposits.

Development Permit Applications

Land alteration, construction or subdivision within the Watercourse Protection Development Permit Area will require that a Development Permit Application be made to the Regional District of Nanaimo prior to subdivision. The purpose of the Watercourse Protection DP is to protect the natural environment, its ecosystems and biological diversity.

DEVELOPMENT IMPLICATIONS

Derelict Garage - There is an old derelict garage that appears to be from the 1920s or 1930s, which is located directly adjacent to the paved surface of Extension Road. A large portion of this structure appears to be located on the public right-of-way. Although incidental to this rezoning application, the garage should be removed prior to subdivision.

Park Land - The applicants have offered park between proposed lots 1 and 2. This treed property features a year round creek that is sourced by ground water from the Extension mine. The groundwater appears to travel along the old horizontal entrance shaft to emerge directly under Extension Road to then flow through the subject property. The Recreation and Parks Department indicate that this portion of the proposed park has some opportunities for park development and offers some view of the area. One of the current property owners has envisioned a historic interpretation component to the park. Recreation and Parks have indicated proposal has potential merit.

The applicants have also proposed a riparian corridor along the west of Scannel Creek and have verified that they are prepared to offer a 6 metres wide strip, as measured from the natural boundary, for the protection of vegetation, provided that it not be used for trail purposes. Recreation and Parks has indicated that due to the low elevation the west side of Scannel Creek, the area would be unsuitable for trail purposes.

Option to Purchase - The applicants have offered to enter into an agreement giving the Regional District of Nanaimo the right to purchase that portion of the subject property that was the old rail way corridor and that portion which consist of a minimum 15 metre strip adjacent to the east natural boundary of Scannel Creek for the sum of ten dollars Canadian (\$10) upon completion of the coal removal operation. It is recommended that prior to public hearing that the specific proposal be verified by survey. The applicants have indicated that they want the RDN to agree to prohibit the use by the public of all motor vehicles, especially motorcycles and all-terrain vehicles within the corridor as a condition of the option to purchase. This is acceptable to staff provided that the RDN is exempt for the purposes of trail and park maintenance or improvement. It is recommended that this agreement be entered into and registered on title prior to final reading of the amendment bylaw.

Trans Canada Trail - The Trans Canada Trail currently crosses the subject property by way of a waterline easement. If the option to purchase comes to fruition and provides a corridor along Scannel Creek suitable for a trail, Recreation and Parks has indicated that the Trans Canada Trail could be rerouted to this route. The applicants have indicated that they will allow the Trans Canada Trail to continue to pass through their property along the waterline easement on a temporary basis until the land on the coal pile side of the property can be acquired for use as a trail. It is therefore recommended that the option to purchase also include an agreement that the Trans Canada Trail may continue to use the waterline easement until the purchase is completed.

Riparian Corridor Protection - As the property is subject to a Watercourse Protection DPA pursuant to RDN OCP Bylaw No. 1148 along Scannel Creek, there will be an opportunity to guide any land alteration, subdivision or development that is within the Development Permit Area (DPA). In this case the DP area is within 15 metres of the natural boundary or within 15 metres of the top of the bank where the top of bank is located within 15 metres of the natural boundary. As part of any DPA, the RDN may consider the registration of a restrictive covenant on title prohibiting the removal of vegetation. Based on the proposed subdivision a development permit application will be required along Scannel Creek concurrent with the subdivision application.

Geotechnical - A preliminary geotechnical report for the subject property based on surface inspection and research of available government maps had been prepared by Robert A Davey P. Eng. of Davey Consulting and Engineering, dated March 3, 2005. The geotechnical report also provides preliminary analysis of the 200 year flood plain of Scannel Creek and the creek for the Extension mine. Due to the their proximity the mine entrance combined with the imprecise nature of coal mine surveys and maps, and the possibility of fill, a detailed subsurface investigation of proposed lots 1 and 2 will be required prior to residential construction on either proposed lot. The report recommends individual geotechnical assessments of each of the proposed lots at the time of building permit application and that this assessment would include drilling. The report indicates that portion of the property may contain fill. The report concludes that the lot is suitable for the subdivision for residential building if the recommendations of the report are carried out. It is recommended that this geotechnical report be registered on title as part of a Section 219 covenant, prior to final reading of the amendment bylaw. Prior to subdivision, it is advisable for a geotechnical analysis, including a subsurface analysis, to be conducted to establish that an individual residential building site is available on each proposed lot.

Height Issues - As indicated in the above mentioned geotechnical report, fill likely occurs on portions of the subject property. With height being measured from the natural grade, a relaxation to the maximum permitted height may be necessary in order to facilitate construction on the proposed lots. Variances may be considered that increase the maximum height to account for the present grade of the lots, as established by survey. This should be considered at the time of subdivision.

Water - The South West Extension Waterworks District has verified that the subject property is within the Waterworks District and they have confirmed that servicing will be available for the proposed subdivision. It should be noted that the Waterworks District waterline is adjacent Midora Road, which is a section-4 road. It is expected that Ministry of Transportation will gazette this road at the time of subdivision and that the Waterworks District waterline will be situated within the public right-of-way.

Septic Disposal - The RDN has only received written confirmation from Vancouver Island Health Authority (VIHA) with respect to an alternative 2 lot subdivision contingency plan for the subject property and not the proposed 9 lot subdivision. However, in discussion with the VIHA Environmental Health Officer and based on the fact that the community water is available for the proposed 0.82 hectare or greater lots, staff does not generally anticipate difficulties in obtaining septic approval for the majority of the proposed lots.

Building Inspection - Currently, all of the subject property is located within the Building Inspection Services Area, except that part of the property that is in Section 13, Range 1. The applicants have confirmed that they are agreeable to include the whole subject property within the Building Inspection Services Area.

Proposed Subdivision - The proposed subdivision, as submitted by the applicants, includes a request to relax the minimum 10% perimeter frontage provision, pursuant to section 944 of the *Local Government Act*, for the proposed lots 8 and 9. The minimum parcel size proposed is 2.0 hectares and is consistent with Rural Residential Expansion Area OCP land use designation. In order to achieve the proposed number of lots while maximizing the area dedicated for park it is proposed that, for the purpose of this Comprehensive Development Zone, a custom parcel averaging definition be included within this zone and that the averaging calculation be derived from the area of the subject property prior to subdivision, and prior to park and road dedication.

City of Nanaimo Water Mains and Drainage - The City of Nanaimo has indicated that there are three items of direct interest with respect to the subject property. The waterline right-of-way is required within Plan 38215 for the Duke Point Waterline. In addition, a second waterline right-of-way is required for the Petroglyph Waterline within Plan 2280RW. As well, the City requires a 10 metre wide right-of-way through future lots 3 and 4 in order to provide temporary discharge drainage for the proposed South Nanaimo Reservoirs Project. The City of Nanaimo would like to secure rights-of-way for the above-mentioned waterlines and discharge drain. Discussion with the applicants indicates that they are amenable to consider the City's request. It is recommended that the applicants consider an easement in favour of the City of Nanaimo and that prior to public hearing the applicants confirm in writing their intentions with respect to this matter. It is recommended that these rights-of-way be granted to the City of Nanaimo prior to the final reading of the amendment bylaw.

Power lines - Traversing through the west side of the subject property is a private power line. The power line appears to be within right-of-way plan 323. The applicants have indicated in discussion their desire to have the power line relocated, preferably to the public right-of-way proposed to be adjacent the 8 lots. It is therefore recommended that prior to the public hearing the applicants provide their intentions in writing, with respect to the power line.

Environmental Review - As the subject property was a former coal mining site and contains a coal pile, Schedule 2 of the Contaminated Sites Regulation was required to be completed. As such the Contaminated Sites Profile was forwarded to the Ministry of Water Land and Air Protection.

Response from the Ministry of Water Land and Air Protection (MWLAP) has been received with respect to the Contaminated Sites Profile that was submitted pursuant to the *Environmental Management Act*. In the correspondence from MWLAP, dated February 22, 2005, the Ministry indicates that pursuant to Section 946.2(2)(c), (f) or (g) of the *Local Government Act* that final adoption shall not proceed until the Ministry has received one of the following *Environmental Management Act* instruments, as applicable: a determination that the site is not a contaminated site, a voluntary remediation agreement, an approval in principle of a remediation plan or a certificate confirming the satisfactory remediation of the site and a copy of the instrument be provided to the local government, in this case the RDN. In addition, the local government must receive notice from the Ministry that a specific application may be approved. The RDN has not yet received the *Environmental Management Act* instrument or notice from the Ministry permitting approval. The applicants have indicated that the items the Ministry of Water Land and Air Protection have requested will be provided to the Ministry for their review within the next couple weeks. Acceptance of the *Environmental Management Act* instrument or notice from the Ministry will be required prior to final reading.

Leachate - It should be noted that tests were previously submitted to the Ministry of Water Land and Air Protection in 1995. These reports appear to indicate that the acidity of the coal was favorable. They also note that previous tests have shown no adverse effects from metal leaching from coal or shale and that the material was tested by the Ministry of Transportation for road construction fill. However, more conclusive information is expected as the Ministry of Water Land and Air Protection is requiring an environmental review of the property, pursuant to the *Environment Management Act*, prior to adoption of the amendment bylaw.

COAL REMOVAL IMPLICATIONS

Time of Operation and Duration - Staff have concern that a subdivision may not be appropriate so close to a coal removal operation, and that the removal of coal may negatively impact the community; therefore, the property owners have agreed to register, prior to final reading, a section 219 covenant that provides the following restrictions on the coal removal operation:

- hours of operation on the site between 7:00am and 6:00pm;
- no work on weekends or statutory holidays;
- no processing of the coal will occur on site;
- a maximum of 25 round trips per day;
- use of trucks with a maximum capacity of 40 metric tones;
- lockable gates to dissuade unauthorized use of the proposed haul route and that these gates be locked at night and on weekends;
- vehicles hauling coal shall tarped and a wheel-wash system shall be used on the site;
- the access route used to remove coal from the site shall be across Midora Road continuing along the old railway corridor to Extension Road; and,
- a leave strip buffer of at least 15 metres from top of bank, or as amended by development permit, shall be flagged.

It is expected that it will take from 5 to 8 years to remove the coal pile.

Trucking Route - All potential haul routes will have an impact on the community to some extent and understandably the community expressed concern over the route that will be taken. At the PIM, the majority in attendance showed a preference in favour of a route across Midora Road continuing along the old railway corridor to connect Extension Road. This route would pass the least number of homes and removes truck traffic from public roads within the village. The railway corridor route avoids a steep curving section of Extension Road and the noise from hauling trucks climbing this grade. The applicants have indicated that they intend to surface the proposed route with gravel. In order to mitigate dust the applicants have suggested that a water truck be utilized when conditions warrant and that they shall limit the speed along the rail corridor. Two dwelling units near Midora Road, back directly on to the railway corridor. Staff recommend that the applicants consult with individual property owners along the proposed haul route, consider additional noise and dust mitigative measures such as berms, hedges or sections of hard road surface, and provide a plan to staff prior to the public hearing. It is also recommended that a wheel-wash system be required on site for the duration of the coal removal activity.

The applicants have applied to the Ministry of Transportation for an access permit for the above-mentioned route and the Ministry has given permission to construct, use and maintain access to a provincial highway. Access granted by the Ministry is conditional and includes the Ministry's right to cancel the permit due to excessive public complaint or non-compliance.

City of Nanaimo Truck Route - The portion of the proposed haul route, at the intersection of Extension Road and White Rapids Road, appears to be located within the City of Nanaimo. The City has indicated that where regulated by a posted truck route and where the gross vehicle weight is in excess of 13,700 Kilograms, an oversize/overweight permit will be necessary. Therefore the applicants will need to discuss their proposed truck route and submit an exemption application to the City of Nanaimo should the route be subject to the City of Nanaimo Bylaws. This should be resolved prior to final reading of the amendment bylaw.

Destination - The destination of where the coal will be processed has not yet been finalized. The potential purchaser of the coal lot has indicated that they are looking at a couple of sites along Nanaimo River Road. It is recommended that it be conformed that the location of the processing site has the appropriate zoning, prior to final approval of the amendment bylaw.

Creek Protection - With respect to protecting Scannel Creek and ensuring that the coal removal activity keeps out of the Watercourse Protection DPA, the applicants and potential purchaser have indicated that the natural vegetation within the DPA will be maintained, the buffer area will be visually flagged to prevent inadvertent disturbance, and that all site employees will be made aware of the protection buffer.

Reclamation - The Regional District has requested a reclamation plan of coal pile side of the property (proposed lot 9) detailing the following:

- existing and finishing topographic contour map (suggested scale 1:1000 / 1 metre intervals);
- existing and finishing drainage patterns, including surface waters;
- proposed finishing topsoil including thickness and type;
- the location, size, quantity and species of all natural vegetation clearly indicating vegetation that is proposed to remain;
- the location, size, quantity and species of all vegetation proposed to be introduced;
- the location of manmade features on the site such as roads, driveways, culverts, ditches, berms, or other structures and improvements; and,
- itemized cost estimate of all site improvements including costs of materials and installation.

The applicants have provided a site plan indicating a final grade sloping towards Scannel Creek at a rate of 1:200 (1 unit vertical for every 200 units horizontal). With the exception of near the creek, the plan indicated that soil cover and grass seeding are proposed. Accompanying text indicated that the growth medium of is proposed to have a depth of 0.3 metres and are proposing that suitable grass seeding medium will be used. Locations of roads and driveways for residential use have not been set as a residential layout plan has not yet been developed. In addition, the submitted reclamation plan indicates a 15 metre riparian buffer will be maintained to protect the visual and environmental aspect of the creek. Addendum text indicates that 15 metre riparian buffer (option to purchase area) will be planted with a minimum of 200 natural tree seedlings consisting of Noble Pine and Red Cedar of approximately 0.5 metres in height. The seedlings are proposed to be planted a minimum width of 6 metres from the natural boundary of the creek.

A security deposit of \$5,000.00 has been suggested by the applicants to ensure final grades and seeding is carried out on site.

In staff's opinion a security deposit of \$5,000.00 is not adequate to ensure adequate reclamation occurs following the coal extraction. Staff recommends a security of at least \$15,000.00. It is therefore recommended that prior to final reading of the amendment bylaw, the applicants provide security in a form acceptable to the RDN to ensure the above landscaping is undertaken, or register a Section 219

covenant restricting the removal of coal or soil from the subject property until security in the amount of \$15,000.00 is submitted.

Mines Permit - Recent discussion with the Ministry of Energy and Mines indicate that a Coal Permit and other associated permits will be required prior to the removal of coal from the subject property. The perspective purchasers of the coal pile have been informed that they should consult with the Ministry of Energy and Mines to determine their permitting requirements.

PUBLIC CONSULTATION IMPLICATIONS

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

VOTING

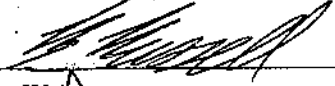
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

This is an application to amend RDN Bylaw No. 500, 1987 to permit residential use and facilitate subdivision at Midora Road and Extension Road in the Extension area of Electoral Area 'C'. Staff recommend approval subject to the conditions outlined in Schedule No. 1.

RECOMMENDATIONS

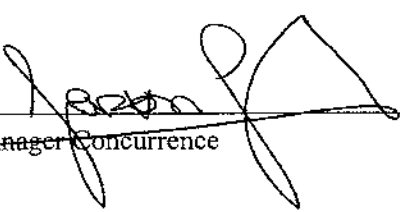
1. That Zoning Amendment Application No. ZA0415 submitted by Harry May for Wessex Enterprises Ltd., to rezone the property legally described as Parcel Z (DD K83923) Section 13, Range 1 and Sections 12 and 13, Range 2, Cranberry District from Rural 6 Subdivision District 'V' (RU6V) to Comprehensive Development Zone 19 (CD19) in order to permit residential use and facilitate subdivision be approved to proceed to public hearing.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.308, 2005" be given 1st and 2nd reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.308, 2005" proceed to public hearing, subject to the conditions outlined in Schedule No. 1.
4. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.300, 2004" be delegated to Director Hamilton or her alternate.



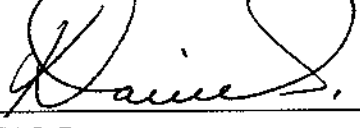
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2005/za 3360 30 0415 Wessex Enterprises Ltd. – Addison

Schedule No. 1 (Part 1 of 2)
Conditions of Approval for
Zoning Amendment Application Nos. ZA0415

The following conditions are to be completed prior to Amendment Bylaw No. 500.308, 2005 being forwarded to public hearing:

1. A Survey verifying the location and dimensions of the proposed option to purchase area, and the locations and dimensions of the proposed parkland dedication area.
2. Confirmation of dust control and noise abatement methods proposed along haul route.

The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.308 for final reading:

1. The registration of a section 219 covenant prepared and registered by the applicant to the satisfaction of the Regional District that secures the following:
 - a) That temporary access along the water main easement be secured for the Trans Canada Trail until the RDN takes possession of the option to purchase.
 - b) Geotechnical report as prepared by Robert Davies P. Eng. Dated March 3, 2005 and any subsequent reports.
 - c) That the City of Nanaimo water mains located within Plan 38215 and Plan 2280 RW and a proposed drainage corridor be secured by easement or statutory right-of-way.
 - d) Hours and days of operation be limited to 7:00am to 6:00pm with no operation to occur on weekends or statutory holidays.
 - e) Maximum extraction of soil (coal) shall not exceed 250 cubic metres per day with a maximum of 25 round trips per day from the property.
 - f) Trucks used for hauling to have a maximum capacity of no more than 40 metric tonnes and are to be covered by tarpaulin.
 - g) A specific hauling route as agreed between the RDN and applicant is to be used and that a maximum speed limit shall be prescribed the satisfaction of the RDN.
 - h) Dust control and noise abatement methods shall be prescribed the satisfaction of the RDN.
 - i) Wheel wash system is to be maintained on site for the duration of the coal or soil hauling activity.
 - j) Leave strip buffer of at least 15 metres from top of bank, or as amended by development permit, shall be flagged.
 - k) No processing is to occur on the property.
 - l) Lockable gated to be used on proposed haul route as prescribed to the satisfaction of the RDN.
2. The applicant shall enter into an agreement with the RDN that \$15,000.00 may be held by the RDN as security for the proposed reclamation. That security must be provided in a form acceptable to the RDN. Alternatively, a Section 219 covenant may be registered on title restricting the removal of coal or soil from the subject property until such an agreement and security in the amount of \$15,000.00 is provided.

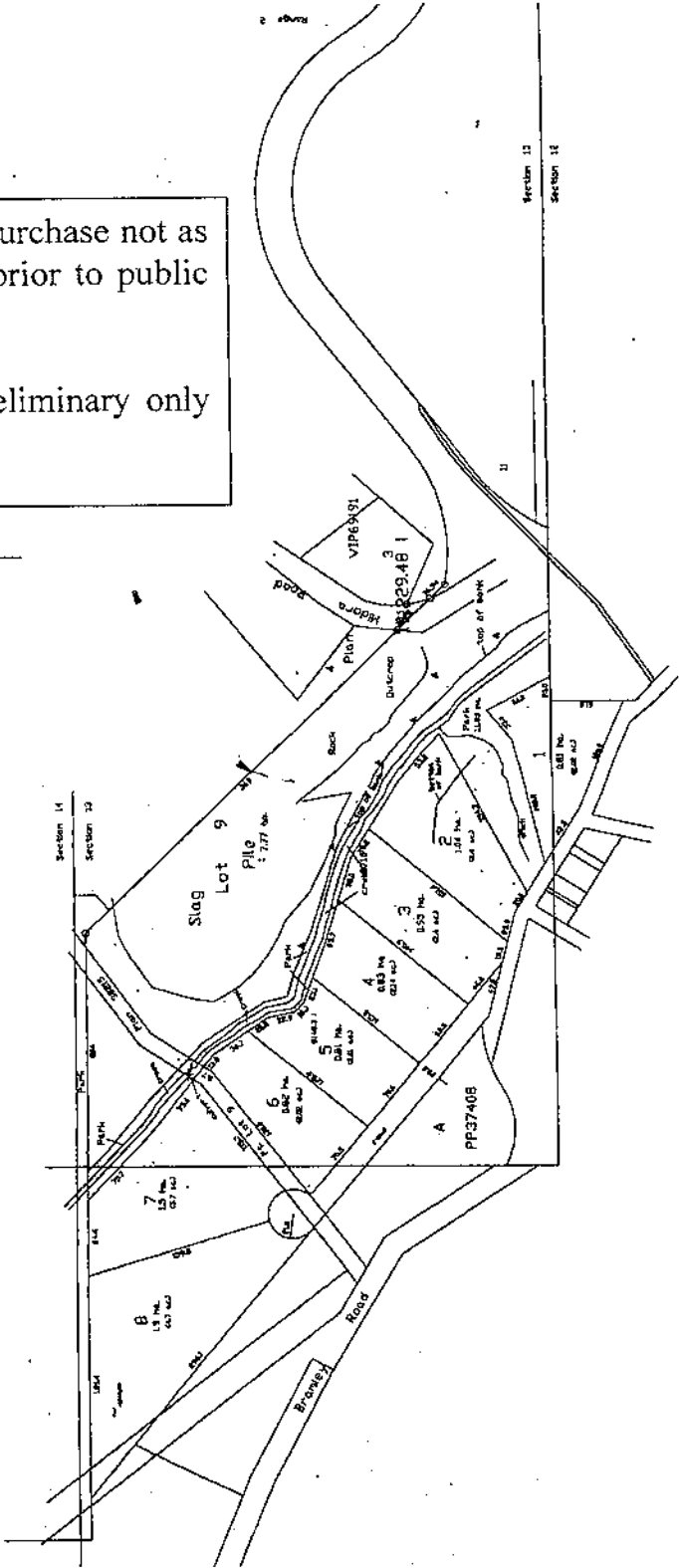
Schedule No. 1 (Part 2 of 2)
Conditions of Approval for
Zoning Amendment Application Nos. ZA0415

3. The registration of a section 219 covenant restricting that the subject property will not be subdivided in any form including a subdivision pursuant to the *Strata Property Act*, unless the transfer of land, in the amount and location as shown on Schedule No. 1, to the Regional District to be used as park land is completed concurrently with the subdivision. The covenant is to be prepared and registered by the applicant to the satisfaction of the Regional District.
4. The applicant shall enter into an agreement with the RDN giving the Regional District of Nanaimo the right to purchase that portion of the subject property that was the old rail way corridor and an area along Scannel Creek with a width approximately 15 metre for the sum of ten dollars Canadian (\$10) upon completion of the coal removal operation or within ten years of the date of agreement.
5. The property be included in the Building Inspection Services Area.
6. The required rights-of-way be granted to the City of Nanaimo for the waterlines and discharge drains.
7. Confirmation from the City of Nanaimo that an exemption application for load restrictions on City roads has been approved or is not required.
8. Confirmation that the proposed location of the processing site conform to RDN bylaws.

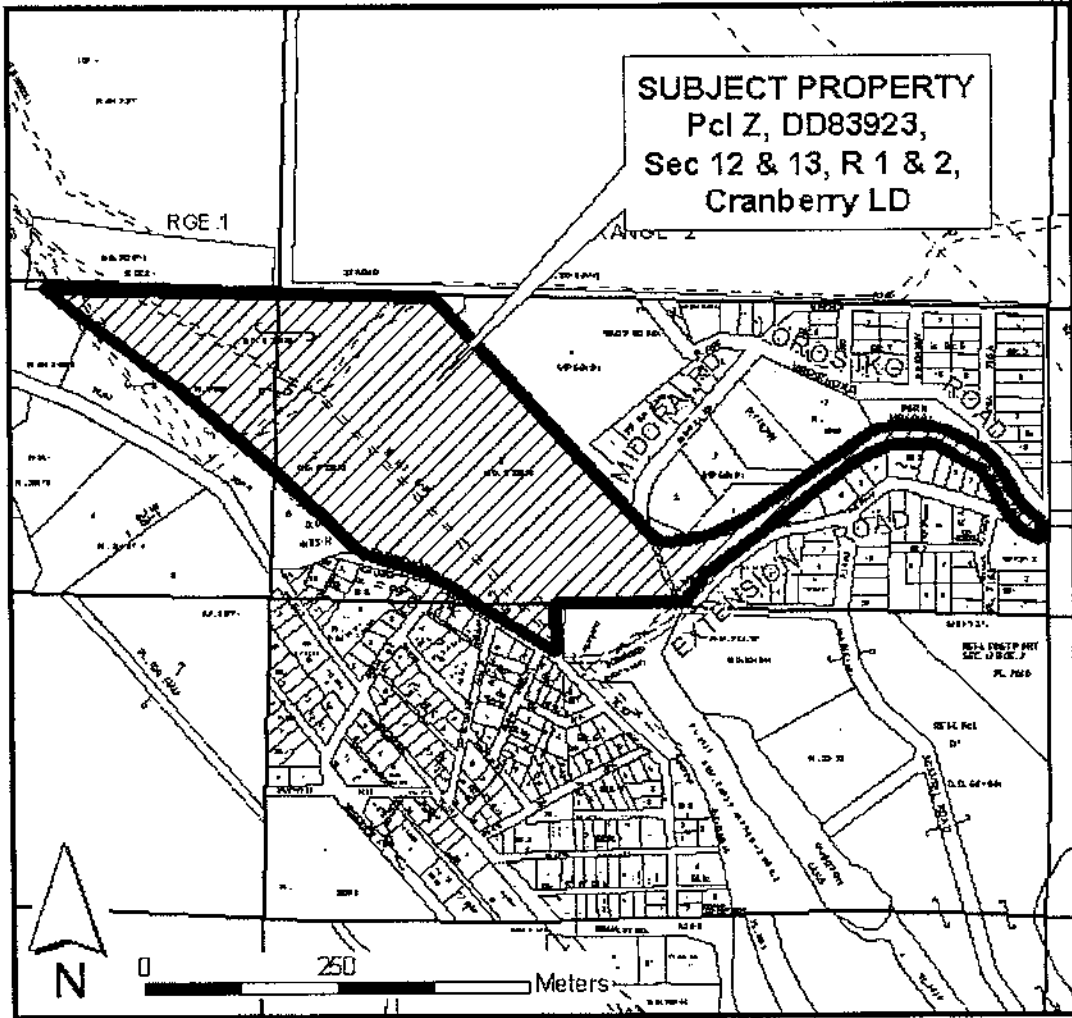
ATTACHMENT NO. 1
Proposed Sketch Plan of Development
(as submitted by applicant, reduced for convenience)

Park land and option to purchase not as show, to be determined prior to public hearing.

Subdivision layout is preliminary only and is subject to change.



ATTACHMENT No. 2
Location of Subject Property





| | |
|---------------------------------|--------|
| REGIONAL DISTRICT OF NANAIMO | |
| APR - 5 2005 | |
| CHAIR | GM/CMS |
| CAO | GM/CS |
| | GM/DS |
| | GM/ES |
| <i>CAPL</i> | |

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: April 5, 2005

FROM: Brigid Reynolds
Senior Planner

FILE: 3360 30 0503

SUBJECT: Zoning Amendment Application No. 0503
- Owners of Strata Plan VIS5160 / Hamilton
Electoral Area 'H' – Horne Lake

PURPOSE

To consider an amendment to the Comprehensive Development 9 (CD9) and Water 4 (WA4) zones to permit boat ramp use, water and wood storage accessory structures, lower lofts and to make housekeeping amendments.

BACKGROUND

Bylaw 500.275 was adopted by the Regional Board in October 2001 and established the Comprehensive Development 9 (CD9) zone permitting a maximum of 400 Recreational Residences (registered as individual bare land strata lots) on portions of the lands surrounding Horne Lake and rezoned the surface of Horne Lake from Water 1 (WA1) to Water 4 (WA4) to allow for docks.

The Regional Board also issued Development Permit No. 0120 concurrently with the adoption of the zoning amendment bylaw to set out criteria for the approval of the location of recreational residences, additions, and structural improvements relative to the natural boundary of Horne Lake and other watercourses, as well as providing guidelines for landscaping, sediment and erosion controls, and the construction of docks and dock access.

Since the establishment of the CD9 zone, staff has been working with members of the Horne Lake Strata Corporation regarding development permit and pump and haul applications. The Horne Lake Strata Corporation has identified a number of issues with the CD9 zone and is requesting to amend the zone to resolve these issues, as well to add boat ramp as a permitted use.

The proposed amendments to Bylaw No. 500 are as follows:

1. To amend the CD9 and WA4 zones to permit a boat ramp.
2. To amend the CD9 zone to permit one unenclosed water tower with a maximum height of 3.0 m and maximum floor area of 6.0 m² and to permit one wood storage structure with a maximum height of 3.0 m and a maximum floor area of 6.0 m² for each recreational residential lot.
3. To amend the CD9 zone to permit a 'lower loft'.
4. To amend the CD9 zone to include a definition of floor area, which is measured from the outside structural sheeting.

In addition, there are a number of housekeeping amendments to the CD9 zone proposed by staff, including correcting typing errors, improving the readability of the document, and formatting changes.

A Public Information Meeting was held on Wednesday March 23, 2005 at the Lighthouse Community Centre (see Attachment No. 3 'Proceedings of the Public Information Meeting').

ALTERNATIVES

1. To approve the amendment application as submitted subject to the conditions outlined in Schedules No. '1' and '2' for 1st and 2nd reading and proceed to public hearing.
2. To approve the amendment application as submitted excluding the request to amend the definition of floor area subject to the conditions outlined in Schedules No. '1' and '2' for 1st and 2nd reading and proceed to public hearing.
3. To not approve the amendment application.

DEVELOPMENT IMPLICATIONS

Boat Ramp

The boat ramp is one of two proposed by the Strata Corporation. Prior to the adoption of Bylaw No. 500.275 and approval of Development Permit No. 0120 a number of individual leaseholders established boat launches on their own leasehold lot. However, with the adoption of Bylaw No. 500.275 it was agreed between the Strata Corp., MWLAP, DFO, and the RDN that no new individual boat launches would be permitted due to the potential environmental impacts. In addition, there is a boat ramp at the adjacent Horne Lake Regional Park and Strata Corp. members were given a lower parking rate for boat ramp parking to encourage members to use the public boat ramp. As the strata lots extend around Horne Lake, the Strata Corp. proposes to develop two boat ramps around the lake to provide better boat ramp access for the members. The first boat ramp is proposed to be located on Common Property between Strata Lots 373 and 374 on South Lake Road (See Schedule No. 2 for Boat Ramp location). At their Annual General Meeting on April 25, 2004, the owners of Strata Plan VIS5160 approved the location of the proposed boat launch. As there is no agreement among the owners of Strata Plan VIS5160 regarding the location of the second boat ramp, only one boat ramp is proposed to be permitted in the CD9 and WA4 zones at this time. Should the applicants wish to install a second boat ramp another zoning amendment would be required.

No parking is proposed at the boat ramp as boats will be dropped off and vehicles driven back to the recreational residences. A condition of approval requires signage to be designed and posted (to the satisfaction of the RDN) stating that parking is not permitted and the area is for loading only. There is room for two vehicles and boat trailers to pull off the road while other boats are being launched. Access to the boat ramp will be gated, restricting access to Strata Corp members or their guests. The site lines on either side of the boat ramp are 70 m as required by the Ministry of Transportation.

The proposed boat ramp located between Strata Lots 373 and 374 will provide boat launching facilities for strata lot owners on the south side of the lake and will also reduce pressure on and permit more public use of the boat ramp facilities at the Regional Park.

Both the CD9 and WA4 zone are proposed to be amended to permit this use as the boat ramp will be located upland of Horne Lake as well as below the surveyed natural boundary of Horne Lake.

Other Structures

The CD9 zone currently permits two accessory buildings for each recreational residence: one 10 m² and one 6m², both with a maximum height of 3.0 m. Only two accessory buildings were permitted in the zone as that was what had been permitted under the leasehold agreements by Texada. In general, one building was intended to be used as a generator shed and the other was intended to be used for general storage. Strata Corp members did not understand that wood and water storage structures would be considered accessory buildings at the time the CD9 zone was established.

Most recreational residences heat by wood and therefore the storage of approximately two cords of wood is required to be stored. The wood is currently stored in a variety of ways for example, under eaves and with a tarp or plywood over top, lean-tos, and post and beam cribs. As the bylaw limits the number of accessory buildings to two, in many cases wood storage structures are illegal or they do not do an adequate job of drying the wood. Some of the current storage methods may also be a fire hazard due to their proximity to the recreational residences. Therefore, permitting a wood storage structure that can be located away from the recreational residences is safer and would provide the Strata Corp members with a structure that would allow the wood to dry. The wood storage structure is proposed to be a 3-sided structure and used exclusively for wood storage, have a maximum floor area of 6m² and a maximum height of 3.0 m.

Water for the recreational residences is by license from Horne Lake. Water towers are currently located in a variety of places including trees. Therefore, a dedicated water tower structure would provide a more stable and therefore safer location upon which to locate the water tank. The water storage structure, excluding the water tank, is proposed to be unenclosed and used exclusively for water storage and have a maximum floor area of 6m² and a maximum height of 3.0 m.

Lower Loft

Currently the CD9 zone only permits a loft within the roof line to a maximum of ½ the floor area of the main floor (which is limited to 70m²) or 35m², whichever is greater. The maximum height of any recreational residence is 6.1 m. However, the zoning also permits that a recreational residence may be 8.0 m in height where the difference in height is a result of construction of the raised foundations. This 1.9 m difference is intended to enable recreational residences to achieve the required flood construction elevation of 121.7 m GSC. The height of the crawl space for recreational residences has been calculated by averaging the corners, which has resulted in three storeys being constructed. The proposed amendment would enable a lower loft only where the maximum height is 6.1 m and no crawl space is being constructed. This will potentially reduce the numbers of three storey recreational residences being constructed on sloped lots where natural grade meets the flood construction elevation of 121.7 m GSC.

Floor Area Definition

Bylaw No. 500 defines floor area as follows: "the sum total of the gross horizontal area of each floor of a building as measured from the outermost perimeter of a building, excluding roof overhangs of less than 1.3 metres." The maximum permitted floor area for recreational residences pursuant to the CD9 zone is 70m². The agent for the owners of VIS5160 is requesting that the floor area definition for recreational residences in the CD9 zone be amended such that it is measured from the outside of the structural

sheeting, and in the case of a log home, to the outside of the foundation supporting the first course of logs.

Staff do not support amending this definition for a number of reasons: this definition applies to the whole Regional District and is a commonly used definition with a number of other jurisdictions; staff have interpreted that wood stove alcoves and window bump outs are not included in the floor area definition thereby enabling more living space; calculating the floor area could become more problematic; and there is the potential for creating uncertainty where different materials are proposed. While the CD9 zone is the only zone in Bylaw No. 500 that restricts the maximum floor area of the primary use building, the intent of the CD9 zone was to recognize the recreational residential uses on the land and not facilitate the construction of permanent residences.

Housekeeping Amendments

The housekeeping amendments proposed to the CD9 zone are minor in nature and include correcting typing errors, improving the readability of the document, and making some formatting changes. These housekeeping amendments are not substantive amendments to the bylaw.

ENVIRONMENTAL IMPLICATIONS

The boat ramp is proposed to be located on Common Property between Strata Lots 373 and 374 on South Lake Road and will extend onto Common Property foreshore. The boat ramp will have a rip rap base with a concrete surface and the turn around is proposed to have a gravel base. The slope of the ramp will be approximately 17%. Fill is only being introduced where the road and the ramp meet to facilitate the access and no fill is proposed to be introduced within 15 m of the natural boundary of Horne Lake.

Engineered drawings have not yet been submitted but will be required prior to this application proceeding to a public hearing. The length of the boat ramp is approximately 40 m, however this may vary depending on the depth of the water at the time of installation as no concrete will be poured below the actual high water level. As the water level in the lake fluctuates annually and could be lower than the bottom of the ramp in the future, additional concrete panels linked by chain and shackle may be added to increase the length of the ramp.

Works are proposed to be undertaken in the Fisheries Window designated by MWLAP and DFO, which is generally the end of August to mid-September. Approvals from these agencies have not yet been received and will be required prior to the bylaw receiving final approval.

An area of approximately 315 m² is proposed to be cleared of understory and smaller trees and only three mature trees are proposed to be removed. Some clearing of brush is proposed adjacent to the road to improve site lines. The applicant has been working with the MWLAP and DFO regarding the boat ramp installation. These agencies are requiring that the applicant install landscaping works elsewhere around the lake as a form of compensation for the riparian vegetation that is being removed.

Signage that states no fueling of boats and states Provincial Emergency Program phone numbers to contact in the event of a fuel spill is proposed as a condition of approval of the zoning amendment application.

As the works are proposed 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” a development permit is required prior to the works being undertaken. Development Permit No. 0120 was issued at the time of the adoption of the CD9 zone and addresses some of the issues associate with the construction of this boat ramp, for example, erosion and sediment controls. However, in order to provide certainty regarding the design and construction of the boat ramp, a development permit will be required to be issued prior to final approval of the amendment bylaw being granted.

INTERGOVERNMENTAL IMPLICATIONS

Ministry of Transportation staff have indicated that they have no objection to this proposed zoning amendment application provided that site lines of 70 m on either side of the boat ramp access are established and maintained.

Approvals have not yet been received from Navigable Waters, MWLAP, or DFO. These approvals will be required prior to the final approval of the zoning amendment application. However, the applicant has been working with MWLAP and DFO regarding the boat ramp construction to ensure impact to the natural environment is minimized.

PUBLIC CONSULTATION IMPLICATIONS

At their October 18, 2004 meeting the Strata Council approved a resolution to proceed with the zoning amendment application and the general membership at their 2004 Annual General Meeting approved the boat ramp location.

A Public Information Meeting was held on Wednesday March 23, 2005 at the Lighthouse Community Centre. Notification of the meeting was advertised in *The News* newspaper and on the RDN web site. Notification was not made to the Horne Lake Strata Corporation property owners as the proposed zoning amendment affects all Strata Corporation members and the *Local Government Act* does not require notification where 10 or more parcels are the subject of the bylaw amendment.

Approximately 12 people attended the information meeting and provided comments and suggestions with respect to the proposal (*see Attachment No. 3 'Proceedings of the Public Information Meeting'*). There were no issues or questions raised at the public information meeting regarding this application.

If the application proceeds it will be subject to a public hearing pursuant to the *Local Government Act*. At the public hearing all persons who believe they have an interest in the subject application will have an opportunity to be heard or submit written submissions.

VOTING

All directors – one vote each except Electoral Area ‘B’.

SUMMARY/CONCLUSIONS

This is a request to amend the Comprehensive Development 9 (CD9) and Water 4 (WA4) zones pursuant to Bylaw No. 500 to permit a boat ramp, one water storage structure and one three-sided roofed wood storage structure for each recreational residential lot, a ‘lower loft’, and to undertake some minor

housekeeping amendments to the CD9 zone for the bare land strata properties around Horne Lake. The application also includes a request to amend the floor area definition for those recreational residences in the CD9 zone, however staff does not support this request.

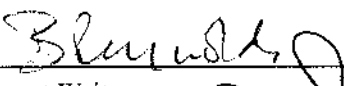
A Public Information Meeting was held on March 23, 2005 at the Lighthouse Community Centre. Twelve people attended however there were no comments with regard to this application. Preliminary referrals were forwarded to a number of agencies. Ministry of Transportation requires that adequate site lines are maintained for the boat ramp and these have been incorporated into the design of the boat ramp.

The OCP designates the subject property within the Environmentally Sensitive Features Development Permit Area. As part of the application, the applicant has supplied a site plan, Strata Council resolution in support of the zoning amendment application, as well as other background information. If the application proceeds, it is noted that a development permit would be required prior to the works being undertaken and prior to final reading of the amendment bylaw.

Given the OCP supports the use and the amendments are intended to provide safer structures in which to store wood and water, the housekeeping amendments are not substantive, the lower loft will reduce the numbers of three-storey recreational residences, the boat ramp will enable better water access for members on the south side of the lake, and the applicants' agent is in concurrence with the conditions outlined in Schedule No. 1 and 2, staff recommends that the Regional Board grant 1st and 2nd reading of the amendment bylaw.

RECOMMENDATIONS

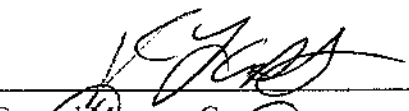
1. That the minutes of the Public Information Meeting held on March 23, 2005 be received.
2. That Zoning Amendment Application No. ZA0503 submitted by Murray Hamilton on behalf of the Owners of Strata Plan VIS5160 to amend the Comprehensive Development 9 (CD9) and Water 4 (WA4) zones pursuant to Bylaw No. 500 to permit a boat ramp; one water storage structure and one three-sided roofed wood storage structure for each recreational residential lot; a 'lower loft' and to undertake some minor housekeeping amendments to the CD9 zone for the bare land strata properties around Horne Lake, be approved to proceed to public hearing subject to the conditions included in Schedule No. 1 as recommended by staff.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.314, 2005" be given 1st and 2nd reading.
4. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.314, 2005" proceed to public hearing.
5. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.314, 2005 be delegated to Director Bartram or his alternate.



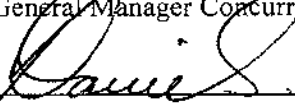
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:

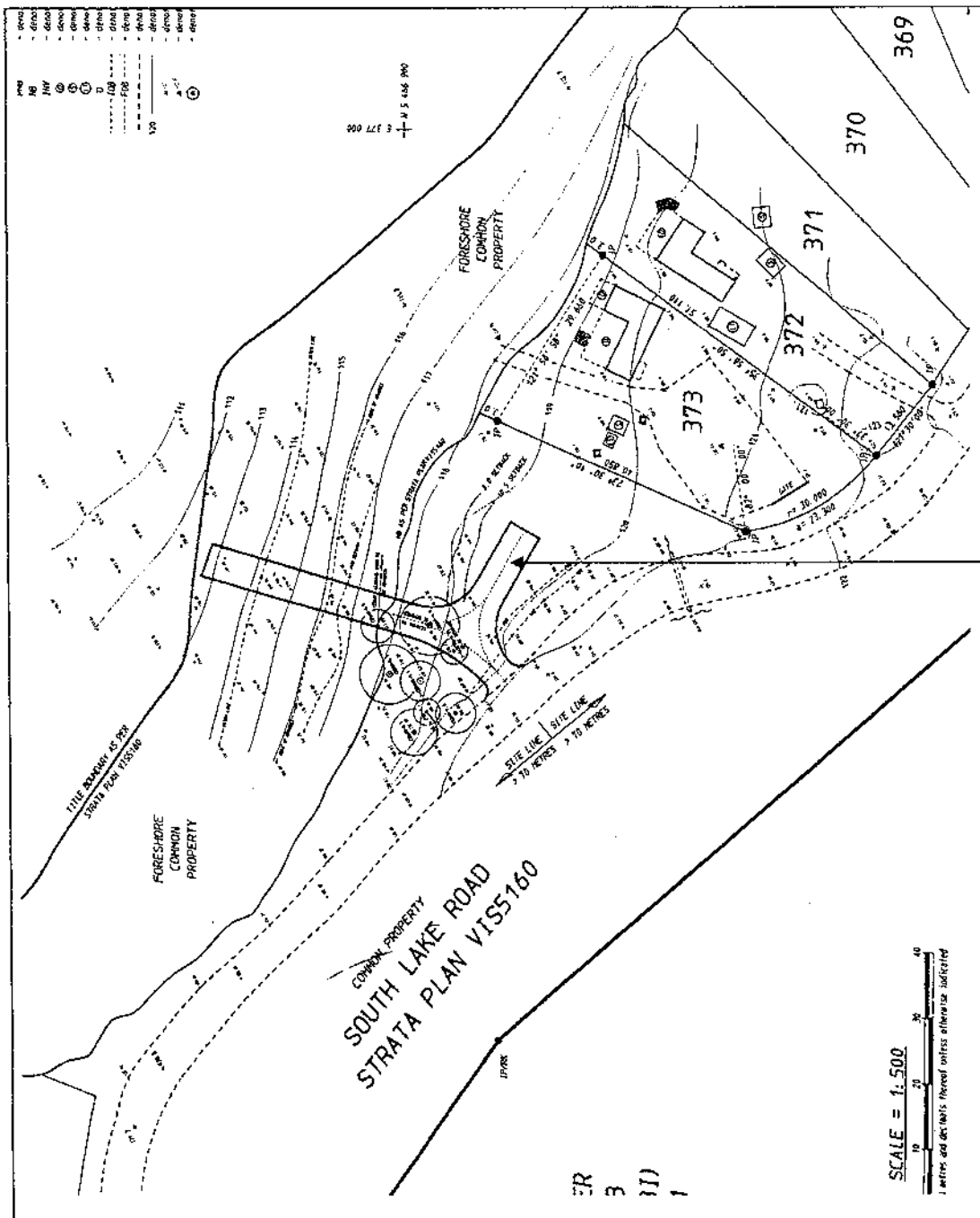
devsys/reports/2005/3360 30 0503 horne lake strata corp

Schedule No. 1
Conditions of Approval
Zoning Amendment Application No. ZA0503
VIS5160, District Lot 251, Alberni District
Horne Lake

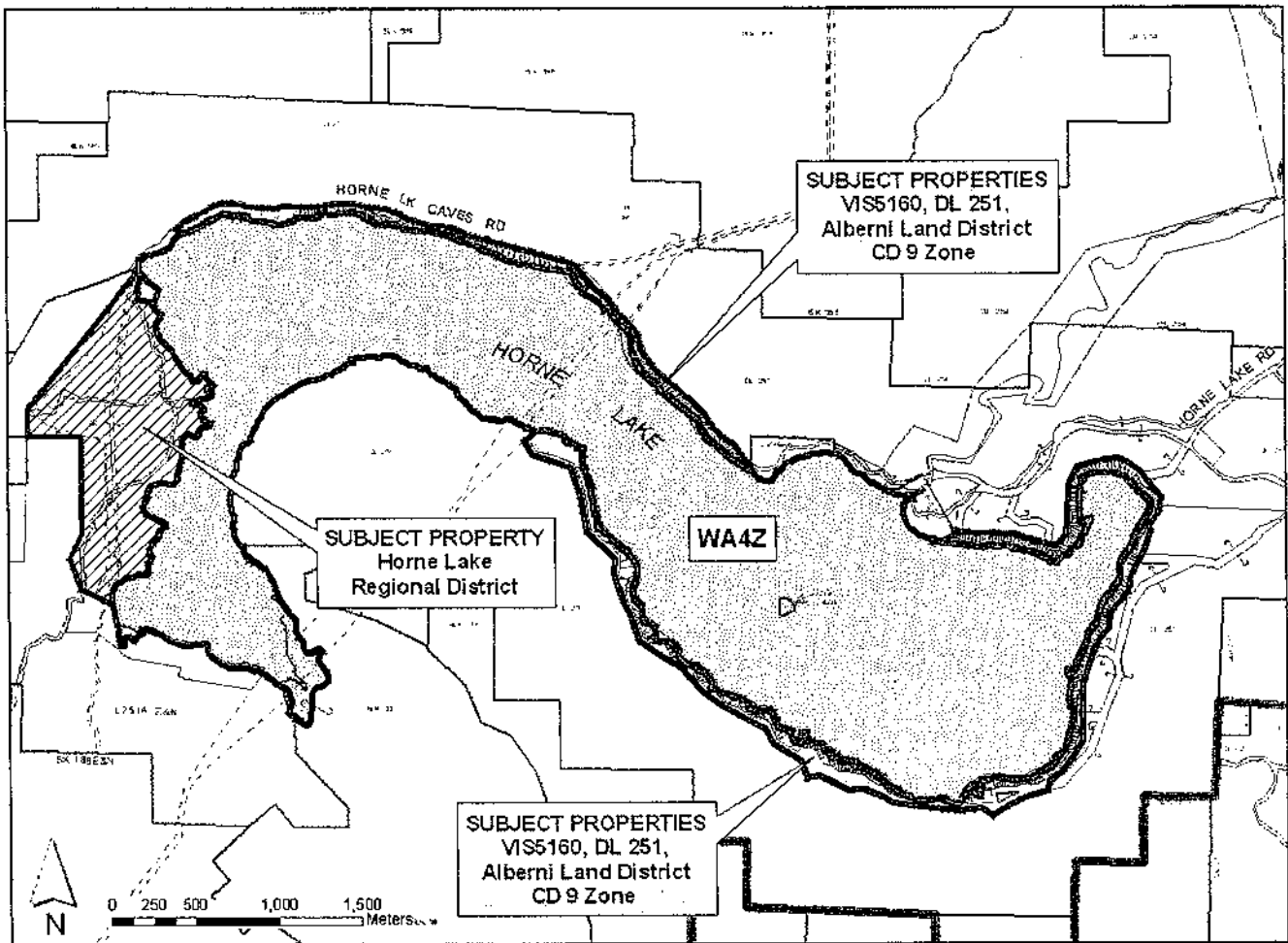
- A. The following conditions are to be completed prior to Amendment Bylaw No. 500.314 proceeding to public hearing:
1. Detailed typical engineered design drawings prepared by a professional engineer for the proposed boat ramp including cross section and plan view drawings.
 2. Confirmation of proposed signage (size and materials) advising that no parking is permitted, PEP emergency contact numbers, no refueling of boats is permitted, as well as the proposed location of said signage.
- B. The following conditions are to be completed prior to Amendment Bylaw No. 500.314, 2005 being considered for final reading:
1. A section 9 permit pursuant to the *Water Act* issued by Land and Water BC or MWLAP granting permission to install the boat ramp.
 2. Approval from Transport Canada pursuant to *Navigable Waters Protection Act* to install the boat ramp.
 3. Approval comments from Federal Fisheries and Oceans.
 4. Landscaping to compensate for the removal of riparian vegetation shall be undertaken in consultation with MWLAP and DFO.
 5. Applicant to enter into a development permit to include, at a minimum, the following requirements:
 - a. Sediment and erosion control measures must be utilized to control sediment during construction and land clearing works, to ensure water entering the work site will be pumped out, and to stabilize the site after construction is complete. These measure must include:
 - i. The work sites on either side of the creek must be isolated as all works must be conducted in the dry.
 - ii. Pumps with fish screens must be on hand.
 - iii. Exposed soils must be seeded as soon as possible to reduce erosion during rain events.
 - iv. Tarps, sand bags, poly plastic sheeting, and/or filter fabric are required to be onsite.
 - v. It is your responsibility to have and utilize all appropriate sediment and erosion control materials on-site for use during and after construction to ensure sediments do not enter the watercourse.
 - b. Any excavated materials must be placed upland such that there is no potential for reintroduction into Horne Lake.
 - c. A spill kit should be on-site to prevent the introduction of any fuels in the event of a spill. If a spill occurs, the Provincial Emergency Program must be contacted.
 - d. Concrete poured on-site must be fully contained in forms. Concrete, concrete fines, concrete wash, concrete dust or other concrete materials are not permitted to enter any watercourse as these concrete materials are extremely toxic to fish and other fresh water and marine organisms when uncured. It is your responsibility to ensure that materials necessary to ensure that concrete materials are contained and prohibited from entering the watercourse will be on-site for use during and after construction.
 - e. Clean water flow must always be maintained downstream of the work site to ensure the protection of fish habitat.

- f. Machinery should be in good working condition and no fuels, lubricants or construction wastes are permitted to enter Horne Lake. Refueling of machinery is to be conducted more than 25 metres from Horne Lake.

Schedule No. 2
Proposed Boat Launch Location
Zoning Amendment Application No. ZA0503
VIS5160, District Lot 251, Alberni District
Horne Lake



Attachment No. 1
Subject Properties
Zoning Amendment Application No. ZA0503
VIS5160, District Lot 251, Alberni District
Horne Lake



**Attachment No. 2
Proceedings of the Public Information Meeting**

**Report of the Public Information Meeting
Held at Lighthouse Community Centre
240 Lions Way, Qualicum Bay, BC
March 23, 2005 at 7:00 pm**

Summary of the Minutes on Proposed Zoning Amendment Applications

Horne Lake Regional Park - Block 40, Alberni District, Plan 691N, Except That Part Thereof Shown Outlines in Red on Plan 1339R And Except That Part in Plan 46603 and Part of Block 40, Alberni District, Plan 1339R;

Horne Lake Strata Corporation - Strata Plan VIS5160, Alberni District; and

The Qualicum River Corridor - Parts of Block 254 on Plan 1735R, Block 39 VL&M, Lots 1 and 2, Plan 35345, and Part Parcel A (DD33934I) Plan 1735R, Alberni District

Note: this summary of the meeting is not a verbatim recording of the proceedings, but is intended to summarize the comments of those in attendance at the Public Information Meeting.

There were approximately 12 persons in attendance.

Present for the Regional District:

Director Dave Bartram, Electoral Area 'H'
Brigid Reynolds, Senior Planner
Joan Michel, Parks and Trails Coordinator

Present for the Applicant:

Mr. Murray Hamilton, applicant

Director Dave Bartram opened the meeting at 7:00 pm and outlined the agenda for the evening's meeting for three separate zoning amendment applications and introduced the head table. The Chair then stated the purpose of the public information meeting and requested the senior planner to provide background information concerning the zoning amendment applications. The senior planner gave a brief outline of the application process.

The **Chair** invited Murray Hamilton, applicant, to give a presentation of the Horne Lake Strata Corporation development application. Mr. Hamilton gave an overview of the proposal.

The **Chair** invited Joan Michel, Parks and Trails Coordinator, to give a presentation of the Horne Lake Regional Park development application. Ms. Michel gave an overview of the proposal.

The **Chair** invited Brigid Reynolds, Senior Planner, to give a presentation of the Qualicum River Corridor development application. Ms. Reynolds gave an overview of the proposal.

Following the applicant's presentation, the **Chair** invited questions and comments from the audience.

Robert Sylvester, Horne Lake Strata Lot 37, asked Joan Michel what the proposed accessory uses are for the Regional Park.

Joan Michel explained that outdoor education is proposed to attract the youth market as well as a tourist store.

Robert Sylvester asked if the Qualicum River corridor is part of the trail program.

Joan Michel, explained that the trail now runs on Federal Fisheries maintenance road and in the long term it would ideally be moved off the main road.

Mrs. Hamilton, Horne Lake Strata Lot 109, asked if the costs associated with the zoning amendment at the Horne Lake Regional Park would impact the Horne Lake Strata Corp members.

Joan Michel stated that the park is intended to be self-sufficient and is not intended to only burden strata members.

The **Chair** stated that operations and maintenance of regional parks is paid for by residents of all Electoral Areas, as well as from each of the member municipalities.

Joan Michel stated the goal is to set up a long term contract with a park operator so the private operator will have adequate time to establish park development. She stated that the RDN cannot afford to do what needs to be done.

Peter Bolton, Qualicum Beach, asked what it costs to run the park each year?

Joan Michel, stated that staffing is vital as well as providing adequate facilities

Peter Bolton asked whether bringing more staff on was a safety risk and stated that he doesn't want to see it overly developed. He also stated that we shouldn't be putting tax money to develop it. He doesn't support the expansion and opening up the riparian areas with trails.

Bob Larsen, Horne Lake Strata Lot 245, asked what is the maximum number of people that would be permitted at the park.

Joan Michel stated the proposal is to have 125 single campsites and three group campsite areas. Previously there were lots of sites and it won't be much different than what was previously on site before.

Peter Bolton asked whether there was going to be power there or not.

Joan Michel stated there needs to be power to provide potable water and chlorination for it, as well as power to operate other infrastructure. Power is also necessary to be able to have staff there year round for security reasons.

Peter Bolton stated that he is a regular park user since he was 16 years of age and when the generator starts up it's really noisy and distracting.

Joan Michel stated that the proposal is to move the infrastructure away from the lake and this may muffle some of the noise.

Marianne Kilti, Qualicum Beach, stated that strata lot owners needed to install holding tanks by the end of last year but the park doesn't need to and DFO doesn't need to. Also, there is swimmers itch at the lake and is the Recreation and Parks Dept prepared to work on the issue?

Joan Michel stated that we want to work with our neighbours on this issue.

Murray Hamilton stated this is a biological issue. There is a known cause but it is unknown why it cycles as it does.

Joan Michel stated there is no easy solution and in general we want to work with our neighbours around the lake. Regarding the holding tanks - there are 10 vault toilets there now and existing septic system has to be removed. We met with the Vancouver Island Health Authority and they are okay with the proposed vault toilets.

Bob Sylvester stated he was amazed the RDN hasn't done anything with the Swimmers Itch Study and noted that there is lots of information out there and wonders why nothing has been pursued.

The Chair stated we will take the information and act on it.

Peter Bolton asked if when there is the swimmers itch problem would it be possible to reduce camping fees and then raise them when it's no longer a problem.

Joan Michel stated that it doesn't affect everyone.

Peter Bolton stated that with the strata there are fewer areas where one can swim and the swimmers itch can get really bad at the Park. He stated he would like to see the rates decreased during those times.

Will Lemmen noted that other places in the province have the same problem.

Mrs. Hamilton commented that they have been there 20 to 30 years and swim in the lake everyday with no problems.

Bob Sylvester asked if the proposal is to have higher usage of Horne Lake Caves Road is the RDN working with the Ministry of Transportation to improve road maintenance.

Joan Michel stated that MOT will continue to do maintenance and noted that visitors to BC Parks are also a big user of the road.

The **Chair** noted that MOT is working on the roads and it's not physically where it's supposed to be.

The **Chair** asked for any further comments or questions.

Being none, **the Chairperson** thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting concluded at 7:45 pm.

Brigid Reynolds
Recording Secretary



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MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: April 5, 2005

FROM: Brigid Reynolds
Senior Planner

FILE: 3360 30 0507

SUBJECT: Zoning Amendment Application No. 0507
- RDN Recreation and Parks Department
Electoral Area 'H' – Horne Lake Regional Park

PURPOSE

To consider a zoning amendment from Resource Management 1 Subdivision District 'A' (RM1/A) to a Comprehensive Development zone to recognize the existing campground use and to expand the campground use to include Wilderness Campground, Outdoor Wilderness Recreation Use and accessory uses, to amend the Water 4 zone to permit docks and wharves, and to amend the section 219 covenant on title for Horne Lake Regional Park (HLRP).

BACKGROUND

In 2002, the Regional District acquired the Horne Lake Regional Park (HLRP) as part of park dedication requirements pursuant to the *Local Government Act* and as an amenity pursuant to the rezoning of the adjacent Horne Lake Strata Corporation lands. In 2003, the Board endorsed the Horne Lake Regional Park Management Plan, an administrative document that details objectives and policies for the management of the park. At the Regular Board meeting of October 26, 2004 the Board endorsed that a zoning amendment application could be made and that the RDN could enter into a long-term contract for park management purposes as well as a number of other actions related to the long term management of the park.

The subject property, legally described as Block 40, Alberni District, Plan 691N, Except That Part Thereof Shown Outlined in Red on Plan 1339R And Except That Part in Plan 46603, is 105 ha in size and is located at the west end of Horne Lake. At the north end of the Park is a parcel owned by the Federal Crown that is legally described as Part of Block 40, Alberni District, Plan 1339R, and is approximately 1.2 ha in size. Both parcels are proposed to be included as part of this zoning amendment application.

There are a number of encumbrances registered on the title of the park property as follows:

- A land use covenant was registered on the title when the park was acquired by the RDN and it defines Regional Park to include campground, caretaker's facility, camp store and administration, picnicking and boat landing facilities.
- A flood covenant that requires any new buildings or structures used for habitation shall be elevated such that the underside of the floor system is a minimum of 121.7 m GSC above sea level and that

any fill used to elevate a building or structure within 15 m of the natural boundary of Horne Lake be contained.

- Terasen has a gas right-of-way that bisects the property from north to south.
- An historical gazetted road, 1911 Horne Lake and Alberni road.
- An access easement for the property directly south of the Park.

The Federally owned parcel located at the entrance to the park contains the well, pump and waterline that form the park house gravity-fed water system.

While not a charge on title, access to the south park is through the BC Parks property and a park permit is required.

The park is bounded by Horne Lake Caves Provincial Park to the northwest and private forest lands to the west and south. Further east and surrounding most of Horne Lake is the Horne Lake Strata Corporation lands that consist of 400 recreational residences.

The lands are currently zoned Resource Management 1 'A' Subdivision District (RM1/A) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." Bylaw No. 500 permits park use in any zone; however campground is not a permitted use in this zone. Bylaw No. 500 also establishes a 30 m setback from the natural boundary of the Qualicum River and 15 m from the natural boundary of Horne Lake for any buildings and structures.

The "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" designates the subject property as Park Lands. This zoning amendment application is consistent with the OCP policies. In addition, the OCP also designates the lands 15 m from the natural boundary of Horne Lake and the lands 30 m from the top of bank from the Qualicum River as being within the Environmentally Sensitive Features Development Permit Area. Therefore a development permit would be required prior to any land alteration within these areas.

Since 2003, a private contractor has managed the park and since 2004 the private contractor has been Horne Lake Adventures, which also manages the adjacent Horne Lake Caves Provincial Park. The RDN has entered into another management agreement with Horne Lake Adventures for the 2005 camping season.

The current uses at the regional park include a 60-site campground, day-use area and related facilities, boat launch, trails, programmed recreation area, as well as limited retail and rental services. Special events and group camping are also undertaken at the park. The existing camping and day-use facilities are basic but they are in good shape. The main recreational facilities include the park operator's house, various accessory buildings, information kiosks, trails, roads, parking lots, ten vault toilets (one of which is sited on the DFO parcel), two water pumps, a gazebo, and a boat ramp.

The proposed zoning amendment includes the following:

- increase the number of individual campsites from 60 to 125;
- expand the group camping to permit a maximum of 75 camping parties in three group camping areas;
- permit 10 tourist accommodation units no greater than 35m² per unit;
- permit public assembly use as a primary use and visitor centre as an accessory use; and,
- permit boat and swimming docks and a wharf.

A Public Information Meeting was held on Wednesday March 23, 2005 at the Lighthouse Community Centre (see Attachment No. 3 'Proceedings of the Public Information Meeting').

ALTERNATIVES

1. To approve the amendment application as submitted and amend the land use covenant subject to the conditions outlined in Schedule No. 1 for 1st and 2nd reading and proceed to public hearing.
2. To not approve the amendment application.

PARK MANAGEMENT IMPLICATIONS

Since 2003, a private park operator has managed the Park and pursuant to the Management Plan and Operating Agreement, the park operator has been responsible for operating costs and all repairs and upgrades to equipment or facilities costing less than \$500. The Management Plan also states that the RDN is responsible for undertaking development activities financed through the RDN's share of Park revenues. The plan also states the development and operations of the park are to be self-supporting. The previous three years of managing the park and the various property issues have shown that unless the RDN is prepared to provide significant subsidies to the ongoing management of the Park, the private sector must be able to engage in the direct financing of development at HLRP. In order to facilitate the private sector's involvement and to make it financially viable for a private park operator they need the security of a long-term agreement. A long-term agreement would enable the park operator to secure adequate financing to undertake any development activities and to recoup the required investment. The RDN can enter into a long-term agreement with a private park operator for the operation and development of HLRP provided this agreement does not place any long-term financial commitments on the RDN. Therefore rezoning the property would permit a private park operator to expand the campground uses making it a self-supporting public campground that offers a unique outdoor wilderness recreation experience.

DEVELOPMENT IMPLICATIONS

The Management Plan defines the vision and eight objectives that guide the long-term management of the Regional Park. The proposed zoning amendment is consistent with the vision and objectives of the Management Plan. The long-term vision of the park identifies a focus on outdoor recreation and camping and the amendment bylaw entrenches these uses.

The amendment bylaw is proposed to include the following permitted uses: wilderness campground, outdoor wilderness recreation, tourist accommodation, day use recreation, group camping and public assembly. These newly proposed uses are intended to recognize the uniqueness of Horne Lake Regional Park as a public campground that is spread over a large area with no electrical services that offers outdoor wilderness opportunities. These uses are generally undertaken at the park now with the exception of tourist accommodation and a public assembly use building.

The park currently has 60 campsites and the Adventure Camp area for programmed recreation and group camping. The proposed amendment bylaw would permit a maximum of 125 campsites and three group

camping areas including the Adventure Camp (the group camping is proposed to accommodate a maximum of 75 camping parties). While this density was not anticipated in the Management Plan, the zoning amendment application and phased development strategy is in keeping with the vision and objectives of the Management Plan.

The Board endorsed the four phases of development at their regular meeting in October 2004 and these are outlined below (*see Attachment No. 4*). These phases are intended to be a general guide and follow a 20 to 25 year timeline that will coincide with the operating agreement between the RDN and the private operator.

Phase 1 – Regional Park current situation.

Phase 2 – Infrastructure development - develop the infrastructure/operations area to be located between the interior service road and the easement road, develop a source of potable water, provide electricity for the infrastructure area, develop a septic system for administration buildings, expand washroom facilities, develop a park house, and associated accessory buildings; continue the Gazebo Point restoration; develop new camp sites and 10 temporary accommodation units; develop parking in Gazebo Point area; and remove existing park house.

Phase 3 – Waterfront development - develop visitor centre, wharves/docks, upgrade day use areas/facilities, develop playground and picnic shelters.

Phase 4 – Final phase and redevelopment - develop horse boarding stables and amenity centre, complete reforestation, and begin redevelopment of infrastructure, buildings and structures that require revitalization/redevelopment.

The park operator will be responsible for undertaking the development in consultation with the RDN. The development detailed in each of the phases will be secured through a management agreement between the RDN and the Park Operator. As well, the proposed CD zone defines thresholds by which the density cannot be increased until certain development is undertaken.

Infrastructure/Servicing

The standards proposed in the amendment bylaw are similar to those found in provincial campgrounds operated by BC Parks. Currently the lack of electricity and potable water at the park are limiting factors, however these issues are proposed to be resolved throughout the development of the park.

It is anticipated that Phase 2 will include the development of the infrastructure/operations area to be located between the interior service road and the easement road. This area is a minimum of 150 m from Home Lake, thereby reducing the potential flood hazard. In addition, any buildings or structures located on the property and used for habitation or storage of goods that could be damaged by flood waters must have a minimum elevation of 121.7 m GSC pursuant to the covenant registered on title.

Potable water is proposed to be developed in Phase 2 and the proposed CD zone requires that potable water must be provided prior to the number of camping parties exceeding 75. It is anticipated that a well would be located in the proposed infrastructure/operations area.

The proposed amendment bylaw provides thresholds whereby additional toilets, wash basins and showers are required prior to any new campsites being developed. The proposed CD zone also establishes standards for these facilities. Additional parking is also proposed in Phase 2 and the amendment bylaw incorporates the standards detailed in Bylaw No. 500. The park operator's house is located on the gazetted road and does not meet the flood construction elevation. This house is old and in need of repair. This building would be removed and replaced with some form of staff housing in the infrastructure area.

The WA4 zone is proposed to be amended to permit a boat wharf and boat and swimming docks for visitors to the regional park. There is currently a boat ramp at the park that is well-used and providing a wharf and dock would enable campers to keep their boat in the water for the duration of their visit. Providing swimming docks at the regional park may also reduce some of the incidences of swimmers itch that often occurs at Horne Lake, as swimmers itch is generally 'caught' in shallow waters. These uses are proposed to be established in Phase 3 of the park development and prior to these uses being established approvals from MWLAP, DFO, and Navigable Waters will be required.

Encumbrances

The federal Crown parcel located at the north end of the Park dominates the entrance. A large portion of the day-use area is located here along with the well, pump and waterline that serves the Park house. Staff has had some discussions with Public Works Canada regarding acquisition or a lease, however this issue remains unresolved. Until the tenure of this parcel is resolved no buildings or structures are proposed to be located here. Recreation and Parks staff will continue working with Public Works Canada on this issue.

The land use covenant registered on the title of the park land states that the lands may be used for 'Regional Park', which is defined to include campground, caretaker's facility, camp store and administration, picnicking and boat landing facilities. As the zoning amendment is proposed to expand the uses at the park this covenant needs to be amended to include a more broad definition of 'Regional Park'.

Terasen has indicated they do not have any issues with the proposed zoning amendment application provided that no campsites or campfires are permitted on their right-of-way. As well, they require that a permit be applied for and issued prior to any trail development being undertaken on their right of way.

The park house and other accessory buildings are located on the historical gazette. Once the Phase 2 development has taken place at the park the buildings and structures located on the access easement would be removed off the gazette. Ministry of Transportation has indicated that this is not an issue for them.

ENVIRONMENTAL IMPLICATIONS

The Management Plan, Bylaw No. 500 and the OCP establish setbacks of 30 m from top of bank for the Qualicum River and 15 m from the natural boundary of Horne Lake. The proposed CD zone incorporates these setbacks where no buildings, structures, campsites, campground services (internal roads, parking, water and waste disposal) shall be permitted.

The number of campsites is proposed to increase from 60 to 125. Prior to the RDN acquiring the park, many campsites were located very close to Horne Lake and little thought was given to the impact of the

campground use on the natural environment. Since the RDN acquired the park the majority of the waterfront campsites have been moved back away from the lake and in the Gazebo Point area camping has been removed altogether due to the erosion occurring on the banks of the Qualicum River. Planting of native riparian vegetation has begun in the Gazebo Point area and is anticipated to continue on a regular ongoing basis. Reforestation of previously logged areas in the park is also proposed to be undertaken on an ongoing basis.

At the Public Information Meeting there was a concern about the impact the increased development might have on the natural environment. The lands around Horne Lake have been well used for recreational purposes, as well as forestry since the twenties and have therefore been impacted. Future development will not be taking place at the lake or river front except for docks and wharves that are intended to provide additional water recreational opportunities. While increasing the numbers of campsites will increase the number of users at the park it is intended that providing interpretation signage, literature, and activities regarding the natural environment will result in greater awareness about human impacts to the natural environment and how these impacts might be reduced.

PUBLIC CONSULTATION IMPLICATIONS

A Public Information Meeting was held on Wednesday March 23, 2005 at the Lighthouse Community Centre. Notification of the meeting was advertised in *The News* newspaper and on the RDN web site, along with a direct mail out to all property owners within 200 metres of the subject property. Approximately 12 people attended the information meeting and provided comments and suggestions with respect to the proposal (*see Attachment No. 2 'Proceedings of the Public Information Meeting'*). Issues raised at the public information meeting included the following and have been addressed throughout the staff report:

- whether the costs associated with the amendment application and the regular operations will affect the Horne Lake Strata Corp. members;
- concern with the park being overdeveloped, a higher number of campers and staff creating a safety risk, and the impact to the riparian areas due to trail development;
- the noise of the generator;
- the ongoing swimmers itch problem; and,
- with more park visitors is the RDN going to work with MOT to improve road maintenance.

If the application proceeds it will be subject to a public hearing pursuant to the *Local Government Act*. At the public hearing all persons who believe they have an interest in the subject application will have an opportunity to be heard or submit written submissions.

The Horne Lake Strata Corporation has indicated they do not have any objections to the proposing zoning amendment application. Staff will continue to discuss with the Ministry of Transportation issues related to road and trail access to the park which includes road maintenance.

INTERGOVERNMENTAL IMPLICATIONS

Preliminary discussions with Public Works Canada and Federal Fisheries indicate they have no concerns with including this property in the zoning amendment application. However, it is still necessary that a lease agreement be reached with the federal government for the ongoing use of their parcel.

BC Parks has not yet provided any comments. However, a park permit is required as the access to the south park is through the BC Park. Recreation and Parks staff continues to work with BC Parks on this matter.

Vancouver Island Health Region has verbally indicated that they support the increase in the numbers of campsites provided potable water is supplied and they do not take issue with the proposed toilet facilities.

The land use covenant that is proposed to be amended as part of this application is in favour of the Ministry of Transportation (MOT), the Ministry has indicated they have no objection to amending the covenant.

VOTING

All directors – one vote each except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

This is an application to rezone the Horne Lake Regional Park property from Resource Management 1 (RM1) zone to a Comprehensive Development zone for the purposes of expanding the current campground use to include wilderness campground, outdoor wilderness recreation use, tourist accommodation, day use recreation, group camping and public assembly and accessory uses and to amend the Water 4 (WA4) zone to permit a wharf and swimming and boating docks. This application is also proposed to amend the land use covenant registered on the title of the property by including a revised definition of 'Regional Park' than what is currently in the covenant.

The proposed amendment bylaw would permit a maximum of 125 campsites and three group camping areas including the Adventure Camp (the group camping is proposed to accommodate a maximum of 75 camping parties) and would permit 10 tourist accommodation units no greater than 35m² per unit.

The park operator will be responsible for undertaking the development in consultation with RDN. Development is proposed to take place over the term of the 20 to 25 year period and the development actions will be detailed in an operating agreement between the RDN and the private operator.

The standards proposed in the amendment bylaw are similar to those found in provincial campgrounds operated by BC Parks and in some cases provides thresholds by which development cannot occur until these standards have been met.

A Public Information Meeting was held on March 23, 2005 and a number of issues were raised. Only one person spoke in opposition to the expansions proposed at the Park.

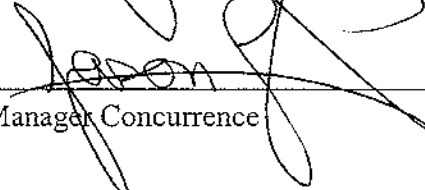
The Management Plan that was endorsed by the Board in 2003 defines the vision and eight objectives that guide the long-term management of the Regional Park. The proposed zoning amendment is consistent with the vision and objectives of the Management Plan. This proposed amendment bylaw would permit a private park operator to expand the campground uses making it a self-supporting public campground that offers a unique outdoor wilderness recreation experience.

RECOMMENDATIONS

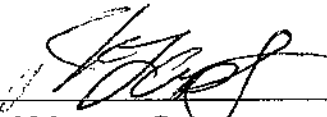
1. That the minutes of the Public Information Meeting held on March 23, 2005 be received.
2. That the Ministry of Transportation be requested to amend the Land Use Covenant registered on the title of Block 40, Alberni District, Plan 691N, except that part thereof shown outlined in red on Plan 1339R and except that part in Plan 46603 to include the additional park uses proposed in Zoning Amendment Application No. ZA0507.
3. That Zoning Amendment Application No. ZA0507 be approved to proceed to public hearing subject to the conditions included in Schedule No. 1 as recommended by staff.
4. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.318, 2005" be given 1st and 2nd reading.
5. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.318, 2005" proceed to public hearing.
6. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.318, 2005 be delegated to Director Bartram or his alternate.



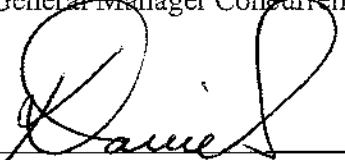
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

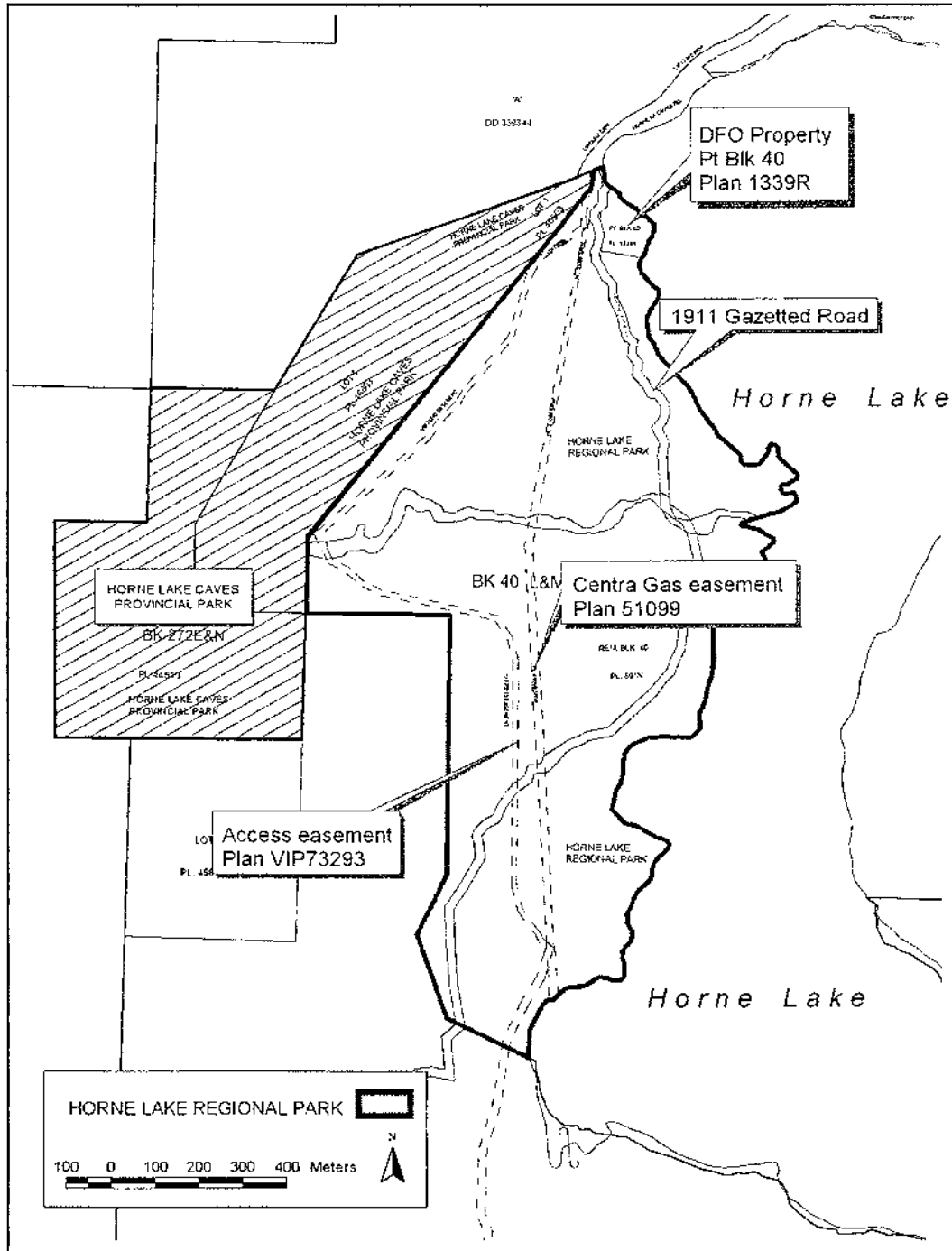
COMMENTS:

devsvs/reports/2005/za 3360 30 0507 HLRP 1st and 2nd

Schedule No. 1
Conditions of Approval
Zoning Amendment Application No. 0507

1. The RDN shall enter into a management agreement with the park operator that shall include but is not limited to the following:
 - a. No public assembly use, visitor centre or tourist accommodation units shall be established until all Building Code requirements can be met.
 - b. No wharves or docks shall be established until all infrastructure has been established and approvals from MWLAP, DFO, and Navigable Waters have been provided.
 - c. Any land alteration proposed within 15 m of the natural boundary of Home Lake or 30 m of the top of bank of the Qualicum River shall require a development permit.
 - d. The provision of potable water and any washroom facilities shall meet Provincial Health Regulations.
 - e. No development or land alteration shall occur on lands not owned by the RDN or lands that are encumbered without permission of the land owner and/or chargeholder.
 - f. No habitable space or space used for the storage of goods that could be damageable by flood waters shall be below 121.7 m GSC.
2. The Recreation and Parks Department staff shall draft the management agreement between the RDN and the park operator in consultation with Development Services staff.
3. Final approval of the amendment bylaw shall occur after amendment of the Land Use covenant that defines 'Regional Park' registered on the title of Block 40, Alberni District, Plan 691N, except that part thereof shown outlined in red on Plan 1339R and except that part in Plan 46603.

Attachment No. 1
Subject Property



**Attachment No. 2
Proceedings of the Public Information Meeting**

**Report of the Public Information Meeting
Held at Lighthouse Community Centre
240 Lions Way, Qualicum Bay, BC
March 23, 2005 at 7:00 pm**

Summary of the Minutes on Proposed Zoning Amendment Applications

Home Lake Regional Park - Block 40, Alberni District, Plan 691N, Except That Part Thereof Shown Outlines in Red on Plan 1339R And Except That Part in Plan 46603 and Part of Block 40, Alberni District, Plan 1339R;

Home Lake Strata Corporation - Strata Plan VIS5160, Alberni District; and

The Qualicum River Corridor - Parts of Block 254 on Plan 1735R, Block 39 VL&M, Lots 1 and 2, Plan 35345, and Part Parcel A (DD33934I) Plan 1735R, Alberni District

Note: this summary of the meeting is not a verbatim recording of the proceedings, but is intended to summarize the comments of those in attendance at the Public Information Meeting.

There were approximately 12 persons in attendance.

Present for the Regional District:

Director Dave Bartram, Electoral Area 'H'
Brigid Reynolds, Senior Planner
Joan Michel, Parks and Trails Coordinator

Present for the Applicant:

Mr. Murray Hamilton, applicant

Director Dave Bartram opened the meeting at 7:00 pm and outlined the agenda for the evening's meeting for three separate zoning amendment applications and introduced the head table. The Chair then stated the purpose of the public information meeting and requested the senior planner to provide background information concerning the zoning amendment applications. The Senior Planner gave a brief outline of the application process.

The **Chair** invited Murray Hamilton, applicant, to give a presentation of the Home Lake Strata Corporation development application. Mr. Hamilton gave an overview of the proposal.

The **Chair** invited Joan Michel, Parks and Trails Coordinator, to give a presentation of the Home Lake Regional Park development application. Ms. Michel gave an overview of the proposal.

The **Chair** invited Brigid Reynolds, Senior Planner, to give a presentation of the Qualicum River Corridor development application. Ms. Reynolds gave an overview of the proposal.

Following the applicant's presentation, the **Chair** invited questions and comments from the audience.

Robert Sylvester, Horne Lake Strata Lot 37, asked Joan Michel what the proposed accessory uses are for the Regional Park?

Joan Michel explained that outdoor education is proposed to attract the youth market as well as a tourist store.

Robert Sylvester asked if the Qualicum River corridor is part of the trail program.

Joan Michel explained that the trail now runs on Federal Fisheries maintenance road and in the long term it would ideally be moved off the main road.

Mrs. Hamilton, Horne Lake Strata Lot 109, asked if the costs associated with the zoning amendment at the Horne Lake Regional Park would impact the Horne Lake Strata Corp members.

Joan Michel stated that the park is intended to be self-sufficient and is not intended to only burden strata members.

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Joan Michel stated the goal is to set up a long term contract with a park operator so the private operator will have adequate time to establish park development. She stated that the RDN cannot afford to do what needs to be done.

Peter Bolton, Qualicum Beach, asked what it costs to run the park each year.

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Bob Larsen, Horne Lake Strata Lot 245, asked what is the maximum number of people that would be permitted at the park.

Joan Michel stated the proposal is to have 125 single campsites and three group campsite areas. Previously there were lots of sites and it won't be much different than what was previously on site before.

Peter Bolton asked whether there was going to be power there or not.

Joan Michel stated there needs to be power to provide potable water and chlorination for it, as well as power to operate other infrastructure. Power is also necessary to be able to have staff there year round for security reasons.

Peter Bolton stated that he has been a regular park user since he was 16 years of age and when the generator starts up it's really noisy and distracting.

Joan Michel stated that the proposal is to move the infrastructure away from the lake and this may muffle some of the noise.

Marianne Kilti, Qualicum Beach, stated that the strata lot owner needed to install holding tanks by the end of last year and the park doesn't need to and DFO doesn't need to. Also, there is swimmers itch at the lake and is the Recreation and Parks Dept prepared to work on the issue?

Joan Michel stated that we want to work with our neighbours on this issue.

Murray Hamilton stated this is a biological issue. There is a known cause but it is unknown why it cycles as it does.

Joan Michel stated there is no easy solution and in general we want to work with our neighbours around the lake. With regard to the holding tanks, there are 10 vault toilets there now and the existing septic system has to be removed. We met with the Vancouver Island Health Authority and they are okay with the proposed vault toilets.

Bob Sylvester stated he was amazed the RDN hasn't done anything with the Swimmers Itch Study and noted that there is lots of information out there and wonders why nothing has been pursued.

The **Chair** stated we will take the information and act on it.

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The **Chair** noted that MOT is working on the roads and it's not physically where it's supposed to be.

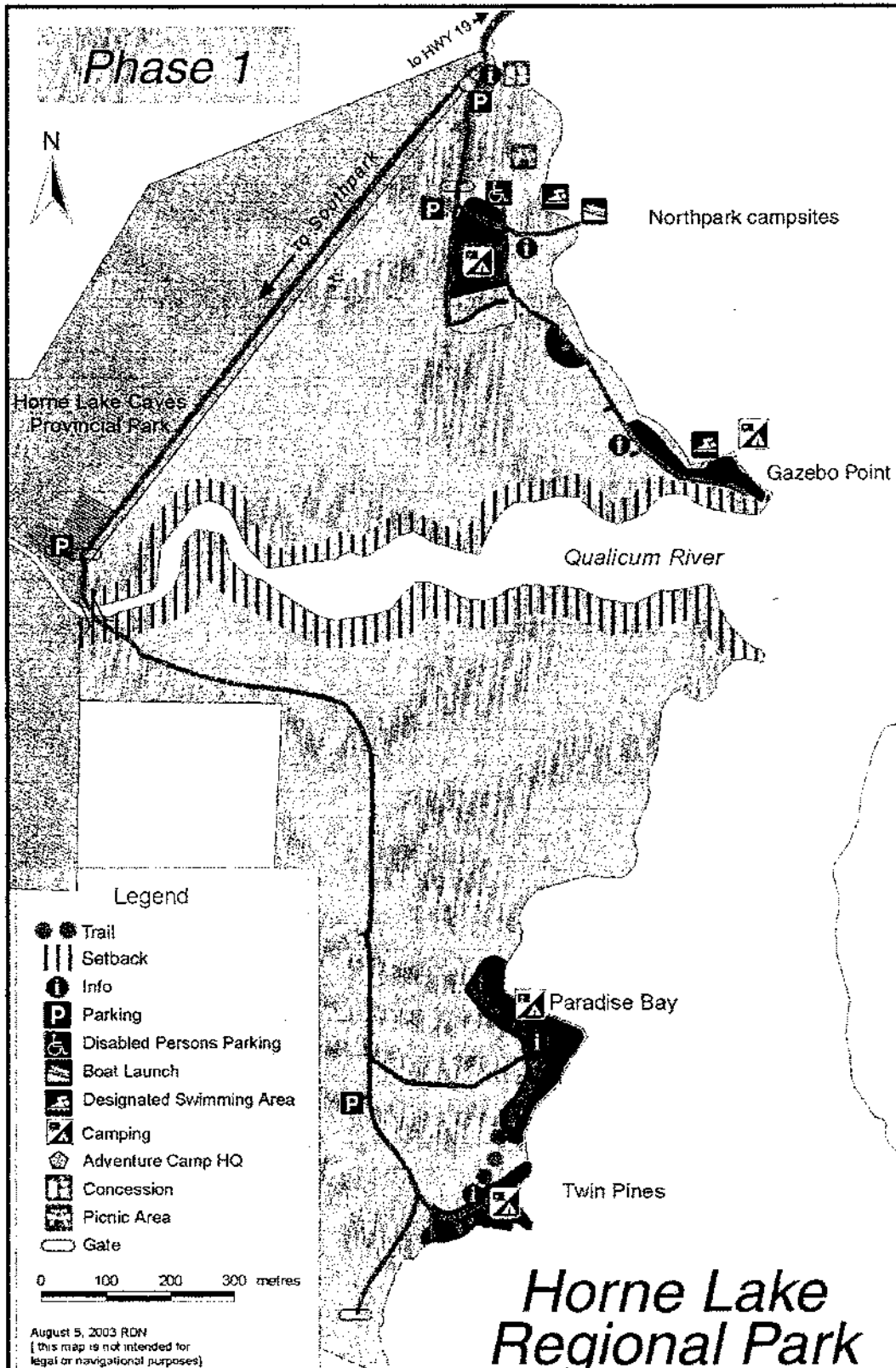
The **Chair** asked for any further comments or questions.

Being none, the **Chairperson** thanked those in attendance and announced that the public information meeting was closed.

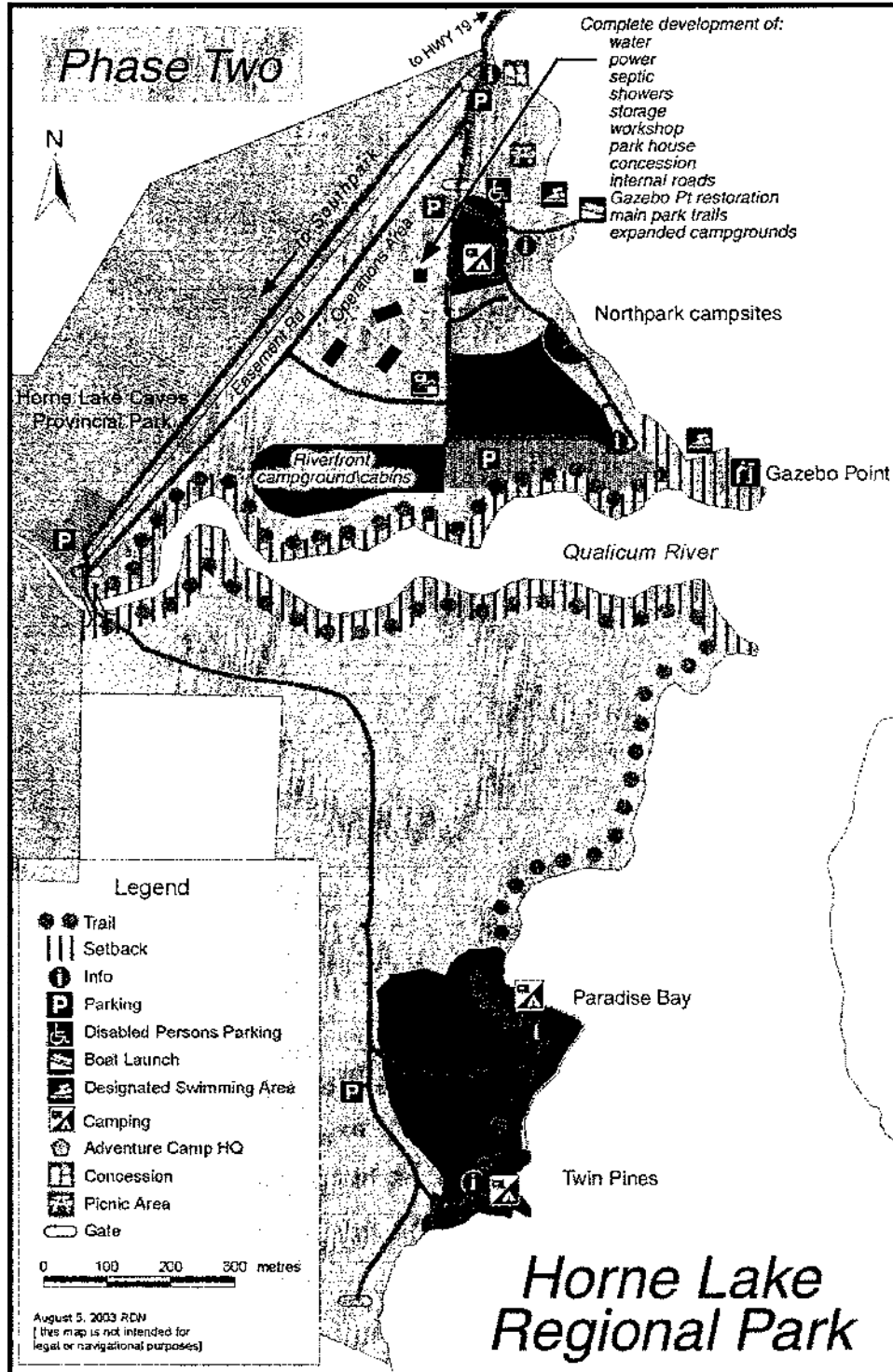
The meeting concluded at 7:45 pm.

Brigid Reynolds
Recording Secretary

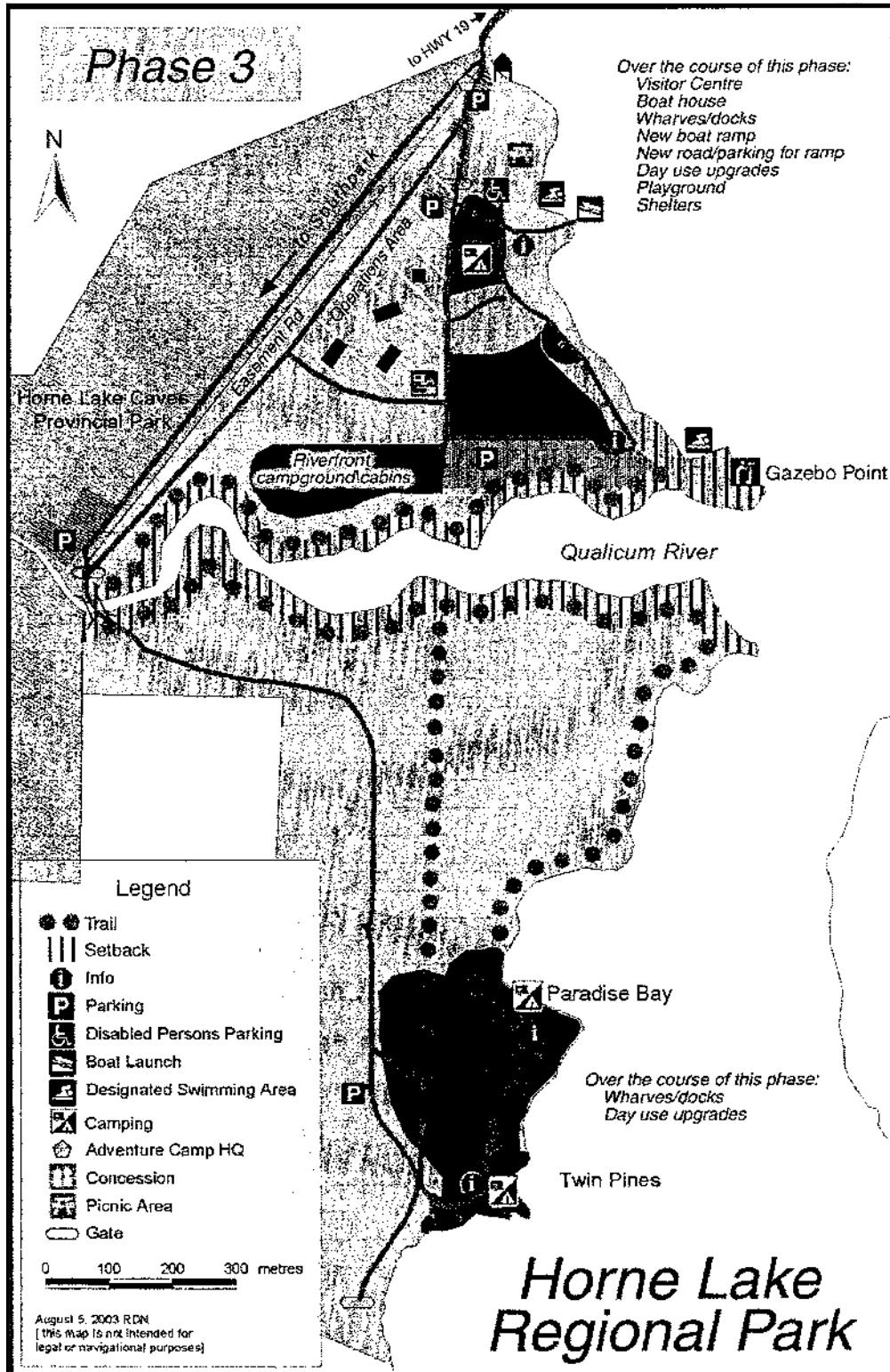
Attachment No. 3
 Phases of Development (1 of 4)



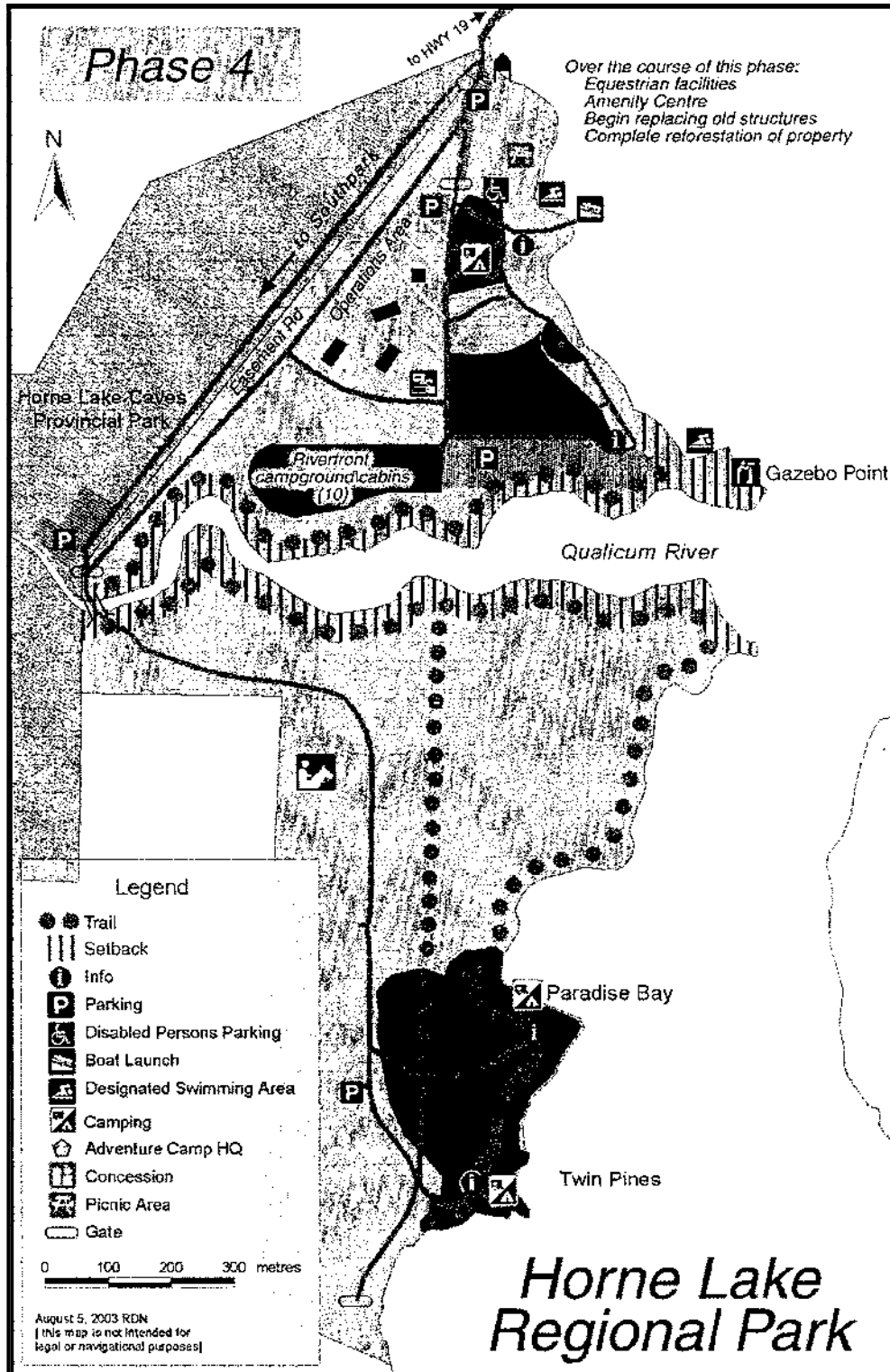
Attachment No. 3
 Phases of Development (2 of 4)



Attachment No. 3
 Phases of Development (3 of 4)



Attachment No. 3
 Phases of Development (4 of 4)





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| REGIONAL DISTRICT OF NANAIMO | |
| APR - 1 2005 | |
| CHAIR | GMCMS |
| | GMCIS |
| CAO | GMDS |
| | GMES |
| EAPC. | |

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: April 1, 2005

FROM: Brigid Reynolds
Senior Planner

FILE: 3360 30 0508

SUBJECT: Zoning Amendment Application No. 0508
- RDN Recreation and Parks Department
Electoral Area 'H' -- Qualicum River Corridor

PURPOSE

To consider a zoning amendment to the Qualicum River corridor from Resource Management 1 'A' Subdivision District (RM1/A) to Public Use 5 'Z' Subdivision District (PU5/Z) to recognize the existing hatchery use, associated buildings and structures, and trail uses.

BACKGROUND

The subject properties, legally described as Parts of Block 254 on Plan 1735R, Block 39 VL&M, Lots 1 and 2, Plan 35345, and Part Parcel A (DD33934I), Alberni District, are located south of the Qualicum First Nation Reserve Lands to Home Lake, and are Federal Crown Land.

This application is being initiated by the Regional District of Nanaimo (RDN) in order to recognize the existing uses and to make the zoning consistent with the Official Community Plan. The "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" designates these properties as Park Lands (Unconfined Aquifer within Crown Lands) therefore the proposed zoning amendment is an implementation action from the OCP.

A Public Information Meeting (PIM) was held on Wednesday March 23, 2005 for this and two other zoning amendment applications. There was only one question at the PIM regarding this application (see Attachment No. 2 'Proceedings of the Public Information Meeting').

The Qualicum River corridor is approximately 10 km in length and covers an area of approximately 297 ha. The Qualicum River hatchery operated by the Federal Department of Fisheries and Oceans is located at the northerly portion of the subject properties and consists of associated buildings and structures, a spawning channel, as well as a gravel maintenance road which functions as a dyke. The maintenance road, which runs the length of the corridor, is well used by recreational fishers, walkers, cyclists, and horseback riders. Vehicular access is restricted to Federal Fisheries and Oceans staff. There is also an existing footpath trail on the southeastern side of the Qualicum River and it is anticipated that in the long-term a pedestrian only trail will be continued to Home Lake Caves Road. As the lands are federally owned they are not subject to local government land use regulations.

There is a steep bank from the road down to the river that consists of understory vegetation. In general, the road is no more than 15 m from the river. On the south side of the river, the corridor is comprised of dense mature riparian forest. While no new trail development is currently proposed, any trail development would be undertaken in close consultation with DFO and would incorporate MWLAP's Best Management Practices to ensure any impacts are mitigated.

Recreation and Parks staff have been working with Federal Fisheries and Oceans to establish a lease agreement for trail use over the Qualicum River corridor thereby formalizing public access. The proposed five-year lease agreement has not yet been signed by the RDN and DFO.

The adjacent land uses to the north of the subject properties include a campground and other reserve lands owned by the Qualicum First Nation. In addition, the Fort Nelson First Nation owns large tracts of land adjacent to the Crown land and zoned Resource Management 1, which are currently undeveloped.

ALTERNATIVES

1. To approve the amendment application for 1st and 2nd reading and proceed to public hearing.
2. To not approve the amendment application.

ENVIRONMENTAL IMPLICATIONS

The OCP has designated all Provincial/Crown lands above known unconfined aquifers as Park Lands to protect the finite groundwater resources. Therefore rezoning the property to a public use zone will provide further protection of this resource. A public use zone is more consistent with the existing use of the lands rather than Resource Management. As the lands are federally owned they are not subject to local government land use regulation.

Qualicum River is a significant system within the RDN and has been the subject of considerable habitat restoration. All species of Pacific salmon return to the Qualicum River as do steelhead and cutthroat trout.

Rezoning the subject properties to a public use zone will potentially provide long-term protection of the riparian corridor and clearly indicate the intended use of the land from the perspective of the RDN.

PUBLIC CONSULTATION IMPLICATIONS

A Public Information Meeting (PIM) was held on Wednesday March 23, 2005 at the Lighthouse Community Centre. This PIM was held for three separate zoning amendment applications. Notification of the meeting was advertised in *The News* newspaper and the RDN web site, along with a direct mail out to all property owners within 200 metres of the subject property. Approximately 12 people attended the information meeting and provided comments and suggestions with respect to the proposal (*see Attachment No. 2 'Proceedings of the Public Information Meeting'*). The only question raised at the public information meeting regarding this application was a whether the Qualicum River corridor is part of the RDN trail program. The trail currently runs on the DFO maintenance road and a formal lease agreement between Federal Fisheries and the RDN is in the process of being signed.

If the application proceeds it will be subject to a public hearing pursuant to the *Local Government Act*. At the public hearing all persons who believe they have an interest in the subject application will have an opportunity to be heard or submit written submissions.

INTERGOVERNMENTAL IMPLICATIONS

Ministry of Transportation staff has indicated that the Ministry does not have any objections to this application. This amendment bylaw will be subject to the approval of the Ministry pursuant the *Highway Act*.

Federal Fisheries and Oceans and Federal Public Works staff has indicated they do not have any objections to this application.

VOTING

All directors – one vote each except Electoral Area ‘B’.

SUMMARY/CONCLUSIONS


This is a zoning amendment application to amend the zoning from Resource Management 1 ‘A’ subdivision district (RM1/A) to Public Use 5 ‘Z’ subdivision district (PU5/Z) for the federally owned lands adjacent to the Qualicum River. The Official Community Plan designates these lands as Park Lands therefore the zoning amendment is intended to make the zoning consistent with the OCP.

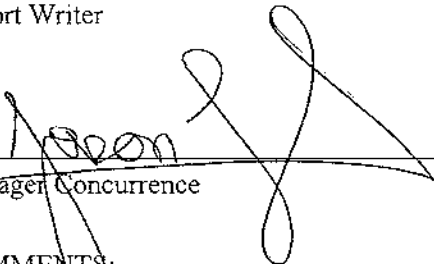
RECOMMENDATIONS

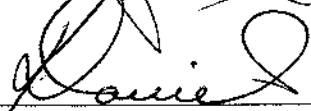
1. That the minutes of the Public Information Meeting held on March 23, 2005 be received.
2. That Zoning Amendment Application No. ZA0508 recognizing the existing uses of fish hatchery and trail use be approved to proceed to public hearing.
3. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.319, 2005” be given 1st and 2nd reading.
4. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.319, 2005” proceed to public hearing.
5. That the public hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.319, 2005” be delegated to Director Bartram or his alternate.


Report Writer

Acting

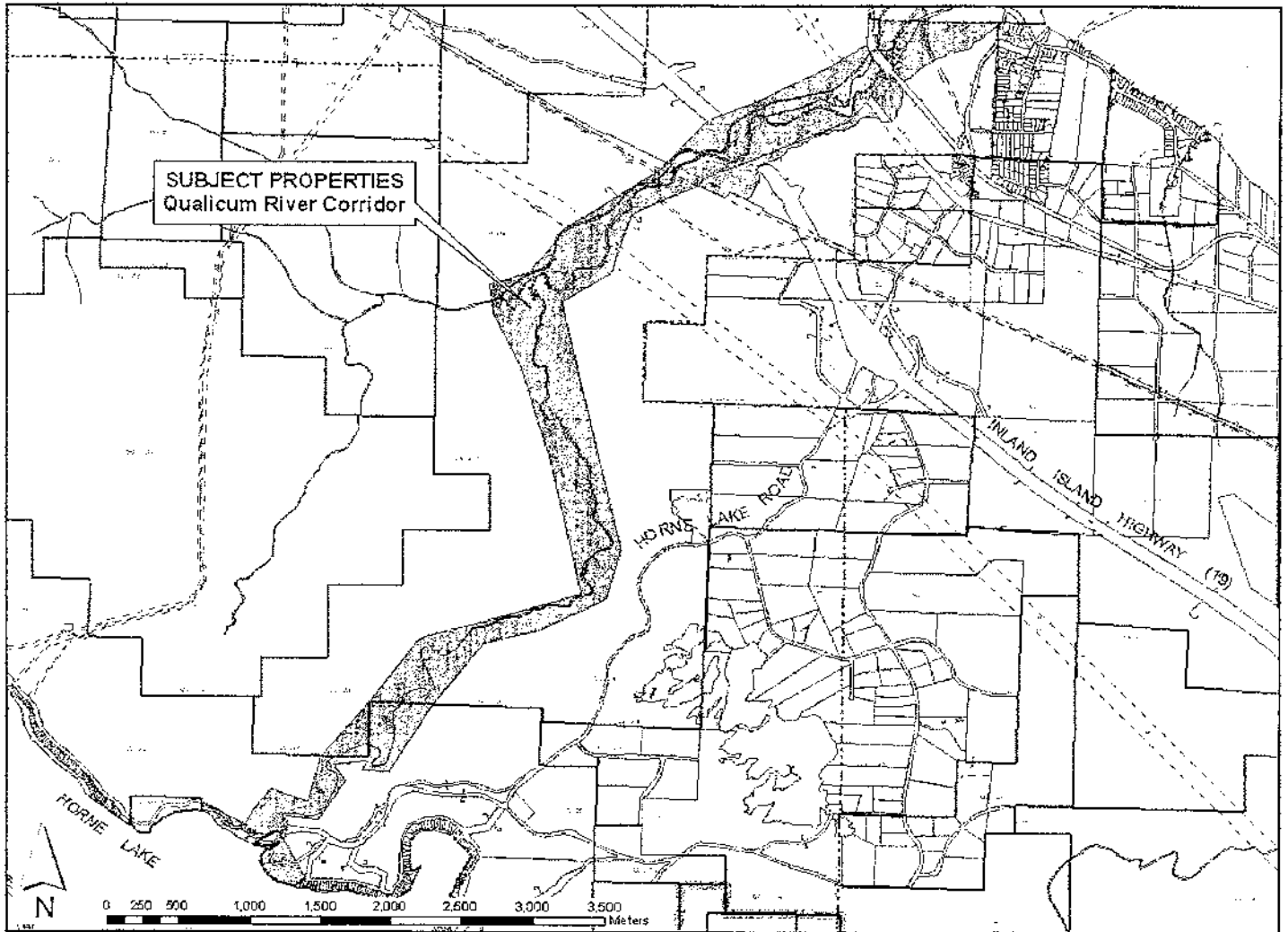

General Manager Concurrence


Manager Concurrence


CAO Concurrence

COMMENTS:
devsvs/reports/2005/za 3360 30 0508 Qualicum R corridor 1st and 2nd

Attachment No. 1
Subject Properties



**Attachment No. 2
Proceedings of the Public Information Meeting**

Report of the Public Information Meeting

Held at Lighthouse Community Centre

240 Lions Way, Qualicum Bay, BC

March 23, 2005 at 7:00 pm

Summary of the Minutes on Proposed Zoning Amendment Applications

Home Lake Regional Park - Block 40, Alberni District, Plan 691N, Except That Part Thereof Shown Outlines in Red on Plan 1339R And Except That Part in Plan 46603 and Part of Block 40, Alberni District, Plan 1339R;

Home Lake Strata Corporation - Strata Plan VIS5160, Alberni District; and

The Qualicum River Corridor - Parts of Block 254 on Plan 1735R, Block 39 VL&M, Lots 1 and 2, Plan 35345, and Part Parcel A (DD33934I) Plan 1735R, Alberni District

Note: this summary of the meeting is not a verbatim recording of the proceedings, but is intended to summarize the comments of those in attendance at the Public Information Meeting.

There were approximately 12 persons in attendance.

Present for the Regional District:

Director Dave Bartram, Electoral Area 'H'

Brigid Reynolds, Senior Planner

Joan Michel, Parks and Trails Coordinator

Present for the Applicant:

Mr. Murray Hamilton, applicant.

Director Dave Bartram opened the meeting at 7:00 pm and outlined the agenda for the evening's meeting for three separate zoning amendment applications and introduced the head table. The Chair then stated the purpose of the public information meeting and requested the senior planner to provide background information concerning the zoning amendment applications. The senior planner gave a brief outline of the application process.

The Chair invited Murray Hamilton, applicant, to give a presentation of the Home Lake Strata Corporation development application. Mr. Hamilton gave an overview of the proposal.

The Chair invited Joan Michel, Parks and Trails Coordinator, to give a presentation of the Home Lake Regional Park development application. Ms. Michel gave an overview of the proposal.

The Chair invited Brigid Reynolds, Senior Planner, to give a presentation of the Qualicum River Corridor development application. Ms. Reynolds gave an overview of the proposal.

Following the applicant's presentation, the Chair invited questions and comments from the audience.

Robert Sylvester, Horne Lake Strata Lot 37, asked Joan Michel what the proposed accessory uses are for the Regional Park.

Joan Michel explained that outdoor education is proposed to attract the youth market, as well as a tourist store.

Robert Sylvester asked if the Qualicum River corridor is part of the trail program.

Joan Michel explained that the trail now runs on Federal Fisheries maintenance road and in the long term it would ideally be moved off the main road.

Mrs. Hamilton, Horne Lake Strata Lot 109, asked if the costs associated with the zoning amendment at the Horne Lake Regional Park would impact the Horne Lake Strata Corp members.

Joan Michel stated that the park is intended to be self-sufficient and is not intended to only burden strata members.

The **Chair** stated that operations and maintenance of regional parks is paid for by residents of all Electoral Areas, as well as from each of the member municipalities.

Joan Michel stated the goal is to set up a long term contract with a park operator so the private operator will have adequate time to establish park development. She stated that the RDN cannot afford to do what needs to be done.

Peter Bolton, Qualicum Beach, asked what it costs to run the park each year.

Joan Michel stated that staffing is vital as well as providing adequate facilities.

Peter Bolton asked whether bringing more staff on was a safety risk. He stated that he doesn't want to see it overly developed and that we shouldn't be using tax money to develop it. He doesn't support the expansion and opening up the riparian areas with trails.

Bob Larsen, Horne Lake Strata Lot 245, asked what the maximum number of people that permitted at the park would be.

Joan Michel stated the proposal is to have 125 single campsites and three group campsite areas. Previously there were lots of sites and it won't be much different than what was previously on site before.

Peter Bolton asked whether there was going to be power there or not.

Joan Michel stated there needs to be power to provide potable water and chlorination for it, as well as power to operate other infrastructure. Power is also necessary to be able to have staff there year round for security reasons.

Peter Bolton stated that he has been a regular park user since he was 16 years of age and when the generator starts up it's really noisy and distracting.

Joan Michel stated that the proposal is to move the infrastructure away from the lake and this may muffle some of the noise.

Marianne Kilti, Qualicum Beach, stated that as a strata lot owner they were required to install holding tanks by the end of last year but the park doesn't need to and DFO doesn't need to. Also, there is swimmers itch at the lake and she questioned whether the Recreation and Parks Department are prepared to work on the issue.

Joan Michel stated that we want to work with our neighbours on this issue.

Murray Hamilton stated this is a biological issue. There is a known cause but it is unknown why it cycles as it does.

Joan Michel stated there is no easy solution and in general we want to work with our neighbours around the lake. Regarding the holding tanks, there are 10 vault toilets there now and the existing septic system has to be removed. We met with the Vancouver Island Health Authority and they are okay with the proposed vault toilets.

Bob Sylvester stated he was amazed that the RDN hasn't done anything with the Swimmers Itch Study and noted that there is lots of information out there and wonders why nothing has been pursued.

The **Chair** stated we will take the information and act on it.

Peter Bolton asked that when there is the swimmers itch problem, would it be possible to reduce camping fees and then raise them when it's no longer a problem.

Joan Michel stated that it doesn't affect everyone.

Peter Bolton stated that with the strata there are fewer areas where one can swim and the swimmers itch can get really bad at the Park. He stated he would like to see the rates decreased during those times.

Will Lemmen noted that other places in the province have the same problem.

Mrs. Hamilton commented that they have been there 20 to 30 years and swim in the lake everyday with no problems.

Bob Sylvester asked since the proposal is to have higher usage of Home Lake Caves Road, is the RDN working with the Ministry of Transportation (MOT) to improve road maintenance.

Joan Michel stated that MOT will continue to do maintenance and noted that visitors to BC Parks are also big users of the road.

The **Chair** noted that MOT is working on the road and that it is not physically where it's supposed to be.

The **Chair** asked for any further comments or questions.

Being none, the **Chairperson** thanked those in attendance and announced that the public information meeting was closed.

The meeting concluded at 7:45 pm.

Brigid Reynolds
Recording Secretary



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| REGIONAL DISTRICT OF NANAIMO | | |
| APR - 1 2005 | | |
| CHAIR | | GMCMS |
| | | GMCS |
| CAO | | GMDS |
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| EAPCV | | |

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: April 1, 2005

FROM: Keeva Kehler
Planner

FILE: 3060 30 60449

SUBJECT: Development Permit Application No. 60449 - Reilly
Electoral Area 'G' - 1651 Admiral Tryon Boulevard

PURPOSE

To consider an application to vary the minimum setback from the sea for a lock-block retaining wall and to approve erosion protection works, specifically the addition of rip rap and native grasses in front of the retaining wall, within the Watercourse Protection Development Permit Area.

BACKGROUND

The subject property, legally described as Lot 22, District Lot 28, Nanoose District Plan 22290, is located at 1651 Admiral Tryon Boulevard adjacent to the Strait of Georgia within Electoral Area 'G' (*see Attachment '1' for location*). The property is zoned Residential 1 (RS1) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The minimum setback requirements for buildings and structures, including retaining walls measuring 1.0 metre in height or greater, is 8.0 metres horizontal distance from the natural boundary of the ocean.

Pursuant to the "French Creek Official Community Plan Bylaw No. 1115, 1998," the subject property is designated within a Watercourse Protection Development Permit Area (DPA) and alteration of the land within 15.0 metres of the natural boundary of the ocean requires approval from the Regional Board.

The applicants are requesting permission to remove the existing concrete lock-block retaining wall and replace it 3.0 metres upland from its present location. In addition, the applicants propose to install rip rap erosion protection works in front of the proposed wall to provide additional energy dissipation and to protect portions of the property that may be subject to marine erosion during storm events. To improve the aesthetic qualities of the erosion protection device, the applicants propose to install native salt-tolerant grasses between the rip rap to soften the look of the structure from the foreshore and ensure the works blend in with the natural foreshore.

The RDN Board adopted Policy B1.9 *Retaining Walls - Marine* at its October 26, 2004 Regular Board Meeting. Development Permit Application No. 60449 was originally considered by the Board at this October meeting but was deferred at the applicants' request. Subsequently, the applicants requested that the application be held in abeyance pending further consideration of the erosion protection alternatives. For this reason, no resolution has been made with respect to the application to date.

In staff's opinion, the current proposal meets the intent of the recently adopted retaining wall policy, which in part requires the submission of a geotechnical report with applications for retaining walls, to address the implications of the erosion protection works on adjacent properties.

ALTERNATIVES

1. To approve Development Permit Application No. 60449, subject to the Conditions of Approval outlined in Schedule No. 1 and subject to the comments received as a result of notification requirements pursuant to the *Local Government Act*.
2. To deny Development Permit Application No. 60449 as submitted.

LAND USE AND DEVELOPMENT IMPLICATIONS

The applicants purchased the property recently and a previous owner had constructed a flat-faced concrete lock-block retaining wall close to the natural boundary. However, due to natural beach processes resulting in erosion in this location, the present natural boundary coincides with the existing retaining wall. The dwelling unit was constructed in 1977 and there is no reference to a retaining wall in the building permit file. The survey submitted with the application indicates that the existing concrete wall is exactly 1.0 metre above natural grade. The applicants propose to remove this wall and construct a similar lock-block wall 3.0 metres upland from the existing wall. As the proposed lock-block wall will retain more than a cubic metre of earth and measures 1.0 metre above the elevation of the surrounding natural grade, it requires a variance to the minimum setback requirements to the sea pursuant to RDN Bylaw No. 500, 1987.

As part of the development permit application, the applicant provided the following:

1. A report prepared by a professional engineer confirming the need to install the erosion protection works and assessing potential impacts on the adjacent properties, which currently do not have retaining walls.
2. A copy of approval in principle from the Ministry of Transportation to access the foreshore from the adjacent public right-of-way to undertake works, subject to written confirmation from the RDN that there is no objection to the proposal.
3. A legal survey confirming the location of the existing retaining wall (located at the present natural boundary) and the height above natural grade (1.0 metre).

In addition to the Development Permit, the applicant will also need to apply for a Building Permit for the proposed new wall and the RDN Building Inspection Department will require that the rip rap works are engineered.

As part of the original application, the applicants submitted a geotechnical report prepared by Davey Consulting and Engineering Ltd., date stamped September 21, 2004. This report states that the property is typically exposed to northeast winds that can damage sea walls that are not properly constructed. The subject property requires additional remedial works to provide full stabilization of the foreshore in this area. The engineer's report states that invasive stabilization works are required at the northeast section of the property, which is adjacent to a public road right-of-way (beach access). In order to mitigate potential negative effects on the adjacent beach access, rip rap will be installed in front of the proposed lock-block wall at a 45 degree angle so that wave energy will be dissipated to minimize erosion effects on the public right-of-way. The report contains details for the construction and installation of the lock-block wall and rip rap.

Following the October 26, 2004 Board resolution agreeing to defer the application, the applicants have had time to consider their proposal and desire to make the property as natural as possible. As a result, they have revised their plan and now wish to use smaller less obtrusive rip rap to improve the aesthetic quality of the lock-block wall. In fact, the lock-block wall will not be visible from the foreshore. In addition, as mentioned above, the applicants propose to move the lock-block wall back on the property, approximately 3.0 metres from the present location of the wall, which will reduce potential impediments to the public foreshore access.

Bob Davey Consulting and Engineering Ltd. have provided an amended report dated March 19, 2005, outlining the proposed revised works. This report addresses the geotechnical aspects of the revised erosion protection works. The applicants' engineer explains that a lock-block wall, in addition to the riprap, is required to provide adequate flood protection against a 100 year marine storm event. The applicants will be required to follow the engineer's recommendations as part of the Development Permit approval, including the placement of the rip rap to mitigate potential erosional impacts on the adjacent park land property.

The original geotechnical report recommends removing the applicants' beach access from the eastern side of the property and using the northwest portion of the property as a private beach access. According to the applicants' engineer, access should be constructed of rock, preferably native basalt or other dense and abrasion resistant rock that can be used to make a series of steps to the foreshore. The engineer's report states that there is evidence to suggest accretion is presently occurring in the northwest corner of the property.

In the engineer's opinion, the present seawall is not contributing to erosion of the adjacent westerly lot; however, during extreme tidal variations, erosion on this property may occur as a result of the present landscaped material installed on the subject property. Severe storm events may cause erosion if marine waters reach higher than normally would be expected. It is the engineer's opinion that the revised lock-block and landscaped rip rap design outlined in the engineer's report will satisfy the objective of all parties by producing a safe energy deflection device, which will be more aesthetically pleasing than the original design.

Item No. 6 of the retaining wall policy states that the installation of erosion protection works other than rip rap (such as lock-block walls) is not generally supported unless it is deemed necessary by a professional engineer. However, in this case, the applicants' engineer has clarified that the lock-block wall is needed to provide erosion protection for the dwelling unit because the proposed design of the erosion protection device includes smaller less obtrusive rip rap, which is less effective in deflecting wave action than large rip rap. It is staff's opinion that the applicants' desire to blend the device with the natural environment, including native plantings and smaller rip rap, justifies the proposed design as submitted.

ENVIRONMENTAL IMPLICATIONS

Marine shorelines are sensitive and biologically distinctive environments for fish and other marine wildlife. The beach in this area consists of sand and gravel, which is often unstable and subject to erosional forces of the ocean. Common Law grants property owners riparian rights, which allow them to protect their property from loss due to marine erosion. Engineered retaining walls have proven to be an effective erosion protection device.

Removing the existing concrete lock-block retaining wall has the potential to cause further environmental disturbance to the foreshore, unless mitigative measures are taken during the removal and subsequent rebuilding of the new wall. Despite the existence of common law rights, which allow property owners to protect their property from erosion by constructing a retaining wall at their property boundaries, the applicants in this case feel that minimizing environmental impacts is their priority. Hence, they have decided to move the lock-block wall upland and install rip rap above the present natural boundary only. The applicants believe that the revised design will enhance the marine environment in this location. In addition, they propose to replant the area between the dwelling unit and the natural boundary with native salt-tolerant vegetation to reduce the potential for soil erosion. It is staff's opinion that the renovated design will not result in negative impacts on the marine environment if the Terms of the Permit are followed.

Fisheries and Oceans Canada have Best Management Practices (BMPs) that must be followed for the installation of any works on the foreshore. In addition to the BMPs there are 'fisheries windows' during which alteration of the foreshore will have less impact on marine species than at other times, such as during spawning season. The applicants will be required to meet the BMPs and construct the works at the appropriate time so as to mitigate any potential environmental impacts.

PUBLIC CONSULTATION IMPLICATIONS

As the proposed retaining wall requires a variance to the minimum setback requirements from the natural boundary of the ocean, notification requirements pursuant to the *Local Government Act* must be met prior to the Regional Board's consideration of the application. The applicants have discussed their proposal with the adjacent neighbour and indicated to planning staff that the current property owner does not wish to install an erosion protection device at this time. Should the adjacent property owners have any additional concerns with the proposal, they will be afforded the opportunity to provide comments to the Board prior to a decision being made.

OTHER LAND USE CONSIDERATIONS

As the applicants propose to access their property through the adjacent road right-of-way, which is currently managed under permit by the RDN Recreation and Parks Department, the Ministry of Transportation will require written confirmation that there is no objection from the RDN to the applicants using the area for access. There is a driveway access for vehicular traffic on the right-of-way and some plantings have been done to beautify this site. As using the right-of-way for machinery access may cause some disturbance of the area, it is recommended that the applicants be required to flag the area within the right-of-way that is proposed to be used for access to the foreshore. The applicants should be required to notify planning staff at least five (5) working days prior to commencing the works so that a site inspection may be conducted prior to the works in order to ensure that the site is suitably reclaimed once the works have been completed. It is also recommended that the applicants be required to consult with RDN Recreation and Parks staff in reclaiming the disturbed area. In order to ensure compliance with these requirements, it is recommended that the applicants be required to submit a \$5,000.00 security to the RDN, which will be returned upon satisfactory completion of the works. Should these recommendations be approved by the Board, staff believe that there should be no negative impacts on the public access to the foreshore.

During the site inspection, staff discovered a number of unrelated land use issues that the applicant has agreed to remedy as part of the proposed development of the property. There is a shed structure located at the front of the property that encroaches into the adjacent road right-of-way over which the RDN holds

a licence for a public access. This access is highly valued and well used in the community as an important beach access. The foundation of the building encroaches approximately 1.2 metres into the public property. The encroaching portion of the building is approximately 2.5 metres in length. Staff considers this to be a substantial encroachment into a public beach access and have obtained a commitment from the property owner to remove the structure as part of the proposed development.

In addition, there is a covered deck addition, which did not receive a building permit that encroaches into the side lot line setback area. Due to the location of a road right-of-way adjacent to this property line, the minimum setback requirement for structures exceeding 1.0 metre in height is 5.0 metres. Staff has obtained a commitment from the property owners that they will bring this structure into compliance with the "RDN Land Use and Subdivision Bylaw No. 500, 1987." In order to do this, the roof portion of the structure must be removed.

VOTING

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

SUMMARY/CONCLUSIONS

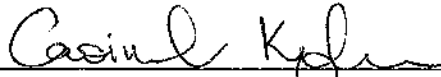
This is a revised Development Permit application to remove an existing concrete lock-block retaining wall and replace it farther upland from the natural boundary, within the required setback to the sea, and to request permission to install rip rap erosion protection works for a waterfront property located at 1651 Admiral Tryon Boulevard in French Creek. The applicants have submitted a geotechnical report and a survey to support their application and will be required to adhere to Federal Fisheries Best Management Practices during the installation of the rip rap. In addition, the applicants plan to replant the area between the dwelling unit and the natural boundary with native salt-tolerant plants to provide additional protection against erosion. The application is consistent with the RDN's policy on Marine Retaining Walls (Policy B1.9). In addition, the applicants propose to use the adjacent public right-of-way to access the rear of their property in order to conduct the works.

Staff discovered two unrelated land use issues on the property, which the applicants have agreed to remedy to bring the property into compliance with Provincial and RDN regulations. There is an illegal encroachment onto the adjacent public land located within a Ministry of Transportation road right-of-way that must be removed during the proposed development of the site. There is also a covered deck addition that encroaches into the minimum required setback for the side lot line, which is 5.0 metres in this case, which must be modified in order to comply with the RDN's regulations. Should the applicants not begin the process to bring the infractions into compliance within thirty (30) days of the issuance of the permit, staff will refer the file to the RDN's Bylaw Enforcement Officer to proceed with these issues.

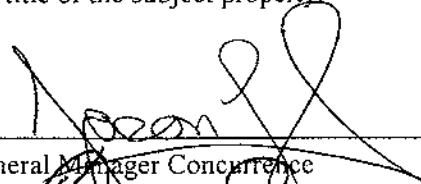
RECOMMENDATIONS

1. That Development Permit Application No. 60449 to allow the installation of a new retaining wall at 1651 Admiral Tryon Boulevard within the Watercourse Protection Development Permit Area, and to vary the minimum setback from the sea from 8.0 metres to 3.0 metres, be approved, in accordance with the Terms outlined in Schedule No. 1 of the corresponding staff report and subject to the comments received as a result of public notification pursuant to the *Local Government Act*, and that Development Permit Application No.60449 be issued upon completion of the following items:

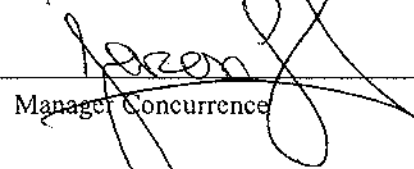
- a) The applicants must provide, in the form of a letter of credit or cash, or certified cheque a security in the amount of CDN \$5,000.00, for required landscaping, both on the subject property and within the public road right-of-way.
- b) The applicants must register the geotechnical reports prepared by Davey Consulting and Engineering Limited, dated September 21, 2004 and subsequent addenda, including the save harmless clause, as a section 219 covenant on the title of the subject property.



Report Writer



acting General Manager Concurrence



Manager Concurrence



- CAO Concurrence

COMMENTS:

devsvs/reports/2005/dp ap brd 3060 30 60449 Reilly

Schedule No. 1
Terms of Development Permit No. 60449 (page 1 of 2)
For Lot 22, District Lot 28, Nanoose District, Plan 22290

Undertakings as agreed by the Applicant

1. Applicant to remove existing accessory building and deck cover located on the east property line. Accessory building may be relocated outside setback areas and development permit area.

Development of the Site

2. If applicable, applicants must obtain a building permit for the proposed concrete retaining wall from the RDN Building Department.
3. Except where varied by this permit, all development on the site shall be in accordance with the RDN Land Use and Subdivision Bylaw No. 500, 1987 and with Schedules No. 2, 3 and 4 attached to and forming part of this Permit.
4. Section 3.3.9 of Land Use and Subdivision Bylaw No. 500, 1987 is varied from 8.0 metres to 3.0 metres, for the retaining wall as shown on Schedules No. 2, 3 and 4 attached to and forming part of this permit.
5. Applicant to replant the area between the foreshore and the existing dwelling unit with native, salt-tolerant species only.

Access to the Foreshore through the public right-of-way

6. At least five days prior to commencing the works, the applicants shall flag the area within the public right-of-way proposed to be used for access and contact planning staff to arrange for a site inspection.
7. Within 30 days of completing the erosion protection works, the applicants shall rehabilitate the disturbed area within the right-of-way by replanting native vegetation, where applicable, and restoring the area to its previous condition. Planning staff will conduct a follow up site visit to ensure compliance with this item.
8. The applicants shall consult with the RDN Recreation and Parks Department to ensure that the disturbed area is reclaimed in a satisfactory manner.

Environmental Protection

9. Foreshore construction may only take place during the period of June 1 and December 1 of any calendar year.
10. Excavated beach materials shall be kept to a minimum and shall be evenly distributed on the beach and not stockpiled.
11. No soils or fine silt shall be introduced into the marine environment.
12. Construction is not to include the use of native beach materials (boulders, cobble, gravel, and drift logs).

Schedule No. 1

**Terms of Development Permit No. 60449 (page 2 of 2)
For Lot 22, District Lot 28, Nanoose District, Plan 22290**

Geotechnical Issues/ Rip Rap Retaining Wall

13. Recommendations detailed in the Geotechnical Report prepared by Davey Consulting and Engineering dated September 21, 2004 and subsequent addenda shall be incorporated into the proposed development.
14. The installation of the rip rap wall shall be undertaken under the supervision of a professional engineer with experience in shoreline processes and the installation of shoreline retaining devices.
15. Rock used for the rip-rap wall should be angular blast rock, clean and free of fines. The rock should be of a size that will not move and require maintenance.
16. The 'toe' of the rip rap seawall shall not extend below the present natural boundary.
17. The rip rap shall be less than 1.0 metre in height as measured above natural grade.
18. Planting of native salt tolerant vegetation (e.g. beach grass) shall be interspersed in rip rap wall.
19. The rock wall should have a mechanism to drain soils from the upland through the rock without allowing for the loss of upland soils to the freshwater or marine environment. A filter fabric barrier to restrain upland soils is required.

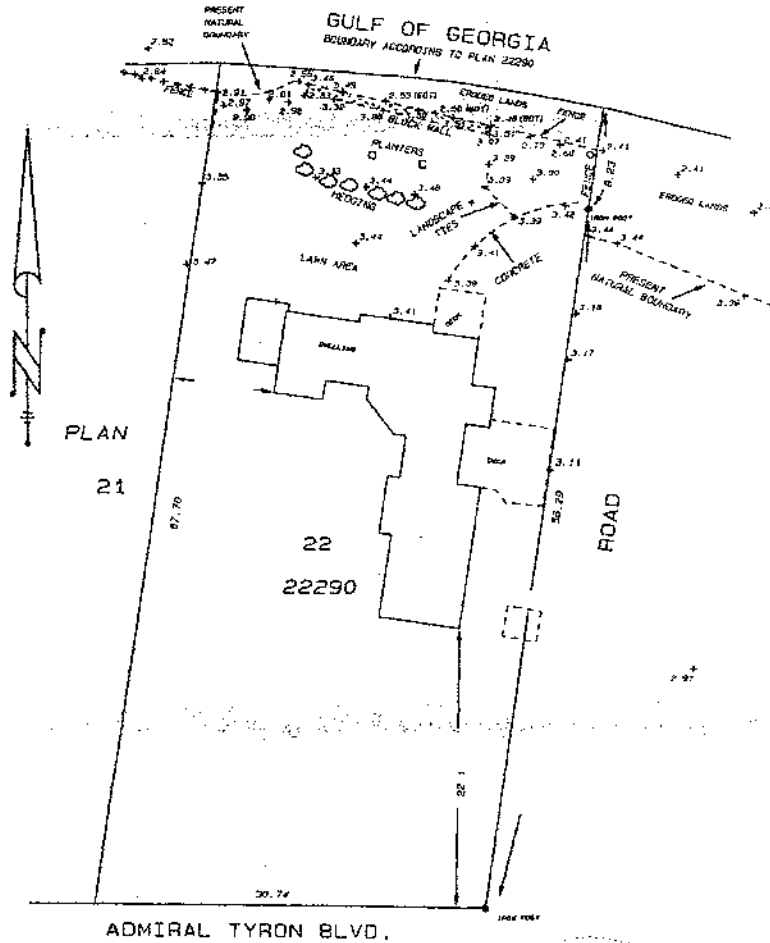
Machinery

20. The machine must be in good working order and no fuels, lubricants or construction wastes are permitted to enter the marine environment. No refueling of machinery is to be conducted within 100 m of the marine environment.
21. A spill kit shall be on-site to prevent the introduction of any fuels in the event of a spill. If a spill occurs, the Provincial Emergency Program must be contacted.
22. Heavy equipment machinery on the beach shall be limited to a maximum duration of two days.

Schedule No. 2
Site Survey
(as submitted by applicant, reduced for convenience)
Development Permit No. 60449

PLAN OF SURVEY OF LOT 22, DISTRICT LOT 28,
NANOOSE DISTRICT, PLAN 22290
PID 000-458-104

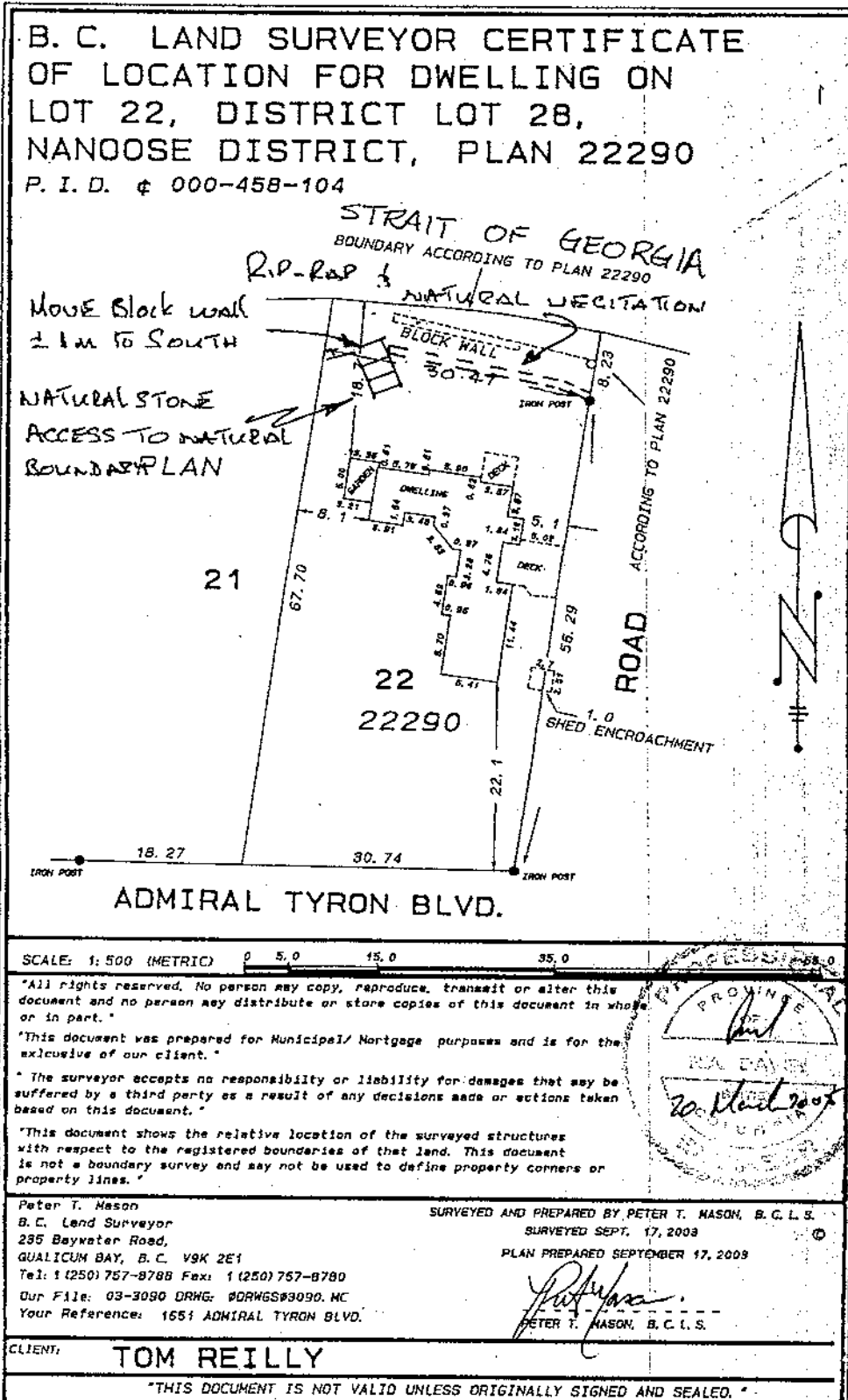
SCALE: 1:500
ALL DISTANCES ARE IN METRES.



PETER T. NASON
BRITISH COLUMBIA LAND SURVEYOR
239 BAYWATER ROAD
DIALLOUM BAY, B.C.
V5K 2E1
TEL: (250) 757-8766
FAX: (250) 757-8790
FILE: 03-3090 DRAG: \dewps\2000\700

SURVEYED AND PREPARED BY PETER T. NASON, B.C.L.S.
SURVEYED SEPTEMBER 2004
PLAN PREPARED SEPTEMBER 2004
Peter T. Nason
PETER T. NASON, B.C.L.S.

Schedule No. 3
Geotechnical Site Plan – location of proposed works (revised)
(As submitted by applicant, reduced for convenience)
Development Permit No. 60449



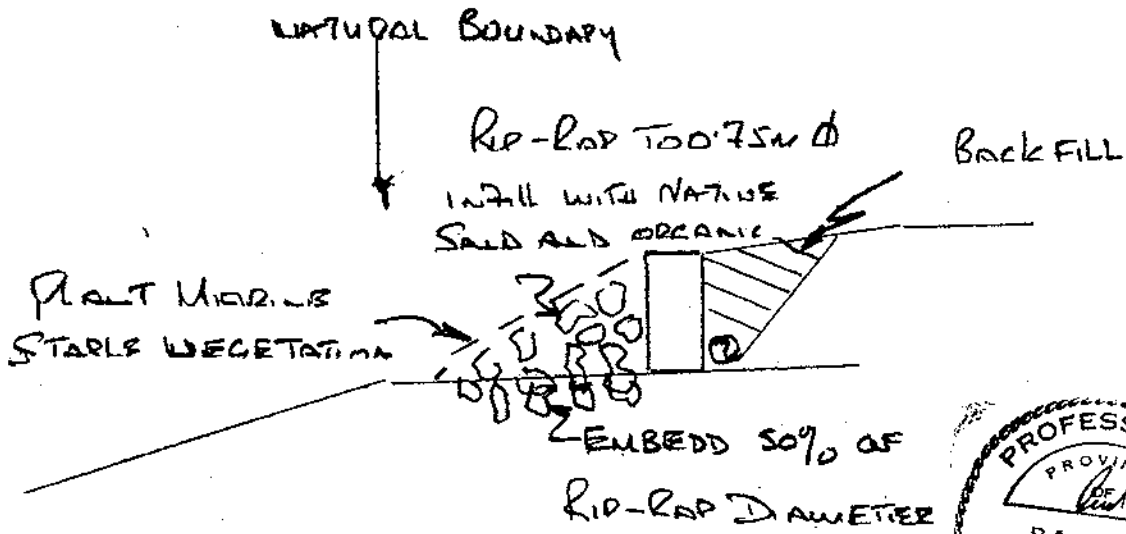
Schedule No. 4
Details of proposed retaining wall and rip rap (revised)
(As submitted by applicant, reduced for convenience)
Development Permit No. 60449

DAVEY CONSULTING AND ENGINEERING



Division of Davey Holdings Ltd
[Associate company: Advanced Environmental Inc.]
2881 Virago Place
Ladysmith
British Columbia V9G 1C8

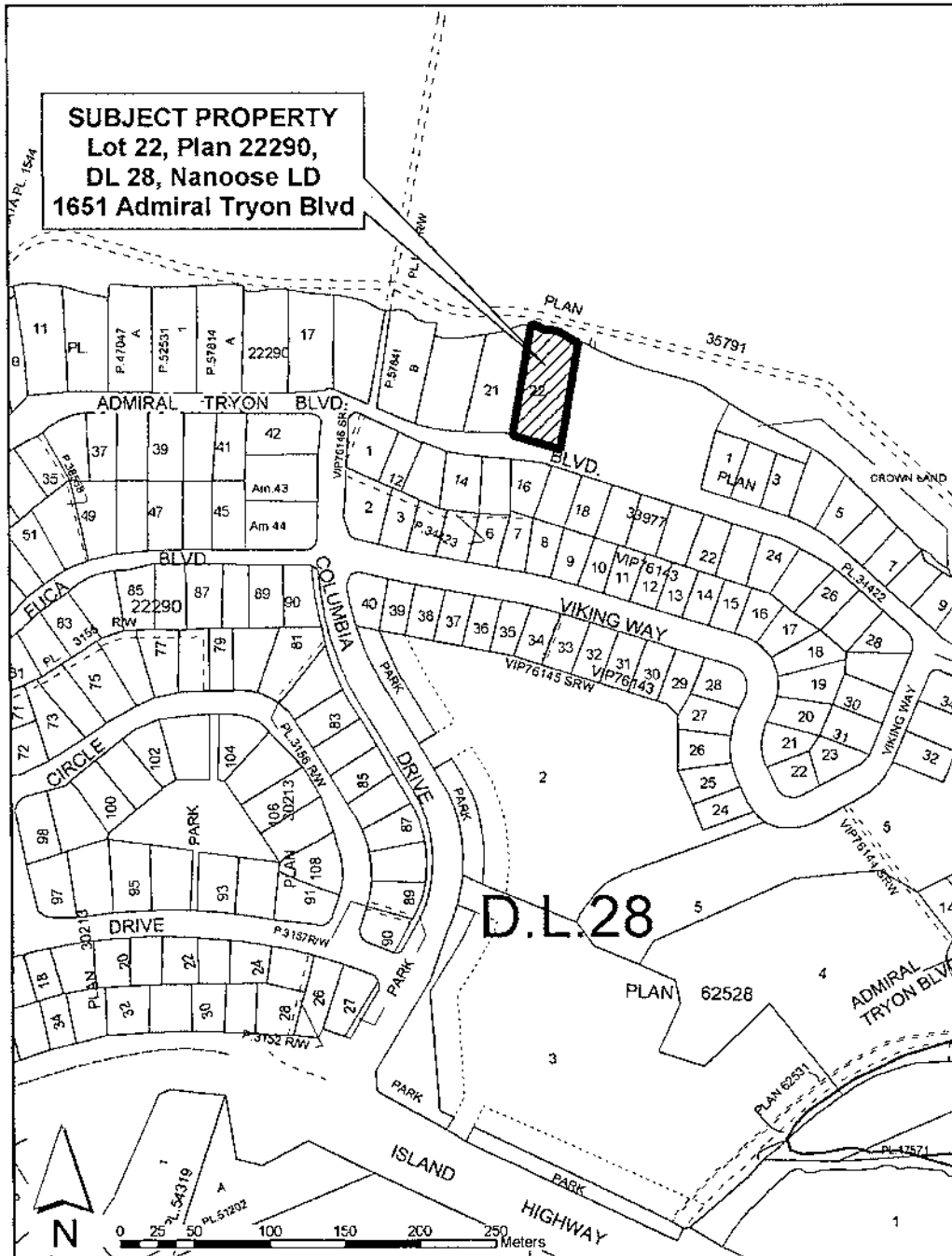
Phones 250-722-3906 & 1-800-838-9887
Fax 250-722-3950
e-mail daveyconsult@telus.net
WEBSITE www.daveyconsulting.com



GENERALISED CROSS-SECTION SEAWALL PROTECTION

LOT 22 DL 28 Plan 22290
NAWASSE LAND DISTRICT
1651 ADDISONAL TYSON BLVD
FORNE CREEK

Attachment No. 1
Subject Property
Development Permit No. 60449



BCGS Map Sheet No 92F.039.3.1



| | |
|------------------------------|-------|
| REGIONAL DISTRICT OF NANAIMO | |
| APR - 1 2005 | |
| CHAIR | GMCRS |
| | GMCRS |
| CAO | GMDS |
| | GMES |
| EAPC ✓ | |
| DATE: April 1, 2005 | |

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

FROM: Keeva Kehler
Planner

SUBJECT: Development Permit Application No. 60510 - Weighill
Electoral Area 'A' – 1501 Gordon Road

FILE: 3060 30 60510

PURPOSE

To consider an application for a development permit to approve land alteration works within the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area pursuant to the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001."

BACKGROUND

The subject property, legally described as Lot 1, Section 17, Range 8, Cranberry District, Plan 31020, is located at 1501 Gordon Road in Electoral Area 'A' (see Attachment No. 1).

The subject property is zoned Rural 4 (RU4) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." There are no variances to the bylaw requested as part of this application and no construction of buildings or structures are proposed at this time.

The purpose of the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area (DPA) is to protect the natural environment and to protect development from hazardous conditions, which in this case includes the potential for flooding as a result of proximity to the Nanaimo River.

The property is approximately 2.8 ha and is located adjacent to the Indian Reserve on Gordon Road. The Nanaimo River floodplain covers a large portion of the property. There is a watercourse flowing through the property along the southern boundary entering the Reserve lands to the north of the subject property. The watercourse is a constructed drainage system that draws water from adjacent lands. The watercourse itself is not designated within a watercourse protection DPA. Fill has been introduced to this portion of the property to create a French drain to allow for easy flow of water across the property and assist with drainage.

The property is located within the Building Inspection Area and the "Regional District of Nanaimo Floodplain Management Bylaw No. 843, 1991" applies to any development.

A geotechnical report has been prepared by Bob Davey of Davey Consulting and Engineering Ltd., which assesses whether the property is geotechnically safe and suitable for the intended use and outlines recommendations for the development of the French drain.

ALTERNATIVES

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

LAND USE AND DEVELOPMENT IMPLICATIONS

The fill was introduced onto the property to level off portions of the lot and allow for the construction of a French drain to channel the drainage waters from adjacent lands. In addition, the applicants want to replant trees in the area, which is currently too wet to support vegetation. The applicants have a dwelling unit on the north portion of the property that was constructed prior to the inception of the DPA and, according to the applicants, is located outside the floodplain.

The floodplain encompasses approximately 4/5th of the subject property. This DPA recognizes that the area is designated as a 'high risk' floodplain area by the Province of BC. The DPA is intended to protect private property from flooding and potential loss of land due to erosion and instability. The applicants' proposal to enhance drainage on the property, thereby reducing flooding risk, is consistent with the guidelines in the DPA.

In support of the proposal, the applicants submitted a geotechnical report recommending the construction of a French drain that measures 6.0 metres in diameter and approximately 233 metres in length, as shown on the attached site plan submitted by the applicants (*see Schedule No. 2*). The engineer's report states that no area will be unduly influenced by the installation of the proposed drainage works and the flows capable of being handled through the designed structure and discharge are adequate for the 200 year flows, without substantial environmental impact.

Therefore, as the geotechnical report concludes that the site is considered suitable for the intended use providing the recommendations outlined in the report are followed, staff recommends approval of the development permit application.

VOTING

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

SUMMARY/CONCLUSIONS

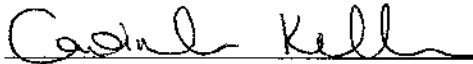
This is an application to approve land alteration works within the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area pursuant to the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001." The applicants have placed approximately 12,000 cubic metres of fill on the property without a development permit in order to facilitate construction of a French drain and to level off low-lying portions of the property.

The property owners have stated that the drainage works are required as a result of RDN approved works that have been occurring on the adjacent property (DP60437 approved the placement of fill on the lot to the south). The applicants have submitted a report prepared by a geotechnical engineer that supports the need for the works and provides recommendations on the design and structure of the proposed French

drain. In addition to the fill that has been placed on the property, the applicants will need to bring in an additional 12,000 cubic metres of fill for a total of 24,000 cubic metres to complete the project.

RECOMMENDATION

That Development Permit Application No. 60510 submitted by Richard and Michele Weighill to approve land alteration works within the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area, consisting of the introduction of large amounts of fill (approximately 24,000 m³ in total) to allow for the construction of a French drain on the property legally described as the Lot 1, Section 17, Range 8, Cranberry District, Plan 31020 be approved subject to the terms outlined in Schedule No. 1.

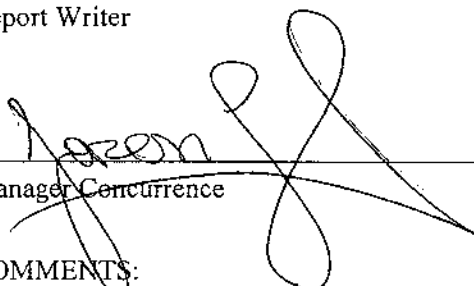


Report Writer

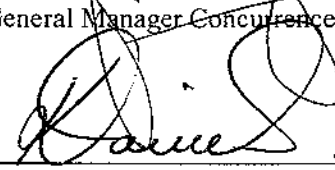
Acting



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2004/dp mar3060 30 60510 weighill

Schedule No. 1
Terms of Development Permit No. 60510
Lot 1, Section 17, Range 8, Cranberry District, Plan 31020

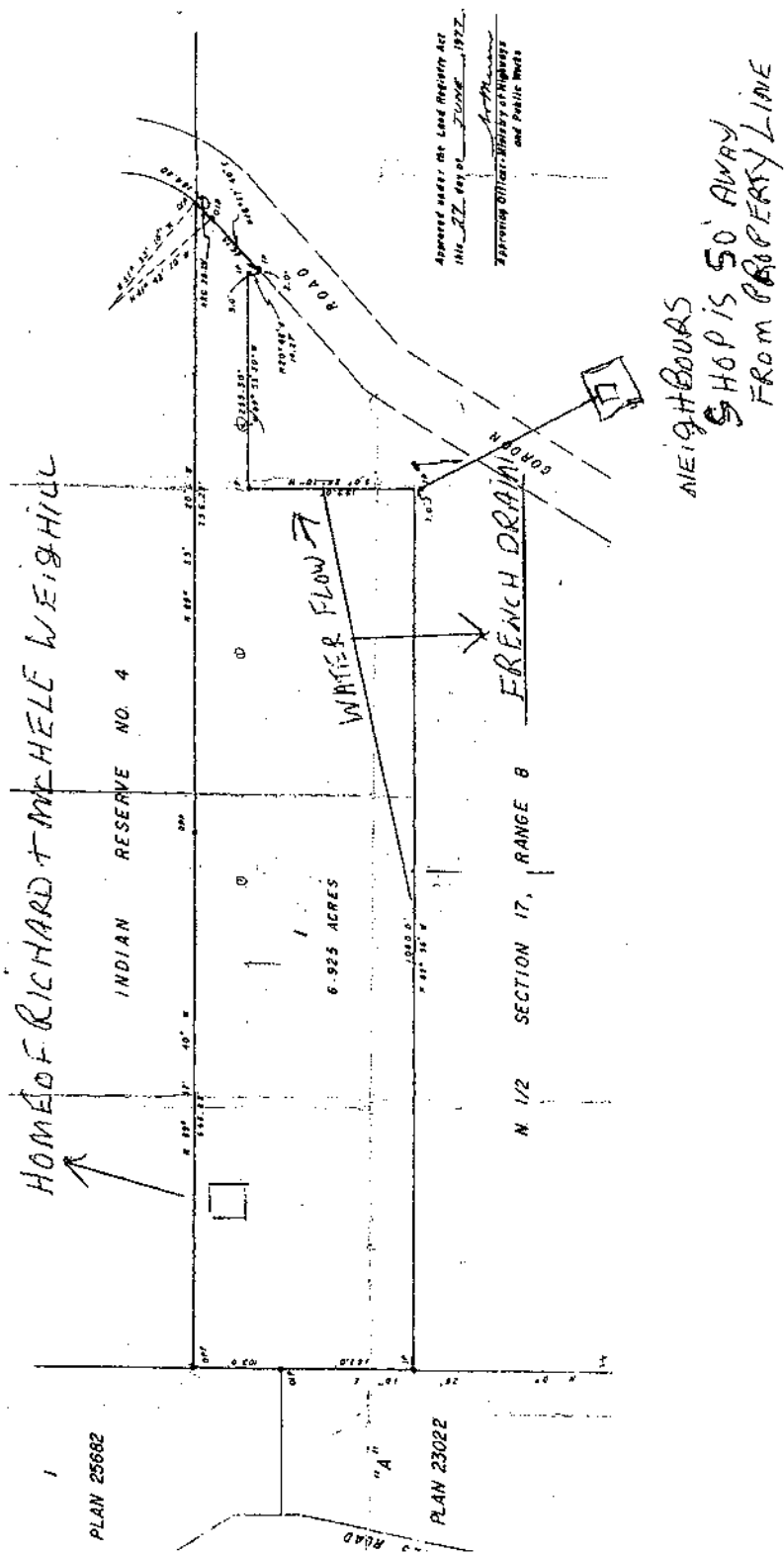
Development of Site

1. All 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", the "Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001", and the "Regional District of Nanaimo Floodplain Management Bylaw No. 843, 1991." In addition, all development shall be undertaken in accordance with Schedules No. 2 and 3.
2. The applicants shall not place more than 24,000 cubic metres of fill on the subject property. The fill shall be clean and not consist of any contaminated materials, such as unprocessed land clearing debris or construction waste.
3. All works must be undertaken consistent with the Geotechnical Report prepared by Davey Consulting and Engineering Ltd, date stamped January 28, 2005 and amended February 11, 2005.

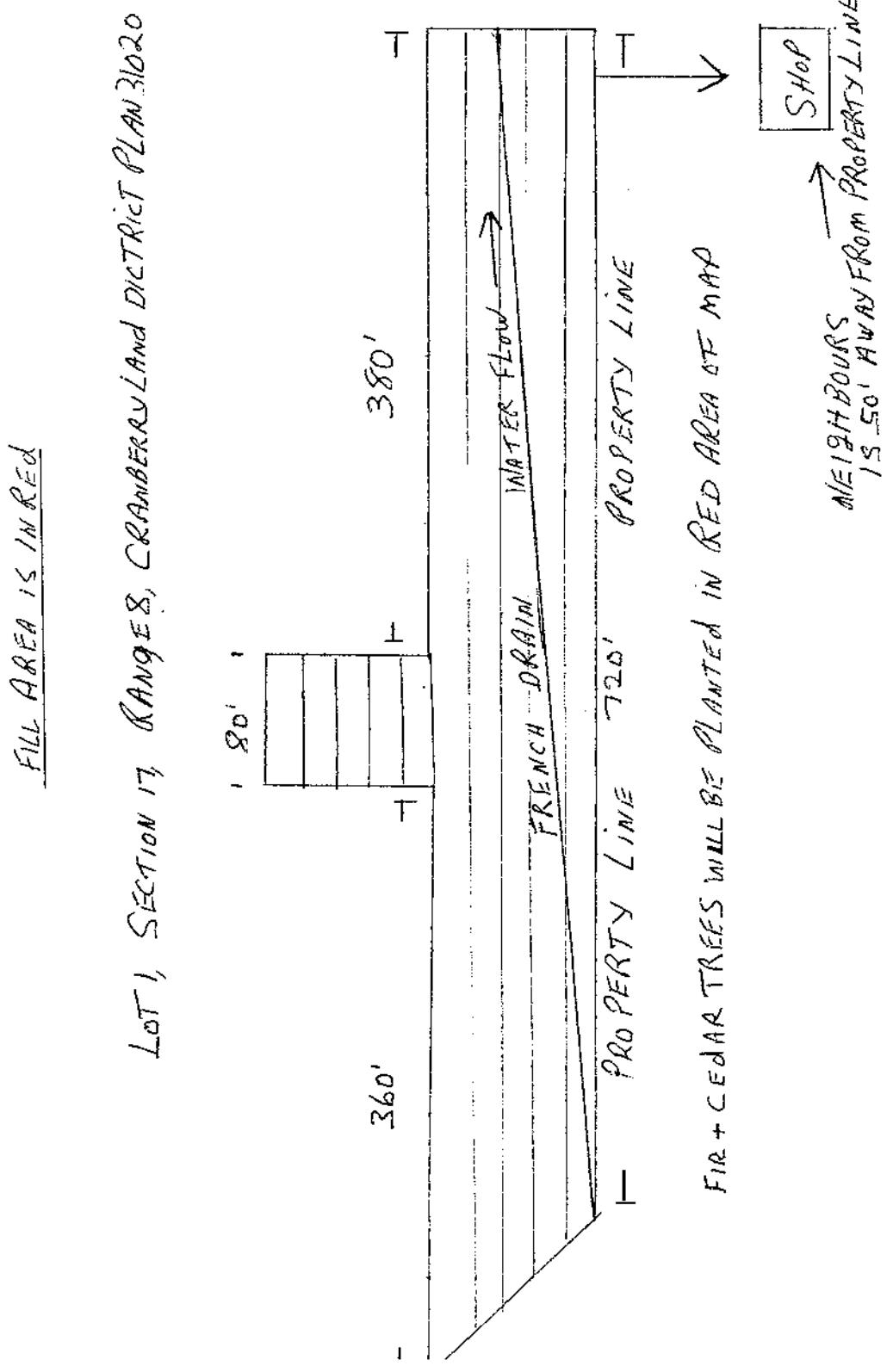
Vegetation/ Replanting

4. The applicants are permitted to replant the area within the DPA and are encouraged to choose native vegetation.

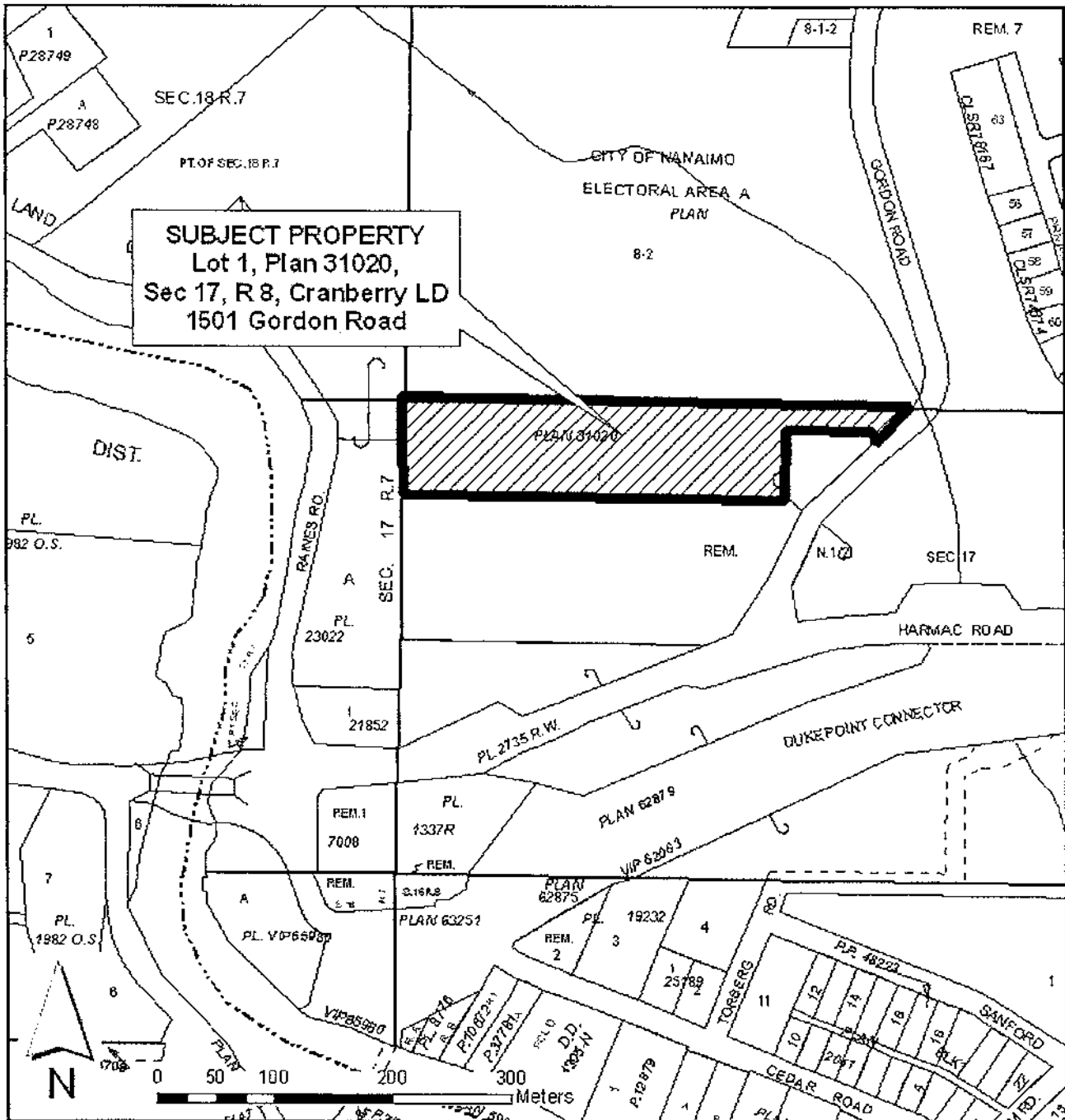
Schedule No. 2
Site Plan (submitted by applicant)
Development Permit No. 60510



Schedule No. 3
Details of French drain (submitted by applicant)
Development Permit No. 60510



**Attachment No. 1
Subject Property
Development Permit 60510**



BOGS Map Sheet No. 92G.011 2.1



| | |
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| REGIONAL DISTRICT OF NANAIMO | |
| APR - 5 2005 | |
| CHAIR | GMCMS |
| | GMCrS |
| CAO | GMDS |
| | GMES |
| EAPC | |

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

DATE: April 5, 2005

FROM: Blaine Russell
Planner

FILE: 3090 30 90505

SUBJECT: Development Variance Permit Application No. 90505 — Shannon/McLeod-Shannon Electoral Area 'E' – 1827 Ballenas Rd West - RDN Reference Map No. 92F.039.2.2

PURPOSE

To consider an application for a Development Variance Permit to legalize the siting of an existing accessory building.

BACKGROUND

The subject property is legally described as Lot 29, District Lot 68, Nanoose District, Plan 30341 and is located at 1827 Ballenas Road West in the Madrona area of Electoral Area 'E' (see Attachment No. 1). The subject property is bordered to the north by residential property, to the south is Ballenas Road West and residential property, to the west is a large parcel owned by the RDN, and to the East is Yeo Street and residential property.

The subject property is relatively flat with a perimeter that is heavily treed. With the exception of the driveway entrance, where a portion of the dwelling unit is visible, structures on the property are generally screened from view from the two roads. The accessory building is clearly visible only from the lot to the north.

The property is subject to Land Use Contract 80 (LUC-80) pursuant to "Land Use Contract Authorization By-law No. 181, 1975." The land use contract refers to subsequent zoning of the property, which is Residential 1 (RS1) subdivision district 'N' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The property is on community water, in this case Madrona Point Water, and is on an individual septic disposal permit.

The applicant is requesting a relaxation to the minimum interior side lot line setback from 2.0 metres to 1.2 metres pursuant to Section 3.4.61 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" to legalize the siting of an existing accessory building that was constructed without the required building permit (See Schedule 2 for location of the accessory building).

The accessory building was constructed in phases with the original structure being built in 1981/82 by the original property owner. The original building consisted of a post and beam roof with approximately one-third of the building being enclosed. In 1999, shortly after the current property owners acquired the lot, the concrete pad was expanded under the complete roof, excluding an overhang of approximately

0.54 metres. In 2000 the whole building was enclosed and then in 2003 changes were made to the location of doors and windows. The accessory building, originally used for personal storage, workshop and firewood storage, is now being proposed to be used as a study / library and for the storage of yard tools.

As the property is located within a building inspection service area the applicant will require a building permit to legalize the structure and undertake the proposed works.

ALTERNATIVES

1. To approve Development Variance Permit No. 90505 according to the terms outlined in Schedule No. 1.
2. To deny the requested permit.

DEVELOPMENT IMPLICATIONS

Modifying the accessory building to comply with setback requirements by way of removing the overhang would likely require substantial structural modification, due to the post and beam nature of the original structure, and would involve more than simply just cutting off the excess. In addition, the applicant is of the opinion that from an aesthetic standpoint modification to the roof of the accessory building would create an unbalanced and less appealing structure.

The subject property and surrounding area is relatively flat. There are no prominent views and many of the properties in the area, including the subject property, are heavily vegetated. The accessory building is screened from view, except along the north property line. This is the area onto which the building encroaches. The dwelling unit on the property to the north appears to be more than 12.0 metres from the accessory building on the subject property.

The RDN property to the west contains a water storage tank that is more than 30 metres away from the subject property. In discussion with Utilities Department, there is no foreseeable impact on the RDN property or water storage tank should this variance request be granted.

With the vegetative screening on the subject property staff is of the opinion that there is no potential impact to adjacent property owners, with the exception of the property to the north where the accessory building is visible. However, the impact to the property owner to the north should be minimal as the accessory building is sited more than 12.0 metres from the dwelling unit and, in addition, has existed in one form or another without incident for more than 23 years.

PUBLIC CONSULTATION IMPLICATIONS

As part of the required public notification process pursuant to the *Local Government Act*, adjacent and nearby property owners located within a 50 metre radius will receive a direct 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

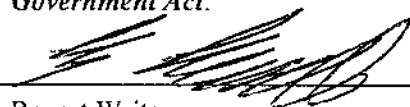
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

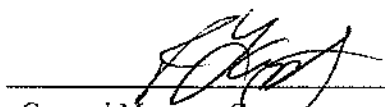
This is an application for a Development Variance Permit to relax the interior side lot line setback requirements from 2.0 metres to 1.2 metres in order to legalize the siting of an accessory building that has existed for many years at 1827 Ballenas Rd West in Electoral Area 'E'. The proposed setback relaxation is not expected to negatively impact neighbouring property owners. Therefore, staff recommends approval of the request subject to the conditions outlined in Schedule No. 1 and subject to the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

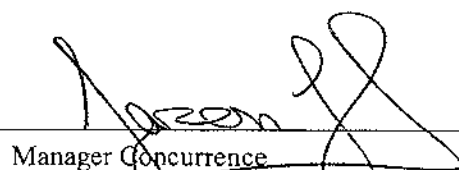
That Development Variance Permit Application No. 90505, submitted by Patrick Shannon and Rosie McLeod-Shannon for 1827 Ballenas Rd West, to vary Section 3.4.61 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" by relaxing the interior side lot line setback requirement from 2.0 metres to 1.2 metres to legalize an existing accessory building according to the terms of Schedule 1, be approved subject to the notification requirements pursuant to the *Local Government Act*.



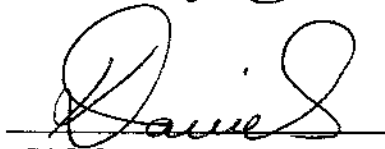
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

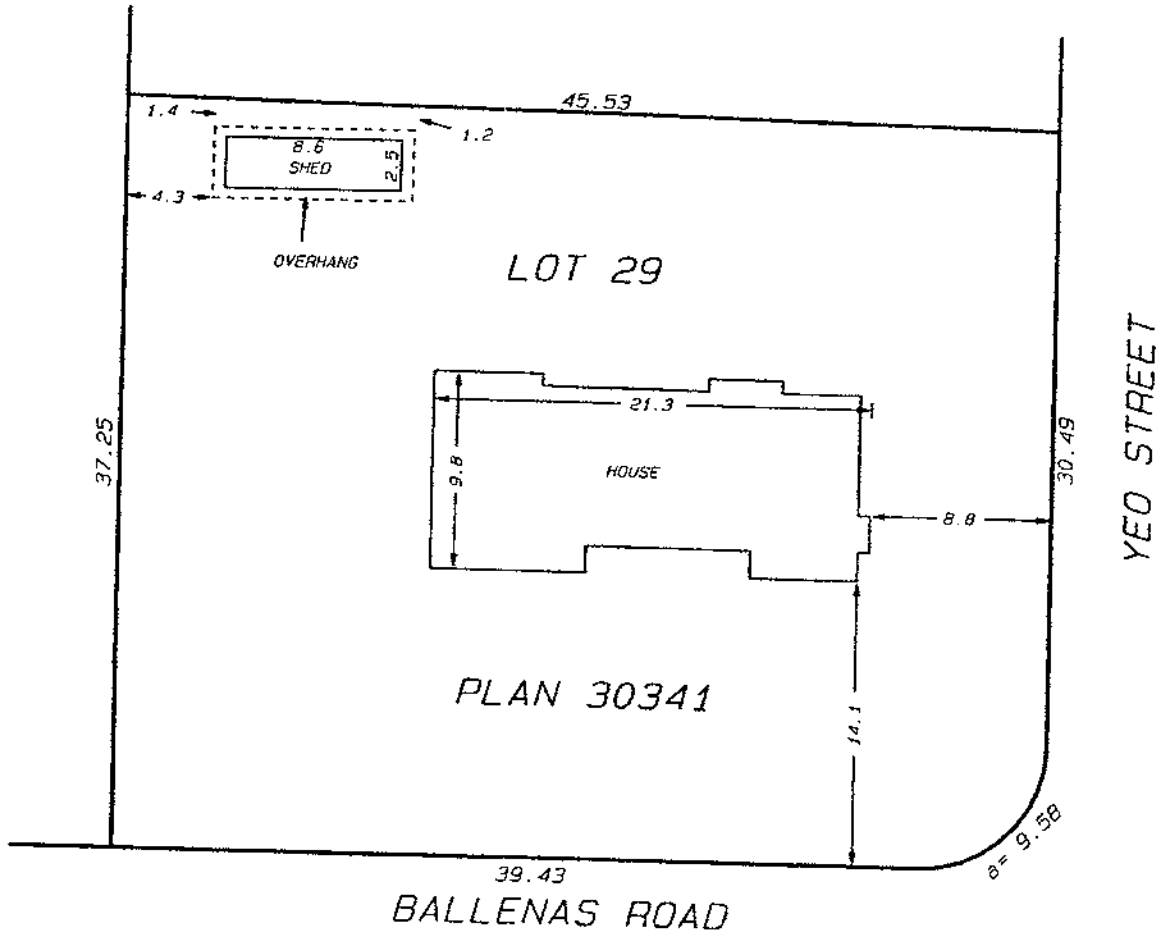
COMMENTS:
devsrv/reports/dvp ap 3090 30 90505 Shannon

Schedule No. 1
Terms of Development Variance Permit No. 90505
For Lot 29, District Lot 68, Nanoose District, Plan 30341

1. **Section 3.4.61 (Minimum Setback Requirements – Interior Side Lot Line)** of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied from 2.0 metres to 1.2 metres.
2. This variance applies only to the accessory building located and designed in substantial compliance with Schedules No. 2 and 3.
3. The siting of the accessory building shall be in compliance with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" except where varied by this permit.

Schedule No. 2
Site Plan
Development Variance Permit No. 90505

(As Submitted by Applicant / Modified to Fit This Page)

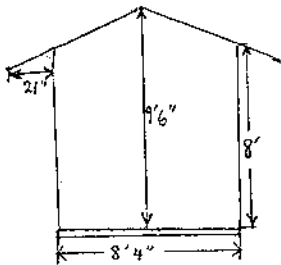


Schedule No. 3 (part 1 of 2)
Profile Plan
Development Variance Permit No. 90505

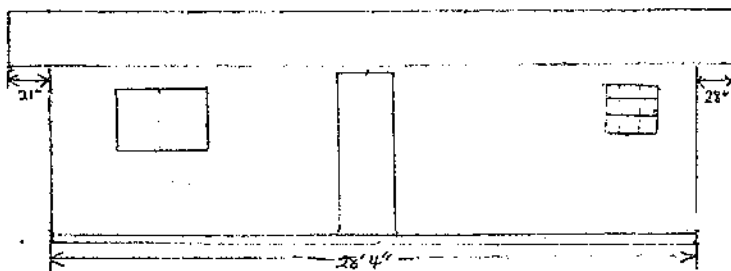
(As Submitted by Applicant / Modified to Fit This Page)

LEVATIONS

LEFT ELEVATION

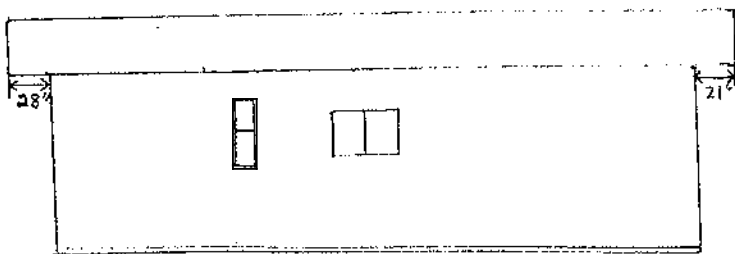


FRONT ELEVATION

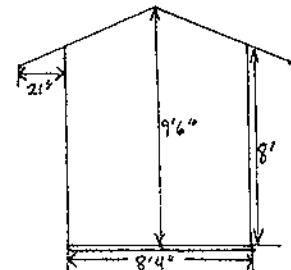


EXTERIOR FINISH: PANEL TYPE PARTICLE BOARD
COVERED WITH WALL SHEATHING PAPER
COVERED WITH PLYWOOD SHEETS (3/8")
APPLIED VERTICALLY. THE JOINTS
COVERED WITH BATTENS.

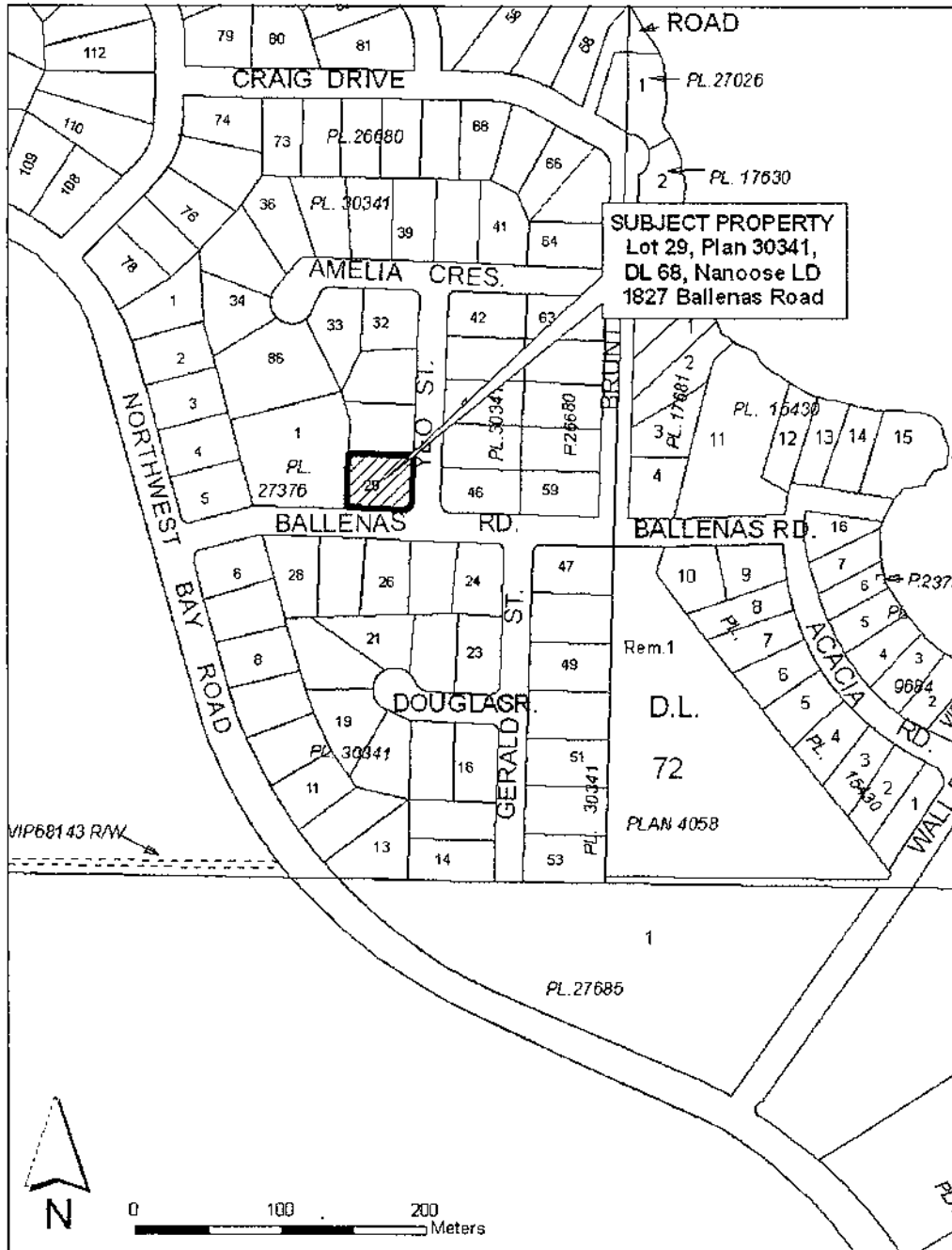
BACK ELEVATION



RIGHT ELEVATION



**Attachment No. 1
Subject Property Map**



BCGS Map Sheet No. 92F.039.2.2



| | |
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| REGIONAL DISTRICT OF NANAIMO | |
| MAR 24 2005 | |
| CHAIR | GMCMS |
| | GMCMS |
| CAO | GMS |
| | GMS |
| EAPC | |
| DATE: | |

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: April 1, 2005

FROM: Greg Keller
Planner

FILE: 3090 30 90506

SUBJECT: Development Variance Permit Application No. 90506 - Eagles
Lot A, Section 19, Range 5, Cedar District, Plan 43832
Electoral Area 'A' - 1380 Leeson Lane

PURPOSE

To consider an application for a Development Variance Permit to legalize the siting of an existing single dwelling unit and attached deck and allow a proposed second-storey addition.

BACKGROUND

The planning department has received a development variance permit application to relax the minimum setback requirement from the front lot line from 8.0 metres to 7.68 metres for the existing dwelling unit and proposed addition, and from 8.0 metres to 7.57 metres for the existing attached deck on the property legally described as Lot A, Section 19, Range 5, Cedar District, Plan 43832 (see Attachment No. 1).

The subject property is a 0.27 hectare waterfront parcel located at 1380 Leeson Lane and is currently zoned Residential 2, Subdivision District 'M' (RS2M) 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 top of a slope of 30% or greater for a coastal watercourse. The maximum dwelling unit height is 8.0 metres as measured from the natural grade.

The subject property is designated Rural Residential pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001." The subject parcel is not within a Development Permit Area. The subject parcel is within a Building Inspection Area; therefore a building permit is required prior to construction.

Occupancy was issued for the subject single dwelling unit on August 12, 1988. It was noted in the building department file that the siting of the dwelling unit appeared to be in compliance with the required zoning setbacks, but it was not policy at that time to require a survey to verify building location. The applicants have applied for a building permit for a proposed second-storey addition onto an existing single dwelling unit. A building location certificate was submitted by the applicants showing that the existing dwelling unit, constructed in 1988, encroaches into the minimum front lot line setback

requirement pursuant to Bylaw No. 500. Therefore a variance is required in order to proceed with the proposed addition.

Proposed Variances

The applicants are proposing to vary **Section 3.4.62** of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" by relaxing the minimum front lot line setback as follows:

1. From 8.0 metres to 7.68 metres for the existing dwelling unit and proposed addition as shown on the survey submitted by the applicants; and,
2. From 8.0 metres to 7.57 metres for the existing attached deck as shown on the survey submitted by the applicants.

ALTERNATIVES

1. To approve Development Variance Permit No. 90506 subject to the outcome of the public notification.
2. To deny the requested permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

The subject property is a 0.27 hectare, relatively narrow, waterfront, residential parcel and is separated from the adjacent parcels by a mature evergreen hedge and mature trees. The subject property is steeply sloped towards the ocean and the existing single dwelling is located on a relatively flat portion of the parcel approximately 9.7 metres from the top of the bank. The highest point of the dwelling unit is approximately 2.0 to 3.0 metres below the grade of Leask Road.

The proposed variance, if approved, would not result in a change to the existing footprint of the building, would not increase the existing encroachment onto the minimum front lot line setback pursuant to Bylaw No. 500, and would not result in an increase to the height of the dwelling unit as the roof ridge on the addition would be approximately level with the existing roof ridge of the dwelling unit. Please note the maximum roof elevation of the single dwelling unit, including the proposed addition, would be slightly below the grade of Leask Road. Therefore, due to the existing vegetation and difference in elevation between Leask Road and the location of the existing dwelling unit there would be no negative impact on views from adjacent parcels.

The topography and narrow shape of the subject parcel severely restricts the building envelope. Staff is of the opinion that the existing dwelling unit is located in the most appropriate location on the subject parcel given the topographical building constraints. The dwelling unit was constructed 2.3 metres from the interior side lot line in order to maximize the front lot line setback. In addition, the applicants are proposing a minor variance to the front lot line setback. In this case, the front lot line is adjacent to Leeson Lane, an undeveloped road allowance. Given the steep topography and the limited potential for future development of the adjacent parcel, it is not anticipated that the road will be developed in the near future. In addition, staff is of the opinion that the location of the dwelling unit would not interfere with the operation of the road if it were developed because it is located more than the minimum 4.5 metre Ministry of Transportation setback from a public highway. In addition, the existing single dwelling unit has been in its current location since 1988 with no complaints received from adjacent property owners. Therefore, staff recommends Alternative No. 1, to approve Development Variance Permit Application No. 90506 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'.

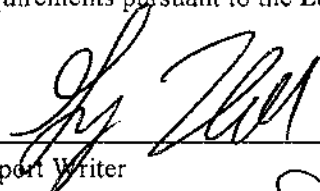
SUMMARY/CONCLUSIONS

This is an application for a Development Variance Permit to relax the minimum setback from the front lot line in order to legalize the siting of an existing single dwelling unit with an attached deck, and allow the construction of a second-storey addition. The proposed variances, if approved, would vary Section 3.4.62 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Minimum Setback Requirements) as shown on attached Schedule No. 4. The proposed addition would not result in a change to the existing footprint of the building. The variance, if approved, would not increase the extent of the encroachment onto the minimum front lot line setback pursuant to Bylaw No. 500.

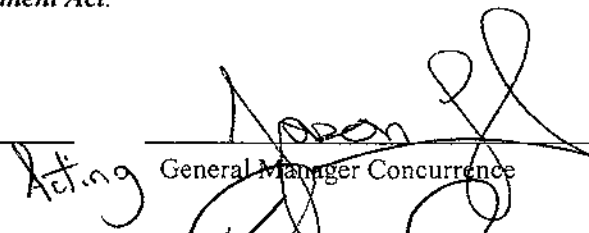
The parcel is screened from view of adjacent parcels by an existing evergreen hedge and mature trees, also, the setback variance is from an undeveloped road allowance; therefore, staff sees no apparent visual impact on adjacent properties. In addition, the existing dwelling unit has been in place for 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

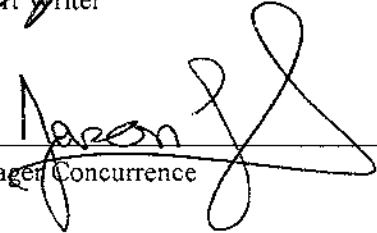
That Development Variance Permit Application No. 90506, submitted by James and Adrienne Eagles to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" as outlined on Schedule No. '4' to legalize the siting of an existing single dwelling unit and attached deck, and allow a second-storey addition according to the terms in Schedule Nos. '1' be approved subject to the notification requirements pursuant to the *Local Government Act*.



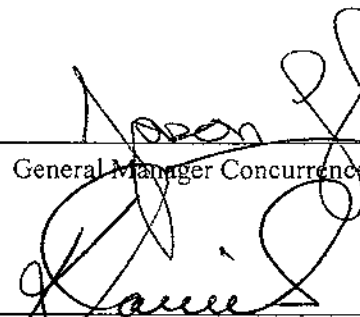
Report Writer



Acting General Manager Concurrence



Manager Concurrence



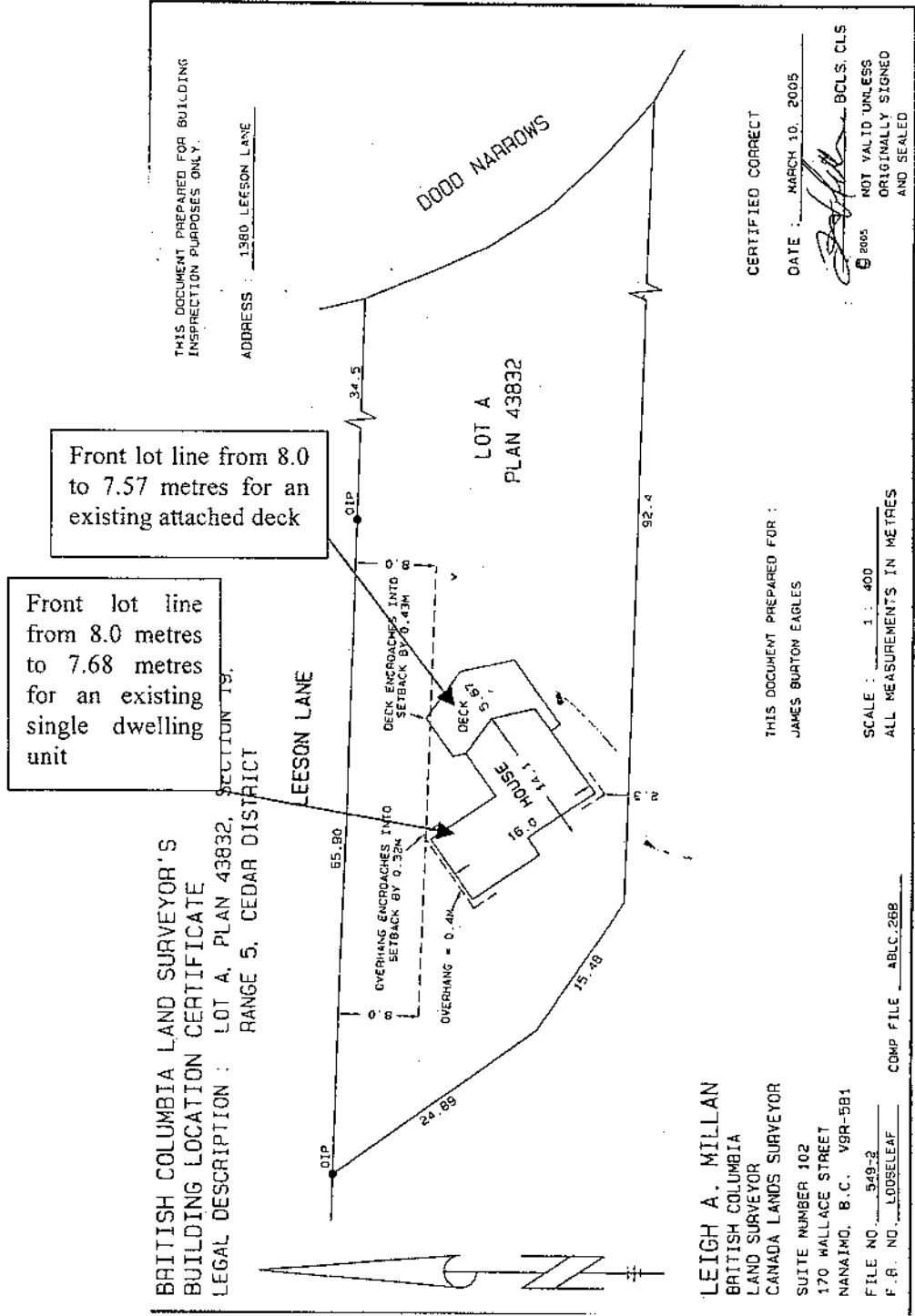
CAO Concurrence

COMMENTS:

Schedule No. 1
Terms of Development Variance Permit Application No. 90506
for Lot A, Section 19, Range 5, Cedar District, Plan 43832

1. The variances identified in Schedule No. 4 apply only to a building located and designed in substantial compliance with Schedules No. '2' and '3.'
2. A building permit shall be obtained from the RDN Building Inspection Department prior to the commencement of any works on the site.
3. The applicant shall submit a survey, prepared by a British Columbia Land Surveyor (BCLS), confirming the height and siting of the dwelling and addition if deemed necessary by the Building Inspector.

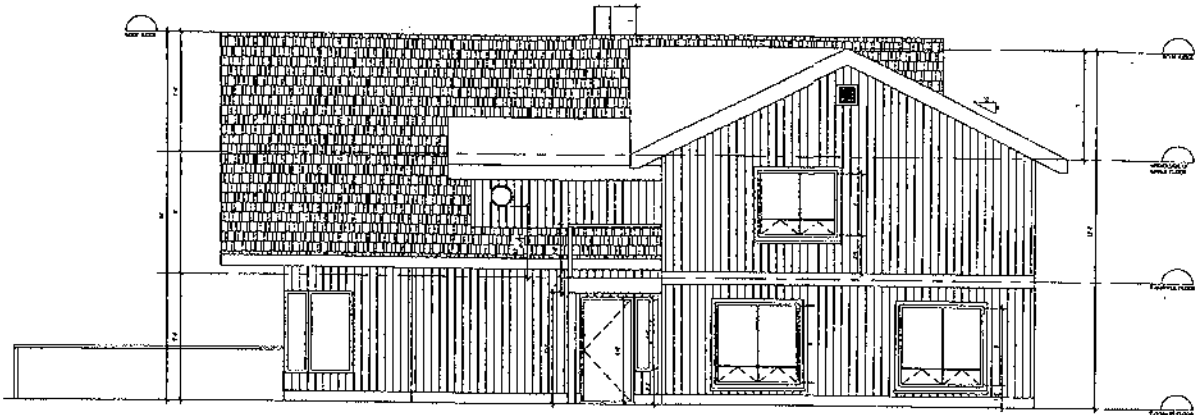
Schedule No. 2
Building Location Certificate (Submitted by Applicants reduced for convenience)
Development Variance Permit Application No. 90506



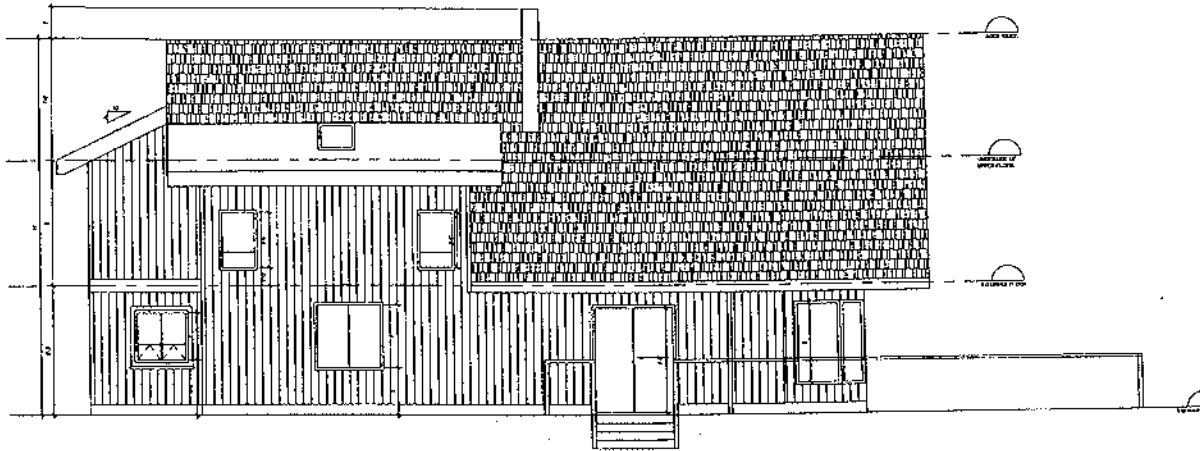
Front lot line from 8.0 to 7.57 metres for an existing attached deck

Front lot line from 8.0 metres to 7.68 metres for an existing single dwelling unit

Schedule No. 3 (Page 1 of 2)
Building Profiles (Submitted by Applicants)
Development Variance Permit No. 90506

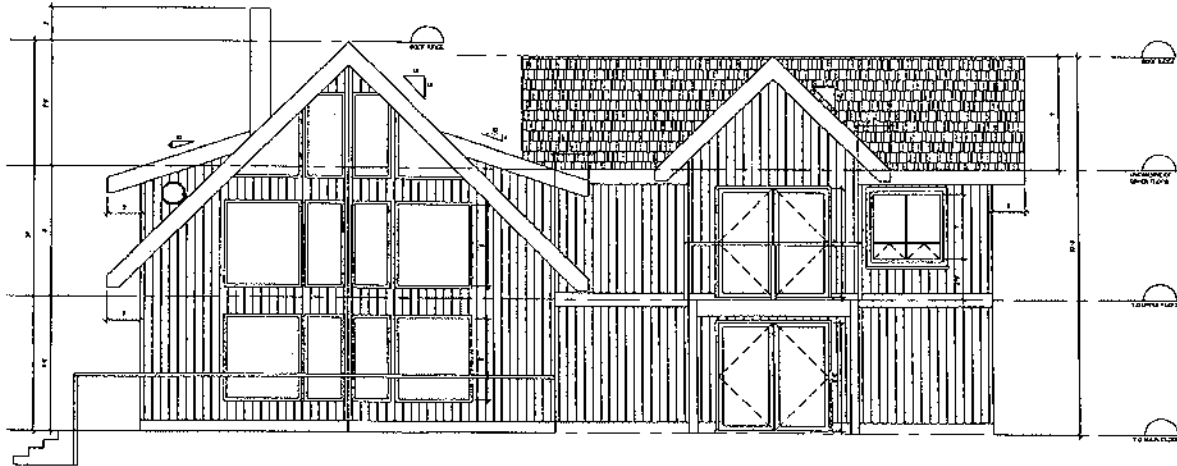


2 PROPOSED NORTH ELEVATION

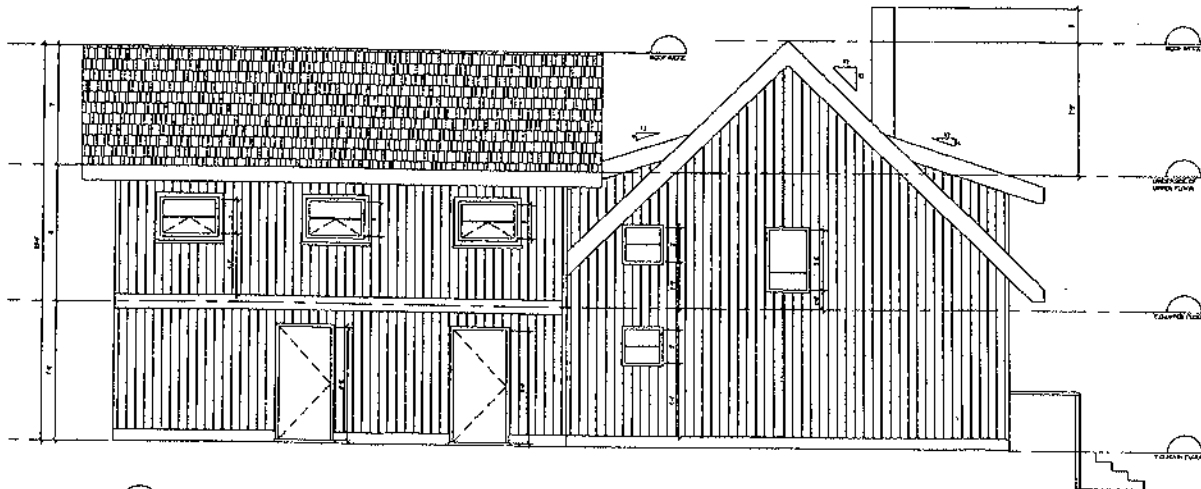


2 PROPOSED SOUTH ELEVATION

Schedule No. 3 (Page 2 of 2)
Building Profiles (Submitted by Applicants)
Development Variance Permit No. 90506



1 PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"



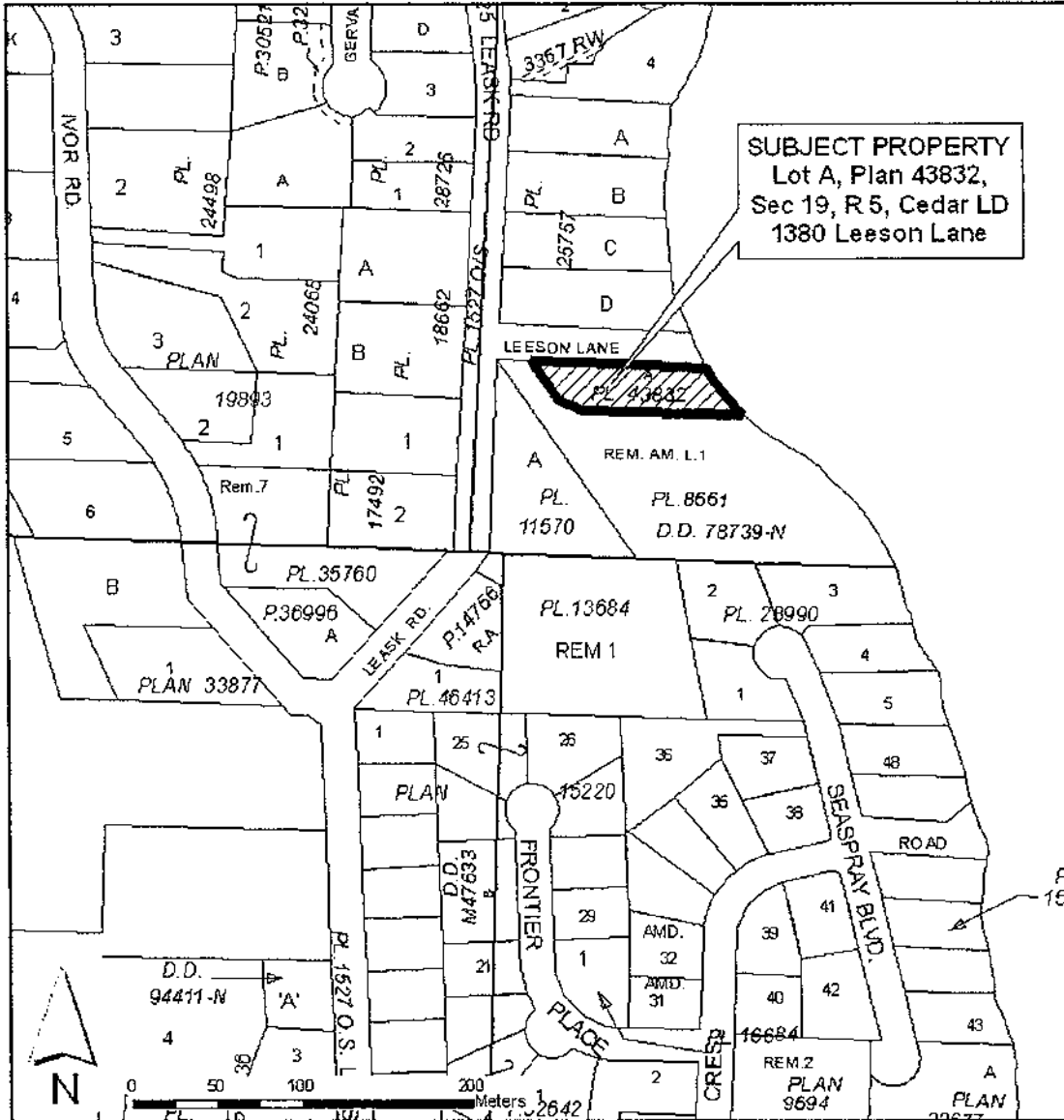
1 PROPOSED WEST ELEVATION
SCALE: 1/4" = 1'-0"

Schedule No. 4
Requested Variances
Development Variance Permit Application No. 90506
for Lot A, Section 19, Range 5, Cedar District, Plan 43832

Development Variance Permit No. 90506 varies Section 3.4.62 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" by relaxing the minimum front lot line setback, for the building identified on Schedules No. 2 and 3, as follows:

1. From 8.0 metres to 7.68 metres for the existing dwelling unit and proposed addition as shown on the survey submitted by the applicants; and,
2. From 8.0 metres to 7.57 metres for the existing attached deck as shown on the survey submitted by the applicants.

Attachment No. 1
Subject Property Map
Development Variance Permit Application No. 90506



BCGS Map Sheet No. 92G0112.2



| | |
|------------------------------|-------|
| REGIONAL DISTRICT OF NANAIMO | |
| MAR 29 2005 | |
| CHAIR | GMCmS |
| | GMCrS |
| CAO | GMDS |
| | GMES |
| EAPC ✓ | |

MEMORANDUM

TO: Jason Llewellyn
 Manager, Community Planning

DATE: April 1, 2005

FROM: Greg Keller
 Planner

FILE: 3090 30 90508

SUBJECT: Development Variance Permit Application No. 90508 - Seefried
 Lot 12, Section 14, Range 2, Cedar District, Plan VIP67829
 Kirkstone Way - Electoral Area 'A' - Map Reference No. 92G.011.2.2

PURPOSE

To consider an application for a Development Variance Permit to relax the maximum height requirement from 8.0 metres to 9.8 metres for a building containing two dwelling units.

BACKGROUND

This is a development variance permit application property legally described as Lot 12, Section 14, Range 2, Cedar District, Plan VIP67829 (see Attachment No. 1).

The subject property is an undeveloped 0.4 hectare (4000m²) residential parcel serviced with community water located on Kirkstone Way and is currently zoned Residential 2, Subdivision District 'M' (RS2M) 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, and 2.0 metres from the rear lot line. The maximum dwelling unit height is 8.0 metres as measured from the natural grade. The RS2 zone permits a maximum of two dwelling units per parcel provided that there is a minimum of 2000m² of site area per dwelling unit where the parcel is serviced with community water.

The subject property is designated 'Rural Residential' pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001." The subject parcel is not within a Development Permit Area. The subject parcel is within a Building Inspection Area; therefore, a building permit is required prior to construction.

Proposed Variances

The applicants are proposing to vary Section 3.4.62 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" by relaxing the maximum dwelling unit height from 8.0 metres to 9.8 metres to allow the construction of the building shown on Schedules No. 2 and 3.

ALTERNATIVES

1. To approve Development Variance Permit No. 90508 subject to the outcome of the public notification.
2. To deny the requested permit as submitted.

LAND USE AND DEVELOPMENT IMPLICATIONS

Since the area of the subject parcel is 4000m² and it is serviced with community water, a maximum of two dwelling units are permitted. The proposed building contains both of the permitted units.

The subject parcel is approximately two metres above the elevation of Kirkstone Way. There is an existing single dwelling unit located on the parcel to the west and there is an undeveloped parcel to the east. The north portion of the subject parcel and adjoining parcels are vegetated with natural vegetation and there are no views to be impacted by the proposed development. The proposed dwelling units are sited approximately an equal distance from the front lot line as the existing dwelling unit on the property to the west and the proposed architectural style is, in staff's opinion, consistent with the existing residential development on the adjacent parcels. The land to the south of Kirkstone Way slopes gently up, thereby reducing any potential visual impacts as a result of the proposed development.

The subject property is severed by a drainage ditch registered to the title of the subject property as a statutory right-of-way. This drainage ditch runs through the north portion of the subject parcel in an east west direction and is not considered a watercourse pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The location of the drainage ditch restricts the development of the north portion of the subject parcel. In addition, there is a septic covenant on the north side of the drainage ditch, which further restricts the development of the parcel. The applicants are proposing to site the building as far as possible from the drainage ditch, while still maintaining the minimum required 8.0 metre front lot line setback pursuant to Bylaw No. 500. Therefore, the location of the proposed building is restricted to the general location proposed.

The applicants cite topographical constraints and architectural preference as the rationale for the proposed variance. The applicants have indicated that the building location steeply slopes approximately three metres towards the drainage easement to the rear of the proposed building and an existing rocky outcropping makes it very difficult and expensive to excavate below grade. The proposed building is over height on the northeast portion where the natural grade of the property drops off towards the drainage ditch.

In order to reduce the height of the proposed building, the applicants are proposing to construct the foundation of the garage portion of the building approximately 0.3 metres below the natural grade and reduce the pitch of the roof above the garage from an 8/12 pitch, which is the primary roof pitch of the building, to a 6/12 pitch. In addition, the applicants are proposing to excavate approximately 0.8 metres of soil from the highest part of the building site to further reduce the height of the proposed dwelling units. The applicant is also proposing to use standard height ceilings and to limit the height of the crawl space to the minimum height required to provide adequate reasonable access to the furnace, associated duct work, and wiring located in the crawl space.

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

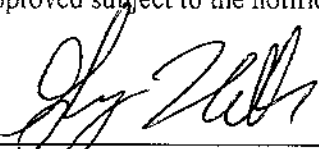
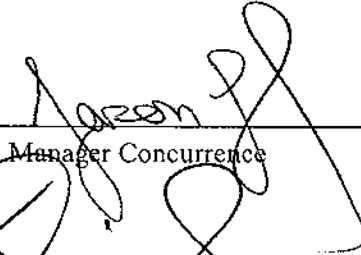
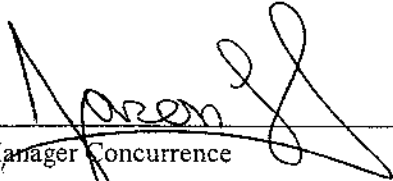
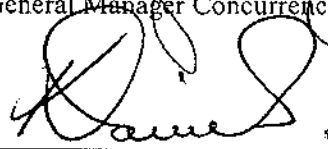
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

This is an application for a Development Variance Permit to relax the maximum dwelling unit height from 8.0 metres to 9.8 metres in order to permit the construction of two dwelling units contained within one building. The requested variance is justified by the topographical constraints of the lot and it does not appear to impact any neighbouring properties. The proposed architectural style of the dwelling units is compatible with existing residential development in the neighbourhood. In addition, the applicants have taken reasonable steps to reduce the height of the dwelling units. Therefore, staff recommends this application be approved subject to notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

That Development Variance Permit Application No. 90508, submitted by Andrew and Linda Seefried to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" by relaxing the maximum permitted dwelling unit height from 8.0 metres to 9.8 metres according to the terms of Schedule '1', be approved subject to the notification requirements pursuant to the *Local Government Act*.

| | | |
|---|--------|--|
|  _____ Report Writer | Acting |  _____ General Manager Concurrence |
|  _____ Manager Concurrence | |  _____ CAO Concurrence |

COMMENTS:

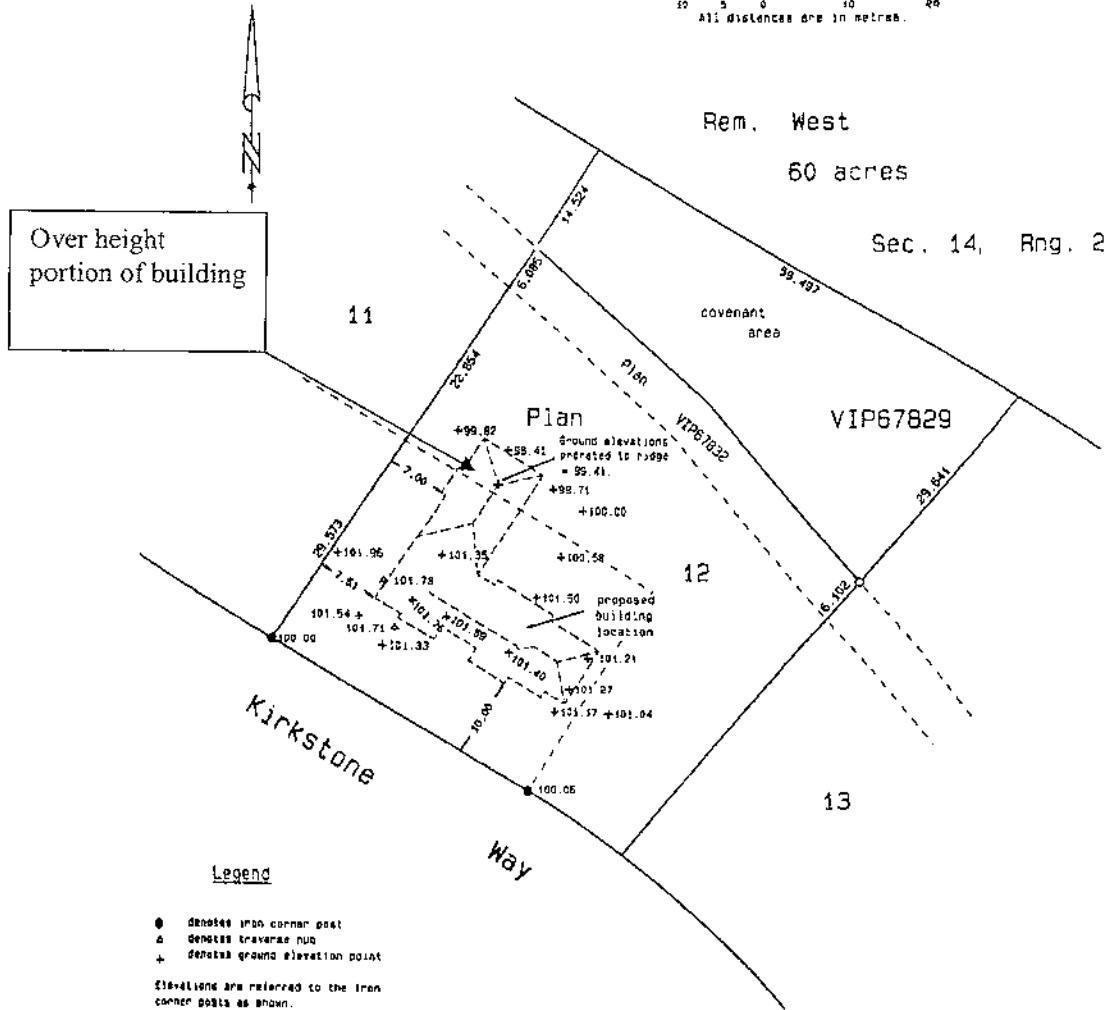
**Schedule No. 1
Terms of Development Variance Permit Application No. 90508
for Lot 12, Section 14, Range 2, Cedar District, Plan VIP67829
Electoral Area 'A' - Kirkstone Way**

1. Section 3.4.62 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied to relax the maximum permitted dwelling unit height from 8.0 metres to 9.8 metres.
2. This variance applies only to a building located and designed in substantial compliance with Schedules No. 2 and 3.
3. A building permit shall be obtained from the RDN Building Inspection Department prior to the commencement of any works on the site.
4. The applicant shall submit a survey, prepared by a British Columbia Land Surveyor, confirming the height and siting of the proposed dwelling units prior to occupancy.
5. No further dwelling units shall be permitted on the subject property as a suite is considered a dwelling unit pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" and a maximum of two (2) dwelling units are permitted on the subject parcel.

Schedule No. 2
 Proposed Site Plan (Submitted by Applicants reduced for convenience)
 Development Variance Permit Application No. 90508

Plan of proposed building location on:
Lot 12, Section 14, Range 2, Cedar District,
Plan VIP67829.

Reduced Scale
 SCALE 1" = 500'
 All distances are in metres.



Proposed building height calculation

| | |
|---------------------------------|----------|
| proposed main floor elevation | = 101.44 |
| proposed garage floor elevation | = 101.87 |
| proposed garage height | = 8.54 |
| proposed garage roof elevation | = 109.21 |
| allowable elevation | = 107.41 |
| variance requested | = 1.8 |

4 R. Hutchinson
 Land Surveying Ltd.
 512 Wentworth St.
 Toronto, E.C.
 M5R 2E4
 753-2821

Certified correct
 this 23rd day of March, 2005

[Signature]
 B.C.L.S.

Schedule No. 3 (Page 1 of 2)
Building Profiles (Submitted by Applicants)
Development Variance Permit No. 90508

Front Elevation
West

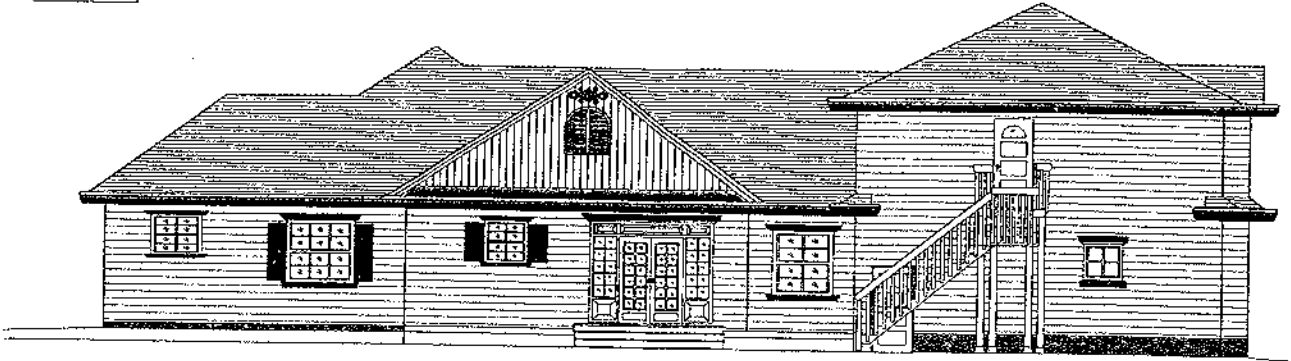


Left Elevation
North

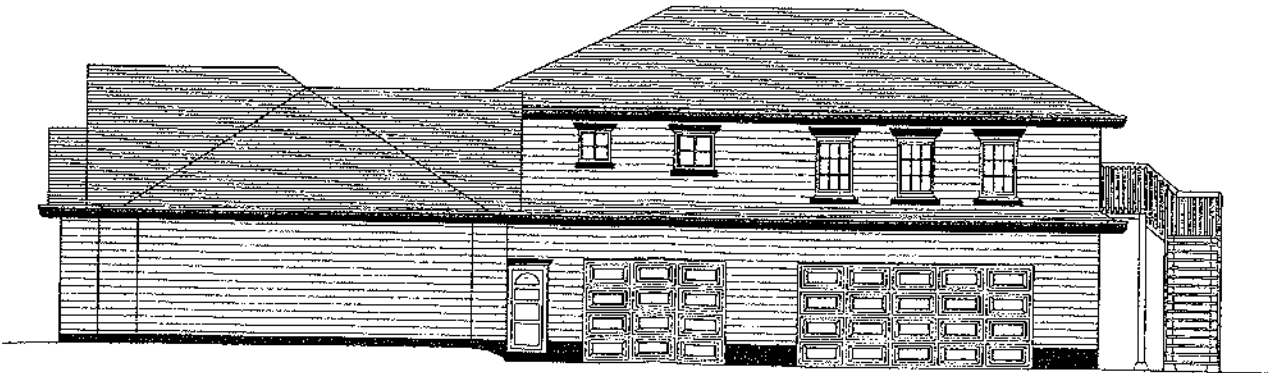


Schedule No. 3 (Page 2 of 2)
Building Profiles (Submitted by Applicants)
Development Variance Permit No. 90508

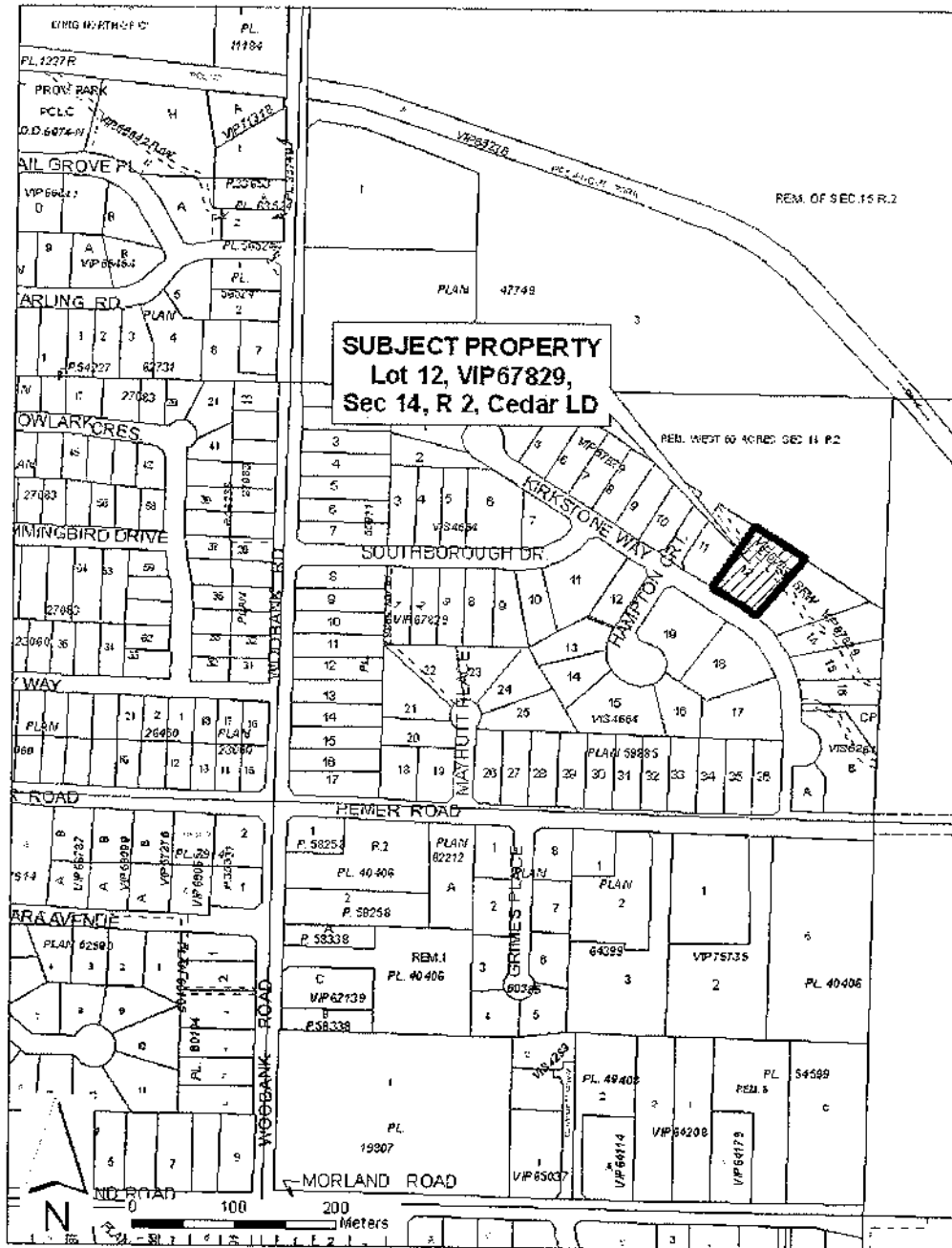
Rear Elevation
East



Right Elevation
South



Attachment No. 1
Subject Property Map
Development Variance Permit Application No. 90508



BGS Map Sheet No. 926.01122



| | |
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| REGIONAL DISTRICT OF NANAIMO | |
| APR - 5 2005 | |
| CHAIR | GMCMS |
| CAO | GMOIS |
| | GMDS |
| | GMES |
| EAPC | |

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

DATE: April 5, 2005

FROM: Blaine Russell
Planner

FILE: 3090 30 90509

SUBJECT: Development Variance Permit Application No. 90509 — McCullough
Electoral Area 'E' – 1265 Marina Way - RDN Reference Map No. 92F.039.2.2

PURPOSE

To consider an application for a Development Variance Permit to legalize the siting of a recently constructed roof overhang/carport and two longstanding accessory buildings.

BACKGROUND

The subject property is zoned Residential 1 (RS1) subdivision district 'N' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987; is "legally described as Lot 48, Block B, District Lot 38, Nanoose District, Plan 12496; and is located at 1265 Marina Way in the Beachcomber area of Electoral Area 'E' (see Attachment No. 1).

The property is located within a building inspection service area and subsequently the applicant will require a building permit to legalize the structure. The property is on community water, in this case Nanoose Water System, and is on an individual septic disposal permit.

The subject property is a plateau that gradually slopes down toward Marina Way with increasing steepness. To the rear of the property the elevation of the adjacent lot is a metre or higher. The property is bordered to the northwest, west, south, and southeast by residential properties and to the north and northeast by Marina Way. Across Marina Way are oceanfront properties that are at a lower elevation than the subject property.

The applicant is requesting the following variances to Section 3.4.61 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987:"

- a relaxation to the minimum interior side lot line setback from 2.0 metres to 0.18 metres to legalize the siting of a recently constructed roof overhang/carport adjacent to the northwest interior side lot line;
- a relaxation to the minimum interior side lot line setback from 2.0 metres to 0.54 metres to legalize the siting of an existing aluminum shed also adjacent to the northwest interior side lot line; and
- a relaxation to the minimum interior side lot line setback from 2.0 metres to 1.52 metres to allow for repair and/or minor alteration to an existing accessory building with legal non-conforming siting.

The siting of the roof overhang/carport and the two accessory building are shown on Schedule 2.

ALTERNATIVES

1. To approve Development Variance Permit No. 90509 subject to the terms outlined in Schedules No. 1.
2. To deny the requested permit.

DEVELOPMENT IMPLICATIONS

The roof overhang/carport structure was recently constructed by the new property owner in order to provide both a roof for an existing mobile home and a carport for vehicle and boat storage. The construction was initiated without the required building permit. Modifying the roof overhang/carport to comply with the setback requirements would require significant structural modification due to the roof truss system. In addition, modification would create an asymmetric roofline that when viewed from the street would, in staff's opinion, appear disjointed. In order to facilitate the structure, including roof gutters, a total relaxation of the interior side lot line setback requirement from 2.0 metres to 0.18 metres is required.

The variance to the northwest interior side lot line setback would most impact the property directly adjacent to this lot line. This neighboring dwelling is approximately 3.65 metres from the property line. The area is used as a driveway to provide access to their backyard and to park their boat. The owners of this property have indicated their support for the proposed variance sought by the applicant.

The property to the rear overlooks the subject property, which is in its view corridor for Georgia Strait. However, as the subject property is approximately a metre or more below the elevation of the property to the rear, and the roof/overhang structures are well under the maximum permitted height, the proposed variance does not appear to create any further impact. The owners of this property have signed a declaration prepared by the applicant indicating support for the proposed variances.

The applicant obtained signatures of support from the owners of 16 properties located across the street, on either side and to the rear. The owners of four or more additional properties appeared to have been away when the signatures were obtained; however, notification procedures will provide for an opportunity for comments to be received from property owners and tenants.

In addition to the roof overhang/carport, two existing accessory buildings are located on the subject property. The one accessory building located partially under the roof overhang/carport is a 12.34m² aluminum shed, which is only 2.34 m² over the size allowed for an automatic exemption to the interior side lot line setback requirements. As this shed has existed without incident for a number of years and is small in size, staff does not foresee any impact on adjacent property owners with respect to this structure. In addition, there is a 35.5 m² accessory building with an attached greenhouse of 18.0 m² located adjacent to the southeast interior side lot line. This building and attached greenhouse appear to have existed since at least 1977, based on the building permit records. The structure has existed without incidence for almost 30 years and thus appears to have had minimal impact on adjacent property owners. A variance to the interior side lot line, in this case the southernmost lot line, is being requested in order to legalize the siting of the greenhouse and to facilitate its repair and maintenance.

Staff note that the proposed variance is notable, and involves a structure recently build without the required building permit. Staff support for this application is not strong and is largely based on the

notable lack of objection to this application from neighbouring property owners, including the owner of the property potentially most affected.

PUBLIC CONSULTATION IMPLICATIONS

As part of the required public notification process pursuant to the *Local Government Act*, adjacent and nearby property owners located within a 50 metre radius will receive a direct 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

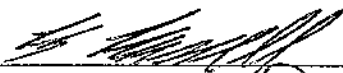
Electoral Area Directors – one vote, except Electoral Area 'B'.

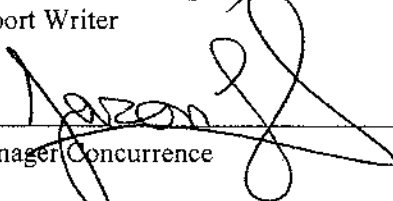
SUMMARY/CONCLUSIONS

This is an application for three (3) development variances to the interior side lot line setback requirements for the subject property located at 1265 Marina Way in Electoral Area 'E'. The proposed relaxation to setback requirements do not appear to impact views of neighbouring property owners. In addition, the most potentially affected property owners, those directly adjacent the subject property, have indicated their support for the relaxation to the recently constructed roof overhang/carport and the existing two accessory buildings have existed without incident since the late 1970s. Therefore, staff recommends approval of the request subject to the terms outlined in Schedules No. '1' and subject to the notification requirements pursuant to the *Local Government Act*.


RECOMMENDATION

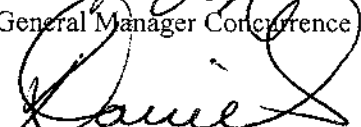
That Development Variance Permit Application No. 90509, submitted by the property owners Ken McCullough and Iris McCullough for 1265 Marina Way to relax the interior side lot line setback requirement according to the terms of Schedule No. 1, be approved subject to the notification requirements pursuant to the *Local Government Act*.



Report Writer


Manager Concurrence



General Manager Concurrence


CAO Concurrence

COMMENTS:

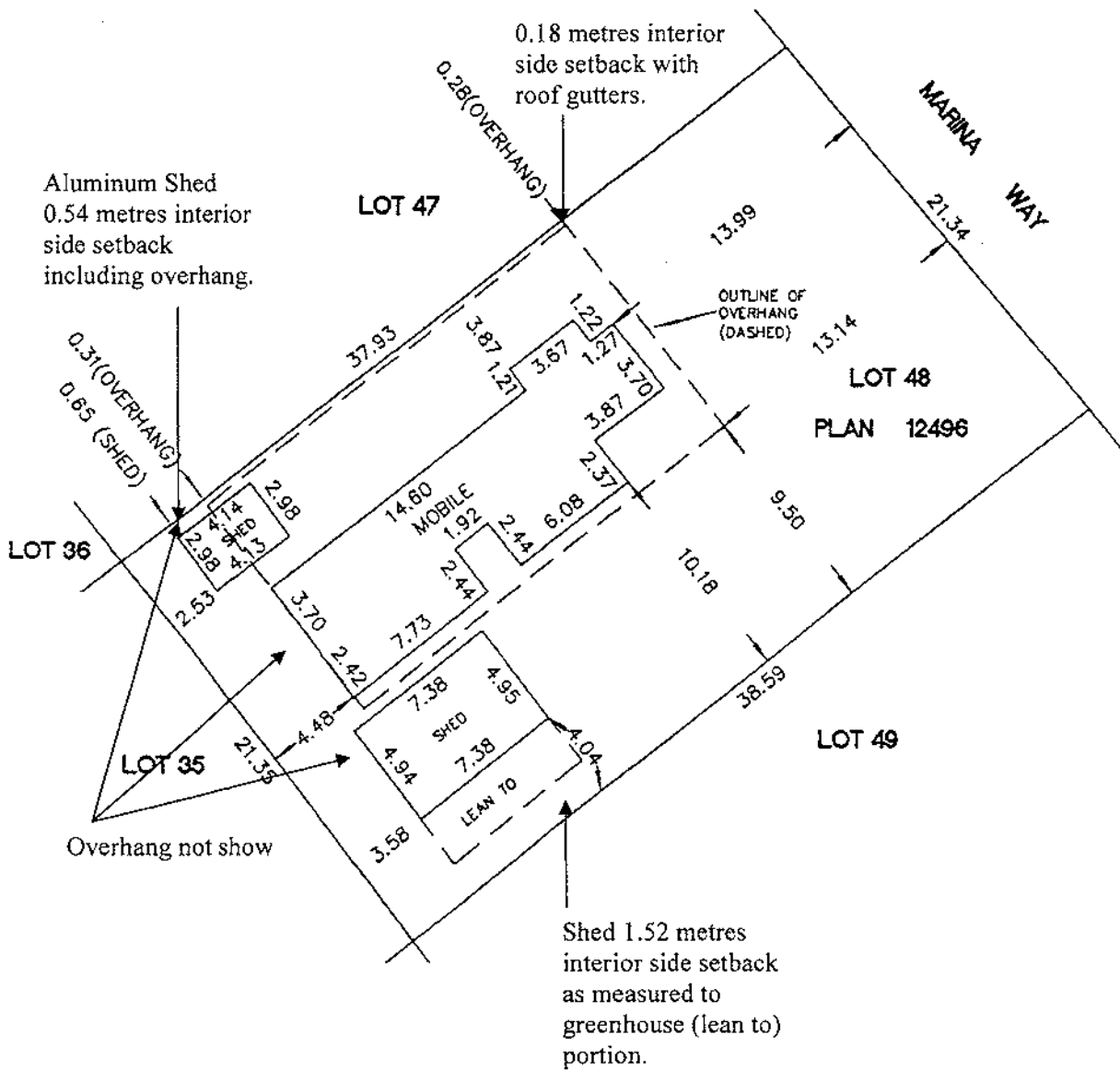
dvp\reports\dvp ap 3090 30 90509 mccullough

**Schedule No. 1
Terms of Development Variance Permit No. 90509
For Lot 48, Block B, District Lot 38, Nanoose District, Plan 12496**

1. **Section 3.4.61- Minimum Setback Requirements – Interior Side Lot Line** – of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied to relax the interior side lot line setback as follows:
 - a. from 2.0 metres to 0.10 metres in order to legalize the siting of the existing roof overhang/carport with room for the inclusion of roof gutters;
 - b. from 2.0 metres to 0.54 metres in order to legalize the siting of an existing aluminum accessory building; and
 - c. from 2.0 metres to 1.52 metres in order to legalize the siting of an existing accessory building with greenhouse.
2. This variance applies only to a building located and designed in substantial compliance with Schedules No. 2 and 3.
3. The roof overhang/carport shall not be enlarged, enclosed or converted to habitable space;
4. An increase in the height of the accessory buildings is prohibited;
5. A building permit shall be obtained for the roof overhang/carport structure from RDN Building Inspection.

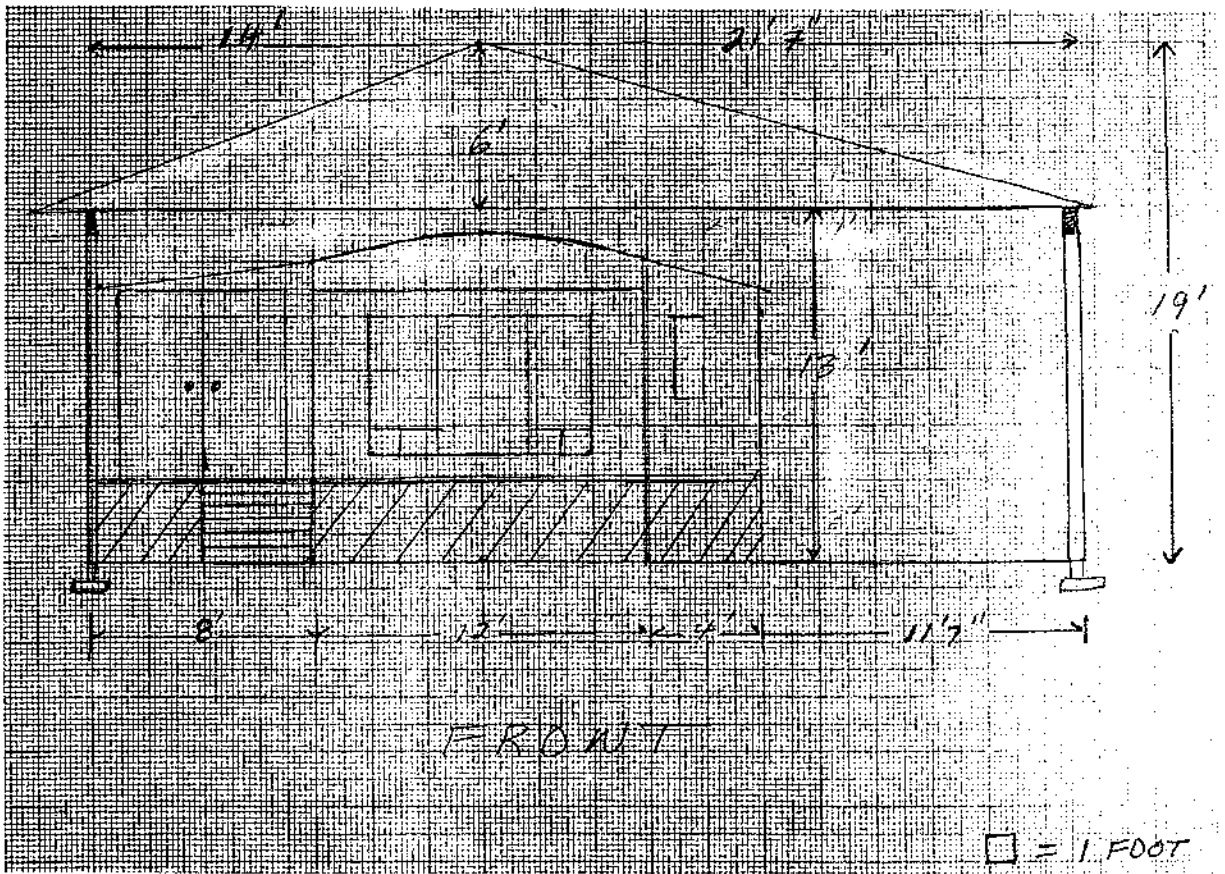
Schedule No. 2
Site Plan
Development Variance Permit No. 90509

(As Submitted by Applicant / Modified to Fit This Page)

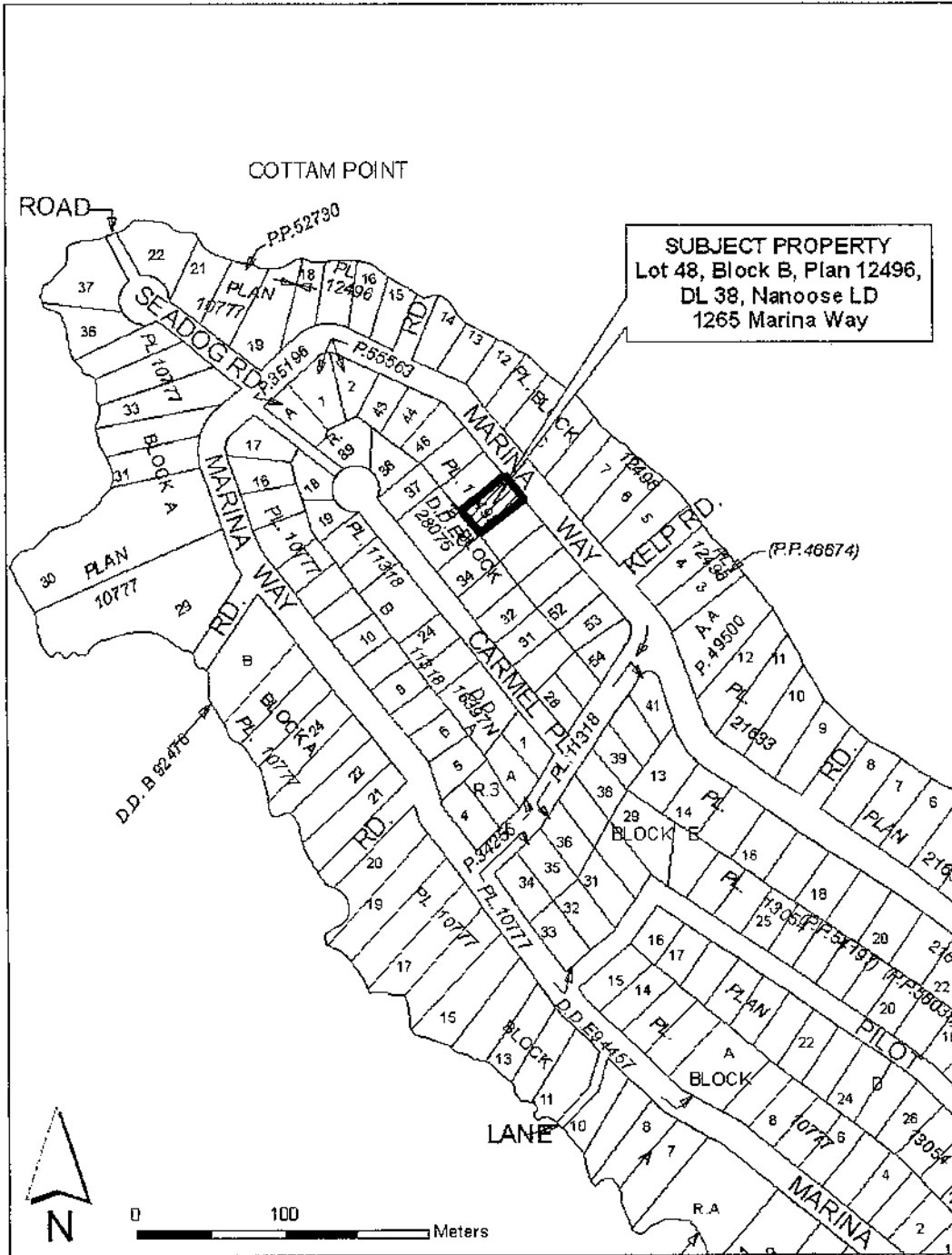


Schedule No. 3
Profile Plan
Development Variance Permit No. 90509

(As Submitted by Applicant / Modified to Fit This Page)



Attachment No. 1
Subject Property Map



BCGS Map Sheet No. 92F.039.2.2



| | | |
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| REGIONAL DISTRICT OF NANAIMO | | |
| MAR 24 2005 | | |
| CHAIR: | GMCMS | |
| | GMO'S | |
| CAO: | GMDS | |
| | GMES | |
| EAPC | | |

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: April 1, 2005

FROM: Greg Keller
Planner

FILE: 3090 30 90510

SUBJECT: Development Variance Permit Application No. 90510 - Teppler
Lot 40, District Lot 78, Nanoose Land District, Plan VIP68559
Electoral Area 'E' – 2424 Ainsley Place, Fairwinds

PURPOSE

To consider an application for a Development Variance Permit to vary the maximum permitted dwelling unit height for a property located in Fairwinds to facilitate the development of a two (2) storey single dwelling unit.

BACKGROUND

This is an application to facilitate the construction of a two storey dwelling on a residential property located in Fairwinds, Nanoose Bay for the property legally described as Lot 40, District Lot 78, Nanoose Land District, Plan VIP68559 (see Attachment No. 1). The subject property is a 0.19-hectare parcel located on the corner of Ainsley Place and Andover Road.

The subject parcel is located within the Fairwinds designation pursuant to "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1118, 1998." It is not located in an environmentally sensitive area or hazard lands area as designated by this Official Community Plan. No watercourses or sensitive lands areas are shown on the subject property pursuant to the Regional District of Nanaimo's Environmentally Sensitive Areas Atlas, and the property is not contained within the Agricultural Land Reserve.

The subject parcel is 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 and 2.0 metres from the rear lot line. The maximum dwelling unit height is 8.0 metres as measured from the natural grade.

There is a building scheme covenant registered on the Certificate of Title for the subject property. The scheme contains information pertaining to the development of the lots in Fairwinds, such as property setbacks, housing design, landscaping, vegetation removal and lot clearing. The building scheme also contains information on the permitted uses for the properties once they are developed (for example, the scheme prohibits Bed and Breakfast use on the lots). These building scheme conditions are in addition to the Regional District of Nanaimo's Bylaws applicable to the subject property. Although the proposed

construction does not appear to be in conflict with the building scheme, it should be noted the Regional District of Nanaimo is not responsible for enforcing building scheme covenants.

The Board of the Regional District of Nanaimo previously issued Development Variance Permit 90310 on June 10, 2003 on the subject parcel to permit the construction of a two storey single dwelling unit, similar to the proposed new dwelling, with a maximum height of 9.2 metres. The variance was approved based upon a specific house design. The proposed new house design is different enough to warrant the issuance of a new permit.

Proposed Variances

The applicants are requesting to vary **Section 3.4.61** of the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" by increasing the maximum dwelling unit height from 8.0 metres to 9.2 metres, as measured from the existing natural grade, for the residential dwelling shown in Schedules No. 2 and 3.

ALTERNATIVES

1. To approve Development Variance Permit No. 90510 according to the terms outlined in Schedule No. '1'.
2. To deny the requested permit as submitted.

LAND USE AND DEVELOPMENT IMPLICATIONS

The proposed dwelling will be primarily on one main level, with a second storey over the garage and west portion of the dwelling and a partially exposed basement area over the single storey portion of the dwelling unit on the east end (see Schedule No. 3). The applicants cite topographical constraints and architectural preference as the justification for the request.

The property slopes down from west to east with an approximate two metre drop in elevation from the corner of Ainsley Place and Andover to the eastern lot line. The property also slopes down from the south, falling approximately one metre in elevation before sharply rising up to a steep rock bluff area. The building site is located within a bowl shaped depression on the lot, hence the height variance request for the centre part of the building (see Schedule No. 2).

The architectural design of the dwelling is such that the height would not exceed 8.0 metres on a level lot, but the sloping topography of portions of the subject property and bowl shaped building location result in the dwelling being 9.2 metres above the natural elevation of the lot.

From staff's assessment of this application, the potential visual impact of the height variance is reduced due to the size of the subject property and the existing vegetation, distance between dwelling units, and the topography of the subject property and surrounding area.

The properties located directly to the east of the subject property are at a significantly lower elevation and have an unimpeded view of the ocean. Given the existing orientation and elevation of these dwellings, it is the opinion of staff that the views for these lots will not be negatively impacted by the proposed development. There are two vacant lots to the south of the property on Ainsley Place. These

lots are at a higher elevation than the subject property. Lots 32 and 33 are developed and each contains a residential dwelling unit. Both of these lots are oriented towards the subject property, although the present vegetated status of Lot 40 results in a limited view from these lots. These lots are also located at a higher elevation than the subject property.

In addition, while there are no apparent site stability or drainage issues, a geotechnical report may be necessary during the construction phase as required by the building inspector.

VOTING



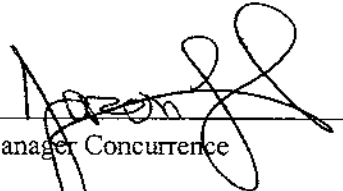
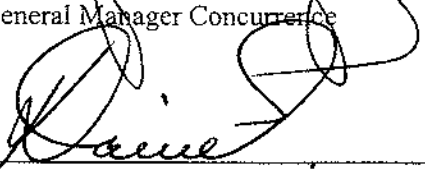
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

This is an application for a development variance permit to vary the maximum permitted dwelling unit height from 8.0 metres to 9.2 metres to facilitate the development of a two storey dwelling unit. Given that the requested variance is justified by the topographical constraints of the lot and does not appear to impact any neighbouring properties, and further, that the proposed architectural style of the dwelling unit is compatible with existing residential development in the Fairwinds area, staff recommends this application be approved subject to notification procedures pursuant to the *Local Government Act*.

RECOMMENDATION

That Development Variance Permit Application No. 90510, submitted by Wolfgang and Carol Teppler, to vary Section 3.4.61 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" to relax the maximum permitted dwelling unit height from 8.0 metres to 9.2 metres according to the terms of Schedule '1', be approved as submitted subject to the notification procedures pursuant to the *Local Government Act*.

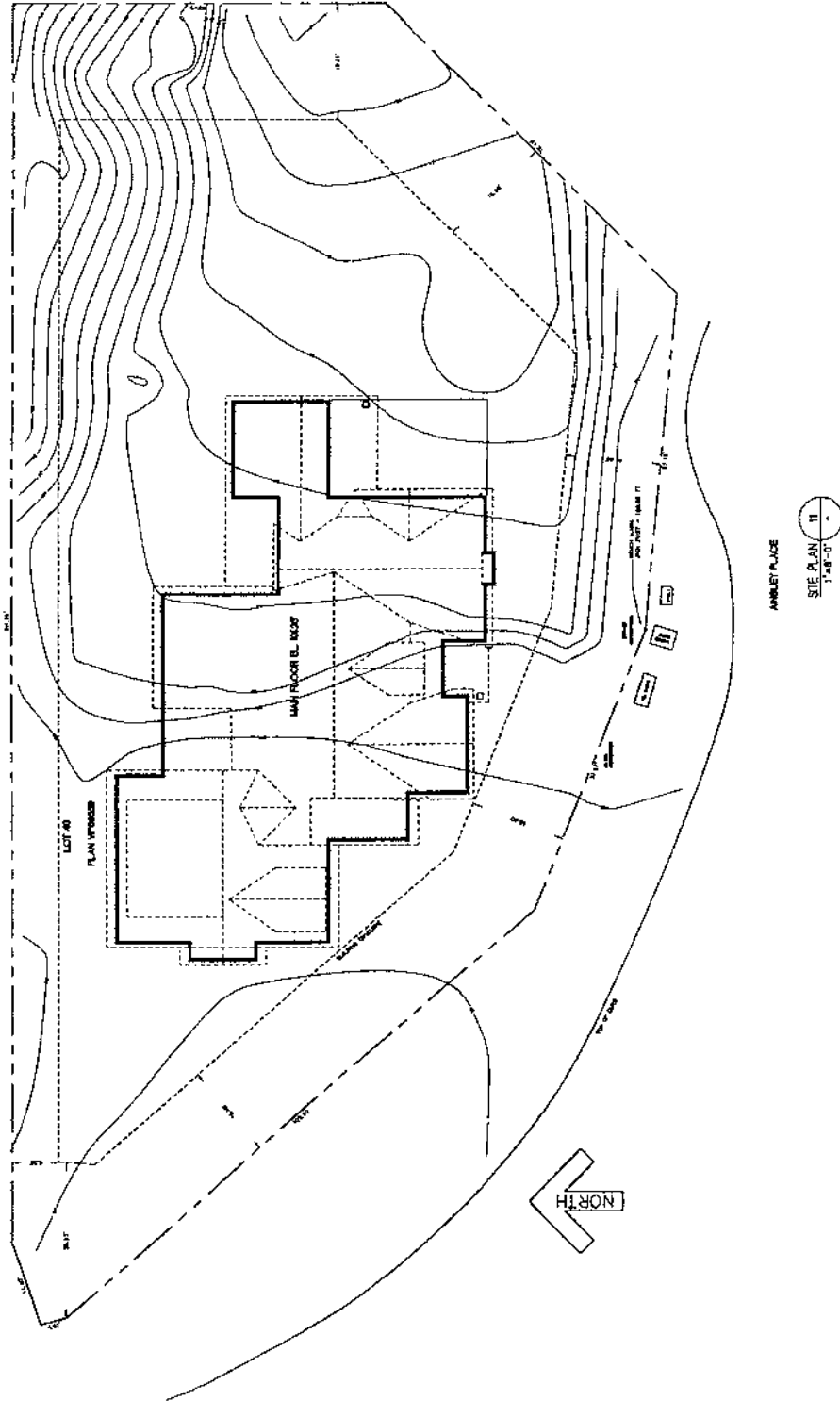
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|---|--------|--|
|  _____ Report Writer | Acting |  _____ General Manager Concurrence |
|  _____ Manager Concurrence | |  _____ CAO Concurrence |

COMMENTS:
dvp nr 309030 90510 Teppler

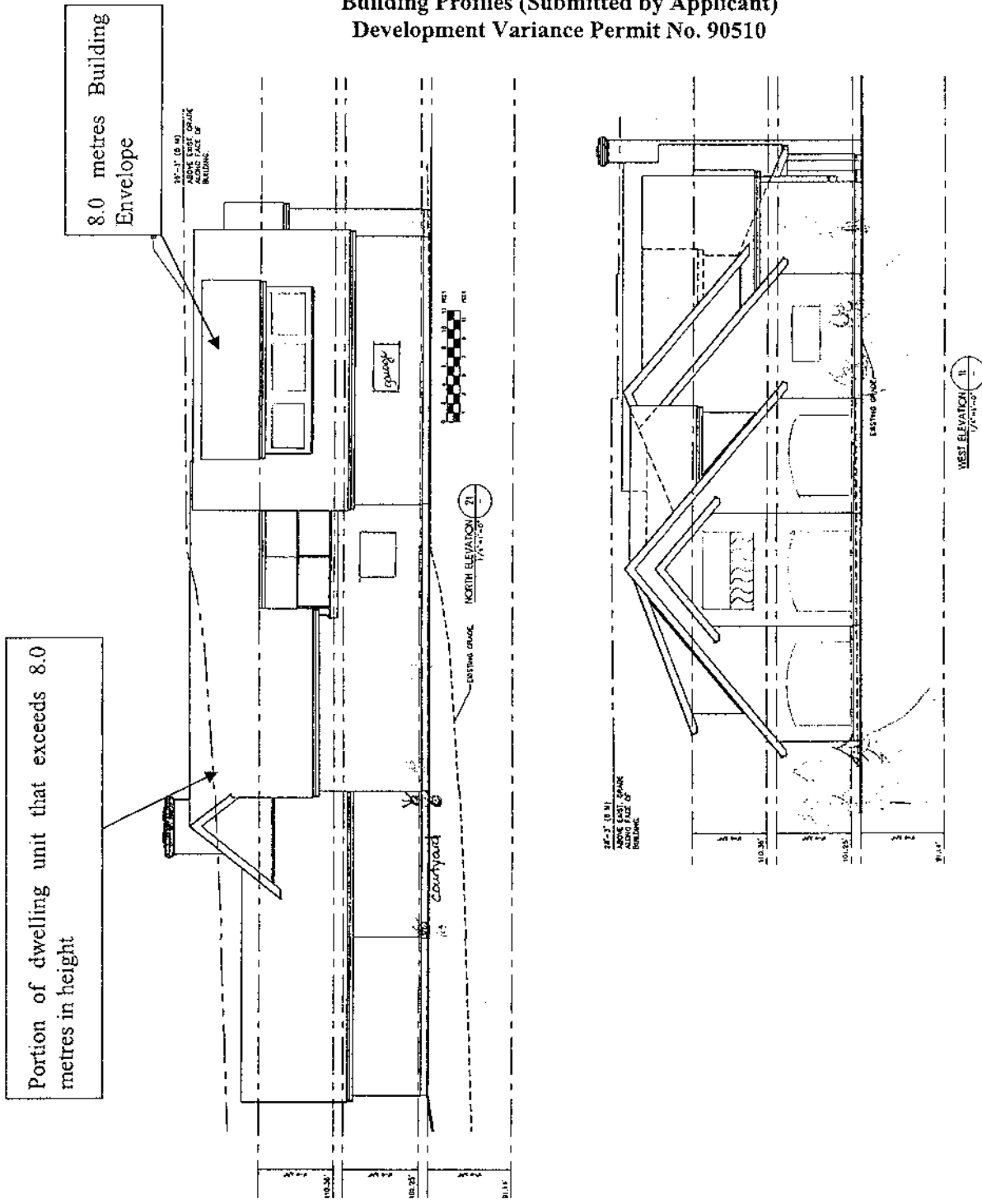
Schedule No. 1
Terms of Development Variance Permit No. 90510
For Lot 40, District Lot 78, Nanoose Land District, Plan VIP68559
Electoral Area 'E' – 2424 Ainsley Place, Fairwinds

1. Section 3.4.61 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied to relax the maximum permitted dwelling unit height from 8.0 metres to 9.2 metres.
2. This variance applies only to a building located and designed in substantial compliance with Schedules No. 2 and 3.
3. A building permit shall be obtained from the RDN Building Inspection Department prior to the commencement of any works on the site.
4. The applicant shall submit a survey, prepared by a British Columbia Land Surveyor, confirming the height and siting of the proposed single dwelling unit prior to occupancy.

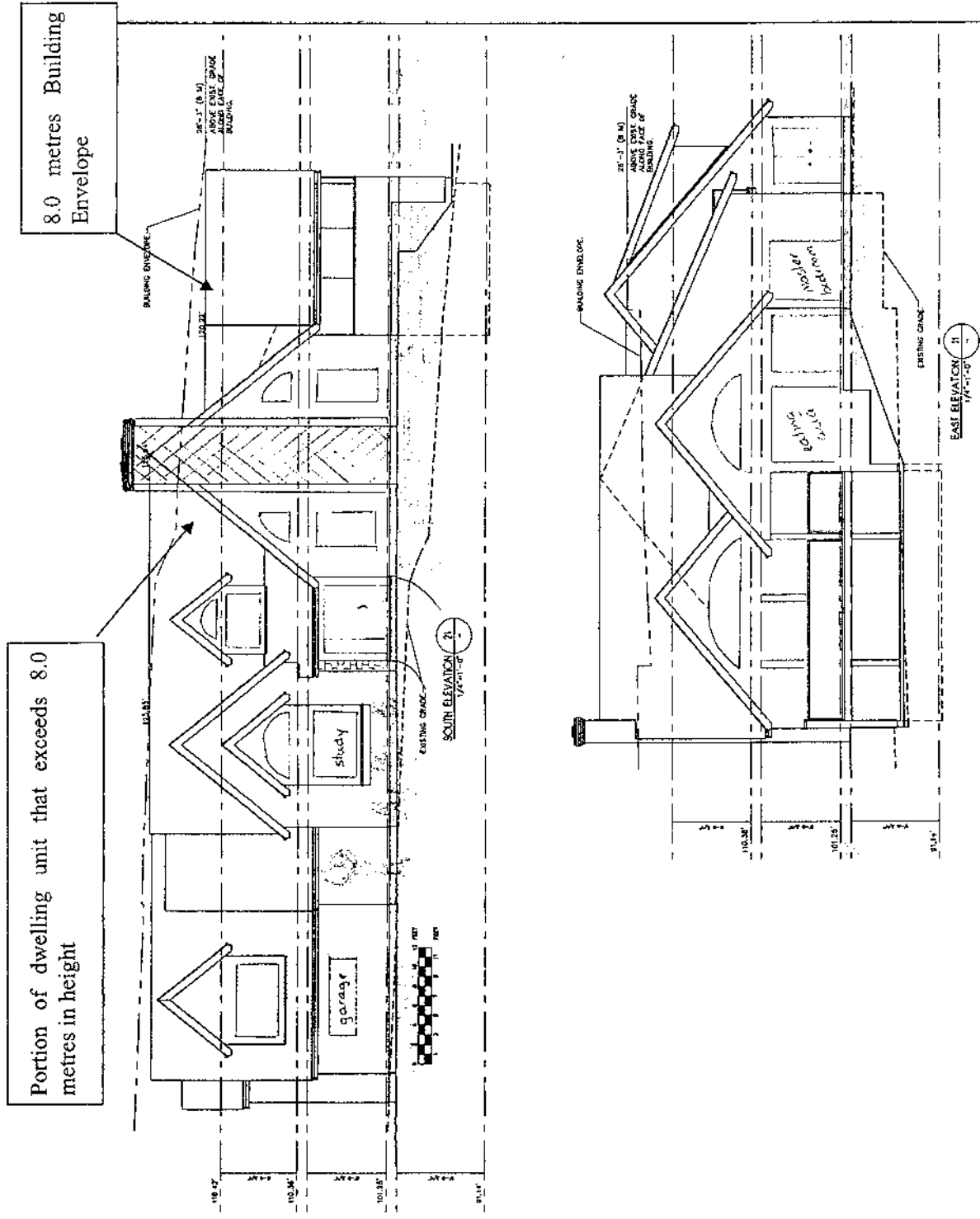
Schedule No. 2
Site Plan (Submitted by applicant)
Development Variance Permit Application No. 90510



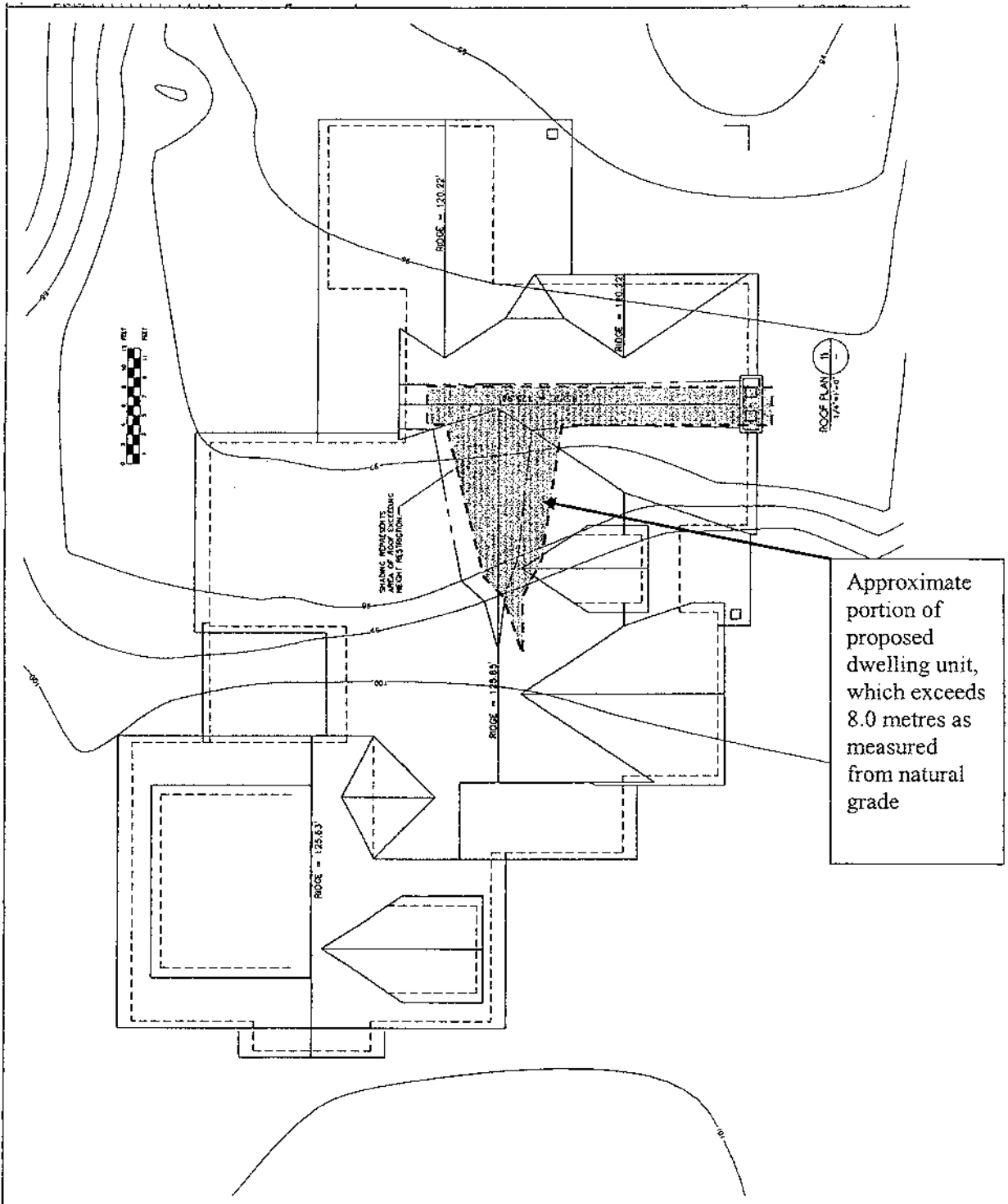
Schedule No. 3 (Page 1 of 3)
Building Profiles (Submitted by Applicant)
Development Variance Permit No. 90510



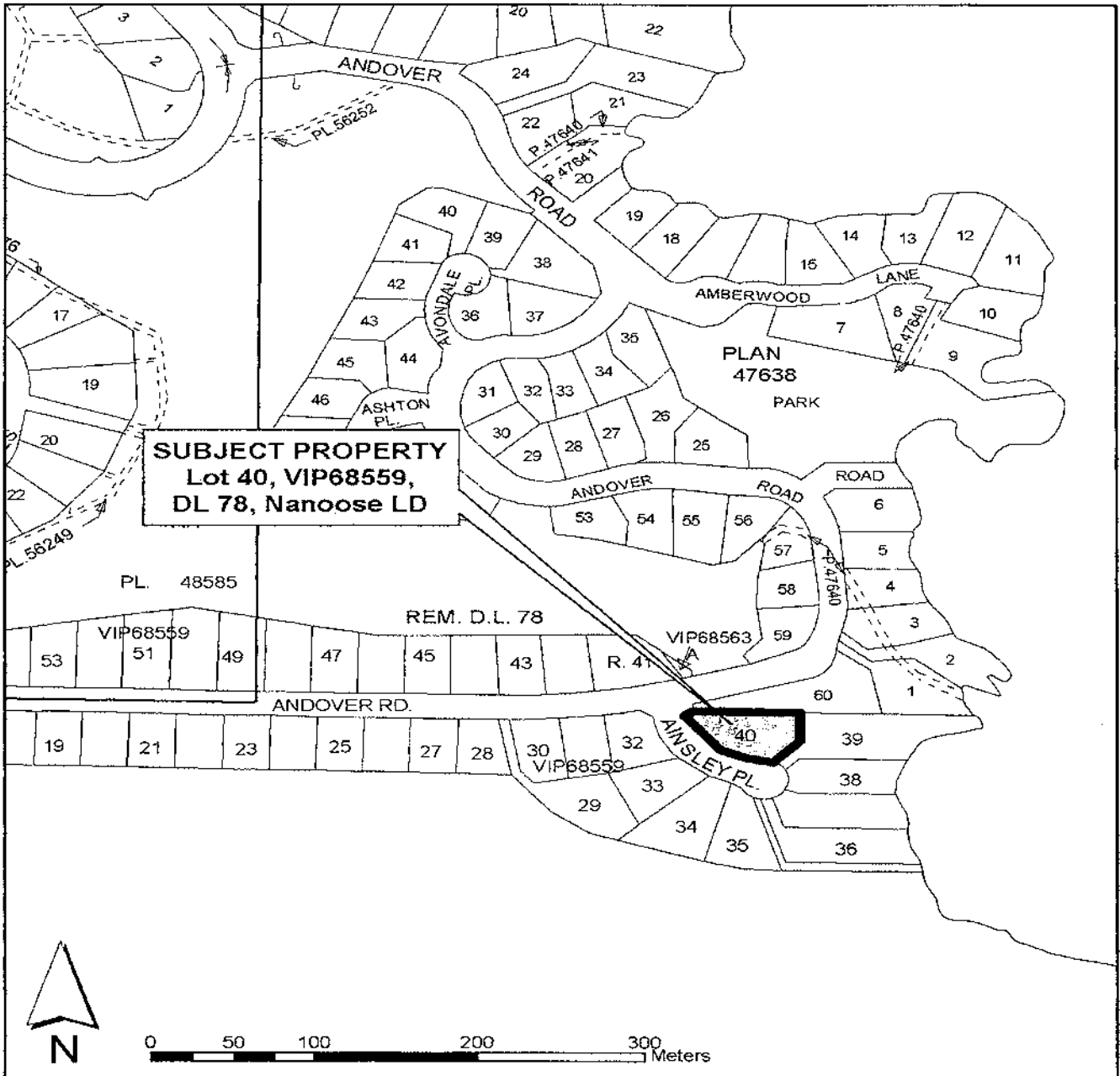
Schedule No. 3 (Page 2 of 3)
Building Profile (Submitted by Applicant)
Development Variance Permit Application No. 90510



Schedule No. 3 (Page 3 of 3)
Roof Plan Showing Proposed Variance (Submitted by Applicant)
Development Variance Permit Application No. 90510



Attachment No. 1
Subject Property Map
Development Variance Permit Application No. 90510





| | |
|------------------------------|-------|
| REGIONAL DISTRICT OF NANAIMO | |
| APR - 5 2005 | |
| CHAIR | GMCMS |
| | GMCrS |
| CAO | GMDS |
| | GMES |
| EAPC | |

MEMORANDUM

TO: Jason Llewellyn
 Manager, Community Planning

DATE: April 5, 2005

FROM: Blaine Russell
 Planner

FILE: 3090 30 90511

SUBJECT: Development Variance Permit Application No. 90511 – Heinz – Farris
 Electoral Area 'E' – 2130 Sherritt Drive - RDN Reference Map No. 92F.030.3.3

PURPOSE

To consider an application for a Development Variance Permit to vary the maximum permitted height for a dwelling unit to accommodate the architectural style of construction proposed by the applicant on the subject property.

BACKGROUND

The subject property is legally described as Lot 24, District Lot 37, Nanoose District, Plan 30072 at 2130 Sherritt Drive in the Nanoose Bay area of Electoral Area 'E' (see Attachment No. 1). The 2.04 hectare subject property is zoned Residential 1 (RS1) subdivision district 'N' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

The subject property is bordered by similarity sized residential zoned properties to the north, south and east. To the west is Sherrit Drive and more residential properties. The Sherrit Drive area has rolling topography and no significant vistas or view corridors exist in the area.

The applicant is requesting a relaxation to the maximum permitted height of Section 3.4.61 pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" from 8.0 metres to 8.7 metres to accommodate the proposed construction of a new dwelling unit.

The proposed general siting and dimensions of the dwelling unit are shown on Schedule 2. The property is located within a building inspection service area; therefore building permits will be required.

ALTERNATIVES

1. To approve Development Variance Permit No. 90511 subject to the conditions outlined in Schedule No. 1.
2. To deny the requested permit.

DEVELOPMENT IMPLICATIONS

The applicants are requesting the variance in order to construct a dwelling unit of a preferred architectural style. The rocky uneven nature of the property presents development challenges for constructing the proposed dwelling unit. On a flat site the proposed dwelling would require a variance. The applicants have excavated a site in the bedrock for the proposed dwelling and have had it surveyed in an effort to construct the dwelling unit in compliance with the maximum permitted height. However, due to the uneven nature of the bedrock outcrop, compliance with the 8.0 metre maximum permitted height would force the main floor of the dwelling unit to be 0.7 metres below the average surrounding grade and require costly excavation into the bedrock. The applicants indicate that they have looked at redesigning the roofline but conclude that it would severely impact the appearance of the dwelling and require other structural changes. The applicants therefore are requesting a relaxation to the maximum permitted height from 8.0 metres to 8.7 metres in order to raise the foundation by 0.7 metres so that the main floor of the proposed dwelling will be at or above grade.

Re-siting the dwelling unit to another area of the property with less extreme grade changes, in order to comply with the maximum permitted height, would require rock and substantial tree removal. The applicants are particularly concerned with tree removal on the property and the substantial expense of additional excavation. The septic field has already been constructed and relocation of the dwelling unit to an alternative site could impact the elevation differential between the septic tank and dwelling.

The proposed dwelling unit site is screened from view of adjacent properties by a number of trees both on the subject and adjacent properties. The dwelling unit is 111 metres from Sherrit Drive to the west and is at least 18 metres from the nearest internal lot line to the south, as measured from the foundation. A dwelling on the property to the north is partially visible from the subject property and is estimated that it is more than 100 metres away. Based on the distance of the dwelling unit from the property lines, the treed nature of the lot, and the lack of any significant view corridors in the area, the potential impact of this height variance request to adjacent property owners is minimal.

There is an increasing desire by property owners to build larger homes with increased emphasis on architectural features within the regional district in order to maximize the potential on larger properties. While this can impact adjacent property owners in some areas, given the characteristics of the subject property and the surrounding large lots, there does not appear to be any impact from the proposed construction.

PUBLIC CONSULTATION IMPLICATIONS

As part of the required public notification process pursuant to the *Local Government Act*, adjacent and nearby property owners located within a 50 metre radius will receive a direct 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

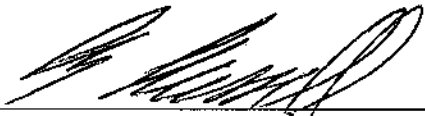
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

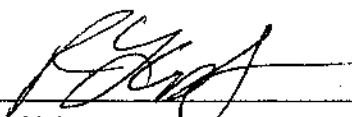
This is an application for a Development Variance Permit to vary the maximum permitted height from 8.0 metres to 8.7 metres to accommodate the proposed construction of a new dwelling unit on 2130 Sherritt Drive in Electoral Area 'E'. The proposed height variance, required as a result of the irregular topography of the site, does not appear to negatively impact neighbouring property owners due to the size of the property and characteristics of the neighbourhood. Therefore, staff recommends approval of the permit subject to the conditions outlined in Schedules No. 1, and subject to the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATIONS

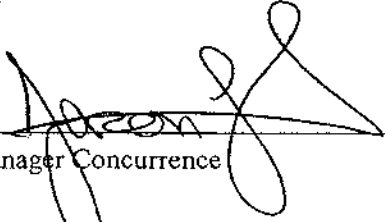
That Development Variance Permit Application No. 90511, submitted by the property owners Steven Heinz and Jill Ferris for 2130 Sherritt Drive to vary Section 3.4.61 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" by relaxing the maximum height requirement from 8.0 metres to 8.7 metres in order to accommodate the construction and siting of a dwelling unit be approved subject to the conditions outlined in Schedules No. 1, subject to the notification requirements pursuant to the *Local Government Act*.



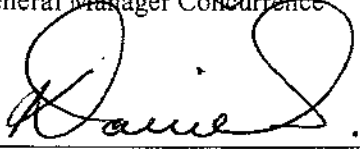
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

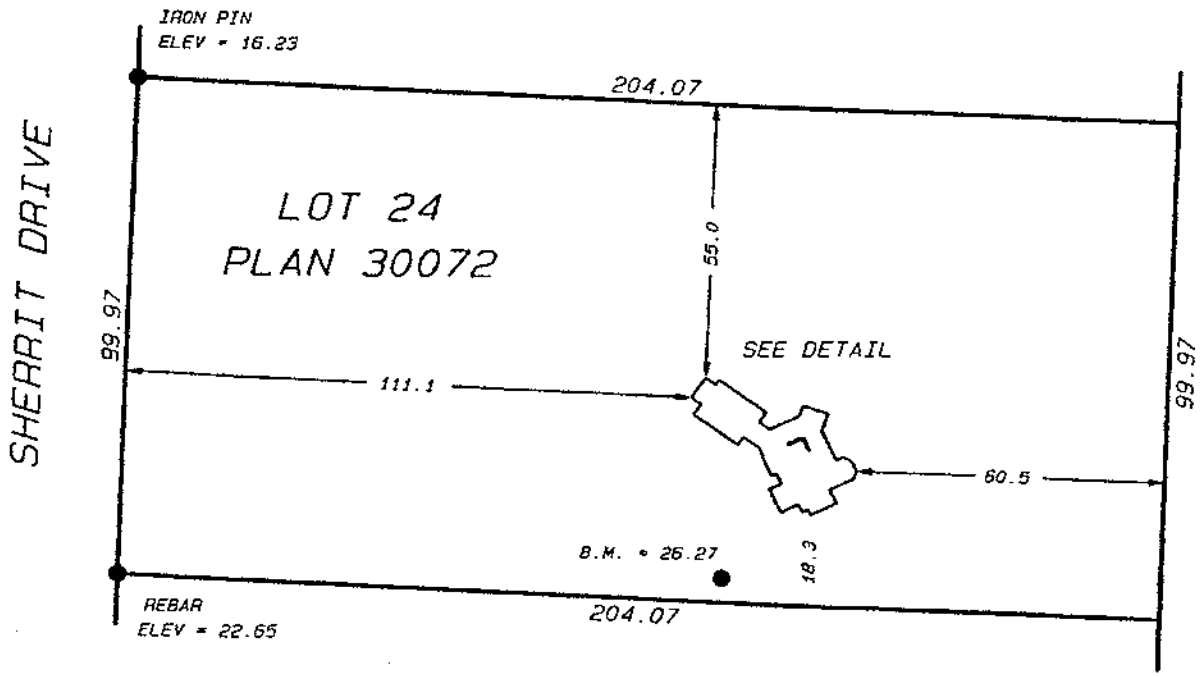
COMMENTS:
devsrv\reports\dvp ap 3090 30 90511 Heinz-Ferris

**Schedule No. 1
Terms of Development Variance Permit No. 90401
For Lot 24, District Lot 37, Nanoose District, Plan 30072**

1. Section 3.4.61 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied to increase the maximum permitted dwelling height from 8.0 metres to 8.7 metres.
2. This variance applies only to a building located and designed in substantial compliance with Schedules No. 2 and 3.
3. A building permit shall be obtained from the RDN Building Inspection Department prior to the commencement of any works on the site.
4. The applicant shall submit a survey, prepared by a British Columbia Land Surveyor (BCLS), confirming the height and siting of the proposed dwelling, including eaves and overhangs, prior to occupancy.

Schedule No. 2
Site Plan
Development Variance Permit No. 90511

(As Submitted by Applicant / Modified to Fit This Page)



Overhang not shown

Schedule No. 3 (part 1 of 2)
Profile Plan
Development Variance Permit No. 90511

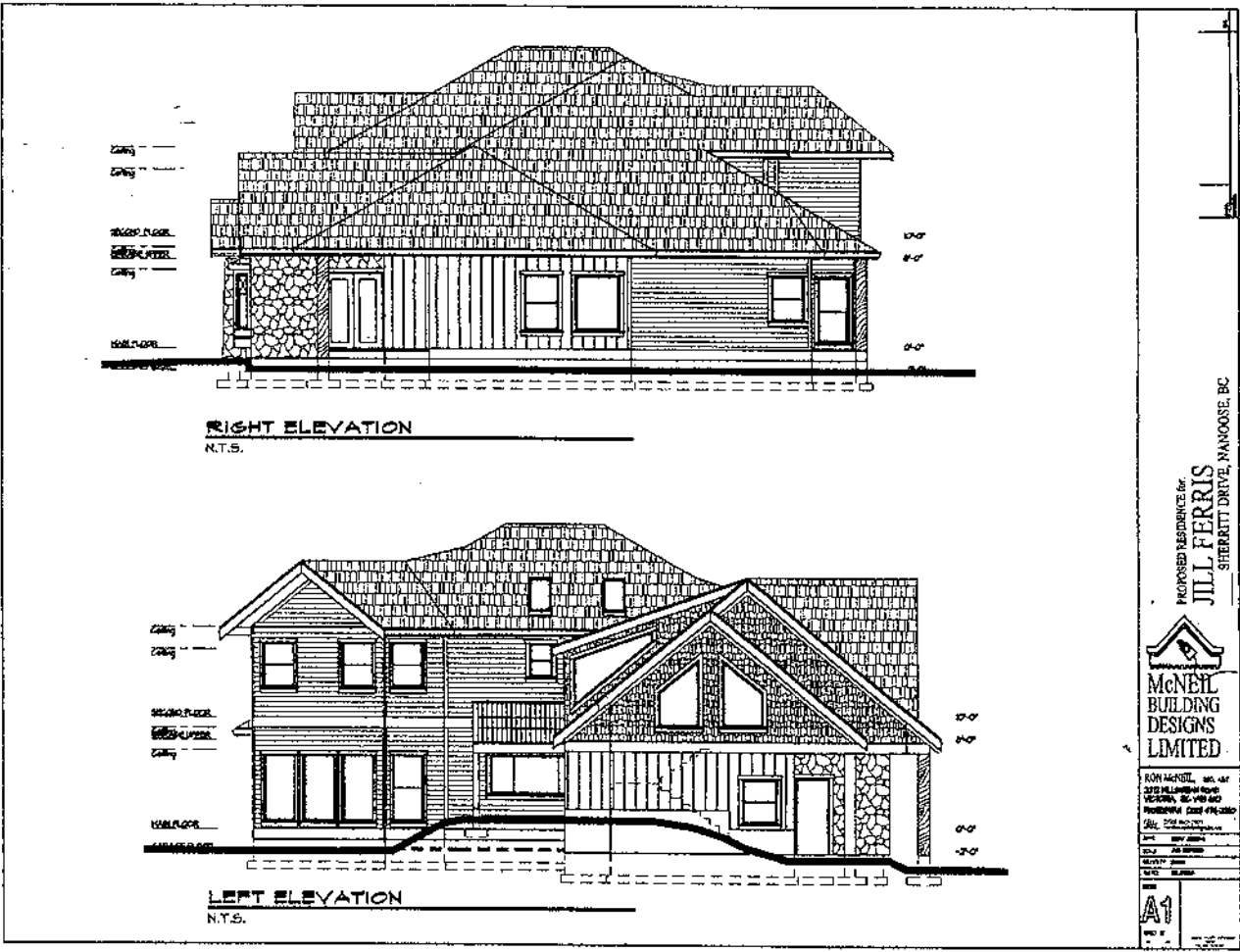
(As Submitted by Applicant / Modified to Fit This Page)



Maximum Height, as measured from natural grade: 8.7 metres.

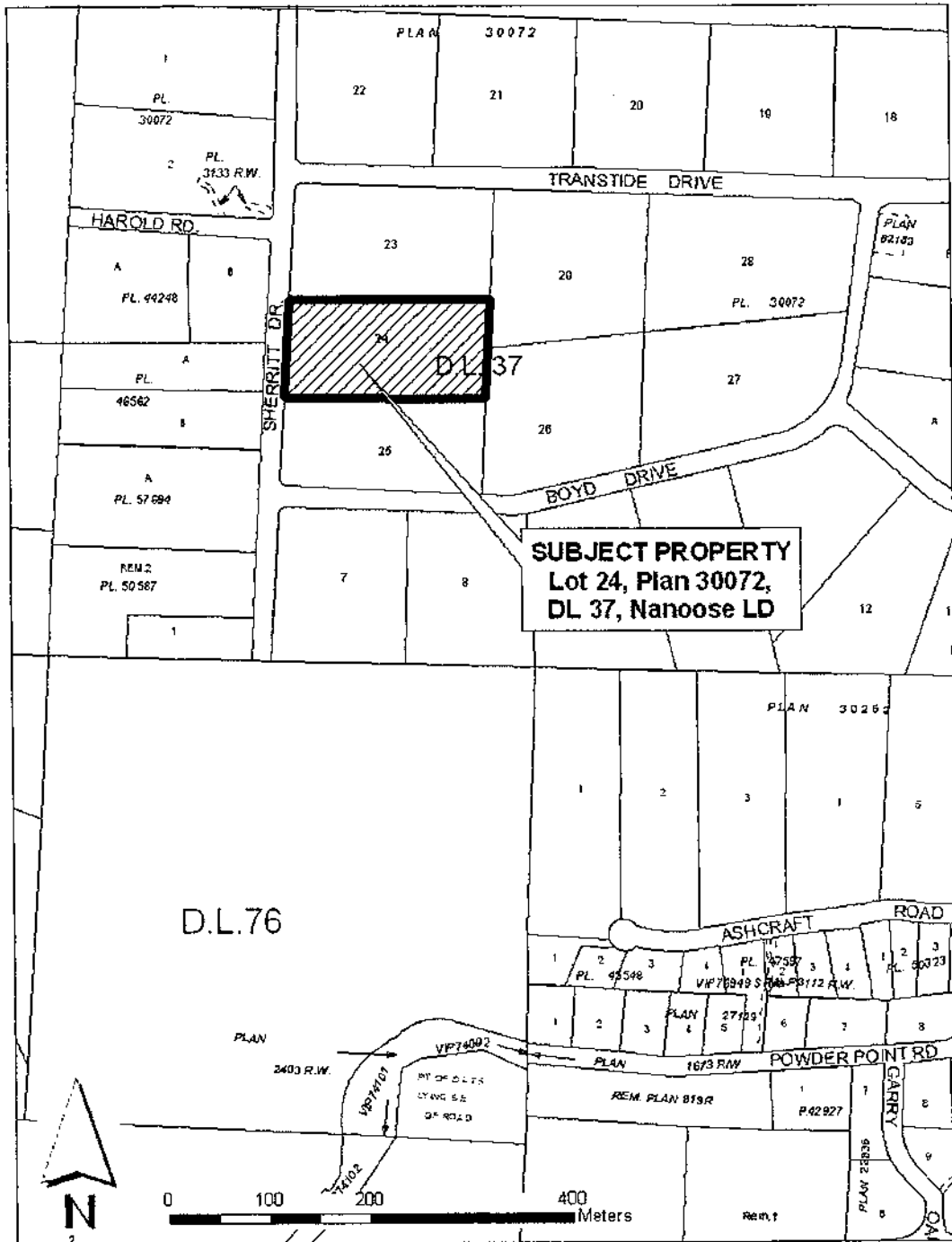
Schedule No. 3 (Part 2 of 2)
 Profile Plan
 Development Variance Permit No. 90511

(As Submitted by Applicant / Modified to Fit This Page)



Maximum Height, as measured from the natural grade: 8.7 metres.

Attachment No. 1
 Subject Property Map



BCGS Map Sheet No. 92F-030.3.3



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| REGIONAL DISTRICT OF NANAIMO | |
| MAR 31 2005 | |
| CHAIR | GMCmS |
| | GMCrS |
| CAO | GMDS |
| | GMES |
| EAPC ✓ | |

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Services

DATE: April 1, 2005

FROM: Brigid Reynolds
Senior Planner

FILE: 3360 30 0403

SUBJECT: Bylaw Amendment Bylaw 500.303 – Fern Road Consulting Ltd.,
on behalf of Duanne Vincent
Electoral Area 'H' – 930 Spider Lake Road

PURPOSE

To consider a request to relax the minimum 10% perimeter frontage and to consider Bylaw 500.303, 2004 for adoption in order to facilitate the creation of a three lot subdivision.

BACKGROUND

Bylaw No. 500.303, 2004 was introduced and given 1st and 2nd reading on August 10, 2004. This was followed by a Public Hearing held on September 7, 2004. The Board then granted the Bylaw 3rd reading on September 28, 2004.

The purpose of this amendment bylaw is to rezone the parcel legally described as Lot 4, Block 360, Newcastle and Alberni Districts, Plan 35096 and located at 930 Spider Lake Road in the Spider Lake area of Electoral Area 'H' (see Attachment No. 1 for location of subject property) from Subdivision District B (8.0 ha minimum parcel size) to Subdivision District D (2.0 ha minimum parcel size) in order to facilitate the subdivision of the parent parcel into two 2.0 ha and one 4.0 ha sized parcels (see Schedule No. 1 for proposed plan of subdivision).

This application is one of five similar zoning amendment applications in the Spider Lake area. Prior to this report, these applications have been presented to the Regional Board together; however due to the subdivision process for each application, final approval is being requested separately.

At 3rd reading of this amendment application, the Conditions for Approval included the following:

1. The registration of the following section 219 covenants:
 - a) For proposed Lots A and B (2.0 ha lots), a land use covenant to include the following restrictions:
 - i) One dwelling unit per parcel;
 - ii) No further subdivision of the land under the *Strata Property Act*;
 - iii) No frontage relaxation; and
 - iv) No further road dedication to accommodate parcel frontage or additional parcels.
 - b) For proposed Lot C (4.0 ha lot), a land use covenant stating no further subdivision of the land under the *Strata Property Act*

- c) A hydrogeology covenant to include the hydrogeological assessment prepared by EBA Engineering Consultants Ltd. on August 31, 2004 proving the availability of potable water for the proposed subdivision in terms of water quantity.
2. A development permit approved pursuant to the Environmentally Sensitive Features Development Permit Area as designated in "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003."

The corresponding development permit application was approved by the Regional Board on October 26, 2004.

With respect to the registration of the covenants, the applicant has provided a solicitor's letter undertaking to register the section 219 covenants on the title concurrently with the plan of subdivision. While the applicant was required to have these covenants registered on the title of the property prior to final approval by the Regional Board, the applicant's agent requested that the Regional District accept the solicitor's letter of undertaking. While not a preferred method of securing covenants, as the applicant is subdividing the parent parcel at this time, staff recommends the letter of undertaking be accepted.

10% Minimum Frontage Requirement

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

| Proposed Lot No. | Required frontage | Proposed frontage | % of perimeter |
|------------------|-------------------|-------------------|----------------|
| Lot C | 112.6 m | 13.2 m | 1.1% |

Therefore, as this proposed lot does not meet the minimum 10% parcel frontage requirement, approval of the Regional Board of Directors is required.

As the corresponding development permit has been approved and the covenants will be registered at the time of subdivision, as secured by the solicitor's letter of undertaking, the bylaw may now be considered for adoption.

ALTERNATIVES

1. To approve the request to relax the minimum 10% perimeter frontage requirement for proposed Lot C and to adopt Bylaw No. 500.303.
2. To deny the request to relax the minimum 10% perimeter frontage requirement and to not adopt Bylaw No. 500.303.

DEVELOPMENT IMPLICATIONS

Ministry of Transportation staff has indicated that access to the proposed parcels will meet Ministry standards and therefore have no concerns at this time with this request for relaxation of the minimum 10% frontage.

INTERGOVERNMENTAL IMPLICATIONS

Referrals were sent to the Ministry of Transportation and Vancouver Island Health Authority. In addition, the Bow Horne Fire Protection District was contacted directly.

Comments received include:

Ministry of Transportation – staff has indicated that the Ministry has no objection in principal to these applications.

Vancouver Island Health Authority – staff has indicated that due to the potential for onsite sewage disposal in these areas the agency has no objection to these rezoning applications.

Bow Horne Fire Protection District Fire Chief – The Fire Chief has verbally indicated no objection to these rezoning applications.

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 three lot subdivision and a request to consider adoption of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.303, 2004". Bylaw No. 500.303 was given 1st and 2nd reading on August 10, 2004. A Public Hearing was held on September 7, 2004 and the Bylaw was given 3rd reading on September 28, 2004. The Regional Board approved the Development Permit on October 26, 2004. In addition, Ministry of Transportation is satisfied that acceptable access is achievable. As the applicable Conditions of Approval as outlined in Schedule No. 1 have been met to the satisfaction of the Department, the Bylaw may now be considered for adoption.

The following recommendations are provided for consideration by the Board.

RECOMMENDATIONS

1. That the request by Fern Road Consulting on behalf of Vincent, to relax the minimum 10% frontage requirement for proposed Lot C, as shown on the plan of subdivision of Lot 4, Block 360, Newcastle and Alberni Districts, Plan 35096, be approved.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.303, 2004", be adopted.



Report Writer


Manager Concurrence

COMMENTS:

devsvs/reports/2005/ZA3360 30 0403 ap brd Vincent Fern Rd adopt

Acting


General Manager Concurrence


CAO Concurrence

SCHEDULE NO. 1

**Proposed Plan of Development
 (as submitted by applicant)
 (reduced for convenience)**

Approved in the land title office
 at Victoria, B.C. this _____ day of
 _____ A.M.E.

Registrar

Approved pursuant to the Land Title
 Act, _____ day of _____ 2005.

Approving Officer for the Ministry
 of Transportation

This Plan was filed with the Registrar
 District of Hastings.

The registered owner(s) designated the
 land shown on this plan as intended for
 use as a _____ in accordance with the
 zoning bylaw of the City of Victoria, British
 Columbia under Section
 218 of the Land Title Act.

REGISTRAR

Deputy Registrar

Witness to these Signatures

Occupation of Witness

Address of Witness

I, Michael A. Gray, a British Columbia
 land surveyor, certify that the
 above plan is a true and correct
 copy of the original plan as shown
 to me in person and personally supervised
 the survey represented by this Plan and that
 the field notes and computations on the
 plan were made by me or under my
 direction on the _____ day of
 _____ 2005. The plan
 was prepared by Michael A. Gray and the checker
 by Michael A. Gray on the _____ day of
 _____ 2005.

Approved in the land title office
 at Victoria, B.C. this _____ day of
 _____ A.M.E.

Registrar

Approved pursuant to the Land Title
 Act, _____ day of _____ 2005.

Approving Officer for the Ministry
 of Transportation

This Plan was filed with the Registrar
 District of Hastings.

The registered owner(s) designated the
 land shown on this plan as intended for
 use as a _____ in accordance with the
 zoning bylaw of the City of Victoria, British
 Columbia under Section
 218 of the Land Title Act.

REGISTRAR

Deputy Registrar

Witness to these Signatures

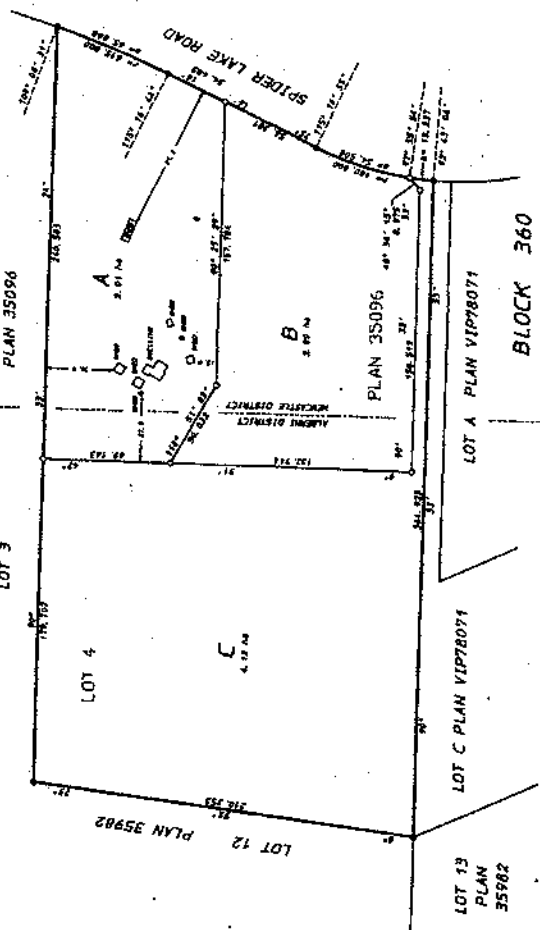
Occupation of Witness

Address of Witness

I, Michael A. Gray, a British Columbia
 land surveyor, certify that the
 above plan is a true and correct
 copy of the original plan as shown
 to me in person and personally supervised
 the survey represented by this Plan and that
 the field notes and computations on the
 plan were made by me or under my
 direction on the _____ day of
 _____ 2005. The plan
 was prepared by Michael A. Gray and the checker
 by Michael A. Gray on the _____ day of
 _____ 2005.

LEGEND

All distances are in metres
 unless otherwise stated.
 All bearings are given in degrees
 minutes and seconds from true north
 unless otherwise stated.
 All bearings are given in degrees
 minutes and seconds from true north
 unless otherwise stated.

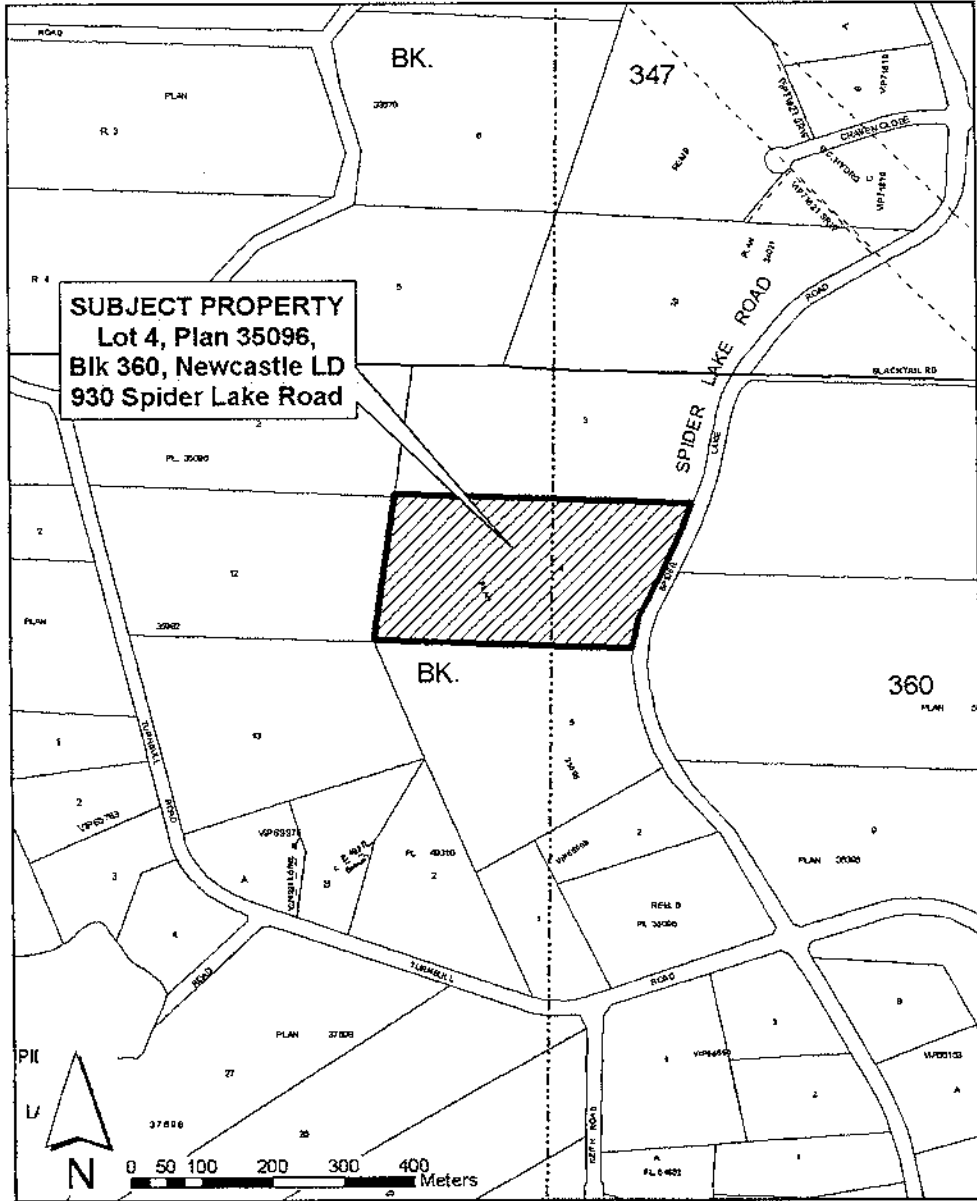


Authorised Signatory

Authorised Signatory

Witness to these Signatures

ATTACHMENT No. 1
Location of Subject Property





| | |
|------------------------------|------|
| REGIONAL DISTRICT OF NANAIMO | |
| APR - 4 2005 | |
| CHAIR | GMCS |
| | GMCS |
| CAO | GMDS |
| | GMES |
| EAP | |

MEMORANDUM

TO: Jason Llewellyn
 Manager, Community Planning

DATE: April 1, 2005

FROM: Blaine Russell
 Planner

FILE: 3010 01 APNO

SUBJECT: Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005
 All Electoral Areas except Electoral Area 'B'

PURPOSE

To propose amendments to "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002" by establishing a new Bylaw No. 1432, 2005.

BACKGROUND

"Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002" outlines the notification procedures associated with the various development approval applications. Staff has had the opportunity to work with this bylaw for a number of years, since its adoption in 2002 and have identified a number of amendments that are considered necessary to ensure consistency and certainty regarding the intended notification procedures. Namely, the notification requirements for tenants occupying properties are proposed to be specified in the bylaw to allow for its cost effective and practical administration. A number of other minor housekeeping amendments have been made to increase clarity and simplify language.

Proposed Amendments

A. Notification Distances for Land Use Bylaw Amendments - The following amendments are proposed to Part 3 of the Bylaw to clearly identify the notification distance requirements for property owners and tenants.

- 1. Part 3, Section 3 (for Area "F" Zoning and OCP Amendments)

It is proposed that Part 3, Section 3 be amended to read as follows:

For Electoral Area "F" notice of a bylaw amendment that alters the permitted use or density of land shall be mailed, or otherwise delivered, at least 10 days prior to the Public Hearing to:

- a. owners and tenants in occupation of a parcel, or parcels, that are the subject of the bylaw amendment;

- b. owners and tenants in occupation of parcels that are located within 50 metres of a parcel that is the subject of the bylaw amendment; and,
- c. owners of parcels that are located within 500 metres of a parcel that is the subject of the bylaw amendment.

2. Part 3, Section 4 (for Zoning and OCP Amendments in areas other than Area F)

It is proposed that Part 3, Section 4 be amended to read as follows:

For all Electoral Areas, except electoral Area "F", notice of a bylaw amendment that alters the permitted use or density of land shall be mailed, or otherwise delivered, at least 10 days prior to the Public Hearing to:

- a. owners and tenants in occupation of a parcel, or parcels, that are the subject of the bylaw amendment;
- b. owners and tenants in occupation of parcels that are located within 50 metres of a parcel that is the subject of the bylaw amendment; and,
- c. owners of parcels that are located within 200 metres of a parcel that is the subject of the bylaw amendment.

3. Part 3, Section 5 (for Zoning and OCP Amendments in areas other than Area F)

It is proposed that Part 3, Section 5 be amended to read as follows:

Notwithstanding Part 3(4) where a bylaw amendment alters permitted use or density of land that involves:

- a. more than 20 residential units; or
- b. a parcel area equal to or greater than 4000 m² for the purpose of commercial or industrial development;

notice shall be mailed or otherwise delivered to:

- a. owners and tenants in occupation of a parcel, or parcels, that are the subject of the bylaw amendment;
- b. owners and tenants in occupation of parcels that are located within 50 metres of a parcel that is the subject of the bylaw amendment; and,
- c. owners of parcels that are located within 500 metres of a parcel that is the subject of the bylaw amendment.

- B. The 10 and 10 Rule** - The *Local Government Act* waives the requirement for mailing notice where an amendment bylaw involves 10 or more parcels owned by 10 or more persons. *Section 3* is proposed to be amended by adding the following to clarify that the notice mailing and signage requirements outlined in *Section 3* are also waived where an amendment involves 10 or more parcels owned by 10 or more persons.

It is proposed that Part 3 be amended by adding the following Section:

Part 3.11 *Parts 3.3, 3.4, 3.5, 3.6, and 3.7 do not apply if 10 or more parcels owned by 10 or more persons are the subject of an amendment application.*

- C. Development Permits** - Currently the department practice is to provide notice to adjacent property owners within 50 metres when a variance to a land use bylaw is included in a Development Permit. However, this is not a requirement of the *Local Government Act* or the "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002." This proposed addition to the bylaw is intended to formalize the practice of

providing notice to adjacent property owners when a variance is requested in a Development Permit application. This amendment makes the notice requirement consistent with the notice required for a Development Variance Permit and Board of Variance Application.

It is not advised that notice be provided to property owners for development permits that do not contain variances and development permits delegated to the General Manager for approval. Providing public notice on this type of basic application would create notable workload implications for staff and may tend to "desensitize" property owners to such notices. It is also noted that the Boards' discretion to issuing development permits, based upon public input, is limited. Where an Area Director feels any development permit should come to the attention of the public, a Public Information Meeting may be held.

It is proposed that Part 5 be amended by added the following Section:

Part 5.5 *Where a development permit application requests a variance to a land use bylaw, notice of that variance shall be mailed or otherwise delivered, at least 10 days prior to the adoption of the Board Resolution to issue the permit, to the owners and tenants in occupation of a parcel, or parcels, that are the subject of the permit and any parcels located within 50 metres of a parcel that is the subject of the permit.*

- D. Public Information Meetings** - The following amendment is proposed to Part 8 of the Bylaw to clearly identify the notification distance requirements for property owners and tenants for Public Information Meetings for all Electoral Areas. Also, the notice delivery distances are proposed to be increased from 100 metres to 200 metres for areas other than Area 'F' in order to be consistent with the notice requirements for a Public Hearing.

It is proposed that Part 8 be amended to read as follows:

Where a public information meeting is to be held as part of an amendment application, a parkland dedication proposal, a development permit application or a temporary commercial or industrial use permit application, a notice of the meeting shall be placed in a minimum of one (1) edition of a local newspaper and shall be mailed at least 10 days prior to the public information meeting as follows:

- a. *For an amendment application or a temporary commercial or industrial use permit for a parcel or a portion of a located within Electoral Area 'F', to owners of any parcel that is:
 - i. the subject of the application or permit; and,
 - ii. located within 500 metres of a parcel that is the subject of the application.*
- b. *For an amendment application or a temporary commercial or industrial use permit for a parcel located within all electoral area, other than Electoral Area 'F', to owners of any part of a parcel that is:
 - i. the subject of the application or permit; and,
 - ii. located within 200 metres of a parcel that is the subject of the application.*
- c. *For a development permit application, to the owners of a parcel, which is the subject of the permit and within 50 metres of a parcel that is the subject of the permit.*

ALTERNATIVES

1. That the Board adopt Bylaw No. 1432, 2005 to incorporate the proposed amendments to development approval procedures and notification.
2. That the Board not adopt Bylaw No. 1432, 2005 as recommended in this report.

PUBLIC CONSULTATION IMPLICATIONS

The proposed changes allow for the direct notification of tenants living within 50 metres of an application, as well as an extended notification provided by mail to property owners over and above the statutory requirements. The extended notification of property owners within 200 and 500 metres of the location of an application is significantly greater than the statutory notification requirements and the notification standards practiced by the vast majority of local governments. Given the significant distance involved in the extended notification requirements it is not proposed that this notice be provided directly to tenants as well as property owners given the personnel and financial cost implications.

VOTING

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

A 2/3 majority vote by all Electoral Area Directors, except Electoral Area 'B' is required to give the bylaw 3rd reading and adoption at the same meeting.

SUMMARY

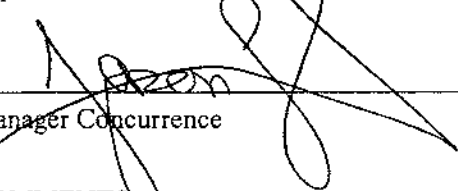
In order to increase clarity and certainty regarding the intended notification procedures for the various development approval applications the notification procedures associated with the various development approval applications have been reviewed and a number of amendments are proposed to "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002." The proposed amendments are incorporated into a new Bylaw No. 1432, 2005 for consideration by the Board.

RECOMMENDATIONS

1. That "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1432, 2005" be given three readings.
2. That "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1432, 2005" having received three readings, be adopted.



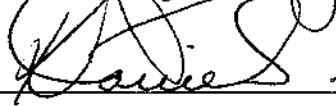
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:
3010 01 APNO 1261 2005

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1432, 2005

A BYLAW TO ESTABLISH DEVELOPMENT APPROVAL AND NOTIFICATION PROCEDURES

WHEREAS PART 26 of the *Local Government Act* provides for applications for amending an official community plan, a zoning bylaw, a land use contract, the issuance of development permits, development variance permits, and temporary use permits, the review of subdivisions, the establishment of procedures pertaining to these, and the notification of property owners;

AND WHEREAS Section 895 of the *Local Government Act* provides that where a local government has adopted an official community plan or a zoning bylaw, the local government must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for the issuance of a permit under Part 26 of the *Local Government Act*;

NOW THEREFORE, The Board of the Regional District of Nanaimo, in open meeting assembled, enacts the following:

Part 1 – Short Title

1. This Bylaw may be cited as “Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1432, 2005.”

Part 2 – Application and Repeal

1. This bylaw applies to Electoral Areas ‘A’, ‘C’, ‘D’, ‘E’, ‘F’, ‘G’, and ‘H’ of the Regional District of Nanaimo.
2. “Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002” is hereby repealed.

Part 3 – Amendment Applications

1. An application to amend an official community plan, a land use and subdivision bylaw, or a land use contract shall be completed upon the sample form provided by the Regional District, which is attached as Schedule No. ‘1’.
2. The completed application shall be delivered to the Regional District together with plans and information as the Regional District may require including, but not limited to, the following:
 - a. the names, mailing addresses, telephone numbers, and fax numbers of all registered owners and their agent, if applicable;
 - b. a letter of authorization from all registered owners, if an agent is representing the registered owners;
 - c. a copy of state of title certificate(s) dated within 30 days of the date of application;
 - d. a copy of Land Reserve Commission approval, if applicable;
 - e. a minimum of four (4) copies of detailed site plans drawn to a scale not larger than 1:500 showing all applicable information including:

- i. boundaries and dimensions of the parcel(s),
 - ii. proposed subdivision of parcel(s),
 - iii. location of existing and proposed roads,
 - iv. location and type of existing and proposed easements and covenants,
 - v. location of streams and other environmentally sensitive features and natural hazardous features,
 - vi. size and location of all existing and proposed buildings, structures, and uses, and the number and size of all existing and proposed residential units,
 - vii. location of existing and proposed vehicular, cycling, and pedestrian internal routes and access points,
 - viii. location of existing and proposed off-street parking and loading spaces, garbage and recycling provisions,
 - ix. location and type of existing and proposed landscaping,
 - x. existing and proposed on-site services including type and location of each service, and
 - xi. location and type of existing and proposed signage;
 - f. a detailed plan of building profiles drawn to a scale not larger than 1:1000;
 - g. all other information as set out in “Regional District of Nanaimo Impact Assessment Bylaw No. 1165, 1999”; and,
 - h. the required application fee.
3. For Electoral Area 'F', notice of a bylaw amendment that alters the permitted use or density of land shall be mailed, or otherwise delivered, at least 10 days prior to the Public Hearing to:
 - a. owners and tenants in occupation of a parcel, or parcels, that are the subject of the bylaw amendment;
 - b. owners and tenants in occupation of parcels that are located within 50 metres of a parcel that is the subject of the bylaw amendment; and,
 - c. owners of parcels that are located within 500 metres of a parcel that is the subject of the bylaw amendment.
4. For all other Electoral Areas, except Electoral Area 'F', notice of a bylaw amendment that alters the permitted use or density of land shall be mailed, or otherwise delivered, at least 10 days prior to the Public Hearing to:
 - a. owners and tenants in occupation of a parcel, or parcels, that are the subject of the bylaw amendment;
 - b. owners and tenants in occupation of parcels that are located within 50 metres of a parcel that is the subject of the bylaw amendment; and,
 - c. owners of parcels that are located within 200 metres of a parcel that is the subject of the bylaw amendment.
5. Notwithstanding Part 3(4), where a bylaw amendment that alters permitted use or density of land involves:
 - a. more than 20 residential units; or
 - b. a parcel area equal to or greater than 4000 m² for the purpose of commercial or industrial development;notice shall be mailed or otherwise delivered to:
 - a. owners and tenants in occupation of a parcel, or parcels, that are the subject of the bylaw amendment;
 - b. owners and tenants in occupation of parcels that are located within 50 metres of a parcel that is the subject of the bylaw amendment; and,

- c. owners of parcels that are located within 500 metres of a parcel that is the subject of the bylaw amendment.
6. Upon receipt of a complete application for a bylaw amendment under Part 3, the Regional District of Nanaimo will post a notice on the parcel in a location unobstructed to view from the adjacent highway or street, advertising that the property is subject to a development application.
7. Where the Board of the Regional District has introduced a Bylaw under Part 3 that involves:
 - a. more than 20 residential units; or
 - b. a parcel area equal to or greater than 4000 m² for the purpose of commercial or industrial development;the applicant shall post notice of the application in accordance with the specifications outlined in Schedule '1A' attached to and forming part of this bylaw.
8. Notice required under Part 3(7) shall be posted no less than 10 days prior to the scheduled public hearing date.
9. Notice required under Part 3(7) shall be posted in a location unobstructed to view from the street, subject to approval by the Regional District of Nanaimo.
10. Where the Board requires a covenant to be registered on title, it shall be the applicant's responsibility to prepare and file the covenant and provide proof of Land Title registration to the satisfaction of the Regional District prior to a bylaw amendment proceeding to the Board for final consideration.
11. Parts 3.3, 3.4, 3.5, 3.6, and 3.7 do not apply if 10 or more parcels owned by 10 or more persons are the subject of an amendment application.

Part 4 – Temporary Use Permits

1. An application to designate a parcel or a portion of a parcel as a temporary commercial or industrial use permit shall be completed upon the sample form provided by the Regional District, which is attached as Schedule No. '2'.
2. The completed application shall be delivered to the Regional District together with plans and information as the Regional District may require including, but not limited to, the following:
 - a. the names, mailing addresses, telephone numbers, and fax numbers of all registered owners and their agent, if applicable;
 - b. a letter of authorization from all registered owners, if an agent is representing the registered owners;
 - c. a copy of state of title certificate(s) dated within 30 days of the date of application;
 - d. a copy of Land Reserve Commission approval, if applicable;
 - e. a minimum of four (4) copies of detailed site plans drawn to a scale not larger than 1:500 showing all applicable information including:
 - i. boundaries and dimensions of the parcel(s),
 - ii. proposed subdivision of the parcel(s),
 - iii. location of existing and proposed roads,
 - iv. location and type of existing and proposed easements and covenants,
 - v. location of streams and other environmentally sensitive features and natural hazardous areas,

- vi. size and location of all existing and proposed buildings, structures, and uses, and the number and size of all existing and proposed residential units,
 - vii. location of existing and proposed vehicular, cycling, and pedestrian internal routes and access points,
 - viii. location of existing and proposed off-street parking and loading spaces, garbage and recycling provisions,
 - ix. location and type of existing and proposed landscaping,
 - x. existing and proposed on-site services including type and location of each service, and,
 - xi. location and type of existing and proposed signage.
- f. a detailed plan of building profiles drawn to a scale not larger than 1:1000;
 - g. all other information as set out in “Regional District of Nanaimo Impact Assessment Bylaw No. 1165, 1999”; and
 - h. the required application fee.
3. Where the Board requires a covenant to be registered on title, it shall be the applicant's responsibility to prepare and file the covenant and provide proof of Land Title registration to the satisfaction of the Regional District.
 4. A temporary commercial or industrial use permit shall generally conform to the sample form attached as Schedule No. ‘3’.

Part 5 – Development Permits

1. An application for a development permit shall be completed upon the sample form provided by the Regional District, which is attached as Schedule No. ‘4’.
2. The completed application shall be delivered to the Regional District together with plans and information as the Regional District may require including, but not limited to, the following:
 - a. names, mailing addresses, telephone numbers, and fax numbers of all registered owners and their agent, if applicable;
 - b. a letter of authorization from all registered owners, if an agent is representing the registered owners;
 - c. a copy of state of title certificate(s) dated within 30 days of the date of application;
 - d. a copy of Land Reserve Commission approval, if applicable;
 - e. a minimum of four (4) copies of detailed site plans drawn to a scale not larger than 1:500 showing all applicable information including:
 - i. boundaries and dimensions of the parcel(s),
 - ii. proposed subdivision of the parcel(s),
 - iii. location of existing and future roads,
 - iv. location and type of existing and proposed easements and covenants,
 - v. location of streams and other environmentally sensitive features and natural hazardous areas,
 - vi. size and location of all existing and proposed buildings, structures, and uses, and number and size of all existing and proposed residential units,
 - vii. location of existing and proposed vehicular, cycling, and pedestrian accesses,
 - viii. location of existing and proposed off-street parking, loading spaces, garbage and recycling provisions,
 - ix. location and type existing and proposed landscaping,
 - x. location of existing and proposed on-site services proposed including type and location of each service, and
 - xi. existing and proposed signage;

- f. a detailed plan of building profiles drawn to a scale not larger than 1:1000;
 - g. all other information as set out in “Regional District of Nanaimo Impact Assessment Bylaw No. 1165, 1999”; and,
 - h. the required application fee.
3. Where the Board requires a covenant to be registered on title, it shall be the applicant's responsibility to prepare and file the covenant and provide proof of Land Title registration to the satisfaction of the Regional District.
4. A development permit shall generally conform to the sample form attached as Schedule No. '5'.
5. Where a development permit application requests a variance to a land use bylaw, notice of that variance shall be mailed or otherwise delivered, at least 10 days prior to the adoption of the Board Resolution to issue the permit, to the owners and tenants in occupation of a parcel, or parcels, that are the subject of the permit and any parcels located within 50 metres of a parcel that is the subject of the permit.

Part 6 – Development Variance Permits

1. An application for a development variance permit shall be completed upon the sample form provided by the Regional District, which is attached as Schedule No. '6'.
2. The completed application shall be delivered to the Regional District together with plans and information as the Regional District may require including, but not limited to, the following:
- a. names, mailing addresses, telephone numbers, and fax numbers of all registered owners and their agent if applicable;
 - b. a letter of authorization from all registered owners, if an agent is representing the registered owners;
 - c. a copy of state of title certificate(s) dated within 30 days of the date of application;
 - d. a copy of Land Reserve Commission approval, if applicable;
 - e. a minimum of two (2) copies of detailed site plans drawn to a scale not larger than 1:500 showing all applicable information including:
 - i. boundaries and dimensions of the parcel(s),
 - ii. existing and proposed easements and covenants,
 - iii. existing and proposed accesses,
 - iv. existing and proposed locations of wells and/or septic disposal systems,
 - v. size and location of all existing and proposed buildings, structures, and uses specifying variance requested,
 - vi. proposed subdivision of parcel(s) specifying variance requested,
 - vii. location of streams and other environmentally sensitive features and natural hazardous areas, specifying variance requested, and,
 - viii. existing and proposed signage specifying variance requested;
 - f. a detailed plan of building profiles drawn to a scale not larger than 1:1000, and
 - g. required application fee as set out in “Regional District of Nanaimo Planning Services and Fees Bylaw No. 1259, 2002.”
3. Notice of the Regional District's intention to issue a development variance permit shall be mailed or otherwise delivered, at least 10 days prior to the adoption of the Board Resolution to issue the permit, to the owners and tenants in occupation of a parcel, or parcels, that are the subject of the permit and any parcels located within 50 metres of a parcel that is the subject of the permit.

4. A development variance permit shall generally conform to the sample form attached hereto as Schedule No. '7'.

Part 7 – Subdivision Applications

1. An application for a fee simple or bare land strata subdivision shall be completed upon the sample form provided by the Regional District which is attached as Schedule No. '8'.
2. An application for a building strata conversion shall be completed upon the sample form provided by the Regional District which is attached as Schedule No. '9'.
3. The completed application shall be delivered to the Regional District together with plans and information as the Regional District may require including, but not limited to, the following:
 - a. names, mailing addresses, telephone numbers, and fax numbers of all registered owners and their agent if applicable;
 - b. a letter of authorization from all registered owners, if an agent is representing the registered owners;
 - c. a copy of state of title certificate(s) dated within 30 days of the date of application;
 - d. a copy of Land Reserve Commission approval, if applicable;
 - e. a minimum of two (2) copies of detailed site plans drawn to a scale not larger than 1:500 showing all applicable information including:
 - i. boundaries and dimensions of the parent parcel(s),
 - ii. proposed type and subdivision of the parcel(s),
 - iii. location of existing and future roads,
 - iv. location of existing and proposed easements and covenants,
 - v. location of streams and other environmentally sensitive features and natural hazardous areas,
 - vi. size, location, and setbacks of all existing buildings, structures, and uses, and
 - vii. location of existing and proposed on-site services proposed including type and location of each service; and
 - viii. the required application fee.

Part 8 – Public Information Meetings

1. Where a public information meeting is to be held as part of an amendment application, a development permit application or a temporary commercial or industrial use permit application, a notice of the meeting shall be placed in a minimum of one (1) edition of a local newspaper and shall be mailed at least 10 days prior to the public information meeting as follows:
 - a. For an amendment application or a temporary commercial or industrial use permit for a parcel or a portion of a located within Electoral Area 'F', to owners of any part of a parcel that is:
 - i. the subject of the application or permit; and
 - ii. located within 500 metres of any parcel, or portion of a parcel or an area proposed to be rezoned or issued a temporary commercial or industrial use.
 - b. For an amendment application or a temporary commercial or industrial use permit for a parcel located within any other electoral area other than Electoral Area 'F', to owners of any part of a parcel that is:
 - i. the subject of the application or permit;
 - ii. located within 200 metres of any parcel, or portion of a parcel or an area under consideration

4. A development variance permit shall generally conform to the sample form attached hereto as Schedule No. '7'.

Part 7 – Subdivision Applications

1. An application for a fee simple or bare land strata subdivision shall be completed upon the sample form provided by the Regional District which is attached as Schedule No. '8'.
2. An application for a building strata conversion shall be completed upon the sample form provided by the Regional District which is attached as Schedule No. '9'.
3. The completed application shall be delivered to the Regional District together with plans and information as the Regional District may require including, but not limited to, the following:
 - a. names, mailing addresses, telephone numbers, and fax numbers of all registered owners and their agent if applicable;
 - b. a letter of authorization from all registered owners, if an agent is representing the registered owners;
 - c. a copy of state of title certificate(s) dated within 30 days of the date of application;
 - d. a copy of Land Reserve Commission approval, if applicable;
 - e. a minimum of two (2) copies of detailed site plans drawn to a scale not larger than 1:500 showing all applicable information including:
 - i. boundaries and dimensions of the parent parcel(s),
 - ii. proposed type and subdivision of the parcel(s),
 - iii. location of existing and future roads,
 - iv. location of existing and proposed easements and covenants,
 - v. location of streams and other environmentally sensitive features and natural hazardous areas,
 - vi. size, location, and setbacks of all existing buildings, structures, and uses, and
 - vii. location of existing and proposed on-site services proposed including type and location of each service; and
 - viii. the required application fee.

Part 8 – Public Information Meetings

1. Where a public information meeting is to be held as part of an amendment application, a development permit application or a temporary commercial or industrial use permit application, a notice of the meeting shall be placed in a minimum of one (1) edition of a local newspaper and shall be mailed at least 10 days prior to the public information meeting as follows:
 - a. For an amendment application or a temporary commercial or industrial use permit for a parcel or a portion of a parcel located within Electoral Area 'F', to owners of any part of a parcel that is:
 - i. the subject of the application or permit; and
 - ii. located within 500 metres of any parcel, or portion of a parcel or an area proposed to be rezoned or issued a temporary commercial or industrial use.
 - b. For an amendment application or a temporary commercial or industrial use permit for a parcel located within any other electoral area other than Electoral Area 'F', to owners of any part of a parcel that is:

- i) the subject of the application or permit;
- ii) located within 200 metres of any parcel, or portion of a parcel or an area under consideration
- c) For a development permit application, to the owners of any part of a parcel which is the subject of the permit and within 50 metres of that part of the area that is subject to the permit.

Introduced and read three times this _____ day of _____, 2005.

Adopted this _____ day of _____, 2005

Chair

General Manager, Corporate Services

Schedule No. '1A'(page 1 of 2) attached to and forming part of Bylaw No. 1432, 2005

DEVELOPMENT APPLICATION NOTICE

Line

1 **DEVELOPMENT APPLICATION**
2 AN APPLICATION HAS BEEN SUBMITTED TO THE REGIONAL DISTRICT OF NANAIMO
3 TO (REZONE/REDESIGNATE) THIS PROPERTY FROM _____ TO _____

4
5
6 Location Map
7 Civic Address/Legal Description
8

FOR FURTHER INFORMATION CONTACT:
APPLICANT:
NAME:
ADDRESS:
PHONE:

9 **A PUBLIC HEARING WILL BE HELD** **REGIONAL DISTRICT OF NANAIMO**
10 DATE: DEVELOPMENT SERVICES DEPARTMENT
11 TIME: 6300 HAMMOND BAY ROAD
12 LOCATION: NANAIMO, BC V9T 6N2
13 ADDRESS: PHONE: 390-6510 or 954-3798
14 planning@rdn.bc.ca

DEVELOPMENT APPLICATION NOTICE DETAIL

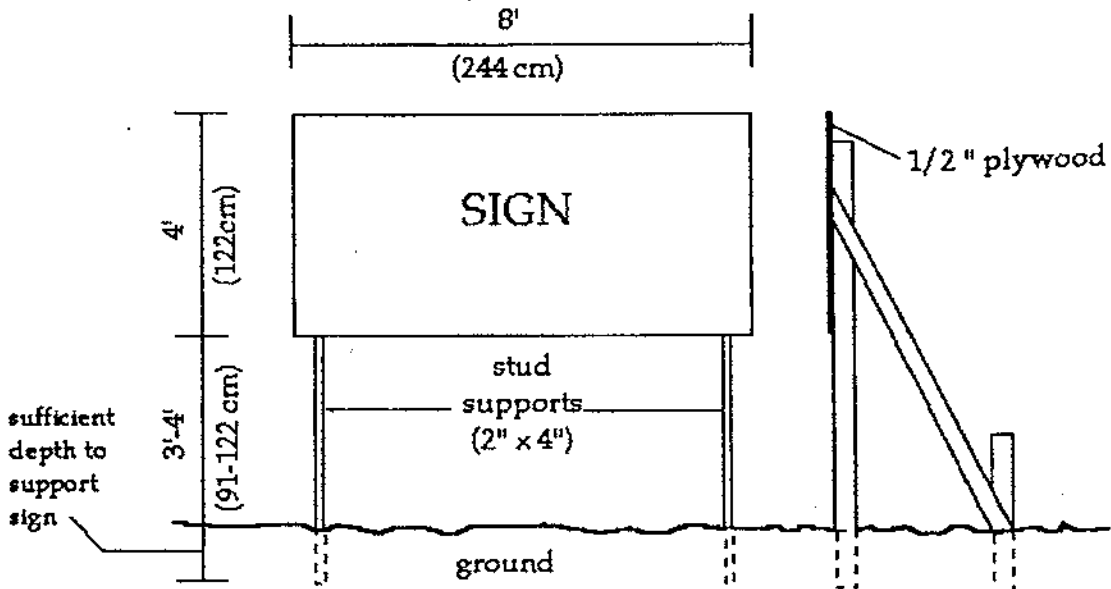
Lettering:

White Background / Royal Blue Lettering
Royal Blue Border Around Sign


Lettering in BLOCK HELVETICA CAPITALS with the following minimum height sizes for each Notice:

| | |
|---------|---------------|
| Line 1 | 12.4 cm (5") |
| Line 2 | 7.5 cm (3") |
| Line 3 | 7.5 cm (3") |
| Line 4 | 7.5 cm (3") |
| Line 5 | 4.0 cm (1.5") |
| Line 6 | 4.0 cm (1.5") |
| Line 7 | 4.0 cm (1.5") |
| Line 8 | 4.0 cm (1.5") |
| Line 9 | 4.0 cm (1.5") |
| Line 10 | 4.0 cm (1.5") |
| Line 11 | 4.0 cm (1.5") |
| Line 12 | 4.0 cm (1.5") |
| Line 13 | 4.0 cm (1.5") |


Notice Installation:




Schedule No. 'I' attached to and forming part of Bylaw No. 1432, 2005

| | |
|---|---|
|  REGIONAL DISTRICT OF NANAIMO | Development Services Department 6300 Hammond Bay Road, Nanaimo, BC V9T 6N2 (250) 390-6510 or (250) 954-3798 (District 69) 1-877-607-4111 (within BC) FAX: (250) 390-7511 |
| Amendment Application | |
| Property Owner'(s) _____ Mailing Address: _____ Postal Code: _____ Fax: _____ Telephone Number: _____ Cell: _____ Authorized Agent: _____ Mailing Address: _____ Postal Code: _____ Fax: _____ Telephone Number: _____ Cell: _____ | |
| I/We the registered owner(s) of the property legally described as: _____ _____ | |
| and currently designated in an OCP and zoned as: _____ hereby make application as follows: | |
| <input type="checkbox"/> to amend an Official Community Plan by: _____ _____ | |
| <input type="checkbox"/> to amend a zoning or subdivision bylaw or a Land Use Contract by: _____ _____ | |
| I/We attach the following information in support of this application: | |
| <input type="checkbox"/> Letter of authorization from all registered property owners(s) if agent is acting on behalf of owner(s) <input type="checkbox"/> Application fee as required by Bylaw No. 1259, 2002 <input type="checkbox"/> Copy of the Certificate of Indefeasible Title (dated within 30 days) <input type="checkbox"/> 4 copies of detailed site plans to a maximum scale of 1:500 <input type="checkbox"/> Building elevation plans to a maximum scale of 1:1000 <input type="checkbox"/> Other (specify) _____ | |
| I/We hereby declare that all the above statements and information contained in the material submitted in support of this application is correct in all respects. | |
| _____ Signature of Registered Owner | _____ Date |
| _____ Signature of Registered Owner | _____ Date |
| _____ Signature of Agent | _____ Date |


Schedule No. '2' attached to and forming part of Bylaw No. 1432, 2005

| | |
|--|---|
|  REGIONAL DISTRICT OF NANAIMO | Development Services Department 6300 Hammond Bay Road, Nanaimo, BC V9T 6N2 (250) 390-6510 or (250) 954-3798 (District 69) 1-877-607-4111 (within BC) FAX: (250) 390-7511 |
| Temporary Use Permit Application | |
| Name of Property Owner(s): _____ Mailing Address: _____ Postal Code: _____ Fax: _____ Telephone Number: _____ Cell: _____ email: _____ Authorized Agent: _____ Mailing Address: _____ Postal Code: _____ Fax: _____ Telephone Number: _____ Cell: _____ email: _____ | |
| I/We the registered owner(s) of property legally described as: _____ _____ | |
| and currently zoned as: _____ hereby make application as follows: | |
| <input type="checkbox"/> to designate an area of land as a Temporary Use Permit to allow: _____ _____ | |
| I/We attach the following information in support of this application: <ul style="list-style-type: none"> <input type="checkbox"/> Letter of Authorization from all registered property owner(s) if agent is acting on behalf of owner(s) <input type="checkbox"/> Application fee as required by Bylaw No. 1259, 2002 <input type="checkbox"/> Copy of the Certificate of Indefeasible Title (dated within 30 days) <input type="checkbox"/> 4 copies of detailed site plans to a maximum scale of 1:500 <input type="checkbox"/> Plan of building profile to a maximum scale of 1:1000 <input type="checkbox"/> Other (specify) _____ | |
| I/We hereby declare that all the above statements and information contained in the material submitted in support of this application is correct in all respects. | |
| _____ Signature of Registered Owner | _____ Date |
| _____ Signature of Registered Owner | _____ Date |
| _____ Signature of Agent | _____ Date |

Schedule No. '3' attached to and forming part of Bylaw No. 1432, 2005

| | |
|--|--|
|  <p>REGIONAL DISTRICT OF NANAIMO</p> | <p>Development Services Department 6300 Hammond Bay Road, Nanaimo, BC V9T 6N2 (250) 390-6510 or (250) 954-3798 (District 69) 1-877-607-4111 (within BC) FAX: (250) 390-7511</p> <p>Temporary Use Permit No.</p> |
| <p>To: (Permittee)</p> <p>Mailing Address:</p> <ol style="list-style-type: none">1. Except as varied or supplemented by this Permit, this Permit is issued subject to compliance with all applicable Bylaws and Provincial and Federal Statutes and Regulations.2. This Temporary Use Permit applies only to those lands within the Regional District described below, and all buildings, structures and other development thereon: Legal Description: **** (the "Lands") Civic Address: PID:3. The Lands shall be developed strictly in accordance with the following terms and conditions and provisions of the Permit and any plans and specifications attached hereto which shall form a part thereof.4. Securities required and the amount that forfeits to the Regional District in the event of default, and the provisions of Section 925 of the <i>Local Government Act</i>, which apply to the development are as follows.5. The permittee as a condition of issuance of this Permit agrees to comply with the requirements and conditions of Schedules *****.6. The permittee agrees to restore the land to the condition as described by the following date: **7. Where the permittee fails to comply with the requirements as specified in Sections 5 and 6 of this Permit, the Regional District is hereby authorized to use any securities held on behalf of the applicant in order to satisfy the terms and conditions of this Permit.8. This Permit shall lapse on the following date: **9. This Permit prevails over the provisions of the Bylaw in the event of conflict.10. Notice of this Permit shall be filed in the Land Title Office at Victoria under Section 927(1) of the <i>Local Government Act</i>, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.11. This Permit is not a building permit. <p>Authorizing Resolution passed by the Board this * day of *****, 20**. Issued this * day of *****, 20**.</p> <p>_____ Chairperson</p> <p>_____ General Manager, Corporate Services</p> | |

Schedule No. '4' attached to and forming part of Bylaw No. 1432, 2005

| | | | | | | | |
|--|---|-------------------------------|------|-------------------------------|------|--------------------|------|
|  REGIONAL DISTRICT OF NANAIMO | Development Services Department 6300 Hammond Bay Road, Nanaimo, BC V9T 6N2 (250) 390-6510 or (250) 954-3798 (District 69) 1-877-607-4111 (within BC) FAX: (250) 390-7511 | | | | | | |
| Development Permit Application | | | | | | | |
| Name(s) of Registered Property Owners: _____ Mailing Address: _____ Postal Code: _____ Fax: _____ Telephone Number: _____ Cell: _____ email: _____ Authorized Agent: _____ Mailing Address: _____ Postal Code: _____ Fax: _____ Telephone Number: _____ Cell: _____ email: _____ | | | | | | | |
| I/We, the registered owner(s) of the property legally described as: _____ _____ | | | | | | | |
| and currently zoned as: _____ | | | | | | | |
| hereby make application under Section 920 of the <i>Local Government Act</i> to: <ul style="list-style-type: none"> <input type="checkbox"/> subdivide the land within a development permit area <input type="checkbox"/> construct a building or structure, or addition thereto within a development permit area <input type="checkbox"/> alter the land, or alter a building or structure on the land within a development permit area for the purpose of: _____ | | | | | | | |
| I/We attach the following information in support this application: <ul style="list-style-type: none"> <input type="checkbox"/> Letter of Authorization from all registered property owner(s) if agent is acting on behalf of owner(s) <input type="checkbox"/> Application fee as required by Bylaw No. 1259, 2002 <input type="checkbox"/> Copy of the Certificate of Indefeasible Title (dated within past 30 days) <input type="checkbox"/> 4 copies of detailed site plan to a maximum scale of 1:500 <input type="checkbox"/> Building elevation plans to a maximum scale of 1:000 <input type="checkbox"/> Other (specify) | | | | | | | |
| I/We hereby declare that all the above statements and information contained in the material submitted in support of this application is correct in all respects. <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 50%; border-top: 1px solid black;">Signature of Registered Owner</td> <td style="width: 50%; border-top: 1px solid black;">Date</td> </tr> <tr> <td style="border-top: 1px solid black;">Signature of Registered Owner</td> <td style="border-top: 1px solid black;">Date</td> </tr> <tr> <td style="border-top: 1px solid black;">Signature of Agent</td> <td style="border-top: 1px solid black;">Date</td> </tr> </table> | | Signature of Registered Owner | Date | Signature of Registered Owner | Date | Signature of Agent | Date |
| Signature of Registered Owner | Date | | | | | | |
| Signature of Registered Owner | Date | | | | | | |
| Signature of Agent | Date | | | | | | |

Schedule No. '5' attached to and forming part of Bylaw No. 1432, 2005



REGIONAL
DISTRICT
OF NANAIMO

Development Services Department
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2
390-6510 (Nanaimo) 954-3798 (District 69)
1-877-607-4111 (within BC)
Fax: (250) 390-7511

DEVELOPMENT PERMIT NO. ****

To: (Permittee)

Mailing Address:

1. Except as varied or supplemented by this Permit, the Development Permit is issued subject to compliance with all applicable Bylaws and Provincial and Federal Statutes and Regulations.

2. This Development Permit applies only to those lands within the Regional District described below, and all buildings, structures and other development thereon:

Legal Description: **** (the "Lands")

Civic Address: P.I.D.:

3. The Lands shall be developed strictly in accordance with the following terms and conditions and provisions of the Permit and any plans and specifications attached hereto which shall form a part thereof.

4. With respect to the Lands, there are (variances/no variances) to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 or Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002, associated with this Permit.

5. With respect to the Lands, there are (variances/no variances) to Regional District of Nanaimo Sign Bylaw No. 993, 1995, associated with this Permit.

6. The permittee as a condition of issuance of this Permit agrees to comply with the requirements and conditions of Schedules ****.

7. Subject to the terms of the Permit, if the holder of the permit does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the Permit shall lapse in accordance with Section 926 of the *Local Government Act*.

8. Provisions of Section 925(1) of the *Local Government Act*, to provide security for landscaping, (apply/do not apply) to this development.

9. This Permit prevails over the provisions of the Bylaw in the event of conflict.

10. Notice of this Permit shall be filed in the Land Title Office at Victoria under Section 927(1) of the *Local Government Act*, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.

11. This Permit is not a building permit.

Authorizing Resolution passed by the Board this * day of *****, 20**.
Issued this * day of *****, 20**.

Chairperson


General Manager, Corporate Services

or
This Permit is issued by the authority of the General Manager of Development Services pursuant to "Regional District of Nanaimo Delegation of Authority Bylaw No. 1166, 1999".


Issued this * day of *****, 20**.

General Manager of Development Services

Schedule No. '6' attached to and forming part of Bylaw No. 1432, 2005

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|---|---|
|  REGIONAL DISTRICT OF NANAIMO | Development Services Department 6300 Hammond Bay Road, Nanaimo, BC V9T 6N2 (250) 390-6510 or (250) 954-3798 (District 69) 1-877-607-4111 (within BC) FAX: (250) 390-7511 |
| Development Variance Permit Application | |
| Name (s) of Registered Property Owner(s): _____ Mailing Address: _____ Postal Code: _____ Fax: _____ Telephone Number: _____ Cell: _____ _____ email: _____ Authorized Agent: _____ Mailing Address: _____ Postal Code: _____ Fax: _____ Telephone Number: _____ Cell: _____ _____ email: _____ | |
| I/We, the registered owner(s) of the property legally described as: | |
| _____ | |
| and presently zoned as: _____ | |
| hereby make application under Section 922 of the <i>Local Government Act</i> to: | |
| _____ | |
| I/We attach the following information in support of this application: | |
| <input type="checkbox"/> Letter of authorization from all registered property owner(s) if agent is acting on behalf of owner(s) <input type="checkbox"/> Application fee as required by Bylaw No. 1259, 2002 <input type="checkbox"/> Copy of the Certificate of Indefeasible Title (dated within past 30 days) <input type="checkbox"/> 2 copies of detailed site plan to a maximum scale of 1:500 <input type="checkbox"/> Building elevation plan to a maximum scale of 1:1000 <input type="checkbox"/> Other (specify) _____ | |
| I/We hereby declare that all the above statements and information contained in the material submitted in support of this application is correct in all respects. | |
| _____ Signature of Registered Owner | _____ Date |
| _____ Signature of Registered Owner | _____ Date |
| _____ Signature of Agent | _____ Date |

Schedule No. '7' attached to and forming part of Bylaw No. 1432, 2005

| | |
|---|--|
|  <p>REGIONAL DISTRICT OF NANAIMO</p> | <p>Development Services Department 6300 Hammond Bay Road Nanaimo, BC V9T 6N2 390-6510 (Nanaimo) 954-3798 (District 69) 1-877-607-4111 (within BC) Fax: (250) 390-7511</p> <p>DEVELOPMENT VARIANCE PERMIT NO. ****</p> |
| <p>To: (Permittee)</p> <p>Mailing Address:</p> <ol style="list-style-type: none">1. Except as varied or supplemented by this Permit, the Development Variance Permit is issued subject to compliance with all applicable Bylaws and Provincial and Federal Statutes and Regulations.2. This Development Variance Permit applies only to those lands within the Regional District described below, and all buildings, structures and other development thereon: Legal Description: **** (the "Lands") Civic Address: P.I.D.:3. The Lands shall be developed strictly in accordance with the following terms and conditions and provisions of the Permit and any plans and specifications attached hereto which shall form a part thereof.4. With respect to the Lands, Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 or Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002 is hereby varied as follows:5. Subject to the terms of the Permit, if the holder of the permit does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the permit shall lapse in accordance with Section 926 of the <i>Local Government Act</i>.6. Provisions of Section 925(1) of the <i>Local Government Act</i>, to provide security for landscaping, (apply/do not apply) to this development.7. This Permit prevails over the provisions of the Bylaw in the event of conflict.8. Notice of this Permit shall be filed in the Land Title Office at Victoria under Section 927(1) of the <i>Local Government Act</i>, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.9. This Permit is not a building permit. <p>Authorizing Resolution passed by the Board this * day of *****, 20**. Issued this * day of *****, 20**.</p> <p>_____ Chairperson</p> <p>_____ General Manager, Corporate Services</p> | |

Schedule No. '8' attached to and forming part of Bylaw No. 1432, 2005



Development Services Department
 6300 Hammond Bay Road, Nanaimo, BC V9T 6N2
 (250) 390-6510 (Nanaimo) (250) 954-3798 (District 69)
 1-877-607-4111 (within BC)
 FAX: (250) 390-7511

Subdivision Application

I/We, _____ of
 (Name of Applicant)

_____ (Postal Address)

hereby make application for subdivision of the property described below:

_____ (Legal Description)

_____ (Civic Address)

Name and Address _____
 of Registered
 Property Owner(s) _____

The proposed subdivision will create _____ parcels (including remainders) and the intended use of the land and/or buildings and structure is _____

(residential, commercial etc.)

Is this property within a Development Permit Area? yes no

Has a Development Permit, Variance Permit, or Board of Variance decision been issued on this property? yes no
 If yes, indicate file number and/or date of Permit _____

For each lot created by the subdivision, the required minimum frontage onto a public roadway must be greater than 1/10th of each lot's perimeter. Will you require frontage relaxation? yes no

The property currently occupies a total area of _____ hectares and the land is designated as being within the RDN _____ zone and subdivision district.

I/We enclose:

- completed application form
- required application fee in the amount of \$ _____
- a minimum of 1 plan of the proposed layout.
- copy of State of Title Certificate dated within 30 days of the date of submission
- copy of the Provincial Land Reserve Commission approval [ALR & FLR (if applicable)]
- copy of development permit, development variance permit or Board of Variance decision (if applicable).

I/We hereby declare that all of the above statements and the information contained in the material submitted in support of this application are to the best of my/our knowledge true and correct.

Date _____ Signature of Applicant _____

Telephone _____ Fax _____ Cell _____

Where the applicant is not the property owner, the following must be signed by all the registered owners:

I/We, the registered owner(s) of the above described property, am/are aware of this application for subdivision and it is made with my/our full consent and approval.

Date _____ Signature of Owner(s) _____

Telephone _____ Signature of Owner(s) _____


FOR RDN USE ONLY

Completed Application received
 (date) _____

Fee Receipt Number _____

Ministry of Transportation File Number _____

Schedule No. '9' attached to and forming part of Bylaw No. 1432, 2005

| | |
|--|--|
|  REGIONAL DISTRICT OF NANAIMO | Development Services Department 6300 Hammond Bay Road, Nanaimo, BC V9T 6N2 (250) 390-6510 (Nanaimo) (250) 954-3798 (District 69) 1-877-607-4111 (within BC) FAX: (250) 390-7511 |
| Strata Conversion Subdivision Application | |
| I/We _____ of _____ <div style="text-align: center; font-size: small;">(Name of Applicant)</div> _____ <div style="text-align: center; font-size: small;">(Postal Address)</div> hereby make application for subdivision of the property described below: _____ <div style="text-align: center; font-size: small;">(Legal Description)</div> _____ <div style="text-align: center; font-size: small;">(Civic Address)</div> Name and Address _____ of Registered _____ Property Owner(s) _____ The proposed subdivision will create _____ strata lots and the intended use of the land and/or buildings and structure is _____ <div style="text-align: right; font-size: small;">(residential, commercial etc.)</div> Is this property within a Development Permit Area? <input type="checkbox"/> yes <input type="checkbox"/> no Has a Development Permit, Variance Permit, or Board of Variance decision been issued on this property? <input type="checkbox"/> yes <input type="checkbox"/> no If yes, indicate file number and/or date of Permit _____ For each lot created by the subdivision, the required minimum frontage onto a public roadway must be greater than 1/10th of each lot's perimeter. Will you require frontage relaxation? <input type="checkbox"/> yes <input type="checkbox"/> no The property currently occupies a total area of _____ hectares and the land is designated as being within the RDN _____ zone and subdivision district. I/We enclose: <input type="checkbox"/> completed application form <input type="checkbox"/> required application fee in the amount of \$ _____ <input type="checkbox"/> a minimum of 1 plan of the proposed layout. <input type="checkbox"/> copy of State of Title Certificate dated within 30 days of the date of submission <input type="checkbox"/> copy of the Provincial Land Reserve Commission approval [ALR & FLR (if applicable)] <input type="checkbox"/> copy of development permit, development variance permit or Board of Variance decision (if applicable). I/We hereby declare that all of the above statements and the information contained in the material submitted in support of this application are to the best of my/our knowledge true and correct. Date _____ Signature of Applicant _____ Telephone _____ Fax _____ Cell _____ Where the applicant is not the property owner, the following must be signed by all the registered owners: I/We, the registered owner(s) of the above described property, am/are aware of this application for subdivision and it is made with my/our full consent and approval. Date _____ Signature of Owner(s) _____ Telephone _____ Signature of Owner(s) _____ | |
| FOR RDN USE ONLY | |
| Completed Application received (date) _____ Fee Receipt Number _____ Ministry of Transportation File No. _____ | |

* Please ensure all signatories of all registered owners are provided on the application form.