

REGIONAL DISTRICT OF NANAIMO

**SPECIAL ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, JULY 24, 2007
6:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3-5 Minutes from the regular meeting of the Electoral Area Planning Committee held July 10, 2007.

BUSINESS ARISING FROM THE MINUTES

PLANNING

AMENDMENT APPLICATIONS

- 5-14 Zoning Amendment Application No. ZA0706 – Fern Road Consulting Ltd., on behalf of John and Susan Peyton – Spider Lake Road – Area H.

DEVELOPMENT PERMIT APPLICATIONS

- 15-27 Development Permit Application No. 60713 – Burrell – 3145 Yellowpoint Road – Area A.
- 28-35 Development Permit Application No. 60714 – Plotnikoff – Lot 2 Shoreline Drive – Area H.
- 36-43 Development Permit Application No. 60715 – Maibach Industries Ltd. – 2093 South Wellington Road – Area A.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 44-50 Development Variance Permit Application No. 90628 – Pope – 4594 Maple Guard Drive – Area H.
- 51-57 Development Variance Permit Application No. 90704 – Five Cedar Poultry Farm – 2663 Barnes Road – Area A.

OTHER

- 58-63 Electoral Area 'G' Official Community Plan Update.

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, JULY 10, 2007, AT 6:00 PM
IN THE RDN BOARD CHAMBERS

Present:

Director D. Bartram	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H

Also in Attendance:

D. Trudeau	A/Chief Administrative Officer
M. Pearse	Senior Manager, Corporate Administration
P. Thorkelsson	General Manager, Development Services
G. Garbutt	Manager, Current Planning
N. Tonn	Recording Secretary

MINUTES

MOVED Director Holme, SECONDED Director Young, that the minutes of the Electoral Area Planning Committee meeting held June 12, 2007 be adopted.

CARRIED

PLANNING

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90705 – Gilley – 3063 Lofthouse Road – Area A.

MOVED Director Burnett, SECONDED Director Young, that Development Variance Permit Application No. 90705, to permit the siting of a barn located at Lot 2, Section 14, Range 5, Cedar District, Plan 9939, be approved subject to the terms outlined in Schedule No. 1, and subject to the Board's consideration of comments received, as a result of public notification.

CARRIED

Development Variance Permit Application No. 90710 – LaRoche – SW Corner of the Benson Meadows Development (off Northwood Road) – Area C.

MOVED Director Young, SECONDED Director Stanhope, that Development Variance Permit Application No. 90710, to permit the construction of a single residential dwelling with a maximum height of 11.5 m on the property legally described as Lot 16, Sections 12 and 13, Range 2, Mountain District, Plan VIP80085 on Northwood Road, be approved subject to the conditions outlined in Schedules No. 1 to 5 and the notification requirements of the *Local Government Act*.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:06 PM

CHAIRPERSON



CAO	CMF	
GMDS	GMR&PS	
GMES	GMTS	
JUL 12 2007		
SMCA		
CHAIR	BOARD	
July 24 GAP		

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: July 12, 2007

FROM: Susan Cormie
Senior Planner

FILE: 3360 30 0706

SUBJECT: Zoning Amendment Application No. ZA0706 – Fern Road Consulting Ltd., on behalf of John and Susan Peyton
Electoral Area 'H' – Spider Lake Road, Spider Lake Area

PURPOSE

To consider an application to rezone property in the Spider Lake area of Electoral Area 'H' in order to facilitate a 2-lot subdivision.

BACKGROUND

The Regional District has received an application to rezone a parcel in the Spider Lake area of Electoral Area 'H' to facilitate the subdivision of the parent parcel to create 2 parcels.

The subject property, which is 8.0 ha in size and legally described as Lot 3, Block 360, Newcastle District, Plan 35096, is currently zoned Rural 1 and is situated within Subdivision District 'B' (RU1B) (8.0 ha minimum parcel size with or without community services) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment No. 1 for location of subject property).

The subject property is relatively flat with a small portion of the northwest corner sloping upwards. The parcel currently supports 1 dwelling unit along with accessory buildings with the balance of the parent parcel being mostly vegetated. The parent parcel contains a pond with no obvious creeks or streams in its vicinity.

The subject parcel is surrounded by Rural zoned parcels with a portion of the parcel to the north being situated within the Agricultural Land Reserve and the parcels to the east across Spider Lake Road being entirely situated within the Agricultural land Reserve.

The subject property is designated within the following development permit areas pursuant to the Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003 (OCP):

- The Environmentally Sensitive Areas Development Permit Area specifically for the protection of the aquifer; and
- The Fish Habitat Protection Development Permit Area for the purposes of protecting riparian areas within and adjacent to streams.

Therefore, this amendment application is subject to a development permit, which may be considered concurrently with the amendment application.

Submitted Proposal

The applicant is proposing to create 2 parcels; one at 3.2 ha in size and the second 4.5 ha with a panhandle access (*See Schedule No. 2 for proposed plan of subdivision*). In support of this amendment application the applicant's agent has supplied the following documentation:

- Proposed plan of subdivision and
- Hydrogeological assessment prepared by EBA Engineering Ltd., dated March 22, 2007.

The parcels are proposed to be serviced by individual on-site septic disposal systems and water wells.

Proposed Lot A will not be able to meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*, therefore a request for relaxation of the minimum 10% frontage requirement is part of this application.

Official Community Plan Policy No. 5.4.4

Pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" (OCP), the subject property is designated within the Rural Lands Designation. Policy No. 5.3.4 allows for the consideration of applications to rezone to a minimum permitted parcel size of 2.0 ha where the proposal meets the following criteria:

- a) One dwelling unit per parcel;
- b) Bare Land Strata subdivision shall not be permitted;
- c) No frontage relaxation required;
- d) No further road dedication to accommodate parcel frontage or additional parcels (verified as of the date of adoption of this Plan); and,
- e) Provision of a comprehensive plan for subdivision of the area being rezoned with a report from a recognized professional with geotechnical and geohydraulic experience indicating an assessment of the environmental suitability of the subdivision that is accepted by the RDN, Water, Land and Air Protection, and the Environmental Health Officer.

The Electoral Area Planning Committee may recall that there have been several zoning amendment applications in the Spider Lake area considered by the Board, which included conditions to register covenants on title in order to meet the criteria of the OCP.

ALTERNATIVES

1. To approve the application to rezone the subject property from Subdivision District 'B' (*8.0 ha minimum parcel size with or without community services*) to Subdivision District 'D' (*2.0 ha minimum parcel size with or without community services*) subject to the conditions outlined in Schedule No. 1.
2. To deny the amendment application.

OFFICIAL COMMUNITY PLAN / DEVELOPMENT IMPLICATIONS

On-Site Servicing Implications

The applicant has supplied a hydrogeological report which considers the availability of potable water and the septic disposal conditions. It is noted that proof of potable water and septic disposal are requirements of subdivision and are subject to the approval of the Regional Approving Officer through the subdivision approval process.

Official Community Plan Criteria Implications

With respect to the OCP Criteria Nos. 3a), b), and c) concerning a maximum of one dwelling unit per parcel; no Bare Land Strata subdivision permitted; and no frontage relaxation permitted, the applicant's agent has indicated in writing that the applicant is in concurrence to register a section 219 covenant on title of **Proposed Lot B** restricting these criteria concurrently with the plan of subdivision. Please note that this OCP criteria applies to the proposed parcel less than 4.0 ha in size only. In addition, it is noted that there may be potential further subdivision of this proposed parcel pursuant section 946 of the **Local Government Act** where a smaller parcel may be created. The proposed covenant will not restrict such a subdivision.

With respect to OCP Criterion No. d) concerning additional dedication of road to serve the proposed subdivision, no additional road is proposed to be dedicated; therefore the criterion can be met.

With respect to OCP Criterion No. e) concerning the protection of the aquifer in this case, the applicant is in concurrence to register the submitted hydrogeological report on title, which cites that there is a high probability of supplying adequate water for residential purposes to the proposed parcels. The report also recommends that a professional hydrologist be retained during the development of the lots to make recommendations pertaining to the appropriate well head and aquifer protection, and to collect and compile information pertaining to the new wells to improve the understanding of the resource and to allow for future responsible management of these valuable aquifers.

Minimum 10% Perimeter Frontage Requirement Implications

The applicant's agent has indicated that the applicant has offered to register a covenant restricting further subdivision on **Proposed Lot A** (panhandle parcel) which does not meet the minimum 10% frontage requirement. This proposed covenant will not restrict building strata development which is considered a form of subdivision in that separate titles are achievable. As this amendment application also reviews the minimum 10% perimeter frontage requirement, it is recommended that the relaxation of the minimum frontage requirement be considered only if the no subdivision covenant as proposed by the applicant is expanded to include strata development including bare land strata and building strata. This will prohibit any form of additional subdivision development. It is also recommended that this covenant be registered prior to consideration of the amendment bylaw if the application proceeds (*see Schedule No. 1 for Conditions of Approval*).

Board Policy No. B.1.15 – Registration of Covenant Documents

In accordance with Board Policy No. B.1.1 (Registration of Land Title Office Documents in Conjunction with the Amendment Application Process), the registration of the above-noted covenants will be required to be completed prior to consideration of adoption if the application proceeds. The applicant's agent has requested that this policy be waived for this amendment application due to possible confusion with the different covenants being registered on each proposed parcel. However, in keeping with the RDN solicitor's advice that the Board is advised not to adopt an amendment bylaw until after the covenants are registered on title; staff does not support the waiving of this policy if this application proceeds.

ENVIRONMENTALLY SENSITIVE AREAS IMPLICATIONS

The Environmentally Sensitive Areas Atlas indicates there are no environmentally sensitive features within the parent parcel. Despite this, the submitted hydrogeological report cites that the subject property does contain a pond with no obvious creeks or streams in its vicinity. While it appears that this application will be exempt from requiring a development permit pursuant to the Fish Protection Development Permit Area, this will be confirmed through the subdivision approval process at which time the applicant will be required to submit a Riparian Area Assessment.

With respect to the Environmentally Sensitive Areas Development Permit Area for the protection of the aquifer, the applicant is in concurrence to register the submitted EBA hydrogeological report on title. This report provides recommendations concerning well development and the protection of the aquifer. In addition, the applicant is in concurrence with the condition to enter into a development permit as outlined in Schedule No. 1 and will submit an application for a development permit if the zoning amendment proceeds. The development permit would run concurrently with the amendment application.

PUBLIC CONSULTATION IMPLICATIONS

In consultation with the Electoral Area Director, as the proposal is consistent with the OCP, it was decided that a Public Information Meeting would not be held for this application.

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

INTERGOVERNMENTAL IMPLICATIONS

Ministry of Transportation – Ministry staff has verbally indicated that the Ministry will support a subdivision of 2 parcels only, otherwise the overall road pattern of the Spider Lake area will need to be considered. As there will be no covenant requirement restricting a future section 946 subdivision (1.0 ha minimum size) for Proposed Lot B, staff will, through the subdivision application process, inform the Approving Authority of future subdivision potential for Proposed Lot B.

Vancouver Island Health Authority (VIHA) – The health inspector has indicated that the soils in the Spider Lake area provide good percolation and filtration.

Local Fire Chief – The Planning Department, in consideration of fire safety issues, has been referring applications for rezoning or OCP amendments to local fire departments. As part of the formal referral process, the local fire official will be informed of proposed change in his area.

VOTING

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

SUMMARY

This report concerns an application to amend Bylaw No. 500, 1987 to permit the subdivision of property located in the Spider Lake area of Electoral Area 'H'. A copy of the proposed amendment bylaw is attached to this report for your information.

As noted above, staff recommends section 219 covenants be registered on Proposed Lot B to restrict a bare land strata subdivision, the number of dwelling units per parcel to 1; and any road dedication or minimum 10% frontage relaxations to accommodate the future subdivision in order to address the OCP criteria. Staff also recommends that as Proposed Lot A (panhandle parcel) will not meet the minimum 10% perimeter frontage requirement, this proposed parcel be covenanted to restrict any further type of subdivision (see Conditions of Approval outlined in *Schedule No. 1*).

The applicant's agent has requested that the Board Policy concerning registration of covenants prior to consideration of an amendment bylaw be waived. In order to ensure the required documents are registered on title, staff recommends that the applicant be required to adhere to this Board policy.

The subject property is designated within the Fish Habitat Protection Development Permit Area. While it appears that this application will be exempt from requiring a development permit pursuant to the Fish Protection Development Permit Area, this will be confirmed through the subdivision approval process.

The subject property is designated within the Environmentally Sensitive Features Development Permit Area specifically for protection of the aquifer. With respect to the aquifer, the applicant has provided a report prepared by a professional engineer that addresses the availability of potable water for the proposed lots and assurances that the new wells are not expected to adversely impact existing surrounding wells. Proof of potable water is reviewed by the Approving Officer through the subdivision process.


The requirement to provide proof of adequate septic disposal areas is considered by the Approving Officer at time of subdivision.

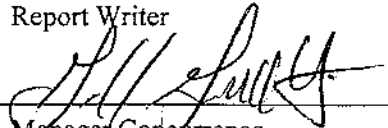
Ministry of Transportation staff has indicated the Ministry will support a 2-lot subdivision; otherwise greater development will trigger the need to review the overall road pattern of the Spider Lake area. The Vancouver Island Health Authority has indicated that it will support the proposed application.

Given that the applicant is in concurrence to provide covenants as set out in the OCP criteria and to enter into a development permit as part of the amendment process; that in consideration of relaxation of the minimum 10% perimeter frontage requirement a section 219 covenant restricting further subdivision including strata type subdivision be required; and as the proposal is in keeping with the rural character of the Spider Lake neighbourhood, staff supports Alternative No. 1, to approve the amendment application, subject to the conditions set out in Schedule No. 1, for 1st and 2nd reading and to proceed to public hearing.

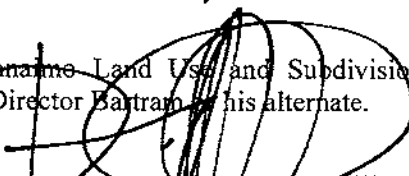
RECOMMENDATIONS

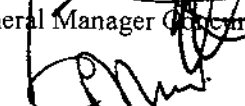
1. That the request from Fern Road Consulting Ltd. to waive Board Policy No. B.1.1 entitled "Registration of Land Title Office Documents in Conjunction with the Amendment Application Process" for Zoning Amendment Application No. 0706 be denied.
2. That Zoning Amendment Application No. ZA0706, as submitted by Fern Road Consulting Ltd. on behalf of John and Susan Peyton, to rezone Lot 3, Block 360, Newcastle District, Plan 35096 from Subdivision District 'B' to Subdivision District 'D' be approved to proceed to public hearing subject to the conditions outlined in Schedule No. 1.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.342, 2007" be given 1st and 2nd reading.
4. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.342, 2007" proceed to public hearing.
5. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.342, 2007" be delegated to Director Bartram or his alternate.



Report Writer


Manager Concurrence



General Manager Concurrence


CAO Concurrence

COMMENTS:

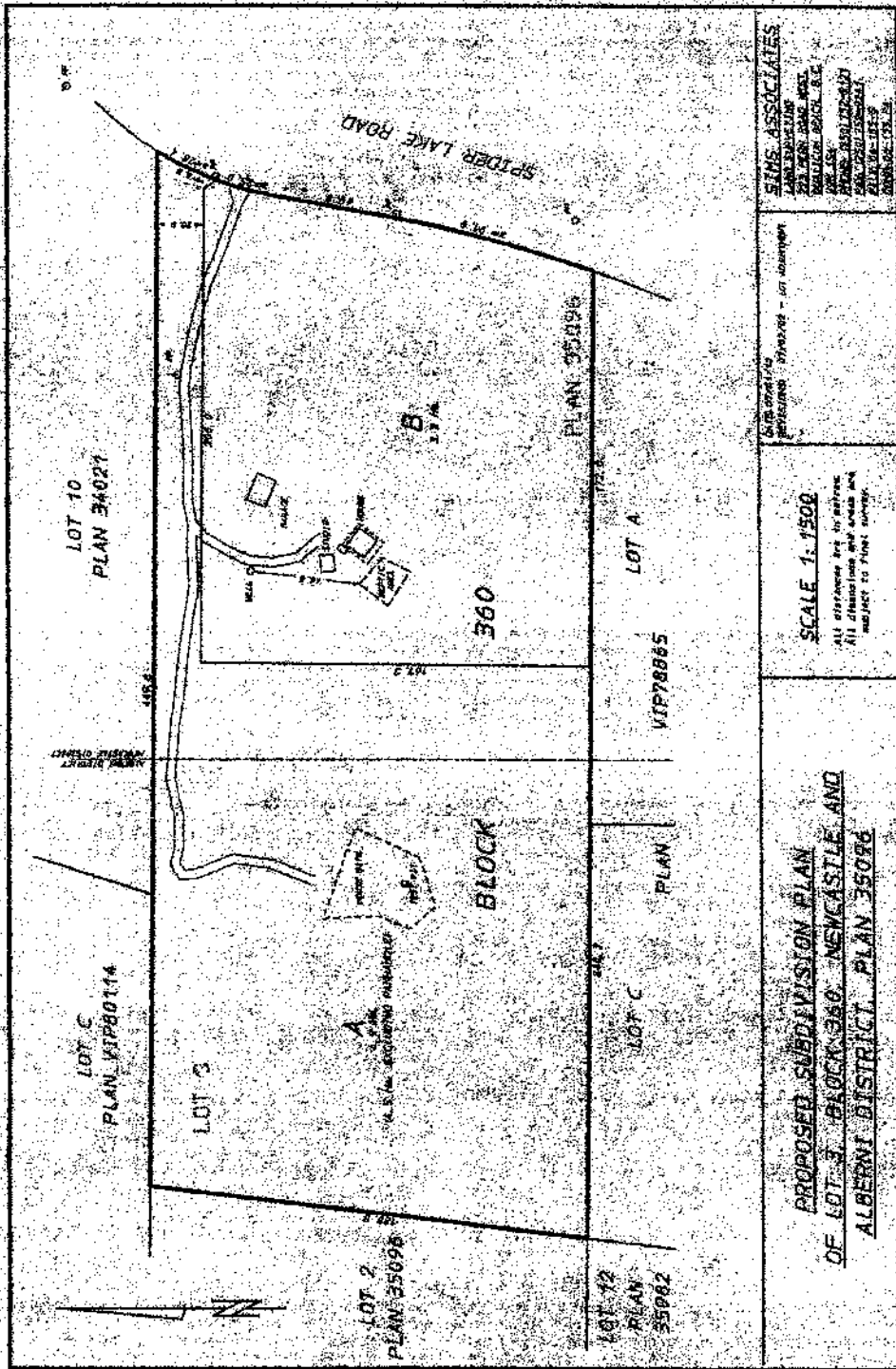
Devsvs/reports/2007/za 3360 30 0706 july Fern Road Peyton 1st and 2nd PH

Schedule No. 1
Zoning Amendment Application No. ZA0706
Conditions of Approval

The applicant is to provide the following documentation prior to the amendment application being considered for 4th reading:

1. All covenants are to be prepared and registered at Land Title Office, Victoria by the applicant to the satisfaction of the Regional District prior to consideration of 4th reading of Amendment Bylaw No. 500.342, 2007. Draft covenant documents are to be forwarded to the RDN for review prior to registration. For Proposed Lot B, the following section 219 covenants shall be registered on title:
 - a) A section 219 covenant restricting:
 - i) A maximum of one dwelling unit per parcel;
 - ii) No bare land strata subdivision;
 - iii) No frontage relaxation; and,
 - iv) No further road dedication to accommodate parcel frontage or additional parcels.
 - b) A section 219 covenant registering the 24-page Preliminary Hydrogeological Assessment Report prepared by EBA Engineering for Lot 3, Block 390, Newcastle District, Plan 39504, dated March 22, 2007.
2. All covenants are to be prepared and registered at Land Title Office, Victoria by the applicant to the satisfaction of the Regional District prior to consideration of 4th reading of Amendment Bylaw No. 500.342, 2007. Draft covenant documents are to be forwarded to the RDN for review prior to registration. For Proposed Lot A, the following section 219 covenants shall be registered on title:
 - a) A section 219 covenant restricting no further subdivision of the land, including a subdivision pursuant to the *Bare Land Strata Regulation* or the *Strata Property Act* including a bare land strata subdivision and/or a building strata development;
 - b) A section 219 covenant registering the 24-page Preliminary Hydrogeological Assessment Report prepared by EBA Engineering for Lot 3, Block 390, Newcastle District, Plan 39504, dated March 22, 2007.
3. Applicant to apply for a development permit.

Schedule No. 2
Zoning Amendment Application No. 0706
Proposed Plan of Subdivision
(as submitted by applicant / reduced for convenience)

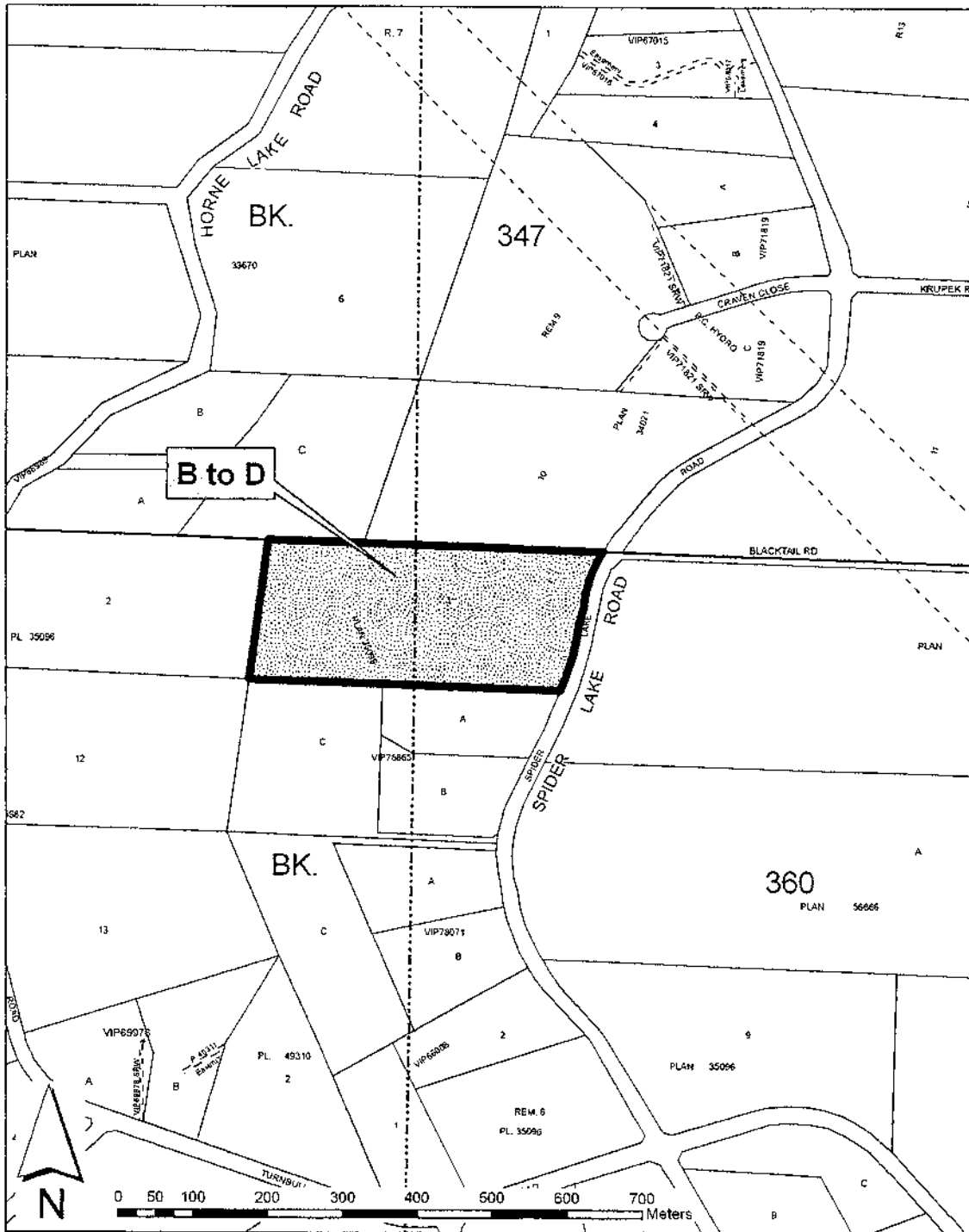


SIMS ASSOCIATES
 1400 BAYVIEW AVE. SUITE 100
 WILLOW BRUSH, B.C.
 V3L 1K5
 PHONE: 604-273-2201
 FAX: 604-273-2201
 WWW.SIMS-BC.COM

Scale: 1:1500
 All references to the surface
 are shown on the above and
 subject to final survey.

**PROPOSED SUBDIVISION PLAN
 OF LOT 3, BLOCK 360, NEWCASTLE AND
 ALBANY DISTRICT, PLAN 35096**

Attachment No. 1
Zoning Amendment Application ZA0706
Location of Parent Parcel



BCGS MAPSHEET NO. 92F.047.2.3

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500.342

**A Bylaw to Amend Regional District of Nanaimo
Land Use and Subdivision Bylaw No. 500, 1987**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

A. **Schedule 'A'** of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", is hereby amended as follows:

1. **SCHEDULE '4A', SUBDIVISION DISTRICT MAPS** of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 is hereby amended by changing the Subdivision District 'B' to Subdivision District 'D' for the land legally described as:

Lot 3, Block 360, Newcastle District, Plan 35096

as shown in heavy outline on Schedule '1' which is attached to and forms part of this Bylaw.

B. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.342, 2007".

Introduced and read two times this

Public Hearing held pursuant to Section 890 of the *Local Government Act* this

Read a third time this

Adopted this

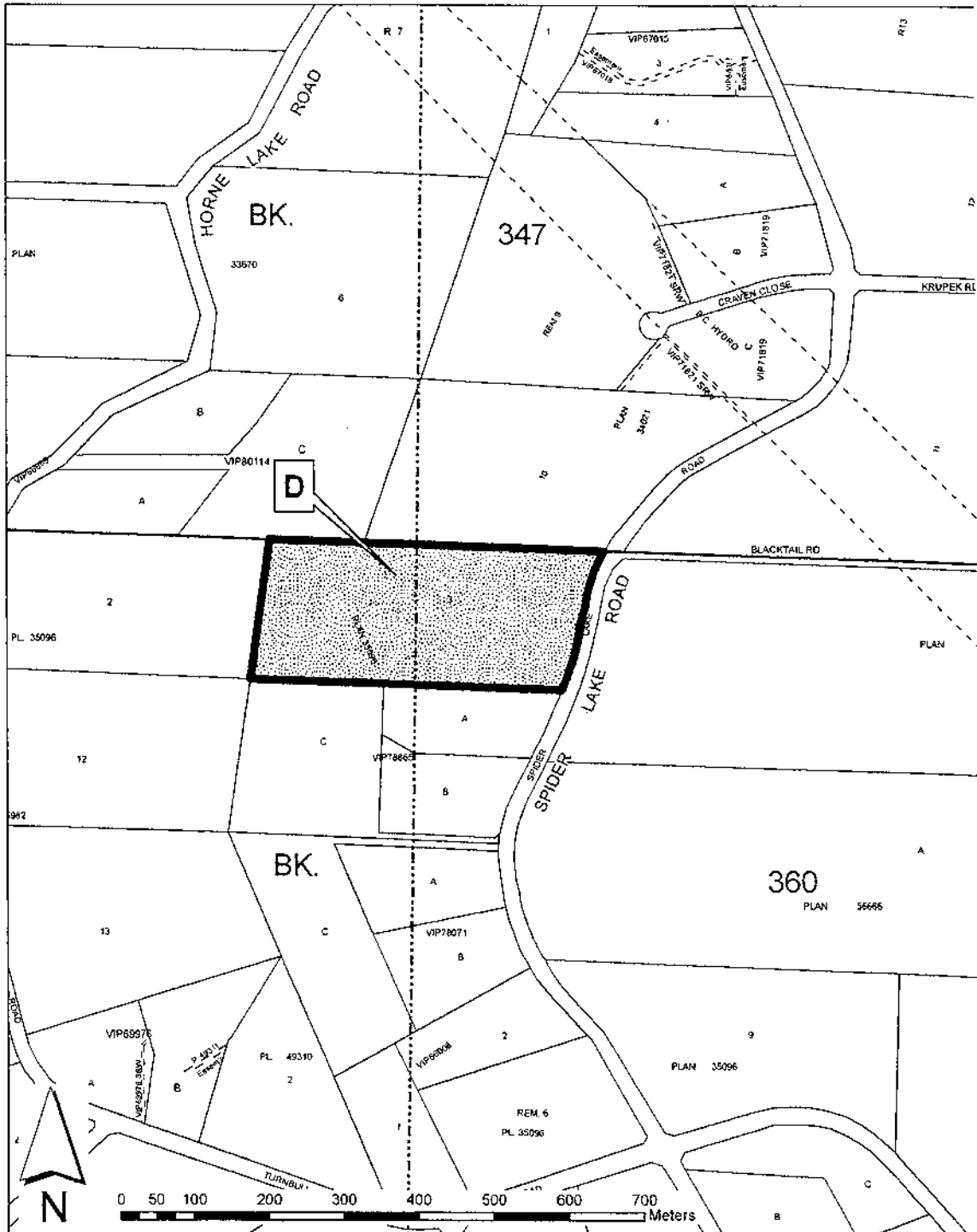
Chairperson

Sr. Mgr., Corporate Administration

Schedule 'I' to accompany "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.342, 2007"

Chairperson

Sr. Mgr., Corporate Administration





RDN	
CAO	GMP&IS
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GMES	GMTS
JUL 13 2007	
SMCA	
CHAIR	BOARD
July 24 EAP	

MEMORANDUM

TO: Geoff Garbutt
Manager, Community Planning

DATE: July 12, 2007

FROM: Kristy Marks
Planner

FILE: 3060 30 60713

SUBJECT: Development Permit Application No. 60713 – Burrell
Lot 7, Section 1, Range 7, Cedar District, Plan 28656
Electoral Area 'A' – 3145 Yellow Point Road

PURPOSE

To consider an application for a Development Permit with variances to legalize the siting of an existing barn and an existing shop on a property located at 3145 Yellow Point Road.

BACKGROUND

This is an application to legalize the siting of an existing shop and an existing barn on a property located at 3145 Yellow Point Road in Electoral Area 'A' (*See attached subject property map*). The subject property is 2.14 hectares in area and is bounded by Whiting Way to the north, Yellow Point Road to the east, and rural residential properties to the south and west. Whiting Creek traverses the property and a pond, also located on the property, is connected by a culvert to Whiting Creek. The property is steeply sloped in places and contains a large rock bluff to the northwest and a ravine to the southwest. With the exception of horse pasture and dwelling site, the property is treed with mature second growth forest and undergrowth.

The property is subject to the Streams, Nesting Trees, and Nanaimo River Floodplain and Fish Habitat Protection Development Permit Areas (DPA) pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001". The Streams, Nesting Trees, and Nanaimo River Floodplain DPA is 15 metres as measured from the top of the bank. The Fish Habitat Protection DPA for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank. According to a survey provided by the applicant, the existing shop is located 4.0 metres from the top of the bank (*as shown on Schedule No. 2*). A Riparian Area Assessment completed by Chatwin Engineering Ltd., November 15, 2006 determined the Streamside Protection and Enhancement Area (SPEA) to be 10 metres from the high water mark. The shop is located outside the SPEA.

The subject property is zoned Rural 4 (RU4), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The minimum setback for buildings housing livestock in Bylaw No. 500 is 30.0 metres from a watercourse and from all lot lines. A survey provided by the applicant

shows that the barn is located 15.2 metres from the adjacent property line and 12.2 metres from the edge of the watercourse (*as shown on Schedule No. 3*). The barn is exempt from the Streams, Nesting Trees and Nanaimo River Floodplain DPA and the Fish Habitat Protection DPA.

The applicants received an occupancy permit for a dwelling unit in November 2003. In 2004 they began construction of the existing shop and barn without obtaining the necessary permits. In January 2006, the RDN Building and Bylaw Services placed a stop work order on the subject buildings and instructed the applicants to apply to the planning department for a Development Permit. The applicants have also applied for building permits for the subject buildings.

The applicant has completed the “Sustainable Community Builder Checklist”, as per Board policy. There are no sustainability implications related to this application.

ALTERNATIVES

1. To approve the Development Permit with variances as requested subject to the conditions outlined in Schedule Nos. 1-5 and the notification requirements of the *Local Government Act*.
2. To deny the Development Permit with variances as requested and provide staff with further direction to have the structures removed or relocated.

PROPOSED VARIANCES

With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is proposed to be varied as follows:

1. **Section 3.3.8 (b), Setback – Watercourses** is requested to be varied by relaxing the minimum setback requirement from the top of the slope or the first significant and regular break in the slope from 9.0 metres horizontal distance to 4.0 metres horizontal distance to legalize the siting of an existing shop as shown in the location on Schedule No. 2 and generally constructed as shown on Schedule No. 3.
2. **Section 3.3.10, Setback – Agricultural Buildings** is requested to be varied by relaxing the minimum setback requirement from a watercourse from 30.0 metres to 12.2 metres to legalize the siting of an existing barn as shown in the location on Schedule No. 4 and generally constructed as shown on Schedule No. 5.
3. **Section 3.4.84, Minimum Setback** is requested to be varied by relaxing the minimum setback requirement from a lot line from 30.0 metres to 15.2 metres to legalize the siting of an existing barn as shown in the location on Schedule No. 4 and generally constructed as shown on Schedule No. 5.

LAND USE AND DEVELOPMENT IMPLICATIONS

Board Policy B1.5

RDN Policy B1.5 (Regional District of Nanaimo Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation Policy) provides staff with guidelines for reviewing and evaluating development variance permit applications. The policy requires that the potential impacts of the variance are warranted by the need for the variance. The applicants have submitted a letter citing the following justifications for the requested variance:

- they were unaware they needed to obtain a building permit to construct the shop and barn;
- they positioned the shop in a location that would require no further clearing of the site, next to the well house;
- they positioned the barn in a location that was already cleared, away from the steep bank located near the northwest property boundary;
- the neighbours to the west have no problem with the location of the barn.

Land Use Implications

As discussed above, the proposed variances are being requested in order to legalize the siting of an existing shop and an existing barn. There are no notable views from the subject property or from adjacent properties. The existing approximately 33 m² shop is not visible from adjacent properties or the road. In addition, the building site is significantly restricted due to a large rock bluff to the northwest and a ravine to the southwest as well as two watercourses, significantly restricting the building site. While the variances requested for the approximately 40 m² barn are significant, the applicant has indicated that they placed the barn in an area that was already cleared away from the watercourse and steep rock bluff. In staff's assessment, the requested variances do not have a significant impact on adjacent properties and the application, as submitted, meets the requirements of the Fish Habitat Protection and Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Areas.

Environmental Implications

The subject property is traversed by Whiting Creek which is a fish bearing watercourse and the existing shop is located 4.0 metres from the top of the ravine bank, within the Fish Habitat Protection DPA. In keeping with the Fish Habitat Protection Development Permit guidelines, a Qualified Environmental Professional (QEP) prepared an assessment in accordance with the requirements of the *Riparian Area Regulations*. This report prepared by Chatwin Engineering Ltd and dated November 15, 2006 is for the existing shop only and meets the requirements of the Fish Habitat Protection DPA. The QEP has identified the Streamside Protection and Enhancement Area (SPEA) as 10 metres from the high water mark, within the ravine. The shop is located outside the 10 metre SPEA however; the QEP recommends the following riparian protection measures:

- the SPEA has been identified as 10 metres from the high water mark, within the ravine, and that no further alteration of the buffer should take place;
- under the new RAR regulation, the SPEA is not to be disturbed and is intended as a no-go zone for public use;
- that the landowner replant several red cedar trees on the top of the east bank in order to minimize the potential for instability of the embankment.

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, must 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

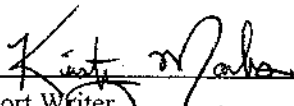
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

This is an application for a Development Permit with variances to legalize the siting of an existing shop and an existing barn at 3145 Yellow Point Road in Electoral Area 'A'. The applicant has submitted a Riparian Areas Assessment prepared by Chatwin Engineering Ltd. with respect to the shop which reflects the requirements of the Fish Habitat Protection DPA. Recommendations of this assessment are attached in Schedule No. 1. The applicant has provided justification for the requested variances. Given the topography and site constraints and minimal impact on adjacent properties, staff recommend that the requested Development Permit with variances be approved according to the terms outlined in Schedules Nos. 1-5 of this report, and subject to the Board's consideration of comments received, as a result of public notification.

RECOMMENDATION

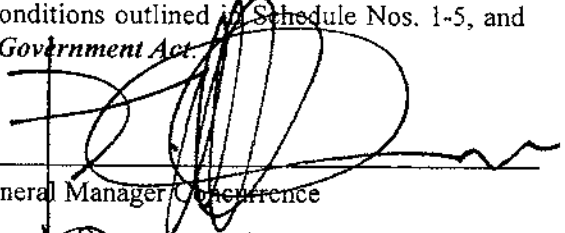
That Development Variance Permit Application No. 60713, to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," for the property legally described as Lot 7, Section 1, Range 7, Cedar District, Plan 28656 be approved subject to the conditions outlined in Schedule Nos. 1-5, and subject to the notification procedures pursuant to the *Local Government Act*.




Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Permit No. 60713

Bylaw No. 500, 1987 – Requested Variances

With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is proposed to be varied follows:

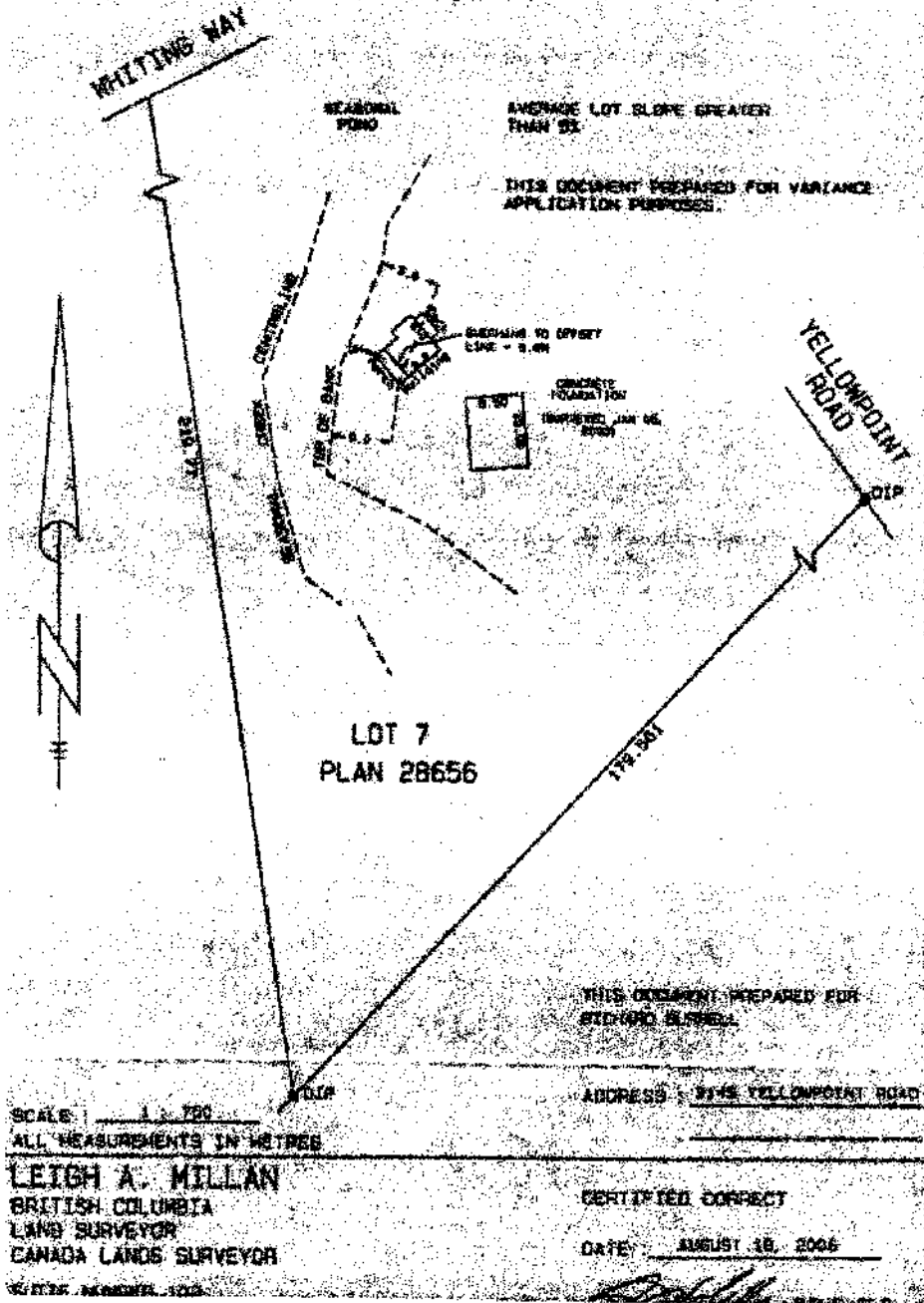
1. **Section 3.3.8 (b), Setback – Watercourses** is requested to be varied by relaxing the minimum setback requirement from the top of the slope or the first significant and regular break in the slope from 9.0 metres horizontal distance to 4.0 metres horizontal distance to legalize the siting of an existing shop as shown in the location on Schedule No. 2 and generally constructed as shown on Schedule No. 3.
2. **Section 3.3.10, Setback – Agricultural Buildings** is requested to be varied by relaxing the minimum setback requirement from a watercourse from 30.0 metres to 12.2 metres to legalize the siting of an existing barn as shown in the location on Schedule No. 4 and generally constructed as shown on Schedule No. 5.
3. **Section 3.4.84, Minimum Setback** is requested to be varied by relaxing the minimum setback requirement from a lot line from 30.0 metres to 15.2 metres to legalize the siting of an existing barn as shown in the location on Schedule No. 4 and generally constructed as shown on Schedule No. 5.

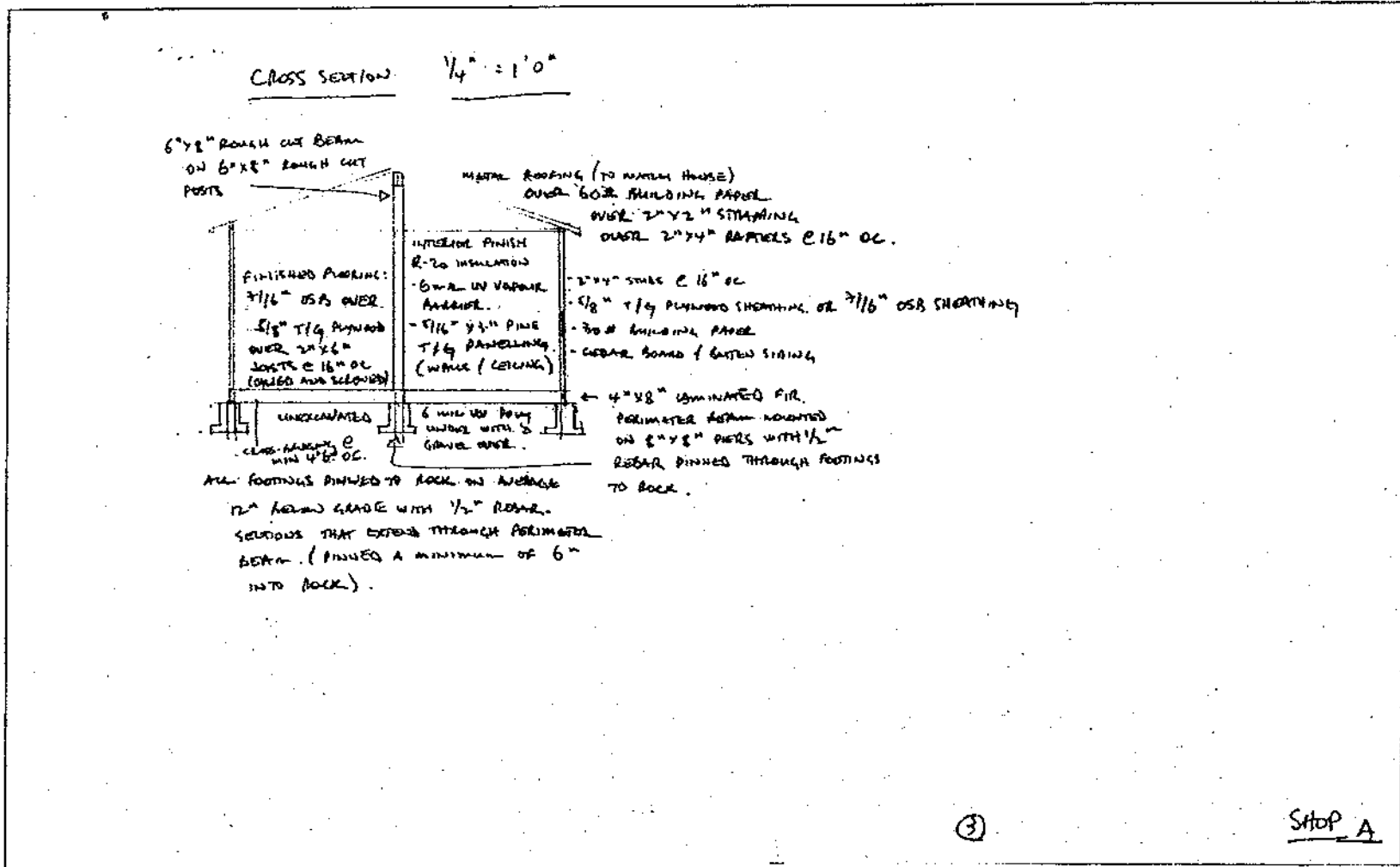
Conditions of Approval

4. The shop shall be sited in accordance with the Building Location Certificate prepared by Leigh Millan, BCLS dated August 16, 2007 attached as *Schedule No. 2*.
5. The shop elevations shall be developed in accordance with the drawings submitted by the owner attached as *Schedule No. 3*.
6. The barn shall be sited in accordance with the Building Location Certificate prepared by Leigh Millan, BCLS dated May 30, 2007 attached as *Schedule No. 4*.
7. The barn elevations shall be developed in accordance with the drawings submitted by the owner attached as *Schedule No. 5*.
8. The applicant shall develop the subject property in accordance with the recommendations established in the Riparian Areas Assessment report prepared by Chatwin Engineering Ltd and dated November 15. This report recommends the following riparian protection measures:
 - the SPEA has been identified as 10 metres from the top of the ravine bank and that no further alteration of the buffer should take place;
 - under the new RAR regulation, the SPEA is not to be disturbed and is intended as a no-go zone for public use;
 - that the landowner replant several red cedar trees on the top of the east bank in order to minimize the potential for instability of the embankment.

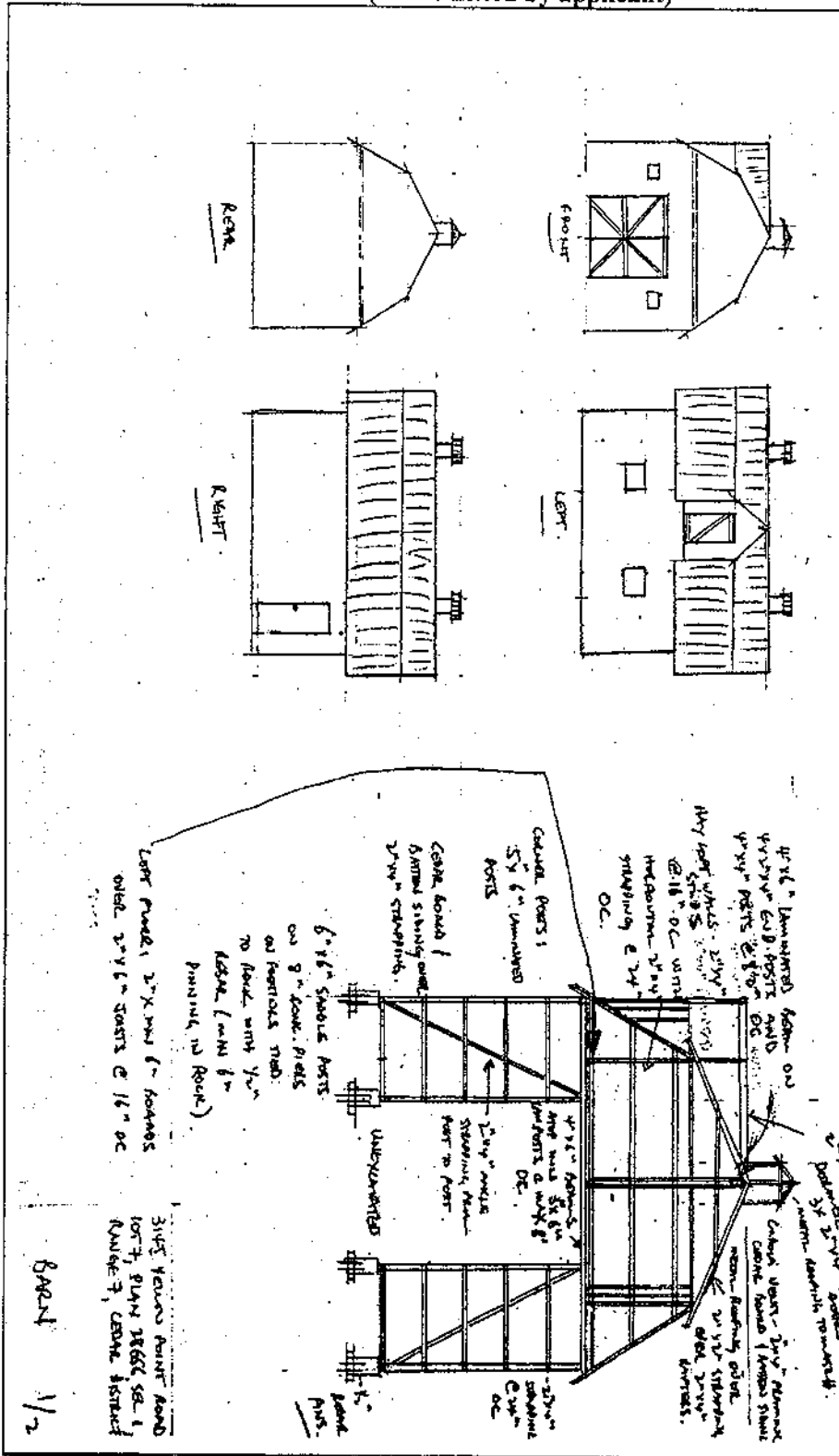
Schedule No. 2
Location of Shop (as submitted by applicant)

BUILDING LOCATION CERTIFICATE
LEGAL DESCRIPTION :
LOT 7, PLAN 28656, SECTION 1, RANGE 7,
CEDAR DISTRICT





Schedule No. 5
 Barn Elevations (as submitted by applicant)





RDN	
CAO	GMF&G
GMDS	GMR&PS
GMES	GMTS
JUL 12 2007	
SMCA	
CHAIR	BOARD
July 24 2007	

MEMORANDUM

TO: Geoff Garbutt
Manager of Current Planning

DATE: July 11, 2007

FROM: Odete Pinho, Planner

FILE: 3060 30 60714

SUBJECT: Development Permit Application No. 60714 – Plotnikoff
Lot 2, District Lot 28, Newcastle District, Plan 24584
Electoral Area 'H' – Shoreline Drive

PURPOSE

To consider an application for a Development Permit with Variances to permit the siting of a single residential dwelling and a seawall.

BACKGROUND

This is an application to permit the construction of a 134 m² single residential dwelling and a 'gabion' rock seawall on a property located in Deep Bay. The subject property is an undeveloped, treed lot located on Shoreline Drive in Electoral Area 'H' (see Attachment No. 1 for location of the subject property). The waterfront property is on an erosional beach whose natural boundary has retreated inland approximately 6 metres since 1971. This waterfront property is a moderately sloped and bounded by developed residential lots on the east and west sides.

Pursuant to "Regional District of Nanaimo Electoral 'H' Official Community Plan Bylaw No. 1335, 2003" the subject property is within an Environmentally Sensitive Development Permit Area for Hazard Lands, Aquifer Protection, Coastal Protection and Fish Habitat Protection. This application is exempt from the provisions for the Fish Habitat Protection Development Permit Area as there is no stream within 30 m of the development. Aquifer protection is also exempt as this is a single residential development.

Property Information

Location: Lot 2 Shoreline Drive , Electoral Area 'H'
Legal: Lot 2, District Lot 28, Newcastle District, Plan 24584
Size of Property: approximately 0.07 ha
Title Check: Not affecting the interests of the RDN – Building scheme

RDN Regulations

Zoning Designation:	Residential 2 (RS2M)	Dwelling Units/Parcel:	1
OCP/OCP Bylaw No:	Bylaw No. 1335, 2003	Parcel Coverage:	35%
OCP Designation:	Rural Residential	Site Area Requirements:	N/A
Zoning Setbacks:	8.0 metres horizontal distance inland from the natural boundary of the sea 8.0 metres setback from the road, 2 .0 metres setback from side yards		
Floodplain Bylaw:	8.0 metres setback from the natural boundary of the sea Flood construction level - 1.5 metres above the natural boundary of the sea		
Proposed Uses:	Residential home and shoreline protection device		

ALTERNATIVES

1. To approve Development Permit with Variances No. 60714, to permit the proposed residence and seawall, subject to the conditions outlined on Schedule Nos. 1, 2, 3 and 4.
2. To deny the requested permit.

ZONING IMPLICATIONS & PROPOSED VARIANCES

1) The proposed residence contravenes the front yard setback requirements of the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicants are proposing to vary **Section 3.4.62** of Bylaw 500 as follows:

- The minimum setback from the front lot line (roadway) is proposed to be relaxed from 8.0 metres to 6.1 metres.

2) The proposed seawall contravenes the rear yard (waterfront) setback requirements of the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicants are proposing to vary **Section 3.3.9(a)** of Bylaw 500 as follows:

- The minimum setback from the natural boundary of the sea, is proposed to be relaxed from 8.0 metres horizontal distance to 0 metres from the natural boundary, as shown on the survey submitted by the applicant.

3) The proposed residence contravenes the rear yard (waterfront) setback requirements of the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicants are proposing to vary **Section 3.3.9(a)** of Bylaw 500 as follows:

- The minimum setback from the natural boundary of the sea, is proposed to be relaxed from 8.0 metres horizontal distance to 4.9 metres from the natural boundary, as shown on the survey submitted by the applicant.

LAND USE AND DEVELOPMENT IMPLICATIONS

RDN Board Policy B1.5 provides guidelines for reviewing development variances. In this case, the subject property could not be developed without variances to setbacks. The applicant requires a series of variances to the required setbacks, to accommodate a dwelling unit on the property. *Schedule No. 2* outlines the proposed site plan and building footprint for the subject property.

RDN Board Policy B1.9 for Marine Retaining Walls, provides staff with guidelines for reviewing and evaluating applications for seawalls adjacent to the ocean for the purpose of erosion protection. This application proposes a "gabion" rock seawall that is to be less than 1.0 metre in height and holding less than 1 m³ of soil.

The applicant is required to acquire authorization from the Federal Department of Fisheries and Oceans (DFO) and to follow their Best Management Practices document. The Department of Fisheries and Oceans has not provided comment on the proposed development. The onus is exclusively on the applicant to ensure that the seawall and its installation does not cause harmful alteration, disruption or destruction of fish habitat pursuant to Section 35(1) of the *Fisheries Act*.

Two geotechnical reports, prepared by Levelton Consultants Ltd. and dated February 27, 2007 and June 4, 2007, indicate that the proposed seawall and residence is considered to be of low risk to having detrimental impact to the local environment and adjoining properties. The design of the proposed seawall is outlined in *Schedule No. 3*.

The proposed development would require the removal of all native vegetation during the site development process. A landscape plan, prepared by The Landscape Consultants, dated May 29, 2007, outlines a native

revegetation plan for the site (*Schedule No. 4*). The applicant has provided the RDN with a bond of \$3000 as a security for the satisfactory completion of site revegetation.

As per board policy B1.9, staff recommends, that the applicant be required to register a Section 219 covenant, that registers the Geotechnical Reports prepared by Levelton Consultants Ltd. and the landscape plan prepared by The Landscape Consultants on the title of the property. The covenant would also include a save harmless clause that releases the Regional District of Nanaimo from all losses and damages that may occur to these structures.

The applicant has received confirmation from the Provincial Archaeology Branch that the development site is in compliance with the *Heritage Conservation Act*. The applicant has filled in the "Sustainable Community Builder Checklist", as per Board policy.

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, must 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 Permit with Variances to permit the siting of a residence and seawall at Lot 2, Shoreline Drive in Deep Bay.

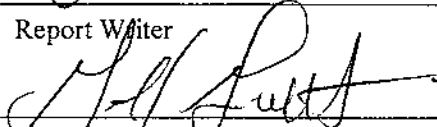
In staff's assessment, this structure has met the Regional District of Nanaimo's requirements including: a geotechnical engineering report for the residence and the seawall; survey by a British Columbia Land Surveyor and landscape plan for site revegetation. Authorization from the Department of Fisheries and Oceans, has not yet been granted to the proposed development and the onus is exclusively on the applicant to acquire authorization prior to site development. RDN approval of the proposed development (in whole or in part) in no way obliges DFO to approve this development. Given the constraints on the subject property and conformity with the Development Permit Policies, staff recommends that this application be approved subject to the conditions outlined on Schedule Nos. 1, 2, 3 and 4.

RECOMMENDATION

That Development Permit Application No. 60714, to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" and "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006", for the property legally described as Lot 2, District Lot 28, Newcastle District, Plan 24584 be approved subject to the conditions outlined in Schedule Nos. 1, 2, 3, and 4 and subject to the Board's consideration of comments received as a result of public notification.



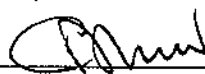
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Approval For Development Permit No. 60714
For Lot 2, District Lot 28, Newcastle District, Plan 24584 (Shoreline Drive)

Bylaw No. 500, 1987 – Requested Variances:

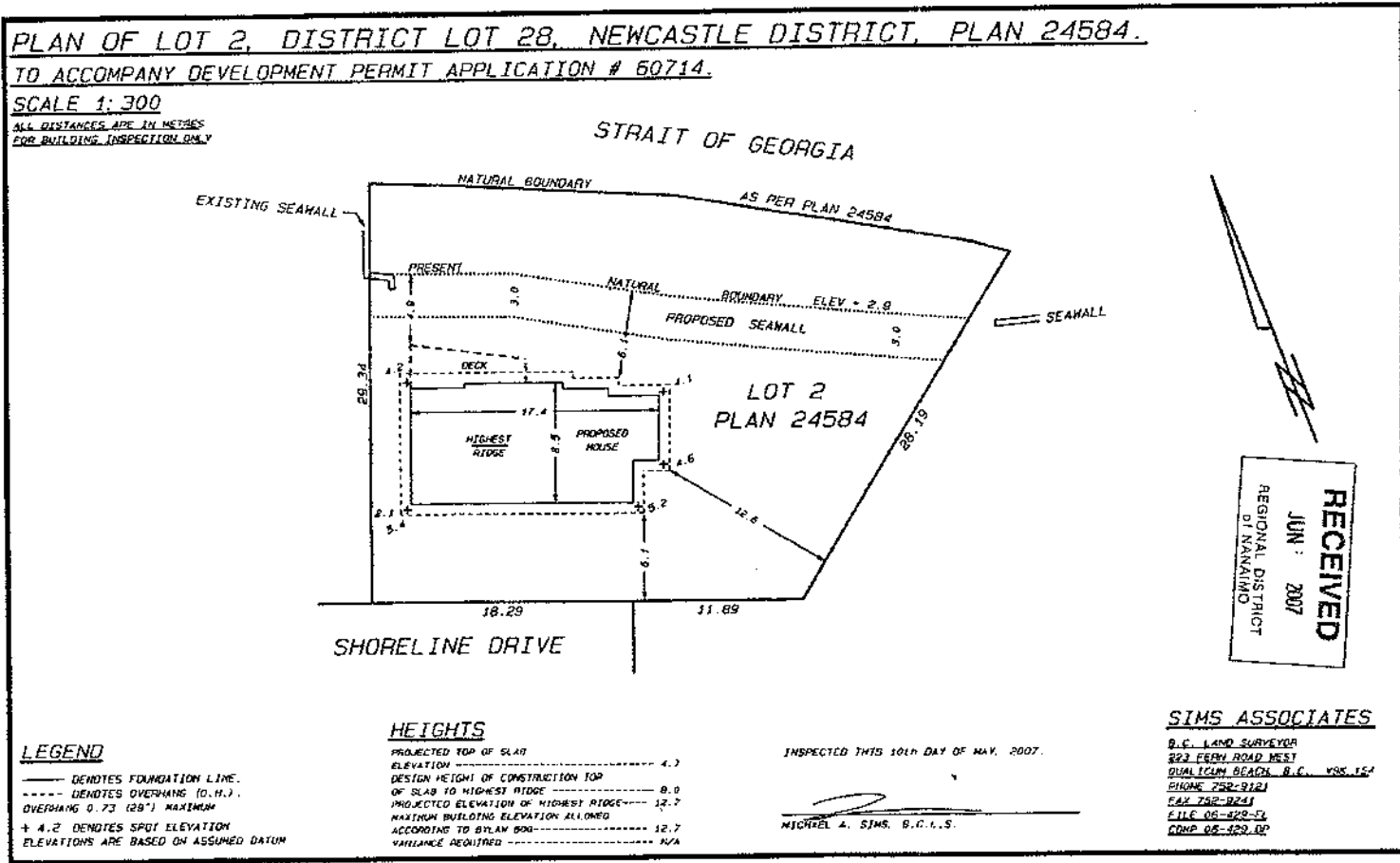
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, the following variances are proposed:

1. **Section 3.4.62 – Front yard setback** is hereby varied by reducing the setback for the proposed residence, located on Lot 2, District Lot 28, Newcastle District, Plan 24584 from 8.0 metres to 6.1 metres, as shown on *Schedule No. 2*. This variance applies only to the principle residence.
2. **Section 3.3.9(a) – Rear yard setback** is hereby varied by reducing the setback for the proposed seawall, located on Lot 2, District Lot 28, Newcastle District, Plan 24584 from 8.0 metres to 0 metres from the present natural boundary of the sea, as shown on *Schedule No. 2*. This variance applies only to the seawall.
3. **Section 3.3.9(a) - Rear yard setback** is hereby varied by reducing the setback for the proposed residence, located on Lot 2, District Lot 28, Newcastle District, Plan 24584 from 8.0 metres to 4.9 metres from the present natural boundary of the sea, as shown on *Schedule No. 2*. This variance applies only to the proposed residence.

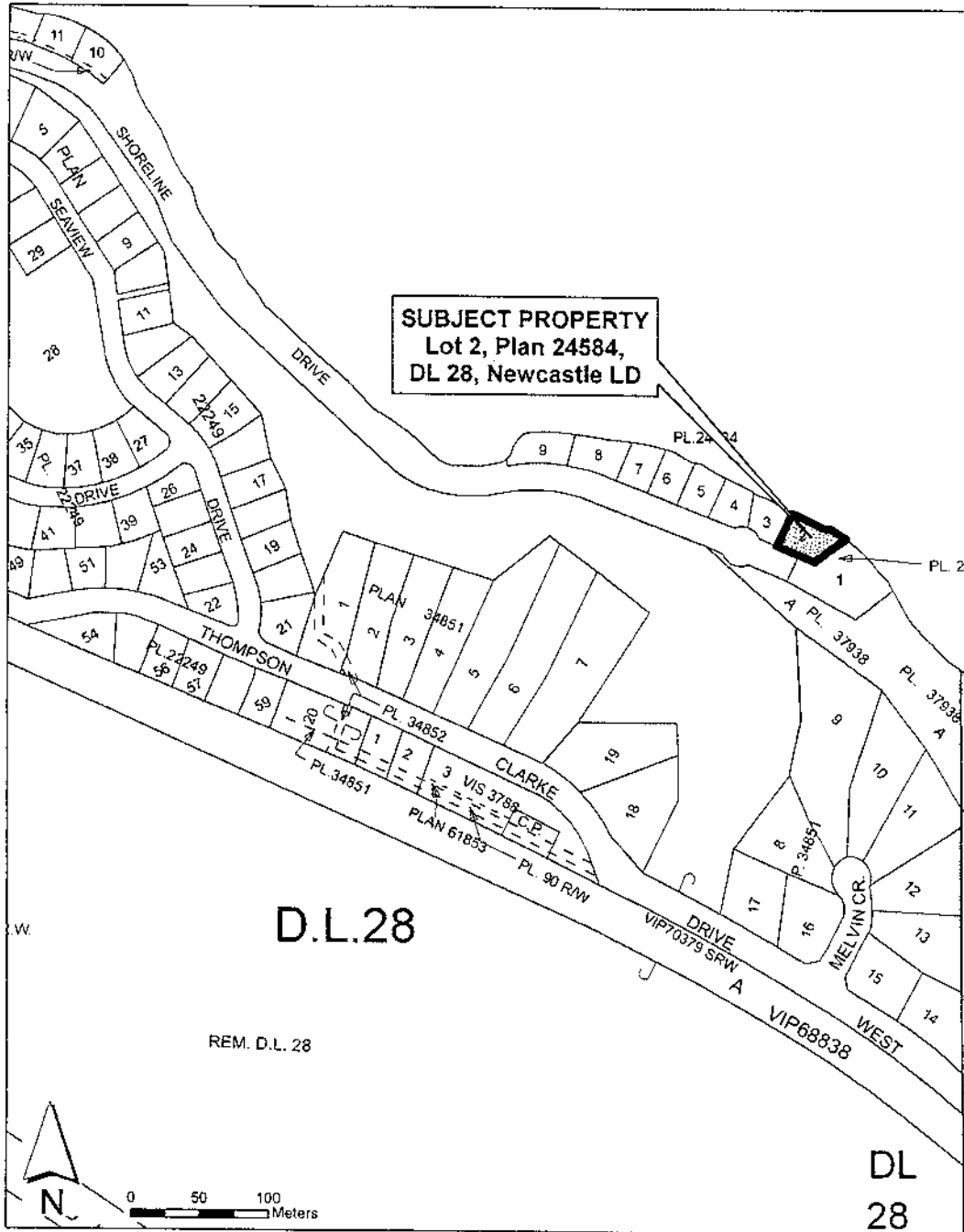
Conditions of Approval:

5. This Development Permit allows the construction of a residence and seawall developed in compliance with Schedule Nos. 1, 2, 3 and 4. The construction of the seawall is to be located exclusively above the present natural boundary of the marine foreshore (as per Sims Associates, May 10th 2007 survey on Schedule 2) and constructed is to be less than 1 metre in height (as per the design on *Schedule No. 3*).
6. Staff shall withhold the issuance of this permit until the applicant, at the applicant's expense, registers a Section 219 Covenant that registers the Geotechnical Reports by Levelton consultants Ltd., dated February 27, 2007 and June 4, 2007 and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages.
7. The construction of the proposed seawall will require written authorization from the Department of Fisheries prior to the issuance of this Development Permit. Site construction shall follow the Department of Fisheries and Oceans Best Management Practices for shoreline protection.
8. Applicant is to revegetate the area between the foreshore and the proposed dwelling unit as per the landscape plan prepared by The Landscape Consultants, and outlined in *Schedule No. 4*.

Schedule No. 2
 Siting of Proposed Structures for Development Permit No. 60714
 Lot 2, DL 28, Plan 24584, Shoreline Drive



Attachment No. 1
Location of Subject Property – Shoreline Drive
Lot 2, District Lot 28, Newcastle District, Plan 24584
Electoral Area 'H' - Map Reference No. 92F.047.3.2





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GMDS	GMR&PS
GMES	GMTS
JUL 13 2007	
SMCA	
CHAIR	BOARD
July 24 CAP	

MEMORANDUM

TO: Geoff Garbutt,
Manager, Community Planning

DATE: July 11, 2007

FROM: Kristy Marks
Planner

FILE: 3060 30 60715

SUBJECT: Development Permit Application No. 60715 – Maibach Industries Ltd.
Lot 1, Section 12, Range 7, Cranberry District, Plan 18166
Electoral Area 'A' – 2093 South Wellington Road

PURPOSE

To consider an application for a Development Permit with variances to permit the construction of a free standing sign and to recognize an additional fascia sign for Volvo located at 2093 South Wellington Road.

BACKGROUND

The Planning Department has received a development permit application for the property legally described as Lot 1, Section 12, Range 7, Cranberry District, Plan 18166 and located at 2093 South Wellington Road in Electoral Area 'A' (see Attachment No. 1 for location of subject property). The subject property is 0.53 ha and is zoned Comprehensive Development 11 (CD11) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The subject parcel is designated within the South Wellington and Fish Habitat Protection Development Permit Areas (DPA) pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001". The applicant has indicated that there are no streams on or within 30 metres of the subject property and therefore the proposed development is exempt from the Fish Habitat Protection DPA. The subject property is bounded by industrial properties to the north, commercial property to the south, residential lots to the west, and South Wellington Road and the Trans Canada Highway to the east.

The Board of the Regional District previously issued four development permits on the subject property. Development Permit No. 89 was issued on July 26, 1995, to allow for the construction of one of the existing building and associated landscaping. Development Permit No. 0125 was issued on June 12, 2002, which varied the requirements of Bylaw No. 500 to relax the minimum required front lot line setback from 8.0 metres to 1.2 metres to allow for the placement of an existing freestanding sign and increase the maximum allowable number of signs pursuant to Bylaw No. 993 from two to four. Development Permit No. 60459 was issued on January 25, 2005, which permitted the construction of one warehouse building and permitted the relocation of an existing sign. Development Permit No. 60608 was issued on March 28, 2006, which varied Bylaw No. 993 to increase the maximum number of signs from two to four and increase the maximum width of two signs. The applicant has completed the "Sustainable Community Builder Checklist", as per Board policy and no sustainability implications related to this application were identified.

PROPOSED VARIANCES

The applicant is proposing to construct a freestanding sign with an area of 3.2 metres by 6.1 metres (17.92m² in face area). The applicant also requests to legalize an existing fascia sign with an area of approximately 0.5 metres by 1.0 metres that was constructed without a development permit. The proposal as submitted would vary "Regional District of Nanaimo Sign Bylaw No. 993, 1995" requirements as follows:

- 1) Section 5 – Subsection (a) – the total number of signs is increased from two (2) to seven (7).
- 2) Section 5 – Subsection (c) – the maximum height of a freestanding sign is increased from 4.0 metres to 6.1 metres for the sign shown on Schedules No. 2 and 3.
- 3) Section 5 – Subsection (c) – the maximum face area of a freestanding sign is increased from 11m² to 17.92m² for the sign shown on Schedule No. 2.

There are no variances being requested to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

ALTERNATIVES

1. To approve the Development Permit with Variances No. 60715 to permit the location of a freestanding sign and legalize an existing additional fascia sign as submitted.
2. To approve the Development Permit with Variances No. 60715 to legalize an existing additional fascia sign.
3. To deny the requested permit.

DEVELOPMENT IMPLICATIONS

Land Use and Aesthetic Implications

The proposed variances are being requested to permit the construction of a freestanding sign to be located on the east side of the property adjacent to South Wellington Road and the Trans Canada Highway and to recognize an existing fascia sign (*see Schedule No. 2 for the location of the proposed free standing sign*). The proposed freestanding sign exceeds the maximum height and face area requirements of Sign Bylaw No. 993, 1998 and the requested variance would increase the maximum number of signs permitted on the subject property as outlined above. Bylaw No. 993 limits sign height and width to 4.0 metres sign face area to 11 m² and the number of signs on a parcel to two. The proposed freestanding sign is equipped with internal fluorescent illumination and advertises the tenants in the building (*see Attachment No. 2 for proposed sign elevation*).

As many of the existing fascia signs are visible from the Trans Canada Highway, staff is of the opinion that the proposal for the location of a freestanding sign in addition to the previous variances for increased signage is excessive and will have an impact on the highway view corridor and create a visual distraction. In addition, the proposal to recognize the existing fascia sign will advertise the same tenants proposed to be included on the freestanding sign.

The South Wellington Development Permit Area guidelines require signage to be visually unobtrusive and require a minimum amount of lighting. For the above noted reasons staff is of the opinion that the proposed freestanding sign is not substantially in compliance with the guidelines of the South Wellington DPA.

Board Policy B1.5

RDN Policy B1.5 provides staff with guidelines for reviewing and evaluating development variance permit applications. The policy requires that the potential impacts of the variance are warranted by the need for the variance.

With respect to the request for a variance to allow for a freestanding sign, in staff's assessment, the applicant has not provided an acceptable land use justification in support of the variances requested and there are existing signs on the property advertising the same tenants proposed to be included on the new sign.

With respect to the existing Volvo fascia sign, the applicant has provided an acceptable justification given that each of the other tenants on the parcel have signage approved through previous development permits and the existing fascia sign is the only signage on the property advertising Volvo. In addition, the existing fascia sign would have less of an impact on the highway view corridor than the proposed freestanding sign.

FUTURE DEVELOPMENT IMPLICATIONS

Properties in the South Wellington area along the Trans Canada Highway are primarily zoned for Commercial and Industrial uses. Many of these properties have signage designed to be visible from the Trans Canada Highway. It is anticipated that staff will continue to receive requests to construct additional signs that do not meet the requirements of Sign Bylaw No. 993 in this area. Recognizing the intent of the development permit guidelines for this commercial/industrial corridor, staff recommend continued adherence with the regulations contained in Sign Bylaw No. 993.

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, must 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 Permit with variances to permit the construction of a new freestanding sign and to legalize the installation of an additional fascia sign at 2093 South Wellington Road.

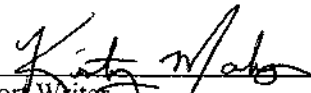
In staff's assessment the proposed freestanding sign is not in substantial compliance with the guidelines of the South Wellington Development Permit Area No. 1. Given the number of existing fascia signs, the potential visual impacts, and the direction of Board Policy B1.5, staff recommends that the application for Development Permit with variances with respect to the proposed freestanding sign be denied.

With respect to the request for a variance to recognize the existing Volvo fascia sign, given the fact that there are currently no signs on the subject parcel advertise advertising Volvo and that the fascia sign would have less of a visual impact than the proposed freestanding sign, staff recommend that the

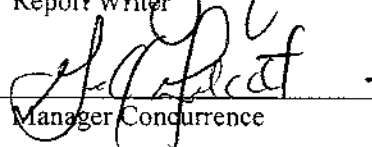
application for a Development Permit with variance with respect to the existing fascia sign as indicated in Alternative 2 above, be approved subject to the Board's consideration of comments received as a result of public notification.

RECOMMENDATION

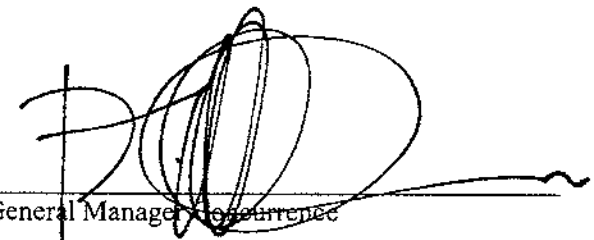
That Development Permit No. 60715 to vary "Regional District of Nanaimo Sign Bylaw No. 993, 1995", to recognize an existing fascia sign, increasing the maximum number of signs to six (6) for the property legally described as Lot 1, Section 12, Range 7, Cranberry District, Plan 18166 be approved, subject to the conditions outlined in Schedule Nos. 1-2 and the notification requirements of the *Local Government Act*.



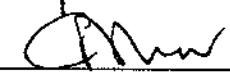
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Permit No. 60715

The following sets out the conditions of approval:

Regional District of Nanaimo Sign Bylaw No. 993, 1995-- Requested Variances

With respect to the lands, "Regional District of Nanaimo Sign Bylaw No. 993, 1995" is proposed to be varied follows:

- a) Section 5 – Subsection (a) – the number of signs is increased to a maximum of six (6).

Building / Site Development

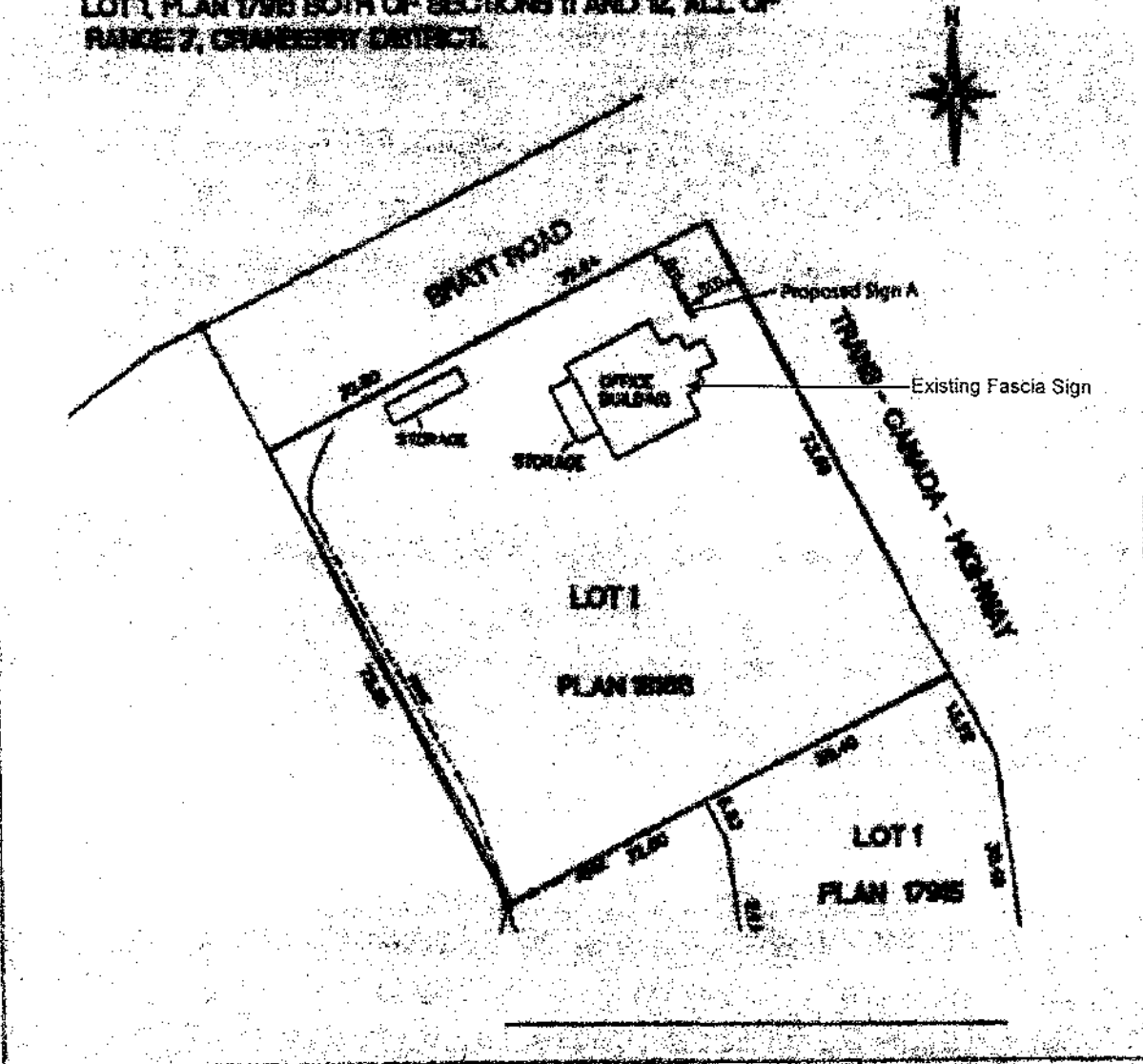
- 2) The subject property shall be developed in accordance with Schedule Nos. 1-2.
- 3) All development shall comply with "Regional District of Nanaimo Land Use and Subdivision No. 500, 1987," and "Regional District of Nanaimo Sign Bylaw No. 993, 1995," except where varied by this permit.

Signage

- 4) No additional signs shall be enlarged, erected, constructed, or placed on the subject property without Regional District of Nanaimo approval.
- 5) Sign contents may change so long as the type, dimensions, area, and general location of all signs remain consistent with this permit.

Schedule No. 2
Proposed Freestanding and Existing Fascia Sign Locations

LOT 1, SECTION 12, PLAN S158; LOT 2, PLAN 2078 AND
LOT 1, PLAN 0795 BOTH OF SECTIONS 11 AND 12, ALL OF
RANGE 7, CRANBURY DISTRICT.



PATTERSON
ENGINEERS

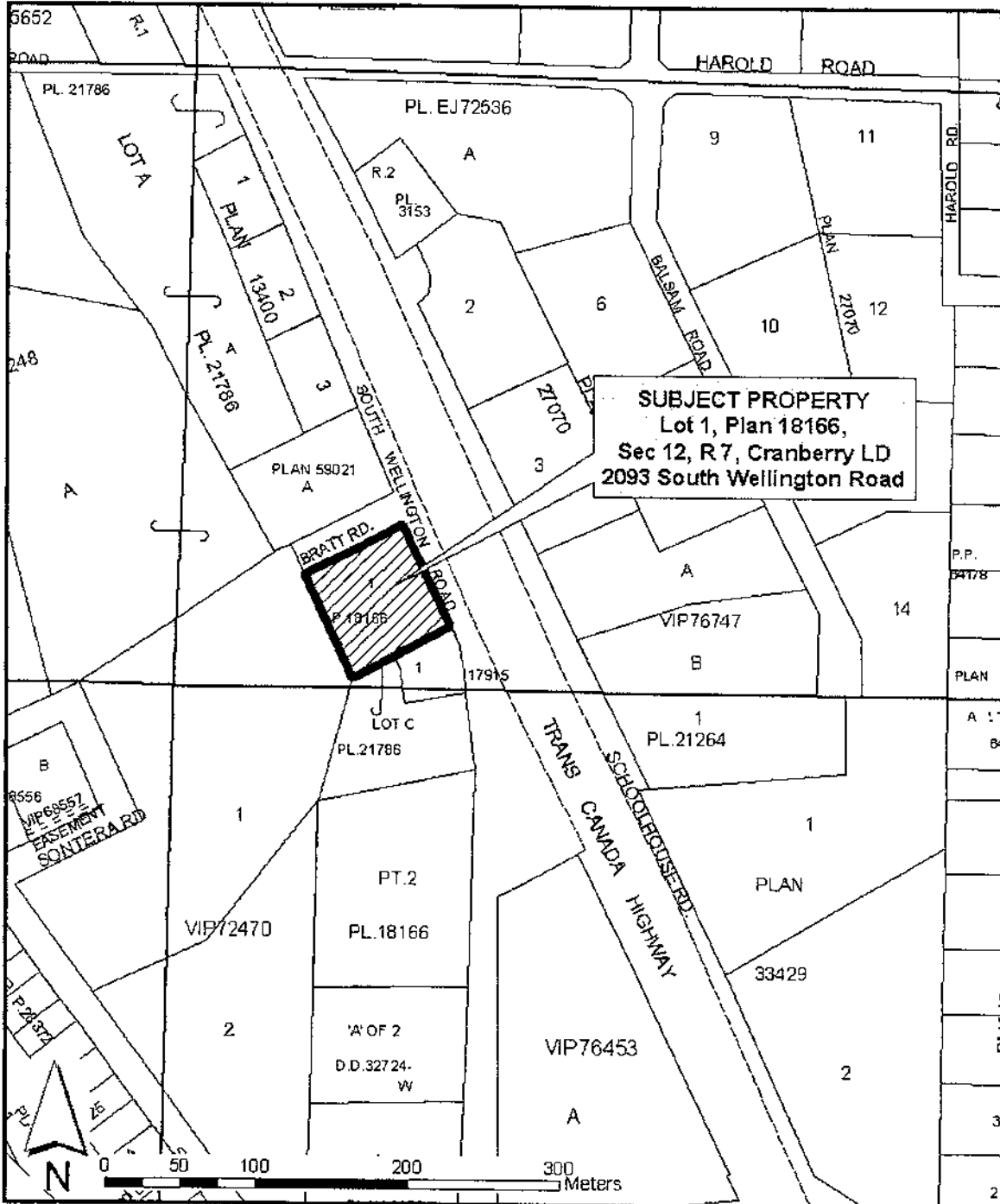
200 Wellington Ave
Wellington, ON, Canada N2Y 2E8
Tel: 519-253-2222
Fax: 519-253-2222

Scale: 1/8" = 2.5m

2003 South Wellington Rd

A Division of JACO-Patterson Inc. (Canada) Ltd.

Attachment No. 1
Location of Subject Property



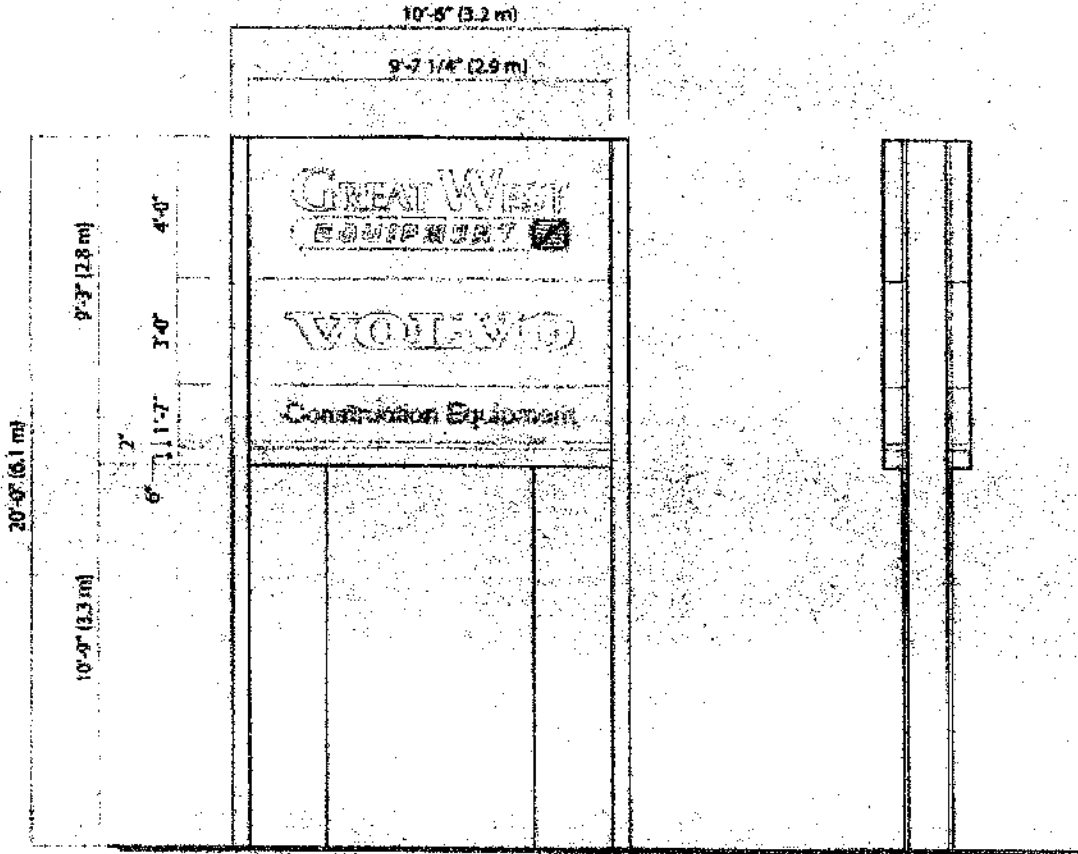
BCGS Map Sheet No. 92G-001.4.3

Attachment No. 2
Proposed Freestanding Sign

Volvo
2093 South Wellington Road, Naraime



Plan View



Elevation - 20ft. Monolith

Side View

Face size: 9'-3 1/4" x 2'-3" = 22.24 m²



RDN	
CAO	GMES
GMDS	GMES
GMES	GMES
JUL 12 2007	
SMCA	
CHAIR	BOARD
July 24 AM	

MEMORANDUM

TO: Geoff Garbutt
Manager, Community Planning

DATE: July 12, 2007

FROM: Kristy Marks
Planner

FILE: 3090 30 90628

SUBJECT: Development Variance Permit Application No. 90628 – Pope
Lot 9, District Lot 40, Newcastle District, Plan 16121
Electoral Area 'H', RDN Map Ref. No. – 92F.047.2.3

PURPOSE

To consider an application for a Development Variance Permit to legalize the siting of an existing studio and existing firewood storage shed on a property located at 4594 Maple Guard Drive.

BACKGROUND

The subject property is located on Maple Guard Drive in Electoral Area 'H' (See attached subject property map). The parcel is approximately 0.19 hectares in size and is zoned Residential 2 (RS2), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

The 13 m² studio was constructed in the northwest corner of the subject property in August 2004. The applicant was not required to obtain a building permit as the subject property is not located within a RDN building inspection area. In October 2006 a Bylaw Enforcement file was opened concerning the studio and the applicant subsequently applied for a Development Variance Permit in order to legalize the siting of the building. The gutter line of the accessory building encroaches 0.3 metres into the adjacent property to the west and is setback 0.1 metres from the property line to the north (as shown on attached Schedule No. 2). The applicants have indicated they are willing to remove the portion of the building that encroaches into the adjacent property.

While reviewing this application, staff became aware of an existing firewood storage shed, approximately 15 m² in size, on the subject property located within the rear lot line setback. The existing firewood storage shed is shown on the legal survey and is located 0.3 metres from the rear property line (as shown on attached Schedule No 2). The property owner has indicated that the firewood storage shed was constructed as a temporary structure to store wood from trees that had fallen on the property.

The applicant has completed the "Sustainable Community Builder Checklist", as per Board policy. There are no sustainability implications related to this application. The applicant has indicated that there are no streams on or within 30 metres of the subject property and therefore the proposed development is exempt from the Fish Habitat Protection Development Permit Area guidelines.

Requested Variances

The applicants have applied to vary Section 3.4.62 – Minimum Setback Requirements of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as follows:

1. The rear lot line setback is requested to be relaxed from 2.0 metres to 0.0 metres for the existing accessory building labelled 'Studio' on the survey submitted by the applicant.
2. The interior side lot line setback is requested to be relaxed from 2.0 metres to 0.1 metres for the existing accessory building labelled 'Studio' on the survey submitted by the applicant.
3. The rear lot line setback is requested to be varied from 2.0 metres to 0.3 metres for the existing accessory building labelled 'Wood shed' on the survey submitted by the applicant.

ALTERNATIVES

1. To approve Development Variance Permit No. 90628 to legalize the siting of an existing studio and existing firewood storage shed as submitted.
2. To approve Development Variance Permit No. 90628 to legalize the siting of an existing studio.
3. To deny the request for a Development Variance Permit and provide staff with further direction to have the structures removed or relocated.

BOARD POLICY B1.5

RDN Policy B1.5 (Regional District of Nanaimo Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation Policy) provides staff with guidelines for reviewing and evaluating development variance permit applications. The policy requires that the potential impacts of the variance are warranted by the need for the variance. The applicants have submitted a letter citing the following justifications with respect to the requested variances for the studio:

- adjacent property owners initially had no problem with the location of the building;
- they were unaware of the required setbacks;
- moving the building would be at a great cost, may result in structural damage, and would require the removal of underground sprinklers and landscaping.

With respect to the firewood storage shed, the applicant has submitted the following justifications for the requested variance:

- they located the firewood storage shed behind the garage to prevent unsightly views for adjacent properties;
- the adjacent property owner to the rear has no problem with the location;
- they plan to remove a portion of the shed once they have used the wood.

LAND USE AND DEVELOPMENT IMPLICATIONS

The subject property is relatively flat with a slight decrease in elevation between the accessory building and the dwelling unit. The adjacent parcels are developed with residential uses. There are no notable views present from the subject property or from neighbouring properties. The studio consists of a single storey, is approximately 13 m² in floor area and is finished with Hardie Board siding and fibreglass shingles. In staff's opinion, the studio as it is currently sited, does not have view implications or significantly impact the adjacent properties. Given the size, lack of exposed openings (windows) and the non-combustible exterior cladding, a variance to recognize the siting of the studio should not have interface fire implications for adjacent properties. Staff recommends that, the Board approve the requested variances to recognize the siting of the studio.

The firewood storage shed is located at the rear of the property 0.3 meters from the property line, and is constructed of wood siding and a plywood roof on concrete pier blocks. The firewood storage shed, as it

is currently sited, overhangs the garage of the subject property, is constructed of combustible materials, holds a significant amount of firewood and is located next to a stand of cedars. Given these circumstances, variances to recognize the siting of this structure may contribute to an interface fire hazard. For this reason, staff recommends that the requested variance for the location of the existing firewood storage shed be denied and that the Board provide staff with further direction to have the structure removed or relocated.

This property is currently in a non-building inspection area. Properties in the RDN that receive building inspection services are subject to a review process that would have provided an opportunity to address the location of these structures in compliance with the zoning regulations prior to construction.

Public Consultation Process

As part of the required public notification process, pursuant to the *Local Government Act*, property owners and tenants 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 application. The applicants have submitted a letter from the owner of the property immediately to the north stating their support of the variance for the existing studio.

VOTING

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

SUMMARY/CONCLUSIONS


This is an application for a Development Variance Permit to vary the minimum rear and minimum interior side lot line setbacks in order to legalize the siting of an existing studio and existing firewood storage shed. 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. 1.

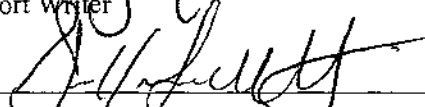
As the studio has a relatively small footprint, does not have a negative impact on adjacent properties, the encroachment will be removed and the exterior finish details allow for the location of the building on the property boundary, staff recommend the requested variances, with respect to the studio, be approved subject to the Board's consideration of comments received as a result of public notification.

Given that the firewood storage shed has the potential to contribute to an interface fire hazard, staff recommend the requested variance, with respect to the firewood storage shed, be denied and request that the Board provide staff with further direction to have the structure removed or relocated.

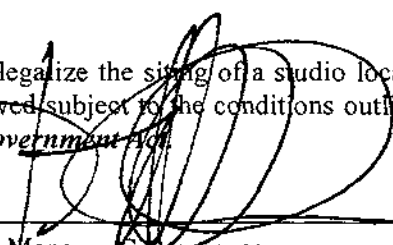
RECOMMENDATION


That Development Variance Permit Application No. 90628, to legalize the siting of a studio located at Lot 9, District Lot 40, Newcastle District, Plan 16121 be approved subject to the conditions outlined in Schedule Nos. 1 -3 and notification requirements of the *Local Government Act*.



Report Writer


Manager Concurrence



General Manager Concurrence


CAO Concurrence

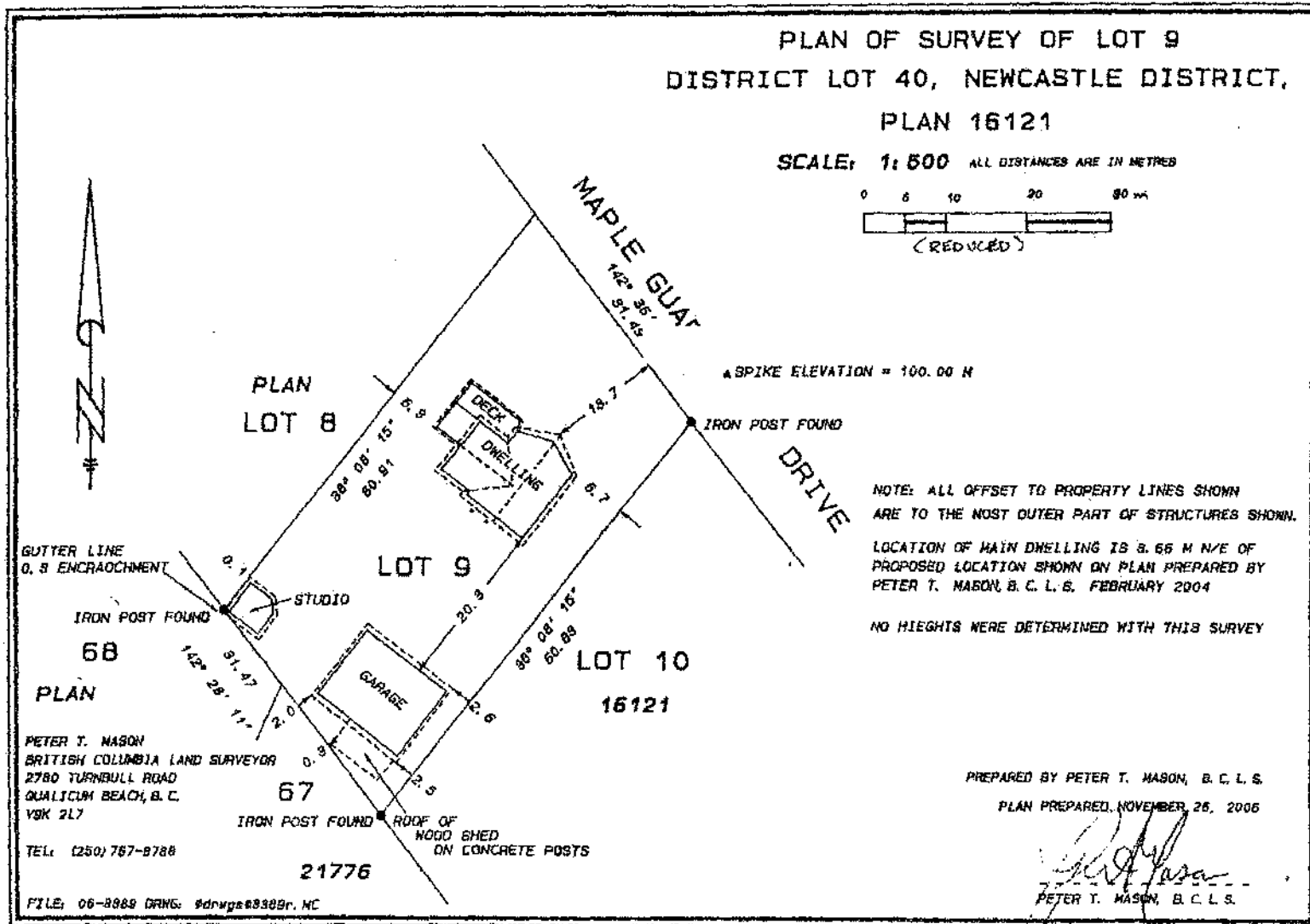
Schedule No. 1
Terms of Development Permit No. 90628

Variances

Development Variance Permit No. 90628 varies **Section 3.4.62 – Minimum Setback Requirements** of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as follows:

1. The rear lot line setback is requested to be varied from 2.0 metres to 0.0 metres for the existing accessory building labelled 'Studio' on the survey submitted by the applicant and attached as Schedule No. 2.
2. The interior side lot line setback is requested to be varied from 2.0 metres to 0.1 metres for the existing accessory building labelled 'Studio' on the survey submitted by the applicant and attached as Schedule No. 2.
3. The rear lot line setback is requested to be varied from 2.0 metres to 0.3 metres for the existing accessory building labelled 'Wood shed' on the survey submitted by the applicant.

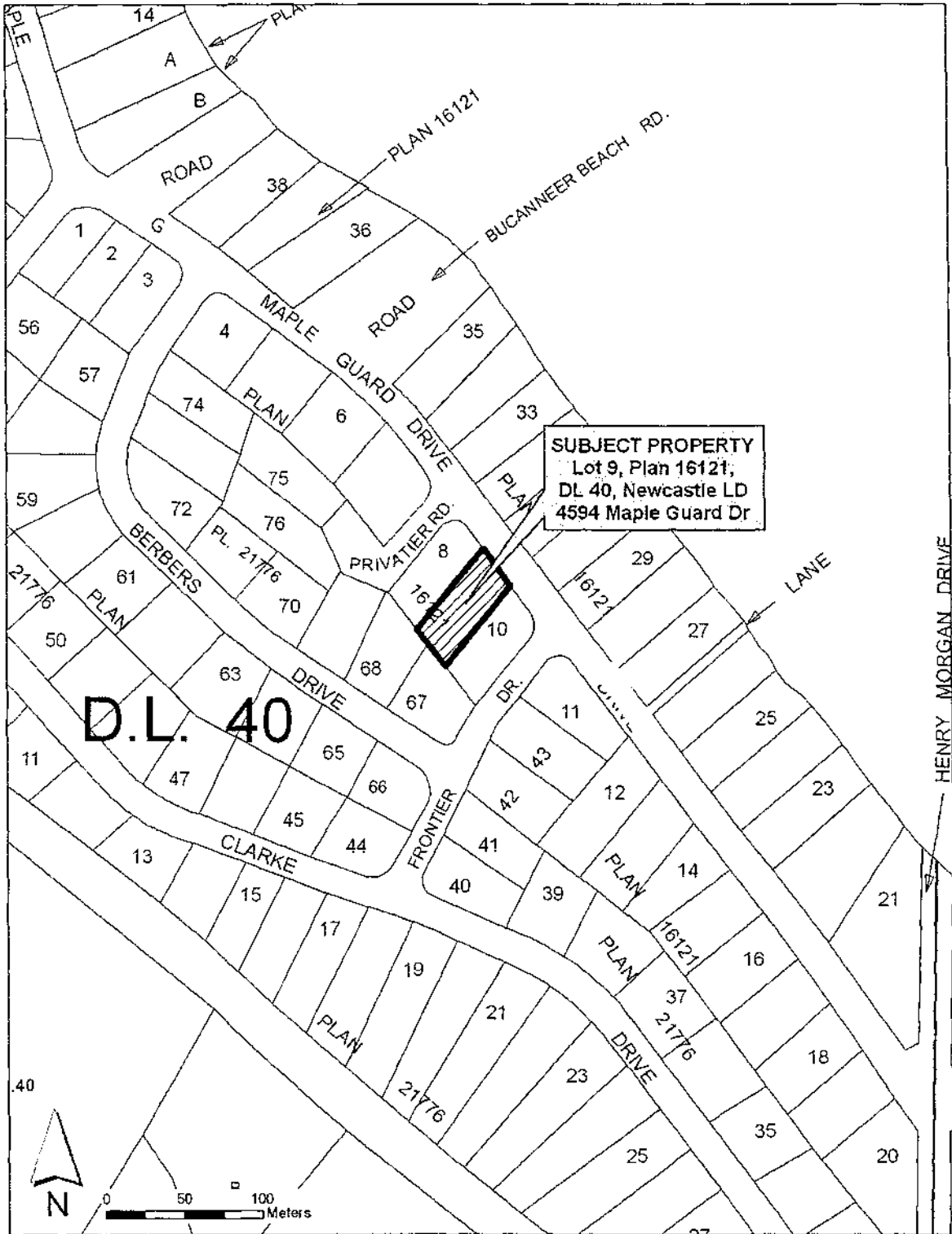
Schedule No. 2
 Site Plan



**Schedule No. 3
Studio Elevations**



Attachment No. 1
Location of Subject Property





RDN			
CAO	GMF&IS		
GMDS	GMR&PS		
GMES	GMTS		
JUL 12 2007			
SMCA			
CHAIR	BOARD		
July 24 2007			

MEMORANDUM

TO: Geoff Garbutt
Manager, Community Planning

DATE: July 12, 2007

FROM: Kristy Marks
Planner

FILE: 3090 30 90704

SUBJECT: Development Variance Permit Application No. 90704 – Five Cedar Poultry Farm
The Westerly 10 acres of the Easterly 45 acres of Section 17, Range 3, Cedar District
Electoral Area 'A', RDN Map Ref. No. – 92G.011.2.2

PURPOSE

To consider an application for a Development Variance Permit to legalize the siting of an existing barn on a property located at 2663 Barnes Road.

BACKGROUND

The subject property is located on Barnes Road in Electoral Area 'A' (see attachment No. 1 for location of the subject property). The parcel is approximately 3.95 hectares in size and is zoned Rural 4 (RU4), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The subject property is located in the Agricultural Land Reserve (ALR) and is a commercial poultry farm. The property is bordered by ALR and agricultural uses to the East, South and West and by residential properties to the North.

The previous property owner completed a renovation to an existing non-conforming barn on the subject property in 2005. The current owners purchased the property in September 2005 and were under the impression, at that time, that the barn was considered non-conforming. Regional District of Nanaimo (RDN) Building and Bylaw Enforcement became aware of the subject building and advised the current owner to apply to the RDN for a Development Variance Permit. The subject property is located in a RDN building inspection area and the applicants have applied for a building permit.

A survey provided by the applicant shows that the barn is located 1.28 metres from the adjacent property line (see attached Schedule No. 2). "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," Section 3.4.84, Minimum Setback Requirements requires an 8 metre minimum setback from the property line for buildings and structures. The subject barn is approximately 257 m² and is used to house poultry (see Schedule No. 3 for building elevations).

The applicant has completed the "Sustainable Community Builder Checklist", as per Board policy. There are no sustainability implications related to this application.

Requested Variance

The applicants are requesting to vary Section 3.4.84, Minimum Setback Requirements of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as follows:

Required setback for buildings and structures	Requested Setback	Requested Variation
8 metres	1.28 m	6.72 m

ALTERNATIVES

1. To approve the request for a Development Variance Permit subject to the conditions outlined in Schedule No. 1.
2. To deny the requested for a Development Variance Permit and provide staff with further direction to have the structure removed or relocated.

BOARD POLICY B1-5

RDN Policy B1-5 (*Development Variance Permit, Development Permit with Variance & Floodplain Exemption Application Evaluation Policy*) provides staff with guidelines for reviewing and evaluating development variance permit applications. The policy requires that the potential impacts of the variance are warranted by the need for the variance. The applicants have provided justification for the variance and have submitted a letter citing the following justifications in support of the variance:

- the renovation was completed by the previous property owner and the present owners were under the impression that the building was considered non-conforming;
- removing or relocating the barn would result in a financial hardship;
- the barn is adjacent to agricultural land therefore there are no impacts to adjacent properties.

LAND USE AND DEVELOPMENT IMPLICATIONS

The subject property is located in the ALR and is adjacent to ALR properties. There are no notable views present from the subject property or from the surrounding properties. The existing approximately 257 m² barn is a single storey and supports a commercial poultry business. The existing barn is the result of a renovation to a non-conforming barn located within the same setback. There has been no change in the use of the building, the renovation resulted in a relatively minor increase in the building footprint and the setback to the property line remained the same. In staff's opinion, the barn does not significantly impact the adjacent properties.

ENVIRONMENTAL IMPLICATIONS

With respect to the storage of manure on site, the applicants have indicated that all chicken manure is hauled off site weekly. Staff have consulted with the District Agrologist and there are no issues related to the siting of the barn.

PUBLIC CONSULTATION PROCESS

As part of the required public notification process, pursuant to the *Local Government Act*, property owners and tenants 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 application.

VOTING

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

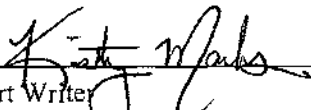
SUMMARY/CONCLUSIONS

This is an application for a Development Variance Permit to legalize the siting of an existing barn. The proposed variance, if approved, would vary Section 3.4.84, Minimum Setback Requirements of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as shown on attached Schedule No. 2.

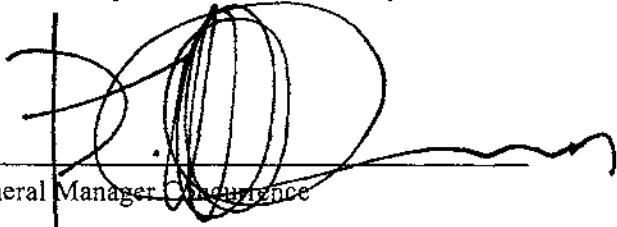
As the subject barn supports a commercial agricultural activity within the ALR and does not have a negative impact on adjacent properties, staff recommend this application be approved subject to the Board's consideration of comments received, as a result of public notification.

RECOMMENDATION

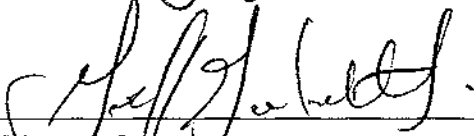
That Development Variance Permit Application No. 90704, to legalize the siting of an existing barn located at the Westerly 10 acres of the Easterly 45 acres of Section 17, Range 3, Cedar District be approved according to the terms outlined in Schedule No. 1, and subject to the notification procedures pursuant to the *Local Government Act*.




Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

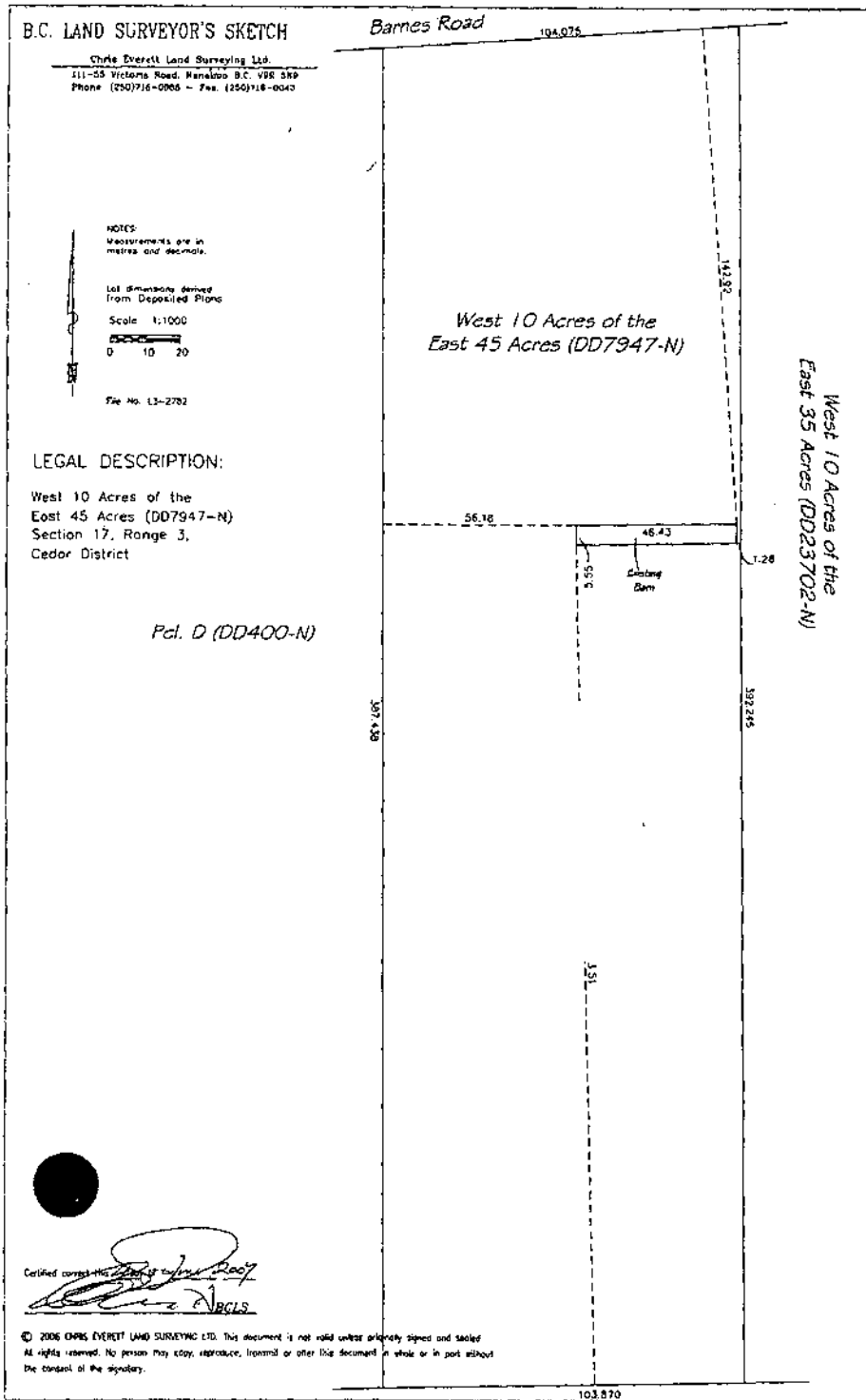
Schedule No. 1
Terms of Development Variance Permit No. 90704

Requested Variance

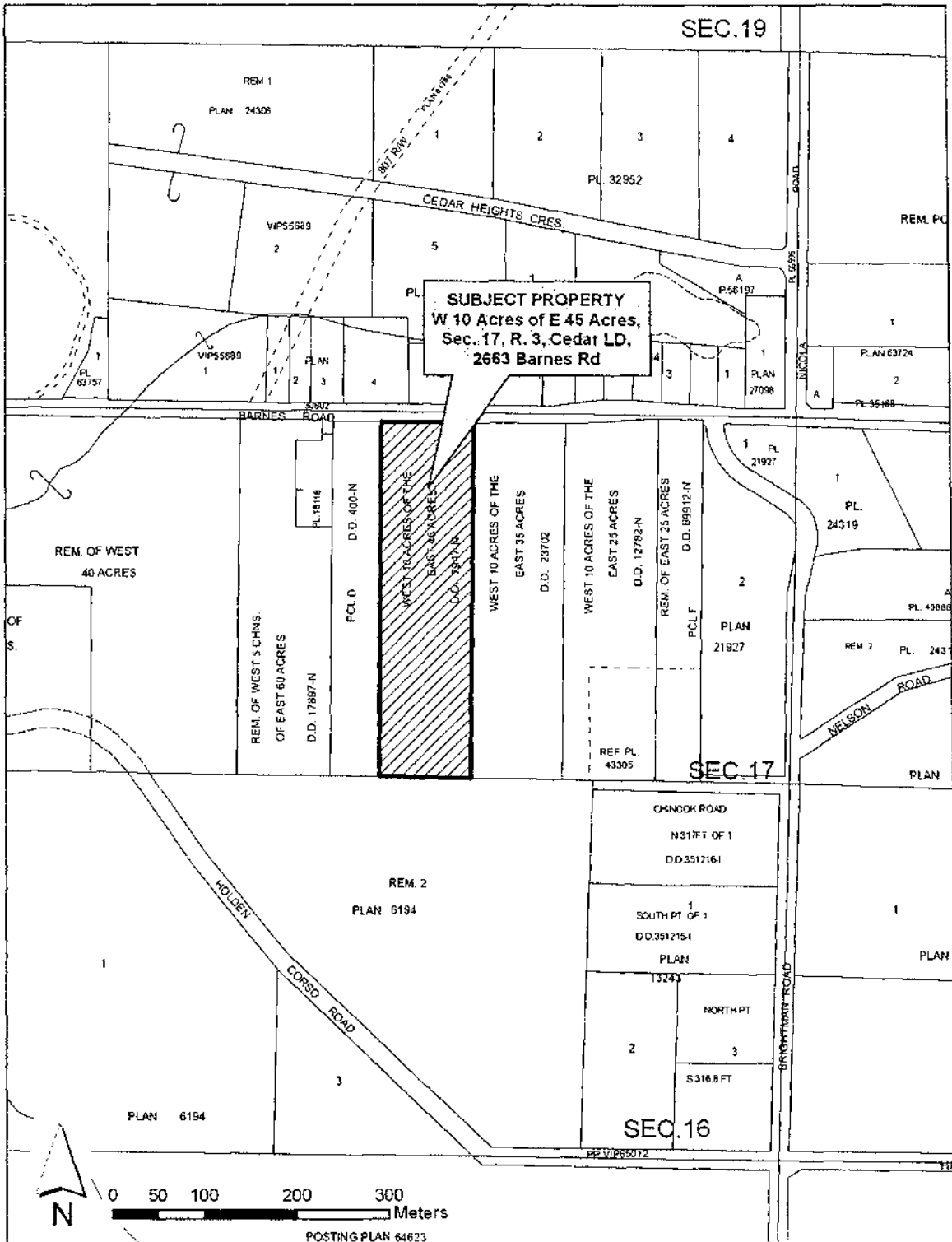
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” the following variance is proposed:

1. **Section 3.4.84, Minimum Setback Requirements** to be varied by decreasing the minimum setback for a barn, located on the Westerly 10 acres of the Easterly 45 acres of Section 17, Range 3, Cedar District from 8 metres to 1.28 metres as shown on Schedule No. 2. The variance applies only to the barn as shown on Schedule Nos. 2 and 3.

Schedule No. 2
 Site Plan



Attachment No. 1
Subject Property





CAO		GMF&IS	
GMDIS		GMR&PS	
GMES		GMFS	
JUL 12 2007			
SMCA			
CHAIR		BOARD	

MEMORANDUM

July 24 EAP

TO: Paul Thompson
Manager of Long Range Planning

DATE: July 12, 2007

FROM: Greg Keller
Senior Planner

FILE: 6480-01 EAGR

SUBJECT: Electoral Area 'G' Official Community Plan Review Public Meeting Summaries and Update

PURPOSE

To provide the EAPC with an update on the Electoral Area 'G' Official Community Plan review process, to summarize the results of the public meetings, and to present the proposed changes to the draft Official Community Plan as a result of community input.

BACKGROUND

As part of the Electoral Area 'G' Official Community Plan review process, the first draft of the proposed Electoral Area 'G' Official Community Plan was presented at a series of five public meetings. The public meetings were held on June 11th, 13th, 18th, and 20th in the Multi-Purpose Room at Oceanside Place and on June 28th at St. Columba Presbyterian Church.

The purpose of the public meetings was to obtain feedback, discuss, and present the first draft of the Electoral Area 'G' Official Community Plan. Each public meeting focused on a different topic in order to provide the public with an opportunity to comment on different parts of the draft Official Community Plan. During each meeting, staff gave a brief presentation on the Electoral Area 'G' Official Community Plan review process and outlined what was proposed to stay the same and what was proposed to change in the new Official Community Plan. The remaining time during each meeting was devoted to discussion. Staff took notes during the proceedings in order to summarize the comments and suggestions brought forward at the meetings.

A number of comments and suggestions were received along with some excellent discussion on a number of issues. The purpose of this report is to summarize the comments, suggestions, and discussions at the public meetings and to present the proposed changes to the draft as a result of the community input.

ALTERNATIVES

1. To receive this report as information.
2. To receive this report as information and provide staff with further direction.

Summary of the Public Meetings and Proposed Changes

The following summarizes the key issues raised at each public meeting. The complete summary of the proceedings at each meeting will be made available on the Regional District of Nanaimo website upon completion.

Meeting No. 1 – Environmental Protection

There were a number of general questions with respect to environmental protection; primarily environmentally sensitive areas, ground water, and rain water management. The meeting participants generally desired to strengthen the wording in the draft Official Community Plan as it relates to environmental protection policies. Some key issues that were discussed included looking at options to encourage water conservation, improve rain water management, control erosion, and reduce the impact of development on ground water resources.

One idea mentioned was that the Official Community Plan should include a policy that supports no net loss of critical habitat. This would mean that if a developer is proposing to alter an environmentally sensitive ecosystem or feature, the developer would be required to compensate for that loss by establishing or enhancing similar habitat elsewhere on the property or perhaps elsewhere in the region.

A meeting attendee mentioned that there is an existing eagle nesting tree located in the Pebble Beach neighbourhood that was not identified in the Official Community Plan. A member of the community requested that the Regional District of Nanaimo identify the ponds located on the corner of Highway 19A and Columbia Drive as environmentally sensitive.

Please note that the proposed Official Community Plan contains policies with respect to water conservation, rain water management and erosion control, as well as ground water protection. The intent of the proposed policies is to provide the Regional District of Nanaimo with direction on how to address these issues, including support for the Regional District of Nanaimo to initiate actions that are in support of the issues identified by the community.

As a result of the community input staff are proposing to amend the draft Official Community Plan as follows:

1. by strengthening the wording in the environmental protection policies;
2. by including the eagle nesting tree at pebble beach in a Development Permit Area;
3. by considering a no net loss of critical habitat policy; and,
4. by identifying the pond located on the corner of Highway 19A and Columbia Drive as environmentally sensitive.

Meeting No. 2 – Enhancing and Maintaining Parkland, Green Space, and Natural Areas and Improving Mobility

A number of community members had concerns with respect to tree removal, especially tree removal prior to lands being accepted for park. A policy in the Official Community Plan stating the community's preference for lands that are being considered for parkland dedication to be left in their natural state is desired. As well, concern was raised over the lack of a broad-based protected areas strategy that identifies and takes steps towards protecting Electoral Area 'G's most critical ecosystems.

Other meeting participants spoke to their concerns regarding over regulation and the affect that it has on property values and its impact on agricultural uses on agricultural lands.

The draft Official Community Plan provides the Regional District of Nanaimo at the time of subdivision the right of first choice over whether to accept land, cash, or a combination of land and cash. The draft Official Community Plan also specifies that parkland must be of benefit to the community and that undesirable lands should not be accepted. In this way the Regional District of Nanaimo can maximize the

benefit to the community by ensuring that parkland is useable land that satisfies the needs of the community.

Meeting attendees also mentioned a desire for additional lands for park and recreational opportunities including a trail from Yambury Road to Hall Road adjacent to the Highway linking Qualicum Beach and Parksville and additional park land on Lots 7, 8, and 10 adjacent to the Little Qualicum River.

In response to the community's feedback, staff is proposing to amend the draft Official Community Plan as follows:

1. by including a new policy that reinforces the community preference for parklands that are left in their natural state;
2. by identifying a trail connection adjacent to Highway 19A linking Parksville to Qualicum Beach; and,
3. by including a policy that supports the development of a protected areas strategy for Electoral Area 'G'.

Meeting No. 3 – Containing Urban Sprawl and Creating Complete Nodal Communities

Meeting 3 was the most well attended meeting of the series. Many community members attended the meeting to speak against the proposed French Creek Neighbourhood Centre in the draft Official Community Plan. The French Creek Neighbourhood Centre would have supported a mixed use development on the properties located at the corner of Highway 19A and Columbia Drive (commonly known as the Moore Properties), in order to achieve an alternate form of development on a smaller footprint that would provide for additional protection for the French Creek Estuary. A number of issues were raised including environmental sensitivity, traffic concerns, servicing capacity, and land use conflicts.

The consensus of the meeting participants was that the lands proposed for the French Creek Neighbourhood Centre are not appropriate for that form of development. It was felt that ideally those lands should be preserved as park land to protect the French Creek Estuary, but if that was not a feasible option then the existing approval for multi-residential development granted by Development Permit No. 77 and as authorized by the existing Residential 5 zoning is more desirable than a mixed residential/commercial development.

Please note that the proposed Official Community Plan, in response to community input recognizes the community's concerns with respect to the development of the Moore properties.

In response to the community's feedback, staff is proposing to amend the draft Official Community Plan as follows:

1. removing the French Creek Neighbourhood Centre from the west side of French Creek;
2. consider removing the extent of the previous French Creek Comprehensive Development Area;
3. recognizing the existing zoning status within the urban area of French Creek;
4. indicating the community's desire to acquire additional parkland adjacent to the French Creek Estuary; and,
5. inserting a definition of '*Community Water System*'.

Meeting No. 4 – Protecting Rural Integrity and Creating a Vibrant and Sustainable Economy

A number of questions were discussed and a number of issues were identified regarding the draft Official Community Plan. There are three properties on View Road where "Kennel" is a permitted use along with "Sawmill" on one of the parcels. There was concern over the suitability of these uses on the subject properties due to the potential impacts. A request to include a policy in the draft Official Community Plan that would not support these uses has been received. Currently the subject properties are not being used for a kennel or a sawmill.

There was some concern over combining the three Official Community Plans in Electoral Area 'G' (Shaw Hill – Deep Bay, French Creek, and Englishman River) due to community differences throughout the Plan Area. Please note that the three Official Community Plans are proposed to be consolidated for a number of reasons including ease of administration, to have one plan for all of Electoral Area 'G', the small size of the Electoral Area, the similarities between the existing Official Community Plans, and the ability to still recognize community differences in one Official Community Plan.

Concerns were also raised regarding the proposed minimum parcels sizes and land use designations in a number of rural areas. Staff explained that the proposed minimum parcels sizes are for the most part staying the same with some exceptions including an increase to the minimum parcel size in some rural areas, including San Paniel and parts of Dashwood, to a 1.0 hectare minimum.

The other proposed change is to support the retention of lands within the Agricultural Land Reserve by specifying an 8.0 hectare minimum parcel size to ensure that all land located in the Agricultural Land Reserve has a consistent minimum parcel size of 8.0 hectares. This minimum parcel size was already in place in most of the existing Official Community Plans and only affects a limited number of properties. The proposed changes are in support of the Regional Growth Strategy's goals to protect rural integrity, to provide efficient services, and to support strong urban containment. Please note the proposed minimum parcel sizes can not be smaller than the existing parcel sizes supported in the existing Official Community Plans.

In response to the community's feedback, staff is proposing to amend the draft Official Community Plan as follows:

1. by considering inclusion of a policy in the Official Community Plan whereby pre-zoned lands for kennels or sawmills in rural areas is not supported.

Meeting No. 5 – Institutional Uses and Improving Servicing Efficiency

The provision of a sustainable drinking water supply to serve existing residents and future development appeared to be the most significant issue discussed at the meeting. There were concerns over the lack of water storage capacity and the lack of cooperation between the water purveyors in the area (EPCOR, Regional District of Nanaimo, City of Parksville, and the Town of Qualicum Beach) and a desire to jointly manage drinking water resources in the area.

There was both support for and concern over the proposal to support secondary suites in the Neighbourhood Residential designation in French Creek. In general, it appears that the main concerns regarding secondary suites is their potential impact on existing infrastructure including water, sewer, and roads. The proposed Official Community Plan includes a number of requirements for secondary suites including a limitation on floor area and off-street parking requirements that are intended to reduce the anticipated impacts. Staff proposes to address the drinking water related concerns by including a policy

in the draft Official Community Plan that would require confirmation that there is an adequate supply of drinking water prior to considering a rezoning to permit secondary suites.

Meeting attendees also supported more specific and stronger wording in the Official Community Plan as it relates to Institutional Uses and Improving Servicing Efficiency.

In response to the communities' feedback, staff is proposing to amend the draft Official Community Plan as follows:

1. adding a written reference with respect to the proposed Church Road to Stanhope Road connector as a potential truck route;
2. considering options for strengthening the wording and providing more detail with respect to servicing where appropriate;
3. including a policy that requires confirmation of an approved drinking water supply prior to considering a rezoning to permit secondary suites;
4. considering inclusion of a safety and emergency preparedness section;
5. including a policy in support of cooperation between water purveyors and joint management of drinking water resources.

Official Community Plan Review Process

SUMMARY AND CONCLUSION

As part of the Electoral Area 'G' Official Community Plan review process, a series of five public meetings to present and discuss the first draft of the Electoral Area 'G' Official Community Plan were held.

A number of key issues were raised at the meetings that staff are proposing to address when drafting the second draft of the Official Community Plan. The proposed amendments are outlined above and in summary include, but are not limited to, removing the proposed French Creek Neighbourhood Centre, strengthening the wording and level of detail in policies where appropriate, providing stronger support for ground water protection, and ensuring that development does not exceed servicing capacity.

Overall, the input and discussions during the workshops provided valuable input into the Official Community Plan review process. However, with the exception of the meeting on Containing Urban Sprawl and Creating Complete Nodal Communities, the public meetings were not well attended. The public meeting format did not provide adequate opportunity for meaningful discussion. As a result, staff is of the opinion that some people left the meetings without fully understanding the need for or implications of some of the proposed policies. In order to address these concerns, staff are considering other options for public consultation which may include open houses, focus groups, approaching the local residents and rate payers associations and attending their meetings, and approaching other affected parties and groups. This will allow staff to discuss the issues in more detail and obtain more constructive feedback.

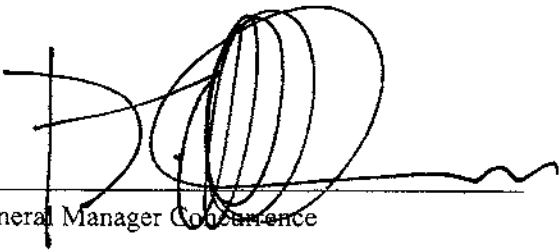
Staff will now proceed with the proposed amendments to the draft Official Community Plan over the summer months. It is anticipated that a second draft will be available for public review in late August and staff will be seeking community input on the second draft of the Official Community Plan in September.

RECOMMENDATION

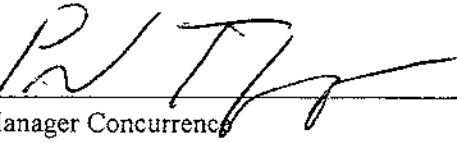
That this report be received for information.



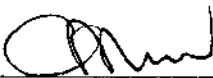
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS

devsvs/reports/2007/jul 6480-01 eagr