

REGIONAL DISTRICT OF NANAIMO

**ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, NOVEMBER 4, 2008
6:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3-4 Minutes from the meeting of the Electoral Area Planning Committee held October 14, 2008.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 5-17 Development Variance Permit Application No. 90814 – Smood – 8520 Rumming Road – Area ‘E’.

OTHER

- 18-26 Lake District (Fairwinds) and Schooner Cove Neighbourhood Planning Process – Area ‘E’.
- 27-30 Proposed Policy - Beach Access Stairs.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

IN CAMERA

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, OCTOBER 14, 2008, 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
Alternate	
Director D. Niwa	Electoral Area F
Director J. Stanhope	Electoral Area G

Also in Attendance:

M. Pearse	Senior Manager, Corporate Administration
P. Thorkeisson	General Manager, Development Services
G. Garbutt	Manager of Current Planning
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Director Niwa to the meeting.

MINUTES

MOVED Director Holme, SECONDED Director Stanhope, that the minutes of the Electoral Area Planning Committee meeting held September 9, 2008 be adopted.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60841 and Request for Frontage Relaxation – Ostrand – 2668 Raven Hill Road – Area ‘A’.

MOVED Director Burnett, SECONDED Director Young, that Development Permit Application No. 60841, submitted by A. Ostrand and J. Ostrand in conjunction with the subdivision of the parcel legally described as Lot 1, Section 13 & 14, Range 4, Cedar District, Plan 46811 Except Part in Plan VIP57402 and VIP68357 and designated within the Fish Habitat Protection Development Permit Area, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the request for relaxation of the minimum 10% frontage requirement for Proposed Lots 1 and 2 in conjunction with the subdivision of the property legally described as Lot 1, Section 13 & 14, Range 4, Cedar District, Plan 46811 Except Part in Plan VIP57402 and VIP68357 be approved subject to Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90816 – Peters – 3420 Beldon Place – Area ‘E’.

MOVED Director Holme, SECONDED Director Stanhope, that Development Variance Permit Application No. 90816, to legalize the siting of a ‘stacked rock’ retaining wall with an interior side yard setback of 0.0 m, on the subject property legally described as Lot 10, District Lot 78, Nanoose District, Electoral Area ‘E’ on Beldon Place, be approved subject to the conditions outlined in Schedules No. 1 to 3 and the notification requirements of the *Local Government Act*.

CARRIED

Development Variance Permit Application No. 90819 and Request for Frontage Relaxation – Fredrich – 2798 Cedar Road – Area ‘A’.

MOVED Director Burnett, SECONDED Director Young, that Development Variance Permit Application No. 90819, submitted by Thomas Hoyt, BCLS, on behalf of Theo Fredrich and Margaret Fredrich, in conjunction with the subdivision on the parcel legally described as Parcel C (DD23380N), Section 5, Range 2, Cedar District and located at 2798 Cedar Road be approved subject to the conditions outlined in Schedule No. 1 of the corresponding staff report and the notification requirements pursuant to the *Local Government Act* with respect to the proposed variances outlined in Schedule No. 1.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the request for relaxation of the minimum 10% frontage requirement for proposed Remainder of Parcel C in conjunction with the subdivision of the property be approved.

CARRIED

OTHER

Request for Acceptance of Cash-in-Lieu of Park Land – Murdoch – Murdoch, Barnes & Brebber Roads – Area ‘A’.

MOVED Director Burnett, SECONDED Young, that the request to pay 5% cash-in-lieu of park land submitted by Leigh Millan, BCLS on behalf of H. & R. Murdoch in conjunction with the proposed subdivision of Lot 20, Section 17, Range 4, and Lots 21 and 25, Section 17, Range 4 East and Fractional Section 17, Range 5 East, All of Cedar District, Plan 3779, be accepted.

CARRIED

Request for Frontage Relaxation – Allin – Church and Coldwater Roads – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Holme, that the request to relax the minimum 10% frontage requirement for proposed Lot A, submitted by Dick Allin and Lori Allin in conjunction with the proposed subdivision of Lot 17, Nanoose District, Except the E&N R/W & Except Part in Plans 36524, 45739, VIP52132, VIP53642, VIP83372 & VIP83374 and Part of Parcel A (DD82708N), District Lot 21, Nanoose District, Plan 1902, be approved subject to the Ministry of Transportation and Infrastructure’s satisfaction that access is achievable.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:12 PM

CHAIRPERSON



EAP	✓	NOV 9 08
OCW		
OCT 23 2008		
RHD		
BOARD		

MEMORANDUM

TO: Geoff Garbutt
Manager of Community Planning

DATE: October 21, 2008

FROM: Lainya Rowett
Planner

FILE: 3090 30 90814

SUBJECT: Development Variance Permit Application No. 90814 – Gisele & Paul Smood
Lot 13, District Lot 186, Nanoose District, Plan 47433
Electoral Area 'E'

PURPOSE

To consider an application for a Development Variance Permit to vary the maximum height requirement for an accessory building in order to permit the construction of a garage.

BACKGROUND

This is an application to vary the maximum height requirement for an accessory building in order to permit the construction of a garage on a residential property located at 8520 Rummung Road in Electoral Area 'E,' legally described as Lot 13, District Lot 186, Nanoose District, Plan 47433 (see *Schedule No. 1 for Subject Property Map*). The property is surrounded by residential lots and with the Strait of Georgia located nearby, north of Shoreline Drive.

The subject property (0.32 ha) is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," and is designated Rural Residential in the "Regional District of Nanaimo Electoral Area 'E' Nanoose Bay Official Community Plan Bylaw No. 1400, 2005." The subject property is also located within the Farmland Protection and Watercourse Protection Development Permit Areas (DPA) of this OCP; however, the property does not abut agricultural lands, and the applicant has declared that there are no fish habitat areas on or adjacent to the property, so a Development Permit is not required.

The applicant proposes to construct a garage, approximately 183 m² in area, within the southern portion of the property, with access from Rummung Road (see *Schedule No. 2 for Survey Plan*). The garage is designed to suit the moderate slope of the land with a terraced foundation (see *Schedule No. 3 Proposed Building Elevations*).

The maximum height for accessory buildings in the RS1 zone is 6.0 metres. The maximum height of the proposed building is approximately 7.0 metres; therefore, a Development Variance Permit is needed to increase the maximum allowable height from 6.0 metres to 7.0 metres (see *Schedule No. 3 Proposed Building Elevations*).

ALTERNATIVES

1. To approve the Development Variance Permit as submitted subject to the conditions outlined in Schedules No. 1 to 3.
2. To deny the Development Variance Permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

The proposed garage is designed to suit the natural topography of the property, with the foundation divided into three terraced sections. There is an elevation difference of 2.6 metres between the high side (south elevation) and the low side (north elevation) of the garage foundation. As a result, the maximum building height on the south elevation (5.8 m) complies with the requirements of the RS1 Zone, but the height of the dormer ridge on the north elevation requires a variance to increase the height allowance by 1.0 metre (from 6.0 m to 7.0 m) from natural grade. Thus, the variance would only apply to the dormer ridge on north elevation of the garage. All setback requirements would be met as per the RS1 Zone.

Additionally, the property slopes down from the Ruming Road, so the garage would not be highly visible from the road, and it would be well screened by existing trees and vegetation to be retained. In staff's assessment, the proposed variance is reasonable and the proposed building would not negatively impact the subject property or adjacent properties.

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist." The proposed variance would facilitate the construction of an accessory building that is designed to follow the natural grade of the property in order to minimize the impact of new foundations within the site. The proposed building would also be located within an existing building envelope, replacing temporary structures, and use an existing driveway access. The perimeter of the building, and its driveway, would be reinstated with natural materials (e.g. gravel) and planting that allows stormwater infiltration. The applicant also proposes to retain mature trees and vegetation that would provide screening of the building to the neighboring property. Finally, to maximize building safety the garage would incorporate a metal roof and walls to reduce fire hazards. The building design and siting would function to minimize any negative impacts to the subject property and adjacent lands.

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.

SUMMARY/CONCLUSIONS

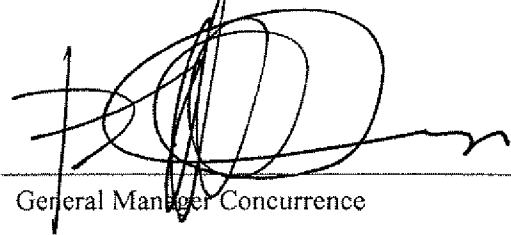
This is an application to vary the height requirement of the RS1 Zone to facilitate the construction of a new accessory building. The RS1 zone limits the height of accessory buildings to 6.0 m, but the proposed garage on the subject property requires a maximum height of 7.0 m. Given the lack of negative impacts on the subject property or adjoining lots staff recommends approval of the Development Variance Permit as submitted.

RECOMMENDATION

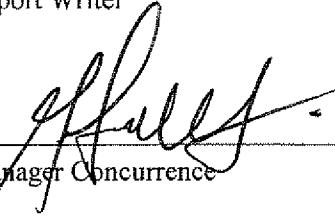
That Development Variance Permit application No. 90814 submitted by Fern Road Consulting Ltd. for the property legally described as Lot 13, District Lot 186, Nanoose District, Plan 47433, be approved subject to *Schedules No. 1 to 3* of the staff report and the notification requirements pursuant to the *Local Government Act*.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

Schedule No. '1'
Conditions of Development Variance Permit No. 90814
8520 Rumming Road

The following sets out the terms of Development Variance Permit No. 90814:

Bylaw No. 500, 1987 – Variance

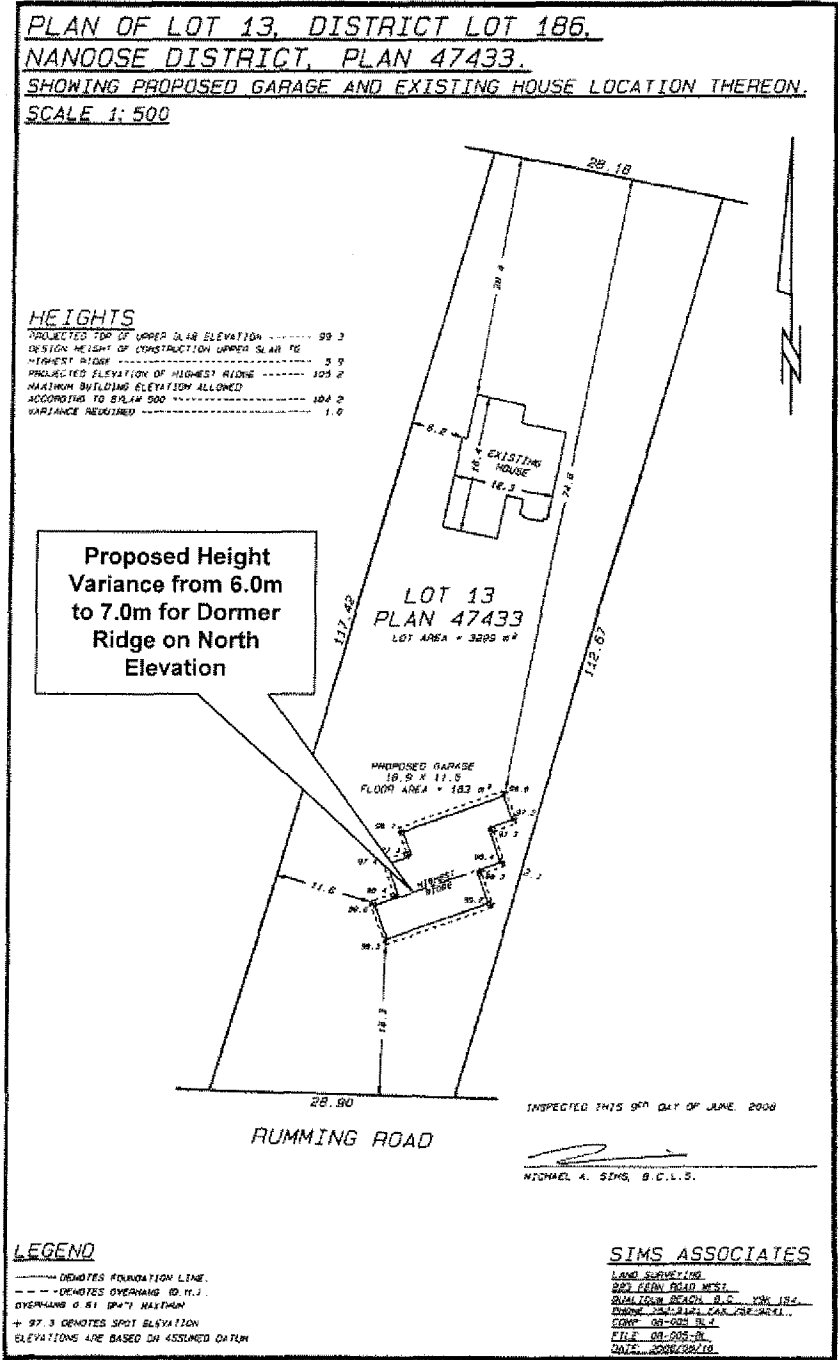
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:

1. **Section 3.4.61, Maximum Number and Size of Buildings and Structures** is hereby varied by increasing the maximum height for the proposed accessory buildings, located on Lot 13, District Lot 186, Nanoose District, Plan 47433, from 6.0 m to 7.0 m as shown on *Schedule No. 2*.

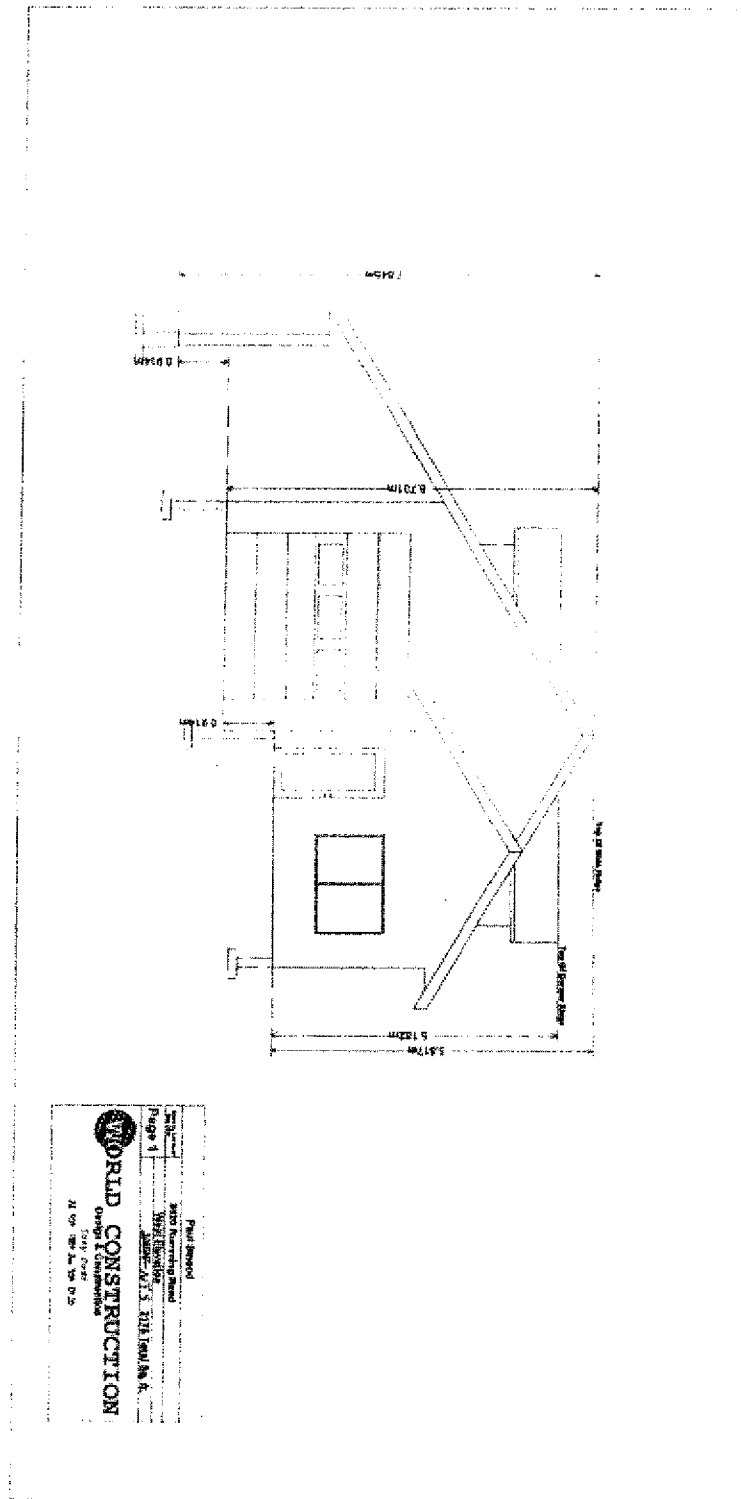
Conditions of Permit

1. The proposed accessory building shall be sited in accordance with the survey prepared by Sims Associates dated June 16, 2008 attached as *Schedule No. 2*.
2. The proposed accessory building shall be developed in accordance with the building elevations prepared by World Construction attached as *Schedule No. 3*.

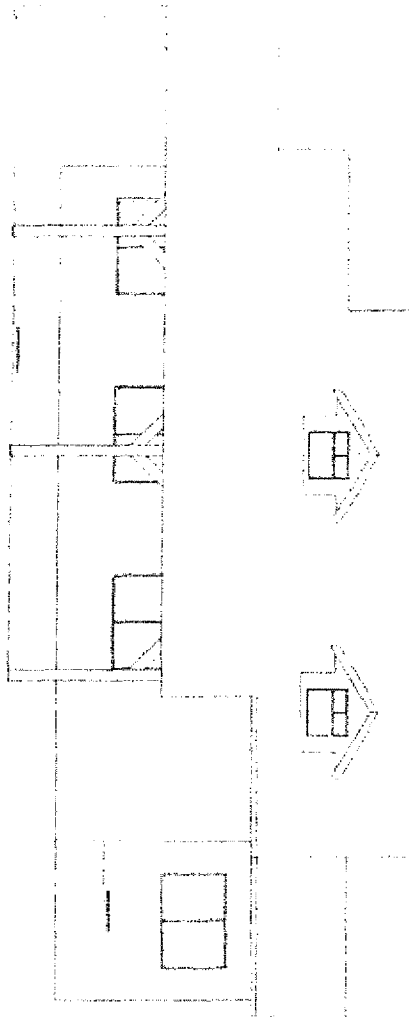
Schedule No. 2
 Survey Plan for 8520 Rummung Road



Schedule No. 3 (Page 1 of 7)
Proposed Building Elevations for 8520 Rumming Road



Schedule No. 3 (Page 2 of 7)
Proposed Building Elevations for 8520 Rumming Road

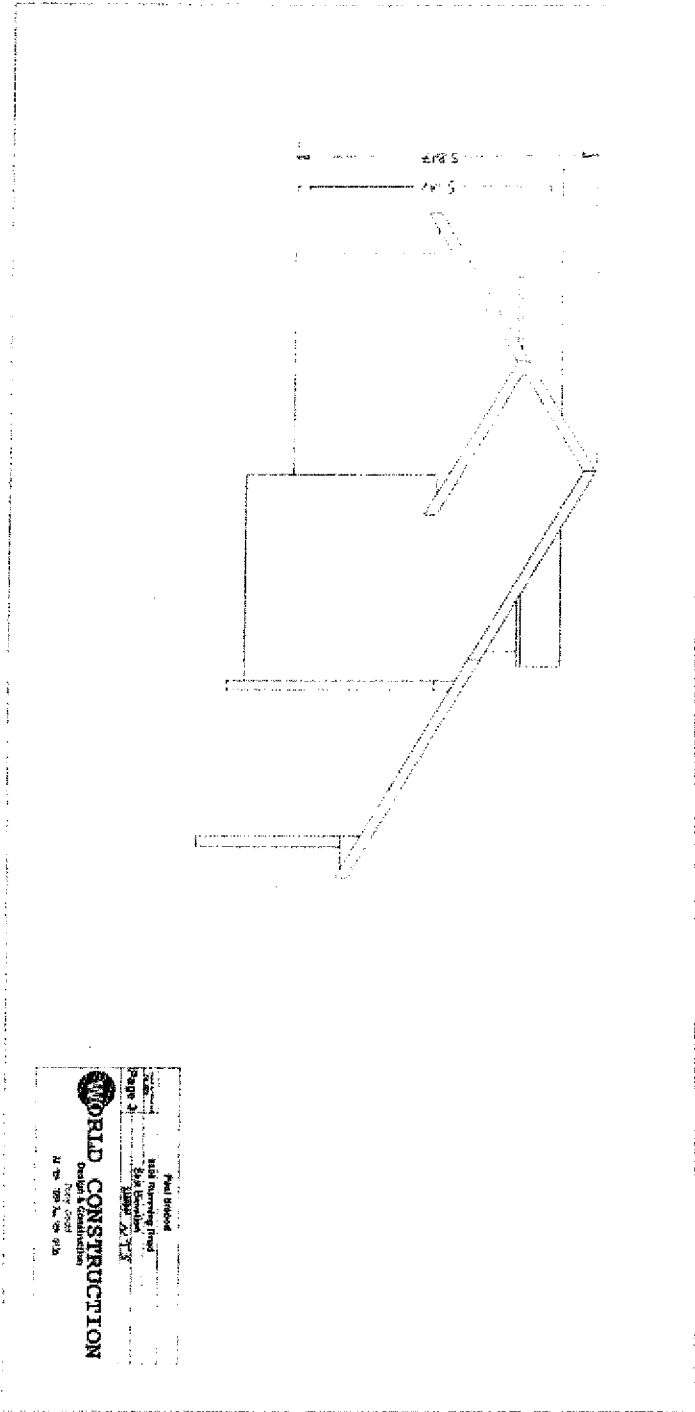


Proposed Height Variance from 6.0m to 7.0m for top of Dormer Ridge on North Elevation

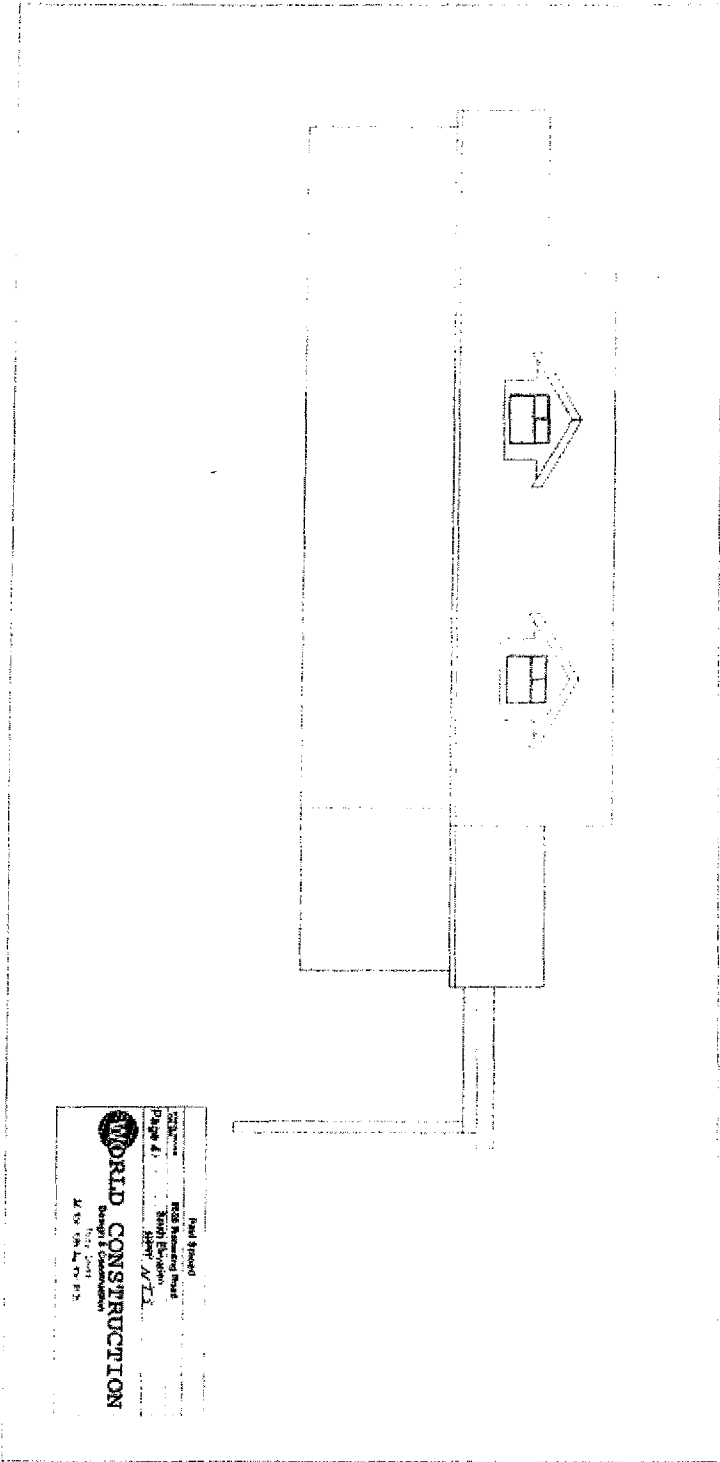
PROJECT	8520 Rumming Road
DATE	10/21/08
SCALE	1/4" = 1'-0"
DESIGNER	WORLD CONSTRUCTION
PROJECT NO.	112
DATE	10/21/08

WORLD CONSTRUCTION
Construction
112

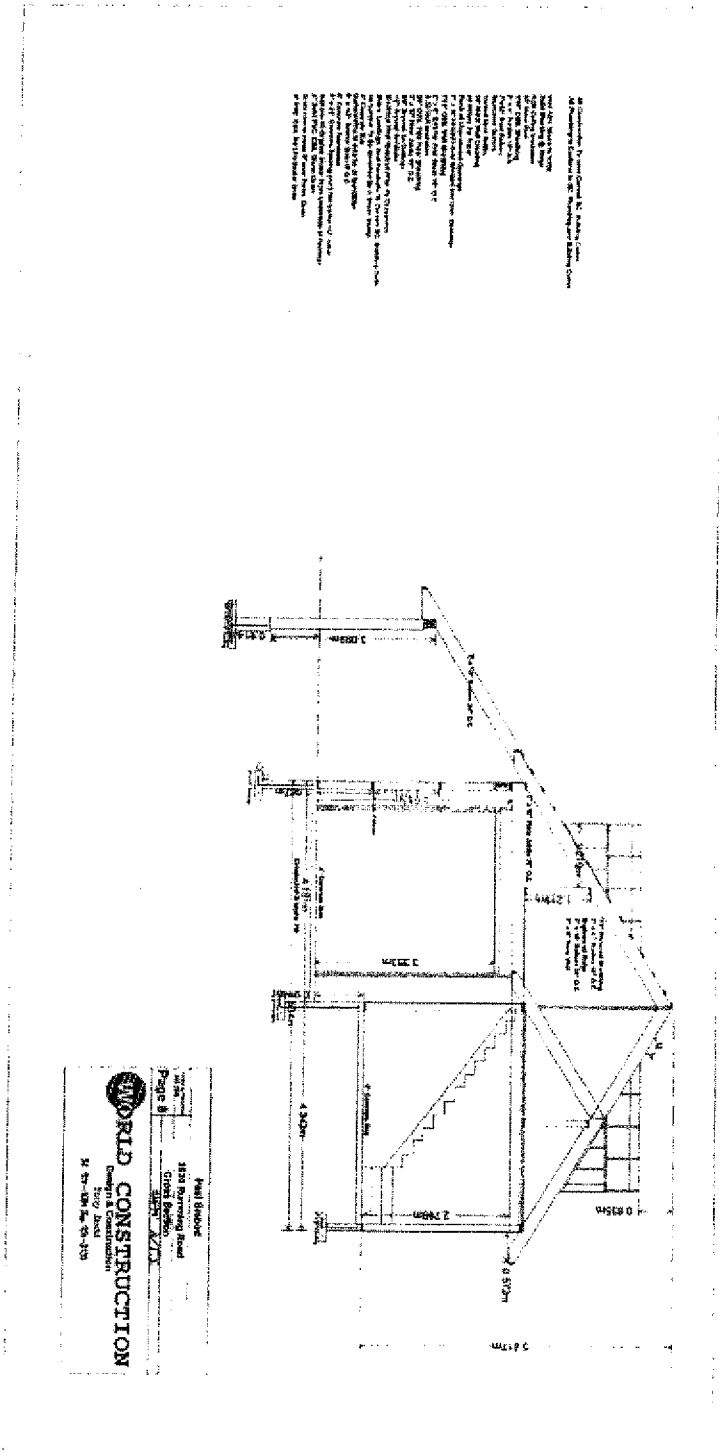
Schedule No. 3 (Page 3 of 7)
Proposed Building Elevations for 8520 Rumming Road



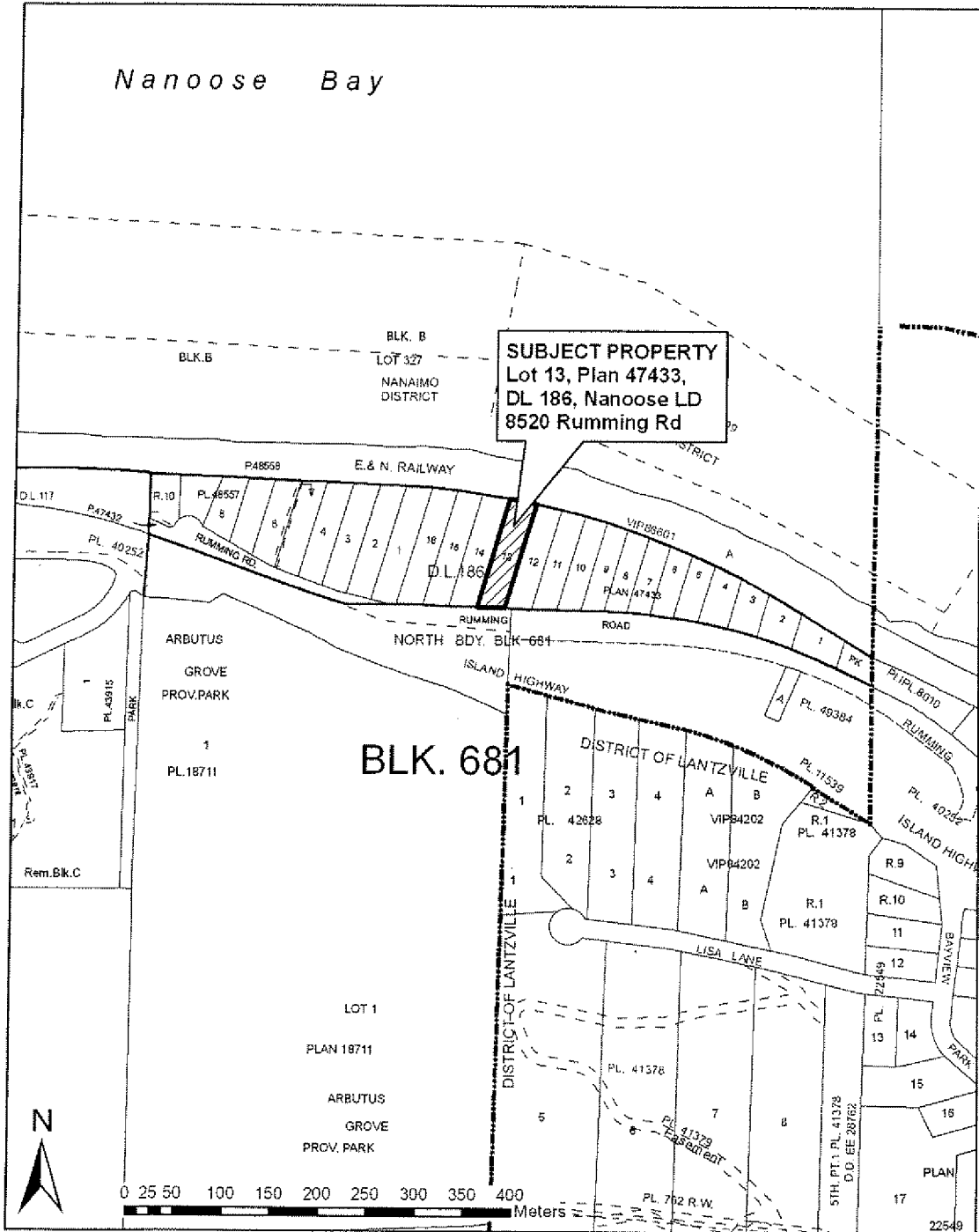
Schedule No. 3 (Page 4 of 7)
Proposed Building Elevations for 8520 Rumming Road



Schedule No. 3 (Page 7 of 7)
Proposed Building Elevations for 8520 Rumming Road



Attachment No. 1
Location of Subject Property



BCGS MAPSHEET NO. 92F.030.3.2



RDN REPORT	
CAO APPROVAL	
EAP	
COW	✓
OCT 28 2008	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: October 22, 2008

FROM: Susan Cormie
Senior Planner

FILE: Fairwinds

SUBJECT: Consultation Process in Conjunction with Lake District (Fairwinds)/
Schooner Cove Neighbourhood Planning Process
Electoral Area 'E'

PURPOSE

To receive the Terms of Reference, the Development Process, and an update on the planning consultation process with respect to the Lakes District and the Schooner Cove Neighbourhood Planning Process in conjunction with the Fairwinds and Schooner Cove properties located in Electoral Area 'E'.

BACKGROUND

The Electoral Area Planning Committee may recall, as part of the public consultation process involving Amendment Bylaw No. 500.336, 2006 for the Rockcliffe and Ridge Town Homes projects located on Bonnington Drive in the Fairwinds area, concerns were raised with respect to the protection of the environmentally sensitive areas, mainly the Garry Oak ecosystem. As a result of concerns raised, Fairwinds agreed to undertake a special study of sensitive areas in the Bonnington Drive area.

Fairwinds followed up by organizing a Planning Team consisting of professionals from a variety of land use related disciplines. Upon commencing this study, Fairwinds met with Planning staff and proposed to expand the study area to include the balance of the Fairwinds lands (Lakes District) and the Schooner Cove area and evaluating all issues including environmental, urban design, and market impacts with the intent that a Neighbourhood Plan would be developed (*see Attachment No. 1 for location of study areas*).

To date, the Fairwinds Planning Team has established a public consultation process including a Terms of Reference and Development Process for the Lakes District and Schooner Cove. The Fairwinds Planning Team has organized and held a Public Open House, two Workshops, and established a Community Advisory Group. The resulting Neighbourhood Plan will be included in Fairwinds's Official Community Plan amendment application to be submitted to the Regional District.

Terms of Reference:

The Terms of Reference for the Neighbourhood Planning Process (*see Attachment No. 2*), as developed by Fairwinds, has been designed in accordance with the RDN Public Consultation/Community Framework Policy. As part of the Terms of Reference, the role of the RDN staff will be to ensure the following:

1. That the public process undertaken by the applicant conforms with the RDN Policy;
2. That RDN related policies are clarified as required;
3. That the proposed plan is reviewed to ensure that it meets the requirements for a Neighbourhood Plan document;

4. That staff attend meetings of the Community Advisory Group and other public meeting; and
5. That staff report to the RDN Board on the results of the planning process and compliance with OCP policies and overall RDN development and Regional Growth Strategy policies.

Fairwinds has requested that Planning and Parks staff be available to attend meetings and provide assistance throughout this planning process (*see Schedule No. 1 for RDN Related Support*). In addition, Planning Department staff will coordinate meetings involving technical staff to support the planning process.

It is noted that this Planning Process where the developer's planning team is providing the lead in developing the neighbourhood plan is becoming a common approach in the planning of large scale developments/neighbourhoods throughout communities in BC.

Development Process:

The Fairwinds Team has also established a Development Process for the Lakes District and Schooner Cove areas for the purposes of gathering community input through a series of Open Houses and Working Groups (*see Attachment No. 3 for Development Process Diagram*).

A Community Advisory Group (CAG) has also been established to ensure that interest groups and individuals representing those most likely to be affected by development at Fairwinds are given an opportunity to provide advice and input to the Fairwinds Planning Team as it moves towards the preparation of a comprehensive Neighbourhood Plan for the Lakes District and Schooner Cove. The CAG includes representatives from the various Community Associations in Nanoose Bay, the Nanoose Naturalists, the Schooner Cove Yacht Club, the Fairwinds Golf Society, First Nations, and the Fairwinds Real Estate Management Inc. RDN staff and the Fairwinds Planning Team are also included for the purposes of assisting the CAG.

The Fairwinds Team has requested that the RDN provide letters to the various governments and public agencies and the local residents and property owners to provide information on the process. This would be a similar process that is conducted for amendment applications. Staff believes that this will be beneficial to the overall consultation process including the future formal amendment process.

Fairwinds is providing information concerning this planning process on their web page (fairwinds.ca) and has requested that a link to this web page be provided from the RDN web page. This will assist in reaching more residents and property owners to involve them in the planning process.

It is noted that while this process is in keeping with the RDN's Public Consultation Policy, upon submission of the OCP amendment application, in order to meet all statutory requirements, a formal consultation process will still be required. This will involve, at a minimum, formal referrals to public agencies and governments, a public information meeting, and a public hearing. It is noted that the Fairwinds' public consultation process offers opportunities for community input which exceeds the minimum requirements of the *Local Government Act*.

ALTERNATIVES

1. To receive the staff report outlining the Terms of Reference, the Development Process, and a planning process update for the Fairwinds' Lakes District and the Schooner Cove Neighbourhood Planning Process and approve RDN-related support as outlined in Schedule No. 1.

2. To receive the staff report outlining the Terms of Reference and Development Process for the Fairwinds' Lakes District and the Schooner Cove Neighbourhood Planning Process and not authorize the RDN related support.

FINANCIAL IMPLICATIONS

Planning and Parks staff time is required for attending public meetings and the Community Advisory Group meetings. This staff time is part of the general planning and parks staff budgeting for 2008. It is noted that the expense of coordinating the public meetings is borne by the developer.

The request to provide letters to property owners and residents informing them of the planning process involves a mail out which will be costly. Fairwinds has offered to cover the costs of these mail outs.

SUSTAINABILITY IMPLICATIONS

These Study Areas are designated within the Urban Containment Boundary where growth is encouraged and full community services are supported. From an environmental perspective, Fairwinds have identified the environmentally sensitive features of the properties which will be incorporated into the neighbourhood plan. It is expected that the Neighbourhood Plan will reflect sustainability principles and will result in more sustainable practices.

DEVELOPMENT / OFFICIAL COMMUNITY PLAN IMPLICATIONS

The Nanoose Bay Official Community Plan Bylaw No. 1400, 2005 (OCP) designates the Fairwinds and Schooner Cove areas within Urban Containment Boundaries (UCBs) where new growth is expected and encouraged. Schooner Cove is recognized as a Neighbourhood Centre and the creation of a future neighbourhood centre is encouraged within Fairwinds. The OCP provides a number of objectives and policies for creating these centres as well as the urban style development of Fairwinds. The development of a Neighbourhood Plan will provide a comprehensive approach to the planning of these areas. It is noted that the Fairwinds Team has to date identified major features of the properties including the environmentally sensitive areas, steep slopes, watercourses, lakes, wetlands, riparian areas, wildlife trees, rare plants, trails, and road alignments. This planning process is in keeping with the OCP objectives and policies.

VOTING

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


SUMMARY

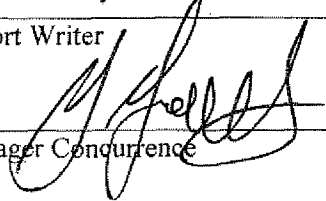
The purpose of this report is to receive the Terms of Reference and Development Process for the Neighbourhood Planning Process in conjunction with the Lakes District and Schooner Cove Study Areas located in the Fairwinds area of Electoral Area 'E' as well as to provide information on the process to date. The report also requests approval of RDN-related support in terms of authorizing staff time to attend related meetings, to forward referral letters to public agencies and property owners, and to place a link on the RDN web page to the Fairwinds web page (see Schedule No. 1). This planning process is part of the development of a Neighbourhood Plan which Fairwinds will submit for an Official Community Plan amendment application to the Regional District. Given that this planning process is in keeping with both

the OCP objectives and policies for Fairwinds and Schooner Cove areas and the RDN Public Consultation /Community Framework Policy, staff recommends to receive the staff report with respect to the Terms of Reference and the Development Process and to authorize staff to assist in the process as set out in Schedule No. 1 of the staff report.

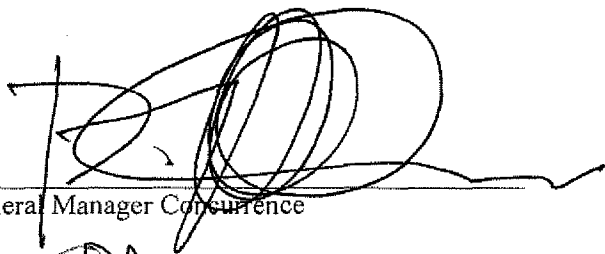
RECOMMENDATIONS

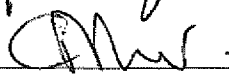
1. That the staff report with respect to the Fairwinds Terms of Reference and the Development Process for the Fairwinds' Lakes District and Schooner Cove Study Areas be received.
2. That staff be authorized to provide support to the planning process as set out in Schedule No. 1 of the staff report.



Report Writer


Manager Concurrence



General Manager Concurrence


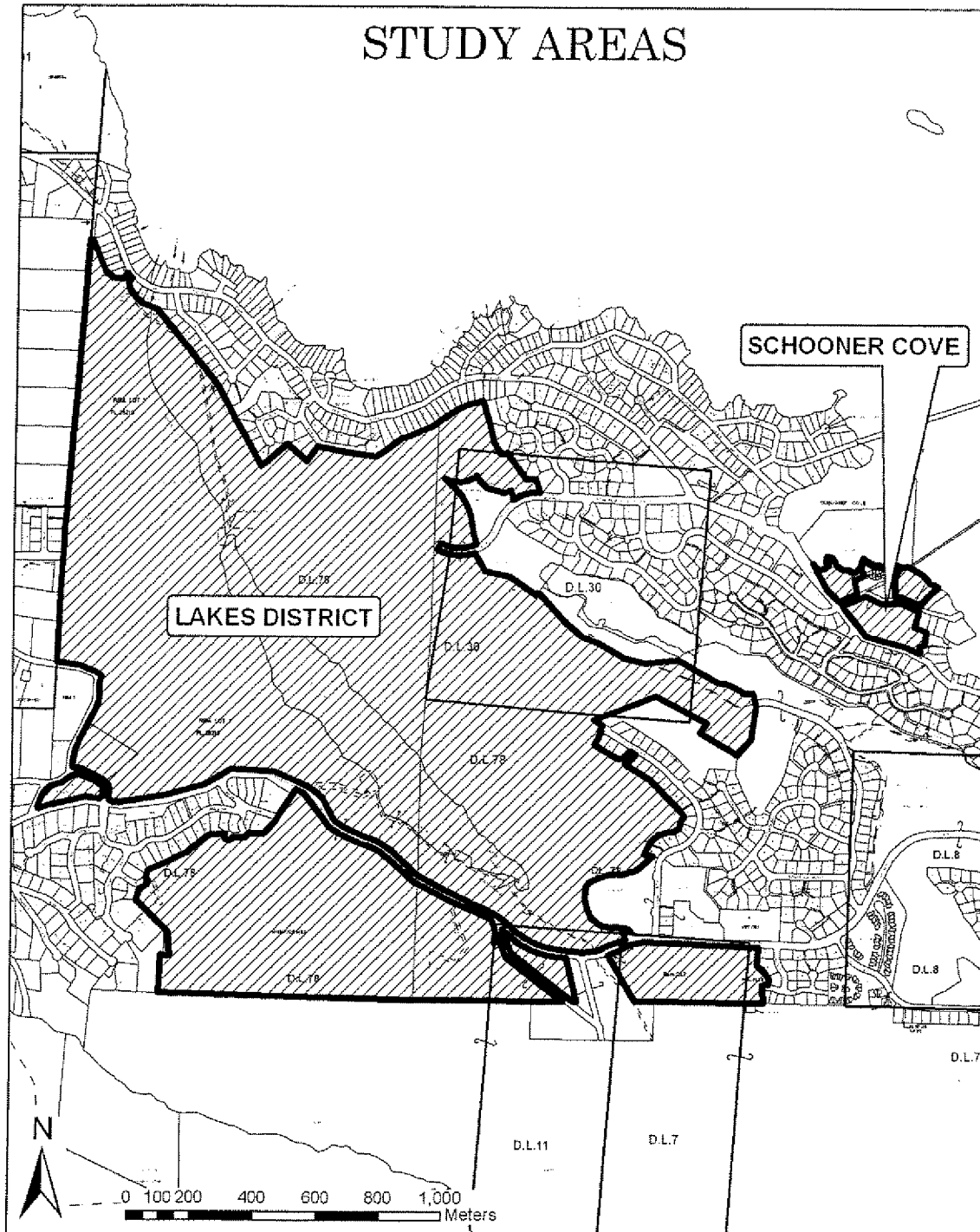
CAO Concurrence

**Schedule No. 1
RDN Related Support
Fairwinds Lakes District and Schooner Cove Neighbourhood Planning Process**

As part of the public consultation process involving the Lakes District and Schooner Cove Neighbourhood Planning Process, the following sets out RDN related support:

1. Staff will attend public meetings and Community Advisory Group meeting as an advisory role for the purposes of providing technical and planning related input as set out in the Terms of Reference. In addition, Planning Department staff will coordinate meetings involving technical staff to support the planning process.
2. Staff will forward letters to governments and public agencies as well as local residents and property owners within the OCP area advising them of the work plan and inviting them to participate and comment as the Neighbourhood Plan process unfolds. Fairwinds will pay the cost of mail out for the local residents and property owners.
3. Staff will arrange for a web link to the Fairwinds web page for the purposes of informing the public of the process.

1. Attachment No. 1
Location of Study Areas
Fairwinds Lakes District and Schooner Cove Neighbourhood Planning Process



BCGS MAPSHEET NO. 92F.030.3.4

Attachment No. 2
Terms of Reference
Fairwinds Lakes District and Schooner Cove Neighbourhood Planning Process

Fairwinds Community Advisory Group:

Purpose, Roles, Membership Composition & Selection, and Procedures

Purpose

The Fairwinds Community Advisory Group (CAG) has been established to ensure that interest groups and individuals representing those most likely to be affected by development at Fairwinds, are given an opportunity to provide advice and input to the Fairwinds Planning Team as it moves forward with the preparation of a comprehensive Neighbourhood Plan for the Lakes District and Schooner Cove. This is a key facet of a broader public consultation process that Fairwinds is pursuing in accordance with the RDN's *Coordinated Public Consultation / Communication Framework* guidelines, a copy of which is included at the end of this section.

Roles

The role of **Fairwinds**, who is represented by Bentall, will be to:

1. engage and pay for the cost of its Planning Team to undertake the necessary technical studies, community engagement processes, and prepare the Neighbourhood Plan;
2. provide opportunities for public input, through information meetings, open houses, workshops, etc. and through working sessions with the CAG; and
3. maintain a public record of notes of CAG meetings and other public meetings.

The role of the **Regional District of Nanaimo (RDN) staff** will be to:

1. ensure that the public process undertaken by the applicant conforms with the *Public Consultation/Communication Framework*, as established by the RDN;
2. clarify applicable RDN policies, as required;
3. review the proposed plan to ensure that it meets the requirements for a Neighbourhood Plan document;
4. attend meetings of the CAG and other public meetings; and
5. report to RDN Board on the results of the planning process and, upon completion of the Neighbourhood Plan, make recommendations to the Board regarding the approval and adoption of any required OCP amendments.

The role of the **CAG** will be to:

1. act as a 'sounding board' for project ideas;
2. review, comment and advise on work prepared by Fairwinds' Planning Team;
3. review materials to be presented at Public Open Houses and RDN Board Meetings to ensure that the information is accurate, fair and comprehensible; and
4. assist in the formulation of a Neighbourhood Plan.

Membership Composition

The CAG will be composed of representatives from:

- Fairwinds Community Association
- Nanoose Naturalists
- Schooner Cove Yacht Club
- Fairwinds Golf Society
- Nanoose Property Owners & Residents Association
- Nanoose First Nation
- Nanaimo First Nation
- Fairwinds Real Estate Management Inc.

Each CAG membership group has been invited to designate one member, who will serve on the CAG for the duration of the Neighbourhood Plan process, and one alternate member.

In addition to member organizations, key individuals will be invited to join the CAG to ensure that, to the extent possible, all germane points of view are expressed and considered.

Procedures

1. Fairwind's Planning Team and RDN Staff will be present to assist the CAG, but will not be members of the group.
2. The public can attend meetings of the CAG, as observers. The CAG will provide an opportunity for public questions at each meeting.
3. Meeting notes will be taken at each CAG meeting and circulated to the membership. Fairwinds will provide a recording secretary, and all meeting notes will be available on the web site or by mail (by request).
4. Chuck Brook of Brook + Associates will act as facilitator and chair the meetings.



CAO APPROVAL	
EAP	✓ NOV 4 '08
CCW	
OCT 24 2008	
RHD	
BOARD	

MEMORANDUM

TO: Paul Thorkelsson
General Manager, Development Services

DATE: October 22, 2008

FROM: Geoff Garbutt
Manager, Current Planning

FILE:

SUBJECT: Proposed Board Policy for Marine Beach Access Stairs

PURPOSE

To consider a new Board policy that will provide staff with guidelines for reviewing and evaluating Development Permit and Development Variance Permit applications for marine beach access stairs.

BACKGROUND

The Regional District of Nanaimo has been receiving an increased number of applications to authorize the construction or legalization of marine beach access stairs. As a result, at the May 2007 Board meeting, staff was directed to develop a policy for the review and evaluation of beach access stairs.

Beach access stairs are typically desired by landowners where the topography of the land does not warrant safe pedestrian access to the marine foreshore. These structures can have negative impacts on the environment, the views from the adjacent properties, and the slope stability. There are also safety and liability issues associated with structures being erected on steep slopes.

The purpose of this policy is to guide staff in their review and recommendations of Development Permit and Development Variance Permit applications for the siting and construction of beach access stairs.

ALTERNATIVES

1. That the Board Policy entitled "Marine Beach Access Stair Review and Evaluation Policy" be adopted as presented in Schedule No. 1.
2. That the Board Policy, as presented in Schedule No. 1, not be adopted and alternative direction be provided.

LAND USE IMPLICATIONS

The development of beach access stairs, has been, and will continue to be, requested by waterfront property owners in steeply sloped areas. Under the proposed policy, beach access stairs may be considered appropriate where the applicant has demonstrated there is a need; that the proposed structure can be built safely; and that the proposed structure will not negatively impact the environment or public access along the foreshore. Beach access stairs typically traverse steep banks which may also contain environmentally sensitive features. This requires each application also be reviewed from a geotechnical and structural engineering perspective.

The proposed policy includes requirements for evaluating the above noted concerns, property owners with clear application information requirements and provides staff with guidelines for reviewing proposals for marine beach access stairs. Given the potential geotechnical issues and engineering, the policy requires

that a property be included in a RDN building inspection area as a condition of approval and a building permit is required.

It is noted that information supplied as per this policy would be in addition to all other submission requirements as set out in the corresponding Development Permit and Development Variance Permit application procedures.

SUSTAINABILITY IMPLICATIONS

From a sustainability perspective, this proposed Board policy will ensure potential environmental impacts are examined and mitigated in the development of beach access stairs located next to the marine environment.

VOTING

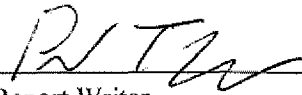
All Directors – one vote, except Electoral Area 'B'.

SUMMARY


This is to consider a new Board Policy to provide a Marine Beach Access Stairs Policy which will provide staff with guidelines for reviewing and evaluating Development Permit applications and Development Variance Permit applications that include beach access stairs and associated structures for marine waterfront parcels. Given that this proposed Board policy will provide guidance to staff in reviewing and evaluating beach access stairs and ensure consistency in these evaluations, it is recommended that the Marine Beach Access Stairs Policy, as set out in Schedule No. 1 be adopted.

RECOMMENDATIONS

That the Board policy entitled “Marine Beach Access Stair Review and Evaluation Policy” be adopted as outlined in Schedule No. 1.



for Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

Schedule No. 1

REGIONAL DISTRICT OF NANAIMO P O L I C Y

SUBJECT:	<i>Marine Beach Access Stairs Review and Evaluation Policy</i>	POLICY NO: CROSS REF.:	B1.XX
EFFECTIVE DATE:		APPROVED BY:	Board
REVISION DATE:		PAGE:	1 of 2

PURPOSE

To provide staff with guidelines for reviewing and evaluating Development Permit applications and Development Variance Permit applications that propose marine beach access stairs and related structures.

PROCEDURES AND APPLICATION REQUIREMENTS

(Note: these procedures and application requirements are in addition to all other DP and DVP application submission requirements and policies.)

Development Permit Applications and Development Variance Permit Applications involving new beach access stairs and related structures or to legalize existing beach access stairs and related structures shall include the following information and/or conditions of approval:

- a. A report prepared by a qualified professional engineer with expertise in geotechnical engineering to evaluate the geotechnical assessment of the slope stability including, but not limited to an assessment the foundation requirements. The report is to include certification by the professional engineer that the subject property is safe for the intended use.
- b. All beach access stairs must be designed and/or certified by a qualified professional engineer with expertise in structural engineering to ensure compliance or equivalence with the current British Columbia Building Code. The report is to include a recommended ongoing maintenance schedule.
- c. A survey prepared by a British Columbia Land Surveyor (BCLS) showing the location of the proposed stairway in relation to the natural boundary of the ocean, the top of bank, and all lot lines of the subject parcel. The structure must be fully contained on the subject property, or authorization must be granted for a Crown Lands foreshore lease.
- d. A professional biologist's report to assess the impact of the proposed stairway and associated structures and identify the access route with the least environmental impact. This report at a minimum shall identify the vegetation species that may be affected or removed, or both within the intertidal zone and immediately upland, a proposed replanting plan, and other methods to mitigate loss of vegetation.

- e. A section 219 covenant, prepared at the applicants expense, to the satisfaction of the Regional District of Nanaimo registering the geotechnical and structural professional engineers' reports on title of the subject property. The covenant is to include a save harmless clause releasing the Regional District of Nanaimo from all losses, liability, injury, or damage as a result of landslip or structural failure. This covenant must be registered prior to the issuance of the corresponding permit and must, where applicable, be granted priority over all financial charges.
- f. Written approvals from Fisheries and Oceans Canada and applicable Provincial Ministries including the Ministry of Environment, as applicable.
- g. Where a property is not located within an RDN building inspection area, the policy requires that a property be included in a RDN building inspection area as a condition of approval and a building permit is required.

GENERAL DESIGN AND SITING GUIDELINES

- a. Beach access stairs and associated structures shall be a minimum of 1.0 metre in width and a maximum of 1.2 metres in width.
- b. Beach access stairs shall be located on the subject property above the present natural boundary of the marine foreshore.
- c. Beach access stairs should be constructed of natural materials that over time will blend in with their surroundings.
- d. The use of solid guard rails that impede the views from adjacent properties should be avoided.
- e. The maximum area of all landings should not exceed a maximum of 1.5 metres in depth and 2.5 metres in width (i.e., no viewing platforms or sundecks shall be incorporated into the design).
- f. Beach access stairs shall be located in the area with the least aesthetic and environmental impact.
- g. Beach access stairs should be designed to minimize the impact on the views from adjacent properties and recreational users.
- h. Beach access stairs must not impede safe passage along the beach by the general public.
- i. Property owners are encouraged to develop common and/or shared beach access stairways to reduce the overall number of stairways.