

**REGIONAL DISTRICT OF NANAIMO**  
**ELECTORAL AREA PLANNING COMMITTEE**  
**TUESDAY, JULY 14, 2009**  
**6:30 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**Chuck & Linda Addison**, re Zoning & OCP Amendment Application No. 0604.

**MINUTES**

3-4           Minutes of the regular Electoral Area Planning Committee meeting held June 9, 2009.

**BUSINESS ARISING FROM THE MINUTES**

**COMMUNICATIONS/CORRESPONDENCE**

**UNFINISHED BUSINESS**

**PLANNING**

*AMENDMENT APPLICATIONS*

5-17           Zoning Amendment Application No. 0903 – Fern Road Consulting for Springford – 1884 & 1950 Northwest Bay Road - Electoral Area 'E' and 'G'.

*DEVELOPMENT PERMIT APPLICATIONS*

18-24          Development Permit Application No. 60837 – Harford for Harford & Hale - 501/515 Kaplar Road - Electoral Area 'G'.

*DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS*

25-46          Development Permit with Variance Application No. 60921 – Whitaker – 5361 Island Highway West - Electoral Area 'H'.

47-56 Development Permit with Variance Application No. 60925 – Wells – 1720 Wilkinson Road – Area ‘A’.

57-74 Development Permit with Variance Application No. 60926 – Ivens – 3951 Bovanis Road – Area ‘H’.

***OTHER***

75-79 Request for Frontage Relaxation – Henning for Diedrichsen, Larid, Corraini – 2915 & 2945 Amrik Road – Area ‘C’.

80-98 Request for Regional Growth Strategy Amendment to Support Zoning & OCP Amendment Application No. 0604 – Addison - 2610 Myles Lake Road -Electoral Area ‘C’.

99-101 Amendment Bylaw No. 1469.01 – Provides for a Housekeeping Amendment to the Floodplain Management Bylaw.

**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, JUNE 9, 2009, AT 6:30 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 J. Stanhope	Electoral Area G

**Also in Attendance:**

P. Thorkelsson	General Manager, Development Services
T. Osborne	General Manager, Recreation & Parks Services
G. Garbutt	Manager of Current Planning
N. Tonn	Recording Secretary

**MINUTES**

MOVED Director Holme, SECONDED Director Biggemann, that the minutes of the Electoral Area Planning Committee meeting held May 12, 2009 be adopted.

CARRIED

**PLANNING**

***DEVELOPMENT PERMIT APPLICATIONS***

**Development Permit Application No. 60920 – Sandra James/C.A. Design – 803 Flamingo Drive – Area ‘G’.**

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit No. 60920 submitted by John Larson of C.A. Design for the proposed construction of an addition to an existing single dwelling unit within the Hazard Lands Development Permit Area for the parcel legally described as Lot 5, District Lot 10, Newcastle District, Plan 10115 be approved, subject to the conditions outlined in Schedule No. 1.

CARRIED

**Development Permit Application No. 60922 – Pt. Ellice Properties Ltd./Steel Pacific Recycling – 2079 Main Road – Area ‘A’.**

MOVED Director Burnett, SECONDED Director Young, that Development Permit Application No. 60922, to recognize an existing metal recycling transfer station and allow associated improvements on the properties legally described as Lot 5, Block 7, Section 12, Range 7, Cranberry District, Plan 1643 and Lots 6 and 7, Block 7, Sections 12 and 13, Range 7, Cranberry District, Plan 1643 located at 2079 Main Road, be approved subject to the terms outlined in Schedules No. 1 to 3.

CARRIED

***DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS***

**Development Permit with Variance Application No. 60827 – Fern Road Consulting Ltd, on behalf of Parfitt – 6195, 6199 & 6200 Island Highway West – Area ‘H’.**

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit with Variances Application No. 60827 submitted by Fern Road Consulting Ltd., on behalf of R. Parfitt in conjunction with the subdivision on the parcel legally described as Lot 1, District Lot 33, Newcastle District, and Part of the Bed of the Strait of Georgia, Plan 41309 and designated within the Fish Habitat Protection and the Environmentally Sensitive Features Development Permit Areas be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 of the corresponding staff report and to the notification procedure pursuant to the *Local Government Act*.

CARRIED

**Development Permit with Variance Application No. 60914 – Veenhof – 4737 Maple Guard Drive – Area ‘H’.**

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit with Variances Application No. 60914, to permit the construction of a residential dwelling and attached garage on the property legally described as Lot 4, District Lot 40, Newcastle District, Plan 15818, be approved subject to the conditions outlined in Schedules No. 1 to 2 and notification requirements of the *Local Government Act*.

CARRIED

***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

**Development Variance Permit Application No. 90903 – RDN Recreation & Parks Department – Extension Road – Area ‘C’.**

MOVED Director Young, SECONDED Director Burnett, that Development Variance Permit Application No. 90903, submitted by the RDN Recreation and Parks Department, in conjunction with the placement of an information kiosk on the park land located adjacent to Extension Road be approved subject to the conditions of approval set out in Schedules No. 1, 2 and 3 of the staff report and the notification requirements pursuant to the *Local Government Act*.

CARRIED

**ADJOURNMENT**

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

CARRIED

**TIME: 6:40 PM**

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CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO  
MEMORANDUM  
DATE: *June 14, 2009*  
CCW  
FOR: \_\_\_\_\_  
BY: \_\_\_\_\_

## MEMORANDUM

**TO:** Geoff Garbutt  
Manager, Current Planning

**DATE:** June 23, 2009

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 3360 30 0903  
PL20090000246

**SUBJECT:** Zoning Amendment Application No. ZA0903  
Fern Road Consulting on behalf of C & D Springford  
Folio No. 769.10610.000, 769.09843.000 and 769.09108.000  
Electoral Areas 'E' & 'G' - 1884 and 1950 Northwest Bay Road

### PURPOSE

To consider an application to rezone property adjacent to Northwest Bay Road in Electoral Area 'E' in order to facilitate the development of a lot line adjustment subdivision.

### BACKGROUND

The Regional District has received a zoning amendment application in conjunction with a lot line adjustment subdivision of the properties legally described as Lot 3, Block 564, Nanoose District, Plan VIP75276; DL 71, Nanoose District; and DL 10, Nanoose District, Except 1.92 Acres, Thereof, Included in the Right of Way of the Esquimalt and Nanaimo Railway Company as Registered Under No. 20049C and Except Parts in Plans 27685 and 28601 and located adjacent to Northwest Bay Road in Electoral Areas 'E' and 'G' (*see Attachment No. 1 for location of subject properties*).

Lot 3, Plan VIP75276, which is 13.7 ha in size and zoned Comprehensive Development 14 (CD14) with no further subdivision potential pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", is situated in Electoral Area 'G'. This parcel has no access to a public road and is currently accessed by way of easement through DL 71 and the Remainder of DL 10.

DL 71, which is 32.4 ha in size and zoned Resource Management 3 (RM3) Subdivision District 'B' (minimum parcel size 8.0 ha), is situated in Electoral Area 'E'. The majority of this parcel is situated within in the Provincial Agricultural Land Reserve.

The Remainder of DL 10, which is 45.7 ha in size and zoned Rural 5 (RU5) Subdivision District 'D' (minimum parcel size 2.0 ha) pursuant to Bylaw No. 500, 1987, is situated in Electoral Area 'E'. This parcel is also situated within in the Provincial Agricultural Land Reserve.

The Remainder of DL 10 currently supports two dwelling units and farm and accessory buildings. DL 71 is pasture land and Lot 3 is forested. Surrounding uses include residentially zoned properties to the north; Northwest Bay Road and rurally zoned parcels to the east; the E&N Railway and resource management zoned parcels to the south including a parcel owned by the City of Parksville and Craig Creek, and a CD14 zoned parcel owned by The Natures Trust to the west.

Pursuant to "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005" (Nanoose Bay OCP), The Remainder of DL 10 and DL 71 are designated within the following development permit areas:

- The Watercourse Protection Development Permit Area for the protection of fish habitat and its riparian areas. As there are no watercourses on or within 30.0 metres of the parent parcels, this application would meet the exemption provisions of the development permit area and therefore, a development permit for watercourse protection is not required.
- The Farm Land Protection Development Permit Area, in this case, for the protection of lands in the ALR. As the applicant has applied for inclusion of all the property into the ALR, a development permit will not be required. If the inclusion application is turned down by the Land Commission, a development permit will be required.

Pursuant to “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008” (Area ‘G’ OCP). Lot 3, Plan VIP75276 is designated within the following development permit areas:

- The Fish Habitat Protection Development Permit Area for the protection of fish habitat and its riparian areas. While Craig Creek borders the west lot line of this parcel, this application would meet the exemption provisions of the development permit area and therefore, a development permit for fish habitat protection is not required.
- The Farm Land Protection Development Permit Area, in this case, for the protection of lands in the ALR. As the applicant has applied for inclusion of all the property into the ALR, a development permit will not be required. As outlined above, if the inclusion application is turned down by the Land Commission, a development permit will be required.

The parent parcels are within an RDN Building Services area.

#### ***Official Community Plans Designations***

Pursuant to the Nanoose Bay OCP, the subject parcels are designated within the Resource Lands in the ALR land use designation.

Pursuant to the Electoral Area ‘G’ OCP, the subject parcels are designated within the Rural Residential 1 land use designation.

As this application will meet the applicable policies, an amendment to either OCP is not required.

#### ***Submitted Proposal:***

The proposal, as submitted, is to adjust the existing lot lines to create a 5.1 ha parcel which would support a dwelling unit (Proposed Lot A); a 43.2 ha parcel which would support the second dwelling unit (Proposed Lot B), and a 43.2 ha parcel which is currently vacant (Proposed Lot C) (*see Schedule No. 2 for proposed plan of subdivision*).

All three parcels would have access to a public road; however Proposed Lot C would require relaxation from the minimum 10% frontage requirement provision (0.3%).

Proposed Lots B and C are split by electoral area boundaries and the two parcels will be located in both Electoral Area ‘E’ and ‘G’. Proposed Lot A is located within entirely within Electoral Area ‘E’.

#### **ALTERNATIVES**

1. To approve the zoning amendment application to rezone DL 71 from Resource Management 3 (RM3) to Rural 5 (RU5); Lot 3, Plan VIP75276 from Comprehensive Development 14 (CD14) to Rural 5 Subdivision District ‘B’ (RM3B) and a portion of The Remainder of DL 10 from Subdivision District

'D' to Subdivision District 'B' for 1<sup>st</sup> and 2<sup>nd</sup> reading and proceed to Public Hearing subject to the conditions outlined in Schedule No. 1.

2. To not approve the zoning amendment application as submitted.

## OFFICIAL COMMUNITY PLAN IMPLICATIONS

With respect to the minimum parcel size provisions under the OCPs, staff recommends that the portions of the subject parcels that are not currently zoned for 8.0 ha minimum parcel size be zoned as such. This will provide consistency with the OCPs' objectives of achieving an 8.0 ha minimum parcel size for parcels located in the ALR. With respect to Proposed Lot A, which at 5.1 ha, would be less than the minimum 8.0 ha parcel size, staff recommends that this portion of the parent parcel be left as Subdivision District 'D' (*minimum 2.0 minimum parcel size*) in order that the subdivision application may proceed without additional variances. It is noted that current zoning allows for this size of parcel and that further subdivision is unlikely as the parcel is located within the ALR. By including the balance of this parent parcel in the minimum 8.0 ha parcel size; this will be in keeping with the objectives of the OCP.

With respect to the cross jurisdictional implications concerning the electoral areas, the proposed lot line adjustment subdivision will result in Proposed Lot B and C being located in both Electoral Area 'E' and 'G'. This proposal is not considered to be an issue in the future. Concerning the proposing zoning, as the majority of the lands are situated in Electoral Area 'E' and as the access to the properties is through Nanoose Bay, staff recommends that the proposed rural zone used for the whole site be the Electoral Area 'E' Rural 5 zone.

## INTERGOVERNMENTAL REFERRALS

The following agencies were contacted:

*Ministry of Transportation & Infrastructure* -- Ministry staff has indicated that the Ministry has no objection to this application, but this is not to be construed as approval of subdivision.

*Vancouver Island Health Authority (VIHA)* – The health inspector has indicated VIHA has no concerns with this application at this time.

*Local Fire Chief* – The local fire chief has indicated the fire department has no concerns with this application at this time.

In accordance with the requirements of the *Local Government Act*, if this application proceeds to public hearing, formal referrals will be forwarded to these agencies.

## LAND USE / DEVELOPMENT IMPLICATIONS

### *Minimum 10% Perimeter Frontage Requirement*

Lot C is proposed to have a 10.0 m wide access or 0.3% perimeter frontage. It is noted that Lot 3, Plan, VIP75276 currently has no access to a public road and this lot line adjustment will provide access. While the minimum 10% perimeter frontage requirement will not be able to be met, staff supports this relaxation as it is in keeping with the guidelines of the Land Reserve Commission not to extend roads into the ALR as well as the requirements of the *Land Title Act* to limit roads being extended into ALR lands.

### *Agricultural Land Reserve*

The applicant has submitted an application for inclusion into the Agricultural Land Reserve (ALR) for Lot 3 and portion of DL 71 which is not currently in the ALR. The Provincial Agricultural Land Reserve Commission has not yet considered the application. The Commission's decision will be required prior to

the application proceeding to public hearing and therefore has been included as a condition of approval (see Schedule No. 1 for Conditions of Approval).

***Environmentally Sensitive Areas***

Craig Creek borders the east side of Proposed Lot C and is currently protected by way of section 219 covenant.

***On-Site Servicing***

For the Board's reference, this is not an application for rezoning which results in the creation of any new parcels. As a result, the applicant has not been asked to provide an engineering report which confirms that the property meets the water quantity and quality requirement of the RDN Zoning Bylaw 500. The proposal requires approval from the Agricultural Land Commission and water quantity and quality confirmation rests with the Provincial Approving Officer.

**PUBLIC CONSULTATION IMPLICATIONS**

In consultation with the Electoral Area Directors a Public Information Meeting was not held for this application as the proposal is consistent with the direction and policies of the OCP.

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

**SUSTAINABILITY IMPLICATIONS**

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". This proposal will allow for the continuation of the family farm business in that family members will be continuing to operate the business and thus supporting local food security.

**VOTING**

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

**SUMMARY**

This report addresses a request to amend Bylaw No. 500 to permit the lot line adjustment subdivision of three parent parcels on property located adjacent to Northwest Bay Road in Electoral Area 'E' and 'G'.

The applicants have applied to the provincial Agricultural Land Commission (ALC) to include the balance of the lands within the ALR. In order to ensure that all information being forwarded to the public hearing is available, it is recommended that confirmation of the ALC decision be received prior to forwarding the amendment application to public hearing.

With respect to the minimum 10% perimeter frontage requirement for Proposed Lot C, as roads are not encouraged to be extended into the ALR, staff supports this relaxation as it is in keeping with the guidelines of the Land Reserve Commission not to extend roads into the ALR as well as the requirements of the *Land Title Act* to limit roads being extended into ALR lands.

With respect to minimum parcel sizes, staff recommends that the minimum parcel size provision for Lot 3 Plan VIP75276 and the majority of The Remainder of DL 10 be amended to Subdivision District 'B' (8.0 ha minimum parcel size) which is consistent the OCPs criteria concerning lands in the ALR. Staff recommends the 5.1 ha portion of The Remainder of DL 10 be left in Subdivision District 'D' as the



current zoning permits the parcel to be less than 8.0 ha. Further subdivision of this Proposed Lot A is not expected as the parcel is within the ALR.

This application will meet the exemption provisions from requiring a development permit pursuant to the applicable development permit areas; however if the ALR application for inclusion is refused, the application would be subject to the issuance of a Farm Land Development Permit Area.

Ministry of Transportation & Infrastructure staff has indicated they have no objection to this application, but this is not to be construed as approval of subdivision. The Vancouver Island Health Authority has indicated that it will support the proposed application. The local Fire Chief has also indicated that he has no objection with this application. These agencies will be contacted again as part of the formal referral process.

Given that the proposal is in keeping with the relevant OCP policies, the overall number of parcels is not proposed to be increased, and that the proposal will allow the continuation of the family farm business, staff supports the amendment application as submitted subject to the conditions set out in Schedule No. 1, for 1st and 2nd reading and to proceed to public hearing.

A copy of the proposed amendment bylaw is attached to this report (see Attachment No. 2).

## RECOMMENDATIONS

1. That Zoning Amendment Application No. ZA0903 as submitted by Fern Road Consulting Ltd., on behalf of C Springford and D Springford to rezone Lot 3, Block 564, Plan VIP75276; DL 71; and a Portion of DL 10, Except 1.92 Acres, Thereof, Included in the Right of Way of the Esquimalt and Nanaimo Railway Company as Registered Under No. 20049C and Except Parts in Plans 27685 and 28601; all of Nanoose District, from Comprehensive Development 14 (CD14) to Rural 5 Subdivision District 'B' (RU5B); from Resource Management 3 (RM3) to Rural 5 (RU5); and from Subdivision District 'D' to Subdivision District 'B' respectively; and be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.351, 2009" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.351 2009" proceed to Public Hearing.
4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.351, 2009" be delegated to Director Holme and Director Stanhope as alternate.

Report Writer

Manager Concurrence

General Manager Concurrence

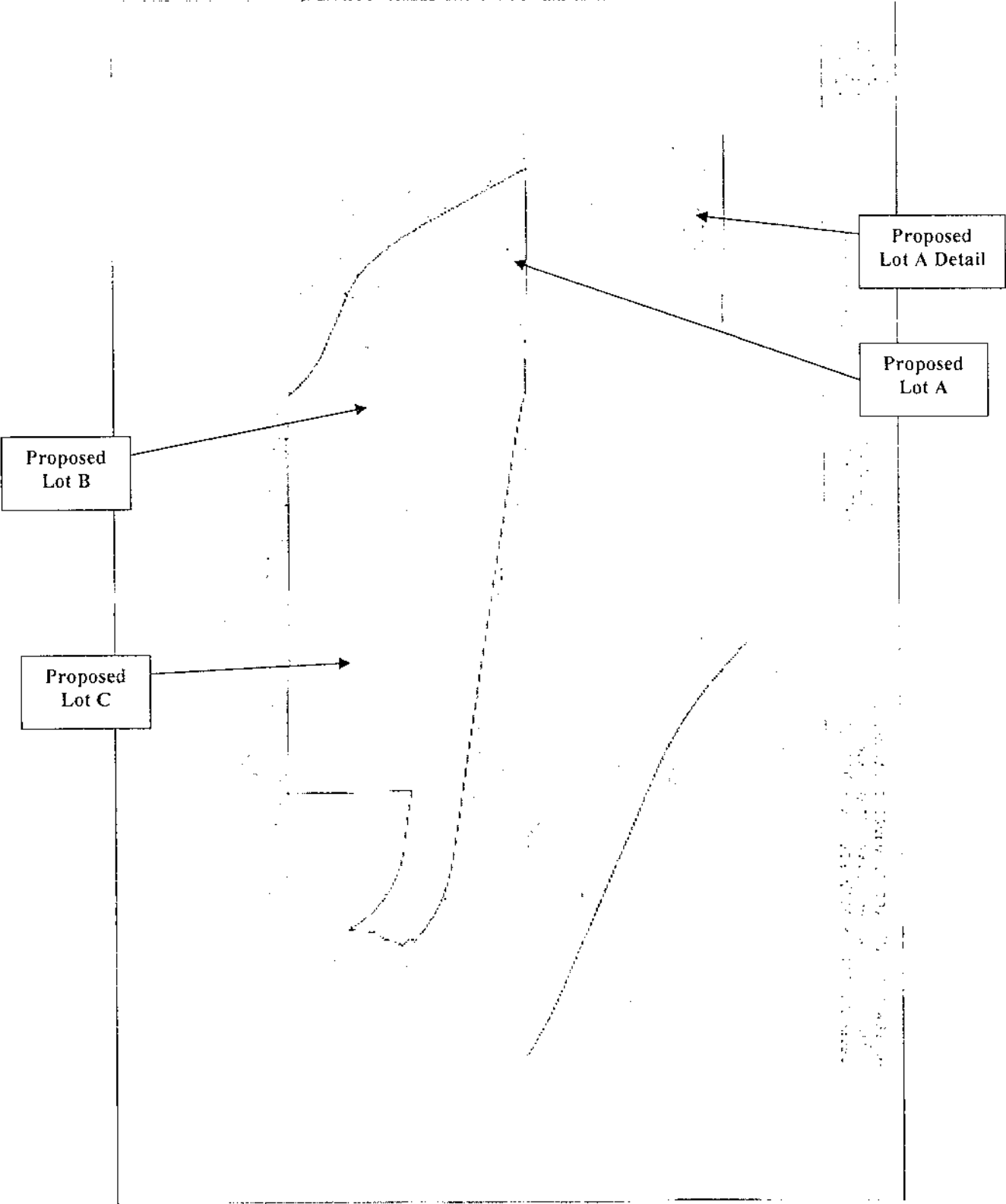
CAO Concurrence

**Schedule No. 1**  
**Conditions of Approval / Development Agreement**  
**Zoning Amendment Application No. ZA0903**  
**Development Agreement**

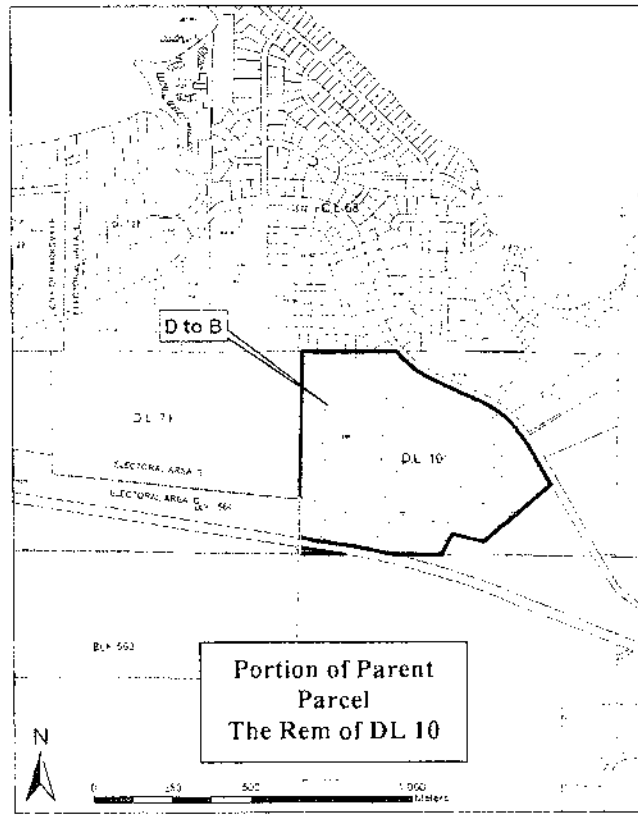
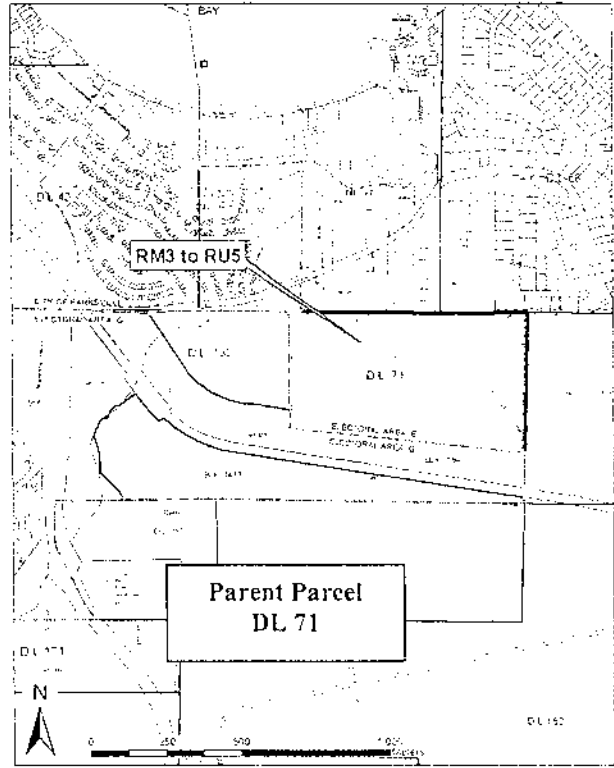
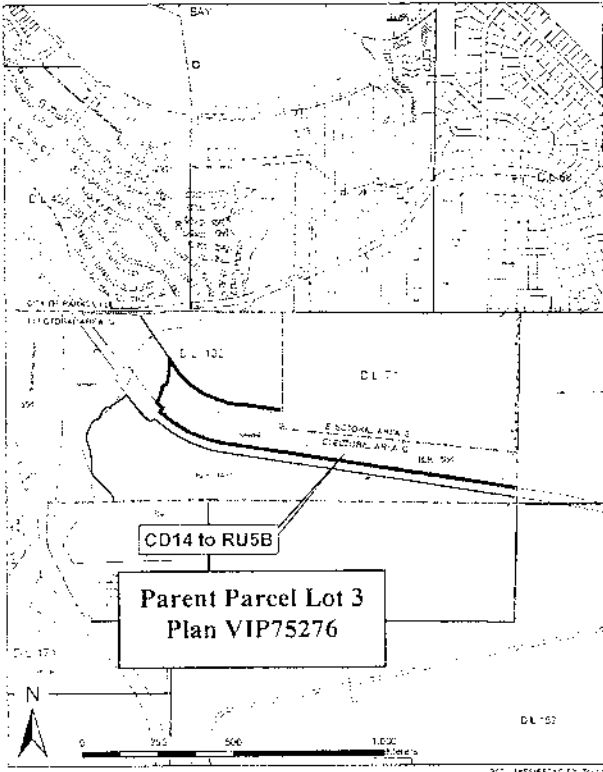
The applicant is to provide the following documentation prior to the amendment application being forwarded to public hearing:

1. Confirmation that the properties are included within the Provincial Agricultural Land Reserve. If all the properties are not included in the ALC, a development permit may be required for Farm Land Protection.

Schedule No. 2  
Zoning Amendment Application ZA0903  
Proposed Plan of Subdivision



**Attachment No. 1**  
**Location of Subject Properties**  
**Zoning Amendment Application No. ZA0903**



**Attachment No. 3**  
**Proposed Bylaw Amendment Bylaw No. 500.351, 2009**  
**REGIONAL DISTRICT OF NANAIMO**  
**BYLAW NO. 500.351**  
**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. **PART 3 LAND USE REGULATIONS, Schedule '3A', ZONING MAPS** is hereby amended by rezoning from Comprehensive Development 14 (CD14) to Rural 5 the lands legally described as:

Lot 3, Block 564, Nanoose District, Plan VIP75276 and as shown in heavy outline on Schedule No. '1' which is attached to and forms part of this Bylaw.

2. **PART 3 LAND USE REGULATIONS, Schedule '3A', ZONING MAPS** is hereby amended by rezoning from Resource Management 3 (RM3) to Rural 5 the lands legally described as:

DL 71, Nanoose District as shown in heavy outline on Schedule No. '2' which is attached to and forms part of this Bylaw.

3. **PART 4 SUBDIVISION REGULATIONS, Schedule '4A', SUBDIVISION DISTRICTS MAPS** is hereby amended by changing the Subdivision District 'CD14' to 'B' for the lands legally described as:

Lot 3 Block 564 Nanoose District Plan VIP75276 as shown in heavy outline on Schedule No. '3' which is attached to and forms part of this Bylaw.

4. **PART 4 SUBDIVISION REGULATIONS, Schedule '4A', SUBDIVISION DISTRICTS MAPS** is hereby amended by changing the Subdivision District 'D' to 'B' for the lands legally described as:

That Portion of DL 10, Nanoose District, Except 1.92 Acres, Thereof, Included in the Right of Way of the Esquimalt and Nanaimo Railway Company as Registered Under No. 20049C and Except Parts in Plans 27685 and 28601

as shown in heavy outline on Schedule No. '4' 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. 500.351, 2009".

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

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Chairperson

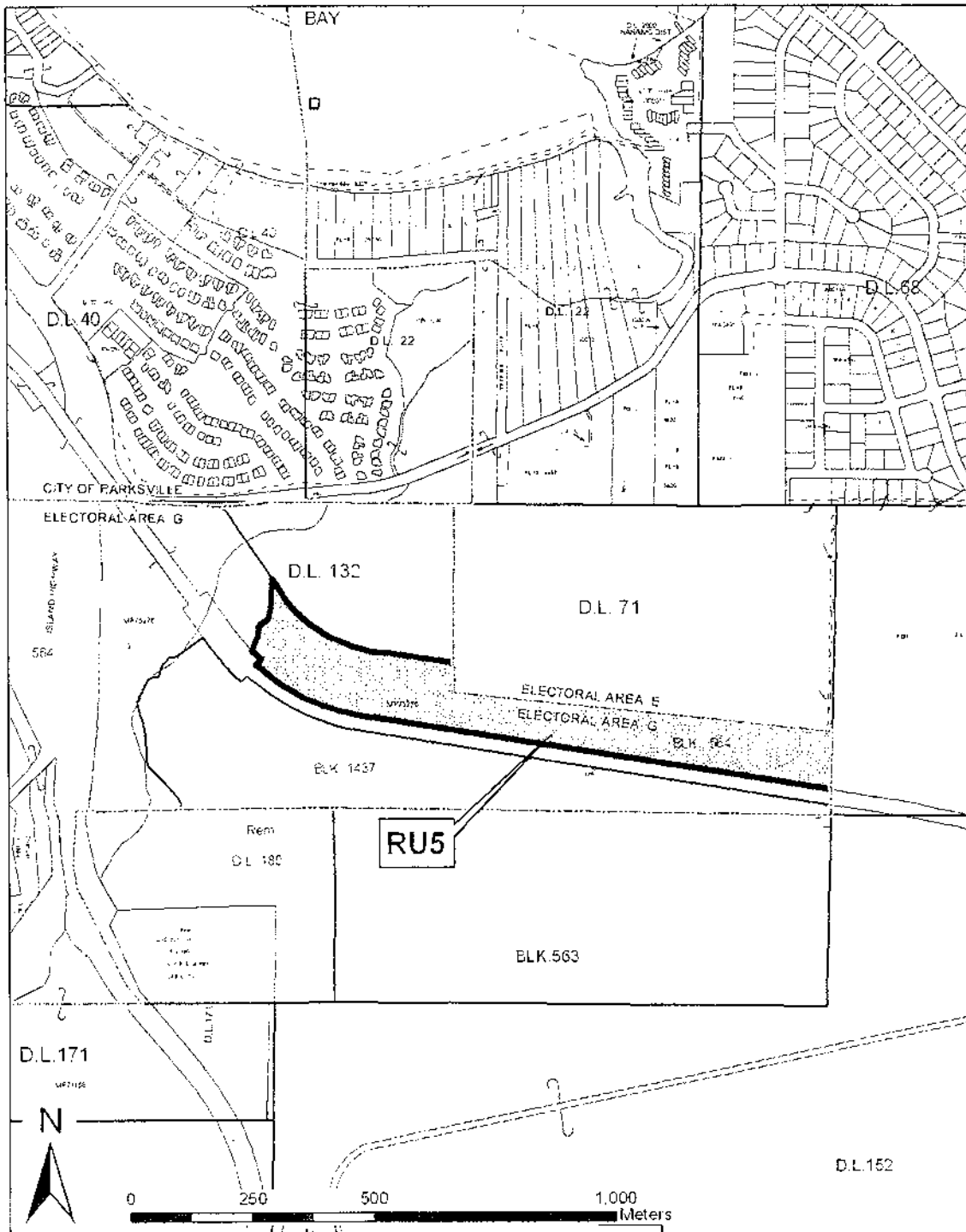
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Sr. Mgr., Corporate Administration

Schedule 'I' to accompany "Regional District of Nanaimo Land Use and Subdivision  
Bylaw Amendment Bylaw No. 500.351, 2009"

Chairperson

Sr. Mgr. Corporate Administration

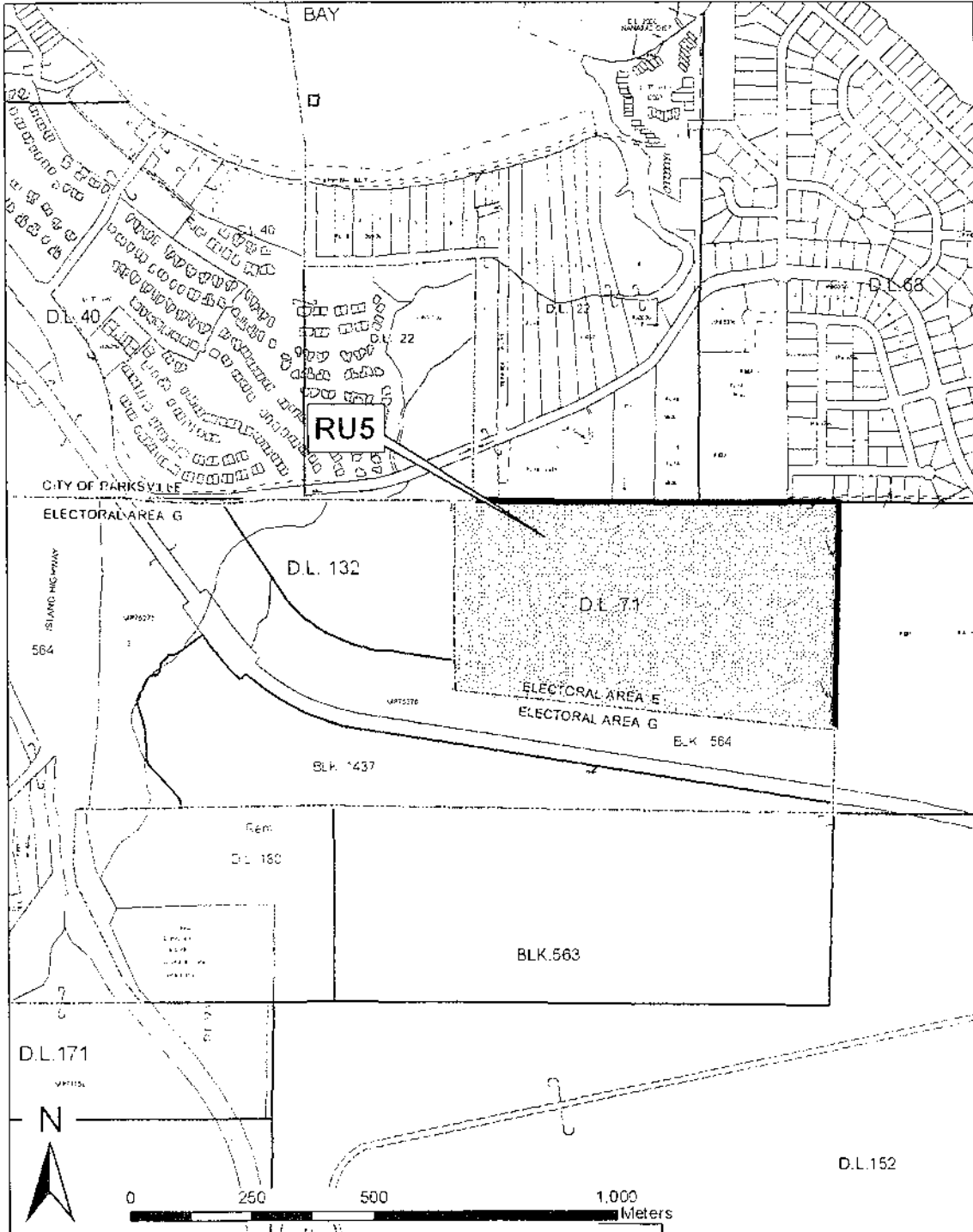


BCOS MAP SHEET NO. 92F 069 44

Schedule '2' to accompany "Regional District of Nanaimo Land Use and Subdivision  
Bylaw Amendment Bylaw No. 500 351, 2009"

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Chairperson

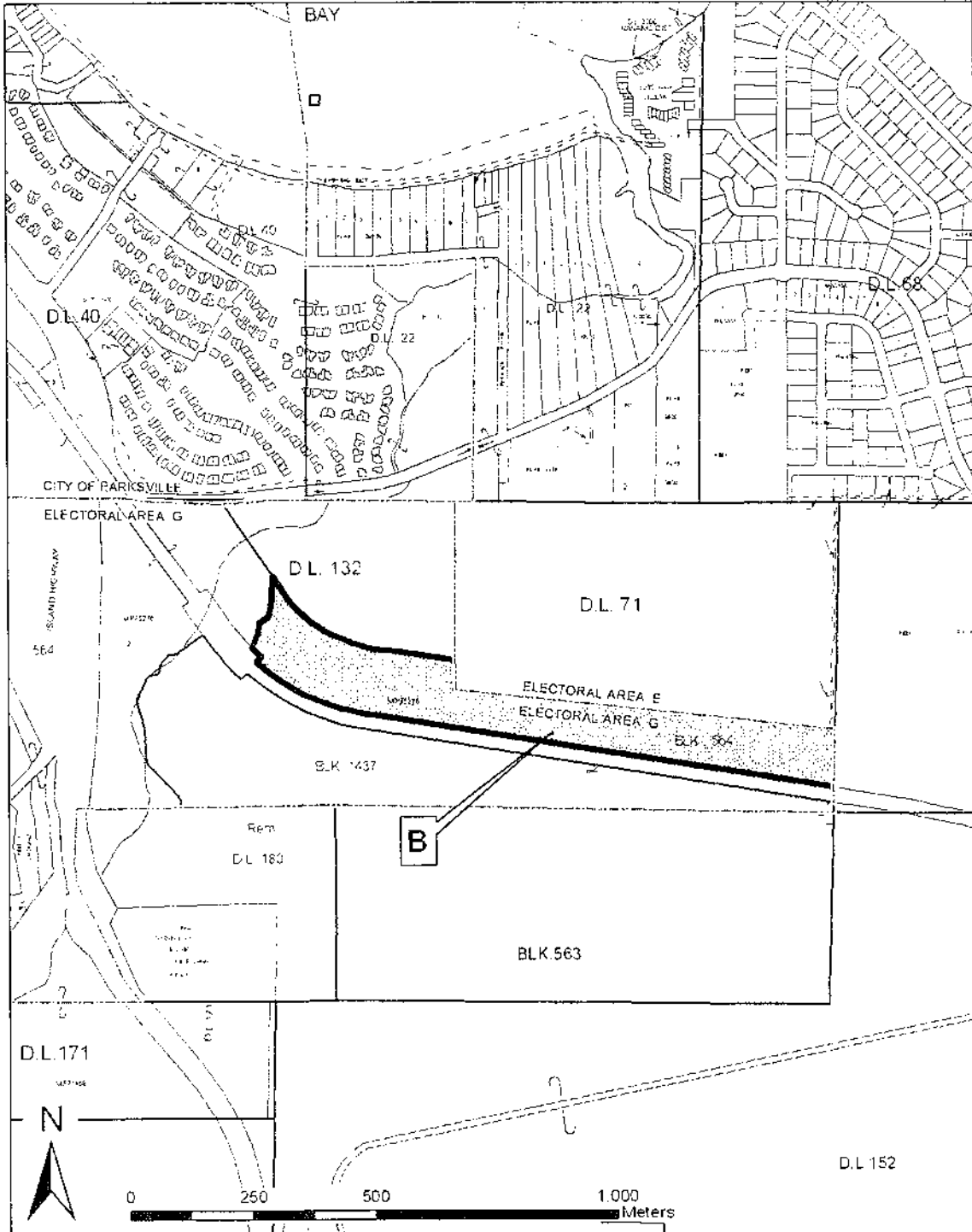
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Sr. Mgr., Corporate Administration



Schedule '3 to accompany "Regional District of Nanaimo Land Use and Subdivision  
Bylaw Amendment Bylaw No. 500.351, 2009"

Chairperson \_\_\_\_\_

St. Mgr. Corporate Administration \_\_\_\_\_



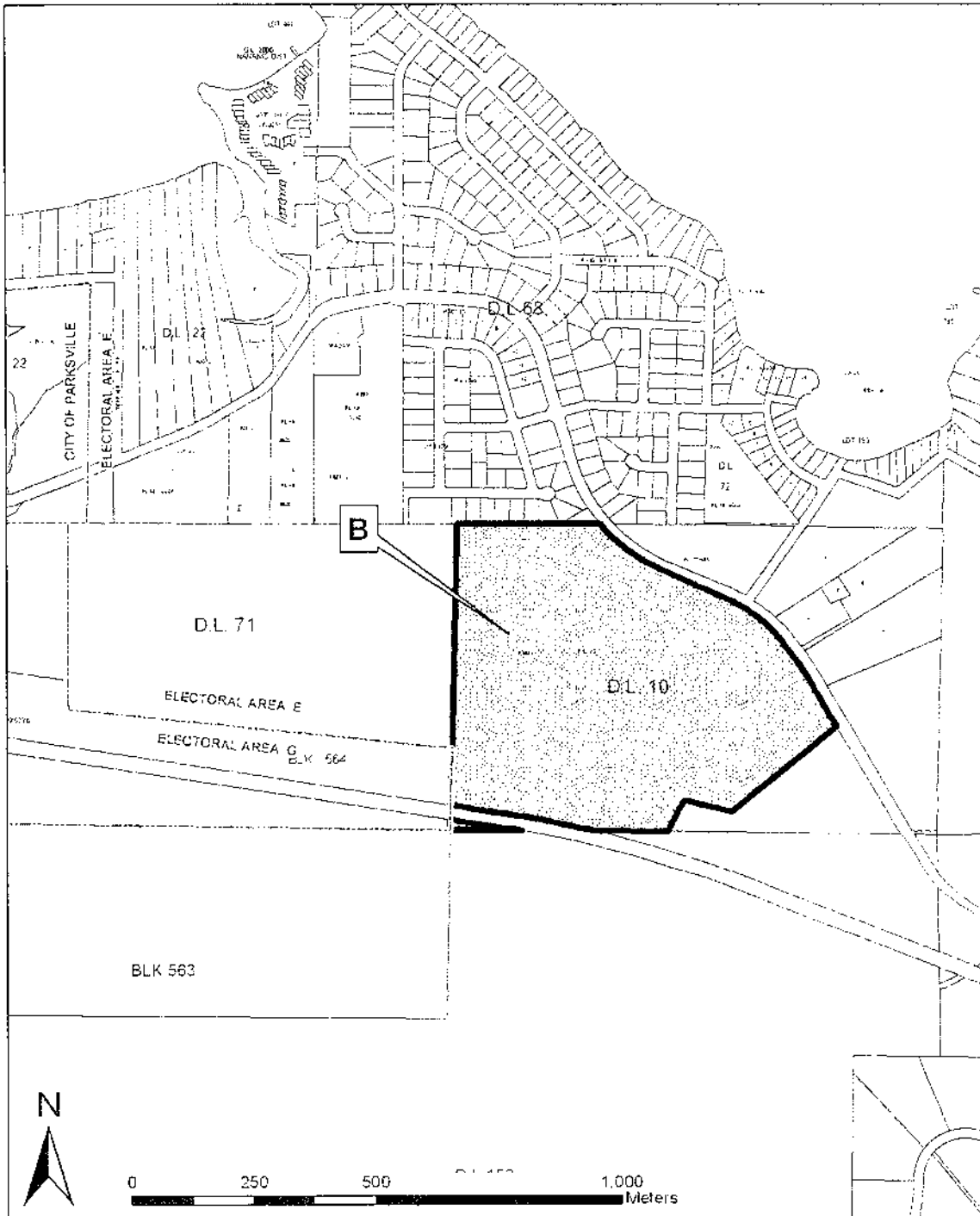
BCGS MAPSHEET NO B2F Q29 4 4



Schedule '4' to accompany "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.351, 2009"

Chairperson

Sr Mgr. Corporate Administration



BCCS MAPSHEET NO 92F 029 4 4



Stamp: RECEIVED BY: CLERK OF DISTRICT BOARD  
DATE: JUN 14 09  
NAME: [Handwritten signature]

## MEMORANDUM

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**TO:** Geoff Garbutt  
Manager, Current Planning

**DATE:** June 19, 2009

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 3300 20 501/515 Kaplar Road  
DP No. 60837

**SUBJECT:** Building Strata Conversion Application  
Development Permit Application No. 60837  
D Harford, on behalf of E Harford, D Harford, B Hale, & T Hale  
Electoral Area 'G', 501 & 515 Kaplar Road, Folio: 769011704.090

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### PURPOSE

To consider a request to approve a building strata conversion of a residential development pursuant to section 242 of the *Strata Property Act* that will result in the creation of two residential building strata lots and further to consider a request for a development permit in conjunction with the proposed building strata conversion proposal.

### BACKGROUND

This is an application for a building strata conversion for the parcel legally described as Lot 9, District Lots 65 and 66, Newcastle District, Plan 1803 and located at 501 & 515 Kaplar Road within Electoral Area 'G' (see Attachment No. 1 for location of subject property).

The property, which is 2.02 ha in size, is zoned Rural 1 (RU1) and is located within Subdivision District 'D' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment No. 1 for location of subject property). Under the Rural 1 zone, two dwelling units are permitted if the parcel is greater than 2.0 ha in size. In this case, the parent parcel can support two dwelling units.

Surrounding parcels are zoned rural with Kaplar Road to the south. The subject property is also bordered by the Agricultural Land Reserve (ALR) to the east.

Encumbrances registered on title include BC Hydro & Power Authority and Terasen Gas (Vancouver Island) statutory rights-of-way which cross the parent parcel in an east to west direction.

The parent parcel is designated within the following applicable Development Permit Areas pursuant to Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008:

- The Farm Land Protection Development Permit Area for the purposes of protecting adjacent lands in the Agricultural Land Reserve (ALR); in this case the ALR land located adjacent to the east of the parent parcel.
- The Environmentally Sensitive Features Development Permit Area, in this case for the protection of the aquifer.

As the exemptions requirements of these development permit areas cannot be met, a development permit is required as part of the building strata conversion application.

### ***Proposed Development***

The applicants are proposing to create two building strata lots over the two existing single dwelling units (see Schedule No. 2 for proposed building strata subdivision). As part of the application process, the applicant has provided a completed building strata conversion application; completed development permit application; proposed building strata plan; professional engineer's reports for each dwelling unit; and a completed Site Profile.

The building strata units are proposed to be served with potable water service and individual private septic disposal systems. The subject property is situated within a RDN Building Services area.

### ***Strata Property Act***

Section 242 of the *Strata Property Act* provides for the conversion of previously occupied buildings into strata lots subject to the approval of the approving authority, in this case, the Regional Board. The Regional Board is to ensure that an adequate supply of rental units remains available and that units being converted meet the minimum standard of construction. The *Strata Property Act* specifies that the Regional Board must consider the following criteria in its decision:

1. The priority of rental accommodation over privately owned housing in the area;
2. Any proposals for the relocation of persons occupying a residential building;
3. The life expectancy of the building; and
4. Projected major increases in maintenance costs due to the conditions of the building.

The Board is also required to ensure that the buildings substantially comply with applicable bylaws and the Building Code.

In addition to the above-required criteria, the Board may also consider "any other matters that, in its opinion, are relevant." Consideration of these other matters enables the request to be refused at the Board's discretion. In order to evaluate an application, the Board approved the Strata Conversion Policy and Guidelines Policy (No. B1.7), which establishes criteria to assist an applicant in the preparation of an application and to assist the Regional District in its review and evaluation of an application.

### **ALTERNATIVES**

1. To approve the request for the strata conversion as shown on the plan submitted by the applicant subject to conditions set out in Schedules No. 1 and 2.
2. To not approve the request for a building strata conversion.

### **DEVELOPMENT IMPLICATIONS**

#### ***Official Community Plan Implications***

The Rural Residential 3 land use designation is silent on building strata conversions. The EAPC may recall that Amendment Bylaw No. 500.346, which has been tabled at 3<sup>rd</sup> reading, included the subject property being rezoned to permit a maximum of one dwelling unit per parcel, which would then prohibit a building strata conversion. As this amendment bylaw has not been adopted, this application may be considered.

The Board should note however, that conversion is made possible in this particular case as a result of recommendations from the OCP having not yet been implemented.

With respect to the Farm Land Protection Development Permit Area (DPA), this proposal addresses existing buildings and structures and there are no works proposed to take place within the 15.0 metre DPA area. It is noted that there are existing accessory buildings within the DPA, but these were constructed prior to the Farm Land DPA being designated. The portion of the subject property north of the hydro line is fully buffered. The portion to the south of the hydro line is partially buffered and there is a fence along the property line. The area of the hydro and gas lines is not well buffered, but that is in keeping with the utility uses. Staff recommends that the conditions of approval include that no new buildings or structures be located within the Farm Land DPA unless permitted under a future development permit. (*see Schedule No. for Conditions of Approval*).

With respect to the Environmentally Sensitive Features Development Permit Area for the protection of the aquifer, the applicant's professional engineer has certified that the existing wells and septic disposal systems conform with current standards. As there are no new wells proposed and the septic disposal fields meet the current standards, it is considered that there is no additional impact on the aquifer.

#### ***Strata Property Act***

The request for approval of the proposed building strata conversion appears that it will generally meet the minimum criteria that the Board must consider in approving a building strata conversion. The applicant's professional engineer has stated that the buildings, which were built in 1991 and 1999, are in substantial compliance with current National Building Code of Canada.

With respect to the priority of rental accommodation over privately owned housing in the area, the neighbourhood where the subject property is located is characterized by owner-occupied single dwellings situated on rural and rural residential parcels. As a result, the priority of rental accommodation is not considered to be significant.

With respect to the life expectancy of the building, the applicant has submitted a professional engineer's reports certifying a minimum of a 30-year plus life expectancy of the building.

With respect to the projected major increases in maintenance costs due to the condition of the building, the applicant's engineer has certified that no major maintenance costs are expected for a number of years. To the best of planning staff's knowledge, there appears to be no major increases in the cost for the maintenance of the building at this time.

#### ***Building Strata Conversion Policy Guidelines***

The applicant has provided a professional engineer's report certifying that the septic disposal systems conform with the requirements of the current Standard Practice manual of the BC Ministry of Health.

With respect to potable water, the applicant's professional engineer has certified that the water wells are in good working order and meet the RDN bylaw requirements in terms of quantity (3.5 m<sup>3</sup> per day year round) and quality as based on the Canadian Drinking Water Standard. Based on the information submitted by the applicant, this strata conversion application meets the requirements of the RDN Building Strata Conversion Policy Guidelines.

**Ministry of Transportation & Infrastructure**

Ministry of Transportation and Infrastructure staff has reviewed the proposed strata plan and has no concerns with respect to existing access.

**VOTING**

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

**SUMMARY**

The applicant is requesting a building strata conversion of the existing single dwelling units. The application, as submitted, appears that it will meet the minimum requirements for the approval of a building strata conversion as set out in the *Strata Property Act*. The applicant's professional engineer has provided certification that the septic disposal and potable water systems meet the current standards.

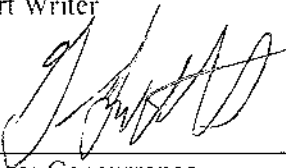
Ministry of Transportation and Infrastructure staff has indicated that they have no concerns with the proposal. Staff confirms that both the guidelines set out in the corresponding Board policy and the technical provisions for stratification pursuant to the *Strata Property Act* will be able to be met. As a result, staff recommends Alternative No. 1 to approve the request for building strata conversion and the issuance of the corresponding development permit as set out in Schedules No. 1 and 2.

**RECOMMENDATIONS**

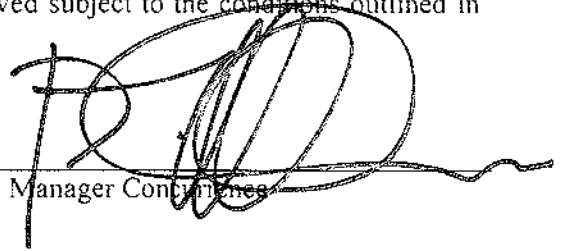
1. That the request from Dan Harford on behalf of D Harford, E Harford, B Hale and T Hale, for the building strata conversion as shown on the Proposed Strata Plan of Lot 9, District Lots 65 and 66, Newcastle District, Plan 1803, be approved subject to the conditions being met as set out in Schedules No. 1 and 2 of the corresponding staff report.
2. That Development Permit Application No. 60837, submitted by Dan Harford on behalf of D Harford, E Harford, B Hale and T Hale, in conjunction with the proposed building strata conversion application and designated within the Farm Land Protection and the Environmentally Sensitive Features Development Permit Areas be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.



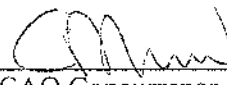
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

**Schedule No. 1**

**Conditions of Proposed Building Strata Conversion / Conditions of Development Permit No. 60837  
501 & 515 Kaplar Road / Lot 9, District Lots 65 and 66, Newcastle District, Plan 1803**

**Proposed Building Strata Conversion:**

The following conditions are to be completed by the applicant to the satisfaction of the Regional District of Nanaimo:

1. The building strata conversion shall be in substantial compliance with Schedule No. 2.

**Development Permit Application No. 60837:**

The following sets out the conditions of approval:

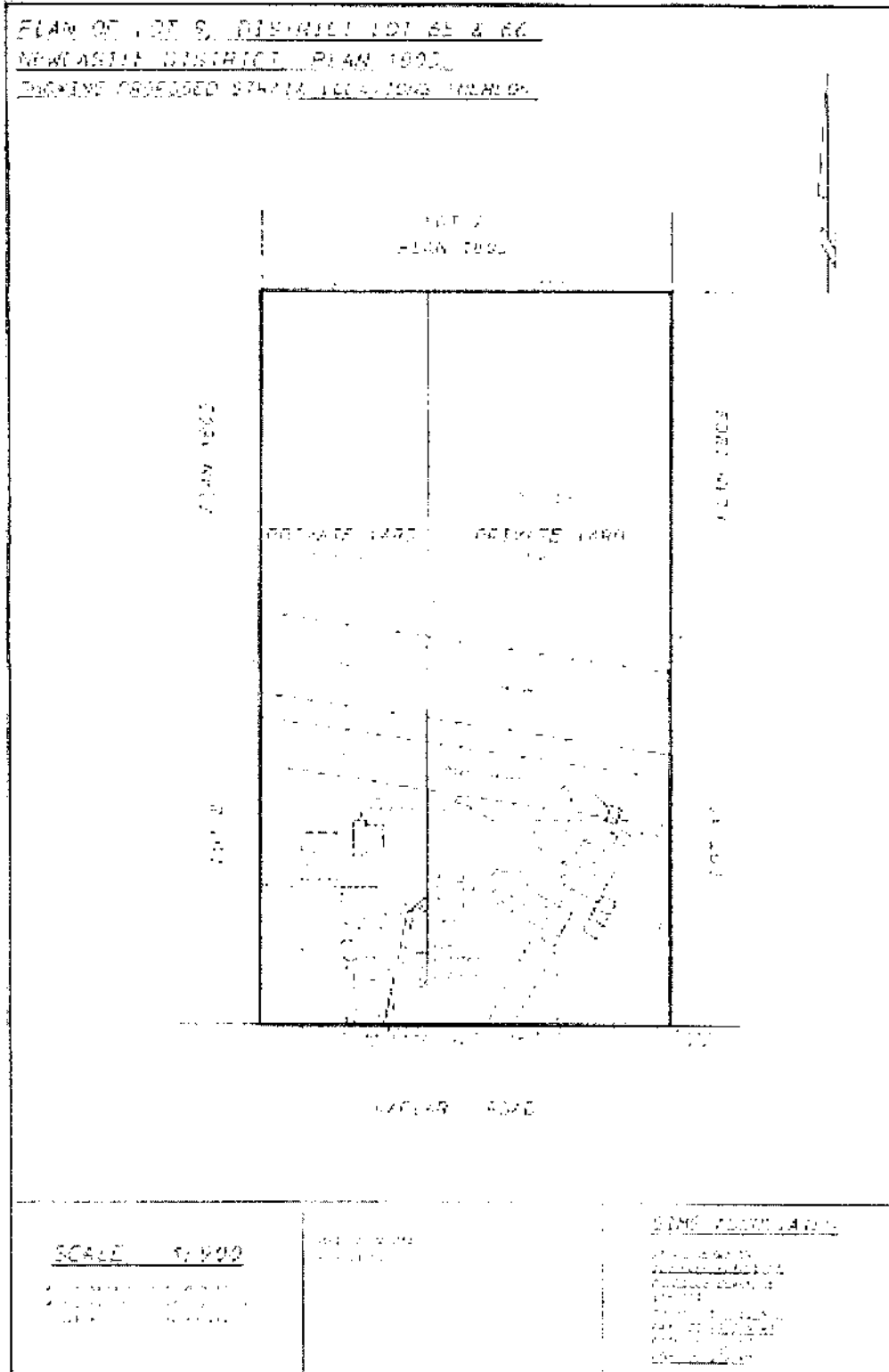
1. **Subdivision**

The building strata conversion shall be in substantial compliance with Schedule No. 2 (to be attached to and forming part of Development Permit No. 60837).

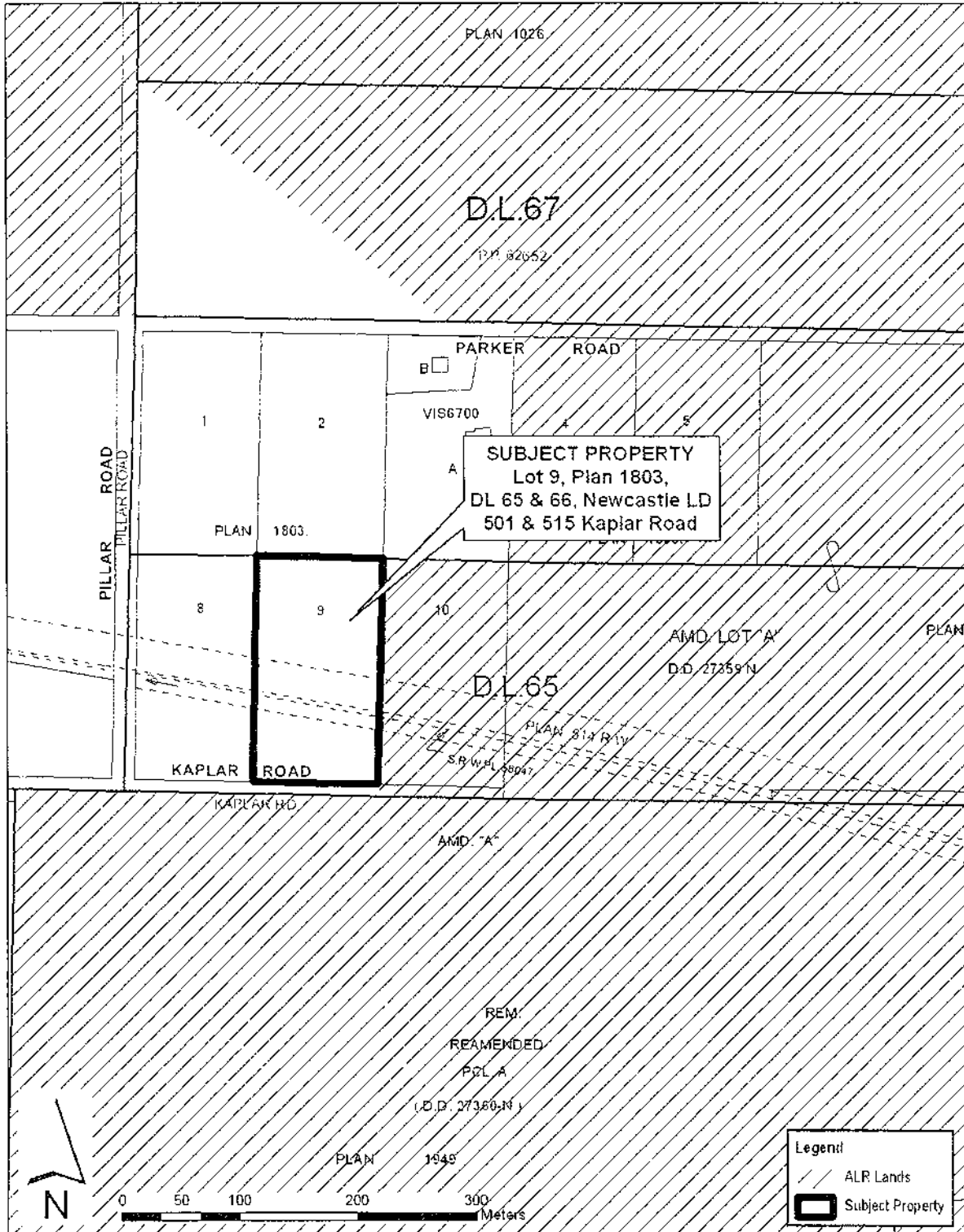
2. **Farm Land Protection**

- a. There shall be no placement of buildings or structures within 15.0 of the east lot line of the parent parcel unless a development permit has been issued to permit such placement.
- b. There shall be removal of the existing native vegetation within 15.0 metres of the east lot line of the parent parcel unless a development has been issued to permit such removal.

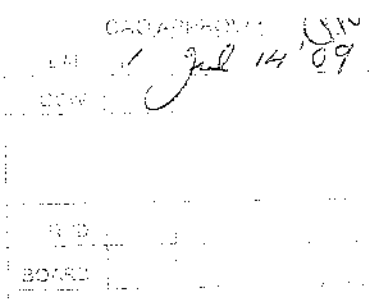
Schedule No. 2  
Proposed Plan of Building Strata Plan  
501 & 515 Kaplar Road / Lot 9, District Lots 65 and 66, Newcastle District, Plan 1803



Attachment No. 1  
Location of Subject Property  
501 & 515 Kaplar Road / Lot 9, District Lots 65 and 66, Newcastle District, Plan 1803








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**TO:** Geoff Garbutt  
Manager of Current Planning

**DATE:** June 29, 2009

**FROM:** Kristy Marks  
Planner

**FILE:** 3060 30 60921

**SUBJECT:** Development Permit with Variance Application No. 60921 – Whitaker  
Lot A, District Lot 16, Newcastle District, Plan 11435  
Electoral Area 'H' – 5361 Island Highway West Folio No. 769.011618.000

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**PURPOSE**

To consider an application for a Development Permit with Variance to allow the construction of a dwelling unit and attached garage on a property located at 5361 Island Highway West.

**BACKGROUND**

The subject property, legally described as Lot A, District Lot 16, Newcastle District, Plan 11435, is located on the Island Highway West in Electoral Area 'H' (*see subject property map - Attachment 1*). The property is approximately 0.28 hectares in size and currently contains an approximately 10.5m<sup>2</sup> shed. The parcel is vegetated primarily with grasses and several trees and is bound by a developed residential lot to the northwest, the Strait of Georgia to the northeast, and the Island Highway West and Alert Road to the south.

The subject property is located within the Environmentally Sensitive Features for Coastal and Aquifer Protection, Hazard Lands, Highway Corridor, and Fish Habitat Protection Development Permit Areas (DPA) pursuant to "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003". This application is exempt from the Aquifer Protection and Highway Corridor DPA as the proposal is for a single dwelling unit; and is exempt from the Fish Habitat Protection DPA as there are no streams within 30.0 metres of the proposed development.

The parcel is zoned Residential 2 (RS2), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The applicants are requesting approval to construct an approximately 396m<sup>2</sup> dwelling unit and attached garage with a height variance within the Hazard Lands and Environmentally Sensitive Features for Coastal Protection Development Permit Areas. As the property is located adjacent to the sea the geotechnical engineer has recommended that the dwelling unit be elevated to meet the recommended flood elevation of 3.8 metres GSC (Geodetic Survey of Canada datum). Given the existing natural grade at the proposed building site, the dwelling is required to be elevated approximately 0.7 metres in order to meet the minimum floodplain elevation.

*Requested Variance Summary - Section 3.4.62 Dwelling Unit Height*

Maximum Dwelling Unit Height	Proposed Height	Requested Variance
8.0 metres	8.7 metres	0.7 metres

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## ALTERNATIVES

1. To approve Development Permit with Variance No. 60921 subject to the conditions outlined on Schedules No. 1 – 4.
2. To deny Development Permit with Variance No. 60921 as submitted.

## POLICY B1.5

Regional District of Nanaimo Development Permit with Variance Application Policy B1.5 Evaluation provides staff with guidelines for reviewing and evaluating Development Permit with Variance applications. The policy requires that the potential impacts of the variance are warranted by the need for the variance.

The applicants have provided the following justifications for the requested height variance:

- The proposed dwelling unit would be under height if it was not required to meet the minimum floodplain elevation requirements;
- The applicants have made an effort to retain the existing vegetation which acts as a natural barrier from the sea rather than constructing a sea wall and therefore are required to meet the minimum floodplain elevation of 3.8 m GSC;
- There are no anticipated view implications related to the requested height variance for adjacent properties;
- The applicants have submitted a Geotechnical Hazards Assessment in order to ensure that the property is safe and suitable for the intended use.

## LAND USE AND DEVELOPMENT IMPLICATIONS

As outlined above, the applicants are requesting approval to construct a dwelling unit and attached garage on a parcel on the Island Highway West in Electoral Area 'H'. The location of the proposed dwelling unit and attached garage are outlined on *Schedule No. 2* and building elevations for the proposed development are outlined on *Schedule No. 3*.

The applicants have submitted a geotechnical hazards assessment prepared by Ground Control Geotechnical Engineering Ltd. dated June 11, 2009, which states that the proposed development is considered safe and suitable for the use intended provided that the recommendations outlined in the report are followed (*Schedule No. 4*). The engineer recommends the habitable floor of the residence be located a minimum of 3.8 meters GSC. As per board policy, staff recommends that the applicants be required to register a Section 219 covenant that registers the geotechnical hazards assessment prepared by Ground Control Geotechnical Engineering Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion and/or landslide or flood.

The applicants are proposing to construct the dwelling unit near the centre of the property and have indicated that they wish to retain most of the existing vegetation, which includes trees, lawn and sea grasses between the proposed dwelling unit and the natural boundary of the sea. As the existing vegetation is to be retained and there is limited alteration of land proposed, aside from the construction of a fence and the removal of three trees, no re-vegetation plan has been required.

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Given that the applicants have provided a geotechnical hazards assessment and are proposing to retain the existing vegetation adjacent to the sea, in staff's assessment, the proposed development meets the requirements of the Hazard Lands and Environmentally Sensitive Features Development Permit Areas.

### **SUSTAINABILITY IMPLICATIONS**

In keeping with Regional District of Nanaimo Board policy, the applicants have completed the "Sustainable Community Builder Checklist". This proposal represents the development of an existing residential parcel. The applicants are proposing to retain the existing vegetation and are incorporating a number of green building elements in the design of the home including the use of insulated concrete forms and recycled roof shingles as well as rain water harvesting, solar hot water heat, low flush toilets, energy efficient windows and an on demand hot water system. In addition, the applicants have provided a Geotechnical Evaluation of the potential flood hazard in order to ensure that the property is safe and suitable for residential use.

### **PUBLIC CONSULTATION PROCESS**

As part of the required public notification process, pursuant to the *Local Government Act*, property owners and tenants located within a 50.0 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.

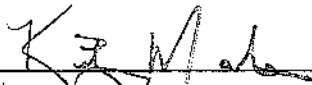
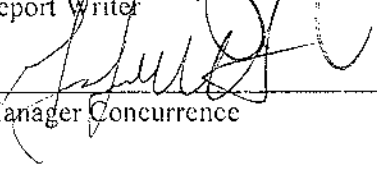
**VOTING** - Electoral Area Directors – one vote, except Electoral Area 'B'.

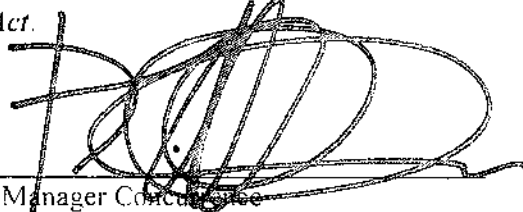
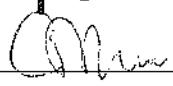
### **SUMMARY/CONCLUSIONS**

This is an application for a Development Permit with Variance to allow the construction of a dwelling unit and attached garage on a property located at 5361 Island Highway West in Electoral Area 'H'. Given that the applicants have submitted a Geotechnical Hazards Assessment of the suitability of the property for the proposed use and are proposing to retain most of the existing vegetation on the subject property, the guidelines of the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" Hazard Lands and Environmentally Sensitive Features DPA have been met. With respect to the requested variance, the property is located adjacent to the sea and construction is required to meet the flood construction elevations, and there are no anticipated impacts related to the requested height variance. Staff recommends that the requested Development Permit with Variance be approved subject to the terms outlined in Schedules No. 1- 4 of this report and the notification requirements of the *Local Government Act*.

**RECOMMENDATION**

That Development Permit with Variance application No. 60921, to construct a dwelling unit and attached garage with a maximum height of 8.7 metres within the Hazard Lands and Environmentally Sensitive Features Development Permit Area pursuant to "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003", for the property legally described as Lot A, District Lot 16, Newcastle District, Plan 11435 be approved subject to the conditions outlined in Schedules No. 1- 4 and the notification requirements of the *Local Government Act*.

  
\_\_\_\_\_  
Report Writer  
  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
General Manager Concurrence  
  
\_\_\_\_\_  
CAO Concurrence

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**Schedule No. 1**  
**Terms of Development Permit No. 60921**

The following sets out the terms and conditions of Development Permit No. 60921.

*Bylaw No. 500, 1987 – Variance*

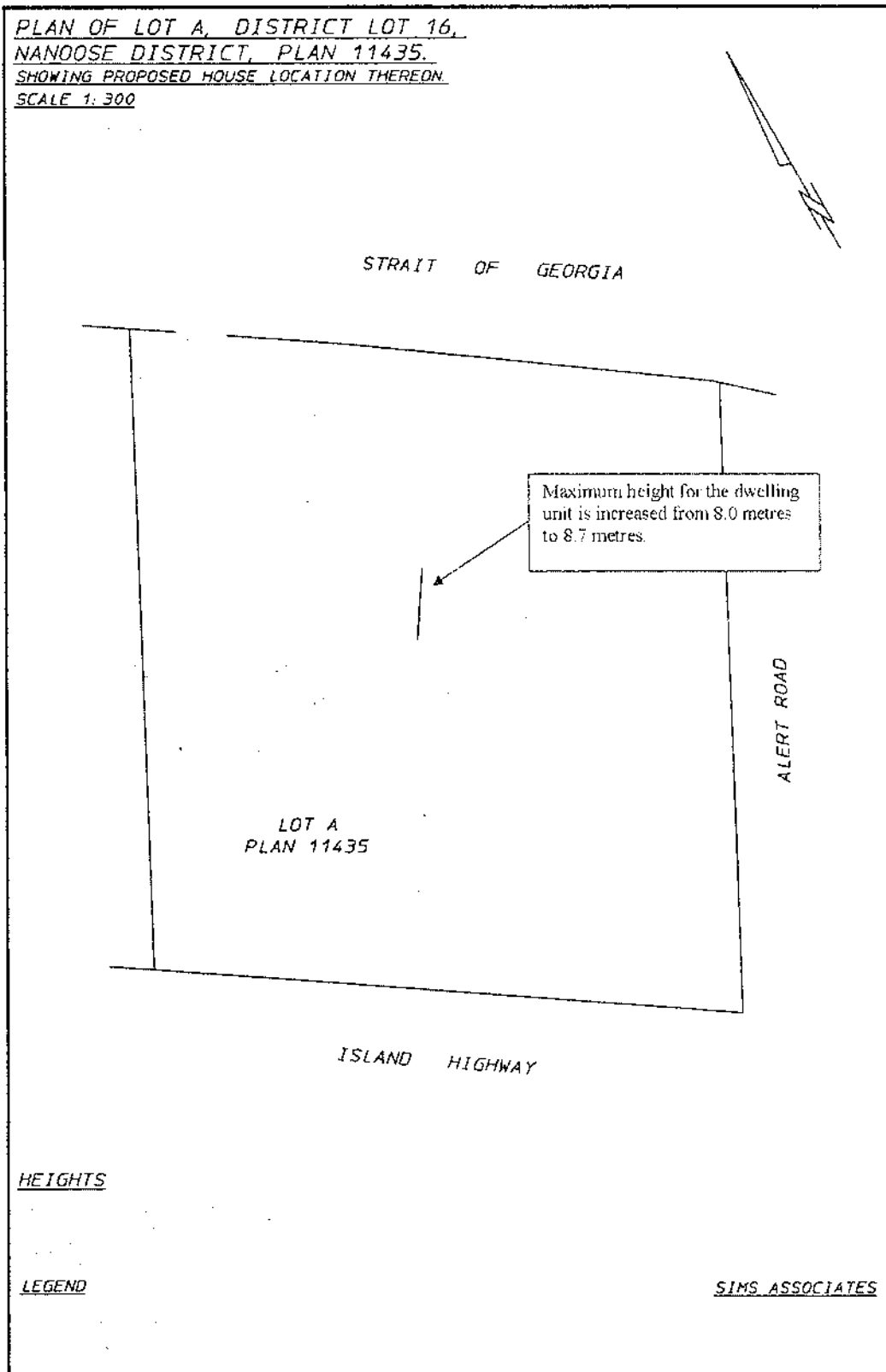
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:

1. **Section 3.4.62 Maximum Number and Size of Buildings and Structures** is hereby varied by increasing the maximum height for a dwelling unit located on Lot A, District Lot 16, Newcastle District, Plan 11435 from 8.0 metres to 8.7 metres as shown on *Schedule No. 3*.

*Conditions of Permit*

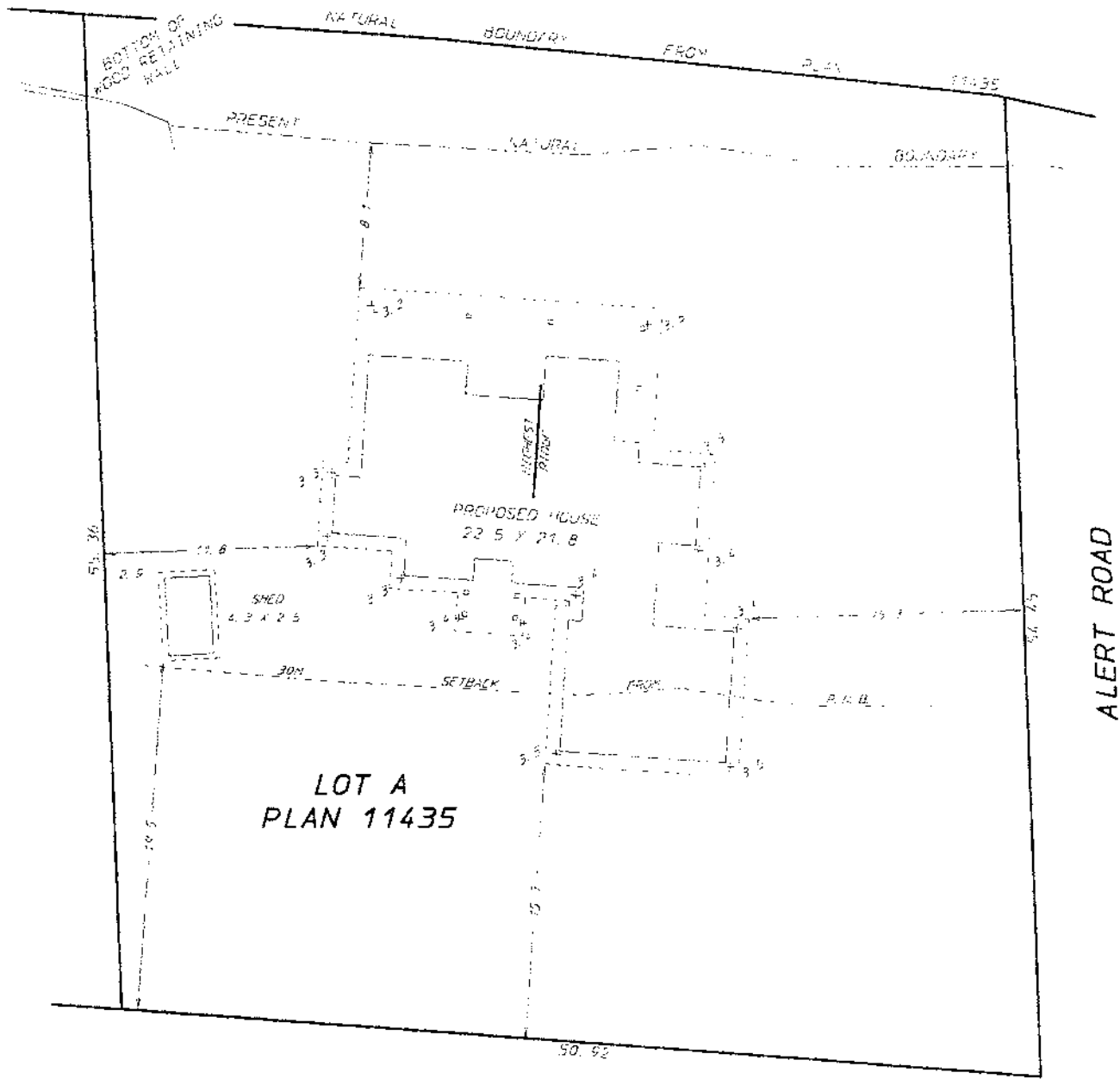
1. The dwelling unit and attached garage shall be sited in accordance with site survey prepared by Sims Associates dated May 4, 2009 attached as *Schedule No. 2*.
2. The dwelling unit and attached garage shall be constructed in accordance with the elevation drawings prepared by Rina Knoesen dated May 2009 attached as *Schedule No. 3*.
3. The dwelling unit and attached garage shall be constructed in accordance with the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated June 11, 2009 attached as *Schedule No. 4*.
4. Staff shall withhold the issuance of this Permit until the applicants, at the applicant's expense, registers a Section 219 covenant that registers the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd., dated June 11, 2009 and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion and/or landslide.
5. The applicants shall provide confirmation of building height and setbacks by a British Columbia Land Surveyor at the framing stage of construction.

Schedule No. 2  
Site Plan



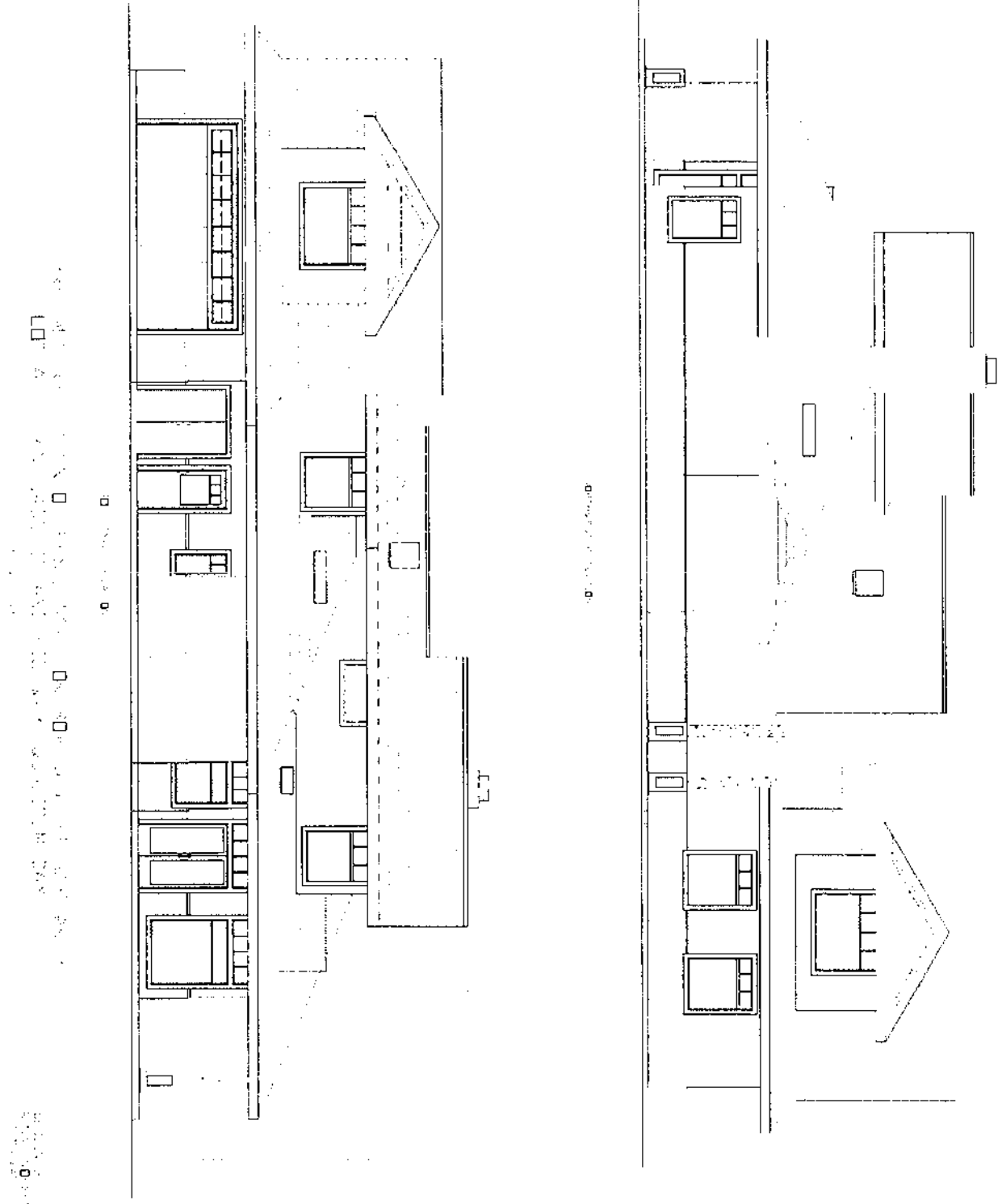
Schedule No. 2  
Site Plan - Detail

STRAIT OF GEORGIA



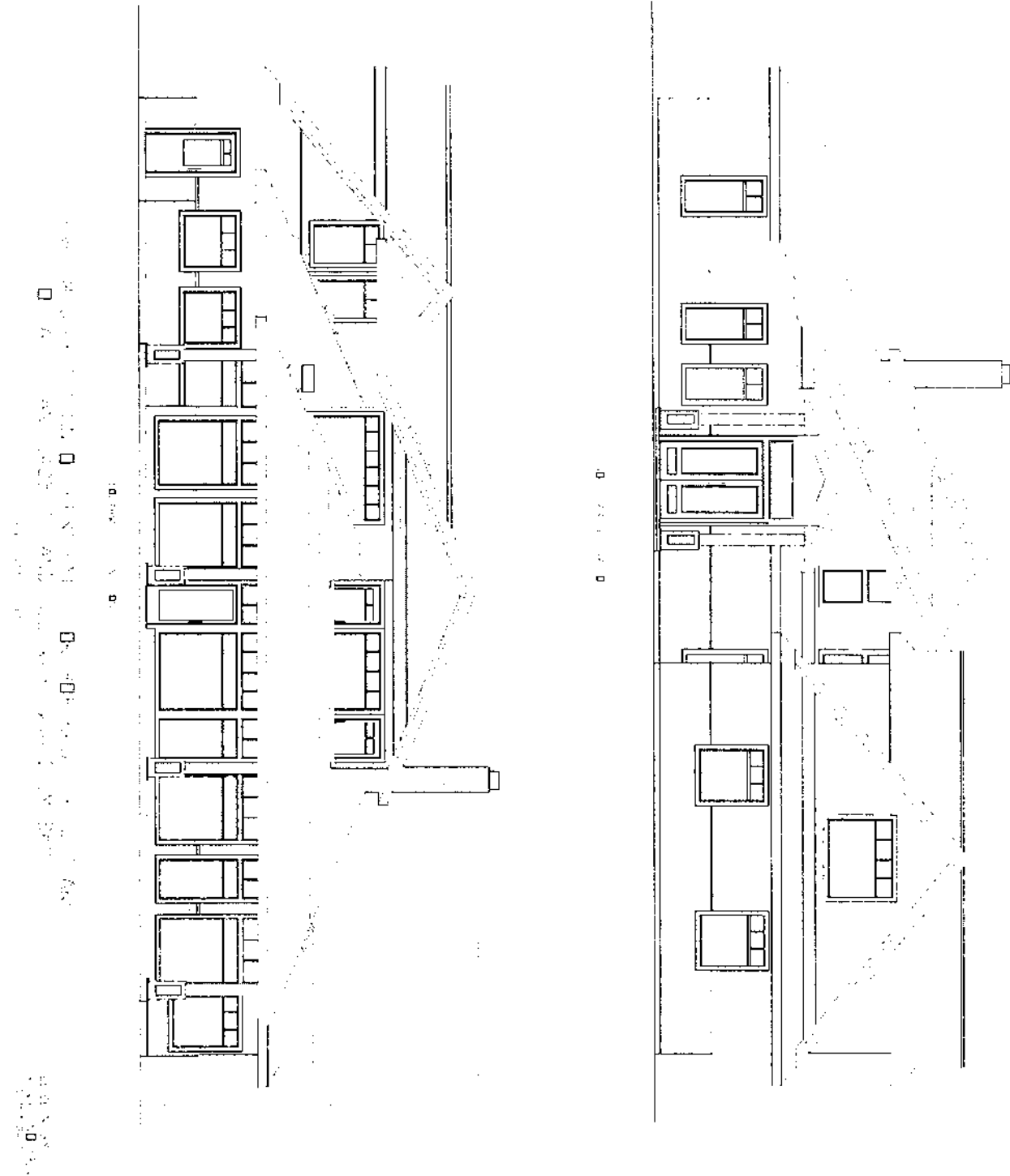
ISLAND HIGHWAY

Schedule No. 3  
Building Elevations – Dwelling Unit  
(Page 1 of 2)






Schedule No. 3  
Building Elevations – Dwelling Unit  
(Page 2 of 2)



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**Schedule No. 4  
Geotechnical Report  
(Page 1 of 12)**

**GROUND CONTROL**   
GEOTECHNICAL ENGINEERING LTD.  
175 Lonsdale Road, Nanaimo, BC  
Phone: Fax: 250-455-1759

File: BLW-001  
June 11, 2009

Bob and Lee Whitaker  
266-B Alberni Highway  
Parksville, BC  
V9P 1L8

**SUBJECT: GEOTECHNICAL HAZARDS ASSESSMENT**  
**PROJECT: PROPOSED NEW SINGLE-FAMILY RESIDENCE**  
**LOCATION: NW CORNER OF THE INTERSECTION OF ALERT ROAD AND ISLAND HIGHWAY WEST**  
**LEGAL DESC: LOT A, DL 16, VIP11435, NEWCASTLE LAND DISTRICT**

Dear Mr. and Ms. Whitaker:

**1. Introduction**

- a. As requested, Ground Control Geotechnical Engineering Ltd. (Ground Control) has carried out a geotechnical hazards assessment of the above site. This report provides a summary of our findings and recommendations.

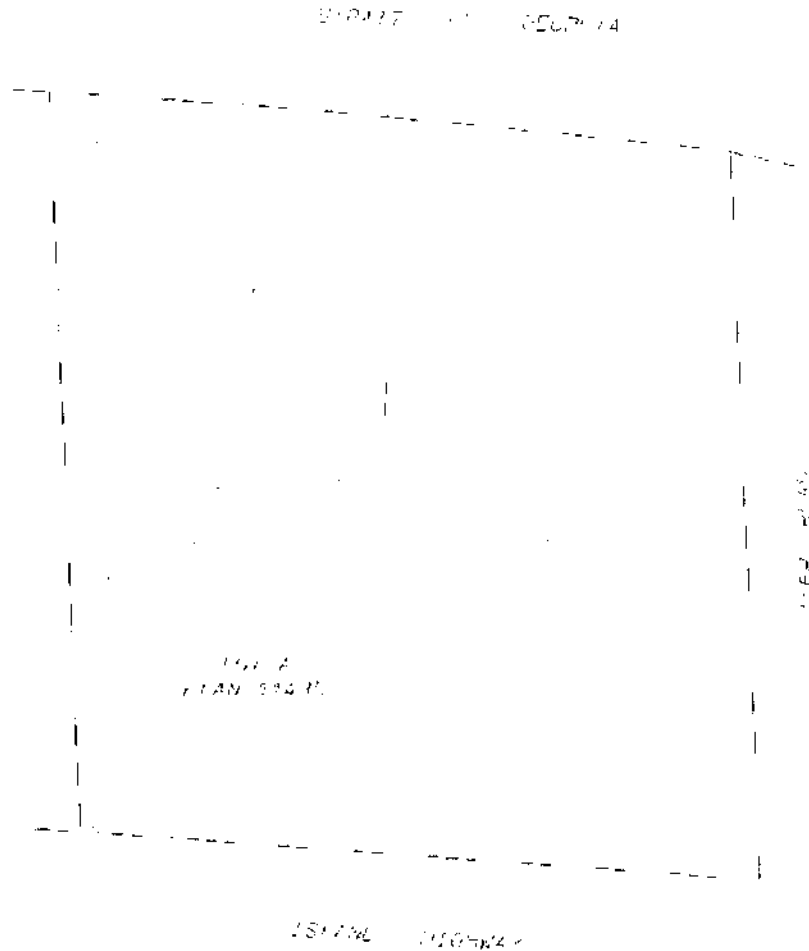
**2. Project Background and Details of the Proposed Development**

- a. Based on plans and information provided by the client, we understand that the property is to be developed by the construction of a new house.
- b. The proposed location of the house is shown on plans prepared by Sims Associates Land Surveyors, which are reproduced on the next page for the reader's reference.
- c. Information provided by the clients indicates that the new structure will be a standard low-rise (2-storey max.) residential building using wood frame construction supported on a concrete foundation. The new structure will have a crawl-space under the main floor. Construction will follow the requirements of the current BC Building Code.
- d. It is understood that a geotechnical hazards assessment is required in support of an application for a development permit, as the property is located within a designated Natural Hazards Development Permit Area.

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**Schedule No. 4**  
**Geotechnical Report**  
**(Page 2 of 12)**

Geotechnical Hazards Assessment  
File: BLW-001  
June 11, 2009  
Page 2 of 12



Location of the proposed new house on the property

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**Schedule No. 4  
Geotechnical Report  
(Page 3 of 12)**

Geotechnical Hazards Assessment  
File: BLW-001  
June 11, 2009  
Page 3 of 12

**3. Assessment Objectives**

- a. Our assessment, as summarized within this report, is intended to meet the following objectives:
  - i. Determine whether the land is geotechnically safe and suitable for the intended purpose (residential house), where "safe" is defined as a probability of a geotechnical failure or another substantial geotechnical hazard resulting in property damage of less than 10 percent in 50 years, except for flood related hazards, which are assessed based on the one-in-200 year flood event, which is the prescribed flood event in BC.
  - ii. Identify any geotechnical deficiency that might impact the design and construction of the development, and prescribe the geotechnical works and any changes in the standards of the design and construction of the development that are required to ensure the land, buildings, and Works and Services are developed and maintained safely for the use intended; and
  - iii. Acknowledge that Approving Officers may rely on this Report when making a decision on applications for the subdivision or development of the land.

**4. Assessment Methodology**

- a. Richard McKinley, P.Eng. of Ground Control visited the site on April 24, 2009 to observe general site conditions and to note apparent geotechnical hazards.
- b. BC Ministry of the Environment Flood Maps were referenced to determine expected flood levels for the adjacent ocean. The elevation of maximum tides at the site was reviewed using data from the Hornby Island Tide Station.
- c. Data from the Sims Associates survey was reviewed to determine ground elevations at the site for comparison to tide and flood map elevations.

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**Schedule No. 4  
Geotechnical Report  
(Page 4 of 12)**

Geotechnical Hazards Assessment  
File: BLW-001  
June 11, 2009  
Page 4 of 12

**5. Site Conditions**

**5.1. General**

- a. The subject of is roughly square in shape, bounded by the Island Highway to the southwest, Alert Road to the southeast, the foreshore of the Georgia Strait to the northeast, and a neighbouring residential property to the northwest.

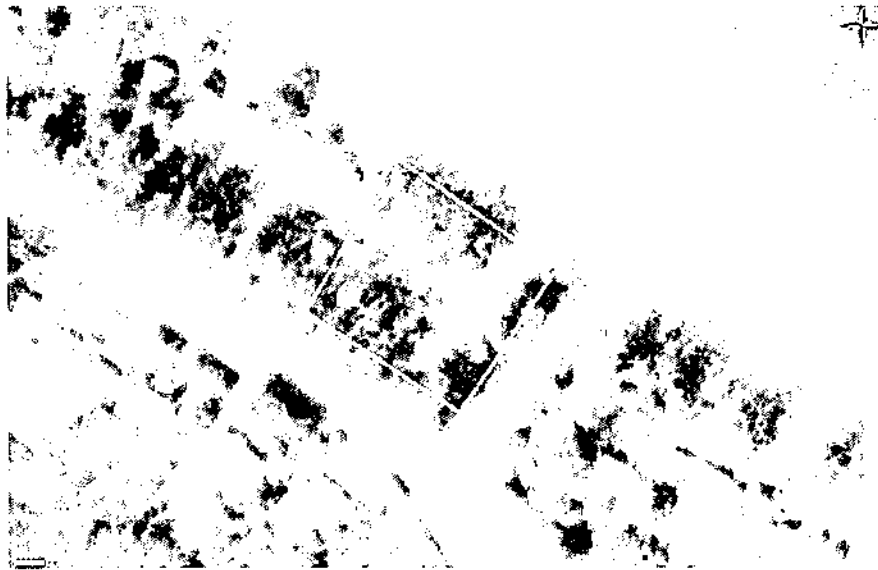


- b. The site is located within a residential area and properties along the coast of the Georgia Strait on either side of the property have been developed with single-family dwellings in a manner similar to the proposed development of this site. A recent (summer 2005) aerial photograph of the site and surrounding area is provided on the next page.

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**Schedule No. 4  
Geotechnical Report  
(Page 5 of 12)**

Geotechnical Hazards Assessment  
File: BLW-001  
June 11, 2009  
Page 5 of 12



*Aerial view of the site*

- c. The site is relatively flat with a total topographic relief of about one metre. Vegetation consists of grassy lawn with a few scattered trees of varying ages. The presence of mature trees along the waterfront side of the property (see photos below) indicate that these areas adjacent to the foreshore have been stable for many years (i.e. have not been subjected to large-scale ocean erosion or scour).



*Site, looking eastward along the natural boundary with the ocean*

**GROUND CONTROL**   
GEOTECHNICAL ENGINEERING LTD.

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**Schedule No. 4  
Geotechnical Report  
(Page 6 of 12)**

Geotechnical Hazards Assessment  
File: BLW-001  
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Page 6 of 12

- d. The current natural boundary is indicated by driftwood logs and a small embankment that separates the gently-sloping gravelly ocean-foreshore from the site.



*Foreshore Area at low tide with site in the background.*

- e. As shown on the Sims Associates plan (see page 2), the natural boundary has moved southward from its location shown on earlier plans. Based on information provided by Sims Associates, the natural boundary appears to have encroached on the property by about four and a half to six metres (about 15 to 20 feet) since the earlier survey was produced in 1956. This would equate to an historic average progression of the natural boundary inland of about 0.1m (~4") per year over the last 53 years at this site.

## 5.2. Soil Conditions

- a. Based on our observations of soils exposed along the natural boundary, soils that will be encountered within the expected depth of house construction will consist of marine deposits; primarily compact to dense, poorly-graded sandy gravel and gravelly sand.
- b. In general, these soil conditions are considered to be favourable for the project, as the gravel and sand deposits are expected to have good bearing capacity properties and be free draining.

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**Schedule No. 4  
Geotechnical Report  
(Page 7 of 12)**

Geotechnical Hazards Assessment  
File: BLW-001  
June 11, 2009  
Page 7 of 12

**5.3. Groundwater Conditions**

- a. Due to the relatively permeable nature of the local soils, groundwater is expected to be approximately coincident with the level of the adjacent ocean. The highest high tides at this site are 2.1m GSC (Geodetic Survey of Canada datum) so there is a potential that groundwater will be encountered within excavations below elevation 2.1m GSC during periods of high tides. For comparison, the ground surface at the building site is one metre or more above the high tide level. Excavations for the new building are not expected to reach groundwater depths and consequently are not expected to be impacted by groundwater.

**5.4. Flood Level Information and Discussion**

- a. The primary flooding hazard in relation to this site is the risk of flooding from the adjacent ocean as a result of a storm surge and/or wave run-up.
- a. Based on data from the Hornby Island Station, the maximum tides at this site rise as high as 2.1m GSC. Topographic information provided to us by Sims Associates indicates that the small embankment along the ocean's natural boundary with the site has a top-of-bank elevation of about 2.8m to 3.0m GSC, which is about 0.8m above the high tide level. We infer from this, and from the configuration of sloping foreshore, that waves at the site typically do not run up the gently sloping foreshore more than about 0.8m above the high tide level, and generally collapse within a short distance from the ocean.
- b. British Columbia uses the 1 in 200-year flood to define flood risk areas. BC Ministry of Environment flood maps exist for the Little Qualicum River where it exits into the Strait of Georgia (*Flood Risk Mapping, Little Qualicum River, Drawing 93-11-1, September 1997, prepared by Hay and Company*). The flood map area is relatively close to the site (about 7 km SE along the coast) so ocean flood levels at the map location are considered applicable to the subject site.
- c. Based on the source cited above, the prescribed 1 in 200 year flood elevation for this site is 3.9m GSC.



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**Schedule No. 4  
Geotechnical Report  
(Page 8 of 12)**

Geotechnical Hazards Assessment  
File: BLW-001  
June 11, 2009  
Page 8 of 12

**6. Conclusions & Recommendations**

**6.1. General**

- a. From a geotechnical perspective the proposed development is considered 'safe' for the intended use, provided the recommendations in this report are followed.
- b. The principal geotechnical hazards associated with this site are flooding and wave related hazards associated with the adjacent ocean. The following sections discuss pertinent geotechnical and hazard issues.

**6.2. Flooding Issues**

- a. To protect against building damage during flooding, the interior spaces and water-susceptible components of occupied or high value structures should be constructed with a minimum floor elevation of 3.8 metres GSC based on the Ministry of the Environment prescribed one-in-two-hundred-year flood elevation.
- b. Portions of structures below the design flood elevation (e.g. foundations) should be constructed entirely of materials not susceptible to water damage, such as concrete.
- c. We recommend that the preferred method for raising the minimum floor level of the proposed building above 3.8m GSC will be to elevate the building on a suitably tall concrete foundation with footings supported on the existing natural soils.
- d. Concrete foundations should be supported on native soils and be embedded a minimum of 0.6 m below the finished ground surface for protection from frost. Based on this minimum embedment, no special requirements are considered necessary to protect against soil scour from flood waters.
- e. We understand that the subject building will be constructed with a crawlspace, and that this interior space will be located below the prescribed flood elevation. As such, all present and future owners/residents of the property must therefore be aware of the possibility that crawlspace flooding might occur during an extreme storm surge. The risk of such ocean related flooding of the crawlspace is relatively low but cannot be discounted. As such, mechanical systems should not be installed within the crawlspace.

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**Schedule No. 4  
Geotechnical Report  
(Page 9 of 12)**

Geotechnical Hazards Assessment  
File: BLW-001  
June 11, 2009  
Page 9 of 12

The decision to store items in the crawlspace should be made by the owner/occupant based on their own tolerance for risk in relation to the value of the items being stored. Owners should be aware that post-flooding restoration work might be required within the crawlspace should such an event occur.

- f. If the risks and consequences of crawlspace flooding cannot be fully accepted by all stakeholders, then the all below-grade interior areas should be eliminated in favour of slab-on-grade house construction.

**6.3. Set-back Distances from the Natural Boundary**

- a. We understand that the proposed building will have a minimum setback from the current natural boundary 8.1 metres (see plan on page 2). This is considered to be a geotechnically safe and suitable separation of the building from ocean hazards such as shoreline erosion, wave impacts, and sea-spray.
- b. As discussed earlier in this report, available information shows that the natural boundary has moved slowly and since a previous survey in 1956. It is unknown if the encroachment of the foreshore onto the site is still occurring, or if it was a past occurrence that has now stopped. Based on our observations of the site the natural boundary appears to be relatively stable at its present location, but this is only a speculative assessment.
- c. At this time, we recommend that no special shoreline protection works (such as seawalls and the like) appear to be warranted; however, we recommend that site owners should systematically monitor the location of the natural boundary over time so that any patterns of significant erosion can be identified.
- d. The loss of any of the existing mature trees along the natural boundary as a result of wave action will provide a clear indication of erosion is occurring. Alternatively, site owners may find it useful to install marker pegs to act as a reference for determining if the natural boundary is moving from year to year, and in what manner.

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**Schedule No. 4  
Geotechnical Report  
(Page 10 of 12)**

Geotechnical Hazards Assessment  
File: BLW-001  
June 11, 2009  
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- e. In the event that a pattern of shoreline erosion towards the house is observed, the proposed 5m setback is considered a sufficient buffer of land to allow time for certification of the erosion problem and will allow time for corrective action to be taken (e.g. by installing erosion protection such as rip rap) well before the proposed building is endangered.

**6.4. Impacts to Adjacent Properties**

- a. The proposed development will be confined within the limits of the property and will not change the current natural configuration of the foreshore, therefore no adverse geotechnical impacts to adjacent properties are expected.

**6.5. Site Grading**

- a. We understand that the land around the new house will be built up to allow a main-floor walkout to the ground level, and that this fill will be sloped away from the building in all directions, eventually tapering out into the natural topography. This is considered appropriate for the development and will provide positive surface drainage away from the building.

**6.6. Foundation Support**

- a. Based on the expected soil conditions the site will be suitable for the support of a standard concrete foundation supported on spreader strip footings, if designed and constructed to the requirements of the BC Building Code.

**6.7. Seismic Issues**

- a. No compressible or liquefiable soils have been identified at this site, nor are any expected. As such, no unusual seismic design requirements have been identified for this site.

**6.8. Slopes**

- a. There are no significant slopes within or near potential building sites, therefore no special requirements are necessary to address slope issues.

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**Schedule No. 4**  
**Geotechnical Report**  
**(Page 11 of 12)**

Geotechnical Hazards Assessment  
File: BLW-001  
June 11, 2009  
Page 11 of 12

**6.9. Excavations**

- a. No shallow bedrock was observed on site, nor is any expected and standard construction practices are expected to be suitable for excavations. The sidewalls of all construction excavations should meet the requirements of applicable Occupational Health and Safety Regulations.

**7. Acknowledgements**

- a. Ground Control Geotechnical Engineering Ltd. acknowledges that this report may be requested by Approving Officers and Building Inspectors as a precondition to the issuance of a development permit and that this report, or any conditions contained in this report, may be included in a restrictive covenant filed against the title to the subject property. It is acknowledged that the Approving Officers and Building Officials may rely on this report when making a decision on application for the subdivision or development of the land.
- b. We acknowledge that this report has been prepared solely for, and at the expense of, the client addressed on page 1.

**8. Limitations**

- a. The conclusions and recommendations submitted in this report are based upon the data obtained from surface observations. Although not expected, undiscovers conditions might be present below the ground surface. Should such undiscovered conditions become apparent later (e.g. during excavation for construction) our office should be contacted immediately to allow reassessment of the recommendations provided.
- b. The current scope of investigation was selected to provide an assessment of obvious geotechnical hazards. If stakeholders in these matters desire a greater degree of certainty, additional investigations can be carried out.
- c. Our recommendations apply to the specific proposed structure described. Other structures may have unique requirements and so our recommendations should not be considered applicable to other developments, even within the same property.

**GROUND CONTROL**   
GEOTECHNICAL ENGINEERING LTD.

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**Schedule No. 4  
Geotechnical Report  
(Page 12 of 12)**

Geotechnical Hazards Assessment  
File: BLW-001  
June 11, 2009  
Page 12 of 12

**9. Closure**

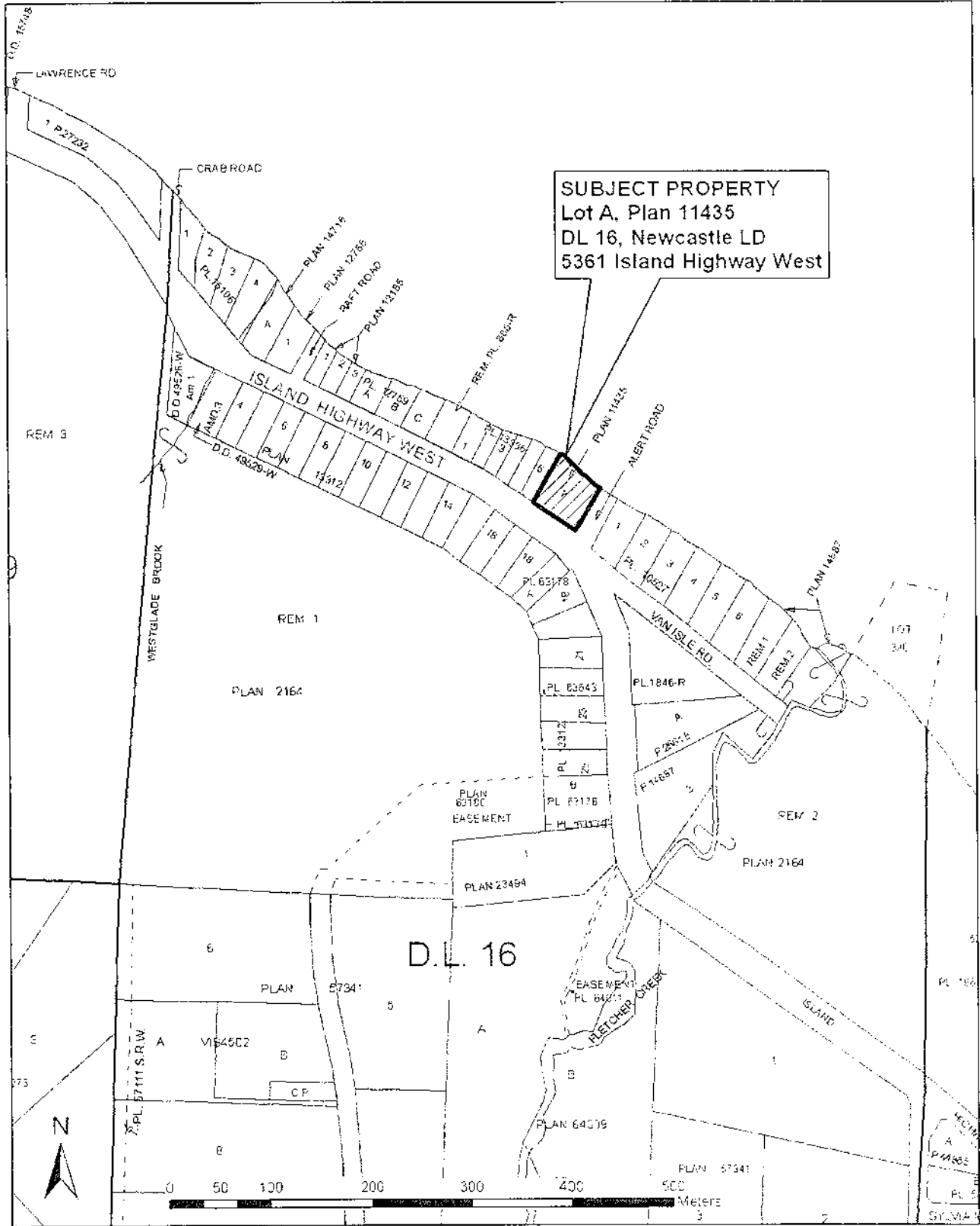
- a. Ground Control Geotechnical Engineering Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or additional requirements at this time, please contact us at your convenience.

Respectfully Submitted  
Ground Control Geotechnical Engineering Ltd.



Richard McKriley, P. Eng  
Geotechnical Engineer

Attachment No. 1  
Location of Subject Property



EDG'S MAPSHEET 307 038 0 3



DEPT APPROVAL	(M)
DAP	✓ Jul 14 09
COV	
R-D	
BOARD	

# MEMORANDUM

**TO:** Geoff Garbutt  
Manager of Current Planning

**DATE:** June 30, 2009

**FROM:** Kristy Marks  
Planner

**FILE:** 3060 30 60925

**SUBJECT:** Development Permit with Variance Application No. 60925 – Wells  
Lot 4, Section 3, Nanaimo District, Plan 7320  
Electoral Area 'A' – 1720 Wilkinson Road

## PURPOSE

To consider an application for a Development Permit with Variance to allow the construction of a dwelling unit and attached garage on a property located at 1720 Wilkinson Road.

## BACKGROUND

The subject property, legally described as Lot 4, Section 3, Nanaimo District, Plan 7320 is located on Wilkinson Road in Electoral Area 'A' (see subject property map - Attachment 1). The property is approximately 0.61 hectares in size and contained a dwelling unit and attached carport which were recently destroyed by fire and subsequently removed. The remainder of the parcel is vegetated primarily with grasses and a several trees. The property contains an upper bench, where the new dwelling unit is proposed to be constructed, and slopes to the east toward the Nanaimo River. The property is bound by developed residential lots to the north and south, Wilkinson Road to the west, and the Nanaimo River to the east.

The subject property is located within the Streams, Nesting Trees, & 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". This application is exempt from the Fish Habitat Protection DPA as there are no streams within 30.0 metres of the proposed development.

The parcel is zoned Residential 2 (RS2), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The applicant is requesting approval to construct an approximately 234m<sup>2</sup> dwelling unit and attached garage with a setback variance within the Streams, Nesting Trees, & Nanaimo River Floodplain DPA. The property is located within the Nanaimo River Floodplain and the applicant is proposing to construct the dwelling unit on the upper bench, closer to Wilkinson Road, above the 200 year floodplain level. In order to site the proposed dwelling unit on the portion of the property above the floodplain level, the applicant is requesting a variance to the front lot line setback.

### *Requested Variance Summary - Section 3.4.62 Dwelling Unit Height*

Minimum Setback – Front Lot Line	Proposed Setback	Requested Variance
8.0 metres	5.0 metres	3.0 metres

## ALTERNATIVES

1. To approve Development Permit with Variance No. 60925 subject to the conditions outlined on Schedules No. 1- 4.
2. To deny Development Permit No. 60925 as submitted.

## POLICY B1.5

Regional District of Nanaimo Development Permit with Variance Application Policy B1.5 Evaluation provides staff with guidelines for reviewing and evaluating Development Permit with Variance applications. The policy requires that the potential impacts of the variance are warranted by the need for the variance.

The applicant has provided the following justifications for the requested setback variance:

- The applicant is proposing to site the dwelling unit and attached garage on a portion of the property that is above the 200 year floodplain elevation for the Nanaimo River;
- The proposed dwelling is sited closer to Wilkinson Road in order to maintain a safe distance from the relatively steep bank at the back of the upper bench;
- The applicant is constructing in generally the same location as the previous dwelling;
- There are no anticipated view implications or other impacts related to the requested setback variance for adjacent properties;
- The applicant has submitted a geotechnical report in order to ensure that the property is safe and suitable for the intended use.

## LAND USE AND DEVELOPMENT IMPLICATIONS

As outlined above, the applicant is requesting approval to construct a dwelling unit and attached garage on a parcel on Wilkinson Road in Electoral Area 'A'. The location of the proposed dwelling unit and attached garage are outlined on *Schedule No. 2* and building elevations for the proposed development are outlined on *Schedule No. 3*.

The applicant has submitted a geotechnical report prepared by Lewkowich Engineering Associates Ltd. dated June 29, 2009, which states that the proposed development is considered safe and suitable for the proposed development and would not have a detrimental impact on the environment and adjacent properties provided that the recommendations outlined in the report are followed (*Schedule No. 4*). The engineer notes that the footings for the proposed residence would be approximately 10.6 meters Geodetic which is above the 200 year floodplain level. As per board policy, staff recommends that the applicant be required to register a Section 219 covenant that registers the geotechnical report prepared by Lewkowich Engineering Associates Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion and/or landslide or flood.

Given that the applicant has provided a geotechnical report and is proposing to construct on a portion of the property that is above the floodplain elevation, in staff's assessment, the proposed development meets the requirements of the Streams, Nesting Trees, & Nanaimo River Floodplain Development Permit Area.



**SUSTAINABILITY IMPLICATIONS**

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". This proposal represents the redevelopment of an existing residential parcel. The applicant is proposing to build in generally the same location as the previous dwelling, to retain the existing vegetation and incorporate green building elements such as solar hot water and low flush toilets. In addition, the applicant has provided a geotechnical report which comments on the potential flood hazard in order to ensure that the property is safe and suitable for residential use.

**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**

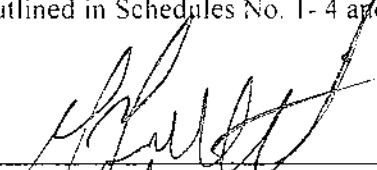
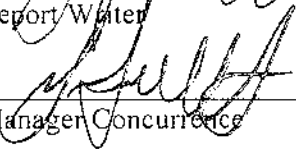
Electoral Area Directors - one vote, except Electoral Area 'B'.

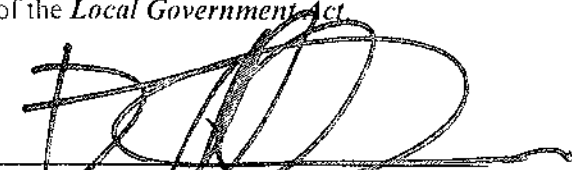
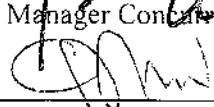
**SUMMARY/CONCLUSIONS**

This is an application for a Development Permit with Variance to allow the construction of a dwelling unit and attached garage on a property located at 1720 Wilkinson Road in Electoral Area 'A'. Given that the applicant has submitted a geotechnical report which comments on the suitability of the property for the proposed use, the guidelines of the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" Streams, Nesting Trees, & Nanaimo River Floodplain DPA have been met. With respect to the requested variance, the property is located with the Nanaimo River Floodplain and applicant is proposing to construct on a portion of the property that is above the floodplain elevation requirement, and there are no anticipated impacts related to the requested setback variance. Staff recommends that the requested Development Permit with Variance be approved subject to the terms outlined in Schedules No. 1- 4 of this report and the notification requirements of the *Local Government Act*.

**RECOMMENDATION**

That Development Permit with Variance application No. 60925, to construct a dwelling unit and attached garage with a minimum setback from the front lot line of 5.0 metres within the Streams, Nesting Trees, & Nanaimo River Floodplain Development Permit Area pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001", for the property legally described as Lot A, District Lot 4, Section 3, Nanaimo District, Plan 7320 be approved subject to the conditions outlined in Schedules No. 1- 4 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 with Variance No. 60925**

The following sets out the terms and conditions of Development Permit with Variance No. 60925.

*Bylaw No. 500, 1987 – Variance*

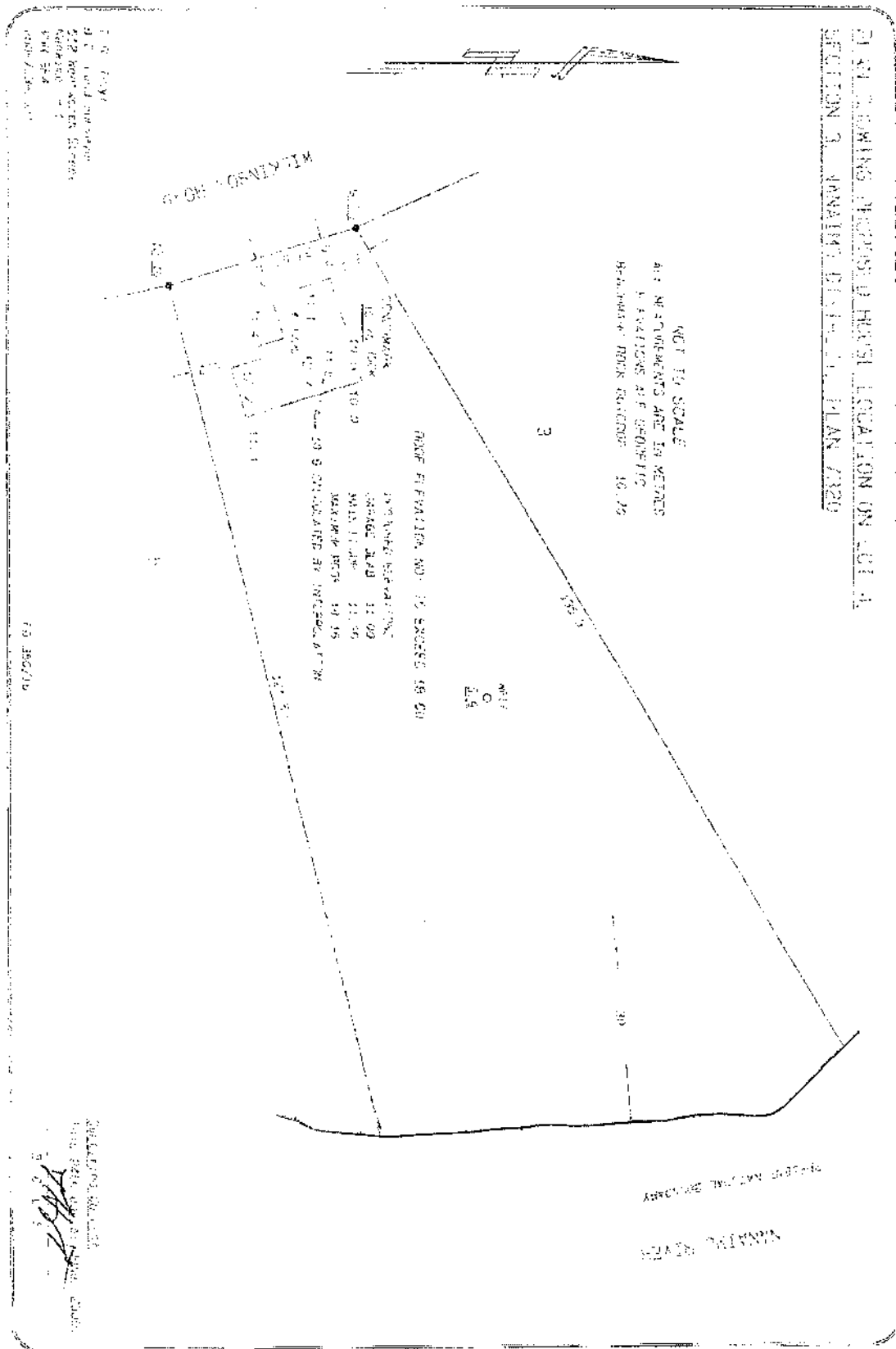
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:

1. **Section 3.4.62 Maximum Number and Size of Buildings and Structures** is hereby varied by decreasing the minimum setback from the front lot line for a dwelling unit and attached garage from 8.0 metres to 5.0 metres located on Lot 4, Section 3, Nanaimo District, Plan 7320 as shown on *Schedule No. 2*.

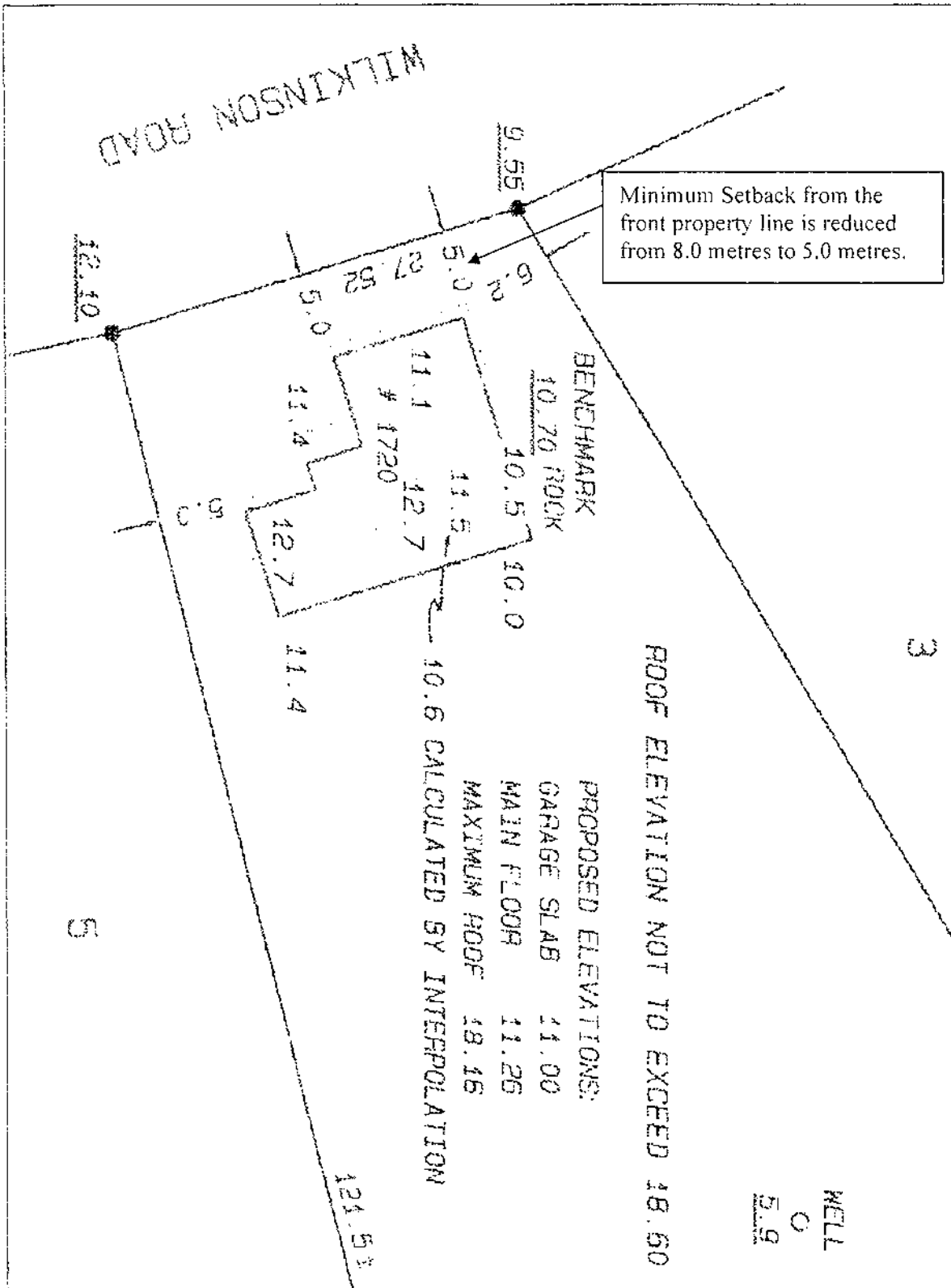
*Conditions of Permit*

2. The dwelling unit and attached garage shall be sited in accordance with site survey prepared by T.G. Hoyt BCLS dated June 24, 2009 attached as *Schedule No. 2*.
3. The dwelling unit and attached garage shall be constructed in accordance with the elevation drawings prepared by Sea Swan Ent. dated May 14, 2009 attached as *Schedule No. 3*.
4. The dwelling unit and attached garage shall be constructed in accordance with the geotechnical report prepared by Lewkowich Engineering Associates Ltd. dated June 29, 2009 attached as *Schedule No. 4*.
5. 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 report prepared by Lewkowich Engineering Associates Ltd., dated June 11, 2009 and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion and/or landslide.
6. The applicant shall provide confirmation of building height and setbacks by a British Columbia Land Surveyor at the framing stage of construction.

### Schedule No. 2 Site Plan



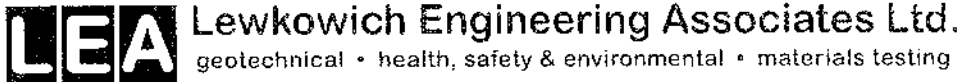
Schedule No. 2  
Site Plan - Detail



Schedule No. 3  
Building Elevations - Dwelling Unit



**Schedule No. 4**  
**Geotechnical Report**  
**(Page 1 of 2)**

**GEOTECHNICAL REPORT**

Coast Claims Service Ltd.  
c/o Mike Wells  
Suite 1 - 3188 Barons Road  
Nanaimo, BC, V9T 4B5

File: G7134.01r1  
June 29, 2009

ATTENTION: Mr. Mike Wells

PROJECT: 1720 WILKINSON ROAD, CEDAR, BC.  
SUBJECT: GEOTECHNICAL SITE OBSERVATIONS - FLOODPLAIN HAZARD

Dear Mr. Wells:

**1. Introduction:**

As requested, Lewkowich Engineering Associates Ltd. (LEA) carried out a site visit April 9, 2009 at the above noted project and reviewed the new proposed building location June 29, 2009. The purpose of the visit was to assess floodplain hazard conditions and soil bearing capacities for a proposed new residence. This revised letter outlines our conclusions as well as our recommendations regarding floodplain issues.

**2. Site Condition**

The subject property is located on the east side of Wilkinson Road in Cedar, BC. The lot can be described as having an upper bench that slopes gently to the east, upon which the proposed residence would rest. About 5m beyond the proposed residence from Wilkinson Road, there is a relatively steep (1H:1V) slope that drops approximately 2m, after which the ground again slopes gently toward the Nanaimo River. The property is located within the floodplain of the Nanaimo River.

**3. Discussion and Recommendation:**

- a. A survey Site Plan by T.G. Hoyt, B.C. Land Surveyor, dated June 24, 2009 shows the minimum elevation of any habitable or useable floor area at 11.0m above Geodetic (sea level). This would place the base of footings at approximately 10.6m above Geodetic. This is above the 200 year floodplain level.

**Schedule No. 4  
Geotechnical Report  
(Page 2 of 2)**

Client: Coast Claims Service Ltd.  
Project: 1720 Wilkinson Road, Cedar, BC  
File: G7134.01r1  
June 29, 2009  
Page 2 of 2



- b. In the event of the 200-year design flood, we expect the property below the bench the proposed new residence is resting upon would be inundated with floodwater, but the proposed new residence should be above floodwaters. Bearing ground surface for the residence would likewise not be impacted by floodwaters.
- c. It is LEA's opinion that the property is safe and suitable for the proposed development, and would not have a detrimental impact on the environment or adjacent properties as long as our recommendations are followed.

4. Closure

Lewkowich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or if we can be of further service, please contact us at your convenience.

Respectfully Submitted,

Lewkowich Engineering Associates Ltd.

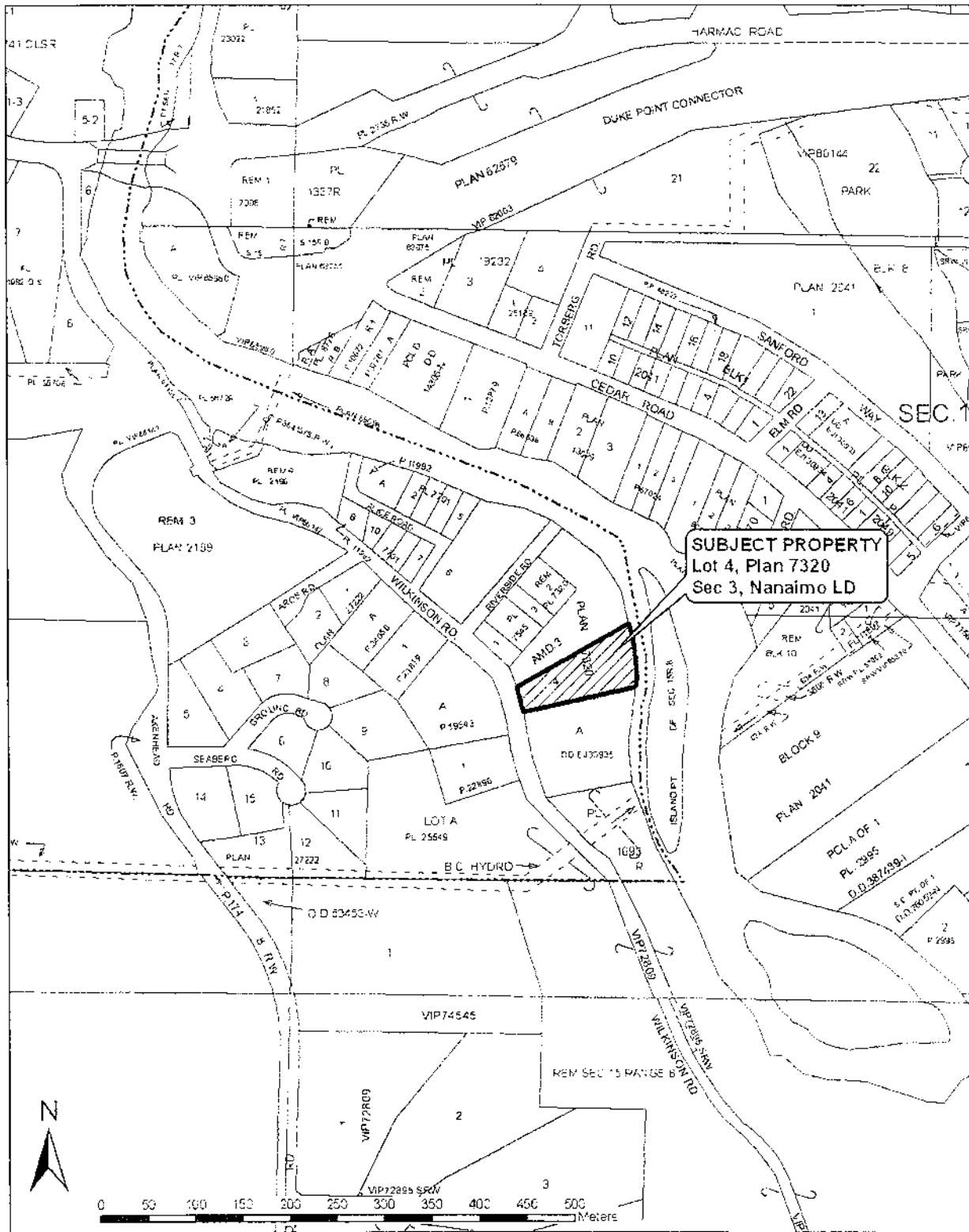


Chris Hudec, M.A.Sc., P.Eng.

Project Engineer

Lewkowich Engineering Associates Ltd.

### Attachment No. 1 Location of Subject Property



BCGS MAPSHEET 925 011 7 1





RECEIVED  
 LEAD APPROVAL  
 EXP. Jul 14 09  
 CCA  
 R-D  
 BOARD

**MEMORANDUM**

**TO:** Geoff Garbutt  
 Manager of Current Planning

**DATE:** June 30, 2009

**FROM:** Elaine Leung  
 Planner

**FILE:** 3060 30 60926

**SUBJECT:** Development Permit with Variance Application No. 60926 – Ivens  
 3951 Bovanis Road  
 Lot 6, District Lots 85 and 22, Newcastle District, Plan 23173 – Electoral Area 'H'  
 RDN Map Ref. No. 92F.047.2.2 Folio No. 769.014964.061

**PURPOSE**

To consider an application for a Development Permit with Variance to permit the construction of a second storey addition on an existing single residential dwelling on lands legally described as Lot 6, District Lots 85 and 22, Newcastle District, Plan 23173.

**BACKGROUND**

The subject property is approximately 2.2 hectares in area and surrounded by residential lots on the east and west, with Bovanis Road to the south, and the Strait of Georgia to the north (*see Attachment No. 1 for location of the subject property*).

The subject property is zoned the Residential 2 Zone (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parcel is subject to the Fish Habitat Protection, Aquifer, Coastal and Natural Hazards Development Permit Areas (DPA's) pursuant to "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2005". The applicant has completed the Riparian Areas Regulation Property Declaration Form and noted there are no streams on or within 30 metres of the subject property. As such, the application is exempt from the requirements of the Fish Habitat Protection DPA. With respect to the Aquifer Protection Development Permit Area, this application is exempt from the DPA because it is an addition to an existing residential dwelling.

*Requested Variance Summary - Section 3.4.62 – Interior Side lot line*

Minimum Interior Side Lot Line Setback	Proposed Setback	Requested Variance
2.0 metres	1.5 metres	0.5 metres

**ALTERNATIVES**

1. To approve Development Permit with Variance No. 60926 subject to the conditions outlined in Schedules No. 1-4 and the notification requirements of the *Local Government Act*.
2. To deny the requested Development Permit with Variance No. 60926 as submitted.

## **POLICY B1.5**

Regional District of Nanaimo Development Variance Permit Application Policy B1.5 Evaluation 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 applicant has provided the following justifications for the requested height variance:

- There are no anticipated view implications related to the requested variance due to height for adjacent properties.
- The applicant has submitted a Geotechnical Report to ensure the property is safe and suitable for the intended use.

The applicant is not proposing to enlarge the foundation, or enlarge the footprint of the residence. The existing dwelling appears to have been at this location for over fifty years. The addition will result in a modest size dwelling.

## **LAND USE AND DEVELOPMENT IMPLICATIONS**

The applicant proposes to construct a second storey addition onto an existing residence. The existing foundation of the residence will not be enlarging, as the construction will be an addition to height only. The Building Department has reviewed the submitted drawings and are satisfied the building height meets the height restriction of zoning Bylaw No. 500, 1987. The location of the dwelling is outlined on the survey prepared by Sims Associates Land Surveying, attached as *Schedule No. 2*. Building elevations for the dwelling are outlined on *Schedule No 3*. The applicant is requesting a variance to recognize the minimum interior side yard setback from the minimum interior side lot line setback 2.0 metres to 1.5 metres. Although the construction of the foundation is not increasing, in order to recognize the setback as measured pursuant to Zoning Bylaw 500, the setback is measured to the edge of the overhang of the eaves of the second storey.

With respect to the Coastal and Hazards DPA's, the applicant has submitted a Geotechnical Report prepared by a Ground Control; Geotechnical Engineering Ltd. dated May 29, 2009 (*see Schedule No. 4*). They state that the proposed development is safe and suitable for the use provided the recommendations outlined in the report are followed.

RDN Staff recommend that the applicant be required to register a Section 219 covenant on title that registers the geotechnical evaluation prepared by Ground Control; Geotechnical Engineering Ltd, and includes a save harmless clause that releases the Regional District of Nanaimo

The report notes that the existing dwelling has a main floor elevation of 3.6 metre GSC, which is 1.6 metres above the highest ocean tide level of 2.0 metre GSC. Accordingly, a prescribed design flood level for the project of 3.6 metres GSC (the floor level of the existing house) is considered appropriate for use on this project. The report notes that this flood level is applicable only to the proposed upgrade of the existing building, and not intended to address other projects of other locations on the site.

### ***Sustainability Implications***

The applicant has completed the "Sustainable Community Builder Checklist" as per Board policy. The applicant is utilizing an existing foundation and adding a second storey to an existing residence. She does not wish to enlarge the footprint, but rather adding a storey and going up. This construction represents consideration from the property owner, as she does not want to construct a new dwelling, but utilize the

present dwelling, resulting in a modest sized house. This will minimize disturbance and construction on the property. The constructed addition will be done to current building code standards which reflect reduced environmental impact and energy efficient design elements. In addition, the applicant has provided a Geotechnical Evaluation of the potential flood hazard in order to ensure that the property is safe and suitable for residential use.

### 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

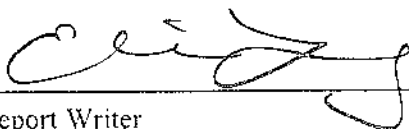
This is an application for a Development Permit with Variance to allow the construction of a second storey to an existing residence, and vary the minimum interior side yard setback, located at 3951 Bovanis Road. Given that the applicant has submitted a Geotechnical report of the suitability of the property for the proposed use, the proposed construction will be consistent with the Fish Habitat Protection, Coastal and Natural Hazards Development Permit Areas Guidelines. With respect to the requested variance, the applicant is requesting to recognize the existing location of an existing dwelling, and the reduced interior side yard setbacks due to the overhang of the eaves, as a result of a second storey addition.

As there does not appear to be any negative impacts on adjacent properties, staff recommends the application be approved.

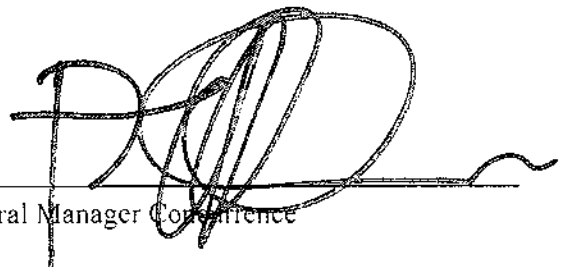
Staff recommends that this application be approved subject to the conditions outlined in Schedules No. 1-4 of this report, and the notification requirements of the *Local Government Act*.

### RECOMMENDATION

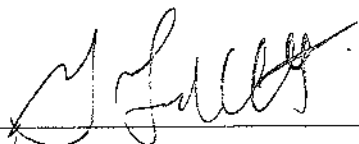
That Development Permit Application No. 60926, for the construction of a second storey addition to an existing single dwelling unit on the subject property legally described as Lot 6, District Lots 85 and 22, Newcastle District, Plan 23173, be approved subject to the conditions outlined in Schedules No. 1-4 and the notification requirements of the *Local Government Act*.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

**Schedule No. 1**  
**Terms of Development Permit No. 60926**

The following sets out the terms and conditions of Development Permit with Variance No. 60926.

*Bylaw No. 500, 1987 – Variance*

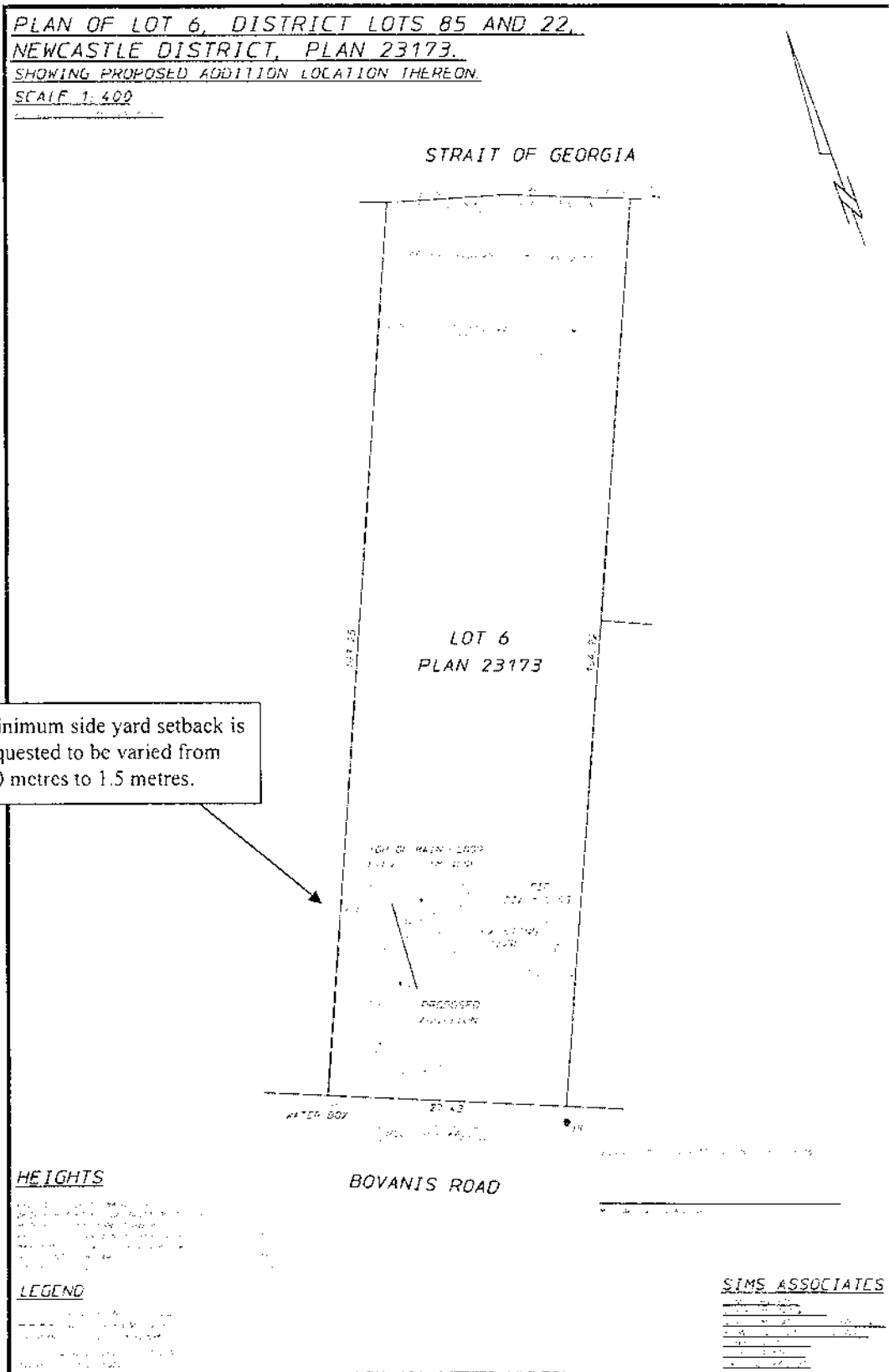
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:

1. **Section 3.4.62 Minimum Setback Requirements** is varied by reducing the minimum setback requirement from the side lot line from 2.0 metres to 1.5 metres for the setback to be taken to the edge of the overhang of the eaves of the second storey shown on Schedule No. 2.

*Conditions of Approval*

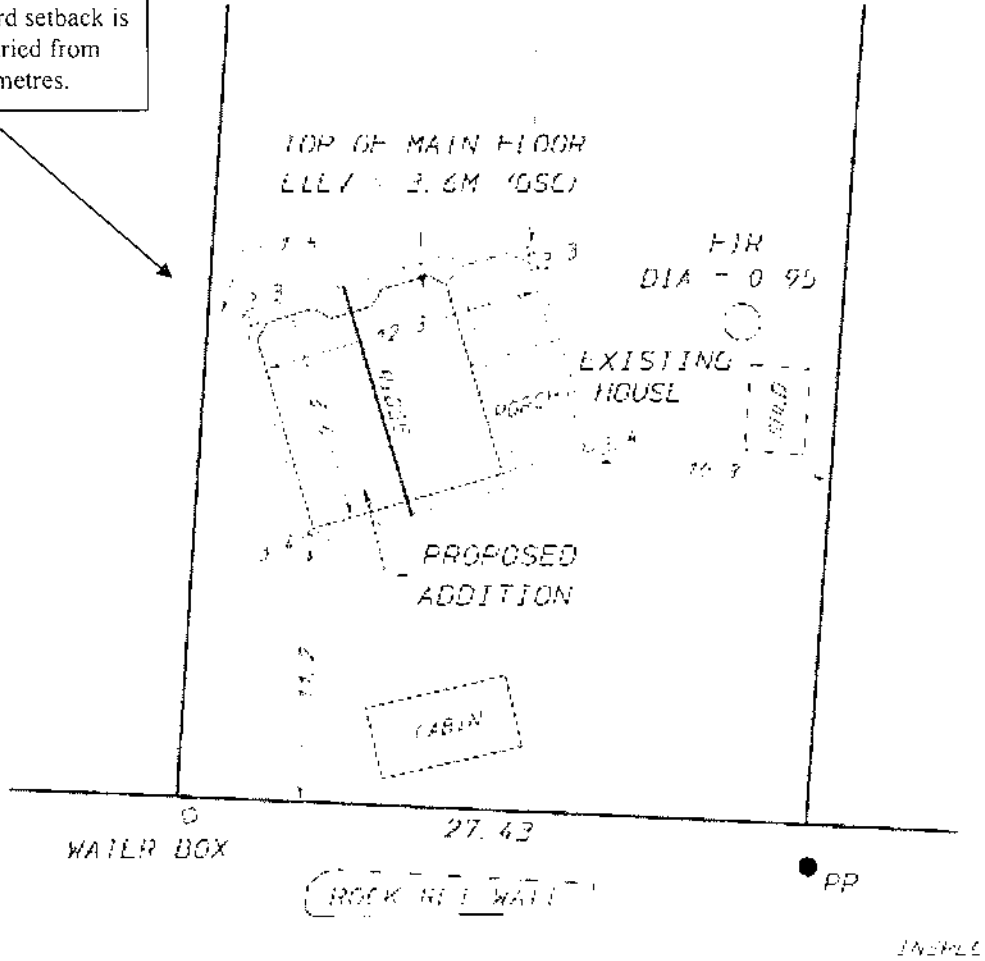
1. The proposed dwelling construction shall be sited in accordance with survey prepared by Sims Associates Land Surveying Ltd. attached as Schedule No. 2.
2. The dwelling shall be developed in accordance with the Building Elevations submitted by the applicant attached as Schedule No. 3.
3. The dwelling shall be constructed as shown on Schedule No. 2. The applicant shall provide survey confirmation of the dwelling location and height at the framing stage of construction.
4. The dwelling unit and attached garage shall be constructed in accordance with the Geotechnical report prepared by Ground Control; Geotechnical Engineering Ltd. dated May 27, 2009, attached as Schedule No. 4.
5. Stall shall withhold the issuance of this Permit until the applicant, at the applicant’s expense, registers a Section 219 covenant that registers the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd dated May 27, 2009 and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion and or landslide.
6. The applicant is required to provide a building location certificate and confirmation of height prepared by a British Columbia Land Surveyor at framing stage of construction.

Schedule No. 2  
Site Plan

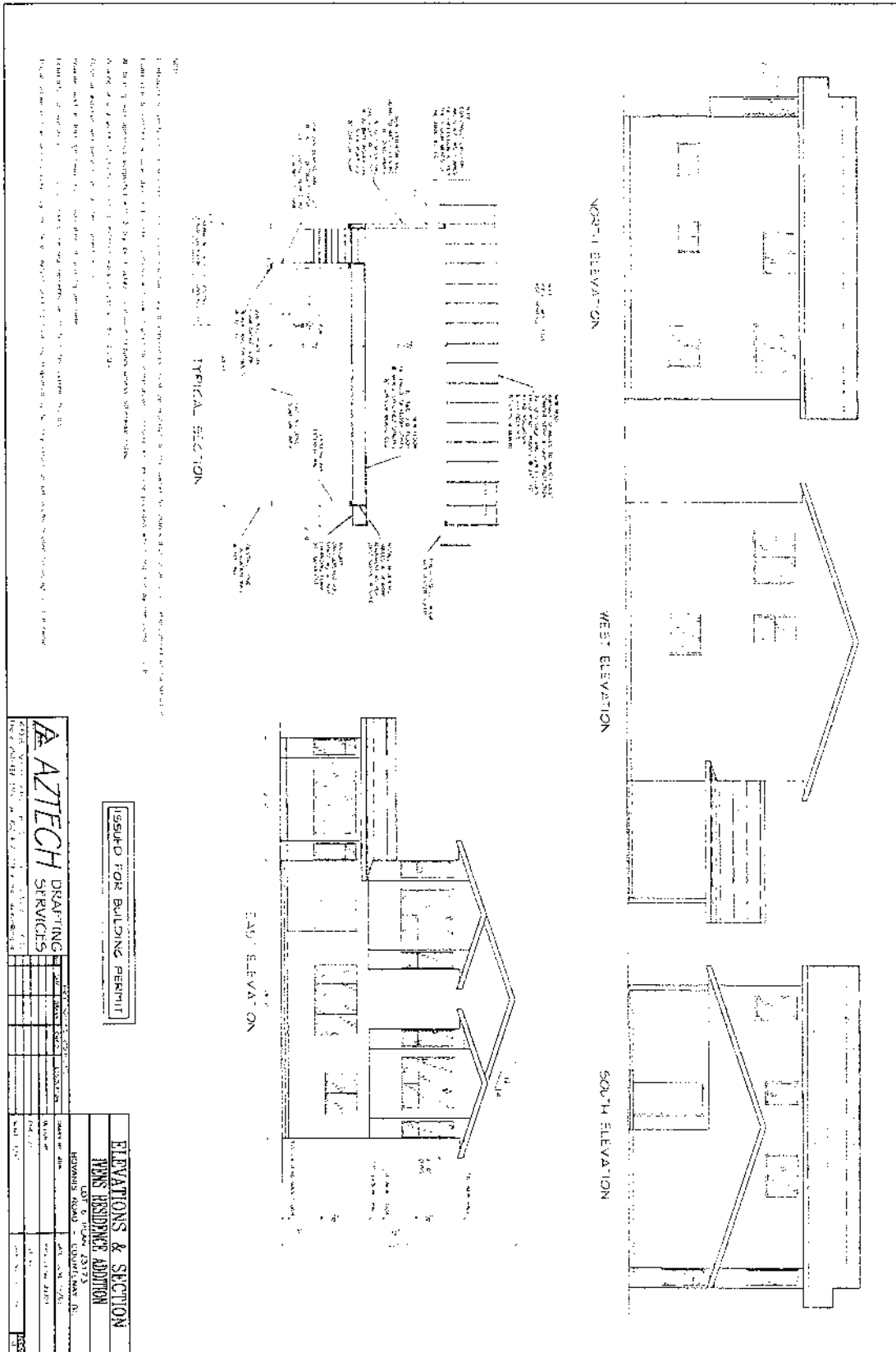


Schedule No. 2  
Detailed Site Plan

Minimum side yard setback is requested to be varied from 2.0 metres to 1.5 metres.



### Schedule No. 3 Building Elevations



**Schedule No. 4  
Geotechnical Report**

GROUND CONTROL LTD.  
1500  
6174 BURNHAMTHORPE RD. #101  
2781 Lava Road, Newcastle, B.C.  
Phone: (604) 661-1188

File: LP-001  
May 27, 2009

Leslie Ivens  
1760 Derriman Street  
Victoria, B.C.  
V8R 1Y4

**SUBJECT: GEOTECHNICAL HAZARDS ASSESSMENT**  
**PROJECT: PROPOSED UPGRADE TO EXISTING HOUSE**  
**LOCATION: 3951 BOVANIS ROAD, BOWSER, B.C.**  
**LEGAL DESC: LOT 6, DL 85, VIP23173, NEWCASTLE LAND DISTRICT**

Dear Ms. Ivens:

**1. Introduction**

- a. As requested, Ground Control Geotechnical Engineering Ltd. (Ground Control) has carried out a geotechnical hazards assessment of the above site. This report provides a summary of our findings and recommendations.

**2. Background**

- a. Based on information provided by the client, we understand that the existing single-storey residence at this site will be upgraded by the addition of a second storey.
- b. It is understood that a geotechnical hazards assessment is required in support of your application for a development permit, as the property is within the Hazardous Lands Development Permit area adjacent to the Strait of Georgia. This report is intended to fulfill that requirement.



**Schedule No. 4  
Geotechnical Report  
2 of 10**

Geotechnical Hazard Assessment  
File # 2-001  
May 27, 2009  
Page 2 of 10

**3. Assessment Objectives**

- a. Our assessment, as summarized within this report, is intended to meet the following objectives:
  - i. Determine whether the land is geotechnically safe and suitable for the intended purpose (residential house), where "safe" is defined as a probability of a geotechnical failure or another substantial geotechnical hazard resulting in property damage of less than 10 percent in 50 years;  
  
Identify any geotechnical deficiency that might impact the design and construction of the development, and prescribe the geotechnical works and any changes in the standards of the design and construction of the development that are required to ensure the land, buildings, and Works and Services are developed and maintained safely for the use intended; and
  - ii. Acknowledge that Approving Officers may rely on this Report when making a decision on applications for the further development of the land.
- b. When assessing the safety of the site from flood-related hazards, we have used one-in-200 year flood levels, as the one-in-200 year event is the prescribed flood event in BC.

**4. Assessment Methodology**

- a. Richard McKinley, P.Eng. of Ground Control, visited the site on May 25, 2009 to observe general site conditions and to note apparent geotechnical hazards.
- b. BC Ministry of the Environment Flood Maps were referenced to determine typically prescribed ocean flood levels along the Vancouver Island coast. The elevation of maximum tides expected at the site was determined based on data from the Hornby Island Tide Station.
- c. A site plan prepared by Sims Associates Land Surveyors was provided for our information, and was used to assess the elevation of the floor of the existing house, and the elevation of the natural boundary along the ocean's foreshore.

SARAH COLVILL, P.Eng.  
GEOTECHNICAL ENGINEERING LTD.

**Schedule No. 4  
Geotechnical Report  
3 of 10**

Geotechnical Hazardous Assessment  
File L1-001  
May 27, 2009  
Page 3 of 10

**5. Site Conditions**

**5.1. General**

- a) For the reader's reference, the site plan prepared by Ivens Associates is reproduced below. The plan shows the general layout of the property and the location of the subject building.



GENERAL CONSULTING  
ENGINEERS AND ARCHITECTS

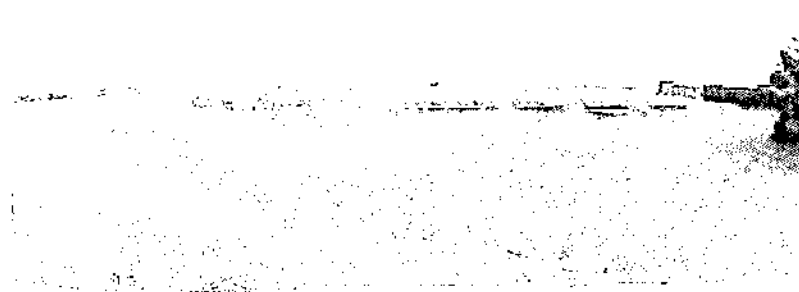
**Schedule No. 4  
Geotechnical Report  
4 of 10**

Geotechnical Hazard Assessment  
File 11007  
May 27, 2009  
Page 4 of 10

- a) The subject lot is rectangular in shape, bounded by Bevan's Road to the south, the foreshore of the Georgia Strait to the north, and by neighbouring residential properties on either side (i.e. to the east and west). The existing house is located near the south end of the site, adjacent to Bevan's Road, and about 80m back from the ocean. The house is of standard wood-frame construction on a concrete foundation. The house has slab-on-grade floors with no below-grade areas (i.e. no basement or crawl space).



*South portion of the site, looking south towards the house from the central portion of the property.*



*North portion of the site, looking north towards the ocean. A small concrete wall, also shown on the Sims plan, is visible running across the site in an east-west direction.*

GEORGE BENTLEY  
Geotechnical Engineering

**Schedule No. 4  
Geotechnical Report  
5 of 10**

Geotechnical Hazards Assessment  
File U-001  
May 27, 2009  
Page 5 of 10

- c. The site is relatively flat with a total topographic relief estimated to be less than two metres. Vegetation consists of grassed lawn with a few scattered mature trees and some landscape plantings.
- d. The foreshore area has a relatively gentle slope and consists of wave sorted sands and gravels. A low berm is present along the natural boundary, which appears to have been created by natural deposition by waves.



*Foreshore Area - photo is taken looking east along the foreshore towards the subject site  
The house (circled in red) is well removed from the foreshore*

- e. The survey provided by Sims Associates shows that the natural boundary of the site has moved substantially to the north in comparison to earlier surveys, indicating that accretion of land (as opposed to erosion of land) is taking place along the natural boundary.

**6.2. Site History**

- a. The site has been used in the past for single-family residency.
- b. The existing house is reportedly 63 years old (built 1946) and we understand from the client that there are no known instances of flooding or wave impacts to the existing building.

Simon G. Ivens (P.Eng.)  
REGISTERED GEOTECHNICAL ENGINEER

**Schedule No. 4  
Geotechnical Report  
6 of 10**

**Geotechnical Hazards Assessment**

File LI-001

May 27, 2008

Page 8 of 10

- b. Our observations of the building's exterior found no indications of flood water related damage, nor any indications of stress damage that would indicate problems with foundation support conditions.
- c. The current owners have lived at the site for about 24 years and report that in that time they have not seen waves overtop the berm along the natural boundary with the exception of a single event in 1987 when some wave spray splashed a short distance onto the berm during a particularly large storm combined with a high tide.

**5.3. Soil Conditions**

- a. Two shallow test holes were excavated by hand shovel, one beside the existing house and one about half way between the house and the beach. Based on the conditions exposed, the soils supporting the building and within the likely depth of any new construction consist of marine deposits made up of dark-brown, compact, poorly graded, gravelly sand with a medium to coarse grain size.
- b. In general, these soil conditions are considered to be favourable for the project, as the sand deposits are expected to have good bearing capacity properties and be relatively free draining.

**5.4. Groundwater Conditions**

- a. Due to the relatively permeable nature of the local soils, groundwater is expected to be approximately coincident with the level of the adjacent ocean. Given the elevation of the house in relation to the ocean, groundwater is not expected to be present at shallow depths at the location of the existing house, nor is there any indicator of past groundwater related problems with the building.
- b. Given that no significant excavations are planned as part of the house upgrade, groundwater is not expected to present any significant concerns in relation to the proposed development.


BROWN COLLIER  
ENGINEERING AND CONSULTANTS

**Schedule No. 4**  
**Geotechnical Report**  
**7 of 10**

Geotechnical Hazards Assessment  
File # 4003  
May 27, 2009  
Page 7 of 10

**5.5 Tides and Flood Level Information**

- a. Based on data from the Hornby Island Station, the maximum tides at this site (50) are as high as 2.0m GSC (Geodetic Survey of Canada datum).
- b. The Sims Associates' survey indicates that the berm along the ocean's natural boundary with the site has an elevation of 2.6m GSC, which is about 0.6m above the high tide level. The berm is interpreted to be the deposits of sand carried ashore and dropped when the waves collapse and retreat. We infer from the configuration of the berm and the survey data that waves at the site typically do not run up the foreshore more than about 0.8m above the high tide level, and generally collapse within a short distance from the ocean.
- c. British Columbia uses the 1 in 200-year flood to define flood risk areas. To our knowledge there is no flood mapping available for the site, however, ocean flood levels prescribed on BC Ministry of Environment flood maps for various areas along the central coast of Vancouver Island are typically in the range of 3.5 to 4.2 metres GSC (e.g. Campbell River 3.8m, Oyster River 4.2m, Little Qualicum River 3.8m, Englishman River 4.1m). It can be seen that these values are well above the typical high tide elevation, which occurs because they include a 'freeboard' allowance to account for the height of waves plus the possibility of a storm surge (a rise in the local ocean level due to waters being pushed up against the shore by winds).
- d. The Sims Associates' site survey indicates that the floor elevation of the existing building is 3.6m GSC, which is within the range of typically prescribed flood elevations but at the lower end of the range.
- e. Nile Creek, which is located about 0.7 km to the SE, is far enough away to not be considered a flood hazard in relation to this site.

Sims Associates Inc.   
Geotechnical Engineering Ltd.

**Schedule No. 4  
Geotechnical Report  
8 of 10**

Geotechnical Hazards Assessment  
File: LI-001  
May 27, 2009  
Page 8 of 10

**6. Conclusions & Recommendations**

**6.1. General**

- a. From a geotechnical perspective the proposed development is considered safe for the intended use, provided the recommendations in this report are followed.
- b. The principal geotechnical hazards associated with this site are flooding hazards associated with the adjacent ocean. The following sections discuss various geotechnical items and issues associated with the proposed development.

**6.2. Flooding Issues**

- a. In our opinion, wave action can be discounted in relation to potential impacts to the subject building. Waves have a limited ability to travel inland once they break on the shore and will collapse quickly and then run back to the sea by gravity. Consequently, wave-loading risks will be limited to areas directly adjacent to the ocean (north edge of the property). The subject building is located about 80m inland from the shoreline and is more than sufficiently removed from the area of wave action.
- b. The building to be upgraded has a main floor elevation of 3.6m GSC, which is 1.6m above the highest ocean tide level of 2.0m GSC. Consequently, submergence of the building as a result of a rise in the ocean's surface elevation would require a storm-surge exceeding 1.6m in height, and happening during a worst-case highest high tide. This is considered to be a very unlikely occurrence in relation to the prescribed 1-in-200 year storm event.
- c. As such, a prescribed design flood level for the project of 3.6m GSC (the floor level of the existing house) is considered appropriate for use on this project. This flood level is applicable only to the proposed upgrade of the existing building, and our assessment is not intended to address other projects or other locations on the site, particularly those that may be closer to the ocean.
- d. Based on the above, the existing building (and by inference the proposed second storey addition) is considered safe from ocean flooding and wave hazards.

BRUNNEN CONSULTING P.L.C.  
GEOTECHNICAL ENGINEERING

**Schedule No. 4  
Geotechnical Report  
9 of 10**

Geotechnical Hazards Assessment  
File: 01-001  
May 27, 2008  
Page 9 of 10

**6.3. Ground Support and Seismic Issues**

- a. No areas of soft, compressible or liquefiable soils have been identified at this site, nor are any expected. As such, no unusual foundation or seismic design requirements have been identified for this site.

**6.4. Slopes**

- a. There are no significant slopes within or near potential building sites, therefore no special requirements are necessary to address slope issues.

**6.5. Groundwater**

- a. The presence of groundwater at or very near the surface has not been identified at this site, nor is it expected. Given that the interior spaces of the existing building are all above ground, and that the proposed upgrade will not change this configuration, no unusual permanent drainage requirements have been identified for this site.

**7. Acknowledgements**

- a. Ground Control Geotechnical Engineering Ltd. acknowledges that this report may be requested by Approving Officers and Building Inspectors as a presentation to the issuance of a development permit and that this report, or any conditions contained in this report, may be included in a restrictive covenant filed against the title to the subject property. It is acknowledged that the Approving Officers and Building Officials may rely on this report when making a decision on application for the subdivision or development of the land.
- b. We acknowledge that this report has been prepared solely for, and at the expense of, the client addressed on page 1.

Ground Control Geotechnical Engineering Ltd.  
Geotechnical Engineering Ltd.



**Schedule No. 4  
Geotechnical Report  
10 of 10**

Geotechnical Hazards Assessment  
File 1-901  
May 27, 2009  
Page 10 of 10

**8. Limitations**

- a. The conclusions and recommendations submitted in this report are based upon the data obtained from surface observations and widely separated shallow excavations. Although not expected, should undiscovered conditions become apparent later (e.g. during construction) our office should be contacted immediately to allow reassessment of the recommendations provided.
- b. The current scope of investigation was selected to provide an assessment of obvious geotechnical hazards. If stakeholders in these matters desire a greater degree of certainty, additional investigations can be carried out.
- c. Our recommendations apply to the specific proposed structure described. Other structures may have unique requirements and so our recommendations should not be considered applicable to other developments, even within the same property.

**9. Closure**

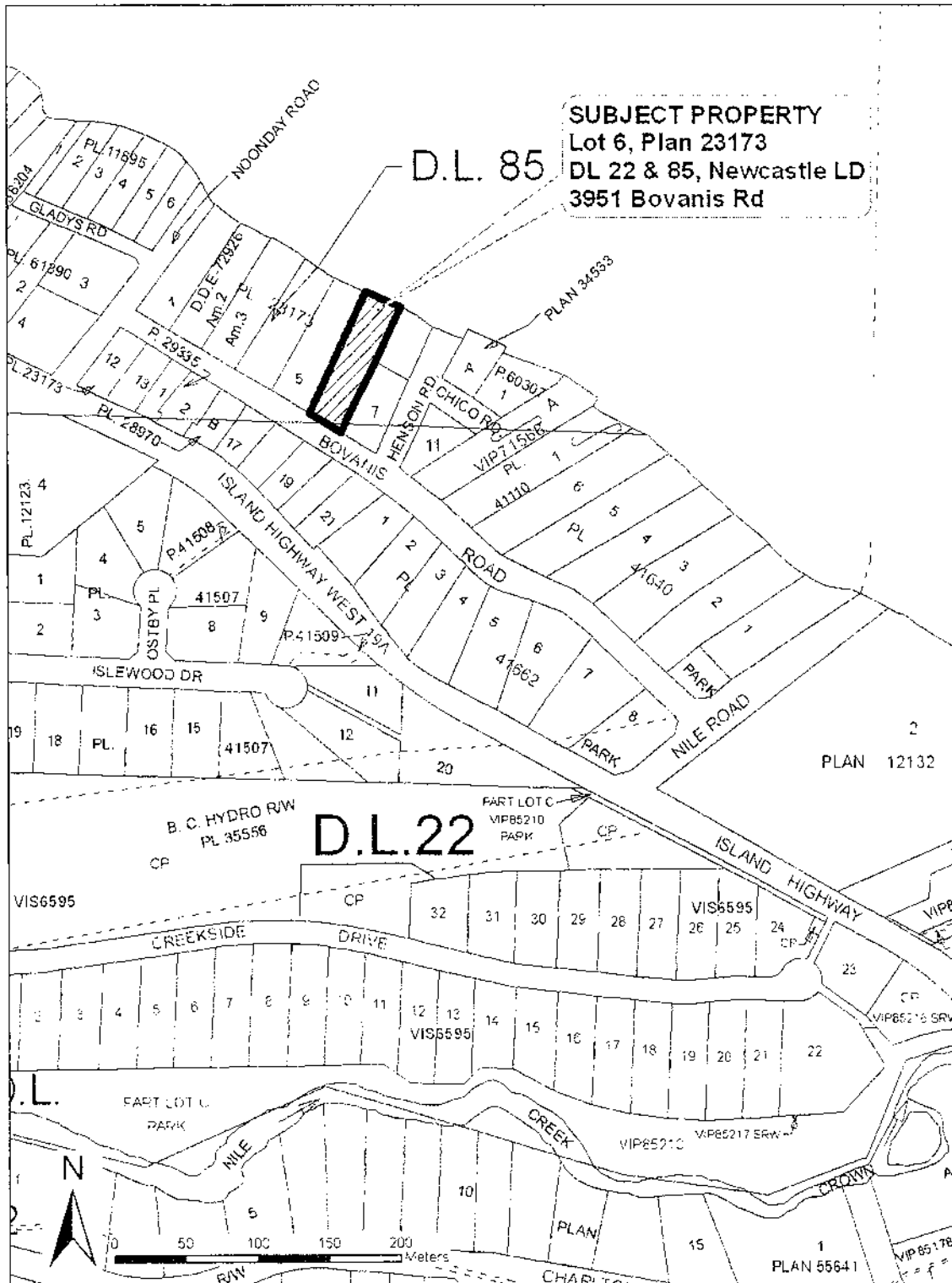
- a. Ground Control Geotechnical Engineering Ltd. appreciates the opportunity to be of service on this project. If you have any comments or additional requirements please contact us at your convenience.

Respectfully Submitted  
Ground Control Geotechnical Engineering Ltd.

Richard McKinley, P. Eng  
Geotechnical Engineer

GROUND CONTROL  
GEOTECHNICAL ENGINEERING LTD.

Attachment No. 1  
 Location of Subject Property





RECEIVED	DATE
✓	July 14 '09
BY	
NAME	
BOARD	

## MEMORANDUM

**TO:** Geoff Garbutt  
Manager, Current Planning

**DATE:** June 23, 2009

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 3320 30 901793  
PL20090000116

**SUBJECT:** Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement  
Brian Henning, BCLS, on behalf of W Diedrichsen, S Laird, W & G Corraini  
Folio No. 768.05219.010, 768.05219.015 and 768.05219.020  
Electoral Area 'C' – 2915 and 2945 Amrik Road

### PURPOSE

To consider a request to relax the minimum 10% perimeter frontage requirement in conjunction with a lot line adjustment subdivision proposal in the Jingle Pot area of Electoral Area 'C'.

### BACKGROUND

This is a request to relax the minimum 10% perimeter frontage requirement as part of a lot line adjustment subdivision for the properties legally described as Lot B, Sections 10 and 11, Ranges 4 and 5, Plan VIP77295 (*Lot B*); Lot A, Section 11, Range 5, Plan VIP85953 (*Lot A*); and Lot 2, Section 11, Range 4 and 5 Plan VIP80268 Except That Part in Plan VIP85953 (*The Remainder of Lot 2*) All of Mountain District, and located at 2915 and 2945 Amrik Road in the Jingle Pot area of Electoral Area 'C' (*see Attachment No. 2 for location of parent parcel*).

The parent parcels are zoned Rural 1 (RU1) and are within Subdivision District 'D' (*2.0 ha minimum parcel size with or without community services*) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

Lot A was previously subdivided under section 946 of the *Local Government Act*. At this time, the Board granted relaxation of the minimum 10% perimeter frontage requirement for the remainder of Lot 2. As this proposed lot line adjustment subdivision will not decrease the amount of frontage, a second frontage relaxation is not required for the proposed parcel.

The remainder of Lot 2, which is 6.43 ha in size, currently supports one dwelling unit and accessory buildings. Lot B, Plan VIP77295, which is 4.18 ha in size, also supports one dwelling unit and accessory buildings. Lot 2, Plan VIP85953, which is 1.05 ha in size, is currently vacant. The proposed parcels will meet the minimum requirements of the lot line adjustment provisions pursuant to Bylaw No. 500, 1987 (*see Attachment No. 1 for proposed plan of subdivision*).

Surrounding land uses include rural zoned parcels. A City of Nanaimo right-of-way is adjacent to the south west boundary of the remainder of Lot 2 and Lot B Plan VIP77295.

The parent parcels are designated within the Fish Habitat Protection Development Permit Area (DPA) for the protection of fish habitat, but in this case, will meet the exemption provisions of the DPA.

The parcels are proposed to be served by individual private septic disposal systems and private well water. The parent parcel is located within an RDN Building Services Area.

**10% Minimum Frontage Requirement**

Proposed Lot 3, as shown on the plan of subdivision submitted by the applicant, does not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontage is as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
Lot 3	116.0 m	28.2 m	2.4 %

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

**ALTERNATIVES**

1. To approve the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 3.
2. To deny the request for a relaxation of the minimum 10% perimeter frontage requirement.

**DEVELOPMENT IMPLICATIONS**

The purpose of this lot line adjustment is to realign proposed Lot 3 to follow the topography. The proposed lot line is along the bottom of a bank and therefore the adjusted lot line will better fit the natural configuration of the land. Proposed Lot 3 currently supports the intended use of the property including a dwelling unit, accessory buildings, well, and driveway access. In addition, there is sufficient area for a second dwelling unit. It is noted that Proposed Lot 3, due to its parcel size, will be able to further subdivide into two 2.0 ha plus parcels. The applicant's BCLS has provided any further subdivision of the parcel could only be created by a bare land strata subdivision which would not require a further relaxation of the minimum 10% perimeter frontage requirement. Further development of proposed Lot 3 is not expected to involve additional frontage relaxations.

For the Board's reference, this is not an application for the creation of any new parcels and no application for rezoning is involved. As a result, the applicant has not been asked to provide an engineering report which confirms that the property meets the water quantity and quality requirement of the RDN Zoning Bylaw 500. The water quantity and quality confirmation in this case, rests with the Provincial Approving Officer.

Ministry staff has no concerns at this time with this request for relaxation of the minimum 10% frontage.

The proposed subdivision is not expected to negatively impact surrounding rural zoned properties.

**Site Servicing Implications**

The applicant has applied for septic disposal approval to the Central Vancouver Island Health Authority.

Proof of potable water is subject to the approval of the Approving Officer.

The Ministry of Transportation and Infrastructure is responsible for the storm drainage. As part of the subdivision review process, the Regional Approving Officer will examine the storm water management of the parent parcel and impose conditions of development as required.

**Environmentally Sensitive Areas Atlas**

The Environmentally Sensitive Areas Atlas indicates there are no environmentally sensitive features on the parent parcel.

**SUSTAINABILITY IMPLICATIONS**

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". This proposed subdivision will not increase the total number of parcels.

**VOTING**

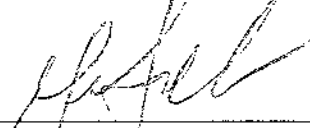
Electoral Area Directors – one vote, except Electoral Area 'B'.

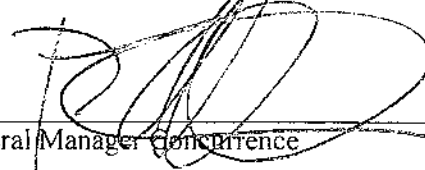
**SUMMARY**

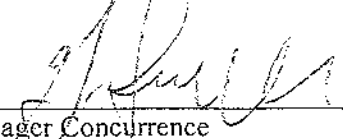
This is a request to relax the minimum 10% perimeter frontage requirement for proposed Lot 3 pursuant to section 944 of the *Local Government Act* as part of a lot line adjustment subdivision proposal. The purpose of this lot line adjustment is to reconfigure the lot lines to match the existing natural topography of the land. While proposed Lot 3 requires a frontage relaxation at this time; further development of the parcel could only be done as a bare land strata and therefore will not involve any additional frontage relaxations. Proposed Lot 3 currently supports intended uses under the Rural 1 zoning and will have the sufficient area to support additional permitted uses. The proposed subdivision is not expected to impact surrounding uses. Given that the purpose of this lot line subdivision is to follow the natural topography; that the Ministry of Transportation and Infrastructure is satisfied with access to Proposed Lot 3; and as the proposed parcel will continue to be able to support intended uses, staff recommends Alternative No. 1, to approve the relaxation of the minimum 10% frontage requirement for proposed Lot 3.


**RECOMMENDATION**

That the request to relax the minimum 10% frontage requirement for proposed Lot 3, submitted by Brian Henning, BCLS on behalf of W Diedrichsen, S Laird, W Corraini, & G Corraini, in conjunction with the proposed lot line adjustment subdivision Lot B, Sections 10 and 11, Ranges 4 and 5, Plan VIP77295; Lot A, Section 11, Range 5, Plan VIP8595; and Lot 2, Section 11, Range 4 and 5, Plan VIP80268, Except That Part in Plan VIP85953 All of Mountain District, be approved.

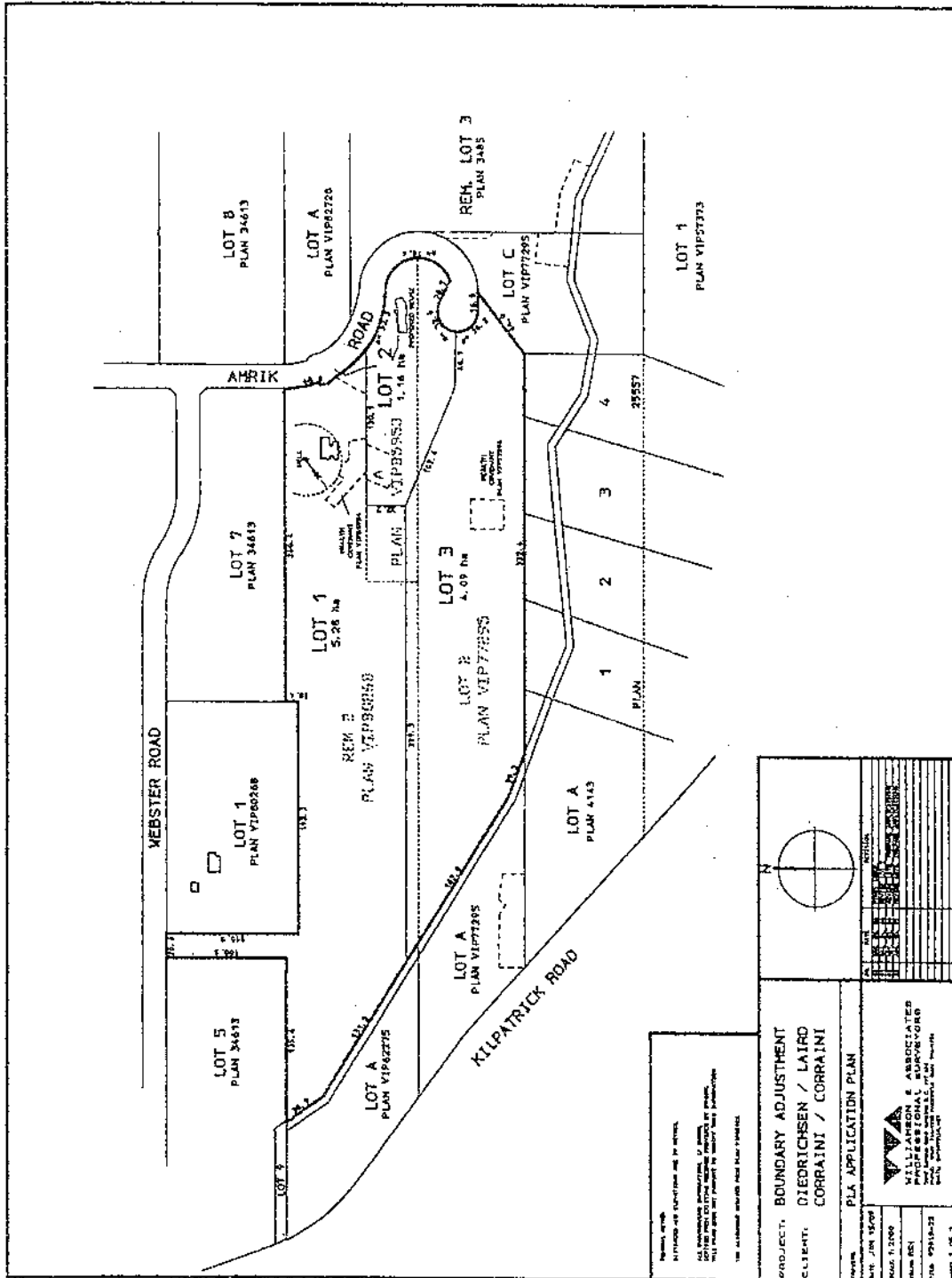
  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

**Attachment No. 1**  
**Subdivision Application No. 2009-1793 / Planning File No. 20090000116**  
**Plan of Proposed Lot Line Adjustment Subdivision**



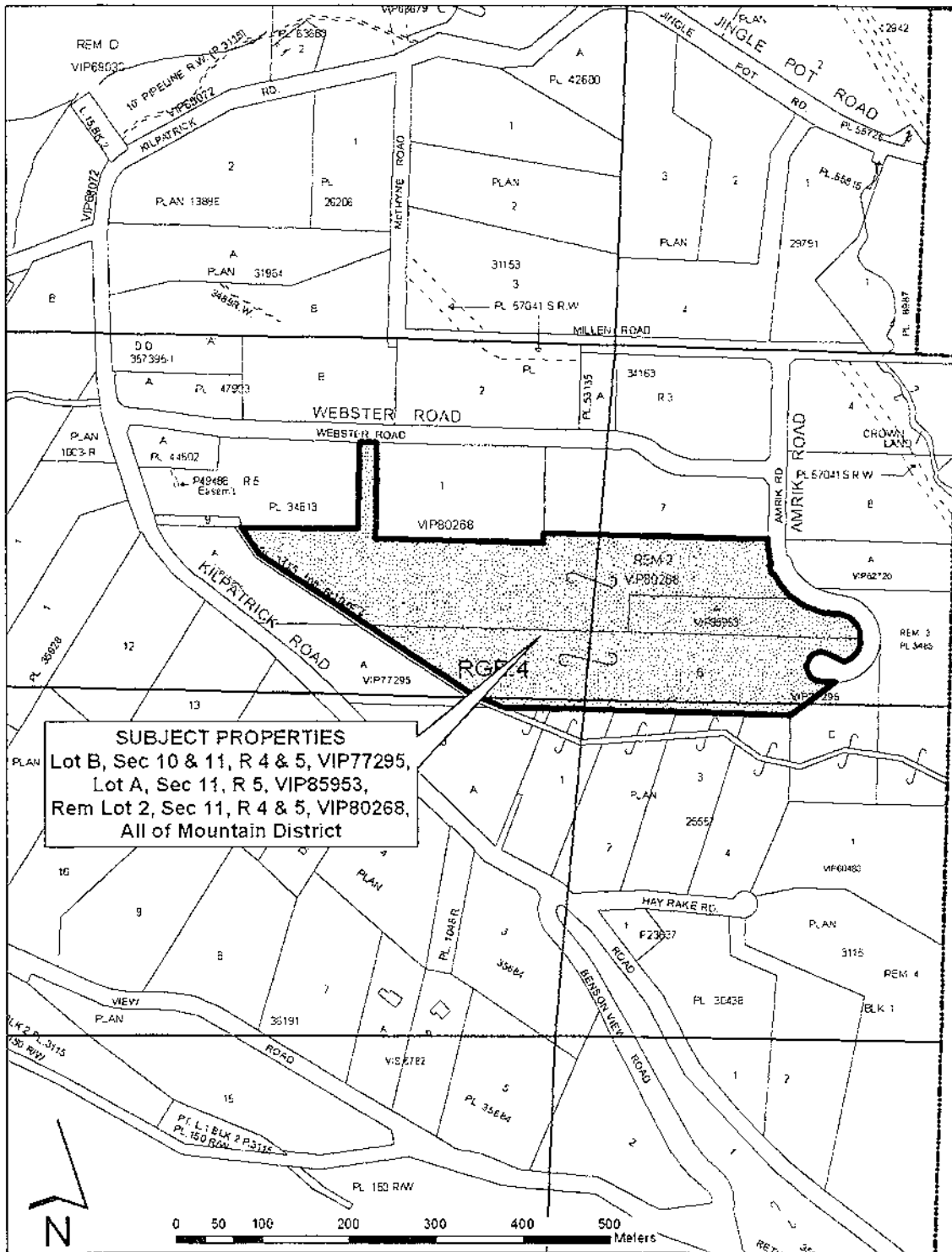
Reference to the  
 original map  
 is hereby made  
 in connection with this plan.  
 ALL DIMENSIONS SHOWN ON THIS PLAN  
 SHALL BE CONSIDERED AS THE FINAL DIMENSIONS  
 UNLESS OTHERWISE SPECIFIED.  
 THE ADJACENT LOTS ARE NOT TO BE ADJUSTED.

PROJECT: BOUNDARY ADJUSTMENT  
 CLIENT: DIEDRICHSEN / LAIRD  
 CORRANI / CORRANI

PLA APPLICATION PLAN

DATE: JUN 15 2009	<p>WILLIAMSON &amp; ASSOCIATES          PROFESSIONAL SURVEYORS          1000 WEST 10TH AVENUE          DENVER, CO 80202</p>
SCALE: 1"=200'	
DATE: 06/23/09	
DATE: 06/23/09	

Attachment No. 2  
Subdivision Application No. 2009-1793 / Planning File No. 20090000116  
Location of Subject Property





CAD APPROVAL  
DATE: 11/22/09  
BY: [Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

## MEMORANDUM

**TO:** Paul Thompson  
Manager of Long Range Planning

**DATE:** June 25, 2009

**FROM:** Stephen Boogaards  
Planner

**FILE:** 3360 30 0604

**SUBJECT:** Request for Regional Growth Strategy Amendment  
Proposed OCP & Zoning Amendment Application No. AA0604 – Addison  
Lot 1, Section 7, Range 3, Cranberry District, Plan VIP68949  
2610 Myles Lake Road Electoral Area 'C'  
RDN Map Ref. No. 92G.001.3.4 Folio No. 768.04123.010

### PURPOSE

To consider changes to the rural integrity policies of the Regional Growth Strategy (RGS) to permit an Official Community Plan (OCP) and zoning amendment that will decrease the minimum parcel size outside of the Urban Containment Boundary to enable an application for a four lot subdivision to proceed.

### BACKGROUND

An amendment application was received by the Planning Department in 2006 for the property legally described as Lot 1, Section 7, Range 3, Cranberry District, Plan VIP68949, which is located on Myles Lake Road in Electoral Area 'C'. The application would be a departure from the current intent of the RGS to not increase development opportunities outside of the designated Urban Containment Boundary (UCB). At its November 2006 meeting, the Regional Board of Directors resolved to hold the application in abeyance until after the RGS five year review was completed. The issue of further subdivision of resource lands, including former private managed forest lands, is intended to be considered during the RGS Review.

The applicant is proposing to create a four lot subdivision with a minimum parcel size of 2 ha from the 8.71 ha property. The applicant's subdivision proposal also provides 1116m<sup>2</sup> of the land to be dedicated as a pedestrian access to a park on an adjacent property. The current zoning on the property is RU6-V under "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", permitting a minimum parcel size of 50 ha. The "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw No. 1148, 1999" designates the property as Resource, which supports the 50 ha minimum parcel size. The property does not adjoin the Extension Village Centre, which is the nearest designated area for future growth.

The applicant has requested to reactivate the application and that it be considered separate from the current review of the RGS. Policy 3A of the RGS does not permit the minimum parcel size of lands in the Rural Residential and Resource Lands and Open Space designations to be reduced below the minimum parcel size established in the OCP in place at the date of the adoption of the RGS.



There are currently no provisions in the RGS to consider a decrease to the minimum parcel size for lands located outside the Urban Containment Boundary. Changes to this policy would require a specific exemption in the RGS. The land use designation would also need to be changed from Resource Lands and Open Space to Rural Residential. A specific exemption in the RGS would then allow for an amendment to the OCP and a rezoning to a smaller minimum parcel size. This means that the parcel would need to be specifically identified in the RGS with a statement to the effect that Policy 3A does not apply.

The applicant's letter (*see Attachment 2*) requests that the amendment follow the process for the exemption provided in the current RGS to include the parcel legally described as Parcel Z, DDK83923, Sections 12 & 13, Ranges 1 & 2, Cranberry Land District inside the UCB as in Policy 1E of the RGS. However, Policy 1E differs from this proposal as Policy 1E refers to land to be included inside the UCB that was identified through an OCP Review. This proposal is a request from a property owner for increased development opportunities outside of the UCB as such Policy 1E is not applicable to the property in question.

## **ALTERNATIVES**

1. Recommend to the Sustainability Select Committee that the committee review this report and the application and provide comment back to the Electoral Area Planning Committee.
2. Recommend to the Sustainability Select Committee and the Board that the Electoral Area Planning Committee supports consideration of this application for a site specific amendment to the RGS.
3. Recommend to the Sustainability Select Committee and the Board that consideration of a site specific amendment to the Regional Growth Strategy be denied at this time.

## **FINANCIAL IMPLICATIONS**

The subdivision that could be made possible by the exemption would not result in any direct long-term financial implications for the RDN. The capital cost for the development of local road improvements and community services would be borne by the applicants, as indicated in the attached letter. The property will be serviced with well and septic, as community water and sewer service is not permitted outside of designated growth areas.

However, proceeding with a review of this application will have an immediate financial impact with respect to staff time and the subsequent impact on other projects. Processing an application to amend the RGS requires a significant amount of staff time that would normally be spent on other projects. Please see Appendix 1 for an outline of the process to amend the RGS for land in an electoral area. By supporting the application to amend the RGS the Electoral Area Planning Committee becomes a sponsor of the application and as such the RDN incurs many of the costs associated with a bylaw amendment. There is no provision to recoup costs that are specific to amending the RGS. The applicant is only required to pay the application fee for the zoning and OCP amendment.

## **GROWTH MANAGEMENT IMPLICATIONS**

The proposed subdivision would conflict with most goals of the RGS since it is increasing the density outside of the designated UCB. Maintaining large lot sizes is deemed to be beneficial to minimizing the

disturbance of sensitive ecosystems and wildlife corridors, reducing the conflict between resource and residential lands and directing growth into existing urban areas where services exist. The only designation in the RGS that supports a decrease in minimum parcel size is Urban Areas located within the UCB in order to support nodal development and complete compact communities.

Through Policy 3A, the RGS specifically states that there shall not be a decrease in minimum parcel size outside of the designated Urban Areas. The intent of policy 3A is to support the goals of Urban Containment and Rural Integrity by not providing for an increased amount of development outside of the designated Urban Areas which include the Village Centres. Further, Policy 3A is intended to prevent further fragmentation of the existing large lots in both the Resource Lands and Open Spaces and Rural Residential designations.

As stated above, an amendment to the RGS to permit the proposed subdivision, must be specifically mentioned as an exemption to Policy 3A. The applicant recommends this route in the attached letter, believing it to be similar to Policy 1E of the RGS. This policy was added during the preceding RGS review as this property was specifically identified in the Area 'C' OCP as a possible expansion area for the Extension Village Centre. Comparatively, there is no policy in either the Area 'C' OCP or the RGS that supports smaller parcel sizes for lands that were previously private managed forest lands.

The proposal, while insignificant if looked at in isolation, is very significant in terms of setting a precedent for development consideration in the Regional District. There are hundreds of parcels in the RDN that are either still classified as private managed forest lands or have been recently declassified. Decreasing the minimum parcel size on these parcels would significantly increase the development potential in the rural areas. The rate of development in parts of the rural areas is already much higher than the urban areas. This high rate of growth in the rural areas is inconsistent with the urban containment goal of the RGS as the primary intent is to encourage more growth in the urban areas and less growth in the rural areas. In addition, such change in policy would conflict significantly with the broader strategic goals of the Regional District with respect to sustainability, green house gas reduction and work under way in relation to action on climate change.

The applicant in the attached letter also suggests that the RDN should address former Forest Land Reserve (FLR) properties, such as the property concerned, which were designated for a 50 ha minimum parcel size through the rezoning process on all Resource Lands and Open Space lands. The intention of rezoning resource lands to 50 ha was to protect these lands from fragmentation and reduce the amount of development outside of urban areas. In Area 'C' the rezoning was specifically meant to address the former FLR lands.

The full impacts of allowing increased development on current and former private managed forest lands is not known other than that there will be more people living farther from shopping, jobs, schools and other daily services. There is no justification in terms of meeting a specific housing need. The residential capacity study prepared for the RGS Review indicates that there is enough land supply to meet demand for housing for at least 30 years. In addition, providing for more automobile dependent development located far from services does not contribute to RDN goals related to more efficient forms of land use intended to result in greenhouse gas reduction, walkable communities, increased transit opportunities, jobs located close to residences, and more efficient provision of services.

The applicant suggests that the protection of environmentally sensitive areas will be observed through the setbacks to Blind Lake and the maintenance of green space. The actions suggested in the letter will only reduce the impacts of development according to guidelines in existing development permit areas. In the context of the Environmental Protection goal, maintaining large lot sizes can be more effective to prevent

the disturbance of sensitive ecosystems through the protection of open space that serves as a natural corridor “capable of sustaining native plant and animal communities.” The precedence created through such a subdivision will also place under development pressure of other Resource Lands and Open Space designated properties that serve as wildlife habitat.

The applicants, in their letter, identify that the subdivision would ‘contribute to the economy and increase the tax base’. However, this economic contribution will not increase the type of economic development envisioned in the Vibrant and Sustainable Economy goal. The RGS goal supports business and industries that are sustainable and contribute to local employment opportunities. This form of economic development is contrary to the intent of other goals of the RGS for sustainability and the creation of healthy communities. In addition, the amount of taxes levied by the province on the proposed lots will not significantly increase the funding of community services in the area.

Since the property is outside of the Extension Village UCB, it cannot be serviced with community water and sewer. The applicants in their letter acknowledge that the proposed lots will be serviced by well and on-site septic, and do not anticipate the provision of community services. However, many areas in the RDN that currently rely on on-site water supply and sewage disposal are now facing problems with water shortages and failure of septic fields. When this happens, the land owners generally go to the RDN to address the problem by requesting the installation of community water and/or sewer systems. Establishing these services is very expensive and land owners are reluctant to pay the full cost of providing these services.

Finally, in the Cooperation Among Jurisdictions goal, the RDN commits to maintaining the goals and policies of the RGS. As detailed above, the subdivision does conflict with most goals and will have implications for other resource designated properties in the region. Such a specific change to the RGS will require the support of member municipalities through the bylaw adoption process. It is also important to note that to date within the Regional Growth Strategy Review process there has been little indication of support for changing policy with respect to development of resource lands.

## **OFFICIAL COMMUNITY PLAN IMPLICATIONS**

The OCP designates the property as Resource with a 50 hectare minimum parcel size to protect it from activities and land uses which may diminish its resource value or potential. The intention of the zoning change initiated after the adoption of the Area ‘C’ OCP was specifically to maintain FLR land. The Area ‘C’ OCP plan implementation strategy states that “for FLR lands, review and amend the Land Use and Subdivision Bylaw to ensure compatibility with the Resource land use designation. Implementation would require a Regional District initiated amendment to the existing zoning to establish a 50 ha minimum parcel size, and a maximum of one dwelling per lot.”

The boundary exemption to Policy 1E in the current RGS also originated from the preceding Area ‘C’ OCP planning process. The OCP identifies Parcel Z, DDK83923, Sections 12 & 13, Ranges 1 & 2, Cranberry Land District as a potential Rural Residential expansion area for the Extension village centre. Parcel Z was adjacent to the existing village centre boundary and could proceed without detracting from the goal of urban containment. The OCP does not have similar provisions or reasoning for the RGS to consider the proposed subdivision on Myles Lake Road. The direction provided in the OCP is that such former FLR and rural properties will not be reduced below the minimum lot size established to maintain rural character and environmental quality.

## ZONING IMPLICATIONS

The zoning on the property was changed from 2 ha to 50 ha minimum parcel size through the Area 'C' OCP implementation bylaw. The intent of this bylaw was to reduce the fragmentation of land within the FLR, in accordance with the policies of the OCP for the area. Returning the zoning to 2.0 ha will create interest for other resource properties that were rezoned by the RDN to do the same. As stated above, this will have significant implications for growth management goals and the Regional Growth Strategy since most of this resource land is privately owned.

In the attached letter, the applicants indicate that the resource uses permitted under the existing zoning on the property is not suited with the RGS 'rural integrity' and 'environmental protection' goals or the surrounding neighbourhoods. Silviculture and aquaculture are specifically mentioned as uses that are permitted under the existing RU6 zoning that would not be compatible with the surrounding neighbourhood. The submission by the applicants also includes a petition from surrounding neighbours that supports the proposed subdivision instead of these resource uses.

The resource uses mentioned are also permitted in the zoning of all neighbouring properties and all Rural zones in Bylaw 500. The petition is requesting to not allow a use common to all properties by permitting the proposed subdivision. These uses would remain intact on the subject property if the minimum parcel size was decreased to 2 ha. The presence of these uses in the majority of zones in Bylaw 500 may indicate the need to assess the appropriateness of the uses in the zoning bylaw, rather than permitting more additional development outside of designated growth areas. Engaging in these resource uses on the subject property would also be subject to provincial legislation and regulations, particularly the *Fisheries Act*, *Farm Practices Protection Act* and the *Private Managed Forest Land Act*.

## SUSTAINABILITY IMPLICATIONS

The proposed subdivision contrasts with the intent of RGS goals for 'urban containment' and to maintain 'rural integrity', by perpetuating urban sprawl and automobile dependent forms of development. If approved the application will also set a precedent for consideration of similar properties that were designated with a 50 ha minimum parcel size to revert back to previous zoning. Interest has been expressed by many property owners in similar circumstances that would like their property included as an amendment to the RGS. Allowing this subdivision may impede rural integrity objectives to halt the suburbanisation of rural lands. Allowing the subdivision also contradicts the RGS goal for 'nodal development', by permitting growth to occur outside of the Extension Village Centre boundaries. Growth in the rural areas detracts from efforts to establish healthy and functioning complete communities.

## PUBLIC CONSULTATION IMPLICATIONS

Should the Board want to maintain its original decision and have this application held in abeyance until after the RGS Review is complete, then public consultation will continue as per the approved Public Consultation Strategy. Based on the feedback from the public consultation for the possible policy options for the RGS, a draft revised RGS will be prepared for the fall. Further public feedback will be sought on the proposed changes in the draft. The RGS adoption process would provide for consultation with RDN member municipalities, the public throughout the region, and other agencies and stakeholders.

Should the Board agree to reverse its decision to hold this application in abeyance until after the RGS Review is complete and the EAPC supports a consideration of the application, then one of the first steps in the application review process is for the Board to approve a public consultation plan. The complete process for an RGS amendment is outlined in Appendix 1.

## CONCLUSIONS

The Board at its November 2006 meeting adopted a resolution to hold in abeyance an application for a four lot subdivision on Myles Lake Road until completion of the RGS review process. For the proposed development to proceed the RGS designation would need to be changed from Resource Lands and Open Space to Rural Residential. Policy 3A would also need to be changed to establish a specific exemption for the property from the minimum parcel size provisions for Resource Lands and Open Space and Rural Residential in OCPs.

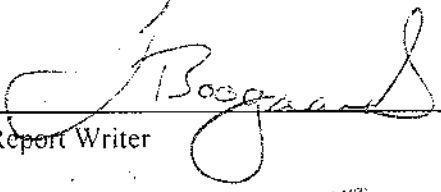
Permitting the subdivision would establish precedent, and pressure, for increased development opportunities on designated resource and rural lands located outside of the Urban Containment Boundary. Preceding zoning changes on resource lands were aimed specifically to reduce the fragmentation of these lands and reduce suburban forms of development. In Area 'C' these zoning changes were particularly meant to address former FLR lands.

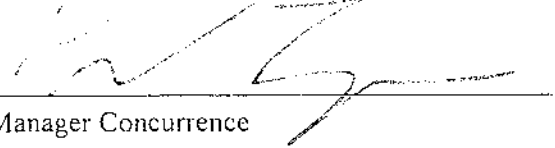
The only exemption provided in the current RGS was previously identified as a possible expansion area in the OCP for the Extension village centre boundary. The proposed subdivision is not adjacent to the UCB and cannot be considered under the same criteria. Allowing the subdivision will undermine efforts to focus growth into the Extension village centre and to create a complete community.

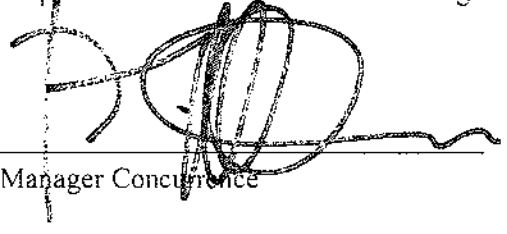
The full impacts of allowing increased development on current and former private managed forest lands is not known other than that there will be more people living farther from shopping, jobs, schools and other daily services. There is no justification in terms of meeting a specific housing need. The residential capacity study prepared for the RGS Review indicates that there is enough land supply (appropriately zoned and developable) to meet demand for housing for at least the next 30 years. In addition, providing for more automobile dependent development far from services does not contribute to the established RDN goals related to more efficient forms of land use. Facilitating development along the lines of this proposal will continue to work against the RDN objectives of reduced greenhouse gas emissions, more walkable communities, increased transit opportunities, and the focus of more efficient provision of services.

## RECOMMENDATION

1. That the Electoral Area Planning Committee refer this report and application to amend the Regional Growth Strategy to the Sustainability Select Committee for consideration and recommendation.
2. That the Electoral Area Planning Committee direct staff, following consideration at the Sustainability Select Committee, to provide a follow up report to the Electoral Area Planning Committee for consideration.

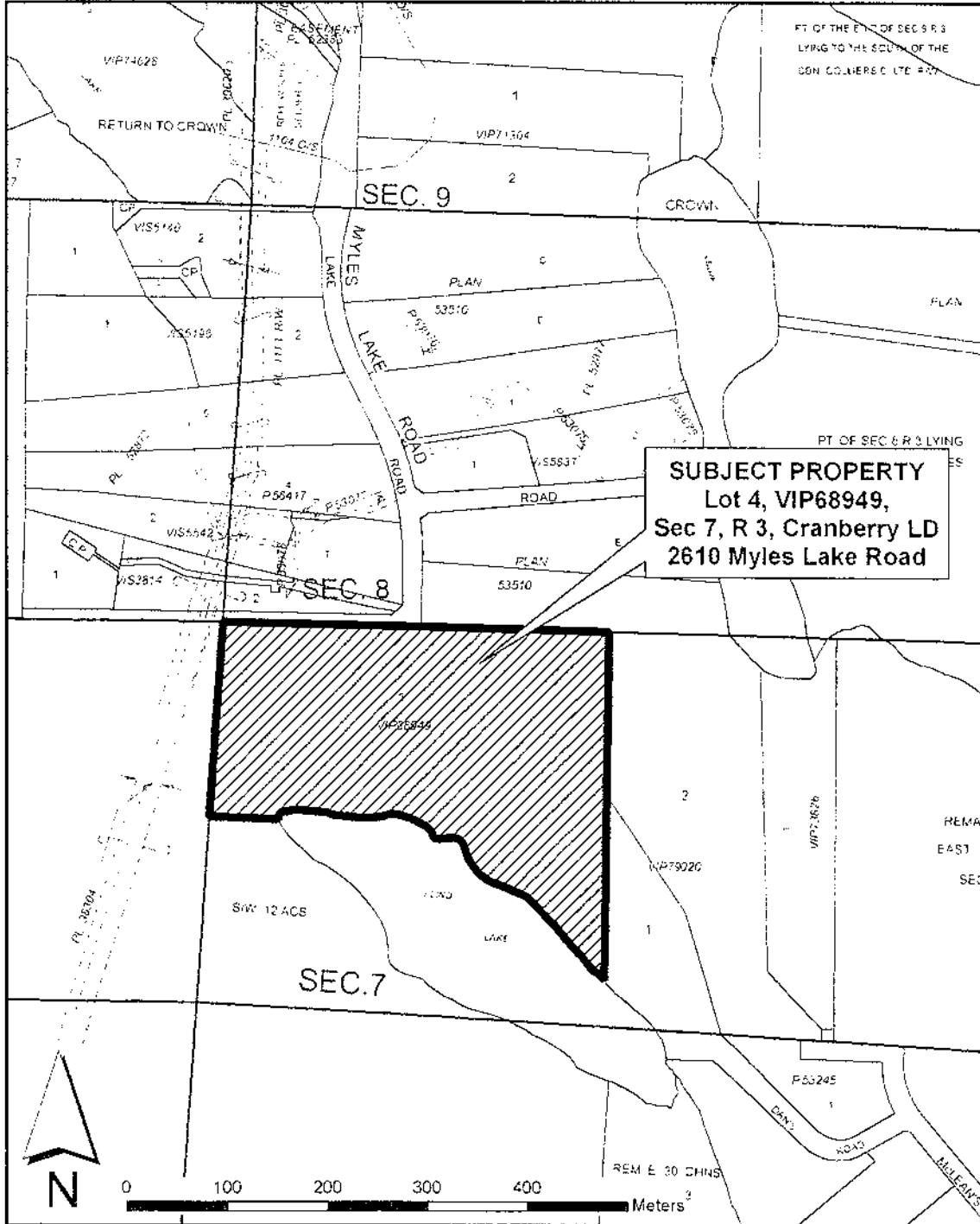
  
Report Writer

  
Manager Concurrence

  
General Manager Concurrence

  
CAO Concurrence

Attachment No. 1  
 Location of Subject Property



**Attachment No. 2  
Applicants Letter  
(page 1 of 11)**

2610 Myles Lake Rd.  
Nanaimo, B.C.  
V9X 1B7

P. Thompson - Manager of Regional  
Planning  
Regional District of Nanaimo

April 16, 2009

Mr. Joe Stanhope, Chair & All Directors  
Regional District of Nanaimo  
Electoral Area Planning Commission  
Regional Growth Management Review

Dear Mr. Stanhope & Directors of the Regional District of Nanaimo:

**Re: Property 2610 Myles Lake Rd. Rezoning & Subdivision Amendment Application No. 0604**

The purpose of this letter is to request that the Electoral Area Committee of the RDN reactivate our rezoning application and that it be considered as a without prejudice, site-specific zoning amendment to the RGS. The purpose of the subdivision is to create 4 five acre parcels 1 for us, 1 for our son and 2 additional lots possibly for family members.

In 2006 we submitted an application to have our property zoned from RU6V to RU6D to permit 5 acre lots. On November 28, 2006 our application was put in abeyance pending the RGS review. (See attached letter.) We understand that our application will need to be considered as an individual application applicable to our property.

**Background:**

1. We purchased the property from MacMillan Bloedel in 1998. The property had been placed in the FLR and had a Rural Residential (5 acre) underlying zoning. After we purchased it, the Area C Official Community Plan down-zoned the underlying zoning to a 50 hectare minimum (Resource RU6V) parcel size against our objections. We had discussions with Marvin Kamenz, Senior Planner at the time and he indicated that if the property was ever removed from the FLR, we would then be able to apply for rezoning to return it back to the 5 acre minimum parcel size.
2. In 2006 we applied for rezoning to Subdivision D to create 4 5 acre parcels. In December of 2006 it was recommended by the Board that the application be placed in "abeyance" pending the Regional Growth Strategy Review process. It is our understanding that this issue was to be addressed through the RGS review process as some "fine tuning" amendment items.
3. We have met with RDN Staff and Area C Director numerous times in an attempt to address this issue, as well as appearing before the EAPC and the RDN Board to voice our concerns heard and to understand the process. As the review process only happens once every 10 years, we need to have an RGS amendment to proceed with our application.

**Attachment No. 2  
Applicants Letter  
(page 2 of 11)**

**p. 2**

**The following points outline our position:**

1. We currently live on the property and want to sub-divide a 5 acre parcel for our son.
2. Proposal will give walking trail access at the end of Blind Lake.
3. Will be able to give the City of Nanaimo a requested easement for flushing out the waterline that supplies the City of Nanaimo
4. Environmental protection will be guaranteed through covenants.
5. No financial cost to RDN costs to be borne by owner. No services needed as public road, garbage collection, recycling & hydro already in place.
6. Current permitted use in the RU6V zoning of silvaculture is not viable or sustainable. (see .....)
7. Current permitted use of aquaculture requires heavy water usage & power resources. Amount of water needed to operate an aquaculture operation is equivalent to operating approximately 960 households per day. (See p. 3)
8. Neighbours would rather have a residential property instead of a potential "industrial" resource property. (See petition)
9. Re-zoning would be compatible with surrounding properties which are 2.5 to 5+acre residential.
10. 5 acre parcels would support the rural lifestyle.
11. Proposed residential 5 acre parcels in RU6D will not conflict with any adjacent land uses, whereas the permitted RU6V uses of aquaculture & silvaculture (logging) would impact the area residents and Blind Lake.
12. Five acre parcels would enable owners to create small farms and to be self-sufficient in producing food.
13. Subdivision would contribute to the economy at the present time and increase the tax base.
14. Prior to the OCP & RGMS this property had the underlying zoning for 5 acre parcels.
15. More "green space" would remain with 5 acre parcels than other uses.
16. The property is approximately 8 hectares and will not significantly reduce the RDN's large resource land base.
17. Due to grade difficulties, proximity to Blind Lake the property is not suited to industrial uses such as silvaculture and aquaculture.

**Impact**

We have the support of the surrounding area residents for the rezoning of the property to 5 acre parcels. Subdividing will not have any impact on the rural integrity of the area as the adjacent and surrounding area is primarily small (~ 2.5 acres) rural residential acreages and prior to the down-zoning our property was zoned for 5 acre residential parcels which blended in with the surrounding area as opposed to the current zoning uses of aquaculture and Silva culture.

Our proposal includes a trail access along the side of the property that will give the area residents access to a proposed park dedication at the end of Blind Lake that presently is only accessible to residents on our side of Blind Lake by trespassing on private land. As well the City of Nanaimo has requested an easement through our property to facilitate the water line flushing program for the city's water supply.



**Applicants Letter**  
**(page 3 of 11)**

p. 3

Environmental protection will be insured, in consultation with geotechnical engineers, building setbacks and septic covenants will be in place to accommodate the sensitive areas bordering Blind Lake (Water will be provided by wells on each parcel). The property is situated at the very end of Myles Lake Road and as per our preliminary drawing a short cul-de-sac will provide access to our present house and the 3 new parcels that will be created. There will be no financial costs to the RDN. Costs of power, wells and septic will be borne by us.

**Current Uses**

Resource zoning for **silviculture** is not sustainable on small resource acreage as ours. After subtracting the "no touch" riparian zones, the proposed City of Nanaimo water flushing covenant, roads and the extensive bluff areas, we will be left with less than 5 hectares of usable land where 50 hectares is called for in zoning RU6V. (Goal 6A RGS). I interviewed a local Christmas tree farmer. His lease is +/- 200 acres. He informs me that the two major Christmas tree farms, his and Mike Gogo's saturate the existing market. The cost of preparing the 5 hectare or 10-12 acres would be approximately \$26,000 for land prep and stock purchase. Planting a tree every six feet, if possible, would result in a crop worth about \$40,000, after a 10 year wait. This is at 12.5% of out to establish sustainability. This leaves a net of \$1400. per year after 10 years. Costing in labor over the 10 years this would not be a financially viable venture. There is no economic sustainability here. Agriculture would require clearing large open spaces and bringing in large amounts of topsoil.

**Aquaculture** is also an allowed use, but due to the close proximity to the lake it may not be feasible. After doing some research, I have discovered that many fish farms, the viable ones, are located on large tracts of land, 50 to 300 acres. Again, in comparison, our property is 20 plus acres over half of which is sloped, not suitable for fish farming without extensive blasting which may affect local wells. Another concern of having a fish farm in a residential area is the smell.

Fish farms will need three-phase power. This is not available without extending the power lines. Having to extend the power lines seems to be at odds with your green agenda, because a fish farm would use fifteen times the power of the three additional houses that would be allowed in our proposed subdivision plan.

Also a fish farm of any size would require a great deal of fresh non-chlorinated water. The Fish Hatchery on the Nanaimo River which produces salmon fry for local rivers needs 1.4 million gallons per day for half production and 2.8 million for full production. It would appear that that aquaculture of any kind would be severely limited because of lack of water. The amount of water it would take to run a fish farm could supply 960 homes per day while our proposal only needs enough for 3 houses.

**Attachment No. 2**  
**Applicants Letter**

(page 4 of 11)

p. 4

Shaping our Future Jan. 08 pg. 11. 6.1.1 states that the objective for these resource lands is to 1. produce goods, 2. employ people, 3. Support recreation and 4. produce environmental stability.” Our property is too small to support item 1 or 2 and unless we are returned to residential zoning we will be unable to meet objectives 3 or 4.

The residents who live on Myles Lake Road have signed a petition supporting our application for rezoning. They want the rural integrity of their neighborhood preserved. This would be achieved by rezoning back to our original 5 acre rural residential zoning which would ensure that the property will never be used as a commercial venture uses as allowed in the OCP and zoning bylaws.

The allowed uses of silviculture, agriculture and aquaculture will require fertilizers and the slope to Blind Lake could be a problem during the rainy season run off. As we have already stated, this property is too small to allow for any chance of financial sustainability or employment in these ventures and due to the terrain and lake, it is not suitable for either aquaculture or silviculture.

The following points come from the RDN RGS Bylaw #1309 Goal 3 is to promote and encourage the retention of large rural holdings. We are not large by your own definition of large as 50 h. or more. We will not need services – no cost to the RDN but will generate much needed tax revenue to the Extension Fire Department.

Land Use: Rural Residential p. 21 RGS. This statement seems to support our position as we consider our property a modest future rural residential subdivision. Our subdivision would support the rural and environmental integrity of the Myles Lake area. The properties and houses on Myles Lake Road average over \$500,000 dollars. Residents would prefer a residential development that supports their property values and their rural lifestyle rather than the uncertainty of future Resource zoning developments.

RGS Last paragraph p. 25 states that the purpose of the RGS is to promote human settlement that is socially, economically and environmentally healthy”, etc. This goal seems to support returning our property to Rural Residential rather than keeping it in a zoning that is not supported by anyone in the Myles Lake Road area. Returning this property to Rural Residential would definitely be beneficial to the area and it would increase the RDN tax base.

In the present RGS that is up for review, a parcel in Extension was specifically mentioned as being able to be rezoned. That site-specific rezoning has taken place. Whatever was required has been done and there is process set up for that. We request that our Myles Lake proposal be included in the RGS Review as per Susan Cormie’s recommendation (November 1, 2006 letter) and that we be allowed to take our rezoning application through the RGS review and if necessary, our particular piece of property be mentioned (site-specific) in the RGS to enable us to proceed with the rezoning application and take it forward to a public hearing or a community meeting.

**Attachment No. 2**  
**Applicants Letter**  
**(page 5 of 11)**

p. 5

### Environmental Protection

Currently, there are many checks and balances in place for environmental protection. We understand that many studies and reports that need to be done before the application is finalized. We are ready to do a geo-tech study, a riparian study, and any other assessments that may be required. These studies will point out areas of environmental concern that need to be addressed and we will be able to accommodate them in our plans.

### Protection of Green Spaces

Our proposal will increase the density by 3 additional residences. We already live in the 1 house permitted on the property. If each lot is 5 acres, the space taken up by 1 residence (including gardens & outbuildings) would be approximately 1 acre; we would expect the remainder of each of the parcels to be left treed and in its natural state. This would create approximately 4 acres on each parcel as "greenspace" which would create 16 acres of green space. The trail proposal would link up to the walking trails beyond and the proposed park/sanctuary at the end of Blind Lake, that is not currently accessible to area residents from this side of Blind Lake without trespassing on private lands.

The proposed development will not conflict any adjacent land uses, as the area is comprised of 5 acre residential only lots. Four - 5 acre lots with 1 house per parcel would maintain the rural integrity of the Myles Lake Road area with minimal impact on the neighbourhood community.

### Implications:

In order for us to proceed with the subdivision of the land, we will need to rezone the property to a zoning which supports 5 acre minimum parcel size. The Regional Growth Management previously only supports a 50 hectare minimum parcel size. As our property is approximately 8.45 hectares (less than the 50 hectare minimum), in a residential area we understand that a RGS amendment would need to be made before proceeding. There already has been 1 resource property addressed in the previous RGMS review and that property has been dealt with, we request that our application be considered and included in the RGS review that is currently underway.

In summary, our application for a 4 lot subdivision would compliment the surrounding residential land use. Any environmental concerns would be addressed as per the RDN rezoning and subdivision process. A walking trail to access the proposed park at the end of Blind Lake would be made available to the surrounding community. We will be able to address the City of Nanaimo's request for a dispersal field for flushing out the City of Nanaimo's water main.

**Attachment No. 2**  
**Applicants Letter**  
**(page 6 of 11)**

p. 6

When the RGS and the OCP (1998-99) was written there was very little attention or discussion regarding the FLR properties. The original underlying zoning was stripped from these properties and replaced by the Resource zoning with little or no consultation. As the FLR no longer exists, it is time to address the smaller ex-FLR properties left in the residential areas, most of which are in Area C. It is our understanding that staff has been directed to prepare an amendment application review process as part of the RGS review to enable applications like ours to be dealt with. (Susan Cornie report November 2006)

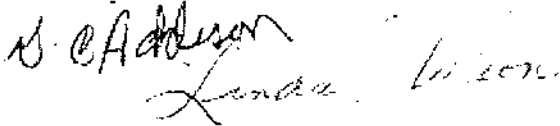
The RGS, OCP and all the zoning bylaws are very difficult for the average person to understand. It is our understanding that we require an OCP amendment and a RGS amendment. However, because the process is so complex, only happens every 10 years and seems to take 2-3 years to complete, we feel it is important that our application be addressed in this review, either as a site-specific zoning adjustment or as a broader based zoning adjustment that would apply to ex-FLR smaller properties.

Because of the uniqueness of our property, we feel that it would be beneficial to arrange a visit by RDN Staff / Directors. We are sure that once you have seen this property and the surrounding area you will be better able to understand our concerns. The zoning we are applying for will bring our property in-line with the surrounding residential properties.

Thank you for considering our request to reactivate our amendment application from Subdivision District V to D. We respectfully request that the Electoral Area Planning Committee support our application and submit the application to the RDN Board and the RGS to request an amendment to the RGS for a site specific without prejudice rezoning from Subdivision District V to D to permit 5 acre parcels

Thank you for your time.

Sincerely



Chuck & Linda Addison

Per: Carol Mason, CAO RDN  
Paul Thorkelson, General Manager Development Services  
Paul Thompson, Manager of Regional Planning

**Attachment No. 2**  
**Applicants Letter**  
**(page 7 of 11)**



REGIONAL  
DISTRICT  
OF NANAIMO

December 14, 2006

*Amendment Application No. AA0604*

Charles Addison and Linda Addison  
2610 McLean's Road  
Nanaimo, BC V9X 1E7

Dear Mr. Addison & Ms. Addison:

*Re: Amendment Application No. 0604  
Lot 1, Section 7, Range 3, Cranberry District, Plan V1P68949  
2610 Myles Lake Road, Electoral Area 'C'  
Applicants: Linda Addison & George C Addison  
Map Reference No. 92G.001.3.2*

The Regional Board of Directors, at its regular meeting held on November 28, 2006, considered the following recommendation:

That Amendment Application No. AA0604 be held in abeyance pending the development of an amendment application review process establishing criteria for reviewing proposed OCP/Zoning amendment applications involving RGS 'fine tuning' amendments.

**CARRIED**

If you have any questions concerning the review process, please call Paul Thompson, Manager of Regional Planning at (250) 390-6510.

Sincerely,

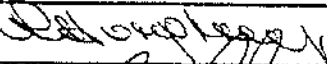



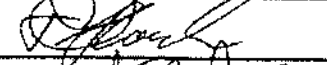


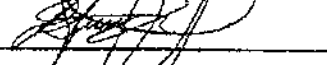


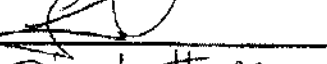
Susan Cormie  
Senior Planner

cc: *Paul Thompson, Manager of Regional Planning*



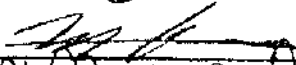



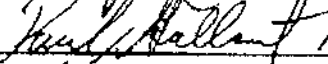
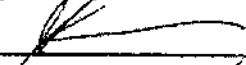





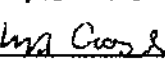
4-30 Hammond Bay St  
Nanaimo, BC  
V9X 6N2  
Ph: (250) 390-4111  
Cell: (250) 390-4111  
Fax: (250) 390-4133  
RDN Website: [www.rdn.bc.ca](http://www.rdn.bc.ca)

Attachment No. 2  
Applicants Letter  
(page 8 of 11)

To protect the rural integrity of our area, and maintain the economic and environmental sustainability of our neighbourhood, we request the Regional District of Nanaimo to rezone the property at 2610 Myles Lake Road, legally described as Lot 1 PL: VIP68949 SEC: 7 RG: 3 Cranberry Land District from RU6V (Resource) to its original rural residential zoning (5 acre residential parcels) prior to the OCP and FLR. *Application #00604*

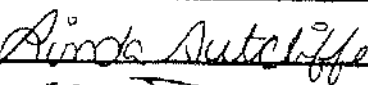
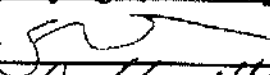


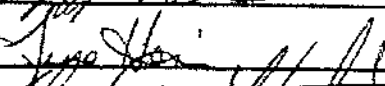
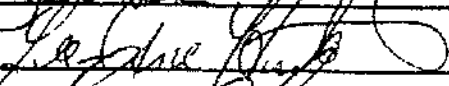

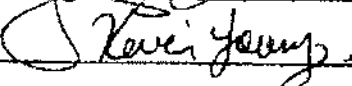
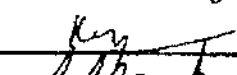

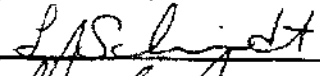
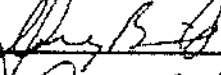
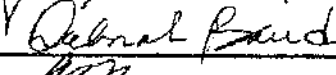
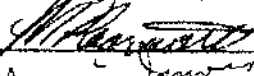

Name (print)	Address	Signature
Robin Humphrey	2330 Godfrey Rd <del>2330 Godfrey Rd</del>	
John Loewr	2365 GODFREY RD.	
BETTY GROSE	3530 MYLES LAKE RD	
DAYMON BODARD	2570 MYLES ROAD	
Tomas Hosak	455 Lakewoods Pl.	
MORTI WILSON	2375 GODFREY RD	
<del>JERRY STRINGER</del>	2691 McLEANS RD.	
Jerry Stringer	2691 McLEANS Rd	
STUART JAMES	2535 MYLES LAKE RD	
BEVERLY JAMES	2535 MYLE LAKE RD	
CARL MURPHY	2555 MYLES LAKE RD	
ELIZABETH MURPHY	2555 MYLES LAKE RD	Elizabeth Murphy

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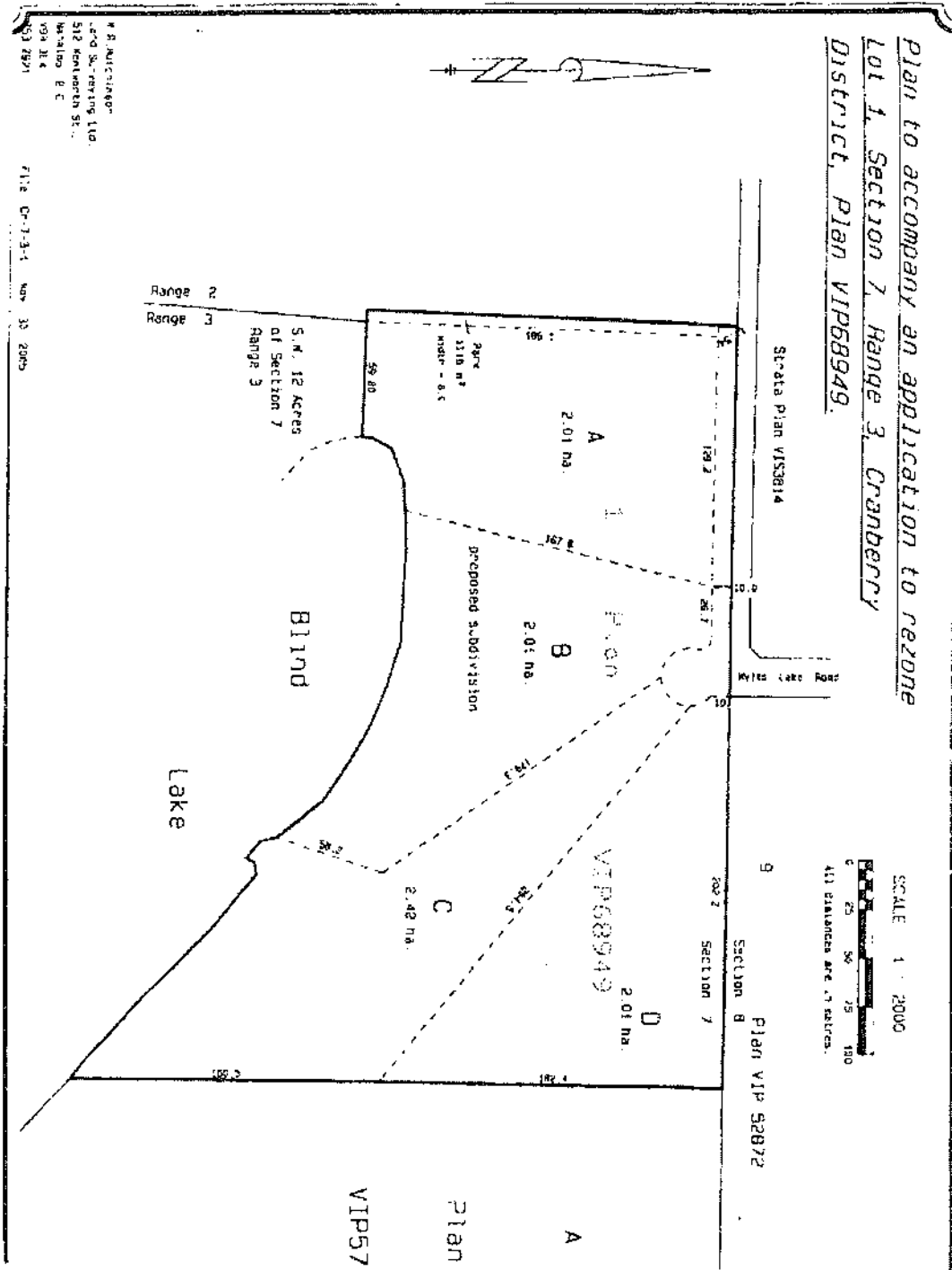
Name (print)	Address	Signature
Heather Gallant	2390 Myles Lake Rd. Nan. V9X 1E7	
Dolly McDonald	287 Dens Rd Nanaimo V9X 1E3	
Mark KEEN	1004 Nanaimo River R2	
K. McLachlan	2363 Godfrey Rd.	
Gerry Dellin	2345 Godfrey Rd	
Rose McCuller	2370 Godfrey Rd	
PAUL GALLANT	2390 MYLES LAKE RD	
Jack Keen	1006 Nanaimo River Rd	
Noreen Keen	1006 Nanaimo River Rd	
Ken Stone	2311 Godfrey Rd V9X 1E7	
RICK FARRINGHAM	2410 Myles	
Meredith Morris	2470 Myles Lake Rd	
Peter Wolk	2520 Myles Lake Rd	
Bill Grossi	2530 MYLES LAKE RD	

Attachment No. 2  
Applicants Letter  
(page 10 of 11)

To protect the rural integrity of our area, and maintain the economic and environmental sustainability of our neighbourhood, we request the Regional District of Nanaimo to rezone the property at 2610 Myles Lake Road, legally described as Lot 1 PL: VIP68949 SEC: 7 RG: 3 Cranberry Land District from RU6V (Resource) to its original rural residential zoning (5 acre residential parcels) prior to the OCP and FLR. Application #00604

Name (print)	Address	Signature
Linda Sutcliffe	445 Lakewoods Pl. Nan.	
Stane Sutcliffe	"	
Jeffrey Addison	300 DAN'S Rd.	
Jeff Hein	2550 Myles Lake	
TINA HEIN	2550 Myles Lake	
Leanne Hutchinson	2535 Myles Lake Rd	
JERRY CLARK	395 LAKEWOOD PK	
KEVIN YOUNG	2591 MYLES LAKE RD	
Kristina Young	2591 Myles Lake Rd	
Steve Schmidt	2587 Myles Lake Rd	
Linda Schmidt	2587 Myles Lake Rd	
Gug BAIRD	2580 Myles Lake Rd	
Deborah Baird	2580 Myles Lake Rd.	
LLOYD HEARNOOTH	2559 MYLES LAKE RD	
GERMAIN SIMARD	2545 Myles Lake Rd	





**Appendix 1**  
**Regional Growth Strategy Amendment Request**  
**For Land in an Electoral Area:**

1. Proponent to submit an application to the RDN to amend an Electoral Area OCP and zoning bylaw designations/provisions for property to permit proposed level/type of development.
2. The applicant must provide supporting documentation that demonstrates a community need for the proposed development and the application must include information that shows how the amendment contributes towards the goals of the Regional Growth Strategy.
3. For an amendment to the Urban Containment Boundary, the application must also include information that demonstrates how the proposal meets the 5 criteria laid out in the UCFAMIA. Other pertinent material may be required pursuant to Development Services application information regulations.
4. The process would be as follows:
  - a. Proponent submits application to amend OCP and zoning to Development Services (Current Planning). Application to demonstrate community need, contribution to RGS goals and, where applicable, fulfillment of UCFAMIA criteria, as well as any other information a Development Services application would normally require.
  - b. RDN Planning staff report prepared about application proposal and submitted to Electoral Area Planning Committee. Staff report to include an assessment of the proposal and, if applicable, if it satisfies the UCFAMIA criteria. The staff report is to address issues related to both the OCP and RGS amendments. The EAPC decides if it wishes to recommend the Board consider an amendment to the RGS. If yes, then recommend that it be further considered via the bylaw approval process and/or the process laid out in the UCFAMIA. No readings would be given to any OCP or zoning amendment at this stage.
  - c. The recommendation from the Electoral Area Planning Committee is forwarded to the Sustainability Select Committee (SSC) for its consideration and recommendation to the Board.
  - d. Recommendations from the EAPC and the SSC are forwarded to the Board for a decision on whether the RDN supports consideration of the application to amend the RGS. If support is granted to consider amending the RGS, staff will prepare a consultation plan as required by the *Local Government Act*.
  - e. Board approval of consultation plans for OCP and RGS amendments.
  - f. Consultation (public, province, municipalities) for both OCP and RGS amendment bylaws as per the requirements in the *Local Government Act* and RDN Bylaw 1432.
  - g. Board (EA Directors only) grants OCP amendment bylaw 1<sup>st</sup> and 2<sup>nd</sup> reading.
  - h. Referral of OCP bylaw amendment to adjacent municipalities and IAC for comment.
  - i. IAC reviews proposal, staff assessment and comments to date, and makes recommendations in relation to RGS.
  - j. RDN Long Range Planning staff report prepared about application proposal to Sustainability Select Committee. Report would provide information about proposal (which would be attached) and IAC recommendations concerning the applications. SSC reviews proposal along with any required amendments to RGS. The SSC makes a recommendation to the Board re support for the proposal and the amendments required to make it happen at the zoning, OCP and RGS level.
  - k. Board grants 1<sup>st</sup> and 2<sup>nd</sup> reading for RGS Amendment.
  - l. Remaining requirements for OCP and RGS amendments pursuant to *Local Government Act* would be met (i.e. public hearing, referral of RGS bylaw to adjacent regional districts and member municipalities for acceptance, 3<sup>rd</sup> readings, referral of OCP bylaw to MCD, adoption).



REG APPROVAL (✓)  
DATE: Jul 14 '09  
BY: [Signature]  
CITY OF NANAIMO  
COUNCIL  
CITY CLERK  
CITY OF NANAIMO  
COUNCIL  
CITY CLERK

## MEMORANDUM

**TO:** Geoff Garbutt  
Manager, Current Planning

**DATE:** June 30, 2009

**FROM:** Susan Cormie  
Senior Planner

**FILE:** Bylaw No. 1469.01

**SUBJECT:** Housekeeping Amendment to Floodplain Management Bylaw No. 1469, 2006

### PURPOSE

To consider a housekeeping amendment to the Floodplain Management Bylaw No. 1469, 2006.

### BACKGROUND

Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006 designates land as being within a floodplain, specifies the flood level for each floodplain area, and specifies setback requirements for land fill or structural supports with a floodplain area. This bylaw applies to properties located within building service areas.

The Electoral Area Planning Committee (EAPC) may recall that this bylaw repealed Floodplain Management Bylaw No. 843, 1991 following changes to the Provincial legislation which governed the regulation and approval of development within a floodplain. This legislation gave local government the responsibility for approving development within a floodplain and the ability to grant site specific exemptions to floodplain bylaws to allow construction below specified elevations or within minimum setbacks requirements.

#### *Proposed Housekeeping Amendment*

Section 16 of Bylaw No. 1469 outlines the general flood construction level exemptions and includes an exemption for an addition to a building or structure, at the original non-conforming floor elevation, where the increase in size of the building or structure would be less than 25% of the floor area that existed as of February 11, 1992 (date corresponds with the original Floodplain Management Bylaw No. 843). It is proposed that this subsection be amended to specify the floor area as the ground floor area.

### ALTERNATIVES

1. To give three readings and adopt Floodplain Management Amendment Bylaw No. 1469.01, 2009.
2. To not proceed with Floodplain Management Amendment Bylaw No. 1469.01, 2009.

### IMPLICATIONS

Staff has consulted with other local jurisdictions concerning how the 25% floor area is being applied and has confirmed that other local governments are applying the 25% percent to the total ground floor area only and not the floor area of the whole building or structure. The proposed amendment is consistent with the Provincial direction and application for floodplain exemptions under the previous legislation. This

amendment will provide clarification to both staff and applicants at time of building permit, development permit with variance, and development variance permit applications.

### PUBLIC CONSULTATION IMPLICATIONS

A public consultation process is not required pursuant to the *Local Government Act* prior to the adoption of this amendment bylaw.

### VOTING

Electoral Area Directors – one vote, except Electoral Area ‘B’.


### SUMMARY

This report addresses the need for a housekeeping amendment to the Floodplain Management Bylaw No. 1469, 2006 to ensure consistency of the bylaw with the current practice concerning the exemption from bylaw requirements for an addition to a building that existed prior to 1992. Current practice is that an addition is exempt from the floodplain bylaw where it is not greater than 25% of the total ground floor area rather than the total floor area as set out in the bylaw. This practice is consistent with other local government jurisdictions and the when the Province was administering the floodplain exemption requests.

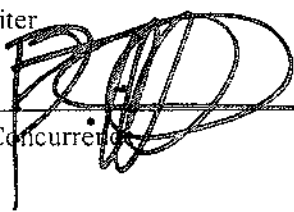
Given that this housekeeping amendment will provide consistency with the current interpretation which corresponds with other local jurisdictions, staff supports the amendment to the Floodplain Management Bylaw, a copy which is attached to this staff report.

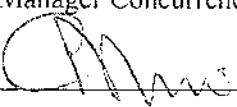
### RECOMMENDATIONS

1. That Regional District of Nanaimo Floodplain Amendment Bylaw No. 1469.01, 2009 be given three readings.
2. That Regional District of Nanaimo Floodplain Amendment Bylaw No. 1469.01, 2009 be adopted.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1469.01

A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO  
FLOODPLAIN MANAGEMENT BYLAW NO. 1469, 2006

WHEREAS Section 910 of the *Local Government Act* allows a local government to designate land as a floodplain; specify the flood level for that floodplain; and specify setbacks for landfill or structural supports within the floodplain;

AND WHEREAS the Regional District of Nanaimo has considered the Provincial Guidelines;

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

A. "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006", is hereby amended as follows:

Subsection 16.b. is hereby amended by adding the word 'ground' after the words 'by less than 25% of the'

B. This Bylaw may be cited as "Regional District of Nanaimo Floodplain Management Amendment Bylaw No. 1469.01, 2009.

Introduced and read three times this

Adopted this

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Sr. Mgr., Corporate Administration