

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, JULY 13, 2010
6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

- 3-5 **Bernie Walsh, Michele Cloghesy & Vaughan Roberts**, re Regional Growth Strategy Amendment to Support OCP Amendment Application No. PL2010-105 - Walbern Ventures - Claudet Road - Area 'E'.

MINUTES

- 6-7 Minutes of the regular Electoral Area Planning Committee meeting held June 8, 2010.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

AMENDMENT APPLICATIONS

- 8-19 Regional Growth Strategy Amendment to Support OCP Amendment Application No. PL2010-105 - Walbern Ventures - Claudet Road - Area 'E'.
- 20-29 Bylaw No. 500.357 Zoning Amendment Application No. PL2010-011 – Maibach - 2115 South Wellington Road - Area 'A'.
- 30-37 Bylaw No. 500.358 Zoning Amendment Application No. PL2009-006 - Atkey and Polgari - 2800 Kilpatrick Road - Area 'C'.

DEVELOPMENT PERMIT APPLICATIONS

- 38-43 Development Permit Application No. PL2010-094 & Request for Frontage Relaxation - Fern Road Consulting Ltd. - 226 Kenmuir Road - Area 'H'.
- 44-49 Development Permit Application No. PL2010-118 & Request for Frontage Relaxation - Fern Road Consulting Ltd. - 6190 & 6208 Island Highway West - Area 'H'.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

- 50-57 Development Permit with Variances Application No. PL2010-097 - Fern Road Consulting Ltd. - 771 Miller Road - Area 'G'.
- 58-68 Development Permit with Variances Application No. PL2010-099 - Anderson Greenplan Ltd. - Janes Road - Area 'A'.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 69-74 Development Variance Permit Application No. PL2010-101 - Fern Road Consulting Ltd. - 863 Cavin Road - Area 'G'.
- 75-81 Development Variance Permit Application No. PL2010-103 – Mitchell - 1407 Marina Way - Area 'E'.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

IN CAMERA



Via email: jarmstrong@rdn.bc.ca.

July 5, 2010.

Legislative Coordinator, Corporate Services
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

Attn: Ms. Jane Armstrong, Legislative Coordinator

Re: Request to Attend as Delegation to EAPC
Walbern Ventures, OCP Amendment Application No. PL2010-105 - Claudet Road -Area 'E'.

Dear Jane:

Walbern Ventures wishes to provide a delegation at the next Electoral Area Planning Committee Meeting (July 13'10) for the above captioned project. As requested, we are providing the following information:

Delegation

- Walbern Ventures, Mr. Bernie Walsh; Ms. Michele Cloghesy, MCIP, Urban Planner; Mr. Vaughan Roberts, P.Eng.

Brief

- Rezone existing 55 acre, 5 lot subdivision to 10 lots with 46% retained in park/open space.
- Donate \$500,000 towards Parkland Acquisition in the RDN, specifically earmarked for the NALT initiative related to the "Moorecroft Lands" as requested by the Nanoose Bay community.
- Water and septic to be provided on each lot. One driveway road will be upgraded to a municipal standard to accommodate the additional lots.

Please see the attached plan diagrams.

If you have any questions please do not hesitate to contact the undersigned.

Michele Cloghesy, MBCSLA, MCIP LEED A.P.
Michele Cloghesy Consulting

cc. Mr. Bernie Walsh

Prawn Road

PARK
220,557 m²
(25 ac)
46% of site

Legend

Private covenanted open space

Public Open Space

Trail Corridor

LOT 1
18446 m²
(4.5 ac)

LOT 2
6060 m²
(1.5 ac)

LOT 8
3168 m²
(.78 ac)

LOT 9
3394 m²
(.83 ac)

LOT 10
15477 m²
(3.9 ac)

LOT 7
3313 m²
(.81 ac)

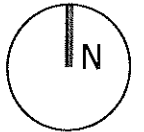
LOT 3
24147 m²
(6.0 ac)

LOT 6
3549 m²
(.87 ac)

LOT 5
15915 m²
(3.9 ac)

LOT 4
8918 m²
(2.2 ac)

Claudet Road

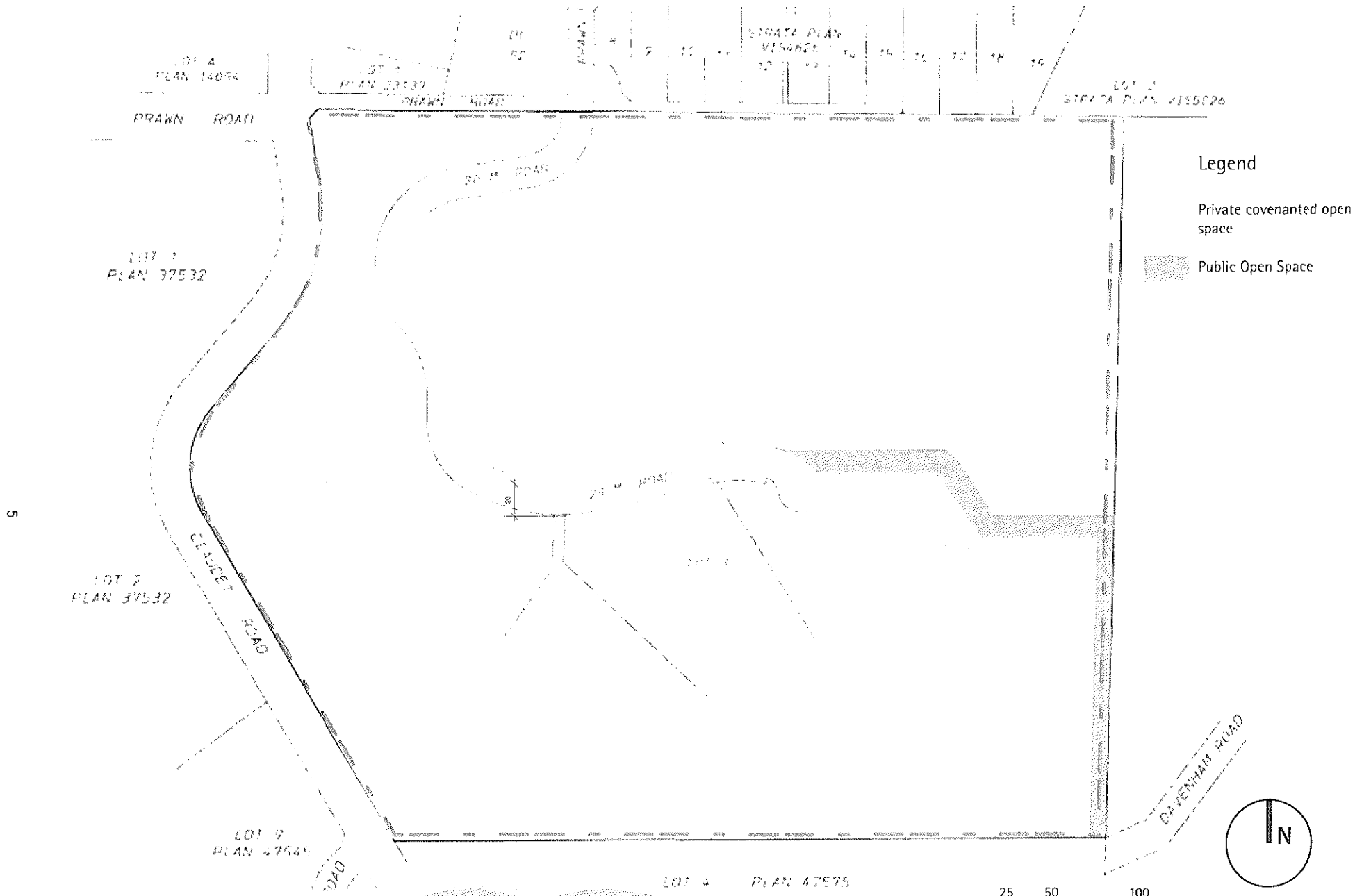


proposed project NUTTAL RIDGE regional district of nanaimo

Walbern Management

Drawing date: 06.30.10

www.nuttalridge.com



existing project

NUTTAL RIDGE regional district of nanaimo

Walbern Properties

Drawing date: 05.13.10

www.nuttalridge.com

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, JUNE 8, 2010, 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:

M. Pearse	Senior Manager, Corporate Administration
P. Thorkelsson	General Manager, Development Services
D. Lindsay	Manager, Current Planning
N. Hewitt	Recording Secretary

MINUTES

MOVED Director Holme, SECONDED Director Stanhope, that the minutes of the regular Electoral Area Planning Committee meeting held May 11, 2010 be adopted.

CARRIED

DELEGATIONS

MOVED Director Holme, SECONDED Director Stanhope, that two late delegations be permitted to address the Committee.

CARRIED

Paul Fenske, Fairwinds Design Team, re Proposed Schooner Cove Neighbourhood Plan.

Mr. Fenske presented a verbal and visual presentation of the proposed Schooner Cove Neighbourhood Plan. The renewed vision for Schooner Cove centres on a maritime village offering accessible waterfront that unites the residential highlands with the ocean and serves as a portal to the Strait of Georgia.

Russell Tibbles, Fairwinds, re Proposed Lakes District Neighbourhood Plan.

Mr. Fenske continued a verbal and visual presentation of the proposed Lakes District Neighbourhood Plan. The Lakes District Neighbourhood Plan wants to provide phased development for sustainable neighbourhoods of diverse housing forms structured around a network of regionally significant parks.

PLANNING

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variances Application No. PL2010-102 - Sims – 664 Johnstone Road - Area 'G'.

MOVED Director Stanhope, SECONDED Director Holme, that staff be directed to complete the required notification.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit with Variance Application No. PL2010-102 to recognize the siting of an existing storage shed and to vary the parcel averaging provisions in conjunction with a three lot subdivision be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2010-082 - O'Hara – 2230 Godfrey Road - Area 'C'.

Director Young left the meeting noting a possible personal conflict of interest with this issue.

MOVED Director Burnett, SECONDED Director Stanhope, that staff be directed to complete the required notification.

CARRIED

MOVED Director Burnett, SECONDED Director Stanhope, that Development Variance Permit Application No. PL2010-082, be approved subject to the conditions outlined in Schedules No. 1-3.

CARRIED

Director Young rejoined the meeting.

ADJOURNMENT

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

CARRIED

TIME: 6:53 PM

CHAIRPERSON



EAP	✓	Jul 13 '10
COW		
RHD		
BOARD		

MEMORANDUM

TO: Paul Thompson
Manager of Long Range Planning

DATE: June 23, 2010

FROM: Stephen Boogaards
Planner

FILE: PL2010-105 OA

SUBJECT: Request for Regional Growth Strategy Amendment
OCP Amendment Application Number PL2010-105 OA
Lot 1 & 2, District Lot 84, Nanoose District, Plan 47545 and
Lot A, District Lot 84, Nanoose District, Plan VIP80224
Electoral Area 'E'

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 ten lot subdivision to proceed.

BACKGROUND

An OCP amendment application was received by the Planning Department for the three properties legally described as Lots 1 & 2, Plan 47545 and Lot A, Plan VIP80224, All of District Lot 84, Nanoose District, which is adjacent to Claudet Road in Electoral Area 'E'. The application is contrary to one of the key growth management policies in the RGS, which is to not increase development opportunities outside of the designated Urban Containment Boundary (UCB). For the application to proceed there must be a site specific amendment to the policy in the RGS that prohibits a decrease in the minimum parcel size and the provision of community services for lands located outside the UCB.

The three 8.0 hectare properties were recently rezoned in 2009, at the request of the current applicant, to permit the parcel averaging of a five lot fee simple subdivision. Prior 2009 zoning under "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" designated one of the properties as Rural 5 with a Subdivision District 'D' that would permit a minimum 2.0 ha parcel size, and the other two lots were designated as Resource Management 3 with a Subdivision District 'B' that would permit a 8.0 ha minimum parcel size. The new zoning for the three properties is a Rural 10 zone that permits five fee simple lots through parcel averaging provisions. Under the new zoning classification, each lot is limited to one dwelling and covenants are registered to limit the removal of vegetation and the disturbance of the eagle nesting site.

The recent proposal submitted is for a ten lot fee simple subdivision, which is an additional five lots to what is currently permitted under the zoning bylaw. Under the current zoning, the average lot size is 4.46 ha which would decrease to 2.2 ha under the proposed subdivision. The applicant's subdivision also provides approximately 10.1 ha (46% of the site area) as public park land. As an additional amenity, the applicant is offering to give \$500,000 towards the purchase of Camp Moorecroft (*see Attachment 2*).

The recent zoning amendment (2009) brought the zoning into compliance with the existing OCP designation policy on parcel size. The “Nanoose Bay Official Community Plan No. 1400, 2005” designates the properties as Rural Lands that permit a minimum parcel size of 4.0 hectares. Now that the zoning is in compliance with the OCP, the RGS does not permit the decrease in the minimum parcel size below what is established in the OCP. 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 UCB. Changes to this policy would require a specific exemption in the RGS. 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 has stated that each of the ten lots will have its own well and septic field. However, the currently accepted parcel size for new lots with on-site servicing is one hectare. The proposed subdivision shows six parcels that are smaller than one hectare with four of the parcels smaller than 4,000 square metres. It is very unlikely that parcels of this size would be approved for on-site services. Parcels of this size are generally serviced by a community water system and possible a community sewer system. New community water and sewer systems outside the UCB are not supported in either the RGS or the OCP. Policy 7B of the RGS does not support the provision of community water and community sewer services to land designated as Rural Residential or Resource Lands and Open Space to permit additional development. Serving the proposed subdivision with community water and sewer systems would also require a site specific exemption to permit the proposed water and wastewater treatment systems.

ALTERNATIVES

1. That the Electoral Area Planning Committee support the application and recommend that the Board considers the application as an amendment to the Regional Growth Strategy.
2. That the Electoral Area Planning Committee not support the application and the Board not consider the application of an amendment to the Regional Growth Strategy.

FINANCIAL IMPLICATIONS

The subdivision that could be made possible by the proposed exemption would arguably not result in any direct short term infrastructure costs for the RDN. The capital cost for the development of local road improvements and community services would be borne by the applicants. Each property created through the subdivision is proposed to be serviced with individual well and septic. However by supporting development outside of defined Urban Containment Boundaries it becomes increasingly difficult to provide efficient services and the cumulative impact of such development will result in increases to both hard and soft servicing cost.

Proceeding with a review of this application will also 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 Attachment 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 does not comply with most of the goals of the RGS, in particular limiting the amount of growth that is permitted outside of the UCB. This is important since decreasing growth outside of the UCB is the primary function of the RGS. 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. Permitting the amendment may establish precedence or expectations for the Board to equally consider similar amendments to occur outside of the UCB.

Goal 1 – Strong Urban Containment.

The proposal is not adjacent to the Rural Village Centre boundary, so there is no way to incorporate this development into communities that may either have community services or are seeking sufficient population to secure such services. If the proposal was adjacent to the Red Gap or Fairwinds UCB then the additional density created through the development may contribute to an existing, viable community. Expansion of existing UCBs may be the only way to amend the RGS without compromising other goals that depend on directing new growth into urban centres and maintaining large rural lots.

Goal 2 – Nodal Development.

Incorporation into the existing UCBs may improve commercial and government services within the defined centre boundary. Mixed densities within growth centres may allow sufficient population to support shopping and transportation options that are appropriate to the rural context. The application does propose to increase density, but not within a location that is conducive to opportunities for residents to access services or improve alternate forms of transportation. Continuing to build outside of the UCBs may remove emphasis from the existing centres. 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.

Goal 3 – Rural Integrity.

As identified above, the application contradicts policy 3A, which is to not decrease the minimum parcel size on Rural Residential Lands. Allowing the application to proceed as an exemption to this policy may establish precedence for similar applications to be considered by the Regional Board. The rate of development in parts of the rural areas is already much higher than the designated growth 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.

Goal 4 – Environmental Protection.

The application proposes to dedicate 46% of the land as public open space, which is significantly more than the public trail acquired through the preceding rezoning. The preservation of native vegetation as public land is consistent with RGS objectives of minimizing the disturbances of sensitive ecosystems and wildlife corridors by the housing footprint. Under the conditions of the previous rezoning, a section 219 covenant has been registered that would prohibit the disturbance of native vegetation outside of the building areas and restricts building within a 50 metre radius of the eagle nesting site. Though only a small amount of land was acquired as a public amenity under the previous rezoning, the environmental features on the properties are being protected in a manner consistent with the objects of the RGS.

Goal 5 – Improved Mobility.

The application indicates the additional homes will not affect the volume of traffic in existing neighbourhoods. But the proposal is not consistent with the goal of ‘improved mobility’ as envisioned in the RGS. Active forms of transportation or transit may only be possible where dwellings are located close enough to services. The Rural Village Centres, such as Red Gap and Fairwinds, are the designated areas where retail services and public institutions can be supported within walking distance for residents living in the centre and the surrounding neighbourhood.

Goal 6 – Vibrant and Sustainable Economy.

There are no direct economic implications as envisioned in the RGS.

Goal 7 – Efficient Services.

The lots in the proposed subdivision are expected to be serviced by individual wells and septic fields. However, several of the proposed lots are well under the accepted size of one hectare for new lots with on-site services. Lots of that size are generally served by a community water system and possibly a community sewer system. The RGS and Nanoose OCP do not support any form of communal method to provide water or treat wastewater where it may allow for additional development outside of the UCB. This type of development often leads to the RDN being requested to expand its servicing boundaries to incorporate properties if the on-site water supply or waste treatment was to fail in the future. 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. Establishing these services is very expensive and land owners are reluctant to pay the full cost of providing these services.

Goal 8 – Cooperation Among Jurisdictions.

Making the changes to the RGS to allow the proposal to proceed will require the support of all member municipalities and adjacent regional districts. The RGS is intended to prevent decisions that might not be in the interest of the entire region’s sustainability goals by requiring the consensus of all partners. As the proposal conflicts with most of the goals of the RGS, the RDN Board and affected local governments must determine if the proposal may benefit the region.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

The subject parcels are currently designated Rural Lands in the OCP with a minimum parcel size of 4.0 ha. The recently approved rezoning in 2009 brought the zoning on the property into compliance with the OCP land use designation policy. The proposed subdivision has an average parcel size of 1.85 ha with a minimum parcel size of 0.4 ha. To proceed with the subdivision, the Rural Lands designation would need to be changed to Rural Residential Neighbourhood designation. The minimum parcel size within the Rural Residential Lands designation is 1.0 ha. Additional variances to allow for parcel averaging would be necessary for the subdivision as proposed.

Official Community Plan policies also restrict the areas where servicing may be provided outside of the Red Gap and Fairwinds village centres. The only servicing allowed outside of the UCB is in the Restricted Community Water and Sewer Service Planning Area, provided that it is only for existing or permitted development. Allowing the proposed community water and sewage disposal system outside of the UCB would require a change to the Restricted Community Water and Sewer Service Planning Area maps to include the property within the boundaries and include a policy that would permit the subdivision of land as proposed within the restricted service planning areas. This would mean that the development

would be exempt from policies that do not permit community services to facilitate greater development potential within the restricted service planning areas.

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 the application is approved it will set a precedent or expectation for the Board to permit other development applications that are not within the UCB. Allowing such subdivisions 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 additional growth to occur outside of the UCB. Growth in the rural areas detracts from efforts to establish healthy and functioning complete communities.

PUBLIC CONSULTATION IMPLICATIONS

Should the Board agree to consider the application as specific exemption to policies 3A and 7B of the RGS then the amendment will proceed through the legislated RGS amendment process in the *Local Government Act*. The complete process for an RGS amendment is outlined in *Attachment 3*. As per the legal requirements, the Board must approve a public consultation plan for the amendment. The plan will identify meaningful opportunities for the public to speak to the amendment in relation to the regional sustainability goals of the RGS.

INTERGOVERNMENTAL IMPLICATIONS

Should the Board agree to consider the application, the amendment will then be referred to each member municipality and adjacent regional district. Prior to Board adoption of the RGS amendment, it must be accepted by each council and regional board during a 60 day referral period. If one or more local governments do not accept the amendment, then the Minister of Community and Rural Development will establish a dispute resolution process between the affected parties.

CONCLUSIONS

The subject properties were recently rezoned in 2009 to permit the parcel averaging for a five lot subdivision consistent with the OCP and RGS. The rezoning was approved with the condition of no further subdivision. A further condition is that a restrictive covenant be registered on the property for the retention of vegetation and the protection of the eagle nest.

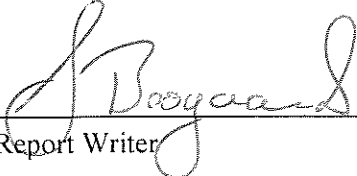
The current application is to increase the number of lots created through the subdivision to ten lots. This is inconsistent with the RGS since it decreases the minimum parcel size and allows for more development outside of the UCB. Site specific exemptions for the properties from both the minimum parcel size provisions and community servicing policies in the RGS are required for the application to proceed. The applicant is offering to donate 500,000 dollars for the acquisition of Camp Moorecroft.

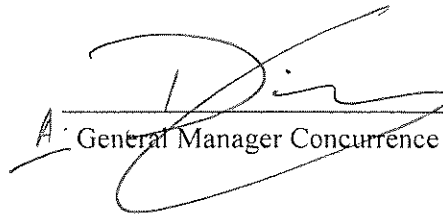
Permitting the subdivision would establish precedent, and pressure, for increased development opportunities on rural lands located outside of the UCB. The Board will be expected to similarly consider other projects to increase development outside of the UCB. This will conflict with RGS goals to restrict the suburbanisation of rural lands and will undermine efforts to focus growth into the Rural Village Centres to create complete communities. Facilitating development along the lines of this proposal will

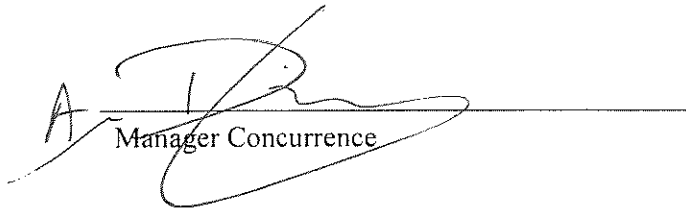
also continue to work against the RDN objectives of reduced greenhouse gas emissions, more walkable communities, increased transit opportunities, and the focus of more efficient provision of services.

RECOMMENDATION

1. That the Electoral Area Planning Committee not support consideration of a site specific amendment to the RGS.
2. 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.

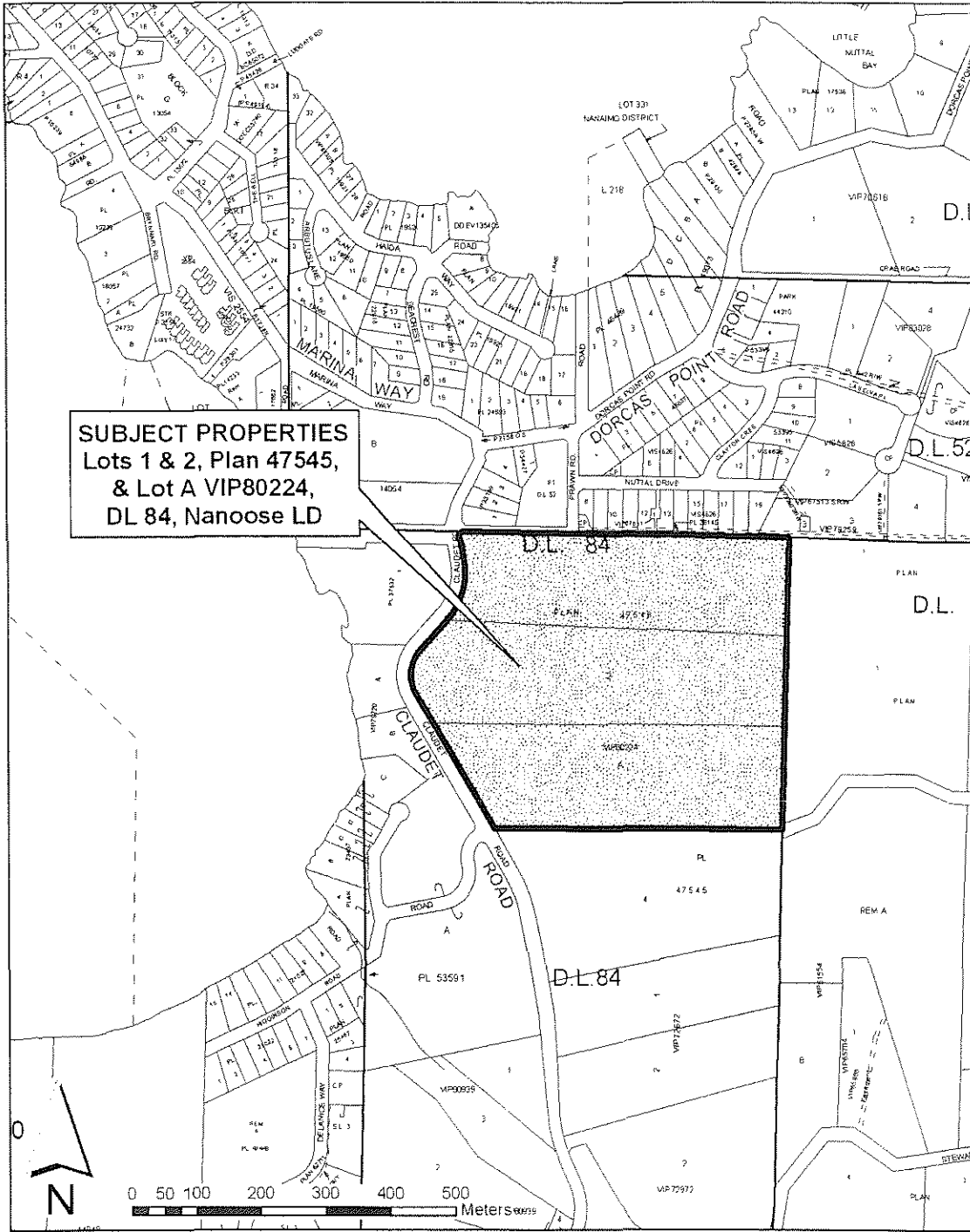

Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

Attachment No. 1
Location of Subject Property



Attachment No. 2
 Applicants Proposal

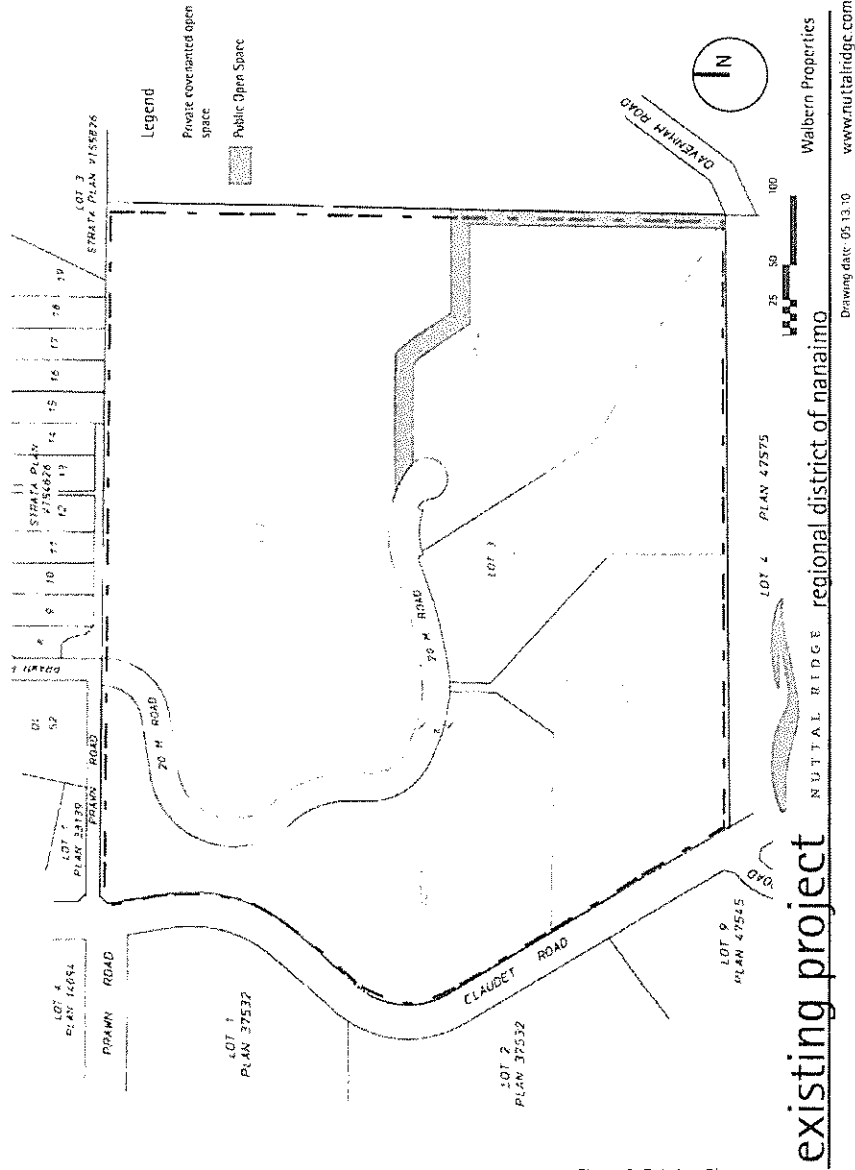
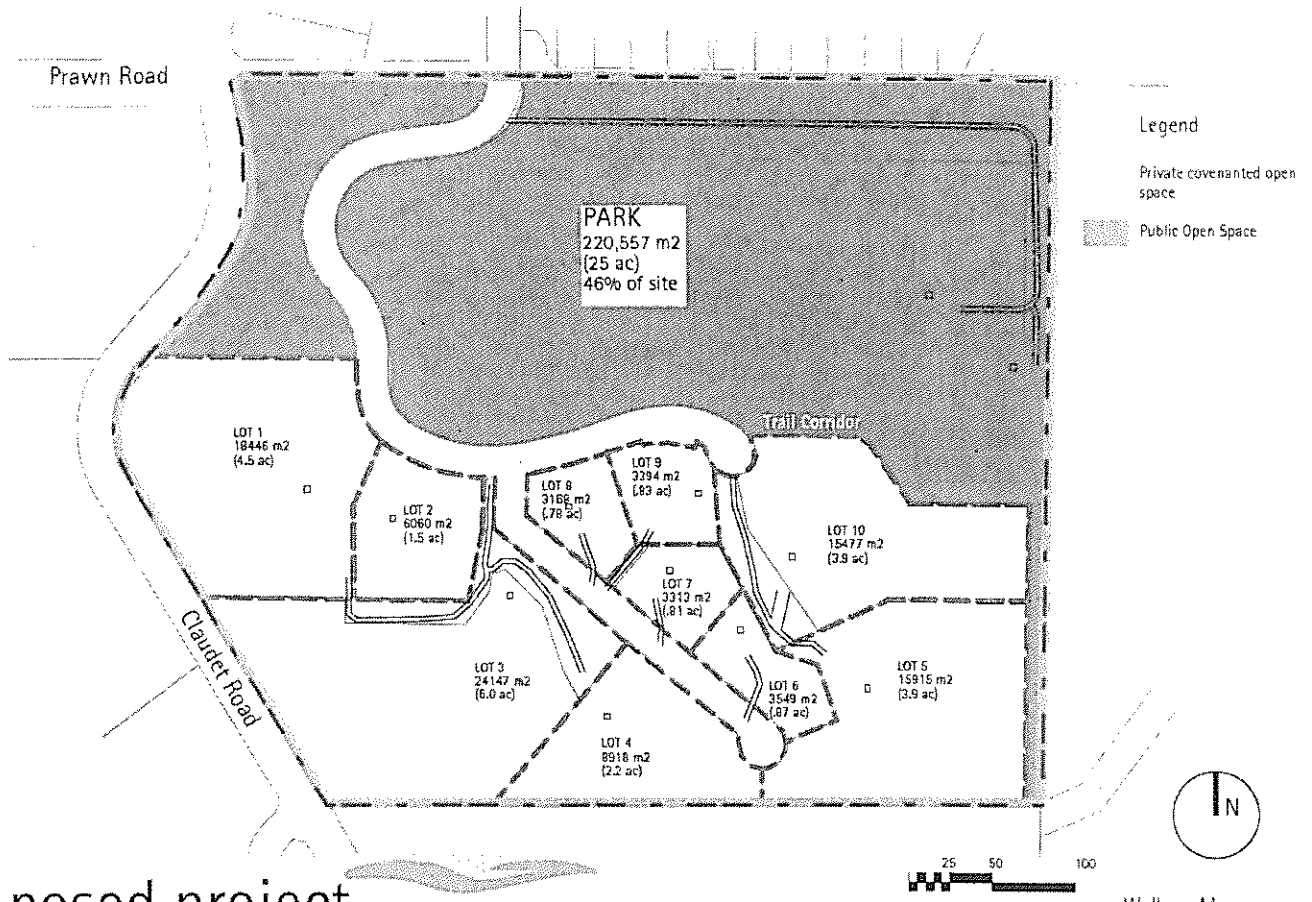


Figure 2 - Existing Plan

**Attachment No. 2
 Applicants Proposal**



posed project

NUTTAL RIDGE regional district of nanaimo

Walbern Manager

Drawing date: 06.30.10

www.nuttalridge.com

***Please note that the actual amount of Park on the subdivision plan is approximately 102,000 m²**

Attachment No. 2
Applicants Proposal

Nuttal Ridge Application for Rezoning

Amenity Package Amendment

As part of the Rezoning Application the owner of Nuttal Ridge, Mr. Bernie Walsh is committed to making a contribution to a local park acquisition amenity program. Mr. Walsh has identified funds of up to \$500,000 to be available from the sale of the first lots.

After consultation with the Nanoose Bay community it was identified that the priority was the “Moorecroft” lands. Discussion with the RDN Parks Department confirmed that Moorecroft is one of several parcels of land in the area deemed high priority for acquisition. The 85 acre parcel of land known as “Moorecroft” is currently privately held by the United Church. The Nanaimo Area Land Trust is actively pursuing the opportunity to acquire the lands. The RDN Parks Department has also shown interest in partnering in this process.

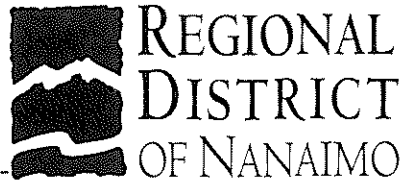
If deemed appropriate, the \$500,000 Park Acquisition Amenity funds could be designated for Moorecroft. The owner understands that should the bid for Moorecroft is unsuccessful the amenity funds will be used by the Parks department for the next priority in the acquisition process.

Mr. Walsh will continue to support the Non-profit “Farm at Cedar Woods” independently from this rezoning application.

Attachment 3
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. 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 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. 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. 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. The Board would approve the consultation plan for the 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. A copy of the application will be forwarded to the elected officials and planning staff for all member municipalities and adjacent regional districts. RDN staff will work with these other local governments to address any concerns or recommendations regarding the implications of the application for the goals of the RGS.
 - h. The application will be forwarded to First Nations, school districts, improvement districts and senior government agencies. These organisations will be invited to provide comments on the applications or speak with RDN staff with their recommendations.
 - i. A public information meeting will be conducted for the application. The proponent would present their proposal, the public would have an opportunity to ask questions and identify any potential issues from their perspective.
 - j. Board (Electoral Area Directors only) grants OCP amendment bylaw 1st and 2nd reading.
 - k. Referral of the OCP bylaw amendment to adjacent municipalities and the Intergovernmental Advisory Committee for comment. The Committee reviews the proposal, staff assessment and comments to date to make recommendations in relation to the RGS.
 - l. A staff report would be prepared for the Sustainability Select Committee that would provide information about the proposal and the Intergovernmental Advisory Committee recommendations. The Sustainability Select Committee reviews the proposal and required RGS amendments then makes a recommendation to the Board.
 - m. Board grants 1st and 2nd reading for RGS amendment.
 - n. The RDN Board is required to conduct a public hearing for both the OCP and the RGS amendment. The public hearing for the OCP and RGS amendment can be held at the same time, in the same location.

- o. The proposed amendment is submitted to each member municipality, adjacent regional district and the Minister of Community and Rural Development. The statutory requirements of the *Local Government Act* give the local governments 60 days to accept or refuse the RGS amendment. Acceptance by each local government is required for the amendment to proceed to adoption. If one or more local governments do not accept the amendment, then it must go through the statutory dispute resolution process as directed by the Minister.
- p. Board (Electoral Area Directors only) grants OCP amendment bylaw 3rd reading.
- q. OCP bylaw is submitted to the Minister of Community and Rural Development for approval.
- r. Board grants 3rd reading for RGS amendment.
- s. Board adopts RGS bylaw amendment.
- t. Board adopts OCP bylaw amendment.



CAO APPROVAL	
EAP	✓ Jul 13 '10
COW	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: June 30, 2010

FROM: Kristy Marks
Planner

FILE: PL2010-011

SUBJECT: Zoning Amendment Application No. PL2010-011 - Jill Maibach
Lot C, Sections 11 & 12, Range 7, Cranberry District, Plan 21786
2115 South Wellington Road
Electoral Area 'A'

PURPOSE

To consider a Zoning Amendment Application to rezone the subject property from Commercial 4 (CM4) to Industrial 1 (IN1) in order to permit a light industrial development including "Light Industry" and "Heavy Equipment Display".

BACKGROUND

The Regional District of Nanaimo (RDN) has received a Zoning Amendment Application from Jill Maibach to rezone the subject property in order to permit a light industrial development.

The subject property is approximately 0.5 ha in size and is zoned Commercial 4 Subdivision District 'J' (RS2J) (4000 m² with community water & sewer services, 1.0 ha with no community services) as per the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment No. 1 for location of subject property).

The subject property, which has been cleared, currently contains a new, approximately 905 m² building. Surrounding land uses include developed commercial and industrial parcels to the north, residential zoned parcels to the south and west and South Wellington Road and the Trans Canada Highway to the east.

Proposed Development:

The applicant is requesting an Industrial 1 (IN1) zone for the purposes of supporting light industrial uses within an existing building, as well as heavy equipment display. The building is proposed to be serviced by an existing on-site well, pump and haul sewerage system, and an existing storm water management system (see Attachment No. 2 for Existing and Proposed Development Site Plan). Access/egress to and from the subject property will be via South Wellington Road. It is noted that the subdivision district does not require a change as the subject property does not have any subdivision potential.

OFFICIAL COMMUNITY PLAN

The subject property is designated as "South Wellington Industrial-Commercial Area" as per the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan No. 1240, 2001" (OCP). The relevant policies of the OCP support the proposal for a light industrial use in this location. As part of the review process for the Electoral Area 'A' OCP, which is currently underway, the Regional Board adopted a resolution that only Zoning Amendment Applications that were consistent with the policies of the current land use designation would be considered. Staff are of the opinion that the proposed development complies with the intent of the OCP.

DEVELOPMENT IMPLICATIONS

Development Permit Implications

With respect to the Development Permit Guidelines, the subject property is designated within the South Wellington Development Permit Area No. 1 for form and character and the protection of the natural environment. Development Permit No. 60918 was issued in August 2009 for the development of the subject property, including the existing building and other site improvements. This permit requires the development to be in substantial compliance with the site plan (*attached as Schedule No. 3*) and includes provisions for landscaping, signage, and compliance with the Geotechnical Assessment prepared by Lewkowich Engineering Associates Ltd. Staff recommend that the conditions of DP 60918 be completed to the satisfaction of the RDN prior to adoption of the Amendment Bylaw (*see Schedule No. 1 – Conditions of Approval*).

Servicing

With respect to potable water, the applicant has submitted a Well Construction Report and Engineer's Report that concludes that the recently drilled well on the subject property will be capable of supplying water to the proposed industrial uses. This development requires source approval from the Vancouver Island Health Authority (VIHA). If the zoning amendment proceeds, staff recommends that the applicant be required to submit proof of source approval prior to consideration of adoption of the Amendment Bylaw (*see Schedule No. 1 – Conditions of Approval*).

With respect to on-site sewage disposal, the applicant has submitted a holding tank permit for pump and haul from the Vancouver Island Health Authority (VIHA). In addition, the Engineer's report states that the tank is to be pumped out on an as need basis and verifies that the holding tank is in place and should work properly. As the subject property is not located within an RDN Pump and Haul Local Service Area, pump and haul systems are reviewed by VIHA, and pump and haul users outside the service area do not qualify for reduced rates for septage discharge fees.

With respect to stormwater management on the site, the applicant has submitted as built drawings for the existing stormwater management system and a Schedule B-2 certified by a registered professional engineer for the site construction and installation of the oil water separator. The location of the rock pit, oil water separator and drainage pit are shown on the attached site plan as *Schedule No. 2*. As noted on the site plan it is recommended that the oil separator to be inspected annually.

With respect to site paving, staff recommend that the applicant be required to pave the access to the property in accordance with the Ministry of Transportation and Infrastructure (MOTI) Access Permit, parking areas, and an area around the existing oil water separator and drainage pit to ensure that all run off from paved surfaces is directed toward the oil separator generally as indicated on the site plan (*Attachment No.2*) prior to adoption of the Amendment Bylaw (*see Schedule No. 1 – Conditions of Approval*).

PUBLIC CONSULTATION

Public Information Meeting

A Public Information Meeting was held on June 28, 2010 at the Cranberry Community Hall. Notification of the meeting was advertised in the Nanaimo Daily News and on the RDN website along with a direct mail out to all property owners within 200 metres of the subject property. One person attended the information meeting and there were no questions or comments from the attendee (*see Attachment No. 3 - 'Proceedings of the Public Information Meeting'*).

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. No sustainability implications were identified through the review of this application.

ALTERNATIVES

1. To approve the amendment application to rezone the subject property from Commercial 4 (CM4) to Industrial 1 (IN1) for 1st and 2nd 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.

SUMMARY

The applicant is proposing to amend Bylaw No. 500, 1987 in order to permit light industrial uses and heavy equipment display in an existing building serviced with on-site potable water, pump and haul sewerage disposal system, and storm water management systems. A Public Information Meeting was held on June 28, 2010 and the Summary of the Minutes is attached (*see Attachment No. 3*).

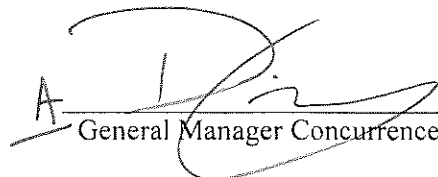
Given that the proposed zoning amendment is in compliance with the current OCP, staff support the amendment application, subject to the conditions set out in Schedule No. 1 and recommend that the associated Zoning Bylaw Amendment Bylaw receive 1st and 2nd reading and proceed to Public Hearing.

A copy of the proposed Amendment Bylaw is attached to this report (*see Attachment No. 4*).

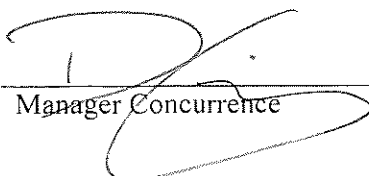
RECOMMENDATIONS

1. That the Summary of the Public Information Meeting held on June 28, 2010 be received.
2. That Application No. PL2010-011 to rezone the subject property from Commercial 4 (CM4) to Industrial 1(IN1) be approved subject to the conditions included in Schedule No. 1.
3. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.357, 2010” be given 1st and 2nd reading.
4. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.357, 2010” be delegated to Director Burnett or his alternate.


Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Conditions of Approval
Zoning Amendment Application No. PL2010-011

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

1. Development Permit Conditions:

Applicant to complete the Conditions of Development Permit No. 60918 to the satisfaction of the RDN prior to adoption of the Amendment Bylaw.

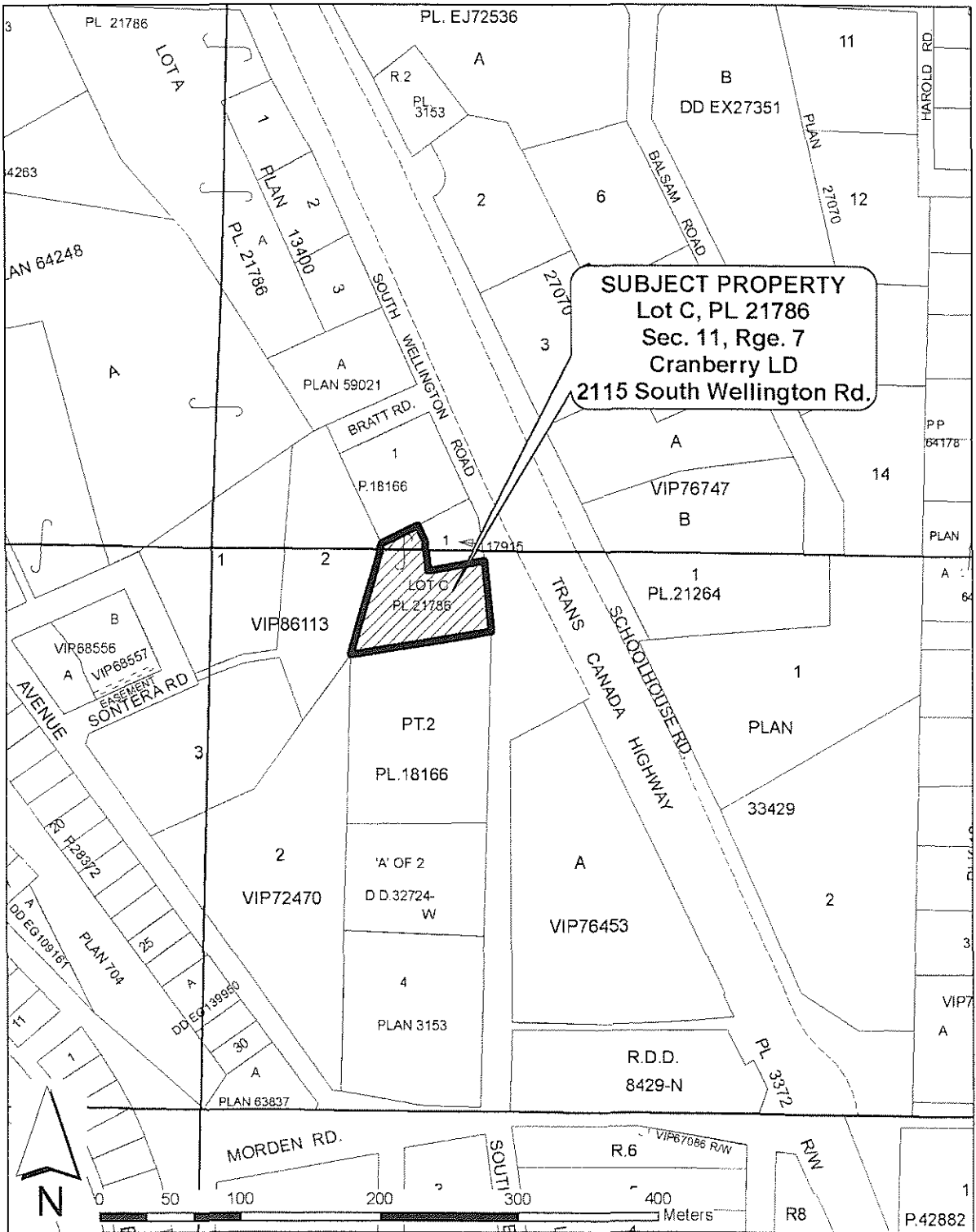
2. On-Site Potable Water Supply:

Applicant to submit written confirmation that potable water source approval from the Vancouver Island Health Authority (VIHA) has been granted for the development.

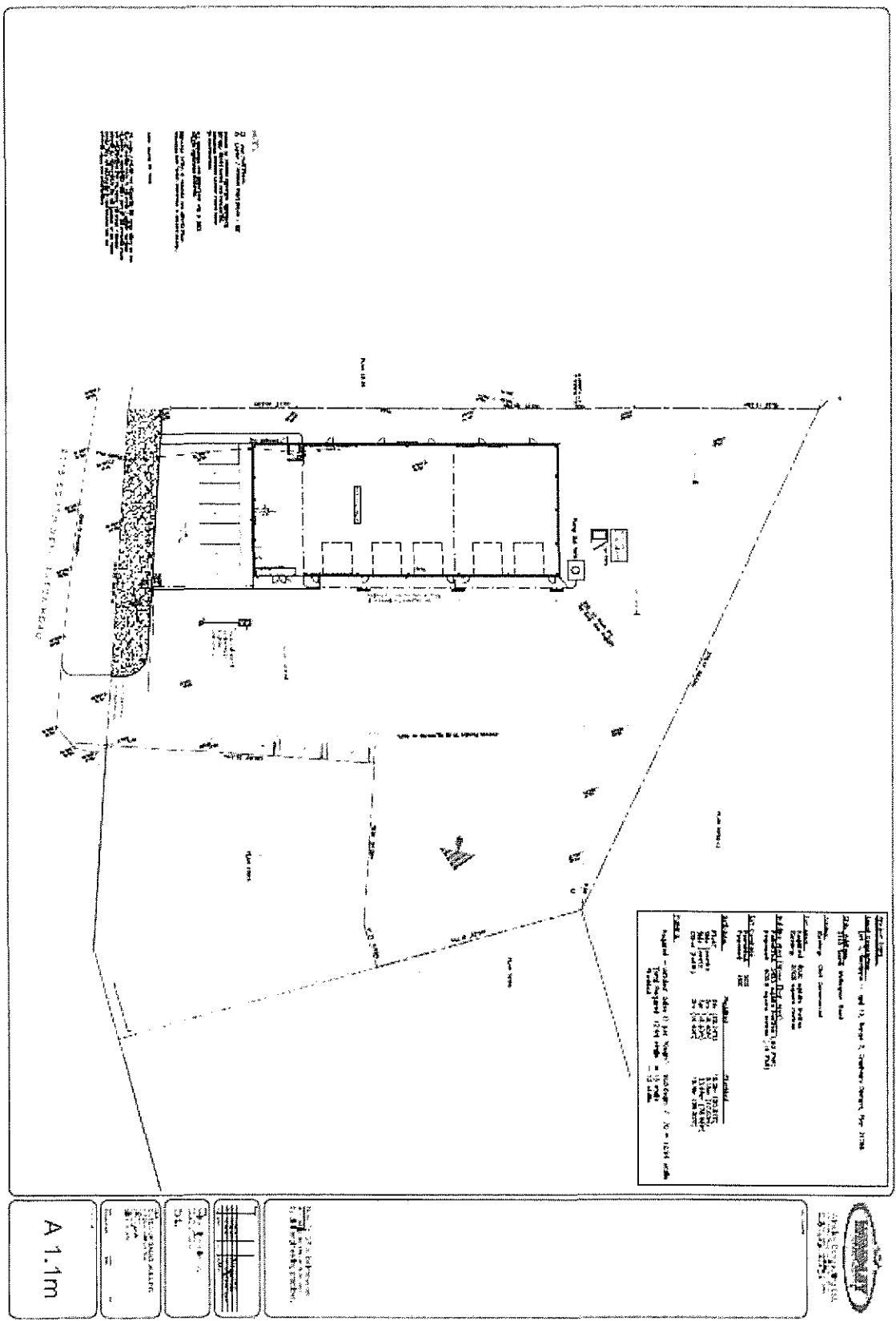
3. Site Paving:

Applicant to complete paving requirements in accordance with DP No. 60918 and the Ministry of Transportation and Infrastructure (MOTI) Access Permit as well as paving an area around the existing oil water separator and drainage pit to ensure that all run off from paved surfaces is directed toward the oil separator prior to adoption of the Amendment Bylaw.

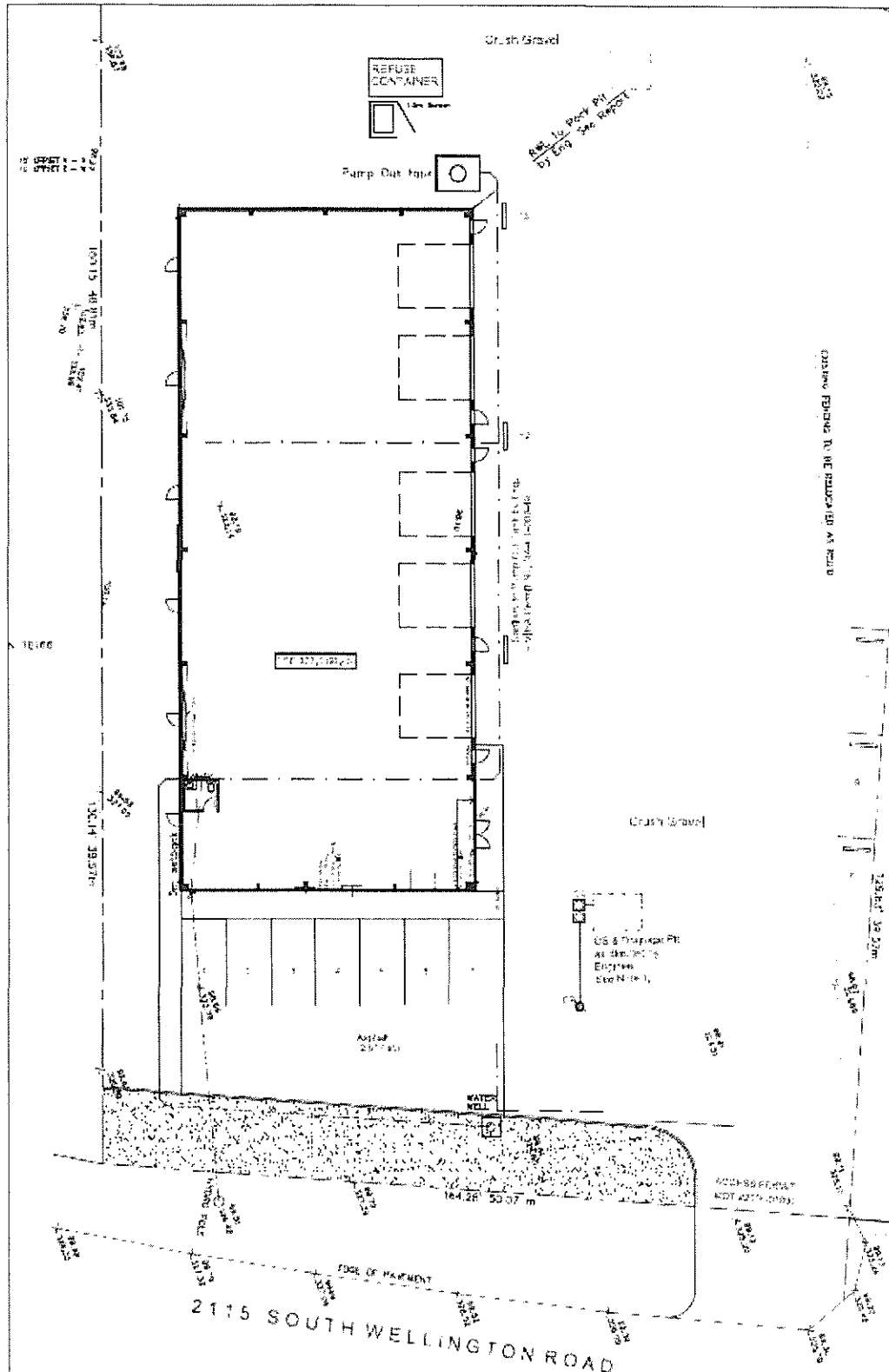
Attachment No. 1
Location of Subject Property



Attachment No. 2
 Existing and Proposed Development Site Plan



Attachment No. 2
Existing and Proposed Development Site Plan - Detail



Attachment No. 3
Summary of the Public Information Meeting
Held at Cranberry Community Hall, 1555 Morden Road, South Wellington
June 28, 2010 at 7:00 pm

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

There was one person in attendance.

Present for the Regional District:

Joe Burnett, Chairperson

Kristy Marks, Planner

Present for the Applicant:

Jill Maibach, property owner

The Chairperson opened the meeting at 7:05 pm and outlined the agenda for the evening's meeting. The Chairperson then stated the purpose of the Public Information Meeting and requested the Planner to provide background information concerning the Official Community Plan (OCP) and zoning amendment process.

The Planner gave a brief outline of the application process.

The Chairperson then invited Jill Maibach, the property owner, to give a presentation of the proposed development

Following Ms. Maibach's presentation, the Chairperson invited questions and comments from the attendees.

There were no comments or questions from the audience.

The Chairperson asked if there were any other questions or comments.

The Chairperson asked a second time if there were any other questions or comments.

The Chairperson asked a final time if there were any other questions or comments.

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

The meeting concluded at 7:15 pm.

Kristy Marks
Recording Secretary

**Attachment No. 4
Proposed Amendment Bylaw No. 500.357, 2010**

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.357**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO
LAND USE AND SUBDIVISION BYLAW NO. 500, 1987**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend "Regional District of Nanaimo LAND USE AND SUBDIVISION BYLAW NO. 500, 1987":

THEREFORE IT BE RESOLVED that the Board of the Regional District of Nanaimo, in open meeting assembled ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.357, 2010".
2. The "Regional District of Nanaimo LAND USE AND SUBDIVISION BYLAW NO. 500, 1987" is hereby amended as follows:

- (1) **SCHEDULE '3A', ZONING MAPS** is hereby amended by rezoning from Commercial 4 (CM4) to Industrial 1 (IN1) the land legally described as:

Lot C, Sections 11 and 12, Range 7, Cranberry District, Plan 21786

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**, Subsection 3.4.31 'Permitted Uses and Site Area' is hereby amended by adding the following after c) Residential Use:

Notwithstanding the Required Site Area, for the property legally described as Lot C, Sections 11 and 12, Range 7, Cranberry District, Plan 21786 both 'Light Industry' and 'Heavy Equipment Display' are permitted uses.

Passed First Reading: _____
Passed Second Reading: _____
Public Hearing Held: _____
Passed Third Reading: _____
Adopted: _____

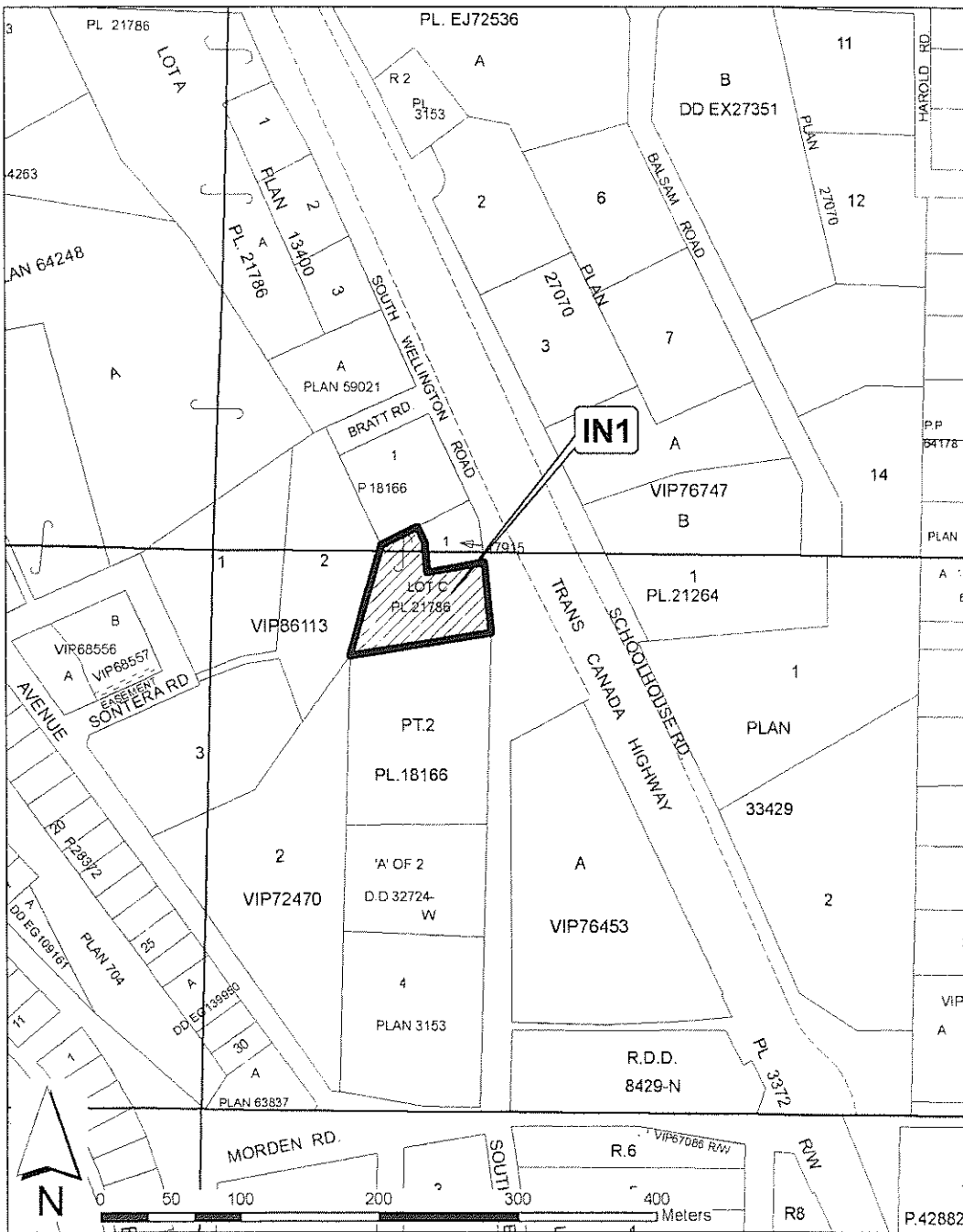
Chairperson

Sr. Mgr., Corporate Administration

Schedule No. '1' to accompany "Regional District
of Nanaimo Land Use and Subdivision Bylaw
Amendment Bylaw No. 500.357, 2010"

Chairperson

Sr. Mgr., Corporate Administration





CAO APPROVAL	
EAP	✓ Jul 13 '10
COW	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: June 21, 2010

FROM: Elaine Leung
Planner

FILE: PL2009-006

SUBJECT: Zoning Amendment Application No. PL2009-006
Robert Atkey and Elizabeth Polgari
Lot 1, Sections 9 and 10, Range 5, Mountain District, Plan 30438 – 2800 Kilpatrick
Electoral Area 'C'

PURPOSE

To consider an application to rezone property in order to facilitate a two lot subdivision.

BACKGROUND

The Regional District of Nanaimo has received an application from R. Atkey and E. Polgari to rezone the subject property from Subdivision District 'D' to Subdivision District 'F' in order to permit a two lot subdivision with 1.0 ha lots.

The subject property (*see Attachment No. 1*), is 2.0 ha, is zoned Rural 1, and is designated Subdivision District 'D' (RU1D) (*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."

The subject property contains one dwelling unit. The property borders Kilpatrick Road and Hay Rake Road, and is bound by rural zoned properties.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

The East Wellington – Pleasant Valley Official Community Plan, Bylaw No. 1055 (OCP) designates the subject property within the Rural Residential Land Use designation. The rural residential designation includes policy which recommends minimum lot area be limited to 2.0 ha. However, the designation does support reduction of lot area to 1.0 ha provided:

1. Density is limited to one unit per lot;
2. The subdivision does not adversely affect the character and/or Environmental quality of the surrounding lands, and
3. Verification that on-site septic disposal capability and potable water sources are sufficient to service the proposed development.

DEVELOPMENT IMPLICATIONS

Neighbourhood Character

The surrounding neighbourhood is comprised of large rural properties existing in size from .25 ha to 12 ha. The surrounding zoning permits two dwelling units on lots greater than 2.0 ha in size. As such, the proposed rezoning, will not result in a development which is out of character with the neighbourhood.

On Site Servicing

The applicants have provided a Geotechnical Report which states that the soil is suitable for the installation of a domestic wastewater disposal field. The Vancouver Island Health Authority (VIHA) has reviewed the proposal and the Health Inspector has recommended approval.

The applicants have proceeded to drill a well for the proposed lot, and have provided the well log data. Based on this information it appears that adequate water supply exist for the proposed lot. Staff recommend that as a condition of rezoning a covenant be registered which requires a report from a Professional Engineer confirming that the well has been pump tested and certified including well head protection, and that water quality meets the Canadian Drinking Water Standards. The covenant will require the report to be provided prior to subdivision.

PUBLIC CONSULTATION IMPLICATIONS

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". No sustainability implications were identified through the review of this application.

ALTERNATIVES

1. To approve the application to rezone the subject property from Subdivision District 'D' to Subdivision District 'F' subject to the conditions outlined in Schedule No. 1 and to give for 1st and 2nd reading to the associated amendment bylaw.
2. To not approve the Zoning Amendment Application as submitted.

SUMMARY

This is an amendment application to permit the creation of two 1.0 ha parcels on property located in Electoral Area 'C'.

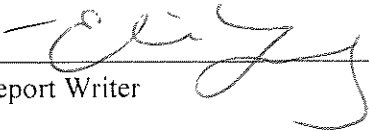
The rezoning, if approved, will not result in a development which is out of character with the surrounding rural neighbourhood. The applicants have provided an Engineering Report as well log data which demonstrates that the proposed lot can be serviced through on-site servicing. As a condition of final approval staff recommend that a covenant be registered requiring a well report by a Professional Engineer to the satisfaction of the RDN prior to subdivision approval.

Staff are of the opinion that the proposed development complies with the intent of the OCP and recommend that the Board support the application subject to the conditions set out in *Schedule 1*.

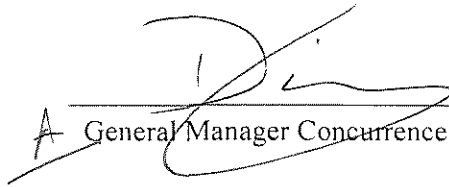
RECOMMENDATIONS

1. That Application No. PL2009-006 to rezone the subject property from Subdivision District 'D' to Subdivision District 'F' be approved subject to the conditions included in Schedule No. 1.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.358, 2010" be given 1st and 2nd reading.
3. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.358, 2010" be delegated to Director Young or her alternate.

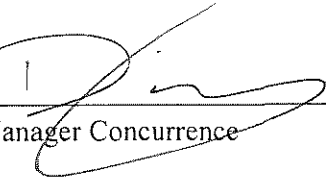
Report Writer



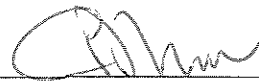
A General Manager Concurrence



Manager Concurrence



CAO Concurrence



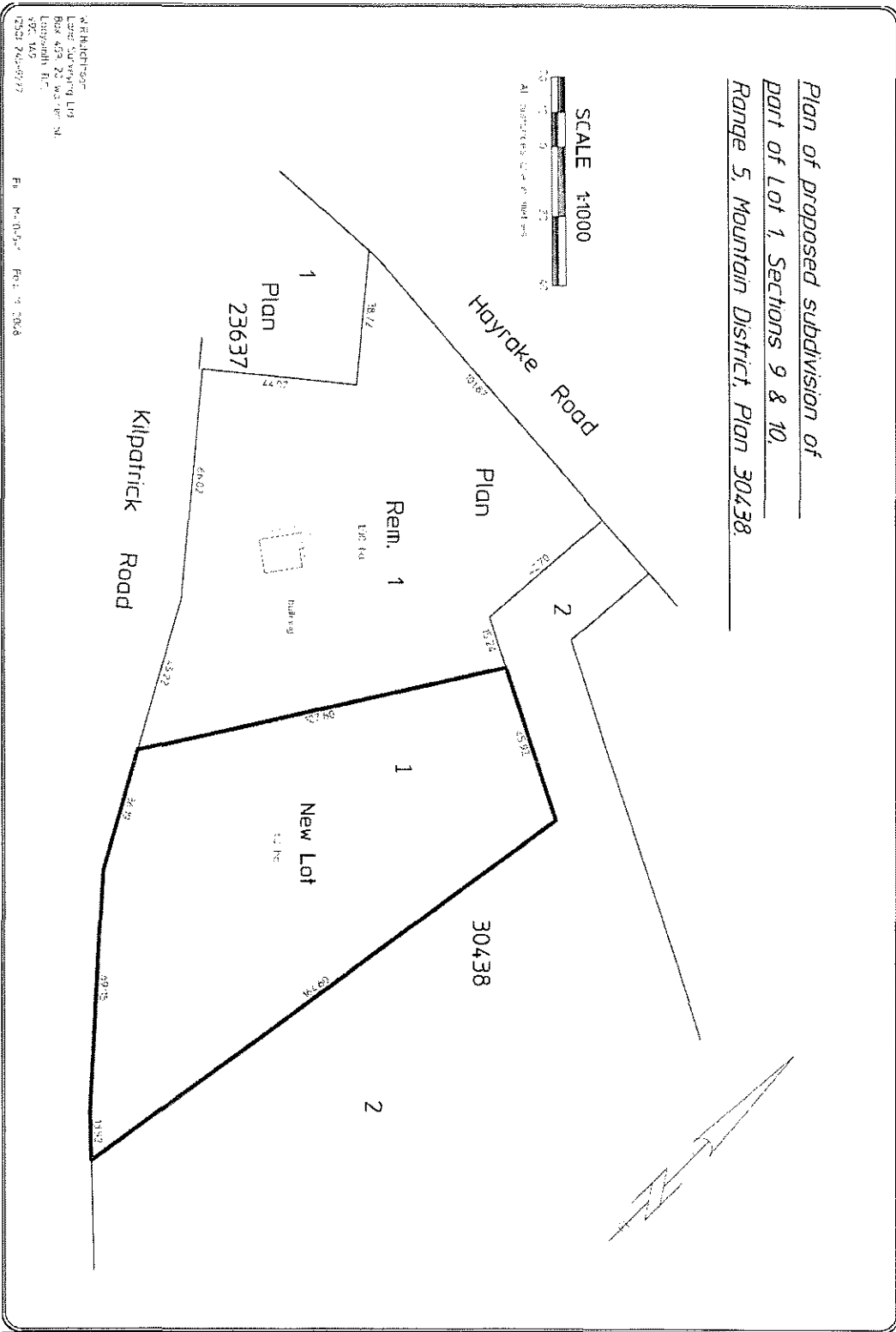
**Schedule No. 1
Zoning Amendment Application No. ZA PL2009-006
Conditions of Approval**

The following sets out the conditions of approval in conjunction with ZA PL2009-006:

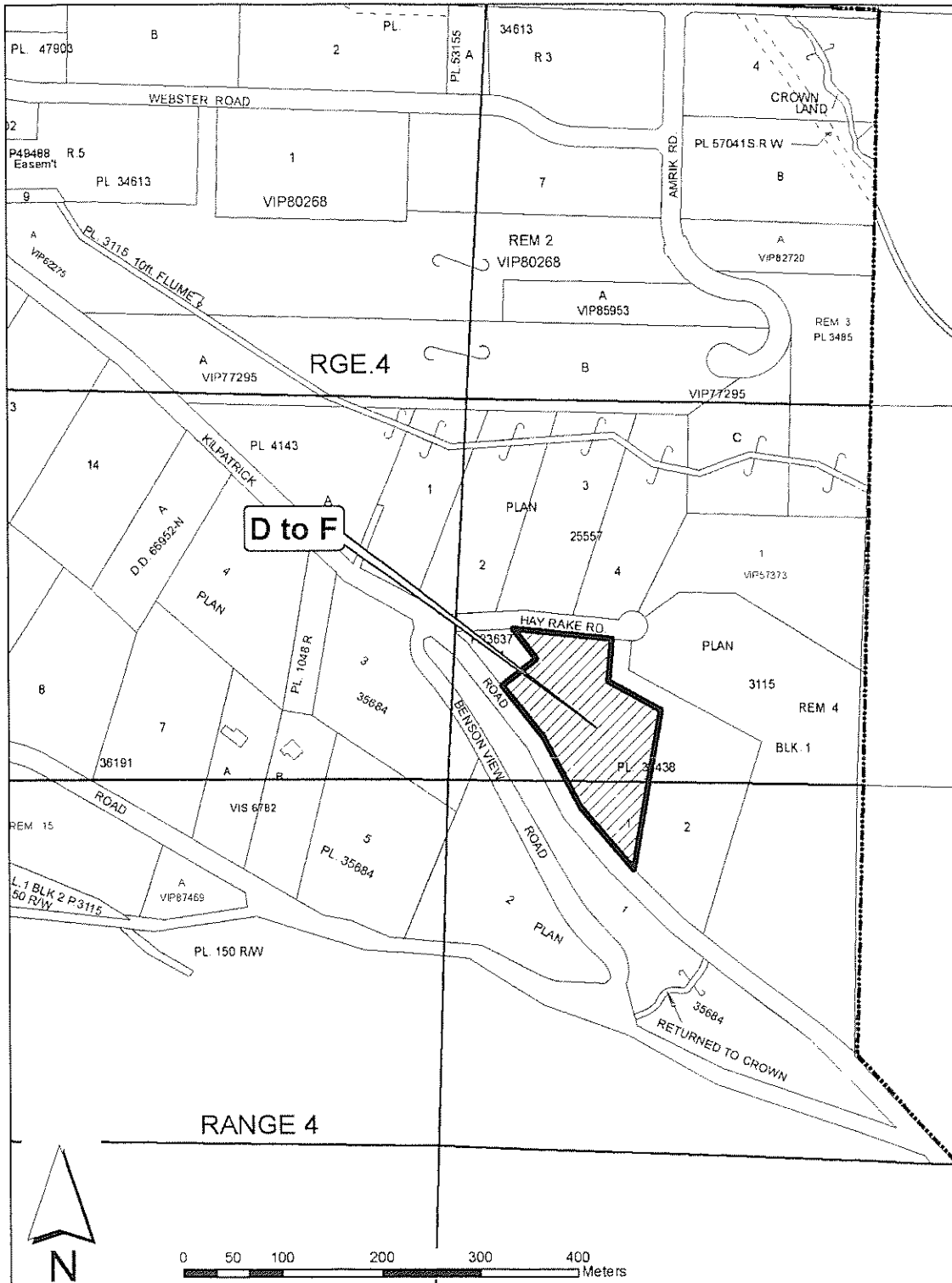
1. The applicant, at the applicant's expense, is to prepare and register a covenant stating that no subdivision shall occur until such time that a report from a Professional Engineer has been completed to the satisfaction of the Regional District of Nanaimo confirming that the well has been pump tested and certified including well head protection, and that the water meets the Canadian Drinking Water Standards.

Schedule No. 2

**Zoning Amendment Application No. ZA PL2009-006
 Proposed Plan of Subdivision
 (as submitted by applicant / reduced for convenience)**



Attachment No. 1
Zoning Amendment Application No. ZA PL2009-006
Location of Subject Property



BCGS MAPSHEET: 92F.020.4.2

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.358**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO LAND USE AND
SUBDIVISION BYLAW NO. 500, 1987**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend “Regional District of Nanaimo LAND USE AND SUBDIVISION BYLAW NO. 500, 1987”:

THEREFORE IT BE RESOLVED that the Board of the Regional, in open meeting assembled
ENACTS AS FOLLOWS:

1. This bylaw may be cited as “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.358, 2010”.
2. The “Regional District of Nanaimo LAND USE AND SUBDIVISION BYLAW NO. 500, 1987” is hereby amended as follows:
 - (1) **Schedule ‘4B’, SUBDIVISION DISTRICT MAPS** by redesignating From Subdivision District ‘D’ to Subdivision District ‘F’ the land legally described as:

Lot 1, Sections 9 and 10, Range 5, Mountain District, Plan 30438

As shown in heavy outline on Schedule No. ‘1’ which is attached to and forms part of this Bylaw.

Passed First Reading: _____

Passed Second Reading: _____

Public Hearing Held: _____

Passed Third Reading: _____

Adopted: _____

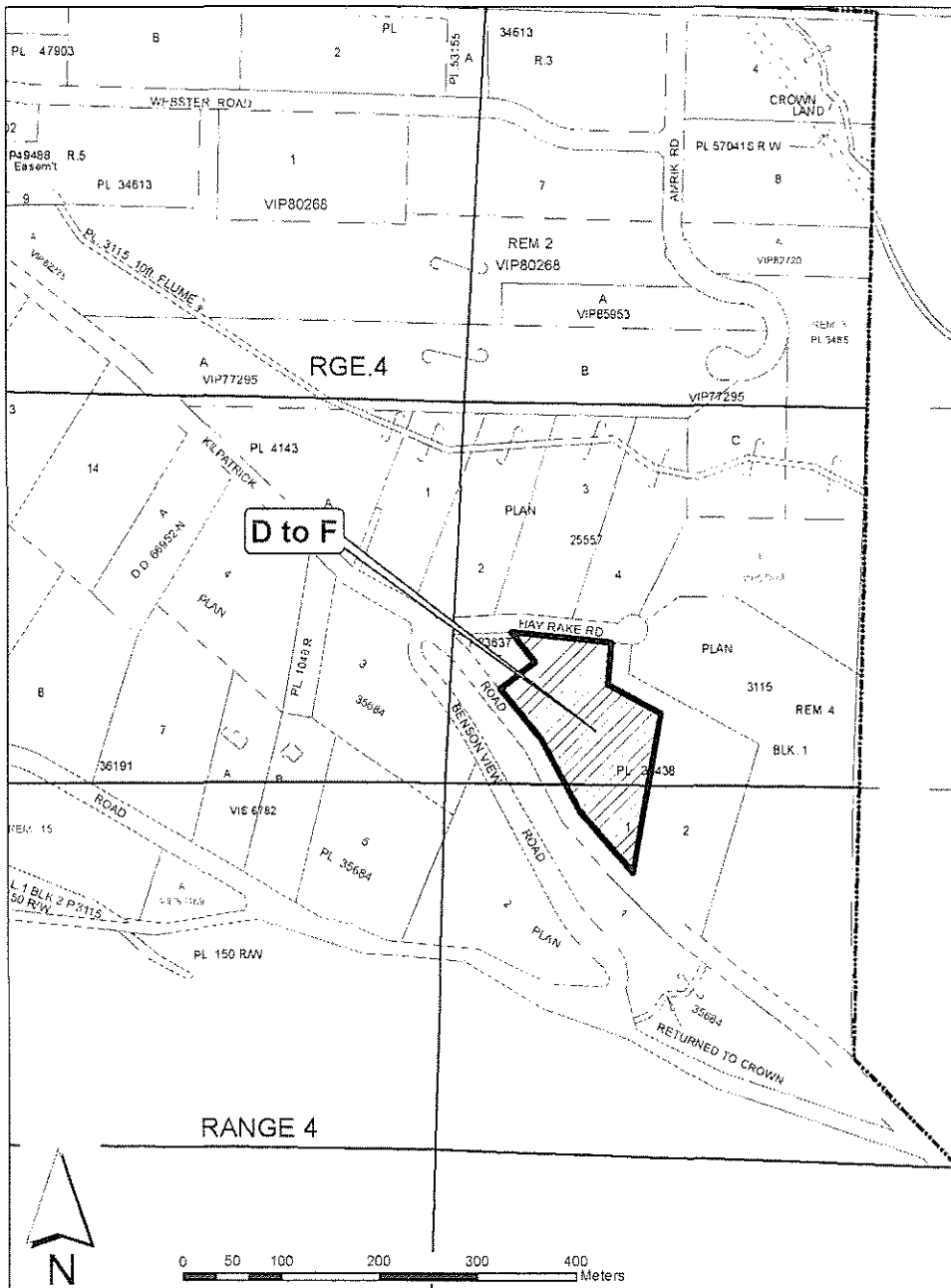
Chairperson

Sr. Mgr., Corporate Administration

Schedule No. '1' to accompany
 "Regional District of Nanaimo Land
 Use and Subdivision Bylaw
 Amendment Bylaw No. 500.358, 2010"

Chairperson

Sr. Mgr., Corporate Administration



BCGS MAPSHEET 92F 620 4 2



RUN REPORT	
C/O APPROVAL	
EAP	✓ 9/2 13 '10
COW	
R-D	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: June 29, 2010

FROM: Kristy Marks
Planner

FILE: PL2010-094

SUBJECT: Development Permit Application No. PL2010-094 – Fern Road Consulting Ltd.
Lot C, District Lot 19, Newcastle District, Plan VIP52606
226 Kenmuir Road
Electoral Area ‘H’

PURPOSE

To consider an application for a Development Permit and a request to relax the minimum 10% perimeter frontage requirement in conjunction with a proposed two lot subdivision.

BACKGROUND

The Regional District of Nanaimo has received a Development Permit application and a request to relax the minimum 10% perimeter frontage requirement in conjunction with a proposed two lot subdivision from Fern Road Consulting Ltd., on behalf of Kirstie Vellamo Radke.

The subject property, which is 0.51 ha in size, is zoned Public 1, Subdivision District ‘M’ (2000 m² minimum parcel size with community water service) as per “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment No. 1 for location of subject property).

The parent parcel currently contains a dwelling unit, garage, and shed. Surrounding land uses include developed residential parcels to the north, south and east and a developed residential parcel and Kennmuir Road to the west. Although parcels to the east and west are zoned Public 1, they currently contain residential uses.

The property is subject to the Environmentally Sensitive Features Development Permit Area (DPA) for Aquifer Protection as per “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”.

Proposed Development

The applicant is proposing to create two parcels, both greater than the minimum parcel size requirements (see Schedule No. 2 for Proposed Plan of Subdivision). The parcels are proposed to be served with community water service and individual private septic disposal systems. As part of the application process, the applicant has submitted a Preliminary Hydrogeological Assessment in support of the application.

Minimum 10% Perimeter Frontage Requirement

Both proposed Lots 1 and 2, as shown on the submitted plan of subdivision, do not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontage relaxations are as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
Lot 1	31.28 m	12.5 m	4%
Lot 2	34.07 m	6.5 m	1.9%

As the proposed parcels do not meet the minimum 10% parcel frontage requirement pursuant to section 944 of the *Local Government Act*, approval of the Regional District Board of Directors is required.

DEVELOPMENT IMPLICATIONS

Ministry of Transportation and Infrastructure Implications

Ministry staff has indicated that they have no concerns with the proposed frontage for proposed Lots 1 and 2 and have indicated that a private easement for access could be registered on title. Despite the reduction in frontage, the parcels will be able to support residential uses.

Environmentally Sensitive Features Development Permit Area – Aquifer Protection

The applicant has submitted a Preliminary Hydrogeological Assessment prepared by Waterline Resources Inc. and dated May 10, 2010 concludes that “the proposed two lot subdivision represents a low risk of adverse impact to the adjacent properties or to nearby surface water resources”. The report includes recommendations for rainwater infiltration and other measures that should be taken if the site was to be used for non-residential purposes in the future.

Site Servicing Implications

Proof of potable water and septic disposal method is subject to the approval of the Approving Officer. The applicant has indicated that the proposed lots will be serviced by individual private septic disposal systems and has indicated that water is provided by the Qualicum Bay-Horne Lake Waterworks. Written confirmation from the local water provider confirming that sufficient quality and quantity of potable water is available to serve both proposed lots is recommended as a condition of issuance of this permit.

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 may impose conditions as required.

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. As part of the Development Permit application process, the applicant has provided a Preliminary Hydrogeological Assessment for the protection of the aquifer. The subject property is located within the Dunsmuir Village Centre where growth is encouraged.

ALTERNATIVES

1. To approve Development Permit No. PL2010-094, subject to the conditions outlined in *Schedule No. 1* and to approve the request for relaxation of the minimum 10% perimeter frontage requirement for the proposed Remainder of Lot A.
2. To deny the Development Permit No. PL2010-094 and the request for relaxation of the minimum 10% frontage requirement (and provide further direction to staff).

SUMMARY

Prior to the development of the subject property, a Development Permit and relaxation of the minimum 10% perimeter frontage requirement are required. The subject property is designated within the Environmentally Sensitive Features Development Permit Area (DPA) for aquifer protection as per the Electoral Area 'H' OCP. The applicant has provided a Preliminary Hydrogeological Assessment which concludes that there is a low risk of adverse impacts to the adjacent properties or to nearby surface water resources.

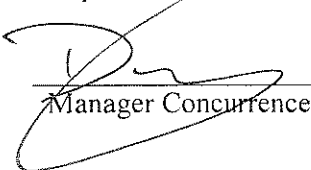
Both proposed lots, despite the reduced frontage, will be capable of supporting the residential uses permitted in the zoning provisions. In addition, Ministry of Transportation and Infrastructure staff have indicated that they have no objection to the request for relaxation of the minimum perimeter frontage requirement.

As the application is consistent with the applicable Development Permit Guidelines and as the reduced frontage will not negatively impact future uses of the proposed lots, staff recommends approval of the Development Permit and relaxation of the minimum 10% perimeter frontage requirement.

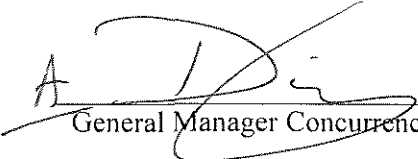
RECOMMENDATIONS

1. That Development Permit Application No. PL2010-094, in conjunction with a two lot subdivision be approved subject to the conditions outlined in *Schedule No. 1*.
2. That the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 1 and Lot 2 be approved.

Report Writer



Manager Concurrence

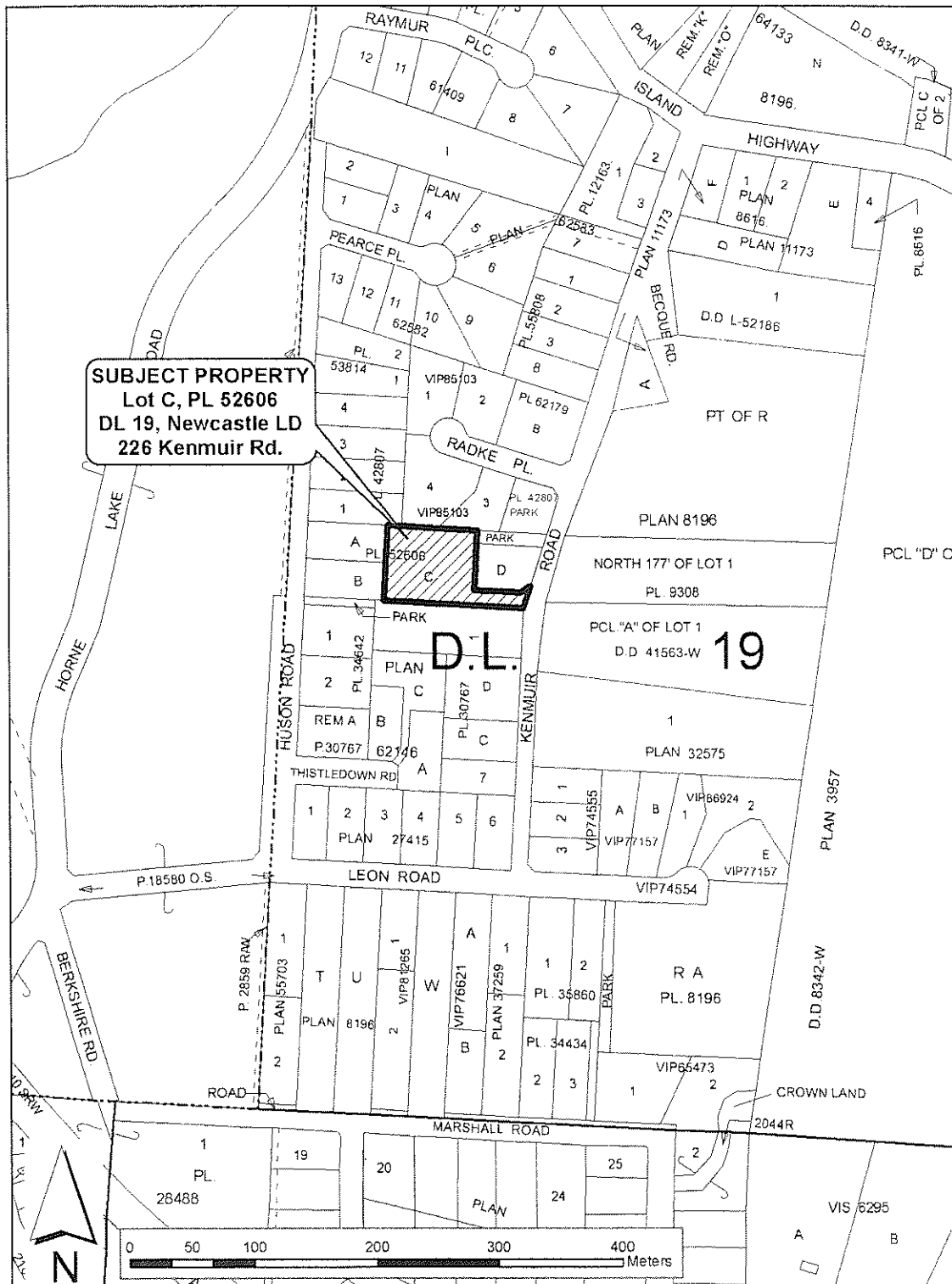


General Manager Concurrence



CAO Concurrence

Attachment No. 1 Location of Subject Property



BCGS MAPSHEET: 92F.037.4.4

Schedule No. 1
Development Permit Application No. PL2010-094
Conditions of Approval

The following sets out the conditions of approval with respect to Development Permit No. PL2010-094:

1. Subdivision

The subdivision of the lands shall be in substantial compliance with *Schedule No. 2* (to be attached to and forming part of Development Permit No. PL2010-094).

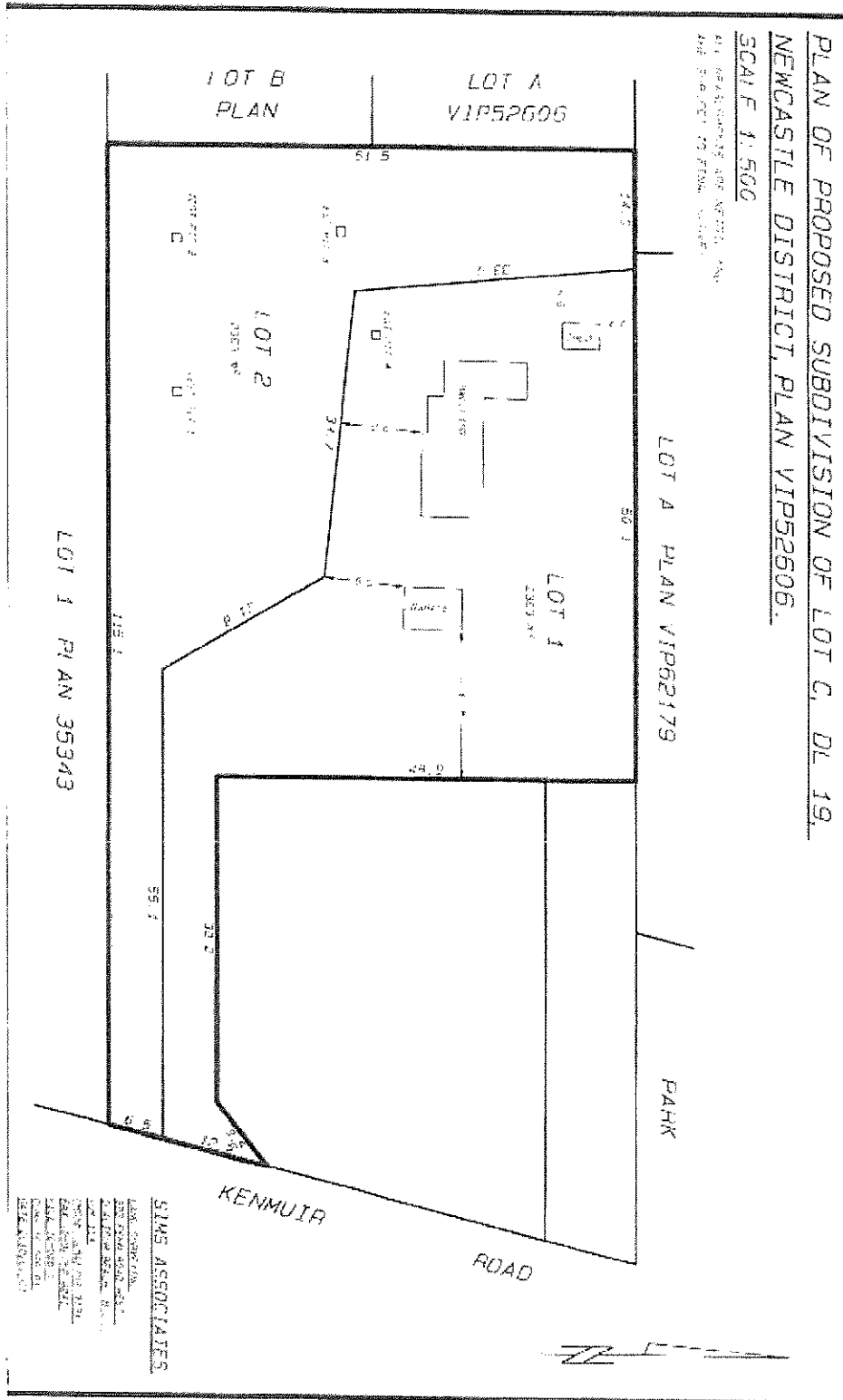
2. Preliminary Hydrogeological Assessment

The Preliminary Hydrogeological Assessment prepared by Waterline Resources Inc. and dated May 10, 2010 applies only to the two lot subdivision of the parent parcel. Development of the proposed lots shall be in accordance with the recommendations of this report.

3. Proof of Water

Staff shall withhold the issuance of this Permit until the applicant has provided written confirmation from the local water provider, Qualicum Bay-Horne Lake Waterworks, that sufficient quality and quantity of potable water is available to serve both proposed lots.

Schedule No. 2
Development Permit No. PL2010-094
Proposed Plan of Subdivision





CAO APPROVAL	
EAP	✓ Jul 13 '10
COV	
R-D	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: June 29, 2010

FROM: Susan Cormie
Senior Planner

FILE: PL2010-118

SUBJECT: Development Permit Application No. PL2010-118 – Fern Road Consulting Ltd.
Lot 1, District Lot 33, Newcastle District, and of Part of the Bed
of the Strait of Georgia, Plan 40322, Except Part in Plan 44033
AND Lot A, District Lot 33, Newcastle District, Plan 28923
6190 & 6208 Island Highway West
Electoral Area 'H'

PURPOSE

To consider an application for a Development Permit and a request to relax the minimum 10% perimeter frontage requirement in conjunction with a lot line adjustment subdivision proposal.

BACKGROUND

The Regional District of Nanaimo has received a Development Permit application in conjunction with a lot line adjustment subdivision proposal from Fern Road Consulting Ltd., on behalf of Ian Lightfoot and Norene Wilson. The EAPC will recall that a relaxation of the minimum 10% frontage requirement for the proposed Remainder of Lot A was recently granted by the Regional Board of Directors under a separate application.

The subject properties, which total 8.5 ha in size, are zoned Rural 1 (RU1) and is situated within Subdivision District 'D' (*2.0 ha minimum parcel size with or without community services*) as per the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (*see Attachment No. 1 for location of subject property*).

The subject properties are situated within the Provincial Agricultural Land Reserve.

The proposed Remainder of Lot A is vacant and proposed Lot 1 supports an agricultural building. Proposed Lot 1 also has numerous unlicensed derelict vehicles, parts of vehicles, construction materials, and lumber stored on the property.

Surrounding land uses include rural zoned properties situated in the Provincial Agricultural Land Reserve (ALR) to the north and south, the Island Highway No. 19A to the east, and the E&N Railway Corridor to the west. In addition, there are streams, including Nash Creek, and wetlands located within the subject properties.

The subject property is designated within the Environmentally Sensitive Features Development Permit Area (DPA) for the protection of watercourses as per the Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003:

Proposed Development

The applicant is proposing to a lot line adjustment between the parent parcels resulting in the two new parcels being greater than the minimum parcel size requirements (*see Schedule No. 2 for Proposed Plan of Subdivision*). The parcels are proposed to be served with community water service and individual private septic disposal systems.

As part of the application process, the applicant has submitted Riparian Assessment Report.

Minimum 10% Perimeter Frontage Requirement

Proposed Lot 1, as shown on the submitted plan of subdivision, does not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontage is as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
Lot 1	150.09 m	93.3 m	6.2 %

Therefore, as this proposed parcel does not meet the minimum 10% parcel frontage requirement pursuant to section 944 of the *Local Government Act*, approval of the Regional District Board of Directors is required.

DEVELOPMENT IMPLICATIONS

Agricultural Land Reserve Implications

In keeping with the guidelines of the Agricultural Land Reserve Commission to *not* extend roads into the ALR as well as the requirements of the *Land Title Act* to limit roads being extended into ALR lands, there is a limited amount of road frontage to provide access to the proposed Lot 1. The Provincial guidelines and regulations support the requested frontage relaxation to serve proposed Lot 1.

Ministry of Transportation and Infrastructure Implications

Ministry staff has indicated that the proposed frontage for the proposed Lot 1 is acceptable to the Ministry. Despite the reduction in the frontage, the parcel will be able to support residential and agricultural uses.

Environmentally Sensitive Development Permit Area

With respect to the Riparian Assessment, the report, which establishes 30.0 metre Streamside Protection Environmental Areas (SPEAs) for two streams and wetlands, concludes that, as there is no subdivision-related development activity to occur within the SPEAs, there are no impacts.

Existing Land Use Implications

Through the subdivision review process, the outdoor storage of unlicensed vehicles and other materials, which is not a permitted use, will be required to be removed prior to consideration of confirmation of compliance with RDN related bylaws.

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". No sustainability implications have been identified in association with the proposal.

ALTERNATIVES

1. To approve Development Permit No. PL2010-118, subject to the conditions outlined in *Schedule No. 1* And to approve the request for relaxation of the minimum 10% perimeter frontage requirement for the proposed Lot 1.
2. To deny the Development Permit No. PL2010-118 and the request for relaxation of the minimum 10% frontage requirement (and provide further direction to staff).

SUMMARY

Prior to the development of the subject property, a Development Permit and relaxation of the minimum 10% perimeter frontage requirement are required. The subject properties are designated within the Environmentally Sensitive Features Development Permit Area (DPA) for the protection of watercourses as per the Electoral Area 'H' OCP. The applicant has provided a Riparian Assessment Report which concludes that, as there is no subdivision-related development activity to occur within the SPEAs, there are no impacts or mitigation required.

Proposed Lot 1, despite the reduced frontage, will be capable of supporting the intended agricultural and residential uses permitted in the zoning provisions. In addition, Ministry of Transportation and Infrastructure staff has indicated that they have no objection to the request for relaxation of the minimum perimeter frontage requirement.

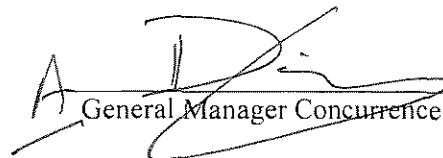
As the application is consistent with the applicable Development Permit Guidelines and as the reduced frontage will not negatively impact future uses of the proposed Lot 1, staff recommends approval of the Development Permit and relaxation of the minimum 10% perimeter frontage requirement.

RECOMMENDATIONS

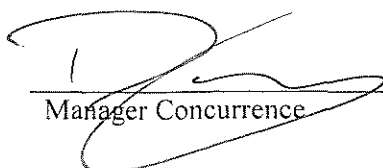
1. That Development Permit Application No. PL2010-118, in conjunction with a lot line adjustment subdivision be approved subject to the conditions outlined in *Schedule No. 1*.
2. That the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 1 be approved.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Development Permit Application No. PL2010-118
Conditions of Approval

The following sets out the conditions of approval with respect to Development Permit No. PL2009-118:

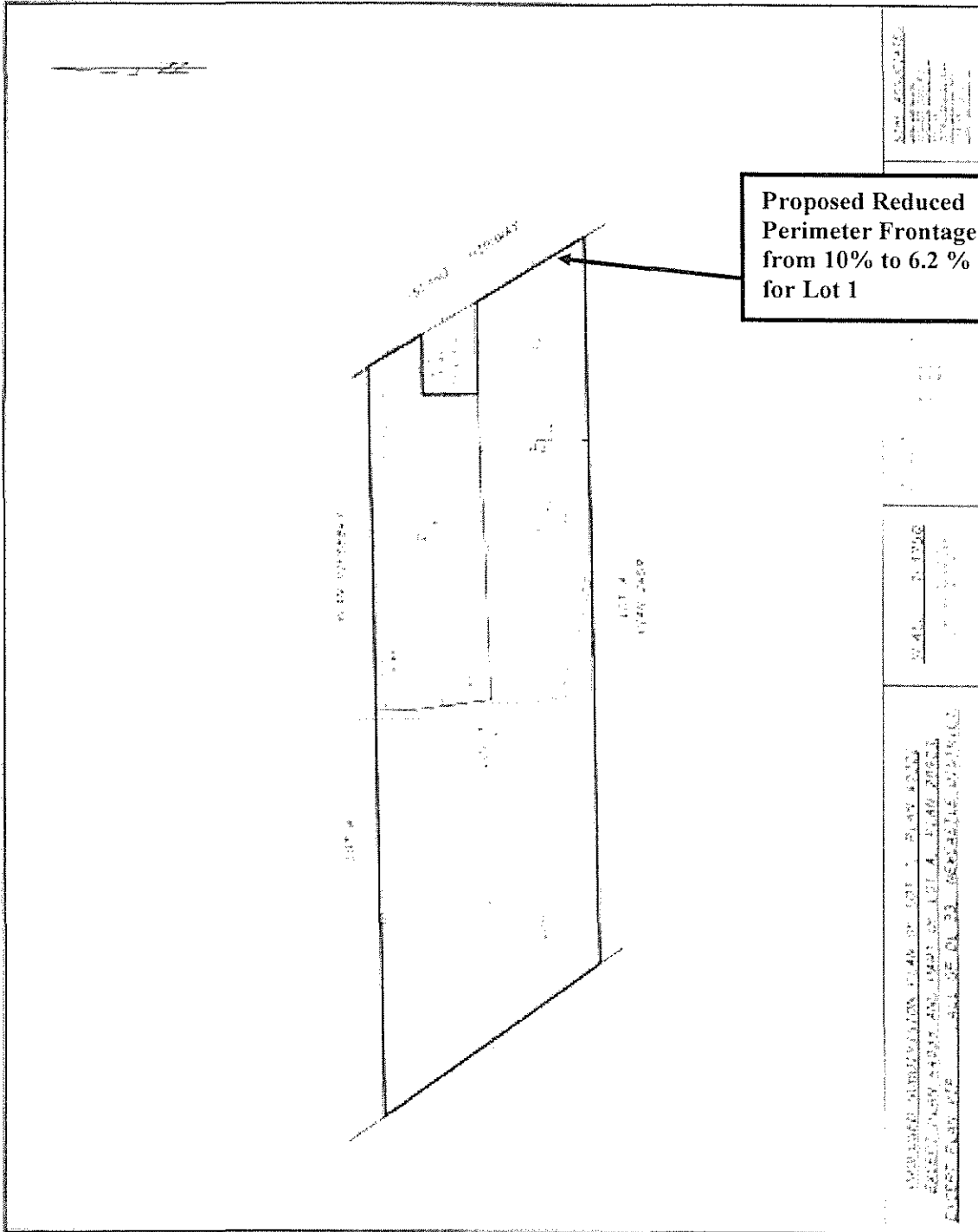
1. Subdivision

The subdivision of the lands shall be in substantial compliance with *Schedule No. 2* (to be attached to and forming part of Development Permit No. PL2010-118).

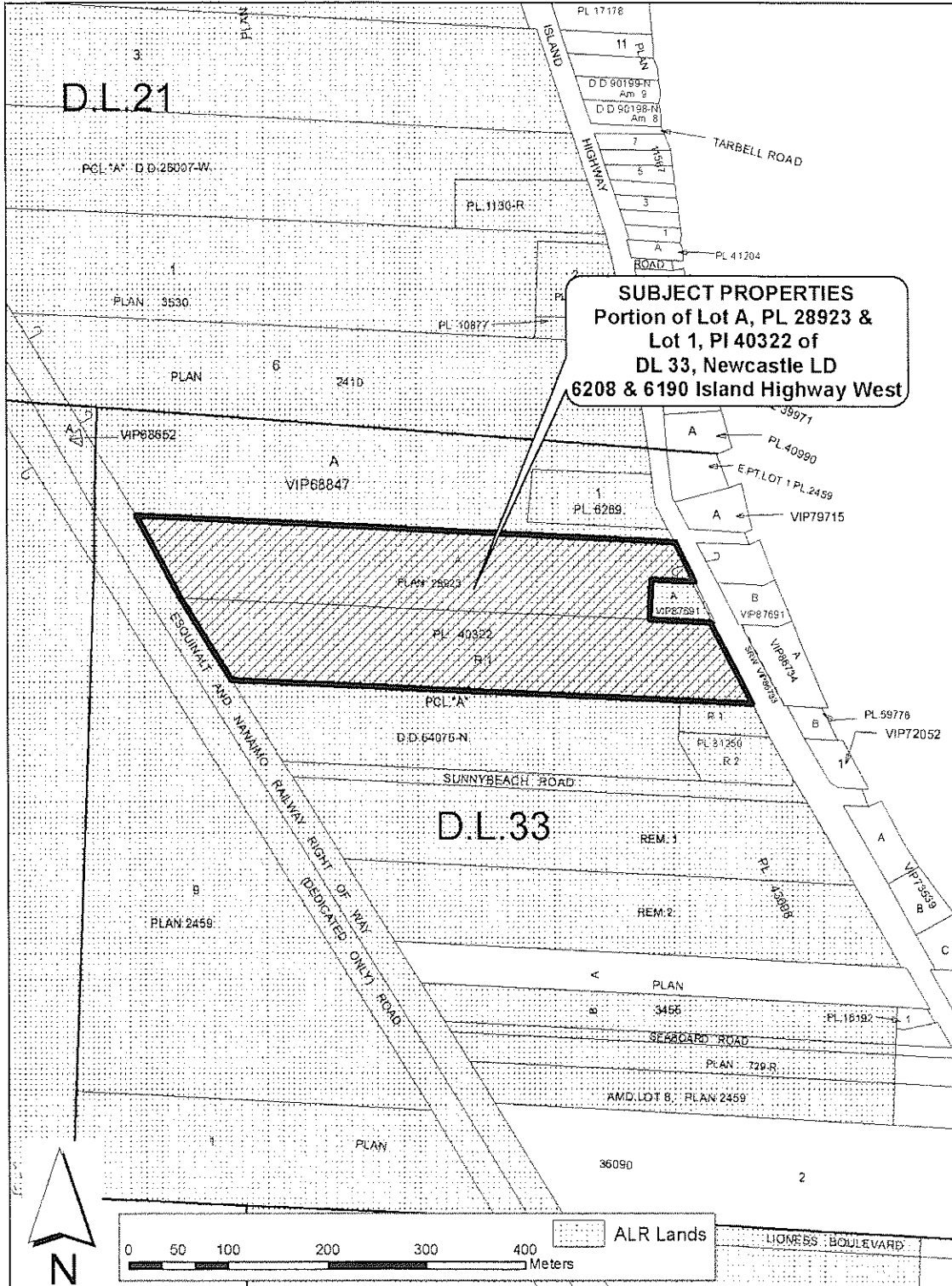
2. Riparian Assessment

The Riparian Area Assessment No. 1460 prepared by Adam Compton (Streamside Environmental Consulting Ltd.) and dated 2009-11-02 (to be attached to and forming part of the Development Permit as *Schedule No.*) applies only to the lot line adjustment subdivision of the parent parcels requiring no associated subdivision related works within the SPEAs. If any subdivision related works, including drainage works or driveways, are to occur in the SPEAs or if there is any future development proposed to occur within the SPEAs, a further riparian area assessment prepared by a Qualified Environmental Professional and registered with the Ministry of Environment will be required.

Schedule No. 2
Development Permit No. PL2010-118
Proposed Plan of Subdivision



Attachment No. 1 Location of Subject Properties



BCGS MAPSHEET 92F 047.2.2



RDN REPORT	
CAO APPROVAL <i>AM</i>	
EAP	✓ <i>Jul 13 10</i>
COW	
R+D	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: June 14, 2010

FROM: Elaine Leung
Planner

FILE: PL2010-097

SUBJECT: Development Permit with Variance Application No. PL2010-097
– Fern Road Consulting
Strata Lot 4 District Lot 28, Nanoose District Strata Plan VIS4363 Together With
an Interest in the Common Property in the Proportion to the Unit Entitlement of
The Strata Lot as Shown on Form 1 – 771 Miller Road
Electoral Area 'G'

PURPOSE

To consider an application for a Development Permit with Variance to allow the construction of a accessory building, by varying the maximum height.

BACKGROUND

The Regional District of Nanaimo has received a Development Permit with Variance application from Fern Road Consulting Ltd. on behalf of Teresa Allison to permit the construction of a detached garage.

The subject property is approximately 2000 m² and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is bound by residential parcels to the north and south, Miller Road to the east and Regional District of Nanaimo Park land bordering French Creek to the west (*see Attachment No. 1 for location of the subject property*).

The property is subject to the Hazard Lands Development Permit Area pursuant to "Electoral Area 'G' Official Community Plan Bylaw No. 1335, 2003." The applicant has provided an amended Geotechnical Report prepared by Lewkowich Engineering Associates Ltd., addressing the revised location. The original report, dated January 27, 2010 indicated that the parcel contains varying amount of fill (up to 3.0 metres in depth) material likely associated with the subdivision of the parent parcel. Due to the placement of fill material all buildings on the property will be over height.

Requested Variance Summary

The applicants request to vary Section 3.4.61 of the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" as follows:

1. To increase the maximum accessory building height from 6.0 metres to 7.8 metres.

LAND USE AND DEVELOPMENT IMPLICATIONS

The applicants received approval in January 2010 on the subject property for a Development Permit with Variance for the construction of their dwelling unit, detached garage and shed (see DP No. 2010-017). However, since that time, the applicant has decided to change the location of the detached garage, and must therefore apply for a new Development Variance Permit. Staff note that the building design remains unchanged.

With respect to the requested variance, the applicant has noted that 3.0 metres of fill has been placed on the subject property, as part of the original subdivision. As a result, construction will be difficult to meet the maximum height requirements. Staff note that the dwelling unit and garage are both single storey, and are both modest in size.

The location of the previously approved garage was sited at the rear of the property, behind the home. However the applicant has indicated that during construction of the home, the location of the garage was not practical, as it would have resulted in driving around the house to access the garage. The new proposed location, by the road, is thought to be more suitable, as it will be closer to the road for easier access, and it will not obstruct the applicant's waterfront view.

The applicant has submitted a revised geotechnical report, which notes that the site is safe and suitable for the intended use. Staff recommend that a Section 219 covenant 'save harmless' clause be registered on title as a condition of the Development Permit with Variance.

In staff's assessment of this application, the applicants have provided justification for the requested variance. The requested variance is not expected to negatively impact adjacent property owners. Staff recommends approval of the request.

PUBLIC CONSULTATION PROCESS

As part of the required public notification process, 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.

SUSTAINABILITY IMPLICATIONS

In keeping with the Regional District of Nanaimo Board policy, the applicant has completed a "Sustainable Community Builder Checklist". No sustainability implications have been identified in association with this application.

ALTERNATIVES

1. To approve the Development Permit with Variance No. PL2010-097 subject to the conditions outlined in Schedules No. 1- 4.
2. To deny the Development Permit with Variance No. PL2010-097.


SUMMARY

This application for a Development Permit with Variance requests construction of a detached garage on lands located within the Hazard Land Development Permit Area. The applicant has submitted a geotechnical evaluation consistent with the guidelines of the Hazard Lands DPA. Due to the presence of fill on the subject property, a height variance have been requested in order to permit the construction of an accessory building. Staff is of the opinion that the proposed variance will not negatively impact adjacent properties and recommends that the requested Development Permit with Variance be approved subject to the terms outlined in Schedules No. 1- 4 of this report.

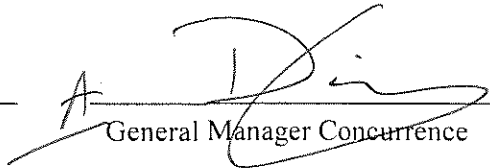
RECOMMENDATION

That:

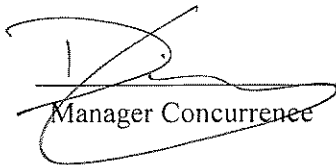
1. Staff be directed to complete the required notification and;
2. The Development Permit with Variance No. PL2010-097 to permit the construction of an accessory building by varying the maximum accessory building height, be approved subject to the conditions outlined on *Schedules No. 1 – 4*.



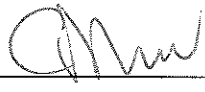
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Permit with Variance No. PL2010-097

The following sets out the terms and conditions of Development Permit with Variance Application No. PL2010-097.

Bylaw No. 500, 1987 – Requested Variance

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

1. **Section 3.4.61 Maximum Height** is hereby varied by increasing the maximum height of an accessory building from 6.0 metres to 7.8 metres, as shown on *Schedule No.3*.

Site Development

- a. The accessory building shall be sited in accordance with the site plan prepared by Sims Associates dated May 11, 2010, attached as *Schedule No. 2*.
- b. The an accessory building shall be developed in accordance with the building elevations prepared by Sea Isle Design dated April 2008 attached as *Schedule No. 3*.
- c. The an accessory building shall be constructed in accordance with the recommendations of the Geotechnical Reports prepared by Lewkowich Geotechnical Engineering Ltd. dated January 27, 2010 and May 25, 2010.

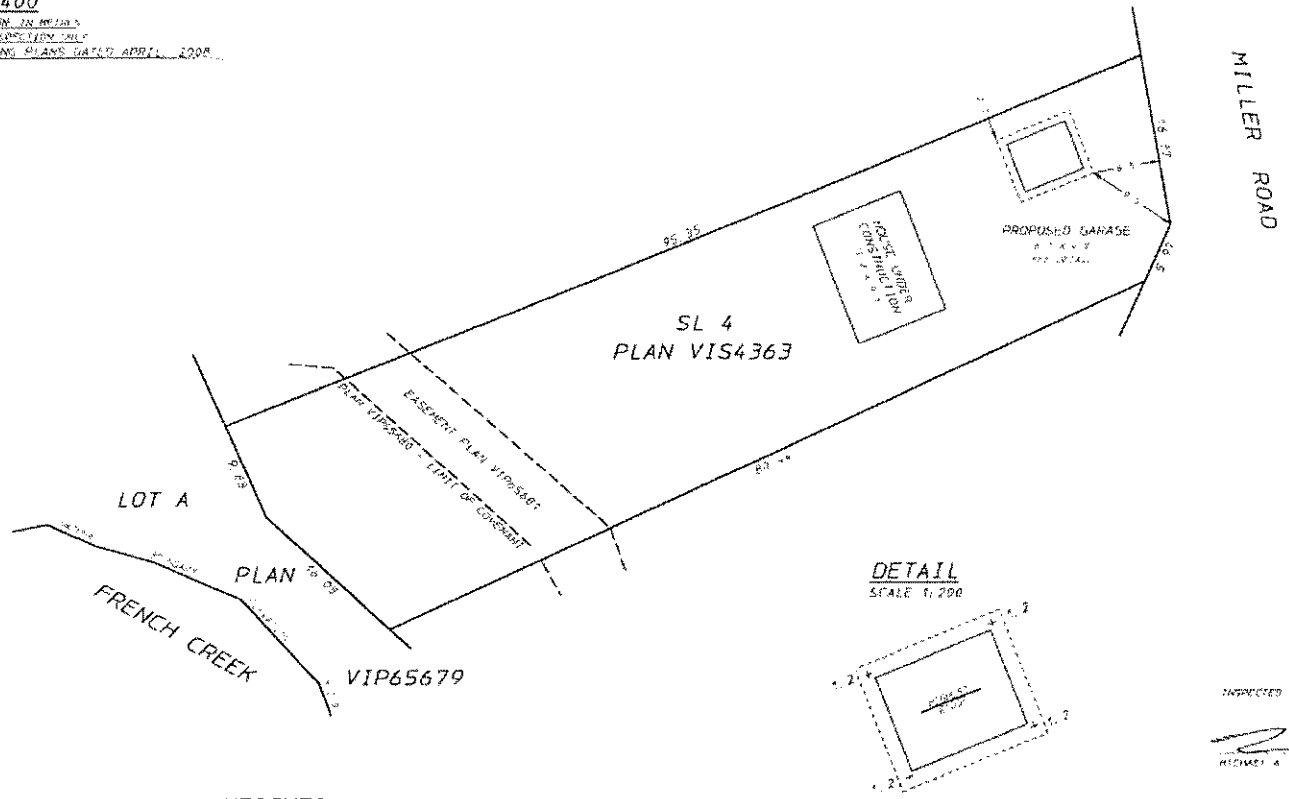
Restrictive Covenant

- a. Staff shall withhold the issuance of this permit until the applicant, at the applicant's expense, registers a section 219 covenant that registers the Geotechnical Reports prepared by Lewkowich Geotechnical Engineering Ltd. dated January 27, 2010 and May 25, 2010 and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion, landslide and/or flood damage.

**PLAN OF STRATA LOT 4, DISTRICT LOT 28, NANOOSE DISTRICT, STRATA PLAN VIS 4363
TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION
TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1
SHOWING PROPOSED GARAGE LOCATION THEREON.**

SCALE 1:400

ALL DISTANCES ARE IN METERS
FOR BUILDING REGULATORY ONLY
AS PER BUILDING PLANS DATED APRIL, 2008.



LEGEND

- DOTTED PLANNING LINE
- DOTTED CONSTRUCTION LINE
- DOTTED 2.5M MAXIMUM
- 0.2 MANDATORY ELEVATION
- ELEVATIONS ARE BASED ON A 100M DASH

HEIGHTS

- GARAGE
- PROJECTED TOP OF FOUNDATION
- DEPTH HEIGHT OF TOP OF A UNIT
- TO HIGHEST RIDGE
- PROJECTED ELEVATION OF HIGHEST POINT
- MAXIMUM BUILDING ELEVATION ALLOWED
- ACCORDING TO BYLAW 520
- DISTANCE REQUIRED

INSPECTED THIS 11TH DAY OF MAY, 2010.

[Signature]
ROBERT A. SIMS, B.C.L.S.

SIMS ASSOCIATES

1495 BURNHAM
VANCOUVER, BC
VANCOUVER, BC V6N 1K5
PHONE: (604) 271-1221
FAX: (604) 271-1222
WWW.SIMSASSOCIATES.COM
DATE: MAY 2010

Schedule No. 2
Site Plan

Schedule No. 3
 Elevation Drawing

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REVISIONS

No.	Description	Date
1	As Issued	2010-06-14

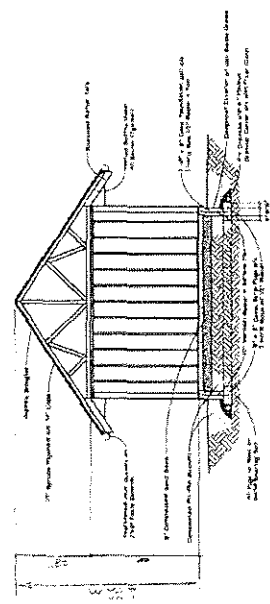
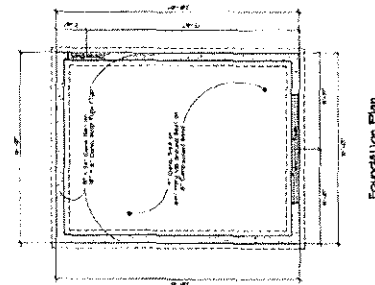
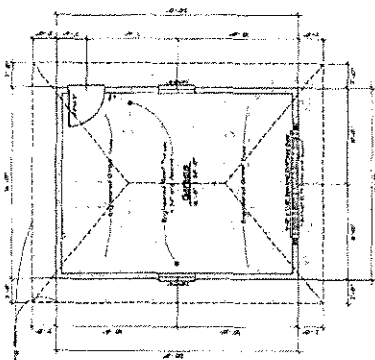
NOTES
 1. All dimensions are in meters unless otherwise specified.
 2. The contractor shall be responsible for obtaining all necessary permits.
 3. The contractor shall be responsible for ensuring that all work is done in accordance with the applicable building codes and standards.
 4. The contractor shall be responsible for ensuring that all work is done in accordance with the applicable safety regulations.

PROJECT
 Terasol Allison Fern Road
 Lot 4, Plan V64363
 District Lot 28, Narcosee LD,
 Miller Road, Parksville, BC

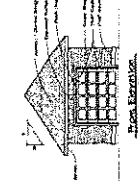
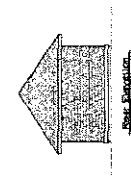
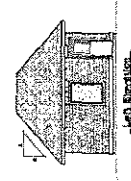
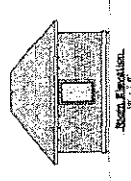
ISSUING TITLE
 Garage Plan

Sen Isle Design
 1000 1/2 Street, Parksville, BC V9A 2G6
 Phone: 250-335-8888

DATE 2010-06-14
SCALE 1/4" = 1'-0"
DRAWN BY D.K.
APPROVED BY D.K.
PROJECT NO. 218-42
SHEET NO. A-1



Height of Proposed garage: 4.7 meters



Schedule No. 4
Geotechnical Report



GEOTECHNICAL MEMO

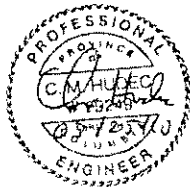
Ms. Teresa Allison
300 Lower Ganges Road
Salt Spring Island, BC
V8K 2V3

File Number: G7648.03
Date: May 25, 2010

ATTENTION: Ms. Teresa Allison
PROJECT: LOT 4 MILLER ROAD, FRENCH CREEK, BC. (RDN)
STRATA LOT 4, DL 28, NANOOSE DISTRICT, VIS4363
SUBJECT: GEOTECHNICAL ASSESSMENT – GARAGE LOCATION

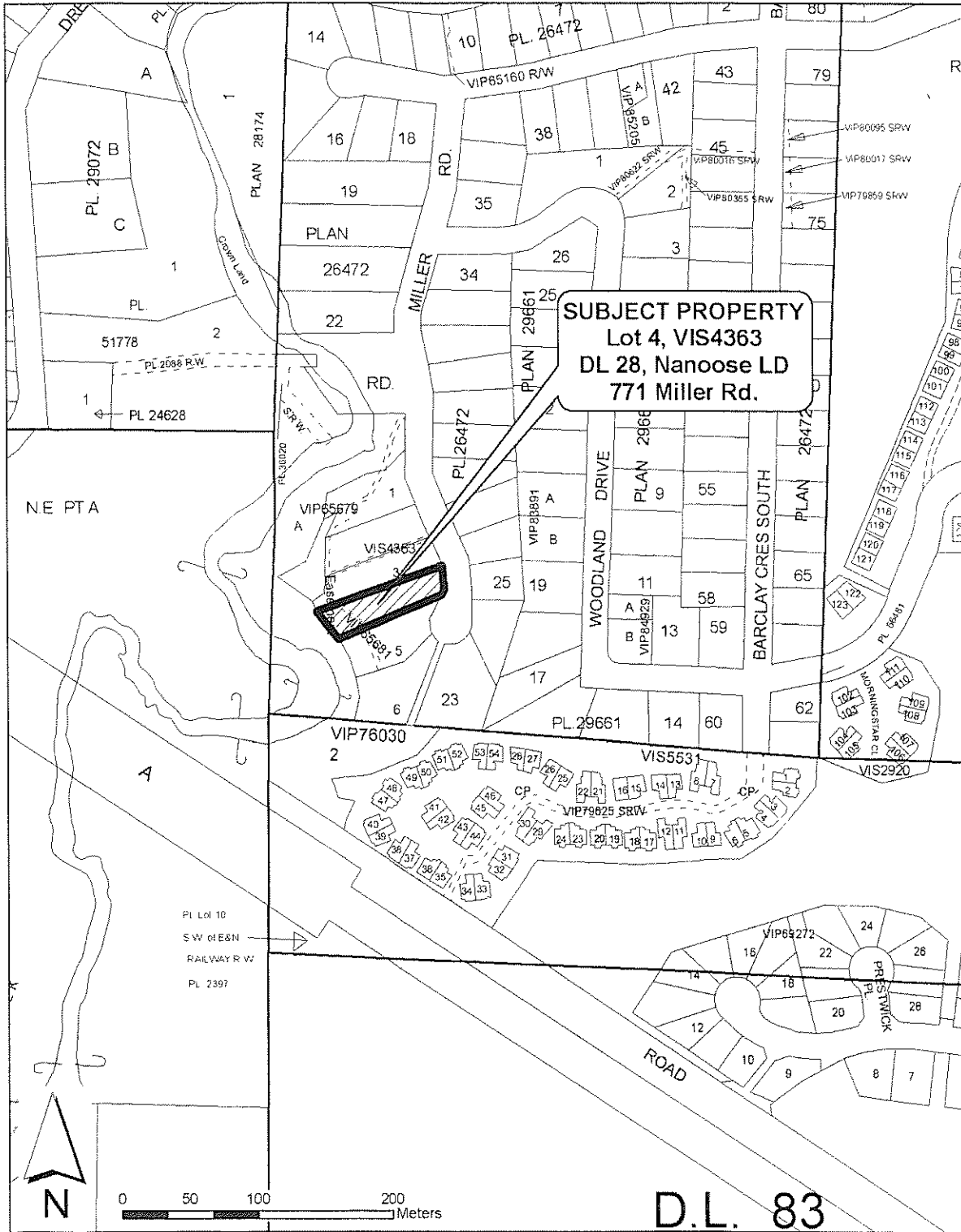
1. As requested, Lewkovich Engineering Associates Ltd. (LEA) reviewed the proposed change in location of the detached garage at the above project, in relation to LEA's report: G7648.02r1. The original location of the garage was behind the proposed residence, close to French Creek. The new location is toward the front of the lot, between the proposed residence and Miller Road.
2. It is LEA's opinion that the new location of the proposed garage does not change the conclusions and recommendations reached in the above referenced report. IE the new location of the garage is "Safe and Suitable" for the intended use, provided the recommendations of our report are followed.
3. Lewkovich 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 assistance, please contact us at your convenience.

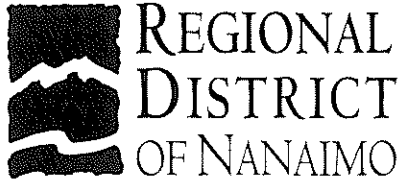
Respectfully Submitted,
Lewkovich Engineering Associates Ltd.



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

Attachment No. 1
Location of Subject Property





EAP		✓	Jul 13 '10
COW			
RHD			
BOARD			

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: June 30, 2010

FROM: Kristy Marks
Planner

FILE: PL2010-099

SUBJECT: Development Permit with Variances and Site Specific Exemption
Application No. PL2010-099
Anderson Greenplan Ltd.
Lot 28, Section 16, Range 5, Cedar District, Plan 14877
Janes Road - Electoral Area 'A'

PURPOSE

To consider an application for a Development Permit with Variances and a Site Specific Exemption to allow the construction of a dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from Anderson Greenplan Ltd. on behalf of Chris and Colleen Badger to permit the construction of a dwelling unit. The subject property is approximately 0.13 ha in area and is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is traversed by a small creek and is bound by developed residential parcels to the north and east, Janes Road to the west, and Haro Road to the south. The property is currently vacant and is heavily vegetated with a young stand of red alder and a few maple and cedar trees.

The proposed development is subject to the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Areas as per "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001".

Proposed Development, Variances and Site Specific Exemption Application

The applicant is requesting approval to construct a single dwelling unit with proposed variances to Bylaw No. 500, 1987 to relax the maximum dwelling unit height and the minimum setback requirements from the other lot line adjacent to Haro Road and the nearby watercourse (*see Schedule No. 1 for proposed variances*). In addition, the applicant is also requesting a Site Specific Exemption from the minimum watercourse setback requirement as per the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" (Floodplain Management Bylaw) in order to site the dwelling unit to within 15.0 metres of the natural boundary of the watercourse.

For reference, Site Specific Exemptions Applications allow property owners to obtain exemptions from floodplain setbacks or flood level elevation requirements. This type of application was previously approved by the Ministry of Environment until 2003, and in 2004 this authority was granted to local governments. As section 922 of the *Local Government Act* does not permit variances to a flood plain specification under 910(2) of the Act Bylaw, the applicant's must instead apply for a Site Specific Exemption.

DEVELOPMENT IMPLICATIONS

The applicant is proposing to construct a dwelling unit on the subject property. Variances to the watercourse setback, exterior (other) lot line setback and height are required for the proposed dwelling. The location of the proposed dwelling unit is shown on *Schedule No. 2* and building elevations are shown on *Schedule No. 3*. The applicant is also proposing to construct a small footbridge in order to provide access to the north side of the property. No variances are required for the this footbridge as it is not considered a structure, however the applicant will obtain a Section 9 Approval from the Ministry of Environment prior to construction.

The applicant has provided a report prepared by Streamline Environmental Consulting Ltd. dated May 13, 2010 and an addendum dated June 23, 2010 which determined that the stream is non-fish bearing and has "limited aquatic habitat values". The applicant's original development plans involved relocating the stream closer to the northern property boundary in order to reduce the setback variance and to improve ecological values of the site. As this proposal would result in watercourse setback implications for adjacent properties, the applicant has submitted an alternate plan which involves maintaining the watercourse in its existing location and leaving the channel open, rather than placing it in a culvert, in order to preserve wildlife and aquatic habitat. As shown on the attached site plan, the proposed dwelling unit would be located 1.25 metres from the natural boundary of the stream.

The report and addendum prepared by Streamline Environmental Consulting Ltd. includes recommendations for the applicant to submit a Section 9 Water Act Notification for the construction of the footbridge and for environmental monitoring during site construction including removal of vegetation prior to excavation, erosion and sediment control, and re-vegetation once the foundation is backfilled. These recommendations are included in the Conditions of Approval set out in *Schedule No. 1*.

With respect to the Site Specific Exemption application, the applicant has submitted a Creek Assessment - Floodplain and Setback Issues report prepared by Ground Control Geotechnical Engineering Ltd. dated June 23, 2010 in accordance with the requirements of the Floodplain Management Bylaw. This report concludes that the property is "considered safe and suitable for the intended use and protection of the proposed building from a 1-in-200 year flood event can be achieved". As per the Site Specific Exemption Application requirements, staff recommends that the applicant be required to register a Section 219 covenant that registers the Geotechnical Report 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 potential hazards.

The applicant has provided a letter of justification for the requested variances attached as *Schedule No. 4*. Staff concur with the applicant's rationale and support the requested variances.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". This proposal represents the development of an existing residential parcel with significant site constraints. The applicant is proposing to preserve and enhance an existing watercourse and to retain as much of the existing native vegetation on site as possible. In addition, they have designed a dwelling unit with a limited building footprint and passive solar heat collection.

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.

ALTERNATIVES

1. To approve the Development Permit with Variances and Site Specific Exemption Application No. PL2010-099 subject to the conditions outlined in *Schedules No. 1 - 3*.
2. To deny the Development Permit with Variances and Site Specific Exemption Application No. PL2010-099.

SUMMARY/CONCLUSIONS


This is an application for a Development Permit with Variances and a Site Specific Exemption from the Floodplain Bylaw to allow the construction of a dwelling unit on the subject property.

The applicant has submitted a site plan, building elevations, biologist's report, Creek Assessment – Floodplain and Setback Issues prepared by a geotechnical engineer, and a letter of justification in support of the application. In staff's assessment, this proposal is consistent with the guidelines of the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area and the Specific Exemption Application requirements of the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006". Staff support the application, including the requested variances, and recommend that the Board issue the Development Permit and authorize the Site Specific Exception.

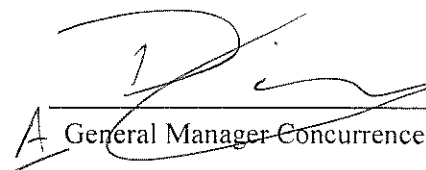
RECOMMENDATION

That:

1. Staff be directed to complete the required notification, and
2. The Development Permit with Variances and Site Specific Exemption Application No. PL2010-099 to permit the construction of a dwelling unit with variances to the watercourse, other (exterior) lot line setback, and height be approved subject to the conditions outlined in *Schedules No. 1- 4*.



Report Writer



General Manager Concurrence

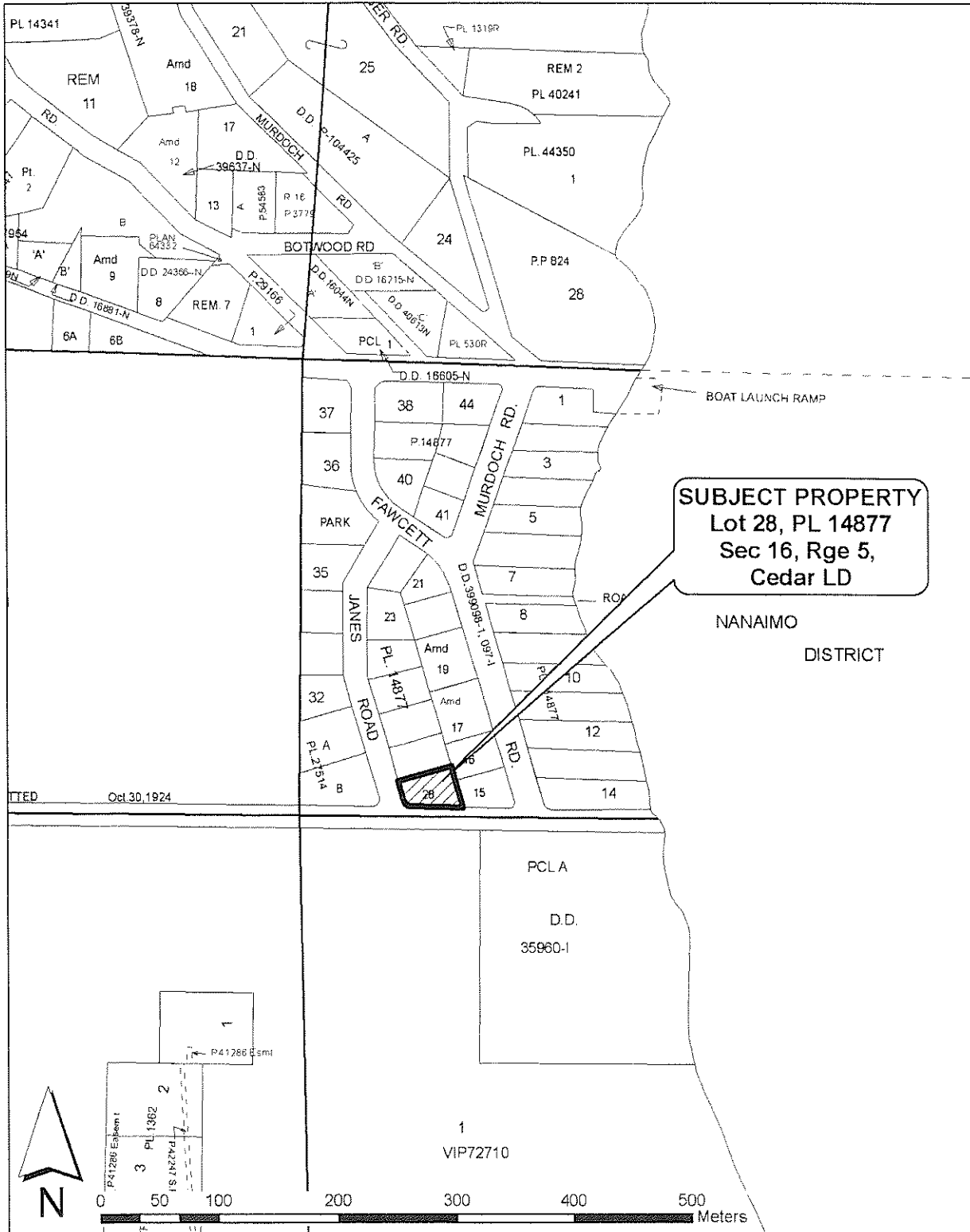


Manager Concurrence



CAO Concurrence

Attachment No. 1 Location of Subject Property



BCGS MAPSHEET: 92G.011.2.2

Schedule No. 1
Conditions of Development Permit with Variances and Site Specific
Exemption Application No. PL2010-099

Bylaw No. 500, 1987 – Variances

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

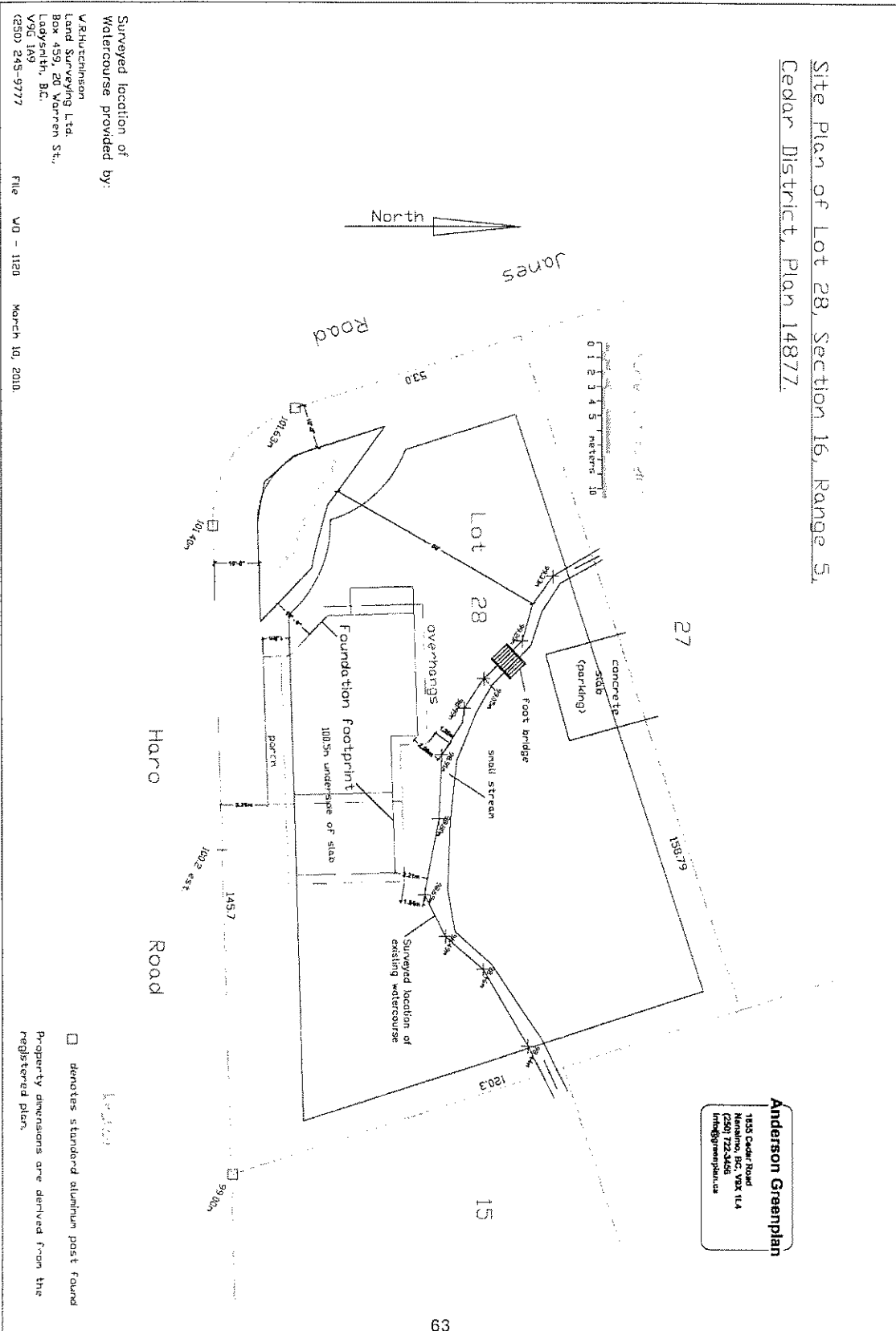
1. **Section 3.3.8 Setbacks – Watercourse, excluding the Sea** is requested to be varied by reducing the minimum setback from 18.0 meters horizontal distance from the stream centerline to 1.25 metres from the natural boundary for a dwelling unit on as shown on *Schedule No 2*.
2. **Section 3.4.62 Maximum Number and Size of Buildings and Structures – Height** is requested to be varied by increasing the maximum dwelling unit height from 8.0 metres to 8.45 as shown on *Schedules No 2 and 3*.
3. **Section 3.4.62 Minimum Setback Requirements – Other Lot Line** is requested to be varied by reducing the minimum setback from the other (exterior) lot line from 5.0 meters to 3.2 metres for the dwelling unit as shown on *Schedule No 2*.

Conditions of Approval:

1. The dwelling unit shall be sited in accordance with the site plan prepared by Anderson Greenplan Ltd. dated March 10, 2010, attached as *Schedule No. 2*.
2. The dwelling unit shall be constructed in accordance with the elevation drawings prepared by Anderson Greenplan Ltd. dated June 28, 2010, attached as *Schedule No. 3*.
3. The subject property shall be developed in accordance with the recommendations established report and addendum prepared by Streamline Environmental Consulting Ltd. dated May 13, 2010 and June 23, 2010 respectively.
4. The dwelling unit shall be constructed in accordance with the Creek Assessment – Floodplain and Setback Issues report prepared by Ground Control Geotechnical Engineering Ltd. dated June 23, 2010.
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 Creek Assessment – Floodplain and Setback Issues report prepared by Ground Control Geotechnical Engineering Ltd. dated June 23, 2010 and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.

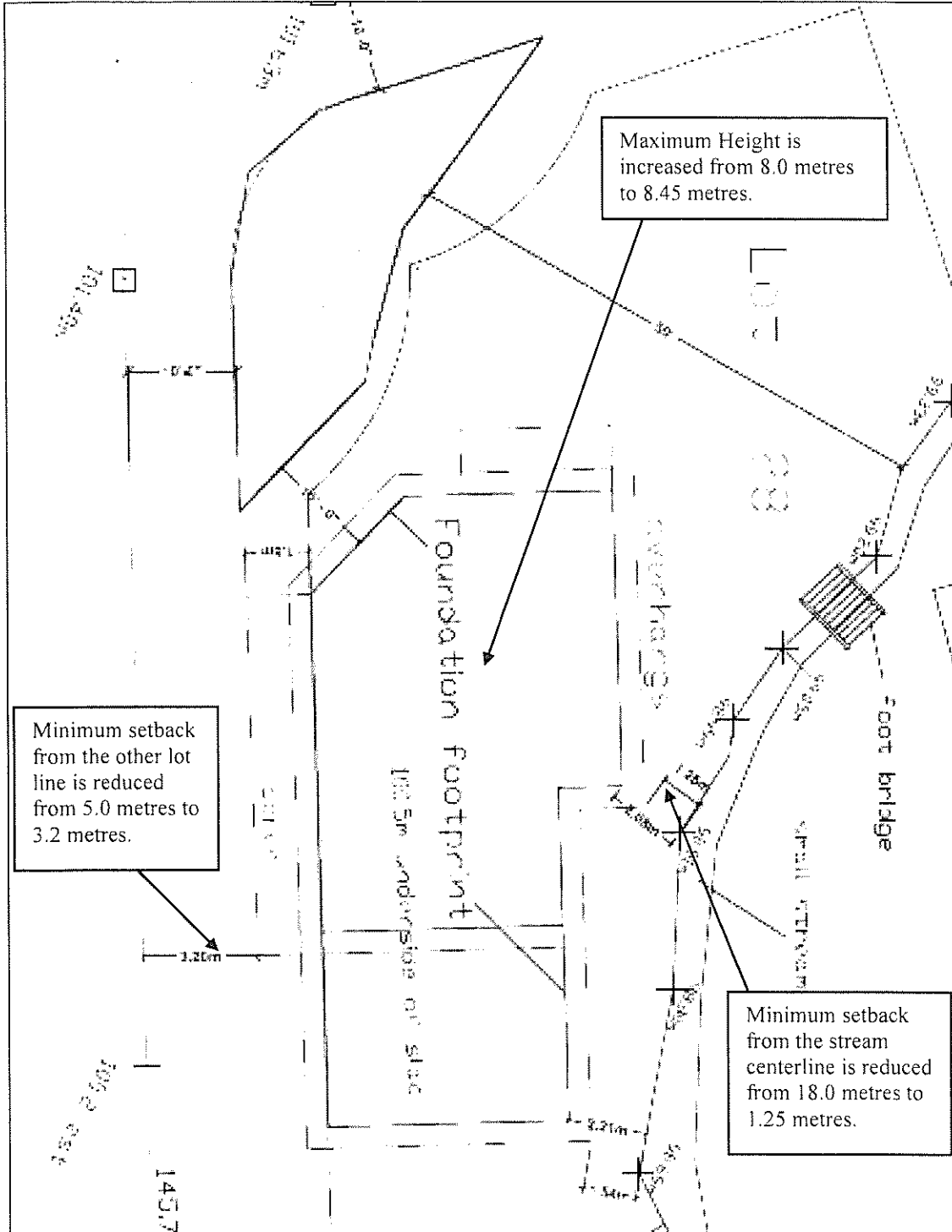
**Schedule No. 2
 Site Plan
 (Page 1 of 2)**

Site Plan of Lot 28, Section 16, Range 5,
 Cedar District, Plan 14877.

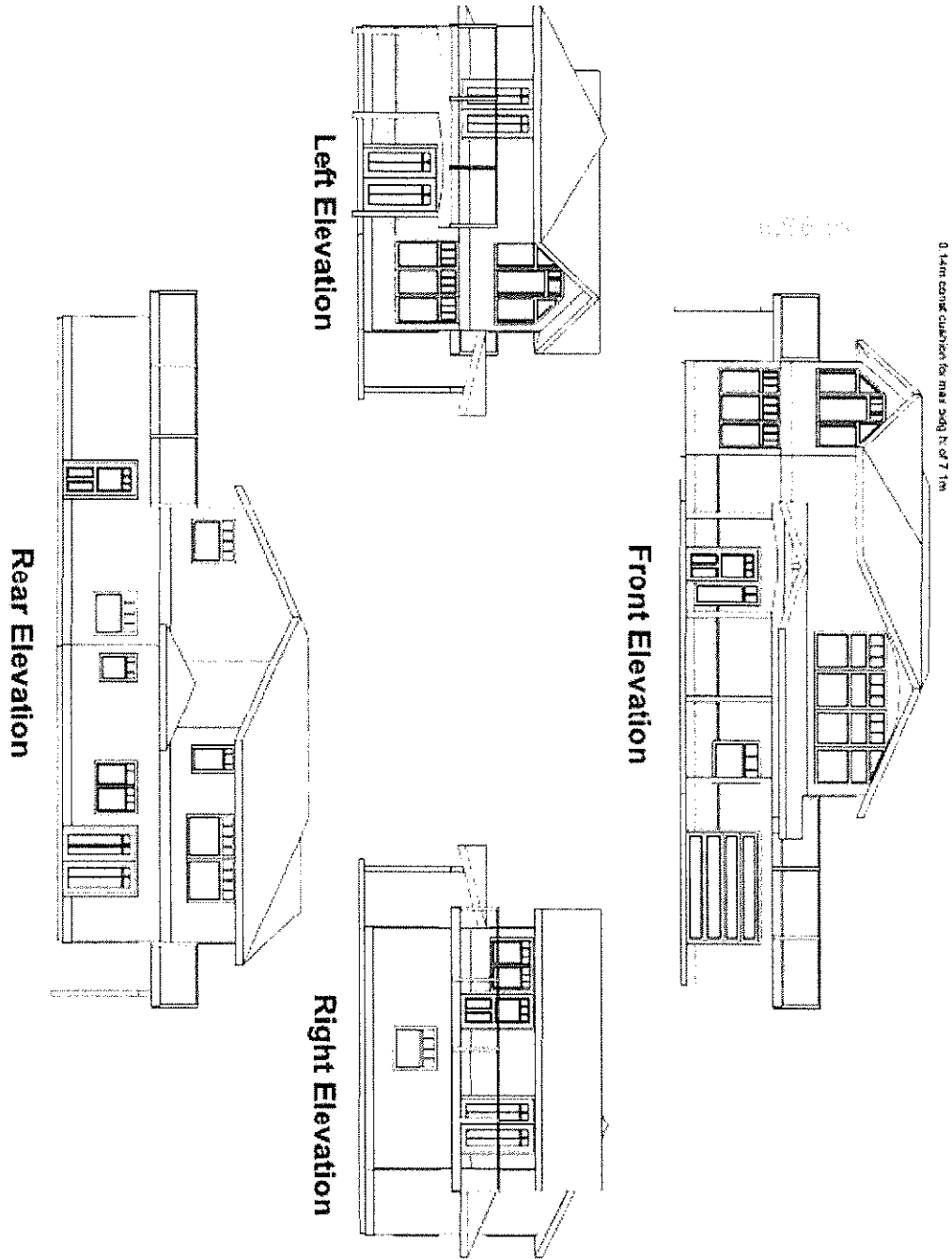


Anderson Greenplan
 1435 Cedar Road
 Nanaimo, B.C. V9X 1L4
 (250) 722-5454
 info@greenplan.ca

Schedule No. 2
Site Plan - Detail
(Page 2 of 2)



Schedule No. 3
Building Elevations



BADGER COTTAGE

Anderson Greenplair
1001 Cedar Road
PO Box 171
Madison, WI 53717
608.261.1111
www.andersongreenplair.com



June 22, 2010

Regional District of Nanaimo
Development Services

Re: Development Permit Application with Variance - Revised
Lot 28, Section 16, Range 5, Cedar District, Plan 14877
Janes Road

Regional Board & RDN Staff:

The owners of the above noted property, Colleen and Chris Badger are requesting a variance for the placement of a home within the setbacks of a seasonal watercourse as evaluated through this RDN Environmental DP process. Jack Anderson of Anderson Greenplan Ltd is serving as agent for the application to the Regional District of Nanaimo. (Letter of Authorization attached).

The subject property is one of the last undeveloped lots within a subdivision built over fifty years ago. Placing a home on this property has been restricted in part due to the location of a seasonal watercourse that meanders through the middle of the property. It is not possible to build a home on this lot due to the combination of watercourse and property boundary setbacks. Neighbouring properties on the same watercourse have built within the watercourse setbacks, occasionally using culverts, however this was undertaken prior to riparian sensitivity regulations being developed. The Badger's welcome a more natural approach and contacted Adam Compton of Streamside Environmental Consulting and myself to assist with the development of the property.

Adam's RAR Assessment of the watercourse on the property identified that: "In general, the watercourse has little aquatic habitat value". He further notes that the watercourse is a shallow channel lacking deep pools and devoid of water for much of the year. On examination of the steep outlet to the sea, he further confirms that the entire stream is non-fish bearing. He also points out, "Despite the limited aquatic habitat values, as with most watercourses, it provides some habitat that is potentially valuable to a variety of wildlife species, (foraging and hydration habitat for amphibians, birds, mammals, etc). (report May 13, 2010). The owners desire to retain the natural vegetation of the property and it has been determined based on discussions with both Adam Compton and Richard McKinley of Ground Force Engineering, that the watercourse within the property could be retained as located. Sensitive watercourse protection during construction will be directed and supervised by Adam Compton to ensure no negative impact on the watercourse and thus the full channel can remain exposed, (no culverts). The setback distance for a limited footprint residence appears reasonable and there are expectations to remove existing stream side vegetation in advance of foundation excavation and then replant to enhance the biodiversity and aquatic habitat value of this watercourse once the foundation is backfilled.

(250) 722-3456
FAX: (250) 722-3453
EMAIL: jack@greenplan.ca
1655 Cedar Road, Nanaimo B.C. V9X 1L4

Schedule No. 4
Letter of Justification for Requested Variances
(Page 2 of 3)

A number of considerations have been made in the design of the home to limit the extent of the requested variance. The home has been designed with a limited footprint of less than 1000 feet with a garage restricted to a single vehicle. The depth of the home where it is closest the creek has been limited to a maximum of 22 feet. The owner's interest in passive solar heat collection has been accomplished by elevating the homes sunspace to the second floor and the most significant outdoor recreation space will be located within a roof garden over the garage. Limiting the home to two bedrooms has also allowed us to meet smaller footprint septic field requirements of only 500 square feet which can be located in the SW corner of the property, meeting the required 50 feet setback from the watercourse. All efforts have been considered to sensitively develop the subject property.

The attached site plan graphic illustrates that the exterior foundation of the proposed home would be as close as 6' 10" (2.08 m) to the natural boundary of the existing watercourse channel (as per BCLS survey). As RDN setbacks are based on building overhangs, we have determined the distance from the natural boundary of the watercourse to the building extremities at its closest point to be 1.25m. Based on a watercourse setback requirement of 15m, this would confirm that we seek a variance of 13.75 m to the watercourse. A second setback variance of 1.8 m or 5.9 feet is also requested as in the interests of limiting the variance to the creek, the home has been sited such that the covering entry porch to the front door would extend 3.2m into the "exterior other setback" requirement of 5m. The second variance will not impede any traffic visibility to the rarely used Haro Road. A variance request to MOT setback requirements of 4.5 m has also been submitted and recently approved.

We have also done preliminary height calculations for the residence and have determined that the Geotechnical Report on flood plain elevations as prepared by Richard McKinley confirms a underside of slab elevation of 1.5m above the natural boundary of the creek. (confirmed by RDN Building Inspections to be 100.86m). A building height variance will thereby become necessary. We have limited the roof pitch of the home to keep the variance request down but will require a variance of 0.45 meters above the maximum allowable 8m. The home itself is only 6.96 m in height however by honoring the 200 year flood plain elevation to set the underside of slab elevation at 100.86m, this variance becomes a necessity.

The following summary points respond directly to the RDN DP Application Evaluation Policy document:

Land Use Justification

- a) i- the existing setbacks preclude the ability of any home to be constructed on the site
- a) ii – the variance will allow a home to be constructed on the property and the community will benefit via the efforts to enhance the riparian habitat by retaining an open channel
- a) iii – the property was intended for residential development and the owners who seek a energy sensitive, passive solar home with retention of the exterior natural landscaping can be accommodated with support for this variance.
- b) N/A
- c) The extent of the variance requested to the watercourse has been reduced through the focus on a limited footprint residence, the minimization of septic field requirements, and the request for a further setback variance to the exterior other lot line (Haro Road).
- d) Justification as per item v. (environmentally significant watercourse). It is further noted that an opportunity to enhance the sensitive habitat of the watercourse can be encouraged through the retaining of services of Adam Compton during the dry season and efforts will be made to relocate any and all natural stream side vegetation from the current watercourse that will be potentially disturbed with the home construction.

Schedule No. 4
Letter of Justification for Requested Variances
(Page 3 of 3)

Impact Evaluation

- a) i- The aesthetics impact of this project as per the proposed variances will be minimal to the neighbourhood or streetscape other than the welcome addition of a new home sensitively located within the existing trees cover of the site which is not intended to be removed except for the area of the home and septic field.
- a) ii- The tree cover of the property along Janes Road will remain as we can obtain driveway access off Haro Road. The neighbouring property on Janes Road has poured a concrete pad that encroaches onto the subject property and has been used for vehicle parking. The owners intend to use this pad that encroaches within the subject property for the location of a garden shed which has necessitated the need for a small footbridge over the watercourse to allow passage of a wheelbarrow, etc. It is believed that re-use of the concrete pad will have less impact than having it physically removed.
- a) iii- This is the area of greatest impact as it supports the opportunity for habitat enhancement and maintaining an open channel for year round wildlife foraging and extended season hydration with pond development.
- b) N/A
- c) To minimize the impact on the watercourse, we have limited the depth and footprint of the residence so as to allow as much separation as possible between the home and relocated watercourse. Providing rain cover over the front entrance is welcome but rather than keep this outside the exterior other setback and reduce the distance to the watercourse, we are welcoming a further variance for this porch to the Haro Road setback of 5m., (Haro Road has historically very limited vehicle traffic)

The above discussion offers clarity on why we collectively believe this represents the best opportunity for sensitive development on this property. We have attached additional information to assist your review including; detailed site plan, a floorplan layout of the limited footprint residence, 3d elevations to illustrate the home aesthetics and particularly the aesthetic and functional value of the front porch, copy of Adam Compton's RAR Assessment report and a confirmation of the proposed septic system from a registered Septic System Designer, Davey Holdings Ltd.

Please contact us if you require any additional materials as we would welcome a timely review by RDN staff and Board. Please do not hesitate to contact me if you welcome clarification on any aspects of this application.

Regards

Jack Anderson

Anderson Greenplan Ltd
1655 Cedar Road,
Nanaimo, BC, V9X 1L4
250 722-3456
jack@greenplan.ca



COC APPROVAL	
EAP	✓ Jul 13 10
COW	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: June 29, 2010

FROM: Susan Cormie
Senior Planner

FILE: PL2010-101

SUBJECT: Development Variance Permit Application No. PL2010-101
Fern Road Consulting Ltd.
Lot 1, District Lot 29, Nanoose District, Plan 17664
863 Cavin Road
Electoral Area 'G'

PURPOSE

To consider an application for a Development Variance Permit to legalize the siting of an existing accessory building in relation to a proposed new lot line in conjunction with a two lot subdivision proposal.

BACKGROUND

The Regional District of Nanaimo has received a Development Variance Permit application in conjunction with a two lot subdivision proposal from Fern Road Consulting Ltd., on behalf of Kevin and Wendy May (*see Attachment No. 1 for location of subject property*).

The subject property, which has a lot area of 8013 m², is zoned Residential 1 (RS1) and is situated within Subdivision District 'Q' (2,000 m² minimum parcel size with community water service) as per the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The subject property currently supports a single dwelling unit and an accessory building. Surrounding land uses include a residentially zoned property to the east, residentially zoned properties and Cavin Road to the west, the Strait of Georgia to the north, and Wright Road to the south.

The parcels are proposed to be serviced by community water and sewer service connections.

Proposed Development

As outlined above, the applicant is proposing to create a two lot subdivision which includes the extension and construction of Cavin Road as a cul-de-sac. There is an existing accessory garage which will not be able to meet the minimum setback requirement from the proposed front lot line of future proposed Lot A (*see Schedule No. 2 for Proposed Plan of Phased Subdivision*). Therefore, a variance to the front lot line from 8.0 metres to 5.7 metres is required.

DEVELOPMENT IMPLICATIONS

The proposed cul-de-sac has been designed in order to facilitate further subdivision of proposed Lot B. As the subject property is designated within an Urban Containment Boundary, subdivision design to recognize growth is encouraged. The proposed variance will not impact the development or subdivision potential of proposed Lot B.

PUBLIC CONSULTATION IMPLICATIONS

As part of the required public notification process, property owners located within a 50.0 metre radius, must receive notice of the proposal and will have an opportunity to comment on the proposed variance, prior to the Board's consideration of the permit.

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". No sustainability implications have been identified in association with this application.

ALTERNATIVES


1. To approve Development Variance Permit No. PL2010-101, subject to the conditions outlined in *Schedule No. 1*.
2. To deny the Development Variance Permit No. PL2010-101.

SUMMARY

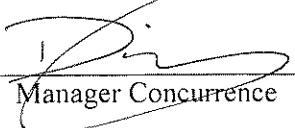
This is a Development Variance Permit application to vary the minimum setback requirement for a future front lot line to allow an accessory building to remain in conjunction with a two lot subdivision proposal. Staff recommends approval of the Development Variance Permit.

RECOMMENDATIONS

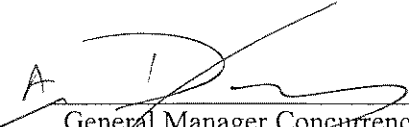
1. That staff be directed to complete the required notification, and
2. That Development Variance Permit Application No. PL2010-101 to relax the minimum setback requirement from the front lot line of the future road be approved subject to the conditions outlined in *Schedule No. 1*.



Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Development Variance Permit Application No. PL 2010-101
Conditions of Approval / Proposed Variance

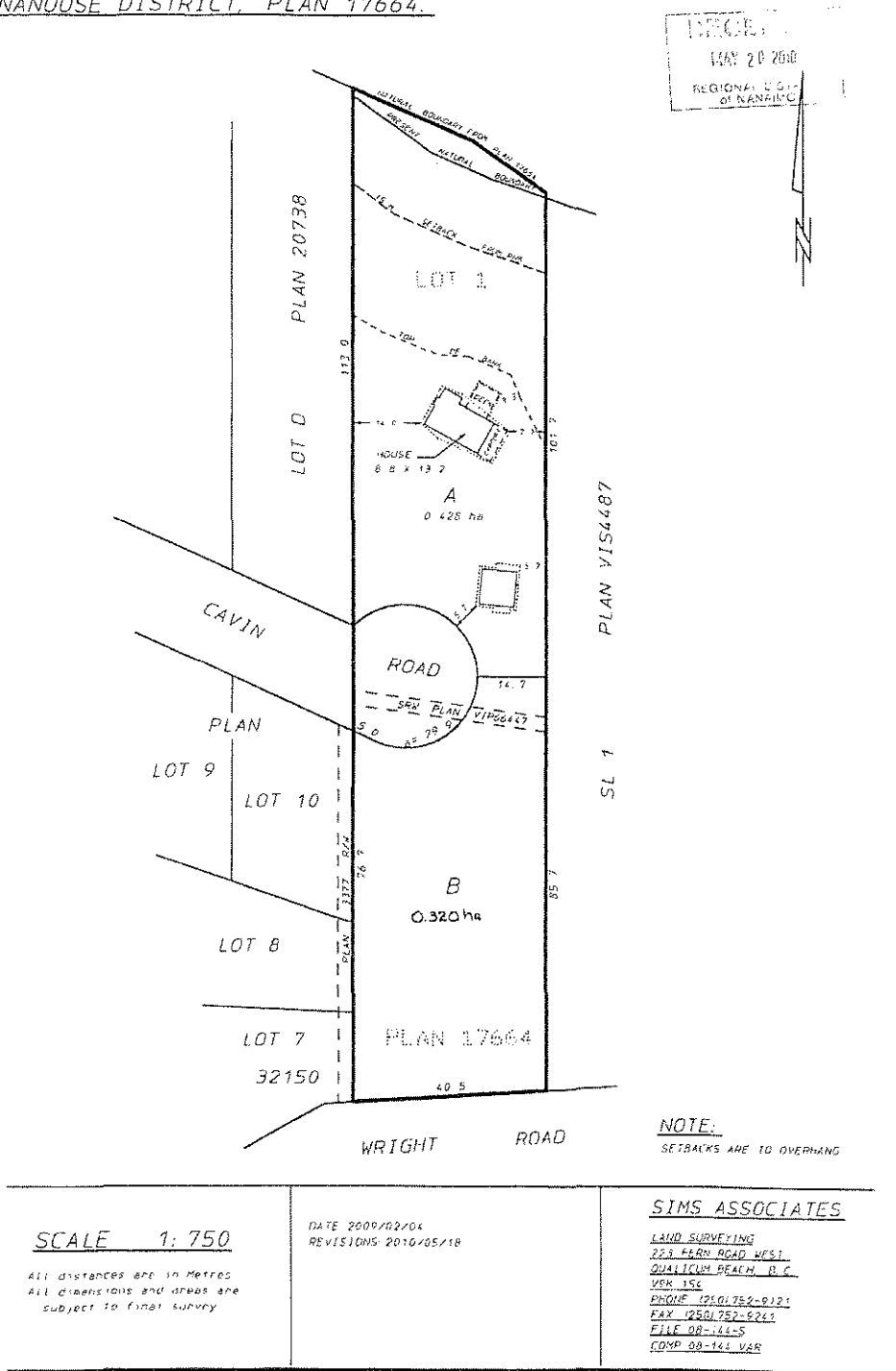
The following sets out the conditions of approval with respect to Development Permit No. PL2010-101:

1. Proposed Variance – Bylaw No. 500, 1987

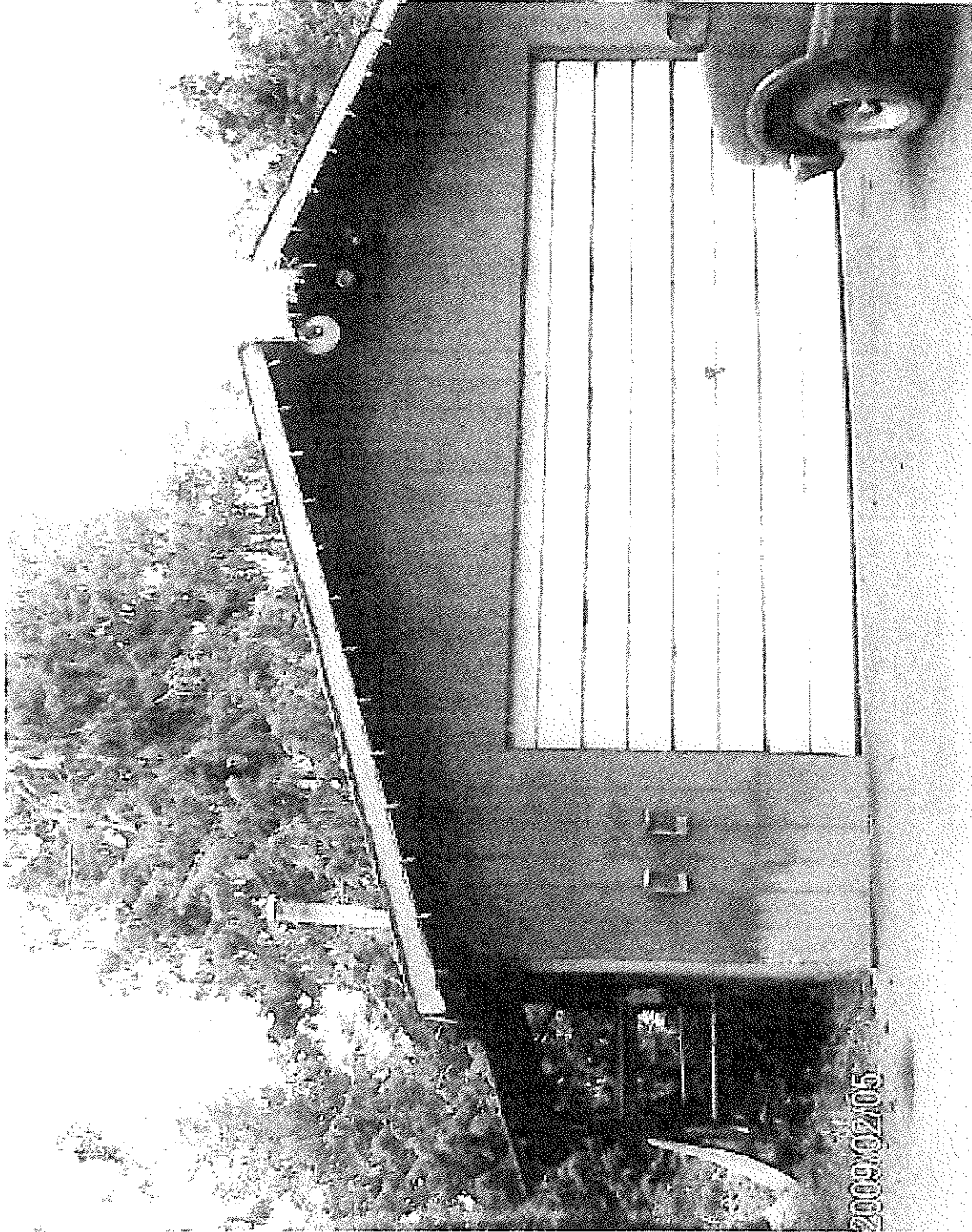
The requirements of Section 3.3.61 Minimum Setback Requirements are proposed to be varied by relaxing the minimum setback requirement for the future front lot line from 8.0 metres to 5.7 metres in order to accommodate siting the existing accessory building only as shown in the location on Schedule No. 2 (to be attached to and forming part of Development Variance Permit No. PL2010-101) and the building shape and size as shown on Schedule No. 3 (to be attached to and forming part of Development Variance Permit No. PL2010-101).

Schedule No. 2
Development Variance Permit No. PL2010-101
Proposed Plan Subdivision Showing Accessory Building from Future Road

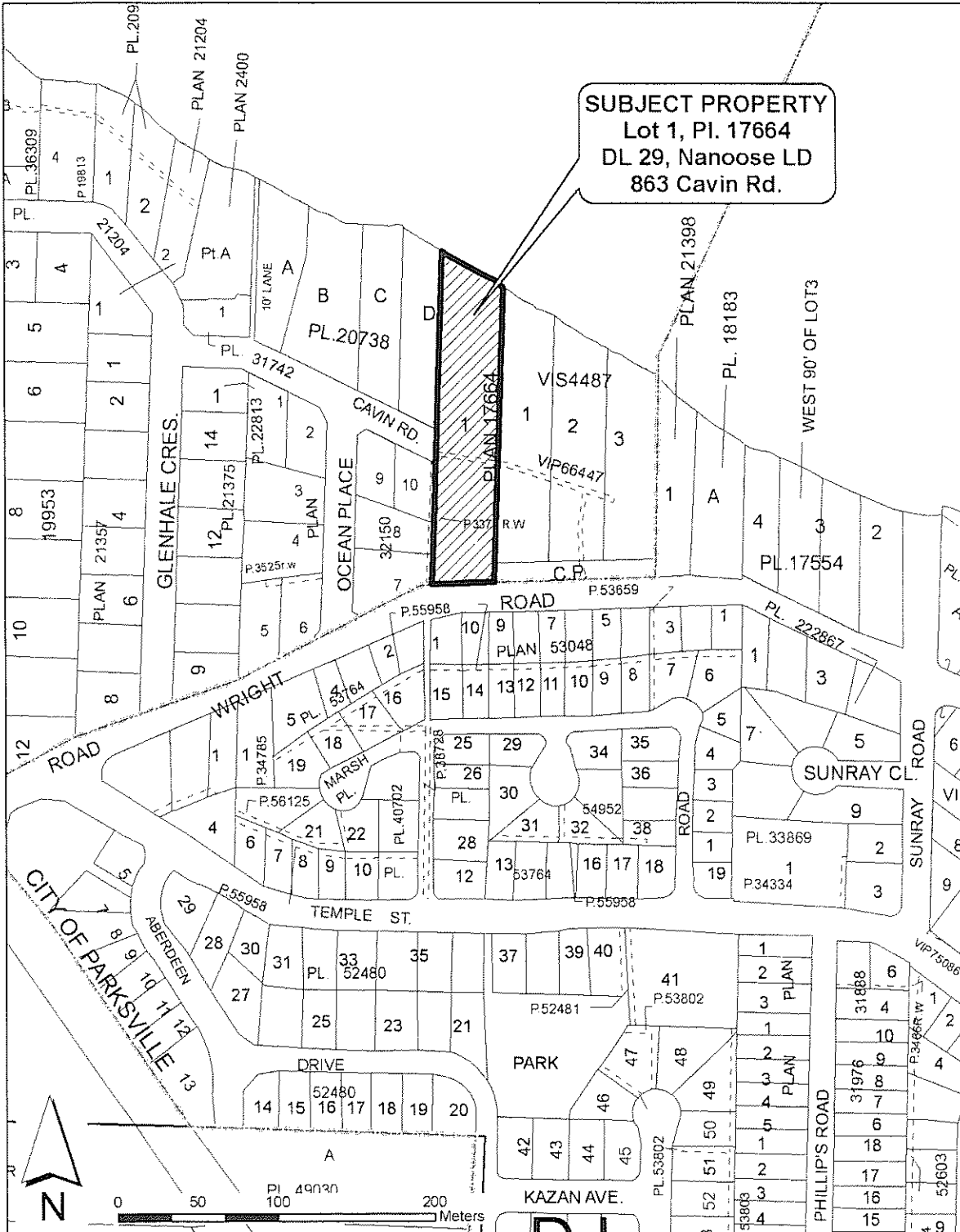
PROPOSED SUBDIVISION PLAN OF LOT 1, DISTRICT LOT 29,
 NANOOSE DISTRICT, PLAN 17664.



Schedule No. 3
Development Variance Permit No. PL2010-101
Proposed Plan Subdivision Showing Accessory Building from Future Road



Attachment No. 1
Location of Subject Property





CAO APPROVAL <i>UW</i>	
EAP	<i>✓ Jul 13 10</i>
COV	<i>[Signature]</i>
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: June 14, 2010

FROM: Elaine Leung
Planner

FILE: PL2010-103

SUBJECT: Development Variance Permit Application No. PL2010-103 – Mitchell
Lot 15, Block A, District Lot 38, Nanoose District, Plan 10777, 1407 Marina Way
Electoral Area 'E'

PURPOSE

To consider an application for a Development Variance Permit for the construction of an accessory building, by varying the maximum permitted height.

BACKGROUND

The Regional District of Nanaimo has received a Development Variance Permit application from Douglas and Evelyn Mitchell. The property is approximately 2,113 square metres (0.21 ha) in size and contains an existing dwelling unit (*see Attachment No. 1 for location of the subject property*). The applicant wishes to construct an accessory building.

The subject property is zoned Residential 1 (RS1), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.” The subject property is surrounded by residentially zoned parcels with Marina Way to the northeast and the Strait of Georgia to the southwest.

Proposed Variances

The applicants propose to vary the following from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- *Section 3.4.61 Residential 1* by varying the accessory building height from 6.0 metres to 6.6 metres.

LAND USE AND DEVELOPMENT IMPLICATIONS

As outlined above, the applicants are requesting a variance in order to construct an accessory building. The proposed location of the accessory building is outlined on *Schedule No. 2*.

Currently there is an existing modest sized house on the property. The applicants have noted that there is a lack of a garage and storage space and therefore wish to construct an accessory building for storage purposes. However due to an existing septic field located at the front of the house, an existing driveway, and the presence of several trees, siting options are limited. In order to construct a building with a reduced footprint, the applicants have designed a two-storey structure.

The height of the proposed building is 5.9 metres, which if sited on a level site would meet the maximum permitted accessory building height. However, in order to accommodate the accessory building on the natural slope of the subject property, the applicants are requesting to increase the maximum height from 6.0 metres to 6.6 metres. The Building Department has confirmed that the height calculations submitted by the applicants are correct.

Staff are of the opinion that the proposed variance will not negatively impact property owners nor result in a development which is out of character with the surrounding neighbourhood.

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. No sustainability implications were identified as a result of the proposed development.

PUBLIC CONSULTATION PROCESS

As part of the required public notification process, 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.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2010-103 subject to the conditions outlined on Schedules No. 1 – 3.
2. To deny Development Variance Permit No. PL2010-103 as submitted.

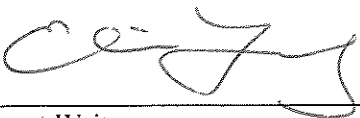
SUMMARY/CONCLUSIONS

This is an application for a Development Variance Permit to permit the construction of an accessory building, by varying the maximum accessory building height from 6.0 metres to 6.6 metres. Staff recommends approval of the Development Variance Permit.

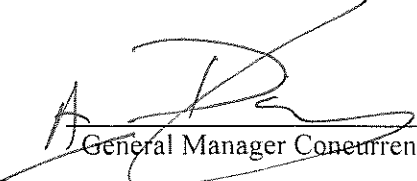
RECOMMENDATION

That:

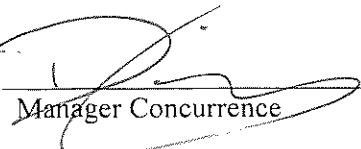
1. Staff be directed to complete the required notification, and
2. The Development Variance Permit Application No. PL2010-103, be approved subject to the conditions outlined in Schedules No. 1 - 3.




Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Permit No. PL2010-103

The following sets out the terms and conditions of Development Variance Permit No. PL2010-103.

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

1. **Section 3.4.61 Maximum Number and Size of Buildings and Structures** is hereby varied by varying the maximum accessory building height from 6.0 metres to 6.6 metres as shown on *Schedule No. 3*.

Conditions of Permit

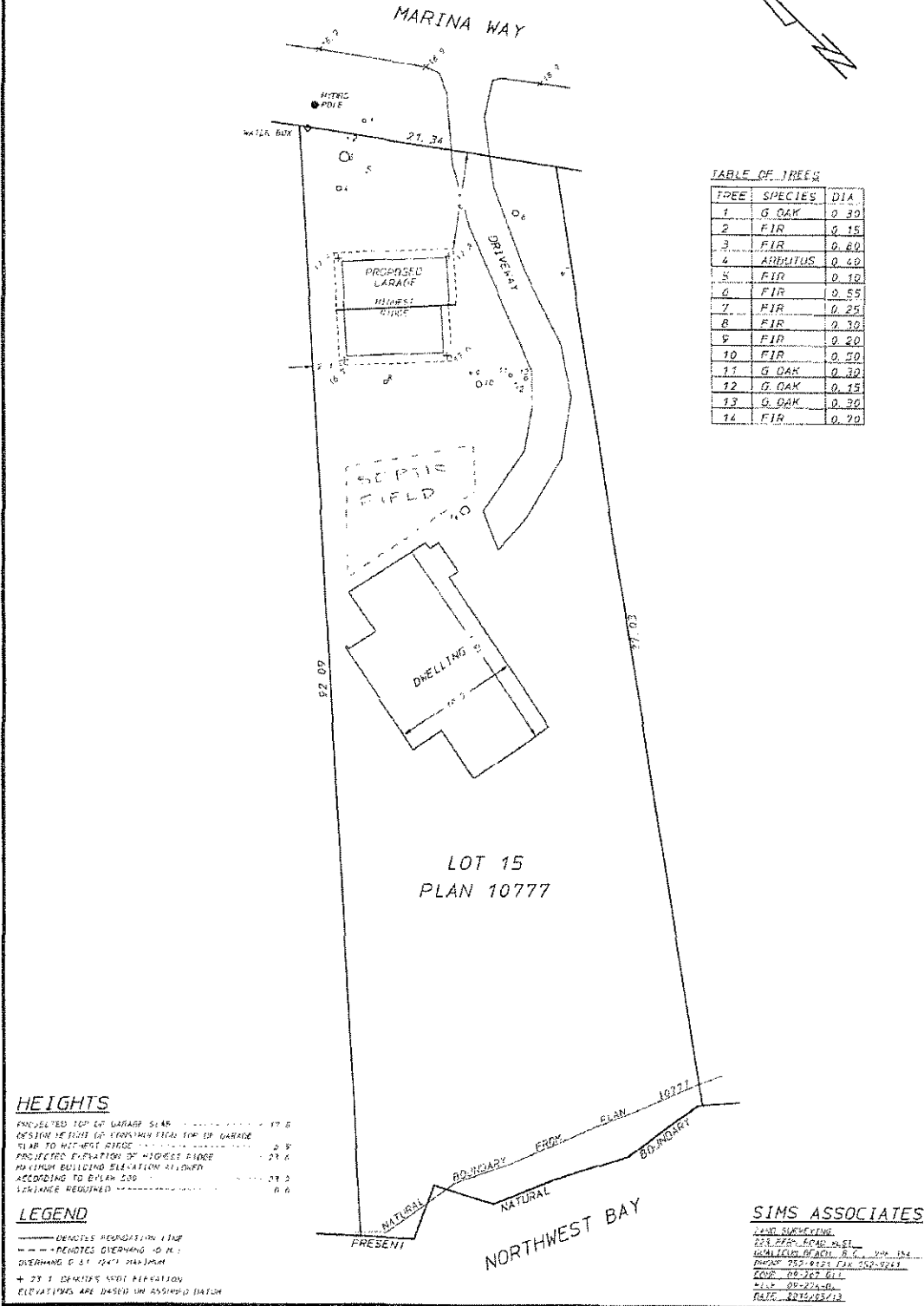
1. The accessory building shall be sited in accordance with site plan prepared by Sims Associates Land Surveying, dated May 13, 2010, attached as *Schedule No. 2*.
2. The accessory building shall be constructed in accordance with the building elevations submitted by the applicant attached as *Schedule No. 3*.
3. The applicant is required to provide confirmation of building setbacks by a British Columbia Land Surveyor at the framing stage of construction.

**Schedule No. 2
Site Plan**

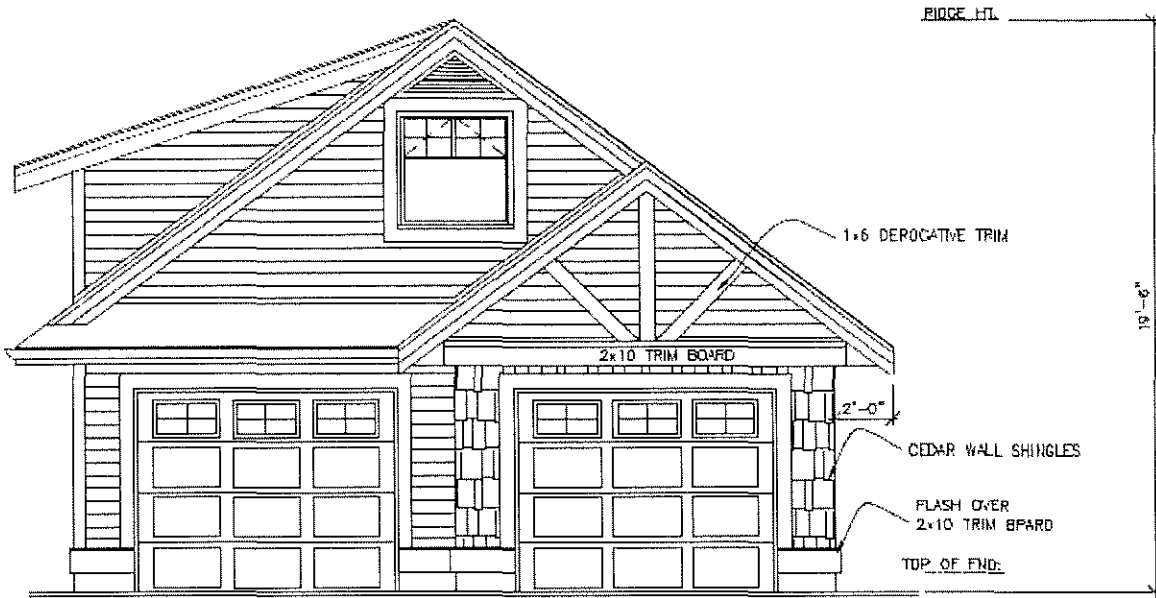
PLAN OF LOT 15, BLOCK A, DISTRICT LOT 38,
NANDOSE DISTRICT, PLAN 10777.
SHOWING PROPOSED GARAGE THEREON.

SCALE 1:300

ALL DISTANCES ARE IN METERS



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

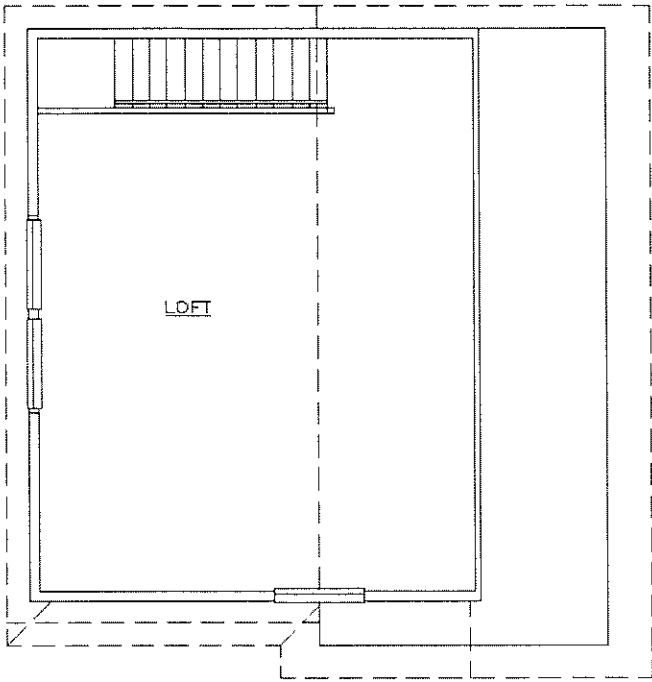


FRONT ELEVATION

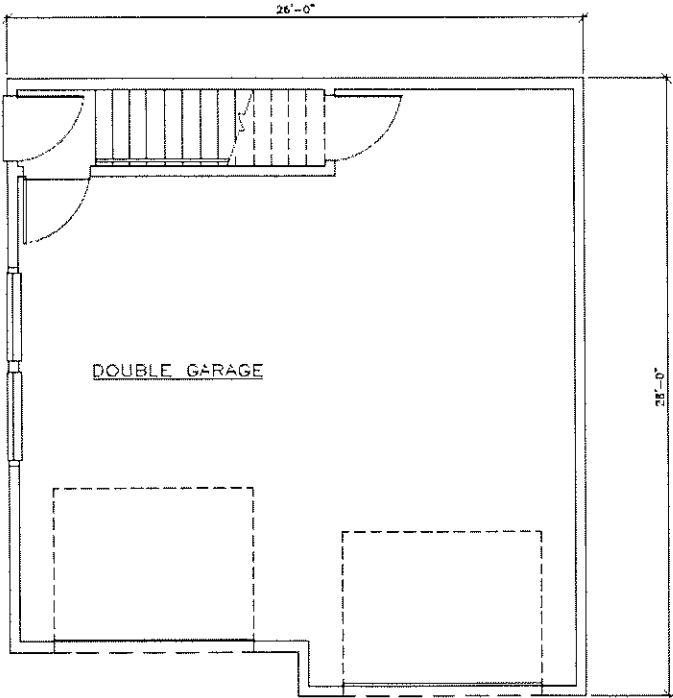


LEFT ELEVATION

Schedule No. 3
Building Elevations
(Page 2 of 2)



LOFT PLAN
500 SQ. FT.



GARAGE PLAN
702 SQ. FT.

Attachment No. 1
Location of Subject Property

