

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, MARCH 11, 2014

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

3-4 Minutes of the regular Electoral Area Planning Committee meeting held Tuesday, February 11, 2014.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

DEVELOPMENT PERMIT APPLICATION

5-13 Development Permit and Site Specific Exemption Application No. PL2013-115 – Anderson – 1045 Forgotten Drive, Electoral Area 'G'.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATION

14-35 Development Permit with Variance Application No. PL2012-118 – Wilson – 2505 Blokker Road, Electoral Area 'E'.

36-44 Development Permit with Variance and Site Specific Exemption Application No. PL2013-081 – Carey – 3718 Jingle Pot Road, Electoral Area 'C'.

DEVELOPMENT VARIANCE PERMIT APPLICATION

45-55 Development Variance Permit Application No. PL2014-002 – Birchland Resources Inc. – 3617 Dolphin Drive, Electoral Area 'E'.

ZONING AMENDMENT APPLICATION

56-63 Zoning Amendment Application No. PL2013-064 – Bylaw 1285.21 – 2619 Alberni Highway, Electoral Area 'F'.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, FEBRUARY 11, 2014 AT 6:30 PM IN THE
RDN BOARD CHAMBERS

In Attendance:

Director J. Stanhope	Chairperson
Director A. McPherson	Electoral Area A
Director M. Young	Electoral Area C
Alternate	
Director F. Van Eynde	Electoral Area E
Director J. Fell	Electoral Area F
Director B. Veenhof	Electoral Area H

Regrets:

Director G. Holme	Electoral Area E
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Also in Attendance:

P. Thorkelsson	Chief Administrative Officer
J. Harrison	Director of Corporate Services
T. Osborne	Gen. Mgr. Recreation & Parks
D. Trudeau	Gen. Mgr. Transportation & Solid Waste
R. Alexander	Gen. Mgr. Regional & Community Utilities
G. Garbutt	Gen. Mgr. Strategic & Community Development
Jeremy Holm	Mgr. Current Planning
J. Hill	Mgr. Administrative Services
C. Golding	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order.

ELECTORAL AREA PLANNING COMMITTEE MINUTES

Minutes of the regular Electoral Area Planning Committee meeting held Tuesday, January 14, 2014.

MOVED Director Van Eynde, SECONDED Director Fell, that the minutes of the regular Electoral Area Planning Committee meeting held Tuesday, January 14, 2014 be adopted.

CARRIED

DEVELOPMENT PERMIT APPLICATION / STRATA CONVERSION

Building Strata Conversion Application No. PL2012-159 – Development Permit Application No. PL2012-163 – Walton/Fern Road Consulting – 319 Allsbrook Road, Electoral Area ‘G’.

MOVED Director Young, SECONDED Director Van Eynde, that the request for the Building Strata Conversion Application No. PL2012-159 be approved subject to the conditions being met as set out in Attachment 2 and 3.

CARRIED

MOVED Director Young, SECONDED Director Van Eynde, that Development Permit Application No. PL2012-163 to permit the proposed strata conversion subdivision be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

ADJOURNMENT

MOVED Director Veenhof, SECONDED Director Fell, that this meeting terminate.

CARRIED

TIME: 6:34 PM

CHAIRPERSON

CORPORATE OFFICER



RDN REPORT		
CAO APPROVAL		✓
EAP	✓	
COW		
MAR 05 2014		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: February 28, 2014

FROM: Kristy Marks
Planner

FILE: PL2013-115

SUBJECT: Development Permit and Site Specific Exemption Application No. PL2013-115
Brent & Lee-Ann Anderson
Lot 49, District Lot 1, Nanoose District, Plan 30958 – 1045 Forgotten Drive
Electoral Area 'G'

PURPOSE

To consider an application for a Development Permit and Site Specific Exemption to allow the construction of a garage/workshop and a shed on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Brent & Lee-Ann Anderson in order to permit the construction of a garage/workshop and shed on the subject property. The property is approximately 0.2 ha in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 for location of subject property).

The subject property is relatively flat and currently contains a dwelling with attached garage. The property is primarily vegetated with lawn and gardens and is bound by developed residential parcels to the north and west, a vacant treed parcel to the south and Forgotten Drive to the east.

The proposed development is subject to the Hazards Lands Development Permit Area as per the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008".

Proposed Development and Site Specific Exemption

The applicant is requesting Site Specific Exemption from "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" (Floodplain Bylaw) in order to permit the construction of a shed with a washroom facility below the minimum flood construction level (FCL). The proposed garage/workshop would meet the minimum FCL - see Attachment 2 for site plan and Attachment 3 for proposed building elevations. Given that Section 922 of the *Local Government Act* does not permit variances to a floodplain specification the applicant must instead apply for a Site Specific Exemption. There are no variances to other RDN Bylaws requested as part of this application.

ALTERNATIVES

1. To approve the Development Permit and Site Specific Exemption Application No. PL2013-115 subject to the conditions outlined in Attachments 2 to 4.
2. To deny the Development Permit and Site Specific Exemption Application No. PL2013-115.

LAND USE IMPLICATIONS

Development Implications

In order to address the Hazard Lands Development Permit Area guidelines the applicant has provided a Geotechnical (Floodplain) Hazards Assessment prepared by Lewkowich Engineering Associates Ltd. dated February 14, 2014. This report recommends a minimum flood construction level of 4.4 metres GSC (Geodetic Survey of Canada) for the proposed garage/workshop taking into account anticipated global climate change and future sea level rise. This calculation is based on an expected lifespan for the garage/workshop of 50 years. The proposed shed with washroom facility is proposed to be located below the minimum FCL and therefore a Site Specific Exemption is required. The applicant has indicated that the siting of the shed in close proximity to the existing dwelling unit would make it challenging to meet the minimum FCL through placement of fill or structural elevation. The Geotechnical Hazards Assessment report concludes that the site is considered safe and suitable for the proposed development and that the proposed development will not result in a detrimental impact on the subject property, adjoining properties, or the environment provided the recommendations in the report are followed. In accordance with the Hazard Lands DPA guidelines and the Site Specific Exemption Application requirements, staff recommends that the applicant be required to register a Section 219 covenant that registers the Geotechnical Hazards Assessment prepared by Lewkowich Engineering Associates Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of potential flood hazard. Development of the property in accordance with the recommendations of this report is included in the Conditions of Approval set out in Attachment 4.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, staff reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist" and note that the proposed development involves the construction of two accessory buildings on an existing residential parcel and that no detrimental impacts to adjacent properties or the environment are anticipated.

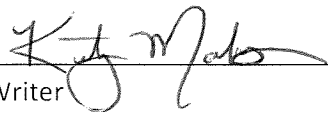
SUMMARY/CONCLUSIONS

This is an application for a Development Permit and Site Specific Exemption from the Floodplain Bylaw to allow the construction of a garage/workshop and shed on the subject property.


The applicant has submitted a site plan, building elevations, and Geotechnical Hazards Assessment in support of the application. In staff's assessment, this proposal is consistent with the guidelines of the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" Hazard Lands Development Permit Area and the Site Specific Exemption Application requirements of the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006".

RECOMMENDATION

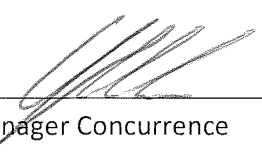
That Development Permit and Site Specific Exemption Application No. PL2013-115 to allow the construction of a garage/workshop and shed on the subject property be approved subject to the conditions outlined in Attachments 2 to 4.



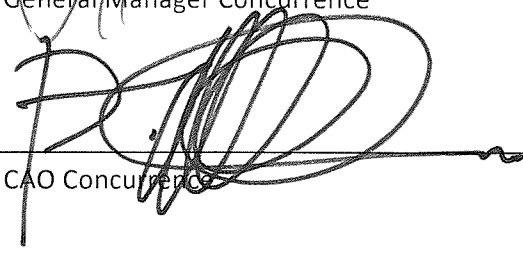
Report Writer



General Manager Concurrence

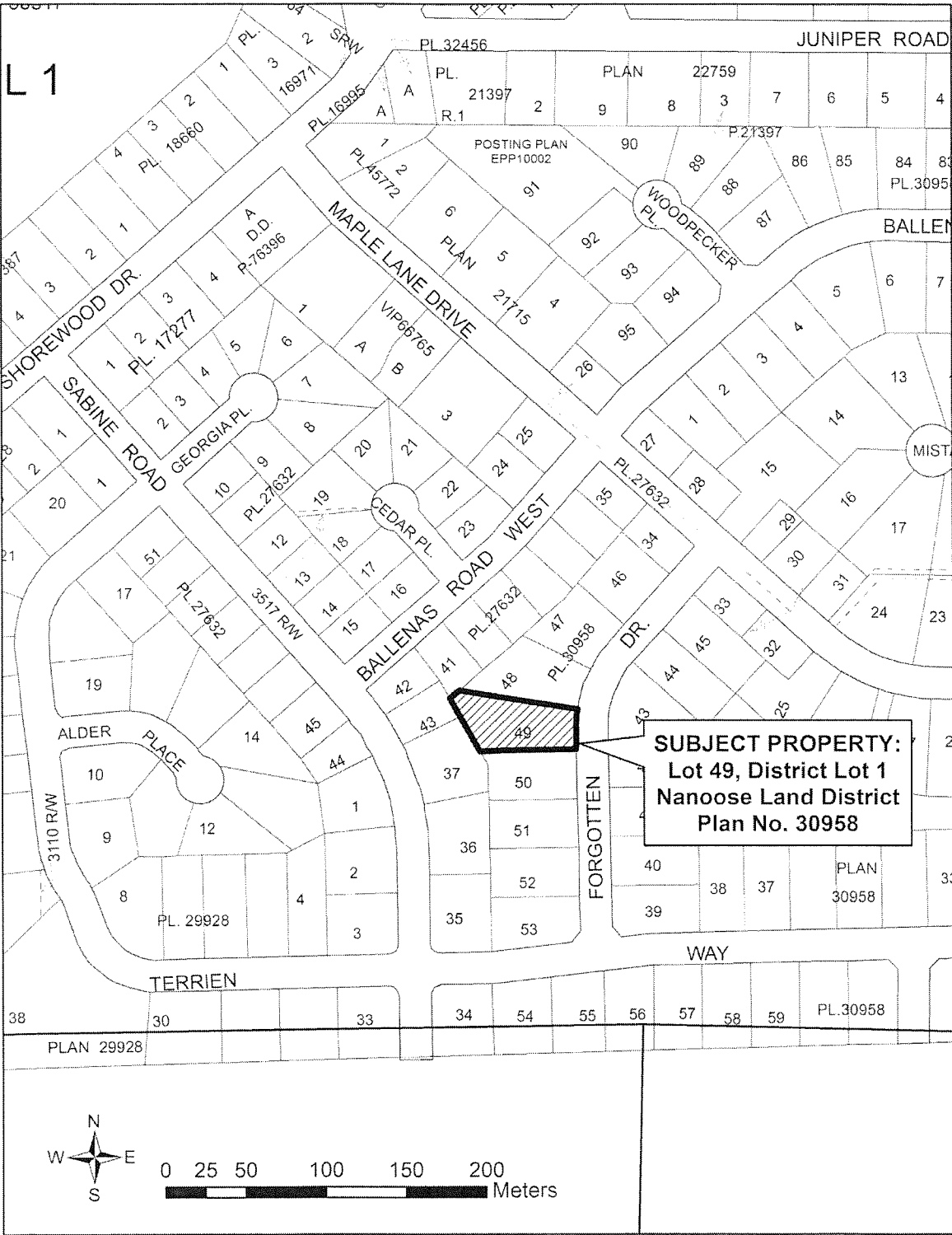


Manager Concurrence

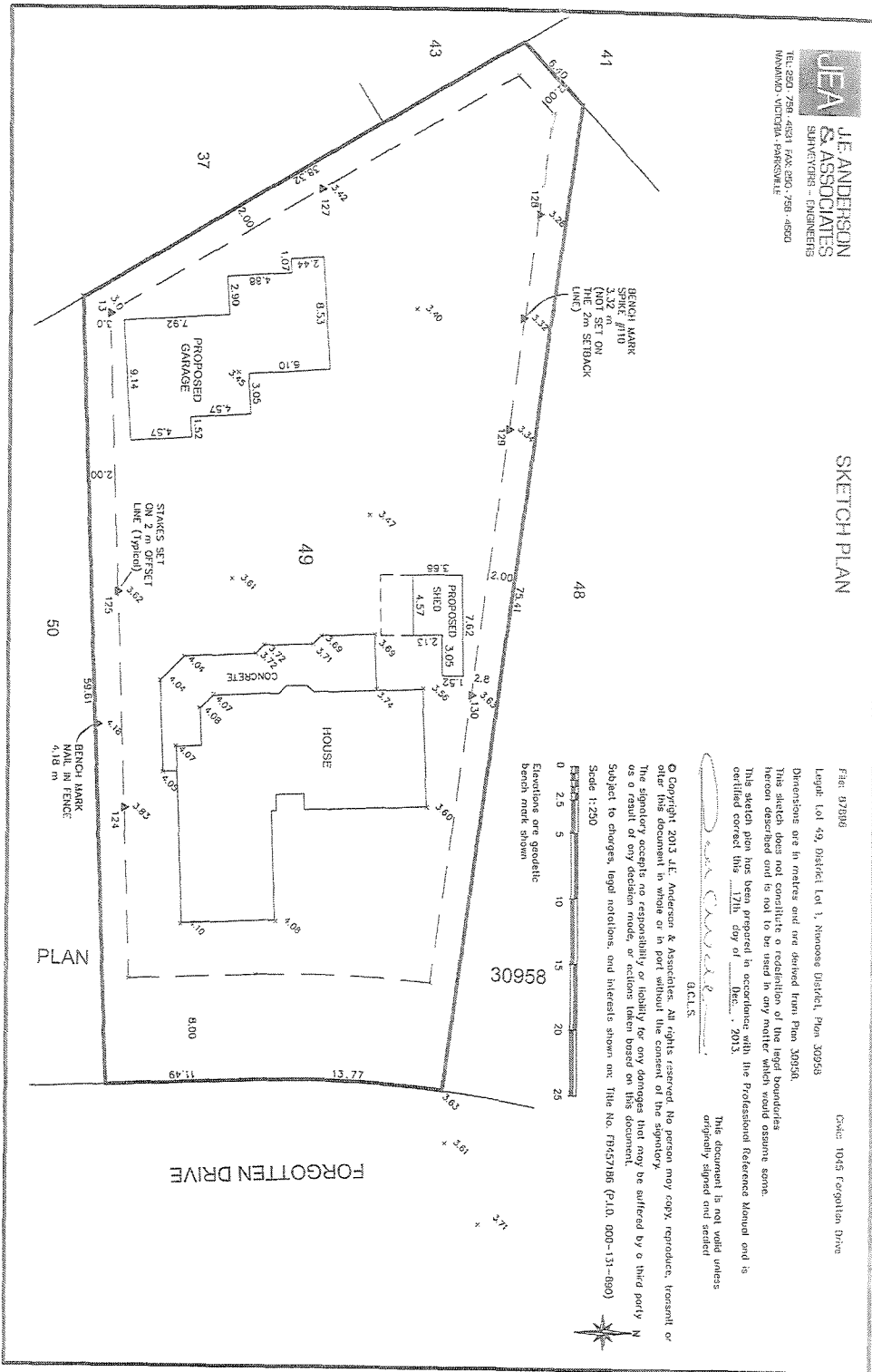


CAO Concurrence

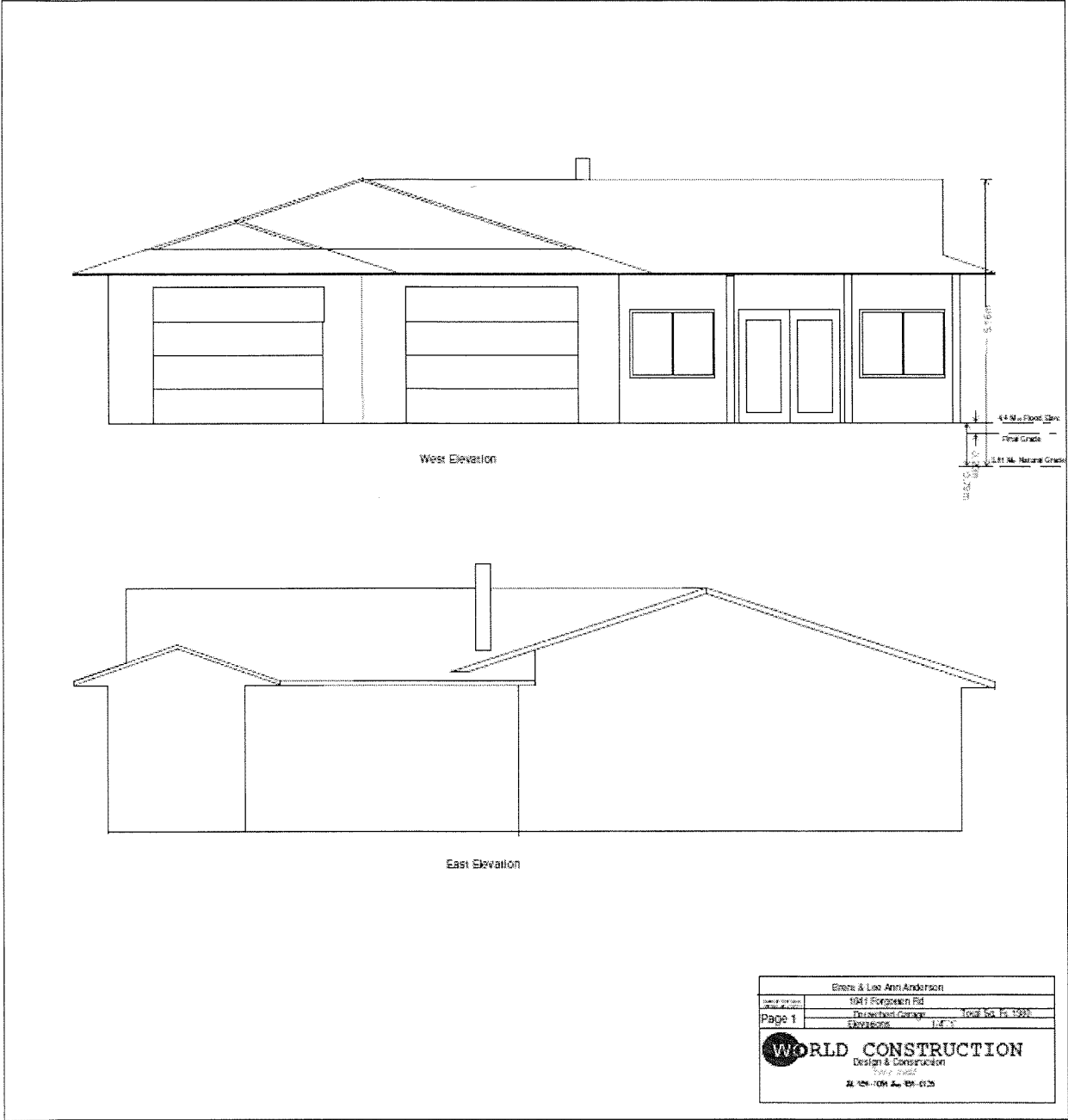
Attachment 1
Subject Property Map



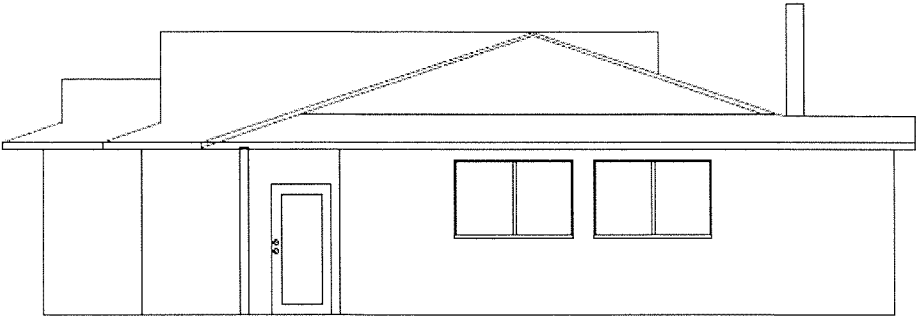
Attachment 2
 Proposed Site Plan



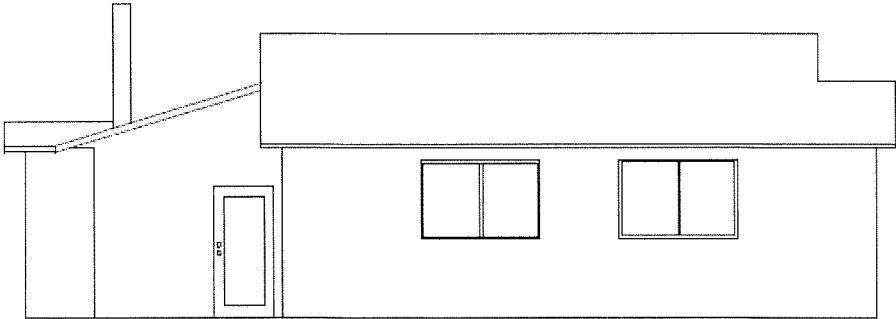
Attachment 3
Building Elevations – Garage/Workshop
(Page 1 of 3)



Attachment 3
Building Elevations – Garage/Workshop
(Page 2 of 3)



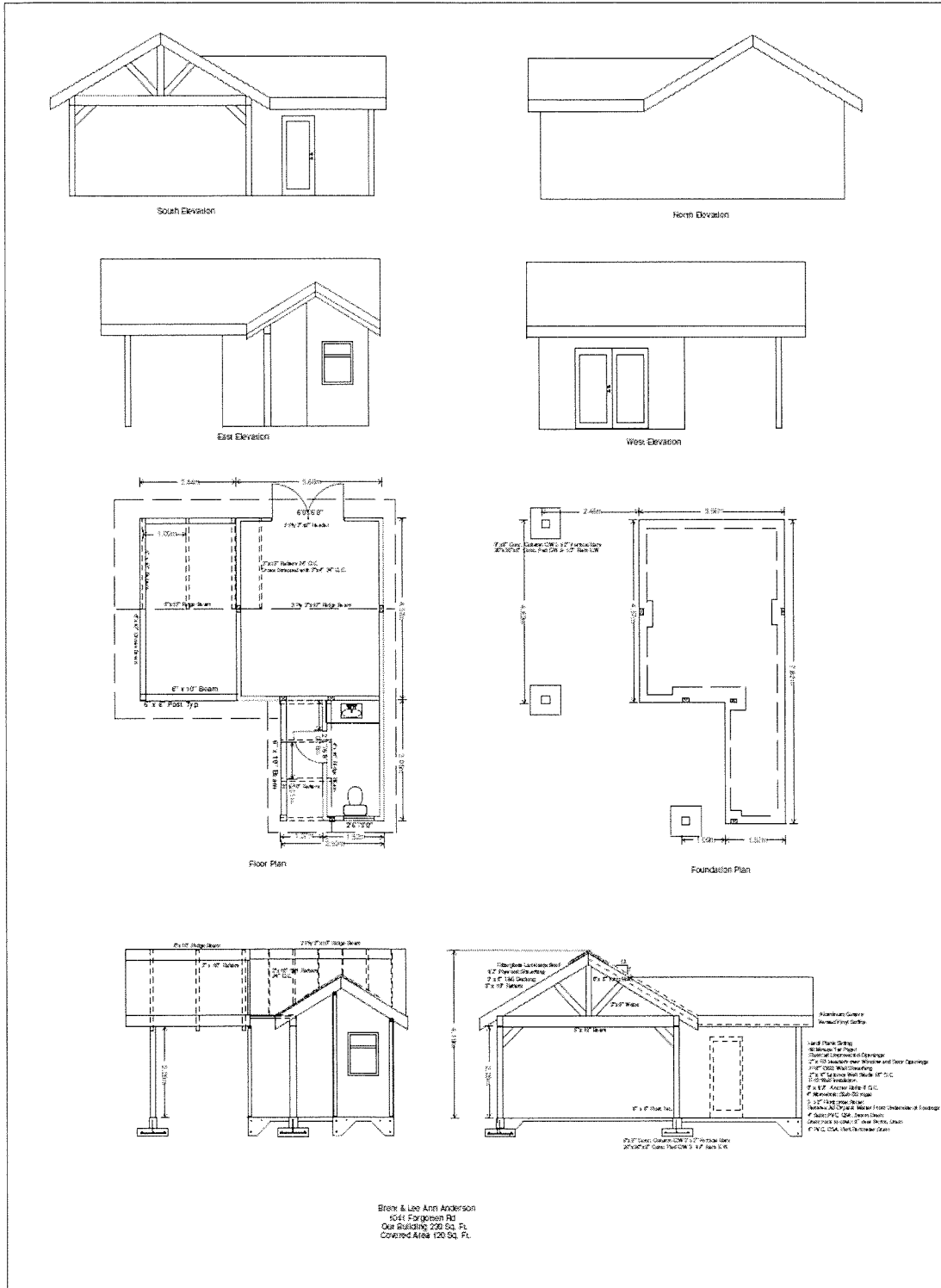
North Elevation



South Elevation

Boris & Lisa Ann Anderson	
1041 Forrester Rd	
Page 2	Deceased Garage Total Sq. Ft. 1980
Elevations	
WORLD CONSTRUCTION	
Design & Construction	
1111 1st St	
Al. 95-10N & 5th St	

Attachment 3
Building Elevations – Shed
 (Page 3 of 3)



Brew & Lee Ann Anderson
 1044 Forgesen Rd
 Opa Auditing 220 SW FL
 Coonrod Ave 100 SW, FL

Attachment 4
Terms and Conditions of Development Permit and
Site Specific Exemption Application No. PL2013-115

The following sets out the terms and conditions of Development Permit and Site Specific Application No. PL2013-115:

Conditions of Approval

1. The garage/workshop and shed shall be sited in accordance with the Site Plan prepared by J.E. Anderson & Associates dated December 17, 2013.
2. The garage/workshop and shed shall be constructed in general accordance with the elevation plans prepared by World Construction dated January 21, 2014.
3. The property shall be developed in accordance with the recommendations of the Geotechnical (Floodplain) Hazards Assessment prepared by Lewkowich Engineering Associates Ltd. dated February 14, 2014.
4. 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 (Floodplain) Hazards Assessment prepared by Lewkowich Engineering Associates Ltd. dated February 14, 2014 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.
5. The property owner shall obtain the necessary buildings permit for construction in accordance with Regional District of Nanaimo Building Regulations.



RDN REPORT		
CAO APPROVAL		PH
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
FEB 28 2014		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

MEMORANDUM

TO: Jeremy Holm
 Manager, Current Planning

DATE: February 27, 2014

FROM: Greg Keller
 Senior Planner

FILE: PL2012-118

SUBJECT: Development Permit with Variance Application No. PL2012-118 – Wilson
 Lot C, District Lot 6, Nanoose District, Plan VIP58721
 2505 Blokker Road - Electoral Area 'E'

PURPOSE

To consider an application for a Development Permit with Variance to increase dwelling unit height to permit the construction of a dwelling unit and related land improvements on the subject property.

BACKGROUND

An application has been received from Glenn and Gillian Wilson in order to permit the construction of a dwelling unit and related land improvements on the subject property. The property is approximately 1.6 hectares in area and is located at the confluence of the ocean and the Nanoose Creek Estuary.

The subject property is zoned Residential 1 Subdivision District 'F' (RS1F) and is currently a vacant unserviced parcel. Servicing is proposed to be provided with an existing private well and sewage treatment system. Although there are no dwelling units located on the subject property, most of the proposed building site has been previously disturbed and maintained as lawn and a small viewing platform has been erected within the disturbed area. The subject property was created through subdivision in 1994 prior to establishment of the Sensitive Ecosystem Protection development permit area. Although the parcel is 1.6 hectares in area, the developable area on the parcel is significantly constrained by topography and sensitive ecosystems.

Residential uses are developed on the adjacent properties and there are Crown Lands (National Wildlife Area) located to the south west (see Attachment 1 – Subject Property Map). The subject property slopes down from Blokker Road in the north east corner towards the ocean and then flattens out at the proposed building site which is slightly above sea level and the Nanoose Creek Estuary. Although portions of the subject property are located within the Nanoose Bay floodplain, the proposed development will comply with "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006".

The proposed development is subject to the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005" Sensitive Ecosystem Protection and Watercourse Protection Development Permit Area (DPA).

Proposed Development and Variances

In order to satisfy the minimum flood construction level recommended by the applicant's engineers, the applicant has requested a variance to increase the maximum dwelling unit height. The applicant proposes to vary the following regulations from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

- **Section 3.4.61 – Maximum Number and Size of Buildings and Structures** to increase the maximum dwelling unit height from 8.0 metres to 9.8 metres.

ALTERNATIVES

1. To approve the Development Permit with Variance Application No. PL2012-118 subject to the conditions outlined in Attachments 2 to 4.
2. To deny the Development Permit with Variance Application No. PL2012-118.

LAND USE IMPLICATIONS

Development Implications

A number of professional reports have been submitted to support the application and demonstrate how the applicable Development Permit (DP) Area Guidelines would be satisfied. Included in the applicant's submission are site plans, building elevations, an environmental impact assessment report, geotechnical and coastal engineering reports, an archaeological assessment report, and a vegetation management plan. The following provides an overview of the information provided by the applicant in relation to the DP Guidelines.

Watercourse Protection DPA

The subject property contains watercourses and a wetland complex and therefore has been included within the Watercourse Protection DPA. The applicant has submitted a letter from Sarah Bonar, a Registered Professional Biologist which indicates that the Riparian Areas Regulation (RAR) does not apply to the proposed development since the RAR does not apply to estuary environments. Therefore the Watercourse Protection DPA does not apply.

Sensitive Ecosystem DPA

With respect to the Sensitive Ecosystem Protection DPA, the guidelines require the proposal to consider a number of site-specific natural features, functions, and conditions that support wildlife and unique ecosystems. In response, an Environmental Impact Assessment (EIA) report dated June 8, 2013, and revised in November 2013 prepared by Aquaparian Environmental Consulting Ltd. was provided. The report found that existing habitat values within the subject property were moderate to high for various bird species, small mammals and amphibians and the surrounding estuary and marine habitat to be highly valuable. A number of environmentally sensitive features were identified on the property including an eagle nest tree located near the top of the subject property near Blokker Road, an eagle perch tree located immediately south of the building site, and a wetland complex which is identified by the BC Conservation Data Centre as a red-listed ecological community. In addition, the report also explains that Fisheries and Oceans Canada (DFO) herring spawning records indicate the Nanoose Creek estuary is considered a vital (highest rating) herring spawning area.

The EIA report contains a number of recommendations and mitigation measures and concludes that if all mitigation measures identified in the report are implemented during development of the subject parcel, no negative impact to the existing environmental features and functions of the site are anticipated. Therefore, staff is recommending that the applicant be required to develop the site in accordance with the EIA report's recommended mitigation measures as outlined in the terms and conditions of approval in Attachment 2.

The DPA Guidelines also require that development activity minimize the area of encroachment into the DPA. In response, the applicant has demonstrated through site plans (see Attachment 3), a site visit, and through the EIA report that there are no practical building locations that are located outside of the Environmentally Sensitive Features DPA. Further, the applicant has attempted to minimize the development's impact on the undisturbed portions of the site. The applicant has also submitted a vegetation management plan dated November 5, 2013, prepared by Aquaparian Environmental Consulting Ltd. (see Attachment 3) that proposes to mitigate disturbance to native vegetation through the planting of native plant species in other locations of the subject property near the building site. The applicant is proposing to disturb an area of about 900 m² and is proposing to compensate the disturbance by restoring an area of approximately 940 m² using native plant species which are appropriate for the site-specific conditions.

In support of the proposed vegetation management plan, the applicant has submitted an itemized cost estimate and landscaping security deposit in the amount of \$6,582.00. Development of the property in accordance with the recommendations contained in the vegetation management plan is included in the Terms and Conditions of Approval set out in Attachment 2.

Flood Hazard Implications

In order to address the potential impacts of development on environmentally sensitive features located within the floodplain and to protect the development from hazardous conditions in preparation for submitting a building permit application, the applicant submitted a geotechnical engineering report and a coastal engineering report.

The geotechnical engineering report dated May 10, 2013, was prepared by Lewkowich Engineering Associates. The report found that the site was safe for the intended use provided that a number of conditions are followed during design and construction. Development of the property in accordance with the recommendations contained in the geotechnical engineering reports is included in the Conditions of Approval set out in Attachment 2.

The coastal engineering report dated April 4, 2013, was prepared by Emerald Sea Engineering in accordance with the APEGBC Professional Practice Guidelines – Legislated Flood Assessments in a Changing Climate. The report found the site to be safe for the intended use provided the recommendations contained in the report are carried out. The coastal engineering report considered estimated wave height and run up as well as sea level rise and uplift to establish a recommended minimum flood construction level of 12.08 metres project elevation. The report suggests that the shoreline appears to be stable with evidence of gradual changes in the natural boundary over the last 17 years with some accretion to the north and east and some erosion to the south. The report recommends that a soft shoreline treatment consisting of pebbles, cobbles, and small rounded boulders in a layer 0.3 metres to 1.0 metres thick be installed along the east shoreline to reduce concerns with future changes in the shoreline and raise the grade around the proposed dwelling unit to limit the

volume of fill required. In response, the applicant is proposing a series of rock walls set well back from the shoreline surrounding the proposed dwelling unit. The coastal engineer has provided confirmation that the proposed rock walls are consistent with the recommendation included in the report.

All of the proposed rock walls will meet the minimum setback requirements. Development of the property in accordance with the recommendations contained in the coastal engineering report is included in the Terms and Conditions of Approval set out in Attachment 2.

In order to ensure that the development is conducted in a manner which is consistent with the recommendations contained in both engineering reports, staff recommends that the applicant be required to register a Section 219 restrictive covenant that registers the Geotechnical Report May 10, 2013, prepared by Lewkowich Engineering Associates Ltd. and the Coastal Engineering Report dated April 4, 2013, prepared by Emerald Sea Engineering, and includes a save harmless clause that releases the RDN from all losses and damages as a result of potential hazards.

Proposed Variances

The subject property has significant topographical and environmental constraints which results in very limited buildable areas. The applicant proposes to construct a dwelling unit on the southern portion of the parcel adjacent to the coastal foreshore and the Nanoose Creek Estuary (see Attachment 3 – Site Plan) to take advantage of flat ground and panoramic ocean and mountain views.

The proposed building site and disturbance envelope is located on low lying lands of which some areas are subject to periodic inundation of water up to 40 cm deep during tides greater than 4.8 metres - 5.2 metres. As recommended by the applicant's Coastal Engineer, in order to protect the proposed development against potential damages that could result from floodwaters, the applicants are proposing to elevate the proposed dwelling unit using a combination of structural fill and a raised foundation to meet a minimum flood construction level of 12.08 metres. This requires the underside of the floor system to be elevated by approximately 3.18 metres above existing natural grade at the worst case section. The proposed minimum flood construction level as recommended by the coastal engineer exceeds the minimum flood construction level established by "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" by approximately 0.93 metres. The proposed elevations and maximum dwelling unit height variance is shown on Attachment 4.

As a result of the recommended minimum flood construction level, the proposed dwelling unit is 1.7 metres over the 8.0 metres maximum dwelling unit height specified by the RS1 zone. An additional 0.1 metres is proposed to account for small topographical anomalies. Therefore, a height variance of 1.8 metres is being requested. The applicant has modified their plans by fine tuning the orientation of the dwelling unit, reducing the size of the proposed attached garage, and reducing the roof pitch where practical in an attempt to reduce the extent of the variance requested. If the dwelling unit was built on a flat lot and was not impacted by a minimum flood construction elevation, it would be approximately 6.6 metres in height which is well below the maximum dwelling unit height requirements of the RS1 zone.

Based on the location of the proposed building site which is located below the adjacent dwelling units and far from any dwelling unit located at the same elevation, the proposed height variance is not likely to have an impact on views from adjacent properties.

Based on the above analysis, staff is of the opinion that the proposed variance is consistent with RDN Development Variance Permit, Development Permit with Variance, and Floodplain Exemption Application Evaluation Policy B1.5. Therefore, staff recommends that the Board approve the requested maximum dwelling unit height as proposed.

Archaeological Implications

Provincial records indicate the presence of archaeological site DhSb-30, 30 metres on the adjacent property to the east which is a site protected under the *Heritage Conservation Act*. Therefore, the applicant submitted an archaeological assessment dated February 27th, 2013, prepared by Baseline Archaeological Services Ltd. The assessment did not identify any archaeological materials on the subject property. However, it was noted that the wetland portion of the property would be considered to have high potential for wet site archaeological remains. No further archaeological work was recommended for the proposed development at this time.

Strategic Plan Implications

Staff have reviewed the proposed development and note that the proposal has no implications for the Board's 2013 – 2015 Strategic Plan.

Inter-governmental Implications

As the proposed development is located within 30.0 metres of the high-water mark of the ocean, and a portion of the property inundated during high tides will be filled to accommodate development, the applicant has submitted a project review application to DFO. Department of Fisheries and Oceans has determined that, provided that the proposed mitigation and restoration measures are carried out, the proposed project will not likely result in a contravention of the habitat protection provisions of the *Fisheries Act*. Therefore, DFO approval is not required.

The subject property is located within an area of significant interest to Snaw-Naw-As First Nation. As such, RDN staff have been in contact with Snaw-Naw-As to discuss the proposed development and respond to any questions.

A portion of the proposed development is located within an area protected by a Section 219 no vegetation removal covenant held by the Ministry of Forests, Lands, and Natural Resource Operations (formally Ministry of Environment). The applicant has submitted a proposal to the Ministry to remove the existing covenant and replace it with a new covenant that would allow some disturbance within the existing no vegetation removal area in exchange for a new Ministry held covenant that adds protection for the red listed wetland ecosystem located on the property. The Ministry has provided written confirmation that the covenant will be replaced and at the time when this report was written, the applicant has submitted a draft Section 219 covenant to the Ministry for its review. In order to ensure that the RDN does not approve a development which is inconsistent with a Ministry covenant, staff is recommending that the proposed Development Permit with Variance not be issued until proof of registration of the proposed covenant is provided to the RDN.

Access to the proposed development is via an existing rough gravel driveway which includes a culvert crossing one of the watercourses located on the subject property. The applicant is proposing to upgrade the driveway and install sanitary and water lines to support the proposed dwelling unit. These works may require the upgrading or replacement of the existing culvert. If the culvert is replaced, a permit for changes in and about a stream under Section 9 of the *Water Act* and Part 7 of the *Water Act Regulations*

will be required. Development of the property in accordance with the *Water Act* and *Water Act Regulations* is included in the Conditions of Approval set out in Attachment 2.

Public Consultation Process

Pending the Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within 50.0 metres of the subject property 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.

SUMMARY/CONCLUSIONS

This is an application for a Development Permit with Variance to permit the construction of a dwelling unit and related land improvements within the Sensitive Ecosystem Protection DPA. The applicant has requested a variance to the maximum dwelling unit height from 8.0 metres to 9.8 metres which is required to meet the minimum flood construction level recommended by the applicant’s engineers.

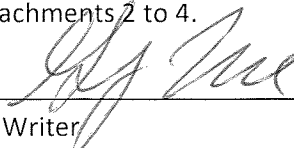
The applicant has submitted a number of professional reports to support the application and demonstrate how the applicable DPA Guidelines would be satisfied. Overall the reports found that site was safe for the intended use and the proposed development would not result in negative impacts on existing environmental features and functions of the site. In staff’s opinion, the proposed development satisfies the DPA Guidelines.

In addition the applicant has made efforts to reduce the extent of the proposed variance and has demonstrated that the proposed variance is supported by a rational land use justification. In addition, the proposed variance is not anticipated to have impacts on the views from adjacent properties.

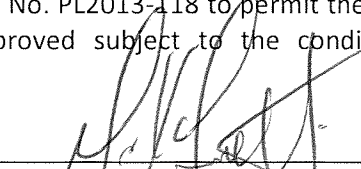
Based on the above rationale, staff recommends that the Board approve Development Permit with Variance Application No. PL2012-118 subject to the terms and conditions outlined in Attachments 2 to 4 pending the outcome of public consultation.

RECOMMENDATIONS

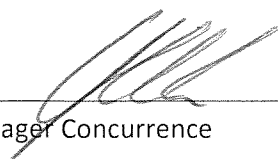
1. That staff be directed to complete the required notification; and
2. That Development Permit with Variance Application No. PL2013-118 to permit the construction of a dwelling unit and related improvements be approved subject to the conditions outlined in Attachments 2 to 4.




Report Writer



General Manager Concurrence

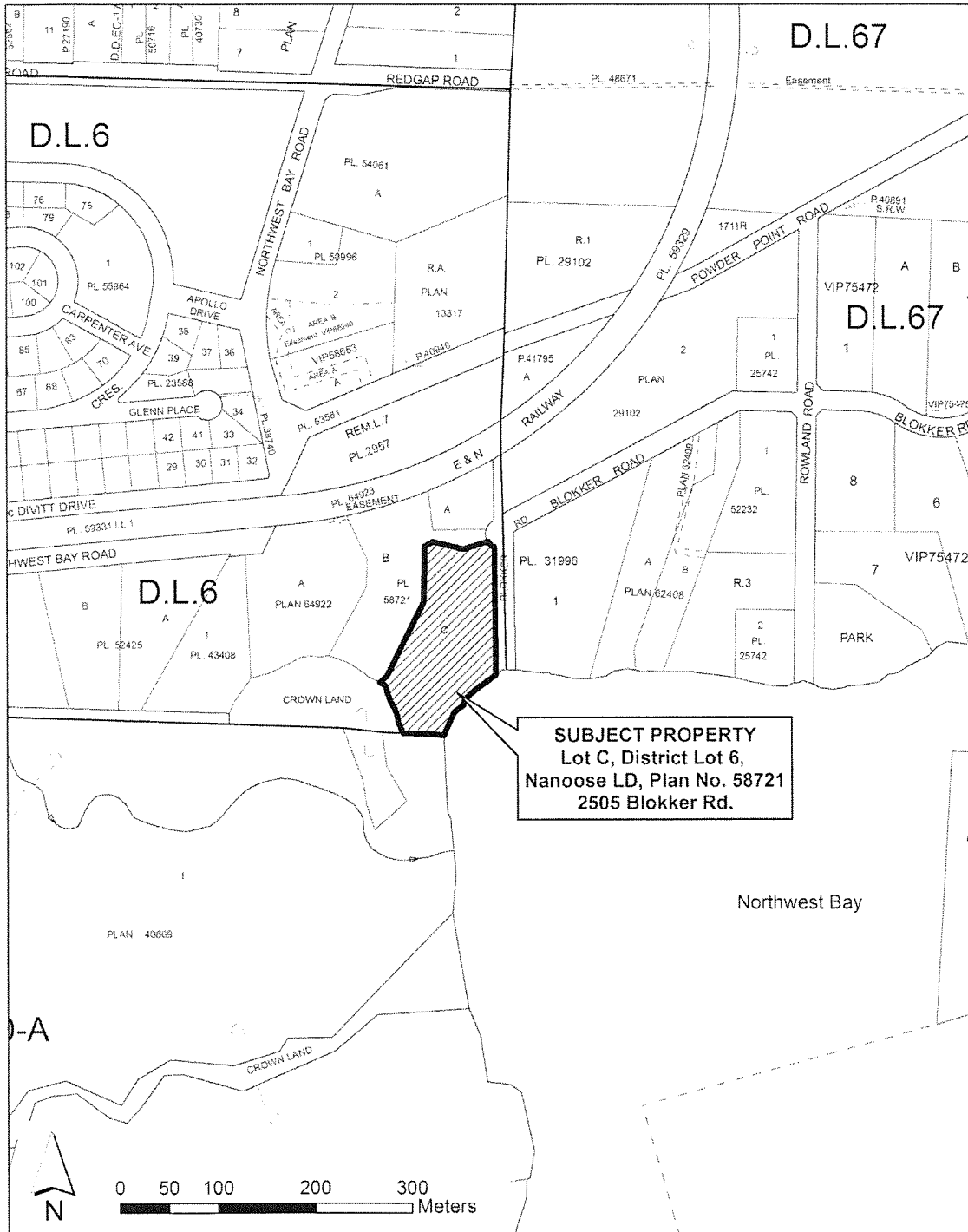


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



**Attachment 2 (Page 1 of 5)
Terms and Conditions of
Development Permit with Variance**

The following sets out the terms and conditions of Development Permit with Variance No. PL2012-118:

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:

- **Section 3.4.61 – Maximum Number and Size of Buildings and Structures** to increase the maximum dwelling unit height from 8.0 metre to 9.8 metre.

Issuance of Permit

Development Permit with Variance Application No. PL2012-118 shall not be issued by staff until the applicant demonstrates that the requirements of the Ministry of Forest Lands, and Natural Resource Operations with respect to the replacement of the existing Section 219 no vegetation removal covenant has been met or the RDN has been informed by the Ministry that its requirements have been met.

General Conditions of Approval

1. The site is to be developed in general accordance with the Site Plan prepared by JE Anderson and Associates, dated February 21, 2014, as provided in Attachment 3.
2. The site is to be developed in general accordance with the Lot Grading Plan prepared by JE Anderson and Associates, dated February 21, 2014, as provided in Attachment 3.
3. The site is to be developed in general accordance with the Restoration Plan prepared by JE Anderson and Associates, dated February 21, 2014, as provided in Attachment 3.
4. The site is to be developed in accordance with the Geotechnical Engineering report prepared by Lewkowich Engineering Associates Ltd., dated May 10, 2013.
5. The site is to be developed in accordance with the Coastal Engineering report prepared by Emerald Sea Engineering Ltd., dated April 4, 2013.
6. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

**Attachment 2 (Page 2 of 5)
Terms and Conditions of
Development Permit with Variance**

Construction Timing

1. Construction is to occur outside the active bald eagle nesting season after fledging has finished, the nesting season is typically from the end of January to August 31 of a given year. If on-going construction extends into the nesting season, a qualified environmental professional should be retained to monitor the nesting activity to determine disturbance level and provide mitigation measures.
2. Earthworks are to be completed outside the herring spawning season from January to April of a given year.
3. Earthworks should be completed outside the salmonid smolt-out fish window for the Nanoose Estuary May 15 to June 15 of a given year if there is the potential for sedimentation to occur. Ensure sediment and erosion controls are in place and functioning as intended.
4. Earthworks should be carried out during dry weather conditions as soon as eagles have fledged (end August) and ideally be completed prior to fall rains beginning in late October.
5. Applicant to notify DFO ten days prior to any site clearing and grubbing works using heavy equipment.

Monitoring During Construction

1. A suitably qualified environmental monitor (EM) must be on site during excavation and fill placement to ensure sediment and erosion control measures are in place and functioning properly. The monitor must retain the authority to temporarily stop work if a threat to the environment is identified. The monitor will also be able to provide additional measures as necessary based on site conditions at the time of the work.
2. The monitor is to hold a pre-construction meeting with the site contractor to review environmental protection requirements, environmental sensitivities of the site and contact procedures should an incident occur.
3. Monitoring inspection reports are to be completed after every inspection day to document site activities and mitigation measures.

**Attachment 2 (Page 3 of 5)
Terms and Conditions of
Development Permit with Variance**

Erosion and Sediment Control:

1. Earthworks should not be carried out during heavy rain events.
2. Erosion and sediment controls, such as silt fencing, are to be installed around the perimeter of the excavation areas prior to any excavation activities starting.
3. Spoil piles are to be located away from all water features within the property and the ocean and surrounded by silt fencing if left on site for any length of time. If heavy rain is forecasted they should be covered with tarps and weighted down.
4. Bare soils should be covered by straw and seeded as soon as possible following construction.
5. Monitoring of control measures and maintenance of the sediment control measures shall be completed regularly to ensure they are working effectively.
6. If straw bales are used, replace when they become saturated or broken down as they become ineffective when wet. Remove old bales from the site to prevent invasive species dispersal.

Spill Management

1. No deleterious substances such as sediment, fuel, oil, paint, concrete wash water or uncured concrete are to enter the marine or freshwater habitats adjacent to the construction site.
2. The EM is to be made aware of all fuel, oil and / chemical spills that occur during the project as soon as possible.
3. Appropriate spill control equipment (spill kits) will be kept on site during the work.
4. Operating personnel are to be familiar with the contents and use of the spill response equipment and the location and operation of emergency 'shut-offs' of equipment.
5. Hazardous waste material generated in the course of the project (oil adsorbent pads, oily & grease covered rags, containers, etc.) shall be disposed of in compliance with regulations. Hazardous waste material shall be contained in a closed, waste disposal container for disposal.
6. If a fuel or hydraulic oil spill occurs, the operator of the machine shall stop work immediately, address the immediate containment and clean-up of the spill and undertake the repair or replacement of the machinery before work is allowed to continue.
7. All heavy equipment is to be clean and free of leaks and inspected daily. Preferably, machines will use vegetable based or environmentally friendly oil. Full spill kits are to be on all machinery.

Attachment 2 (Page 4 of 5)
Terms and Conditions of
Development Permit with Variance

8. All fill brought to the site is to be clean i.e. free of hazardous contaminants.
9. No fuel, oil or other lubricants are to be stored within 30 metre of the high water mark and jerrycans etc. should be placed in containment bins to prevent spills or drips.

Concrete:

1. No uncured concrete or concrete pour water is to enter the aquatic environment. High pH caused by uncured concrete (>12pH) is harmful to fish. Manage concrete pours to prevent spillage. pH is to be monitored in the event of a spill. pH is to be between 6.5 –9.0 pH units with a turbidity of <25 NTU, and the turbidity is less than 25 NTU measured to and accuracy of +/- 2NTU.
2. No concrete equipment / tools, or concrete delivery chutes are to be washed down near the site.
3. Concrete pump equipment should be inspected to ensure no leaks from hose and pipe connections and the fittings are tight and connections will not uncouple. Contractors are to ensure forms are not filled to overflowing.
4. Report any spills of sediments, debris and concrete fines, wash or contact water into watercourses immediately to 1-800-663-3456 (EMBC). If possible, the materials should be immediately removed from the water and emergency mitigation and clean-up measures should be implemented.

Archaeological

If evidence of cultural artifacts is found, immediately stop work in the vicinity of the suspected archaeological resource and secure the area. Do not undertake further work that could disturb the site. Do not move soil from the vicinity of the site, including adjacent spoil material. Do not move or collect artifacts. Be prepared to transmit detailed location information and images of the find to the provincial MFLNRO Archaeological Branch.

Vegetation Management

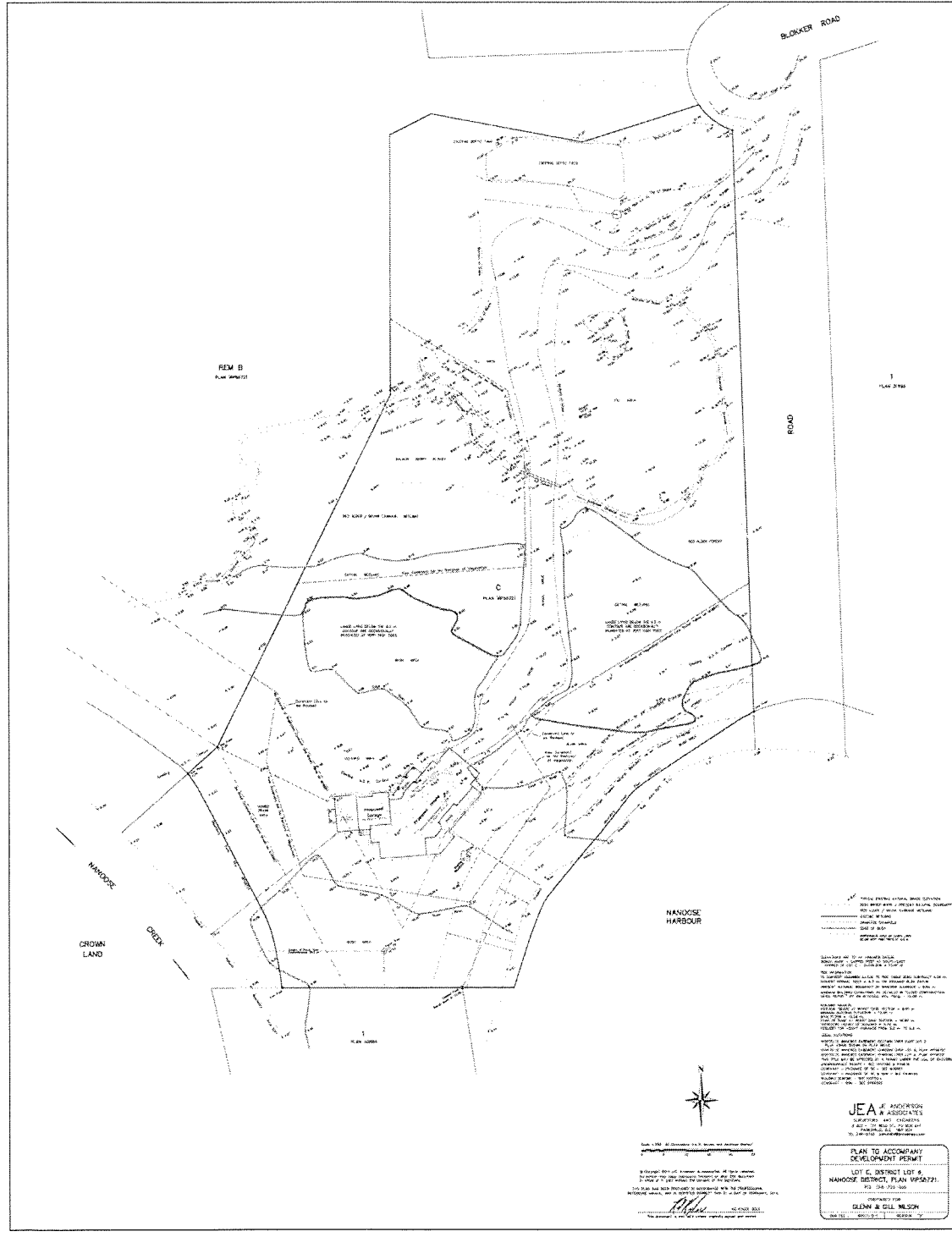
Native plantings should be installed at the beginning of the rainy season following recommendations in Vegetation Management Plan in the areas and quantities as shown on the Restoration Plan in Attachment 2.

**Attachment 2 (Page 5 of 5)
Terms and Conditions of
Development Permit with Variance**

Geotechnical Coastal Engineering

1. The proposed dwelling unit shall be constructed in accordance with the geotechnical evaluation prepared by Lewkowich Engineering Associates Ltd. and dated May 10, 2013.
2. The proposed development shall be constructed in accordance with the coastal engineering evaluation prepared by Emerald Sea Engineering Ltd. and dated April 4, 2013.
3. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 restrictive covenant containing the Geotechnical Evaluation prepared by Lewkowich Engineering Associates Ltd. and dated May 10, 2013, and the coastal engineering evaluation prepared by Emerald Sea Engineering Ltd. and dated April 4, 2013, that requires development to be in accordance with the plan, specifies an agreed upon recommended minimum flood construction level that is greater than the Regional District of Nanaimo Flood Management Bylaw, 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.

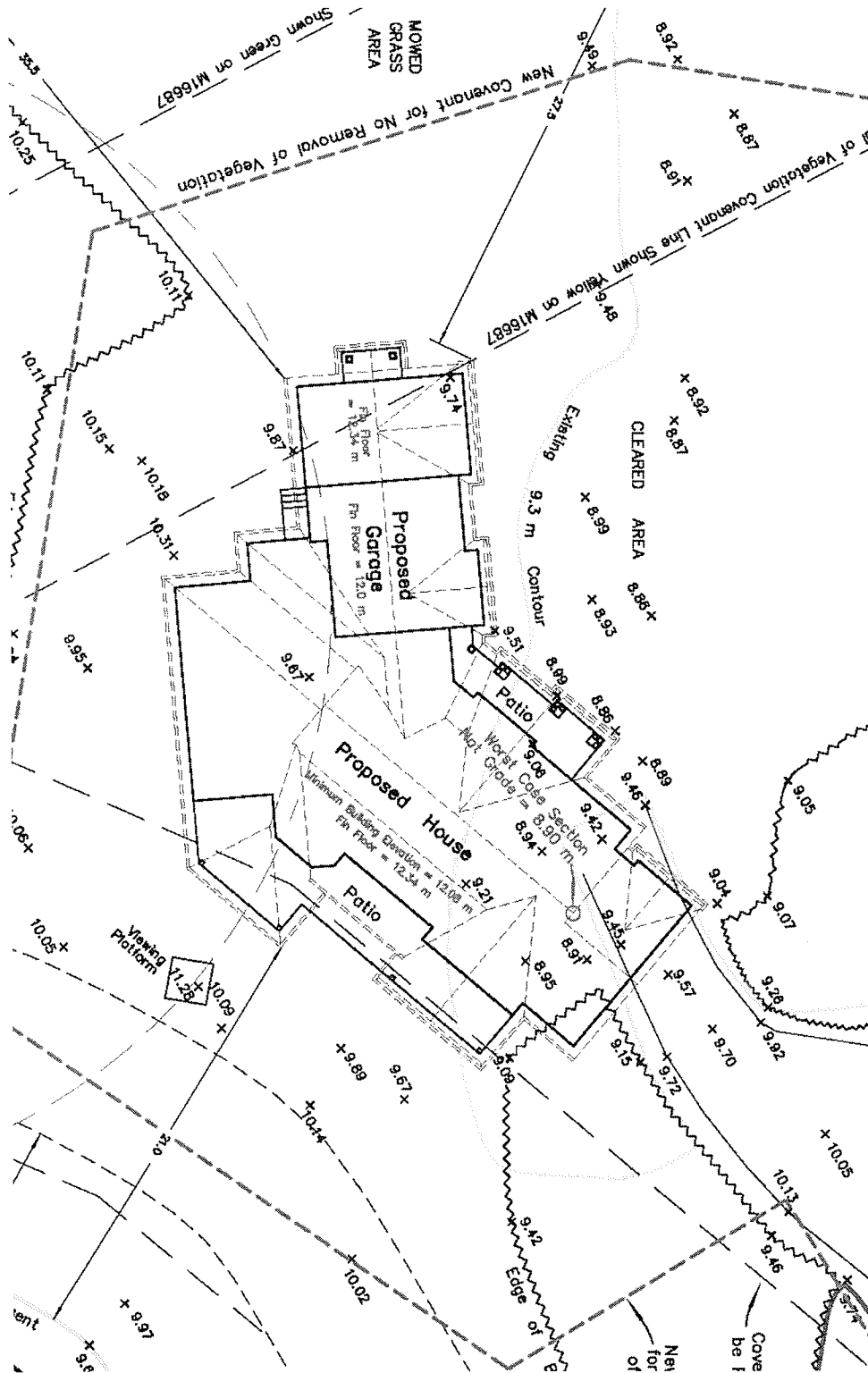
Attachment 3
Page 1 of 7
Site Plan (Page 1 of 2)



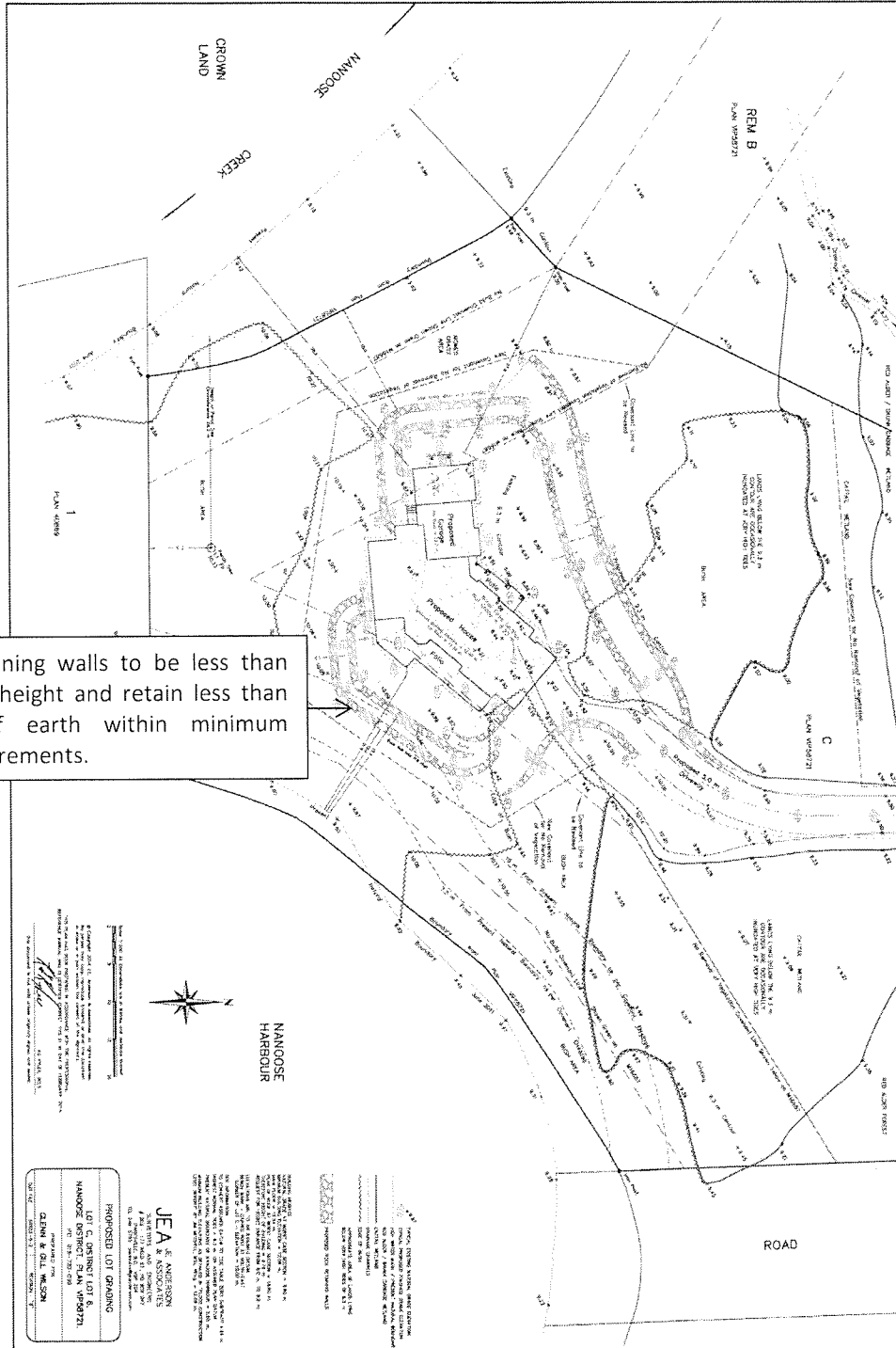
Attachment 3 – NOT TO SCALE

Page 2 of 7

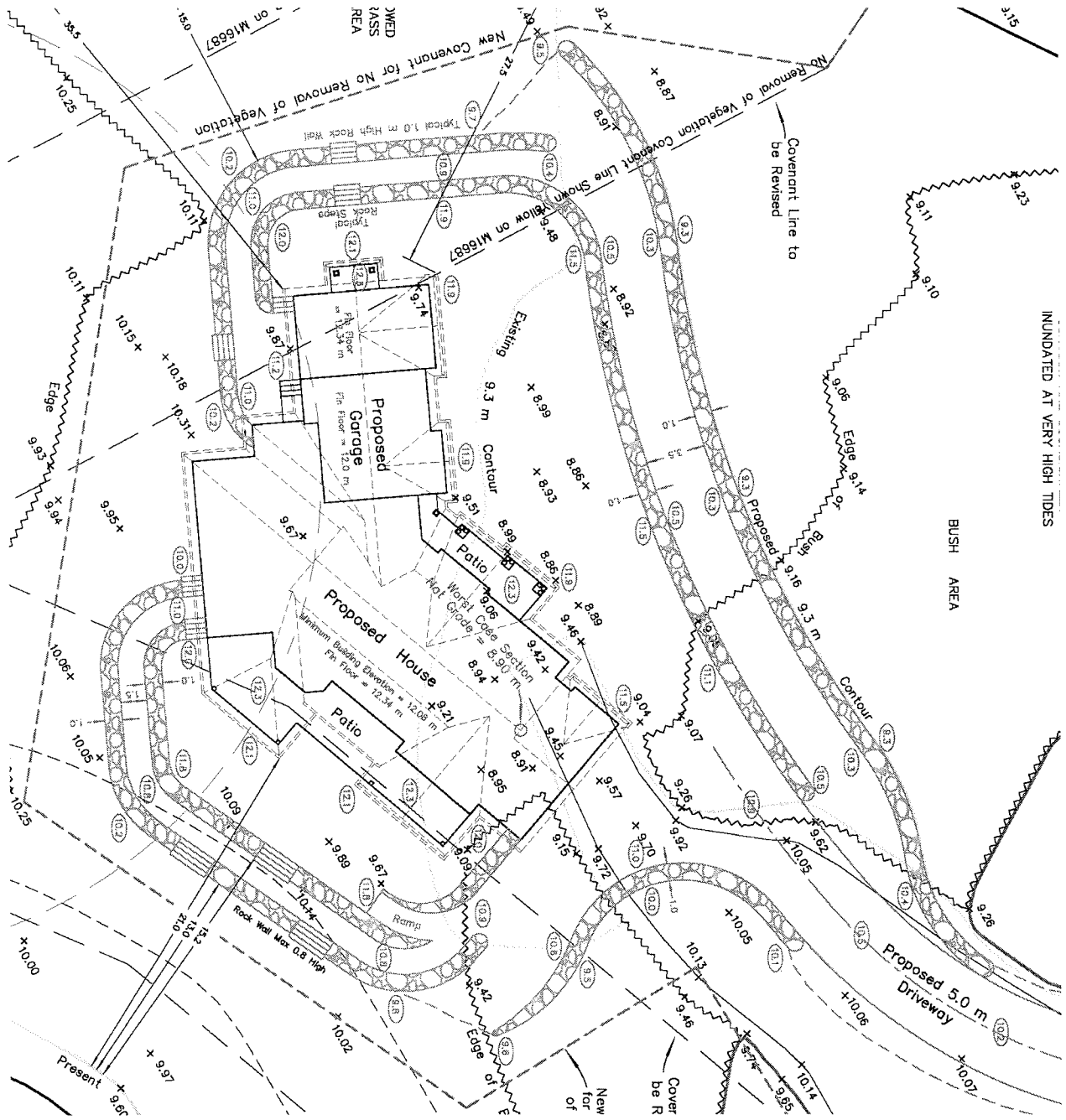
Site Plan (Page 2 of 2)



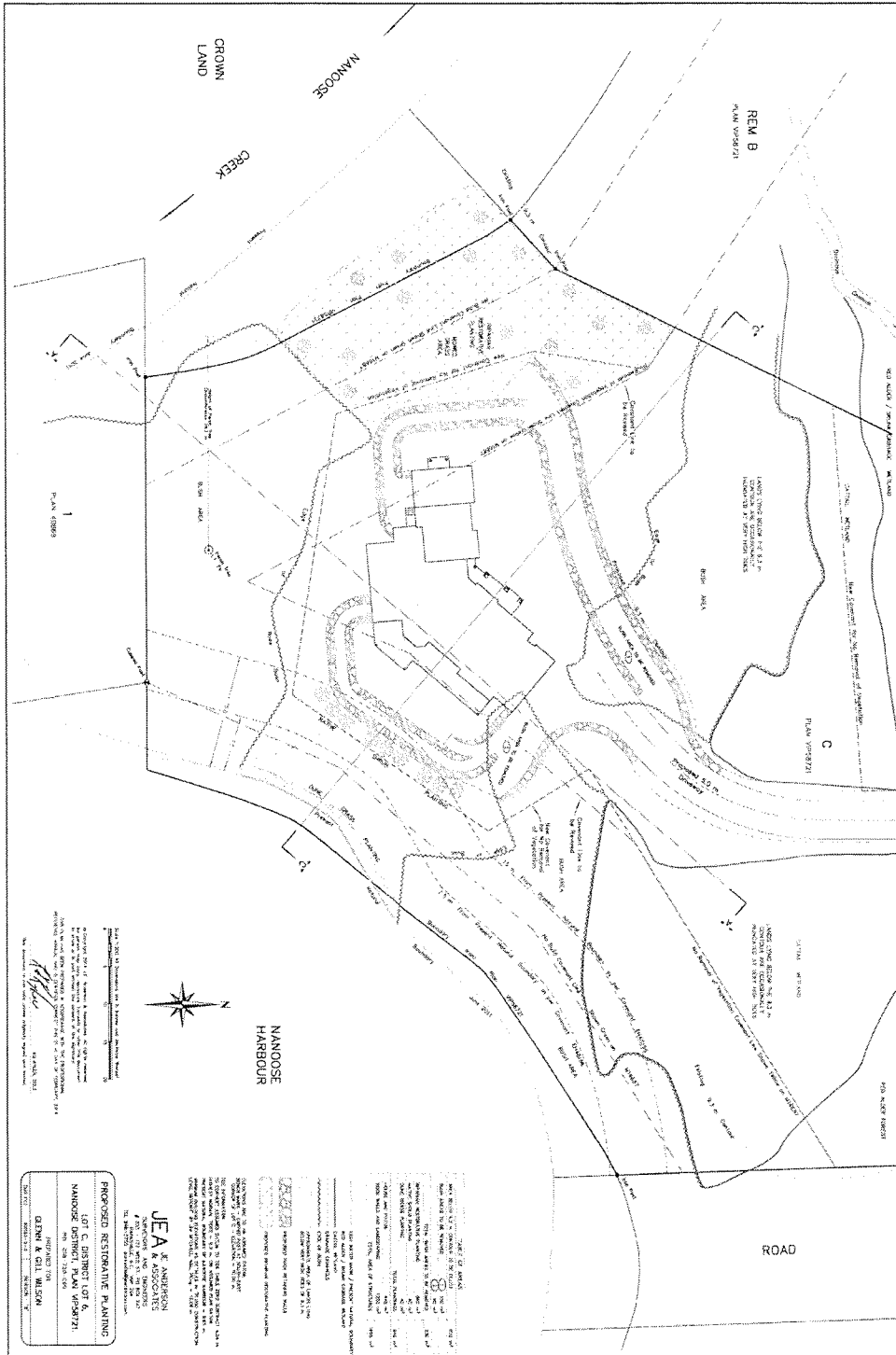
Attachment 3
Page 3 of 7
Proposed Lot Grading Plan (Page 1 of 2)



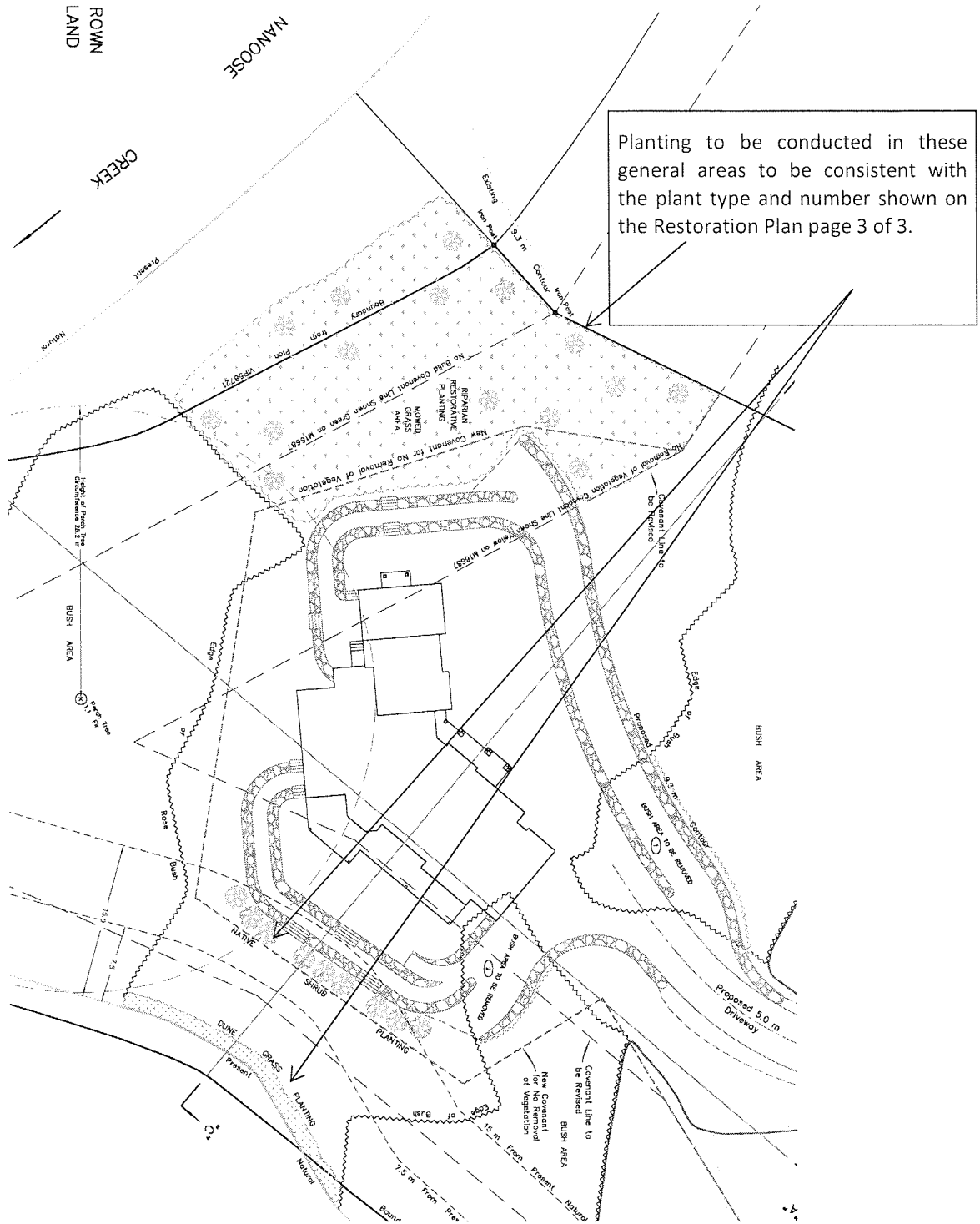
Attachment 3
Page 4 of 7
Proposed Lot Grading Plan (Page 2 of 2)



Attachment 3
Page 5 of 7
Restoration Plan (Page 1 of 3)



Attachment 3
Page 6 of 7
Restoration Plan (Page 2 of 3)



Attachment 3
Page 7 of 7
Restoration Plan (Page 3 of 3)
List of Proposed Plant Species and Itemized Cost Estimate

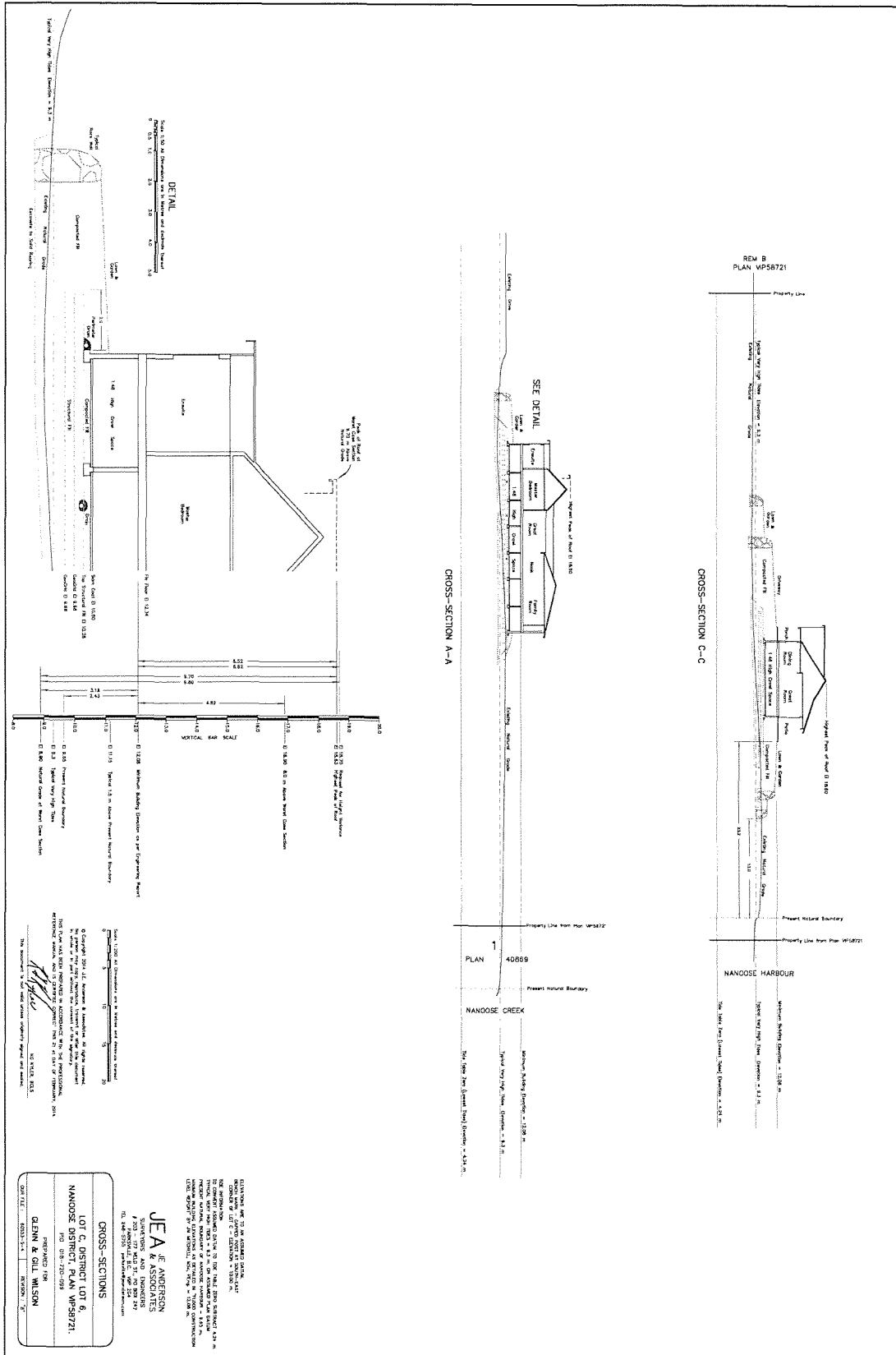
PLANTING AREA	COMMON NAME	SPECIES	SPACING	SIZE	No.	Cost
1) Riparian tree / Shrub (940m ²)	Western redcedar	<i>Thuja plicata</i>	1/5m ²	2 gal	30	\$8.50
	Shore pine	<i>Pinus contorta</i>	1/5m ²	2 gal	50	\$9.50
	Sitka spruce	<i>Picea sitchensis</i>	1/5m ²	2 gal	20	\$8.50
	Snowberry	<i>Symphoricarpos albus</i>	1/m ²	1-gal	300	\$4.75
	Nootka Rose	<i>Rosa nutkana</i>	1/m ²	1-gal	300	\$4.75
	Indian plum	<i>Oemlaria cerasiformis</i>	1m ²	1-gal	100	\$4.75
	Saskatoon berry	<i>Amelanchier alnifolia</i>	1/m ²	1-gal	75	\$4.75
	Oceanspray	<i>Holodiscus discolor</i>	1/2m ²	1-gal	75	\$4.75
	Sub-total					950
2) Shore area (40m ²)	Dune grass	<i>Elymus mollis</i>	4/m ²	4" pot	100	\$2.25
	Entire-leaved gumweed	<i>Grindelia integrifolia</i>	4/m ²	4" pot	20	\$2.25
	Silver burweed	<i>Ambrosia chamissonis</i>	4/m ²	4" pot	20	\$2.25
	Beach pea	<i>Lathyrus japonicus</i>	4/m ²	4" pot	20	\$2.25
	Silverweed	<i>Potentilla anserine</i> spp. <i>pacifica</i>	4/m ²	1 gal	20	\$4.75
Sub-total					180	\$985
TOTAL PLANTS					1130	\$5922

Planting layout should be completed in patches to achieve desired density and appropriate spacing. Prior to digging holes, place the pots within a given area as indicated in the densities in the above table. A sketch of proposed plant spacing has been included as Appendix A as an example.

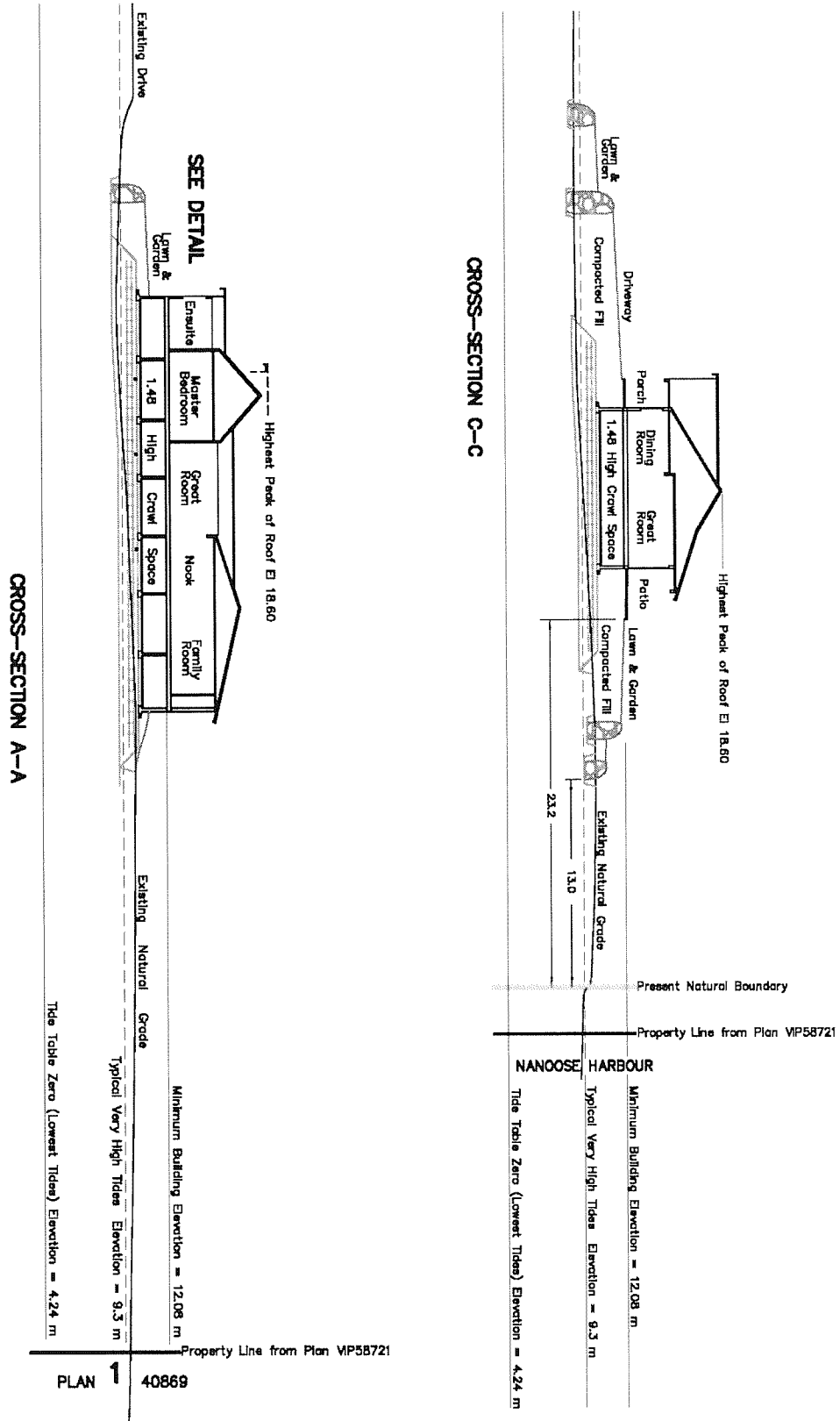
Bond Calculation:

For purposes of the Regional District Bond calculation, a labour estimate is required. Installation of the 1130 plants is anticipated to take two people approximately 24 hours. At a general labour rate of \$15/hr, the value of installation is \$660. Therefore the total amount of plant material plus labour estimate is \$6582.00.

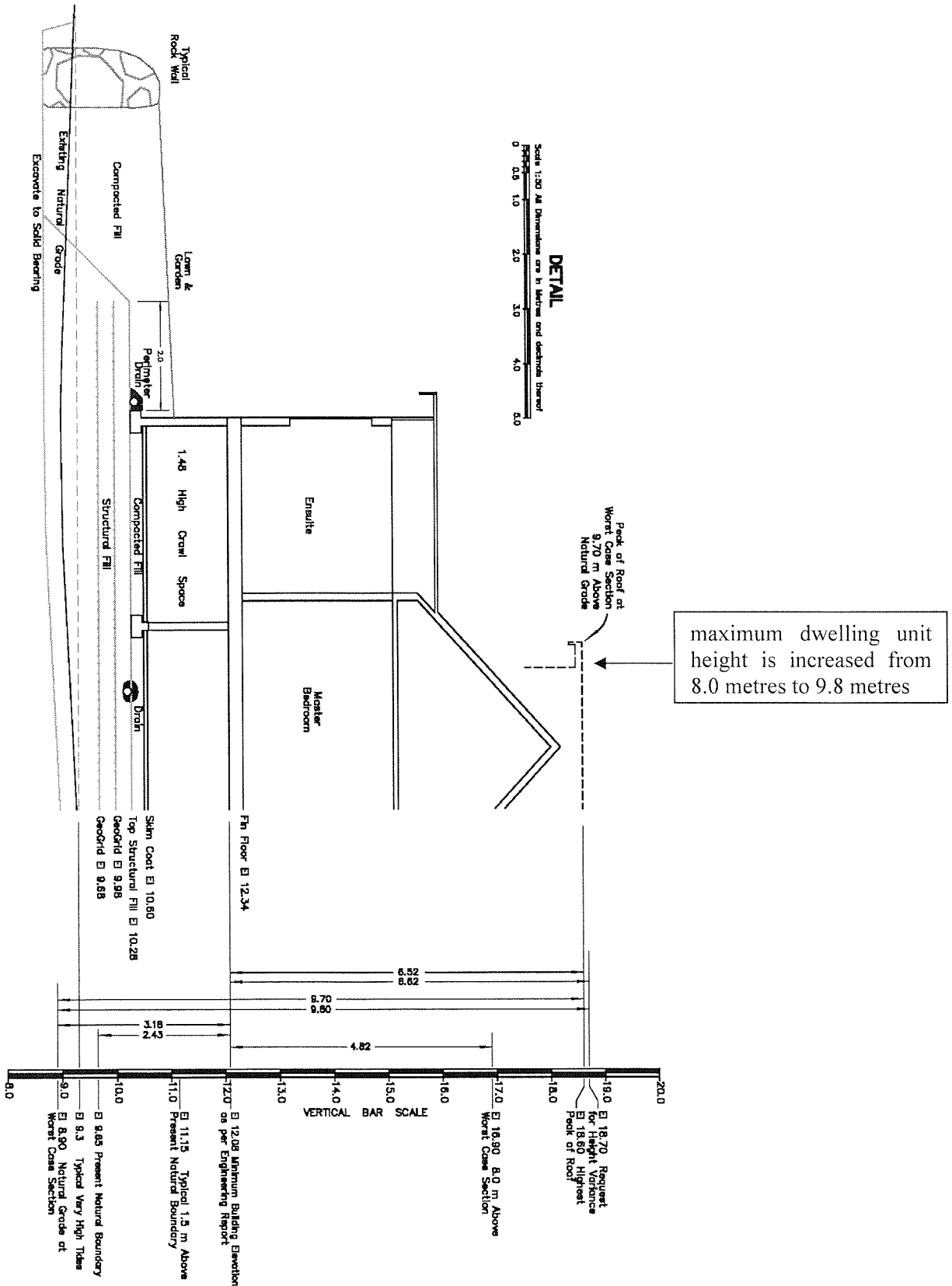
Attachment 4
Exterior Elevations and Proposed Variance (Page 1 of 3)



Attachment 4
 Exterior Elevations and Proposed Variance (Page 2 of 3)



Attachment 4
 Exterior Elevations and Proposed Variance (Page 3 of 3)





RDN REPORT		[Handwritten initials]
CAC APPROVAL		
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
FEB 28 2014		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: February 21, 2014

FROM: Kristy Marks
Planner

FILE: PL2013-081

SUBJECT: Development Permit with Variance and Site Specific Exemption Application
No. PL2013-081 – Morgan Carey
Lot 2, Sections 18 and 19, Range 4, Mountain District, Plan 24550 – 3718 Jingle Pot Road
Electoral Area 'C'

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from R. W. Wall Ltd. on behalf of Morgan Carey in order to permit the construction of an addition to an existing dwelling unit on the subject property. The subject property is 2.44 ha in area and is zoned Rural 1 (RU1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 - Location of Subject Property).

The subject property is located within the Agricultural Land Reserve (ALR) and currently contains a dwelling unit and an accessory building. The property contains a large pasture area as well as lawn, gardens and is bound by Jingle Pot Road to the north, undeveloped RDN park land to the east, the Millstone River to the south and a developed rural parcel to the west.

The proposed development is subject to the following development permit areas as per the "Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997":

- Fish Habitat Protection
- Hazard Lands

Proposed Development, Variance and Site Specific Exemption

The applicant is proposing to construct a 464 m² addition to an existing dwelling unit, a portion of which will be located within the 30 m setback from the Millstone River established by "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" (Floodplain Bylaw); therefore, a site specific exemption from the Floodplain Bylaw is required to permit the siting of the proposed addition. The applicant is also requesting a variance to the maximum permitted height from 9.0 m to 9.63 m for the proposed addition. This variance is required in order for the addition to meet the minimum flood construction level of 3.0 metres above the natural boundary of the Millstone River established in the Floodplain Bylaw (see Attachment 2 - Site Plan and Attachment 3 - Proposed Building Elevations).

ALTERNATIVES

1. To approve the Development Permit with Variance and Site Specific Exemption Application No. PL2013-081 subject to the conditions outlined in Attachments 2 to 4.
2. To deny the Development Permit with Variance and Site Specific Exemption Application No. PL2013-081.

LAND USE IMPLICATIONS

Development Implications

The applicant has requested a variance to the maximum permitted height in order to permit the construction of an addition to an existing dwelling unit. Staff have reviewed the applicant's request in relation to Board Policy B1.5 and note that the applicants re-designed the addition in order to meet the 3.0 metre flood construction level resulting in the need for a height variance. The addition has been designed so that no habitable space encroaches within the 30 metre Floodplain Bylaw setback from the Millstone River and staff do not anticipate any view implications or other negative impacts for neighbouring properties related to the requested variance.

In order to address the Fish Habitat Protection Development Permit Area guidelines the applicant has provided a Riparian Areas Assessment (RAA) prepared by Toth and Associates Environmental Services Ltd. dated July 2, 2013. This report establishes a 25.8 metre Streamside Protection and Enhancement Area (SPEA) and the proposed addition will be located outside the SPEA. The report notes that the proposed renovation has a relatively small potential to result in negative impacts to the features, functions and conditions that support fish life processes within the 30 metre Riparian Assessment Area of the Millstone River. In addition, the report recommends that the SPEA boundary be flagged prior to development and that a post development report be completed within six months of project completion in accordance with Provincial requirements. Given that the potential for disturbance of the SPEA is negligible, no other monitoring or measures to protect the SPEA have been recommended. The requirements of flagging of the SPEA boundary and the completion of a post development report in accordance with the recommendations contained in the RAA are included in the Conditions of Approval outlined in Attachment 4.

In order to address the Hazard Lands Development Permit Area guidelines and the Site Specific Exemption application requirements of the Floodplain Bylaw, the applicant has submitted a Geotechnical Evaluation and Hazards Assessment prepared by Lewkowich Engineering Associates Ltd. dated February 20, 2014. This report recommends that the proposed addition meet the minimum flood construction level of 3.0 metre above the natural boundary of the Millstone River and notes that it is the Engineer's opinion that the 1 in 200 year flood elevation would actually be approximately 0.6 metre below the floor elevation of the existing residence. In addition, the report concludes that the land is considered safe for the intended use from a geotechnical perspective and that the development will have no detrimental impact on the environment. In accordance with the Site Specific Exemption Application requirements, staff recommends that the applicant be required to register a Section 219 covenant that registers the Geotechnical Hazards Assessment prepared by Lewkowich Engineering Associates Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of potential flood hazard. Development of the property in accordance

with the recommendations of this report is included in the Conditions of Approval set out in Attachment 4.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, staff reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist" and note that the proposed development involves the construction of an addition to an existing dwelling unit that is not expected to have any negative impacts on the environment.

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.

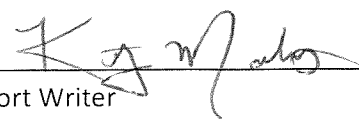
SUMMARY/CONCLUSIONS

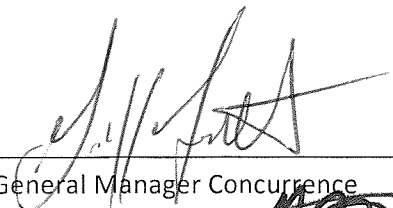
This is an application for a Development Permit with Variance and Site Specific Exemption from the Floodplain Bylaw to allow the construction of an addition to an existing dwelling unit on the subject property.

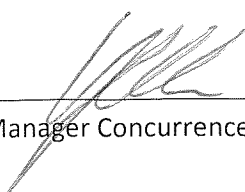
The applicant has submitted a site plan, building elevations, Environmental Review and Geotechnical Evaluation and Hazard Assessment in support of the application. In staff's assessment, this proposal is consistent with the guidelines of the "Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997" Fish Habitat Protection and Natural Hazard Development Permit Areas and the Site Specific Exemption Application requirements of the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006". As such, staff recommends approval of the Development Permit with Variance and Site Specific Exemption pending the outcome of public consultation.

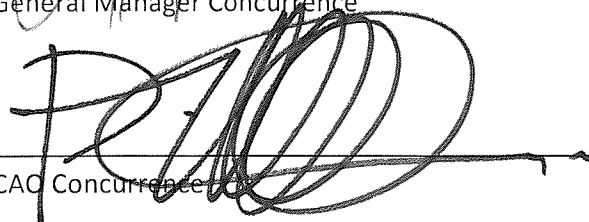
RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Permit with Variance and Site Specific Exemption Application No. PL2013-081 to allow the construction of an addition to a dwelling unit on the subject property be approved subject to the conditions outlined in Attachments 2 to 4.

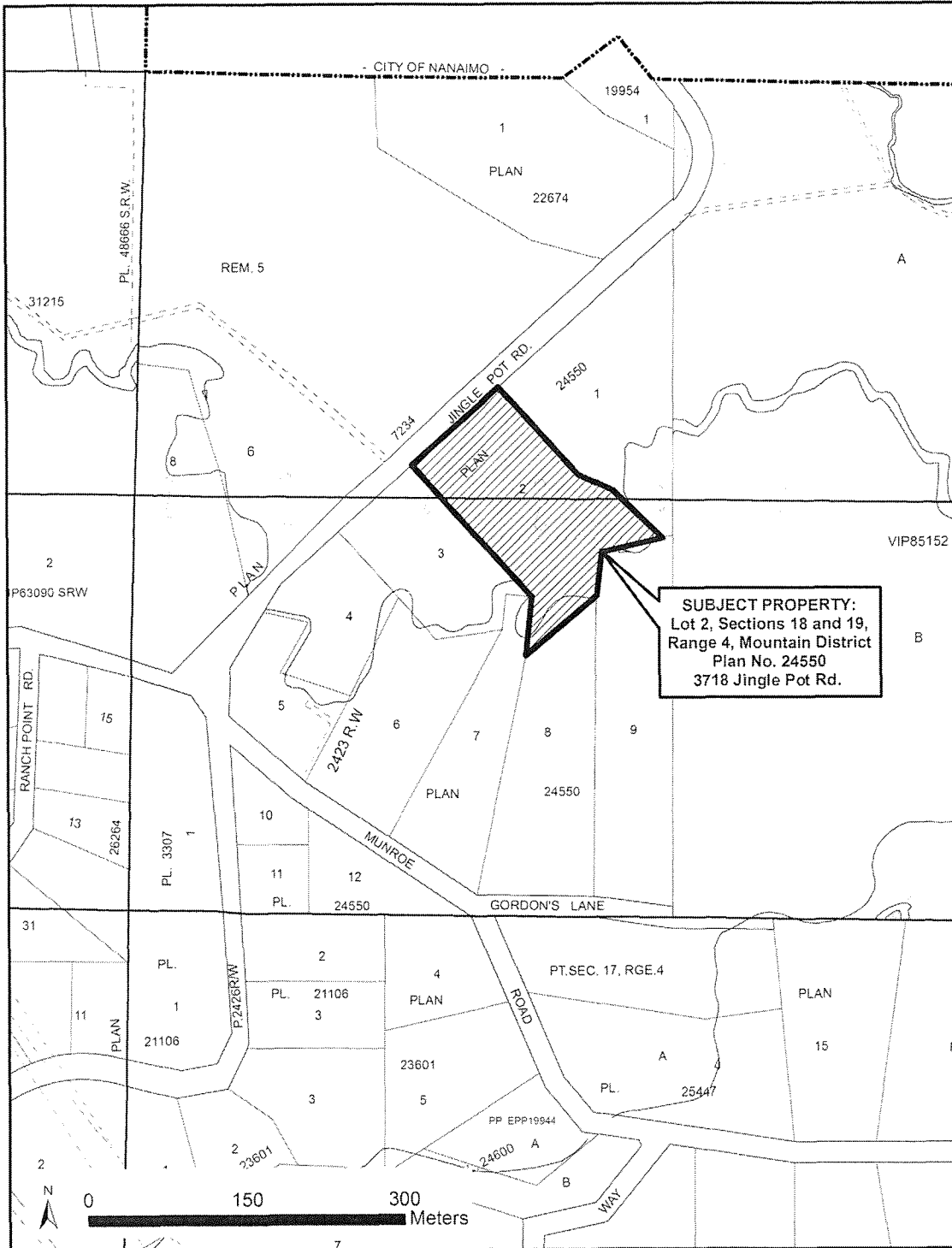

Report Writer


General Manager Concurrence

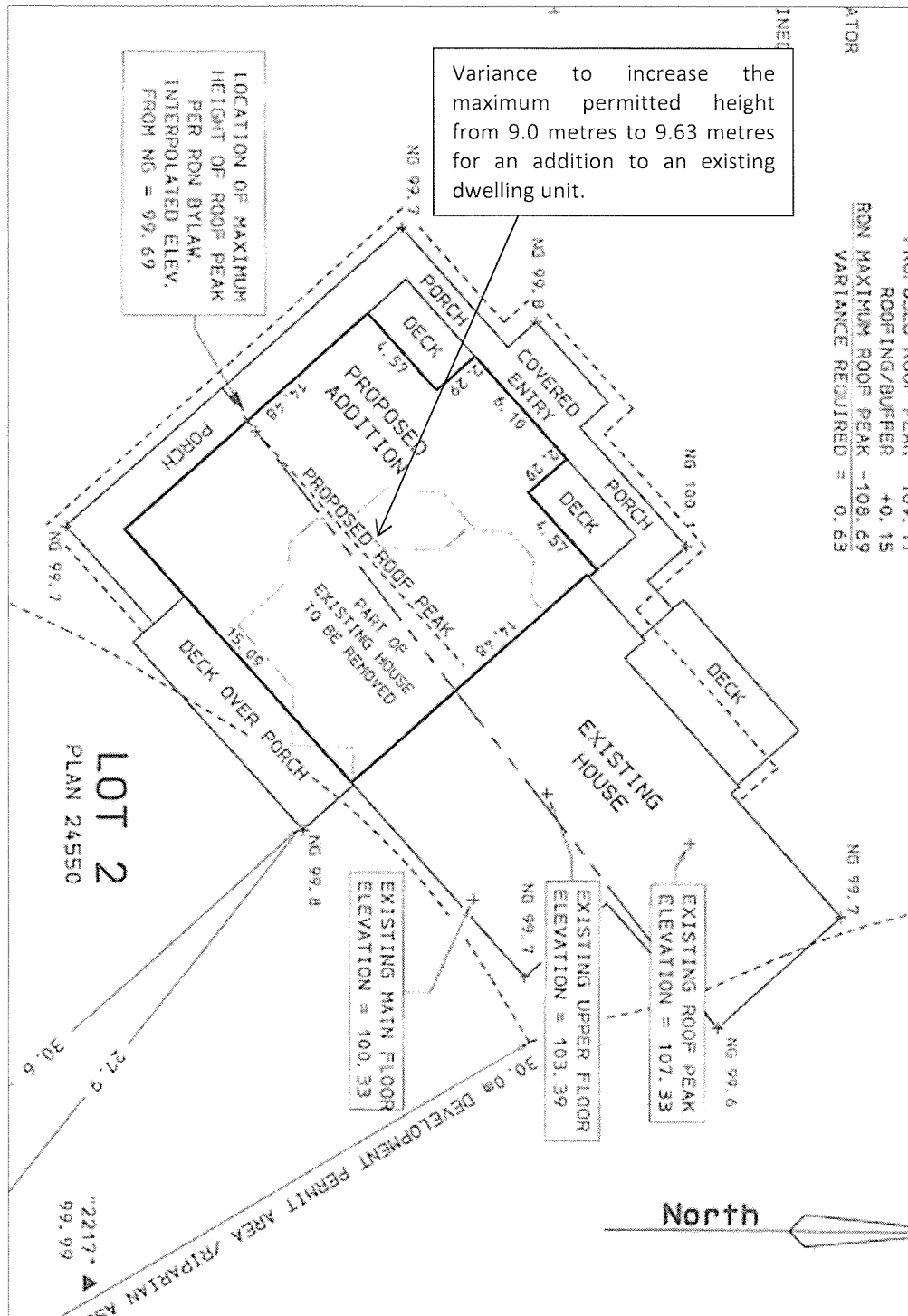

Manager Concurrence


CAO Concurrence

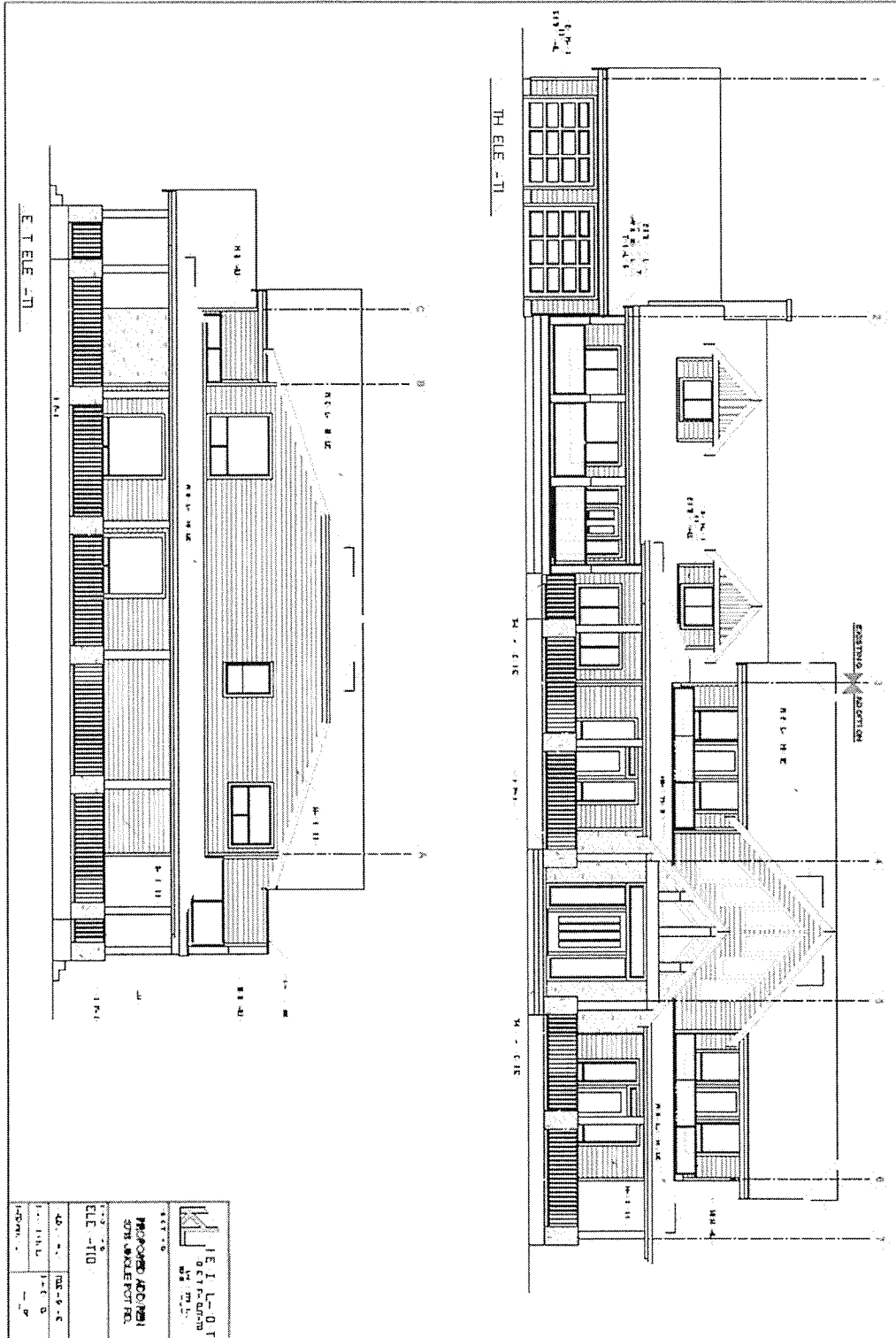
Attachment 1
Subject Property Map



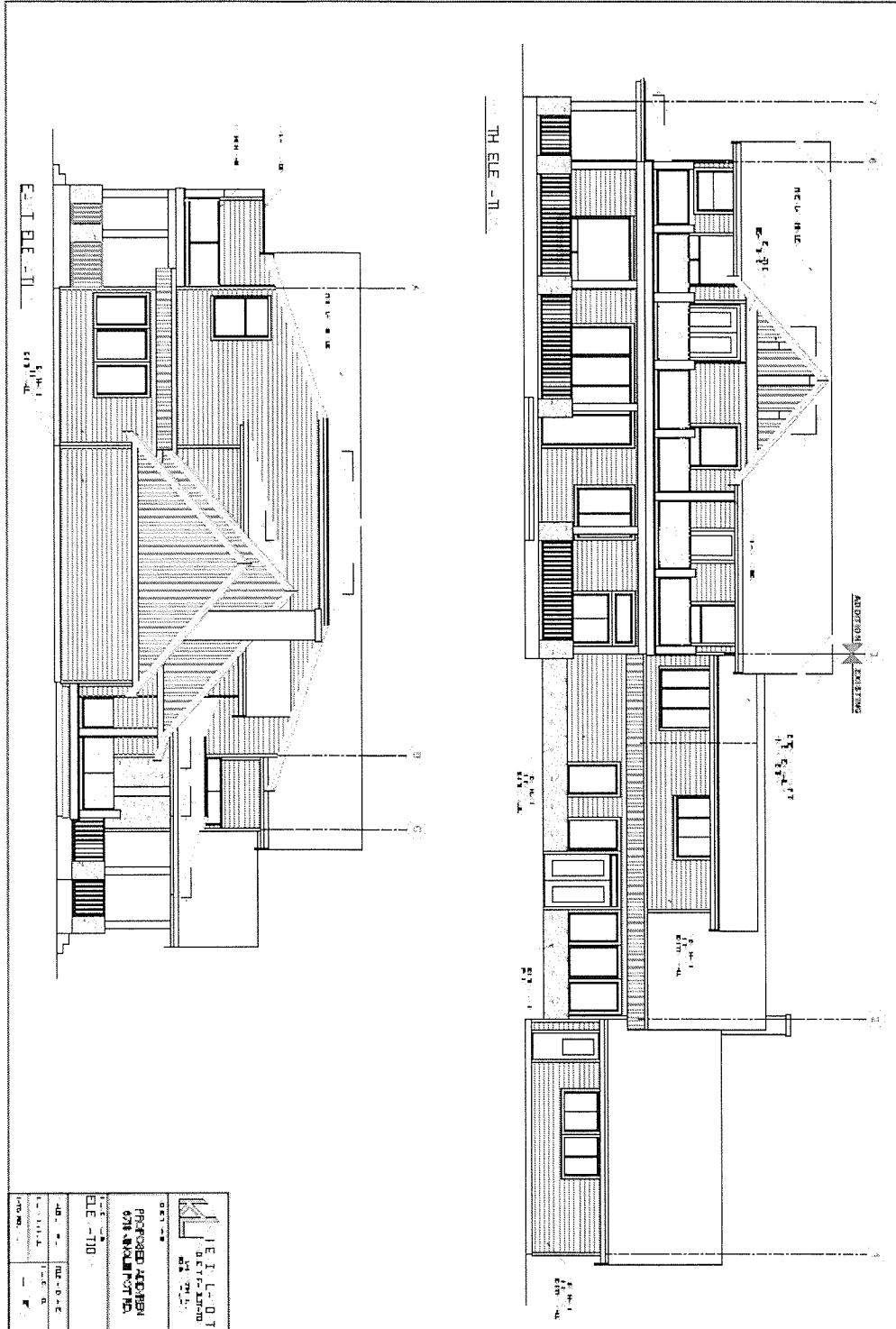
Attachment 2
Site Plan - Detail
 (Page 2 of 2)



Attachment 3
Building Elevations
(Page 1 of 2)



Attachment 3
Building Elevations
(Page 2 of 2)



Attachment 4
Terms and Conditions of Development Permit with Variance and
Site Specific Exemption Application No. PL2013-081

The following sets out the terms and conditions of Development Permit with Variance and Site Specific Application No. PL2013-081:

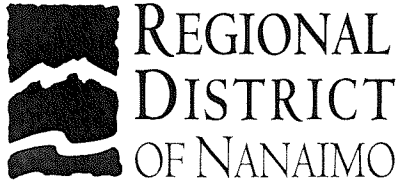
Bylaw No. 500, 1987 Variances:

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

1. Section 3.4.81 Maximum Number and Size of Buildings and Structures to increase the maximum permitted height from 9.0 metres to 9.63 metres to permit the construction of an addition to an existing dwelling unit as shown on Attachment 3.

Conditions of Approval

1. The addition shall be sited in accordance with the Site Plan prepared by Williamson & Associates Professional Surveyors dated February 14, 2014.
2. The addition shall be constructed in general accordance with the elevation plans prepared by the Kevin Lamont dated February 2014.
3. The property shall be developed in accordance with the recommendations of the Riparian Areas Assessment prepared by Toth and Associates Ltd. dated July 2, 2013. These recommendations include flagging of the SPEA boundary prior to development and the completion of a post development report within 6 months of project completion in accordance with Provincial.
4. The property shall be developed in accordance with the recommendations of the Geotechnical Hazards Assessment prepared by Lewkowich Engineering Associates Ltd. dated February 20, 2014.
5. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 covenant that registers the Geotechnical Evaluation and Hazards Assessment prepared by Lewkowich Engineering Associates Ltd. dated February 20, 2014 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.
6. The property owner shall obtain the necessary buildings permit for construction in accordance with Regional District of Nanaimo Building Regulations.



RDN REPORT		[Handwritten initials]
CAO APPROVAL		
EAP		
COW	✓	
MAR 03 2014		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning **DATE:** February 28, 2014

FROM: Angela Buick
Planner **FILE:** PL2014-002

SUBJECT: Development Variance Permit Application No. PL2014-002 – Birchland Resources Inc.
Lot 8, District Lot 78, Nanoose District, PL19688
3617 Dolphin Drive - Electoral Area 'E'

PURPOSE

To consider an application for a Development Variance Permit (DVP) for the construction of a dwelling unit on a residential lot in Nanoose Bay.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from David Wallace, BCLS of J.E. Anderson & Associates on behalf of Birchland Resources Inc. to vary minimum setbacks and maximum height provisions to permit the construction of a dwelling unit. The subject property is approximately 829 m² in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 - Location of Subject Property).

In 2009, DVP No. PL2009-498 was issued to the previous property owner to legalize the location and height of the existing dwelling unit and to permit the repair of an existing retaining wall at the lower level of the dwelling unit adjacent to the sea. The previous DVP varied the maximum allowable height in the RS1 zone from 8.0 metres to 9.1 metres and varied the setback to the sea in relation to the existing retaining wall.

The subject property contains both topographical and setback constraints; it slopes steeply down to the sea at the northern lot line and is adjacent to an unconstructed road right-of-way on the western lot line, Dolphin Drive on the southern lot line and a developed RS1 zoned parcel to the east. The property contains a three storey 'A' framed dwelling unit that consists of a full level main floor and two partial levels; upper loft and lower partial walkout basement/crawl space. Prior to initiating the design process for the proposed dwelling, the applicant considered retaining the existing foundation as well as the lower level partial walkout basement/crawl space which was substantially re-constructed in 2009. For the current proposal the applicant ultimately decided to replace the existing foundation with a new one as the applicant would obtain a new home warranty if the dwelling unit was constructed on a new foundation. The result is a proposed three storey dwelling unit with a full walkout basement.

The existing dwelling unit is 198 m² in total floor area, while the proposed dwelling unit is 292 m² in total floor area (see Attachment 3 – Proposed Building Plans).

Proposed Development and Variance

The applicant proposed to vary the following regulations from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 2 – Site Plan):

Bylaw 500,1987		Description	Required	Proposed	Variance	Structure
Section 3.4.61	Max Height	Height	8.0 m	9.2 m	1.2 m	dwelling unit
	Minimum Setbacks	Other Lot Line	5.0 m	0.0 m	5.0 m	wheelchair ramp
		Front Lot Line	8.0 m	2.9 m	5.1 m	stairs and wheelchair ramp
		Front Lot Line	8.0 m	0.0 m	8.0 m	driveway and parking area retaining wall portions of which will be greater than 1.0 metres in height in order to accommodate the expansion of the existing parking and driveway area
		Interior Side Lot Line	2.0 m	0.0 m	2.0 m	driveway and parking area retaining wall
Section 3.3.9b) ii)		Sea: from top of bank	8.0 m	0.0 m	8.0 m	dwelling unit

ALTERNATIVES

1. To approve the Development Variance Permit Application No. PL2014-002 subject to the conditions outlined in Attachment 4.
2. To deny the Development Variance Permit Application No. PL2014-002.

LAND USE IMPLICATIONS

Development Implications

Board Policy B1.5 for evaluation of Development Variance Permit Applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board's consideration. In this case, the subject property is considered to be significantly constrained by topography and setbacks. Given that the site slopes steeply from the road down to the sea, the siting of the dwelling unit and septic system are limited to the proposed location as outlined in Attachment 2. The applicant has provided the following justification for the requested setbacks:

- The proposed wheelchair ramp is limited to the proposed location as there is no other area on the site that would be feasible;
- The proposed retaining wall will accommodate a larger parking and turn around area in order to allow for enough of a turning radius for vehicles to safely access and egress the driveway as currently vehicles must back out onto Dolphin Drive;
- A geotechnical assessment has been submitted in support of the application which confirms that the proposed development will be safe in its location for the intended use;
- As the parcel slopes steeply off the road to the sea the dwelling unit is essentially sited within a depression comparatively to adjacent properties. The dwelling unit to the east is slightly more elevated; and the parcels to the south on the other side of Dolphin Drive are at a much higher elevation to the subject property; in this case, the development is not expected to impede ocean views from neighbours or be out of character from the streetscape.

The applicant has provided the following justification for the requested height variance:

- The requested height variance of 1.2 metres to allow a building of 9.2 metres in height is nearly the same as the previously permitted height of 9.1 metres in DVP PL2009-498 issued in 2009;
- The applicant has determined that the existing foundation is not worth retaining and has decided to re-pour foundations and while doing so create a full basement out of the partial basement/crawl space which exists currently. By reconstruction of the foundation, the applicants will be able to attain new home warranty and thereby improve the lifespan of the dwelling unit.

The proposed development will have a positive impact in regards to neighbourhood and streetscape aesthetics as the building will blend well into the existing neighbourhood context. The functionality of the site will be significantly improved with regards to access and egress from the road. The installation of a new septic system and a new and more energy efficient dwelling unit will result in more sustainable and efficient use of the site. Given that the applicant has provided sufficient rationale and the variance will not result in negative view implications for adjacent properties, staff is of the opinion that the applicants have made reasonable efforts to address Policy B1.5 guidelines.

Environmental Implications

In support of the application, the property owner submitted a Geotechnical Assessment dated February 26, 2014, prepared by Lewkowich Geotechnical Engineering Ltd. The report concludes that the proposed dwelling unit and on site paving surface for parking area is considered safe for the use intended in its location provided that the proposal is developed in accordance with the recommendations provided in the report.

Strategic Plan Implications

Staff have reviewed the proposed development and note that the proposal has no implications for the Board's 2013 – 2015 Strategic Plan.

Inter-governmental Implications

Ministry of Transportation and Infrastructure has no concerns with the proposed development.

Public Consultation Process

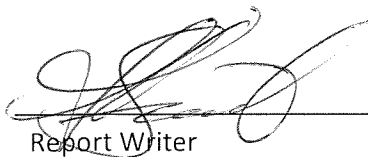
Pending the Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within 50.0 metres of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the application.

SUMMARY/CONCLUSIONS


This is an application for a Development Variance Permit to increase the maximum building height for the construction of a dwelling unit and to reduce the required setbacks to the sea, interior and front lot lines to accommodate the dwelling unit, wheel chair access ramp, stairs and retaining wall for the driveway. The applicant has submitted a site plan and sufficient rationale in support of the application. Given that the variances are not expected to have negative view implications for the surrounding neighbours, and that the applicant submitted a geotechnical assessment in support of their application, staff recommends the Board approve the requested variances pending the outcome of the public notification.

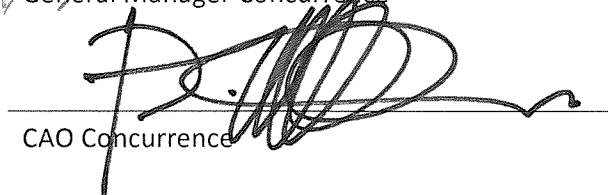
RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Variance Permit Application No. PL2014-002 to be approved subject to the conditions outlined in Attachment 4.

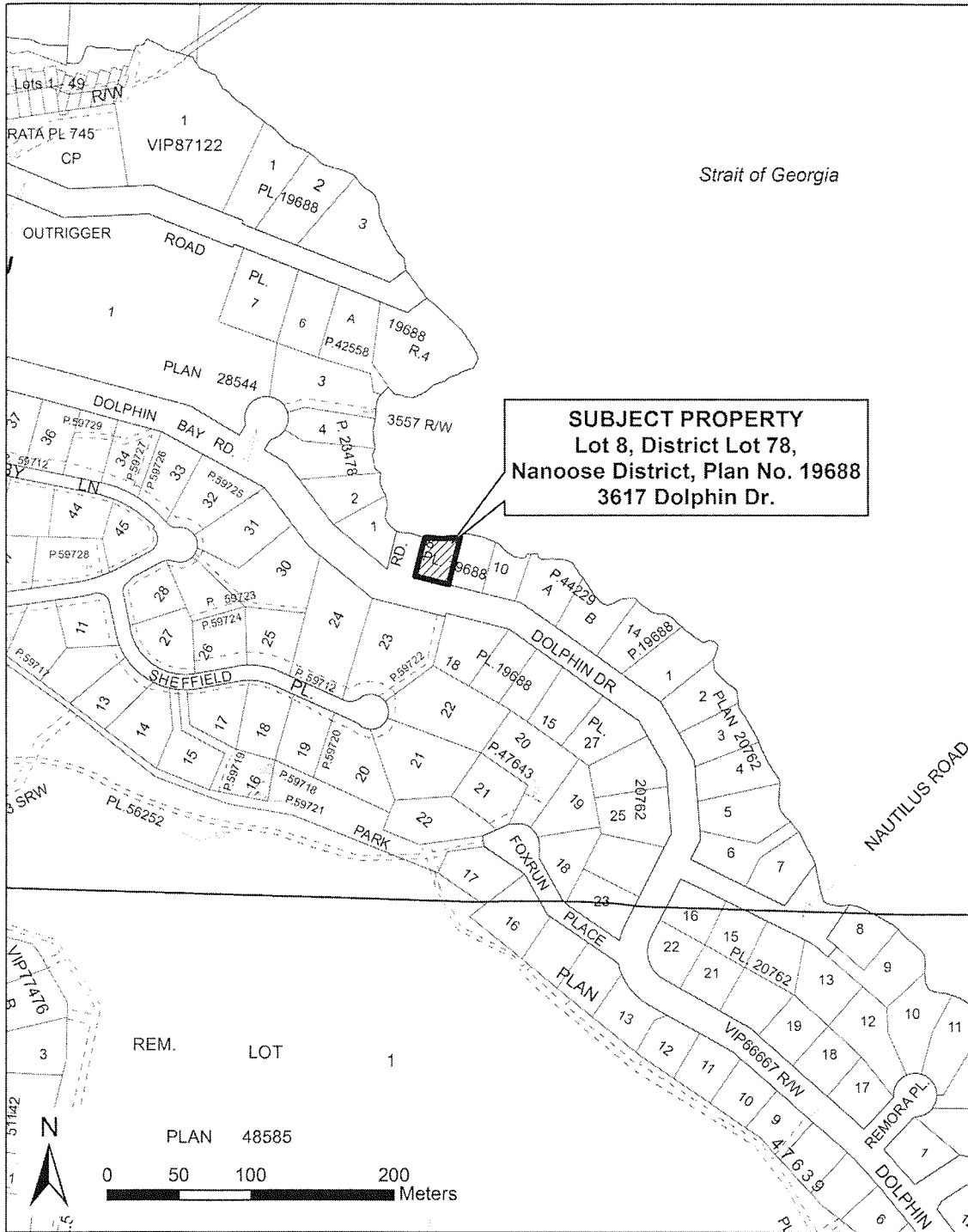

Report Writer


Manager Concurrence


General Manager Concurrence


CAO Concurrence

Attachment 1 Location of Subject Property



Attachment 2 Proposed Site Plan and Variances

Height of dwelling unit:
8.0 metres to 9.2 metres

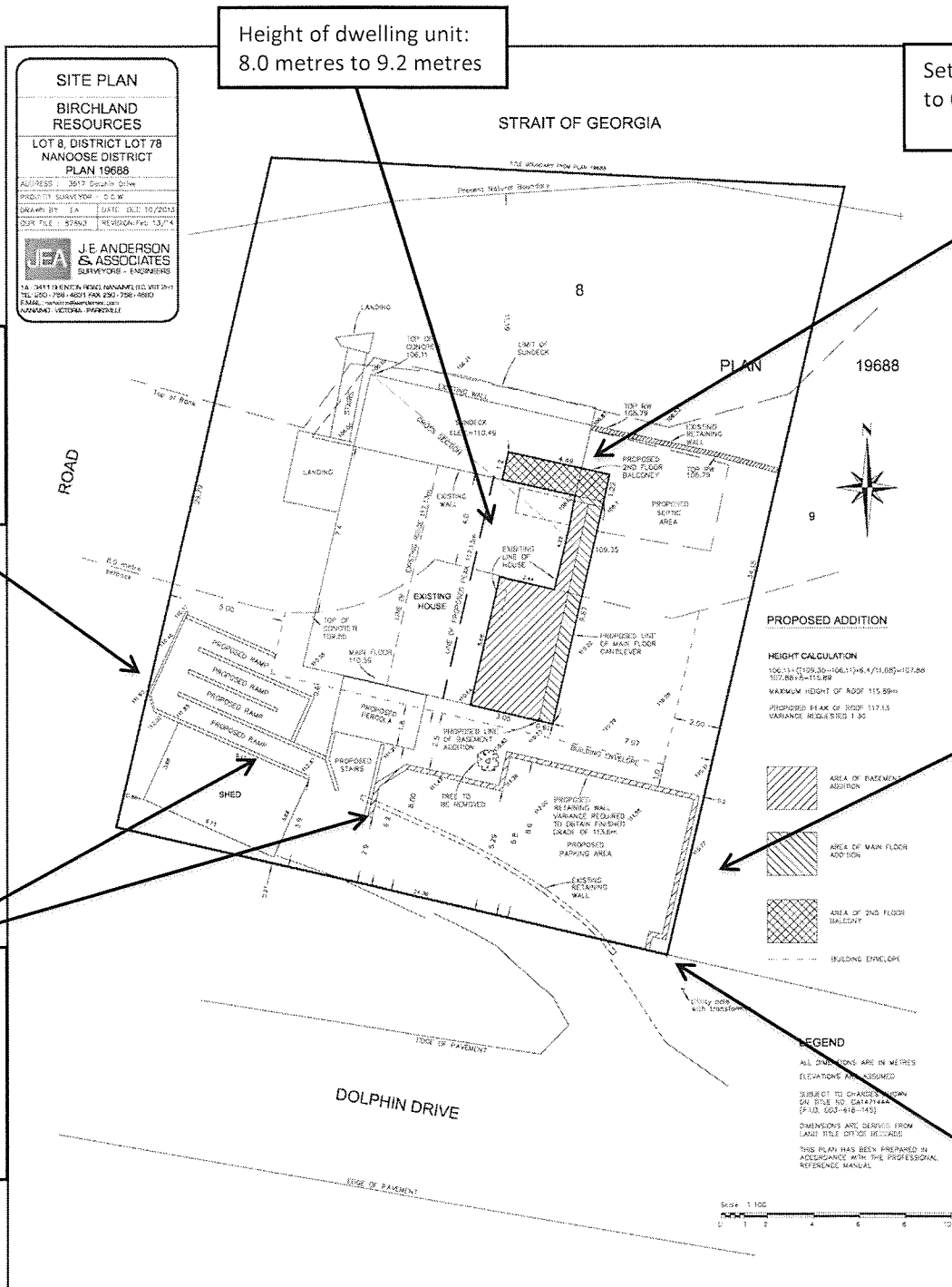
Setback to sea: 8.0 metres
to 0.0 metres

Setback Other
Lot Line:
5.0 metres to
0.0 metres for
wheelchair
ramp

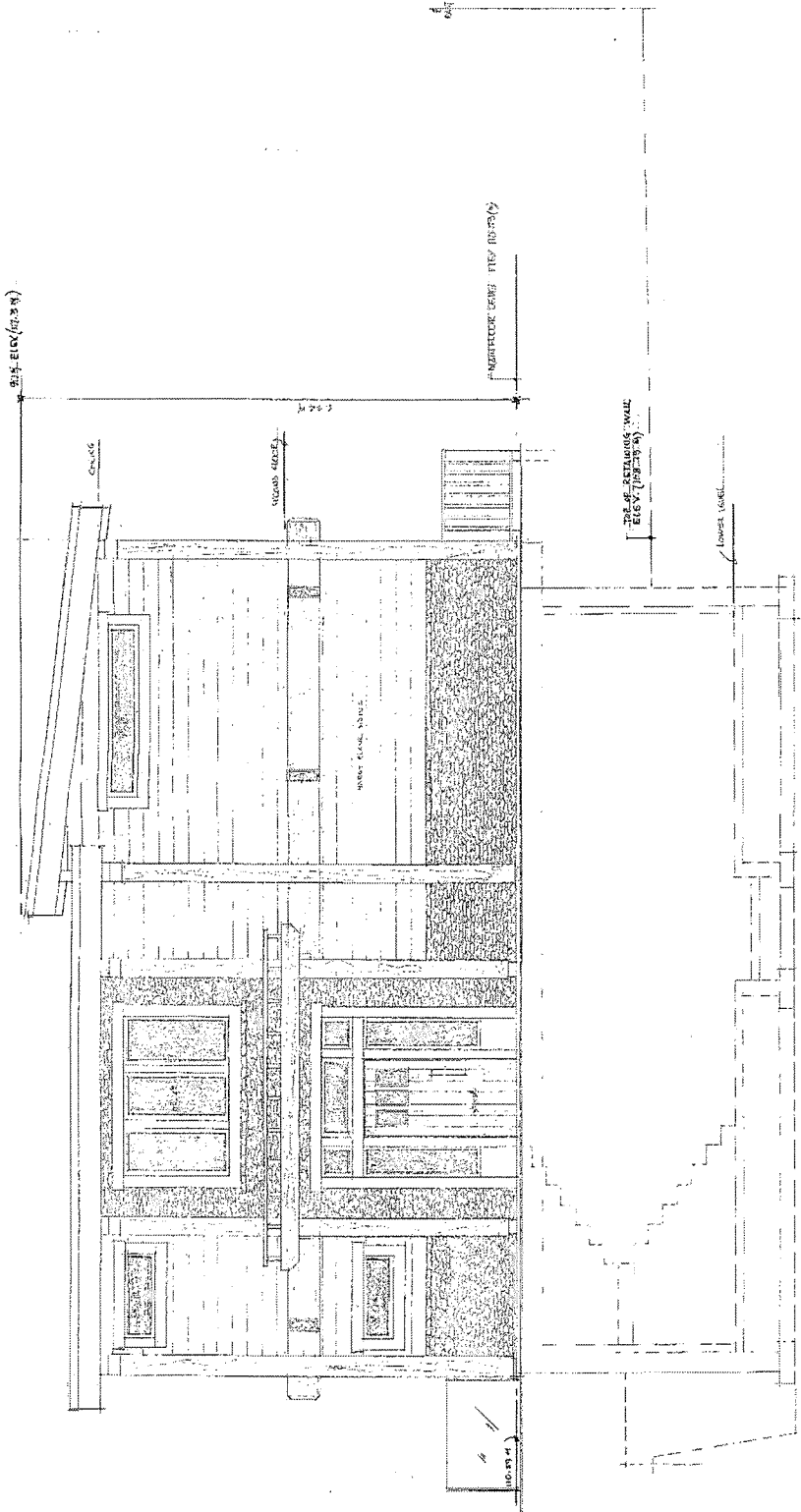
Setback to
Interior Side Lot
Line: 2.0 metres
to 0.0 metres for
retaining wall

Setback Front
Lot Line:
8.0 metres to
2.9 metres for
stairs and
wheelchair
ramp

Setback to Front
Lot Line:
8.0 metres to
0.0 metres for
retaining wall



Attachment 3
Building Elevations (2 of 4 pages)
South Elevation



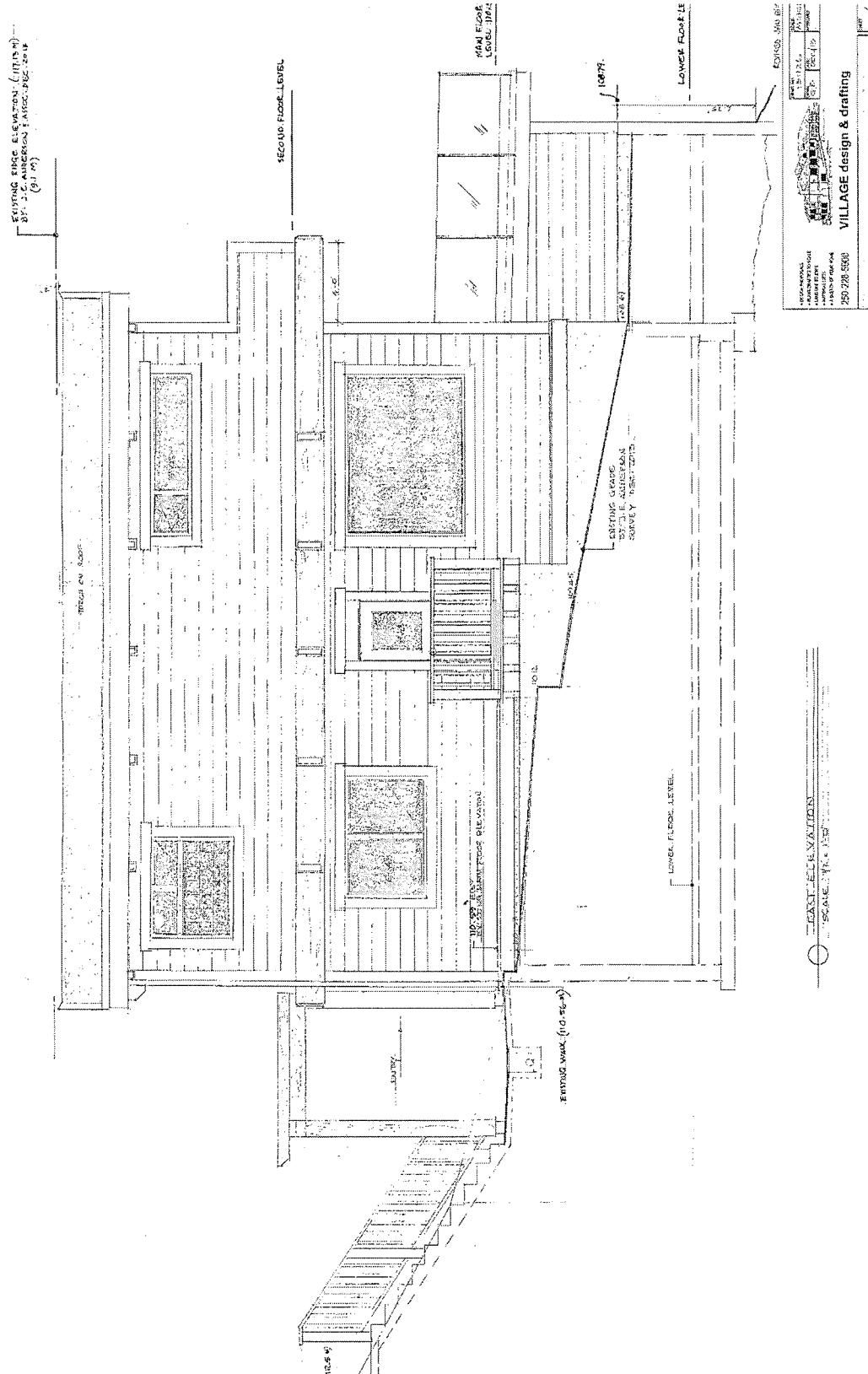
REVISED JOB SHEET

NO.	DATE	BY	DESCRIPTION
1			
2			
3			
4			
5			

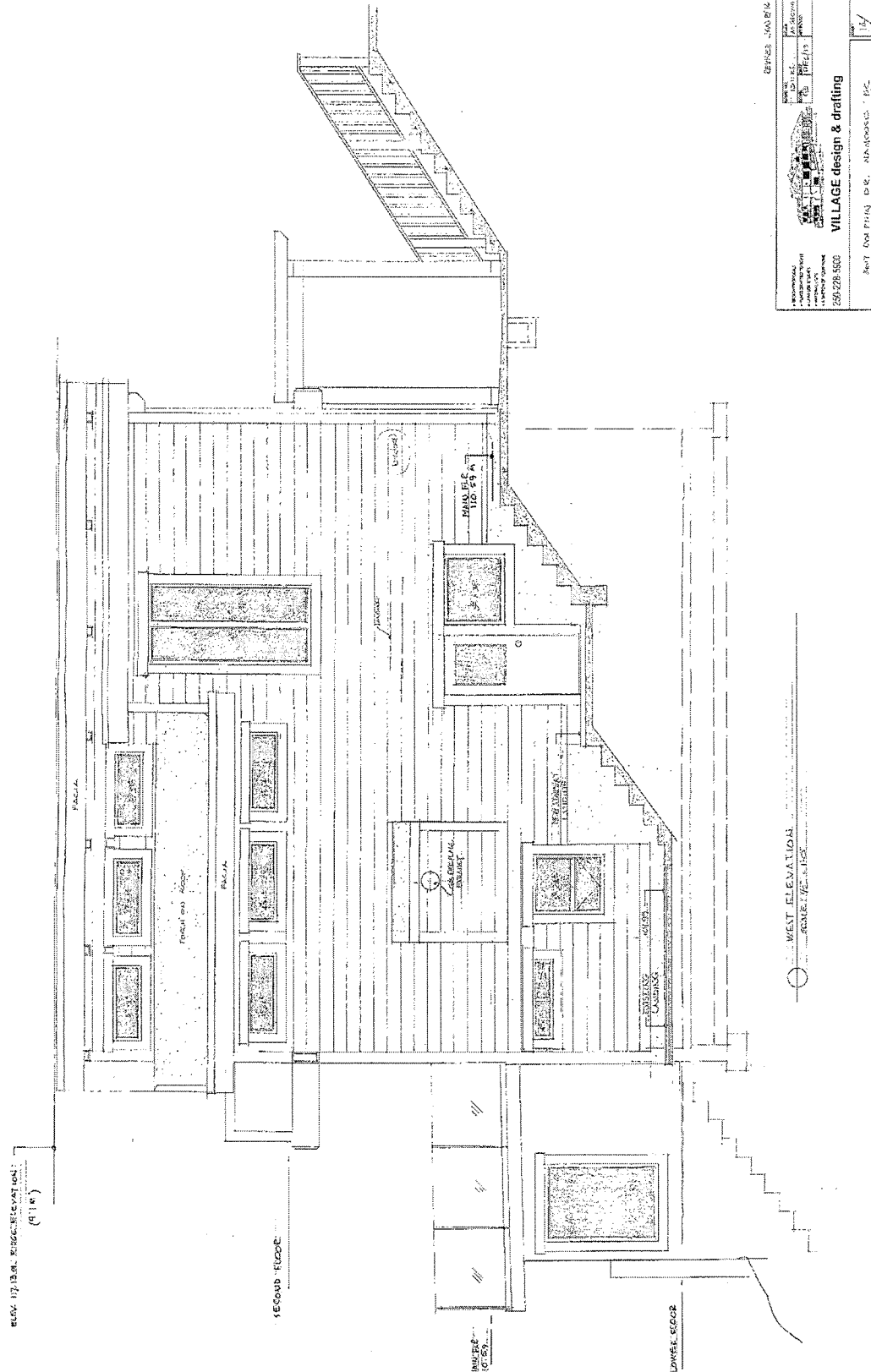
VILLAGE design & drafting
 259228-5300
 5617 SOUTHPIKE BL. SUITE 102A DC

SOUTH ELEVATION
SCALE: 1/2" = 1'-0"

Attachment 3 Building Elevations (3 of 4 pages) East Elevation



Attachment 3
Building Elevations (4 of 4 pages)
West Elevation



Attachment 4 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2014-002:

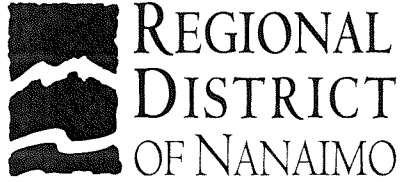
Bylaw No. 500, 1987 – Variances

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

1. Section 3.4.61, Minimum Setback Requirements is hereby to be varied by reducing the minimum front lot line setback from 8.0 metres to 0.0 metres for the retaining wall and from 8.0 metres to 2.9 metres for the stairs and wheelchair ramp as shown on Attachment 2.
2. Section 3.4.61, Minimum Setback Requirements is hereby to be varied by reducing the minimum other lot line setback from 5.0 metres to 0.0 metres for the wheelchair ramp, as shown on Attachment 2.
3. Section 3.4.61, Minimum Setback Requirements is hereby to be varied by reducing the minimum interior side lot line setback from 2.0 metres to 0.0 metres for the retaining wall, as shown on Attachment 2.
4. Section 3.4.61 Maximum Height Restriction is hereby to be varied by relaxing the maximum height of a dwelling unit from 8.0 metres to 9.2 metres, as shown on Attachment 2 and 3.
5. Section 3.3.9b Minimum Setback from the Sea to be varied by relaxing the minimum setback from the natural present boundary from 8.0 metres to 0.0 metres, as shown on Attachment 2.

Conditions of Approval

1. The proposed building and structures are constructed in accordance with the site plan prepared by J.E Anderson & Associates dated February 13, 2014, and attached as Attachment 2.
2. The proposed building is constructed in accordance with the building elevations prepared by Village Design & Drafting dated November 21, 2013, and attached as Attachment 3.
3. The applicant shall develop the subject property in accordance with the recommendations established in the Geotechnical Assessment report dated February 26, 2014, prepared by Lewkowich Geotechnical Engineering Ltd
4. Staff will withhold the issuance of this permit until the applicant, at the applicant’s expense, registers a Section 219 covenant that registers the Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd, dated February 26, 2014, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion.
5. The property owner shall obtain the necessary building permits for demolition and construction in accordance with Regional District of Nanaimo Building Regulations.



RDN REPORT		
CAC APPROVAL		
EAP	✓	
COW		
FEB 28 2014		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: February 21, 2014

FROM: Angela Buick
Planner

FILE: PL2013-064

SUBJECT: Zoning Amendment Application No. PL2013-064
Block G, District Lot 143, Nanoose District, Plan 4782 Except Part In Plan 735 RW
2619 Alberni Highway – Electoral Area ‘F’

PURPOSE

To consider an application to amend the zoning for the subject property located at 2619 Alberni Highway, in Electoral Area ‘F’, to increase the number of campsites currently permitted within the Site Specific Regulations of the A-1.11 zone.

BACKGROUND

A zoning amendment application has been submitted from Fern Road Consulting on behalf of Daniel Nedokus of Dokey Resources Ltd to increase the number of campsites permitted in the existing A-1.11 site specific zoning in order to recognize the existing 100 campsites. The property is 34.5 ha in area, is located within the Agricultural Land Reserve (ALR) and is bordered by A-1 (Agriculture 1) zoned parcels to the north, south and west. More specifically, the subject parcel is bordered by a number of parcels with site specific zoning as follows: A-1.20 (two dwelling units) to the west, A-1.10 (Fairground and Public Assembly and Outdoor Recreation) to the east, and A-1.16 (Butterfly World) and A-1.3 (Winery and Cidery) to the south (see Attachment 1 for subject property map). In addition to the 100 campsites, the property also contains; one office building, one dwelling unit (cabin), an accessory building (shed), a washroom and arcade building, and a washroom and laundry building. (see Attachment 2 for site plan).

Proposed Development

The applicant proposes to rezone the subject property in order to amend the existing A-1.11 zoning from permitting 48 campsites and 15 RV sites to permitting 100 campsites which is consistent with a non-farm use approval issued by the Agricultural Land Commission (ALC) in 2002. The subject property is currently serviced by on-site septic disposal systems and potable water wells.

The subject property is designated within the Fish Habitat Development Permit Areas (DPA) pursuant to the “Regional District of Nanaimo Electoral Area ‘F’ Community Plan Bylaw No. 1152, 1999”. As no development or land alteration has been proposed as a part of this application, a Development Permit (DP) is not required.

ALTERNATIVES

1. To proceed with Zoning Amendment Application No. PL2013-064 in consideration of first and second reading of the Amendment Bylaw and proceeding to Public Hearing.
2. To not proceed with the Bylaw reading and Public Hearing.

LAND USE IMPLICATIONS

Official Community Plan Implications

The subject property is designated Resource Lands within the ALR pursuant to the "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999." The Resource Land Use Designation supports uses approved by the ALC. The applicant's proposal is consistent with the ALC approval of 100 campsites under ALC Resolution #266/2002. There are a variety of tourist oriented businesses within close proximity to the campground, as such the use is considered to be compatible with surrounding land uses.

Zoning Implications

The proposed amendment bylaw would recognize an existing use which, while originally established on the parcel approximately 34 years ago at a smaller scale, was given a non-farm use approval from the ALC in 2002 for the existing 100 campsites. The zoning amendment will continue to allow for the permitted uses within the A-1 zone (Farm Use and Dwelling unit and accessory uses) as well as amending the A-1.11 Site Specific Regulations to permit 100 campsites rather than the 48 campsites and 15 RV sites permitted in the current A1.11 zone.

Development Implications

As per Board Policy B1.21 (Groundwater — Application requirements for rezoning of un-serviced lands), the applicant is required to submit a report by a registered professional indicating that year round potable water can be provided for the proposed use and that the extraction of water from the well will have no adverse impact on surrounding wells. As the use is existing, the subject property currently contains three on-site wells to service the campsite. In order to address this policy, the applicant has submitted a Professional Opinion: Existing Groundwater Supply report prepared by BC Groundwater Consulting Services Ltd. dated February 13, 2014. The report states that, in the author's opinion, the existing use has an adequate water supply to meet the current use of 100 campsites.

The subject property is designated within the Fish Habitat Development Permit Areas (DPA) pursuant to the "Regional District of Nanaimo Electoral Area 'F' Community Plan Bylaw No. 1152, 1999". As no development or land alteration has been proposed as a part of this application, a Development Permit (DP) is not required.

The applicant also provided a professional report prepared by H2O Environmental Ltd dated January 12, 2012, which confirms that the property meets the Vancouver Island Health Authority (VIHA) standards with respect to on-site sewerage disposal.

Strategic Plan Implications

The 2013-2015 Board Strategic Plan identifies protecting the region's groundwater resource as a high priority. The applicant has provided professional reports to ensure that groundwater will not be negatively impacted through the use of the land. The Board Strategy Plan also includes regional resiliency as a key objective. This objective is reinforced by the tourism and economic activities associated with the campground.

Public Consultation Implications

Given that the use has existed on the site for some time Public Information Meeting (PIM) was waived. If the proposed application receives first and second reading, the proposal will then proceed to Public Hearing pursuant to Section 890 of the *Local Government Act*.

Inter-governmental Implications

The Ministry of Transportation and Infrastructure (MOTI) has reviewed the proposed Zoning Amendment. MOTI staff have indicated the applicants original Access Permit from 1994 would remain valid for 100 campsites and one dwelling unit. The applicant's existing business sign is located within MOTI Property. As MOTI policy has changed since the original permit, and signs are no longer permitted within highway right of way, the sign has not been granted approval in its location for this application. MOTI recommends that the applicant move the sign however, MOTI has advised that the Ministry will not actively enforce the removal of the sign. As a result, the applicant will not be granted a permit extension or renewals for the existing sign.

As the subject property is within the ALR, the land owner must seek approval from the Agricultural Land Commission (ALC) for non- farm use. According to RDN records, the ALC issued non-farm use approval for 49 campsites in 1986. In 2002, the applicant requested to increase the number of previously permitted campsites from 49 to 100. The ALC approved this request under Resolution #266/2002.

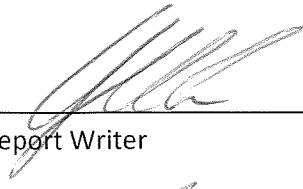
VIHA has reviewed the proposed zoning amendment and has no concerns with the proposal. However, the report submitted by Groundwater Supply report prepared by BC Groundwater Consulting Services Ltd. dated February 13, 2014, has provided some recommendations for the future protection and monitoring of the three wells to be considered for implementation as part of VIHA's ongoing approval of the water supply for the site. These recommendations have been forwarded to the Environmental Health Officer at VIHA for its consideration.

SUMMARY/CONCLUSIONS

The applicant proposes to rezone the subject property by amending the existing A-1.11 zoning from permitting 48 campsites and 15 RV sites to permitting 100 campsites. This request is consistent with ALC approval given in 2002; as a result the application is consistent with the permitted uses supported on Resource lands within the ALR. The applicant has demonstrated that there is adequate and sufficient well water supply for the proposed uses and that waste water disposal can be processed onsite. Therefore, staff recommends that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 1285.21, 2014" proceed for first and second reading and to Public Hearing.

RECOMMENDATIONS

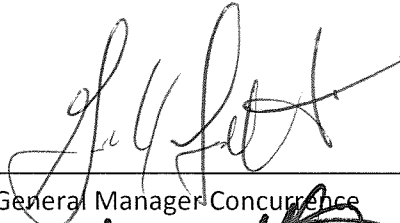
1. That "Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.21, 2014", be introduced and read two times.
2. That the Public Hearing on "Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.21, 2014", be chaired by Director Fell or his alternate.

for 

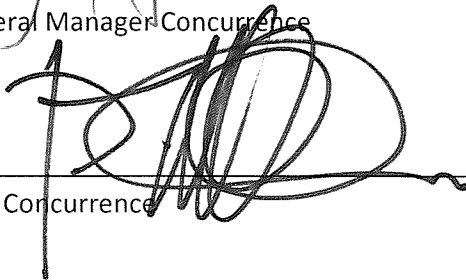
Report Writer



Manager Concurrence

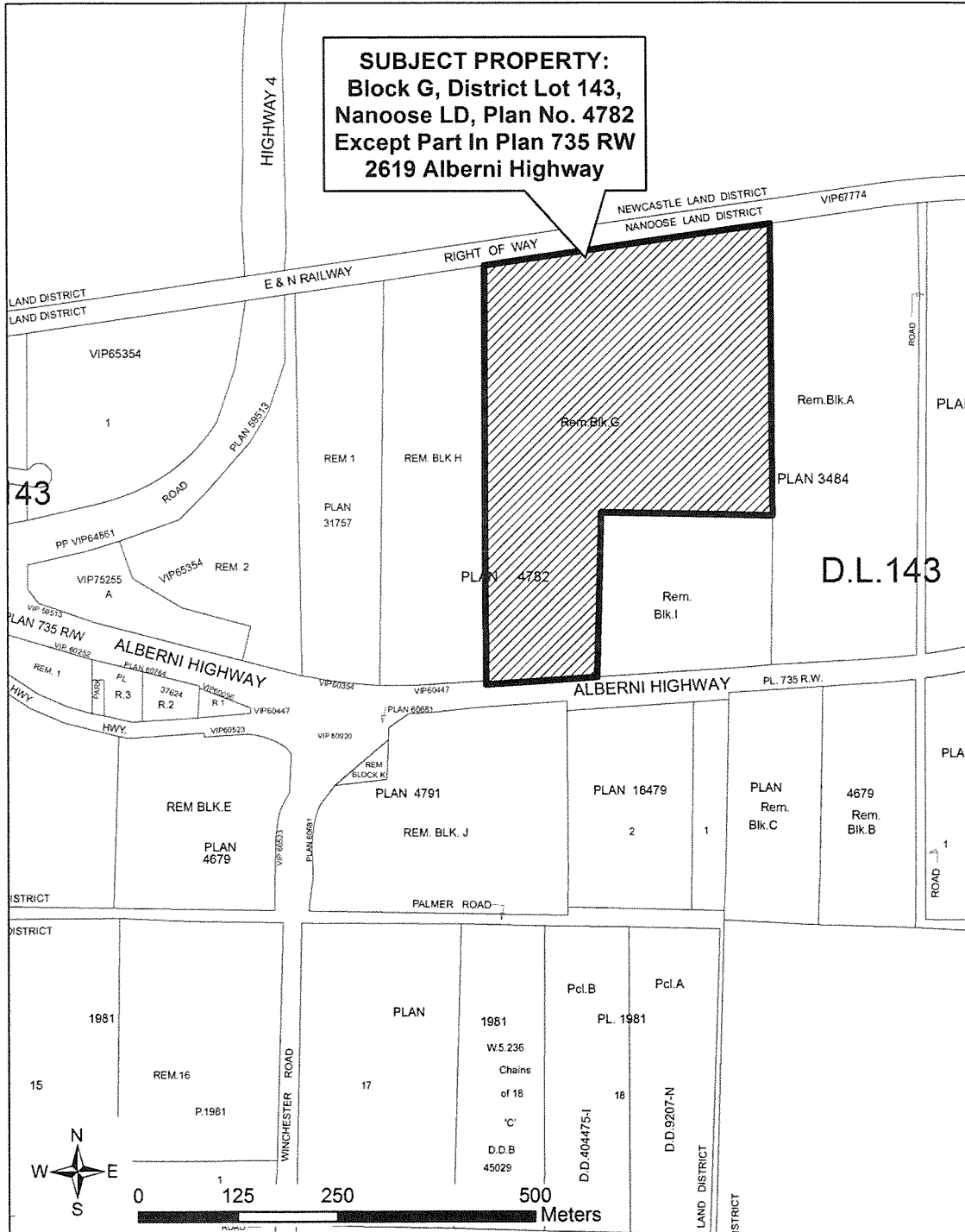


General Manager Concurrence

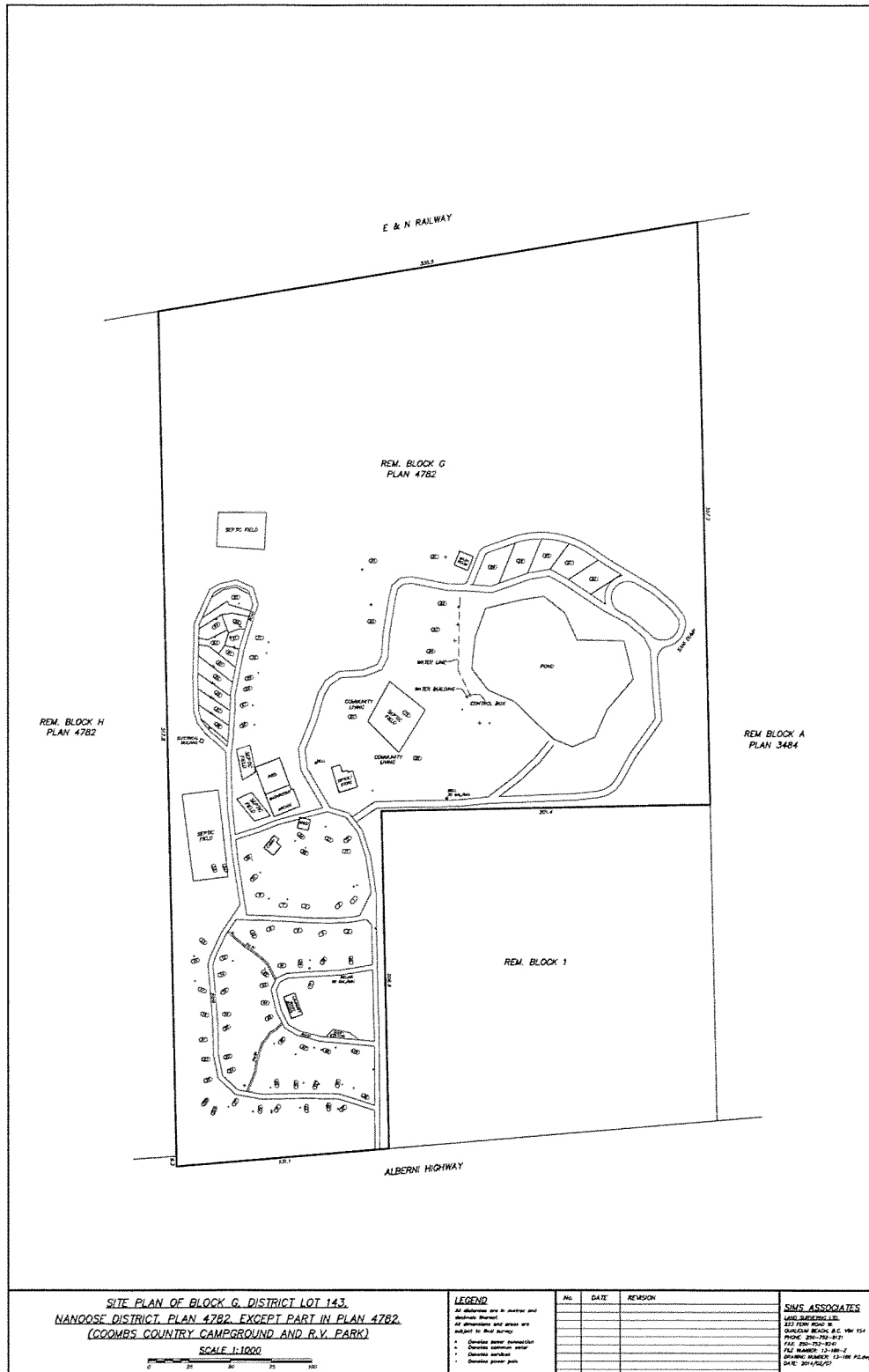


CAO Concurrence

Attachment 1
Location of Subject Property



Attachment 2
 Site Plan



**Attachment 3
Proposed Amendment Bylaw No. 1285.21, 2014**

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1285.21

A BYLAW TO AMEND "ELECTORAL AREA 'F' ZONING AND SUBDIVISION BYLAW NO. 1285, 2002"

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

- A. This Bylaw may be cited as "Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.21, 2014".
- B. The "Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002", is hereby amended as follows:

By amending the A-1.11 Site Specific Zoning Regulations on the lands as shown on the attached Schedule '1' and legally described as:

Block G, District Lot 143, Nanoose District, Plan 4782

from "Campground to a maximum of 48 campsites and camping spaces and 15 RV sites" to "Campground to a maximum of 100 campsites".

Introduced and read two times this ____ day of _____ 2014.

Public Hearing held this ____ day of _____ 201__.

Read a third time this ____ day of _____ 201__.

Adopted this ____ day of _____ 201__.

Chairperson

Corporate Officer

Schedule '1' to accompany "Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285. 21, 2014",

Chairperson

Corporate Officer

Schedule 1

