

**REGIONAL DISTRICT OF NANAIMO**

**ELECTORAL AREA PLANNING COMMITTEE**

**TUESDAY, JUNE 10, 2014**

**6:30 PM**

***(RDN Board Chambers)***

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**MINUTES**

2-3 Minutes of the regular Electoral Area Planning Committee meeting held Tuesday, May 13, 2014.

**BUSINESS ARISING FROM THE MINUTES**

**DEVELOPMENT PERMITS**

4-7 Development Permit Application No. PL2014-038 – 0871870 BC Ltd. Inc. – 2369 Island Highway East, Electoral Area 'E'.

**DEVELOPMENT PERMIT WITH VARIANCE APPLICATION**

8-15 Development Permit with Variance Application No. PL2014-036 – Harris – 2960 Leon Road, Electoral Area 'H'.

16-24 Development Permit with Variance Application No. PL2014-047 – Pronger – 6173 Island Highway West, Electoral Area 'H'.

**DEVELOPMENT VARIANCE PERMIT APPLICATION**

25-30 Development Variance Permit Application No. PL2014-042 – Terry Green – 1559 Sunrise Drive, Electoral Area 'G'.

**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, MAY 13, 2014 AT 6:00 PM IN THE  
RDN BOARD CHAMBERS**

In Attendance:

|                       |                  |
|-----------------------|------------------|
| Director G. Holme     | Chairperson      |
| Director A. McPherson | Electoral Area A |
| Director M. Young     | Electoral Area C |
| Director J. Fell      | Electoral Area F |
| Director J. Stanhope  | Electoral Area G |
| Director B. Veenhof   | Electoral Area H |

Also in Attendance:

|                |   |
|----------------|---|
| P. Thorkelsson | Chief Administrative Officer                |
| J. Harrison    | Director of Corporate Services              |
| R. Alexander   | Gen. Mgr. Regional & Community Utilities    |
| G. Garbutt     | Gen. Mgr. Strategic & Community Development |
| D. Trudeau     | Gen. Mgr. Transportation & Solid Waste      |
| 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 Electoral Area Planning Committee meeting held Tuesday, March 11, 2014.**

MOVED Director Veenhof, SECONDED Director Fell, that the minutes of the Electoral Area Planning Committee meeting held Tuesday, March 11, 2014, be adopted.

CARRIED

**DEVELOPMENT PERMIT WITH VARIANCE APPLICATION**

**Development Permit with Variance Application No. PL2013-126 – Mohan – Admiral Tryon Boulevard, Electoral Area ‘G’.**

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

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that Development Permit with Variance Application No. PL2013-126 to allow the construction of a dwelling unit and marine retaining wall on the subject property be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

**DEVELOPMENT VARIANCE PERMIT APPLICATIONS**

**Development Variance Permit Application No. PL2013-053 – Morpak/Sheremeta – 3068 Hillview Road, Electoral Area ‘E’.**

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

CARRIED

MOVED Director Stanhope, SECONDED Director Veenhof, that Development Variance Permit Application No. PL2013-053, be approved subject to the conditions outlined in Attachment 2.

CARRIED

**Development Variance Permit Application No. PL2014-012 – Pasieka – 3097 Landmark Crescent, Electoral Area ‘C’.**

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

CARRIED

MOVED Director Young, SECONDED Director Stanhope, that Development Variance Permit Application No. PL2014-012 to reduce the minimum setback requirement from the interior lot line from 8.0 metres to 2.5 metres, be approved subject to the conditions outlined in Attachment 1.

CARRIED

**Development Variance Permit Application No. PL2014-023 – Meadows – 1963 Seahaven Road, Electoral Area ‘E’.**

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

CARRIED

MOVED Director Veenhof, SECONDED Director Stanhope, that Development Variance Permit Application No. PL2014-023 to allow the construction of a dwelling unit on the subject property be approved subject to the conditions outlined in Attachments 1 to 3.

CARRIED

**ADJOURNMENT**

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

CARRIED

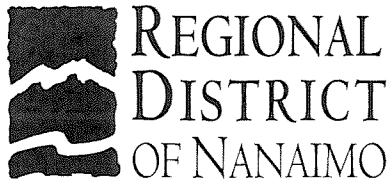
TIME: 6:10 PM

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CHAIRPERSON

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CORPORATE OFFICER



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| RDN REPORT   |   |  |
| CAO APPROVAL |   |  |
| EAP          | ✓ |  |
| COW          |   |  |
| MAY 30 2014  |   |  |
| RHD          |   |  |
| BOARD        |   |  |
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**MEMORANDUM**

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**TO:** Jeremy Holm  
Manager, Current Planning

**DATE:** May 29, 2014

**FROM:** Angela Buick  
Planner

**FILE:** PL2014-038

**SUBJECT:** **Development Permit Application No. PL2014-038 – 0871870 B.C. Ltd. Inc.  
Lot 8, District Lot 30A, Nanoose District, Plan 2859, Except Part in Plan 41577  
2369 Island Highway East - Electoral Area 'E'**

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**PURPOSE**

To consider a development permit application for the restoration of existing land alterations which occurred within the Watercourse Protection Development Permit Area.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of 0871870 B.C. Ltd. in order to permit restoration works within the Streamside Enhancement Area (SPEA). The subject property is approximately 0.52 ha in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parcel is currently vacant and bound by the E&N Railway to the north, Northwest Bay Road to the west, Island Highway East to the south and Bonell Creek to the east (see Attachment 1).

Pursuant to the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005" (OCP), the subject property is designated within the Watercourse Protection Development Permit Area (DPA), in this case, for the protection of Bonell Creek which runs along the eastern property line and leads to Nanoose Bay.

In September 2013, the Regional District of Nanaimo became aware of land alterations within the Watercourse Development Permit Area and within the 30 metre Riparian Assessment Area. At that time staff advised the applicant to cease any further alterations and to submit a development permit application along with a Riparian Area Regulations (RAR) assessment. The applicant has now submitted this development permit application complete with an RAR assessment prepared by a Qualified Environmental Professional (QEP), Toth and Associates Environmental Services, dated May 22, 2014. The RAR assessment determined that the appropriate SPEA is 30 metres from Bonell Creek and identifies mitigation measures to address the encroachment into the SPEA. The proposed development permit is required to permit restorative works within the Watercourse Development Permit Area.

Although unrelated to this development permit application, staff are currently monitoring activities on the subject property, including the recent placement of fill outside the SPEA, to ensure compliance with applicable RDN regulations.

**ALTERNATIVES**

1. To approve the Development Permit Application PL2014-038 subject to the conditions outlined in Attachment 2.
2. To deny the Development Permit Application No. PL2014-038

**DEVELOPMENT IMPLICATIONS**

***Environmental Implications***

The applicant has provided a Riparian Areas Regulations assessment prepared by Toth and Associates Environmental Services dated May 22, 2014, which has been registered with the Ministry Forests, Lands and Natural Resource Operations under RAR Assessment No. 3104. The RAR assessment recommends the installation of a split-rail type fence along the SPEA boundary and restorative planting within the SPEA. Staff recommend that completion of the restorative works prescribed by the QEP in the RAR assessment be included as conditions of approval (see Attachment 2). Staff further recommend requiring registration of a Land Title Act Section 219 covenant at the owner's expense prohibiting development and use within the SPEA except in accordance with the RAR assessment.

***Strategic Plan Implications***

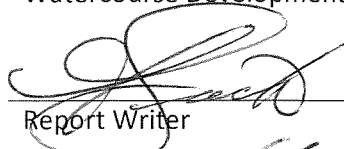
Staff have reviewed the proposed development and note that the proposal has no implications for the 2013 – 2015 Board Strategic Plan.

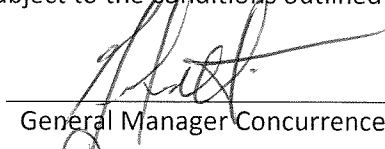
**SUMMARY/CONCLUSION**

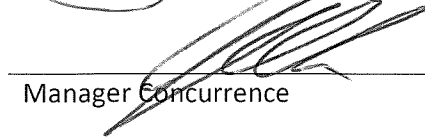
The applicant is requesting a development permit to allow restoration works within the Watercourse Protection Development Permit Area pursuant to the Nanoose Bay OCP to address land alterations that occurred without approval for the protection Bonell Creek. A development permit is required for the remediation works recommended in the RAR assessment by Toth and Associates Environmental Services in order to restore and enhance the SPEA and protect it from future encroachment. Staff recommends that the Board approve the development permit.

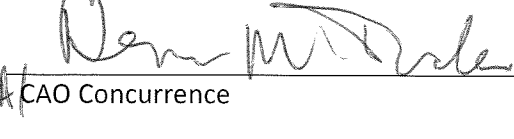
**RECOMMENDATION**

That Development Permit Application No. PL2014-038 to permit restoration works within the Watercourse Development Permit Area be approved subject to the conditions outlined in Attachment 2.

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

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

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

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



**Attachment 2  
Conditions of Development Permit**

The following sets out the conditions of Development Permit Application No. PL2014-038:

**Conditions:**

1. The site shall be remediated in accordance with the Restoration Plan (Appendix A) of the Riparian Area Regulation Assessment prepared by Toth and Associates Environmental Services dated May 22, 2014, the plan includes restorative planting plan and the installation of a split-rail type fence along the SPEA boundary.
2. The applicant's QEP shall submit a post-development report to the RDN to certify that the restorative works have been completed in accordance with the recommendations set out in the Toth and Associates Environmental Services Riparian Area Regulation Assessment dated May 22, 2014.
3. Staff shall withhold issuance of this permit until the owner, at its expense, registers on title to the land a Land Title Act Section 219 covenant prohibiting development and use of the land within the SPEA (as defined by a BCLS reference plan) except in accordance with the Toth and Associates Environmental Services Riparian Area Regulation Assessment dated May 22, 2014





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| RDN REPORT   |   |
| CAO APPROVAL |   |
| EAP          | ✓ |
| COW          |   |
| MAY 28 2014  |   |
| RHD          |   |
| BOARD        |   |

# MEMORANDUM

**TO:** Jeremy Holm  
Manager, Current Planning

**DATE:** May 27, 2014

**FROM:** Tyler J. Brown  
Planner

**FILE:** PL2014-036

**SUBJECT:** Development Permit with Variance Application No. PL2014-036 – Harris Lot U, District Lot 19, Newcastle District, Plan 8196 – 2960 Leon Road Electoral Area 'H'

## PURPOSE

To consider an application for a Development Permit with Variance to permit the subdivision of the subject parcel and reduce the setback from a watercourse for the proposed building envelope.

## BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of Paul Harris in order to permit subdivision of the subject parcel and reduce the setback to the watercourse for a proposed residential building envelope (see Attachment 1 - Subject Property Map). The subject property is approximately 0.57 hectares in area and is zoned Residential 2 (RS2) subdivision district 'M' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The parcel is bordered by Leon Road to the north and Marshall Road to the south. Moreover, the subject parcel is surrounded by other RS2 parcels. Additionally, a small creek (Westglade Brook) bisects the parcel. The proposed development is subject to the following development permit areas as per the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003":

- Fish Habitat Protection
- Environmentally Sensitive Features – Aquifer Protection

### *Proposed Development and Variances*

The applicant is proposing a two lot subdivision of the subject parcel (see Attachment 3 - Proposed Plan of Subdivision). The proposed plan of subdivision would create a 0.31 hectare and a 0.24 hectare parcel. The southern larger parcel would retain the existing dwelling unit, shed, studio, garage and carport while the smaller northern parcel would be bare land with the exception of a small pump house. A small shed is located on proposed Lot B which will be removed prior to subdivision. Both parcels will be serviced by community water and individual septic systems.

The applicant has applied for a variance to Section 3.3.8 Setbacks – Watercourse, excluding the Sea – from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" to reduce the minimum horizontal distance from the stream centerline from 18.0 metres to 15.9 metres to allow for a 713 m<sup>2</sup> building envelope on the subject property (see Attachment 4 – Proposed Building Envelope and

Variance). As a condition of preliminary layout approval for the proposed subdivision, the Ministry of Transportation and Infrastructure (MoTI) is requiring the applicant to register a section 219 covenant restricting any improvements within 15.0 metres of the present natural boundary of Westglade Brook due to flooding concerns. Additionally, MoTI is requiring road dedication to expand the width of Marshall Road (see Attachment 4 – Proposed Building Envelope and Variance). The variance, if approved, will vary the setback requirement to an equal distance of that required by MoTI for the brook at its narrowest point (15.0 metres from the present natural boundary) and allow for a reasonably sized building envelope with suitable area for a septic disposal system.

## ALTERNATIVES

1. To approve the Development Permit with Variance Application No. PL2014-036 subject to the conditions outlined in Attachments 2 to 4.
2. To deny the Development Permit with Variance Application No. PL2014-036.

## LAND USE IMPLICATIONS

### *Development Implications*

The applicant submitted a Hydrogeological Impact Review report prepared by GW Solutions Inc. and dated April 4, 2014 to satisfy the Environmentally Sensitive Features – Aquifer Protection Development Permit Area guidelines.

The report concludes that the site is considered suitable for the proposed subdivision and residential use, and includes a number of recommendations with respect to ensuring that the aquifer is protected. Specifically, the report recommends that a rainwater management plan that includes Best Management Practices for enhancing rainwater storage and infiltration should be produced to direct site layout, site grading and structure design. The report suggests that the following Best Management Practices would likely be effective on the subject property:

- Disconnected roof leaders, discharging to rain garden;
- Pervious driveway with crown;
- Vegetated landscaping swales (lawn or garden allowing temporal impounding);
- Thick organic soils;
- Buffer strip allowing infiltration at edge of property (swale shape);

Staff recommend that the applicant be required to register a *section 219* covenant that registers the Hydrogeological Impact Review report on the property title and includes a clause requiring the development and enactment of a rainwater management plan, which is to be reviewed by a hydrogeologist once the building footprint has been finalized, prior to the construction of a dwelling unit on the newly created lot.

The applicant has provided a Riparian Areas Assessment report prepared by Toth and Associates Environmental Services dated January 8, 2014. This report establishes a Streamside Protection and Enhancement Area (SPEA) of 10.0 metres along the entire perimeter of the watercourse on the subject property. As shown in Attachment 3, the proposed subdivision lot line and future residential building envelope are to be located outside of the Streamside Protection and Enhancement Area (SPEA). The

development permit area guidelines state that minimum parcel size should be met exclusive of the SPEA. The proposed lot configuration does not satisfy this guideline. However, the proposed lot configuration significantly minimizes the potential building site north of the watercourse on proposed Lot B, due to the rear lot line and watercourse setback, and therefore eliminates the need for stream crossings.

The Riparian Areas Assessment report requires that the SPEA must be surveyed and marked prior to any physical development and that hard surface derived run-off should be directed to infiltration fields or rock chambers. Staff recommend that the applicant be required to include the Riparian Areas Assessment report in the *section 219* covenant with a clause requiring the SPEA to be marked as per the criteria in the report prior to any physical development on the subject parcel and that the storm water management recommendations be included in the rainwater plan to be prepared a hydrogeologist.

### ***Strategic Plan Implications***

Staff has reviewed the proposed development and note that the proposed subdivision will increase density within an area serviced by an existing community water system.

### ***Inter-governmental Implications***

The Ministry of Transportation and Infrastructure is requiring the applicant so register a section 219 covenant restricting any improvements within 15.0 metres of Westglade Brook due to flooding concerns.

### ***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 a 50 metre radius 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**

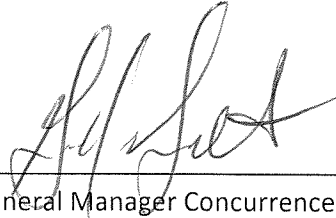
This is an application to consider an application for a Development Permit with Variance to permit the subdivision of the subject parcel and reduce the setback from a watercourse for the proposed building envelope. The applicant has provided both a Hydrogeological Impact Review Report and Riparian Areas Regulation Assessment Report to address the potential impacts of the proposed development on the aquifer and Westglade Brook. Both reports outline protective measures at the time of development which are proposed to be secured through a restrictive covenant as a condition of approval (see Attachment 2 – Terms and Conditions of Permit). Furthermore, a SPEA of 10.0 metres has been established along the entire perimeter of Westglade Brook. The applicant has applied for a variance to Section 3.3.8 Setbacks – Watercourse, excluding the Sea – from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" to reduce the minimum horizontal distance from the stream centerline from 18.0 meters to 15.9 meters to allow for a 713 m<sup>2</sup> building envelope on the subject property.

**RECOMMENDATIONS**

1. That staff be directed to complete the required notification.
2. That Development Permit with Variance Application No. PL2014-036 to permit the subdivision of the subject parcel and reduce the setback from a watercourse for the proposed building envelope be approved subject to the conditions outlined in Attachments 2 to 4.



Report Writer



General Manager Concurrence

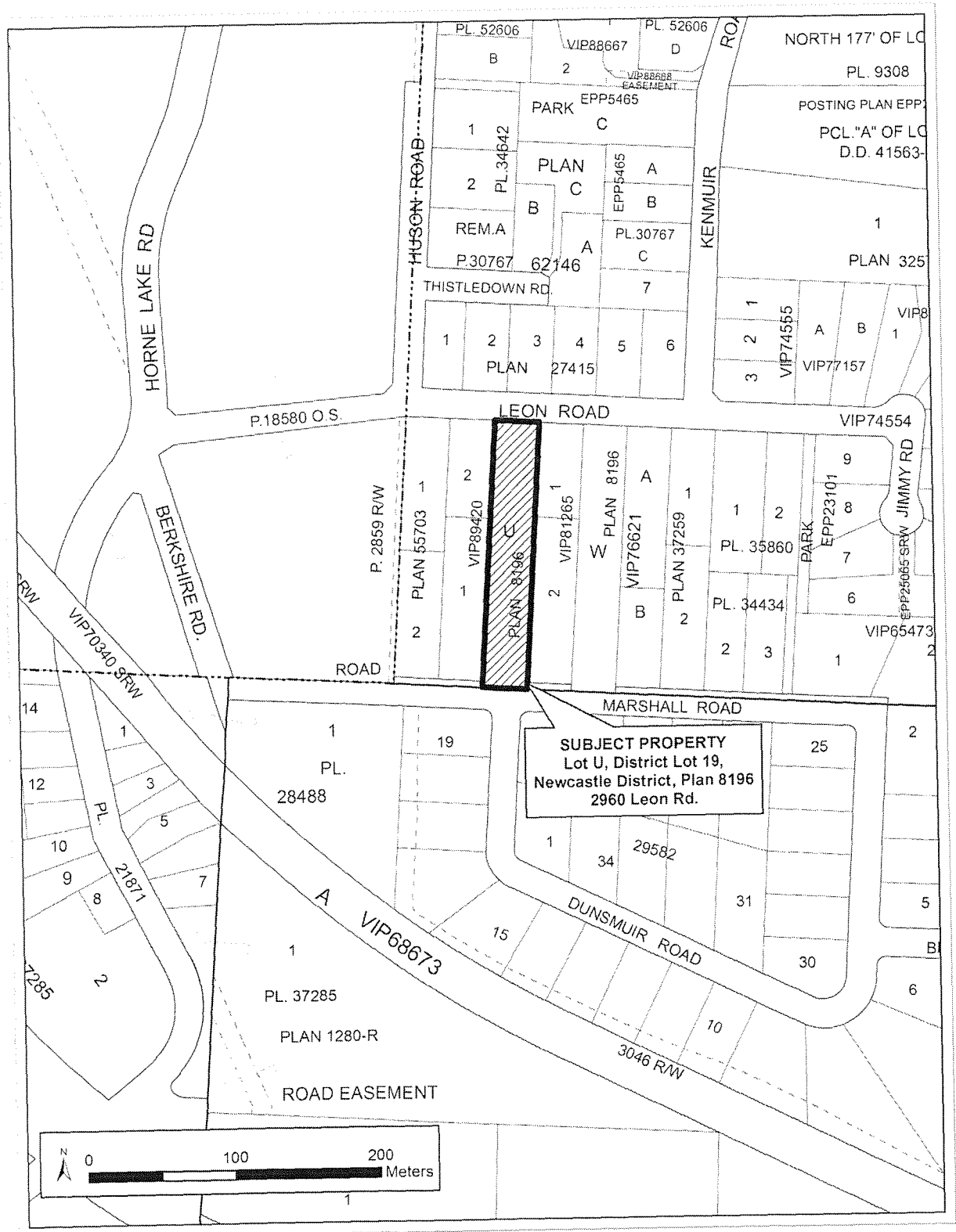


Manager Concurrence



CAO Concurrence

Attachment 1  
Subject Property Map



**Attachment 2  
Terms and Conditions of Permit**

The following sets out the terms and conditions of Development Permit with Variance No. PL2014-036:

Bylaw No. 500, 1987 Variances:

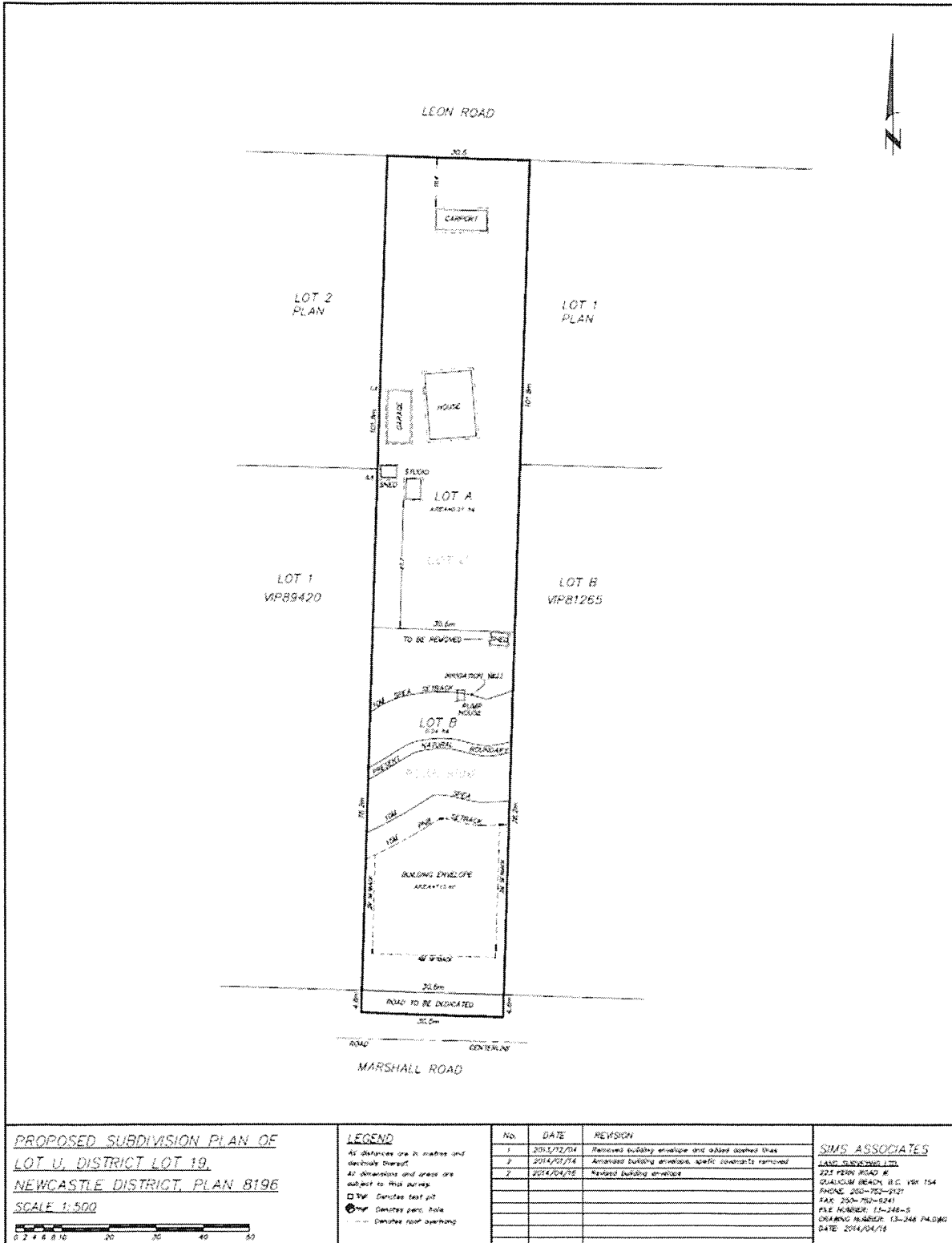
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. Section 3.3.8.i Setbacks – Watercourse, excluding the Sea – to reduce the minimum horizontal setback distance from the stream centerline from 18.0 metres to 15.9 metres.

Conditions of Approval:

1. The proposed subdivision boundary is located in general compliance with the Proposed Plan of Subdivision prepared by Sims Associates Land Surveying Ltd, dated April 16, 2014 and attached as Attachment 2.
2. The applicant shall register a section 219 covenant registering the Hydrogeological Impact Review report prepared by GW Solutions Inc. and dated April 4, 2014 and the Riparian Areas Assessment report prepared by Toth and Associates Environmental Services and dated January 8, 2014 on the property title which includes a clause requiring the development and enactment of a rainwater management plan with the considerations stated in both reports prior to the construction of a dwelling unit on the newly created lot. "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987"

**Attachment 3  
Proposed Plan of Subdivision**



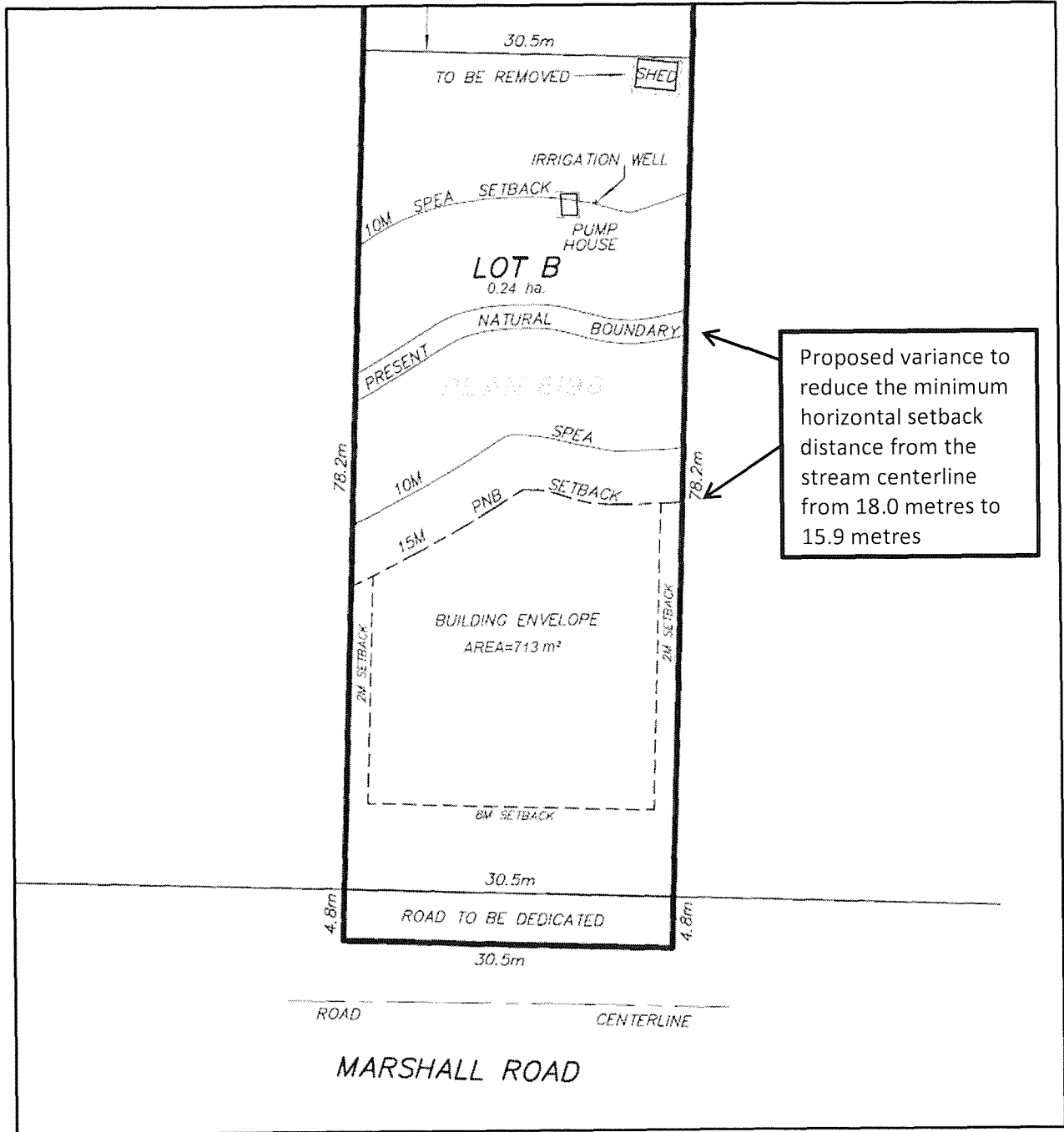
PROPOSED SUBDIVISION PLAN OF  
LOT U, DISTRICT LOT 19,  
NEWCASTLE DISTRICT PLAN 8196  
SCALE 1:500

**LEGEND**  
All dimensions are in metres and decimals thereof.  
All dimensions and areas are subject to this survey.  
□ Survey control pit  
● Survey pegs hole  
--- Denotes road overhang

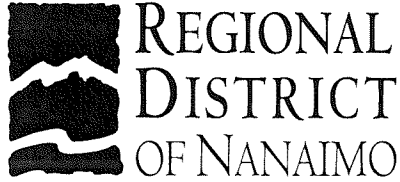
| No. | DATE       | REVISION   |
|-----|------------|--|
| 1   | 2011/12/24 | Revised building envelope and added corner that        |
| 2   | 2014/01/14 | Amended building envelope, specific coverments removed |
| 3   | 2014/04/15 | Revised building envelope                              |
|     |            |  |
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**SIMS ASSOCIATES**  
LAND SURVEYORS LTD.  
221 FERN ROAD #1  
QUANICUM BEACH, B.C. V3M 1S4  
PHONE: 250-752-9127  
FAX: 250-752-9241  
P.E. NUMBER: 11-248-S  
DRAWING NUMBER: 13-248-741010  
DATE: 2014/04/15

**Attachment 4**  
**Proposed Building Envelope and Variance**







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| RDN REPORT   |   |
| CAO APPROVAL |   |
| EAP          | ✓ |
| COW          |   |
| MAY 29 2014  |   |
| RHD          |   |
| BOARD        |   |

# MEMORANDUM

**TO:** Jeremy Holm  
 Manager, Current Planning

**DATE:** May 27, 2014

**FROM:** Robert Stover  
 Planning Technician

**FILE:** PL2014-047

**SUBJECT:** **Development Permit with Variance Application No. PL2014-047 – Pronger Lot A, District Lot 33, Newcastle District and Part of the Bed of the Strait of Georgia, Plan VIP86734 – 6173 Island Highway West Electoral Area 'H'**

## PURPOSE

To consider an application for a Development Permit with Variance to allow for the demolition of an existing cabin and accessory buildings and construction of a new dwelling unit on the subject property.

## BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from JE Anderson & Associates on behalf of Ellinor and Ronald Pronger in order to permit the removal of an existing cabin and accessory buildings, and allow for the construction of a dwelling unit. The subject property is approximately 0.4 ha in area and is zoned Residential 2 (RS2) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (Bylaw 500) (see Attachment 1 - Location of Subject Property).

The subject property currently contains a cabin and two accessory structures, which are proposed to be demolished and replaced with a new dwelling unit. The subject property is bound by residential properties to the north and south, the Strait of Georgia to the east, and the Island Highway to the west. A restrictive covenant registered on title of the subject property through subdivision in 1986 prohibits the erection of any permanent structures within 20 metres of the natural boundary of the Strait of Georgia, and requires a minimum flood construction level of 4.11 metres Geodetic Survey of Canada.

The proposed development is subject to the Environmentally Sensitive Features Development Permit Area (DPA) for coastal protection as per “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003” (OCP), and is subject to “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006” (Floodplain Bylaw) as it is within 100 metres of the sea.

### *Proposed Development and Variance*

The applicants are proposing to remove an existing cabin and accessory buildings and construct a new dwelling unit on the subject property. The applicants have applied for a variance to Section 3.4.62 – Dwelling Unit Height – of Bylaw 500 to increase the maximum permitted height of the new dwelling unit from 8.0 metres to 9.0 metres. The height variance is being requested due to the minimum flood construction level that has been recommended by the applicant’s Geotechnical Engineer. A site plan provided by the applicant outlining the location of the proposed house is provided on Attachment 3, and building elevations are provided on Attachment 4.

## **ALTERNATIVES**

1. To approve Development Permit with Variance Application No. PL2014-047 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Permit with Variance Application No. PL2014-047.

## **LAND USE IMPLICATIONS**

### ***Development Implications***

The applicants have applied for a Development Permit with Variance to facilitate the demolition of an existing cabin and accessory buildings, and to allow for the construction of a new dwelling unit (see Attachments 2 to 4). The new dwelling is proposed to be sited within 100 metres of the natural boundary of the ocean, and is subject to the minimum flood construction level provisions in Floodplain Bylaw which requires a minimum flood construction level of 1.5 metres above the natural boundary of the Strait of Georgia.

The applicant has supplied a geotechnical assessment, prepared by Emerald Sea Engineering dated May 5, 2014, that assesses the potential for flood risk on the property posed by sea level rise in accordance with the Association of Professional Engineers and Geoscientists of BC (APEGBC) guidelines, and recommends a minimum flood construction level (FCL) of 5.3 metres Geodetic Survey of Canada (GSC). The proposed building site for the house sits at approximately 4.3 metres GSC; as a result, the applicant is requesting a 1.0 metre height variance to allow for the proposed dwelling unit's underside of floor system to achieve the recommended FCL. The recommended FCL exceeds the Floodplain Bylaw required minimum FCL of 1.5 metres above the natural boundary of the Strait of Georgia. Staff recommends that the applicant be required to register a Section 219 restrictive covenant that registers the Geotechnical Hazards Assessment prepared by Emerald Sea Engineering 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.

The applicants have also supplied a Biophysical Assessment, prepared by Jeff Whetter and dated May 13, 2014, to satisfy the Environmentally Sensitive Features DPA for coastal protection guidelines. The assessment does not identify the presence of any rare plant or animal species on the property, and establishes a protected area at 15.0 metres from the natural boundary of the Strait of Georgia. The report recommends the erection of a construction fence at 15.0 metres to delineate the boundary of the shoreline protection area, and states that no heavy machines or construction activity should be allowed within this protected area. The report concludes that the proposal will not result in any harmful alteration, disruption or destruction of protected natural features on the property provided the recommendations within it are followed. The dwelling unit is proposed to be sited 20.0 metres from the natural boundary of the Strait of Georgia, which meets the 8.0 metre coastal setback requirement of Bylaw 500 and the 20 metre setback outlined in the restrictive covenant.

### ***Strategic Plan Implications***

Staff have reviewed the application and note that the proposal has no implications related to the Board's 2013 – 2015 Strategic Plan.

**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 a 50 metre radius 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 facilitate the demolition of an existing cabin and accessory buildings, construction of a dwelling unit within the Environmentally Sensitive Features development permit area for coastal protection, and to vary the maximum permitted height in the RS2 zone for the proposed dwelling unit. The requested height variance from 8.0 metres to 9.0 metres is intended to allow for the proposed dwelling unit to achieve a minimum flood construction level of 5.3 metres GSC. The applicant has supplied a geotechnical assessment, prepared by Emerald Sea Engineering dated May 5, 2014, that establishes the minimum flood construction level based on the potential for long term sea level rise on the subject property. This recommended flood construction level also exceeds the minimum flood construction level requirements outlined in the Floodplain Bylaw and the aforementioned restrictive covenant.

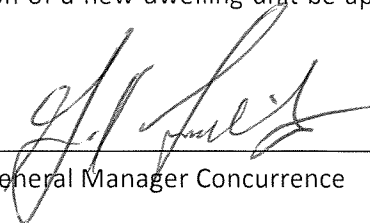
The applicant has submitted a Biophysical Assessment, prepared by Jeff Whetter and dated May 13, 2014, to address the Environmentally Sensitive Features DPA guidelines. The report recommends that a shoreline protection area be established at 15.0 metres from the natural boundary of the Strait of Georgia, and for a construction fence to be erected to delineate this boundary while the site is actively under construction. The report concludes that the proposal will not result in harmful alteration, disruption or destruction of protected natural features on the property. In staff’s assessment, this proposal is consistent with the requirements of the “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006”, and meets the recommendations set out by the applicant’s Engineer and is consistent with the Environmentally Sensitive Features DPA guidelines. As such, staff recommend approval of this Development Permit with Variance application pending the outcome of statutory notification.

**RECOMMENDATIONS**

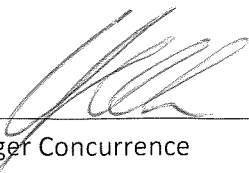
1. That staff be directed to complete the required notification.
2. That Development Permit with Variance Application No. PL2014-047 to permit the demolition of an existing cabin and accessory buildings and construction of a new dwelling unit be approved subject to the conditions outlined in Attachments 2 to 4.



Report Writer



General Manager Concurrence

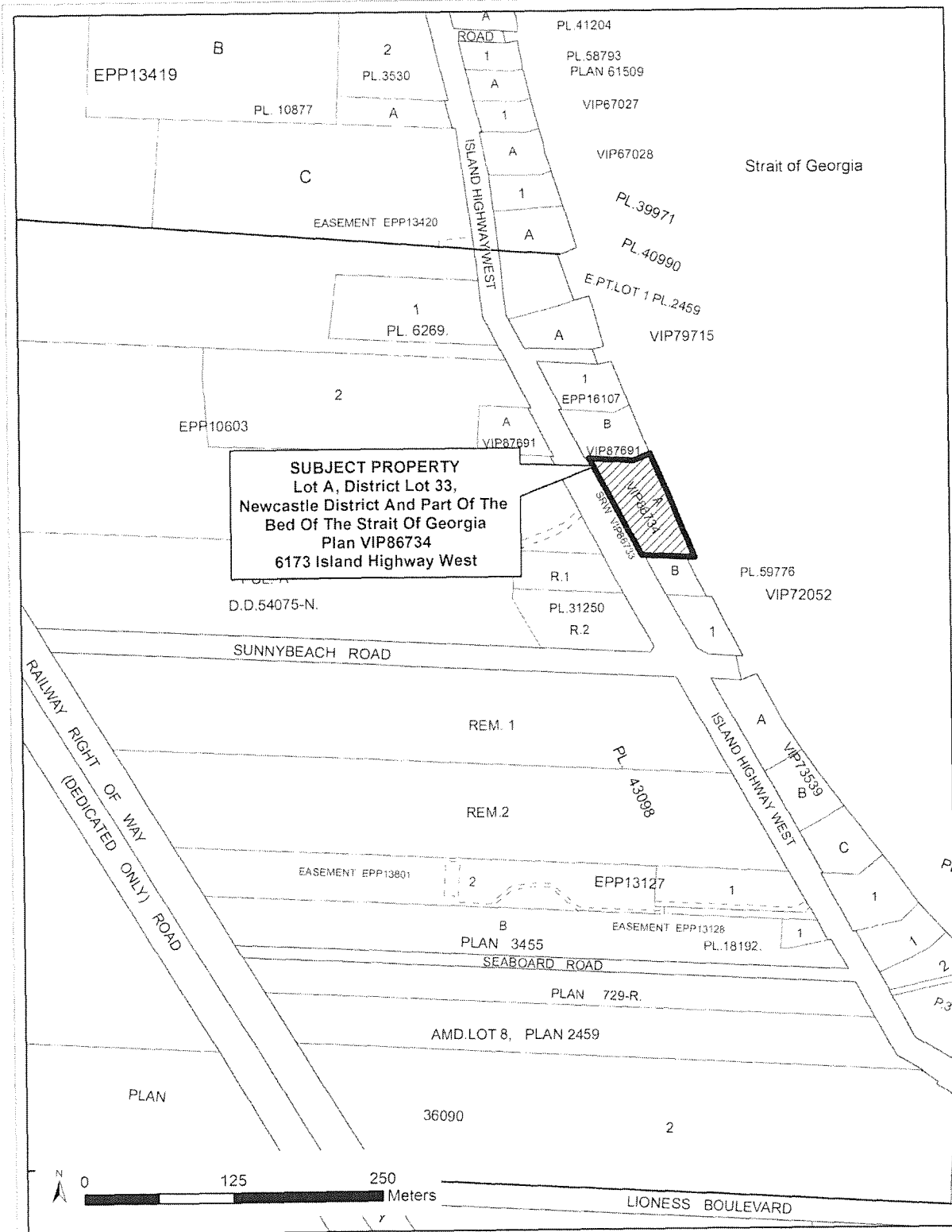


Manager Concurrence



ACAO Concurrence

### Attachment 1 Location of Subject Property



**Attachment 2**  
**Terms and Conditions of Permit**

The following sets out the terms and conditions of Development Permit with Variance Application No. PL2014-047:

Bylaw No. 500, 1987 Variance:

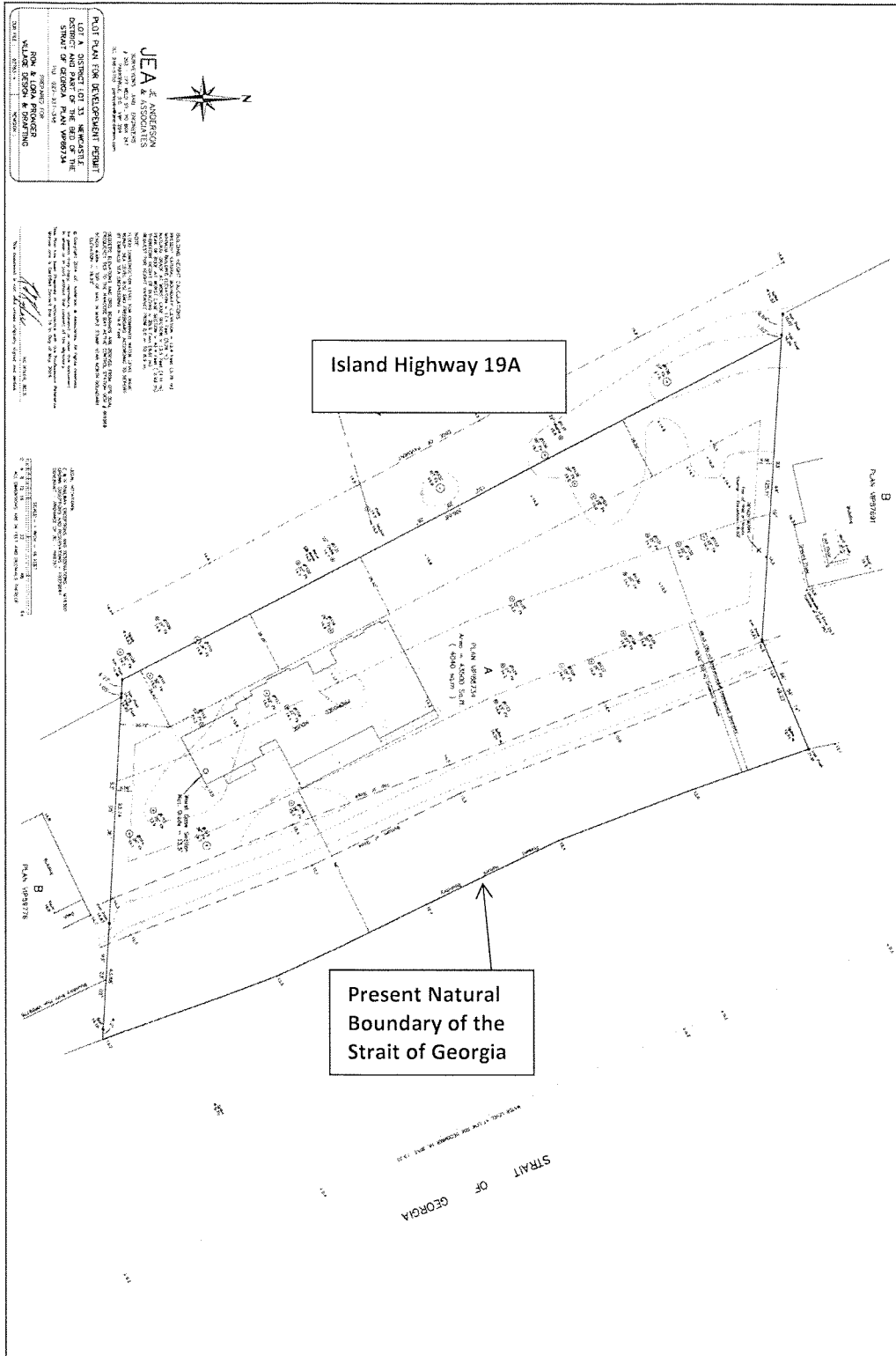
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. Section 3.4.62 Maximum Number and Size of Buildings by increasing the maximum dwelling unit height from 8.0 metres to 9.0 metres for the proposed dwelling.

Conditions of Approval:

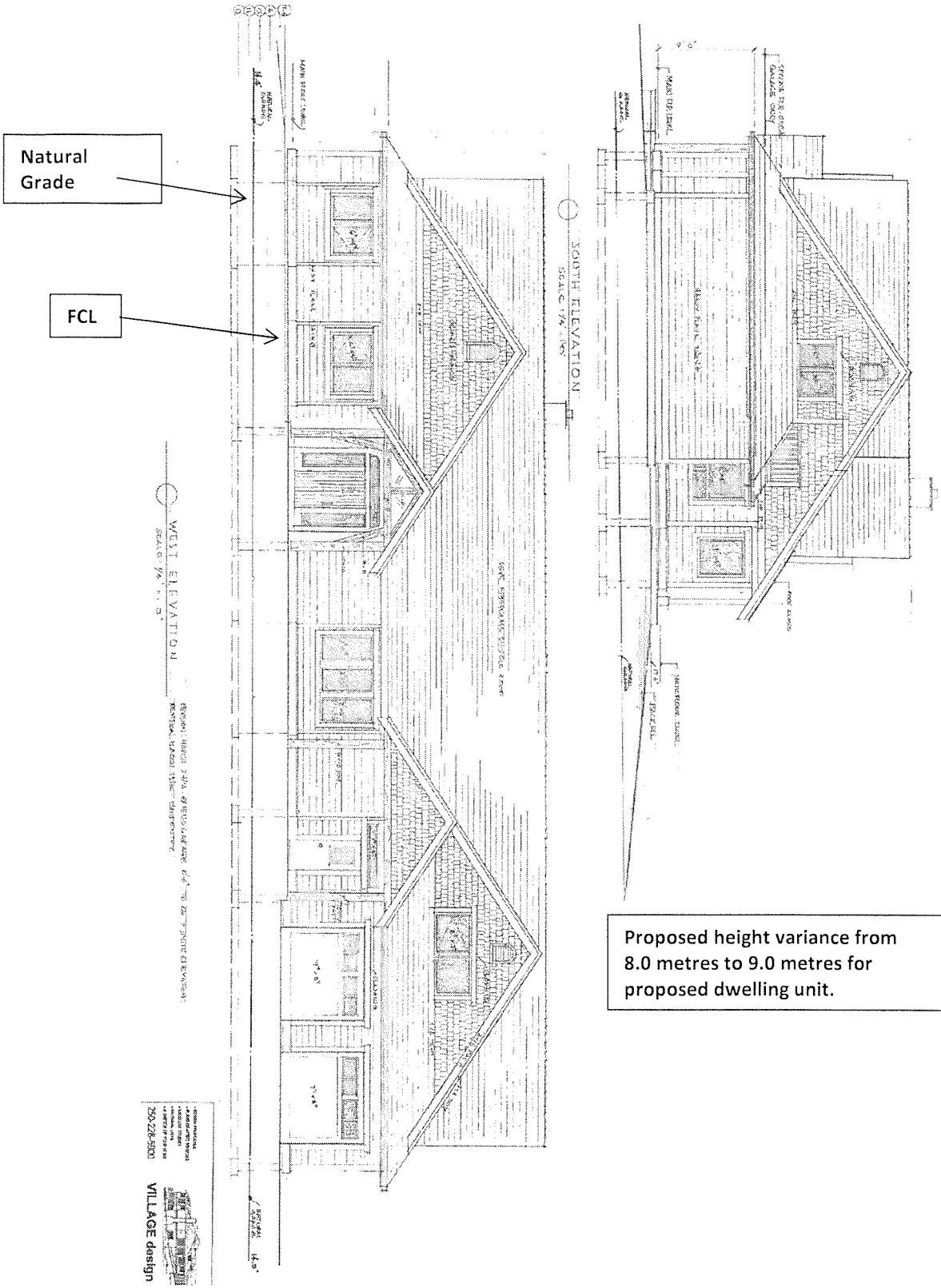
1. The proposed development is sited in accordance with the Survey Plan prepared by Ken Kyler of JE Anderson & Associates, dated May 14, 2014, and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations prepared by Village Design & Drafting, dated April 2014, and attached as Attachment 4.
3. The proposed development is completed in accordance with the recommendations of the Biophysical Assessment, prepared by Jeff Whetter of Natural Advantage Environmental and dated May 13, 2014.
4. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.
5. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 restrictive covenant containing the Flood Construction Level Report prepared by Emerald Sea Engineering dated May 5, 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 flood hazard and includes the floodplain exemption provision.

Attachment 3  
Proposed Site Plan (Page 1 of 2)





Attachment 4  
Building Elevations (Page 1 of 2)









|              |   |
|--------------|---|
| CAO APPROVAL |   |
| EAP          | ✓ |
| COW          |   |
| MAY 28 2014  |   |
| RHD          |   |
| BOARD        |   |

**MEMORANDUM**

**TO:** Jeremy Holm  
Manager, Current Planning

**DATE:** May 27, 2014

**FROM:** Tyler J. Brown  
Planner

**FILE:** PL2014-042

**SUBJECT:** Development Variance Permit Application No. PL2014-042 – Terry Green  
Lot 13, District Lot 28, Nanoose District, Plan 21947 – 1559 Sunrise Drive  
Electoral Area ‘G’

**PURPOSE**

To consider an application for a Development Variance Permit to reduce the front lot line setback from 8.0 metres to 2.0 metres to permit the construction of a garage on the subject property.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received a development variance application from Terry Green to permit the construction of a garage on the subject property. The subject property is approximately 0.17 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 currently contains an existing dwelling unit and is bordered by the Island Highway to the north and Sunrise Drive to the south. A commercial zoned property shares the eastern lot line and a RS1 zoned property bounds the western lot line. Access to the property is from Sunrise Drive. Furthermore, the dwelling unit is oriented towards Sunrise Drive which by definition is the rear lot line.

***Proposed Development and Variance***

The applicant has applied for a variance to Section 3.4.61 – Minimum Setback Requirements – from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" to reduce the front lot line setback from 8.0 metres to 2.0 metres to permit the construction of a garage on the subject property (see Attachment 3 for site plan).

Considering that access to the property is from Sunrise Drive, that the existing dwelling is oriented towards Sunrise Drive, and that all other neighboring parcels are oriented towards Sunrise Drive, the application of the front lot line setback off of the Island Highway significantly constrains the buildable area on the subject property.

## **ALTERNATIVES**

1. To approve Development Variance Permit Application No. PL2014-042 subject to the conditions outlined in Attachment 2.
2. To deny Development Variance Permit Application No. PL2014-042.

## **LAND USE IMPLICATIONS**

### ***Development Implications***

The applicant has requested a variance to permit the construction of a dwelling unit (see Attachment 3 for site plan). Staff have reviewed the applicant's request and have not identified any view implications for neighbouring properties nor note any other negative implications that would be associated with the approval of Development Variance Permit Application No. PL2014-042.

### ***Strategic Plan Implications***

Staff have reviewed the application and have not identified any strategic plan implications.

### ***Inter-governmental Implications***

Concurrently with this DVP application the applicant has submitted a Setback Permit Application to the Ministry of Transportation and Infrastructure (MOTI). The Ministry has indicated that they support the reduction to the setback in principle.

### ***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 a 50 metre radius 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**

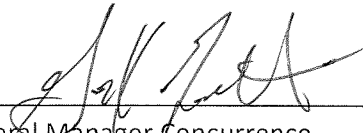
To consider an application for a Development Variance Permit to reduce the front lot line setback from 8.0 metres to 2.0 metres to permit the construction of a garage on the subject property. As access to the property is from Sunrise Drive, that the existing dwelling is oriented towards Sunrise Drive, and that all other neighboring parcels are oriented towards Sunrise Drive, and given that the requested variance would have no anticipated view implications for adjacent properties and that no other land use concerns associated with the proposed variance have been identified, staff recommend the Board approve the requested variance, pending the outcome of public notification, subject to the terms and conditions outlined in Attachment 2.

**RECOMMENDATIONS**

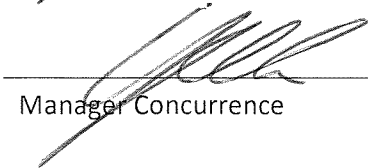
1. That staff be directed to complete the required notification.
2. That Development Variance Permit Application No. PL2014-042 to reduce the front lot line setback from 8.0 metres to 2.0 metres to permit the construction of a garage be approved.



Report Writer



General Manager Concurrence

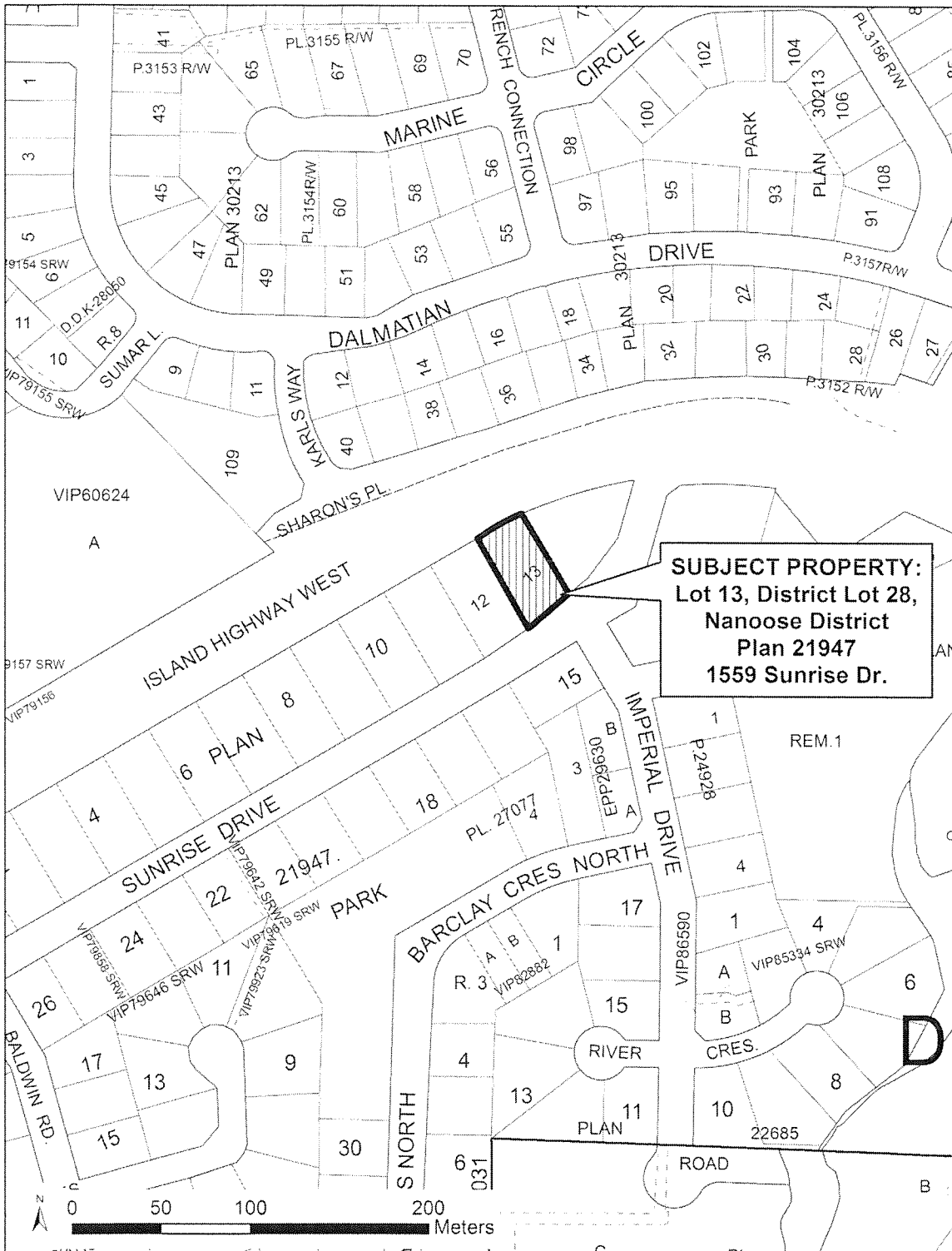


Manager Concurrence



ACAO Concurrence

**Attachment 1**  
**Location of Subject Property**



**Attachment 2  
Terms and Conditions of Permit**

The following sets out the terms and conditions of Development Variance Permit Application No. PL2014-042:

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 to reduce the minimum setback requirement from the front lot line from 8.0 metres to 2.0 metres to permit the construction of a garage.

Conditions of Approval:

1. The proposed garage be sited in general accordance with the site plan prepared by Sims Associates Land Surveying Ltd., attached as Attachment 3.
2. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3  
Proposed Site Plan and Variances

