

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, JULY 8, 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, June 10, 2014.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

5 **Dan Cullon**, re Zoning Amendment Application No. PL2014-028 – Bylaw 500.393 – Steve Atkinson/Steed – 3119 Jameson Road, Electoral Area ‘C’.

DEVELOPMENT PERMITS

6-12 Development Permit Application No. PL2014-039 – Robinson/Bauer – 1559 Stone Lake Drive, Electoral Area ‘E’.

13-19 Development Permit Application No. PL2014-048 – Barry O’Neill – 1965 Walsh Road, Electoral Area ‘A’.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATION

20-29 Development Permit with Variance Application No. PL2014-022 – Herold Engineering Ltd. – 1475 Island Highway East, Electoral Area ‘E’.

30-36 Development Permit with Variance Application No. PL2014-040 – Fern Road Consulting Ltd. – Flamingo Drive, Electoral Area ‘G’.

37-42 Development Permit with Variance Application No. PL2014-061 – Sepos / Fern Road Consulting Ltd. – 1070 Price Road, Electoral Area ‘F’.

DEVELOPMENT VARIANCE PERMIT APPLICATION

43-48 Development Variance Permit Application No. PL2014-052 DeClark – 2181 Addison Way, Electoral Area 'A'.

49-59 Development Variance Permit Application No. PL2014-055 – J.E. Anderson & Associates – 1634 Brunt Road, Electoral Area 'E'.

ZONING AMENDMENT APPLICATION

60-69 Zoning Amendment Application No. PL2014-028 – Bylaw No. 500.393 – Steve Atkinson/Steed – 3119 Jameson Road, Electoral Area 'C'.

70-86 Zoning Amendment Application No. PL2014-034 – Bylaw No. 500.394 – Fern Road Consulting Ltd. – 1032 Lowry's Road, Electoral Area 'G'.

Zoning Amendment Application No. PL2013-062 – Bylaw No. 500.392 - Keith Brown Associates Ltd. - 1868 Fielding Road, Electoral Area 'A' – *Report to be distributed with Addendum.*

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, JUNE 10, 2014 AT 6:30 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
R. Alexander	Gen. Mgr. Regional & Community Utilities
G. Garbutt	Gen. Mgr. Strategic & Community Development
D. Trudeau	Gen. Mgr. Transportation & Solid Waste
T. Osborne	Gen. Mgr. Recreation & Parks
J. Hill	Mgr. Administrative Services
C. Golding	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order.

ELECTORAL AREA PLANNING COMMITTEE MINUTES

MOVED Director Stanhope, SECONDED Director Fell, that the minutes of the Electoral Area Planning Committee meeting held Tuesday, May 13, 2014, be adopted.

CARRIED

DEVELOPMENT PERMIT

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

MOVED Director Stanhope, SECONDED Director Fell, 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.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variance Application No. PL2014-036 – Harris – 2960 Leon Road, Electoral Area ‘H’.

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

CARRIED

MOVED Director Veenhof, SECONDED Director McPherson, 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.

CARRIED

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

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

CARRIED

MOVED Director Veenhof, SECONDED Director McPherson, 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.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATION

Development Variance Permit Application No. PL2014-042 – Terry Green – 1559 Sunrise Drive, 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 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.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:35 PM

CHAIRPERSON

CORPORATE OFFICER

From: Dan Cullon
Sent: Monday, June 23, 2014 11:05 AM
Subject: Application No. PL2014-028 3119 Jameson Road

Application No. PL2014-028 3119 Jameson Road

On June 11, 2014 at 6:30 PM we met at the East Wellington Fire hall to discuss the proposed subdivision plan of 3119 Jameson Rd. During that meeting it was stated three times by Steve Atkinson who is representing the owners of the property that the panhandle at the bottom of the proposed plan included the existing driveway. Upon returning home and measuring from the surveyors pin it seems that the driveway is not included in the proposed plan. Mr. Atkinson also mentioned that the owner had full intentions of the new owner using that driveway to access the new subdivision. He also mentioned that the owner was going to put a new driveway to access his home on the opposite side of the property. The new driveway was needed because they were looking at possible conversion of the current shop into a Carriage house for his daughter. When I spoke to Tyler this morning he said that the RDN minutes didn't capture this very well and asked me to write you an email so it was on the record. The purpose of this email is just to straighten out any misinformation that was given a public hearing meeting.

Thank you

Dan Cullon
3137 Jameson Road
Nanaimo B.C.
V9R6W8
250-714-0300 H
250-616-9080 C



RDN REPORT		PH
CAC APPROVAL		
EAP	✓	
COW		
JUN 27 2014		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
 Manager, Current Planning **DATE:** June 17, 2014

FROM: Robert Stover
 Planning Technician **FILE:** PL2014-039

SUBJECT: Development Permit Application No. PL2014-039 – Robinson/Bauer
 Lot 23, District Lot 68, Nanoose District, Plan VIP87768 – 1559 Stone Lake Drive
 Electoral Area 'E'

PURPOSE

To consider an application for a Development Permit to address the construction of a stepped retaining wall and associated remediation works 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 Michael Robinson and Gay Bauer in order to address the construction of a retaining wall within the Streamside Protection and Enhancement Area (SPEA) of a watercourse that lies on an adjacent RDN owned park. The subject property is approximately 0.15 hectares in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Bylaw No. 500). The subject property is designated within the Watercourse Protection Development Permit Area (DPA) pursuant to "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005" (OCP).

A dwelling unit is currently under construction on the subject property, and the lot is surrounded by residential properties to the south and west, Stone Lake Drive to the east, and an RDN park to the north (see Attachment 1 - Location of Subject Property). The adjacent park contains a series of ponds which were assessed at the time of subdivision in an Assessment Report prepared by Bruce Baxter of Streamline Environmental Consulting Ltd. dated February 29, 2008. The report established a 30.0 metre SPEA for the ponds, which extends into the northern portion of the subject property. The report stated that construction activities within the 30.0 metre SPEA would require follow up assessment by a Biologist. Construction of the retaining wall within the SPEA came to the attention of staff through a resident complaint. As the wall is less than 1.0 metre in height, it is not considered a structure in Bylaw No. 500 and thereby not required to meet setbacks for buildings and structures. The wall however does project into the SPEA and is subject to the Watercourse Protection DPA.

ALTERNATIVES

1. To approve the Development Permit No. PL2014-039 subject to the conditions outlined in Attachments 2 to 4.
2. To deny the Development Permit No. PL2014-039.

DEVELOPMENT IMPLICATIONS

Environmental Implications

The applicant has provided a Riparian Areas Regulations Assessment (RAR) prepared by EDI Environmental Dynamics Inc. dated May 14, 2014, to assess the retaining wall construction within the SPEA. The RAR Assessment concludes that the works within the SPEA did not include the removal of any trees or mature native vegetation and did not result in serious harm to fish under the *Fisheries Act*. The RAR Assessment supports varying the SPEA to allow the retaining wall to remain in place. As a measure to mitigate encroachment into the SPEA the RAR Assessment recommends riparian planting within the adjacent RDN park to enhance the SPEA adjacent to the ponds. RDN Parks staff have reviewed and support the planting proposal that will be made a condition of approval of this development permit application (see Attachment 4). The area of SPEA variance/encroachment is approximately 97 m² while the proposed SPEA planting/enhancement area is approximately 200 m².

A cost estimate for the restorative planting has been provided by the applicant's biologist, and a security deposit equal to the total estimated cost of the works will be held for a period of one year to ensure the landscaping works are completed and maintained. The security deposit will be included as a condition of approval of this application (see Attachment 2).

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.

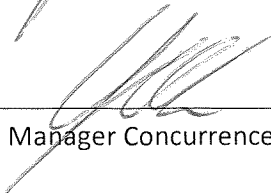
SUMMARY/CONCLUSIONS

The applicants are requesting a development permit to address construction of a stepped retaining wall within the Watercourse Protection DPA pursuant to Nanoose Bay OCP. A development permit is required to authorize the riparian enhancement planting recommended in the RAR Assessment Report prepared by EDI Environmental Dynamics Inc. As the retaining wall did not result in serious harm to fish and the proposed restoration planting in the SPEA within the adjacent park has received the support of RDN Parks, staff recommend that the Board approve the development permit.


RECOMMENDATION

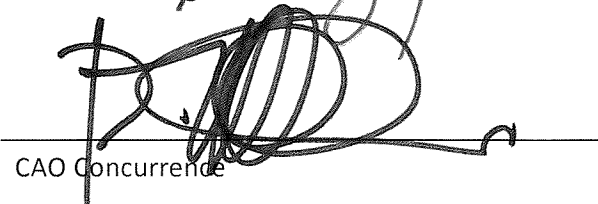
That Development Permit No. PL2014-039 to address the construction of a stepped retaining wall and associated remediation works within the Watercourse Protection Development Permit Area be approved subject to the conditions outlined in Attachments 2 to 4.

For


Report Writer


Manager Concurrence



General Manager Concurrence


CAO Concurrence

The following sets out the terms and conditions of Development Permit No. PL2014-039:

Conditions of Approval

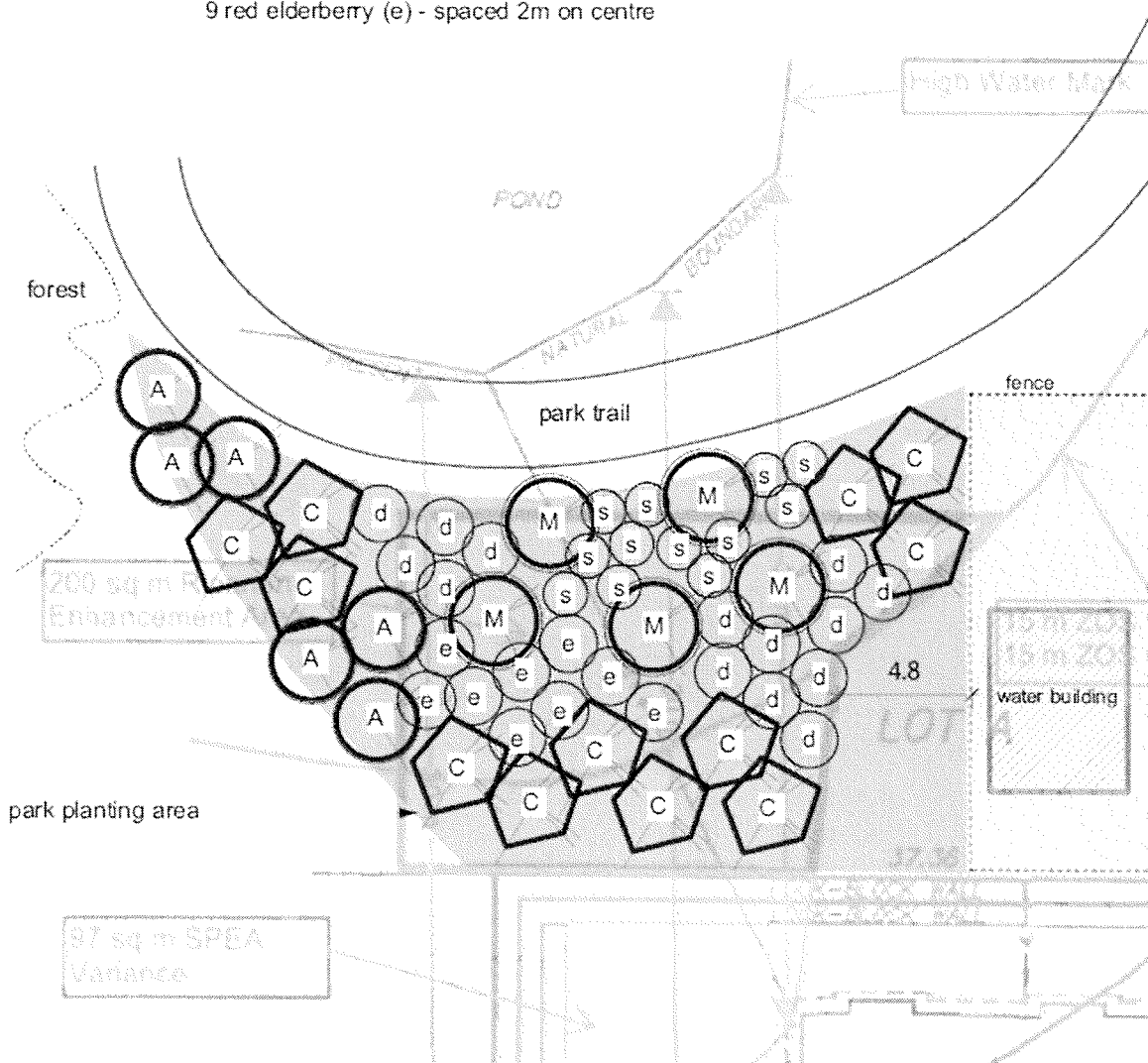
1. The site shall be developed in accordance with the Site Plan prepared by Sims Associates Land Surveying Ltd. and labeled as Drawing File 14-051 as shown on Attachment 3.
2. The riparian enhancement planting shall be completed in accordance with the riparian replanting plan as shown on Attachment 4.
3. A landscaping security in the amount of \$349.10 shall be submitted in accordance with Schedule '3F' Landscaping Regulations and Standards of the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

Attachment 4
Proposed Riparian Replanting Plan Detail (Page 2 of 2)

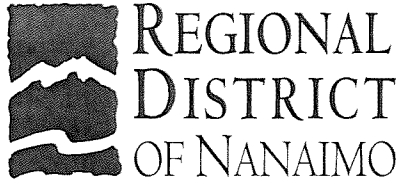
Riparian Enhancement Planting Plan

LOT 23, DISTRICT LOT 68, NANOOSE DISTRICT, PLAN VIP87768
RDN Recreation and Parks, June 16, 2014

- 6 red alder (A) - spaced 3m on centre
- 12 western red cedar (C) - spaced 3m on centre
- 5 bigleaf maple (M) - spaced 5m on centre
- 14 red osier dogwood (d) - spaced 2m on centre
- 12 salmonberry (s) - spaced 1.5m on centre
- 9 red elderberry (e) - spaced 2m on centre



scale 1:200



RDN REPORT		
CAC APPROVAL		
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
JUN 27 2014		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	
		DATE: June 27, 2014

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: June 27, 2014

FROM: Lainya Rowett
Senior Planner

FILE: PL2014-048

SUBJECT: Development Permit Application No. PL2014-048 – Barry O’Neill
Lot 4, Block 3, Section 16, Range 8, Cranberry District, Plan 2041 – 1965 Walsh Road
Electoral Area ‘A’

PURPOSE

To consider an application for a Development Permit to allow a subdivision of the subject property within the Nanaimo River Floodplain and Watercourse and Fish Habitat Protection Development Permit Areas.

BACKGROUND

The Regional District of Nanaimo (RDN) has received a Development Permit application from Barry O’Neill (on behalf of Kevin and Alexis O’Neill) in relation to a proposed two-lot subdivision (Application No. PL2010-153) at 1965 Walsh Road (see Attachment 1 Location of Subject Property). The property is approximately 0.81 ha in area and is zoned Residential 2 Zone (RS2), Subdivision District ‘M’ pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”.

The property is surrounded by residentially zoned lots on all sides, as well as a park (wetland) to the west across MacMillan Road and Cedar Community Secondary School to the northeast across Walsh Road. The property is located approximately 420 m east of the Nanaimo River and immediately north of York Lake. The northern portion of the property slopes gently down from Walsh Road, and there is a moderate change in elevation (approximately 6.0 metres) down to the southern portion of the property which is located within the York Lake floodplain area.

The applicant proposes to retain an existing non-conforming dwelling within proposed Lot 1 and to remove an existing accessory building (garage) within proposed Lot 2 prior to subdivision approval. An addition was constructed in 2011 on the rear side of the existing dwelling outside of the Streamside Enhancement and Protection Area (SPEA); therefore a Development Permit was not required at that time. The existing septic system (underground tanks) will be decommissioned and both of the proposed residential lots will be serviced with community water (North Cedar Improvement District) and community sewer (RDN).

The proposed development (subdivision) is subject to the following Development Permit Areas (DPAs) as per “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Bylaw No. 1620, 2011”:

- Nanaimo River Floodplain DPA;
- Watercourse & Fish Habitat Protection DPA (for streams which are subject to the Riparian Areas Regulation); and,
- Watercourse & Fish Habitat Protection DPA (for lakes, wetlands and ponds which are not subject to the Riparian Areas Regulation).

The property is also subject to the “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006” (Floodplain Bylaw) as the subject property is within the Nanaimo River floodplain (York Lake).

Proposed Development

The applicant proposes to subdivide the northern portion of the property into two residential parcels, each approximately 2,100 m² in area, bordering Walsh Road, and to voluntarily dedicate park land (0.4 ha in area) in the southern portion (see Attachment 3 for Proposed Plan of Subdivision). This dedication is not a requirement of the subdivision pursuant to the *Local Government Act*. The RDN Electoral Area ‘A’ Parks, Recreation and Culture Commission reviewed this proposal in 2011 and recommended that the Board accept the proposed dedication. The proposed park dedication is subject to consideration of the Regional Board and it is anticipated that Parks staff will forward a separate report to the Board for its consideration of the proposed dedication this Fall (2014). Should the Board not accept the proposed park, the Development Permit, if approved, would still facilitate the creation of two residential lots without park.

A Development Permit is required to allow the proposed subdivision to proceed and to ensure that there are no negative impacts on the adjacent fish habitat and wetland area, and to ensure that the proposed lots are safe and suitable for the intended residential use.

ALTERNATIVES

1. To approve the Development Permit Application No. PL2014-048 subject to the conditions outlined in Attachments 2 and 3.
2. To deny the Development Permit Application No. PL2014-048.

LAND USE IMPLICATIONS

Development Implications

To address the Nanaimo River Floodplain Development Permit guidelines, the applicant submitted a Geotechnical Engineering Review prepared by Levelton Consultants Ltd. dated June 24, 2014, which concluded that the site is safe and suitable for the intended residential use. The report also confirmed that the elevation and setbacks (from the floodplain) of the existing habitable floor area, and the future building footprint within proposed Lot 2, are both situated above the recommended Flood Construction Level of 6.8 m (Geodetic) and can accommodate future construction in accordance with the RDN Floodplain Bylaw.

Staff recommends that the applicant be required to register a Section 219 restrictive covenant that registers the Geotechnical Engineering Review prepared by Levelton Consultants Ltd. on the property title 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 (see Attachment 2 - Conditions of Permit).

Environmental Implications

To address the Watercourse Protection and Fish Habitat Protection DPA, the applicant submitted a Riparian Areas Regulation (RAR) assessment prepared by Steve Toth dated April 30, 2014. The assessment determined a 15.0 m Streamside Protection and Enhancement Area (SPEA) from the natural boundary (high water mark) of York Lake. Given the location of the SPEA, it is not possible to meet the minimum parcel areas exclusive of the SPEA and facilitate subdivision. However, the Qualified Environmental Professional has demonstrated that the existing dwelling is located outside of the SPEA, and a future building envelope within proposed Lot 2 can also be accommodated outside of the SPEA. The existing dwelling also meets the 15.0 m watercourse setback requirement of RDN Zoning Bylaw No. 500, 1987.

The applicant's surveyor has also demonstrated that a proposed sewer connection, which is to extend from MacMillan Road within an easement through the rear yard of proposed Lot 1 to service Lot 2, will be located outside of the SPEA. Additional RAR assessment will be required prior to construction within proposed Lot 2 to ensure the SPEA is protected. The RAR assessment concludes that the proposed subdivision will not result in any harmful alteration, disruption or destruction of aquatic resources within the property provided the recommendations of the assessment are followed.

The assessment recommends that the SPEA be surveyed and a fence constructed along the 15.0 m SPEA boundary to prevent potential intrusion. As a condition of Development Permit approval, the applicant will be required to develop the property in accordance with the recommendations of this report, including the construction of a fence along the SPEA boundary prior to subdivision approval (see Attachment 2 - Conditions of Permit).

Strategic Plan Implications

Staff have reviewed the application and note that the proposal supports the Board's 2013 – 2015 Strategic Plan goal of promoting community resiliency through the protection of ecosystem health and the protection of development from hazardous conditions.

Inter-governmental Implications

The Ministry of Transportation and Infrastructure (MOTI) has received a subdivision application for the proposed two-lot subdivision. RDN staff provided a Subdivision Review Report to MOTI (Application No. PL2010-153) on February 21, 2011. At that time, the North Cedar Improvement District (NCID) advised that it had supply and storage issues with its water system which impacted the subdivision approval process. Since that time, staff received written confirmation from NCID on August 21, 2013 which confirms that there is now capacity available in the water system for the proposed subdivision to proceed. A Preliminary Layout Approval was granted by MOTI on May 26, 2014.

SUMMARY/CONCLUSIONS

The applicant proposes a two-lot subdivision on a property located in the Nanaimo River Floodplain and the Watercourse and Fish Habitat Protection DPAs. The subdivision includes two residential lots and a 0.4 ha area of land the applicant proposes to voluntarily dedicate as park land. Acceptance of the park land is subject to Board consideration prior to subdivision approval. A Board report on the proposed park dedication is anticipated this Fall.

A Geotechnical Engineer Review was completed and confirmed that the lots are safe and suitable for the intended residential use. The study also confirmed that the existing dwelling and future building footprint (within Lot 2) are both above the Flood Construction Level (6.8 m Geodetic) and can be built upon in accordance with the RDN Floodplain Bylaw. A Section 219 restrictive covenant will be required prior to Development Permit issuance to ensure the property is developed in accordance with the Engineer's recommendations. An RAR assessment was also conducted which determined a 15.0 m SPEA and recommended fencing along the SPEA boundary to prevent potential intrusion. The assessment concluded that the proposed subdivision will not negatively impact aquatic resources. As a condition of Development Permit approval, the applicant will be required to construct the SPEA fence prior to subdivision approval.

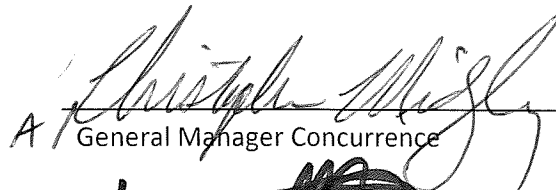
Given that the professional reports address the Development Permit guidelines for the protection from hazardous conditions (flooding) and the protection of fish habitat, staff recommend that the Board approve the proposed Development Permit to facilitate the two-lot subdivision.

RECOMMENDATION

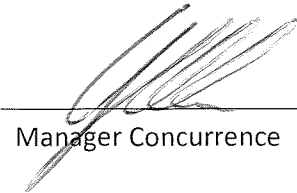
That Development Permit Application No. PL2014-048 to permit a proposed subdivision in the Nanaimo River Floodplain and the Watercourse and Fish Habitat Protection Development Permit Areas be approved subject to the conditions outlined in Attachments 2 and 3.



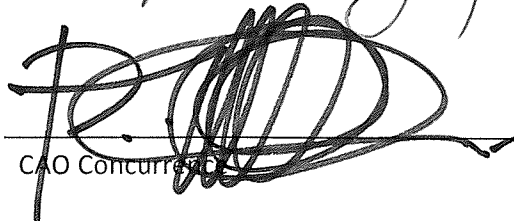
Report Writer



General Manager Concurrence

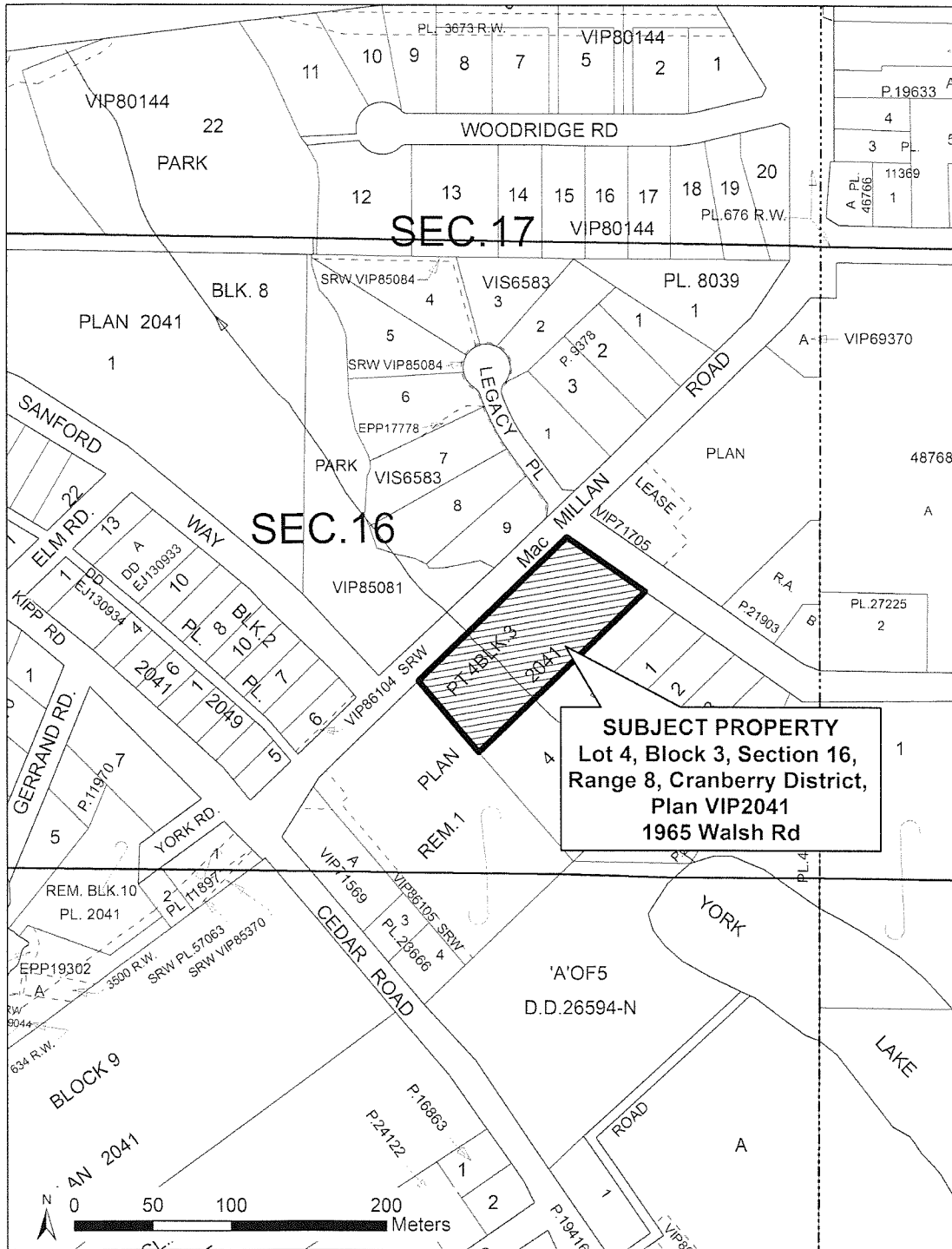


Manager Concurrence



CAO Concurrence

Attachment 1
Location of Subject Property



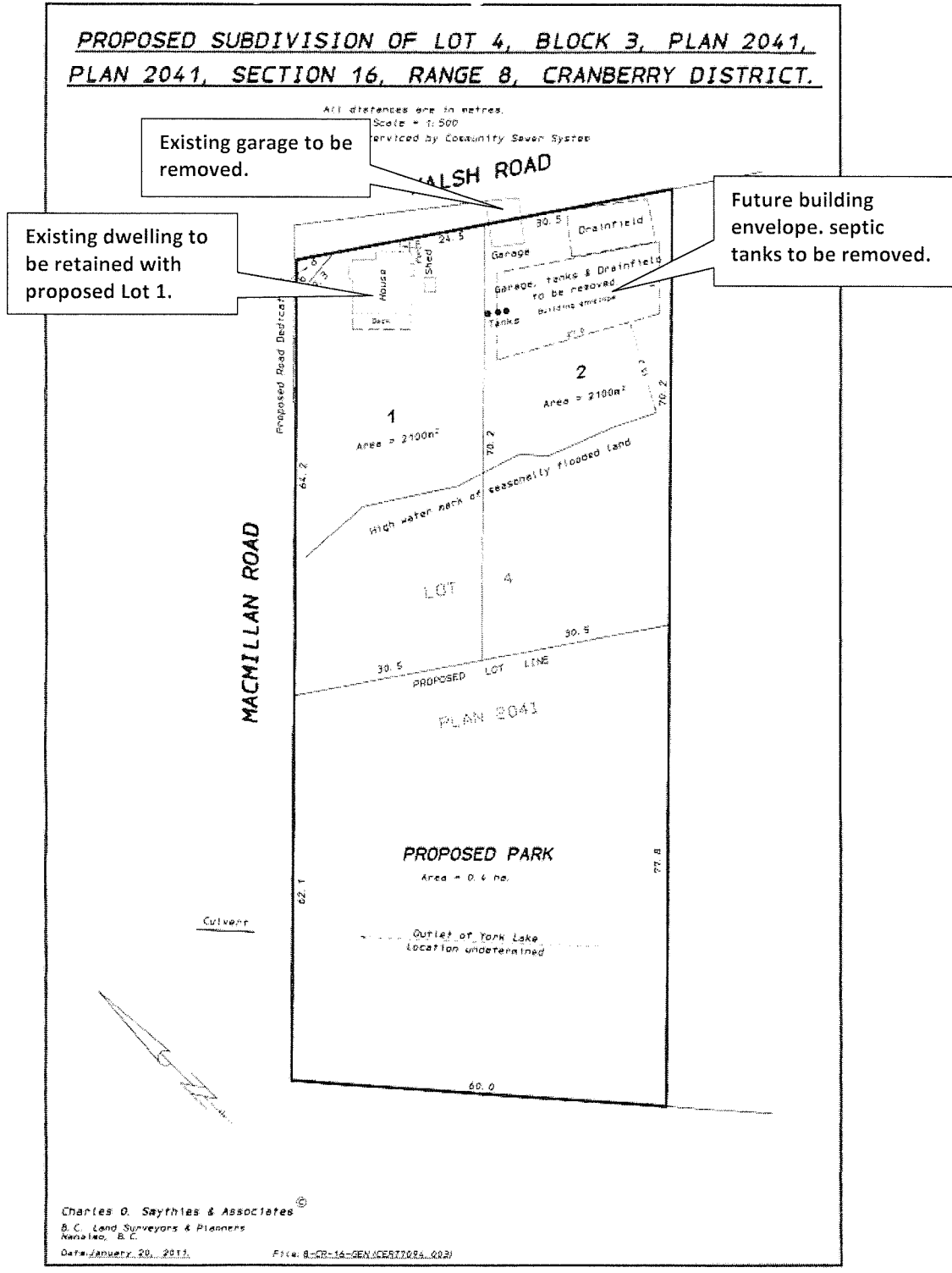
Attachment 2
Conditions of Permit

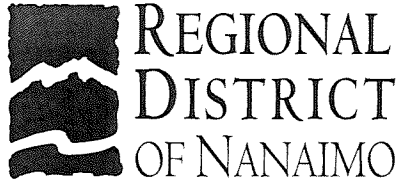
The following sets out the terms and conditions of Development Permit Application No. PL2014-048:

Conditions of Approval

1. The proposed development is in general compliance with the proposed Plan of Subdivision prepared by Charles O. Smythies & Associates BC Land Surveyors & Planners dated January 20, 2011, subject to Board acceptance of proposed park dedication.
2. The proposed development is completed in accordance with the recommendations in the Riparian Areas Regulation Assessment prepared by Steve Toth dated April 30, 2014, including the construction/installation of a fence along the SPEA boundary prior to subdivision approval. The fencing must be designed to allow for the free and uninterrupted movement of organisms between riparian and upland ecosystems and must be maintained in good order.
3. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.
4. 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 Engineering Review prepared by Levelton Consultants Ltd. dated June 24, 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.

Attachment 3
Proposed Plan of Subdivision





RDN REPORT		
CAO APPROVAL		
EAP	✓	
COW		
JUL 02 2014		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: June 27, 2014

FROM: Lainya Rowett
Senior Planner

FILE: PL2014-022

SUBJECT: Development Permit with Variance Application No. PL2014-022 – Herold Engineering Ltd. Lot 1, District Lot 56, Nanoose District, Plan 22727 -1475 Island Highway East Electoral Area 'E'

PURPOSE

To consider an application for a Development Permit with variances to allow an addition to an existing industrial building within the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Stacy Werner of Herold Engineering Ltd. (on behalf of Lawson Lands Ltd.) to permit an addition to an existing single storey light industrial building. The existing building contains an industrial electrical machinery fabrication shop (Beaver Electric Machinery Ltd.). The subject property is approximately 7,245 m² (0.7 ha) in area and is zoned Industrial 1 Zone (IN1), Subdivision District 'D' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is serviced by an existing on-site well and septic system. The property borders the Island Highway East on the west side and private roads on the north and east sides. Surrounding parcels are zoned for industrial and rural uses, including Arbutus Meadows equestrian centre to the south.

The applicant proposes to expand an existing light industrial building, and the proposed development is subject to the following applicable Development Permit Areas (DPAs) in accordance with "Regional District of Nanaimo Nanoose Bay Official Community Plan No. 1400, 2005":

- Form and Character; and
- Highway Corridor Protection

Proposed Development and Variances

The proposed addition is designed to closely match the height of the existing building, which is over-height and pre-dates building inspection and the establishment of development permit areas (DPAs). The applicant proposes to increase the permitted building height from 8.0 m to 12.0 m for the addition to accommodate new overhead gantry cranes within the building. The natural grade varies across the site, so the proposed 12.0 m height reflects the highest point of the proposed building at the lowest elevation point on the ground. A small portion of the addition (5.1 m²), in the northwest corner, also encroaches into the front lot line setback from a private road. The applicant proposes to reduce the setback at this corner from 8.0 m to 5.5 m. All other requirements of the IN1 Zone will be met.

The applicant proposes the following variances:

- Section 3.4.31 - Maximum Number and Size of Buildings and Structures to increase the maximum permitted building height for the proposed addition from 8.0 m to 12.0 m; and,
- Section 3.4.31 - Minimum Setback Requirements to reduce the minimum setback requirement from 8.0 m to 5.5 m for the northwest corner of the proposed building addition.

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2014-022 subject to the conditions outlined in Attachments 2 to 5.
2. To deny Development Permit with Variance No. PL2014-022.

LAND USE IMPLICATIONS

Development Implications

The proposed variances for the addition will not affect the overall site circulation, or general appearance and siting of the existing building. The addition is necessary to accommodate a shop expansion for the existing business (Beaver Electric Machinery). The applicant has provided supporting information to confirm that there is sufficient water supply in the existing well and adequate capacity in the septic system to continue to service the existing use with the proposed addition. It is not anticipated that this addition will result in a significant impact on the function of the site in terms of vehicular traffic or intensity of use. The height variance request would allow a typical height for industrial buildings (12.0 m), and the setback reduction would not negatively impact sight lines. Therefore, the requested variances can be supported to allow the proposed addition, which is necessary for the business operations.

The proposed building addition, on the north side of the existing building, consists of a steel frame building, approximately 511 m² in floor area. The applicant also proposes to remove a small shed from the north elevation and to construct an attached electrical room and a compressor room on the south elevation of the existing building (total 31 m² in floor area). The existing industrial building is 743 m² in floor area, and with new construction the total floor area of this building will be approximately 1,286 m² (see Attachments 3 and 4 for Site Plan and Building Elevations). Other site improvements include the installation of an on-site water storage tank for fire protection on the south side of the existing building and landscaping enhancements.

To address the DP guidelines, the applicant proposes to integrate the design of the new construction with the existing building by matching the exterior colours and materials. New exterior wall-mounted, down-cast lighting ('gooseneck' fixtures) is also proposed on the north and east elevations of the addition and the parking areas will be maintained predominantly to the rear or side of the building. No significant changes to the parking configuration are proposed, and the minimum number of parking spaces (26 spaces) will be provided on-site.

No new signage is proposed. There are two fascia signs on the existing building (non-illuminated), one on the north elevation and one on the south elevation. The applicant proposes to relocate the northern sign onto the north elevation of the addition. The signs comply with RDN Sign Bylaw No. 999, 1995, and the DP guidelines for minimizing signage along the highway.

In terms of landscaping, there is a well-established cedar hedge facing the Island Highway which provides adequate screening of the industrial use. The proposed landscaping includes plantings (trees and shrubs) in the northwest and northeast corners of the property as well as a vegetated bioswale and gravel edge along the north property line (see Attachment 5 Landscaping Plan). The existing power transformer units (on hydro poles) will be replaced with at-grade transformer units within existing landscaping, and the refuse area will be relocated to the southeast corner of the building and will be screened with a wooden enclosure. A Landscaping security in the amount of \$13,338.15 is required as a condition of DP approval (see Attachment 2 Conditions of Permit).

Strategic Plan Implications

Staff have reviewed the application and note that the proposal supports the Board's 2013 – 2015 Strategic Plan goal of promoting economically resilient communities and diversity in employment opportunities by accommodating the expansion of an existing business within an existing industrial site.

Inter-governmental Implications

Ministry of Transportation and Infrastructure (MOTI) staff have confirmed that an access permit is not required for this property, which currently has access to the Island Highway via a private logging road (Northwest Bay Road) owned by Island Timberlands. Staff met with MOTI and the applicant to discuss opportunities to secure access to this property from a publicly designated road (i.e. through dedication, easement or right-of-way). This property is not serviced by a highway frontage public road as are the properties to the north and south, and the only access to the highway is via a private road. MOTI confirmed that direct vehicular access to the Island Highway from this property, which was created in 1969, is not permitted. Therefore, the opportunity to secure public access at this time is limited and the existing access arrangement over private road (Northwest Bay Road) remains in effect.

Despite this limitation, staff recommends consideration of the proposed addition which is not anticipated to result in a significant impact on the intensity of use within the site or the traffic associated with the use. Any further development beyond the scope of this DP would likely result in functional impacts. Since the applicant is requesting variances, this is a discretionary approval. Therefore, prior to DP issuance staff recommends that the applicant register a Section 219 restrictive covenant on the property title which would prohibit any further development, beyond the scope of this DP, within the subject property until a secure public access can be provided, and to include a save harmless clause which would release the Regional District from all losses, claims and liabilities related to the current limited access arrangement. The applicant has confirmed that he is willing to proceed with this restriction on his property for future development, as it would allow the addition to proceed in the interim.

The proposed development was also referred to the Nanoose Fire Department, and no significant concerns were identified. The Fire Chief advised that in the event of a fire, tanker trucks would be used to shuttle water from a nearby hydrant. The applicant's Engineer submitted the calculation of required fire flows to the RDN and the Fire Department for review. As a result, it was determined that additional on-site water storage is required to ensure adequate fire flows are available. The DP drawings were amended to include a proposed on-site water storage tank (40,000 gallons) on the south side of the existing building to supplement current fire flows (see Attachment 3 for Site 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 50 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

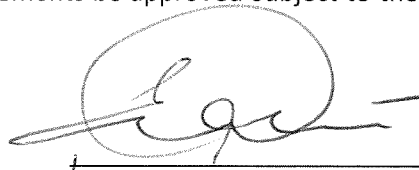
The applicant proposes to construct an addition to an existing light industrial building to accommodate a new machinery fabrication shop (510 m² in floor area) for the existing business (Beaver Electric Machinery). Other related site improvements include the relocation of electrical and compressor rooms, the installation of an on-site water storage tank (40,000 gallons) for fire protection, and landscaping enhancements. The applicant proposes a variance to increase the building height from 8.0 m to 12.0 m, to closely match the height of the existing building which was built prior to the establishment of building inspection and development permit areas. A setback variance from 8.0 m to 5.5 m is also required to allow a small portion of the northwest corner of the addition to encroach into the front lot line setback. The current access arrangement for this property is over a privately-owned logging road (Northwest Bay Road). Staff recommend that secure public access be provided prior to any further development or intensification of use on this property, beyond the scope of this DP for a proposed addition to an existing building. As a condition of approval, it is recommended that the applicant register a Section 219 restrictive covenant prohibiting further development on this basis. Given that the proposed development addresses the DP guidelines and that a covenant will be required to secure public access prior to further development on this property, staff recommend that the Board approve the Development Permit with variances.

RECOMMENDATIONS

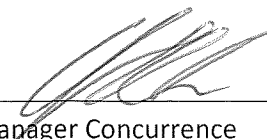
1. That staff be directed to complete the required notification.
2. That Development Permit with Variance No. PL2014-022 to permit a proposed industrial building addition and related site improvements be approved subject to the conditions outlined in Attachments 2 to 5.



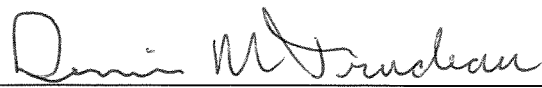
Report Writer



A/ General Manager Concurrence

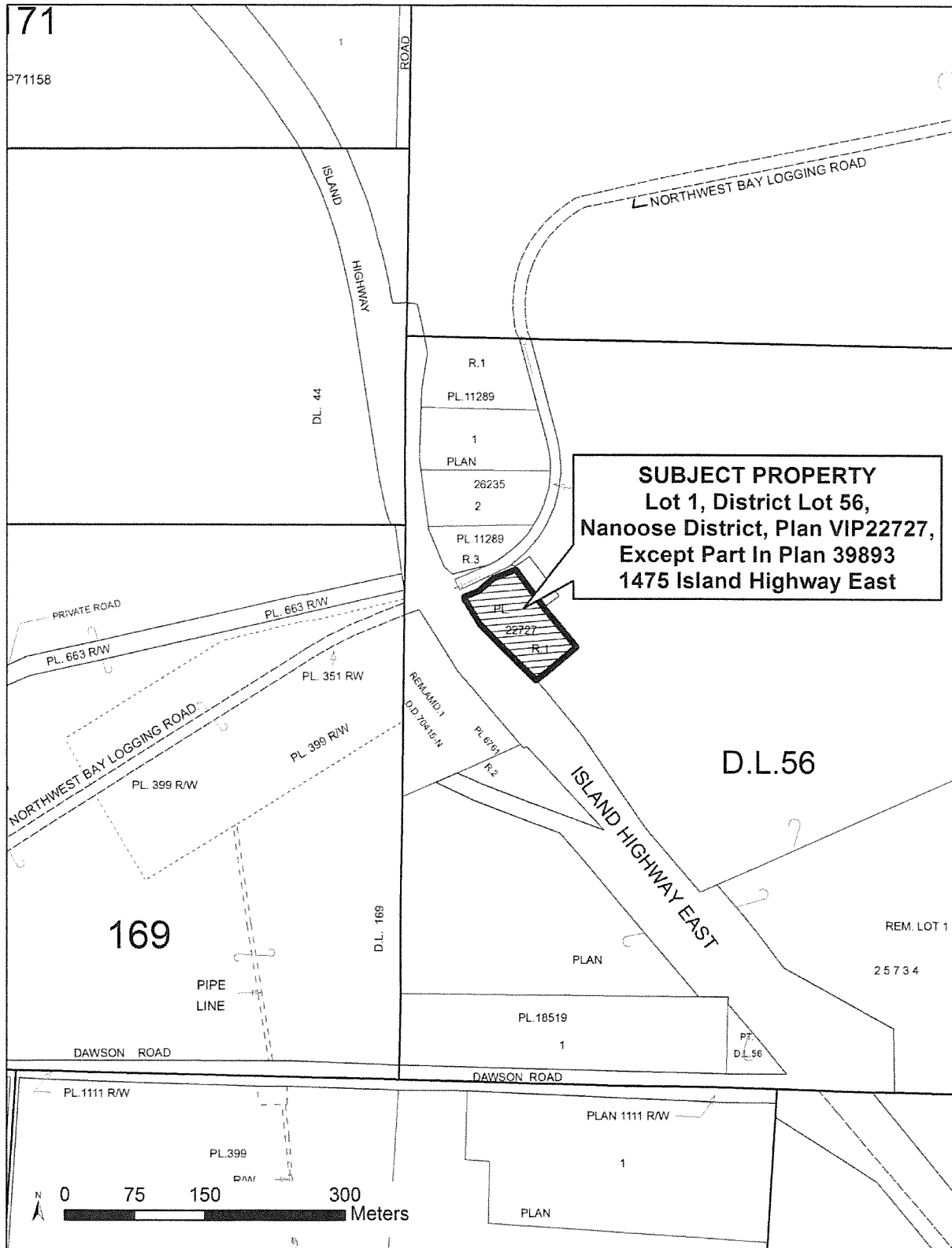


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



Attachment 2

Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2014-022:

Bylaw No. 500, 1987 Variances:

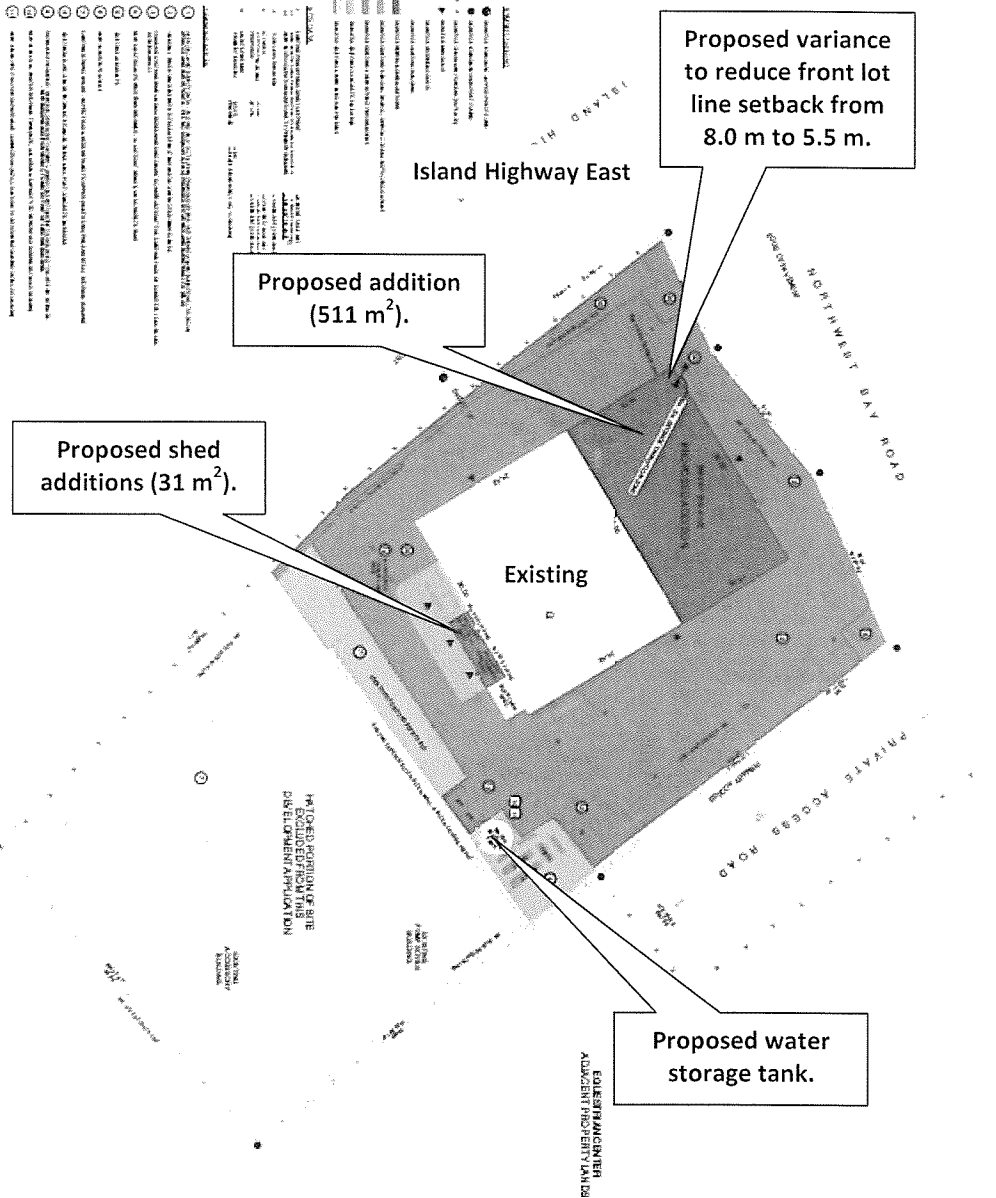
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is hereby varied as follows:

1. Section 3.4.31 - Maximum Number and Size of Buildings and Structures to increase the maximum permitted building height for the proposed addition from 8.0 m to 12.0 m; and,
2. Section 3.4.31 - Minimum Setback Requirements to reduce the minimum setback requirement from 8.0 m to 5.5 m for the northwest corner of the proposed building addition.

Conditions of Approval:

1. The proposed development is sited in accordance with the Site Plan prepared by Herold Engineering, dated June 27, 2014 and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations prepared by Herold Engineering, dated June 27, 2014 and attached as Attachment 4.
3. The proposed landscaping shall be provided and maintained in accordance with the Landscaping Plan prepared by Keltie Chamberlain, Landscape Design & Consulting dated May 5, 2014 and attached as Attachment 5.
4. The applicant shall provide a landscaping security in the amount of \$13,338.15 in accordance with the Cost Estimate prepared by Keltie Chamberlain, Landscape Design & Consulting dated May 5, 2014.
5. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.
6. Prior to DP issuance, the applicant register a Section 219 restrictive covenant on the property title which prohibits any further development, beyond the scope of this Permit, within the subject property until a secure public access can be provided. This covenant must include a save harmless clause to release the Regional District of Nanaimo from all losses, claims and liabilities related to the existing access arrangement over privately owned roads.

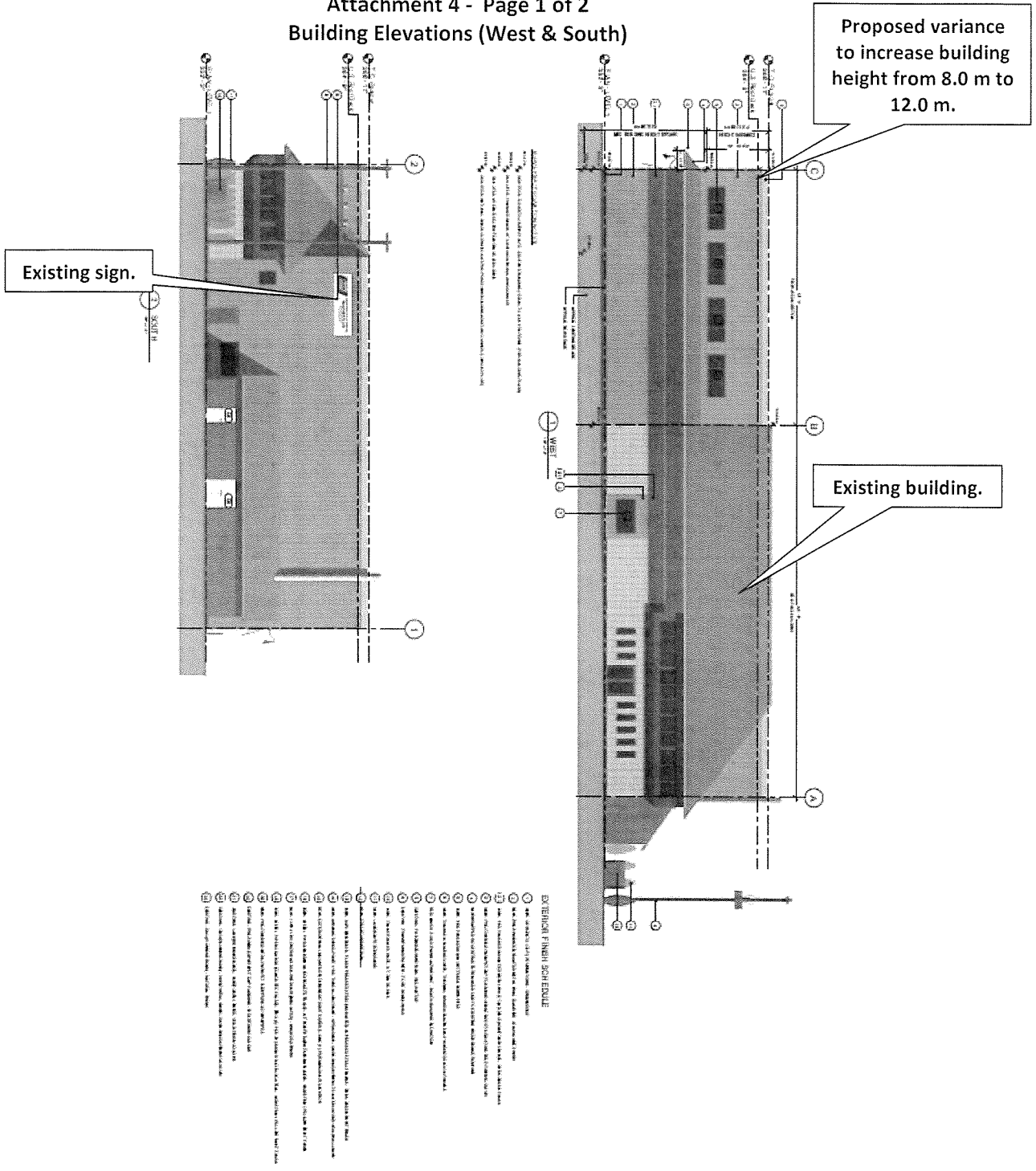
**Attachment 3
Proposed Site Plan and Variances**



- 1. The proposed development is in compliance with the applicable zoning bylaws.
- 2. The proposed development is in compliance with the applicable subdivision bylaws.
- 3. The proposed development is in compliance with the applicable fire code.
- 4. The proposed development is in compliance with the applicable health code.
- 5. The proposed development is in compliance with the applicable electrical code.
- 6. The proposed development is in compliance with the applicable plumbing code.
- 7. The proposed development is in compliance with the applicable mechanical code.
- 8. The proposed development is in compliance with the applicable building code.
- 9. The proposed development is in compliance with the applicable safety code.
- 10. The proposed development is in compliance with the applicable accessibility code.
- 11. The proposed development is in compliance with the applicable environmental code.
- 12. The proposed development is in compliance with the applicable heritage code.
- 13. The proposed development is in compliance with the applicable historical code.
- 14. The proposed development is in compliance with the applicable archaeological code.
- 15. The proposed development is in compliance with the applicable paleontological code.
- 16. The proposed development is in compliance with the applicable paleontological code.
- 17. The proposed development is in compliance with the applicable paleontological code.
- 18. The proposed development is in compliance with the applicable paleontological code.
- 19. The proposed development is in compliance with the applicable paleontological code.
- 20. The proposed development is in compliance with the applicable paleontological code.

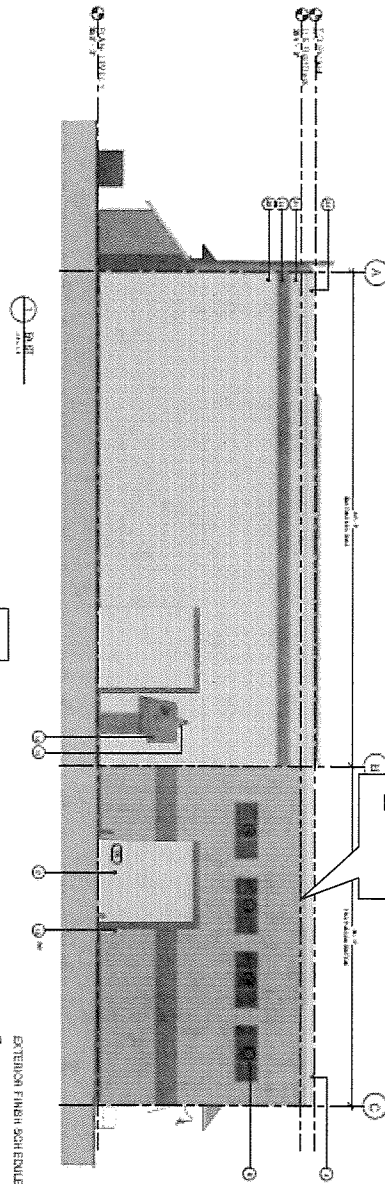
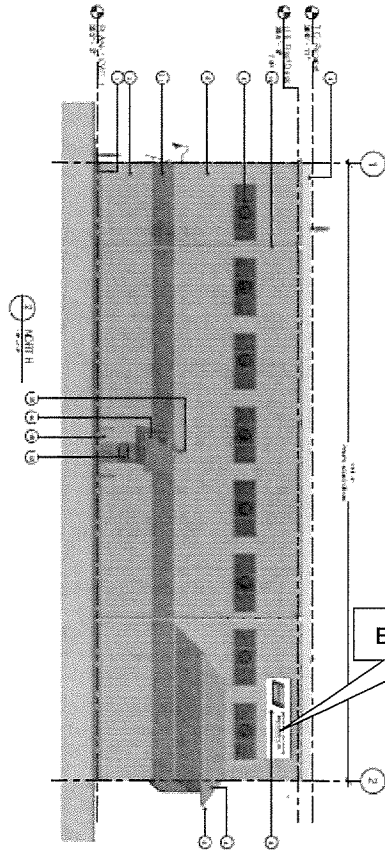
<p>HEROLD ENGINEERING</p>	<p>MAIN BUILDING ADDITION - BEAVER ELECTRICAL MACHINERY</p> <p>115 ISLAND HIGHWAY EAST, NANANGO BAY, BC</p> <p>LAWSON LAMDEL LTD.</p>	<p>ARCHITECTURAL SITE PLAN</p>	<p>SCALE</p> <p>AS SHOWN</p>
<p>DATE: 2014-06-27</p> <p>PROJECT NO: A-100</p> <p>SCALE: 1/8" = 1'-0"</p> <p>3</p>			

Attachment 4 - Page 1 of 2
 Building Elevations (West & South)



<p>HEROLD ENGINEERING 1000 Highway 101, Suite 101 Langley, BC V1M 1Y1 Tel: 604-885-1111</p>		<p>MAIN BUILDING ADDITION - BEAVER ELECTRICAL MACHINERY</p> <p>10150 GRAN HIGHWAY EAST, RANCHOSE BA V, BC</p> <p>LAWSON LARSEN LTD. 1 - 604-885-1111</p>
<p>BUILDING ELEVATIONS</p> <p>DATE: 06/27/14 DRAWN BY: [Name] CHECKED BY: [Name] PROJECT NO: [Number]</p>	<p>A-300</p> <p>1</p>	<p>10150 GRAN HIGHWAY EAST, RANCHOSE BA V, BC</p>

Attachment 4 - Page 2 of 2
 Building Elevations (East & North)



Existing sign.

Proposed addition and height variance from 8.0 m to 12.0 m.

- EXTERIOR FINISH SCHEDULE**
- 1. All exterior walls, including parapets, shall be finished with 12.5 mm thick concrete masonry units (CMU) with a minimum compressive strength of 15 MPa.
 - 2. All exterior walls shall be finished with a minimum of 12.5 mm thick concrete masonry units (CMU) with a minimum compressive strength of 15 MPa.
 - 3. All exterior walls shall be finished with a minimum of 12.5 mm thick concrete masonry units (CMU) with a minimum compressive strength of 15 MPa.
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 - 21. All exterior walls shall be finished with a minimum of 12.5 mm thick concrete masonry units (CMU) with a minimum compressive strength of 15 MPa.
 - 22. All exterior walls shall be finished with a minimum of 12.5 mm thick concrete masonry units (CMU) with a minimum compressive strength of 15 MPa.
 - 23. All exterior walls shall be finished with a minimum of 12.5 mm thick concrete masonry units (CMU) with a minimum compressive strength of 15 MPa.
 - 24. All exterior walls shall be finished with a minimum of 12.5 mm thick concrete masonry units (CMU) with a minimum compressive strength of 15 MPa.
 - 25. All exterior walls shall be finished with a minimum of 12.5 mm thick concrete masonry units (CMU) with a minimum compressive strength of 15 MPa.
 - 26. All exterior walls shall be finished with a minimum of 12.5 mm thick concrete masonry units (CMU) with a minimum compressive strength of 15 MPa.
 - 27. All exterior walls shall be finished with a minimum of 12.5 mm thick concrete masonry units (CMU) with a minimum compressive strength of 15 MPa.
 - 28. All exterior walls shall be finished with a minimum of 12.5 mm thick concrete masonry units (CMU) with a minimum compressive strength of 15 MPa.
 - 29. All exterior walls shall be finished with a minimum of 12.5 mm thick concrete masonry units (CMU) with a minimum compressive strength of 15 MPa.
 - 30. All exterior walls shall be finished with a minimum of 12.5 mm thick concrete masonry units (CMU) with a minimum compressive strength of 15 MPa.

HEROLD ENGINEERING BUILDING ELEVATIONS	
PROJECT NO. A-301 SHEET NO. 1	DATE: 2014-06-27
DRAWN BY: [Name] CHECKED BY: [Name]	SCALE: [Scale]

HEROLD ENGINEERING

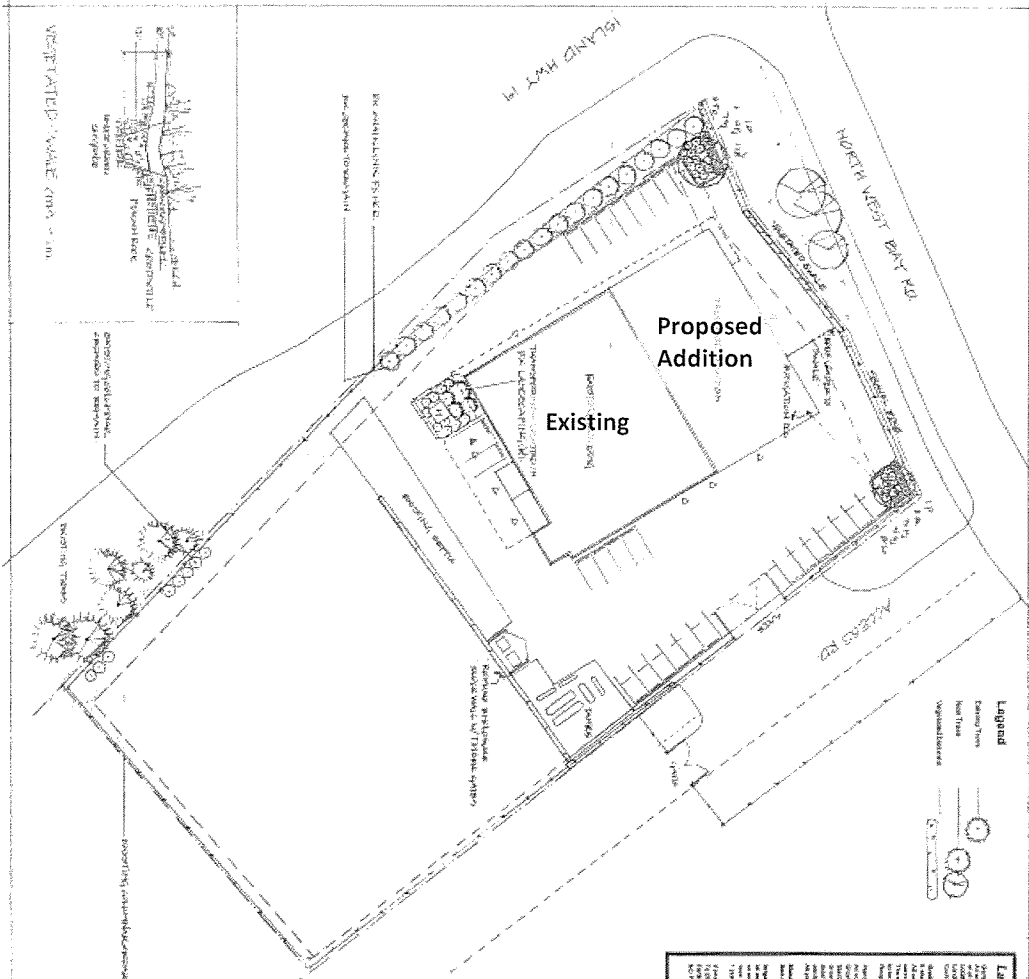
MAIN BUILDING ADDITION - BEAVER ELECTRICAL MACHINERY

17516 64th HIGHWAY EAST, N. ANCOISE BAY, BC

LAWSON LARSEN LTD.

PROJECT NO. A-301 SHEET NO. 1	DATE: 2014-06-27
DRAWN BY: [Name] CHECKED BY: [Name]	SCALE: [Scale]

Attachment 5 Landscaping Plan



Landscape Specifications:

The site plan shows the proposed landscape plan for the subject property. The landscape plan is prepared in accordance with the requirements of the City of Vancouver and the City of Burnaby. The landscape plan is prepared in accordance with the requirements of the City of Vancouver and the City of Burnaby. The landscape plan is prepared in accordance with the requirements of the City of Vancouver and the City of Burnaby.

Irrigation Design Requirements:

The irrigation design is prepared in accordance with the requirements of the City of Vancouver and the City of Burnaby. The irrigation design is prepared in accordance with the requirements of the City of Vancouver and the City of Burnaby. The irrigation design is prepared in accordance with the requirements of the City of Vancouver and the City of Burnaby.

Plant List

Plant Name	Quantity	Notes
Planting	1	Planting
Shrub	1	Shrub
Tree	1	Tree

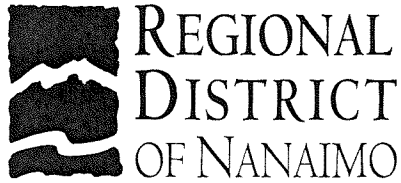
1475 Island Hwy East

Kelley Drumbaris
 Landscape Designer & Consulting

1475 Island Hwy East
 Burnaby, BC V5A 1S8

Landscaping Plan

1475 ISLAND HIGHWAY EAST
 BURNABY, BC



RDN REPORT	
CAO APPROVAL	
EAP	✓
COW	
JUN 27 2014	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: June 26, 2014

FROM: Robert Stover
Planning Technician

FILE: PL2014-040

SUBJECT: Development Permit with Variance Application No. PL2014-040
Fern Road Consulting Ltd.
Lot 3, District Lot 10, Newcastle District, Plan VIP73563 – Flamingo Drive
Electoral Area 'G'

PURPOSE

To consider an application for a Development Permit with Variance to allow for the construction of a dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting on behalf of Deborah Harding in order to permit the construction of a dwelling unit. The subject property is approximately 1.0 hectares in area and is zoned Residential 2 (RS2) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”.

The property is currently vacant, relatively flat, and is surrounded by residentially zoned parcels to the south, west and east, and Flamingo Drive to the north.

The proposed development is subject to the following applicable development permit areas (DPA’s) as per “Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”:

- Environmentally Sensitive Features
- Hazard Lands.

The subject property sits within the Little Qualicum River floodplain for ocean and river flood risk due to its proximity to the ocean and the Little Qualicum River.

Proposed Development and Variance

The applicant is proposing to construct a dwelling unit on the subject property within the Environmentally Sensitive Features and Hazard Lands DPA’s. The applicants have applied for a variance to Section 3.4.62 – Dwelling Unit Height – of Bylaw 500 from 8.0 metres to 9.8 metres to accommodate the minimum flood construction level (FCL) as 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 No. PL2014-040 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Permit with Variance No. PL2014-040.

LAND USE IMPLICATIONS

Development Implications

The subject property is within the Hazard Lands DPA for flood hazard and, as such, a development permit is required to permit the proposed dwelling unit. As the subject property is designated within the Little Qualicum River floodplain and is within 100 metres of the Strait of Georgia, the proposed dwelling unit is also subject to "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" (Floodplain Bylaw). The applicant has supplied a Geotechnical Assessment, prepared by Lewkowich Engineering Associates Ltd. dated April 16, 2014, to satisfy the Hazard Lands DPA requirements and the requirements of the Floodplain Bylaw.

The Geotechnical Assessment examines the potential for flood risk on the property posed by both the Little Qualicum River and ocean and considers the impacts of sea level rise in accordance with the Association of Professional Engineers and Geoscientists of BC (APEGBC) guidelines for Legislated Flood Assessment in a Changing Climate in BC. The report recommends a flood construction level of 4.2 metres Geodetic Survey of Canada (GSC) elevation. The proposed building site for the house sits at approximately 2.4 metres GSC; as a result, the applicant is requesting a 1.8 metre height variance to allow for the underside of floor system of the proposed dwelling unit to achieve the recommended FCL. This recommended FCL exceeds the requirements of the Floodplain Bylaw and the report concludes that the property is safe for the intended use. Staff recommends that the applicant be required to register a Section 219 restrictive covenant that registers the Geotechnical Assessment 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 applicant has also supplied a Bio-Inventory, prepared by Toth and Associates Environmental Services dated June 4, 2014, to satisfy the Environmentally Sensitive Features (ESF) DPA guidelines. While the report did not identify any rare plant or animal species on the subject property, it did make recommendations to ensure protection of natural features on the property. These recommendations include the erection of high visibility fencing along the existing tree line to prevent further encroachment during development, and the registration of a restrictive covenant on the property title preventing further vegetation removal (with the exception of invasive species) within the rear two-thirds of the property which contains the riparian vegetation identified in the ESF DPA. These recommendations will be made a condition of approval of this Development Permit with Variance as outlined on Attachment 2 – Terms and Conditions of Permit.

Strategic Plan Implications

Staff have reviewed the application and note that the proposal supports the Board's 2013 – 2015 Strategic Plan goal of promoting community resiliency through protection of ecosystem health and protection of development from hazardous conditions with consideration to the impacts of climate change.

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 construction of a dwelling unit within the Environmentally Sensitive Features (ESF) and Hazard Lands DPA’s. The application also proposes to vary the maximum permitted height in the RS2 zone for the proposed dwelling from 8.0 metres to 9.8 metres in order to achieve the minimum flood construction level of 4.2 metres GSC recommended by Lewkowich Engineering Associates Ltd. to address the potential for long term sea level rise and the flood risk posed by the Little Qualicum River. The recommended FCL exceeds the minimum FCL requirements outlined in the Floodplain Bylaw, and satisfies the requirements of the Hazard Lands DPA. Staff recommend registration of a Section 219 covenant, at the applicant’s expense, that registers the Geotechnical Assessment 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 applicant also supplied a Bio-Inventory report, prepared by Toth and Associates Environmental Services dated June 4, 2014 to satisfy the ESF DPA. The report makes recommendations for measures to prevent damage to natural features on the property during development. The report also recommends registration of a restrictive covenant on the property title preventing further vegetation removal, with the exception of invasive species within the rear two-thirds of the property which contains the riparian vegetation identified in the ESF DPA.


As the applicants have satisfied the ESF and Hazard Lands DPA guidelines and no view implications are anticipated in relation to the requested height variance, staff recommend the Board approve Development Permit with Variance No. PL2014-040 subject to the terms and conditions outlined in Attachments 2 to 4 pending the outcome of public consultation.

RECOMMENDATIONS

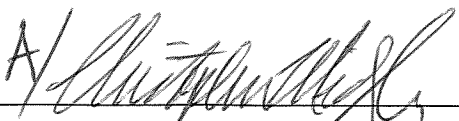
1. That staff be directed to complete the required notification.
2. That Development Permit with Variance No. PL2014-040 to permit the construction of a dwelling unit be approved subject to the conditions outlined in Attachments 2 to 4.

For 

Report Writer



Manager Concurrence

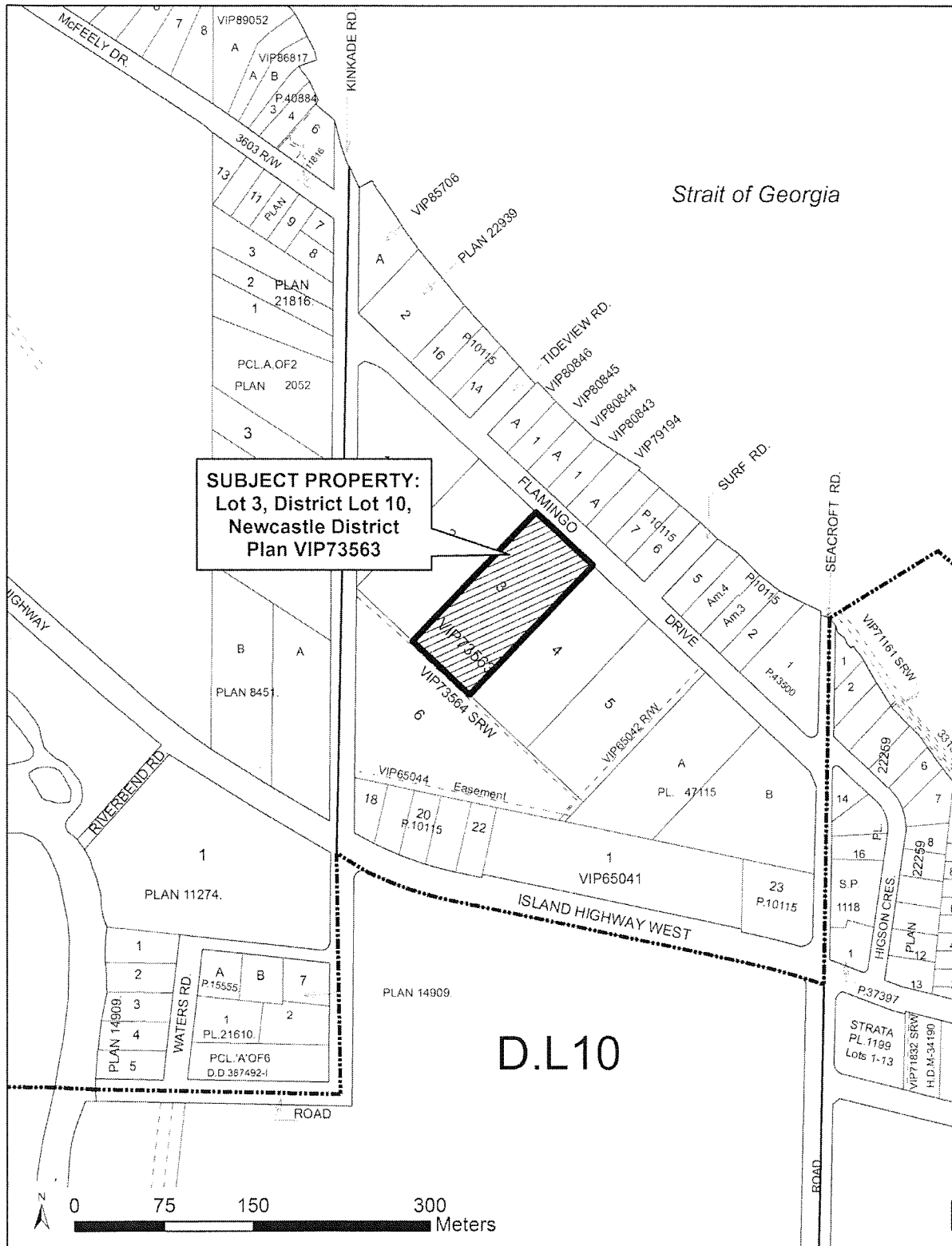


General Manager Concurrence



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 Application No. PL2014-040:

Bylaw No. 500, 1987 Variance:

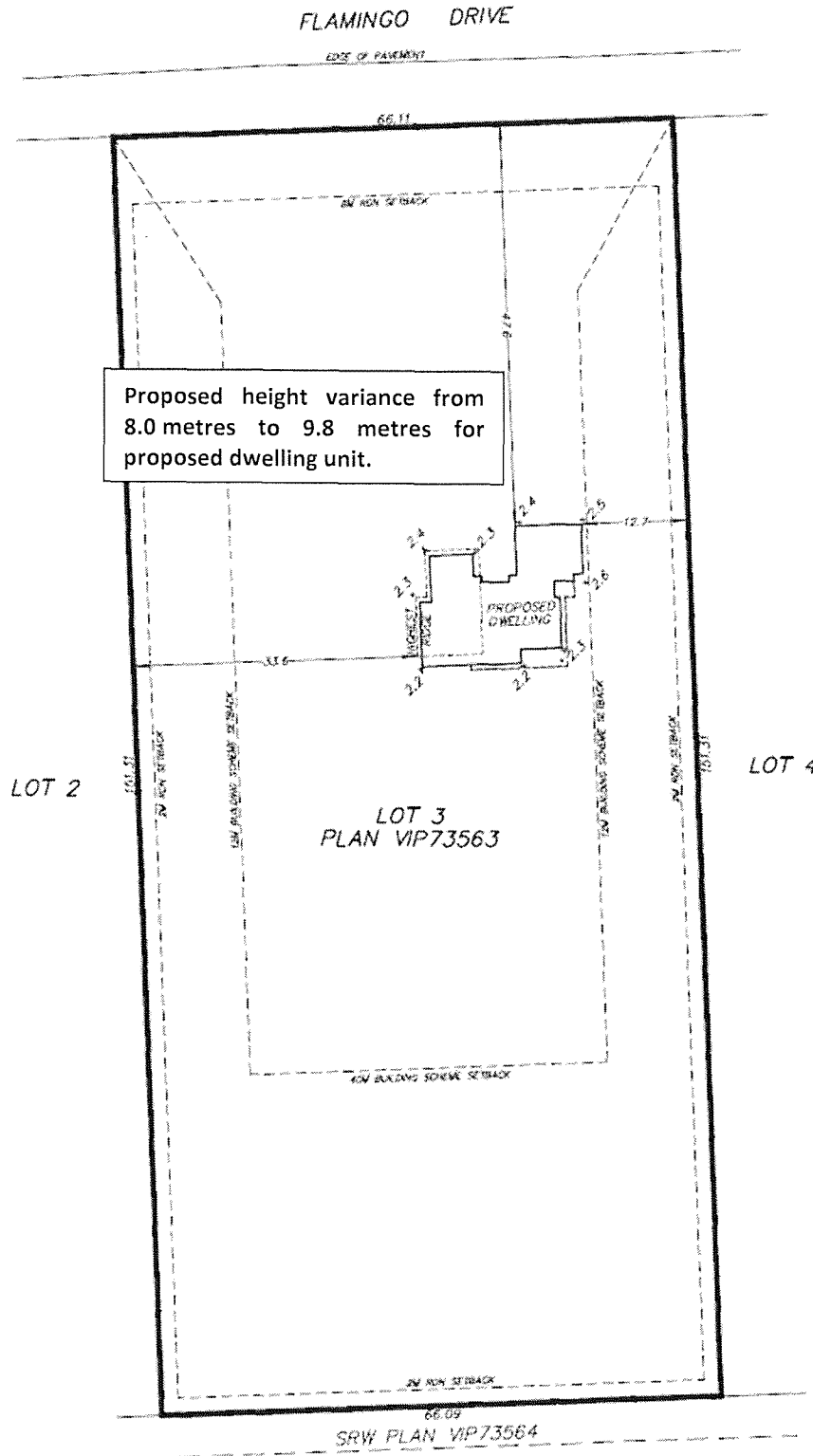
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. Section 3.4.62 **Maximum Number and Size of Buildings and Structures** by increasing the maximum permitted dwelling unit height from 8.0 metres to 9.8 metres for the proposed dwelling unit.

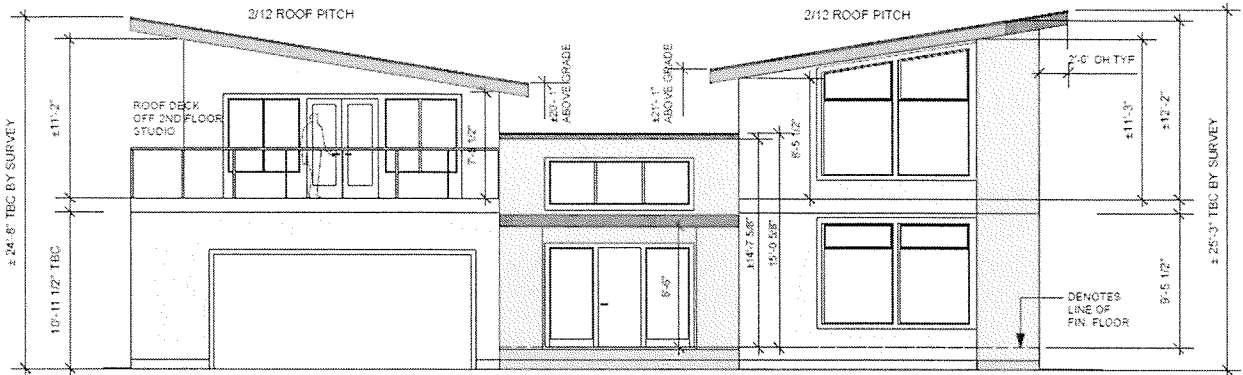
Conditions of Approval:

1. The proposed development is sited in accordance with the Survey Plan prepared by Sims Associates and dated June 2, 2014, and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations prepared by Jodi Foster Design & Planning, dated May 26, 2014, and attached as Attachment 4.
3. The property shall be developed in accordance with the recommendations of the Bio-Inventory report, prepared by Toth and Associates Environmental Services and dated June 4, 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 Geotechnical Assessment prepared by Lewkowich Engineering Associates Ltd. dated April 16, 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. This covenant shall also include restrictions for further vegetation removal in accordance with the recommendations contained in the Bio-Inventory prepared by Toth and Associates Environmental Services dated June 4, 2014.

Attachment 3
Proposed Site Plan and Variance

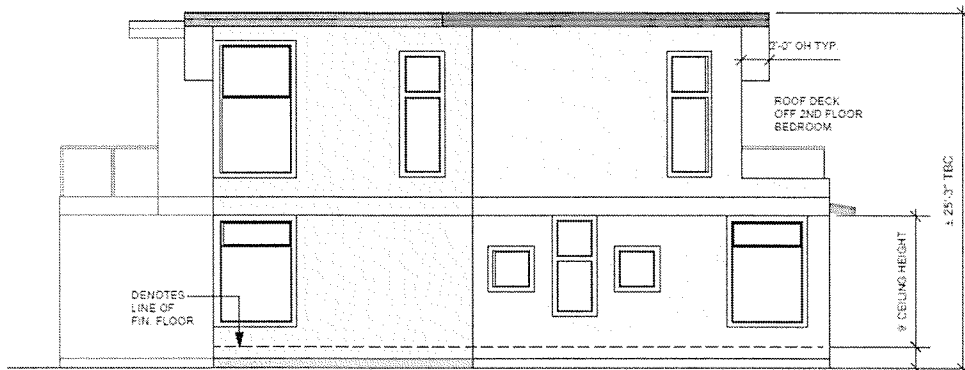


Attachment 4 Building Elevations



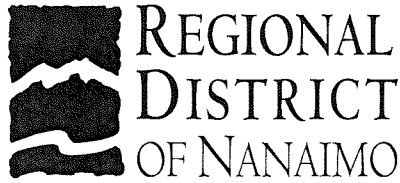
1. ELEVATION 'A' AT FRONT SIDE (NE FACING)

Proposed height variance from 8.0 metres to 9.8 metres for proposed dwelling unit.



2. ELEVATION 'B' AT RIGHT SIDE (NW FACING)





RDN REPORT		[Handwritten initials]
CAO APPROVAL		
EAP	/	
COW		
JUN 24 2014		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: June 23, 2014

FROM: Lainya Rowett
Senior Planner

FILE: PL2014-061

SUBJECT: Development Permit with Variance Application No. PL2014-061 – Sepos / Fern Road Consulting Ltd.
Lot 34, District Lot 156, Nanoose District, Plan 1964, Except Part Lying to the East of the Production Southerly of the West Boundary of Lot 28 of Said Plan, and Except Part in Plan 21809 – 1070 Price Road Electoral Area 'F'

PURPOSE

To consider an application for a Development Permit with Variance to reduce the minimum lot frontage in conjunction with the two-lot subdivision for the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. (on behalf of Chris and Blain Sepos) to permit the subdivision of the subject property into two rural residential lots. The subject property is approximately 2.0 ha in area and is zoned Rural Residential 2 Zone (R-2) pursuant to “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” (see Attachment 1 for subject property map).

The subject property is heavily vegetated and contains an existing dwelling which is to be retained within proposed Lot A (see Attachment 3 for proposed plan of subdivision). Both lots will be serviced with on-site water (wells) and wastewater disposal systems. Romney Creek runs through the southeast corner of proposed Lot B. The property is bounded by Price Road to the southwest, a commercial property to the northeast, and other rural residential lots on all other lot lines.

The proposed development is subject to the following applicable development permit areas (DPAs) as per “Regional District of Nanaimo Electoral Area ‘F’ Official Community Plan Bylaw No. 1152, 1999”:

- Fish Habitat Protection DPA; and,
- Watercourse Protection DPA.

Proposed Development and Variances

The applicant proposes to subdivide the subject property into two 1.0-hectare lots. A development permit is required to allow the subdivision within the Fish Habitat Protection and Watercourse Protection DPAs. In addition, proposed Lot B does not meet the minimum lot frontage requirement in the R-2 Zone. The applicant proposes a variance to Section 4.14.3 c) Minimum Lot Frontage of the

“Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” to reduce the minimum required lot frontage for proposed Lot B from 40.0 metres to 15.0 metres to allow the proposed subdivision.

ALTERNATIVES

1. To approve Development Permit with Variance Application No. PL2014-061 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Permit with Variance Application No. PL2014-061.

LAND USE IMPLICATIONS

Development Implications

The proposed subdivision will create two residential lots which meet the minimum required lot size (1.0 ha) and would not result in increased density, as the R-2 Zone currently allows one dwelling unit per hectare. While there is sufficient lot area to subdivide, the existing lot frontage along Price Road (69.0 metres) is not sufficient to subdivide and meet the minimum lot frontage requirement (40.0 metres) for each lot. The applicant proposes to reduce the frontage for proposed Lot B from 40.0 metres to 15.0 metres to facilitate the subdivision. The proposed lot configuration will include an existing house and driveway within proposed Lot A, with a lot frontage of 54.0 metres, and the balance of the frontage (15.0 metres) for proposed Lot B.

To address the Watercourse Protection and Fish Habitat Protection DP guidelines, the applicant has submitted a Riparian Areas Regulation (RAR) Assessment prepared by Toth and Associates Environmental Services dated February 11, 2014. The assessment establishes a SPEA of 10.0 metres from the high water mark of Romney Creek within proposed Lot B. The report concludes that the proposed subdivision should have no negative impact on the watercourse or the SPEA, and it recommends that the SPEA boundary be surveyed and marked on the ground prior to any future construction within Lot B. As a condition of DP approval, the lands must be developed in accordance with the recommendations of the RAR report (see Attachment 2 Conditions of Permit). It is also noted that future construction within the DP area within Lot B will require further assessment and additional DP approvals.

The DP guidelines also require that the minimum parcel size should be met exclusive of the SPEA area, which in this case could only be accomplished through parcel averaging which the applicant is not proposing. The applicant wishes to create two parcels of equal area (in this case 1.0 ha). The applicant’s surveyor has confirmed that there is sufficient access and buildable site area (approximately 0.8 ha) within proposed Lot B to support the intended use, including the future construction of a dwelling unit, driveway, well, and septic system outside of the SPEA. Therefore, the property owners have requested a variance based on the subdivision plan illustrated in Attachment 3.

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.

Inter-governmental Implications

With respect to access, the Ministry of Transportation and Infrastructure (MOTI) staff have indicated that they have no concerns with the proposed variance to reduce the minimum frontage.

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 50.0 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

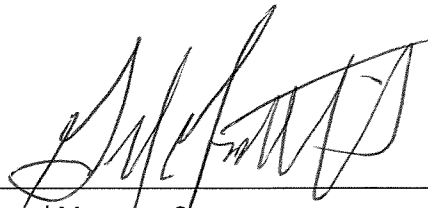
The proposed development permit with variance would facilitate the subdivision of the subject property into two 1.0-hectare rural residential lots within the Fish Habitat and Watercourse Protection DPAs. An RAR assessment has determined a SPEA of 10.0 metres for future construction, and concluded that the proposed subdivision will not negatively impact the watercourse. The applicant also proposes to reduce the minimum lot frontage for proposed Lot B, from 40.0 metres to 15.0 metres, to facilitate the subdivision. Given that no negative impacts to the watercourse or SPEA are anticipated as a result of the subdivision, and there is sufficient lot area proposed within Lot B to accommodate the intended use and future construction outside of the SPEA, staff recommends the Board approve the requested variance.

RECOMMENDATIONS

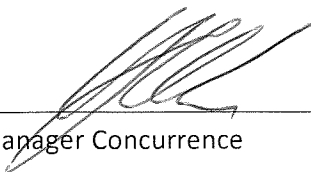
1. That staff be directed to complete the required notification.
2. That Development Permit with Variance Application No. PL2014-061 be approved subject to the conditions outlined in Attachments 2 and 3.



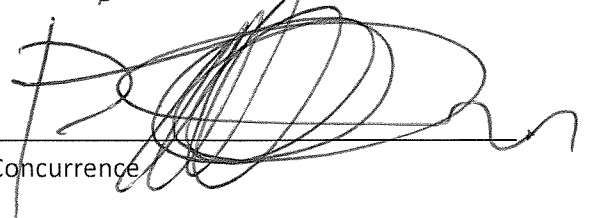
Report Writer



General Manager Concurrence

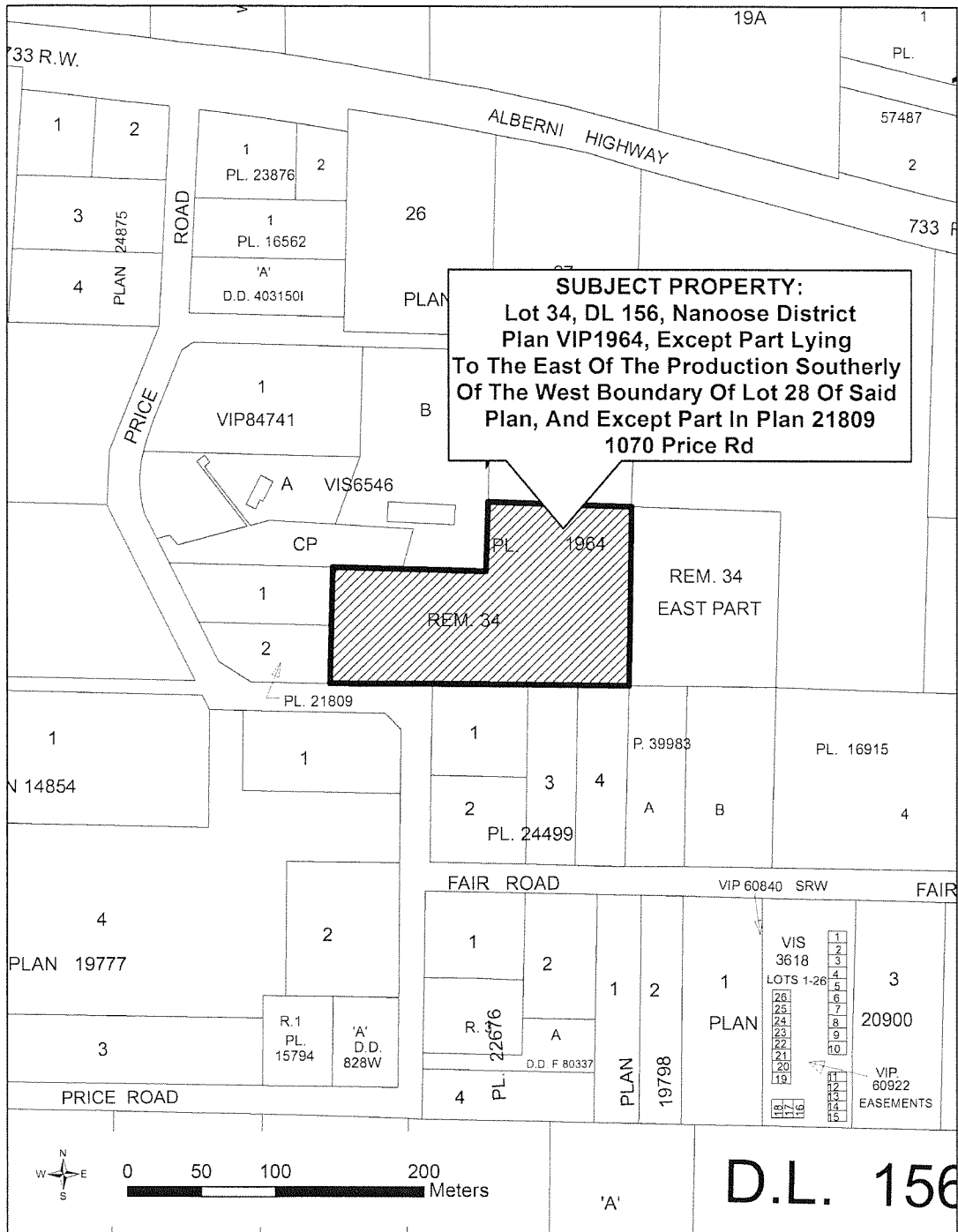


Manager Concurrence



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 Application No. PL2014-061:

Bylaw No. 1285, 2002 Variances:

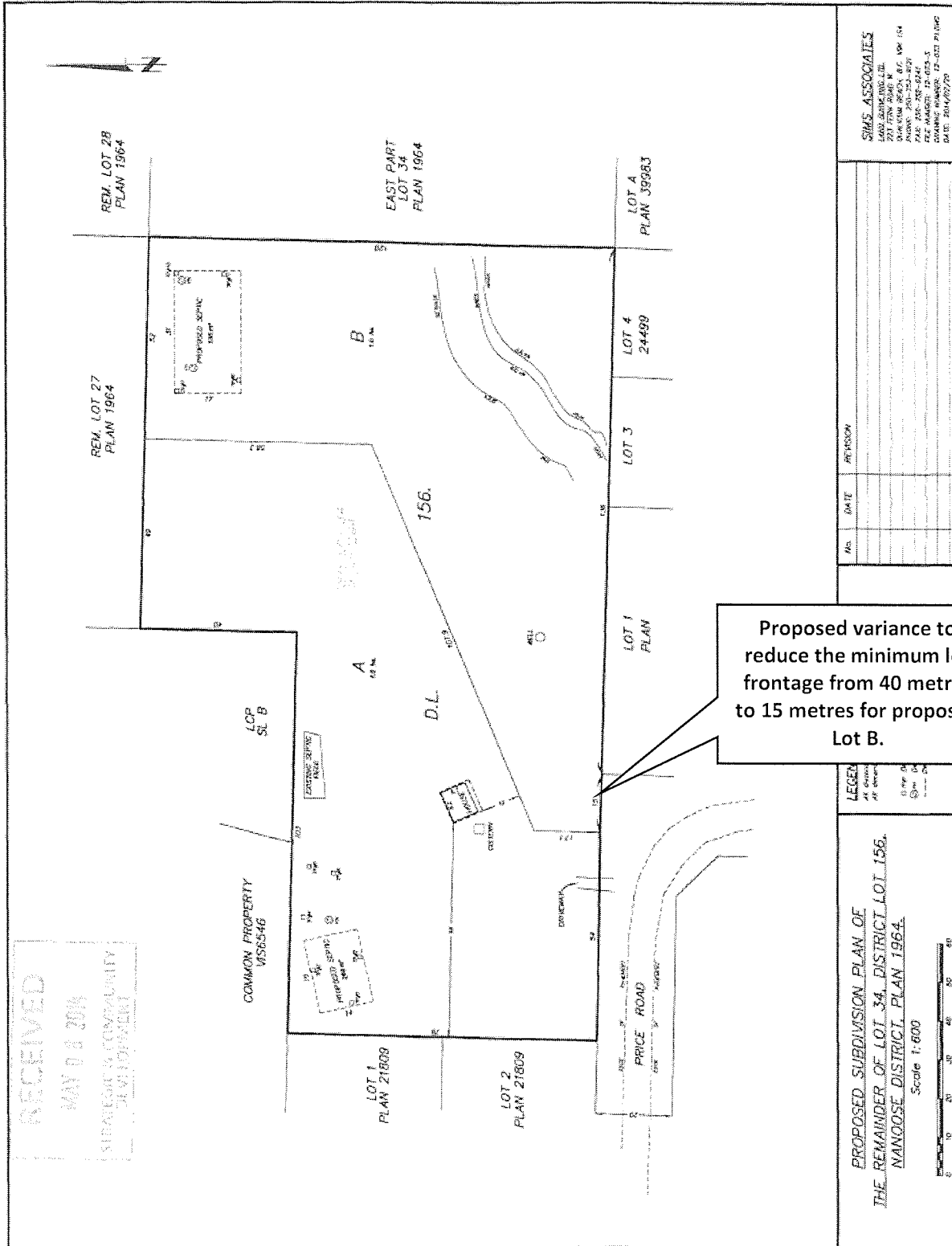
With respect to the lands, "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" is varied as follows:

1. Section 4.14.3 c) Minimum Lot Frontage to reduce the minimum required lot frontage from 40.0 metres to 15.0 metres for proposed Lot B.

Conditions of Approval:

1. The proposed development is site in accordance with the proposed subdivision plan prepared by Sims Associates Land Surveying Ltd., dated February 20, 2014 and attached as Attachment 3.
2. The lands shall be developed in accordance with the Riparian Areas Regulation Assessment prepared by Toth and Associates Environmental Services dated February 11, 2014.

**Attachment 3
Proposed Subdivision Plan and Variances**



SIMS ASSOCIATES
 1660 BAYVIEW RD. STE. 103
 207 FERN DRIVE W.
 SUDBURY, ONT. L4R 3P1
 TEL: (705) 258-8241
 FAX: (705) 258-8247
 REG. NO.: 25-023-5
 REG. DATE: 01/12/09
 BIRTH: 20080720

No.	DATE	DESCRIPTION

LEGEND
 AT 1:800 Scale
 AT 1:200 Scale
 AT 1:100 Scale

**PROPOSED SUBDIVISION PLAN OF
 THE REMAINDER OF LOT 34, DISTRICT LOT 156,
 NANOOSE DISTRICT, PLAN 1964.**
 Scale 1:800

RECEIVED
MAY 08 2014
SUBURBAN & COMMUNITY
DEVELOPMENT



RDN REPORT		
CAO APPROVAL		
EAP	✓	
COW		
JUN 24 2014		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: June 18, 2014

FROM: Angela Buick
Planner

FILE: PL2014-052

SUBJECT: Development Variance Permit Application No. PL2014-052 – DeClark
Lot B, Section 10, Range 1, Cedar District, Plan 42783 – 2181 Addison Way
Electoral Area ‘A’

PURPOSE

To consider an application for a Development Variance Permit to reduce the side lot line setback to permit the construction of an accessory building on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from J.E. Anderson & Associates Ltd. on behalf of Carol Ann and Wayne DeClark to permit the construction of an accessory building. The subject property is approximately 1.02 hectares in area and is zoned Rural 4 (RU4) 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 a dwelling unit and is surrounded by Rural zoned parcels to the south and east, Addison Way to the north, and an undeveloped road right-of-way to the west. The property features a steep area to the south west, and a low lying area to the north that accumulates water during the winter. These constraints result in a limited building envelope for accessory buildings on the subject property.

Proposed Development and Variance

The applicants are proposing to construct an accessory building on the subject property along the eastern property boundary. Due to topographical constraints on the property, the applicants have applied for a variance to Section 3.4.82 – Minimum Setback Requirements – of Bylaw 500, 1987 from 8.0 metres to 3.7 metres to relax the setback requirement from the eastern lot line. A site plan provided by the applicants outlining the proposed location for the accessory building is provided on Attachment 3.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2014-052 subject to the conditions outlined in Attachments 2 to 3.
2. To deny Development Variance Permit No. PL2014-052.

LAND USE IMPLICATIONS

Development Implications

The applicants have applied for a Development Variance Permit to facilitate the construction of an accessory building along the eastern property boundary of the subject property. Steep slopes on the southern portion of the parcel and a low lying area of seasonal water accumulation on the northern portion of the property constrain possible building locations for accessory buildings. The applicants have supplied a Geotechnical Field Report in support of the application. This report concludes that the variance will not pose any geotechnical concern as the requested variance will move the building further away from the base of the steep slopes and therefore improve the safe geotechnical condition of the proposed building. As such, the applicants have requested a variance to relax the setback requirements from the eastern lot line to allow for construction of an accessory building, as this area proves to be the safest, most suitable location for the proposed structure.

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 vary the minimum setback requirement from the eastern lot line from 8.0 metres to 3.7 metres to facilitate construction of an accessory building on the subject property. The applicants are requesting the variance due to topographical constraints on the southern and northern portions of the subject property. A Geotechnical Field Report supplied by the applicants concludes that the variance will improve the safe geotechnical condition of the proposed accessory building.

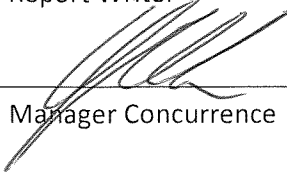
As the applicants have supplied sufficient rationale for the variance, and have supplied supporting documentation for the proposal, staff recommend approval of this Development Variance Permit application.

RECOMMENDATIONS


1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2014-052 to reduce the minimum setback requirement from the eastern lot line from 8.0 metres to 3.7 metres be approved subject to the conditions outlined in Attachments 2 to 3.



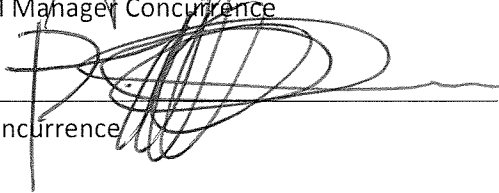
Report Writer



Manager Concurrence

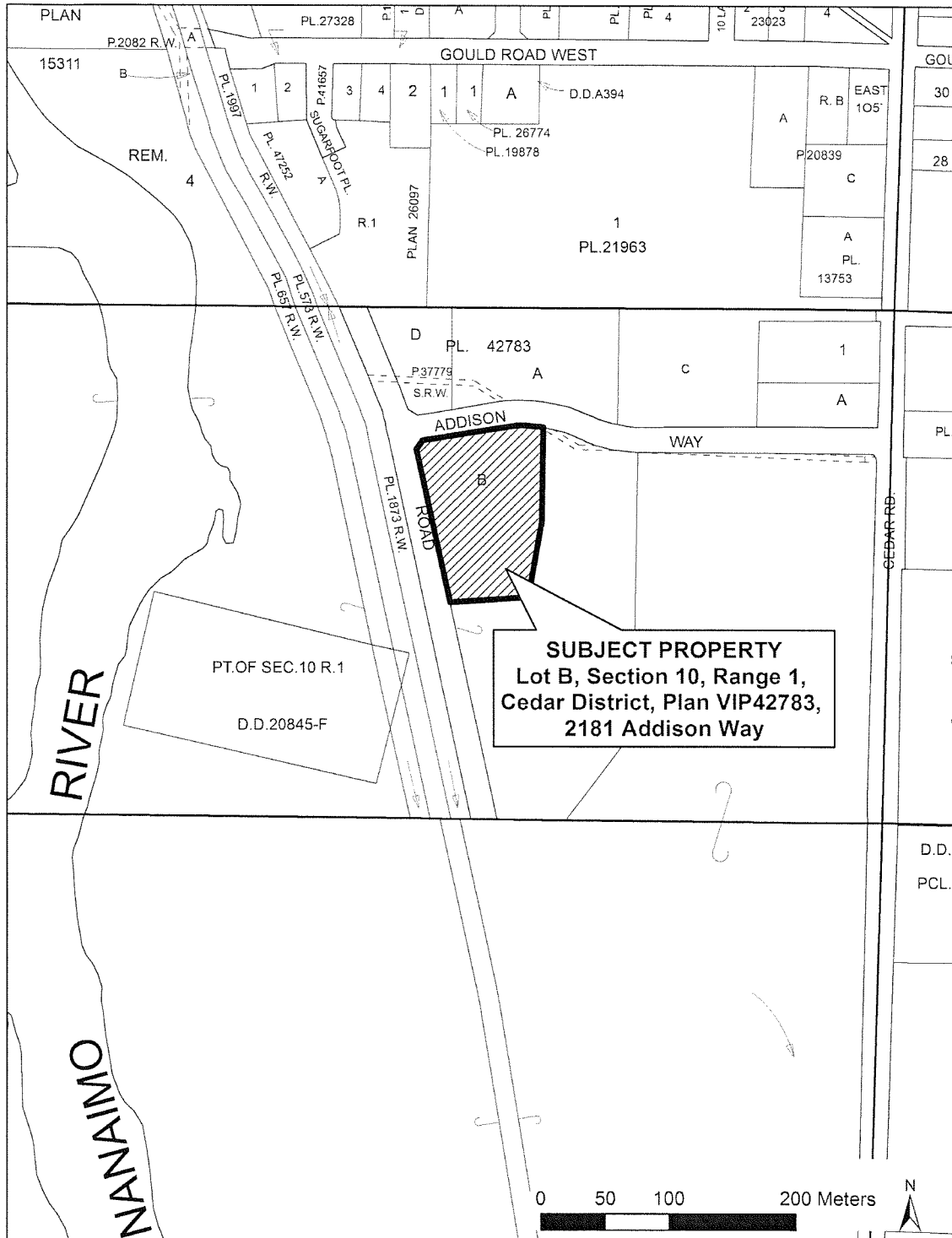


General Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit Application No. PL2014-052:

Bylaw No. 500, 1987 Variance:

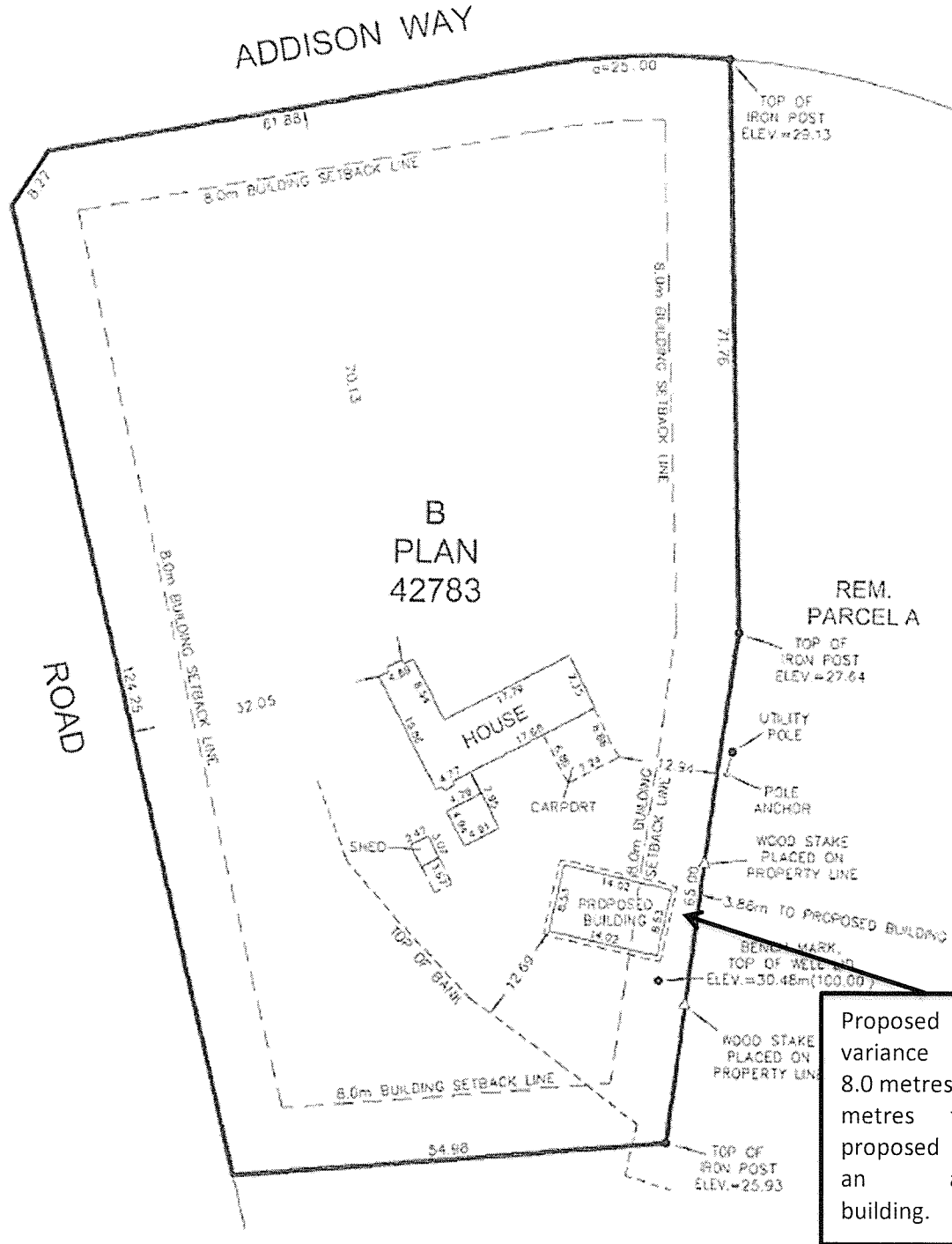
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. Section 3.4.84, **Minimum Setback Requirements** to reduce the minimum required setback from 8.0 metres to 3.7 metres for the proposed accessory building, as shown on Attachment 3.

Conditions of Approval:

1. The property shall be developed in accordance with the Sketch Plan prepared by J.E. Anderson & Associates Ltd. and dated April 11, 2014, and 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 Variance





CAO APPROVAL	
EAP	✓
COW	
JUN 26	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: June 24, 2014

FROM: Tyler Brown
Planner

FILE: PL2014-055

SUBJECT: Development Variance Permit Application No. PL2014-055 – J.E. Anderson & Associates Lot 2, District Lot 72, Nanoose District, Plan 17681 – 1634 Brunt Road Electoral Area 'E'

PURPOSE

Consider an application for a Development Variance Permit to legalize the siting of the existing dwelling and other structures on the subject property to allow the future renovation and addition to the existing dwelling unit.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from J.E. Anderson & Associates Ltd. on behalf of Lucie and Yvan Gosselin in order to permit a significant renovation and addition to the existing dwelling on the subject property. The subject property is approximately 0.14 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 the subject property).

The subject property currently contains an existing dwelling unit, garage, shed and boat shed. Other structures include cement retaining walls and a stairwell connecting the dwelling with the lower portion of the parcel bordering the Strait of Georgia. Residential 1 zoned properties bound the interior side lot lines; the eastern lot line borders the Strait of Georgia and access to the property is from Brunt Road to the west.

Proposed Development and Variances

The applicant has applied for variances to Section 3.4.61 – Minimum Setback Requirements and Section 3.3.9 – Setbacks – Sea from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". A total of eight variances are being requested to legalize the existing dwelling unit, deck, stairs and two concrete walls (see Attachment 2 for the Terms and Conditions of Permit and Attachment 3 for the Proposed Site Plan and Variances).

The variances will only address existing structures as the proposed new construction will conform to the zoning bylaw. The applicant is proposing renovations to the existing dwelling unit and the construction of an addition on the southwest side to the existing dwelling unit (see Attachment 4 for the Proposed Site Plan and Attachment 5 for Building Elevations). A garage was recently constructed on the subject property under building permit. A small shed is located on the subject property which does not require a building permit nor is it required to meet the minimum setback requirements of the RS1 zone.

The variances requested are summarized as follows (see Attachment 3, Sheet 1 for an illustration of the site plan and requested variances and Attachment 6 for a photograph of the stairs connecting the dwelling unit with the lower portion of the parcel bordering the Strait of Georgia):

Section 3.4.61 – Minimum Setback Requirements – Interior Side Lot Line			
Structure	Required Setback by Bylaw	Currently Setback	Requested Variance Amount
The Most Eastern Corner of Dwelling Unit (Point A)	2.0 metres	1.39 metres	0.61 metres
The Most Northern Corner of Dwelling Unit (Point B)	2.0 metres	1.80 metres	0.2 metres
Concrete Wall (Point C)	2.0 metres	1.3 metres	0.7 metres
Section 3.3 9 – Setbacks – Sea (Setback from Top of Slope)			
Dwelling Unit and Deck(Point D)	8.0 metres	4.9 metres	3.1 metres
Concrete Walls and Stairs (Point E)	8.0 metres	2.0 metres	6.0 metres
Concrete Wall (Point F)	8.0 metres	1.2 metres	6.8 metres
Concrete Wall (Point G)	8.0 metres	1.3 metres	6.7 metres
Section 3.3 9 – Setbacks – Sea (Setback from the Present Natural Boundary)			
Stairs (Point H)	15.0 metres	5.0 metres	10.0 metres

ALTERNATIVES

1. To approve Development Variance Permit Application No. PL2014-055 subject to the conditions outlined in Attachments 2 to 5.
2. To deny Development Variance Permit Application No. PL2014-055.

LAND USE IMPLICATIONS

Development Implications

Staff have reviewed the applicant's variance request, to legalize the existing dwelling unit, deck, stairs and two concrete walls, and do not note any negative implications that would be associated with the approval of Development Variance Permit Application No. PL2014-055. The applicant has submitted a geotechnical report providing comment on the stability of the existing dwelling and the ability for the lands to accommodate the dwelling unit addition (see Attachment 4 for the Proposed Site Plan). No

safety concerns with the proposed additions and renovations were noted by the applicant's geotechnical engineer. If the development variance application is approved, the property owner will be required to obtain the necessary permits in accordance with Regional District of Nanaimo Building Regulations.

From the information provided by the applicant and RDN records, the dwelling unit was constructed prior to inclusion of the parcel within a building inspection area. In addition, it is likely that dwelling unit complied with the required setbacks as prescribed in "The Regional District of Nanaimo Zoning By-Law No. 53, 1973". The applicant is not proposing, nor would staff support, variances to legalize the existing boatshed in relation to the current zoning setback requirement of 15 metres for setbacks from the sea.

Strategic Plan Implications

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

Public Consultation Process

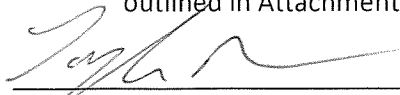
Pending the Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50 metre radius of the subject property will receive 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

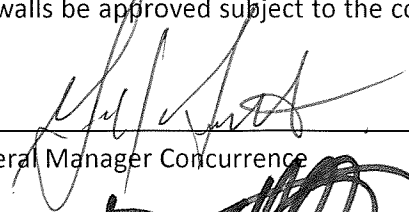
This is an application to consider a Development Variance Permit to legalize the siting of an existing dwelling unit, deck, stairs and two concrete walls. A total of eight variances are being requested. The applicant has provided a geotechnical report providing comment that there are no concerns with stability of the existing dwelling unit and that the subject property can safely accommodate the proposed addition. Given that the requested variance is to legalize existing structures and the proposed addition does not require any variances, staff recommend the Board approve the requested variance, pending the outcome of public notification and subject to the terms and condition outlined in Attachment 2.

RECOMMENDATIONS

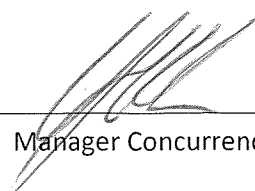
1. That staff be directed to complete the required notification.
2. That Development Variance Permit Application No. PL2014-055 to legalize the siting of an existing dwelling unit, deck, stairs and two concrete walls be approved subject to the conditions outlined in Attachments 2 to 5.



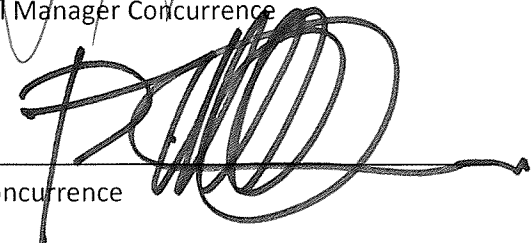
Report Writer



General Manager Concurrence

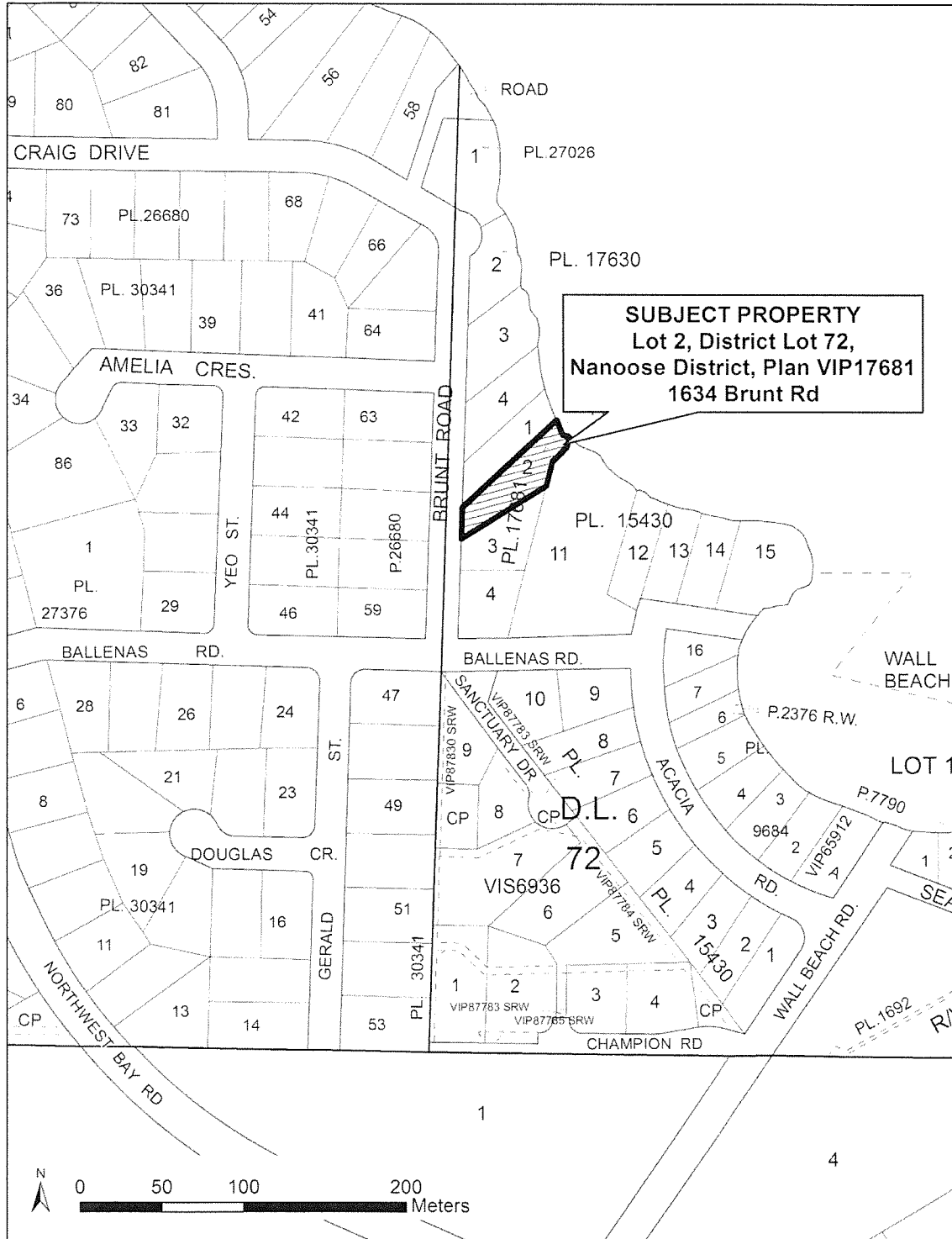


Manager Concurrence



CAO Concurrence

Attachment 1 Subject Property Map



Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit Application No. PL2014-055:

Bylaw No. 500, 1987 Variances:

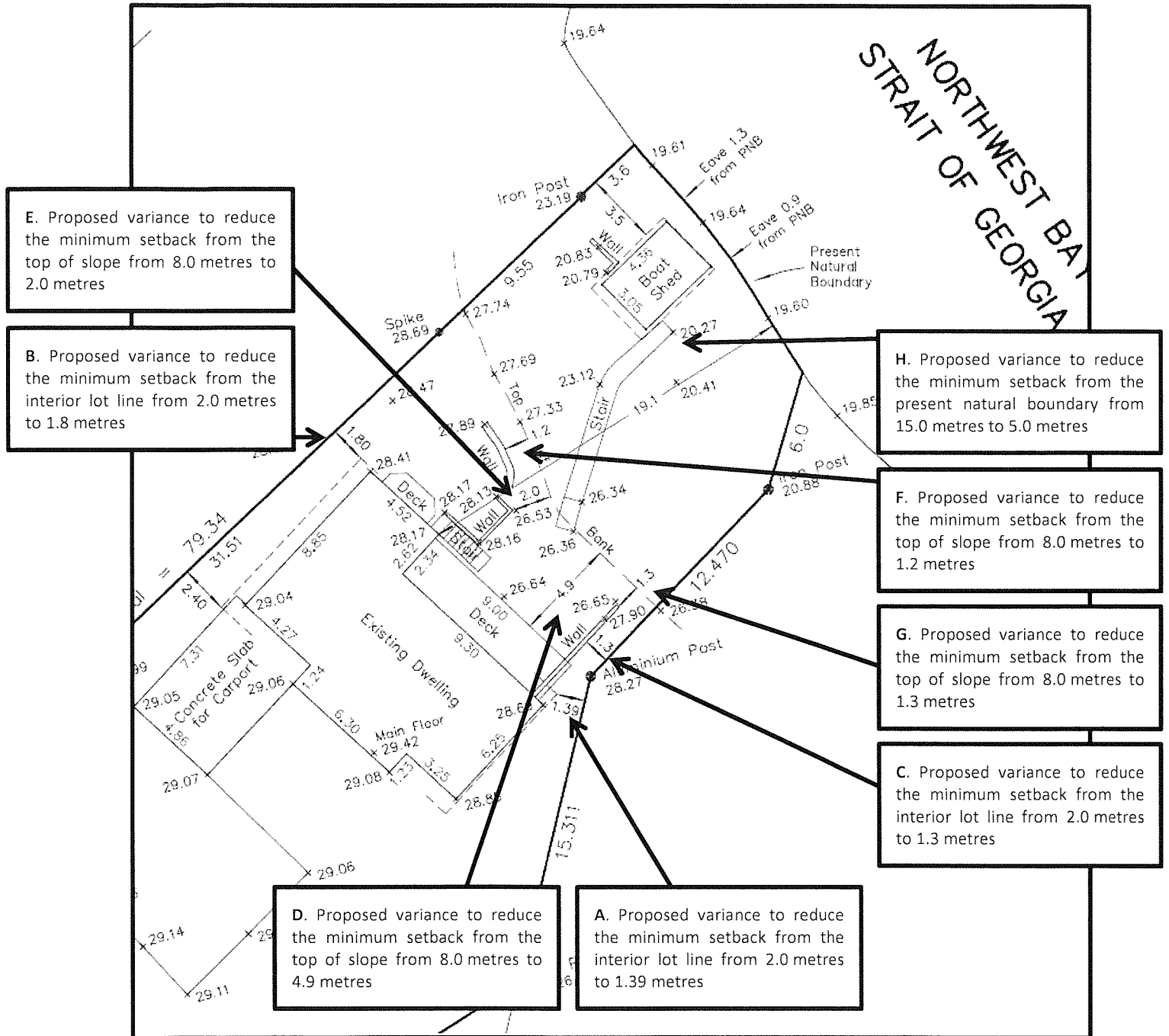
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. Section 3.4.61 to reduce the minimum setback requirement from 2.0 metres to 1.39 metres for the most eastern corner of the dwelling unit, 2.0 metres to 1.80 metres for the most northern corner of the dwelling unit and 2.0 metres to 1.3 metres for a concrete wall.
2. Section 3.3 9) – Setbacks – Sea to reduce the minimum setback requirement from the top of a slope 30% or greater from 8.0 metres horizontal distance inland to 4.9 metres for the dwelling unit and attached deck, 2.0 metres for a concrete wall and stairs, 1.2 metres for a concrete wall and 1.3 metres for a concrete wall.
3. Section 3.3 9) – Setbacks – Sea to reduce the minimum setback requirement from 15.0 metres horizontal distance from the natural boundary to 5.0 metres for the stairs connecting the dwelling unit with the lower portion of the parcel bordering the Strait of Georgia.

Conditions of Approval:

1. The proposed development is sited in accordance with the Proposed Site Plan prepared by Waters & Associates and dated May 13, 2014 and attached as Attachment 4.
2. The proposed development is in general compliance with the plans and elevations prepared by Waters & Associates and dated May 13, 2014 and attached as Attachment 5.
3. The property owner shall obtain the necessary permits in accordance with Regional District of Nanaimo Building Regulations.

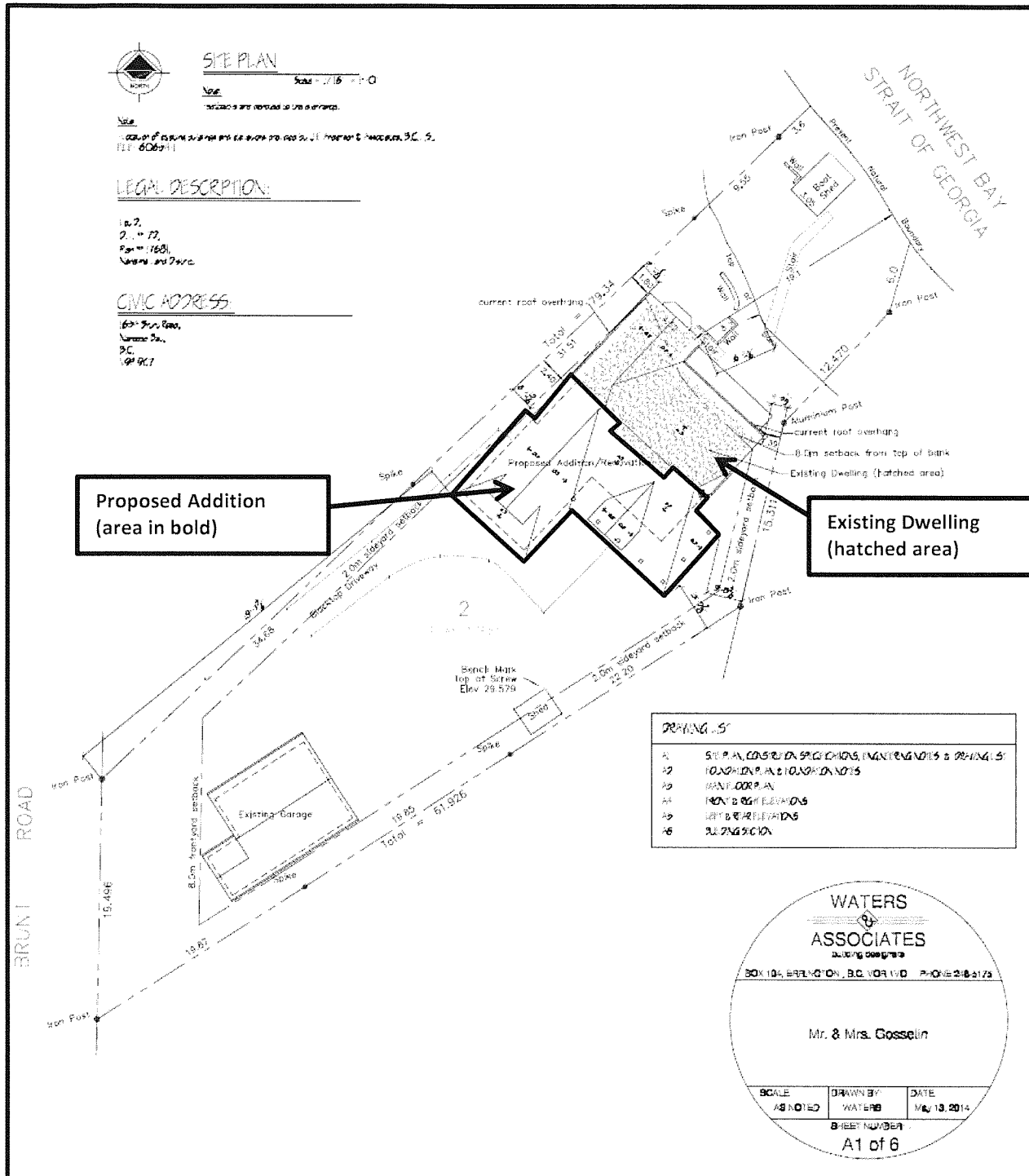
Attachment 3
Site Plan and Variances (page 1 of 2)



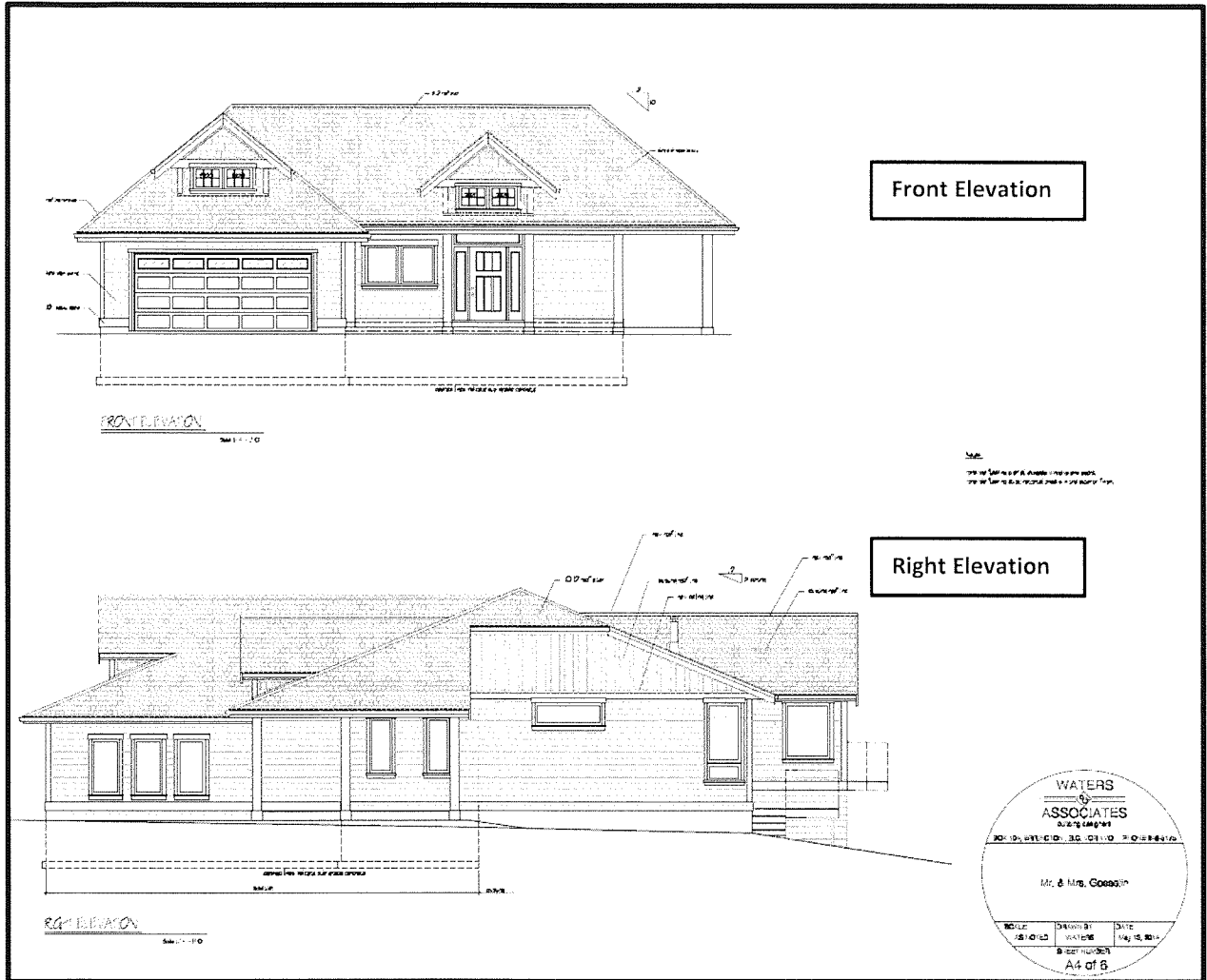
**Attachment 3
Site Plan and Variances (page 2 of 2)**

Section 3.4.61 – Minimum Setback Requirements – Interior Side Lot Line			
Structure	Required Setback by Bylaw	Currently Setback	Requested Variance Amount
The Most Eastern Corner of Dwelling Unit (Point A)	2.0 metres	1.39 metres	0.61 metres
The Most Northern Corner of Dwelling Unit (Point B)	2.0 metres	1.80 metres	0.2 metres
Concrete Wall (Point C)	2.0 metres	1.3 metres	0.7 metres
Section 3.3.9 – Setbacks – Sea (Setback from Top of Slope)			
Dwelling Unit and Deck(Point D)	8.0 metres	4.9 metres	3.1 metres
Concrete Walls and Stairs (Point E)	8.0 metres	2.0 metres	6.0 metres
Concrete Wall (Point F)	8.0 metres	1.2 metres	6.8 metres
Concrete Wall (Point G)	8.0 metres	1.3 metres	6.7 metres
Section 3.3.9 – Setbacks – Sea (Setback from the Present Natural Boundary)			
Stairs (Point H)	15.0 metres	5.0 metres	10.0 metres

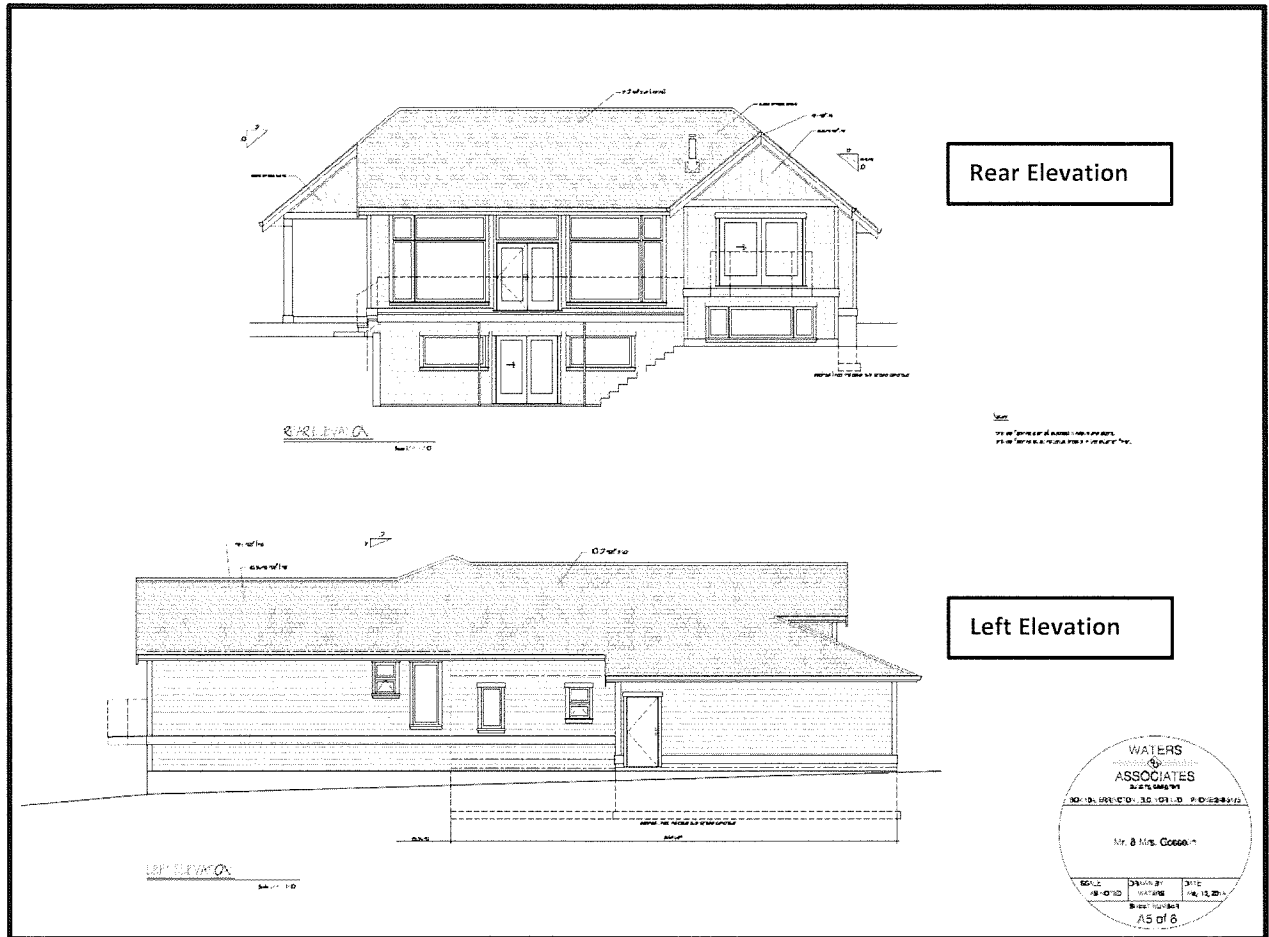
Attachment 4
Proposed Site Plan



Attachment 5 Building Elevations

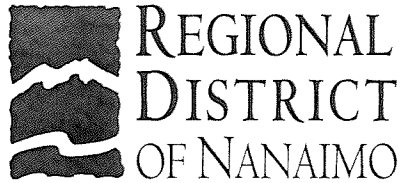


Attachment 5 Building Elevations



Attachment 6
Photograph of Stairs Connecting the Dwelling Unit with the Lower Portion of the Parcel Bordering the
Strait of Georgia





RDN REPORT		
CAO APPROVAL		###
EAP		
COW		
JUN 26 2014		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
 Manager, Current Planning

DATE: June 24, 2014

FROM: Tyler J. Brown
 Planner

FILE: PL2014-028

SUBJECT: Zoning Amendment Application No. PL2014-028 – Steve Atkinson/Steed
 Lot 5, Section 12 and 13, Range 3, Mountain District, Plan 30398 – 3119 Jameson Road
 Electoral Area 'C'

PURPOSE

To consider an application to rezone the subject property from Rural 1 Zone (RU1), Subdivision District 'D' to Rural 1 Zone, Subdivision District 'F' in order to permit a subdivision of the property into two lots.

BACKGROUND

A Zoning Amendment application has been received from Steve Atkinson on behalf of owners Lorne and Patricia Steed to rezone the subject property in order to permit a two lot subdivision. The property is approximately 2.07 ha in area and contains an existing dwelling, and detached shed and garage. The property is surrounded by developed RU1 lots and is bordered by Jameson Road to the north (see Attachment 1 for Subject Property Map).

Proposed Development

The applicant proposes to rezone the property from Rural 1 Zone (RU1), Subdivision District 'D' (2.0 ha minimum parcel size) to Rural 1 Zone, Subdivision District 'F' (1.0 ha minimum parcel size) (see Attachment 2 for Conditions of Zoning Amendment and Attachment 3 for Proposed Amendment Bylaw No. 500.393, 2014). The requested amendment would permit a proposed two lot subdivision pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The proposed lots would be approximately 1.0 ha in area and would be limited to one dwelling unit per parcel (see Attachment 4 for Proposed Plan of Subdivision).

ALTERNATIVES

1. To proceed with Zoning Amendment Application No. PL2014-028 in consideration of first and second reading of the Amendment Bylaw and proceeding to public hearing.
2. To not proceed with the Bylaw readings and public hearing.

LAND USE IMPLICATIONS

Official Community Plan Implications

The subject property is designated Rural Residential in the “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997.” This designation supports the subdivision of a parcel that existed prior to the adoption of the Official Community Plan (OCP) to a parcel size less than 2.0 ha but not less than 1.0 ha in area. The proposed plan of subdivision would create two parcels slightly greater than 1.0 ha in size and not more than one dwelling unit per parcel would be permitted; therefore, the proposed amendment is consistent with the OCP policies.

Development Implications

The existing zoning (Rural 1) of the subject property allows agriculture, aquaculture, home based business, produce stand, silviculture, and residential use with two dwellings currently permitted on the parcel which exceeds 2.0 ha in area. The property has sufficient site area to subdivide into two 1.0 ha parcels with a single dwelling per parcel permitted. The applicant’s proposal will not result in an increase in the overall residential density or a change of land-use permissions.

As per Board Policy B1.21 (Groundwater – Application requirements for rezoning of un-serviced lands), the applicant will be required, prior to final adoption of the amendment bylaw, to register a covenant on title requiring the wells to be constructed and tested, and a report submitted to the RDN prior to final approval of subdivision (see Attachment 2 for Conditions of Zoning Amendment). The applicant has submitted a preliminary hydrogeological assessment completed by a qualified professional which indicated that another well can be constructed on the subject property and that the proposed well has a high probability of achieving a minimum yield of 3,500 litres per day. The report notes that signs of aquifer stress have been reported in the area and recommends the following measures and practices to mitigate the additional demand on the aquifer:

- An aquifer pump test should be completed to accurately determine the new well yield;
- Neighbouring wells should be monitored during the pumping test to detect inter-well interference drawdown;
- The well driller should provide the pump installer a well log indicating the depths of water bearing fracture zones;
- The supply pump should be installed at a depth preventing the main water-bearing zones from being dewatered;
- The owner of the new property should not install automatic sprinkling systems;
- Any new dwelling should incorporate low-flush toilets, low-flow shower heads and other water-saving fixtures.

With consideration of these recommendations, staff recommend that the applicant be required, prior to the final adoption of the Amendment Bylaw, to register a Section 219 restrictive covenant registering the Groundwater Capability Assessment for 3119 Jameson Road, prepared by GW Solutions Inc. and dated March 8, 2013, on the property title which includes a clause requiring that development of the subject property must be done in accordance with recommendations of the report.

Public Consultation Implications

A Public Information Meeting (PIM) was held on June 11, 2014 and two people attended this meeting in addition to the applicant’s agent and RDN staff (see Attachment 5 for Summary of PIM Minutes). Two members of the public expressed a desire for trees to be retained as much as possible on the subject property and questioned how driveway access would impact tree retention. If the proposed

Amendment Bylaw receives first and second reading the proposal will proceed to Public Hearing pursuant to Section 890 of the *Local Government Act*.

Environmental Implications

The applicant has submitted a preliminary hydrogeological assessment which indicated that the construction of a new well on the subject property should have no adverse impact on the surrounding wells provided development on the new parcel follows the recommendations of the report.

Strategic Plan Implications

Staff have reviewed the proposal and have identified no Strategic Plan implications.

Inter-governmental Implications

Both the Ministry of Transportation and Infrastructure (MOTI) and Island Health have reviewed the proposed amendment and confirmed that they do not have any concerns.

SUMMARY/CONCLUSIONS

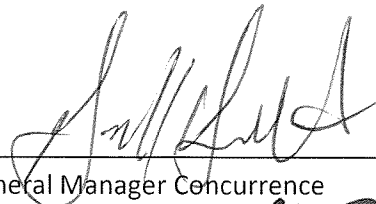
The applicant proposes to rezone the subject property from Rural 1 Zone, Subdivision District 'D' to Rural 1 Zone, Subdivision District 'F' in order to permit a subdivision of the property into two lots. The proposed development is consistent with the OCP policies. The proposed lot sizes will provide adequate site area for the intended use and subdivision. Given that the proposed amendment is consistent with the OCP and the applicant has submitted a preliminary hydrogeological assessment, staff recommend that the proposed Zoning Amendment Bylaw No. 500.393, 2014 receive first and second reading and proceed to Public Hearing.

RECOMMENDATIONS

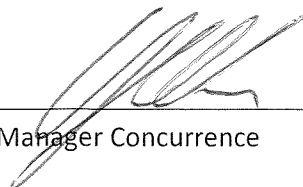
1. That the Summary of the Public Information Meeting held on June 11, 2014, be received.
2. That the conditions set out in Attachment 2 of the staff report be completed prior to Bylaw No. 500.393 being considered for adoption.
3. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.393, 2014", be introduced and read two times.
4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.393, 2014", be chaired by Director Maureen Young or her alternate.



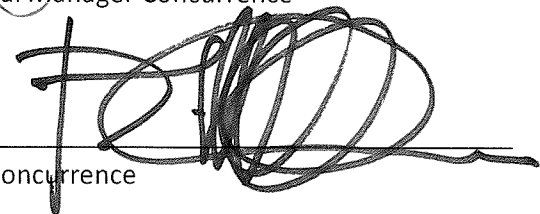
Report Writer



General Manager Concurrence

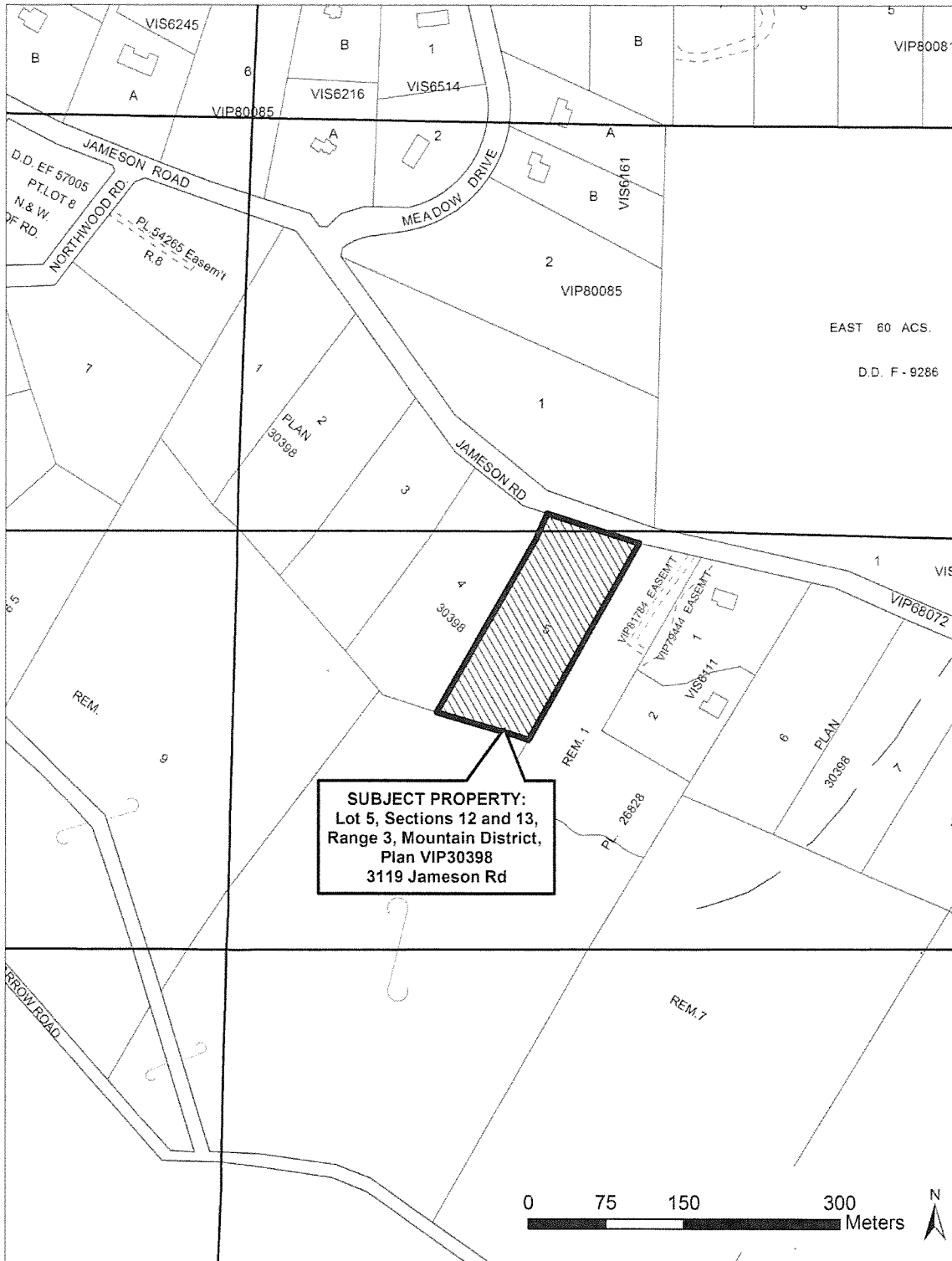


Manager Concurrence



CAO Concurrence

Attachment 1 Location of the Subject Property



Attachment 2
Conditions of Zoning Amendment

The following is required prior to the “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.393, 2014” being considered for adoption:

Conditions of Approval

1. The applicant shall register a Section 219 restrictive covenant requiring that wells be constructed and tested for each new parcel, and a report is to be submitted to the RDN, prior to the final approval of subdivision.

2. The applicant shall register a Section 219 restrictive covenant registering the Groundwater Capability Assessment for 3119 Jameson Road, prepared by GW Solutions Inc. and dated March 8, 2013, on the property title, which includes a clause requiring that all development of the subject property must be done in accordance with recommendations of the report.

**Attachment 3
Proposed Amendment Bylaw No. 500.393, 2014**

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.393**

**A Bylaw to Amend Regional District of Nanaimo
Land Use and Subdivision Bylaw No. 500, 1987**

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

- A. This Bylaw may be cited as “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.393, 2014”.
- B. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:

By rezoning the lands as shown on the attached Schedule ‘1’ and legally described as:

Lot 5, Sections 12 and 13, Range 3, Mountain District, Plan VIP30398

from Rural 1 Zone, Subdivision District ‘D’ to Rural 1 Zone, Subdivision District ‘F’.

Introduced and read two times this ___ day of _____ 20__.

Public Hearing held this ___ day of _____ 20__.

Read a third time this ___ day of _____ 20__.

Adopted this ___ day of _____ 20__.

Chairperson

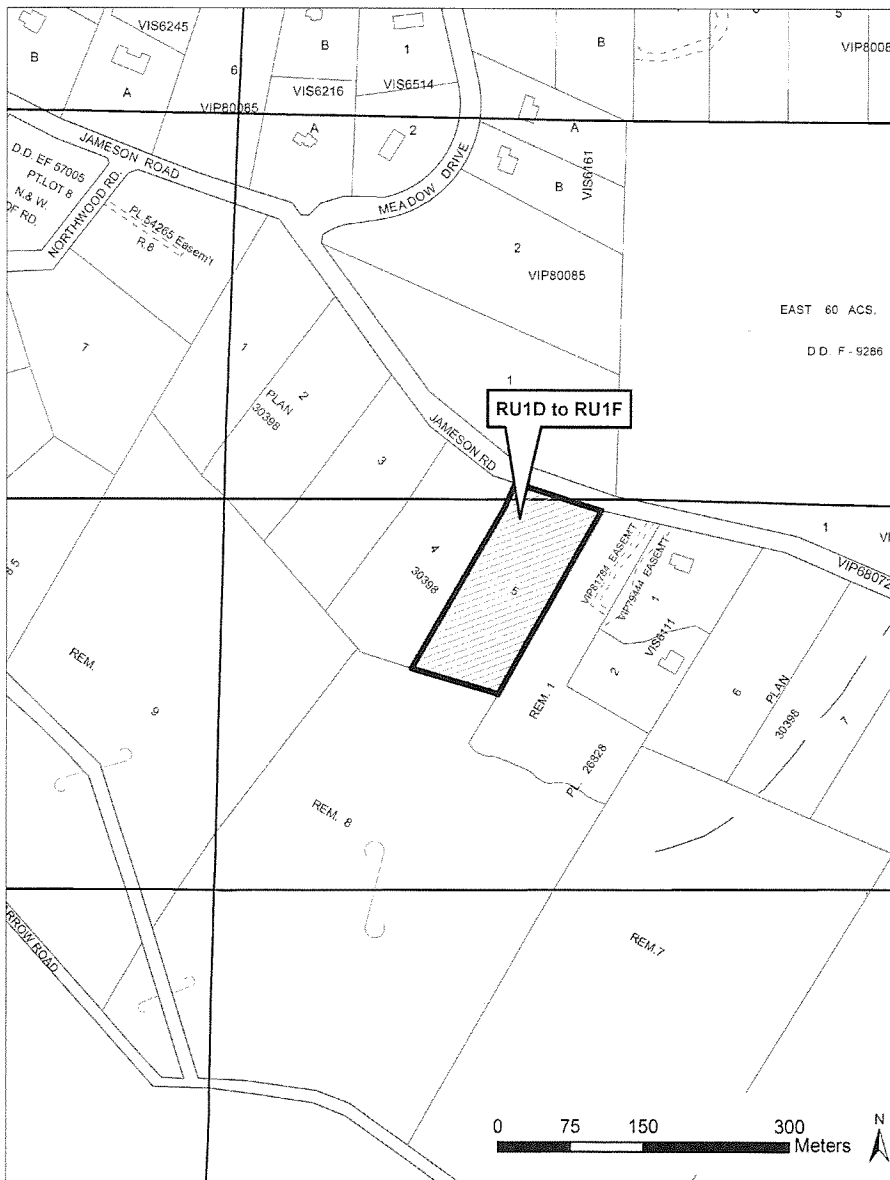
Corporate Officer

Schedule '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.393, 2014"

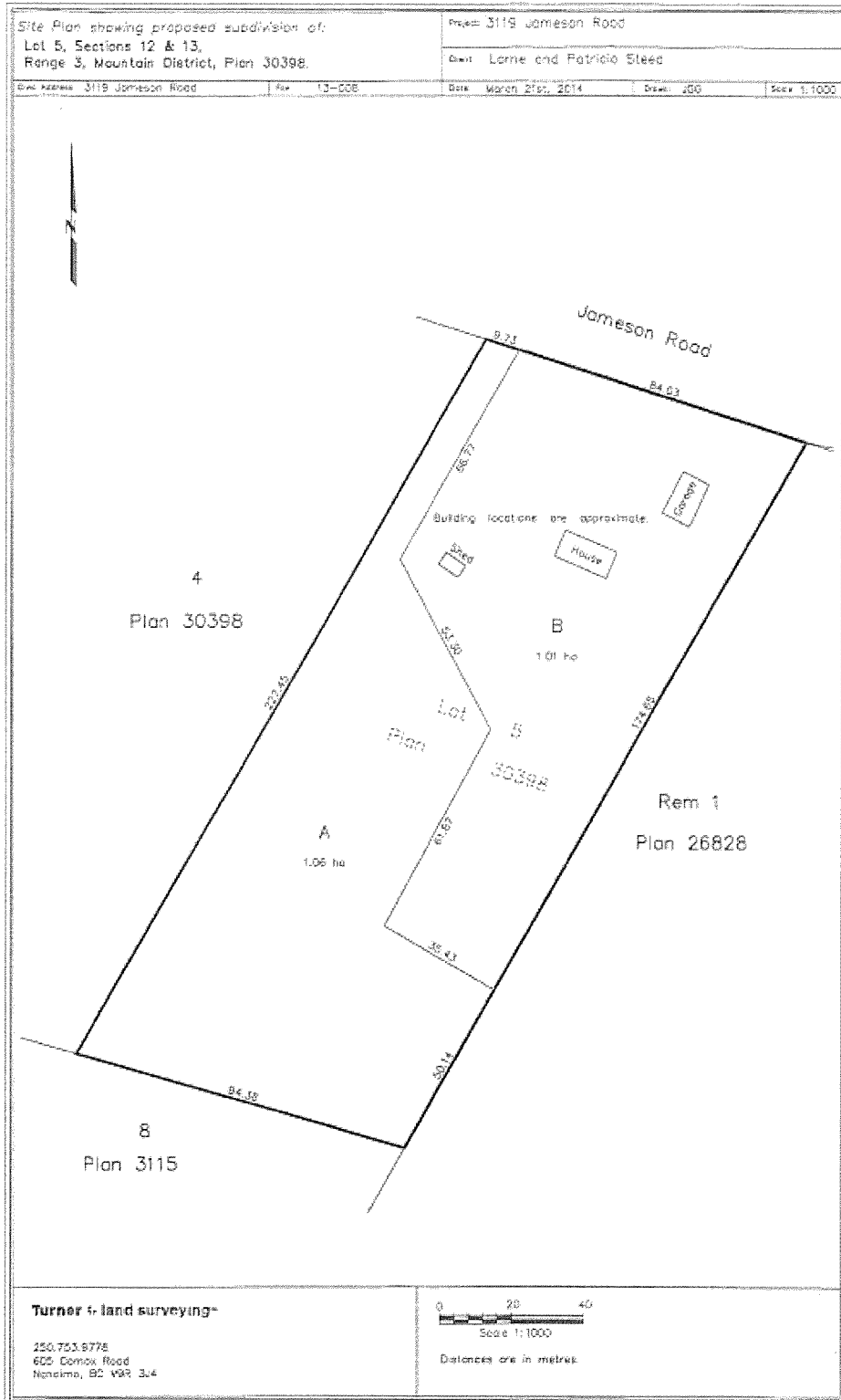
Chairperson

Corporate Officer

Schedule '1'



Attachment 4 Proposed Subdivision Plan



Attachment 5
Summary of Minutes of a Public Information Meeting

Held at East Wellington Fire Hall
3269 Jingle Pot Road, Area 'C'
June 11, 2014 at 6:30 PM

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

There were two members of the public in attendance at this meeting.

Present for the Regional District of Nanaimo:

Director Maureen Young, Electoral Area 'C' (the Chair)
Tyler Brown, Planner

Present for the Applicant:

Steve Atkinson, Agent

The Chair opened the meeting at 6:30 pm, outlined the evening's agenda, and introduced the RDN staff and the applicant's agent in attendance. The Chair then stated the purpose of the Public Information Meeting and asked RDN staff to provide background information concerning the development application.

Tyler Brown provided a brief summary of the proposed Zoning Amendment application, supporting documents provided by the applicant, and the application process.

The Chair invited the applicant to give a presentation of the development proposal.

Steve Atkinson presented an overview of the proposal.

Following the presentation, the Chair invited questions and comments from the audience.

Daniel Cullon, 3137 Jameson Road, expressed support of the proposal but stated concern for the mature trees on the property line and wished to see them retained but understands a property owner may remove any trees they wish too. Daniel Cullon also questions how driveway access would impact tree retention.

Steve Atkinson, Agent, explained that there were no current plans for large scale tree removal. Furthermore, the pan handle subdivision proposal was designed in a way to meet RDN building setbacks and provide adequate septic area. In addition, the pan handle is wide enough for a driveway while retaining mature trees on the property line.

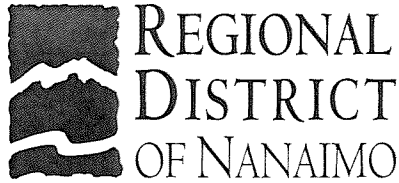
The Chair asked if there were any further questions or comments.

Being none, the Chairperson thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting was concluded at 6:45 pm.

A handwritten signature in black ink, appearing to read 'Tyler J. Brown', is written over a solid horizontal line.

Tyler J. Brown
Recording Secretary



RDN REPORT	
CAO APPROVAL	
EAP	✓
COW	
JUL 02 2014	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning **DATE:** June 27, 2014

FROM: Tyler J. Brown
Planner **FILE:** PL2014-034

SUBJECT: Zoning Amendment Application No. PL2014-034 – Fern Road Consulting Ltd.
Lot 3, District Lot 81, Nanoose District, Plan 1799 – 1032 Lowry’s Road
Electoral Area 'G'

PURPOSE

To consider a Zoning Amendment application to rezone the subject property from Rural 1 Zone (RU1), Subdivision District 'F' to a new Residential 1.2 (RS1.2) Zone, and a new Subdivision District 'T', in order to permit a subdivision of the property into approximately 54 residential lots and park land dedication.

BACKGROUND

The Regional District of Nanaimo (RDN) has received a Zoning Amendment application from Fern Road Consulting Ltd. (on behalf of Linda Marjorie Sait) to rezone the subject property in order to permit a proposed subdivision with park dedication. The property is approximately 5.17 ha in area and contains a small house to be removed prior to subdivision. The property is surrounded by developed residential lots and is bordered by Lowry’s Road on the northwest and northeast property boundaries (see Attachment 1 - Location of Subject Property).

Proposed Development

The applicant proposes to rezone the property from Rural 1 Zone (RU1), Subdivision District 'F' (1.0 ha minimum parcel size) to a new Residential 1.2 Zone (RS1.2) and to create a new subdivision district, Subdivision District 'T' (600 m² minimum parcel size with community water and sewer) (see Attachment 5 - Proposed Amendment Bylaw No. 500.394, 2014). The requested amendment would permit subdivision of the parent parcel into approximately 54 residential lots, and park land dedication, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The proposed lots range in area from 600 m² to 1,555 m² and would be limited to one dwelling unit per parcel with one secondary suite per principal dwelling unit. As such, the proposal is consistent with surrounding Residential 1 (RS1) zoned lands (see Attachment 3 - Proposed Subdivision Plan). The applicant proposes to service the lots with community water (EPCOR) and has applied to include the parcel in the RDN community sewer service area (French Creek). The applicant has submitted a Preliminary Servicing study which proposes that the new development be required to limit post development storm water flows to pre-development levels; this can be achieved by any combination of overland detention ponds, underground tanks or oversized storm sewers. In accordance with the report, staff recommend the applicant register a Section 219 covenant requiring that post-development storm water flows do not exceed pre-development levels (see Attachment 2 – Conditions of Approval).

ALTERNATIVES

1. To proceed with Zoning Amendment Application No. PL2013-034, consider first and second reading and proceed to Public Hearing.
2. To not proceed with the Amendment Bylaw readings and Public Hearing.

LAND USE IMPLICATIONS

Official Community Plan Implications

The subject property is designated Neighbourhood Residential in the “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan (OCP) Bylaw No. 1540, 2008”. This designation includes existing residential neighbourhoods within the French Creek Containment Boundary. The OCP supports infill development that is compatible with the character of existing neighbourhoods of ground-oriented development not exceeding a density of 15 dwelling units per hectare. The proposed subdivision would create residential lots with a density of approximately 11 dwellings per hectare.

The property has sufficient site area to subdivide under the current zoning into 1.0 ha parcels, or parcels greater than 2.0 ha with two dwellings per parcel. However, acreage development under existing zoning would result in lower density than what is envisioned in the OCP for this neighbourhood, and would be inconsistent with the character of the surrounding urban-sized lots (minimum 700 m² parcel size). The proposed Subdivision District ‘T’ would permit a 600 m² minimum parcel size (with community water and sewer), which is slightly smaller than the 700 m² minimum parcel size in other recently approved zoning amendments nearby, yet is within the maximum permitted density (15 units per hectare) in the OCP. The OCP encourages infill and higher densities where community servicing is available.

The Neighbourhood Residential designation also supports secondary suites where parcels are serviced by community sewer and water. The proposed amendment would allow the development of ground-oriented residential development with secondary suites permitted (one per principal dwelling unit) in accordance with the recently adopted RDN secondary suites regulations. Allowing suites will provide the potential for additional and affordable units along an existing Nanaimo Regional Transit System route. Therefore, the proposed amendment is consistent with the OCP policies for infill development in this urban neighbourhood.

Zoning Implications

The existing zoning (Rural 1) of the subject property allows agriculture, aquaculture, home-based business, produce stand, silviculture, and residential use (up to two dwellings per parcel greater than 2.0 ha). Similar to the surrounding residential zones, the proposed zoning (RS1.2) would permit residential use, home-based business use and secondary suites (see Attachment 5 – Proposed Amendment Bylaw 500.394, 2014).

The proposed maximum building height (8.0 m) is the same as surrounding parcels zoned RS1, and the proposed setbacks and parcel coverage requirements are comparable to RS1 zoned parcels, with some flexibility incorporated to accommodate typical dwelling units on these slightly smaller lots. For example, the proposed front lot line setback for all structures except a front entry garage or carport is 5.0 m instead of a typical 8.0 m setback, and the proposed parcel coverage is 45% rather than 35% as typical in the RS1 zone. The proposed zoning regulations will ensure consistency in the character of development while providing sufficient building envelopes for residential use.

It is noted that if the zoning amendment is approved the applicant will be required to obtain Board approval, at the time of subdivision, for a relaxation of the minimum 10% perimeter frontage requirement for proposed Lot 15 as illustrated in the Proposed Plan of Subdivision (Attachment 3). Additionally, prior to subdivision approval, a Development Permit will be required to address the Environmentally Sensitive Features – Aquifer Protection Development Permit Area (DPA) to ensure there are no negative impacts from the proposed development on the quality or quantity of groundwater resources.

The applicant proposes to dedicate 5% of the site area (approximately 0.26 ha) as park land at the time of subdivision, which fulfills the minimum 5% park land requirement pursuant to Section 941 of the *Local Government Act*. Acceptance of park dedication is subject to Board consideration and is to be brought forward subsequent to a subdivision application (pending Board approval of the zoning amendment). The park is proposed to be situated in the southeast corner of the subdivision adjacent to another RDN owned park and will be referred to the Electoral Area 'G' Parks and Open Space Advisory Committee prior to subdivision. Together these park areas will provide substantial open space with opportunities for pedestrian movement from within the subdivision to Lowry's Road/Wembley Road, and across the road to connect with another RDN owned park (Neden Park). The park would therefore provide a public connection between the proposed subdivision, adjacent developments to the south, and Wembley Road, which runs north to Oceanside Elementary School.

As part of the rezoning application, the applicant also proposes to provide a cash contribution of \$45,000 towards the Electoral Area 'G' Parks Amenity Fund, of which \$5,000 is to be earmarked for the development of a trail through the proposed park, in recognition of the increased development potential that would be achieved through rezoning. The provision of this amenity contribution is noted as a condition of approval in Attachment 2. Parks and Recreation staff have reviewed the proposal and recommend that the Board accept the proposed amenity contribution.

Public Consultation Implications

A Public Information Meeting (PIM) was held on June 25, 2014, and 40 people attended this meeting in addition to the applicants and RDN staff (see Attachment 4 - Summary of PIM Minutes). In response to comments received at the PIM, the applicant proposes to consider the design of a fence/landscaping, and tree retention where feasible, along rear lot lines of lots proposed to back onto Lowry's Road and the renamed Robertson Boulevard.

If the proposed Amendment Bylaw receives first and second reading the proposal will proceed to Public Hearing pursuant to Section 890 of the *Local Government Act*.

Strategic Plan Implications

Staff has reviewed the proposed development and note that the proposed zoning amendment, in accordance with Strategic Goal Number 2 – Implement the Regional Growth Strategy, would increase density on land inside the growth containment boundary. Moreover, in accordance with Strategic Goal Number 3 – Increase affordable, adaptable housing to support all members of a community, the development proposal would create infill in a suburban area on an existing Nanaimo Regional Transit System route and potentially provide an opportunity for affordable housing in the form of secondary suites.

Inter-governmental Implications

The Ministry of Transportation and Infrastructure (MOTI) has reviewed the proposed amendment and confirmed that it does not have any concerns. MOTI has also advised that no additional drainage flow is to be directed into the Ministry's drainage system. MOTI will confirm, at the time of subdivision, the method of storm water servicing. Additionally, through the subdivision review MOTI will identify the location and detailed design of any road network improvements that the developer will need to complete prior to subdivision approval.

The proposed development was also referred to the local Fire Department, School District 69 and the RCMP for comment. The Fire Department confirmed that it has no concerns with the proposed zoning amendment, and will provide further input at the subdivision stage regarding the locations of new fire hydrants. No other comments were received.


While EPCOR, the water utility operator in the French Creek area, has verbally confirmed it has adequate water to supply the proposed development, staff recommend that written confirmation from EPCOR be received prior to scheduling the Public Hearing. Any necessary water system upgrades will be required by the Approving Officer as a condition of subdivision should the Board approve the proposed bylaw amendment.

SUMMARY/CONCLUSIONS


The applicant proposes to rezone the subject property from Rural 1 Zone, Subdivision District 'F' to Residential 1.2 Zone, Subdivision District 'T', in order to permit the subdivision of the subject property into approximately 54 residential lots with park land dedication. The proposed development is consistent with the OCP policies for the Neighbourhood Residential land use designation, and the proposed subdivision is compatible with the surrounding existing residential development. The proposed lot size will provide adequate site area for the intended use with community servicing to be provided. Acceptance of the proposed park land dedication and the frontage relaxation request will require Board consideration, in addition to a Development Permit for aquifer protection, at the time of subdivision. The applicant proposes to provide an amenity contribution of \$45,000 towards the Electoral Area 'G' Parks Amenity Fund. The applicant has submitted a Preliminary Servicing study which proposes that the new development be required to limit post development storm water flows to pre-development levels which will be secured through a Section 219 covenant. Given that the proposed zoning amendment is consistent with the OCP and will encourage infill development in an existing urban area where community servicing is provided, staff recommends that the proposed Amendment Bylaw No. 500.394, 2014 receive first and second reading and proceed to Public Hearing.

RECOMMENDATIONS

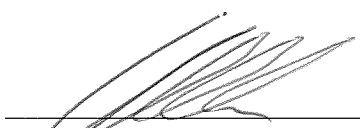
1. That the Summary of the Public Information Meeting held on June 25, 2014, be received.
2. That the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 500.394 being considered for adoption.
3. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.394, 2014", be introduced and read two times.
4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.394, 2014", be chaired by Director Stanhope or his alternate.
5. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.394, 2014", be scheduled following written confirmation from EPCOR that it can provide sufficient water to service the proposed development.




Report Writer



H | General Manager Concurrence



Manager Concurrence



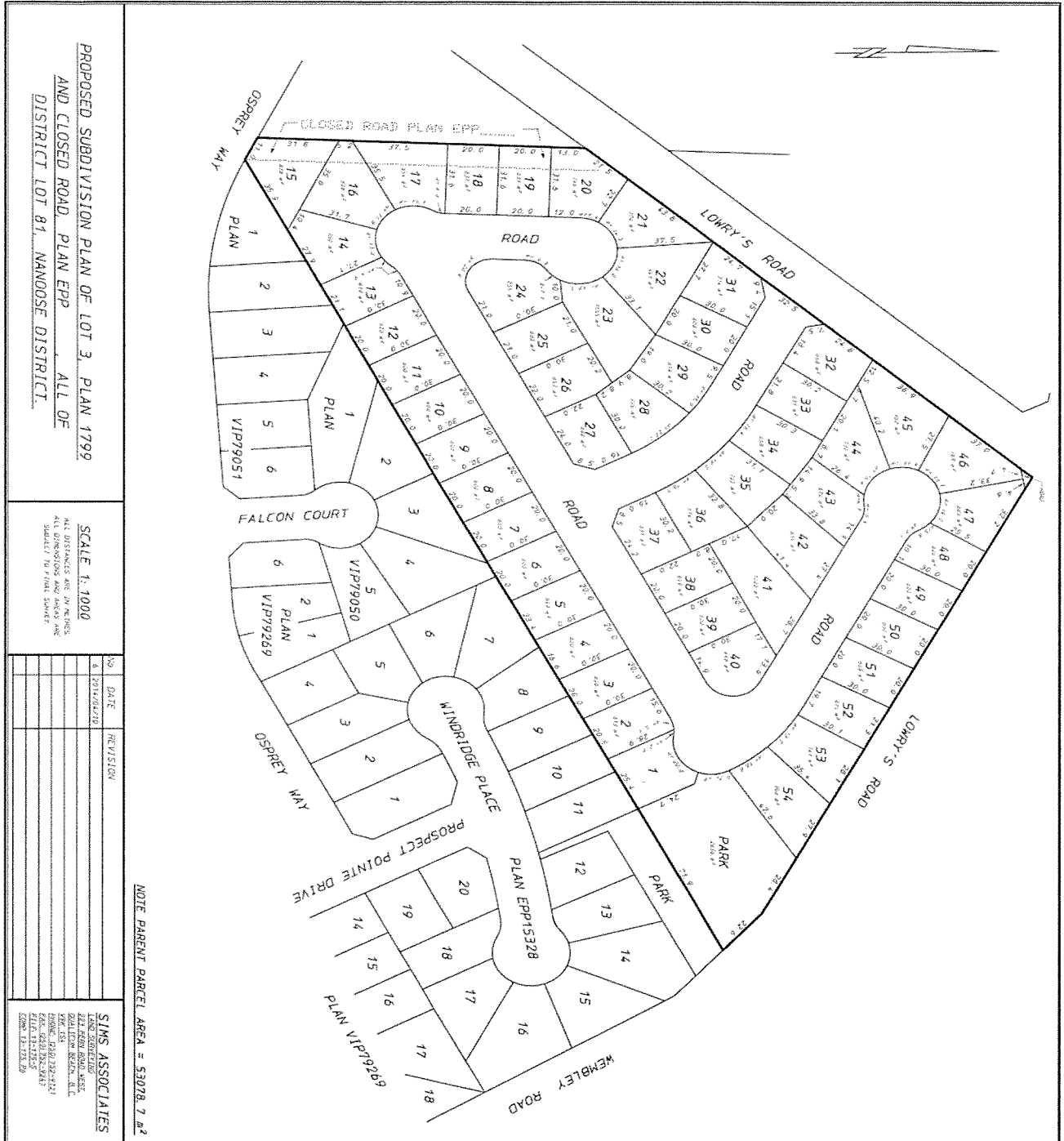
A | CAO Concurrence

Attachment 2
Conditions of Approval

The following is required prior to Amendment Bylaw No. 500.394, 2014 being considered for adoption:

1. The applicant shall provide a community amenity contribution in the amount of \$45,000 to the Electoral Area 'G' Parks Amenity Fund of which \$5,000 is to be earmarked for the development of a trail through the proposed park.
2. The applicant shall register a Section 219 covenant requiring that post-development storm water flows will not exceed pre-development levels as recommended in the Preliminary Servicing Study prepared by Park City Engineering Ltd. and dated May 16, 2014.

Attachment 3
Proposed Plan of Subdivision



**Attachment 4
Summary of Minutes of a Public Information Meeting**

**Held at Oceanside Place, 830 West Island Highway, Parksville
Wednesday, June 25, 2014 at 6:30 PM**

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

There were 40 members of the public in attendance at the meeting.

Present for the Regional District:

Joe Stanhope, Chairperson
Tyler Brown, Planner
Lainya Rowett, Senior Planner

Present for the Applicant:

Helen Sims, Fern Road Consulting Ltd., Agent
Vaughan Roberts, Park City Engineering, Civil Engineer
Paul Turner, Windward Homes

The Chairperson opened the meeting at 6:30 pm, introduced RDN staff and the project consultants, and explained the course of events for the meeting. The Chairperson then stated the purpose of the Public Information Meeting and asked RDN staff to provide background information concerning the development application.

Staff then provided a brief summary of the proposed rezoning and explained the application process.

The Chairperson invited the applicants to give a presentation of their development proposal.

Helen Sims, the agent for the applicant presented an overview of the proposal.

Vaughan Roberts, the Engineer for the applicant presented an overview of the infrastructure and road network improvements, which are anticipated for the proposed subdivision.

Dave Crofts, 607 Lowry's Road, said that water pressure in the surrounding area is substandard but EPCOR states it meets minimum requirements, and questioned whether new development would worsen the problem.

Vaughan Roberts provided an overview of the water mains in the area and suggested that through discussions with EPCOR about the proposed development, a new connection to Wembley Road main may be required. Additionally, water service to the proposed development would need to meet legal standards.

Jackie Dempsey, 611 Lowry's Road, questioned EPCOR's ability to provide capacity for new development when water service is not adequate for existing development.

Vaughan Roberts replied that EPCOR adds new wells and upgrades to its systems every year.

Gerri Badiuk, 1021 Windridge Place, also questioned EPCOR's ability to provide adequate pressure and stated that he has had discussions with EPCOR and that they are unable to increase pressure to existing development without installing pumps.

Vaughan Roberts replied that EPCOR does capital improvements each year but the public should continue to express their concerns to EPCOR. He also stated that the proposed development may require a new connection to the water main which could potentially alleviate some of the pressure concerns.

Jerry Joseph, 571 Lowry's Road, expressed his concern with regard to EPCOR increasing billing rates and also his concern for water pressure in the area.

Gerald Flipski, 1068 Robertson Boulevard, questioned why the Ministry of Transportation and Infrastructure was not in attendance.

Helen Sims explained that it the Ministry's policy not to attend meetings and she suggested that concerned members of the public contact the district manager in Nanaimo.

Staff advised that the proposal had been referred to the Ministry and that the Ministry has requested improvements to the road network. Staff also explained that the Ministry is well aware of road network concerns in the area.

Peter Watts, 605 Lowry's Road, stated that a solution to the water pressure issue in the area for existing homes needs to be resolved prior to approving any new development.

Staff explained that EPCOR must provide proof of their ability to provide sufficient water supply for new development.

Maurice Nicolson, 965 Rockland Place, suggested that the RDN should hire a consultant to review EPCOR's system.

Vaughan Roberts stated that EPCOR is regulated through water control in Victoria. Additionally, EPCOR is adding new wells to their system to provide additional service to the area.

Donald Peech, 1063 Osprey Way, suggested that road network concerns and water pressure issues in the area need to be addressed prior to approving any new development. In addition, he expressed concern that the smaller lots proposed in the new development will negatively impact existing property values.

Michael Jessen, 1266 Jukes Place, questioned the rationale for the smaller lot size and expressed concern for the increase in density when water is already a concern in the area. He also suggested that the Board rejected a proposal for an increase in density in Deep Bay based on concerns over water.

Staff explained that the increase in density is supported in the OCP.

Larry Biccum, 1236 Bunker Place, inquired on the cost of each of the proposed lots.

Paul Turner, of Windward Homes, stated that the price of the new homes would be market driven but similar in style, price and quality to the previous homes that have recently been constructed by Windward Homes in the area.

Donald Peech, 1063 Osprey Way, suggested that road network concerns and water pressure issues in the area need to be addressed prior to approving any new development. In addition, he expressed concern that the smaller lots proposed in the new development will negatively impact existing property values.

Rob Williams, Mulholland Drive, said that every three years EPCOR goes through a rate application. In addition, new development is not funded by existing user rates and the cost of any new connections is paid for by the developer.

Vaughan Roberts confirmed that existing user service rates do not fund new water connections and that a private engineering firm, STANTEC, models EPCOR's system to determine if new connections can be supported by the current system.

A man expressed his concern that no one has provided a solution to water issues in the area and asked the developer to increase the lot size.

Paul Turner stated that the smaller lot size is market driven. The smaller lot size will reduce the size of the front yard and the maintenance required but will preserve private backyards.

Helen Sims suggested that in addition to smaller lot size being supported in the OCP, reducing the front size of front yard will reduce the need for lawns and thus promote water conservation.

Roderick Horte, 591 Prospect Pointe Drive, expressed his concern for the increased automobile traffic on Wembley Road and the lack of safe routes for pedestrian travel in the area.

The Chair stated that he has had meetings with the MLA for the area and expressed his concern regarding the road networks and pedestrian safety.

Catriona Harrington, 633 Lowry's Road, expressed her concern over there only being one road in and out of the proposed development.

Helen Sims replied that an access road cannot connect to Wembley Road and therefore options are limited for a second access road to the proposed development.

Peter Watts, 605 Lowry's Road said that the number of heavy trucks using Lowry's Road is unbelievable. and has increased greatly in the last several months.

Helen Sims replied that there are many farms, woodlots and other uses in the area that result in the heavy use of Lowry's Road and that another access road to those intensive uses is currently unavailable

Staff suggested the concerned members of the public should contact the Ministry of Transportation and Infrastructure.

Leo Martin, 1072 Osprey Way, said he believes the one access point to the proposed development is too small for 54 lots and will result in automobile accidents.

Helen Sims replied that the access point and subdivision plan have been discussed with the Ministry of Transportation and Infrastructure and they have not expressed any concerns.

Staff also mentioned that the proposal has been referred to the local fire department for comment.

Jerry Joseph, 571 Lowry's Road, would like to see a new road by Earth Bank.

Helen Sims replied that road access near Earth Bank is limited due to the limited availability of land and that there are no existing road right-of-ways to construct a new road.

Penny Wood, 607 Lowry's Road, questioned if all the houses must face into the proposed subdivision or can some of the new lots have access off of Lowry's Road.

Helen Sims replied that the Ministry of Transportation and Infrastructure would prefer limited access points to Lowry's and Wembley Road.

Penny Wood, 607 Lowry's Road, expressed her concern that perimeter fencing is not visually appealing.

Paul Turner replied that he will attempt to build a nice fence and retain as many trees as possible.

Gerald Flipski, 1068 Robertson Boulevard, said that the increase in traffic on Lowry's Road only started within the past six months.

Staff replied that they will look into the matter and relay concerns to the Ministry of Transportation and Infrastructure.

A man questioned on whether a plan of subdivision has been submitted to the Ministry of Transportation and Infrastructure which shows lots with access to Lowry's Road.

Helen Sims replied that such a proposal had not been submitted to the Ministry.

Vaughan Roberts further replied that it is highly unlikely the Ministry would accept such a proposal.

Donald Peech, 1063 Osprey Way, questioned why further density was being added in an area with poor road and pedestrian travel networks.

Helen Sims replied that additional density is supported in the OCP and the Ministry is well aware of traffic concerns in the area. As such, the Ministry will require the developer to pay for upgrades to the road network.

Staff replied that the area is within the urban containment boundary and additionally density is supported in the area.

Mary Futer, 1415 Sumar Lane, said that pedestrian safety in the area needs to be addressed especially for young children walking to school.

Rudolph Badiuk, 1021 Windridge Place, questioned whether a traffic count or study had been done.

Staff replied that any traffic studies were the responsibility of the Ministry of Transportation and Infrastructure.

Bob Procinsky, 977 Windridge Place, inquired on the formal application process to take place after the public information meeting.

Staff explained the zoning amendment application process.

Maurice Nicolson, 965 Rockland Place, expressed his concern about additional effluent dispensing into the ocean.

Staff replied that the RDN is responsible for waste water service in the area and that the French Creek facility exceeds the Ministry of Environment's standard.

Jerry Joseph, 571 Lowry's Road, questioned whether sidewalks would be provided on Lowry's and Wembley Road.

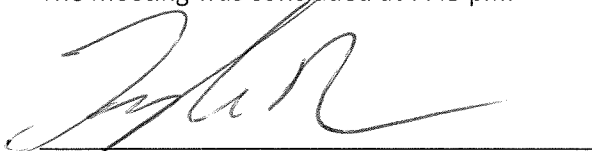
Helen Sims replied that sidewalks are unlikely.

Leo Martin, 1072 Osprey Way, inquired on the potential timeline for the build-out on the proposal.

Paul Turner replied that he is estimating the build-out will be three years.

The Chairperson asked a final time if there were any other questions or comments. Being none, the Chairperson thanked those in attendance and announced that the public information meeting was closed.

The meeting was concluded at 7:45 pm.



Tyler Brown
Recording Secretary

Attachment 5
Proposed Amendment Bylaw No. 500.394, 2014

REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.394

A Bylaw to Amend Regional District of Nanaimo
Land Use and Subdivision Bylaw No. 500, 1987

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

A. This Bylaw may be cited as “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.394, 2014”.

B. “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:

1. Under **PART 3 LAND USE REGULATIONS, Section 3.3.16 a)** by inserting “RS1.2,” after “RS1.1,”.
2. Under **PART 3 LAND USE REGULATIONS, Section 3.1 Zones** by adding the following zoning classification and corresponding short title after Residential 1.1 Zone:

Residential 1.2 Zone	RS1.2
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3. By adding Section 3.4.61.3 Residential 1.2 Zone
as shown on Schedule ‘1’ which is attached to and forms part of this Bylaw.
4. By rezoning the lands shown on the attached Schedule ‘2’ and legally described as:
Lot 3, District Lot 81, Nanoose District, Plan 1799 and the part of road shown on Plan 1799
from Rural 1 (RU1), Subdivision District ‘F’ to Residential 1.2, Subdivision District ‘T’

5. **PART 4 SUBDIVISION REGULATIONS, SCHEDULE '4B' Subdivision Districts – Minimum Parcel Sizes** is hereby amended by inserting the following row in the table, below Subdivision District "S" and above Subdivision District "V":

T	600 m ²	No further subdivision
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Introduced and read two times this ___ day of _____ 20__.

Public Hearing held this ___ day of _____ 20__.

Read a third time this ___ day of _____ 20__.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this ___ day of _____ 20__.

Adopted this ___ day of _____ 20__.

Chairperson

Corporate Officer

Chairperson

Corporate Officer

Schedule '1'

Section 3.4.61.3

RESIDENTIAL 1.2

RS1.2

Permitted Uses and Minimum Site Area

Permitted Uses

- a) Home Based Business
 - b) Residential Use
 - c) Secondary Suite
-

Maximum Number and Size of Buildings and Structures

Accessory buildings	Combined floor area of 100 m ² or 8% of area of parcel whichever is greater, but shall not exceed 250 m ² .
Accessory building height	6.0 m
Dwelling units/parcel	1
Dwelling unit height	8.0 m
Parcel coverage	45%

Minimum Setback Requirements

Front lot line	5.0 m
	6.0 m to any garage door or carport entrance way facing a highway
Interior side lot line	1.5 m
Rear lot line	2.0 m
Other lot lines	5.0 m

Except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.3.8 shall apply.

No setback from an interior or rear lot line shall be required for one accessory building not exceeding a floor area of 10 m² and with a maximum height of 3.0 metres.

Schedule '2' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.394, 2014"

Chairperson

Corporate Officer

Schedule '2'

