

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, JANUARY 13, 2015

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3-6 Minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, October 14, 2014.
- 7-9 Minutes of the Special Electoral Area Planning Committee meeting held Tuesday, October 14, 2014.

BUSINESS ARISING FROM THE MINUTES

DEVELOPMENT PERMITS

- 10-33 Development Permit Application No. PL2014-062 – Hezz Camp Co. Ltd – 924 Island Highway East, Electoral Area ‘G’.
- 34-39 Development Permit Application No. PL2014-128 – Schultz / Bollinger – 971 Maple Lane Drive, Electoral Area ‘G’.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 40-47 Development Variance Permit Application No. PL2014-132 – Lost Lake Properties Ltd. – Electoral Area ‘G’.
- 48-54 Development Variance Permit Application No. PL2014-135 – Broughton – 2458 Pylades Drive, Electoral Area ‘A’.
- 55-60 Development Variance Permit Application No. PL2014-122 – Vogel – 984 Ford Road, Electoral Area ‘F’.
- 61-70 Development Variance Permit Application No. PL2014-133 – 0928323 BC Ltd. & Pland Land Corp Inc. BC0928626 – Electoral Area ‘G’.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

71-78 Development Permit with Variances Application No. PL2014-130 – Lightfoot – 6203 Island Highway West, Electoral Area ‘H’.

79-87 Development Permit with Variance Application No. PL2014-131 – DHR Enterprises Ltd. – 3850 Island Highway West, Electoral Area ‘G’.

OTHER

88-106 Official Community Plan Amendment Application No. PL2014-095 and Zoning Amendment Application No. PL2014-098 – Stauffer – 2930 Trans Canada Hwy., Electoral Area ‘A’.

107-114 Zoning Amendment Application No. PL2012-012 – Trustees of the Little Mountain Congregation of Jehovah’s Witnesses, Parksville, BC – Bylaw 1285.23, 2015 – First and Second Reading.

115-124 Zoning Amendment Application No. PL2014-092 – Allsbrook Estates Ltd. – Electoral Area ‘F’.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, OCTOBER 14, 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
J. Harrison	Director of Corporate Services
R. Alexander	Gen. Mgr. Regional & Community Utilities
G. Garbutt	Gen. Mgr. Strategic & Community Development
D. Pearce	A/Gen. Mgr. Transportation and Solid Waste
J. Hill	Mgr. Administrative Services
J. Holm	Mgr. Current Planning
C. Midgley	Mgr. Energy & Sustainability
C. Golding	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order.

ELECTORAL AREA PLANNING COMMITTEE MINUTES

Minutes of the regular Electoral Area Planning Committee.

MOVED Director Stanhope, SECONDED Director Young, that the minutes of the Electoral Area Planning Committee meeting held Tuesday, September 9, 2014, be adopted.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2014-107 – Pennell – 5481 Deep Bay Drive, Electoral Area ‘H’.

MOVED Director Veenhof, SECONDED Director Fell, that Development Permit No. PL2014-107 to permit the construction of an addition to a dwelling unit within the Hazard Lands DPA be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

Development Permit Application No. PL2014-115 – FMC Holdings Ltd. – 1890 Schoolhouse Road, Electoral Area ‘A’.

MOVED Director McPherson, SECONDED Director Young, that Development Permit No. PL2014-115 to amend previously issued Development Permit with Variance No. PL2012-166 be approved subject to the conditions outlined in Attachments 2 to 6.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2014-102 – Ryan & Kara Malcolm – 2962 Ridgeway Road, Electoral Area ‘C’.

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

CARRIED

MOVED Director Young, SECONDED Director McPherson, that Development Variance Permit No. PL2014-102 to increase the maximum permitted height and floor area for an accessory building containing a secondary suite be approved subject to the conditions outlined in Attachment 2 to 4.

CARRIED

Development Variance Permit Application No. PL2014-064 – Lindsay – 2410 Shady Lane, 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 Variance Permit No. PL2014-064 to reduce the setbacks to a watercourse from 15.0 metres to 6.2 metres be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

Development Variance Permit Application No. PL2014-100 – Wheeler – 1403 Marina Way, Electoral Area ‘E’.

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

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that Development Variance Permit No. PL2014-100 to reduce the setbacks to the interior side lot lines, setback to the sea and increase the maximum allowable height to legalize the siting of an existing dwelling unit, be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variance Application No. PL2014-032 – Parksville Redi- Mix Ltd. – 10 Nanaimo River Road, Electoral Area ‘A’.

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

CARRIED

MOVED Director McPherson, SECONDED Director Fell, that Development Permit with Variance No. PL2014-032 to permit the construction of a concrete batch plant be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

Development Permit with Variance Application No. PL2014-089 – Johnson – 235 Driftwood 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 No. PL2014-089 to legalize the siting of an existing dwelling unit and permit an addition to the dwelling unit within the Hazards Land Development Permit Area be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

Development Permit with Variance Application No. PL2014-118 – Haggarty – 1318 Lanyon Drive, Electoral Area ‘G’.

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

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that Development Permit with Variance No. PL2014-118 to permit the construction of an accessory building be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

OTHER

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement Subdivision Application No. PL2014-046 – Lost Lake Properties Ltd. – Sumar Lane, Electoral Area ‘G’.

MOVED Director Stanhope, SECONDED Director Fell, that the request to relax the minimum 10% perimeter frontage requirement for the remainder lot be approved.

CARRIED

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement Subdivision Application No. PL2014-077 – Giuriato – 2909 Turnbull Road, Electoral Area ‘H’.

MOVED Director Veenhof, SECONDED Director Fell, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 3 be approved.

CARRIED

Amendments to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987; Regional District of Nanaimo Electoral Area 'F' Zoning & Subdivision Bylaw No. 1285, 2012; and Board Policy B1.5 – Electoral Areas 'A', 'C', 'E', 'F', 'G', 'H'.

MOVED Director Stanhope, SECONDED Director Fell, that the Summaries of the Public Information Meetings held on September 16, 17 and 18, 2014, be received.

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.396, 2014", be introduced and read two times.

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.396, 2014", be chaired by Director Stanhope or his alternate.

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.22, 2014", be introduced and read two times.

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that the Public Hearing on "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.22, 2014", be chaired by Director Fell or his alternate.

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that the Board approve the revision as proposed to Board Policy B1.5 *Development Variance Permit, Development Permit with Variance & Floodplain Exemption Application Evaluation.*

CARRIED

NOTICE OF MOTION

Bylaw 1250

Director Fell noted that the following motion will be brought forward to the October 28, 2014 Board Agenda:

That staff be directed to meet with Directors for Electoral Areas 'A', 'C', 'F', and 'H' to start discussions on modifications to Bylaw 1250 for owner builders.

ADJOURNMENT

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

CARRIED

TIME: 6:52 PM

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE SPECIAL ELECTORAL AREA PLANNING COMMITTEE MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, OCTOBER 14, 2014 AT 3:05 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:

Director H. Houle	Electoral Area B
Director D. Johnstone	City of Nanaimo
Director M. Lefebvre	City of Parksville
P. Thorkelsson	Chief Administrative Officer
J. Harrison	Director of Corporate Services
R. Alexander	Gen. Mgr. Regional & Community Utilities
G. Garbutt	Gen. Mgr. Strategic & Community Development
P. Thompson	A/Gen. Mgr. Transportation and Solid Waste
J. Holm	Mgr. Current Planning
J. Hill	Mgr. Administrative Services
C. Golding	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order.

DELEGATIONS

Mayta Ryn, re Medical Marihuana Production Facilities on ALR land.

Mayta Ryn shared her views that medical marihuana production facilities on Agriculture Land Reserve lands should be regulated to guide producers of medical marihuana to choose a site that provides the necessary services and infrastructure for the facility.

REPORTS

Ministry of Agriculture Draft Bylaw Standard Guide for Medical Marihuana Production in the ALR.

MOVED Director Stanhope, SECONDED Director Veenhof, that the Board receive this report for information.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that staff provide correspondence to Health Canada requesting its thorough evaluation of such issues as traffic and security impacts, potential for ground and surface water contamination, wastewater discharge and aquifer impacts when considering Medical Marihuana Production Regulation applications on Agriculture Land Reserve land within the Regional District of Nanaimo.

CARRIED

MOVED Director Stanhope, SECONDED Director Veenhof, that staff respond to the Ministry of Agriculture's request for comments on draft criteria for developing local government bylaws regarding medical marihuana production in the Agriculture Land Reserve with the following requests:

- a) that the criteria provide clarity with regard to provisions available only to municipalities and those available to regional districts.
- b) that the criteria provide clarity on which provisions are only available to local governments through approved Farm Bylaws.
- c) that the "Guide for Bylaw Development in Farming Areas" provide clarity with regard to Provincial and Federal regulations that apply to medical marihuana production in the Agriculture Land Reserve.
- d) that the Ministry of Agriculture include guidance specific to the production of medical marihuana in the Ministry's 'Farm Practice Reference Guide'.

MOVED Director Fell, SECONDED Director Stanhope that the Board amend the motion to include:

- e) that the Ministry of Agriculture recognize the uniquely industrial character of medical marihuana production facilities and that regulating bylaws be allowed to include provisions to:
 - 1) Prove that there is sufficient on site water to meet the needs of the facility.
 - 2) Install a proper facility to treat waste.
 - 3) Prove that the infrastructure of roads and power is sufficient to service the site without upgrades.
 - 4) Meet standards for the zero emissions claimed in the discussion paper. At the very least, the Provincial Government should be taken up on its offer in the Discussion Paper that a similar standard to that used in on-farm mushroom composting could be developed for odours with respect to the production of medical marihuana.
 - 5) Prove that fire and police facilities are close enough to meet safety concerns.
- f) that the Province harmonize its siting regulations in accordance with Health Canada Guidelines.

The vote was taken on the main motion as amended.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 4:22 PM

CHAIRPERSON

CORPORATE OFFICER



RDN REPORT		[Signature]
CAO APPROVAL		
EAP	✓	
COW		
DEC 31 2014		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: December 29, 2014

FROM: Tyler Brown
Planner

FILE: PL2014-062

SUBJECT: Development Permit Application No. PL2014-062 – Hezz Camp Co. Ltd.
Lot 3, District Lot 129, Nanoose District, Plan 8659 – 924 Island Highway East
Electoral Area ‘G’

PURPOSE

Consider an application for a Development Permit for the expansion of a resort vehicle park.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Heather Powell on behalf of Hezz Camp Co. Ltd., for a Development Permit to expand an existing campground by constructing new camping spaces with accessory covered shelters, a picnic shelter and a new reception building (see Attachment 1 – Subject Property Map).

The subject property is approximately 6.1 ha in area and is zoned Commercial 5 within Subdivision District ‘D’ (CM5D), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and is currently used as a resort vehicle park. The property is bound by Rural 1 zoned parcels to the north, east and south. The western border of the parcel is defined by the Englishman River and access to the parcel is from the Island Highway. The following previous development permits have been issued for the property: Development Permit No. 37, Development Variance Permit No. 74, and Development Permit No. 60554. Partial implementation of works proposed in previous developments has been completed and additional unauthorized development has also occurred on the subject property. The proposed development is subject to the Environmentally Sensitive Features – Aquifer Protection and the Multi Residential, Intensive Residential Industrial, and Commercial Form and Character Development Permit Area (DPA) as per the “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”.

Through previous approvals and development, the site has been built-out with a lodge building that includes a reception and office, 57 campsites, ten yurts (three of which have been built) and eight cabins. Additional camping spaces have been built without RDN permits but are proposed to be accounted for through the current Development Permit Application. All works and development proposed under the current application, including those undertaken without permit, are outside the 30 metre setback from the natural boundary of the Englishman River.

Proposed Development

The applicant is proposing to expand an existing campground by constructing 67 new camping spaces with accessory structures, a picnic shelter and a new reception building on the eastern half of the property (see Attachment 3 – Site Plan and Attachment 4 – Site Plan Detail).

Each of the 67 new camping spaces are proposed to be developed in accordance with the Campground Regulations as outlined in Bylaw No. 500. As an accessory structure to the camping space, and as permitted by Section 3.3.1 – Accessory Buildings and Structures of Bylaw No. 500, the applicant is proposing covered decks on the new camping sites which will align with a parked recreational vehicle. The applicant has supplied construction plans which illustrate two slightly different covered decks (see Attachment 5 – Covered Deck Option 1 and Attachment 6 – Covered Deck Option 2). Both are consistent in design and building materials. However, to provide greater flexibility for the size of recreational vehicle the shelter is to be paired with, one design has a length and width of 3.08 metres while the other design has a length of 2.44 metres and a width of 3.66 metres (see Attachment 7 - Covered Decks Foundation Plan for Options 1 and 2). The structures will be constructed of wood with metal roofing. Given the structures are open on all four sides, less than 10 m² in area and clearly accessory to resort vehicle use, the structures are permitted by the zoning bylaw.

Among existing development on the western half of the property, the applicant is proposing the construction of a picnic shelter (see Page 3 of Attachment 4 – Site Plan Detail). Similar to the design of the sheltered decks, the picnic shelter is wood construction with a metal roof (see Attachment 9 – Picnic Shelter Elevations). The height of the picnic shelter is approximately 3.66 metres and has an area of approximately 29.73 m².

The applicant is also proposing the construction of a new reception building on the subject parcel (see Attachment 8 – Reception Building Elevations). The current reception and office building is on the previously developed western side of the property and will continue to be used as an office. The new reception and office building is proposed on the eastern side of the property near the road access to the property (see Page 1 of Attachment 4 – Site Plan Detail). In addition to the reception area, the building will provide bathrooms, lounging areas and laundry facilities for patrons of the resort vehicle park. The second floor of the proposed structure will accommodate a small living area to be used by the property caretaker. The main floor of the proposed structure is approximately 220 m² and the upper storey is approximately 53.5 m². In accordance with Bylaw No. 500, the applicant will provide the required parking spaces and recycle/garbage containers for the reception building. Moreover, the applicant is proposing to buffer the reception building, parking area, and recycle/garbage containers with native shrubs and trees (see Page 1 of Attachment 10 – Landscape Plan Detail). The recycle/garbage containers will also be buffered with wood fencing that compliments the existing split rail fencing on the property.

The applicant is also proposing a 2.0 metre landscape buffer along portions of the northern and southern lot line, and the entirety of the eastern lot line (see Attachment 10 – Landscape Plan Detail). A planting plan has been prepared by MacDonald Gray Consulting. The planting plan proposes to augment the existing mature native trees, shrubs and fence by adding native trees and shrubs. The plan utilizes native plants to ensure growth and preserve the natural feel of the resort vehicle park. The extent of the proposed 2.0 metre buffer is consistent with the area proposed to be expanded.

ALTERNATIVES

1. To approve Development Permit No. PL2014-062 for the expansion of a resort vehicle park and campground subject to the conditions outlined in Attachments 2 to 10.
2. To deny Development Permit No. PL2014-062.

LAND USE IMPLICATIONS

Development Implications

The applicant has submitted a Development Permit Impact Review for Aquifer Protection, prepared by GW Solutions Inc. and dated December 9, 2014, to satisfy the development permit guidelines pertaining to ground water protection. The report concludes that further development of the site and the expansion of the resort vehicle park is unlikely to stress or impact the underlying aquifer. In addition, the report makes several recommendations for developing the site. Specifically, the report recommends construction of a standpipe monitoring well down gradient of each drain field and that any modification of the topography of the land is to be done by importing granular material and not by excavation. Staff recommend that the applicant be required to register a Section 219 covenant that registers the Development Permit Impact Review for Aquifer Protection report on the property title with a clause requiring the site to be developed in accordance with the recommendations of the report (see Attachment 2 – Terms and Conditions of Permit).

The applicant has also submitted a Storm Water Management Plan, prepared by Park City Engineering Ltd., dated January 2014, and updated December 2, 2014, to address the development permit guidelines pertaining to rainwater management for the proposed development. The report includes calculations for pre-development surface water flow on the site and approximates that post development flow will not exceed pre-development flows with the implementation of the Storm Water Management Plan. Staff recommend that the applicant be required to register a Section 219 covenant that registers the Storm Water Management Plan on the property title with a clause that all development is to be done in accordance with the recommendations of the report (see Attachment 2 – Terms and Conditions of Permit).

The applicant is proposing to retain existing tree clusters on site. To help shield and buffer the proposed development from any site lines associated with the nearby road networks and neighboring properties, the applicant is proposing to augment the existing trees with native tree species and shrubs (see Attachment 10 – Landscape Plan Detail). A planting plan has been prepared by MacDonald Gray Consulting which details a 2.0 metre buffer around the proposed resort vehicle park expansion. The proposed landscaping will be secured through a landscaping security deposit (see Attachment 2 – Terms and Conditions of Permit). The proposed reception building is sited near the access entrance to the resort vehicle park, and is similar in design to other buildings on the property. The associated automobile parking spaces and recycle/garbage bins are shielded from the rest of the development using landscaping and wood fencing (see Page 1 of Attachment 10). Moreover, native vegetation and trees are proposed on the southern side of the reception building to improve the aesthetic of the development. Although the proposed reception building is two stories, the upper floor is only for a live in caretaker. The proposed reception building is sited near the access entrance to the resort vehicle park, and is similar in design to other buildings on the property.

The proposed picnic shelter is simple in design and built from metal and wood. Moreover, the shelter would be used by residents and patrons of the resort vehicle park. The design of the covered shelter for individual campsites reflects the look of the picnic shelter and is proposed only for the 67 new campsites.

The internal road networks and campsites are proposed to be developed in accordance with the provisions outlined in the Campground Regulations as required in Bylaw No. 500. Moreover, the submitted site plan indicates the required number of laundry and bathroom facilities per the Campground Regulations. If Development Permit PL2014-062 is approved, the subject property will have reached the maximum build out potential considering the site area requirements of the CM5 zone. If approved, Development Permit No. PL2014-062 would permit the site to be built-out to include a total of 124 camping spaces (67 new camping spaces with accessory covered decks and 57 existing camping spaces), 8 cabins, the lodge building, 10 yurts, a picnic shelter, the proposed reception building and various accessory buildings for storage (see Attachment 3 – Site Plan).

The applicant has previously built structures, such as decks adjacent to recreational vehicles, on the subject property without a building permit. The structures are accessory to the campsites. Staff propose that the applicant be required to obtain a building permit for structures previously constructed without the required permits prior to issuance of Development Permit No. PL2014-062 (see Attachment 2 – Terms and Conditions of Permit).

Strategic Plan Implications

Staff have reviewed the application in consideration of the Board's 2013-2015 Strategic Plan and note the following implications will contribute towards community resiliency:

- The proposed resort vehicle park expansion would help ensure the long term economic viability of an existing commercial use; and
- The applicant has provided a development impact assessment to ensure the aquifer will not be negatively affected from the proposed resort vehicle park expansion.

Inter-governmental Implications

The application was referred to the local fire department, Vancouver Island Health Authority (VIHA) and the Ministry of Transportation and Infrastructure (MOTI). None of the agencies referred to raised concern with the proposed resort vehicle park expansion.

SUMMARY/CONCLUSIONS

This is an application to consider a Development Permit to permit the expansion of a resort vehicle park on the subject property. The applicant has provided a comprehensive site plan, a storm water management plan, an aquifer assessment report, a landscape plan and structural drawings for the proposed picnic shelter, reception building and accessory covered decks. The recommendations of the storm water management plan and aquifer assessment are proposed to be secured through restrictive covenants as conditions of approval. Moreover, the applicant shall provide a landscaping security in the amount of \$15,590 and develop a 2.0 metre vegetated buffer around the proposed development (see Attachment 2 – Terms and Conditions of Permit).

If approved, Development Permit PL2014-062 would permit an additional 67 camping spaces with accessory covered decks, a picnic shelter and new reception building on the subject property. As the

proposed resort vehicle park expansion is consistent with the relevant permit area guidelines, staff recommend approval of Development Permit No. PL2014-062.

RECOMMENDATION

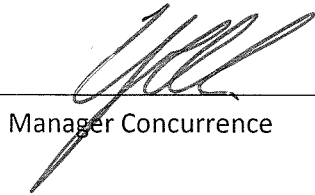
That Development Permit No. PL2014-062 to permit the expansion of a resort vehicle park through the addition of 67 camping spaces with accessory covered decks, a picnic shelter and new reception building on the subject property be approved subject to the conditions outlined in Attachments 2 to 10.



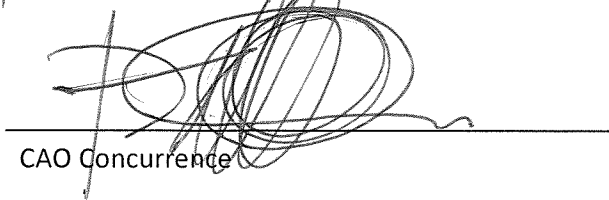
Report Writer


A/

General Manager Concurrence

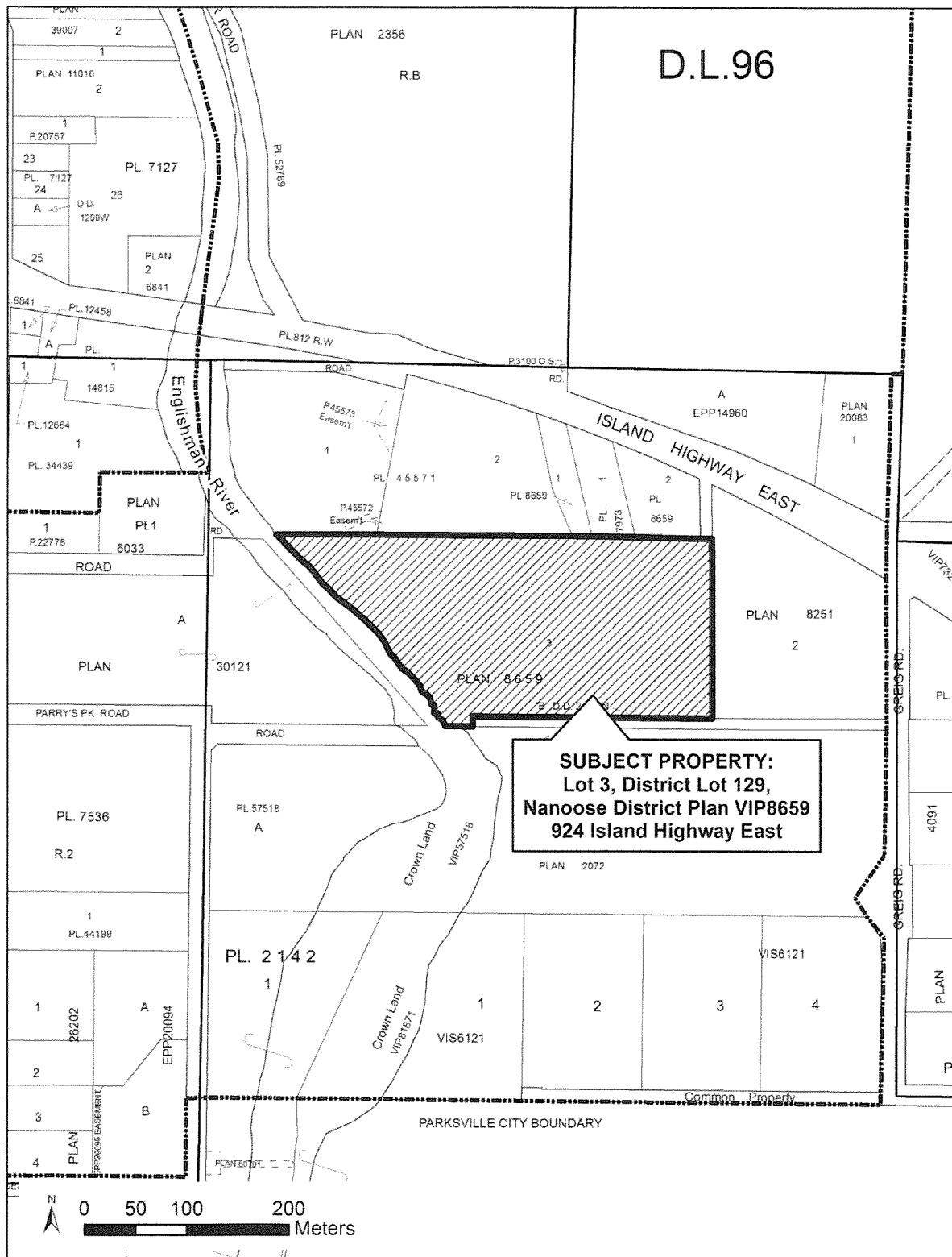


Manager Concurrence



CAO Concurrence

Attachment 1 Subject Property Map



**Attachment 2
Terms and Conditions of
Development Permit PL2014-062**

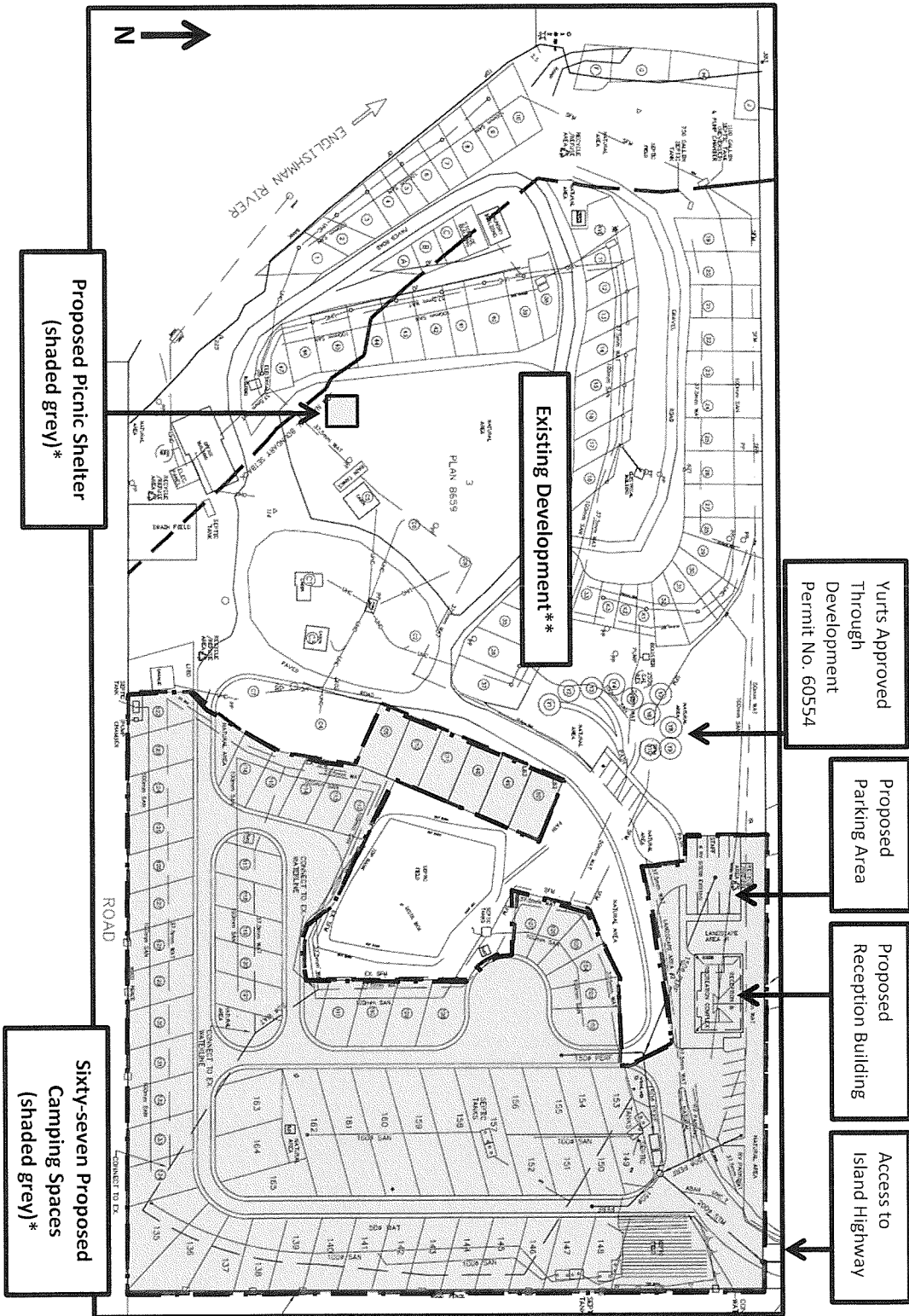
The following sets out the terms and conditions of Development Permit No. PL2014-062:

Conditions of Approval

1. The property owner shall obtain any necessary permits for structures previously constructed without the required building permits prior to the issuance of Development Permit No. PL2014-062.
2. Prior to the issuance of Development Permit No. PL2014-062, the applicant shall provide a landscaping security in the amount of \$15,590.
3. Prior to the issuance of Development Permit No. PL2014-062, the applicant shall register a Section 219 covenant registering the Development Permit Impact Review for Aquifer Protection report, prepared by GW Solutions Inc. and dated December 9, 2014, on the property title which includes a clause requiring the site to be developed in accordance with the conclusions and recommendations of the report. The Section 219 covenant shall include the requirement for the construction of a standpipe monitoring well down gradient of each drain field and that any modification of the topography is to be done by importing granular material and not be excavation.
4. Prior to the issuance of Development Permit No. PL2014-062, the applicant shall register a Section 219 covenant registering the Storm Water Management Plan; prepared by Park City Engineering Ltd., dated January 2014, and updated December 2, 2014, on the property title which includes a clause requiring the site to be developed in accordance with the report.
5. The proposed development is to be completed in accordance with the Development Permit Impact Review for Aquifer Protection report, prepared by GW Solutions Inc. and dated December 9, 2014.
6. The proposed development is to be completed in accordance the Storm Water Management Plan; prepared by Park City Engineering Ltd., dated January 2014, and updated December 2, 2014
7. The proposed development is sited in accordance with the Site Plan prepared by Jorgensen Osmond Ltd. dated May 18, 2010, and updated December 8, 2014.
8. The proposed landscaping shall be provided and maintained in accordance with the Planting Plan submitted by MacDonald Gray Consultants, dated December 9, 2014.
9. The proposed covered decks, to be used accessory to campsites and not permanently attached to any recreational vehicle, are to be in substantial compliance with the plans and elevations prepared by Jorgensen Osmond Ltd. dated October 10, 2008, and updated December 15, 2014.

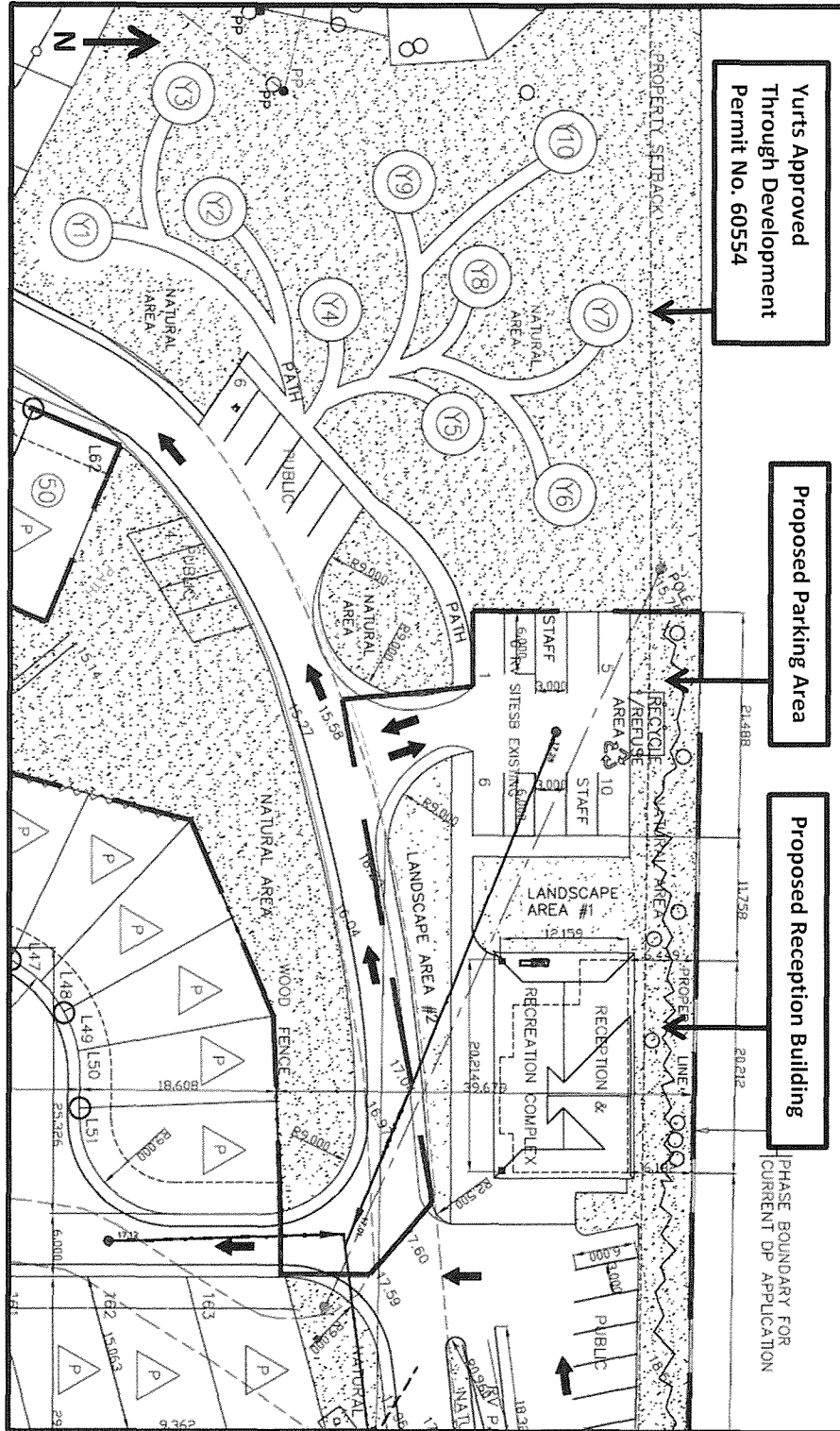
10. The proposed covered picnic shelter is to be in substantial compliance with the plans and elevations prepared by Jorgensen Osmond Ltd. dated May 29, 2014.
11. The proposed reception building is to be in substantial compliance with the plans and elevations prepared by Jorgensen Osmond Ltd. dated February 28, 2008, and updated June 6, 2014.
12. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3 Site Plan

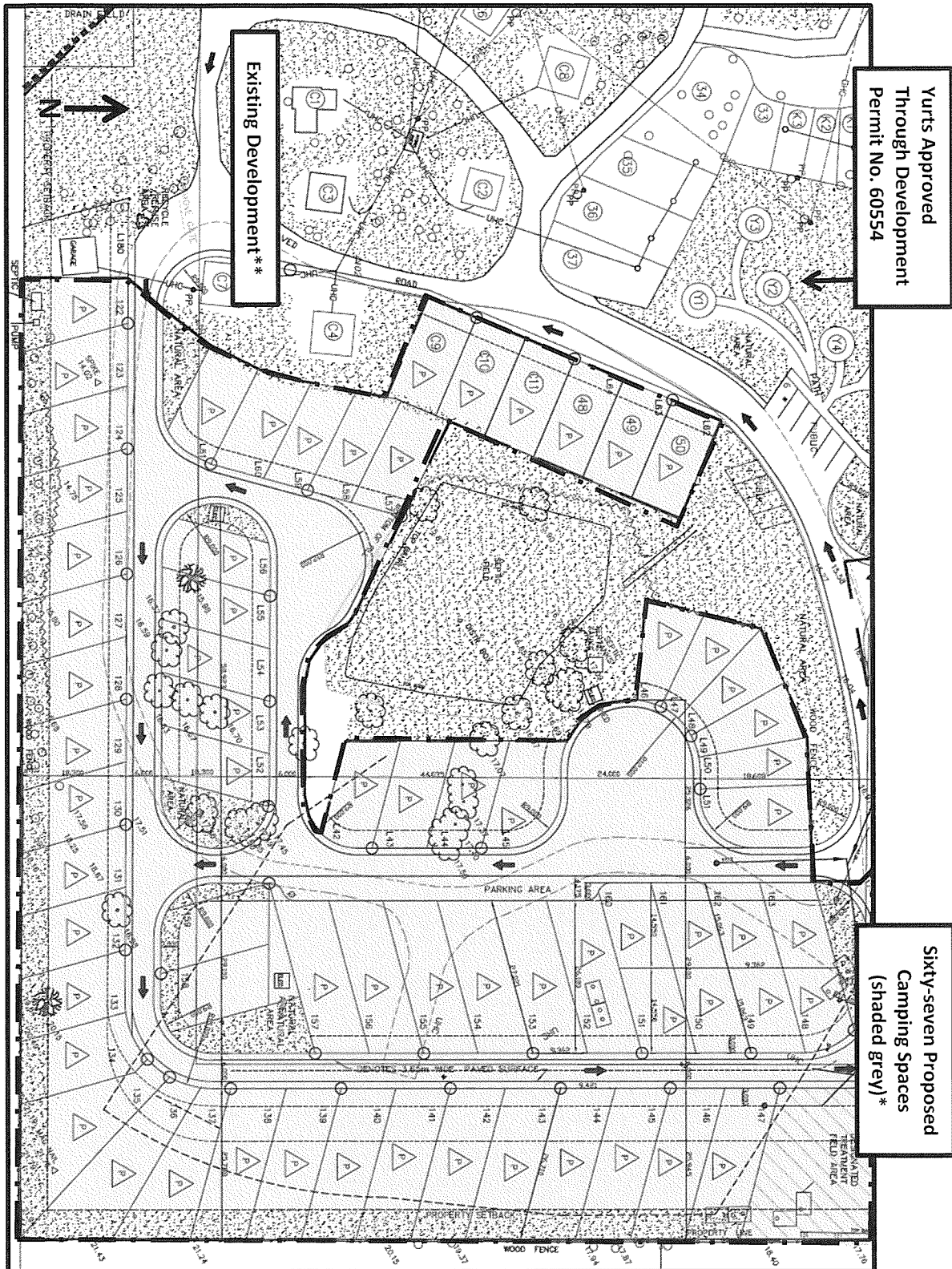


* The grey shading indicates the extent of the applicable area of Development Permit No. PL2014-062.
** Existing development was approved through previous development permits or predated development permit requirements.

Attachment 4
Site Plan Detail (Page 1 of 3)

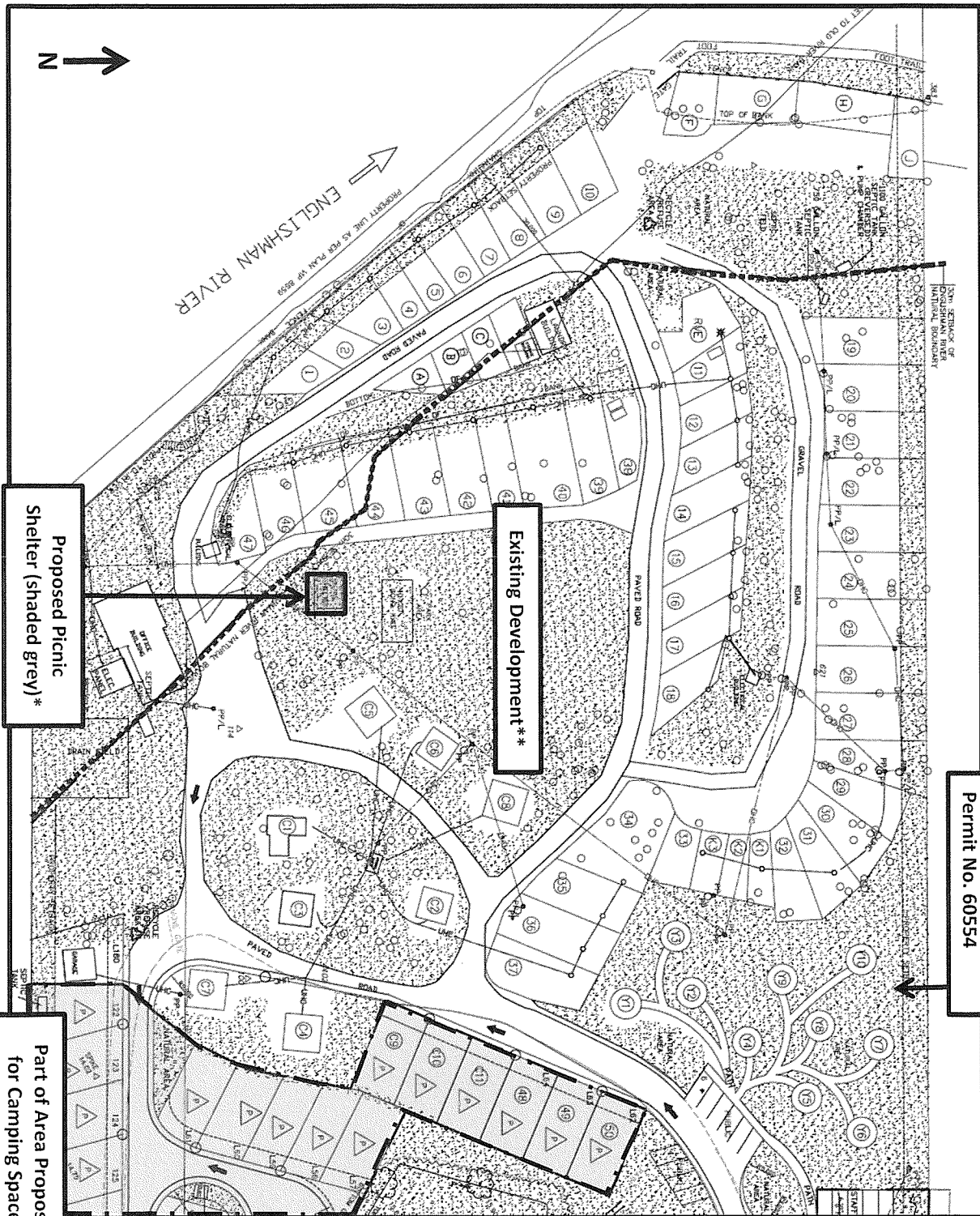


Attachment 4
Site Plan Detail (Page 2 of 3)



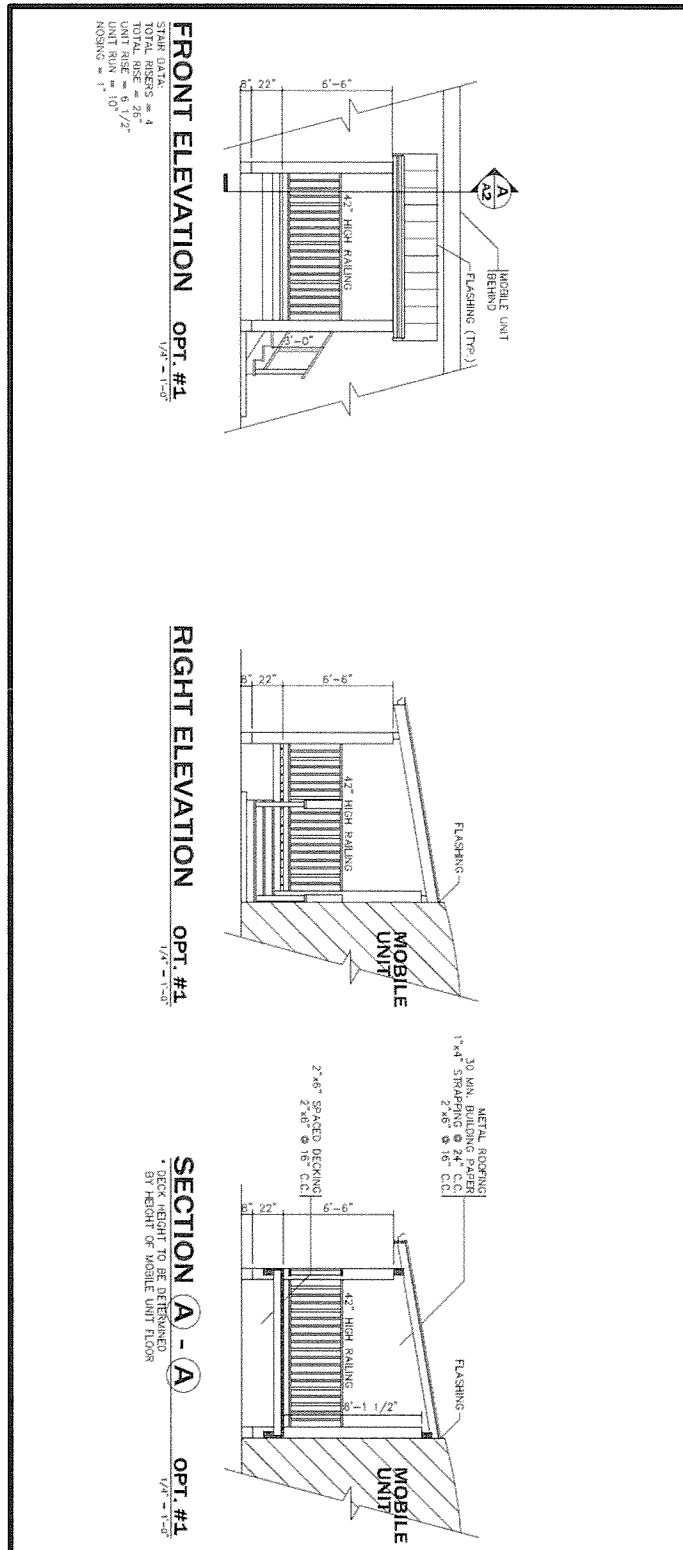
* The grey shading indicates a portion of the applicable area of Development Permit No. PL2014-062.
** Existing development was approved through previous development permits or predated development permit requirements.

Attachment 4
Site Plan Detail (Page 3 of 3)

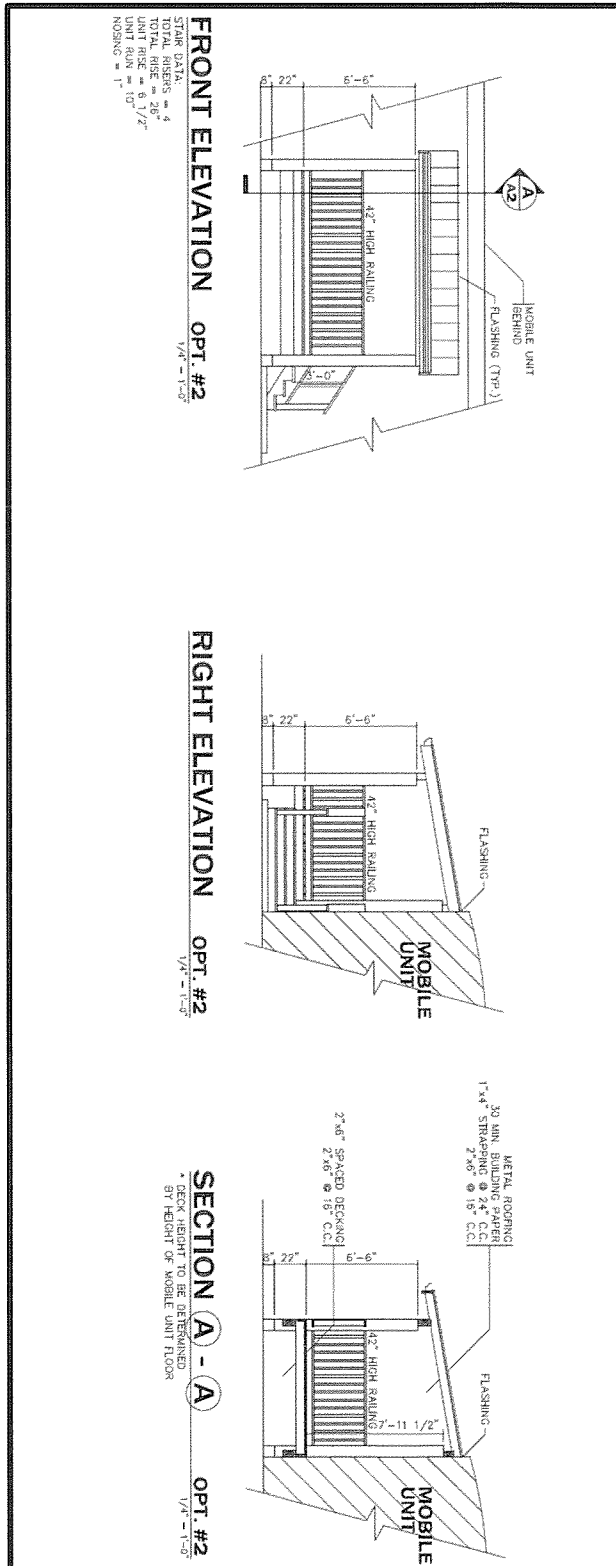


* The grey shading indicates a portion of the applicable area of Development Permit No. PL2014-062.
** Existing development was approved through previous development permits or predated development permit requirements.

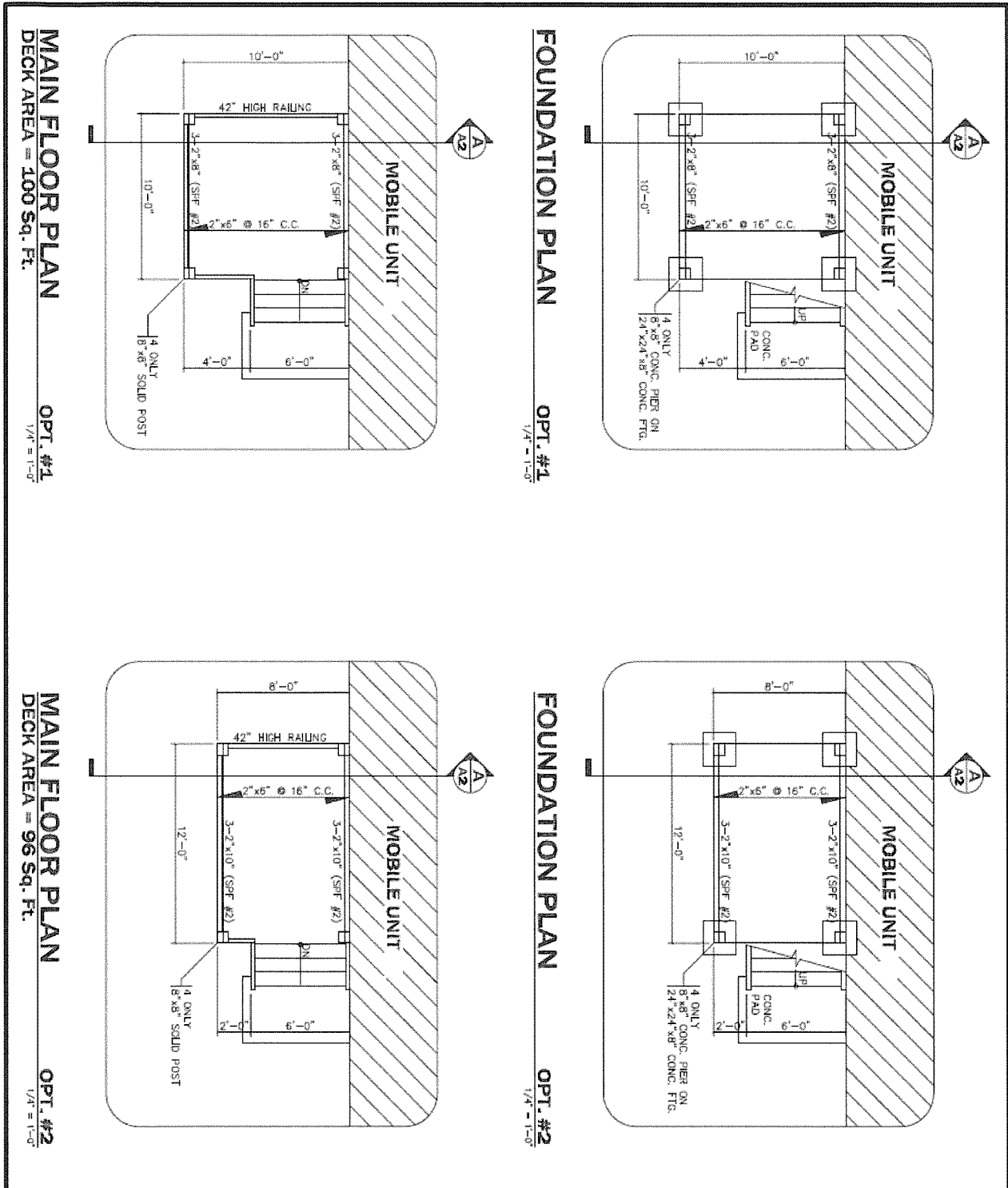
Attachment 5
Covered Decks Elevations Option 1



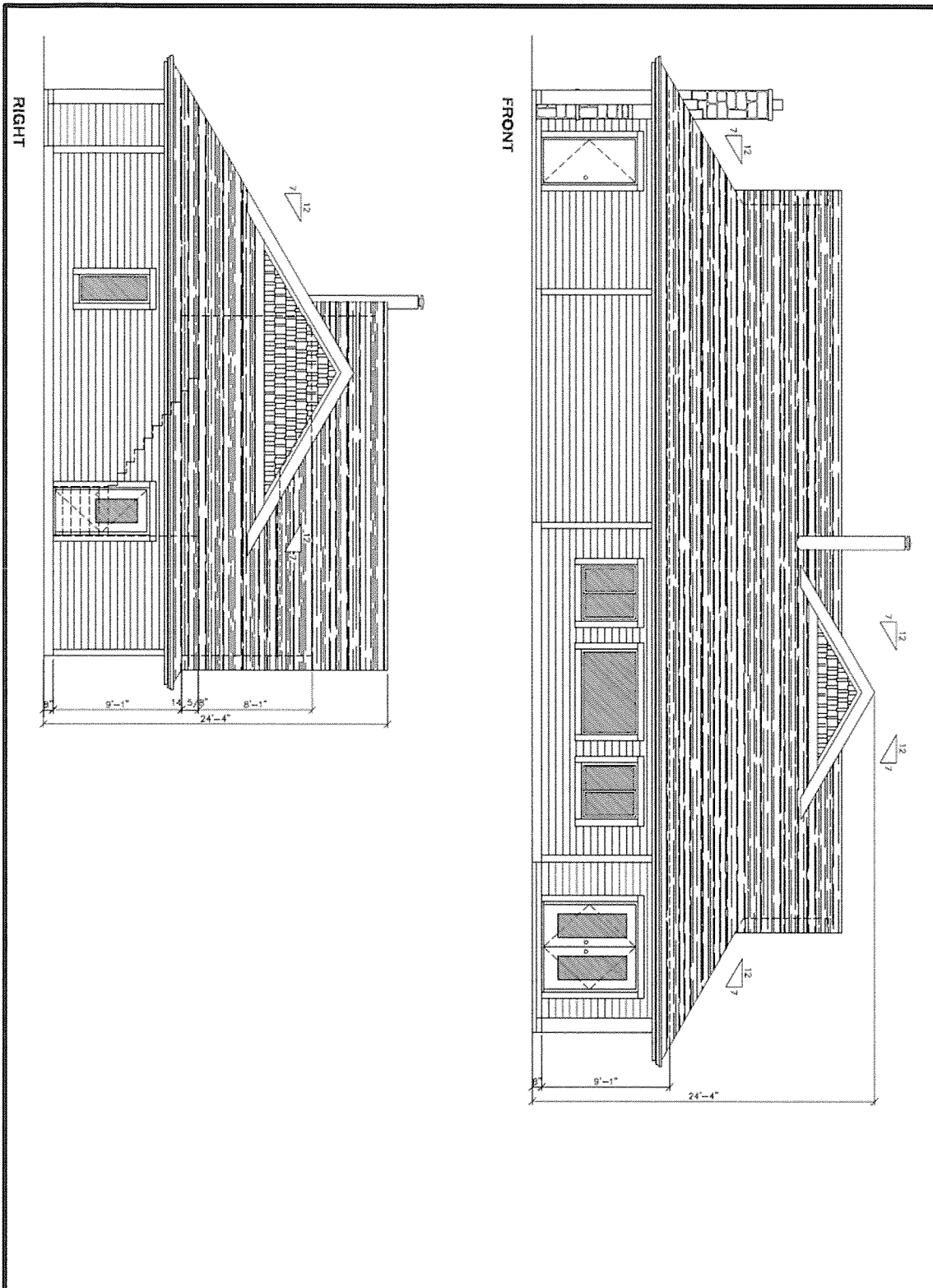
Attachment 6
Covered Decks Elevations Option 2



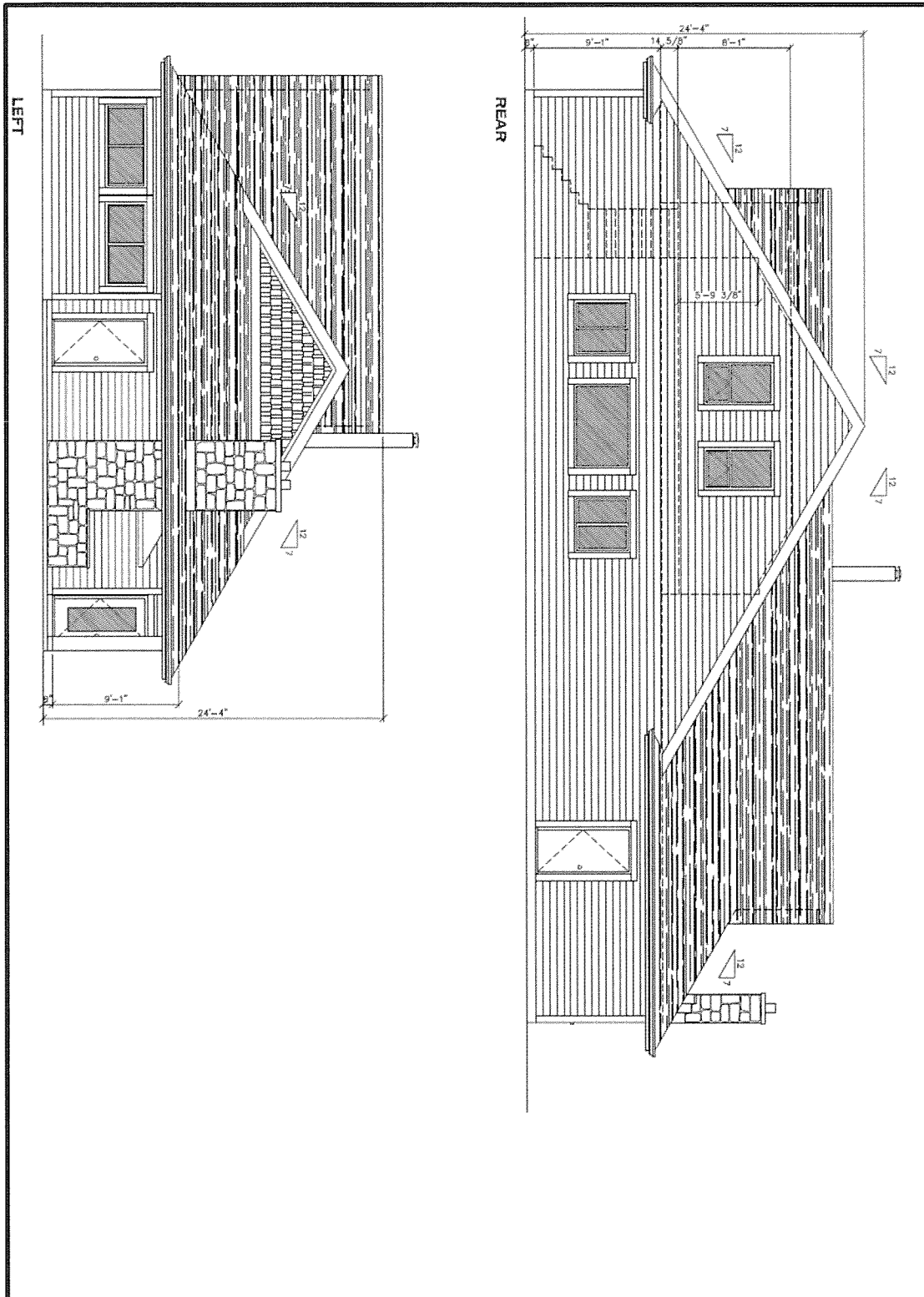
Attachment 7
Covered Decks Foundation Plan for Options 1 and 2



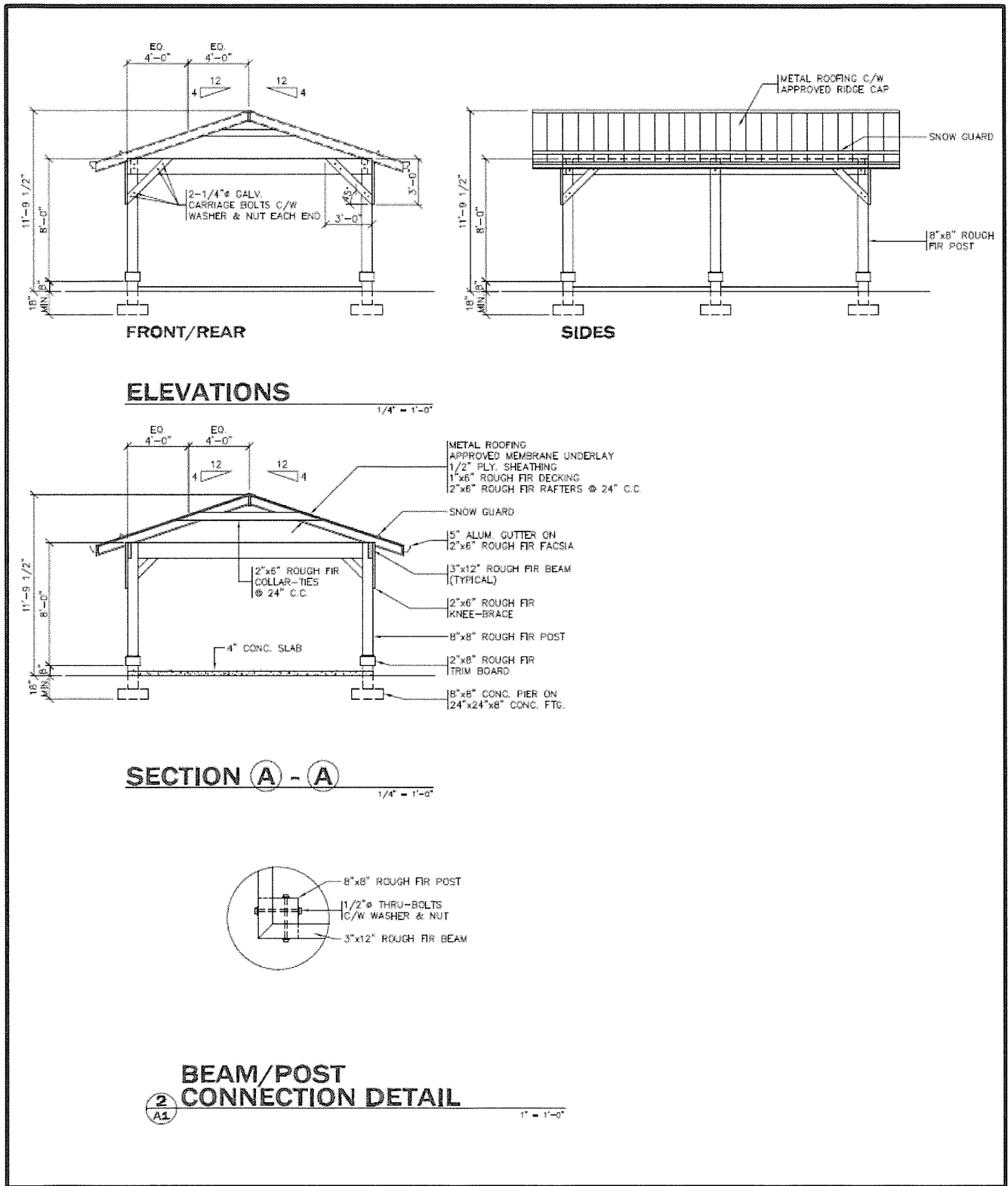
Attachment 8
Reception Building Elevations (1 of 2)



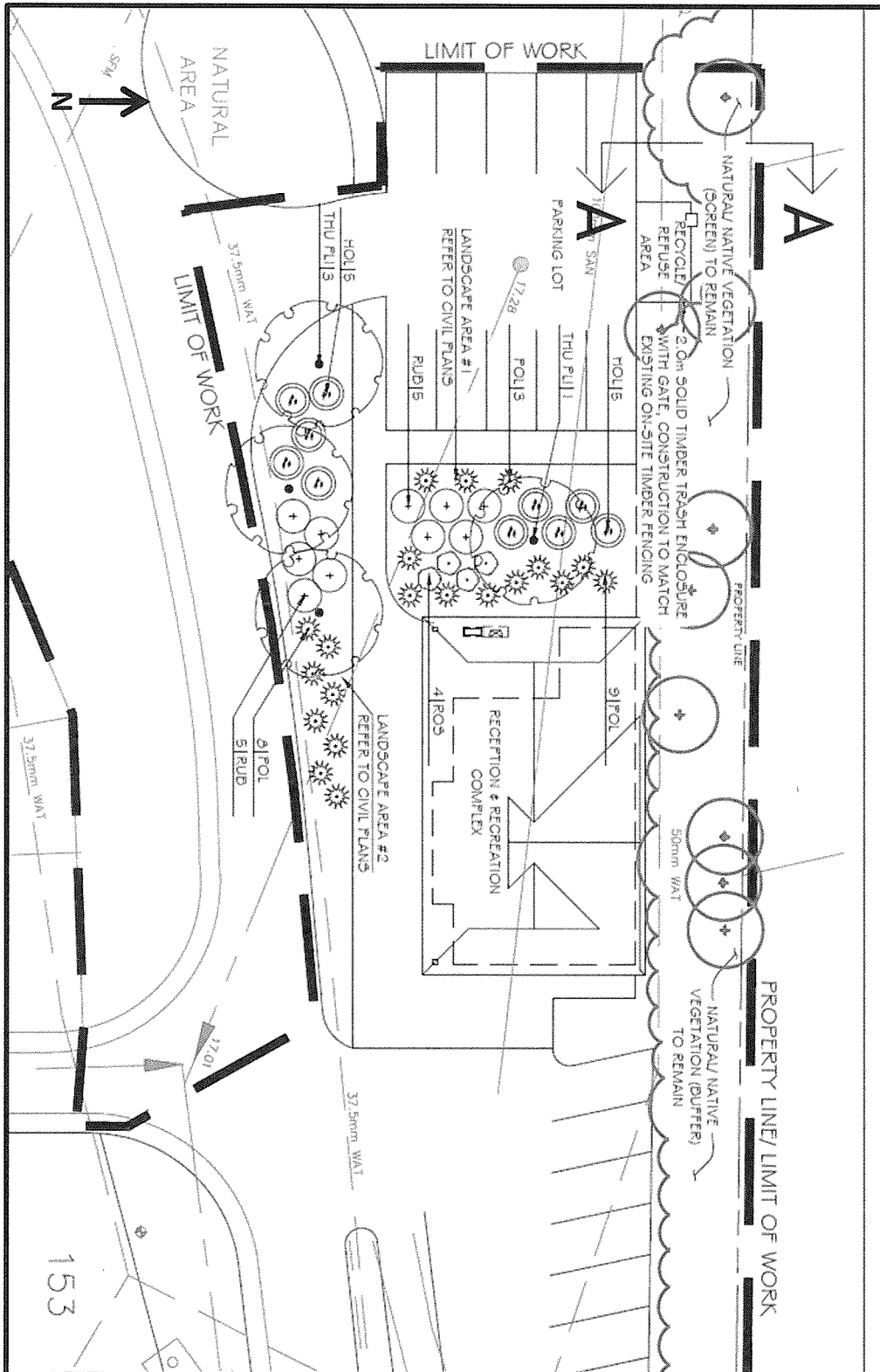
Attachment 8
Reception Building Elevations (2 of 2)



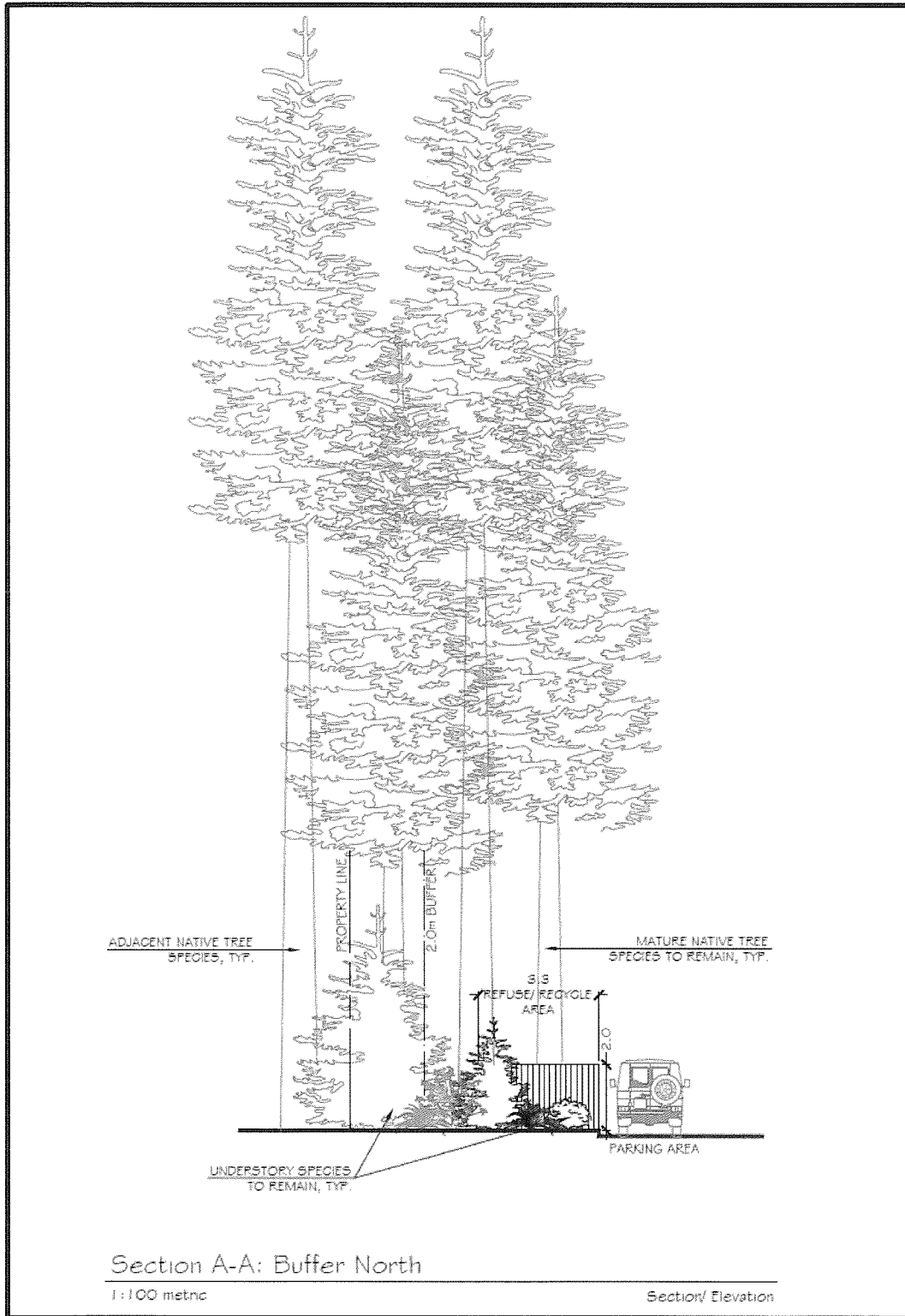
**Attachment 9
Picnic Shelter Elevations**



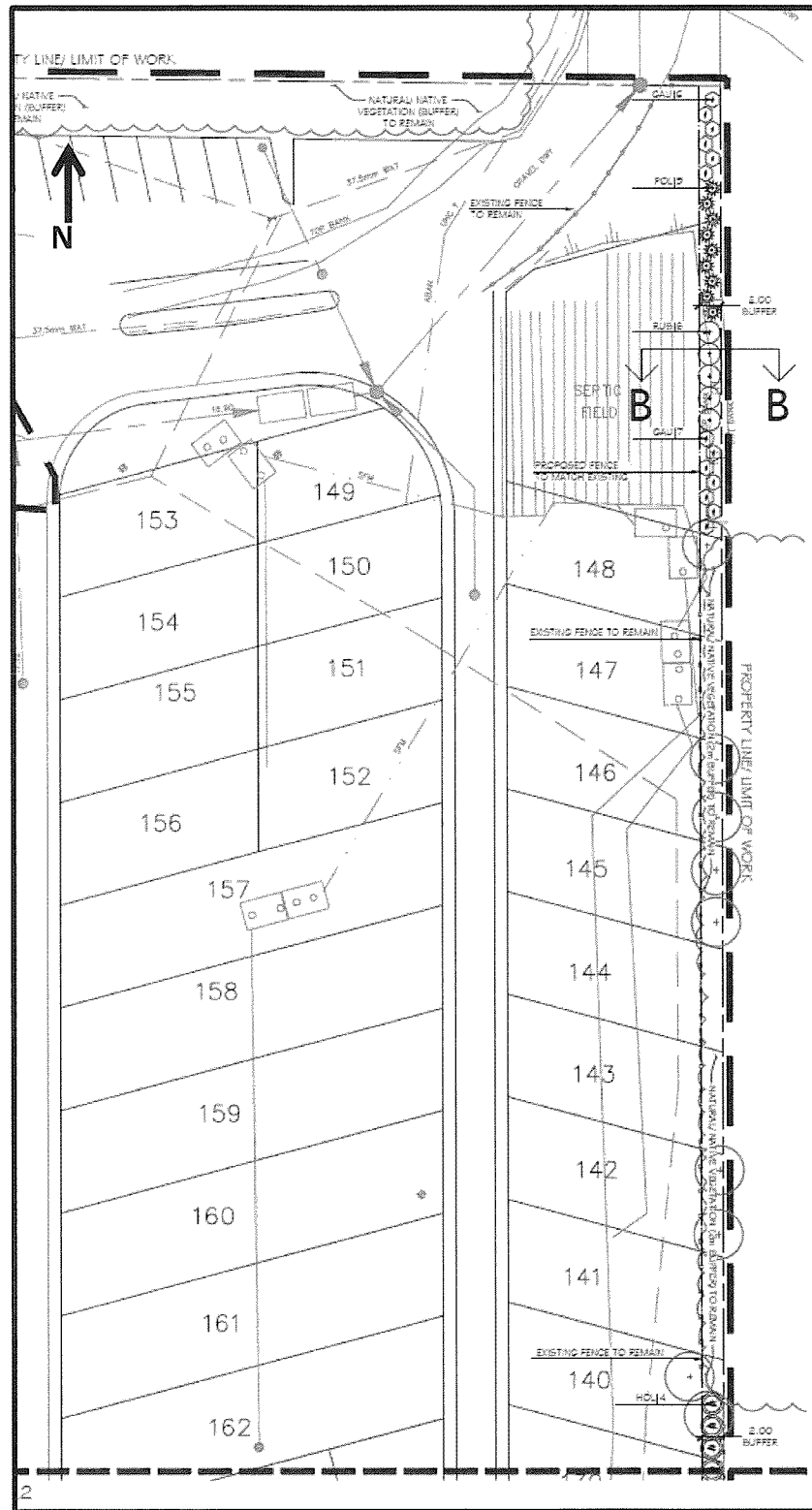
Attachment 10
Landscape Plan Detail (Page 1 of 6)



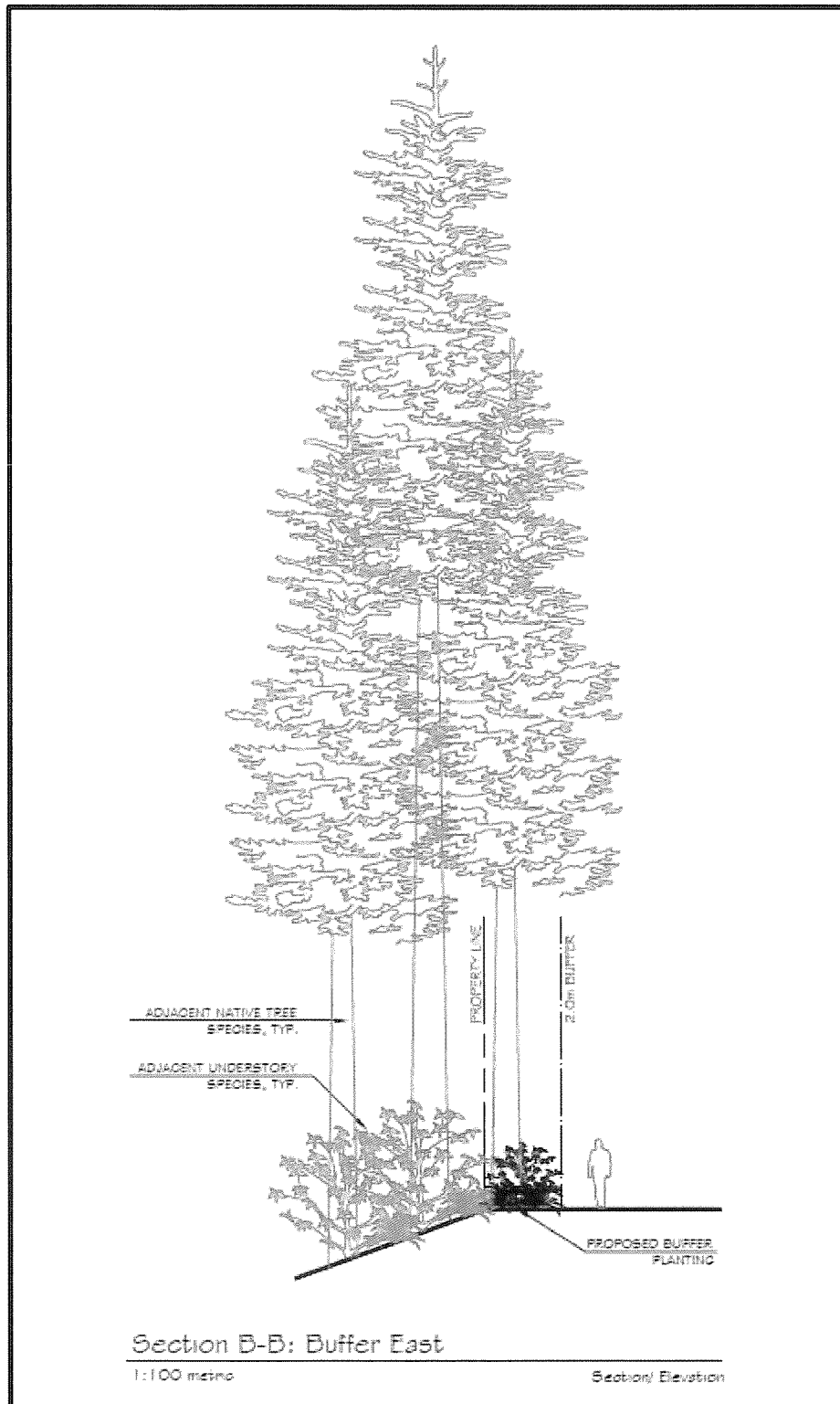
Attachment 10
Landscape Plan Detail (Page 2 of 6)



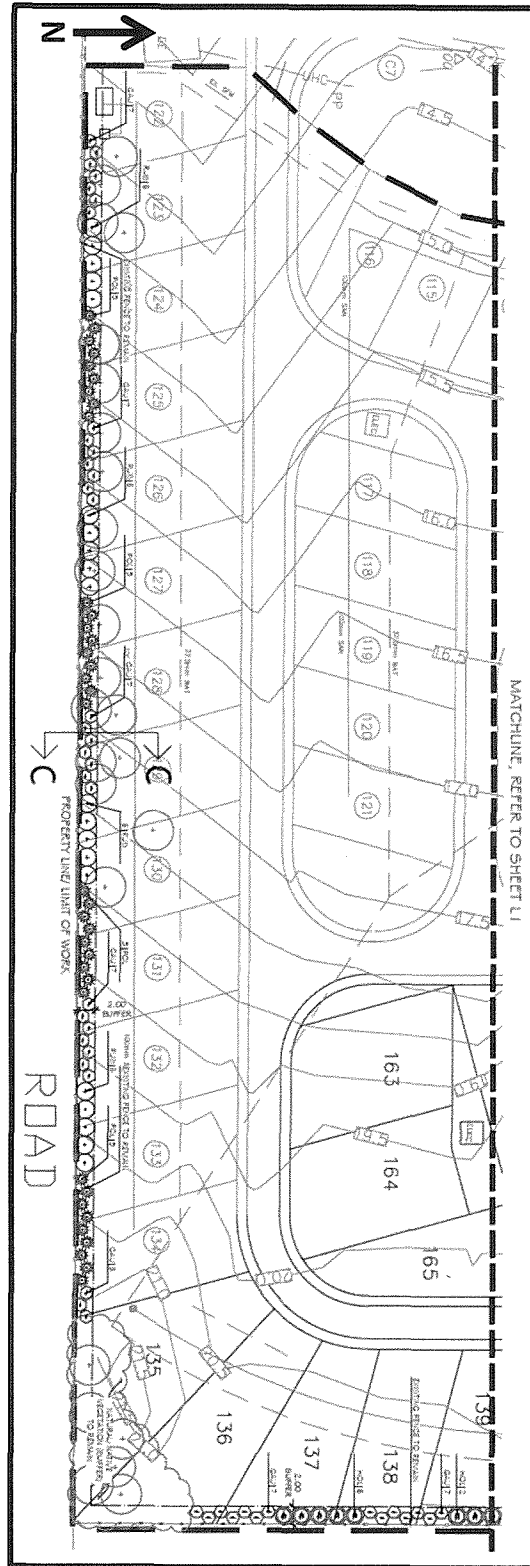
Attachment 10
Landscape Plan Detail (Page 3 of 6)



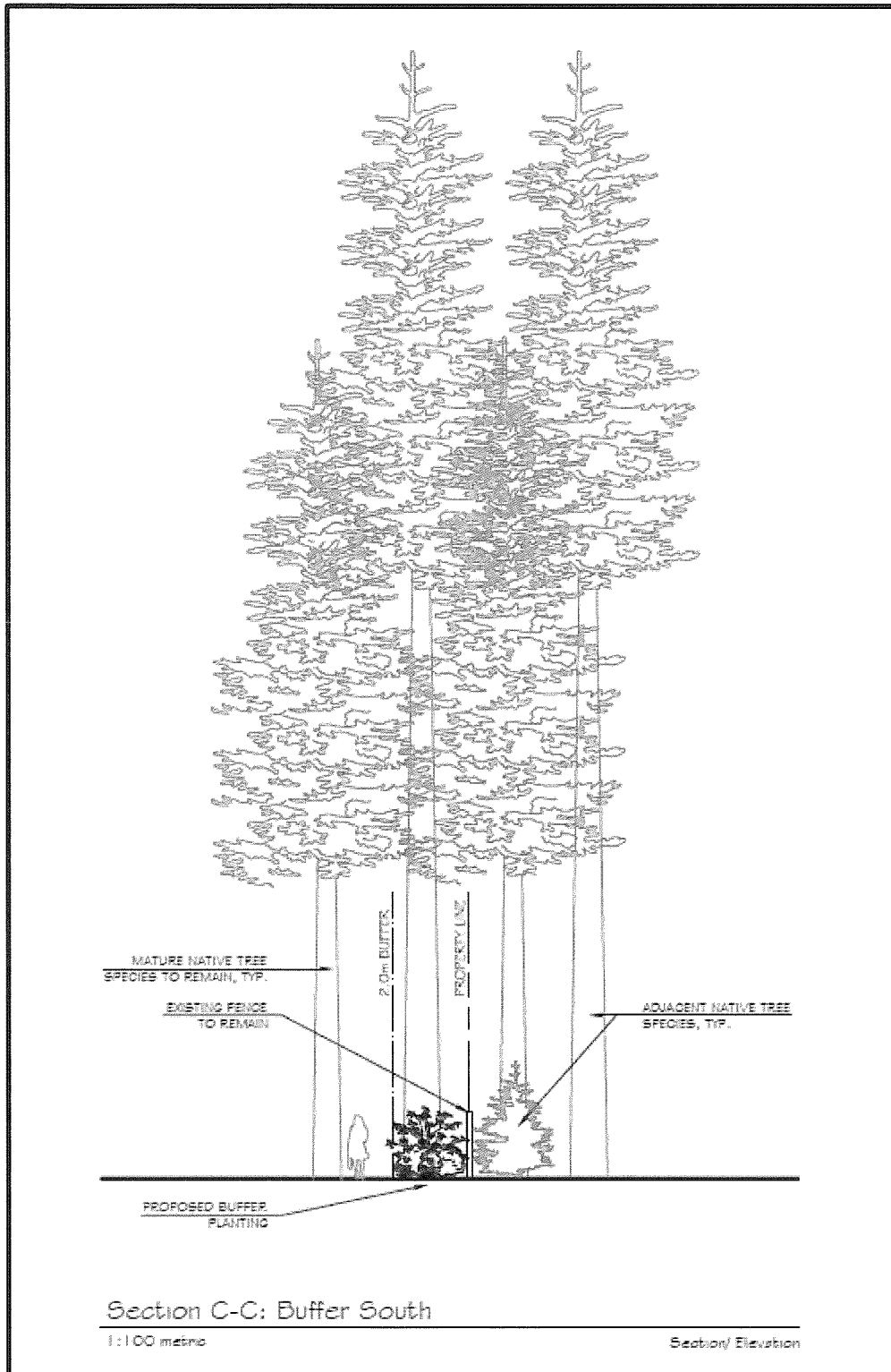
Attachment 10
Landscape Plan Detail (Page 4 of 6)

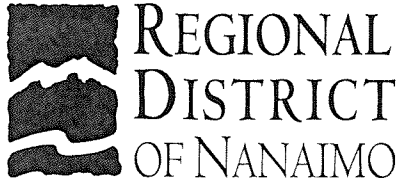


Attachment 10
Landscape Plan Detail (Page 5 of 6)



Attachment 10
Landscape Plan Detail (Page 6 of 6)





RDN REPORT	
CAO APPROVAL	
EAP	✓
COW	
DEC 19 2014	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: December 15, 2014

FROM: Angela Buick
Planner

FILE: PL2014-128

SUBJECT: Development Permit Application No. PL2014-128 – Schultz / Bollinger
Lot 1, District Lot 1, Nanoose District, Plan 21715 – 971 Maple Lane Drive
Electoral Area 'G'

PURPOSE

To consider an application for a Development Permit in conjunction with Subdivision Application.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Schultz and Bollinger for a Development Permit in conjunction with a two-lot Subdivision Application No. PL2014-063. The subject property is approximately 3,200 m² in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 – Subject Property Map).

The subject property contains one dwelling unit, and is bordered by Maple Lane to the north, and developed residential lots to the west, east and south.

The proposed subdivision is subject to the Hazard Lands and Environmentally Sensitive Features (Aquifer Protection) Development Permit Areas (DPA) as per "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008".

Proposed Development

The applicants propose to subdivide the subject property into two parcels (see Attachment 3 – Proposed Subdivision Plan), both of which will be serviced with community water and sewer. Proposed Lots A and B will be 1,600 m² in area. Subdivision of the subject property requires a Development Permit to address the Hazard Lands and Environmentally Sensitive Features (Aquifer Protection) Development Permit Area guidelines.

ALTERNATIVES

1. To approve the Development Permit No. PL2014-128 subject to the conditions outlined in Attachments 2 and 3.
2. To deny the Development Permit No. PL2014-128.

LAND USE IMPLICATIONS

Development Implications

The applicants have provided a Geotechnical Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. dated October 17, 2014 to satisfy the Hazard Lands DPA guidelines. The report assesses the flood risk for the proposed lots which are located near the Englishman River estuary and the coast, and recommends a coastal flood construction level (FCL) of 4.4 metres Geodetic Survey of Canada (GSC) for future residential construction on the lands. The report which was prepared in accordance with the guidelines for flood assessment outlined by the Association of Professional Engineers and Geoscientists of British Columbia, concludes that the site is considered safe for the intended residential use. The Engineers recommendations include the use of water tolerant materials below the FCL and installation of backflow preventers in sewer and drain piping. The report further confirms that the development of the site will not result in detrimental impacts to the subject property or surrounding properties provided the recommendations of the report are followed.

Staff recommend that the applicant be required to register a Section 219 restrictive covenant that registers the Geotechnical Hazard 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. As an FCL for future residential construction on the lands has been established in the Geotechnical Hazard Assessment report, this Development Permit will also address future construction on the lots provided the recommendations of the Hazard Assessment Report are followed. Future construction on the lots will require a building permit, and will be subject to the provisions of "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" (Floodplain Bylaw).

The applicants have also provided a Hydrogeology Impact Review report prepared by Lewkowich Engineering Associates Ltd. dated October 15, 2014, to satisfy the Environmentally Sensitive Features (Aquifer Protection) DPA guidelines. This report assesses the potential for impacts on the aquifer that could result from subdivision and further development of the subject property, and makes recommendations for measures to mitigate impacts on the aquifer. These report concludes that the development of the subject property into two lots for residential use will have a negligible effect on the drinking water aquifer in this area and would not have a significant impact on the groundwater resource provided that properly designed and maintained septic disposal fields are covenanted in accordance with design standards and approved by Island Health.

Strategic Plan Implications

Staff have reviewed the proposed development in relation to the 2013 – 2015 Board Strategic Plan, and note that the proposed subdivision will increase density within an area serviced by existing community water and sewer, which promotes self-sufficiency through more efficient use of existing infrastructure. Additionally, the proposal will result in safe development in a manner which promotes more resilient communities.

SUMMARY/CONCLUSIONS


This is an application for a Development Permit to facilitate subdivision of the subject property into two parcels within the Hazard Lands and Environmentally Sensitive Features (Aquifer Protection) Development Permit Areas. This Development Permit also addresses future construction on the lands. The applicants have provided a Geotechnical Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. dated October 17, 2014 to satisfy the Hazard Lands DPA guidelines. The report concludes that the site is safe for the intended use, provided the recommendations of the report are followed. The report also recommends an FCL of 4.4 m GSC for future construction on proposed Lots A and B. Staff recommend that the applicant be required to register a Section 219 restrictive covenant that registers the Geotechnical Hazard 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 applicants have also provided a Hydrogeology Impact Review report prepared by Lewkowich Engineering Associates Ltd. dated October 10, 2014 to satisfy the Environmentally Sensitive Features (Aquifer Protection) DPA guidelines. This report makes recommendations for measures to mitigate impacts on the aquifer, and concludes that the proposed subdivision will not negatively impact the aquifer if the recommended measures are implemented.

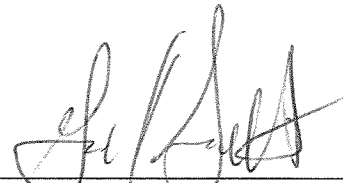
As the applicants have addressed the Development Permit guidelines, staff recommend the Board approve Development Permit No. PL2014-128.

RECOMMENDATION

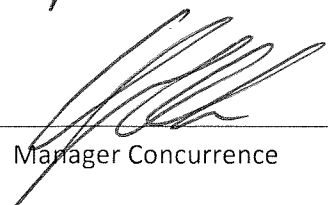
That Development Permit No. PL2014-128 to permit a subdivision and future residential construction on proposed Lots A and B in the Hazard Lands and Environmentally Sensitive Features (Aquifer Protection) Development Permit Areas be approved subject to the conditions outlined in Attachments 2 and 3.



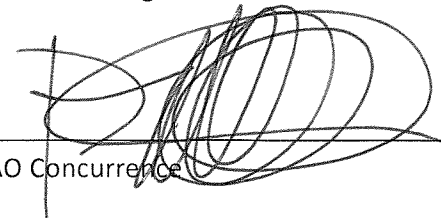
Report Writer



General Manager Concurrence

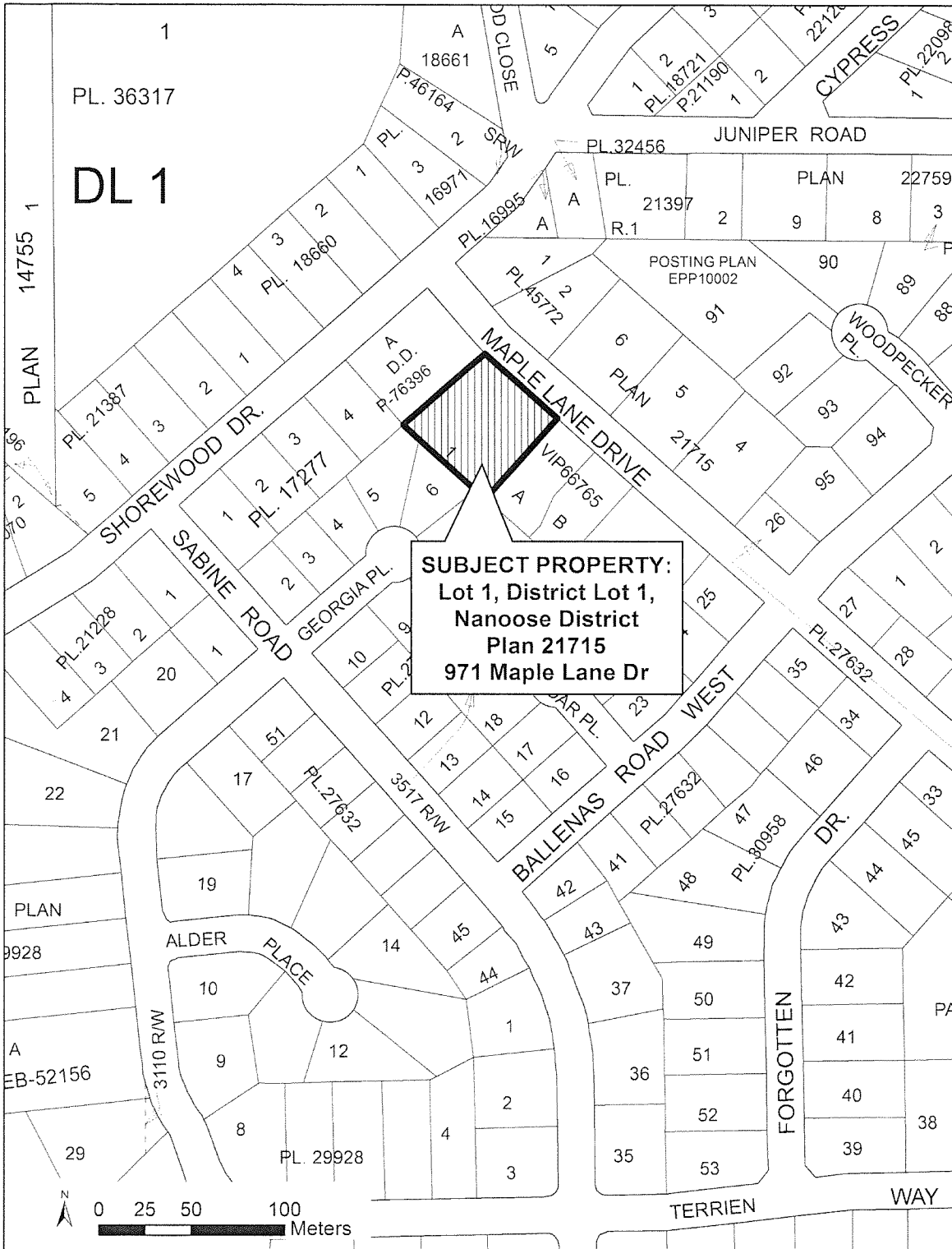


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



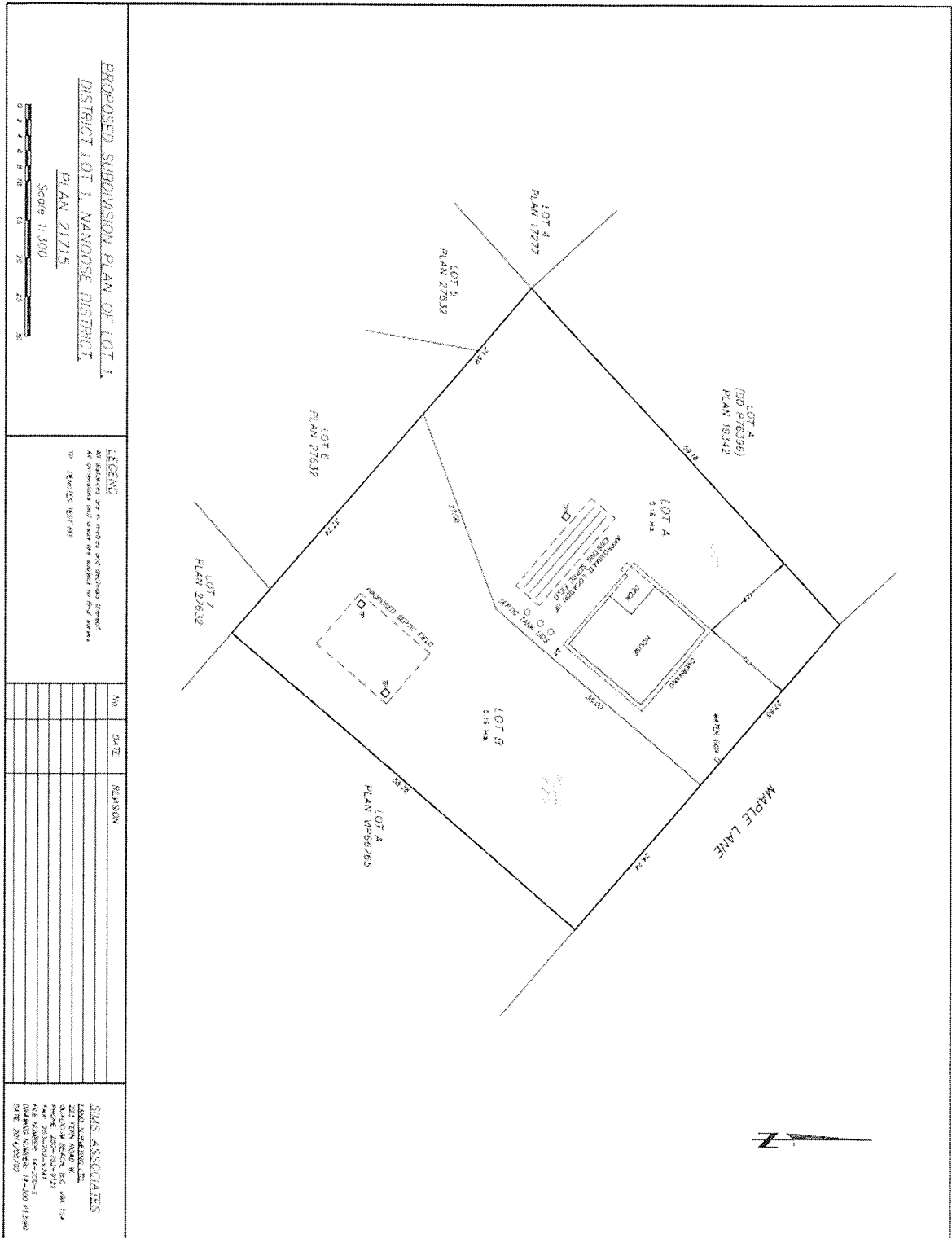
Attachment 2
Terms and Conditions

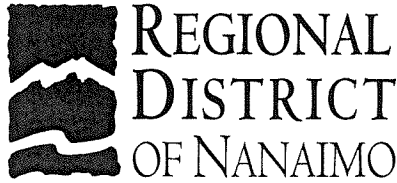
The following sets out the terms and conditions of Development Permit No. PL2014-128:

Conditions of Approval

1. The site be developed in accordance with the Proposed Subdivision Plan prepared by Sims Associates Land Surveying Ltd. dated September 2, 2014, and attached as Attachment 3.
2. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 restrictive covenant containing the Floodplain Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated October 17, 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.
3. Future construction on proposed Lots A and B shall be completed in substantial compliance with the recommendations of the Floodplain Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. dated October 17, 2014.
4. Future construction on proposed Lots A and B shall be completed in substantial compliance with the recommendations of the Preliminary Hydrogeological Assessment, prepared by Lewkowich Engineering Associates Ltd. dated October 15, 2014.
5. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3
Proposed Subdivision Plan





RDN REPORT		[Signature]
CAC APPROVAL		
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
DEC 31 2014		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

MEMORANDUM

TO: Jeremy Holm
 Manager, Current Planning

DATE: December 29, 2014

FROM: Tyler Brown
 Planner

FILE: PL2014-132

SUBJECT: Development Variance Permit Application No. PL2014-132 – Lost Lake Properties Ltd.
 Lots 26 to 31, District Lot 28, Nanoose District, Plan VIP79152
 Electoral Area ‘G’

PURPOSE

To consider an application for a Development Variance Permit to vary the lot line setbacks for future building envelopes on proposed parcels which are zoned Residential 1.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of Lost Lake Properties Ltd. to reduce the front lot line setback for future building envelopes on proposed parcels. In addition, the applicant is proposing to increase the interior side and rear lot line setback on a proposed parcel.

The Regional District of Nanaimo previously received a subdivision application for an eight lot subdivision (PL2014-046). The RDN Board approved a request for the relaxation of the minimum 10% perimeter frontage requirement for proposed Lot B on October 28, 2014 (see Attachment 3 – Proposed Plan of Subdivision and Variance). Subsequently, the General Manager of Strategic and Community Development issued Development Permit PL2014-108 on October 29, 2014, which addressed the “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008” Environmentally Sensitive Features for Aquifer Protection Development Permit Area guidelines for the subdivision.

The subject properties together are approximately 0.63 ha in area and zoned Residential 1 (RS1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment 1 – Subject Property Map). The Island Highway borders the southern lot lines, RS1 zoned parcels surround the properties to the north and west, and a Commercial 3 zoned parcel shares the eastern lot line. Access to all of the properties is off of Sumar Lane to the north. The subject properties currently contain no structure and the proposed lot sizes meet the minimum parcel size pursuant to the “Regional District of Nanaimo’s Land Use and Subdivision Bylaw No. 500, 1987”, with community water and sewer provided.

Proposed Development and Variance

The applicant has applied for a variance to Section 3.4.61 – Minimum Setback Requirements – Front lot line to reduce the required setback from 8.0 metres to 5.0 metres for proposed Lots A, G, and H as shown on the Proposed Plan of Subdivision (see Attachment 2 – Terms and Condition of Permit and Attachment 3 – Proposed Plan of Subdivision and Variance). In addition, the applicant has applied for a variance to Section 3.4.61 – Minimum Setback Requirements – Interior side and rear lot lines to increase the required setback from 2.0 metres to 4.0 metres for the northern lot lines on proposed Lot H.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2014-132 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Variance Permit No. PL2014-132.

LAND USE IMPLICATIONS

Development Implications

Staff have reviewed the applicant's variance request to reduce the front lot line setback for future buildings envelopes for proposed Lots A, G and H and do not anticipate any negative development implications. Although a variance to the front lot lines are not required for adequate and viable building envelopes, the variance, if approved, would create a consistent 5.0 metre setback for all the proposed parcels bordering the Island Highway (see Attachment 3 – Proposed Plan of Subdivision and Variance). Furthermore, the Ministry of Transportation and Infrastructure have indicated through the subdivision application process that although Lots A, G and H front on to the Island Highway, direct access to the highway will be prohibited. Therefore, access to all the proposed parcels will be from Sumar Lane to the north.

Proposed Lots F, G and H are accessed by a 6.0 metre easement connecting to Sumar Lane. The easement provides a 6.0 metre buffer between Sumar Lane and future building envelopes (see Attachment 3 – Proposed Plan of Subdivision and Variance). The applicant is proposing to increase the interior side and rear lot line setback distance on the northern lot lines of proposed Lot H to provide a spatial buffer between the future building envelope and the access way to the neighboring commercial use (Home Building Centre). If approved, the variances will provide consistent setbacks for all proposed lots bordering the Island Highway and ensure a spatial buffer between any future homes on proposed Lot H and the neighboring commercial access from Sumar Lane.

Strategic Plan Implications

Staff have reviewed the application and have not identified any strategic plan implications associated with the variance request.

Inter-governmental Implications

The Ministry of Transportation and Infrastructure staff have indicated that they have no concerns with the variance request.

Public Consultation Process

Pending the Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board’s consideration of the application.

SUMMARY/CONCLUSIONS


This is an application to consider an application for a Development Variance Permit to vary the lot line setbacks for future building envelopes on proposed parcels which are zoned Residential 1. Given that the requested variance provides consistent setbacks for all lots bordering the Island Highway and ensures a spatial buffer between any future home on proposed Lot H and the neighboring commercial use, and no negative development implications are anticipated, 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 No. PL2014-132 to reduce the minimum front lot line setback distance from 8.0 metres to 5.0 metres for proposed Lots A, G and H, and to increase the minimum interior side and rear lot line setback distance from 2.0 metres to 4.0 metres for the northern lot lines on proposed Lot H be approved subject to the conditions outlined in Attachments 2 and 3.



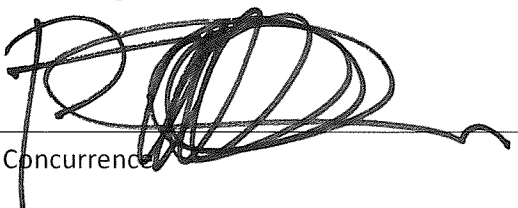
Report Writer

A/ 

General Manager Concurrence

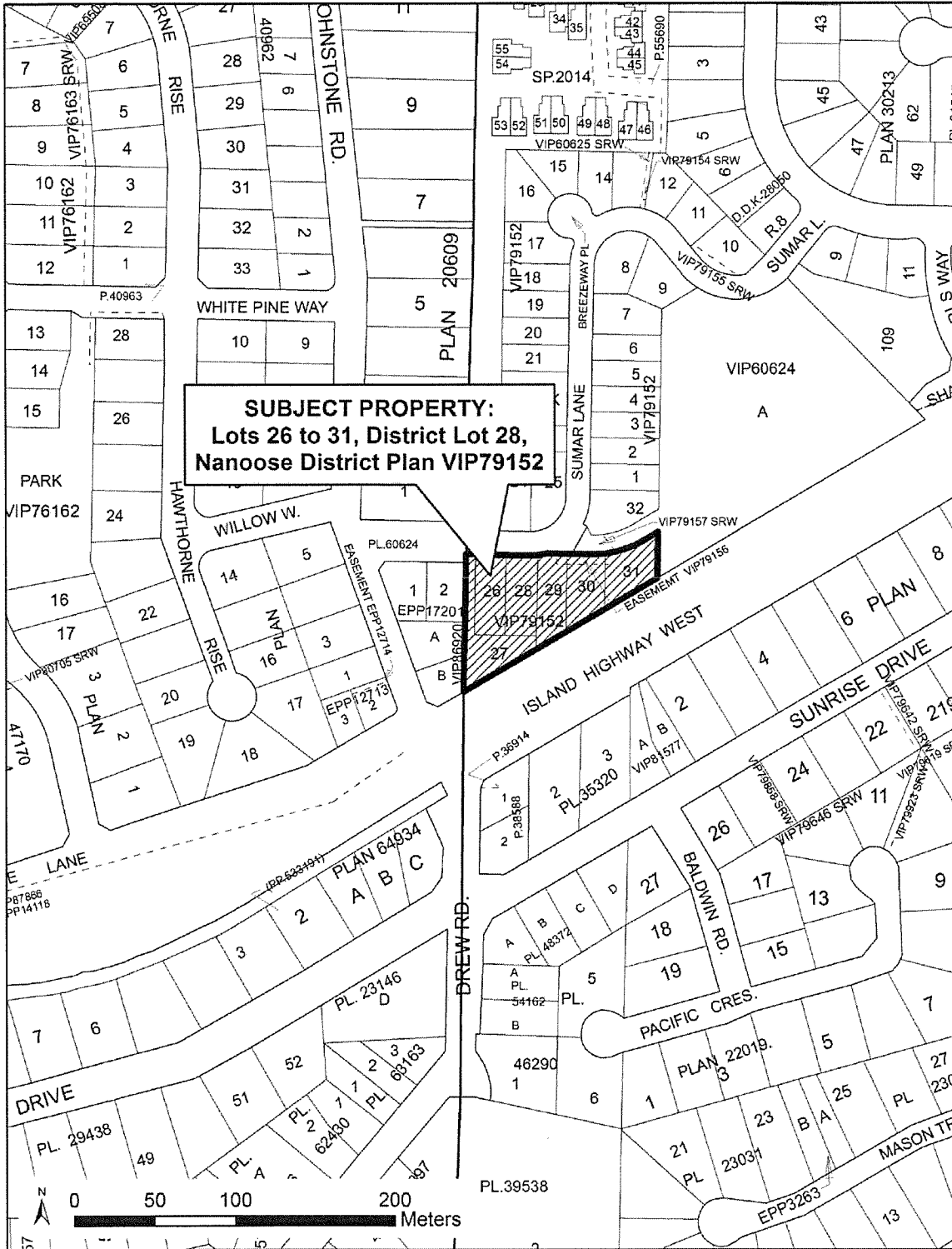


Manager Concurrence



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 No. PL2014-132:

Bylaw No. 500, 1987 Variances:

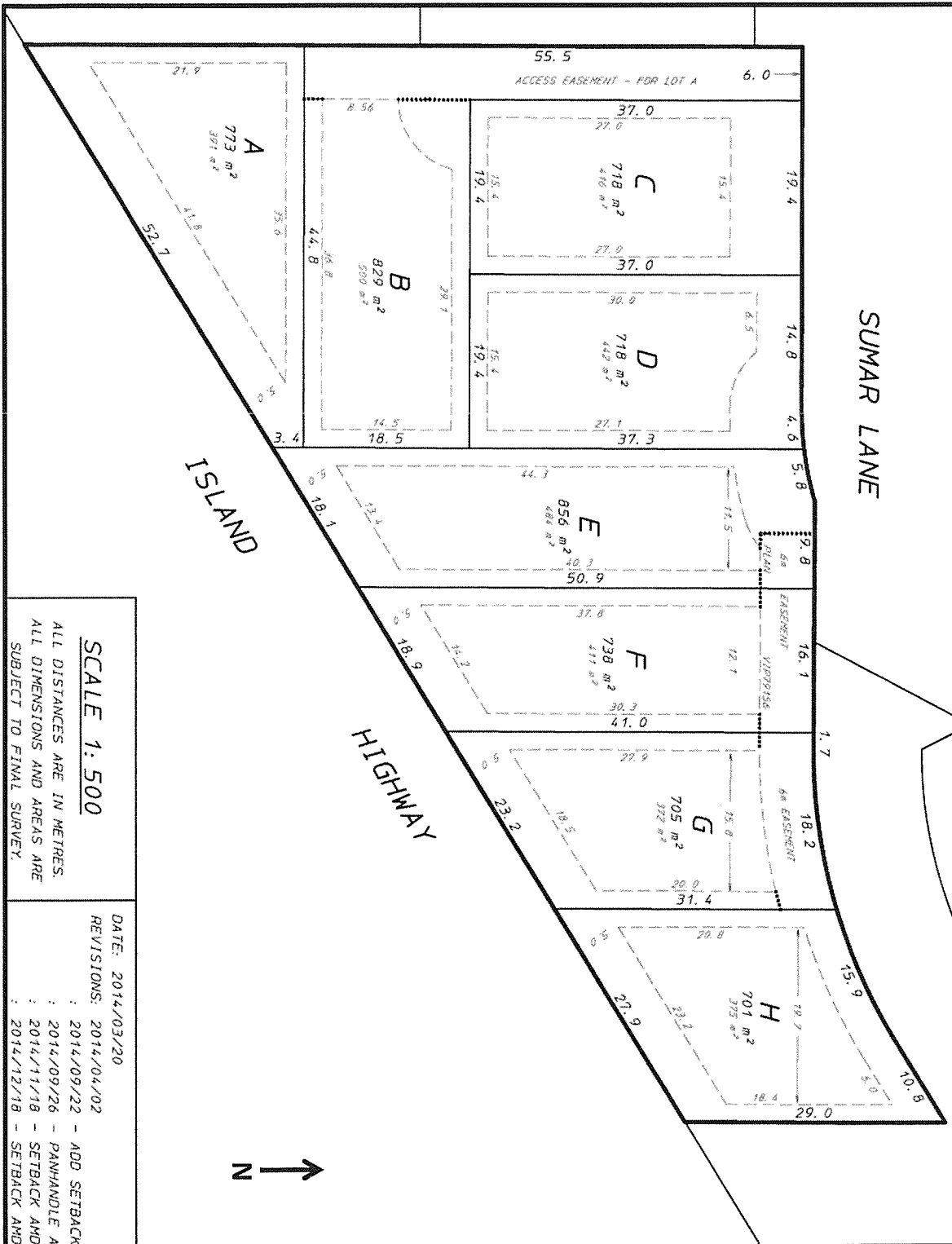
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. Section 3.4.61 – Minimum Setback Requirements – Front lot line – to reduce the minimum front lot line setback distance for proposed Lots A, G, and H from 8.0 metres to 5.0 metres.
2. Section 3.4.61 – Minimum Setback Requirements – Interior side lot line – to increase the minimum interior side lot line setback distance for the northern interior side lot line on proposed Lot H from 2.0 metres to 4.0 metres.
3. Section 3.4.61 – Minimum Setback Requirements – Rear lot line – to increase the minimum rear lot line setback distance on proposed Lot H from 2.0 metres to 4.0 metres.

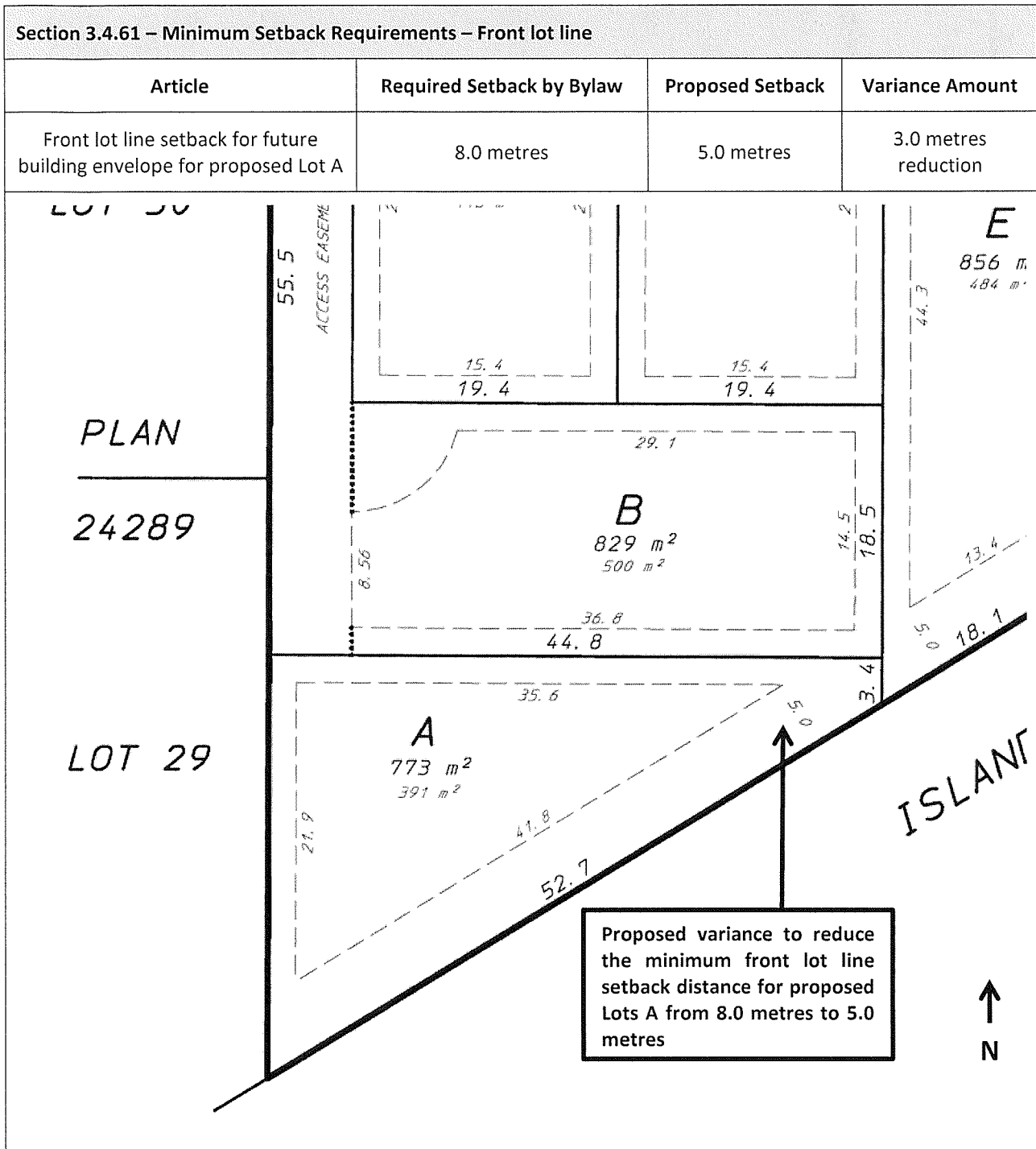
Conditions of Approval:

1. The proposed subdivision is in accordance with the Proposed Plan of Subdivision prepared by Sims Associates Land Surveying Ltd., dated March 20, 2014 and updated December 18, 2014.

Attachment 3
Proposed Plan of Subdivision and Variance (Page 1 of 3)

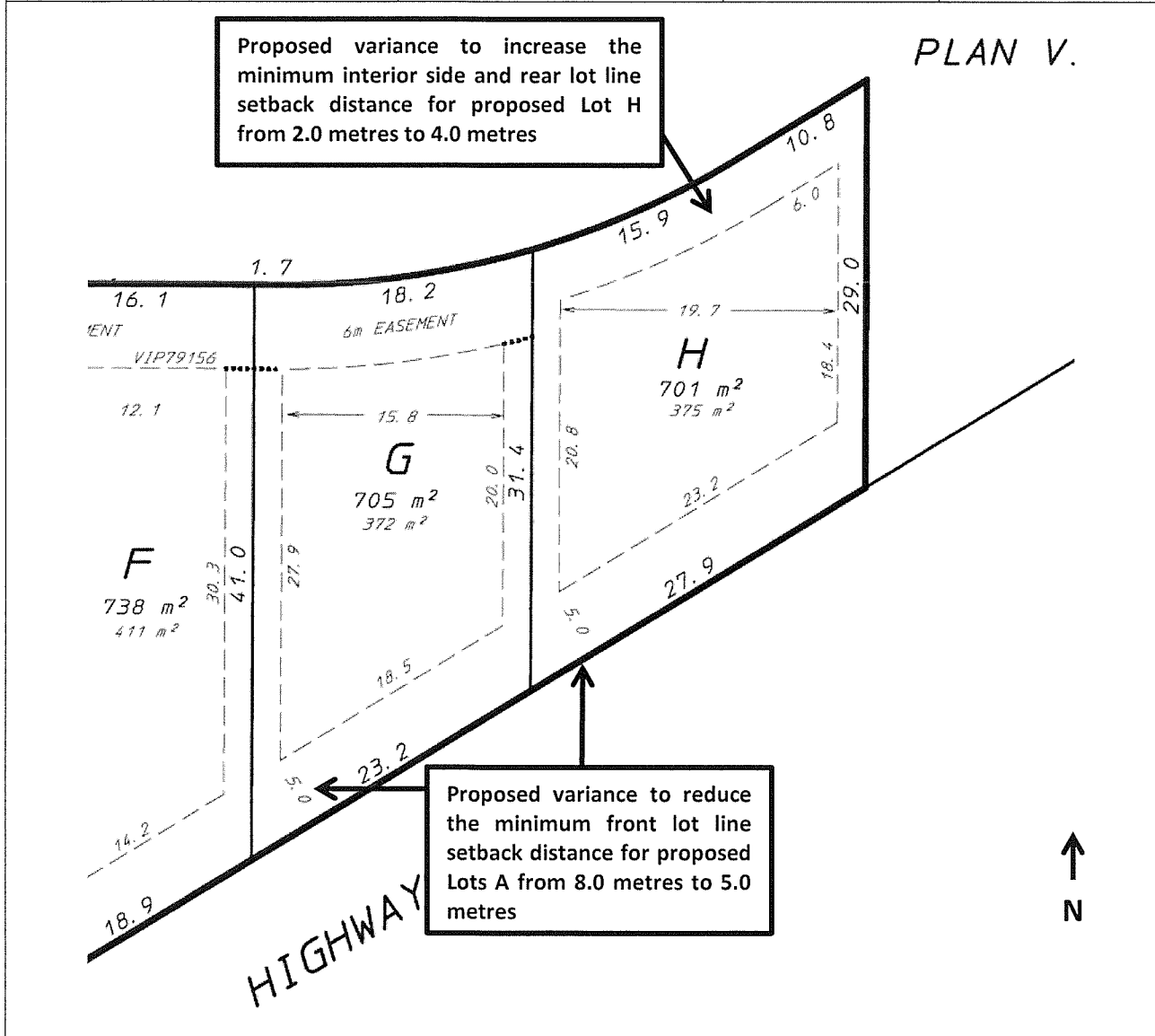


**Attachment 3
Proposed Plan of Subdivision and Variance (Page 2 of 3)**



**Attachment 3
Proposed Plan of Subdivision and Variance (Page 3 of 3)**

Section 3.4.61 – Minimum Setback Requirements – Front, interior side and rear lot line			
Article	Required Setback by Bylaw	Proposed Setback	Variance Amount
Front lot line setback for future building envelope for proposed Lots G and H	8.0 metres	5.0 metres	3.0 metres reduction
Interior side and rear lot line setback for the future building envelope of proposed Lot H	2.0 metres	4.0 metres	2.0 metres increase





RDN REPORT	
CAO APPROVAL	
EAP	✓
COW	
DEC 19 2014	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: December 15, 2014

FROM: Robert Stover
Planning Technician

FILE: PL2014-135

SUBJECT: Development Variance Permit Application No. PL2014-135 – Broughton Lot 3, Section 8, Range 6, Cedar District, Plan 35929 – 2458 Pylades Drive Electoral Area ‘A’

PURPOSE

To consider an application for a Development Variance Permit to reduce the other lot line setback to legalize the siting of a carport on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Barbara Broughton to legalize the siting of a carport on the subject property. The subject property is approximately 0.51 ha in area and is zoned Residential 2 (RS2) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (Bylaw No. 500) (see Attachment 1 - Subject Property Map).

The subject property contains an existing dwelling unit, and a second dwelling unit currently under construction. The subject property is surrounded by the Strait of Georgia to the east, a residential property to the south, Pylades Drive to the west and a road right-of-way to the north.

Proposed Development and Variance

The applicant has applied for a variance to Section 3.4.62 Minimum Setback Requirements of Bylaw No. 500 to reduce the minimum required setback from the other lot line from 5.0 metres to 3.2 metres to legalize the siting of a carport with a sun deck above it on the subject property (Attachment 3 - Site Plan and Proposed Variance). The requested variance is in relation to the northeast property boundary which abuts a road right-of-way.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2014-135 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2014-135.

LAND USE IMPLICATIONS

Development Implications

Through the course of building inspections it was identified that the carport was not included on the original building permit submission for the second dwelling currently under construction. A stop work order was issued for the carport, and a subsequent survey identified that the structure was constructed within the 5.0 metre setback to the other lot line. Staff have reviewed the application and have not identified any environmental or land use implications that would arise from approval of Development Variance Permit No. PL2014-135.

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

Staff referred the application to Ministry of Transportation and Infrastructure (MOTI) staff for comment, as the carport is sited within 4.5 metres of a road right-of-way. Ministry staff indicated that they support the proposal in principle, provided the applicant obtains a valid Setback Variance Permit from the Ministry.

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 Variance Permit to legalize to reduce the 'other' lot line setback from 5.0 metres to 3.2 metres to legalize the siting of a carport with a sun deck above it on the subject property. The carport, which was identified through the course of building inspections, was not part of the original building permit application for the second dwelling on the property. Subsequent survey of the structure revealed that it was constructed within the 5.0 metre setback from the northern property boundary, which abuts a road right-of-way. Staff referred the application to MOTI staff, who indicated that they support the proposal in principle provided a Setback Variance Permit be obtained from the Ministry.

Given the carport has no anticipated environmental or land use implications, staff recommend the Board approve the requested variance, pending public notification and subject to the terms and conditions outlined in Attachment 2.

RECOMMENDATIONS

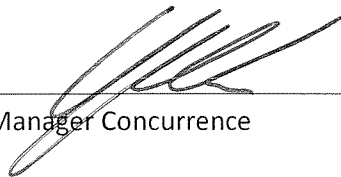
1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2014-135 to reduce the other lot line setback from 5.0 metres to 3.2 metres be approved subject to the conditions outlined in Attachments 2 to 4.



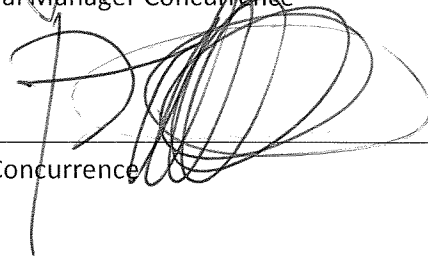
Report Writer



General Manager Concurrence

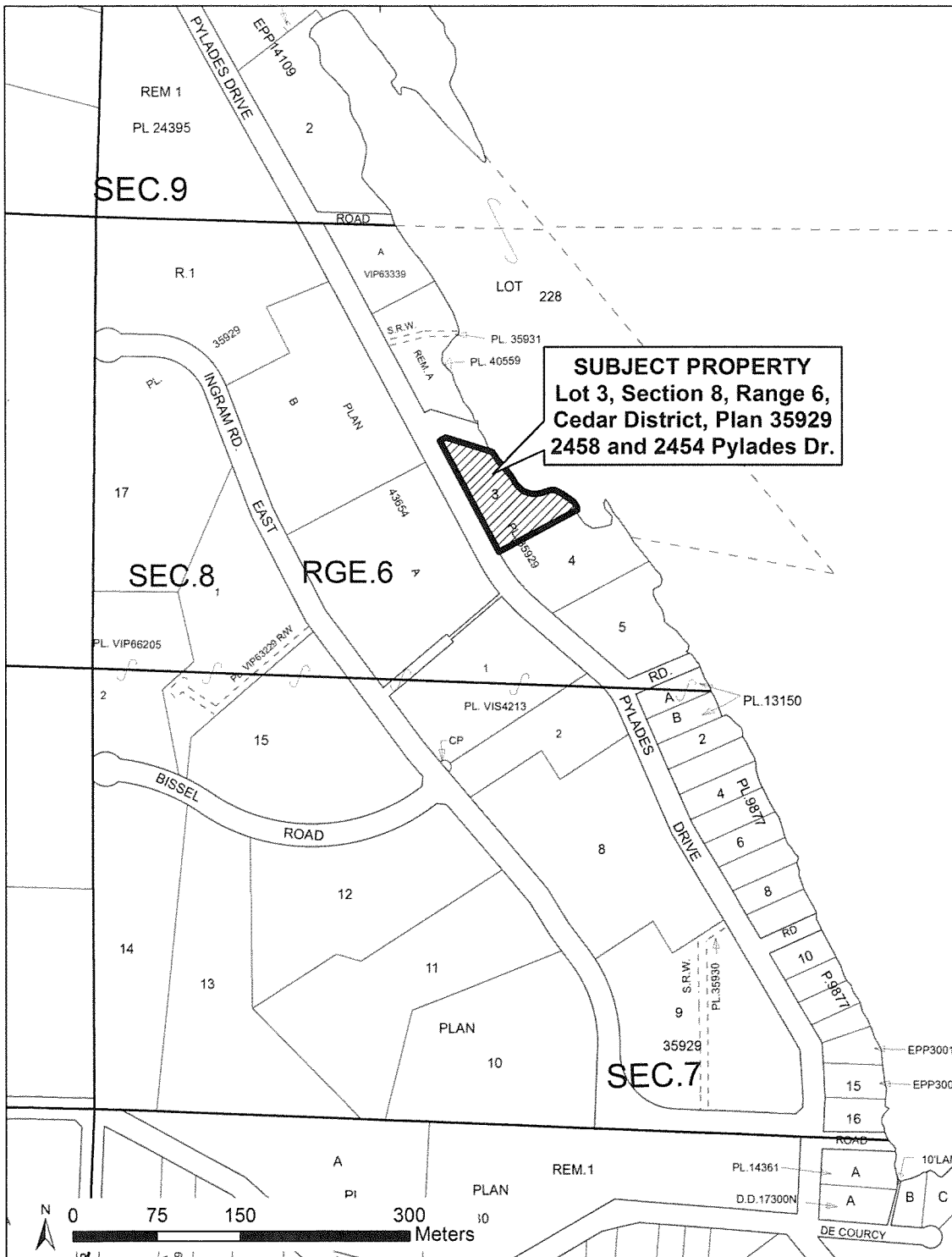


Manager Concurrence



CAO Concurrence

**Attachment 1
Subject Property Map**



Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2014-135:

Bylaw No. 500, 1987 Variance:

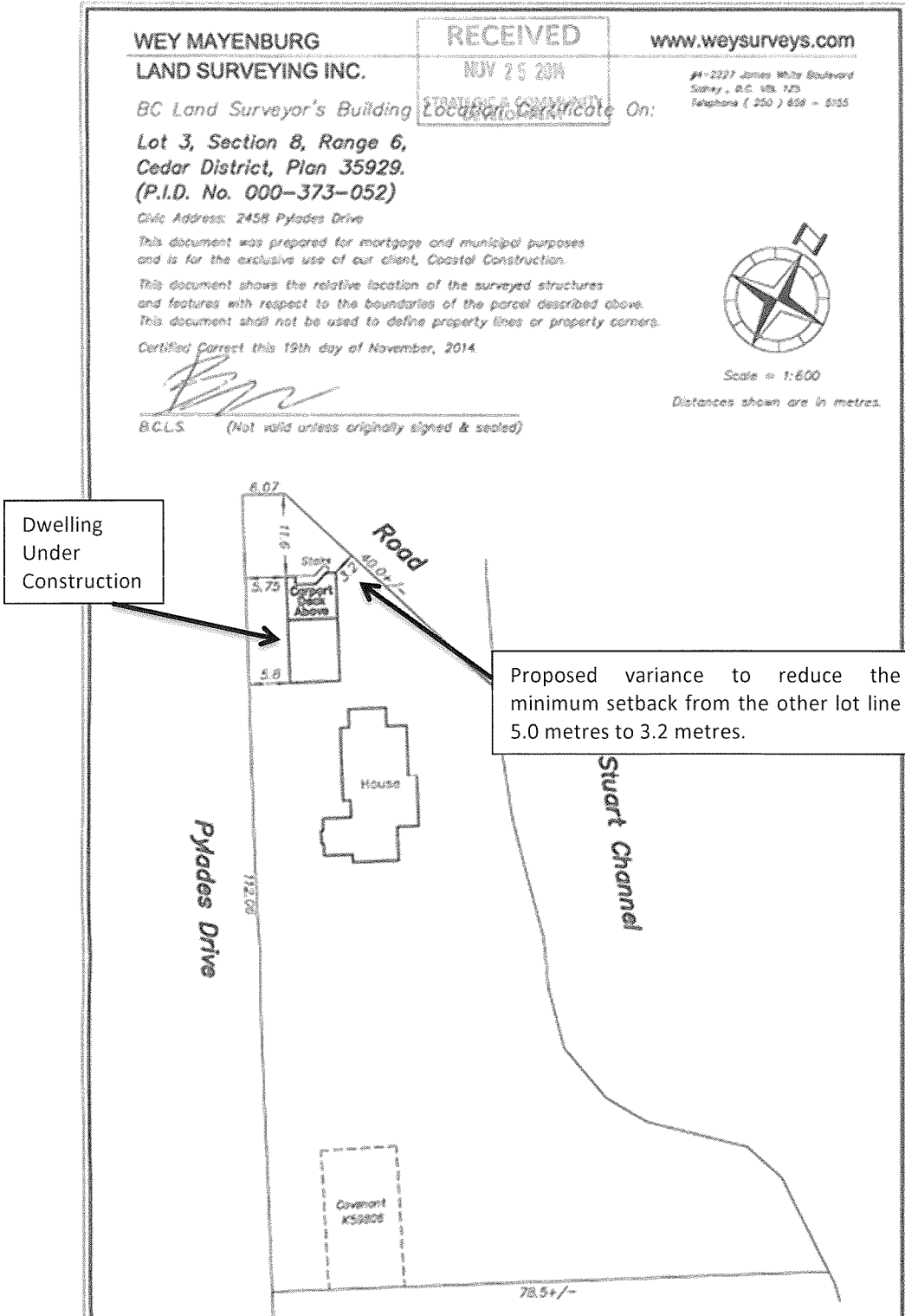
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. Section 3.4.62 Minimum Setback Requirements to reduce the minimum required setback from the 'other' lot line from 5.0 metres to 3.2 metres to legalize the siting of a carport on the subject property.

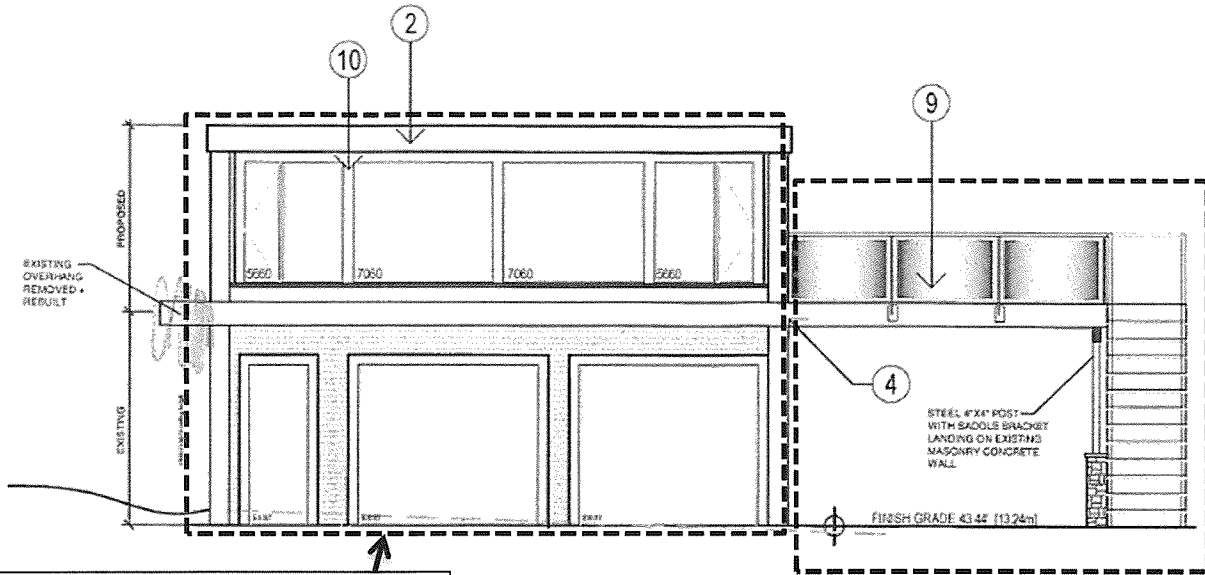
Conditions of Approval:

1. The property shall be developed in general accordance with the survey plan prepared by Wey Mayenburg Land Surveying Inc. and dated November 19, 2014 as shown on Attachment 3.
2. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.
3. The property owner shall obtain a valid Setback Variance Permit from the Ministry of Transportation and Infrastructure for the carport.

Attachment 3
Proposed Site Plan and Variances

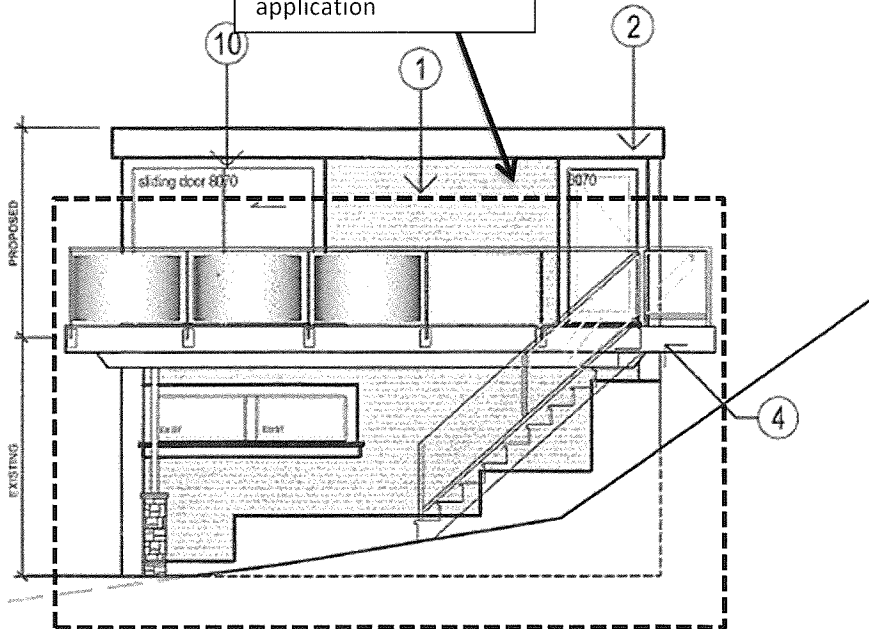


Attachment 4 Building Elevations

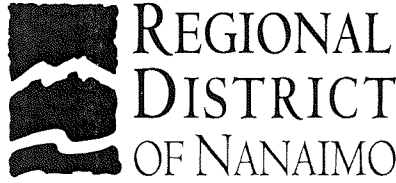


Dwelling currently under construction with building permit

Area under variance application



PYLADES DRIVE | garage auto side elevation
scale 1/4" = 1'-0"



RDN REPORT		
CAO APPROVAL		
EAP	✓	
COW		
DEC 19 2014		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: December 4, 2014

FROM: Robert Stover
Planning Technician

FILE: PL2014-122

SUBJECT: Development Variance Permit Application No. PL2014-122– Vogel
Lot 10, Block 1, Salvation Army Lots, Nanoose District, Plan 1939 – 984 Ford Road
Electoral Area ‘F’

PURPOSE

To consider an application for a Development Variance Permit to reduce the exterior side lot line setback to permit the siting of a manufactured home on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Steve Vogel to permit the siting of a dwelling unit on the property. The subject property is approximately 380 m² in area and is zoned Village Residential 3 (R-3) pursuant to “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” (see Attachment 1 - Subject Property Map).

The subject property is in an area of mixed commercial, residential and institutional zoned parcels. The subject property is fronted by road right-of-ways along the western, northern and eastern property lines, and abuts another R-3 zoned parcel to the south. The relatively small size of the parcel in conjunction with multiple road frontages creates setback constraints for the proposed dwelling unit.

Proposed Development and Variance

The applicant has applied for a variance to Section 4.15.3 f) i) Minimum Setback from Front and Exterior Lot Lines of “Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” to relax the minimum required setback from an exterior lot line from 4.5 metres to 2.9 metres to permit the placement of a manufactured home on the subject property (see Attachment 3 - Proposed Site Plan and Variance). The requested variance is in relation the northern property boundary, which abuts a road right-of-way.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2014-122 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Variance Permit No. PL2014-122.

LAND USE IMPLICATIONS

Development Implications

The applicant has requested a setback variance to facilitate the placement of a manufactured home on the subject property. The applicant advises that the lot configuration in relation to nearby road right-of-ways constrains the property to the extent that the placement of the manufactured home on any portion of the parcel triggers the need to request a setback relaxation, as the width of the manufactured home exceeds the maximum allowable building envelope when factoring in property line setbacks. Staff have reviewed the application and have not identified any environmental or land use implications that would arise from the approval of Development Variance Permit No. PL2014-122.

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

Staff referred the application to Ministry of Transportation and Infrastructure (MOTI) staff for comment, as the manufactured home is proposed to be sited within 4.5 metres of a road right-of-way. Ministry staff indicated they support the proposed variance subject to the applicant obtaining a valid Setback Variance Permit from MOTI. In addition, no additional drainage is to be directed to the Ministry's drainage system, and parking is to be contained on the property.

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

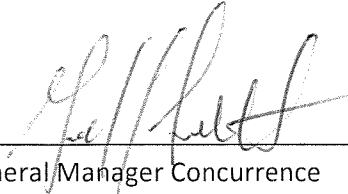
This is an application for a Development Variance Permit to reduce the exterior lot line setback from 4.5 metres to 2.9 metres to permit the placement of a manufactured home on the subject property. The applicant has indicated that the lot is constrained by the zoning setbacks in relation to the nearby road right-of-ways to the extent that the placement of the dwelling unit on any portion of the subject property would require a setback relaxation. Staff referred the application to MOTI staff, who indicated that they support the proposed variance provided the applicant obtains a Setback Variance Permit from the Ministry. Given the proposed manufactured home has no anticipated environmental or land use implications, staff recommend the Board approve the requested variance, pending public notification and subject to the terms and conditions outlined in Attachment 1.

RECOMMENDATIONS

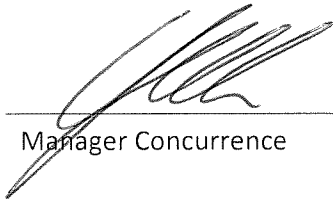
1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2014-122 to reduce the minimum setback requirement from the exterior lot line from 4.5 metres to 2.9 metres be approved subject to the conditions outlined in Attachments 2 and 3.



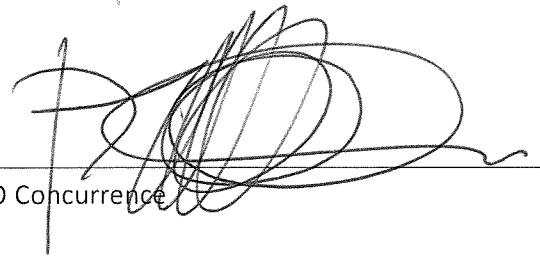
Report Writer



General Manager Concurrence

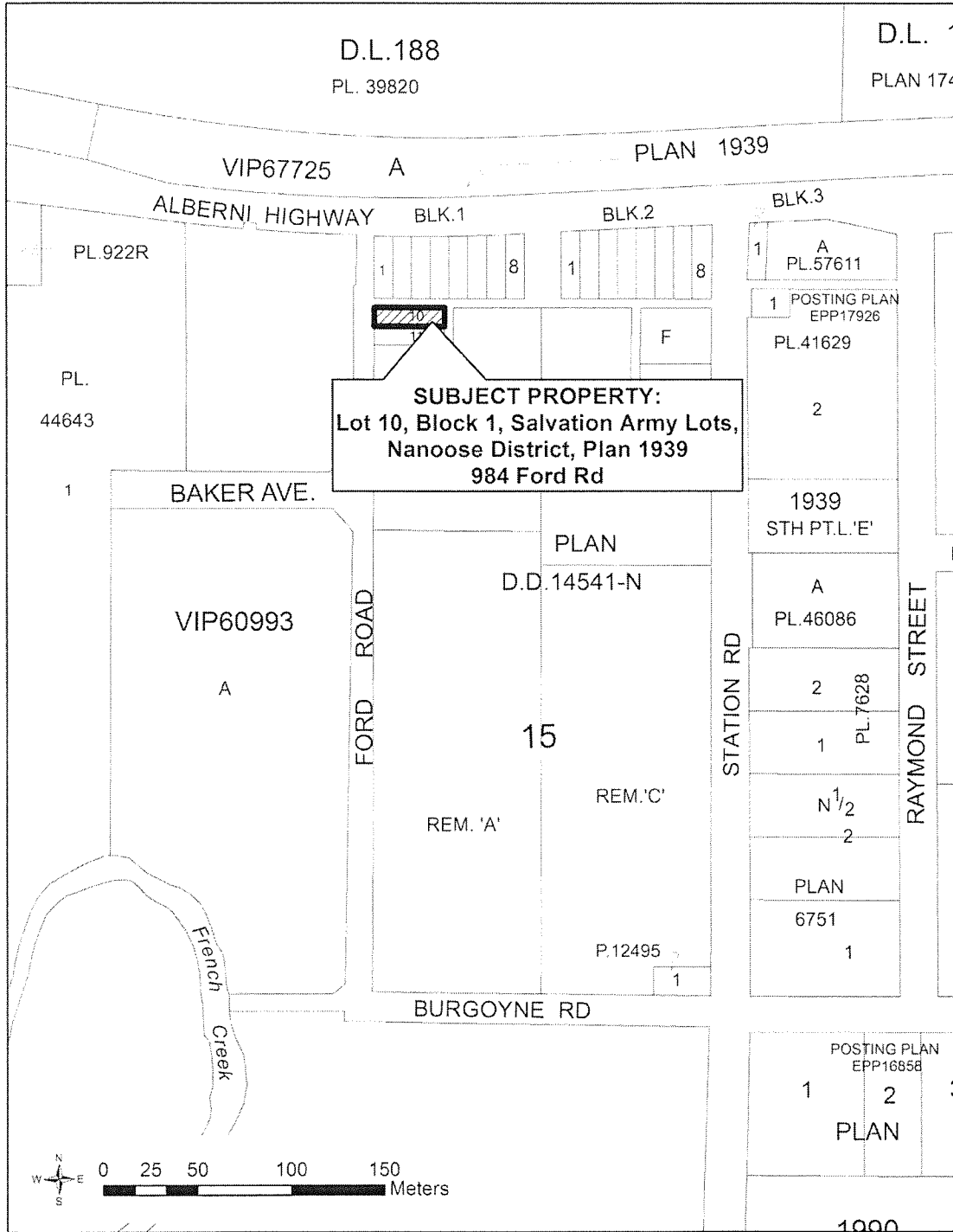


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2014-122:

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:

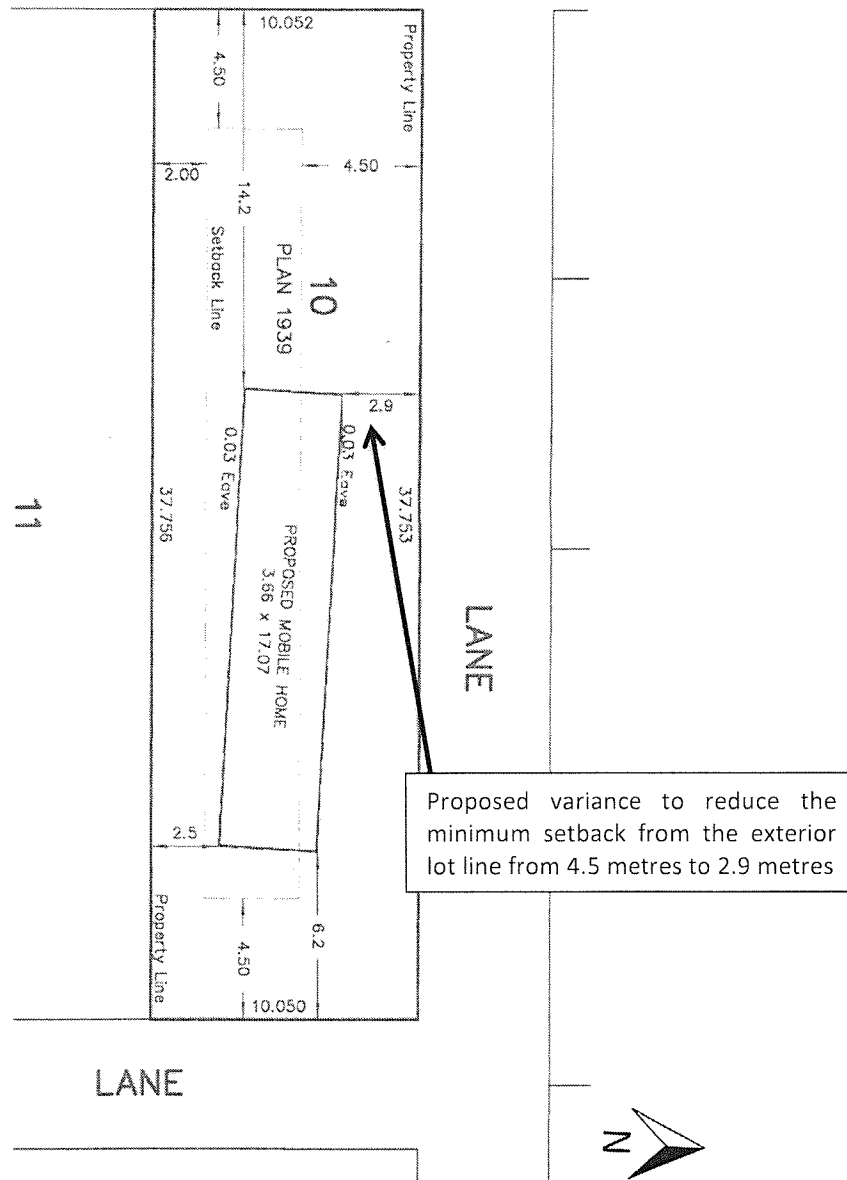
1. Section 4.15.3 f) i) Minimum Setback from Front and Exterior Lot Lines to reduce the minimum setback requirement from the exterior lot line from 4.5 metres to 2.9 metres to permit the placement of a manufactured home on the subject property.

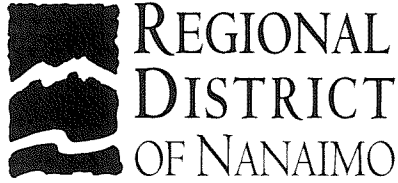
Conditions of Approval:

1. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.
2. The property owner shall obtain a Setback Variance Permit from the Ministry of Transportation and Infrastructure.

Attachment 3
Proposed Site Plan and Variance

FORD ROAD





RDN REPORT	
CAO APPROVAL ###	
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
DEC 19 2014	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>
DATE:	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

December 9, 2014

FROM: Tyler Brown
Planner

FILE: PL2014-133

SUBJECT: Development Variance Permit Application No. PL2014-133 – 0928323 B.C. Ltd. & Pland Land Corp Inc. BC0928626
Lot 1, District Lot 81, Nanoose District, Plan 1799 Except that part in Plan EPP40069 Electoral Area 'G'

PURPOSE

To consider an application for a Development Variance Permit to reduce the front lot line setback for future building envelopes on proposed parcels which are zoned Residential 1.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of property owners 0928323 B.C. Ltd. and Plan Land Corp Inc. BC0928626 to reduce the front lot line setback for future building envelopes on proposed parcels. The subject property is zoned Residential 1 (RS1), Subdivision District 'Q' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 – Subject Property Map and Phased Subdivision Map).

The subject property, initially one contiguous parcel together with Lots 1 to 15 of subdivision plan EPP40069, was rezoned on May 28, 2013 (Amendment Bylaw No. 500.379) to Residential 1, Subdivision District 'Q,' for a proposed subdivision of thirty-eight residential lots (see Attachment 3 – Proposed Plan of Subdivision). Subdivision District 'Q' permits a minimum parcel size of 700 m² with community sewer and water service. Through subdivision application PL2013-018, the applicant is subdividing the original 4.1 ha parcel into 38 parcels in three phases. The first phase, Lots 1 to 15, was registered on November 14th, 2014 under Plan EPP40069 (see Attachment 1, Page 2 – Subject Property Map and Phased Subdivision Map and Attachment 4 – Excerpt of Subdivision Plan EPP40069). The remainder parcel, located at 691 Wembley Road, is 1.99 ha in area and is bisected by Lowry's Road. Moreover, the parcel is surrounded by RS1 zoned parcels and bordered by Yellowbrick Road to the north, Arrowsmith Way to the west and Wembley Road to the east (see Attachment 1).

Proposed Development and Variance

The applicant has applied for a variance to Section 3.4.61 – Minimum Setback Requirements – Front lot line to reduce the required setback from 8.0 metres to 6.0 metres for proposed Lots 17 – 30, 33, 34, and 36 as shown on the Proposed Plan of Subdivision (see Attachment 2 – Terms and Condition of Permit and Attachment 3 – Proposed Plan of Subdivision and Variance). Lot 16, as proposed, has an 8.5 metre

road corner cut, which in accordance with Bylaw No. 500 constitutes the front lot line. Therefore, a variance of 2.0 metres to the front lot line setback is proposed for Lots 17 – 24 to provide a similar setback for all the parcels fronting Yellowbrick Road (see Attachment 3, Page 2 – Proposed Plan of Subdivision and Variance). Both Lots 28 and 31 have bends in the front lot line and Lots 37 and 38 have a front lot line bordering Wembley Road. Therefore, the mentioned parcels only have a setback of 5.0 metres from Lowry's Road. Moreover, as a condition of subdivision, the applicant is required to register a Section 219 covenant prohibiting access to Wembley Road. A variance of 2.0 metres to the front lot line setback for Lots 25 – 30, 33 - 34 and 36 is proposed to provide a similar setback for all the parcels oriented towards and accessed from Lowry's Road (see Attachment 3, Pages 2 and 3 – Proposed Plan of Subdivision and Variance). A summary of the setbacks required and proposed variance is as follows:

Setback from Yellowbrick Road			
Proposed Lot(s)	Required Setback by Bylaw	Proposed Setback	Variance Amount
16	5.0 m	n/a	n/a
17 - 24	8.0 m	6.0 m	2.0 m
Setback from Lowry's Road and cul-de-sac			
Proposed Lot	Required Setback by Bylaw	Proposed Setback	Variance Amount
25	8.0 m	6.0 m	2.0 m
26	8.0 m	6.0 m	2.0 m
27	8.0 m	6.0 m	2.0 m
28	5.0 – 8.0 m	5.0 – 6.0 m	2.0 m
29	8.0 m	6.0 m	2.0 m
30	8.0 m	6.0 m	2.0 m
31	5.0 – 8.0 m	n/a	n/a
32	8.0 m	n/a	n/a
33	8.0 m	6.0 m	2.0 m
34	8.0 m	6.0 m	2.0 m
35	5.0 – 8.0 m	n/a	n/a
36	8.0 m	6.0 m	2.0 m
37	5.0 m	n/a	n/a
38	5.0 m	n/a	n/a

ALTERNATIVES

1. To approve Development Variance Permit No. PL2014-133 subject to the conditions outlined in Attachment 2 to 4.
2. To deny Development Variance Permit No. PL2014-133.

LAND USE IMPLICATIONS

Development Implications

Staff have reviewed the applicant's variance request to reduce the front lot line setback for future buildings envelopes on residential lots and do not anticipate any negative development implications. If

approved, the variance will provide consistent front yard setbacks and provide slightly larger back yards for the proposed lots. The proposed reduction in front line setbacks for properties abutting Wembley Road would provide greater spatial separation between any future dwelling units and busy Wembley Road. A 6.0 metre setback from Yellowbrick Road and Lowry's Road would still provide adequate area for off street parking.

Strategic Plan Implications

Staff have reviewed the application and have not identified any strategic plan implications associated with the variance request.

Inter-governmental Implications

The Ministry of Transportation and Infrastructure staff have indicated that they have no concerns with the variance request.

Public Consultation Process

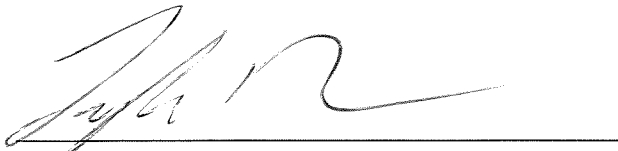
Pending the Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50 metre radius of the subject property will receive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

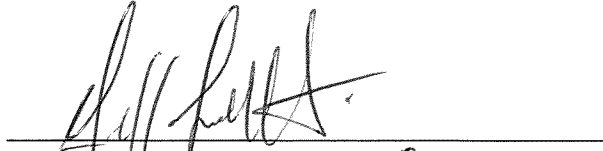
This is an application to consider a Development Variance Permit to reduce the front lot line setback for future building envelopes on proposed parcels which are zoned Residential 1. Given that the requested variance provides consistent front yard setbacks and no negative development implications are anticipated, 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

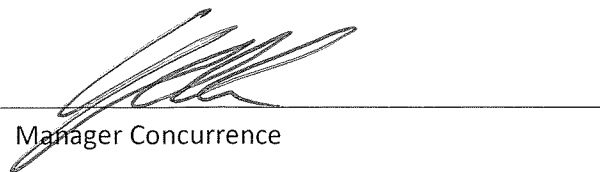
1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2014-133 to reduce the minimum front lot line setback distance from 8.0 metres to 6.0 metres for proposed Lots 17 – 30, 33, 34, and 36 be approved subject to the conditions outlined in Attachments 2 and 3.



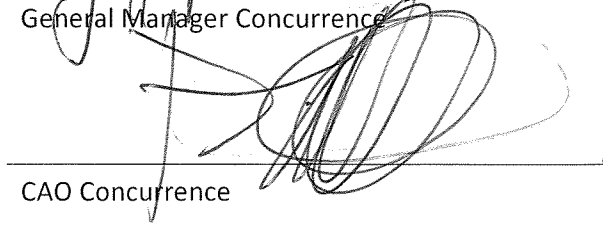
Report Writer



General Manager Concurrence

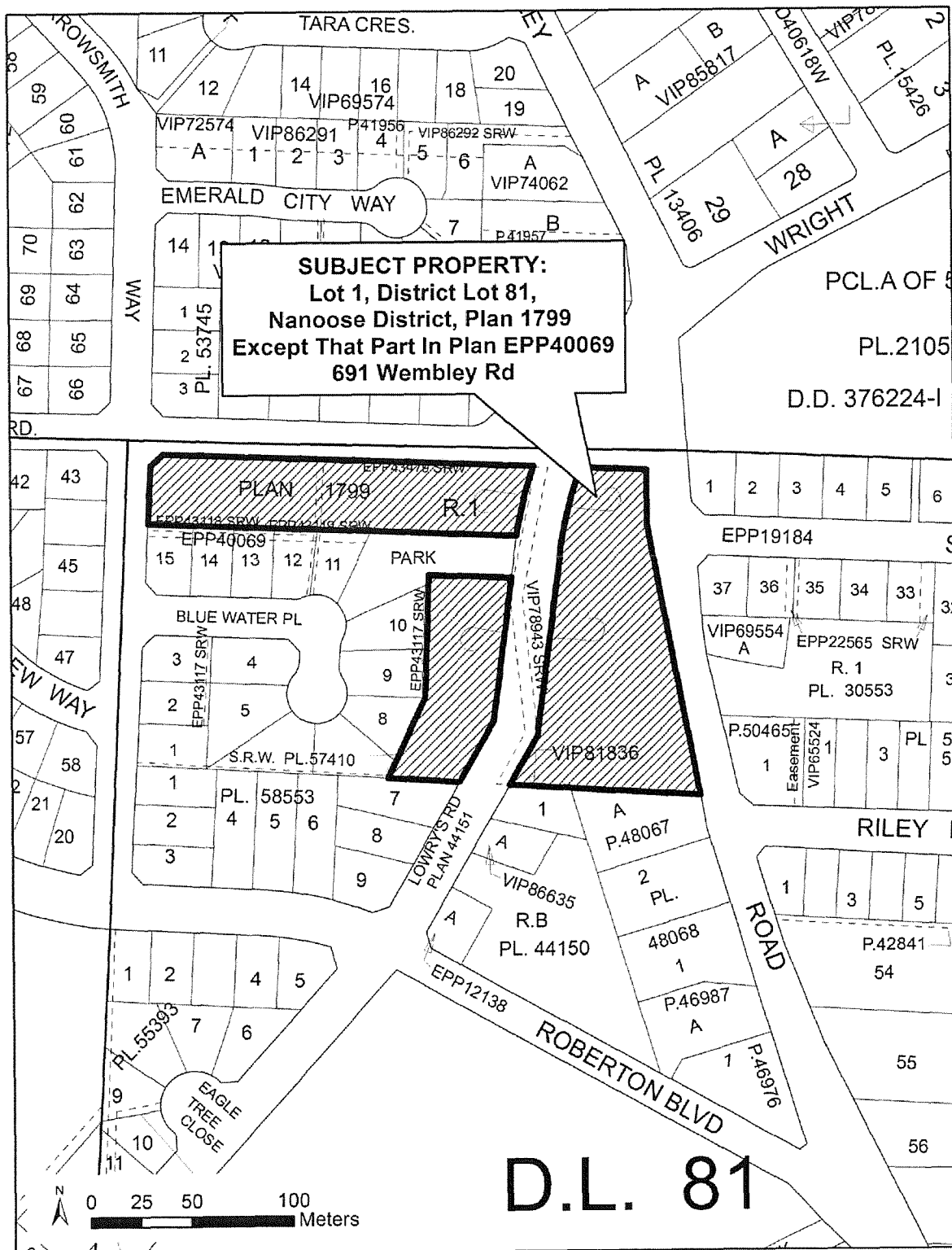


Manager Concurrence

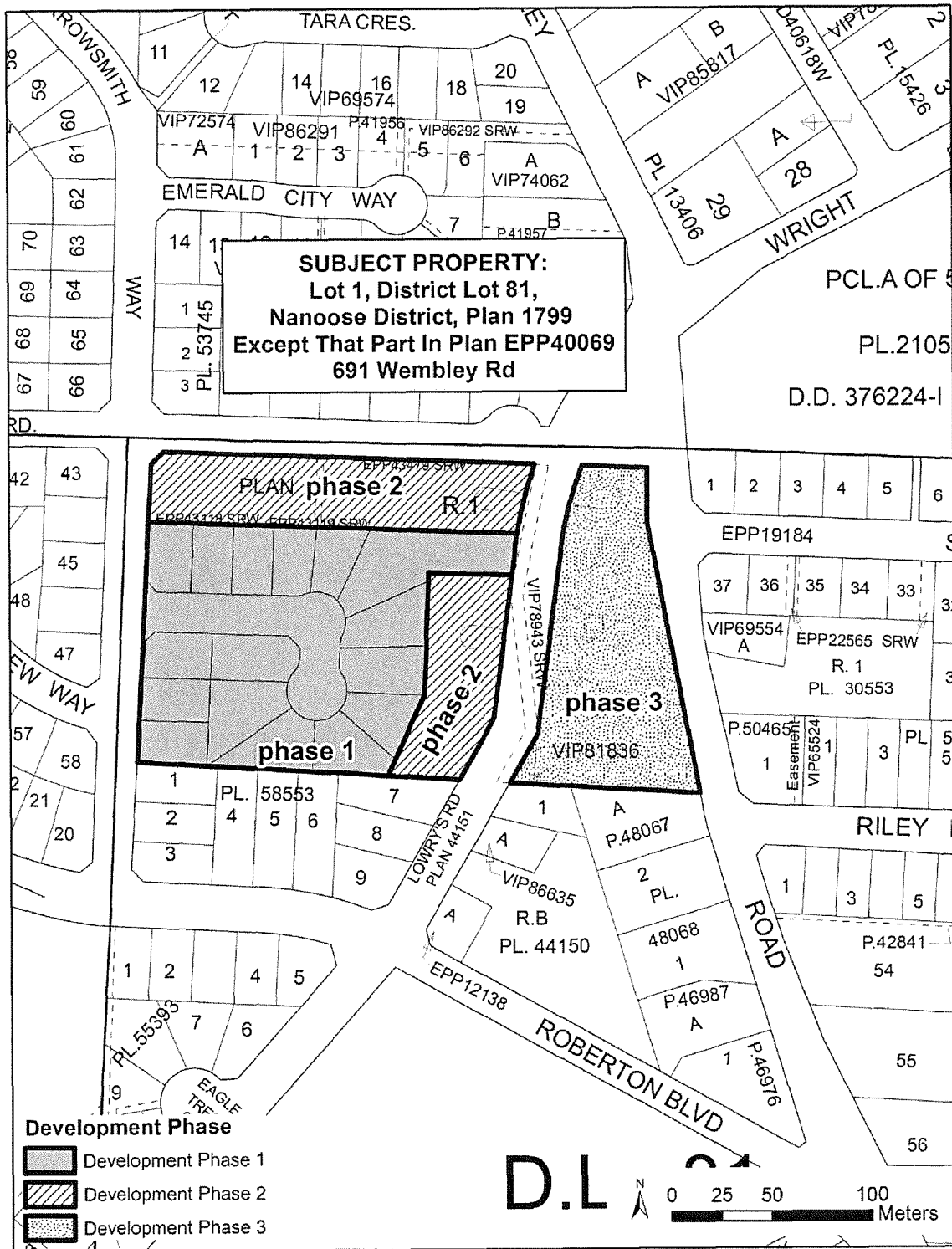


CAO Concurrence

Attachment 1
Subject Property Map and Phased Subdivision Map (Page 1 of 2)



Attachment 1
Subject Property Map and Phased Subdivision Map (Page 2 of 2)



**Attachment 2
Terms and Conditions of Permit**

The following sets out the terms and conditions of Development Variance Permit No. PL2014-133:

Bylaw No. 500, 1987 Variances:

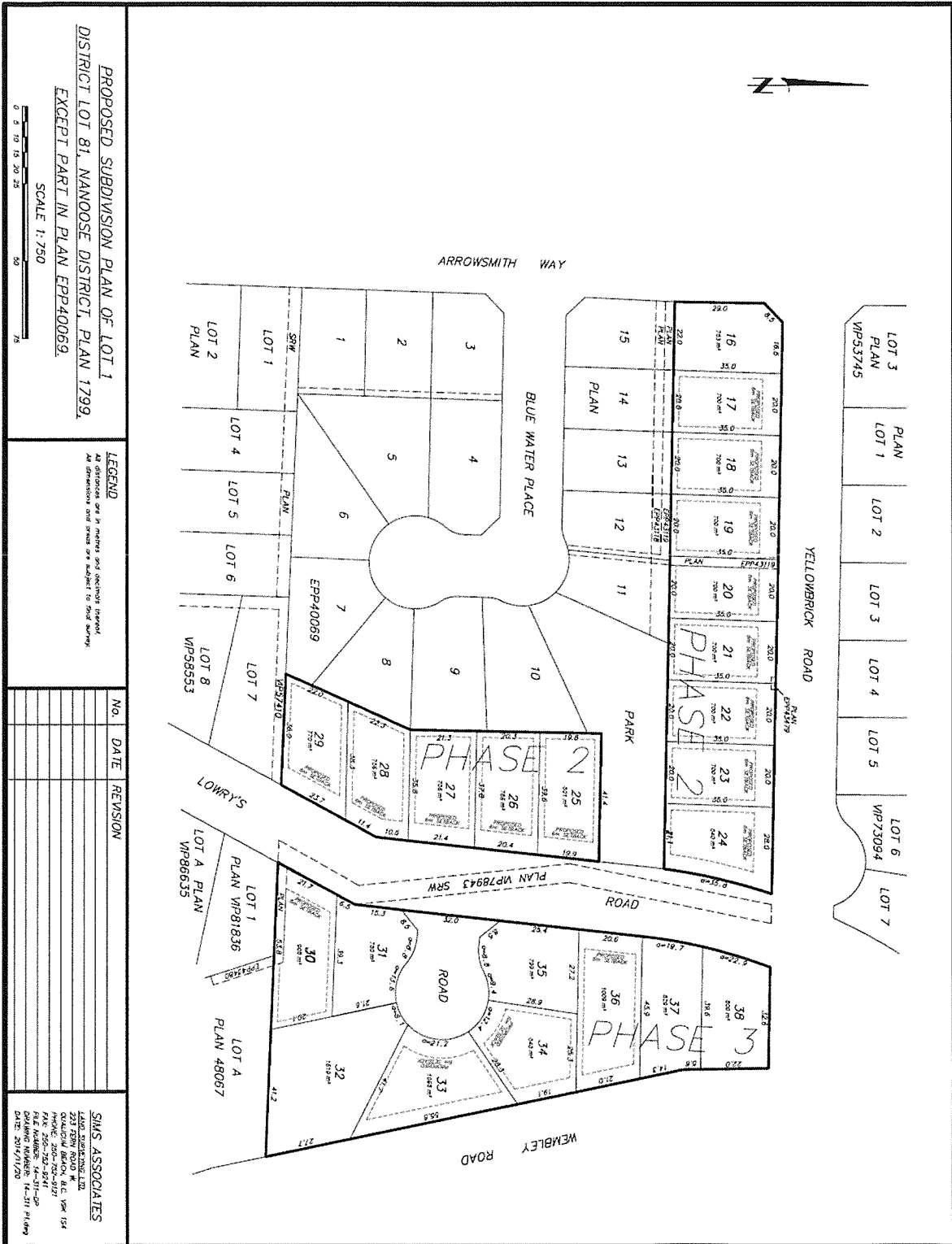
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

Section 3.4.61 – Minimum Setback Requirements – Front lot line – to reduce the minimum setback distance for proposed Lots 17 – 30, 33, 34, and 36 from 8.0 metres to 6.0 metres.

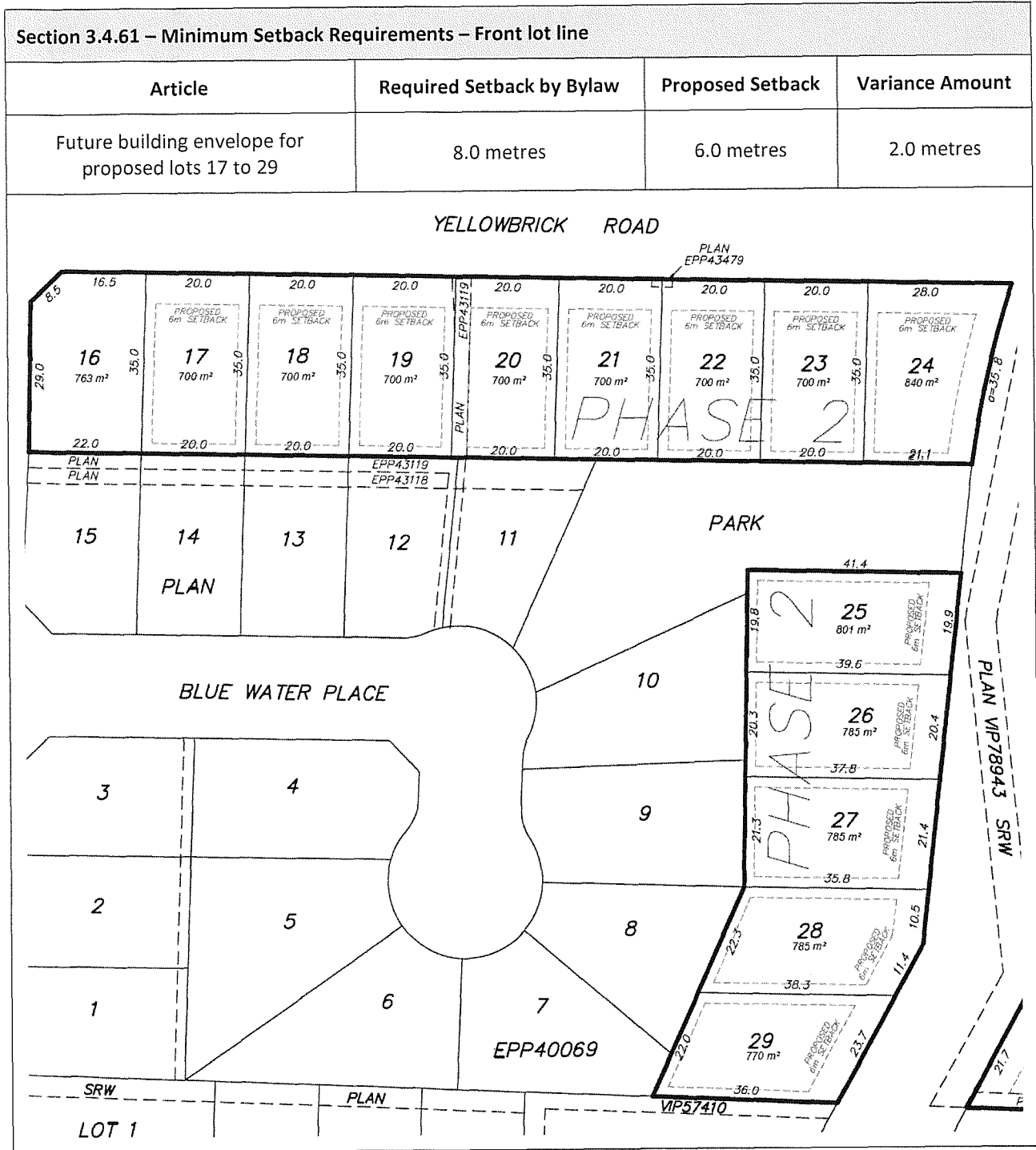
Conditions of Approval:

1. The proposed subdivision is in accordance with the Proposed Plan of Subdivision prepared by Sims Associates Land Surveying Ltd. and attached as Attachment 3.

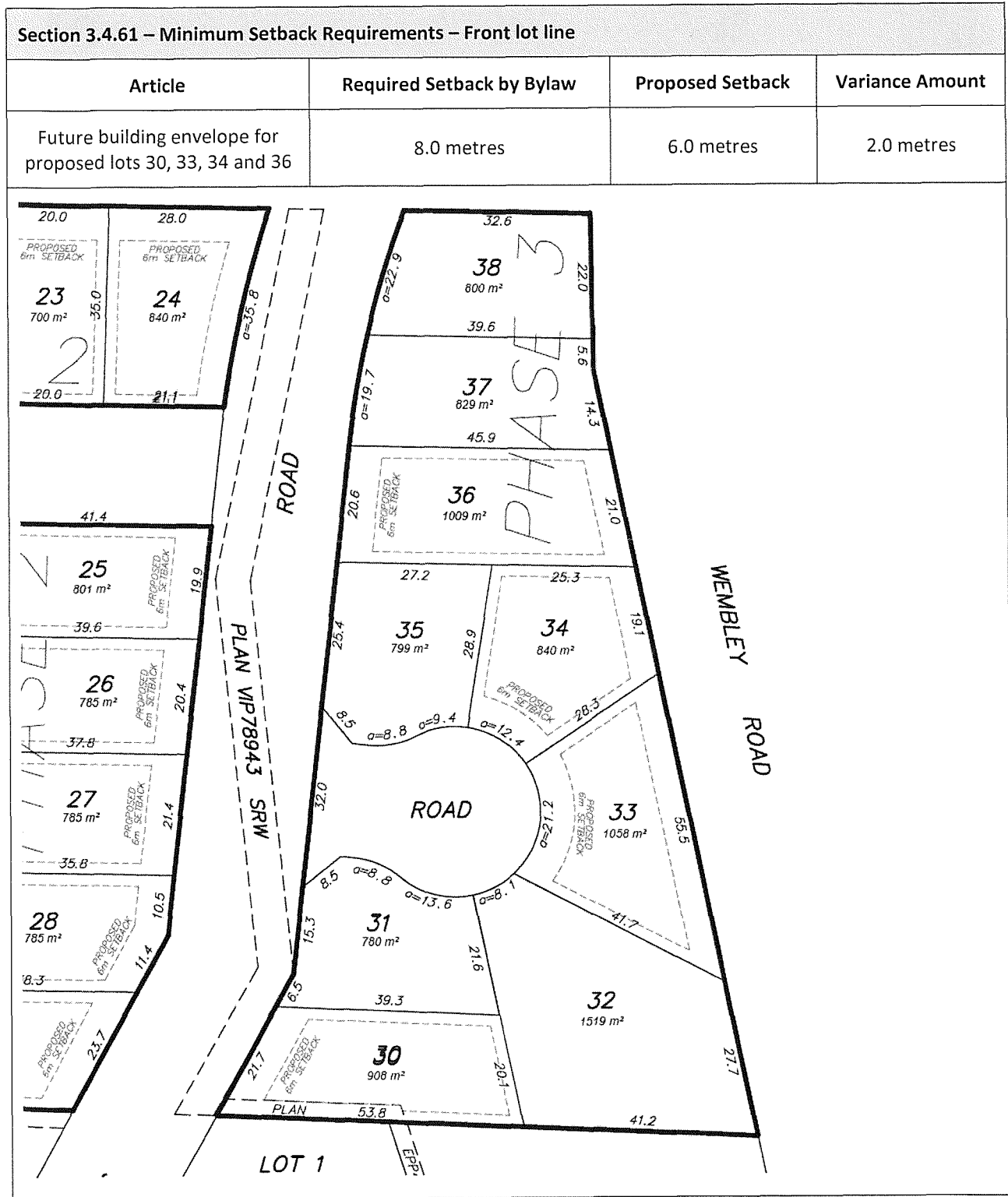
**Attachment 3
Proposed Plan of Subdivision and Variance (Page 1 of 3)**



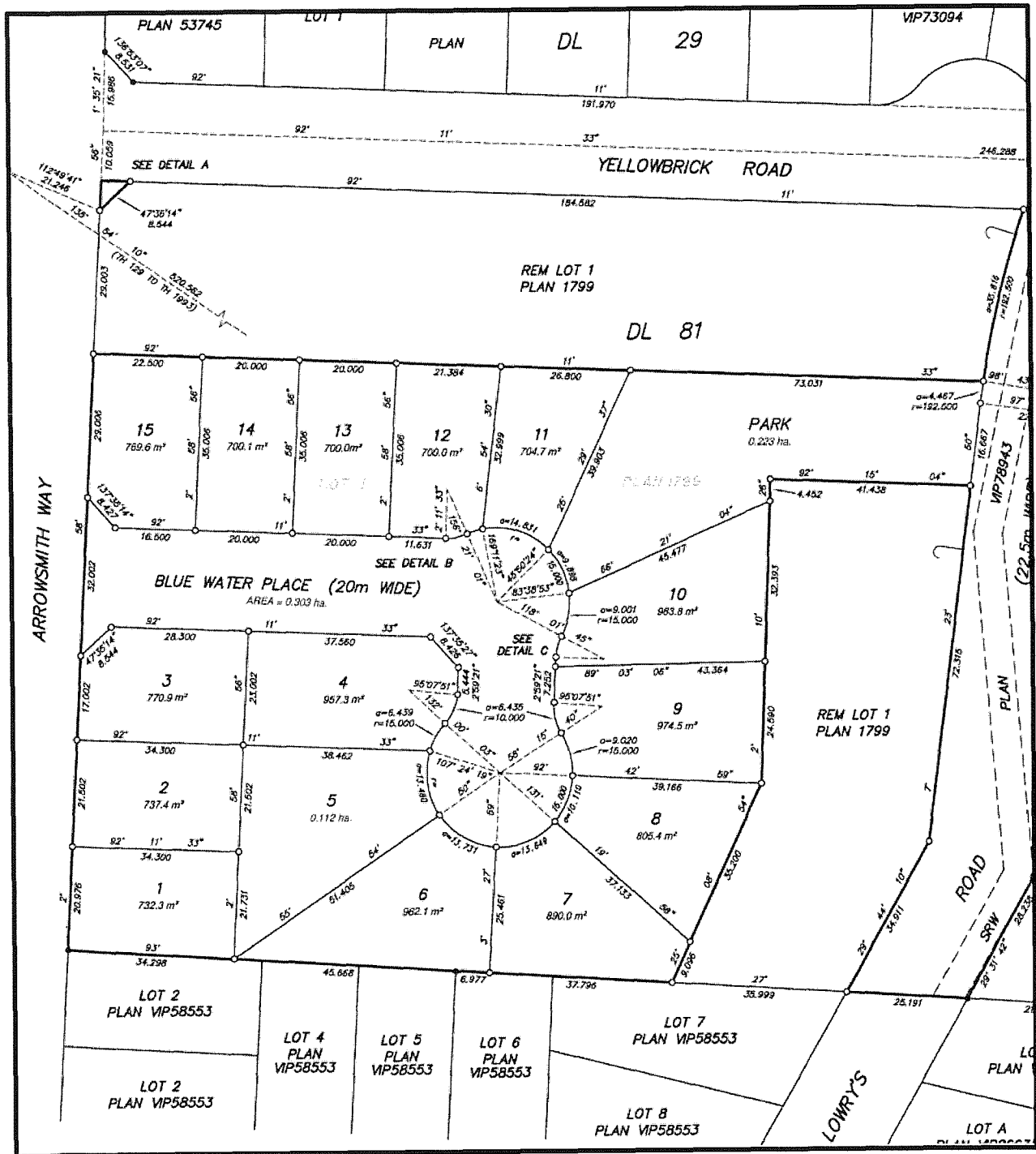
**Attachment 3
Proposed Plan of Subdivision and Variance (Page 2 of 3)**

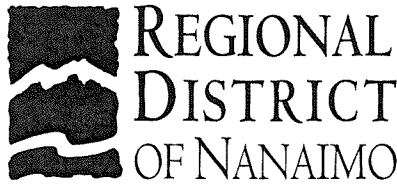


Attachment 3
 Proposed Plan of Subdivision and Variance (Page 3 of 3)



Attachment 4
Excerpt of Subdivision Plan EPP40069





RDN REPORT		#
CAO APPROVAL		
EAP	✓	
COW		
DEC 31 2014		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: December 22, 2014

FROM: Lainya Rowett
Senior Planner

FILE: PL2014-130

SUBJECT: Development Permit with Variances Application No. PL2014-130 – Lightfoot Lot 1, District Lot 33, Newcastle District, Plan EPP16107- 6203 Island Highway West Electoral Area 'H'

PURPOSE

To consider an application for a Development Permit with Variances to allow the construction of a dwelling unit and the retention of existing buildings within the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Bruce Fleming-Smith (on behalf of Claire Lightfoot) to permit the construction of a single dwelling unit. The subject property is approximately 0.26 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 contains some mature trees and is largely cleared in the centre of the parcel with some existing accessory buildings and a small cabin (31 m²). The cabin was constructed in 2009 through an approved Development Permit No. 60519. The property is serviced by community water (Qualicum Bay – Horne Lake Water Works District) and an on-site septic system, which will be replaced with a larger capacity system to support the new dwelling.

The applicant proposes to decommission the existing cabin from a dwelling unit into an accessory building/studio, and to construct a new dwelling and a shed. A development permit is required for the proposed development which is located within the Environmentally Sensitive Features – Coastal Protection Development Permit Area per the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003". This property is also subject to the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" (Floodplain Bylaw).

Proposed Development and Variances

The applicant proposes two setback variances to allow the retention of the existing cabin, which will be decommissioned to an accessory building. Since the cabin was approved through DP No. 60519, a property survey has revealed that the building encroaches slightly into the Front Lot Line and Other Lot Lines setbacks as measured from the adjacent undeveloped road (Franksea Road). The applicant proposes to reduce the Front Lot Line setback from 8.0 m to 5.4 m, for the northeast corner of the building, and to reduce the setback from Other Lot Lines from 5.0 m to 4.8 m, for the overhang on the

north side of the existing building (see Attachment 3 – Proposed Site Plan and Variances). All other buildings will comply with the setback requirements of the RS2 Zone and the Zoning Bylaw 500 setbacks from the sea.

ALTERNATIVES

1. To approve Development Permit with Variances No. PL2014-130 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Permit with Variances No. PL2014-130.

LAND USE IMPLICATIONS

Development Implications

To address the Coastal Protection DP guidelines, the applicant has provided a Marine Backshore Assessment which concluded that the proposed development will not negatively impact the marine environment. The proposed house and deck are located within a previously cleared area and will not require the loss of any mature trees within the 30 metre DP area. Minimal removal of a few trees is proposed outside of the DP area; there were no raptor or heron nests observed in any of the trees to be removed.

A portion of the proposed deck is located within 15 metres of the natural boundary, in an area that is important to the function of the marine environment. To offset any potential loss of natural riparian vegetation that the deck may cause, the biologist recommends the following enhancements:

- Planting native riparian shrubs and/or trees in the open grassy areas within 10 m to 15 m from the natural boundary of the sea;
- Planting a minimum 34 m² area, equal to the area of encroachment of the deck and stairs, within 15 m from the natural boundary;
- Planting in the open area within the southeast portion of the property;
- Planting should consist of species which are native to Vancouver Island;
- Trees should be planted at 2.5 m spacing, and shrubs at 1.0 m spacing;
- Planting should be done in the Fall (late September to early November) immediately following construction of the proposed dwelling unit; and,
- Watering of plants as needed during drier periods within the first growing season.

Compliance with the Biologist's recommendations is noted as a Condition of Approval in Attachment 2. It is also noted that this property was subject to an accretion as per Plan No. EPP16107, registered in March 2012; therefore, the marine environment is not subject to active erosion in this location.

To address the Floodplain Bylaw, the applicant submitted a Geotechnical Hazards Assessment which confirmed that the site is safe and suitable for the intended use, and the proposed dwelling will be constructed to meet the minimum required Flood Construction Level (FCL) of 4.9 metres GSC in accordance with the Association of Professional Engineers and Geoscientists (APEG) guidelines which consider future sea level rise. Any fill required to meet the FCL will be placed outside of the Floodplain

Bylaw's setback from the sea. Compliance with the recommendations contained in the Engineer's report is noted as a Condition of Approval in Attachment 2.

The applicant has also confirmed that no structural support required to meet the FCL will be located within the 15 metre setback from the sea pursuant to the Floodplain Bylaw. The proposed deck, on the rear (east) side of the proposed dwelling, is not part of a structure supporting a floor system in order to meet the FCL; therefore, the Floodplain Bylaw setback requirement does not apply to the deck. Furthermore, the deck will be detached from the dwelling unit and less than 600 mm in height, so it will not be considered a structure for the purposes of determining the zoning setback requirements.

There are no anticipated impacts from the proposed variances to allow the retention of the existing cabin (as an accessory building) adjacent to an undeveloped beach access road (Franksea Road). The applicant proposes to reside in the existing cabin during construction. The owner is aware that she will be required to apply for a Temporary Living Facility Permit and to obtain the necessary building permits to decommission the existing cabin prior to occupancy of the proposed dwelling, as the RS2 Zone only permits one dwelling unit per parcel (see Attachment 2 – Terms and Conditions of Approval).

Strategic Plan Implications

Staff have reviewed the application in consideration of the Board's 2013-2015 Strategic Plan and note the following implications will contribute towards community resiliency:

- The location of the proposed dwelling unit and the recommended riparian enhancements will maximize the protection of coastal ecosystems; and,
- The proposed dwelling will be designed to meet the International Passive House Standard in order to achieve a higher building performance with a total annual energy consumption of approximately 20% of that of a current code equivalent home using super insulation, heat recovery ventilation system, passive solar design, solar hot water system, etc.

Inter-governmental Implications

The proposed variances for the existing building to be retained adjacent to Franksea Road will not negatively impact the use of this undeveloped beach access road. The building setback from the road exceeds the minimum 4.5 metres as required by the Ministry of Transportation & Infrastructure. No buildings will encroach into the public road right-of-way.

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

The applicant proposes to construct a new dwelling unit on the subject property within the Coastal Protection Development Permit Area and to vary the setbacks to an existing cabin, which is to be decommissioned from a dwelling unit to an accessory building and retained within the property. The

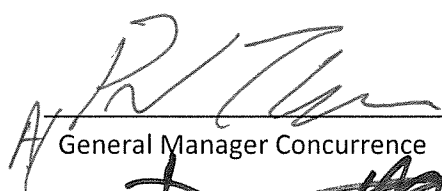
applicant has submitted a Marine Backshore Assessment and a Geotechnical Hazards Assessment to satisfy the development permit guidelines and Floodplain Bylaw. These reports confirm that the proposed development is safe and suitable for the intended use and will not negatively impact the coastal ecosystem provided the recommendations of the report are followed. Compliance with these recommendations is noted as a Condition of Approval in Attachment 2. Given that the applicant has addressed the DP guidelines, and the proposed development is not anticipated to negatively impact the coastal environment, staff recommends that the Board approve the proposed Development Permit with Variances.

RECOMMENDATIONS

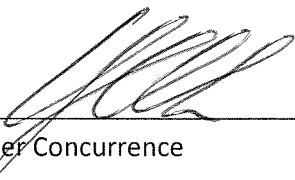
1. That staff be directed to complete the required notification.
2. That Development Permit with Variances No. PL2014-130 to permit the construction of a proposed dwelling within the Coastal Protection Development Permit Area, and variances to legalize an existing building be approved subject to the conditions outlined in Attachments 2 to 4.



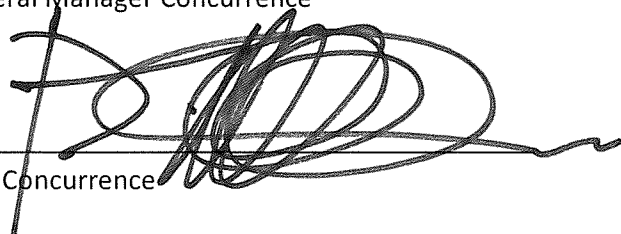
for Report Writer



General Manager Concurrence

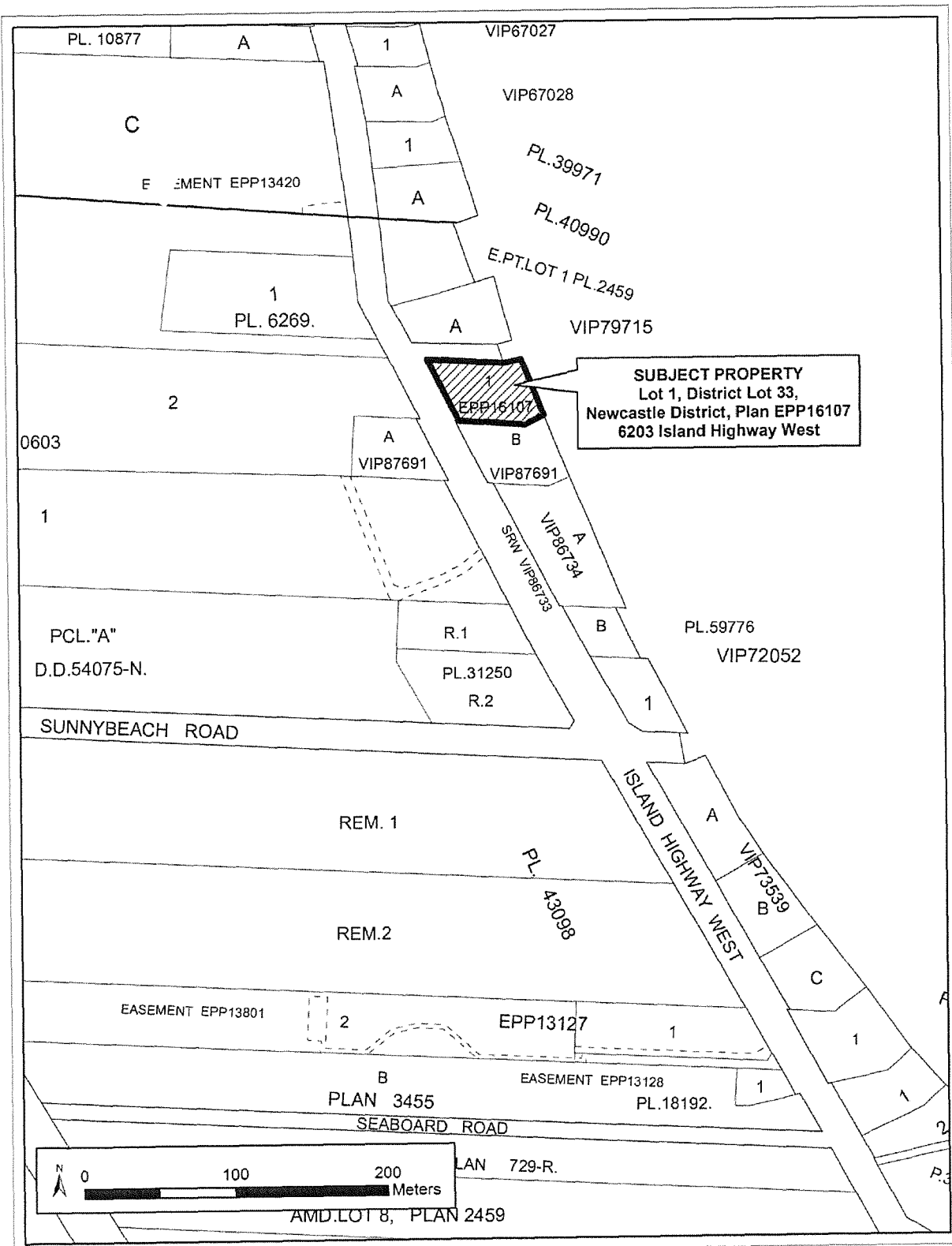


Manager Concurrence



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 Variances No. PL2014-130:

Bylaw No. 500, 1987 Variances:

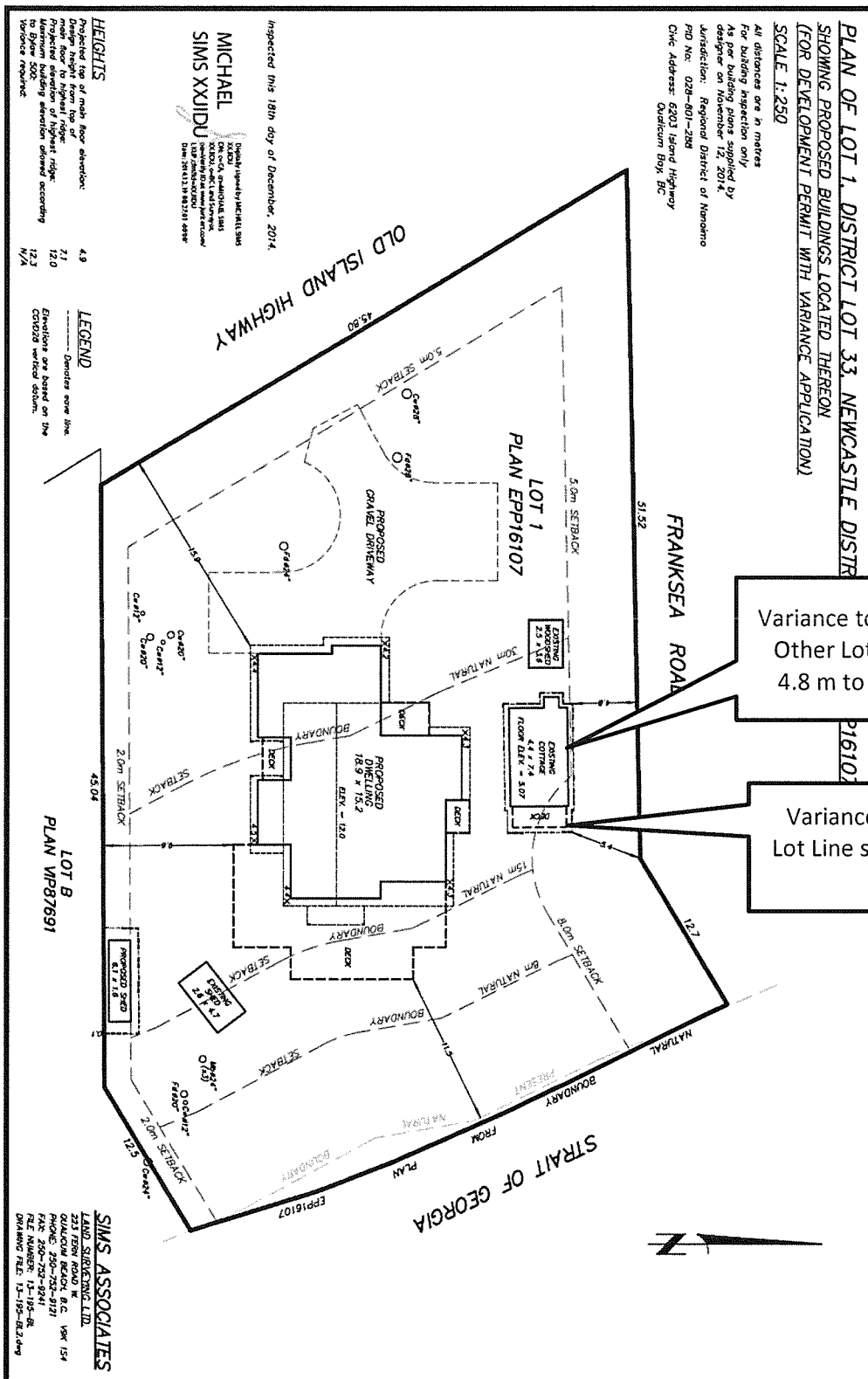
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 is varied as follows:

1. **Section 3.4.62 Minimum Setback Requirements** by reducing the minimum Front Lot Line setback requirement from 8.0 metres to 5.4 metres for a portion of an existing building as shown on Attachment 3.
2. **Section 3.4.62 Minimum Setback Requirements** by reducing the minimum setback from Other Lot Lines from 5.0 metres to 4.8 metres for an existing building as shown on Attachment 3.

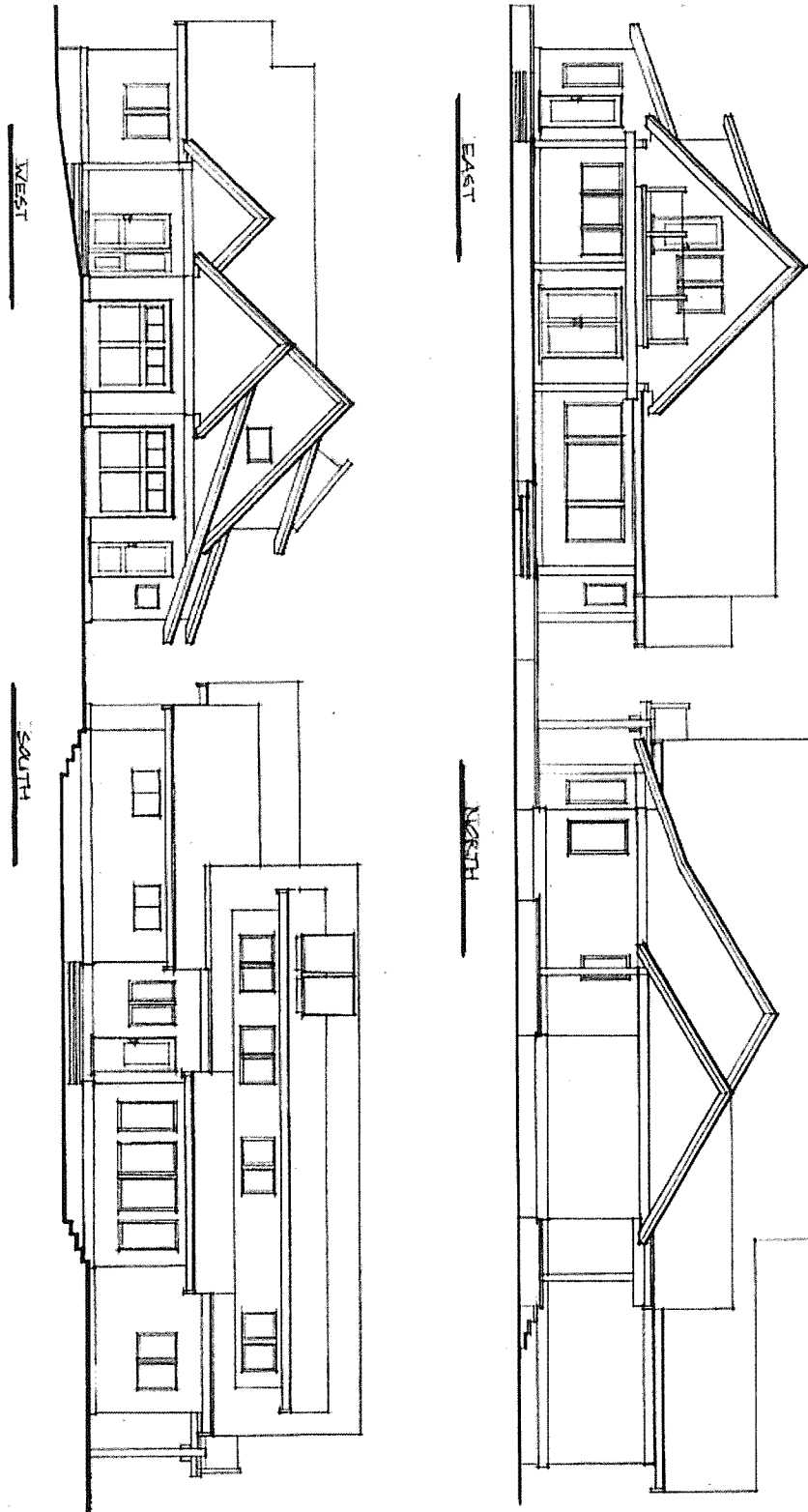
Conditions of Approval:

1. The proposed development is site in accordance with the Survey Plan prepared by Sims Associates Land Surveying Ltd., dated December 18, 2014 and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations prepared by Bruce Fleming-Smith and attached as Attachment 4.
3. The property is developed in accordance with the recommendations contained in the Marine Backshore Assessment report prepared by Adam Compton of Environmental Dynamics Inc., dated November 5, 2014.
4. The property owner shall obtain the necessary permits for construction, including a permit for a Temporary Living Facility, in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3
Proposed Site Plan and Variances



**Attachment 4
Building Elevations**





RDN REPORT		
CAO APPROVAL		
EAP	✓	
COW		
DEC 19 2014		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: December 12, 2014

FROM: Robert Stover
Planning Technician

FILE: PL2014-131

SUBJECT: Development Permit with Variance Application No. PL2014-131 – DHR Enterprises Ltd. That Part of Lot 1 in Block 4 of District Lot 11, Newcastle District, Plan 1223, Lying to the North of a Boundary Parallel to and Perpendicularly Distant 90 Feet from the Southerly Boundary of Said Lot 1 – 3850 Island Highway West Electoral Area 'G'

PURPOSE

To consider an application for a Development Permit with Variances to allow changes to commercial signage on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Tristan Munro on behalf of DHR Enterprises Ltd. in order to permit changes to commercial signage for a gas bar on the subject property. The subject property is approximately 0.14 ha in area and is zoned Resort Commercial (RCM) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Bylaw No. 500).

The subject property is currently occupied by a Tempo gas bar, and is bordered by residential properties to the east and south. The Island Highway lies to the north and Texada Road to the west. The applicant is proposing to add additional signage on the subject property, which is subject to the Form and Character Development Permit Area (DPA) as per "Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" (OCP).

Proposed Development and variances

The applicant is proposing changes to commercial signage on the subject property as part of the conversion of the existing Tempo gas bar into a Chevron branded gas bar. These proposed changes include the replacement of a free standing sign, which will require variances to Section 3.4.18 – Minimum Setback Requirements of Bylaw No. 500 by reducing the required setbacks from the front lot line from 8.0 metres to 1.0 metres, and the other lot line from 5.0 metres to 1.7 metres. The placement of two additional fascia signs on the canopy of the gas bar is also being proposed. This additional signage will require a variance to the "Regional District of Nanaimo Sign Bylaw No. 993, 1995" (RDN Sign Bylaw) to increase the number of signs permitted on the parcel from two to four. These signage changes must also meet the requirements of the Form and Character DPA for consideration of visual and lighting impacts on surrounding properties.

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2014-131 subject to the conditions outlined in Attachments 2 to 5.
2. To deny Development Permit with Variance No. PL2014-131.

LAND USE IMPLICATIONS

Development Implications

A previous development permit (PL2014-126) was issued on the subject property under delegated authority to allow minor changes to signage which were permitted under RDN Sign Bylaw. Under the current application, the applicant is proposing to replace the existing free standing sign with a new pavilion style free standing sign which will include landscaping around its base. Two additional fascia signs are also proposed to be added to the canopy that covers the fuel pumps of the gas bar. The lettering and logo of the fascia signs will be individually backlit, and the pavilion sign is also proposed to be backlit. Attachments 2 to 5 outline the site layout and design specifications of the proposed signage. Staff worked with the applicant to ensure the scale of the proposed signage is consistent with the Form and Character DPA guidelines for considering visual impacts and glare implications for neighbouring properties.

Strategic Plan Implications

Staff have reviewed the application and have not identified any implications related to the 2013-2015 Board Strategic Plan.

Inter-governmental Implications

Staff referred the proposal to Ministry of Transportation and Infrastructure (MOTI) staff for comment, as the proposed free standing sign will be sited within 4.5 metres of a highway. MOTI staff indicated that they have no concerns with the proposed free standing sign.

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 Variances to address proposed changes to commercial signage for a gas bar on the subject property. The applicant proposes to replace an existing Tempo branded free standing sign with a new Chevron branded pavilion style free standing sign that requires a setback variance to the front lot line. In addition, placement of two new Chevron branded

fascia signs on the canopy of the gas bar is being proposed. A variance to the RDN sign bylaw to increase the number of signs permitted on a parcel from two to four is being requested as part of this proposal.

Staff worked with the applicant to ensure that the proposed signage meets the requirements of the Form and Character DPA when considering impacts on surrounding properties; in addition, MOTI staff indicated that they have no concerns with the proposed signage changes. As the applicant has made efforts to reduce the scale and impacts of the signage, and MOTI staff have not expressed any concerns with the proposal, staff recommend approval of this development permit with variances pending the outcome of public notification.

RECOMMENDATIONS

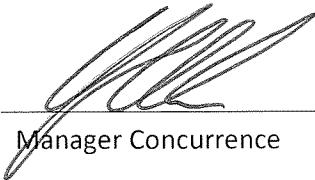
1. That staff be directed to complete the required notification.
2. That Development Permit with Variance No. PL2014-131 to permit changes to commercial signage on the subject property be approved subject to the conditions outlined in Attachments 2 to 5.



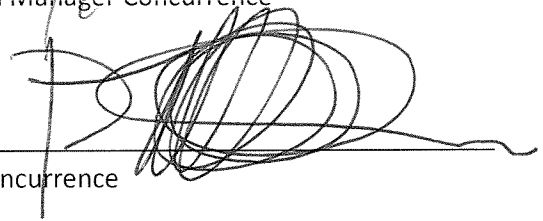
Report Writer



General Manager Concurrence

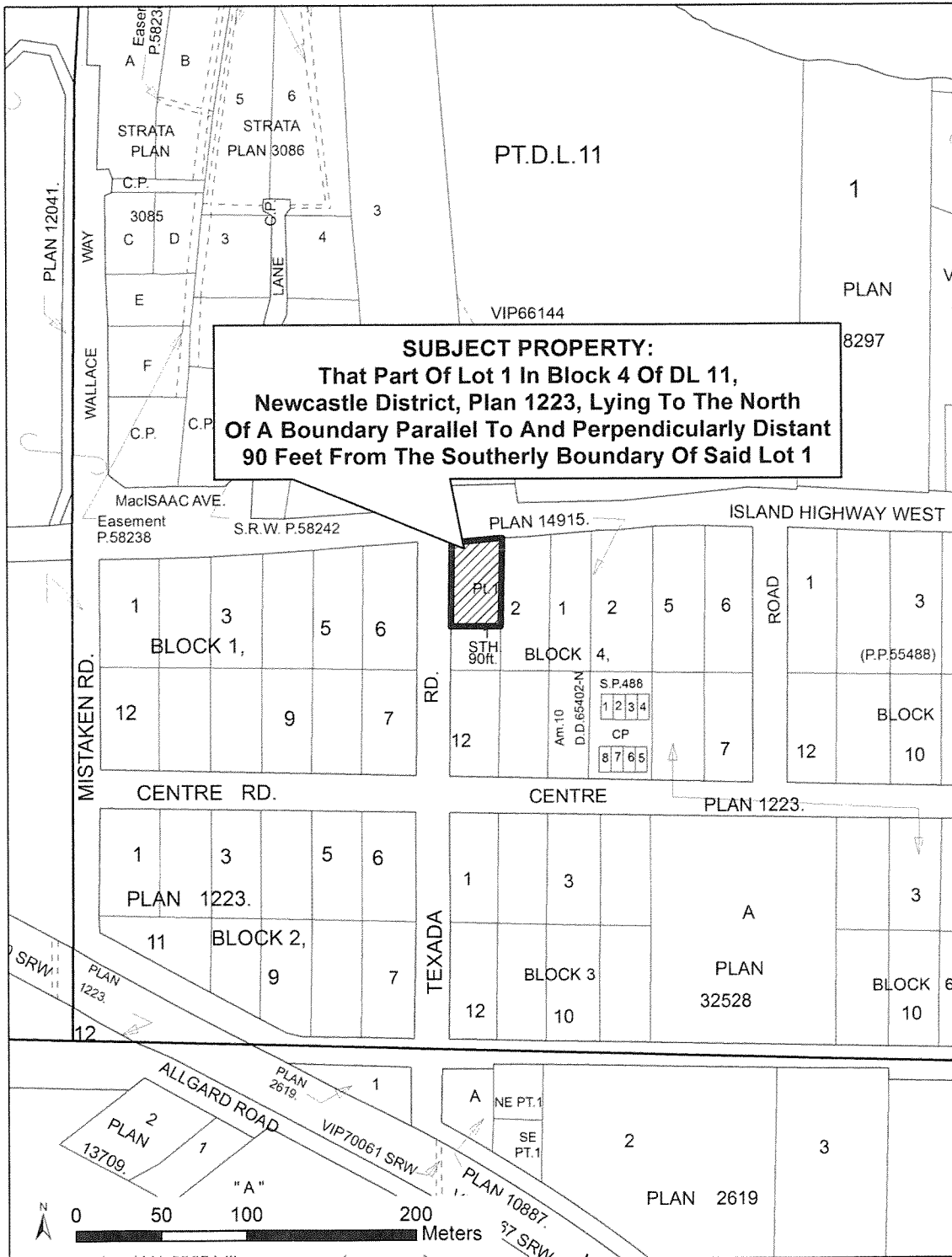


Manager Concurrence



CAO Concurrence

**Attachment 1
Subject Property Map**



Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2014-131:

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 3.4.18 – Minimum Setback Requirements is varied by reducing the minimum setback requirement from the front lot line from 8.0 metres to 1.0 metres for a proposed free standing sign as shown on Attachments 3 and 4.
2. Section 3.4.18 – Minimum Setback Requirements is varied by reducing the minimum setback requirement from the other lot line from 5.0 metres to 1.7 metres for a proposed free standing sign as shown on Attachments 3 and 4.

Bylaw No. 993, 1995 Variance:

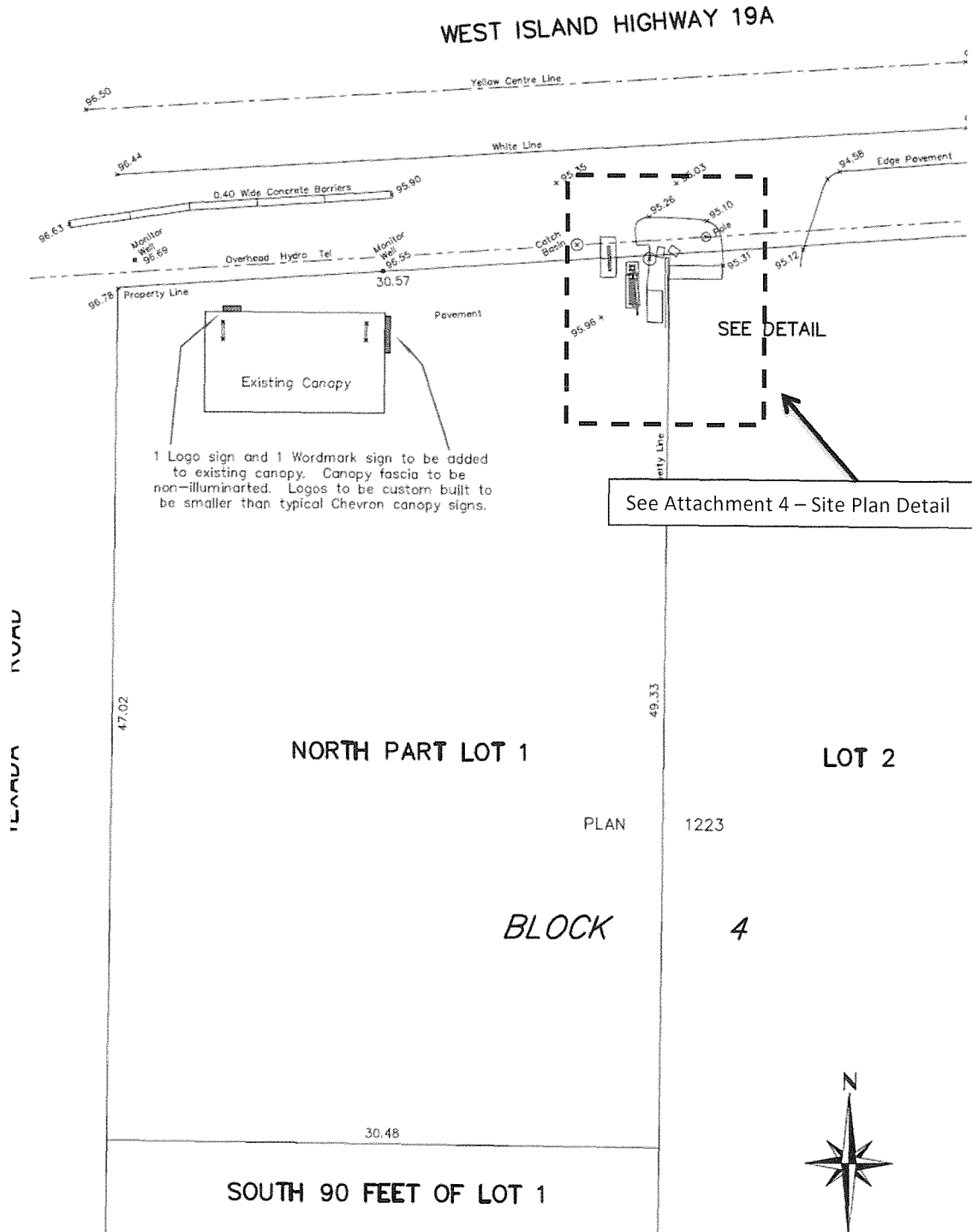
With respect to the lands, "Regional District of Nanaimo Sign Bylaw No. 993, 1995" is varied as follows:

1. Section 5 (a) is varied by increasing the number of signs to be placed or maintained on a parcel from two to four as shown on Attachments 3 and 4.

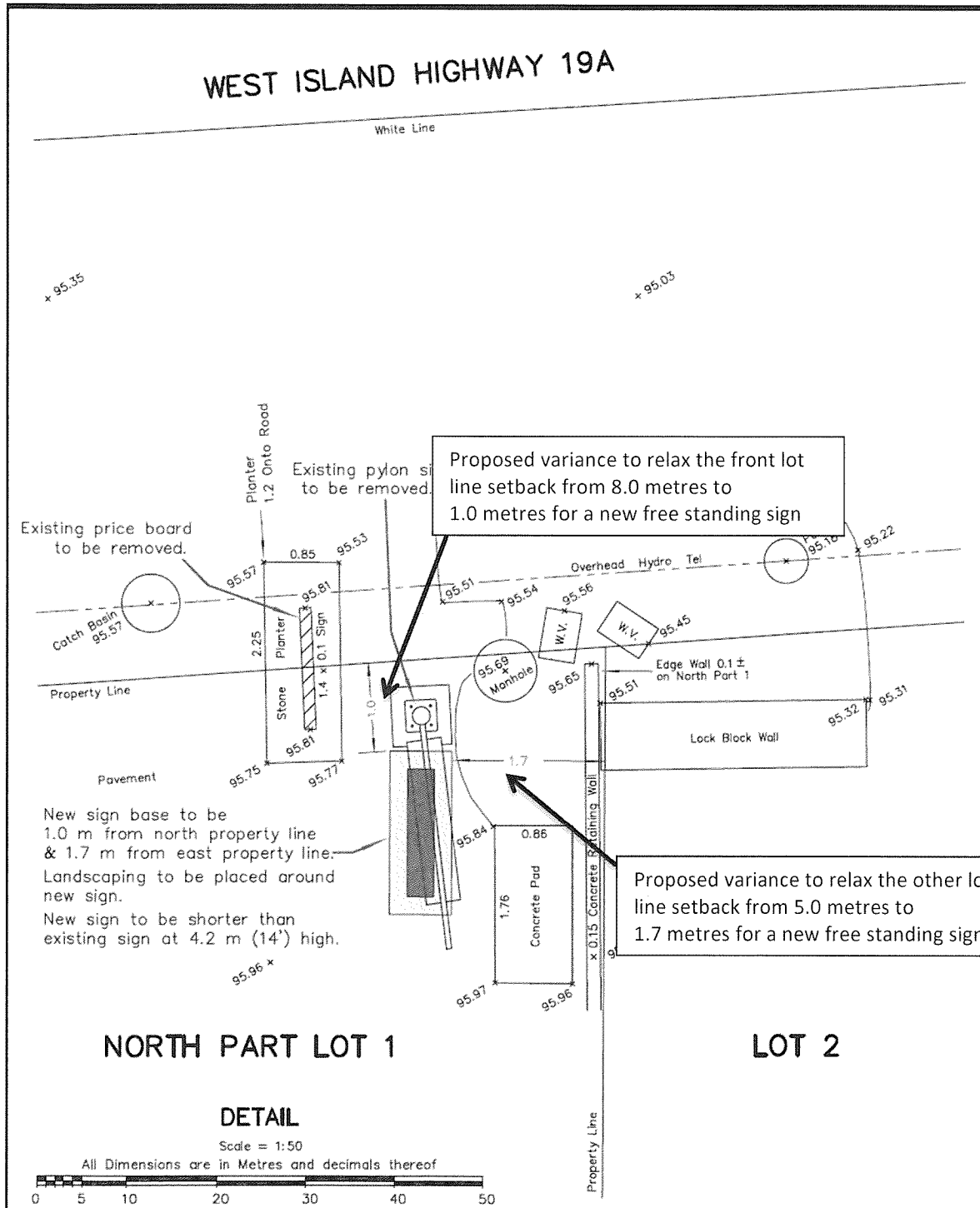
Conditions of Approval:

1. The proposed development is sited in accordance with the Survey Plan prepared by JE Anderson and Associates, dated December 11, 2014 and attached as Attachments 3 and 4.
2. The proposed development is in general compliance with the Sign Specifications and Signage Render prepared by Country Signs Ltd., and attached as Attachments 4 and 5.
3. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

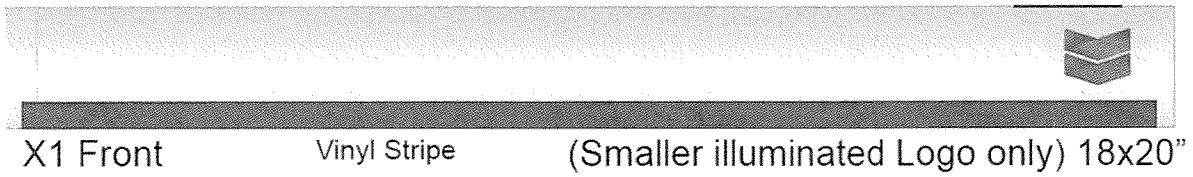
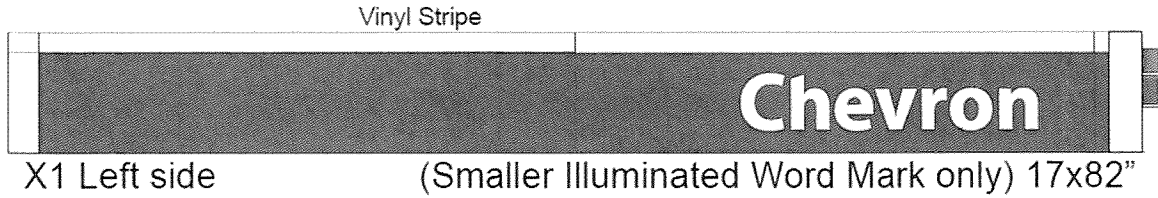
**Attachment 3
Proposed Site Plan**



Attachment 4
Site Plan – Detail

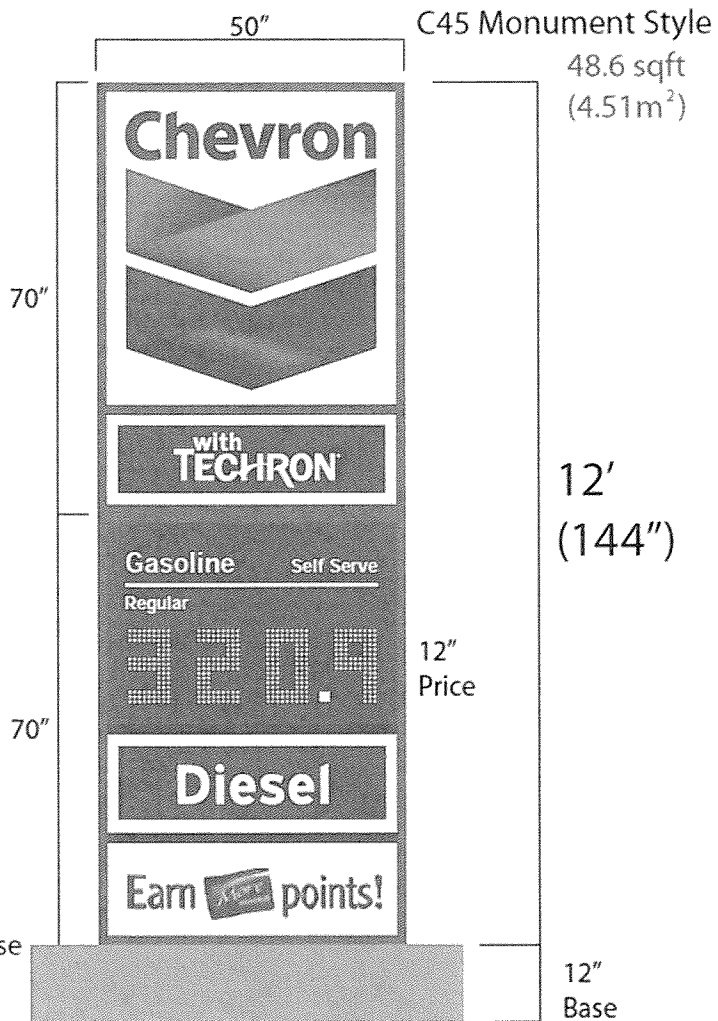


**Attachment 4
Sign Specifications**



Existing signs to be removed

Landscaping to be done around the base



Site#. 00000 | Qualicum Beach B.C.

**Attachment 5
Signage Render**



*Approx render of view from neighbouring property



RDN REPORT	
CAC APPROVAL	
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
JAN 06 2015	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: December 31, 2014

FROM: Lainya Rowett
Senior Planner

FILES: PL2014-095 & PL2014-098

SUBJECT: Official Community Plan Amendment Application No. PL2014-095 and Zoning Amendment Application No. PL2014-098 – Stauffer Lot A, Section 3, Range 8, Cranberry District, Plan VIP54591 – 2930 Trans Canada Hwy. Electoral Area 'A'

PURPOSE

To consider two applications concurrently for an Official Community Plan (OCP) Amendment and a Zoning Amendment to permit the legal reconstruction of a non-conforming commercial use within the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an OCP and Zoning Amendment application from Jack Anderson (on behalf of Judith Stauffer) to re-designate and rezone the subject property in order to permit the redevelopment of a previously existing restaurant (Country Kitchen) which was lost due to a fire in May of 2014.

The subject property is approximately 0.3 ha in area and is split-zoned Commercial 5 Zone (CM5) and Rural 4 Zone (RU4), Subdivision District 'D', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is also split-designated Commercial and Rural, pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011". The property is located north of the Cassidy Pub and adjacent to a public rest area (Cassidy Bridge rest stop) along the Trans Canada Highway (see Attachment 1 – Subject Property Map, Attachment 2 – Current Zoning Map and Attachment 3 – Current OCP Land-use Designation Map).

The property contains remnants of the former Country Kitchen restaurant which was lost to fire damage in May 2014. The site is serviced by an existing well and on-site septic system (see Attachment 6 – Site Plan). The property has historically been used for restaurant use for many decades and much of the site was developed prior to zoning and building inspection requirements. A recent survey revealed that much of the existing building and parking area was non-conforming with respect to the required setbacks (see Page 2 of Attachment 6 – Site Plan). The survey revealed that the zoning and Official Community Plan (OCP) boundaries do not align with the historical commercial use within the property, and that a large portion of the parking utilized by the restaurant is located outside of the property and within a portion of the Ministry of Transportation and Infrastructure (MOTI) road right-of-way (see Page 3 of Attachment 6 – Site Plan).

The applicant proposes to resolve these discrepancies by amending the zoning and OCP boundaries to align with the parcel boundaries, including a portion (approximately 650 m²) of Beck Road and Trans Canada Highway which is proposed to be closed and consolidated within the property through a road closure/acquisition application to MOTI (see Page 3 of Attachment 6 – Site Plan).

Proposed Development

The applicant proposes to re-designate the portions of the subject property and portions of the area of road to be acquired, which are currently designated Rural pursuant to the Electoral Area ‘A’ OCP, to Commercial land use to provide consistency with the balance of the property (see Attachment 5 – Proposed OCP Land-use Designation Map). The applicant also proposes to rezone the entire property and the portion of road to be closed from Rural 4 Zone and Commercial 5 Zone, Subdivision District ‘D’ to a Comprehensive Development Zone (CD50), Subdivision District ‘D’ with limited commercial uses (see Attachment 4 – Proposed Zoning Map).

As the property is subject to the South Wellington Industrial-Commercial Development Permit Area per the “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Bylaw No. 1620, 2011”, a development permit application will be required prior to reconstruction of the restaurant.

ALTERNATIVES

1. To proceed with Official Community Plan Amendment Application No. PL2014-095, consider first and second reading of the Amendment Bylaw and proceed to Public Hearing.
2. To proceed with Zoning Amendment Application No. PL2014-098, consider first and second reading of the Amendment Bylaw and proceed to Public Hearing.
3. To not proceed with the Amendment Bylaw readings and Public Hearing.

LAND USE IMPLICATIONS

Official Community Plan

The OCP policies (Policy 8.6.3) for Commercial lands support the rezoning of land to recognize or accommodate changes to existing lawfully established commercial uses. The proposed re-designation of portions of the existing property and adjacent road area would legally recognize the historic commercial use of the property and align the OCP boundaries with the extent of the historic commercial use, which pre-dated zoning and the OCP. The boundaries of the South Wellington Industrial-Commercial Development Permit Area will also be amended slightly to align with the proposed boundaries of the “Commercial” designation as shown on Attachment 5 – Proposed OCP Land-use Designation Map).

In accordance with the Rural lands policies, the proposed zoning and re-designation of this property would permit uses which are compatible with and contribute towards the rural character of the area. The proposed site-specific zoning would limit the scale of commercial development to what is appropriate in relation to the size of the parcel. This will ensure the development is also in keeping with the rural character of the area and supports rural uses with services such as a locally serving restaurant or pub, or other tourist related uses.

Development Implications

The applicant proposes to extend the Commercial OCP land use designation and Development Permit Area boundaries to include the entire subject property and portions of the adjacent road right-of-way.

The proposed commercial CD50 zone boundaries would align with the proposed OCP amendment boundaries (see Attachment 4 – Proposed Zoning Map and Attachment 5 – OCP Land-use Designation Map). These amendments are required to support reconstruction of the Country Kitchen restaurant and provide adequate parking area. In order to support the intended uses, the applicant proposes a site-specific zone (Attachment 9) based on the Commercial 5 Zone, with limited commercial uses which are appropriate given the size of the property and capacity to provide off-street parking, as well as servicing capacity of the on-site septic system. The proposed uses include: restaurant, neighbourhood pub, tourist store, tourist information booth, and residential use (one dwelling per parcel). The Floor Area Ratio (FAR) of 0.40 is also proposed to be less than what is permitted in the existing Commercial 5 Zone (0.60 FAR), which further ensures that the scale of development is in keeping with the parcel size.

In order to allow more flexibility in the height of new commercial structures, the applicant proposes to increase the maximum permitted height from 8.0 metres in the CM5 Zone to 10.0 metres in the proposed CD Zone.

In general, the proposed amendments would support reconstruction of the restaurant which would conform to regulatory boundaries. The proposed amendments would also allow the reconstruction of the restaurant without the need for variances for the proposed building and parking area location.

In accordance with Section 14 of the Electoral Area 'A' OCP, staff also considered the potential for increased development and/or density as a result of the zoning changes and the opportunity for the provision of a community amenity contribution, in recognition of the impact that the development may have on existing amenities and services in the Plan area. The proposed amendments are primarily administrative and intended to allow the legal reconstruction of the historic commercial use, generally within the same building footprint. The amendments would extend the commercial use to the proposed parcel boundaries; however, the proposed site-specific zone will be more restrictive than the existing Commercial 5 Zone in terms of permitted commercial uses and Floor Area Ratio. As a result, the proposed amendments will not result in increased development potential or density. The applicant has not offered a voluntary contribution, and given the nature of the proposed amendments the OCP policies would support proceeding without the provision of an amenity contribution.

Public Consultation Implications

Given that the proposed OCP and zoning boundary amendments are more along the lines of an administrative amendment and the proposed use complies with the Regional Growth Strategy, the optional Public Information Meeting (PIM) was waived by the Area Director.

In accordance with "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1432, 2002", the applicant posted a notice of the proposed amendment applications 10 days prior to the scheduled Electoral Area Planning Committee meeting.

Environmental Implications

To address Board Policy B1.21 for rezoning of un-serviced lands, the applicant has provided documentation from the Island Health Authority and ABC Water Systems to confirm that the existing well and water treatment system has source approval and can provide potable water supply to support the intended uses on the parcel.

The applicant has also provided written confirmation from a wastewater practitioner that the existing on-site septic system substantially complies with the appropriate regulation in place at the time the system was built and functions adequately to support the intended uses on the parcel. Therefore, no environmental impacts are anticipated as a result of the proposed amendments.

Strategic Plan Implications

Staff have reviewed the proposed amendments and note the following implications in consideration of the Board's 2013 – 2015 Strategic Plan:

- The proposed amendments would secure the long-term economic viability of an existing commercial use; and,
- The location of the proposed restaurant would support tourist commercial uses along the Island's transportation corridor, with close proximity to a public rest stop along the Trans Canada Highway.

Financial Plan and Waste Management Plan Implications

In accordance with Section 882 of the *Local Government Act*, following the first reading of an OCP bylaw amendment, a local government must consider the amendment in conjunction with its financial plan and any applicable waste management plan. In discussions with Finance and Solid Waste staff it was confirmed that the proposed OCP amendments have no implications for the current Financial Plan or the Solid Waste Management Plan.

Inter-governmental Implications

The Ministry of Transportation and Infrastructure has approved the road closure application and the applicant is in the process of purchasing the lands to be consolidated with the existing parcel in order to include all of the parking area within the parcel boundaries. Following third reading and prior to final adoption of the zoning amendment bylaw, the bylaw must receive approval from the Minister of Transportation and Infrastructure pursuant to the *Transportation Act*.

In accordance with Section 879 of the *Local Government Act*, during the development of an official community plan, or the repeal or amendment of an official community plan, the local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.

The local government must specifically consider whether consultation is required with:

- i) The board of the regional district in which the area covered by the plan is located,
- ii) The board of any regional district that is adjacent to the area covered by the plan,
- iii) The council of any municipality that is adjacent to the area covered by the plan,
- iv) First nations,
- v) School district boards, greater boards, and improvement district boards, and
- vi) The provincial and federal governments and their agencies.

This consultation is in addition to the public hearing required under Section 882(3)(d) of the *Local Government Act*.

Staff recommend that the Board approve the proposed consultation plan as outlined in Attachment 7, which includes referrals to the adjacent regional district and municipality, First Nations, the local School District Board and relevant provincial agencies. No federal agencies were identified as relevant for consultation in relation to the proposed amendments. As a result of the referrals already completed in accordance with this proposed consultation plan, no concerns have been identified.

SUMMARY/CONCLUSIONS

The proposed development includes concurrent applications for an OCP and zoning amendment to permit the legal reconstruction of a non-conforming commercial use, a restaurant which was lost to fire

damage in May 2014. The property is split-designated Commercial and Rural lands pursuant to the Electoral Area 'A' OCP and is split-zoned Commercial 5 and Rural 4 zones in Bylaw 500. The property was developed prior to zoning and building inspection requirements. A recent survey revealed that the remnant foundations and parking area do not coincide with the property lines or the regulatory boundaries of the OCP land use designations, the South Wellington Industrial-Commercial Development Permit Area, or CM5 zoning boundaries. The applicant proposes to acquire a portion (650 m²) of public road right-of-way in order to consolidate the existing parking area within the parcel, and to re-designate the parcel for Commercial use with a site-specific Comprehensive Development Zone (CD50) in order to permit the reconstruction of the restaurant.

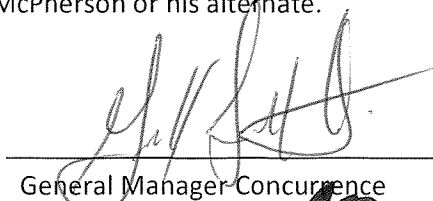
The proposed development is consistent with OCP and Regional Growth Strategy policies, and the development of the site will be subject to the South Wellington Industrial-Commercial Development Permit Area per the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011". The applicant has also provided written confirmation from a wastewater practitioner that the existing on-site septic system and well are adequate to support the intended uses on the parcel. Given that the proposal is consistent with RDN policies and will accommodate the historic use of the parcel, staff recommend that proposed Amendment Bylaw No. 1620.03, 2015 and Amendment Bylaw No. 500.397, 2015 receive first and second reading and proceed to Public Hearing.

RECOMMENDATIONS

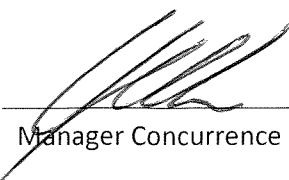
1. That the Board approve the Proposed Public Consultation Plan as outlined in Attachment 7.
2. That "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1620.03, 2015" be introduced and be given first reading.
3. That, having considered the impact on the current Financial Plan and Solid Waste Management Plan, "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1620.03, 2015" be given second reading.
4. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.397, 2015", be introduced and read two times.
5. That the Public Hearing on "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1620.03, 2015" be chaired by Director McPherson or his alternate.
6. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.397, 2015" be chaired by Director McPherson or his alternate.



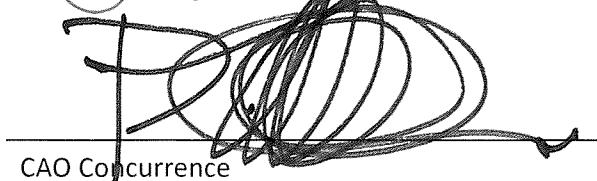
Report Writer



General Manager-Concurrence

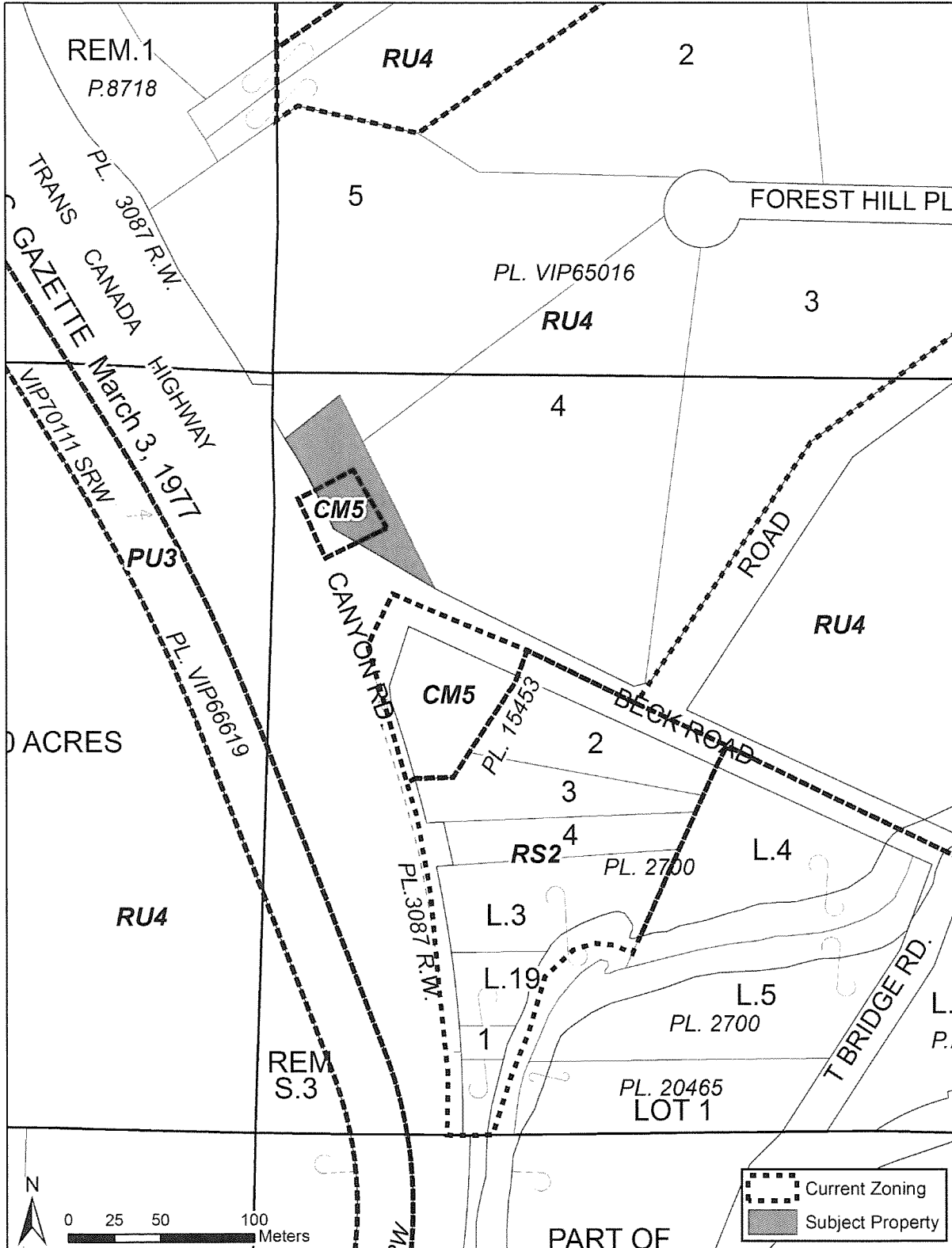


Manager Concurrence

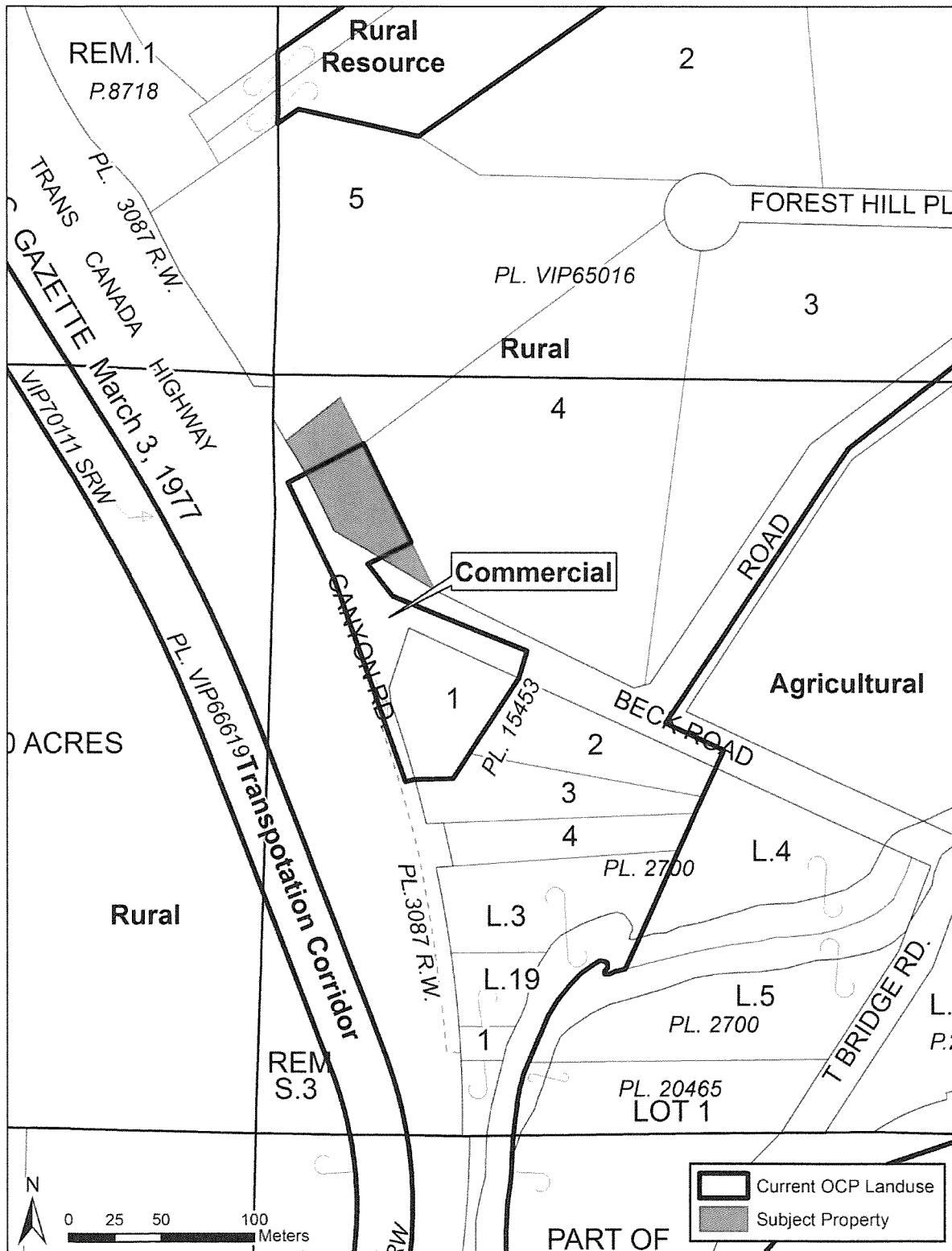


CAO Concurrence

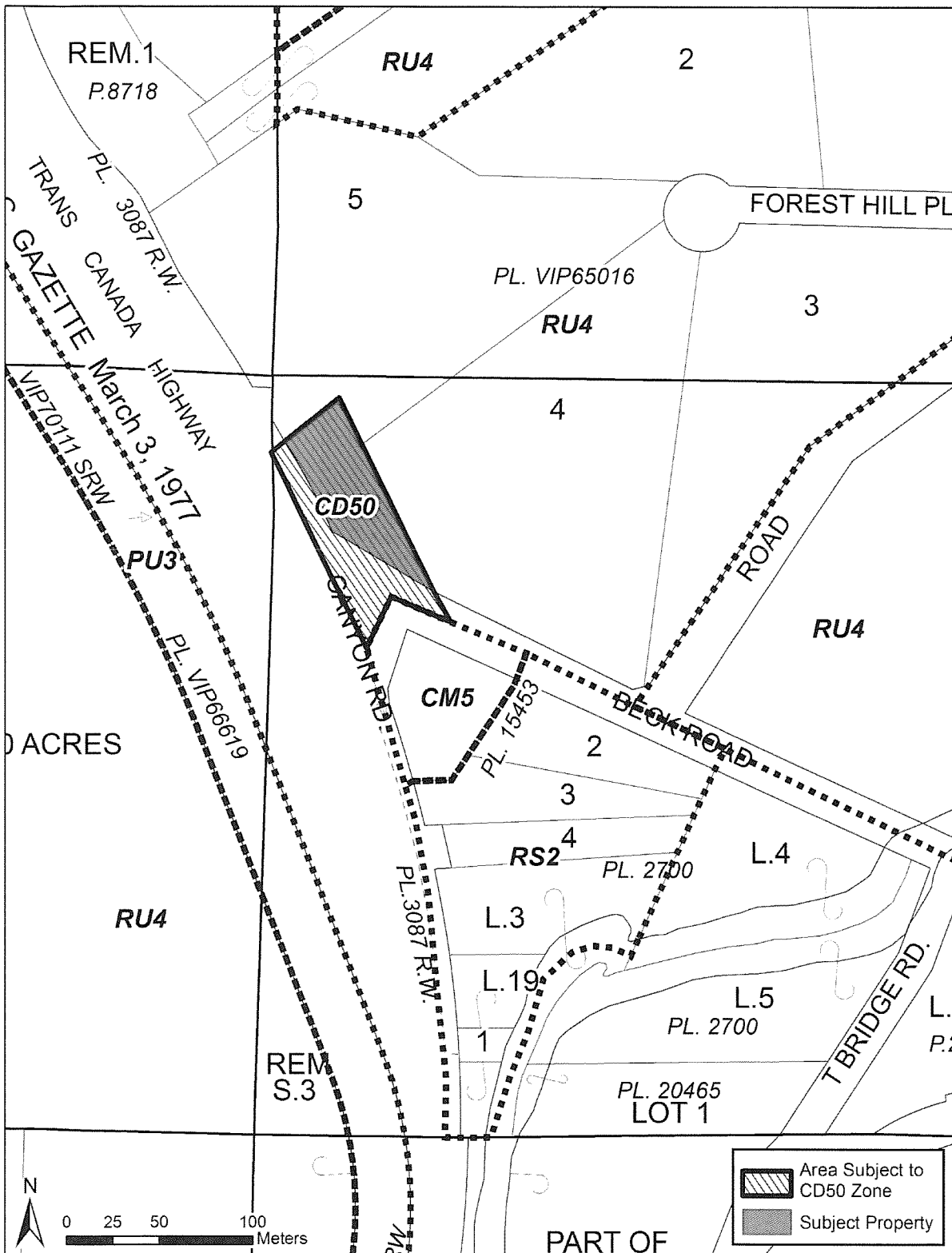
Attachment 2
Current Zoning Map



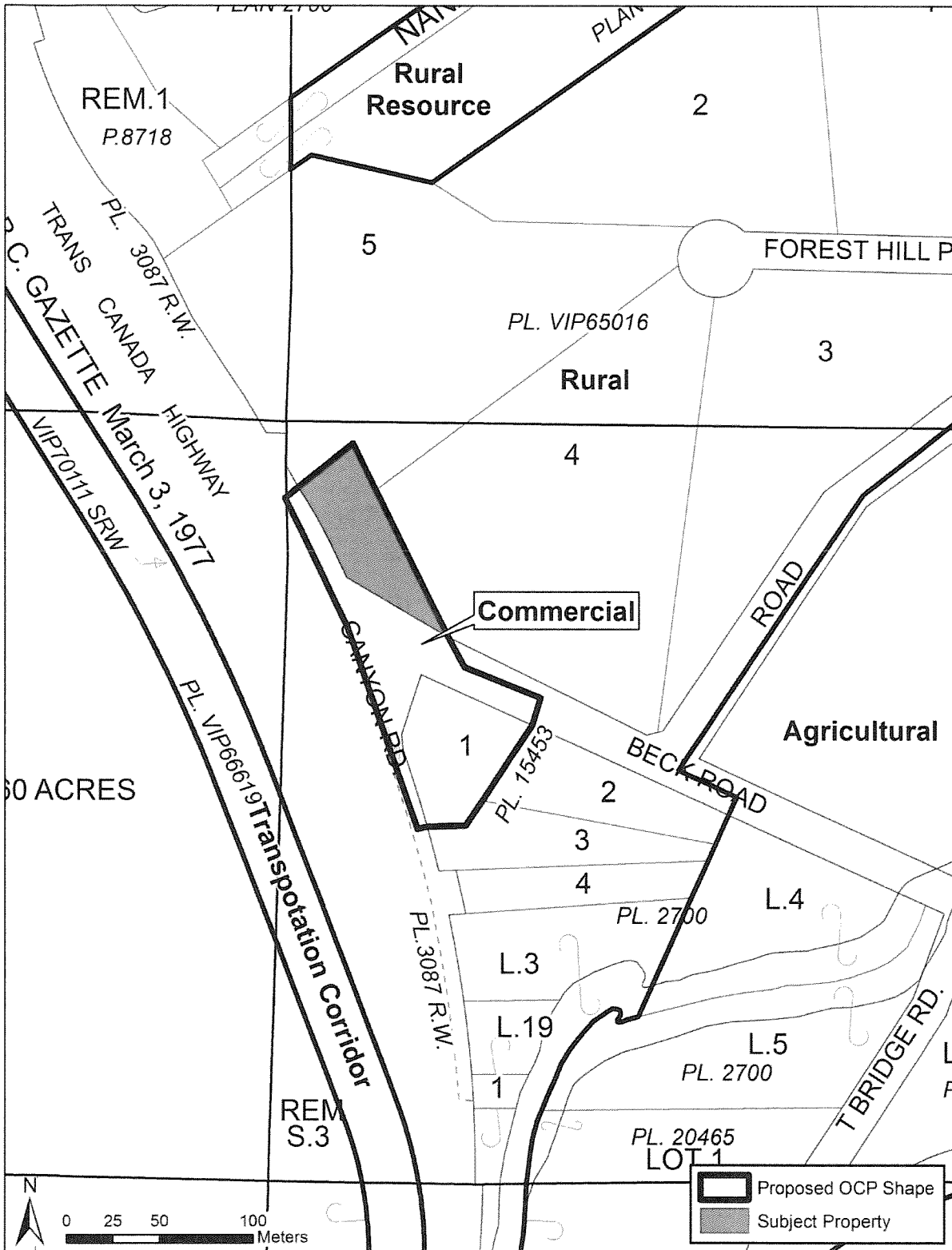
Attachment 3
Current OCP Land-use Designation Map



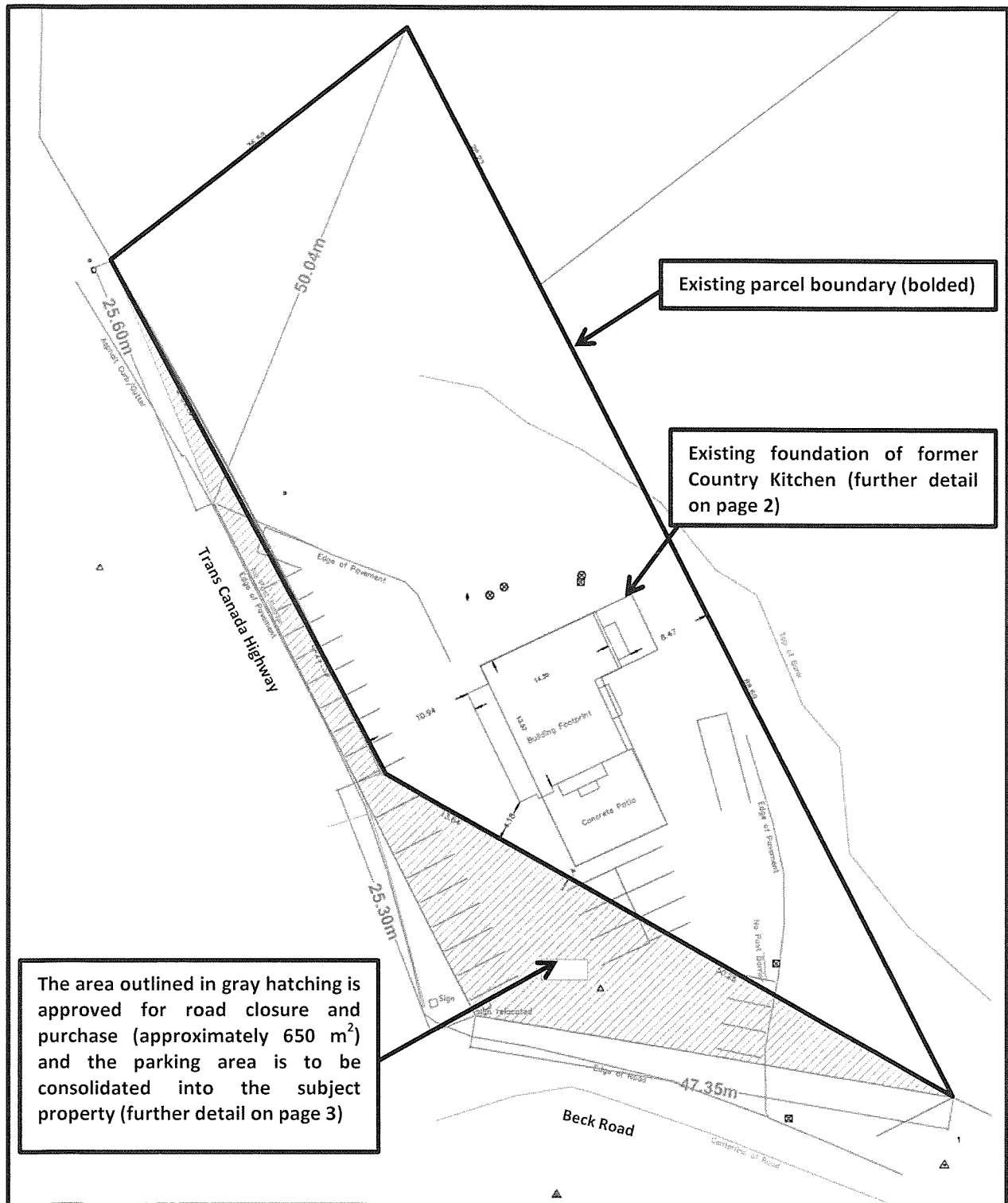
Attachment 4
Proposed Zoning Map



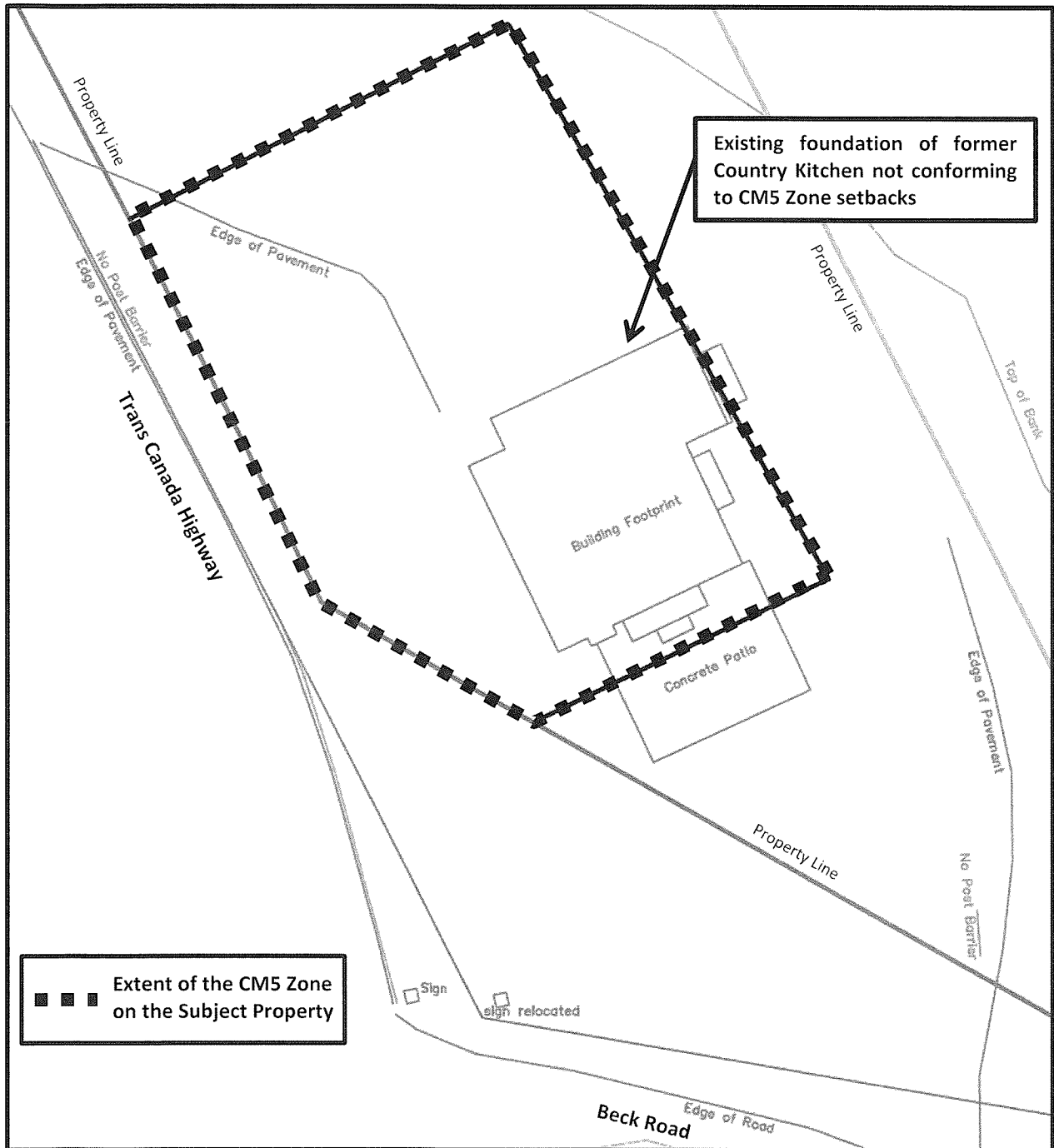
Attachment 5
Proposed OCP Land-use Designation Map



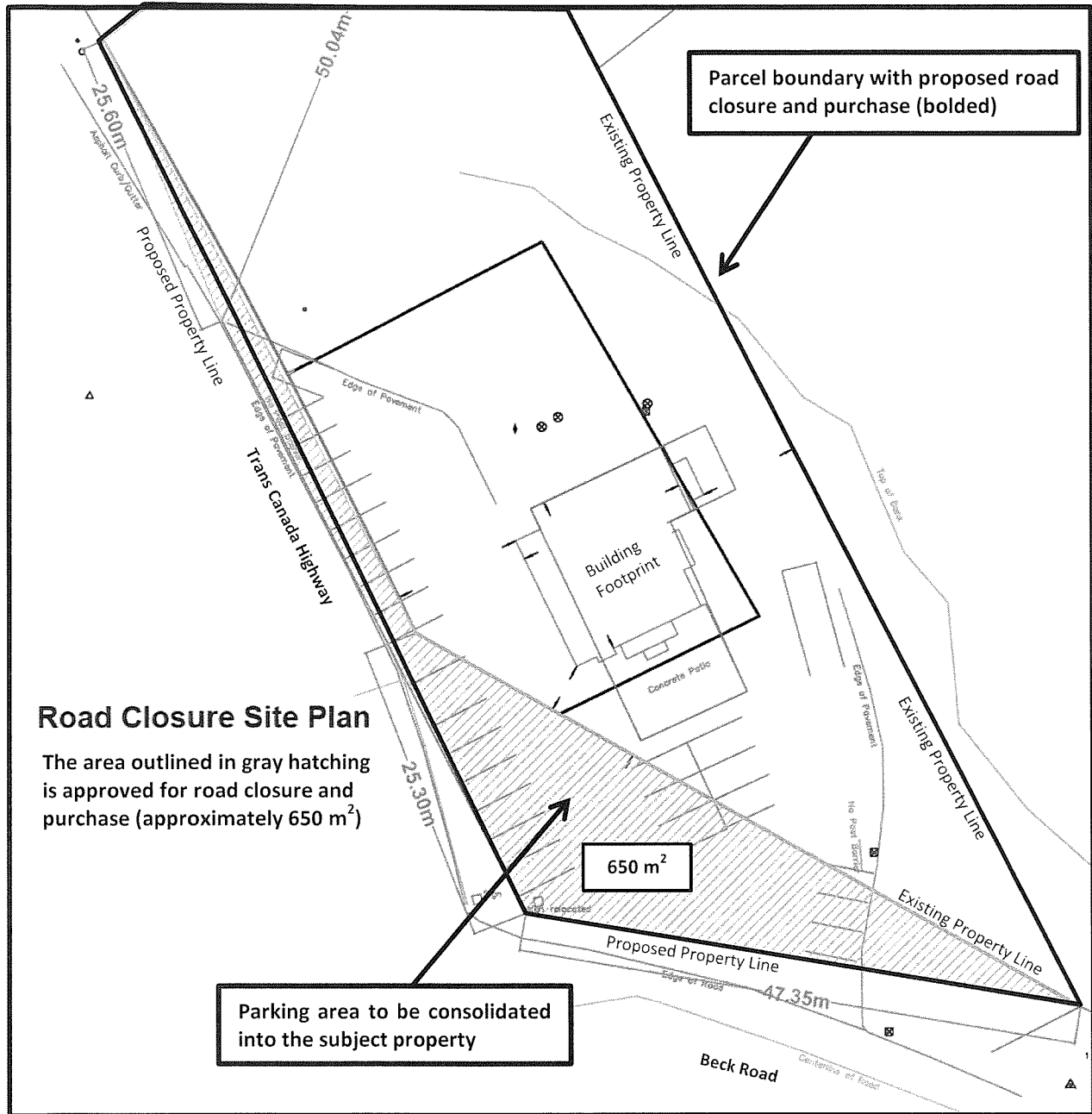
Attachment 6
Site Plan (Page 1 of 3)



Attachment 6
Site Plan (Page 2 of 3)



Attachment 6
Site Plan (Page 3 of 3)



**Attachment 8
Proposed Amendment Bylaw No. 1620.03, 2015**

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1620.03**

**A Bylaw to Amend Regional District of Nanaimo Electoral Area 'A'
Official Community Plan Bylaw No. 1620, 2011"**

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 Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1620.03, 2015".

- B. The "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011" is hereby amended as set out in Schedule 'A' of this Bylaw.

Introduced and read two times this 27th day of January 2015.

Considered in conjunction with the Regional District of Nanaimo Financial Plan and any applicable Waste Management Plans this ___ day of _____ 20__.

Public Hearing held pursuant to Section 890 of the *Local Government Act* this ___ day of _____ 20 __.

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

Received approval pursuant to Section 882 of the *Local Government Act* this ___ day of _____ 20 __.

Adopted this ___ day of _____ 20 __.

Chairperson

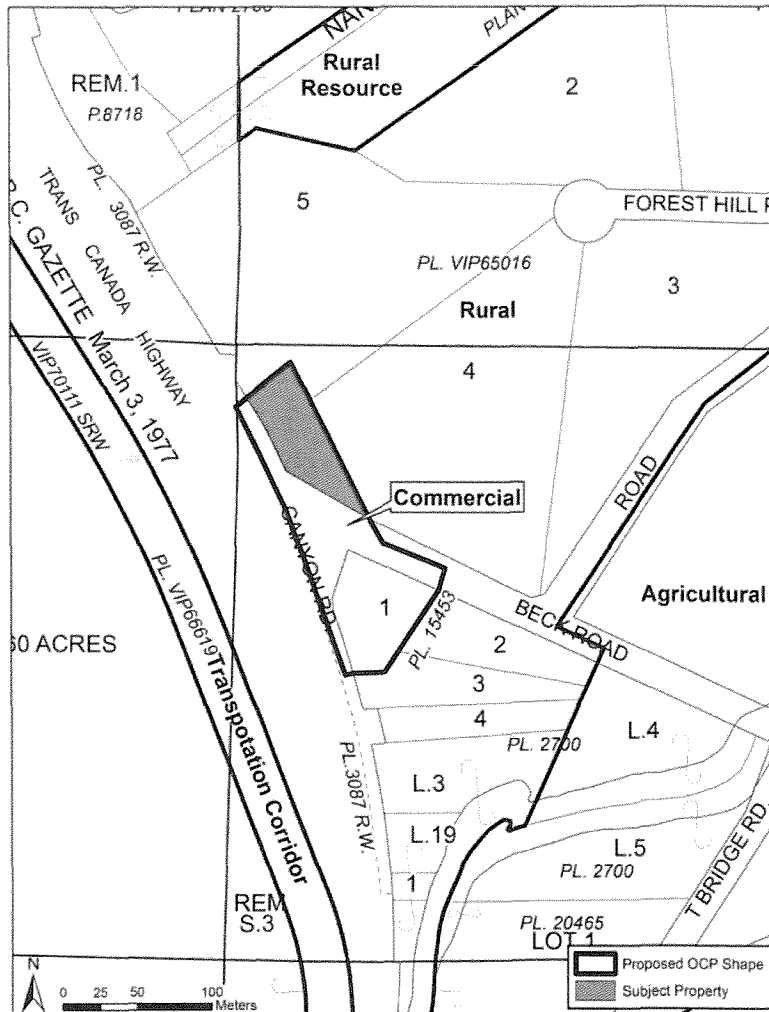
Corporate Officer

Chairperson

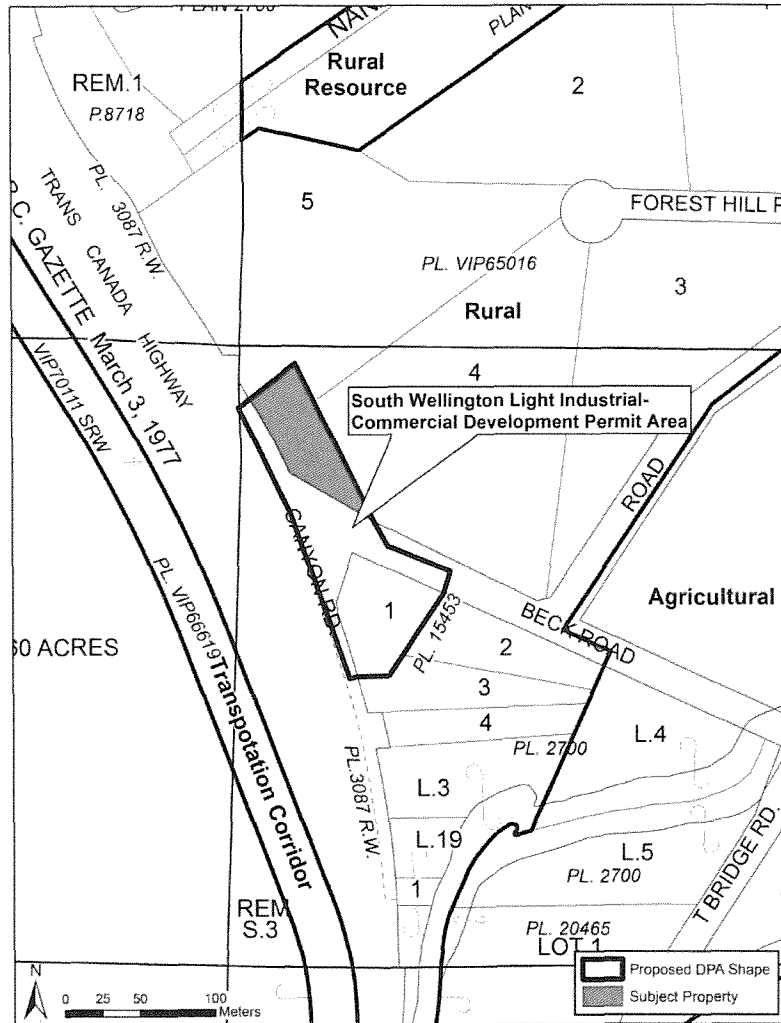
Corporate Officer

Schedule 'A'

1. "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011" is hereby amended as follows:
 - a) On "Map No. 3 Land Use Designations and Growth Containment Boundaries", by expanding the "Commercial" designation to include the lands legally described as Lot A, Section 3, Range 8, Cranberry District, Plan VIP54591 and adjacent portions of Trans Canada Highway and Beck Road as illustrated in the map below and contained in this Schedule:



- b) On "Map No. 10 Development Permit Areas for the Purpose of Form & Character and Protecting Farm Land", by expanding the "South Wellington Light Industrial – Commercial Development Permit Area" designation to include the lands legally described as Lot A, Section 3, Range 8, Cranberry District, Plan VIP54591 and adjacent portions of Trans Canada Highway and Beck Road as illustrated in the map below and contained in this Schedule:



**Attachment 9
Proposed Amendment Bylaw No. 500.397, 2015**

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.397**

**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. 500.397, 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 3.1 Zones** by adding the following zoning classification and corresponding short title after CD50 Zone:

Beck Road Comprehensive Development Zone 50

2. By adding Section 3.4.150 (CD50)

as shown on Schedule ‘1’ which is attached to and forms part of this Bylaw.

3. By rezoning the lands shown on the attached Schedule ‘2’ and legally described as

Lot A, Section 3, Range 8, Cranberry District, Plan VIP54591 and adjacent portions of
Trans Canada Highway and Beck Road

from Rural 4 (RU4), Subdivision District ‘D’ to Beck Road Comprehensive Development Zone 50
(CD50), Subdivision District ‘D’.

Introduced and read two times this 27th day of January 2015.

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

Schedule '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.397, 2015".

Chairperson

Corporate Officer

Schedule '1'

Section 3.4.150

BECK ROAD COMPREHENSIVE DEVELOPMENT ZONE 50

CD50

3.4.150.1 Permitted Uses

Permitted Uses

- a) Neighbourhood Pub
 - b) Residential Use
 - c) Restaurant
 - d) Tourist Information Booth
 - e) Tourist Store
-

3.4.150.2 Maximum Number and Size of Buildings and Structures

Dwelling units/parcel	1
Floor Area Ratio	0.40
Height	10.0 m
Parcel coverage	40%

3.4.150.3 Minimum Setback Requirements

For all buildings and structures unless otherwise set out in Part 3 Land Use Regulations:

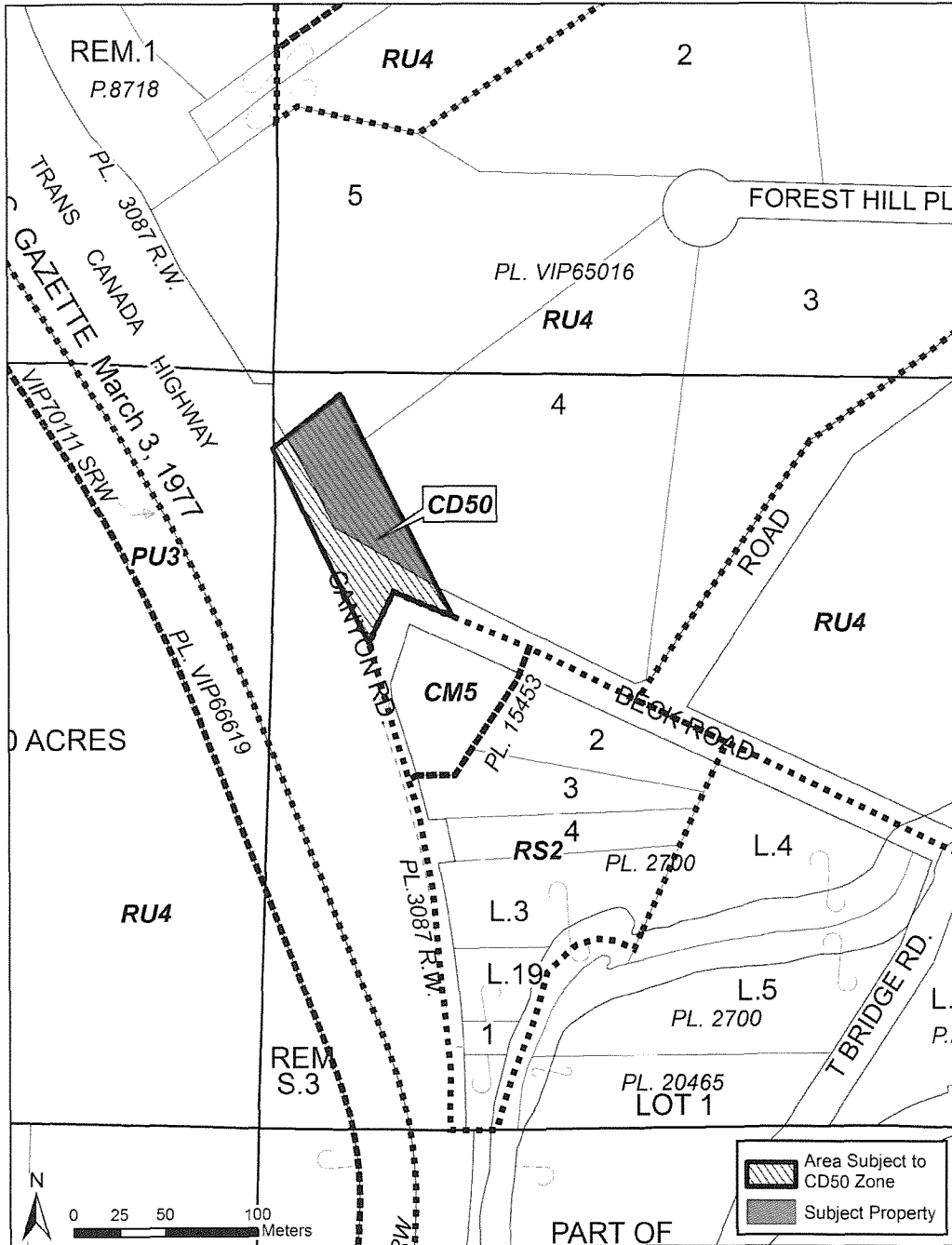
Front lot line	8.0 m
Other lot lines	5.0 m

Schedule '2' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.397, 2015".

Chairperson

Corporate Officer

Schedule '2'





RDN REPORT	
CAO APPROVAL	
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
JAN 06 2015	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: January 6, 2015

FROM: Angela Buick
Planner

FILE: PL2012-012

SUBJECT: Zoning Amendment Application No. PL2012-012 – Trustees of the Little Mountain
Congregation of Jehovah’s Witnesses, Parksville BC
Lot A, District Lot 99, Nanoose District, Plan 37533 – 1069 Smithers Road
Electoral Area 'F'
Bylaw 1285.23, 2015 – First and Second Reading

PURPOSE

To consider a Zoning Amendment Application to rezone a portion of the subject property from T-1 (Institutional/Community Facility 1) to C-3 (Commercial 3) in order to facilitate a lot-line adjustment for the expansion of an existing commercial use on the neighbouring parcel.

BACKGROUND

A Zoning Amendment Application has been received from Sean Coulter on behalf of the Trustees of the Little Mountain Congregation of Jehovah’s Witnesses, Parksville, BC to rezone an un-used portion of the subject property from T-1 to C-3. The subject property currently contains an Institutional Building (Kingdom Hall), an unoccupied dwelling unit and three small sheds. The property is approximately 0.95 ha in size and is bound by Alberni Highway to the north, Smithers Road to the south, Alberni Highway and Smithers Road intersect to the east and a C-3 zoned lot lies to the west (see Attachment 1 – Subject Property Map).

Proposed Development

The applicant proposes to rezone a portion of the subject property from T-1 to C-3 (see Attachment 3 – Proposed Zoning Amendment) in order to facilitate a lot-line adjustment between the subject property and 1093 Smithers Road (the adjacent parcel to the west). Pending adoption of the zoning amendment bylaw, and approval of the lot line adjustment, it is the intention of the neighbouring property owner at 1093 Smithers Road, to expand his existing utility trailer sales business as permitted in the C-3 zone. The applicant has submitted a concurrent subdivision application as well as a variance application in order to vary to Section 6.7.1 b) of Bylaw No. 1285, to allow the subject property, which is currently less than the required one hectare minimum parcel size, to be reduced by more than 20% of its present size (0.95 ha).

ALTERNATIVES

1. To proceed with Zoning Amendment Application No. PL2012-012 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 within in the Bellevue-Church Road Rural Separation Area and designated as Commercial/Industrial Land Use pursuant to the "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999." This designation encourages mixed uses compatible with the surrounding area. This proposal would facilitate the expansion of an existing commercial use located on the adjacent lot (1093 Smithers Road) by utilizing unused lands within the subject property. The surrounding uses include many commercially zoned lots as such; this application would be supported as it is consistent with OCP policy to support future uses compatible with the surrounding area. Additionally, this application is consistent with the OCP's Community Values to support the growth of existing businesses and thereby encouraging local economic activity.

Development Implications

The proposed Amendment Bylaw, "Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.23, 2015", and subsequent lot line adjustment and variance application, would facilitate the expansion of an existing commercial use on the adjacent C-3 zoned parcel (1093 Smithers Road).

As per Board Policy B1.21 (Groundwater — Application requirements for rezoning of un-serviced lands), the applicant is required to submit a hydrogeological assessment by a registered professional indicating that year round potable water can be provided for the proposed use and that the extraction of water from the well will have no adverse impact on surrounding wells. To address this policy, the applicant has provided well logs for the subject property to demonstrate that the existing well on the subject property is highly productive and is capable of being used for the existing Institutional use. In addition, the applicant provided a preliminary hydrological assessment by Don MacKinnon, dated June 16, 2012, and addendum dated, November 1, 2014, for the lands at 1093 Smithers, as the proposed C-3 portion to be rezoned and subsequently subdivided by lot line adjustment is intended to be consolidated with 1093 Smithers Road.

This proposal is to facilitate a minor boundary adjustment between two existing and developed lots in order to utilize an unused portion of land between 1093 and 1069 Smithers Road. Although the intention is to expand the neighbouring use of outdoor storage of utility trailers by way of a future lot line adjustment for 1093 Smithers Road, this amendment will not result in a significant change in the existing land uses intensity or density, nor pose a significant impact on the existing community's infrastructure. Therefore, the applicant has not provided a community amenity contribution as part of this zoning amendment application. Given the nature of the proposed amendment staff would support proceeding without the provision of an amenity contribution.

Public Consultation Implications

Given that the application is consistent with OCP policy, is consistent with the character of the area and is not a regionally significant change in use, the optional Public Information Meeting was waived as supported by the Electoral Area 'F' Director.

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 have reviewed the proposed amendments in consideration of the Board’s 2013 – 2015 Strategic Plan and have identified that the proposed amendment would further the Board’s strategic priority of economic viability by supporting the expansion in-place of an established business within a designated growth centre.

Inter-governmental Implications


The Ministry of Transportation and Infrastructure (MOTI) has reviewed the proposed zoning amendment and has indicated that it has no objections. MOTI staff have advised that a valid commercial access permit will be required due to the change in use, all buildings and structures are to meet or exceed a 4.5 metre setback and no additional drainage is to be directed to the Ministry's drainage system.

SUMMARY/CONCLUSION

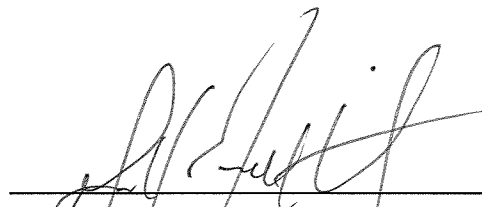
The applicant proposes to rezone a portion of the subject property from T-1 to C-3 in order to facilitate a lot-line adjustment for the expansion of an existing commercial use on the neighbouring lot to the west (1093 Smithers Road). The proposed development is consistent with the OCP policies for the Bellevue-Church Road Rural Separation area. The applicant has demonstrated that there will be sufficient on-site services for the proposed uses. Therefore, staff recommends that "Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285.23, 2015" proceed for first and second reading and to Public Hearing.

RECOMMENDATIONS


1. That "Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.23, 2015", be introduced and read two times.
2. That the Public Hearing on "Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.23, 2015", be chaired by Director Fell or his alternate.
3. That the conditions set out in Attachment 2 of the staff report be completed prior to "Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.23, 2015" being considered for adoption.



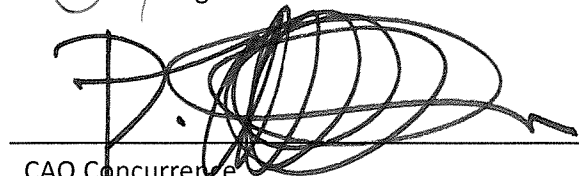
Report Writer



General Manager Concurrence

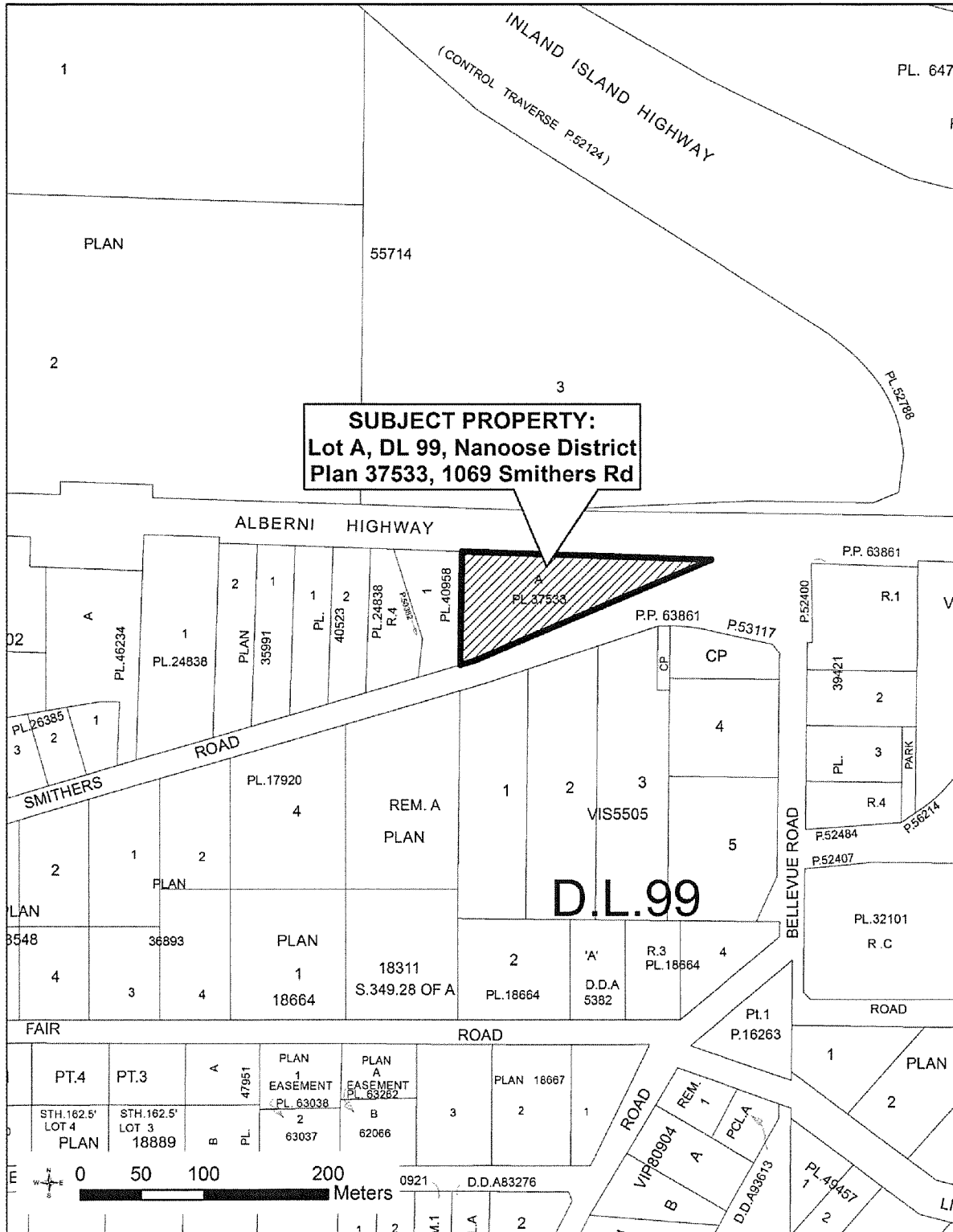


Manager Concurrence



CAO Concurrence

Attachment 1
Location of Subject Property



Attachment 2
Conditions of Zoning Amendment

The following is required prior to the "Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.23, 2015" being considered for adoption:

Conditions of Approval

1. Prior to final adoption of Bylaw 1285.23, 2015, the applicant must receive Preliminary Layout Approval for the proposed subdivision application PL2012-027, from the Ministry of Transportation and Infrastructure.
2. The applicant is to obtain an access permit for the change in use from the Ministry of Transportation and Infrastructure.
3. The applicant is required to obtain all necessary building permits in accordance with Regional District of Nanaimo Building Regulations.

**Attachment 4
Proposed Amendment Bylaw No. 1285.23, 2015**

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1285.23**

**A Bylaw to Amend Regional District of Nanaimo
Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002**

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

- A. This Bylaw may be cited as "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.23, 2015".
- B. The "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002", is hereby amended as follows:
 - 1. By rezoning part of the lands shown on the attached Schedule '1' and legally described as:

Lot A, District Lot 99, Nanoose District, Plan 37533

From T-1 (Institutional/Community facility 1) to C-3 (Commercial 3)

Introduced and read two times this 27th day of January 2015.

Public Hearing held this ___ day of _____ 2015.

Read a third time this ___ day of _____ 2015.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this ___ day of _____ 2015.

Adopted this ___ day of _____ 2015.

Chairperson

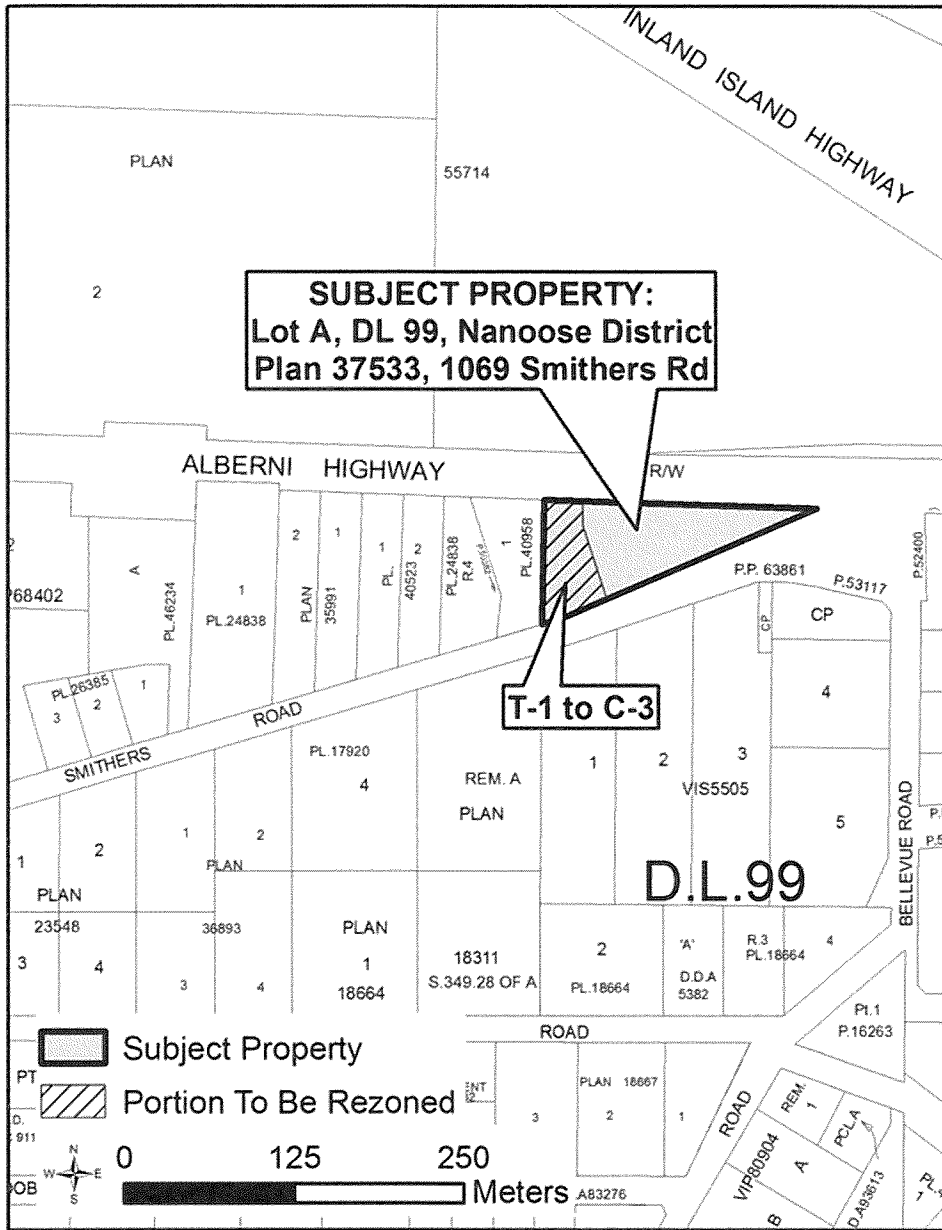
Corporate Officer

Schedule '1' to accompany "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.23, 2015".

Chairperson

Corporate Officer

Schedule '1'





RDN REPORT	
CAO APPROVAL	
EAP	
COW	
JAN 06 2015	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: January 6, 2015

FROM: Angela Buick
Planner

FILE: PL2014-092

SUBJECT: Zoning Amendment Application No. PL2014-092 – Allsbrook Estates Ltd.
Lot A, District Lot 115, Nanoose District, Plan EPP46196
Electoral Area 'F'

PURPOSE

To consider a zoning amendment application to rezone the subject property from Agriculture 1 (A-1) to a new Rural 4 (R-4) Zone in order to facilitate a future 3-lot subdivision of the subject property.

BACKGROUND

A zoning amendment application has been received from Fern Road Consulting Ltd. on behalf of Allsbrook Estates Ltd. to rezone the subject property in order to facilitate a future 3-lot subdivision. The property is approximately 6.1 ha in area and is bordered by Agriculture 1 (A-1) zoned properties to the north and west, a Forest/Resource 1 (FR-1) property to the east, and a Rural 1 (R-1) parcel to the south (see Page 1 of Attachment 1 - Subject Property Map and ALR Boundary Map). Evergreen Way runs the length of the eastern lot line and separates the parcel from lands within the Agricultural Land Reserve (ALR). Moreover, the ALR borders the northern lot line and a portion of the western lot line (see Page 2 of Attachment 1 - Subject Property Map and ALR Boundary Map).

Agricultural Land Commission resolutions #53/2013 and #54/2013 permitted 3.2 ha of land, on what is now the subject property, to be excluded from the ALR in exchange for the inclusion of 4.1 ha of land on the east side of Evergreen Way (remainder of District Lot 115) within the ALR.

Proposed Development

The applicant proposes to rezone the property to facilitate a future 3-lot subdivision. The existing A-1 zoning of the subject property permits Dwelling Unit, Farm Use and Medical Marihuana Production as permitted principle uses. The proposed zoning will retain Dwelling Unit and Farm Use as permitted principle uses but will not include Medical Marihuana Production as a permitted use. The existing A-1 zone largely applies to properties within the ALR and has a minimum parcel size of 4.0 ha. The applicant proposes to amend the zoning to reflect the recent removal of the lands from the ALR and permit a minimum parcel size of 2.0 ha.

ALTERNATIVES

1. To proceed with Zoning Amendment Application No. PL2014-092, consider first and second reading and proceed 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 Resource Lands within the ALR pursuant to the "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999." As stated previously, a portion of the subject property has recently been removed from the ALR. Activities on designated Resource Lands, which are removed from the ALR, are limited to rural/resource uses as per Official Community Plan (OCP) Policy. Therefore, Farm Use and Dwelling Unit will be retained as a permitted uses in the proposed zone. In accordance with the policies of the Rural Lands designation, the proposed R-4 zone will have a minimum parcel size of 2.0 ha and density will be limited to one dwelling unit per hectare to a maximum of two dwelling units per lot.

Zoning Implications

The proposed Amendment Bylaw (Attachment 3) would introduce a new rural zone (R-4) to facilitate a future 3-lot subdivision while retaining OCP supported rural activities. The Amendment Bylaw would permit Dwelling Unit and Farm Use as principle uses. Furthermore, to be consistent with other rural zones, accessory uses would include buildings and structures related to the principle uses, Home Based Business and Secondary Suite. As the proposed zone would support Secondary Suites, the Amendment Bylaw would amend the general regulations (Section 2.18) to add the new R-4 zone to the list of zones which permit secondary suites.

The proposed maximum building height (10.0 metres) is typical of most zones within Electoral Area 'F.' Similar to the existing A-1 zone, maximum lot coverage is 10%, setbacks from the front and exterior side lots lines are 4.5 metres and the minimum setback from all other lines is 2.0 metres. Furthermore, the minimum setback requirement for buildings and structures housing livestock or storing manure is 30.0 metres. Similar to the R-1 zone, the proposed maximum density is two dwelling units per hectare to a maximum of two dwellings units per lot.

Through consultation with the Ministry of Agriculture and to provide a buffer between ALR and non-ALR lands, a 30.0 metre minimum setback from the ALR boundary is proposed for all dwelling units and secondary suites (see Attachment 3 – Proposed Amendment Bylaw).

Development Implications

As per Board Policy B1.21 (Groundwater — Application requirements for rezoning of un-serviced lands), the applicant is required to submit a report by a registered professional indicating that year round potable water can be provided for the proposed use. The applicant has submitted a Preliminary Hydrogeological Assessment, prepared by Lewkowich Engineering Associates Ltd. and dated December 3, 2014, to satisfy the requirements of Board Policy B1.21. The report concludes that the lands can support the increased residential density and no adverse impacts to the surrounding wells, groundwater resources and receiving waters are anticipated. As per Board Policy B1.21, prior to the

adoption of the amendment bylaw, a covenant must be registered on title which requires the wells to be constructed and tested on each new parcel, and a report submitted to the RDN, prior to final approval of subdivision (see Attachment 2 – Conditions of Approval).

As described in the zoning implications, a 30.0 metre minimum setback is proposed from the ALR boundary for all dwelling units and secondary suites. In addition to the zoning setback from the ALR boundary, the Ministry of Agriculture recommends the installation of a 15.0 metre vegetative buffer with a height at maturity of at least 6.0 metres along the boundary of the ALR. If the existing forest cover is insufficient to provide a buffer, fencing should be installed along the property line bordering the ALR in consultation with an agrologist. In accordance with the Ministry of Agriculture's comments, staff recommend the applicant register a Section 219 covenant requiring the existing trees to be retained along the ALR boundary and that if any additional buffering is required it shall be installed prior to final subdivision approval. Moreover, the covenant will require the preservation and maintenance of the buffer (see Attachment 2 – Conditions of Approval).

In recognition of the increased development potential that would be achieved through re-zoning the subject property, the applicant has offered one of the following two options as a community amenity contribution:

1. \$6000 to be given towards Errington Community Park and/or trail improvements within Electoral Area 'F'; or
2. \$10,000 in construction value toward area park improvements (with a preference for parking improvements for the Englishman River Regional Park) to be completed by the end of October 2015, or prior to final approval of subdivision.

Staff recommends that the Board support the proposed amenity contribution options with the final community amenity contribution to be selected from the options based on a feasibility assessment through subdivision application review. Should the timing of the construction of works outlined in option #2 prove not to be feasible prior to the earlier of final subdivision approval, or October 2015, the applicant will provide \$6,000 cash as per option #1. The proposed community amenity contribution options are to be secured through a Section 219 Covenant as a Condition of Approval as outlined in Attachment 2.

Public Consultation Implications

Given that the application is consistent with OCP policy, maintains the rural character of the area and is not a regionally significant change in use, the optional Public Information Meeting was waived as supported by the Electoral Area 'F' Director. If the proposed application receives first and second reading, the proposal will then proceed to Public Hearing pursuant to Section 890 of the *Local Government Act*.

Strategic Plan Implications

The 2013-2015 Board Strategic Plan identifies protecting the region's groundwater resource as a high priority. The applicant has provided professional reports to ensure that groundwater will not be negatively impacted through the proposed use of the land.

Inter-governmental Implications

The Ministry of Transportation and Infrastructure (MOTI) has reviewed the proposed zoning amendment and has indicated that it has no objections. MOTI staff has advised that no additional drainage is to be directed to the Ministry’s drainage system.


In addition to the comments previously discussed, the Ministry of Agriculture has indicated that a ‘Disclosure Statement,’ a statement indicating the potential for farming on the adjacent lands, be registered on the property title. Staff recommend the applicant be required to include the disclosure statement for future property owners information of adjoining ALR lands as well as a Section 219 covenant requiring buffering along the ALR boundary to the north and west of the subject property in accordance with the “Guide to Edge Planning” (see Attachment 2 – Conditions of Approval).

SUMMARY/CONCLUSIONS

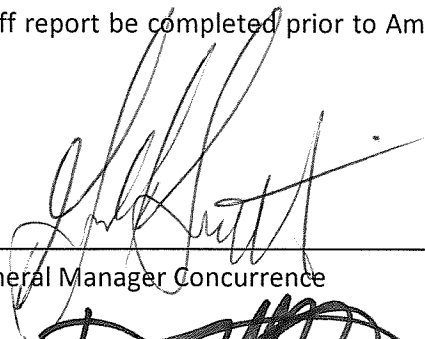
The applicant proposes to rezone the property to a new Rural 4 (R-4) zone to facilitate a future 3-lot subdivision. The applicant has submitted a Preliminary Hydrogeological Assessment which concludes that the lands can support the increase in residential density and no adverse impacts to the surrounding wells, groundwater resources and receiving waters are anticipated. As the lands are in close proximity to ALR lands, the proposed zone includes large setback requirements from the ALR boundary for future dwelling units and accessory buildings. In addition, as a condition of approval, the applicant will be required to register a Section 219 covenant requiring retention and maintenance of a 15.0 metre vegetated buffer along the ALR boundary to the north and west of the subject property as well as a disclosure statement indicating the potential for nearby agricultural use. Staff recommends that “Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285.24, 2015” proceed for first and second reading and to Public Hearing.

RECOMMENDATIONS

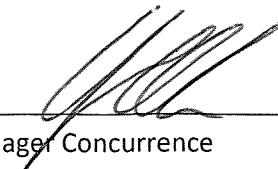
1. That “Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.24, 2015”, be introduced and read two times.
2. That the Public Hearing on “Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.24, 2015”, be chaired by Director Fell or his alternate.
3. That the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 1285.24 being considered for adoption.



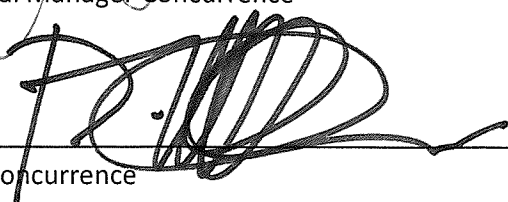
Report Writer



General Manager Concurrence

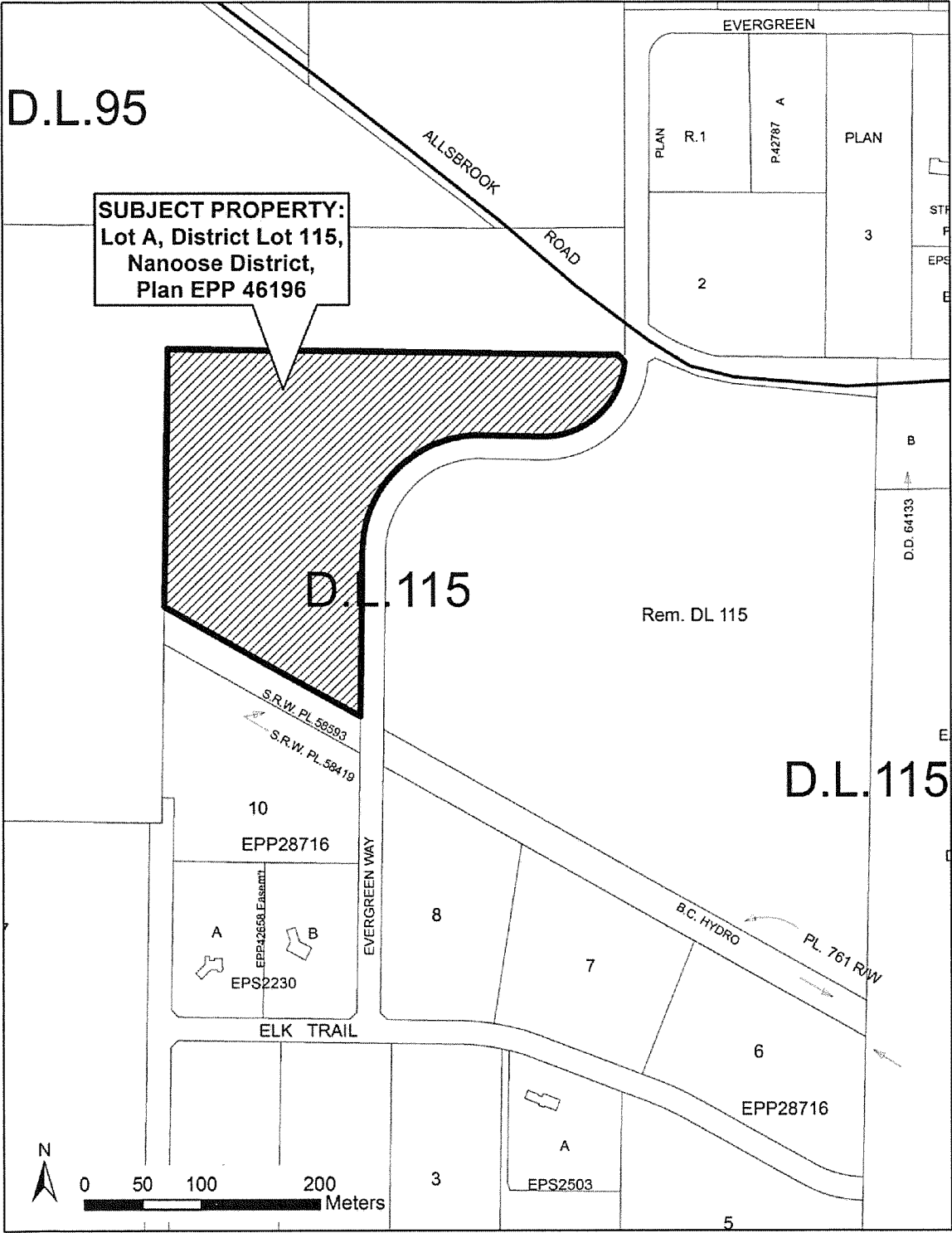


Manager Concurrence

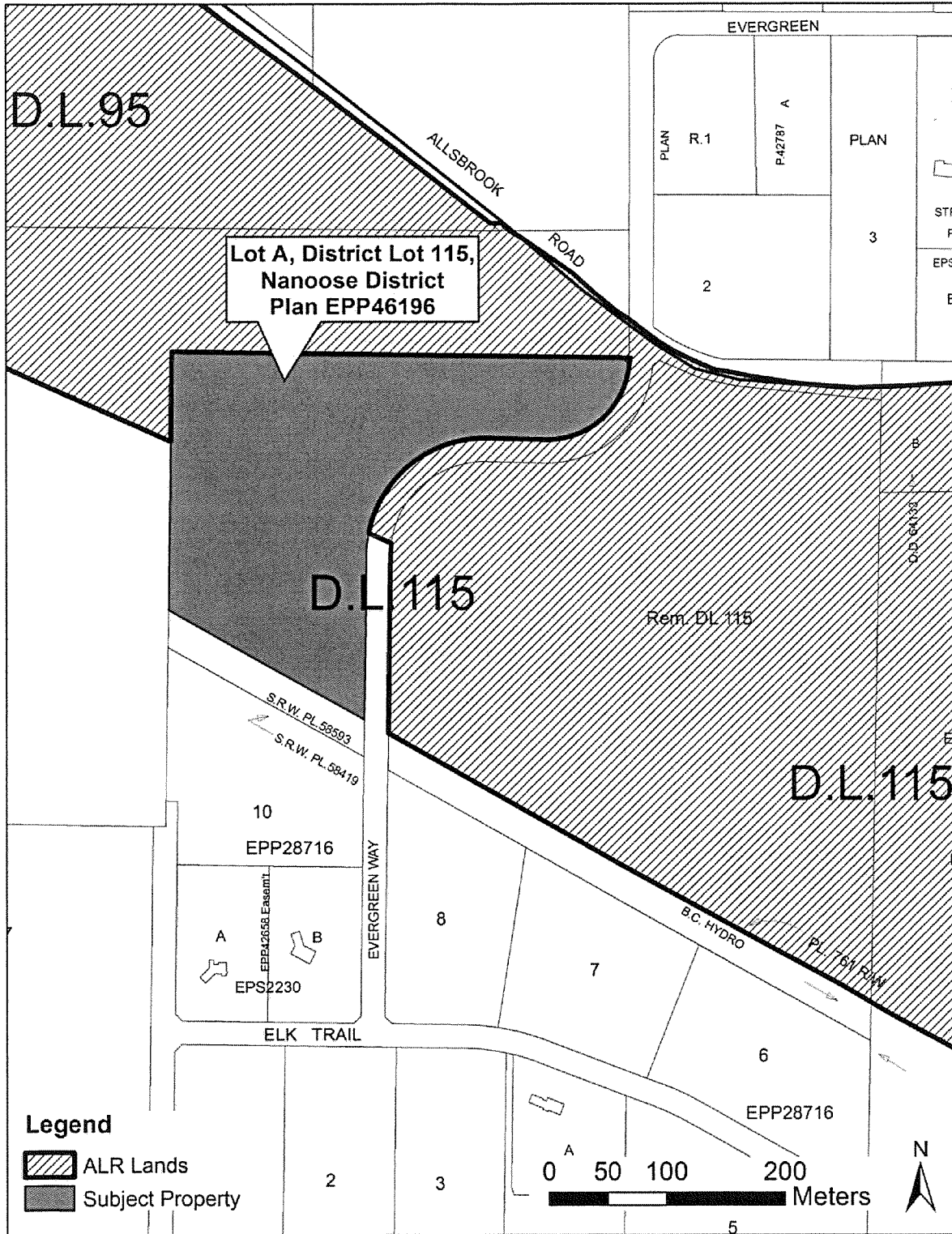


CAO Concurrence

Attachment 1
Subject Property Map and ALR Boundary Map (Page 1 of 2)



Attachment 1
Subject Property Map and ALR Boundary Map (Page 2 of 2)



Attachment 2
Conditions of Zoning Amendment

The following is required prior to the “Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.24, 2015” being considered for adoption:

Conditions of Approval

1. The applicant shall register a Section 219 covenant on the property title requiring the preservation and maintenance, and if required the installation, of a 15.0 metre vegetative buffer with a height of at least 6.0 metres along the ALR boundary to the north and west of the subject property in accordance with the Ministry of Agriculture’s - Guide to Edge Planning. The Section 219 covenant should include conditions that if the existing forest cover is insufficient to provide a buffer, fencing is to be installed along the property line bordering the ALR. Moreover, the Section 219 covenant shall also include a disclosure statement, in accordance with the Ministry of Agriculture’s Guide to Edge Planning, indicating the potential for nearby farming activity on ALR lands
2. The applicant shall register a Section 219 covenant on the property title requiring that wells be constructed and tested on each new parcel, and a report submitted to the RDN, prior to final approval of subdivision.
3. The applicant shall register a Section 219 Covenant to secure the following community amenity contribution options with the final community amenity contribution to be determined through subdivision application review and provided prior to the earlier of final approval of subdivision or the end of October 2015:
 - a) \$6000 to be given towards Errington Community Park and/or trail improvements within Electoral Area ‘F’; or
 - b) \$10,000 in construction value toward area park improvements or parking improvements for the Englishman River Regional Park to be completed by October 2015, or prior to final approval of subdivision.

Attachment 3
Proposed Amendment Bylaw No. 1284.24, 2015

REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1285.24

A Bylaw to Amend Regional District of Nanaimo
Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002

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

- A. This Bylaw may be cited as "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.24, 2015".
- B. "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002", is hereby amended as follows:
1. Under SECTION 2 – GENERAL REGULATIONS, 2.18 Secondary Suites, 1, by inserting ", R-4" after "R-3".
 2. Under SECTION 4 – ZONES, by adding the following zoning classification and corresponding short title after Section 4.15 R-3 (Village Residential 3):

Section 4.15A, R-4 – (Rural 4)
 3. By adding Section 4.15A, (R-4 – Rural 4) 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 A, District Lot 115, Nanoose District, Plan EPP 46196 from A-1 (Agriculture 1) to R-4 (Rural 4).

Introduced and read two times this 27th day of January 2015.

Public Hearing held this ___ day of _____ 2015.

Read a third time this ___ day of _____ 2015.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this ___ day of _____ 2015

Adopted this ___ day of _____ 2015.

Chairperson

Corporate Officer

Chairperson

Corporate Officer

Schedule '1'

R-4 – RURAL 4

SECTION 4.15A

4.15A.1 Permitted Principal Uses

- a) Dwelling Unit
- b) Farm Use

4.15A.2 Permitted Accessory Uses

- a) Accessory Buildings and Structures
- b) Home Based Business
- c) Secondary Suite

4.15A.3 Regulations Table

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per ha to a maximum of 2 Dwelling Units per lot
b) Minimum Lot Size	2 ha
c) Minimum Lot Frontage	80 metres
d) Maximum Lot Coverage	10 %
e) Maximum Building and Structure Height	10 metres
f) Minimum Setback Requirement for all buildings and structures <ul style="list-style-type: none"> i) Front and Exterior Side Lot Lines ii) All Other Lot Lines 	4.5 metres 2 metres
g) Minimum Setback Requirement for buildings and structures housing livestock or storing manure <ul style="list-style-type: none"> i) All Lot Lines 	30.0 metres
h) Minimum Setback Requirement to the Agricultural Land Reserve Boundary <ul style="list-style-type: none"> i) Dwelling Unit and Secondary Suites ii) Accessory buildings and structures 	30.0 metres 15.0 metres
i) General Regulations	Refer to Section 2 – General Regulations

Chairperson

Corporate Officer

Schedule '2'

