

**REGIONAL DISTRICT OF NANAIMO**

**ELECTORAL AREA PLANNING COMMITTEE**

**TUESDAY, APRIL 12, 2016**

**6:30 PM**

***(RDN Board Chambers)***

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**MINUTES**

3-7 Minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, March 8, 2016.

*That the minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, March 8, 2016 be adopted.*

**BUSINESS ARISING FROM THE MINUTES**

**COMMUNICATIONS/CORRESPONDENCE**

**DEVELOPMENT PERMIT**

8-15 Development Permit Application No. PL2016-024 – 6445 Island Highway West, Electoral Area 'H'.

16-23 Development Permit Application No. PL2016-014 – 6769 Island Highway West, Electoral Area 'H'.

**DEVELOPMENT PERMIT WITH VARIANCE**

24-31 Development Permit with Variance Application No. PL2016-040 – 1125 Spider Lake Road, Electoral Area 'H'.

**DEVELOPMENT VARIANCE PERMIT**

32-39 Development Variance Permit Application No. PL2016-025 – 1380 Reef Road – Electoral Area 'E'.

**OTHER**

40-45

Subdivision Application No. PL2015-137 – Request to Accept Park Land Dedication –  
1032 Robertson Boulevard, Electoral Area 'G'.

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**ADJOURNMENT**

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE MEETING  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, MARCH 8, 2016 AT 6:02 PM IN THE  
RDN BOARD CHAMBERS**

In Attendance:

Director J. Stanhope	Chairperson
Director A. McPherson	Electoral Area A
Director M. Young	Electoral Area C
Director B. Rogers	Electoral Area E
Director J. Fell	Electoral Area F
Director W. Veenhof	Electoral Area H

Also in Attendance:

D. Trudeau	Interim Chief Administrative Officer
G. Garbutt	Gen. Mgr. Strategic & Community Development
J. Harrison	Director of Corporate Services
J. Holm	Mgr. Current Planning
P. Thompson	Mgr. Long Range Planning
M. O'Halloran	A/Mgr. Administrative Services
C. Golding	Recording Secretary

**CALL TO ORDER**

The Chairperson called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

**ELECTORAL AREA PLANNING COMMITTEE MINUTES**

**Minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, February 9, 2016.**

MOVED Director Veenhof, SECONDED Director Rogers, that the minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, February 9, 2016, be adopted.

CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

**Paul Christensen, re Agriculture Bylaw and Policy Updates Project – Revisions to Bylaws No. 500.402 and 1285.26.**

MOVED Director Young, SECONDED Director Veenhof, that the correspondence from Paul Christensen regarding Agriculture Bylaw and Policy Updates Project – Revisions to Bylaws No. 500.402 and 1285.26 be received.

CARRIED

**Clem and Debbie Remillard, re Agriculture Bylaw and Policy Updates Project – Revisions to Bylaws No. 500.402 and 1285.26.**

MOVED Director Young, SECONDED Director Veenhof, that the correspondence from Clem and Debbie Remillard regarding Agriculture Bylaw and Policy Updates Project – Revisions to Bylaws No. 500.402 and 1285.26 be received.

CARRIED

**LATE DELEGATIONS**

MOVED Director Veenhof, SECONDED Director Young, that late delegations be permitted to address the Board.

CARRIED

**Clem and Debbie Remillard, re Agriculture Bylaw and Policy Updates Project – Revisions to Bylaws No. 500.402 and 1285.26.**

Clem and Debbie Remillard voiced their concerns regarding the proposed amendments to setback allowances to the Agriculture Bylaw which will cause a hardship for farmers with smaller acreages.

**DEVELOPMENT PERMIT**

**Development Permit Application No. PL2016-003 – 410 and 418 Martindale Road, Electoral Area ‘G’.**

MOVED Director Veenhof, SECONDED Director Rogers, that Development Permit No. PL2016-003 to permit the construction of a dwelling unit be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

**Development Permit Application No. PL2016-022 – 1704 Fry Road, Electoral Area ‘A’.**

MOVED Director McPherson, SECONDED Director Veenhof, that Development Permit No. PL2016-022 to allow the completion of improvements to an existing dwelling unit that were under construction without a building permit be approved subject to the conditions outlined in Attachments 2 to 5.

CARRIED

**DEVELOPMENT PERMIT WITH VARIANCE**

**Development Permit with Variance Application No. PL2016-002 – 3850 Island Highway West, Electoral Area ‘G’.**

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

CARRIED

MOVED Director Veenhof, SECONDED Director Young, that Development Permit with Variance No. PL2016-002 for a free-standing sign with a height variance from 4.0 m to 5.18 m be approved subject to the conditions outlined in Attachment 2.

CARRIED

**Development Permit with Variance Application No. PL2015-085 – Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in Relation to 6371 Island Highway West, Electoral Area ‘H’.**

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

CARRIED

MOVED Director Veenhof, SECONDED Director Fell, that Development Permit with Variance No. PL2015-085 to increase the permitted parcel depth of Lots 1, 2 and 3 be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

MOVED Director Veenhof, SECONDED Director Fell, that the request to relax the minimum 10% perimeter frontage requirements for proposed Lots 1 and 3 in relation to Subdivision Application No. PL2015-046, be approved.

CARRIED

#### **DEVELOPMENT VARIANCE PERMIT**

##### **Development Variance Permit Application No. PL2015-173 – 3478 Grilse Road, Electoral Area 'E'.**

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

CARRIED

MOVED Director Rogers, SECONDED Director Young, that Development Variance Permit No. PL2015-173 to increase the maximum dwelling unit height from 8.0 metres to 9.25 metres to allow the construction of a single family dwelling unit be approved subject to the conditions outlined in Attachments 2 to 5.

CARRIED

#### **ZONING AMENDMENT**

##### **Zoning Amendment Application No. PL2009-153 – Bylaw No. 500.403 – 2248 and 2250 Maxey Road, Electoral Area 'C'.**

MOVED Director Young, SECONDED Director McPherson, that the Summary of the Public Information Meeting held on February 25, 2016, be received.

CARRIED

MOVED Director Young, SECONDED Director McPherson, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.403, 2016" be introduced and read two times.

CARRIED

MOVED Director Young, SECONDED Director McPherson, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.403, 2016", be chaired by Director Young or her alternate.

CARRIED

##### **Zoning Amendment Application No. PL2013-022 – Bylaw No. 1285.25 – 1720 Whibley Road, Electoral Area 'F' and Manufactured Home Park Bylaw No. 1738 – Electoral Area 'F'.**

MOVED Director Fell, SECONDED Director Veenhof, that the Summary of the Public Information Meetings held on May 25, 2015 and January 21, 2016, be received.

CARRIED

MOVED Director Fell, SECONDED Director Veenhof, that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.25, 2016", be introduced and read two times.

CARRIED

MOVED Director Fell, SECONDED Director Veenhof, that the Public Hearing on "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.25, 2016", be chaired by Director Fell or his alternate.

CARRIED

MOVED Director Fell, SECONDED Director Veenhof, that the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 1285.25 being considered for adoption.

CARRIED

MOVED Director Fell, SECONDED Director Veenhof, that "Electoral Area 'F' Manufactured Home Park Regulations Bylaw No. 1738, 2016" be introduced and read three times.

CARRIED

MOVED Director Fell, SECONDED Director Veenhof, that the Board direct staff to prepare a report on an amendment to Regional District of Nanaimo "Building Regulations Fees and Charges Bylaw No. 1595, 2010" and "Regional District of Nanaimo Building Regulations Bylaw No. 1250, 2010" to establish fees and regulations for issuing Manufactured Home Park Permits.

CARRIED

MOVED Director Fell, SECONDED Director Veenhof, that the Board direct staff to prepare a report and recommendation on potential amendments to the Electoral Area 'F' Official Community Plan to provide clarification on Official Community Plan policies within the Commercial/Industrial Land Use Designation.

CARRIED

#### **OTHER**

##### **Agriculture Bylaw and Policy Updates Project – Revisions to Bylaws No. 500.402 and 1285.26.**

MOVED Director Veenhof SECONDED Director Young, that Bylaw No. 500.402 – Part B, Section 1 be amended by amending the definition of grazing area to add:

“and does not include a confined livestock area or feedlot;”

CARRIED

MOVED Director Veenhof, SECONDED Director Rogers, that Bylaw No. 500.402 – Part B, Section 10 be amended by replacing Subsection C) i) c. with the following:

“Four agri-tourism accommodation sleeping units shall be permitted on any parcel and one additional sleeping unit shall be permitted per hectare on parcels greater than or equal to 1.0 ha up to a maximum of ten (10) sleeping units per farm or parcel;”

CARRIED

MOVED Director Fell, SECONDED Director Rogers, that Bylaw No. 1285.26 – Part B, Section 10 be amended by replacing Subsection 3. c) with the following:

“Four agri-tourism accommodation sleeping units shall be permitted on any parcel and one additional sleeping unit shall be permitted per hectare on parcels greater than or equal to 1.0 ha up to a maximum of ten (10) sleeping units per farm or parcel;”

CARRIED

MOVED Director Fell, SECONDED Director Veenhof, that Bylaw No. 1285.26 – Part B, Section 17 be amended by amending the definition of grazing area to add:

“and does not include a confined livestock area or feedlot;”

CARRIED

MOVED Director Veenhof, SECONDED Director Rogers, that the Community Engagement Results attached as Attachment 1, be received.

CARRIED

MOVED Director Veenhof, SECONDED Director Rogers, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.402, 2016" be introduced and read two times.

CARRIED

MOVED Director Veenhof, SECONDED Director Rogers, that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.26, 2016" be introduced and read two times.

CARRIED

MOVED Director Veenhof, SECONDED Director Rogers, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.402, 2016" be chaired by Director Veenhof or his alternate.

CARRIED

MOVED Director Veenhof, SECONDED Director Rogers, that the Public Hearing on "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.26, 2016" be chaired by Director Fell or his alternate.

CARRIED

**ADJOURNMENT**

MOVED Director Veenhof, SECONDED Director Fell, that this meeting be adjourned.

CARRIED

TIME: 6:41 PM

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CHAIRPERSON

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CORPORATE OFFICER



RDN REPORT		
CAO APPROVAL		<i>[Signature]</i>
EAP	✓	
COW		
APR 04 2016		
RHD		
BOARD		

**STAFF REPORT**

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

**DATE:** March 31, 2016

**FROM:** Kelsey Chandler  
Planning Technician

**MEETING:** EAPC – April 12, 2016

**FILE:** PL2016-024

**SUBJECT:** **Development Permit Application No. PL2016-024**  
**Lot A, District Lot 22, Newcastle District, Plan VIP81054**  
**6445 Island Highway West – Electoral Area ‘H’**

**RECOMMENDATION**

That Development Permit No. PL2016-024 to permit a garage and master bedroom addition to an existing dwelling unit and to construct a roof addition over an existing entry porch be approved subject to the conditions outlined in Attachments 2 to 4.

**PURPOSE**

To consider an application for a development permit to permit the construction of a garage and master bedroom addition to an existing dwelling unit and to construct a roof addition over an existing entry porch within the subject property.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Rina Knoesen on behalf of Kerri and Diane Johnston to permit the construction of a garage and master bedroom addition to an existing dwelling unit and to construct a roof addition over an existing entry porch within the subject property. The subject property is approximately 0.25 ha in area and is zoned Residential 2 (RS2) zone pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property contains an existing dwelling unit and attached carport that protrudes into the northern interior side lot setback area. However, the house and carport pre-date building inspections for the area, and the applicant is not seeking variance approval to legalize the siting of the carport as part of this application. The property is located to the northeast of the Island Highway West, and is surrounded by other RS2 zoned properties (see Attachment 1 – Subject Property Map). The proposed development is subject to the Hazard Lands Development Permit Area (DPA) per the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”.



### ***Proposed Development***

The applicant proposes to construct a garage and master bedroom addition to an existing dwelling unit and to construct a roof addition over an existing entry porch within the subject property as shown on Attachment 3 (Proposed Site Plan). A development permit approval is required for construction of the addition, as the subject property is designated in the Hazard Lands DPA due to flooding potential.

### **ALTERNATIVES**

1. To approve Development Permit No. PL2016-024 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Permit No. PL2016-024.

### **LAND USE IMPLICATIONS**

#### ***Development Implications***

The applicant has provided a Geotechnical Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. and dated March 29, 2016, to satisfy the Hazard Lands DPA guidelines. To account for future sea level rise, the geotechnical engineering report recommends a minimum Flood Construction Level (FCL) of 4.6 metres geodetic for the garage and master bedroom addition. As the proposed roof addition will be constructed over an existing entry porch attached to the existing dwelling unit, the structure does not need to meet the recommended FCL. The report indicates that structural fill will likely be required to raise the slab elevation of the garage and master bedroom addition to meet the recommended FCL, and provides details regarding the placement and compaction of the fill. The report concludes that the subject property is safe and suitable for the proposed development and that the proposal will not have a detrimental impact on the environment or adjacent properties, provided the recommendations in the report are followed. The report was prepared in accordance with the Association of Professional Engineers and Geoscientists of BC's Professional Practice Guidelines for Legislated Flood Assessments in a Changing Climate in BC.

To satisfy the development permit guidelines, the applicant is required to register a Section 219 Restrictive Covenant on the property title that includes the Geotechnical Hazard Assessment and a save harmless clause that releases the RDN from all losses and damages to life and property as a result of potential flood hazards (see Attachment 2 – Terms and Condition of Permit).

### **FINANCIAL IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2016 – 2020 Financial Plan.

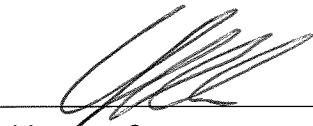
### **STRATEGIC PLAN IMPLICATIONS**

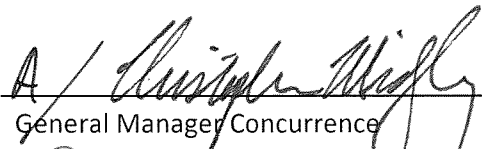
Staff have reviewed the proposed development and note that the proposal has no implications for the 2016 – 2020 Board Strategic Plan.

**SUMMARY/CONCLUSIONS**

This is an application for a development permit to permit the construction of a garage and master bedroom addition to an existing dwelling unit and to construct a roof addition over an existing entry porch within the Hazard Lands DPA. The applicant has provided a Geotechnical Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. and dated March 29, 2016, to satisfy the Hazard Lands DPA guidelines. Given that the Hazard Lands DPA guidelines have been met and no negative impacts are anticipated as a result of the proposed development, staff recommend that the Board approve the proposed development permit subject to the terms and conditions outlined in Attachments 2 to 4.

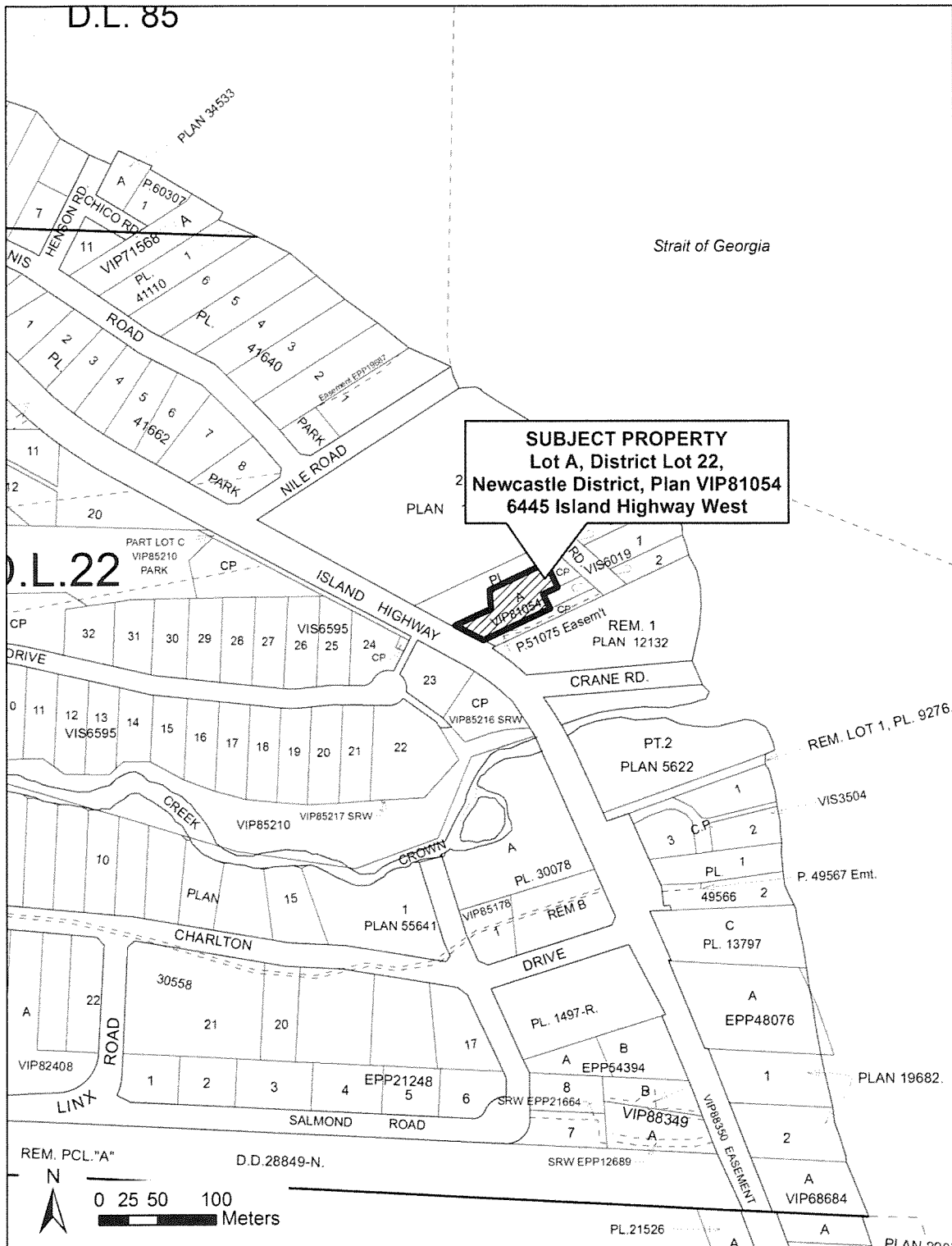
  
\_\_\_\_\_  
for Report Writer

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

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

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

**Attachment 1**  
**Subject Property Map**



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

The following sets out the terms and conditions of Development Permit No. PL2016-024:

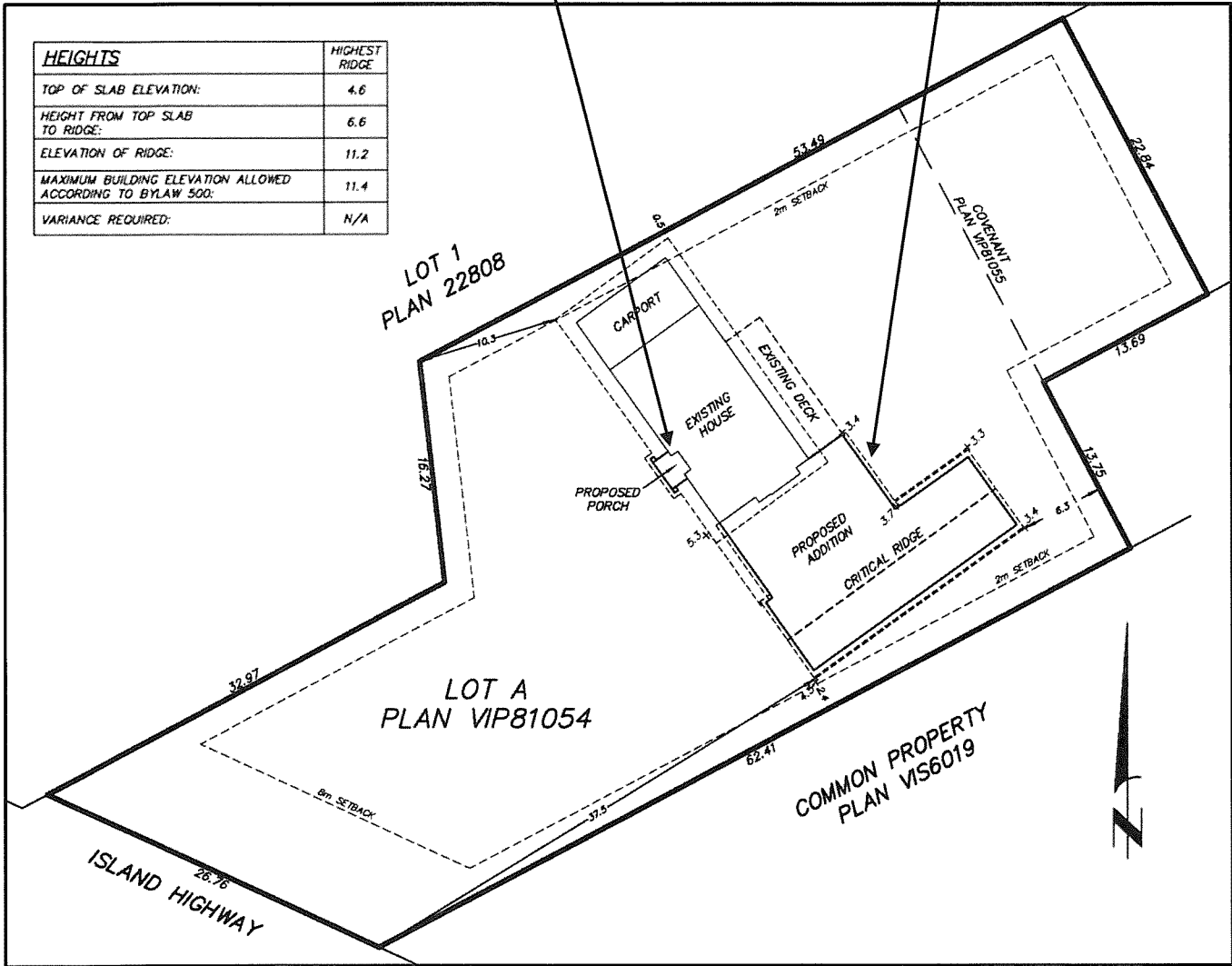
Conditions of Approval

1. The site is developed in accordance with the site plan prepared by Sims Associates Land Surveying Ltd., dated March 31, 2016 and attached as Attachment 3.
2. The proposed development is in general compliance with the building plans and elevations prepared by Design by Rina Knoesen, dated February 2016 and attached as Attachment 4.
3. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated March 29, 2016.
4. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 Covenant on the property title containing the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated March 29, 2016, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.
5. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

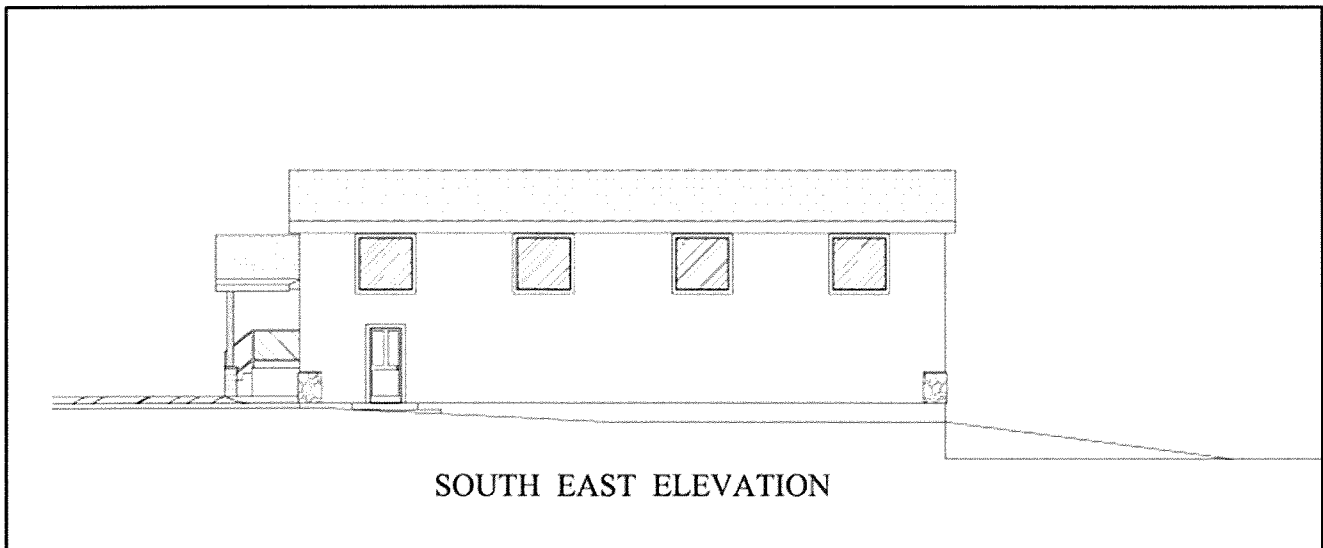
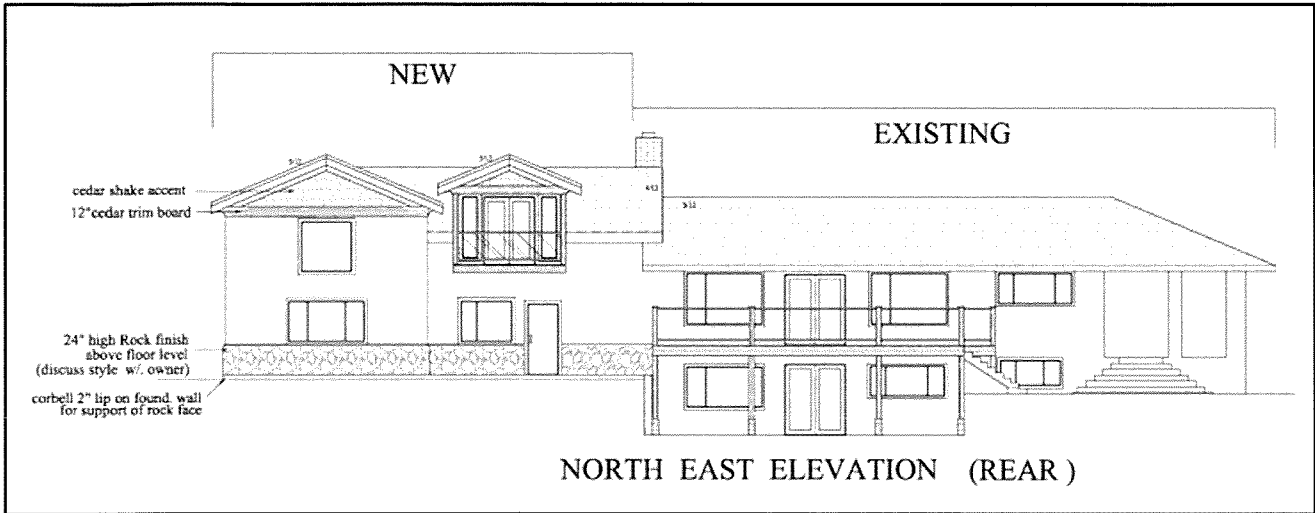
**Attachment 3  
Proposed Site Plan**

Proposed roof addition  
over existing entry porch

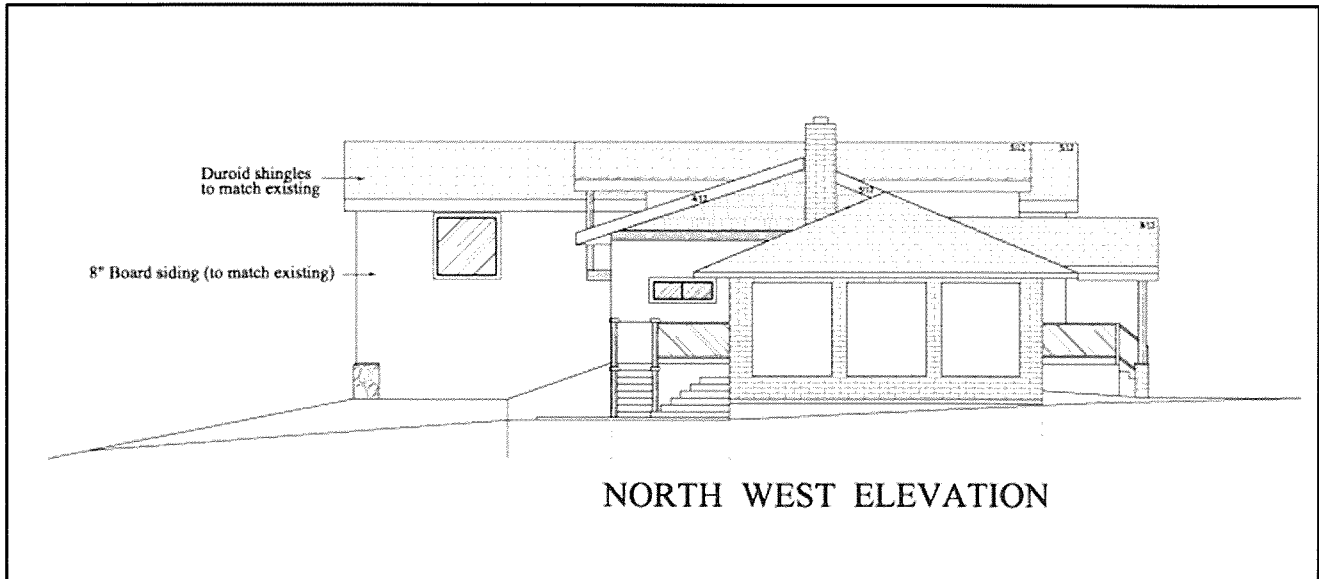
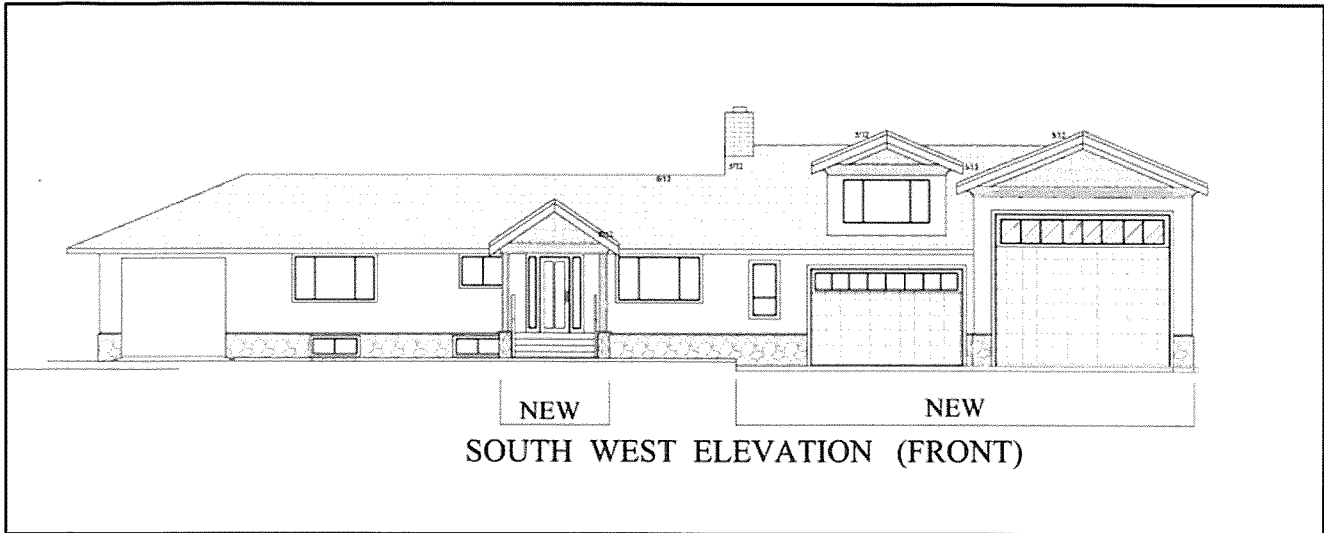
Proposed garage and  
master bedroom addition

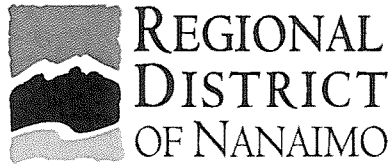


Attachment 4  
Building Plans and Elevations  
Page 1 of 2



Attachment 4  
Building Plans and Elevations  
Page 2 of 2





RDN REPORT		
CAO APPROVAL		<i>[Signature]</i>
EAP	✓	
COW		
APR 05 2016		
RHD		
BOARD		

**STAFF REPORT**

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

**DATE:** April 4, 2016

**FROM:** Jamai Schile  
Planner

**MEETING:** EAPC - April 12, 2016

**FILE:** PL2016-014

**SUBJECT:** Development Permit Application No. PL2016-014  
Lot 1, District Lot 85, Newcastle District,  
And Part Of The Former Bed Of The Strait Of Georgia, Plan VIP54504  
6769 Island Highway West  
Electoral Area 'H'

**RECOMMENDATION**

That Development Permit No. PL2016-014 to permit the construction of an addition to an existing dwelling unit be approved subject to the terms and conditions outlined in Attachment 2.

**PURPOSE**

To consider an application for a development permit to permit the construction of an addition to an existing dwelling unit, including an attached deck within the subject property.

**BACKGROUND**

The Regional District of Nanaimo has received an application from Micheal Toulmin on behalf of Double Diamond Holdings Inc., to permit the construction of an addition to increase the square footage of the existing dwelling unit and to add a deck. The subject property is approximately 0.13 ha in area is zoned Residential 2 (RS-2) Zone pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is bound by Island Highway West to the south-west and by the Strait of Georgia to the north-east, and is surrounded by Residential 2 (RS-2) Zoned lands. The lands slope steeply from the highway and then slope gently towards the sea, (see Attachment 1 – Subject Property Map).

The property contains an existing two-storey framed dwelling unit, which is serviced by Bowser Waterworks District and has on-site waste water disposal.

In accordance with "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003", the subject property is subject to Development Permit Areas for Environmentally Sensitive Features – Coastal 30 m and Hazard Lands.



### ***Proposed Development***

The applicant is seeking a development permit to construct an addition to the existing dwelling unit, including the addition of a new 68.5 m<sup>2</sup> living space and 42 m<sup>2</sup> deck attached to the dwelling located within 20 m from the present natural boundary within the subject property, (see Attachment 3 – Proposed Site Plan).

### **ALTERNATIVES**

1. To approve Development Permit No. PL2016-014 subject to the terms and conditions outlined in Attachment 2.
2. To deny Development Permit No. PL2016-014.

### **LAND USE IMPLICATIONS**

#### ***Development Implications***

The applicant proposes to construct an additional living space and deck onto the existing dwelling unit. The proposed development is in compliance with the current zoning requirements with regard to use, setbacks, height and lot coverage.

The applicant has submitted a geotechnical report for “Steep Slope Stability and Flood Risk Considerations” report prepared by Elwyn (Ted) Burch, P.Eng., and dated March 31, 2016. The report reveals that the slope gradient at the front of the property varies from a natural soil slope of about 58% to a slope of about 34% on the northern driveway. At the back of the property the lands gently slope to the south varying from 2% to 7%. The Engineer’s inspection of the site confirmed that there are no indications of major old slides and the slope is currently considered to be generally structurally stable.

Considering the existing building is already constructed on the steep slope, the Engineer’s inspection confirmed that the foundation is currently free of any sign of instability. Additionally, the report states that the existing retaining walls serve to improve the stability of the slope significantly for the existing dwelling and the slope on the north side of the property. In the report, the Engineer also provides recommendations specific to the proposed addition and deck, including: confirmation that the proposed foundation for the new building can use the existing retaining walls subject to final inspection; the new foundation for the proposed deck should penetrate more than 600 mm into the sand; and onsite drainage should be managed by infiltrated into the sands at the rear of the beach with an erosion resistant treatment. The Engineer’s report also addresses flood hazard assessment in accordance with relevant Association of Professional Engineers and Geoscientists of BC guidelines and provides a recommended Flood Construction Level as outlined in the Floodplain Management section of this report. The Engineer concludes that the lands may be used safely for the intended single-family residential dwelling, provided if the new building is constructed in accordance with the conditions in his report.

As part of the terms and conditions of the proposed developed development permit, Staff recommend the Engineer’s report be registered on the title of the subject property through a Land Title Act Section 219 Covenant, including a save harmless clause that releases the RDN from all losses and damages as a result of the potential hazard, (see Attachment 2 - Terms and Conditions of Permit).

### ***Environmental Implications***

The applicant has submitted a “Shoreline Biophysical Assessment” report prepared by Rupert Wong, R.P.Bio, dated January 26, 2016. The report considers the scope of the proposed development activities and the current physical and biological conditions within the 30 m coastal area and 15 m floodplain setbacks from the natural boundary as they relate to the subject property.

Considering each of the marine biophysical zones, the findings reveal that the upper intertidal zone is characterized as having the substrate type consistent with habitat required by surf smelt shore spawners. The supralittoral zone, near the northern property corner, is observed as having a degraded vegetation community and currently does not offer suitable habitat for birds or hold indirect habitat benefits for marine fish, nor does it provide stability against erosive marine forces. Lastly, the backshore zone, which contains a portion of the footprint for the proposed re-development, has undergone historical land use modifications and is currently composed of a grassy area, driveway and a thicket of rose and invasive landscaping species including English Ivy, Himalayan Blackberry and English Holly. The report concludes that the proposed construction can proceed without environmental effects to adjacent sensitive habitat because no disturbance will occur within the 15 m shoreline setback. To address any potential impacts to adjacent sensitive habitat, the Biologist recommends applying “General Construction Best Management Practices and Mitigation Measures”. In addition, the Biologist recommends the removal of invasive plants where possible during construction and future landscaping, and the addition of appropriate native plants in strategic locations along the supralittoral bank following construction.

Given this information, staff recommend including the Biologist’s recommendations, as they relate to the supralittoral and back zone within the subject property, as part of the terms and conditions of the proposed development permit (see Attachment 2 - Terms and Conditions of Permit).

### ***Floodplain Management Bylaw***

Pursuant of Section 524 of the *Local Government Act*, no buildings or structures, or any part thereof, shall be constructed, moved, extended, or located, where the underside of any wooden floor system or top of a slab or pad of any habitable area is located below the Flood Construction level (FCL) for a specific parcel. The applicant’s Engineer, Burch Engineering Ltd, has provided a recommended FCL of 11.71 m, which is 1.5 m elevation above the natural boundary, and is consistent with the FCL requirements in the “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006”.

### **FINANCIAL IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2016 – 2020 Financial Plan.

### **STRATEGIC PLAN IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications for the 2016 – 2020 Board Strategic Plan.

**SUMMARY/CONCLUSIONS**

This application is for a development permit for Environmentally Sensitive Features – Coastal 30 m; and Hazard Lands in relation to the lands located at 6769 Island Highway West. The applicant has provided a “Steep Slope Stability and Flood Risk Considerations” report prepared by Elwyn (Ted) Burch, P.Eng., and dated March 31, 2016. The Engineer concludes that the lands may be used safely for the intended single-family residential dwelling, if the new building is constructed in accordance with the conditions in his report.

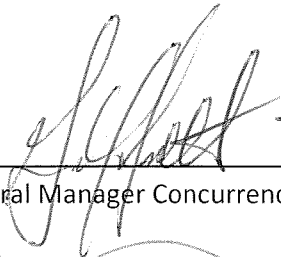
In addition, the applicant has submitted a “Shoreline Biophysical Assessment” report prepared by Rupert Wong, R.P.Bio., dated January 26, 2016. The Biologist has concluded that the proposed development can proceed without environmental effects to adjacent sensitive habitat, and he has also provided recommendations to mitigate any potential impacts associated with construction.

Given that the Development Permit guidelines have been met and no negative impacts are anticipated as a result of the proposed construction, staff recommend approval of the proposed development permit subject to the terms and conditions outlined in Attachment 2.



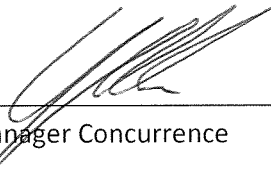
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Report Writer



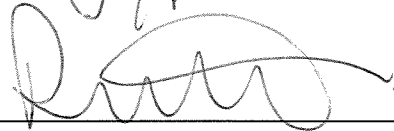
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General Manager Concurrence



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Manager Concurrence



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CAO Concurrence



**Attachment 2  
Terms and Conditions of Permit**

The following sets out the terms and conditions of Development Permit No. PL2016-014:

Conditions of Approval

1. The site is developed in accordance with the Site Plan prepared by McElhanney Associates, dated November 13, 2015, and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations prepared by Shizen Home Design, dated February 11, 2016, and attached as Attachment 4.
3. The subject property shall be developed in accordance with the recommendations contained in the "Shoreline Biophysical Assessment" report prepared by Rupert Wong, R.P.Bio., dated January 26, 2016.
4. The subject property shall be developed in accordance with the recommendations contained in the "Steep Slope Stability and Flood Risk Considerations" prepared by Elwyn (Ted) Burch, P.Eng., and dated March 31, 2016.
5. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 Covenant on the property title containing the Steep Slope Stability and Flood Risk Considerations report dated March 31, 2016 by Burch Engineering Ltd., including a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.
6. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

### Attachment 3 Proposed Site Plan

BRITISH COLUMBIA LAND SURVEYOR'S  
PROPOSED SITING PLAN:

LOT 1, DISTRICT LOT 85, NEWCASTLE  
DISTRICT, AND PART OF THE FORMER BED  
OF THE STRAIT OF GEORGIA, PLAN VIP54504

PARCEL IDENTIFIER: 017-847-761

CIVIC ADDRESS:

6769 ISLAND HIGHWAY WEST, BOWSER, B.C.

**LEGEND**

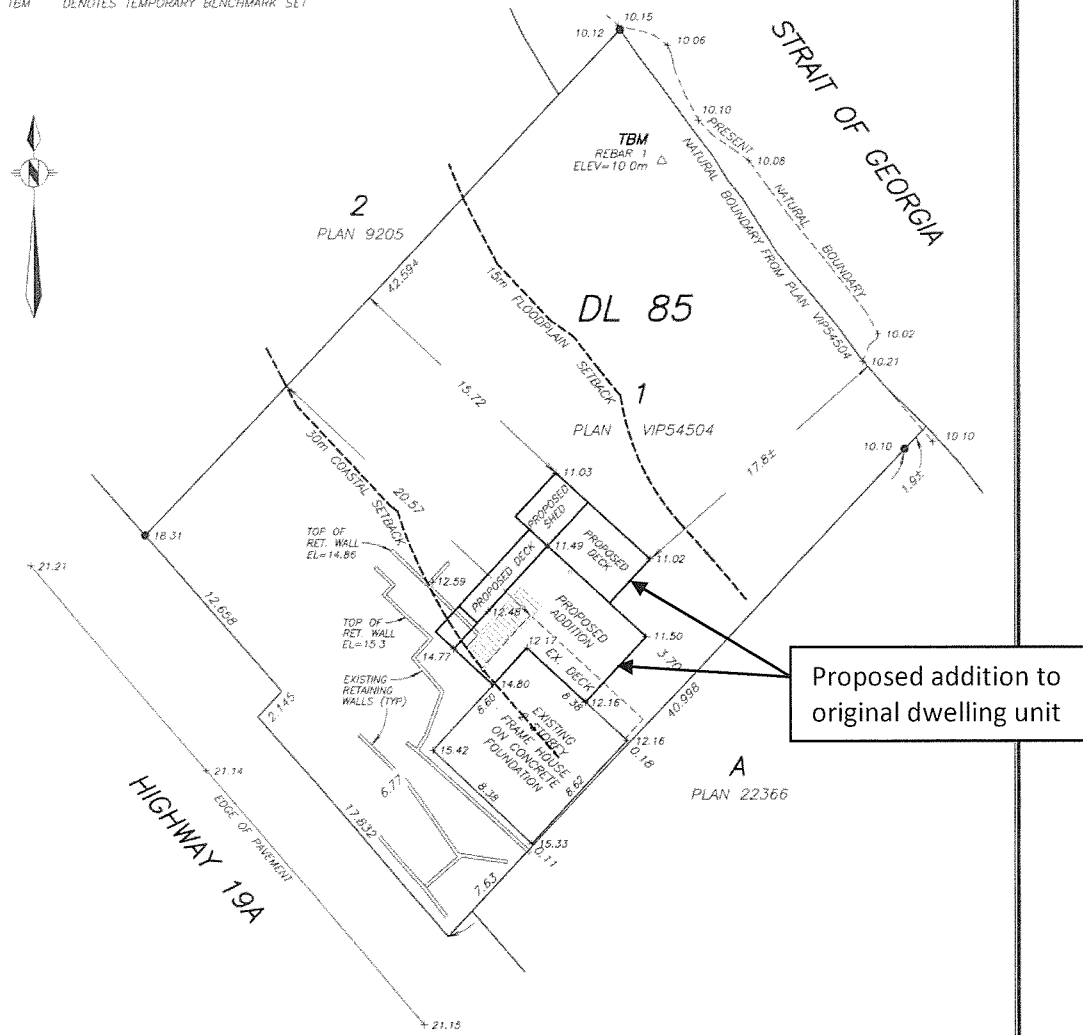
- DENOTES STANDARD IRON POST FOUND
- +21.21 DENOTES SPOT ELEVATION
- TEM DENOTES TEMPORARY BENCHMARK SET

THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF THE SURVEYED STRUCTURES AND FEATURES WITH RESPECT TO THE BOUNDARIES OF THE PARCEL DESCRIBED. THIS DOCUMENT SHALL NOT BE USED

PARCEL BOUNDARIES SHOWN HAVE BEEN DERIVED FROM PLAN VIP54504 AND SURVEY EVIDENCE AS SHOWN

SCALE: 1:250

ALL DISTANCES ARE IN METRES.



Proposed addition to original dwelling unit

CERTIFIED CORRECT:

*[Signature]* B.C.L.S.  
FEBRUARY 19, 2016

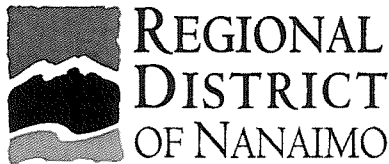
The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory.

NOTES:  
BUILDING DIMENSIONS AND OFFSETS TO PROPERTY LINES ARE SHOWN TO EXTERIOR OF BUILDING WALLS.  
ELEVATIONS ARE SHOWN IN METRES, AND ARE DERIVED FROM AN ASSUMED DATUM OF 10.0m AT REBAR 1.

**McElhanney Associates**  
Professional Land Surveyors  
495 6th Street  
Courtenay, B.C. V9N 6V4  
Ph : 250-338-5495  
File 05485 s-1161-SP  
REV-MAR22-16





RDN REPORT		
CAO APPROVAL		✓ [Signature]
EAP	✓	
COW		
APR 04 2016		
RHD		
BOARD		

**STAFF REPORT**

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

**DATE:** April 4, 2016

**FROM:** Greg Keller  
Senior Planner

**MEETING:** EAPC - April 12, 2016

**FILE:** PL2016-040

**SUBJECT:** Development Permit with Variance Application No. PL2016-040  
Lot 1, Block 360, Newcastle District, Plan VIP82429  
1125 Spider Lake Road – Electoral Area ‘H’

**RECOMMENDATIONS**

1. That Development Permit with Variance No. PL2016-040 to reduce the watercourse and minimum lot line setback requirements to permit the construction of a detached secondary suite be approved subject to the conditions outlined in Attachments 2 and 3.
2. That staff be directed to complete the required notification.

**PURPOSE**

To consider an application for a development permit with variance to permit the construction of a detached secondary suite on the subject property.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Kevin Jones and Traycie Taylor to permit the construction of a detached secondary suite. The subject property is approximately 2.07 ha in area and is zoned Rural 1 (RU1), Subdivision District ‘D’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located to the east of Spider Lake Road and slopes down to the east towards a large unnamed pond. The subject property is adjacent to other Rural 4 properties to the north and south and a property zoned Recreation 3 to the east (see Attachment 1 – Subject Property Map).

The property contains one dwelling unit and an accessory building and is serviced with onsite water and wastewater disposal.

The proposed development is subject to the Environmentally Sensitive Features (Lakes, Wetlands, and Ponds) and Fish Habitat Protection Development Permit Areas in accordance with the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”.

***Proposed Development and Variance***

The proposed development includes the construction of a detached secondary suite which is located partially within the Development Permit Area (DPA). The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:



1. **Section 3.4.81 – Minimum Setback Requirements** to reduce the minimum setback from all lot lines from 8.0 m to 4.9 m for a portion of the proposed detached secondary suite.
2. **Section 3.3.8 – Setbacks – Watercourses, excluding the Sea** to reduce the minimum setback requirement from 15.0 m horizontal distance from the natural boundary to 11.6 m horizontal distance from the natural boundary for a portion of the proposed detached secondary suite.

## ALTERNATIVES

1. To approve Development Permit with Variance No. PL2016-040 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Permit with Variance No. PL2016-040.

## LAND USE IMPLICATIONS

### *Development Implications*

To satisfy the DPA guidelines, the applicant has submitted Riparian Areas Assessment (RAA) prepared by EDI Environmental Dynamics dated March 7, 2016, a Riparian Enhancement Plan prepared by EDI Environmental Dynamics dated March 24, 2016, and a site plan prepared by Sims & Associates dated February 22, 2016 which outlines the applicant's proposal.

The applicant has also provided proposed floor plans and building elevations prepared by Pacific Homes dated March 2, 2016. The proposed detached secondary suite includes two floors and 63.17 m<sup>2</sup> of floor area and represents 39.7% of the habitable floor area of the principal dwelling unit it is associated with. Therefore, the proposed detached secondary suite satisfies the maximum floor area requirements outlined in Bylaw 500.

The applicant indicates that the variances are requested in order to protect a large second growth Douglas fir tree located to the northeast of the proposed building site and take advantage of views toward the pond. The applicant is proposing to construct the detached secondary suite in a previously disturbed area as far away from the pond as possible without negatively affecting the root structure of this tree. In addition, the sloping topography of the subject property limits potential building sites. The proposed secondary suite is separated from the adjacent property by a screen of native vegetation. As a result, the proposed variance for the northern lot line adjacent to the secondary suite from 8.0 m to 4.9 m is not anticipated to have any negative impacts on the adjacent property.

Given that the applicant has provided sufficient rationale and the variance will not result in negative view implications for adjacent properties, the applicant has made reasonable efforts to address Policy B1.5 guidelines.

### *Registered Covenant EX031258*

As a condition of a previous rezoning in 2004 to reduce the minimum parcel size to facilitate the creation of the subject property, a covenant was registered on title that restricts development to one dwelling unit and prohibits buildings, and structures and vegetation removal within 15.0 m of the natural boundary of the pond.

A detached secondary suite is accessory to and not considered a dwelling unit for the purpose of determining residential density as defined by the zoning bylaw as such the proposed suite is consistent with the covenant.

The covenant restriction stating there be no buildings, structures or vegetation removal within 15.0 m of the natural boundary was put in place to satisfy the Environmentally Sensitive Features DPA guidelines. Since the timing of the covenant registration, the province has enacted the Riparian Areas Regulation, and the RDN has implemented the Fish Habitat Protection DPA which provides an appropriate level of watercourse protection based on a science based analysis of site-specific conditions. The applicant's Riparian Area Assessment provides a site-specific detailed analysis of the property and recommendations to protect and enhance the covenant area. Therefore, staff recommend that covenant EX031258 be amended, as indicated in the terms and conditions outlined in Attachment 2, to permit the proposed development. Staff recommends that the amended covenant be registered prior to staff issuing the development permit with variance.

### ***Environmental Implications***

Given the sloping topography and the applicant's desire to utilize a previously disturbed area and preserve the mature Douglas fir tree, there is a very limited footprint outside of the 15.0 m Streamside Protection and Enhancement Area (SPEA) determined by the applicant's Qualified Environmental Professional. As a result, the applicant is proposing that the detached secondary suite encroach into the SPEA by approximately 4.3 m which represents about 36 m<sup>2</sup> of encroachment. In exchange for encroaching into the SPEA, the applicant is proposing to offset the encroachment by enhancing 65 m<sup>2</sup> of land by planting native vegetation west of the building site outside of the SPEA in accordance with the Riparian Enhancement Plan. This approach to accommodate SPEA encroachment through SPEA enhancement elsewhere on the subject property is consistent with the Riparian Areas Regulation. The replanting is included as a condition of the permit along with a requirement for a landscaping security deposit for materials and labour in the amount of \$2,176.08 (see Attachment 2 – Terms and Conditions of Permit).

The RAA indicates that the proposed development represents a low environmental risk and would not result in any harmful alteration, disruption, or destruction (HADD) of natural features, functions and conditions that support fish life processes in the RAA.

### **FINANCIAL IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2016 – 2020 Financial Plan.

### **STRATEGIC PLAN IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications for the 2016 – 2020 Board Strategic Plan.

**PUBLIC CONSULTATION IMPLICATIONS**

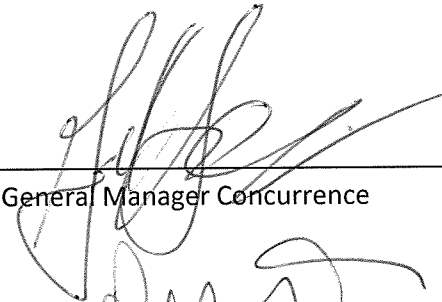
Pending the Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50 metre radius of the subject property will receive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

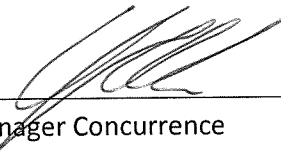
This is an application to construct a detached secondary suite within the Environmentally Sensitive Features and Fish Habitat Protection DPAs. The applicant is requesting variances to minimum setback requirements for all lot lines and from the natural boundary of an unnamed pond which are necessary to protect a mature Douglas-fir tree, to avoid disturbing previously undisturbed areas, and to take advantage of views toward the pond. Given that the Development Permit guidelines have been met and no negative impacts are anticipated as a result of the proposed variance, staff recommends that the Board approve the variance pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.



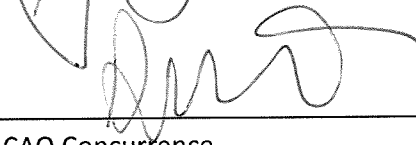
Report Writer



General Manager Concurrence

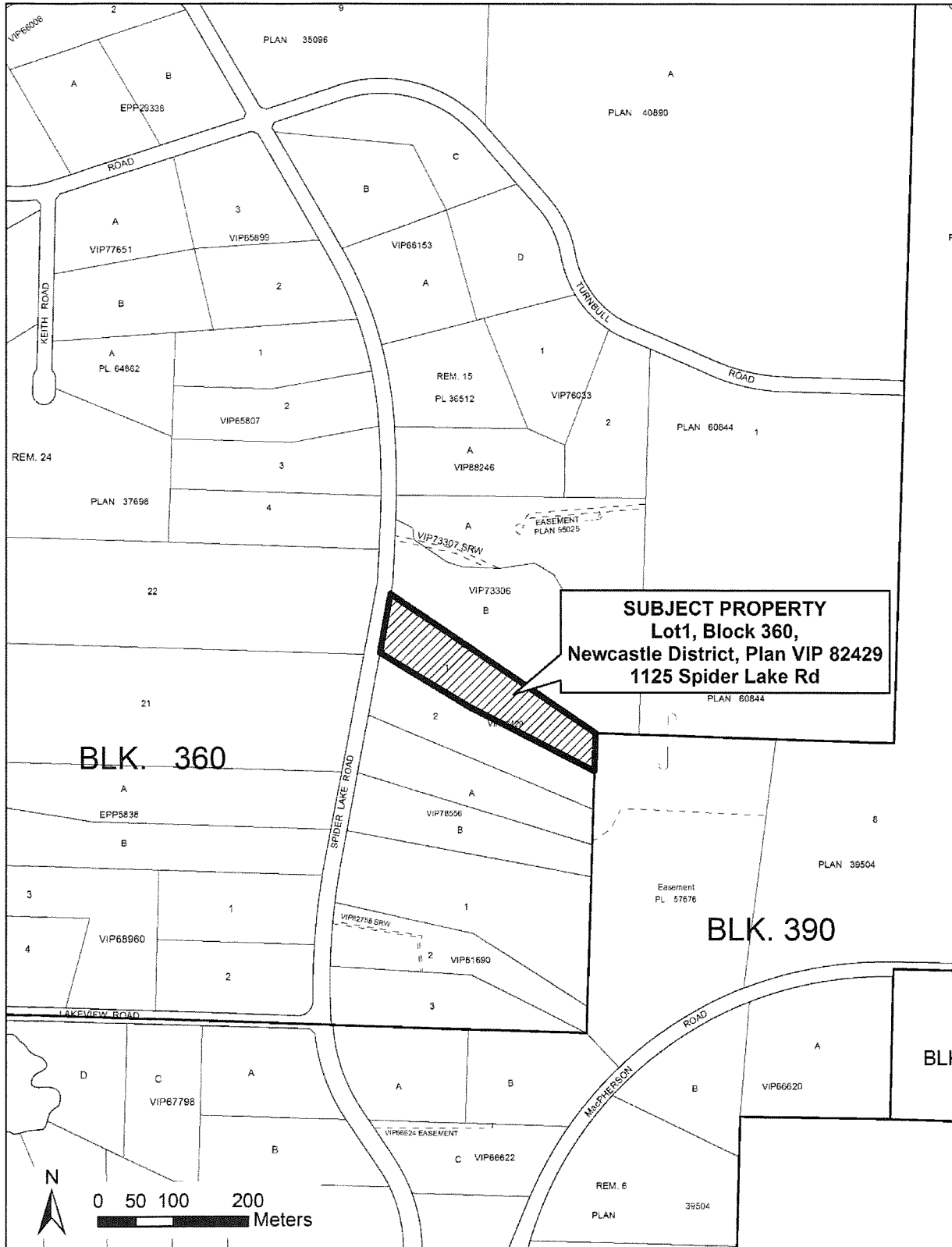


Manager Concurrence



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. PL2016-040:

Bylaw No. 500, 1987 Variances:

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

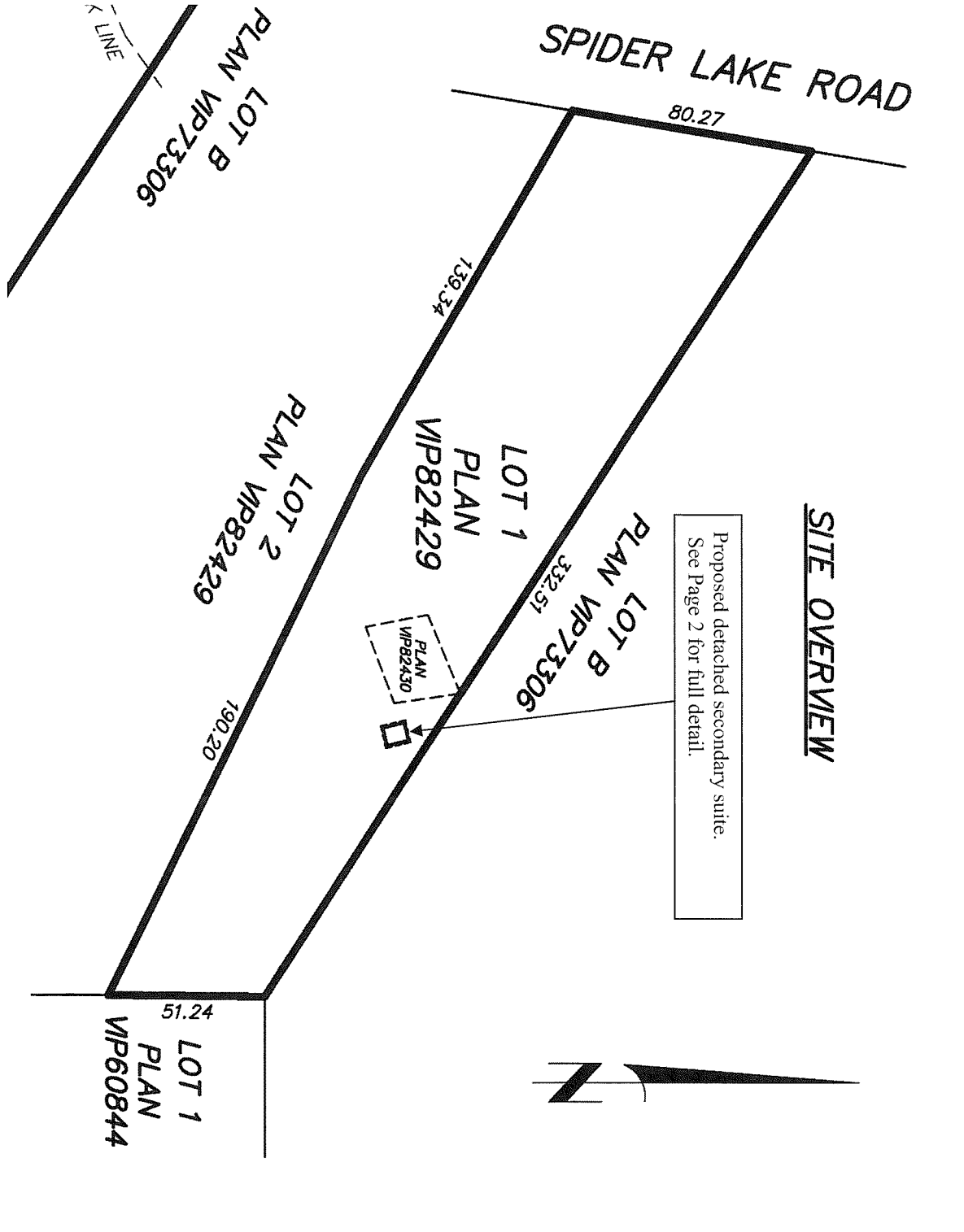
1. **Section 3.4.81 – Minimum Setback Requirements** to reduce the minimum setback from all lot lines from 8.0 m to 4.9 m for a portion of the proposed detached secondary suite.
2. **Section 3.3.8 – Setbacks – Watercourses, excluding the Sea** to reduce the minimum setback requirement from 15.0 m horizontal distance from the natural boundary to 11.6 m horizontal distance from the natural boundary for a portion of the proposed detached secondary suite.

Conditions of Approval:

1. The site is developed in accordance with the Site Plan prepared by Sims & Associates, dated February 22, 2016, and attached as Attachment 3.
2. The subject property shall be developed in accordance with the recommendations contained in the Riparian Areas Assessment prepared by EDI Environmental Dynamics dated March 7, 2016.
3. The proposed revegetation shall be provided and maintained in accordance with the Riparian Enhancement Plan prepared by prepared by EDI Environmental Dynamics dated March 24, 2016.
4. The applicant shall provide a landscaping security deposit in the amount of \$2,176.08.
5. Staff shall withhold the issuance of this permit until the applicant, at the applicant's expense, amends registered Section 219 Covenant EX031259 as follows:
  - a. By attaching the Riparian Areas Assessment and proposed landscaping plan.
  - b. By replacing the reference plan with an amended reference plan which reflects the proposed encroachment and enhancement areas.
  - c. By amending the text describing the covenant area to reflect the proposed development.
  - d. By adding a clause that allows for future modification within the covenant area, at the discretion of the Regional District of Nanaimo and in accordance with the recommendations from a Qualified Environmental Professional.
6. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

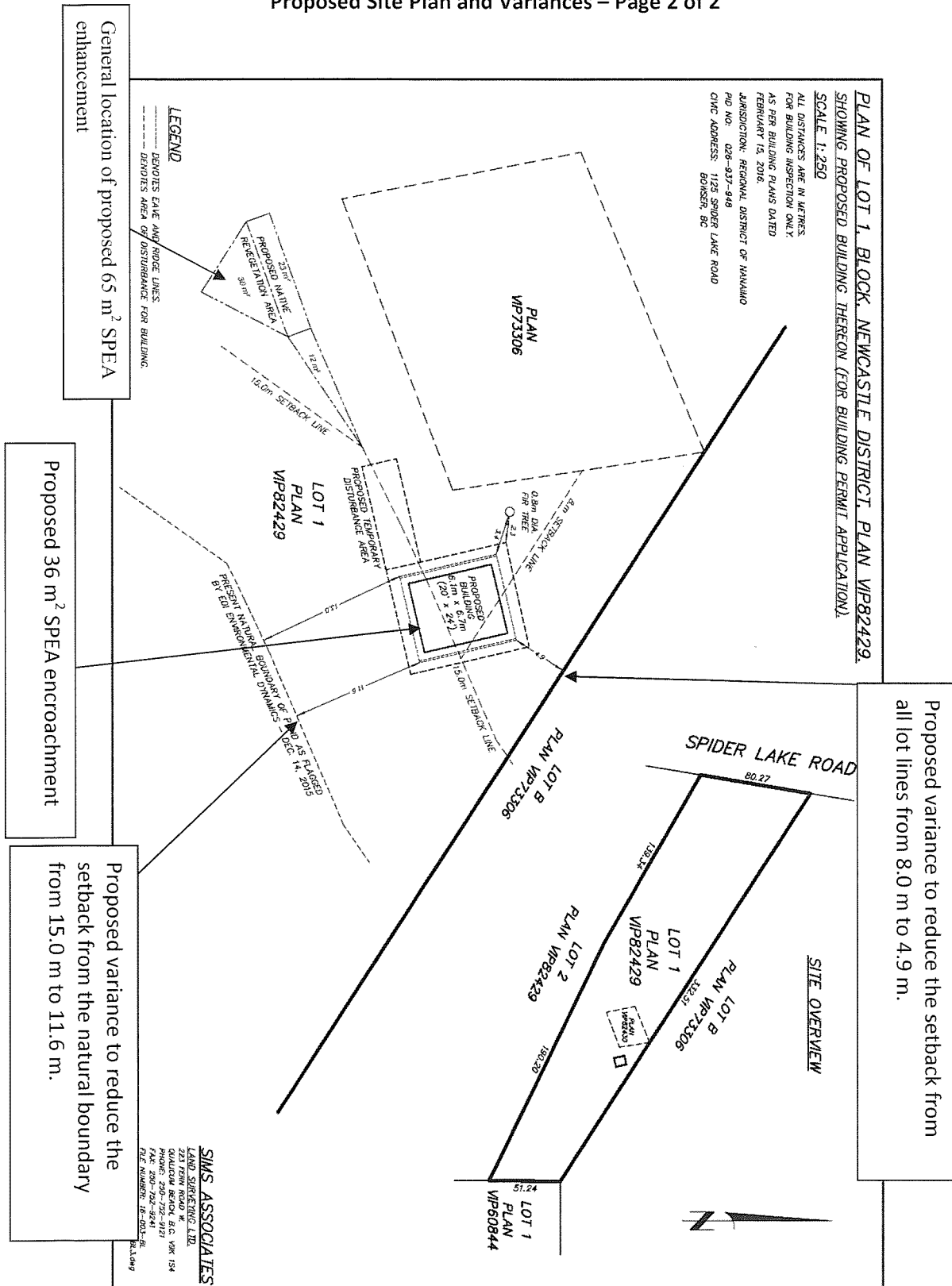
Attachment 3

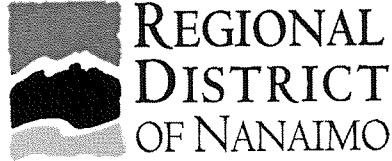
Proposed Site Plan and Variances – Page 1 of 2



Attachment 3

Proposed Site Plan and Variances – Page 2 of 2





RDN REPORT	
CAO APPROVAL <input checked="" type="checkbox"/>	
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
APR 05 2016	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

**STAFF REPORT**

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

**DATE:** April 4, 2016

**MEETING:** EAPC – April 12, 2016

**FROM:** Kelsey Chandler  
 Planning Technician

**FILE:** PL2016-025

**SUBJECT: Development Variance Permit Application No. PL2016-025  
 Lot 4, District Lot 38, Nanoose District, Plan 21633  
 1380 Reef Road – Electoral Area ‘E’**

**RECOMMENDATIONS**

1. That Development Variance Permit No. PL2016-025 to replace and extend the roof of an existing dwelling unit, to legalize the siting of an existing dwelling unit and deck, and to accommodate proposed additions to an existing deck, be approved subject to the conditions outlined in Attachments 2 to 4.
2. That staff be directed to complete the required notification.

**PURPOSE**

To consider an application for a development variance permit to replace and extend the roof of the existing dwelling unit, to legalize the siting of the existing dwelling unit and deck, and to accommodate proposed additions to the deck on the subject property.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of James and Clara Vis to replace and extend the roof of the existing dwelling unit, to legalize the existing dwelling unit and deck, and to accommodate proposed additions to the deck on the subject property. The property is approximately 0.16 hectares in area and is zoned Residential 1 Zone (RS1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The existing dwelling unit on the property that is proposed to undergo renovations and an addition was built prior to RDN building inspection being implemented in the area. There are also several outbuildings, which the property owner intends to demolish. The property is bordered by the Strait of Georgia to the northeast, Reef Road to the southwest, and other RS1 zoned parcels to the northwest and southeast (see Attachment 1 – Subject Property Map).

***Proposed Development and Variances***

The proposed development includes reducing the minimum interior side lot line setback from 2.0 metres to 1.7 metres in order to replace and extend the roof of the existing dwelling unit. The



applicants also propose to reduce the setback to the present natural boundary from 15.0 metres to 9.8 metres in order to legalize the existing dwelling unit and deck, and from 15.0 metres to 9.8 metres and 11.6 metres to accommodate proposed additions to the deck. The applicants propose to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

**Section 3.4.61 – Minimum Setback Requirements – Interior Side Lot Line** to reduce the minimum interior side lot line from 2.0 metres to 1.7 metres to replace and extend the roof of the existing dwelling unit; and

**Section 3.3.9 b) – Setbacks – Sea** to reduce the minimum setback requirement from 15.0 metres horizontal distance from the natural boundary to 9.8 metres to legalize the existing dwelling unit and deck, and from 15.0 metres to 9.8 metres and 11.6 metres to accommodate proposed additions to the deck.

## ALTERNATIVES

1. To approve Development Variance Permit No. PL2016-025 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2016-025.

## LAND USE IMPLICATIONS

### *Development Implications*

Staff have reviewed the applicants’ variance request to reduce the minimum interior side lot line setback from 2.0 metres to 1.7 metres in order to replace and extend the roof of the existing dwelling unit, to reduce the setback to the natural boundary from 15.0 metres to 9.8 metres in order to legalize the existing dwelling unit and deck, and to reduce the setback to the natural boundary from 15.0 metres to 9.8 metres and 11.6 metres to accommodate proposed additions to the deck. The existing deck is proposed to be extended across the ocean facing side of the dwelling unit, but will not protrude any closer to the present natural boundary than it is already sited. The applicants are also proposing an addition to the dwelling unit that will comply with all required setbacks. All construction subject to variances must be in substantial compliance with the building elevations provided by the applicant (see Attachment 4 – Building Plans and Elevations) and must meet minimum limiting distance requirements as outlined by the 2012 BC Building Code.

The applicants have provided a Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. and dated January 25, 2016. The Geotechnical Hazard Assessment confirms that while the proposed deck extension is within the 15.0 metre setback from the present natural boundary, there are no geotechnical safety concerns related to sea level rise or potential ocean borne debris, no long term stability concerns related to erosion or seismic instability, and little difference in visual impact between the existing deck and the proposed deck extension. The assessment concludes that the site is safe and suitable for the intended renovation and expansion of the existing dwelling unit and deck. As part of the terms and conditions of the development variance permit application, the applicant is required to register a Section 219 Restrictive Covenant on the property title that includes the

Geotechnical Hazard Assessment and a save harmless clause that releases the Regional District of Nanaimo from all losses and damages to life and property as a result of potential geotechnical hazards (see Attachment 2 – Terms and Condition of Permit).

Given the location of the existing dwelling unit, that there are no geotechnical concerns with the proposed alterations, and that the variances being requested are unlikely to result in negative view implications for adjacent properties, it is staff opinion that the applicants have made reasonable efforts to address Board Policy B1.5 guidelines for evaluation of development variance permit applications.

### FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2016 – 2020 Financial Plan.

### STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications for the 2016 – 2020 Board Strategic Plan.

### PUBLIC CONSULTATION IMPLICATIONS

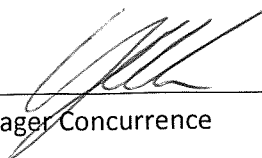
Pending the Electoral Area Planning Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50 metre radius of the subject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

### SUMMARY/CONCLUSIONS

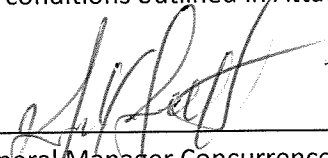
This is an application to consider a development variance permit to reduce the minimum interior side lot line setback from 2.0 metres to 1.7 metres in order to replace and extend the roof of the existing dwelling unit, to reduce the setback to the natural boundary from 15.0 metres to 9.8 metres in order to legalize the existing dwelling unit and deck, and to reduce the setback to the natural boundary from 15.0 metres to 9.8 metres and 11.6 metres to accommodate proposed additions to the deck. Given the location of the existing dwelling unit, that there are no geotechnical concerns with the proposed alterations, and that the variances being requested are unlikely to result in negative view implications for adjacent properties, staff recommend the Board approve the requested variances, pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.



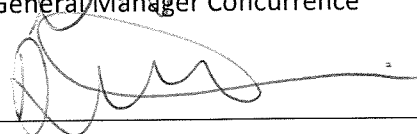
Report Writer



Manager Concurrence

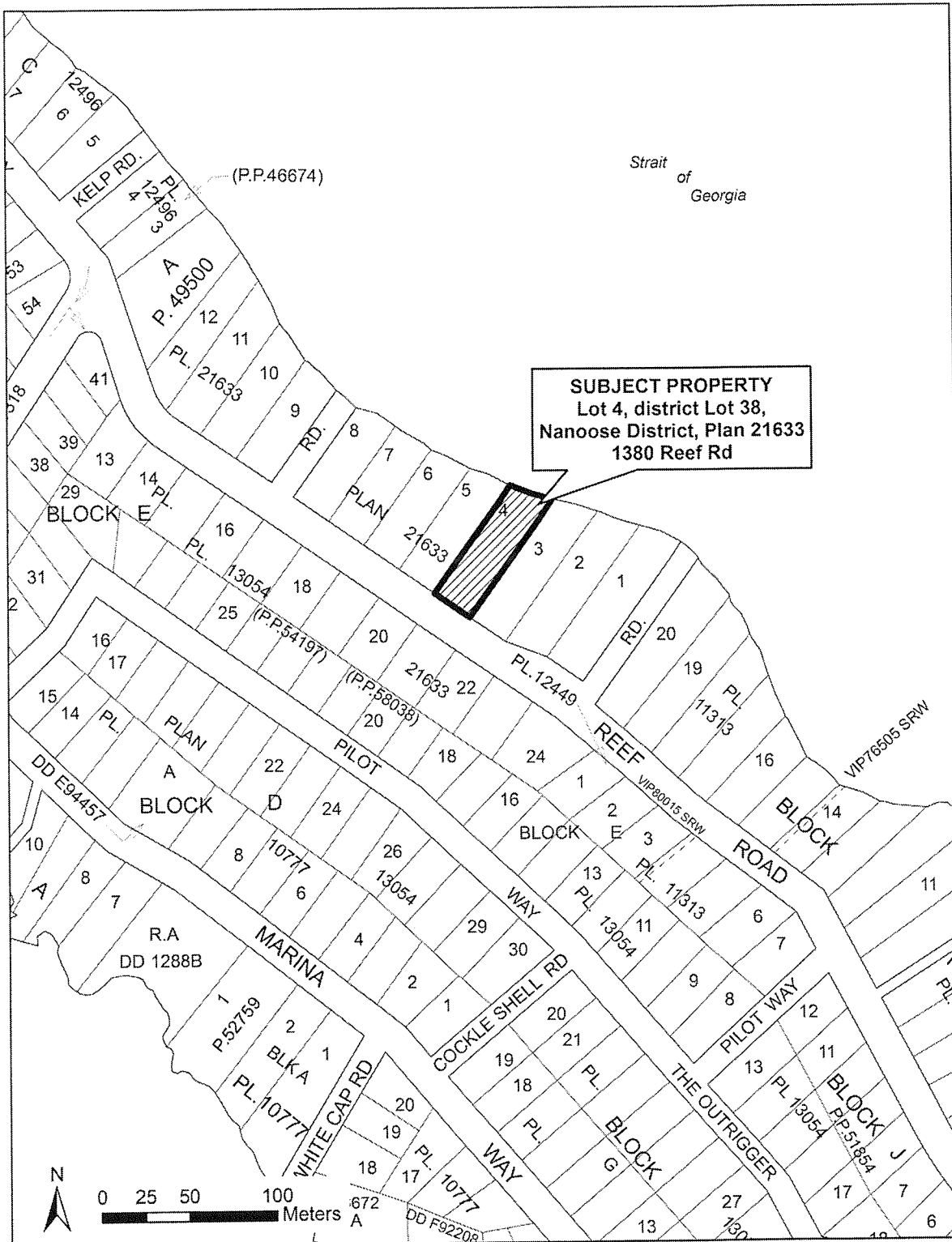


General Manager Concurrence



CAO Concurrence

### Attachment 1 Subject Property Map



## Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2016-025:

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 – Interior Side Lot Line** to reduce the minimum interior side lot line setback from 2.0 metres to 1.7 metres to replace and extend the roof of the existing dwelling unit; and

**Section 3.3.9 b) – Setbacks – Sea** to reduce the minimum setback requirement from 15.0 metres horizontal distance from the natural boundary to 9.8 metres to legalize the existing dwelling unit and deck, and from 15.0 metres to 9.8 metres and 11.6 metres to accommodate proposed additions to the deck.

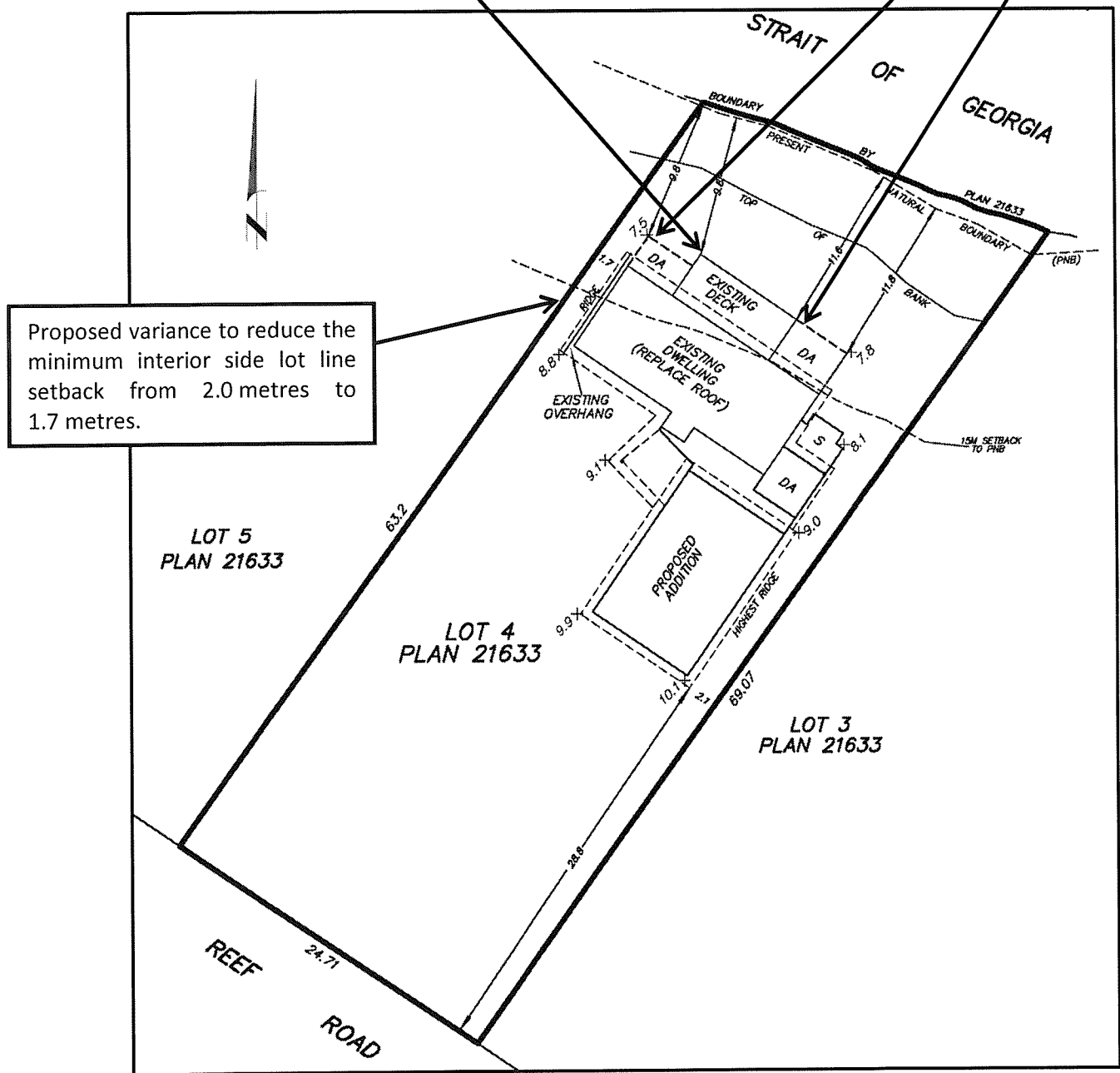
Conditions of Approval:

1. The site is developed in accordance with the proposed site plan prepared by Sims Associates Land Surveying Ltd., dated February 16, 2016, and attached as Attachment 3.
2. The proposed development is in substantial compliance with the building plans and elevations prepared by Chesapeake Uncommon Design, dated February 3, 2016, and attached as Attachment 4.
3. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated January 25, 2016.
4. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 Covenant on the property title containing the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated January 25, 2016, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.
5. The property owner shall obtain the necessary permits for construction in accordance with RDN Building Regulations.

**Attachment 3  
Proposed Site Plan and Variances**

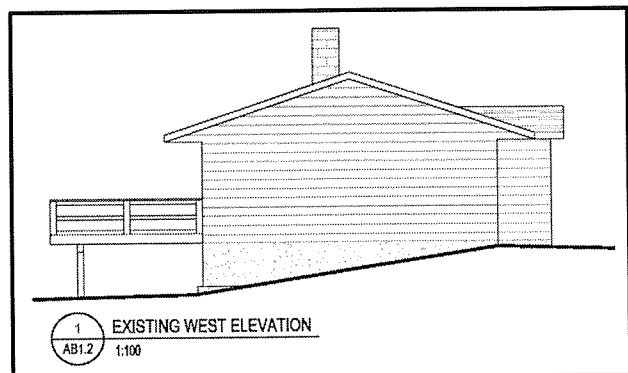
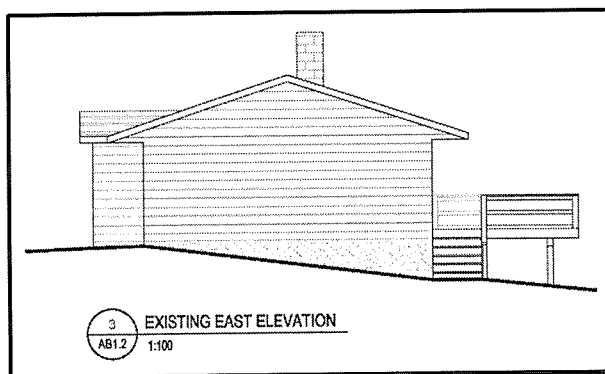
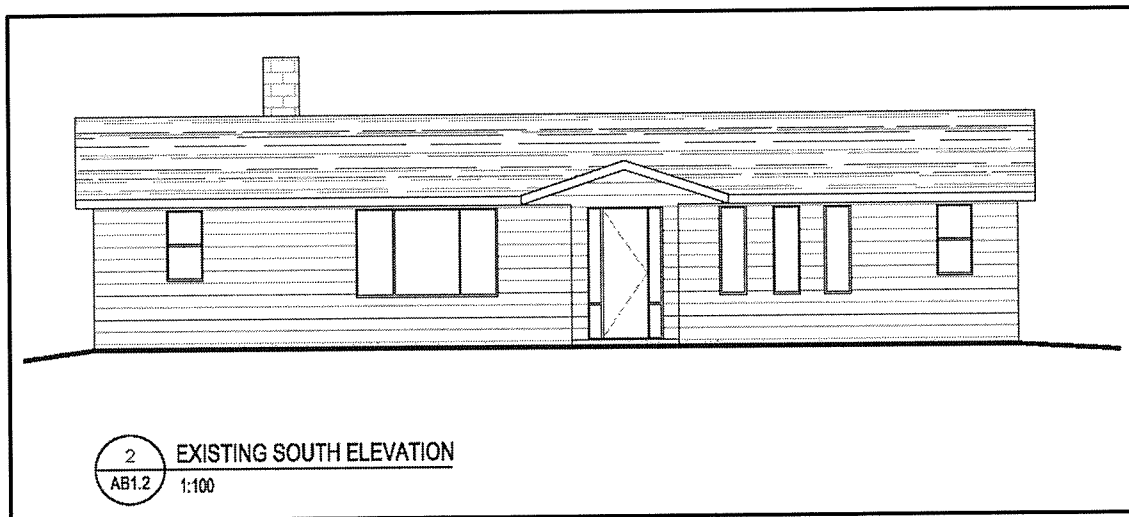
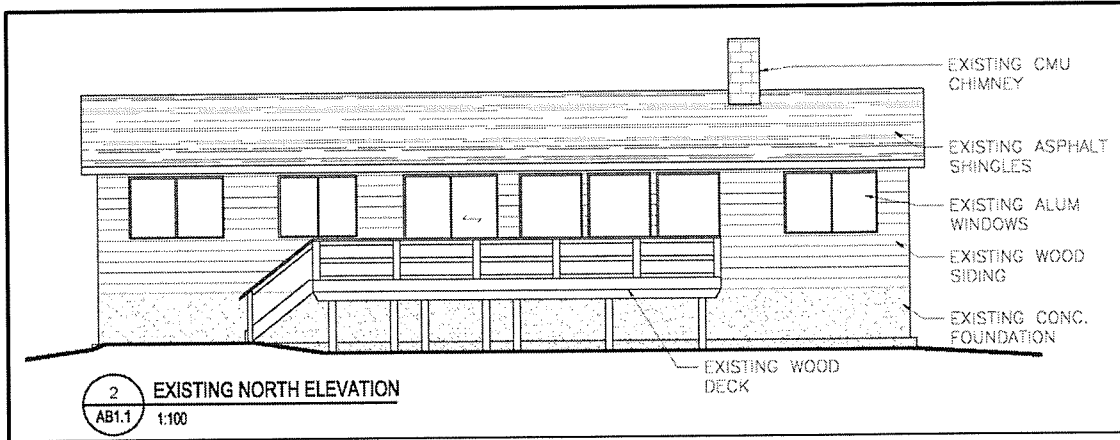
Proposed variance to reduce the minimum setback from 15.0 metres horizontal distance from the natural boundary to 9.8 metres to legalize the existing dwelling unit and deck.

Proposed variance to reduce the minimum setback from 15.0 metres horizontal distance to 9.8 metres and 11.6 metres to accommodate proposed additions to the deck.

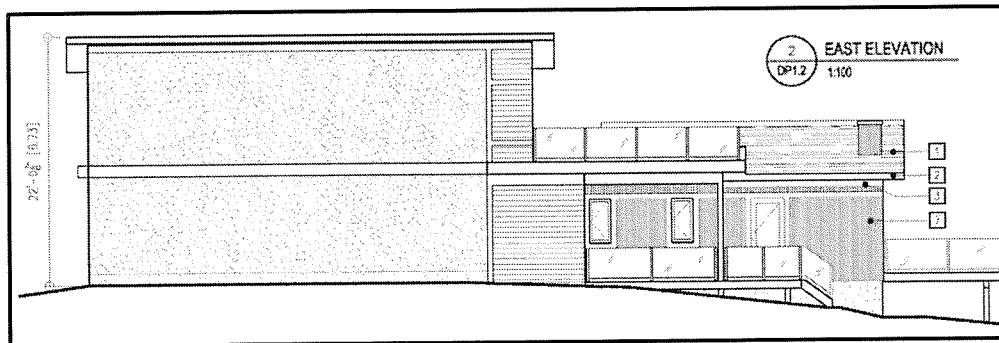
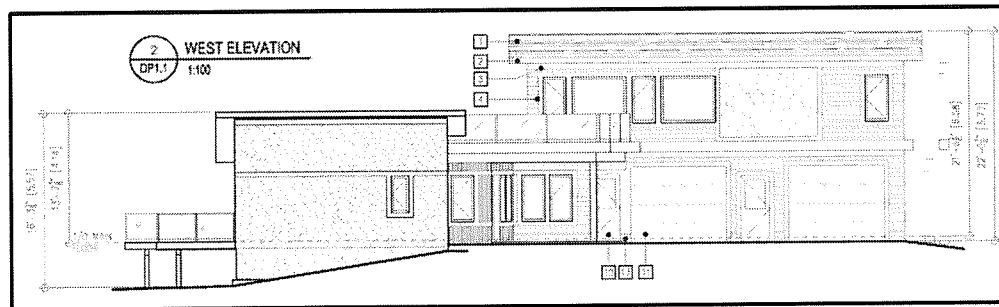
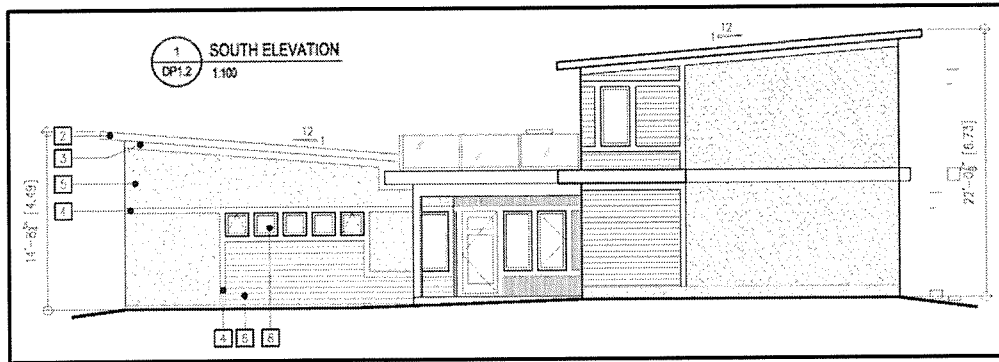
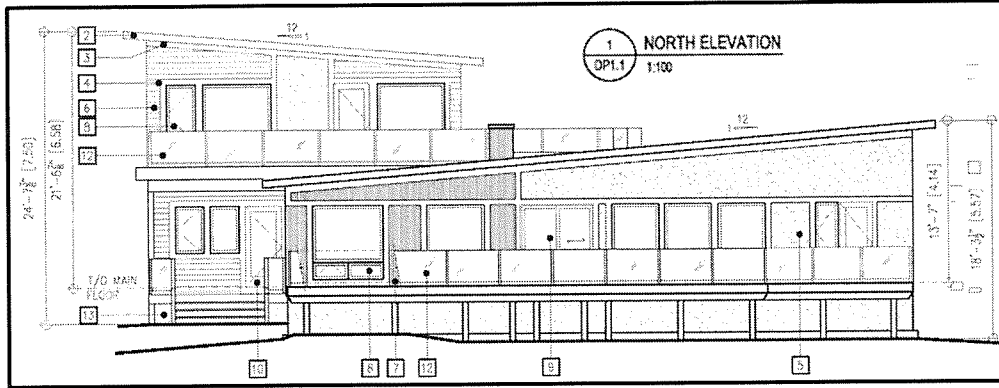


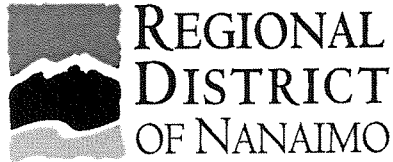
Proposed variance to reduce the minimum interior side lot line setback from 2.0 metres to 1.7 metres.

**Attachment 4**  
**Building Plans and Elevations – Existing**  
**Page 1 of 2**



Attachment 4  
Building Plans and Elevations – Proposed  
Page 2 of 2





RDN REPORT	
CAO APPROVAL	DNJ
EAP	✓
COW	
APR 04 2016	
RHD	
BOARD	

**STAFF REPORT**

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

**DATE:** March 18, 2016

**MEETING:** EAPC – April 12, 2016

**FROM:** Tyler Brown  
 Planner

**FILE:** PL2015-137

**SUBJECT:** Subdivision Application No. PL2015-137 – Request to Accept Park Land Dedication  
 Lot 3, District Lot 81, Nanoose District, Plan 1799  
 1032 Robertson Boulevard – Electoral Area ‘G’

**RECOMMENDATION**

That the request to accept the dedication of park land, as outlined in Attachments 2 and 3, be accepted.

**PURPOSE**

To consider a request to dedicate park land in conjunction with a proposed 54-lot fee simple subdivision.

**BACKGROUND**

The Regional District of Nanaimo has received an application for subdivision of a parcel located at 1032 Robertson Boulevard. The property is approximately 5.17 ha, surrounded by developed residential lots and is bordered by Lowry’s Road on the northwest property boundary and Robertson Boulevard on the northeast property boundary (see Attachment 1 - Location of Subject Property). The subject property is zoned Residential 1.2 (RS1.2), Subdivision District ‘T’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”.

***Proposed Development and Park Land Requirement***

The applicant proposes to subdivide the subject property to create 54 fee simple lots. The proposed lots range in size from 600 m<sup>2</sup> to 1,555 m<sup>2</sup> in area (see Attachment 2) and would meet the minimum parcel size of 600 m<sup>2</sup> pursuant to the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, with community water and sewer.

As park land or cash-in-lieu of parkland has not previously been provided through subdivision and the proposed subdivision will create more than three new parcels, the applicant is required to provide park land dedication and/or cash-in-lieu of park land pursuant to Section 510 of the *Local Government Act*. “The Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008” establishes that the Regional District shall determine whether the owner of land being subdivided shall:

- a) provide, without compensation, useable park land equivalent to 5% of the parcel size and in a location acceptable to the RDN; or
- b) pay to the Regional District an amount that equals 5% of the market value of all of the land



being subdivided; or

- c) provide a combination of land and cash to the satisfaction of the Regional Board.

The applicant is offering park land dedication of 2656 m<sup>2</sup> which is equivalent to 5% of the parcel size.

#### **PROPOSED PARK LAND**

The applicant proposes to provide 2656 m<sup>2</sup> of park dedication to fulfill the minimum 5% park land requirement pursuant to Section 510 of the *Local Government Act* (see Attachment 3 – Proposed Park Dedication). The park is proposed to be situated in the southeast corner of the subdivision adjacent to another Regional District of Nanaimo owned park. Together these park areas will provide substantial open space with opportunities for pedestrian movement from within the subdivision to Wembley Road, and across the road to connect with another Regional District of Nanaimo owned park (Neden Park). The park would therefore provide a public connection between the proposed subdivision, adjacent developments to the south, and Wembley Road, which runs north to Oceanside Elementary School. The Electoral Area 'G' Official Community Plan supports obtaining park land where it connects parks and natural areas, and contributes to interconnected greenway networks that link neighbourhoods to parks, schools and cultural resources (see Section 6.4 Policy No. 2c).

#### ***Area 'G' Parks and Open Space Advisory Committee***

The proposal for park land dedication was referred to the Electoral Area 'G' Parks and Open Space Advisory Committee at its meeting of March 7, 2016. Although the Committee did not provide a recommendation, the Committee generally supports the proposed park land dedication as shown in Attachment 3 in conjunction with the proposed subdivision.

#### **ALTERNATIVES**

1. To accept the offer for park land dedication in the amount and location as set in Attachments 2 and 3.
2. To deny the offer for dedication of park land.

#### **FINANCIAL IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2016 – 2020 Financial Plan.

#### **STRATEGIC PLAN IMPLICATIONS**

Staff have reviewed the proposed park land acquisition and note that the proposal is consistent with the 2016 – 2020 Board Strategic Plan recognition of recreational amenities as a core community service.

### INTER-GOVERNMENTAL IMPLICATIONS

The application was referred to the local fire department, Island Health and the Ministry of Transportation and Infrastructure during the rezoning of the subject property (PL2014-034). These agencies expressed no concern with the proposed development and the subdivision application is subject to Preliminary Layout Approval by the Ministry of Transportation and Infrastructure.

### PUBLIC CONSULTATION IMPLICATIONS

Through the rezoning process, the size and location of the park was presented to members of the public at a Public Information Meeting which was held on June 25, 2014. Forty people attended this meeting in addition to the applicants and RDN staff. The size and location of the proposed park was again presented to members of the public at a Public Hearing for the zoning amendment on December 2, 2014.

### SUMMARY/CONCLUSION

The applicant proposes to subdivide the subject property under the existing zoning (RS1.2) into 54 residential lots. The applicant proposes to dedicate 5% of the property (2656 m<sup>2</sup>) as park land pursuant to Section 510 of the *Local Government Act*. This proposal was referred to the Electoral Area 'G' Parks and Open Space Advisory Committee, which was generally supportive of the proposal. The park dedication proposal was also presented at a Public Information Meeting held on June 25, 2014 as part of Zoning Amendment Application No. PL2014-034.

As the proposed park dedication is consistent with the Official Community Plan policies and will enhance opportunities for open space in this neighbourhood, staff recommends acceptance of the proposed park land dedication in the amount and location set out in Attachments 2 and 3.



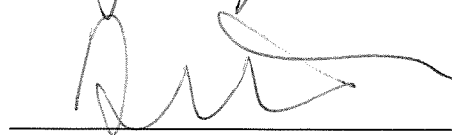
Report Writer



General Manager Concurrence

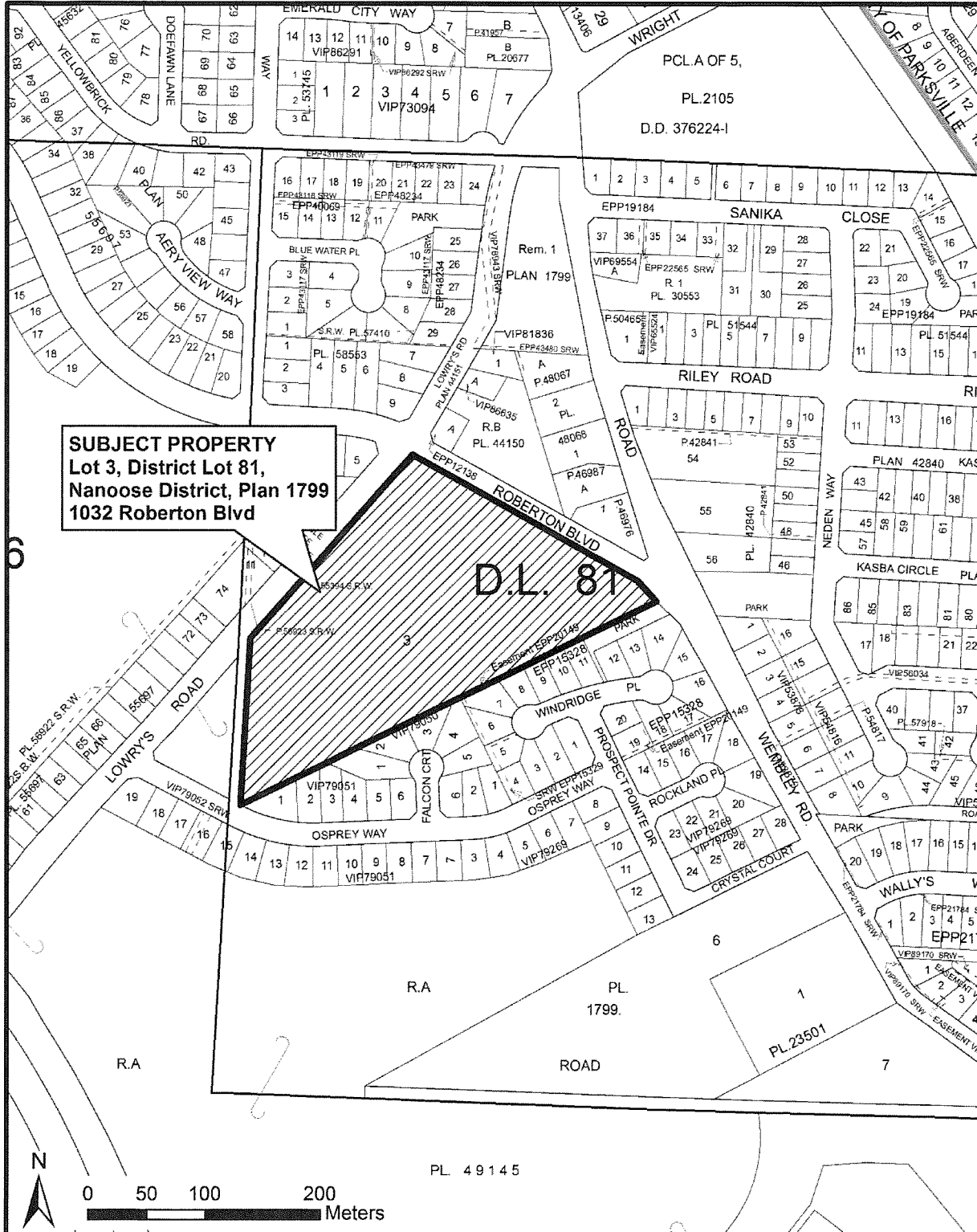


Manager Concurrence

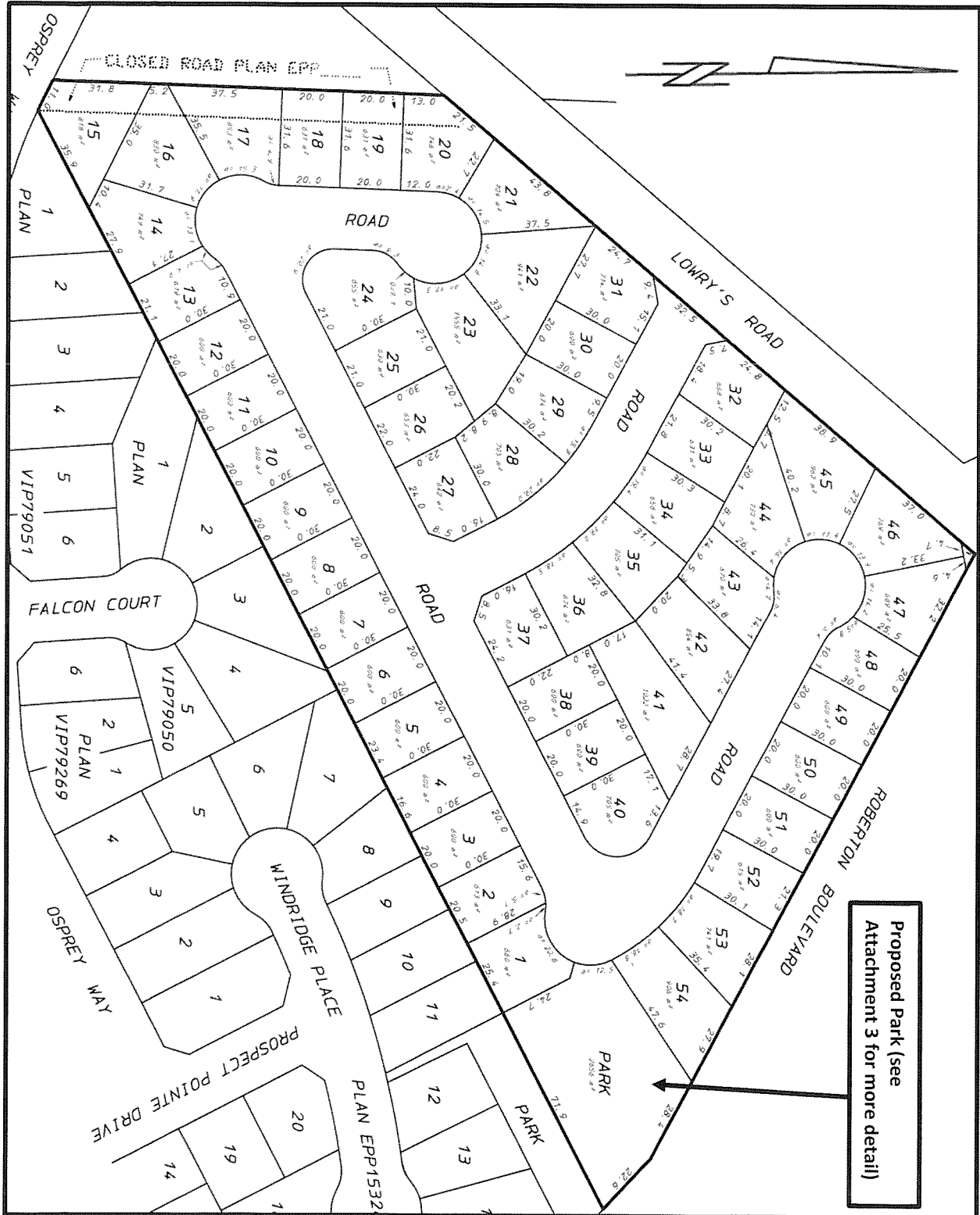


CAO Concurrence

Attachment 1  
Subject Property Map



Attachment 2  
Plan of Subdivision



Proposed Park (see  
Attachment 3 for more detail)

Attachment 3  
Park Dedication

