

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, JUNE 14, 2016

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

3-5 Minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, May 10, 2016.

That the minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, May 10, 2016 be adopted.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

6 **Kerry & Jessica Hoop**, re Subdivision Application File No. 2015-00748 (Application No. PL2015-036 – 2320 Kaye Road, Electoral Area 'G').

7 **Norman & Cindy Cawthra**, re Subdivision Application File No. 2015-00748 (Application No. PL2015-036 – 2320 Kaye Road, Electoral Area 'G').

8-10 **Lindy England**, re Subdivision Application File No. 2015-00748 (Application No. PL2015-036 – 2320 Kaye Road, Electoral Area 'G').

11 **Rob and Catherine Baker**, re Subdivision Application File No. 2015-00748 (Application No. PL2015-036 – 2320 Kaye Road, Electoral Area 'G').

DEVELOPMENT PERMIT

12-21 Development Permit and Site Specific Floodplain Bylaw Exemption Application No. PL2016-051 – 85 Blackbeard Drive, Electoral Area 'H'.

DEVELOPMENT VARIANCE PERMIT

22-28 Development Variance Permit Application No. PL2016-091 – Island Highway West, Electoral Area 'H'.

DEVELOPMENT PERMIT WITH VARIANCE

29-38 Development Permit with Variance Application No. PL2016-054 – 1675 Admiral Tryon Boulevard, Electoral Area 'G'.

39-46 Development Permit with Variance Application No. PL2016-063 – 2140 Pauls Road, Electoral Area 'A'.

47-57 Development Permit with Variance Application No. PL2016-088 – 1701 Admiral Tryon Boulevard, Electoral Area 'G'.

OTHER

58-65 Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2015-036 – 2320 Kaye Road, Electoral Area 'G'.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, MAY 10, 2016 AT 6:30 PM IN THE
RDN BOARD CHAMBERS

In Attendance:

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

Also in Attendance:

T. Osborne	A/Chief Administrative Officer
G. Garbutt	Gen. Mgr. Strategic & Community Development
J. Harrison	Director of Corporate Services
J. Hill	Mgr. Administrative Services
J. Holm	Mgr. Current Planning
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, April 12, 2016.

MOVED Director Young, SECONDED Director Veenhof, that the minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, April 12, 2016, be adopted.

CARRIED

DEVELOPMENT PERMIT

Development Permit Application No. PL2016-006 – 4275 Park Avenue, Electoral Area ‘H’.

MOVED Director Veenhof, SECONDED Director Young, that Development Permit No. PL2016-006 to permit the removal of an existing cabin and accessory building and the construction of a dwelling unit and accessory building be approved subject to the terms and conditions outlined in Attachments 2 and 3.

CARRIED

Development Permit Application No. PL2016-055 – 360 Martindale Road, Electoral Area ‘G’.

MOVED Director Rogers, SECONDED Director Veenhof, that Development Permit No. PL2016-055 to permit an addition to a single residential dwelling be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

DEVELOPMENT VARIANCE PERMIT

Development Variance Permit Application No. PL2016-036 – 1295 Seadog Road, Electoral Area ‘E’.

MOVED Director Rogers, SECONDED Director Veenhof, that Development Variance Permit No. PL2016-036 to reduce the setback to the natural boundary of the sea from 15.0 metres to 9.5 metres and the setback from the top of a slope 30% or greater from 8.0 metres to 1.5 metres, be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

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

CARRIED

Development Variance Permit Application No. PL2016-076 – 1380 Reef Road, Electoral Area ‘E’.

MOVED Director Rogers, SECONDED Director Veenhof, that Development Variance Permit No. PL2016-076 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.

CARRIED

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

CARRIED

OTHER

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2015-082 – 1979 and 1983 Minetown Road, Electoral Area ‘A’.

MOVED Director McPherson, SECONDED Director Young, that the request to relax the minimum 10% perimeter frontage requirements for proposed Lot B in relation to Subdivision Application No. PL2015-082 be approved.

CARRIED

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2015-036 – 2320 Kaye Road, Electoral Area ‘G’.

MOVED Director Veenhof, SECONDED Director Rogers, that the request to relax the minimum 10% perimeter frontage requirement for the proposed remainder of Lot 178 and proposed Lot 1, in relation to Subdivision Application No. PL2015-036, be approved.

CARRIED

Consultative Process Intended to Identify Rural Area Signage Concerns.

MOVED Director Veenhof, SECONDED Director Young, that the community consultation process intended to identify rural signage concerns follow the Community Consultation Plan included as Attachment 1.

CARRIED

MOVED Director Veenhof, SECONDED Director Young, that staff be directed to report back to the Board on the outcome of the community consultation process and provide recommended options for addressing community concerns related to effective signage in rural areas.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:50 PM

CHAIRPERSON

CORPORATE OFFICER

Kerry & Jessica Hoop,
2395, Peterson Road,
Nanoose Bay,
BC.
V9P 9L3

June 6th 2016

Mr. Geoff Garbutt
General Manager of Strategic & Community Development
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

**Re: Subdivision application File 2015-00748 (Application No. PL2015-036 2320 Kaye Road,
Electoral Area 'G')**

Dear Sir:

We as residents of Peterson Road in River's Edge are **strongly opposed** to the request for relief of the minimum frontage requirement to permit access to the proposed subdivision of Lot D.L. 178 through our community. Permitting such access would create an enormous negative impact to our rural residential community as it has the potential to significantly increase vehicular traffic and noise pollution along Stone Fly Close and Peterson Road. Of paramount concern is the safety of residents who regularly walk and cycle on these normally quiet and safe residential side roads, and the safety of our three young children, who often enjoy playing near and on these roads.

Lot D.L. 178 is zoned for Resource Management (RM1); whereas, our properties are within the residential Englishman River (Block 564) Comprehensive Development Zone (CD-14). Permitting access through our community side roads would allow traffic from land uses for silvaculture, agriculture, primary processing and extraction of soil, and multiple non-resident home based businesses on D.L. 178 to flow through our residential community rather than taking the direct, established and less impactful access to Kaye Road. Furthermore, granting access to the proposed subdivision through Stone Fly Close may lead to further subdivision and developments on D.L. 178, should there be zoning changes of those parcels in the future. Please allow us to maintain our quiet and safe neighbourhood by opposing this access change and recommending the use of the Kaye Road access route.

Yours truly,

Kerry, Jessica, Olivia, Rowan and Callum Hoop

Norman and Cindy Cawthra
477 Louise Road,
Ladysmith B.C.
V9G 1W8

6 June 2016

Mr. Geoff Garbutt
General Manager of Strategic & Community Development
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

**Re: Subdivision application File 2015-00748 (Application No. PL2015-036 2320 Kaye Road,
Electoral Area 'G')**

Dear Sir:

We as owners of the property at 2500 Peterson Road in River's Edge are **opposed** to the request for relief of the minimum frontage requirement to permit access to the proposed subdivision of Lot D.L. 178 through our community. Permitting such access would negatively impact our community as it has the potential to significantly increase vehicular traffic and noise pollution along Stone Fly Close and Peterson Road. Of paramount concern is the safety of residents who regularly walk and cycle on these residential side roads, and the safety of our children, who are often playing near and on these roads.

Lot D.L. 178 is zoned for Resource Management (RM1); whereas, our properties are within the residential Englishman River (Block 564) Comprehensive Development Zone (CD-14). Permitting access through our community side roads would allow traffic from land uses for silviculture, agriculture, primary processing and extraction of soil, and multiple non-resident home based businesses on D.L. 178 to flow through our residential community rather than taking the direct, established access to Kaye Road. Furthermore, granting access to the proposed subdivision through Stone Fly Close may lead to further subdivision and developments on D.L. 178, should there be zoning changes of those parcels in the future.

Yours truly,

Norman and Cindy Cawthra

250 924-8800

To All Members of the RDN Electoral Area Planning Committee:

This letter addresses our opposition to the request for relaxation of frontage on Stone Fly Close, to permit access to the proposed subdivision of Lot D.L. 178, zoned RM1. We understand that you are meeting on June 14th to discuss, permit or deny the application for road access to the afore mentioned subdivision via a relaxation of frontage requirements, and are ensuring that the strong opposition to the proposed relaxation is heard and received.

There are several points that we wish to highlight:

- There is existing access to the proposed subdivision via Kaye Road that does not alter the River's Edge Subdivision Plan, nor negatively impact multiple residential properties within the River's Edge subdivision.
- There is insufficient frontage to allow the access to the subdivision, because the access was not part of the original development plan for the area.
- To permit the relaxation of frontage requirements and alter Stone Fly Close and the River's Edge subdivision to provide access to RM1 zoned property through a residential subdivision is opposed.

We have provided a detailed overview of the issues in earlier correspondence provided to the RDN (regular board meeting of May 24, 2016). We understand that the developer has the right to request the variance in the best interest of his financial gain and least disruption to his property frontage, however we ask that you do not negatively affect the multiple property owners who have invested in the River's Edge subdivision and its completed residential street plan (and dead end street).

The issues we ask for your consideration are:

1. The commercial nature of the traffic that would potentially be accessing the subdivision via a residential neighbourhood, when there is already a straight through, more feasible access in place to the property being subdivided via Kaye Road.
2. The River's Edge Subdivision plan includes Stone Fly Close as a dead end street as part of a rural residential neighbourhood. To extend a residential street into Resource Management land is detrimental to existing multiple property owners along Peterson Road and Stone Fly Close.

It is unacceptable to the property owners within River's Edge for the RDN to grant this access, which would change the River's Edge subdivision plan and the nature of traffic that would be provided access through our residential neighbourhood. Stone Fly Close was specifically built as part of the River's Edge subdivision to accommodate residential traffic for 6 residences. It was not designed, nor was it planned for the River's Edge subdivision, to use this road as a major access to one or more Resource Management zoned properties. The impact of opening up Stone Fly Close would be detrimental to those who bought properties on Stone Fly Close and Peterson Road. This has the potential to bring a major increase in commercial, industrial and agricultural traffic directly through our rural residential neighbourhood.

Those who bought properties in River's Edge did so because it is designed as a high-end rural residential subdivision, which provides a significant tax base to the RDN. Our property values reflect the fact that we live in a rural residential neighbourhood and would be significantly impacted by a change in type and volume of traffic. Granting the relaxation to the owner/developer would provide hardship to multiple home owners while benefiting a single developer. Lot D.L. 178 already has well-designed access in place off Kaye Road, and this has been in place since the original development of River's Edge .

The existing and completed subdivision plan of River's Edge should have precedence over the new development and careful consideration given to changing the access through the River's Edge subdivision. Stone Fly Close was specifically designed, as part of our neighbourhood, to terminate within our subdivision. It should remain this way.

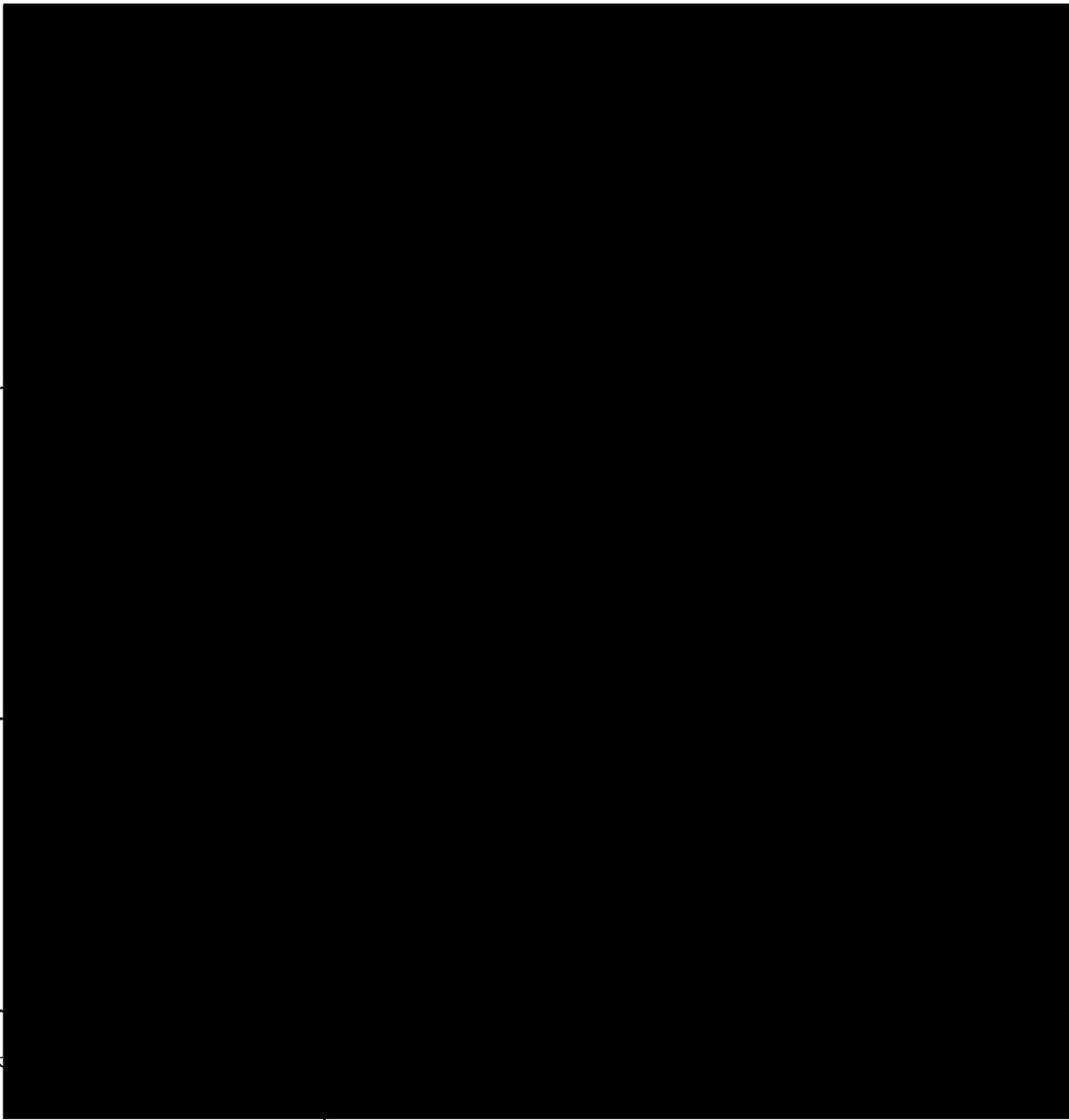
Sincerely,

23 Signatures have been redacted to remove personal information as per FOIPPA Section 22

All England Lindsey & Tim England
LINDSEY & TIM ENGLAND

[Redacted]

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Mr. Geoff Garbutt
General Manager of Strategic & Community Development
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

Re: Subdivision application File 2015-00748 (Application No. PL2015-036 2320 Kaye Road, Electoral Area 'G')

Dear Sir:

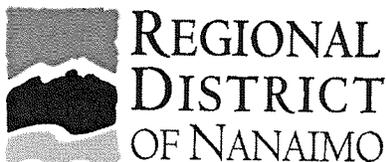
We as residents of 701 Rivers Edge Drive in River's Edge are opposed to the request for relief of the minimum frontage requirement to permit access to the proposed subdivision of Lot D.L. 178 through our community. Permitting such access would negatively impact our community as it has the potential to significantly increase vehicular traffic and noise pollution along Stone Fly Close and Peterson Road. Of paramount concern is the safety of residents who regularly walk and cycle on these residential side roads, and the safety of our children, who are often playing near and on these roads.

Lot D.L. 178 is zoned for Resource Management (RM1); whereas, our properties are within the residential Englishman River (Block 564) Comprehensive Development Zone (CD-14). Permitting access through our community side roads would allow traffic from land uses for silviculture, agriculture, primary processing and extraction of soil, and multiple non-resident home based businesses on D.L. 178 to flow through our residential community rather than taking the direct, established access to Kaye Road. Furthermore, granting access to the proposed subdivision through Stone Fly Close may lead to further subdivision and developments on D.L. 178, should there be zoning changes of those parcels in the future.

Yours truly,

Rob and Cathrine Baker

Sent from my iPhone



RDN REPORT	
CAO APPROVAL <i>120</i>	
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
JUN 03 2016	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: June 2, 2016

FROM: Greg Keller
Senior Planner

MEETING: EAPC – June 14, 2016

FILE: PL2016-051

SUBJECT: **Development Permit and Site Specific Floodplain Bylaw Exemption**
Application No. PL2016-051
Applicant - Hale
Lot 55, District Lot 40, Newcastle District, Plan 21776
85 Blackbeard Drive – Electoral Area ‘H’

RECOMMENDATION

That Development Permit Application No. PL2016-051 and request for a site specific floodplain bylaw exemption to permit the construction of a dwelling unit be approved subject to the conditions outlined in Attachments 2 to 4.

PURPOSE

To consider an application for a development permit (DP) and site specific floodplain bylaw exemption to permit the construction of a dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Robert and Mary Hale to permit the construction of a dwelling unit on the subject property. The subject property is approximately 0.2 ha in area and is zoned Residential 2 (RS2), pursuant to the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is surrounded by other RS2 zoned parcels and access to the subject property is from Blackbeard Drive to the west (see Attachment 1 – Subject Property Map). The property is serviced with community water and onsite wastewater disposal.

A watercourse (stream), running parallel to Blackbeard Drive, bisects the subject parcel and restricts the building envelope to the rear of the lot. With the exception of driveway access, which includes a bridge constructed with provincial approvals and spanning the watercourse on the property, the subject property is undeveloped (see Attachment 3 – Proposed Site Plan). In accordance with provincial regulations, a riparian areas regulation assessment report was previously completed for the watercourse on the property which established a 10.0 metre Streamside Protection and Enhancement Area (SPEA).

Development Variance Permit (DVP) Application No. PL2015-030 was approved by the Board at its regular meeting held on April 28, 2015. Application No. PL2015-030 reduced the minimum required setback from the natural boundary of the watercourse to be consistent with the SPEA for the purpose of creating a building envelope on the subject property. Application No. PL2015-030 did not include a development permit or a site specific floodplain bylaw exemption as no building construction was contemplated at that time.

The property has recently been sold and the new owners are proposing to construct a dwelling unit on the subject property within the building envelope created by PL2015-030.

Proposed Development

The proposed development is subject to the Fish Habitat Protection Development Permit Area (DPA) in accordance with the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003". This DPA applies within 30.0 metres of the natural boundary of the stream. Since the proposed dwelling unit is located within the DPA, a development permit is required.

ALTERNATIVES

1. To approve Development Permit Application No. PL2016-051 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Permit Application No. PL2016-051.

LAND USE IMPLICATIONS

Development Implications

In order to address the DPA guidelines, the applicant has provided a riparian assessment report prepared by Current Environmental dated March 29, 2016, which assesses the proposed construction. The applicant has also provided a site plan, floor plans, and elevation drawings prepared by Grebco Design Group dated May 13, 2016, which outlines the applicant's proposal.

The subject property is significantly constrained by the location of the watercourse which flows through the property. In addition, the topography of the subject parcel slopes up from the watercourse before sloping down towards the northeast corner of the subject property further impeding construction within the previously approved building envelope. The applicant is proposing to construct the proposed dwelling unit 10.0 metres from the present natural boundary in accordance with DVP PL2015-030.

The Regional District of Nanaimo Floodplain Bylaw No. 1469, 2006 (Bylaw 1469) specifies that no landfill or portion of a landfill slope, or structural support required to support a floor system above the designated flood level shall be constructed within 15.0 metres from the natural boundary of any watercourse. As it is necessary to elevate the proposed dwelling unit's structural support to satisfy the minimum flood construction level within 15.0 metres of the natural boundary, a site specific floodplain bylaw exemption is required.

In support of the required site specific floodplain bylaw exemption, the applicant has submitted a geotechnical hazard assessment prepared by Lewkowich Engineering Associates Ltd. dated May 18,

2016, prepared in accordance with Association of Professional Engineers and Geoscientists of BC Guidelines (APEG) pertaining to flood hazard assessments in a changing climate. The report recommends that the ground floor elevation conform to a minimum flood construction level (FCL) of 43.25 metres geodetic. As a result, engineered fill must be used to support the concrete slab upon which the proposed dwelling unit is to be constructed as shown on Attachment 2. The geotechnical evaluation concludes that the site is safe for the intended use and that the proposed development will not result in a detrimental impact on the subject property or adjoining properties provided the recommendations in the report are followed.

In accordance with the Site Specific Exemption Application requirements, staff recommends that the applicant be required to register a Section 219 covenant that registers the geotechnical evaluation prepared by Lewkowich Engineering Associates Ltd., requiring that the subject property be developed in accordance with the report, and includes a save harmless clause that releases the RDN from all losses and damages as a result of potential flood hazard. Development of the property in accordance with the recommendations of this report is included in the terms and conditions set out in Attachment 4.

Given that there are significant site constraints, the parcel was found to be safe for the intended use, and the requirements for a site specific floodplain bylaw exemption have been met in accordance with Bylaw 1469, staff recommends that the Board approve the requested floodplain bylaw exemption.

Environmental Implications

The riparian assessment report specifies a 10.0 metre SPEA which is consistent with the previous report and the variance approved by DVP PL2015-030. A number of measures are included to protect the SPEA of which some have already been completed including the removal and mitigation of a number of hazard trees on the subject property and the delineation of the SPEA boundary. Development in accordance with the recommendations contained in the riparian assessment report dated March 29, 2016, is included in the terms and conditions set out in Attachment 2.

Given that the DPA guidelines have been met and no negative impacts are anticipated, staff recommends that the Board approve the proposed development permit subject to the conditions outlined in Attachments 2 to 4.

FINANCIAL IMPLICATIONS

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

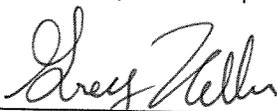
STRATEGIC PLAN IMPLICATIONS

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

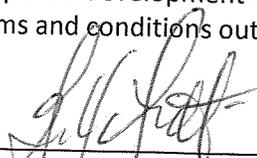
SUMMARY/CONCLUSIONS

The DVP Application PL2015-030, previously approved by the Board, reduced the minimum setback requirement from the natural boundary of a stream to 10.0 metres to establish a building envelope on the subject property. This is an application for a development permit and site specific floodplain bylaw exemption to permit the construction of a dwelling unit on the subject property within the DPA.

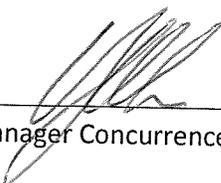
The proposed dwelling unit is located within the building envelope previously approved by DVP PL2015-030. As the proposal has satisfied the DPA guidelines and has demonstrated that the property is safe for the intended use, staff recommends that the proposed development permit and site specific floodplain bylaw exemption be approved subject to the terms and conditions outlined in Attachment 2.



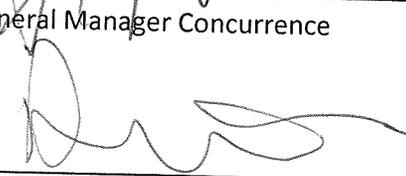
Report Writer



General Manager Concurrence

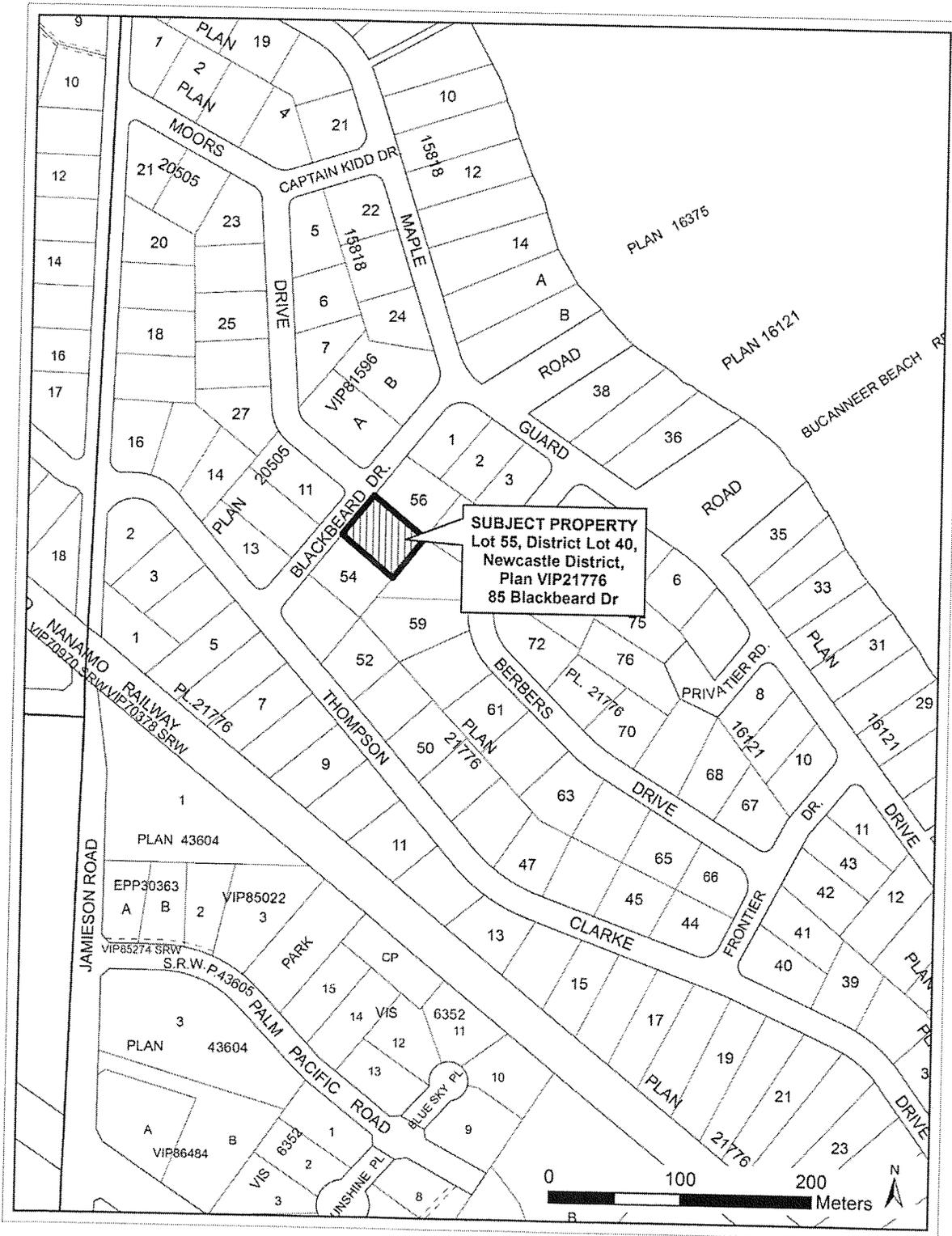


Manager Concurrence



CAO Concurrence

Attachment 1 Subject Property Map



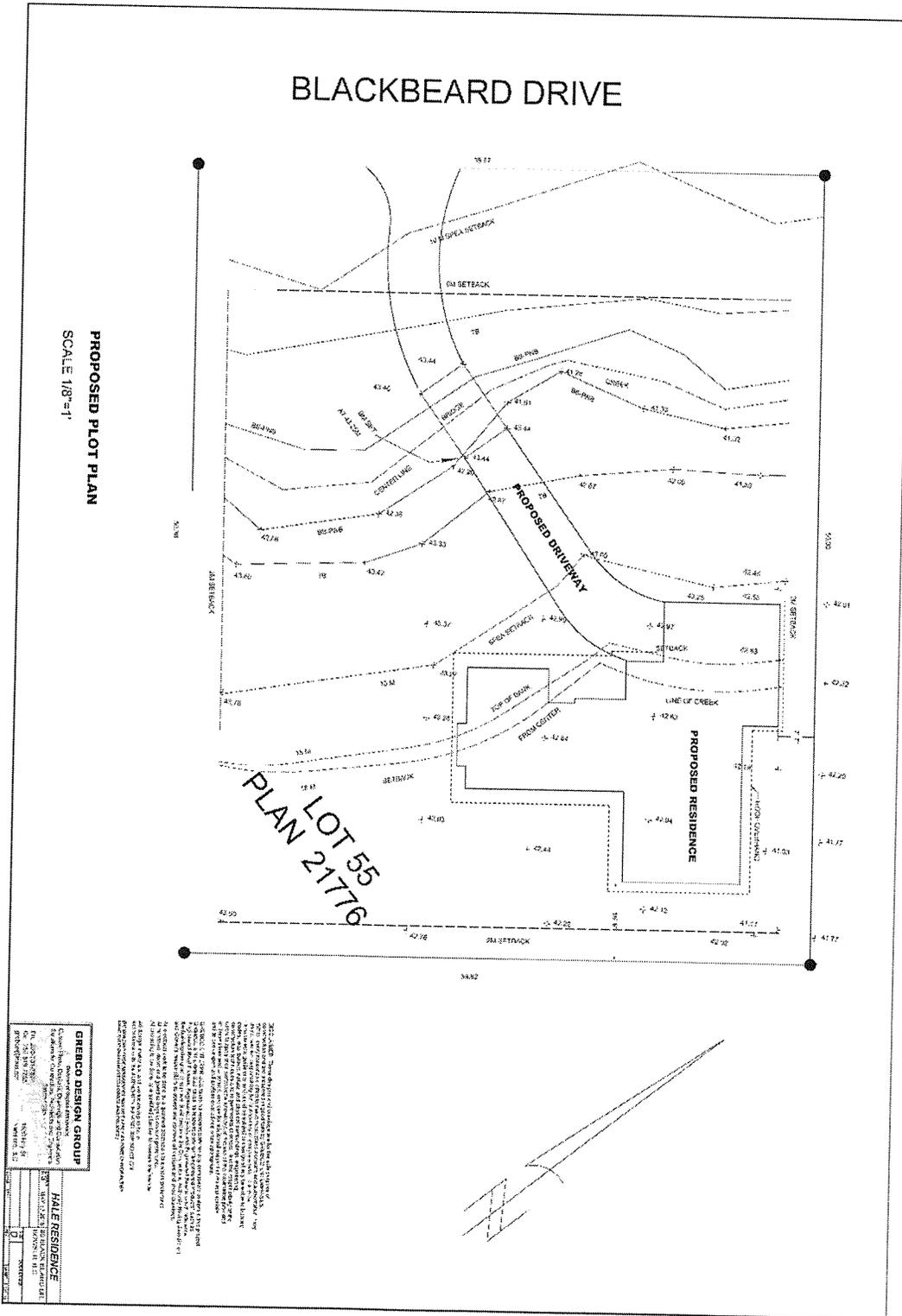
**Attachment 2
Terms and Conditions of Permit**

The following sets out the terms and conditions of Development Permit Application No. PL2016-051:

Conditions of Approval

1. 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 May 19, 2016, and includes a save harmless clause that releases the Regional District of Nanaimo (RDN) from all losses and damages as a result of the potential hazard.
2. The site is developed in accordance with the site plan prepared by Grebco Design Group, dated May 13, 2016 and attached as Attachment 3.
3. The proposed development is in general compliance with the plans and elevations prepared by Grebco Design Group, dated May 13, 2016 and attached as Attachment 4.
4. The proposed development is in general compliance with the cross section prepared by Lewkowich Engineering Associates Ltd., dated April 23, 2016 and attached as Attachment 4.
5. The subject property shall be developed in accordance with the recommendations contained in the riparian areas assessment prepared by Current Environmental, dated March 29, 2016.
6. The subject property shall be developed in accordance with the recommendations contained in the geotechnical hazard assessment prepared by Lewkowich Engineering Associates Ltd., dated May 19, 2016.
7. The property owner shall obtain the necessary permits for construction in accordance with RDN building regulations.

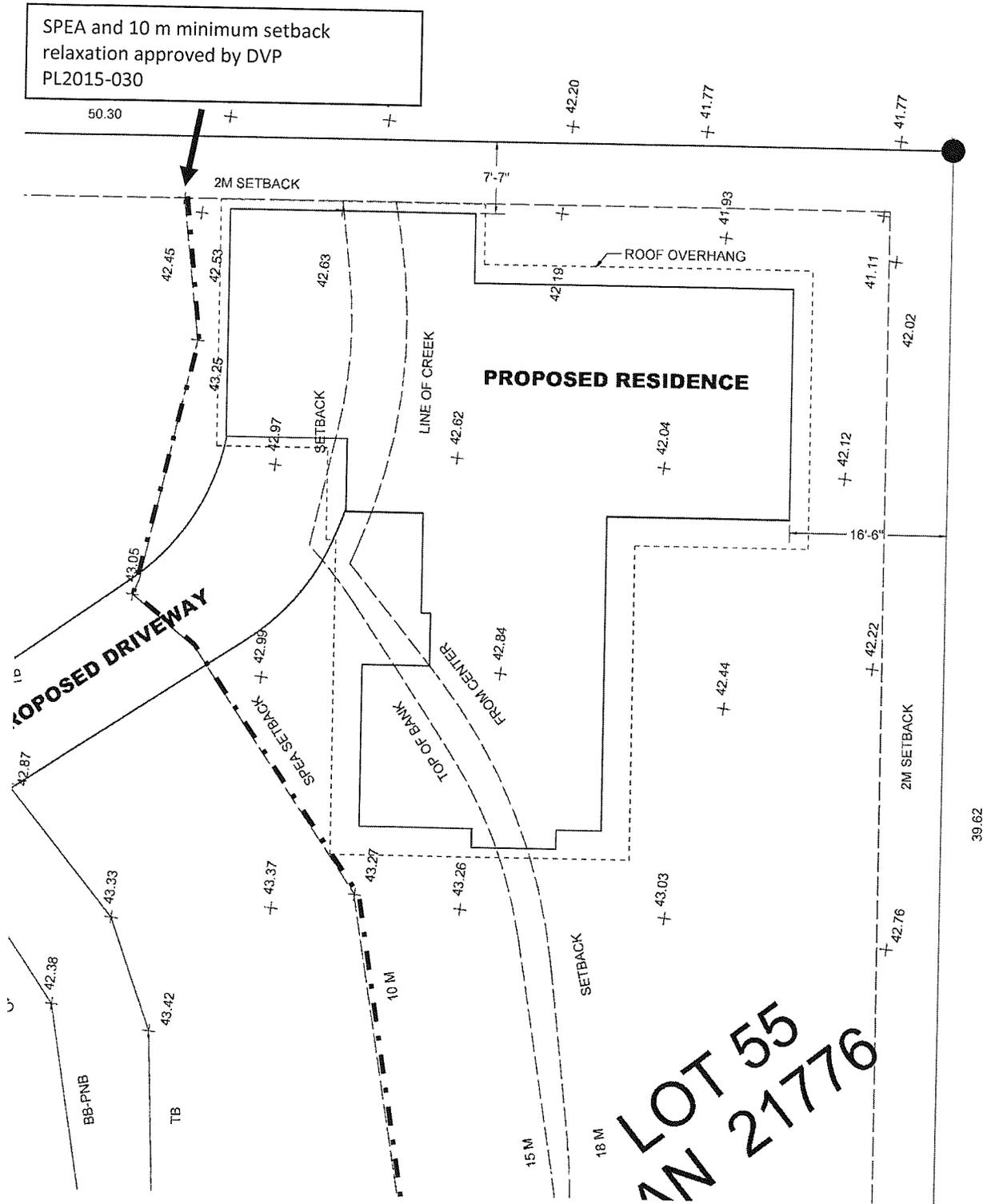
Attachment 3 (Page 1 of 2)
Proposed Site Plan



PROPOSED PLOT PLAN
SCALE 1/8"=1'

CHERCO DESIGN GROUP	
Customer Name: CHERRY HILL RESIDENCE	Project No: 2016-051
Customer Address: 14141 S.W. 10th St., Miami, FL 33186	Client: HALE RESIDENCE
Customer Phone: (305) 555-1234	Project Start: 06/02/2016
Customer Email: info@cherco.com	Project Status: IN PROGRESS
Customer Website: www.cherco.com	Project Location: 14141 S.W. 10th St., Miami, FL 33186
Customer Logo: [Logo]	Project Manager: [Name]
Customer Signature: [Signature]	Project Engineer: [Name]
Customer Stamp: [Stamp]	Project Date: 06/02/2016

Attachment 3 (Page 2 of 2)
Proposed Site Plan



Attachment 4 (Page 1 of 2) Proposed Building Elevations

FRONT ELEVATION

REAR ELEVATION

RIGHT ELEVATION

LEFT ELEVATION

2.02.02.01: These elevations are intended to show the exterior appearance of the proposed building. They are not intended to show the interior of the building. The elevations are based on the information provided in the application and are subject to change without notice. The elevations are provided for informational purposes only and are not intended to be used for construction purposes. The elevations are provided as a guide only and are not intended to be used for construction purposes. The elevations are provided as a guide only and are not intended to be used for construction purposes.

CREBCO DESIGN GROUP
 2010 1st Avenue
 Suite 100
 Everett, WA 98201
 Phone: 425.336.1234
 Fax: 425.336.1235
 Website: www.crebcogroup.com

HALE RESIDENCE
 1234 5th Street
 Everett, WA 98201
 Phone: 425.336.1234
 Fax: 425.336.1235
 Website: www.hale.com



RDN REPORT		
CAO APPROVAL		NO
EAP	✓	
COW		
JUN 06 2016		
RHD		
BOARD		

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: June 1, 2016

FROM: Stephen Boogaards
Planner

MEETING: EAPC – June 14, 2016

FILE: PL2016-091

SUBJECT: **Development Variance Permit Application No. PL2016-091
Lot 2, District Lot 21, Newcastle District, Plan EPP50478
Island Highway West – Electoral Area ‘H’**

RECOMMENDATIONS

1. That Development Variance Permit No. PL2016-091 to reduce the watercourse setback for a retaining wall be approved subject to the conditions outlined in Attachments 2 to 3.
2. That staff be directed to complete the required notification.

PURPOSE

The purpose of this development variance permit is to reduce the watercourse setback to permit the construction of a retaining wall on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of Jim Deas to permit the construction of a retaining wall within the watercourse setback. The subject property is approximately 0.268 hectares in area and is zoned Residential 2 (RS2), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is adjacent to the Strait of Georgia, Island Highway West and other residential zoned properties (see Attachment 1 – Subject Property Map). Nash Creek transects the eastern portion of the property and runs parallel to the natural boundary of the sea.

The property has recently been subject to Development Permit with Variance No. PL2015-148 approved by the Regional Board on January 26, 2016, for the dwelling and a footbridge across Nash Creek. However, the Board denied a variance for a retaining wall within 10.0 metres of Nash Creek at that time. In response to the notification for Development Variance Permit PL2015-148, concerns were expressed to the Board that the proposed retaining wall may interfere with privacy and ocean views for properties to the south. The retaining wall is approximately 2.3 metres in height and only supports the fill for a small yard area behind the dwelling. The applicant has previously confirmed that the retaining wall does not support the dwelling, as landfill supporting the floor system of a dwelling cannot be located within

the 15.0 metre setback established through “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006.”

Proposed Development and Variance

The applicant proposes a variance to allow the construction of a retaining wall within the setback to Nash Creek (see Attachment 3 – Site Plan and Variance). The applicant proposes to vary the following regulation from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.3.8 – Watercourses, excluding the sea** to reduce the minimum setback from the watercourse, as measured from natural boundary, from 15.0 metres to 10.0 metres for a retaining wall as shown on the site plan.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2016-091 subject to the conditions outlined in Attachments 2 to 3.
2. To deny Development Variance Permit No. PL2016-091.

LAND USE IMPLICATIONS

Development Implications

Following notification for PL2015-148, neighbouring property owners to the south expressed concern with the proposed retaining wall and elevated yard area. Neighbours’ concerns were that the elevated yard area would interfere with views of the ocean and would reduce privacy as the yard and the wall is up to 2.3 metres higher than surrounding lands at its highest point. The neighbours also expressed concern with possible lighting of the yard area and increased runoff onto neighbouring properties, due to the previous infilling of the side-channel.

As the side-channel still exists on the neighbouring properties to the south of the property, the neighbours would not be able to apply for a variance and undertake similar works as close to Nash Creek. As a means to protect views and privacy of neighbouring properties, the neighbours had suggested at the January 26, 2016, Board meeting, that the applicant curve the retaining wall setback from 10.0 metres at the north end of the property to 15.0 metres at the south end of the property. The curve in the retaining wall would situate it further away from neighbouring properties that would not be able to build so close to Nash Creek due to the existence of the side-channel on those parcels.

The applicant’s proposal curves the southern portion of the retaining wall to the 15.0 metres setback at the southern end of the property to address the concerns previously raised regarding the relationship of the proposed wall to the neighbouring property. As the application does not involve side yard setback variances, the retaining wall and yard space will need to be gradually decreased to natural grade at the side property line to further reduce the impact of the variance. Property owners to the north, where the retaining wall is at 10.0 metres from Nash Creek, would have the ability to ask for a similar variance to put in a retaining wall and yard space if desired. The proposal would also be consistent with the original variance justification to provide sufficient room between the house and the Island Highway for vehicle maneuvering and septic disposal, and provide room behind the house for a small yard.

Given that the applicant has provided sufficient rationale to support a variance for the retaining wall and has attempted to address concerns raised previously regarding the design of the retaining wall, the applicant has made reasonable efforts to address Policy B1.5 Development Variance Permit, Development Permit with Variance & Floodplain Exemption Application Evaluation guidelines for the evaluation of development variance permit applications.

Environmental Implications

The applicant has previously submitted a riparian area regulations assessment report prepared by Toth and Associates Environmental Services, dated November 3, 2015, for Development Permit with Variance No. PL2015-148 to satisfy the requirements of both the Environmentally Sensitive Features and Fish Habitat Protection Development Permit Areas. The report confirms the 10.0 metre Streamside Protection and Enhancement Area, and includes an assessment of the retaining wall.

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.

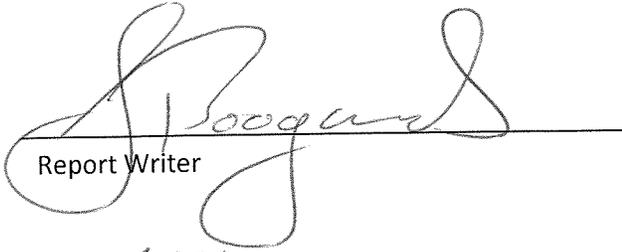
PUBLIC CONSULTATION IMPLICATIONS

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 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the application.

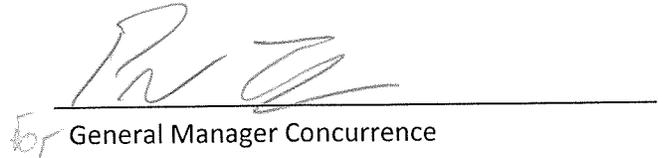
SUMMARY/CONCLUSIONS

The RDN Board previously approved Development Permit with Variance No. PL2015-148 on the subject property on January 28, 2016, which included variances for the height of the dwelling and a footbridge across Nash Creek. However, a variance requested for a retaining wall to support a small yard area within the Nash Creek setback was not approved. The Board decision reflected concerns raised through notification, including potential impacts on views, privacy, runoff and lighting.

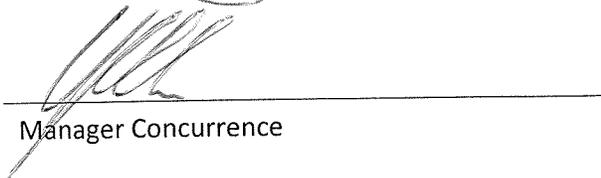
To address the neighbours' concerns, the applicant has changed the design for the proposed retaining wall so that the southern portion of the wall will curve to the 15.0 metre setback for Nash Creek, instead of at 10.0 metres as requested under Development Permit with Variance PL2015-148. Further, the retaining wall will gradually transition to natural grade in the side yard, as the retaining wall is not permitted in the side yard setback. Given the applicant has provided sufficient justification and has reduced the requested variance to address neighbour's concerns, staff recommends the approval of the variance pending the outcome of public notification.



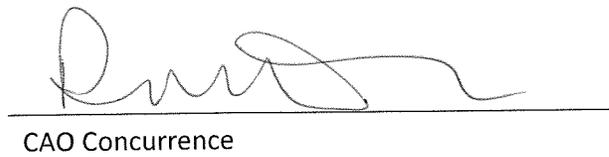
Report Writer



For General Manager Concurrence

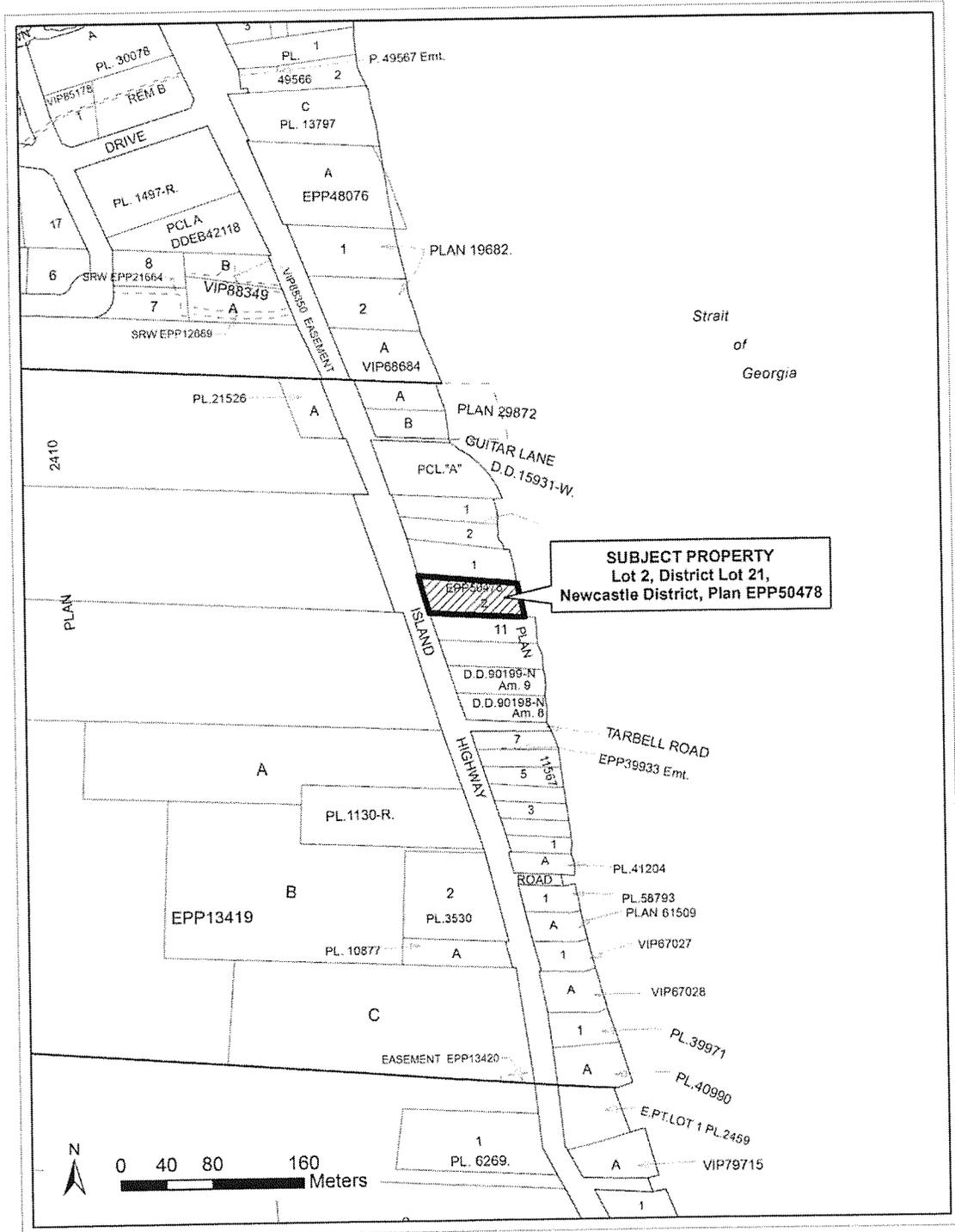


Manager Concurrence



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. PL2016-091:

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 3.3.8 – Watercourses, excluding the sea to reduce the minimum setback from the watercourse, as measured from natural boundary, from 15.0 metres to 10.0 metres for a retaining wall, as shown on the site plan.

Conditions of Approval

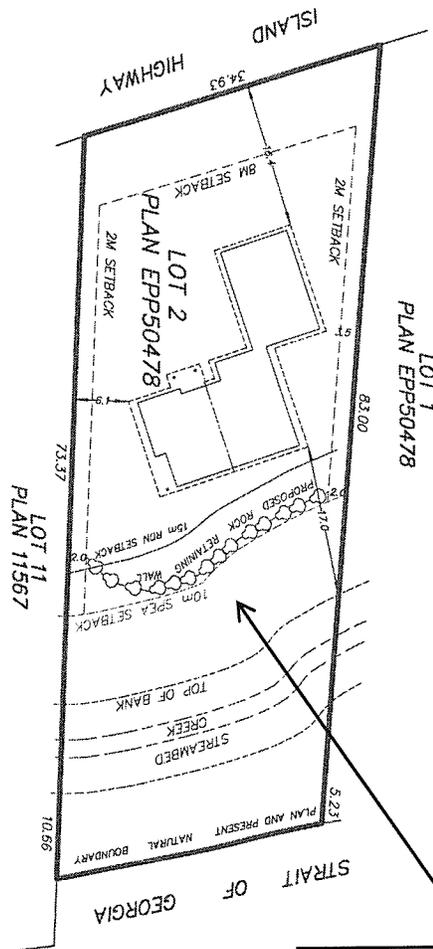
1. The site is developed in accordance with the Site Plan prepared by Sims Associates, dated May 19, 2016 and attached as Attachment 3.
2. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3 Proposed Site Plan and Variances

PLAN OF LOT 2, DISTRICT LOT 21, NEWCASTLE DISTRICT, PLAN EPP50478
SHOWING PROPOSED RETAINING WALL LOCATION THEREON
FOR DEVELOPMENT VARIANCE PERMIT APPLICATION

SCALE 1:500

All distances are in metres
For building inspection only
As per building plans dated 09-20-2015
Jurisdiction: Regional District of Nanaimo
PID No: 029-597-994

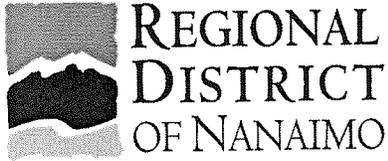


LEGEND
--- DENOTES OVERHANGS.

Inspected this 19th day of May, 2016.

Proposed variance to decrease the Watercourse setback from 15.0 m to 10.0 m, as shown on site plan.

SIMS ASSOCIATES
LAND SURVEYING LTD.
223 FERRY ROAD W.
QUAILCUM BEACH, B.C. V9K 1S4
PHONE: 250-752-9121
FAX: 250-752-9241
FILE NUMBER: 15-168-BL
DRAWING FILE: 15-168-BL.dwg



RDN REPORT		
CAO APPROVAL		AK
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
JUN 06 2016		
HRB	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: June 1, 2016

FROM: Kelsey Chandler
Planning Technician

MEETING: EAPC – June 14, 2016

FILE: PL2016-054

SUBJECT: Development Permit with Variance Application No. PL2016-054
Lot 1, District Lot 28, Nanoose District, Plan 33977
1675 Admiral Tryon Boulevard – Electoral Area ‘G’

RECOMMENDATIONS

1. That Development Permit with Variance No. PL2016-054 to permit the construction of a riprap revetment on the subject property 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 permit with variance to reduce the setback to the sea, to the other lot line, and to the interior side lot lines to permit the construction of a riprap revetment on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Ryan Christie of Parksville Heavy Equipment on behalf of Stewart and Lily Peddemors to permit the construction of a riprap revetment on the subject property. The subject property is approximately 0.1 hectare in area and is zoned Residential 1 (RS1), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is bordered by Admiral Tryon Boulevard to the southwest, a sliver of Crown Land and the Strait of Georgia to the northeast, a RS1 zoned parcel to the east, and a Ministry of Transportation and Infrastructure right-of-way to the west (see Attachment 1 – Subject Property Map).

The property contains an existing dwelling unit and is serviced by community sewer and water. The proposed development is subject to the Environmentally Sensitive Features – Coast Development Permit Area (DPA) per the “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”.

Proposed Development and Variances

The applicants propose to remove an existing riprap type revetment that was constructed without required approvals from the Province and the RDN by the previous property owners on Crown Land within the Parksville Qualicum Beach Wildlife Management Area, and to replace it with an engineered riprap revetment parallel to the titled natural boundary of the subject property to protect from tidal erosion (see Attachment 3 – Proposed Site Plan and Variances). The riprap revetment is proposed to be constructed of a matrix of riprap material and infill gravels, and will remove the 53 m³ of existing non-engineered riprap rock and reinstate it with an engineered design (see Attachment 4 – Riprap Revetment Design). As the proposed riprap revetment constitutes a structure, the applicant's proposal is to vary the required setbacks for buildings and structures in relation to the sea and to property lines from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" as follows:

- **Section 3.3 9 a) ii) – Setbacks – Sea** to reduce the minimum setback requirement from the present natural boundary of the Strait of Georgia from 8.0 metres to 1.7 metres for the construction of a riprap revetment at the titled natural boundary of the subject property.
- **Section 3.4.61 – Minimum Setback Requirements – Other Lot Line** to reduce the minimum setback requirement from the exterior side lot line common to unregistered Crown Land from 5.0 metres to 0.0 metres for the construction of a riprap revetment at the titled natural boundary of the subject property.
- **Section 3.4.61 – Minimum Setback Requirements – Interior Side Lot Line** to reduce the minimum setback requirement from the interior side lot line from 2.0 metres to 0.0 metres for the construction of a riprap revetment.

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2016-054 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Permit with Variance No. PL2016-054.

LAND USE IMPLICATIONS

Development Implications

In accordance with *Board Policy B1.9 Retaining Walls – Marine* (Board Policy B1.9), the applicant has submitted a Geotechnical Site Observations – Foreshore Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. and dated February 29, 2016, in support of the development permit with variance application. The report mentions that the property currently has a riprap type revetment that is encroaching onto Crown Land and will need to be removed. Furthermore, the assessment identifies that the foreshore erosion has the potential to undermine the surficial soils on the property and damage the integrity of the foreshore slope if left unprotected. The assessment recommends that all transitions to neighbouring properties should be done at an angle no greater than 45 degrees to prevent eddying (see Attachment 3 – Proposed Site Plan and Variances). There is a neighbouring revetment that was constructed on Crown Land without permit or authorization, and the neighbouring property owner has

been advised by the Province that they are required to move their revetment upland of the titled natural boundary. The applicant is aware that when the neighbouring property replaces their revetment, the applicant will be required to remove the temporary transition and bring their revetment in alignment with that of the neighbouring property.

The geotechnical assessment includes a schematic, sealed by a professional geotechnical engineer, illustrating the proposed riprap revetment having a height of approximately 2.0 metres above natural grade (see Attachment 4 – Riprap Revetment Design). As the proposed riprap revetment is greater than 1.0 metre in height and retains more than 1.0 metre of soil and thus considered a structure, variances are required to the setbacks to the sea, to the other lot line, and to the interior lot line. Board Policy B1.9 states that marine retaining walls should be less than 1.0 metre in height unless otherwise recommended by a professional engineer. In addition, *Board Policy B1.5 Development Variance Permit, Development Permit with Variance & Floodplain Exemption Application Evaluation* (Board Policy B1.5) for evaluation of variance applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board's consideration of a variance proposal. The engineer's assessment highlights the risk of foreshore erosion and recommends a riprap revetment up to 2.0 metres in height to mitigate the impact of future erosion. Therefore, staff considers the recommendations of the engineer sufficient rationale to satisfy both Board Policy B1.5 and Board Policy B1.9.

The subject property is identified as being partially in an area of significant archeological potential. As such, the applicant has submitted an Archeological Overview Assessment, prepared by Ursus Heritage Consulting Ltd. and dated April 5, 2016. The assessment concludes that due to the absence of observed archaeological materials on the subject property and the location of the proposed development in relation to known archaeological sites, no further archeological considerations are required beyond notifying machine operators and developers of the potential for undiscovered archaeological material and their responsibilities under the *Heritage Conservation Act* (see Attachment 2 – Terms and Conditions of Permit).

Staff have reviewed the applicant's request for variances to permit the construction of a riprap revetment 2.0 metres in height on the subject property and do not anticipate any negative land-use impacts. If Development Permit with Variance No. PL2016-054 is approved, the property owner will be required to obtain the necessary permits in accordance with RDN Building Regulations.

Environmental Implications

To address the DPA guidelines, the applicant has submitted a Construction Environmental Management Plan, prepared by D.R. Clough Consulting and dated January 18, 2016. The report recommends a work schedule and construction guidelines to reduce impacts on the foreshore. Staff recommend that the applicant be required to follow the recommendations of the plan, with specific emphasis that the works shall only be completed during Fisheries and Oceans Canada's periods of least risk from June 1 to September 1 or from December 1 to February 1 (see Attachment 2 – Terms and Conditions of Permit).

The DPA guidelines support 'soft' approaches (such as vegetation enhancement, anchor trees, and biotechnical measures) over 'hard' approaches (such as seawalls and riprap) for shoreline stabilization, unless otherwise recommended by a professional engineer. In accordance with recommendations made in the Geotechnical Site Observations – Foreshore Hazard Assessment prepared by Lewkowich

Engineering Associates Ltd. and dated February 29, 2016, the riprap revetment will include planting of native species and other soft approaches to enhance the revegetation of the foreshore. The report recommends that these measures be consistent with 'Green Shores' and 'Develop With Care' principles, which are intended to mimic natural shoreline processes and use soft approaches to minimize the impact on the environment and neighbouring properties. The proposal uses a combination of approaches to 'soften' the riprap with the infill of sand and gravel and the planting of native sea grasses.

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.

INTER-GOVERNMENTAL IMPLICATIONS

The application was referred to the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO). The MFLNRO has confirmed that the coastline is within the Parksville-Qualicum Beach Wildlife Management Area, that 53 m³ of rock of the existing riprap type revetment is in trespass on Crown Land, and that the replacement riprap revetment must be installed upland of the titled natural boundary. Moreover, if any development activities are to occur on Crown Land, including the operation of machinery, the applicant is required to obtain a General Wildlife Permit from the MFLNRO (see Attachment 2 – Terms and Conditions of Permit). The MFLNRO has also advised that the applicants follow the Construction Environmental Management Plan developed for the project by D.R. Clough Consulting and dated January 18, 2016, and has recommended that an Environmental Monitor oversee the work.

The application has also been referred to the Archeological Branch of the MFLNRO. The Archeological Branch has advised that they do not have any concerns with the proposal and that a Heritage Alternation Permit is not required. In addition, Qualicum First Nation has been made aware of the development proposal.

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 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variances prior to the Board's consideration of the application.

SUMMARY/CONCLUSIONS

This is an application for a development permit with variance to permit the construction of a riprap revetment on the subject property. The applicant has submitted a site plan, a geotechnical assessment, an archaeological assessment, and an environmental management plan in support of the application. In staff's opinion, this proposal is consistent with the guidelines of the Environmentally Sensitive Features – Coast DPA per the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" and *Board Policy B1.9 Retaining Walls – Marine*. Staff have reviewed the request for variances and do not anticipate any view implications or other negative impacts for neighbouring properties. As stated in the geotechnical assessment, the proposed redesigned riprap revetment would provide the subject property with some protection from increased tidal levels and storm frequency due to the predicted effects of climate change. As such, staff recommend approval of the Development Permit with Variance pending the outcome of public consultation.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2016-054:

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:

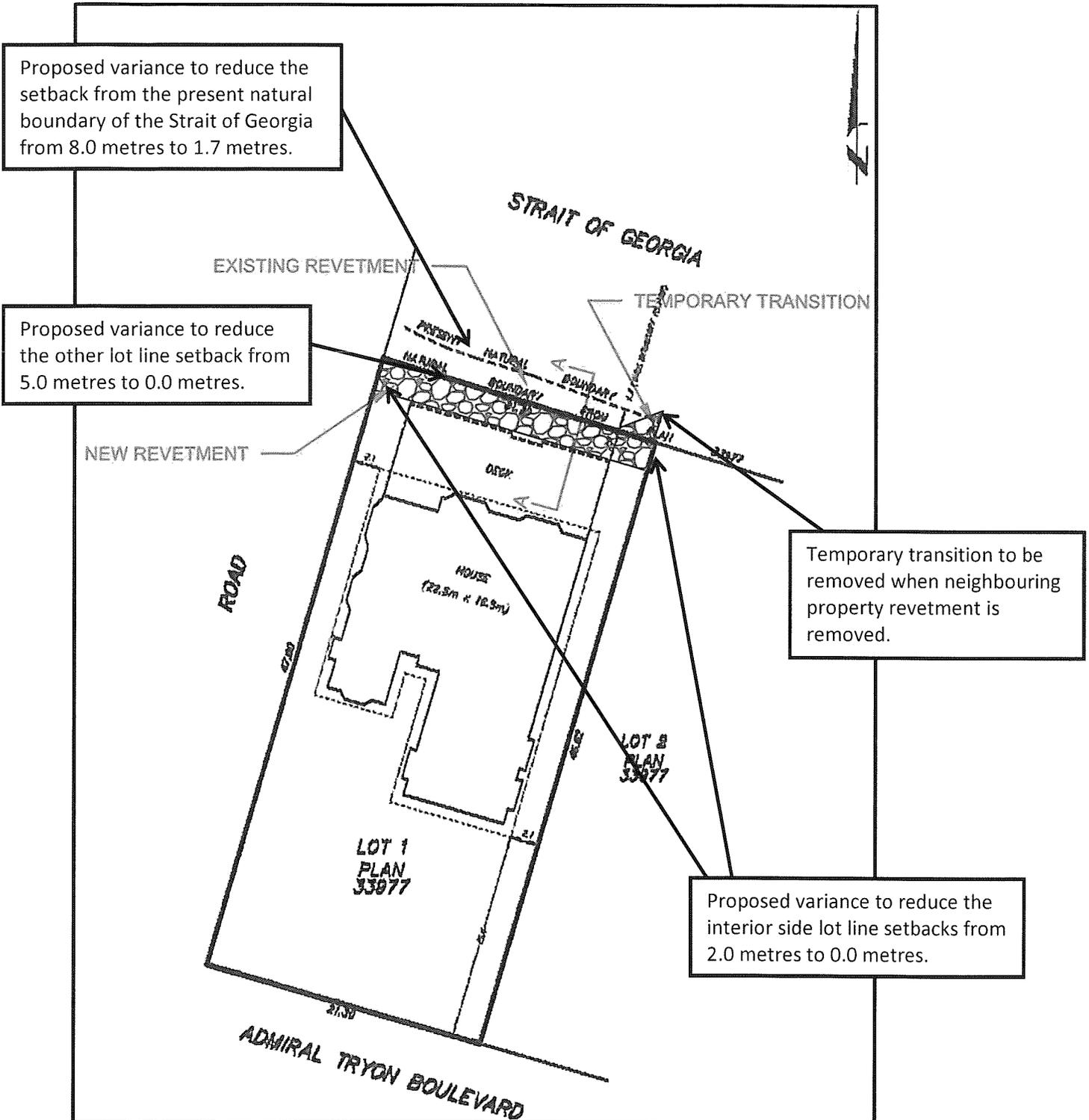
- **Section 3.3 9 a) ii) – Setbacks – Sea** to reduce the minimum setback requirement from the present natural boundary of the Strait of Georgia from 8.0 metres to 1.7 metres for the construction of a riprap revetment at the titled natural boundary of the subject property.
- **Section 3.4.61 – Minimum Setback Requirements – Other Lot Line** to reduce the minimum setback requirement from the exterior side lot line common to unregistered Crown Land from 5.0 metres to 0.0 metres for the construction of a riprap revetment.
- **Section 3.4.61 – Minimum Setback Requirements – Interior Side Lot Line** to reduce the minimum setback requirement from the interior side lot line from 2.0 metres to 0.0 metres for the construction of a riprap revetment.

Conditions of Approval:

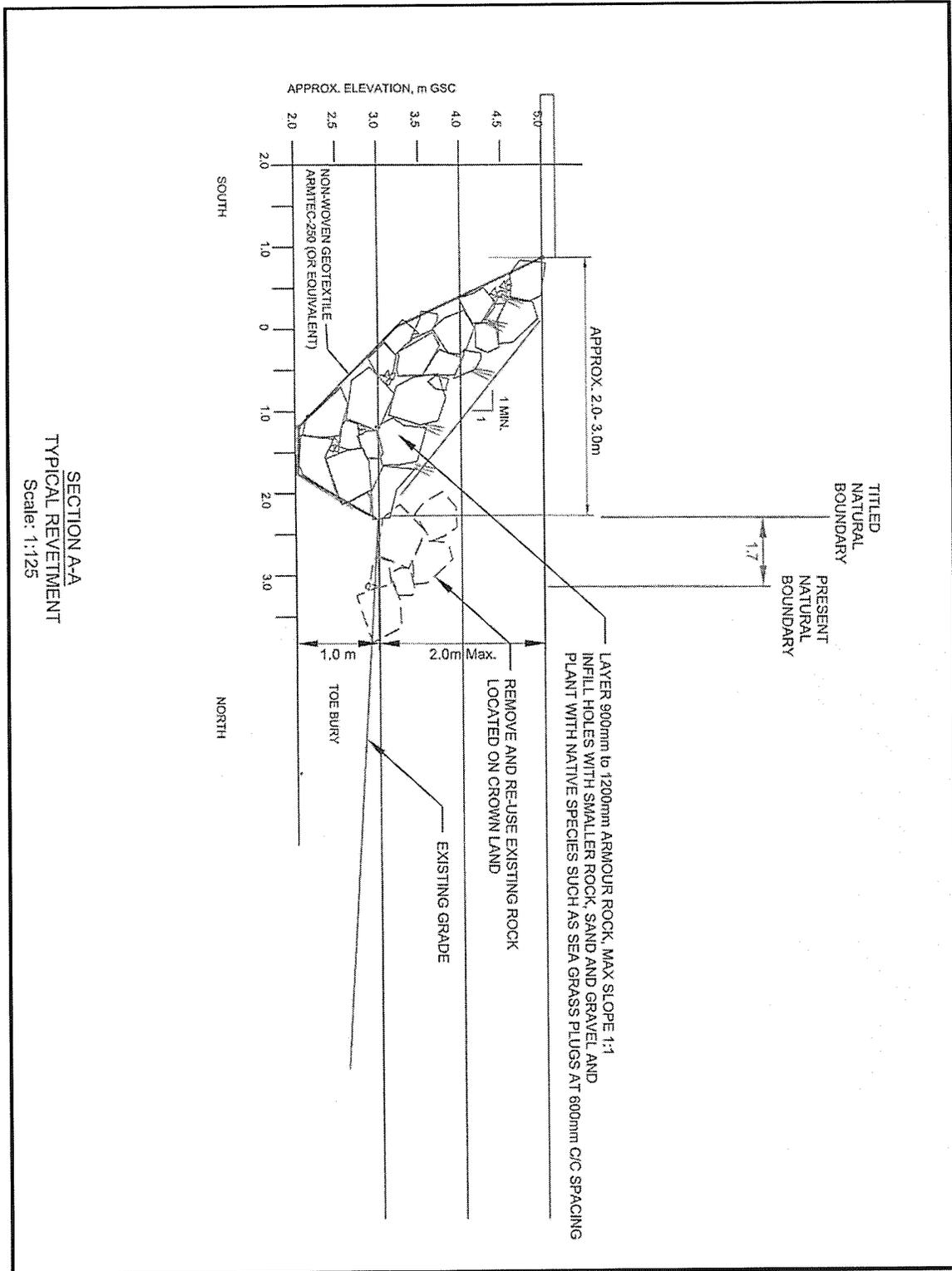
1. The site shall be developed in accordance with the site plan and riprap revetment elevation drawing prepared by Lewkowich Engineering Associates Ltd., dated March 2, 2016 and attached as Attachment 3 (Proposed Site Plan and Variances) and Attachment 4 (Riprap Revetment Design).
2. The riprap revetment will adhere to the following requirements:
 - a. All works are to be upland of the titled natural boundary identified on Plan 33977.
 - b. The proposed riprap revetment is to tie into but not extend beyond existing neighbouring revetments.
 - c. The temporary transitions located below the titled boundary of the subject property will be removed once the neighbouring revetment is no longer below the titled boundary of the neighbouring property.
3. The riprap revetment and associated development shall be constructed in accordance with the Geotechnical Site Observations – Foreshore Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated February 29, 2016.
4. The riprap revetment and all associated works shall be completed in accordance with the recommendations contained in the Construction Environmental Management Plan prepared by D.R. Clough Consulting, dated January 18, 2016.

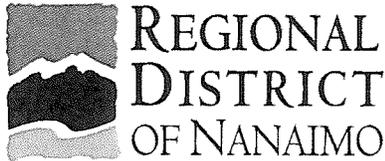
5. The applicant shall obtain a General Wildlife Permit from the Ministry of Forests, Lands and Natural Resource Operations if any development activities are to occur on Crown Land, including the operation of machinery.
6. The riprap revetment and any associated development shall only be undertaken during Fisheries and Oceans Canada's periods of least risk from June 1 to September 1 or December 1 to February 1.
7. Development activity is to adhere to the recommendations outlined in the Archaeological Overview Assessment prepared by Ursus Heritage Consulting Ltd. and dated April 5, 2016. As stated in the report, all machine operators and developers are to be notified of the potential for undiscovered archaeological remains and informed that:
 - a. archaeological resources are protected under the *Heritage Conservation Act*; and
 - b. any development activities in the vicinity of archeological remains are to be halted so as not to threaten those remains, and the BC Archaeology Branch and appropriate First Nations are to be notified immediately of any potential remains.
8. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.
9. Upon completion of the riprap revetment, a British Columbia Land Surveyor is to confirm, at the applicant's expense, that the revetment is located upland of the titled natural boundary identified on Plan 33977. The applicant must provide an updated post-construction survey to the Regional District of Nanaimo Planning Department.

Attachment 3
Proposed Site Plan and Variances



Attachment 4 Riprap Revetment Design





RDN REPORT	
CAO APPROVAL	<i>[Signature]</i>
EAP	✓
COW	
JUN 07 2016	
RHD	
BOARD	

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: June 1, 2016

FROM: Kelsey Chandler
Planning Technician

MEETING: EAPC June 14, 2016

FILE: PL2016-063

SUBJECT: Development Variance Permit Application No. PL2016-063
Parcel A (DD 383440I), of Lot 2, Section 11, Range 5, Cedar District, Plan 14952
2140 Pauls Road – Electoral Area 'A'

RECOMMENDATIONS

1. That Development Variance Permit No. PL2016-063 to reduce the minimum setbacks from a watercourse from 18.0 metres to 5.5 metres to permit the legalization of the siting and additions to the existing dwelling unit on the subject property 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 variance permit to reduce the minimum setback from a watercourse from 18.0 metres to 5.5 metres to permit the legalization of the siting and additions to the existing dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from John Jessup and Alison Millward to permit the renovation of an existing dwelling unit on the subject property. The subject property is approximately 0.4 hectares in area and is zoned Residential 2 Zone (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is located to the east of Pauls Road and to the west of Boat Harbour, and is bound by RS2 zoned properties to the north and south (see Attachment 1 – Subject Property Map).

The property contains an existing dwelling unit that was built in 1967, as well as a detached shop along the southern interior lot line. There is a man-made drainage channel that extends along the northern interior property line from beyond the titled natural boundary to approximately the edge of the existing dwelling unit. The channel is buried underground for a distance and resurfaces above ground to the northwest of the dwelling unit, then continues in a northwesterly direction to the front property line at Pauls Road (see Attachment 3 – Proposed Site Plan and Variances).

Proposed Development and Variance

The proposed development includes the legalization of the existing dwelling unit within the 18.0 metre watercourse setback area, and the addition of a deck, a mudroom, a dormer, and a new roof to the existing dwelling unit. The applicants propose to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.3.8 a) – Setbacks – Watercourses, excluding the Sea** to reduce the minimum setback from a watercourse from 18.0 metres to 5.5 metres to permit the legalization of the siting and additions to the existing dwelling unit on the subject property.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2016-063 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Variance Permit No. PL2016-063.

LAND USE IMPLICATIONS

Development Implications

Staff have reviewed the applicants’ variance request to reduce the minimum setback from the watercourse from 18.0 metres to 5.5 metres to permit the legalization of the siting and additions to the existing dwelling unit on the subject property. Staff do not note any negative land use implications that would be associated with the approval of Development Variance Permit No. PL2016-063.

The applicants have provided a Watercourse Assessment conducted by EDI Environmental Dynamics Inc. on September 24, 2014, which indicates that, while the man-made drainage channel is not considered a stream under the Provincial Riparian Area Regulations, it does meet the definition of a watercourse as per “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The applicants have indicated in their letter of submission that the existing dwelling unit was built in approximately 1967, prior to the establishment of RDN building inspection or bylaws requiring minimum setbacks to watercourses. The new proposed deck, mudroom, dormer, and roof additions will not protrude any closer to the watercourse than the existing dwelling unit is already sited, and the additions will comply with all other required lot line 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). Additionally, the applicant has provided a letter of support from their immediate neighbours located to the south at 2154 Pauls Road.

Given the location of the existing dwelling unit, that the proposed additions will not protrude any closer to the watercourse, and that the variances being requested are unlikely to result in negative view implications for adjacent properties, it is staff’s 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 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board’s consideration of the application.

SUMMARY/CONCLUSIONS

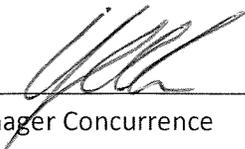
The applicants are requesting a reduction in the minimum required setback from a watercourse from 18.0 metres to 5.5 metres to permit the legalization of the siting and additions to the existing dwelling unit on the subject property. Given the location of the existing dwelling unit, that the proposed additions will not protrude any closer to the watercourse, and that no negative view implications for adjacent properties 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

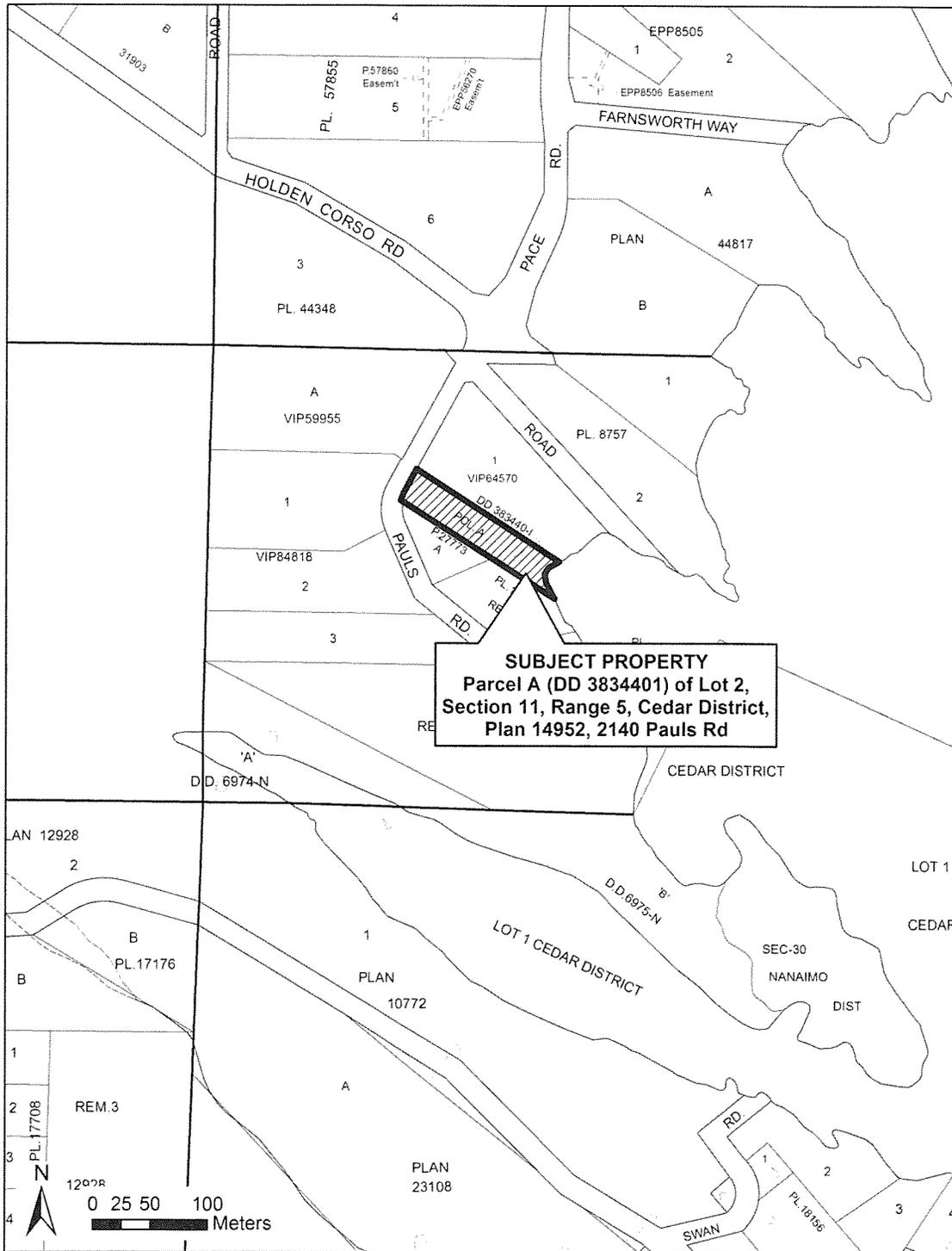


Manager Concurrence



CAO Concurrence

**Attachment 1
Subject Property Map**



Attachment 2 Terms and Conditions

The following sets out the terms and conditions of Development Variance Permit No. PL2016-063:

Bylaw No. 500, 1987 Variances:

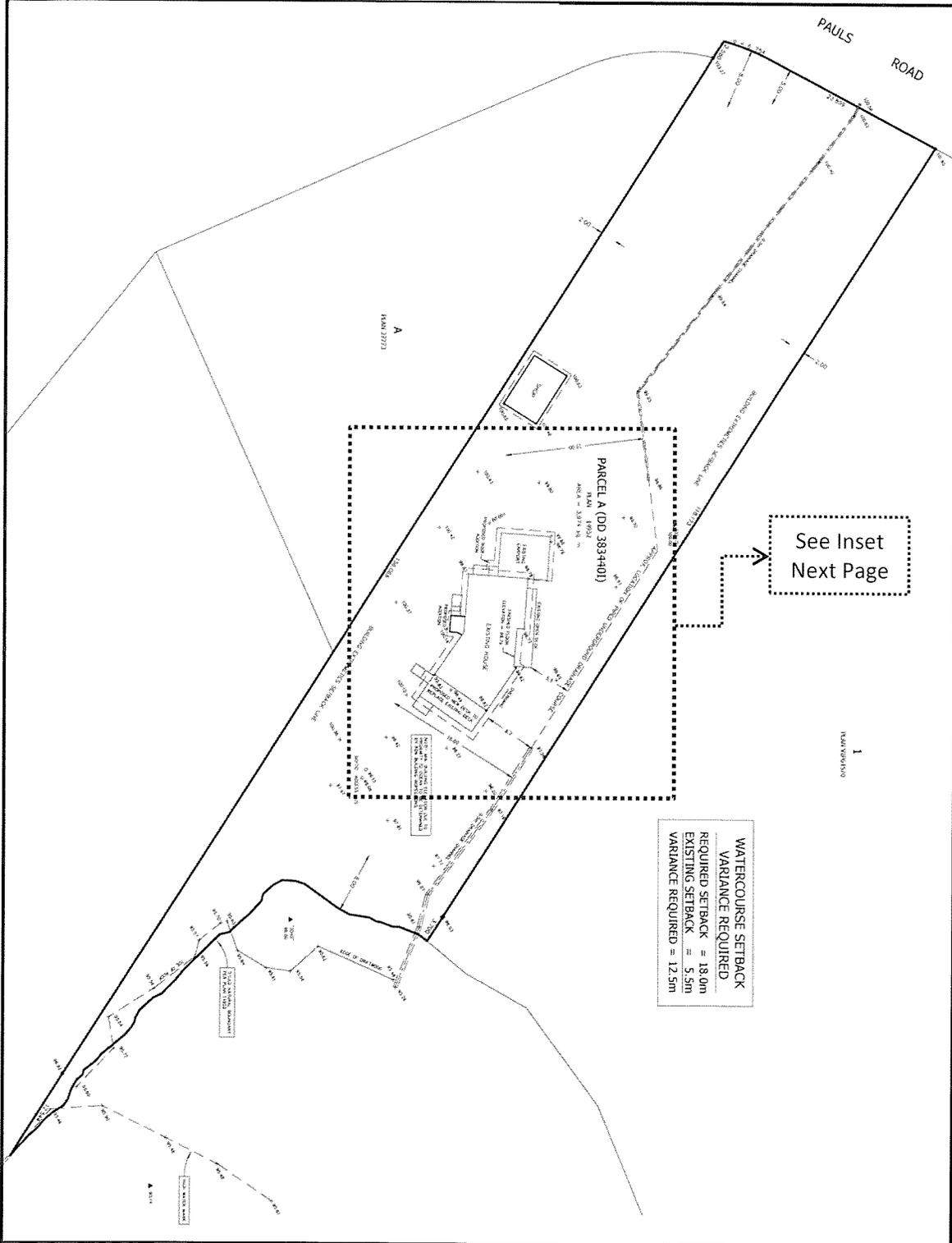
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

Section 3.3.8 a) – Setbacks – Watercourses, excluding the Sea to reduce the minimum setback from a watercourse from 18.0 metres to 5.5 metres to permit the legalization of the siting and additions to the existing dwelling unit on the subject property.

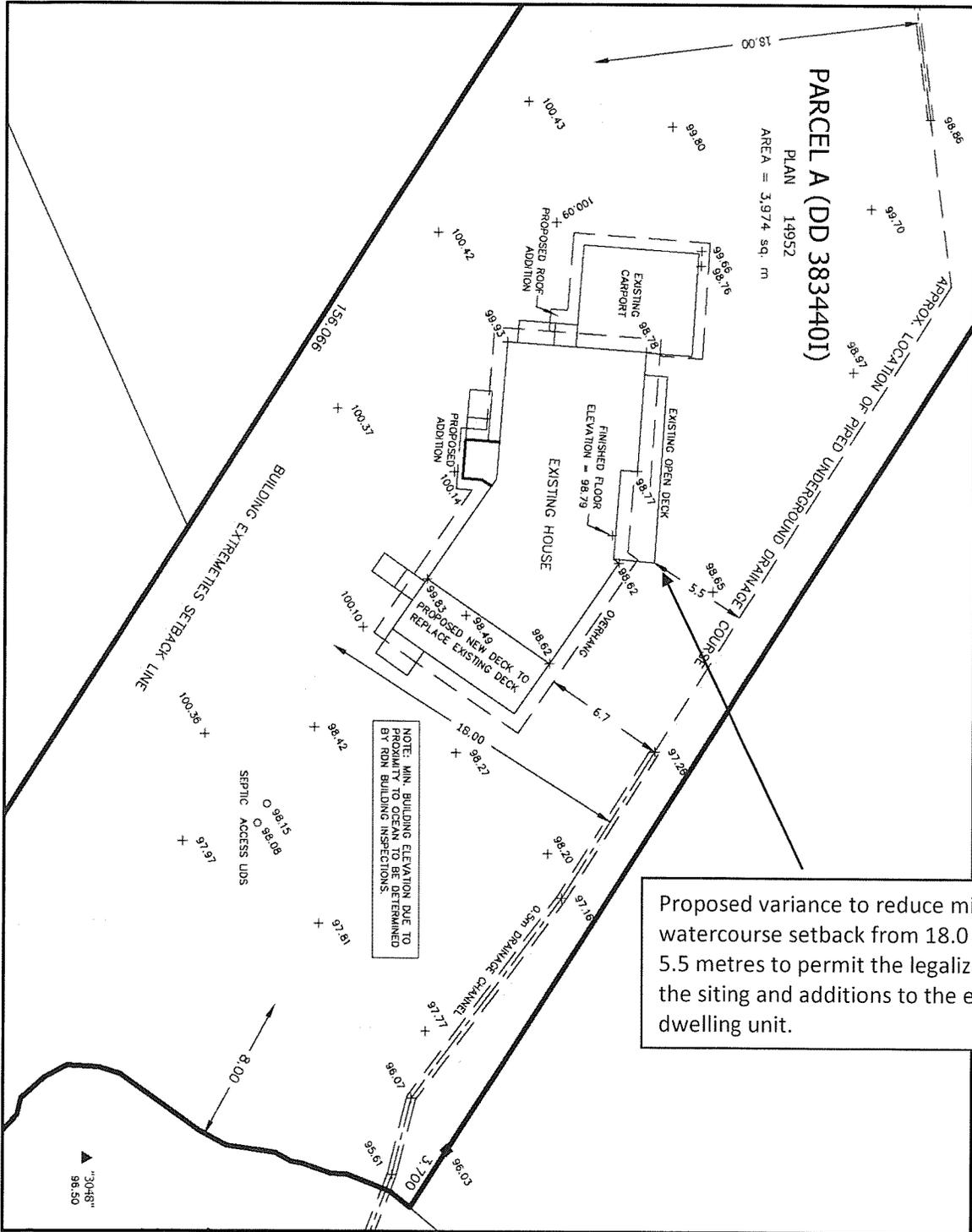
Conditions of Approval:

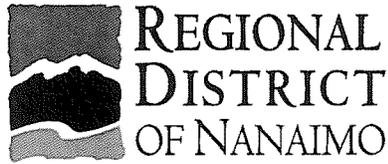
1. The site is developed in accordance with the site plan prepared by Williamson & Associates Professional Surveyors, dated May 27, 2016 and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations prepared by Sirius Design and Drafting, dated October 2, 2015 and January 21, 2016.
3. The subject property shall be developed in accordance with the recommendations contained in the Watercourse Assessment prepared by EDI Environmental Dynamics Inc., dated September 25, 2014.
4. 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 - Inset
Page 2 of 2





RDN REPORT		
CAO APPROVAL		<i>[Signature]</i>
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
JUN 06 2016		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: June 2, 2016

FROM: Stephen Boogaards
Planner

MEETING: EAPC – June 14, 2016

FILE: PL2016-088

SUBJECT: **Development Permit with Variance Application No. PL2016-088**
Lot 5, District Lot 28, Nanoose District, Plan 33977
Manara
1701 Admiral Tryon Boulevard – Electoral Area ‘G’

RECOMMENDATIONS

1. That Development Permit with Variance Application No. PL2016-088 to permit the construction of a riprap type revetment on the subject property be approved subject to the conditions outlined in Attachments 2 to 3.
2. That staff be directed to complete the required notification.

PURPOSE

To consider an application for a development permit with variance to reduce the setback to the sea to permit the construction of a riprap type revetment on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Parksville Heavy Equipment on behalf of Dionigi and Carolyn Manara to permit the construction of a riprap form of foreshore revetment on the subject property. The subject property is approximately 866 m² in area and is zoned Residential 1 (RS1), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property contains an existing dwelling unit and attached deck. The property is located on Admiral Tryon Boulevard to the southwest and the Strait of Georgia to the northeast (see Attachment 1 – Subject Property Map).

The property is currently protected by a riprap type revetment in front of an existing concrete seawall, entirely located below the natural boundary of the sea. As the existing revetment is located on Crown land in the Parksville Qualicum Beach Wildlife Management Area, the Province requires the property owner to remove the portions of the encroaching revetment. The subject property is one of a series of properties along Admiral Tryon Boulevard with revetments below the natural boundary of the sea that the Province has required to be removed.

The proposed removal of the existing revetment and construction of the new revetment is subject to the Environmentally Sensitive Features Development Permit Area for Coastal Areas per the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008".

Proposed Development and Variance

The applicant's proposal is to remove an existing riprap revetment below the present natural boundary of the sea, and construct a new riprap revetment on the subject property. The end portions of the new riprap will temporarily transition with existing neighbouring revetments still located below the present natural boundary of the sea. In addition, buried portions of the revetment will be below the natural boundary (see Attachment 3 – Proposed Site Plan and Variances). As the proposed foreshore revetment is greater than 1.0 metre in height and retains more than 1.0 metre of earth, it is considered a structure. The applicant's proposal is to vary the required setback for buildings and structures in relation to the sea and side yard setbacks from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987"

- **Section 3.3.9 a) ii) – Setbacks – Sea** to reduce the minimum setback requirement from the natural boundary of the Strait of Georgia from 8.0 metres to 0.0 metres for the construction of a riprap foreshore revetment.
- **Section 3.4.61 – Minimum Setback Requirements – Interior side lot line** to reduce the setback from 2.0 metres to 0.0 metres.
- **Section 3.4.61 – Minimum Setback Requirements – Other lot line** to reduce the setback from 5.0 metres to 0.0 metres.

ALTERNATIVES

1. To approve Development Permit with Variance Application No. PL2016-088 subject to the conditions outlined in Attachments 2 to 3.
2. To deny Development Permit with Variance Application No. PL2016-088.

LAND USE IMPLICATIONS

Development Implications

The Ministry of Forest, Lands and Natural Resource Operations (MFLNRO) has required the property owner, and neighbouring properties, with foreshore revetments encroaching on Crown land, to remedy the trespass as soon as possible and in a safe and environmentally responsible manner. Due to this trespass, the relocation of the revetment is required. The removal of the existing revetment and construction of a new foreshore revetment is subject to the development permit area (DPA) for the protection of coastal areas and Board Policy B1.9 *Retaining Walls – Marine*.

The applicant has submitted a Geotechnical Site Observations - Foreshore Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. dated May 11, 2016, in accordance with both the development permit guidelines and Board policy. The assessment identifies that foreshore erosion has the potential to undermine surficial soils on the property and damage the integrity of the foreshore

slope if left unprotected after the removal of the existing riprap revetment. The proposed construction will replace a non-engineered riprap with an engineered design.

The geotechnical assessment includes a schematic, sealed by a professional geotechnical engineer, illustrating the proposed riprap revetment having an approximate height of 1.5 metres above natural grade (see Attachment 3 - Proposed Site Plan and Variances). Board Policy B1.9 requires the revetment to be less than 1.0 metre in height unless otherwise recommended by a professional engineer. As the proposed revetment is a structure, a variance to the setback to the sea and associated lot lines is required. Therefore, Board Policy B1.5 for the evaluation of variance applications will also apply. As the engineer's assessment confirms the risk of foreshore erosion and recommends the 1.5 metres revetment to mitigate the impact of future erosion, staff considers that the revetment would comply with both Board Policy B1.5 and B1.9.

The subject property is within an area of archeological potential. The applicant has submitted an archeological overview assessment, prepared by Ursus Heritage Consulting and dated May 5, 2016. The assessment concludes that no cultural deposits or shell middens were observed in the location of the revetment, and no further archeological studies are warranted for the proposed revetment. If any archeological remains are encountered during construction, the developer is responsible to suspend any ground disturbance and inform the Archeology Branch.

Staff have reviewed the applicant's variance request to construct a riprap revetment of 1.5 metres in height on the subject property, and do not anticipate any negative impacts as the proposal is to bring the shoreline revetment into compliance with provincial requirements and RDN policy. Currently neighbouring properties are protected by existing revetments located below the natural boundary, and will also need to relocate the revetments in the future. Only a small portion of the proposed revetment will temporarily be located below the natural boundary to connect with existing neighbouring revetments. Given that the applicant has provided sufficient rationale and the variance will not result in negative view implications for adjacent properties, staff recommends approval of the development permit with variance.

Environmental Implications

The applicant has submitted a construction environmental management plan, prepared by D.R. Clough Consulting and dated May 11, 2016, to address the requirements of the coastal development permit area. The report recommends a work schedule and construction guidelines to reduce impacts on the foreshore. Staff recommends that the applicant be required to follow the recommendations of the plan, with specific emphasis that the works shall only be completed during the Fisheries and Oceans Canada's (DFO) periods of least risk from June 1 to September 1 or December 1 to February 1.

In compliance with direction from MFLNRO and development permit guidelines, the revetment will include planting of native species to enhance the foreshore consistent with 'Green Shores' principles. Green Shores principles are intended to mimic natural shoreline processes and use soft approaches to stabilize the shoreline, such as vegetation establishment, rather than use of hard surfaces, such as seawalls and riprap, which have a greater impact on the environment and neighbouring properties. The proposal uses a combination of approaches to 'soften' the riprap with the infill of sand and gravel, and planting of native sea grasses.

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.

INTER-GOVERNMENTAL IMPLICATIONS

The MFLNRO has required numerous property owners along Admiral Tryon Boulevard with foreshore revetments within the Parksville Qualicum Beach Wildlife Management Area to relocate the foreshore revetment upland of the natural boundary. The proposed development permit with variance is intended to comply with the Province's requirement in a manner that reduces the impact on the environment and neighbouring properties. Since the construction will require motorized access within the Parksville Qualicum Wildlife Management Area below the natural boundary, the applicant has applied to the MFLNRO for a General Wildlife Act Permit concurrently with their development permit with variance application.

The DFO requires the applicant to complete a standard self-assessment process for projects near water. The property owner and agent are responsible to ensure they comply with the Fisheries Act, and are required to complete the self-assessment. The qualified environmental professional has completed the self-assessment and has advised that DFO approval is not required.

The application has also been referred to the provincial Archeology Branch. The Archeology Branch has advised that the proposed revetment should not result in the disturbance of archeological deposits and that a Heritage Alteration Permit is not required. Qualicum First Nation has also been made aware of the development proposal.

PUBLIC CONSULTATION IMPLICATIONS

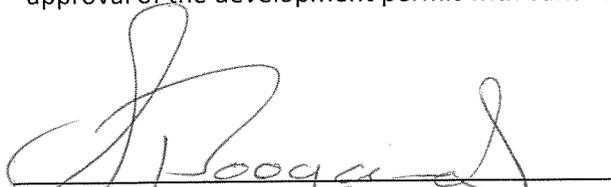
Pending the Electoral Area Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50.0 metre radius of the subject property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

SUMMARY/CONCLUSIONS

The applicant proposes to relocate a foreshore revetment currently encroaching on Crown land. The revetment is one of several revetments along Admiral Tryon Boulevard that are located below the natural boundary of the sea in the Parksville Qualicum Beach Wildlife Management Area. The Province has recently informed the property owners of the trespass, and required the removal of the revetments. The relocation of the foreshore revetment is subject to a variance for zoning setbacks and the development permit area for coastal protection.

The applicant has submitted a site plan, geotechnical assessment, environmental management plan, and an archeological assessment in support of the application. The applicant has demonstrated that the revetment is necessary for the protection of the property from erosion and the relocation will bring the revetment into compliance with provincial requirements.

In relation to the development permit area for coastal protection and Board policy for marine retaining walls, staff's opinion is that the proposed revetment will have less impact on the environment and neighbouring properties than the existing revetment. The proposal will incorporate native vegetation and sand in the design to mimic natural coastal processes. As the applicant has provided a sufficient justification and the revetment has no anticipated negative land use impact, staff recommends the approval of the development permit with variance.



Report Writer



General Manager Concurrence

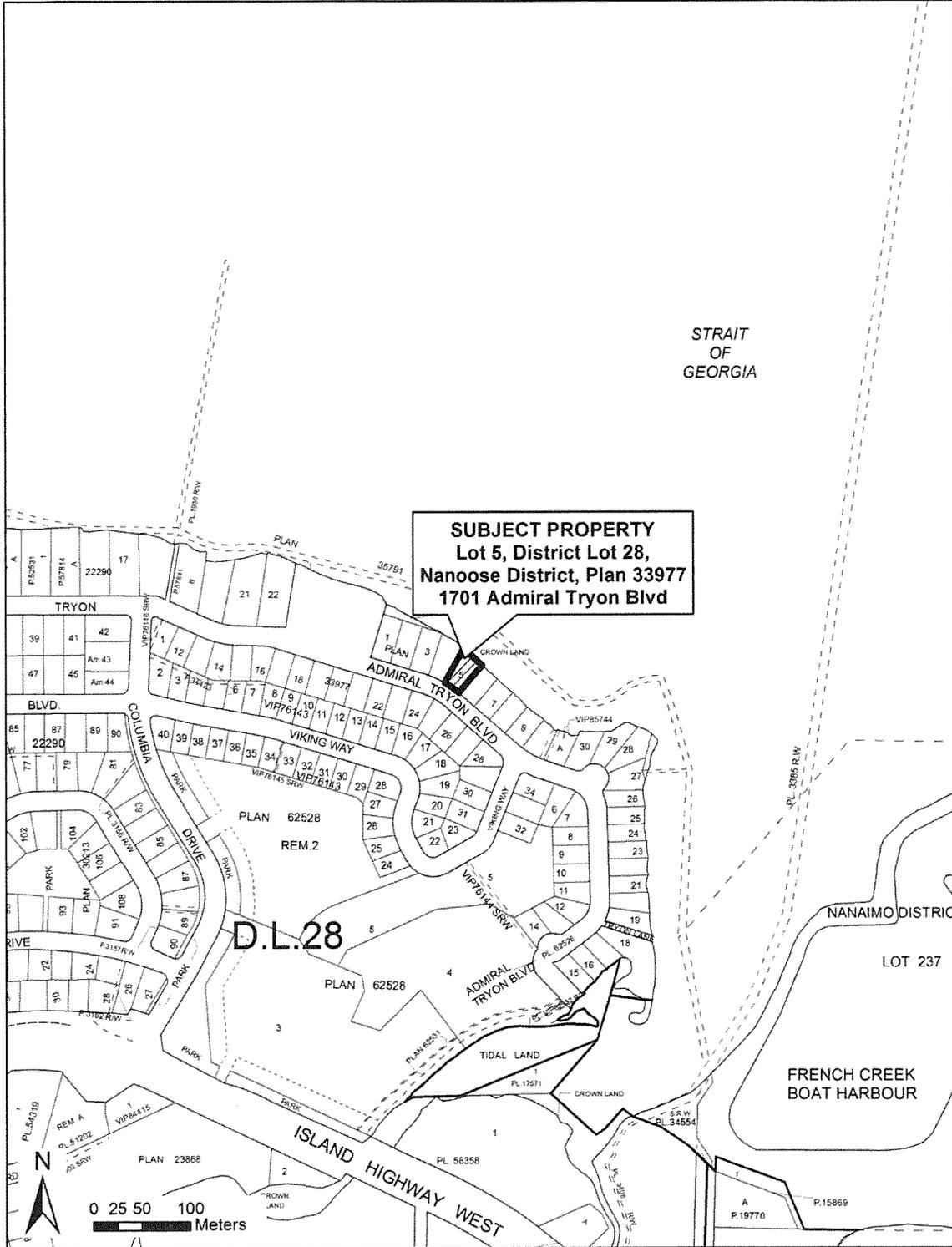


Manager Concurrence



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. PL2016-088:

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:

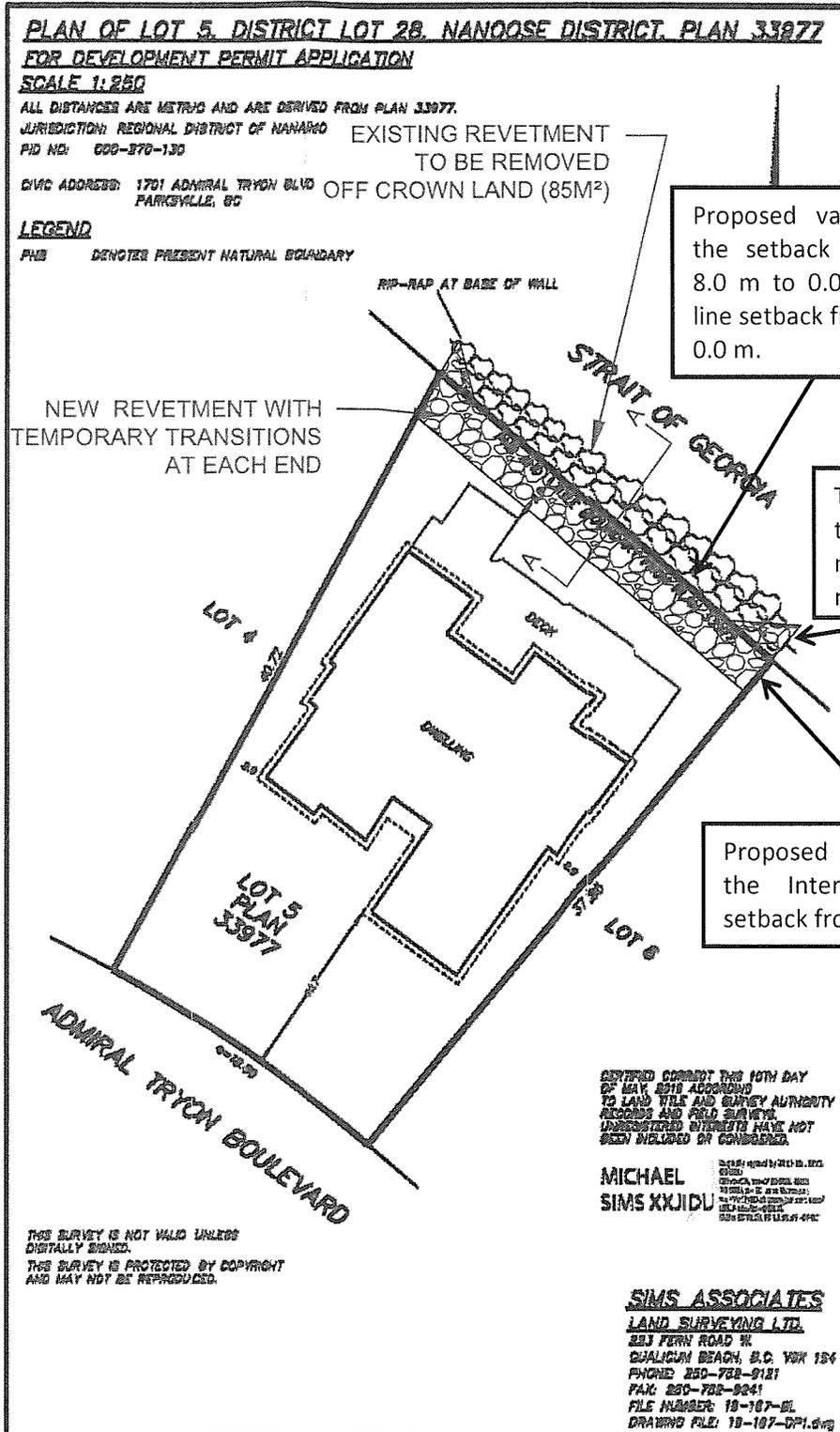
1. **Section 3.3.9 a) ii) – Setbacks – Sea** to reduce the minimum setback requirement from the natural boundary of the Strait of Georgia from 8.0 metres to 0.0 metres for the construction of a riprap foreshore revetment.
2. **Section 3.4.61 – Minimum Setback Requirements – Interior side lot line** to reduce the setback from 2.0 metres to 0.0 metres.
3. **Section 3.4.61 – Minimum Setback Requirements – Other lot line** to reduce the setback from 5.0 metres to 0.0 metres.

Conditions of Approval:

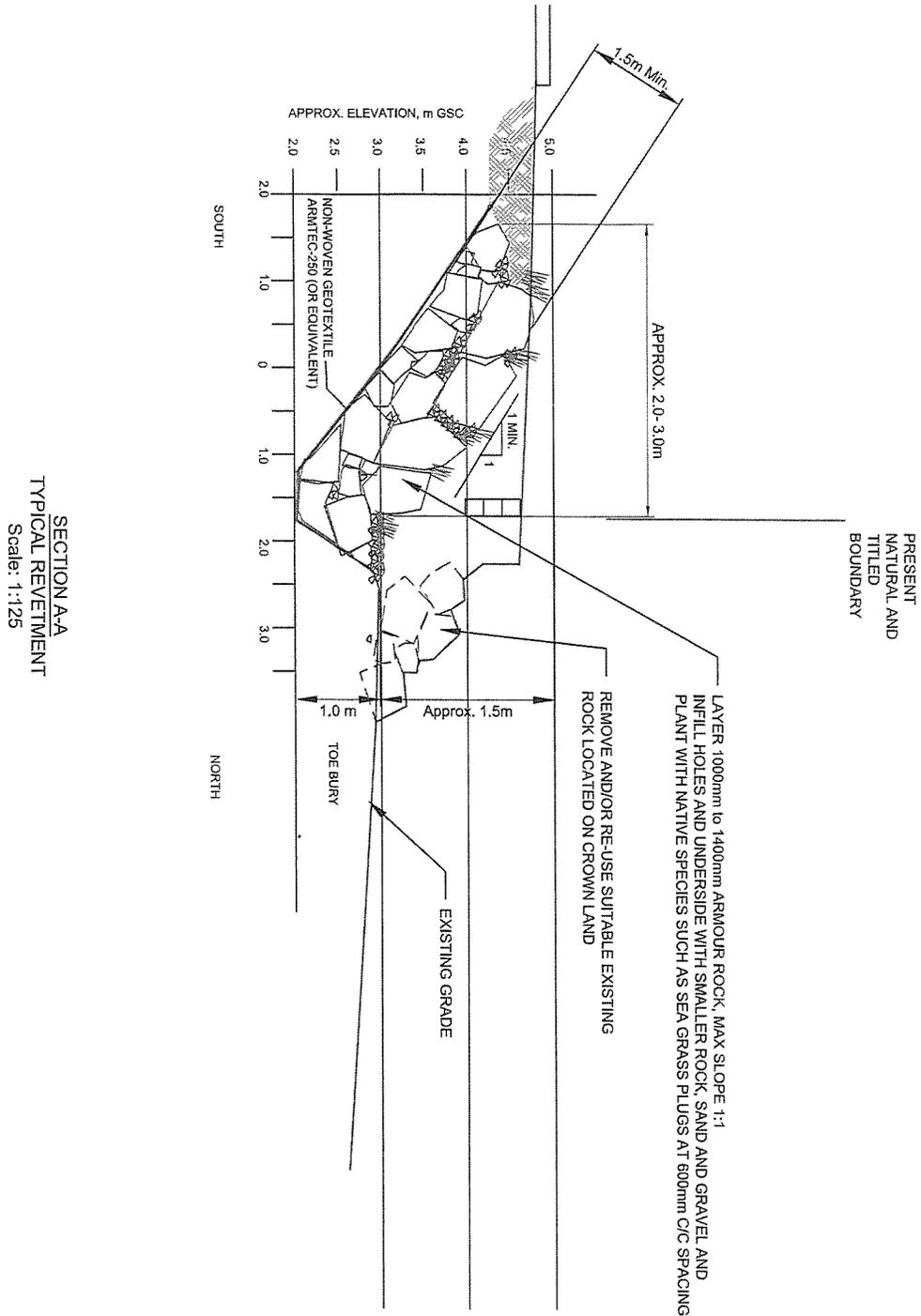
1. The site is developed in accordance with the site plan prepared by Lewkowich Engineering Associates Ltd., dated May 11, 2016 and attached as Attachment 3.
2. The foreshore revetment will adhere to the following requirements:
 - a. All works are to be upland of the natural boundary identified on Plan 33977;
 - b. The revetment is to tie into but not extend beyond existing neighbouring revetments; and
 - c. The temporary transitions below the natural boundary of the sea and below the titled boundary of the subject property will be removed once neighbouring revetments are no longer below the natural boundary of the sea.
3. The revetment shall be constructed in compliance with the Geotechnical Site Observations – Foreshore Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated May 11, 2016.
4. The revetment and all associated works shall be completed in accordance with the recommendations contained in the Construction Environmental Management Plan prepared by D.R. Clough Consulting, dated May 1, 2016.
5. The applicant shall obtain a General Wildlife Permit from the Ministry of Forests, Lands and Natural Resource Operations, if any development activities are to occur on Crown land, including the operation of machinery.
6. The proposed revetment and associated development shall only be undertaken during Fisheries and Oceans Canada's periods of least risk from June 1 to September 1 or December 1 to February 1.

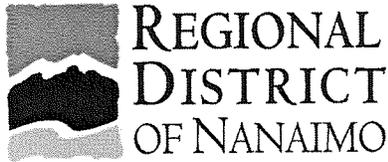
7. All machine operators and developers are to be notified of the potential for undiscovered archeological remains and that:
 - a. Archeological resources are protected under the Heritage Conservation Act; and
 - b. Any development activities in the vicinity of archeological remains are to be halted so as not to threaten those remains and the BC Archeological Branch is to be notified immediately of any potential remains.
8. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.
9. Upon completion of the revetment, a British Columbia land surveyor is to confirm, at the applicant's expense, that the revetment is located upland of the natural boundary identified on Plan 33977. The applicant must provide an updated post-construction survey to the Regional District of Nanaimo Planning department.

Attachment 3
Proposed Site Plan and Variances (Page 2 of 3)



Attachment 3
Proposed Site Plan and Variances (Page 3 of 3)





RDN REPORT		DIG
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JUN 07 2016		
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STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: June 7, 2016

FROM: Jamai Schile
Planner

MEETING: EAPC – June 14, 2016

FILE: PL2015-036

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in Relation to Subdivision Application No. PL2015-036
Lot 178, Nanoose District
2320 Kaye Road – Electoral Area ‘G’

RECOMMENDATION

That the request to relax the minimum 10% perimeter frontage requirement for the proposed remainder of Lot 178 and proposed Lot 1, in relation to Subdivision Application No. PL2015-036, be approved subject to the conditions outlined in Attachment 4.

PURPOSE

To consider an application for a request to relax the minimum 10% perimeter frontage requirement to facilitate a proposed two-lot subdivision of the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from the property owner, Ken Aarbo, to relax the minimum 10% perimeter frontage requirement in relation to a proposed two-lot subdivision. The subject property is approximately 32.4 hectares in area and is zoned Resource Management 1 (RM1), Subdivision District ‘B’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, (see Attachment 1 – Subject Property Map).

At the May 24, 2016, regularly scheduled meeting of the Board the following resolution was passed:

MOVED Director Stanhope, SECONDED Director Young, that the request to relax the minimum 10% perimeter frontage requirement for the proposed remainder of Lot 178 and proposed Lot 1, in relation to Subdivision Application No. PL2015-036, be referred back to staff to consider neighbourhood concerns and the potential to address access issues.

Proposed Development

The applicant proposes to create a new 8.1 hectares parcel and a 24.3 hectares remainder parcel through subdivision. Due to the configuration of the proposed lots, the applicant requires a frontage relaxation to accommodate subdivision, (see Attachment 2 - Proposed Plan of Subdivision and Attachment 3 – Proposed Frontage).

Minimum 10% Perimeter Frontage Requirement

The proposed remainder of Lot 178 and the proposed Lot 1 do not meet the minimum 10% perimeter frontage requirement pursuant to Section 512 of the *Local Government Act*. Therefore, approval of the Board is required to allow exemption from the requirements of Section 512. The applicant has requested approval from the RDN Board to reduce the frontage requirement as follows:

Lot	Proposed Lot Perimeter	Required Frontage (10%)	Total Proposed Frontage	Approximate % of Perimeter
Lot 178	2080 m	208 m	107 m	5.1%
Lot 1	1183 m	118.3 m	11.0 m	0.9%

ALTERNATIVES

1. To approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed remainder of Lot 178 and Lot 1 as shown on Attachments 2 to 4.
2. To deny the request for relaxation of the minimum 10% perimeter frontage requirement.

LAND USE IMPLICATIONS**Development Implications**

Further to the Board's direction at its meeting of May 24, 2016, staff have considered technical aspects of the proposed frontage relaxation in relation to neighbourhood concerns. The existing parcel has legal frontage and access on Kaye Road and Stone Fly Close, which currently terminate at the subject property boundary without a cul-de-sac turn around. Although no extension of public road is proposed through this subdivision application, further road dedication to extend Stone Fly Close could provide additional frontage for proposed Lot 1, thereby reducing the extent of the requested frontage relaxation. However, the Ministry of Transportation and Infrastructure (MOTI) has confirmed that the proposed 11.0 metre frontage on Stone Fly Close would provide sufficient frontage to accommodate a driveway access to new Lot 1 without the need to extend public road, (see Attachment 3 - Proposed Frontage). The MOTI has also advised that the two existing driveway access points, Kaye Road and Stone Fly Close, will continue to provide sufficient driveway access to the remainder parcel without the need for additional road dedication. Thus, increasing the amount of road dedication as a means to reduce the extent of the requested frontage relaxation is not warranted or recommended to support the proposed two lot subdivision. The MOTI further anticipates that the proposed two-lot subdivision would not generate enough traffic to negatively impact public safety.

Uses permitted on the subject property in the Resource Management 1 (RM1) zone include: Agriculture, Aquaculture, Extraction Use, Home Based Business, Log Storage and Sorting Yard, Primary Processing, Residential Use and Silviculture. These uses and the required 8.0 hectare minimum parcel size that applies to the subject property are consistent with policies of the applicable Rural Residential 3 land use designation in the Electoral Area 'G' Official Community Plan. While the uses permitted on the adjacent Englishman River Comprehensive Development (CD14) zoned parcels to the north, east and west are limited to Residential Use and Home Based Business Use, the subject property is also bordered by lands within the Agriculture Land Reserve (ALR) and Forest/ Resource (FR-1) zoned land to the south, which support farm use, forestry activities and mineral processing. With regard to the proposed subdivision, the MOTI has advised that a driveway access on Stone Fly Close is sufficient to support future uses on the proposed new Lot 1 with the proviso that a valid access permit may be required for non-residential uses.

Although it is anticipated that access sufficient to support the uses permitted in the RM1 zone could be accommodated within the frontage as proposed, in order to address neighborhood concerns, the applicant is agreeable to registering a *Land Title Act* Section 219 Covenant to prohibit the following uses on proposed Lot 1: Extraction Use, Log Storage and Sorting Yard, Primary Processing, and Silviculture. This proposed use limitation is reflected in the conditions outlined in Attachment 4.

It is also noted that the subject property holds further subdivision potential, however, any future application for subdivision would require further review with respect to potential land implications and future Board consideration of frontage relaxation.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications for 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.

INTER-GOVERNMENTAL IMPLICATIONS

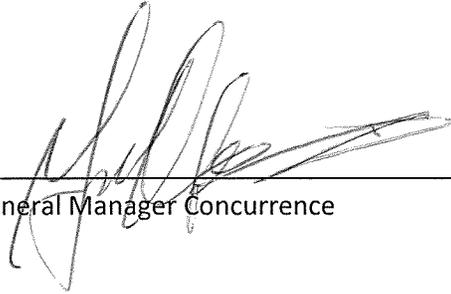
Ministry of Transportation and Infrastructure staff have indicated that they have no concerns with the proposed frontage relaxation, and the subdivision proposal has been given Preliminary Layout Approval by the Ministry.

SUMMARY/CONCLUSIONS

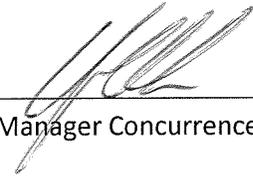
The applicant has requested the relaxation of the minimum 10% perimeter frontage requirement for the remainder lot within the proposed subdivision of the subject property. Both parcels will meet the minimal parcel size requirements and provide adequate site area to support the permitted land uses. As presented, the proposed frontage relaxation does not hold any negative land use or public safety implications. Thus, staff recommend approval of the proposed frontage relaxation as outlined in Attachments 2 to 4.



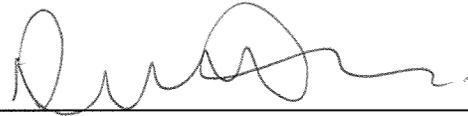
Report Writer



General Manager Concurrence

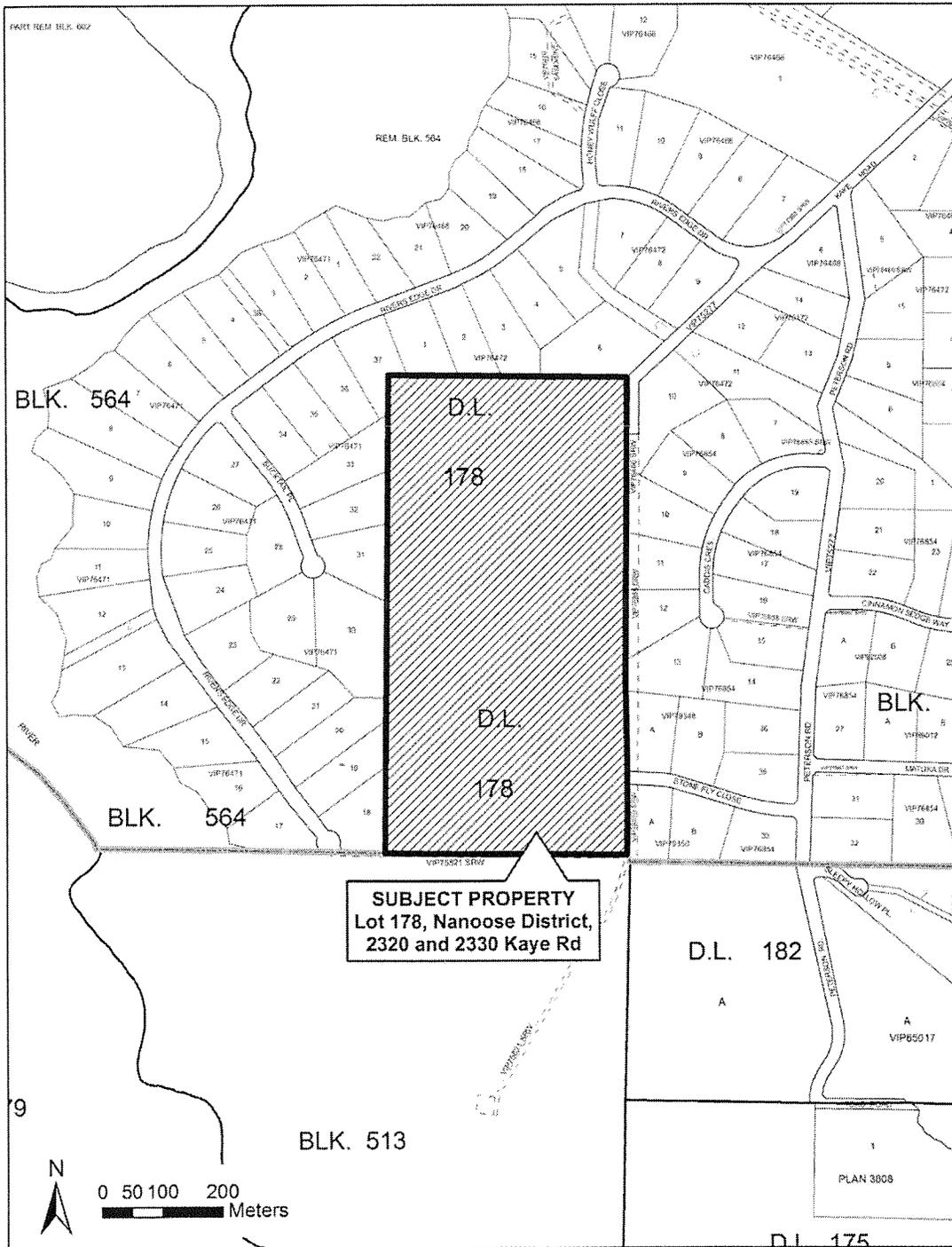


Manager Concurrence

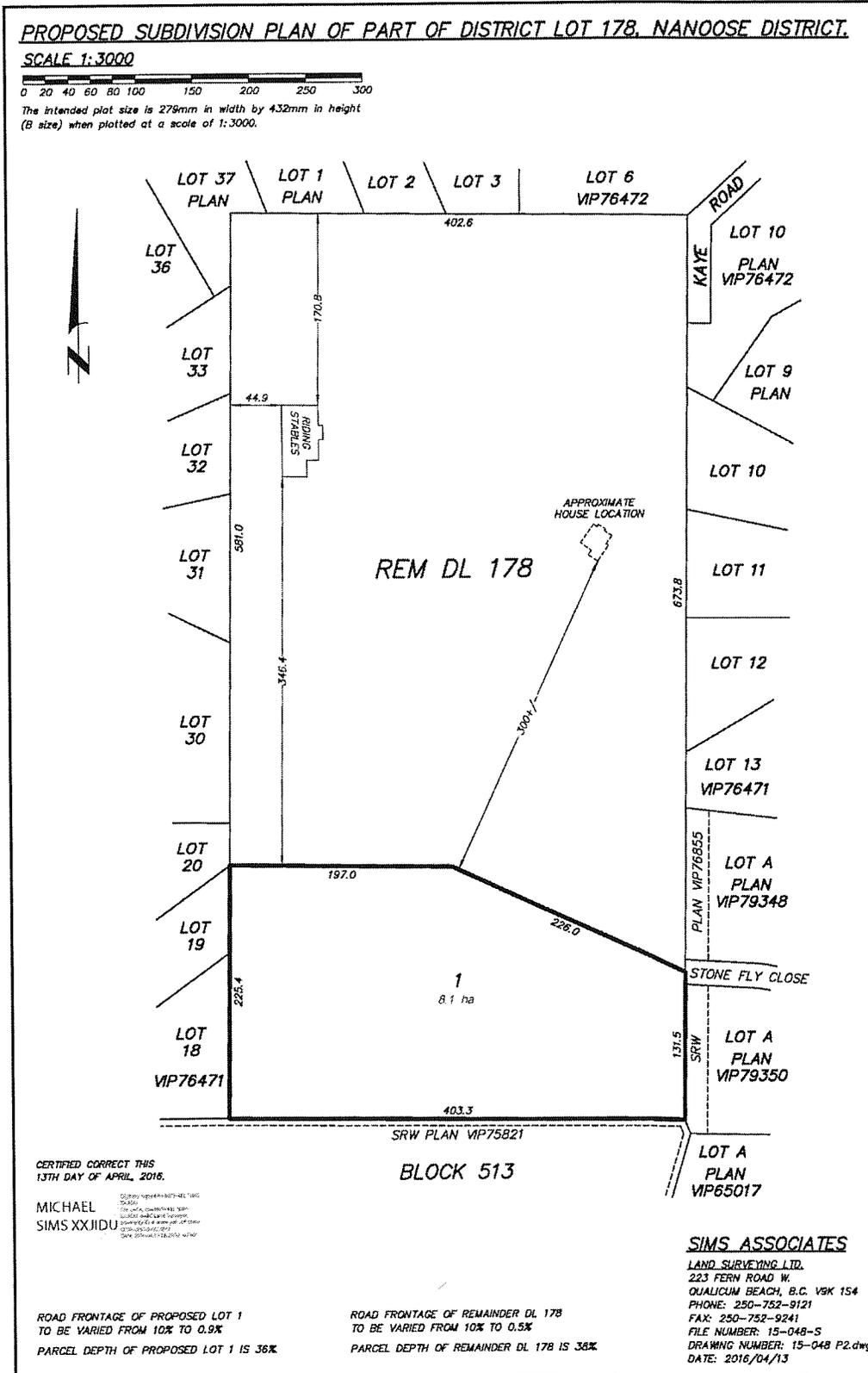


CAO Concurrence

Attachment 1
Subject Property Map

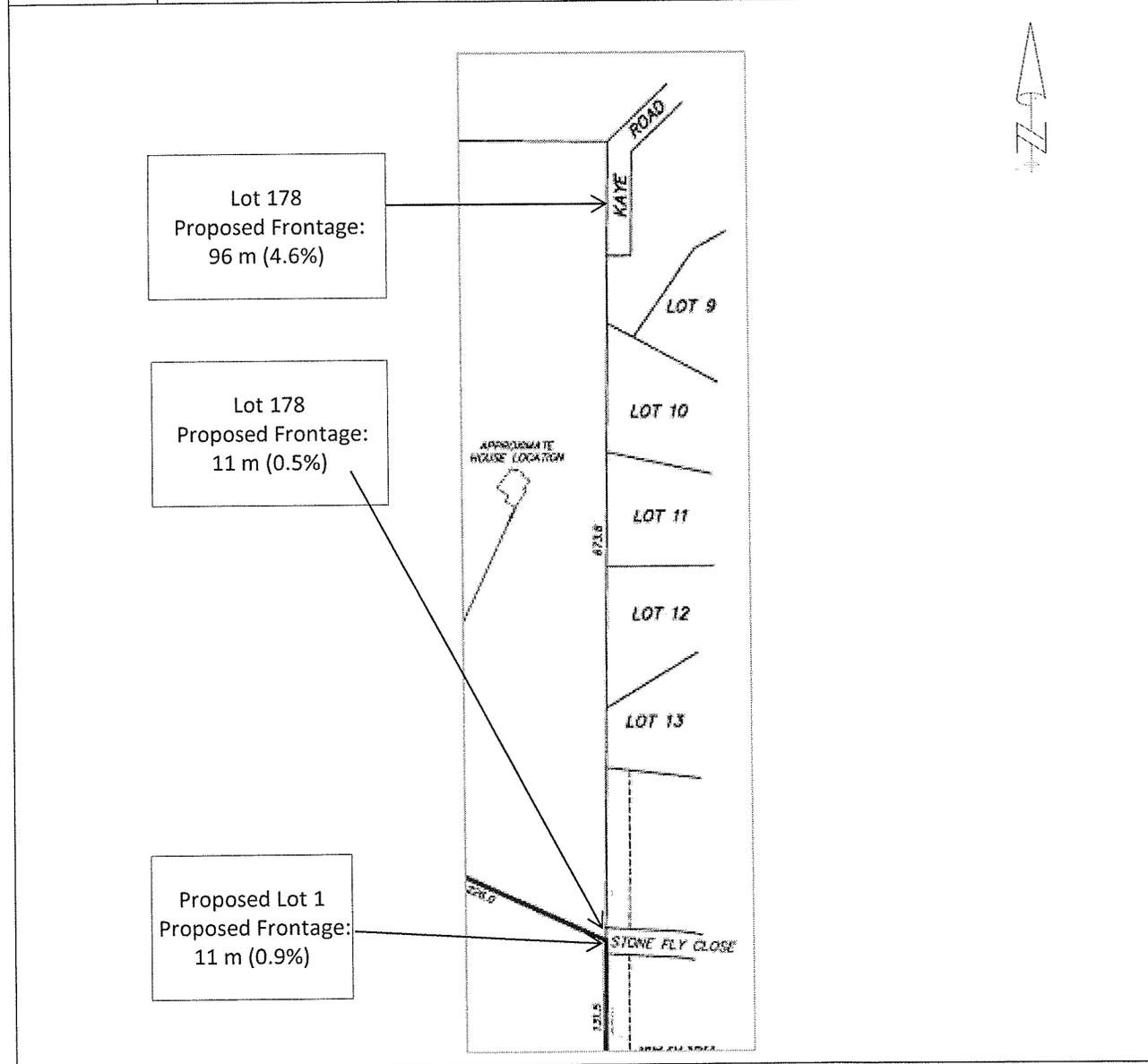


Attachment 2 Proposed Plan of Subdivision



**Attachment 3
Proposed Frontage**

Proposed Remainder of Lot 178, Nanoose District				
Lot	Proposed Lot Perimeter	Required Frontage (10%)	Proposed Frontage	Approximate % of Perimeter
Lot 178	2080 m	208 m	Kaye Rd. 96 m	4.6%
			Stone Fly Cl. 11 m	0.5%
Lot 1	1183 m	118.3 m	11.0 m	0.9%



Attachment 4
Condition of Approval

The following sets out the condition of frontage relaxation request No. PL2015-036:

Condition of Approval

Issuance of subdivision compliance shall be conditional on registration, at the applicant's expense, of a Section 219 Covenant on the property title to prohibit the following uses on the proposed Lot 1: Extraction Use, Log Storage and Sorting Yard, Primary Processing, and Silviculture.