

**REGIONAL DISTRICT OF NANAIMO**

**ELECTORAL AREA SERVICES COMMITTEE**

**TUESDAY, APRIL 11, 2017**

**4:00 PM**

***(RDN Board Chambers)***

*This meeting will be recorded*

**A G E N D A**

**PAGES**

- 1. CALL TO ORDER**
- 2. APPROVAL OF THE AGENDA**
- 3. ADOPTION OF MINUTES**
- 4-9 **3.1 Electoral Area Services Committee Meeting – March 14, 2017.**

*That the minutes of the Electoral Area Services Committee meeting held March 14, 2017 be adopted.*
- 4. INVITED PRESENTATIONS**
- 5. DELEGATIONS**
- 6. CORRESPONDENCE**
- 7. UNFINISHED BUSINESS**
- 8. COMMITTEE MINUTES AND RECOMMENDATIONS**
- 10-12 **8.1 Electoral Area 'F' Parks and Open Space Advisory Committee.**
  - 8.1.1 Minutes of the Electoral Area 'F' Parks and Open Space Advisory Committee – March 15, 2017.**

*That the minutes of the Electoral Area 'F' Parks and Open Space Advisory Committee meeting held March 15, 2017 be received for information.*

**9. PLANNING**

**9.1 DEVELOPMENT PERMIT**

- 13-20                    **9.1.1 Development Permit Application No. PL2017-022 – 4004 Gladys Road – Electoral Area ‘H’.**

*That the Board approve Development Permit No. PL2017-022 to permit an accessory building subject to the conditions outlined in Attachments 2 to 4.*

**9.2 DEVELOPMENT PERMIT WITH VARIANCE**

- 21-29                    **9.2.1 Development Permit with Variance Application No. PL2017-026 – 235 Driftwood Road – Electoral Area ‘H’.**

*1. That the Board approve Development Permit with Variance No. PL2017-026 to reduce the interior side lot line setback for a detached garage subject to the terms and conditions outlined in Attachments 3 to 4.*

*2. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2017-026.*

**9.3 DEVELOPMENT VARIANCE PERMIT**

- 30-38                    **9.3.1 Development Variance Permit Application No. PL2017-023 – 2925 and 2931 Northwest Bay Road – Electoral Area ‘E’.**

*That the Board not approve Development Variance Permit Application No. PL2017-023 as proposed.*

**10. BUSINESS ARISING FROM DELEGATIONS**

**11. MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN**

**12. NEW BUSINESS**

**12.1 DIRECTORS’ FORUM**

- Planning
- Community Parks
- Emergency Preparedness
- Fire Protection
- Bylaw Enforcement
- Building Inspection
- Other Electoral Area Matters

39

**12.2 UBCM re Input Sought for Marijuana Regulation**

**13. IN CAMERA**

*That pursuant to section 90(1)(e) of the Community Charter the Committee proceed to an In Camera Meeting for discussions related to land matters.*

**14. ADJOURNMENT**

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA SERVICES COMMITTEE MEETING  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, MARCH 14, 2017 AT 4:00 PM IN THE  
RDN BOARD CHAMBERS**

In Attendance:

Director J. Stanhope	Chairperson
Director A. McPherson	Electoral Area A
Director H. Houle	Electoral Area B
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:

P. Carlyle	Chief Administrative Officer
R. Alexander	Gen. Mgr. Regional & Community Utilities
G. Garbutt	Gen. Mgr. Strategic & Community Development
T. Osborne	Gen. Mgr. Recreation & Parks
D. Trudeau	Gen. Mgr. Transportation & Emergency Planning Services
J. Harrison	Director of Corporate Services
W. Idema	Director of Finance
T. Armet	Mgr. Building & Bylaw Services
J. Hill	Mgr. Administrative Services
J. Holm	Mgr. Current Planning
P. Thompson	Mgr. Long Range Planning
B. Ritter	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 SERVICES COMMITTEE MINUTES**

**Minutes of the Electoral Area Services Committee Meeting – February 14, 2017.**

MOVED Director Veenhof, SECONDED Director Fell, that the minutes of the Electoral Area Services Committee meeting held February 14, 2017 be adopted.

CARRIED

## PLANNING

### DEVELOPMENT PERMIT

#### **Development Permit Application No. PL2017-008 – 560 Wain Road, Electoral Area 'G'.**

MOVED Director Rogers, SECONDED Director Veenhof, that the Board approve Development Permit No. PL2017-008 to permit the construction of a garage subject to the conditions outlined in Attachments 2 to 4.

CARRIED

#### **Development Permit Application No. PL2016-182 – 3030 Graham Road and 2715 Yellow Point Road, Electoral Area 'A'.**

MOVED Director McPherson, SECONDED Director Fell, that the Board approve Development Permit No. PL2016-182 to permit riparian restoration works subject to the conditions outlined in Attachments 2 and 3.

CARRIED

### DEVELOPMENT PERMIT WITH VARIANCE

#### **Development Permit with Variance Application No. PL2016-104 – 908 McFeely Drive, Electoral Area 'G'.**

MOVED Director Veenhof, SECONDED Director Rogers, that the Board approve Development Permit with Variance No. PL2016-104 to address the placement of fill and permit the construction of a dwelling unit subject to the terms and conditions outlined in Attachments 2 to 4.

CARRIED

MOVED Director Veenhof, SECONDED Director Rogers, that the Board direct staff to complete the required notification for Development Permit with Variance No. PL2016-104.

CARRIED

#### **Development Permit with Variance Application No. PL2017-019 – 1100 Pepper Place, Electoral Area 'G'.**

MOVED Director Veenhof, SECONDED Director Rogers, that the Board approve Development Permit with Variance No. PL2017-019 to permit the construction of a dwelling unit subject to the terms and conditions outlined in Attachments 2 to 4.

CARRIED

MOVED Director Veenhof, SECONDED Director Rogers, that the Board direct staff to complete the required notification for Development Permit with Variance No. PL2017-019.

CARRIED

**DEVELOPMENT VARIANCE PERMIT**

**Development Variance Permit Application No. PL2017-021 – 1067 Paradise Place, Electoral Area 'E'.**

MOVED Director Rogers, SECONDED Director Fell, that the Board approve Development Variance Permit No. PL2017-021 to reduce the setback from the interior side lot line for a garage subject to the terms and conditions outlined in Attachments 2 to 4.

CARRIED

MOVED Director Rogers, SECONDED Director Fell, that the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-021.

CARRIED

**ZONING AMENDMENT APPLICATION**

**Zoning Amendment Application No. PL2016-110 – 1682 and 1686 Cedar Road, Electoral Area 'A' – Amendment Bylaw 500.408, 2017 – First and Second Reading.**

MOVED Director McPherson, SECONDED Director Young, that the Board receive the Summary of the Public Information Meeting held on January 30, 2017.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 500.408 being considered for adoption.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.408, 2017”, be introduced and read two times.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.408, 2017” be waived in accordance with Section 464(2) of the *Local Government Act*.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that staff be directed to proceed with notification in accordance with Section 467 of the *Local Government Act* of the Board’s intent to consider third reading of “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.408, 2017” at a regular Board meeting to be held on April 25, 2017.

CARRIED

**REQUEST FOR FRONTAGE RELAXTION IN RELATION TO A SUBDIVISION**

**Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2016-178 – 833 Reid Road, Electoral Area 'G'.**

MOVED Director Veenhof, SECONDED Director Rogers, that the Board approve the request to relax the minimum 10% perimeter frontage requirements for proposed Lot 2 in relation to Subdivision Application No. PL2016-178 subject to the terms and conditions outlined in Attachments 2 and 3.

CARRIED

**OTHER**

**Electoral Area 'H' Official Community Plan Review.**

MOVED Director Veenhof, SECONDED Director Rogers, that the Electoral Area 'H' Official Community Plan Review report be received for information.

CARRIED

**ADVISORY, SELECT COMMITTEE, AND COMMISSION MINUTES AND RECOMMENDATIONS**

**Electoral Area 'A' Parks, Recreation and Culture Commission.**

**Minutes of the Electoral Area 'A' Parks, Recreation and Culture Commission Meeting - February 15, 2017.**

MOVED Director McPherson, SECONDED Director Fell, that the minutes of the Electoral Area 'A' Parks, Recreation and Culture Commission meeting held February 15, 2017 be received for information.

CARRIED

**RDN/VIHA Grant.**

MOVED Director McPherson, SECONDED Director Young, that the use of Island Health Community Wellness Grant Electoral Area 'A' funds to purchase items for the Farm to School Program, Weight Room and Smoking Cessation Program be supported as requested by the Cedar School Coordinator.

CARRIED

**Cedar Plaza.**

MOVED Director McPherson, SECONDED Director Young, that staff review possible alternatives to potentially allow water service at Cedar Plaza from the North Cedar Improvement District and report back to the Electoral Area 'A' Parks, Recreation and Culture Commission.

CARRIED

**Electoral Area 'E' Parks and Open Space Advisory Committee.**

**Minutes of the Electoral Area 'E' Parks and Open Space Advisory Committee Meeting - February 22, 2017.**

MOVED Director Rogers, SECONDED Director Fell, that the minutes of the Electoral Area 'E' Parks and Open Space Advisory Committee meeting held February 22, 2017 be received for information.

CARRIED

**Jack Bagley Field.**

MOVED Director Rogers, SECONDED Director Fell, that \$10,000 of Electoral Area 'E' Community Works Funds be allocated to School District 69 (Qualicum) for Jack Bagley field improvements.

CARRIED

**Nanoose Playground Report.**

MOVED Director Rogers, SECONDED Director Fell, that staff be directed to remove the play structure at Nanoose Road Community Park and in consultation with the Nanoose Parks and Open Space Advisory Committee determine an alternative park use for the site.

CARRIED

**Parks and Open Space Plans.**

MOVED Director Rogers, SECONDED Director Veenhof, that the Parks and Open Space Plan for Nanoose Bay (2001) be rescinded and the Community Parks and Trails Strategic Plan for Electoral Areas E, F, G & H (2014) be the guiding document for community parks in Electoral Area 'E'.

CARRIED

**Electoral Area 'G' Parks and Open Space Advisory Committee.**

**Minutes of the Electoral Area 'G' Parks and Open Space Advisory Committee Meeting - March 1, 2017.**

MOVED Director Veenhof, SECONDED Director Young, that the minutes of the Electoral Area 'G' Parks and Open Space Advisory Committee meeting held March 1, 2017 be received for information.

CARRIED

**Stanhope Trail Planning.**

MOVED Director Veenhof, SECONDED Director Young, that park staff seek bids to construct a gravel trail to connect Wally's Way with Ackerman Road and forego the option to pave the trail in the near future.

CARRIED

**Little Qualicum Hall.**

MOVED Director Veenhof, SECONDED Director Rogers, that the Little Qualicum Hall be closed and the building site be incorporated into Dashwood Community Park.

CARRIED

**Electoral Area 'H' Parks and Open Space Advisory Committee.**

**Minutes of the Electoral Area 'H' Parks and Open Space Advisory Committee Meeting - March 1, 2017.**

MOVED Director Veenhof, SECONDED Director Young, that the minutes of the Electoral Area 'H' Parks and Open Space Advisory Committee meeting held March 1, 2017 be received for information.

CARRIED



**McColl Road Beach Access.**

MOVED Director Veenhof, SECONDED Director Young, that staff not proceed with water access signage installation or public access development at the McColl Road water access.

CARRIED

**DIRECTORS' FORUM**

The Directors' Forum included discussions related to Electoral Area matters.

**NEW BUSINESS**

**Electoral Area Services Committee Meetings in the Community.**

MOVED Director Veenhof, SECONDED Director Rogers, that Electoral Area Services Committee meetings in the Electoral Areas will be by exception and when there is an identified need.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 4:49 PM

---

CHAIRPERSON

---

CORPORATE OFFICER

**REGIONAL DISTRICT OF NANAIMO**  
**MINUTES OF ELECTORAL AREA F PARKS AND OPEN SPACE ADVISORY**  
**REGULAR COMMITTEE MEETING HELD**  
**WEDNESDAY, MARCH 15, 2017**  
**7:00 P.M.**

**(Coombs Fair Grounds, Annex Building)**

**ATTENDANCE:** Julian Fell, RDN Area F Director, Chair  
Reg Nosworthy, Area F Recreation Commissioner  
Alfred Jablonski  
Kurtis Kril  
Robin Shackleton

**ABSENT:** Barbara Smith  
Dorothy Roi

**STAFF:** Elaine McCulloch

---

**CALL TO ORDER**

Chair Fell called the meeting to order at 7:03 pm.

**WELCOME TO NEW MEMBER**

Chair Fell introduced Robin Schackleton as a new member to the AREA F POSAC. Robin lives in Errington and has accepted the vacant position on the POSAC.

**ELECTION OF SECRETARY**

Barbara Smith has indicated she will miss two of the three Area F POSAC meetings in 2017 and that elections for a replacement secretary should be held. Reg volunteered to take POSAC minutes for the next two meetings and it was agreed to postpone elections for a replacement secretary until further notice.

**DELEGATIONS**

There were no delegations at this meeting.

**MINUTES**

MOVED R. Nosworthy, SECONDED A. Jablonski that the minutes of the Electoral Area F Parks and Open Space Advisory Committee (POSAC) dated November 9, 2016 be adopted as presented.

CARRIED

## **BUSINESS ARISING FROM THE MINUTES**

Chair Fell explained that Robin Shackleton will act as an interface to the Errington War Memorial Hall Board for the POSAC. Robin is not a Hall Board member, but works closely with Hall Board members and is active in the Errington neighbourhood.

Elaine McCulloch explained that additional barriers will be installed along the ditch side of the Cranswick Trail in 2017.

Chair Fell explained that he had an informal meeting with Don and Bernice Fawthorpe regarding the status of the Palmer Road West trail request and that there are no outstanding issues regarding their petition.

## **COMMUNICATIONS and CORRESPONDENCE**

None

## **UNFINISHED BUSINESS**

None

## **REPORTS**

### **Arrowsmith Community Trail (ACT) Update (*verbal*)**

Elaine passed out two large copy maps for POSAC review and reference:

- Community Parks and Trails Strategy, Final Concept Plan Map 2: Electoral Area F East
- Community Parks and Trails Strategy, Final Concept Plan Map 3: Electoral Area F West

The POSAC spent some time reviewing the trail concept for the Area F West map and again agreed that the focus will remain on trails development in the more highly populated Area F East map. The POSAC will continue forward with the priority developments as identified in the minutes of the Area F POSAC Sub-Committee meeting of Thursday, November 3, 2016.

### **Parks Update Report – Fall 2016**

Elaine reviewed the new format for the Parks Work Plan January 2017 Update for all electoral areas in the RDN with focus on the Area F section. The plan regarding trail work for 2017 in Area F is minimal. The 2017 trail project development work plan for 2017 was clarified as follows:

- A decision has been made to keep the Carrothers Trail within the existing road allowance. This may require a special tree cutting permit. It was agreed to target to complete the Carrothers Trail with a rough trail surface only in 2017.
- Elaine will continue to work with the Wood Lot owner on options to start clearing the Palmer Road East trail.
- Work to complete surfacing the balance of the David Lundine Trail from the Farmers Market to Veterans Road will be targeted for 2017.

MOVED R. Nosworthy, SECONDED R. Shackleton that the reports be received as presented.

CARRIED

## **BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

None

## **NEW BUSINESS**

Elaine explained the rezoning process for the 5% parkland and amenity contribution for Area F regarding the property at the end of Springhill road. Several proposals have been put forward regarding possible trails to connect to the E&N Rail Trail and also to horse trails, including possible parking facilities. It is not clear if a final solution will be available for POSAC review before the next scheduled meeting for May 17, 2017.

## **COMMITTEE ROUND TABLE**

The need for a courier copy prior to the POSAC meetings was discussed. Reg and Julian both requested that a courier copy continue to be provided to them. Elaine advised she will still bring copies to the meetings for all other POSAC members.

## **ADJOURNMENT**

MOVED A. Jablonski that the meeting adjourn at 8:20 p.m.

---

Chairperson

**TO:** Electoral Area Services Committee                      **DATE:** April 11, 2017  
**FROM:** Stephen Boogaards  
Planner    **FILE:** PL2017-022  
**SUBJECT:** Development Permit Application No. PL2017-022  
4004 Gladys Road – Electoral Area ‘H’  
Lot 1, District Lot 85, Newcastle District, Plan VIP61390

---

**RECOMMENDATION**

That the Board approve Development Permit No. PL2017-022 to permit an accessory building subject to the conditions outlined in Attachments 2 to 4.

**SUMMARY**

The applicant proposes to construct an accessory building (shop) on the subject property within an area subject to flooding from the sea. Due to the risk of flooding, the proposed development is subject to the Hazard Lands Development Permit Area (DPA) and "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006". The applicant has submitted a Geotechnical Hazard Assessment to establish that the proposed Flood Construction Level (FCL) for the property is 3.65 metres GSC (Geodetic Survey of Canada Datum). However, since the proposed shop will be located below the recommended FCL, the report requires that any goods stored within the building that are damageable by flood waters or that may contaminate the environment be elevated above the flood level. The report recommends permanent markings on the building to identify the FCL for goods damageable by flood waters.

As the proposed development is consistent with the applicable DPA guidelines, staff recommend approval of the development permit application.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Andrew Girouard and Cheryl Baxter to permit a shop. The subject property is approximately 0.367 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 located to the east and west of other residential properties and north of Island Highway West. The subject property is also close to the Strait of Georgia (see Attachment 1 – Subject Property Map).

The property contains an existing dwelling unit and ‘guest house’ (see Attachment 3 – Proposed Site Plan). The ‘guest house’ shown on the site plan does not conform to the existing zoning and appears to have existed on the property prior to the implementation of building inspection in the area in 2011.

However, this development permit application is only for the construction of the shop on the property and is not intended to legalize or recognize the 'guest house'.

The proposed development is subject to the Hazard Lands DPA per the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003".

### ***Proposed Development***

The applicant proposes to construct a shop on the subject property. Due to the proximity of the property to the Strait of Georgia and low topography, the property may be subject to flooding and has been designated within a development permit area to ensure that the building is safe for its intended use and will not have a detrimental impact on adjoining properties.

### ***Land Use Implications***

The applicant proposes to construct a shop on the subject property, which is located within the Hazard Lands DPA due to the potential for flooding from the sea. The DPA requires the applicant to provide a report from a professional engineer to confirm that the proposed construction is considered safe for its intended use and adjacent properties. The building would also be consistent with the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" as proposed, given the area below the bylaw FCL will not be used for the storage of goods damageable to flood waters.

The applicant has provided a Geotechnical Hazard Assessment dated March 7, 2017, prepared by Lewkowich Engineering Associates Ltd., in accordance with the Association of Professional Engineers and Geoscientists of BC Guidelines pertaining to flood hazard assessments in a changing climate. Using Provincial methodology for calculating sea level rise, the report recommends a FCL of 3.65 metres GSC for habitable areas of buildings, which excludes wave effect as the property is not immediately adjacent to the sea. As the proposed shop will be located below this FCL, any components that are damageable by flood waters or materials that could cause environmental damage must be elevated above the flood level. The report recommends permanent floodwater height markings on the building to remind owners of the FCL.

Consistent with DPA guidelines, the Geotechnical Hazard Assessment states that the construction is safe for its intended purpose and that the proposed development will not result in a detrimental impact on the subject property or adjoining properties as long as the recommendations are followed. As a condition of the development permit, the report will be registered on the property title as a covenant, saving the Regional District of Nanaimo harmless from all loss or damages to life or property as a result of the hazard (see Attachment 2 – Conditions of Permit).

### **ALTERNATIVES**

1. To approve Development Permit No. PL2017-022 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Permit No. PL2017-022.

## 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. The strategic priority labelled “Focus on the Environment” states that the Board will prepare for and mitigate the impact of environmental events. The DPA guideline requirements for a Geotechnical Hazard Assessment and recommendations for the protection of life and property meets this priority by ensuring that the potential impact of environmental events are assessed on a site-by-site basis and measures are imposed to mitigate the impact.



---

Stephen Boogaards  
sboogaards@rdn.bc.ca  
March 15, 2017

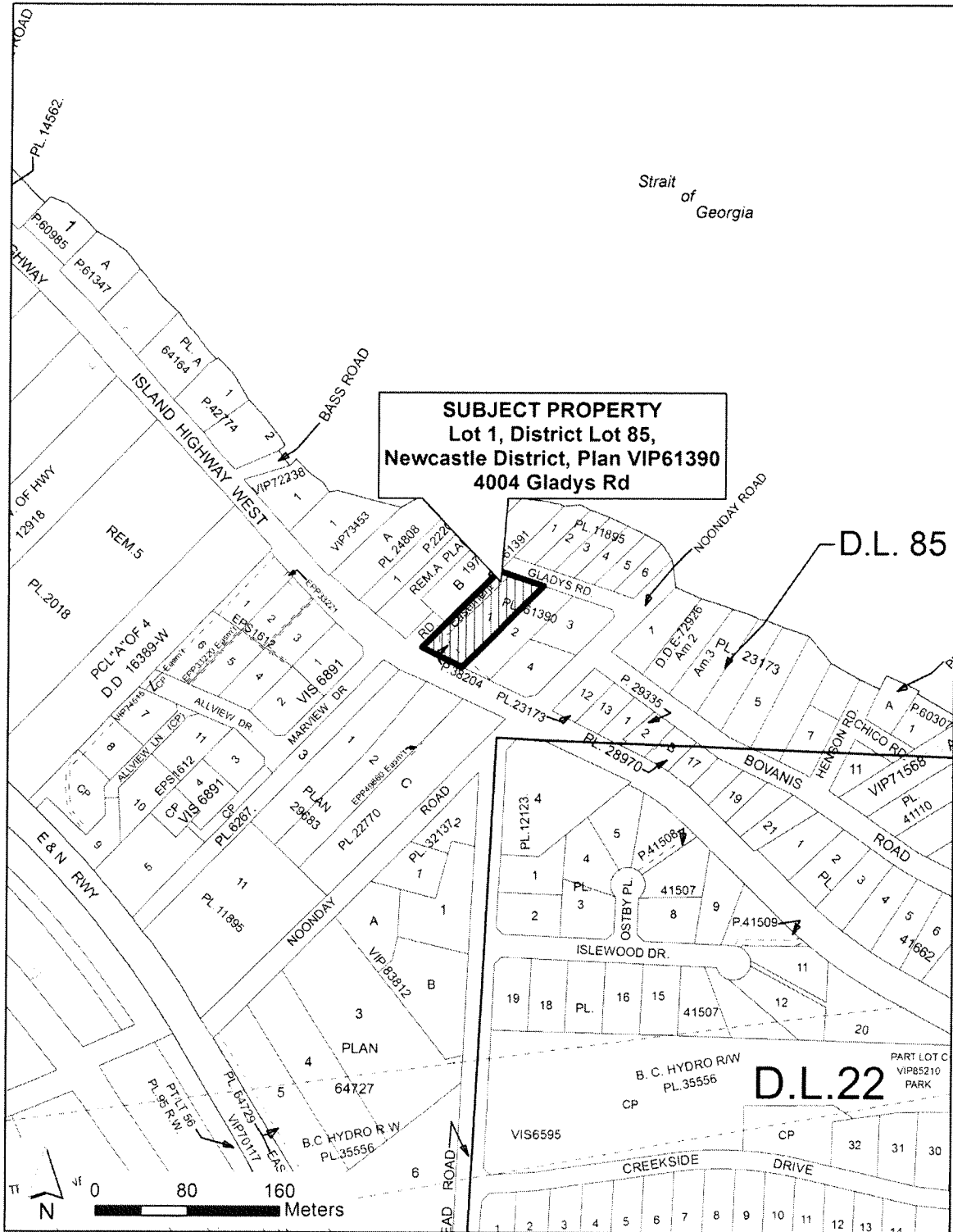
### Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

### Attachments

1. Subject Property Map
2. Conditions of Permit
3. Proposed Site Plan
4. Building Elevations

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





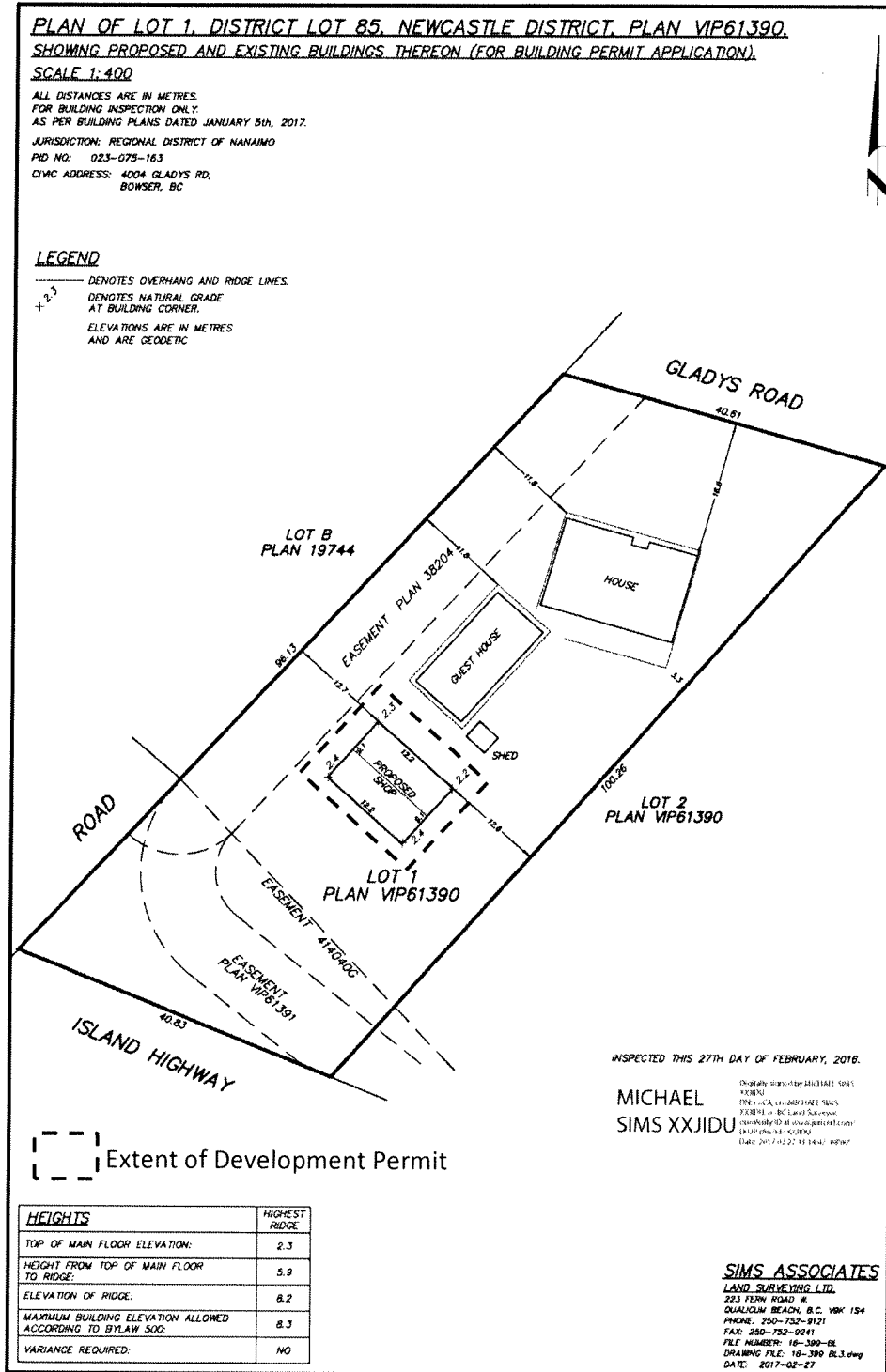
**Attachment 2**  
**Conditions of Permit**

The following sets out the conditions of Development Permit No. PL2017-022:

Conditions of Approval

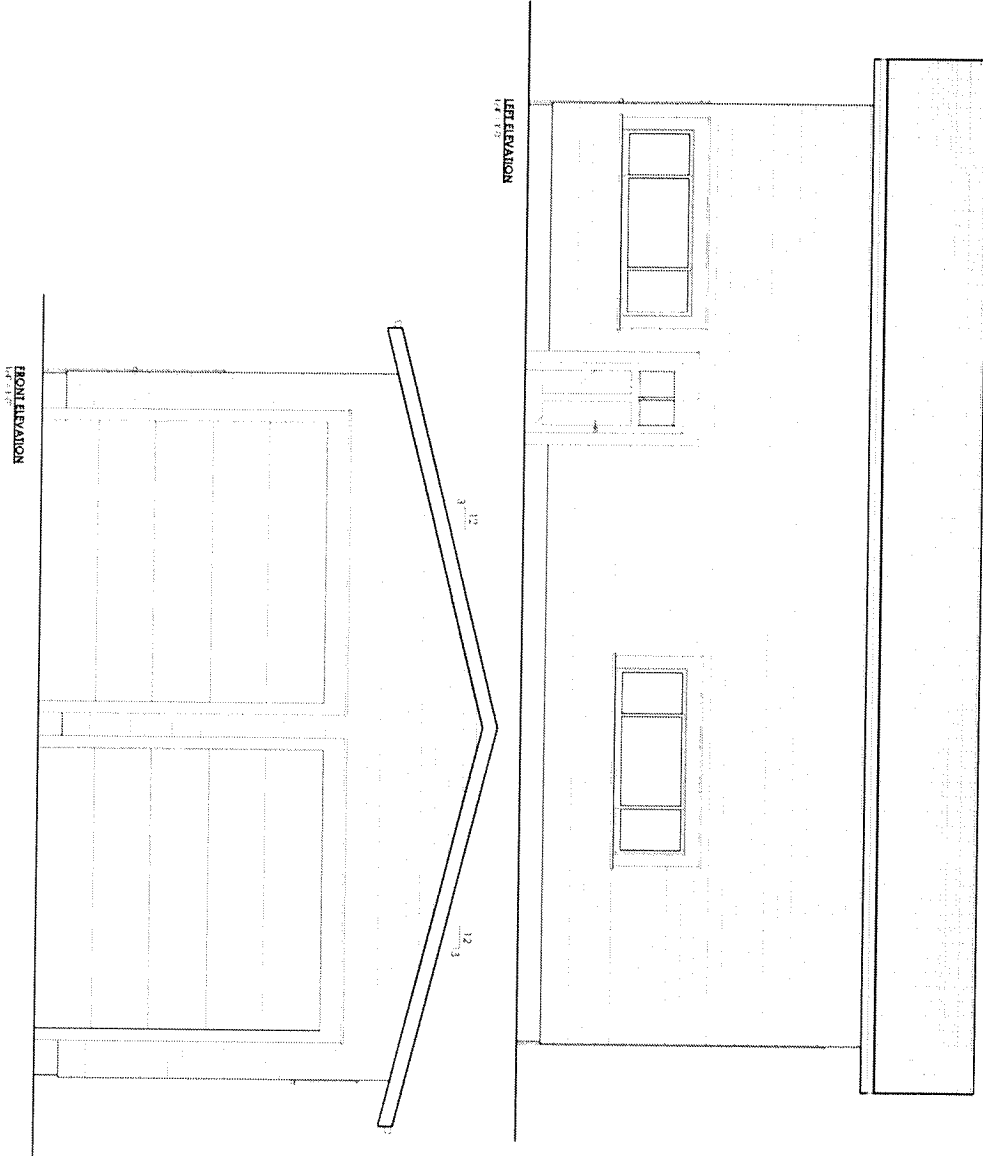
1. The portion of the site identified as “extent of development permit” is developed in accordance with the Site Plan prepared by Sims Associates Land Surveying Ltd., dated January 5, 2017 and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations prepared by Kervin Home Design, dated February 1, 2017 and attached as Attachment 4.
3. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated March 7, 2017.
4. Staff shall withhold the issuance of this Permit until the applicant, at the applicant’s expense, registers a Section 219 Covenant on the property title containing the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated March 7, 2017, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.
5. The property owner shall obtain the necessary permits for construction in accordance with the “Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001” as replaced or amended.

**Attachment 3**  
**Proposed Site Plan (Page 1 of 2)**





**Attachment 4  
 Building Elevations**



<b>KERNIN HOME DESIGN</b> HOME DESIGN AND CONSULTATION 205 S 7th St Kelowna, BC V1Y 9C7 250.868.8818 info@kernin.com		SHEET NO. <b>A3</b>
DATE OF DRAWING 05/27/2017	DRAWN BY GREGG BROWN	DATE OF PERMIT 07/2017

---

**TO:** Electoral Area Services Committee      **DATE:** April 11, 2017

**FROM:** Stephen Boogaards  
Planner      **FILE:** PL2017-026

**SUBJECT:** **Development Permit with Variance Application No. PL2017-026**  
**235 Driftwood Road – Electoral Area ‘H’.**  
**Lot 1, District Lot 81, Newcastle District, Plan 16060**

---

**RECOMMENDATIONS**

1. That the Board approve Development Permit with Variance No. PL2017-026 to reduce the interior side lot line setback for a detached garage subject to the terms and conditions outlined in Attachments 3 to 4.
2. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2017-026.

**SUMMARY**

The Regional District of Nanaimo (RDN) has received an application to legalize the siting of a detached garage recently constructed within the interior side lot line setback in a manner not consistent with a previously approved development permit with variance. Development Permit with Variance PL2014-089 was issued in 2014 to address additions to an existing dwelling unit and the construction of an accessory building (Garage) within the Hazard Lands Development Permit Area (DPA). Following the issuance of the Development Permit with Variance PL2014-089 the applicant had to revise the building location to avoid the septic field. Subsequently, a survey of the garage found that the revised building location was within the 8.0 metre interior side yard setback. The applicant is requesting a variance from 8.0 metres to 5.1 metres to address the encroachment into the required interior side yard setback.

Given that DPA guidelines have been met and no negative impacts are anticipated as a result of the proposed variance, staff recommends that the Board approve the development permit with variance pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 3.

**BACKGROUND**

The RDN has received an application from Fred and Vera Johnson to recognize an accessory building constructed within the side lot line setback. The subject property is approximately 0.45 hectares in area is zoned Rural 1 (RU1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is adjacent to the Strait of Georgia to the north, a RU1 zoned property to the

east, Lasqueti Road to the south, and an unconstructed portion of Driftwood Road to the west (see Attachment 1 – Subject Property Map).

The development is subject to the Hazard Lands DPA pursuant to the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003” for protection of development from a steep slope.

A Development Permit with Variance PL2014-089 was issued for the subject property in 2014 to legalize the existing dwelling unit and to allow for an addition to the dwelling unit. Development Permit with Variance PL2014-089 also permitted the construction of an accessory building, which met required setbacks as proposed at that time (Attachment 2 – PL2014-089 Site Plan). The location for the accessory building was subsequently adjusted at the time of the building permit application to avoid impacting a septic field. During the building permit process, a new survey identified that the accessory building, proposed as a garage, had been constructed in the interior lot line setback (Attachment 4 – Proposed Site Plan and Variances).

### ***Proposed Development and Variance***

The applicant has constructed a detached garage on the property located within the minimum required setback to the interior lot line. The applicant has requested a variance to the required interior side yard setback, rather than relocating the accessory building to meet required setbacks. The minimum required setback in the RU1 zone is 8.0 metres. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.4.81 – Minimum Setback Requirements** to reduce the minimum interior side lot line setback from 8.0 metres to 5.1 metres for a detached garage.

### ***Land Use Implications***

A requirement of the Hazard Lands DPA is the submission of a report from a qualified geotechnical engineer. Under the previous Development Permit with Variance PL2014-089 the applicant submitted a Geotechnical Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd., and dated June 13, 2014, to cover the proposed addition at the time. The report recommends that a 8.0 metre minimum setback from the slope crest, which would be at the location of the dwelling. The detached garage is well outside the recommended setback from the crest of slope and is consistent with the recommendations of the Geotechnical Hazard Assessment. The report concluded that the site is considered safe and suitable for its intended purpose. As a condition of the previous approval, the applicant had registered the report as a Section 219 covenant (CA4359816) on the property title.

“Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation” for evaluation of development variance permit applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board’s consideration. The applicant identifies that due to the septic field, the steep slopes and existing buildings on the property, the detached garage cannot be situated in another location.

The property size is approximately 4,451 m<sup>2</sup>, half of which consists of a steep slope to the natural boundary of the sea. If the total property area was less than 4,000 m<sup>2</sup>, under the existing RU1 zoning

requirements the interior lot line setback would be reduced to 2.0 metres. Given the site constraints on the property, the available building envelope would be comparable to a much smaller property. Further, the placement of the garage is not anticipated to affect views from adjacent properties due to existing mature hedge along the frontage and the interior side lot line. Given that the applicant has provided sufficient rationale and the proposed variance is not anticipated to have negative implications for adjacent properties, the applicants have made reasonable efforts to address Policy B1.5 guidelines.

**Public Consultation Implications**

Pending the Electoral Area Services 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.

**ALTERNATIVES**

1. To approve Development Variance Permit No. PL2017-026 subject to the conditions outlined in Attachments 3 to 4.
2. To deny Development Variance Permit No. PL2017-026.

**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.



---

Stephen Boogaards  
sboogaards@rdn.bc.ca  
March 17, 2017

Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

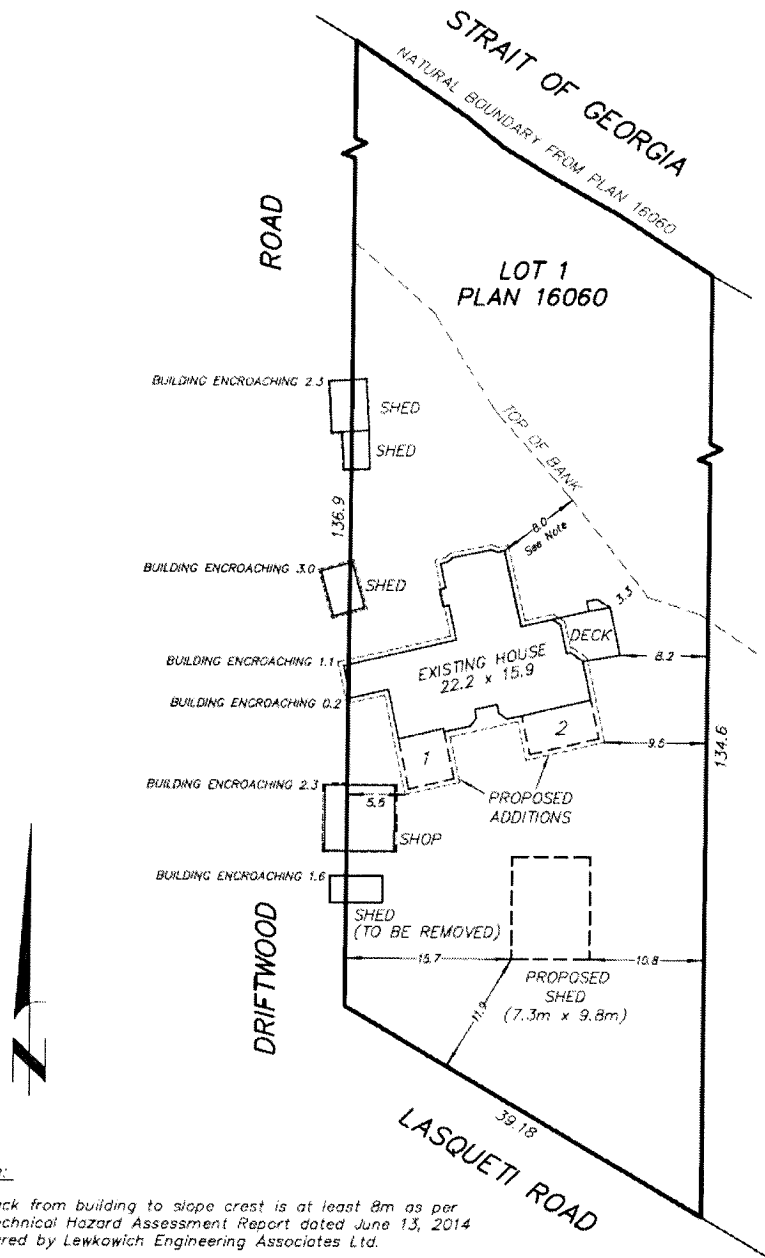
Attachments

1. Subject Property Map
2. PL2014-089 Site Plan
3. Terms and Conditions of Permit
4. Proposed Site Plan and Variances





**Attachment 2**  
**PL2014-089 Site Plan**



**Attachment 3**  
**Terms and Conditions of Permit**

The following sets out the terms and conditions of Development Variance Permit No. PL2017-026:

Bylaw No. 500, 1987 Variance

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

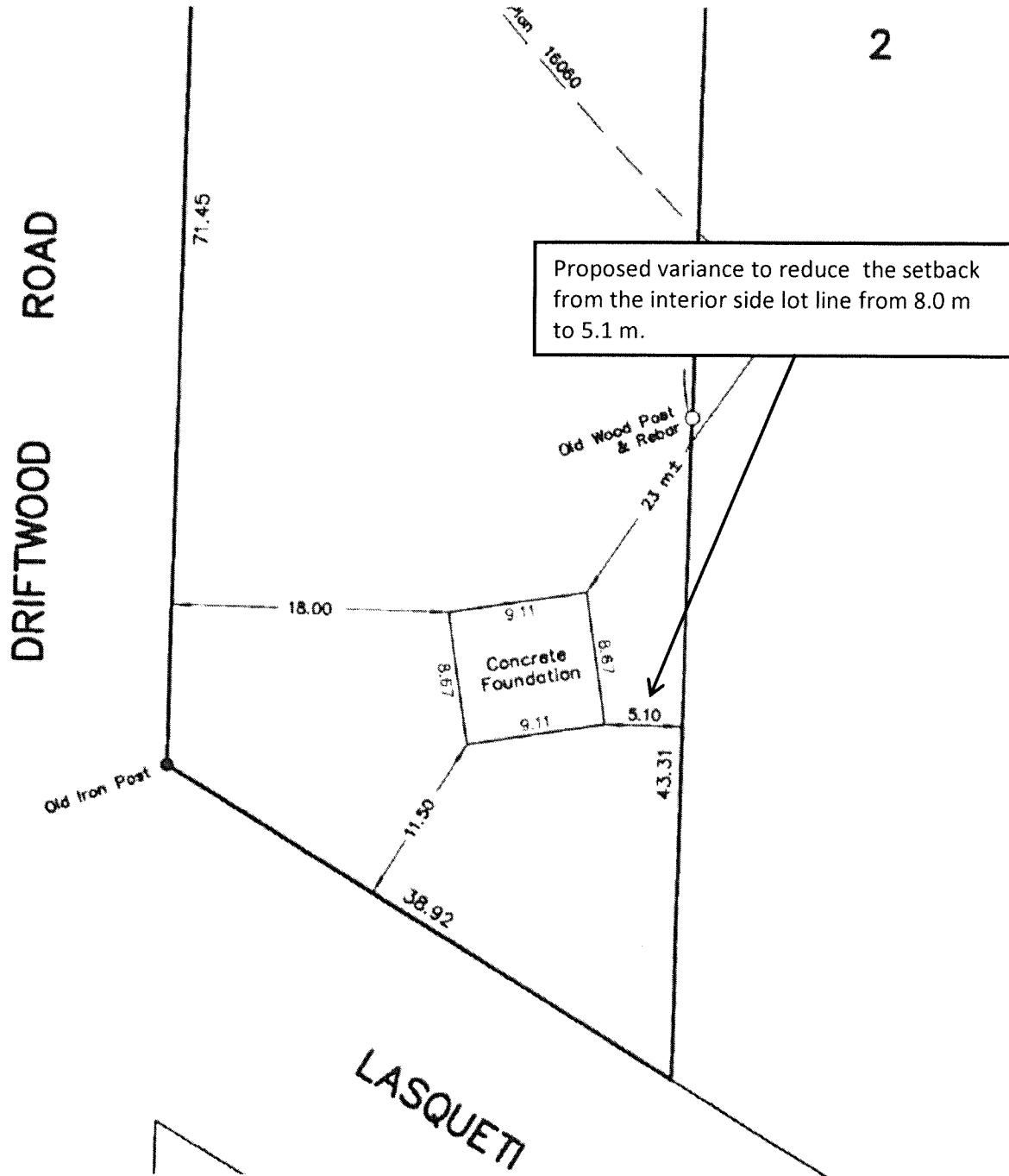
- **Section 3.4.81 – Minimum Setback Requirements** to reduce the minimum interior side lot line setback from 8.0 metres to 5.1 metres for a detached garage.

Conditions of Approval

1. The site is developed in accordance with the Survey Plan prepared by JE Anderson & Associates, dated November 16, 2016 and attached as Attachment 3.
2. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Engineering Review prepared by Lewkowich Engineering Associates Ltd., dated June 13, 2014.
3. The property owner shall obtain the necessary permits for construction in accordance the “Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001” as replaced or amended.



Attachment 4  
Proposed Site Plan and Variances (Page 2 of 2)



**TO:** Electoral Area Services Committee                      **DATE:** April 11, 2017

**FROM:** Kristy Marks  
Planner    **FILE:** PL2017-023

**SUBJECT:** **Development Variance Permit Application No. PL2017-023**  
**2925 and 2931 Northwest Bay Road – Electoral Area ‘E’**  
**Lot 2, District Lot 6, Nanoose District, Plan 50996**

---

**RECOMMENDATION**

That the Board not approve Development Variance Permit No. PL2017-023 as proposed.

**SUMMARY**

This is an application for a Development Variance Permit to permit a freestanding sign within the setback to the front lot line on the subject property. The proposed sign has been designed to replicate existing community identification signage for Nanoose Bay and would allow the consolidation of a number of existing freestanding signs on the property. The sign is proposed to include a programmable Electronic Message Centre with an LED screen to advertise events at Nanoose Place Community Centre.

The proposed freestanding sign does not meet the requirements outlined in “Board Policy B1.5 Development Variance Permit, Development Permit with Variance, and Floodplain Exemption Application Evaluation” (Board Policy B1.5) and is inconsistent with the Form and Character Development Permit Area guidelines. Electronic Message Centres also have the potential to result in a visual distraction to drivers and interfere with the safe movement of pedestrians and/or traffic. Given these considerations, staff recommend that the Board deny the requested Development Variance Permit application and encourage the applicant to work with staff to propose an alternative that addresses these concerns.

**BACKGROUND**

The Regional District of Nanaimo has received an application from the Nanoose Bay Activities and Recreation Society on behalf of the Regional District of Nanaimo, the property owner, to permit the construction of a freestanding sign on the subject property within the setback to the front lot line. The subject property is approximately 1.22 hectares in area and is zoned Public 1 (PU1), Subdivision District ‘Q’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located in the Red Gap Village Centre and is surrounded by Northwest Bay Road and to the west, Nanoose Bay Elementary School to the north, Jack Bagley Park to the east and a vacant commercial zoned parcel to the south (see Attachment 1 – Subject Property Map).

The property contains the Nanoose Place Community Centre, currently home to the Nanoose Bay Lion's Club and Christ's Church Oceanside, the Nanoose Children's Centre daycare and Eswyn's Alpine and Rock Garden.

While the subject property is within the Form and Character Development Permit Area per the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005", the proposed development is exempt from requiring a development permit because the use of the property is institutional. Given the subject property's prominent location, high visibility within the Red Gap Village Centre and potential implications for development of adjacent commercial uses, staff have considered the DPA guidelines in reviewing this application.

### ***Proposed Development and Variance***

The proposed development includes the construction of a freestanding sign within the front lot line setback on the subject property. The proposed sign has been designed to replicate existing community signage for Nanoose Bay and would replace a number of existing freestanding signs on the property. The proposed sign is approximately 3.0 metres in height with a total sign face area of approximately 4.1 m<sup>2</sup> per side. The upper and lower panels of the sign are proposed to be constructed of high density urethane foam and the center panel would include an Electronic Message Centre (EMC) component with red or amber LED lighting intended to advertise upcoming community events taking place on the subject property. While specific sign content cannot be regulated, "Regional District of Nanaimo Sign Bylaw No. 993, 1995" (Bylaw 993) prohibits the advertising of a business, profession, service, activity, entertainment or sale or rental which does not occur on the parcel. No variances to the Bylaw 993 are required.

The sign is proposed to be sited on the property line on the north side of the existing driveway access, in the northeast corner of the intersection of Northwest Bay Road and Apollo Drive. The applicant proposes to vary the following regulations from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

- **Section 3.4.41 – Minimum Setback Requirements** to reduce the setback from the front lot line for a freestanding sign from 8.0 metres to 0.0 metres.

### ***Land Use Implications***

In support of the application, the applicant has submitted a proposed site plan indicating the general location of the proposed sign and sign elevations. See Attachment 3 - Proposed Site Plan and Variance and Attachment 4 - Sign Elevation.

Board Policy B1.5 provides staff with guidance when reviewing and evaluating requests for variances and states that an application should demonstrate both an acceptable land use justification and also that reasonable effort has been made to avoid the need for, or reduce the extent of a variance. The subject property is currently managed by the Nanoose Bay Activities and Recreation Society, a registered non-profit society, and the Society suggests that the proposed free standing sign would reduce volunteer workload and be easier to maintain than the existing letter board sign which is in poor condition. The applicant has indicated that meeting the minimum setback of 8.0 metres from the front lot line would reduce visibility of the sign from the road and would require the removal of a number of

trees to improve visibility. In addition, the proposed siting of the sign is not out of character with the siting of adjacent freestanding signs, some of which are located within the road right-of-way.

The applicant is proposing to remove all existing freestanding signs on the subject property, including the community bulletin board structure and letter board sign, and consolidate this information into the proposed new sign. This aspect of the proposal is consistent with Board Policy B1.5, which encourages consolidation of signage to reduce the appearance of “sign clutter”. Board Policy B1.5 also states that signage variance requests may not be supported where the proposed variance creates a visual obstruction which interferes with the safe movement of pedestrians and/or traffic on and off-site or the illumination of a proposed sign is not compatible with the surrounding neighbourhood or would create an unreasonable aesthetic impact on the adjacent properties.

Although the applicant has provided a rationale and demonstrated that the proposed siting of the sign within the setback is not anticipated to have a negative impact on adjacent properties, it is anticipated that the proposed EMC component of the sign could result in a visual distraction and interfere with the safe movement of pedestrians and traffic.

The applicant is proposing to locate the sign on the north side of the existing driveway access at the intersection of Northwest Bay Road and Apollo Drive, which provides access to the Red Gap Centre and the Schooner Bay Mobile Home Park. Given that the proposed sign is in a highly visible location within a school zone and its proximity to the intersection, adjacent crosswalk and nearby transit stop, there is the potential for the proposed EMC portion of the sign to interfere with the safe movement of pedestrians and traffic in this area. In addition, the proposed EMC component of the sign is inconsistent with the character of existing neighbourhood signs which are static and unlit.

Given that the use of the subject property is institutional the proposed sign is not subject to the Form and Character DPA. However, as the property is located within the Red Gap Village Centre and adjacent uses that are subject to DPA guidelines, staff have considered these guidelines in reviewing this application. The DPA guidelines encourage signage to complement the design of buildings and structures and to be consolidated on multiple development sites. While the sign has been designed to replicate existing community signage and would allow the consolidation of signage on the property as supported by the DPA guidelines, the EMC portion of the sign is inconsistent with the intent of the DPA guidelines which encourage indirect lighting and the use of natural materials.

As the proposed sign is not consistent with Board Policy B1.5 and the DPA guidelines, staff do not recommend the Board approve the application as proposed. Should the Board choose to approve the Development Variance Permit application as requested by the applicant, staff have drafted conditions that could minimize potential impacts related to the sign. These draft conditions are included in Attachment 2 – Draft Terms and Conditions of Permit and would form conditions of approval if the Board chooses to approve the application as per Alternative 2 below.

### ***Intergovernmental Implications***

The application was referred to the Ministry of Transportation and Infrastructure (MOTI) for its review and comment. The MOTI noted that it does not have any concern with the proposed siting of the sign and has confirmed that it does not require a siting permit for the sign, which is located within the 4.5 metre MOTI highway setback. The MOTI also advised that, without restrictions on animation, display



time and brightness, such as those outlined on Attachment 2, it would be concerned that the EMC portion of the sign could result in a visual distraction to motorists. The MOTI further stated that if the sign were to be approved with an EMC component, the MOTI would work with the RDN (as the property owner) to modify the EMC display parameters should concerns arise in the future.

### **Public Consultation Implications**

Should the Committee choose to recommend that the Board approve the Development Variance Permit in accordance with Alternative 2, notification will take place pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”. Property owners and tenants of parcels located within a 50 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variances prior to the Board’s consideration of the application.

### **ALTERNATIVES**

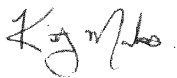
1. To deny Development Variance Permit No. PL2017-023.
2. To approve Development Variance Permit No. PL2017-023 subject to the conditions outlined in Attachments 2 to 4.

### **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 proposed sign is part of a broader program for improvements at Nanoose Place and is consistent with the 2017 – 2021 Board Strategic Plans priorities related to developing relationships and partnering with community groups to advance the region.



---

Kristy Marks  
kmarks@rdn.bc.ca  
March 27, 2017

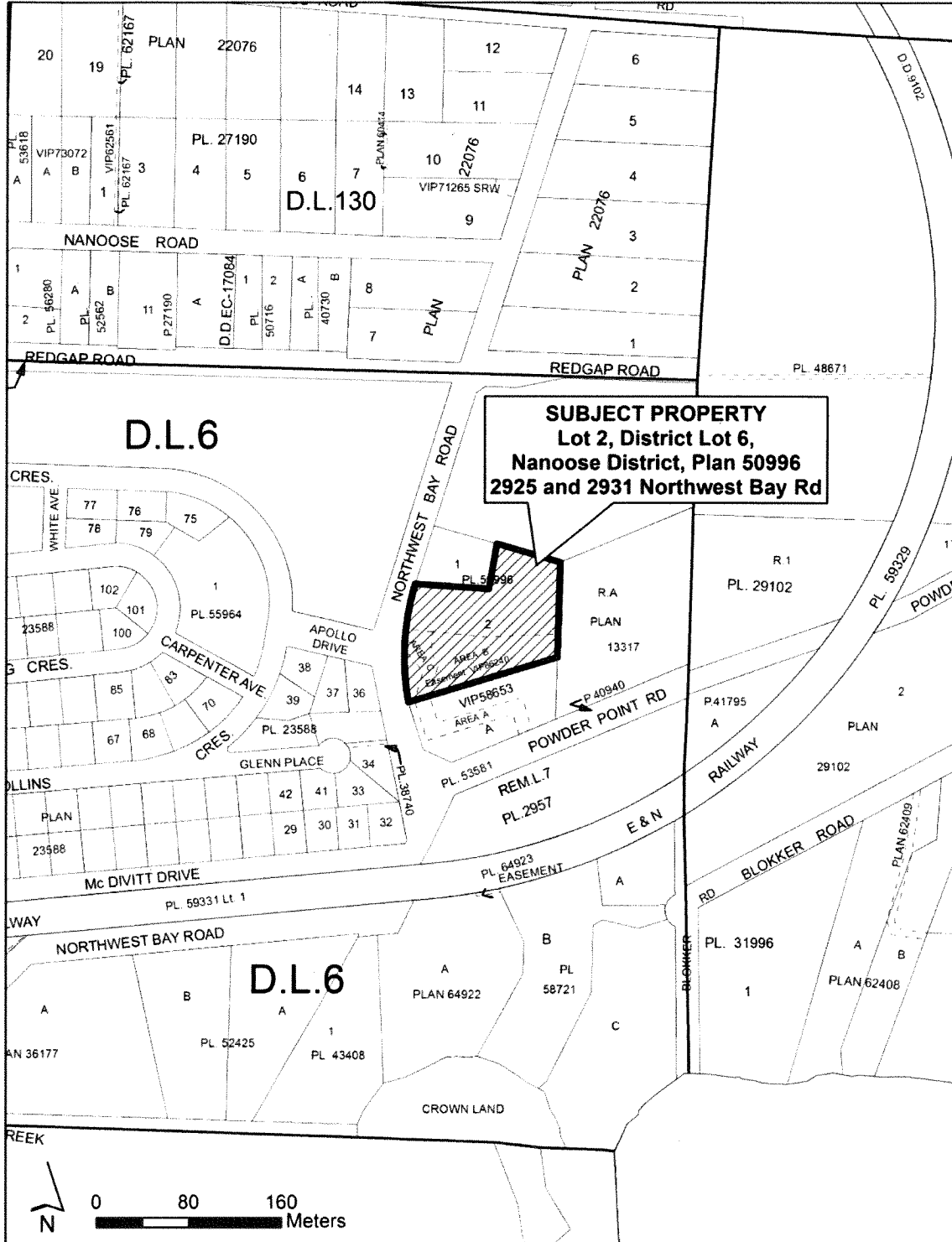
#### Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

**Attachments**

1. Subject Property Map
2. Draft Terms and Conditions of Permit
3. Proposed Site Plan and Variances
4. Sign Elevations

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



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

The following sets out the terms and conditions of Development Variance Permit No. PL2017-023:

Bylaw No. 500, 1987 Variance

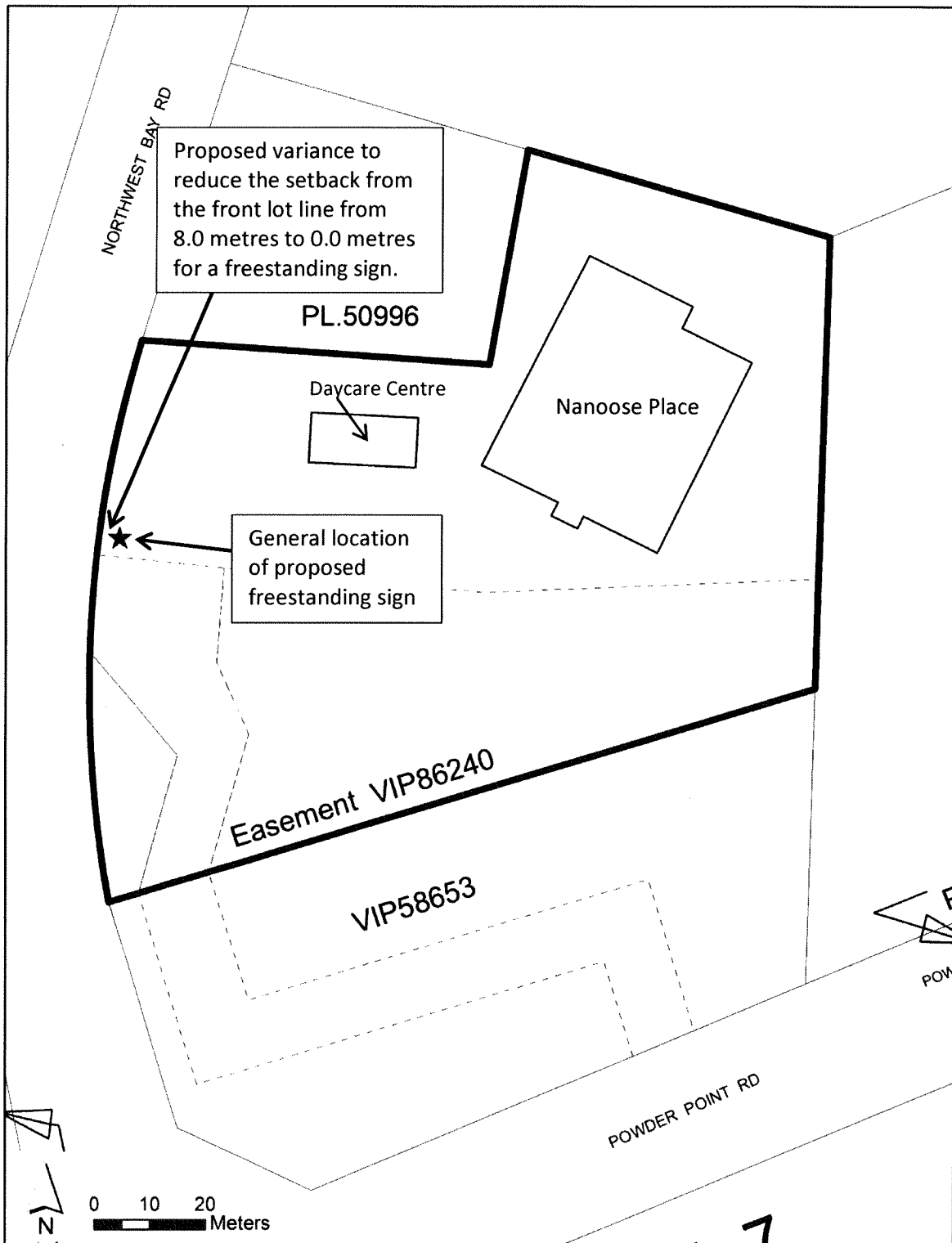
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

**Minimum Setback Requirements** to reduce the setback from the front lot line for a freestanding sign from 8.0 metres to 0.0 metres.

Conditions of Approval

1. The site is developed in accordance with the Site Plan attached as Attachment 3.
2. The proposed development is in substantial compliance with the plans and elevations prepared by Scott Signs and attached as Attachment 4.
3. The freestanding sign shall conform to the following requirements:
  - a. Sign copy is limited to static images only which shall be displayed for a minimum of 1 minute per image/message. The use of animation effects to transition from one static image to the next is not permitted.
  - b. The sign shall not include continuous video, flashing or scrolling components.
  - c. The LED portion of the sign shall include automatic dimming so that light intensity levels are automatically adjusted based on current weather conditions and the time of day.
  - d. The brightness level of the LED sign shall not be more than 0.3 foot candles over ambient levels, as measured using a foot candle meter at a distance of 30.0 metres from the face of the sign.
  - e. The sign must be turned off between the hours of 10:00 pm and 6:00 am.
  - f. Third party advertising is not permitted.
4. The applicant is required to remove all existing freestanding signage and the community bulletin board structure from the subject property.
5. The applicant shall be required to provide a survey prepared by a BCLS confirming the location of the freestanding sign prior issuance of building permit.
6. The property owner shall obtain the necessary permits for construction in accordance with “Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001” as replaced or amended.

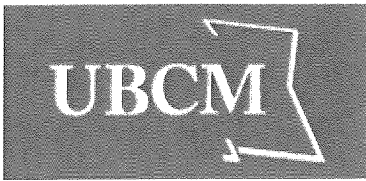
**Attachment 3**  
**Proposed Site Plan and Variance**



**Attachment 4  
 Sign Elevation**



scale: 1:16



## Input Sought for Marijuana Regulation

Mar. 29, 2017

With federal legislation to legalize marijuana expected within the next month, and regulatory development to follow soon after, UBCM is seeking membership input regarding a new regulatory regime. Responses to the survey will be accepted until Friday, April 28, 2017.

The legalization of marijuana was a campaign commitment of the Liberal Party of Canada in the 2015 federal election. Two priority resolutions (2016-A2 and 2016-A3) endorsed by UBCM delegates at the 2016 Convention highlight the challenges that local governments are facing as we await the promised legalization legislation. As UBCM prepares for the next stage of its advocacy with regard to marijuana legalization and regulation, we are seeking additional member input regarding the following issues:

- Taxation and revenue sharing with local governments;
- Federal and provincial consultation with local governments;
- Local analysis of the Federal Task Force on Cannabis Legalization and Regulation's final report, *A Framework for the Legalization and Regulation of Cannabis in Canada*;
- The potential burden on local government departments or services that may result from the legalization of marijuana;
- Existing local policies and bylaws to regulate marijuana;
- Local attitudes towards personal cultivation and dispensaries;
- Local preference for legalized marijuana distribution, regulatory oversight and enforcement; and,
- Expected implementation timelines and other needs.

This survey is intended for local government elected officials and senior staff in British Columbia. Individuals with all levels of understanding are encouraged to participate in the survey, as it will enable UBCM to assess the information needs of its members.

UBCM will use information collected in conjunction with policy set by the membership to further its advocacy efforts, which thus far have included participation in a teleconference with Task Force Chair Anne McLellan; collaboration with FCM; and providing UBCM's membership with opportunity to comment on the work of the Task Force. UBCM has also recently requested meetings with federal and provincial elected officials to discuss local government concerns and other important aspects of a new legalized marijuana regime.

Questions regarding this survey or UBCM's advocacy related to marijuana may be directed to Bhar Sihota, UBCM Policy Analyst.

### Background

In June 2016, responding to an election campaign promise, the federal government created a Task Force on Marijuana Legalization and Regulation. The Task Force released a discussion paper, *Towards the Legalization, Regulation and Restriction of Access to Marijuana*, and subsequently engaged with a range of stakeholders. In November 2016, the Task Force released its final report, which included 80+ recommendations providing insight into a potential framework for marijuana legalization and regulation.

### Follow Us On

- Twitter: @ubcm