

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA SERVICES COMMITTEE
AGENDA

Tuesday, June 13, 2017

4:00 P.M.

RDN Board Chambers

This meeting will be recorded

Pages

1. CALL TO ORDER
2. APPROVAL OF THE AGENDA
3. ADOPTION OF MINUTES
 - 3.1 **Electoral Area Services Committee Meeting - May 9, 2017** 4
That the minutes of the Electoral Area Services Committee meeting held May 9, 2017, be adopted.
4. DELEGATIONS
5. CORRESPONDENCE
6. UNFINISHED BUSINESS
7. COMMITTEE MINUTES AND RECOMMENDATIONS
 - 7.1 **Electoral Area 'F' Parks and Open Space Advisory Committee**
 - 7.1.1 **Minutes of the Electoral Area 'F' Parks and Open Space Advisory Committee Meeting - May 17, 2017** 8
That the minutes of the Electoral Area 'F' Parks and Open Space Advisory Committee meeting held May 17, 2017, be received for information.
 - 7.1.2 **Trail Project Updates**
 1. That \$10,000 be allocated from the 2017 Electoral Area 'F' Community Parks Budget for the David Lundine Trail surfacing.
 2. That the Electoral Area 'F' Community Works Fund be used to fund the completion of the Carrothers Trail.
 - 7.1.3 **BMX/ Mountain Bike Park – Errington Memorial Park**
That a Bike Skills Park be included in future development plans for the Errington Community Park.

8. PLANNING

8.1 Development Permit

- 8.1.1 Development Permit Application No. PL2017-056 - 2519 Lasqueti Road, Electoral Area 'H'** 11
- That the Board approve Development Permit No. PL2017-056 to permit the construction of a new wastewater system subject to the conditions outlined in Attachments 2 and 3.
- 8.1.2 Development Permit Application No. PL2017-067 - 6919 Island Highway West, Electoral Area 'H'** 17
- That the Board approve Development Permit No. PL2017-067 and Site Specific Floodplain Bylaw exemption to permit an addition to a detached hotel unit subject to the conditions outlined in Attachments 2 to 4.
- 8.1.3 Development Permit Application No. PL2016-138 - 3100 and 3106 Jameson Road, Electoral Area 'C'** 26
- That the Board approve Development Permit No. PL2016-138 to permit the installation of two culverts and access roads on the property subject to the conditions outlined in Attachment 2.

8.2 Development Variance Permit

- 8.2.1 Development Variance Permit Application No. PL2017-036 - 1420 Alberni Highway, Electoral Area 'F'** 32
1. That the Board approve Development Variance Permit No. PL2017-036 to increase the number of freestanding signs on the parcel from 1 to 2 and to reduce the front lot line setback for a freestanding sign from 4.5 metres to 0.3 metres subject to the terms and conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-036.
- 8.2.2 Development Variance Permit Application No. PL2017-053 - 2794 Sunset Terrace, Electoral Area 'H'** 41
1. That the Board approve Development Variance Permit No. PL2017-053 to increase the maximum permitted floor area and height for recreational residence and to reduce the setback from the interior side and Other Lot Line for the construction of a retaining wall subject to the terms and conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-053.

8.3 Other

8.3.1 Liquor Licence Amendment Application No. PL2017-055 - 2310 Alberni Highway, Electoral Area 'F' 51

1. That the Board consider submissions or comments from the public regarding Liquor Licence Amendment Application No. PL2017-055.

2. That the Board adopt the resolution pertaining to Liquor Licence Amendment Application No. PL2017-055 attached to this report as Attachment 2.

8.3.2 Development Permit Delegation of Authority Bylaw 60

1. That the Board give three readings to "Regional District of Nanaimo Delegation of Authority Bylaw No. 1759, 2017".

2. That the Board adopt "Regional District of Nanaimo Delegation of Authority Bylaw No. 1759, 2017".

9. BUSINESS ARISING FROM DELEGATIONS

10. NEW BUSINESS

10.1 Directors' Forum

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

11. ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday, May 9, 2017

4:00 P.M.

RDN Board Chambers

In Attendance:	Director J. Stanhope	Chair
	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
	T. Osborne	Gen. Mgr. Recreation & Parks
	D. Trudeau	Gen. Mgr. Transportation & Emergency Planning Services
	J. Holm	A/Gen. Mgr. Strategic & Community Development
	J. Harrison	Director of Corporate Services
	W. Idema	Director of Finance
	T. Armet	Mgr. Building and Bylaw Services
	J. Hill	Mgr. Administrative Services
	Bernadette 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.

APPROVAL OF THE AGENDA

It was moved and seconded that the agenda be approved as presented.

CARRIED UNANIMOUSLY

ADOPTION OF THE MINUTES

Electoral Area Services Committee Meeting - April 11, 2017

It was moved and seconded that the minutes of the Electoral Area Services Committee meeting held April 11, 2017, be adopted.

CARRIED UNANIMOUSLY

PLANNING

Development Permit

Development Permit Application No. PL2017-033 - 6141 Island Highway West, Electoral Area 'H'

It was moved and seconded that the Board approve Development Permit No. PL2017-033 to remove an existing lock block retaining wall and permit the construction of a foreshore revetment to protect the property from erosion subject to the conditions outlined in Attachments 2 to 4.

CARRIED UNANIMOUSLY

Development Permit Application No. PL2017-046 - 1683, 1691 and 1697 Admiral Tryon Boulevard, Electoral Area 'G'

It was moved and seconded that the Board approve Development Permit No. PL2017-046 to permit the removal of an existing retaining wall and construction of a riprap revetment on the subject properties subject to the terms and conditions outlined in Attachments 2 to 4.

CARRIED UNANIMOUSLY

Development Variance Permit

Development Variance Permit Application No. PL2017-050 - 863 Cavin Road, Electoral Area 'G'

It was moved and seconded that the Board approve Development Variance Permit No. PL2017-050 to increase the permitted parcel depth for proposed Lot 2 from 40% to 46% subject to the terms and conditions outlined in Attachments 2 to 3.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-050.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board approve the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 1 and Lot 2 in relation to Subdivision Application No. PL2017-050.

CARRIED UNANIMOUSLY

Development Variance Permit Application No. PL2017-032 - 2338 Andover Road, Electoral Area 'E'

It was moved and seconded that the Board approve Development Variance Permit No. PL2017-032 to reduce the setbacks for a number of retaining walls required in relation to landscaping and the construction of a dwelling unit subject to the terms and conditions outlined in Attachments 2 to 5.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-032.

CARRIED UNANIMOUSLY

Zoning Amendment

Zoning Amendment Application No. PL2017-015 - 2720 Benson View Road, Electoral Area 'C' - Amendment Bylaw 500.409, 2017 – First and Second Reading

It was moved and seconded that the Board receive the Summary of the Public Information Meeting held on April 4, 2017.

CARRIED UNANIMOUSLY

It was moved and seconded that the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 500.409, 2017 being considered for adoption.

CARRIED UNANIMOUSLY

It was moved and seconded that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.409, 2017" be introduced and read two times.

CARRIED UNANIMOUSLY

It was moved and seconded that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.409, 2017", be waived in accordance with Section 464(2) of the *Local Government Act*.

CARRIED UNANIMOUSLY

It was moved and seconded 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. 500.409, 2017" at a regular Board meeting to be held on June 27, 2017.

CARRIED UNANIMOUSLY

BUILDING INSPECTION

Building Permit Activity – First Quarter 2017

It was moved and seconded that the report on building permit activity for the first quarter of 2017 be received for information.

CARRIED UNANIMOUSLY

NEW BUSINESS

Directors' Forum

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

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 4:34 PM

CHAIR

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE AREA F PARKS AND OPEN SPACE ADVISORY COMMITTEE (POSAC)

WEDNESDAY, MAY 17 2017

7:00 pm

ARROWSMITH ANNEX, COOMBS

In Attendance: Director J. Fell
R. Shakleton
B. Smith
R. Nosworthy
K. Kril

RDN Staff: E. McCulloch RDN Park Planner

Regrets: D. Roi

CALL TO ORDER

Chair Fell called the meeting to order 7:05 p.m. and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting is taking place.

ELECTION OF THE SECRETARY

It was moved and seconded that Barbara Smith be appointed as the secretary of this committee.

CARRIED UNANAMOUSLY

AGENDA

It was moved and seconded that the Agenda be amended to include the delegation from the Errington Hall and information from Barbara Smith.

CARRIED UNANAMOUSLY

MINUTES

It was moved and seconded that the minutes of the Electoral Area F Parks and Open space Advisory Committee (POSAC) dated March 15th, 2017 be adopted as presented.

CARRIED UNANAMOUSLY

COMMUNICATION AND CORRESPONDENCE

It was moved and seconded that the following correspondence be received for information:

E. McCulloch, RDN to G & L Harm, **RE: Carrothers Road Trail/Arrowsmith Comm. Trail**

E. McCulloch, RDN to P. Hughes, **RE: Carrothers Road Trail/Arrowsmith Comm. Trail**

E. McCulloch, RDN to W. Salter, **RE: Carrothers Road Trail/Arrowsmith Comm. Trail**

E. McCulloch, RDN to W & A Trawoger, **RE: Carrothers Road Trail/Arrowsmith Comm. Trail**

CARRIED UNANAMOUSLY

DELEGATION

R. Shackleton and L. Franklin – BMX/ Mountain Bike Park – Errington Memorial Park

R. Shackleton and L. Franklin spoke on behalf of Errington residents who propose that a BMX/Mountain Bike park be constructed within the Errington Memorial Park. This would be an adjunct to the existing proposal to design a playground for younger children and would attract older youth – ages 12 to 18. Presently these older youth ride their bikes in the parking lot of the Errington Store and there is a safety issue along and with a message that the kids were not welcome to do so. It would be a hub and a place to gather energy for local kids

The proposed bike area would be an “L” shape, taking up a perimeter corner and be a raised area with various jumps and hollows and made of natural elements e.g. earth and rocks with no wood structures. The present field is not used for playing baseball.

L. Franklin pointed out that the community of Errington has a healthy volunteer base that supports this project. In addition the youth have expressed enthusiasm and wish to be involved. The Residents want to revitalize this area. He suggests that \$15,000 is a realistic initial funding goal. The structure could be something that could evolve with the neighbourhood and should not take anything away from the value of the Park.

REPORTS

Parks Update Report – January – March 2017

The Grand Opening of Parksville to Coombs Rail Trail will be moved to a new date in the fall.

Trail Project Updates

Ms. McCulloch received one quote for \$18,000 for the new alignment of Carrothers trail. This amount reflected the need to remove hazard trees, the proximity of hydro lines and the requirement for a culvert.

It was moved and seconded to that \$10,000 be allocated from the 2017 Electoral Area 'F' Community Parks Budget for the David Lundine Trail surfacing.

CARRIED UNANAMOUSLY

It was moved and seconded that the Electoral Area 'F' Community Works Fund be used to fund the completion of the Carrothers Trail.

CARRIED UNANAMOUSLY

2018 Workplan

Ms. McCulloch reviewed the budget and changed the order of some of the projects to reflect the issues dealt with today.

It was moved and seconded that the Reports be received as presented.

CARRIED UNANAMOUSLY

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

R. Shackleton and L. Franklin – BMX/ Mountain Bike Park – Errington Memorial park

B. Smith suggested that many Grants are available for trail and Park building.

R. Nosworthy pointed out the perceived confusion between POSAC's overview and the autonomy of the Errington Hall and Errington Memorial Park. Ms. McCulloch noted that there is an outstanding operator agreement, but that does not give the Hall Board the authority to take on projects. Projects would need to be reviewed by the POSAC then RDN staff would be in charge of undertaking the design, funding, and overseeing the construction as project manager.

Chair Fell suggested that it is "ground sculpting" and would require a plan and design. Biggest hold-up is the shortage of staff time and it could be a big project.

It was determined that a plan overviewing all of the proposed improvement to the Park needs to be developed that would include the services of a certified designer, proposed funding, along with how the works could be maintained and overseen in the future.

It was moved and seconded that a Bike Skills Park be included in future development plans for the Errington Community Park.

CARRIED UNANAMOUSLY

COMMITTEE ROUND TABLE

B. Smith spoke on the efforts of the Silver Spur Riding Club to deal with the temporary exclusion of equestrian traffic on the Parksville to Coombs Rail Trail.

ADJOURNMENT

It was moved and seconded that this meeting be adjourned at 8:45 p.m.

CARRIED UNANAMOUSLY

Chairperson

TO: Electoral Area Services Committee **DATE:** June 13, 2017

FROM: Kristy Marks
Planner **FILE:** PL2017-056

SUBJECT: Development Permit Application No. PL2017-056
2519 Lasqueti Road – Electoral Area ‘H’
Lot 3, District Lot 81, Newcastle District, Plan 16060

RECOMMENDATION

That the Board approve Development Permit No. PL2017-056 to permit the construction of a new wastewater system subject to the conditions outlined in Attachments 2 and 3.

SUMMARY

This is a development permit to allow the installation of a new wastewater system on the subject property. The applicant has provided a Geotechnical Hazard Assessment, Setback Reduction Study and Type 3 Wastewater Disposal System Repair Specifications report in support of the application. Given that the development permit guidelines have been met and no negative impacts are anticipated as a result of the proposed development, staff recommends that the Board approve the proposed development permit subject to the conditions outlined in Attachment 2.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of Donald and Joan Irwin to permit the construction of a new wastewater system on the subject property. The subject property is approximately 0.4 hectares in area and is zoned Rural 1 Zone (RU1), Subdivision District ‘D’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is surrounded by the Strait of Georgia to the north, developed rural parcels to the east and west and Lasqueti Road to the south (see Attachment 1 – Subject Property Map).

The property contains an existing dwelling unit, detached garage and storage shed and is serviced by a well and on-site wastewater system.

The proposed development is subject to the Hazard Lands Development Permit Area (DPA) per the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”.

Proposed Development

The applicant is proposing to construct a new wastewater system to serve the existing dwelling unit as the existing wastewater system is not performing to design capabilities. Given that the subject property is long and narrow, contains a steep slope beyond the existing dwelling towards the sea and that septic systems must typically be 30.0 metres from wells, the siting of the proposed new wastewater system is significantly constrained. The wastewater system is proposed to be sited in the front yard, which is well away from the slope towards the sea in the rear yard (see Attachment 3 - Proposed Site Plan). A development permit is required to permit the alteration of land required for the installation of the new wastewater system within the Hazard Lands DPA.

Land Use Implications

To address the Hazard Lands DPA guidelines the applicant has provided a report prepared by Lewkowich Engineering Associates Ltd., dated May 23, 2017, which concludes that from a geotechnical perspective, the land is considered safe for the intended use and that the intended use will have no impacts on adjacent properties, provided the recommendations in the report are followed. Staff recommend that the applicant be required to register the Geotechnical Hazards Assessment as a Section 219 covenant on title including a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard (see Attachment 2 – Conditions of Permit).

In addition, the applicant has provided a Type 3 Wastewater Disposal System Repair Specifications report dated April 18, 2017 prepared by H₂O Environmental which provides design details for the proposed system. In addition, they have provided a Wastewater System to Existing Well Setback Reduction Study dated April 19, 2017, also prepared by H₂O Environmental. This report concludes that if the dispersal field is located as recommended and the Type 3 system is properly installed and maintained, the reduction of the setback from the on-site well to the dispersal field from 30.0 metres to 10.0 metres will pose a very low environmental risk to the well and will not likely cause a health risk to the well users. Development of the property in accordance with these reports is included in the Conditions of Permit outlined in Attachment 2.

Intergovernmental Implications

The application was discussed with Island Health staff and they confirmed that they have reviewed the reports prepared by H₂O Environmental and have no concerns with the proposed new wastewater system.

ALTERNATIVES

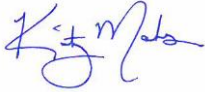
1. To approve Development Permit No. PL2017-056 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Permit No. PL2017-056.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2017 – 2021 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.



Kristy Marks
kmarks@rdn.bc.ca
May 26, 2017

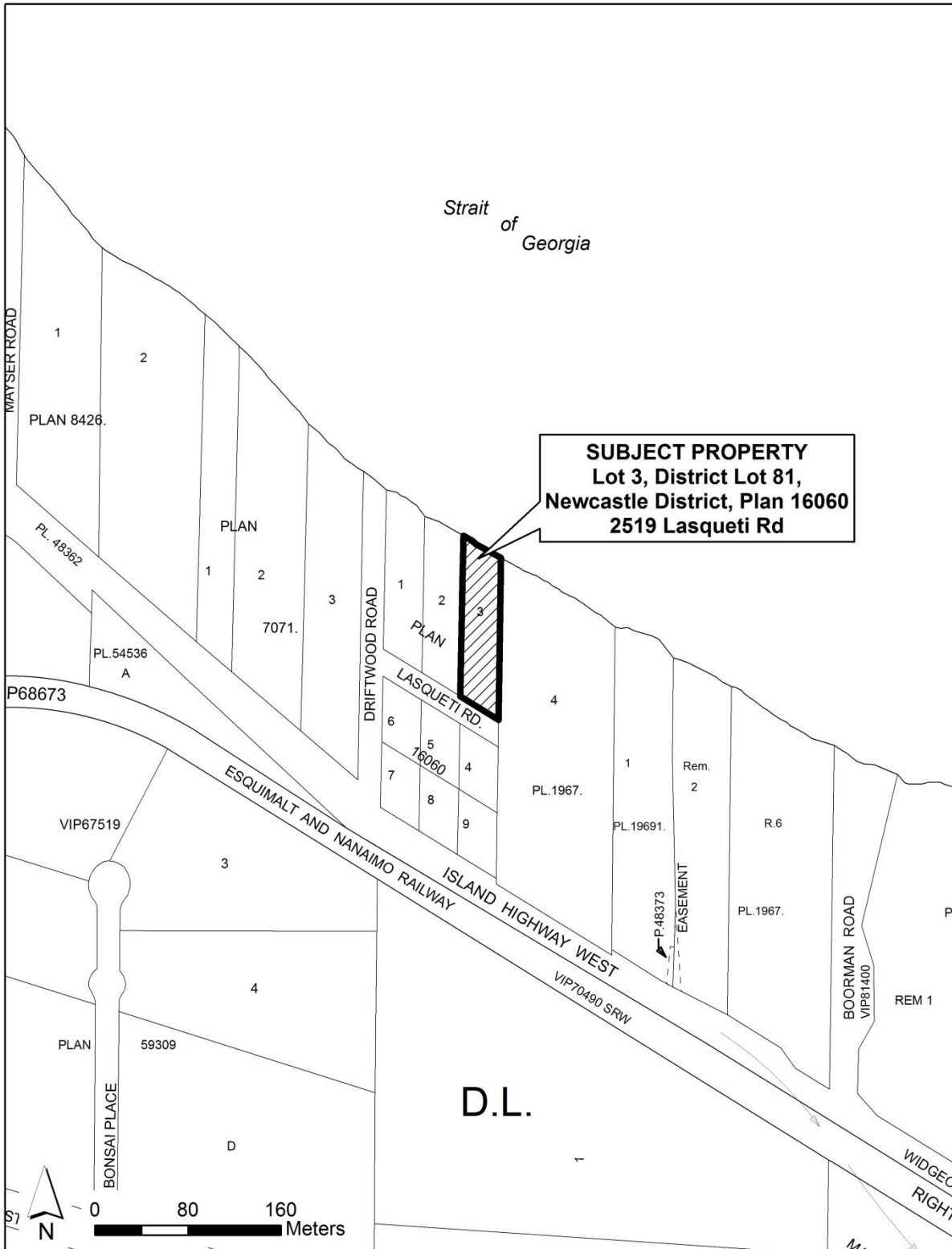
Reviewed by:

- 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

Attachment 1
Subject Property Map



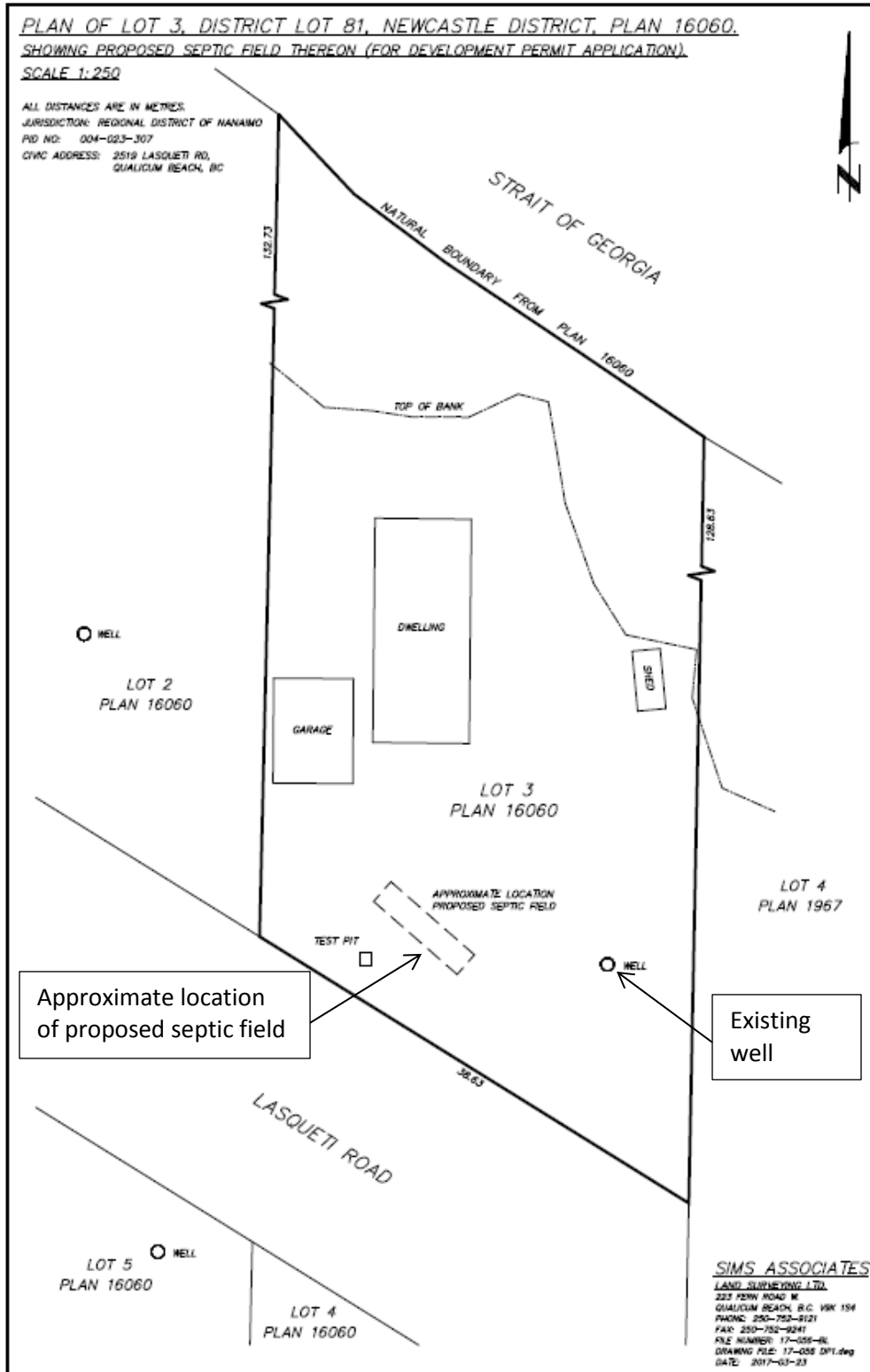
Attachment 2
Conditions of Permit

The following sets out the conditions of Development Permit No. PL2017-056:

Conditions of Approval

1. The site is developed in accordance with the Site Plan prepared by Sims Associates Land Surveying Ltd., dated March 23, 2017 and attached as Attachment 3.
2. The subject property shall be developed in accordance with the recommendations contained in the Type 3 Wastewater Disposal System Repair Specifications report prepared by H₂O Environmental, dated April 18, 2017.
3. The subject property shall be developed in accordance with the recommendations contained in the Wastewater System to Existing Well Setback Reduction Study prepared by H₂O Environmental, dated April 19, 2017.
4. 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 23, 2017.
5. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 Covenant on the property title containing the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated May 23, 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.

Attachment 3 Proposed Site Plan



TO: Electoral Area Services Committee **DATE:** June 13, 2017
FROM: Stephen Boogaards
Planner **FILE:** PL2017-067

**SUBJECT: Development Permit Application No. PL2017-067
6919 Island Highway West – Electoral Area 'H'
Lot 1, District Lot 36, and Part of the Bed of the Strait of Georgia, Newcastle District, Plan
38771**

RECOMMENDATION

That the Board approve Development Permit No. PL2017-067 and Site Specific Floodplain Bylaw exemption to permit an addition to a detached hotel unit subject to the conditions outlined in Attachments 2 to 4.

SUMMARY

The applicant has applied for a development permit and site specific exemption for an addition to an existing detached hotel unit / temporary accommodation unit. The existing unit is located within the Hazard Lands, Bowser Village and Environmentally Sensitive Features Development Permit Area (DPA), and will be located below the Flood Construction Level (FCL) of the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" (Floodplain Bylaw). The applicants were approved for a development permit and site specific exemption (PL2016-181) at the February 28, 2017 Board meeting for an addition of approximately 34.0 m² to the existing temporary accommodation unit. The new application is to change this amount to 42.0 m².

The applicant has provided an updated Flood Construction Level, Steep Slope Hazardous Area and Watercourse Assessment Report dated January 20, 2017 (updated May 19, 2017) by Emerald Sea Engineering to comply with the DPA guidelines and criteria for a site specific exemption. Given that the DPA guidelines have been met and the applicant demonstrates the proposal complies with site specific exemption criteria in the Floodplain Bylaw, staff recommends approval of the revised proposal subject to conditions outlined in Attachments 2 to 4.

BACKGROUND

The RDN has received an application from Oasis Renovation on behalf of Robert Frew and Katherine Rath to permit an addition to a detached hotel unit. The subject property is approximately 1.56 hectares in area and is zoned Commercial 5 Zone (CM5), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is located within the Bowser Village Centre and adjacent to the Strait of Georgia (see Attachment 1 – Subject Property Map).

The property currently contains nine detached hotel units and one dwelling unit. As a CM5 zoned property, only one of the units may be used as a dwelling, which allows for year round accommodation. The one dwelling unit on the property is currently being used for a caretaker. The property is serviced by Bowser Waterworks District community water system.

The proposed development is subject to the following DPA per the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”:

- Environmentally Sensitive Features DPA for Coastal Areas;
- Hazard Lands DPA;
- Bowser Village; and
- Fish Habitat DPA.

As the existing hotel unit is located below the FCL, as established in the Floodplain Bylaw, the addition will also require a site specific exemption to the Floodplain Bylaw.

A site specific exemption and development permit (PL2016-181) for an addition to the detached hotel unit was previously approved by the RDN Board on February 28, 2017. The previous site specific exemption allowed a 34.0 m² addition to the detached hotel unit. The applicant now proposes to include an additional 8.0 m² of floor area for a total of 42.0 m² of new floor area. The proposal would extend the addition approved through application PL2016-181 by 1.0 metres at the rear of the detached hotel unit further from the natural boundary of the sea.

Proposed Development and Site Specific Exemption Application

Due to its location in relation to the natural boundary of the sea, the proposed addition is subject to DPAs for the protection of habitat in coastal areas and the protection of property from flooding or other hazardous conditions. The additional 8.0 m² of habitable floor area is also below the Floodplain Bylaw FCL of 1.5 metres above the natural boundary of the sea and the proposed addition does not meet the Floodplain Bylaw exemption that allows additions of up to 25% to non-conforming floor area that existed prior to February 11, 1992. As such, the applicant must request a revised Floodplain Bylaw site specific exemption from the RDN Board.

Land Use Implications

The applicant proposes to construct the addition to the detached hotel unit within the Hazard Lands DPA and below the 1.5 metre FCL in the Floodplain Bylaw (see Attachment 3 – Proposed Site Plan). Criteria for a Floodplain Bylaw site specific exemption include a report from a Geotechnical Engineer that confirms the property can be safely used for the intended use and is protected from the 1 in 200 year flood.

The applicant has demonstrated as part of the previous development permit and site specific exemption that the proposed hotel unit addition would comply with site specific exemption criteria in the Floodplain Bylaw, and the Hazard Lands DPA. The applicant provided a report titled “Flood Construction Level, Steep Slope Hazardous Area and Watercourse Setback Assessment Report” (dated January 20, 2017 and revised May 19, 2017), prepared by Emerald Sea Engineering to confirm the 200 year FCL for the property. The report concludes that, provided the recommended 200 year FCL of 4.27 metres

Geodetic Survey of Canada (GSC) is met, the site is safe and suitable for the proposed use and there will be no detrimental impacts on neighbouring properties. The main floor elevation of the existing building is 4.52 metres GSC and the Floodplain Bylaw requires an FCL of 5.0 metres, which is 1.5 metres above present natural boundary. The proposed addition will be above the FCL of 4.27 metres GSC recommended by the applicant's engineer, but will be below the 5.0 metres GSC Floodplain Bylaw FCL.

Previously the applicant was approved for an addition of 34.0 m², which represented approximately 45% of the existing non-conforming floor area located below the Floodplain Bylaw FCL. In the revised application, the applicant has applied for a site specific exemption for 42.0 m², which represents approximately 52% of the non-conforming floor area located below the Floodplain Bylaw FCL. The report by Emerald Sea Engineering has been updated with the new site plan and the conditions of approval will reference the revised report (see Attachment 2 – Conditions of Permit).

Previously the applicant demonstrated a sufficient justification for the site specific exemption consistent with "Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation". This justification was to locate the addition on the same elevation as the existing floor area to allow for the efficient use of the building. The additional 8.0 m² of floor area proposed through this application represents a small change from the 34.0 m² approved through application PL2016-181.

As a condition of approval for PL2016-181 the applicant registered a Section 219 restrictive covenant (charge number CA6000137) that includes a save harmless clause that releases the RDN from all losses and damages as a result of potential hazards.

Environmental Implications

The report titled "Flood Construction Level, Steep Slope Hazardous Area and Watercourse Setback Assessment Report" (dated January 20, 2017 and revised May 19, 2017), prepared by Emerald Sea Engineering confirmed that the proposed addition will only affect existing lawn and the driveway.

Intergovernmental Implications

The property is affected by a mapped archaeological site, though the proposed addition is outside of the mapped area. The previous application was referred to the Provincial Archaeology Branch, and the agency has advised that a Heritage Alteration permit is not required at this time; however, if an archaeological site is encountered during development, owners and operators must halt activities and contact the Archaeology Branch for direction. Qualicum First Nation was also made aware of the development proposal in February.

ALTERNATIVES

1. To approve Development Permit No. PL2017-067 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Permit No. PL2017-067.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2017 – 2021 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
May 25, 2017

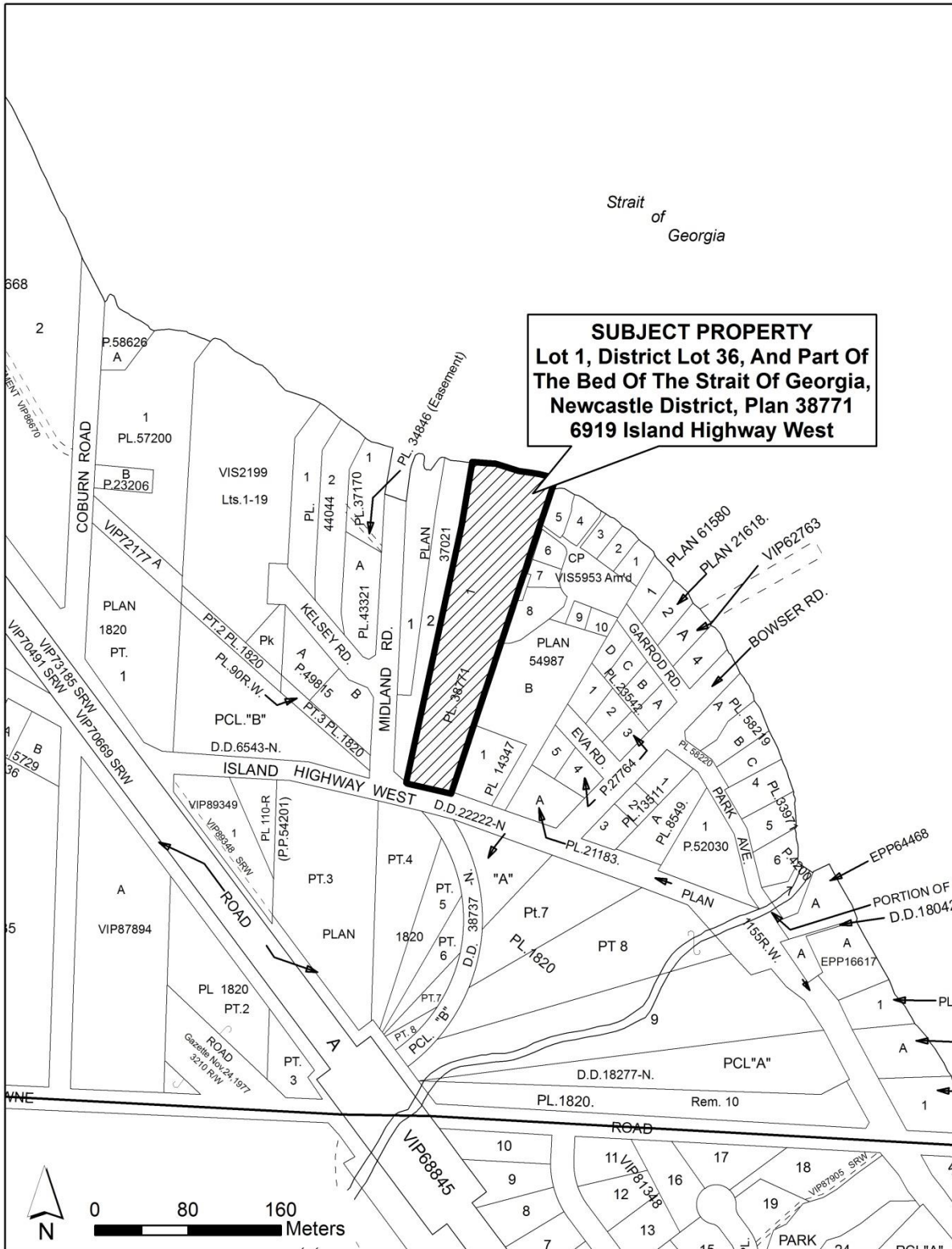
Reviewed by:

- 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



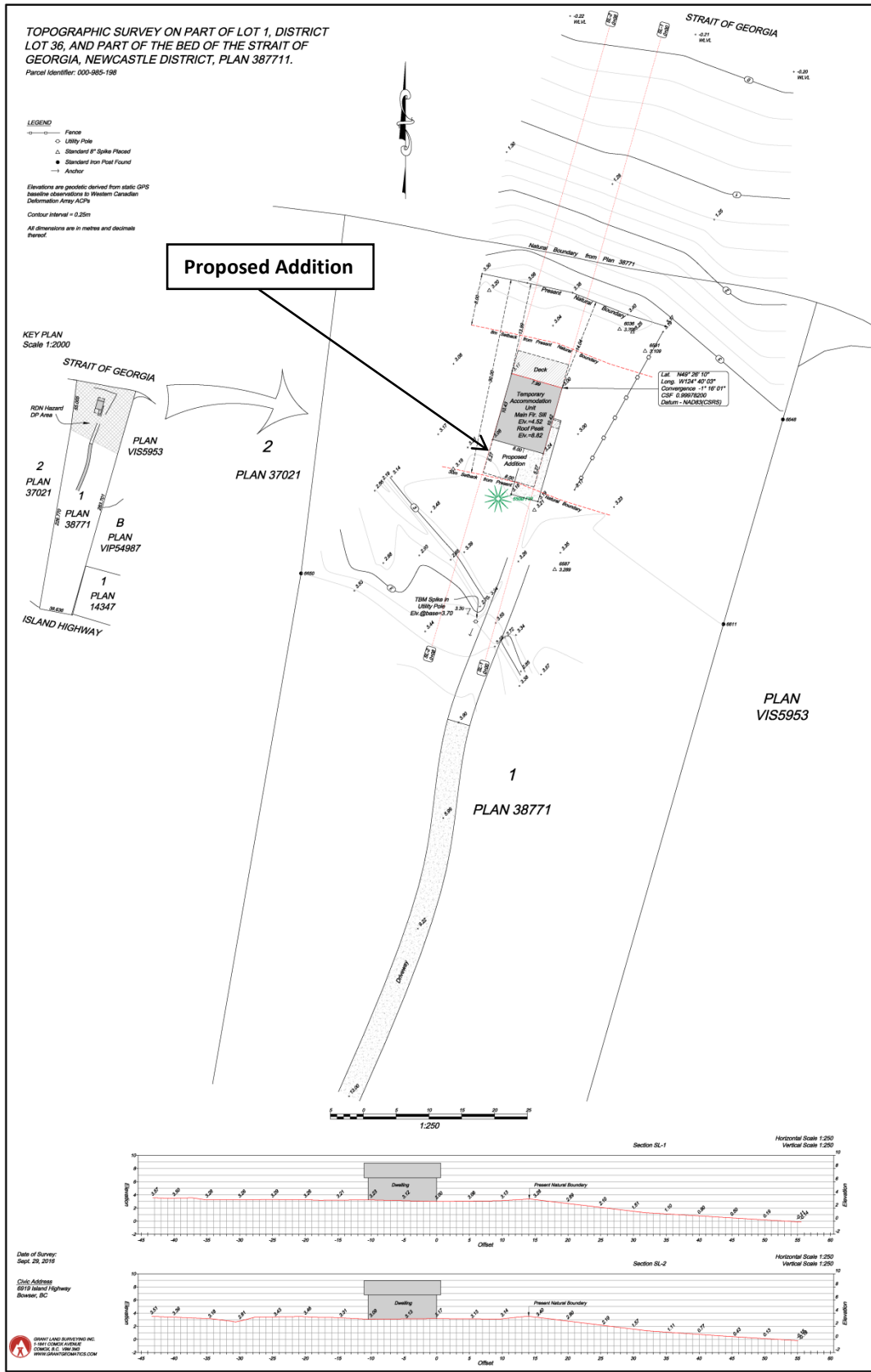
Attachment 2
Conditions of Permit

The following sets out the conditions of Development Permit No. PL2017-067:

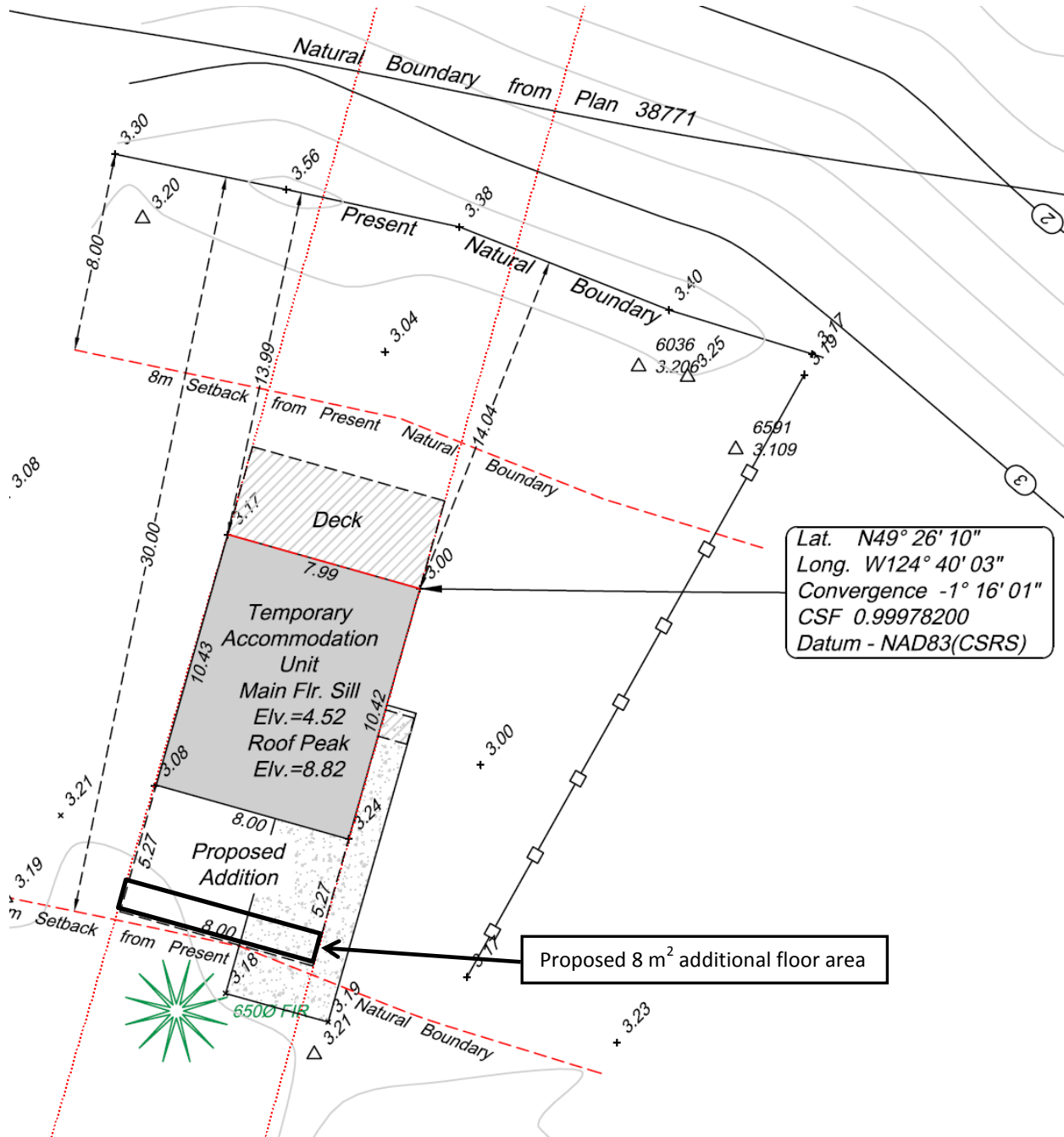
Conditions of Approval

1. The site is developed in accordance with the Site Plan prepared by Grant Land Surveying Inc., dated September 29, 2016 and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations prepared by Oasis Renovations, dated November 28, 2016 and attached as Attachment 4.
3. The subject property shall be developed in accordance with the recommendations contained in the Flood Construction Level, Steep Slope Hazardous Area and Watercourse Setback Assessment Report dated January 20, 2017 (revised May 19, 2017), prepared by Emerald Sea Engineering.
4. The subject property shall be developed in accordance with Section 219 covenant CA6000137.
5. The property owner shall obtain the necessary permits for construction in accordance with the Regional District of Nanaimo Building Regulations.

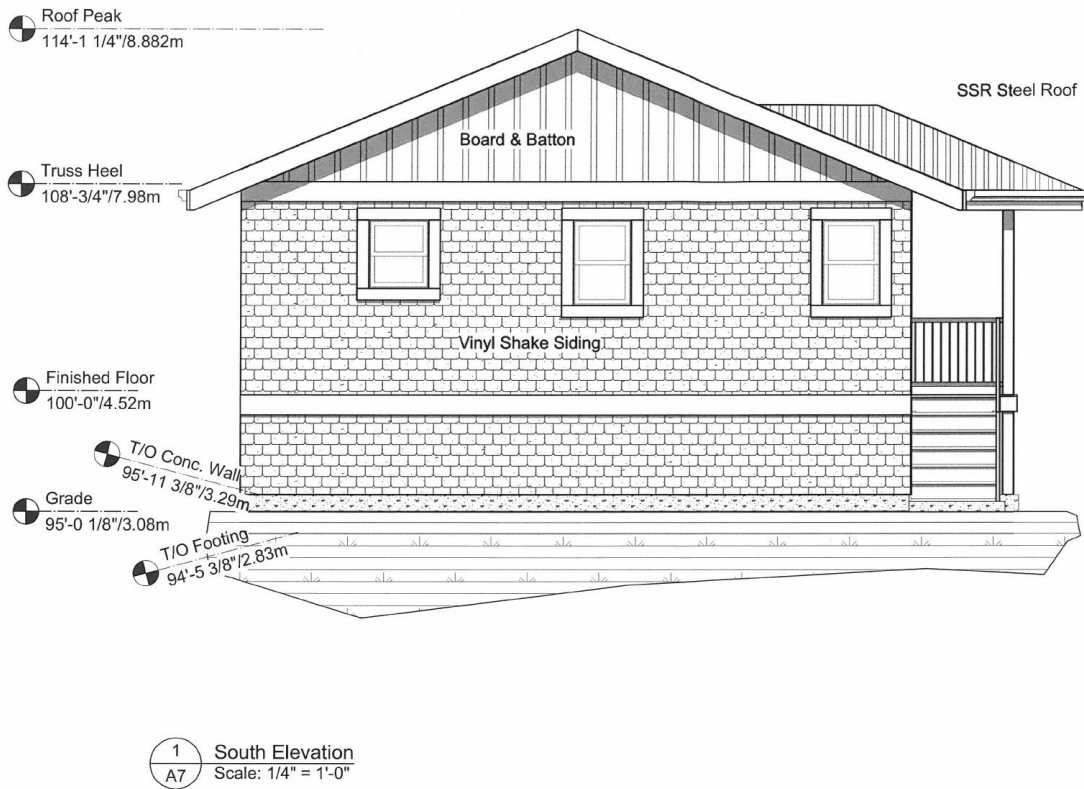
Attachment 3 Proposed Site Plan (1 of 2)



Attachment 3
Proposed Site Plan (2 of 2)



**Attachment 4
 Building Elevations**



TO: Electoral Area Services Committee **DATE:** June 13, 2017

FROM: Stephen Boogaards
Planner **FILE:** PL2016-138

**SUBJECT: Development Permit Application No. PL2016-138
3100 and 3106 Jameson Road – Electoral Area ‘C’
That Part of Section 13, Range 3, Mountain District, Lying East of the East Boundary of
Plan 3115**

RECOMMENDATION

That the Board approve Development Permit No. PL2016-138 to permit the installation of two culverts and access roads on the property subject to the conditions outlined in Attachment 2.

SUMMARY

The Regional District of Nanaimo (RDN) received an application to permit the construction of two culverts and associated road construction within the Fish Habitat Development Permit Area (DPA). The culvert and road construction is part of the larger subdivision of the property, which will be considered under a separate development permit application due to the timing constraints related to fisheries and habitat window. The applicant has submitted a Riparian Area Regulation assessment which establishes conditions for construction and post-construction. The applicants have also previously submitted a Section 11 notification under the *Water Sustainability Act* for changes in and about a stream. Given that the development permit area guidelines have been met and no negative impacts are anticipated as a result of the proposed development, staff recommends that the Board approve the proposed development permit subject to the conditions outlined in Attachment 2.

BACKGROUND

The RDN has received an application from JE Anderson and Associates on behalf of John Gregson to permit the construction of two culverts and access roads on the subject property. The subject property is approximately 24.2 hectares in area and is zoned Rural 1 Zone (RU1), Subdivision District ‘D’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is accessed off of Jameson Road and is bordered by other rural properties (see Attachment 1 – Subject Property Map). The property contains an existing dwelling unit and driveway.

The proposed development is subject to the Fish Habitat DPA per the “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997”.

The application is for the construction of road works related to a future subdivision. As the road works and culverts within riparian areas must be undertaken during dry weather, the applicant is proceeding with a development permit for these works now. The applicant will proceed with a development permit for the subdivision when Preliminary Layout Approval is received from the Provincial Subdivision Approving Officer.

Proposed Development

The proposed culverts, road construction and land alteration will occur within 30 metres of two seasonal stream channels that are tributaries to McGarrigle Creek. These watercourses fall under the Provincial *Riparian Area Regulations*, as such, the applicant requires a development permit for the proposed works.

Land Use and Environmental Implications

The applicant has submitted a Riparian Areas Regulations: Assessment Report by D.R. Clough Consulting, dated November 28, 2016, to address the DPA guidelines. The report identifies that the work on the culvert must be conducted during dry weather window of least risk, which is June 15 – September 15. The report also recommends identifying Streamside Protection and Enhancement Areas (SPEA) with signage; sediment and erosion control during construction; and covering exposed and disturbed areas after construction.

Intergovernmental Implications

The applicant has also submitted a Section 11 notification under the *Water Sustainability Act* to the Ministry of Forests, Lands and Natural Resource Operations. The Ministry has set conditions for construction of the culverts and salvaging fish prior to commencement.

ALTERNATIVES

1. To approve Development Permit No. PL2016-138 subject to the conditions outlined in Attachments 2 to 3.
2. To deny Development Permit No. PL2016-138.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2017 – 2021 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal will be in keeping with the 2016 – 2020 Board Strategic Plan. The Board's "Focus on the Environment" is supported through the Watercourse Protection DPA Guideline requirement for the assessment of the proposals impact by a Qualified Environmental Professional. Further, the Strategic Plan acknowledges the importance of water in supporting our economic and environmental health.



Stephen Boogaards
sboogaards@rdn.bc.ca
May 26, 2017

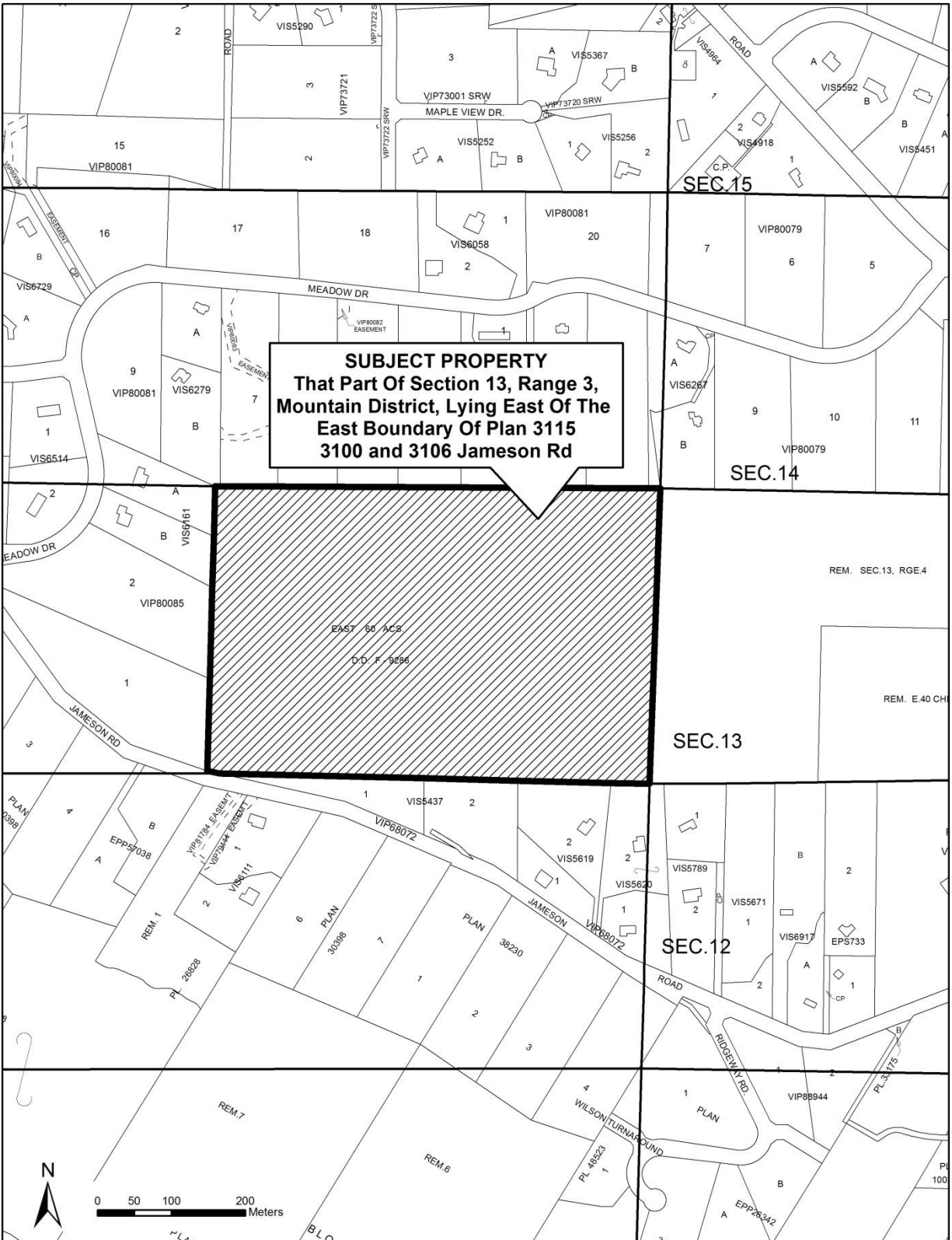
Reviewed by:

- 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

Attachment 1
Subject Property Map



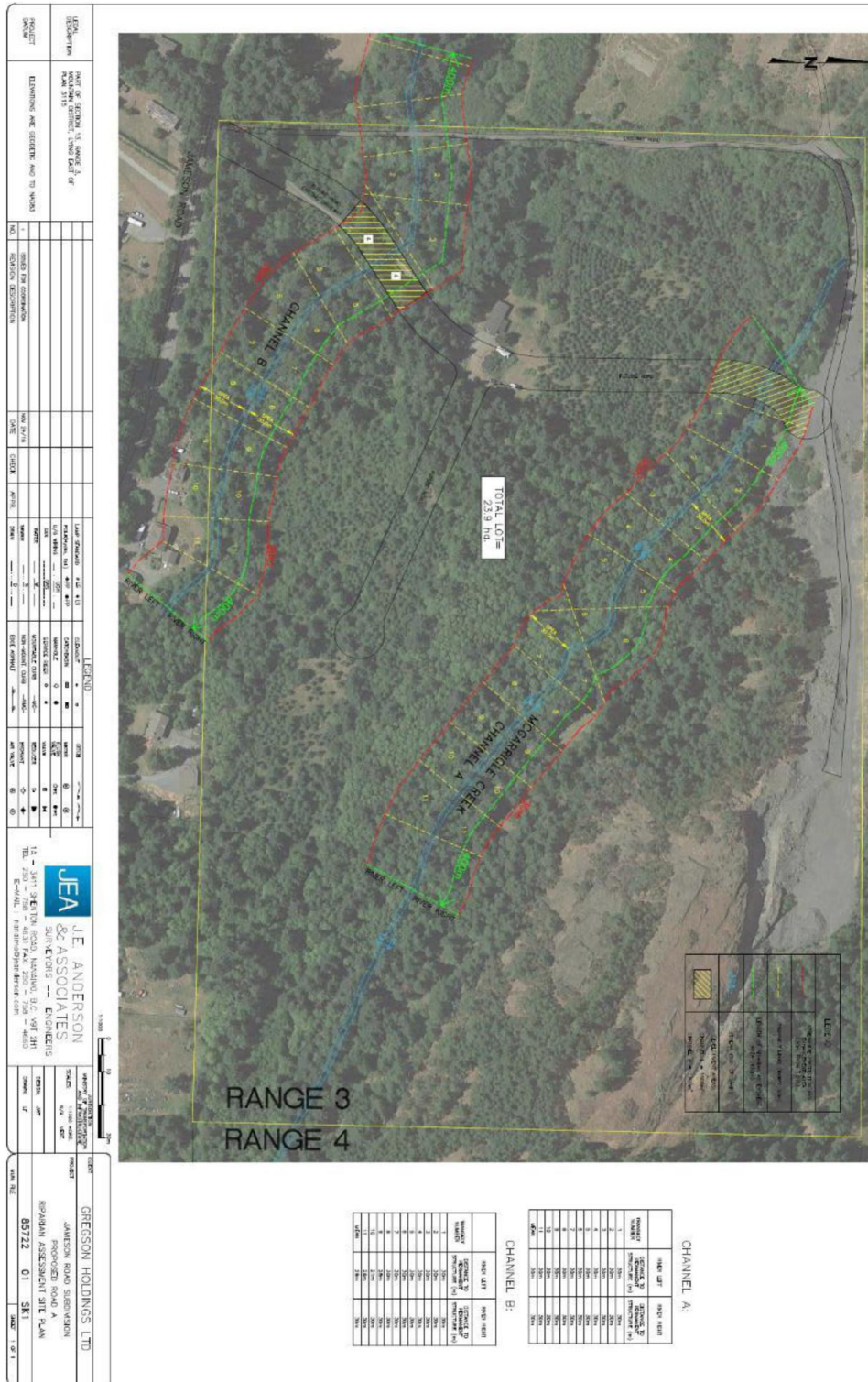
Attachment 2
Conditions of Permit

The following sets out the conditions of Development Permit No. PL2016-138:

Conditions of Approval

1. The site is developed in accordance with the Site Plan prepared by JE Anderson dated November 24, 2016 and attached as Attachment 3.
2. The subject property shall be developed in accordance with the recommendations contained in the Riparian Areas Assessment prepared by D.R. Clough Consulting, dated November 28, 2017.

**Attachment 3
 Site Plan**



TO: Electoral Area Services Committee **DATE:** June 13, 2017

FROM: Sarah Preston
Planning Technician **FILE:** PL2017-036

SUBJECT: **Development Variance Permit Application No. PL2017-036**
1420 Alberni Highway – Electoral Area ‘F’
Lot 21, District Lot 156, Nanoose District, Plan 1964

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2017-036 to increase the number of freestanding signs on the parcel from 1 to 2 and to reduce the front lot line setback for a freestanding sign from 4.5 metres to 0.3 metres subject to the terms and conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-036.

SUMMARY

The Pentecostal Assemblies of Canada has made an application to the Regional District of Nanaimo to construct a freestanding sign on the subject property within the front lot line setback. The applicant is requesting variances to the sign regulations of “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” in relation to the front lot line setback and maximum number of signs permitted per parcel. If approved, the variance to the maximum number of signs per parcel would be valid only for the duration of an active Temporary Use Permit for automobile sales on the subject property.

It is anticipated that under the recommended terms and conditions, the proposed variance will be an improvement on the non-compliant freestanding signage currently in place along the Alberni Highway road frontage of the property. Given that “Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation” has been met, staff recommend that the Board approve the development variance permit, pending the outcome of public notification.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from David Monk, Administrative Pastor for Oceanside Community Church, on behalf of The Pentecostal Assemblies of Canada. The application is to permit the construction of a freestanding sign with a non-electronic message board component. The subject property is approximately 1.74 hectares in area and is zoned Institutional/Community Facility 1.2 (T-1.2), pursuant to “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002”. The property is located within the Bellevue-Church Road Rural Separation Boundary area along the Alberni Highway by the Church Road intersection. A mix of Commercial, Industrial, Institutional, and Comprehensive Development zones are present within the Boundary area (see Attachment 1 – Subject Property Map).

The property contains a church, two dwelling units, a manufactured home, and an automobile sales business, which was permitted under Temporary Use Permit (TUP) PL2015-152 approved by the Board in January 2016. The freestanding sign associated with the automobile sales business is required to be removed under the terms of the TUP when it expires at the end of 2017.

Proposed Development and Variance

The proposed development includes a double sided freestanding sign and associated landscaping. The proposed sign was designed by Scott Signs Ltd to mimic the same form, character, and design quality as the Nanoose Bay and City of Parksville identification signage. The proposed sign is 2.79 metres high (9.15 feet) and 3.15 metres wide, with a proposed face area of 6.68 metres square. An evergreen base planting balances the height of the sign against its proposed width. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002”:

- **2.14 – Signs** to increase the maximum number of freestanding signs from 1 to 2 to allow the installation of a freestanding sign advertising the principle use on the property.
- **4.20.3 – Regulations Table** to reduce the minimum Front Lot Line Setback from 4.5 metres to 0.3 metres for the proposed freestanding sign.

Land Use Implications

In support of the application, the Applicant has submitted a Site Survey, Site Plan with Construction Detail, and Elevation Drawings. These submissions outline the proposal and verify that the proposed sign location meets zoning regulations for visibility at intersections. Table 2.1 of Zoning Bylaw No. 1285 regulates the number, face area, height, and type of sign permitted in each zone. The proposal is consistent with Zoning Bylaw No. 1285 requirements for sign face area and maximum height.

“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. In this case, the applicant has provided a letter explaining that the request for variance is justified due to a net benefit to the community from the sign. As the church supports a variety of special events and services, it is important to adequately identify the church as well as communicate upcoming community events. The church provides a venue for spiritual exploration, and

also hosts a number of community services such as narcotics anonymous, youth and children's programs, and community dinners. As the parcel is significantly setback from the travelled lane of Alberni Highway, the applicant requests a reduction to the required 4.5 metre setback in order to ensure that the site is effectively identified and events and services are communicated to the community.

While the sign is proposed to be 0.3 metres from the front lot line, the sign will be located 10.97 metres from the travelled lane of the Alberni Highway. The sign is sufficiently separated from the road and driveway accesses to meet MOTI's clear zone requirements and to not negatively impact driver's sight lines.

In order to limit the potential negative impacts of the variance related to sign clutter, the applicant will remove the existing freestanding sign associated with the automobile sales business when the TUP for the business expires at the end of 2017.

As the applicant has provided sufficient rationale and based on the terms and conditions of approval, the variance is not anticipated to have negative impacts for adjacent properties and the streetscape. The applicant has made reasonable efforts to address Policy B1.5 guidelines.

Intergovernmental Implications

The application was referred to the Ministry of Transportation and Infrastructure (MOTI). MOTI did not express concern with the proposed variance, and confirmed that its clear zone visibility requirements are met by the proposed sign.

Public Consultation Implications

Should the Electoral Area Services Committee choose to recommend that the Board approve the Development Variance Permit in accordance with staff recommendations, 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 50.0 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. PL2017-036 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2017-036.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2017 – 2021 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.



Sarah Preston
spreston@rdn.bc.ca
May 23, 2017

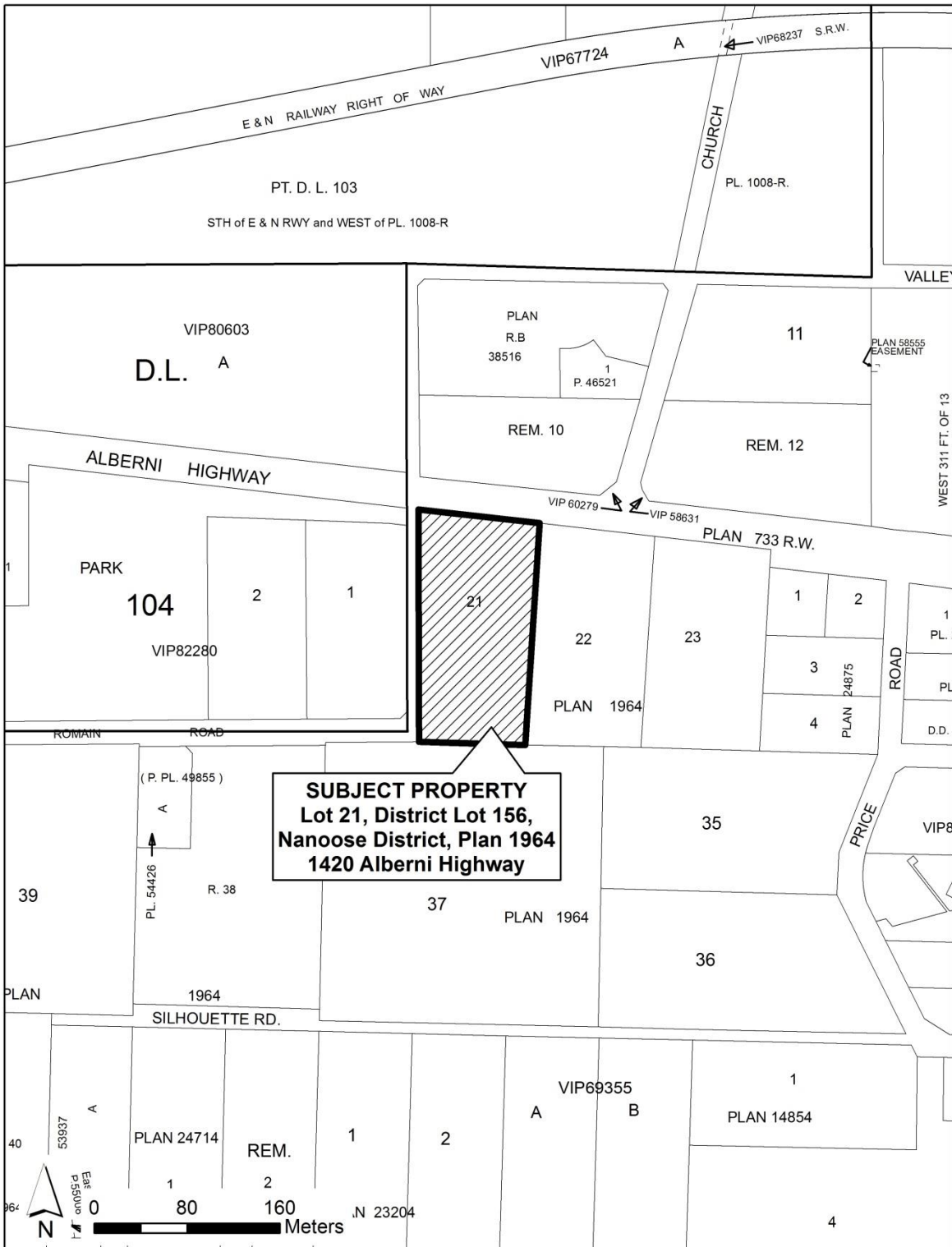
Reviewed by:

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

Attachments

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

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. PL2017-036:

Bylaw No. 1285, 2002 Variances

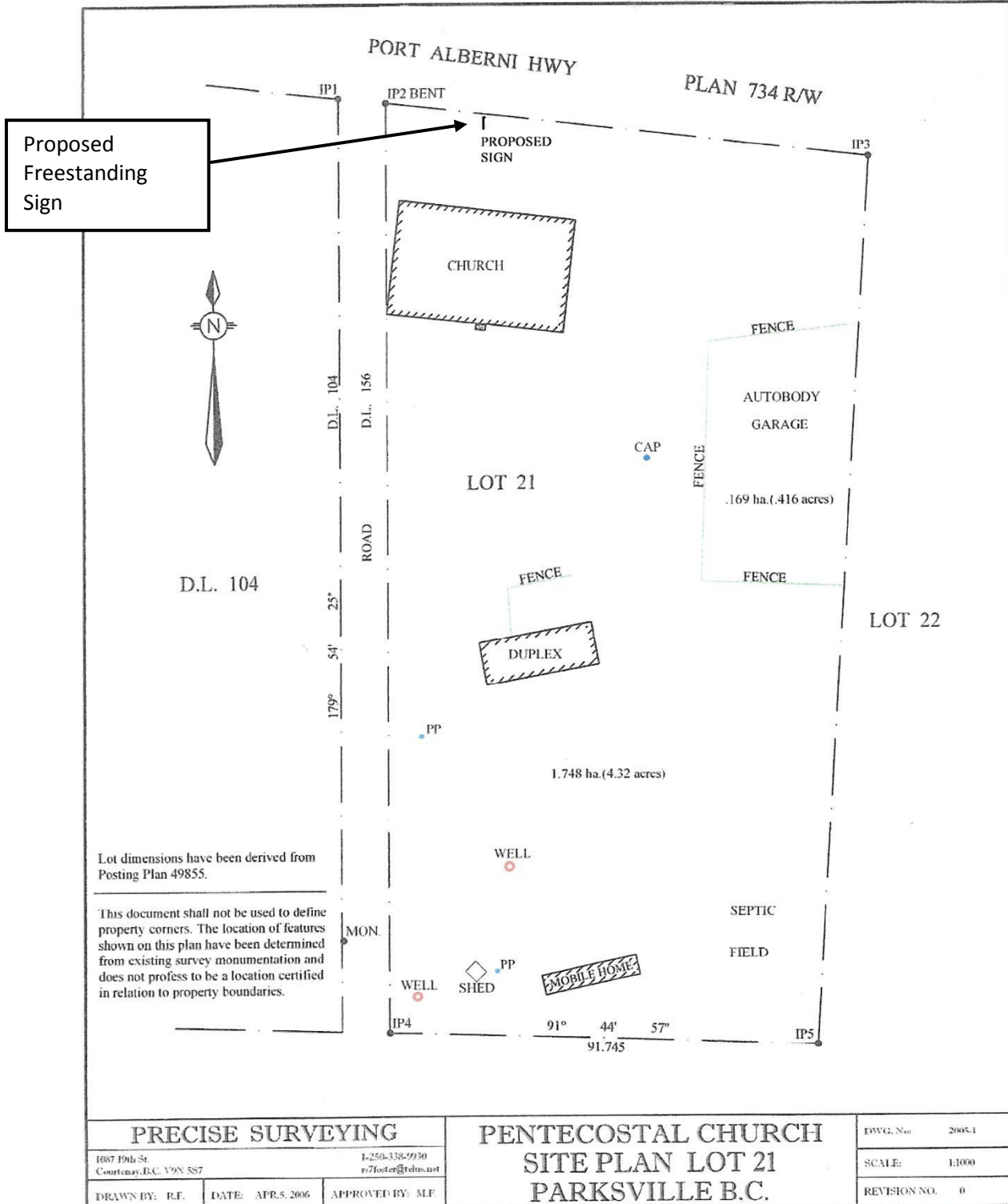
“Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” is varied as follows:

1. **2.14 – Signs** to increase the maximum number of freestanding signs from 1 to 2 to allow the installation of a freestanding sign advertising the principle use on the property.
2. **4.20.3 – Regulations Table** to reduce the minimum Front Lot Line Setback from 4.5 metres to 0.3 metres for the proposed freestanding sign.

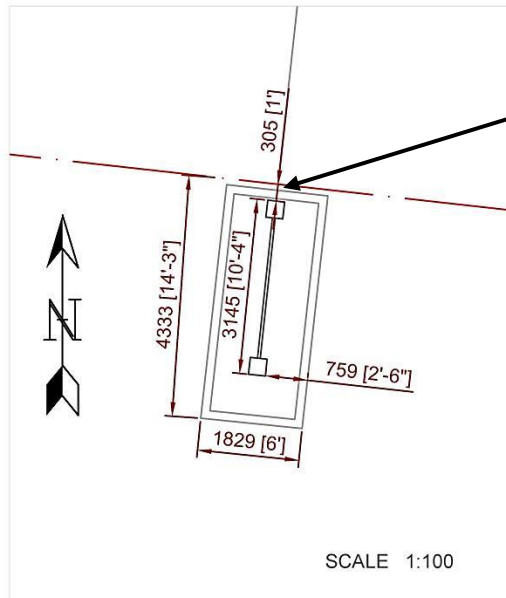
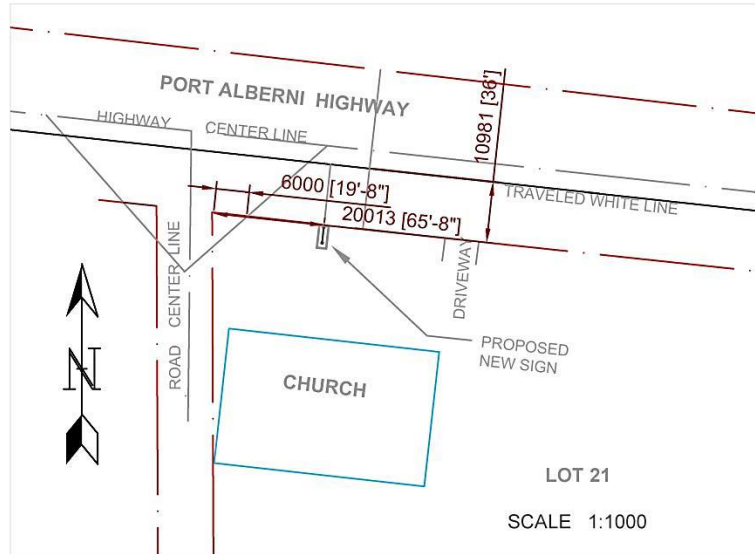
Conditions of Approval

1. The site is developed in accordance with the Site Survey Plan prepared by Precise Surveying, dated April 5, 2006 and attached as Attachment 3.
2. The site is developed in accordance with the Site Plan prepared by L. Wardale, dated April 11, 2017 and attached as Attachment 3.
3. The proposed freestanding sign is in general compliance with the form and character depicted in the sign elevation prepared by Scott Signs Ltd attached as Attachment 4.
4. The dimensions of the proposed freestanding sign shall be in accordance with the dimensions provided in the sign elevation prepared by Scott Signs Ltd attached as Attachment 4 – Approximately 3.15 metres (124”) wide overall, by approximately 2.79 metres (110”) high overall, and by approximately 0.30 metres (12”) deep overall.
5. The variance to Section 2.14 – Signs, increasing the number of freestanding signs, shall expire December 31, 2017.
6. As per Temporary Use Permit No. PL2015-152, all signage associated with the “Outdoor Sales” use shall be removed, at the expense of the Permittee, in accordance with Section 495 of the *Local Government Act*, by the December 31, 2017 lapse date.
7. 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 3
Proposed Site Plan and Variances
(1 of 2)



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



Proposed variance to reduce the Front Lot Line setback from 4.5 metres to 0.3 metres.

SITE DETAILS FOR SIGN

- * Ground cover inside curb perimeter of Sign crushed stone $\frac{1}{2}$ inch.
- *Curb material: pressure treated 6x6.
- *Set back from property line 305 mm (1 ft.)
- *Total Set back from White traveled Line to sign 11.3M (37ft.)

OCEANSIDE COMMUNITY CHURCH PARKSVILLE BC SHOWING PART OF LOT 21	DATE . APRIL 28 2017	PROJECT: PROPOSED NEW SIGN
THIS DRAWING SHALL NOT BE USED TO DEFINE THE PROPERTY BOUNDARIES		
DRAWN BY L WARDALE 1463 SUMAR LANE PARKSVILLE BC V9P-2E7 PH 250 415 3811		DWG. OCC 2017 SIGN

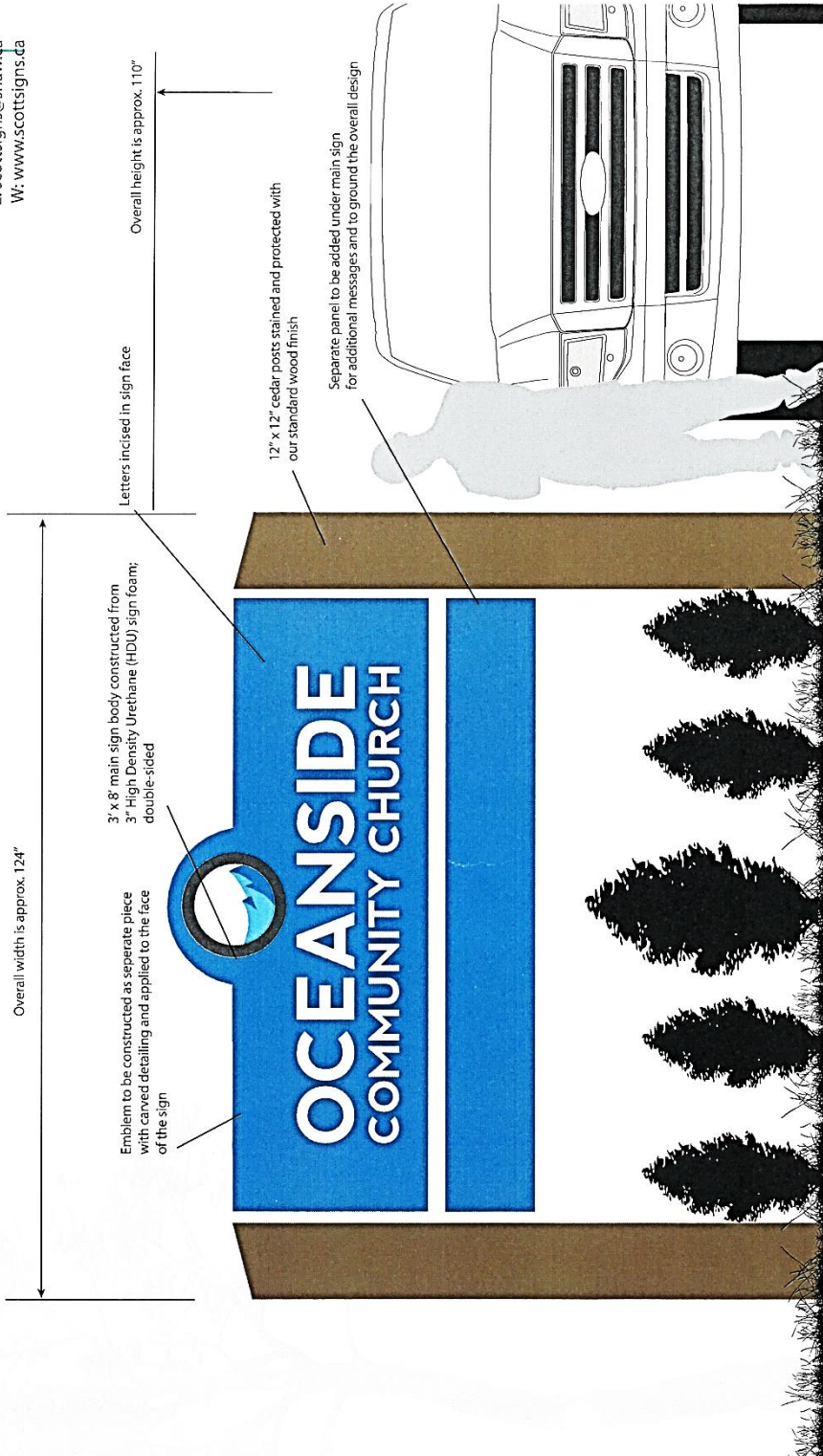
Attachment 4 Sign Elevation

scottsigns.ca

P: 250.248.3015
F: 250.248.3016
E: scottsigns@shaw.ca
W: www.scottsigns.ca

Project: Freestanding sign

Customer: Oceanside Community Church



Signature:

All projects require a 50% deposit to begin production and payment on completion unless otherwise agreed upon.

All designs are copyright © Scott Signs Ltd. This form releases Scott Signs Ltd. from all responsibility due to any change, colour variation, media variation, omission, addition, error or spelling mistake discovered after written authorization for production.

TO: Electoral Area Services Committee **DATE:** June 13, 2017

FROM: Kristy Marks
Planner **FILE:** PL2017-053

**SUBJECT: Development Variance Permit Application No. PL2017-053
2794 Sunset Terrace – Electoral Area ‘H’
Strata Lot 245, District Lot 251, Alberni District, Strata Plan VIS5160 Together with an
Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot
as Show on Form V**

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2017-053 to increase the maximum permitted floor area and height for recreational residence and to reduce the setback from the interior side and Other Lot Line for the construction of a retaining wall subject to the terms and conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-053.

SUMMARY

This is an application to allow the construction of a recreational residence on the subject property with variances to increase the maximum permitted floor area and height for a cabin and to reduce the setbacks for a proposed retaining wall. Given that no negative impacts are anticipated as a result of the proposed variances, staff recommends that the Board approve the development variance permit pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Architrave Architecture Design Build Ltd. on behalf of Kenneth Springer and Martine Wolff von Wulffing to permit the construction of a recreational residence and retaining walls on the subject property. The subject property is approximately 0.08 hectares in area and is zoned Horne Lake Comprehensive Development Zone 9 (CD9) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located on the east side of Horne Lake and is surrounded by developed recreational properties to the

north and south, Sunset Terrace to the east and Horne Lake to the west (see Attachment 1 – Subject Property Map).

The property slopes steeply from the road down toward the lake and has been developed with a parking area for a recreational vehicle and landscaped with a series of low retaining walls and stairs to provide access to the beach.

Proposed Development and Variance

The proposed development includes the construction of a recreational residence and related retaining walls required to provide level onsite parking and access to the recreational residence. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” for the proposed cabin and retaining walls:

- **Section 3.4.107.2 - Maximum Number and Size of Buildings Structures and Uses - Floor Area c) i)** to increase the maximum permitted floor area for a single story cabin from 70 m² to 100 m².
- **Section 3.4.107.6 - Other Regulations – xiv** to increase the maximum permitted height for a cabin from 8.0 metres to 9.41 metres.
- **Section 3.4.107.4 - Minimum Setback Requirements** to reduce the setback from the interior side lot line from 1.5 metres to 0.0 metres for a retaining wall.
- **Section 3.4.107.4 - Minimum Setback Requirements** to reduce the setback from the Other Lot Line from 5.0 metres to 0.0 metres for a retaining wall.

Land Use Implications

The applicant is proposing to construct a recreational residence with variances to the maximum permitted floor area and the maximum permitted height for a cabin. The CD9 zone permits a cabin with a floor area of 70 m² and an additional 35 m² that is located on a second story for a total floor area of 105 m² on two levels. The applicant is proposing to combine the floor area permitted on each floor to construct a single story cabin with a maximum floor area of 100 m² and a 10 m² deck. With respect to the requested height variance, the CD9 zone permits a maximum height of 6.1 metres however, a cabin may be up to 8.0 metres in height where the difference in height between 8.0 metres and 6.1 metres arises from the construction of raised foundations or other construction which does not enclose habitable or occupiable storage space. In this case, the applicant is proposing a raised foundation that meets this requirement and is therefore permitted to construct a cabin up to 8.0 meters in height. However, given the steep slope of the lot, the applicant is requesting a variance to increase the maximum permitted height of the cabin from 8.0 metres to 9.41 metres. In addition, the applicant is requesting variances to the setback from the interior side and Other Lot Line to permit the construction of a retaining wall.

The applicant has provided a site plan, building elevations, floor plans and a letter of rationale for the requested variances. In addition, they have submitted 31 letters of support from adjacent strata lot owners in support of their proposal to combine the maximum permitted floor area of a two story cabin

to construct a single story cabin. The location of the proposed cabin and requested variances are shown on Attachment 3 and building elevations are shown on Attachment 4.

“Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation” (Policy B1.5) 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. In support of the application and to address this policy the applicant has provided a letter of rationale for the requested variances.

With respect to the applicants proposal to combine the floor area permitted for a two story cabin to allow a single story cabin with a maximum floor area 100 m² the applicant notes that this proposal would make all rooms of the cabin accessible without unreasonably limiting the cabin size to 70 m² while providing the same degree of function found in similar two story cabins. In addition, a single story building provides greater access to all areas of the cabin for seniors or those with mobility impairment and facilitates access to the outdoors as each room would have an exterior wall offering more opportunities for both natural light and ventilation. The proposed single story cabin has been designed to blend with the steep topography of the lot without imposing on neighbouring properties and reducing visual impact.

With respect to the requested height variance for the proposed cabin, the CD9 zone permits the cabin to be up to 8.0 meters in height as it will be supported by a raised foundations or other construction which does not enclose habitable or occupiable storage space. In spite of the proposed cabin being a single story with a low roof slope, given the significant slope of the property and the way in which height is calculated, the proposed cabin requires a variance from 8.0 meters to 9.41 metres. The applicant has indicated that the height variance is required to accommodate a modest roof slope over the open plan living area to provide higher windows that will bring in more natural light. In addition, if the proposed cabin was constructed on a flat lot it would meet the maximum permitted height of 6.1 metres and given the slope of the lot there will be minimal impact to the streetscape and the view towards the cabin from the lake would be in keeping with the existing two story cabins in the neighbourhood.

In addition to the variances to cabin floor area and height the applicant is requesting variances to the setback from the interior side and Other Lot Line to accommodate a retaining wall that would run along a portion of property line adjacent to Sunset Terrace and the northeastern property boundary. The retaining walls are required to retain a portion of the slope that has been excavated below natural grade to provide a level parking area for vehicles and access to the proposed cabin. These retaining walls will be below natural grade, however, they will retain more than 1.0 metre of earth and are therefore considered structures. As such, variances are required to permit their siting within the setbacks.

Given that the applicant has provided sufficient rationale and the variances are not anticipated to result in negative view 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

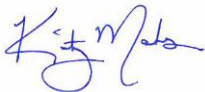
1. To approve Development Variance Permit No. PL2017-053 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2017-053.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2017 – 2021 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development in consideration of the 2016-2020 Board Strategic Plan and note that the proposal reinforces the Plan's priority to support the tourism industry by supporting an alternative building form which will provide more accessible recreational opportunities to a wider range of users.



Kristy Marks
kmarks@rdn.bc.ca
May 26, 2017

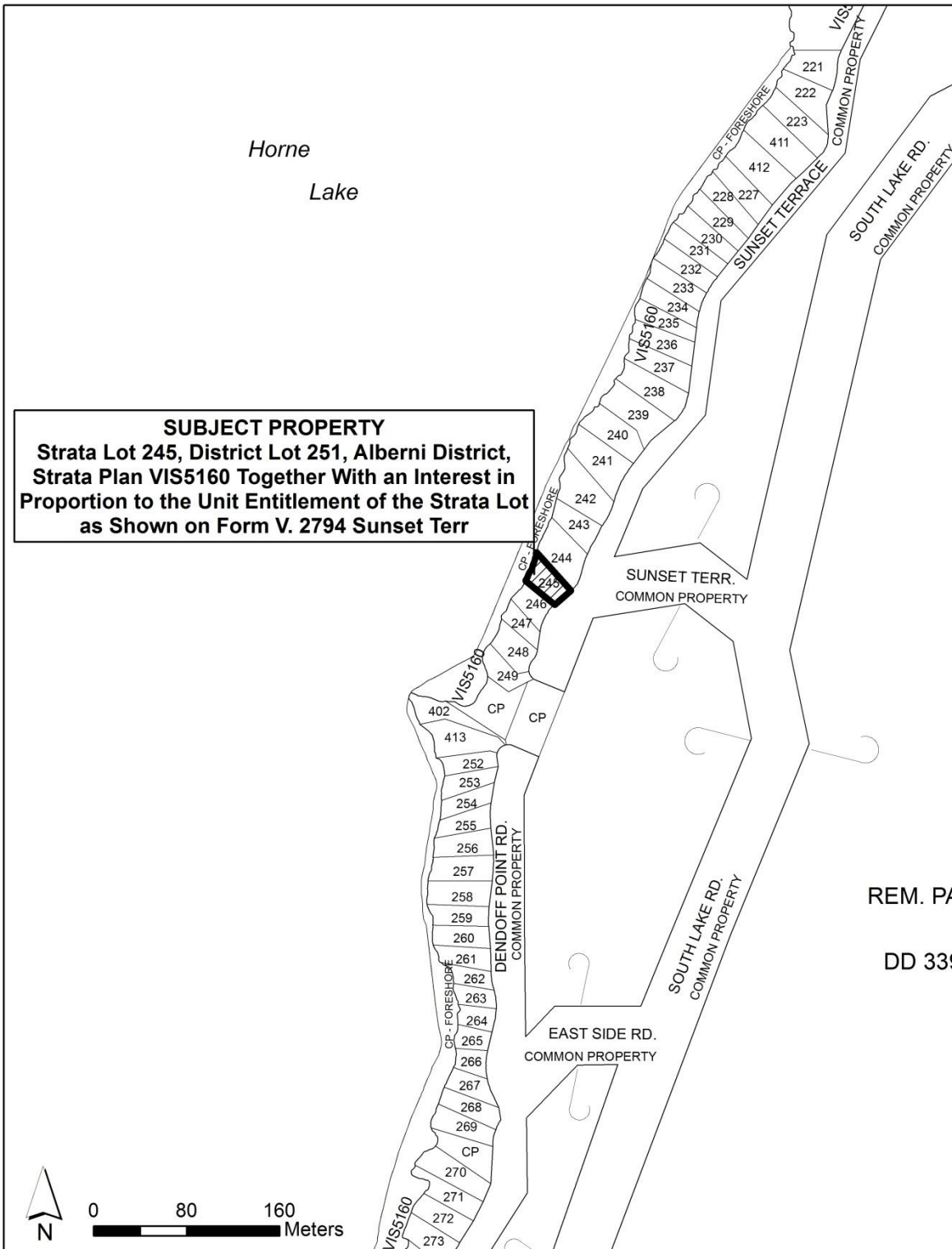
Reviewed by:

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

Attachments

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

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. PL2017-053:

Bylaw No. 500, 1987 Variances

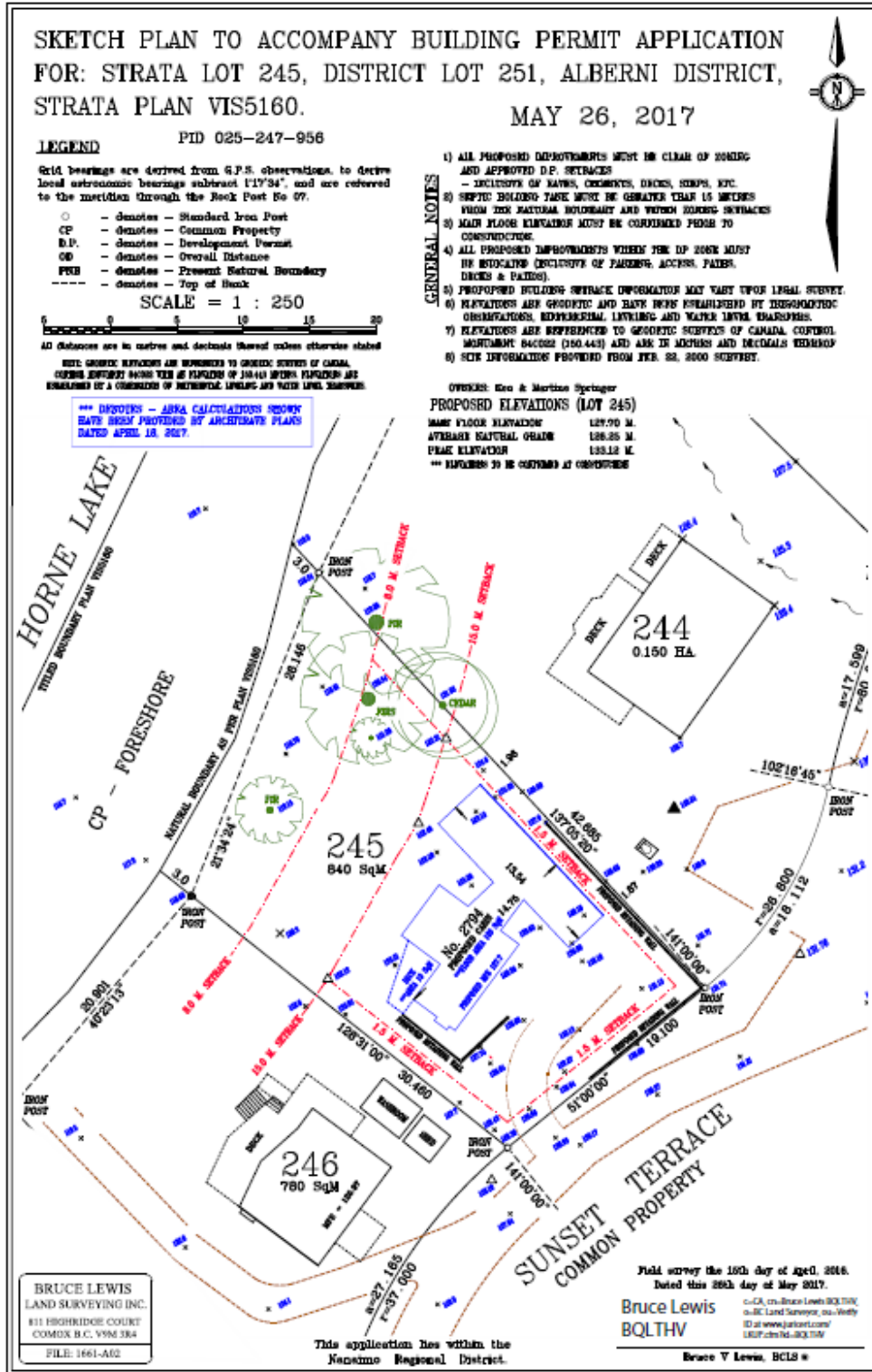
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

- **Section 3.4.107.2 - Maximum Number and Size of Buildings Structures and Uses - Floor Area c) i)** to increase the maximum permitted floor area for a single story cabin from 70 m² to 100 m².
- **Section 3.4.107.6 - Other Regulations – xiv** to increase the maximum permitted height for a cabin from 8.0 metres to 9.41 metres.
- **Section 3.4.107.4 - Minimum Setback Requirements** to reduce the setback from the interior side lot line from 1.5 metres to 0.0 metres for a retaining wall.
- **Section 3.4.107.4 - Minimum Setback Requirements** to reduce the setback from the Other Lot Line from 5.0 metres to 0.0 metres for a retaining wall.

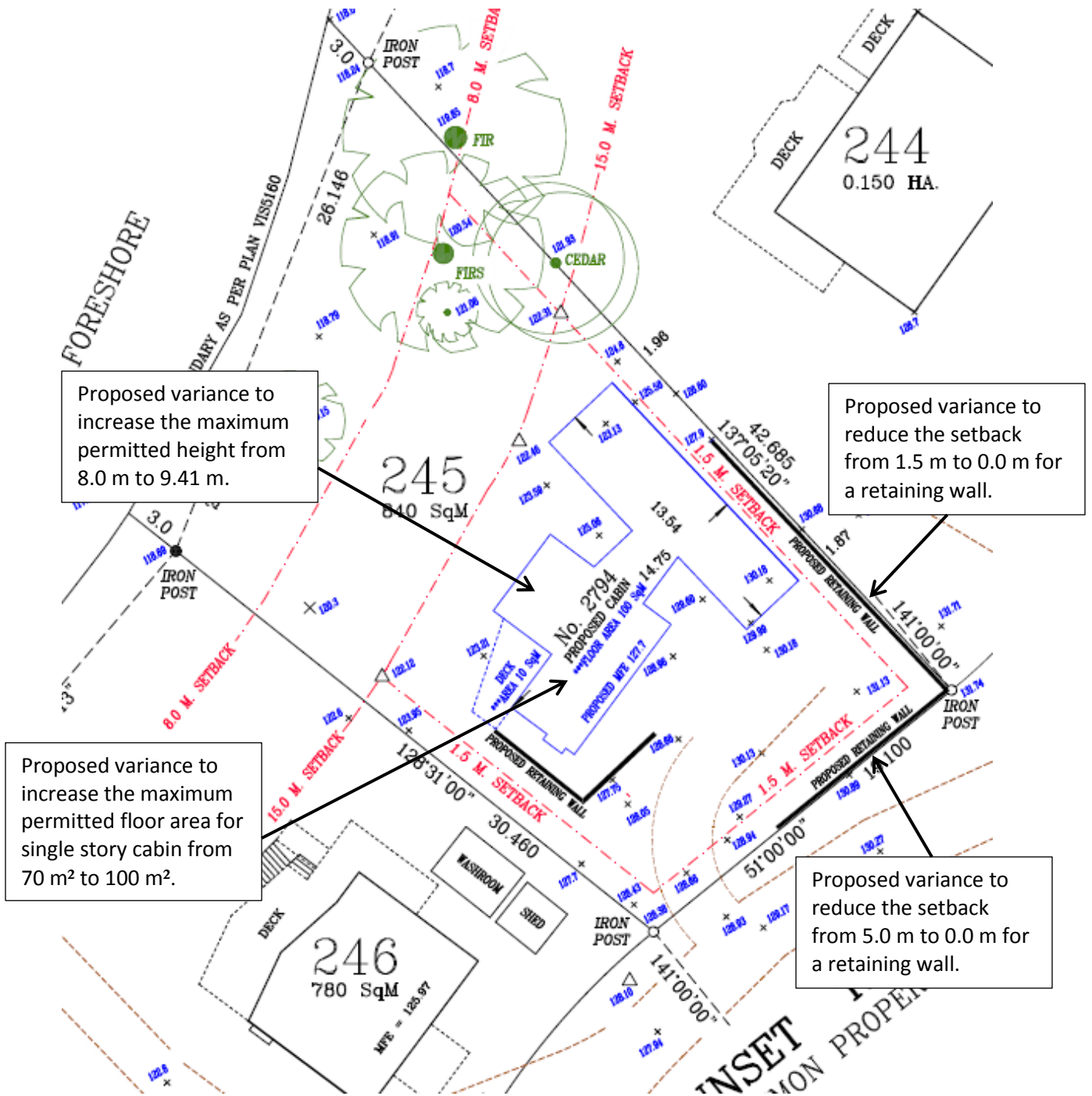
Conditions of Approval

1. The site is developed in accordance with the Site Plan prepared by Bruce Lewis, dated May 26, 2017 and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations prepared by Arichitrave Architecture Design Build Ltd., dated April 25, 2017 and attached as Attachment 4.
3. The property owner shall obtain the necessary permits for construction in accordance Regional District of Nanaimo Building Regulations.

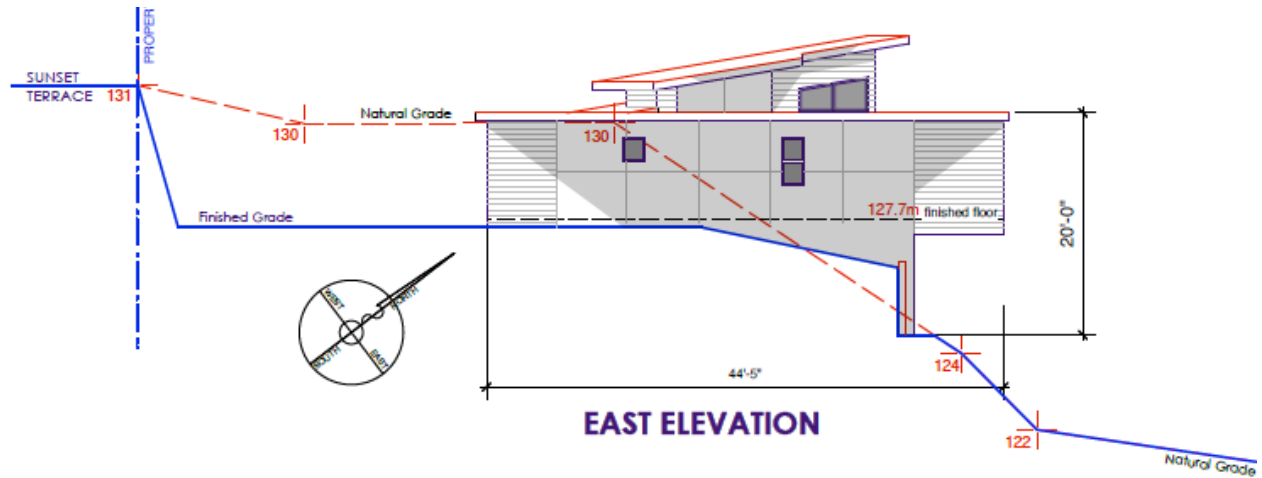
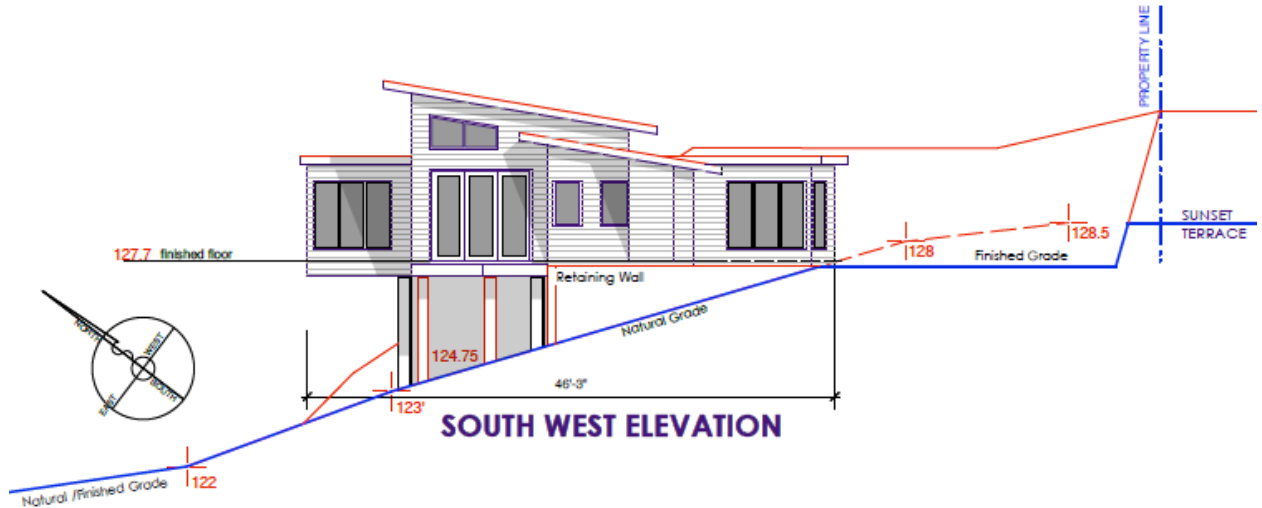
Attachment 3
Proposed Site Plan and Variances
 (Page 1 of 2)



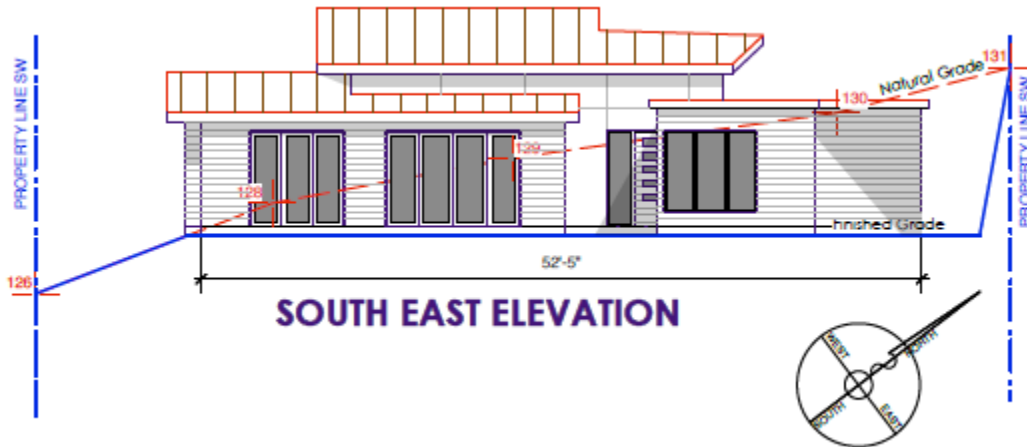
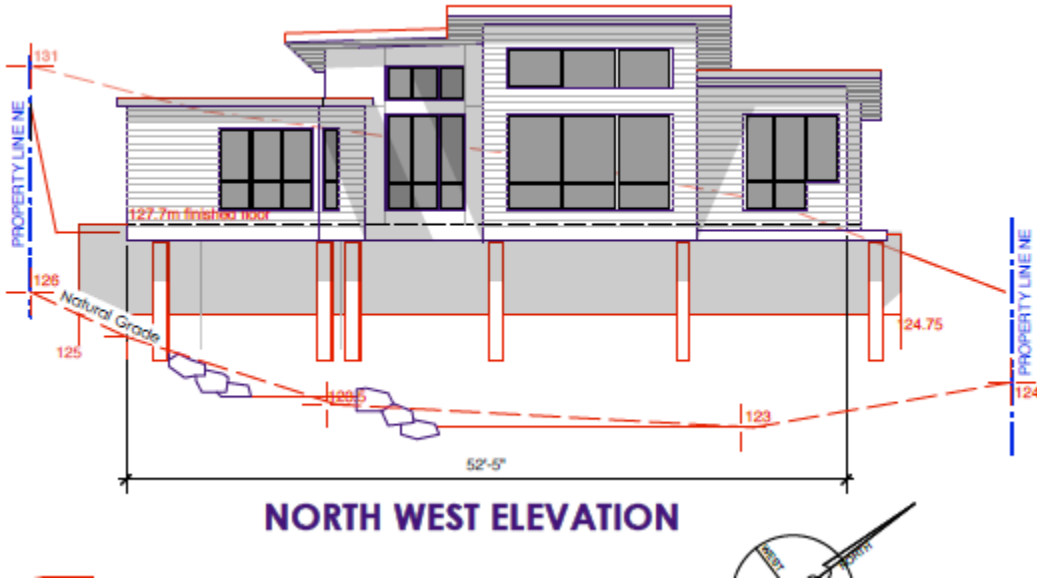
Attachment 3
Proposed Site Plan and Variances
(Page 2 of 2)



Attachment 4
Building Elevations
(Page 1 of 2)



Attachment 4
Building Elevations
(Page 2 of 2)



TO: Electoral Area Services Committee **DATE:** June 13, 2017
FROM: Stephen Boogaards
Planner **FILE:** **PL2017-055**
SUBJECT: **Liquor Licence Amendment Application No. PL2017-055**
2310 Alberni Highway – Electoral Area ‘F’
Lot A, Salvation Army Lots, Nanoose District, Plan 1115, Except Part in Plan 734 RW

RECOMMENDATIONS

1. That the Board consider submissions or comments from the public regarding Liquor Licence Amendment Application No. PL2017-055.
2. That the Board adopt the resolution pertaining to Liquor Licence Amendment Application No. PL2017-055 attached to this report as Attachment 2.

SUMMARY

An application has been received from the Cuckoo Trattoria Pizzeria in the Coombs Old Country Market to amend their food-primary licence to include an entertainment endorsement. The entertainment endorsement would allow for patron participation. The licensee has indicated on their application that they are satisfying a request from guests to host weddings, dine & dance dinners, arts & crafts nights, cooking classes and chef’s table dinners. The amendment requires a resolution from the Board before it can be processed by the Liquour Control and Licensing Branch (LCLB). The Regional District of Nanaimo (RDN) is requested by the LCLB to consider the impact on the community, as well as to consult with neighbouring property owners. Given that the proposed patron participation events are complementary and incidental to the existing restaurant and within an established commercial complex, staff do not anticipate any negative community impacts from the proposed entertainment endorsement. Staff recommends forwarding the prepared resolution in Attachment 2 to the LCLB, pending Board consideration and subject to the outcome of public notification.

BACKGROUND

The LCLB has referred an application to the RDN for the Cuckoo Trattoria Pizzeria within the Coombs Old Country Market for a permanent amendment to their food-primary liquor licence. The amendment is a food-primary entertainment endorsement, which will allow for patron participation entertainment. The LCLB requires the RDN to provide a Board resolution within 90 days of receiving the application, commenting on the permanent change to their liquor licence prior to approval by the LCLB. The LCLB requests that the local government gather the views of the nearby residents affected by the liquor licence amendment.

The Cuckoo Trattoria Pizzeria, which is the licensee, is located within the Coombs Old Country Market owned by Zello Holdings Inc. (see Attachment 1 – Subject Property Map). The property is split zoned Commercial 2 (C-2) and Manufactured Home Park 1 (MHP-1) pursuant to the “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002”. The Cuckoo Trattoria Pizzeria is located within the C-2 zoned portion of the property and adjacent to the MHP-1 zoned portion of the property. Adjacent properties are zoned Institutional / Community Facility 1 (T-1), Village Residential 3 (R-3) and C-2 (see Attachment 3 – Current Zoning Map). Other uses on the Old Country Market property include commercial shops and market. The property is located beside a ravine containing French Creek. Uses on immediately adjacent properties are commercial and institutional. French Creek Elementary school (which was closed) is located across French Creek and across the ravine from the subject property.

Proposed Development

The applicant requests an entertainment endorsement for their existing food-primary license in order to host patron participation events, which the applicant identifies as weddings, dine & dance dinners, arts & crafts nights, cooking classes and chef’s table dinners. The applicant requests to book and host events throughout the year without restrictions or limitations. As a food-primary licence, the applicant must have a focus on food and ensure the kitchen remains open.

The hours of operation for the restaurant are 10:00 am to 10:00 pm Monday to Thursday, 9:00 am to 11:00 pm Friday and Saturday, and 9:00 am to 10:00 pm on Sunday. The applicant is not requesting a change to the hours of liquor sales. The restaurant has also recently applied for a food-primary structural change, which would expand the licenced area to include an additional banquet hall and patio extension. The proposed banquet hall was previously used as retail space.

Liquor License Implications

Prior to LCLB consideration of the application, under the *Liquor Control and Licensing Act*, the applicant is required to obtain a resolution from the local government providing input on the proposed liquor licence amendment. The LCLB requires the Board to provide a resolution on the potential for noise for nearby properties, impact on the community, the consistency of the amendment with the purpose of a food-primary license, and the view of residents including a description of the methods to gather feedback.

The RDN’S Liquor Licence Applications Board Policy B1.6 provides guidance for how the RDN should review and consider liquor license applications from LCLB. The policy requires a public hearing, public notice sign on the property, mailout notice to adjacent property owners, and advertisements in the newspaper. However, the Board may consider a minor amendment to an existing liquor licence, without the requirement to hold a public hearing, if the proposal will not negatively impact the surrounding community and it complies with the applicable RDN bylaws and policies. All other requirements must be met for public notice, and the LCLB must be satisfied that residents have had an opportunity to provide their view.

Policy also provides guidelines to the Board for consideration of community impact including the location of the establishment, proximity to other social or public buildings, occupant load, and liquor primary establishments within a reasonable distance, traffic, noise, parking, zoning, and other social or

demographic trends. The Board resolution is required to take the form of the resolution included as Attachment 2. Staff have prepared the content of the resolution for the Board's consideration. This resolution may be amended as deemed necessary by the Board and pending the outcome of public notification.

Land Use Implications

The licensee requests an entertainment endorsement for the restaurant to satisfy a request from customers to host guest participation events such as weddings, dine & dance dinners, arts & crafts nights, cooking classes and chef's tables dinners.

The proposed patron participation events identified in the licensee's food-primary amendment application compliments the nature of the existing restaurant, including the future banquet hall, by providing guests with entertainment while maintaining the emphasis on serving food. This is also complementary to other commercial shops and markets already within the Old Country Market. Zoning for the Old Country Market also allows complementary uses such as entertainment centre, outdoor market, retail store, and pub.

Uses directly adjacent to the property are primarily commercial, however the portion of the property behind the restaurant is zoned for mobile home park which currently contains two dwellings and accessory buildings. The lands on the other side of French Creek include French Creek Elementary school, which was closed in 2014. Potential impacts on the school property or residential uses within proximity of the food-primary amendment would be minimal given the nature of the restaurant and the buffer from French Creek ravine. Given that the emphasis is on food preparation and entertainment is incidental to the existing restaurant, the amendment would have minimal impact on the community.

Related to community impacts and included in Board Policy, are considerations of parking and traffic from the proposed change. Since the entertainment is incidental to the existing restaurant use, traffic and parking demand will not likely change, as parking space calculations in zoning are based on the capacity of the restaurant, being one space per three seats. Parking requirements for any addition, or structural change will be addressed at the time of building permit application.

For the purposes of noise, the proposed form of patron participation entertainment would generate little impact on the surrounding community given the business is within an existing commercial area. The proposed entertainment complies with the nature of the existing restaurant and would not be out of scope with neighbouring commercial uses, or disturb the school property and residential uses within proximity. The restaurant has also not proposed to change its hours of operation.

Another criteria considered by the LCLB is if the application to amend a food-primary license will result in the service being operated in a manner contrary to its intended purpose. Specifically the concern would be a food-primary license being operated in a manner similar to a liquor primary license, which may have different impacts on the community. One criteria LCLB considers is if the kitchen will remain open and serves food during hours of operation. Given that the proposed forms of entertainment (including weddings, dine & dance dinners, arts & crafts nights, cooking classes and chef's table dinners) are incidental to the restaurant and the servicing of food, the application appears to be consistent with a food-primary license.

Intergovernmental Implications

The applicant’s proposal has been referred to RDN Building Inspection, the local RCMP, and the Ministry of Transportation and Infrastructure. The departments and agencies provided no comment or expressed any concerns with the application.

Public Consultation Implications

As part of the required public notification process, pursuant to the RDN Liquor License Applications Policy B1.6, the RDN is required to post a notice on the subject parcel advertising that the property is subject to a liquor license amendment application and is required to advertise the amendment in a local newspaper. A notice was posted on the property on May 26, 2017. The notice will be published in the June 20 and 22, 2017 editions of the Parksville Qualicum Beach News. Property owners and tenants located within a 200 metre radius, will receive a direct notice of the liquor license amendment, and will have an opportunity to comment on the proposed amendment prior to the Board’s consideration of the application on June 27, 2017.

ALTERNATIVES

1. To approve the attached resolution in support of the application.
2. To provide a resolution that does not support the application.
3. To not provide any resolution and have the Liquor Control and Licencing Branch undertake their own public input process and consider the application without Board input.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2017 – 2021 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the application and note that the proposal supports the Board’s 2016-2020 Strategic Plan, specifically the Strategic Priority to Focus on Economic Health by supporting business to foster economic development.



Stephen Boogaards
sboogaards@rdn.bc.ca
May 26, 2017

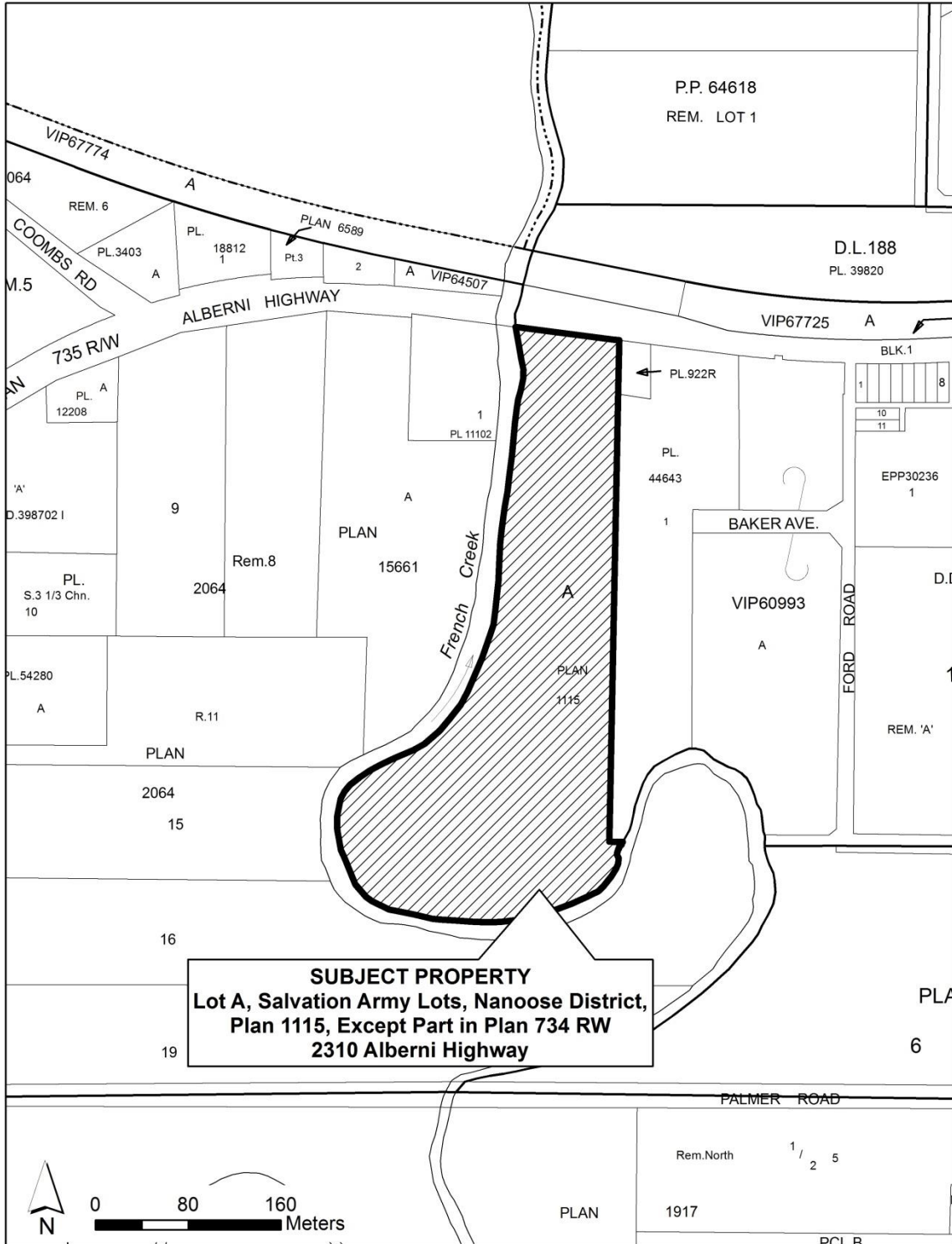
Reviewed by:

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

Attachments

1. Subject Property Map
2. Resolution for Cuckoo Trattoria Pizzeria Liquor Licence Amendment
3. Current Zoning Map

Attachment 1
Subject Property Map



Attachment 2
Resolution for Cuckoo Trattoria Pizzeria Liquor Licence Amendment
Liquor Licence Amendment No. PL2017-055

Be it resolved that:

1. **RDN Board Recommendation** - The Board of the Regional District of Nanaimo recommends the amendment of the liquor license to allow the food-primary entertainment endorsement, provided the entertainment is incidental to the primary purpose of the restaurant in serving food.
2. The Board's comments on the prescribed considerations are as follows:
 - a. **Community Impact** - The proposed patron participation events identified in the licensee's food-primary amendment application compliments the nature of the existing restaurant by providing guests with entertainment while maintaining the emphasis on serving food. This is also complementary to other commercial shops and markets already within the Old Country Market and permitted uses in zoning including entertainment centre, outdoor market, retail store, and pub. Uses directly adjacent to the property are primarily commercial, however a vacant portion of the property behind the restaurant is zoned for mobile home park. The lands on the other side of French Creek include French Creek Elementary school, which was closed in 2014. However, the impact on the school property or residential uses within proximity of the food-primary amendment would be minimal given the nature of the restaurant and the buffer from French Creek ravine. Given that the emphasis is on food preparation and entertainment is incidental to the existing restaurant, the amendment would have minimal impact on the community.
 - b. **Parking and Traffic** - Since the entertainment is incidental to the restaurant use, traffic and parking demand will not likely change, as parking space calculations in zoning are based on the capacity of the restaurant, being one space per three seats.
 - c. **Noise** - The proposed form of patron participation entertainment would generate little noise impact on the surrounding community given that the business is located within an existing commercial area. The proposed entertainment complies with the nature of the existing restaurant and would not be out of scope with neighbouring commercial uses, or disturb the school and residential uses within proximity. The restaurant has also not proposed to change its hours of operation.
 - d. **Consistency with Intent of Food Primary License** – The proposed form of patron participation identified include weddings, dine & dance dinners, arts & crafts nights, cooking classes and chef's table dinners. Given the proposed forms of entertainment are incidental to the purpose of restaurant and the servicing of food, the application appears to be consistent with a food-primary license.

- e. **Public Notification** - The views of residents were solicited and no objections to the application were received. A notice of the Board's intent to receive public input and consider a resolution regarding a proposed amendment to the existing liquor licence was delivered to owners and tenants in occupation of land within a distance of 200 metres from the property. The Regional District of Nanaimo also provided notice in the June 20 and 22, 2017 editions of the Parksville Qualicum Beach News. All interested residents were invited to attend the Board meeting and provide comments on the proposal. Prior to considering the resolution, the Board asked for comments from the gallery on this application. A notice was also posted on the property advertising that the property is subject of a liquor licence amendment application and directing inquiries to the Strategic and Community Development Department.

TO: Electoral Area Services Committee **MEETING:** June 13, 2017
FROM: Jeremy Holm
 Manager of Current Planning **FILE:** 3900 20 1759
SUBJECT: Development Permit Delegation Bylaw

RECOMMENDATIONS

1. That the Board give three readings to “Regional District of Nanaimo Delegation of Authority Bylaw No. 1759, 2017”.
2. That the Board adopt “Regional District of Nanaimo Delegation of Authority Bylaw No. 1759, 2017”.

SUMMARY

Delegation of the issuance of development permits (DPs) is identified in the Regional District of Nanaimo 2017 Operational Plan as an action to support the RDN 2016-2020 Strategic Plan’s focus on service and organizational excellence. Currently, the range and scope of delegated DPs is relatively narrow, does not include the most technical permits readily suited to delegation and is constrained by extremely low construction value limits so as to not be practical. When these limiting factors are combined with the requirement to consider and issue permits only at RDN Board meetings held monthly, there is the potential for significant delays in the construction process which costs residents and builders time and has financial implications.

Expanding the delegation authority for DPs has multiple benefits including reduced processing timelines and faster issuance of DPs as well as reduced processing times and faster issuance of Building Permits when a property is located within a Development Permit area. Decreasing the timeline for the issuance of these permits has an overall positive impact on the ability of property owners and contractors to start and finish projects in a reasonable period of time and helps to streamline the construction process, particularly when there are construction window constraints due to weather, nesting and fisheries windows. Builders and consultants who work in the RDN are strongly supportive of this initiative to expand the scope of delegated DPs as it is very common in the majority of local governments on Vancouver Island and will make the development permit process for properties in the RDN Electoral Areas faster and more consistent with other jurisdictions.

Draft development permit delegation Bylaw No. 1759 would provide additional authority to staff to issue technical development permits for fish habitat protection, sensitive environmental areas and for hazard lands, which is not permitted in the current bylaw. Bylaw No. 1759 would also change the approach to the issuance of smaller scale residential, commercial and industrial ‘form and character’ development permits from the current construction value based approach to a floor area based approach. This is a more practical approach and avoids the bylaw becoming out of date as construction

values rise, which has happened with the current bylaw. If the Board were to adopt Bylaw No. 1759 as proposed, 'form and character' development permits for larger scale residential (greater than 600 m²), commercial and industrial development (greater than 4500 m²) as well as any DP requiring variances to the RDN's zoning bylaws would still proceed to the Board for consideration and approval.

BACKGROUND

The RDN 2017 Operational Plan identifies specific action item SCD-7-2016 to improve efficiency and reduce development approval times through increased delegation of permits to staff. This is a key action item for Community Planning in 2017 and is recommended to streamline and improve application processing and address protracted timelines for some development approvals. Development permits issued through delegated authority can be issued within 1-4 weeks from the time a complete application is received, whereas a minimum of 7-9 weeks is required for issuance of non-delegated permits which are tied to the Electoral Area Services Committee and Board agenda schedule.

The *Local Government Act* provides local governments with the authority to establish development permits within an Official Community Plan for the following specified purposes:

- (a) protection of the natural environment, its ecosystems and biological diversity;
- (b) protection of development from hazardous conditions;
- (c) protection of farming;
- (d) revitalization of an area in which a commercial use is permitted;
- (e) establishment of objectives for the form and character of intensive residential development;
- (f) establishment of objectives for the form and character of commercial, industrial or multi-family residential development;
- (g) in relation to an area in a resort region, establishment of objectives for the form and character of development in the resort region;
- (h) establishment of objectives to promote energy conservation;
- (i) establishment of objectives to promote water conservation;
- (j) establishment of objectives to promote the reduction of greenhouse gas emissions.

DPA's established for many of the purposes outlined above are purely technical in nature and rely on reports prepared by relevant professionals to address the DPA guidelines. For example, DPA's for the protection of fish habitat rely on an assessment by a Qualified Environmental Professional as defined under the Provincial Riparian Area Regulations, whereas, DPA's for the protection of development from hazardous conditions rely on an assessment from a registered geotechnical engineer. Provided the technical requirements of the applicable DPA guidelines are satisfied, a development permit must be issued. Development permit applications are akin to building permit applications in that regard.

Residential, commercial, or industrial 'form and character' DPA guidelines can be more subjective than purely 'technical' development permits. Form and character DPA guidelines are generally intended to shape the 'character' of development to reflect community preferences and values. In this sense, while issuance of a form and character development permit that complies with applicable DPA guidelines is not discretionary, there is an element of subjectivity in evaluating compliance with the DPA guidelines for these permits. In addition, larger scale residential, commercial and industrial developments can also have a greater formative impact on a community than technical development permits typically do. Through research into this project, it is common that thresholds are established where staff are delegated issuance of 'form and character' DPs up to a limited scale, and elected officials retain the

authority to review and approve larger scale ‘form and character’ DPs due to the more subject nature of these permits.

Existing Delegated Authority

Currently, authority to issue development permits is provided in “Regional District of Nanaimo Delegation of Authority Bylaw No. 1166, 1999” (Bylaw No. 1166). Delegation Bylaw No. 1166 authorizes the General Manager of Strategic and Community Development to issue development permits except those:

- of an estimated construction value of over \$400,000 as determined under the building permit fee guidelines of the Regional District of Nanaimo;
- for the protection of development from hazardous conditions;
- considered concurrently with a zoning amendment application; or
- for the protection of the natural environment, its ecosystems and biological diversity, and alter land to within 30% of the applicable development permit guidelines, or include the enhancement, or restoration of riparian areas and fish habitat.

Issuance of development permits for hazard lands (steep slopes/unstable lands/floodplain) and fish habitat is currently not delegated and there is limited delegated authority to issue development permits for the protection of environmentally sensitive areas. These development permits form the majority of applications in rural areas and are purely technical in nature. Delegated approval of these permits would be appropriate to reduce development permit processing timelines and delays in the issuance of associated building permit applications. The timely issuance of these development permits is also often important to an applicant’s ability to schedule development activities to occur within specific environmental windows, such as nesting or spawning season.

In addition, Bylaw No. 1166 does not currently permit delegated issuance of DPs for buildings with a construction value of over \$400,000. In 2017 construction terms this value excludes the majority of new construction and a significant amount of renovations in the region. It is also noted that there is no direct relationship between the construction value of a project and the potential impact of a development on the feature(s) that a DPA is intended to protect.

Proposed Delegated Authority

Bylaw No. 1759 would broaden the authority for delegated issuance of development permits beyond what is provided for in current Bylaw No. 1166 to include all permits that are purely technical in nature, such as for fish habitat protection and for the protection of property from hazardous conditions. The proposed bylaw would also delegate the authority to issue smaller scale residential, commercial and industrial ‘form and character’ development permits and remove the current \$400,000 construction value limit on delegated issuance (See Attachment 1).

As outlined in the attachment, the proposed bylaw does not delegate the authority to staff to issue ‘form and character’ development permits for large scale residential, commercial and industrial projects. This limit is intended to ensure that the Board is involved in evaluating the compliance of ‘form and character’ development permit applications with DPA guidelines for larger scale developments, which may represent a significant development within a community. The 600 m² floor area limit for intensive residential, or multi-family residential permits relates to the size of a building that would be considered a ‘complex’ building under the British Columbia Building Code and would generally involve an architect.

The 4,500 m² floor area limit for commercial and industrial permits relates to developments of a scale that require Ministry of Transportation and Infrastructure approval due to the potential for traffic impact. The proposed bylaw also does not delegate concurrent zoning amendment and development permit applications, which are required under policy in certain Official Community Plans. Involving the Board in the issuance of development permits that are being considered concurrently with zoning amendment applications reflects that the Board's discretionary approval of a zoning amendment bylaw is required before the issuance of the development permit can occur.

While the *Local Government Act* provides for the delegation of the Board's authority to issue development permits to staff, the *Act* also entitles the land owner to have the Board reconsider the decision of the delegate. Consistent with current delegation Bylaw No. 1166, draft Bylaw No. 1759 includes a "Request for Reconsideration Form" as Schedule 1. This form would be completed by a land owner wishing to appeal the General Manager's decision on a development permit to the RDN Board.

ALTERNATIVES

1. To adopt "Regional District of Nanaimo Delegation of Authority Bylaw No. 1759, 2017".
2. To receive this report and provide alternative direction to staff.

FINANCIAL IMPLICATIONS

The fee for technical development permits, such as environmentally sensitive features, natural hazard, watercourse protection and farmland protection, under "Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002" (Bylaw No. 1259) is \$200. This is the same as the fee for delegated development permits under Bylaw No. 1259. As such, increased delegation of these technical development permits will have no impact on permit revenue.

Should the Board approve draft delegation Bylaw No. 1759, there will be reduced permit fees for smaller scale residential, commercial and industrial 'form and character' development permits. Fees of \$200, rather than \$400 plus \$50 per unit, would be payable for delegated multiple dwelling unit development permits up to 600 m² gross floor area. Likewise, fees of \$200, rather than \$400 plus \$1 per m² of gross floor area, would be payable for delegated commercial and industrial development permits up to 4,500 m² gross floor area. It is difficult to provide an estimate of the reduced revenue from these permits, however, multiple dwelling unit residential, commercial and industrial development permits of this scale are not currently a significant source of permit revenue. Therefore, the budgetary impact of this reduction in fees related to the delegated issuance of small scale multiple dwelling unit residential, commercial and industrial development permits is not expected to be significant.

It is important to note that builders and developers have advised that with the expanded delegation of permit approval there will be improved efficiencies in scheduling consultants and contractors and reduced project carrying costs due to reduced application processing timelines.

STRATEGIC PLAN IMPLICATIONS

The expanded delegated authority to staff to issue development permits as outlined in draft Bylaw No. 1759 supports the RDN 2016-2020 Strategic Plan key focus area of Service and Organizational Excellence, specifically the strategic priority to "ensure our processes are as easy to work with as

possible”. The legal framework surrounding development permits ensures that permits approved through delegated authority can only be issued where an application complies with the applicable DPA guidelines. As such, development permits issued through delegated authority will also support the following RDN 2016-2020 Strategic Plan priorities through compliance of development with DPA guidelines:

- As we invest in regional services we look at both costs and benefits – the RDN will be effective and efficient;
- We will foster economic development;
- We will have a strong focus on protecting and enhancing our environment in all decisions.



Jeremy Holm
jholm@rdn.bc.ca
June 1, 2017

Reviewed by:

- G. Garbutt, General Manager, Strategic and Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Draft Development Permit Delegation Bylaw No. 1759

REGIONAL DISTRICT OF NANAIMO

**BYLAW NO. 1759
A BYLAW TO DELEGATE THE POWER TO ISSUE CERTAIN PERMITS
UNDER PART 14 OF THE *LOCAL GOVERNMENT ACT***

WHEREAS under section 229(1) of the *Local Government Act*, the Board may, by bylaw, delegate its powers, duties and functions, including those specifically established by an enactment, to an officer or employee;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to delegate to the General Manager of Strategic and Community Development the power under section 490 of the *Local Government Act* to issue development permits;

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

1. CITATION

This bylaw may be cited for all purposes as the “Regional District of Nanaimo Delegation of Authority Bylaw No. 1759, 2017”.

2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

“Act” means the *Local Government Act*;

“Applicant” means an applicant for a development permit or a temporary use permit;

“Board” means the Board of the Regional District of Nanaimo;

“Manager” means the General Manager, Strategic & Community Development or a Deputy, or other person appointed to act in his or her absence.

3. DELEGATION INCLUDES DEPUTY

A delegation of a power, duty or function under this bylaw includes a delegation to a person who is from time to time the Deputy of the delegate, or to a person who is appointed from time to time to act in place of the delegate.

4. DELEGATION OF AUTHORITY – DEVELOPMENT PERMITS

Except for the matters referred to in section 5 of this bylaw, the Board hereby delegates to the Manager the power to issue a development permit under section 490 of the Act.

5. EXCEPTIONS TO MANAGER’S DELEGATED AUTHORITY

The delegation under section 4 of this Bylaw does not include authority to issue a development permit in relation to the following circumstances:

- (a) development permits within a Development Permit Area that includes a designation under one or both of sections 488(1)(e) and (f) of the Act, establishment of objectives for the form and character of intensive residential development, or for the form and character of multi-family residential development, where the Applicant has requested a development permit for a building, or buildings, with a combined floor area greater than 600 square metres;
- (b) development permits within a Development Permit Area that includes a designation under section 488(1)(f) of the Act, establishment of objectives for the form and character of commercial or industrial development, where the Applicant has requested a development permit for a building, or buildings, with a combined floor area greater than 4,500 square metres;
- (c) development permits within a Development Permit Area where a rezoning has been applied for concurrently with the development permit application.

6. SECURITY

The amount of security to be provided in connection with a development permit under section 502 of the *Local Government Act* shall be:

- (a) as provided for under Part 5 of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, as amended or replaced from time to time;
- (b) where the applicable Development Permit Area guidelines contain requirements for security that are additional to those under sub-section (a), in accordance with the applicable guidelines;
or
- (c) in cases not provided for under sub-sections (a) or (b), in an amount equal to the cost of site restoration, habitat restoration or improvements including materials and installation as determined by a professional landscape architect, a nurseryperson, a landscape contractor, or a habitat biologist.

7. RECONSIDERATION

- (a) An Applicant may request that a decision under this Bylaw be reconsidered by the Board in accordance with this section.
- (b) An Applicant who wishes to have a decision reconsidered by the Board must apply for a reconsideration by delivering written notice of the request for reconsideration form to the Corporate Officer within 30 days of the date on which the decision is communicated in writing to the Applicant directed to the Applicant’s address, email address or facsimile number.
- (c) The request for reconsideration must include the information required in Schedule 1 and must set out the reasons why the Applicant wishes for reconsideration of the decision by the Board, as well as the decision the Applicant considers should be made by the Board.
- (d) A reconsideration application must be considered by the Board at a regular meeting.
- (e) Prior to the meeting at which the decision is to be reconsidered, the Corporate Officer must:

- (i) not less than two weeks following delivery of the request for reconsideration, give notice of a reconsideration application in accordance with any notice requirements applicable to the original development permit application; and
 - (ii) deliver to each member of the Board a copy of the materials that were considered by the delegate in making the decision that is subject to reconsideration.
- (f) The Board may adjourn a reconsideration of a decision.
- (g) At the reconsideration, the delegate will be provided an opportunity to speak to the decision under reconsideration.
- (h) After reconsidering a decision, the Board may either confirm the decision, may set aside the decision and substitute its own decision, or may amend the decision.

8. REPEAL

“Regional District of Nanaimo Delegation of Authority Bylaw No. 1166, 1999” and any amendments thereto are hereby repealed.

Introduced and read a first time this ____ day of _____, 2017.

Read a second time this ____ day of _____, 2017.

Read a third time this ____ day of _____, 2017.

Adopted this ____ day of _____, 2017.

Chairperson

Corporate Officer

Schedule '1'



Request for Reconsideration Form

An applicant may request reconsideration by the Board of the requirement or decision of the General Manager of Strategic and Community Development by completing this form within 30 days of the date on which the decision is mailed, faxed or emailed to the applicant. The date and time of the meeting on which the reconsideration will occur, will be set as the next regular Board meeting scheduled seven or more business days from the date on which the request for reconsideration is delivered.

1. I hereby make application to the Regional Board under Part VII of Bylaw No. 1759 for reconsideration of a decision made by the General Manager of Development Services related to the issuance of a development permit for the property legally described as:

Lot(s)_____ Plan_____ Block_____ Section_____ Range_____

Land District_____

Civic Address:_____

Electoral Area:_____

2. Please explain, in as much detail as possible, the grounds on which the applicant considers the requirement or decision is inappropriate and what, if any, requirement or decision should, in your opinion, be substituted (attach another sheet if necessary).

3. Registered owner(s) of the property:

Name(s):

Mailing Address:

Telephone: Business _____ Other _____ Fax _____

Email:

4. If the *applicant* is not the owner:

Name of applicant:

Mailing Address:

Telephone: Business _____ Other _____ Fax _____

Email:

I hereby declare that all of the above statements and the information contained in the materials submitted in support of this application are to the best of my knowledge true and correct in all respects.

Signature