

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, JULY 22, 2003

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

2 Dennis Shaw re DVP No. 90314 – Shaw – 3531 Vera Way – Area D.

MINUTES

3-5 Minutes of the Electoral Area Planning Committee meeting held Tuesday, June 24, 2003.

BUSINESS ARISING FROM THE MINUTES

PLANNING

6-11 Request for Temporary Commercial Use Permit Application No. 0301 – Michael Rosen & Associates on behalf of Englishman River Land Corporation – Kaye Road – Area G.

12-16 Request for Park Land Dedication – Peter Mason, BCLS on behalf of G. Greer & K. Butchko – Davenham Road & Dolphin Drive – Area E.

DEVELOPMENT PERMIT APPLICATIONS

17-24 DP No. 60307a – Heringa – Strata Lot 1, 799 Miller Road – Area G.

25-35 DP No. 60329 – Friesen on behalf of Ming's Stores Ltd. Inc. – 1694 Cedar Road – Area A.

36-46 DP No. 60335 – Janes – 2353 Higginson Road – Area E.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

47-55 DVP No. 90314 – Shaw – 3531 Vera Way – Area D.

56-63 DVP No. 90315 – Clan Oil Inc. – 1025 Qualicum Road – Area G.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

Burgoyne, Linda

From: Dennis Shaw [dshaw@telus.net]
Sent: Friday, July 11, 2003 7:54 AM
To: Burgoyne, Linda
Subject: delegation - board meet 22 jul 03

RE: DVP 90314

Linda

Please arrange for me to speak as a delegation to a committee of the whole of the Board on 22 Jul 03.

My topic will be an appeal to amend bylaw 1259. It is in connection with my Development Variance Permit Application.

Do you need a synopsis of my 10 minute talk to present to the Board members now ?

Please confirm that I am on the agenda.

Thanks
Dennis Shaw
3508 Vera Way
Nanaimo BC V9R 6X4
250 758 2089

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, JUNE 24, 2003, AT 6:30 PM
IN THE RDN BOARD CHAMBERS

Present:

Director E. Hamilton	Chairperson
Director H. Kreiberg	Electoral Area A
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director Joe Stanhope	Electoral Area G
Director D. Bartram	Electoral Area H

Also in Attendance:

P. Shaw	Manager of Community Planning
N. Tonn	Recording Secretary

DELEGATIONS

Ron Pinneo, re DP No. 60326 – Pinneo – 3500 Berton Road – Area D.

Mr. Pinneo provided additional information with respect to his application.

MINUTES

MOVED Director Kreiberg, SECONDED Director Biggemann, that the minutes of the Electoral Area Planning Committee meeting held May 27, 2003 be adopted.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

DP Application No. 60325 – Brooks – 3352 Rockhampton – Area E.

MOVED Director Bibby, SECONDED Director Stanhope, that Development Permit Application No. 60325, submitted by Fern Road Consulting, Agent, on behalf of Peter Brooks and Patricia Brooks, to permit the construction of a single dwelling unit and associated retaining walls within a Residential 1 (RS1) zone by varying the minimum permitted setbacks to the front lot line and interior side lot lines subject to the conditions outlined in Schedule No. 1 and the siting as illustrated in Schedule No. 2, for the property legally described as Lot 17, District Lot 30, Nanoose District, Plan VIP57407, be approved, subject to notification procedures pursuant to the *Local Government Act*.

CARRIED

DP Application No. 60326 – Pinneo – 3500 Berton Road – Area D.

MOVED Director Haime, SECONDED Director Biggemann, that Development Permit No. 60326 submitted by Ron and Mern Pinneo to legalize the siting of two accessory structures within the Environmentally Sensitive Areas Development Permit Area and to vary the western interior side lot line from 8.0 metres to 6.9 metres to accommodate the 71.5 m² accessory structure on the property legally described as Strata Lot A, Section 16, Range 3, Mountain District, Strata Plan VIS5167 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, be approved as recommended by staff, subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification process pursuant to the *Local Government Act*.

CARRIED

PAGE
3

DP Application No. 60327 – McKinnon – 2377 Higginson Road – Area E.

MOVED Director Bibby, SECONDED Director Hairne, that Development Permit Application No. 60327 to construct a shoreline protection device in the form of the retaining wall for the property legally described as Lot 8, District Lot 102, Nanoose District, Plan 21022 be approved, subject to the conditions outlined in Schedule Nos. 1, 2, 3 and 4 of the corresponding staff report and to the notification procedure subject to the *Local Government Act* with respect to the proposed variances to Bylaw No. 500, 1987.

CARRIED

DP Application No. 60330 – Marshall – 1117 Surfside Drive – Area G.

MOVED Director Stanhope, SECONDED Director Bartram, that Development Permit Application No. 60330, submitted by Maureen Greta Marshall for the property legally described as Lot A of District Lots 9, 11 and 110, and part of the bed of the Strait of Georgia and of parts of the bed of the Little Qualicum River, Newcastle District, Plan 27752 to allow for the construction of an addition to the existing dwelling unit be approved subject to the conditions outlined in Schedule No. 1 and as shown on Schedules No. 2 and 3.

CARRIED

DP Application No. 60331 – Wiens – 1355 Marina Way – Area E.

MOVED Director Bibby, SECONDED Director Biggemann, that Development Permit Application No. 60331 submitted by Stephen Wiens and Pamela Wiens, to legalize the siting of an existing detached deck within the leave strip of the Watercourse Development Permit Area and to allow the reconstruction and partial enclosure of the attached middle and lower decks to the existing dwelling unit within the minimum interior side setback area on the property legally described as Lot 26, Block A, District Lot 38, Nanoose Land District, Plan 10777 be approved, subject to the conditions outlined in Schedules 1, 2, 3 and 4 and the notification requirements pursuant to the *Local Government Act*.

CARRIED

DP Application No. 60332 – Yorke/Turner – 1435 Private Road – Area G.

MOVED Director Stanhope, SECONDED Director Bartram, that Development Application No. 60332 to vary the maximum height requirements of the Residential 2 (RS2) zone from 8.0 metres to 8.3 metres, and to recognize the siting of a concrete retaining wall, patio, steps and hot tub located a minimum of 5.3 metres from the natural boundary of the sea, within an Environmentally Sensitive Area and Natural Hazard Development Permit Area on the property legally described as Lot 1, District Lot 80, Newcastle District, Plan 15785, be approved subject to the requirements outlined in Schedule Nos. 1, 2, 3 and 4 and subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS**DVP Application No. 90313 – Alexander – 5093 Seaview Drive – Area H.**

MOVED Director Bartram, SECONDED Director Haime, that Development Variance Permit Application No. 90313, submitted by Kathryn Alexander, to legalize the existing rip rap retaining wall within a Residential 2 (RS2) zone by varying the minimum permitted setback to an interior side lot line from 2.0 metres to 0.0 metres, and to a watercourse from 18.0 metres horizontal distance from a stream centerline to 0.0 metres, for the property legally described as Lot 4, District Lot 28, Newcastle District, Plan 22249, be approved subject to notification procedures pursuant to the *Local Government Act* and subject to the conditions outlined in Schedule No. 1.

CARRIED

ADJOURNMENT

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

TIME: 6:40 PM

CARRIED

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO			
JUL 15 2003			
CHAIR		GMCrs	
CAC		GMDS	
GMCrs		GMES	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: July 11, 2003

FROM: Susan Cormie
Senior Planner

FILE: 3360 50 0301

SUBJECT: Request for Temporary Commercial Use Permit Application No. 0301
Applicant: Michael Rosen & Associates on behalf of Englishman River Land Corporation (The Remainder of Block 564)
Electoral Area 'G' - Kaye Road

PURPOSE

To consider an application for a temporary commercial use permit for the property located on Kaye Road in the proposed Englishman River (Remainder of Block 564) development in Electoral Area 'G'.

BACKGROUND

The Planning Department has received an application for a temporary commercial use permit for Proposed Lot 16 of Lot A Block 564 Nanoose District Plan VIP75278 (proposed subdivision of this parcel is currently in process) located adjacent to Kaye Road within the Englishman River area of Electoral Area 'G'. The Committee will recall that this property was recently rezoned to a new Comprehensive Development 14 (CD14) zone pursuant to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, which permits the development of 158 rural residential parcels.

The applicant is now in the process of subdividing the parcel and as part of the sales promotion of the site is requesting a temporary commercial use permit for the purposes of siting a realty office. The realty office is proposed to be placed on the future Lot 16 (see Attachment No. 1 for location). As the parcel does not have commercial zoning, the applicant is applying for a temporary commercial use permit.

Proposal:

The proposal, as submitted, includes the following:

1. a 56 m² sized realty sales office building to be built on skids and clad with wood siding;
2. a 46 m² freestanding sundeck adjacent to the sales office building;
3. 2 portable toilets;
4. off-street parking area and accesses;
5. 1 free-standing sign advertising the sales office; and
6. future septic disposal field.

The *Local Government Act* provides for the issuance of a temporary commercial use permit on non-commercially zoned parcels. The *Act* no longer requires that an official community plans provide the type and location requirements when considering the issuance of temporary use permits and as a result, temporary use permits may be considered for any parcel.

Pursuant to the *Local Government Act*, a temporary use permit is valid for a period of 2 years and, at the end of 2 years, the applicant may apply to renew the permit for an additional 2 years.

ALTERNATIVES

1. To approve the request for a Temporary Commercial Use Permit to allow the siting of a temporary realty sales office use subject to the notification requirements pursuant to the *Local Government Act*.
2. To deny the application for a Temporary Commercial Use Permit.

DEVELOPMENT IMPLICATIONS

Siting Implications

The parcel has a 15-metre wide strip, as measured upland from the top of the bank adjacent to the Englishman River, which includes 2 covenants which were registered on title as a condition of rezoning for the protection of development from potential hazardous conditions, namely the stability of the adjacent river bank (geotechnical covenant) and for the protection and enhancement of native vegetation (no buildings or structures/no removal of vegetation covenant). All the proposed buildings and structures associated with the temporary commercial use will be situated outside this 15-metre covenant area.

Vancouver Island Health Authority

The Vancouver Island Health Authority, which is responsible for the approval of septic disposal systems, will only support this application if the use of portable toilets does not exceed a maximum period of 6 months. The applicant has verbally indicated that an approved septic disposal system will be in place and operating within 6-months from the date of the permit.

Building Inspection Implications

A building permit will be required for the proposed temporary use structures. All buildings and structures will be required to meet BC Building Code requirements.

PUBLIC CONSULTATION IMPLICATIONS

As the application is subject to a notification process pursuant to the *Local Government Act*, residents and property owners will have an opportunity to comment on the proposal prior to the Board's consideration of the permit.

SUMMARY

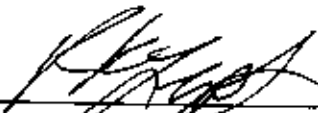
This is an application for a temporary commercial use permit for a real estate office use on the Lot A Block 564 Nanoose District Plan VIP75278 in the Englishman River area of Electoral Area 'G'. The applicant is in concurrence with the conditions of the permit outlined in Schedule No. 1 of this report. Pursuant to the *Local Government Act*, members of the public will be notified of the proposed temporary commercial use permit and be afforded an opportunity to comment on the proposal. Given that the proposed use will not impact the environmentally protection and enhancement areas of the site (15-metre covenant area) and the applicant is in concurrence with the conditions of approval, staff supports Alternative No. 1 to consider a temporary commercial use permit for a realty sales office subject to the conditions outlined in Schedule Nos. 1 and 2 of the staff report and the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

That Temporary Commercial Use Permit No. 0301, submitted by Michael Rosen & Associates on behalf of Englishman River Land Corporation for the property legally described as Lot A Block 564 Nanoose District Plan VIP75278, to allow a temporary realty sales office use be approved subject to the conditions outlined in Schedules No. 1 and 2 and the notification requirements pursuant to the *Local Government Act*.



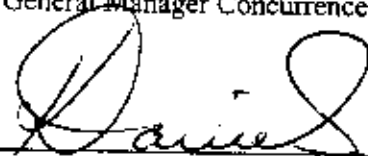
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsvr/reports/2003/iup3360 50 0301 ju rosen 564 doc

Schedule No. 1

Conditions Attached to Temporary Commercial Use Permit Application No. 0301

1. Building Development

- a. The realty sales office shall not exceed 56 m² in size as shown on Schedule No. 3 nor exceed one storey in height.
- b. The sun deck located next to the realty sales office shall not exceed 46 m² in size and shall not be located within the 15-metre covenant area or setback area from the top of the bank of the Englishman River.
- c. The building and structures shall be sited in accordance with applicant's site plan.

2. Off-Street Parking Spaces and Aisle Ways

- a. A minimum of 4 off-street parking spaces shall be provided on site in the vicinity of the sales office.
- b. All parking areas, including aisle ways, shall be constructed to gravel standard and include being clearly delineated through the use of parking stops on a compacted and dust free surface.

3. Signage

A maximum of 1 freestanding sign not to exceed 1.5 metres in height and 1.0 metre in width shall be permitted on the subject property.

4. Access

The applicant shall obtain an approved access permit from the Ministry of Transportation.

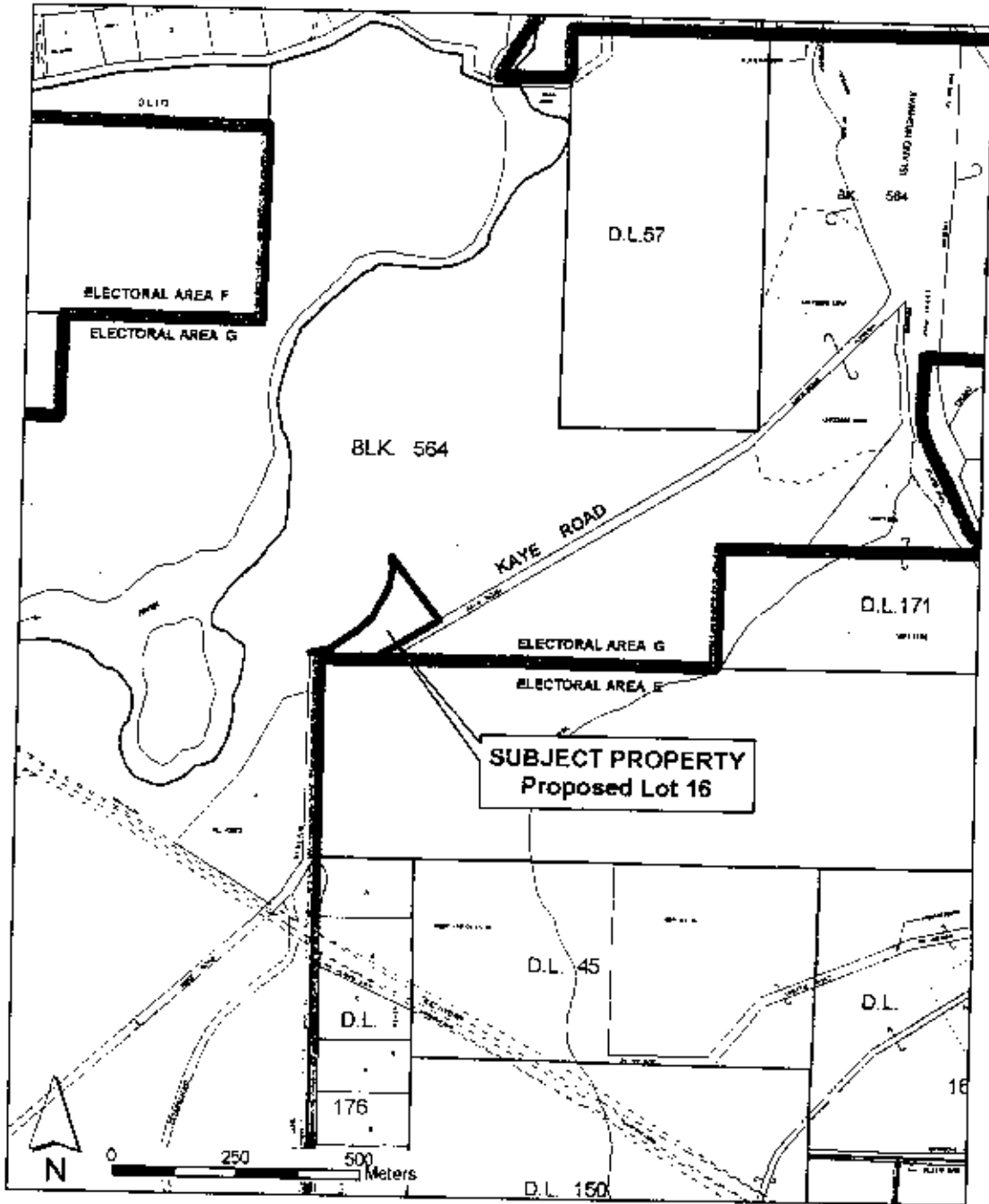
5. Septic Disposal

- a. Applicant to construct an approved septic disposal permit to the satisfaction of the Vancouver Island Health Authority within 6 months of the date of the issuance of this Permit. Proof of connection to be submitted to the Regional District.
- b. Portable toilets to be removed from the site upon completion and approval of the septic disposal system.

6. Reclamation of Site

- a. The permit shall expire 2 years from the date of issuance.
- b. Upon removal of the temporary commercial use permit, the subject property is to be reinstated to its original condition.

Attachment No. 1
Location of Subject Property



REGIONAL DISTRICT OF NANAIMO			
JUL 15 2003			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
		EAP	✓
		DATE:	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: July 11, 2003

FROM: Susan Cormie
Senior Planner

FILE: 3320 30 25058

SUBJECT: Request for Park Land Dedication
Applicant: Peter Mason, BCLS on behalf of G. Greer and K. Butchko
Electoral Area 'E', Davenham Road & Dolphin Drive

PURPOSE

To consider a request to accept the dedication of park land as part of a proposed five-lot subdivision development.

BACKGROUND

The applicant's agent, Peter Mason, BCLS, has requested that park land dedication be accepted as part of a 5-lot subdivision proposal for the 2.8 hectare sized property legally described as Lot 3, District Lot 137, Nanoose District, Plan 31921 and located on Davenham Road and Dolphin Drive within the Electoral Area 'E' (see Attachment No. 1 for location).

The applicants are proposing to subdivide the parent parcel into 5 lots, all 1600 m² or greater in size. The minimum parcel size requirements pursuant to Bylaw No. 500, 1987 are 1000 m² with community water and sewer, 1600 m² with community water and no community sewer, and 1.0 ha with community sewer only or where there are no community water or community sewer services available. In this case, as the parcels are proposed to be serviced by community water service connections and individual private septic disposal systems, the provisions pertaining to minimum parcel size will be met (see Attachment No. 2 for proposed subdivision).

Park Land Requirements

Where an official community plan contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land or cash or a combination of both. In this case, the Nanoose Bay Official Community Plan Bylaw No. 1118, 1998 specifies that park land dedication may be considered at the time of subdivision subject to meeting the preferred park land criteria set out in the Plan. The maximum amount of park land that the Regional District may request for this property is 5% or 0.1418 ha of the total site area.

In addition to the policies contained in the OCP, Electoral Area 'E' has a Parks and Open Space Plan, which also provide criteria when considering the acquisition of park land.

Proposal:

The applicant is proposing to dedicate a 10 -12 metre wide strip of park land adjacent to Davenham Road and Dolphin Drive, which equal 5% of the total parcel area. The proposed park land is split by the future access cul-de-sac road serving the subdivision. The property is currently vegetated with a variety of species including Douglas fir, Arbutus, salal, moss, and other under story plants.

ALTERNATIVES

1. To accept the request for dedication of park land in the location and amount proposed by the applicant.
2. To deny the request for dedication of park land in the location and amount as proposed by the applicant and request cash in-lieu-of park land or a combination of cash and park land dedication in a different amount and location.
3. To deny the request for dedication of park land in the location and amount as proposed by the applicant and request cash in-in-lieu of park land.

DEVELOPMENT IMPLICATIONS

Official Community Plan / Parks Plan Implications

The Nanoose Bay Official Community Plan Bylaw No. 1118, 1998, contains park land related policies which stipulates that park land is desirable where preferred criteria may be met such as improving waterfront access, protecting environmentally sensitive areas or archaeological features, or providing opportunities for nature appreciation. The Parks and Open Space Plan for Nanoose Bay include similar preferred criteria to be considered when park land is being acquired. In this case, the applicant is offering a buffer strip adjacent to Davenham Road and Dolphin Drive, which would be split by the proposed road accessing the parcels. There are no ocean views from the proposed park land and no environmental sensitive features within the proposed park land. Therefore, the proposed park land does not meet the preferred criteria set out in the OCP and the Parks Plan.

Nanoose Bay Parks and Open Space Advisory Committee Implications

A Parks and Open Space Advisory Committee has been appointed for Electoral Area 'E' to advise the Regional Board on park related matters including the acquisition of park land subject to the policies set out in the OCP and the Parks and Open Space Plan for Nanoose Bay. This request for park land dedication was forwarded to the Committee for its consideration and upon review, the Committee does not support the dedication of park land in the amount and location as requested by the applicant, but instead recommends the applicant pay cash in-lieu-of park land.

It is noted that, while the committee encouraged the applicant to consider retaining this treed area along the Davenham Road frontage (proposed park land), as it would add to the visual appeal of the development and assist with buffering the road noise, the applicant is under no obligation to do so.

Lot Configuration Implications

The applicant has indicated that the proposed lot configuration is in response to the availability and location of the approvable septic disposal fields. Staff notes that as a result of this situation, the proposed parcels are greater than the minimum parcel size and therefore may be capable of further subdivision in the future. However, it is also noted that some of the possible future parcels may not meet the minimum 10% frontage requirement; relaxation of this provision is subject to the consideration of the Regional Board of Directors. There is no bylaw provision to require a section 219 covenant restricting further subdivision of this property and the applicant has indicated that she does not wish provide such a covenant.

ENVIRONMENTAL IMPLICATIONS

The Regional District of Nanaimo Environmentally Sensitive Areas Atlas indicates that there are no environmentally sensitive areas within the subject property.

FINANCIAL IMPLICATIONS

The subject property has an assessed value of \$185,000.00 according to the 2003 authenticated assessment roll. The valuation of the property for 5% cash-in-lieu of park land charges will be based on a certified appraisal of the land at the time of preliminary subdivision approval (PLA). Therefore, it is anticipated that the appraised market value would result in an approximately \$9,250.00 contribution to Electoral Area 'E' community parks fund.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY

This is a request to dedicate park land pursuant to section 941 of the *Local Government Act* as part of a five-lot subdivision development. The proposal was referred to the Nanoose Bay Parks and Open Space Committee, which recommends that cash in-lieu-of park land be requested instead of park land dedication. As the subject parcel does not contain a preferred park land element as set out in the Nanoose Bay Official Community Plan or the Nanoose Bay Parks and Open Space Plan, it is recommended that the applicant pay cash-in-lieu of park land. Therefore, staff recommends Alternative No. 3, to request cash in-lieu-of park land as part of this five-lot subdivision proposal.

RECOMMENDATION

That the request, submitted by Peter Mason, BCLS, on behalf of George Greer and Kathleen Butchko, to dedicate park land be refused and the applicants be required to provide cash in-lieu-of park land dedication as part of the five-lot subdivision proposal of Lot 3, District Lot 137, Nanoose District, Plan 31921.

Scornie

Report Writer

[Signature]

General Manager Concurrence

[Signature]

Manager Concurrence

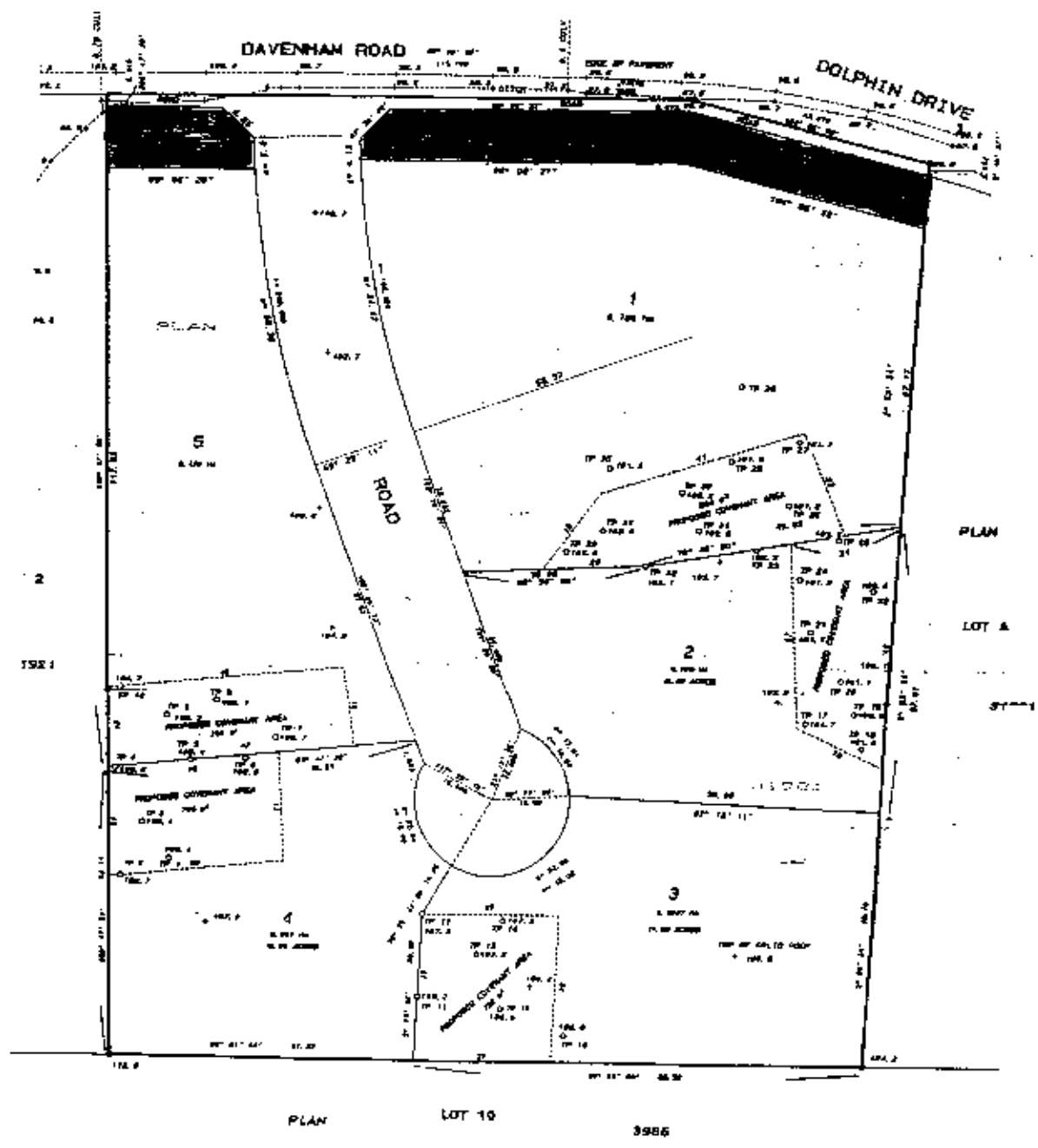
[Signature]

CAO Concurrence

COMMENTS:

devs/report/2003/park ju 3320 30 25058 butchko/greer.doc

**ATTACHMENT NO. 2
PROPOSED SUBDIVISION
(as submitted by applicant)**





REGIONAL DISTRICT OF NANAIMO			
JUL 15 2003			
CHAIR		GMCrS	
CAO		GMDS	
GMCrS		GMES	
EAP ✓			

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: July 14, 2003

FROM: Keeva Kehler
Planner

FILE: 3060 30 60307a

SUBJECT: Development Permit Application No. 60307a - Heringa Electoral Area 'G' - Strata Lot 1, 799 Miller Road

PURPOSE

To consider an application to legalize drainage works within the Watercourse Protection and Sensitive Lands Development Permit Areas pursuant to the "Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998."

BACKGROUND

The subject property, legally described as Strata Lot 1, District Lot 28, Nanoose District, Plan VIS4363, is located at 799 Miller Road in the French Creek area of Electoral Area 'G' (see Attachment No. 1).

The subject property is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The minimum setback requirements for buildings and structures are as follows: 8.0 metres from the front lot line; 2.0 metres from the interior side lot lines and 30.0 metres from the natural boundary of French Creek. The maximum height for buildings and structures is 8.0 metres as measured from the natural grade

The Board previously approved a Sensitive Lands Development Permit for the subject property. Development Permit No. 60307 was approved by the Regional Board at their April 8, 2003 Regular Meeting and allowed for the construction of a single storey dwelling unit with the following motion:

That Development Permit Application No. 60307, submitted by Connie and Hans Heringa, to construct a dwelling unit in a Sensitive Lands Development Permit Area pursuant to the "Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998" on the property legally described as Strata Lot 1, District Lot 28, Nanoose District, Plan VIS4363 be approved, subject to the conditions outlined in Schedule Nos. 1 to 3 of the corresponding staff report.

CARRIED

Subsequently, the applicants have chosen to modify their original application to include a request to legalize the drainage works within the Watercourse Protection and Sensitive Lands Development Permit Areas, approximately 21.0 metres from the natural boundary. The applicants are also requesting permission to locate the works within the Covenant Area. The Ministry of Water, Land and Air Protection and the Regional District of Nanaimo must give written approval for improvements within the Covenant Area.

ALTERNATIVES

1. To approve Development Permit No. 60307a subject to the conditions outlined in Schedules No. 1 and 2.
2. To deny the requested development permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

Approval of the requested Development Permit would legalize the existing drainage works within 21.0 metres from the natural boundary of French Creek. The drainage works will be located within both the Watercourse Protection and Sensitive Lands Development Permit Areas and within a Covenant Area registered in favour of the Regional District of Nanaimo and the Ministry of Water, Land and Air Protection (WLAP). The original application indicated that the drainage works would be located outside of the Covenant Area at the rear of the property. As mentioned in the previous application, there are a number of Restrictive Covenants registered on the Certificate of Title.

Section 2(a) of the relevant Covenant document (EL090525) registered in favour of the Regional District of Nanaimo and the Crown (WLAP) states that "the Grantor covenants and agrees to preserve the Covenant Area in its natural state and, without limiting the foregoing: not to build, construct or place any building, structure, improvement or mobile home in the Covenant Area ... without the prior written approval of the Grantee's Fish and Wildlife Manager." Therefore, the applicants require formal approval from the Regional District of Nanaimo and from the Crown to legalize the works within the Covenant Area.

The Sensitive Lands Development Permit Area was established to protect the natural environment, its ecosystems and biological diversity and to protect development from hazardous conditions. This property is adjacent to French Creek and discharge of untreated run-off may affect the quality of fish habitat within the Creek. Land clearing and excavation may also have negative environmental impacts. The previous Development Permit No. 60307 approved the siting of the dwelling unit and some minor clearing of alders at the front of the lot. Development Permit No. 60307 approved drainage works at the rear of the lot outside of the Covenant Areas. According to the applicants, the rest of the lot was already cleared of vegetation and substantial amounts of fill had been placed on the property.

The Watercourse Development Permit Area was established to protect the natural environment, its ecosystems and biological diversity. This Development Permit is applicable to French Creek and all adjacent lands within 30.0 metres of the natural boundary of French Creek. Watercourses and their leave strips provide essential habitat corridors for fish, birds and other wildlife. They also act as natural drainage, filtration and purifying systems. Native vegetation is a vital component of any riparian area and Development Permit No. 60307 included a condition that native vegetation be replanted in the riparian area. The applicants have stated that they intend to replant the area with a mix of native and introduced landscaping species. Due to the sensitive nature of French Creek, staff feels that native species only should be replanted within 30.0 metres of the natural boundary of French Creek.

ENVIRONMENTAL IMPLICATIONS

Staff contacted the WLAP staff for comment on the drainage works within the Covenant Area. WLAP staff recommended that the Regional District require the replanting of native species only within the Watercourse Protection Development Permit Area.

As the Sensitive Lands Development Permit Area covers the entire parcel, it is not possible for the applicants to locate the proposed drainage works outside the Development Permit Area. In the previous application, the drainage works were proposed to be located outside the Covenant Area, but the applicants discovered that this was not the optimal location for the works after construction commenced. Mr. Heringa, the applicant, is a Professional Civil Engineer and states that all of the drainage will be directed into a natural pre-existing backwater channel, which is granular in nature. The applicant further states that there should be no impact on French Creek from locating the works in the Covenant Area, approximately 21.0 metres from the natural boundary of the watercourse because this is the lowest portion of the lot and does not discharge into French Creek.

The applicant has provided further rationale for locating the works in the Covenant Area and states that all natural drainage from the existing roadway adjacent to the property already ran into this area. In the applicant's professional opinion, it would have been difficult to prevent perimeter storm waters from the house foundation from naturally migrating into this area. The sanitary sewer line from the house to the connection at the eastern corner ran through the previously proposed drainage pit area. All surface drainage collected from roof leaders, perimeter drains for the dwelling and the water interceptor will be directed to the rock drainage pit for energy dissipation and infiltration.

After construction, the applicant will be required to provide a landscape plan and undertake landscaping using plants native to the area within 30.0 metres of the natural boundary of French Creek. The replanting of native vegetation in the riparian area will improve natural filtration and purification of any potential run-off entering French Creek. Native vegetation will enhance the ecological function of the riparian zone.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'.

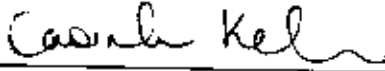
SUMMARY/CONCLUSIONS

This is a revised application to legalize the existing drainage works within the Watercourse Protection and Sensitive Lands Development Permit Area. The works are proposed to be located within a Covenant Area registered in favour of the Regional District of Nanaimo and the Crown (WLAP).

From staff's assessment of this revised application, the request to legalize the drainage works within the Development Permit and Covenant Areas could be supported, provided the applicants agree to replant the riparian zone (extending 30.0 metres from the natural boundary) with native vegetation. The remaining area of the property can be replanted with a mix of native and introduced species. Staff recommends approval subject to the mitigative measures to reduce the negative impacts to the watercourse and riparian environment as outlined in Schedule No.1.

RECOMMENDATION

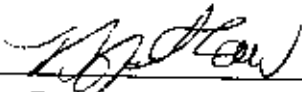
That Development Application No. 60307a, to legalize the drainage works within the Watercourse Protection and Sensitive Lands Development Permit Areas on the property legally described as Strata Lot 1, District Lot 28, Nanoose District, Plan VIS4363, be approved subject to the conditions outlined in Schedules No. 1 and 2.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2003/dp ju 3060 30 60307a Heringa

**Schedule No. 1
Conditions of Approval
Development Permit No. 60307a**

Covenant Areas

1. Drainage from perimeter drains and roof leaders is to be directed into a rock drainage pit/ settlement pond for energy dissipation and infiltration and no surface drainage or run-off is to be directed into the waters of French Creek.
2. There shall be no further disturbance of land whatsoever within the Covenant Areas or within 30.0 metres of the natural boundary of French Creek without written approval from the Regional District of Nanaimo.

Landscaping Requirements

1. Native vegetation only shall be replanted within 30.0 metres of the natural boundary of French Creek. Native vegetation provides significant ecological benefits to a riparian area that cannot be obtained from non-native species. The native plants and trees in a healthy riparian zone act as a filter and prevent harmful sediment and contaminants from washing into the river. Plants and trees growing in the riparian zone help to stabilize the soil and reduce erosion. Non-native species that have been introduced into the riparian zone can displace native species from adjacent properties. Non-native plants are often vigorous and spread rapidly, but do not provide the same important ecological function as native species.
2. A landscape restoration plan, acceptable to the Regional District, for the area within the Watercourse Development Permit Area (within 30.0 metres of the natural boundary of French Creek) shall be completed prior to the Board meeting on August 12, 2003. The plan will enhance the riparian area and shall, at a minimum, satisfy the following criteria:
 - a. Landscaping shall be totally comprised of biologically diverse and drought resistant native vegetation.
 - b. Individual plants to be used in the landscaping shall have normal, well developed branches and vigorous, fibrous root systems; such plants shall be healthy, vigorous and free from defects, decay, disfiguring roots, sunscald, injuries, abrasions of the bark, plant diseases, insect pests' eggs, borers and all forms of infestation or objectionable disfigurements;
 - c. The landscaping shall be completed by October 31st, 2003.

Development of the Site

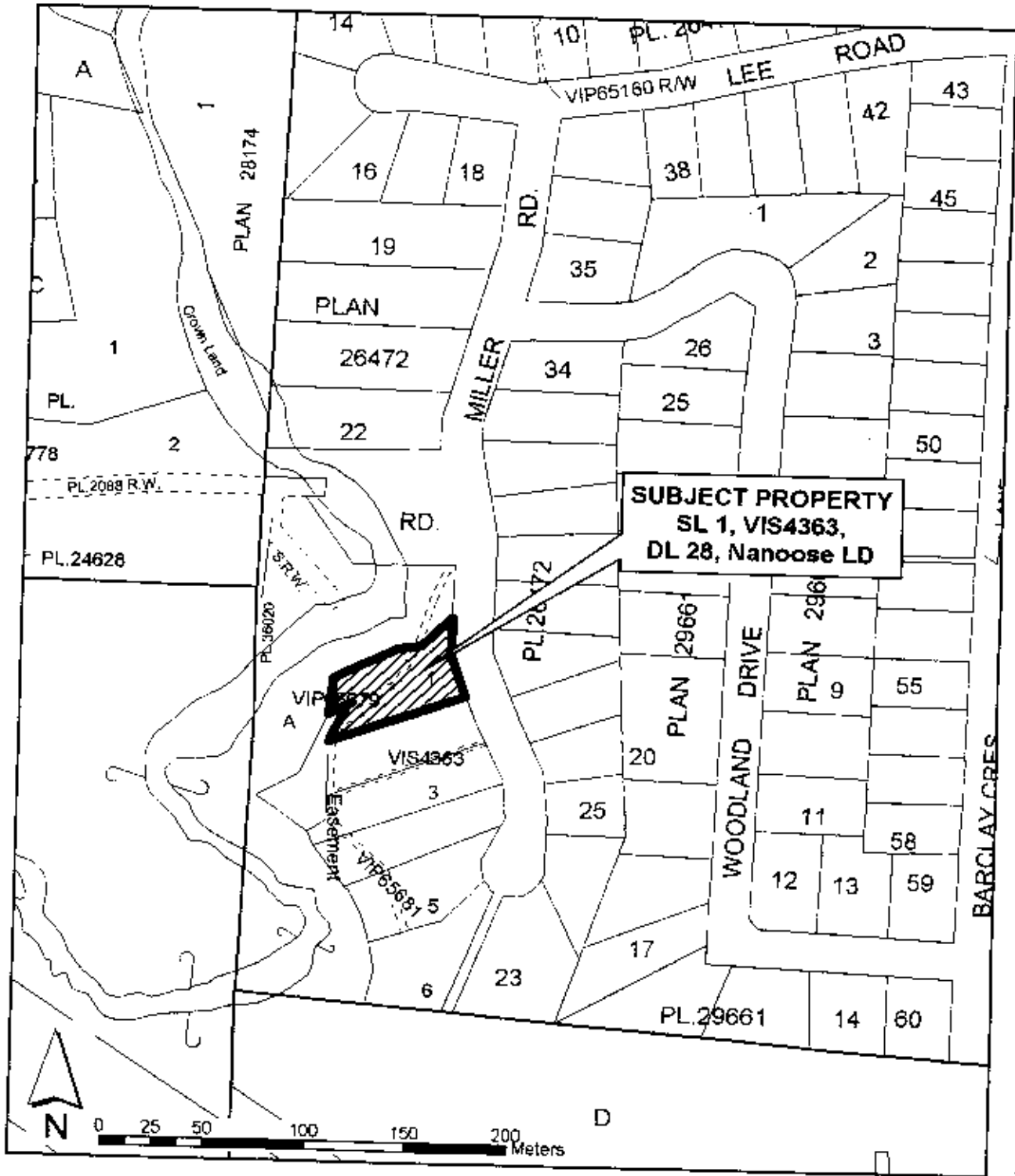
1. All construction or improvements to be undertaken on the property must be consistent with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" and all other applicable legislation and regulations from agencies having jurisdiction over the property.
2. Sediment and erosion control measures must be utilized to control sediment during construction and to stabilize the site after construction is complete. These measures must include the following:
 - a) Exposed soils must be seeded as soon as possible to reduce erosion during rain events;
 - b) Tarps, sand bags, poly plastic sheeting and/ or filter fabric are required to be onsite during the works;
 - c) Cover temporary fill or stockpiles with polyethylene or tarps;

- d) A temporary granular berm will be installed to collect run-off and sediment during construction. The berm will be removed and the area reclaimed upon completion of the works.

Geotechnical Report

1. The geotechnical report submitted with the application is required to be registered on title prior to the Building Inspection Department issuing an occupancy permit.

Attachment No. 1
Location of Subject Property
Development Permit Application No. 60307a





REGIONAL DISTRICT OF NANAIMO			
JUL 15 2003			
CHAIR		GMCrS	
CAO		GMDS	
GMCms		GMES	
EAP ✓			

MEMORANDUM

TO: Pamela Shaw
Manager, Development Services

DATE: July 14, 2003

FROM: Blaine Russell
Planning Assistant

FILE: 3060 30 60329

SUBJECT: Development Permit Application No. 60329 – Friesen on behalf of Ming's Stores Ltd. Inc.
Electoral Area 'A' – 1694 Cedar Road

PURPOSE

To consider an application for a development permit with variances to construct an addition to the principal building for the purposes of containing the existing outdoor storage area and allowing for signage on a parcel located within a Form and Character Development Permit Area.

BACKGROUND

The subject properties, legally described as Lot A Plan VIP71569 Sections 15 and 16 and Lot 3, Plan 23666 Section 15, Both of, Range 8, Cranberry District, are located at 1694 Cedar Road in Electoral Area 'A' (see Attachment No. 1 for location). Lot A is currently zoned Commercial 2 (CM2) while Lot 3 is zoned Residential 2 (RS2) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". Despite the residential zoning on Lot 3, there is a restrictive covenant on title which limits the use of the parcel to off-street parking in conjunction with the commercial use on Lot A. The applicant, at this time, is proposing to legalize the existing outdoor storage area on Lot A by constructing an addition, which will result in the outdoor storage being within the principal building. In addition, the applicant is proposing minor renovations to the principal building and requesting new and existing signage be approved.

Uses on Lot A include office use, retail use (including outdoor storage area), and residential use while the use on Lot 3 is off-street parking. The proposed addition will bring the lot coverage up to 38%, which is within the maximum allowable lot coverage in the CM2 zone.

Surrounding land uses include residentially zoned parcels to the east and northeast; Cedar Road to the south and southwest; and MacMillan Road to the north and northwest. Located across Cedar Road from the subject properties are residentially zoned parcels and across MacMillan Road are commercially zoned properties.

Pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001", Lot A is designated within the Cedar Village & Cedar Commercial/Industrial Properties Development Permit Area No. 3. The Development Permit Area was established to address the form and character of commercial and industrial properties in and surrounding the Cedar Village area. Therefore,

as the applicant is proposing construction within the development permit area, a development permit is required (*see Schedule No. 3 for proposed site plan*).

Proposed Development:

The applicant is proposing to:

- construct an addition to the existing principal building (approximately 160 m² in size) for the purpose of containing the outdoor storage area;
- install a new window and doorway in the existing building facing Cedar Road, and
- erect new signage for a new tenant.

Proposed Variances

In addition to the proposed changes to the property, the applicant is also requesting a number of variances concerning existing signage, existing fencing, and landscaping. The requested variances are outlined in Schedule No. 4 and may be considered with the development permit application.

ALTERNATIVES

1. To approve the request for a development permit with variances subject to the conditions outlined in Schedules No. 1, 2, 3 and 4.
2. To not approve the request for a development permit.

LAND USE IMPLICATIONS

As noted above, the permitted uses in the Commercial 2 zone include retail, office, and residential which are currently the uses on Lot A. The current outdoor storage area is not permitted under the zoning; the applicant is proposing to contain this use to rectify this situation. The retail use will then be expanded to fully contain the goods currently sited in the outdoor storage area. That is, in order to legalize the outdoor storage component of the retail use, the outdoor storage area will be contained within the principal building following the completion of the new addition.

Signage / Fencing Implications

The two freestanding signs have been in place for a number of years. As the subject properties are located at an intersection of two streets, the signs are located so as to provide advertising to each street independently. While the Sign Bylaw allows a maximum of 1 freestanding sign per parcel, at issue is the visibility of corner lots and the logical rationale of siting signage visible from both street frontages. It is noted that to permit these signs to remain, variances are necessary to both Bylaw No. 500 and Sign Bylaw No. 993 (*see Schedule No. 4 for proposed variances*).

In addition to the freestanding signs, the applicant is also requesting two new canopy signs be erected for a new tenant. One proposed sign is to be located adjacent to the existing canopy signs facing Cedar Road and the second is proposed to face MacMillan Road. Again, the higher level of signage on this site is in keeping with the historic use of the property for commercial activities and the location of the property within a Commercial zone and Form and Character Development Permit Area. These signs will require variances to the Sign Bylaw as well.

The applicant has stated that the existing fencing, which is chain link with barbed wire, is necessary for security reasons. As the fence is greater than 2 metres in height, a variance is necessary to relax the minimum setback requirements (*see Schedule No. 4*).

Ministry of Transportation

Ministry of Transportation staff has indicated that the Ministry does not take issue with the existing freestanding signs and fence provided that the works are contained within the subject properties and do not encroach into the public right-of-way. In respect to the proposed addition to the principal building, Ministry staff has indicated that the applicant will require a new access permit as the proposed structure increases the density of use on Lot A. This requirement is included in the proposed conditions of approval set out in Schedule No. 1.

Parking Implications

While there are a sufficient number of parking spaces on the subject properties to meet Bylaw No. 500 standards, the off-street parking areas require upgrading in terms of delineation, including the signing and marking of disability spaces. In addition, the off-street loading area is not clearly marked or signed. The applicant is in concurrence to upgrade the parking and loading areas. It is noted that the existing off-street parking located to the rear of the main section of the structure is not composed of a hard durable surface, as required by Bylaw No. 500, 1987, however this surplus parking and only serves in an ancillary capacity.

Landscaping and Screening Implications

The subject properties were originally developed prior to the introduction of landscaping requirements. Therefore, at that time, no landscaping was provided for on the subject properties. Due to the location of existing security fencing, and the existing parking configuration, staff are of the opinion that it is not possible to fully meet the required landscape buffer provisions pursuant to Bylaw No. 500. However, the applicant is in concurrence to landscape a portion of the properties by planting shrubbery adjacent to MacMillan Road.

The proposed addition is to the rear of the existing building and therefore will not be readily visible to the traveling public; no additional screening, other than what the applicant has proposed is recommended at this time.

DEVELOPMENT PERMIT GUIDELINE IMPLICATIONS

Taking into consideration the historical use of the properties, the applicant will generally meet the applicable guidelines of the development permit area. However, it is noted that the applicant has been put on notice that any future changes to the properties will require an zoning amendment application and new development permit application.

ENVIRONMENTAL IMPLICATIONS

The Regional District of Nanaimo Environmentally Sensitive Areas Atlas indicates that there are no environmentally sensitive areas within the subject properties nor are these properties designated within the Streams, Nesting Trees, & Nanaimo River Floodplain Development Permit Area No. 5, which comes into effect for Area 'A' this December 2003.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY

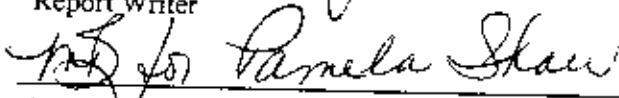
This is an application for a development permit with variances to permit the construction of an addition for the purposes of containing the outdoor storage area within the existing principal building, to allow for minor renovations to the existing building, to erect new canopy signs, to recognize existing signage and fence structures, and to allow for a relaxation to landscaping provisions of Bylaw No. 500, 1987. The Ministry of Transportation staff has indicated support of the variances provided all structures are contained within the properties and the applicant obtains a valid access permit. This development permit will permit the enclosure of the outdoor storage area within an addition to the principal building, thereby bringing all retail uses under one roof as required by Bylaw No. 500. The proposed variances to Bylaw No. 500, 1987 and Bylaw No. 993, 1995 are outlined in Schedule No. 4 of the staff report. As the subject properties have historically been used for commercial purposes, the enclosing of the outdoor storage area will bring the uses on site into conformity, and as the applicant is in concurrence with the conditions outlined in the staff report, staff support Alternative No. 1 to approve this development permit with variances subject to the conditions outlined in Schedule Nos. 1, 2, 3, and 4 and the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

That Development Permit Application No. 60329, submitted by Friesen's Rentals and Hardware on behalf of Ming's Stores Ltd. Inc., to construct an addition to the principal building and allow for signage on a parcel located within the Cedar Village and Cedar Commercial/Industrial Properties Development Permit Area No. 3 for Lot A, Section 15 and 16, Range 8, Cranberry District, Plan VIP71569 be approved, subject to the conditions outlined in Schedule Nos. 1, 2, 3, and 4 of the corresponding staff report and to the notification requirements of the *Local Government Act*.



Report Writer



Manager Concurrence

COMMENTS:



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Conditions of Development Permit Application No. 60329
1694 Cedar Road

The following conditions are to be completed as part of Development Permit No. 60329:

1. Building Development

This development permit allows for the construction of an addition for the purposes of enclosing the outdoor storage area and for the installation of an exterior window and door in the existing principal building as shown on Schedule No. 2 and 3 attached to and forming part of this Permit.

2. Signage

- a. The Canopy Sign facing Cedar Road shall be limited to the dimensions of 1.10 metres vertically and 28.20 metres horizontally for a maximum sign area of 31.02 m² and a maximum internally illuminated area of 4.40 m². This sign shall be located as indicated on Schedule No. 3.
- b. The Canopy Sign facing MacMillan Road shall be limited to the dimensions of 1.10 metres vertically by 7.00 metres horizontally with a total sign area of 7.70 m² and a maximum internally illuminated area of 1.21 m². This sign shall be located as indicated on Schedule No. 3.
- c. The Canopy Sign facing the main parking area shall be limited to the dimensions of 1.10 metres vertically by 7.00 metres horizontally with a total sign area of 7.70 m² and a maximum internally illuminated area of 1.54 m². This sign shall be located as indicated on Schedule No. 3.
- d. The Freestanding Sign adjacent to Cedar Road shall be limited to 6.40 metres in height and limited to 2 sides with signage surface dimensions of 2.75 metres vertical by 2.13 metres horizontal per side, for a total signage surface area 11.72 m² and a maximum internally illuminated area of 11.72 m². This sign shall be located as indicated on Schedule No. 2.
- e. The Freestanding Sign adjacent to MacMillan Road shall be limited to 4.50 metres in height and limited to 1 side with signage surface dimensions of 3.0 metres vertical and 3.0 metres horizontal, for a total signage surface area of 9 m² as shown on Schedule No. 2. This sign shall not be internally lit.

3. Fence

The Fence shall be limited to a maximum height of 2.60 metres for that part which is adjacent Cedar Road and shall be limited to a maximum height of 3.20 metres for all other parts and located as shown on Schedule No. 2.

4. Off-Street Parking and Loading Areas

- a. The applicant shall provide a minimum of 2 Disability Spaces with dimensions with a minimum width of 4.0 metres and marked with the International Symbol of Accessibility for the Handicapped as specified in RDN bylaw No. 500, 1987 in accordance with Bylaw No. 500, 1987.
- b. The applicant shall provide a minimum of one off-street loading bay with the dimensions and marking in accordance with Bylaw No. 500, 1987.

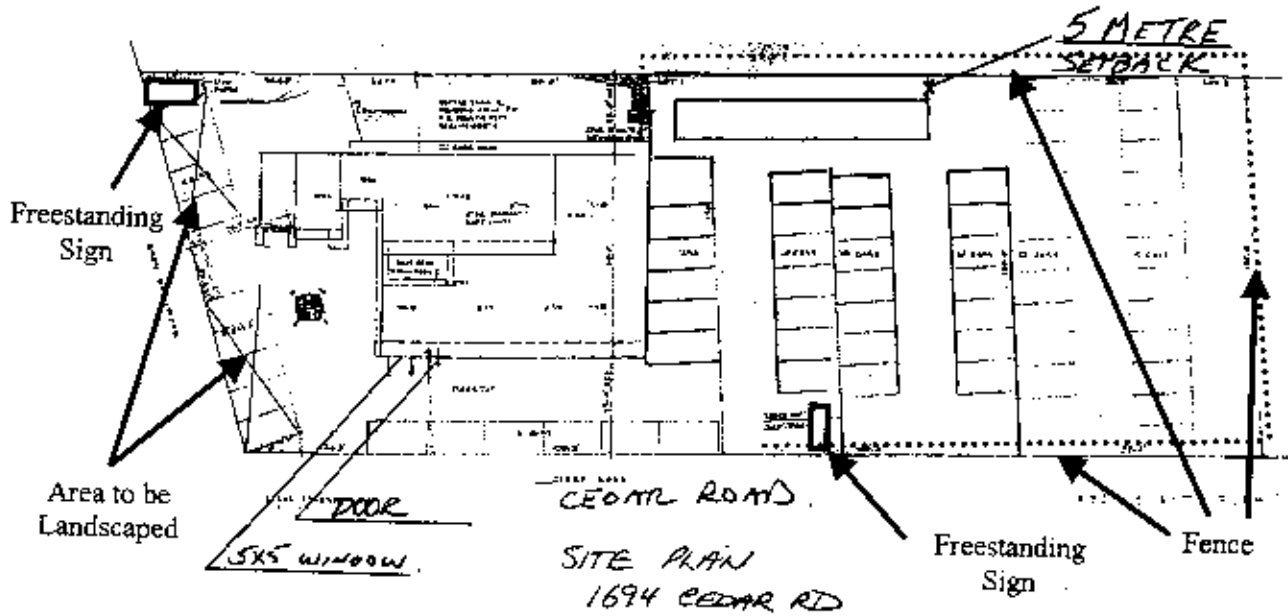
5. Ministry of Transportation

Applicant to obtain valid access permit from the Ministry of Transportation.

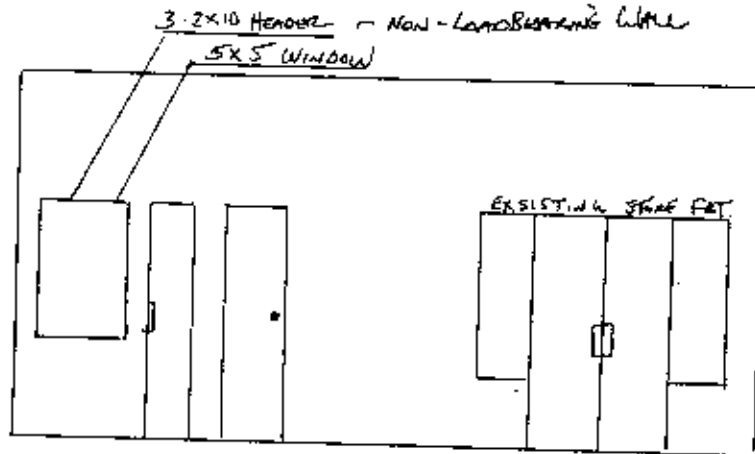
6. Landscaping

- a. The applicant shall provide landscaping to Bylaw No. 500 standard in the area as indicated on Schedule No. 2.
- b. The issuance of this permit in no way precludes future development permits from requiring additional landscaping.

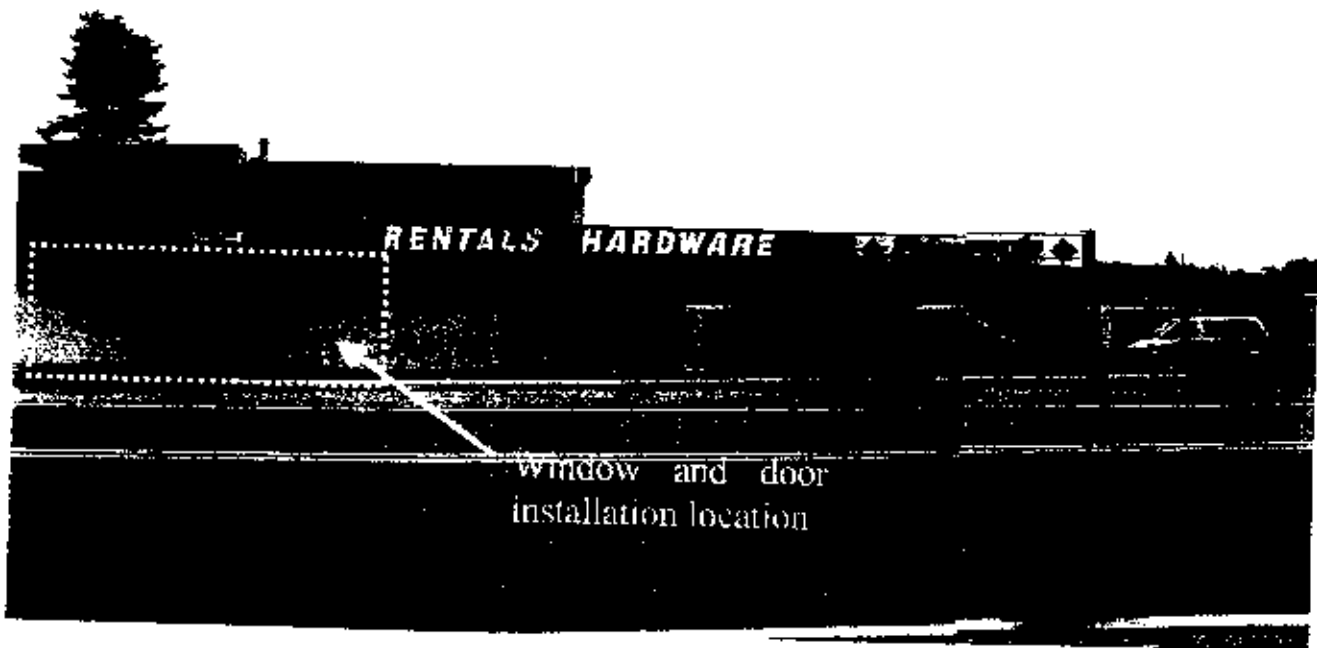
Schedule No. 2
Site Plan - Development Permit Application No. 60329
(as submitted by applicant)
1694 Cedar Road



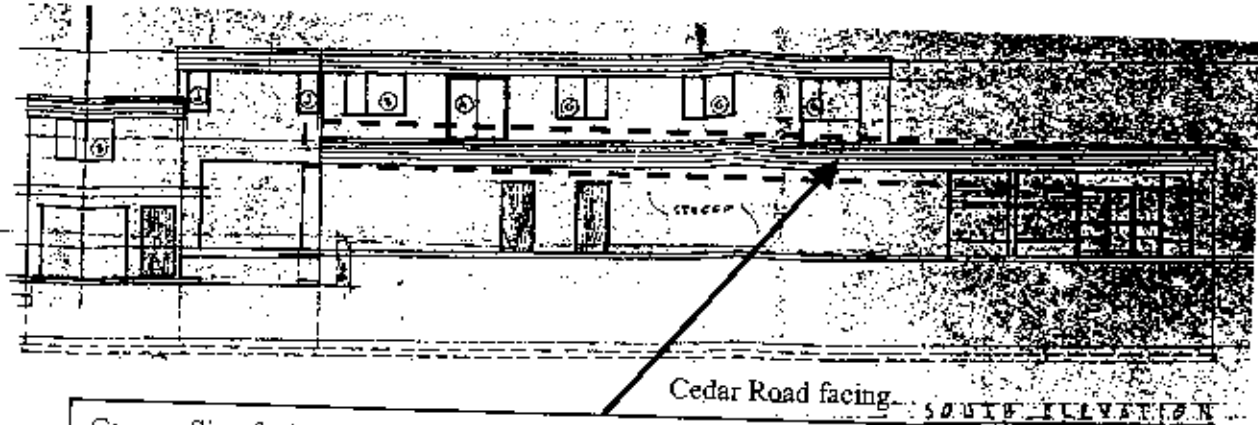
Schedule No. 3 (page 1 of 3)
Profile Plan - Development Permit No. 60329
(as submitted by applicant)
1694 Cedar Road



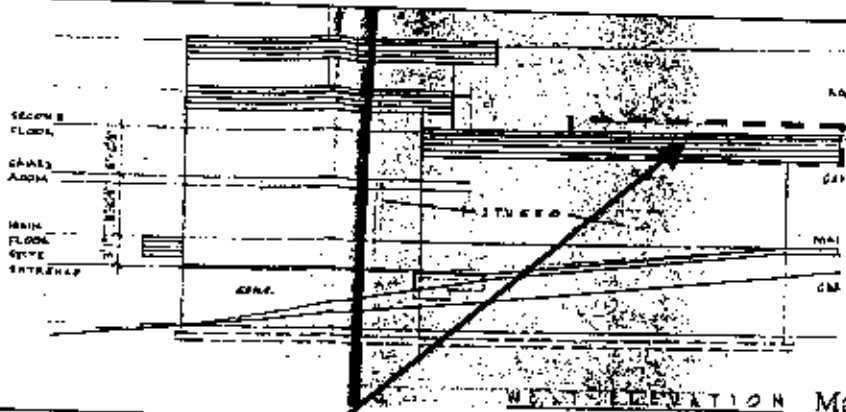
CEDAR ROAD
NOT TO SCALE



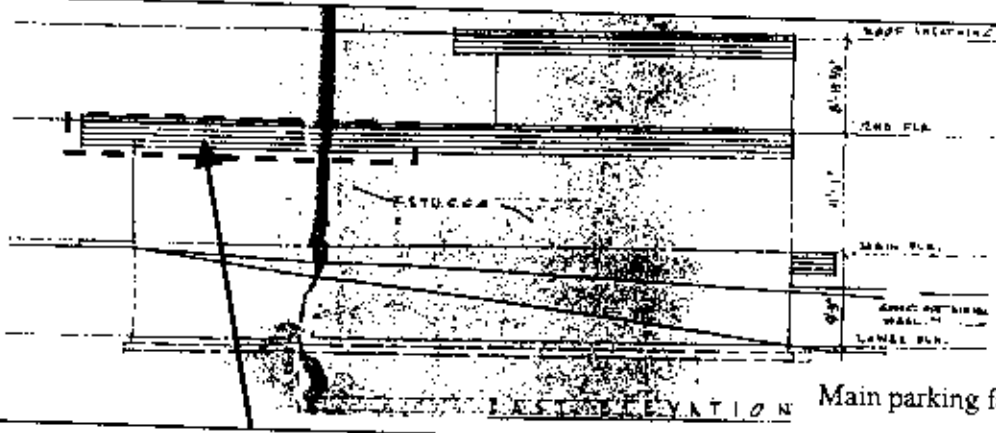
Schedule No. 3 (page 2 of 3)
 Profile Plan - Development Permit No. 60329
 (as submitted by applicant)
 1694 Cedar Road



Cedar Road facing SOUTH ELEVATION
 Canopy Sign facing Cedar Road (dimensions: 1.10 m X 28.20 m) (area: 31.02 m²)
 Maximum internally illuminated area of 4.40m²



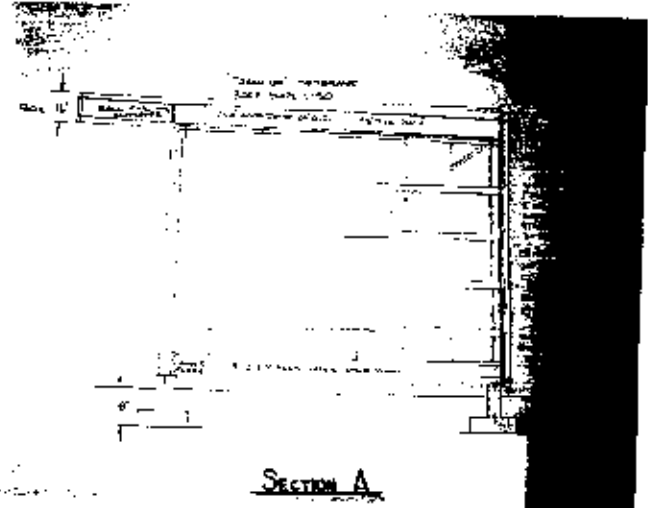
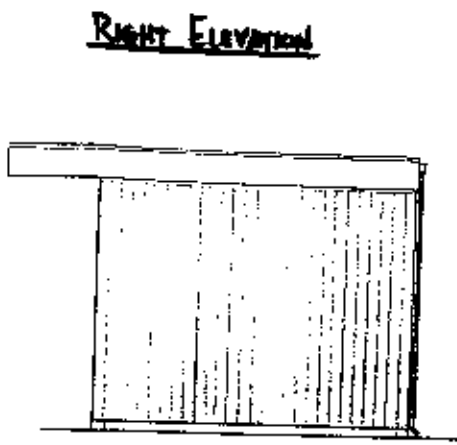
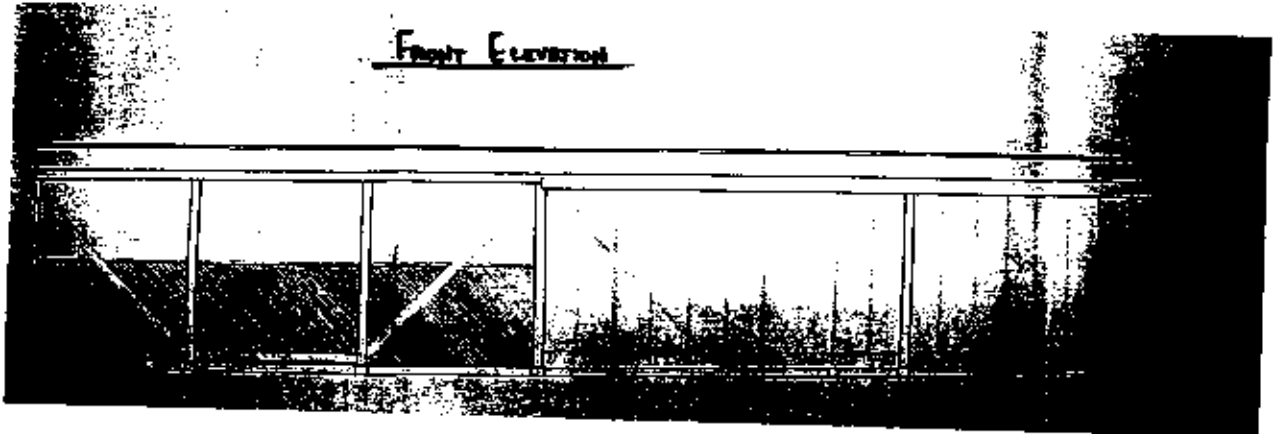
WEST ELEVATION MacMillan Road facing
 Canopy Sign facing MacMillan Road (dimensions: 1.10 m X 7.00 m) (area: 7.70 m²)
 Maximum internally illuminated area of 1.21 m²



EAST ELEVATION Main parking facing
 Canopy Sign facing Parking Lot (dimensions: 1.10 m X 7.00 m) (area: 7.70 m²)
 Maximum internally illuminated area of 1.54 m²

Schedule No. 3 (page 3 of 3)
Profile Plan - Development Permit No. 60329
(as submitted by applicant)
1694 Cedar Road

PROPOSED ADDITIONAL STORAGE BUILDING
68' x 14' WITH 4' OVERHANG



**Schedule No. 4
Requested Variances
Development Permit Application No. 60335**

The following variances are proposed:

Freestanding Sign Adjacent Cedar Road:

1. Section 3.4.12 – Other Lot Line Setback Requirement – The minimum setback requirement from the other lot line is proposed to be varied from 5.0 metres to 1.0 metre distance in order to accommodate the existing freestanding sign adjacent Cedar Road.

Freestanding Sign Adjacent MacMillan Road:

2. Section 3.4.12 – Front Lot Line Setback Requirement – The minimum setback requirement from the front lot line is proposed to be varied from 8.0 metre to 0.0 metres distance in order to accommodate the existing freestanding sign adjacent MacMillan Road.
3. Section 3.4.12 – Other Lot Line Setback Requirement – The minimum setback requirement from the other lot line is proposed to be varied from 5.0 metres to 0.0 metres in order to accommodate the existing freestanding sign adjacent MacMillan Road.

Fence:

4. Section 3.4.12 – Other Lot Line Setback Requirement – The minimum setback requirement from the other lot line is proposed to be varied from 5.0 metres to 0.0 metres in order to accommodate the existing fence and proposed fence modification.

With respect to "Regional District of Nanaimo Sign Bylaw No. 993, 1995", the following variances are proposed:

1. Section 5(a) to be varied from 2 signs to 6 signs.
2. Section 5 (b) to be varied from 1 freestanding sign to include 1 additional freestanding sign on the subject property.

Fascia Signs

3. Section 5 (c) to be varied from 11m² in surface area and a maximum height and width of exceeding 4 metres to permit a fascia sign with a maximum surface area of 31.02 m² and a maximum height of 1.10 metres and width of 28.20 metres.
4. Section 5 (c) to be varied from 11m² in surface area and a maximum height and width of exceeding 4 metres to permit a fascia sign with a maximum surface area of 7.70 m² and a maximum height of 1.10 metres and width of 7.00 metres.
5. Section 5 (c) to be varied from 11m² in surface area and a maximum height and width of exceeding 4 metres to permit a fascia sign with a maximum surface area of 7.70 m² and a maximum height of 1.10 metres and width of 7.00 metres.

Freestanding Signs

6. Section 5 (c) to be varied from 11m² in surface area and a maximum height and width of exceeding 4 metres to permit a freestanding sign with a maximum surface area of 11.72 m² and a maximum height of 6.40 metres and width of 2.13 metres.
7. Section 5 (c) to be varied from 11m² in surface area and a maximum height and width of exceeding 4 metres to permit a freestanding sign with a maximum surface area of 9.00 m² and a maximum height of 4.50 metres and width of 3.00 metres.



REGIONAL DISTRICT OF NANAIMO			
JUL 15 2003			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
		EHP	✓

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: July 11, 2003

FROM: Blaine Russell
Planning Assistant

FILE: 3060 30 60335

SUBJECT: Development Permit Application No. 60335 - Janes Electoral Area 'E' - 2353 Higginson Road

PURPOSE

To consider an application for a development permit to facilitate the removal of an existing shoreline protection device and to allow for the construction of a new replacement shoreline protection device in the form of a retaining wall within a Watercourse Protection Development Permit Area.

BACKGROUND

This is an application for a development permit to facilitate the removal of an existing shoreline protection device and to allow for the construction of a new replacement shoreline protection device (retaining wall) to be located on the residential property at 2353 Higginson Road in the Northwest Bay area of Electoral Area 'E' and legally described as Lot 12, District Lot 102, Nanoose District, Plan 21022 (see Attachment No. 1 for location).

The subject property is currently zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". Surrounding land uses include Northwest Bay to the north, residentially zoned parcels to the east and west, and residentially zoned parcels across from Higginson Road to the south.

Pursuant to the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1118, 1998", the subject property is designated within the Watercourse Protection Development Permit Area (DPA) which was established for the protection the natural environment, in this case, the coastal foreshore. Therefore, as the applicant is proposing to construct a retaining wall within the leave strip area (15.0 m from the natural boundary of the ocean) of the Watercourse Protection Development Permit Area, a development permit is required.

The applicant has submitted, as part of the application, a retaining wall design prepared by a professional engineer (see Schedule Nos. 2 & 3). As the subject property is within a building inspection area, a building permit will be required. As part of the requirements for a building permit, the applicant will be required to submit a geotechnical report prepared by professional engineer with expertise in that field if deemed necessary by the Chief Building Inspector.

In addition, as the retaining wall is considered a structure under the provisions of Bylaw No. 500, 1987, a number of variances have been requested as part of the application. The proposed variances are outlined in Schedule No. 4 and may be considered with the development permit application.

ALTERNATIVES

1. To approve Development Permit No. 60335 as submitted.
2. To approve Development Permit No. 60335 subject to the conditions outlined in Schedule Nos. 1, 2, 3, and 4.
3. To deny the development permit.

DEVELOPMENT AND ENVIRONMENTAL IMPLICATIONS

The subject property is located in an area where the adjacent foreshore is comprised of a gravel pocket beach with the upland soils consisting predominately of sandy, rapidly draining marine deposits and as a result of these conditions, there is considerable erosional forces from rainfall, wind, and tidal activity. The construction of the proposed replacement retaining wall will continue to help protect the subject property from these activities.

Retaining walls are currently located on the properties situated to both the east and west of the subject property. The applicant is proposing that the new replacement retaining wall be sited in line with both neighbours' retaining wall and in the same place as the existing wall. This construction will not reclaim any additional land as it replaces an existing retaining wall.

The existing retaining wall that is to be removed is of a pile driven log type construction and is proposed to be replaced with an engineered concrete retaining wall. As part of the building permit process, the applicant will be required to supply certification from a professional engineer to ensure the structure is built to an acceptable standard.

INTERGOVERNMENTAL IMPLICATIONS

It is anticipated that Department of Fisheries and Oceans staff will support the proposed works, provided there is minimal impact on the lands and water and the applicant complies with DFO conditions as outlined within the "Best Management Practices for Constructing Marine Seawalls in the South Coast Area" document and complies with the guidelines of the "Watercourse Protection" Development Permit Area. As a result, conditions of the development permit include that the applicant is to contact DFO staff and submit a notification form prior to removal of the existing retaining wall and prior to the construction of the new replacement retaining wall and is to meet all conditions required by DFO. The applicant is in concurrence with these conditions.

VOTING

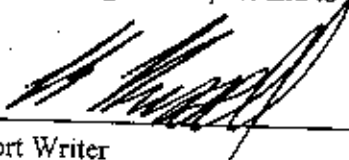
Electoral Area Directors – one vote, except Electoral Area 'B'.


SUMMARY


This is an application for a development permit with variances to construct a shoreline protection device in the form of a retaining wall within the designated Watercourse Protection Development Permit Area pursuant to the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1118, 1998". The proposed variances to Bylaw No. 500, 1987 are outlined in Schedule No. 4 of the staff report. The retaining wall is proposed to connect to the existing retaining walls on the two neighbouring properties and will form the new natural boundary. This report recommends conditions of approval that require the applicant to meet all DFO's conditions (as outlined in Schedule No. 1) prior to commencing and during construction. The applicant is in concurrence with these conditions. Given the proposed replacement retaining wall will provide protection to the subject property as well as neighbouring properties, staff recommends approval of this development permit application subject to the conditions outlined in Schedule Nos. 1, 2, 3, and 4 and to the notification requirements pursuant to the *Local Government Act*.

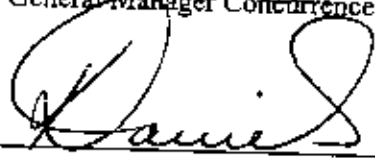
RECOMMENDATION

That Development Permit Application No. 60335 to construct a shoreline protection device in the form of a retaining wall for the property legally described as Lot 12, District Lot 102, Nanoose District, Plan 21022 be approved, subject to the conditions outlined in Schedule Nos. 1, 2, 3, and 4 of the corresponding staff report and to the notification requirements pursuant to the *Local Government Act*.



Report Writer

General Manager Concurrence

Manager Concurrence

C.A.O. Concurrence

COMMENTS:

Schedule No. 1
Conditions of Approval
Development Permit Application No. 60335

The following sets out the conditions of approval:

1. Location

The retaining wall (shoreline protection device) is to be located in the exact location as shown on Schedule No. 3.

2. Sediment and Erosion Control Measures

a. Sediment and erosion control measures must be utilized to control sediment during wall construction and land clearing works, and to stabilize the site after construction is complete. These measures must include:

- i) Tarps, sand bags, poly plastic sheeting and /or filter fabric are required to be on site.
- ii) Direct run-off flows away from the marine environment using swales or low berms.
- iii) Exposed soils must be seeded immediately after disturbance.
- iv) Cover temporary fills or soil stock piled with polyethylene or tarps.

b. Replant vegetation within disturbed part of the leave strip of the development permit area. Preferred plantings to be trees, shrubs, and ground cover native to the area; all replanting to maintain and enhance the natural characteristics of the riparian area.

3. Maximum Height and Dimensional Constraints

a. The retaining wall shall not exceed 2.0 metres in height as measured from the natural grade pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 nor shall the retaining wall exceed 2.3 metres in height as measured from the bottom of the foundation to the top of the wall.

b. The retaining wall's two anchoring ends shall not exceed 2.0 metres in length along the interior side lot line.

4. Engineering

a. The retaining wall is to include a mechanism to drain soils from the upland without allowing for the loss of upland soils to the marine environment. A filter fabric barrier to restrain upland soils is recommended.

b. The retaining wall is to be constructed in accordance with engineering standards and certified by a professional engineer to the satisfaction of the RDN.

c. The applicant is subject to the requirements of the RDN Building Inspection Department and shall obtain a building permit for the retaining wall.

5. Removal

The removal of the existing wall to take place within the time period designated by the Department of Fisheries and Oceans, with notification of this time period being provided by the applicant to the RDN.

a. Any excavated materials must be placed upland such that there is no potential for introduction on the foreshore materials must be placed upland such that there is no potential for introduction onto the foreshore.

b. The removal of the existing wall to take place within the time period designated by the Department of Fisheries and Oceans (DFO), with notification of this time period being provided by the applicant to the RDN.

- c. Any excavated materials must be placed upland such that there is no potential for introduction onto the foreshore.
- d. No fill is to be placed near the shoreline.
- e. All machinery to operate from the upland portion of the subject property only.

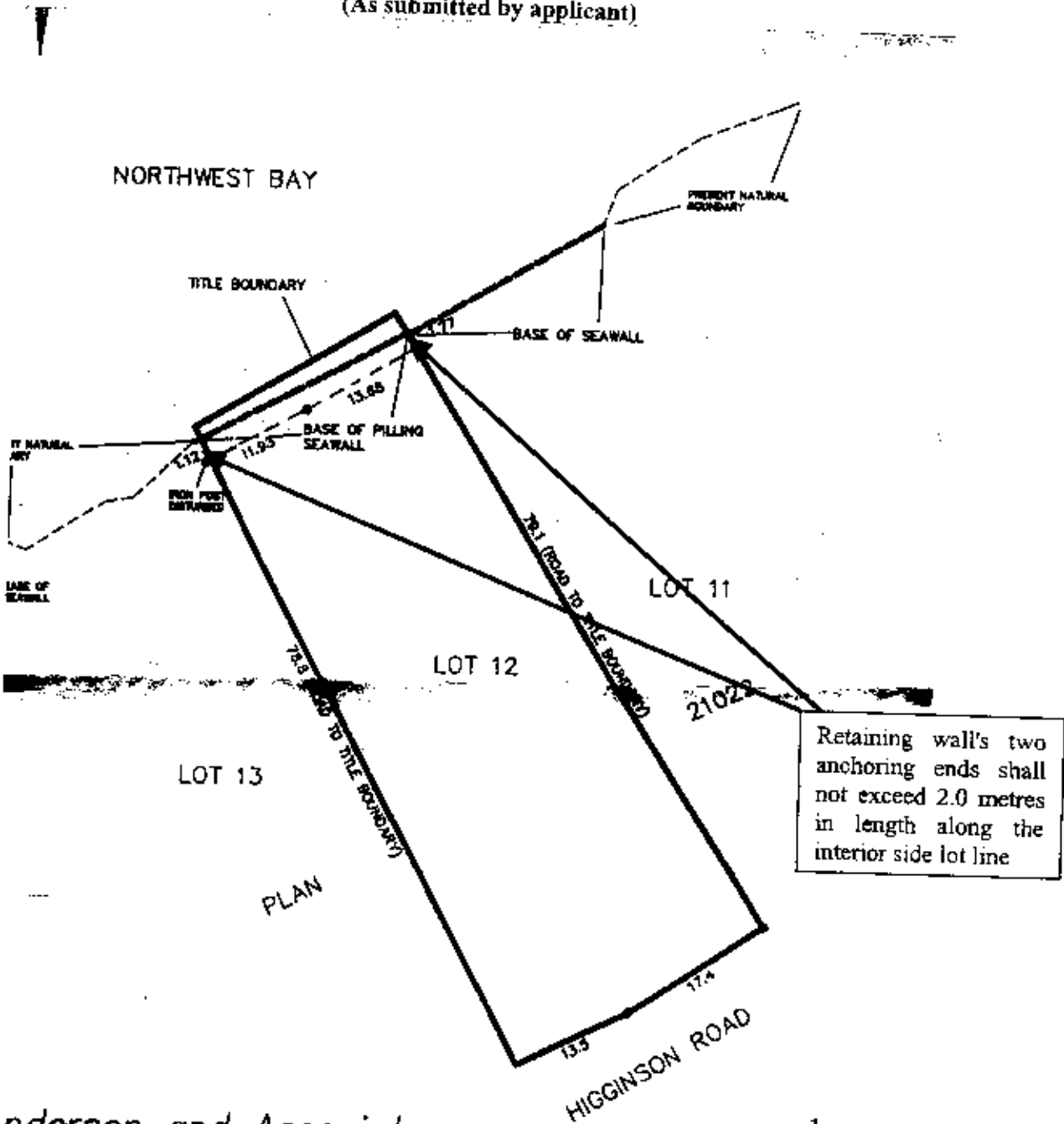
6. Construction

- a. All construction to take place within the time period designated by the Department of Fisheries and Oceans (DFO), with notification of this time period being provided by the applicant to the RDN.
- b. The shoreline protection device shall be constructed as a retaining wall.
- c. Any excavated materials must be placed upland such that there is no potential for introduction onto the foreshore.
- d. No fill is to be placed near the shoreline protection device, excluding backfill placed upland of the retaining wall.
- e. All backfill materials to consist of free-draining material, as recommended by the Department of Fisheries and Oceans.
- f. All machinery to operate from the upland portion of the subject property only.

7. Department of Fisheries and Oceans

- a. The applicant is to contact the Department of Federal Fisheries (DFO) staff prior to commencing any construction by submitting the "Best Management Practices for Constructing Marine Seawalls in the South Coast Area" notification form prior to construction and that the applicant will maintain contact with DFO during the construction phase as requested by DFO.
- b. The applicant to meet all conditions of the Department of Fisheries and Oceans to its satisfaction.

Schedule No. 2 (page 2 of 2)
Site Plan
Development Permit Application No. 60335
(As submitted by applicant)



Anderson and Associates

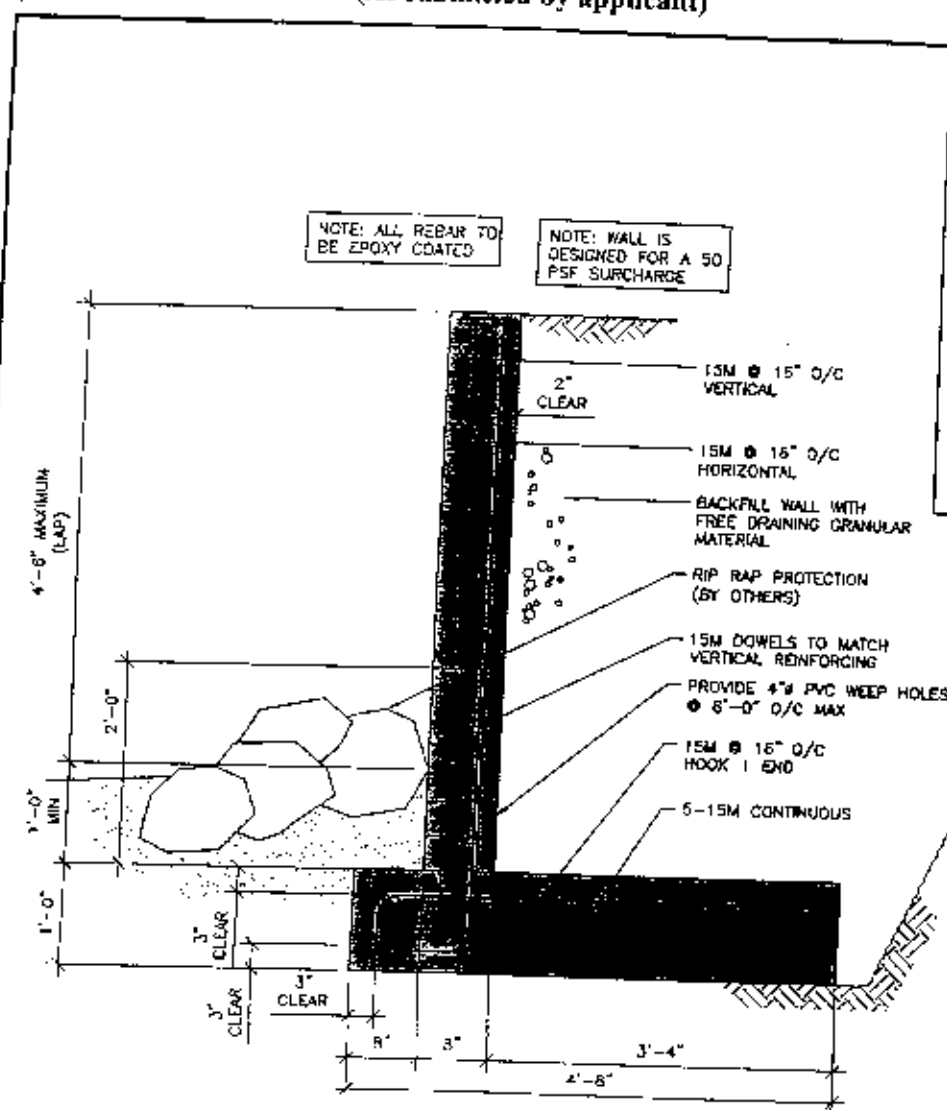
SURVEYORS VICTORIA ENGINEERS NANAIMO

LEGEND
ALL MEASUREMENTS ARE IN MET
● DENOTES IRON POST FOUND

SKETCH PLAN

Schedule No. 3 (page 1 of 2)
 Structural Plan
 Development Permit No. 60335
 (As submitted by applicant)

Retaining wall shall not exceed 2.0 metres in height as measured from the natural grade nor Retaining wall shall exceed 2.3 metres in height as measured from the bottom of the foundation to the top of the wall.



NOTE: ALL REBAR TO BE EPOXY COATED

NOTE: WALL IS DESIGNED FOR A 50 PSF SURCHARGE

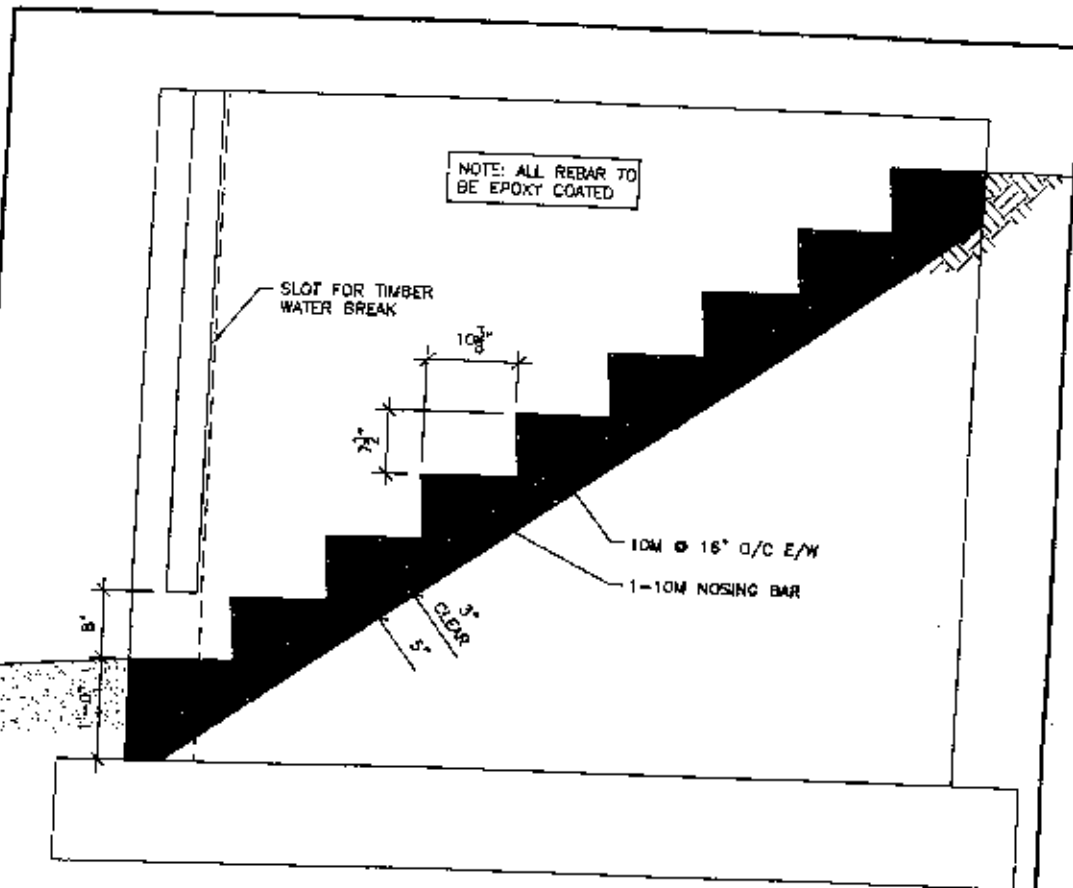
1 RETAINING WALL SECTION
 S03 3/4" = 1'-0"



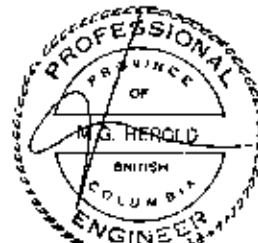
File: H:\Projects\1093-001_2353_Higginson - Retaining Wall\043 Drawing\Retaining Wall.dwg Plot Time: May 07, 2003 - 9:38am User: Jmeca
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HEROLD ENGINEERING LIMITED Consulting Engineers 780 - 272 Street, Delta, British Columbia V9B 5Y5 Telephone: 250-741-8531 Fax: 250-741-8553 Email: info@heroldengineering.com	PROJECT NAME 2353 HIGGINSON RETAINING SEAWALL		DRAWING TITLE TYPICAL RETAINING WALL SECTION			
	PROJECT NO. 1093-001	DESIGNED BY DM	CHECKED BY EMO	DRAWN BY VAS	SCALE AS SHOWN	DATE 05MAY03

Schedule No. 3 (page 2 of 2)
Structural Plan
Development Permit No. 60335
(As submitted by applicant)



2 STAIR SECTION
S04 3/4"=1'-0"



File: R:\Projects\1093-001 2353 Higginson - Retaining Wall\045 (staircase) Revise.dwg Plot Time: May 08 2003 - 10:00 AM
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HEROLD ENGINEERING LIMITED
Consulting Engineers
2353 - 572 Street, Victoria, BC V8S 3T8
Telephone: 250-741-4887 Facsimile: 250-741-8503
Email: m.h@heroldeng.com

PROJECT TITLE
2353 HIGGINSON RETAINING SEAWALL

PROJECT No. 1093-001
DESIGNED BY DM
CHECKED BY BMC
DRAWN BY VAS

DRAWING TITLE
STAIR SECTION

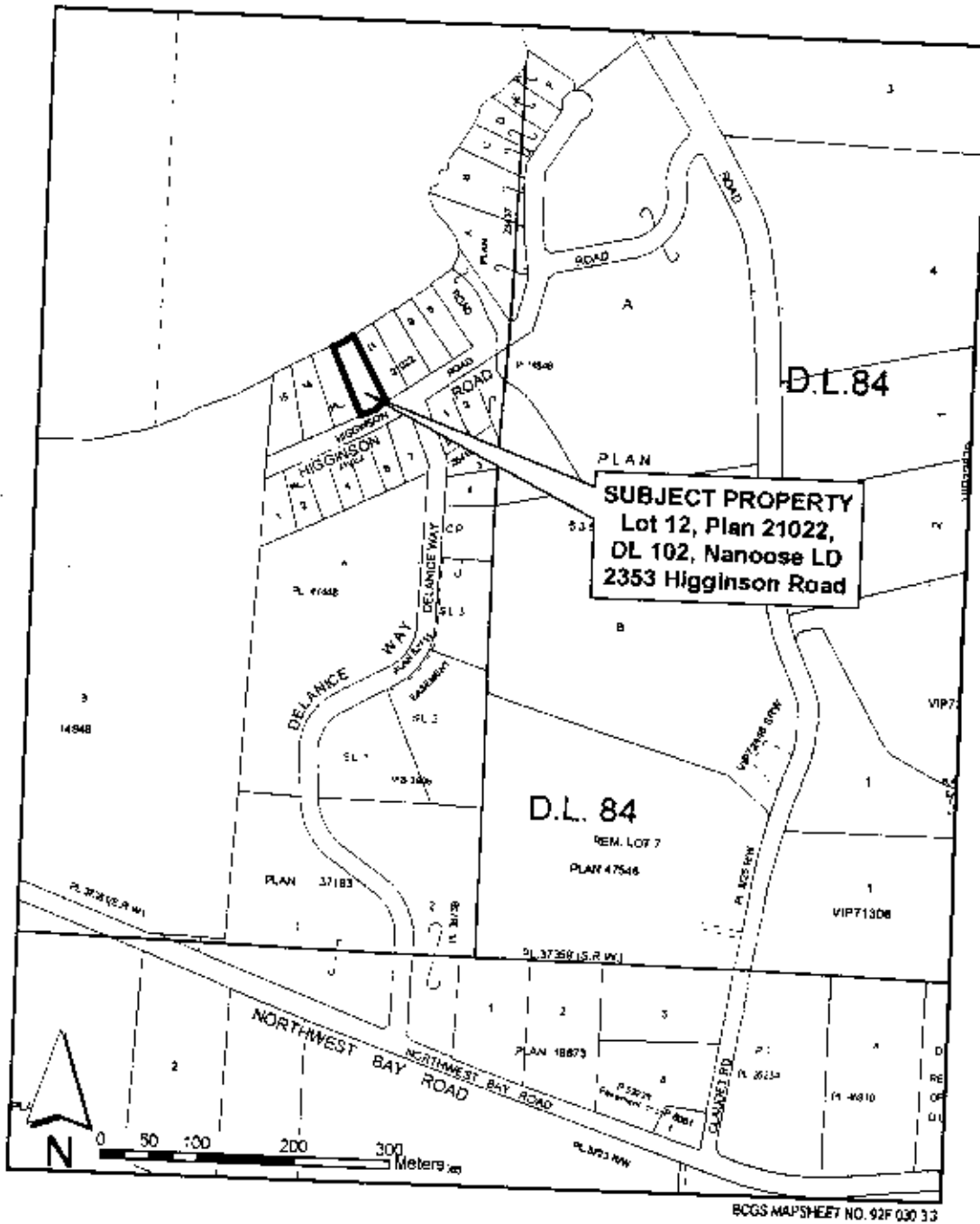
SCALE: AS SHOWN
DATE: 05MAY03
DRAWING No. S04
REV

Schedule No. 4
Proposed Variances
Development Permit Application No. 60335

With respect to the lands, the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, the following variances are proposed:

1. Section 3.3.9 – Minimum Setback Requirements – The minimum setback requirement from the sea is proposed to be varied from 8.0 metres horizontal distance from the natural boundary to 0.0 metres in order to accommodate the proposed retaining wall; and
2. Section 3.4.61 – Interior Side Lot Line Setback Requirement – The minimum setback requirement from both interior side lot lines is proposed to be varied from 2.0 metres to 0.0 metres in order to accommodate the proposed retaining wall;

Attachment No. 1
Subject Property Map



JUL 15 2003

CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: July 11, 2003

FROM: Brigid Reynolds
Planner

FILE: 3090 30 90314

SUBJECT: Development Variance Permit Application No. 90314 - Shaw
Electoral Area 'D' - 3531 Vera Way

PURPOSE

To consider an application for a development variance permit to vary the minimum setback requirement from the watercourse from 15.0 metres to the natural boundary to 4.0 metres to legalize a 5.5 m² pump house.

BACKGROUND

The subject property, legally described as Lot B, Section 17, Range 4, Mountain District, Plan 24600, is located at 3531 Vera Way (see Attachment 1).

The subject property is zoned Rural 1 (RU1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The minimum setback requirements for buildings and structures adjacent to a watercourse are 15.0 metres to the natural boundary. The applicant requests that the Board consider legalizing a recently constructed 5.5 m² pump house constructed 4.0 metres from the natural boundary of McClure Creek. The pump house is 3.0 metres in height. The natural boundary of McClure Creek coincides with the side yard lot line. There is no development permit area designation on this portion of McClure Creek.

The well has been in its current location since the 1970s and the applicant began construction of the pump house in the spring of 2003 because the applicant became concerned with the greater potential for pollution and toxins to enter the well and drinking water due to the increasing amount of traffic on the adjacent road and numbers of dogs that roam freely in the area. The pump house construction is in keeping with the design of the dwelling unit on the property.

Three neighbours were contacted by the applicant and have stated (in writing) that they have no objections to the location of the pump house.

According to the applicant, Federal Fisheries and Oceans, Ministry of Water, Land and Air Protection and Land and Water BC have no concerns with the pump house in its current location. The applicant has had numerous dealings with these agencies over flooding and erosion issues from McClure Creek. According to the applicant, the Ministry of Transportation has provided assistance by installing rip rap on the creek banks to mitigate the erosion damage and the flooding that occurs annually.

In addition to the Board's consideration of this site-specific issue, the applicant is also requesting that the Board consider the provisions in Bylaw No. 500 that require small accessory buildings (such as pump

houses) to meet setbacks. In addition, the applicant has requested a review of the cost of a development variance permit, particularly as it applies to 'minor' buildings or structures.

Pursuant to Bylaw No. 500, Residential 1 and 2 zones state that no setbacks are required from an interior or rear lot line for one accessory building not exceeding a floor area of 10.0 m² and with a maximum height of 3.0 metres. Residential 3 and 4 zones state that no setbacks are required from an interior or rear lot line for one accessory building for individual use that does not exceed a floor area of 9.0 m² and a maximum height of 2.0 metres.

In addition, the "Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001" section 20 (1) states that no building permit is required to construct an accessory building less than 10 m² in building inspection areas, but such buildings must comply with Land Use and Subdivision regulations. The BC Building Code 1998 section 1.1.2.2 - General Exemptions states that the BC Building Code does not apply to accessory buildings less than 10 m² within Building Inspection areas providing they do not create a hazard.

Several local governments on Vancouver Island were contacted for their regulations related to small accessory buildings and setback requirements. The City of Nanaimo zoning bylaw states that an accessory building may be located 1.5 metres from a rear lot line provided the gross floor area is less than 10.0 m², does not exceed a height of 3.0 metres and it is not affixed to the ground. Both the District of North Cowichan and the City of Parksville require that setbacks be met regardless of the floor area and height of an accessory building. Staff are not aware of other jurisdictions that grant setback exemptions from watercourses due to potential negative impacts from both the placement of buildings and the storage of potential contaminants.

With respect to the fees for a development variance permit, the \$400 fee was reviewed recently as part of the amendments to the RDN's Planning Services Fees and Charges Bylaw No. 1259, 2002 and was found to be in keeping with the fees and charges of surrounding local governments. It should be noted, however, that a sliding scale for fees or two-tier fee systems have been used in other jurisdictions and could be considered by the RDN Board. The applicant has requested, that should the Regional Board amend Bylaw No. 500 to require no setbacks for small accessory buildings, that the filing fee be refunded to him.

ALTERNATIVES

1. To approve the requested variance subject to the conditions outlined in Schedule Nos. 1, 2, 3, and 4.
2. To deny the requested variance.
3. To direct staff to review the setback requirements for accessory buildings that have a floor area less than 10 m² and a maximum height not exceeding 3.0 metres and the fees associated with 'minor' variances.

LAND USE AND DEVELOPMENT IMPLICATIONS

Approval of the requested variance would legalize a recently constructed 5.5 m² pump house located 4.0 metres from the natural boundary of McClure Creek. The pump house was sited in this location in order to provide cover for the pump and well that are located here. The applicant constructed the pump house to reduce the potential for pollutants and toxins from entering the well and the drinking water for two families.

The immediate area surrounding the pump house and the creek bank have been disturbed and much of the native vegetation removed. The disturbance was necessary to install bank stabilization works and to undertake annual removal of gravel deposits in McClure Creek. These works are necessary to reduce the flood and erosion hazards that have been occurring on this property for a number of years.

ZONING IMPLICATIONS

As outlined above, in certain situations no setbacks to the rear and interior lots lines apply for an accessory building less than 10 m² and with a maximum height of less than 3.0 metres. However, in this case, the accessory building is located within the setback from a watercourse and Bylaw No. 500 does not provide relief from this setback.

For comparison purposes, staff contacted several jurisdictions on Vancouver Island (*as noted above*). Staff recognizes that other jurisdictions may permit setback relief for small accessory buildings; however, staff were unable to conduct an extensive review and therefore suggest that this issue be deferred to the technical review of Bylaw No. 500 that will begin in the fall 2003.

ENVIRONMENTAL IMPLICATIONS

If the Regional Board amends Bylaw No. 500 such that no setbacks from all lot lines, including fresh and marine watercourses, are required for accessory buildings of this size, no variance permit would be required. However, a development permit may still be required where an accessory building of this size is proposed to be constructed within a Development Permit Area designated for Watercourse Protection or Hazardous Conditions.

VOTING

All Electoral Area Directors except Electoral Area 'B' - one vote.

SUMMARY

This is an application to vary the Bylaw No. 500 minimum setback requirements from a watercourse from 15.0 metres from the natural boundary to a minimum of 4.0 metres to legalize a recently constructed 5.5 m² pump house. The well under which the pump house has been constructed has been there since the 1970s and the purpose of the pump house is to protect the well from any contamination that could occur. In addition, the riparian area adjacent to McClure Creek where the pump house is located has been altered to allow for erosion and flood protection works. Therefore, staff supports legalizing the siting of the pump house.

The applicant has also requested that the Board review the requirement that small accessory buildings such as pump houses must meet setbacks. Staff supports a further review of this issue and recommend that it be included in the technical review of Bylaw No. 500 that will begin in the fall of 2003.

RECOMMENDATIONS

1. That Development Variance Permit Application No. 90314 to vary the minimum setback from a watercourse from 15.0 metres to 4.0 metres to legalize the siting of a recently constructed 5.5 m² pump house on the property legally described as Lot B, Section 17, Range 4, Mountain District, Plan 24600 be approved subject to the requirements outlined in Schedules No. 1, 2, 3 and 4 and subject to notification requirements pursuant to the *Local Government Act*.
2. That staff be directed to include the issue of exemptions from setbacks in the technical review of Bylaw No. 500.



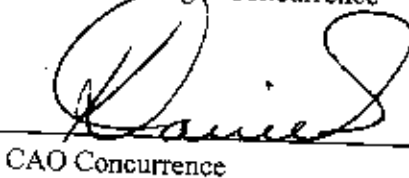
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2003/dvp_ju_3090_30_90314_shaw

Schedule No. 1
Conditions of Approval
Development Variance Permit No. 90314

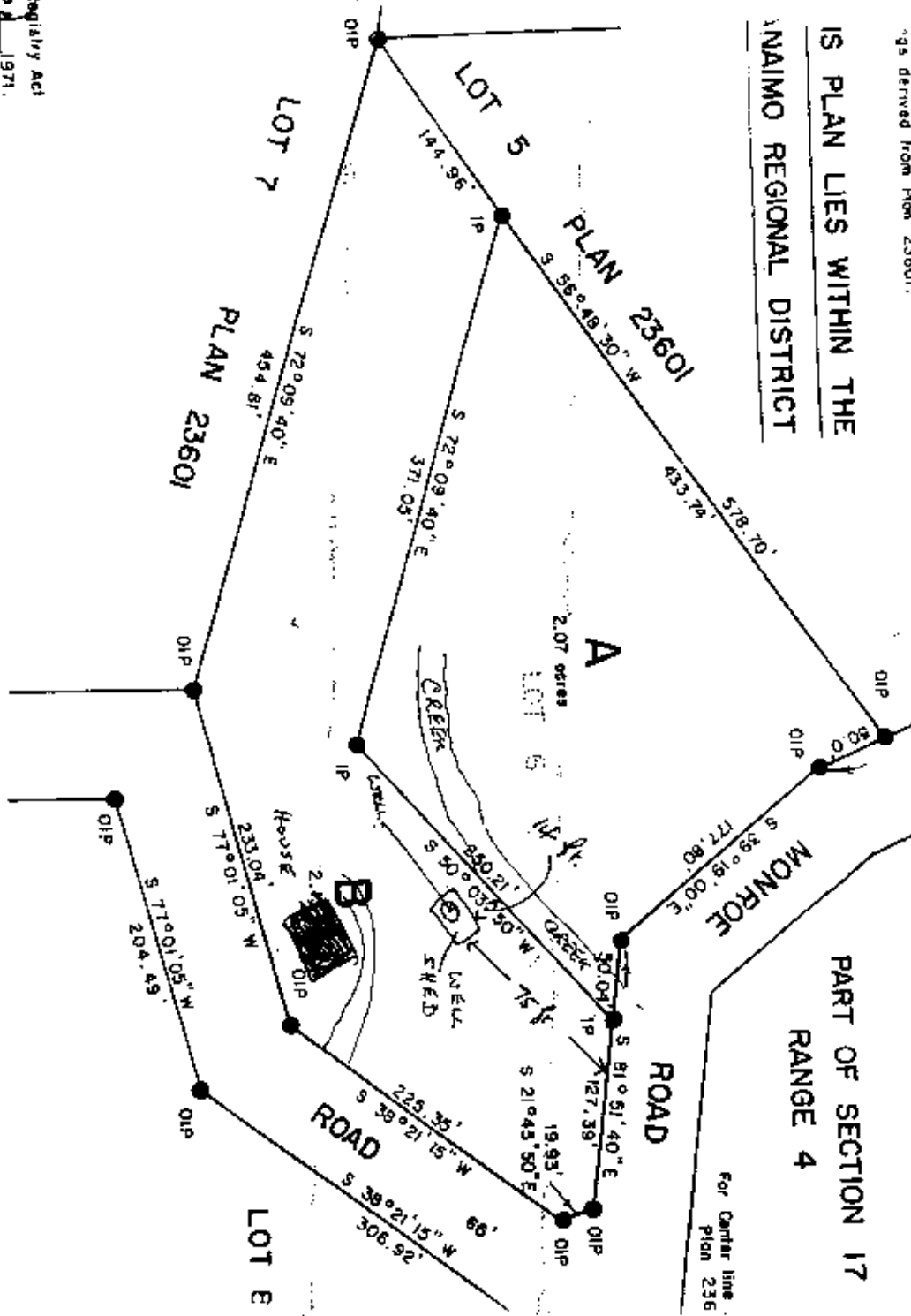
1. Building materials, excavated materials and loose soils adjacent to the top of the bank of McClure Creek is to be moved away from the top of the bank such that there is no potential for introduction into McClure Creek.
2. No storage of materials or goods that could cause damage to fish and fish habitat or would be considered a potential pollutant to McClure Creek is permitted.

Schedule No. 2
 Site Plan
 Development Variance Permit No. 90314

IS PLAN LIES WITHIN THE
 MAIMO REGIONAL DISTRICT

* Denotes 1/2 survey
 *gs derived from Plan 23601.

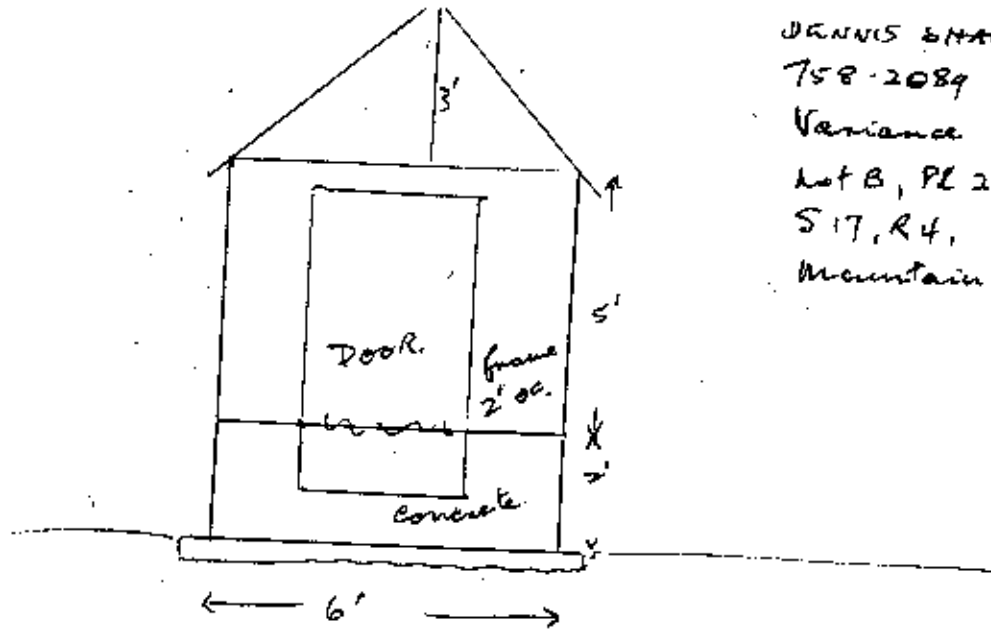
Registry Act
 1971.



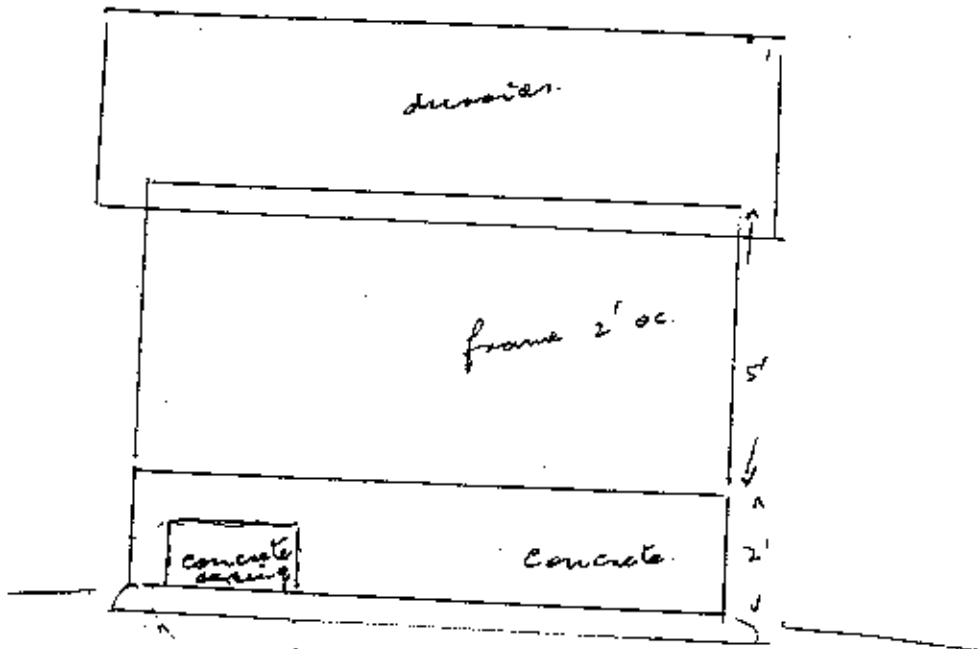
PART OF SECTION 17
 RANGE 4

For Center line
 Plan 236

Schedule No. 3
Accessory Building Plans
Development Variance Permit No. 90314



DENNIS SHAW
758-2089
Variance
Lot B, PL 24001
S17, R4,
Mountain DC

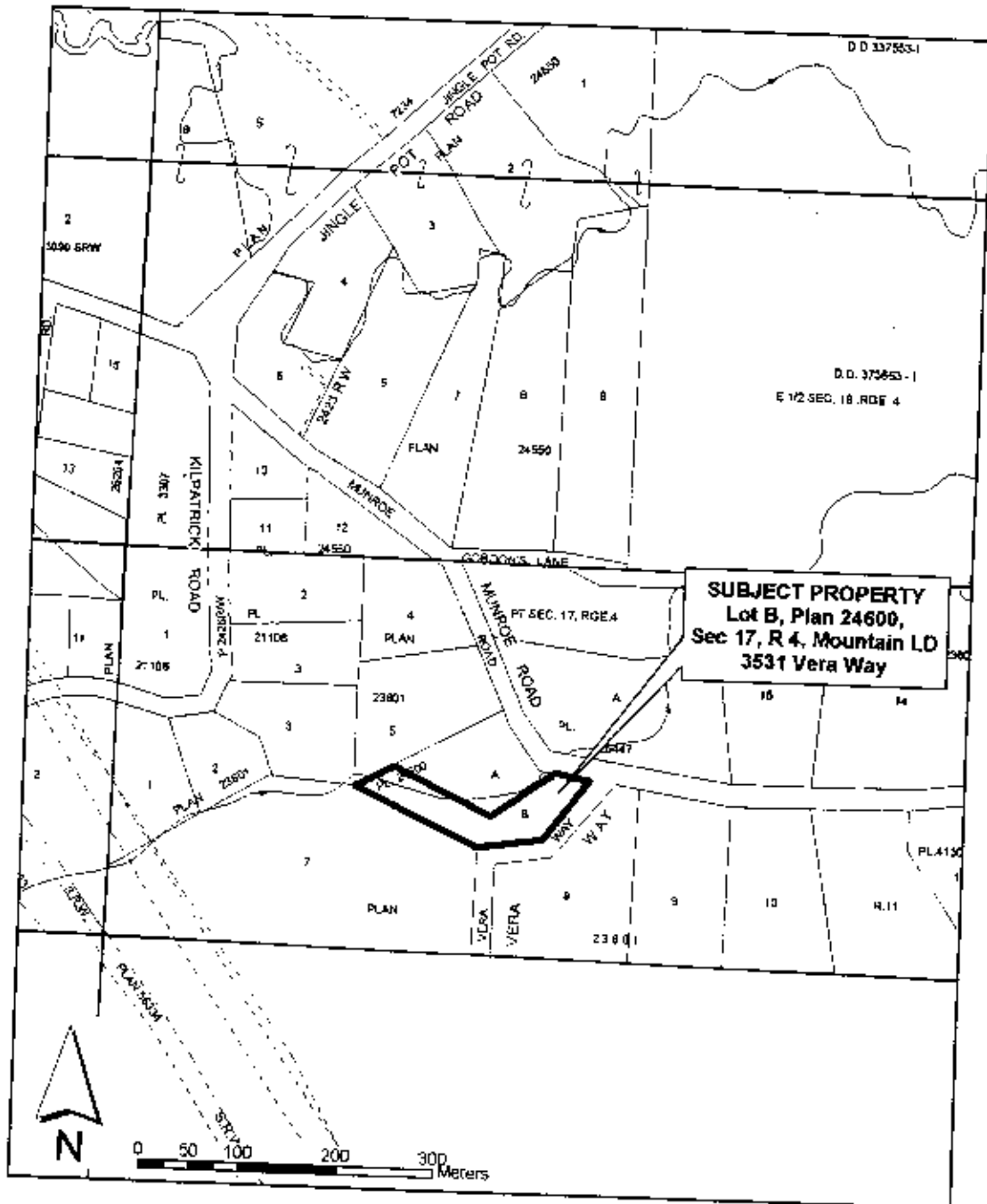


Schedule No. 4
Requested Variances
Development Variance Permit No. 90314

With respect to the lands, the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, the following variances are proposed:

Section 3.3.8 Setbacks – Watercourses, excluding the Sea – varied from 15.0 metres horizontal distance from the natural boundary to a minimum of 4.0 metres for a pump house.

Attachment No. 1
Subject Property
Development Variance Permit No. 90314



BCCS Map Sheet No. 92F.020.4.4



**REGIONAL
DISTRICT
OF NANAIMO**

REGIONAL DISTRICT OF NANAIMO	
JUL 15 2003	
CHAIR	GMCrs
CAO	GMDS
GMCms	GMES
EAP	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: July 14, 2003

FROM: Keeva Kehler
Planner

FILE: 3090 30 90315

SUBJECT: Development Variance Permit Application No. 90315 - Clan Oil Inc.
Electoral Area 'G' - 1025 Qualicum Road

PURPOSE

To consider an application for a development variance permit to vary the minimum setback requirement from a watercourse from 15.0 metres to the natural boundary to 0.0 metres to facilitate the construction of two pump houses.

BACKGROUND

The subject property, legally described as Remainder of Lot 1, Sections 3 and 4, District Lots 42 and 78, Newcastle District and District Lot 144, Nanoose District, Plan 11091 Except Part in Plan 38048 and 42931, is located at 1025 Qualicum Road (see Attachment 1).

The subject property is split zoned, with a portion being designated as Recreation 1 (RC1) and a portion designated Rural 1 (RU1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The minimum setback requirement for buildings and structures adjacent to a watercourse is 15.0 metres to the natural boundary. The applicant requests that the Board consider allowing the installation of two pump houses located at the natural boundary of two man-made ponds. There is no development permit area designation on this portion of the golf course.

ALTERNATIVES

1. To approve the requested variance subject to the conditions outlined in Schedule Nos. 1, 2, 3, and 4.
2. To deny the requested variance.

LAND USE AND DEVELOPMENT IMPLICATIONS

Approval of the requested variance would facilitate the construction of two pump houses 26m² (280 sq.ft) and 32m² (345 sq.ft) within 0.0 metres of the natural boundary of two man-made watercourses on the Glengarry Golf Links. The structures are approximately 3.0 metres in height and require a building permit from the Building Inspection Department. The pump houses will be

used to irrigate the golf course by drawing water from the man-made ponds. The structures will also house electrical equipment related to the pump houses. There is no option to locate the pump houses outside the setback area as they need to be directly adjacent to the pond to efficiently draw water from the watercourse.

A site-specific exemption from the Ministry of Water, Land and Air Protection is required due to the proximity of the buildings to a watercourse. Staff has contacted Dave Moore at the Ministry for comments. Ministry approval will be required prior to issuing the building permit for the structures.

ZONING IMPLICATIONS

"Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" defines watercourse as "any natural or man-made depression with well defined banks and a bed of 0.6 metres or more below the surrounding land serving to give direction to or containing a current of water at least six months of the year and includes the sea or any lake, river, stream, creek, spring, ravine, swamp, gulch, surface source of water supply or source of groundwater supply whether enclosed or in a conduit." Therefore, under the zoning bylaw and all buildings and structures over one metre in height must be located 15.0 metres from the natural boundary of the watercourse. There are no provisions under Bylaw No. 500, 1987 to exempt the pump houses from meeting the watercourse setback requirements, hence the requirement for a development variance permit. It is noted that the proposed buildings and structures are relatively large in relation to the minimum requirement to accommodate a water pumps and there is the potential for storage of materials and goods. Therefore the conditions of approval recommend that no storage of goods or materials that could potentially be discharged into the water feature or potentially contaminate the ground water be permitted.

ENVIRONMENTAL IMPLICATIONS

The immediate areas surrounding the pump houses have been previously disturbed and much of the native vegetation removed. The applicant is not proposing to remove any additional vegetation in order to construct the pump houses. The pump houses are located in the centre of the golf course and do not contain fish or drain into adjacent fish bearing creeks. According to the applicant, the man-made ponds are self-contained and fed by a natural underground spring.

VOTING

Electoral Area Directors - one vote, except Electoral Area 'B'.

SUMMARY

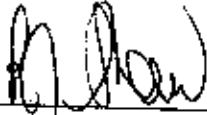
This is an application to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" Section 3.3.8 Setbacks - Watercourses, excluding the Sea from 15.0 metres from the natural boundary to 0.0 metres from the natural boundary to facilitate the construction of two pump houses (26m² and 32m²). The wells will be used to pump water from the adjacent man-made ponds for irrigation purposes. The watercourses are not designated within an environmentally sensitive area and do not contain fish. Therefore, staff supports construction of the pump houses.

RECOMMENDATION

That Development Variance Permit Application No. 90315 to vary the minimum setback from a watercourse from 15.0 metres to 0.0 metres to facilitate the construction of two pump houses on the property legally described as Remainder of Lot 1, Sections 3 and 4, District Lots 42 and 78, Newcastle District, and District Lot 144, Nanoose District, Plan 11091 Except Plan 38048 and 42931 be approved subject to the requirements outlined in Schedules No. 1, 2, 3 and subject to notification requirements pursuant to the *Local Government Act*.



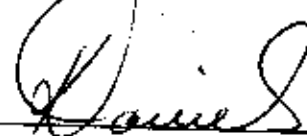
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

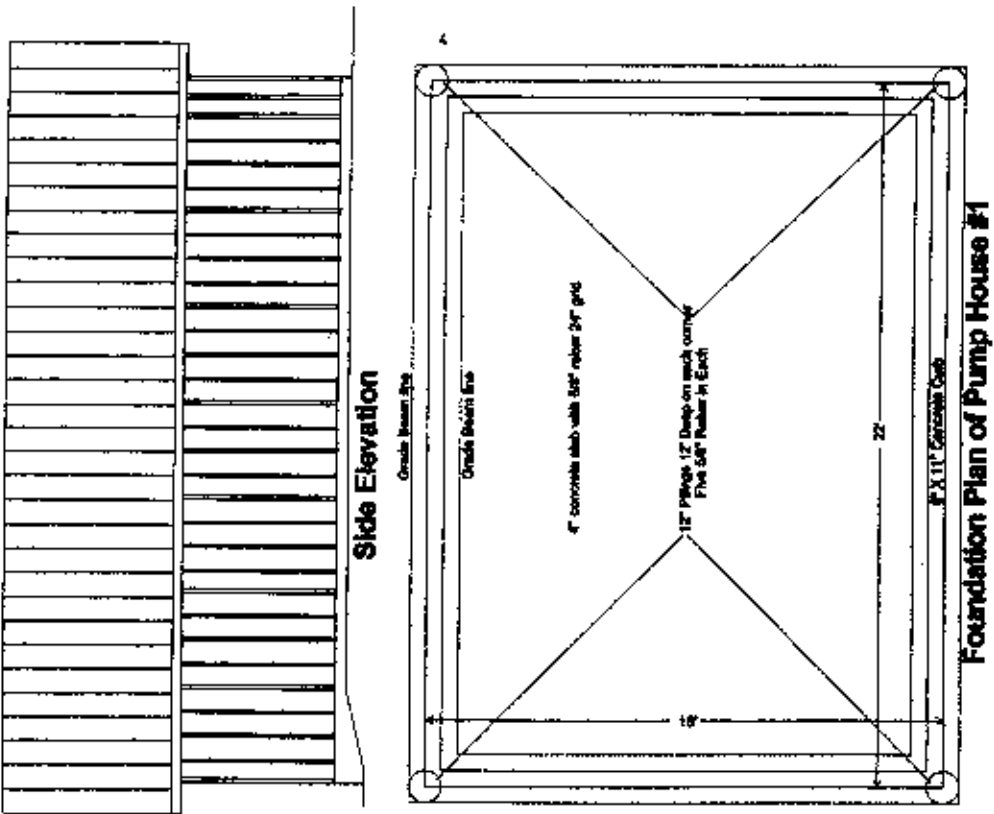
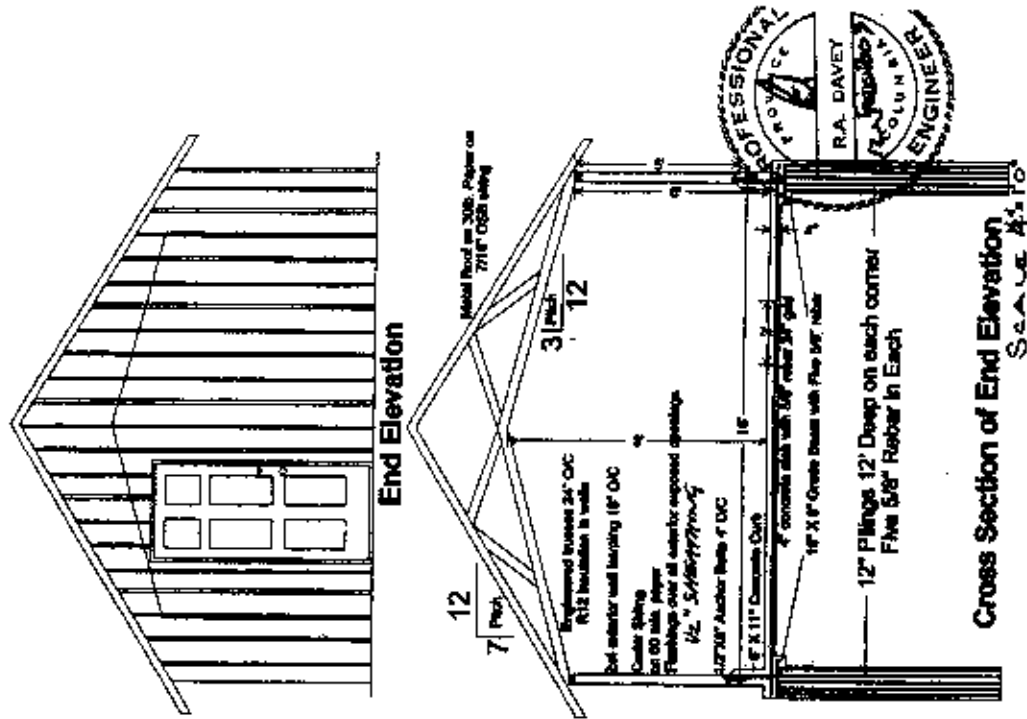
COMMENTS:

devsvs/reports/2003/dvp ju 3090 30 90315 Clon Oil Inc dba Glengarry Golf Links/ McWha

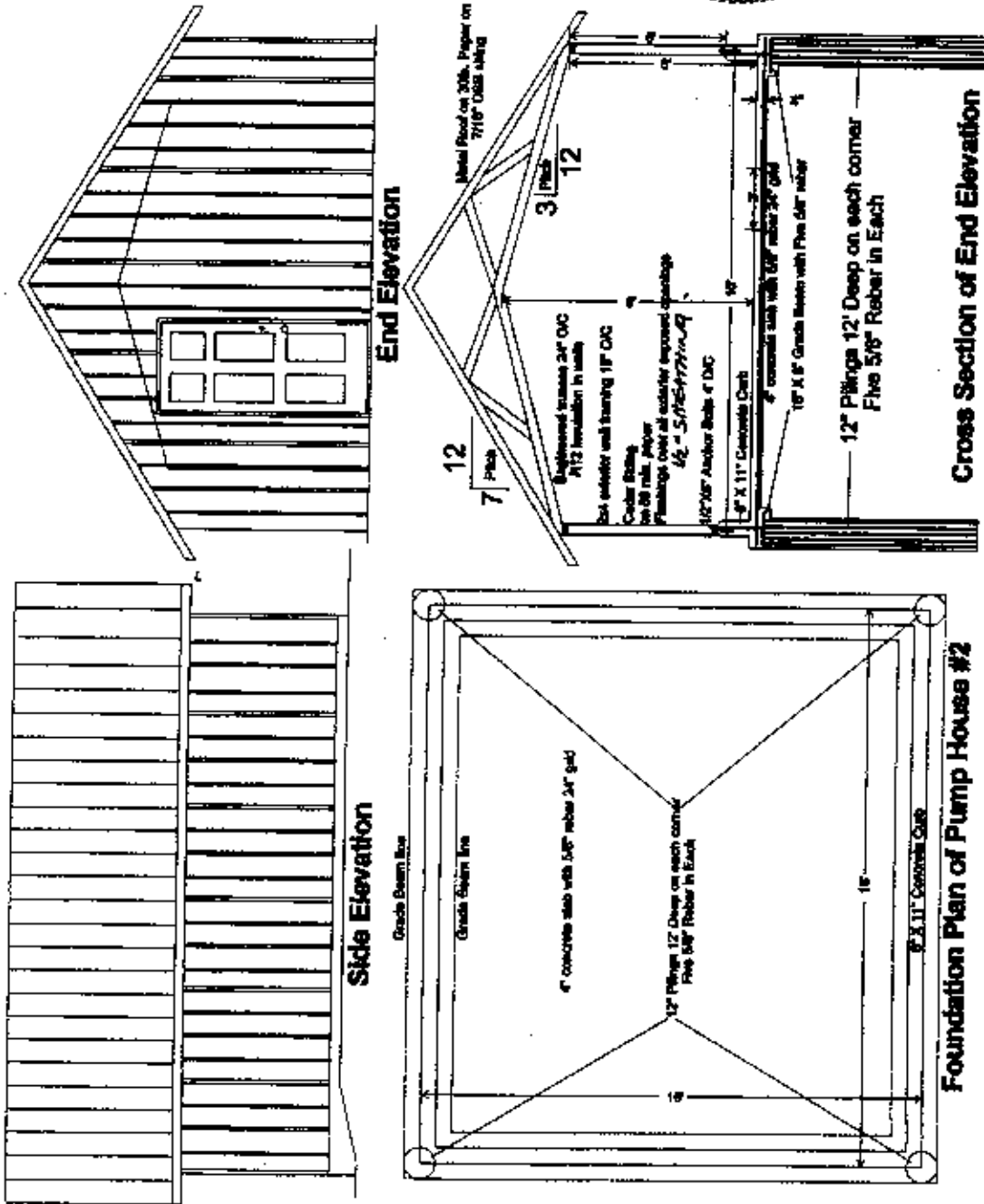
Schedule No. 1
Conditions of Approval
Development Variance Permit No. 90315

1. A site-specific exemption must be obtained from the Ministry of Water, Land and Air Protection for the pump house structures prior to the issuance of a Building Permit.
2. The structures must be erected in compliance with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" except as varied by this Development Permit.
3. The pump houses will be constructed as shown on Schedules No. 2 and 3.
4. No storage of goods or materials that could potentially be discharged into the water feature or potentially contaminate ground water is permitted.

Schedule No. 2
 Building Profile (As submitted by applicant)
 Development Variance Permit No. 90315



Schedule No. 3
Site Plan
Development Variance Permit No. 90315



1/4" = 1'-0"

**Schedule No. 4
Requested Variances
Development Variance Permit No. 90314**

With respect to the lands, the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500. 1987, the following variances are proposed:

Section 3.3.8 Setbacks – Watercourses, excluding the Sea – varied from 15.0 metres horizontal distance from the natural boundary to 0.0 metres for two pump houses adjacent to man-made ponds.

Attachment No. 1
Subject Property
Development Variance Permit No. 90315

