

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, MARCH 26, 2002
6:00 PM

(Nanaimo City Council Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 2-5 Minutes from the Electoral Area Planning Committee meeting held Tuesday, February 26, 2002.

BUSINESS ARISING FROM THE MINUTES

PLANNING

AMENDMENT APPLICATIONS

- 6-20 Zoning Amendment Application - Chouinard - 7184 Lantzville Road - Area D.

DEVELOPMENT PERMIT APPLICATIONS

- 21-25 DP Application No. 0207 - Smith - Cave Road - Area H.
- 26-33 DP Application No. 0208 - A & W Food Services of Canada/Nanoose Hill Station Ltd. - 1666 East Island Highway - Area E.
- 34-40 DP Application No. 0209 - Groves - 5457 West Island Highway - Area H.
- 41-46 DP Application No. 0212 - Stull - Cave Road - Area H.
- 47-53 DP Application No. 0214 - Kristjanson - Higginson Road - Area E.

DEVELOPMENT VARIANCE PERMIT

- 54-59 DVP Application No. 0209 - Lyon - Chartwell Road - Area G.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, FEBRUARY 26, 2002, AT 6:00 PM
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,
455 WALLACE STREET, NANAIMO, BC

Present:

Director E. Hamilton Alternate	Chairperson
Director H. Kreiberg	Electoral Area A
Director B. Sperling	Electoral Area B
Director D. Haime	Electoral Area D
Director G. Holme	Electoral Area E
Director J. McLean	Electoral Area F
Director J. Stanhope	Electoral Area G
Director R. Quittenton	Electoral Area H

Also in Attendance:

C. Mason	General Manager of Corporate Services
B. Lapham	General Manager of Development Services
P. Shaw	Manager of Community Planning
N. Tonn	Recording Secretary

MINUTES

MOVED Director Holme, SECONDED Director McLean, that the minutes of the Electoral Area Planning Committee meeting held Tuesday, January 22, 2002 be adopted.

CARRIED

CORRESPONDENCE/COMMUNICATIONS

Oceanside Development & Construction Association, re Proposed Amendment Bylaw No. 500.268.

MOVED Director Holme, SECONDED Director McLean, that the correspondence received from the Oceanside Development & Construction Association with respect to proposed Amendment Bylaw No. 500.268, be received for information.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

DP Application No. 0126 – Parksville Funeral Chapel Ltd./Stanhope – 1000 Allsbrook Road – Area F.

MOVED Director McLean, SECONDED Director Haime, that Development Permit Application No. 0126, to allow the enlargement of an existing irrigation pond in the Watercourse Protection Development Permit Area on the property legally described as Remainder Lot 3, District Lot 43, Nanoose District, Plan 2761, Except the Southerly 20 Chains thereof and Plans VIP52723 and VIP65740 be approved subject to conditions outlined in Schedule Nos. 1 and 2.

CARRIED

DP Application No. 0205 – Rennie – Admiral Tryon Boulevard – Area G.

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Application No. 0205 to vary the Watercourse Protection Development Permit Area setback from the natural boundary pursuant to the French Creek Official Community Plan Bylaw No. 1115, 1998 from 30.0 metres to 8.01 metres to permit the construction of a retaining wall, and to vary the DPA setback from 30.0 metres to 15.2 metres to permit the siting of a dwelling unit for the property legally described as Lot 16, District Lot 28, Nanoose District, Plan VIP62528 be approved subject to the conditions outlined in Schedule '1'.

CARRIED

DP Application No. 0206 – Nanoose Hill Station/Fern Road Consulting – 1660/1666 East Island Highway & 1642 East Island Highway – Area E.

MOVED Director Holme, SECONDED Director Stanhope, that Development Permit No. 0206 for the changes to the site plan of the gasoline service station/fast food outlet and for the placement of retention pond system and septic disposal system on the properties legally described as Lot 1, Plan 9428 Except Parcel A (DD80609-N) Thereof; and Except Part in Plan 19267 & Lot 2, Plan VIP65823, Both of Amended Lot 167 (DD66169-N), Nanoose District, be approved subject to the conditions and variances outlined in Schedule '1' of the staff report and the notification requirements pursuant to the *Local Government Act*.

CARRIED

DEVELOPMENT VARIANCE PERMIT**DVP Application No. 0204 – Karasiuk – 3741 Mallard Place – Area E.**

MOVED Director Holme, SECONDED Director Stanhope, that Development Variance Permit No. 0204, submitted by Ken Karasiuk and Janice Karasiuk, to facilitate the construction of an addition to an existing single dwelling unit by relaxing the maximum dwelling unit height from 8.0 metres to approximately 12.7 metres as per the submitted plans, and by varying the minimum setback requirement for an interior side lot line from 2.0 metres to 0.0 metres to legalize the existing deck and dwelling unit and for a front lot line from 8.0 metres to 0.7 metres to legalize the existing carport, and to discharge the Section 215 Covenant held by the Regional District of Nanaimo for the property legally described as Lot 6, District Lots 8 and 78, Nanoose District, Plan 28595 be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

DVP Application No. 0205 – Sjoström Industries & Donner Lake Contracting – Nanaimo River Road – Area C.

MOVED Director Holme, SECONDED Director Stanhope, that Development Variance Permit No. 0205, submitted by Dale Hodgins, Agent, acting on behalf of Sjoström Industries and Donner Lake Contracting to facilitate the development of a single dwelling unit, barn and shop, and vary the minimum setback requirements for a building or structure within a Resource Management 4 zone from 20.0 metres (65.6 feet) to 0.0 metres (0.0 feet) for the south lot line for construction of a single dwelling unit, from 30.0 metres (98.4 feet) to 3.0 metres (9.8 feet) for the north lot line for construction of a barn, from 30.0 metres (98.4 feet) to 17.0 metres (55.8 feet) for the south lot line for construction of a barn, from 20.0 metres (65.6 feet) to 6.0 metres (19.7 feet) for the south lot line for construction of a shop, and from 20.0 metres (65.6 feet) to 14.0 metres (45.9 feet) for the north lot line for construction of a shop for the property legally described as That Part of Block 645, Douglas District, Included Within the Area Coloured Red on Plan 403 RW, be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

DVP Application No. 0206 – Dickens/Sims – 3605 Collingwood Drive – Area E.

MOVED Director Holme, SECONDED Director Stanhope, that Development Variance Permit Application No. 0206, submitted by Helen Sims, Agent on behalf of Harold Dickens and Nora Dickens, to legalize existing retaining walls constructed to facilitate access to the single dwelling unit by varying the minimum setback from an interior side lot line from 2.0 metres to 0.0 metres and the front lot line setback from 8.0 metres to 0.0 metres within the Residential 1 (RS1) zone for the property legally described as Lot 10, District Lot 9, Nanoose District, Plan 51142, be approved as submitted subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

DVP Application No. 0207 – Bailey – Redden Road – Area E.

MOVED Director Holme, SECONDED Director Haime, that Development Variance Permit No. 0207, submitted by Sandra Bailey and Warren Bailey, to facilitate the construction of additions to an existing dwelling unit by varying the maximum permitted height of a dwelling unit within the Residential 1 (RS1) zone from 8.0 metres to 12.5 metres for the property legally described as Lot 13, District Lot 78, Nanoose District, Plan VIP53134, be approved as submitted subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

DVP Application No. 0208 – Zavislak/Sims – 6297 West Island Highway – Area H.

MOVED Director Quittenton, SECONDED Director Stanhope, that Development Variance Permit Application No. 0208 to vary the minimum setback requirement from 18.0 metres horizontal distance from the stream centerline of the back channel of Nash Creek to a minimum of 7.0 metres for a building envelope to locate a retaining device and dwelling unit; to vary the minimum setback distance from 18.0 metres horizontal distance from the stream centerline of the back channel of Nash Creek to 0 metres for the building envelope to locate a bridge crossing the back channel of Nash Creek; and to vary the minimum setback from 18.0 metres horizontal distance from the stream centerline of the main channel of Nash Creek to 0 metres for the building envelope to locate a bridge crossing the main channel of Nash Creek pursuant to the RDN's Land Use and Subdivision Bylaw No. 500, 1987 for the property legally described as Lot 10, District Lot 21, Newcastle District, Plan 11567 be approved subject to the requirements outlined in Schedule Nos. 1, 2 and 3 and subject to the applicant agreeing to enter into a restrictive covenant to not obstruct the main and back channel of Nash Creek or to divert the flow of the main and back channel of Nash Creek.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Proposed Amendment Bylaw 500.268.

MOVED Director Holme, SECONDED Director Stanhope, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.268, 2000" be abandoned.

CARRIED

Planning Advisory Committees.

MOVED Director Haime, SECONDED Director McLean, that the Electoral Area Planning Advisory Committees be re-activated.

DEFEATED

ADJOURNMENT

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

TIME: 6:21 PM

CARRIED

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO	
MAR 15 2002	
CHAIR	GMCrs
CAO	GMDS
GMCm8	GMES
<i>EA Planning</i>	
DATE:	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

FROM: Deborah Jensen
Planner

FILE: 3360 30 0201

SUBJECT: Zoning Amendment Application - Chouinard
Lot 6, District Lot 27G (Formerly Known as District Lot 27), Wellington District,
Plan 6757
Electoral Area 'D' - 7184 Lantzville Road

PURPOSE

To consider a text amendment to remove the minimum site area requirements for Residential Use within a Commercial 2 (CM2) zone.

BACKGROUND

The Regional District of Nanaimo has received an application to remove the minimum site area requirements for Residential Use within a Commercial 2 (CM2) zone. The subject property is located adjacent to Lantzville Road (see Attachment No. 1) and is surrounded by a mix of commercial and residential zoning classifications. Residential 1 (RS1) zoned properties are located adjacent to the north and east, and Commercial 2 (CM2) and Commercial 3 (CM3) zoned properties are located adjacent to the south and west of the subject property.

The subject property is the site of a physiotherapy clinic and massage therapy clinic. The applicant proposes to convert a portion of the building for residential use. However, the subject property does not meet the minimum required site area for a Residential Use within a Commercial 2 (CM2) zone. The applicant has applied to remove this site area requirement and replace the requirement with 'n/a' or 'no applicable' requirement. This would allow a residential use on the subject property without a specified minimum required site area.

While this application was initiated for a specific property adjacent to Lantzville Road, the proposed text amendment will affect every property within the RDN having Commercial 2 (CM2) zoning (see Schedule No. 1). However, all other requirements affecting development of a CM2 property would still apply, including development permit area requirements, building inspection requirements where applicable, and approvals from other government agencies.

Pursuant to Lantzville Official Community Plan Bylaw No. 974, 1995, the subject property is located within the Village Core Comprehensive Development Area and within the Lantzville Village Core Development Permit Area. The Development Permit Area was established to provide objectives for the form and character of commercial and multiple residential developments. While the subject property is within a development permit area, the proposed development is an internal alteration for a single residential use; therefore application for a development permit is not required.

Staff notes that this rezoning application is also consistent with the objectives of the Regional Growth Management Plan and the Official Community Plan.

ALTERNATIVES

1. To approve the application for a text amendment to remove minimum required site area for a Residential Use within the Commercial 2 (CM2) zone, as submitted by the applicant.
2. To not approve the application for a text amendment to remove minimum required site area for a Residential Use within the Commercial 2 (CM2) zone.

PUBLIC CONSULTATION IMPLICATIONS

A Public Information Meeting for this application was held March 14, 2002 at Costin Hall. One person attended this meeting (*see Schedule No. 2*). Notification of this meeting was sent to all property owners within a 100 metre radius of the subject property, and to all Commercial 2 zone property owners within the Regional District.

No written submissions were received at the Public Information Meeting, and only one verbal submission was presented, which was fully in support of the application and referenced the area's Official Community Plan as promoting residential use in the nodal area.

Upon review of comments received from the public, the applicant is proceeding with the application to amend the Commercial 2 (CM2) zoning.

INTERGOVERNMENTAL IMPLICATIONS

Proposed changes to the Commercial 2 (CM2) zone would have minimal implications for other authorities having jurisdiction within the Regional District. Specifically, the Ministry of Transportation will still issue access permits and the Ministry of Health will still issue septic approval based upon use of a given property. This is also true of other agencies having a potential interest in the affected properties, including improvement districts.

LAND USE IMPLICATIONS

The proposed amendment to remove site area requirements for Residential Use within a Commercial 2 (CM2) zone would not change the permitted uses within the zone. Residential development to a maximum of one dwelling unit per parcel is still permitted, but the minimum site area required for this development would no longer be applicable. This is consistent with some of the other Bylaw No. 500 Commercial zones. For those properties within a building inspection area, addition of a dwelling unit would also require investigation with respect to occupancy loads.

The majority of properties zoned Commercial 2 (CM2) are currently located within urban containment boundaries and within development permit areas. Through policies contained within the Regional District of Nanaimo Growth Management Plan and Official Community Plans, the bulk of these properties are, therefore, intended for higher densities, and any potential development could be subject to a development permit. As well, those properties located within a building inspection area would be subject to a review of occupancy loads for any change in use of existing buildings or structures.

VOTING

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

SUMMARY/CONCLUSIONS

This is an application to amend the Commercial 2 (CM2) zone by removing the site area requirements for Residential Use from this zone. No public concerns were voiced at the Public Information Meeting; rather, a verbal submission indicated full support for the application.


Based upon public comments received at a Public Information Meeting held March 14, 2002 at Costin Hall, the applicant is proceeding with this application to amend the Commercial 2 zone.

RECOMMENDATIONS

1. That the minutes for a Public Information Meeting held March 14, 2002 for Amendment Application No. 0201, submitted by Winnifred Chouinard, to amend the Commercial 2 (CM2) zone by removing site area requirements for Residential Use, and specifically for the subject property legally described as Lot 6, District Lot 27G (Formerly Known as District Lot 27), Wellington District, Plan 6757, be received for information.
2. That Amendment Application No. 0201, submitted by Winnifred Chouinard, to amend the Commercial 2 (CM2) zone by removing site area requirements for Residential Use, and specifically for the subject property legally described as Lot 6, District Lot 27G (Formerly Known as District Lot 27), Wellington District, Plan 6757, be given 1st and 2nd reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.282, 2002" be advanced to a public hearing.
4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.282, 2002" be delegated to Director Haime or her alternate.



Report Writer

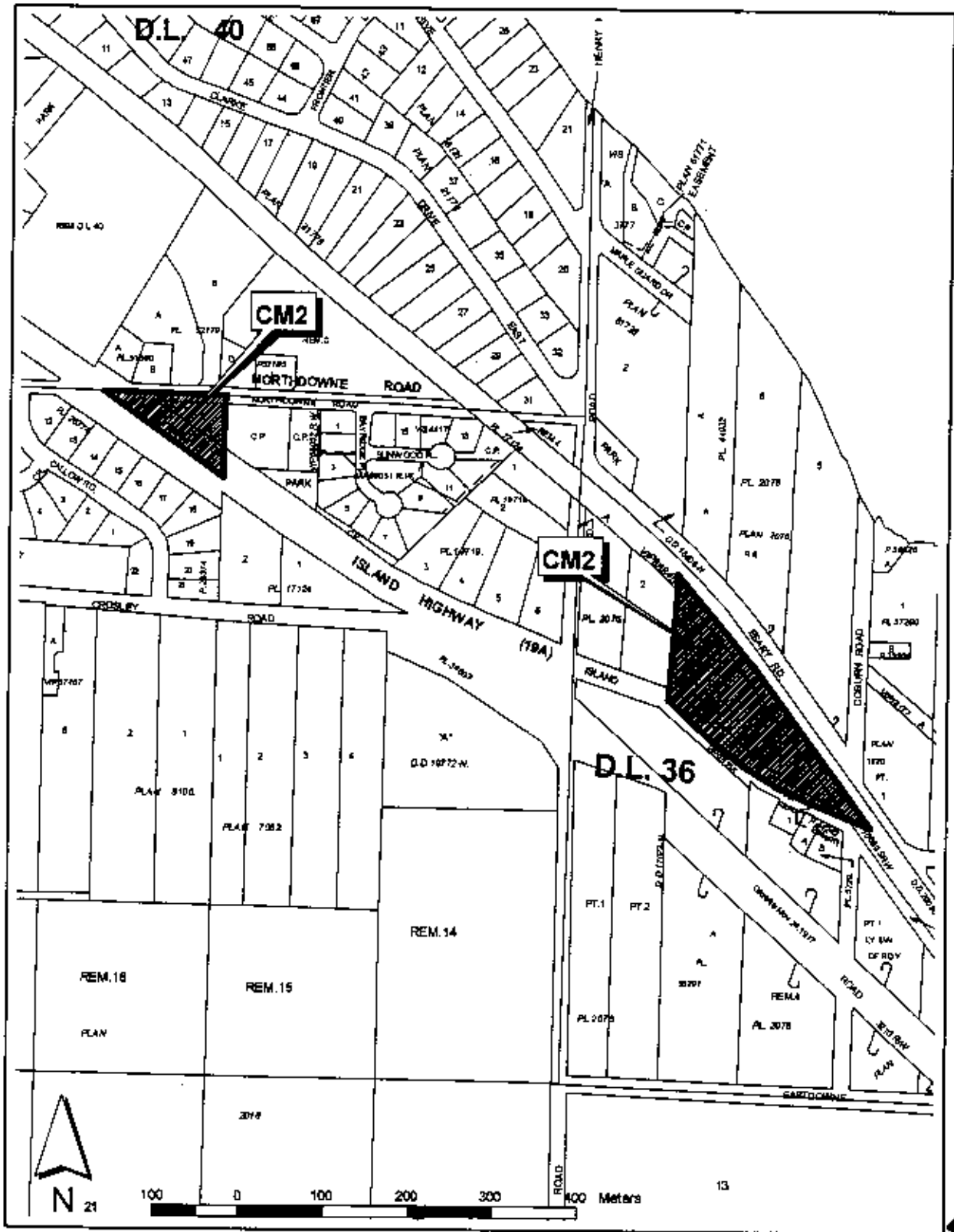
General Manager Concurrence

Manager Concurrence

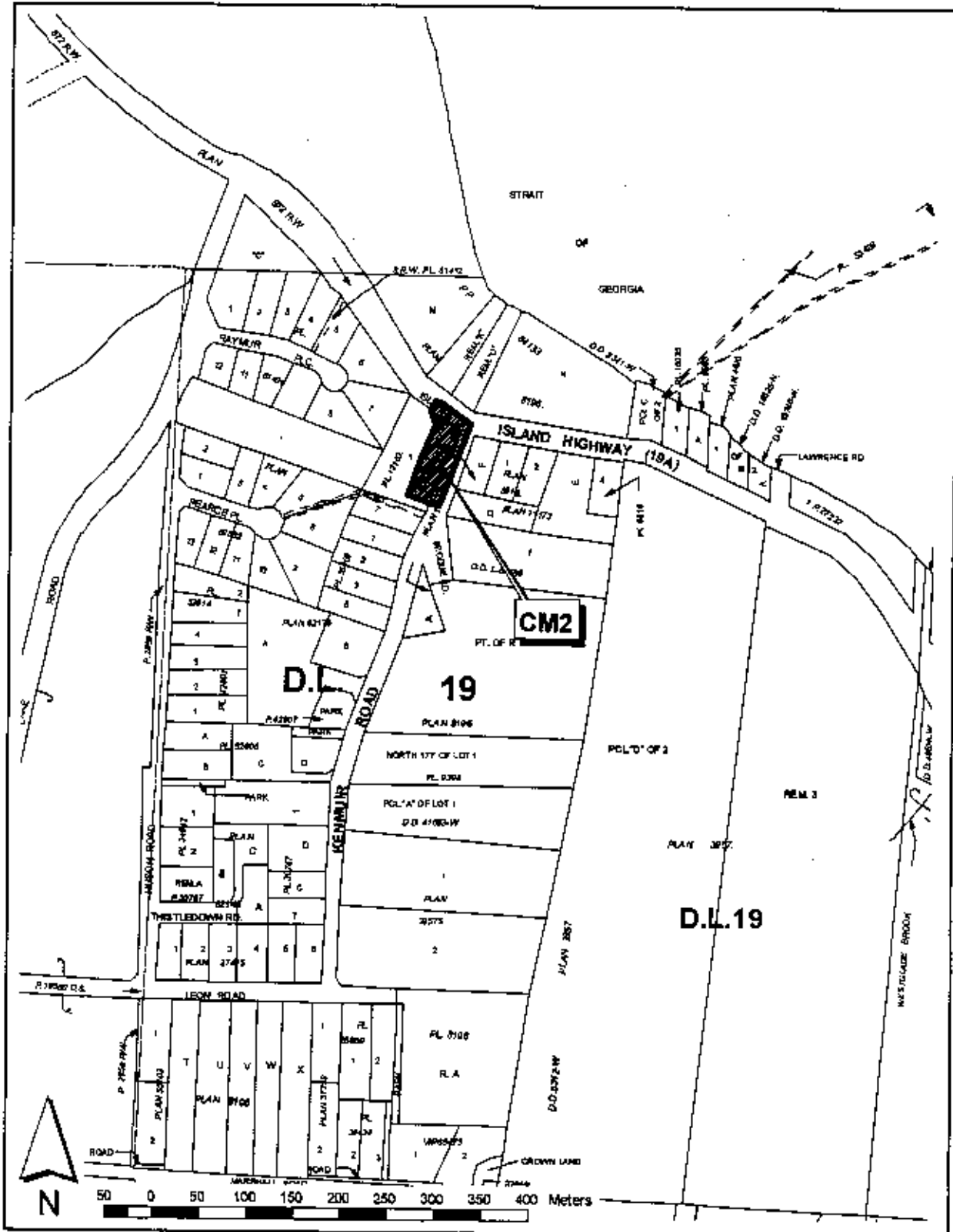
CAO Concurrence

COMMENTS:

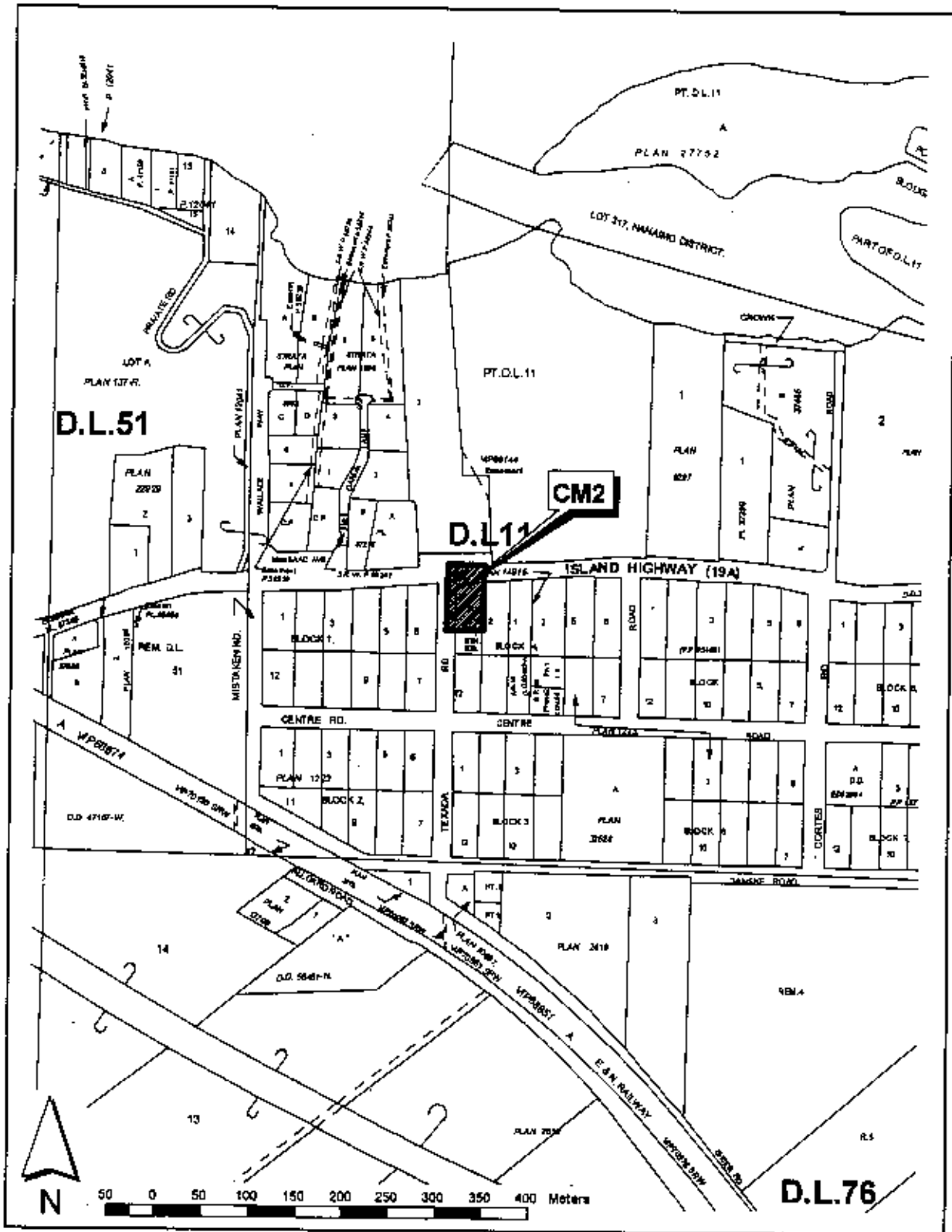
Schedule No. 1 (Page 1 of 10)
CM2 Properties
Electoral Area 'H'



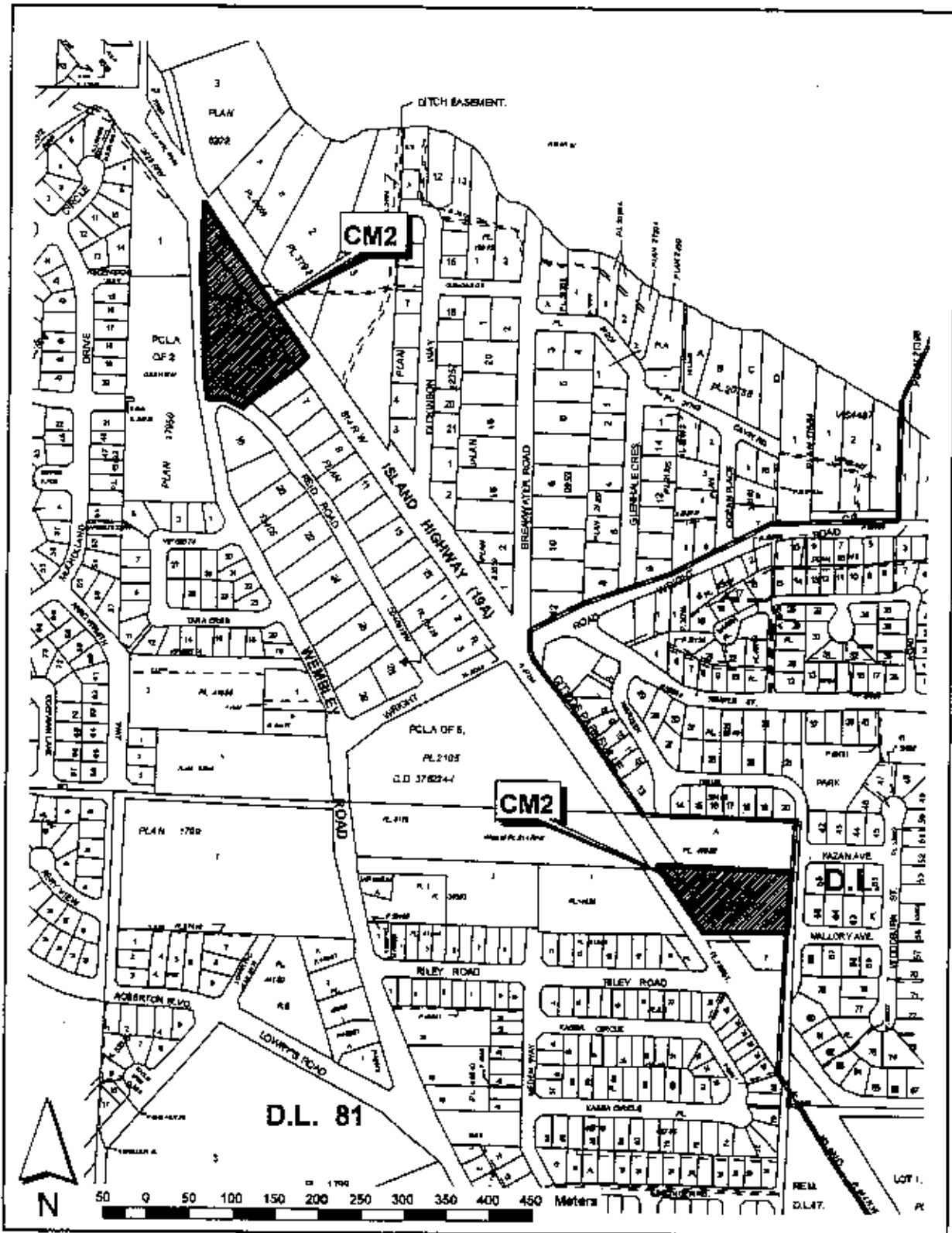
Schedule No. 1 (Page 2 of 10)
CM2 Properties
Electoral Area 'H'



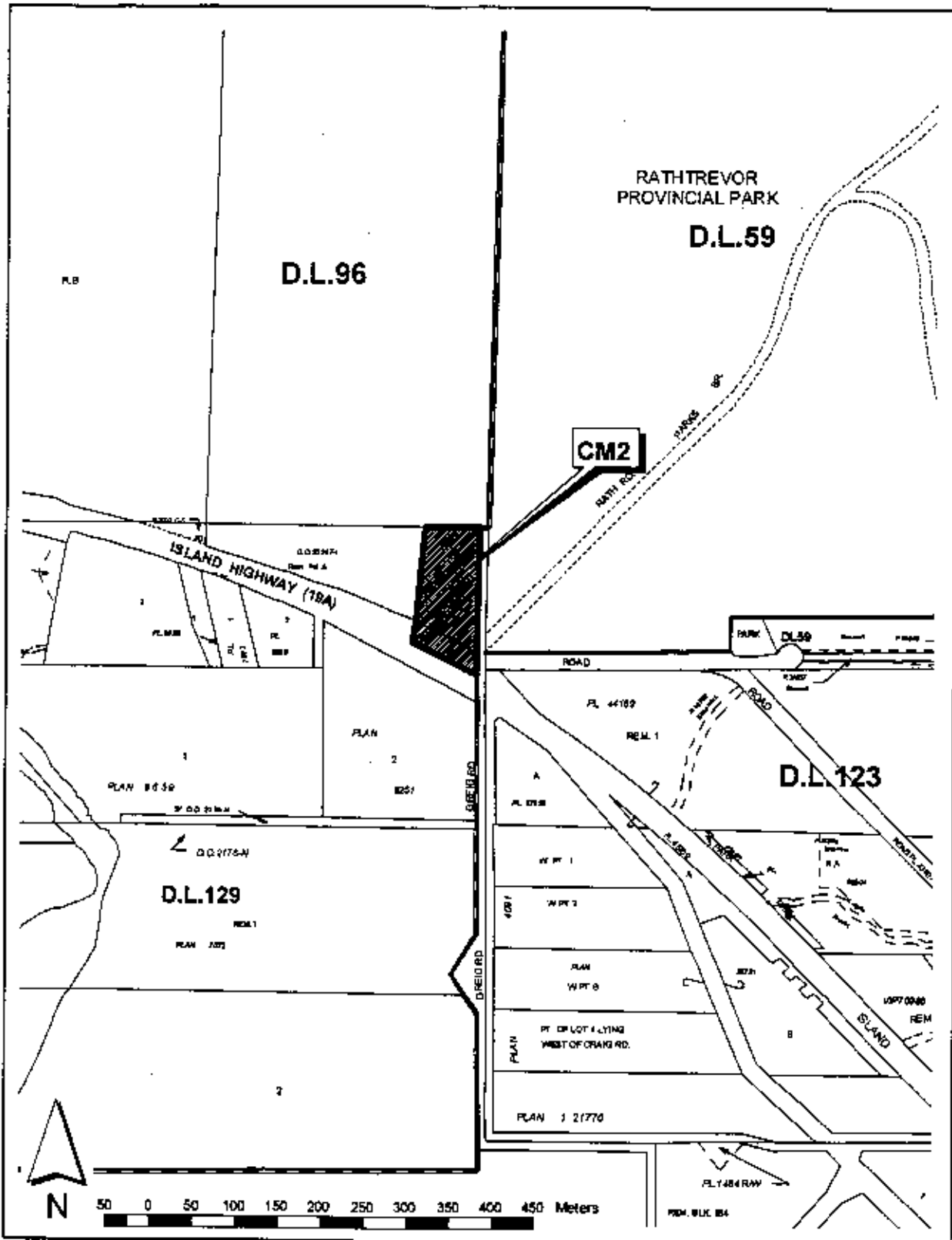
Schedule No. 1 (Page 3 of 10)
CM2 Properties
Electoral Area 'G'



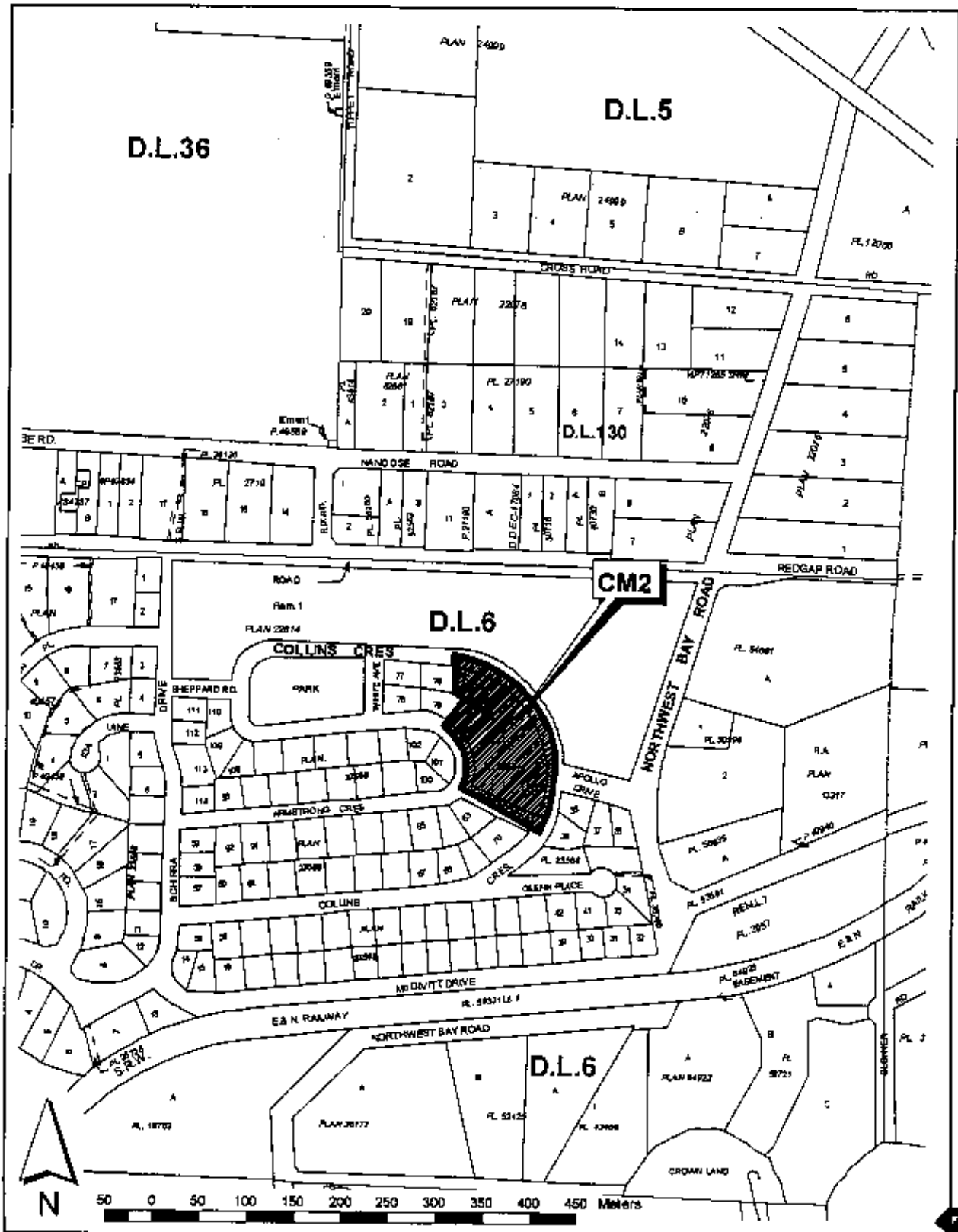
Schedule No. 1 (Page 4 of 10)
CM2 Properties
Electoral Area 'G'



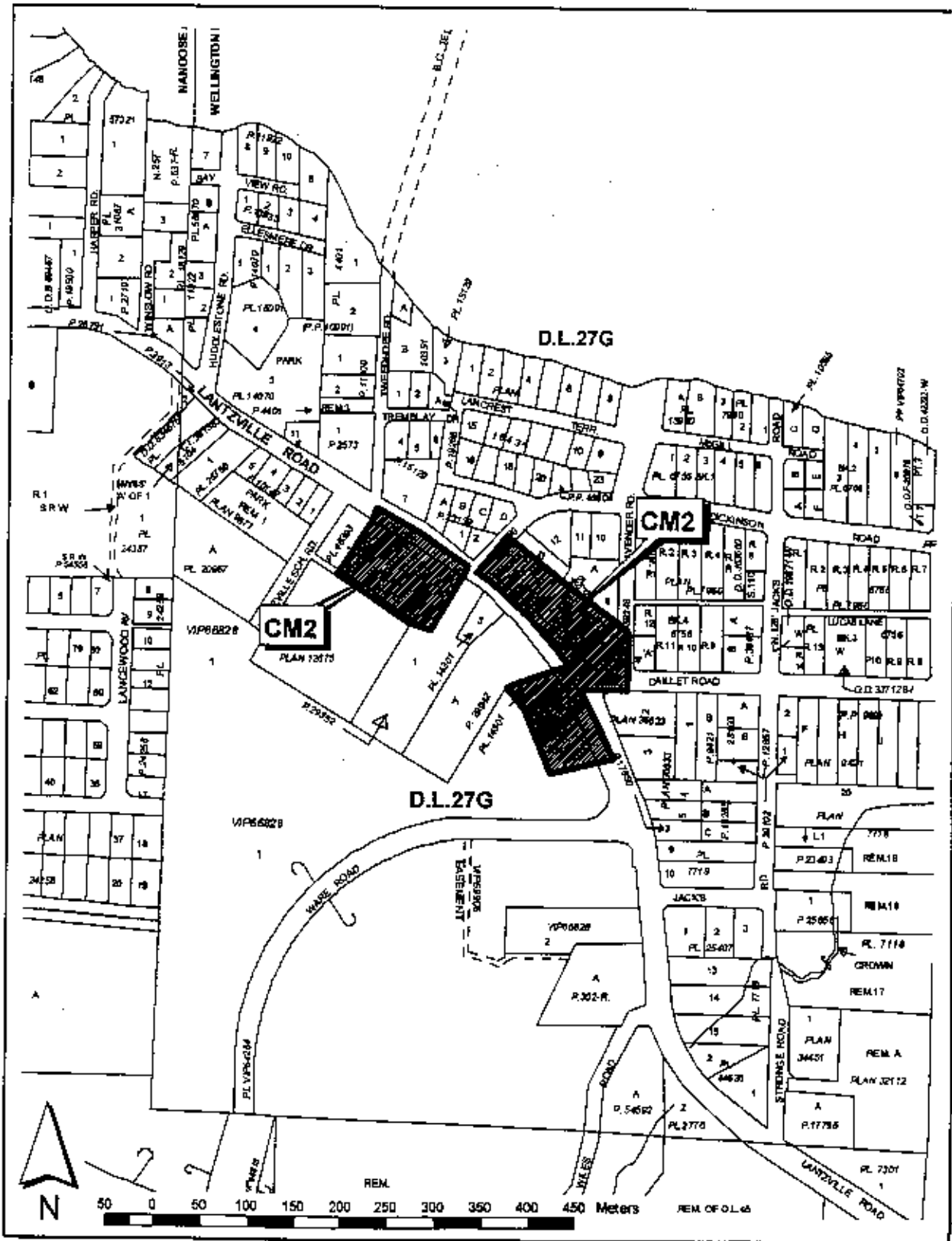
Schedule No. 1 (Page 5 of 10)
CM2 Properties
Electoral Area 'G'



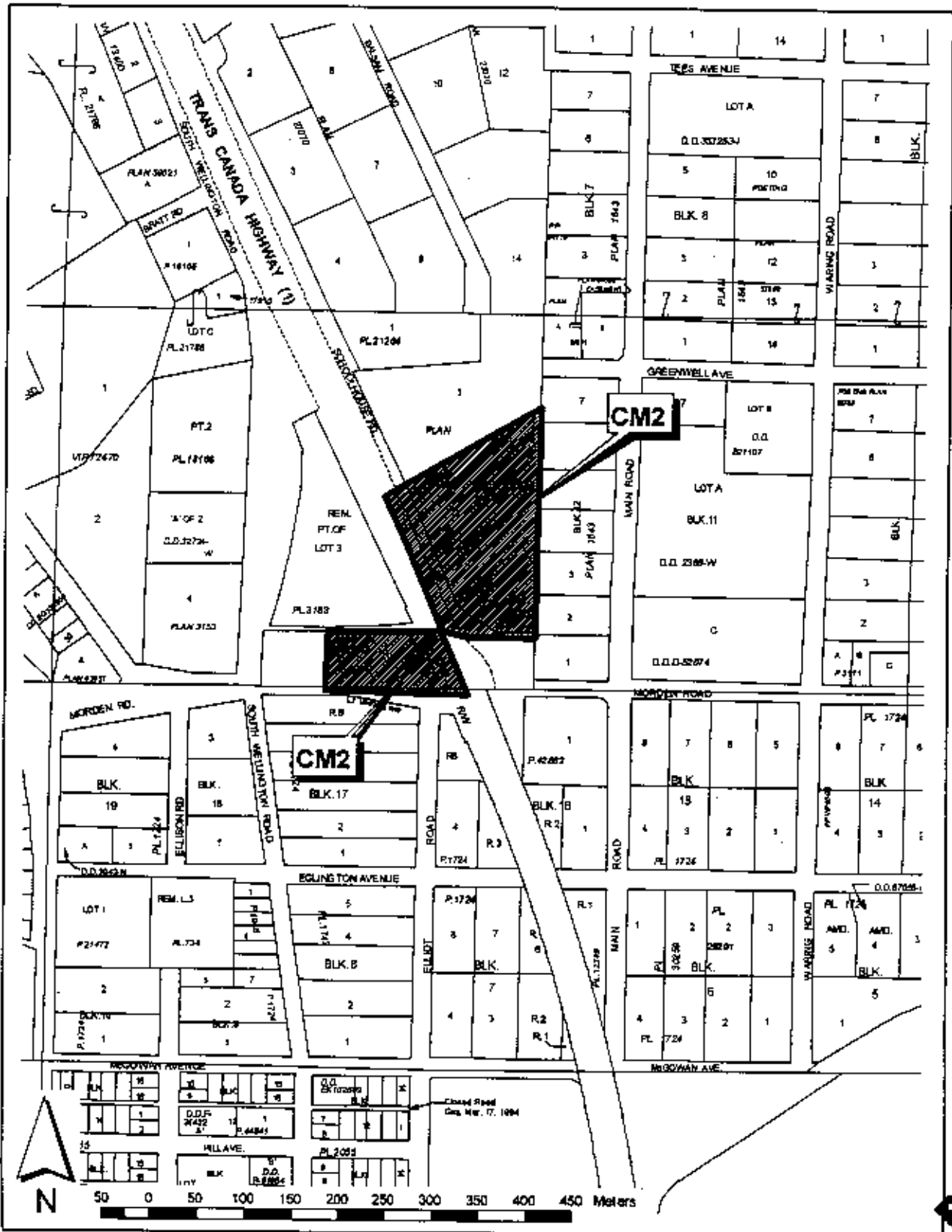
Schedule No. 1 (Page 6 of 10)
CM2 Properties
Electoral Area 'E'



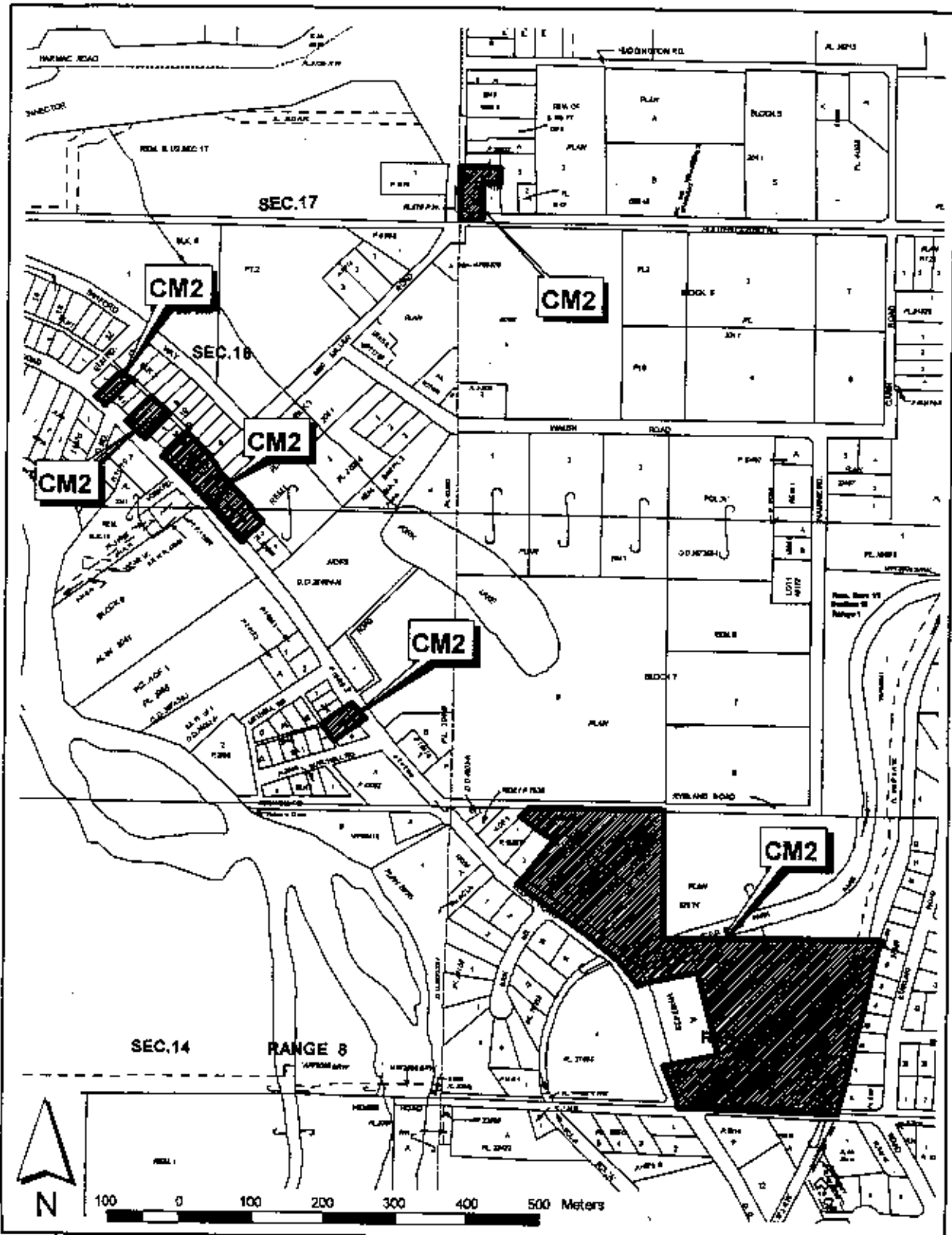
Schedule No. 1 (Page 7 of 10)
CM2 Properties
Electoral Area 'D'



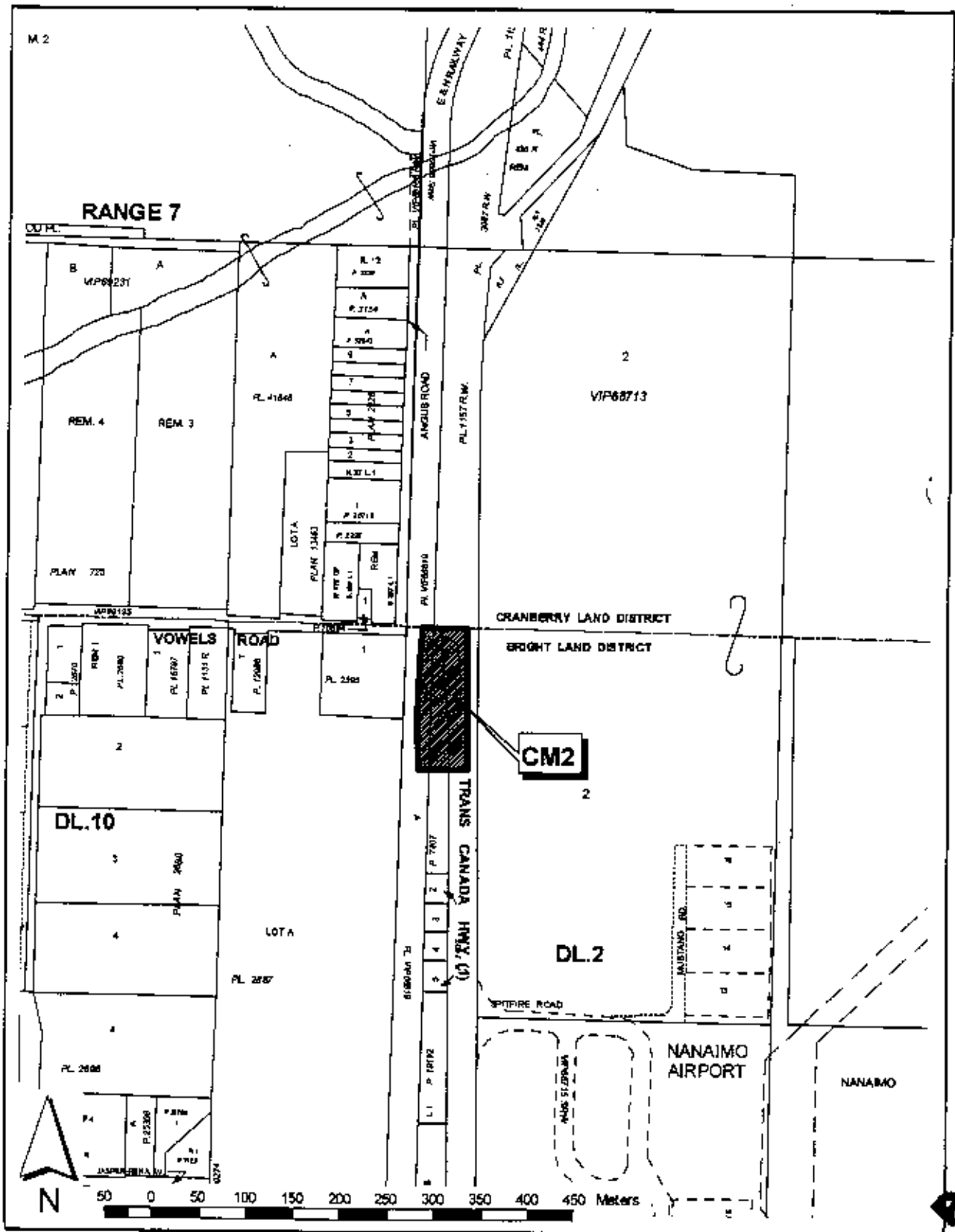
Schedule No. 1 (Page 8 of 10)
CM2 Properties
Electoral Area 'A'



Schedule No. 1 (Page 9 of 10)
CM2 Properties
Electoral Area 'A'



Schedule No. 1 (Page 10 of 10)
CM2 Properties
Electoral Area 'A'



**Schedule No. 2
Minutes of Public Information Meeting
Held March 14, 2002**

REGIONAL DISTRICT OF NANAIMO

**SUMMARY OF PROCEEDINGS OF A PUBLIC INFORMATION MEETING
HELD THURSDAY, MARCH 14, 2002 AT 7:00 PM
AT COSTIN HALL
TO CONSIDER AN AMENDMENT TO THE COMMERCIAL 2 ZONE**

Note that these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Public Information Meeting.

Present:

Denise Haime	Director, Electoral Area 'D'
Winnifred Chouinard	Applicant
Robert Chouinard	Applicant
Deborah Jensen	Planner

There was one person in attendance.

Director Haime opened the meeting at 7:05 pm and followed with greetings to the public and an introduction of the head table.

Director Haime stated the purpose of the public meeting.

Deborah Jensen provided a general overview of the proposed zoning amendment for Commercial 2 zones and discussed the application process.

The Director invited questions from the audience.

Brian Dempsey, 6930 Owen Road, Lantzville, BC, stated that he fully supports this application. Brian Dempsey made reference to the Lantzville Official Community Plan and its support of residential uses in the node, and suggested that other, more intensive uses could be located in this area; therefore, residential use should be supported. Brian Dempsey suggested that any future properties affected by a rezoning should be subject to a clause that states hookup to community sewer when it becomes available should be mandatory.

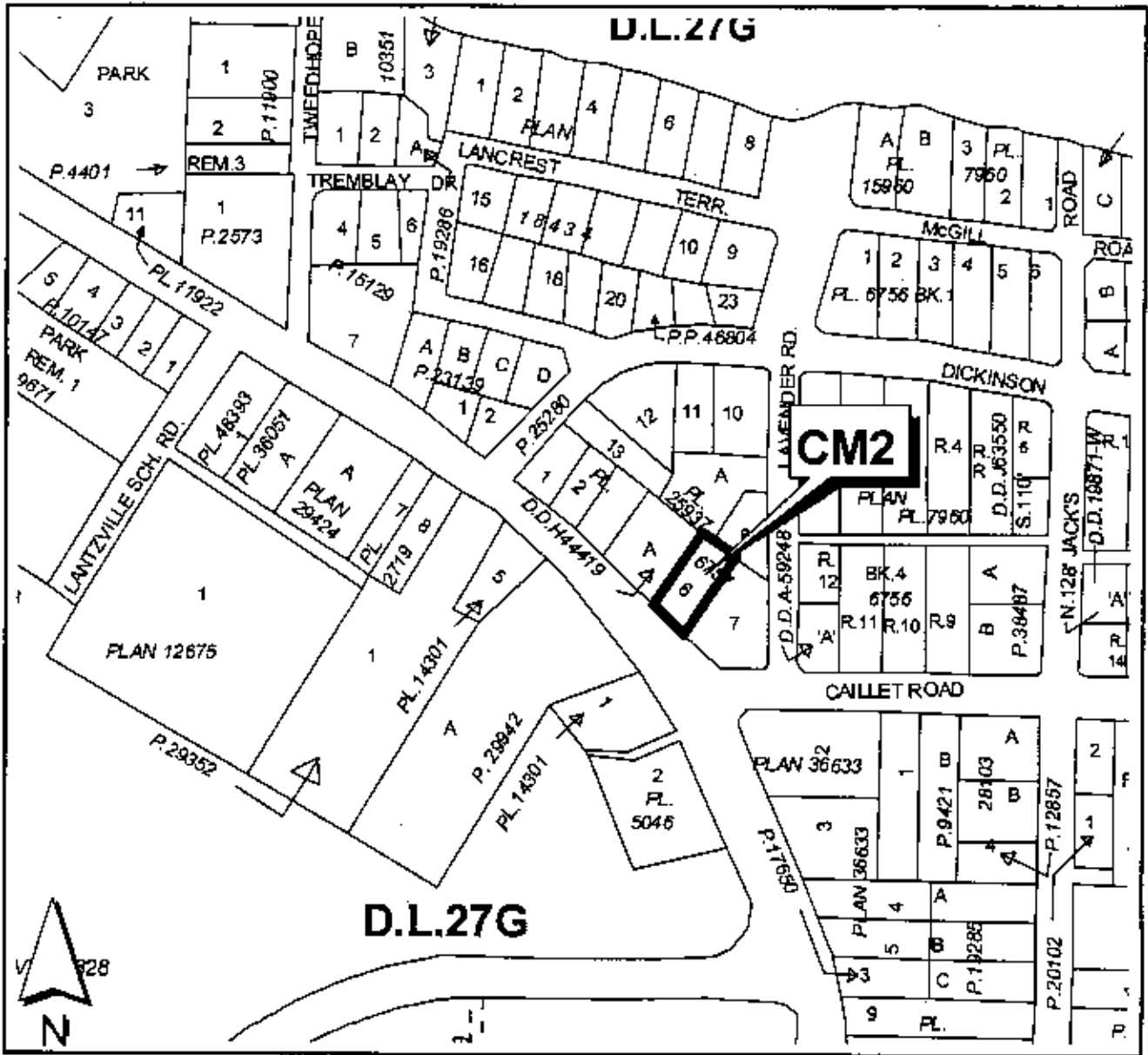
Director Haime asked if there were any final questions or comments. Being none, the Director thanked those in attendance and announced that the public information meeting was closed.

The meeting concluded at approximately 7:07 pm.

Deborah Jensen
Recording Secretary

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Attachment No. 1
Subject Property Map





MAR 18 2002

CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
E.A. Plan			✓

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

DATE: March 15, 2002

FROM: Brigid Reynolds
Planner

FILE: 3060 30 0207

SUBJECT: Development Permit Application No. 0207 – Smith
Strata Lot 52, District Lot 251, Alberni District, Plan VIS5160
Electoral Area, 'H' - Cave Road

PURPOSE

To consider an application for a development permit to facilitate the relocation of a recreational residence, deck and an accessory building and the construction of access stairs within the Environmentally Sensitive Areas and Hazard Lands Development Permit Area pursuant to the "Regional District of Nanaimo Shaw Hill – Deep Bay Official Community Plan Bylaw No. 1007, 1996."

BACKGROUND

This is an application to facilitate the relocation of a recreational residence, deck and an accessory building and the construction of access stairs within the Environmentally Sensitive Areas Development Permit Area pursuant to the Shaw Hill – Deep Bay OCP on a recreational property at Horne Lake in Electoral Area H. (*see Attachment 1*).

The subject property is zoned Comprehensive Development 9 (CD9) pursuant to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500. The minimum setback requirements for buildings and structures in this zone are: 8.0 metres from the present natural boundary of Horne Lake as shown on Plan VIS5160. No variances to Bylaw No. 500 are being requested.

Concurrent with the adoption of Bylaw No. 500.275, creating the CD9 zone and rezoning portions of the land surrounding Horne Lake to CD9 for the creation of a maximum of 400 Bare Land Strata Lots, Development Permit No. 0120 was issued as blanket development permit. DP 0120 provided detailed guidelines and conditions related to stormwater management; fill placement; construction and maintenance of docks; walkways and trails; foreshore and watercourse management; construction; vegetation management and landscaping; and sediment and erosion protection. Any new construction or land alteration must be consistent with DP 0120.

The Environmentally Sensitive Areas Development Permit Area was established to protect the natural environment. The Development Permit Area is measured 15.0 metres from the top of bank of the watercourse. In the case of Horne Lake, many properties do not have a top of bank so the setback is measured from the natural boundary of Horne Lake as shown on Plan VIS5160.

Due to the topography of the properties surrounding Horne Lake many bare land strata lots contain steep banks, including Strata Lot 52. This strata lot contains a rail bed located between 5 and 11 metres from the natural boundary of Horne Lake that runs the width of the lot.

In November 2001, prior to final approval of the Bare Land Strata subdivision a geotechnical assessment was undertaken which required that 19 recreational residences must be relocated due to a potentially unstable slope behind these residences. This recreational residence must be moved.

The recreational residence and deck are proposed to be located a minimum of 10.5 metres, an accessory building to be located a minimum of 8.0 metres and access stairs a minimum of 1.2 metres from the natural boundary of Horne Lake as shown on Plan VIS5160. The recreational residence, deck, accessory building and stairs meet the provisions of Bylaw No. 500. The proposed location for the recreational residence and deck are behind the rail bed. The accessory building is proposed to be located on the rail bed and access stairs to the foreshore of Horne Lake are proposed to be located in a clearing on the small slope on the water side of the rail bed.

A geotechnical assessment was undertaken by Bob Davey of Davey Consulting and Engineering on March 3, 2002 due to the excavation required to locate the recreational residence. The assessment indicated a safe building site for the proposed construction.

ALTERNATIVES

1. To approve the development permit with conditions as outlined in Schedule No. 1.
2. To deny the requested development permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

Approval of the requested development permit would facilitate the relocation of a recreational residence and deck a minimum of 10.5 metres and an accessory building 8.0 metres and access stairs a minimum of 1.2 metres from the natural boundary of Horne Lake as shown on Plan VIS5160. (See Schedule No. 1). This location is the most feasible as the recreational residence is being moved from another lot and it is not possible to locate it elsewhere on the lot. The proposed construction meets all requirements of Bylaw No. 500.

Excavation into the bank is required to locate the recreational residence. As a result, a geotechnical assessment was undertaken which states that the lot can be safely developed and is safe for the intended use. Recommendations for the design of the foundation and replanting of vegetation on disturbed areas have been included and will form conditions of this permit (See Schedule No. 2).

The lot is approximately 35 metres wide and the proposed recreational residence location is approximately in the centre of the lot. The lot is well vegetated with mature trees and undergrowth. Views on adjacent lots will not be affected.

ENVIRONMENTAL IMPLICATIONS

The recreational residence and deck is proposed to be located a minimum of 10.5 metres from the present natural boundary of Horne Lake. This location is on the upland side of a graded and cleared rail bed. The accessory building will be located on the rail bed a minimum of 8 metres from the present natural boundary of Horne Lake. There is mature vegetation on the slope behind the proposed location and on the slope adjacent to Horne Lake. The only vegetation proposed to be removed within the development permit area is within the proposed building envelope location. No vegetation will be removed to

accommodate the stair access to the foreshore of Horne Lake as the proposed location is in an existing clearing.

Horne Lake is fish bearing and the aquatic resources as well as water quality have the potential of being impacted by shoreline development. Therefore, Conditions of Approval outlined in Schedule No. 2 will reduce any potential negative impacts to Horne Lake. As well, works undertaken as part of this permit must be consistent with the detailed guidelines outlined in Development Permit No. 0120.

VOTING

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

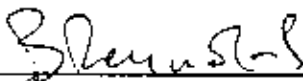
SUMMARY

This is an application to facilitate the relocation of a recreational residence, deck, accessory building and stair access within an Environmentally Sensitive Areas Development Permit Area. The setback for the Development Permit Area is measured 15.0 metres from the natural boundary of Horne Lake, as shown on Plan VIS5160. On the subject property, the proposed location of the recreational residence and deck is to be located a minimum of 10.5 metres, the accessory building is to be located a minimum of 8.0 metres and the stairs are to be located a minimum of 1.2 metres from the natural boundary of Horne Lake, as shown on Plan VIS5160.

From staff's assessment of this application Development Permit No. 0207 should be approved as the proposed location of the recreational residence and deck is the most feasible given the physical site constraints of the steep bank and that the structure is being moved, which limits where it can be located on the lot. In addition, the geotechnical assessment provides recommendations and guidelines for the proposed excavation and foundation construction.

RECOMMENDATION

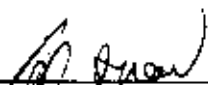
That Development Permit Application No. 0207 to facilitate the relocation of a recreational residence and decks to be located a minimum of 10.5 metres and an accessory building to be located a minimum of 8.0 metres and the stairs to be located a minimum of 1.2 metres from the natural boundary of Horne Lake located within the Environmentally Sensitive Areas Development Permit Area on the property legally described as Strata Lot 52, District Lot 251, Alberni District, Plan VIS5160 be approved subject to the conditions outlined in Schedule No. 2.



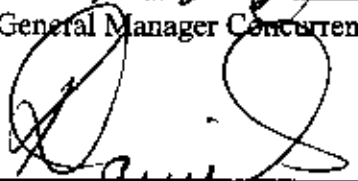
Report Writer



General Manager Concurrence



Manager Concurrence

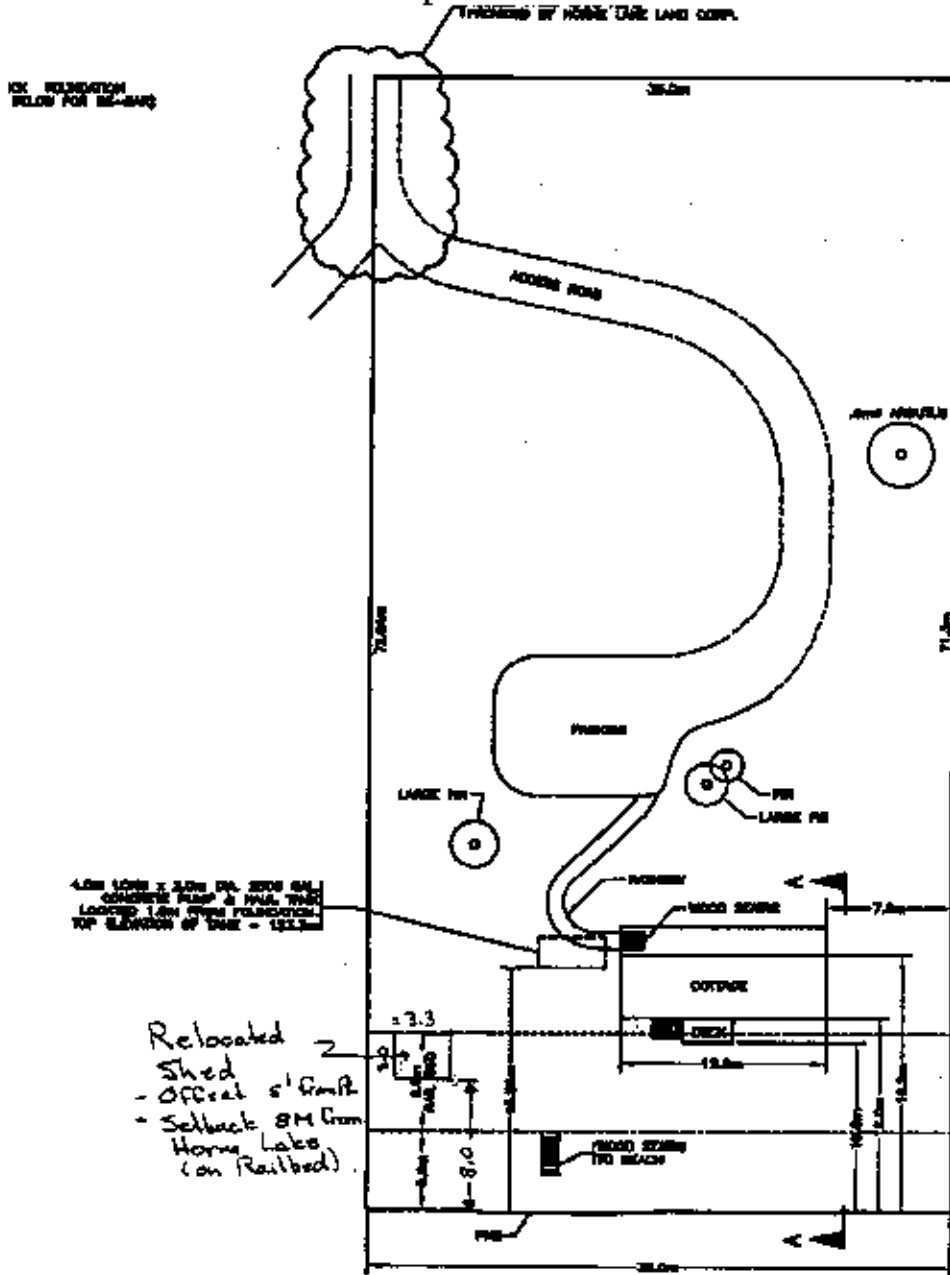


CAO Concurrence

COMMENTS:

devvs/reports/2002/dp mr 3060 30 0207 smith horne lk s152

Schedule No. 1
 Site Plan
 Development Permit No. 0207



SITE PLAN - LOT 52

NOTES

1. OUTLINE BUILDING TO BE RELOCATED FROM LOT 543.
2. TOTAL LOT COVERAGE = 78 SQ. METRES
3. TOTAL LOT COVERAGE WITHIN DEVELOPMENT PERMIT AREA = 47 SQ. METRES
4. TOTAL FLOOR AREA = 82 SQ. METRES
5. FLOOR AREA RATIO = 1
6. TREE RELOCATIONS WITHIN DEVELOPMENT PERMIT AREA.
 - SEVERAL SMALL TREE SPECIES AT 4100mm
 - ONE TREE DIA. AT 2800mm



**Schedule No. 2
Conditions of Approval
Development Permit No. 0207**

Access

1. An approved access permit issued by the Ministry of Transportation must be submitted prior to the permit being issued.

Development Permit No. 0120

2. Works shall be undertaken in accordance with Development Permit No. 0120.

Flood Construction Elevation

3. Certification of Flood Construction Level must be submitted to the Regional District of Nanaimo prior to the completion of the proposed works.

Geotechnical Assessment

4. Recommendations of the geotechnical engineer contained in the report prepared by Davey Consulting and Engineering dated March 3, 2002 shall be adhered to.

Vegetation Removal

5. Vegetation removal within the Development Permit Area shall consist of that which is required to locate the recreational residence and deck.



**REGIONAL
DISTRICT
OF NANAIMO**

REGIONAL DISTRICT
OF NANAIMO

MAR 18 2002

CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
<i>EA Planning</i>			

MEMORANDUM

TO: Pamela Shaw
Manager, Community Services

DATE: March 15, 2002

FROM: Susan Cormie
Senior Planner

FILE: 3060 30 0208

SUBJECT: Development Permit Application No. 0208
A & W Food Services of Canada / Nanoose Hill Station Ltd.
Electoral Area 'E', 1660 / 1666 East Island Highway

PURPOSE

To consider a development permit for changes to the approved signage for the restaurant portion of the development of a gasoline service station / fast food outlet.

BACKGROUND

This is an application for a development permit to facilitate a number of changes to the approved signage for the A & W Fast Food Restaurant under construction as part of a commercial development on the parcel located at 1660 / 1666 East Island Highway and legally described as Lot 1, of Amended Lot 167 (DD 66169-N), Nanoose District, Plan 9428 Except Parcel A (DD 80609-N) Thereof; and Except Part in Plan 19267 (*see Attachment No. 1 for location*).

The subject property is currently zoned Commercial 4 (CM4) pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 and is designated within the Form and Character Development Permit Area pursuant to the Nanoose Bay Official Community Plan Bylaw No. 1118, 1999 (OCP). There are currently two active development permits in place for the construction of the gasoline service station / fast food outlet.

The applicant is requesting a number of amendments to Development Permit No. 0018 with respect to the signage of the A & W restaurant. The changes requested by the applicant are as follows:

1. That the feature 'fin' be painted orange rather than blend with the same colour as the balance of the building and include 2 feature lights to illuminate the 'fin' at night. A & W staff has indicated that the 'fin' as a branding feature and is used for marketing purposes (note: DP0018 approves the placement of 2 signs on the 'fin', of which 1 may be illuminated).
2. That the illuminated 'Drive Thru' sign and arrow be increased in size from 0.21 m², as approved under DP0018, to 1.9 m² in order to better control traffic flow on the property.
3. That the approved non-illuminated fascia sign - 'The Home of the Burger Family' - be increased in size from 0.78 m² to 1.6m², that the 'Burger Family faces' be added to the sign, and that the sign be illuminated by 2 gooseneck lighting fixtures.

PAGE
2/6

4. That neon lighting be incorporated around the building fascia to enhance the nighttime look and to remind customers of the A&W heritage (see Schedule No. 2 for proposed signage and illumination of building).

The applicable guidelines of the Form and Character Development Permit Area include that signage shall complement the design of buildings, be visually unobtrusive, being grouped together, and use a minimum amount of lighting.

Requested Variances:

As a result of these proposed changes, variances to Bylaw No. 993, 1995 are as follows:

- 'Fin' feature sign – maximum sign area greater than maximum 11.0 m² total sign permitted.
- 'Drive Thru' sign – proposed width of 4.2 metres – Bylaw No. 993 maximum width of signs is 4.0 metres - variance of 0.2 metre required.

ALTERNATIVES

1. To approve Development Permit No. 0208 for the changes to signage as requested by the applicant.
2. To approve Development Permit No. 0208 as outlined in Schedule No. '1'.
3. To deny Development Permit No. 0208.

OCP / DEVELOPMENT PERMIT GUIDELINES IMPLICATIONS

The corresponding development permits for this site allow for the placement of 7 fascia signs on the gas station and the A & W restaurant buildings, totaling 7.26 m² in area. This variance to increase the number of signs was permitted as the total area of all the signs did not exceed the maximum sign bylaw requirements of 11.0 m².

While the applicant is not requesting an increase the total number of signs, the applicant is requesting that some of the signs proposed for the restaurant be enhanced through lighting and colours or enlarged in size.

With respect to the 'fin' portion of the fascia being highlighted and illuminated, staff contend that this feature will then become a form of signage. Signs are already permitted on the 'fin' feature and this change will not be in keeping with the applicable guidelines of the Nanoose Bay Official Community Plan, which speaks to signage being visually unobtrusive.

With respect to the enlargement of the directional 'Drive Thru' sign from .21 m² to 1.9m², the applicant contends this increase will help to ensure traffic flow and safety around the site. In addition, the total signage will still be within the maximum permitted size of signs pursuant to Sign Bylaw No. 993, 1995. For these reasons, staff supports the increased size of this sign. It is noted that the length of this sign may only be 4.0 metres in order to meet the Sign Bylaw provisions.

With respect to the enlargement of the approved 'The Home of the Burger Family' sign along with the addition of the 'Burger Family faces' to the sign, this will increase the size of this sign from 0.78 m² to 3.11 m², thus putting the overall signage over the maximum 11.0 m² approved under Development Permit No. 0018. Therefore, staff would not support this proposed amendment. However, with respect to the lighting of this sign, staff support the requested

PAGE
22

illumination of the approved 'The Home of the Burger Family Sign' (0.78m²) with 2 gooseneck lights provided the lighting is not neon.

With respect to the addition of neon lighting around the fascia of the building, the applicable guidelines of the Form and Character Development Permit Area do not support this additional lighting feature. It is noted that additional overhead lighting has been permitted under Development Permit No. 0206 and as a result, the site will be well lit and highly visible.

VOTING

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

SUMMARY

This is an application for a development permit to amend the signage approved for the A & W restaurant building under Development Permit Nos. 0018 and 0206. The A&W wishes to enhance the restaurant building through the use of more prominent signage and lighting. The highlighting of the 'fin' feature and the neon lighting of the fascia portion of the building is not considered to be consistent with the guidelines of the Form and Character Development Permit Area which emphasize minimal use of lighting. It is noted that Development Permit No. 0206 has approved additional lighting of the overall site including lighting adjacent to the restaurant building. Staff agree that the proposed enlargement of the 'Drive Thru' sign will help to provide direction for the traveling public and enhance the traffic safety of the site. However, it is recommended that the width of this sign be restrict to 4.0 metres in width which corresponds to the sign bylaw provisions. The request to enlarge 'The Home of the Burger Family' fascia sign and to include the 'faces' of the Burger Family would place the overall total signage area over the bylaw standard of 11.0 m²; this amendment is not supported by staff. However, staff would support the use of old fashioned lighting for this sign. Therefore, as the request for additional enhancement or enlargement of the signage for the A & W restaurant is not in keeping with the applicable development permit guidelines, staff recommends Alternative No. 2 to approve the development permit for only the signage outlined in Schedule No. '1' of the staff report which will promote safer traffic circulation of the overall site and allow the lighting of the one fascia sign.

RECOMMENDATION


That Development Permit No. 0208 for the changes to the signage to the A & W Restaurant Building on the property legally described as Lot 1, of Amended Lot 167 (DD 66169-N), Nanoose District, Plan 9428 Except Parcel A (DD 80609-N) Thereof; and Except Part in Plan 19267 be approved subject to the conditions as outlined in Schedule '1' of the staff report.



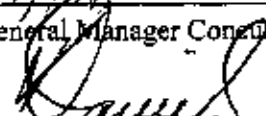
Report Writer



Manager Concurrence



for General Manager Concurrence

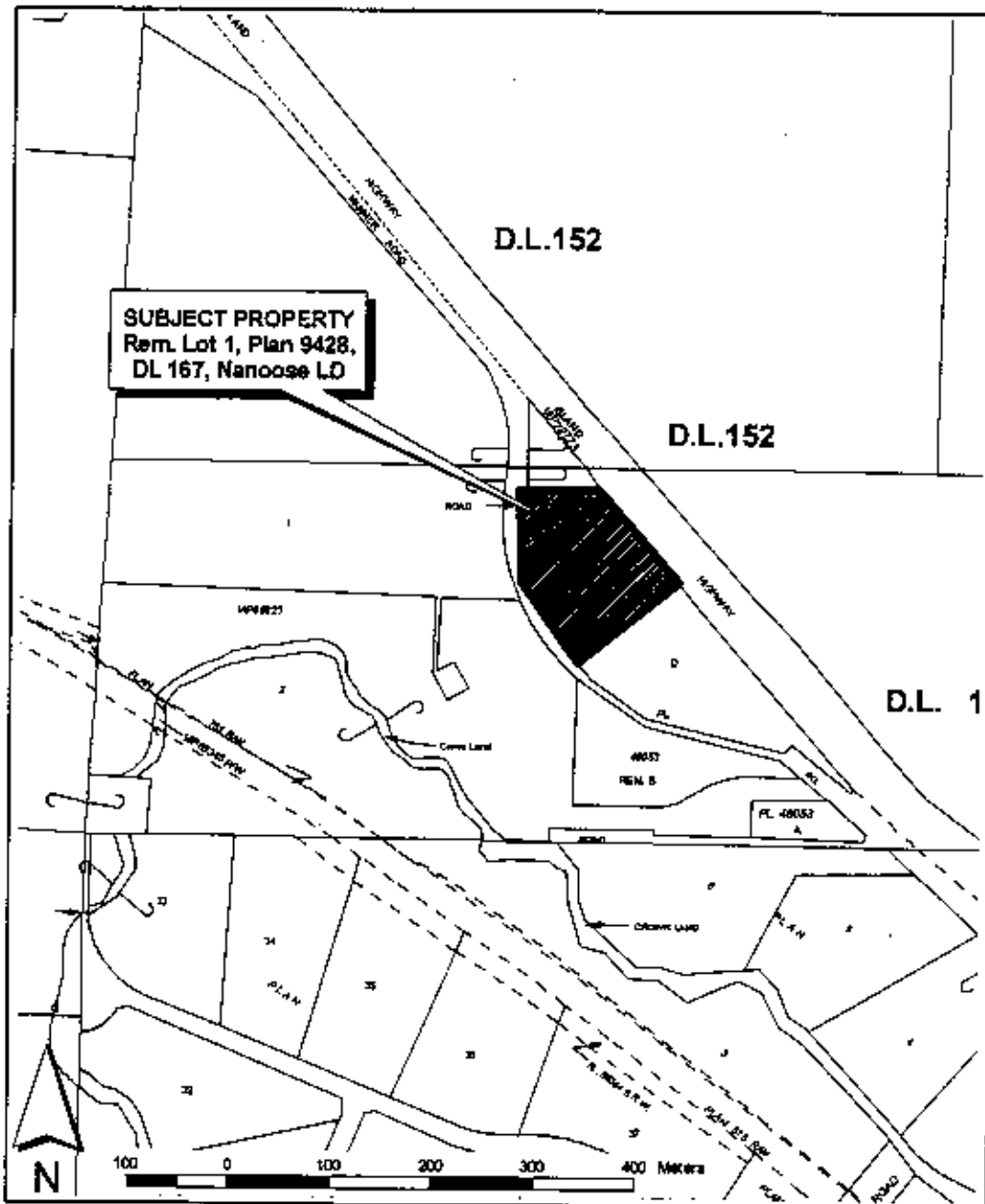


CAO Concurrence

COMMENTS:

ATTACHMENT No.'1'

LOCATION OF SUBJECT PROPERTY
DEVELOPMENT PERMIT 0208



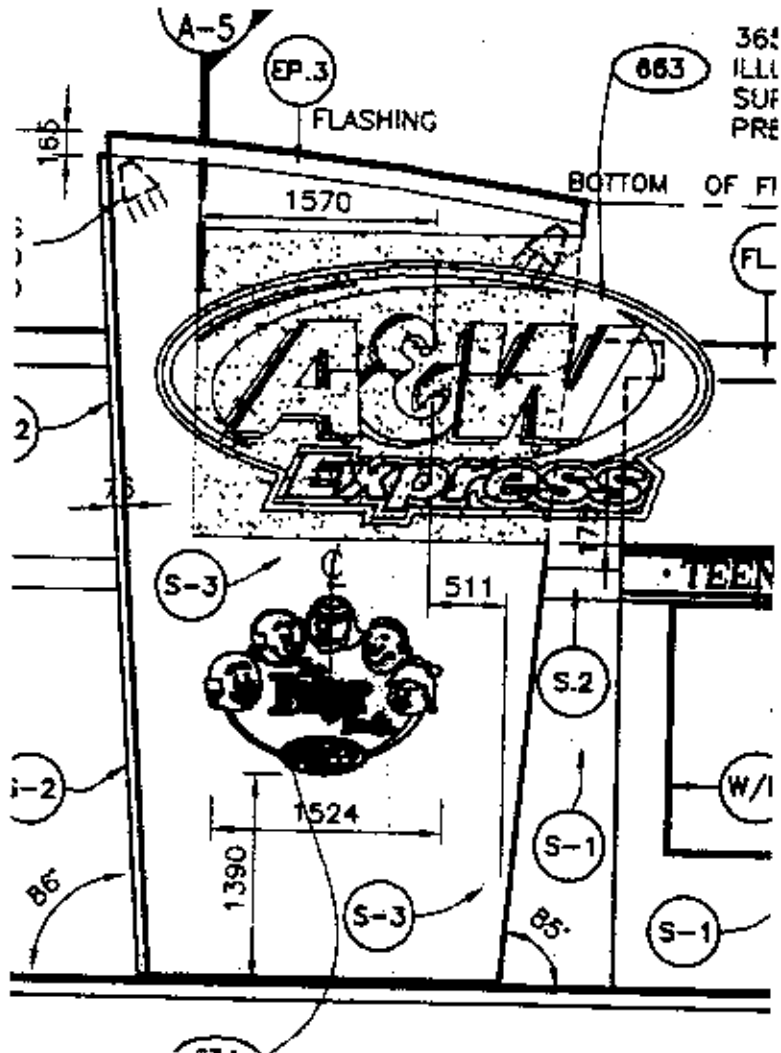
**SCHEDULE NO. '1'
DEVELOPMENT PERMIT NO. 0208**

Permitted signage in addition to signage permitted under Development Permit Nos. 0018 and 0206.

1. The 'Drive Thru' fascia sign may be increased in size to 4.0 metres in width and 1.9 m² in area as shown on Schedule No. '1' from Drawing No. DP-1, dated 02/28/02, prepared by A & W Food Services of Canada Ltd.
2. 'The Home of the Burger Family' fascia sign may be illuminated with 2 gooseneck lamps provided the lighting is incandescent.
3. No other signage is permitted except as outlined in Development Permit Nos. 0018 and 0206.

SCHEDULE No. '2'

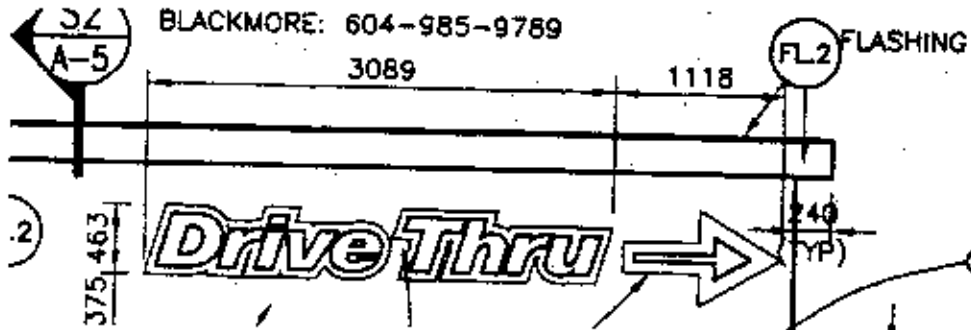
PROPOSED SIGNAGE FOR A & W
Sign No. 1 - 'Fin' Feature
(As submitted by applicant)



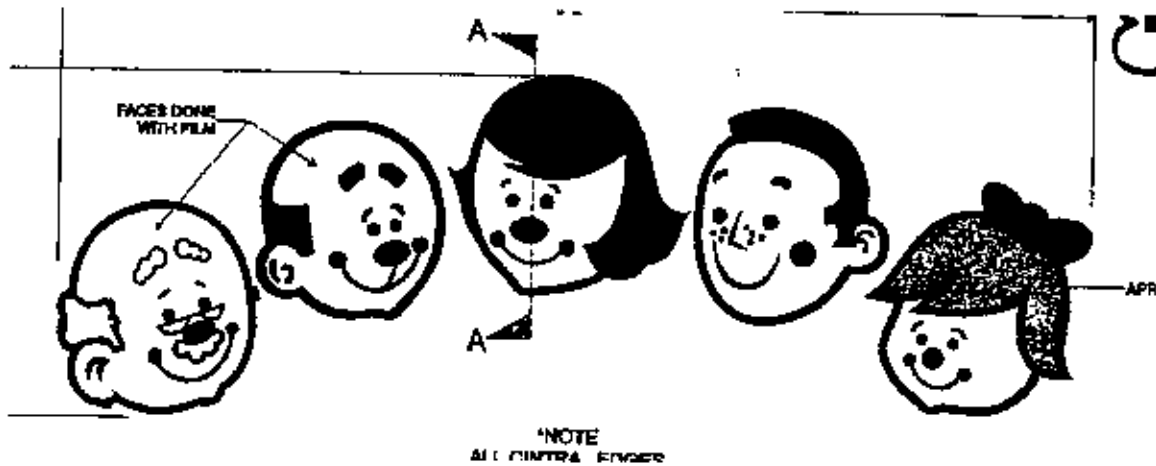
Note: Signs shown on
'Fin' Feature approved
under DP0018 including
size specifications

SCHEDULE No. '2' - cont'd

PROPOSED SIGNAGE FOR A & W
(As submitted by applicant)
Sign No. 2 - 'Drive Thru Fascia Sign'



PROPOSED SIGNAGE FOR A & W
Sign No. 3 - 'Burger Family Faces' Fascia Sign
(As submitted by applicant)



SCHEDULE No. '2' cont'd

**Sign No. 4 - Sample of Illuminated Building
(As submitted by applicant)**





REGIONAL DISTRICT OF NANAIMO			
MAR 18 2002			
CHAIR		GMCRS	
CAO		GMDS	
GMCRS		GMES	
R.A. Wainwright			✓
DATE: _____			

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

FROM: Lindsay Chase
Planner

SUBJECT: Development Permit Application No. 0209—Groves
Lot 3, District Lot 16, Newcastle District, Plan 15105
Electoral Area 'H' - 5457 West Island Highway

FILE: 3090 30 0209

DATE: March 15, 2002

PURPOSE

To consider an application for a Development Permit with a variance to facilitate the removal of an existing dwelling and the construction of a new dwelling within the Hazard Lands Development Permit Area pursuant to the "Shaw Hill-Deep Bay Official Community Plan Bylaw No. 1007, 1996."

BACKGROUND

This is an application to facilitate the removal of an existing dwelling unit and the construction of a new dwelling unit within the Hazard Land Development Permit area pursuant to the Shaw Hill-Deep Bay OCP on a residential property in the Qualicum Bay area. The subject property is located at 5457 West Island Highway in Electoral Area 'H' (see Attachment 1).

The subject property is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The minimum setback requirements for buildings and structures in this zone are 8.0 metres from the front lot line, 2.0 metres from an interior side lot line and 8.0 metres from the natural boundary of the sea where the slope is less than 30%. The maximum height of a dwelling unit in this zone is 8.0 metres.

The applicant is requesting a height variance (to increase the height of the structure to 9.5 metres) as they are required to elevate their proposed dwelling unit in order to meet Ministry of Water, Land and Air Protection flood elevation standards of 1.5 metres. These standards apply to all parcels adjacent to the ocean. As the topography of the parcel is flat and level, and as the applicant's are proposing to construct a two storey dwelling unit, the variance would be required to meet the height of the dwelling unit plus the required 1.5 metre elevation.

The Hazard Lands Development Permit Area was established to protect development from hazardous conditions. The subject property is located within a floodplain area and is adjacent to the ocean. There is a flood hazard associated with this parcel. A geotechnical report was prepared by LNM Consulting Engineering Ltd. to address geotechnical and flooding issues. Properties within the Hazard Lands Development Permit Area must also meet the environmental protection guidelines.

The Development Permit Area is measured 15.0 metres from the top of the bank of the watercourse. In this case there is no 'top of bank', so the setback is measured from the natural boundary. The existing dwelling unit that is proposed to be removed is located within this 15.0 metre setback. The new proposed dwelling would be located outside of the setback area.

ALTERNATIVES

1. To approve Development Permit No. 0209 subject to the conditions outlined in Schedule No. '1'.
2. To deny Development Permit No. 0209.

LAND USE AND DEVELOPMENT IMPLICATIONS

Approval of the Development Permit would permit the demolition of the existing structure and the construction of a new dwelling unit on the property. The subject property does not have sufficient site area for two dwelling units pursuant to the requirements of the Residential 2 (RS2) zone; therefore the existing dwelling must be removed prior to occupation of the new dwelling unit (*see Schedule No. 2*). The existing dwelling that is to be removed is located within the 15.0 metre development permit area setback, therefore a development permit is required. To secure the removal of the existing dwelling unit, staff recommends that a letter of undertaking be required of the applicant as outlined in *Schedule No. 1*.

The Ministry of Water, Land and Air Protection (MWLAP) requires that all dwellings adjacent to the ocean be setback 15.0 metres and that the minimum floor elevation be 1.5 metres above the natural boundary. The proposed new dwelling will meet the required setback of both Bylaw No. 500 and MWLAP. However, as the parcel is flat and does not sit very high above the natural boundary, a variance of 1.5 metres is requested in order to facilitate construction of a 2 storey dwelling and meet the flood elevation requirement. The proposed dwelling would meet the maximum allowable height for the RS2 zone if not for the flood elevation requirement (*see Schedule No. 3*).

ENVIRONMENTAL IMPLICATIONS

The parcel is situated adjacent to the ocean and is located within a provincially designated floodplain. There are no covenants with respect to development of the site registered on the Title of the property. The engineer retained by the property owner to assess the development has indicated that several trees will be removed to construct the new dwelling, but has recommended that the parcel be seeded or planted with typical local landscaping to duplicate existing soil stability after construction of the new dwelling and removal of the existing dwelling is complete. Hazard Lands are also considered to be environmentally sensitive and must meet the environmental protection guidelines contained within the Hazard Lands Development Permit Area. Protecting the marine environment from the introduction of sediment or materials generated during the demolition and construction process is therefore necessary to safeguard the natural environment. *Schedule No. '1'* outlines methods that should be undertaken as part of this development.

PUBLIC CONSULTATION IMPLICATIONS

As previously noted, the property is located in a Hazardous Land Development Permit Area. While the Shaw Hill Deep Bay Official Community Plan does provide for some exemptions to the requirement for a development permit for the construction of a dwelling unit, this application does not meet the conditions for an exemption. A geotechnical report was not registered on title at the time of subdivision and the property is not in a building inspection area; therefore this application can not be granted an exemption in accordance with the exemption provisions of the bylaw or be approved by delegation as a variance is being requested.

The adjacent properties have been developed and this application is unlikely to affect the views of the properties on either side of the parcel as the 15.0 metres setback appears to have been observed on both parcels. The property across the Island Highway is already developed and does not appear to have a view at this time, and it is staff's assessment that this application will minimally impact that property. As a variance to Bylaw NO. 500 standards has been requested, notification of adjacent properties is required pursuant to the *Local Government Act*.

VOTING

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

SUMMARY/CONCLUSIONS

This is an application for a development permit with a variance to facilitate the removal of an existing dwelling unit and the construction of a new dwelling unit within the Hazard Lands Development Permit Area pursuant to the Shaw Hill-Deep Bay Official Community Plan. A variance is requested in order to meet the flood elevation requirement of 1.5 metres as administered by the Ministry of Water, Land and Air Protection; therefore, the height of the dwelling unit is proposed to be varied to 9.5 metres. Without the requirement to elevate the dwelling unit, the proposed design would meet the 8.0 metre maximum height within the Residential 2 (RS2) zone. Staff recommends that this application be approved subject to the conditions outlined in *Schedule No. '1'* and the notification requirements of the *Local Government Act*.

RECOMMENDATION

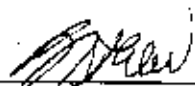
That Development Permit Application No. 0209 to vary the maximum height of a dwelling unit in the Residential 2 zone pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" from 8.0 metres to 9.5 metres to facilitate the construction of a single dwelling unit and the removal of a single dwelling unit within the Hazard Lands Development Permit Area pursuant to "Shaw Hill-Deep Bay Official Community Plan Bylaw No. 1007, 1996" for the property legally described as Lot 3, District Lot 16, Newcastle District, Plan 15105 be approved subject to the conditions outlined in Schedule No. '1' and pursuant to the notification requirements of the *Local Government Act*.



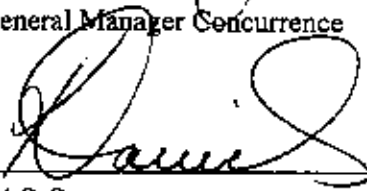
Report Writer



General Manager Concurrence



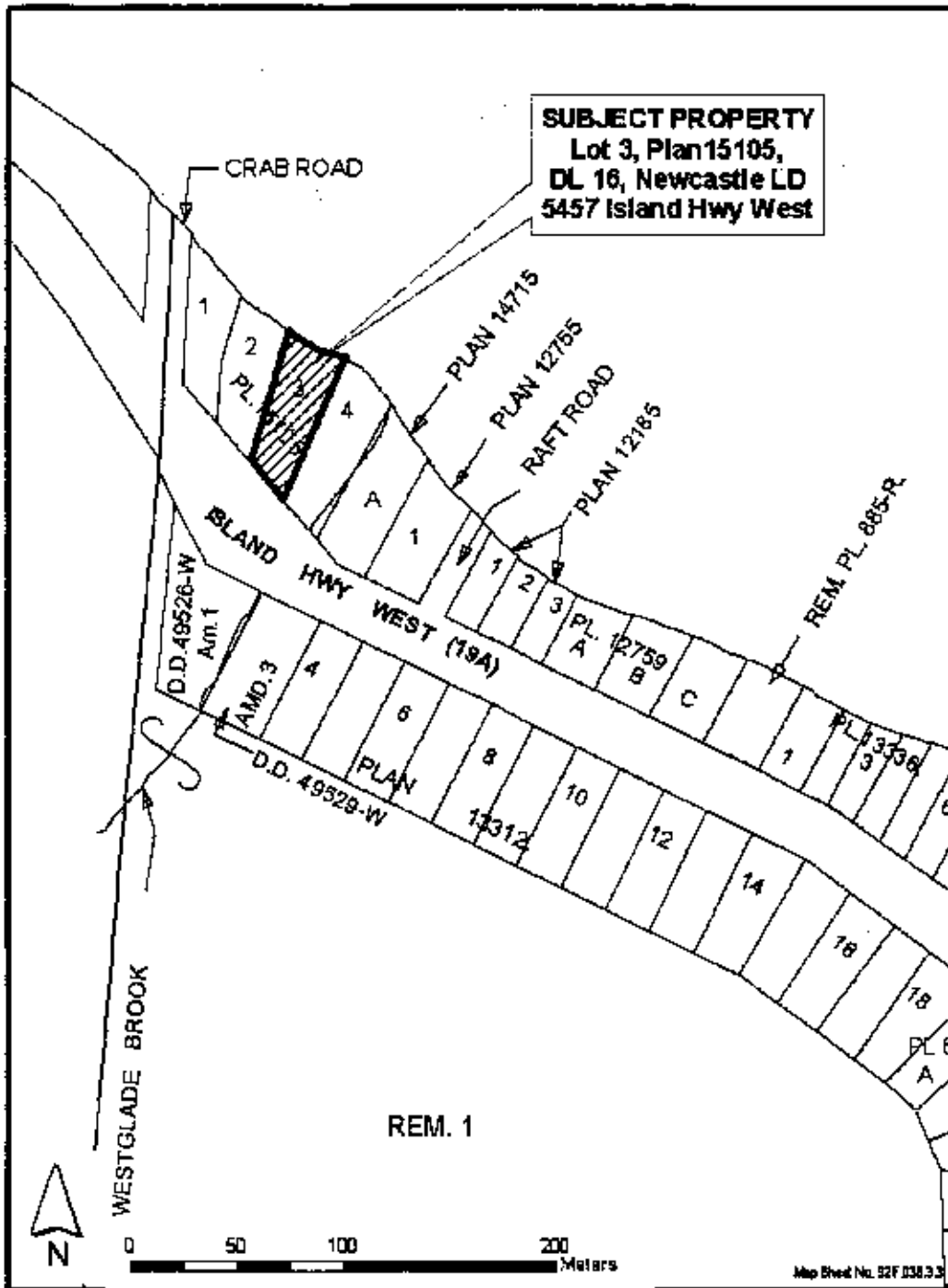
Manager Concurrence



CAO Concurrence

COMMENTS:

Attachment No. 1
Subject Property Location



Schedule No. '1'
Conditions of Approval of Development Permit No. 0209
5457 Island Highway West

Letter of Undertaking

1. Applicant to provide the Regional District of Nanaimo a letter of undertaking to remove the existing dwelling unit upon completion of the new dwelling unit.

Habitable Space

2. The crawl space shall not be used as habitable area.

Location

3. The dwelling unit is to be located as shown on Schedule No. '2'.

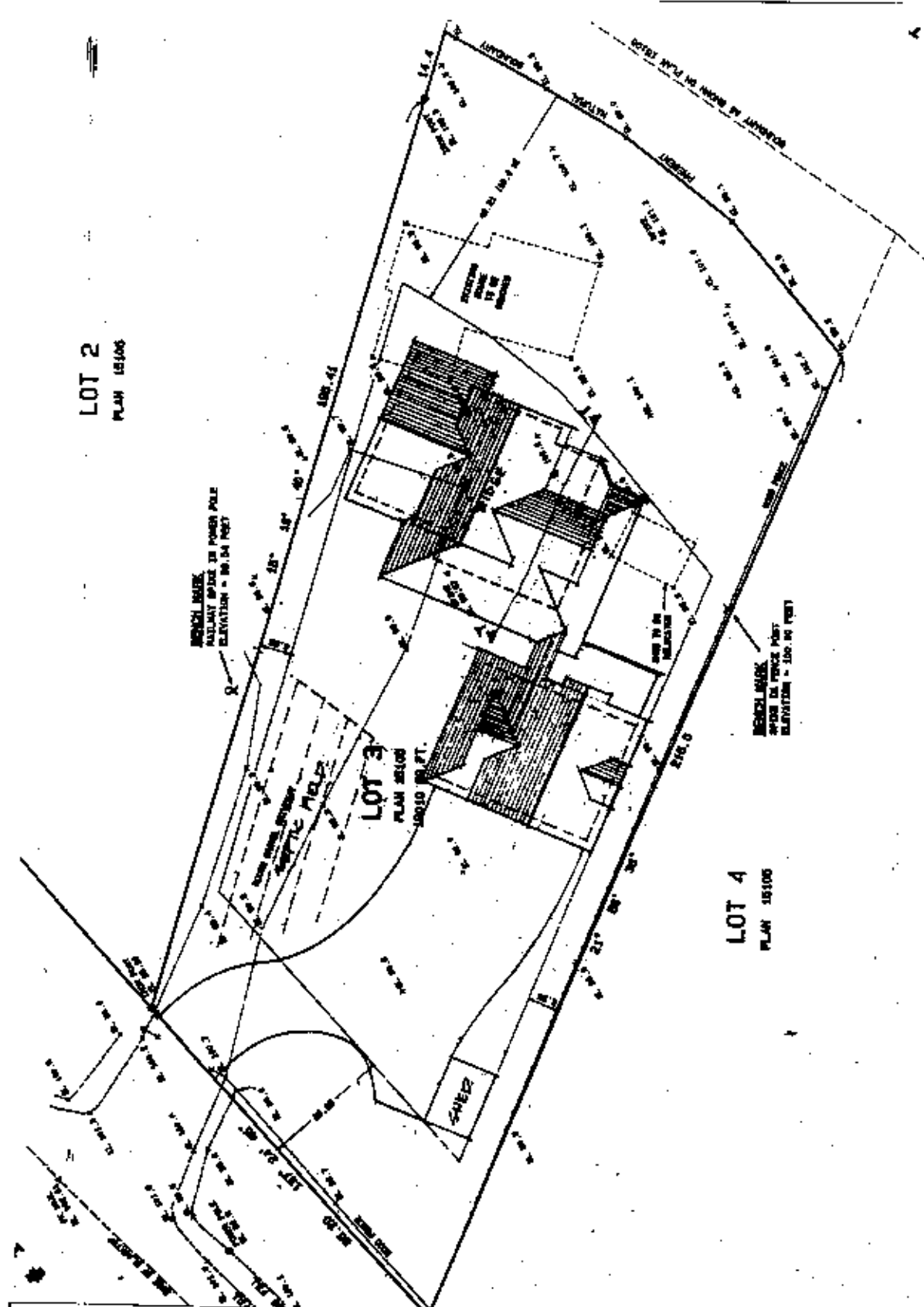
Sediment and Erosion Control Measures

4. Sediment and erosion control measures must be utilized to control sediment during dwelling unit removal and replacement works and land clearing works and to stabilize the site after construction is complete. These measures must include:
 - a. Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite.
 - b. Direct run off flows away from the marine environment using swales or low berms.
 - c. Exposed soils must be seeded immediately after disturbance.
 - d. Cover temporary fills or soil stock piled with polyethylene or tarps.
5. Replant vegetation within disturbed part of the development permit area. Preferred plantings to be trees, shrubs and ground cover native to the area; all replantings to maintain and enhance the natural characteristics of the riparian area.

Construction

6. Any excavated materials must be placed upland such that there is no potential for introduction onto the foreshore.
7. Machinery should be in good working condition and no fuels, lubricants or construction wastes are permitted to enter the marine or fresh water environments. No refueling of machinery is to be conducted within 100 metres of the watercourse. Machinery should operate from the upland only.
8. Prior to any construction commencing install temporary fencing (snow or 'hi-vis' fence) to delineate where heavy machinery or land alteration is not permitted. The fencing shall be removed once all development activity has been completed.
9. A spill kit should be on site to prevent the introduction of any fuels in the event of a spill. If a spill occurs, the Provincial Emergency Program must be contacted.
10. Any excavated material must be placed upland such that there is no potential for introduction onto the foreshore.
11. Concrete poured on site must be fully contained in forms. Concrete, concrete fines, concrete wash, concrete dust or other concrete materials are not permitted to enter any watercourse as these concrete materials are extremely toxic to fish and other freshwater organisms when uncured. It is your responsibility to ensure that materials necessary to ensure that concrete materials are contained and prohibited from entering the watercourse will be on-site for use during and after construction.

Schedule No. '2'
Site Plan as Submitted by Applicant



LOT 2
PLAN 15100

LOT 3
PLAN 15100
10010 SQ. FT.

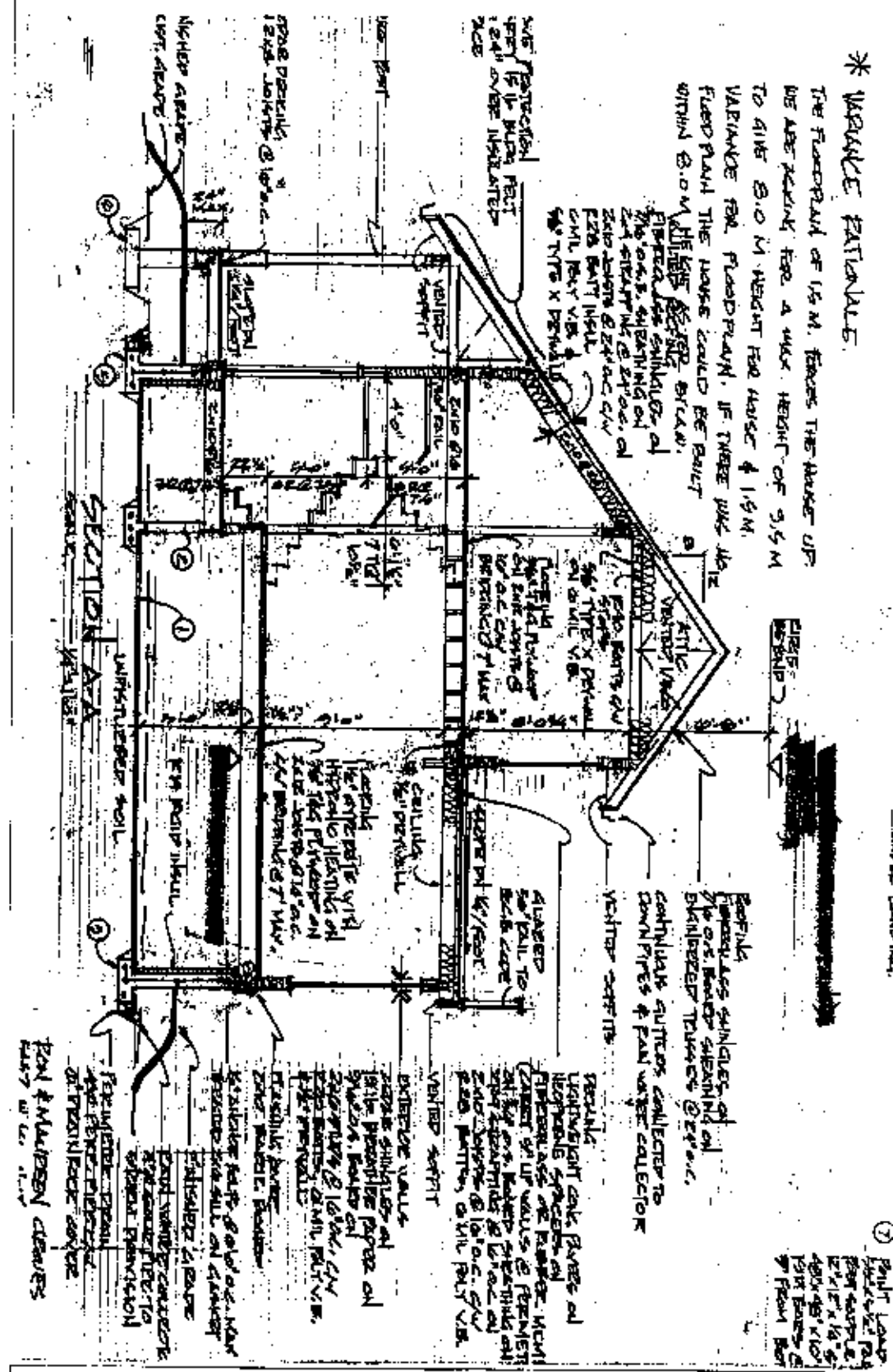
LOT 4
PLAN 15100

Schedule No. '3'
 Cross Section of Proposed Dwelling as Submitted by Applicant

* VARIANCE RATIONALE.

THE FLOORPLAN OF 15 M. REQUIRES THE HOUSE UP
 WE ARE ASKING FOR A MAX HEIGHT OF 9.5 M
 TO GIVE 8.0 M HEIGHT FOR ROOF & 1.5 M
 VARIANCE FOR FLOORPLAN. IF THESE WERE NOT
 FULFILL THE HOUSE COULD BE BUILT
 WITHIN 8.0 M HEIGHT RESTRICTION.

ROOFING: ROOFING SHALL BE SHINGLES ON
 2x4 ON 12" O.C. RAFTERS WITH 1/2" GYPSUM BOARD
 ON INSIDE. ROOF SHALL BE 12" O.C. ON
 2x4 RAFTERS WITH 1/2" GYPSUM BOARD
 ON INSIDE. ROOF SHALL BE 12" O.C. ON
 2x4 RAFTERS WITH 1/2" GYPSUM BOARD
 ON INSIDE.



1) ROOF LAMP
 12" x 12" x 18" x 18"
 12" x 12" x 18" x 18"
 12" x 12" x 18" x 18"
 12" x 12" x 18" x 18"
 12" x 12" x 18" x 18"
 12" x 12" x 18" x 18"
 12" x 12" x 18" x 18"



MAR 15 2002

CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
<i>E.A. Shaw</i>			<input checked="" type="checkbox"/>

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

DATE: March 15, 2002

FROM: Brigid Reynolds
Planner

FILE: 3060 30 0212

SUBJECT: Development Permit Application No. 0212 - Stull
Strata Lot 119, District Lot 251, Alberni District, Plan VIS5160
Electoral Area 'H' - Cave Road

PURPOSE

To consider an application for a development permit to facilitate the construction of a recreational residence and decks within the Environmentally Sensitive Areas Development Permit Area pursuant to the "Regional District of Nanaimo Shaw Hill - Deep Bay Official Community Plan Bylaw No. 1007, 1996."

BACKGROUND

This is an application to facilitate the construction of a recreational residence and decks within the Environmentally Sensitive Areas Development Permit Area pursuant to the Shaw Hill - Deep Bay OCP on a recreational property at Horne Lake in Electoral Area H. (see Attachment 1).

The subject property is zoned Comprehensive Development 9 (CD9) pursuant to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500. The minimum setback requirements for buildings and structures in this zone are: 8.0 metres from the present natural boundary of Horne Lake as shown on Plan VIS5160. No variances to Bylaw No. 500 are being requested.

Concurrent with the adoption of Bylaw No. 500.275, creating the CD9 zone and rezoning portions of the land surrounding Horne Lake to CD9 for the creation of a maximum of 400 Bare Land Strata Lots, Development Permit No. 0120 was issued as blanket development permit. DP 0120 provided detailed guidelines and conditions related to stormwater management; fill placement; construction and maintenance of docks; walkways and trails; foreshore and watercourse management; construction; vegetation management and landscaping; and sediment and erosion protection. Any new construction or land alteration must be consistent with DP 0120.

The Environmentally Sensitive Areas Development Permit Area was established to protect the natural environment. The Development Permit Area is measured 15.0 metres from the top of bank of the watercourse. In the case of Horne Lake, many properties do not have a top of bank so the setback is measured from the natural boundary of Horne Lake as shown on Plan VIS5160.

Due to the topography of the properties surrounding Horne Lake many bare land strata lots contain steep banks. The slope on strata lot 119 ranges from 45% to 60% grade and the foot of the steep bank is located between 9 and 11 metres from the present natural boundary of Horne Lake.

The recreational residence and decks are proposed to be located a minimum of 8.0 metres from the natural boundary of Horne Lake as shown on Plan VIS5160. Two decks will be located on either side of the recreational residence. The recreational residence and decks meets the provisions of Bylaw No. 500. The proposed location is an existing clearing in front of a steep bank.

ALTERNATIVES

1. To approve the development permit with conditions as outlined in Schedule No. 1.
2. To deny the requested development permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

Approval of the requested development permit would permit the construction of a recreational residence a minimum of 8 metres from the natural boundary of Horne Lake as shown on Plan VIS5160. (See *Schedule No. 1*). This location was chosen because there is an existing clearing and it would not be necessary to excavate into the steep bank to locate the recreational residence. There is an existing trail leading to the proposed recreational residence location.

The lot is approximately 93 metres wide and the proposed recreational residence location is in the middle of the lot. The lot is well vegetated with mature trees and undergrowth. Views on adjacent lots will not be affected.

ENVIRONMENTAL IMPLICATIONS

The proposed location for the recreational residence is an existing clearing; therefore, tree removal is less than if the recreational residence was located elsewhere on the lot. In addition, there is a steep bank ranging from 45% to 60% grade on the lot behind the proposed location for the recreational residence. The proposed location does not require any excavation or tree removal on the steep bank thereby maintaining the vegetated root structure and the bank's stability. The existing trail leading to the proposed recreational residence location requires the removal of four trees.

Horne Lake is fish bearing and the aquatic resources, as well as water quality, have the potential of being impacted by shoreline development. Therefore, Conditions of Approval outlined in Schedule No. 2 will reduce any potential negative impacts to Horne Lake. As well, works undertaken as part of this permit must be consistent with the detailed guidelines outlined in Development Permit No. 0120.

VOTING

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

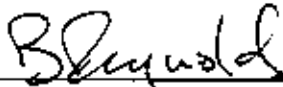
SUMMARY

This is an application to permit the construction of a recreational residence and decks within an Environmentally Sensitive Areas Development Permit Area. The setback for the Development Permit Area is measured 15.0 metres from the natural boundary of Horne Lake, as shown on Plan VIS5160. The proposed location of the recreational residence and decks on the subject property is to be located a minimum of 8.0 metres from the natural boundary of Horne Lake, as shown on Plan VIS5160.

From staff's assessment of this application Development Permit No. 0212 should be approved as the proposed location of the recreational residence and decks is in an existing clearing which will reduce the amount of mature vegetation that needs to be removed. In addition, the proposed location does not require any excavation into the steep bank thereby maintaining mature vegetation and root structure and the bank's stability.

RECOMMENDATION

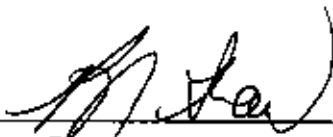
That Development Permit Application No. 0212 to facilitate the construction of a recreational residence and decks to be located a minimum of 8.0 metres from the natural boundary of Horne Lake and located within the Environmentally Sensitive Areas Lands Development Permit Area on the property legally described as Strata Lot 119, District Lot 251, Alberni District, Plan VIS5160 be approved subject to the conditions outlined in Schedule No. 2.



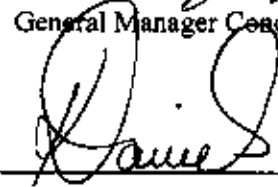
Report Writer



General Manager Concurrence



Manager Concurrence

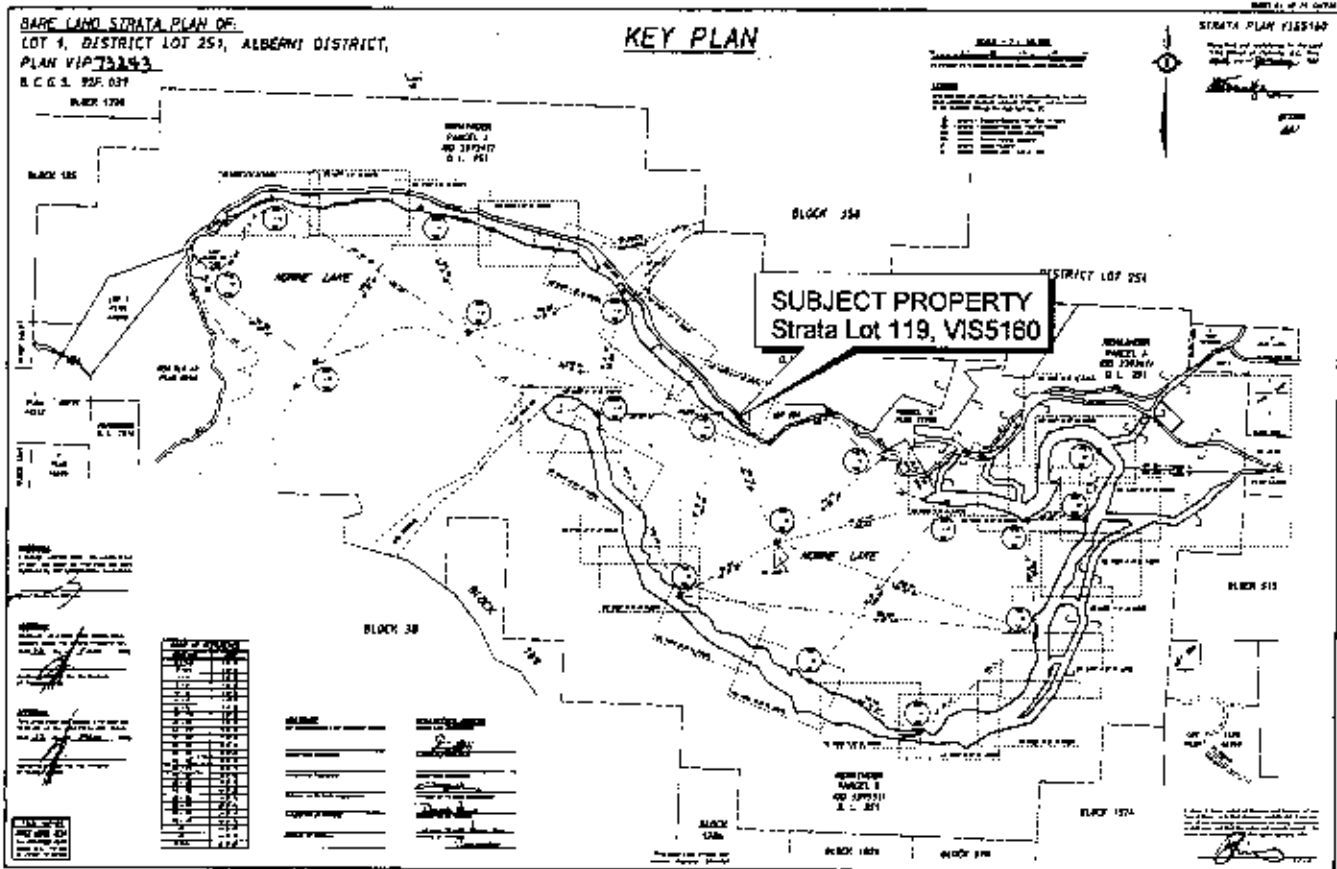


CAO Concurrence

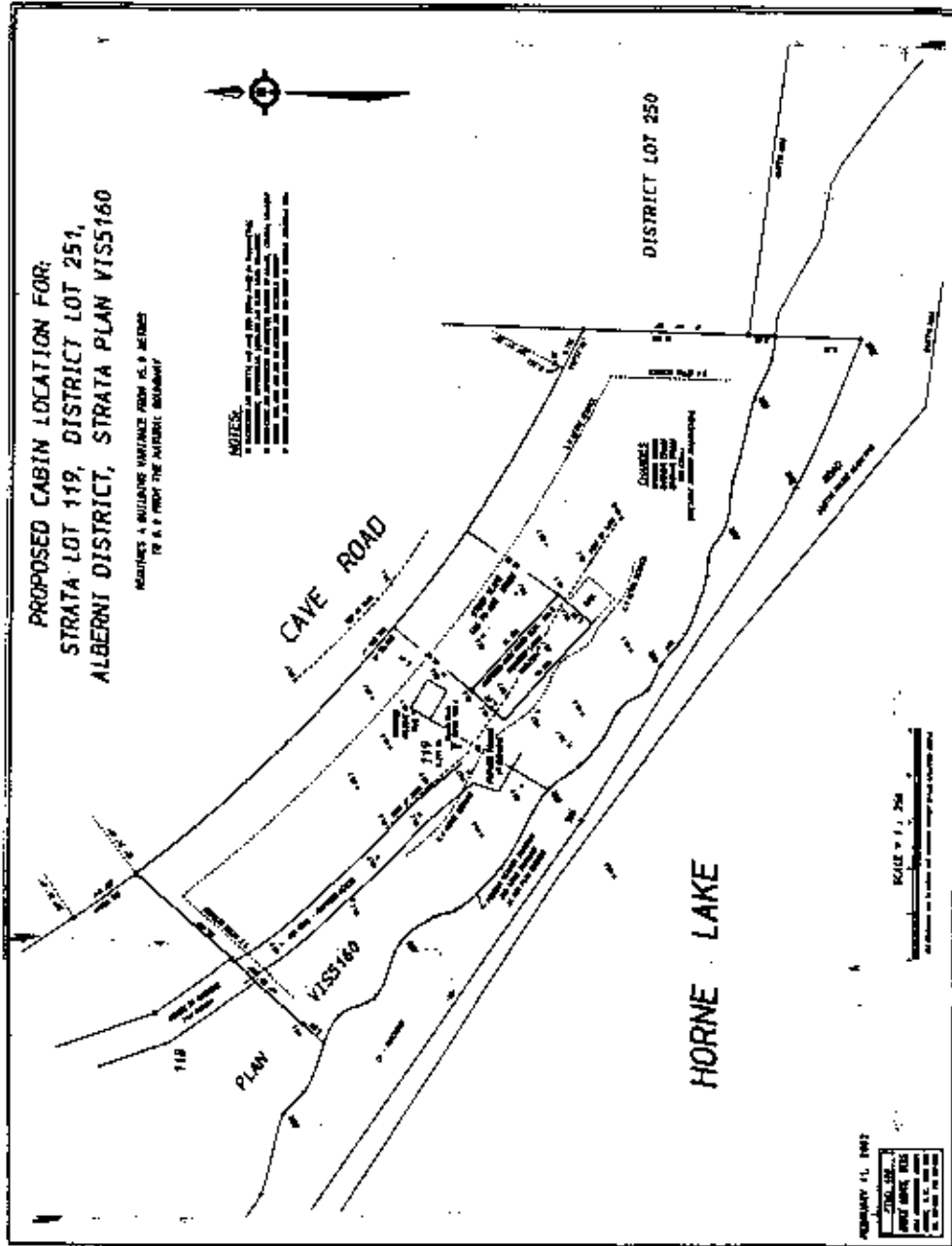
COMMENTS:

devsvs/reports/2002/dp mr 3060 30 0212 still horne lk sl119

Attachment No. 1
Subject Property
Development Permit No. 0212



Schedule No. 1
Site Plan
Development Permit No. 0212



**Schedule No. 2
Conditions of Approval
Development Permit No. 0212**

Access

1. The access driveway shall not be paved but shall consist of permeable, non-toxic materials such as crushed gravel.
2. An approved access permit issued by the Ministry of Transportation prior to the permit being issued.

Accessory Building

3. Accessory buildings shall be located more than 15 metres from the natural boundary of Horne Lake, as shown on Plan VIS5160.

Construction

4. Prior to any construction commencing temporary fencing (snow or 'hi-vis' fence) or a prominent visual barrier shall be installed at 7.5 metres from the natural boundary of Horne Lake, as shown on Plan VIS5160, to delineate where heavy machinery and land alteration is not permitted. The fencing shall be removed once all development activity has been completed.

Development Permit No. 0120

5. Works shall be undertaken in accordance with Development Permit No. 0120.

Flood Construction Elevation

6. Certification of Flood Construction Level must be submitted to the Regional District of Nanaimo prior to the completion of the proposed works.

Vegetation Removal

7. Vegetation removal within the Development Permit Area shall consist of that which is required to locate the recreational residence and decks and the access driveway.



REGIONAL DISTRICT OF NANAIMO	
MAR 18 2002	
CHAIR	GMCrS
CAO	GMDS
GMCmS	GMES
F. D. Plan	
DATE: _____	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: March 15, 2002

FROM: Deborah Jensen
Planner

FILE: 3060 30 0214

SUBJECT Development Permit Application No. 0214 - Kristjanson
Lot 10, District Lot 102, Nanoose District, Plan 21022
Electoral Area 'E' - Higginson Road

PURPOSE

To consider an application for a Development Permit in the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1118, 1998" Watercourse Protection Development Permit Area to facilitate the construction of a retaining wall as a shoreline protection device along the foreshore, in order to replace a damaged retaining wall.

BACKGROUND

This is an application for a development permit to facilitate the construction of a shoreline protection device to be located in the same location as a damaged retaining wall, adjacent to the ocean on a residential property in the Nanoose Bay area on Higginson Road (*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. No variances to Bylaw No. 500 are being requested as the new shoreline protection device is proposed to be less than one metre in height and is, therefore, not considered a structure under the Bylaw. As a result, no building permit is required and no building inspection will take place.

The subject property is located adjacent to the ocean and is designated as within the Watercourse Protection Development Permit Area pursuant to the Nanoose Bay Official Community Plan Bylaw No. 1118, 1998. The Watercourse Protection Development Permit Area, which consists of a 15.0 metre strip as measured from the natural boundary, was designated to protect the natural environment. The subject property is located in a bay comprised of a gravel pocket beach, with the upland soils consisting predominately of sandy, rapidly draining marine deposits. The parcel is subject to the erosional forces of precipitation, wind and tidal activity. As the proposed retaining wall is located within the Watercourse Protection Development Permit Area, a development permit is required prior to any development and/or alteration of land taking place.

The property is located in an area where adjacent property owners have constructed a concrete retaining wall and a timber retaining wall. As a result of a winter storm, the timber retaining wall located on the subject property was damaged beyond repair. The proposed replacement shoreline protection device

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consists of blasted granite rock to be located on the specific area previously occupied by the original retaining wall, and angled back at a 3 to 1 slope; however, this slope will increase for construction around the single mature tree to prevent any further damage of the vegetation (*see Schedules No. 2 and 3*). The applicant has indicated there is no intention to reclaim any property, but only to protect the existing shoreline and subject property from further damage. The Department of Fisheries and Oceans is aware of this proposal, and has indicated development may proceed so long as conditions are met.

ALTERNATIVES

1. To approve Development Permit No. 0214 subject to the conditions outlined in Schedule No. 1.
2. To deny the requested permit.

LAND USE AND ENVIRONMENTAL IMPLICATIONS

The applicant is proposing to construct a rip rap shoreline protection device comprised of blasted granite rock. As no building permit is required, and in order to ensure the structure is built to an acceptable level, staff recommends, as a condition of the permit, that an engineer be required to certify the completed works.

Installation of a shoreline protection device is proposed to be sited in the exact location of the damaged retaining wall. The intent of the application is to protect the existing shoreline and subject property from further damage, particularly for existing, mature vegetation that is in danger of uprooting. Department of Fisheries and Oceans (DFO) staff has visited the site and have recommended that any proposed work on the foreshore must have a minimal impact on the lands and water, and have suggested the proposed placement of rip rap be sloped with sodcloth underneath, and that vegetation subsequently be planted between the rocks. As a result, a condition of the development permit is that the applicant involves DFO staff prior to and during works to ensure protection of the foreshore area.

VOTING

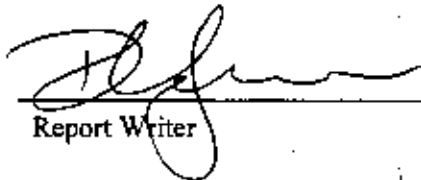
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

This is an application for a development permit to construct a shoreline protection device, consisting of granite rock, within the designated Watercourse Protection Development Permit Area pursuant to the Nanoose Bay Official Community Plan Bylaw No. 1118, 1998. The shoreline protection device will be located in the same location as the previous retaining wall, adjacent to the ocean, which is also the natural boundary. The Department of Fisheries and Oceans has indicated approval for this development as long as specified conditions are met. Given the current risk to existing vegetation, including a mature cedar tree, and given that the proposal to construct the shoreline protection device is in the same location as the damaged retaining wall, staff recommends approval of this development permit.

RECOMMENDATION


That Development Permit Application No. 0214 to permit the construction of a shoreline protection device, consisting of granite rock, in place of the damaged retaining wall, on the property legally described as Lot 10, District Lot 102, Nanoose District, Plan 21022 be approved, subject to the conditions outlined in Schedule No. 1 of this report.




Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

**Schedule No. 1
Conditions of Approval
Development Permit No. 0214**

Location

1. The rip rap shoreline protection device is to be located in the exact location as the damaged retaining wall, as shown on Schedule No.3.

Sediment and Erosion Control Measures

2. 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:
 - a) Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite.
 - b) Direct run off flows away from the marine environment using swales or low berms.
 - c) Exposed soils must be seeded immediately after disturbance.
 - d) Cover temporary fills or soil stock piled with polyethylene or tarps.
3. Replant vegetation within disturbed part 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.
4. Vegetative planting to be placed between the rip rap rock of the shoreline protection device.

Maximum Height

5. The shoreline protection device shall not exceed one in height as measured from the natural grade pursuant to the Regional District of Nanaimo Land Use and Subdivision bylaw No. 500, 1987.

Engineering

6. The shoreline protection device is to be constructed in accordance with engineering standards and certified by a professional engineer to the satisfaction of the RDN.

Construction

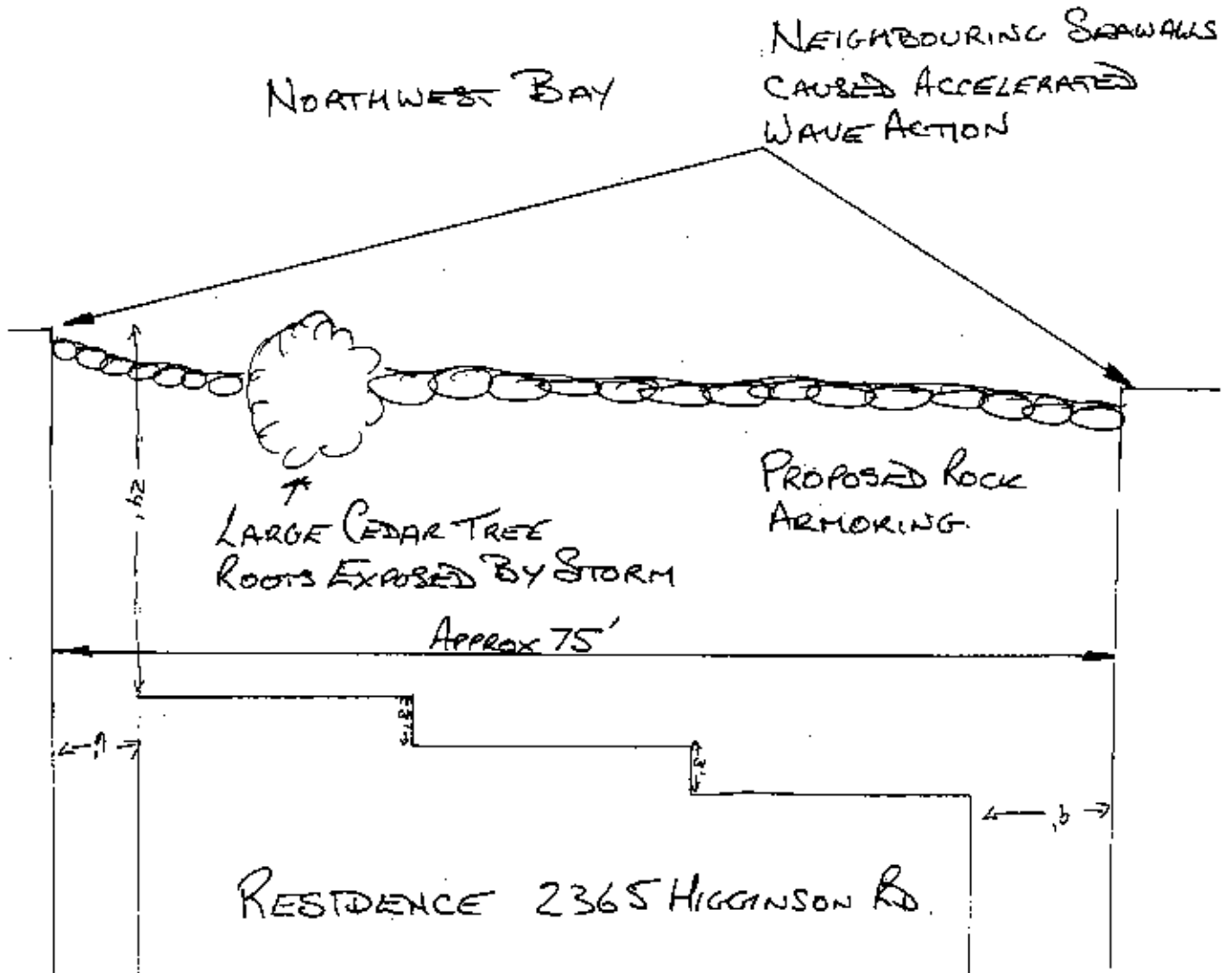
7. All construction to take place within the time period designated by the Department of Fisheries and Oceans, and specifically after April 15th, 2002.
8. The shoreline protection device shall be in the form of a rip rap retaining wall.
9. Geotextile material to be placed underneath the rip rap rock of the shoreline protection device.
10. Any excavated materials must be placed upland such that there is no potential for introduction onto the foreshore.
11. No fill to be placed, including backfill, near the shoreline protection device. However, placement of fill near the cedar tree for protection of the root system is exempt from this requirement.
12. Removal of debris and/or structures from the area proposed for construction, including damaged decking and flagpole footing.
13. All machinery to operate from the upland portion of the subject property only.

Department of Fisheries and Oceans

14. Department of Federal Fisheries staff to be consulted prior to, and during, any construction.
15. Applicant to abide by all conditions of the Department of Fisheries and Oceans.

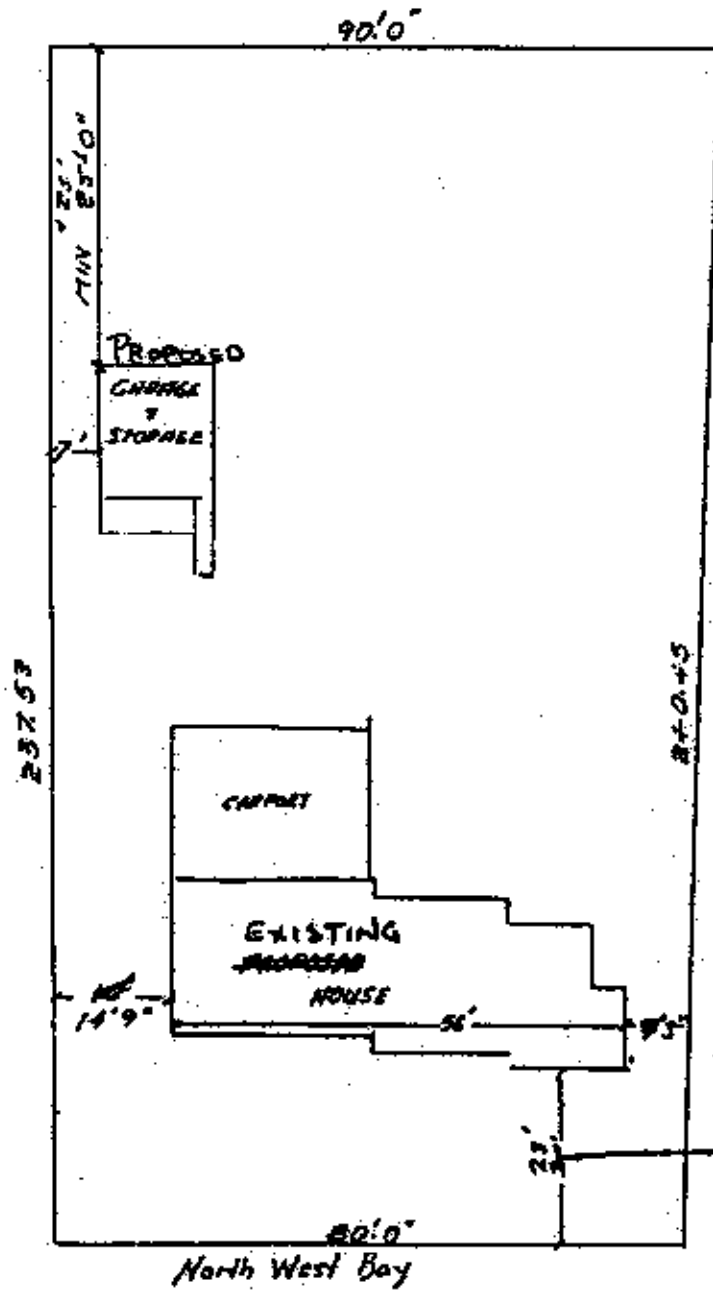
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Schedule No. 3
Proposed Retaining Wall
(As Submitted by Applicant)



Schedule No. 2
Site Plan
(As Submitted by Applicant)

HIGGONSON Rd.



PLOT PLAN
LOT 10
D.L. 102
Plan. 21022
NANOOSE LAND DISTRICT

25' mm From Highwater
mark to Roof O.H.



REGIONAL DISTRICT OF NANAIMO			
MAR 18 2002			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
E.A. Shaw			

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: March 15, 2002

FROM: Deborah Jensen
Planner

FILE: 3090 30 0209

SUBJECT: Development Variance Permit Application No. 0209- Lyon
Lot 33, District Lot 88, Nanoose Land District, Plan VIP57488
Electoral Area 'G' – Chartwell Road

PURPOSE

To consider an application for a Development Variance Permit to facilitate the development of a single dwelling unit located at the corner of Chartwell Road and Miraloma Drive in French Creek.

BACKGROUND

This is an application to facilitate the construction of a single dwelling unit on a residential property located in Electoral Area G (see Attachment No. 1). The subject property is a 766 m² parcel located adjacent to Chartwell Road and Miraloma Drive.

Zoning and Proposed Variances

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 in this zone are 8.0 metres from the front lot line, 2.0 metres from the rear lot line and interior side lot lines, and 5.0 metres from other lot lines. The property is within a building inspection area.

The siting and dimensions of the proposed single dwelling unit is shown on Schedules No. 2 and 3. Due to the design of the proposed dwelling unit, the applicant is requesting a proposed variance to the minimum setback requirement for a building or structure from 5.0 metres to 3.2 metres for the 'other lot line' located adjacent to Miraloma Drive. This variance applies to only a small portion of the proposed dwelling unit, as indicated on the site plan.

ALTERNATIVES

1. To approve the requested permit subject to the conditions outlined in Schedule No. 1.
2. To deny the requested permit.

VOTING

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

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LAND USE AND DEVELOPMENT IMPLICATIONS

The applicants have indicated that construction of a dwelling unit on a corner lot necessitates the application for a variance to the setback requirement for the proposed dwelling unit. It is noted that due to the setback requirement for an other lot line of 5.0 metres, this corner lot becomes more difficult to develop than other similarly sized properties on the street, where both side lot lines would consist of 2.0 metre setbacks.


From staff's assessment, the potential visual impact due to a setback variance is reduced due to the design of these roads, both of which act as wide boulevards. The proposed dwelling unit will face Chartwell Road, with the front of the dwelling unit remaining in line with adjacent dwelling units. It should be noted that the proposed dwelling unit is in keeping with the size and siting of other dwelling units in the development; the variance is necessitated only due to the increased setback requirement of the 'other lot line'.

SUMMARY/CONCLUSIONS

This is an application for a development variance permit to facilitate the development of a single dwelling unit. The application includes a request to vary the minimum setback requirement for a building or structure from 5.0 metres to 3.2 metres for an other lot line located along Miraloma Drive. This variance is for a portion of the dwelling unit only. Staff recommends this application be approved subject to notification procedures pursuant to the *Local Government Act*.

RECOMMENDATION

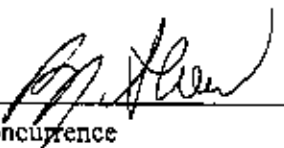
That Development Variance Permit Application No. 0209, submitted by Lynda Middlemass, Agent, acting on behalf of Nancy Joan Lyon, to facilitate the development of a single dwelling unit and vary the minimum setback requirement for a building or structure within a Residential 1 zone from 5.0 metres to 3.2 metres for the other lot line located along Miraloma Drive for the property legally described as Lot 33, District Lot 88, Nanoose Land District, Plan VIP57488, be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.




Report Writer



General Manager Concurrence



Manager Concurrence



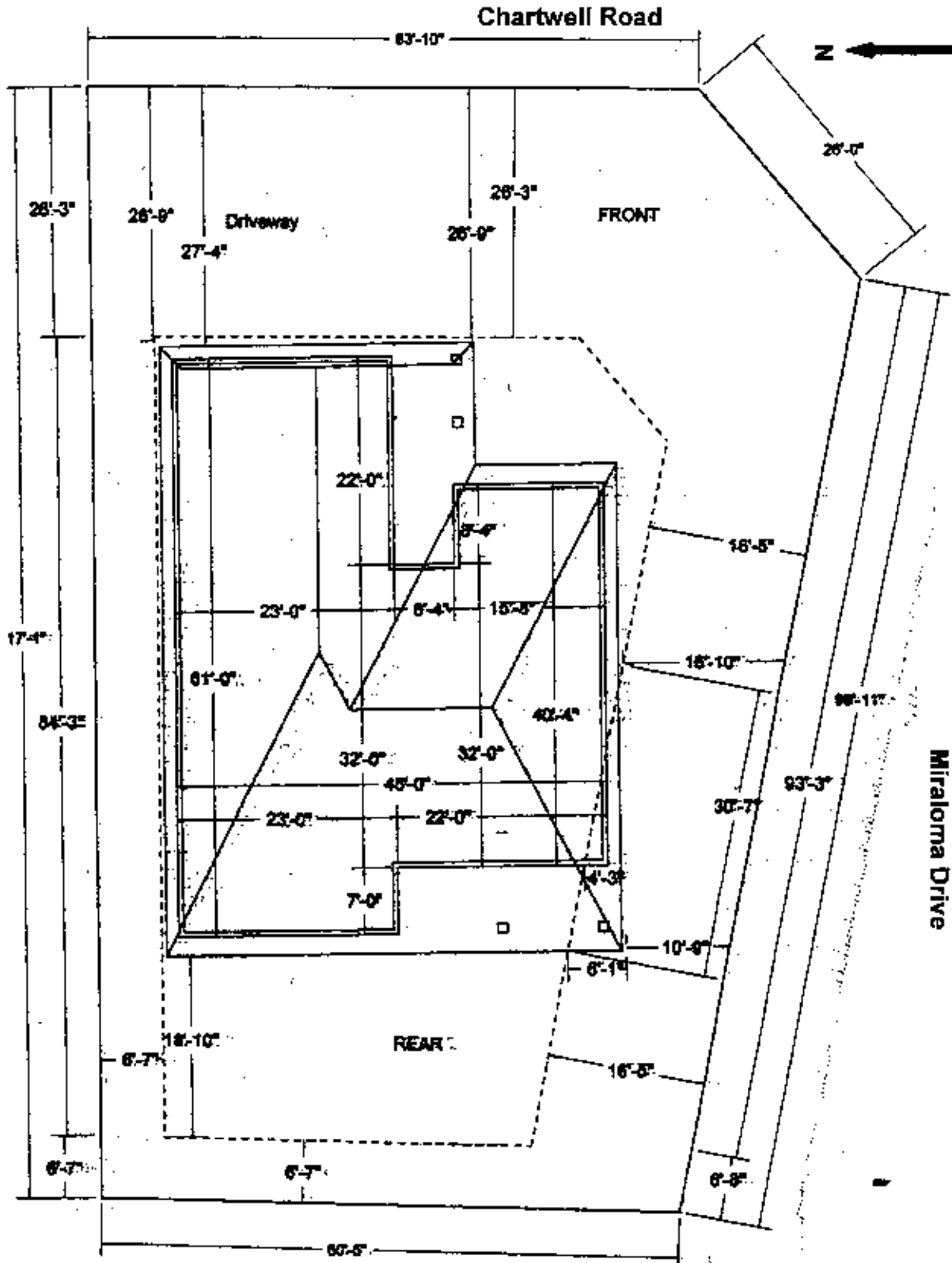
CAO Concurrence

COMMENTS:

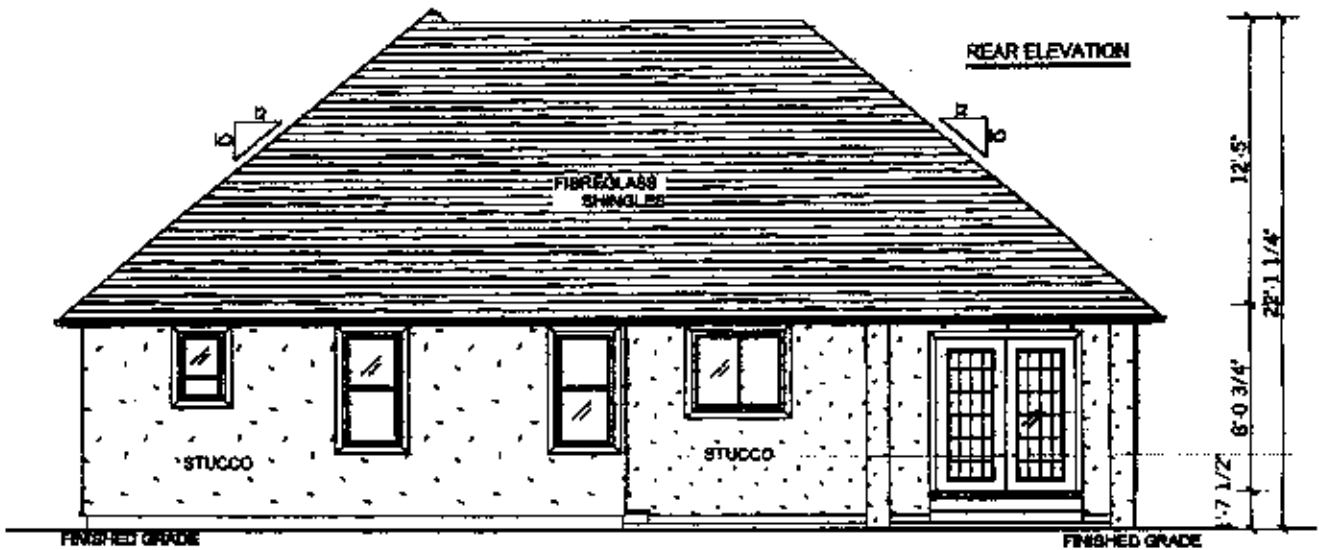
Schedule No. 1
Conditions of Approval
Development Variance Permit Application No. 0209

1. Approval from the Ministry of Transportation for relaxation of the 4.5 metre road allowance.

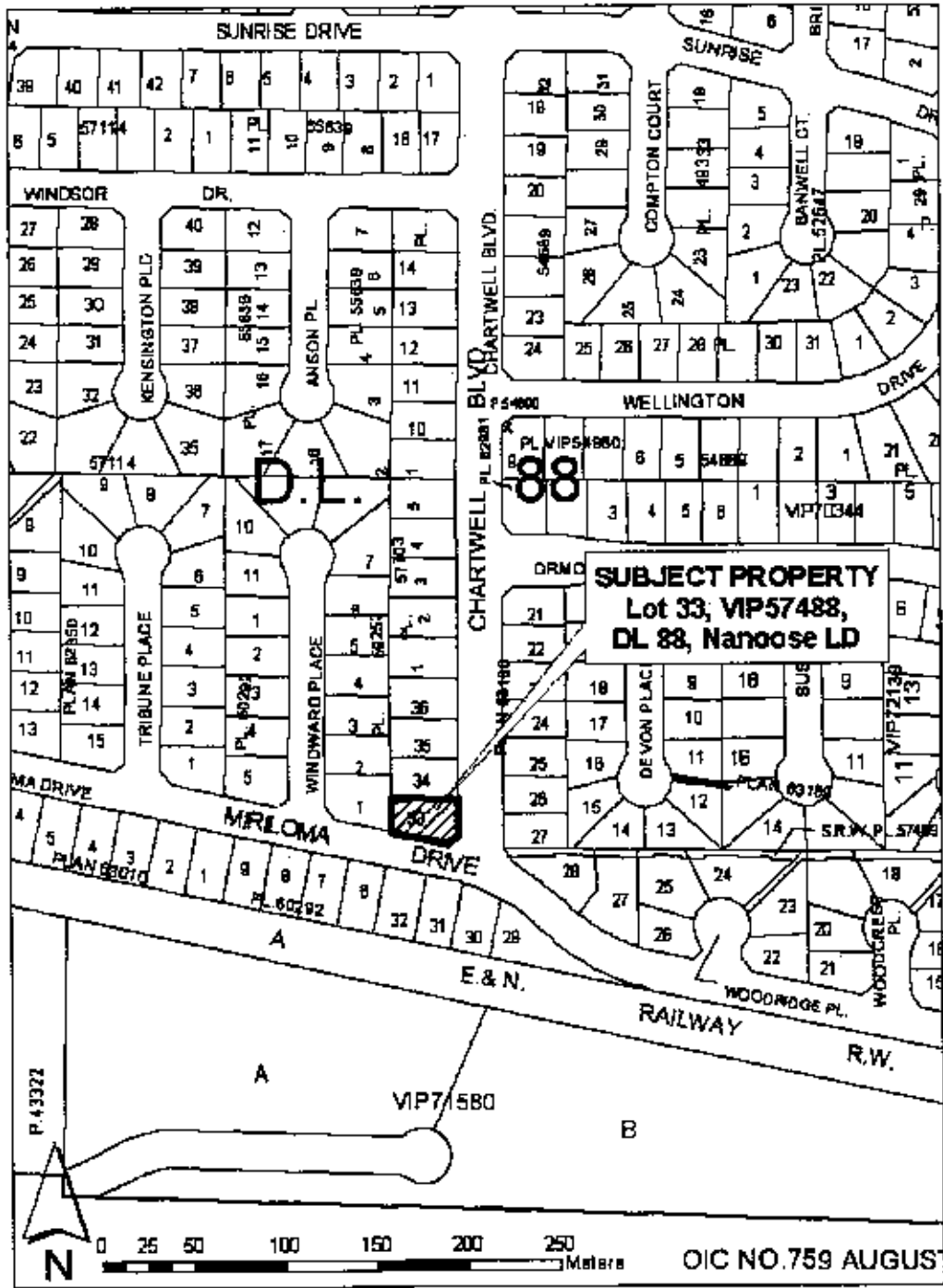
Schedule No. 2
Site Plan
(As Submitted by Applicant)



Schedule No. 3
House Design



Attachment No. 1
Subject Property Map



OIC NO.759 AUGUST

Map Sheet No. 52F 039.1.3

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