

REGIONAL DISTRICT OF NANAIMO

**ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, NOVEMBER 25, 2003
6:30 PM**

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

2-5 Minutes of the Electoral Area Planning Committee meeting held Tuesday, October 28, 2003.

BUSINESS ARISING FROM THE MINUTES

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

6-14 DP No. 60355 – Balogh – 5363 Deep Bay Drive – Area H.

15-21 DP No. 60356 – Nanaimo Mini Storage (Soderstrom) – 2180 South Wellington Road – Area A.

FRONTAGE RELAXATION

22-28 Request for Relaxation of the Minimum 10% Frontage Requirement – Englishman River Land Corporation (Block 564) – Kaye Road – Area G.

OTHER

29-54 Electoral Area 'F' Zoning & Subdivision Bylaw No. 1285 – 'Finetuning' Project.

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, OCTOBER 28, 2003, AT 6:35 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:

B. Lapham	General Manager, Development Services
N. Tonn	Recording Secretary

LATE DELEGATION

MOVED Director Kreiberg, SECONDED Director D. Haime, that a late delegation be permitted to address the Committee.

Gerald James Rupp, re DVP No. 9623 – 1570 Fawcett Road – Area A. CARRIED

Mr. Rupp provided additional information with respect to his development permit application and asked that the Committee approve the siting variances and permit the construction of an accessory building.

MINUTES

MOVED Director Stanhope, SECONDED Director Bibby, that the minutes of the Electoral Area Planning Committee meeting held September 30, 2003 be adopted.

PLANNING CARRIED

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0312 – Richard Irwin on behalf of Tower Fence Products – 1882 Fielding Road – Area A.

MOVED Director Kreiberg, SECONDED Director Bibby,:

1. That the minutes from the Public Information Meeting held on October 15, 2003 be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.297, 2003" be given 1st and 2nd reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.297, 2003" proceed to public hearing.
4. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.297, 2003" be delegated to Director Kreiberg or his alternate.

CARRIED

PAGE
2

DEVELOPMENT PERMIT APPLICATIONS

DP Application No. 60351 – Hawthorne & Anscombe – 816 Flamingo Drive – Area G.

MOVED Director Stanhope, SECONDED Director Bibby, that Development Permit Application No. 60351, submitted by Fern Road Consulting, Agent, on behalf of Robert Hawthorne and Lorna Anscombe, for property legally described as Lot 4, District Lot 10, Newcastle District, Plan VIP73563, to vary the maximum accessory building height within the Residential 2 (RS2) zone from 6.0 metres to allow for construction of a detached garage at 9.7 metres GSC be approved subject to the conditions outlined in Schedules No. 1, 2, 3 and 4 of the staff report and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

DP Application No. 60352 – Fern Road Consulting Ltd./Pepler – 3395 Blueback Drive – Area E.

MOVED Director Bibby, SECONDED Director Biggemann, that Development Permit Application No. 60352, submitted by Fern Road Consulting Ltd., on behalf of William Richard Pepler, for the property legally described as Lot 33, District Lot 78, Nanoose District, Plan 15983 requesting to:

1. Relax the minimum setback requirement for the inland top of slope of 30% or greater adjacent the sea from 8.0 metres to 4.0 metres in order to accommodate the siting of two terraced riprap retaining walls;
2. Relax the minimum setback requirements for both interior side lot lines from 2.0 metres to 0.0 metres in order to accommodate the siting of two terraced riprap retaining walls;
3. Relax the maximum dwelling unit height from 8.0 metres to 9.5 metres in order to accommodate the siting of the dwelling unit

be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

DP Application No. 60354 – French Creek Estates Ltd. – Columbia Drive – Area G.

MOVED Director Stanhope, SECONDED Director Bibby, that Development Permit Application No. 60354, submitted by W.R. Colclough, Agent, on behalf of French Creek Estates, to relax the minimum setback requirement for four corner lots within a Residential 5 (RS5) zone as set out in Schedule No. 3 of the corresponding staff report, for the property legally described as Lots 1 and 2, District Lot 28, Nanoose District, Plan VIP62528, be approved subject to the conditions outlined in Schedules No. 1, 2, and 3 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

DVP Application No. 9623 Addendum – Gerald Rupp – 1570 Fawcett Road – Area A.

MOVED Director Kreiberg, SECONDED Director Biggemann, that Development Variance Permit No. 9623, issued to Gerald Rupp, to vary the minimum setback requirements for a rear lot line from 2.0 metres to 1.0 metres and for a side lot line from 2.0 metres to 1.0 metres for the property legally described as Lot 13, Plan 3779, Section 17, Range 4, Cedar Land District be re-issued, subject to the notification requirements pursuant to the *Local Government Act* and subject to the conditions as outlined in Schedule No. 1.

CARRIED

DVP Application No. 90321 – RG Fuller & Associates on behalf of Land & Water BC – Alberni Highway – Area F.

MOVED Director Biggemann, SECONDED Director D. Haime, that Development Variance Permit Application No. 90321, submitted by RG Fuller & Associates Ltd. on behalf of Land & Water BC, to allow the creation of a non-contiguous lot in conjunction with the proposed subdivision of District Lot 104 and Lot 1, DL 94, Plan 12937, Except Part in Plan VIP61775, Both of Nanoose District, be approved as shown on Schedule No. 1 subject to notification procedures pursuant to the *Local Government Act*.

CARRIED

OTHER

Building Strata Conversion Application – Fern Road Consulting Ltd. on behalf of Ocean Place Holdings Ltd. – 1600 Stroulger Road – Area E.

MOVED Director Bibby, SECONDED Director Stanhope, that the request from Fern Road Consulting Ltd., on behalf of Ocean Place Holdings Ltd. for the commercial building strata conversion of 5 units as shown on the Phased Strata Plan of Lot A, Plan VIP51529, DL 22, Nanoose District and DL 2000 Nanaimo District, be approved.

CARRIED

Technical Review Planning Project – Bylaw No. 500 – Public Consultation Framework.

MOVED Director Stanhope, SECONDED Director Bibby,:

1. That the staff report on the Bylaw No. 500 Planning Project be received.
2. That the Public Consultation Framework as set out in Attachment No. 1 of the staff report be endorsed by the Board.

CARRIED

Aquaculture – OCP and Zoning Amendments Issues & Public Consultation Framework.

MOVED Director Bibby, SECONDED Director Kreiberg,:

1. That the staff report on Aquaculture be received.
2. That the Board approve the proposed direction outlined in the report and direct staff to prepare draft bylaws and OCP policies for its review and referral to appropriate agencies.
3. That the Board direct staff to investigate entering into an agreement with LWBC to ensure that the RDN receives referrals on new lease applications and expansions.

MOVED Director Bartram, SECONDED Director Stanhope, that this item be referred back to staff for further information prior to going to the Board.

CARRIED

ADJOURNMENT

MOVED Director D. Haime, SECONDED Director Bibby, that this meeting terminate.

TIME: 6:59 PM

CARRIED

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO			
NOV 17 2003			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
		<i>EAP</i>	<input checked="" type="checkbox"/>

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

DATE: November 14, 2003

FROM: Keeva Kehler
Planner

FILE: 3060 30 60355

SUBJECT: Development Permit Application No. 60355 – Balogh
Electoral Area 'H' – 5363 Deep Bay Drive

PURPOSE

To consider an application to permit the construction of a dwelling unit and ground level deck within the 'Environmentally Sensitive Areas' and 'Hazard Lands' Development Permit Areas pursuant to the "Regional District of Nanaimo Shaw Hill – Deep Bay Official Community Plan Bylaw No. 1007, 1996".

BACKGROUND

The subject property, legally described as Lot 15, District Lot 1, Newcastle District, Plan 20442, is located on Deep Bay Drive adjacent to the Strait of Georgia along Deep Bay Spit in Electoral Area 'H' (see Attachment No. 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 requirement for buildings and structures adjacent to the sea is 8.0 metres horizontal distance from the natural boundary. The maximum height for the dwelling unit is 8.0 metres and for accessory buildings is 6.0 metres.

The 'Environmentally Sensitive Areas' Development Permit Area was established to protect the natural environment; this portion of the Development Permit Area is measured 15.0 metres from the natural boundary of the ocean. The 'Hazard Lands' Development Permit Area was established to protect development from hazardous conditions. The entire subject property is designated within the 'Hazard Lands' Development Permit Area due to the potential flood hazard during extreme storm events.

The subject property is bordered by residential lots to the north, west and south and to the east by the Strait of Georgia. The property to the north is currently vacant.

There is a Building Scheme registered on title of the subject property. The Building Scheme was registered in 1978 and it appears that the applicants are compliant with the terms contained in the scheme. It should be noted, however, that the RDN is not responsible for ensuring compliance with the Building Scheme.

ALTERNATIVES

1. To approve the requested development permit application subject to the conditions outlined in Schedules No. 1, 2 and 3.
2. To deny the requested development permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

The dwelling unit is proposed to be sited approximately 16 metres from the natural boundary of the ocean and the deck is proposed to be sited approximately 10 metres from the natural boundary of the ocean. The 'Environmentally Sensitive Areas' Development Permit Area extends 15 metres from the natural boundary of the ocean; therefore the proposed deck is within the Environmentally Sensitive Areas DPA. The entire property is located within the 'Hazard Lands' Development Permit Area. Therefore, this proposed development requires Board approval. The applicants are not requesting any variances to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" as part of this application.

Due to the layout of the subdivision and the proposed architectural design of the dwelling, it is not anticipated that there will be any view impacts from the proposed development. The property slopes down from Deep Bay Drive towards the ocean reducing any visual impact for properties located along Burne Road or the west side of Deep Bay Drive. Further, the applicant will be meeting the maximum permitted dwelling unit height of 8.0 metres above the natural grade.

GEOTECHNICAL AND FLOOD ELEVATION IMPLICATIONS

Given that the property is not located within a building inspection area, Bylaw 843 (RDN Flood Control Bylaw) does not apply. However, due to the potential flood hazard, a geotechnical report is required to ensure that the site is safe for the intended use.

A geotechnical report was completed by Lewkowich Geotechnical Engineering Ltd. on October 24, 2003 and it states "the property is safe and suitable -- from a geotechnical perspective -- for the use intended (single family residential development) considering a probability of natural hazard of 10 percent in 50 years." It is recommended that this report be registered on the title of the subject property as a condition of the Development Permit approval.

The geotechnical report states that the property is flat and level and between 1.5 and 2.0 metres below the elevation of Deep Bay Drive. The residence will be constructed over a crawl space approximately 0.9 metres high. The report concludes that the minimum habitable floor elevation for the residence be at least 0.5 metres above the natural grade at the east end of the proposed dwelling location. This would place the finished floor elevation at approximately 1.5 metres above the high water level. Based on the current conditions on the property, the geotechnical report determined that it is not expected that the foundation of the proposed residence will be impacted by scour/ erosion due to wave action.

In addition to the geotechnical report, it is recommended that the applicants be required to prepare and register a Save Harmless Covenant on the property saving the Regional District harmless from any action or loss that might result from hazardous conditions that may exist on the property. Although the applicants are proposing to raise the dwelling unit 1.5 metres above the natural boundary of the ocean, the dwelling will be constructed within 15 metres of the natural boundary of the ocean.

This covenant would require that the applicant fully acknowledge the concerns addressed in the geotechnical report with respect to flooding. This covenant must be prepared to the satisfaction of the RDN.

ENVIRONMENTAL IMPLICATIONS

The applicants have not indicated the location of the proposed drainage systems on the sketch submitted with the application. Staff recommends that the Board approve drainage works required as part of this Development Permit Application, provided the works are located away from the foreshore area and outside of the 'Environmentally Sensitive Areas' Development Permit Area. No drainage waters shall be directed into or permitted to enter the marine environment.

The property contains a strip of vegetated land towards the foreshore, which should be maintained to reduce the potential for erosion. Existing vegetation on the property mostly consists of some aquatic grasses and blackberry bushes, grass and low shrubs. Due to the sensitive nature of the waterfront, the retention and enhancement of native vegetation is strongly encouraged wherever possible in the area within 15 metres of the natural boundary of the ocean. As part of this Development Permit, staff recommends that the applicants be required to replant native species in this area. Removal of the blackberry bushes will not negatively impact the foreshore, provided replanting of native vegetation occurs.

In addition to the proposed dwelling unit, the applicants propose to locate a wooden deck attached to the dwelling unit. The proposed deck will measure approximately 3 metres by 8 metres (25.5 m²). Because the deck will be at ground level and will not exceed one metre in height, it is not considered a structure and does not require a variance to the zoning setback. However, any alteration of land within the Development Permit Area requires approval of the Board.

There is currently a travel trailer and a small accessory building located on the property. The dwelling is proposed to be sited in the general location of the existing travel trailer, which will be removed. The septic disposal field is located at the front of the property towards Deep Bay Drive and no structures are proposed for this portion of the lot. The driveway will be located along the southern boundary of the lot avoiding the septic field. There is no retaining wall at the rear of the lot, but the natural boundary is marked by large woody debris, most likely deposited during storm events. There does not appear to be retaining walls on the adjacent properties. No retaining walls are proposed as part of this application.

PUBLIC CONSULTATION IMPLICATIONS

Notification pursuant to the *Local Government Act* is not required for consideration of this application, as no variances to "Regional District of Nanaimo Land use and Subdivision Bylaw No. 500, 1987" have been requested.

VOTING

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

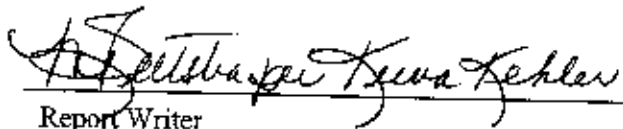
SUMMARY/CONCLUSIONS

This is an application to permit the construction of a dwelling unit within the 'Environmentally Sensitive Areas' and 'Hazard Lands' Development Permit Areas pursuant to the "Regional District of Nanaimo Shaw Hill – Deep Bay Official Community Plan Bylaw No. 1007, 1996".

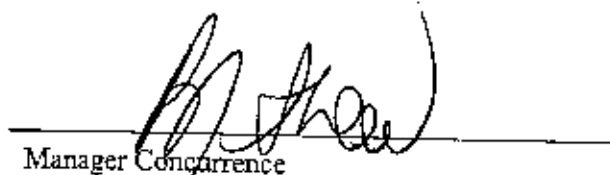
From staff's assessment of this application, the development permit area guidelines have been addressed and the application has technical merit to be approved subject to the Conditions of Approval outlined in Schedule No. 1.

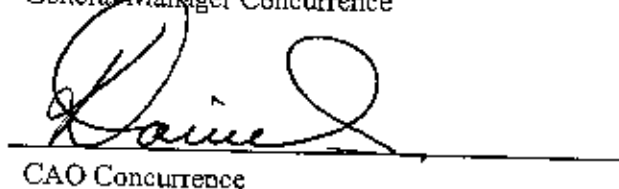
RECOMMENDATION

That Development Permit Application No. 60355, submitted by Raymond and Catherine Balogh to permit the construction of a dwelling unit within the 'Environmentally Sensitive Areas' and 'Hazard Lands' Development Permit Areas on the subject property legally described as Lot 15, District Lot 1, Newcastle District, Plan 20442 be approved, subject to the Conditions of Approval outlined in Schedules No. 1, 2 and 3.


Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

COMMENTS:

devsvs/reports/2003/dp no 3060 30 60355 Balogh

**Schedule No. 1
Conditions of Approval
Development Permit No. 60355**

Development of Site

- a) All uses and construction of buildings and structures to be undertaken must be consistent with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

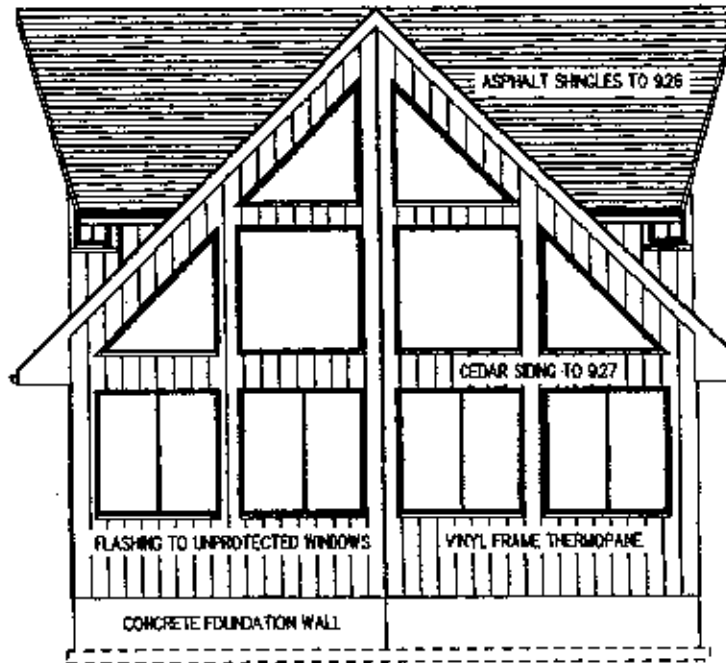
Restrictive Covenants

- a) Recommendations established by the Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd, date stamped October 24, 2003 shall be undertaken.
- b) The Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd. will be required to be registered on the Certificate of Title as a condition of issuance of the development permit. This will ensure that the recommendations contained within this report will be undertaken. This Covenant must be registered on the Certificate of Title prior to occupancy.
- c) The applicant shall enter into a Restrictive Covenant saving the Regional District of Nanaimo harmless from any action or loss that might result from hazardous conditions and acknowledging the flood risk associated with the existing construction and occupancy of the dwelling unit on the property. This Covenant must be registered on the Certificate of Title prior to occupancy.

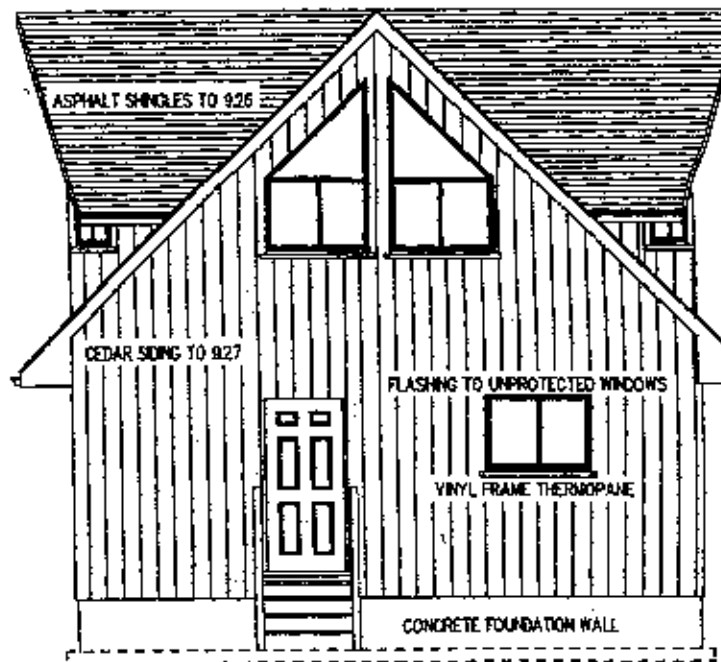
Development Permit Protection Measures

- a) No habitation, storage or building machinery shall be located below the flood elevation of 1.5 metres above the natural boundary.
- b) Sediment and erosion control measures must be utilized to control sediment during construction and land clearing works and to stabilize the site after construction is complete. These measures must include:
 - Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite.
 - Direct run off flows away from Strait of Georgia using swales or low berms.
 - Exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened.
 - Cover temporary fills or soil stockpiles with polyethylene or tarps.
- c) All surface drainage collected from the perimeter drains, roof leaders and other hard surfaces shall be directed to a catch basin. Drainage systems will be located towards Deep Bay Drive and away from the foreshore area. Drainage works are not permitted within the 'Environmentally Sensitive Areas' Development Permit Area (within 15 metres of the natural boundary of the ocean).
- d) Native vegetation within the 'Environmentally Sensitive Areas' Development Permit Area shall be retained and replanting of native species is encouraged to reduce the potential for erosion due to wind, tidal and precipitation activities. Removal of the blackberry bushes is permitted provided the area is replanted within 30 days.
- e) The applicants will not install a retaining wall near the natural boundary.

Schedule No. 2 (Page 1 of 2)
Building profile (As submitted by Applicants)
Development Permit No. 60355

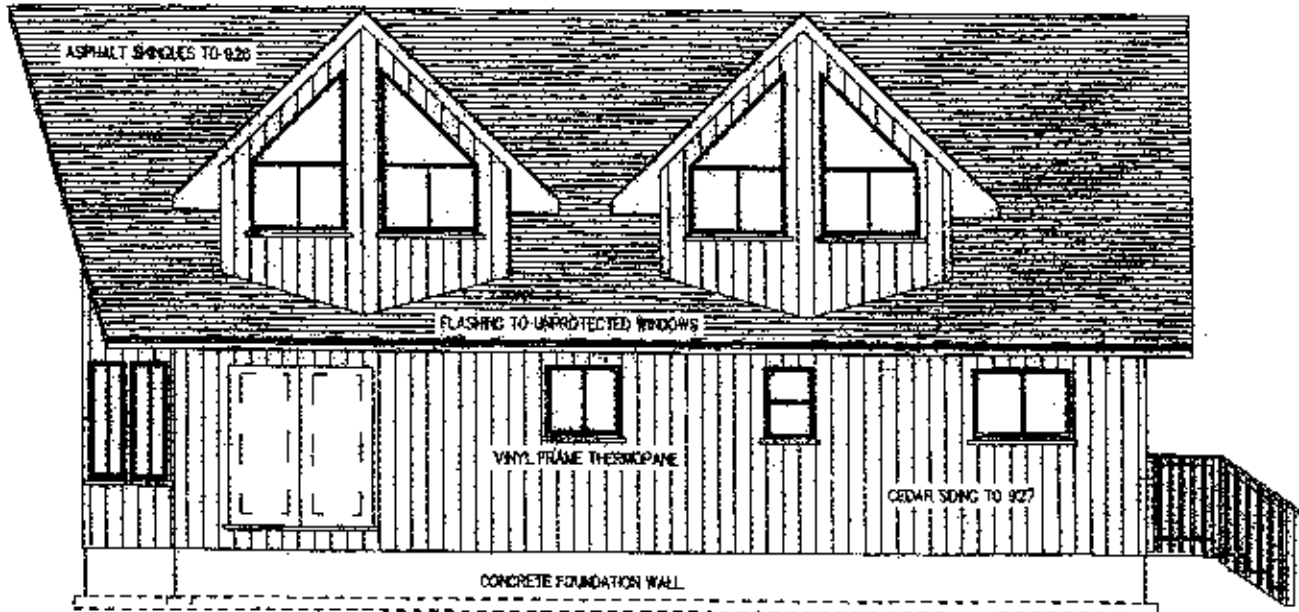


FRONT ELEVATION

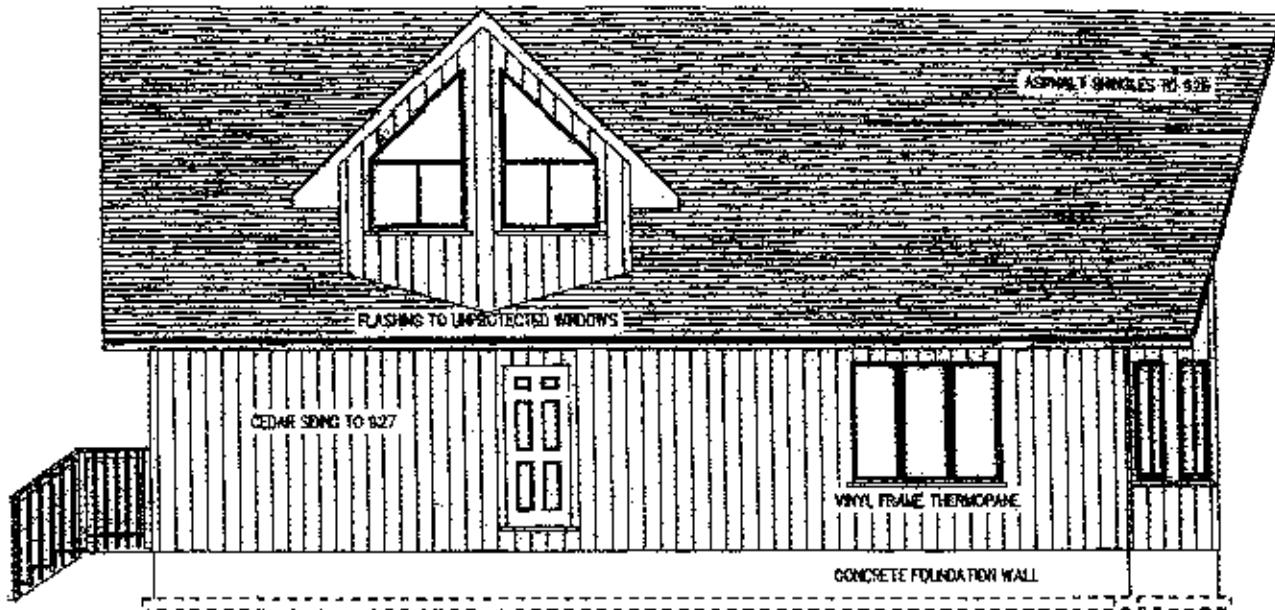


REAR ELEVATION

Schedule No. 2 (Page 2 of 2)
Building profile (As submitted by Applicants)
Development Permit No. 60355



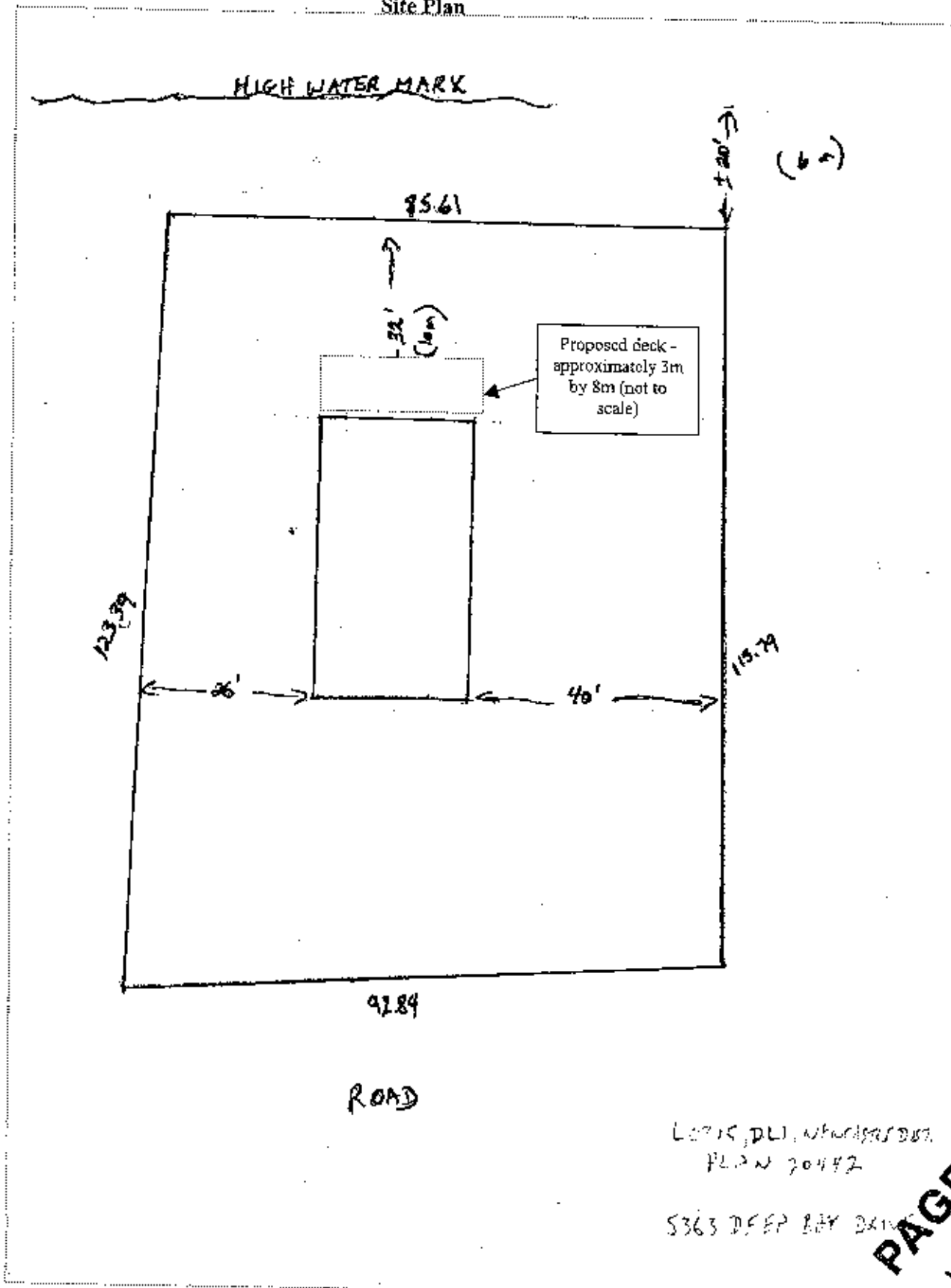
RIGHT ELEVATION



LEFT ELEVATION

PAGE
1A

Schedule No. 2
Site Plan

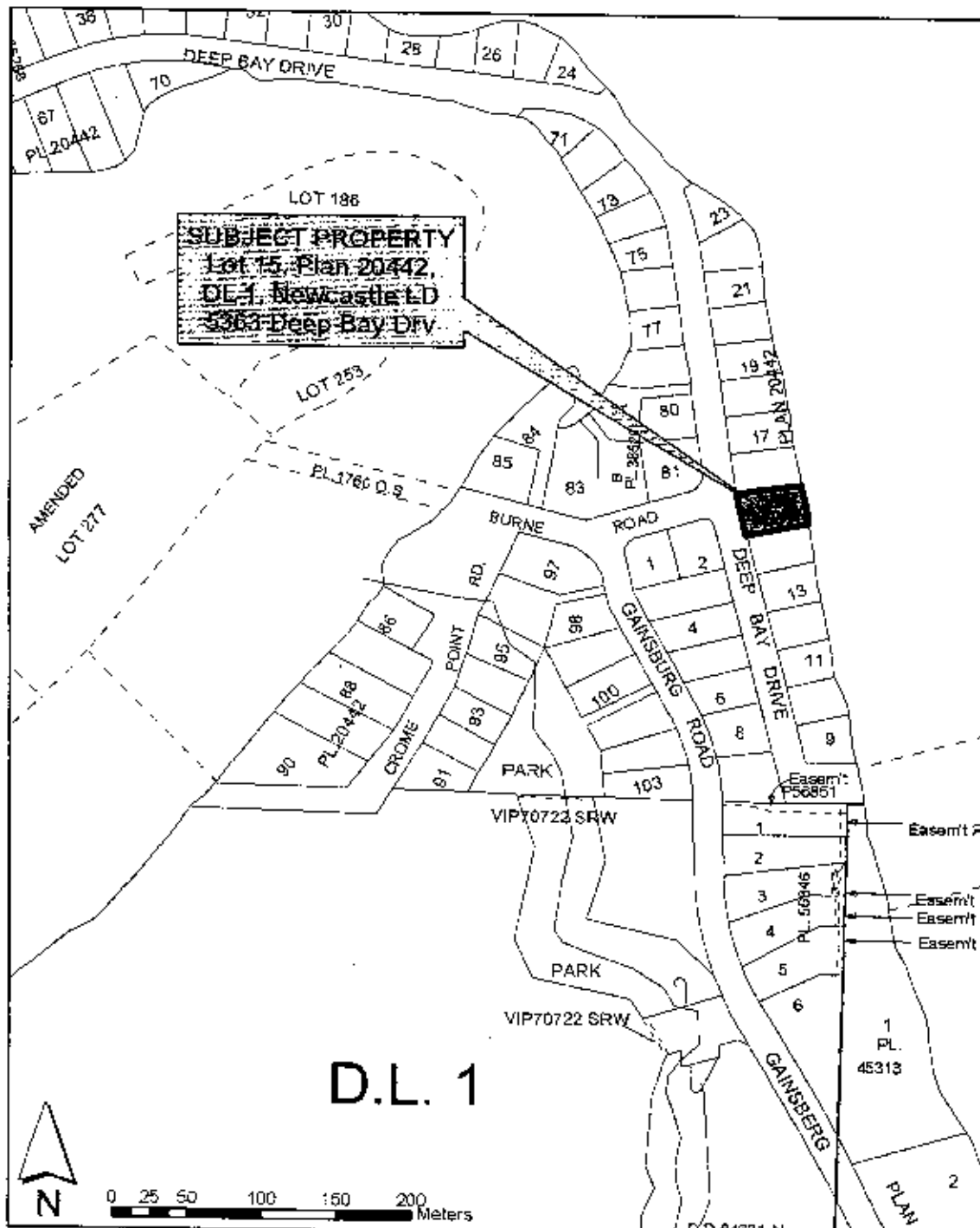


LOUIS, D.L., ARCHITECTS INC.
PLAN 20442

5363 DEEP BAY DRIVE

PAGE 8

Attachment No. 1
Subject Property
Development Permit No. 60347





REGIONAL DISTRICT OF NANAIMO		
NOV 14 2003		
CHAIR		GMCrs
CAC		GMDS
DEPS		GMES

MEMORANDUM

TO: Pamela Shaw
General Manager of Development Services

DATE: November 14, 2003

FROM: Susan Cormie
Senior Planner

FILE: 3060 30 60356

SUBJECT: Development Permit Application No. 60356 – Nanaimo Mini Storage (Soderstrom) Electoral Area, 'A' – 2180 South Wellington Road

PURPOSE

To consider an application for a development permit to recognize the recently constructed retaining wall on a parcel designated within the South Wellington Development Permit Area.

BACKGROUND

The subject property, which is 1.87 ha in size and legally described as That Part of Lot 3, Sections 11 & 12, Range 7, Cranberry District, Plan 3153, Lying Within Said Section 11, Except That Part in Plan 11018 and Plan 3372 RW in Electoral Area 'A' (See Attachment 1 for location). The property is currently split zoned Industrial 1 (IN1) and Residential 2 (RS2) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicant recently obtained a development permit to expand the existing mini storage use. As part of this expansion, a new retaining wall was constructed along the south property line, which was not included in the approval for the previous development permit.

Pursuant to the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001", the subject property is designated within the South Wellington Development Permit Area (DPA). As the applicant has constructed a retaining wall within the development permit area, a development permit is required to be in place in order to recognize the new retaining wall (Schedule No. 3 for proposal).

There are currently two residences on the property, one being utilized as the caretaker residence and office for the mini storage operations (C & D on the attached site plan) and the other being a mobile home (E on site plan) with an established landscaped yard by the long term tenants. This latter mobile has been recognized as legal non-conforming and both the tenants and owner (via the agent), have indicated a desire for it to remain on the property.

The industrial portion of the subject property is bordered by the residential portion of the property to the north, the Trans Canada Highway to the east; a Ministry of Transportation public walkway to the south, and South Wellington Road to the west. The retaining wall is situated along the south property line adjacent to the public walkway.

The parcel is currently serviced by a individual private well and septic disposal system.

The subject property is located within a building inspection area. It is noted that a development permit application must be approved prior to a building permit being issued for the retaining wall.

As a portion of the retaining wall is greater than 1.0 metre in height (2.13 metres at the highest portion) and is located adjacent to a portion of the lot line adjacent to a residentially zoned parcel, a variance with respect to minimum setback requirement from this lot line has been requested as part of this application (see Schedule No. 2 for proposed variance).

ALTERNATIVES

1. To approve the requested development permit subject to the conditions outlined in Schedule Nos. 1, 2, and 3.
2. To deny the development permit application as requested.

DEVELOPMENT IMPLICATIONS

Official Community Plan / Environmentally Sensitive Areas Implications

The Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 (OCP) designates a watercourse starting at the edge of the subject property and crossing the adjacent highway right-of-way and adjacent property. As a result, the OCP designates the watercourse as within Development Permit Area No. 5. However, the requirements of this development permit area do not come into effect until December 11, 2003. It is staff's understanding that this is a drainage easement for the Ministry of Transportation. As the applicant has indicated he wishes to begin the zoning amendment process for the balance of the subject parcel, and as Development Permit Area No. 5 will be effective at that time, the status of this stream / drainage easement will be investigated and confirmed at that time.

Zoning and Land Use Implications:

In addition to the building inspection infraction with respect to the retaining wall, there are some outstanding land use bylaw issues on the subject property. While some of these issues (such as signage) are being dealt with under Development Permit No. 0010, the applicant, at that time, requested that the other outstanding land use issues be held in abeyance until a zoning amendment application could be considered. With the recent changes to the Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 as a result of the adoption of the new Regional Growth Strategy, the applicant is now in a position to apply for a zoning amendment to rezone the balance of the property to an industrial zone without an amendment to the OCP. The applicant is currently in the process of purchasing a portion of South Wellington Road from the Ministry of Transportation. Following the completion of this purchase, the applicant wishes to apply for a zoning amendment to rezone the balance of the property to an industrial use. As a result, outstanding bylaw contravention issues can be dealt with through the amendment process.

Building Inspection Implications

With the approval of this permit, a building permit may be issued. It is noted that the applicant has applied for a building permit and as part of the submitted information for the building permit, has submitted a report from a professional engineer certifying the retaining wall construction is adequate for its intended use provided the toe side is backfilled.

Ministry of Transportation Implications

Due to the applicant's engineer requiring the toe side of the wall to be backfilled (next to the Ministry right-of-way), the Ministry of Transportation will have to approve this construction. The applicant has submitted an application to construct within a highway right-of-way to the Ministry.

Environmentally Sensitive Areas (ESA) Atlas

There are no environmentally sensitive areas shown within the subject property.

VOTING

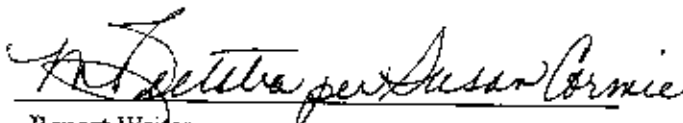
Electoral Area Directors – one vote, except Electoral Area 'B'.

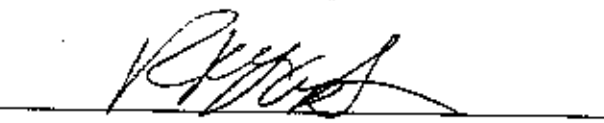
SUMMARY

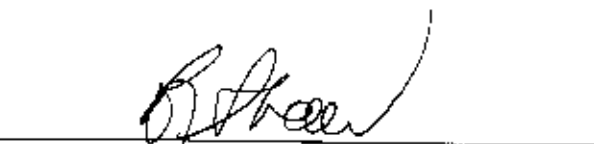
This is a development permit application with a variance to recognize an existing retaining wall located on property which is designated within the South Wellington Development Permit Area pursuant to the Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001. The retaining wall was built without either a development permit or building permit in place. The applicant has now applied for a building permit and submitted an engineer's report certifying the retaining wall is adequate subject to some back filling of the toe side. Due to the location of the wall next to Ministry of Transportation right-of-way, the Ministry must approve the proposed works dealing with the backfilling of the wall and drainage. The Ministry is aware of the situation and the applicant has applied for a permit to construct works within a right-of-way. As the applicant is in concurrence with the conditions outlined in Schedules No. 1, 2 and 3 of this staff report, staff support Alternative No. 1 to approve the development permit to recognize the existing retaining wall with variance subject to the notification procedures of the *Local Government Act*.


RECOMMENDATION

That Development Permit Application No. 60356 submitted by Nanaimo Mini Storage, to recognize an existing retaining wall within the South Wellington Development Permit Area No. 1 on the property legally described as Lot 3, District, Plan, be approved, subject to the conditions outlined in Schedules No. 1, 2, and 3 of the corresponding staff report and the notification requirements pursuant to the *Local Government Act*.


Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

COMMENTS:

devsvs/reports/2003/dp no 3060 30 60356 nanaimo mini storage

**Schedule No. 1
Conditions of Approval
Development Permit No. 60356**

**That Part of Lot 3, Sections 11 & 12, Range 7, Cranberry District, Plan 3153, Lying Within Said
Section 11, Except That Part in Plan 11018 and Plan 3372 RW**

The following sets out the conditions of approval:

1. Applicant to receive approval from the Ministry of Transportation to construct works within the Ministry right-of-way with respect to the back filling of the toe side of the retaining wall.
2. Applicant to provide certification from a professional engineer that the back filling of the toe side of the retaining wall has been completed and is built to acceptable engineering standards.
3. Applicant to obtain a building permit for the retaining wall.

**Schedule No. 2
Proposed Variance to Bylaw No. 500, 1987
Development Permit No. 60356**

**That Part of Lot 3, Sections 11 & 12, Range 7, Cranberry District, Plan 3153, Lying Within Said
Section 11, Except That Part in Plan 11018 and Plan 3372 RW**

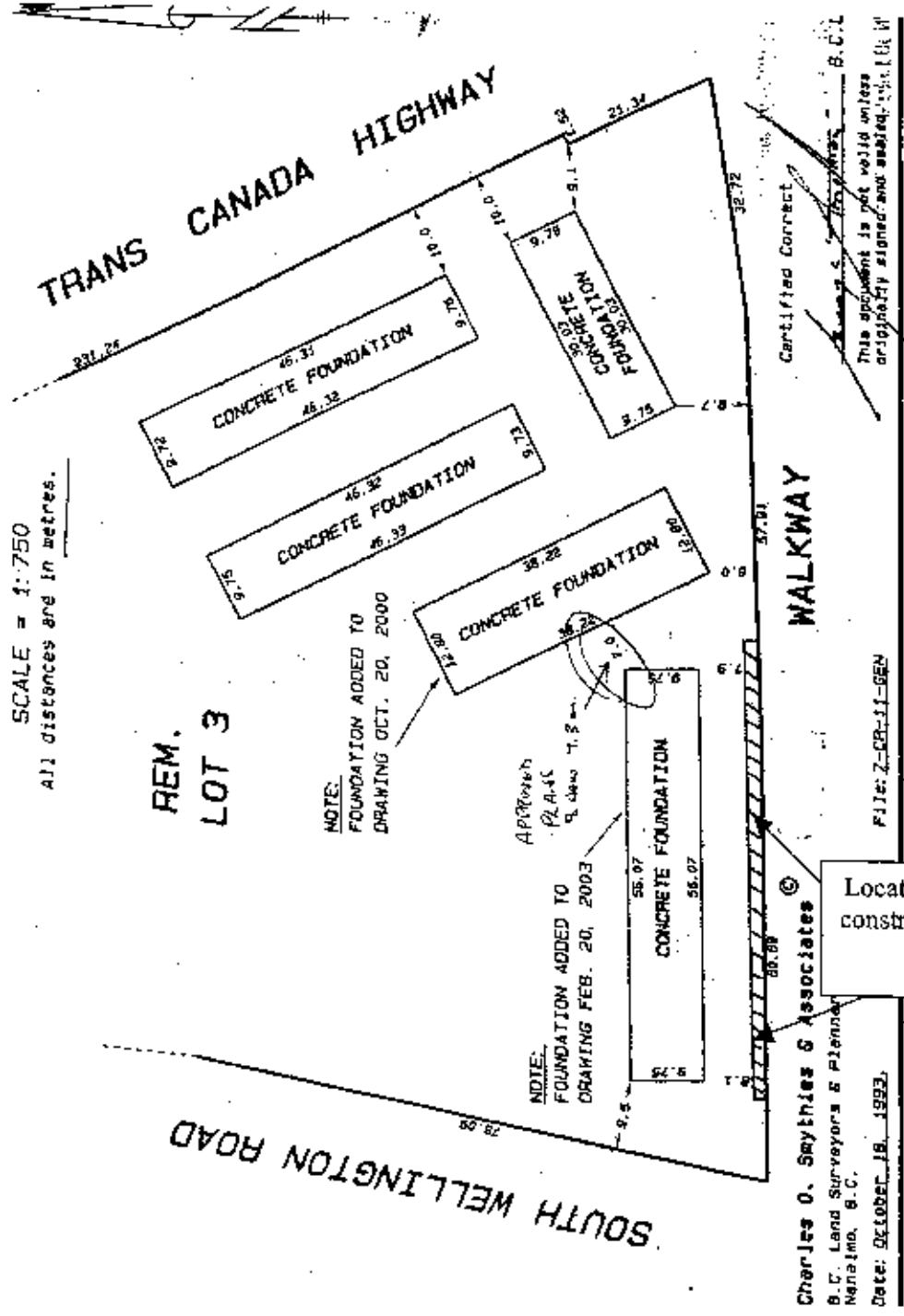
With respect to the lands, the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, the following variances are proposed:

- t. Section 3.4.31 - The minimum setback requirement from a lot line adjacent to a parcel zoned other than industrial or commercial (in this case, a residential zone) is proposed to be varied from 5.0 metres to 0.0 metres to recognize the existing retaining wall.

Schedule No. 3
Site Plan
(as submitted by applicant / reduced for convenience)
Development Permit No. 60353

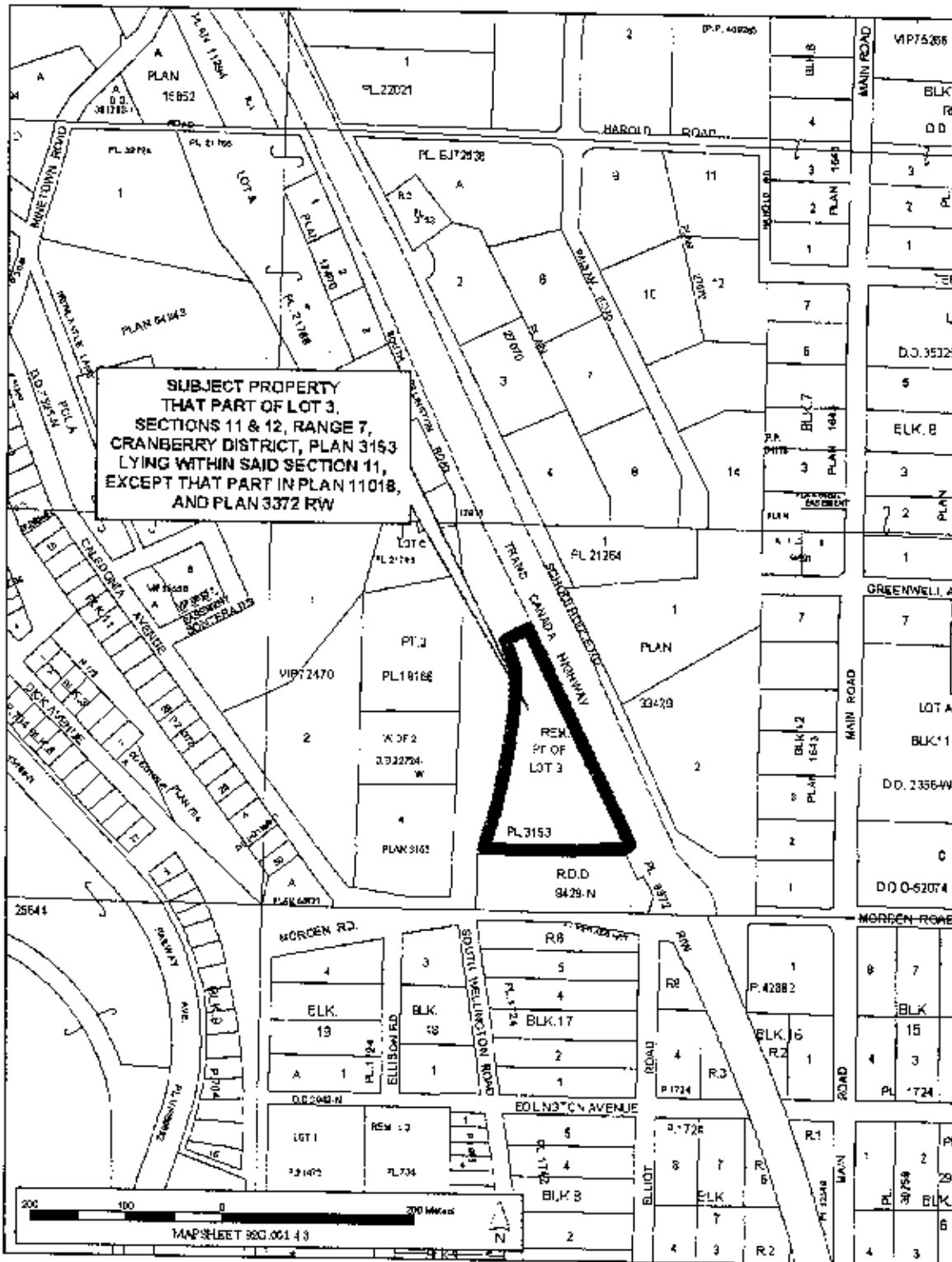
That Part of Lot 3, Sections 11 & 12, Range 7, Cranberry District, Plan 3153, Lying Within Said Section 11, Except That Part in Plan 11018 and Plan 3372 RW

B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION
OF FOUNDATIONS ON PART OF THE REMAINDER OF LOT 3,
PLAN 3153, SECTION 11, RANGE 7, CRANBERRY DISTRICT.



Charles O. Smythies & Associates ©
B.C. Land Surveyors & Planners
Nanaimo, B.C.
Date: October 18, 1993.
Location of recently constructed retaining wall
File: Z-CR-11-652

Attachment No. 1
Location of Subject Property





REGIONAL DISTRICT OF NANAIMO			
NOV 17 2003			
CHAIR		GMCrS	
CAO		GMDS	
GMCms		GMES	
		EAP	✓

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

DATE: November 14, 2003

FROM: Susan Cormie
Senior Planner

FILE: 3320 30 25143

SUBJECT: Request for Relaxation of the Minimum 10% Frontage Requirement
Applicant: Englishman River Land Corporation (Block 564)
Electoral Area 'G', Kaye Road

PURPOSE

To consider a request to relax the minimum 10% perimeter frontage requirement for 7 proposed parcels as part of a 158-lot subdivision proposal.

BACKGROUND

The applicant has requested the minimum 10% perimeter frontage requirement be relaxed for 7 of the proposed parcels as part of a 158-lot subdivision proposal for the property legally described as Lot A, Block 564, Nanoose District, Plan VIP75278 and located off Kaye Road within the Electoral Area 'G' (see Attachment No. 1 for location).

The subject property is currently zoned Comprehensive Development 14 (CD14) pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The applicant is proposing to subdivide the parent parcels into 158 parcels, which will be greater than the 1.0 ha minimum parcel size, therefore, meeting the minimum parcel size requirement (see Attachment No. 2 for proposed subdivision). The parcels are proposed to be served by community water service and individual private septic disposal systems.

The Electoral Area Planning Committee will recall that the parent parcel was rezoned in June of this year (Amendment Bylaw No. 500.291) to allow for the subdivision development. As part of the development proposal, a number of development covenants were secured. These covenants involve securing access to the Englishman River Valley, the provision of a community water system and a storm water management system, restrictions on the construction and maintenance of septic disposal systems, protection of steep slopes from development by a geotechnical covenant, which includes an indemnity clause, vegetation retention and enhancement areas as well as placing restrictions on land uses and setbacks to watercourses.

To date, the applicant is working with the Regional District to meet the conditions of these covenants and other requirements of subdivision.

Proposed Minimum 10% Frontage Relaxation Request

Proposed Parcels 15 - ALR, 12, 13, 14, 15, 29, and 30, as shown on the plan of subdivision submitted by the applicant, do not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontages on these proposed parcels are as follows:

Proposed Lot No.	Required Frontage	Proposed Frontage	% of Perimeter
15 - ALR	126.2 m	12.055 m	0.96 %
12	55.05 m	36.504 m	6.6%
13	64.80 m	26.328 m	4.1 %
14	60.87 m	32.959 m	5.4 %
15	46.78 m	25.62 m	5.5 %
29	45.650 m	22.171 m	4.9%
30	58.532 m	21.587	3.7%

Therefore, as these proposed parcels do not meet the minimum 10% parcel frontage requirement, approval of the Regional Board of Directors is required.

ALTERNATIVES

1. To approve the request for the relaxation of the minimum 10% frontage requirement for proposed Lots 15 - ALR, 12, 13, 14, 15, 29, and 30.
2. To deny relaxation of the minimum 10% frontage requirement.

DEVELOPMENT IMPLICATIONS

The requested relaxation for Proposed Lots 12, 13, 14, 15, 29, and 30 are necessary as these parcels are proposed to be created on cul-de-sac roads where traditionally the minimum frontage requirements are difficult to achieve. These proposed cul-de-sac parcels, despite the narrower frontages, would still be able to support the intended residential uses as permitted under the CD14 zone.

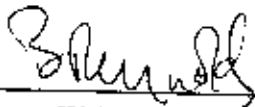
Lot 15 - ALR is proposed to be accessed by way of a panhandle. This portion of the parent property is located within the Provincial Agricultural Land Reserve (ALR) and therefore, must be created as one parcel. Due to the location of Kaye Road, which does not directly front proposed Lot 15 - ALR, and as the Ministry of Transportation does not want a dedicated road to this parcel, the most efficient way to provide access to the proposed parcel is by panhandle. The proposed width of the panhandle (12.055 metres) meets the minimum width provision pursuant to Bylaw No. 500, 1987.

ENVIRONMENTAL IMPLICATIONS


Though the OCP/zoning amendment process, the applicants transferred the Englishman River Valley to The Nature Trust. In addition, as part of the subdivision process and secured by covenant, the applicants are dedicating park land, which will provide environmental protection to the portion of the Craig Creek corridor which crosses the parent parcel as well as an unnamed wetland. Therefore, the environmentally sensitive areas of the site will be protected.

RECOMMENDATIONS

1. That the staff report recommending proposed amendments to Bylaw No. 1285 be received.
2. That staff be directed to prepare to prepare an amendment to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285, 2003 for consideration by the Board at the December 9, 2003 meeting that:
 - Includes housekeeping amendments;
 - Recognizes the 42 requests in Table No. 1;
 - Recognizes those requests in Table No.2 providing supporting documentation is received prior to consideration of the Board; and
 - Recognizes those requests of the 39 in Table No. 2 for additional dwellings where their construction predates Ministry of Health records providing they submit an acceptable septic system inspection and proof of dwelling unit age.
3. That staff report back to Board on the site-specific zoning requests on ALR land.



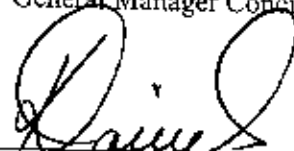
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

VOTING

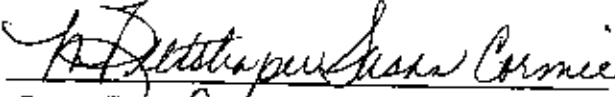
Electoral Area Directors - one vote, except Electoral Area 'B'.

SUMMARY

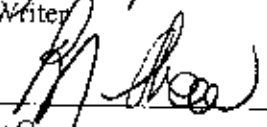
This is a request to relax the minimum 10% perimeter frontage requirement for 7 proposed parcels as part of a 158-lot subdivision proposal. The parent parcel was rezoned in June of this year (Amendment Bylaw No. 500.291) to allow for the subdivision development at which time development covenants, including the provision of community water, park land dedication, and protection of environmentally sensitive features were secured. The Ministry of Transportation staff has indicated the Ministry has no objection to the request for the proposed minimum 10% perimeter frontage relaxation for these proposed parcels. Therefore, as the reduced frontages will not negatively affect the intended uses of these future parcels, staff recommends Alternative No. 1 to approve the relaxation of the minimum 10% perimeter frontage for proposed Lots 15 - ALR, 12, 13, 14, 15, 29, and 30.

RECOMMENDATION

That the request, submitted by Brent Kapler on behalf of Englishman River Land Corporation to relax the minimum 10% frontage requirement for proposed Lots 15 - ALR, 12, 13, 14, 15, 29, and 30 of the proposed subdivision of the Lot A, Block 564, Nanoose District, Plan VIP75278 as shown on the plan of subdivision be approved.



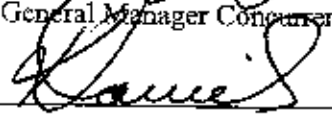
Report Writer



Manager Concurrence



General Manager Concurrence

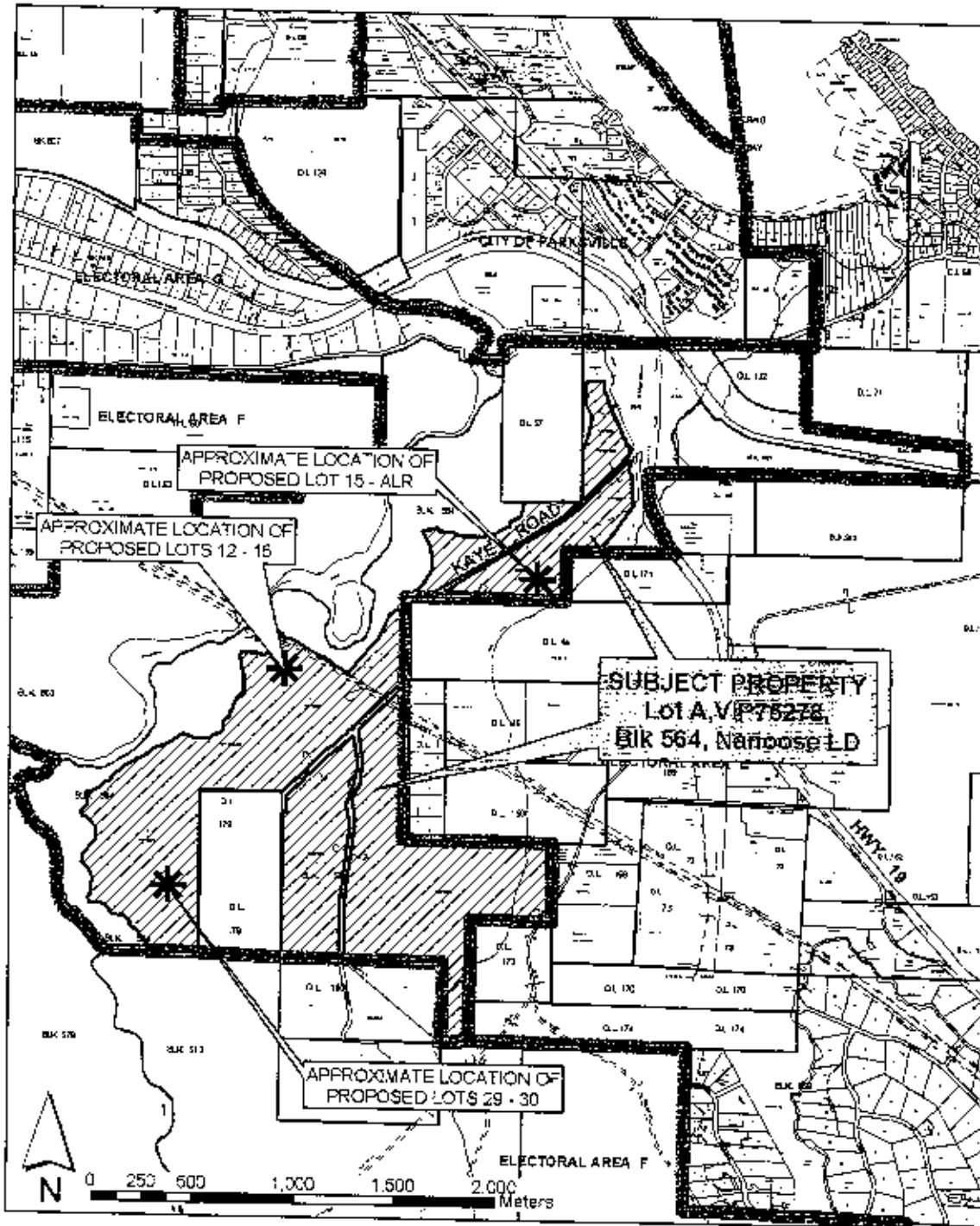


CAO Concurrence

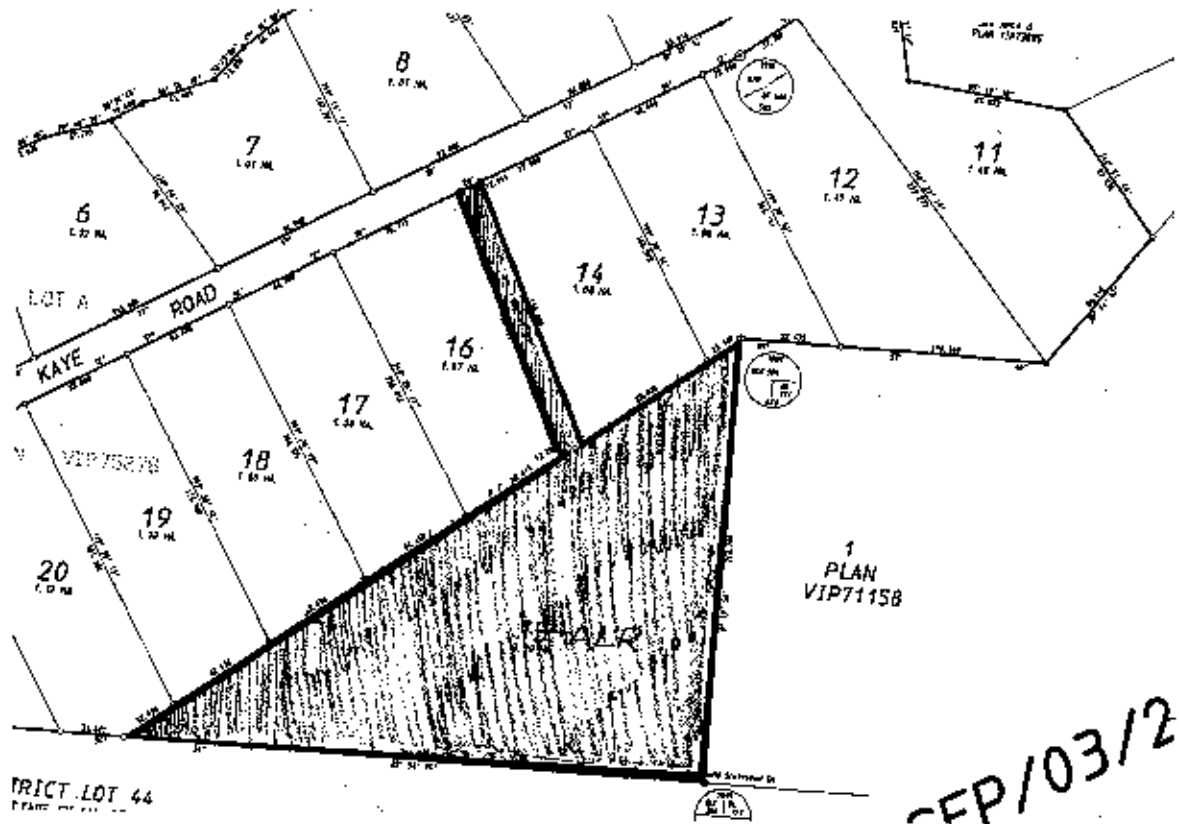
COMMENTS:

devsvs/report/2003/se 3320 30 25120 block 564.doc

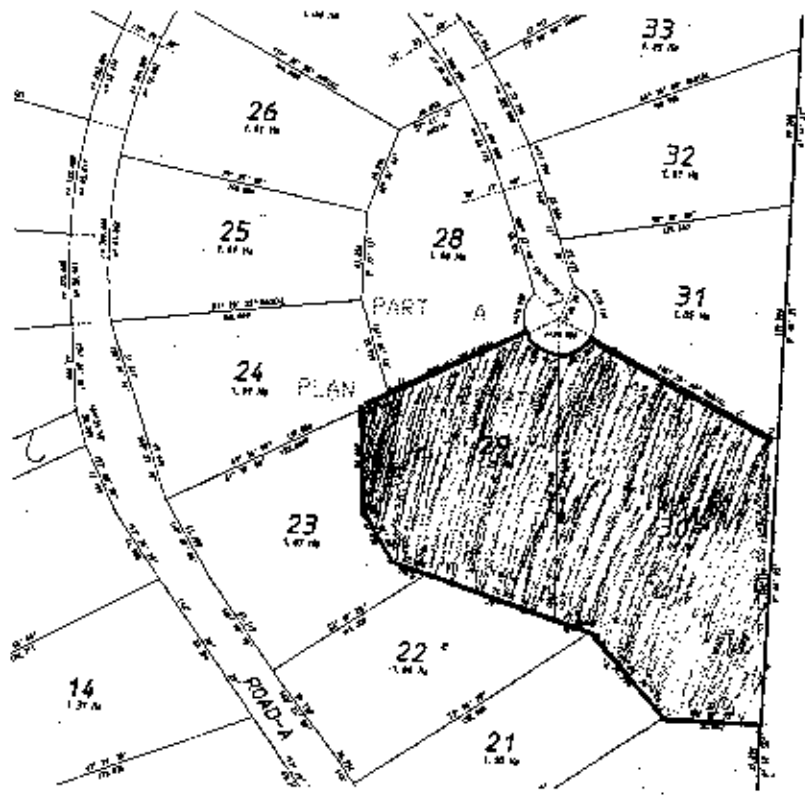
ATTACHMENT NO. 1
SUBJECT PROPERTY LOCATION



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



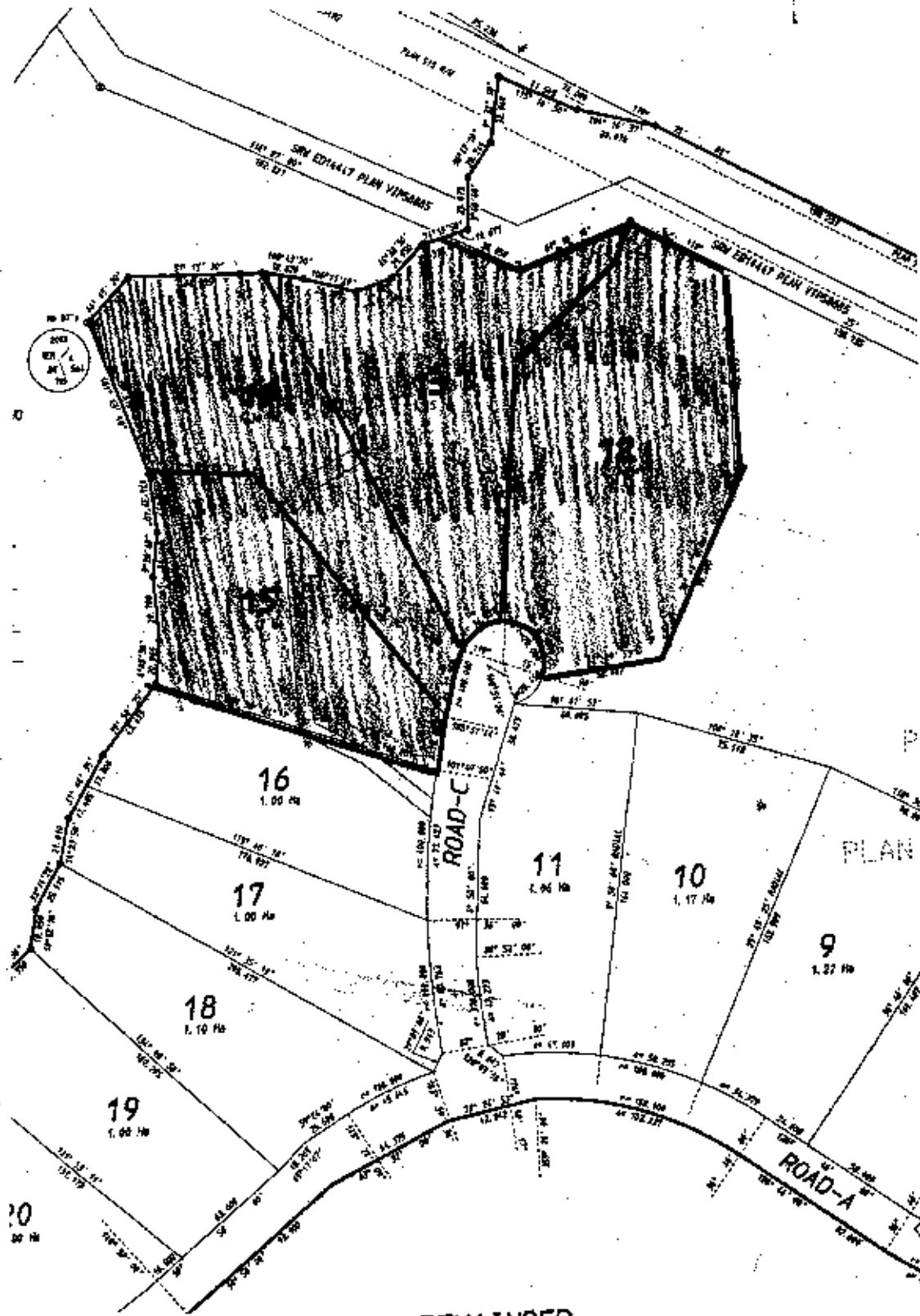
EP/03/2



D'

DISTRICT LOT 178

ATTACHMENT NO. 2 cont'd
PROPOSED SUBDIVISION
(as submitted by applicant)



REGIONAL DISTRICT OF NANAIMO	
NOV 17 2003	
CHAIR	GMCrs
CAO	GMDS
GMCMS	GMES
EAP ✓	
DATE:	
FILE:	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

FROM: Brigid Reynolds
Senior Planner

SUBJECT: Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2000
'Finetuning' Project

DATE: November 14, 2003

FILE: 3360 30 0307

PURPOSE

To receive a summary of proposed amendments to the 'Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2000' and, further, to refer the proposed amendment bylaw to the December 9, 2003 Board meeting.

BACKGROUND

In June 2003, the Board approved the Terms of Reference and Public Consultation Strategy for the 'Finetuning' of Bylaw No. 1285. As the Board may recall, at the time of adoption of Bylaw No. 1285, the Board made the commitment to revisit the Bylaw to ensure that the Bylaw zoned existing uses (as of date of the adoption of the Bylaw) as conforming, to the fullest extent that was reasonable and possible, subject to the criteria contained in the Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999. These criteria are:

1. Is there an adequate and approved means of sewage disposal?
2. Is the use legally sited and conforming to the requirements of the jurisdictions that have authority over the lands or use addressed?
3. Is the use compatible with the surrounding properties and the character of the area?
4. Does the use have a negative impact on groundwater, surface water or the natural environment?

The Bylaw was compiled by recognizing existing uses on individual parcels (as declared by property owners and inventoried by staff) and it was anticipated at that time that there would be landowners did not participate in the process or that the uses on some properties could be inadvertently overlooked. This 'finetuning' exercise attempts to capture these missed uses to avoid creating non-conforming land uses wherever possible and to recognize all existing uses. The four criteria as outlined in the OCP have been used to assess individual requests for site-specific zoning as part of the finetuning exercise.

Over the summer of 2003, three newsletters were directly mailed to all property owners within Electoral Area 'F'. In addition, a site office was open for two weeks. As a result, the RDN received a total of 125 requests to be included in this review process. Of these requests:

- 42 requests appear to meet the criteria and have documentation to support their request (Table No. 1);
- 39 requests are in progress and the RDN is anticipating that additional information will be submitted to support these requests (Table No. 2);

- 23 requests do not meet the four criteria and should therefore not be included in this process (Table No. 3); and
- 21 requests are for properties located within the Agricultural Land Reserve and require permission from the Agricultural Land Commission prior to the RDN considering any amendments to Bylaw No. 1285 to recognize any site specific zoning (Table No. 4).

These requests are summarized in *Attachment No. 1, Table Nos. 1 to 4.*

Additionally, this 'finetuning' exercise includes some housekeeping amendments to Bylaw No. 1285. These amendments can be divided into three categories:

- correcting terms that have changed since adoption, new legislative definitions, and the correction of typing errors;
- changes to improve the readability of the document; and
- formatting changes resulting from the addition of new site-specific zones.

These amendments are summarized in *Attachment No. 2.*

ALTERNATIVES

1. To receive the staff report and prepare an amendment to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285, 2003 that would include housekeeping amendments and recognize the 42 requests in Table No. 1 as well as all of the 39 requests in Table No. 2 that are able to bring forward documentation to support their requests prior to the Board meeting.
2. To receive the staff report and prepare an amendment to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285, 2003 that would include the requests as outlined in Alternative No. 1 but also include those requests of the 39 in Table No. 2 for additional dwellings where their construction predates Ministry of Health records providing they submit an acceptable septic system inspection and proof of dwelling unit age.
3. To receive the staff report and not proceed with the Bylaw.

LAND USE AND DEVELOPMENT IMPLICATIONS

Site Specific Issues

The majority of amendments to the Zoning Bylaw are requests for site-specific zoning to recognize existing uses on individual properties. There have been a total of 125 requests for site-specific zoning. These requests are summarized in *Attachment No. 1, Table Nos. 1 to 4.*

Table No. 1 outlines 42 requests that meet the criteria and have documentation supporting their request and include:

- 16 request recognition of additional dwelling units;
- 5 are for 'non-farm' uses within the ALR that have received approval from the ALC;
- 5 are existing businesses that exceed the home based business provisions;

- 6 are corrections to the existing zone for the subject properties;
- 3 request recognition of an existing farm use on non-agriculturally zoned property;
- 2 request recognition for subdivisions that were completed within one year of adoption of Bylaw No. 1285, pursuant to the *Local Government Act*;
- 2 requests to switch the zoning on 2 lots in a subdivision from C-1 to R-1 and v.v. (this request involves 2 properties and are therefore counted twice);
- 1 request to downzone from Commercial to Residential use;
- 1 request for clarification of existing use; and
- 1 request for an existing kennel within an R-2 zone.

Table No. 2 outlines 39 requests that are in progress and the RDN is waiting for additional information. Staff has been contacting property owners on this list encouraging them to submit supporting documentation. In some cases, property owners require permits that take time to process. These requests are summarized below.

- 34 are requesting recognition of multiple dwelling units:
- 3 (or potentially more) predate MOH records. Staff recommend that these property owners must prove the date of construction for their dwelling units and provide a recent inspection of the septic system;
- 5 have received MOH septic permits for some but not all of the dwelling units. Staff recommends that only the dwelling units that have health approval shall be approved. The rest of the dwelling units shall remain non-conforming; and
- 5 also have other uses;
- 9 are requesting recognition of other uses;
- 5 are pre-existing businesses that exceed the home based business provisions;
- 3 are for pre-existing use including tourist accommodation, strata office, dog breeding, cat kennel and industrial strata development; and
- 1 request for a pre-existing use on a lot that has been excluded from the ALR. Removal of excessive signage is proposed to be a condition of the site-specific zoning amendment.

In order for these requests to be considered as part of this Bylaw amendment process all supporting documentation must be received by the RDN prior to consideration of an amendment bylaw by the Board. If the documentation has not been received by the date the Board introduces the amendment bylaw these requests cannot be considered as part of this process. These property owners are being telephoned directly and advised of the deadline.

Table No. 3 outlines 23 requests that do not meet the four criteria and should therefore not be included in this process.

- 10 request zoning for uses that did not pre-exist the adoption of Bylaw No. 1285;
- 7 request that the minimum parcel size be reduced to facilitate future subdivision;
- 2 of which received their preliminary layout approval (PLA) from the Ministry of Transportation but the subdivision did not receive final approval within 1 year from the date of adoption.

PAGE
31

Bylaw No. 1285 as per the *Local Government Act*. One was delayed due to an appeal of the on site septic system permit and the other due to family health problems. One requests that they be able to undertake a phased Building Strata on C-3 property in the Church Road Rural Separation Area.

- 1 request uses that are permitted in the Bylaw;
- 2 request to be removed from the process and appear to have illegal uses on the property;
- 1 does not have a septic permit for the use; and
- 1 request to be excluded from the ALR but this is the ALC's responsibility.

In the cases where the use did not exist prior to the adoption of Bylaw No. 1285, or the request is for reduced parcel size to facilitate subdivision, a property owner would be required to submit a specific zoning amendment application providing the request is consistent with the OCP and other bylaws.

Table No. 4 outlines 21 requests that require permission from the Agricultural Land Commission and are as follows:

- 9 have two dwelling units, one of which is not a mobile home. One of these is a duplex;
- 5 have more than two dwelling units; and
- 7 have other uses, for example, wrecking yard, towing company, and gravel extraction.

General Issues

In addition to the site-specific zone requests outlined above, staff are recommending some general housekeeping amendments to the Bylaw. These amendments are not substantive and do not affect the permitted uses (except as outlined below), siting, regulations, and subdivision standards set out in the Bylaw. These general housekeeping amendments can be divided into three categories:

- corrections for terms that have changed since adoption, legislative definitions, or typos;
- improving readability;
- changes to the format resulting from adding new site specific zones; and
- minor changes to permitted uses on ALR land and I-1 and I-2 zoned properties and to prohibited uses in the plan area.

These amendments are outlined in *Attachment No. 2* and are summarized below.

The corrections include:

- correcting references to the Agricultural Land Commission;
- removing references to the Forest Land Reserve;
- reorganizing the order of the zones to alphabetical order;
- ensuring consistency with other legislation; and
- correcting numbered references.

Three changes to 'uses' in the proposed amendment Bylaw:

- lands within the ALR are proposed to have a wider range of 'Permitted Principal Uses' to reflect changes to the *Agricultural Land Reserve Use, Subdivision and Procedures Regulation* except where they are specifically prohibited or regulated in the proposed amendment Bylaw No. 1285.

Some uses permitted by the Provincial Regulations are prohibited in this Bylaw. These prohibited uses reflect what was previously prohibited in Bylaw No. 1285.

- 'water bottling facility' has been included as a prohibited use due to the communities concern for ensuring future potable water supplies.
- 'mini-storage' has been included to I-1 and I-2 zones as this use exists on these lots and this use is consistent with warehousing that is also a permitted use in these zones.

The definition for 'Transfer Station' is proposed to be modified such that a facility can only be owned and operated on or behalf of a local government. This is to prohibit privately owned and operated facilities.

PUBLIC CONSULTATION IMPLICATIONS

Three newsletters were mailed directly to all property owners in Electoral Area 'F' between June and September 2003 informing property owners of the Bylaw review. A site office was also open at the Pine Tree Centre for two weeks from September 22 to October 3, 2003. As a result, 125 requests for site-specific zoning have been received. In addition to site specific zoning requests there were numerous inquiries by property owners about the Bylaw review process and confirming zoning for their property.

To ensure property owners submit supporting documents, staff has contacted property owners by mail and phone advising them that additional information is still required. All property owners with outstanding information will be contacted stating all supporting documentation must be received prior to the December 9, 2003 Board meeting in order for their request to be considered.

A Public Hearing will be held pursuant to the *Local Government Act* and has been scheduled for Wednesday January 7, 2004 at the Bradley Centre at 7 pm. A second Public Hearing will need to be held in the spring of 2004 when the requests requiring approvals from the ALC (*Attachment No. 1, Table No. 4*) have received their position from the ALC. Property owners who have made requests for site specific zoning will be directly informed of the Public Hearing, as will all property owners in Electoral Area 'F'.

LEGAL IMPLICATIONS

Bylaw No. 1285 as a regulatory bylaw establishes permitted uses, site, regulations, and subdivision standards for individual lots. Despite the adoption of Bylaw No. 1285 and the public consultation process that has been undertaken as part of this 'finetuning' exercise, some existing uses will remain non-conforming. These will remain non-conforming because they are not consistent with the Regional Growth Management Plan or the Official Community Plan. Additionally, property owners may have chosen not to participate in this 'finetuning' exercise even if the use pre-existed the adoption of Bylaw No. 1285 and met the four criteria.

In some cases, if the use required approval from senior agencies, for example, Ministry of Health permits for on-site septic systems or Agricultural Land Commission (ALC) approval for a non-farm use, and no approval was received, these uses are considered to be illegal non-conforming. These property owners may be concerned that some form of enforcement action may be taken against them. However, in the future, if complaints are received from adjacent property owners that the use has caused problems for adjacent properties, it may be necessary to begin enforcement action or for the owner to consider obtaining necessary approvals and to request rezoning.

INTER-GOVERNMENTAL IMPLICATIONS

There are 21 requests that require permission from the Agricultural Land Commission prior to the RDN approving site specific zoning (*see Attachment No. 1, Table No.4*). RDN Staff have provided the ALC with a summary of these request and has also requested that the Land Commission consider these preliminary requests and provide comments and a possible position with regards to second dwelling units that are not mobile homes, multiple dwelling units, and other uses. If the ALC provides a favourable position, individual applications will still need to be made directly to the ALC. Should the ALC be willing to recognize any of these requests, the RDN will still require health permits for any additional dwelling units and any other necessary permits or approvals prior to considering the site specific zoning request. Therefore, the requests in *Attachment No. 1, Table No. 4* must be held in abeyance until a position has been received from the ALC and individual applications are made to the ALC.

VOTING

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

SUMMARY

When Bylaw No. 1285 was adopted in June 2002, the Board made the commitment to revisit the Bylaw within one year from the date of adoption to ensure that the Bylaw zoned existing uses (as of date of the adoption of the Bylaw) as conforming. The Board approved the finetuning public consultation strategy in June 2003. As a result of the public consultation initiatives 125 requests were made to the RDN for site-specific zoning.

Of the 125 requests: 42 meet the criteria (*Table No. 1*); 39 require additional information that must be submitted prior to consideration of the amendment bylaw by the Board (*Table No. 2*); 23 do not meet the criteria (*Table No. 3*); and 21 require approval from the ALC prior to the RDN considering any amendment (*Table No. 4*).

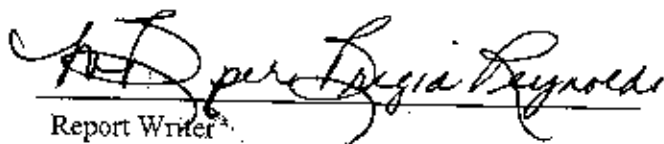
General housekeeping amendments to the Bylaw are also proposed. These proposed amendments are not substantive and do not affect siting, regulations, and subdivision standards set out in the Bylaw. Uses are have been expanded for properties within the ALR to permit new 'Permitted Principal Uses' as set out in the ALR Regulations with some prohibitions, mini-storage is added to I-1 and I-2 properties, and water bottling facility is prohibited, and the definition of transfer station is amended.

Staff recommends Alternative No. 2 to prepare an amendment to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285, 2003 that:

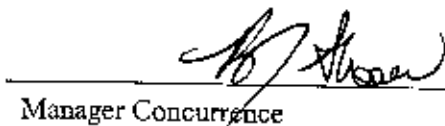
- Includes housekeeping amendments;
- Recognizes the 42 requests in Table No. 1;
- Recognizes those requests in Table No.2 providing supporting documentation is received prior to consideration of the Board; and
- Recognizes those requests of the 39 in Table No. 2 for additional dwellings where their construction predates Ministry of Health records providing they submit an acceptable septic system inspection and proof of dwelling unit age.

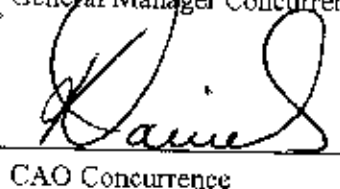
RECOMMENDATIONS

1. That the staff report recommending proposed amendments to Bylaw No. 1285 be received.
2. That staff be directed to prepare an amendment to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285, 2003 for consideration by the Board at the December 9, 2003 meeting that:
 - Includes housekeeping amendments;
 - Recognizes the 42 requests in Table No. 1;
 - Recognizes those requests in Table No.2 providing supporting documentation is received prior to consideration of the Board; and
 - Recognizes those requests of the 39 in Table No. 2 for additional dwellings where their construction predates Ministry of Health records providing they submit an acceptable septic system inspection and proof of dwelling unit age.
3. That staff report back to Board on the site-specific zoning requests on ALR land.


Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

COMMENTS:

Attachment No. 1

Summary of Site Specific Zoning Requests
 Table Nos. 1 to 4

TABLE NO. 1

COMPLETE 42

First Name	Last Name	Street #	Street Name	Legal	Zoning	SSZ	ZONE SPECIFICS	OCP	RATIONALE	ALC	MOH	BCAA	OTHER	EWIC
Lawrent	Tysowski	1890	Albani Hwy	Lot 5, DL 148, Nanoose, Plan 1115	R-3C-3	C-3.15 & R-3.8	Farm use	Commercial Industrial	On going farming use within the C-3 and the balance of the R-3 portion	N/A	N	Y	Farm Class	
Brian	Majewski	3233	Albani Hwy	Lot 2, DL 15, Block A, Cameron, Plan 2017	A-1	A-1.12	Design and metal fabrication shop in approx. 70% of 334m2 shop	Resource	ALC approval for design and metal fabrication shop in 70% of 334m2 shop	Y	N			
Larry	Godwin	3684	Albani Hwy	Lot 1, DL 30, Newcastle, Plan 54354	C-4.1	C-4.1	Metal fabrication shop	Comprehensive Mixed Use	Current use refers to total bldg and repair but only component of metal fabrication business E and D Manufacturing Ltd.					
Mike	Orskovik	890	Albion Rd	Lot 1, DL 43, Nanoose District, Plan 7796	A-1C-3	A-1.16C-3	Moving and storage	Resource Commercial Industrial	Exempt due to size & data (has letter from ALC), Spill zone, C-3 portion permits awaiting storage. Should use be extended.	EXEMPT & Size date Has ALC OK	NO APPROVAL	N	N	2
A.M.	Bonnell	1010	Barnell	Lot 4, Nanoose, Plan 35703	R-3	R-3.7	3,000 m2 metalworking - vehicles, equipment, machinery, inc. 223 m2 shop	Commercial Industrial	pre existing use					
Mr.	Piles	1050	Bowly Rd	Lot 1, DL 149, Nanoose, Plan V1P01331	MHP-1.7	MHP-1.3	15 MH and 6 RV	Commercial Industrial	SSZ applied to 1730 Whibley zone reversed					
Josephina	Downey	1081	Concar	Lot 2, Bk 359, Newcastle, V184392	R-2	R-2.37	Shake and shingle mill Shop 112m2 and outdoor area for more than 2,000 m2	Rural Residential	Pre-existing use with signed statements from previous owner and provincial and federal documents					
Jerry	Melbop	7075	Clabson	Lot A, Bk 544, Nanoose, V1P03634	R-1	R-1.17	4 MH	Rural	Has health approval issued 1996					
Ernesi	Klassen	1221	Dobson	Lot 4, BLK 541, Nanoose, 36972	R-2	R-2.30	2 DU	Rural Residential	Bldg DU have health permit					
MURIEL	Conway	1340	Dobson	Lot 13, BLK 521, Nanoose, Plan 35625	R-1	R-1.16	Farm Use	Rural	Farm use on property pre existed bylaw		N	Y	Farm Class	N
Beck	Ewington	7874	Ewington	Lot 2, Bk 521, Nanoose, Pt 43393	R-2	R-2.36	2 DU	Rural Residential	2nd DU has health permit and electrical permit					

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Bruce	Stroink	1687	Errington	Lot 4, DL 58, Nanoose, Plan 50268	R-2	R-2.24	2 DU	Rural Residential	Both DU have health permit
Marcel	Beausoleil	2106	Errington	Lot 5, DL 98, Nanoose, Plan 31765	MIP-1	MHP-1.12	19 MH	Tourist Commercial	Received approval from MOT for 66 unit bare land site prior to June 25, 2003. Has approvals for on site septic and for water.
Marcel	Beausoleil	2132	Errington	Lot 6, DL 90, Nanoose, Plan 31765	MHP-1	MHP-1.13	47 MH	Tourist Commercial	Received approval from MOT for 66 unit bare land site prior to June 25, 2003. Has approvals for on site septic and for water.
Gertrude	Miskofski	1775	Cobb	Lot B, DL 148, Nanoose, Plan V1P43267	R-2.9	R-2.9	Service and repair to max of 800 m2 only. Add outdoor storage	Rural Residential	Approx. 3% of lot (3000 m2) used for outdoor storage
Robin	Smith	1548	Griffon	Lot 1, DL 138, Nanoose, Plan 15854	C-1	C-3	Existing uses reflect C-3 zone	Comprehensive Mixed Use	uses reflect C-3 uses and was confirmed C-3 zone prior to subdivision of Bylaw 1285
John	Lundine	860	Hibers	Lot 2, DL 4, Cameron, Plan 37773	C-1	R-3	Residential use only	Comprehensive Mixed Use	FO requests Residential zone as Commercial is not an intended use.
Robert	Fillion	3180	Kingscote	Lot 1, DL 10, Cameron, Plan 46347	R-2	R-2.31	2 DU is roughed in suite above workshop. Plumbing not installed therefore no health permit. Has electrical permit	Rural Residential	2nd DU has electrical permit, but no septic as it has not been installed yet.
Sylvia	Campeau	1240	Lefler	Mem Lot 17, District Lot 159, Nanoose District, Plan 1813	A-1	A-1.16	North Island Wildlife Recovery Association and 1 suite	Resource	ALC approval of use for Wildlife Recovery Centre granted until Jan 2010. ALC to remove bonfire. Has health permit for DU and 1 suite
Jim	Moore	3425	Lefler	Lot 1, DL 128, Nanoose District, Plan 34841	R-1	R-1.20	Wood processing facility	Rural	Assessment proves use existing. Amount of area to be added. N/A
Tony	Fuller	965	Lille Mountain	Lot 7, DL 43, Nanoose District, Plan 25753	R-2	R-2.39	Landscape business includes marshalling area of 495m2 for 10 vehicles and related buildings	Resource/Rural	Partisville business license prove use existing. Site plan show extent of use.
Bylaw No. 1285	Carver	1293	Meadowood Way	Lot 34, BLK 369, Newcasale, Plan V1P97560	R-2	R-2.29	2 DU	Rural Residential/Meadowood	Block SSZ R-2.29 permits 75 separate lots to have 2DU. Lot 34 was omitted and should have originally been included.
Tim	Palgren	1615	Meadowood Way	SL 1, BLK 520, Cameron, Plan V1S4673	R-2	C-1	Move C-1 zone from SL 40 to SL 1	Rural	No overall change in zoning over subdivision
Denise	Schmidt	1335	Middlefield	Lot 1, DL 139, Nanoose, Plan 15954	R-2	R-2.35	2 DU	Rural Residential	Both DU have health permit
Derek	Nicholls	1850	Marmint	Lot 29, BLK 359, Newcastle, Plan 41094	R-2	R-2.41	include kennel	Rural Residential	Has five dogs. 2 are search and rescue dogs

Applicant	Address	Parcel No.	Owner	Zone	Butterfly Warden	Resource	Comments	Y	N/A	N	N	N
Alta	Djukov	2685	Palmer	A-1	A-1.16	Resource	Butterfly Warden	Y				
		2570	Pejtersen	A-1.7	A-1	Resource	Remove composting facility					
John	Deadio	1059	Price	R-2	R-2.33	Rural Resource	2 DU					
Shari	Ripon	1275	Regan	R-2	R-2.36	Rural Residential/Rural	2 DU					
Connie	Lecker	3073	Rehfeld	R-3	R-3.6	Comprehensive Mixed Use	2 DU					
Dan	Durocher	3000	Rihwala	C-3	C-3.14	Comprehensive Mixed Use	2 DU					
Galle	Prentash	1244	Rutiles	A-1UR-2	A-1.14/R-2.37	Rural Resource	A-1 portion horse riding, boarding/breeding & R-2 farm use	Y				
Bob	Garnan	1280	Ruffias	A-1	A-1.15	Rural Resource	RV Storage, 6 acres per ALC 3986 approval	Y (Aug 97)	N/A	N	N	
Cindy	Galloway	1789	Scotter	R-2.19	Horse boarding, HBB		Horse boarding and HBB					
Theresa	Schoke	1241	Station	R-1A-1	R-1.16	Rural Resource	3 DU only 2 DU have health permit. SSZ for 2 DU only. Also requesting rezone to R-2	Y - 2 DU				Appeal - confirm s 3 DU
Hugh	Mackay	1995	Sunking	R-2	R-2.32	Rural Residential	2 DU					
Gill	Mulligi	1637	Straley	R-2	R-2.40	Rural Residential	2 DU					
Robert	Jensen	1403	Tyle	R-2.12	R-2	Rural Residential	Remove vehicle wrecking yard as part of HBB	N/A	Y - 2 DU	N	N	
Doreen	Clark	3027	Van Home Road	C-3	C-3.17	Comprehensive Mixed Use	1 SFD & 1 duplex					
M	Piras	1720	Whibley	MHP-1	MHP-1.14	Commercial Industrial	2 MH					
M	Piras	1720	Whibley	MHP-1.3	MHP-1.7	Commercial Industrial	19 MH					
Tim	Pelgieri	Lux 40	Wynall's Way	C-1	R-1	Rural	Move C-1 zone from SL 40 TO SL 1					

TABLE NO. 2

IN PROGRESS
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First Name	Last Name	Street #	Street Name	Legal	Zone	Zone Allows	REQUEST	OCCP	DOCUMENTATION PROVIDED					
									ALC	MDH	BCVA	OTHER	CIVIC	
Mumto		2701	Albany Hwy	Lot 2, DO 143, Nanoose & Currier, Plan 65354	Plan A-1	Farm, HBB, DU & 1 MH	1 Log home building, showroom, total (1 building 745m ²). Signs must be removed as condition of site specific zoning. Excluded from ALR.	Resource	Was in progress with ALC for exclusion when bylaw adopted.		Y - BCU price/realt	m2/N		2
Larry	Hollman	374	Ailsbrook	Pd A, DL 115, Nanoose District, Plan 1324	Plan A-1	Farm, HBR, DU & 1 MH	3 DU	Resource	EXEMPT - Agor/SZB	NO RECORDS - due to age of DU	N	N		2
Michael	O'Keefe	1041	Bellewic	Lot 4, DL 95, Nanoose District, Plan 1808	R-2	1 DU, HBB	1 DU & commercial designation for shops on site (incl HBB) suite above one stop	Rural Residential - commercial not compatible	N/A	N	N	JM		1
Melanie	Eichschmid	3078	Bittern	Lot 2, DL 74, Newcastle, District, Plan 18201	Plan R-2.7	1 DU, HBB & Manufacturing	1 MH & Retail part of business. Shop is 4000 sq. store front is 1500 sq	Rural Residential - commercial not compatible	N/A	IN PROCESS	Y	Suite plan		2
Gweniber	Elfert	962	Chatsworth	Lot 1, DL 3, Cameron District, Plan 34480	MU-1	1 DU		Rural Residential	N/A	N		Plan of building		1
Floyd	Simpson	1087	Dozier	Lot 3, DL 95, Nanoose District, Plan 18867	R-2	1 DU, HBB	4 DU	Rural Residential	N/A	Nothing on file - GG	N			4
Richard	Mauptain	1101	Dubawi	Lot 21, Blk 344, Nanoose District, Plan 39786	Plan R-1	1 DU / HA HBB	1 DU & 6 MH Pads	Rural	N/A	Y - 4 DU ONLY	N			1
Cullin	Callon	1345	Dobson	Lot 1, Blk 521, Nanoose District, Plan 35625	R-1	1 DU, HBB	3 DU	Rural	N/A	N				1
Marie	Mallais	1180	Englishman River	Lot 3, Blk 544, Nanoose District, Plan 32253	R-1	1 DU, HBR	8 unit guest house - 1 bid, 2 Res, 3 BR, 1 Kitchen / fit, Plus 2 DU	Rural Residential	N/A	NO APPROVAL - GG	N			1
Shan	Rapon	1095	Ervington	Lot 2, Ok 47, Nanoose District, Plan 65449	R-2	1 DU, HBB	1 DU & 1 MH	Rural	N/A	IN PROCESS	N			1
Joe	Kauch	1910	Ervington	Lot 5, Blk 521, Nanoose District, Plan 43993	R-2	1 DU, HBB	2 DU - 2nd Roughshin only	Rural Residential	N/A	NO PLUMBING IN	Y - increase in buildings value			1
Peter	Pauek	1964	Ervington	Lot 7, Blk 521, Nanoose District, Plan 43993	R-2	1 DU, HBB	3 DU & breeding in excess of 2 liter per year	Rural Residential	N/A	50-	N	Keamed journals showing history of breeding more than 2 bills a year	Club 2	
Helen		1162	Fair	Lot 1, DL 99, Nanoose District, Plan 1266	R-2	1 DU, HBB	2 DU	Rural Residential	N/A	N				1

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Michael	Eastman	1188	Fair	Lot 3, DL 99, Nanoose District, Plan 20548	R-2	1 DU, HBB	1 DU & 1 Duplex	Rural Residential	N/A	Y - 2 DU only (1 Subdivided) One DU expanded to duplex without MOH approval informed applicant of need for MOH approval for 3rd DU.	Unlisted letter from LI MI Electric wired to duplex Electrical Contractor Authorization Form signed April 02 Overhead Electrical Service Declaration (April 02) Indicating units A & B
Carmen	Graham	1270	Fair	Lot 1, DL 155, Nanoose District, Plan 20900	R-2	1 DU, HBB	1 DU & 1 MH	Rural Residential	N/A	N	N
Ken	Garies	365	Fair/owne	Lot 4, DL 155, Nanoose District, Plan 1904	R-1, 2	1-1 uses less challenge, see prohibited uses some based on hydrogeological report			N/A	N	N
Will	Gemmill	1750	Fair/dwore	Lot B, Blk 544, Nanoose, Plan VIP74067	R-1	1 DU	3 MH & 1 DU - Subdiv of lot complete in Aug 2002	Rural Residential	N/A	Y - 3 MH & 1 DU	N
April	Slavy	1272	Froser	Lot 8, DL 130, Nanoose District, Plan 20265	A-1	Farm, 1400, DU & 1 MH		Resource	EXEMPT	N	N
Howard	Stoff	1273	Fuser	Lot 5, DL 130, Nanoose District, Plan 26285	A-1	Farm, HBB, 12 DU & 1 MH		Resource	EXEMPT	N	N
Kenneth	L'Heureux	1840	Gibbs	Lot 8, DL 144, Nanoose District, Plan 32102	R-2	1 DU, HBB	2 DU	Rural Residential	N/A	IN PROGRESS	N
Floyd	Simpson	956	Little Mountain	Lot 11, DL 43, Nanoose District, Plan 25735	R-2	1 DU, HBB	2 DU	Rural Residential	N/A	N	N
Maria	Yarema	2270	Matterson	Rem Lot 1, DL 140, Nanoose District, Plan R-1 37902	R-1	1 DU, HBB	1 DU & 1 MH	Rural Residential	N/A	N	N
Tim	Pelgren	1625	Meadowood	Lot 136, Blk 529, Cameron District, Plan R-1 W54673	R-1	1 DU, HBB	Strata Office in detached building	Rural Residential	N/A	Y - 1 DU only Applicant notified of need for MOH approval for office/bldg	Letter from strata president claiming use existed at adoption
Jesse	Corney	880	Ohio	Lot 25, Blk 359, Nanoose District, Plan S-1 41084	S-1	1 DU Salvage	1 DU & 1 Duplex	Rural Residential	N/A	1 DU - Has enquiry about additional permit - GG	N
Floyd	Simpson	1985	Pierpont	Lot H, DL 138, Nanoose District, Plan 42052	R-2	1 DU, HBB	9 MH	Rural Residential	N/A	1 DU & 6 MH only - GG	N
Ken	Erickson	1110	Popham	Lot 1, DL 43, Nanoose District, Plan 56767	R-2	1 DU, HBB	R&B, Auto salvage, wood & metal working shops	Rural Residential - commercial not compatible	N/A	N	N
Maureen	Fletcher	1149	Fair	Lot 1, DL 6, Cameron District, Plan 28493	A-1	Farm, HBB, 12 DU & 1 MH		Resource	Y - 2 DU	NO RECORD - GG Probably pre-date records	N
Jack	Ackerma	1335	Prico	Lot 3, DL 159, Nanoose District, Plan 19777	R-2	1 DU, HBB	2 DU - 2nd DU a cabin, more worried about keeping the building than getting status as DU	Rural Residential	N/A	NO APPROVAL - APPLN Cabin probably pre-dates records	N
Elmer	Brill	1180	Prico	Lot 2, DL 155, Nanoose District, Plan 22787	R-2	1 DU, HBB	2 DU	Rural Residential	N/A	NO	N

Name	Lot #	Address	Owner	Plan #	Zone	1 DU, HBB	2 DU, HBB	3 DU	Rural Residential	N/A	N	N	N
Pava			Shawn	Lot 2, DL 138, Nanoose District, Plan 56205	R-2	1 DU, HBB		1 DU	Rural Residential	N/A	N	N	1
Lyons			Steph Halow	Lot 8, DL 187, Nanoose District, Plan 85017	R-1	1 DU, HBB		Undetermined number of DU	Rural	N/A	NO APPROVAL - GG		1
Floyd			Smithers	Lot 1, DL 99, Nanoose District, Plan 25385	R-3	1 DU, HBB		1 DU, 2 MH	Commercial Industrial	N/A	N	N	2
REH			Smithers	Lot 18, DL 156, Nanoose District, Plan 1364	C-3	1 DU, HBB		4 rental units above restaurant	Commercial Industrial	N/A	Y - 3 - 2 built up only	N	1
Joe			Stallion	Lot 2, DL 149, Nanoose District, Plan 25157	R-2	1 DU, HBB		2 DU	Rural Residential	N/A	N	N	1
Michelle			Trislee	Lot 7, DL 10, Cameron District, Plan 63488	ARU-1	1 DU		2 DU	Rural Residential	N/A	NO APPROVAL -	N	1
Stephen			Tyler	Lot 2, DL 140, Nanoose District, Plan 4842	R-2	1 DU, HBB		6 unit strata - uses include manufacturing, services & repair, value added lumber manuf. product assembly, warehousing/storage, and outdoor storage.	Rural Residential	N/A	N	N	Had request in March 20, 2002 was to provide insurance / rental agreements
A			Van Horne	Lot 2, DL 2, Cameron District, Plan 21832	C-3	1 DU, HBB		2 DU, 2 MH & 4 MH	Commercial Mixed-use	N/A	Y - 3 MH & 1 Cabin	N	3
Stephen			Wishia	Lot 1, DL 23, Nanoose District, Plan 53335	R-1	1 DU, HBB		2 DU, retail sales, warehousing, toolings for commercial building	Rural	N/A	NO APPROVAL - GG	N	To provide MOH 2 for 2nd DU & insurance papers for cabin
Paul			Wincheester	Lot 3, DL 8, Cameron District, Plan 46475	R-1	1 DU, HBB		Horse boarding, repair, art gallery/studio - may exceed HBB allowance	Rural Residential	N/A	N	N	1

TABLE NO.3

REMOVE - 23

First Name	Last Name	Street #	Street Name	Legal	Current Zoning	Request	RATIONALE
Robert	Morgan		Albemi Hwy	Lot 1, DL 4, Cameron District, Plan 7646	A-1	Exclusion from ALR	Requires future rezoning
Fred	Karlsen	1740	Albemi Hwy	Lot B, Salvation Army Lot 2, Nanoose District, DD26358W	MIP-1.4/C-3	17 MI & 2 DU	Uses permitted under current zoning
Margret	Albart	2458	Albemi Hwy	Lot 13, DL 143, Nanoose District, Plan 2065	C-3.4 for 1 DU and wrecking yard 400m2	2000 m2 wrecking yard area for future use	Request for future use, not pre-existing
Dany	Nedokus	2619	Albemi Hwy	DL 143, Blk G, Nanoose District, Plan 4782 Exc P1735RW	A-1.11	100 campsites (75 existing & 25 future)	Has ALC approval for 75 existing and 25 future, but only has MOI approval for 49
Lous	Verheyen	1313	Chalet	Lots 1 & 2 and Blk 36A, Blk 36, Cameron District, Plan 4059	RC-2	Increased density of tourist accommodation & restaurant	Request for Removal From Process (Uses not legal)
Combined Forest Holdings		940	Church	Lot 11, DL 156, Nanoose, Plan 1964	C-3	Decrease min lot size to allow 5 - 2000 m2 (ave) bare land strata subdiv. Has PLA	Subdivision application was not finalized within 1 year of adoption due to appeal of health permit.
Darryl	Clarke	1220	Corcan	Lots A & B, Blk 359, Newcastle District, Plan 64579	R-2	Sawmill	Use not existing at adoption
Audra	Kasyan	790	Englishman River	Lot 5, Blk 583, Nanoose District, Plan 37643	R-1	3 DU & cat kennel	No Communication
Daniel	Terryberry	1171	Englishman River	Lot 33, Blk 544, Nanoose District, Plan 32293	R-1	12 RV & 6 Campsites	Use not existing at adoption
Ben	Michelle	1271	Fair	Lot B, DL 156, Nanoose District, Plan 39983	R-2.22 for 3 DU only	3 Rental Storage Units	Requests Removal From Process (Uses not legal)
Ken	Goeres	885	Fairdowne	Lot 4, DL 156, Nanoose District, Plan 1964	I-1.2 and prohibited uses	Decrease min lot size to allow 3 - 1.5 ha lots	Subdivision not existing or in process at adoption
Addie	McRae	2243	Grafton	Blk 63, District Lot 140, Nanoose District, Plan 1819	R-1	Decrease min lot size to allow 3 - 1 ha lots	Subdivision not existing or in process at adoption
Fem	Kaska		Grafton	Lot 24, DL 139, Nanoose District, Plan 1913	FR-1	Log Home Building business and training	Use not existing at adoption
Eagle View Holdings			Koskimo	Lot 34, Blk 359, Pl 41094 & Lots A & B, Blk 359, Pl VIP63217, Newcastle District	R-2	Decrease min lot size to allow 15 - 3000 m2 (ave) bare land strata subdiv. Has PLA	Subdivision did not complete prior to June 2003
Peter	Carr	1021	Koskimo	Lot 35, Blk 359, Newcastle District, Plan 41094	R-2	3 DU	Use not existing at adoption

Tim	Pedigren		Meadowood	Lots 45-47, Section 526, Cameron District, V154673	R-1	To create assisted living facility exceeding current zone allowances	Use not existing at adoption
Alvin	Whittle	3704	Metrose	S pl of Lot A, DL39, Newcastle District, Plan 2606	R-2.13	Convert MHs to RV pads	Creation of more tourist units than residential
Jan	Addy	1420	Romain	Lot 37, DL 156, Nanoose District, Plan 1964	CD-5 for 1DU, Marshalling yard (2-3 ha max) for future use	Expansion of marshalling yard (2-3 ha max) for future use	Request is for future use not pre-existing
Bob	Askew	1480	Romain	Lot 39, DL 156, Nanoose District, Plan 1964	CD-2	Manufacturing as permitted use.	Use not existing at adoption
Hans	Heringa	1000	Sleepy Hollow	Lot B, DL 182, Nanoose District, Plan 65017	R-1	Decrease min lot size for strata lot subdiv	17 Subdivision not existing or in process at adoption
Keith	Brown		Springhill	Lots 1-5, DL 103, Nanoose District, Plan 73532	R-2	Sawmill in I-1 zone	Use not existing at adoption
Therese	Stickle	1241	Station	Lot A, DL 149, Plan 0032265	R-1/A-1	Decrease min lot size to allow 2 lot subdiv.	1 ha Subdivision not existing or in process at adoption
Ridgeview	Nu Homes	3103	Van Horne	Lot 5, DL 7, Cameron District, Plan 22313	C-3	Changes in zones allowances (height & uses)	Uses not existing at adoption

TABLE NO. 4

First Name	Last Name	Street #	Street Name	Legal	Zoning	Zone Allows	REQUEST	DOCUMENTATION PROVIDED						
								ALC	MDH	UG/A	OTHER	Civic Address		
Arnie	Erickson	1654	Albemi Hwy	Lot 1, District Lot 94, Nanoose A-1 District, Plan 38808		Farm, 1 DU, 1 MH	Additional 2 MH	N	96-189 - anything outstanding?	N		N		?
Douglas	McGlean	1600	Bradlock	Lot 3, District Lot 139, Nanoose A-1 District, Plan 17250		Farm, 1 DU, 1 MH	Auto Wrecking on 3 ac lot	N	N	N		N		
Maggie	Shevens	1543	Broadlands	Lot B, District Lot 139, Nanoose A-1 District, Plan 17900		Farm, 1 DU, 1 MH	Duplex	N	Y - 1 DU only	Y Duplex		Letter from 1 Sunetta Electrical confirming two power drops to building - wiring not to code		
Andy	Graaten	2280	Burgwynne	Lot 6, District Lot 148, Nanoose A-1 District, Plan 1990		Farm, 1 DU, 1 MH	2 DU	N	N	N		N		?
Robin	Catherall	1385	Ernington	Lot 3, District Lot 139, Nanoose A-1 District, Plan 15854		Farm, 1 DU, 1 MH	2 DU	N	N	N		Letter from 2 RDN granting 2 civic addresses 1985		
Howard	Story	1593	Grafton	Lot 2, District Lot 139, Nanoose A-1 District, Plan 16331		Farm, 1 DU, 1 MH	2 DU	N	N	N		N		?
Bruce	Graves	1639	Grafton	Lot 4, District Lot 139, Nanoose A-1 District, Plan 25411		Farm, 1 DU, 1 MH	3 DU	N	N	N		N		1
Neil	Callander	2040	Grafton	Lot 19, District Lot 140, Nanoose A-1 District, Plan 1918		Farm, 1 DU, 1 MH	2 DU	N	Y - for 2nd DU only Original house pre-dates records	N		N		2
William	Laary	2185	Grafton	Blk 61, District Lot 140, Nanoose A-1(R1) District, Plan 1918		Farm, 1 DU, 1 MH	Towing company, dog kennel.	N	N/A	N		N		2
Barb	Leplante	2280	Matterson	Lot A, District Lot 140, Nanoose A-1 District, Plan 49180		Farm, 1 DU, 1 MH	2 DU and 1 suite	N	03-319 & 03-320N In process for B&B	N		N		1

Norman	Pattison	1586	McKibben	W 200ft of Lot 90, DL 139, Nanoose, A-1.4 Plan 1913	Farm, 1 DU, Expansion 1 MH & Auto wrecking yard HBB	of M	N/A	N	N
Leonard	Laukkanen	1266	Middlegate	Lot 65, District Lot 139, Nanoose, A-1 District, Plan 1913	Farm, 1 DU, 2 DU 1 MH	Claim both pre-date ALR	Pre-date records	MOHN	N
Linda	Wainock	2894	Palmer	Lot 3, District Lot 8, Cameron, A-1 District, Plan 16580	Farm, 1 DU, 2 DU, 1 MH	has both houses built pre-1960 no objection to uses on site			N
Lois	Konkin	930	Pratt	Lot 9, District Lot 6, Cameron, A-1 District, Plan 1880	Farm, 1 DU, 2 DU 1 MH	N	Nb - GG	Y - 2 Septic addresses	N
Larry	Godwin	890	Redman	Lot 1, District Lot 9, Cameron, A-1 District, Plan 55971	Farm, 1 DU, Gravel extraction 1 MH	N	N/A	N	N
Frank	Ivas	1249	Ruffels	Lot 56, District Lot 156, Nanoose, A-1 District, Plan 1964	Farm, 1 DU, 2 Cabins & Auto Body/Wrecking Yard (.5 ac) 1 MH	N	IN PROCESS	N	Receipts for 1 Spectrum Auto Body showing its existence pre-bylaw
Ian	Whitehaw	1094	Schidler	Lot 19, District Lot 140, Nanoose, A-1 District, Plan 2064	Farm, 1 DU, 1 DU & 2 MH 1 MH	N	REQUIRED PERMIT - GG	N	N
Gillian	Cravley	1341	Station	Lot B, District Lot 140, Nanoose, A-1 District, Plan 41834	Farm, 1 DU, Daycare 1 MH	N	Y	N	VHR License for 8 kids (dated Sept 2001) - Fire Dept OK for 9+ kids (Dated Aug 2003)
George	Bradasch	660	Stevens	Lot A, District Lot 92, Newcastle, A-1 District Plan 49179	Farm, 1 DU, 1 DU & 2 MH 1 MH	N	Y - 1 DU & 1 MH only	N	N
Debbie	Coes	1861	Swayne	W 5 Chns of E 10 Chns, Bk 30, DLA-1 140, Nanoose Plan 1918	Farm, 1 DU, Reptile Sanctuary 1 MH	N	N/A	N	N
Sylvia	Flynn	1560	Winchester	Lot 83, District Lot 8, Cameron, A-1 District, Plan 1981	Farm, 1 DU, 2 DU 1 MH	N	Y - 2 DU	N	N

Attachment No. 2

Summary of General Housekeeping Amendments

Table No. 1

Section	Rationale
SUMMARY OF HOUSEKEEPING EDITS FOR BYLAW NO. 1285.01	
New 1.2 Other Legislation	
1. Nothing contained in this Bylaw shall relieve any person from the responsibility to seek out and comply with other legislation applicable to their undertaking.	Add new Section as not currently included. Bylaw must be consistent with other legislation.
2. Where land is within an agricultural land reserve created pursuant to the <i>Agricultural Land Commission Act</i> and amendments thereto and if any portion of this Bylaw is in any way contrary to, in conflict with, inconsistent with or repugnant to the <i>Act</i> , the <i>Act</i> shall prevail.	Add new Section as not currently included. Bylaw must be consistent with other legislation.
1.4 Existing Non-Conforming Uses	
3. Remove the word where between 'use' and 'only'.	typo - confusing
Move Section 1.4.3 to A-1 zone	only affects A-1 zone
1.5 Applicable Regulations	
1.8 Amendment	
'Add after bylaw reference and amendments thereto'	Clarification
1.9 Application Fees	
'Add after bylaw reference and amendments thereto'	Clarification
2.4 Prohibited Uses	
a) add 'unpaved air strip'	Permitted by Section 2 of ALC Regulations and can be regulated by local government.
b) add 'not produced on the property' at end of sentence	existing wording would not permit any storage of refuse or waste disposal/processing
c) add 'breeding pets or operating a kennel or boarding facility'	Permitted by Section 2 of ALC Regulations.
h) add 'Agricultural' before Land Commission	Correct name is Agricultural Land Commission
add q) water bottling facilities	due to volumes of water required and community concern with long term supply of potable water
add r) accommodation for agri-tourism'	Permitted by Section 2 of ALC Regulations and can be regulated by local government.

	<p>add 1) the production, storage, and application of Class A compost in compliance with the Organic Matter Recycling Regulation, B.C. Reg. 18/2002, if at least 50% of the compost measured by volume is used on a farm as permitted by this Bylaw.</p>	<p>Permitted by Section 2 of ALC Regulations and can be regulated by local government.</p>
<p>2.5 Runoff Control Standards</p>	<p>1b) Change wording to read 'Lots on which HBB is being carried out'</p>	<p>Clarifies that run off control applies to HBB and not residential use</p>
<p>2.10 Setbacks Requirements from watercourses</p>	<p>3. remove reference to stream in section header and part 3.</p>	<p>stream not defined in Bylaw</p>
<p>2.15 Signs</p>	<p>1. Rewrite 'Signs are' instead of 'A sign is'</p>	<p>Clarification</p>
	<p>Table 2.1 - List zones, i.e. FR-1, R-1 to R-3, etc</p>	<p>Clarification</p>
	<p>Table 2.1 - Number boxes i, ii, iii</p>	<p>Provides a numbered reference</p>
	<p>Table 2.1 - box no. i reword 3rd bullet 'any portion of a sign' not 'signage'</p>	<p>'sign' is defined in the bylaw, 'signage' is not and consistency</p>
	<p>Table 2.1 - box no. ii add Agriculture: 1 sign per farm business advertising farm business use on that lot</p>	<p>ALR regulations did not permit 3rd party signs</p>
<p>2.16 Home based business</p>	<p>5. m) replace 'and' with 'or'</p>	<p>uses are exclusive</p>
<p>3.4 Zone Boundaries</p>	<p>a) replace zoning map with 'Schedule B'</p>	<p>Correct reference</p>
	<p>b) replace 'zoning map' with 'Schedule B'</p>	<p>Correct reference</p>
	<p>c) Include 'and' between 'minimum site area and 'floor area'</p>	<p>Clarification</p>
<p>Section 4</p>		
	<p>Reorder zones into alphabetical order</p>	<p>Better readability</p>

4.1 A-1		
4.1.2 Permitted Accessory Uses		
	<p>Reword Notwithstanding the Permitted Principal Uses listed above any uses permitted pursuant to Section 2 of the <i>Agricultural Land Reserve Use, Subdivision and Procedure Regulation</i> or farm uses permitted by the Ministry of Agriculture, Food and Fisheries, unless specifically prohibited or regulated in this Bylaw, is permitted within this zone.</p>	<p>These uses are approved and permitted by the ALC</p>
4.1.3 Regulations Table		
	<p>a) add Any parcel existing prior to the date of adoption of this Bylaw, which fails to meet the minimum parcel size requirements contained in this Bylaw, shall not by reason thereof be deemed to be non-conforming, and may be used for any permitted use in the zone in which it is located except that where the zone allows residential use only one dwelling unit shall be allowed on any such undersized parcel. Permitted uses shall be subject to all other conditions required of that zone."</p>	<p>Moving section from 1.4 as this regulation only applies to lots zoned A-1</p>
4.2 FR-1 - Forestry/Resource 1		
4.2.2 Permitted Accessory Uses		
	<p>delete Notwithstanding the permitted principal uses listed above, ...</p>	<p>No FLR therefore n/a</p>
4.2.4 Regulations		
Delete		<p>No FLR therefore n/a</p>
4.3 R-1 - Rural 1		
4.3.3 Regulation Table		
	<p>f) i) add 'exterior side lot line</p>	<p>needs to be consistent with MOT setbacks of 4.5m</p>
4.3.4 Additional R-1 Zones		
	<p>Reword Principle and accessory uses as set out in Section 4.23 (R-1.1 to R-1.XX (include new SSZ) inclusive) are permitted in addition to those uses permitted in the R-1 zone.</p>	<p>Clarifies wording the R-1 uses are permitted in addition to uses in SSZ.</p>
4.4 R-2 - Rural Residential 2		
4.4.4 Additional R-2 Zones		

<p>4.2 XX Reword Principal and accessory uses as set out in Section 4.23 (R-2.1 to R-2.XX (include new SSZ) inclusive) are permitted in addition to those uses permitted in the R-2 zone.</p>	<p>Clarifies wording that the R-2 uses are permitted in addition to the uses in SSZ.</p>
<p>4.5 R-3 - Village Residential 3</p>	
<p>4.5.5 Additional R-3 Zones</p>	
<p>Reword Principal and accessory uses as set out in Section 4.23 (R-3.1 to R-3.XX (include new SSZ) inclusive) are permitted in addition to those uses permitted in the R-3 zone.</p>	<p>Clarifies wording that the R-2 uses are permitted in addition to the uses in SSZ.</p>
<p>4.6 MU-1 - Mixed Use Chatsworth Road 1</p>	
<p>4.6.3 Regulation Table</p>	
<p>Add new g) Ruroff Control Standards - As outlined in Section 2.5</p>	<p>Previously omitted included in General Regulations</p>
<p>4.6.4 Additional MU-1 Zones</p>	
<p>Reword Principal and accessory uses as set out in Section 4.23 (MU - 1.1) are permitted in addition to those uses permitted in the MU-1 zone.</p>	<p>Clarifies wording that the MU-1 uses are permitted in addition to the uses in SSZ.</p>
<p>4.7 MHP - 1 - Manufactured Home Park 1</p>	
<p>4.7.2 Permitted Accessory Uses</p>	
<p>Add b) Accessory Office</p>	<p>Regulations 4.7.4 b) regulate size and is therefore permitted but was previously omitted.</p>
<p>4.7.3 Regulation Table</p>	
<p>Add e) iii) other manufactures homes - 6.0 metres and add (except as otherwise outlined in Section 2 - General Regulations</p>	<p>Building Code requires 6 metre setback between manufactured homes and other setbacks defined in Section 2 General Regulations</p>
<p>4.7.5 Additional MHP-1 Zones</p>	
<p>Reword Principal and accessory uses as set out in Section 4.23 (MHP - 1.1 to MHP 1. XX (include new SSZ) inclusive) are permitted in addition to those uses permitted in the MHP-1 zone.</p>	<p>Clarifies wording that the MHP-1 uses are permitted in addition to the uses in SSZ.</p>
<p>4.8 C-1 - Commercial 1</p>	
<p>4.8.4 Regulations</p>	
<p>Number clauses and add b) Principal and accessory uses as set out in Section 4.23 (C-1.1 to C-1. XX (include new SSZ) inclusive) are permitted in addition to those uses permitted in the C-1 zone.</p>	<p>Clarifies that the C-1 uses are permitted in addition to the uses in SSZ.</p>

<p>4.9.C-2 - Commercial 2</p> <p>4.9.4 Regulations</p>	<p>Reword c) Principal and accessory uses as set out in Section 4.23 (C-2) to C-2 XX (include new SSZ) inclusive) are permitted in addition to those uses permitted in the C-2 zone.</p> <p>4.10.3 Commercial 3</p> <p>4.10.3 Regulations Table</p> <p>g) correct numbering</p> <p>4.10.5 Additional C-3 Zones</p> <p>Reword Principal and accessory uses as set out in Section 4.23 (C-3.1 to C-3.13 (include new SSZ) inclusive) are permitted in addition to those uses permitted in the C-3 zone.</p>	<p>Clarifies that the C-2 uses are permitted in addition to the uses in SSZ.</p> <p>Clarifies that the C-3 uses are permitted in addition to the uses in SSZ.</p>
<p>4.11.C-4 - Commercial 4</p> <p>4.11.3 Regulations Table</p> <p>g) correct numbering</p> <p>4.11.5 Additional C-4 Zones</p>	<p>Reword Principal and accessory uses as set out in Section 4.23 (C-4.1 (include new SSZ) are permitted in addition to those uses permitted in the C-4 zone.</p>	<p>Clarifies that the C-4 uses are permitted in addition to the uses in SSZ.</p>
<p>4.12.RC-1 - Recreation 1</p> <p>4.12.4 Regulations Table</p> <p>f) correct numbering</p>	<p>4.13.RC-2 - Recreation 2</p> <p>4.13.4 Regulations Table</p> <p>f) correct numbering</p>	

4.14 RC-3 - Recreation 3 4.14.4 Regulations Table f) correct numbering	
4.14.6 Additional RC-3 Zones Replace C-4 with RC-3 Reword Principal and accessory uses as set out in Section 4.23 (RC-3.1) (include new SSZ) are permitted in addition to those uses permitted in the RC-3 zone.	
4.15 I-1 - Industrial 1 4.15.1 Permitted Principal Uses add m) mini storage	Warehousing an existing use
4.15.3 Regulations Table d) and f) correct numbering	
4.15.5 Additional I-1 Zones Reword Principal and accessory uses as set out in Section 4.23 (I-1.1 to I-1.7) (include new SSZ) inclusive are permitted in addition to those uses permitted in the I-1 zone.	Clarifies that the I-1 uses are permitted in addition to the uses in SSZ.
4.16 I-2 - Industrial 2 4.16.1 Permitted Principal Uses add o) mini storage	Warehousing an existing use
4.16.3 Regulations Table d) and f) correct numbering	
4.16.5 Additional I-2 Zones Reword Principal and accessory uses as set out in Section 4.23 (I-2.1 to I-2.3) (include new SSZ) inclusive are permitted in addition to those uses permitted in the I-2 zone.	Clarifies that the I-2 uses are permitted in addition to the uses in SSZ.
4.17 I-3 - Industrial 3 4.17.3 Regulations Table	

	f) correct numbering	
4.18	S-1 - Salvage and Wrecking 1	
4.18.3	Regulations Table	
	f) correct numbering	
4.18.5	Additional S-1 Zones	
	Reward Principal and accessory uses as set out in Section 4.23 (S-1.1 to S-1.2 (include new SSZ) inclusive are permitted in addition to those uses permitted in the S-1 zone.	Clarifies that the S-1 uses are permitted in addition to the uses in SSZ.
4.19	T-1 - Institutional/Community Facility	
4.19.3	Regulations Table	
	f) correct numbering	
4.19.5	Additional T-1 Zones	
	Reward Principal and accessory uses as set out in Section 4.23 (T-1.1 to T-1.2 (include new SSZ) inclusive are permitted in addition to those uses permitted in the T-1 zone.	Clarifies that the T-1 uses are permitted in addition to the uses in SSZ.
4.21	P-1 - Parks and Open Space 1	
4.21.3	Regulations Table	
	f) correct numbering	
4.23	Site Specific Zoning Regulations	
R-2.29	add lot 34, Block 359, Newcastle District, Plan V1P07560 to list	2 DU preexisting bylaw on this lot as well.
RC-3.1	Correct reference to Lot 266	Lot 266 listed twice
4.24	CD-1 1805 Church Rd	
4.24.3	Regulations Table	

<p>d) and f) correct numbering 4.24.4 Regulations</p>	<p>Section does not exist</p>
<p>b) Remove Notwithstanding 4.23.5 (a)</p>	
<p>CD-3 817 Allisbrook Rd 4.26 Regulations Table</p>	
<p>4.26.3 f) correct numbering</p>	
<p>CD-7 1260 Fair Road 4.3 Regulations Table</p>	
<p>4.30.3 g) correct numbering</p>	
<p>CD-9 1096 & 1102 Smithers Road 4.32 Regulations Table</p>	
<p>4.32.3 f) correct numbering</p>	
<p>CD-10 1160 Smithers Road 4.33 Regulations Table</p>	
<p>4.33.3 f) correct numbering</p>	
<p>CD-11 1225 Fair Road 4.34 Regulations Table</p>	
<p>4.34.3 f) correct numbering</p>	
<p>CD-12 1440 Romalh Road 4.35 Regulations Table</p>	
<p>4.35.3 f) correct numbering</p>	
<p>CD-13 1470 Romain Road</p>	

4.36	Regulations Table	
4.36.3f)	correct numbering	
	Definitions	
	Add to Transfer Station definition that is owned, operated and maintained by or on behalf of the Regional District of Nanaimo or a municipality.	Do not want to permit privately owned transfer stations.