

**REGIONAL DISTRICT OF NANAIMO**  
**ELECTORAL AREA PLANNING COMMITTEE**  
**TUESDAY, OCTOBER 1, 2002**  
**7:00 PM**

*(Nanaimo City Council Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

- 2                    **Ken Kyler**, re DP Application No. 0245 - Thiessen and Marshall/Kyler - 1272 Seadog Road - Area E.

**MINUTES**

- 3-4                    Minutes of the Electoral Area Planning Committee meeting held Tuesday, August 27, 2002.

**BUSINESS ARISING FROM THE MINUTES**

**PLANNING**

***DEVELOPMENT PERMIT APPLICATIONS***

- 5-12                    DP Application No. 0244 – S. Terry on behalf of Cassidy Inn (1989) Ltd. - 2954 Canyon Road - Area A.

- 13-20                    DP Application No. 0245 - Thiessen and Marshall/Kyler - 1272 Seadog Road - Area E.

**OTHER**

- 21-28                    Zoning Amendment Application No. 0205 - Colclough – Aulds Road - Area D.
- 29-33                    Request for Cash in Lieu of Parkland & Relaxation of the Minimum 10% Frontage Requirement – Joseph & Marjorie Grimes - Morland Road - Area A.
- 34-41                    Notification Distance for Development Applications - All Electoral Areas Except Electoral Area 'B'.

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**IN CAMERA**

**ADJOURNMENT**



**Kyler & Myrfield Geomatics**  
Professional Survey Services

#322-198 East Island Highway  
P.O. Box 1406  
Parksville, BC, V9P 2H3  
Tel: 250 954-2220  
Fax: 250 954-2214

September 25, 2002

Regional District of Nanaimo  
6300 Hammond Bay Road  
Lantzville, B.C.  
V9T 6N2

Attention: Linda  
Fax 390-4163

**RE: Lot 21, Block C, District Lot 38, Nanoose District, Plan 10777**  
1272 Sea Dog Road, Nanoose Bay  
Don Thiessen and Elizabeth Marshall

Dear Linda

We are acting as Agent for the owners, Don Thiessen and Elizabeth Marshall, to apply for a Development Variance Permit for 1272 Sea Dog Road in Nanoose Bay.

The application will be going to the Electoral Area Planning Committee meeting on October 1, 2002. We would like to request a brief delegation to explain the application and answer any questions the Area Directors may have.

We can be reached at 954-2220 or by fax at 954-2214.

If you require further information, please call.

Yours very truly,  
Kyler & Myrfield Geomatics

K.G. Kyler, B.C.L.S.

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, AUGUST 27, 2002, AT 7:00 PM  
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,  
455 WALLACE STREET, NANAIMO, BC

**Present:**

Director E. Hamilton	Chairperson
Director L. Elliott	Electoral Area A
Director G. Holme	Electoral Area E
Director J. McLean	Electoral Area F
Director J. Stanhope	Electoral Area G
Director R. Quittenton	Electoral Area H

**Also in Attendance:**

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

**MINUTES**

MOVED Director Holme, SECONDED Director Stanhope, that the minutes of the Electoral Area Planning Committee meeting held Tuesday, July 23, 2002 be adopted.

CARRIED

**PLANNING**

**DEVELOPMENT PERMIT APPLICATIONS**

**DP Application No. 0213 – Dennis/Neufeld – South Lake Road – Area H.**

MOVED Director Quittenton, SECONDED Director McLean, that Development Permit Application No. 0213, to vary the minimum setback requirements of the Comprehensive Development 9 (CD9) zone of 1.5 metres from the north and south side lot lines to 0.75 metres pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" to legalize the location of an existing recreational residence/deck and generator shed and to permit the construction of a permanent foundation within the Environmentally Sensitive Areas Development Permit Area for the property legally described as Strata Lot 388, District Lot 251, Alberni District, Plan VIS5160, be approved subject to the requirements outlined in Schedules Nos. 1, 2 and 3 and subject to notification provisions of the *Local Government Act*.

CARRIED

**DP Application No. 0217 – Rajotte – 791 Miller Road – Area G.**

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Application No. 0217 to construct a dwelling unit in a Sensitive Lands Development Permit Area pursuant to the "Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998" on the property legally described as Strata Lot 2, District Lot 28, Nanoose District, Plan VIS4363 be approved, subject to the conditions outlined in Schedule Nos. 1 and 2 of the corresponding staff report.

CARRIED

**DP Application No. 0239 – Thompson – 4619 Maple Guard Drive – Area H.**

MOVED Director Quittenton, SECONDED Director Stanhope, that Development Permit Application No. 0239 to vary the minimum setback requirements of 18.0 metres from the stream centerline to 6.1 metres pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" to facilitate the construction of a dwelling unit and carport; to recognize existing bank stabilization works and a septic system, and to convert an existing cabin into an accessory building within the Hazard Lands Development Permit Area on the property legally described as Lot 35, District Lot 40, Newcastle District, Plan 16121, be approved subject to the requirements outlined in Schedule Nos. 1, 2 and 3 and subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

**OTHER**

**Zoning Amendment Application No. 0207 – Northern Star – Anderson Avenue – Area H.**

MOVED Director Quittenton, SECONDED Director McLean,:

1. That Amendment Application No. 0207, submitted by Peter Mason and Ben Mellin, Agents, on behalf of Northern Star Developments Ltd., to rezone the subject property legally described as Lot 10, District Lot 109, Newcastle District, Plan 30254, from Rural 1 (RU1), Subdivision District 'A' to Rural 1 (RU1), Subdivision District 'D' be approved subject to the conditions outlined in Schedule No. 1.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.288, 2002" be given 1<sup>st</sup> and 2<sup>nd</sup> reading and proceed to public hearing.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.288, 2002" be delegated to Director Quittenton or his alternate.

CARRIED

**Request for Cash in Lieu of Parkland & Relaxation of 10% Frontage Requirement – Fern Road Consulting/James Deas – Leon Road – Area H.**

MOVED Director Quittenton, SECONDED Director Holme, that the requests, submitted by Fern Road Consulting Ltd., on behalf of James Deas, for cash-in-lieu of park land dedication be accepted and to relax the minimum 10% frontage requirement for proposed Lots 7 and 8, as shown on the plan of subdivision of Lot 2, District Lot 19, Newcastle District, Plan 32575, be approved.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 7:09 PM

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CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO		
SEP 23 2002		
CHAIR	GMCrS	
CAO	GMDS	
GMCms	GMES	
EA Planning		✓

MEMORANDUM

**TO:** Pamela Shaw  
Manager of Community Planning

**DATE:** September 20, 2002

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 3060 30 0244

**SUBJECT:** Development Permit Application No. 0244 - S. Terry, on behalf of Cassidy Inn (1989) Ltd.  
Electoral Area 'A', 2954 Canyon Road (off the Trans Canada Highway)

PURPOSE

To consider an application for a development permit to allow a wine and beer store within a portion of the existing building on a parcel designated within the South Wellington Development Permit Area.

BACKGROUND

The Provincial Government recently offered all currently licensed establishments throughout BC the opportunity to establish a licensee retail store (wine and beer store) as part of their existing uses. As a result of this initiative by the Province, the owners of the Cassidy Inn are in the process of making an application for this use. Applications must be submitted to the Liquor Control and Licensing Branch by November 29, 2002.

The subject property, legally described as Lot 1, Section 3, Range 8, Cranberry District, Plan 15453, is located at 2954 Canyon Road, off the Trans Canada Highway in the South Wellington area of Electoral Area 'A' (See Attachment 1 for location). The subject property is currently zoned Commercial 5 (CMS) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicant is proposing to convert 27 m<sup>2</sup> of the existing hotel/bar/restaurant to a wine and beer store, which is considered to be an accessory use to the principal use (see Schedule No.3 for proposal).

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), which was established for, in this case, the form and character of the commercial use. As the applicant is proposing to convert a 27 m<sup>2</sup> area of the existing hotel use for a wine and beer store with an outside access, a development permit is required to be in place prior to the applicant adding the new use.

The subject property is located outside of the Regional District of Nanaimo Building Inspection areas.

The Cassidy Inn was established in 1906. The subject property, which is approximately 4000 m<sup>2</sup> in area, currently contains the hotel use and related bar and restaurant uses with an off-street parking area surrounding the entire site. There is also refuse bins and a trailer located to the rear of the building. The parcel is currently serviced by a private septic disposal system and private well.

There are constructed roads on three sides of the parcel. The boulevards on Canyon Road (front of the Inn) and a portion of Beck Road (rear side) are paved up to the property lines. The current off-street parking area was constructed prior to the adoption of Bylaw No. 500, 1987 and therefore does not meet the current setback requirements. Most of the off-street parking areas are not well delineated and there are numerous accesses to the property. With the development of the proposed wine and beer store, a total of 48 off-street parking spaces will be required to meet Bylaw No. 500, 1987 standards.

The applicant is proposing to upgrade the existing off-street parking areas by delineating the spaces and aisle ways. As the applicant is proposing to retain the off-street parking in the same locations, variances with respect to off-street parking setbacks and landscaping provisions to Bylaw No. 500, 1987 have been requested as part of this application. In addition, the applicant is proposing new signage for the wine and beer store in the form of a fascia sign to be located on the wall fronting the store. The applicant is also proposing to remove 2 existing free standing signs located on the Canyon Roadside of the property and replace them with 1 free standing sign. The addition of these new signs will also requires variances to Bylaw No. 500 and the "Regional District of Nanaimo Sign Bylaw No. 993,1995" (see Schedule No. 2 for proposed variances).

#### **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/SITE CONSTRAINTS**

Reconstructing the existing off-street parking area to meet the required Bylaw No. 500 setback requirements will result in a reduced number of off-street parking spaces. The setback area for the parking contains paved surfaces and disallowing parking on this area would not offer any positive advantages to the site.

With respect to the landscaping provisions, as there is no available area between the paved portion of Canyon Road and the parking areas, there is no area to provide landscaping. In addition, the inclusion of a landscape buffer will negatively affect the parking area by reducing the number of spaces. Given the age of the building and historic site development, and considering that the application is to convert an existing building to an accessory retail use which involves no building expansion, staff supports a portion of the parking area remaining in the setbacks without increased landscape provisions.

#### ***Ministry of Transportation Implications***

The Ministry of Transportation staff has reviewed the submission and has requested a number of conditions be met with respect to the access permits and the parking areas. Ministry requirements will be included with the conditions of the development permit.

#### ***Development Permit Guidelines Implications***

The requirements as set out in the development permit guidelines may generally be met for this application (see Schedule No. 1 for Conditions of Permit). However, due to the historical nature of the site and in order to maintain good traffic circulation, the parking areas are recommended to be left in the same location around the building.

The applicant also wishes to replace the 2 existing free-standing signs with 1 free standing pole sign adjacent to the south west corner of the subject property. Therefore, a variance is required to the minimum setback requirements. In order to meet the requirements of the development permit guidelines, staff recommends that the signage be restricted in height and minimally lit to be less obtrusive.

Staff also recommends that in keeping with the guidelines, the applicant screen the outdoor refuse containers and place them in an unobtrusive location.

#### *Environmentally Sensitive Areas (ESA) Atlas*

The ESA Atlas indicates that the subject property does not contain an environmentally sensitive feature.

#### VOTING

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

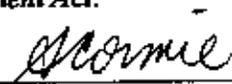
#### SUMMARY

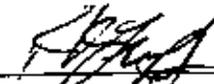
This is an application to convert a 27 m<sup>2</sup> portion of an existing building into an accessory retail area for the sales of wine and beer for the Cassidy Inn property located at 2954 Canyon Road and designated within the South Wellington Development Permit Area pursuant to the Electoral Area 'A' Official Community Plan Bylaw. The applicant is proposing to upgrade the existing parking areas, replace 2 free standing signs with 1 free standing sign, and add 1 fascia sign. Variances to Bylaw No. 500 and the Sign Bylaw No. 993 are required to allow the parking areas, eliminate the landscape buffer adjacent to Canyon Road, and introduce new signage.

While it is difficult to provide for additional landscaping due to the siting of buildings and parking areas, the applicant is in concurrence to upgrade the existing parking areas by delineating the parking spaces and aisle ways. As the applicant is in concurrence with the conditions outlined in Schedules No. 1, 2, and 3 of this staff report and the development permit guidelines may generally be met, staff support Alternative No. 1 to approve the development permit to allow the conversion of a portion of the existing hotel use to a licensee retail store (Wine and Beer Store) subject to the notification procedures of the *Local Government Act*.

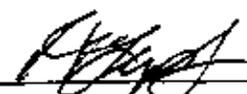
#### RECOMMENDATION

That Development Permit Application No. 0244 submitted by Steve Terry, on behalf of Cassidy Inn (1989) Ltd., to convert a portion of the existing hotel use to a licensee retail store (Wine and Beer Store) within the South Wellington Development Permit Area on the property legally described as Lot 1, Section 3, Range 8, Cranberry District, Plan 15453, 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/2002/dp se 3060 30 0244 Cassidy Inn

**Schedule No. 1  
Conditions of Approval  
Development Permit No. 0244  
Lot 1, Section 3, Range 8, Cranberry District, Plan 15453**

The following sets out the conditions of approval:

**1. Building Development**

- a. A 27 m<sup>2</sup> area of the existing building in the location as illustrated on *Attachment No. '1'* may be used for an accessory wine and beer store.
- b. The existing restaurant trailer shall be removed from the site.

**2. Landscaping**

The existing landscaped areas of the site including the natural buffer area adjacent to the east lot line and the Douglas fir and Arbutus trees shall be retained.

**3. Off-Street Parking Spaces and Aisle Ways**

- a. A minimum of 48 off-street parking spaces shall be provided in accordance with Schedule No. '2' and the following:
  - i. All parking areas, including aisle ways, shall be clearly delineated through the use of painted lines on paved surfaces or concrete parking stops on compacted and dust free surfaces.

**4. Ministry of Transportation**

Applicant to meet the requirements of the Ministry of Transportation as per correspondence dated September 19, 2002, as attached.

**5. Refuse Containers**

Applicant to locate refuse containers in an unobtrusive area and provide screening for the containers. Screening may be constructed with fencing or plant materials or a combination of both.

**6. Signage**

- a. Applicant to remove 2 existing free standing signs.
- b. The location of 1 free-standing sign shall be permitted to be situated in the south west corner of the subject property provided there is no aerial trespass. This sign shall not exceed a maximum of 5.0 metres in height and be aesthetically pleasing with a minimal amount of lighting or boldness. The maximum sign area shall not exceed 1.0 metre by 1.5 metres in size to a maximum of 2 sides.
- c. A maximum of 1 fascia sign shall be permitted to advertise the Cassidy Wine and Beer Store and shall be placed on the fascia housing the store. The maximum sign area of the fascia sign shall not exceed a maximum of 2 metres in height; a maximum of 2 metres in length, and the sign shall be aesthetically pleasing with a minimal amount of lighting or boldness.



File: 06 002 24738

September 19, 2002

Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo BC V9T 6N2

Attention: Susan Cornie  
Planner

**Re: Cassidy Inn Development**

In response to your September 19<sup>th</sup>, 2002 fax request and the attached site plan to the above-noted. This office has reviewed and offer the following concerns to be considered:

- 1) All proposed/existing accesses to the Ministry of Transportation's roads should be under permit.
- 2) All proposed parking facilities are to be located on the subject property. No parking facilities for this development are to be located on the Ministry of Transportation's road system.
- 3) All proposed/existing buildings are to meet the current provincial setback of 4.5 metres from the surveyed road right-of-way boundaries.
- 4) A scaleable site plan to accompany any access permit applications. Site plan to indicate the following information:
  - i) All proposed and existing buildings noting square footage and uses.
  - ii) Parking stall dimensions, (i.e. stall width, length, etc.) and all aisle widths.
  - iii) Aisle widths should be of sufficient size to accommodate the vehicle types that will be facilitating the proposal, (i.e. delivery vehicles).
- 5) All proposed and existing uses for the property to meet the current Regional District of Nanaimo's zoning designations.

Thank you for allowing this office to comment on the above proposal. Should you require any additional information or wish to discuss, please do not hesitate to contact me at (250) 390-6277 or via email at [Cal.Fradin@cdms7.gov.bc.ca](mailto:Cal.Fradin@cdms7.gov.bc.ca).

Yours truly,

A handwritten signature in black ink, appearing to read "Cal Fradin".

Cal Fradin  
District Development Technician

**Schedule No. 2**  
**Proposed Variances to Bylaw No. 500, 1987 & Sign Bylaw No. 993, 1995**  
**Development Permit No. 0244**  
**Lot 1, Section 3, Range 8, Cranberry District, Plan 15453**

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

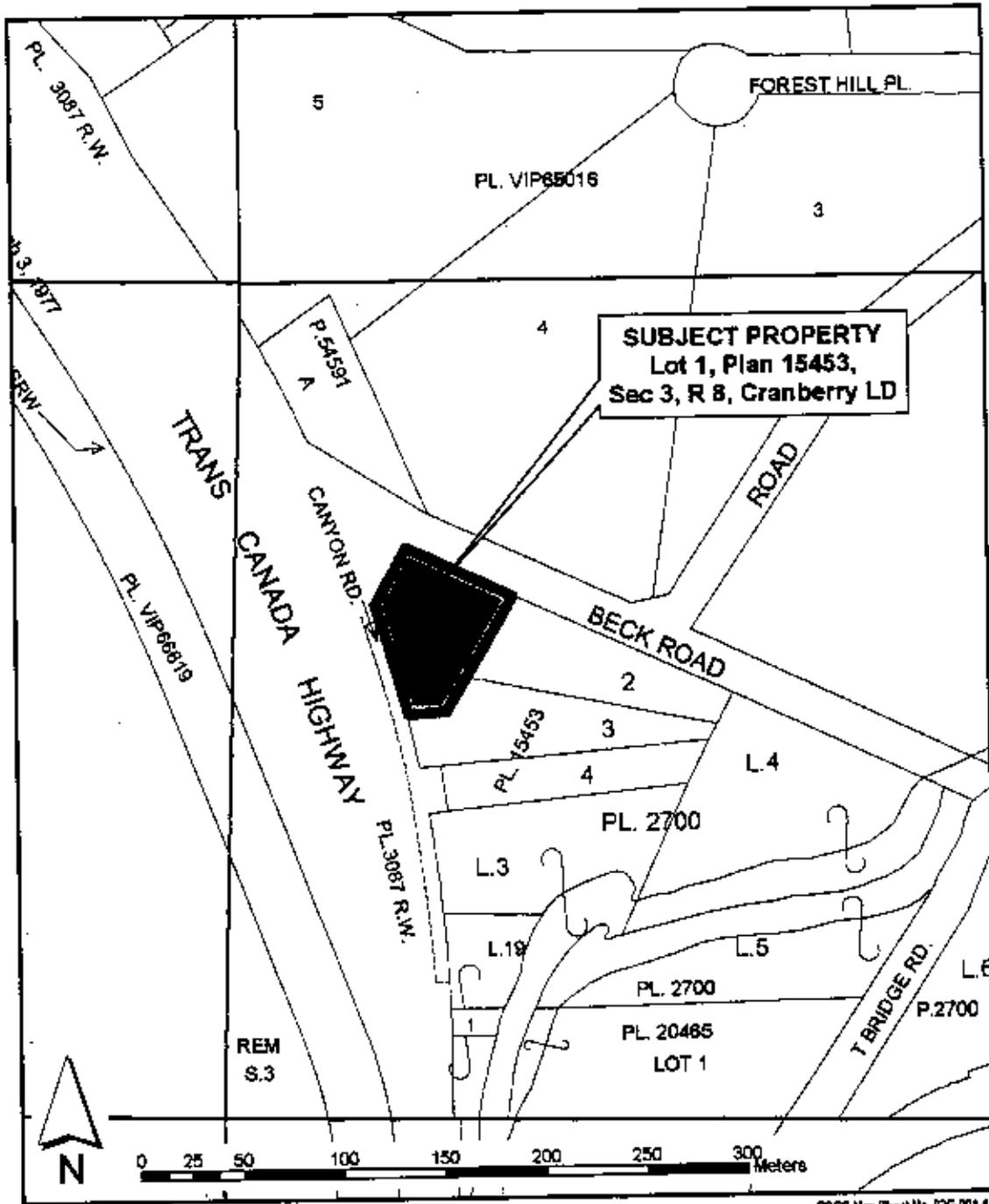
1. Section 1.1 b) of Schedule '3B' proposed to be varied from 8.0 and 5.0 metres to 0 metres in order to provide the off-street parking spaces as shown on Schedule No. 2.
2. Section 2.1 of Schedule '3F' proposed to be varied to permit no landscape buffer.
3. The minimum setback requirement pursuant to Section 3.4.15, be reduced from 8.0 metres and 5.0 metres to 0 metres in order to allow the placement of 1 free standing sign.

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

1. Section 5 (a) proposed to be varied to include 1 fascia sign and 1 free standing sign on the subject property.



Attachment No. 1  
Location of Subject Property





**REGIONAL  
DISTRICT  
OF NANAIMO**

REGIONAL DISTRICT OF NANAIMO	
SEP 23 2002	
CHAIR	GMCrs
CAG	GMDS
MEMBERS	GMES
EA Planning <input checked="" type="checkbox"/>	

**MEMORANDUM**

**TO:** Pamela Shaw  
Manager of Community Planning

**DATE:** September 20, 2002

**FROM:** Brigid Reynolds  
Planner

**FILE:** 3060 30 0245

**SUBJECT:** Development Permit Application No. 0245 - Thiessen and Marshall/Kyler  
Electoral Area 'E' - 1272 Seadog Road

**PURPOSE**

To consider an application for a development permit to vary the minimum setback requirement from the sea to permit the construction of a dwelling unit and deck and to recognize existing stairs for a beach access within the Watercourse Protection Development Permit Area pursuant to the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1118, 1998".

**BACKGROUND**

The subject property legally described as Lot 21, Block C, District Lot 38, Nanoose District, Plan 10777 is located on 1272 Seadog Road in the Cottam Point area of Nanoose Bay (*see Attachment 1*).

The subject property is zoned Residential 1 (RS1) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The minimum setback requirement from the sea is 8.0 metres from the top of bank 30% or greater. The proposed location of the dwelling unit is a minimum of 2.7 metres from the top of the bank (*see Schedule No. 1*). In addition, there is an existing set of stairs providing a beach access that is sited at the natural boundary.

The Watercourse Protection Development Permit Area was established to protect the natural environment. The Development Permit Area is measured 15.0 metres from the natural boundary of the marine foreshore. The dwelling unit and deck are proposed to be sited a minimum of 10.6 metres from the natural boundary, within the Development Permit Area.

The lot is between 41 and 51 metres deep and gradually slopes from Seadog Road down to the marine foreshore. Fill has been introduced to the lot in the area between the proposed dwelling unit and marine foreshore, which has modified the natural bank. As a result, the surveyor has estimated the location of the top of the natural bank.

The dwelling unit is proposed to be one storey on a crawl space. Adjacent lots have been developed with dwelling units; the proposed dwelling unit would be 'in line' with the setbacks on adjacent properties.

There is an existing cabin and shed on the lot, which will be removed prior to the proposed works being undertaken. As a result, the majority of the lot has been cleared of native vegetation with some remaining 4.0 metres upland from the natural boundary.

The septic system was upgraded in approximately 1998. The septic field is located beside the garage between the proposed dwelling unit and Seadog Road and the tank is located below the proposed deck.

**PAGE**  
**13**

## ALTERNATIVES

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

## LAND USE AND DEVELOPMENT IMPLICATIONS

Approval of the requested variance would permit the construction of a dwelling unit and deck to be located a minimum of 2.7 metres from the top of the bank from the marine foreshore and a minimum of 10.6 metres from the natural boundary. In addition, a set of existing stairs is sited on the bank and is located at the natural boundary. Approving the requested variance for the stairs would legalize their siting.

The septic field is located between the proposed dwelling unit and Seadog Road and beside the garage. The proposed location of the dwelling unit is sited a minimum of 8.0 metres from the front yard. The front yard setback and the location of the septic field limits the location of the building envelope to what is proposed in this application.

Views of neighbouring residents should not be impacted as the proposed dwelling unit is one storey and the proposed location is in line with the dwelling units on the adjacent lots (*See Schedule Nos. 2 and 3*).

## ENVIRONMENTAL IMPLICATIONS

There is an existing cabin on the lot and the majority of the lot has been cleared of native vegetation. Some native vegetation remains on the foreshore area of the lot, and this will not be disturbed as part of this proposed development. The marine foreshore has the potential of being impacted by development being undertaken upland. Therefore, Conditions of Approval outlined in Schedule No. 1 will reduce any potential negative impacts to the marine foreshore.

## VOTING

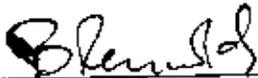
Electoral Area Directors – one vote, except Electoral Area 'B'.

## SUMMARY/CONCLUSIONS

This is an application to vary the minimum setback requirement from the sea from 8.0 metres from the top of the bank to a minimum of 2.7 metres to permit the construction of a dwelling unit and deck and to legalize an existing set of stairs located 0.0 metres from the natural boundary within the Watercourse Protection Development Permit Area. From staff's assessment of this application, Development Permit No. 0245 should be approved as the size of the lot, location of the bank adjacent to the marine foreshore, and the location of the existing field limits the location of the dwelling unit to the proposed location.

**RECOMMENDATION**

That Development Permit Application No. 0245 submitted by Thiessen and Marshall/Kyler to vary the minimum setback from the sea from 8.0 metres from the top of the bank to a minimum of 2.7 metres and to vary the minimum setback from 8.0 metres from the natural boundary to 0.0 metre pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 to permit the construction of a dwelling unit and deck and to legalize an existing set of stairs within the Watercourse Protection Development Permit Area on the property legally described as Lot 21, Block C, District Lot 38, Nanoose District, Plan 10777, be approved subject to the requirements outlined in Schedule Nos. 1, 2, 3 and 4 and subject to notification requirements pursuant to the *Local Government Act*.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

**COMMENTS:**

devsvs/reports/2002/dp se 3060 30 0245 Thiessen Marshall/Kyler

**Schedule No. 1  
Conditions of Approval  
Development Permit No. 0245**

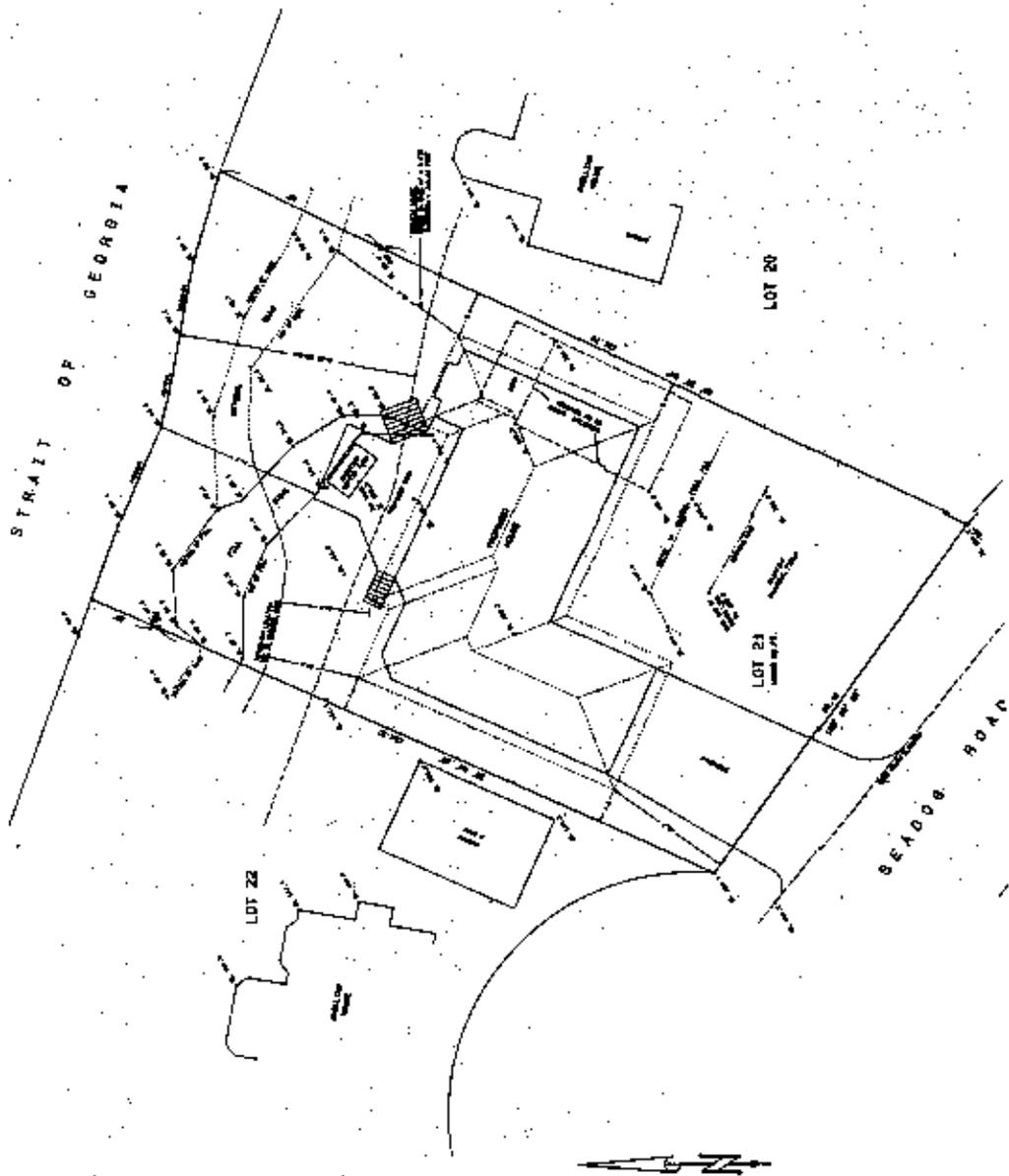
**Development Permit Area Protection Measures**

1. 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:
  - b) Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite.
  - c) Direct run off flows away from Strait of Georgia using swales or low berms.
  - d) Exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened.
  - e) Cover temporary fills or soil stock piles with polyethylene or tarps.
2. Temporary construction fencing to be erected 2.0 metres from the top of the bank to reduce any potential bank destabilization.
3. All surface drainage collected from roof leaders and perimeter drains shall be discharged into a rock pit located outside of the Development Permit Area.
4. Existing native vegetation located between the marine foreshore and the top of the bank shall not be disturbed.

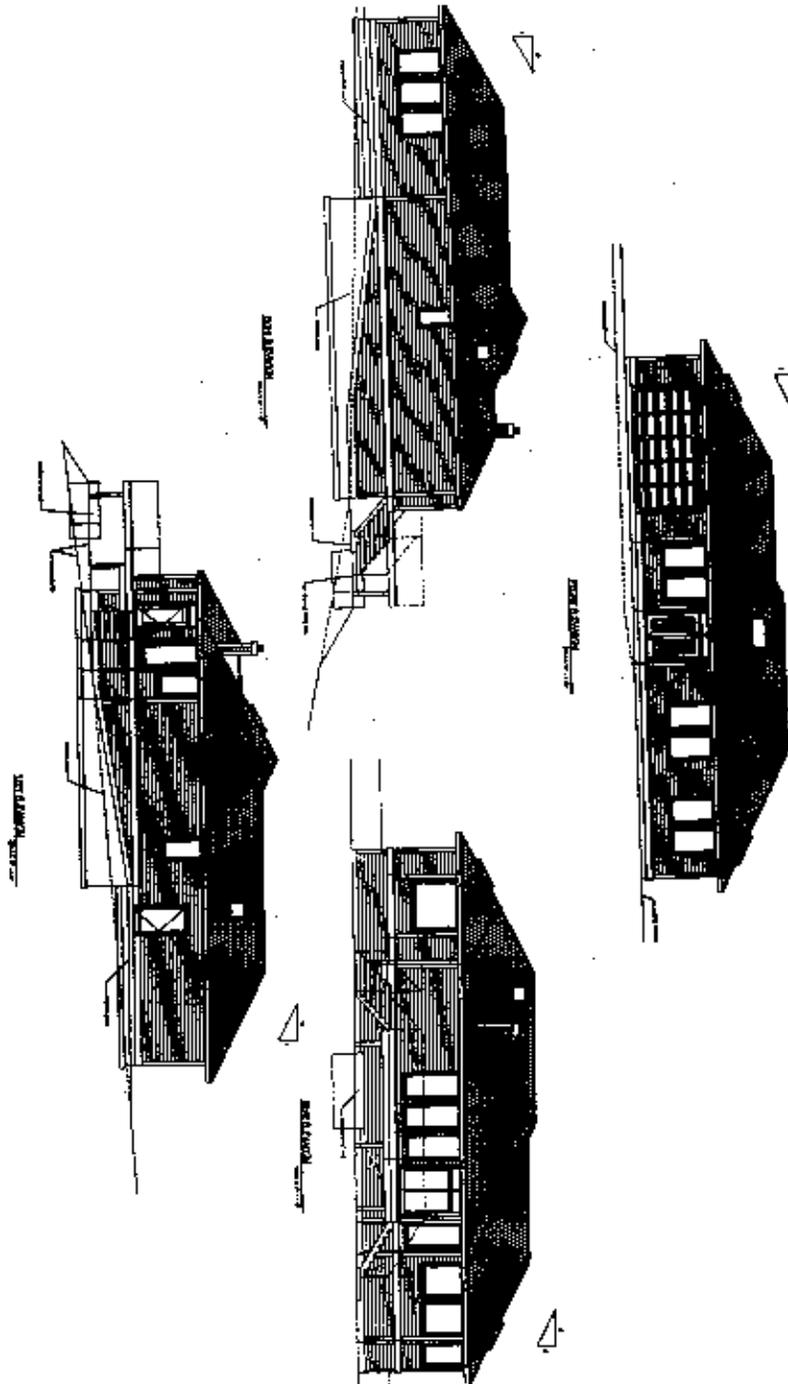
**Development of Site**

5. Subject property to be developed in accordance with Schedules Nos. 1, 2, 3 & 4.
6. Remove existing cabin and shed.

Schedule No. 2  
Site Plan (reduced for convenience)  
Development Permit No. 0245



Schedule No. 3  
House Plan (reduced for convenience)  
Development Permit No. 0245

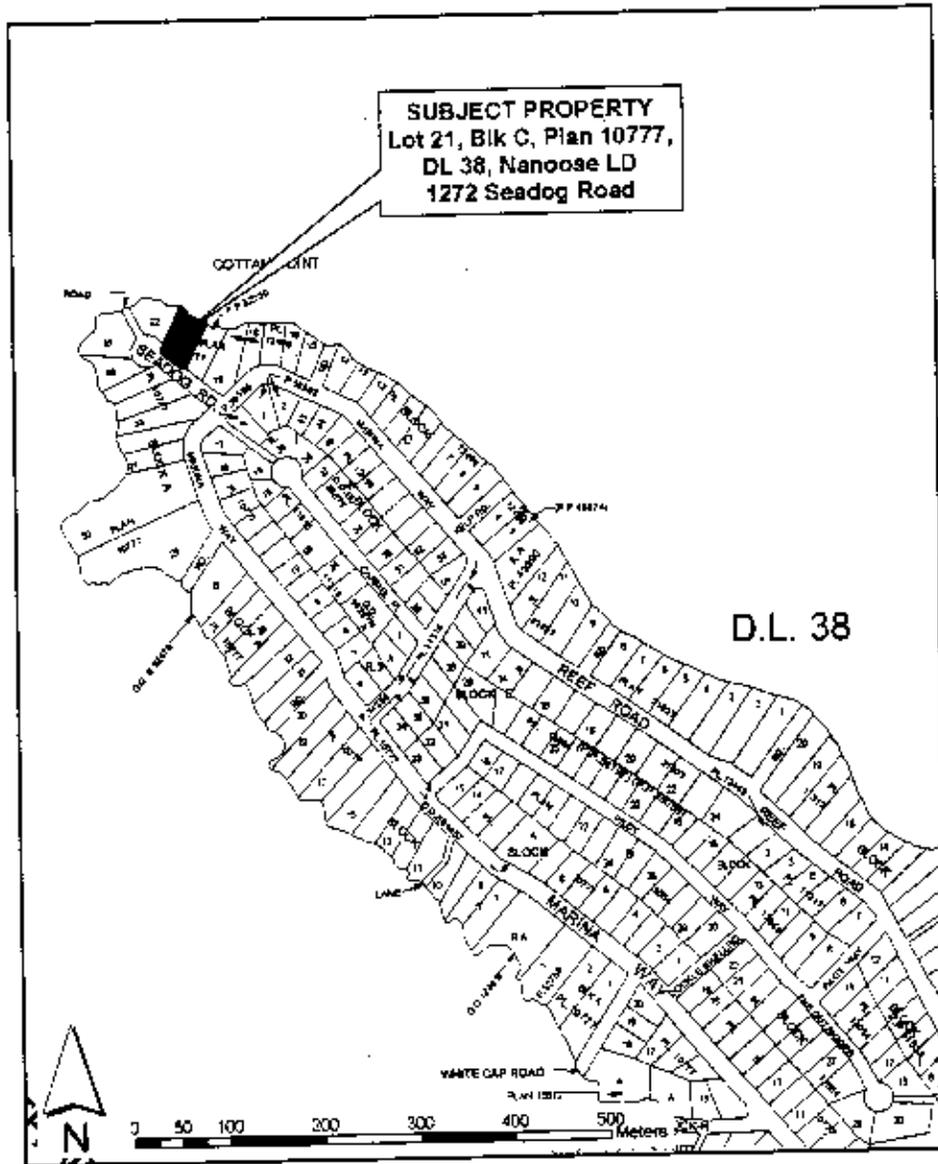


**Schedule No. 4**  
**Requested Variances**  
**Development Permit No. 0245**

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

1. Section 3.3.9 Setbacks – Sea is varied from 8.0 metres from the top of the bank to a minimum of 2.7 metres.
2. Section 3.3.9 Setbacks – Sea is varied from 8.0 from the natural boundary to a minimum of 0.0 meters.

**Attachment No. 1**  
**Subject Property**  
**Development Permit No. 0245**





REGIONAL DISTRICT OF NANAIMO		
SEP 23 2002		
CHAIR		GMCrS
CAO		GMDS
CMCms		GMES
EA Planning		<input checked="" type="checkbox"/>

MEMORANDUM

TO: Pamela Shaw  
Manager, Community Planning

DATE: September 23, 2002

FROM: Deborah Jensen  
Planner

FILE: 3360 30 0205

SUBJECT: Zoning Amendment Application - Colclough  
Lot 8, Block 471, Nanoose District, Plan 43434  
Electoral Area 'D' - Aulds Road

PURPOSE

To consider an application to rezone the subject property from Residential 1 (RS1), Subdivision District 'L' to Residential 2 (RS2), Subdivision District 'L' to facilitate the development of two dwelling units on a single parcel.

BACKGROUND

The Regional District of Nanaimo has received an application to rezone an approximately 2.0 hectares property from Residential 1 (RS1), Subdivision District 'L' to Residential 2 (RS2), Subdivision District 'L'. The subject property is located on Aulds Road (see Attachment No. 1) and is generally surrounded by Residential 1 (RS1) zoned properties, with one larger Rural 1 (RU1) zoned property to the east. A small community park is also located immediately northeast of the subject property.

Pursuant to Section 3.4.61 of the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," the Residential 1 zone allows for one dwelling unit on the subject property. Rather than creating two separate titles through an application for subdivision, the applicant is proposing a zoning amendment to allow for a density of two dwelling units on the subject property. The property is currently accessed via a dedicated easement on the adjacent property.

*Restrictive Covenants/Easements*

Two statutory rights-of-way are registered on title for the subject property. These documents, registered to the Lantzville Improvement District, allow for both access to the property and siting of the water towers. Any development of the property by the property owner must not impede this access or affect the water supply structures. As well, an easement is registered in favour of the subject property, which allows "access" to the subject property via the adjacent property (see Schedule No. 2).

## ALTERNATIVES

1. To approve the amendment application to rezone the subject property from Residential 1 (RS1), Subdivision District 'L' to Residential 2 (RS2), Subdivision District 'L', as submitted by the applicant.
2. To approve the amendment application to rezone the subject property from Residential 1 (RS1), Subdivision District 'L' to Residential 2 (RS2), Subdivision District 'L', subject to the conditions outlined in Schedule No. 1.
3. To not approve the amendment application to rezone the subject property from Residential 1 (RS1), Subdivision District 'L' to Residential 2 (RS2), Subdivision District 'L'.

## PUBLIC CONSULTATION IMPLICATIONS

A Public Information Meeting for this application was held September 18, 2002 at Costin Hall. Three people attended this meeting (*see Schedule No. 3*). Notification of this meeting was sent to all property owners within a 100-metre radius of the subject property and advertised in one edition of the Harbour City Star.

No written submissions were received at the Public Information Meeting, and verbal enquiries focused on obtaining additional information regarding the public consultation process, and the potential for nearby parcels to obtain similar zoning.

Upon review of comments received from the public, the applicant is proceeding with the application to rezone the subject property.

## GROWTH MANAGEMENT PLAN IMPLICATIONS

The Growth Management Plan designates the subject property as "Present Status Lands," and is located outside of the Urban Containment Boundary (UCB). According to the policies of the Plan, for present status lands located outside of the UCB, development may proceed according to the present zoning of property however, no increase in potential density or intensity of development can be approved. As the current zoning of the subject property would permit a (2) lot subdivision, the proposal to rezone the property to permit (2) dwellings on a single parcel of land does not change the potential density of development that would otherwise be permitted by subdivision.

## OFFICIAL COMMUNITY PLAN IMPLICATIONS

The Lantzville Official Community Plan Bylaw No. 974, 1995 designates the subject property as "Suburban Residential". For new development applications, the designation permits a maximum density of 2.5 units per hectare without community sewer and community water and a maximum density of up to 5 units per hectare (without bonuses) with community sewer and water connections. Given the applicant's proposal is to develop a total of two single dwelling units on the subject property, at a density of 2.5 units per hectare, no amendment to the OCP is required.

## LAND USE IMPLICATIONS

The subject property is located along Aulds Road, and slopes upward to the south. The OCP and Environmentally Sensitive Areas Atlas do not indicate the presence of any environmentally sensitive or hazardous areas.

Access to the proposed dwelling unit is proposed via the easement registered against the adjacent property. While an access permit from the Ministry of Transportation is no longer required, the existing access appears to provide adequate and safe access to the site. As part of the application requirements staff has requested that the applicant provide proof of adequate water supply and confirm that the site is capable of providing sewage disposal for the proposed use. The applicant has provided a letter indicating no objections to the proposal from the Health Inspector however has not confirmed proof of water supply and wishes to make this a condition of approval of the rezoning.

It is recommended that the requirement for a report from a Hydrogeological Engineer indicating adequate water potability for each of the two dwelling units and confirmation from the Regional Health Authority that sewage disposal for each dwelling unit can be met on-site be included as conditions for the approval of the application as outlined in Schedule No. 1 (*attached*).

## VOTING

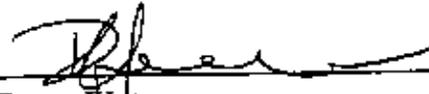
Electoral Area Directors – one vote, except Electoral Area 'B'.

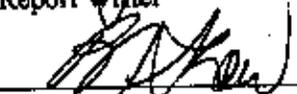
## SUMMARY/CONCLUSIONS

This is an application to rezone an approximately 2.0 hectare property from Residential 1 (RS1), Subdivision District 'L' to Residential 2 (RS2), Subdivision District 'L' to facilitate the development of two dwelling units on a single parcel. The subject property is located adjacent to Aulds Road. Staff recommends Alternative No. 2, to approve the rezoning application for 1<sup>st</sup> and 2<sup>nd</sup> reading subject to the conditions outlined in Schedule No. 1 of this report, and subject to notification procedures pursuant to the *Local Government Act*.

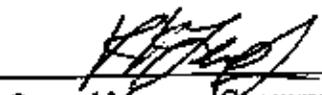
## RECOMMENDATIONS

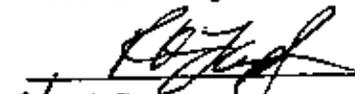
1. That Amendment Application No. ZA0205 by William Colclough to rezone the subject property legally described as Lot 8, Block 471, Nanoose District, Plan 43434, from Residential 1 (RS1), Subdivision District 'L' to Residential 2 (RS2), Subdivision District 'L' be advanced to public hearing, subject to the conditions outlined in Schedule No. 1.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.289, 2002" be given 1<sup>st</sup> and 2<sup>nd</sup> reading and proceed to public hearing.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.289, 2002" be delegated to Director Haime or her alternate.

  
Report Writer

  
Manager Concurrence

COMMENTS:

  
General Manager Concurrence

  
CAO Concurrence

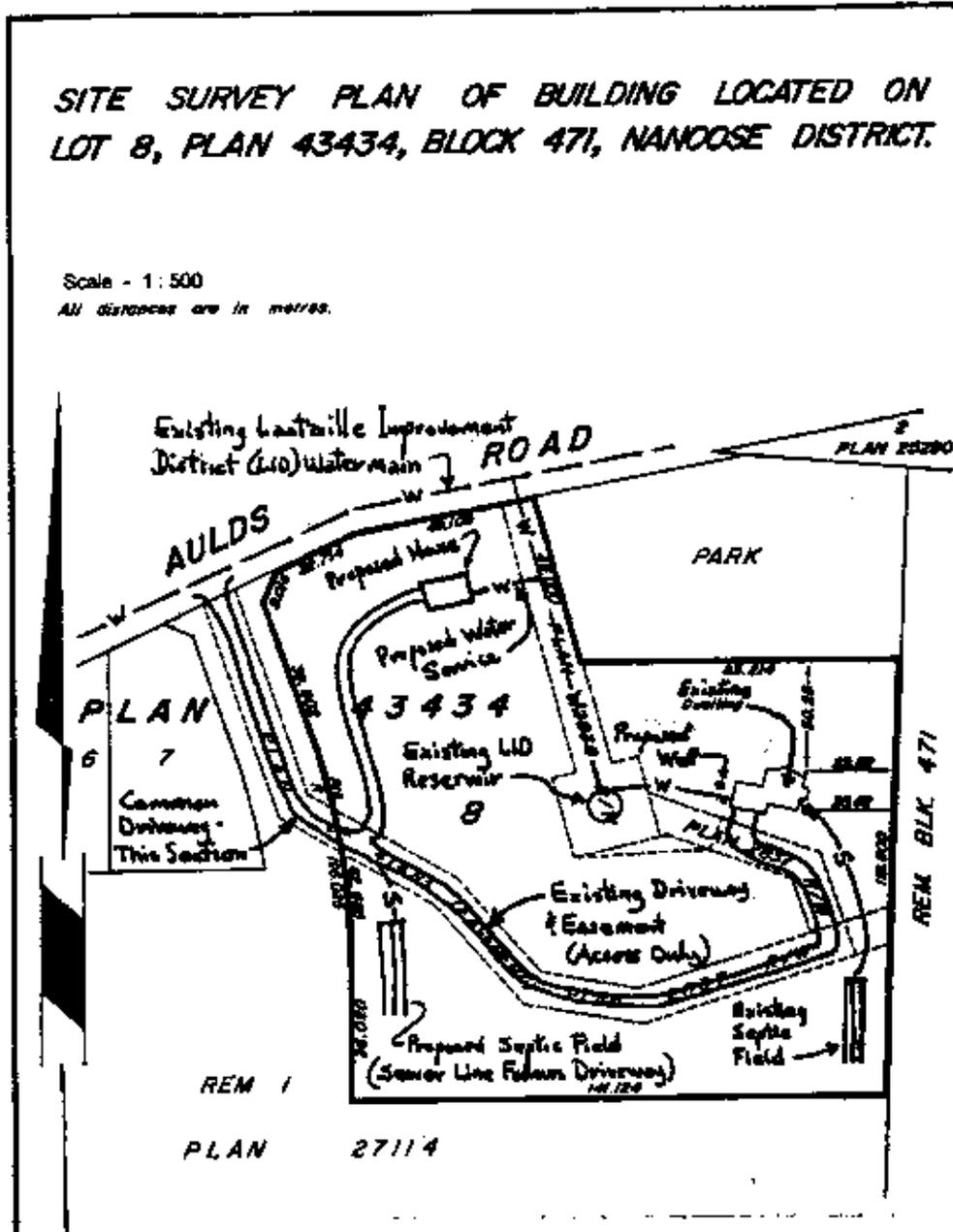
**Schedule No. 1**  
**Conditions of Approval**  
**Zoning Amendment Application No. 0205**

1. Confirmation from the Regional Health Authority that septic disposal for each of the two dwelling units can be met on-site.
2. Confirmation, in the form of a report from a Hydrogeological Engineer that an adequate year-round potable water supply for each of the two dwelling units is available.

Schedule No. 2  
 Proposed Plan of Development

**SITE SURVEY PLAN OF BUILDING LOCATED ON  
 LOT 8, PLAN 43434, BLOCK 471, NANOOSE DISTRICT.**

Scale - 1:500  
 All distances are in metres.



I hereby certify that the above sketch shows the registered dimensions of the above described property and the relative location of the improvements thereon.

This plan is for the protection of the mortgagee only, and is not for the re-establishment of property boundaries.

December 31<sup>st</sup>, 1987.  
  
 E.C.L.S.

**E.C. LAND SURVEYORS  
 CONSULTING ENGINEERS**  
 182 Memorial Avenue P.O. Box 94 Parksville, B.C. V0R 2M6

Schedule No. 3  
Minutes of Public Information Meeting  
Held September 18, 2002  
(Page 1 of 2)

REGIONAL DISTRICT OF NANAIMO

SUMMARY OF PROCEEDINGS OF A PUBLIC INFORMATION MEETING  
HELD WEDNESDAY, SEPTEMBER 18, 2002 AT 7:00 PM  
AT COSTIN HALL  
TO CONSIDER AULDS ROAD REZONING

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

**Present:**

Denise Haime	Director, Electoral Area 'D'
Bob Colclough	Applicant
Deborah Jensen	Planner

There were 3 people in attendance.

Director Haime opened the meeting at 7:00 pm and followed with greetings to the public and an introduction of the head table.

Director Haime stated the purpose of the public meeting.

Deborah Jensen provided a general overview of the proposed Aulds Road rezoning.

Bob Colclough provided a general overview of the history of the Aulds Road property and provided a review of the proposal.

Director Haime invited questions from the audience.

**Jean Martin, 7297 Aulds Road, Lantzville, BC,** inquired whether other properties in the area could rezone to allow additional dwelling units.

**Lucy Dumouchelle, Harwood Road, Lantzville, BC,** requested confirmation as to the location of the subject property and inquired how the property initially came to have Residential 1 zoning. Lucy Dumouchelle also requested a summary of the public consultation process for a rezoning application.

**Jean Martin, 7297 Aulds Road, Lantzville, BC,** inquired whether this would set a precedent for other properties in the area to rezone to allow for additional dwelling units.

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

**Schedule No. 3**  
**Minutes of Public Information Meeting**  
**Held September 18, 2002**  
**(Page 2 of 2)**

The meeting concluded at approximately 7:15 pm.

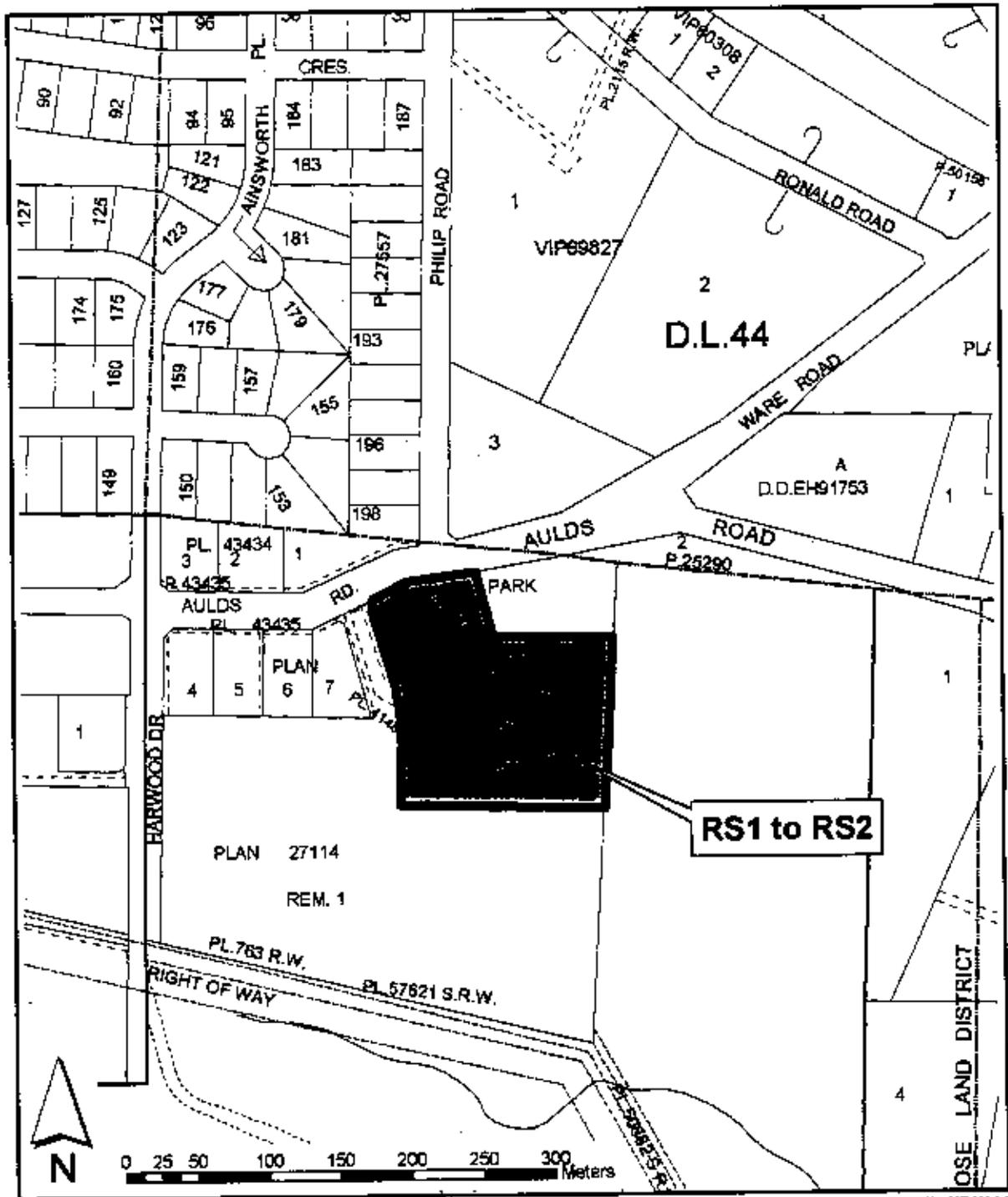
Certified fair and accurate this 18<sup>th</sup> day of September, 2002.

*D. Jensen*

---

Deborah Jensen  
Recording Secretary

Attachment No. 1  
Subject Property Map





REGIONAL DISTRICT OF NANAIMO		
SEP 23 2002		
CHAIR		GMCrs
CAO		GMDS
CMs		GMES
EA Planning ✓		

MEMORANDUM

TO: Pamela Shaw  
Manager of Community Planning

DATE: September 20, 2002

FROM: Susan Cormie  
Senior Planner

FILE: 3320 30 24665

SUBJECT: Request for Cash in-Lieu-of Park Land Dedication & Relaxation of The Minimum 10% Frontage Requirement  
Applicant: Joseph Grimes and Marjorie Grimes  
Electoral Area 'A', Morland Road

PURPOSE

To consider a request to accept cash in-lieu-of dedication of park land and to relax the minimum 10% perimeter frontage requirement as part of a proposed five-lot subdivision development.

BACKGROUND

The applicants, Joseph and Marjorie Grimes, have requested that cash in-lieu-of park land dedication be accepted as part of a 5-lot subdivision proposal for the 2.05 hectare sized property legally described as Lot 10, Section 12, Range 2, Cedar District, Plan VIP53334 and located on Morland Road within Electoral Area 'A' (see Attachment No. 1 for location). The applicants are also requesting that the minimum 10% perimeter frontage requirement be relaxed for 2 of the proposed parcels within the proposed subdivision.

The subject property is currently zoned Residential 2 (RS2) and is within Subdivision District 'M' (minimum 2000 m<sup>2</sup> with community water) pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The applicants are proposing to subdivide the parcel into 5 lots, all of which are greater than 2000 m<sup>2</sup> in size, therefore meeting the minimum parcel size requirements of Bylaw No. 500 (see Attachment No. 2 for proposed subdivision). The parcels are proposed to be serviced by individual private septic disposal systems and community water supplied by the North Cedar Improvement District.

Park Land Requirements

Pursuant to section 941 of the Local Government Act, the owner of the subject property has the option of:

- a. providing 5% of the gross site area as park land; or
- b. paying cash in-lieu-of providing park land; or
- c. providing a combination of both park land with the balance of 5% given in cash.

Where an official community plan contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land or cash. In this case, the "Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" specifies that park land dedication may be considered at the time of subdivision subject to meeting the preferred park land criteria specified in the Plan. The maximum amount of park land the Regional District may request for this property is 5% or 1003 m<sup>2</sup> of the total site area.

***Minimum 10% Perimeter Frontage Requirements***

Lot 4 is proposed to have a frontage of 6.0 metres or 1.4% of the perimeter and Lot 5 is proposed to have a frontage of 6.0 metres or 1.1% of the perimeter. Therefore, as these proposed parcels do not meet the minimum 10% parcel frontage requirement pursuant to Section 944 of the *Local Government Act*, approval of the Regional Board of Directors is required.

**ALTERNATIVES**

1. To accept the request by the applicants for cash in-lieu-of park land and approve the request for the relaxation of the minimum 10% frontage requirement for proposed Lots 4 and 5.
2. To deny the request for cash in-lieu-of park land and require the applicants to dedicate park land and approve the request for the relaxation of the minimum 10% frontage requirement for proposed Lots 4 and 5.
3. To deny the requests for cash in-lieu-of dedication of park land and relaxation of the minimum 10% frontage requirement for proposed Lots 4 and 5.

**DEVELOPMENT IMPLICATIONS**

***Official Community Plan Implications***

Where the official community plan contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land or cash or a combination of both. In this case, Electoral Area 'A' the Official Community Plan Bylaw No. 1240, 2001, contains park land related policies which stipulates that park land is desirable where preferred criteria may be met such as waterfront access, environmentally sensitive areas, providing trail linkages, or preserving viewpoints. As the subject property does not contain a preferred park and trail element, the OCP supports cash in-lieu-of park land.

***Area 'A' Parks, Recreation and Green Space Advisory Committee Implications***

As the subject property does not contain a preferred park acquisition element recognized by the Electoral Area 'A' OCP, the application has not been referred to this Committee. The Committee is to advise the Regional Board on Park related matters including the acquisition of park land subject to the policies set out in the OCP.

***Park and Recreation Implications***

The planning process with respect to the Electoral Area 'A' Community Trails Study is currently underway. As a result, Parks and Recreation staff has reviewed this request for cash in-lieu-of park land, taking into account the initial findings of the Trails Study, and have indicated that a trail linkage is not required through the subject property. It is also noted that Hemer Provincial Park is located nearby to the subject property with access into the park from Morland Road. As a result of this information, Parks Department staff recommends that the request for cash in-lieu-of park land be supported.

### ***Lot Configuration Implications***

There are two dwelling units currently located on the parent parcel situated in such a way as to limit the overall subdivision design layout including the number of new parcels that could be created. The dwelling units are proposed to be located on separate parcels (proposed Lots 4 and 5) designed with 6-metre wide panhandle accesses. Pursuant to Bylaw No. 500, 1987, no panhandle shall be created narrower than 10.0 metres where further subdivision of the parcel is possible. Bylaw No. 500 also provides that a panhandle may be a minimum of 6.0 metres where no further subdivision is possible. The applicants have indicated that they will enter into a section 219 covenant restricting further subdivision of these parcels, including strata subdivision. Therefore, with a covenant restricting subdivision registered on title, the requirements of the bylaw will be met. In addition, a covenant will ensure that future owners will be aware of the limitations associated with further subdivision and will avoid future requests for the creation of additional parcels by way of a panhandle access.

Ministry of Transportation staff has indicated that they have no objection to the request for relaxation of the minimum 10% frontage requirement.

### **ENVIRONMENTAL IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

The subject property has an assessed value of \$114,000.00 according to the 2002 authenticated assessment roll. The valuation of the property for 5% cash-in-lieu of park land charges will be based on a certified appraisal of the land at the time of preliminary subdivision approval (PLA). Therefore, it is anticipated that the appraised market value would result in an approximately \$5,700.00 contribution to Electoral Area 'A' community parks fund.

### **VOTING**

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

### **SUMMARY**

This is a request to provide cash-in-lieu-of park land pursuant to Section 941 of the *Local Government Act* as part of a five-lot subdivision development and to relax of the minimum 10% perimeter frontage requirement for 2 of the proposed parcels. Ministry of Transportation staff has indicated that they have no objection to the request for the proposed minimum 10% frontage relaxations. Due to the location of the existing dwelling units, the panhandle lot configurations will allow the placement for 3 parcels on Morland Road. The applicant is in concurrence to enter into a section 219 covenant to restrict further subdivision of the proposed panhandle lots in order to meet bylaw requirements. With respect to the park land requirement, the subject parcel does not contain a preferred park acquisition element as set out in the OCP. It is also noted that there is limited access available from the end of Morland Road into nearby Hemer Provincial Park. Therefore, given that the location of the existing dwelling units on the parent parcel limits the lot configuration, that the Ministry of Transportation has no objections, that the OCP supports cash in-lieu-of park land dedication, and the applicant is in concurrence to register a section 219 covenant restricting further subdivision of proposed Lots 4 and 5, staff recommend Alternative No. 1, to accept

cash-in-lieu-of park land and approve the 10% frontage relaxation subject to the applicant registering a section 219 covenant on proposed Lots 4 and 5 restricting further subdivision, including strata subdivision.

### RECOMMENDATION

That the requests, submitted by Joseph Grimes and Marjorie Grimes, for cash-in-lieu of park land dedication be accepted and to relax the minimum 10% frontage requirement for proposed Lots 4 and 5, as shown on the plan of subdivision of Lot 10, Section 12, Range 2, Cedar District, Plan VIP53334, be approved subject to the applicant registering a section 219 covenant on proposed Lots 4 and 5 restricting further subdivision, including all forms of strata subdivisions.

Report Writer

General Manager Concurrence

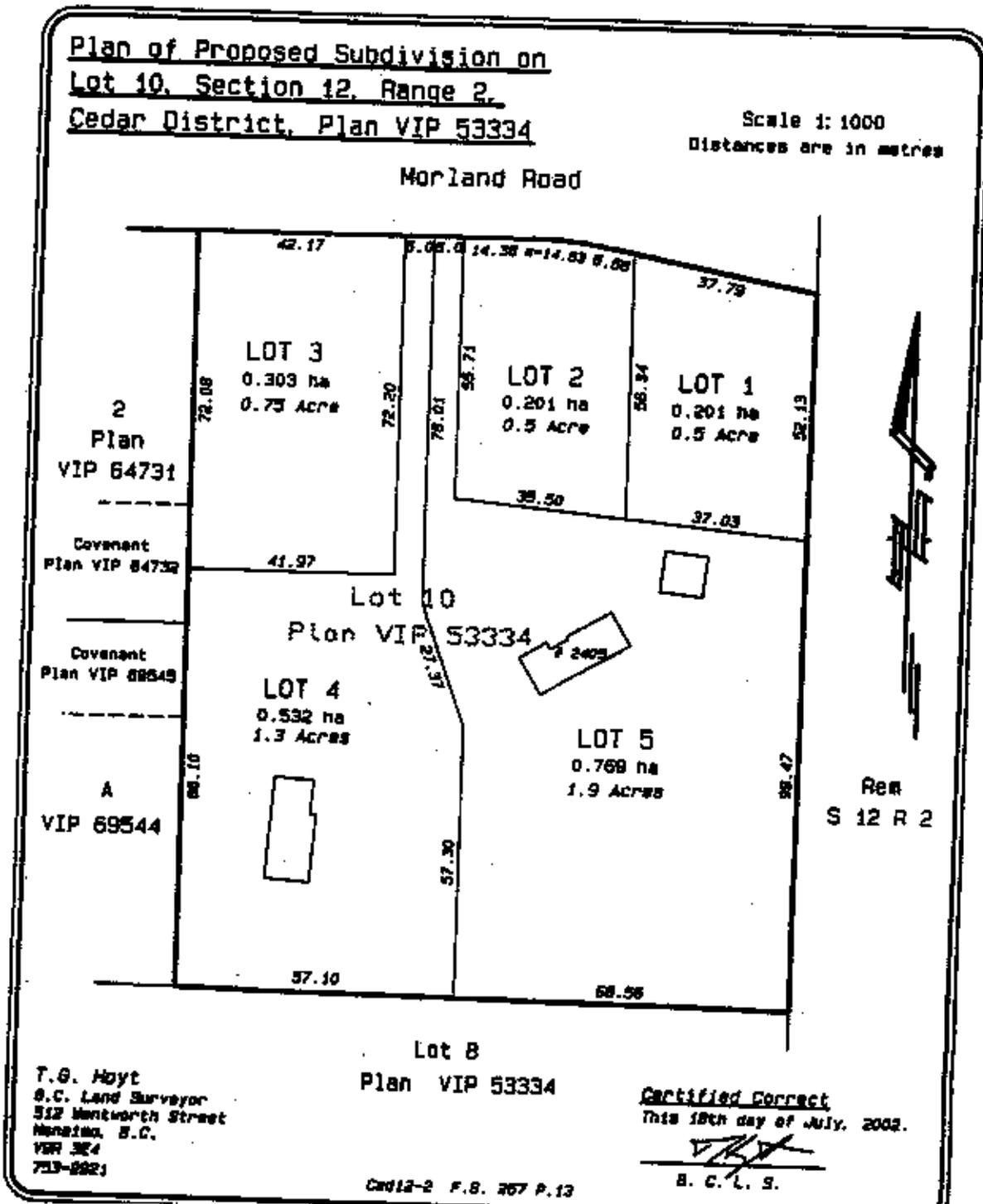
Manager Concurrence

CAO Concurrence

### COMMENTS:

*devsvs/report/2002/park frage se 3320 30 245665 grimes.doc*

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





REGIONAL DISTRICT OF NANAIMO			
SEP 23 2002			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
EA Planning			✓

## MEMORANDUM

**TO:** Pamela Shaw  
Manager of Community Planning

**DATE:** September 23, 2002

**FROM:** Geoff Garbutt  
Senior Planner

**FILE:** 3010 01 APNO

**SUBJECT:** Notification Distance for Development Applications  
All Electoral Areas except Electoral Area 'B'

### PURPOSE

To investigate options for amending the notification distance requirements and signage for development applications within the Regional District of Nanaimo.

### BACKGROUND

At the June 11, 2002 Regular Meeting of the Board of the Regional District of Nanaimo, a resolution was passed by the Directors "that staff prepare a report, in consultation with Directors, to review notification requirements on development applications". This motion came as a result of a number of delegations that spoke to the Board regarding notification procedures at the June 11<sup>th</sup> Board Meeting. The delegations requested that notification distances be increased for larger development proposals and that signage be improved to increase visibility and public awareness of development applications.

At the July 23, 2002 Electoral Area Planning Committee (EAPC), staff presented a report outlining options for amending notification distance requirements and signage for development applications within the Regional District of Nanaimo. The EAPC received the staff report and referred the item back to staff to allow for additional consultation with Electoral Area Directors.

Staff contacted individual Electoral Area Directors and discussed issues related to the proposed options for amending the notification distance requirements and signage and solicited feedback on potential amendments to Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002 (excluding Electoral Area 'F'). Directors indicated it was important to ensure that large-scale applications receive adequate public notification to ensure the public has input on OCP and zoning amendments. There was also support for standardization of notification provisions across electoral areas.

## ALTERNATIVES

1. Amend "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002" to increase the notification distance for applications for OCP and Zoning Amendments and require generic signage to advertise a development application.
2. To increase the notification distance for applications for OCP and Zoning Amendments and require customized signage to advertise all development applications.
3. To increase the notification distance for applications for OCP and Zoning Amendments and require a combination of generic signage or customized signage based on the size of the application.
4. Do not amend the notification provisions or current signage policy.

## PUBLIC CONSULTATION IMPLICATIONS

### *Notification Requirements*

With respect to applications for rezoning, especially in the Village Centres, feedback from property owners indicate that public expectations for direct notification are increasing. Due to the potential impacts that a large development may have on the surrounding community, citizens have indicated that the current notification distances are insufficient to ensure that the public is adequately notified.

Consultation with Electoral Area Directors indicated that for most smaller scale applications, current notification procedures are adequate. However, in response to some community concerns for direct notification, the notification distance should be standardized regardless of the zone to ensure that neighbouring properties that are directly impacted by a change in land use be directly notified. The majority of Directors also indicated that when larger scale applications for rezoning are received (more than 20 residential units, 4000 m<sup>2</sup> of commercial or 4000 m<sup>2</sup> of industrial), it would be appropriate to increase notification distances to ensure that the wider community is directly notified. The Director for Electoral Area 'A' felt that notification should be increased to 500 m for all applications to ensure that the entire community be notified as to development applications in their area.

Therefore, based on consultation with directors, two levels of notification would be required. A common notification distance of 200 m (increased from 100 m) for all zones appears to be adequate for a typical application that has neighbourhood impacts; however, a notification distance of 500 m is considered to be more appropriate when a large-scale application is received with impacts that may be felt community-wide.

### *Signage Requirements*

There is a range of options available to the RDN with respect to signage and development applications. Consultation with the majority of Electoral Area Directors indicated that a generic sign, if appropriately sized and located on a property, is adequate for the majority of development applications. Directors felt that this type of signage provides good information for the community. The majority of Directors indicated that for most cases, generic signage is adequate but when larger scale applications for rezoning or OCP amendments are received then it may be appropriate to have detailed signage on a larger scale to

provide additional information to the wider community. The Director for Electoral Area 'A' felt that if notification was not increased to 500 m, then applicants should be required to place detailed signage for all applications for rezoning and/or OCP amendments.

Given the comments from Directors, an increased requirement for development application signage is included as an alternative in this report. For typical applications, it is recommended that a generic application sign be required. The proposed sign stands approximately 1.5 m (5 ft) high and measures 81 cm x 127 cm (32" x 50") with large, high visibility lettering. This sign would be placed and periodically inspected by staff and will not require any additional costs by the applicant. An example of this sign is included as *Attachment No. 2*.

For larger scale applications, staff has produced a detailed Development Application Sign for consideration. This sign, outlined in *Attachment No. 3*, is consistent with other area municipal development application signs. The sign would have a sign face of 122 cm x 244 cm (4 feet by 8 feet) and with a site map, details of the application, date of the Public Hearing and contact information. This style of signage would be produced and placed by the applicant, with the sign location and text reviewed and approved by staff. An example of this sign is included as *Attachment No. 3*.

## LEGAL IMPLICATIONS

The notification procedures for development applications outlined in Bylaw No. 1261 have been adopted in accordance with section 892 of the *Local Government Act*. The *Act* requires that a bylaw establish a specified distance within which direct notice will be supplied to neighbouring properties. Once adopted, the notification procedures must be followed as prescribed by the Bylaw to avoid legal implications as suggested by case law.

## FINANCIAL IMPLICATIONS

With increased notification requirements, the cost to produce and directly notify area residents would be increased relative to the additional notification distance. Costs include additional notice production and postage. Requiring detailed signage for larger scale developments would increase development costs for the applicant. Based on estimates from area sign companies, an average sign would cost the applicant approximately \$240.00 plus tax (\$150.00 for Coroplast Sign face and \$95 for installation and materials).

## VOTING

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

## SUMMARY

Recently, there have been calls by the public to increase public notification and signage requirements for large-scale development applications in the Regional District. Those calling for additional notification suggest that expanding the notification distance and requiring detailed signage has the potential to reach not only those directly impacted by a development application but the larger community as well.

Given the comments received from area residents and the majority of Electoral Area Directors, it is recommended that Bylaw No. 1261 be amended to increase notification distances to 200 metres for all applications for rezoning and/or OCP amendments and further, to increase the notification distance to 500 metres and to require detailed signage where an application for rezoning and/or OCP amendment

involves more than 20 residential units, and a minimum parcel area of 4000 m<sup>2</sup> for commercial and industrial lands.

**RECOMMENDATION**

1. That "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002" be amended to require that the Development Application Sign as shown on *Attachment No. 1*, be placed on a property subject to an application for rezoning and/or OCP amendments.
2. That "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002" be amended to increase the notification distance for applications for rezoning and/or OCP amendments for all Electoral Areas except Electoral Area 'F' to 200 m; and further, to increase the notification distance to 500 m where the development application involves more than a minimum of 20 residential units, a minimum parcel area of 4000 m<sup>2</sup> for the purpose of commercial development or a minimum parcel area of 4000 m<sup>2</sup> for the purpose of industrial development.
3. That "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002" be amended to require the applicant of a development application that involves more than a minimum of 20 residential units, a minimum parcel area of 4000 m<sup>2</sup> for the purpose of commercial development or a minimum parcel area of 4000 m<sup>2</sup> for the purpose of industrial development to install detailed development application sign as shown on *Attachment No. 2*.
4. That Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261.01, 2002 be introduced and given three (3) readings.



Report Writer



General Manager Concurrence



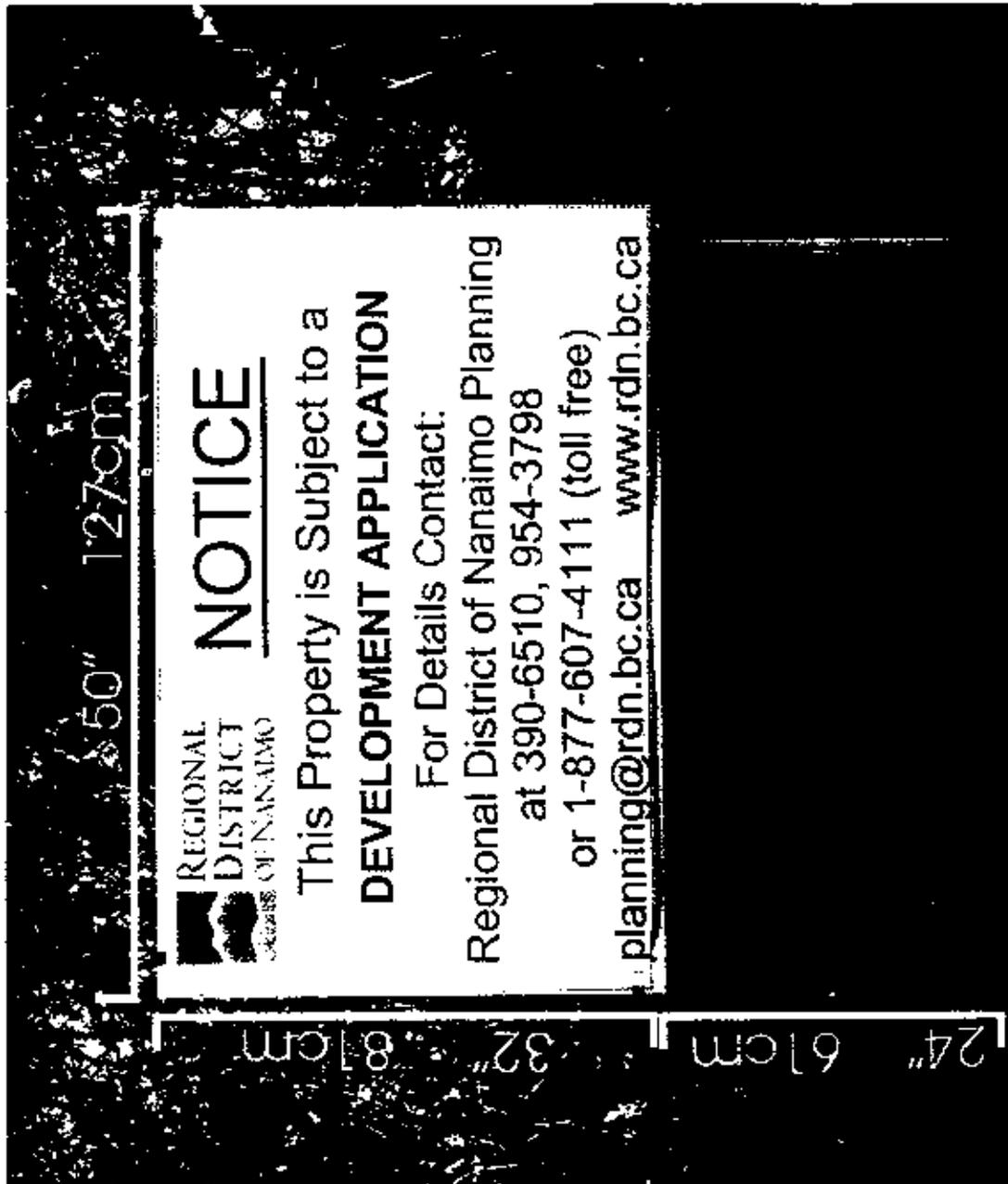
Manager Concurrence



CAO Concurrence

**COMMENTS:**

**Attachment No. 1**  
**Generic Development Application Sign**



Attachment No. 2

Detailed Development Application Sign

LINE

1 **REZONING APPLICATION**  
2 **AN APPLICATION HAS BEEN SUBMITTED TO THE REGIONAL DISTRICT OF NANAIMO**  
3 **TO REZONE THIS PROPERTY FROM \_\_\_\_\_ TO \_\_\_\_\_**  
4

Insert Site Map

FOR FURTHER INFORMATION CONTACT:

APPLICANT:  
NAME:  
ADDRESS:  
PHONE:

10 A PUBLIC HEARING WILL BE HELD  
11 ON: \_\_\_\_\_ TIME:  
12 PLACE:  
13 LOCATION:

REGIONAL DISTRICT OF NANAIMO  
DEVELOPMENT SERVICES DEPARTMENT  
6300 HAMMOND BAY ROAD  
NANAIMO, BC (390-6510 or 954-3798)

Signage Detail

Lettering:

White Background / Black Lettering

Lettering in BLOCK HELVETICA CAPITALS with the following  
minimum height sizes for each sign:

Line 1	12.4 cm (5")
Line 2	7.5 cm (3")
Line 3	7.5 cm (3")
Line 4	7.5 cm (3")
Line 5	4.0 cm (1.5")
Line 6	4.0 cm (1.5")
Line 7	4.0 cm (1.5")
Line 8	4.0 cm (1.5")
Line 9	4.0 cm (1.5")
Line 10	4.0 cm (1.5")
Line 11	4.0 cm (1.5")
Line 12	4.0 cm (1.5")
Line 13	4.0 cm (1.5")

Sign Installation Option:

