

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, SEPTEMBER 14, 2010
6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3 - 6 Minutes of the regular Electoral Area Planning Committee meeting held July 13, 2010.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

AMENDMENT APPLICATIONS

- 7 - 14 Bylaw No. 500.363 for Zoning Amendment Application No. PL2009-751 – Timberlake Jones Engineering Ltd. – 1790 Claudet Road – Area ‘E’.

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- 15 - 20 Development Permit Application No. PL2010-121 – David Ingram & Rebekah Baldwin – 886 Terrien Way – Area ‘G’.
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DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

- 35 - 41 Development Permit with Variances Application No. PL2010-080 – Philip Muise
– Elm Road – Area ‘A’.

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- 42 - 47 Development Variance Permit Application No. PL2009-805 – Fern Road
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- 48 - 78 Bylaws No. 500.346, 500.359, 500.360, 500.361 and 500.362 - Electoral Area
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ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

IN CAMERA

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, JULY 13, 2010, AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director G. Holme	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G
Alternate	
Director D. Heenan	Electoral Area H

Also in Attendance:

M. Pearse	Senior Manager, Corporate Administration
P. Thorkelsson	General Manager, Development Services
D. Lindsay	Manager, Current Planning
N. Hewitt	Recording Secretary

DELEGATIONS

Bernie Walsh, Michele Cloghesy & Vaughan Roberts, re Regional Growth Strategy Amendment to Support OCP Amendment Application No. PL2010-105 -Walbern Ventures - Claudet Road - Area 'E'.

Ms. Cloghesy provided a visual and verbal overview of OCP Amendment Application No. PL2010-105.

MINUTES

MOVED Director Burnett, SECONDED Director Young, that the minutes of the regular Electoral Area Planning Committee meeting held June 8, 2010 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Michael & Jan Wilby, re Proposed Schooner Cove Development.

MOVED Director Stanhope, SECONDED Director Burnett, that the communication from Michael & Jan Wilby be received.

CARRIED

Nettie & William Kokura, re Proposed Lakes District and Schooner Cove Development.

MOVED Director Stanhope, SECONDED Director Burnett, that the communication from Nettie & William Kokura be received.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Regional Growth Strategy Amendment to Support OCP Amendment Application No. PL2010-105 - Walbern Ventures - Claudet Road - Area 'E'.

MOVED Director Young, SECONDED Director Burnett, that the Electoral Area Planning Committee not support consideration of a site specific amendment to the RGS.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that the Electoral Area Planning Committee refer this report and application to amend the Regional Growth Strategy to the Sustainability Select Committee for consideration and recommendation.

CARRIED

MOVED Director Burnett, SECONDED Director Stanhope, that OCP Amendment Application No. PL2010-105 be denied.

CARRIED

Bylaw No. 500.357 Zoning Amendment Application No. PL2010-011 – Maibach - 2115 South Wellington Road – Area 'A'.

MOVED Director Burnett, SECONDED Director Young, that the Summary of the Public Information Meeting held on June 28, 2010 be received.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that Application No. PL2010-011 to rezone the subject property from Commercial 4 (CM4) to Industrial I (IN1) be approved subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.357, 2010" be given 1st and 2nd reading.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.357, 2010" be delegated to Director Burnett or his alternate.

CARRIED

Bylaw No. 500.358 Zoning Amendment Application No. PL2009-006 – Atkey and Polgari - 2800 Kilpatrick Road - Area 'C'.

MOVED Director Young, SECONDED Director Burnett, that Application No. PL2009-006 to rezone the subject property from Subdivision District 'D' to Subdivision District 'F' be approved subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.358, 2010" be given 1st and 2nd reading.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.358, 2010" be delegated to Director Young or her alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2010-094 & Request for Frontage Relaxation - Fern Road Consulting Ltd. - 226 Kenmuir Road - Area 'H'.

MOVED Director Heenan, SECONDED Director Stanhope, that Development Permit Application No. PL2010-094, in conjunction with a two lot subdivision be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

MOVED Director Heenan, SECONDED Director Stanhope, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 1 and Lot 2 be approved.

CARRIED

Development Permit Application No. PL2010-118 & Request for Frontage Relaxation - Fern Road Consulting Ltd. - 6190 & 6208 Island Highway West - Area 'H'.

MOVED Director Stanhope, SECONDED Director Biggemann, that Development Permit Application No. PL2010-118, in conjunction with a lot line adjustment subdivision be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

MOVED Director Stanhope, SECONDED Director Biggemann, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 1 be approved.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variances Application No. PL2010-097 - Fern Road Consulting Ltd. - 771 Miller Road - Area 'G'.

MOVED Director Stanhope, SECONDED Director Burnett, that staff be directed to complete the required notification.

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that Development Permit with Variance No. PL2010-097 to permit the construction of an accessory building by varying the maximum accessory building height, be approved subject to the conditions outlined on Schedules No. 1-4.

CARRIED

Development Permit with Variances Application No. PL2010-099 – Anderson Greenplan Ltd. - Janes Road - Area 'A'.

MOVED Director Burnett, SECONDED Director Young, that staff be directed to complete the required notification.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that Development Permit with Variances and Site Specific Exemption Application No. PL2010-099 to permit the construction of a dwelling unit with variances to the watercourse, other (exterior) lot line setback, and height be approved subject to the conditions outlined in Schedules No. 1- 3.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2010-101 - Fern Road Consulting Ltd. – 863 Cavin Road - Area 'G'.

MOVED Director Stanhope, SECONDED Director Burnett, that staff be directed to complete the required notification.

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that Development Variance Permit Application No. PL2010-101 to relax the minimum setback requirement from the front lot line of the future road be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

Development Variance Permit Application No. PL2010-103 - Mitchell – 1407 Marina Way - Area 'E'.

MOVED Director Young, SECONDED Director Stanhope, that staff be directed to complete the required notification.

CARRIED

MOVED Director Young, SECONDED Director Stanhope, that Development Variance Permit Application No. PL2010-103, be approved subject to the conditions outlined in Schedules No. 1-3.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:50 PM

CHAIRPERSON



CAO APPROVAL	
EAP	✓ Sept 14 2010
COW	
SEP 14 2010	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: September 2, 2010

FROM: Kristy Marks
Planner

FILE: PL2009-751

SUBJECT: Zoning Amendment Application No. PL2009-751, Bylaw No. 500.363
Timberlake Jones Engineering Ltd.
Lot 4, District Lot 84, Nanoose District, Plan 47545
1790 Claudet Road - Electoral Area 'E'

PURPOSE

To consider an application to rezone the subject property in order to facilitate a two lot subdivision.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Timberlake Jones Engineering Ltd. on behalf of Kathleen Pope to rezone the subject property from Resource Management 3 (RM3), Subdivision District 'B' (8.0 ha minimum parcel size with or without community services) to Rural 5 (RU5), Subdivision District 'CC' (4.0 ha minimum parcel size with or without community services) in order to permit a two lot subdivision (see Attachment No. 1 for location of subject property).

The subject property currently contains one dwelling unit. The property is bound by rural zoned parcels to the north and south, resource management zoned parcels to the east and Claudet Road to the west. The western half of the subject property is relatively steep and the eastern portion slopes gradually down to the east.

The requested rezoning is to facilitate a two lot subdivision. Each proposed lot is 4.0 ha in size, and is proposed to be serviced by individual on-site septic disposal systems and potable water wells (see Schedule No. 2 for proposed plan of subdivision). Each proposed parcel will be limited to a maximum of one dwelling.

ALTERNATIVES

1. To approve the application to rezone the subject property from Resource Management 3 (RM3) Subdivision District 'B' to Rural 5 (RU5) Subdivision District 'CC' subject to the conditions outlined in Schedule No. 1 and to give 1st and 2nd reading to the associated amendment bylaw.
2. To not approve the Zoning Amendment Application as submitted.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

The Nanoose Bay Official Community Plan, Bylaw No. 1400, 2005 (OCP) designates the subject property within the Rural Land Use designation. The rural designation includes policy which recommends minimum parcel size of 8.0 ha. However, this designation does support reduction of minimum parcel sizes to 4.0 ha provided the rezoning proposal includes:

1. Registration of a restrictive covenant that limits residential development to one dwelling unit per parcel, prohibits bare land strata subdivision, and declares the number of parcels to be created;
2. Verification that the potable and septic disposal needs for each parcel can be met on each parcel;
3. An Environmental Impact Report, prepared by a Professional Engineer that indicates that the proposed subdivision will not have a detrimental impact on groundwater and drainage regimes.

The applicants have provided a letter prepared by an Engineer confirming that there is suitable soil available within each lot or a sufficient area to support a sewage disposal system in accordance with the current regulations. The Vancouver Island Health Authority (VIHA) has reviewed the proposal and the Health Inspector has recommended approval.

The applicants have provided the well log data for the existing well. Based on this information, the applicant's Engineer has indicated that it appears that adequate water supply exists for the proposed new parcel. Staff recommend that the applicant be required to register a section 219 covenant prior to consideration of 4th reading requiring a new well to be drilled and a report prepared by a Professional Engineer confirming that the new well has been pump tested and certified including well head protection, and that water quality meets the Canadian Drinking Water Standards. This covenant would require the well to be drilled and the report to be provided prior to subdivision approval.

With respect to aquifer protection, the applicant has provided an aquifer impact assessment prepared by Lewkowich Engineering Associates Ltd. dated September 1, 2010, which states that, the "proposed subdivision...would likely have a negligible impact on the drinking water aquifer in this area" and "should not have a significant impact on the groundwater resource". In addition this report states that the risk of the proposed development negatively impacting the aquifer would be considered "very low".

Based on the information provided staff are of the opinion that the proposed development complies with the intent of the OCP.

DEVELOPMENT IMPLICATIONS

Staff recommend that as a condition of rezoning a statutory right of way be registered in favour of the RDN for the purpose of extending a public trail network through the northwest corner of the subject property. This statutory right of way would provide a public access between the unconstructed portion of Davenham Road to the east of the subject property (future trail location) and the proposed trail on the parcel to the north (*see Schedule No. 2 proposed plan of subdivision for the general location of the proposed statutory right of way*).

The surrounding neighbourhood is comprised of rural properties ranging in size from roughly 4.0 to 8.0 ha. Given that the proposed zoning amendment would allow for the development of parcels that are similar in size to adjacent parcels and that density will be limited to one dwelling unit per parcel this application is not expected to have a negative impact on the surrounding neighbourhood.

As per Board policy, staff recommend that the applicant be required to register a section 219 covenant that declares the number of proposed parcels to be created, restricts each parcel to one dwelling unit only, and prohibits further subdivision, including subdivision pursuant to the *Strata Property Act*. This covenant is to be prepared and registered by the applicant to the satisfaction of the Regional District prior to consideration of the bylaw for 4th reading.

Public Consultation Implications

If this application proceeds, a public hearing will be required to be held as part of the zoning amendment process.

Intergovernmental Implications

The Ministry of Transportation and Infrastructure staff have indicated they have no issues with the proposed application, however this is not to be construed as subdivision approval and the proposal will be reviewed through the subdivision approval process. The Vancouver Island Health Authority has indicated that they have no concerns with the proposed amendment application.

SUSTAINABILITY IMPLICATIONS

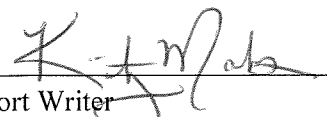
In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. No sustainability implications were identified through the review of this application.

SUMMARY

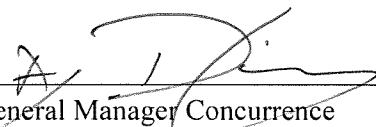
The applicant is proposing to rezone the subject property from Resource Management 3 (RM3), Subdivision District 'B' to Rural 5 (RU5), Subdivision District 'CC' in order to permit a two lot subdivision with 4.0 ha lots serviced with individual on-site septic disposal systems and potable water wells. Given that the proposed zoning amendment is in compliance with the current OCP, staff support the amendment application, subject to the conditions set out in Schedule No. 1 and recommend that the associated Zoning Bylaw Amendment Bylaw receive 1st and 2nd reading. A copy of the proposed Amendment Bylaw is attached to this report (*see Attachment No.2*).

RECOMMENDATIONS

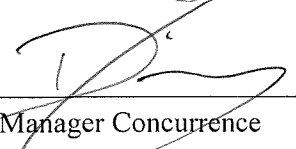
1. That Application No. PL2009-751 to rezone the subject property from Resource Management 3 (RM3) Subdivision District 'B' to Rural 5 (RU5) Subdivision District 'CC' be approved subject to the conditions included in Schedule No. 1.
2. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.363, 2010” be given 1st and 2nd reading.
3. That the public hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.363, 2010” be delegated to Director Holme or his alternate.



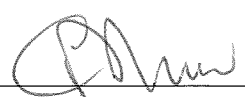
Report Writer



General Manager Concurrence



Manager Concurrence



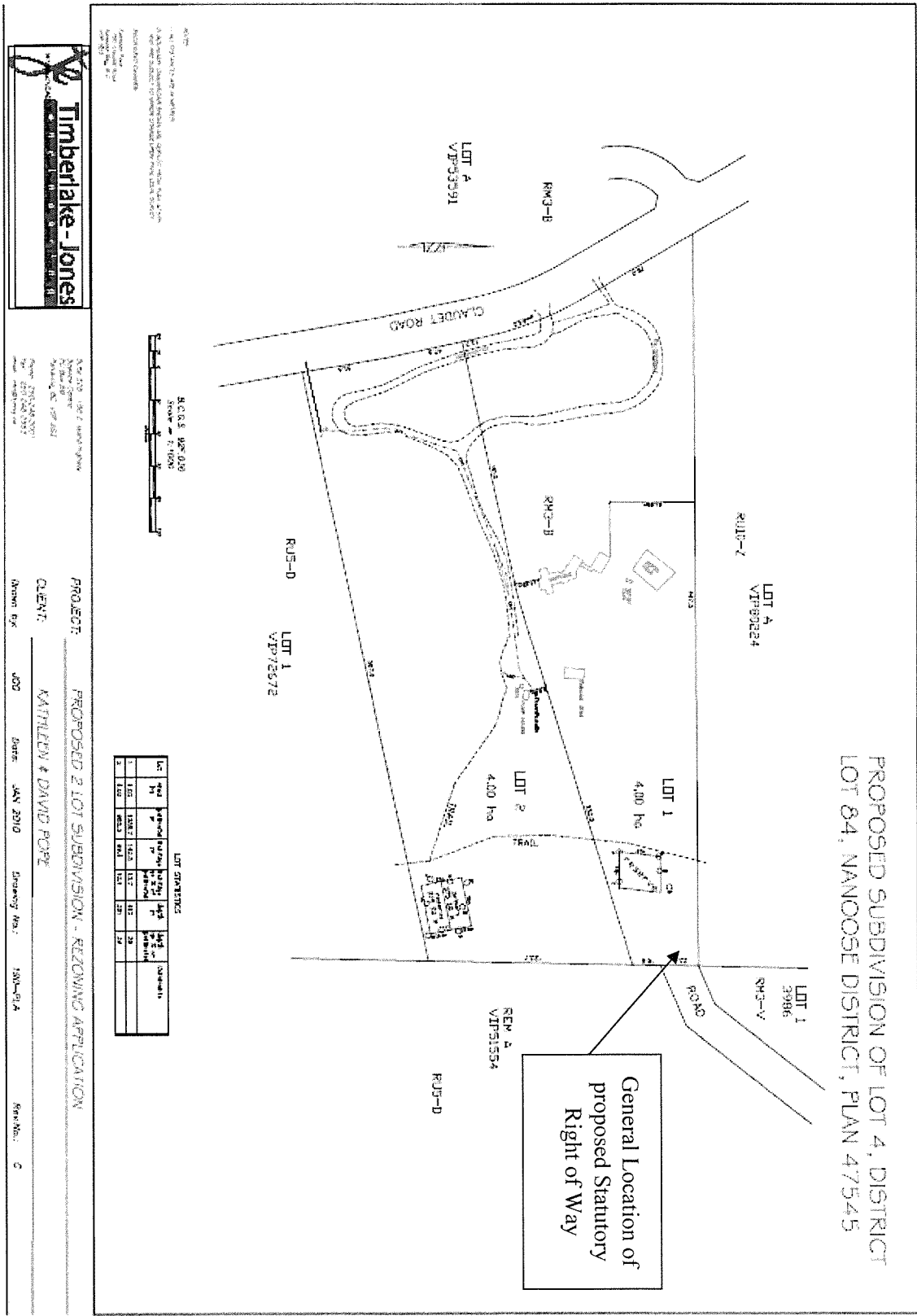
CAO Concurrence

Schedule No. 1
Conditions of Approval

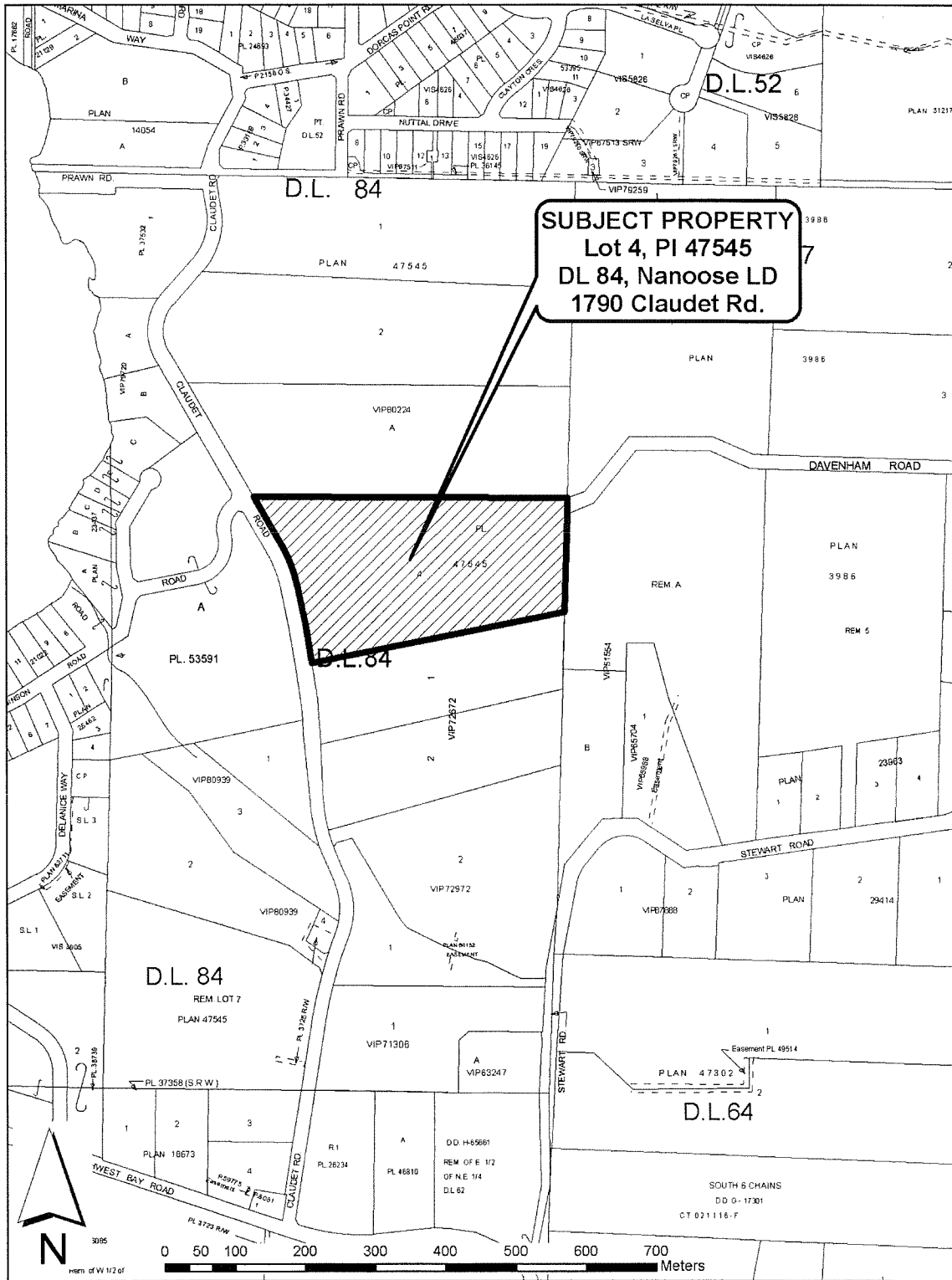
The applicant is to prepare and register the following documents to the satisfaction of the Regional District prior to consideration of 4th reading. Draft documents are to be forwarded to the RDN for review prior to registration at Land Title Office, Victoria:

1. A section 219 covenant stating that no subdivision shall occur until such time that a report from a Professional Engineer with current standing in BC has been completed to the satisfaction of the Regional District of Nanaimo confirming that the well to serve the proposed new parcel has been drilled and has been pump tested and certified including well head protection, and that the potable well water meets the Canadian Drinking Water Standards with respect to quality.
2. A section 219 covenant declaring the number of parcels to be created, restricting each parcel to one dwelling unit only and prohibiting further subdivision of the land, including subdivision pursuant to the *Strata Property Act*.
3. A statutory right of way in the northwest corner of the subject property in favour of the Regional District of Nanaimo for the purpose of extending a trail network.

Schedule No. 2
 Proposed Plan of Subdivision



Attachment No. 1
Location of Subject Property



**Attachment No. 2
Proposed Amendment Bylaw No. 500.363, 2010**

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.363**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO
LAND USE AND SUBDIVISION BYLAW NO. 500, 1987**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend “Regional District of Nanaimo LAND USE AND SUBDIVISION BYLAW NO. 500, 1987”:

THEREFORE IT BE RESOLVED that the Board of the Regional District of Nanaimo, in open meeting assembled ENACTS AS FOLLOWS:

1. **This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.363, 2010".**
2. **The “Regional District of Nanaimo LAND USE AND SUBDIVISION BYLAW NO. 500, 1987” is hereby amended as follows:**
 - (1) **SCHEDULE '3A', ZONING MAPS** is hereby amended by rezoning from Resource Management 3 (RM3) to Rural 5 (RU5) the land legally described as:
Lot 4, District Lot 84, Nanoose District, Plan 47545
as shown on Schedule A.
 - (2) **SCHEDULE '3A', ZONING MAPS** is hereby amended by rezoning from Subdivision District ‘B’ to Subdivision District ‘CC’ the land legally described as:
Lot 4, District Lot 84, Nanoose District, Plan 47545
as shown on Schedule A.

Introduced and read two times this day of .

Public Hearing held pursuant to Section 890 of the *Local Government Act* this day of .

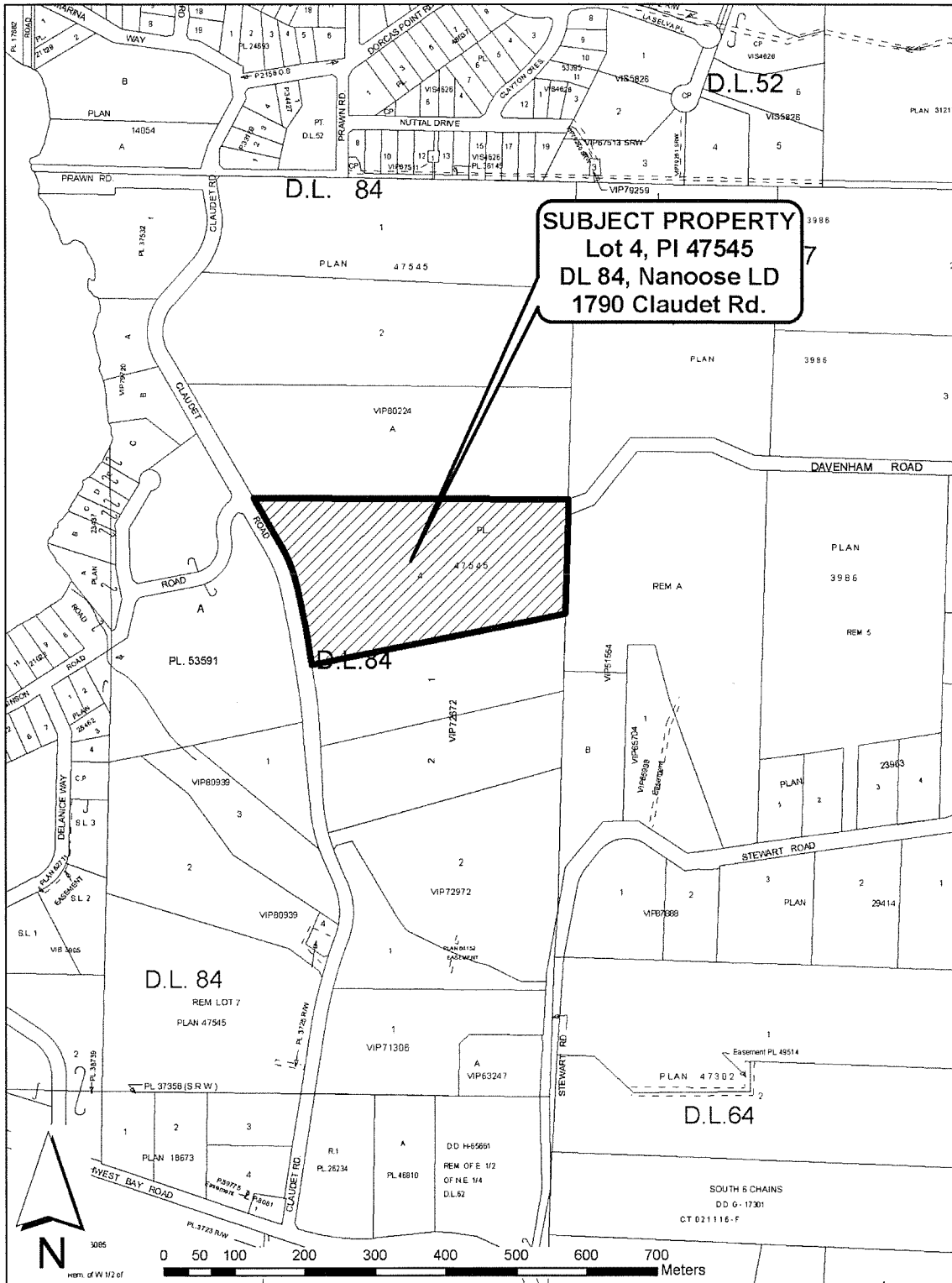
Read a third time this day of .

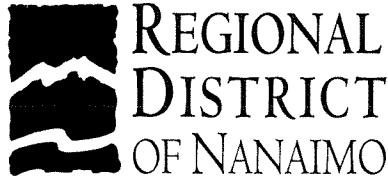
Adopted this day of .

Chairperson

Sr. Mgr., Corporate Administration

Schedule A Subject Property





AMB. DECISION	
CAO APPROVAL <i>QW</i>	
EAP	✓ <i>Sept 14 2010</i>
COW	
SEP 14 2010	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: August 18, 2010

FROM: Angela Buick
Planning Technician

FILE: PL2010-121

SUBJECT: **Development Permit Application No. PL2010-121**
Lot 39, District Lot 1, Nanoose District, Plan 30958
886 Terrien Way, Electoral Area 'G'

PURPOSE

To consider an application for Development Permit No. PL2010-121 to allow the construction of an addition to an existing dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from David Ingram and Rebekah Baldwin to permit the construction of an addition to the existing dwelling unit. The subject property contains a dwelling unit, an accessory building and two small sheds (*Attachment No. 1*). The site is bordered by residential parcels to the north and east; Forgotten Drive and Terrien Way to the west and south.

The subject property is approximately 1689 m² in size and is currently zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicant is requesting approval to construct a 42 m² addition to the existing dwelling unit.

The subject property is located in the following applicable Development Permit Area pursuant to "Electoral Area 'G' Official Community Plan Bylaw No. 1335, 2003":

- Hazard Lands for potential floodwaters from the Englishman River

As such, a development permit is required in order to allow the proposed development to proceed.

The original dwelling unit was built prior to the adoption of "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006". In this case, the building was not required to meet floodplain construction levels. The proposed addition meets the General Flood Construction Level Exemptions set out in the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006."

ALTERNATIVES

1. To approve Development Permit Application No. PL2010-121 subject to the conditions outlined in *Schedules No. 1 - 3*.
2. To deny the Development Permit Application No. PL2010-121 application as submitted and provide further direction to staff.

DEVELOPMENT IMPLICATIONS

The applicant is requesting approval to allow for the construction of an addition to the existing dwelling unit located at 886 Terrien Way. Building Elevations for the proposed development are included on *Schedule No. 3*.

In keeping with the Hazard Lands DPA the applicant has submitted a Geotechnical Hazards Assessment prepared by Lewkowich Engineering Associates Ltd. dated May 21, 2010 and Report Addendum thereto dated August 9, 2010, for the proposed addition. This report states that the site is considered safe and suitable for the intended use. The Geotechnical Evaluation has been included within the conditions of approval on *Schedule No. 1*. As per Board policy staff recommend the covenant include a save harmless clause releasing the Regional District from losses and damages as a result of erosion or flooding.

Sustainability Implications

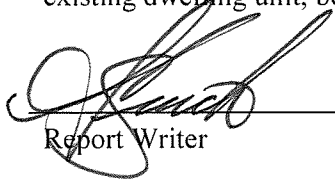
In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". No sustainability implications were identified as a result of the building addition.


SUMMARY/CONCLUSIONS

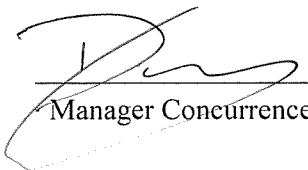
This is an application for a Development Permit to allow the construction of an addition to the existing dwelling unit on the subject property located within the Hazard Lands Development Permit Area for floodplain protection. The applicant has submitted a Geotechnical Evaluation of the proposed development consistent with the guidelines of the Hazard Lands DPA.


RECOMMENDATION

That Development Permit Application No. PL2010-121, to permit the construction of an addition to an existing dwelling unit, be approved subject to the conditions outlined in *Schedules No. 1 – 3*.


Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

Schedule No. 1
Terms of Development Permit No. PL2010-121

Conditions of Approval

1. The proposed addition to the existing dwelling unit shall be sited in accordance with the site plan prepared by Ken Kyler, BCLS of J.E. Anderson & Associates, attached as *Schedule No. 2*.
2. The proposed addition to the existing dwelling unit shall be developed in accordance with the Building Elevations prepared by Coastal Drafting, dated July 25, 2010 attached as *Schedule No. 3*.
3. The proposed addition to the existing dwelling unit shall be constructed in accordance with the Geotechnical Site Observations – Floodplain Hazard prepared by Lewkowich Engineering Associates Ltd. dated May 21, 2010 and Report Addendum thereto dated August 9, 2010.
4. Staff shall withhold the issuance of this permit until the applicant, at the applicant's expense, registers a section 219 covenant that registers the Geotechnical Hazards Assessment prepared by Lewkowich Engineering Associates Ltd. dated May 21, 2010 and Report Addendum thereto dated August 9, 2010 and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion and/or flooding.

**Schedule No. 2
Site Plan**

170 Marlson Ave, PO Box 247
Parksville, BC V9P 2G4
Ph: 248-5755
Fax: 248-6199
parksville@janderson.com

J.E. ANDERSON & ASSOCIATES
B.C. Land Surveyors - Consulting Engineers
Victoria - Nanaimo - Parksville, B.C.
File: 60455-3

28-3411 Shenton Rd.
Nanaimo, BC V9T 2H1
Ph: 758-4631
Fax: 758-4860
nanaimo@janderson.com

BC LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE
Lot 39, District Lot 1, Nanoose District, Plan 30958. PID 001-201-891.
Civic Address: 886 Terrien Way, San Prael, Parksville, B.C.
Prepared for: David Ingram

This sketch has been prepared for building location purposes and does not constitute a redefinition of property boundaries, and is not to be used in any manner which would assume same.
This Sketch Plan has been prepared in accordance with the Manual of Standard Practice and is Certified Correct this 4 th day of August, 2010.

ORIGINAL SIGNED BY KG KYLER, BCLS

This document is not valid unless originally signed and sealed.

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The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

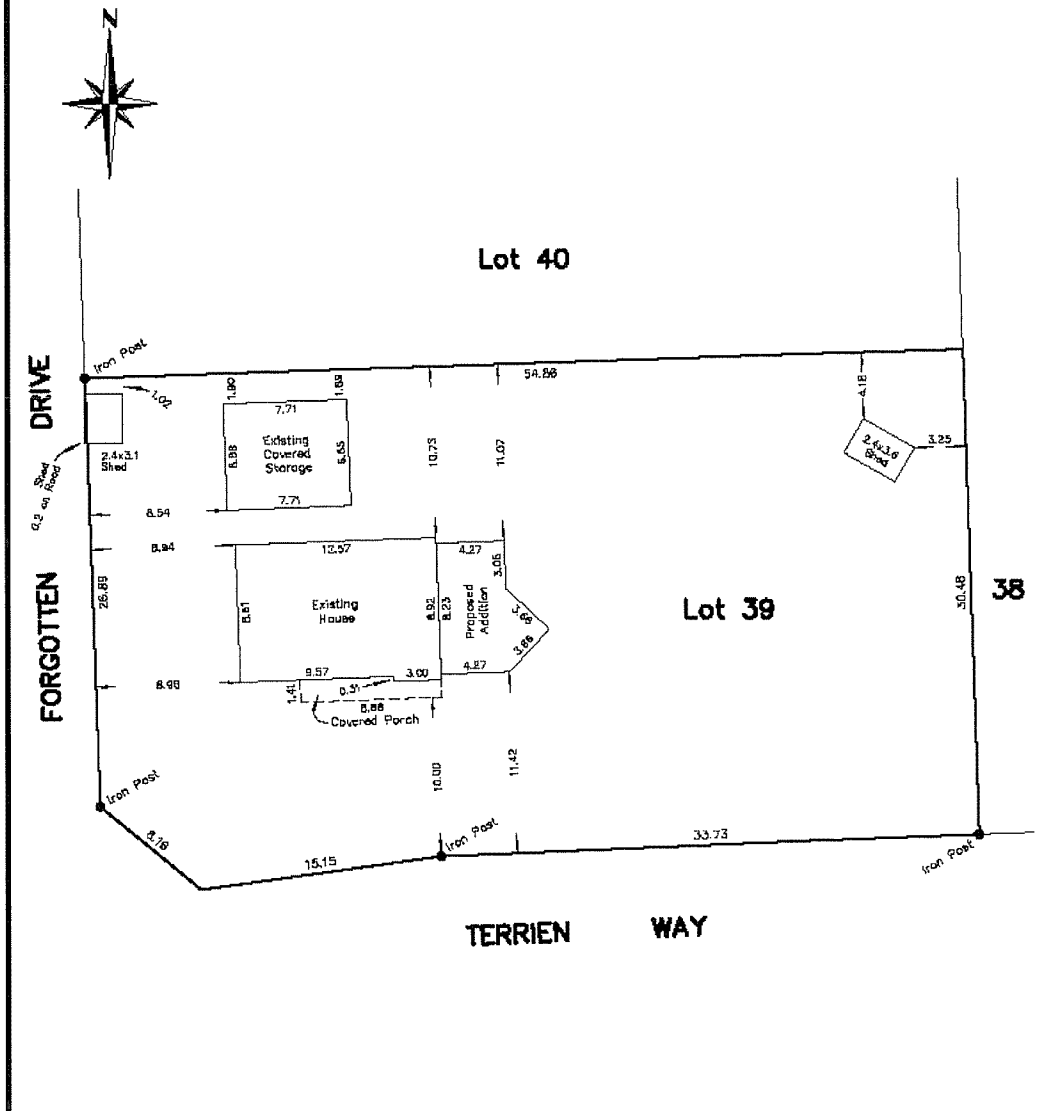
Scale 1:250 Dimensions are in metres and decimal thereof.



Subject to charges, legal notations, and interests shown on:

Title No. E153419
UnderSurface Rights - M76301
Building Scheme - 62547

Building dimensions are to exterior of main walls.
Property dimensions are derived from Plan 30958.

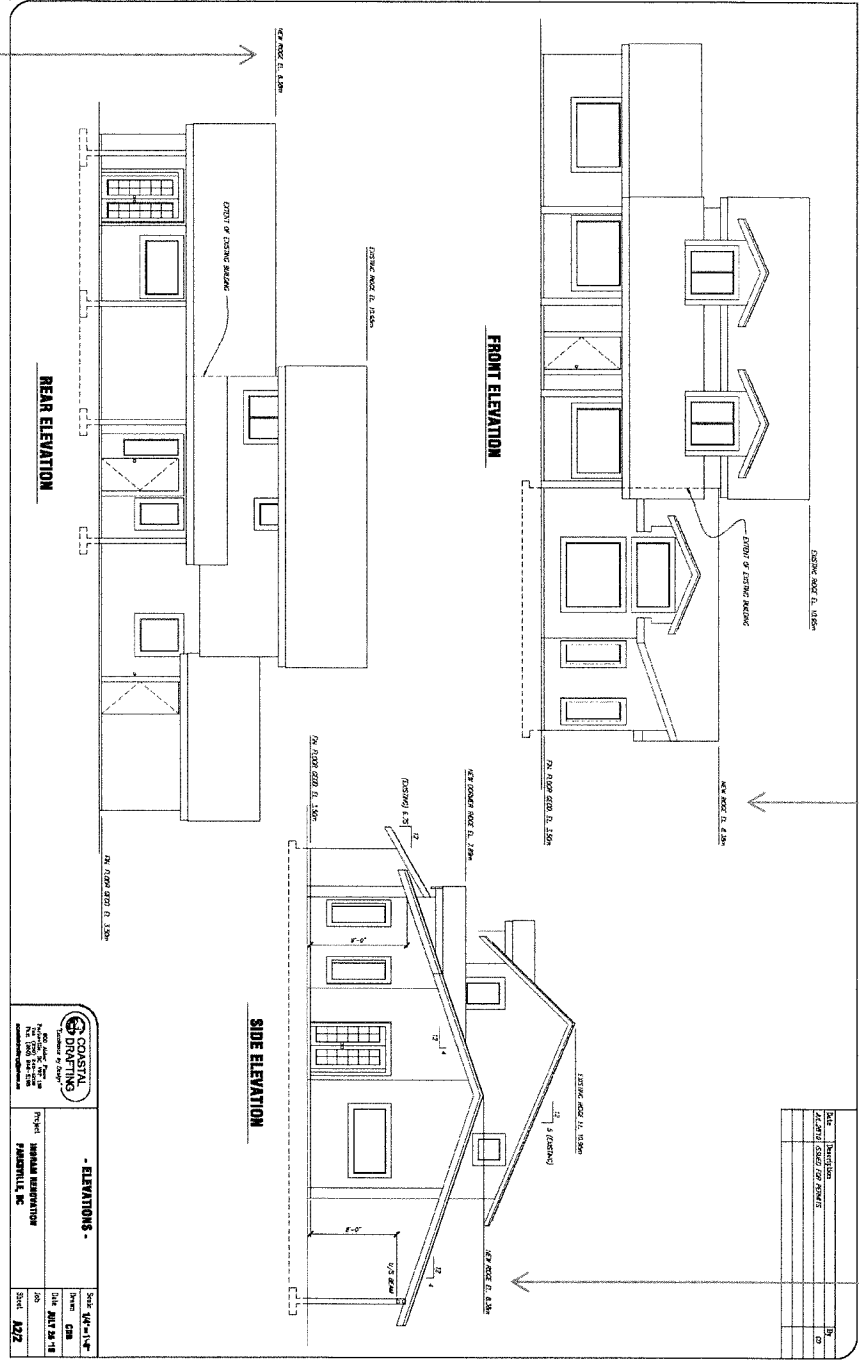


**Schedule No. 3
 Building Elevations**

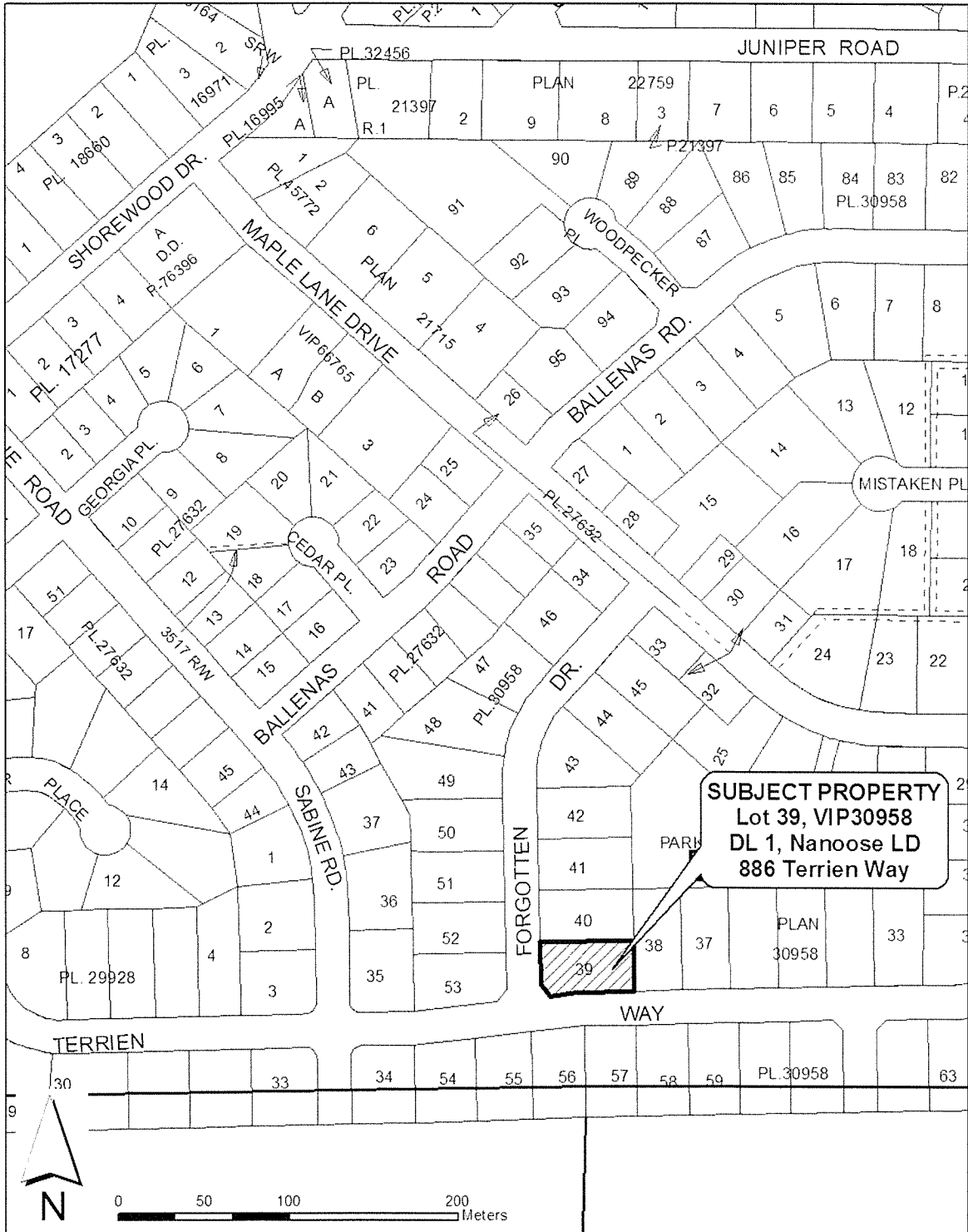
REAR ELEVATION:
 8.38 meters based on
 finished floor geodetic
 elevation of 3.8 meters

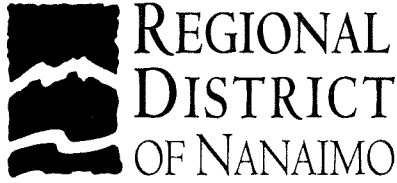
FRONT ELEVATION:
 8.38 meters based on
 finished floor geodetic
 elevation of 3.8 meters

SIDE ELEVATION:
 8.38 meters based on
 finished floor
 geodetic elevation of



Attachment No. 1
Subject Property





RDN REPORT	
CAO APPROVAL	
EAP	✓ 5 Sept 11
COW	
SEP 12 2010	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: August 11, 2010

FROM: Elaine Leung
Planner

FILE: PL2010-130

SUBJECT: **Development Permit No. PL2010-130 – Robert Hill
Lot A, District Lot 181, Nanoose District, Plan 49209 – San Malo Crescent
Electoral Area ‘G’**

PURPOSE

To consider an application for a Development Permit to allow for the construction of a dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application for a Development Permit from Robert Hill on behalf of Marie Hill to permit the construction of a dwelling unit. The subject property is approximately 1840 m² in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The subject property is located on San Malo Crescent in the neighbourhood of San Paniel of Electoral Area ‘G’.

The subject property (*see Attachment No. 1*) is located within the following applicable Development Permit Areas (DPA) pursuant to “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No, 1540, 2008:”

- Hazard Lands, Environmentally Sensitive Area for Coastal Protection Development Permit Area
- Environmentally Sensitive Features for development within 15.0 metres from the Englishman River
- Fish Habitat Protection

The subject property is currently vacant. Surrounding land uses include residentially zoned properties with RDN community park land and beach access to the southeast and the Englishman River estuary to the southwest.

The applicant has submitted a Geotechnical Report and Environmental Assessment Report, in support of their application (*see Schedule No. 1, conditions of approval*).

ALTERNATIVES

1. To approve the Development Permit No PL2010-130 subject to the conditions outlined in *Schedules No. 1-3*.
2. To deny the Development Permit No. PL2010-130 and provide further direction to staff.

LAND USE AND DEVELOPMENT IMPLICATIONS

The subject property is currently zoned Residential 1 (RS1). The applicants propose to construct a dwelling unit as outlined on *Schedules No. 2 and 3*.

The Fish Habitat Protection DPA is defined as “30.0 meters as measured from the top of the bank, or present natural boundary, whichever is greater for Englishman River and associated estuaries.” In keeping with these DP guidelines, the applicant has submitted an environmental assessment report prepared by Toth and Associates dated July 5, 2010. The Assessment notes that the Riparian Areas Regulations (RAR) Assessment Methods do not apply to marine or estuarine shorelines. Based on their assessment the side channel of the Englishman River, adjacent to the subject property, is within the extent of the tidal influence, and therefore not applicable to the RAR.

With respect to the Environmentally Sensitive Features DPA for coastal areas, the area is defined as “15.0 metres horizontal distance upland of the natural boundary and within 15.0 metres horizontal distance seaward of the present natural boundary.” The assessment notes that the proposed residence is located 15.0 metres from the present natural boundary of the watercourse and is therefore outside the Environmentally Sensitive Features DPA.

The applicants have submitted a Geotechnical Report prepared by Ground Control Geotechnical Engineering Ltd. dated July 8, 2010, confirming that the site is considered safe and suitable for the intended residential use. As per Board policy, staff recommends that the applicant be required to register a section 219 covenant that registers the Geotechnical Report and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion and/or flooding. Compliance with the Geotechnical Report has been included within the conditions of approval (see *Schedule No. 1*, conditions of approval.)

Staff note that the waterfront portion of the subject property is mapped as a sensitive archaeological area. The applicant has indicated that they have applied to the Archaeology Branch of the Ministry of Tourism, Culture and the Arts for a site alteration permit. The recommended conditions of approval require the applicants to obtain the necessary approvals or permits from the Ministry prior to the development of the site.

The proposed development complies with the guidelines of the Hazard Lands, Fish Habitat Protection and Environmentally Sensitive Features DPAs.

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. No sustainability implications were identified as a result of the proposed development.


SUMMARY/CONCLUSIONS

This is an application for a Development Permit to permit the construction of a dwelling unit subject to the Fish Habitat Protection, Hazards Lands and Environmentally Sensitive Features DPAs.


The applicant has submitted a site plan, building elevations, geotechnical report and environmental assessment report in support of the application. In staff's assessment, this proposal is consistent with the applicable Development Permit Areas.

RECOMMENDATION

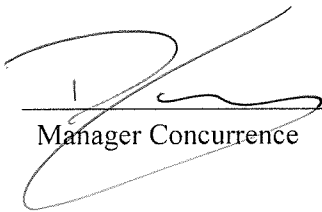
The application for a Development Permit No. PL2010-130, to permit the construction of a single dwelling unit be approved subject to the conditions outlined in *Schedules No. 1-3*.




Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Permit No. PL2010-130

The following sets out the conditions of approval with respect to Development Permit No. PL2010-018:

1. Dwelling Unit

- a) The location of the dwelling unit shall be sited in accordance with the site plan prepared by Sims Associates Land Surveying dated July 9, 2010, attached as *Schedule No. 2*.
- b) The dwelling unit shall be constructed in accordance with the elevation drawings prepared by Jorgensen Design dated April 28, 2010, attached as *Schedule No. 3*.
- c) Prior to development of the site the applicants must obtain the required archaeological approvals or permits from the Archaeology Branch of the Ministry of Tourism, Culture and the Arts.

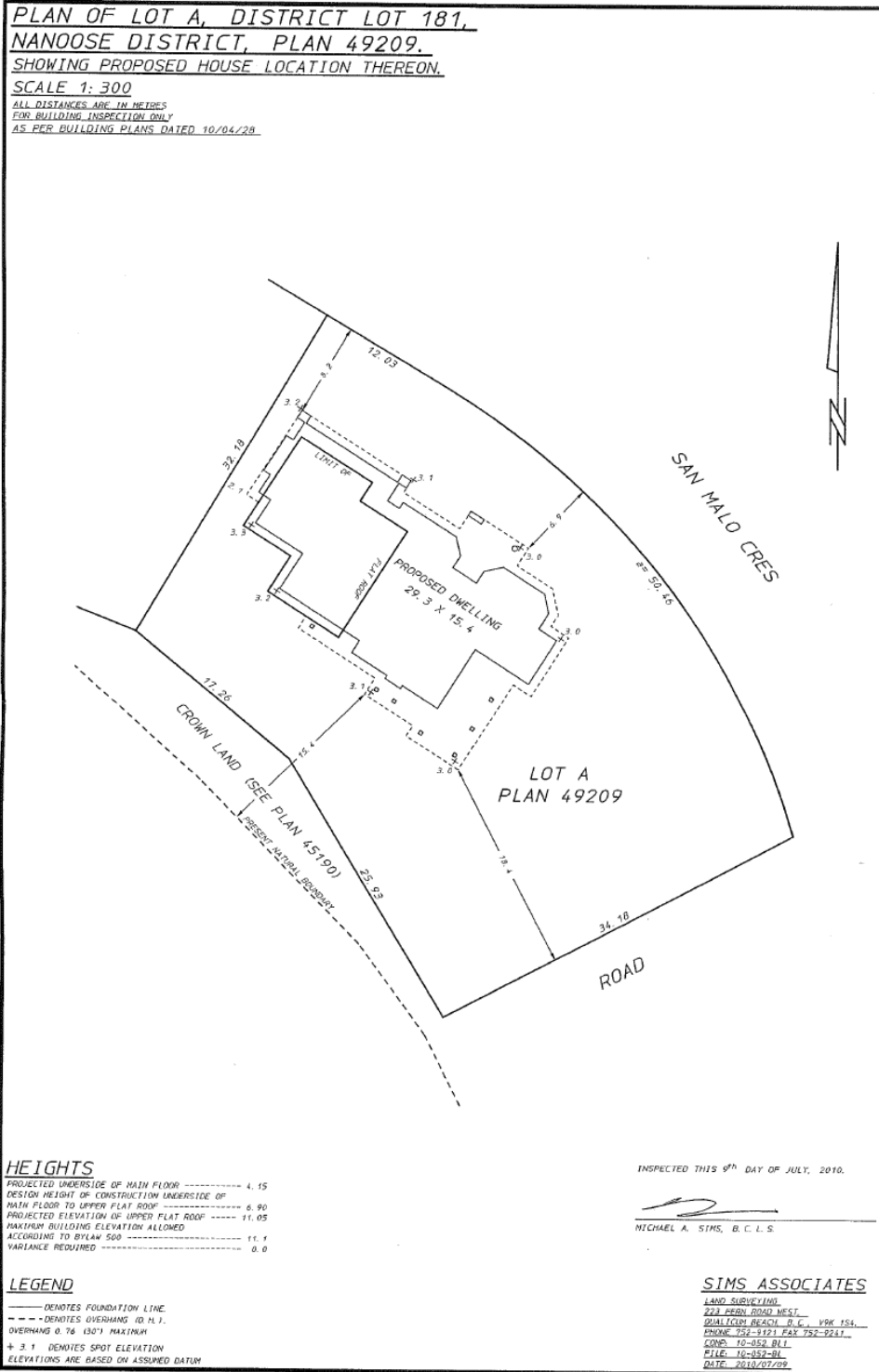
2. Environmental Assessment Report

- a) The applicant shall develop the subject property in accordance with the recommendations established in the Environmental Assessment Report, prepared by Toth and Associates Environmental Services, dated July 5, 2010, to the satisfaction of a Qualified Environmental Professional.

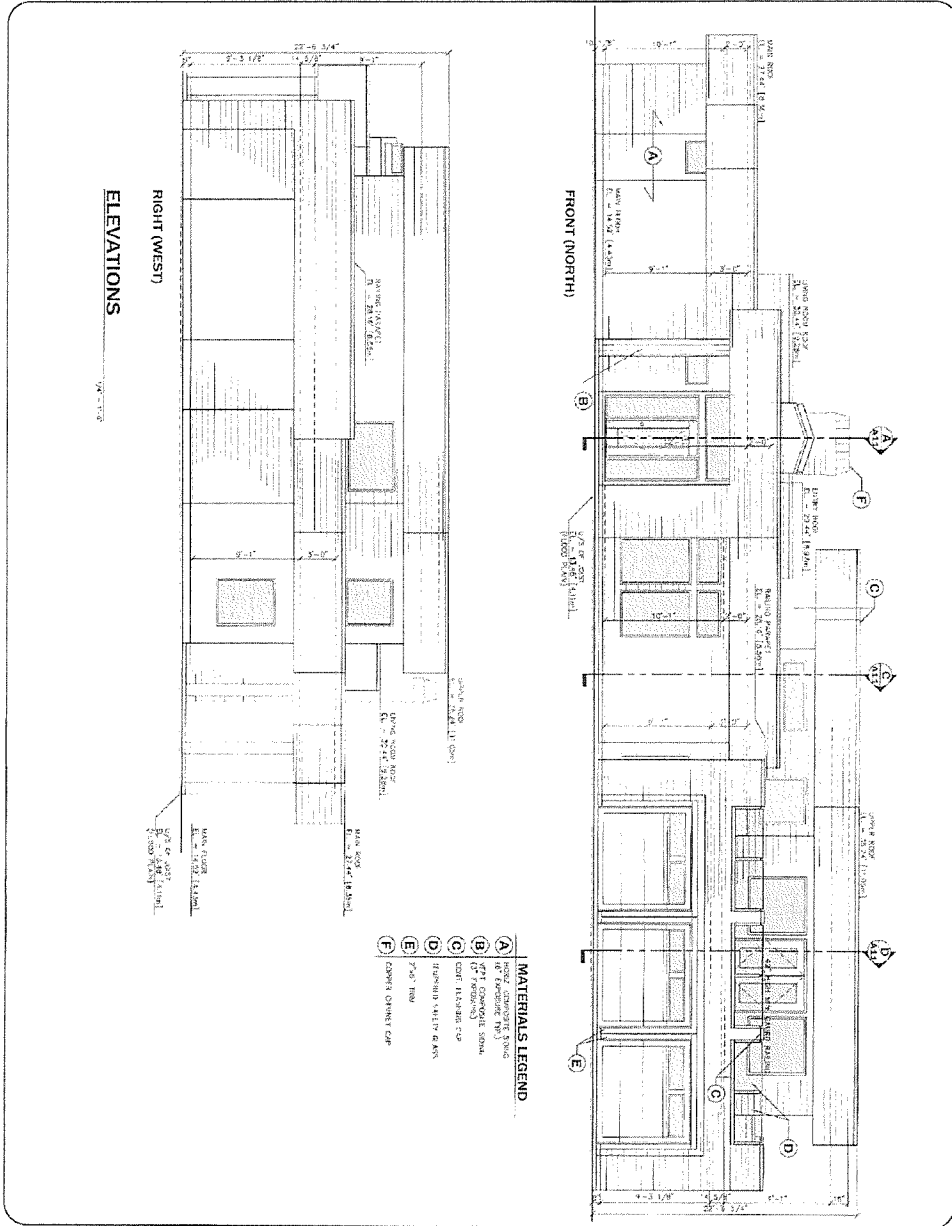
3. Geotechnical Report

- a) The dwelling unit shall be constructed in accordance with the Geotechnical Assessment reports prepared by Ground Control Geotechnical Engineering Ltd. dated July 8, 2010.
- b) Staff shall withhold the issuance of this permit until the applicant, at the applicant's expense, registers a section 219 covenant that registers the Geotechnical Report prepared by Ground Control Geotechnical Engineering Ltd., dated July 8, 2010 and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion and/or landslide.

**Schedule No. 2
 Site Plan**



Schedule No. 3
 Building Elevations (Page 1 of 2)



1/16" FLOOR PLAN 1/32" SCALE SHOWN

Hill Residence

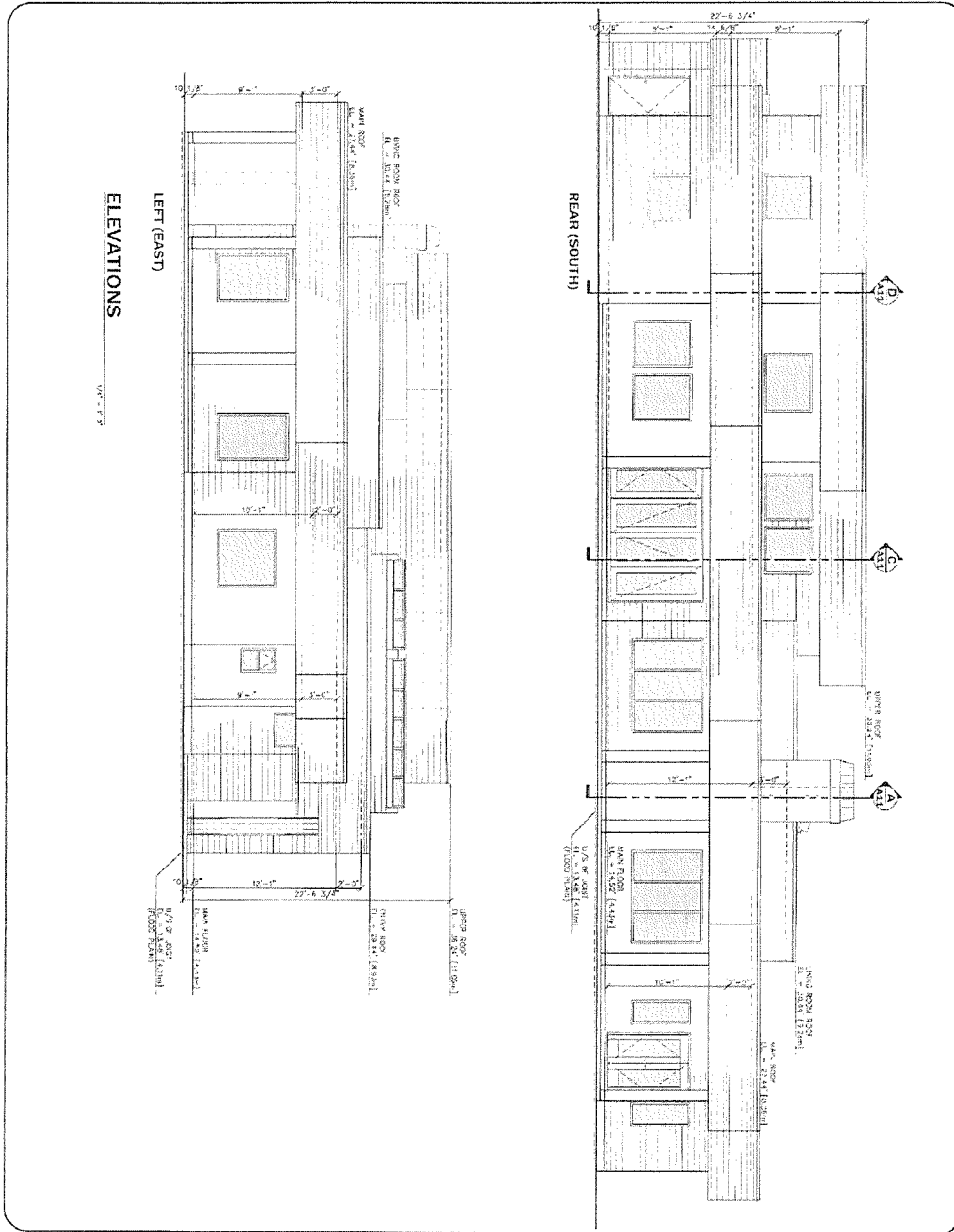
JORGENSEN/PA
 Design / Management / Building

301033

A9/11

DATE	NO.	DESCRIPTION
08/11/10	1	ISSUED FOR PERMIT
08/11/10	2	REVISED PER PERMIT COMMENTS
08/11/10	3	REVISED PER PERMIT COMMENTS
08/11/10	4	REVISED PER PERMIT COMMENTS
08/11/10	5	REVISED PER PERMIT COMMENTS
08/11/10	6	REVISED PER PERMIT COMMENTS
08/11/10	7	REVISED PER PERMIT COMMENTS
08/11/10	8	REVISED PER PERMIT COMMENTS
08/11/10	9	REVISED PER PERMIT COMMENTS
08/11/10	10	REVISED PER PERMIT COMMENTS

Schedule No. 3
 Building Elevations (Page 2 of 2)

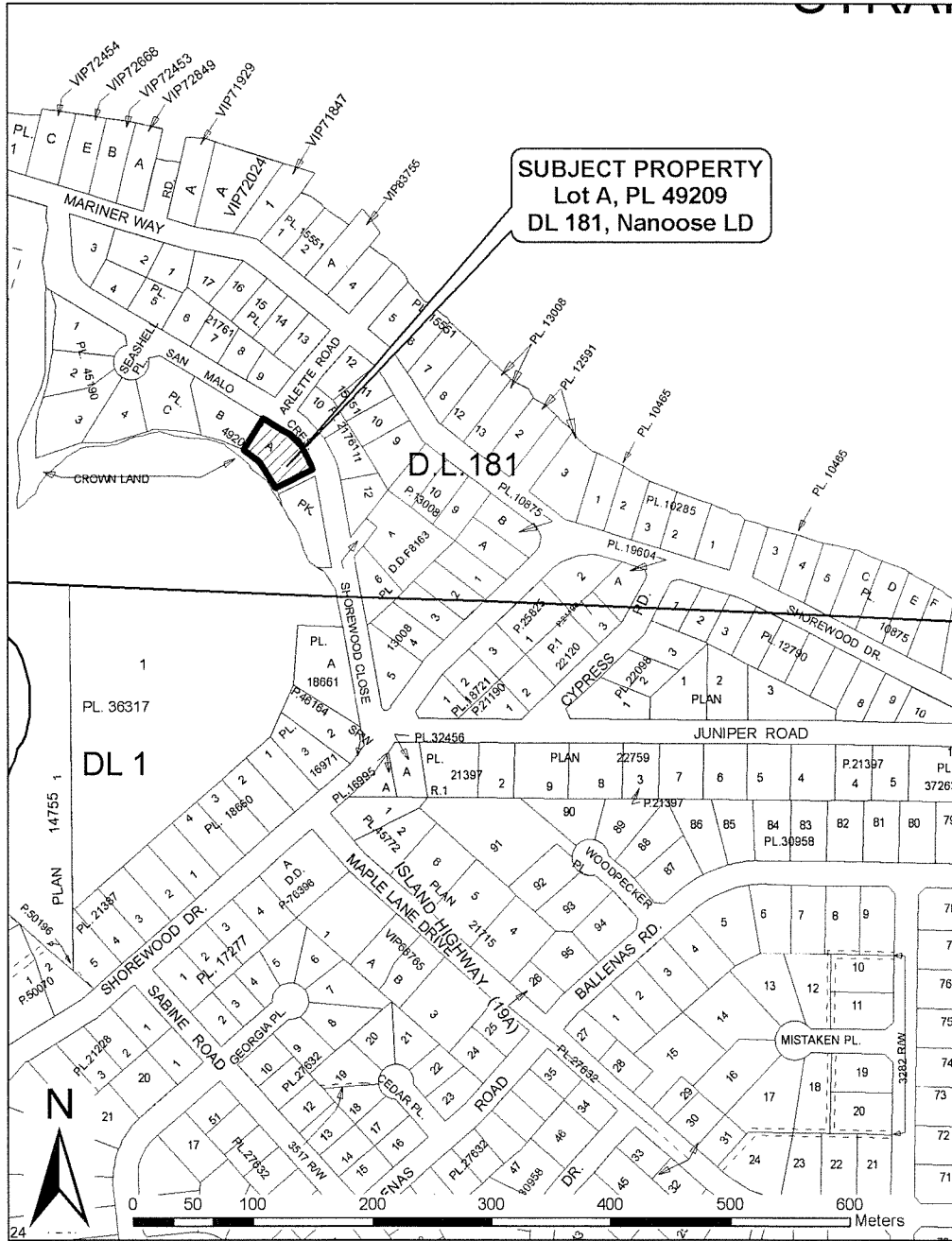


PROJECT: Hill Residence
 ARCHITECT: JORGENSEN/PA...
 DATE: 10/11

Hill Residence

NO. 1000	DESCRIPTION	DATE
1001	REVISION	10/11
1002	REVISION	10/11
1003	REVISION	10/11

Attachment No. 1
Location of Subject Property





CAO APPROVAL	
EAP	✓ Sept 14 10
COW	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: August 30, 2010

FROM: Susan Cormie
Senior Planner

FILE: PL2010-146

SUBJECT: Development Permit Application No. PL2010-146 – Fern Road Consulting Ltd. Strata Lots 1 – 6 Inclusive, District Lot 28, Nanoose District, Strata Plan VIS4363 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1 741, 761, 771, 781, 791, & 799 Miller Road, Electoral Area ‘G’

PURPOSE

To consider an application for a Development Permit and a request to relax the minimum 10% perimeter frontage requirement in conjunction with the conversion of a bare land strata subdivision to a fee simple subdivision.

BACKGROUND

The Regional District has received a Development Permit application in conjunction with a strata conversion from bare land strata to fee simple subdivision. The application is from Fern Road Consulting Ltd., on behalf of the existing strata. The original subdivision was created as a bare land strata subdivision with a common septic disposal field. Since that time, the strata lots have been provided with community sewer connections, making the common facility no longer necessary.

The subject properties are zoned Residential 1 (RS1) and are situated within Subdivision District ‘Q’ (700 m² with community water and sewer services) as per the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment No. 1 for location of subject properties). The proposed parcels will meet the minimum parcel size provisions of Bylaw No. 500, 1987.

Surrounding land uses include RDN park land and French Creek to the north and west; Miller Road and residentially zoned parcels to the east; and RDN park land to the south.

The subject properties are located within the following applicable Development Permit Area pursuant to “Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”.

- Fish Habitat Protection

Proposed Development

The applicants are proposing to convert the existing six lot bare land strata subdivision to a fee simple lot subdivision (see Schedule No. 2 for Proposed Plan of Subdivision). There is no increase in the total number of parcels proposed to be created. The existing common property area is proposed to be included as part of proposed Lots A, B, and C. The parcels are currently served with community water and community sewer.

Minimum 10% Perimeter Frontage Requirement

The consolidation of the existing common area into proposed Lots B, C, and D results in an increase to the lot areas and perimeters. As a result, the proposed lots do not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The proposed frontages are as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
Lot B	26.55 m	26.18 m	9.86 %
Lot C	24.93 m	23.20 m	9.30 %
Lot D	22.39 m	22.31 m	9.96 %

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 District Board of Directors is required.

ALTERNATIVES

1. To approve Development Permit No. PL2010-146, subject to the conditions outlined in *Schedule No. 1* and to approve the request for relaxation of the minimum 10% perimeter frontage requirement for the proposed Lots B, C, and D.
2. To deny the Development Permit No. PL2010-146 and the request for relaxation of the minimum 10% frontage requirement and provide further direction to staff.

DEVELOPMENT IMPLICATIONS

Ministry of Transportation and Infrastructure Implications

Ministry staff has indicated that the frontages for the proposed Lots B, C, and D are acceptable to the Ministry. Despite the reduction in the frontage, the proposed parcels will be capable of continuing to support residential uses.

Fish Habitat Protection Development Permit Area Implications

As part of the application, the applicants have completed and submitted a Riparian Assessment Report. The report, which establishes 30.0 metre Streamside Protection Environmental Areas (SPEAs) for French Creek, concludes that there is no subdivision-related development activity to occur within the SPEA and as such, no environmental monitoring nor post development reporting is required. Based on the report, staff are of the opinion that the proposal complies with the Fish Habitat Development Permit Area Guidelines.

Existing Land Use Implications

Through the subdivision review process, those accessory buildings and structures which do not meet the minimum setback requirements will be required to be moved or removed prior to confirmation of compliance with RDN related bylaws.

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. No sustainability implications have been identified in association with the proposal.

SUMMARY

A Development Permit and relaxation of the minimum 10% perimeter frontage requirement is required in association with the proposed strata conversion of the six lot bare land strata. The subject properties are designated within the Fish Habitat Protection Development Permit Area (DPA) for the protection of riparian areas. The applicant has provided a Riparian Assessment Report which concludes that as there are no subdivision-related development activities to occur within the SPEA, no environmental monitoring nor post development reporting is required.

Board approval is required for the requested lot frontage reductions for proposed Lots B, C and D.

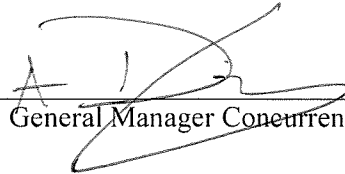
As the application is consistent with the applicable Development Permit Guidelines and as the reduced frontages will not negatively impact the existing residential uses of the proposed Lots B, C, and D, staff recommends approval of the Development Permit and relaxation of the minimum 10% perimeter frontage requirement.

RECOMMENDATIONS

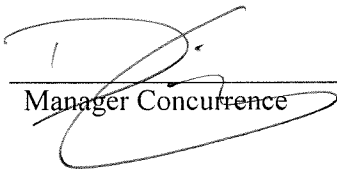
1. That Development Permit Application No. PL2010-146, in conjunction with a six lot bare land strata conversion subdivision be approved subject to the conditions outlined in *Schedule No. 1*.
2. That the request to relax the minimum 10% perimeter frontage requirements for proposed Lots B, C, and D be approved.



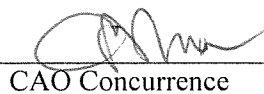
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Development Permit Application No. PL2010-146
Conditions of Approval

The following sets out the conditions of approval with respect to Development Permit No. PL2009-146:

1. Subdivision

The subdivision of the lands shall be in substantial compliance with *Schedule No. 2* (to be attached to and forming part of Development Permit No. PL2010-146).

2. Riparian Assessment

The Riparian Area Assessment No. 1683 prepared by Steve Toth (Toth and Associates) and dated June 20, 2010 (to be attached to and forming part of the Development Permit as *Schedule No. 3*) applies only to the bare land strata conversion subdivision requiring no associated subdivision-related works within the SPEA. If any subdivision related works, including drainage works, are to occur in the SPEA or if there is any future development proposed to occur within the SPEA, a further riparian area assessment prepared by a Qualified Environmental Professional and registered with the Ministry of Environment will be required.

**Schedule No. 2
 Development Permit No. PL2010-146
 Proposed Plan of Subdivision**

SUBDIVISION PLAN OF STRATA LOTS 1 TO 6, DISTRICT LOT 28,
 NANOOSE DISTRICT STRATA PLAN VIS4363 TOGETHER WITH AN
 INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT
 ENTITLEMENT OF THE STRATA LOTS 1 TO 6 AS SHOWN ON FORM 1.

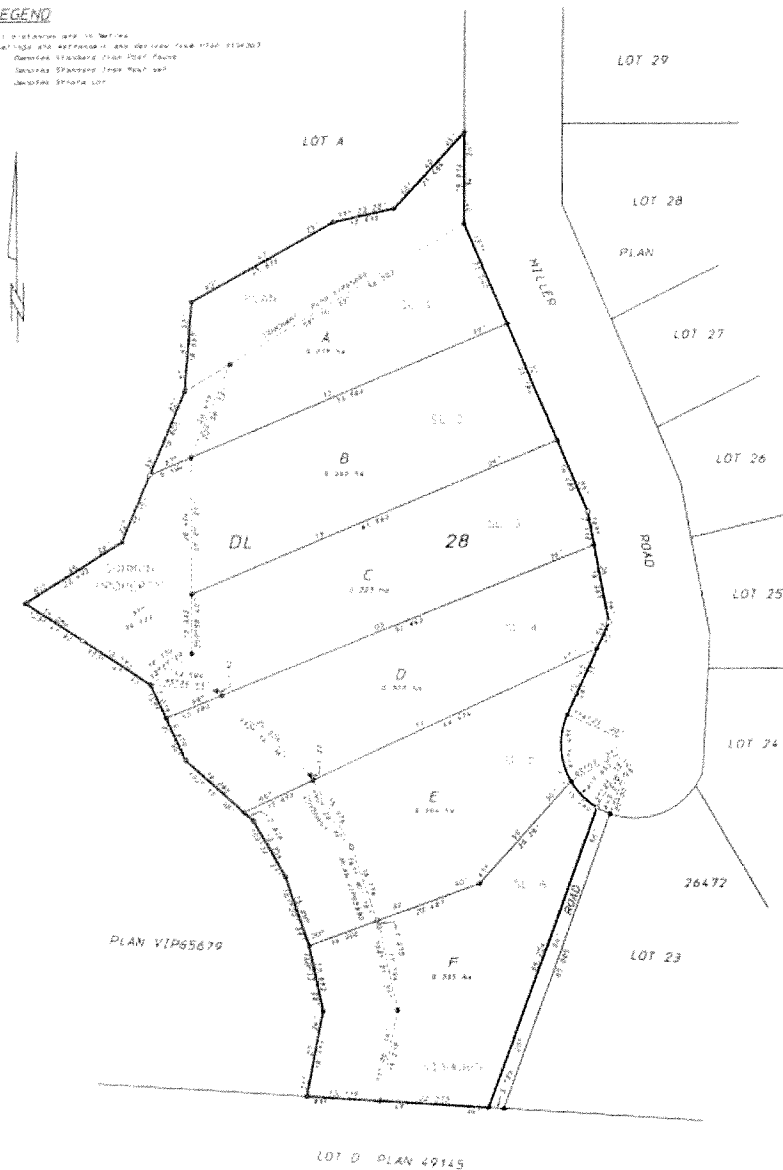
PURSUANT TO THE WINDING UP OF STRATA PLAN VIS4363 AND
 BARE LAND STRATA PLAN CANCELLATION REGULATION 556/02.

BCGS: 92F.032

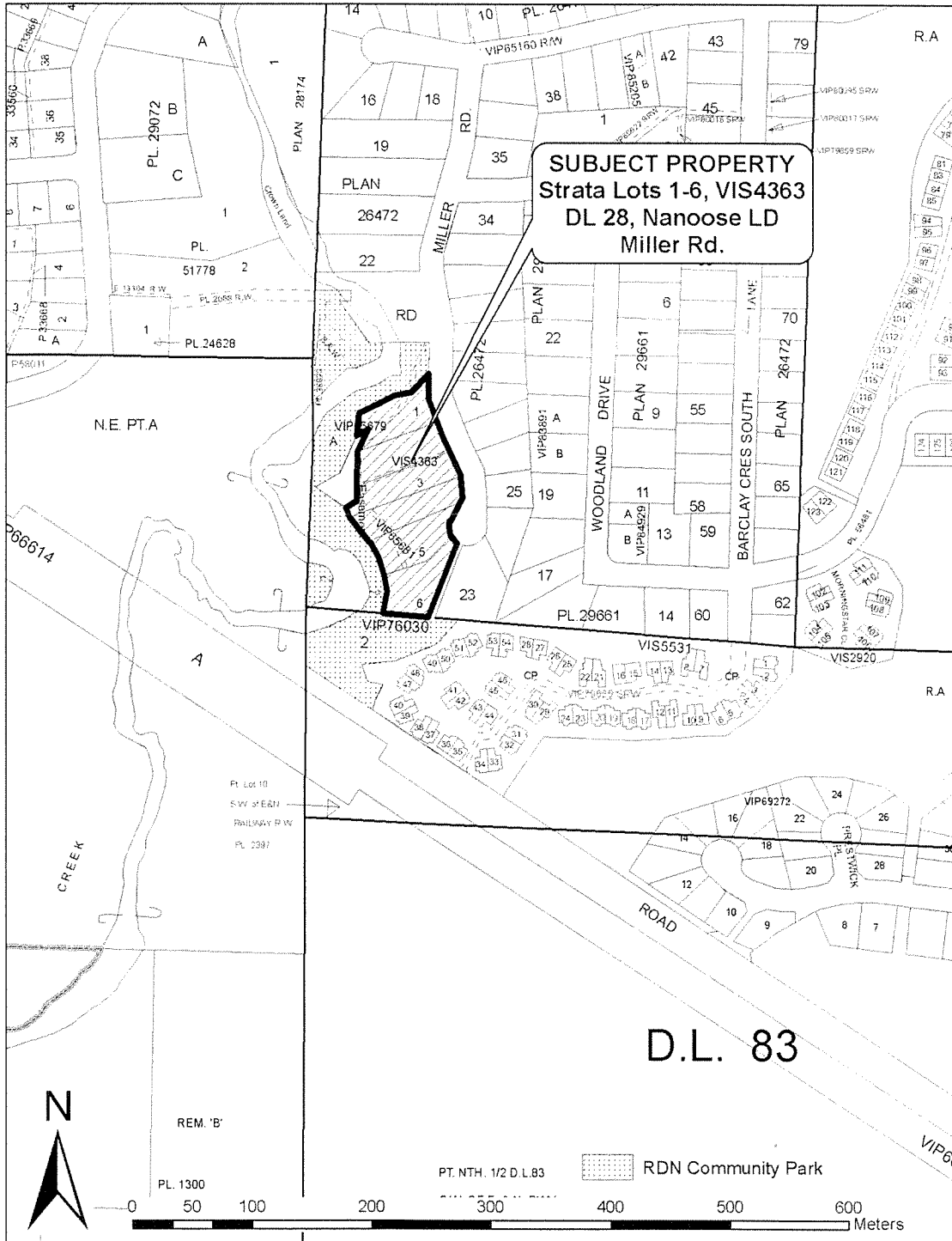
The intended plan size of this plan is 1:500. It is to be used as a reference only and does not constitute a guarantee of accuracy. The intended plan size of this plan is 1:500.

LEGEND

- 1. All dimensions are in metres.
- 2. Bearings and distances are given from true north.
- 3. Distances shown from post points.
- 4. Distances shown from road set.
- 5. Distances shown from lot.



Attachment No. 1
Location of Subject Properties



BCGS Map Sheet 92F.039.2.3



CAO APPROVAL	
EAP	✓ Sept 14 '10
COW	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: September 2, 2010

FROM: Elaine Leung
Planner

FILE: PL2010-080

SUBJECT: Development Permit with Variance No. PL2010-080 – Philip Muise
Lot 22, Block 1, Section 16, Range 8, Cranberry District, Plan 2041 – Elm Road
Electoral Area ‘A’

PURPOSE

To consider an application for a Development Permit with Variance to allow for the construction of a dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application for a Development Permit with Variance from Philip Muise on behalf of Bryan Muise to permit the construction of a dwelling unit. The subject property is approximately 905 m² in area and is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property slopes significantly to the northeast, and is accessed from a laneway off Elm Road. There is a wetland to the rear (north) of the property.

The subject property is located within the following applicable Development Permit Area (DPA) pursuant to "Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Bylaw No. 1240, 2001":

- Fish Habitat Protection

Proposed Variance

The applicant is requesting to vary the maximum dwelling unit height from 8.0 metres to 9.6 metres to accommodate a dwelling unit.

ALTERNATIVES

1. To approve the Development Permit with Variance No. PL2010-080 subject to the conditions outlined in *Schedules No. 1-3*.
2. To deny the Development Permit with Variance No. PL2010-080.

LAND USE AND DEVELOPMENT IMPLICATIONS

Proposed Variance Implications

The subject property is currently zoned Residential 2 (RS2). The applicants propose to construct a dwelling unit as outlined on Schedules No. 2 and 3.

Due to the presence of the wetland, the challenging topography of the land, and restrictive setbacks as a result of being a corner lot, the subject property is left with a limited building envelope. The applicant requests a variance for the maximum dwelling unit height from 8.0 metres to 9.6 metres to accommodate a modest, custom designed home which steps down the slope. Staff note that from the laneway, the proposed dwelling unit will appear as a one storey dwelling unit, and will be lower in height than the neighbouring houses. Due to the narrow front portion of the property, and significant slope, the variance is requested in order to accommodate a dwelling unit and garage, which will be accessed off of Elm Road.

Development Permit Area Implications

With respect to the Fish Habitat Protection DP, The Fish Habitat Protection DPA is defined as 30.0 meters as measured from the top of the bank. In keeping with the Fish Habitat Protection Development Permit guidelines the applicant has submitted an assessment report prepared by a Qualified Environmental Professional (QEP) in accordance with the requirements of the *Riparian Area Regulation* (RAR). The QEP has identified the ideal Streamside Protection and Enhancement Area (SPEA) to be 30.0 metres however this would result in the subject property being undevelopable. Therefore, the QEP has recommended a SPEA of 8.0 metres.

The RAR report includes a number of recommendations to protect and maintain the SPEA including sediment and erosion control, re-vegetation of portions of the SPEA, stormwater management, and signage on the lot indicating the SPEA boundary. In addition, the Ministry of Environment requires that a post development survey be conducted in order to ensure that the SPEA and re-vegetation requirements have been met. These requirements are included in the Conditions of Approval set out in *Schedule No. 1*.

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. No sustainability implications were identified as a result of the proposed development.

PUBLIC CONSULTATION PROCESS

As part of the required public notification process, pursuant to the Local Government Act, property owners and tenants located within a 50 metre radius, will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed variance, prior to the Board’s consideration of the application.

SUMMARY

This is an application for a Development Permit to permit the construction of a dwelling unit subject to the Fish Habitat Protection Development Permit Area. The application includes a request for a height variance from 8.0 metres to 9.6 metres.

The applicant has submitted a site plan, building elevations, and Riparian Areas Assessment in support of the application. In staff's assessment, this proposal is consistent with the guidelines of the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" Fish Habitat Protection Development Permit Area. Staff recommend that the Development Permit and associated variance be approved.

RECOMMENDATION

That:

1. Staff be directed to complete the required notification, and
2. The Development Permit with Variance application No. PL2010-080 to permit the construction of a single dwelling unit be approved subject to the conditions outlined in *Schedules No. 1-3*.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Permit No. PL2010-080

The following sets out the conditions of approval with respect to Development Permit No. PL2010-080:

1. Dwelling Unit

- a) The location of the dwelling unit shall be sited in accordance with the site plan prepared by Williamson and Associates dated May 14, 2010, attached as *Schedule No. 2*.
- b) The dwelling unit shall be constructed in accordance with the elevation drawings prepared by Baxter Designs dated July 2010, attached as *Schedule No. 3*.

2. Riparian Areas Assessment

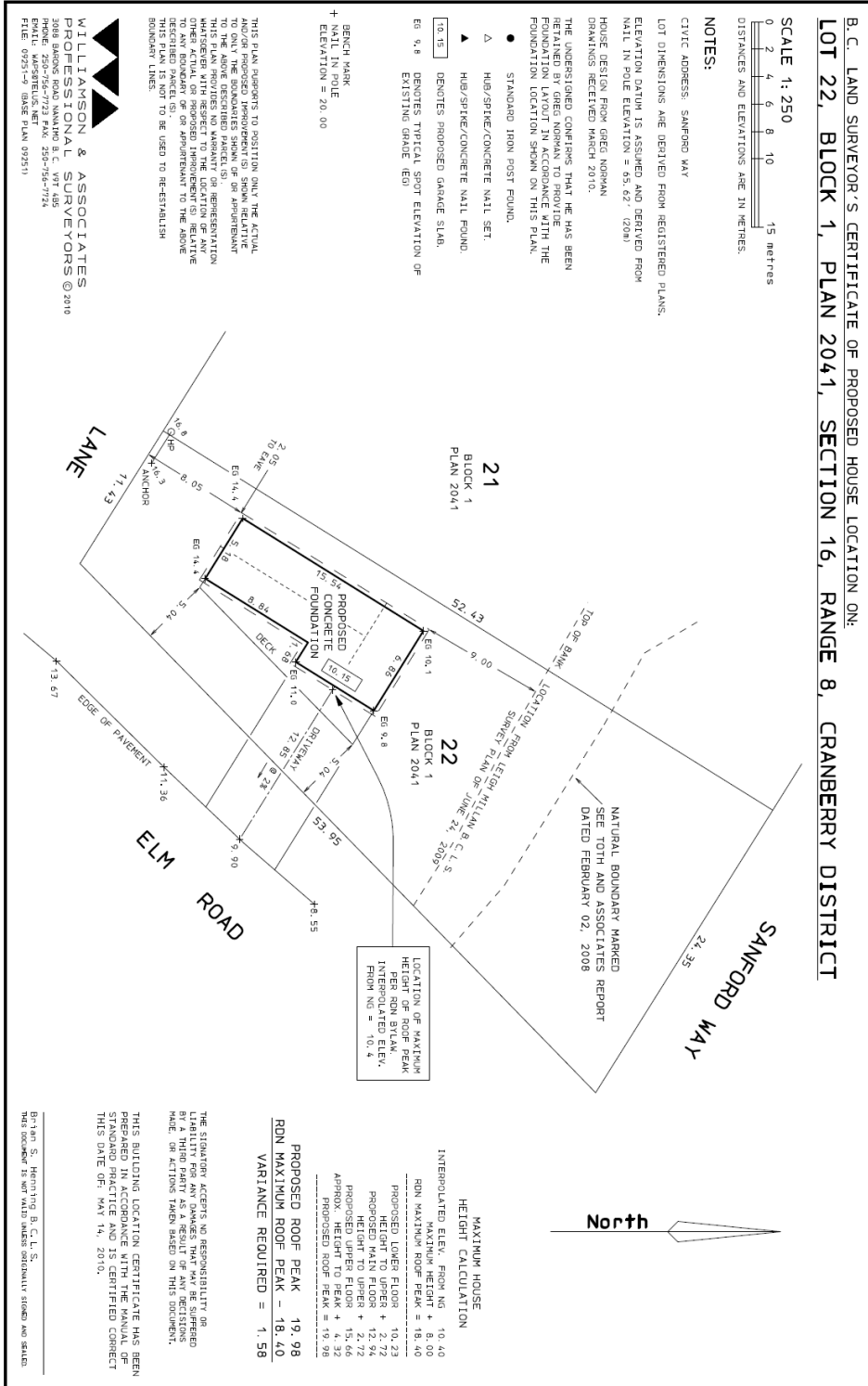
- a) Measures to Protect and Maintain the SPEA

The applicant shall complete the recommendations set out in Section 4 – Measures to Protect and Maintain the SPEA established in the Riparian Areas Assessment report dated February 2, 2008 to the satisfaction of a Qualified Environmental Professional with written confirmation of completion of these works submitted to the Regional District of Nanaimo.

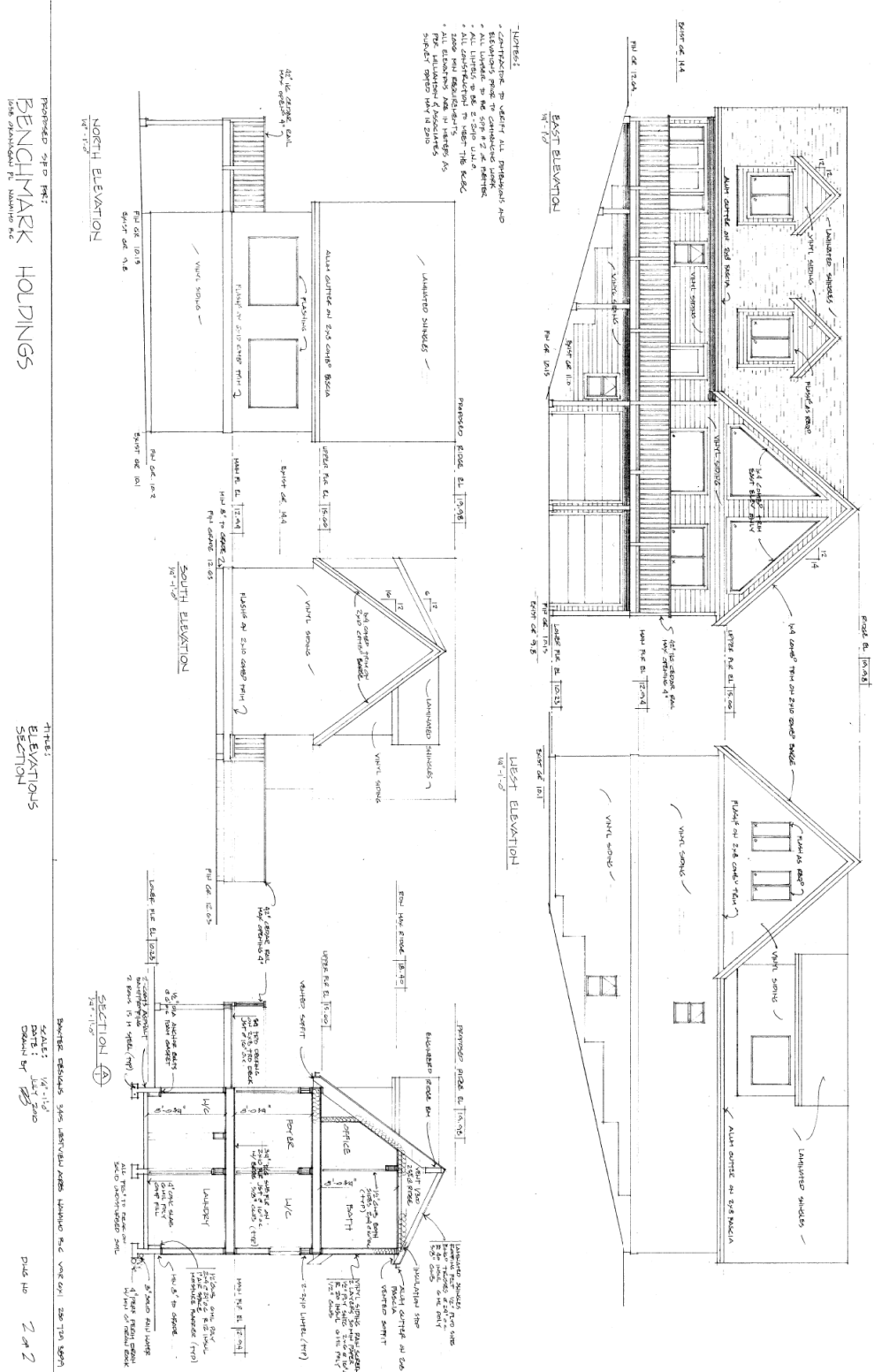
- b) Environmental Monitoring

The applicant shall complete the recommendations concerning the environmental monitoring as set out in Section 5 – Environmental Monitoring of the Riparian Areas Assessment Report, to the satisfaction of a Qualified Environmental Professional with written confirmation of completion of these works submitted to the Regional District of Nanaimo.

**Schedule No. 2
Site Plan**



Schedule No. 3 Building Elevations



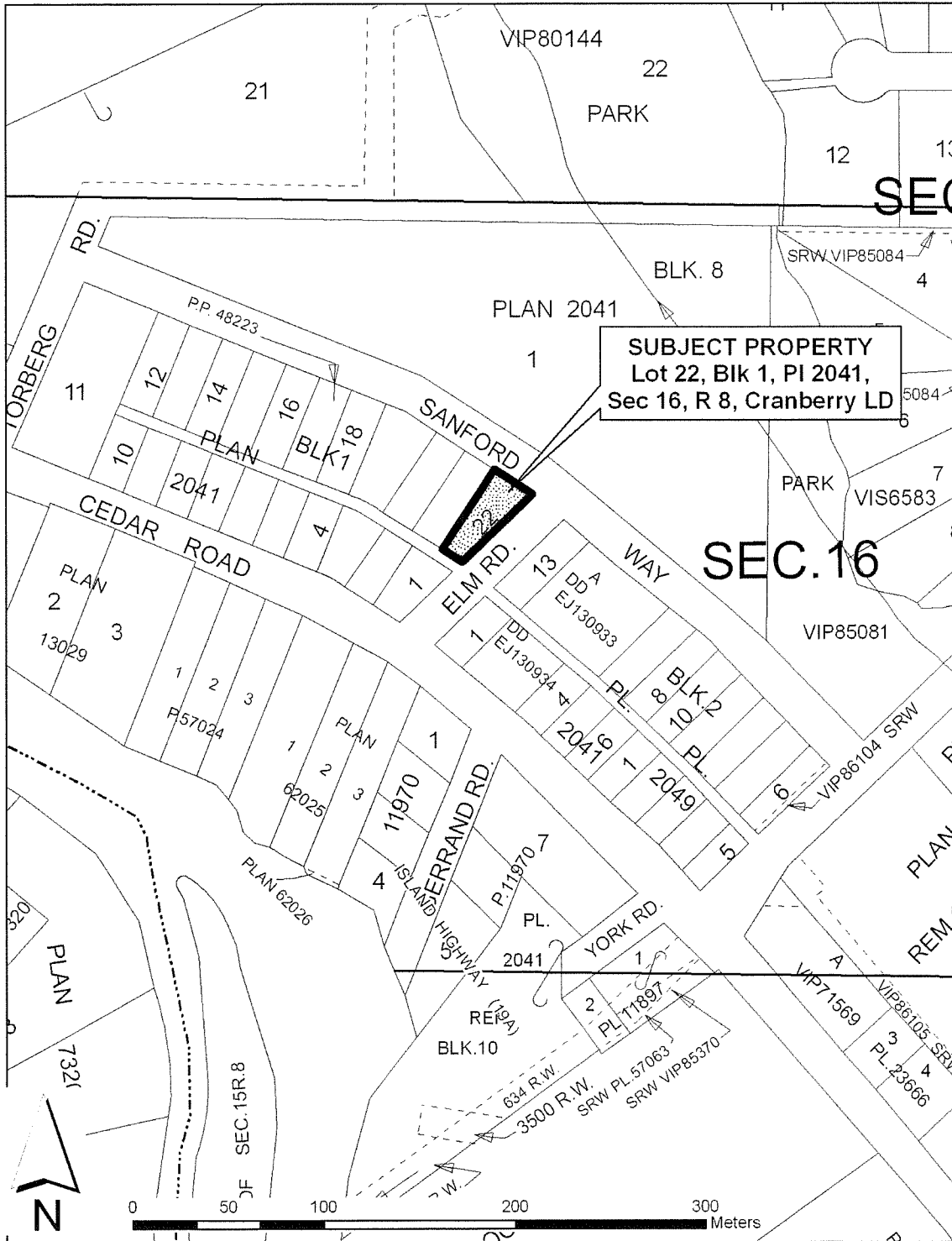
PROPOSED 2nd FLOOR
BENCHMARK HOLDINGS
1000 BENCHMARK BL. WASHINGTON DC

TITLE:
ELEVATIONS
SECTION

DATE: 10/1/10
DRAWN BY: [Signature]

PAGE NO: 2 of 2

Attachment No. 1
Location of Subject Property



BCGS Map Sheet 92G.011.2.1



RDN REPORT	
CAO APPROVAL <i>QW</i>	
EAP	<input checked="" type="checkbox"/> <i>Sept 14 '10</i>
COW	<input type="checkbox"/>
SEP 01 2010	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: August 31, 2010

FROM: Elaine Leung
Planner

FILE: PL2009-805

SUBJECT: **Amendment to Development Variance Permit Application PL2009-805
Fern Road Consulting Ltd.
Those Parts of District Lot 22, Newcastle District, Shown Outlined in Red on Plan 531R & Lying to the West of the Island Highway, Also Shown on Said Plan 531R Except Part in Plans VIP68956, VIP79905 & VIP82408 – 6360 Island Hwy West Electoral Area ‘H’**

PURPOSE

To consider an amendment to a Development Variance Permit application by requesting to vary the minimum setbacks from a watercourse from 9.0 metres to 5.0 metres, on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application to amend an existing Development Variance Permit from Fern Road Consulting Ltd. on behalf of Mahoe Properties. The site is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The Board may recall that in December 2009, in conjunction with a subdivision application, the applicants received approval for a variance to legalize two existing accessory buildings, by varying the interior side lot line setbacks. In addition, the Board also considered the issue of park land dedication with respect to the proposed subdivision (PL2009-793). The amended terms, which include the previously approved variances, are attached as Schedule No. 1.

The applicant has submitted an assessment report prepared by a Qualified Environmental Professional (QEP) in accordance with the requirements of the *Riparian Area Regulation (RAR)*. The QEP has identified the watercourse on Proposed Lot D as a ‘ditch’ and has recommended a 5.0 metre SPEA setback from the centerline of the watercourse.

Proposed Variance

The applicant proposes to vary minimum setbacks from a watercourse by varying Section 3.3.8 from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” as follows:

- *General Regulations – Setbacks – Water:* By varying the minimum setback from 9.0 metres horizontal distance from the top of the slope, to 5.0 metres from the centreline of the watercourse.

ALTERNATIVES

1. To approve the Development Variance Permit No. PL2009-805 amendment as requested.
2. To deny the Development Variance Permit No. PL2009-805 amendment.

LAND USE AND DEVELOPMENT IMPLICATIONS

The applicant is requesting an amendment to a Development Variance Permit Application in order to have the watercourse setbacks comply with the recommended SPEA. The Fish Habitat Protection DPA is defined as 30.0 meters as measured from the top of the bank. However, the applicant has submitted an assessment report prepared by a QEP in accordance with the requirements of the RAR which identifies the SPEA for this watercourse to be 5.0 metres from the centerline of the watercourse.

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. No sustainability implications were identified as a result of the proposed development.

PUBLIC CONSULTATION IMPLICATIONS

As part of the required public notification process, pursuant to the *Local Government Act*, property owners and tenants located within a 50.0 metre radius, will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed amended variance, prior to the Board’s consideration of the application.

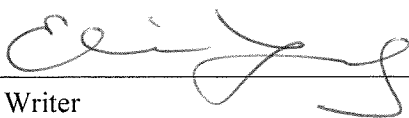
SUMMARY

This is an amendment application for a Development Variance Permit to vary the minimum setback from a watercourse from 9.0 metres horizontal from the top of the slope, to 5.0 metres from the centreline. Given that the Qualified Environmental Professional has identified 5.0 metres as an appropriate setback, staff recommends approval of the variance and the amended Development Variance Permit.


RECOMMENDATION

That:

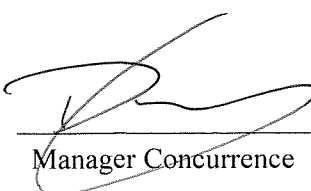
1. Staff be directed to complete the required notification, and
2. The amendment to Development Variance Permit Application No. PL2009-805 be approved.



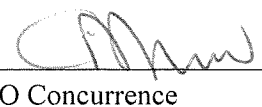
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Amended Terms/Development Variance Permit No. PL2009-805

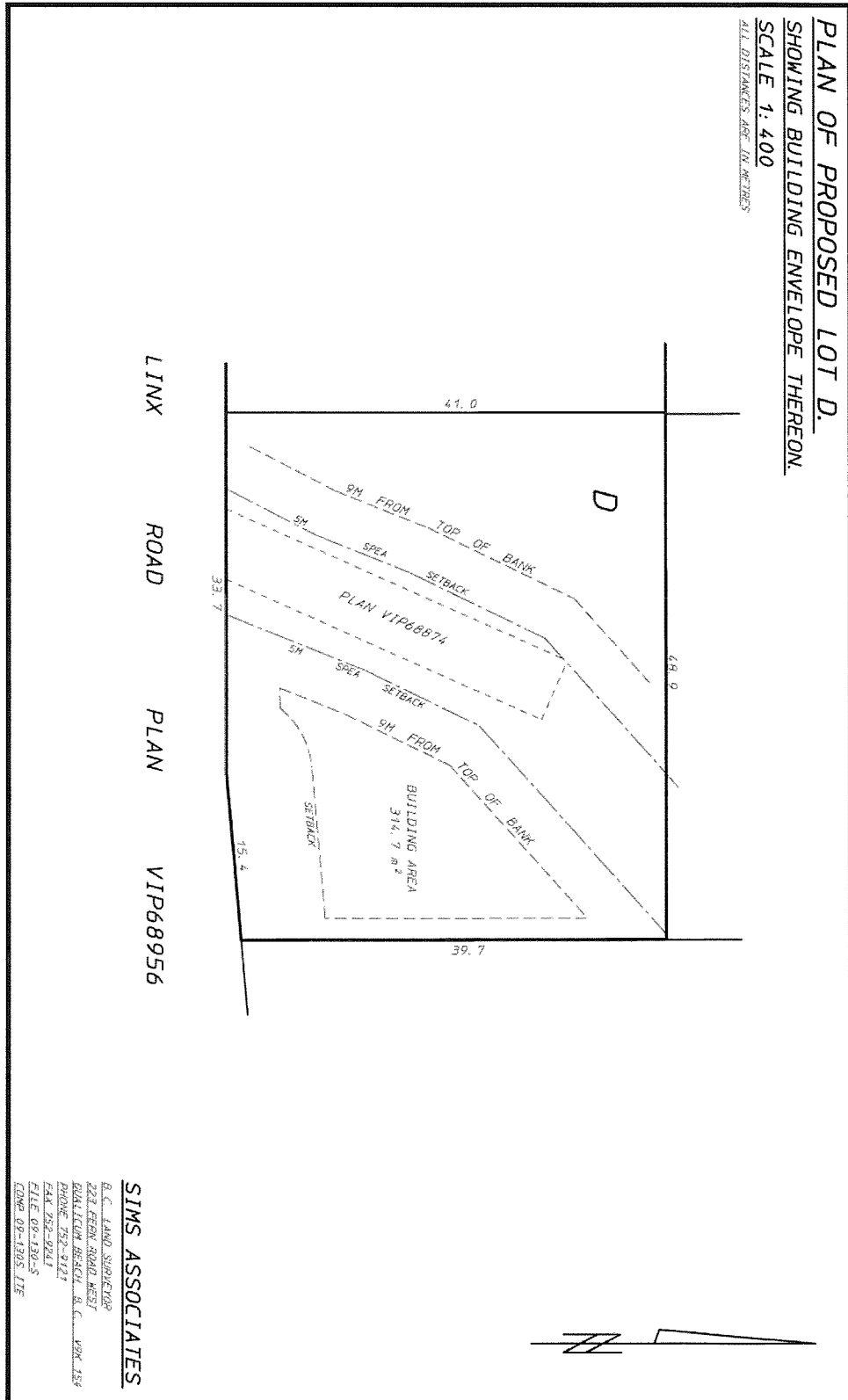
The following sets out the terms of Development Permit No. PL2009-805:

Bylaw No. 500, 1987 – Requested Variance

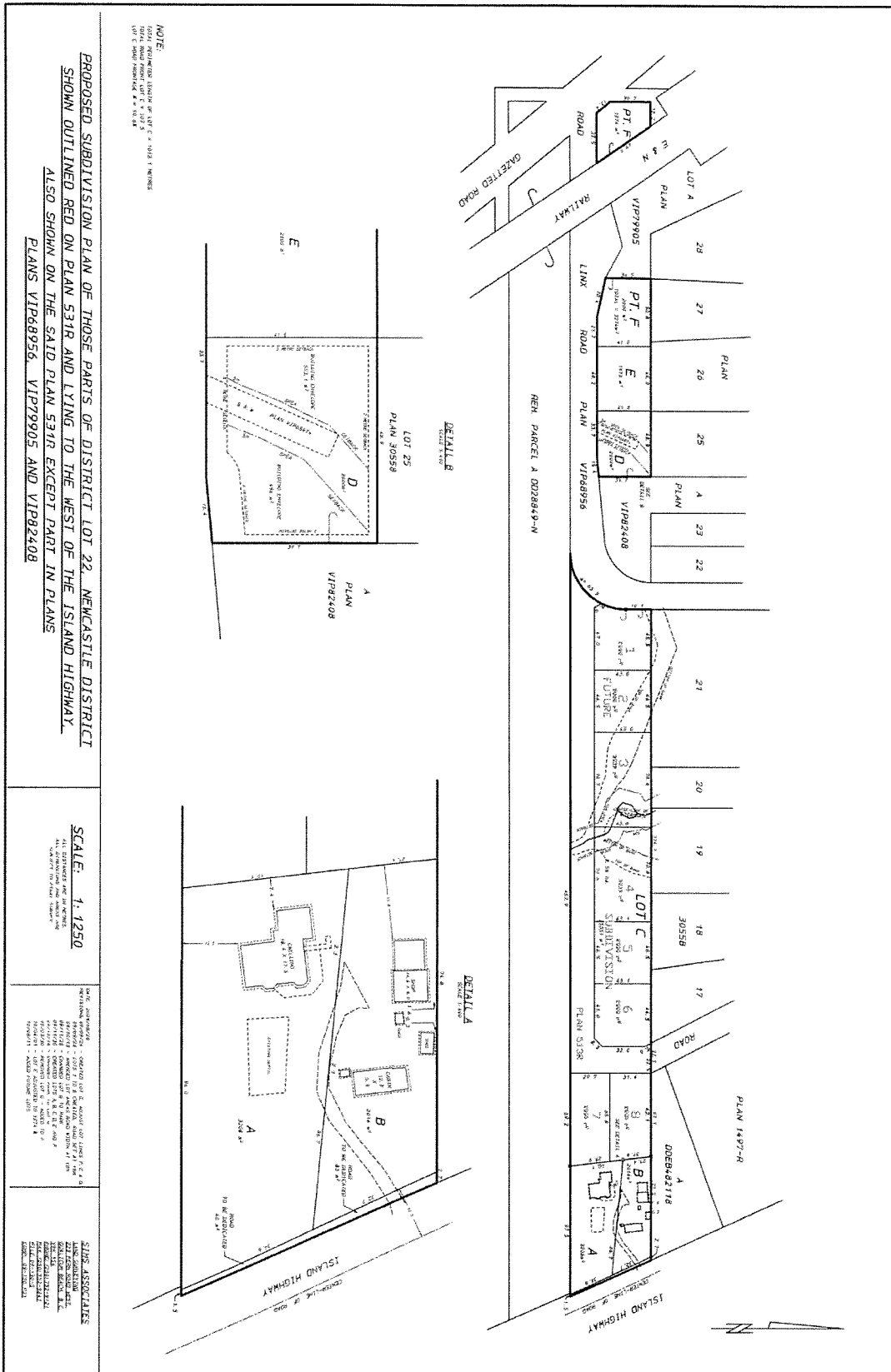
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

1. **Section 3.4.62 Minimum Interior Side Lot Line Setback** is hereby varied by reducing the minimum setback interior lot line setback from 2.0 to 1.6 metres for the building labeled as ‘shop’ on proposed Lot B, as shown on *Schedule No. 2*.
2. **Section 3.4.62 Minimum Interior Side Lot Line Setback** hereby varied by reducing the minimum setback interior lot line setback from 2.0 metres to 0.3 metres for the building labeled as ‘shed’ on proposed Lot B, as shown on *Schedule No. 2*.
3. **Section 3.3.8 General Regulations; Setbacks – Water** is hereby varied by reducing the minimum setback from a 9.0 metres horizontal distance from the top of the slope, to 5.0 metres from the centreline of the watercourse.

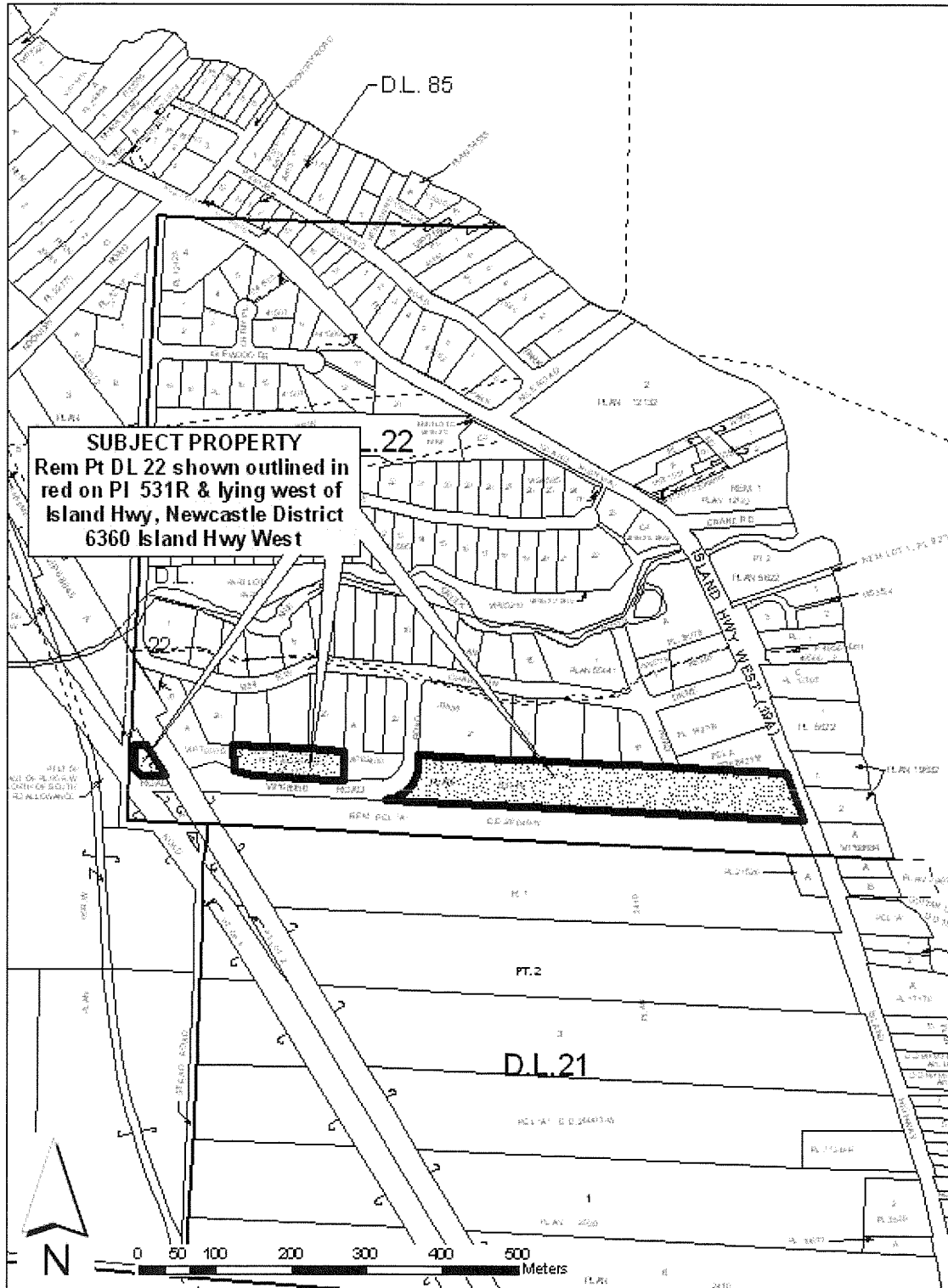
Attachment No. 1
 Site Plan



Attachment No. 2
 Proposed Subdivision Layout



Attachment No. 1
Location of Subject Property





CAO APPROVAL <i>UV</i>	
EAP	<i>Sept 14 '10</i>
COW	
RHD	
BOARD	

MEMORANDUM

TO: Paul Thompson
Manager of Long Range Planning

DATE: September 2, 2010

FROM: Greg Keller
Senior Planner

FILE: 3360 30 1001

SUBJECT: Electoral Area 'G' Official Community Plan Implementation

PURPOSE

To abandon "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.346, 2008" (Bylaw No. 500.346) and introduce Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaws No. 500.359, 2010, 500.360, 2010, 500.361, 2010, and 500.362, 2010 for consideration of 1st and 2nd reading and to proceed with public consultation followed by a public hearing.

BACKGROUND

Prior to the adoption of the Electoral Area 'G' Official Community (OCP) Plan on July 22, 2008, the RDN initiated the bylaw amendment process to implement the OCP. Amendment Bylaw No.500.346 was intended to ensure that the zoning regulations were consistent with the Electoral Area 'G' OCP and to help the community work towards its stated policies and objectives.

In summary, Bylaw No. 500.346 proposed the following changes to Bylaw No. 500:

1. Increase the minimum parcel sizes on lands located outside the Urban Containment Boundary (UCB);
2. Increase the minimum site area requirements per dwelling unit to be equal to the minimum parcel size;
3. Introduce three new land use zones;
4. A number of land use regulation changes; and,
5. Changes to definitions and other operative clauses.

The Board granted 1st and 2nd reading to Bylaw No. 500.346 at its June 17th, 2008 meeting. A public hearing was held on July 9th, 2008. The Board granted 3rd reading to the bylaw at its July 22th, 2008 meeting and it was approved by the Ministry of Transportation and Infrastructure on July 25, 2008.

A number of concerns were raised by the community following 3rd reading of the bylaw. A number of written submissions opposing the bylaw and requests to appear as a delegation before the Board were also received at that time. Staff was unable to accommodate the requests to appear as a delegation or to assist the Board in addressing the community's concerns due to the legal requirement that the Board not hear new information with respect to the proposed bylaw following the close of the public hearing. This resulted in a number of unresolved community concerns with respect to the proposed bylaw.

The community's primary concerns with respect to Bylaw No. 500.346 were:

1. Reduction and/or loss of subdivision potential as a result of the proposed increases to minimum parcel sizes; and

2. A second dwelling unit becoming legal non-conforming as a result of the proposed increases to the minimum site area requirements per dwelling unit.

In response to these concerns, at its August 26th, 2008 meeting, the Board, at 4th reading, carried the following motion:

“MOVED Director Stanhope, SECONDED Director Young, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.346, 2008” be tabled.”

Staff was directed to amend Bylaw No. 500.346 to address the community’s concerns and bring the bylaw back to the Board for further consideration.

IMPLEMENTATION STRATEGY

Staff are proposing to reinitiate the Electoral Area ‘G’ Official Community Plan implementation process as it is recognized as a critical component of the Electoral Area ‘G’ Official Community Plan and is required to help the community work towards its stated policies and objectives.

Rather than amend Bylaw No. 500.346 and reintroduce it for an amended 2nd reading and hold a new public hearing, staff recommends that Bylaw No. 500.346 be abandoned. In its place, staff recommends four new bylaws be introduced for 1st and 2nd reading. The proposed bylaws group similar items together to help facilitate discussion and ease of administration of the bylaw amendment process. Staff are recommending this approach to provide the Board and the community with an opportunity to better respond to specific concerns on some bylaws, while allowing other less contentious bylaws to proceed in a more efficient manner.

Addressing the Community’s Concerns

Minimum Parcel Size

In response to significant community concerns and lack of community support for increasing minimum parcel sizes, staff are not proposing any increases to minimum parcel sizes at this time. It should be noted that increases to minimum parcel sizes are an important part of the growth management strategy of the Electoral Area ‘G’ OCP and are consistent with the Board Strategic Plan and Regional Growth Strategy. Close ties can also be made with the Regional District of Nanaimo’s commitment to the Climate Action Charter and other recent initiatives which support the creation of compact complete communities and reducing greenhouse gas emissions.

The Board may want to reconsider this matter at a later date should community and/or Board priorities change. In addition, the Board may also want to consider exploring other options of addressing subdivision potential on lands outside of the UCB such as amenity zoning and density transfer which could minimize the effect on property owners while continuing to help the overall region and community achieve its growth management goals.

Site Area Requirements Per Dwelling Unit

Public comments received during the Bylaw No. 500.346 process included concerns over second dwellings becoming legal non-conforming. Bylaw No. 500.346, 2008 proposed to increase the minimum site area requirement for a second dwelling on some properties located outside the UCB. This change would have resulted in a number of legal non-conforming dwelling units where two dwelling units were legally constructed on a property large enough to satisfy the current minimum site area requirements for a second dwelling unit, but too small to satisfy the larger proposed minimum site area requirements for a second dwelling.

Section 911 of the *Local Government Act* would have provided property owners with protection that would allow them to keep the non-conforming dwelling units, but if either dwelling unit was damaged or destroyed to the extent of 75% or more of its value above its foundations, as determined by the building inspector, it must not be repaired or reconstructed except for a conforming use in accordance with the zoning bylaw.

In response to the community's concerns staff are proposing the following:

1. To apply the proposed larger minimum site area requirements only to new lots created after the adoption of the amendment bylaw;
2. To ensure that existing properties which meet the current minimum site area requirements for two dwelling units retain the ability to have a maximum of two dwelling units following the proposed bylaw amendment; and,
3. To not impose new minimum site area requirements on dwelling units which were legally under construction or existed prior to the adoption of the amendment bylaw to ensure that existing dwelling units do not become legal non-conforming.

Height and Setbacks in Proposed RS1.1 Zone

A concern was raised that the maximum height and setbacks for the proposed RS1.1 zone were not the same as the RS1 zone. The intent of the RS1.1 zone was to recognize the existing development and to have the setbacks and heights of new dwellings be consistent with the heights and setbacks of the existing dwellings. The regulations for the new zone would not result in any new houses being any higher or closer to the street than existing dwellings.

Overview of Proposed Bylaw Amendments

This report provides an explanation of the amendments to Bylaw No. 500 that staff is recommending to be considered at this time and which are identified in Section 11 of the Electoral Area 'G' OCP. The proposed bylaw amendments are provided in Attachment No. 2.

A detailed overview including the corresponding OCP Section and Policy is attached as Attachment No. 1 of this report. The proposed amendments to Bylaw No. 500 are summarized below.

Bylaw No. 500.359 (Changes to Minimum Site Area Requirements)

- a. A number of zoning designations are proposed to be amended to specify larger per dwelling unit minimum site area requirements. The proposed per dwelling unit minimum site area requirement is equal to the minimum parcel size supported by Bylaw No. 500.
- b. The amended site area requirements would only apply on lands located outside the Urban Containment Boundary in Electoral Area 'G'.
- c. The proposed minimum site area requirements would only apply to dwelling units constructed on lots created after the adoption of Bylaw No. 500.359.

Bylaw No. 500.360 (Housekeeping and Minor Amendments)

- a. The definition of agriculture is proposed to be amended in support of a more diverse range of agricultural opportunities.
- b. A new standard for the number of significant figures acceptable for determining parcel area is proposed.
- c. A minimum setback requirement of 15.0 m for all buildings and structures adjacent to the Vancouver Island Highway No. 19.

- d. The landscaping regulations are proposed to be amended by excluding Electoral Area 'G' in response to new landscaping regulations contained in the OCP's Development Permit Area Guidelines.

Bylaw No. 500.361 (Zoning Changes in French Creek)

- a. A number of properties along Viking Way are proposed to be rezoned from Residential 5 (RS5) which permits multiple unit residential to a newly proposed Residential 1.1 (RS1.1) zone which permits single unit residential to recognize the current use of the properties as single residential use.

Bylaw No. 500.362 (Other Zoning Changes)

- a. A new resort commercial zone that applies to all existing commercial properties located outside of the Urban Containment Boundary is proposed to be created and a number of commercial lots are proposed be rezoned to this new zoning designation.
- b. A property located within the Englishman River floodplain is proposed to be rezoned from Commercial 5 (CM5) to Commercial 8 (CM8) to restrict its use to seasonal campground use and address ongoing flooding concerns.
- c. The zoning for three parcels located on View Road is proposed to be amended to remove Animal Care, Campground and Waste Disposal Site as permitted uses.
- d. The zoning of a small number of Commercial 5 zoned parcels located on McFeeley Drive are proposed to be rezoned to recognize the existing historic use of the subject properties for residential uses.

ALTERNATIVES

1. To remove from the table and abandon Bylaw No. 500.346 and introduce Bylaws No. 500.359, 500.360, 500.361, and 500.362 for 1st and 2nd reading and proceed to public consultation and public hearing.
2. To provide staff with an alternative direction.

LAND USE AND DEVELOPMENT IMPLICATIONS

The proposed amendments to Bylaw No. 500 are required to ensure that the zoning regulations are consistent with the OCP and help the community work towards its stated policies and objectives. In summary, the proposed amendments can be grouped into three categories: site area requirements, housekeeping and minor amendments, and zoning amendments. The following explains the justification and land use implications for each of the proposed amendments.

Proposed Bylaw No. 500.359 - Minimum Site Area Requirements

The rationale for increasing the minimum site area requirements for properties located outside of the UCB is as follows:

To Reduce Transportation Needs and Greenhouse Gas Emissions

In the RDN, on-road transportation accounts for about 75% of greenhouse gas emissions (GHG). There is a direct relationship between the distance travelled and the amount of GHGs emitted. Limiting the location and amount of additional residential development located in rural areas and concentrating it in close proximity to village centres that include employment, recreational opportunities, goods and services, and education can significantly reduce the distance traveled thereby significantly reducing GHG emissions in the Plan Area.

The RDN, along with at least 177 other local governments in British Columbia have signed the Climate Action Charter which, among other things, pledges support for the creation of complete, compact, more energy efficient rural and urban communities that support a reduction of car dependency and energy use. The proposed increase to the minimum site area requirements is consistent with the Climate Action Charter and would likely result in more development being redirected towards established UCB's in the future.

To Address the Creation of Building Strata Subdivisions and Clarify Development Potential

On vacant parcels where the current zoning permits two dwelling units, the **Strata Property Act** provides for the creation of building strata. This is a form of strata subdivision where a building(s) is subdivided into separate lots each with its own title. A building strata is not a subdivision of land and as a result does not require approval from the RDN or Ministry of Transportation and Infrastructure. From a growth management perspective this has led to three primary concerns.

1. *Development Potential*

The provision for a second dwelling on a parcel was established as a means to assist property owners who required a second dwelling unit on site for farm help, as a mortgage helper, or to provide affordable housing. Today observational evidence suggests that in some cases the focus of having a second dwelling unit has shifted towards providing additional development potential rather than for the reasons stated above. This can be clearly seen with the recent increase in building strata subdivisions and large purpose built estate style housing.

As an example, in 2005 a subdivision adjacent to Coldwater Road in Electoral Area 'G' registered nine lots each slightly larger than 2.0 ha. Since each lot was larger than 2.0 ha, each was permitted to have two dwelling units. Following the subdivision, two dwelling units were constructed on each lot and each lot was further subdivided into two building strata lots. As a result what was originally planned, reviewed, and approved as a nine lot subdivision has turned in to an eighteen (18) lot building strata subdivision.

Under current zoning, the opportunity to replicate the above example exists on any vacant parcel which satisfies the minimum site area requirements for a second dwelling unit despite the minimum parcel size established by the zoning bylaw. This is a concern, both for existing vacant parcels and newly proposed subdivisions, which if the trend continues, are likely to propose lots just large enough to permit two dwelling units for the purpose of future building strata subdivisions.

This "hidden density" is not consistent with the original intent of supporting a second dwelling unit on a parcel and is not consistent with the goals and objectives of the Electoral Area 'G' OCP.

2. *Lack of Community Amenities*

Where a subdivision of land proposes to create three or more lots and at least one lot is less than 2.0 ha, Section 941 of the **Local Government Act** requires the provision of 5% park land, cash, or combination of land and cash. Section 941 does not apply to Building Strata subdivisions as they are not considered subdivision of land since it's the buildings that are registered as the newly created strata lots. Therefore, there is no requirement to contribute towards community park land. This is a concern as the community does not benefit from this form of subdivision despite the fact that for all intents and purposes lots smaller than 2.0 ha are being created.

3. *Standard of Review*

As mentioned above, building strata subdivisions do not require RDN or Ministry of Transportation and Infrastructure approval. This is a concern as subdivision applications are reviewed based on the

number of lots shown on the subdivision application not the number of potential building strata lots that could result. This has implications as road, access, and drainage improvements are not based on the potential number of lots which could be created through building strata. In addition, unlike the subdivision of land where there is a thorough review by the RDN, the Ministry of Transportation and Infrastructure, and the Ministry of Health to ensure that all the applicable bylaws, acts, and regulations are met, the creation of building strata does not include such a review. This leaves it up to the developer to ensure that all aspects of the building strata satisfy all bylaws, acts, and regulations.

Proposed Bylaw No. 500.360 - Housekeeping and Minor Amendments

The purpose of the amendments is to support a diversified agricultural sector in Electoral Area 'G', address concerns with the proximity of buildings and structures to the Vancouver Island Highway, clarify how parcel area is expressed, and ensure consistency between landscaping criteria between the OCP and the zoning bylaw.

Proposed Bylaw No. 500.361 and 500.362 - Zoning Amendments

The proposed amendments with respect to changes to the use of land are included in proposed Bylaws No. 500.361 and 500.362.

Bylaw No. 500.361 proposes to rezone lands in French Creek on Viking Way which are currently developed with single residential dwelling units and are subject to Development Permit No. 77. The purpose of rezoning to a single residential zone is to recognize the existing development and to include more appropriate zoning criteria such as minimum setback requirements and maximum height requirements.

Bylaw No. 500.362 is intended to recognize historical uses, limit commercial uses located outside of the UCB to resort commercial uses, protect against potential land use conflicts, and address health and safety concerns.

CONSULTATION STRATEGY

The only legal requirement for public consultation in accordance with Section 890 of the *Local Government Act* is a public hearing. However, to ensure that the community is aware of the proposed Electoral Area 'G' OCP implementation process, staff are proposing a comprehensive community consultation strategy. The following outlines the proposed consultation strategy for the Board's consideration.

- *Open Houses*
A series of three open houses will be held to provide the community with an opportunity to view the proposed bylaws and provide input.
- *PQ News*
An advertisement will be placed advertising the open houses in two issues of the PQ News.
- *Regional District of Nanaimo Website*
The RDN website will be updated with current information and to draw attention to the proposed bylaws.
- *Notice to all Property Owners*
A newsletter will be sent to all property owners within Electoral Area 'G' explaining the proposed bylaws and how they can provide input.

INTERGOVERNMENTAL IMPLICATIONS

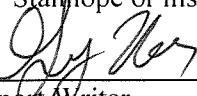
Should the Board grant 1st and 2nd reading, referrals will be sent to the Department of Fisheries and Oceans, City of Parksville, Town of Qualicum Beach, Vancouver Island Health Authority, Ministry of Environment, Ministry of Transportation and Infrastructure, Agricultural Land Commission, Integrated Land Management Bureau, School District 69, Qualicum First Nation, Nanoose First Nation, Ministry of Forests and Range, Ministry of Energy, Mines, and Petroleum Resources, Canadian Wildlife Service, Ministry of Agriculture, Little Qualicum Waterworks District, and EPCOR.

SUMMARY


The Electoral Area 'G' OCP includes an implementation strategy that, among other things, recommends changes to Bylaw No. 500. The purpose of the proposed amendments is to ensure that the zoning regulations are consistent with the OCP and to help the community work towards its stated policies and objectives. The proposed amendments are consistent with the direction provided by the RDN 2010-2012 Strategic Plan, the Regional Growth Strategy, and commitments under the Climate Action Charter. The proposed approach to implementing the Electoral Area 'G' OCP is intended to address the community's concerns identified during the consideration of Bylaw No. 500.346, 2008. Staff recommends that the Board abandon Bylaw No. 500.346, 2008 and grant 1st and 2nd reading to Bylaws 500.359, 500.360, 500.361, and 500.362 and that they proceed to public consultation followed by a public hearing.

RECOMMENDATIONS

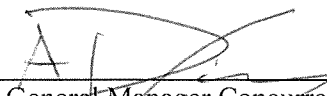
1. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.346, 2008" be removed from the table.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.346, 2008" be abandoned.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.359, 2010" be given 1st and 2nd reading.
4. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.360, 2010" be given 1st and 2nd reading.
5. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.361, 2010" be given 1st and 2nd reading.
6. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.362, 2010" be given 1st and 2nd reading.
7. That staff proceed with the consultation strategy outlined in the staff report prior to the public hearing.
8. That Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaws No. 500.359, 500.360, 500.361, and 500.362, 2010 proceed to public hearing and be delegated to Director Stanhope or his alternate.



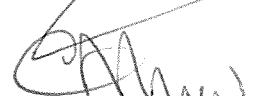
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Attachment No. 1
Overview of Proposed Amendments to Bylaw No. 500

The following table provides an overview of the proposed amendments to Bylaw No. 500 including the corresponding OCP Section and Policy

Bylaw No. 500.359 – Minimum Site Area Requirements

Bylaw Paragraph	OCP Section	OCP Policy	Proposed Amendment	Detailed Description
	5.1	Policy 10 <i>"New residential development shall be permitted at a maximum density of one dwelling unit per parcel."</i>	Amend the minimum site area requirement per dwelling unit for all land within the Rural Residential 1 land use designation to one dwelling unit per hectare to a maximum of two dwelling units per parcel, excluding lands in Dashwood.	Amend Part 3 to introduce new minimum site area requirements that only apply to lots created after the adoption of Bylaw No. 500. 359 that are equal to the minimum parcel size.
	5.1	Policy 14 <i>"New residential development shall be permitted at a maximum density of one dwelling unit per two hectares to a maximum of two per parcel."</i>	Amend the minimum site area requirement per dwelling unit for all land within the Rural Residential 2 land use designation to one dwelling unit per two hectares to a maximum of two dwelling units per parcel.	Amend Part 3 to introduce new minimum site area requirements that only apply to lots created after the adoption of Bylaw No. 500. 359 that are equal to the minimum parcel size.
	5.1	Policy 21 <i>"New residential development shall be permitted at densities of one dwelling unit per eight hectares to a maximum of two dwelling units per parcel."</i>	Amend the minimum site area requirement per dwelling unit for all land within the Rural Residential 3 land use designation to one dwelling unit per eight hectares to a maximum of two dwelling units per parcel.	Amend Part 3 to introduce new minimum site area requirements that only apply to lots created after the adoption of Bylaw No. 500. 359 that are equal to the minimum parcel size.
	5.1	Policy 25 <i>"New residential development shall be permitted at densities of one dwelling unit per eight hectares to a maximum of two dwelling units per parcel."</i>	Amend the minimum site area requirement per dwelling unit for all land within the Rural land use designation to one dwelling unit per eight hectares to a maximum of two dwelling units per parcel	Amend Part 3 to introduce new minimum site area requirements that only apply to lots created after the adoption of Bylaw No. 500. 359 that are equal to the minimum parcel size.
	5.2	Policy 3 <i>"New residential development shall be permitted to a maximum density of one dwelling unit per 50 hectares."</i>	Amend minimum site area requirement per dwelling unit for all land within the Rural Resource land use designation to one dwelling unit per 50 hectares to a maximum of two dwelling units per parcel	Amend Part 3 to introduce new minimum site area requirements that only apply to lots created after the adoption of Bylaw No. 500. 359 that are equal to the minimum parcel size.

Bylaw No. 500.360 – Housekeeping and Minor Amendments

Bylaw Paragraph	OCP Section	OCP Policy	Proposed Amendment	Detailed Description
2	8.1	<p>Policy 2</p> <p><i>"A full range of agricultural and complementary uses in the ALR is supported and value-added activities are encouraged that can improve farm viability. It is recognized that approval from the ALC may be required."</i></p> <p>Policy 3</p> <p><i>"Broad-based agricultural activities including livestock and horticultural uses of a farm, and the processing, production, distribution and sale of agricultural products grown and reared on that farm, shall also be encouraged and supported on agricultural lands. In order to ensure that such activities, including those of an intensive nature, do not give rise to conflicts with adjoining uses or the environment, the RND requires that they be conducted in accordance with recognized codes of practice, standards and environmental guidelines."</i></p>	<p>Amend the definition of Agriculture for Electoral Area 'G' to permit a more diverse range of agricultural uses including, but not limited to value-added and eco-tourism.</p>	<p>Amend Section 2.1 definitions to include additional agricultural uses in Area G.</p>
3	n/a	n/a	<p>To clarify how parcel area is expressed for the purpose of minimum site area requirements.</p>	<p>Amend part 3 – General Operative Clauses by inserting a new table which includes standards for expression of parcel areas.</p>
4	9.5	<p>Policy 3</p> <p><i>"The Regional District of Nanaimo supports the goals and objectives of the Vancouver Island Highway Agreement and may take steps towards implementation of the agreement by considering the following:</i></p> <p><i>a. increasing the minimum setback requirements for buildings and structures to preserve the aesthetic quality of the corridor.....</i></p>	<p>Amend Bylaw No. 500 by increasing the minimum setback requirements from the Island Highway corridor as defined by the Vancouver Island Highway Agreement.</p>	<p>Amend Section 3.3 – General Regulations by inserting subsection 13 – Setbacks Vancouver Island Highway No. 19 to be a minimum of 15.0 metres.</p>

5 and 6	10	<p>Introduction</p> <p><i>"The landscaping and screening requirements of this Plan may not be consistent with RDN Land Use and Subdivision Bylaw No. 500, 1987. Therefore, the RDN should consider amending Bylaw No. 500 to bring it in to conformity with this Plan."</i></p>	<p>Amend Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 to exclude Electoral Area 'G' from the landscaping requirements as specified by Bylaw No. 500.</p>	<p>Amend Schedule 3F – Landscaping Regulations and Standards.</p>
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Bylaw No. 500.361 – French Creek Zoning Amendment

Bylaw Paragraph	OCP Section	OCP Policy	Proposed Amendment	Detailed Description
2 and 3	3.2	<p>Policy 3</p> <p><i>"The Regional District of Nanaimo shall consider rezoning the parcels affected by Development Permit No. 77 that have been subdivided for single residential use as of the date of the adoption of this Plan from Residential 5 to a single residential zone to recognize the existing single residential use."</i></p>	<p>Rezone the lands subject to Development Permit No. 77 which have been subdivided into single residential lots to recognize the existing single residential status and the variances granted by Development Permit No. 77.</p>	<p>Create a new Residential 1.1 zone and amend Schedule 3A to change the zoning designation from Residential 5 to Residential 1.1 and institute setbacks and height requirements to be consistent with other lots in the neighborhood.</p>

Bylaw No. 500.362 – Other Zoning Amendments

Bylaw Paragraph	OCP Section	OCP Policy	Proposed Amendment	Detailed Description
2 and 8	8.5	<p>Policy 3</p> <p><i>"Sites designated commercial by this Plan located outside of the UCB shall be restricted to resort commercial uses. The rezoning of any commercially designated site located outside of the UCB to permit other forms of commercial use is not supported."</i></p>	<p>Rezone lands designated as 'Commercial' by this Plan that are located outside of the UCB to limit commercial uses to resort commercial and those commercial uses which are typically associated with resort commercial.</p>	<p>Amend Part 3 and Schedule 3A to change the zoning designation from Commercial to a new Resort Commercial Zone.</p>
3 and 9	8.5	<p>Policy 15</p> <p><i>For the land legally described as: Lot A, Nanoose Land District, Plan 30121 the use of the land should be restricted to seasonal campground use only.</i></p>	<p>Rezone the subject property (Parry's Campground) to address ongoing flooding concerns.</p>	<p>Amend Part 3 and Schedule 3A to change the zoning designation from Commercial 5 (CM5) to Commercial 8 (CM8).</p>
4, 5, and 7	5.1	<p>Policy 5</p> <p><i>"This Plan does not support lands within the Plan Area being pre-zoned for Animal Care. Lands</i></p>	<p>Rezone Lots 4, 5, and 6, Block 20, District Lot 68, Nanoose Land District Plan 1694 to remove</p>	<p>Amend Schedule 3A - Zoning Maps by changing the zoning of two lots to Rural 1 and</p>

		<p><i>within this Plan Area with existing Rural 2 and Rural 3 zoning may be considered for rezoning to remove 'Animal Care' as a permitted use, which may include changing the zoning designation to be consistent with the existing surrounding zoning designations."</i></p> <p><i>Permitted uses shall be rural uses, rural residential uses, and uses accessory to rural and rural residential uses.</i></p>	<p>'Animal Care' and 'Campground' as permitted uses.</p>	<p>amend Section 3.4.83 by removing Animal Care, Campground, and Waste Disposal Site as permitted uses.</p>
6	Map 3	<p><i>Subject properties are designated Rural Residential 1 which supports rural use, rural residential uses, and uses accessory to rural and rural residential uses.</i></p>	<p>With the Exception of Lot A, District Lot 9, Newcastle Land District, Plan 40682 rezone all lands adjacent to McFeely Drive that are currently zoned Commercial 5 to Residential 1 to recognize the current residential use of the properties.</p>	<p>Amend Schedule 3A to change the zoning designation from Commercial 5 to Residential 1.</p>

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500.359

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO
LAND USE AND SUBDIVISION BYLAW NO. 500, 1987**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend "REGIONAL DISTRICT OF NANAIMO LAND USE AND SUBDIVISION BYLAW NO. 500, 1987":

THEREFORE IT BE RESOLVED that the Board of the Regional District of Nanaimo, in open meeting assembled ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.359, 2010".
2. "Regional District of Nanaimo LAND USE AND SUBDIVISION BYLAW NO. 500, 1987" Schedule 'A' is hereby amended as follows:
3. PART 3 LAND USE REGULATIONS, Section 3.4.71, 'Resource Management 1 Zone' '**Maximum Number and Size of Buildings and Structures**' is hereby amended by replacing '**Maximum Number and Size of Buildings and Structures**' with the following:

Maximum Number and Size of Buildings and Structures

- | | |
|--|--|
| 1) Accessory buildings | combined floor area of 400m ² |
| 2) Dwelling Units/parcel: | |
| a) on a parcel having an area of 8.0 ha or less | 1 |
| <i>For Electoral Areas 'A,C,E and H'</i> | |
| b) on a parcel having an area greater than 8.0 ha | 2 |
| <i>For Electoral Area 'G'</i> | |
| c) on a parcel having an area equal to or greater than twice the minimum parcel size as established by Schedule '4B' Subdivision District –Minimum Parcel Sizes' | 2 |
| d) Notwithstanding subsection (c), on a parcel located in this zone and created prior to January 31, 2010 and having an area greater than 8.0 ha | 2 |
| 3) Height | 9.0m |
| 4) Parcel Coverage | 10% |

4. PART 3 LAND USE REGULATIONS, Section 3.4.81, 'Rural 1 Zone' '**Maximum Number and Size of Buildings and Structures**' is hereby amended by replacing '**Maximum Number and Size of Buildings and Structures**' with the following:

Maximum Number and Size of Buildings and Structures

- | | |
|---------------------------|--|
| 1) Accessory buildings | combined floor area of 400m ² |
| 2) Dwelling Units/parcel: | |

- | | | |
|----|---|------|
| | a) on a parcel having an area of 2.0 ha or less | 1 |
| | <i>For Electoral Areas 'A,C,E and H'</i> | |
| | b) on a parcel having an area greater than 2.0 ha | 2 |
| | <i>For Electoral Area 'G'</i> | |
| | c) on a parcel having an area equal to or greater than twice the minimum parcel size as established by Schedule '4B Subdivision District –Minimum Parcel Sizes' | 2 |
| | d) Notwithstanding subsection (c), on a parcel located in this zone and created prior to January 31, 2010 and having an area greater than 2.0 ha | 2 |
| 3) | Height | 9.0m |
| 4) | Parcel Coverage | 25% |
5. **PART 3 LAND USE REGULATIONS, Section 3.4.82, 'Rural 2 Zone' 'Maximum Number and Size of Buildings and Structures'** is hereby amended by replacing '**Maximum Number and Size of Buildings and Structures'** with the following:
- | | | |
|--|---|--|
| Maximum Number and Size of Buildings and Structures | | |
| 1) | Accessory buildings | combined floor area of 400m ² |
| 2) | Dwelling Units/parcel: | |
| | a) on a parcel having an area of 2.0 ha or less | 1 |
| | <i>For Electoral Areas 'A,C,E and H'</i> | |
| | b) on a parcel having an area greater than 2.0 ha | 2 |
| | <i>For Electoral Area 'G'</i> | |
| | c) on a parcel having an area equal to or greater than twice the minimum parcel size as established by Schedule '4B Subdivision District –Minimum Parcel Sizes' | 2 |
| | d) Notwithstanding subsection (c), on a parcel located in this zone and created prior to January 31, 2010 and having an area greater than 2.0 ha | 2 |
| 3) | Height | 9.0m |
| 4) | Parcel Coverage | 25% |
6. **PART 3 LAND USE REGULATIONS, Section 3.4.83, 'Rural 3 Zone' 'Maximum Number and Size of Buildings and Structures'** is hereby amended by replacing '**Maximum Number and Size of Buildings and Structures'** with the following:
- | | | |
|--|---|--|
| Maximum Number and Size of Buildings and Structures | | |
| 1) | Accessory buildings | combined floor area of 400m ² |
| 2) | Dwelling Units/parcel: | |
| | a) on a parcel having an area of 2.0 ha or less | 1 |
| | <i>For Electoral Areas 'A,C,E and H'</i> | |
| | b) on a parcel having an area greater than 2.0 ha | 2 |

For Electoral Area 'G'

- | | |
|---|------|
| c) on a parcel having an area equal to or greater than twice the minimum parcel size as established by Schedule '4B' Subdivision Districts–Minimum Parcel Sizes | 2 |
| d) Notwithstanding subsection (c), on a parcel located in this zone and created prior to January 31, 2010 and having an area greater than 2.0 ha | 2 |
| 3) Height | 9.0m |
| 4) Parcel Coverage | 25% |

Introduced and read two times this day of .

Public Hearing held pursuant to Section 890 of the *Local Government Act* this day of .

Read a third time this day of .

Adopted this day of .

Chairperson

Sr. Mgr., Corporate Administration

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500.360

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO
LAND USE AND SUBDIVISION BYLAW NO. 500, 1987**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend "REGIONAL DISTRICT OF NANAIMO LAND USE AND SUBDIVISION BYLAW NO. 500, 1987":

THEREFORE IT BE RESOLVED that the Board of the Regional District of Nanaimo, in open meeting assembled ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.360, 2010".
2. **PART 2, INTERPRETATION, DEFINITIONS** is hereby amended by adding the following to the definition of 'agriculture':

Notwithstanding the above, for Electoral Area 'G' only, the following accessory uses on lands classified as farm under the Assessment Act:

- a. retail sales of goods wholly produced on the farm where the sales are taking place;
 - b. storing, packing, product preparation, or processing of farm products if at least 50% of the farm product is produced on the farm or is feed required for farm production purposes on the farm;
 - c. temporary and seasonal accommodation on a farm in campsites, seasonal cabins, or short term use of bedrooms including bed and breakfast to a maximum of one accommodation unit per hectare not exceeding a maximum of 10 per parcel provided the total developed area for buildings, landscaping, and access for accommodation is less than 5% of the parcel;
 - d. the breeding of household animals; and,
 - e. agricultural research and education provided that the combined total of any associated buildings and structures required for education and/or research do not exceed 100 m².
3. **PART 3, SECTION 3.2(3) GENERAL OPERATIVE CLAUSES** is hereby amended as follows:
 - i. by numbering the first paragraph under "Parcel Area, Shape and Dimensions" 3.2(3)a); and
 - ii. by adding the following as paragraph 3.2(3)b):
 - b) For the purposes of this Bylaw, the size of a parcel shall be determined by reference to parcel size established by a B.C. Land Surveyor based on the following table:

Expression of Parcel Areas

Parcel Size	Maximum Number of Decimal Places Accepted
up to 0.1 ha	quote to 0.1m ²
from 0.1 ha up to 1 ha	quote to 0.001 ha
from 1 ha up to 10 ha	quote to 0.01 ha
from 10 ha up to 100 ha	quote to 0.1 ha
from 100 ha and over	quote to 1 ha

4. **PART 3, SECTION 3.3 GENERAL REGULATIONS** is hereby amended by inserting the following as number 13:

"Notwithstanding the setbacks prescribed in each zone, in Electoral Area 'G' the minimum required building setback from Vancouver Island Highway No. 19 shall be 15.0 m."

5. **PART 3 LANDSCAPING REGULATIONS, SCHEDULE '3F'** is hereby amended by inserting a new Section following Section 2.4 as follows:

2.5 "Applicability"

Notwithstanding any other regulation in this Bylaw, the landscaping regulations and standards prescribed herein shall not apply to Electoral Area 'G' of the Regional District of Nanaimo."

6. **PART 3 LANDSCAPING REGULATIONS, SCHEDULE '3F' TABLE OF CONTENTS** is hereby amended by inserting a reference to Section 2.5 Applicability.

Introduced and read two times this day of .

Public Hearing held pursuant to Section 890 of the *Local Government Act* this day of .

Read a third time this day of .

Adopted this day of .

Chairperson

Sr. Mgr., Corporate Administration

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500.361

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO
LAND USE AND SUBDIVISION BYLAW NO. 500, 1987**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend "REGIONAL DISTRICT OF NANAIMO LAND USE AND SUBDIVISION BYLAW NO. 500, 1987":

THEREFORE IT BE RESOLVED that the Board of the Regional District of Nanaimo, in open meeting assembled ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.361, 2010".
2. **PART 3 LAND USE REGULATIONS** is hereby amended by inserting a new zone as Section 3.4.61.1 titled "Residential 1.1 (RS1.1)" attached as Schedule No.1.
3. **PART 3 LAND USE REGULATIONS, SCHEDULE '3A' Zoning Maps**, is hereby amended as follows:
 - a. By changing the zone from 'Residential 5' (RS5) to 'Residential 1.1' (RS1.1) for the properties shown on Schedule No. 2.

Introduced and read two times this day of .

Public Hearing held pursuant to Section 890 of the *Local Government Act* this day of .

Read a third time this day of .

Adopted this day of .

Chairperson

Sr. Mgr., Corporate Administration

Schedule '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.361, 2010"

Chairperson

Sr. Mgr., Corporate Administration

RESIDENTIAL 1.1

RS1.1

Permitted uses and Minimum Site Area

<i>Permitted Uses</i>	Required Site Area with:		
	Community Water & Sewer System	Community Water System	No Community Services
a) Home Based Business	n/a	n/a	n/a
b) Residential Use	n/a	n/a	n/a

Maximum Number and Size of Buildings and Structures

Accessory buildings	- combined floor area of 100 m ² or 8% of area of parcel whichever is greater, but shall not exceed 250 m ² .
Accessory building height	- 6.0 m
Dwelling units/parcel	- 1
Dwelling unit height	- 10.0 m
Parcel coverage	- 35%

Minimum Setback Requirements

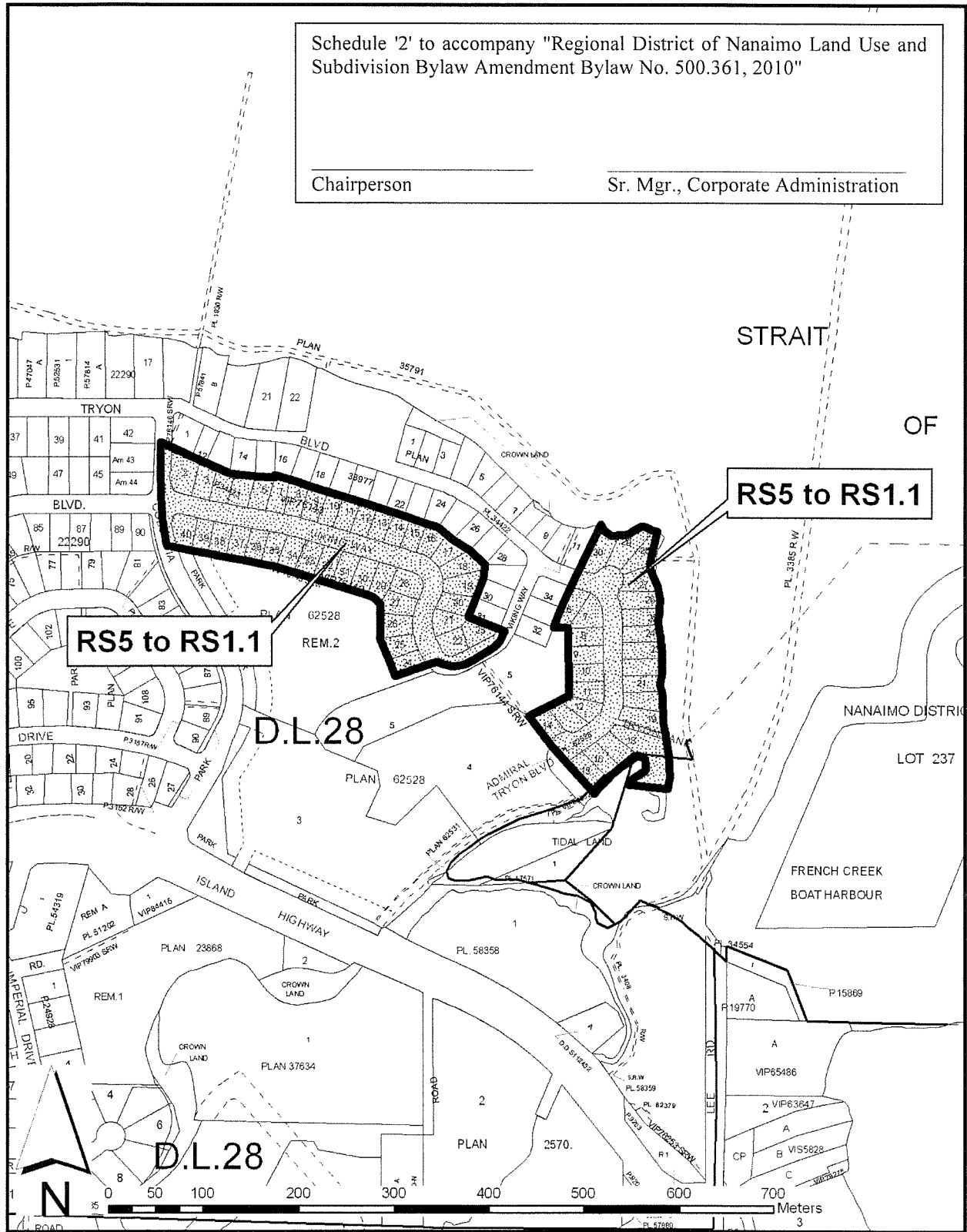
Front lot line	- 5.0 m
Exterior side lot line	- 5.0 m
Other lot lines	- 2.0 m

except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.3.8 shall apply.

No setback from an interior or rear lot line shall be required for one accessory building not exceeding a floor area of 10 m² and with a maximum height of 3.0 metres.

Schedule '2' to accompany "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.361, 2010"

Chairperson _____ Sr. Mgr., Corporate Administration _____



REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500.362

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO
LAND USE AND SUBDIVISION BYLAW NO. 500, 1987**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend "REGIONAL DISTRICT OF NANAIMO LAND USE AND SUBDIVISION BYLAW NO. 500, 1987":

THEREFORE IT BE RESOLVED that the Board of the Regional District of Nanaimo, in open meeting assembled ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.362, 2010".
2. **PART 3 LAND USE REGULATIONS** is hereby amended by inserting a new zone as Section 3.4.18 titled "Resort Commercial (RCM)" attached as Schedule No.1.
3. **PART 3 LAND USE REGULATIONS, Section 3.4.83 – 'Rural 3 Zone, Permitted Uses** is hereby amended by deleting 'Animal Care', 'Campground', and 'Waste Disposal Site' as permitted uses.
4. **PART 3 LAND USE REGULATIONS, Section 3.4.83 – 'Rural 3 Zone, Maximum Number and Size of Buildings and Structures** is hereby amended by deleting the following:

"Campground 30 camping spaces per parcel, developed in accordance with schedule '3C'.
5. **PART 3 LAND USE REGULATIONS** is hereby amended by inserting a new zone as Section 3.4.18 titled 'Commercial 8' (CM8) attached as Schedule No.2.
6. **PART 3 LAND USE REGULATIONS, SCHEDULE '3A' Zoning Maps**, is hereby amended as follows:
 - a. By changing the zone from 'Commercial 5' (CM5) to 'Commercial 8' (CM8) for land legally described as follows:
 - i. Lot A, District Lots 42 and 128, Nanoose District, Plan 30121
as shown on Schedule '3', which is attached to and forms part of this Bylaw.
7. **PART 3 LAND USE REGULATIONS, SCHEDULE '3A' Zoning Maps** is hereby amended as follows:
 - a. by changing the zone from 'Commercial 5' to 'Residential 1' the lands legally described as:
 - i. Lots 1-4 (inclusive) of District Lot 9, Newcastle Land District, Plan 40884 and,
 - ii. Lot 6, District Lot 9, Newcastle District, Plan 11816as shown on Schedule '4', which is attached to and forms part of this Bylaw.
8. **PART 3 LAND USE REGULATIONS, SCHEDULE '3A' Zoning Maps** is hereby amended as follows:

- a. by changing the zone from 'Rural 2' to 'Rural 1' the lands legally described as:
 - i. Lot 5 Block 20, District Lot 78, Nanoose and Newcastle Districts, Plan 1694; and,
 - ii. Lot 6 Block 20, District Lot 78, Nanoose and Newcastle Districts, Plan 1694as shown on Schedule '5', which is attached to and forms part of this Bylaw.

9. PART 3 LAND USE REGULATIONS, SCHEDULE '3A' Zoning Maps is hereby amended as follows:

- a) by changing the zone from 'Commercial 2' (CM2) to 'Resort Commercial (RCM)' for the lands legally described as:
 - i. Lot 1, District Lot 129, Nanoose District, Plan 20083
 - ii. That Part of lot 1 in Block 4 of District Lot 11, Newcastle District, Plan 1223, Lying to the South of a Boundary Parallel to and Perpendicularly Distant 90 Feet from the Southern Boundary of Said Lot 1.as shown on Schedule '6' which is attached to and forms part of this Bylaw;

- b) by changing the zone from 'Commercial 4' (CM4) to 'Resort Commercial (RCM)' for the lands legally described as:

- i. Lot 23, District Lot 10, Newcastle District, Plan 10115

as shown on Schedule '7' which is attached to and forms part of this Bylaw; and,

- c) by changing the zone from 'Commercial 5' (CM5) to 'Resort Commercial (RCM)' for the lands legally described as:

- i. Lot 2 and 3, District Lot 129, Nanoose District, Plan 8659.
 - ii. Lot 1, District Lot 9, Newcastle District, Plan 11274.
 - iii. Lot C (DD 25242N), District Lot 9, Newcastle District, Plan 1932, Except Those Parts in Plans 11274, 14223, and 14909.
 - iv. Lot A, District Lot 9, Newcastle District, Plan 40682

as shown on Schedule '8' which is attached to and forms part of this Bylaw.

Introduced and read two times this day of .

Public Hearing held pursuant to Section 890 of the *Local Government Act* this day of .

Read a third time this day of .

Adopted this day of .

Chairperson

Sr. Mgr., Corporate Administration

Schedule 'I' to accompany "Regional District of Nanaimo Land Use
and Subdivision Bylaw Amendment Bylaw No. 500.362, 2010"

Chairperson

Sr. Mgr., Corporate Administration

RESORT COMMERCIAL

RCM

Permitted uses and Minimum Site Area

Permitted Uses	Required Site Area:
a) Tourist Store	2000 m ²
b) Residential Use	500 m ²
c) Outdoor Recreation	10000 m ²
d) Resort Vehicle Park	400 m ²
e) Recreation Facility	8000 m ²
f) Gas Bar on the land identified on Illustration No. 1 and 2 below	8000 m ²
g) Gasoline Service Station on the land identified on Illustration 3 below.	2000 m ²
Dwelling units/parcel	-1
Floor area ratio	-0.6
Height	-9.0
Parcel coverage	-40%
Resort Vehicle Park	25 camping spaces/ha to a maximum of 150 camping spaces per parcel developed in accordance with Schedule '3C', 'Campground Regulations and Standards'.

Minimum Setback Requirements

Front lot line	- 8.0 m
Other lot lines	- 5.0 m

except where:

- a) the adjoining parcel is zoned industrial or commercial then the setback from the common interior side lot line may be reduced to zero;
- b) any part of a parcel is adjacent to or contains a watercourse then regulations in Section 3.3.8 shall apply.

Illustration No. 1 – Gas Bar is permitted on the property shown below.

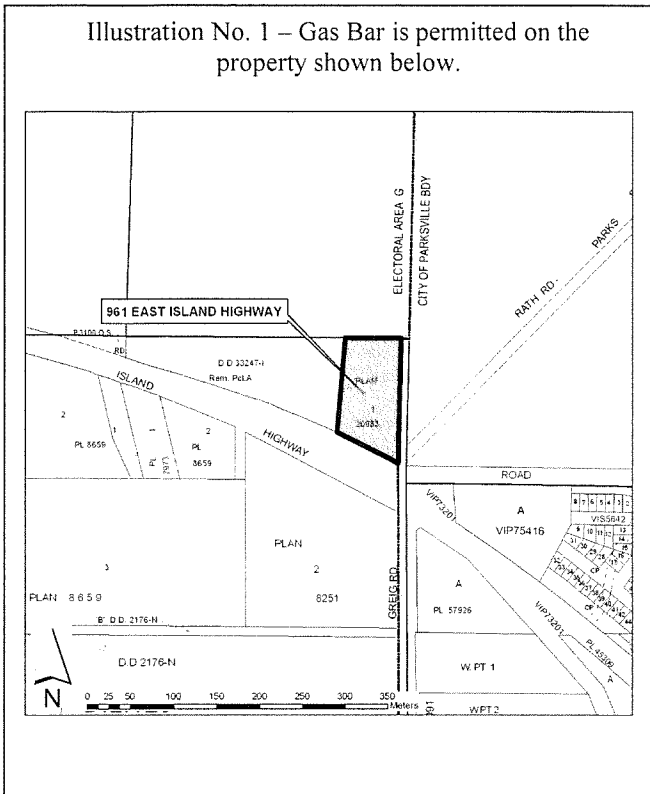


Illustration No. 2 - Gas Bar is permitted on the property shown below.

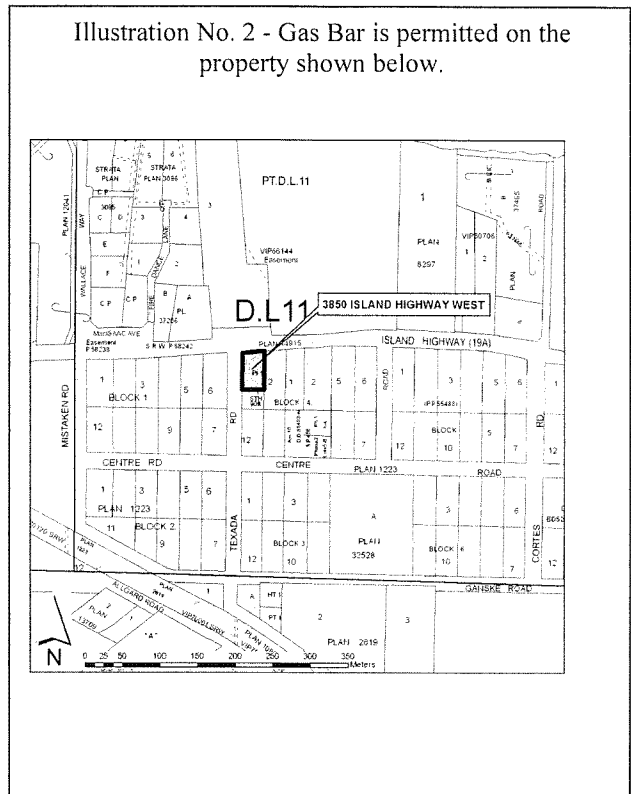
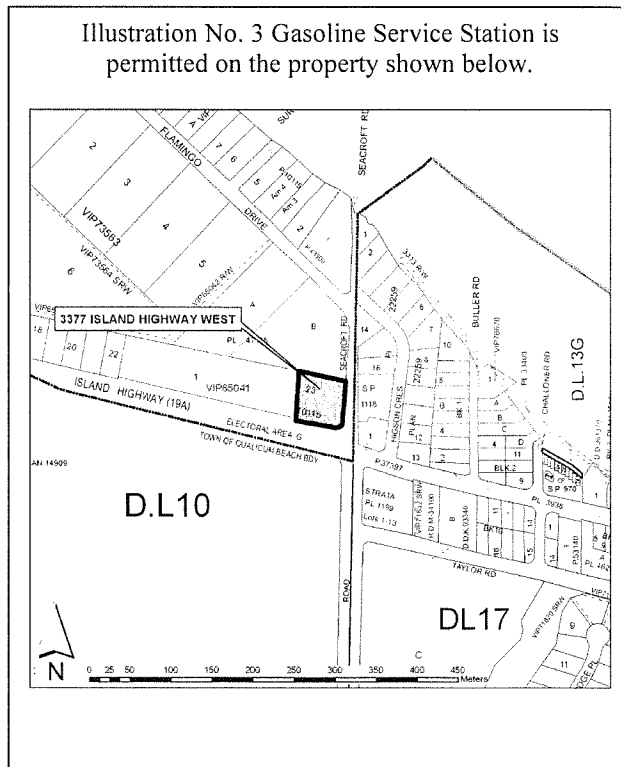


Illustration No. 3 Gasoline Service Station is permitted on the property shown below.



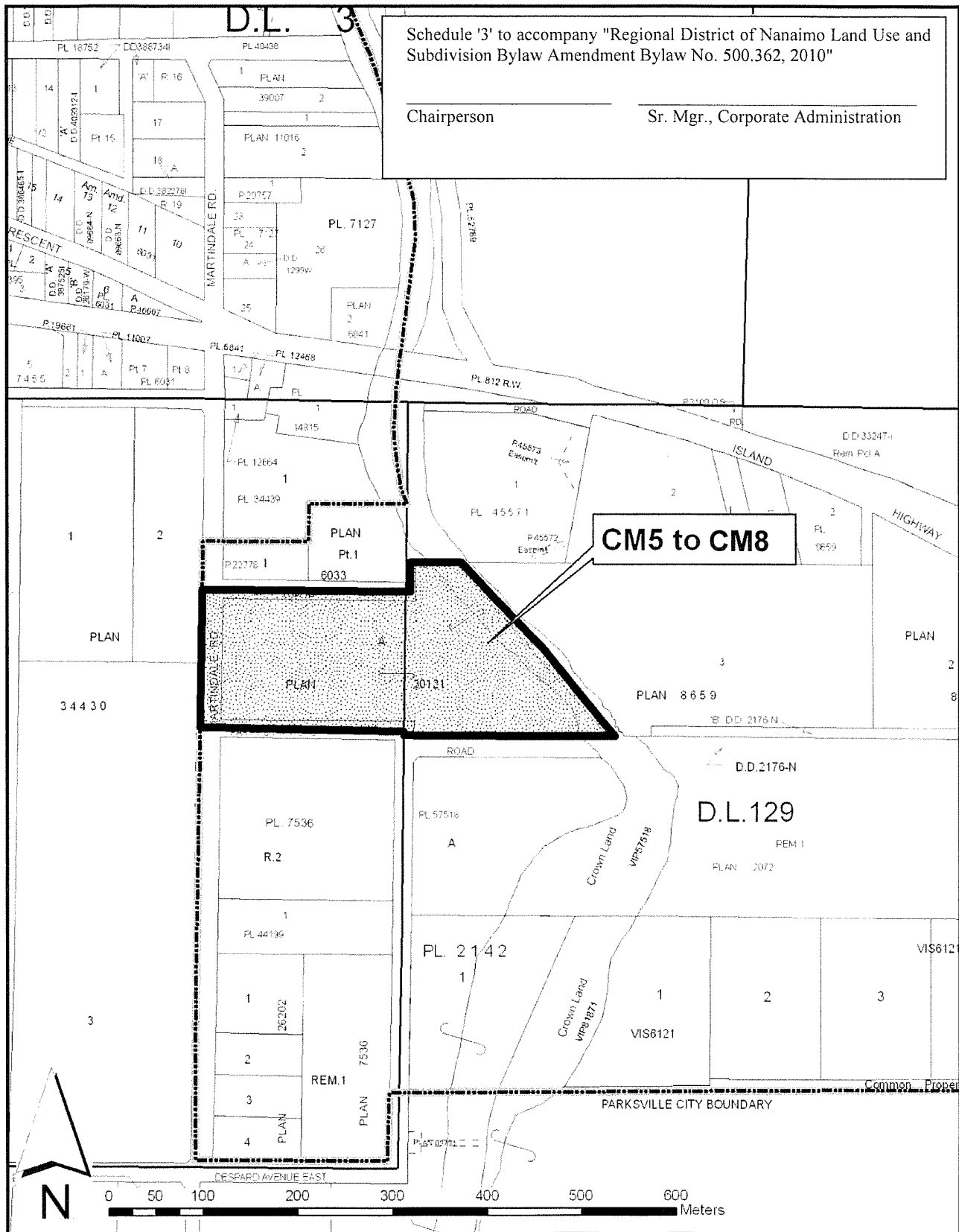
Schedule '2' to accompany "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.362, 2010"

Chairperson

Sr. Mgr., Corporate Administration

Commercial 8		CM8
3.4.18.1 Permitted Uses & Density		
Permitted Uses		
a) Campground Use		
b) Residential Use		
c) Agriculture		
3.4.18.2 Maximum Number and Size of Buildings and Structures		
Number of Camping Spaces	Camping spaces shall be developed in accordance with Schedule '3C' – Campground Regulations.	
Dwelling units/parcel	1	
Maximum Height of buildings	<ul style="list-style-type: none"> a. 8.0 m above the 200 year designated flood level for all buildings and structures subject to the flood construction level requirements of "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006". b. 8.0 metres above the natural grade for all buildings and structures exempt from the flood construction level requirements of "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006". c. Notwithstanding (a) and (b) above, in the case where a building or structure exempt from the flood construction level requirements of "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" is proposed to constructed above the 200 year designated flood level, the maximum height shall be 8.0 metres above the 200 year designated flood level. 	
Maximum Parcel coverage	10 %	
3.4.18.3 Minimum Setback Requirements		
For all buildings and structures:		
Front Lot line	8.0 metres	
All other lot lines	5.0 metres	

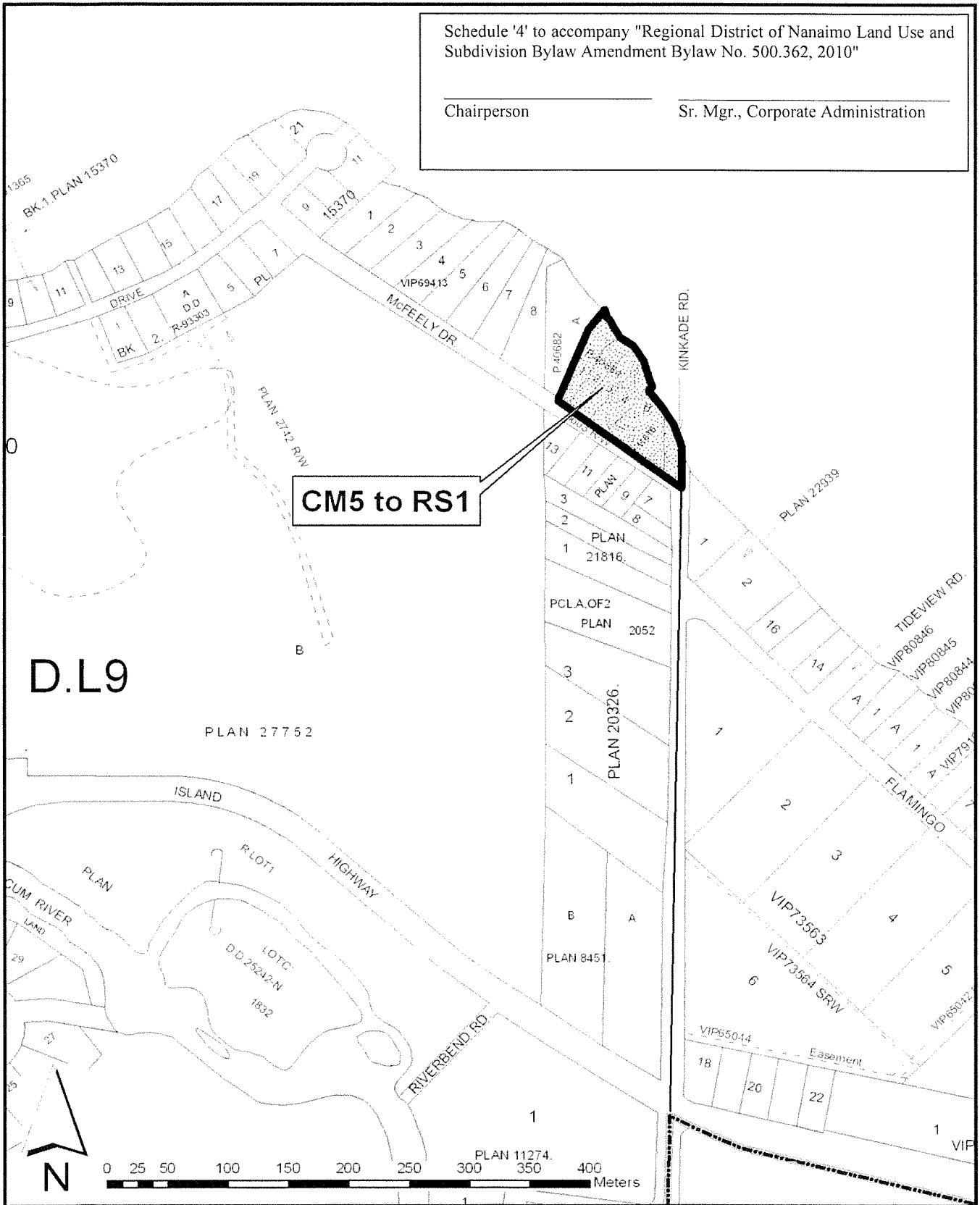
Lot lines adjacent to the Englishman River	The regulations of Section 3.3.8 apply
3.4.18.4 Minimum Parcel Size	
2.0 hectares	
3.4.18.5 Other Regulations	
For the purpose of this zone:	
a) In this zone Campground Use means the use of a parcel for providing temporary accommodation for travelers who stay no more than 60 days in a calendar year using tents or recreational vehicles, but specifically excludes a mobile home park or hotel. The following uses shall be permitted in conjunction with and accessory to a campground use: retail sales up to a maximum of 100 m ² of floor area, public assembly, non-motorized recreational vehicle rentals, concession stand, and recreational use.	
b) Non-Motorized Recreational Vehicle Rentals means the use of land, and or a building or structure not exceeding a maximum floor area of 100 m ² for the purpose of renting non-motorized recreational vehicles and equipment and may include accessory guiding and lessons.	
c) Concession Stand means the use of a building or structure not exceeding 15 m ² in floor area not including outdoor eating and sitting areas for the sale of food and beverages to be consumed on the subject property, but specifically excludes neighbourhood pub and fast food outlet.	
d) Recreational Use means the use of land for the conduct of outdoor sports and outdoor leisure activities which may include accessory buildings and structures in association with a recreational use.	
e) Intensive Agricultural Uses including feed lot, fur farm, mushroom farm, horse boarding stable, and intensive swine operation are not permitted in this zone.	
f) All Recreational Vehicles shall be licensed for use on public roads, have wheels, have no structural skirting, and have no associated decks, patios, additions, or other structural improvements.	
g) The 200 year designated flood level shall be determined by interpretation of the "Province of British Columbia, Ministry of Environment – Water Management Branch Floodplain Mapping - Englishman River, drawing number 83-23-1,1980" and may be groundtruthed by a registered hydrologist or geotechnical engineer qualified to determine site specific flood construction levels to determine building-site specific flood construction levels.	

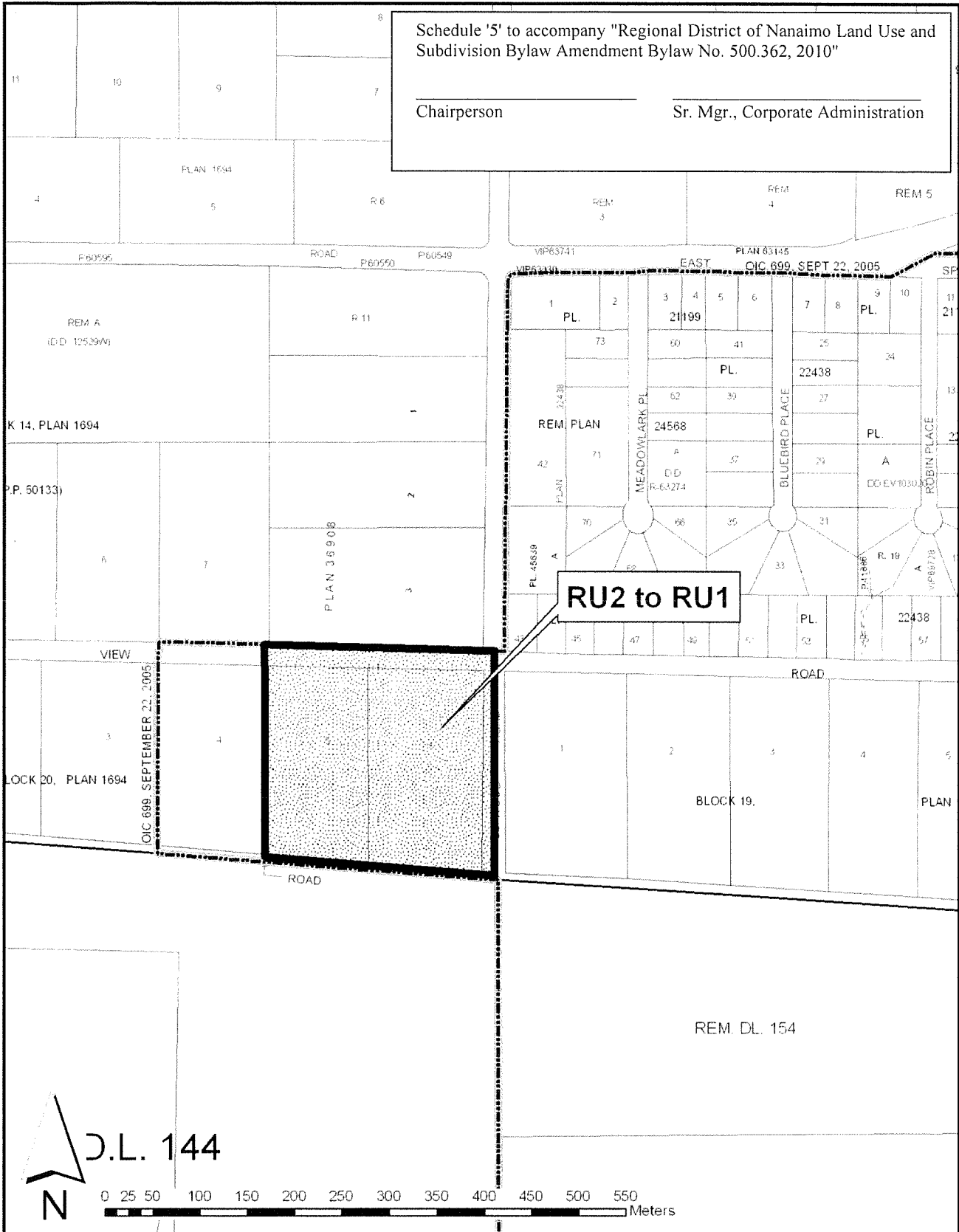


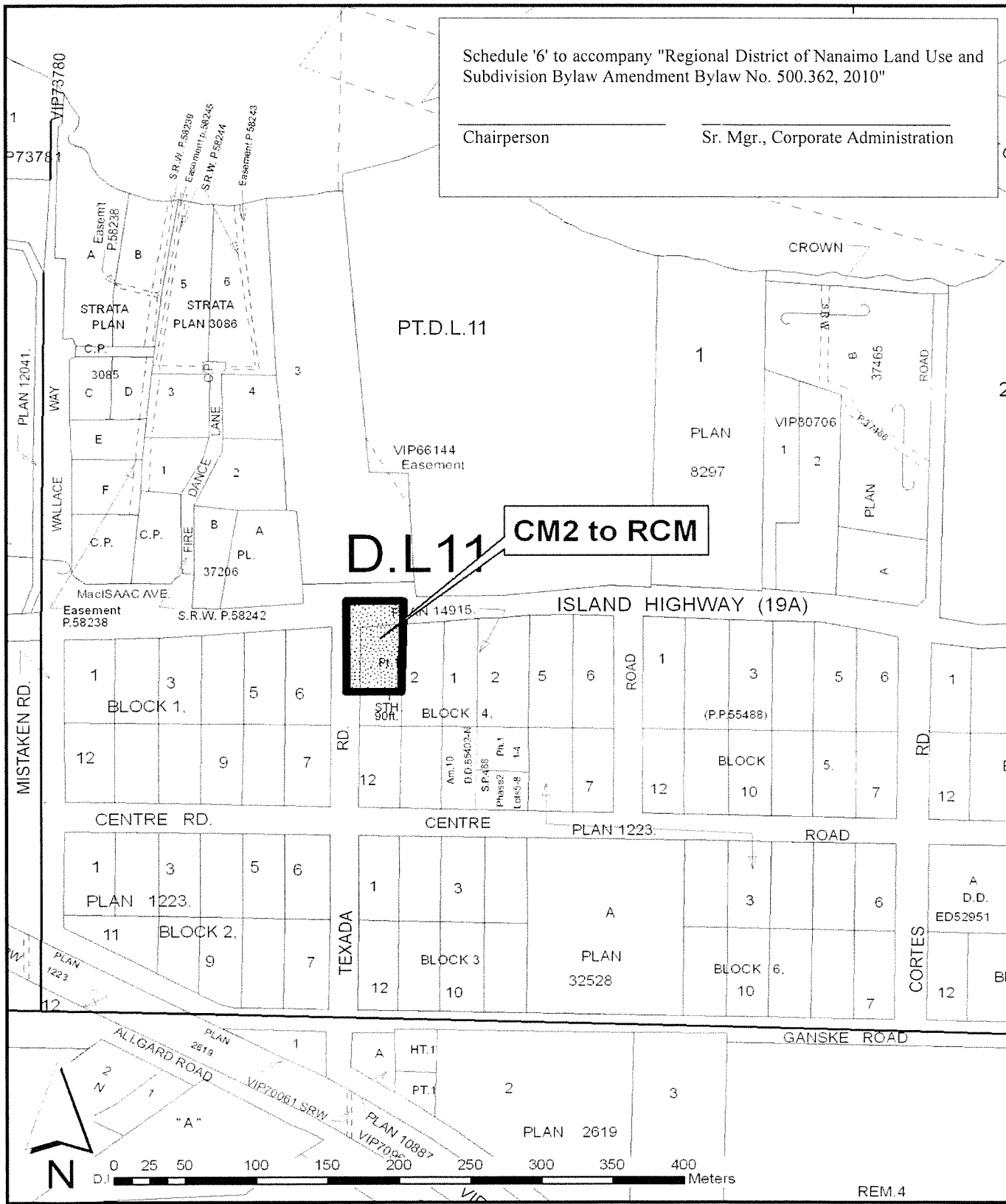
Schedule '4' to accompany "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.362, 2010"

Chairperson

Sr. Mgr., Corporate Administration



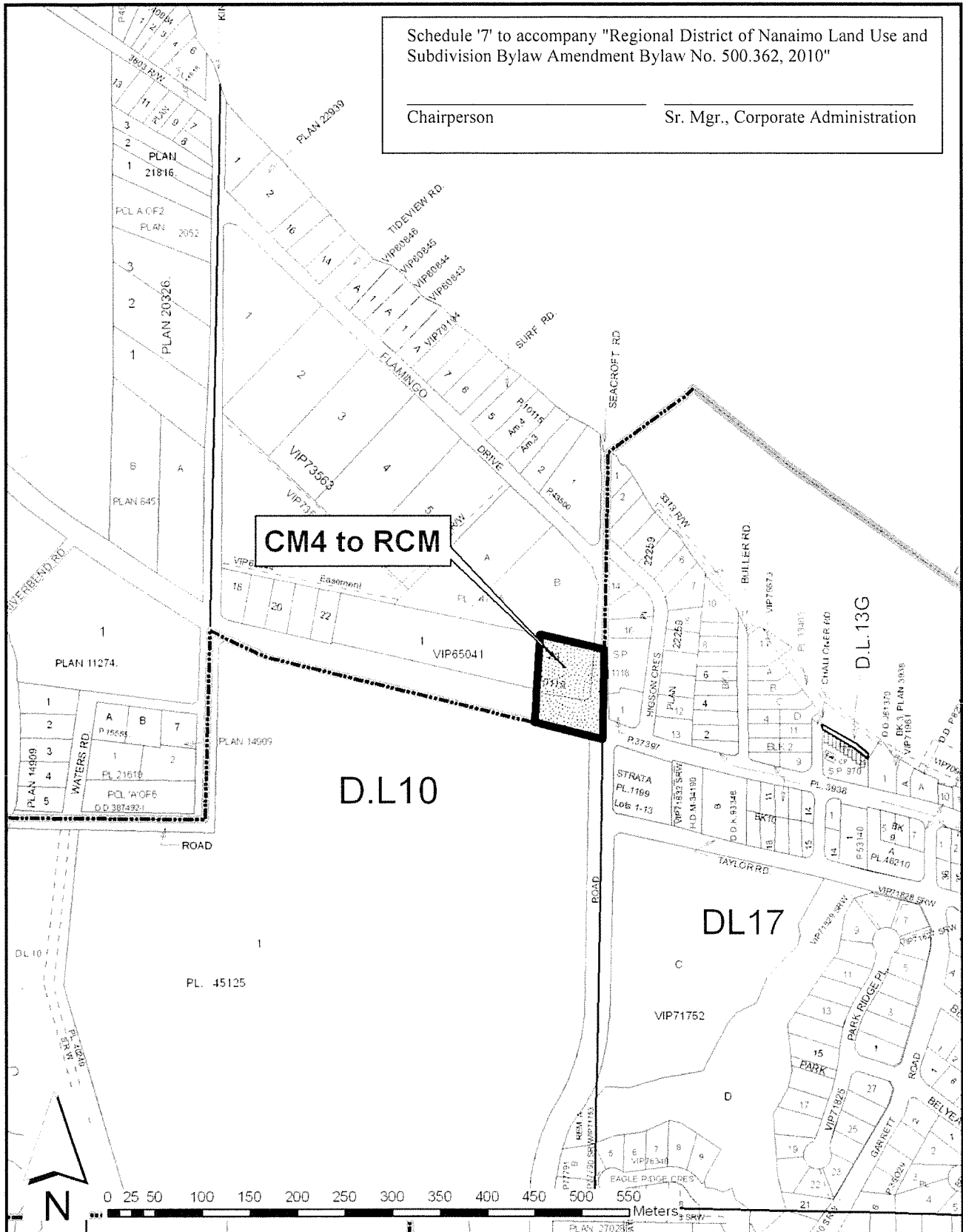




Schedule '7' to accompany "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.362, 2010"

Chairperson

Sr. Mgr., Corporate Administration



Schedule '8' to accompany "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.362, 2010"

Chairperson _____

Sr. Mgr., Corporate Administration _____

