

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, JUNE 14, 2011
6:30 PM

(RDN Board Chambers)

A G E N D A

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CALL TO ORDER

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IN CAMERA

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, MAY 10, 2011 AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director D. Bartram	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G

Also in Attendance:

C. Mason	Chief Administrative Officer
P. Thorkelsson	Gen. Mgr., Development Services
D. Lindsay	Manager of Current Planning
N. Hewitt	Recording Secretary

MINUTES

MOVED Director Holme, SECONDED Director Burnett, that the minutes of the regular Electoral Area Planning Committee meeting held April 12, 2011 be adopted.

CARRIED

PLANNING

OTHER

Bylaw 1259.07 – Proposes to Amend the Regional District of Nanaimo Planning Services Fees and Charges Bylaw.

MOVED Director Stanhope, SECONDED Director Holme, that "Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No. 1259.07, 2011" be introduced and read three times.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that "Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No. 1259.07, 2011" be adopted.

CARRIED

Policy B1.8 - Subdivision and Non-farm Use Within the ALR.

MOVED Director Holme, SECONDED Director Young, that the policy be referred back to staff for a report.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:38 PM

CHAIRPERSON



RDN REPORT		
CAO APPROVAL		
EAP	✓	June 14/11
COW		
JUN - 6 2011		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: June 1, 2011

FROM: Susan Cormie
Senior Planner

FILE: PL2011-057

SUBJECT: Zoning Amendment Application No. PL2011-057 - City of Nanaimo
Block 17, Douglas District, Plan 691C – South Forks Road
Electoral Area ‘C’

PURPOSE

To consider a Zoning Amendment Application to rezone a portion of the subject property from Resource Management 4 (RM4) to Public 4 (PU4) in order to permit a community water treatment facility.

BACKGROUND

A Zoning Amendment Application has been received from the City of Nanaimo, on behalf of the Provincial Ministry of Natural Resource Operations, to rezone a portion of the subject property in order to permit the development of a community water treatment facility.

The subject property, which is approximately 83 ha in size, is zoned Resource Management 4 Subdivision District ‘V’ (RM4V) (50.0 ha minimum parcel size with or without community services) as per the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment No. 1 for location).

The subject property, which is vacant, is surrounded by resource management zoned parcels to the north, east, and west; and a resource management zoned parcel, rural zoned parcels, and a RDN community park land to the south. South Forks Road bisects the subject property in a north-south direction near the west boundary.

Proposed Development

The applicant is requesting a Public 4 (PU4) zone for the purposes of supporting a community water treatment facility on a 24.6 ha portion of the subject property. The proposed water treatment facility, if approved, will result in the construction of a 680 m² sized ‘green’ building (including the basement level), on-site parking for 13 to 15 full-time staff, a stormwater management system which includes a detention pond, and a large treed buffer area. Access/egress to and from the subject property will be via South Forks Road (existing section 4 road), which is proposed to be dedicated as part of the subdivision of the subject property. The proposed driveway will include crossings for two watercourses (see Attachments No. 2 and 3 for site layout and building elevations).

ALTERNATIVES

1. To approve Zoning Amendment Application PL2011-057 to rezone a portion of the subject property from Resource Management 4 (RM4) to Public 4 (PU4) for 1st and 2nd reading and proceed to Public Hearing subject to the conditions outlined in Schedule No. 1.
2. To deny Zoning Amendment Application PL2011-057 as submitted.

DEVELOPMENT IMPLICATIONS

Official Community Plan Implications

Map No. 1 of the Arrowsmith Benson – Cranberry Bright Official Community Plan No. 1148, 1999 (OCP) designates the subject property as Resource. It is noted that the OCP supports the public utility uses in all land use designations and exempts these uses from the minimum parcel size provisions.

Development Implications

The applicant is proposing to service the building and site with City of Nanaimo water and an on-site septic system. Vancouver Island Health Authority staff has indicated that they do not have any issues with this proposal.

The stormwater will be collected and distributed into a bio swale system located along the south property line, which is designed to keep the stormwater on-site. There will be no increase in post-construction flows.

Environmental Implications

The applicant has provided an environmental review which indicates the two streams and their riparian areas will be left in a natural state with the exception of the driveway crossings. These crossings will be subject to a section 9 approval by the Ministry of Environment.

Public Consultation Implications

Public Information Meeting

In keeping with the Board's public consultation framework, a Public Information Meeting was held on May 18, 2011, at Extension Hall. Notification of the meeting was advertised in the May 12, 2011, edition of The Nanaimo News Bulletin and posted on the Regional District of Nanaimo website, along with a direct mail-out to all property owners within 200 metres of the subject property. Twenty-five people attended the Public Information Meeting and provided comments with respect to the proposal (*see Attachment No. 3 - 'Proceedings of the Public Information Meeting'*).

Issues raised by the public included:

- concern for protection of the buffer area in order to ensure reduced visual/possible nuisance impacts on surrounding properties;
- concern for possible chlorine spills and potential impact on neighbouring parcels;
- concern for road construction and possible impact on adjacent parcels and the travelling public; request for community water service connections to surrounding properties; and
- request for fire hydrants for fire protection.

In response to the concerns raised, staff's comments are as follows:

With respect to the protection of the proposed buffer area, City staff has indicated that while it is the City's intention to leave the natural treed buffer as shown on the site plan (*see Attachment No. 2*), the Provincial Crown, as part of the grant approval, has retained the timber rights to the property. This means that the Crown may log the property in the future. Although the stated intention of the City is to maintain the buffer area, with the timber rights being retained by the province, there is no means to fully protect the buffer.

City staff has also indicated that the site has been designed to lessen potential nuisance impacts such as noise, lighting and odour. With respect to possible chlorine spills, City staff explained the transport of chlorine is standard and that the on-site storage is within a sealed room with numerous safety controls in place.

Concerning future road construction, City staff has indicated that while there will be inconvenience during construction of the facility and the related water line, to persons using the South Forks and Nanaimo River Roads, alternatives such as a temporary road will be utilized to reduce the impact. It is noted that this road construction is expected to occur over a three to four month time period.

Concerning the possibility of water service connections, the area is located outside of the Urban Containment Boundary and as such, extension of services is not supported by the OCP or the Regional Growth Strategy.

Sustainability Implications

The proposal includes sustainable design in a number of key areas such site selection to minimize energy requirements and environmental impact, reduction in footprint with large undisturbed treed buffer area, and the incorporation of a number of building design elements.

SUMMARY/CONCLUSIONS

The applicant is proposing to amend Bylaw No. 500, 1987 in order to permit a community water treatment facility. A Public Information Meeting was held on May 18, 2011, and the Summary of the Meeting is attached (*see Attachment No. 3*).

Given that the proposed Zoning Amendment is in concurrence with the current OCP, staff supports the Zoning Amendment Application and recommends that the Amendment Bylaw No. 500.373, 201, be introduced, read two times, and proceed to Public Hearing.

A copy of the proposed Amendment Bylaw is attached to this report (*see Attachment No. 4*).

RECOMMENDATIONS

1. That the Summary of the Public Information Meeting held on May 18, 2011, be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.373, 2011", be introduced and read two times.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.373, 2011", be delegated to Director Young or her alternate or another Area Director.

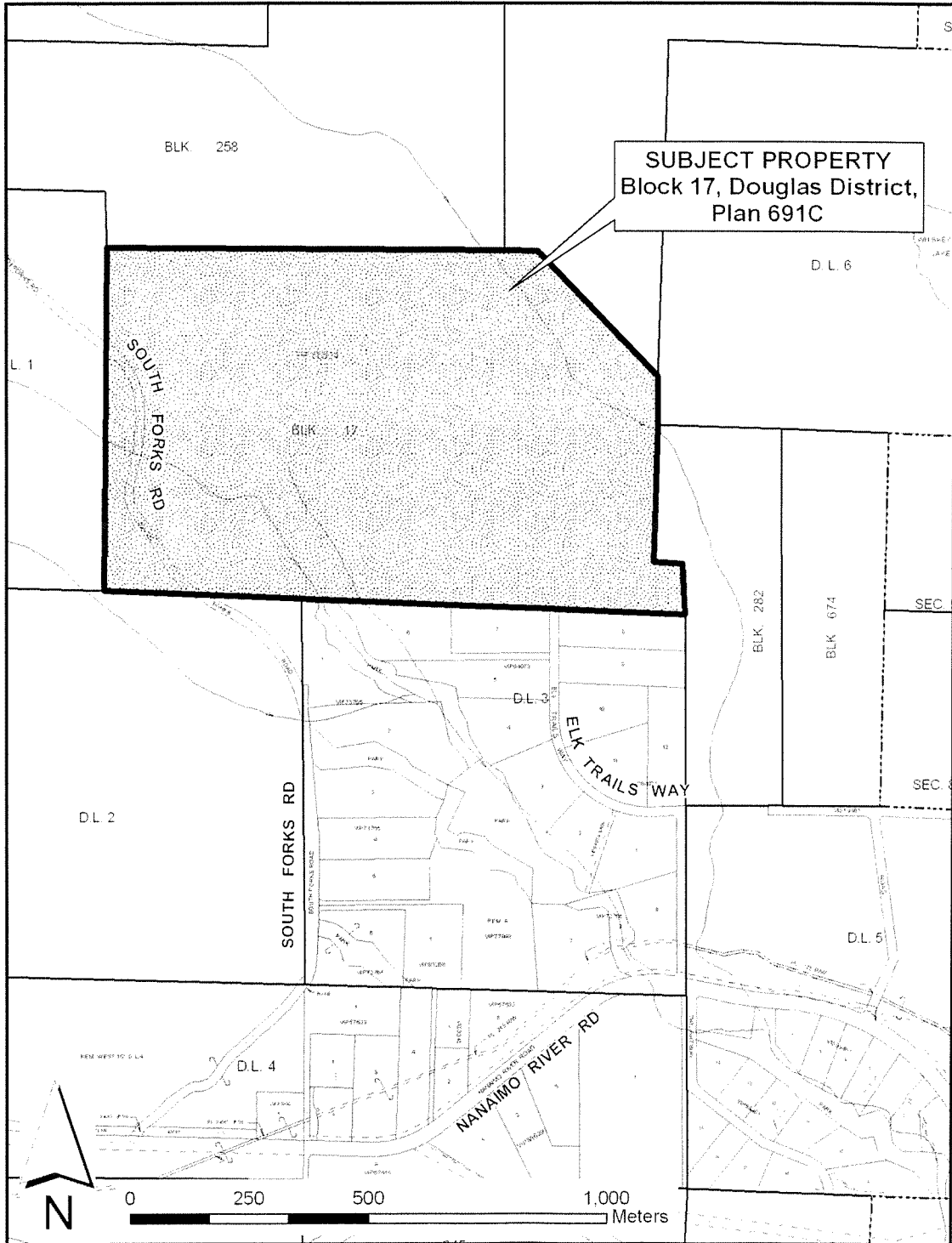
Report Writer

Manager Concurrence

General Manager Concurrence

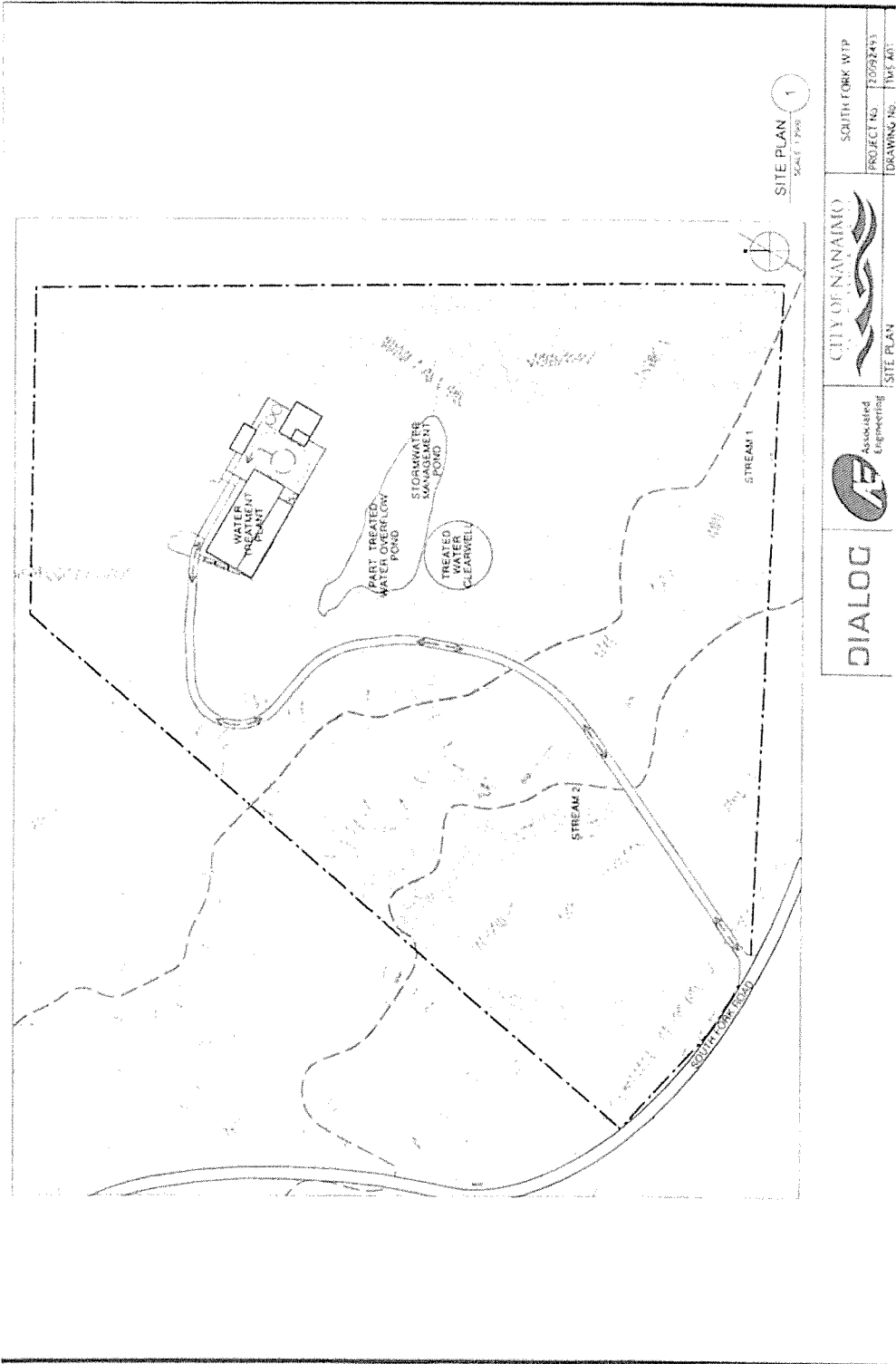
CAO Concurrence

Attachment No. 1
Location of Subject Property
Zoning Amendment Application No. PL2011-057

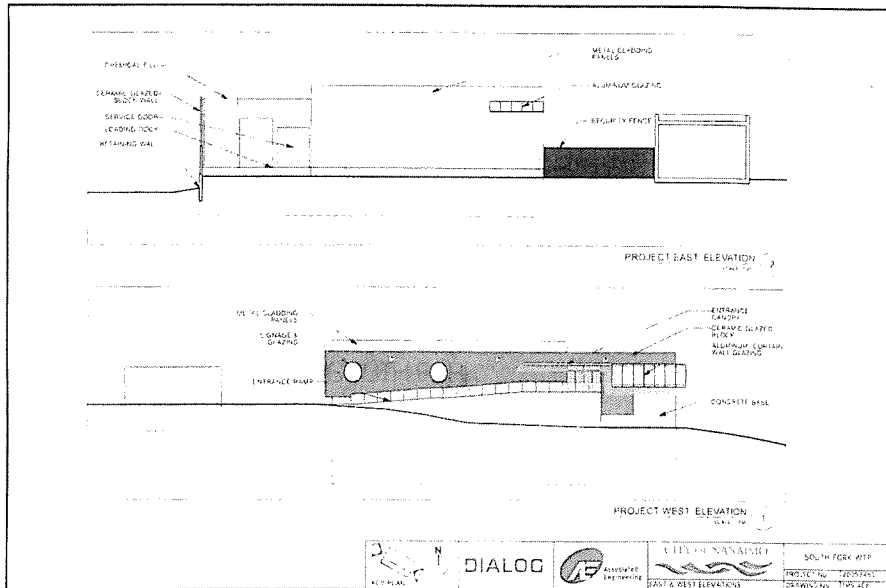
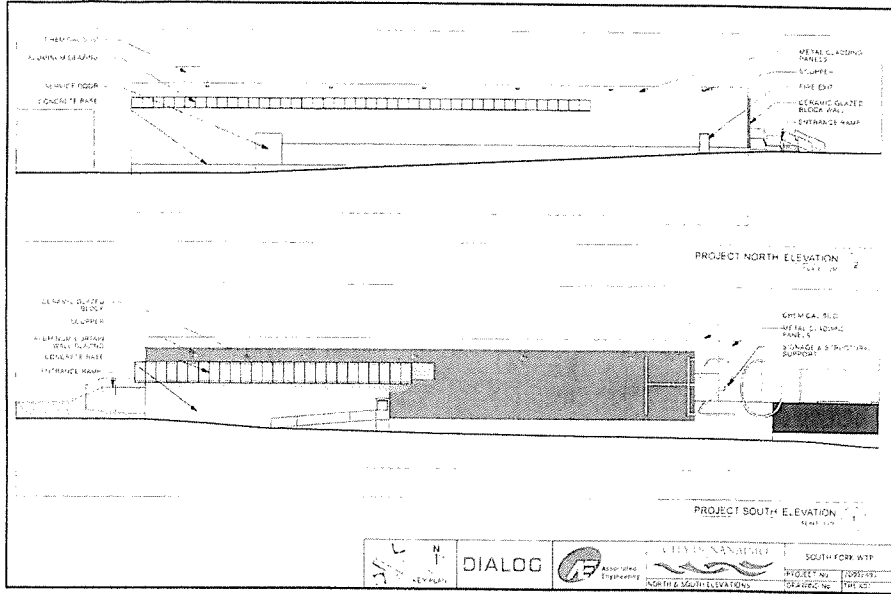


BCGS MAPSHEET: 92G.001.3.3

Attachment No. 2 (Page 1 of 2)
Zoning Amendment Application No. PL2011-057
Proposed Development Site Plan/Building Elevations



Attachment No. 2 (Page 2 of 2)
Zoning Amendment Application No. PL2011-057
Proposed Development Site Plan/Building Elevations



Attachment No. 3

**Summary of the Public Information Meeting
Held at Extension Hall, 2150 Ryder Street, Extension
On May 18, 2011 Commencing at 7:00 pm
In Conjunction with Zoning Amendment Application No. PL2011-057**

Note: This summary of the meeting is not verbatim recording of the proceedings, but is intended to summarize the comments of those in attendance at the Public Information Meeting.

There were 25 persons in attendance.

Present for the Regional District:

Maureen Young, Director, Electoral Area 'C', Chairperson
Susan Cormie, Senior Planner

Present for the Applicant:

Bill Corsan, Manager, Real Estate Development Services Department, City of Nanaimo
Bill Sims, Manager, Water Resources, City of Nanaimo
Bill Harvey, P. Eng., Project Manager, Associated Engineering (BC) Ltd.
Marc Gaboury, MSc., Senior Fisheries Biologist, LGL Ltd., Environmental Research Associates

The Chairperson opened the meeting at 7:00 pm, outlined the agenda for the evening's meeting, and made introductions. The Chairperson then stated the purpose of the Public Information Meeting and requested the Senior Planner to provide background information concerning the Zoning Amendment Application process.

Ms. Cormie gave a brief outline of the application process concerning the amendment application to rezone the property located at South Forks Road to permit the development of a City of Nanaimo community water treatment facility.

The Chairperson then invited Mr. Sims to give a presentation of the proposed Zoning Amendment Application.

Mr. Sims explained the reasons why the City is undertaking this project including the reasons for the choice of location highlighting the site conditions, buffering, location and protection of streams, and location of proposed buildings.

Karen Gogo, 2510 South Forks Road, asked what the diameter of the circle area is as it is the closest building to her property.

Mr. Harvey explained that the circle area is the treated water clearwell and it is designed to be 47 metres in diameter and is the size of a two storey building with 3 to 4 metres located underground and 3 to 4 metres showing above ground.

The Chairperson requested that Mr. Sims finish his presentation before questions and comments be received from the audience.

Mr. Sims continued with his presentation and highlighted the sustainability aspects of the proposal noting the building will have numerous green features. Mr. Sims also provided regional economic benefits noting that the project will cost \$50 million to construct, will provide 200 construction jobs and an additional 130 support jobs. Mr. Sims also noted that the operating costs will be \$2 million per year and will employ 13 to 15 people. Mr. Sims concluded with explaining that construction is scheduled to begin in Summer/Fall 2012 with the Plant on line and functioning in 2014.

Sharon Bennett, 2505 Godfrey Road, asked when the Plant will be closed in Extension.

Mr. Sims explained the Plant will be decommissioned following the startup of the new Plant, around 2015.

Following the presentation, the Chairperson invited questions and comments from the attendees.

Ms. Bennett then asked what is in place to prevent damage when flushing takes place.

Mr. Sims explained that it is the river water that would be flushed and noted that chlorinated water cannot be flushed. Mr. Sims also explained they will only flush in areas where erosion would be minor and any damage can be mitigated.

Mike Gogo, District Lot 2, Douglas District (adjacent to South Forks Road), asked what will happen to the timber on the property.

Mr. Sims explained that the timber is reserved by the Crown.

Mr. Gogo then commented that he has applied for water service several times and was turned down every time. Mr. Gogo stated that it would seem like justice that we can get water and the City can have their Plant in our area. Mr. Gogo requested that the City entertain this request for water and noted that some people outside the City boundaries are connected to City water. Mr. Gogo concluded by asking that they be considered for water service.

Bruce Campbell, 2540 South Forks Road, asked if the Plant could be moved further up the hill.

Mr. Sims explained that the Plant location cannot be moved as it would then be over the elevation of the dam.

Mr. Campbell asked for an explanation of the height issue.

Mr. Sims explained that the height of the Plant is in relation to the height of the South Forks Dam.

The Chairperson commented that the Dam and the Plant would be at the same elevation and because of this, the Plant would be gravity fed.

Karen Gogo, 2510 South Forks Road, commented that it is her understanding that the Plant must go there to avoid pumping.

Kathy Blackstaffe, 1775 Nanaimo River Road, asked if the property is going to be fenced, is it going to be park land, and is it going to be accessible.

Mr. Sims explained that the perimeter of property is not going to be fenced, but there will be fencing around the buildings. Mr. Sims also noted that the property will not become park land.

Jennifer Ward, Lots 6 and 8, Elk Trails Way, asked to be shown on the map how far the Plant will be from Elk Trails Way.

Mr. Sims showed on a map the location of the road in relation to the Plant. Mr. Sims indicated that the distance is 300 metres to the Plant with about 200 metres treed. Mr. Sims also explained that there will be fencing around the building area only, and that the ponds will not be enclosed.

Mary Abbot, 1810 Nanaimo River Road, asked who will respond to the property in the event of a fire or chlorine leak.

Mr. Sims indicated that he is not 100% sure who the first responders would be for a chlorine leak.

Ms. Cormie noted that the property is not within a fire service area.

The Chairperson explained that the local fire responders would not respond to a chlorine leak; but rather it would be Labieux Road or Vancouver hazmat team.

Mr. Sims noted that the building is being designed with fire protection and the chlorine is kept in a sealed area. Mr. Sims also noted that the water technician staff are trained to respond to chlorine leaks and that the site would be monitored 24/7 with staff on site 24/7.

Kathy Blackstaffe, 1775 Nanaimo River Road, asked how much chlorine will be kept on-site.

Mr. Sims explained that has not yet been determined, but there will be precautions in place to mitigate any concerns.

Kathy Blackstaffe noted that her husband worked with chlorine at Harmac and it was hard on him.

Dan Gogo, 2100 Nanaimo River Road, asked how will the chlorine be delivered.

Mr. Sims indicated that delivery would be on a monthly basis by truck in steel containers.

Kathy Blackstaffe, 1775 Nanaimo River Road, asked if the roads will be improved.

Mr. Sims indicated that he did not know at this time.

Gary Britt, 2129 John Street, asked if there will be any external fire hydrants and noted that there can be a lot of brush fires in the area and it would be handy to have a hydrant to protect the property and fight local fires.

Mr. Sims indicated that this is a reasonable request and at this time could not see an issue with it.

The Chairperson asked about the type of filtration system.

Mr. Sims explained that the system will be a membrane system which can be described as water going through a straw but with holes and that there are millions of these straws.

Jeanette Pongratz-Doyle, 2710 South Forks Road, expressed concerns with bright lights and other 'city' things like sirens. Ms. Pongratz-Doyle also asked if in the future residents will be able to discuss issues that arise.

Mr. Sims indicated that there will be outside lights, but they are not expected to be so bright they impact surrounding properties. Mr. Sims stated that yes, people could discuss any issues they might have with the staff.

Jeanette Pongratz-Doyle indicated that the property is a popular horseback riding area.

Mr. Sims indicated that the Plant area will be fenced.

Jeanette Pongratz-Doyle asked about the surveying in front of her neighbour's fruit trees and asked if the Plant will be past the trees.

Mr. Sims indicated yes, it will be well past the fruit trees.

Jeanette Pongratz-Doyle requested that they would prefer a natural treed buffer of 400 metres and asked that stubs be put in the pipe line where driveways are located for future City water connections.

Mr. Sims indicated that the City does not provide service connections from a main line even in the City.

Jeanette Pongratz-Doyle asked if they could lay another line next to the main line for connections.

Mr. Sims indicated that it is his understanding that community services outside the urban containment boundaries are not usually supported.

Jeanette Pongratz-Doyle presented a petition for water service and indicated that people want to work together to make this happen. Ms. Pongratz-Doyle also requested that fire hydrants extended along Nanaimo River Road to the proposed fire hall site would be appreciated.

Mike Gogo, District Lot 2, Douglas District (adjacent to South Forks Road), stated that it is a good point about the fire hall and spoke to an 80-acre wood lot.

The Chairperson explained that the fire hall site has been quoted the cost to drill a well would be \$40,000.00.

Mike Gogo noted that at one time Port Alberni was the closest fire hall to us.

The Chairperson commented on the need for water and fire hydrant service in the area.

Randy Snider, 2620 South Forks Road, asked which side of the street the pipes will be placed.

Mr. Sims stated that at this time he does not know that detail, but noted that the pipes are five feet in diameter.

Colleen Berge, 2540 Elk Trails Way, asked when will the construction be started and will the road be impassable.

Mr. Sims indicated that we did not know at the time if the road will be passable, but noted that any disturbed paved road would be repaved.

Mr. Harvey added that there will be a large trench on South Forks Road with restricted access to the north and south, but the direct zone would probably not be passable. Mr. Harvey also noted that access must be maintained to all driveways.

Colleen Berge noted that it is a long way around about 25 or 30 kms to town if South Forks is closed.

The Chairperson asked about fire access.

Mr. Harvey indicated that that is a key aspect to allow the emergency vehicles to be able to pass freely and quickly.

Colleen Berge noted that there have been a lot of emergency vehicles in the area.

Jennifer Ford, Lots 6 and 8, Elk Trails Way, asked what will happen to the decommission Plant in Extension.

Mr. Sims indicated that the chlorine will be decommissioned, but the building will remain.

Jeanette Pongratz-Doyle, 2710 South Forks Road, thanked the applicant for the mapping and other visuals and appreciated being addressed openly and with respect.

Mr. Sims stated that they appreciated the comments being made and the courteous manner of the attendees.

Mary Abbot, 1810 Nanaimo River Road, asked what are the long term plans for the big parcel noting that we do not want industrial uses.

Mr. Sims explained that the balance of the property is owned by the Provincial Crown and he does not know the plans for this portion of the property.

Ms. Cormie indicated that the property is zoned Resource Management 4 under the Bylaw No. 500, 1987 provisions.

Mary Abbot asked how will you maintain the tree buffer and noted that we will support the Plant with the buffer in place.

Mr. Sims stated that it is the City's intention to keep the buffer as it appreciates the rural neighbourhood and the environmental aspects of the site.

Mr. Corsan explained that as a condition of the Crown grant, the property can only be used for a water treatment plant and that the timber is reserved to the Crown.

Ms. Cormie explained that the zoning be requested is for public institutional use and not industrial use.

Mike Gogo, District Lot 2, Douglas District (adjacent to South Forks Road), stated that if they did have an industrial use, they would get water.

Jeanette Pongratz-Doyle, 2710 South Forks Road, spoke to keeping open communication with the community and how important that is to maintain.

Paul Gogo, 1640 Nanaimo River Road, asked will South Forks Road be impassible during construction.

Mr. Harvey explained that the construction will be a 3 to 4 month time period along the road right of way and accessibility for emergency vehicles is a concern that will be addressed. Mr. Harvey also noted that paved surfaces will be removed and repaved.

Paul Gogo stated that his concern is businesses in the area and asked if they will be compensated for loss of business or if gas coupons will be given out as incentives.

The Chairperson noted that it is a long way around if you cannot travel South forks Road.

Mr. Sims noted that it is a fair point, but the City does give compensation for these situations.

Jeanette Pongratz-Doyle, 2710 South Forks Road, stated it is about 30 kms.

Mr. Corsan stated that the message is to keep the road open for the public's use.

Mr. Harvey suggested that a gravel by-pass road could be constructed.

The Chairperson commented that Nanaimo River Road is going to be affected and that there are lots of logging trucks using this road at this time.

Mr. Sims agreed that Nanaimo River Road will also be impacted by the construction.

Karen Gogo, 2510 South Forks Road, asked if the green area on the site plan is Crown land and is there a buffer between the building and the boundaries.

Mr. Corsan explained that the green area is the buffer and that the forest is under the Crown. Mr. Corsan also explained that the under the Crown grant, the City cannot do anything outside the grant or else the land reverts back to the Crown.

Sharon Bennett, 2505 Godfrey Road, asked is there anything in place to prevent terrorist attacks and is there safety controls for chlorine delivery trucks, noting that there are lots of logging trucks in the area.

Mr. Sims explained that the chlorine is delivered by truck and there will be no change to the method of delivery from what happens now. Mr. Sims also added that the building will be well secured.

Gary Britt, 2129 John Street, asked if there is a freeze on Crown land and would the province give land clearing rights as part of native treaty claims.

Mr. Sims explained that he cannot answer that question, but noted that the City has worked with the local First Nation on this project.

Karen Gogo, 2510 South Fork Road, noted that the buffer area may not be secure if the timber is not secured.

Jeanette Pongratz-Doyle, 2710 South Forks Road, asked if this can be left as part of the natural buffer.

Kathy Blackstaffe, 1775 Nanaimo River Road, asked if the buffer area could be made into a park.

Mr. Sims indicated that he cannot answer this question, but noted that a concern has been raised over the protection of the buffer area.

Jeanette Pongratz-Doyle, 2710 South Forks Road, stated that she was told there would be no chlorine at this facility and asked if there is a chlorine issue and the chlorine gets into our wells, our wells will not be protected. Ms. Pongratz-Doyle noted that Extension Village has community water so they don't have the same issue that the private well owners have with possible well contamination from chlorine leakages.

The Chairperson asked what will be in the water that is flushed.

Mr. Sims stated that it will be raw water only that would be flushed. Mr. Sims added that only if there was an emergency would treated water be flushed.

The Chairperson asked about the ponds and their use.

Mr. Sims indicated that the ponds are to protect the creeks and to deal with extra water.

Sharon Bennett, 2505 Godfrey Road, asked if there was any coal mining activity on the property.

Mr. Sims explained that there was no mines on the City portion of the property.

Sharon Bennett asked if this has been investigated.

Mr. Harvey explained that a detailed geotechnical report will be completed as part of the development of the site. Mr. Harvey also discussed the issue of chlorine contamination and noted that there are two issues – one being gas that escapes and two that chlorinated water is leaked from the water treatment plant. Mr. Harvey further explained that the building is designed to seal the rooms with chlorine (scrubber room). Mr. Harvey stated that if there is a leak outside the building the pool is designed to take the escaped water.

Mr. Sims added how he does not know how pure chlorine could get to surrounding wells.

The Chairperson asked if escaped chlorinated water could get to the Elk Trails Subdivision.

Mr. Sims explained that due to the lay of the land being a gentle slope towards South Fork Road, the water would make it to the creek and run that way.

Mike Gogo, District Lot 2 Douglas District (adjacent to South Forks Road), stated that the fact remains the residents are getting the inconvenience and the problems of chlorine and the City is getting the water. Mr. Gogo also stated that the dam is not in Nanaimo, but it is the City's Dam.

Karen Gogo, 2510 South Forks Road, noted that her well would get the runoff water.

Mr. Sims stated that it is not the intent to have spills.

Karen Gogo stated that it is her problem that she cannot drink water out of her tap and that she must park drinking water into her house. Ms. Gogo stated that fire hydrants would be great for the community as we only have water for fire protection in a truck.

Mr. Sims again stated that is a reasonable request.

Mary Abbott, 1810 Nanaimo River Road, asked about Colliery Dam treatment and noted that there can be a large amount of snow that could restrict access to the South Forks site.

Mr. Sims indicated that staff at the Plant may have to clear the access.

Gary Britt, 2129 John Street, stated that it is important to keep the roads clear from a safety perspective as all the chlorine is delivered by truck

Jeanette Pongratz-Doyle, 2710 South Forks Road, talked about the last big snowfall being ten feet and roads would need to be kept clear to allow chlorine truck to pass.

Kathy Blackstaffe, 1775 Nanaimo River Road, asked what is going to happen to the Colliery Dam site – 1st Reservoir.

Mr. Sims stated that they do not know at this time what the plans are for this reservoir.

Bruce Campbell, 2540 South Forks Road, asked when will the property be in the City's name.

Mr. Corsan noted that the conditions of the Crown grant must be completed including zoning and it is expected to be transferred in the Fall or later.

Karen Gogo, 2510 South Forks Road, asked when the construction on South Forks Road will take place.

Mr. Sims stated that construction within the road is expected to take place in late 2012.

Brian Doyle, 2710 South Forks Road, asked in the event of a power failure, how long can the Plant operate.

Mr. Sims indicated that there will be a generator located on the north side of the building away from housing that will run the building at half the capacity and once the generator is no longer viable, diesel will be brought in as a backup.

The Chairperson noted that there are lots of power outages in the area.

Mr. Sims commented that how the site will be served by hydro has not been resolved yet.

Sharon Bennett, 2505 Godfrey Road, asked what part do these services play.

Mr. Sims explained the two pipelines and the amount of pressure in them and the new Plant will relief this pressure in the lines. Mr. Sims noted that a future reservoir will be building five or six years down the road.

Dan Gogo, 2100 Nanaimo River Road, asked will there be another similar meeting when you have more information.

Ms. Cormie explained that if the amendment bylaw proceeds the next meeting would be a Public Hearing which is a formal proceeding and not a question and answer meeting like this one.

Karen Gogo, 2510 South Forks Road, stated that she is concerned that the future of the buffer area is unknown.

Mr. Sims stated that staff have heard this concern and will follow up with the Provincial Government.

Kathy Blackstaffe, 1775 Nanaimo River Road, stated that the property is a beautiful site.

Paul Gogo, 1640 Nanaimo River Road, spoke to the electricity and asked where will it come from noting that this might be an opportunity to bring electricity to those properties currently not served.

Mr. Sims explained that it would be similar to what it is now via hydro/telephone poles and within rights-of-way.

Mary Abbott, 1810 Nanaimo River Road commented that she first found out about this about a year ago when she was walking along the road and saw a leaflet under a rock.

Jeanette Pongratz-Doyle, 2710 South Forks Road, stated that there is a difference between hydro's approach and this approach and continued to stress the need for open communication.

The Chairperson asked if there were any other questions or comments.

The Chairperson asked a second time if there were any other questions or comments.

The Chairperson asked a third time if there were any other questions or comments. Being none, the Chairperson thanked those in attendance and announced that the public information meeting was closed.

The meeting concluded at 8:32 pm.

Susan Cormie
Recording Secretary

**Attachment No. 4
Proposed Amendment Bylaw No. 500.373, 2011**

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.373**

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

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.373, 2011.
- B. The "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", is hereby amended as follows:

By rezoning the lands shown on the attached Schedule No. '1' which is attached to and forms part of this Bylaw and legally described as:

That Portion of Block 17, Douglas District, Plan 619R Shown in Heavy Outline
from Resource Management 4 to Public 4

Introduced and read two times this ___ day of _____ 2011

Public Hearing held this ___ day of _____ 2011

Read a third time this ___ day of _____ 2011

Adopted this ___ day of _____ 2011

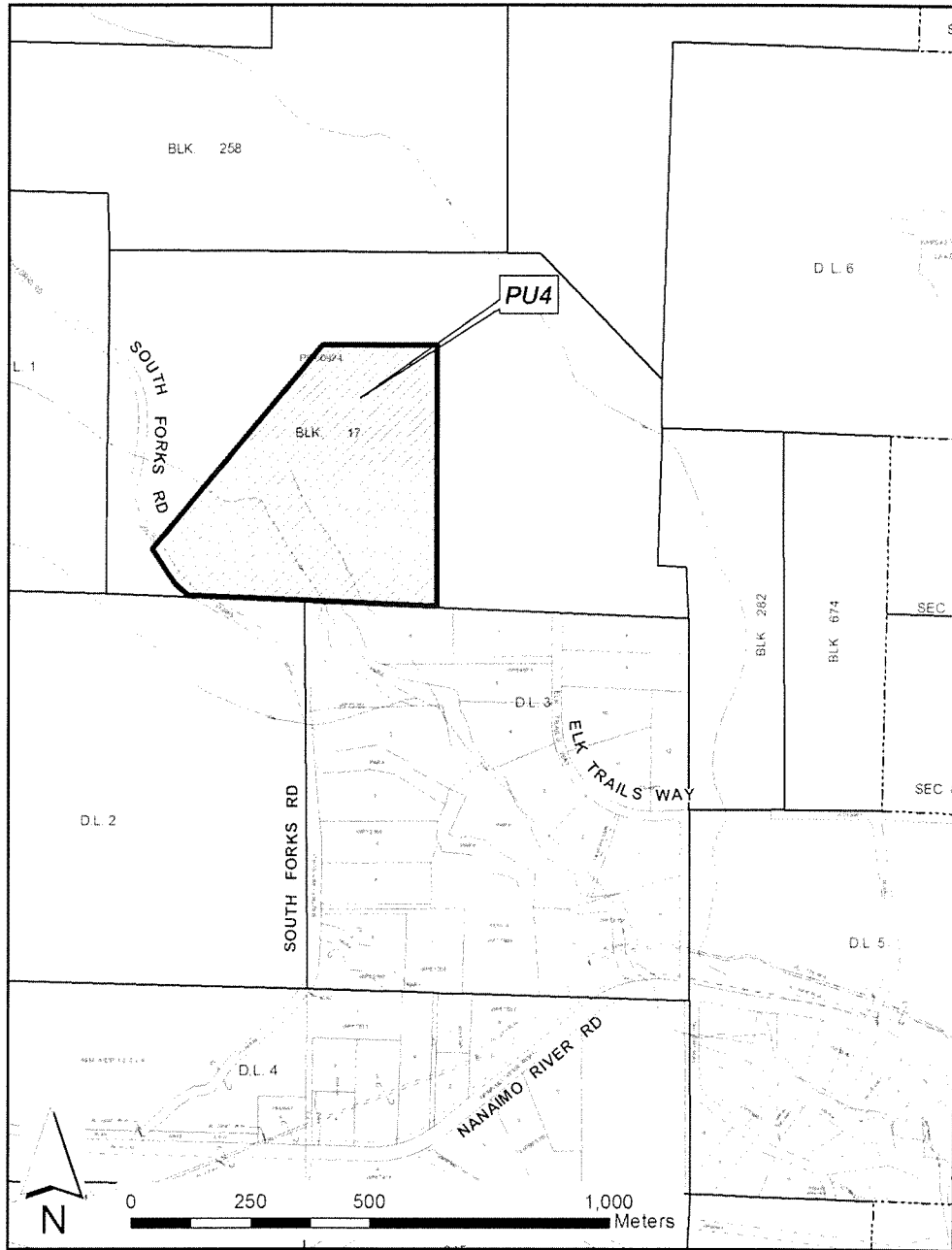
Chairperson

Senior Manager, Corporate Administration

Schedule No. '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.373, 2011"

Chairperson

Sr. Mgr., Corporate Administration



BCGS MAPSHEET 92G 001 3 3.

Keith Bixby
Rea Bixby

May, 18 2011

2560 South Fork Road
Nanaimo, B.C.
V9X1H3

Regional District of Nanaimo
Water Board

To Whom It May Concern,

The RDN is constructing a new Water Treatment Plant off of South Fork Road, as
A resident of the impacted area we the undersigned would be very interested in having piped in
water to our properties.

Sincerely,

Keith Bixby



Rea Bixby



Jaro Bixby
Laurie Bixby
Cheyenne Bixby
Weston Bixby

May, 18 2011


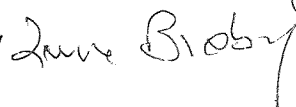
2570 South Fork Road
Nanaimo, B.C.
V9X1H3

Regional District of Nanaimo
Water Board

To Whom It May Concern,

The RDN is constructing a new Water Treatment Plant off of South Fork Road, as
A resident of the impacted area we the undersigned would be very interested in having piped in
water to our properties.

Sincerely,

Jaro Bixby 
Laurie Bixby 

Thomas Reid and Christina Lee
2780 Twilight Way
Nanaimo, BC V9X 1H3
May 11, 2011

Dear RDN Electoral Planning Committee:

We are writing to you in regard to the planned South Fork Water Treatment Plant. As residents living in the area of the future plant location we would like to offer some ideas for your consideration.

Since the water treatment facility will be in our community, many residents would appreciate access to this treated water through pipelines to our homes. With the installation of the new facility and accompanying pipelines, this would be a cost effective time to extend the pipelines to our homes.

Also, as a volunteer firefighter with the Extension Fire Department, I (Tom) would urge you to install more fire hydrants in our area when the new pipelines are installed. Access to water for firefighting is limited in our area and more fire hydrants would greatly help our fire department in its fire protection services for our community.

Thank you for your consideration.

Sincerely,

Handwritten signatures of Thomas Reid and Christina Lee. The signature on the left is 'Thomas Reid' and the signature on the right is 'Christina Lee'.

Thomas Reid and Christina Lee

May 17, 2011

Mrs. Jeanette Pongratz-Doyle
2710 South Forks Road
Nanaimo, BC
V9X 1H3

RDN Electoral Planning Committee

Attention: Electoral Planning Committee

Just so you are aware, I would like you to know that most of the neighbours that I have talked to about the Proposed Nanaimo Water Treatment Plant do not have huge concerns about the Treatment Plant going in the proposed area. Not near as many concerns compared to when the 230 kV High Voltage Power Lines were proposed to go in. At least for the most part, it is not life threatening health effects caused from the Treatment Plant as we were told that it is not a Chlorine System being installed. At this point I do not believe anyone will be putting a huge fight against you, rather welcoming you into and as part of our community.

With that being said I believe we could be good neighbors for each other, you for the community and us for helping watch out for the area, for you as well, as we have a lot of hikers and horse back riders in the area to keep eyes peeled, especially regarding the ever elusive and sick mind of the arsonist that torments our area every year.

The horse lovers out here, that have ridden these trails for many years, are asking if there is anyway that the horse trails can be preserved for their riding, at the same time understanding the difficulty in the logistics of such a request.

There is only a couple of concerns for the closest neighbours with sound from any pumps running or filter systems back washing at night and any bright lights at night interfering with the closest neighbours night rest, that is very deep out in the forest, and they value beyond the comprehension of most any city folks understanding.

As good neighbors working together I would like to clarify exactly where the pipeline will be going into the bush after Karen's home on South Forks. The last survey white mark on the road, if that is the entry point, would actually go right through her orchard of trees that I have watched grow now for 15 years, and very carefully looked after from deer etc.

If that is the entry point for the waterline, as a good neighbor gesture, would you please think about moving it past the fruit trees on Karen's property and not affect them in anyway. It would just be common courtesy to do that.

The other concern is the distance that you plan to build the plant from both Karen Gogo's house and Bruce Campbell's house. Karen is of the understanding that the plant would

start 500 feet from the road which would mean it would be only about 200 feet from her home.

Again, as a good neighbor gesture, and the start to a working relationship in the area, and the size of acreage you have to work with, would you please consider making sure that there would be a good 400' – 500' natural forest buffer and privacy zone, fences could still be on the property line, from the closest homes affected by the construction of the actual Treatment Plant.

We would appreciate you taking our communities concerns and requests into any decision process and considerations you have, keeping in mind that we as a community, will be very inconvenienced with the roads being completely dug up, wear and tear on our vehicles with dirt, rocks, holes, gas mileage, dust in our cars and homes, longer travel times, most if not all of our driveway entrances being affected at some point, all more than likely being during the hottest time of the year.

I think if our community got pipe water to the proposed Fire Hall on Nanaimo River Road, to help deal with the future growth of our Boundaries, including you, with water pipe stubs in-ground at each driveway and working fire hydrants for the area our community would think the inconvenience would be well worth it.

We as a community, look forward to working with you in making this work not only for the City of Nanaimo but also for the only community that will be uprooted and inconvenienced during the course of the construction process.

Thank you for listening but most of all hearing our concerns and ways of dealing with them.

Yours truly,

Jeanette Pongratz-Doyle

RDN Water Board

May 17 2011

- If I had piped water at my house :
- I could run the water long enough to shave my legs, scrub my face, wash and condition my hair in the shower without turning the water off between each. And I could shower long enough without worrying about there being enough water for the rest of the families showers.
 - I could flush the toilet more than once in the evening and once in the morning, it stinks.
 - I could finally have the kiddie pool and be able to run through a sprinkler. We have never had enough water for that and I'm now almost 16 years old.
 - My mom could grow peas & raspberries for me and the flowers she's always wanted.
 - My dad could wash his car at home.
 - We could use the dishwasher so I don't have to do the dishes so often.

I wish I had piped water at my house.

And - if we had fire hydrants, I could

be happier because my Mom wouldn't be so grumpy & tired from staying up late worrying & packing those nights when the fire trucks go by lots and we smell smoke. I wouldn't be so scared too.

Crysta Ewing
2728 Twilight Way
Nanaimo BC V9X 1H3

May 17 2011



PS: IF I had water in the summer time I could wash my cat with the hose instead of trying to get him in the tub. He is an outside cat and is dirty.

May 17, 2011

Mr. Brian Doyle
2710 South Forks Road
Nanaimo, B.C.
V9X 1H3

RDN Electoral Planning Committee

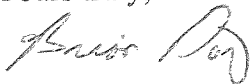
Attention: Electoral Planning Committee

We would like to request that during the course of construction of the new Nanaimo Water Treatment Plant directly behind our community that you would lay water pipe stubs in-ground at each driveway along the way for the choice of water in our area if each residence chooses to hookup and would therefore absolutely create the option to in the future.

We would also like to request working fire hydrants installed during the construction of the new Nanaimo Water Treatment Plant directly behind our neighbors.

Thank you for your consideration.

Yours truly,



Brian Doyle

May 17, 2011

Mrs. Jeanette Pongratz-Doyle
2710 South Forks Road
Nanaimo, BC
V9X 1H3

RDN Electoral Planning Committee

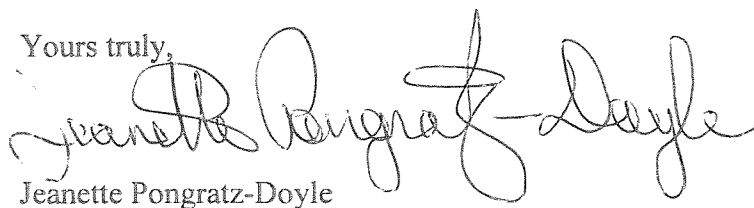
Attention: Electoral Planning Committee

The residents of South Forks and area (approx. 78 homes) would like to request a domestic water system installed during the construction of the newly proposed Nanaimo Water Treatment Plant directly behind our neighbours.

We would also like to request fire hydrants along South Forks Road and down Nanaimo River Road towards Twilight Way so everyone is included in the 8Km zone for insurance rates which would also help you when you think about changing the Boundaries to include your area in the Fire Protection response zone which ends directly behind Karen Gogo's home.

Thank you for your consideration.

Yours truly,

A handwritten signature in cursive script that reads "Jeanette Pongratz-Doyle". The signature is written in black ink and is positioned above the printed name.

Jeanette Pongratz-Doyle

RDN Water Board

May 16 2011

Please bring piped water to our area on Twilight Way. We have been here 17 years and when we purchased we had over 20 gallons per minute from our well. But we had a neighbour who dynamited their well right next door and we lost our water - down to 2 1/2 gallons per min^{in winter} and we run out constantly in the summer. That was within our first five years here. Our children could never run through a sprinkler or have a blow up pool and now they are teens and they don't have enough water for their showers never mind leave us some for ours.

If we had piped water I wouldn't have to worry about my families health from drinking and cooking with well water that changes quality through the seasons.

Our hot water tank would last longer and our toilet water wouldn't be grey in the summer. We could flush the toilet when used not just in the morning once and evening once. It smells bad & makes the whole house stink.

If we had piped water I could grow fresh vegetables for my family & fruit

Trees & gardens. My lawn could get some water and my plants that were planted when we had water would grow instead of get smaller each year.

Even the little things would be better with piped water. Try house cleaning without being able to rinse a cloth, wet a mop or wash your hands. Summer time laundry can't be done at home - try that with two kids & a husband that works in a shop.

Piped water would be a great advantage to have not just for ease of regular life but needed for basic functionality.

Fire hydrants in our area are incredibly important. Just last summer there were more than three fires in our immediate area. I could hear the fire trucks passing my property for hours as they filled up at the hydrant miles away from the fire.

You imagine, your ~~own~~ feelings as you listen to the trucks & voices, you know the fire is close. Smoke is in the air; which way is the wind blowing? You're

scared, your family, house & all possessions are threatened. I try to think of other things not the pending danger as I pack suitcases discretely. I don't want to overly alarm my family. Will anyone even come to tell us the fire is too close and we need to leave? Will the road be clear?

Please bring piped water and fire hydrants into our area.

Laura Ewing
2728 Twilight Way, Nanaimo BC V9X 1H3



May 16 2011

May 16 2011
To Water Board

Our community should
have the opportunity to
have piped water to their
homes and fire hydrants
in the District

Thank You

~~D A Gage~~

Shirley Gage

PETITION

WE, THE RESIDENCES OF SOUTH FORKS ROAD AND NANAIMO RIVER ROAD, WOULD LIKE TO REQUEST PIPED POTABLE WATER AND FIRE HYDRANTS FOR OUR COMMUNITY, SINCE THE NANAIMO WATER TREATMENT PLANT IS PROPOSED TO BE LOCATED ON SOUTH FORKS ROAD.

NAME (PRINT)	NAME (SIGNATURE)	ADDRESS	PHONE #
Mike Gogo	MMT Gogo	2625 South Forks Rd 250	754-2278
May Gogo	MMT Gogo	" "	"
Randy Swider	MMT Gogo	2620 5 Fork Rd.	739-3233
Michelle Swider	M Swider	2620 5 Fork Rd	"
Jonah Swider	J Swider	"	"
Karen Scheibel	K Scheibel	2510 South Fork	754-1591
Jacob Scheibel		"	"
Rachel Scheibel		"	"
Katie Scheibel		"	"
Tom Reid	T Reid	2780 Twilight Way	716-5865
Tina Lee	T Lee	"	"
Yvonne Lewis		2600 South Forks	754-2606
DAVID GOGO	D Gogo	2609 South Forks Rd	755-7815
Keith Bixby	K Bixby	2560 South Fork Rd	755-1472
Rea Bixby	R Bixby	2560 "	"
Jaro Bixby	J Bixby	2570 South Fork Rd	591-4883
Laurie Bixby	L Bixby	2570 South Fork Rd	591-4883
Chyenne Bixby		"	"
Weston Bixby		"	"
Paul Gogo	Paul Gogo	1640 Nanaimo River Rd	754-7265
Joe Gogo	J Gogo	Lot A Plain V1P 86286 Dist. Lot 7 Douglas Land Dist.	753-5392
Marie Gogo			
John Gogo			
ANN GOGO			
TOM GOGO			
Lawrence Gogo			

PETITION

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NANAIMO RIVER ROAD, WOULD LIKE TO REQUEST
PIPED POTABLE WATER AND FIRE HYDRANTS FOR
OUR COMMUNITY, SINCE THE NANAIMO WATER
TREATMENT PLANT IS PROPOSED TO BE LOCATED
ON SOUTH FORKS ROAD.

NAME (PRINT)	NAME (SIGNATURE)	ADDRESS	PHONE #
Jeanette Grais	<i>Jeanette Grais</i>	2600 Southfork Rd	754-2611
Randy Grais	<i>Randy Grais</i>	2600 Southfork Rd	754-2611
Shirley Gogo	<i>Shirley Gogo</i>	2100 NAN RIVER RD	753-6276
DAN Gogo	<i>D A Gogo</i>	2100 NAN RIVER RD	753-6231
Colleen Berge	<i>CBerge</i>	2540 Elk Trails Way	741-108
<i>Don Campbell</i>	<i>Don Campbell</i>	2540 Southfork Rd	753-3077
SLADE GREENAWAY	<i>Slade Greenaway</i>	2690 South Fork RD	754-5216
Michelle Randle	<i>M Randle</i>	2650 South Fork RD	754-5216
GEORGE BROWN	<i>George Brown</i>	2728 TWILIGHT	753-9368
LAURA BROWN	<i>Laura Brown</i>	"	"
CRYSTA BROWN	<i>Crysta Brown</i>	"	"

PETITION

WE, THE RESIDENCES OF SOUTH FORKS ROAD AND NANAIMO RIVER ROAD, WOULD LIKE TO REQUEST PIPED POTABLE WATER AND FIRE HYDRANTS FOR OUR COMMUNITY, SINCE THE NANAIMO WATER TREATMENT PLANT IS PROPOSED TO BE LOCATED ON SOUTH FORKS ROAD.

NAME (PRINT)	NAME (SIGNATURE)	ADDRESS	PHONE #
JEANETTE PONGRATZ-DOYLE	J Pongratz-Doyle	2710 SOUTH FORKS RD.	753-4908
Tracy Lesperance	T Lesperance	1565 Nanaimo River Rd	591-4905
Robert Rajcette	R Rajcette	1866 NANAIMO RIVER RD	591-2128
J. Hein	Jeff Hein	2550 Myle Lakes	591-7393
Lenn Grosseth	Lenn Grosseth	2151 Bramley Kd.	
Patrick Scroope	Pat Scroope	675 Muzwell Hill	7400486
MATT BIRD	M Bird	2156 ELIZABETH ST	713-9125
Brian Deinstadt	B Deinstadt	598 Fourth Ave	7410999
BRANDON BRITT	B Britt	500 VIROSTICO RD	753-7975
Wayne Hamilton	Wayne Hamilton	2150 JOHN ST	7544996
Steve Schmidt	S Schmidt	2587 Myle Lakes Rd	753379
FERNISE O	F O	609 CHAPMAN St.	754-6485

PETITION

WE, THE RESIDENCES OF SOUTH FORKS ROAD AND NANAIMO RIVER ROAD, WOULD LIKE TO REQUEST PIPED POTABLE WATER AND FIRE HYDRANTS FOR OUR COMMUNITY, SINCE THE NANAIMO WATER TREATMENT PLANT IS PROPOSED TO BE LOCATED ON SOUTH FORKS ROAD.

NAME (PRINT)	NAME (SIGNATURE)	ADDRESS	PHONE
JIM SLOTTÉ		1755 NANAIMO RIVER RD	753-187
M. ABBOTT		1810 NANAIMO R. Rd.	716-1070
LARRY GANTANER		2167 JUNIOR ST, SWEET WATER	754-836
NAVY SNAPE		2670 S Fork Rd	7393233
BRUCE CAMPBELL		2540 SOUTH FORK RD	755-3093
KEVIN BERGE		2540 ELK TRAILS WAY	741-1083
K. Blackstaffe		1775 NANAIMO River	754 43
Jason Deberstein		2770 Twilight way	753 3583
Karen Gogo		2570 South Fork Rd	754 1591
Jennifer Ford		4 Lot 6, 8 Elk Trails Way	753-1528
Keith Bixby Paul Gogo		2560 South Fork Rd	755 1477
LISE MacDONALD		1680 Nanaimo River Rd	704 725
		2335 ELK TRAILS	5911-3450

**Attachment No. 4
Proposed Amendment Bylaw No. 500.373, 2011**

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.373**

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

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.373, 2011.
- B. The "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", is hereby amended as follows:

By rezoning the lands shown on the attached Schedule No. '1' which is attached to and forms part of this Bylaw and legally described as:

That Portion of Block 17, Douglas District, Plan 619R Shown in Heavy Outline
from Resource Management 4 to Public 4

Introduced and read two times this ___ day of _____ 2011

Public Hearing held this ___ day of _____ 2011

Read a third time this ___ day of _____ 2011

Adopted this ___ day of _____ 2011

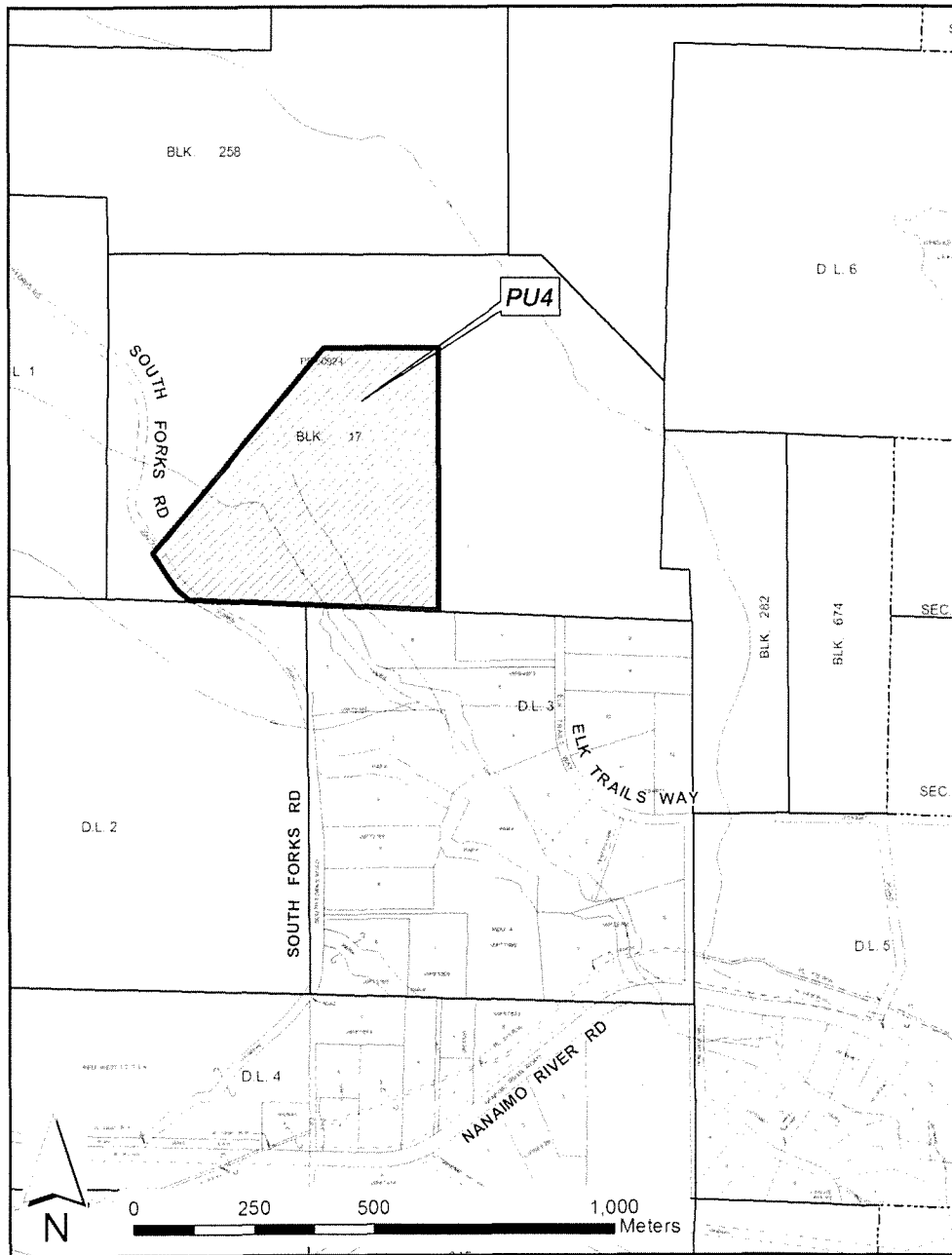
Chairperson

Senior Manager, Corporate Administration

Schedule No. '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.373, 2011"

Chairperson

Sr. Mgr., Corporate Administration



BCGS MAPSHEET 22G 001 3 3



RDN REPORT	
* CAQ APPROVAL	
EAP	✓ June 14/11
COW	
JUN - 6 2011	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: May 31, 2011

FROM: Lainya Rowett
Planner

FILE: PL2011-052

SUBJECT: Development Permit with Variances Application No. PL2011-052
Mike Seargeant Enterprises Ltd. / JAG Consulting
Lot 2, District Lot 15, Bright District, Plan 31960 – 3441 Trans Canada Highway

PURPOSE

To consider an application for a Development Permit with Variances to permit the construction of an industrial building on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Joe Grison of JAG Consulting on behalf of Mike Seargeant Enterprises Ltd., in order to permit the development of an industrial office and maintenance building, signage, including one free standing sign and one fascia sign, and landscaping improvements. The subject property is approximately 0.68 hectare in area and is zoned Industrial 2 (IN2M) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.” The proposed development is also subject to the following applicable Development Permit Area (DPA) as per the “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Bylaw No. 1240, 2001”:

- Development Permit Area No. 2 - Cassidy.

The property was previously used for above-ground propane fuel storage, however the storage tanks and related structures have been removed leaving the site vacant. The property is bound by the E&N Railway and residential lots to the west; the Trans Canada Highway and adjacent airport lands to the east; and industrial uses to the north and south.

Proposed Development and Variances

The proposed industrial building will be located within an existing paved and fenced compound area within the northern portion of the property. The property is long and narrow tapers at the north end adjacent to the Trans Canada Highway. In order to accommodate the building in the proposed location the applicant is requesting variances to reduce the setbacks on the north and west sides of the building. The IN2 zone requires a minimum setback of 10.0 metres on all sides; the applicant proposes to reduce this setback to 7.0 metres on the west side and 9.0 metres on the north side (as shown on *Schedule 2*). The proposed variances are reasonable and would not negatively impact adjacent uses, in particular the residential properties to the west which are separated by the E&N Railway.

The applicant also proposes a minor height variance increase from the maximum permitted building height of 8.0 metres to 8.5 metres for the proposed industrial workshop/office.

Additionally, the applicant is requesting variances to reduce the setback from 10.0 metres to 4.5 metres, along the south and east property boundaries, for the proposed free-standing sign (see *Schedule 2*). Given the site grading which slopes down from the highway frontage, and existing vegetation, visibility for signage is limited. The proposed variances ensure adequate exposure along the Trans Canada Highway. The Ministry of Transportation and Infrastructure has also confirmed that it does not have any concerns with the variance which complies with the Ministry's minimum frontage setback requirement.

ALTERNATIVES

1. To approve the Development Permit with Variances Application No. PL2011-052 subject to the conditions outlined in Schedules 1 to 6.
2. To deny the Development Permit with Variance Application No. PL2011-052.

LAND USE IMPLICATIONS

Development Implications

The subject property is located within and subject to the Development Permit Area No. 2 - Cassidy, which regulates the form and character of commercial and industrial development and the protection of the natural environment. To address the Development Permit Guidelines concerning the protection of groundwater the applicant's Engineer (Lewkowich Engineering Associates Ltd.) provided a septic system assessment (dated April 21, 2011) confirming that the proposed treatment system will be sufficient for the intended industrial use, and that treatment of effluent within the property will not negatively impact the Cassidy Aquifer (0160). The applicant's also provided a Storm Water Management Report (dated May 24, 2011) and Storm Water Management Plan (J.E. Anderson and Associates dated June 1, 2011) which details the intended collection, infiltration and treatment of drainage, including oil-water separators (see *Schedule 6 for Storm Water Management Plan*).

To address the Development Permit Guidelines concerning form and character the applicant provided building elevations for the proposed industrial office / maintenance building (404 square metres in floor area) (see *Schedule 3 Building Elevations*). The building will be constructed with painted aluminum cladding, colored in "Cool Lava Red" and "Cool Mojave Tan", and roofing materials consisting of galvalume cladding painted in "Cool Black."

The site plan is designed to accommodate a bin hauling company, which will store some empty bins at grade on the property during transitions in use. These bins will be stored on the north side of the building under a covered area and will not be visible from the highway due to extensive buffer along the highway frontage. This buffering will also screen a garbage enclosure that is proposed near the front side of the building due to the need for truck access and movement. The refuse area will also be enclosed with a wooden fence. The site plan also incorporates the minimum required off-street parking.

Proposed Signage

The applicant proposes to construct one free-standing sign in the southeast corner of the property facing the Trans Canada Highway, as well as one fascia sign on the east (front) elevation of the proposed building above the entrance (see *Schedule 3 and 4*). The free-standing sign is designed with white double-sided illuminated sign cabinets mounted on black metal poles in concrete bases, and it has been well

integrated into the proposed landscaping as shown on *Schedule 5 Landscaping Plan*. Both the free-standing and fascia signs comply with the requirements of the "*Regional District of Nanaimo Sign Bylaw No. 993, 1995*." The only variance requested is concerning the setback for the proposed free-standing sign as discussed above.

Proposed Landscaping

The applicant's Landscape Architect, Fred Brooks, BCLA, has provided a Landscaping Plan (dated May 11, 2011) which shows a variety of trees, shrubs and groundcover to be planted along the highway frontage (see *Schedule 5 Landscaping Plan*). The proposed plantings are integrated into the existing vegetation and will complete the buffer along the entire length of highway frontage in accordance with the landscaping requirements of the "*Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987*." As a condition of approval the applicant is to provide a landscaping security deposit in the amount of \$8,350.00 to ensure this landscaping is installed.

Public Consultation Process

As part of the required public notification process, pursuant to the *Local Government Act*, property owners and tenants located within a 50.0 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.

Environmental Implications

The property owner has also completed a *Schedule 1 Site Profile* confirming the absence of any previous contamination or hazardous wastes on this industrial property.

Sustainability Implications

In keeping with Board policy the applicant has completed a Sustainable Community Builders Checklist and identified the following sustainable aspects of this development:

- The development will fill in an existing vacant parcel of land and utilize existing roads;
- The proposed Storm Water Management Plan includes measures to protect groundwater;
- Create permanent employment opportunities and promotes a diversified local economy; and
- Use local labour and materials.

SUMMARY/CONCLUSION


This is an application for a Development Permit with Variances to permit the development of an industrial building with signage and related site improvements on the subject property. The applicant proposes to increase the maximum permitted building height from 8.0 metres to 8.5 metres, and to reduce the building setbacks from 10.0 metres to 7.0 metres and 9.0 metres from the west and north property lines, respectively. The applicant also proposes to reduce the minimum setback for the proposed free-standing sign from 10.0 metres to 4.5 metres from the east and south property lines.

The applicant has submitted a site plan, building elevations, signage details, a landscaping plan and cost estimate, a storm water management report and plan, and a septic system evaluation in support of the application. In staff's assessment, the proposed development is consistent with the guidelines of the "*Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001*" Development Permit Area No. 2 - Cassidy.

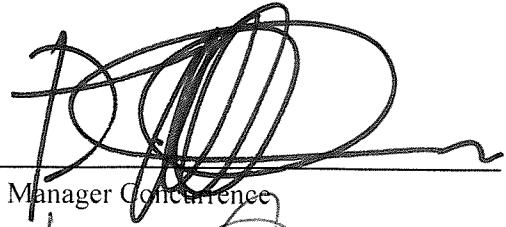
RECOMMENDATIONS

That:

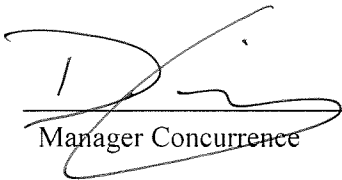
1. Staff be directed to complete the required notification, and
2. Development Permit with Variance Application No. PL2011-052 be approved subject to the conditions outlined in *Schedule 1*.



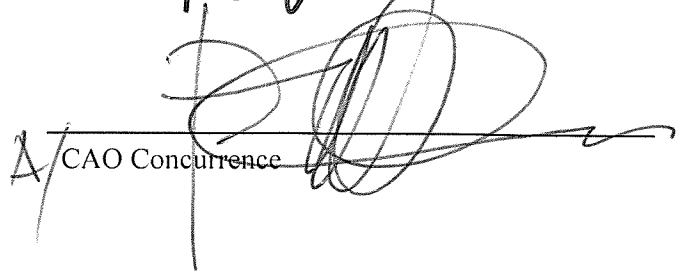
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Conditions of Approval
Development Permit with Variance Application No. PL2011-052

The following conditions are to be completed as part of Development Permit with Variance No. PL2011-052:

Bylaw No. 500, 1987

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

1. Section 3.4.32 *Maximum Number and Size of Buildings and Structures - Height* is hereby varied by increasing the maximum building height for the proposed industrial building from 8.0 metres to 8.5 metres as shown on *Schedules 2 and 3*;
2. Section 3.4.32 *Minimum Setback Requirements – All lot lines* is hereby varied as follows, and as shown on *Schedules 2 and 3*:
 - a. Reducing the setback for the proposed building from the west property line from 10.0 metres to 7.0 metres;
 - b. Reducing the setback for the proposed building from the north property line from 10.0 metres to 9.0 metres; and,
 - c. Reducing the setback for the proposed free-standing sign from the east and south property lines from 10.0 metres to 4.5 metres.

Proposed Development

1. The proposed industrial office / maintenance building shall be sited in accordance with the Site Plan prepared by Joe Grison of JAG Consulting and dated May 9, 2011, attached as *Schedule 2*.
2. The proposed building shall be constructed in general accordance with the elevation drawings provided by Joe Grison of JAG Consulting on April 21, 2011 and attached as *Schedule 3*.
3. The proposed signage shall be constructed in general accordance with the elevation drawing included in *Schedule 2* and the signage details prepared by Devlin Electrical Sign Company and dated March 30, 2011, which is attached as *Schedule 4*.
4. The proposed building shall be constructed in accordance with the Storm Water Management report prepared by J.E. Anderson and Associates (dated May 24, 2011), and in accordance with the Storm Water Management Plan prepared by J.E. Anderson and Associates (dated June 1, 2011), which is attached as *Schedule 6*. Furthermore, at building permit stage, the applicant is to provide a detailed storm water management plan substantially in compliance with the plan attached as Schedule 6.

Landscaping

1. The proposed landscaping improvements shall be well integrated with existing landscaped areas and be developed and maintained in accordance with the Planting Plan prepared by Fred Brooks, Landscape Architect and dated May 11, 2011, which is attached as *Schedule 5*.
2. A landscaping security deposit in the amount of \$8,350.00 shall be provided by the applicant pursuant to the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.”

Transportation

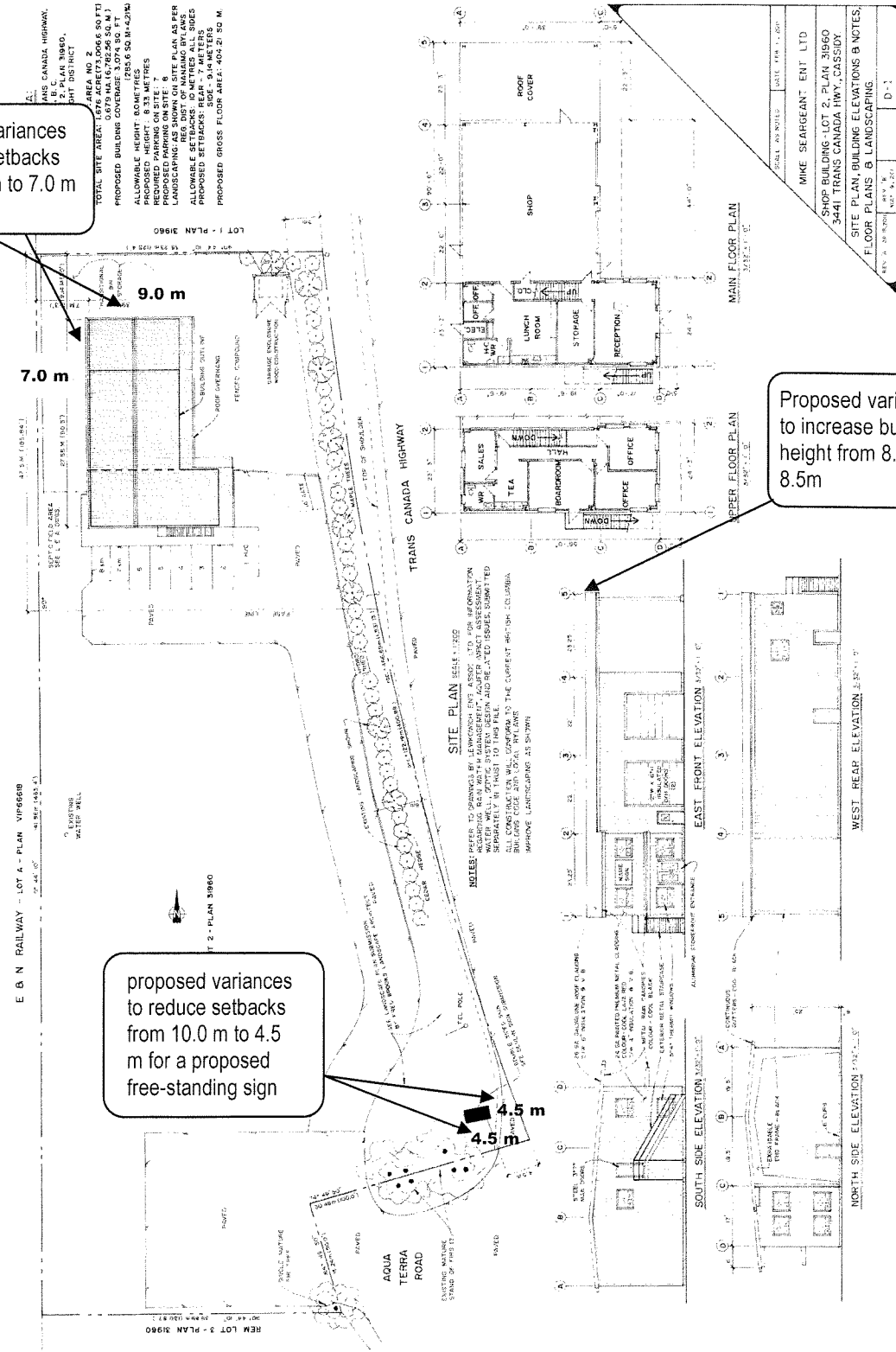
1. An approved access permit from the Ministry of Transportation and Infrastructure.

Schedule 2 Proposed Site Plan and Variances

proposed variances to reduce setbacks from 10.0 m to 7.0 m and 9.0 m

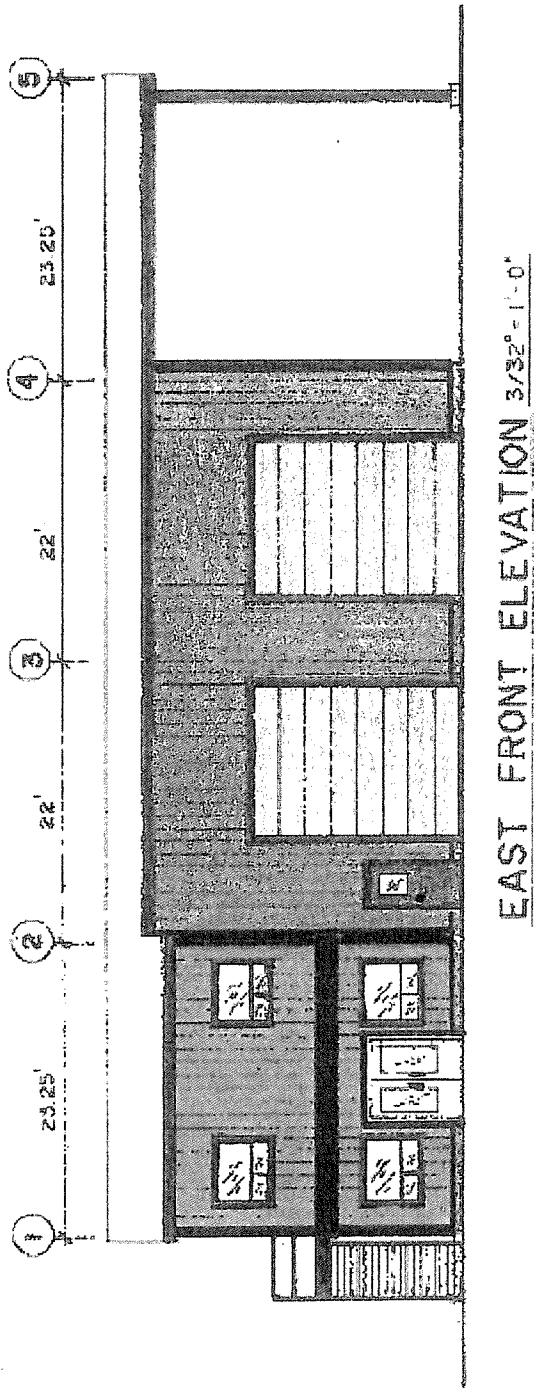
proposed variances to reduce setbacks from 10.0 m to 4.5 m for a proposed free-standing sign

Proposed variance to increase building height from 8.0m to 8.5m



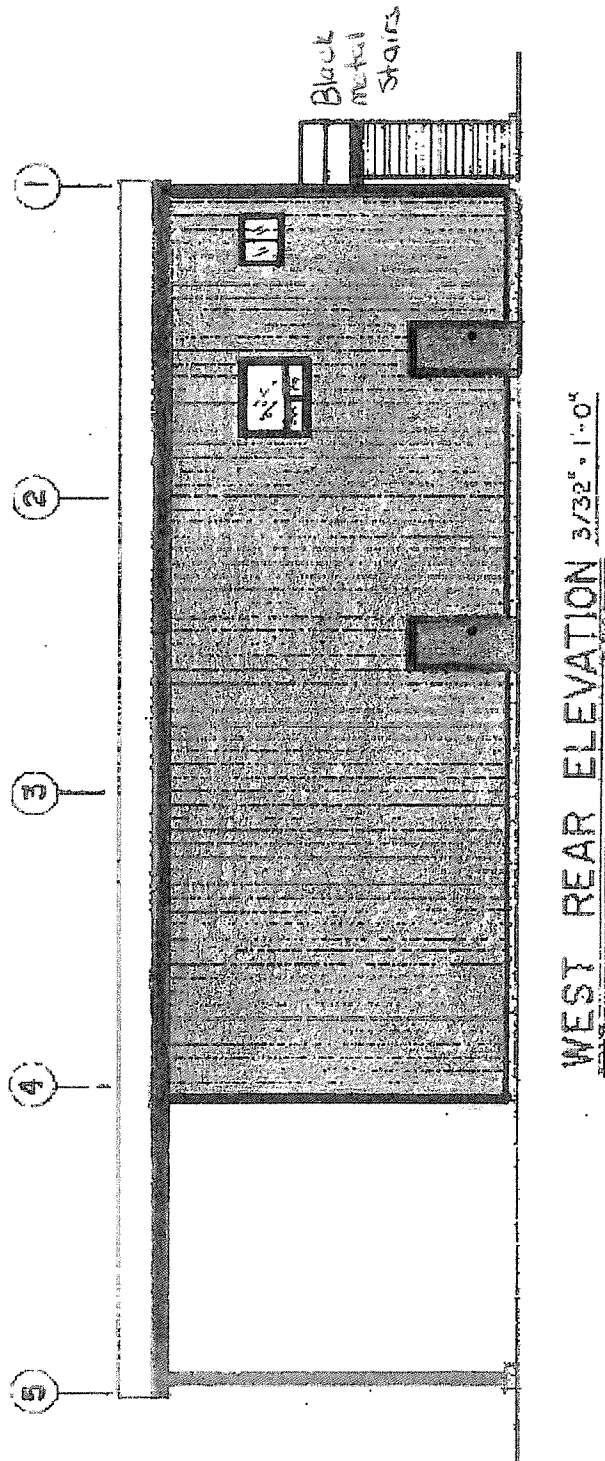
Schedule 3
Proposed Building Elevations
Page 1 of 4

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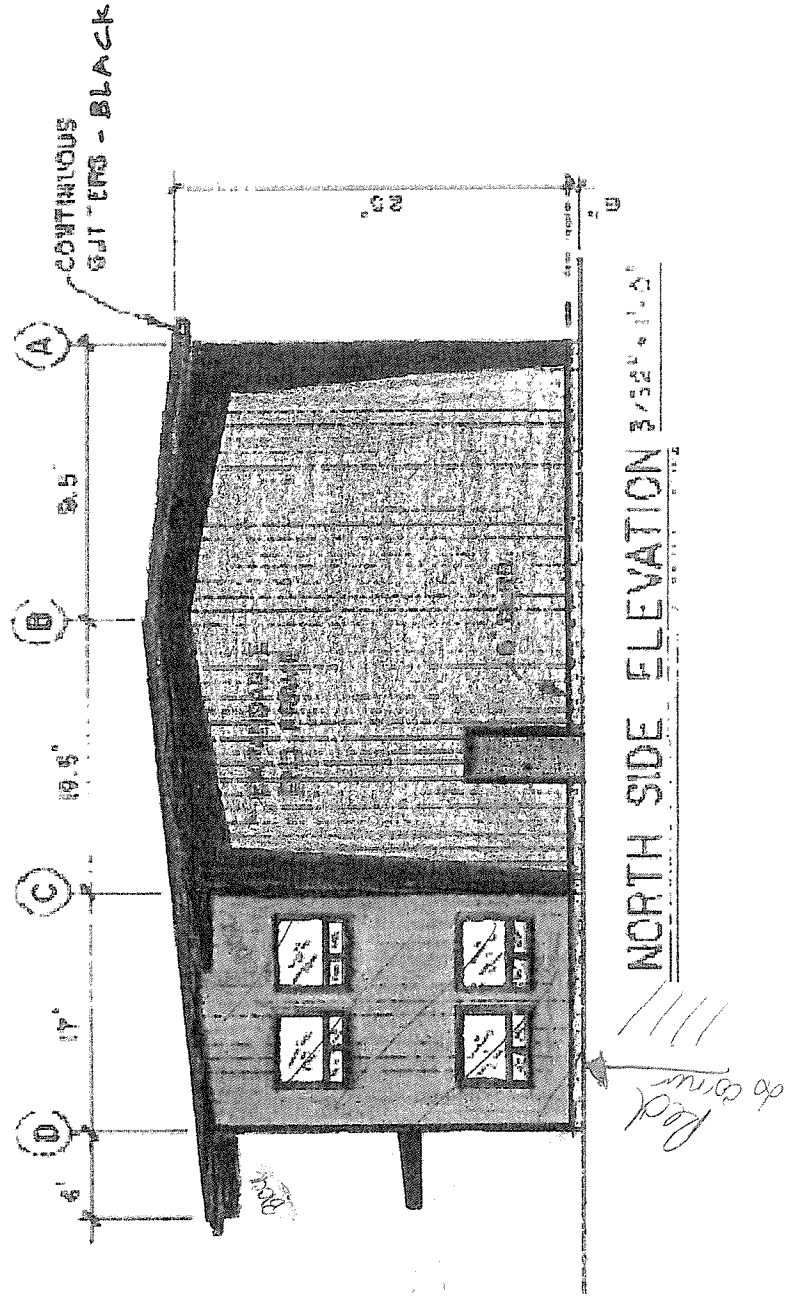
Schedule 3
Proposed Building Elevations
Page 2 of 4

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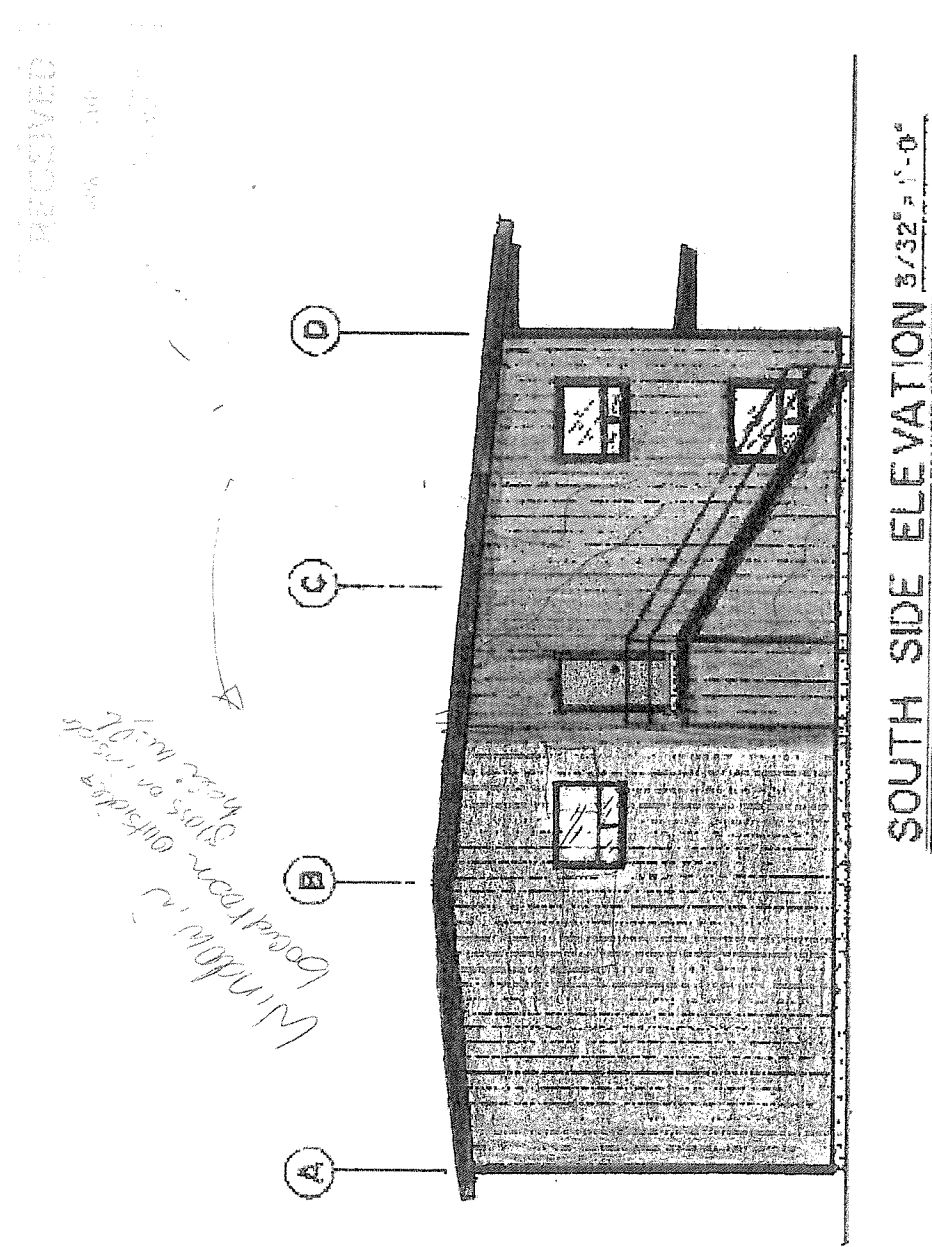


Schedule 3
Proposed Building Elevations
Page 3 of 4

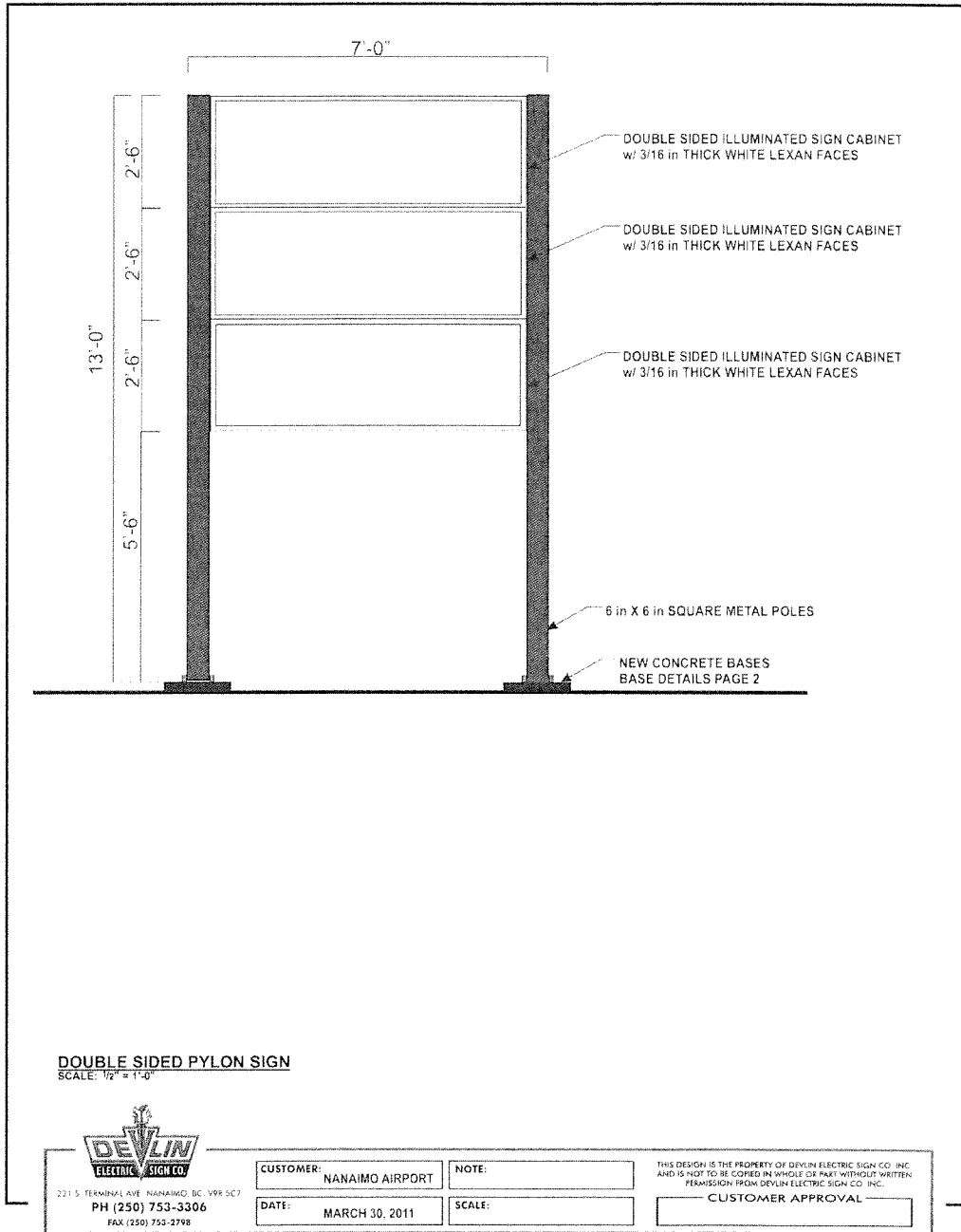
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CITY OF CHICAGO



Schedule 3
Proposed Building Elevations
Page 4 of 4



**Schedule 4
 Proposed Free-Standing Sign**



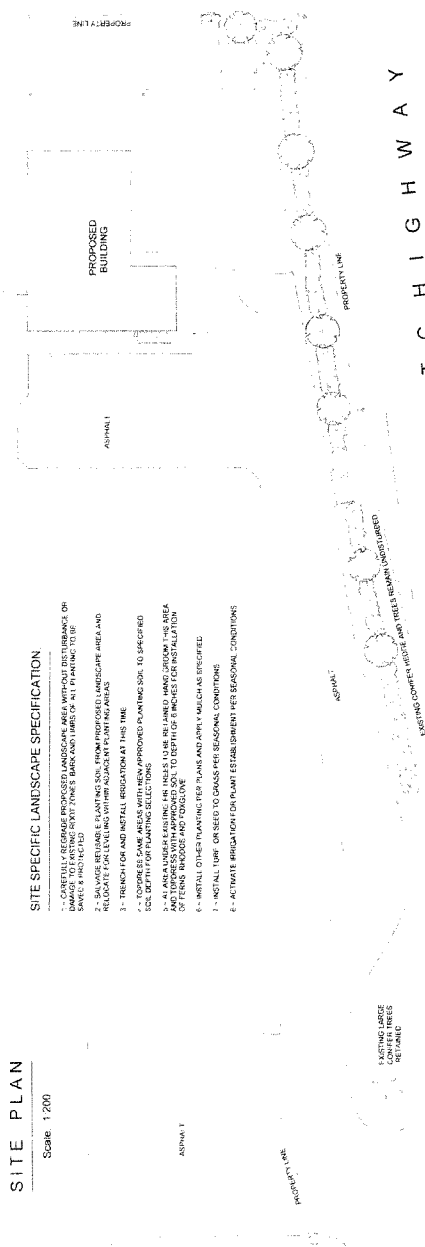
Schedule 5 Proposed Landscaping Plan

SITE PLAN

Scale 1/200

SITE SPECIFIC LANDSCAPE SPECIFICATION

1. CORRECTLY REGRADE PROPOSED LANDSCAPING AREA WITHOUT DISTURBING OR DAMAGING EXISTING PLANTINGS.
2. SKINNY STRIP PLANTING SOIL FROM PROPOSED LANDSCAPE AREAS AND RELOCATE TO SHELTERED ADJACENT PLANTING AREAS.
3. TREES TO BE REMOVED TO BE REPLACED WITH NEW PLANTINGS AT THE SAME TIME.
4. ALL PLANTINGS TO BE INSTALLED TO THE PROPOSED PLANTING SOIL DEPTH WITH PLANTING SELECTIONS TO BE 10% GREATER SOIL DEPTH THAN PLANTING SELECTIONS.
5. ALL PLANTINGS TO BE INSTALLED TO A DEPTH OF 6 INCHES FROM THE AREA OF THE PROPOSED PLANTING SOIL DEPTH.
6. INSTALL OTHER PLANTINGS PER PLANS AND NOTES WHICH ARE SPECIFIED.
7. INITIAL TURF GRASS TO BE INSTALLED PER SEASONAL CONDITIONS.
8. ACTIVATE BRICK PAVEMENT ESTABLISHMENT PER SEASONAL CONDITIONS.

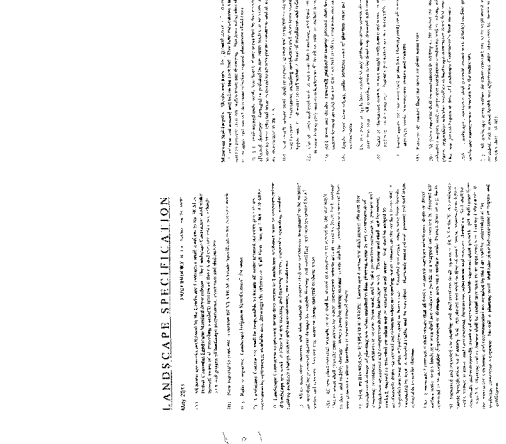


PLANT LIST - 3441 ISLAND HIGHWAY - R.D. NUMBER 1

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PLANTING PLAN

Scale 1/8" = 1'-0"



AUTOMATIC LANDSCAPE IRRIGATION SPECIFICATION
 May 2011
 PREPARED BY: [Name]
 PROJECT: [Name]
 1. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO MAINTAIN SOIL MOISTURE AT A LEVEL SUFFICIENT TO SUPPORT THE GROWTH OF PLANTS AND SHRUBS.
 2. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO MAINTAIN SOIL MOISTURE AT A LEVEL SUFFICIENT TO SUPPORT THE GROWTH OF PLANTS AND SHRUBS.
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 10. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO MAINTAIN SOIL MOISTURE AT A LEVEL SUFFICIENT TO SUPPORT THE GROWTH OF PLANTS AND SHRUBS.

PROJ. NO. 2011-052
LANDSCAPE ARCHITECT
3441 Trans Canada Hwy
(opposite Cassidy Airport)
NAHAMO REGIONAL DIST. B.C.

Repair Shop

Alfred Seagrave/it
Environics B.C.
NAHAMO REGIONAL DIST. B.C.

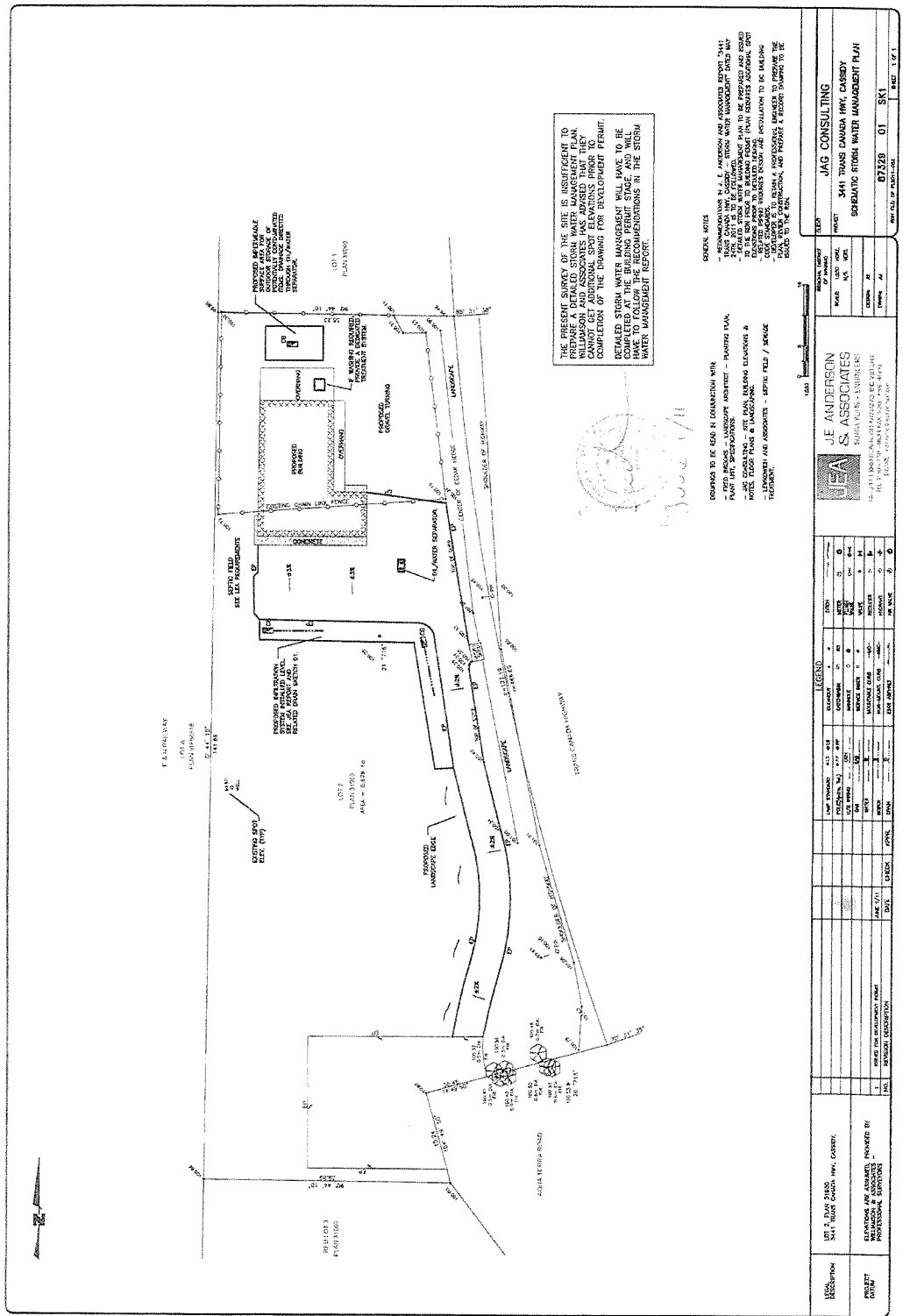
DATE
 11 May 2011

SCALE
 1/8" = 1'-0"

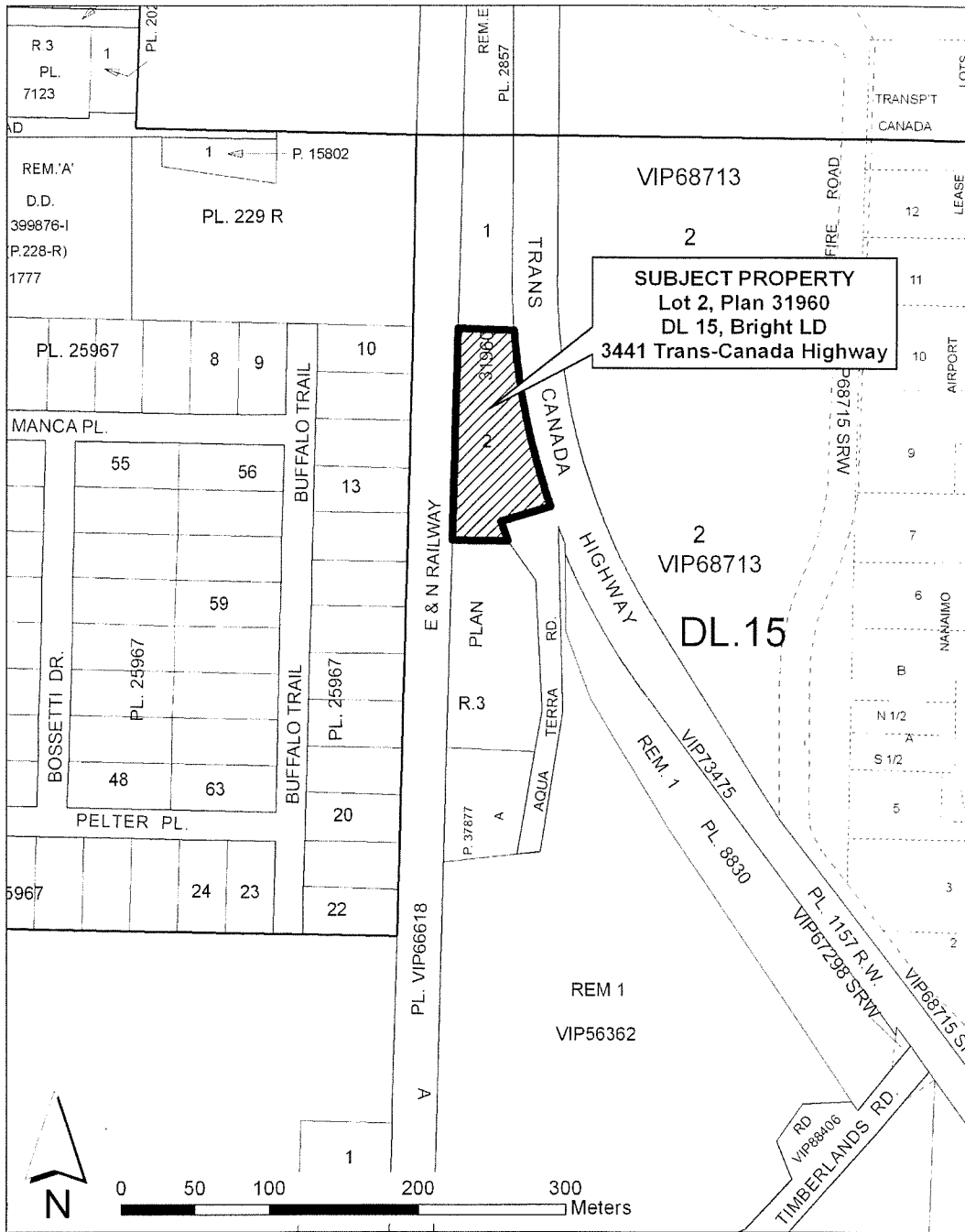
PLANTING PLAN, PLANT LIST, SPECIFICATIONS

L-1 OF 1

Schedule 6 Proposed Stormwater Management Plan



Attachment 1
Subject Property Map





RDN REPORT		
K/	CAO APPROVAL	#
EAP	✓	June 14/11
COW		
JUN - 6 2011		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: May 21, 2011

FROM: Lainya Rowett
Planner

FILE: PL2011-058

**SUBJECT: Development Permit with Variance Application No. PL2011-058
Quentin & Melissa Koop
Strata Lot 4, District Lot 129, Nanoose District, Strata Plan VIS6121 Together with
an interest in the common property in proportion to the unit entitlement of the Strata
Lot as shown on Form V - 1401 Greig Road
Electoral Area 'G'**

PURPOSE

To consider an application for a Development Permit with Variance to allow the development of a single dwelling unit within a Hazard Lands Development Permit Area on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Quentin and Melissa Koop for a development permit with variance to allow the proposed single dwelling unit to be constructed within a Hazard Lands Development Permit Area in Electoral Area 'G.' The subject property is approximately 2.0 hectares in area and is zoned Rural 1 Zone (RU1D) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 for location of subject property). The subject property is currently vacant and largely cleared of vegetation. The property is bound by rural residential parcels to the west and north within the Regional District, and vacant rural lands to the south and east (City of Parksville).

The proposed development is subject to the following applicable Development Permit Areas (DPA) as per the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008":

- Hazard Lands Development Permit Area.

Proposed Development and Variance

The applicant proposes to construct a dwelling unit and attached garage, approximately 284 square metres in floor area in the northeast corner of the property (see Schedules 2 and 3 for the proposed Site Plan and Building Elevations). The building will consist of standard low-rise residential wood frame construction with a concrete foundation. The subject property is located entirely within the 1-in-200-year floodplain of the Englishman River. In order to meet the minimum flood construction elevation (10.0 metres geodetic, including freeboard) the applicant's Engineer recommends the limited placement of fill on the property. The applicant's surveyor has confirmed that the proposed construction on fill will result in a building that exceeds the maximum permitted height of the RU1D Zone. Therefore, the applicant requests a height

variance to increase the maximum permitted building height from 9.0 metres to 10.0 metres to accommodate the proposed building height (9.2 metres).

ALTERNATIVES

1. To approve the Development Permit with Variance Application No. PL2011-058 subject to the conditions outlined in *Schedules 1 to 3*.
2. To deny the Development Permit with Variance Application No. PL2011-058.

LAND USE IMPLICATIONS

Development Implications

The property is located within and subject to the Hazard Lands Development Permit Area, which regulates the protection of the natural environment and human and property safety. The subject property is located entirely within the Englishman River floodplain. The applicant has submitted a Geotechnical Evaluation prepared by Lewkowich Engineering Associates Ltd. dated May 17, 2011, in accordance with the requirements of the Floodplain Management Bylaw No. 1469 and the Hazard Lands DPA guidelines. The report concludes that the proposed residential development is considered safe for the intended use, subject to the recommendations contained in the report. The Engineer recommends a minimum flood construction elevation of 10.0 metres geodetic, including freeboard, to ensure habitable areas are elevated higher than the 1-in-200-year flood level. Furthermore, the Engineer recommends limits on the placement of fill on the property for building and road support, lot grading and landscaping. A development permit (with variance) is required to ensure the dwelling is constructed in accordance with these recommendations. Development of the property in accordance with the recommendations contained in the Engineer's report is included in the Conditions of Approval set out in *Schedule 1*.

Staff further recommends the applicant be required to register a Section 219 restrictive covenant that registers the Geotechnical Evaluation prepared by Lewkowich Engineering Associates Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of potential hazards.

Public Consultation Process

As part of the required public notification process, pursuant to the *Local Government Act*, property owners and tenants located within a 50.0 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.

Environmental Implications

In addition to the QEP's conclusion that the RAR does not apply to this development, the proposed development meets the minimum setback (15.0 metres) from the man-made pond; therefore, no variances for watercourse setbacks are required.

Sustainability Implications

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

SUMMARY/CONCLUSIONS

This is an application for a Development Permit with Variance to allow the construction of a single dwelling unit with an increased building height (10.0 metres) to ensure the dwelling is constructed to meet the minimum flood construction elevation within the 1-in-200-year floodplain of the Englishman River.

The applicant has submitted a site plan, building elevations and a geotechnical evaluation prepared by a Lewkowich Engineering Associates Ltd. in support of the application. In staff's assessment, this proposal is consistent with the guidelines of the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" Hazard Lands Development Permit Area.

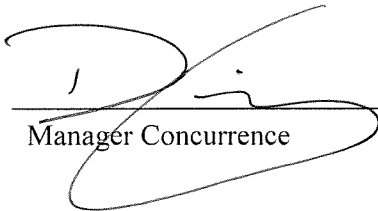
RECOMMENDATIONS

That:

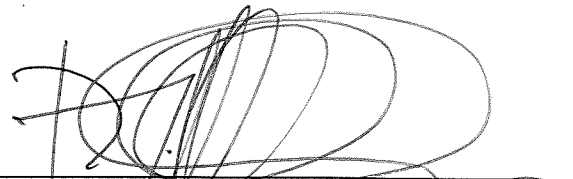
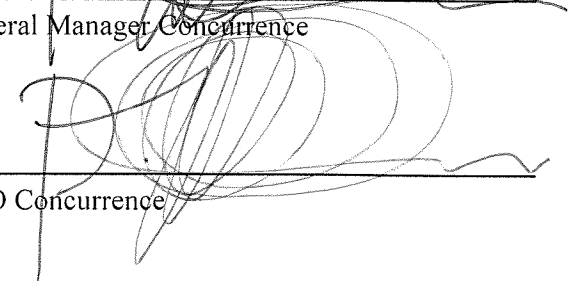
1. Staff be directed to complete the required notification; and,
2. Development Permit with Variance Application No. PL2011-058 be approved subject to the conditions outlined in *Schedule 1*.



Report Writer



Manager Concurrence

General Manager Concurrence

CAO Concurrence

Schedule 1
Conditions of Approval
Development Permit with Variance Application No. PL2011-058

The following conditions are to be completed as part of Development Permit with Variance No. PL2011-058:

Bylaw No. 500, 1987

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

1. Section 3.4.81 *Maximum Number and Size of Buildings and Structures*, subsection 3) *Height*, is hereby varied by increasing the maximum building height from 9.0 metres to 10.0 metres for the proposed dwelling unit as shown on *Schedules 2 and 3*.

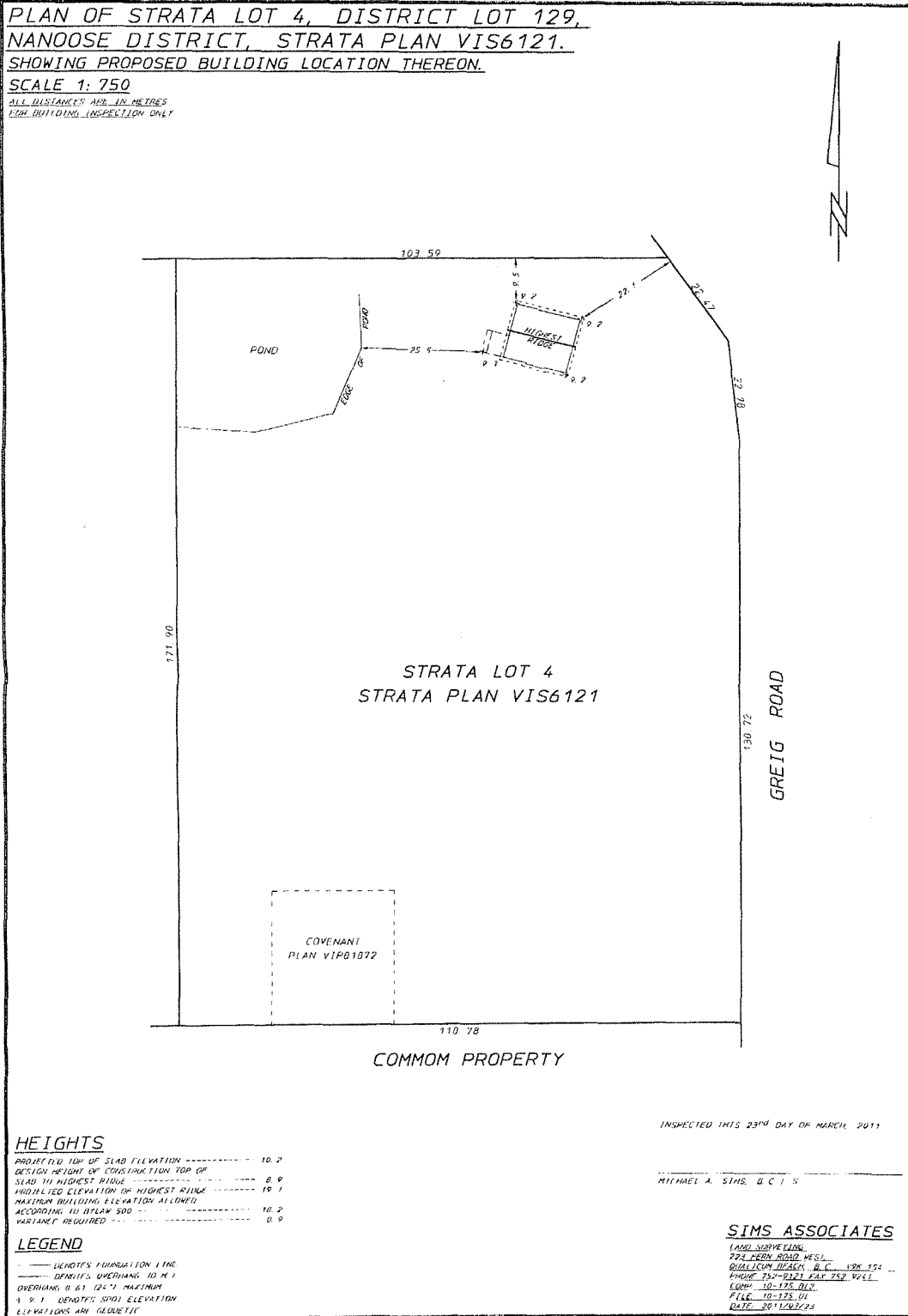
Proposed Development

1. The proposed building shall be sited in accordance with the site plan prepared by Sims Associates and dated March 23, 2011, attached as *Schedule 2*.
2. The proposed building shall be constructed in general accordance with the elevation drawings provided by Melissa Koop and dated March 11, 2011, attached as *Schedule 3*.

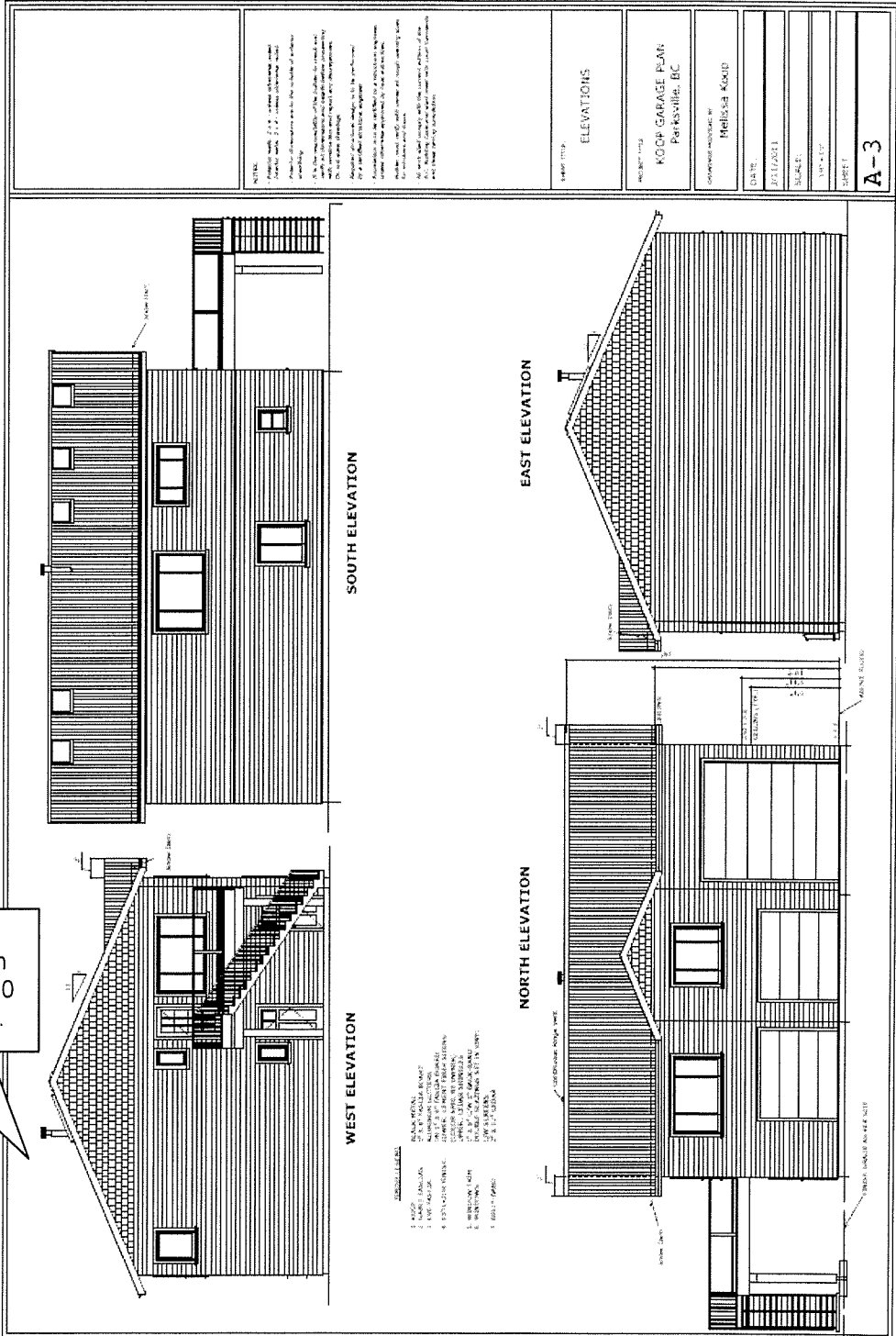
Geotechnical

1. The proposed building shall be constructed in accordance with the geotechnical evaluation prepared by Lewkowich Engineering Associates Ltd. and dated May 17, 2011.
2. No fill is to be placed on the subject property in excess of 15 percent of the available land area that has a geodetic elevation greater than 9.5 metres, and the fill materials used shall have a relatively high infiltration rate, in accordance with the Geotechnical Evaluation prepared by Lewkowich Engineering Associates Ltd. and dated May 17, 2011. Prior to building permit issuance, the applicant is to provide written confirmation from a professional engineer that the volume and area of fill for the proposed dwelling unit complies with the Engineer's report.
3. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 restrictive covenant containing the Geotechnical Evaluation prepared by Lewkowich Engineering Associates Ltd. and dated May 17, 2011, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.

**Schedule 2
 Proposed Site Plan**

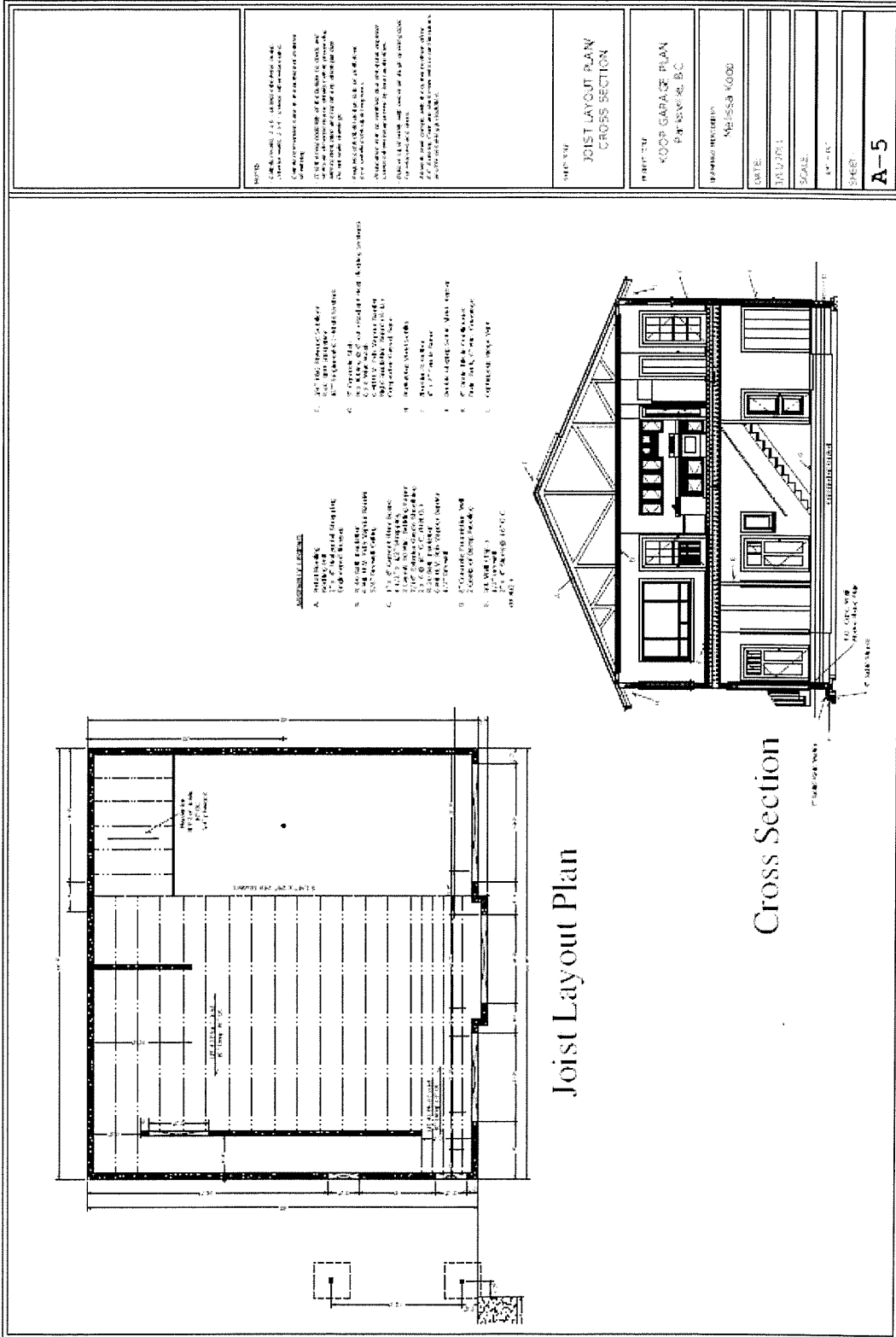


**Schedule 3
 Proposed Building Elevations
 (Page 1 of 2)**

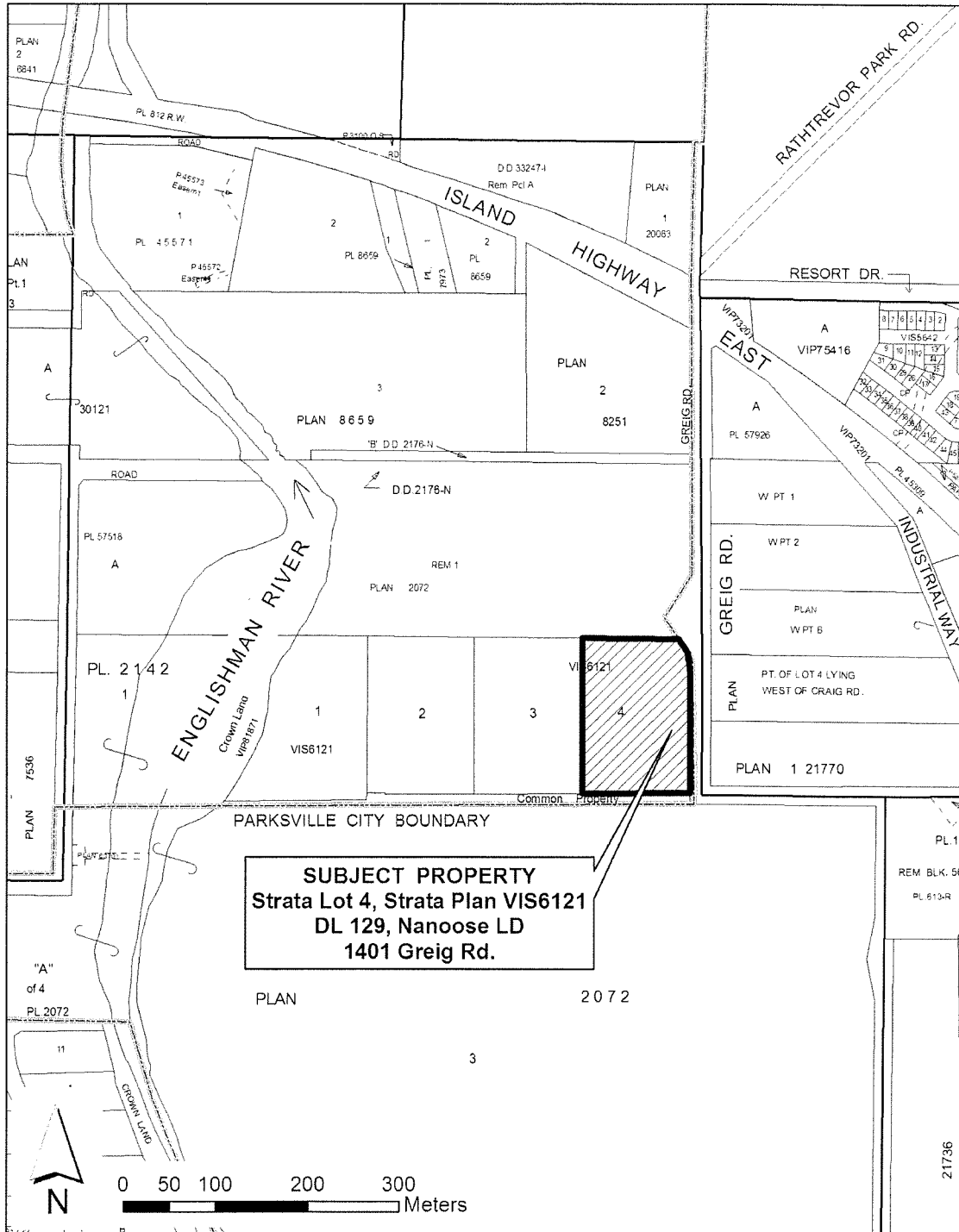


Schedule 3

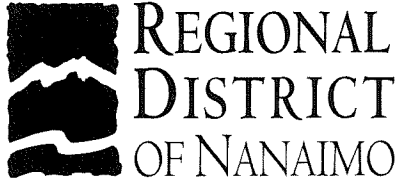
Proposed Building Elevations
 (Page 2 of 2)



Attachment 1
Subject Property Map



BCGS Map Sheet 92F.039.2.1



RDN REPORT		
CAO APPROVAL		
EAP	✓	June 14/11
COW		
JUN - 8 2011		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
 Manager of Current Planning

DATE: June 8, 2011

FROM: Susan Cormie
 Senior Planner

FILE: PL2011-085

SUBJECT: Development Variance Permit Application No. PL2011-085 – Regional & Community Utilities, Regional District of Nanaimo
 Lot 7, District Lot 130, Nanoose District, Plan 27190 – 2471/2473 Nanoose Road
 Electoral Area "E"

PURPOSE

To consider an application for a Development Variance Permit to facilitate the construction of a new fire hall on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from the Regional & Community Utilities Department, on behalf of the Regional District of Nanaimo, in order to accommodate the demolition of the current fire hall and the construction of a new Nanoose Bay Fire Hall. The subject property is approximately 0.45 ha in area and is zoned Public 1 (PU1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parcel, which currently supports a fire hall, an outdoor training area, an off-street parking area, a large landscaped area, and a RDN community water pump house/control building, is served by community water and a septic disposal system located on the adjacent park land property.

Surrounding land uses include a residential zoned parcel to the north; residential and public zoned parcels to the east; Nanoose Road and residential and public zoned parcels to the south; and a public zoned parcel (RDN community park land) to the west.

Proposed Development/Requested Variances:

The applicant is proposing to demolish the existing fire hall and construct a new fire hall (*see Attachment No. 2 for Proposed Development Site Plan*). The new fire hall is proposed to be a 2-storey building which includes a 3-bay garage and an attached 4-storey hose tower. The building is proposed to be located adjacent to the west lot line which is in a similar location to the existing fire hall. The septic disposal system is proposed to be upgraded, but will remain on the adjacent park land property. Storm water management is designed to remove drainage from the site by way of a bioswale system.

Access/egress to and from the subject property will be via Nanoose Road. The outdoor training area, community pump house/control building, and landscaped area at the rear of the property are proposed to remain as is.

Although the subject property is not within any applicable development permit areas and is exempt from the landscaping provisions under Bylaw No. 500, 1987, the applicant is proposing to provide additional landscape areas adjacent to the west property line along the parking area and a portion of the front yard area.

The applicant is requesting the following variances:

- That the maximum height requirement be varied from 8.0 metres to 10.0 metres and 13.3 metres respectively to accommodate the main fire hall and the hose tower portions of the proposed building;
- That the minimum setback requirement for the west lot line be varied from 5.0 metres to 0 metres to accommodate the location of the main fire hall; and
- That the minimum setback requirement for the west lot line be varied from 5.0 metres to 1.8 metres to accommodate five proposed off-street parking spaces and the minimum setback requirement for the east lot line be varied from 5.0 metres to 4.0 metres to accommodate one proposed off-street parking space (*see Schedule No. 1 for proposed variances*).

It is noted that the current fire hall was granted a variance in 1991 to 0.5 metre from the west lot line to accommodate the siting of this building.

ALTERNATIVES

1. To approve the Development Variance Permit Application No. PL2011-085 subject to the conditions outlined in Schedules No. 1, 2, and 3.
2. To deny the Development Variance Permit Application No. PL2011-085.

LAND USE IMPLICATIONS

Development Implications

In order to ensure emergency vehicular access to the site as well as maintaining access to the community water pump house/control building, the fire hall is proposed to be located adjacent to the west lot line with a zero setback as measured to the overhang. The external wall of the building is proposed to be 1.1 metres from the west lot line which places it in the same location as the existing fire hall. As there is existing community park land to the west of the subject property, the siting of the building is not expected to negatively impact nearby residential neighbouring properties. This proposed location will also allow consideration of future building expansion to the east side of the property, as may be needed.

Concerning the height of the fire hall and hose tower, the fire hall portion of the building is proposed to be 10.0 metres in height (a 2.0 metre variance to the maximum 8.0 metre maximum height requirement). This provides for the roof line to be designed as an architectural feature providing an aesthetically pleasing building. The hose tower, which is proposed to be 13.3 metres in height (variance of 5.3 metres), is considered to be a necessary component in the operation of a fire hall in that the tower provides an area to properly dry and maintain the hoses used in firefighting. The floor area of the tower is approximately 35.8 m² in area and is therefore considered to be a small area in terms of the overall building development.

Concerning the off-street parking area, while the parking area is existing, as some of the parking spaces are being relocated, variances from the west lot line is required from 5.0 metres to 1.8 metres to

accommodate five off-street parking spaces and from the east lot line from 5.0 metres to 4.0 metres to accommodate one off-street parking space. This change to the parking layout ensures there will be sufficient vehicular parking for the volunteer fire fighters.

Public Consultation Process

As part of the required public notification process, pursuant to the *Local Government Act*, property owners and tenants located within a 50.0 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.

Environmental Implications

The applicant has provided a Riparian Areas Regulation declaration indicating there are no watercourses within 30.0 metres of the subject property.

Sustainability Implications

The proposed new building will result in the construction of an earthquake proof structure which will provide firefighting and post disaster emergency response services to Nanoose Bay and the surrounding area.

SUMMARY/CONCLUSIONS

Prior to the development of the Nanoose Bay Fire Hall on the subject property, a Development Variance Permit is required. As the application is considered to provide a net benefit to the community and the proposed variances allow for more efficient use of the site, staff supports the issuance of this Development Variance Permit subject to notification procedure.

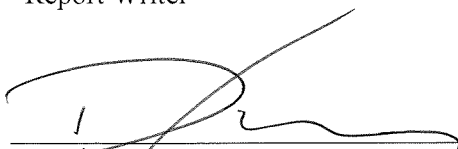
RECOMMENDATIONS

That:

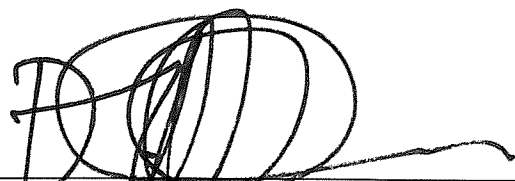
1. Staff be directed to complete the required notification, and
2. Development Variance Permit Application No. PL2011-085 to be approved subject to the conditions outlined in *Schedule No. 1*.



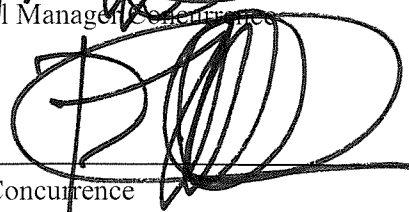
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Development Variance Permit No. PL2011-085
Conditions of Approval / Proposed Variances

The following sets out the conditions of approval with respect to Development Variance Permit No. PL2011-085:

Conditions of Approval:

Development of the Site:

1. The subject property shall be developed in substantial compliance with the site plan as shown on *Schedule No. 2* (to be attached to and forming part of Development Variance Permit No. PL2011-085).
2. The proposed fire hall building shall be constructed in substantial compliance with the building profile as shown on *Schedule No. 3* (to be attached to and forming part of the Development Variance Permit No. PL2011-085).

Landscaping:

3. Landscaping shall be provided in substantial compliance with *Schedule No. 2* (to be attached to and forming part of the Development Variance Permit No. PL2011-085).

Off-Street Parking Areas:

4. The off-street parking spaces shall be located as shown on *Schedule No. 2* and shall be clearly delineated with painted lines. Bumper curbs shall be used as necessary.

Proposed Variances – Bylaw No. 500, 1987

The following variances are proposed:

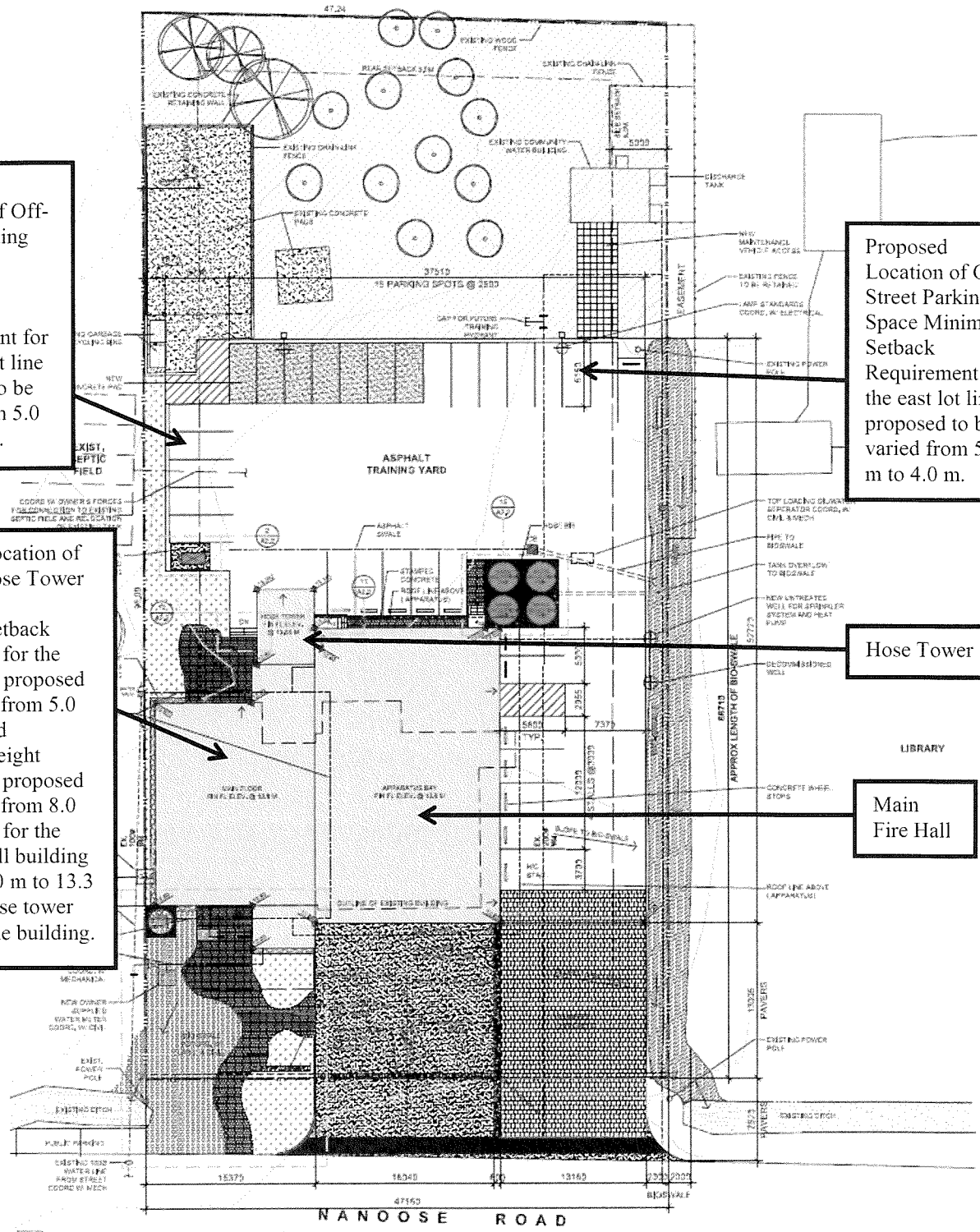
1. The requirements of Section 3.4.41 Maximum Number and Size of Buildings and Structures are proposed to be varied by relaxing the maximum height requirement from 8.0 metres to 10.0 metres and 13.3 metres respectively to accommodate the proposed main fire hall building and attached hose tower as shown on *Schedule No. 3* and in the location as shown on *Schedule No. 2*.
2. The requirements of Section 3.4.41 Minimum Setback Requirements are proposed to be varied by relaxing the minimum setback requirements for the other lot line (in this case, the west lot line) from 5.0 metres to 0 metres to accommodate the proposed fire hall building as shown on *Schedule No. 3* and in the location on *Schedule No. 2*.
3. The requirements of Section 3.4.41 Minimum Setback Requirements are proposed to be varied by relaxing the minimum setback requirement for the other lot line (west lot line) from 5.0 metres to 1.8 metres and for the other lot line (east lot line) from 5.0 metres to 4.0 metres to accommodate the off-street parking spaces as shown in the location on *Schedule No. 2*.

Schedule No. 2
Development Variance Permit No. PL2011-085
Proposed Development Site Plan

Proposed Location of Off-Street Parking Spaces
Minimum Setback Requirement for the west lot line proposed to be varied from 5.0 m to 1.8 m.

Proposed Location of Off-Street Parking Space Minimum Setback Requirement for the east lot line proposed to be varied from 5.0 m to 4.0 m.

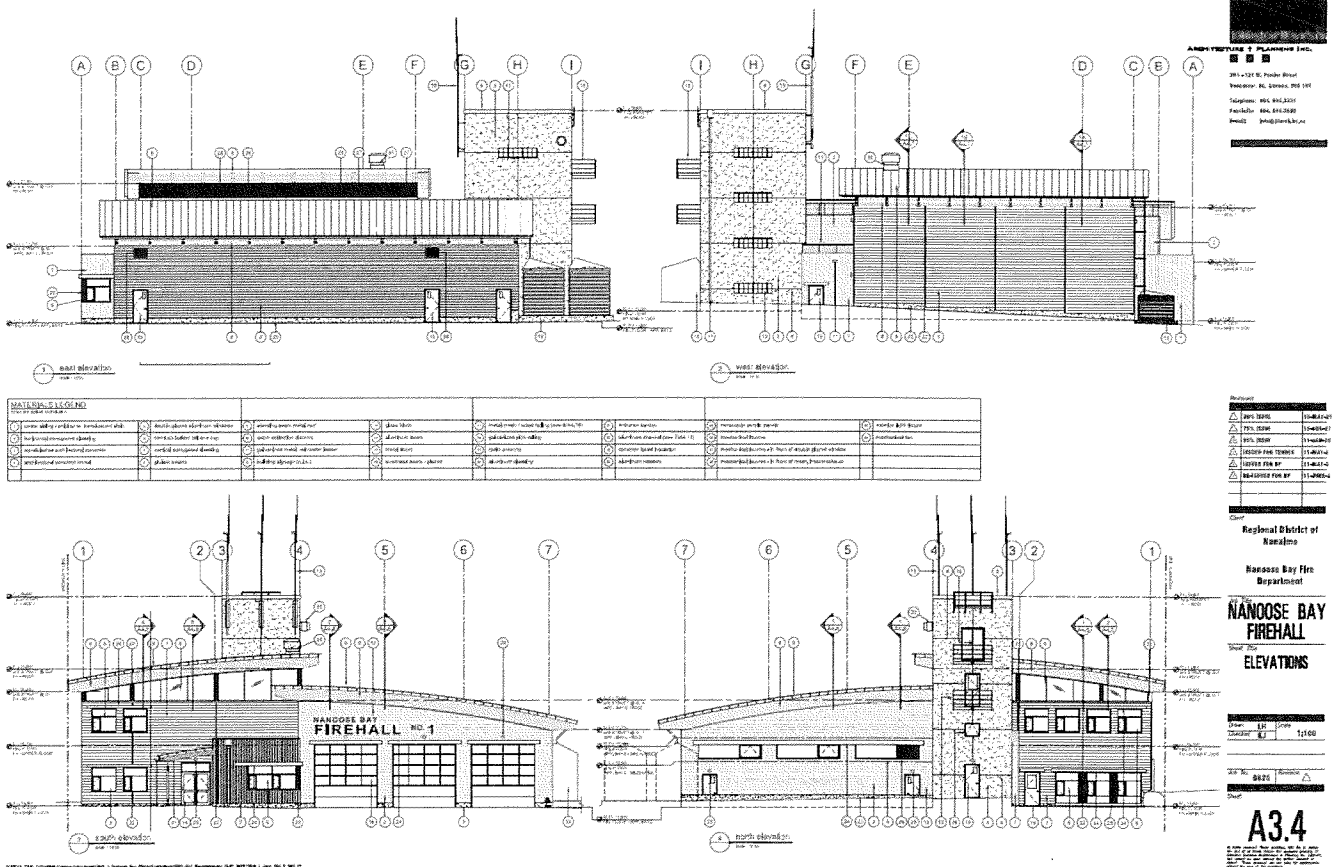
Proposed Location of Fire Hall/Hose Tower Building
Minimum setback requirement for the west lot line proposed to be varied from 5.0 m to 0 m and maximum height requirement proposed to be varied from 8.0 m to 10.0 m for the main fire hall building and from 8.0 m to 13.3 m for the hose tower portion of the building.



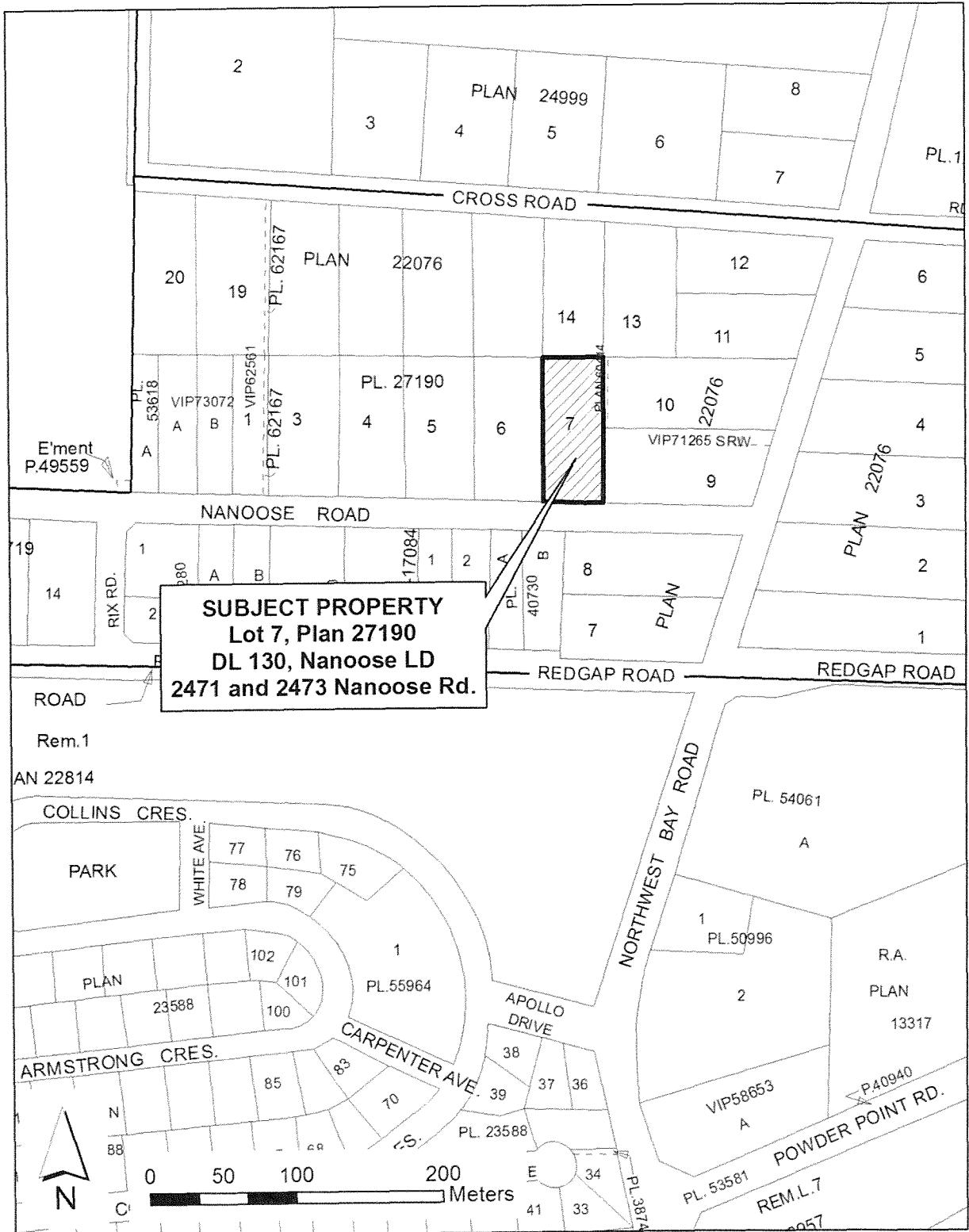
Hose Tower

Main Fire Hall

Schedule No. 3
 Development Variance Permit No. PL2011-085
 Proposed Building Profiles



Attachment No. 1
Development Variance Permit No. PL2011-085
Location of Subject Property





A/ RDN REPORT		[Signature]	
CAC APPROVAL		[Signature]	
EAP	✓	June 14/11	
CGW			
JUN - 6 2011			
RHD			
BOARD			

MEMORANDUM

TO: Dale Lindsay
 Manager, Current Planning

DATE: June 2, 2011

FROM: Alexandra Boekenkruger
 Board of Variance Secretary

FILE: 3900 20 1432.02

SUBJECT: **Proposed Amendments to Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1432.02, 2011 Electoral Areas 'A', 'C', 'E', 'F', 'G', & 'H'**

PURPOSE

To amend the "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1432, 2005".

BACKGROUND

The "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1432, 2005" sets out the application requirements for amendment applications, temporary use permits, development permits, development variance permits and subdivision applications.

The existing bylaw was adopted in 2005. Staff are now proposing a number of general amendments including revised and updated application forms, clarification of the application requirements and process, and minor housekeeping amendments.

ALTERNATIVES

1. That the Board give three readings to and adopt Bylaw No. 1432.02, 2011.
2. That the Board not adopt Bylaw No. 1432.02, 2011.

IMPLICATIONS

Proposed Amendments

1. Updated Application Forms

The amendment (rezoning and OCP), development permit, development variance permit and subdivision application form(s) have been updated and are attached as schedules to the proposed amendment bylaw. Staff have standardized and updated the application forms in order to provide a consistent format that will be "on-line fillable". As such an applicant will be able to complete the application form on their computer and print out a copy to be included in their application.

2. *Applications Requirements*

The proposed changes, updates and standardizes the list of technical information that may be required in support of an application. The proposed amendments if adopted will reduce the number of paper copies of each plan required from four to two and in place require digital copies.

3. *Housekeeping and Text Amendments*


In addition to the above noted amendments the proposed bylaw will also include minor text amendments to update wording, correct typographical errors and remove reference to Electoral Area 'D'.

SUMMARY

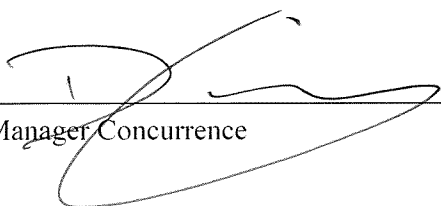
In order to correct errors, clarify the application process, update application forms and to reflect current Board policies and goals, staff recommends amendments to Bylaw No. 1432. The proposed amendment bylaw (No. 1432.02) is attached for the Board's consideration.

RECOMMENDATIONS


1. That "Regional District of Nanaimo Development Approval Procedures and Notification Amendment Bylaw No. 1432.02, 2011" be introduced and read three times.
2. That "Regional District of Nanaimo Development Approval Procedures and Notification Amendment Bylaw No. 1432.02, 2011" be adopted.



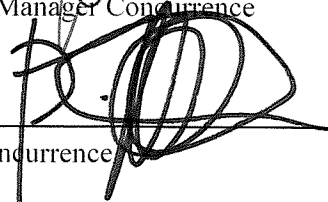
Report Writer



Manager Concurrence



General Manager Concurrence



A/ CAO Concurrence

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1432.02

**A BYLAW TO AMEND THE “REGIONAL DISTRICT OF NANAIMO
DEVELOPMENT APPROVAL PROCEDURES AND
NOTIFICATION BYLAW NO. 1432, 2005”**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend “Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1432, 2005”.

THEREFORE the Board of the Regional District of Nanaimo, in open meeting assembled, enacts the following:

1. This Bylaw may be cited as the “Regional District of Nanaimo Development Approval Procedures and Notification Amendment Bylaw No. 1432.02, 2011”.
2. The “Regional District of Nanaimo Development Approval Procedures and Notification Amendment Bylaw No. 1432, 2005”, is hereby amended as follows:
 - (a) By deleting Part 2(1), and replacing it with the following:
 1. This bylaw applies to Electoral Areas A, C, E, F, G, and H of the Regional District of Nanaimo.
 - (b) By amending Part 3(1) by replacing “Schedule No. 1” with “Schedule No. 2”.
 - (c) By amending Part 3(2)e, Part 4(2)e, and Part 5(2)e, by replacing “four (4) copies” with “two (2) copies”.
 - (d) By deleting Part 3(2)e(v.), Part 4(2)e(v.), Part 5(2)e(v.), and Part 7(3)e(v.) and replacing it with the following:
 - v. location of watercourses, environmentally sensitive areas, natural hazard areas, and their associated setbacks.
 - (e) By deleting Part 6(2)e(vii.) and replacing it with the following:
 - vii. location of watercourses, environmentally sensitive areas, natural hazard areas, their associated setbacks and any proposed variance to these setbacks.
 - (f) By amending Part 3(2)f, Part 4(2)f, and Part 5(2)f, by replacing “1:1000” with “1:100”.
 - (g) By deleting Part 3(2)g and h, Part 4(2)g and h, and Part 5(2)g and h and adding the following:
 - g. electronic copies of all plans,
 - h. Riparian Areas Regulation Property Declaration Form,
 - i. Site Profile Form,
 - j. additional information as may be required by “Regional District of Nanaimo Impact Assessment Bylaw No. 1165, 1999”, and
 - k. the required application fee.

- (h) By deleting Part 6(2)f and g and adding the following:
 - f. a detailed plan of building profiles drawn to a scale not larger than 1:100,
 - g. electronic copies of all plans,
 - h. Riparian Areas Regulation Property Declaration Form,
 - i. additional information as may be required by “Regional District of Nanaimo Impact Assessment Bylaw No. 1165, 1999”, and
 - j. the required application fee.
- (i) By adding the following after Part7(3)e:
 - f. electronic copies of all plans,
 - g. Riparian Areas Regulation Property Declaration Form,
 - h. Site Profile Form,
 - i. additional information as may be required by “Regional District of Nanaimo Impact Assessment Bylaw No. 1165, 1999”, and
 - j. the required application fee.
- (j) By amending Part 7(2) by deleting “Schedule No. 9” and replacing it with “Schedule No. 8”.
- (k) By deleting Schedule No 1.
- (l) By replacing Schedule No 2 with the attached “Schedule 2 – Amendment Application Form”.
- (m) By replacing Schedule No 4 with the attached “Schedule 4 – Development Permit Application Form”.
- (n) By replacing Schedule No 6 with the attached “Schedule 6 – Development Permit Application Form”.
- (o) By replacing Schedule No 8 with the attached “Schedule 8 – Subdivision Application Form”.
- (p) By deleting Schedule No 9.

Introduced and read three times this ___ day of _____ 2011.

Adopted this ___ day of _____ 2011.

Chairperson

Sr. Mgr., Corporate Administration

Schedule No. '2' to accompany "Regional District of Nanaimo Development Approval Procedures and Notification Amendment Bylaw No. 1432.02, 2011"

Chairperson _____

Sr. Mgr., Corporate Administration _____



Development Services Department

6300 Hammond Bay Road Nanaimo, BC V9T 6N2
(250) 390-6510 (Nanaimo) (250) 954-3798 (District 69)
1-877-607-4111 (within BC) Fax: (250) 390-7511

Amendment Application Form

REZONING TEMPORARY USE LAND USE CONTRACT

OFFICE USE ONLY

Application Fee: _____ Receipt No. _____ File No. _____

SECTION 1: DESCRIPTION OF PROPERTY (AS INDICATED ON THE STATE OF TITLE CERTIFICATE)

Legal Description _____
Civic Address _____
Electoral Area _____ Parcel Identifier (PID) _____

SECTION 2: OWNER INFORMATION (ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

1) _____	2) _____
Name _____	Name _____
Mailing Address _____	Mailing Address _____
Town / Province _____	Town / Province _____
Postal Code _____	Postal Code _____
Telephone/ Cell _____	Telephone/ Cell _____
Fax _____	Fax _____
Email _____	Email _____

SECTION 3: AGENT INFORMATION (TO BE COMPLETED IF THE APPLICANT IS NOT THE OWNER)

Name _____ Mailing Address _____ Town/Province _____
Postal Code _____ Telephone/ Cell _____ Fax _____ Email _____

*NOTE: IF THE APPLICANT IS NOT THE REGISTERED OWNER A LETTER OF AUTHORIZATION WILL BE REQUIRED

SECTION 4: DESCRIPTION OF PROPOSAL

I/we, the registered owner(s) of the property legally described on this application, hereby make application as follows:
*NOTE: Please attach letter if more space is required.

Amendment Requested: _____

Purpose of Requested Amendment: _____

SECTION 5: APPLICATION COMPLETION CHECKLIST:
ALL MEASUREMENTS TO BE IN METRIC

- A copy of Certificate of Indefeasible Title (dated within past 30 days)
- A letter outlining the details of the Application
- Application fee as required by Bylaw No. 1259, 2002
- Two (2) survey plans certified by a BC Land Surveyor to a maximum scale of 1:500, showing: location of existing and proposed buildings and structures and parts thereof, address, legal description, name of applicant, date, property lines, scale, north arrow, all easements and right of ways, restrictive covenant areas, location of all watercourses and associated setbacks, and building setbacks as per Zoning and Floodplain Bylaws
- Electronic copies of all plans
- Riparian Areas Regulation Property Declaration Form
- Site Profile Form

Additional information may be required, such as:

- Two (2) building elevation plans to a maximum scale of 1:100
- Two (2) survey plans certified by a BC Land Surveyor including topographical information
- Professional Engineer's Report
- RDN Sustainable Development Checklist (Temp use only): Commercial
- A letter of authorization (To be completed if the applicant is not the registered owner)
- Environmental Assessment
- Archaeological Assessment
- Arbonist Report
- Landscape Plan
- Riparian Area Assessment
- Other _____

SECTION 6: Applicant Signature

I hereby declare that all the above noted statements and information contained in this application and supporting documents are true and correct.

Applicant Signature

Date

Applicant Name (Please Print)

I would prefer all correspondence via: email regular mail fax

In order to process your application, please provide all necessary documentation with your application. Please retain a copy of the submitted application for your records. Contact the RDN Planning Department for assistance.

Submit the completed application form, required fee, plans, and supporting material to the Regional District of Nanaimo. The fee is payable to the "Regional District of Nanaimo".

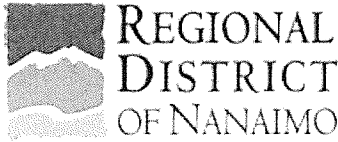
Schedule No. '4' to accompany "Regional District of Nanaimo
 Development Approval Procedures and Notification Amendment Bylaw
 No. 1432.02, 2011"

Chairperson _____

Sr. Mgr., Corporate Administration _____

Development Services Department

6300 Hammond Bay Road Nanaimo, BC V9T 6N2
 (250) 390-6510 (Nanaimo) (250) 954-3798 (District 60)
 1-877-607-4111 (within BC) Fax: (250) 390-7511



Development Permit Application Form

OFFICE USE ONLY

Application Fee: _____ Receipt No. _____ File No. _____

SECTION 1: DESCRIPTION OF PROPERTY (AS INDICATED ON THE STATE OF TITLE CERTIFICATE)

Legal Description _____
 Civic Address _____
 Electoral Area _____ Parcel Identifier (P I D) _____

SECTION 2: OWNER INFORMATION (ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

1) _____	2) _____
Name _____	Name _____
Mailing Address _____	Mailing Address _____
Town / Province _____	Town / Province _____
Postal Code _____	Postal Code _____
Telephone/ Cell _____	Telephone/ Cell _____
Fax _____	Fax _____
Email _____	Email _____

SECTION 3: AGENT INFORMATION (TO BE COMPLETED IF THE APPLICANT IS NOT THE OWNER)

Name _____ Mailing Address _____ Town/Province _____
 Postal Code _____ Telephone/ Cell _____ Fax _____ Email _____

*NOTE: IF THE APPLICANT IS NOT THE REGISTERED OWNER A LETTER OF AUTHORIZATION WILL BE REQUIRED

SECTION 4: DESCRIPTION OF PROPOSAL

I/we, the registered owner(s) of the property legally described on this application, hereby make application under
 Section 22 of the Local Government Act to: *NOTE: Please attach letter if more space is required.

- subdivide the land within a Development Permit Area
- construct a building or structure, or addition thereto within a Development Permit Area
- alter the land, or alter a building or structure on the land within a Development Permit Area

for the purpose of: _____

SECTION 5: APPLICATION COMPLETION CHECKLIST:
ALL MEASUREMENTS TO BE IN METRIC

- A copy of Certificate of Indefeasible Title (dated within past 30 days)
- A letter outlining the details of the Application
- Application fee as required by Bylaw No. 1259, 2002
- Two (2) survey plans certified by a BC Land Surveyor to a maximum scale of 1:500, showing: location of existing and proposed buildings and structures and parts thereof, address, legal description, name of applicant, date, property lines, scale, north arrow, all easements and right of ways, restrictive covenant areas, location of all watercourses and associated setbacks, and building setbacks as per Zoning and Floodplain Bylaws
- Electronic copies of all plans
- Riparian Areas Regulation Property Declaration Form
- Site Profile Form

Additional information may be required, such as:

- Two (2) building elevation plans to a maximum scale of 1:100
- Two (2) survey plans certified by a BC Land Surveyor including topographical information
- Professional Engineer's Report
- RDN Sustainable Development Checklist: Residential Commercial
- A letter of authorization (To be completed if the applicant is not the registered owner)
- Environmental Assessment
- Landscape Plan
- Riparian Area Assessment
- Other _____
- _____

SECTION 6: Applicant Signature

I hereby declare that all the above noted statements and information contained in this application and supporting documents are true and correct.

Applicant Signature

Date

Applicant Name (Please Print)

I would prefer all correspondence via: email regular mail fax

In order to process your application, please provide all necessary documentation with your application. Please retain a copy of the submitted application for your records. Contact the RDN Planning Department for assistance.

Submit the completed application form, required fee, plans, and supporting material to the Regional District of Nanaimo. The fee is payable to the "Regional District of Nanaimo".

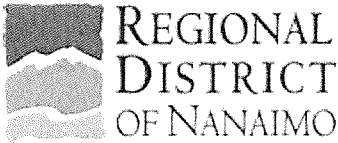
Schedule No. '6' to accompany "Regional District of Nanaimo
 Development Approval Procedures and Notification Amendment Bylaw
 No. 1432.02, 2011"

 Chairperson

 Sr. Mgr., Corporate Administration

Development Services Department

6300 Hammond Bay Road Nanaimo, BC V9T 6N2
 (250) 390-6510 (Nanaimo) (250) 954-3798 (District 60)
 1-877-807-4111 (within BC) Fax: (250) 390-7511



Development Variance Permit Application Form

OFFICE USE ONLY

Application Fee: _____ Receipt No. _____ File No. _____

SECTION 1: DESCRIPTION OF PROPERTY
 (AS INDICATED ON THE STATE OF TITLE CERTIFICATE)

Legal Description _____

Civic Address _____

Electoral Area _____ Parcel Identifier (P I D) _____

SECTION 2: OWNER INFORMATION
 (ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

1) _____ Name _____ _____ Mailing Address _____ _____ Town / Province _____ Postal Code _____ _____ Telephone/ Cell _____ Fax _____ _____ Email _____	2) _____ Name _____ _____ Mailing Address _____ _____ Town / Province _____ Postal Code _____ _____ Telephone/ Cell _____ Fax _____ _____ Email _____
--	--

SECTION 3: AGENT INFORMATION
 (TO BE COMPLETED IF THE APPLICANT IS NOT THE OWNER)

 Name _____ Mailing Address _____ Town/Province _____

 Postal Code _____ Telephone/ Cell _____ Fax _____ Email _____

*NOTE: IF THE APPLICANT IS NOT THE REGISTERED OWNER A LETTER OF AUTHORIZATION WILL BE REQUIRED

SECTION 4: DESCRIPTION OF PROPOSAL
 (PLEASE ATTACHE LETTER IF MORE SPACE IS REQUIRED)

Proposed variances requested: _____

Purpose of proposed variance: _____

SECTION 5: APPLICATION COMPLETION CHECKLIST:
ALL MEASUREMENTS TO BE IN METRIC

- A copy of Certificate of Infeasible Title (dated within past 30 days)
- A letter outlining the details of the Application including variance rationale
- Application fee as required by Bylaw No. 1259, 2002
- Two (2) survey plans certified by a BC Land Surveyor to a maximum scale of 1:500, showing: location of existing and proposed buildings and structures and parts thereof, address, legal description, name of applicant, date, property lines, scale, north arrow, all easements and right of ways, restrictive covenant areas, location of all watercourses and associated setbacks, and building setbacks as per Zoning and Floodplain Bylaws
- Electronic copies of all plans
- Riparian Areas Regulation Property Declaration Form
- Site Profile Form

Additional information may be required, such as:

- Two (2) building elevation plans to a maximum scale of 1:100
- Two (2) survey plans certified by a BC Land Surveyor including topographical information
- Professional Engineer's Report
- RDN Sustainable Development Checklist: Residential Commercial
- A letter of authorization (To be completed if the applicant is not the registered owner)
- Riparian Area Assessment
- Other _____
- _____

SECTION 6: Applicant Signature

I hereby declare that all the above noted statements and information contained in this application and supporting documents are true and correct.

Applicant Signature

Date

Applicant Name (Please Print)

I would prefer all correspondence via: email regular mail fax

In order to process your application, please provide all necessary documentation with your application. Please retain a copy of the submitted application for your records. Contact the RDN Planning Department for assistance.

Submit the completed application form, required fee, plans, and supporting material to the Regional District of Nanaimo. The fee is payable to the "Regional District of Nanaimo".

Schedule No. '8' to accompany "Regional District of Nanaimo Development Approval Procedures and Notification Amendment Bylaw No. 1432.02, 2011"

Chairperson _____

Sr. Mgr., Corporate Administration _____

Development Services Department



8300 Hammond Bay Road Nanaimo, BC V9T 6N2
 (250) 390-6510 (Nanaimo) (250) 954-3793 (District 69)
 1-877-607-4111 (within BC) Fax:(250) 390-7511

Subdivision Application Form

OFFICE USE ONLY		
Application Fee: _____	Receipt No. _____	File No. _____

SECTION 1: DESCRIPTION OF PROPERTY
 (AS INDICATED ON THE STATE OF TITLE CERTIFICATE)

Legal Description _____

Civic Address _____

Electoral Area _____ Parcel Identifier (PID) _____

SECTION 2: OWNER INFORMATION
 (ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

1) _____ Name _____ Mailing Address _____ Town / Province _____ Postal Code _____ Telephone/ Cell _____ Fax _____ Email _____	2) _____ Name _____ Mailing Address _____ Town / Province _____ Postal Code _____ Telephone/ Cell _____ Fax _____ Email _____
--	--

SECTION 3: AGENT INFORMATION
 (TO BE COMPLETED IF THE APPLICANT IS NOT THE OWNER)

_____	_____	_____
Name	Mailing Address	Town/Province
_____	_____	_____
Postal Code	Telephone/ Cell	Fax
_____	_____	_____
	Email	

*NOTE: IF THE APPLICANT IS NOT THE REGISTERED OWNER A LETTER OF AUTHORIZATION WILL BE REQUIRED

SECTION 4: DESCRIPTION OF PROPOSAL

The proposed subdivision will create _____ parcels (including remainders) and the intended use of the land and/or buildings and structures is _____

Is this property within a Development Permit Area? Yes No

Has a development permit, development variance permit or Board of Variance decision been made on this property? Yes No
 If yes indicate File # _____

For each lot created by the subdivision, the required minimum frontage onto a public roadway must be greater than 1/10th of each lots perimeter. Will you require a relaxation? Yes No

The property currently occupies a total area of _____ hectares.

SECTION 5: APPLICATION COMPLETION CHECKLIST:
ALL MEASUREMENTS TO BE IN METRIC

- A copy of Certificate of Infeasible Title (dated within past 30 days)
- Application fee as required by Bylaw No. 1259, 2002
- Two (2) survey plans certified by a BC Land Surveyor to a maximum scale of 1:500, showing: location of existing and proposed buildings and structures and parts thereof, address, legal description, name of applicant, date, property lines, scale, north arrow, all easements and right of ways, restrictive covenant areas, location of all watercourses and associated setbacks, and building setbacks as per Zoning and Floodplain Bylaws
- Electronic copies of all plans
- A copy of the Provincial Land Reserve Commission approval (ALR) if applicable
- Riparian Areas Regulation Property Declaration Form
- A copy of development permit, development variance permit or Board of Variance decision (if applicable)

Additional information may be required, such as:

- Two (2) survey plans certified by a BC Land Surveyor including topographical information
- Professional Engineer's Report
- A letter of authorization
- Riparian Area Assessment
- Other _____
- _____

SECTION 6: Applicant Signature

I hereby declare that all the above noted statements and information contained in this application and supporting documents are true and correct.

Applicant Signature

Date

Applicant Name (Please Print)

I would prefer all correspondence via: email regular mail fax

In order to process your application, please provide all necessary documentation with your application. Please retain a copy of the submitted application for your records. Contact the RDN Planning Department for assistance.

Submit the completed application form, required fee, plans, and supporting material to the Regional District of Nanaimo. The fee is payable to the "Regional District of Nanaimo".



RDN REPORT	
CAO APPROVAL	<input checked="" type="checkbox"/>
EAP	✓ June 14/11
COW	
JUN - 6 2011	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: May 30, 2011

FROM: Lainya Rowett
Planner

FILE: PL2010-197

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement on Subdivision Application No. PL2010-197 – Fern Road Consulting Ltd.
District Lot A, District Lot 33, Newcastle District, Plan 3455
6120 Island Highway West
Electoral Area ‘H’

PURPOSE

To consider a request to relax the minimum 10% perimeter frontage requirement for the subject property in conjunction with a proposed subdivision.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of R.F.O. Distributors Inc. to facilitate a two-lot subdivision (*see Attachment 1 for location of subject property*). The subject property was recently rezoned (April 29, 2011) and a portion of the property was re-designated from “Rural Lands” to “Resort Commercial Lands” in accordance with the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003” through development applications PL2010-159 and PL2010-160. These amendments would permit the development of a recreational vehicle park behind an existing pub within the subject property, with the intent to subsequently subdivide the property along the zoning boundary to separate the two uses. The applicant is currently proposing this subdivision with a relaxation of the minimum 10% frontage requirement for proposed Lot 2.

Proposed Development

The proposed subdivision would separate the primary uses of the property, including an existing pub (Crown & Anchor) within proposed Lot 1 and a future recreational vehicle park within proposed Lot 2. The parent parcel, approximately 2.1 ha in area, is long and narrow and has limited road frontage. The existing pub was built in 1921 and extends across most of the parcel road frontage. To maintain adequate area for parking and vehicular movement within Lot 1, the applicant proposes to create a panhandle lot (Lot 2) with a 6.0 metre wide highway frontage and a shared access easement with Lot 1 (*see Schedule 1 for Proposed Plan of Subdivision*). The proposed subdivision boundary is consistent with the zoning boundary.

Minimum 10% Perimeter Frontage Requirement

Proposed Lot 2, as shown on the submitted plan of subdivision, does not meet the minimum 10% perimeter frontage requirement pursuant to Section 944 of the *Local Government Act*. The applicant has requested to reduce this frontage requirement for Lot 2 from 10% to 0.5 % as summarized below:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
Lot 1	33 m	43 m	13%
Lot 2	115.5 m	6.0 m	0.5%

As proposed Lot 2 does not meet the minimum 10 percent parcel frontage requirement pursuant to Section 944 of the Local Government Act, approval by the RDN Board of Directors is required.

ALTERNATIVES

1. To approve the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 2.
2. To deny the request for relaxation of the minimum 10% perimeter frontage requirement.

LAND USE IMPLICATIONS

Development Implications

The proposed in-fill subdivision would facilitate the retention of an existing highway commercial use (pub) while creating an additional commercial lot and the opportunity for expanded resort commercial use within the Village Centre. The proposed frontage relaxation will not negatively impact the use of the subject property or the adjacent lands, which include undeveloped resource lands within the Agricultural Land Reserve to the north and south, the E & N Railway to the west and rural residential and commercial uses (e.g. restaurant and tourist accommodation) across the Island Highway. Furthermore, the proposed panhandle configuration (6.0 metres wide) meets the requirements of the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" concerning parcel shape and dimensions in a subdivision.

Sustainability Implications

No sustainability implications were identified through the review of this application.

Ministry of Transportation and Infrastructure Implications


With respect to access, Ministry of Transportation and Infrastructure (MOTI) staff has indicated that they have no issues with the proposed minimum frontage relaxation provided that the applicant registers a reciprocal access easement for proposed Lots 1 and 2. This will be a condition of subdivision approval.

SUMMARY/CONCLUSIONS

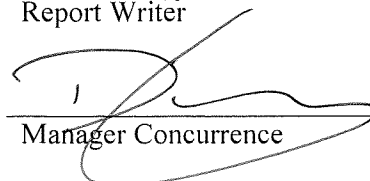
In order to proceed with a proposed subdivision, relaxation of the minimum lot frontage is required. The proposed variance will not negatively impact the use of the property. In addition, the Ministry of Transportation and Infrastructure have indicated that they have no objection to the request for a variance to the minimum frontage requirement. Staff therefore recommends approval of the proposed variances.

RECOMMENDATION


That the request to relax the minimum 10% perimeter frontage requirement width requirement be approved.



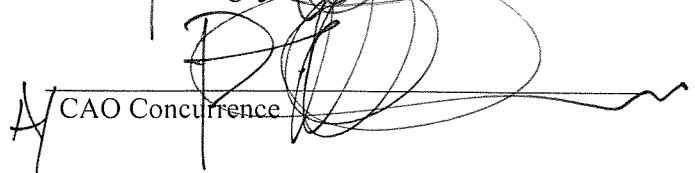
Report Writer



Manager Concurrence

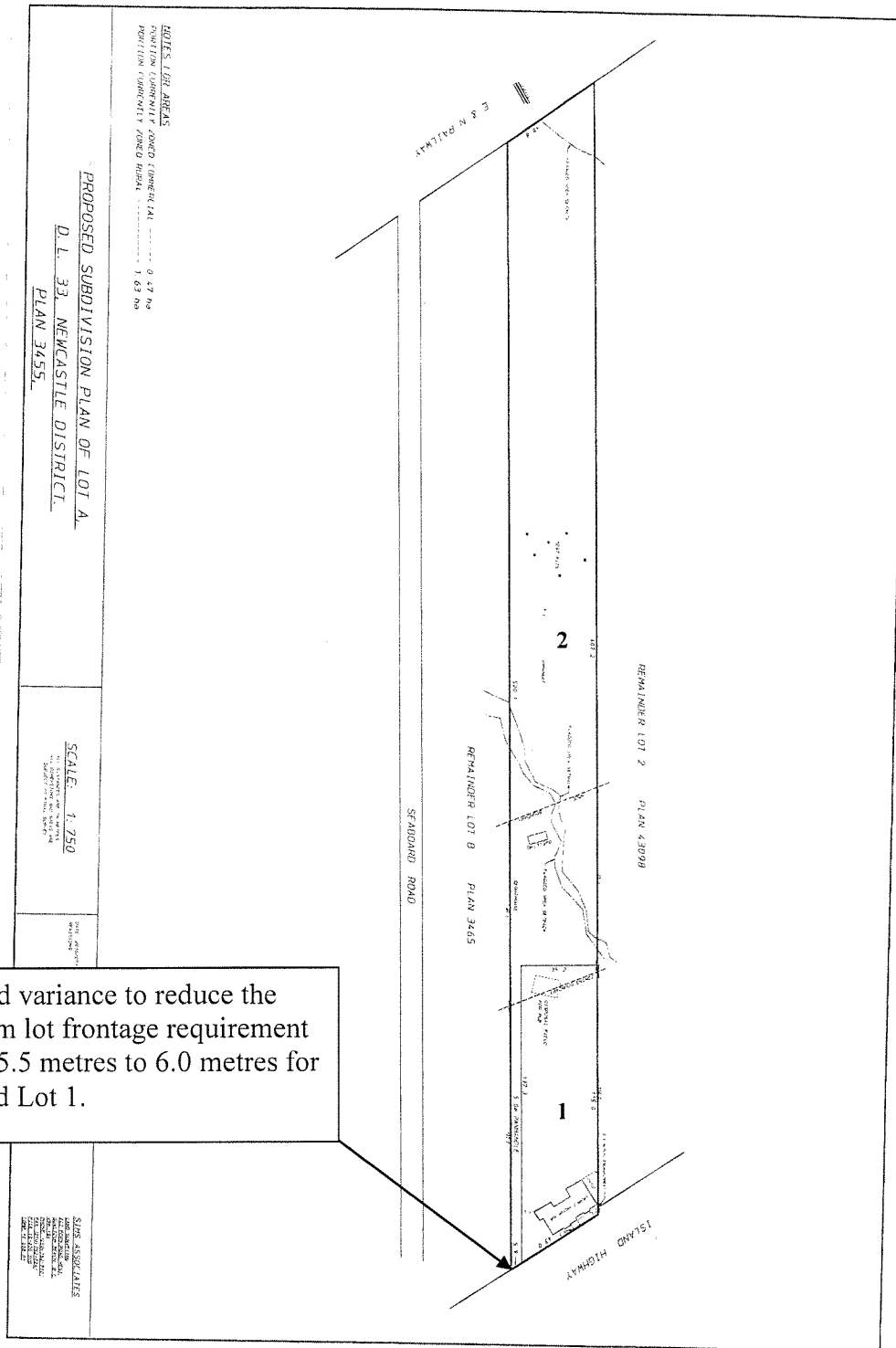


General Manager Concurrence



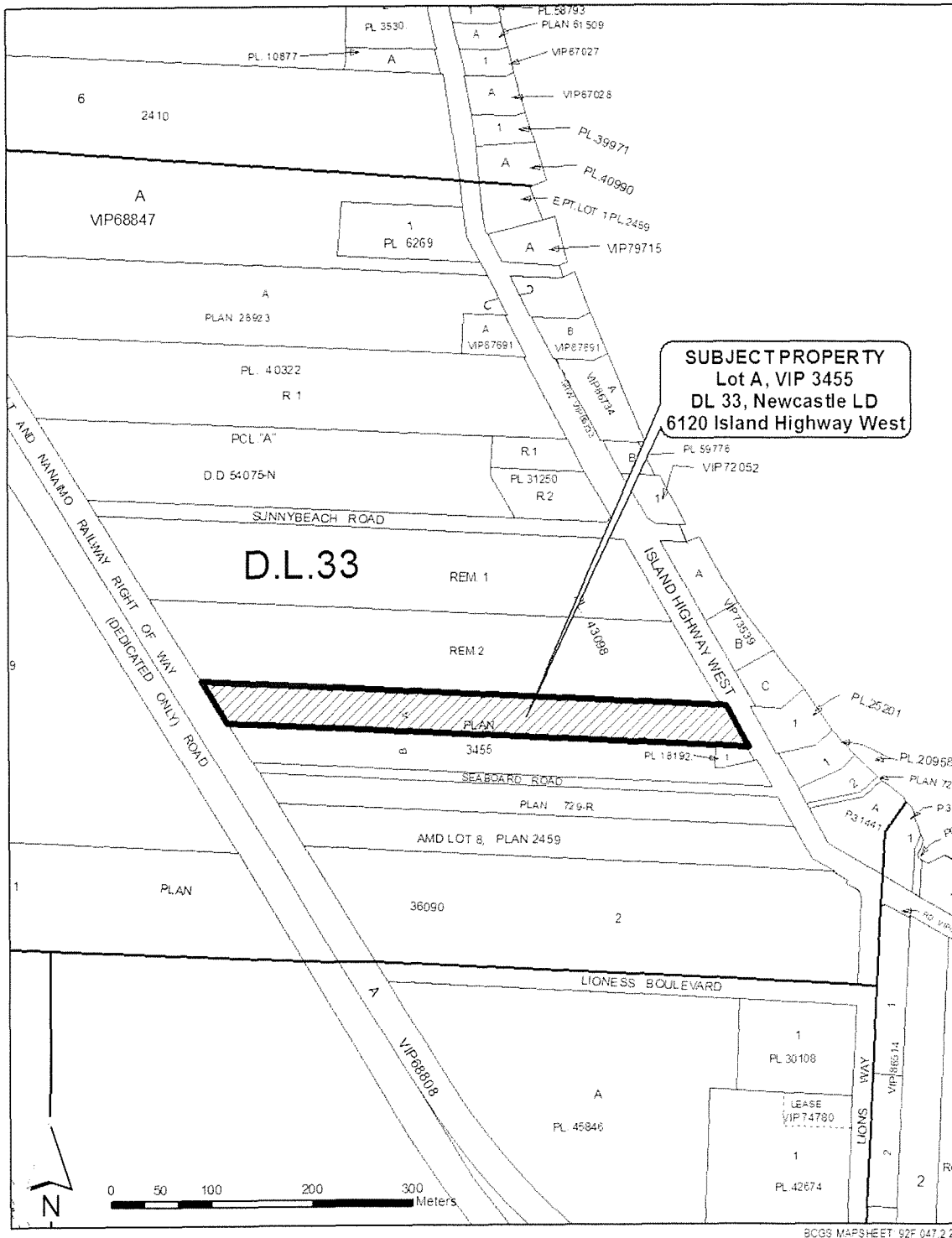
CAO Concurrence

Schedule 1
Plan of Proposed Lot Line Adjustment Subdivision



Proposed variance to reduce the minimum lot frontage requirement from 115.5 metres to 6.0 metres for proposed Lot 1.

Attachment 1
Location of Subject Property



9CG3 MAPSHEET 92F 047.2.2



RDN REPORT		
CAO APPROVAL ###		
EAP	✓	June 14/2011
COW		
JUN - 3 2011		
RHD		
BOARD		

MEMORANDUM

TO: Paul Thorkelsson
General Manager of Development Services

DATE: May 17, 2011

FROM: Dale Lindsay
Manager of Community Planning

FILE: 6635 00

SUBJECT: Subdivision and Non-farm Use Within the ALR

PURPOSE

To provide the Board with policy options with respect to applications for subdivision or non-farm use within the Agricultural Land Reserve (ALR).

BACKGROUND

The Board at their regular meeting of April 26, 2011 received correspondence from Colin Fry, Executive Director, Provincial Agricultural Land Commission (Schedule A). The correspondence was in response to a recent subdivision application for land within the ALR. The application had been forwarded, along with a local government report by Regional District staff to the Agricultural Land Commission. As per standard practice and based on the Board’s policy of 2002 (Schedule B) the application was forwarded without comment. The correspondence from Mr. Fry correctly points out that the Board policy deals specifically with the applications for exclusion of land from the ALR, and not with subdivision or non-farm use applications, and that as such a resolution is required before the application can be considered by the Agricultural Land Commission.

In response to the letter the Board, at their meeting of April 26, 2011, passed the following motion:

“That the Board direct staff to prepare a report outlining options available to the Board when considering a request to authorize the referral of Subdivision and Non-farm applications in the Agricultural Land Reserve, to the Agricultural Land Commission.”

In response to this motion staff prepared a report for consideration by the Electoral Area Planning Committee at their regular meeting of May 10th, 2011. The EAPC recommended the report be referred back to staff, with the recommendation endorsed by the Board at their regular meeting of May 24, 2011.

In response to this motion staff have amended the original report and have provided further options for consideration by the Board.

As noted above, all of the Official Community Plans recognize the importance of agriculture and local food production and include associated objectives and policies supporting the preservation of lands within the ALR for agricultural use:

Area A – OCP 1240, 2001

Objectives:

- Support the protection and enhancement of the Agricultural Land Reserve.
- Preserve existing farm lands and the distinctive rural character of the plan area by encouraging agricultural production.
- Protect the quality and quantity of groundwater supply for domestic uses and agriculture.

Policies:

- All subdivision and non-farm uses, within the ALR, shall comply with objectives and policies of this plan.

Area C - OCP 1055, 1997 (East Wellington/Pleasant Valley)

Objectives:

- Protect and maintain the agricultural land resources of the plan area for present and future food production.
- Ensure that the availability and quality of water supply is protected and seek ways and means of improving water availability for irrigation purposes.

Policies:

- The retention of large land holdings within the ALR shall be encouraged to maintain the option and feasibility of farm use.
- The Regional District shall support the ALCs mandate of preserving and encouraging the use of agricultural land for agriculture.

OCP 1148, 1999 (Arrowsmith Benson – Cranberry Bright)

Objectives:

- Protect agricultural land resources for present and future food production.
- Protect the needs and activities of agricultural operations when considering non-agricultural uses on or adjacent to agricultural lands.

Policies:

- The ALCs mandate of preserving and encouraging agricultural production will be supported.
- The retention of large land holdings within the ALR will be encouraged to maintain the option and feasibility of farm use.

Area E – OCP 1400, 2005

Objectives:

- Protect the agricultural land resources for present and future food production.
- Recognize and protect the groundwater needs of agriculture.

Policies:

- Permitted uses on Resource Lands shall be compatible with existing agricultural and resource uses.
- The ALCs mandate of preserving and encouraging agricultural production shall be supported.
- The retention of large land holdings within the ALR shall be encouraged to maintain the option and feasibility of farm use.

Area F – OCP 1152, 1999

Objectives:

- Protect the agricultural land base for present and future food production or other agricultural uses.

Policies:

- Improve access to water for agriculture and to allow for adequate drainage of the land base.
- Future higher density and intensity land uses shall be directed to Village Centres and within the Rural Separation Boundaries to reduce development pressures on agricultural lands.

Area G – OCP 1540, 2008

Objectives:

- Support and encourage agricultural activities in the plan area for present and future food production.
- Ensure that appropriate levels of groundwater and surface water are available for agricultural needs.
- Minimize conflicts between farm and non-farm uses.

Policies:

- The Provincial Agricultural Land Commission’s mandate of protecting farm land by the retention of larger land holdings is supported.
- The ALC is encouraged to deny subdivision, within the ALR, to a parcel size less than 8.0 ha or non-farm uses where it would reduce the potential agricultural productivity of the land or where it would be contrary to the urban boundary and containment strategy of this plan.

Area H – OCP 1335, 2003

Objectives:

- Protect the agricultural land resources of the plan area for present and future food production.
- Recognize and protect the needs and activities of agricultural operations when considering residential uses on adjacent lands and vice versa.
- Ensure that the quantity and quality of the water supply is protected and seek ways and means of improving water availability for irrigation purposes.

Policies:

- The Regional District will encourage the retention of large land holdings within the ALR to maintain future opportunities for farm use.
- The Regional District shall discourage encroachment and fragmentation of farmland by non-farm related uses.

Summary of OCP policy regarding lot area for subdivision of ALR Lands

Electoral Area	OCP Designation	OCP Min. Lot Area	Relative excerpts from OCPs
EA A	Rural Resource	8.0 ha	Plan recognizes that there are existing parcels less than 8.0 ha in size.
EA C-OCP 1055	Rural	2.0 ha	Subdivision and non-farm uses within the ALR shall comply with the agricultural objectives and policies of this plan.

Electoral Area	OCP Designation	OCP Min. Lot Area	Relative excerpts from OCPs
EA C-OCP 1148	Resource	8.0 ha	
EA E	Resource	8.0 ha	
EA F	Resource	4.0 ha	Resource designation has a 50.0 ha minimum which is reduced to 4.0 ha for lands in the ALR.
EA G	Rural	8.0 ha	Plan recognizes that there are existing parcels that are less than 8.0 ha in area.
EA H	Resource	8.0 ha/2.0 ha	Lands within the ALR having a minimum permitted parcel size of less than 8.0 ha at the date of the adoption of this OCP shall retain that minimum permitted parcel size.

Given this information and the requirements of the Agricultural Land Commission, it is appropriate for the RDN to consider changes to the policy regarding the consideration of subdivision and non-farm use applications with the ALR.

ALTERNATIVES

1. To expand the existing Board policy from 2002 to include applications for subdivision or non-farm use on ALR lands.
2. To expand the existing Board policy from 2002 to include applications for subdivision or non-farm use on ALR lands, and to include a general policy statement which will be forwarded to the ALC with all subdivision applications.

FINANCIAL IMPLICATIONS

There are no significant financial implications as the result of revising or adopting new policy with respect to applications for subdivision or non-farm use within the ALR. As per the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, application fees are \$600. The regulation allows for \$300 of the fee to be retained by the local government and the balance forwarded to the ALC. If an application is not authorized by local government to proceed to the ALC the balance of the application fee is returned to the applicant. The Regional District receives on average approximately 15 ALC applications a year including exclusions and subdivisions.

Sustainability Implications

The importance of the protection of agricultural lands in support of a vibrant and productive agricultural economy is echoed in both the Board Strategic Plan “Integrated Solutions for a Sustainable Future” and the Regional Growth Strategy. In addition, each of the Electoral Area Official Community Plans include policy in support of the protection of agricultural lands and the preservation of rural character.

Unlike applications for removal of land from the ALC where land may ultimately be found to not be conducive for agriculture, applications for subdivision are on lands that will remain within the ALR. As such, it is presumed that the lands are, or have capacity to be, of agricultural value. There are sustainability implications when subdividing ALR lands, with the primary concern being that the subdivision will fragment the lands to the point that agriculture is no longer viable. Subdivision has the potential to result in the introduction of incompatible uses such as increased residential densities that may result in a conflict with existing or future agricultural use. As each newly created parcel in the ALR will

be unserviced, each newly created lot will place further demands on groundwater resources in order to service one and possibly two dwelling units on each new parcel. This additional demand created by new lots will impact groundwater availability and compete with agriculture for groundwater resources.

Since January 2009 the Regional District has received twenty-four applications for subdivision of ALR lands. Of the twenty-four applications, twenty-three have now been considered by the ALC with four (17%) approved and nineteen (83%) denied.

Policy Implications

Further to staff's original report Staff have provided two options for consideration by the Board. The first option is to expand the 2002 Board policy of 'no comment' on ALR exclusions to formally include applications for subdivision and non-farm use. The second option is to expand the existing Board policy from 2002 to include applications for subdivision or non-farm use on ALR lands, and to include a general policy statement which will be forwarded to the ALC with all subdivision applications.

Option 1 – Forward all applications without comment.

By expanding the Board's 2002 policy to include ALR applications for subdivision and non-farm use, all applications will be forwarded to the ALC without comment from the Board. All applications will include a Local Government Report (Schedule C), completed by staff which outlines existing zoning, including minimum lot area, OCP policy and identifies if amendments are required to either bylaw. This option would be considered status quo as although the 2002 policy did not specifically include reference to subdivision and non-farm applications, it was interpreted as such and all ALC applications, including subdivision and non-farm use, have been forwarded to the ALC without Board comment.

Under this option all applications will be forwarded to the ALC without comment from the Board. This includes applications which may require rezoning, or amendments to the relative Official Community Plan or Regional Growth Strategy before the proposed subdivision or non-farm use can occur. If the ALC approves a subdivision application that complies with existing zoning, the applicant is eligible to proceed with the required subdivision application to the Provincial Approving Officer. This may include applications which are contrary to existing OCP policy.

Option 2 – Forward all applications with policy statement as comment (see Schedule D).

As a variation on Option 1 the Board could adopt a general policy with respect to subdivision in the ALR that would be forwarded to the ALC with all subdivision applications. Under this option all applications would be authorized to proceed to the ALC. However in addition to the standard Local Government Report, which outlines the existing zoning and OCP designations, the general Board policy would be included.

For the Board's consideration staff has included the following potential policy statement:

As outlined in the Regional Growth Strategy, the Regional District of Nanaimo fully supports the mandate of the Agricultural Land Commission (ALC) and the preservation of land within the Agricultural Land Reserve (ALR) for agricultural use. The Regional District encourages the ALC to only consider subdivision where in the opinion of the ALC the proposal will not negatively impact the agricultural use of the land or adjacent ALR lands. If the ALC deems it appropriate to remove land from the ALR then the Board will consider the development of the land in accordance with the Regional Growth Strategy and the Official Community Plan.

As with Option 1, it is important to note that under this option all applications will be forwarded to the ALC for their consideration including those applications which do not comply with the RGS, OCP or zoning.

It is important to note that even with an authorization from the Board to forward the application to the ALC the final decision on the application rests with the ALC, and as such an application authorized to proceed may still be turned down by the Commission.

SUMMARY/CONCLUSIONS

Prior to an application being forwarded to the ALC, a resolution authorizing the application is required from Local Government. In 2002 the Board adopted policy which states that "all ALR exclusion and/or inclusion applications are to be forwarded to the Provincial Agricultural Land Commission (ALC) with no resolution of support or opposition from the Regional Board of Directors." Since 2002 all ALR applications including exclusions, subdivision and non-farm use have been forwarded to the ALC along with the required Local Government Report but without a further resolution or comment by the Board. As recently noted by the ALC, the Board's existing policy with respect to ALR applications for exclusions does not apply to ALR applications for subdivision or non-farm use. As such, Board direction is now required.


Staff have identified two principle options for the Board's consideration. Option 1 is to amend the 2002 Board policy to include all ALR applications regardless of type. In this manner all applications would continue to be forwarded without comment. Option 2 provides a variation on the policy by including a general policy statement that will be forwarded to the ALC with all subdivision applications. Staff recommends the Board proceed with Option 2 and amend Policy B1.8 (see Schedule D) to clarify that all applications for subdivision and non-farm use are authorized to proceed to the ALC and that applications for subdivision will include a general policy statement as outlined in the report. It is important to note that there are a limited number of these subdivision and non-farm applications received annually, and the recommended policy direction would not be expected to result in additional applications to the RDN or additional workload for staff.

RECOMMENDATION

1. That Policy B1.8, "Review of Provincial Agricultural Land Reserve Applications" be amended to:
 - a) Authorize all subdivision and non-farm use applications to be forwarded to the Agricultural Land Commission, and
 - b) To include a general policy statement, as outlined in the report, that will be forwarded to the ALC with each subdivision application.



Report Writer

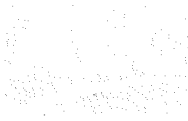


General Manager Concurrence



CAO Concurrence

Schedule A
Subdivision and Non-Farm Use Within the ALR



April 1, 2011

Agricultural Land Commission
133 - 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

ALC File: 52218
Your File: PL2011-032

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

Attention: Elaine Leung, Planner

Dear Ms. Leung:

**Re: Local Government Forwarding Resolution – Agricultural Land Reserve
Subdivision and Non-Farm Use Applications**

It has come to the attention of the Agricultural Land Commission (Commission) that the standard forwarding resolution of the Regional Board of Nanaimo is not applicable to subdivision and non-farm use applications. In this regard I refer to the Regional District's Special Board Minutes dated November 26, 2002. More specifically:

***Agricultural Land Reserve Exclusion and Inclusion Applications – All
Electoral Areas***

*MOVED Director Stanhope, SECONDED Director Westbroek, that the Board
allocate all decision making regarding whether land should be in the Agricultural
Land Reserve and Forest Land Reserve to the Agricultural Land Commission.*

The application in question does not propose to exclude land from or include land to the Agricultural Land Reserve (ALR). The application involves a proposal to subdivide a 17.39 ha parcel into one 5.14 ha lot, one 5.24 ha lot and one 7.0 ha lot.

Section 25(3) of the *Agricultural Land Commission Act* stipulates the following for subdivision and non-farm use applications:

- 25(3) An application referred to in subsection (1), except such an application from a first nation government, may not proceed unless authorized by a resolution of the local government if, on the date the application is made, the application
- (a) applies to land that is zoned by bylaw to permit agricultural or farm use, or
 - (b) requires, in order to proceed, an amendment to an official settlement plan, an official community plan, an official development plan or a zoning bylaw.

According to the *Local Government Report* prepared by the Regional District, the land under application is designated as "Resource Lands" in the Electoral Area "H" Official Community Plan, Bylaw No. 1335 (2003). Furthermore, the land is zoned Rural 1 (RU1) in the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500 (1987). Section 3.4.81 of the Regional District's zoning bylaw provides that agricultural use is permitted in the Rural 1 (RU1) zone.

Page 2 – April 1, 2011
Re: ALC File 52218

Based on the foregoing, the Commission has concluded as follows:

1. The land under application is zoned by bylaw to permit agricultural or farm use;
2. The application may not proceed (to the Commission) unless authorized by a resolution of the Regional Board as the land under application is zoned by bylaw to permit agricultural or farm use as of the date the application was made;
3. The resolution in the Regional District's Special Board Minutes dated November 26, 2002 does not apply to subdivision and non-farm use applications;
4. That if the Regional Board opts to forward the application to the Commission it must do so by way of an applicable forwarding resolution; and
5. That Application #52218 will be held in abeyance pending receipt of an applicable forwarding resolution from the Regional Board.

Finally, the Regional Board may also wish to update the November 26, 2002 resolution as forwarding resolutions are not required for inclusion applications and the Forest Land Reserve legislation that was administered by the Commission has been repealed

Should you wish to discuss this matter please do not hesitate to contact the Commission.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Colin Fry, Executive Director

cc: Heather Vallance, Sakari Rautiainen, Tiimi Rautiainen and Paul Sarginson
2450 Whistler Road West, Qualicum Beach, BC V9K 2A6

Schedule B
Subdivision and Non-Farm Use Within the ALR

REGIONAL DISTRICT OF NANAIMO
POLICY

SUBJECT: <i>Review of Provincial Agricultural Land Reserve Applications</i>	POLICY NO: B1.8
	CROSS REF:
EFFECTIVE DATE: November 26, 2002	APPROVED BY: Board
REVISION DATE:	PAGE: 1 of 1

PURPOSE:

To establish the process in the review of ALR applications for the inclusion and/or exclusion of lands from the Provincial Agricultural Land Reserve.

POLICY:

1. Applications for the Exclusion and/or Inclusion of Lands Within the Provincial Agricultural Land Reserve (ALR).

All ALR exclusion and/or inclusion applications are to be forwarded to the Provincial Agricultural Land Commission (ALC) with no resolution of support or opposition from the Regional Board of Directors.

All decision-making regarding whether land should be in the Agriculture Land Reserve (ALR) shall be allocated to the Agricultural Land Commission.

2. RDN Land Use Regulations on Lands Which are Excluded from the Agricultural Land Reserve

Should the Provincial Agricultural Land Commission exclude land from the ALR, the Regional District will determine the appropriate use of the land through its official community plan and zoning processes.

Schedule C
Subdivision and Non-Farm Use Within the ALR



Local Government Report
under the Agricultural Land Reserve
Use, Subdivision and Procedure Regulation

R/D Map File No.
Fee Receipt No.
Fee Amount
ALR Base Map No.
ALR Constituent Map No.
Air Photo No.

Information supplied by:

_____ Local Government

In respect of the application of:

_____ Name of Applicant

PLANS and BYLAWS (Attach relevant sections of bylaws)

Community Plan or Rural Land Use Bylaw name and designation:

Zoning Bylaw name and designation:

Minimum Lot Size

Uses permitted:

Are amendments to Plans or Bylaws required for the proposal to proceed?

Plan Yes No Bylaw Yes No

Is authorization under Sec. 25(3) or 30(4) of the Agricultural Land Commission Act required?

Yes (If yes, please attach resolution or documentation) No

COMMENTS AND RECOMMENDATIONS (include copies of resolutions)

Board or Council

Advisory Planning Commission:

Agriculture Advisory Committee

Planning staff

Others:

.....
Signature of Responsible Local Government Officer

.....
Date

Schedule D
Subdivision and Non-Farm Use within the ALR

REGIONAL DISTRICT OF NANAIMO
P O L I C Y

SUBJECT: <i>Review of Provincial Agricultural Land Reserve Applications</i>	POLICY NO: B1.8
	CROSS REF.:
EFFECTIVE DATE: November 26, 2002	APPROVED BY: Board
REVISION DATE:	PAGE: 1 of 1

PURPOSE:

To establish the process in the review of ALR applications for the exclusion, subdivision and non-farm use of lands within the Provincial Agricultural Land Reserve (ALR).

POLICY:

1. Applications for the exclusion of lands within the ALR.

All ALR exclusion applications are to be forwarded to the Provincial Agricultural Land Commission (ALC) with no resolution of support or opposition from the Regional Board of Directors.

All decision-making regarding whether land should be in the Agriculture Land Reserve (ALR) shall be allocated to the Agricultural Land Commission.

2. RDN land use regulations on lands which are excluded from the ALR.

Should the Provincial Agricultural Land Commission exclude land from the ALR, the Regional District will determine the appropriate use of the land through its official community plan and zoning processes.

3. Applications for the subdivision of lands within the ALR.

All ALR subdivision applications are to be forwarded to the Provincial Agricultural Land Commission (ALC) and are to include the following policy statement:

As outlined in the Regional Growth Strategy, the Regional District of Nanaimo fully supports the mandate of the Agricultural Land Commission (ALC) and the preservation of land within the Agricultural Land Reserve (ALR) for agricultural use. The Regional District encourages the ALC to only consider subdivision where in the opinion of the ALC the proposal will not negatively impact the agricultural use of the land or adjacent ALR lands. If the ALC deems it appropriate to remove land from the ALR then the Board will consider the development of the land in accordance with the Regional Growth Strategy and the Official Community Plan.

4. Applications for the non-farm use of lands within the ALR.

All ALR non-farm use applications are to be forwarded to the Provincial Agricultural Land Commission (ALC) with no resolution of support or opposition from the Regional Board of Directors.