

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, MARCH 13, 2012

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3 - 5 Minutes of the regular Electoral Area Planning Committee meeting held Tuesday, February 14, 2012.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

- 6 - 16 Development Permit with Variance Application No. PL2011-163 – Gary Passey and Patricia Broster – Lot 11, District Lot 28, Newcastle District, Plan 22249 – Seaview Drive, Area ‘H’.
- 17 - 24 Development Permit with Variance Application No. PL2011-174 – C.A. Design – Lot 9, Section 7, Range 6, Cedar District, Plan 9877 – 2550 Pylades Drive, Area ‘A’.
- 25 - 32 Development Permit with Variance Application No. PL2011-189 – Smitty Construction Ltd. – Lot C, District Lot 28, Nanoose District, Plan VIP88844 – 781 Miller Road, Area ‘G’.
- 33 - 39 Development Permit with Variance Application No. PL2012-011 – Kruger – Lot 12, District Lot 181, Nanoose District, Plan 15551 – 836 Mariner Way, Area ‘G’.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 40 - 45 Development Variance Permit Application No. PL2012-001 – Fern Road Consulting – Strata Lot 8, District Lot 78, Nanoose District, Strata Plan VIS3393 – Together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1 – 3526 Shetland Place, Area ‘E’.

OTHER

- 46 - 65 Zoning Amendment Application No. PL2009-040 – Bylaw no. 1285.17 Keith Brown Associates Ltd. – Oceanside Storage Inc. – Lot 28, District Lot 156, Nanoose District, Plan 1964, Except Part in Plan 733 RW – 1270 & 1274 Alberni Highway, Area ‘F’.
- 66 - 79 Zoning Amendment Application No. PL2011-178, Bylaw No. 500.377, 2012 – Deas – Lot A, District Lot 19, Newcastle District, Plan 8196, Except Parts in Plans VIP65473 and VIP74554 – 2900 Leon Road, Area ‘H’.
- 80 - 85 Secondary Suites Study and Consultation Process (Appendix A included as a separate enclosure).

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, FEBRUARY 14, 2012 AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director G. Holme	Chairperson
Director A. McPherson	Electoral Area A
Director M. Young	Electoral Area C
Director J. Fell	Electoral Area F
Director J. Stanhope	Electoral Area G
Director W. Veenhof	Electoral Area H

Also in Attendance:

M. Pearse	Sr. Mgr., Corporate Administration
P. Thorkelsson	Gen. Mgr., Development Services
J. Holm	Mgr., Current Planning
P. Thompson	Mgr., Long Range Planning
N. Hewitt	Recording Secretary

DELEGATIONS

Randy Orr, re Building Strata Conversion Application PL2011-165.

Mr. Orr spoke in support of his application.

MINUTES

MOVED Director Stanhope, SECONDED Director Young, that the minutes of the regular Electoral Area Planning Committee meeting held January 10, 2012 be adopted.

CARRIED

PLANNING

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variance Application No. PL2011-174 C.A. Design – John Larson – Lot 9, Section 7, Range 6, Cedar District, Plan 9877 – 2550 Pylades Drive, Electoral Area ‘A’.

MOVED Director McPherson, SECONDED Director Stanhope, that this application be referred back to staff for further discussions with the applicant.

CARRIED

Development Permit with Variance Application No. PL2011-024 – Kazan Investments Ltd.; Michael J. Hill Ltd.; Douglas E. Hill Ltd. – That Part of Lot 2, District Lot 81, Nanoose District, Plan 6179 Lying to the East of the Easterly Boundary of Plan 814 RW – 883 & 899 Island Highway West, Electoral Area ‘G’.

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

CARRIED

MOVED Director Stanhope, SECONDED Director Veenhof, that Development Permit with Variance Application No. PL2011-024 be approved subject to the conditions outlined in Schedule 1.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2011-177 – Victor Blasco – Lot 109, District Lot 28, Nanoose District, Plan 30213 – 594 Karl’s Way, Electoral Area ‘G’.

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

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that Development Variance Permit Application No. PL2011-177 to reduce the minimum required setback from the front lot line from 8.0 metres to 1.5 metres be approved subject to the conditions outlined in Schedules 1 to 3.

CARRIED

Development Variance Permit Application No. PL2011-188 – Eric Jantzen – Lot 6, Section 7, Range 4, Cranberry District, Plan VIP67928 – 85 Colwell Road, Electoral Area ‘C’.

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

CARRIED

MOVED Director Young, SECONDED Director McPherson, that Development Variance Permit Application No. PL2011-188 be approved subject to the conditions outlined in Schedules No. 1 to 2.

CARRIED

OTHER

Building Strata Conversion Application PL2011-165 – Randy and Karen Orr – Lot 1, District Lot 137, Nanoose District, Plan 29414 – 1876 Stewart Road, Electoral Area ‘E’.

MOVED Director Stanhope, SECONDED Director Young, that the request from Randy and Karen Orr for the building strata conversion (Application No. PL2011-165) as shown on the proposed strata plan of Lot 1, District Lot 137, Nanoose District, Plan 29414 be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

Electoral Area 'A' Cedar Main Street Design Update – Citizen's Advisory Group Terms of Reference Amendment.

MOVED Director McPherson, SECONDED Director Fell, that the Electoral Area 'A' Cedar Main Street Design Project Citizen's Advisory Group Terms of Reference be amended by increasing the maximum number of members from twelve to twenty and by providing more flexibility in the membership composition as shown in Attachment No. 1.

CARRIED

ADJOURNMENT

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

CARRIED

Time: 6:51 PM

CHAIRPERSON



RDN REPORT		
CAO APPROVAL <i>[Signature]</i>		
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
MAR 05 2012		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: March 2, 2012

FROM: Kim Farris
Planner

FILE: PL2011-163

SUBJECT: Development Permit with Variance Application No. PL2011-163
Gary Passey and Patricia Broster
Lot 11, District Lot 28, Newcastle District, Plan 22249 – Seaview Drive
Electoral Area ‘H’

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo has received an application from Gary Passey and Patricia Broster in order to permit the construction of a dwelling unit. The subject property is approximately 929 m² in area and is zoned Residential 2 (RS2), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see *Attachment 1* for subject property map).

The vacant and previously cleared subject property is bordered by residential parcels to the south, an undeveloped pathway to the north, Seaview Drive to the west, and a ravine to the east. The property contains a level building area adjacent to Seaview Drive and descends easterly towards a ravine.

The proposed development is subject to the Hazard Lands Development Permit Area as per “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”.

Proposed Development and Variances

The property owners are proposing to construct a one-storey dwelling unit on the vacant subject property. The proposed dwelling unit is approximately 4.5 metres in height and is 104.1 m² in floor area. A detached deck is also proposed and will be under 0.6 metres in height (see *Schedule 2*). Physical site constraints restrict the building envelope for the proposed new dwelling unit. A large portion of the property slopes steeply in the eastern portion of the property from the top of an embankment towards an unnamed watercourse (not subject to the Riparian Area Regulations). In addition, the location of the septic field in the front yard limits the building envelope further.

To achieve a practical building envelope, the applicants are requesting the following variances (which are measured to the dwelling unit overhang): to reduce the minimum setback from other lot line (adjacent to the undeveloped road/pathway) from 5.0 metres to 1.6 metres, to reduce the minimum setback from the front lot line from 8.0 metres to 7.6 metres, and to reduce the minimum watercourse setback from the top of slope from 9.0 metres to 5.7 metres (see *Schedule 2*).

The Ministry of Transportation and Infrastructure (MOTI) has confirmed it supports the proposed variance to reduce the minimum setback from the adjacent undeveloped road from 4.5 metres to 1.6 metres.

ALTERNATIVES

1. To approve the Development Permit with Variance Application No. PL2011-163 subject to the conditions outlined in *Schedules 1 to 3*.
2. To deny the Development Permit with Variance Application No. PL2011-163.

LAND USE IMPLICATIONS

Development Implications

The Hazard Lands Development Permit Area requires the applicant to provide a report by a professional engineer to confirm that the proposed development is considered safe for its intended use, adjacent property and the natural environment. The applicant submitted a Geotechnical Slope Assessment prepared by Ground Control Geotechnical Engineering and dated January 6, 2012, to satisfy this requirement. The report discusses in detail the definition of 'safe use' and states that if the property owners wish to reside on the land above a steep slope they must fully understand and accept the implied risks.

Based on the slope modeling and engineering assessment completed by the engineer, a minimum safe setback distance of 6.5 metres from the crest of the slope is recommended to be applied for all occupied or high-value buildings. The 6.5 metre setback from the top of slope to the foundation of the proposed dwelling unit is shown on *Schedule 2*. The engineered setback is to the foundation of the building (6.5 metres) whereas the setback as stated in Bylaw 500 is to the outermost edge of the building (5.7 metres).

It is recommended that uncontrolled discharges of surface water and storm water onto the steep slope be avoided. The applicants advised that they plan to dispose excess water into the MOTI ditch located in the front of the property pending MOTI approval. The engineer also recommends taking measures to protect the slope from erosion and to maintain stability of the slope face. Dumping of debris over the slope is highly discouraged and the applicant is advised to contact an arborist and appropriate regulatory agencies prior to making any significant alterations to mature trees on the slope.

The report concludes that the site is safe and suitable for the proposed residential use if the recommendations of the report are followed. Staff recommends that the applicants be required to register a Section 219 covenant against the property title that contains the Geotechnical Hazards Assessment report prepared by Ground Control Geotechnical Engineering Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages to life and property as a result of potential geotechnical and flood 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.

SUMMARY/CONCLUSIONS

The application is for a Development Permit with Variance to allow the construction of dwelling unit within the Hazard Lands Development Permit Area. The applicants have submitted a geotechnical slope assessment of the natural hazard consistent with the guidelines of the Hazard Lands DPA. In addition, the applicants are requesting variances to reduce the minimum setback from the front lot line from 8.0 metres to 7.6 metres; to reduce the minimum setback from the other lot line (adjacent to the undeveloped road/pathway) from 5.0 metres to 1.6 metres; and to reduce the minimum watercourse setback from the top of slope from 9.0 metres to 5.7 metres.

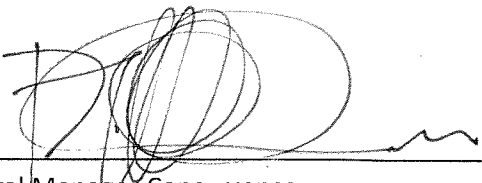
As the application is consistent with the Development Permit Area guidelines, staff recommend that the Board approve the Development Permit with Variance pending the outcome of the public consultation.

RECOMMENDATIONS


1. That staff be directed to complete the required notification, and
2. That the Development Permit with Variance Application No. PL2011-163 to permit the construction of a dwelling unit subject to the conditions outlined in *Schedules 1 to 3*, be approved.



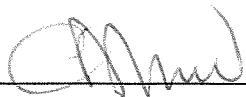
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

**Schedule 1
Conditions of Approval**

The following sets out the terms and conditions of Development Permit with Variance No. PL2011-163:

Bylaw No. 500, 1987 - Variances

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

1. **Section 3.3.8 b) i) – Setbacks – Watercourses, excluding the Sea** to reduce the horizontal distance from the top of the slope from 9.0 metres to 5.7 metres.
2. **Section 3.4.62 – Minimum Setback Requirements** to reduce the front lot line from 8.0 metres to 7.6 metres, as shown on *Schedule 2*.
3. **Section 3.4.62 – Minimum Setback Requirements** to reduce the other lot Line from 5.0 metres to 1.6 metres, as shown on *Schedule 2*.

Conditions of Approval:

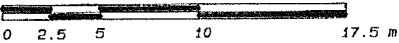
1. The dwelling unit shall be sited in general accordance with the site plan (1 of 2) prepared by Peter Mason and dated January 16, 2012 and the site plan (2 of 2) prepared by Jenesys and dated January 15, 2012, attached as *Schedule 2*.
2. The dwelling shall be constructed in general accordance with the elevation drawings prepared by Jenesys and dated October 6, 2011, attached as *Schedule 3*.
3. The lands shall be developed in accordance with the Geotechnical Slope Assessment prepared by Ground Control Geotechnical Engineering Ltd. and dated January 6, 2012.
4. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 covenant against the property title that contains the Geotechnical Slope Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated January 6, 2012, 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
Site Plan (1 of 2)

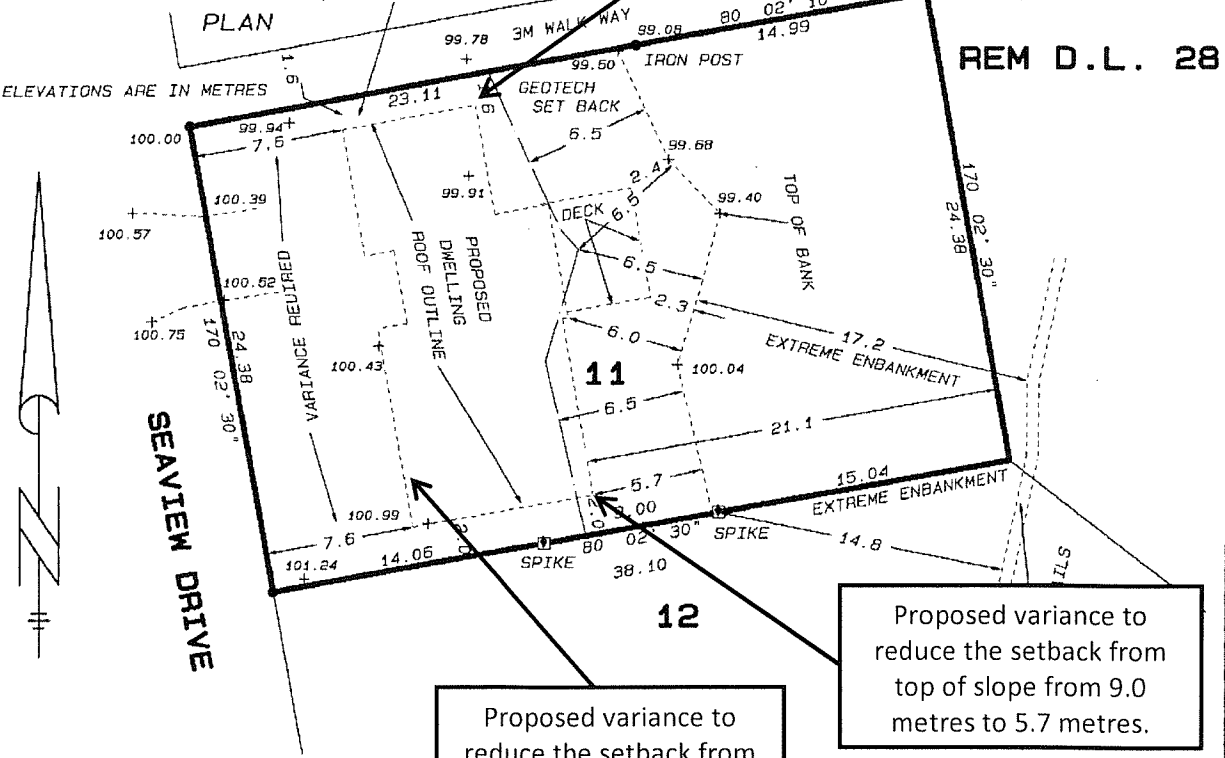
PLAN OF SURVEY TO ACCOMPANY DEVELOPEMENT VARAINCE PERMIT FOR DWELLING TO BE CONSTRUCTED ON LOT 11, DISTRICT LOT 28, NEWCASTLE DISTRICT, PLAN 22249

SCALE OF: 1: 250

ALL DISTANCES ARE IN METRES.



NOTE: DECK NOT STRUCTUALLY ATTACHED TO HOUSE
HEIGHT LESS THAN 0.6M



Proposed variance to reduce the setback from the Other Lot Line from 5.0 metres to 1.6 metres.

Proposed variance to reduce the setback from top of slope from 9.0 metres to 5.7 metres.

Proposed variance to reduce the setback from the Front Lot Line from 8.0 metres to 7.6 metres.

PETER T. MASON
CANADA LAND SURVEYOR
BRITISH COLUMBIA LAND SURVEYOR
P.O. BOX 195
BOWSER, B.C.
V0R 1G0
TEL: (250) 757-8788
FILE: 11-3707 DRWG: \drwgs\3707.SIT

PREPARED BY PETER T. MASON, B.C.L.S.
PLAN PREPARED JANUARY 16, 2012
Peter T. Mason
PETER T. MASON, B.C.L.S.

*All variances include building overhang

Schedule 2
 Site Plan (2 of 2)

LOT 11, DISTRICT LOT 28, NEWCASTLE DISTRICT, PLAN 22249
 PID: 000 798 223

SITE DATA

Current Zoning: RS-2

Site Area: 928.8 m²

Main Dwelling Area: 104.1 m²

Accessory Structures Area: 37.1 m²

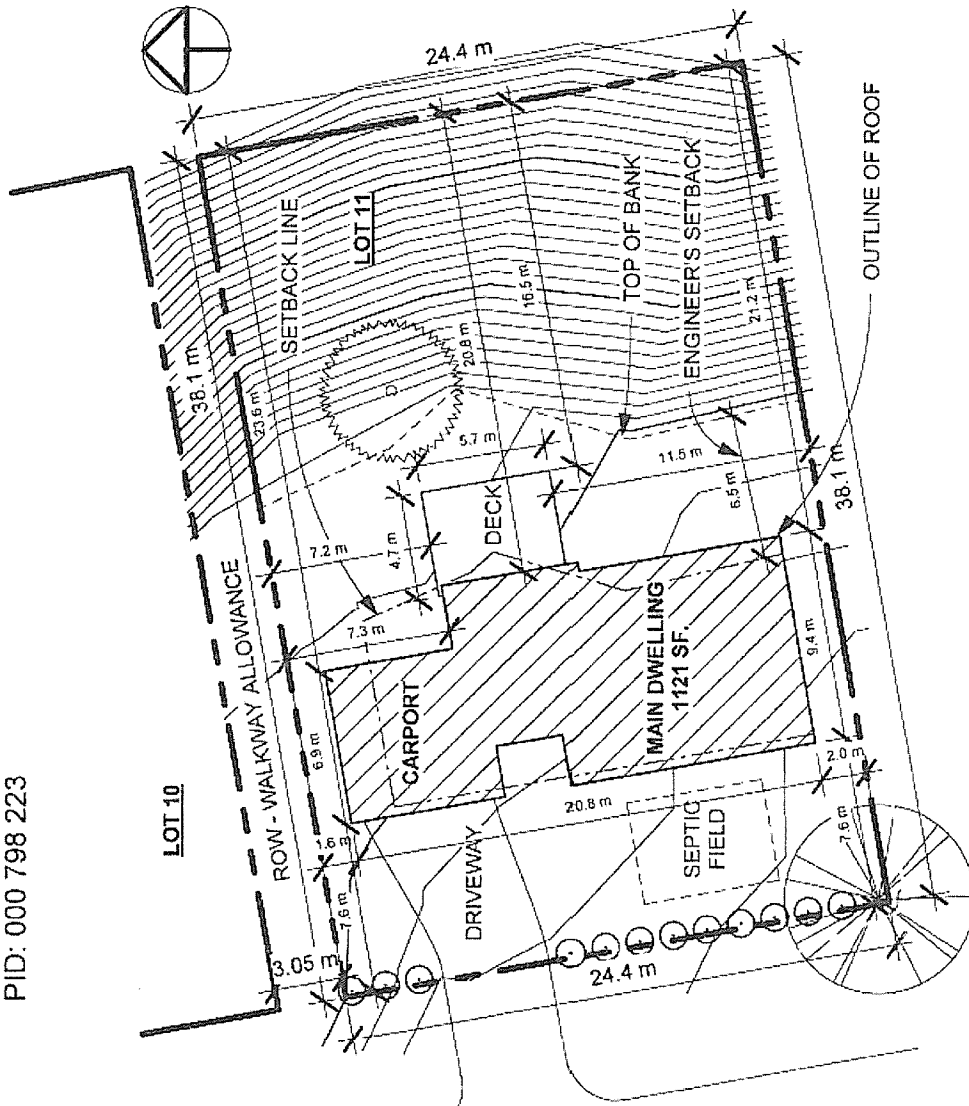
Minimum Setback Requirements:

	Required:	Proposed:
Front:	8.0m	7.6m
Rear:	8.0m	20.8m
Engineer, Top of Bank:	6.5m	1.6m
North Side:	5.0m	2.0m
South Side:	2.0m	4.5m
Height:	8.0m	

Overhangs: N/W - Variance required

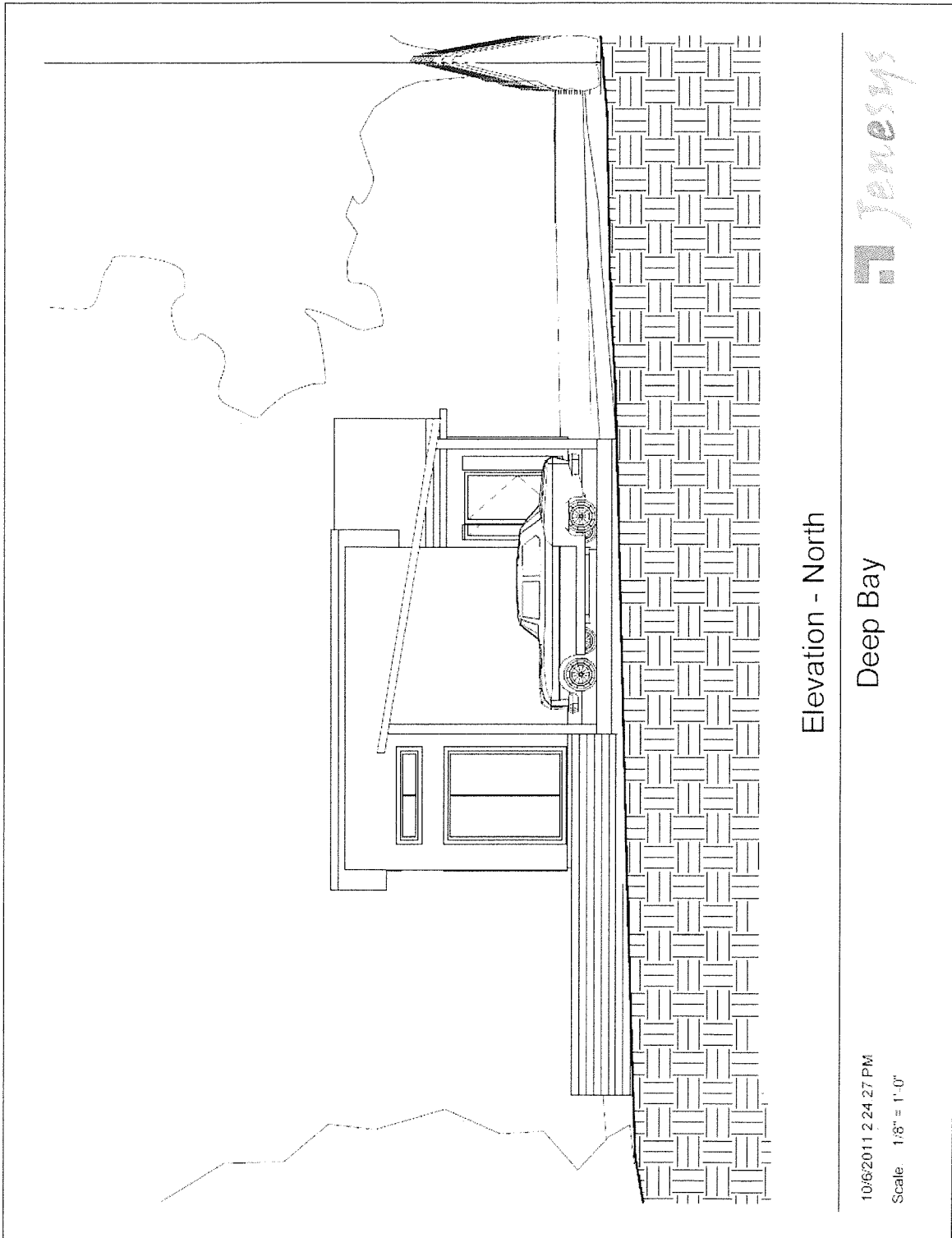
	Required:	Proposed:
Coverage:		11.2%
Main dwelling:		3.9%
Accessory:		15.1%
Total:	35%	

Deck: Not structurally attached to house
 Height less than 0.6m

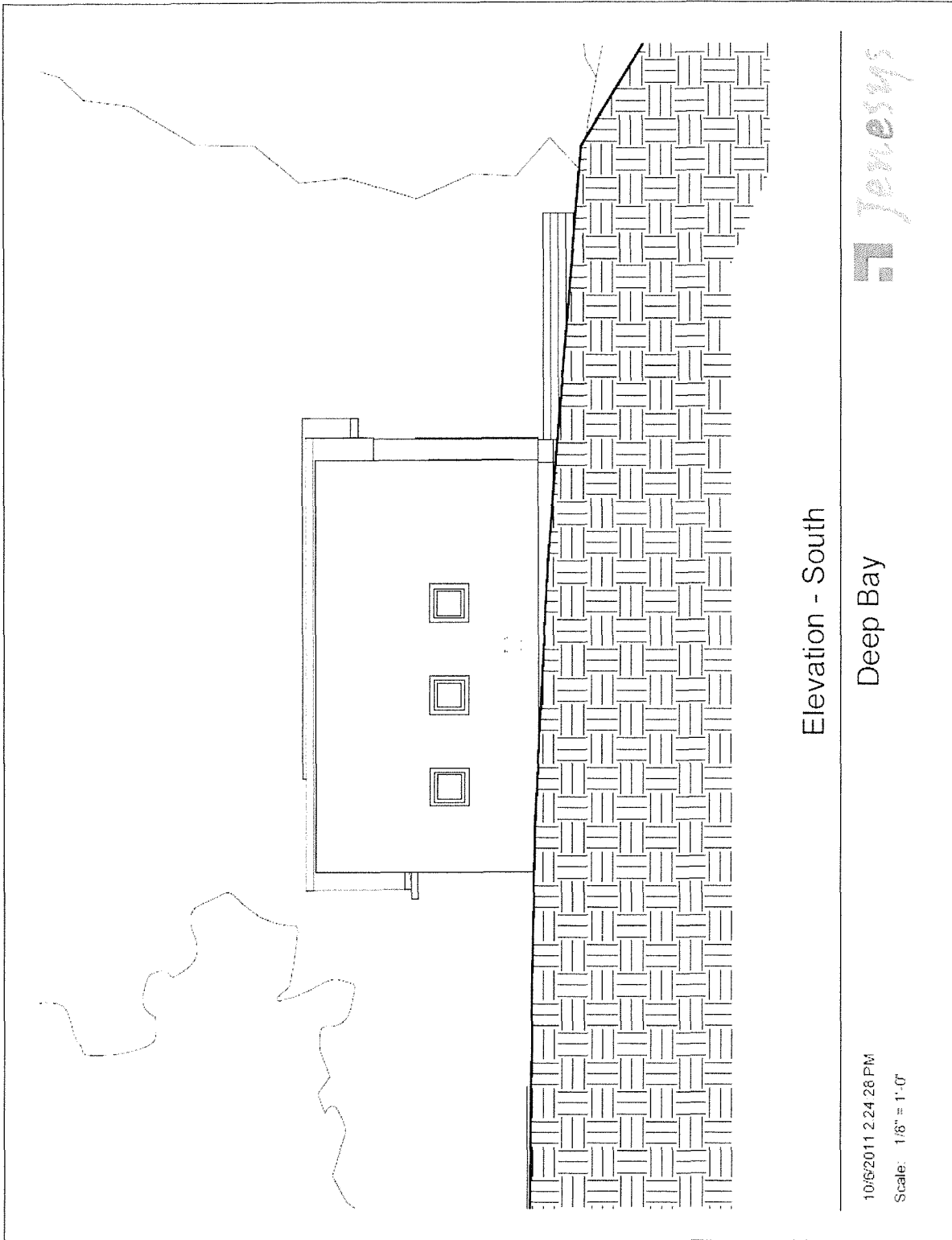


1:300

Schedule 3
Elevations Drawings
(Page 1 of 4)



Schedule 3
Elevations Drawings
(Page 2 of 4)



Elevation - South

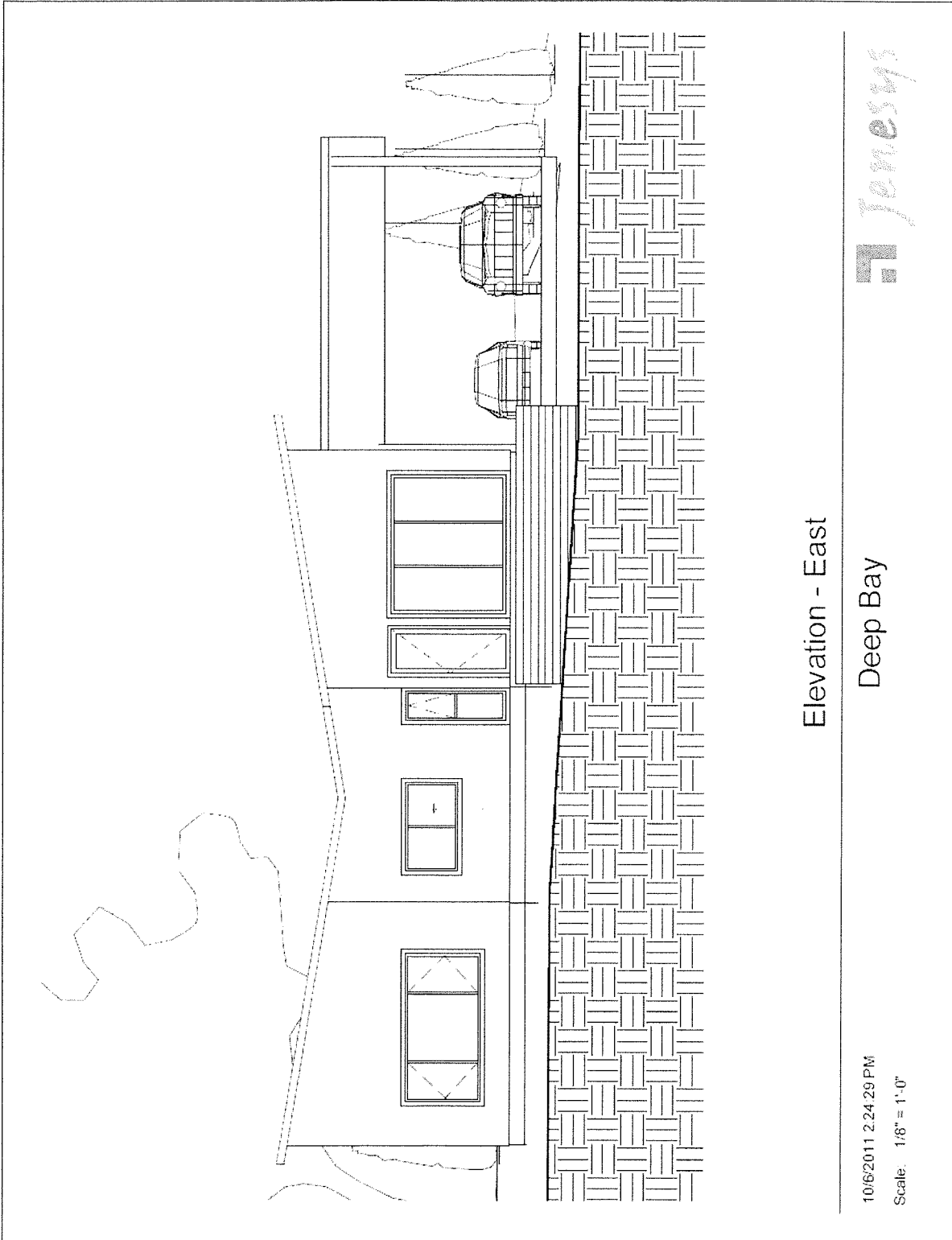
Deep Bay



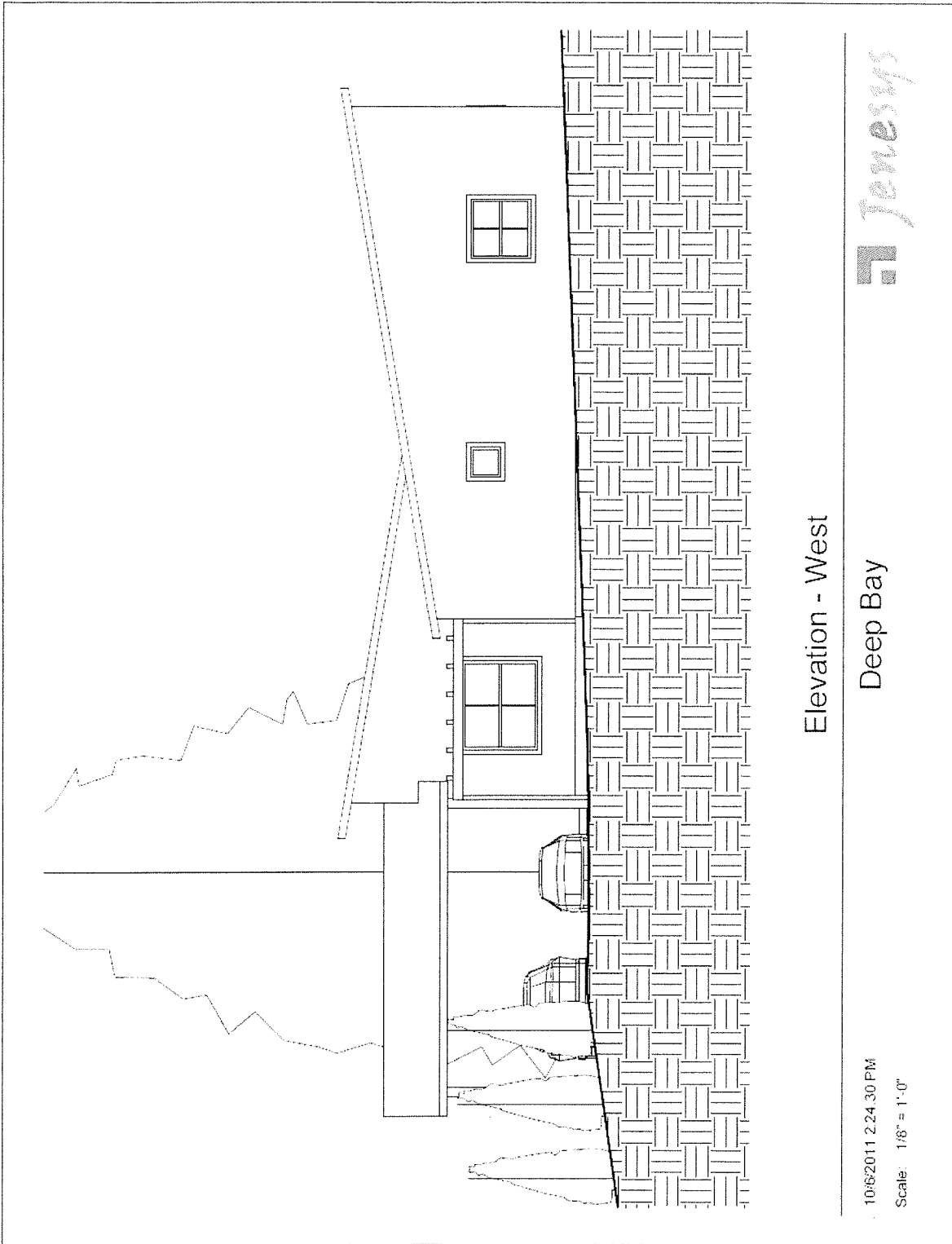
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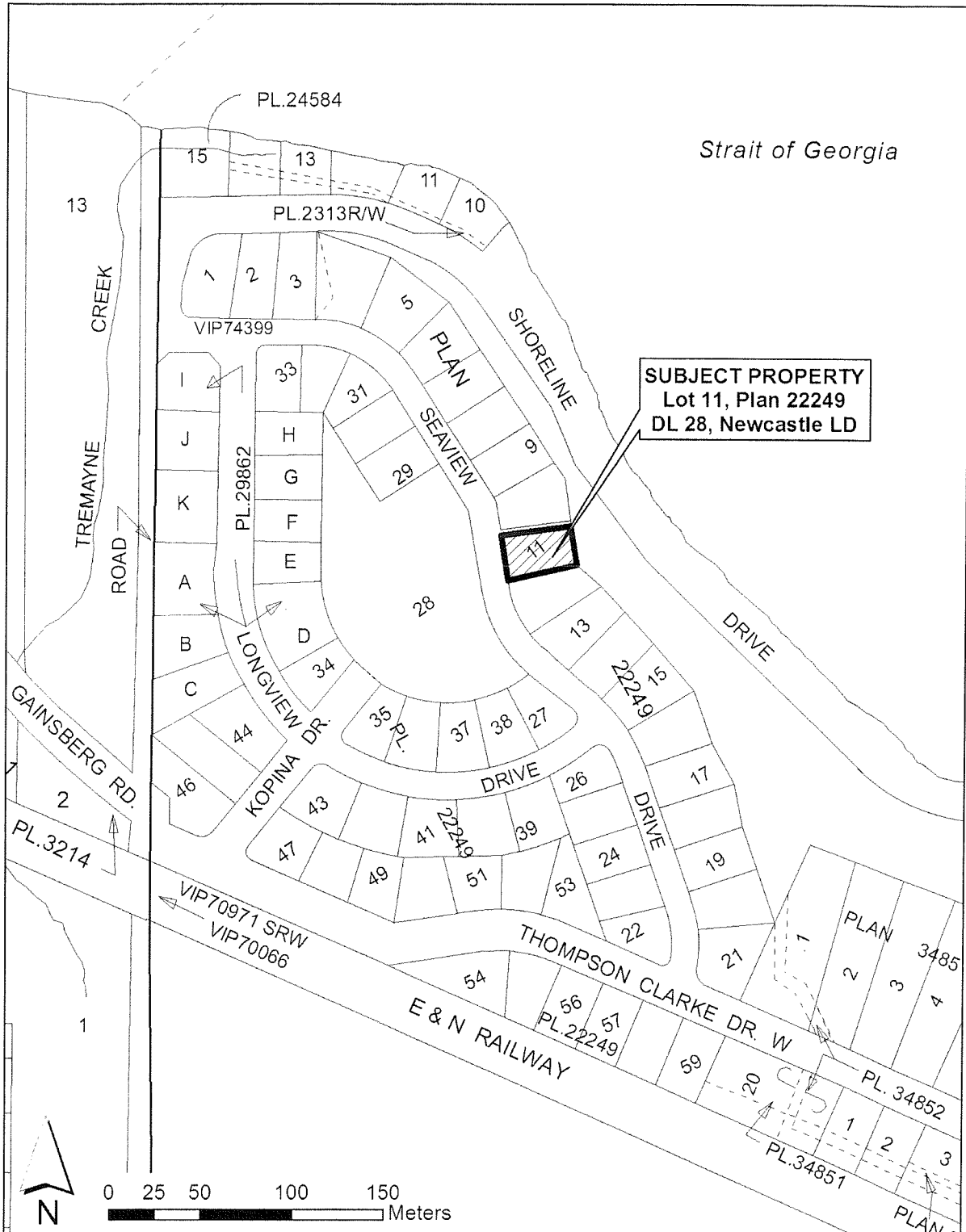
Schedule 3
Elevations Drawings
(Page 3 of 4)



Schedule 3
Elevations Drawings
(Page 4 of 4)



Attachment 1
Subject Property Map



BCGS MAPSHEET: 92F.047.3.2



RUN REPORT	
CAO APPROVAL <i>CAW</i>	
EAP	✓
COW	
MAR 05 2012	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: March 1, 2012

FROM: Kim Farris
Planner

FILE: PL2011-174

SUBJECT: Development Permit with Variance Application No. PL2011-174 - C.A. Design Lot 9, Section 7, Range 6, Cedar District, Plan 9877 – 2550 Pylades Drive Electoral Area 'A'

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo has received an application from John Larson, C.A. Design on behalf of Lawrence and Doreen Doerr in order to permit the construction of a dwelling unit. The subject property is approximately 1,373 m² in area and is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see *Attachment 1* for subject property map).

The subject property currently contains two existing detached garages and a dwelling unit that has been destroyed by fire. The property is bordered by residential parcels to the north, an undeveloped highway right-of-way to the south, Pylades Drive to the west, and Stuart Channel to the east.

The proposed development is subject to Environmentally Sensitive Feature/Coastal Areas Development Permit Area as per "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011".

This application was considered by the Electoral Area Planning Committee (EAPC) at its regular meeting on February 14, 2012, however the Committee recommended that the Board refer the application back to staff for further review. The Board of the Regional District of Nanaimo at its regular meeting held on February 28, 2012, approved the resolution to refer the application back to staff for further discussion with the applicant.

Following Board direction, staff have worked with the applicant to address concerns related to potential impact on views from surrounding properties and impacts on the foreshore due to the requested variance. In addition concerns were identified regarding structures located within the Ministry of Transportation and Infrastructure (MOTI) undeveloped highway right-of-way, which are related to the use of the subject property.

The applicant has revised the proposed development and requested variances in order to address the concerns identified above. The applicant advised that the uneven and rocky foreshore precludes an at grade patio and that a deck is necessary to provide a safe exit from the rear of the home and a reasonable outdoor living area for the property owners. The applicant now proposes to reduce the footprint of the deck and increase the proposed setback from the sea from 0.0 metres as originally requested to 2.0 metres. The applicant has also agreed to not erect solid screening around the deck in order to reduce any potential view impact from surrounding properties. The required guard around the deck is proposed to consist of railings, their supports and clear view panels to a maximum height of 1.1 metres as necessary to meet the requirements of the British Columbia Building Code.

The applicant has also agreed to remove structures located within the MOTI undeveloped highway right-of-way, that were related to the use of the subject property.

Proposed Development and Variances

The property owners are proposing to reconstruct a dwelling unit on the original foundation within the existing building footprint which is non-conforming in regard to siting, as the dwelling was constructed prior to the adoption of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". Physical site constraints restrict the building envelope for the proposed new dwelling unit. A steep slope in the western portion of the property reduces the amount of buildable area. The property owners also intend to rebuild one of the existing garages to reflect the new design of the proposed dwelling unit which limits the buildable area further.

The dwelling unit was damaged more than 75% of its value above its foundation therefore the dwelling unit is no longer protected by the non-conforming provisions of Section 911(8) of the *Local Government Act*. As such, reconstruction of the dwelling unit must comply with the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicant is requesting a variance to reduce the minimum setback from Other Lot Line (adjacent to undeveloped road) from 5.0 metres to 2.0 metres, and to reduce the minimum setback from the sea from 8.0 metres to 2.0 metres to permit the siting of a new deck (see site plan in *Schedule 2*). The closest portion of the proposed deck will be 2.0 metres from the top of slope from the sea and the closest portion foundation of the proposed dwelling unit will be 4.1 metres.

The MOTI has confirmed it supports the proposed variance to reduce the minimum setback from the adjacent undeveloped road from 5.0 metres (for Other Lot Line) to 2.0 metres.

ALTERNATIVES

1. To approve the Development Permit with Variance Application No. PL2011-174 subject to the conditions outlined in *Schedules 1 to 3*.
2. To deny the Development Permit with Variance Application No. PL2011-174.

LAND USE IMPLICATIONS

Development Implications

The applicant has submitted an Environmental Assessment Report prepared by Toth and Associates Environmental Services and dated December 8, 2011. The report states that, given the shoreline is exposed rock, there is little opportunity to improve upon conditions or increase the amount of naturally vegetated area within the development permit area on the property. The report concludes that the reconstruction of the existing home on the existing foundation will not result in any additional impacts or further intrusion into the Coastal Area Development Permit Area.

The applicant also provided a Geotechnical Hazards Assessment Report prepared by Ground Control Geotechnical Engineering Ltd and dated September 30, 2011. The report notes that the foreshore of the ocean consists of bedrock bluffs that are highly resistant to erosion and form a natural seawall. The Engineer states the completed project will have no significant detrimental impact on adjoining properties, public infrastructure, or the environment from a geotechnical point-of-view as the house will be reconstructed on the existing foundations.

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.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, staff have reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist". Sustainable aspects of the development include the use of an engineered rainwater collection system to supply all potable water for the dwelling unit. The rainwater collection system is a water conservation measure which will reduce water use, protect drinking water supplies, and minimize impacts to the Yellow Point Aquifer. In addition, the applicant is proposing to reuse the existing dwelling foundation which will minimize land disturbance.

Inter-governmental Implications

The applicant obtained a permit from the MOTI to reduce the setback from the highway right-of-way from 4.5 metres to 2.0 metres. The property owners' driveway extends over a portion of the adjacent undeveloped highway right-of-way to the south. The applicant has received approval from MOTI for use of the driveway over the adjacent unconstructed road.

SUMMARY/CONCLUSIONS

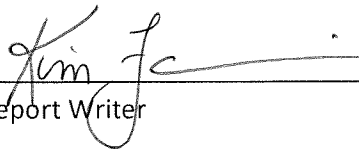
This is an application for a Development Permit with Variance to permit the reconstruction of a dwelling unit on an existing foundation within the Environmentally Sensitive Features/Coastal Areas Development Permit Area. In addition, the applicant is requesting a variance to reduce the minimum setback from the Other Lot Line from 5.0 metres to 2.0 metres, and to reduce the minimum setback from the sea from 8.0 metres to 2.0 metres in order to accommodate the construction of a new dwelling

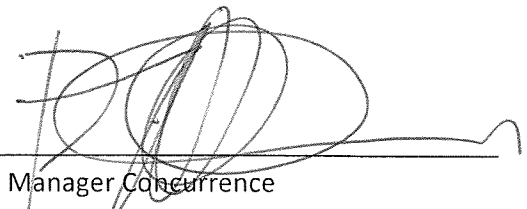
unit on an existing foundation. The applicant has provided an Environmental Assessment Report and Geotechnical Hazards Assessment Report in support of the application.


As the application is consistent with the Development Permit Area guidelines and measures have been taken by the applicant to mitigate potential negative impacts on views for the adjacent properties, staff recommend that the Board approve the Development Permit with Variance pending the outcome of the public consultation.

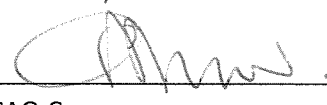
RECOMMENDATIONS

1. That staff be directed to complete the required notification; and
2. That Development Permit with Variance Application No. PL2011-174 to permit the construction of a dwelling unit be approved subject to the conditions outlined in *Schedules 1 to 3*.


Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

Schedule 1 Conditions of Development Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2011-174:

Bylaw No. 500, 1987 - Variances

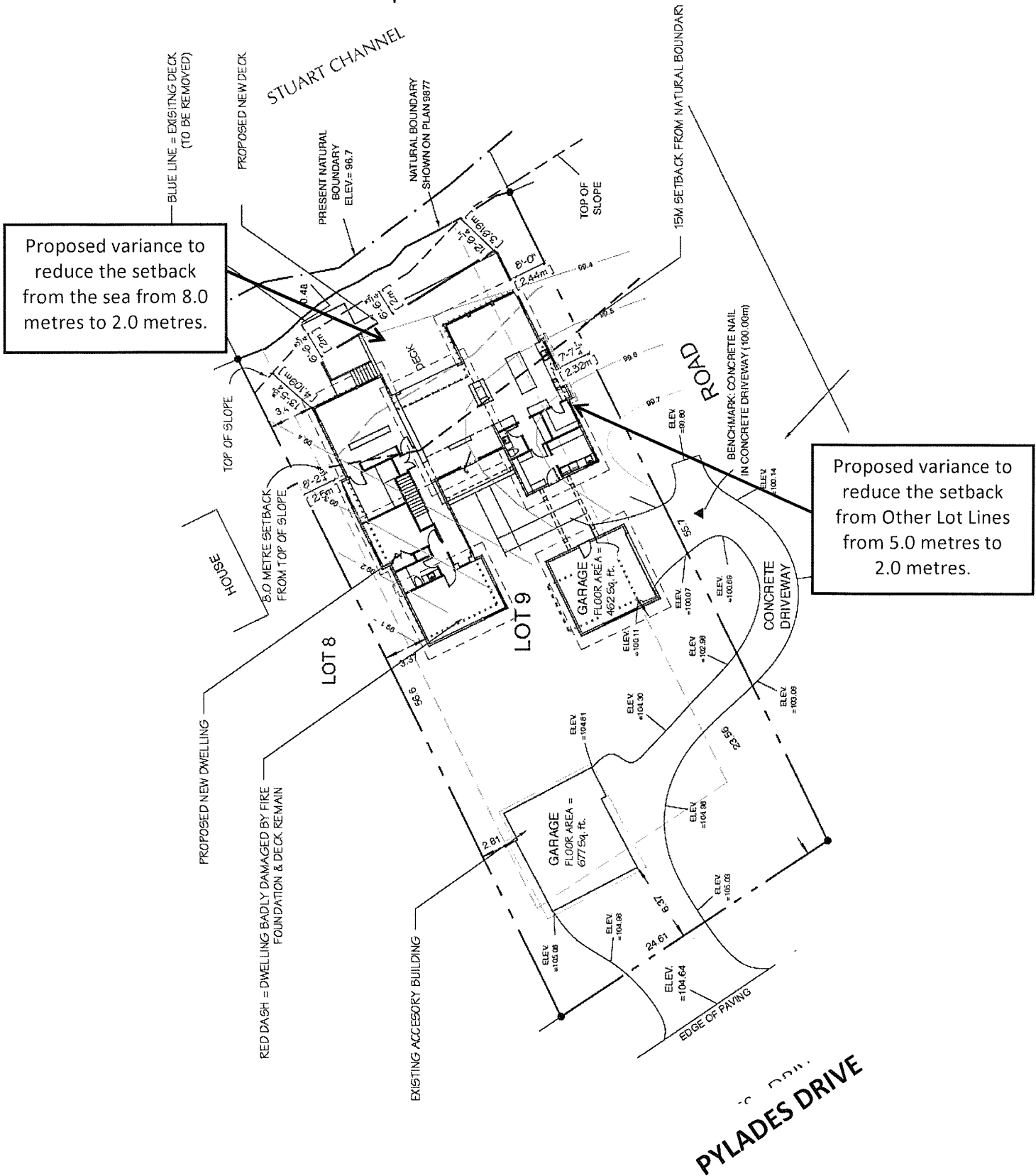
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. **Section 3.3.9 a) i) – Setbacks – Sea** to reduce the horizontal distance inland from the top of a slope of 30% or greater from 8.0 metres to 2.0 metres.
2. **Section 3.4.62 – Minimum Setback Requirements** to reduce the Other Lot Lines from 5.0 metres to 2.0 metres.

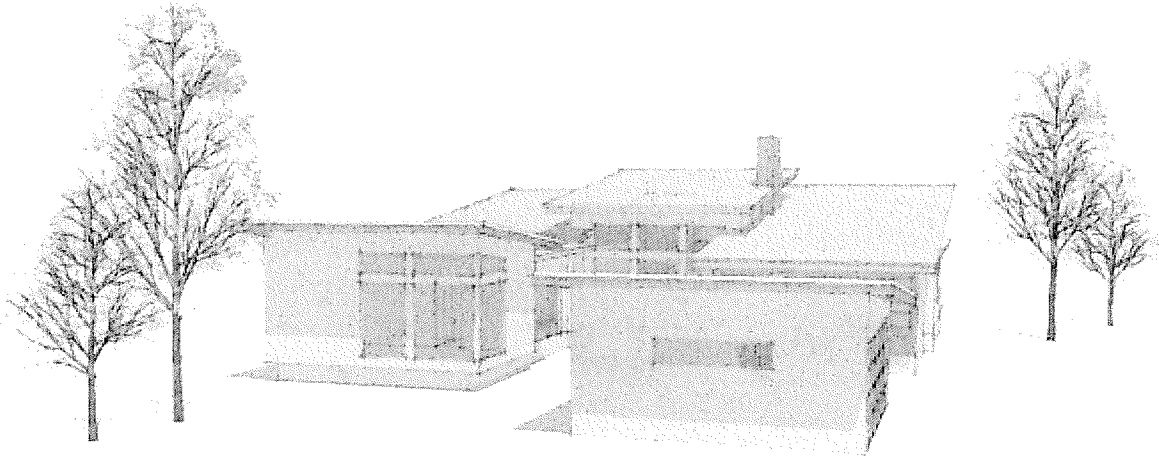
Conditions of Approval

1. The dwelling unit shall be sited in accordance with the site plan attached as *Schedule 2*.
2. The dwelling unit shall be constructed generally in compliance with the elevation drawings attached as *Schedule 3*.
3. No solid screening shall be erected around the deck between the rear building face of the dwelling unit and the rear lot line except as permitted in Conditions of Approval No. 4.
4. A clear view guard rail not more than 1.1 metres in height may be constructed around the deck as required by the British Columbia Building Code as shown on *Schedule 2*.
5. The subject property shall be developed in accordance with the Environmental Assessment Report prepared by Toth and Associates Environmental Services and dated December 8, 2011.
6. The subject property shall be developed in accordance with the Geotechnical Hazards Assessment Report prepared by Ground Control Geotechnical Engineering Ltd and dated September 30, 2011.

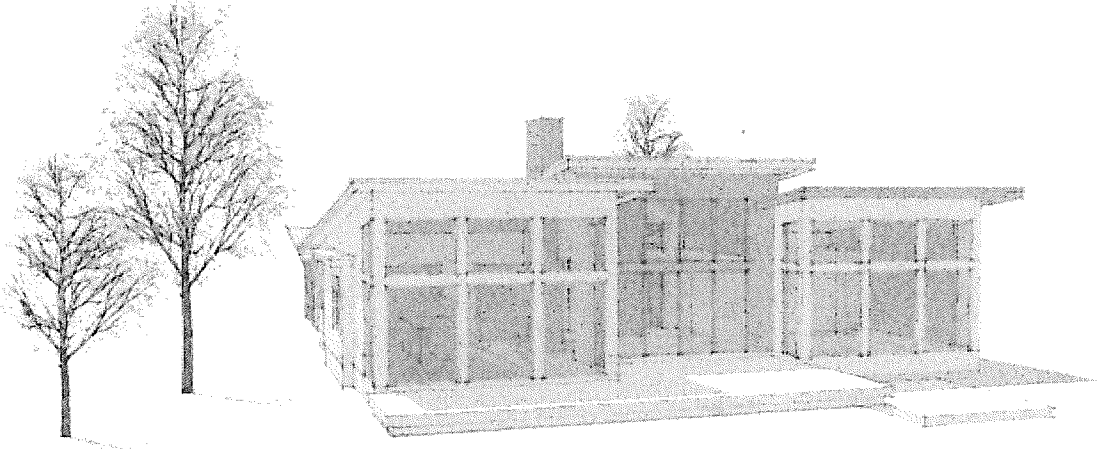
Schedule 2
 Proposed Site Plan and Variance



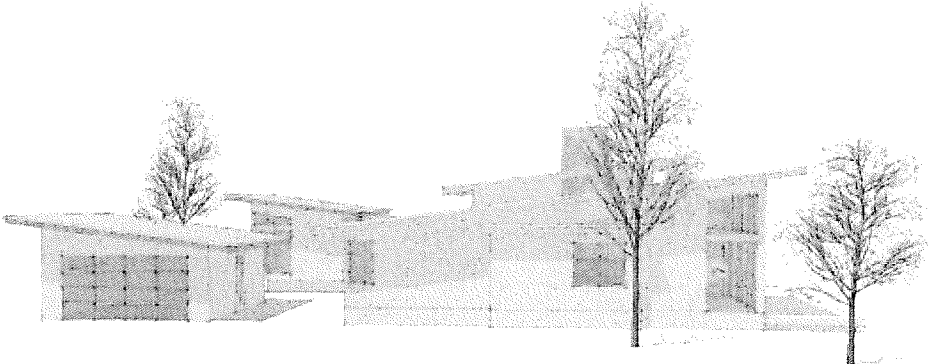
**Schedule 3
Building Elevations**



West Elevation - 2
Street Front

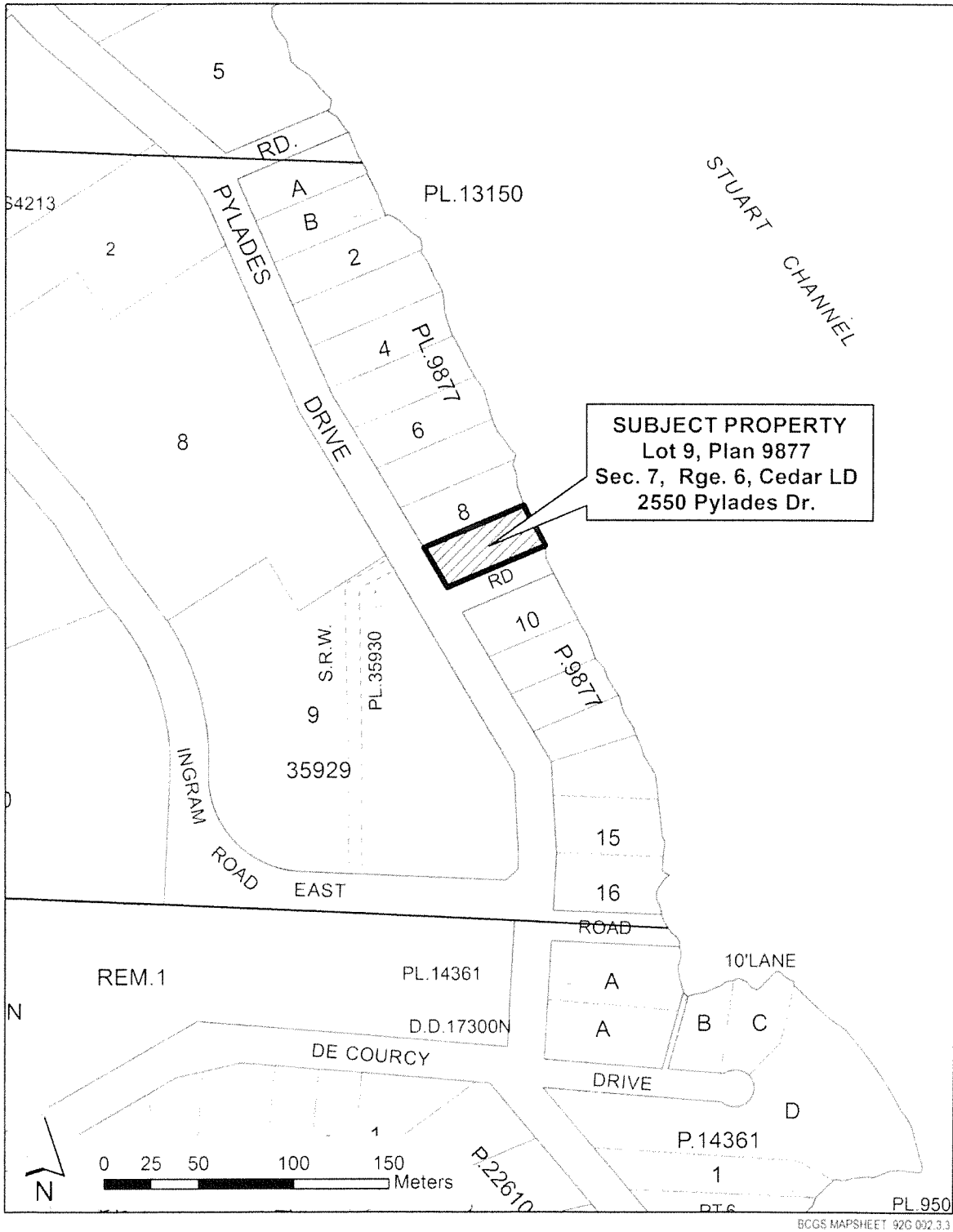


East Elevation - 3
Ocean Front



South Elevation - 1
Right Side

Attachement 1
Subject Property Map





CAO APPROVAL	
EAP	✓
COW	
MAR 05 2012	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: March 2, 2012

FROM: Kim Farris
Planner

FILE: PL2011-189

SUBJECT: Development Permit with Variance Application No. PL2011-189
Smitty Construction Ltd.
Lot C, District Lot 28, Nanoose District, Plan VIP88844 – 781 Miller Road
Electoral Area 'G'

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo has received an application from Darren Smith of Smitty Construction Ltd. on behalf of Janet Woolgar in order to permit the construction of a detached garage. The subject property is approximately 0.223 ha in area and is zoned Residential 1 (RS-1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The property is bound by residential parcels to the north and south, Miller Road to the east and Regional District of Nanaimo park land bordering French Creek to the west (see *Attachment 1* for location of the subject property). The parcel contains fill material of varying depths likely associated with the subdivision of the parent parcel. Due to the existence of fill material it is difficult to comply with the building height restrictions of Bylaw 500 which considers height from natural grade rather than finished grade.

In September 2003, the Regional District of Nanaimo approved a Development Permit with Variance for the construction of a detached garage on the subject property (DP No. 60338). The permit included a variance to increase the maximum permitted height for an accessory building from 6.0 metres to 8.2 metres. The current property owner wishes to construct a free standing garage which is substantially similar to the garage previously approved through DP No. 60338. As the garage proposed by the 2003 Development Permit with Variance was not constructed within the two year period of validity of the permit under the *Local Government Act*, DP No. 60338 has expired. As such, a new Development Permit must be issued prior to issuance of a building permit for the proposed garage.

The proposed development is subject to the Hazard Lands Development Permit Area as per "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008".

Proposed Development and Variances

The property owner proposes to construct a single-storey detached garage as shown on the site plan prepared by Sims Associates Land Surveying Ltd. and dated December 7, 2011, (see *Schedule 2*). The building elevation drawings show a building height of 8.7 metres however, the building height according to Bylaw 500 is in relation to natural grade elevation which is approximately 1.0 metre above French Creek, therefore, the actual height of the proposed detached garage is 7.7 metres. There is approximately 3.4 metres of fill in the location of the proposed garage. As such, the height of the garage above existing finished grade is approximately 4.3 metres.

As stated in the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" the maximum accessory building height permitted is 6.0 metres above natural grade. The proposed garage is 7.7 metres above natural grade; therefore a variance of 1.7 metres is required.

ALTERNATIVES

1. To approve the Development Permit with Variance Application No. PL2011-189 subject to the conditions outlined in *Schedules 1 to 4*.
2. To deny the Development Permit with Variance Application No. PL2011-189.

LAND USE IMPLICATIONS

Development Implications

The applicant submitted a Geotechnical Hazards Assessment report prepared by Ground Control Geotechnical Engineering Ltd. and dated December 9, 2011, to satisfy the Hazard Lands Development Permit Area Guidelines. The report states that from a geotechnical hazard perspective the proposed development will have no significant detrimental impact on the adjoining properties or public infrastructure. The report concludes that the proposed development is considered safe for the intended use.

While the report states that the development is considered safe, staff recommends that the applicant register a Section 219 covenant on the property title that includes the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd., and a save harmless clause that releases the Regional District of Nanaimo from all losses and damages to life and property as a result of potential geotechnical and flood hazards.

The proposed detached garage will meet the minimum setback requirements as set out in the submitted site plan dated December 7, 2011.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, staff reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist" and note that the proposed detached garage is located away from the sensitive riparian vegetation next to French Creek therefore minimizing any potential impact to the natural environment.

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.

SUMMARY/CONCLUSION

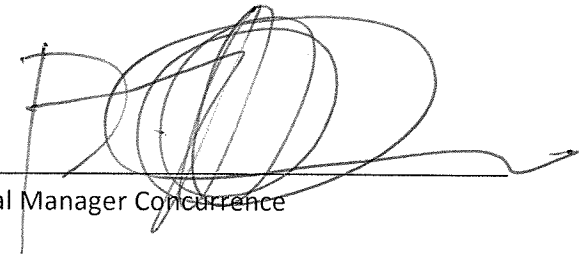
This is an application for a Development Permit with Variance to permit the construction of a detached garage within the Hazard Lands Development Permit Area. The applicant has provided a Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. which is consistent with the guidelines of the Hazard Lands Development Permit Area. Due to the presence of fill on the subject property, a height variance of 1.7 metres has been requested to allow the height of the garage to be increased from 6.0 metres to 7.7 metres when measured from natural grade. Staff is of the opinion that the proposed variance will not negatively impact adjacent properties and recommends that the requested Development Permit with Variance be approved subject to the terms outlined in *Schedules 1 to 4*.

RECOMMENDATIONS


1. That staff be directed to complete the required notification.
2. That Development Permit with Variance Application No. PL2011-189 to permit the construction of an accessory building by varying the maximum accessory building be approved subject to the conditions outlined in *Schedules 1 to 4*.



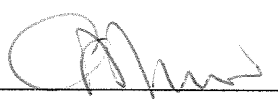
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule 1
Conditions of Development Permit with Variance

The following sets out the terms and conditions of Development Permit with Variance No. PL2011-189:

Bylaw No. 500, 1987 – Variances

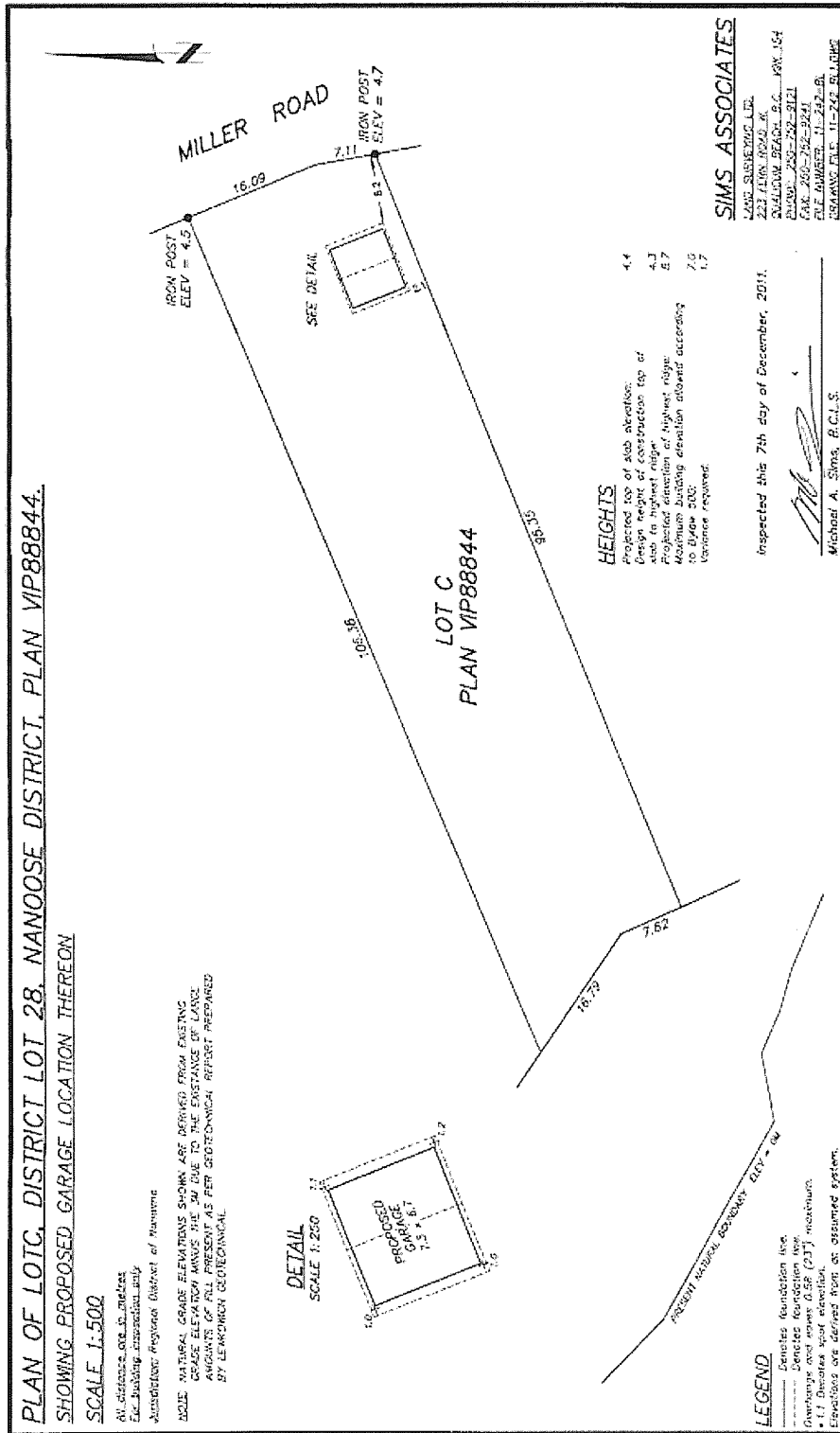
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

1. **Section 3.4.61 - Maximum Number and Size of Buildings and Structures** is requested to be varied by increasing the maximum accessory building height from 6.0 metres to 7.7 metres, as shown on *Schedules 2 to 4*.

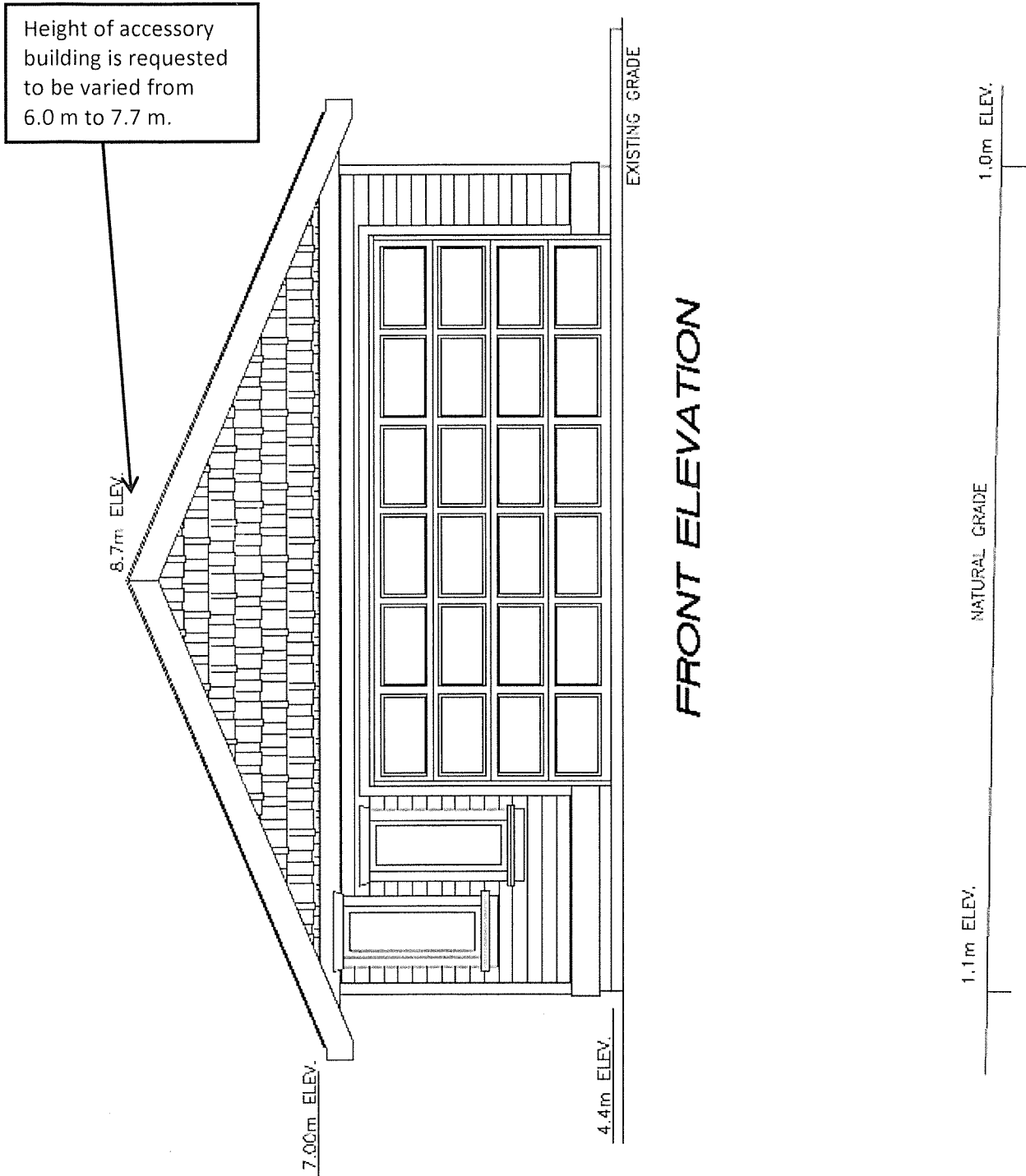
Conditions of Approval

1. The proposed detached garage shall be sited in accordance with the site plan prepared by Sims Associates Land Surveying Ltd. and dated December 7, 2011, attached as *Schedule 2*.
2. The proposed detached garage shall be constructed in accordance with the elevation drawings attached as *Schedules 3 and 4*.
3. The lands shall be developed in accordance with the recommendations established in the Geotechnical Hazards Assessment report prepared by Ground Control Geotechnical Engineering Ltd. and dated December 9, 2011.
4. Staff shall withhold the issuance of this Permit until the applicant, at the applicant’s expense, registers a Section 219 covenant that registers Geotechnical Hazards Assessment report prepared by Ground Control Geotechnical Engineering Ltd. and dated December 9, 2011, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages to life and property as a result of potential geotechnical and flood hazards.

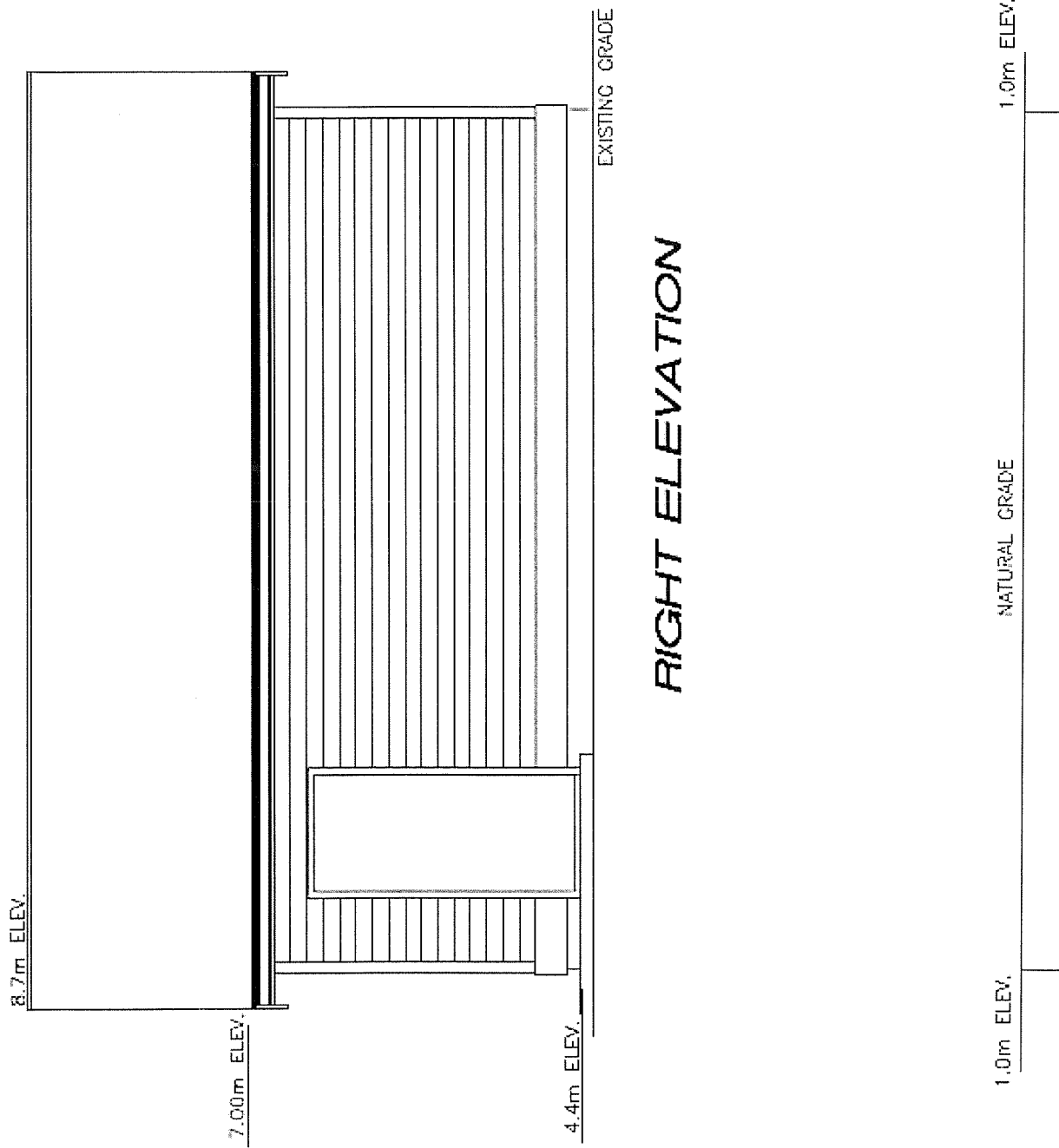
Schedule 2
Proposed Site Plan and Variances



Schedule 3
Building Elevations (1 of 2)



Schedule 3
Building Elevations (2 of 2)





C/O APPROVAL	
EAP	✓
COW	
MAR 05 2012	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: February 29, 2012

FROM: Kim Farris
Planner

FILE: PL2012-011

SUBJECT: Development Permit with Variance Application No. PL2012-011 – Kruger
Lot 12, District Lot 181, Nanoose District, Plan 15551 – 836 Mariner Way
Electoral Area ‘G’

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from D. Kruger and E. Kruger in order to permit the construction of a dwelling unit on the subject property. The subject property is approximately 1,093 m² in area and is zoned Residential 1 (RS1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment 1 for subject property map).

The subject property is bordered by developed residential parcels to the southeast and southwest, Arlette Road to the northwest, and Mariner Way to the northeast and is located within the Englishman River Floodplain. The property is currently a vacant site as the original dwelling unit and detached garage were demolished in 2011.

The proposed development is subject to the Hazard Lands Development Permit Area as per “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”.

Proposed Development and Variances

The applicant is proposing to construct a single family dwelling unit on the subject property (see Schedules 2 and 3 for site plan and building elevations). The flood construction level for the property is 4.1 metres GSC (Geodetic Survey of Canada datum). The elevation of the ground surface at the proposed building location is approximately 3.0 metres GSC, which is 1.1 metres below the flood construction level. The applicant proposes to construct an attached garage and crawl space foundation below the prescribed flood elevation. While all habitable floor space must be elevated above the prescribed flood construction level, the attached garage and crawl space are permitted to be situated below the flood construction level, in accordance with the “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006”.

Building height is measured from natural grade according to Bylaw 500. In this case natural grade is 1.1 metres below the flood construction level. The applicant is therefore requesting to increase the maximum permitted dwelling unit height from 8.0 metres to 8.4 metres in order to accommodate construction of the habitable portions of the dwelling unit above the minimum flood construction level (see *Schedule 3* for building elevations).

ALTERNATIVES

1. To approve the Development Permit with Variance Application No. PL2012-011 subject to the conditions outlined in *Schedules 1 to 3*.
2. To deny the Development Permit with Variance Application No. PL2012-011.

LAND USE IMPLICATIONS

Development Implications

The applicant submitted a Geotechnical Hazards Assessment report prepared by Ground Control Geotechnical Engineering Ltd. and dated December 21, 2011, to satisfy the Hazard Lands Development Permit Area guidelines.

The report concludes that the site is considered safe and suitable for the proposed residential use, and includes a number of recommendations with respect to ensuring adequate foundation support for the proposed buildings. Staff recommends that the applicant be required to register a Section 219 covenant that registers the Geotechnical Hazards Assessment report on the property title, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages to life and property as a result of potential geotechnical and flood hazards. In addition, in accordance with "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006", the covenant must stipulate the following:

1. A building or that portion of a building to be used as a garage, carport, or storage building not used for the storage of goods damageable by flood waters, toxic materials, or materials that may contaminate the environment.
2. That the crawl space must not exceed 1.5 metres in height.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, staff reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist" and note that the proposed development will utilize an existing service lot.

Public Consultation Process

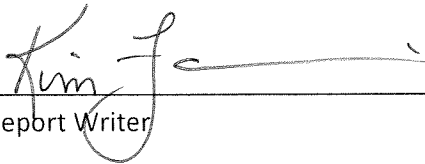
As part of the required public notification process, pursuant to the *Local Government Act*, property owners and tenants located within a 50.0 metre radius, will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed variance, prior to the Board's consideration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

SUMMARY/CONCLUSION

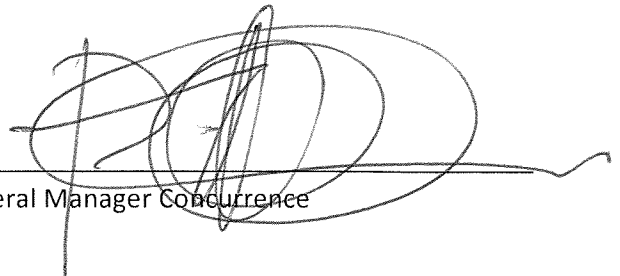
This is an application for a Development Permit with Variance to permit the construction of a dwelling unit within the Hazard Lands Development Permit Area. The applicant provided a Geotechnical Hazards Assessment report prepared by Ground Control Geotechnical Engineering Ltd. which is consistent with the guidelines of the Hazard Lands Development Permit Area. In order to construct the dwelling unit above the flood construction level, a height variance of 0.4 metres has been requested to increase the maximum permitted dwelling height from 8.0 metres to 8.4 metres. As the proposed variance will not negatively impact adjacent properties, staff recommends that the requested Development Permit with Variance be approved subject to the conditions outlined in *Schedules 1 to 3*.

RECOMMENDATIONS

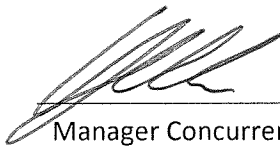
1. That staff be directed to complete the required notification, and
2. That Development Permit with Variance Application No. PL2012-011 to permit the construction of a dwelling unit be approved, subject to the conditions outlined in *Schedules 1 to 3*.



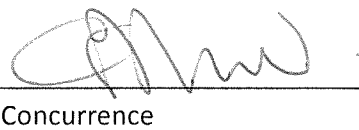
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule 1
Conditions of Development Permit

The following sets out the terms and conditions of Development Permit with Variance PL2012-011:

Bylaw No. 500, 1987 - Variance

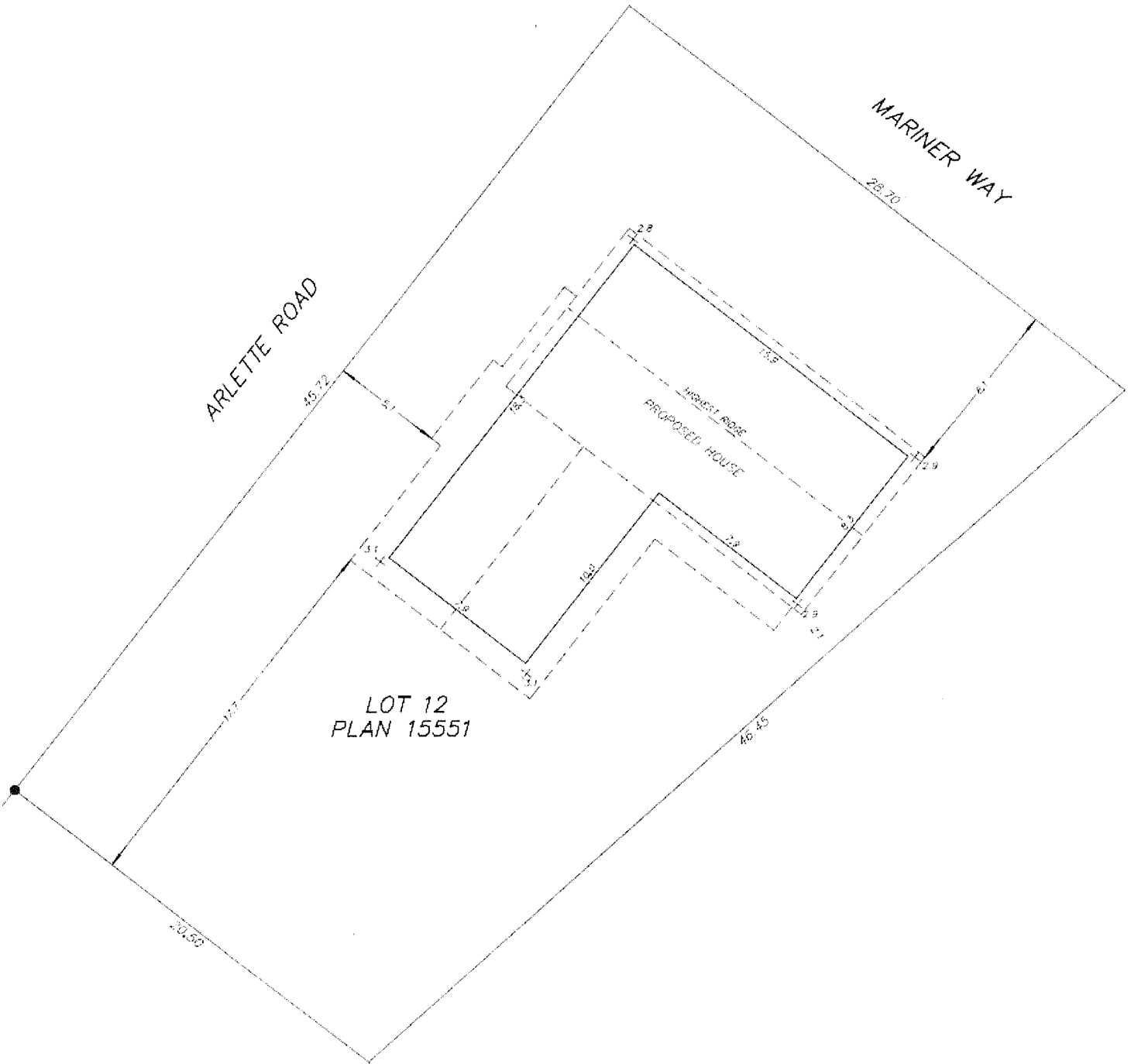
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. **Section 3.4.61 – Maximum Number and Size of Buildings and Structures** to increase the maximum permitted dwelling unit height from 8.0 metres to 8.4 metres, as shown on *Schedules 2 and 3*.

Conditions of Approval

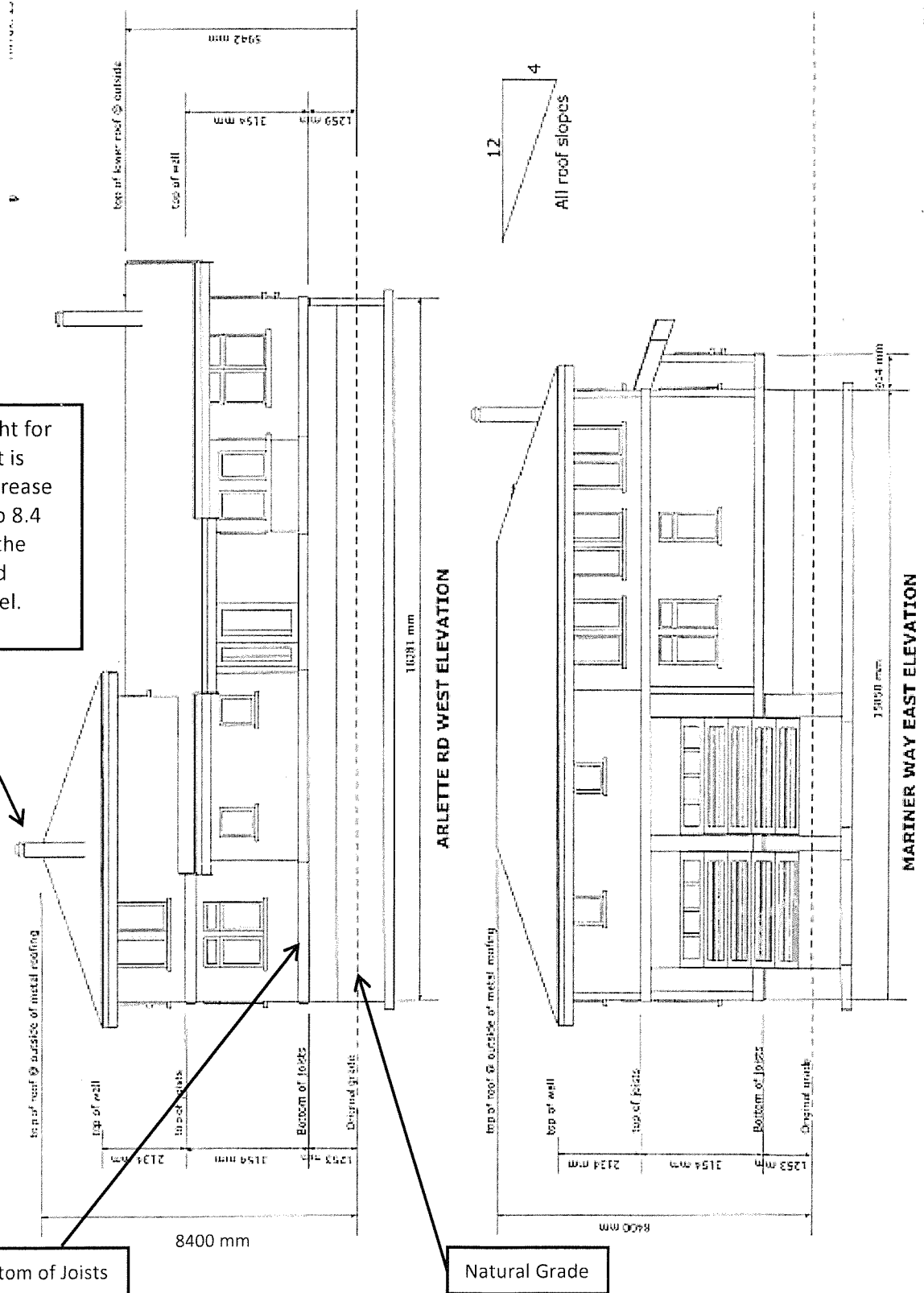
1. The dwelling unit shall be sited in accordance with the site plan prepared by Sims Associates Land Surveying Ltd. and dated January 12, 2012, attached as *Schedule 2*.
2. The dwelling unit shall be constructed generally in accordance with the building elevation drawings attached as *Schedule 3*.
3. The Lands shall be developed in accordance with the geotechnical report prepared by Ground Control Geotechnical Engineering Ltd. and dated December 21, 2011.
4. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 covenant that registers the Geotechnical Hazards Assessment report prepared by Ground control Geotechnical Engineering Ltd. and dated December 21, 2011, on the subject property title, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages to life and property as a result of potential geotechnical and flood hazards. In addition, the covenant must stipulate the following:
 - a. A building or that portion of a building to be used as a garage, carport, or storage building not used for the storage of goods damageable by flood waters, toxic materials, or materials that may contaminate the environment.
 - b. That portion of a building used as crawl space (not exceeding 1.5 metres in height).

Schedule 2
Site Plan

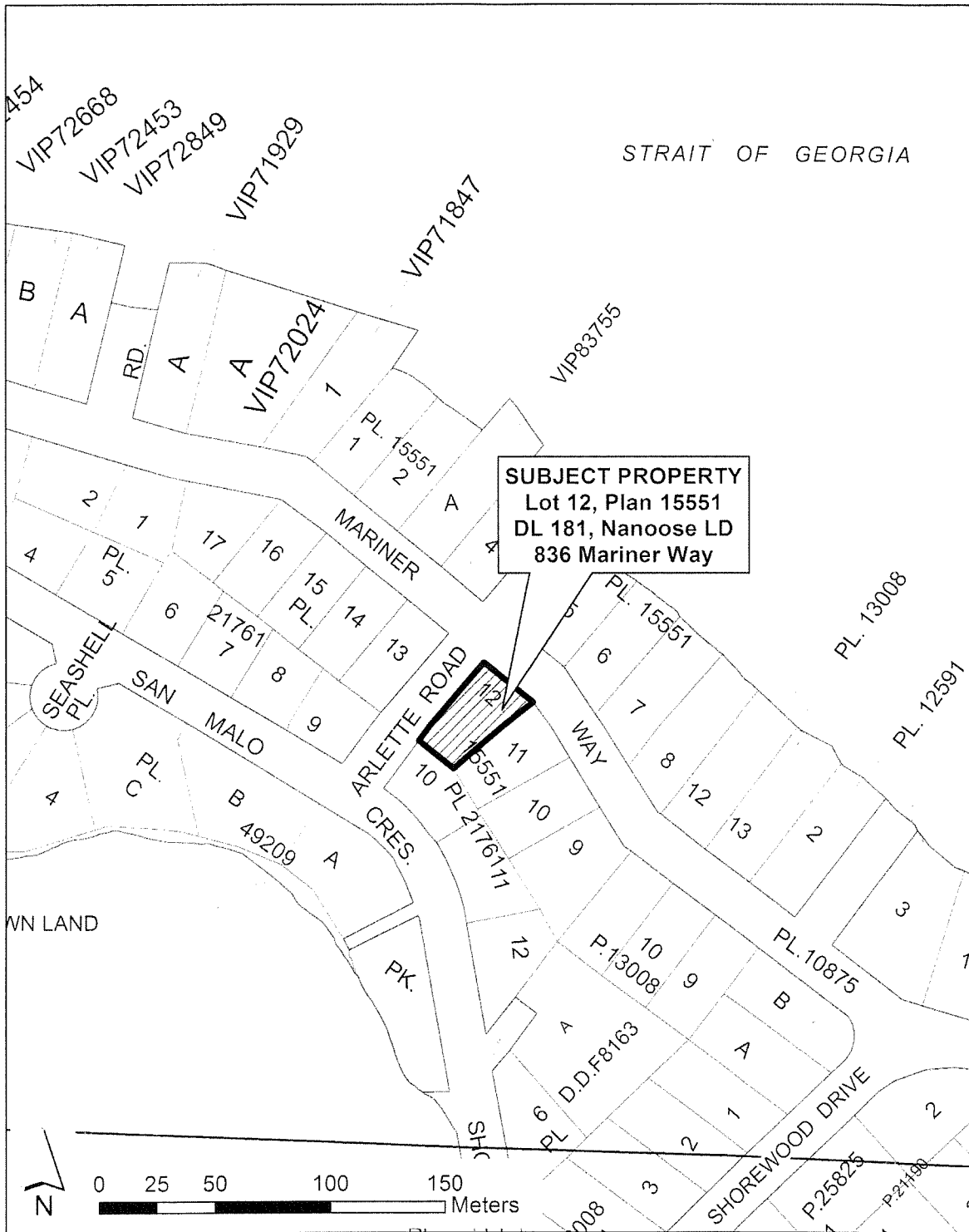


**Schedule 3
 Building Elevation Drawings**

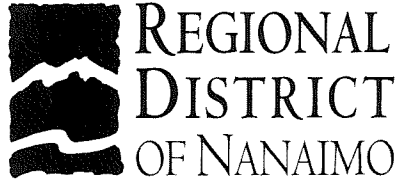
The maximum height for the dwelling unit is requested to be increase from 8.0 metres to 8.4 metres to meet the minimum flood construction level.



Attachment 1
Subject Property Map



BCGS MAPSHEET: 92F.039.1.3



RDN REPORT	
CAO APPROVAL <i>(Signature)</i>	
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
MAR 05 2012	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: February 29, 2012

FROM: Robert Stover
Planning Technician

FILE: PL2012-001

SUBJECT: Development Variance Permit Application No. PL2012-001 – Fern Road Consulting Strata Lot 8, District Lot 78, Nanoose District, Strata Plan VIS3393, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1 - 3526 Shetland Place Electoral Area 'E'

PURPOSE

To consider an application for a Development Variance Permit to legalize the siting of two existing retaining walls on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of Kehoe Holdings and W. A. Allen Custom Contracting Ltd. to legalize the siting of two existing retaining walls on the subject property. The subject property is approximately 0.16 hectares in area and is zoned Residential 1 (RS1) 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 bracketed by RS1 zoned strata lots to the east and west, Shetland Place to the north, and a narrow portion of park land to the south. A dwelling unit is currently under construction on the lot. The subject property's topography features a steep change in grade of approximately 14.0 metres which slopes from the front to the rear of the lot. The steep change in grade, in concert with the shallow depth of the property, required the construction of two retaining walls in order to provide driveway access and establish a level building site for the dwelling unit.

The applicant has indicated that a miscommunication in the early stages of the project led to the construction of the retaining walls that were not included on the approved building permit drawings. As a result, the retaining walls were constructed without a permit and within yard setbacks and as such, require variances in order to legalize their siting prior to the issuance of a building permit. Retaining walls over 1.0 metre in height are considered 'structures' in accordance with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", and as such are required to meet the minimum setback requirements of the RS1 zone.

Proposed Variances

The applicant proposes to legalize the siting of two existing retaining walls on the subject property by varying the minimum setback requirements in the RS1 zone of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as follows:

- To reduce the minimum setback requirement from the front lot line from 8.0 metres to 5.9 metres for the portions of an existing retaining wall over 1.0 metre in height.
- To reduce the minimum setback requirement from the interior side lot line from 2.0 metres to 0.3 metres for the portions of an existing retaining wall along the eastern property line over 1.0 metre in height.
- To reduce the minimum setback requirement from the rear lot line from 2.0 metres to 0.0 metres for the portions of an existing retaining wall over 1.0 metre in height.

ALTERNATIVES

1. To approve the Development Variance Permit Application No. PL2012-001 subject to the conditions outlined in *Schedule 1*.
2. To deny the Development Variance Permit Application No. PL2012-001.

DEVELOPMENT IMPLICATIONS

The applicant is requesting variances to reduce the minimum setback requirements from the front, exterior side, and rear lot lines of the subject property in order to legalize the siting of two existing retaining walls. A site plan outlining the location of the retaining walls on the subject property is attached as *Schedule 2*. The applicant has provided a Geotechnical Engineer's Report, prepared by Ground Control Geotechnical Engineering Ltd. and dated November 2, 2011, which concludes that the walls are considered safe from a geotechnical perspective.

Sustainability Implications

The applicant has submitted a Community and Site Impact Review Form as part of the application. No environmental or sustainability implications were identified as part of this review. The site is an existing serviced bare land strata lot created in 1994.

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 of the subject property will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed variance, prior to the Board's consideration of the application.

SUMMARY/CONCLUSION

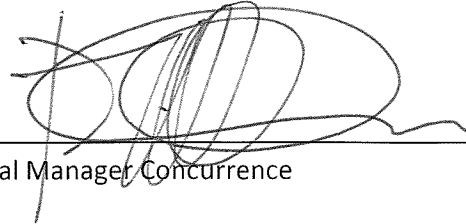
This is an application for a Development Variance Permit to reduce the minimum setback requirements in the RS1 zone to legalize the siting of two existing retaining walls on the subject property. The applicant has submitted a site plan (Schedule 2), and a Geotechnical Engineer's Report in support of the application. The Geotechnical Engineer's Report concludes that the walls are considered safe. In staff's opinion, the existing retaining walls provide for access to a reasonable building site and do not negatively impact the use of the subject property or adjacent properties. Staff recommend that the Board support the variances pending the outcome of public consultation.

RECOMMENDATIONS

1. That staff be directed to complete the required notification; and
2. That Development Variance Permit Application No. PL2012-001 to reduce the minimum required setbacks from the front, interior side and rear lot lines be approved subject to the conditions outlined in *Schedule 1*.



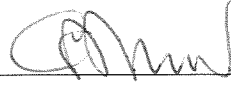
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule 1
Term and Conditions of
Development Variance Permit Application No. PL2012-001

The following sets out the terms and conditions of Development Variance Permit No. PL2012-001:

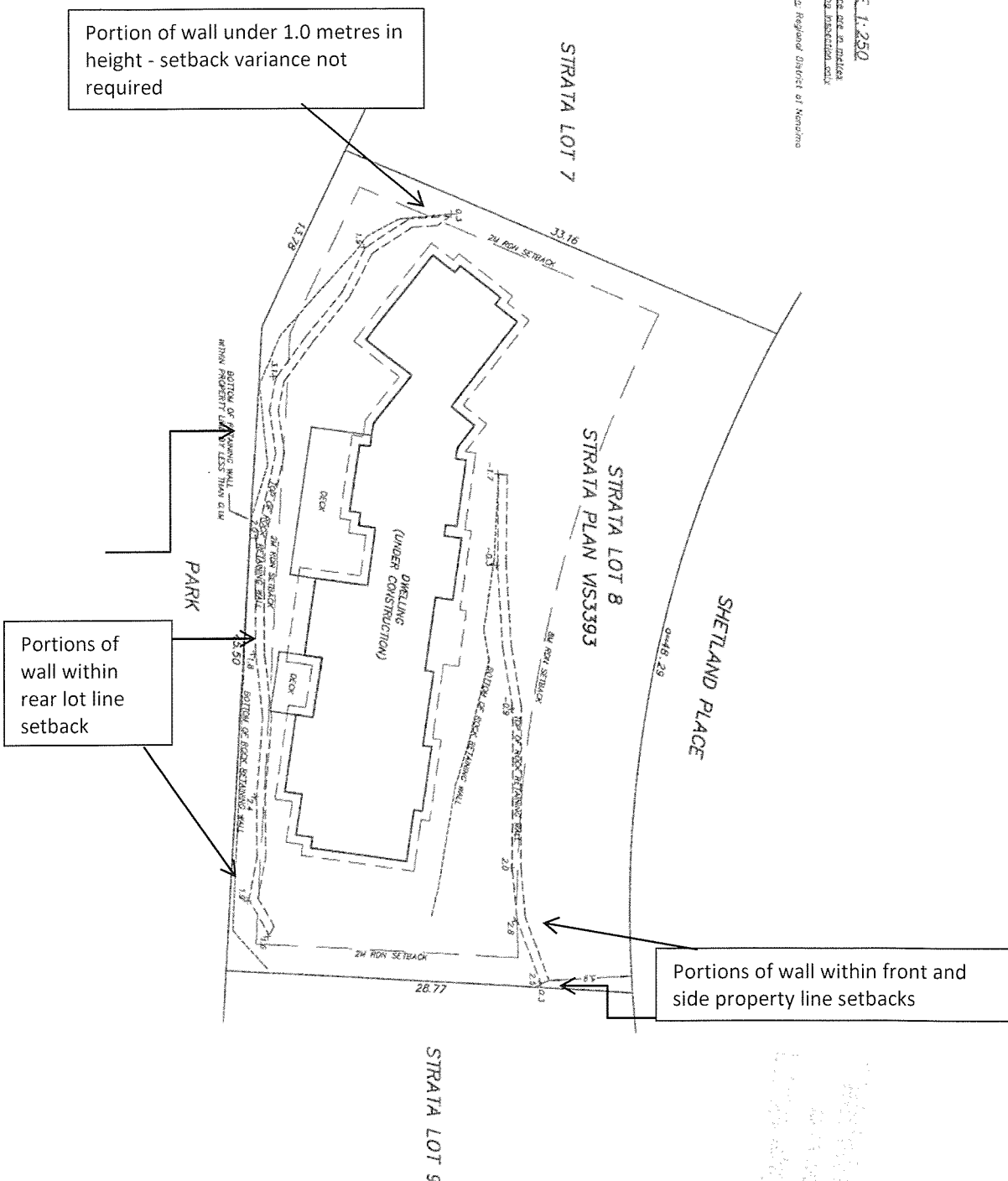
Variances

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

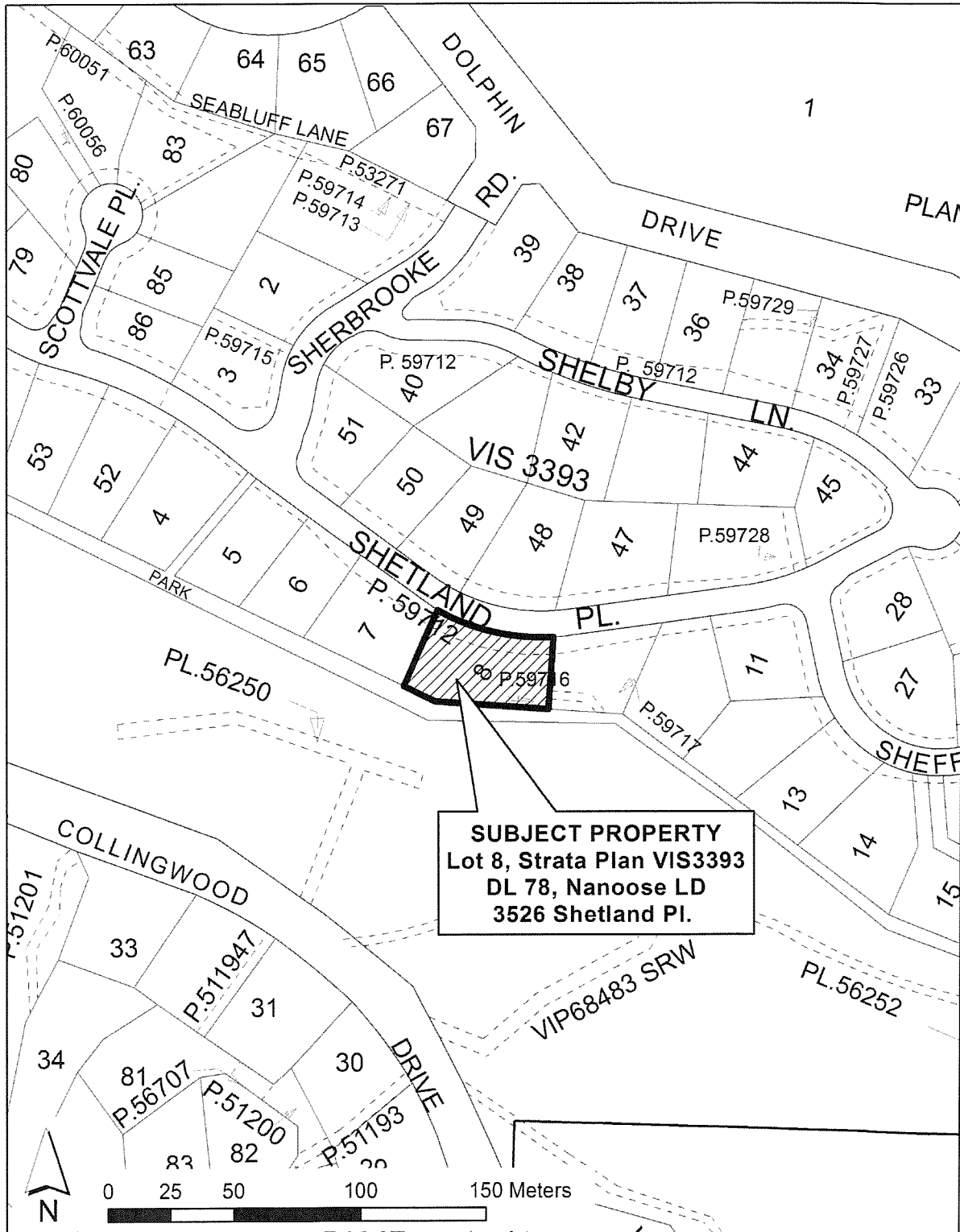
1. **Section 3.4.61 Minimum Setback Requirements** is varied by reducing the minimum required setback from the front lot line from 8.0 metres to 5.9 metres for a portion of an existing retaining wall as shown on *Schedule 2*.
2. **Section 3.4.61 Minimum Setback Requirements** is varied by reducing the minimum required setback from the interior side lot line from 2.0 metres to 0.3 metres for a portion of an existing retaining wall as shown on *Schedule 2*.
3. **Section 3.4.61 Minimum Setback Requirements** is varied by reducing the minimum required setback from the rear lot line from 2.0 metres to 0.0 metres for a portion of an existing retaining wall as shown on *Schedule 2*.

**Schedule 2
 Site Plan - Detail**

SCALE 1:250
 All distances are in metres
 For business inspection only
 Authorisation: Regional District of Nanaimo



Attachment No. 1
Location of Subject Property





RDN REPORT	
CAO APPROVAL	
EAP	<input checked="" type="checkbox"/>
COW	
MAR 06 2012	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: March 5, 2012

FROM: Lainya Rowett
Senior Planner

FILES: PL2009-040

SUBJECT: Zoning Amendment Application No. PL2009-040 – Bylaw No. 1285.17
Keith Brown Associates Ltd. – Oceanside Storage Inc.
Lot 28, District Lot 156, Nanoose District, Plan 1964, Except Part in Plan 733 RW and Re-Amended Lot 29 (DD78202-N), District Lot 156, Nanoose District, Plan 1964, Except Part in Plan 733 RW - 1270 & 1274 Alberni Highway
Electoral Area 'F'

PURPOSE

To consider an application to rezone the subject properties located at 1270 & 1274 Alberni Highway, Lot 28 and Lot 29 respectively, in the Errington area of Electoral Area 'F,' in order to permit the expansion of an existing mini storage facility with additional signage and limited accessory uses.

BACKGROUND

The Regional District of Nanaimo has received a Zoning Amendment Application from Keith Brown Associates Ltd. on behalf of Oceanside Storage Inc. to rezone the subject properties to permit the expansion of an existing commercial mini storage operation. The combined site area of the two parent parcels (Lots 28 & 29) is approximately 5.2 ha (see *Attachment 1* for subject property map). The existing zoning of Lot 28, Plan 1964 is Commercial 3 (C-3), while Lot 29, Plan 1964 is split-zoned Commercial 3 (C-3) and Village Residential 3 (R-3), in accordance with the "Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002" (see *Schedule 2 for existing and proposed zoning*). The lots are bound by Alberni Highway and industrial developed lots to the north, a cedar sawmill operation to the west, an agricultural zoned property (in the Agricultural Land Reserve) to the east, and rural residential lots to the south.

The subject properties contain an existing mini storage facility (Oceanside Mini Storage) within the northern portion of the lots adjacent to Alberni Highway. Both properties are owned by Oceanside Storage Inc., and the existing storage operation functions jointly over both lots. The southern portion of the lots is cleared of vegetation and vacant. Romney Creek runs east-west across the southernmost portion of Lot 29.

When the existing mini storage buildings were initially constructed, the zoning interpretation of the permitted *Maximum Building and Structure Floor Area*, Section 4.4.3 f) of the C-3 Zone, was that the zoning regulation limited building floor area to a maximum of 1,500 m² per lot. The property owner (Oceanside Storage Inc.) subsequently applied for a variance to increase the maximum permitted floor area within Lot 29, Plan 1964 located at 1270 Alberni Highway. On March 28, 2006, the Board approved Development Variance Permit Application No. 90605 to increase the *Maximum Building and Structure Floor Area* restriction in the C-3 Zone from 1,500 m² per lot to 3,176 m² per lot in order to accommodate a total of six buildings (storage facilities and office buildings) within the lot.

Subsequently, a legal review of the building floor area interpretation determined that the zoning was intended to restrict the maximum floor area of an individual building rather than the maximum cumulative floor area of building(s) on a lot, as previously interpreted. As a result, the RDN implemented this clarified interpretation of Section 4.4.3 f) in the C-3 Zone to regulate the *Maximum Building and Structure Floor Area as 1,500 m² per building* up to the maximum permitted lot coverage.

The subject properties have been developed within the provisions of the C-3 Zone and the approved DVP No. 90605, but the remainder of the site is undeveloped. In 2008, the applicants submitted a rezoning application to increase the maximum permitted lot coverage in order to expand their facility. The applicants revised their application in March 2011 and appointed a new agent (Keith Brown Associates Ltd). The new proposal includes additional accessory uses and signage as discussed in the sections below.

The subject properties are designated within the Fish Habitat Protection Development Permit Area pursuant to the "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999."

Proposed Development

The applicants propose to rezone the subject properties from Commercial 3 (C-3) and Village Residential (R-3) Zones to CD-18 Alberni Highway Mini Storage in order to permit the expansion of an existing mini storage facility with additional signage and limited accessory uses permitted, including outdoor (covered) storage for boats, vehicles and recreational vehicles, service and repair, office, dwelling unit and limited retail sales (see *Schedule 2* for existing and proposed zoning).

ALTERNATIVES

1. To approve the proposed Amendment Bylaw No. 1285.17, 2012 to rezone the subject properties from Commercial 3 (C-3) and Village Residential (R-3) Zones to CD-18 Alberni Highway Mini Storage for first and second reading subject to the conditions outlined in *Schedule 1*.
2. To deny the proposed Amendment Bylaw No. 1285.17, 2012 as submitted.

LAND USE IMPLICATIONS

Official Community Plan Implications

The subject properties are designated as "Commercial / Industrial Mixed Use" within the Bellevue Church Road Rural Separation Area, pursuant to the "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999." The OCP policies for this designation encourage a compatible mix of uses, with future commercial, industrial, public utility and community services to be directed to lands within the rural separation areas. The proposed zoning amendment complies with the OCP policies and would allow greater diversity and intensity of commercial uses within the subject properties, in close proximity to other commercial and industrial services. Therefore, an OCP amendment is not required for the proposed zoning amendment.

Zoning Implications

The applicant proposes a site specific Comprehensive Development Zone (CD-18) in order to expand the existing Oceanside Mini Storage facility on the subject properties. Currently, the majority of the subject site is zoned Commercial 3 (C-3), which permits mini storage use and a number of unrelated commercial uses (see *Schedule 3 – Existing Proposed Zoning Regulation Comparison*). A small, land-locked portion of Lot 29 is zoned Village Residential (R-3), which permits care services, public assembly, school and residential use (see *Schedule 2 existing and proposed zoning*). The proposed Amendment Bylaw includes a number of changes to the existing zoning regulations as summarized in *Schedule 3*. The greatest difference involves the change in permitted uses, as the proposed Amendment Bylaw would also restrict the permitted principal use of the properties to “mini storage” only, with additional accessory uses permitted that compliment and are compatible with mini storage use (see *Attachment 2 for Proposed Zoning Amendment Bylaw No. 1285.17, 2012*). The proposed accessory uses include:

- Covered, outdoor storage for boats, vehicles and recreational vehicles;
- Service and repair, including the rental or leasing of vehicles and trailers to transport goods for private storage;
- Accessory dwelling unit (maximum one unit per hectare);
- Accessory office and retail sales (maximum combined floor area of 400 m² per lot).

The proposed zoning amendment also includes signage provisions, which would permit a maximum of two free-standing signs per lot. The existing mini storage development, including an accessory office, is 6,156 m² in floor area and covers about 12 percent of the combined site area. The applicant proposes to add 9,149 m² in floor area; including storage enclosed entirely within a building (5,282 m²) and outdoor storage to be contained within covered shelter structures (3,867 m²) (see *Schedules 4 and 5*). The total proposed lot coverage is nearly 30 percent. It should be noted that the existing lot coverage within Lot 28 alone exceeds the lot coverage allowance in the proposed CD-18 zone (30 percent per lot), yet it complies with the existing zoning. The applicant owns both of the subject properties (Lots 28 & 29) and proposes to consolidate the lots, as the existing mini storage facility functions jointly over the lots, with shared access, internal drive aisles and servicing infrastructure. Consolidation of the lots would ensure that the maximum lot coverage complies with the proposed zoning amendment based on a combined site area. The applicant will be required to consolidate the subject properties as a condition of approval to ensure the lot coverage complies at the time of rezoning (see *Schedule 1*).

The Ministry of Transportation and Infrastructure (MOTI) has reviewed the proposed Zoning Amendment Application and confirmed that it does not have any concerns, provided that no additional drainage is directed to the adjacent Alberni Highway.

The applicant has submitted letters of support for the proposed zoning amendment from some of the surrounding neighbors, including the properties immediately to the west and south of 1274 Alberni Highway (Lot 28).

Development Implications

The subject properties are located within the Fish Habitat Development Permit Area. In support of this proposal, the applicant submitted a Riparian Areas Regulation Assessment Report prepared by Streamline Environmental Consulting Ltd. and dated February 25, 2011. The report identifies a ditch, on the east side, and a man-made detention pond, on the south side of Lot 29 (1270 Alberni Highway), which are connected by a 10-metre long, man-made outlet ditch, which flow (during high flows) into Romney Creek. The Qualified Environmental Professional (QEP) concluded that the pond and its outlet ditch could potentially be fish bearing, but they are located outside of the 30-metre riparian assessment area of Romney Creek. The QEP classified the pond and outlet as a ditch, rather than a wetland, with a 5.0-metre Streamside Protection and Enhancement Area (SPEA). A riparian setback was not established along the ditch, which is constrained by fill up to the west side of the ditch.

While the proposed development includes land alterations within the 30-metre development permit area (e.g. installation of drainage systems, construction of storage buildings, and paving), most of these activities will occur outside of the 5.0-metre SPEA. Some improvements to the pond and its outlet will require temporary works within the SPEA. This work will be done in accordance with the *Water Act* and will require a Section 9 Notification. The QEP also recommends measures to protect the SPEA with minimal environmental monitoring; therefore, a development permit (DP) will be required prior to completion of the works. The DP application will proceed concurrently with the rezoning should the Bylaw receive third reading

Environmental Implications

One of the conditions of the previously approved DVP No. 90605 was the requirement for the development to be serviced with an on-site storm drainage system, designed and inspected by a qualified engineer. The applicant's engineer has confirmed that the existing development directs roof and pavement drainage into a network of perforated pipes, allowing infiltration of runoff into the ground. There is also a piped connection within 1270 Alberni Highway (Lot 29), to a detention pond at the south end of the property (via an oil interceptor), for any runoff that does not infiltrate into the ground. The Engineer confirmed that these systems are functioning adequately for the existing development, and they will be maintained and augmented to enhance runoff detention and infiltration in consideration of the proposed development, including the following measures:

- The installation of a detention pipe at the south end of Lot 28 to direct runoff from the perforated drainage collection network to the east into a designed linear "rain garden" (discharge area) along the southerly limit of existing pavement within Lot 29;
- The applicant proposes a crushed gravel surface area instead of pavement within the outdoor storage area to promote infiltration;
- The proposed rain garden will function to remove silt and oil from runoff, and allow additional opportunity for infiltration;
- From the rain garden, any drainage which does not infiltrate will flow over the surface into the existing pond (see *Schedule 4 for Preliminary Site Plan and Drainage Management Plan*);
- The pond will be upgraded with a flow control structure at its outlet to limit discharge rates to pre-development rate, and allow storm flows to be detained in the pond.

The proposed upgrading to the pond outlet (flow control structure) will require a development permit, as discussed under Development Implications. Improvements will also include the installation of a water inlet structure within the pond to provide emergency fire flows, if needed, on site. As a condition of rezoning approval, the applicant will be required to provide a detailed drainage management plan at the time of a building permit application, that is consistent with the Drainage Design Rationale prepared by Newcastle Engineering Ltd. and dated March 21, 2011 (see *Schedule 1*).

The proposed Amendment Bylaw will also include a provision to restrict the amount of impervious surface area permitted within the site. Based on the proposed development, the maximum amount of paved or impervious surface area is 75 percent of the site area (see *Attachment 2 for Proposed Zoning Amendment Bylaw No. 1285.17, 2012*).

To address water supply considerations, the applicant's engineer has advised that the existing well will provide adequate water supply for the existing and proposed uses, and it will not be used to supply or store water for fire protection. Instead, the applicant proposes an emergency intake structure connected to a dry fire hydrant to enable withdrawal of fire protection water from the detention pond on site.

Public Consultation Implications

A Public Information Meeting (PIM) was held on January 30, 2012, and four people attended this meeting in addition to the applicants and RDN staff (see *Attachment 3 for Summary of PIM Minutes*). If the proposed amendment bylaw receives first and second reading the proposal will proceed to public hearing.

Sustainability Implications

The following sustainability implications were identified through the review of this application:

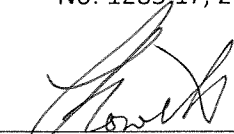
- The proposed development minimizes encroachment into the Riparian Assessment Areas;
- The proposed development includes a compatible mix of uses, and would permit intensification and diversification of land use in close proximity to other commercial and industrial uses;
- The site design includes features to maximize groundwater infiltration and on-site rain water management (e.g. rain garden and detention pond);
- The proposed Amendment Bylaw restricts the amount of impervious surface area;
- The site is designed with fire protection measures.

SUMMARY/CONCLUSIONS

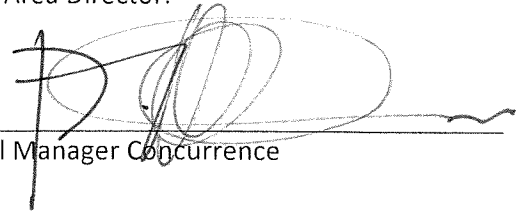
The applicant proposes to amend Bylaw No. 1285, 2002 in order to rezone the subject properties located at 1270 and 1274 Alberni Highway from Commercial 3 (C-3) and Village Residential (R-3) to CD-18 Alberni Highway Mini Storage in order to permit the expansion of an existing mini storage facility with additional signage and limited accessory uses permitted, including outdoor (covered) storage for boats, vehicles and recreational vehicles, service and repair, office, dwelling unit and limited retail sales (see *Attachment 2 for Proposed Zoning Amendment Bylaw No. 1285.17, 2012*). Given that the proposed amendment complies with the OCP policies and the conditions of approval outlined in *Schedule 1* are required, staff recommends that the proposed Zoning Amendment Bylaw No. 1285.17, 2012 receives first and second reading and proceed to public hearing.

RECOMMENDATIONS

1. That Zoning Amendment Application No. PL2009-040 to rezone the subject properties from Commercial 3 (C-3) and Village Residential (R-3) to CD-18 Alberni Highway Mini Storage be approved subject to the conditions outlined in *Schedule 1*.
2. That "Regional District of Nanaimo Zoning and Subdivision Amendment Bylaw No. 1285.17, 2012" be introduced and read two times.
3. That the public hearing on "Regional District of Nanaimo Zoning and Subdivision Amendment Bylaw No. 1285.17, 2012" be delegated to Director Fell or another Area Director.



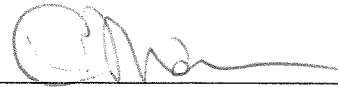
Report Writer



General Manager Concurrence



Manager Concurrence



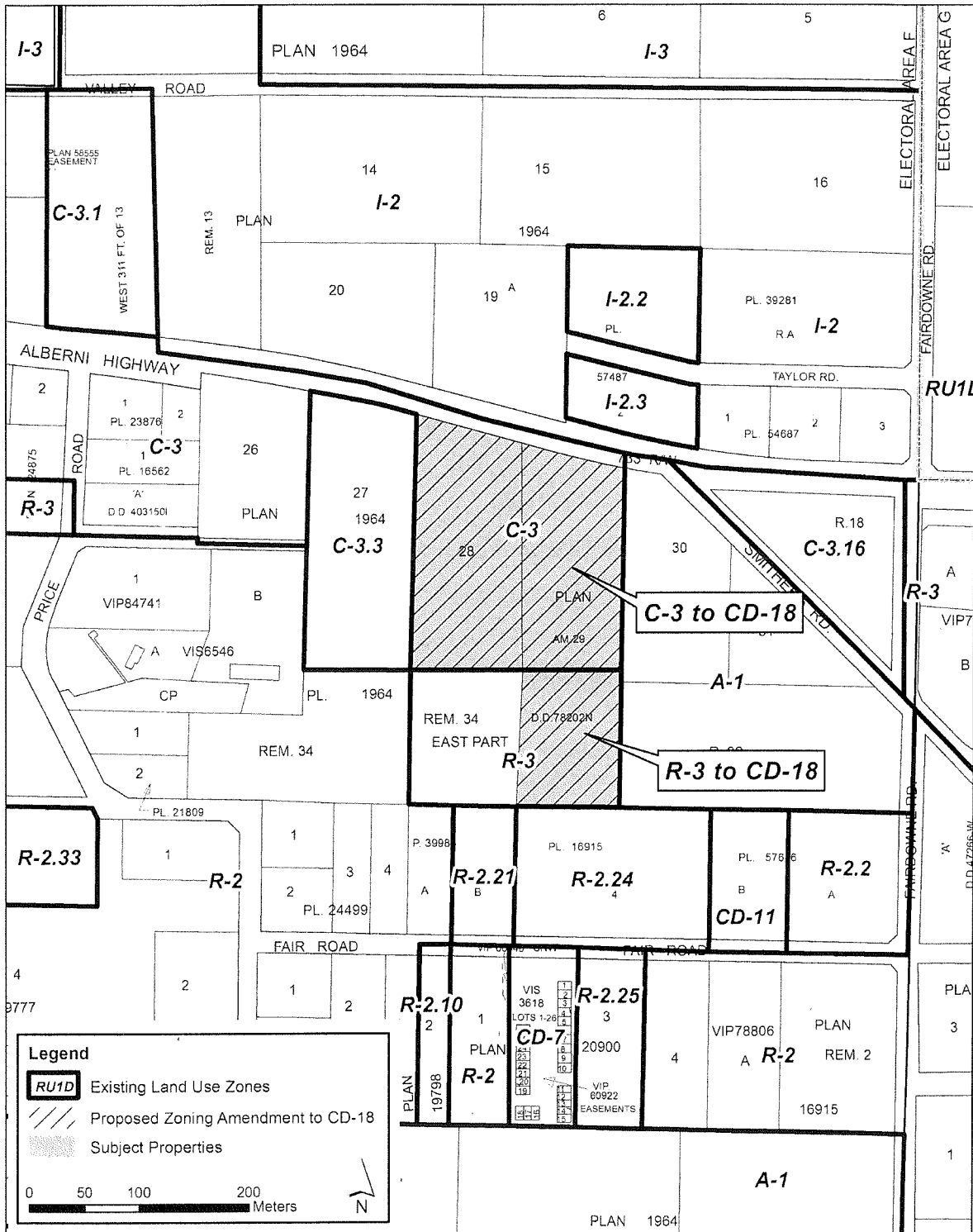
CAO Concurrence

Schedule 1
Conditions of Approval

The following is required prior to the Amendment Bylaw No. 1285.17, 2012 being considered for adoption:

1. The subject properties must be consolidated by legal survey.
2. The applicant must provide a detailed drainage management plan at the time of submitting a development permit application to the satisfaction of the General Manager of Development Services and in accordance with the Drainage Design Rationale prepared by Newcastle Engineering Ltd. and dated March 21, 2011. This information must include a detailed assessment of off-site flows to ensure there are no negative downstream impacts of run-off from the subject properties.

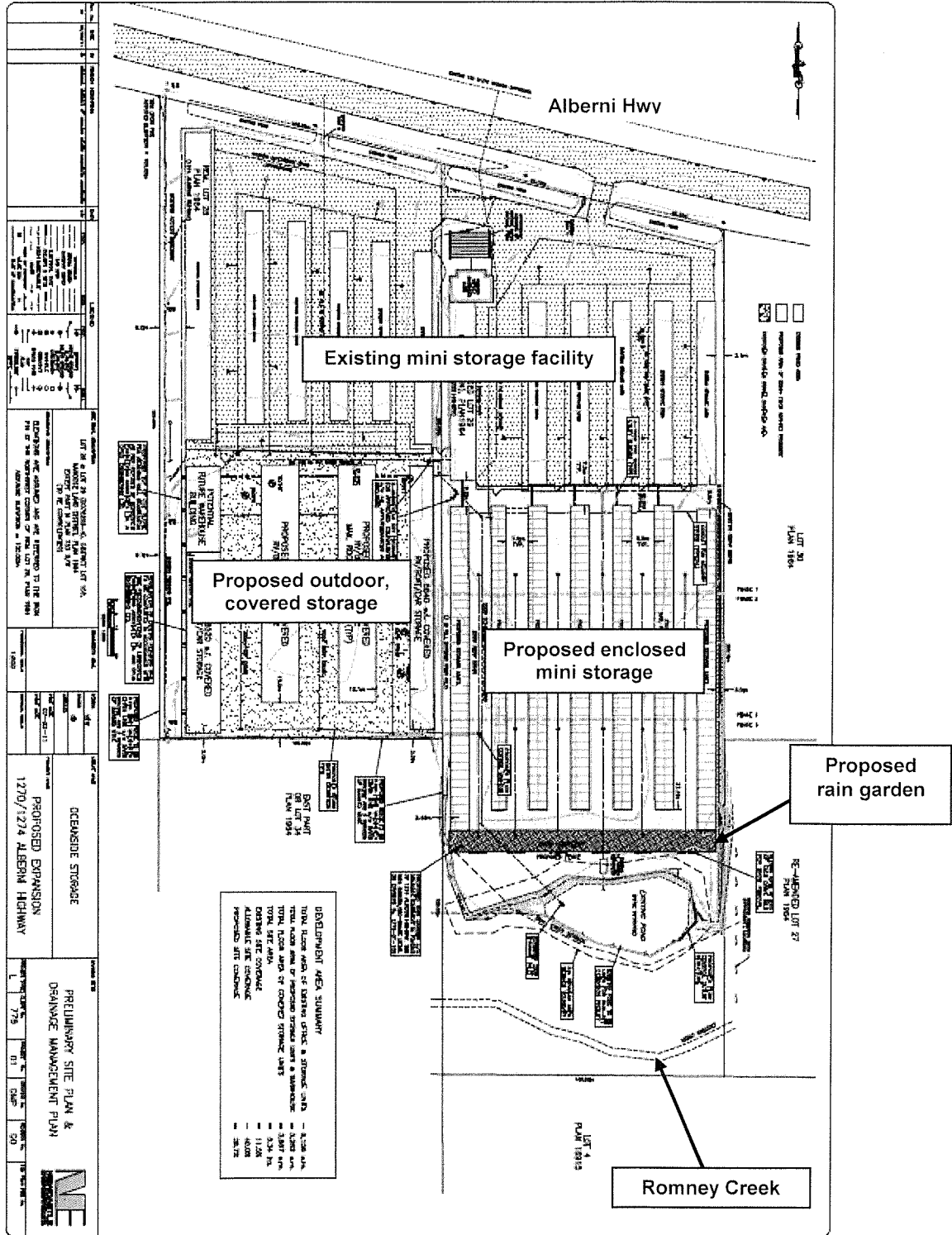
**Schedule 2
 Existing and Proposed Zoning**



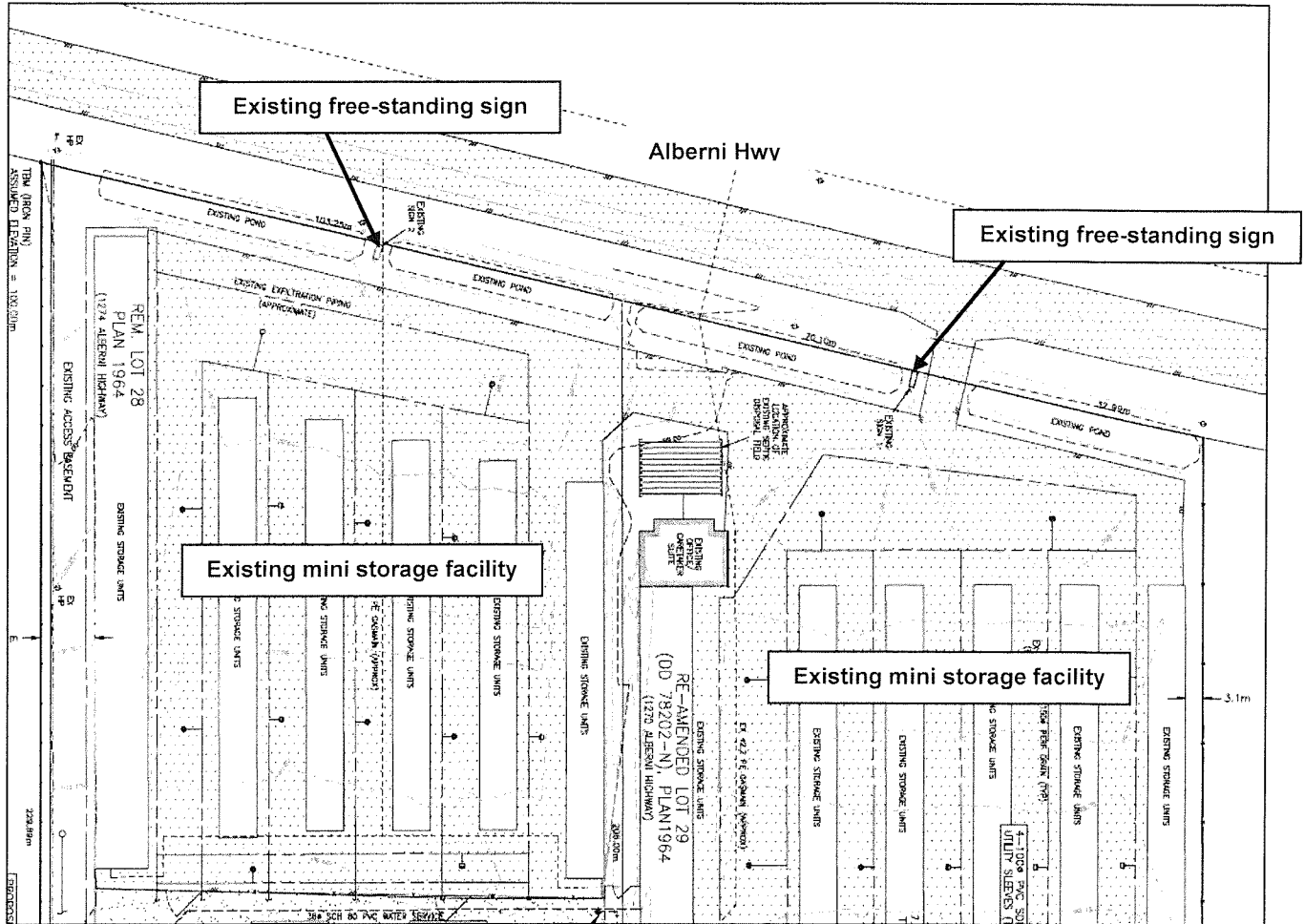
Schedule 3
Existing and Proposed Zoning Regulation Comparison

Zoning Regulations	Existing C-3 Requirements	Proposed CD-18 Requirements
a) Permitted Uses	<p>Principle uses: artisan studio, auction sales, building supply & lumber outlet, care services, commercial cardlock, dwelling unit, equipment rental, funeral home, food processing, pub, gasoline service station, kennel, mini storage, nursery, office, outdoor market, outdoor sales, product assembly, personal service, recreation facility restaurant, retail store, service & repair.</p> <p>Accessory uses: accessory buildings and structures, accessory office & retail sales</p>	<p>Principle uses: mini storage</p> <p>Accessory uses: accessory buildings & structures, accessory office & retail sales, accessory outdoor storage, accessory service & repair, accessory dwelling unit.</p>
b) Maximum Density	One dwelling unit per ha	One dwelling unit per ha
c) Minimum Lot Size with	1.0 ha	5.0 ha
d) Minimum Lot Frontage	20 metres	20 metres
e) Maximum Lot Coverage	30% (for first 1.0 ha of lot) 5% (for remainder of lot greater than 1.0 ha)	30% per lot
f) Maximum Building and Structure Height	10 metres	12 metres
g) Maximum Building and Structure Floor Area	1,500 m ² per building	1,500 m ² per building
h) Minimum Setback from:		
i) Front Lot Line	4.5 metres	4.5 metres
ii) All Other Lot Lines	2.0 metres	2.0 metres (except free-standing signs may be setback 0.0 metres from the front lot line)
i) Minimum Setback from Watercourses	As outlined in Section 2.10	As outlined in Section 2.10
j) Runoff Control Standards	As outlined in Section 2.5	As outlined in Section 2.5
k) General Land Use Regulations	Refer to Section 2 - General Regulations	Refer to Section 2 - General Regulations
l) Sign Regulations	<p>i) One free-standing sign not exceeding 15 m² in sign face area</p> <p>ii) One fascia sign per business not exceeding 3 m² in sign area</p> <p>iii) Maximum height of any portion of a sign shall not exceed 9.0 m</p>	<p>i) Two free-standing signs, one not exceeding 17 m² in sign face area, and the other not exceeding 12 m² in sign face area</p> <p>ii) Two fascia signs, each not exceeding 3 m² in sign area</p> <p>iii) Maximum height of any portion of a sign shall not exceed 8.0 m</p>

Schedule 4
 Preliminary Site Plan & Drainage Management Plan

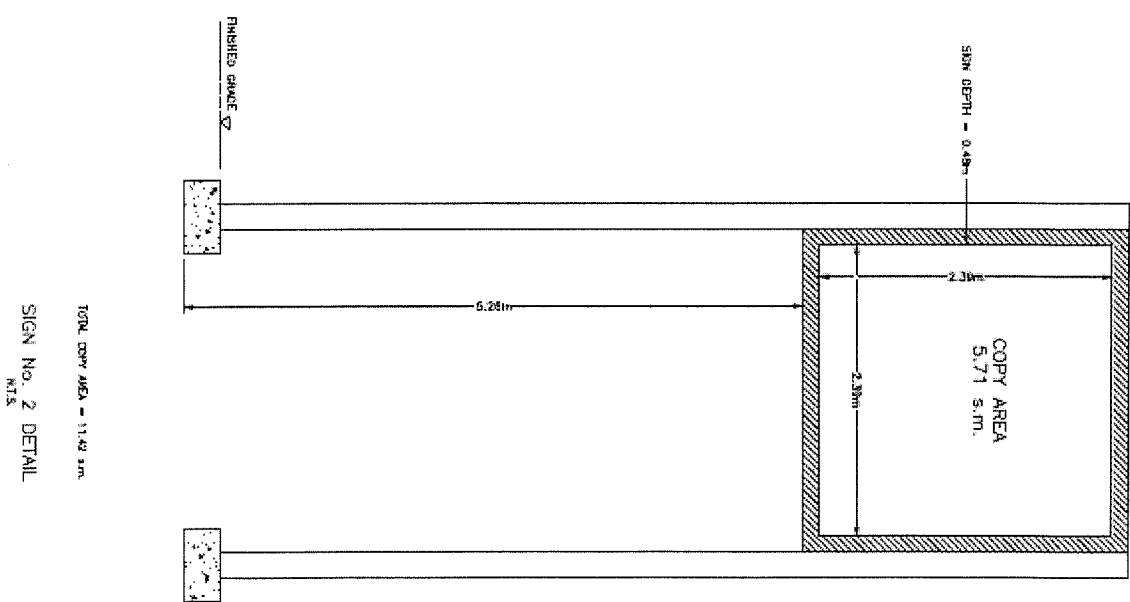
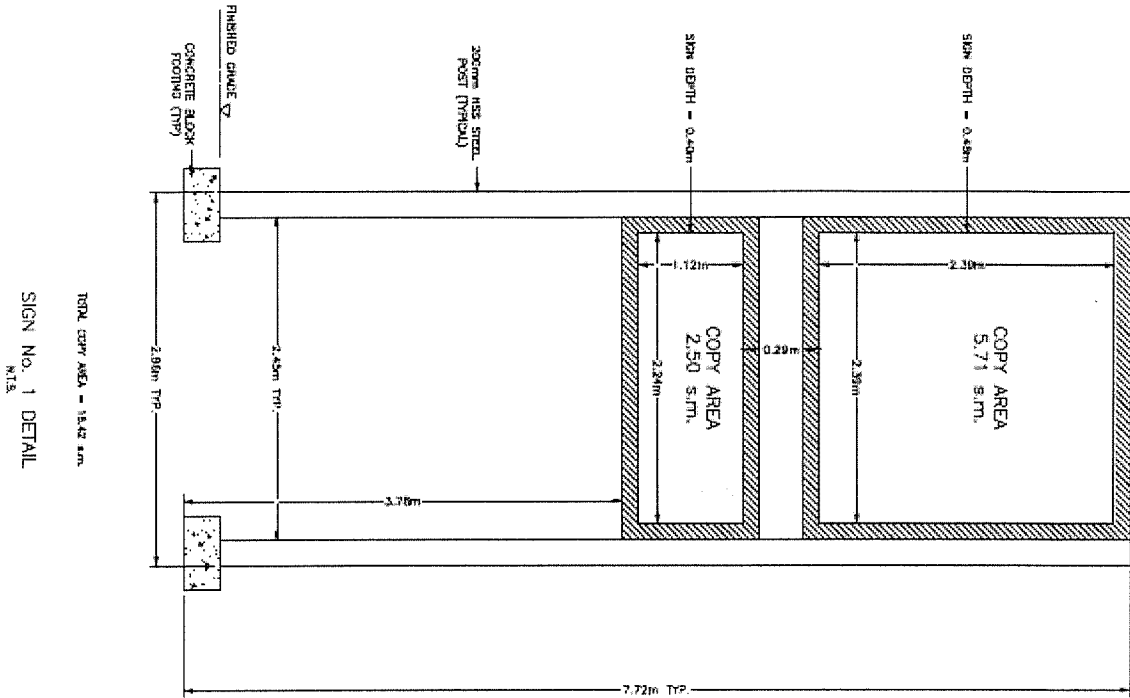


Schedule 5 Signage Details (1 of 2)

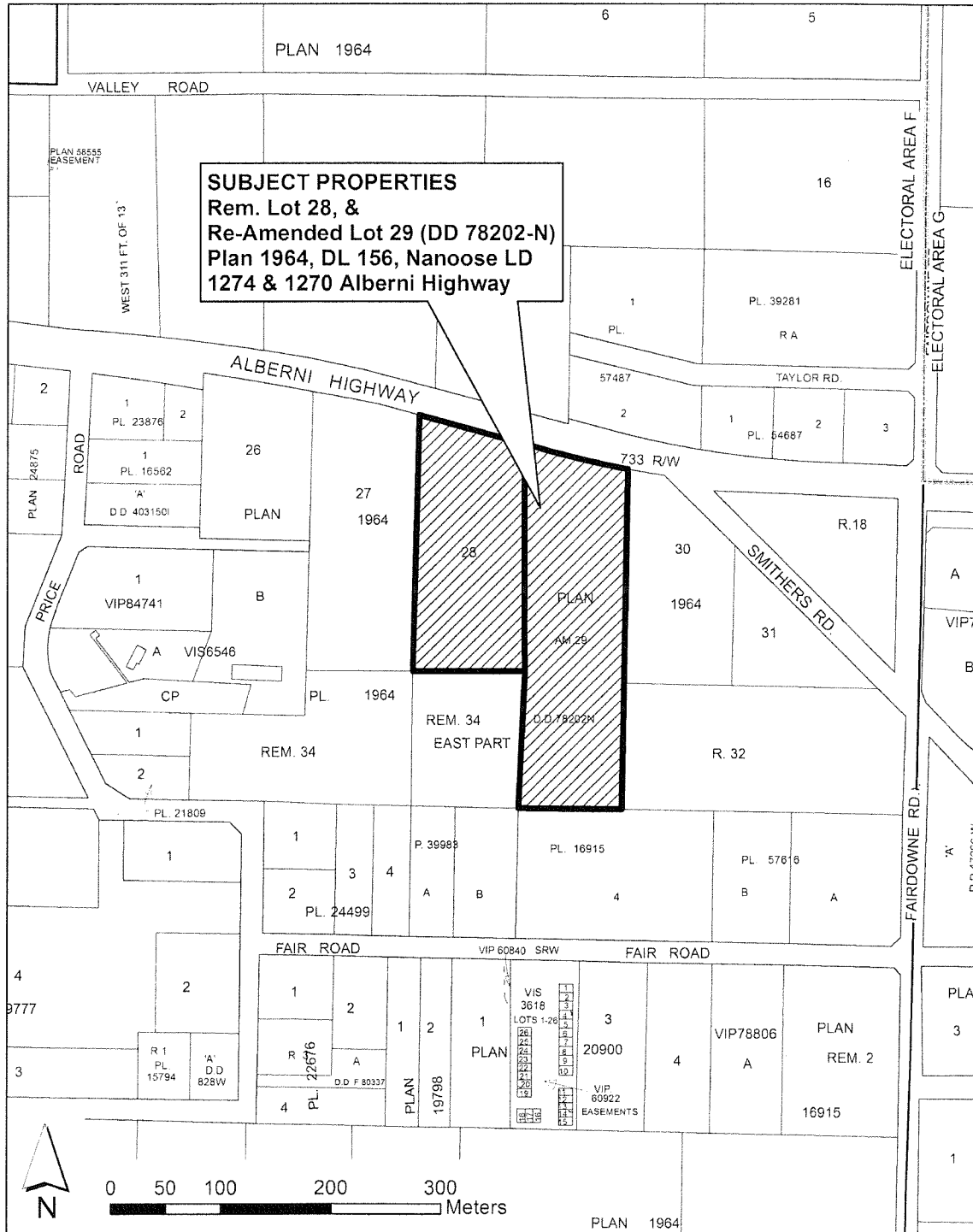


(Portion of Site)

Schedule 5
 Signage Details (2 of 2)



Attachment 1 Location of Subject Property



BCGS MAPSHEET: 92F 039.1.1

Attachment 2
Proposed Amendment Bylaw No. 1285.17, 2012
REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1285.17

**A Bylaw to Amend "Regional District of Nanaimo Electoral Area 'F' Zoning
and Subdivision Bylaw No. 1285, 2002"**

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 Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.17, 2012".
- B. "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002", is hereby amended as follows:
 - 1. Under **SECTION 4 - ZONES, Comprehensive Development Zones** by adding the following zoning classification and corresponding short title after Section 4.40 CD-17 1429 Springhill Road:
Section 4.41, CD-18 Alberni Highway Mini Storage
 - 2. By adding Section 4.41, CD-18 Alberni Highway Mini Storage as shown on Schedule '1' which is attached to and forms part of this Bylaw.
 - 3. By rezoning the lands shown on the attached Schedule '2' and legally described as Lot 28, District Lot 156, Nanoose District, Plan 1964, Except Part in Plan 733 RW from Commercial 3 (C-3) Zone to CD-18 Alberni Highway Mini Storage.
 - 4. By rezoning the lands shown on the attached Schedule '2' and legally described as re-amended Lot 29 (DD78202-N), District Lot 156, Nanoose District, Plan 1964, Except Part in Plan 733 RW from Commercial 3 (C-3) Zone and Village Residential 3 (R-3) Zone to CD-18 Alberni Highway Mini Storage.

Introduced and read two times this ____ day of _____ 201__.

Public Hearing held this ____ day of _____ 201__.

Read a third time this ____ day of _____ 201__.

Approved by the Minister of Transportation and Infrastructure pursuant to the **Transportation Act** this ____ day of _____ 201__.

Adopted this ____ day of _____ 201__.

Chairperson

Sr. Mgr., Corporate Administration

Schedule '1' to accompany "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.17, 2012."

 Chairperson

 Sr. Mgr., Corporate Administration

CD-18 Alberni Highway Mini Storage

Section 4.41

4.41.1 Permitted Principal Uses

- a) Mini Storage

4.41.2 Permitted Accessory Uses

- a) Accessory Buildings and Structures
- b) Accessory Office and Retail Sales
- c) Accessory Outdoor Storage
- d) Accessory Service and Repair
- e) Accessory Dwelling Unit

4.41.3 Regulations Table

Categories	Requirements
a) Maximum Density	One dwelling unit per ha
b) Minimum Lot Size with	5.0 ha
c) Minimum Lot Frontage	20 metres
d) Maximum Lot Coverage	30 % per lot
e) Maximum Building and Structure Height	12 metres
f) Maximum Building and Structure Floor Area	1,500 m ² per building
g) Minimum Setback from:	
i) Front Lot Line	4.5 metres
ii) All Other Lot Lines	2.0 metres
h) Minimum Setback from Watercourses	As outlined in Section 2.10
i) Runoff Control Standards	As outlined in Section 2.5
j) General Land Use Regulations	Refer to Section 2 - General Regulations

4.41.4 Other Regulations

- a) For the purpose of this zone, *Accessory Outdoor Storage* means the use of land for the storage of vehicles, boats, and recreational vehicles entirely covered by a building or structure. Boats, vehicles and recreational vehicles must be operational and capable of being licensed by the applicable licensing authority. This use excludes on-site fuel dispensing.
- b) All *Accessory Outdoor Storage* shall be located a minimum of 2.0 m from all lot lines and shall be limited to a combined maximum floor area of 4,000 m² per lot.
- c) Outdoor storage or display of any goods or materials is specifically prohibited within the front lot line setback area and adjacent to Alberni Highway.
- d) For the purpose of this zone, *Accessory Service and Repair* means the servicing, testing, repairing, and installing of parts, machinery and equipment and such use shall be undertaken entirely within an enclosed building. This use includes the rental or leasing of vehicles and trailers for transporting goods, materials and equipment for private storage.
- e) Not more than 75 percent of the total lot area may be paved or surfaced within impervious surface materials.

4.41.5 Sign Regulations

Notwithstanding Section 2.14 of the Bylaw and Section 4.41.3 in this Zone, the following signage shall be permitted in this Zone:

- a) A maximum of two free-standing signs per lot, one not exceeding 12.0 m² in sign face area, and the other not exceeding 17.0 m² in sign face area.
- b) A maximum of two fascia signs per lot, each not exceeding 3.0 m² in sign face area.
- c) The maximum height of any portion of a sign shall not exceed 8.0 m.
- d) All free-standing signs shall have a minimum setback of 0.0 m from the front lot line.

4.41.6 Landscaping Regulations

- a) A continuous landscaping buffer with a minimum vegetation height of 2.5 m shall be provided and maintained along property lines that are common to agriculturally zoned lands.

4.41.6 Parking Regulations

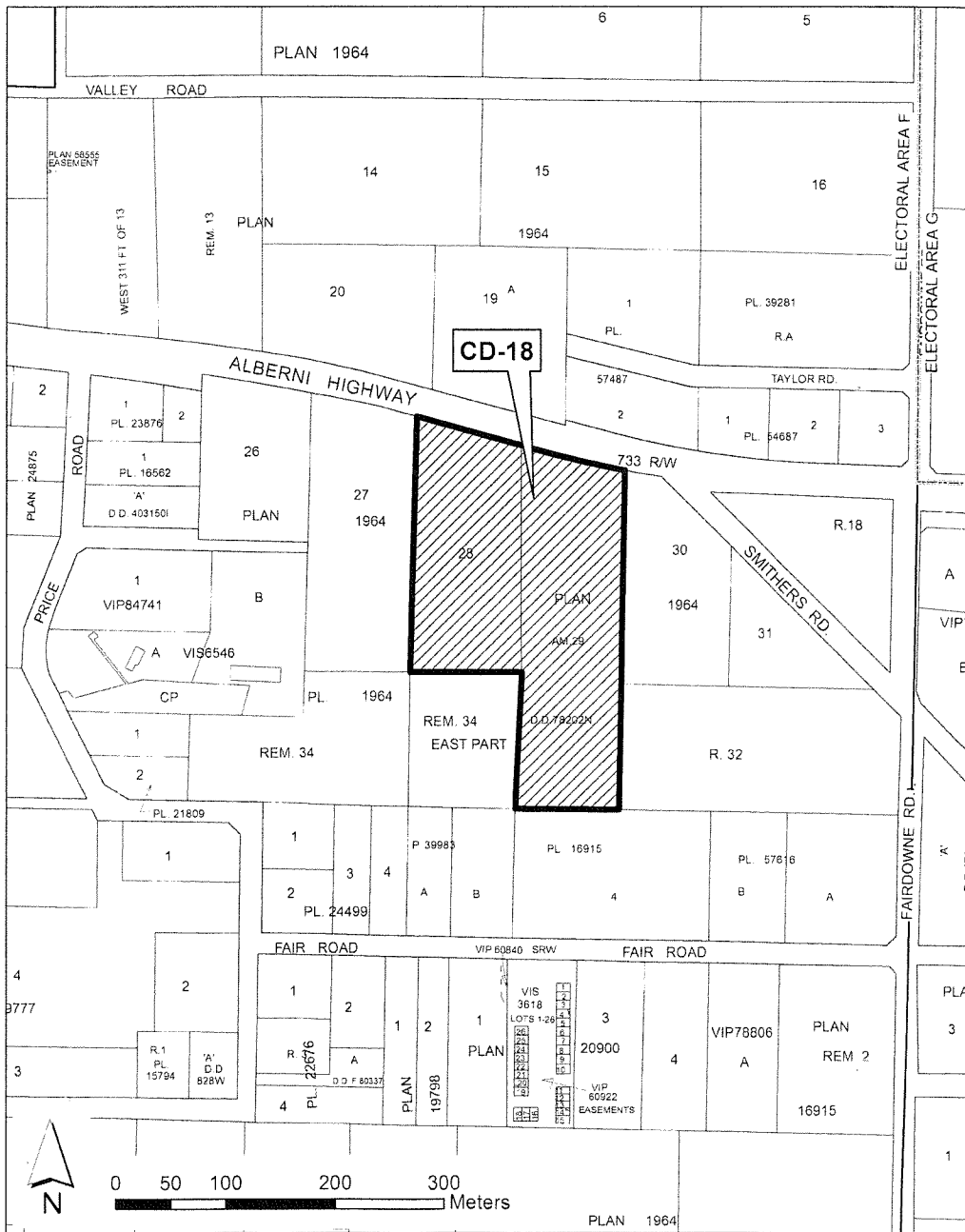
- a) The minimum number of parking stalls required shall be calculated in accordance with Table 2.2 Required Parking Spaces of Section 2 of this Bylaw.
- b) For the purpose of this zone, additional parking spaces are not required for the mini storage use where loading space is provided within, or adjacent to, a storage building, provided the loading space does not obstruct emergency access and is not located within the setback areas.

Schedule '2' to accompany "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.17, 2012."

Chairperson

Sr. Mgr., Corporate Administration

Schedule '2' map



BCGS MAPSHEET 92F 039.1.1

**Attachment 3
Minutes of a Public Information Meeting**

**Held at the Errington War Memorial Hall, 1390 Errington Road
Monday, January 30, 2012 at 7:00 PM**

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 four people in attendance in addition to the applicants and RDN staff.

Present for the Regional District:

Julian Fell, Chairperson and Director Electoral Area 'F'

Jeremy Holm, Manager of Current Planning, Regional District of Nanaimo

Lainya Rowett, Senior Planner, Regional District of Nanaimo

Present for the Applicant:

Keith Brown, Agent

Bjorn & Janis Kjaer, Applicants

The meeting was brought to order at 7:05 pm and the Chairperson introduced staff and the project consultant, and explained the course of events for the meeting.

Staff then provided a brief summary of the proposed rezoning and explained the application process.

The Chairperson then invited the applicants to give a presentation of their proposal.

The applicants' agent, Keith Brown, briefly explained how the proposed rezoning, if approved, would permit the expansion of an existing mini storage facility, Oceanside Mini Storage, and permit additional uses such as outdoor RV and boat storage.

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

William Driol, 1048 Price Road, asked if there would be any restrictions on the type of goods that mini storage tenants would be able to store in their units. He expressed concern about the potential for harmful substances and construction materials (e.g. drywall) to be stored in the units.

Bjorn Kjaer, applicant, confirmed that tenants would only be permitted to store household goods inside the units, and that any vehicles/boats stored in the outdoor storage area must be in working condition. He said derelict vehicles would not be permitted on site.

Janis Kjaer, applicant, mentioned how they have made efforts to maintain a clean site within the existing mini storage facility.

Keith Brown, agent, also explained that an oil collection system would be provided in the outdoor storage area to mitigate any potential for groundwater contamination.

Bjorn Kjaer described the existing water system and man-made detention pond, and how the system is able to supply water for fire protection on site and to other properties nearby.

Keith Brown described the site context in more detail, including the location of a neighboring residential lot (to the south), and the proposal to install an oil/water separator at the rear of the subject site to filter rainwater run-off before it enters the man-made detention pond.

Bjorn Kjaer added that there is already an oil interceptor on site for the existing development.

Vic Evans, 3180 Dogleg Road, asked how rainwater run-off would be managed, and how much of the total site area would be paved with the proposed expansion.

Bjorn Kjaer advised about 8.5 acres (3.4 ha) of the total site area would be paved. He also explained that an assessment of the Riparian Areas Regulations was completed for the subject properties, which considered rainwater run-off in view of the proposed development and concluded there should not be any negative impacts on fish habitat.

The Chairperson asked the applicants if they planned any further development, beyond the extent of their current proposal.

Bjorn Kjaer confirmed they do not have any plans beyond their proposed expansion, as the site could not accommodate any further development. He also explained that the proposed expansion would occur in phases as the mini storage facility reaches maximum capacity in each phase.

Vic Evans, said he owns a mini storage operation nearby (3180 Dogleg Road) and is concerned that the proposed mini storage expansion will introduce further competition for his business. He also expressed concerns about a historical misinterpretation of the maximum permitted floor area and lot coverage in the Commercial 3 Zone. He explained that he developed his lot based on the interpretation of a maximum floor area per lot.

Lainya Rowett, Senior Planner, advised that there had been some uncertainty in the past about whether the maximum permitted floor area in the Zone was per lot, or per building. However, this interpretation was reviewed legally and it was confirmed that the Zone intended to restrict the maximum floor area per building, not per lot.

Keith Brown, suggested that Mr. Evans could apply to rezone his property to increase the maximum permitted lot coverage in order to be able to expand his existing mini storage facility and maximize the use of his property.

Jeremy Holm, Manager of Current Planning, re-iterated that rezoning could be considered as an option.

William Driol, 1048 Price Road asked Mr. Evans about his competition in pricing.

Karen Driol, 1048 Price Road expressed concerns about the potential for expanded commercial uses within rural residential areas.

Lainya Rowett, Senior Planner, explained the subject properties are designated Commercial/Industrial Mixed Use in the Official Community Plan (OCP), and that the proposed mini storage expansion complies with the OCP policies. Lainya then illustrated the location of the OCP land use designation boundaries, and explained how these boundaries impede new commercial/industrial development from encroaching into rural lands:

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 final 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 7:36pm.



Lainya Rowett
Recording Secretary



RDN REPORT	
CAO APPROVAL	
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
MAR 05 2012	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: February 29, 2012

FROM: Greg Keller
Senior Planner

FILE: PL2011-178

SUBJECT: Zoning Amendment Application No. PL2011-178, Bylaw No. 500.377, 2012 - Deas Lot A, District Lot 19, Newcastle District, Plan 8196, Except Parts in Plans VIP65473 and VIP74554 – 2900 Leon Road Electoral Area ‘H’

PURPOSE

To consider an application to rezone the subject property located at 2900 Leon Road in the Dunsmuir Rural Village Centre; in Electoral Area ‘H,’ in order to facilitate a proposed nine lot residential subdivision.

BACKGROUND

The RDN has received a Zoning Amendment application from Fern Road Consulting Ltd. on behalf of James K. Deas and James R. Deas to amend the subdivision district of an existing parcel in order to facilitate a future subdivision. The subject property is approximately 1.8 ha in area and is zoned Residential 1, Subdivision District ‘K’ (RS1K), in accordance with “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (Bylaw 500) (see *Attachment 1* for location of subject property). The parcel is located at the end of Leon Road and is adjacent to a linear park to the west, which is intended to provide a pedestrian connection between Leon Road and Marshall Road. The neighboring property to the east is located in the Agricultural Land Reserve. The subject property is developed with one existing dwelling unit and a number of accessory buildings.

The subject property is designated within the following Development Permit Areas (DPA) pursuant to the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”:

- Environmentally Sensitive Features (Aquifer Protection);
- Fish Habitat Protection DPA;
- Village Centres DPA.

The proposed rezoning does not involve any new development at this time, so a Development Permit is not required. However, a Development Permit will be required at the time of future subdivision or construction.

Proposed Development

The applicant proposes to rezone the subject property from Residential 1, Subdivision District 'K' (RS1K) to Residential 1, Subdivision District 'N' (RS1N) in order to reduce the minimum parcel size from 4,000 m², with or without community water or community sewer, to 1,600 m², with community water to facilitate a future nine lot residential subdivision.

ALTERNATIVES

1. To approve the proposed Zoning Amendment Application No. PL2011-178 to rezone the subject property from Residential 1, Subdivision District 'K' (RS1K) to Residential 1, Subdivision District 'N' (RS1N) for first and second reading subject to the conditions outlined in *Schedule 1*.
2. To deny the Zoning Amendment Application No. PL2011-178, as submitted.

LAND USE IMPLICATIONS

Official Community Plan Implications

The subject property is designated as "Village Centre" in the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan No. 1335, 2003" (OCP). The Village Centres land use designation encourages a mix and concentration of uses within the Village Centre boundaries including future residential growth with a range of housing types. Therefore, the proposed rezoning to create single residential parcels is consistent with the OCP.

Development Implications

In order to permit the future subdivision of the subject property into nine residential lots, the applicant is proposing to amend the Subdivision District from 'K' (4,000 m² minimum parcel size with or without community services) to Subdivision District 'N' (1,600 m² minimum parcel size with community water). The existing Residential 1 zoning designation would remain unchanged as the applicant is not proposing to amend the permitted uses. Therefore, one dwelling unit, home based business, and accessory buildings would continue to be permitted uses (see *Attachment 2* for the proposed "Regional District of Nanaimo Amendment Bylaw No. 500.377, 2012.")

The applicant has submitted a plan showing the future subdivision of the subject property, including the building footprints and areas for septic disposal. The plan demonstrates that the proposed minimum lot size (1,600 m²) can be met for each lot and that the lots would accommodate adequate area for construction of a dwelling unit. It is noted that the existing dwelling unit and accessory structures located within the subject property will likely have to be removed or relocated at the time of subdivision to ensure compliance with Zoning Bylaw No. 500.

As part of the rezoning, the applicant proposes to voluntarily contribute \$20,000.00 as a community amenity contribution for improvements to youth and children's recreational equipment within park land in the Dunsmuir Village Centre area. The applicant has suggested the money be allocated specifically to the Dunsmuir Community Park located at 326 Horne Lake Road; however, the location of the park improvements would need to be determined through a community consultation process. The provision of this amenity contribution is noted as a condition of approval of the proposed Amendment Bylaw No. 500.377 as outlined in *Schedule 1*. Parks and Recreation staff have reviewed the proposal and recommend that the Board support the proposed amenity contribution. It is noted that the park design process for Dunsmuir Community Park is scheduled for 2014/2015. Therefore, construction of any park improvements would likely not proceed until after this process is complete.

It should be noted that the provision of park land was previously addressed through the subdivision that created the subject property. Therefore, no further park dedication would be required through future subdivision of this parcel.

Environmental Implications

There are two streams, located within the adjacent property to the south. The applicant has submitted a report prepared by a Qualified Environmental Professional (QEP) which defines a Streamside Protection and Enhancement Area (SPEA) width of 10 metres. This area affects the southwest corner of the subject property (proposed Lot 6 as shown in *Schedule 2*). The report provides a number of recommendations intended to protect the SPEA, which can be addressed through development permit approval at the time of future subdivision, and/or construction.

In order to satisfy Board Policy B1.21 concerning the rezoning of unserved lands, the applicant has submitted a Hydrogeological Assessment Report prepared by Waterline Resources Group Inc. dated November 1, 2011. The report concluded that the proposed future subdivision would pose minimal risk of adverse impacts to water supply within the adjacent properties or nearby surface water resources. The report included recommendations for future well construction (if applicable), rainwater infiltration, and underground oil heating tanks in order to mitigate any negative impacts. Staff recommends, as a condition of the proposed zoning amendment, that the Hydrogeological Assessment be registered on the subject property title through a Section 219 covenant to ensure future development complies with the recommendations contained in the report.

In response to concerns raised in the Hydrogeological Assessment Report, the applicant has also submitted a drainage study prepared by Park City Engineering Ltd. dated February 2, 2012. This report provides a preliminary review of rainwater management on the subject property, and concluded that rainwater from storm events would be well-infiltrated given existing soil conditions and, therefore managed on-site. The Hydrogeological Engineer, Waterline Resources Group Inc. has reviewed the drainage study and provided written confirmation that the study addresses the concerns identified in the Hydrogeological Assessment Report.

The applicant also submitted a report dated December 23, 2011, from Dave Bedard, a Registered Onsite Wastewater Practitioner, which concluded that the proposed plan of future subdivision contains adequate site area and soil conditions to support primary and reserve septic discharge areas in each of the future residential lots.

Sustainability Implications

The proposed development contributes towards the creation of a more complete community in the Dunsmuir Village Centre with the opportunity for additional housing in the community and the proposed park improvements to benefit local recreational users.

Public Consultation Implications

A Public Information Meeting was held on Thursday, February 16, 2012, at the Lighthouse Community Centre. Approximately 18 people attended the meeting (see *Attachment 3* for a Summary of the Public Information Meeting). Notification of the meeting was advertised in the Parkville/Qualicum Beach Newspaper and on the RDN website, along with a direct mail-out to all property owners within 200 metres of the subject property. If the proposed application receives first and second reading, the proposal will then proceed to Public Hearing.

SUMMARY/CONCLUSIONS

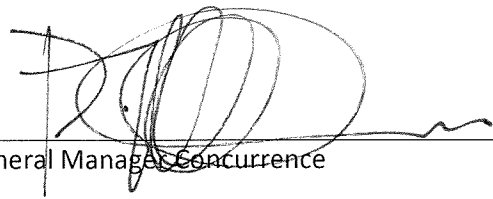
The applicant proposes to rezone the subject property from Residential 1, Subdivision District 'K' (4,000 m² minimum parcel size) to Residential 1, Subdivision District 'N' (1,600 m² minimum parcel size with community water) in order to permit the future subdivision of the subject property into nine, single residential parcels. Based on the recommendations provided in the engineering reports submitted by the applicant, the proposed development would not negatively impact groundwater or drainage. In addition, the applicant has adequately demonstrated that the future subdivision would include adequate building envelopes and septic disposal areas. The proposed development is consistent with the OCP policies for land designated as Village Centres. Therefore, staff recommends that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.377, 2012" be approved for first and second reading and proceed to Public Hearing, subject to the conditions set out in *Schedule 1*.

RECOMMENDATIONS

1. That the Summary of the Public Information Meeting held on February 16, 2012, be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.377, 2012", be introduced and read two times.
3. That the conditions set out in *Schedule 1* of the staff report be completed prior to "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.377, 2012", being considered for adoption.
4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.377, 2012", be delegated to Director Veenhof or another Area Director.



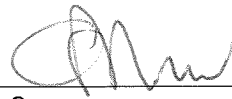
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Conditions of Zoning Amendment

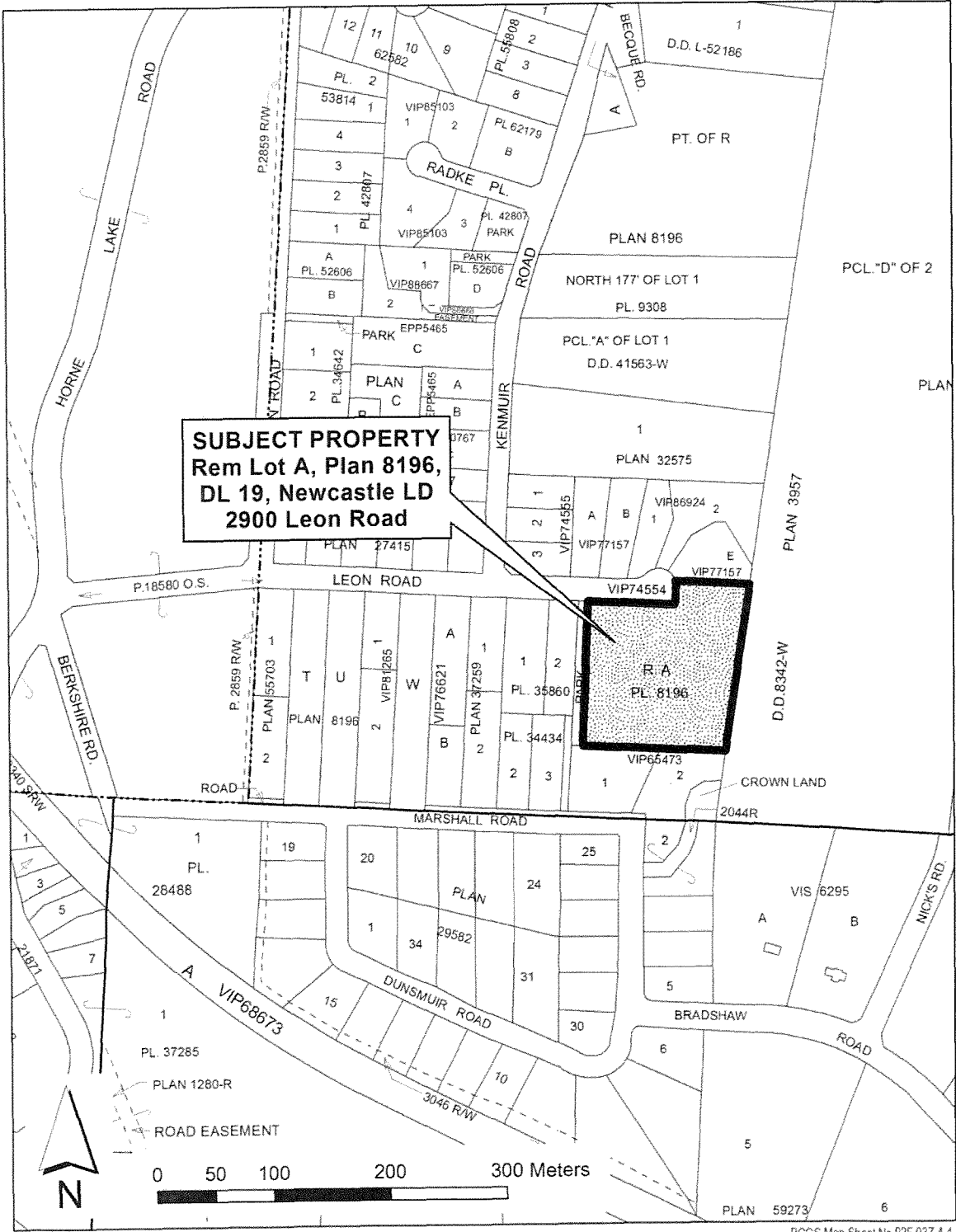
Conditions of Approval

The following conditions are to be met prior to the Amendment Bylaw No. 500.377, 2012 being considered for adoption:

1. Submission of a Section 219 Restrictive Covenant, prepared at the applicants expense and to the satisfaction of the Regional District of Nanaimo, registering the Hydrogeological Assessment Report prepared by Waterline Resources Inc. dated November 1, 2011, against the title of the subject property, and to require that future subdivision and construction activities be consistent with the recommendations contained in the report.

2. Provision of a \$20,000.00 community amenity contribution to the Regional District of Nanaimo to be used for youth and children's recreational equipment within a park located in the Dunsmuir Village Centre.

Attachment 1
Location of Subject Property



**Attachment 2
Proposed Amendment Bylaw No. 500.377, 2012**

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500.377

**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. 500.377, 2012".
- B. "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", is hereby amended as follows:
 - 1. Under **PART 4 SCHEDULE 4A, Subdivision District Maps** by amending the Subdivision District from 'K' to 'N' for the land shown on the attached Schedule '1' and legally described as:

Lot A, District Lot 19, Newcastle District, Plan 8196, Except Parts in Plans VIP65473 and VIP74554

Introduced and read two times this ____ day of _____ 2012.

Public Hearing held this ____ day of _____ 201__.

Read a third time this ____ day of _____ 201__.

Approved by the Minister of Transportation and Infrastructure pursuant to the **Transportation Act** this ____ day of _____ 201__.

Adopted this ____ day of _____ 201__.

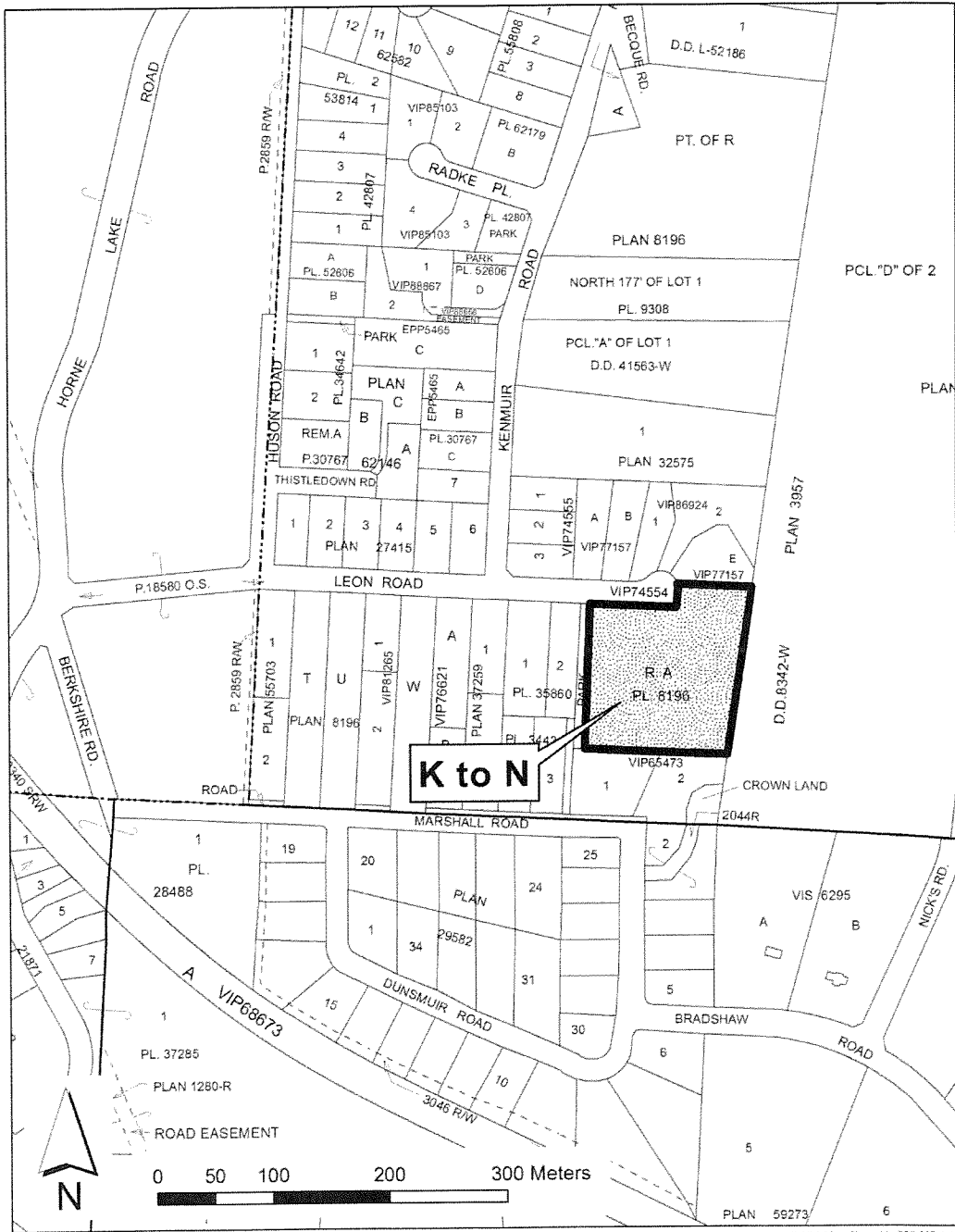
Chairperson

Sr. Mgr., Corporate Administration

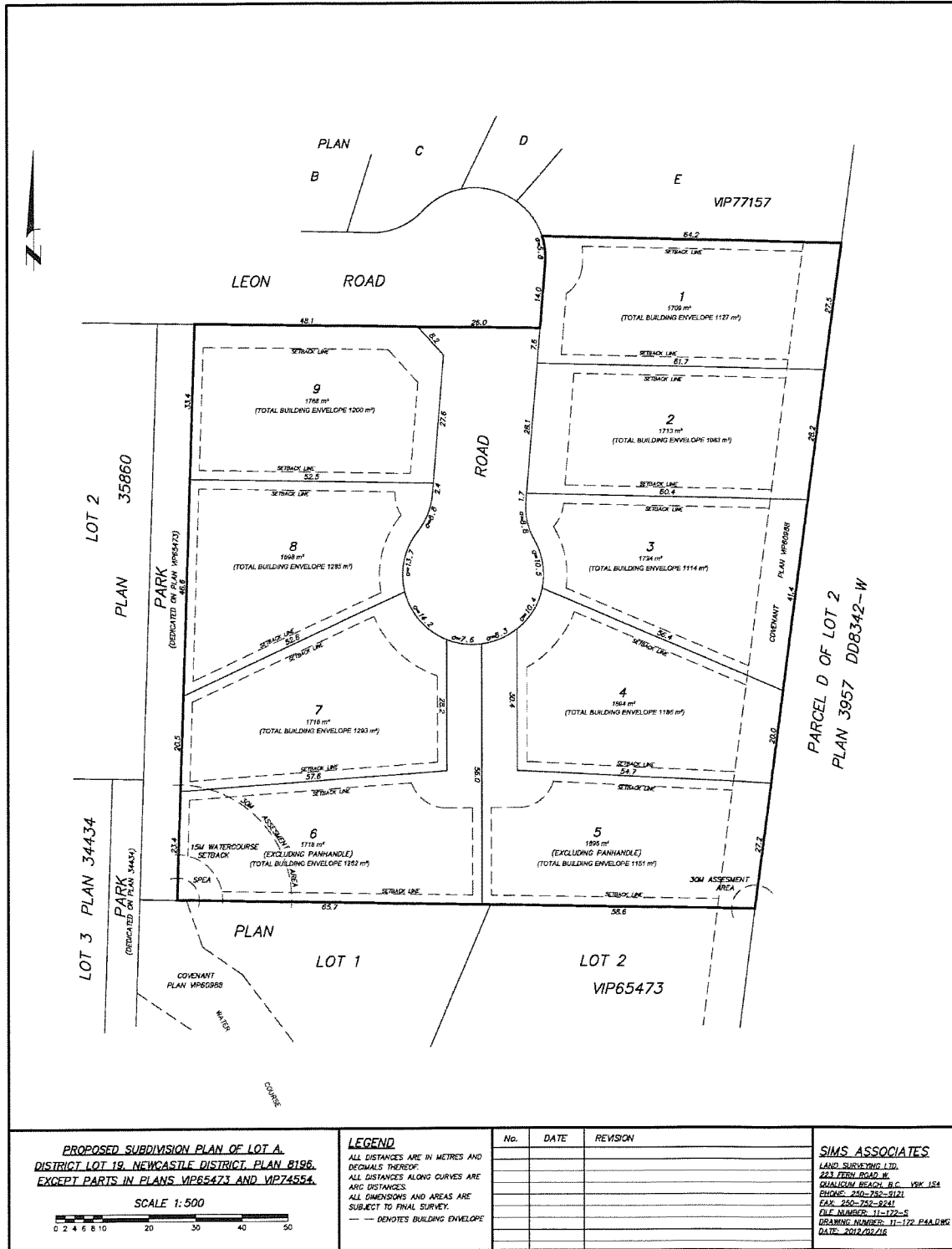
Schedule '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.377, 2012."

Chairperson

Sr. Mgr., Corporate Administration



Schedule 2
 Proposed Plan of Future Subdivision



Attachment 3
Summary of the Public Information Meeting
Held at Lighthouse Community Centre, 240 Lions Way
In Conjunction with Zoning Amendment Application No. PL2011-178
On February 16, 2012 - Commencing at 7:00 pm

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

Present for the Regional District:

Bill Veenhof, Director, Electoral Area 'H', Chairperson
Jeremy Holm, Manager of Current Planning
Greg Keller, Senior Planner

Present for the Applicant:

Helen Sims, Fern Road Consulting Ltd. (Agent)
Linda Rann, Fern Road Consulting Ltd. (Agent)
Jim Deas, Subject property owner

There were approximately 18 people were in attendance.

The meeting was called to order at 1900hrs.

Director Veenhof, Chair introduced the RDN staff present and provided an introduction and reviewed the meeting procedures.

Linda Rann, of Fern Road Consulting Ltd. provided an overview of the project.

Linda McCorkle – 2893 Marshall Road asked if the proposed parcels would have their own septic disposal fields. Ms. McCorkle indicated that she was concerned with area being too small for septic disposal. She also indicated that she was concerned with the number of lots.

Lanny Opsahl - 2893 Marshall Road spoke to his concern with densification and the addition of new housing in the community. Mr. Opsahl also indicated that he would like to see a fence and trees for separation.

Patricia Mueller – 2885 Marshall Road spoke to her concern with the loss of rural character and addition of more housing units.

Helen Sims, Fern Road Consulting Ltd. responded by explaining that the property is located within the village node where higher densities are supported.

Steve Morris – 390 MacKenzie Road suggested that what is being proposed is fairly consistent with what is in the neighbourhood. Mr. Morris generally spoke in favour of the application.

Amanda Touhey - 2923 Leon Road spoke in favour of the application and suggested it would bring younger people and families into the community.

Trent Bouchard - 2918 Leon Road spoke to his concerns with privacy, the proposed density, and septic disposal. Mr. Bouchard also indicated that he was concerned with multifamily dwellings being constructed. Mr. Bouchard also spoke to his concerns with construction debris, increase in traffic, and dangerous wildlife in the nearby Dunsmuir Community Park. Mr. Bouchard indicated that he supports the trail next to his property being developed and suggested that the widest area of the parkland could include a small park. Mr. Bouchard explained that the park is currently fenced off which restricts public access. Mr. Bouchard suggested that the park should include a dirt trail. Mr. Bouchard suggested an alternative development layout to reduce impacts on his property. Mr. Bouchard submitted written comments which are attached as attachment No.1 of these meeting notes.

Steve Morris – 390 MacKenzie Road explained that he uses the nearby park where the improvements are being proposed with his family and thinks the improvements would improve the area.

Mike Walker - 2919 Leon Road spoke in favour of the proposed density. Mr. Walker indicated that the proposal is consistent with surrounding area.

Helen Sims, Fern Road Consulting Ltd. spoke with respect to density and indicated that many lots in Dunsmuir are similar in size.

Trent Bouchard - 2918 Leon Road spoke in support of improving the adjacent trail.

Gary Nickel - 2909 Leon Road asked about the extent to the Dunsmuir node and indicated that the park has been blocked off.

Dustin Gibson - 2904 Marshall Road spoke in favour of the application to support younger families moving into the area.

Peter Mueller – 2885 Marshall Road explained that he moved to the community to escape from the city. R. Muller spoke to his concern with densification.

Linda Mccorkle – 2893 Marshal Road asked if there will be a fence.

Jim Deas – Subject property owner indicated that he would like to see 6 foot cedar fence.

Trent Bouchard - 2918 Leon Road indicated that there could be flooding concerns near the back of the property.

Helen Sims, Fern Road Consulting Ltd. explained that Park City Engineering has done a drainage report and all of the work will be done to current standards.


The Chairperson asked three times if there were any other questions or comments. Hearing none, the Chairperson thanked those in attendance and announced that the public information meeting was closed at 7:30 pm.


Greg Keller
Recording Secretary

Submission by Trent Bouchard
Page 1 of 3

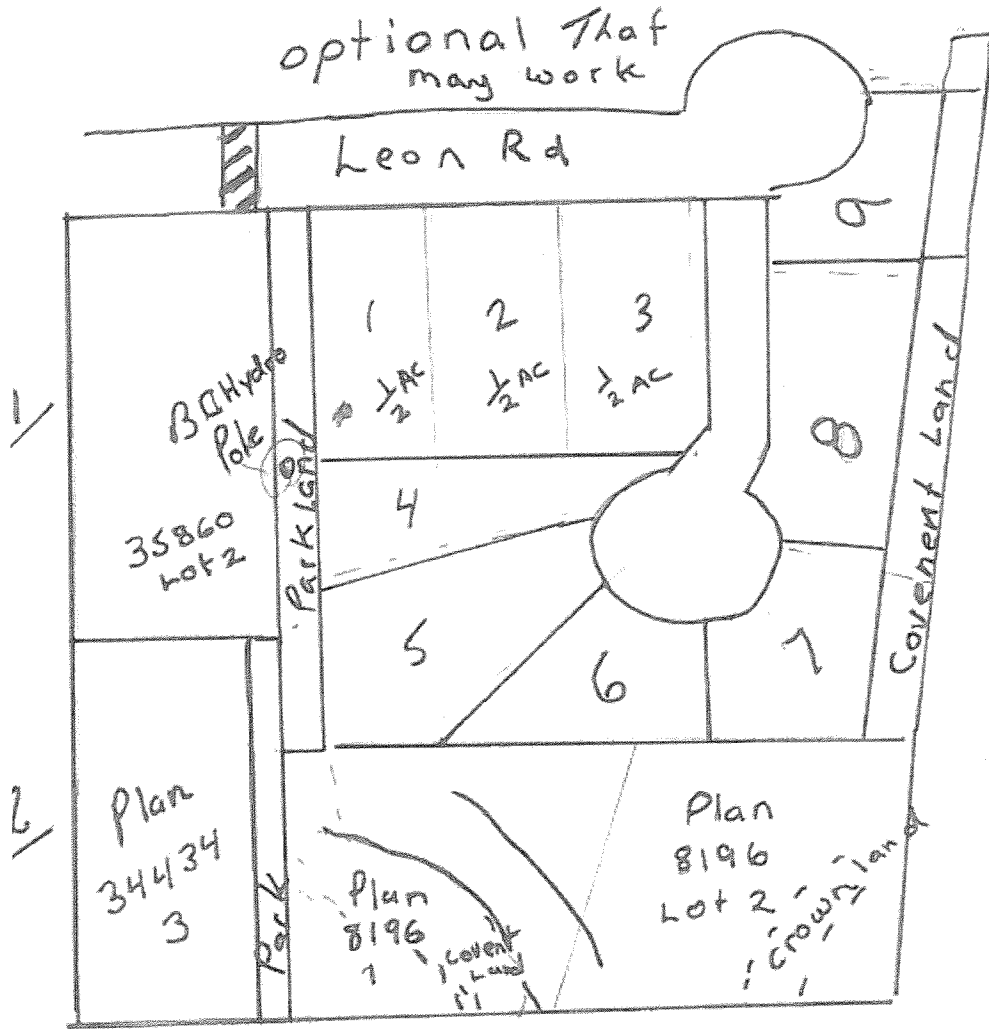
Re: subdivision of Rem Lot A, Plan 8196, DL 19, Newcastle LD
2900 Leon Road

1. Object to 4 houses built alongside our property line.
Offer alternate subdivision plan.
 2. Privacy fence.
 3. Concerns over density because of water and septic.
 4. No multifamily dwellings. Developer built a duplex in the subdivision across the street illegally. What's to stop him this time?
 4. Concerns about waste removal during construction. When this developer subdivided the land across the street, garbage was constantly blowing over to our property. We had to clean it up ourselves.
 5. Concerns over increased traffic. Recommend 3-way stop and speed bump in front of park. Children's safety is important.
 6. Development of park land to include trails and play area.
 7. Recommend moving power pole.
 8. Move cottage out of park land.
-
9. Check out land use of plan 8196 lot 1. Water way was culverted and filled, trees were cut down, building erected on covenant plan vip60988.
 10. Check out plan 8196 lot 3. Park land has been fenced into that property.

Trent Bouchard


ROXANNE BOUCHARD


Submission by Trent Bouchard
Page 2 of 3



Submission by Trent Bouchard
Page 3 of 3

Electoral Area H - Dave B

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[RDN Map](#) [Ravensong](#) [Oceanside Place](#) [Curbside Collection](#) [Transit Schedules](#) [Drinking Water & Watersheds](#) [Local Elections](#)

Electoral Area H - Dave Bartram

Shaw Hill, Qualicum Bay, Deep Bay, Bowser February 12, 2003

Mark Hallam, Regional Manager, Vancouver Island Region
Development and Marketing Division
Land and Water British Columbia Inc.
PO Box 9475 STN PROV GOVT
Victoria, BC
V8W 9W6

Dear Mark Hallam:

RE: Crown Lands, District Lots 32, B4, B5, and B6, Newcastle District

This is to advise that I am the newly elected representative for Electoral Area 'H' within the Regional District of Nanaimo.

It has come to my attention that Land and Water British Columbia (LWBC) forwarded a written submission to the Public Hearing held on September 11th and 12th, 2002 regarding proposed amendments to the Regional District of Nanaimo Growth Strategy. In this submission, LWBC indicates that it is considering settlement options for the above noted Crown land and requests that the Regional Growth Strategy be amended accordingly. This correspondence was received by the Board as part of the report of the Public Hearing without any specific action.

In addition to the general letter of information received by you in October, 2002, I am writing this letter to advise that a settlement proposal for the above noted Crown land is contrary to the Regional Growth Strategy, the Shaw Hill-Deep Bay Official Community Plan, and zoning regulations that apply to the land. Any proposal to develop the lands is contrary to the fundamental goals of the Growth Strategy to contain urban sprawl and promote rural integrity.

As the elected representative for Electoral Area 'H', I can advise you that residents are concerned that this proposal may be initiated outside the current Official Community Plan review process for Electoral Area 'H', that began January 2003. This Official Community Plan review provides an opportunity for residents to be consulted and for the community to plan for its future. Therefore, I request that any proposal to consider future settlement options for the above noted Crown land be referred to our Official Community Plan review. Residents must be given an opportunity for consultation on the intended future use of this land prior to any decision to change its status as Provincial Forest.

Please direct future correspondence about Crown land within Electoral Area 'H' to the Regional District Planning Department or contact Robert Lapham, General Manager of Development Services at (250-390-6510) to make inquiries with respect to participating in our Official Community Plan review.

Sincerely,

original signed

Dave Bartram
Director Electoral Area H

cc: Joe Stanhope, Chair, Regional District of Nanaimo
Gillian Trumper, MLA
Honorable Stan Hagen, Minister of Sustainable Resource Management
Honorable Judith Reid, Minister of Transportation

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RDN REPORT		
CAO APPROVAL <i>CLW</i>		
EAP	<input checked="" type="checkbox"/>	
COW	<input checked="" type="checkbox"/>	Mar 13
MAR 06 2012		
RHD		
BOARD		

MEMORANDUM

TO: Paul Thompson
Manager of Long Range Planning

DATE: February 29, 2012

FROM: Lisa Bhopalsingh
Senior Planner

FILE: 6970 20 SESU

SUBJECT: Secondary Suites Study and Consultation Process

PURPOSE

To present to the Electoral Area Planning Committee (EAPC) a *Secondary Suites Study* that includes: background information on secondary suites in the Regional District of Nanaimo's (RDN) electoral areas; a process for allowing secondary suites; discussion of different policy options for where secondary suites should be considered in the region; and a proposed public consultation process.

BACKGROUND

This report and the *Secondary Suites Study* attached in Appendix 'A' have been drafted in response to RDN Board direction to staff (given on January 25, 2011) to proceed with *Adopting a Secondary Suites Bylaw* as an action identified in the RDN's *Housing Action Plan* (December 30, 2010):

- 2010 Housing Action Plan - Action 8 - Adopting a Secondary Suites Bylaw**
The RDN will consider undertaking a study to identify where secondary suites and carriage homes should be permitted in the electoral areas of the RDN. The study would also consider appropriate land use regulations (e.g. parking spaces, floor area). Based upon the outcome of the study above, the RDN will consider updating OCPs and zoning bylaws to allow secondary suites.

This report and the attached study apply to all electoral areas where the RDN provides land use planning services (electoral areas 'A', 'C', 'E', 'F', 'G' and 'H').

Secondary Suites Process

The *Secondary Suites Study* is the first stage in a four stage process to amend the zoning bylaws to allow secondary suites. The study provides background information based on a staff review of existing RDN policies together with the experience and practices of other jurisdictions that allow secondary suites.

The information presented in the *Secondary Suites Study* will be used as background information for implementing Stage 2 of the process which involves public consultation as discussed in the 'Public Consultation Implications' section of this report.

During Stage 3 of the process RDN staff will compile and analyze the results of community consultation, using it to develop options and recommendations to the RDN Board. Based on direction from the RDN

Board, bylaw amendments will be drafted and community members will have an opportunity to provide further feedback during the final Stage 4 which will involve updating and amending the zoning bylaws.

Summary of Secondary Suites Study

The RDN has long recognized that secondary suites play an important role in providing affordable rental housing in the RDN's electoral areas. Allowing secondary suites is a practical way for the RDN to use its land use authority and resources to increase housing options for those who struggle to find adequate, affordable housing. Secondary suites capitalize on the potential to use new and existing single family housing to provide rental housing. There is evidence from other jurisdictions that this can help meet the demand for affordable housing and also allow community members to age in place.

While there are many clear benefits to allowing secondary suites in the RDN, there are also a number of challenges that need to be considered and addressed. The *Secondary Suites Study* provides an overview of the 'Benefits and Challenges' of secondary suites from the perspective of homeowners, renters and the RDN. This overview, drawn from the experiences of other jurisdictions, presents some of the challenges that the RDN will need to address as it proceeds with drafting regulations to permit secondary suites.

The *Secondary Suites Study* also identifies several issues that need to be considered when drafting and implementing secondary suites regulations including: size, number of rooms, number of suites allowed and location on a lot, parking requirements, owner-occupancy, user fees, flexible design of suites to allow for different types of users and energy efficiency. These issues are based upon the experience of other jurisdictions, anticipated community concerns and direction from RDN sustainability policies.

The RDN has a number of interrelated sustainability priorities that need to be considered when making decisions about where and how secondary suites should be allowed. These include climate change, growth management, affordable housing and aging in place, groundwater protection, and efficient servicing. The *Secondary Suites Study* reviews how well different options for where secondary suites could be located meet RDN sustainability policies. This is discussed in more detail in the 'Sustainability Implications' section of this report.

As the Secondary Suites Study document is lengthy and includes a significant amount of information for the community, Staff recommends that a seminar session for the electoral area directors to review the study be scheduled prior to the start of the public consultation process.

ALTERNATIVES

1. To receive this report with the attached *Secondary Suites Study* in Appendix 'A' as Stage 1 of the secondary suites process and direct staff to proceed with Stage 2 - Public Consultation as outlined in Appendix 'F' of the Study.
2. To receive this report with the attached *Secondary Suites Study* in Appendix 'A' as Stage 1 of the secondary suites process and direct staff to not proceed with Stage 2 - Public Consultation as outlined in Appendix 'F' of the Study.

FINANCIAL IMPLICATIONS

There are no financial implications with respect to receiving the information in this report that represents Stage 1 of the secondary suites process. However, there are costs associated with directing staff to proceed with Stage 2 - Public Consultation.

The 2012 budget includes funds for public consultation associated with secondary suites. It is proposed that consultation activities be tailored to this budget. The majority of the anticipated financial implications for Stage 2 will be for staff time and resources involved in preparing and presenting educational materials and surveys, gathering and analyzing feedback, responding to inquiries/ concerns and drafting regulations.

It should be noted that, if the topic of secondary suites generates a high degree of concern for RDN residents/ stakeholders then, it may be necessary to make modifications to the proposed approach to public consultation and education. This could have potential impacts on the anticipated costs.

LAND USE & SUSTAINABILITY IMPLICATIONS

Proximity to transit and a range of shops, services, employment opportunities and amenities (schools, recreation) are important factors in housing affordability. Access to these features is also fundamental to the principles of Smart Growth that the RDN's Regional Growth Strategy is based on. In the RDN's electoral areas this involves focusing growth within Growth Containment Boundaries (GCB's) known as Rural Village Centres (RVC's). These areas are intended to become compact, complete, mixed-use communities in order to achieve more vibrant, efficient and sustainable development while at the same time protecting environmentally sensitive and rural lands outside of RVC's.

Policies in the RDN Board Strategic Plan, Regional Growth Strategy and Official Community Plans (OCPs) clearly support secondary suites either directly or indirectly as a means of increasing housing diversity and affordability within Rural Village Centres. However, the reality is that few RVC's currently have features associated with compact, complete, and mixed-use development and it has become increasingly clear that their capacity to support such development in the future may also be limited.

Following the direction provided by the RGS and OCPs, the *Secondary Suites Study* reviewed each Rural Village Centre as a potential location for allowing secondary suites based on a range of factors that showed how well RDN sustainability policies would be met. This included: specific policy support for secondary suites; access to transit and a diverse range of amenities; groundwater resources; and, levels of community servicing (water and sewer). Results of the review show that the Cedar, Red Gap, French Creek and Bowser Rural Village Centres are currently the best locations for allowing secondary suites based on RDN sustainability policies.

The *Secondary Suites Study* presents four different options for allowing secondary suites:

1. Secondary suites permitted in Rural Village Centres that best fit with RDN sustainability policies .
2. Secondary suites permitted in all Rural Village Centres.
3. Secondary suites permitted in Rural Village Centres and the Rural Residential Land use designation in the RGS.
4. Secondary suites permitted in all zones that permit single family residential use.

An evaluation of the benefits and challenges of each option was conducted based on RDN policies relating to: growth management, climate change, affordable housing, efficient servicing, and environmental protection. Option 1 that involves initially allowing secondary suites only in Rural Village Centres that best fit with RDN sustainability policies was found to be the most consistent with RDN sustainability policies. Options 3 and 4, both allow secondary suites outside of Rural Village Centres, and were found to be the least consistent with RDN sustainability policies.

The attached study provides a more detailed discussion of the benefits and challenges of these different options which is intended to be used as information for the RDN Board and community members as they respectively provide direction and feedback during the subsequent stages of the process on where and how secondary suites should be allowed.

PUBLIC CONSULTATION IMPLICATIONS

The recently adopted 2011 Regional Growth Strategy included an extensive public consultation process that showed clear support for the RDN and its member municipalities doing more to support the creation of affordable housing in the region. A few of the RDN's electoral area Official Community Plans, developed with broad community consultation, show specific support for secondary suites within Rural Village Centres (e.g. Electoral Area 'A' Official Community Plan, Bowser Village Centre Plan). However, there are several areas of the RDN where the question of allowing secondary suites has not been addressed by the community nor has there been discussion around how secondary suites should be implemented.

One of the key lessons learned from other local governments who have undertaken processes to legalize secondary suites is that, "successful secondary suites regulations draw on broad community participation in the process". Finding out more about what types of concerns community members may have about where and how secondary suites should be allowed is an important part of developing regulations that address these concerns.

Facilitating region-wide community consultation, particularly for the RDN's dispersed rural residents is an ongoing challenge. The public consultation process outlined in Appendix 'F' of the *Secondary Suites Study* is consistent with RDN Board public consultation policies. It emphasizes community education and awareness on the need for secondary suites and, involves gathering feedback about where and how community members (both homeowners and renters) would support allowing secondary suites. The approach to public consultation focuses on using web based information and a survey (see Appendix 'G' of the *Secondary Suites Study*) promoted by using existing community networks and e-mail lists. This process draws from recent public consultation experience in electoral areas and the need for a cost-effective approach.

SUMMARY/CONCLUSION

This report presents a *Secondary Suites Study* as Stage 1 of a process to adopt zoning bylaw amendments to allow secondary suites in the RDN. The study provides background information and discussion on secondary suites in the RDN including: the role of secondary suites in meeting the demand for affordable housing; the benefits and challenges involved with allowing secondary suites; issues to

consider; a review of Rural Village Centres that best fit RDN sustainability policies for locating secondary suites; and an evaluation of different options for locating secondary suites. The results of the review of Rural Village Centres showed that allowing secondary suites in Cedar, Red Gap, French Creek and Bowser Rural Village would be the most consistent with RDN sustainability and growth management policies.

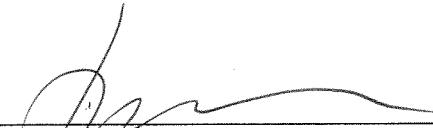
The results of the review were used to create the four options that were evaluated as potential locations for secondary suites. Options that included secondary suites in areas outside of Rural Village Centres were found to be inconsistent with RDN growth management, servicing and environmental policies. The first two options that limited secondary suites to Rural Village Centres were found to be the most consistent with RDN sustainability policies. Of these two options, Option 1, that initially limits secondary suites to specific Rural Village Centres, was found to be the 'best fit' with RDN sustainability policies.

The *Secondary Suites Study* is intended to provide background information to be used for subsequent stages of the secondary suite process. This includes Stage 2 - Public Consultation that emphasizes community education and awareness on the need for secondary suites and, that also involves gathering feedback about where and how community members (both homeowners and renters) would support allowing secondary suites. The results of public consultation would be used in Stages 3 and 4, to analyze the results of public consultation, make recommendations on draft regulations to adopt secondary suites (these latter stages also include further opportunity for community members to provide input).


As the Secondary Suites Study document is lengthy and includes a significant amount of information for the community, Staff recommends that a seminar session for the electoral area directors to review the study be scheduled prior to the start of the public consultation process.

RECOMMENDATIONS

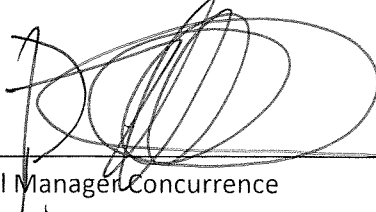
1. That the Secondary Suites Study be received.
2. That staff be directed to schedule a seminar for Electoral Area Directors prior to the beginning of the public consultation process.
3. That staff be directed to proceed with the public consultation process as outlined in Appendix 'F' of the Secondary Suites Study.




Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Appendix A
Secondary Suites Study – Separate Attachment