

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, JULY 14, 2015

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3-6 Minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, June 9, 2015.
- 7-8 Minutes of the Special Electoral Area Planning Committee meeting held Tuesday, June 9, 2015.
- 9-11 Minutes of the Special Electoral Area Planning Committee meeting held Tuesday, June 23, 2015.

BUSINESS ARISING FROM THE MINUTES

DEVELOPMENT PERMIT

- 12-21 Development Permit Application No. PL2015-070 – 5481 Deep Bay Drive, Electoral Area 'H'.

DEVELOPMENT PERMIT WITH VARIANCE

- 22-31 Development Permit with Variance Application No. PL2015-078 – 3718 Jingle Pot Road, Electoral Area 'C'.
- 32-39 Development Permit with Variance and Frontage Relaxation Application No. PL2015-032 – 1497 Mason Trail, Electoral Area 'G'.
- 40-47 Development Permit with Variance Application No. PL2015-071 – 1318 Lanyon Drive, Electoral Area 'G'.
- 48-54 Development Permit with Variance Application No. PL2015-079 – Electoral Area 'G'.

OTHER

55-72 Zoning Amendment Application No. PL2013-113 – 4320 Garrod Road, Electoral Area 'H' – Bylaw 500.395 – 1st and 2nd reading.

73-78 Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in Relation to Subdivision Application No. PL2014-116 – 242, 246, and 250 Hilliers Road North, Electoral Area 'G'.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, JUNE 9, 2015 AT 6:30 PM IN THE
RDN BOARD CHAMBERS

In Attendance:

Director B. Veenhof	Chairperson
Director A. McPherson	Electoral Area A
Director M. Young	Electoral Area C
Director B. Rogers	Electoral Area E
Director J. Fell	Electoral Area F
Director J. Stanhope	Electoral Area G

Also in Attendance:

P. Thorkelsson	Chief Administrative Officer
J. Harrison	Director of Corporate Services
R. Alexander	Gen. Mgr. Regional & Community Utilities
G. Garbutt	Gen. Mgr. Strategic & Community Development
T. Osborne	Gen. Mgr. Recreation & Parks
D. Trudeau	Gen. Mgr. Transportation & Solid Waste
M. O'Halloran	A/Mgr. Administrative Services
C. Golding	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

DELEGATIONS

Heather Powell, Riverbend Resort, re Request for clarification regarding the definitions of zoning of Resort property.

Heather Powell asked the Board to clarify the definition of a recreation vehicle and a resident in relation to the zoning for her resort property.

LATE DELEGATIONS

MOVED Director Stanhope, SECONDED Director Rogers, that late delegations be permitted to address the Board.

CARRIED

Samuel Sugita and Kiersten Enemark, Rogers Communications / Standard Land Company, re Proposed Telecommunication Antenna System Application No. PL2013-086 – 891 Drew Road, Electoral Area ‘G’.

Kiersten Enemark detailed the benefits of having dependable wireless service in the community, introduced the location for the new infrastructure, the efforts made to tower share with TELUS, and is seeking the Board’s support to build a telecommunication tower in Parksville which will accommodate co-location for additional carriers.

ELECTORAL AREA PLANNING COMMITTEE MINUTES

Minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, May 12, 2015.

MOVED Director Rogers, SECONDED Director McPherson, that the minutes of the Electoral Area Planning Committee meeting held Tuesday, May 12, 2015, be adopted.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATION

Development Variance Permit Application No. PL2014-119 – 3560 Allsop 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 No. PL2014-119 be approved to reduce the required lot line setback of 8.0 metres to 6.9 metres for an existing rabbit hutch, to 7.4 metres for an existing pump house, to 3.1 metres for an existing garden shed, to 0.0 metres for an existing train trestle, to 5.5 metres for an existing block retaining wall and to 2.7 metres for an existing wood retaining wall subject to the conditions outlined in Attachments 2 to 4.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variance Application No. PL2015-061 – 646268 BC Ltd. – Harold and Balsam Road, Electoral Area ‘A’.

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

CARRIED

MOVED Director McPherson, SECONDED Director Fell, that Development Permit with Variance No. PL2015-061 to permit the construction of an industrial building be approved subject to the conditions outlined in Attachments 2 to 6.

CARRIED

Development Permit with Variance Application No. PL2015-058 – 2930 Trans Canada Highway, Electoral Area ‘A’.

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

CARRIED

MOVED Director McPherson, SECONDED Director Young, that Development Permit with Variance Application No. PL2015-058 to permit redevelopment of the Cassidy Country Kitchen Restaurant be approved subject to the conditions outlined in Attachments 2 to 5.

CARRIED

OTHER

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement Subdivision Application No. PL2015-019 – 2610 Harold Road, Electoral Area 'E'.

MOVED Director Rogers, SECONDED Director Stanhope, that the request to relax the minimum 10% perimeter frontage requirements for proposed Lots 1 and 3 in relation to Subdivision Application No. PL2015-019 be approved.

CARRIED

Proposed Telecommunication Antenna System Application No. PL2013-086 – 891 Drew Road, Electoral Area 'G'.

MOVED Director Stanhope, no seconder, that:

1. Regional District of Nanaimo staff be instructed to advise ROGERS COMMUNICATION Inc. and Industry Canada that the Regional District of Nanaimo does not concur with the proposal submitted by ROGERS COMMUNICATION Inc. to construct a single-provider freestanding telecommunication antenna system at 891 Drew Road.
2. Regional District of Nanaimo staff be instructed to advise ROGERS COMMUNICATION Inc. that it is the Regional District of Nanaimo's expectation that telecommunication industry proponents will work together to maximize co-location opportunities; coordinate the placement of telecommunication infrastructure in the region; and where co-location is not possible, provide detailed information to the Regional District of Nanaimo as to why co-location is not possible.
3. Regional District of Nanaimo staff be instructed to advise TM Mobile Inc. (TELUS) that it is the Regional District of Nanaimo's expectation that telecommunication industry proponents will work together to maximize co-location opportunities; coordinate the placement of telecommunication infrastructure in the region; and where co-location is not possible, provide detailed information to the Regional District of Nanaimo as to why co-location is not possible.
4. Regional District of Nanaimo staff be instructed to advise TM Mobile Inc. (TELUS) that it is the Regional District of Nanaimo's expectation that TELUS will provide a detailed assessment outlining why neither co-location nor co-build opportunities are possible prior to requesting siting concurrence for the proposed telecommunications facility at 885, 891 and 897 Island Highway East.

The motion was not considered by the Committee due to lack of a seconder.

ADJOURNMENT

MOVED Director Young, SECONDED Director Stanhope, that this meeting be adjourned.

CARRIED

TIME: 7:01 PM

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE SPECIAL ELECTORAL AREA PLANNING COMMITTEE MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, JUNE 9, 2015 AT 3:30 PM IN THE
RDN BOARD CHAMBERS**

In Attendance:

Director B. Veenhof	Chairperson
Director A. McPherson	Electoral Area A
Director M. Young	Electoral Area C
Director B. Rogers	Electoral Area E
Director J. Fell	Electoral Area F
Director J. Stanhope	Electoral Area G

Also in Attendance:

P. Thorkelsson	Chief Administrative Officer
R. Alexander	Gen. Mgr. Regional & Community Utilities
G. Garbutt	Gen. Mgr. Strategic & Community Development
J. Harrison	Director, Corporate Services
P. Thompson	Mgr. Long Range Planning
J. Holm	Mgr. Current Planning
G. Keller	Senior Planner
N. Hewitt	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

REPORTS

Bylaw and Policy Updates Project – Draft Agricultural Zoning and OCP Amendments.

G. Keller provided a visual and verbal presentation on draft agricultural zoning and Official Community Plan (OCP) amendments and presented the Committee with the next steps for community input as part of the Bylaw and Policy Updates project.

Directors raised concerns regarding setbacks for outdoor riding rings, allowing transparent vertical additions to a solid fence, permitting an additional dwelling in the A-1 zone, prohibiting mushroom farms on non-ALR land, and amending the consultation plan to ensure adequate time for consultation with local farmers.

Committee recessed at 5:45 pm.

Committee reconvened at 6:20 pm.

MOVED Director Fell, SECONDED Director McPherson, that staff proceed with the community engagement plan on the draft zoning and Official Community Plan amendments identified in Attachments 1 and 2 of the staff report with the following updates:

1. Proposed Definitions: Add a reference to the Agricultural Land Reserve, Use, Subdivision and Procedure Regulation within the definition of “production of Biological Integrated Pest Management Products”.
2. Specify a 0.0 m setback for outdoor riding rings.
3. Amend materials to allow transparent vertical additions to a solid fence.
4. Add ‘or a temporary use area’ to the end of the definition of Confined Livestock Area.
5. Change the provision in Bylaw 1285 in the A-1 Zone to allow 1 dwelling unit per ha to a maximum of 2 per lot.
6. Where definitions or setbacks are proposed reference applicable legislation or guideline.
7. Remove ‘and outdoor’ from 1) vii – agricultural building setbacks.
8. Change the definition of agriculture to prohibit mushroom farm (intensive agriculture generally) on all non-ALR land.
9. Amend the proposed consultation plan schedule to change the consultation period from July to November and ensure consultation is at times to accommodate farmers.

CARRIED

ADJOURNMENT

MOVED Director Fell, SECONDED Director McPherson, that this meeting be adjourned.

CARRIED

TIME: 6:27 PM

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE SPECIAL ELECTORAL AREA PLANNING COMMITTEE MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, JUNE 23, 2015 AT 4:00 PM IN THE
RDN BOARD CHAMBERS**

In Attendance:

Director B. Veenhof	Chairperson
Director A. McPherson	Electoral Area A
Director M. Young	Electoral Area C
Director B. Rogers	Electoral Area E
Director J. Fell	Electoral Area F
Director J. Stanhope	Electoral Area G

Also in Attendance:

Director H. Houle	Electoral Area B
P. Thorkelsson	Chief Administrative Officer
J. Harrison	Director of Corporate Services
G. Garbutt	Gen. Mgr. Strategic & Community Development
J. Hill	Mgr. Administrative Services
J. Holm	Mgr. Current Planning
T. Brown	Planner
C. Golding	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

LATE DELEGATIONS

MOVED Director Rogers, SECONDED Director McPherson, that late delegations be permitted to address the Committee.

CARRIED

Samuel Sugita and Darren Hird, Rogers Communications Inc., re Proposed Telecommunication Antenna System Application No. PL2013-086 – 891 Drew Road, Electoral Area ‘G’.

Samuel Sugita provided an overview of the steps Rogers Communications Inc., has taken since beginning the application process in 2013, and Darren Hird asked the Committee to consider the application and grant concurrence to Rogers Communications Inc.

Kelly Olson, re Cell Tower Siting - 1421 Sunrise Drive and 891 Drew Road (Electoral Area ‘G’).

Kelly Olson voiced her concerns regarding cell tower placement in residential areas and asked that the Committee rescind their concurrence for the placement of a cell tower at 1421 Sunrise Drive and put a hold on all tower siting until a policy can be prepared and other locations considered.

Tricia Thomas, re Proposed Telecommunication Antenna System - 1421 Sunrise Drive, Electoral Area 'G'.

Tricia Thomas voiced her concerns regarding the cell tower placement in a residential area and asked the Committee to adopt a policy for cell tower siting that would apply to all area residents.

COMMUNICATIONS/CORRESPONDENCE

Jon Leugner, TELUS, re ROGERS Proposed Telecommunication Antenna System Application No. PL2013-086 – 891 Drew Road, Electoral Area 'G'.

MOVED Director Stanhope, SECONDED Director Young, that the correspondence received from Jon Leugner, TELUS, regarding ROGERS proposed Telecommunication Antenna System Application No. PL2013-086 – 891 Drew Road in Electoral Area 'G' be received.

CARRIED

REPORTS

Proposed Telecommunication Antenna System Application No. PL2013-086 – 891 Drew Road, Electoral Area 'G'.

MOVED Director Stanhope, SECONDED Director Young, that Regional District of Nanaimo staff be instructed to advise ROGERS COMMUNICATION Inc. and Industry Canada that the Regional District of Nanaimo does not concur with the proposal submitted by ROGERS COMMUNICATION Inc. to construct a single-provider freestanding telecommunication antenna system at 891 Drew Road at this time.

CARRIED

MOVED Director Stanhope, SECONDED Director McPherson, that Regional District of Nanaimo staff be instructed to advise ROGERS COMMUNICATION Inc. that it is the Regional District of Nanaimo's expectation that telecommunication industry proponents will work together to maximize co-location opportunities; coordinate the placement of telecommunication infrastructure in the region; and where co-location is not possible, provide detailed information to the Regional District of Nanaimo as to why co-location is not possible.

CARRIED

MOVED Director Stanhope, SECONDED Director McPherson, that Regional District of Nanaimo staff be instructed to advise TM Mobile Inc. (TELUS) that it is the Regional District of Nanaimo's expectation that telecommunication industry proponents will work together to maximize co-location opportunities; coordinate the placement of telecommunication infrastructure in the region; and where co-location is not possible, provide detailed information to the Regional District of Nanaimo as to why co-location is not possible.

CARRIED

MOVED Director Stanhope, SECONDED Director McPherson, that Regional District of Nanaimo staff be instructed to advise TM Mobile Inc. (TELUS) that it is the Regional District of Nanaimo's expectation that TELUS will provide a detailed assessment outlining why neither co-location nor co-build opportunities are possible prior to requesting siting concurrence for the proposed telecommunications facility at 885, 891 and 897 Island Highway West.

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that given the complexity of siting of telecommunication antenna systems in the District 69 area, Regional District of Nanaimo staff be instructed to contact Industry Canada, TM Mobile Inc. (TELUS), ROGERS COMMUNICATION Inc. to arrange a meeting between representatives of the Regional District of Nanaimo, City of Parksville and Town of Qualicum Beach to discuss the coordination of siting applications and co-location opportunities in order to address telecommunication gaps that exist in the District 69 area.

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that Regional District of Nanaimo staff be instructed to advise Industry Canada and TM Mobile Inc. (TELUS) that based on new information provided by the public, that the Regional District of Nanaimo recommends that Industry Canada withhold approval of the proposal submitted by TM Mobile Inc. (TELUS) to construct a single-provider freestanding telecommunication antenna system at 1421 Sunrise Drive until such time as property owners within 500 metres of the proposed site have been given notice of the proposal and an opportunity to provide input on the proposal.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Jon Leugner, TELUS, re ROGERS Proposed Telecommunication Antenna System Application No. PL2013-086 – 891 Drew Road, Electoral Area 'G'.

MOVED Director Rogers, SECONDED Director Young, that a late delegation be permitted to address the Committee.

CARRIED

Samuel Sugita, Rogers Communications, provided an update that there has not been any subsequent communication between ROGERS and TELUS regarding co-building and co-location of the proposed telecommunication antenna system further to the letter provided by TELUS.

ADJOURNMENT

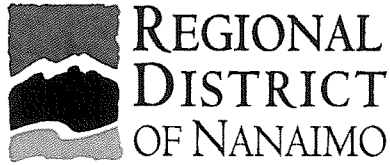
MOVED Director McPherson, SECONDED Director Rogers, that this meeting be adjourned.

CARRIED

TIME: 4:46 PM

CHAIRPERSON

CORPORATE OFFICER



RDN REPORT	
CAC APPROVAL	
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
JUN 24 2015	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: June 18, 2015

FROM: Stephen Boogaards
Planner

MEETING: EAPC - July 14, 2015

FILE: PL2015-070

**SUBJECT: Development Permit Application No. PL2015-070
Lot 37, District Lot 1, Newcastle District, Plan 20442
5481 Deep Bay Drive – Electoral Area ‘H’**

RECOMMENDATION

That Development Permit Application No. PL2015-070 to permit the construction of an addition to a dwelling unit within the Hazard Lands Development Permit Area be approved subject to the conditions outlined in Attachments 2 to 4.

PURPOSE

To consider an application for a Development Permit to permit an addition to the dwelling unit on the subject property within the Hazard Lands Development Permit Area.

BACKGROUND

The Regional District of Nanaimo has received an application from Dean Irwin on behalf of Lois Pennell to permit the construction of an addition to a dwelling unit on the subject property. The proposed addition includes the conversion of the front porch and an existing patio to living space. The subject property is 0.142 hectares 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 the location of the subject property).

The subject property contains a dwelling unit, and is bordered by residential parcels to the east and west. The Strait of Georgia lies to the north, and Deep Bay Drive to the south.

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

1. Hazard Lands Development Permit Area; and
2. Environmentally Sensitive Features for Coastal Areas.

Since the addition is less than 25% of the total floor area of the existing building and is within the existing building footprint, the construction is exempt from the Environmentally Sensitive Features Development Permit Area.

The Regional District of Nanaimo Board approved development permit application PL2014-107 at its October 28, 2014 meeting to allow the enclosure of a portion of the patio to create a sunroom and a portion of the front porch to create a foyer. The area proposed to be converted to living space at that time was 18.6 m². As part of the current application, the applicant requests to enclose an additional 10.7 m² of patio area as living space. If approved, this development permit will replace the permit previously issued under application PL2014-107 and allow the enclosure of a total of 29.3 m² of existing patio and front porch area as additional living space.

Proposed Development

The applicant requests a Development Permit to build an addition to an existing dwelling unit on the subject property within the Hazard Lands Development Permit Area. The applicant proposes to enclose and convert 29.3 m² of covered patio and a front porch to living space for the dwelling. The enclosures will not extend beyond the existing building footprint, and new concrete slabs will match the floor elevation of the existing residence (see Attachment 3 – Site Plan).

ALTERNATIVES

1. To approve the Development Permit No. PL2015-070 subject to the conditions outlined in Attachments 2 to 4.
2. To deny the Development Permit No. PL2015-070.

LAND USE IMPLICATIONS

Development Implications

The applicant proposes a minor addition to an existing dwelling within a coastal natural hazard area. Due to the proximity to the sea, the property is subject to the “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006” (Floodplain Bylaw) for Flood Construction Level. The main floor of the dwelling does not conform to the minimum flood elevation of 1.5 m, as established in the bylaw. However, the Floodplain Bylaw exempts an addition of less than 25% of the non-conforming floor area from the flood elevation requirements. Based on the information submitted by the applicant, the addition constitutes 22% of the existing main floor of the residence that is below the Flood Construction Level and as such is a permitted exemption to the flood elevation requirements of the Floodplain Bylaw.

As the Deep Bay spit is designated as Natural Hazard Development Permit Area, the applicant has submitted a Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. and dated May 27, 2015. The report assesses the potential for coastal flood risk in accordance with professional practice guidelines established by the Association for Professional Engineers and Geoscientists of BC (APEGBC). The report establishes a minimum flood construction level with sea rise of 1.9 m above the natural boundary of the sea, and notes that in a flood the property could be inundated with floodwaters from the ocean and structures could be damaged. However, the report recommends that the addition match the existing floor elevation of the dwelling for practical residential use of the building.

The Geotechnical Hazard Assessment concludes that the site is safe for the intended use of a house addition, and will not result in detrimental impacts on the subject property or adjoining properties provided the recommendations of the report are followed. As a condition of the development permit, the report will be registered on the property title as a modification, saving the Regional District of Nanaimo harmless from all loss or damages to life or property as a result of potential flood hazard. Development of the property in accordance with the recommendations of the Geotechnical Hazard Assessment is included in the Terms and Conditions of Approval set out in Attachment 2.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015 – 2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications for the 2013 – 2015 Board Strategic Plan.

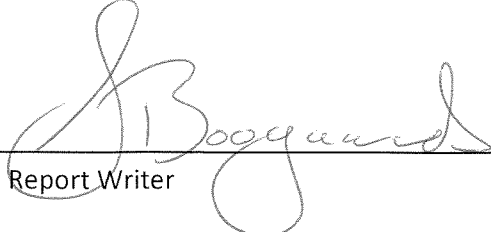
INTER-GOVERNMENTAL IMPLICATIONS

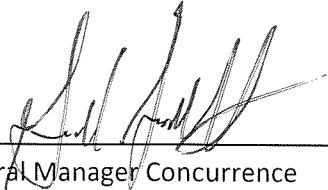
The property is within the boundary of known archeological site DiSe-7. The applicant has confirmed with the Archeological Branch of the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) that the proposal will not require a Section 12 Site Alteration Permit, as the plan proposes the utilization of existing foundations and underground services with no alterations or disturbances to the soil required.

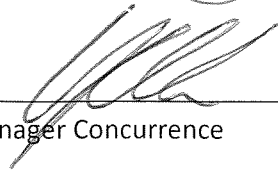
SUMMARY/CONCLUSIONS

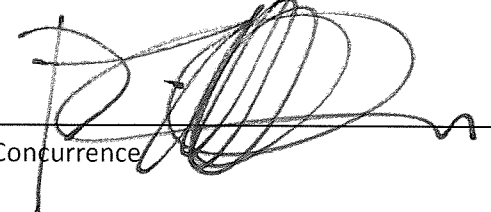
The applicant proposes to build an addition onto their dwelling unit by enclosing an existing covered patio and front porch. The property is within the Hazard Lands Development Permit Area due to its proximity to the sea. The additions will not extend beyond the existing building footprint, and are exempt from the provisions of the Floodplain Bylaw. The applicant has previously received a development permit for enclosing the front porch and a portion of the patio. This development permit includes a total of 29.3 m² of proposed enclosed floor area for an additional 10.7 m² of enclosed floor area from approval previously granted under development permit PL2014-107.

The applicant has supplied a Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated May 27, 2015 to address the Hazard Lands Development Permit Area guidelines. The report establishes a floodplain construction level above the natural boundary of the sea of 1.9 m including sea level rise, and notes that the property could be inundated with floodwaters. However, the additions are recommended to match the existing main floor to allow for the practical use of the dwelling. The report concludes that the site is safe for the intended use, and will not result in detrimental impacts on the subject property or adjoining parcels. Since the proposed development complies with the Development Permit Area guidelines and no negative impacts are anticipated as a result of the proposed development, staff recommends that the Board approve the proposed Development Permit subject to the terms and conditions outlined in Attachment 2.


Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

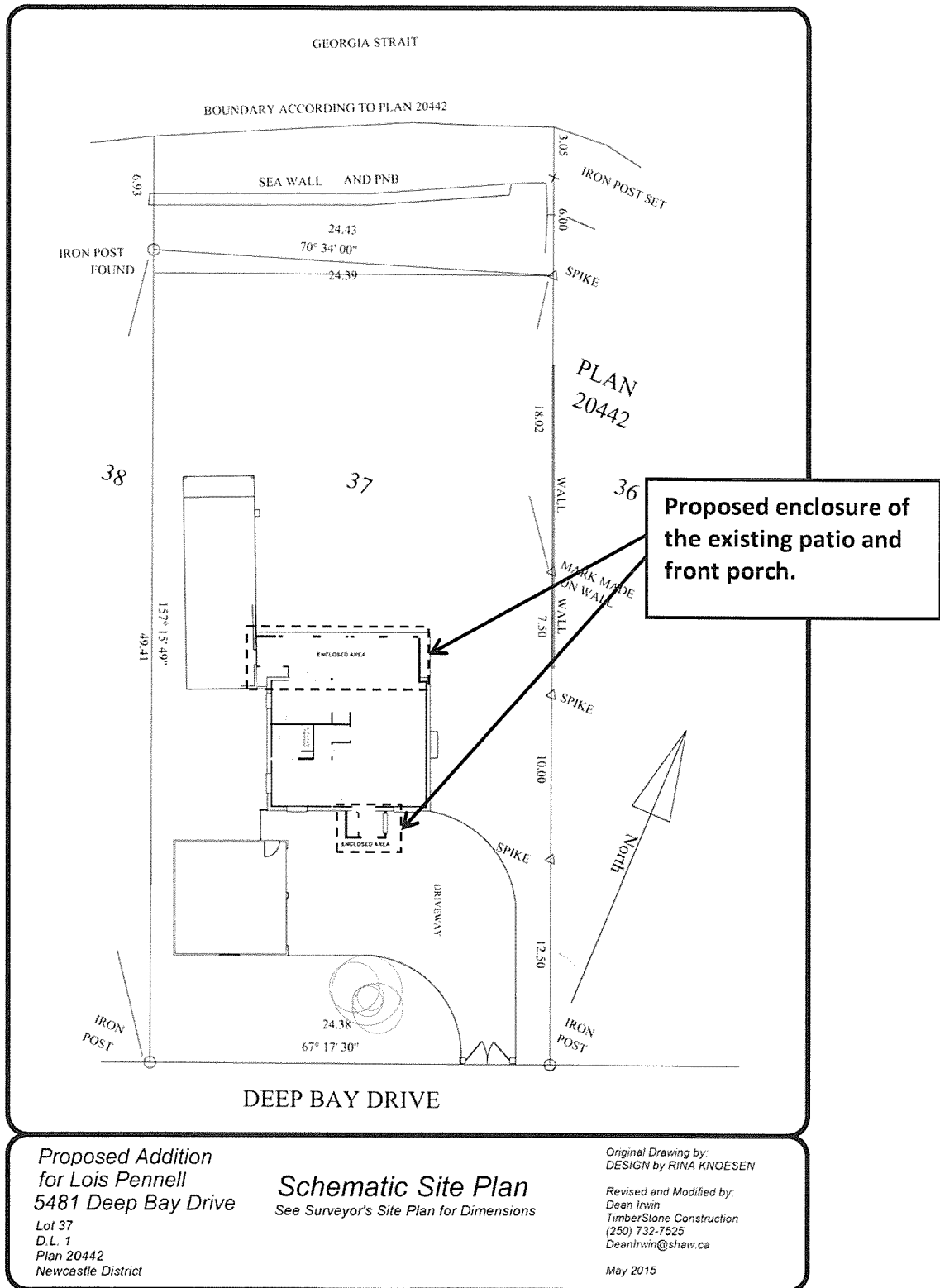
Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit No. PL2015-070:

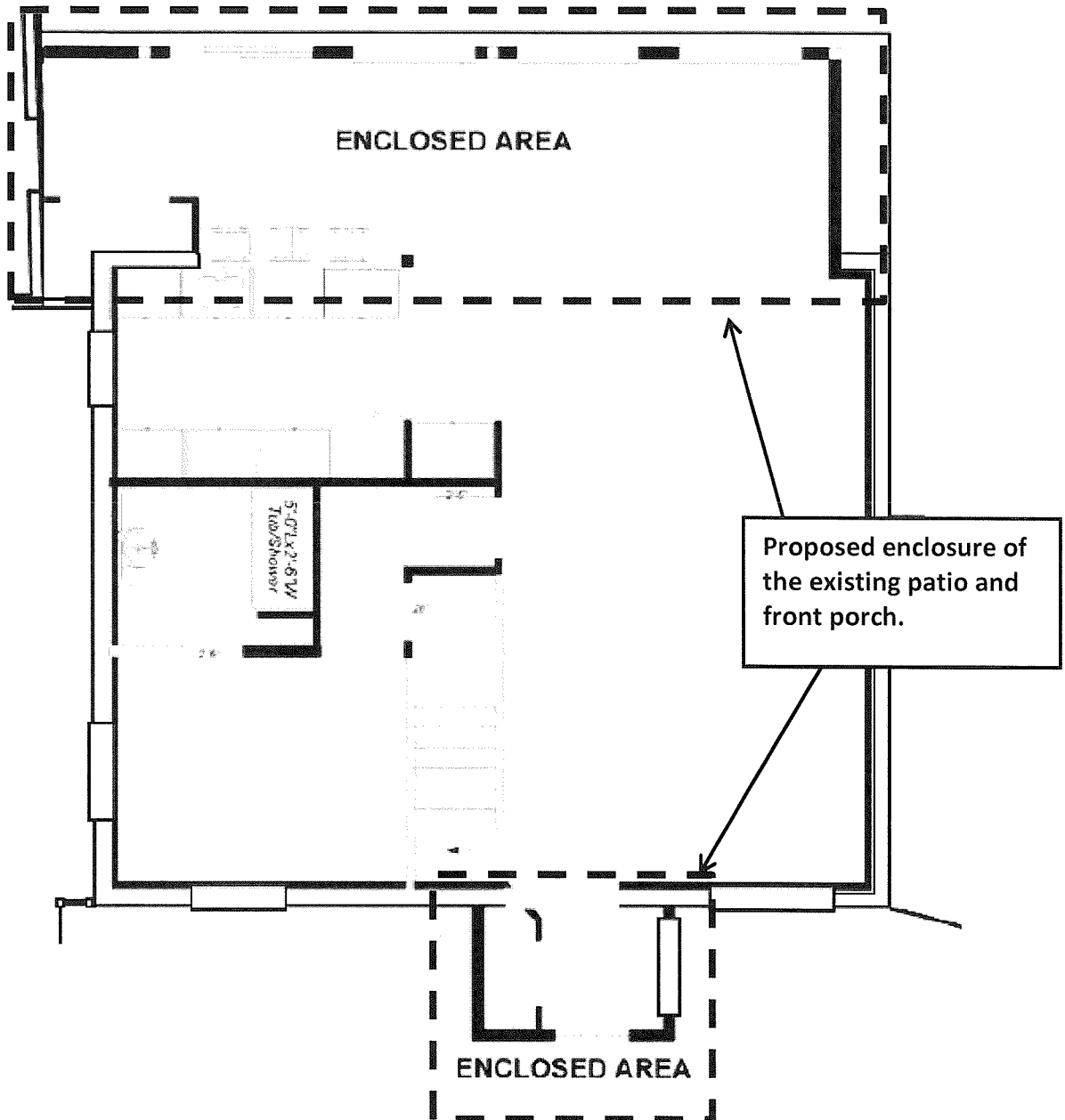
Conditions of Approval:

1. The site is developed in accordance with the Site Plan prepared by TimberStone Construction, dated May 2015, and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations prepared by TimberStone Construction, dated May 2015, and attached as Attachment 4.
3. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated May 27, 2015.
4. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 Covenant on the property title containing the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated May 27, 2015, 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.
5. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3
Proposed Site Plan (Page 1 of 2)

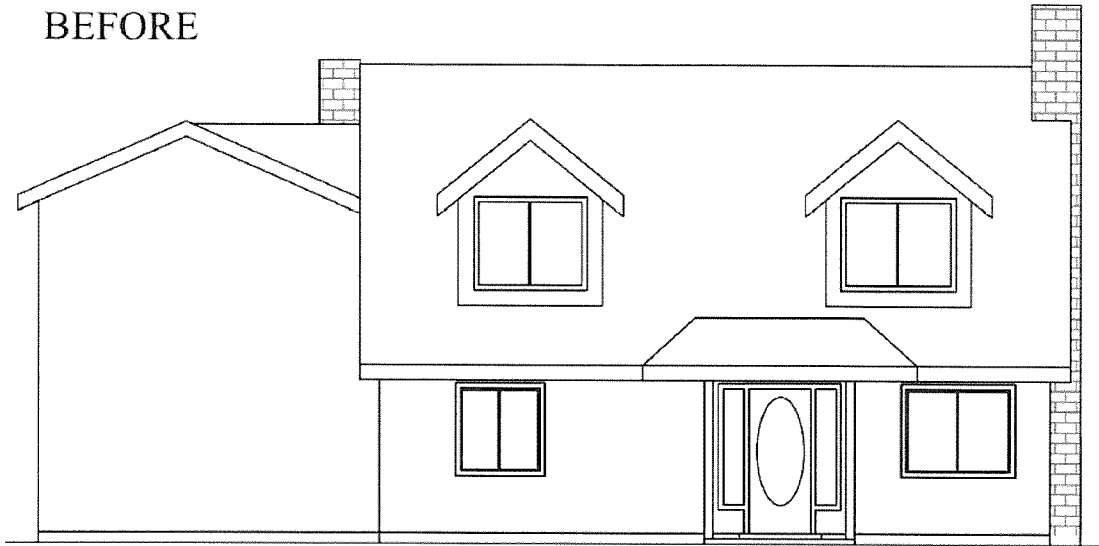


Attachment 3
Proposed Site Plan (Page 2 of 2)



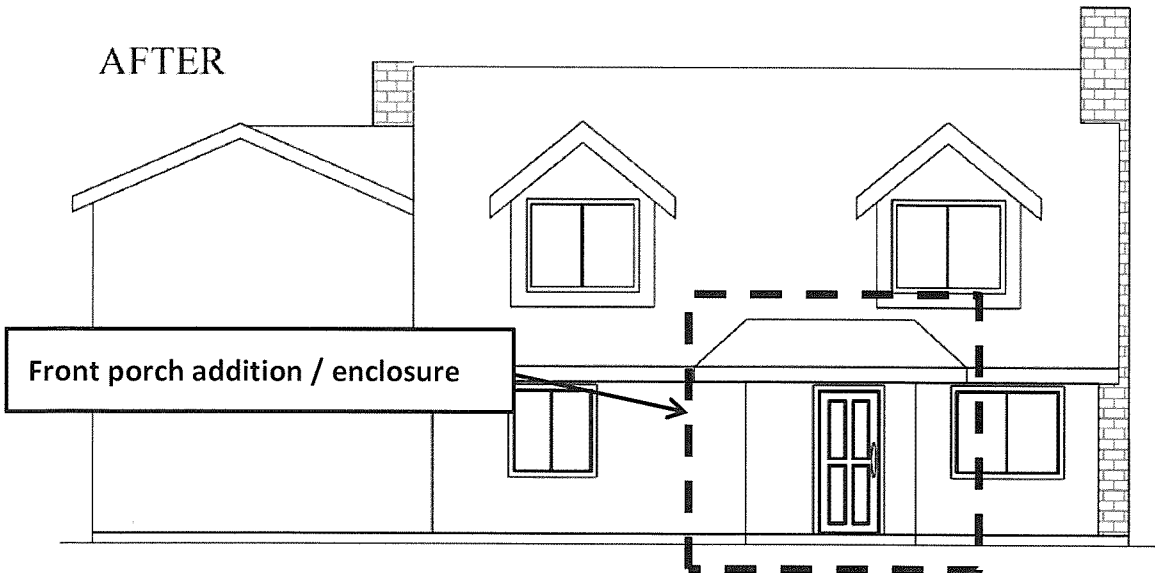
Attachment 4
Building Elevations (Page 1 of 2)

BEFORE



SOUTH EAST ELEVATION

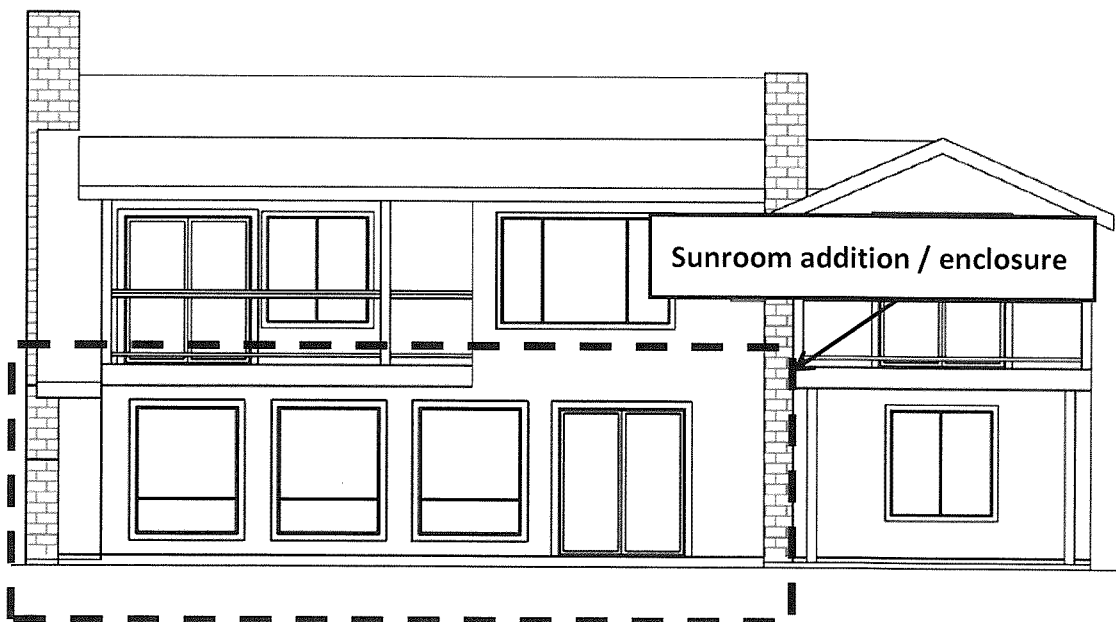
AFTER

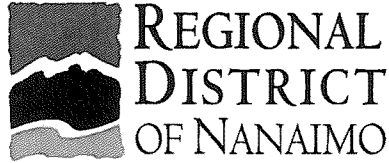


Attachment 4
Building Elevations (Page 2 of 2)



NORTH WEST ELEVATION





RDN REPORT	
CAC APPROVAL	
EAP	✓
COW	
JUN 23 2015	
RHD	
BOARD	

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: June 23, 2015

FROM: Tyler Brown
Planner

MEETING: EAPC – July 14, 2015

FILE: PL2015-078

SUBJECT: Development Permit with Variance Application No. PL2015-078
Lot 2, Sections 18 and 19, Range 4, Mountain District, Plan 24550
3718 Jingle Pot Road – Electoral Area ‘C’

RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Permit with Variance Application No. PL2015-078 to permit the construction of an addition to a dwelling unit and garage, construction of a driveway, construction of a landscape berm and construction of a concrete patio be approved subject to the conditions outlined in Attachments 2 to 4.

PURPOSE

To consider an application for a Development Permit with Variance to replace a previously issued permit in order to proceed with the completion of an addition to a dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from R. W. Wall Ltd. on behalf of Morgan Carey in order to permit the continued construction of an addition to an existing dwelling unit, an expansion of an existing garage, a landscape berm, an asphalt driveway and a concrete patio on the subject property. The subject property is 2.44 ha in area and is zoned Rural 1 (RU1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 - Location of Subject Property).

The subject property is located within the Agricultural Land Reserve (ALR) and currently contains a dwelling unit and an accessory building. Development Permit with Variance and Site Specific Exemption Application No. PL2013-081 was previously issued to permit the construction of an addition to the dwelling unit on the subject property. The approved addition is currently under construction. PL2013-081, along with addressing development permit and floodplain concerns, varied the permitted structure height for the dwelling unit addition from 9.0 m to 9.63 m. However, it was identified through the building permitting process that the dwelling unit has been constructed to a height of 10.1 metres.

The property contains a large pasture area as well as lawn and gardens, and is bound by Jingle Pot Road to the north, undeveloped RDN park land to the east, the Millstone River to the south and a developed rural parcel to the west.

The proposed development is subject to the following development permit areas as per the “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997”:

- Fish Habitat Protection
- Hazard Lands

Proposed Development and Variance

The applicant is currently constructing an additional 557.5 m² of habitable space to an existing 222.7 m² dwelling unit to provide a total of 780.2 m² of habitable area within the dwelling unit. A portion of a porch attached to the dwelling is located within the 30 metre setback from the Millstone River established by “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006” (Floodplain Bylaw). A site specific exemption from the Floodplain Bylaw for the porch was previously issued through Development Permit with Variance and Site Specific Exemption Application No. PL2013-081.

Development Permit with Variance and Site Specific Exemption Application No. PL2013-081 also varied the maximum permitted height from 9.0 m to 9.63 m for the proposed addition. The variance was required in order for the addition to meet the minimum flood construction level of 3.0 metres above the natural boundary of the Millstone River as established in the Floodplain Bylaw (see Attachment 3 - Site Plan and Variance). However, through the building permit process, it was discovered that the dwelling unit addition was built to a height of 10.1 metres (see Attachment 3, Page 1 – Site Plan and Variance and Attachment 4 – Building Elevations). Therefore, the applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

Section 3.4.81 – Maximum Number and size of Buildings and Structures - Height to increase the maximum permitted height from 9.0 metres to 10.1 metres to permit the construction of an addition to an existing dwelling unit.

In addition to the construction previously approved through application PL2013-081, the applicant is now proposing to expand the existing garage to 108.2 m² in area. The expanded garage is within both the Hazards Lands and Fish Habitat Protection development permit area, and also within the 30.0 metre setback from the Millstone River as prescribed by the Floodplain Bylaw; however, the garage is exempt from the requirements of the Floodplain Bylaw. The applicant is also proposing an asphalt driveway, a concrete patio on the south side of the dwelling unit and a landscape berm to provide privacy between the dwelling unit and Jingle Pot Road (see Attachment 3, Page 1 – Site Plan and Variance).

ALTERNATIVES

1. To approve Development Permit with Variance Application No. PL2015-078 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Permit with Variance Application No. PL2015-078.

LAND USE IMPLICATIONS

Development Implications

The applicant has requested a variance to the maximum permitted height in order to permit the continued construction of an addition to an existing dwelling unit that was determined to be over the previously approved height permissions. The applicant states that the additional height variance request is resulting from calculation discrepancies in the building plans. Staff have reviewed the applicant's request in relation to Board Policy B1.5 and note that the applicant previously re-designed the addition in order to meet the 3.0 metre flood construction level resulting in the need for a height variance. The addition was designed so that no habitable space encroaches within the 30 metre Floodplain Bylaw setback from the Millstone River. The discrepancy in building plans has not resulted in any new building or deck area encroaching into the setback area or any habitable floor area built under the flood construction level. Thus, the need for an additional height variance does not negate the previously approved site specific exemption from the Floodplain Bylaw. Further, staff do not anticipate any view implications or other negative impacts for neighbouring properties related to the additional height variance.

The applicant is also proposing new development on the subject property. The additional proposed works include an expansion to the existing garage, a landscape berm to provide privacy between the dwelling unit and Jingle Pot Road, an asphalt driveway, and a concrete patio on the south side of the dwelling unit (see Attachment 3, Page 1 – Site Plan and Variance). The expanded garage and concrete patio are within both the Hazards Lands and Fish Habitat Protection development permit area, and also within the 30.0 metre setback from the Millstone River as prescribed by the Floodplain Bylaw; however, both the garage and patio are exempt from the requirements of the Floodplain Bylaw. The landscape berm and asphalt driveway are within the Hazards Lands Development Permit Area.

In order to address the Fish Habitat Protection Development Permit Area guidelines the applicant has provided Riparian Areas Assessment reports prepared by Toth and Associates Environmental Services Ltd. dated July 2, 2013 and June 12, 2015. The later report updates the initial report to provide comment on the proposed new development. The reports establish a 25.8 metre Streamside Protection and Enhancement Area (SPEA) and all development works, with the exception of the concrete patio and the expansion of the garage, are proposed outside of the SPEA. With respect to both the concrete patio and the garage expansion, the report notes that development will occur on previously cleared and developed land and will not require the removal or disturbance of riparian vegetation. Approximately 9.0 m² of the proposed garage would encroach within the SPEA and the report concludes that the development would not result in significant intrusion or potential harmful alteration to fish habitat. The intrusion into the SPEA associated with the proposed concrete patio is approximately 3.0 m² and the report notes the intrusion is within an area previously developed as a deck and garden area.

The reports note that the expansion to the dwelling has a relatively small potential to result in negative impacts to the features, functions and conditions that support fish life processes within the 30 metre Riparian Assessment Area of the Millstone River. The first report recommends that the SPEA boundary be flagged prior to development. The second report recommends some minor planting works of native vegetation to occur to limit bank erosion on a small section of the Millstone River. Both reports recommend that a post development report be completed within six months of project completion in accordance with Provincial requirements. Given that the potential for disturbance of the SPEA is negligible, no other monitoring or measures to protect the SPEA have been recommended.

Development in accordance with the recommendations contained in each report is included in the Conditions of Approval outlined in Attachment 2.

In order to address the Hazard Lands Development Permit Area guidelines, the applicant has submitted a Geotechnical Evaluation and Hazards Assessment prepared by Lewkowich Engineering Associates Ltd. dated June 11, 2015. The report serves as a replacement geotechnical assessment to the one submitted as part of Development Permit with Variance and Site Specific Exemption Application No. PL2013-081 and includes consideration of the 10.1 metre dwelling unit height as well as the proposed expansion to the existing garage, the landscape berm, the asphalt driveway, and the concrete patio.

The report recommends that the proposed dwelling addition meet the minimum flood construction level of 3.0 metres above the natural boundary of the Millstone River and notes that it is the Engineer's opinion that the 1 in 200 year flood elevation would actually be approximately 0.6 metre below the floor elevation of the existing residence. In addition, the report concludes that the land and proposed development is considered safe for the intended use from a geotechnical perspective and that the development will have no detrimental impact on the environment.

As addressed in the previous development approval (PL2013-081) and in accordance with the Floodplain Bylaw Site Specific Exemption Application requirements, a Section 219 covenant registered the previous geotechnical evaluation on the property title which included a save harmless clause that released the Regional District of Nanaimo from all losses and damages as a result of potential flood hazard (CA3704996). As the geotechnical report has since been updated to address the 10.1 metre height of the dwelling and other proposed works, staff recommend that the applicant be required to modify covenant CA3704996 and replace the previous geotechnical report with the June 11, 2015 Geotechnical Hazards Assessment prepared by Lewkowich Engineering Associates Ltd (see Attachment 2 – Conditions of Approval).

Environmental Implications

The proposed development is subject to the Fish Habitat Protection and Hazard Lands development permit areas as per the "Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997". The applicant has provided the necessary professional reports to satisfy the development permit area guidelines. The environmental implications of the development are addressed in the Development Implications section of this report.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015 – 2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications for the 2013 – 2015 Board Strategic Plan.

PUBLIC CONSULTATION IMPLICATIONS

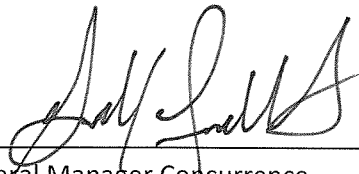
Pending the Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50 metre radius of the subject property will receive 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/CONCLUSIONS

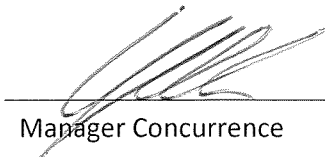
This is an application for a Development Permit with Variance to permit the continued construction of an addition to an existing dwelling unit, an expansion of an existing garage, a landscape berm, an asphalt driveway and a concrete patio on the subject property. The applicant has submitted a site plan, building elevations, Environmental Reviews and a Geotechnical Evaluation and Hazard Assessment in support of the application. In staff’s assessment, this proposal is consistent with the guidelines of the “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997” Fish Habitat Protection and Natural Hazard Development Permit Areas. Moreover, staff have reviewed the additional variance request and do not anticipate any view implications or other negative impacts for neighbouring properties. As such, staff recommends approval of the Development Permit with Variance pending the outcome of public consultation.



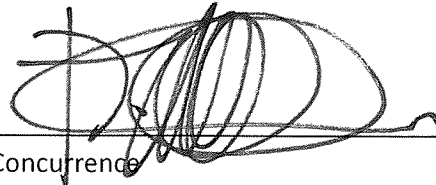
Report Writer



General Manager Concurrence

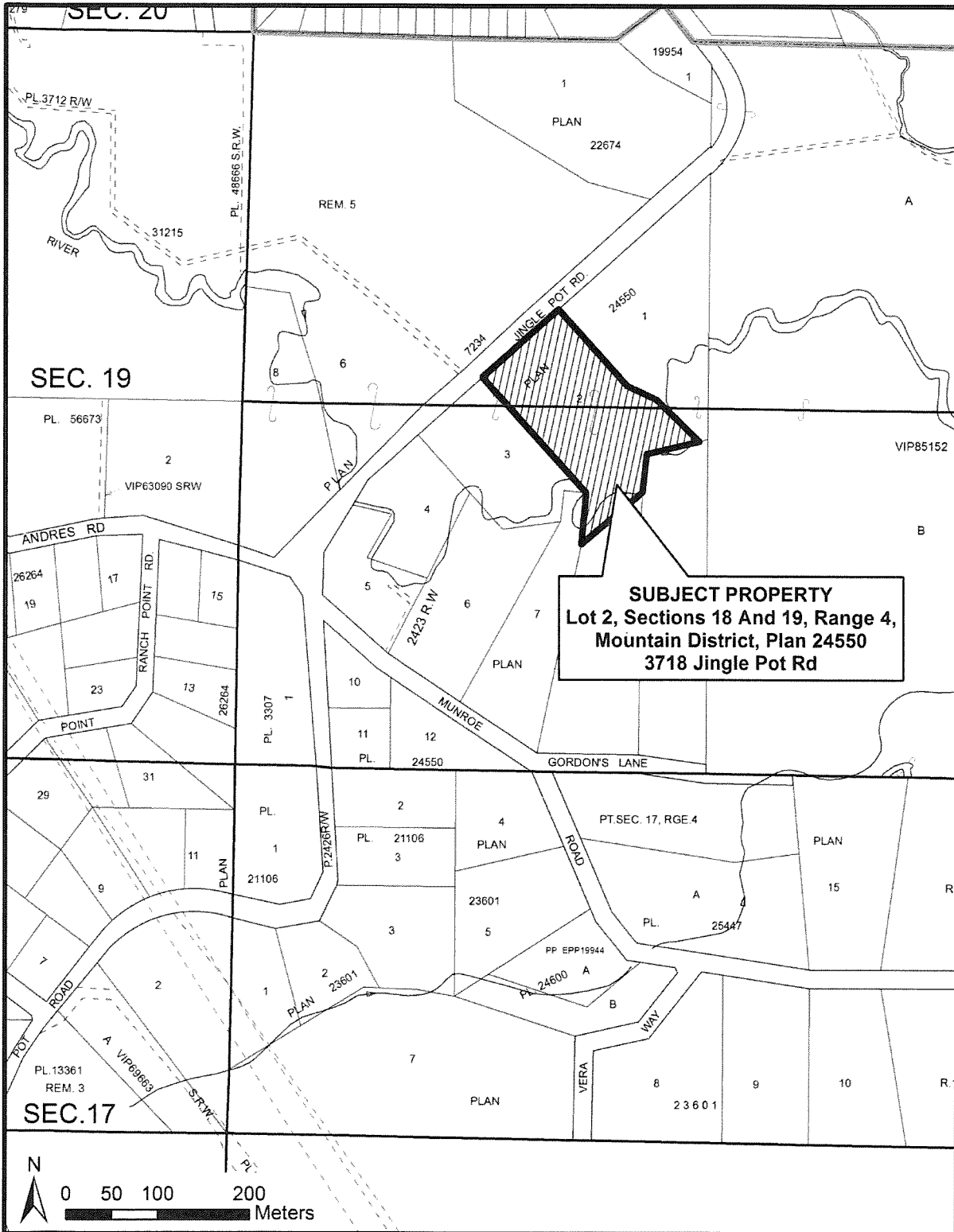


Manager Concurrence



CAO Concurrence

**Attachment 1
Subject Property Map**



Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2015-078 and replaces the terms and conditions of Development Permit with Variance and Site Specific Exemption Application No. PL2013-081:

Bylaw No. 500, 1987 Variances:

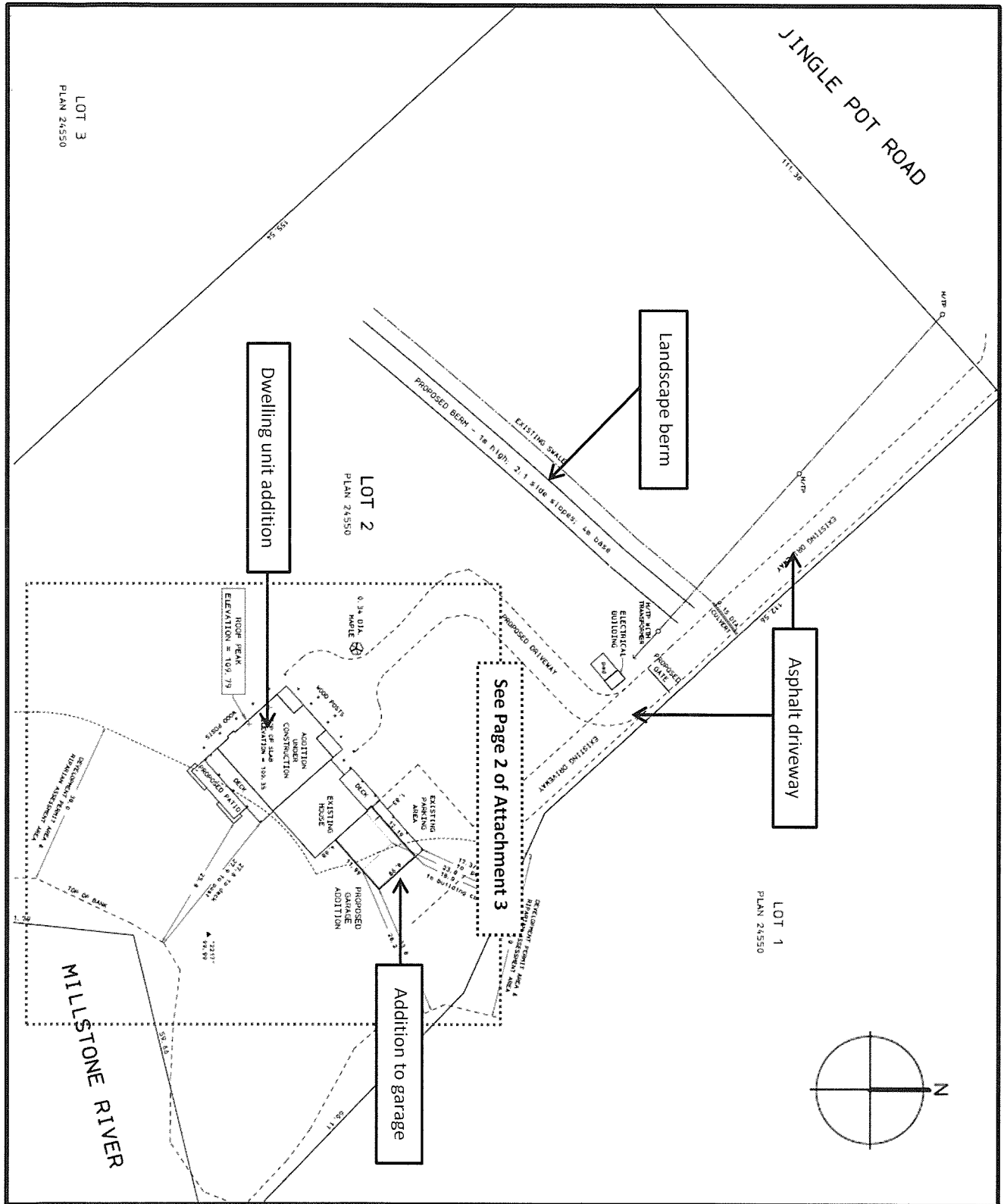
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

Section 3.4.81 – Maximum Number and size of Buildings and Structures - Height to increase the maximum permitted height from 9.0 metres to 10.1 metres to permit the construction of an addition to an existing dwelling unit.

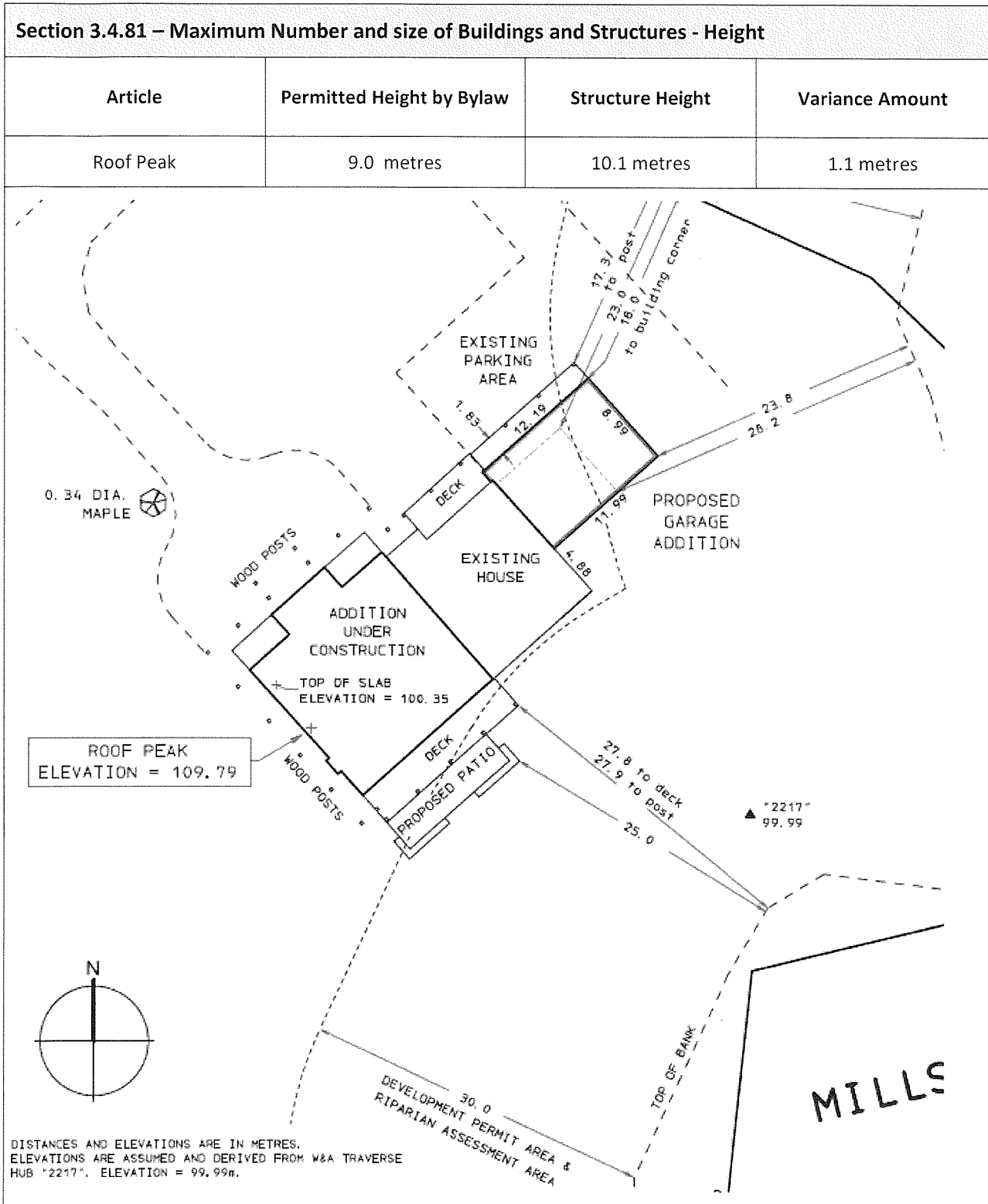
Conditions of Approval:

1. The dwelling unit addition shall be sited in accordance with the Site Plan prepared by Williamson & Associates Professional Surveyors dated June 15, 2015.
2. The dwelling unit addition shall be constructed in general accordance with the elevation plans prepared by the Kevin Lamont dated June 9, 2015.
3. The property shall be developed in accordance with the recommendations of the Riparian Areas Assessment reports prepared by Toth and Associates Ltd. dated July 2, 2013 and June 12, 2015, and a post development report, in accordance with Provincial requirements, should be completed within 6 months of project completion.
4. The property shall be developed in accordance with the recommendations of the Geotechnical Hazards Assessment prepared by Lewkowich Engineering Associates Ltd. dated June 11, 2015.
5. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, amends covenant CA3704996 and replaces the Geotechnical Evaluation and Hazards Assessment prepared by Lewkowich Engineering Associates Ltd. dated June 20, 2013, with the updated Geotechnical Evaluation and Hazards Assessment prepared by Lewkowich Engineering Associates Ltd. dated June 11, 2015.
6. The property owner shall obtain the necessary buildings permit for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3
 Site Plan and Variance (Page 1 of 2)



**Attachment 3
Site Plan and Variance (Page 2 of 2)**



**Attachment 4
Building Elevations**

Height: 10.1 metres



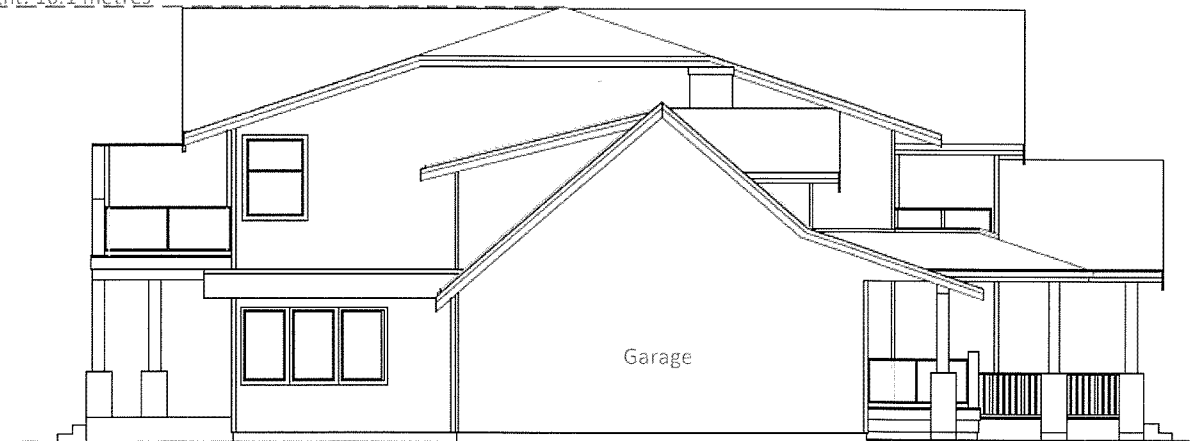
North Elevation

Height: 10.1 metres

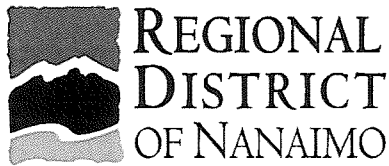


South Elevation

Height: 10.1 metres



East Elevation



GAC APPROVAL	
EAP	✓
COW	
JUN 24 2015	
RHD	
BOARD	

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: June 10, 2015

FROM: Stephen Boogaards
Planner

MEETING: EAPC – July 14, 2015

FILE: PL2015-032

SUBJECT: Development Permit with Variance & Frontage Relaxation Application No. PL2015-032
Hill & Fikowski
Lot 23, District Lot 28, Nanoose District, Plan 23031
1497 Mason Trail – Electoral Area ‘G’

RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Permit with Variance No. PL2015-032 to increase the permitted parcel depth of both proposed lots and to reduce the side yard setback for an existing deck be approved subject to the conditions outlined in Attachments 2 to 3.
3. That the request to relax the minimum 10% frontage requirement for both proposed lots be approved.

PURPOSE

To consider an application for a Development Permit with Variance to vary the setback requirements for existing structures and to allow each proposed parcel within a proposed two lot subdivision to have a parcel depth greater than 40% of the perimeter of the parcel. The application is also requesting a relaxation to the minimum 10% road frontage requirement for both proposed lots.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Matthew Hill and Amanda Fikowski for a two lot subdivision (PL2015-031). In conjunction with the subdivision, the applicants have made an application to vary the parcel depth of Lots 1 and 2 to be greater than 40% of the perimeter of the parcel, reduce the side yard setback to new and existing property lines for existing structures, and relax the minimum 10% road frontage requirement. The subject property is approximately 1,885 m² in area and is zoned Residential 1 (RS1), Subdivision District ‘Q’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located on Mason Trail, and is surrounded by other residential uses (see Attachment 1 – Subject Property Map).

The property contains an existing manufactured home and a garage, and is serviced by EPCOR community water and RDN community sewer.

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

1. Environmentally Sensitive Features – Aquifer Protection, and
2. Hazard Lands.

Proposed Development and Variance

The applicant proposes to subdivide the subject property into two parcels, with an area of 962 m² and 923 m², serviced with community water and sewer. The proposed subdivision is within the Hazard Lands Development Permit Area due to potential risk of flooding from French Creek. The proposed subdivision is also within the Environmentally Sensitive Features – Aquifer Protection Development Permit Area due to the presence of an aquifer that has been classified with heavy demand relative to its productivity.

The subdivision will require a variance to the subdivision regulations to allow for a parcel depth greater than 40% of the perimeter of the parcel for both Lots 1 and 2. The applicant also requests a variance to reduce the setback requirements to legalize the siting of existing structures, including an existing garage within the setback to an existing property line and an existing deck within the setback to a proposed property line. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.4.61 – Minimum Setback Requirements** to reduce the minimum interior side lot line setback from 2.0m to 0.7m for an existing garage.
- **Section 3.4.61 – Minimum Setback Requirements** to reduce the minimum interior side lot line setback from 2.0m to 1.9m for an existing deck attached to the manufactured home.
- **Section 4.5.1 – Parcel Shape and Dimensions** to increase the permitted parcel depth for Lot 1 from 40% to 41.7% of the length of the perimeter of the parcel and Lot 2 from 40% to 42.6% of the length of the perimeter of the parcel.

The applicant has requested the parcel depth variance as follows:

Proposed Lot No.	Perimeter	Maximum Parcel Depth (40%)	Proposed Parcel Depth	Proposed Parcel Depth as a % of the Parcel Perimeter
1	164.26m	65.70m	68.45m	41.7%
2	159.80m	63.92m	68.06m	42.6%

Minimum 10% Perimeter Frontage Requirement

Proposed Lots 1 and 2 as shown on the submitted plan of subdivision do not meet the minimum 10% parcel frontage requirement pursuant to Section 944 of the *Local Government Act*. The applicant has requested a relaxation of the frontage requirements as follows:

Proposed Lot No.	Perimeter	Required Frontage	Proposed Frontage	% Perimeter
1	164.26m	16.4m	15.25m	9.3%
2	159.80m	16.0m	15.55m	9.7%

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2015-032 and the request for the relaxation of the minimum 10% frontage requirement subject to the terms and conditions outlined in Attachments 2 to 3.
2. To deny Development Permit with Variance No. PL2015-032 and relaxation of the minimum frontage requirement.

LAND USE IMPLICATIONS

Development Implications

The applicant proposes a two lot subdivision within the French Creek floodplain. As the French Creek floodplain is a natural hazard development permit area, the applicant has submitted a Geotechnical Floodplain Hazard Assessment prepared by Lewkowich Engineering Associates, dated June 4, 2015 to evaluate the lots for safe building sites in relation to the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006". The geotechnical report confirms that the proposed lots are 3.3m to 3.6m above the Present Natural Boundary of French Creek, complying with the Floodplain Management Bylaw's required minimum flood construction level of 3m. The report concludes that the site is considered to be geotechnically safe and suitable for the subdivision, and that the development of the site will not result in a detrimental impact on the environment or adjoining properties. As a condition of the development permit, the report will be registered on the property title as a covenant, saving the Regional District of Nanaimo harmless from all loss or damages to life or property as a result of the potential hazard.

The applicant's proposal will not comply with road frontage requirement of the *Local Government Act* and the parcel depth requirements of Bylaw 500. For each parcel, the applicant requests a frontage relaxation to the minimum 10% road frontage requirements and a variance to the parcel depth requirements. The purpose of both requirements is to ensure that each lot created has sufficient access and buildable area for the permitted residential uses. The lot shape and dimensions as proposed will allow for the subdivision of the property within an area designated for growth, the French Creek Rural Village Centre, while still complying with the intent of frontage and lot depth requirements by providing an adequate building envelope. The proposed parcels are also consistent with the configuration of neighbouring parcels, including the adjacent property that was subdivided with similar parcel dimensions in 2009.

The applicant also requests to vary Bylaw 500 to recognize existing non-conforming structures that are within required setbacks in relation to existing or proposed property lines. An existing deck attached to the manufactured home is located 1.9m from the proposed side yard lot line and an existing garage is located 0.7m from the existing side yard lot line. The applicant suggests that these structures were constructed in the early 1970's. Recognition of the existing deck will be consistent with Board Policy

B1.5 for the evaluation of Development Variance Applications, as the variance will recognize a longstanding existing structure where there is very little impact of the variance. However, the existing garage will not meet the spatial separation requirements of the BC Building Code. Since the non-conforming garage does not comply with this requirement, staff recommends that the siting of the structure not be legalized through the variance.

Environmental Implications

The proposed lots are within the development permit area for aquifer protection, due to the presence of an aquifer below the parcel that is classified as high demand relative to productivity. The Geotechnical Floodplain Hazard Assessment by Lewkowich Engineering Associates, dated June 4, 2015 concludes that since the proposed subdivision will be serviced by EPCOR water and Regional District of Nanaimo sewer, development of the lots will have little to no impact on the surrounding aquifer.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015 – 2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal will increase density on land within the Growth Containment Boundary in keeping with the 2013 – 2015 Board Strategic Plan.

INTER-GOVERNMENTAL IMPLICATIONS

The Ministry of Transportation and Infrastructure reviewed the subdivision application and issued Preliminary Layout Approval.

PUBLIC CONSULTATION IMPLICATIONS

Pending the Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50 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/CONCLUSIONS

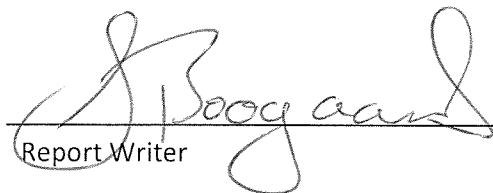
The applicant proposes a two lot subdivision located within the French Creek floodplain. The applicant has submitted a Geotechnical Floodplain Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated June 4, 2015 which determined that the proposed lots are safe for their intended purpose, and that the proposed subdivision will not have detrimental impacts on adjoining properties or the environment. The report also confirmed that since the property is proposed to be fully serviced with community water and sewer, the proposed subdivision will have little to no impact on the surrounding aquifer.

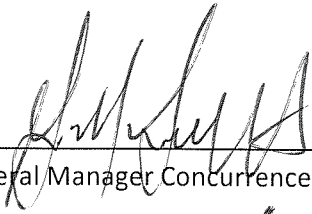
The applicant requests a relaxation of the 10% perimeter frontage requirement and a variance to increase the permitted parcel depth for both proposed lots. Each lot will have adequate access and

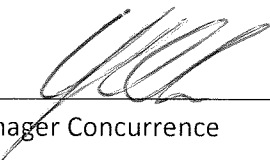
buildable area to allow for the permitted residential uses on the lot without the need for any additional variances. The variance and relaxation will enable the proposed subdivision of lands that are located within French Creek Rural Village Centre, an area designated for growth.

The applicant has also requested a variance for the siting of existing structures on the property. One of the structures is an existing deck attached to the manufactured home that is located 0.1m into the 2.0m side yard setback of the proposed new property line. Consistent with Regional District of Nanaimo Board policy, the structure is existing and has no anticipated impacts for adjacent properties. As such, staff recommend approval of the proposed setback variance for the deck. The other structure is an existing non-conforming garage within 0.7m to an existing side yard property line. However, the garage does not meet current BC Building Code requirements for spatial separation within its current location. As such staff do not recommend approval of the proposed setback variance for the garage.

Since the subdivision complies with the development permit guidelines and provides adequate building area and access for the permitted residential use, staff recommends that the Board approve the requested frontage relaxation, parcel depth variance and setback variance for the deck pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.

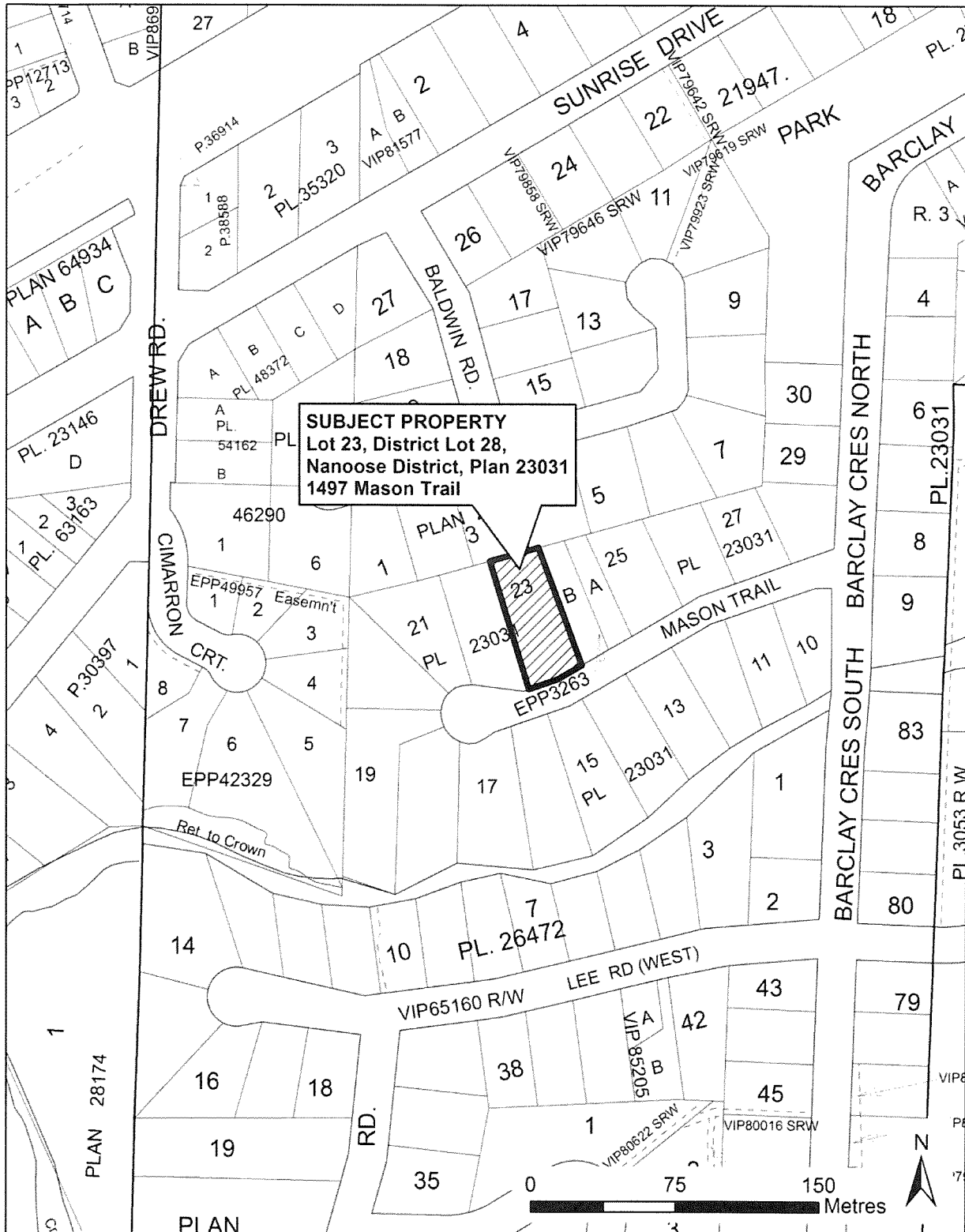

Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

Attachment 1
Subject Property Map



Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2015-032:

Bylaw No. 500, 1987 Variances:

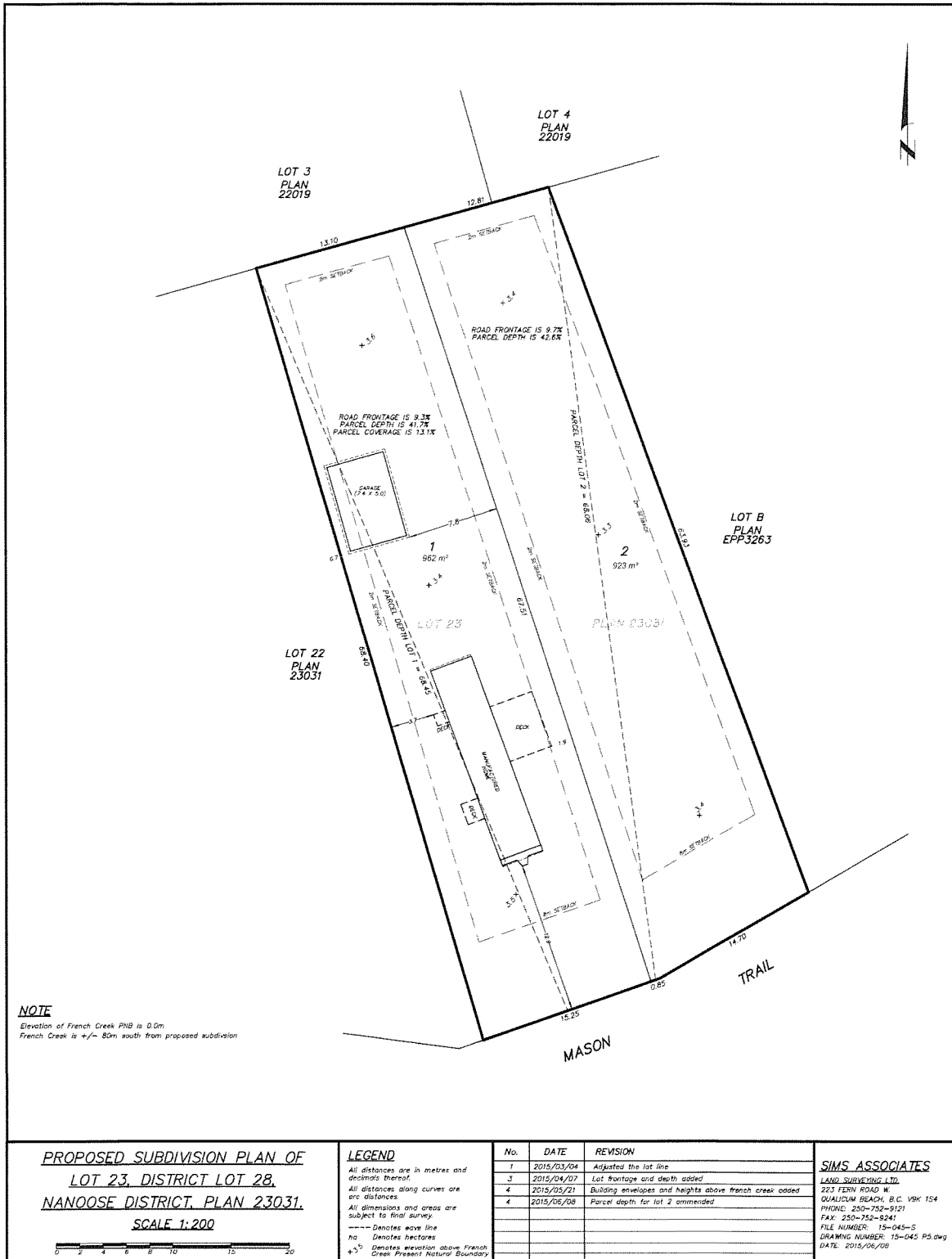
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

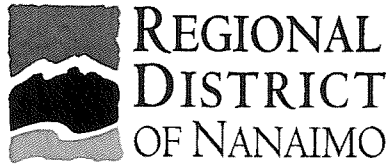
1. **Section 3.4.61 – Minimum Setback Requirements** to reduce the minimum interior side lot line setback from 2.0m to 1.9m for an existing deck attached to the manufactured home.
2. **Section 4.5.1 – Parcel Shape and Dimensions** to increase the permitted parcel depth for Lot 1 from 40% to 41.7% of the length of the perimeter of the parcel and Lot 2 from 40% to 42.6% of the length of the perimeter of the parcel.

Conditions of Approval:

1. The site is developed in accordance with the Subdivision Plan prepared by Sims Associates Land Surveying Ltd., dated June 8, 2015 and attached as Attachment 3.
2. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 Covenant on the property title containing the Geotechnical Floodplain Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated June 4, 2015, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential flood hazard.
3. Future construction on proposed Lots 1 and 2 shall be completed in substantial compliance with the recommendations of the Geotechnical Floodplain Hazard Assessment prepared by Lewkowich Engineering Associated Ltd., dated June 4, 2015.

Attachment 3
Proposed Site Plan and Variances





RDN REPORT		[Handwritten initials]
CAC APPROVAL		
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
JUN 23 2015		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: June 17, 2015

FROM: Tyler Brown
Planner

MEETING: EAPC – July 14, 2015

FILE: PL2015-071

SUBJECT: Development Permit with Variance Application No. PL2015-071
Lot 10, District Lot 49, Nanoose District, Plan 34716
1318 Lanyon Drive – Electoral Area ‘G’

RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Permit with Variance Application No. PL2015-071 to permit the construction of an accessory building be approved subject to the conditions outlined in Attachments 2 and 3.

PURPOSE

To consider an application to amend a previously issued Development Permit with Variance to allow the construction of an accessory building within the Farmland Protection Development Permit Area (DPA) on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Patrick Haggarty in order to complete the construction of an accessory garage on the subject property. The subject property is approximately 0.128 ha in area and is zoned Residential 1 (RS1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”.

The subject property currently contains an existing dwelling unit and is bordered by Lanyon Drive to the north, developed residential properties to the west and east, and an undeveloped road right-of-way and land within Agricultural Land Reserve (ALR) to the south. Access to the property is from Lanyon Drive, which, by definition, is the rear lot line as it is the longer of two lot lines fronting a road right-of-way. The proposed development is subject to the “Electoral Area ‘G’ Official Community Plan Bylaw 1540, 2008” Farmland Protection DPA, as it is proposed within 15.0 metres from the ALR boundary to the south.

Development Permit with Variance PL2014-118 was previously issued to permit the construction of the accessory building within the setback area and address the Farmland Protection DPA guidelines. Due to the property pragmatically fronting Lanyon Drive but by definition having the front lot line bordering undeveloped Miraloma Drive, PL2014-118 varied the front lot line setback from 8.0 metres to

3.0 metres to accommodate an accessory building. The applicant obtained a building permit (2015-0021) and proceeded with pouring the foundations for the building. Through the inspection process and a requested site survey, it was revealed that the structure is within the interior side lot line setback.

Proposed Development and Variance

The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

1. **Section 3.4.61 – Minimum Setback Requirements – Front lot line** – to reduce the minimum setback requirement from the front lot line from 8.0 metres to 3.0 metres to permit the construction of a garage.
2. **Section 3.4.61 – Minimum Setback Requirements – Interior side lot line** – to reduce the minimum setback requirement from the interior side lot line from 2.0 metres to 1.4 metres to permit the construction of a garage.

The existing dwelling is oriented towards Lanyon Drive, which serves as the access for the property (see Attachment 3, Page 1 – Site Plan and Variances). The applicant wishes to construct a garage in the yard space behind the dwelling unit (see Attachment 3, Page 2 – Site Plan and Variances). This area of the property is constrained by the 8.0 metres setback requirement of the front lot line, and the Farmland Protection DPA. The applicant wishes to construct in this area to retain existing landscaping features, and make use of an existing driveway access to the rear of the lot. The variance to the front lot line was approved through Development Permit with Variance Application No. PL2014-118. Due to the applicant measuring the setback distance to the foundation rather than the overhang at the time of construction, the proposed accessory building, if completed, would project 0.60 metres into the setback area and as such an additional variance to the interior side lot line setback is being requested by the applicant.

ALTERNATIVES

1. To approve Development Permit with Variance Application No. PL2015-071 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Permit with Variance Application No. PL2015-071.

LAND USE IMPLICATIONS

Development Implications

The applicant has requested a variance to permit construction of a garage (see Attachment 3 – Site Plan and Variances). The 8.0 metre setback requirement in relation to the southern parcel boundary is unusually restrictive relative to adjacent parcels as the subject property happens to front onto an undeveloped road right-of-way. The variance to the western interior side lot line is the result of a measurement error at the time of construction. The applicant has provided a letter from the neighbours to the west which expresses their support of the variance application. Staff have reviewed the applicant’s request and have not identified any view implications for neighbouring properties or any other negative land use implications that would be associated with the approval of Development Permit with Variance Application No. PL2015-071.

With respect to the Farmland Protection DPA, the guidelines require that buildings be located at least 15.0 metres from adjacent ALR land to be exempt from requiring a development permit. The intention of the Farmland Protection DPA is to provide a buffer between development and land which may be used for agriculture in an effort to minimize future land use conflicts. The proposed accessory building is located approximately 7.0 metres from the nearby ALR boundary to the south. In this case the nearest ALR land is within an undeveloped road right-of-way. The 3.0 metre setback proposed by the applicant would allow the retention of existing vegetation within the setback area as a buffer to ALR land. The applicant is also proposing to erect a 2.0 metre high solid cedar fence along the southern property line to provide additional screening from the adjacent ALR boundary. Staff have evaluated the proposal and have determined that the existing trees and proposed fence will provide adequate screening from the nearby ALR boundary and the proposed accessory building.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015 – 2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the application and have not identified any implications related to the 2013-2015 Board Strategic Plan.

INTER-GOVERNMENTAL IMPLICATIONS

Ministry of Transportation and Infrastructure have specified a minimum setback of 4.5 metres, for any building, mobile home, retaining wall or other structure, from all highway rights-of-way under Ministry jurisdiction, unless access is provided from another street, in which case the allowed setback is 3.0 metres. As access to the parcel is from Lanyon Drive, Ministry staff have confirmed that the applicant is not required to obtain a setback permit from the Ministry for siting the building within 4.5 metres of undeveloped Miraloma Drive (see Attachment 3, Page 2 – Site Plan and Variances).

PUBLIC CONSULTATION IMPLICATIONS

Pending the Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50 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/CONCLUSIONS

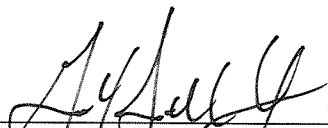
To consider an application for a Development Permit with Variance to reduce the front lot line setback from 8.0 metres to 3.0 metres and the interior side lot line setback from 2.0 metres to 1.4 metres to permit the construction of a garage on the subject property within the Farmland Protection DPA. Access to the property is from Lanyon Drive, and the property is constrained by the setback requirements of the front lot line setback and Farmland Protection DPA. Previously issued Development Permit with Variance PL2014-118 varied the front lot line setback from 8.0 metres to 3.0 metres to accommodate the accessory building. Due to the applicant measuring the setback distance to the foundation rather

than the overhang, the proposed accessory building projects 0.60 metres into the setback area and as such an additional variance to the interior side lot line setback is required.

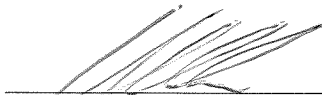
The applicant is proposing to erect a 2.0 metre high cedar fence along the southern property boundary to enhance the existing vegetative buffer to adjacent ALR land. Staff have evaluated the proposal and have determined that the proposed fence and vegetation will provide a reasonable buffer to nearby ALR land, thereby satisfying the requirements of the Farmland Protection DPA. As there are no anticipated view implications or land use concerns associated with the proposed variances, staff recommend the Board approve the requested variances pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.



Report Writer



General Manager Concurrence

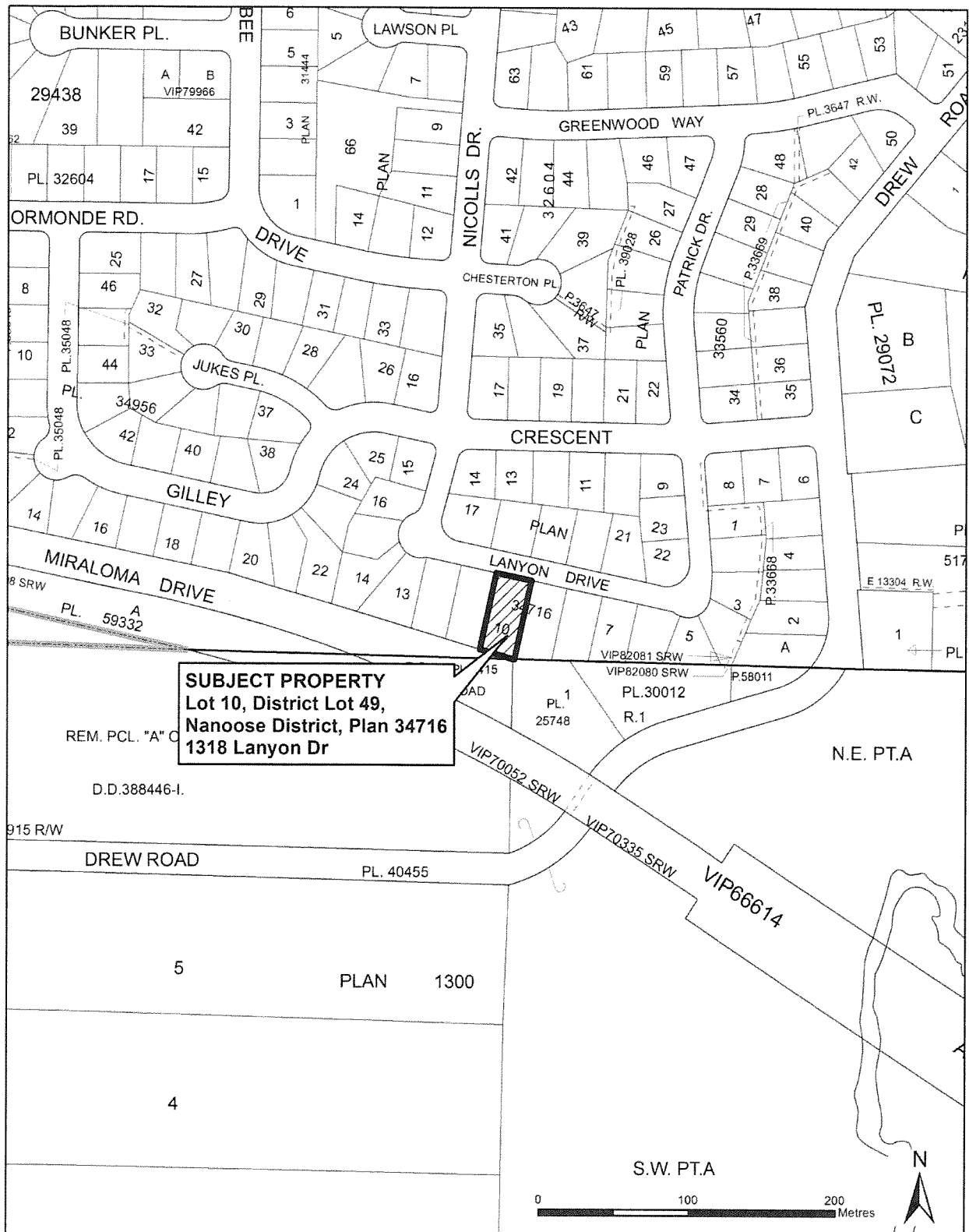


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2015-071:

Bylaw No. 500, 1987 Variances:

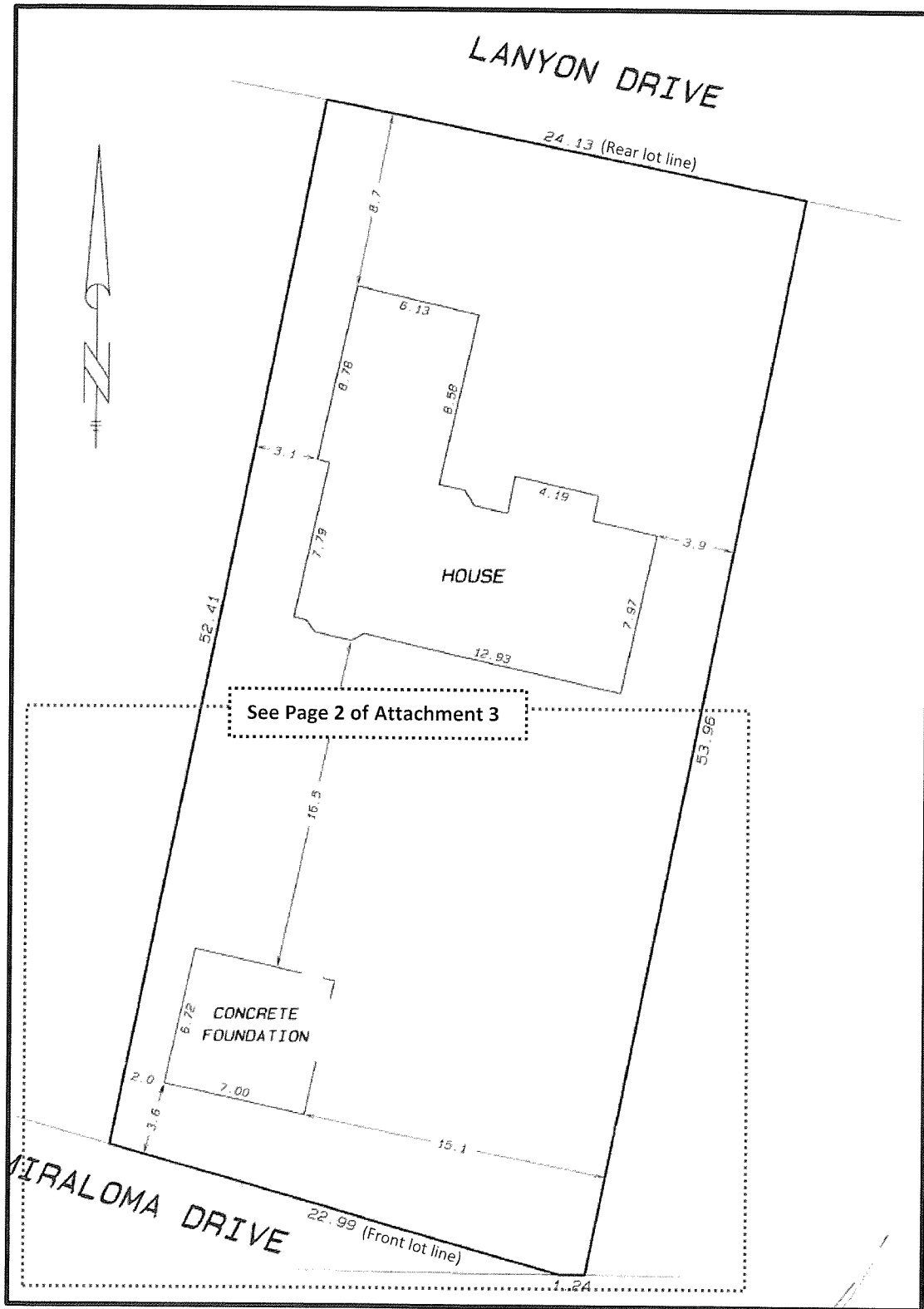
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. **Section 3.4.61 – Minimum Setback Requirements – Front lot line** – to reduce the minimum setback requirement from the front lot line from 8.0 metres to 3.0 metres to permit the construction of a garage.
2. **Section 3.4.61 – Minimum Setback Requirements – Interior side lot line** – to reduce the minimum setback requirement from the interior side lot line from 2.0 metres to 1.4 metres to permit the construction of a garage.

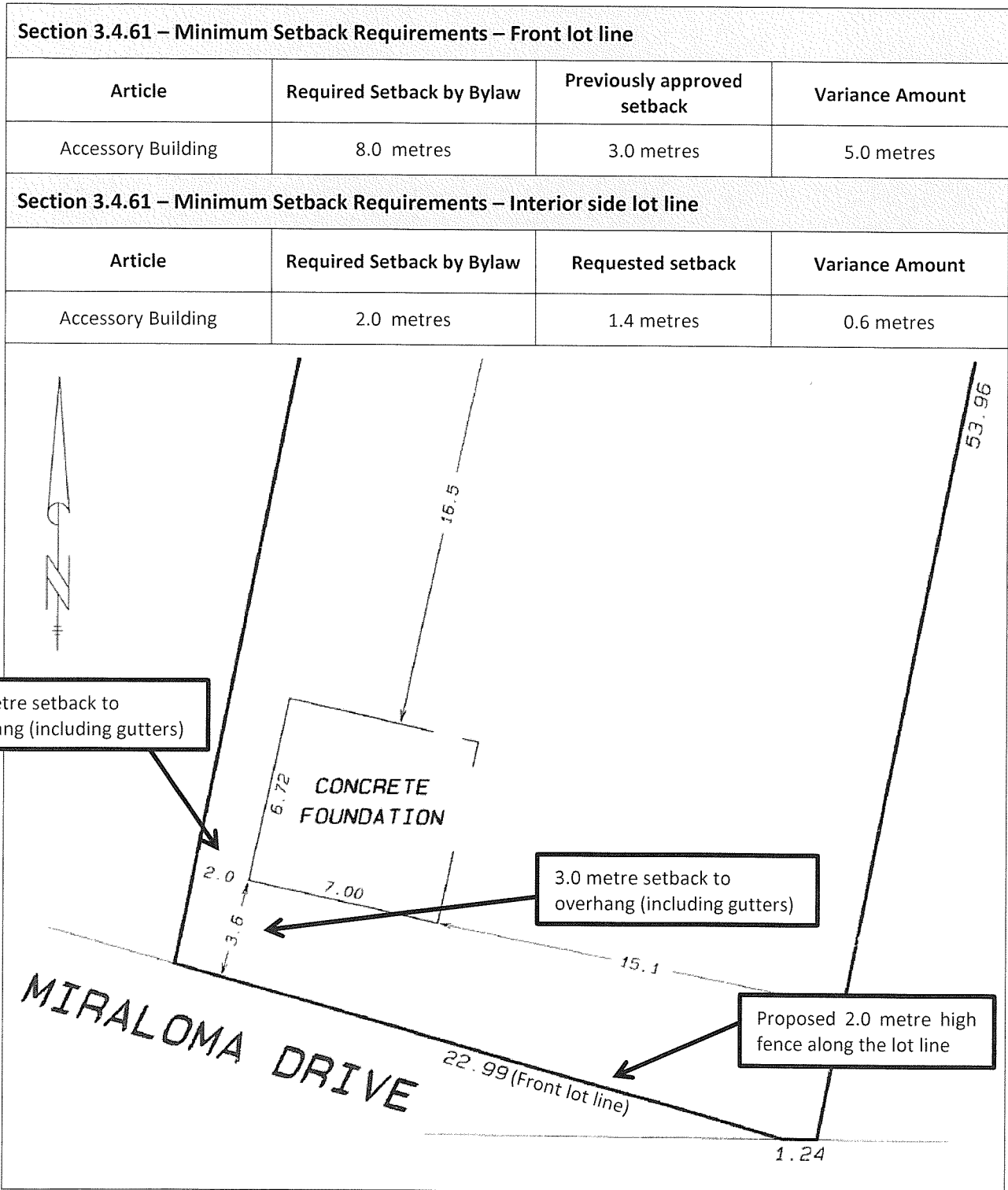
Conditions of Approval:

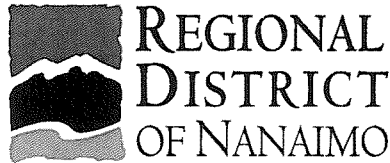
1. The proposed garage and fence shall be sited in general accordance with the site plan prepared by Charles O. Smythies & Associates, dated May 26, 2015.
2. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3
Site Plan and Variances (Page 1 of 2)



**Attachment 3
Site Plan and Variances (Page 2 of 2)**





RDN REPORT		
CAC APPROVAL		###
EAP	✓	
COW		
JUN 24 2015		
RHD		
BOARD		

STAFF REPORT

TO: Jeremy Holm
 Manager, Current Planning

DATE: June 24, 2015

FROM: Tyler Brown
 Planner

MEETING: EAPC – July 14, 2015

FILE: PL2015-079

**SUBJECT: Development Permit with Variance Application No. PL2015-079
 Lot 3, District Lot 1, Nanoose District, Plan 18721
 Electoral Area 'G'**

RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Permit with Variance No. PL2015-079 to permit the construction of a dwelling unit be approved subject to the conditions outlined in Attachments 2 to 4.

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from J.E. Anderson & Associates Ltd. on behalf of David Scobie to permit the construction of a dwelling unit on the subject property. The subject property is approximately 0.11 ha in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The subject property is bordered by developed residential parcels to the south, east and west; Shorewood Drive to the North and is located within the Englishman River Floodplain (see Attachment 1 – Subject Property Map). The undeveloped property is serviced by both community sewer and water systems.

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

Proposed Development and Variance

The applicant is proposing to construct a single storey dwelling unit on the subject property. Development Permit approval is required for construction of the house, as the subject property is designated in the Hazard Lands DPA for flood risk associated with Englishman River. With the exception of a small portion of the northern corner of the parcel, the entire property is within the Englishman River floodplain. The proposed dwelling is located outside of the required 30 metre setback from Englishman River as established by "Regional District of Nanaimo Floodplain Management Bylaw

No. 1469, 2006” (Floodplain Bylaw). However, the Floodplain Bylaw requires a minimum flood construction level of 4.1 metres above the natural boundary of Englishman River. Further, the applicant has submitted a Floodplain Hazard Assessment which establishes a flood construction level of 4.4 metres. With consideration given to the prescribed flood construction level, the applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.4.61 – Maximum Number and size of Buildings and Structures – Dwelling unit height** to increase the maximum permitted height from 8.0 metres to 8.6 metres to permit the construction of a dwelling unit.

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2015-079 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Permit with Variance No. PL2015-079.

LAND USE IMPLICATIONS

Development Implications

The applicant has provided a Geotechnical Floodplain Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. dated June 17, 2015, to satisfy the Hazard Lands DPA guidelines and establish a flood construction level. The report concludes that the property is safe and suitable for the proposed development, and the proposal will not have a detrimental impact on the environment or adjacent properties provided the recommendations in the report are followed. The geotechnical engineering report was prepared in accordance with Association of Professional Engineers and Geoscientists of BC’s (APEGBC) Professional Practice Guidelines for Legislated Flood Assessments in a changing climate in BC. The applicant will be required to register a Section 219 Restrictive Covenant on the property title that includes the Geotechnical Floodplain Hazard Assessment 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 (see Attachment 2 – Terms and Conditions of Permit).

The Geotechnical Floodplain Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd., which accounts for additional factors such as sea level rise, establishes a flood construction level of 4.4 metres above the natural boundary of Englishman River which satisfies the conditions of the Floodplain Bylaw. The applicant is requesting a minor variance of 0.60 metres, as calculated by a surveyor, to accommodate a single storey rancher (see Attachment 3 – Site Plan and Variance). Staff have reviewed the variance request and do not anticipate any view implications or other negative impacts for neighbouring properties.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015 – 2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS


Staff have reviewed the proposed development and note that the proposal has no implications for the 2013 – 2015 Board Strategic Plan.

PUBLIC CONSULTATION IMPLICATIONS

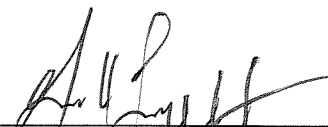
Pending the Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50 metre radius of the subject property will receive 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/CONCLUSIONS

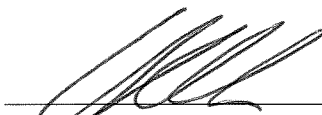
This is an application for a Development Permit with Variance to permit the construction of a dwelling unit on the subject property. The applicant has submitted a site plan, building elevations, and a Geotechnical Floodplain Hazard Assessment in support of the application. In staff’s assessment, this proposal is consistent with the guidelines of the Hazard Lands Development Permit Area as per “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”. Moreover, staff have reviewed the variance request and do not anticipate any view implications or other negative impacts for neighbouring properties. As such, staff recommends approval of the Development Permit with Variance pending the outcome of public consultation.



Report Writer



General Manager Concurrence

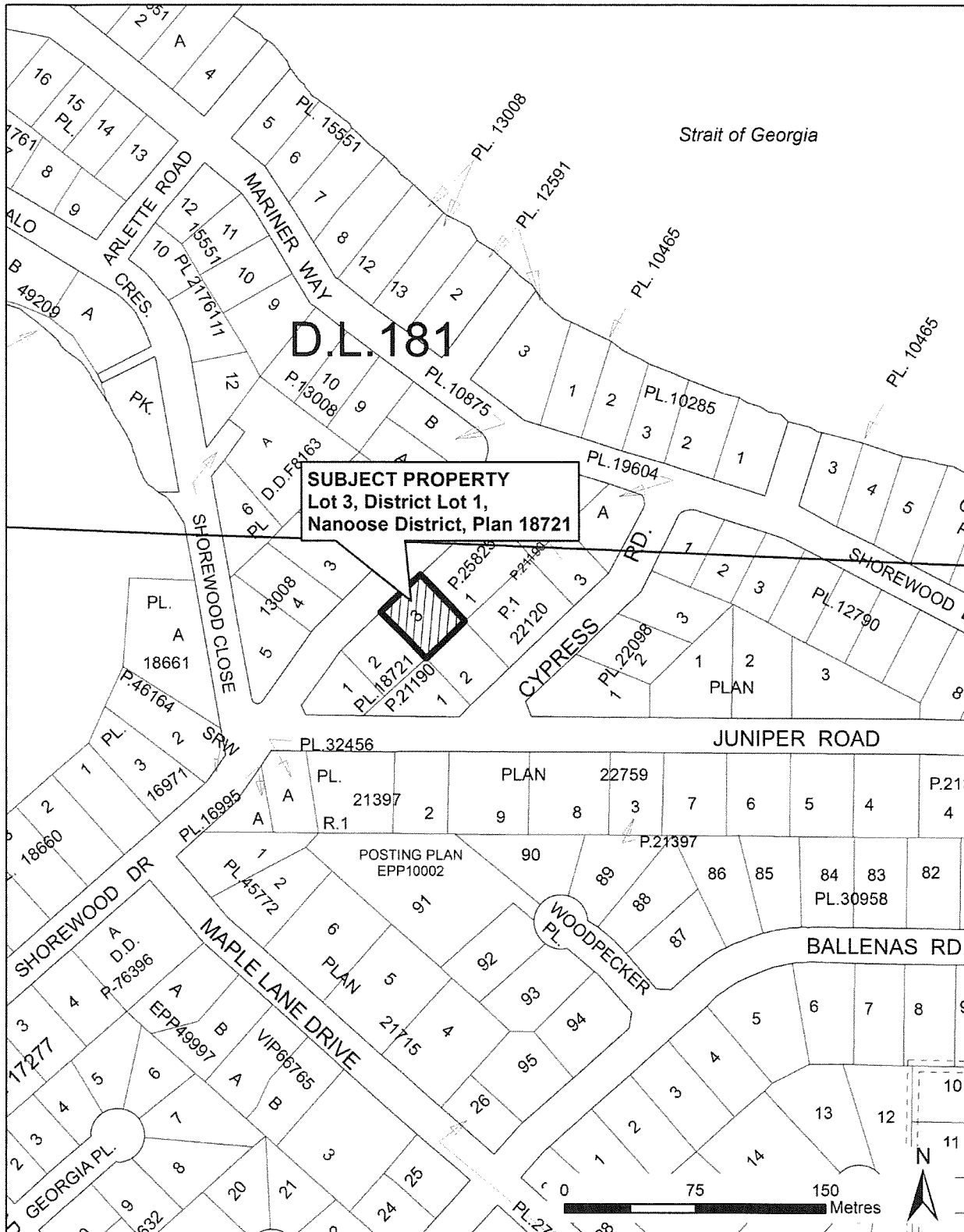


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2015-079:

Bylaw No. 500, 1987 Variances:

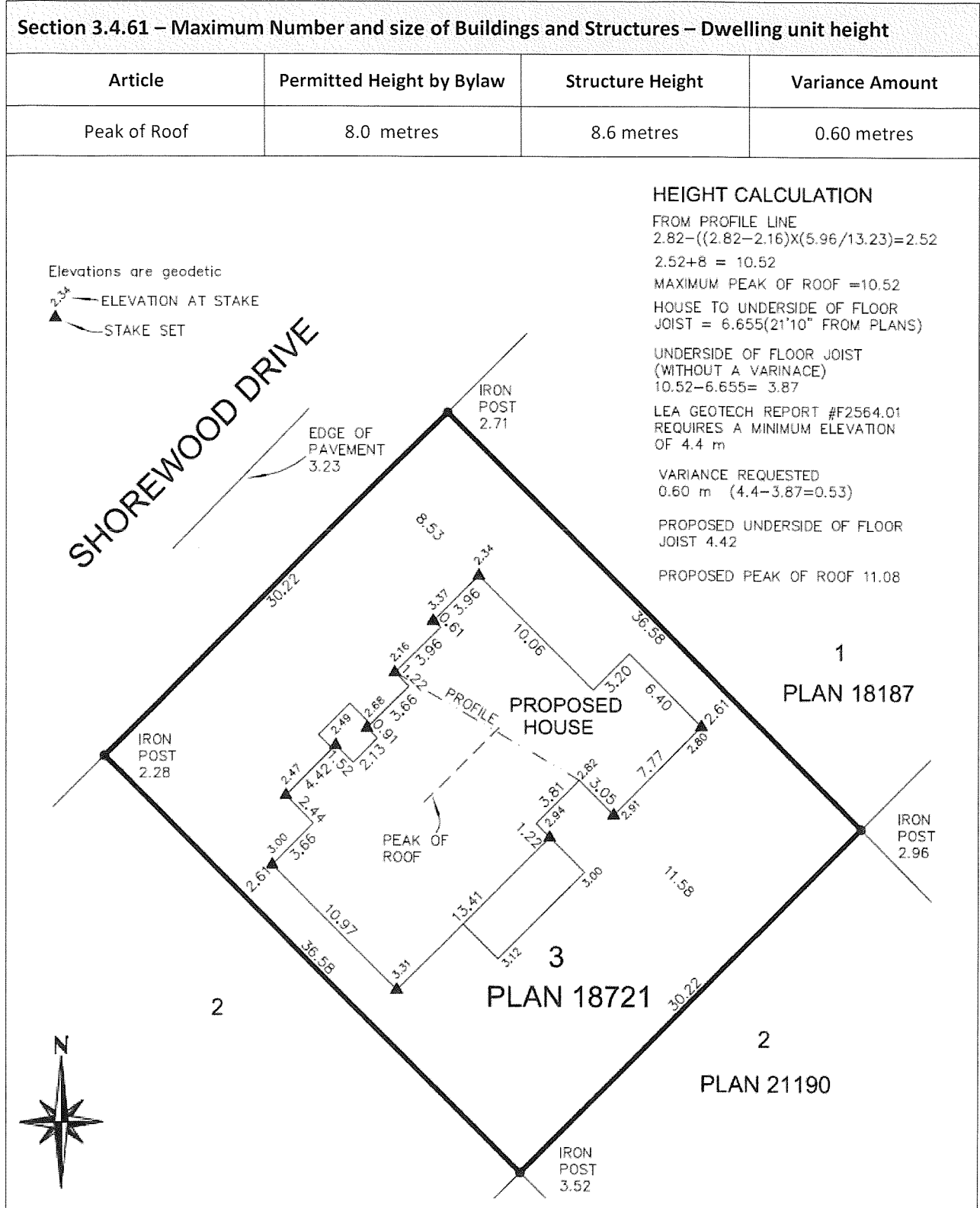
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

Section 3.4.61 – Maximum Number and size of Buildings and Structures – Dwelling unit height to increase the maximum permitted height from 8.0 metres to 8.6 metres to permit the construction of a dwelling unit.

Conditions of Approval:

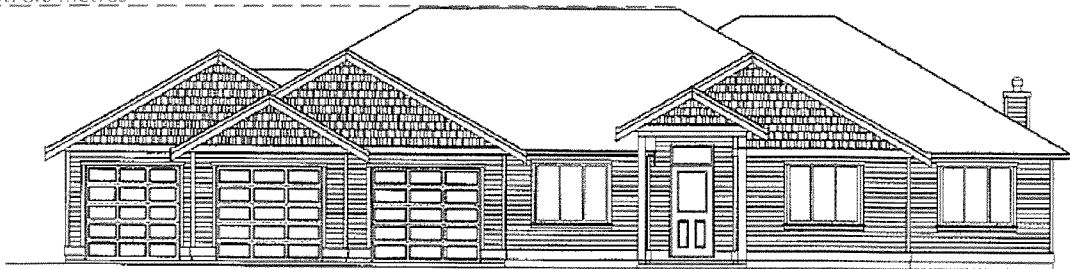
1. The site is developed in accordance with the Site Plan prepared by J. E. Anderson & Associates, dated June 18, 2015.
2. The Lands shall be developed in accordance with the Geotechnical Floodplain Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. and dated June 17, 2015.
3. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 covenant that registers the Floodplain Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated June 17, 2015, 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.
4. The dwelling unit addition shall be constructed in general accordance with the elevation plans prepared by Lindberg Cad Services dated June 1, 2015.
5. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

**Attachment 3
Proposed Site Plan and Variances**



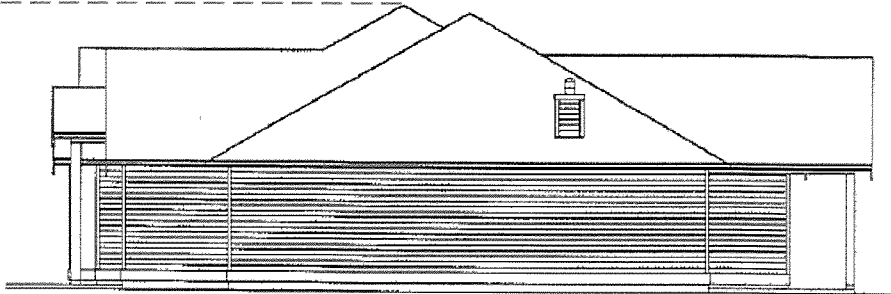
**Attachment 4
Building Elevations**

Height: 8.6 metres



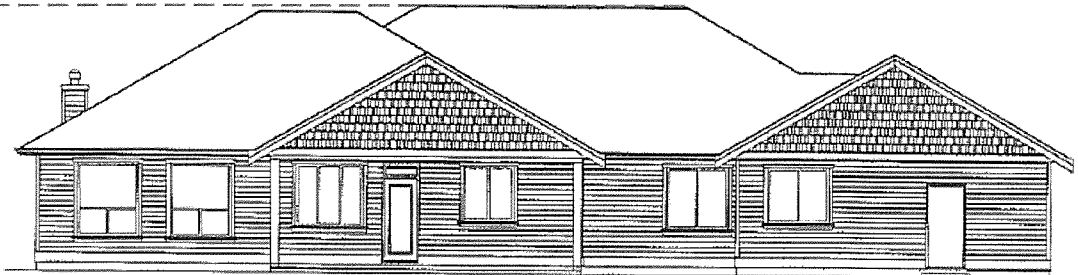
Front Elevation

Height: 8.6 metres



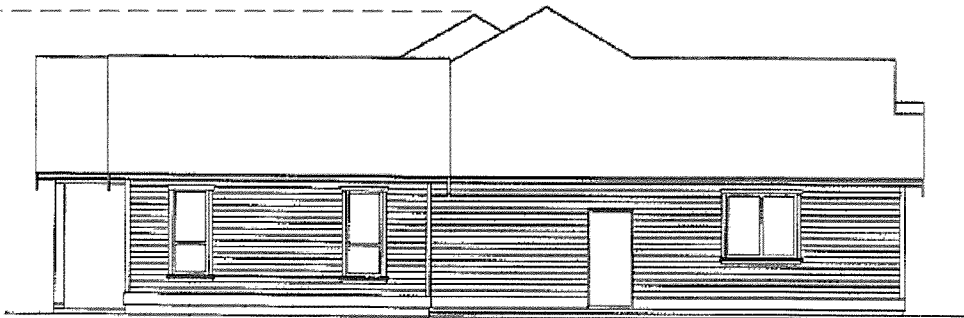
Right Elevation

Height: 8.6 metres

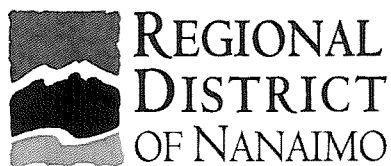


Rear Elevation

Height: 8.6 metres



Left Elevation



RDN REPORT		DHI
CAC APPROVAL		
EAP	✓	
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JUN 24 2015		
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BOARD		

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: June 25, 2015

FROM: Tyler Brown
Planner

MEETING: EAPC – July 14, 2015

FILE: PL2013-113

SUBJECT: Zoning Amendment Application No. PL2013-113
Strata Lots 1-10, District Lot 36 and Part of the Bed of Strait of Georgia, Newcastle District, Strata Plan VIS5953 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V
4320 Garrod Road – Electoral Area ‘H’
Amendment Bylaw 500.395, 2015 – 1st and 2nd Reading

RECOMMENDATIONS

1. That the Summary of the Public Information Meeting held on September 3, 2014, be received.
2. That the Summary of the Public Information Meeting held on June 2, 2015, be received.
3. That the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 500.395 being considered for adoption.
4. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.395, 2015” be introduced and read two times.
5. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.395, 2015” be chaired by Director Veenhof or his alternate.

PURPOSE

To consider a Zoning Amendment Application to rezone the subject property located at 4320 Garrod Road in the Bowser Village Centre, in Electoral Area ‘H,’ from Commercial 5 (CM5) to a new Residential 2.2 (RS2.2) zone in order to permit residential use for 10 strata units.

BACKGROUND

A Zoning Amendment Application has been received from the property owners of the 10 unit strata resort condominium development located at 4320 Garrod Road (see Attachment 1 – Location of Subject Property). The application is to rezone the subject property from the CM5 zone to a new RS2.2 zone in order to permit a 10 unit strata development for full time residential use. The parent parcel, Strata Lots 1 - 10 and including common property, totals 1.05 ha in size and is situated in Subdivision District ‘M’ (minimum parcel size of 2000 m² with community water service) pursuant to the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment 3 – Site Plan).

The parcel is bordered by CM5 zoned properties to the west and south, Residential 2 zoned properties to the east and the Strait of Georgia to the north. Access to the 10 strata units is off of Garrod Road and a small watercourse flows through the southwest corner of the parcel. The parcel was originally built out as a 10 unit building strata resort condominium development under Development Permit No. 60428 complete with landscaping, a paved access route, a common septic disposal area and environmental protection along the foreshore.

All ten units on the subject property are currently served by community water service from the Bowser Waterworks District and a private on-site septic disposal system.

Proposed Development

The applicant proposes to rezone the subject property from Commercial 5 Zone, Subdivision District 'M' (minimum parcel size of 2000 m² with community water service) to a new Residential 2.2 Zone, Subdivision District 'F' (1.0 ha minimum parcel size). The requested amendment would permit the use of the 10 unit building strata for full time residential use rather than resort condominium use as currently permitted. The applicant is not proposing any new development or requesting to retain any of the permitted commercial uses (see Attachment 6 – Proposed Amendment Bylaw 500.395, 2015). The re-designation of the property from Subdivision District 'M' to Subdivision District 'F' will change the minimum parcel size from 2000 m² to 1.0 ha regardless of servicing and would prohibit the parcel from being subdivided.

ALTERNATIVES

1. To proceed with Zoning Amendment Application No. PL2013-113, consider first and second reading of the Amendment Bylaw and proceed to Public Hearing.
2. To not proceed with the Amendment Bylaw readings and Public Hearing.

LAND USE IMPLICATIONS

Official Community Plan Implications

The subject property is designated "Bowser Village Residential – Medium Density" pursuant to Bowser Village Centre Plan contained within the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" (OCP). The Bowser Village Residential – Medium Density objectives supports the infill and densification of medium density residential areas in close proximity to commercial areas. The designation also supports both single and two family attached dwelling units (duplex). The proposed amendment, to rezone the subject property in order to permit a 10 unit residential development, is consistent with OCP policy.

Development Implications

The existing zoning (Commercial 5, Subdivision District 'M') of the subject property allows for a variety of commercial uses including Hotel and Resort Condominium use. The proposed zoning (RS2.2, Subdivision District 'F') would permit residential use, duplex and home-based business use (see Attachment 6 – Proposed Amendment Bylaw 500.395, 2015). The site area requirements prescribed in the draft RS2.2 Zone limit the number of dwelling units on the parcel to 10 units based on the parcel size and current level of servicing. The proposed maximum building height (8.0 m) is the same as

surrounding parcels zoned RS2 and the proposed setback requirements are comparable to the RS2 zone. The proposed parcel coverage is 40% with a floor area ratio of 0.60 which reflects the current parameters of the CM5 zone. Subdivision District 'F' prescribes a 1.0 ha minimum parcel size regardless of servicing and would prohibit the parcel from being subdivided. The proposed zoning regulations will ensure consistency between the current built form and nearby residential zoned parcels. The applicant is not proposing to retain any of the currently permitted commercial uses.

As part of the rezoning application, the applicant also proposes to provide a voluntary cash contribution of \$10,000 towards the Electoral Area 'H' Parks Amenity Fund in recognition of the increased marketability potential that would be achieved through rezoning. The provision of this voluntary amenity contribution is noted as a condition of approval in Attachment 2.

No new physical development is proposed and the existing development is consistent with approvals granted under Development Permit No. 60428.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015 – 2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposed zoning amendment, in accordance with Strategic Goal Number 2 – Implement the Regional Growth Strategy, would increase residential density on lands within a growth containment boundary.

INTER-GOVERNMENTAL IMPLICATIONS

The Ministry of Transportation and Infrastructure (MOTI), the local Fire Department and Island Health have reviewed the proposed amendment and confirmed that they do not have any concerns. Community water service is provided from the Bowser Waterworks District. Bowser Waterworks District has indicated that water supply is not an issue but the applicant will be required to pay the difference between the Recreational Capital Expenditure charge and the Strata Property charge. Staff recommended that prior to bylaw adoption written confirmation be received from the Bowser Water District that substantiates the difference in charges has been paid (see Attachment 2 – Conditions of Approval).

PUBLIC CONSULTATION IMPLICATIONS

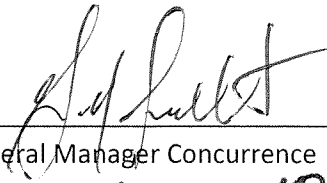
Two Public Information Meetings were held with regard to this application. The first Public Information Meeting (PIM) was held on September 3, 2014. Six members of the public attended (see Attachment 4 – Summary of Minutes of the Public Information Meeting #1). The second Public Information Meeting was held on June 2, 2015. Nine members of the public attended and one written submission was received prior to the PIM (see Attachment 5 – Summary of Minutes of the Public Information Meeting #2).

SUMMARY/CONCLUSION

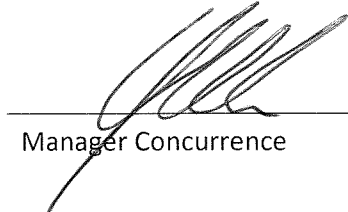
The applicant proposes to rezone the subject property from Commercial 5 Zone, Subdivision District 'M' to Residential 2.2 Zone, Subdivision District 'F', in order to permit the conversion of a 10 unit building strata currently permitted for resort condominium use to full time residential use. The proposed development is consistent with the OCP policies for the Bowser Village Residential – Medium Density and is compatible with surrounding development. The applicant proposes to provide an amenity contribution of \$10,000 towards the Electoral Area 'H' Parks Amenity Fund. Given that the zoning amendment is consistent with OCP policies, will provide additional residential density in an urban containment boundary, and no concerns with regard to the proposal have been raised by other governmental agencies, staff recommend that the proposed Amendment Bylaw No. 500.395, 2015 receive first and second reading and proceed to Public Hearing.



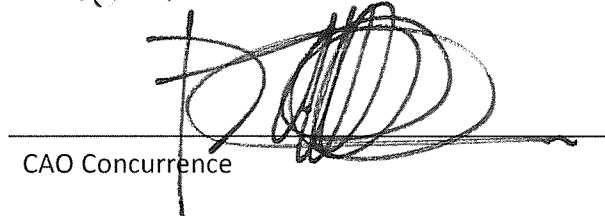
Report Writer



General Manager Concurrence

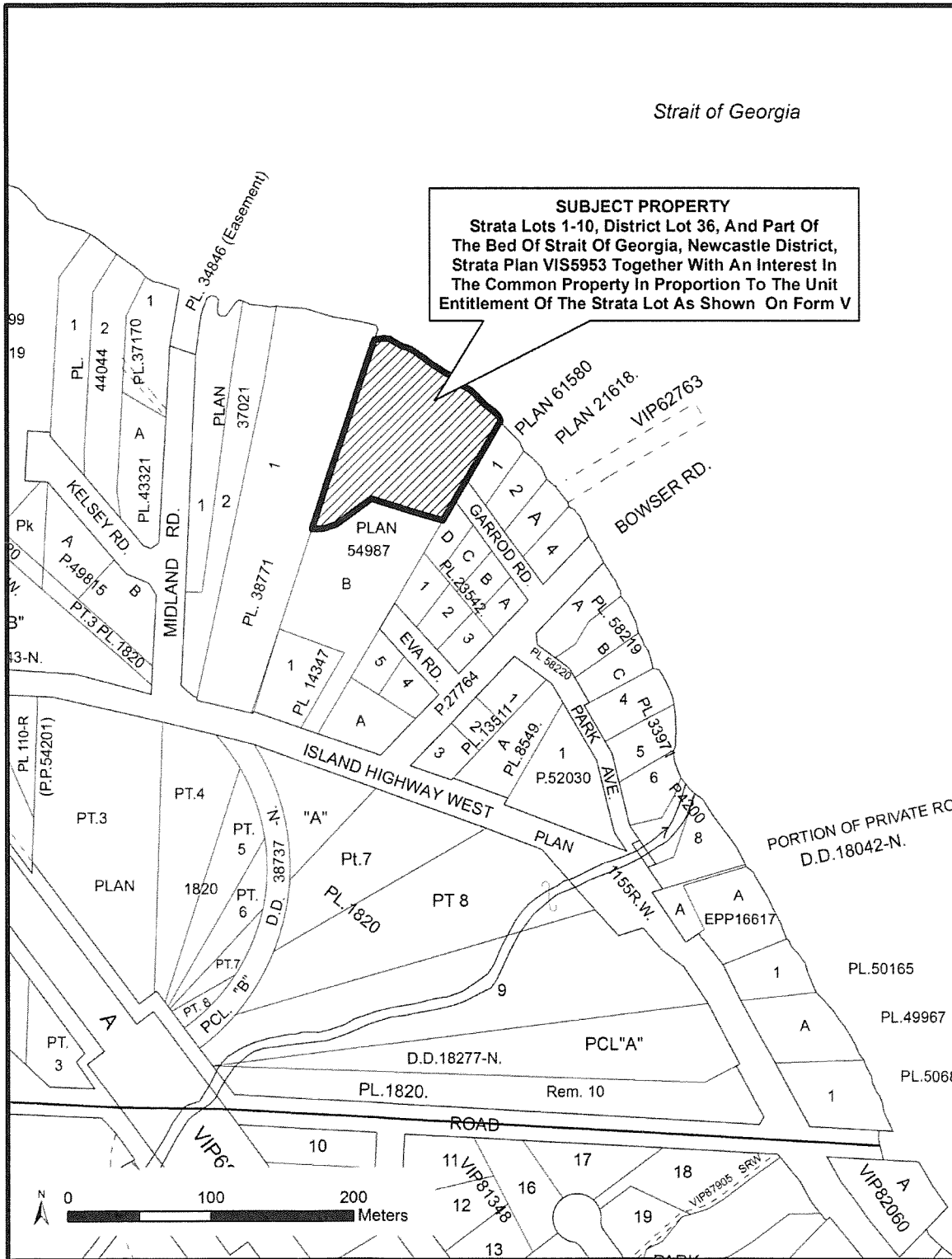


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map

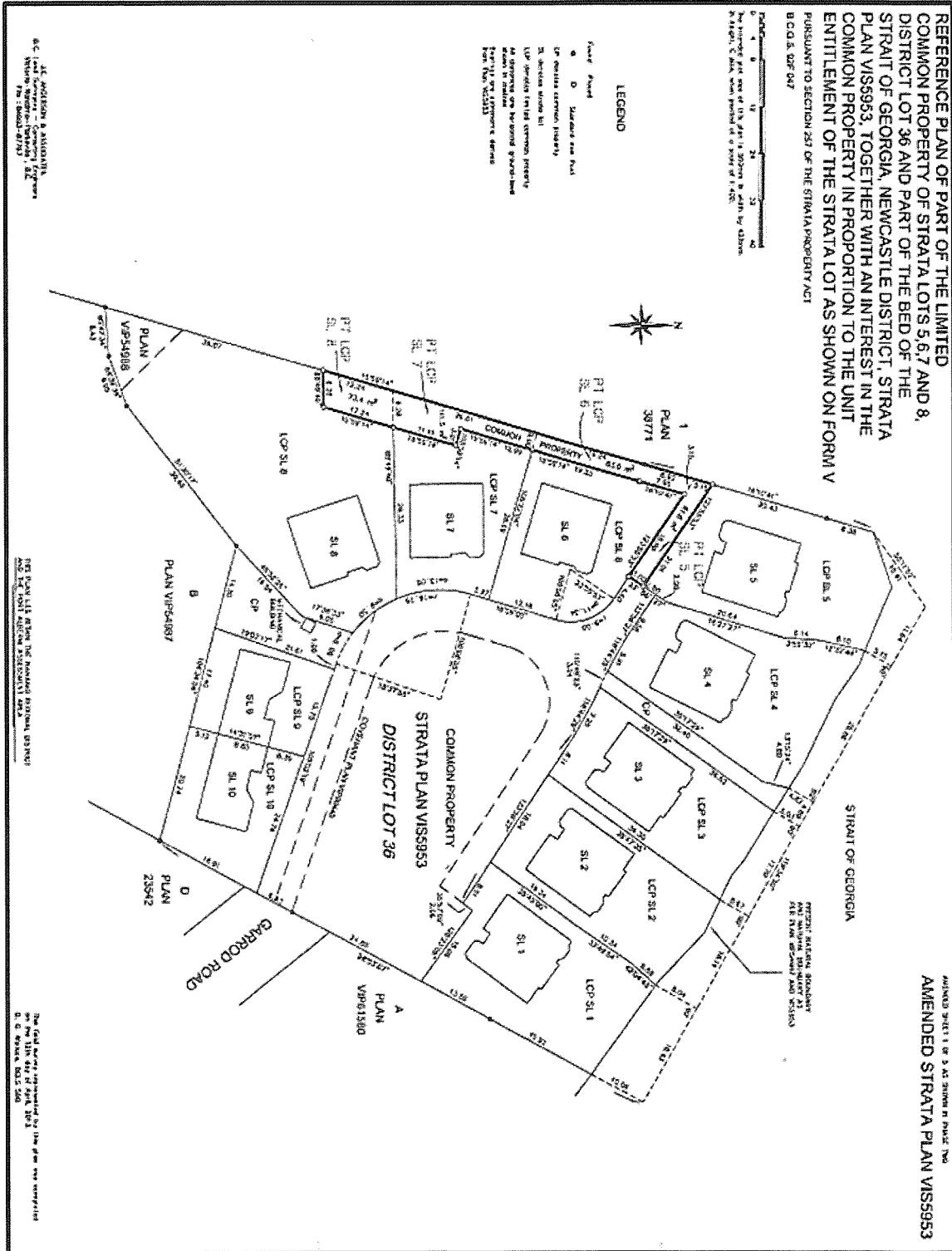


Attachment 2
Conditions of Approval

The following is required prior to the “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.395, 2015” being considered for adoption:

1. The applicant shall provide a voluntary community amenity contribution in the amount of \$10,000 to the Electoral Area ‘H’ Parks Amenity Fund to be earmarked for use within Bowser Village.
2. The applicant shall provide written confirmation from the Bowser Water Works District that the difference between the Recreational Capital Expenditure charge and the Strata Property charge has been received.

Attachment 3
Site Plan



**Attachment 4
Summary of Minutes of a Public Information Meeting #1**

**Held at Lighthouse Community Centre
240 Lions Way, Qualicum Beach
September 3, 2014 at 6:30 PM**

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

There were six members of the public in attendance at this meeting.

Present for the Regional District of Nanaimo:

Director Veenhof, Electoral Area 'H' (the Chair)
Jeremy Holm, Manager of Current Planning
Tyler Brown, Planner

Present for the Applicant:

Maureen Pilcher, Agent

The Chair opened the meeting at 6:32 pm, outlined the evening's agenda, and introduced the RDN staff and the applicants in attendance. The Chair then stated the purpose of the public information meeting and asked RDN staff to provide background information concerning the development application.

Tyler Brown provided a brief summary of the proposed zoning amendment application, supporting documents provided by the applicant, and the application process.

The Chair invited the applicant to give a presentation of the development proposal.

Maureen Pilcher presented an overview of the proposal.

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

Mack Noble, 6887 Island Highway West, questioned the difference between the current rezoning application and those presented in the past.

Maureen Pilcher responded that there are several differences between the current application and the previous applications. The last proposal proposed to retain the commercial use of the land and the Bowser Village Plan had not been finalized. The Bowser Village Plan has been finalized and supports the redevelopment of the parcel as residential.

Mack Noble, 6887 Island Highway West, agreed that the official community plan supports residential use but believed the intent of the plan was to direct future development.

Maureen Pilcher responded that the homes are the same quality as those that would be constructed for full-time residential use and that the official community plan supports the conversion to permanent residential.

Mack Noble, 6887 Island Highway West, stated that the sea wall impedes access at high tide for those walking on the beach.

Maureen Pilcher responded that the seawall was implemented through a development permit that was approved by the RDN.

Frank Stets, 4310 Garrod Road, inquired as to how many people that owned the development were actually living there. He also stated that it was his belief that the developers built the property for resort condominiums and should not be rewarded with a change to the zoning.

Maureen Pilcher responded that she did not know the answer to his question.

Laurel Webster, 44 Bowser Road, stated she was in attendance to support Frank Stets as the duplex that was built on the property has impacted his view. She also stated she is in agreement with Mack and access to the beach is limited by the sea wall along the property.

Warren Atwood, 4320 Garrod Road, replied that everyone can access the beach through the strata development freely.

Maureen Pilcher confirmed that members of the public are accessing the beach through the strata development.

Murray Webster, 44 Bowser Road, stated that nothing would change other than increased property values if the property was rezoned as people are currently living on the premises full-time which is contrary to the zoning.

Maureen Pilcher responded that the change in zoning would allow the owners to market the property as full-time residential.

Laurel Webster, 44 Bowser Road, responded that the owners of the development should have thought about marketing before they built the resort condominiums.

Fred Ryvers, 5125 Gainsberg Road, agreed that the developer took a risk but noted that the local market has changed and that tourist units are not as in demand as they once were. Fred expressed concern of the precedent the zoning change would set in consideration of other developments such as Little Qualicum Landing.

A man spoke and identified himself as being in charge of the local post office. He stated that notices of the public information were only delivered on September 2nd.

In response to general discussion among all those present, Director Veenhof stated that the meeting would proceed as planned and a second public information would be held to give the community more

time to make themselves available for the meeting. He also directed staff to investigate the error in notification and ensure that ample notice be provided for the second meeting.

Dave, 6871 Island Highway West, agreed with previous presenters that the zoning change would reward the developer for a bad business decision and it is hard to have sympathy for the developer. He also agreed with other presenters that the seawall blocked access along the beach at high tide.

Laurel Webster, 44 Bowser Road, expressed her concern on the precedent the zoning change would set with regard to Little Qualicum Landing.

Frank Stets, 4310 Garrod Road, stated that the developer was greedy and built ten units and is now asking the community to support a zoning change to reward a bad business decision. He also stated that the developer offered a community amenity contribution in the previous zoning amendment application.

Maureen Pilcher responded that a community amenity contribution has been negotiated.

Frank Stets, 4310 Garrod Road, expressed his concern that the duplex that was previously built impacts his view, the seawall blocks beach access to the public and that the zoning change, if approved, rewards the developer for a bad business decision.

Mack Noble, 6887 Island Highway West, questioned whether the density would change.

Tyler Brown responded that the density would not change and that the proposed zone would match the density provisions of the existing zone.

Mack Noble, 6887 Island Highway West, expressed his belief that the developer never respected the community.

Maureen Pilcher responded that full-time residential will fit better with the community and that the developer is willing to offer a community amenity contribution.

Fred Ryvers, 5125 Gainsberg Road, stated that he is concerned Little Qualicum Landing will also apply to rezone.

Maureen Pilcher responded that Little Qualicum Landing has a different official community plan land-use designation.

Laurel Webster, 44 Bowser Road, stated that people feel hurt by the development but that full-time residential will provide more benefit to the community. She also expressed concern that local neighbours were being asked to fix the problems of the developer who made a bad business decision.

Mack Noble, 6887 Island Highway West, questioned the role of an official community plan and wondered how it guided development.

Tyler Brown explained how an official community plan can guide development with regard to zoning amendment applications.

Dave, 6871 Island Highway, expressed his concern with beach access in general and that he remembers when Bowser had a stronger community feeling to it.

Laurel Webster, 44 Bowser Road, agreed that beach access in Bowser is a problem.

Director Veenhof commented that beach access is a known problem and that he is working with RDN staff to find solutions to the problem.

Fred Ryvers, 5125 Gainsberg Road, questioned whether residential or tourist development is best for Bowser.

Laurel Webster, 44 Bowser Road, stated her belief that residential is better for the community but does not agree about how the developer is going about it.

Frank Stets, 4310 Garrod Road, stated that he and his wife believe that residential is better for the community but the manner in which the particular property has been developed has impacted him greatly.

The Chair asked if there were any further questions or comments.

Being none, the Chairperson thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting was concluded at 7:39 pm.



Tyler Brown
Recording Secretary

**Attachment 5
Summary of Minutes of a Public Information Meeting #2**

**Held at Lighthouse Community Centre
240 Lions Way, Qualicum Beach
June 2, 2015 at 6:00 PM**

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

There were nine members of the public in attendance at this meeting.

Present for the Regional District of Nanaimo:

Director Veenhof, Electoral Area 'H' (the Chair)
Jeremy Holm, Manager of Current Planning
Tyler Brown, Planner

Present for the Applicant:

Roy Moore, Property Owner
Alvin Johnston, Property Owner

The Chair opened the meeting at 6:02 pm, outlined the evening's agenda, and introduced the RDN staff and the applicants in attendance. The Chair then stated the purpose of the public information meeting and asked RDN staff to provide background information concerning the development application.

Tyler Brown provided a brief summary of the proposed zoning amendment application, supporting documents provided by the applicant, and the application process.

The Chair invited the applicant to give a presentation of the development proposal.

Roy Moore presented an overview of the proposal.

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

Murray Webster, 44 Bowser Road, inquired as to whether the Residential 2.2 was a new zone.

Jeremy Holm responded that it was a site specific zone to address the existing development on the subject property.

Murray Webster, 44 Bowser Road, questioned whether others could apply for the new zone.

Jeremy Holm responded the zoning amendment applications are examined on a case by case basis and that the new zone could apply to similar scenarios. He added that the official community plan guides rezoning applications.

Director Veenhof stated that any application to rezone a piece of land would undergo the same public process.

Murray Webster, 44 Bowser Road, questioned whether other similar resort condominium developments could apply for the same zone. He expressed his concern that other similar properties were waiting to see the precedent this application would set.

Tyler Brown explained that the official community plan is a document that guides rezoning applications through land-use designations. He added that other properties may have similar land-use designations and reaffirmed Director Veenhof's comment that any rezoning application would have a public process.

Dick Stubbs, 6920 Island Highway West, asked if the proposed density was supported in the official community plan.

Jeremy Holm responded that a density greater than what is proposed is supported in the plan, however, there are servicing considerations and constraints.

Dick Stubbs, 6920 Island Highway West, commented that a sewer study is required in the area and the impact of sewer service on development density.

Murray Webster, 44 Bowser Road, questioned whether the strata agreement would change.

Alvin Johnston responded that there would be no change to the strata rules or agreements.

Murray Webster, 44 Bowser Road, expressed his concern that parking was not accounted for on the subject property.

Jeremy Holm responded that the parking provided was in accordance with zoning bylaw.

Murray Webster, 44 Bowser Road, questioned what will stop someone from parking five cars in their driveway.

Alvin Johnston responded that their strata agreement had rules with respect to parking.

Frank Stets, 4310 Garrod Road, read an email he had written. He explained his personal frustration and history with the development and that he is still in opposition to the zoning change. He also stated that in hopes of moving things forward he signed a non-opposition statement with regard to the zoning change and believes property values will increase with the zoning change and has no problems with full-time residential owners.

Laurel Webster, 44 Bowser Road, stated she is in attendance to support Frank as he has been impacted by the development the most. She expressed her concern with parking and beach access. She referenced a map in her possession that illustrates the boundary of the foreshore.

Tyler Brown summarized the email received in advance of the meeting from Val and Barry Gullekson. The email expressed concern with the road network and their ability to accommodate new traffic, the

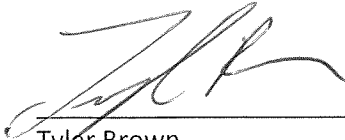
lack of access routes in the area for emergency vehicles and that the resort condominium units have historically been used for residential use which is contrary to the existing zoning.

Murray Webster, 44 Bowser Road, stated that two wrongs don't make a right but it would only be vindictive to not support the project. He stated that he hopes the RDN acknowledges the problems that have occurred with the development.

The Chair asked if there were any further questions or comments.

Being none, the Chairperson thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting was concluded at 6:29 pm.

A handwritten signature in black ink, appearing to read 'Tyler Brown', is written above a horizontal line.

Tyler Brown
Recording Secretary

**Attachment 6
Proposed Amendment Bylaw No. 500.395, 2015**

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.395**

**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. 500.395, 2015”.

B. “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:

1. Under **PART 3 LAND USE REGULATIONS, Section 3.1 Zones** by adding the following zoning classification and corresponding short title after Residential 2.1 Zone:

Residential 2.2 Zone	RS2.2
----------------------	-------

2. Under **PART 3 LAND USE REGULATIONS, Section 3.4**, after Section 3.4.62.1 add Section 3.4.62.2 Residential 2.2 Zone

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:

Strata Lots 1-10, District Lot 36 and Part of the Bed of Strait of Georgia, Newcastle District, Strata Plan VIS5953 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V

from Commercial 5 (CM5), Subdivision District ‘M’ to Residential 2.2, Subdivision District ‘F’

Introduced and read two times this ___ day of _____ 20__.

Public Hearing held this ___ day of _____ 20__.

Read a third time this ___ day of _____ 20__.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this ___ day of _____ 20__.

Adopted this ___ day of _____ 20__.

Chairperson

Corporate Officer

Chairperson

Corporate Officer

Schedule '1'

Section 3.4.62.2

RESIDENTIAL 2.2

RS2.2

Permitted Uses and Minimum Site Area

Required Site Area with:

Permitted Uses	Community Water & Sewer System	Community Water System	No Community Services
a) Home Based Business	n/a	n/a	n/a
b) Residential Use - per dwelling unit	500 m ²	1000 m ²	1.0 ha
c) Duplex	1000 m ²	2000 m ²	2.0 ha

Maximum Number and Size of Buildings and Structures

Floor area ratio	- 0.60
Height	- 8.0 m
Parcel coverage	- 40%

Minimum Setback Requirements

Front lot line	- 8.0 m
Interior side lot line	- 1.5 m
Rear lot line	- 2.0 m
Other lot line	- 5.0 m

except where:

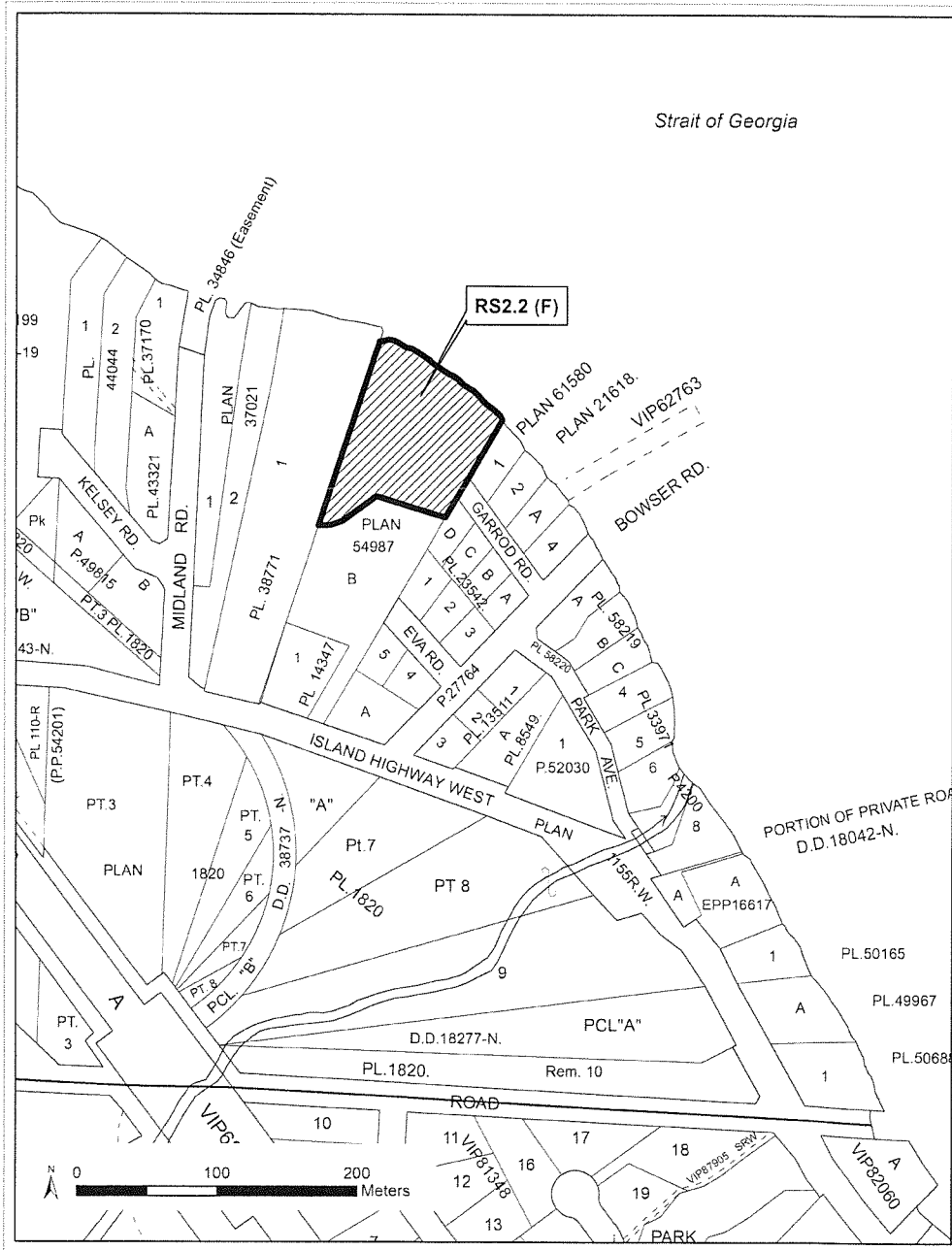
- an accessory building for individual use is permitted, no setback from an interior lot line shall be required for one accessory building with a maximum height of 2.0 m and a floor area of 9.0 m²;
- any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.3.8 shall apply.

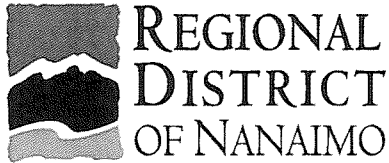
Schedule '2' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.395, 2015"

Chairperson

Corporate Officer

Schedule '2'





RDN REPORT		###
CAC APPROVAL		
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
JUN 23 2015		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: June 23, 2015

FROM: Tyler Brown
Planner

MEETING: EAPC – July 14, 2015

FILE: PL2014-116

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2014-116
 Lot 1, District Lot 8, Newcastle District, Plan 14402, Except Part in Plan VIP536669
 Lot 2, District Lots 8 and 91, Newcastle District, Plan 13354, Except Parts in Plans 14402, 21064, VIP53669 and VIP58478
 Re-amended Lot A (DD 27360N), District Lot 8, Newcastle District, Plan 1949, Except Parts in Plans 14093, 17057 and VIP58478
 242, 246 and 250 Hilliers Road North – Electoral Area ‘G’

RECOMMENDATION

That the request to relax the minimum 10% perimeter frontage requirement for Lot B be approved.

PURPOSE

To consider a request to relax the minimum 10% perimeter frontage requirement in conjunction with a three lot subdivision application on a parcel located in Electoral Area ‘G’.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from J.E. Anderson & Associates on behalf of property owners 0758824 B.C. Ltd., for a three lot subdivision (including remainder). The development proposal consists of three properties that total approximately 143.1 ha in area (see Attachment 1 – Subject Property Map). The parcels are zoned Rural 1 (RU1), Subdivision District ‘D,’ pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and entirely within the Agricultural Land Reserve (ALR). Subdivision District ‘D’ supports a minimum parcel size of 2.0 ha. The subject properties currently contain various buildings and structures used to support the active farming operation occurring on the three parcels. The parcels are primarily bordered by ALR lands and other parcels with rural zoning.

Proposed Subdivision

The applicant is proposing to reconfigure the existing three parcels to create one large parcel, proposed Lot C, to rationalize the lot line boundary around an existing berry farm operation that is occurring across all three existing parcels and create two smaller parcels, proposed Lots A and B, which are lands not being used for the farming operation (see Attachment 2 – Proposed Plan of Subdivision).

The proposed lot sizes meet the minimum parcel size pursuant to the “Regional District of Nanaimo’s Land Use and Subdivision Bylaw No. 500, 1987” and will be serviced by well and septic disposal systems. Access to proposed Lot A will be from Hilliers Road to the east. Pan handle access from Hilliers Road is proposed for Lot B, and Lot C will be accessed by easement over the proposed pan handle. The access for proposed Lot B and C reflects the location of the existing driveway.

Minimum 10% Perimeter Frontage Requirement

Proposed Lot B does not meet the minimum 10% parcel frontage requirement pursuant to Section 944 of the *Local Government Act* (see Attachment 3 – Proposed Frontage Relaxation). Therefore, approval of the Regional District Board of Directors is required to allow exemption from the requirements of Section 944. The perimeter and frontage for the proposed lot is as follows:

<i>Proposed Lot Perimeter</i>	<i>Required Frontage (10%)</i>	<i>Proposed Frontage</i>	<i>Approximate % of Perimeter</i>
1243 metres	124.3 metres	33.0 metres	2.65%

ALTERNATIVES

1. To approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lot B as shown on Attachment 2 and 3.
2. To deny the request for relaxation of the minimum 10% perimeter frontage requirement.

LAND USE IMPLICATIONS

Development Implications

The applicant’s subdivision proposal is to rationalize the lot line boundaries around an existing berry farm operation that is currently occurring across the three existing parcels. The proposed subdivision would result in the farm operation occurring on one single lot (proposed Lot C). To avoid impacting the existing farm operation, the applicant proposes to utilize the existing access way for both proposed Lot B and C. To provide road frontage to proposed Lot B, pan-handle access is required. An easement agreement over the pan-handle will provide access to Lot C (see Attachment 2 – Proposed Plan of Subdivision). While a significant frontage relaxation is required for proposed Lot B, no negative development implications are anticipated. The lot configuration as proposed will meet minimum parcel size requirements, utilize existing site access, mitigate any potential negative impacts to the existing farm operation and provide adequate site area to support the permitted uses on all parcels.

Environmental Implications

The parent parcel is designated within the Environmentally Sensitive Development Permit Area for the protection of watercourses pursuant to the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008". A separate application will be made to address the development permit area guidelines. The proposed frontage relaxation for Lot B is not anticipated to have any negative environmental impacts.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015 – 2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

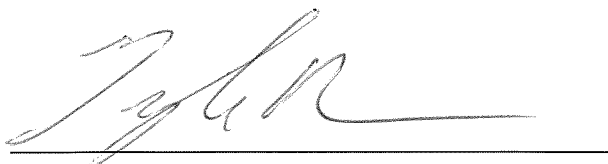
Staff have reviewed the proposed development and note that it supports the Board’s strategic priority of economic viability through supporting agriculture as an important sector of the regional economy.

INTER-GOVERNMENTAL IMPLICATIONS

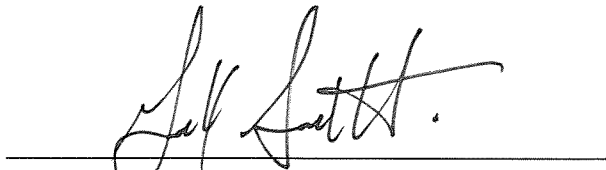
The Ministry of Transportation and Infrastructure has reviewed the application and issued Preliminary Layout Approval (PLA) for the proposed subdivision. As a condition of PLA, the applicant is required to obtain a 10% perimeter frontage relaxation from the RDN Board. Pursuant to the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (Part 5, Section 10), the Provincial Approving Officer may approve the plan of subdivision without the approval of the Agricultural Land Commission.

SUMMARY/CONCLUSIONS

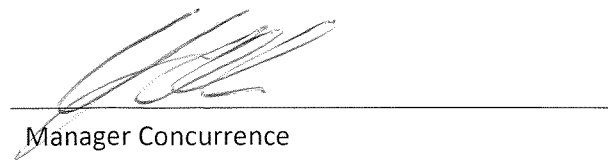
The applicant has requested a relaxation of the minimum 10% perimeter frontage requirement for proposed Lot B within a proposed three lot subdivision of the subject properties. All proposed parcels will exceed the minimum parcel size requirements, provide adequate site area to support the permitted uses and the subdivision will rationalize the lot line boundaries around a significant existing farm operation. Despite the reduced frontage for proposed Lot B, no negative land use implications are anticipated. The lot configuration as proposed will utilize existing site access while limiting any potential negative impacts to the existing farm operation. Therefore, staff recommend that the requested frontage relaxation be approved for proposed Lot B.



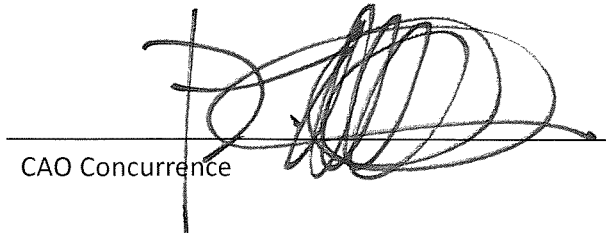
Report Writer



General Manager Concurrence

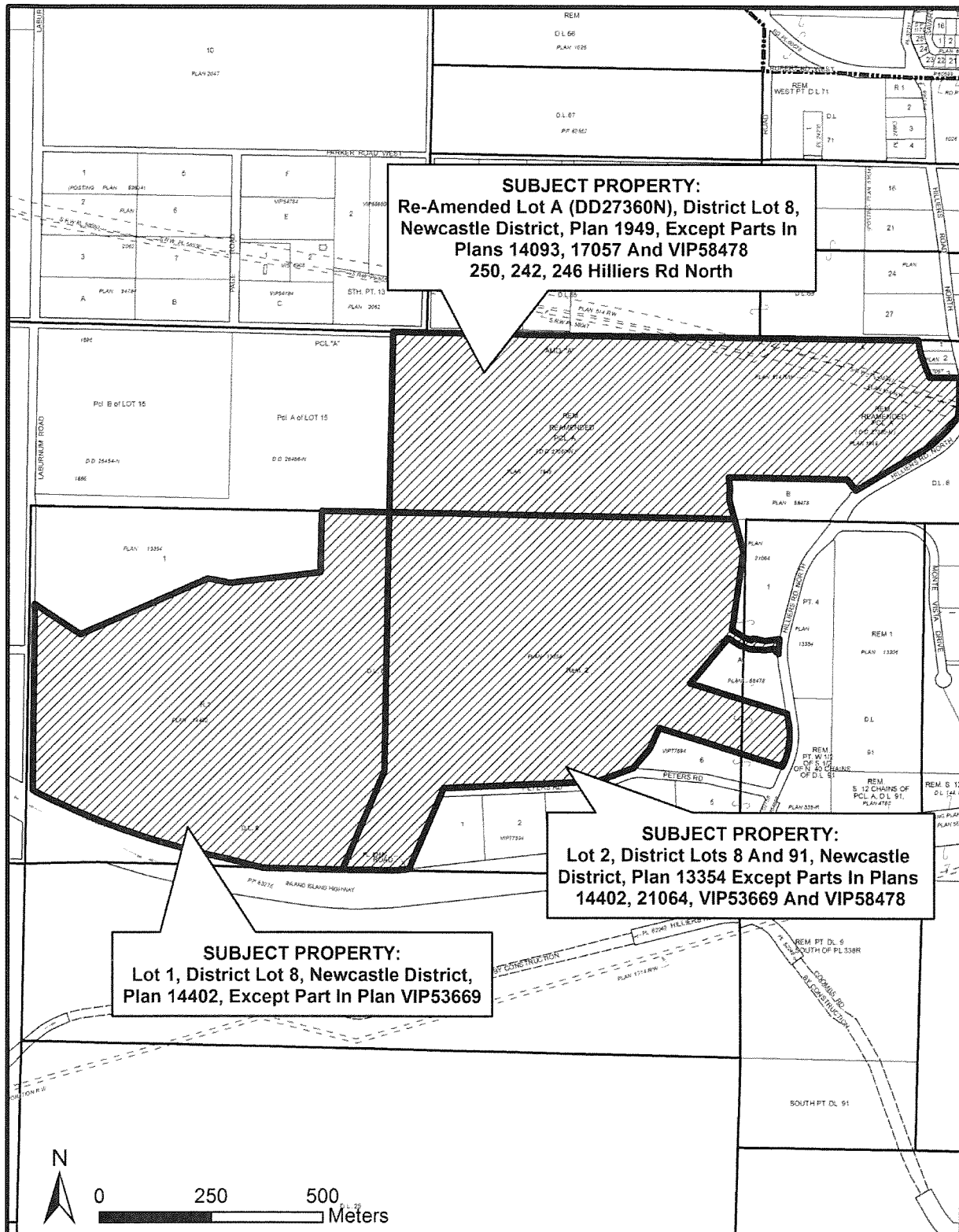


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



**Attachment 3
Proposed Frontage Relaxation**

