

REGIONAL DISTRICT OF NANAIMO

SPECIAL ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, JULY 28, 2015

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

REPORTS

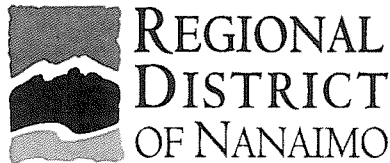
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| 2-8 | Development Permit Application No. PL2015-053 – Martindale Road, Electoral Area 'G'. |
| 9-15 | Development Permit Application No. PL2015-069 – 1566 River Crescent, Electoral Area 'G'. |
| 16-21 | Development Permit with Variance Application No. PL2015-075 – 3680 Jingle Pot Road, Electoral Area 'C'. |

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT



RDN REPORT	
CAO APPROVAL	
EAP	✓
COW	
JUL 14 2015	
RHD	
BOARD	
DATE: July 13, 2015	

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

MEETING: EAPC – July 28, 2015

FROM: Stephen Boogaards
Planner

FILE: PL2015-053

SUBJECT: Development Permit Application No. PL2015-053
That Part of Lot 1, District Lot 42, Nanoose District, Plan 6033, Lying to the South of the Southerly Boundary of Plan 9778, Except that Part in Plan 22778
Martindale Road – Electoral Area ‘G’

RECOMMENDATION

That Development Permit No. PL2015-053 to permit a single family dwelling be approved subject to the conditions outlined in Attachments 2 to 4.

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo has received an application from Harvest Homes Ltd. on behalf of Kathy and Cary Thompson to permit the construction of a dwelling unit on the subject property. The subject property is approximately 0.79 ha in area and is zoned Rural 1 Zone (RU1), Subdivision District ‘F’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located to the north of Perry’s RV Park and Campground, south of the City of Parksville boundary, east of a residential lot, and west of the Englishman River (see Attachment 1 – Subject Property Map). Currently only a recreational vehicle is located on the property.

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 – River;
2. Environmentally Sensitive Features – Sensitive Ecosystems;
3. Fish Habitat Development Permit Area; and
4. Hazard Lands Development Permit Area.

Proposed Development

The applicant proposes to construct a 203 m² single family dwelling within the Englishman River floodplain. Due to the presence of the floodplain, the “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006” requires the underside of the floor system of any habitable area to

be above the flood construction level. The applicant proposes to structurally elevate habitable portions of the dwelling to comply with the 200 year flood construction level of 9.15 m GSC (Geodetic Survey of Canada datum).

ALTERNATIVES

1. To approve the Development Permit No. PL2015-053 subject to the conditions outlined in Attachments 2 to 4.
2. To deny the Development Permit No. PL2015-053.

LAND USE IMPLICATIONS

Development Implications

The Hazard Lands Development Permit Area requires the applicant to provide a report by a professional engineer to confirm that the proposed construction is considered safe for its intended use, adjacent properties and the environment. The applicant has submitted a Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd., dated April 15, 2008, and an Addendum prepared by Based Geotechnical Inc., dated July 3, 2015, to satisfy this requirement. The reports recommend that the proposed dwelling be structurally elevated to a minimum floor elevation of 9.65 m GSC. The recommend elevation reflects the one in two hundred year flood elevation of 9.15 m GSC and an additional 0.5 m to reduce the level of risk and to account for potential future flood level increases due to climate change.

The reports conclude that the construction is safe for its intended use provided the recommendations are followed, and that development of the site will have no detrimental impacts on adjoining properties. Also, the reports state that the proposed development will not restrict the passage of flood water, redirect flows, decrease natural storage or result in higher flood flows or flood potential elsewhere in the floodplain. Rather, the proposed development will be affected by constricted water flows downstream caused by the bridge over Highway 19A. As a condition of the development permit, the reports 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 hazard.

Environmental Implications

The proposed dwelling unit is within the Fish Habitat and Environmentally Sensitive Features Development Permit Areas for riparian vegetation. The applicant has provided a Riparian Area Assessment Report prepared by Toth and Associates Environmental Services, dated January 15, 2015. The report establishes a Streamside Protection and Enhancement Area (SPEA) of 30 m for Englishman River and 10 m for Shelly Creek. The report confirms that the construction will not result in the removal of trees within the 30 m Riparian Assessment Area of Englishman River; however, some tree removal may occur within the 30 m assessment area of Shelly Creek in the northwest corner of the property. The report recommends that the applicant install permanent fencing and signage along the SPEA boundary prior to land alteration. The report also recommends a covenant prohibiting development and use within the SPEA.

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.


SUMMARY/CONCLUSIONS


The applicant proposes to construct a single family dwelling within the Englishman River floodplain. Due to the proximity of the dwelling to the Englishman River, the construction is subject to the Hazard Lands, Environmentally Sensitive Features, and Fish Habitat Protection Development Permit Areas. The applicant has submitted a Geotechnical Hazard Assessment Report and an Addendum to the Geotechnical Hazard Assessment Report to confirm that the dwelling will be structurally elevated 9.65 m GSC to comply with the two hundred year flood elevation and future flood level increase due to climate change. The report confirms that the property is safe for the intended use, and the development of the site will not impact adjacent properties. The reports will be registered as a Section 219 covenant on the property title as a condition of the development permit, and will include a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of potential flood hazard.


The applicant has also submitted a Riparian Area Assessment report to establish a 30 m SPEA for the Englishman River and 10 m SPEA for Shelly Creek. The report confirms that no land alteration will occur within the Englishman River SPEA, though some tree removal may occur within the 30 m assessment area of Shelly Creek. The report recommends signage and fencing along the SPEA boundary, as well as the registration of a covenant to prohibit development within the SPEA.

Given that the Development Permit guidelines have been satisfied, and no negative impacts are anticipated as a result of the proposed development, staff recommends that the Board approved the proposed Development Permit subject to the terms and conditions outlined in Attachment 2.


Report Writer


Manager Concurrence


General Manager Concurrence


CAO Concurrence

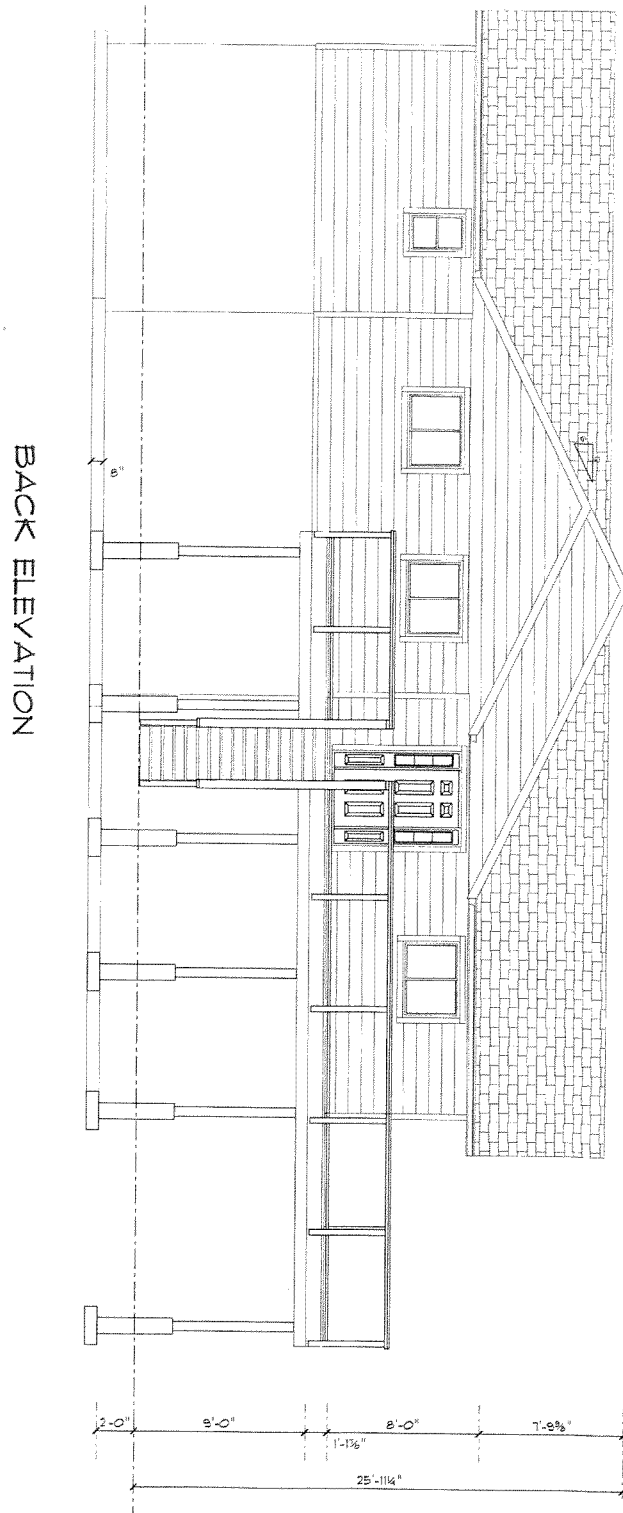
Attachment 2
Terms and Conditions of Permit

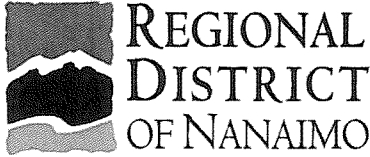
The following sets out the terms and conditions of Development Permit No. PL2015-053:

Conditions of Approval:

1. The site is developed in accordance with the Site Plan prepared by Sims Associates, dated June 12, 2015 and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations prepared by Harvest Homes Ltd, and attached as Attachment 4.
3. The subject property shall be developed in accordance with the recommendations contained in the Riparian Areas Assessment prepared by Toth and Associates Environmental Services, dated January 15, 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 Riparian Area Assessment Report prepared by Toth and Associates Environmental Services, dated January 15, 2015.
5. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Addendum – Geotechnical Hazards Assessment Report prepared by Base Geotechnical Inc. dated July 3, 2015, and Geotechnical Hazards Assessment Report prepared by Ground Control Geotechnical Engineering Ltd. dated April 15, 2008.
6. 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 Addendum – Geotechnical Hazards Assessment Report prepared by Base Geotechnical Inc. dated July 3, 2015, and Geotechnical Hazard Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated April 15, 2008, 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.
7. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 4
Proposed Building Elevations





RDN REPORT		[Handwritten initials]
CAO APPROVAL		
SEAP	✓	
COW		
JUL 15 2015		
RHD		
BOARD		

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: July 14, 2015

FROM: Kelsey Chandler
Planning Technician

MEETING: EAPC July 28, 2015

SUBJECT: Development Permit Application No. PL2015-069
Lot 13, District Lot 28, Nanoose District, Plan 22685
1566 River Crescent – Electoral Area ‘G’

FILE: PL2015-069

RECOMMENDATION

That Development Permit No. PL2015-069 to permit the siting 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 to permit the siting of a dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from Norse Log Homes Ltd. on behalf of Laurence Taylor to permit the siting of a dwelling unit on the subject property. The subject property is approximately 1680 m² in area, serviced by community sewer and water, and zoned Residential 1 (RS1) Zone pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (Bylaw No. 500).

The subject property is relatively flat and contains two existing buildings, a shed and a detached garage that was modified by the previous owner without the required building permits. A manufactured home was removed from the property by the current owner in July of 2014 without the required demolition permit. As no principal residential use is currently established on the property, the two existing accessory buildings do not conform to Bylaw No. 500.

The subject property is located at the western end of River Crescent and is surrounded by residential zoned properties to the north, south, and west (see Attachment 1 – Subject Property Map). The proposed development is subject to the Hazard Lands Development Permit Area per the “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008” and the “Regional District of Nanaimo Floodplain Management Bylaw No. 1460, 2006” (Floodplain Bylaw) due to flood risk associated with French Creek.

Proposed Development

The applicant proposes to site a dwelling unit on the subject property (see Attachment 3 – Proposed Site Plan). Currently, a principal use is not established on the property, and as such, the two existing accessory buildings do not conform to Bylaw No. 500. The proposed pre-constructed dwelling unit is two storeys and has a floor area of approximately 115.3 m² (see Attachment 4 – Building Elevations). If approved, the proposed dwelling unit will re-establish residential use as the principal use on the parcel.

ALTERNATIVES

1. To approve the Development Permit No. PL2015-069 subject to the conditions outlined in Attachments 2 to 4.
2. To deny the Development Permit No. PL2015-069.

LAND USE IMPLICATIONS

Development Implications

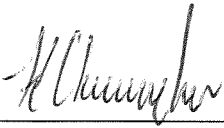
The applicant has provided a Geotechnical Floodplain Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. and dated June 25, 2015, to satisfy the Hazard Lands DPA guidelines. The report concludes that the subject property is safe and suitable for the proposed development and that the 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 Professional Practice Guidelines for Legislated Flood Assessments in a Changing Climate in BC.

The applicant is not proposing the placement of any fill on the subject property, and as such, the submitted Geotechnical Floodplain Hazard Assessment does not provide comment on the placement of fill to support the proposed dwelling unit. To satisfy the development permit guidelines, the applicant is 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 Condition of Permit). In the event that fill is required to support the siting of the dwelling unit, staff propose that the covenant also include a clause requiring a report by a Professional Engineer to ensure any fill would not restrict the passage of flood waters, redirect flood flows, decrease natural flood storage or result in higher flood flows or flood potential elsewhere in the flood plain (see Attachment 2 – Terms and Conditions of Permit).

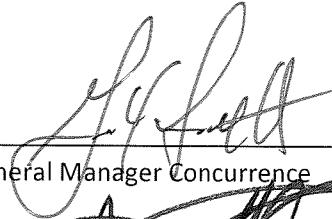
The Floodplain Bylaw requires a minimum flood construction level (FCL) of 3.0 metres above the natural boundary of French Creek. The present elevation of the natural boundary of French Creek is 8.8 metres and the underside of the foundation footings for the proposed dwelling unit will be 11.8 metres (which meets the minimum required FCL). This proposed FCL is consistent with the requirements of the Floodplain Bylaw and the Geotechnical Floodplain Hazard Assessment provided by the applicant.

SUMMARY/CONCLUSIONS

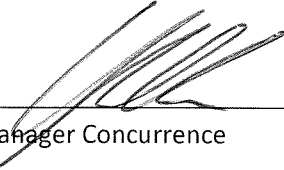
This is an application for a Development Permit to permit the siting of a dwelling unit within the Hazard Lands Development Permit Area. The applicant has provided a Geotechnical Floodplain Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. dated June 25, 2015, to satisfy the Hazard Lands DPA guidelines. The proposal is consistent with the Floodplain Bylaw and the recommendations of the Geotechnical Floodplain Hazard Assessment. As such, staff recommends that the Board approve the Development Permit subject to the terms and conditions outlined in Attachment 2.



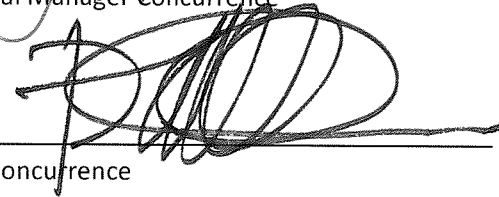
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

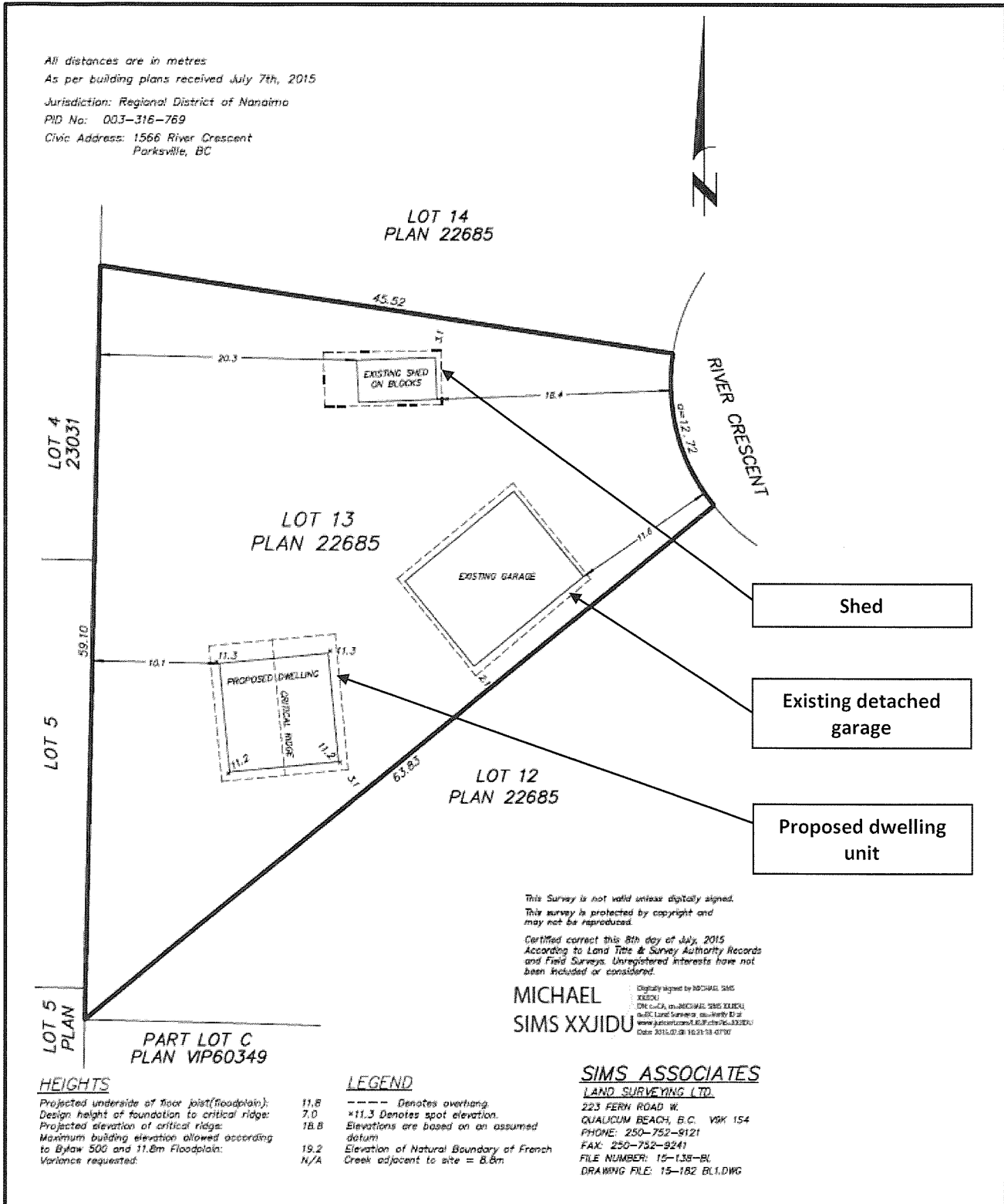
Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit No. PL2015-069:

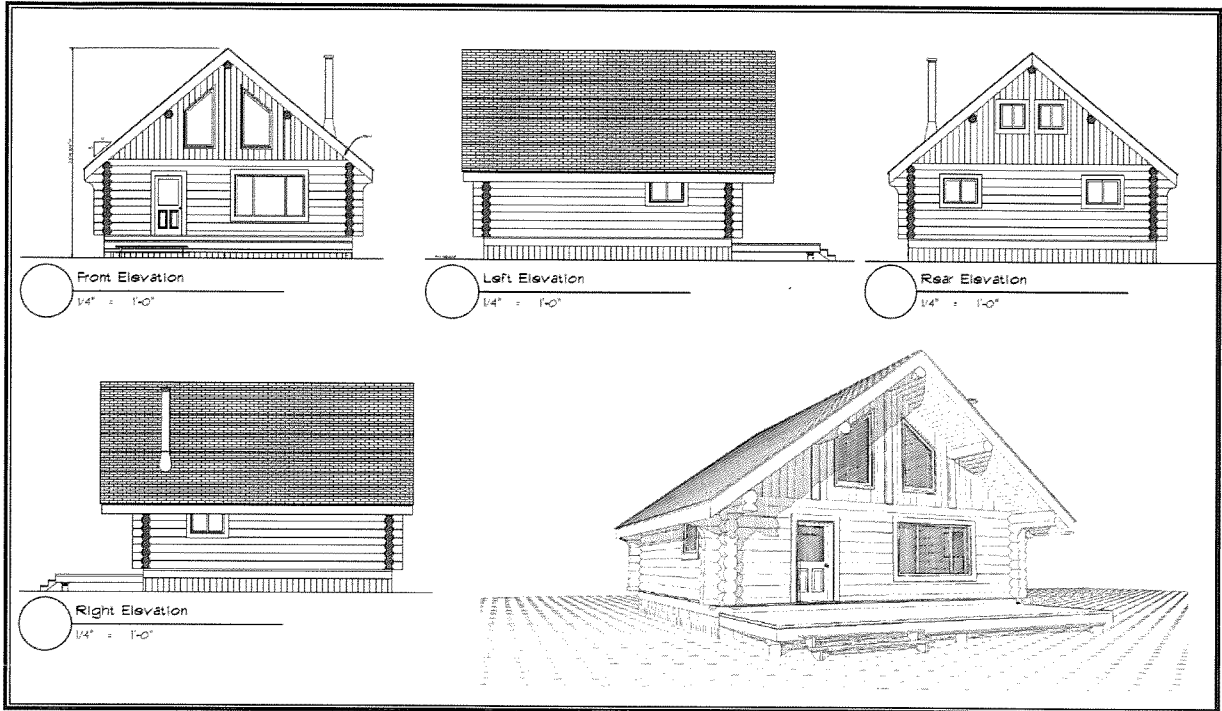
Conditions of Approval:

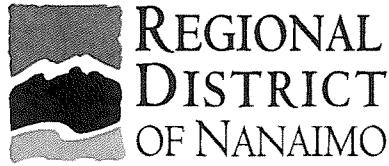
1. The site is developed in substantial compliance with the Survey Plan prepared by Sims Associates Land Surveying Ltd. and dated July 8, 2015.
2. The proposed development is in general compliance with the plans and elevations prepared by Norse Log Homes Ltd. and dated June 22, 2015.
3. The Lands shall be developed in accordance with the recommendations contained in the Geotechnical Floodplain Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. and dated June 25, 2015.
4. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 covenant that registers the Geotechnical Floodplain Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated June 25, 2015, and includes:
 - a. a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard; and
 - b. a clause requiring a report by a Professional Engineer if the proposed siting of the dwelling unit requires the placement of any fill within the floodplain, which ensures any fill would not restrict the passage of flood waters, redirect flood flows, decrease natural flood storage or result in higher flood flows or flood potential elsewhere in the flood plain.
5. The property owner shall obtain the necessary permits in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3
Proposed Site Plan



Attachment 4
Building Elevations





RDN REPORT	
CAO APPROVAL	
EAP	
COW	
JUL 10 2015	
RHD	
BOARD	

STAFF REPORT

TO: Jeremy Holm
 Manager, Current Planning

DATE: July 10, 2015

FROM: Tyler Brown
 Planner

MEETING: EAPC – July 28, 2015

FILE: PL2015-075

SUBJECT: Development Permit with Variance Application No. PL2015-075
 Lot 4, Section 18, Range 4, Mountain District, Plan 24550
 3680 Jingle Pot Road – Electoral Area ‘C’

RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Permit with Variance No. PL2015-075 to permit the construction of an accessory garage be approved subject to the conditions outlined in Attachment 2 to 3.

PURPOSE

To consider an application for a Development Permit with Variance to reduce the lot line setback from 8.0 metres to 4.36 metres to permit the construction of an accessory garage on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Phyllis Kratschmer to reduce the lot line setback from 8.0 metres to 4.36 metres to permit the construction of an accessory garage on the subject property. The subject property is approximately 1.1 ha in area, zoned Rural 1 (RU1), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and located within the Agricultural Land Reserve (see Attachment 1 – Subject Property Map). Rural 1 zoned parcels within the Agricultural Land Reserve surround the subject property and Jingle Pot Road borders the north western lot lines. In addition, the Millstone River meanders through the southern portion of the parcel. The property contains an existing dwelling unit, barn, chicken shed and horse paddock, and is serviced by well water and a septic disposal system.

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

Proposed Development and Variance

The applicant is currently constructing a 91.7 m² accessory garage on the subject property. Initial construction of the garage commenced with the required building permit approvals. However, it was identified through the building permitting process that the accessory garage was constructed within the

required lot line setback for the property line bordering Jingle Pot Road. A survey of the construction revealed that the garage, once fully built, would protrude into the lot line setback area (see Attachment 3 – Site Plan and Variances). 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 – Minimum Setback Requirements – All lot lines to reduce the minimum setback requirement for the lot line bordering Jingle Pot Road from 8.0 metres to 4.36 metres for an accessory garage.

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2015-075 subject to the conditions outlined in Attachments 2 to 3.
2. To deny Development Permit with Variance No. PL2015-075.

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 proposed garage is approximately 7.9 metres in width and 11.6 metres in length. As highlighted in the Background section of this report, it was identified through the building permitting process that the accessory garage was constructed within the required lot line setback for the property line bordering Jingle Pot Road. In response to building too close to the property line and to minimize the variance required to accommodate the garage, the applicant redesigned the roof system to overhang the foundation by 0.3 of a metre. The original roof system design had a roof overhang of 0.6 metres. Notwithstanding the variance request, the applicant’s stated intent for the location of the building was to avoid developing within 30 metres of the Millstone River and thus triggering the provincial riparian areas regulations.

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. PL2015-075.

With respect to the Hazards Lands Development Permit Area, the guidelines require that an assessment of the hazard is to be completed with confirmation of the engineer’s opinion regarding the safety of the proposed development and assurances that the development will not have a detrimental impact on the environment. In this case the hazard is in relation to the potential flooding of the Millstone River. To satisfy the development permit area guidelines, the applicant has provided a Geotechnical Floodplain Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated July 7, 2015, which concludes that the 200 year flood event waters would not have a significant impact on the lot development or the surrounding environment and that the site is considered geotechnically safe for the intended purposes of constructing a detached garage. With regard to “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006”, the garage is exempt from meeting the prescribed flood construction level.

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

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. The application was referred to the Ministry and they have indicated that they would be agreeable to reducing the setback to Jingle Pot Road for the accessory garage to 4.36 m. The applicant will be required to obtain a setback permit from the Ministry (see Attachment 2 – Terms and Conditions of Permit).

PUBLIC CONSULTATION IMPLICATIONS

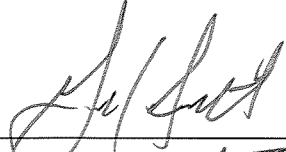
Pending the Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50 metre radius of the subject property will receive 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 accessory garage 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 “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997” Natural Hazard Development Permit Area. Moreover, staff have reviewed the variance request and do not anticipate any view implications or other negative impacts for neighbouring properties. As such, staff recommend approval of the Development Permit with Variance pending the outcome of public consultation.



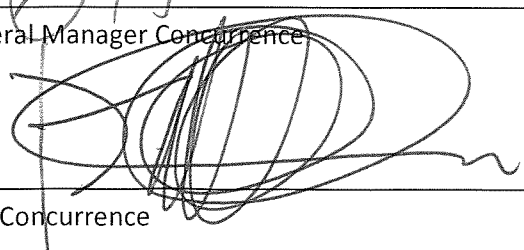
Report Writer



General Manager Concurrence

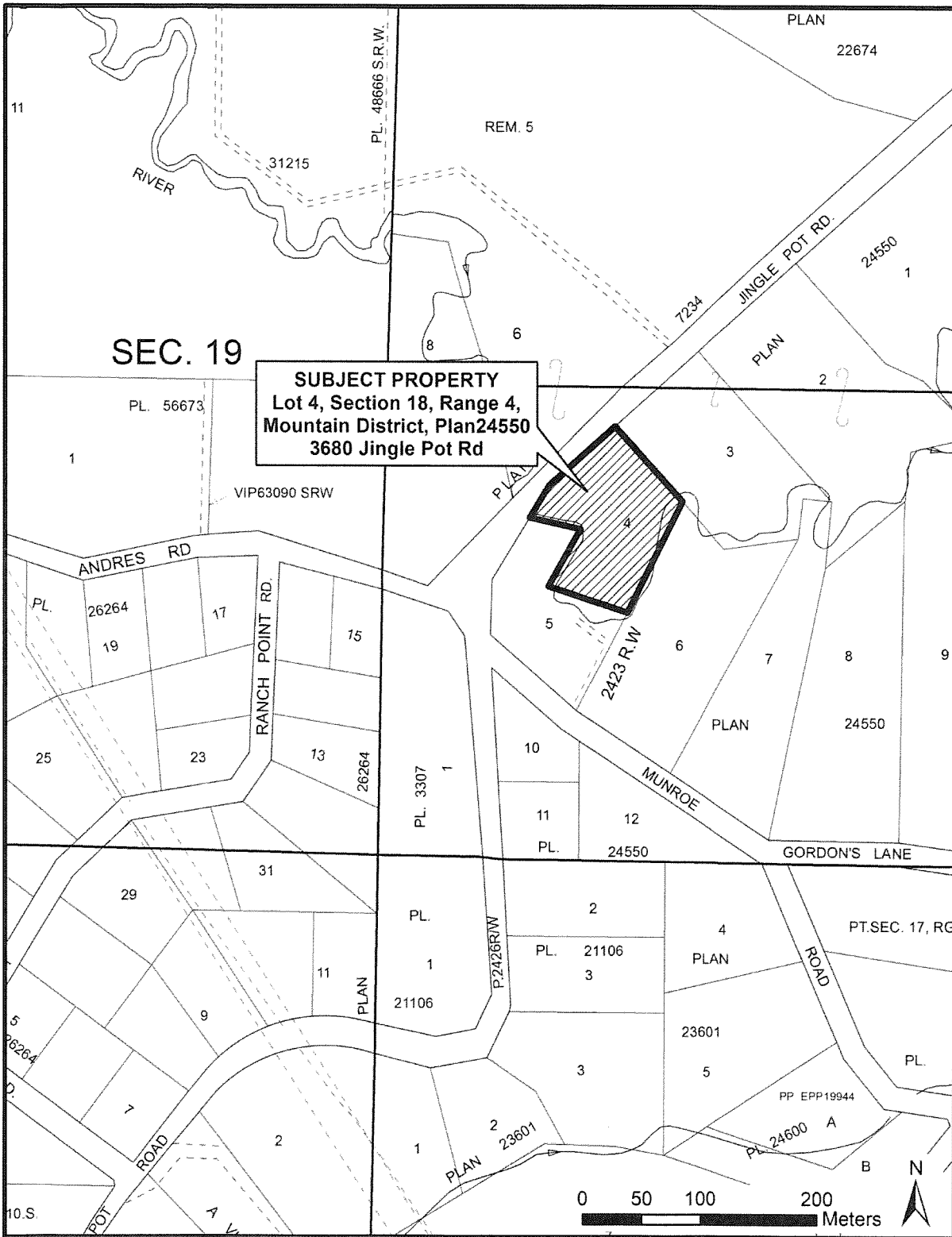


Manager Concurrence



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. PL2015-075:

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 – Minimum Setback Requirements – All lot lines to reduce the minimum setback requirement for the lot line bordering Jingle Pot Road from 8.0 metres to 4.36 metres for an accessory garage.

Conditions of Approval:

1. The site is developed in accordance with the Site Plan prepared by T.G. Hoyt, dated June 4, 2015, and attached as Attachment 3.
2. The applicant shall obtain a setback permit from the Ministry of Transportation and Infrastructure.
3. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Floodplain Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated July 7, 2015.
4. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

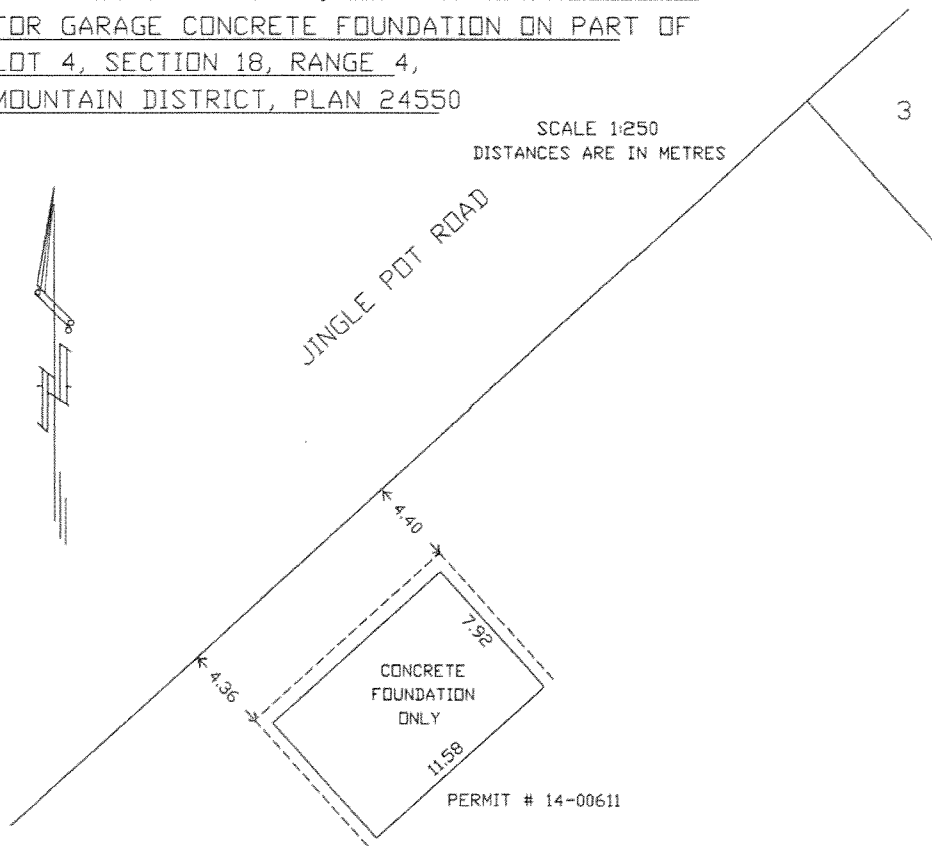
**Attachment 3
Proposed Site Plan and Variances**

Section 3.4.81 – Minimum Setback Requirements – All lot lines

Article	Permitted Setback by Bylaw	Setback	Variance Amount
Accessory Garage	8.0 metres	4.36 metres	3.64 metres

British Columbia Land Surveyor's Certificate of Location on:
FOR GARAGE CONCRETE FOUNDATION ON PART OF
LOT 4, SECTION 18, RANGE 4,
MOUNTAIN DISTRICT, PLAN 24550

SCALE 1:250
DISTANCES ARE IN METRES



PERMIT # 14-00611

T.G. Hoyt
B.C. Land Surveyor
2275 Godfrey Road
Nanaimo, B.C.
V9X 1E7
© 2015

FB 366/47

Not valid unless originally signed and sealed.

Certified correct and valid only
in respect to improvements as
shown and located on the 4th
day of June, 2015.

B.C.L.S.