

**REGIONAL DISTRICT OF NANAIMO**  
**ELECTORAL AREA PLANNING COMMITTEE**  
**TUESDAY, FEBRUARY 8, 2011**  
**6:30 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**MINUTES**

- 3 - 5                    Minutes of the regular Electoral Area Planning Committee meeting held January 11, 2011.

**BUSINESS ARISING FROM THE MINUTES**

**COMMUNICATIONS/CORRESPONDENCE**

**UNFINISHED BUSINESS**

**PLANNING**

***AMENDMENT APPLICATIONS***

- 6 - 15                    Bylaw No. 500.368 - Supports Zoning Amendment Application No. PL2009-746 – Pilcher & Associates Inc. - 2465 Apollo Drive – Area ‘E’.
- 16 - 26                    Bylaw No. 1285.16 - Supports Zoning Amendment Application No. PL2009-054 - Bazaire - 1724 Alberni Highway – Area ‘F’.
- 27 - 47                    Bylaws No. 1335.05 & 500.367 – OCP & Zoning Amendments to Support Development Permit Application No. PL2010-198 - Fern Road Consulting Ltd. - 6120 Island Highway West – Area ‘H’.

***DEVELOPMENT PERMIT APPLICATIONS***

- 48 - 56                    Development Permit & Site Specific Application No. PL2011-003 – Fern Road Consulting Ltd. – Mariner Way – Area ‘G’.

57 - 62 Development Permit Application No. PL2011-015 – Newlands - 2754 Dendoff Point Road – Area ‘H’.

***DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS***

63 - 70 Development Permit with Variance Application No. PL2009-024 – Peter Mason - 6162 Island Highway West – Area ‘H’.

71 - 78 Development Permit with Variance Application No. PL2010-090 – Cowan - 2502 Blokker Road – Area ‘E’.

79 - 88 Development Permit with Variance Application No. PL2010-100 – Anderson Greenplan Ltd. - 1907 Cedar Road - Area ‘A’.

89 - 97 Development Permit with Variance Application No. PL2010-206 – Curran - 3366 Rockhampton Road - Area ‘E’.

98 - 104 Development Permit with Variance Application No. PL2010-209 – Waring & Milne - 3732 Horne Lake Caves Road – Area ‘H’.

105 - 112 Development Permit with Variance Application No. PL2010-230 – Fern Road Consulting Ltd. – 6224, 6266, 6280 & 6290 Island Highway West – Area ‘H’.

***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

113 - 117 Development Variance Permit Application No. PL2011-011 – Muise – 1638 & 1640 Elm Street - Area ‘A’.

***OTHER***

118 - 121 Request for Frontage Relaxation on Subdivision Application No. PL2010-162 – Fern Road Consulting Ltd. - Allgard Road – Area ‘G’.

122 - 147 Bylaw No. 1620 – Electoral Area ‘A’ Official Community Plan.

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**ADJOURNMENT**

**IN CAMERA**

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, JANUARY 11, 2011 AT 6:30 PM  
IN THE RDN BOARD CHAMBERS**

**Present:**

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

**Also in Attendance:**

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

**DELEGATIONS**

**Linda Addison, re OCP Amendment to Support Zoning Amendment Application No. PL2009-778 - Addison - 2610 Myles Lake Road - Area 'C'.**

Ms. Addison spoke in support of their application.

**Ross Peterson, Arrowsmith Parks and Land-Use Council, re Concerns with the Proposed Fairwinds Lakes District Neighbourhood Plan.**

Mr. Peterson voiced his concerns with respect to the proposed Fairwinds Lakes District Neighbourhood Plan.

**J. Lettic, Nanoose Property Owners & Residents Association, re Area 'E' OCP Amendment Procedures & Public Consultation Process.**

Mr. Lettic spoke in opposition of the Area 'E' OCP Amendment procedures and public consultation process.

**MINUTES**

MOVED Director Stanhope, SECONDED Director Burnett, that the minutes of the regular Electoral Area Planning Committee meeting held November 9, 2010, as amended, and the Special Electoral Area Planning Committee meeting held November 23, 2010 be adopted.

CARRIED

## PLANNING

### *AMENDMENT APPLICATIONS*

#### **OCP Amendment to Support Zoning Amendment Application No. PL2009-778 – Addison - 2610 Myles Lake Road - Area 'C'.**

MOVED Director Young, SECONDED Director Burnett, that "Regional District of Nanaimo Arrowsmith Benson – Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.07, 2011" be introduced and read two times.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that "Regional District of Nanaimo Arrowsmith Benson – Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.07, 2011" be delegated to the Chair or his alternate.

CARRIED

### *DEVELOPMENT PERMIT APPLICATIONS*

#### **Development Permit Application No. PL2010-210 – Longridge & Pearson – 3800 Horne Lake Caves Road – Area 'H'.**

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Application No. PL2010-210, to permit the excavation and re-vegetation of a portion of the subject property within 15 metres of the natural boundary of Horne Lake, be approved subject to the conditions outlined in Schedules No. 1-2.

CARRIED

#### **Development Permit Application No. PL2010-213 – Fern Road Consulting – 6209 Island Highway West – Area 'H'.**

The application was pulled from the agenda.

#### **Development Permit Application No. PL2010-220 – Walman – 3844 Horne Lake Caves Road – Area 'H'.**

MOVED Director Stanhope, SECONDED Director Burnett, that Development Permit Application No. PL2010-220, to permit additions to an existing cabin, and the construction of an accessory building, be approved subject to the conditions outlined in Schedules No. 1-5.

CARRIED

### *DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS*

#### **Development Permit with Variance Application No. PL2010-228 – Couverdon Real Estate – Pratt Road – Area 'F'.**

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

CARRIED

MOVED Director Biggemann, SECONDED Director Young, that Development Permit with Variance No. PL2010-228 be approved subject to the conditions outlined in Schedules No. 1 – 2.

CARRIED

***OTHER***

**Development Permit Application No. PL2010-237 and Associated Request for Frontage Relaxation & Park Land Dedication – Island West Consulting Inc. – 2560/2570 South Forks Road – Area ‘C’.**

MOVED Director Young, SECONDED Director Burnett, that Development Permit Application No. PL2010-237, in conjunction with the two lot subdivision be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lots A and the Remainder of Lot 2 be approved.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that the offer to dedicate park land in the amount and location as shown on Schedule No. 2 be accepted.

CARRIED

**Bylaw No. 1621 – Proposed New Board of Variance Bylaw.**

MOVED Director Stanhope, SECONDED Director Holme, that "Regional District of Nanaimo Board of Variance Bylaw No. 1621, 2011" be introduced and read three times.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that "Regional District of Nanaimo Board of Variance Bylaw No. 1621, 2011" be adopted.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 7:10 PM

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CHAIRPERSON



CAO APPROVAL	
EAP	✓ Feb 8 11
COW	
RHD	
BOARD	

**MEMORANDUM**

**TO:** Dale Lindsay  
Manager, Current Planning

**DATE:** January 26, 2011

**FROM:** Lainya Rowett  
Planner

**FILES:** PL2009-746

**SUBJECT:** Zoning Amendment Application No. PL2009-746 - Maureen Pilcher & Associates Inc.  
Lot 1, District Lot 6, Nanoose District, Plan 22814, Except that Part in Plan 23588  
2465 Apollo Drive - Electoral Area 'E'

**PURPOSE**

To consider the proposed application to rezone the subject property located at 2465 Apollo Drive in the Red Gap Village Centre, in Electoral Area 'E,' in order to recognize an existing, non-conforming mobile home park use.

**BACKGROUND**

The subject property is approximately 6.0 ha in area and is zoned Residential 1 (RS1), Subdivision District 'P', in accordance with the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see *Attachment No. 1* for location of subject property). The parcel is bound by roads on all sides (Red Gap Road is unconstructed along the north boundary), with residential lots to the north and west, Nanoose Bay Elementary School to the east and Red Gap commercial centre and park land to the south. The subject property is entirely developed into a mobile home park with related accessory buildings and structures.

***Proposed Development***

The applicant proposes to rezone the subject property to recognize an existing mobile home park (Schooner Bay Manor Seniors Mobile Home Park). The current zoning (RS1) permits only one dwelling unit and home based business use. However, there are currently ninety-nine mobile homes, an accessory office and additional accessory buildings and structures within the property (see *Schedule No. 2* for existing site plan). This development was created prior to the adoption of the RS1 Zone and has non-conforming status. The applicant proposes a site specific zoning in order to legalize the existing use. No new development is proposed.

**ALTERNATIVES**

1. To approve the proposed Zoning Amendment to rezone the subject property from Residential 1, Subdivision District 'P' (RS1P) to Comprehensive Development Zone (CD43) for first and second reading subject to the conditions outlined in Schedule No. 1.
2. To deny the Zoning Amendment Application as submitted.

## **LAND USE IMPLICATIONS**

### ***Official Community Plan (OCP)***

The subject property is designated as “Red Gap Village” in the “Regional District of Nanaimo Electoral Area ‘E’ Official Community Plan No. 1400, 2005.” The OCP policies for this designation encourage diversity in housing opportunities to address the needs of the population, in particular the need for affordable housing and seniors housing. The proposed Zoning Amendment complies with these policies and would maintain such housing in close proximity to commercial services and community facilities in the Red Gap Village Centre. Staff have also confirmed that recognizing these existing units will not exceed the maximum density specified in the OCP for the Red Gap Village. The proposal, therefore, reflects the intent of the OCP and does not require an OCP amendment.

### ***Zoning Implications***

In order to recognize the existing mobile home park, the applicant proposes a site specific Comprehensive Development Zone (CD43). This zoning would permit the current number of mobile homes, and allow accessory buildings and structures for each unit as well as accessory office use and common buildings for the mobile home park (see *Attachment No. 2 for Proposed Amendment Bylaw No. 500.368*).

It is noted that there are several accessory structures located within the road allowance of Red Gap road (unconstructed) along the north property boundary. The Ministry of Transportation and Infrastructure has reviewed this situation and confirmed that these existing structures may be retained if the property owner obtains the necessary encroachment permit(s) for these structures. New structures, however, will be required to meet the setbacks of the proposed CD43 Zone.

RDN Building Division staff also conducted a site inspection and identified some minor structural improvements needed for six units to comply with the B.C. Building Code safety requirements. The applicant is aware that the completion of these repairs will require a building permit and will be a condition of final adoption of the rezoning.

### ***Development Permit Implications***

The subject property is located within the designated Development Permit Areas (DPA) for Form and Character; Farmland Protection; and, Watercourse Protection. The proposed Zoning Amendment does not involve any new development, only the recognition of an existing use. Additionally, the subject property does not abut the Agricultural Land Reserve or contain any watercourses. As a result, this application is exempt from the Development Permit requirements of the OCP.

### ***Public Consultation Implications***

Since no new development is proposed a public information meeting was not required. However, if the application receives first and second reading the proposal will proceed to public hearing.

### ***Sustainability Implications***

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. The following sustainability implications were identified through the review of this application:

- no disturbances to the natural environment are proposed;
- the development is located adjacent to shops and services for easy pedestrian accessibility;

- the mobile-type dwellings are smaller and energy efficient;
- water consumption rates are typically lower within seniors developments such as this;
- each mobile home has access to private green space for gardening and personal use;
- the mobile home park provides affordable seniors housing; and,
- the site is designed with fire protection measures (e.g. hydrants) and speed bumps to reduce internal vehicular speeds ensure residents' safety.

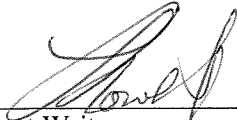
**SUMMARY**


The applicant proposes to amend Bylaw No. 500, 1987 in order to rezone the subject property from RS1 to CD43 in order to permit an existing, non-conforming mobile home park located at 2465 Apollo Drive in the Red Gap Village in Electoral Area 'E'. Given that the proposed amendment complies with the current OCP staff support the application subject to the conditions set out in Schedule No. 1 and recommend that the Zoning Amendment Bylaw receives first and second reading and proceed to public hearing.

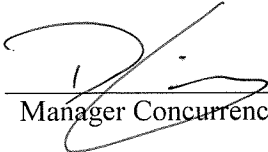
A copy of the proposed amendment bylaw is attached to this report (see *Attachment No. 2*).

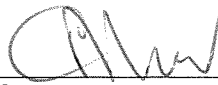
**RECOMMENDATIONS**

1. That Application No. PL2009-746 to rezone the subject property from Residential 1, Subdivision District 'P' to Comprehensive Development (CD43) be approved subject to the conditions in Schedule No. 1.
2. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.368, 2010" be introduced and read two times.
3. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.368, 2010" be delegated to Director Holme or his alternate.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
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Manager Concurrence

  
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CAO Concurrence

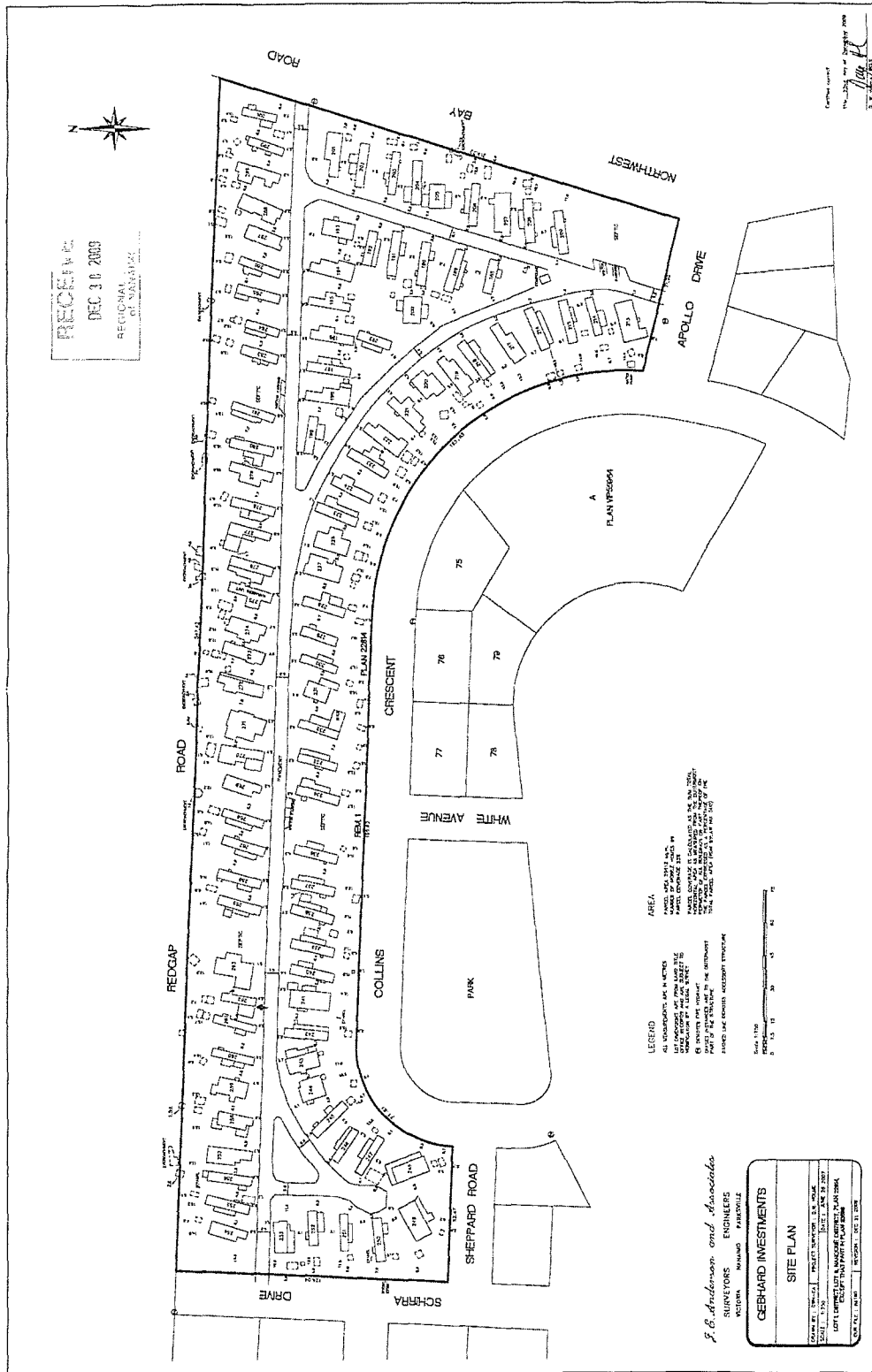


**Schedule No. 1**  
**Conditions of Approval**  
**Zoning Amendment Applications No. PL2009-746**

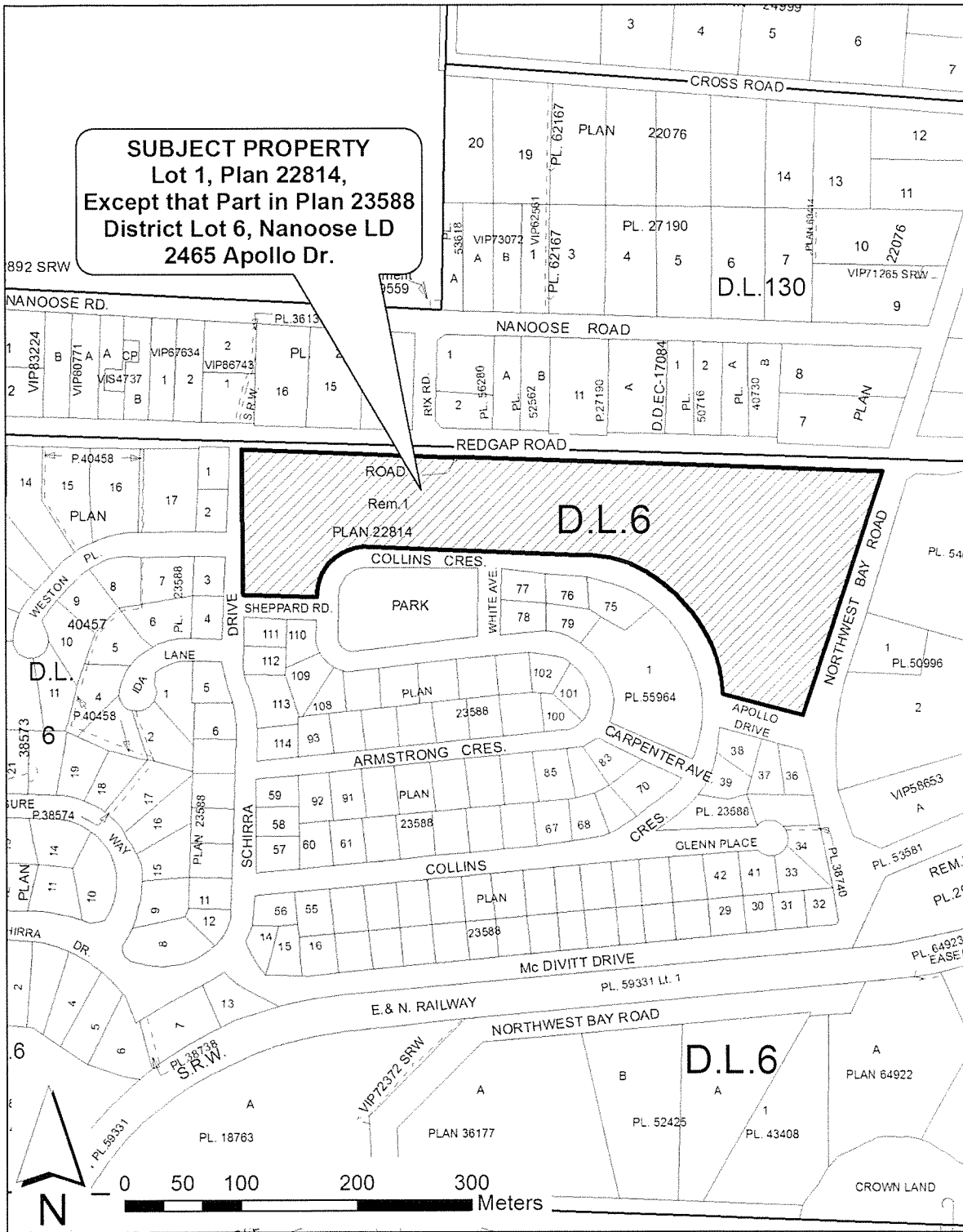
The following is required prior to the amendment application being considered for fourth reading:

1. Completion of outstanding building and structural improvements to the satisfaction of the Regional District of Nanaimo Building Division to address Building Code life and safety issues.
2. Removal of existing accessory buildings and structures located within any road allowance or obtain approval for such encroachments from the Ministry of Transportation and Infrastructure.
3. Submission of a Section 219 Restrictive Covenant requiring this development to connect to community sewer if it becomes available.
4. Submission of a Section 219 Restrictive Covenant requiring the sewage disposal systems on this property be developed and maintained in accordance with the recommendations contained in the report prepared by Lewkowich Engineering Associates Ltd. and dated October 29, 2010.

Schedule 2  
 Mobile Home Park Site Plan



**Attachment No. 1**  
**Location of Subject Property**



Attachment No. 2  
**Proposed Amendment Bylaw No. 500.368, 2010**

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 500.368**

**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. 500.368, 2010”.

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:

Schooner Bay Manor Seniors Mobile Home Park  
Comprehensive Development Zone (CD43)

2. By adding Section 3.4.143 (CD43)

as shown on Schedule ‘1’ which is attached to and forms part of this Bylaw.

3. By rezoning the lands shown on the attached Schedule ‘2’ and legally described as

Lot 1, District Lot 6, Nanoose District, Plan 22814, Except that Part in Plan 23588

from Residential 1 (RS1) Zone, Subdivision District ‘P’ to Comprehensive Development (CD43) Zone.

Introduced and read two times this \_\_\_ day of \_\_\_\_\_ 2011.

Public Hearing held this \_\_\_ day of \_\_\_\_\_ 201\_\_.

Read a third time this \_\_\_ day of \_\_\_\_\_ 201\_\_.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this \_\_\_ day of \_\_\_\_\_ 201\_\_.

Adopted this \_\_\_ day of \_\_\_\_\_ 201\_\_.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Sr. Mgr., Corporate Administration

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Sr. Mgr., Corporate Administration

Section 3.4.143

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**SCHOONER BAY MANOR SENIORS MOBILE HOME PARK  
COMPREHENSIVE DEVELOPMENT ZONE (43)**

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**CD43**

**Section 3.4.143.1 Permitted Principal Uses and Minimum Site Area**

- a) Mobile Home Park 6.0 ha

**3.4.143.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures for each mobile home and the Mobile Home Park  
b) Accessory Office
- 

**3.4.143.3 Maximum Number and Size of Buildings and Structures**

- b) Units per parcel 99 mobile homes.  
Height 8.0 m
- c) Accessory Buildings 10 m<sup>2</sup> per mobile home.  
Height 3.0 m
- d) Common Accessory Buildings Maximum combined floor area of 200 m<sup>2</sup> for the Mobile Home Park.  
Height 6.0 m
- e) Accessory Office Maximum floor area 20 m<sup>2</sup> for the Mobile Home Park.  
Height 6.0 m
- f) Porch/Deck/Carport Additions One (1) porch/deck/carport addition per mobile home unit not exceeding a floor area of 20m<sup>2</sup>, excluding wheel chair ramps; and  
One (1) entrance stairs to a secondary access not exceeding a floor area of 2m<sup>2</sup>.  
Height 6.0 m
- 

**3.4.143.4 Minimum Setback Requirements**

For all buildings, structures or mobile homes:

- a) From all lot lines 4.5 m
- b) From other buildings, structures or mobile homes 3.0 m
- c) From an internal access road or common parking area m
- d) Except where any part of a parcel is adjacent to or contains a watercourse then the regulations of Section 3.3.8 shall apply.

**3.4.143.5 Other Regulations**

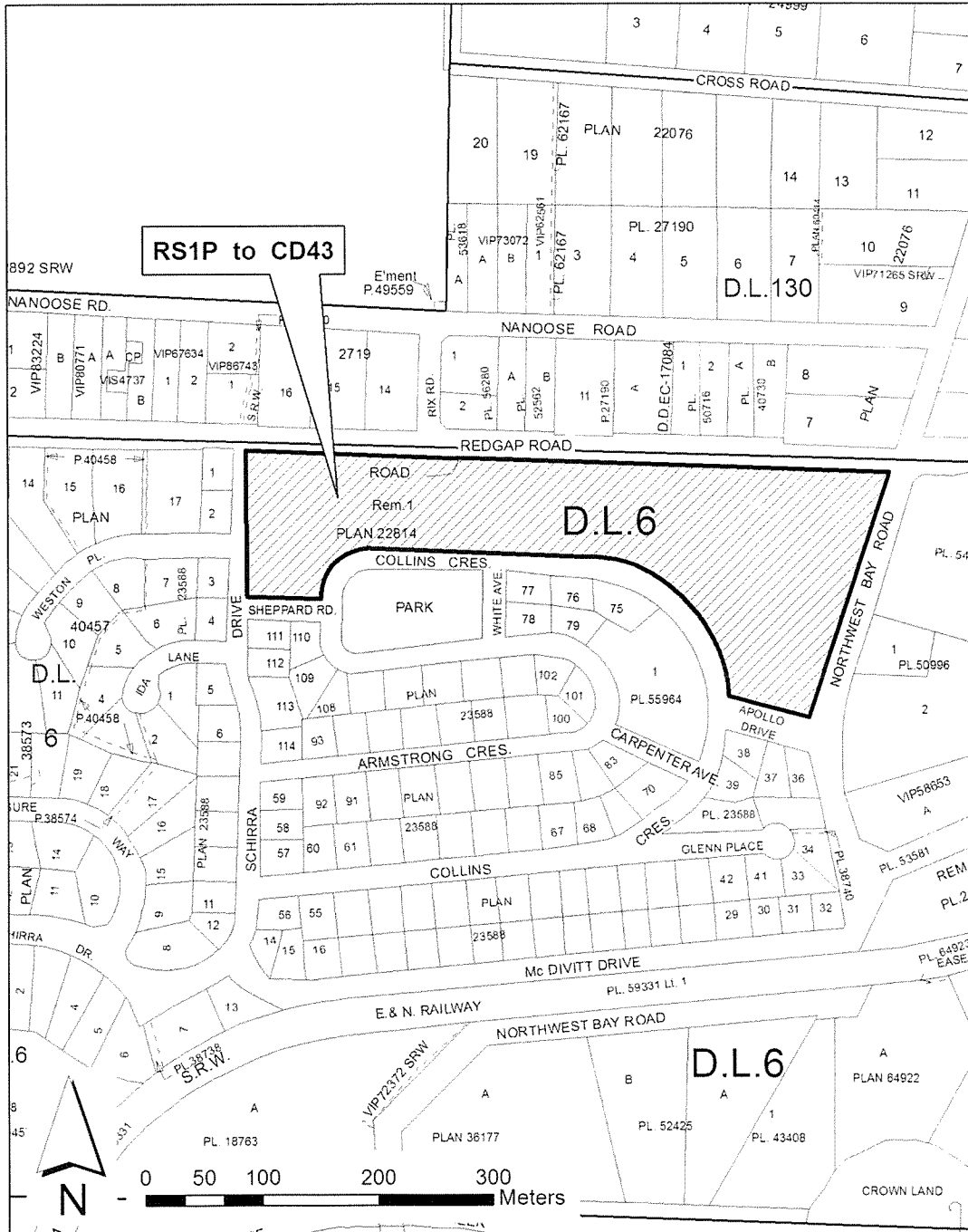
1. For the purpose of this zone, notwithstanding Schedule '3D', Residential Mobile Home Park Regulations and Standards, the number of required parking spaces is 1 space per mobile home plus 10 visitor spaces for the Mobile Home Park.
2. For the purposes of this zone *porch* is defined as a structure abutting a mobile home, having a roof but with walls that are open and unenclosed to the extent of at least 50% thereof and is constructed on piers or a foundation above grade.
3. For the purposes of this zone *deck* is defined as a structure abutting a mobile home with no roof or walls except for visual partitions and railings and is constructed on piers or a foundation above grade.

Schedule '2' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.368, 2010."

Chairperson

Sr. Mgr., Corporate Administration

Schedule '2' map





RDN REPORT		
CAO APPROVAL		
EAP	✓	Feb 8 11
COW		
RHD		
BOARD		

**MEMORANDUM**

**TO:** Dale Lindsay  
Manager, Current Planning

**DATE:** January 28, 2011

**FROM:** Susan Cormie  
Senior Planner

**FILE:** PL2009-054

**SUBJECT:** Zoning Amendment Application No. PL2009-054 – Barry Bazaire  
Lot 1, Salvation Army Lots, Nanoose District, Plan 32429 – 1724 Alberni Highway  
Electoral Area ‘F’

**PURPOSE**

To consider a Zoning Amendment Application to rezone a portion of the subject property from T-1 (Institutional/Community Facility 1) and R-3 (Village Residential 3) to C-3 (Commercial 3) in order to permit kayak manufacturing and sales.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received a Zoning Amendment Application from Barry Bezaire, on behalf of Yiyou Investments Ltd., to rezone a portion of the subject property in order to permit kayak manufacturing and retail sales.

The subject property (*see Attachment No. 1*), which is 1.7 ha in size, is split zoned T-1 (Institutional/Community Facility 1) (*2.0 ha minimum lot size*) and R-3 (Village Residential 3 (*1.0 ha minimum lot size*)) as per the “Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002”.

The subject property supports a vacant building which was formerly occupied as a private school. Surrounding land uses include the Alberni Highway to the north; mobile home zoned lots to the east; Whidley Road and mobile home zoned lots to the south; and a split commercially / mobile home zoned lot to the west.

***Proposed Development:***

The applicant is requesting a C-3 (Commercial 3) zone for the purposes of supporting a kayak manufacturing and retail sales business proposed to be located within the existing building and serviced by on-site well water, septic disposal, and storm water management systems (*see Attachment No. 2 for Proposed Development Site Plan*). The applicant has indicated that the manufacturing process does not produce any odour or noise. No additional buildings or other uses are proposed at this time. Access/egress to the subject property is proposed to be via the Alberni Highway.

It is noted that the subject property currently does not have any subdivision potential and the proposed zoning change will not amend this situation.



## ALTERNATIVES

1. To approve the amendment application to rezone a portion of the subject property from T-1 (Institutional/Community Facility 1) and R-3 (Village Residential 3) to C-3 (Commercial 3) for 1<sup>st</sup> and 2<sup>nd</sup> reading subject to the conditions outlined in Schedule No. 1.
2. To not approve the Zoning Amendment Application as submitted.

## OFFICIAL COMMUNITY PLAN IMPLICATIONS

Schedule '1' of the Electoral Area 'F' Official Community Plan No. 1152, 1999 (OCP) designates the subject property as "Commercial / Industrial Mixed Use" located within the Bellevue / Church Road Rural Separation Area. The relevant policies of the OCP support the proposal for a commercial/light industrial use in this location. Staff is of the opinion that the proposed development complies with the intent of the OCP.

## DEVELOPMENT IMPLICATIONS

### *Servicing*

With respect to potable water, the submitted Engineer's Report concludes that the existing well is sufficient for the proposed use. This development proposal requires source approval from the Vancouver Island Health Authority (VIHA). If the zoning amendment proceeds, staff recommends that the applicant be required to submit proof of source approval prior to consideration of adoption of the Amendment Bylaw (*see Schedule No. 1 – Conditions of Approval*).

With respect to on-site sewage disposal, the submitted Engineer's report concludes that the existing disposal system is in good working order and is more than adequate to handle the anticipated sanitary sewage flow.

With respect to storm water management of the site, the submitted Engineer's report concludes that the existing storm water system will be able to process the drainage volume required for the proposed use.

## PUBLIC CONSULTATION

### *Public Information Meeting*

In keeping with the Board's public consultation framework, a Public Information Meeting was held on January 27, 2011 at the Bradley Centre. Six people attended the information meeting and provided comments with respect to the proposal (*see Attachment No. 3 - 'Proceedings of the Public Information Meeting'*).

The main issue raised by the public was the concern that aquifer and adjacent and nearby wells may be affected if the rear of the subject property is developed. In response to the concerns raised, staff notes that as the rear portion of the subject property is not being considered for a commercial zone and subdivision of the subject property is not possible, the use of this portion of the lot is limited to a single dwelling unit which would have less impact on the aquifer and other wells in the area than a commercial use. It is noted that as part of the Conditions of Approval, the applicant is required to obtain source approval for the existing well. Staff also notes that the applicant could apply at the future date to rezone the rear portion of the subject property.

***Intergovernmental Implications***

The Ministry of Transportation and Infrastructure staff has indicated that they will recommend approval of this application subject to a number of conditions including a valid access permit being issued, all parking to be contained within the site, and all buildings to be outside the 4.5 metre setback area. In addition, a 15 metre paved level apron may be required as part of the development. These conditions will be secured through the Ministry's access permit process.

**SUSTAINABILITY IMPLICATIONS**

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

**SUMMARY**

The applicant is proposing to amend Bylaw No. 1285, 2002 in order to permit a kayak manufacturing and retail sales business. A Public Information Meeting was held on January 27, 2011 and the Summary of the Meeting is attached (*see Attachment No. 3*).

Given that the proposed zoning amendment is in concurrence with the current OCP, staff supports the amendment application, subject to the conditions set out in Schedule No. 1 and recommends that the associated zoning amendment bylaw receive 1<sup>st</sup> and 2<sup>nd</sup> reading and proceed to Public Hearing.

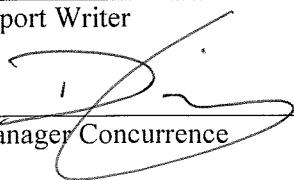
A copy of the proposed Amendment Bylaw is attached to this report (*see Attachment No. 4*).

**RECOMMENDATIONS**

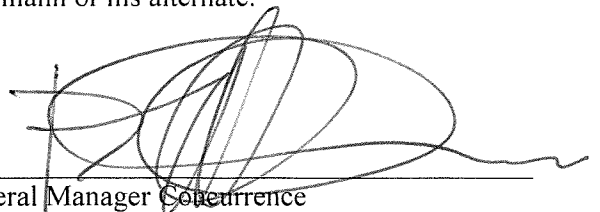
1. That the Summary of the Public Information Meeting held on January 27, 2011 be received.
2. That Application No. PL2009-054 to rezone a portion of the subject property from T-1 (Institutional/Community Facility 1) and R-3 (Village Residential 3) to C-3 (Commercial 3) be approved subject to the conditions included in Schedule No. 1.
3. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 1285.16, 2011" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.
4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 1285.16, 2011" be delegated to Director Biggemann or his alternate.



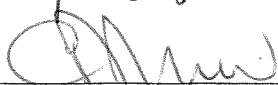
Report Writer



Manager Concurrence



General Manager Concurrence



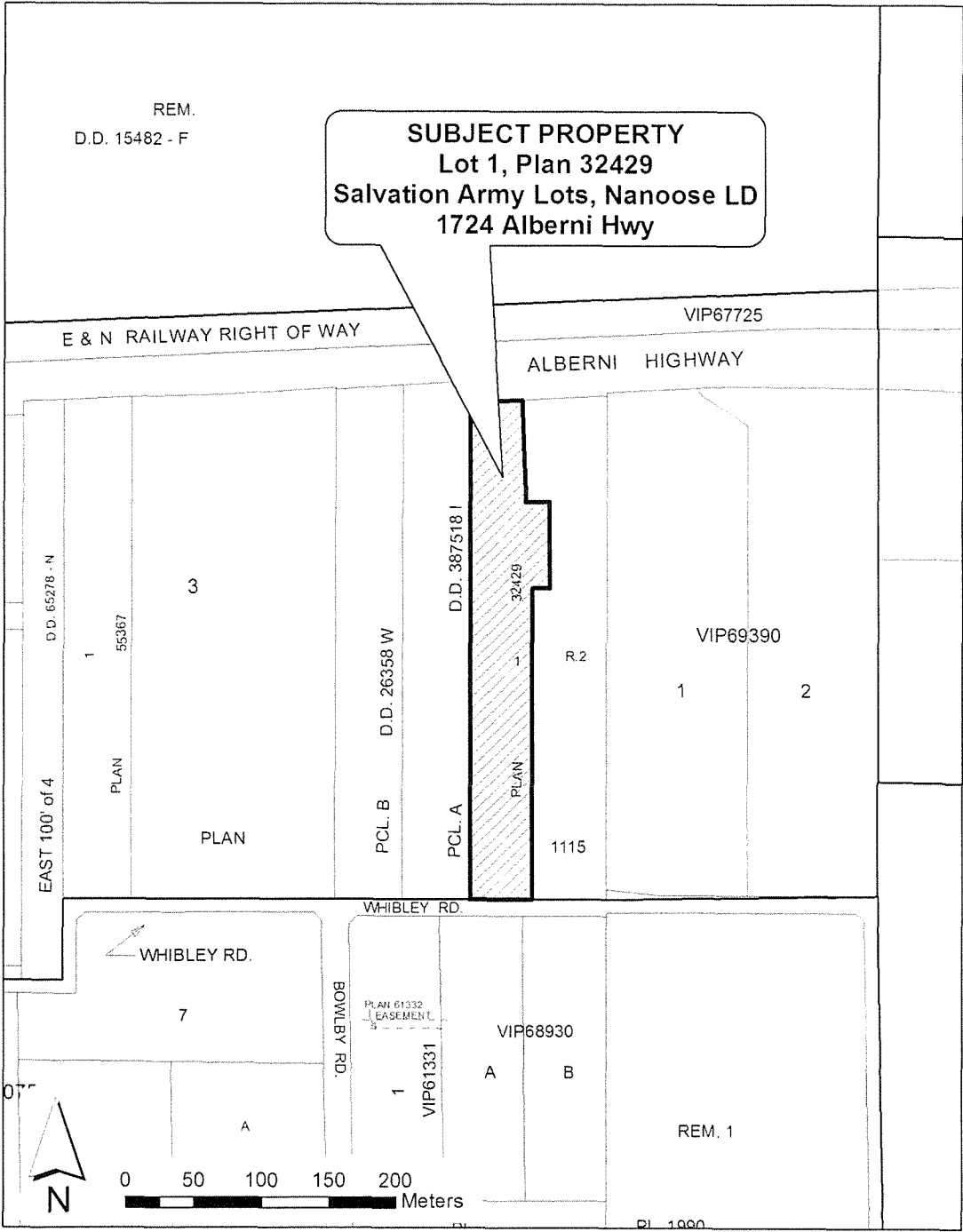
CAO Concurrence

**Schedule No. 1**  
**Conditions of Approval**  
**Zoning Amendment Application No. PL2009-054**

The applicant is to provide the following documentation prior to the Amendment Application being considered for 4<sup>th</sup> reading:

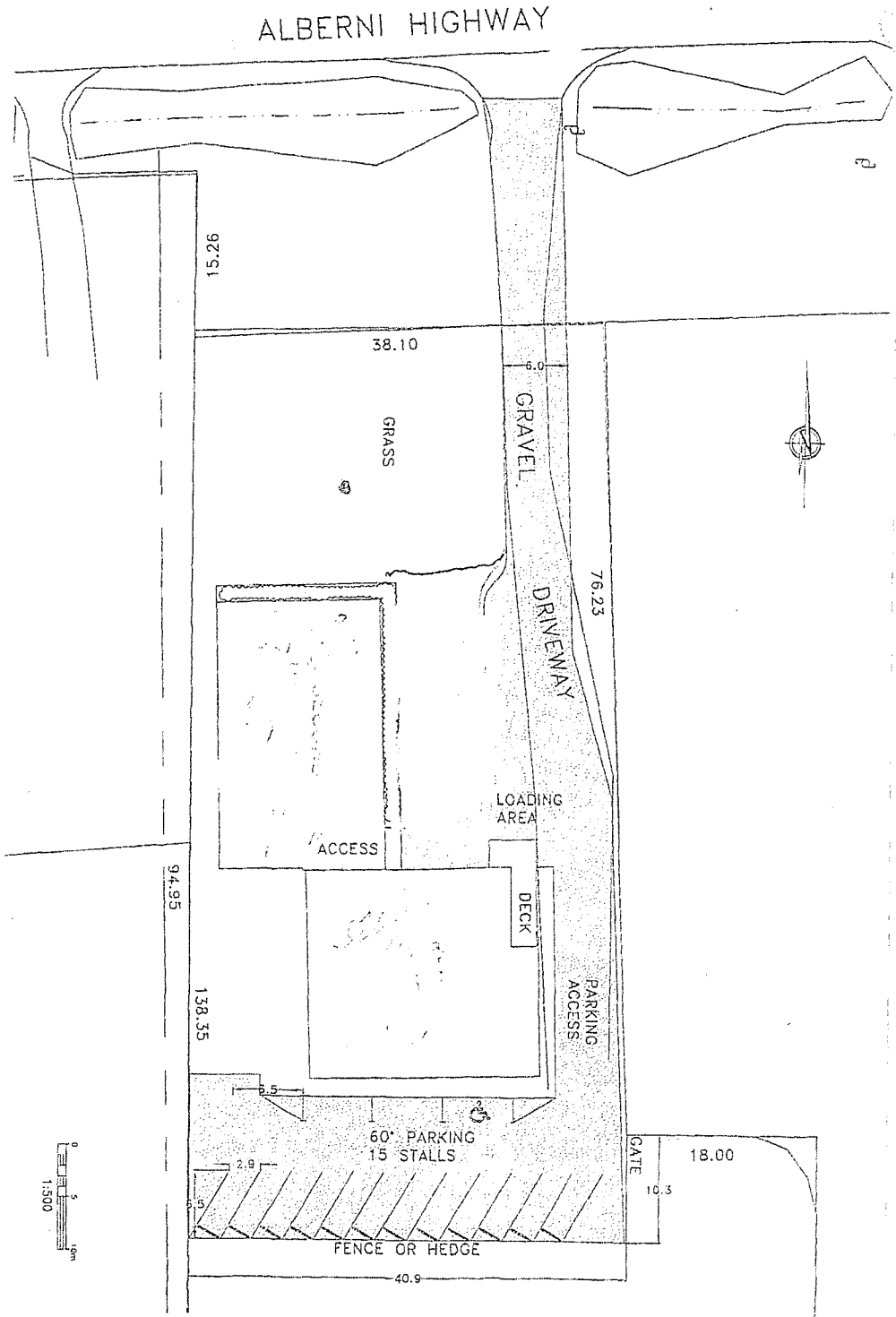
1. Applicant to submit written confirmation that potable water source approval from the Vancouver Island Health Authority (VIHA) has been granted for the development.

**Attachment No. 1**  
**Location of Subject Property**  
**Zoning Amendment Application No. PL2009-054**



**Attachment No. 2**  
**Zoning Amendment Application No. PL2009-054**  
**Proposed Development Site Plan**

**HIGHLAND**  
 Engineering and Surveying  
 1150-1152 Street West, Suite 100  
 Vancouver, BC V6P 4K1  
 Tel: 604-271-1111  
 Fax: 604-271-1112



**60' PARKING LOT LAYOUT**  
**OPTION**

**Attachment No. 3**  
**Summary of the Public Information Meeting**  
**To Be Held at Bradley Centre, 975 Shearme Road**  
**January 27, 2011 commencing at 6:30 pm**

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

There were 6 persons in attendance.

Present for the Regional District:  
Susan Cormie, Senior Planner

Present for the Applicant:  
Barry Bazaire, agent

The meeting was brought to order at 6:30 pm and the Senior Planner outlined the agenda for the evening's meeting; stated the purpose of the Public Information Meeting; and provided background information concerning the zoning amendment process.

The Senior Planner then invited the agent for the owner to give a presentation of the proposed zoning amendment.

Mr. Bazaire presented the proposed amendment application outlining that the proposal is for a kayak manufacturing and retail sales use. The agent explained the process does not involve any noise or odour as the product is molded and baked in a large oven. The agent outlined that traffic is minimal with two semi-trucks a year delivering plastic and boats are transported with their own boat trailers. The agent explained that there are no other uses proposed for balance of the lot.

Following the presentation, the Senior Planner invited questions and comments from the audience.

Gabriel Pires, 1714 Alberni Highway, stated that he had no problems with the proposed use, but was concerned about protection of the potable water. Mr. Pires stated that he has several wells located on his property adjacent to the common property line and he is serving 80 families with this water. Mr. Pires asked if water is used in the manufacturing process.

The applicant's agent replied that water is not used in the process.

Mr. Pires stated that he was concerned about the back half of the property being developed due to the proximity of his wells and the protection of the aquifer.

Norm Minard, 1730 Alberni Highway, asked if an access will be constructed on the back of lot.

The applicant's agent indicated that no access is planned at this time.

Terry Whidley, 1065 Shearme Road, asked if this is the old site of the private school.

The Senior Planner indicated that is correct.

Norman Joyce, 13 – 1733 Whidley Road, asked if kayaks were going to be stored on the site.

The applicant's agent indicated that some kayaks may be stored on the site, but not for a long period of time and that most storage would be inside the building.

Mr. Joyce asked if lighting will be added to the property.

The applicant's agent indicated that only the existing lighting on the building will be used. The applicant's agent noted that there are some lights that are not working at present and they will be brought into working order.

Kathy Minard, 1730 Alberni Highway, stated that she had no problem with the proposed commercial aspect but speaking from her tenants' point of view, some are concerned about usage along the property line. Ms. Minard further indicated that she would like to see the back portion of the property protected.

The applicant's agent stated that the back portion is of no use at this time and they are sensitive to the neighbours' concerns. The applicant's agent further stated that in the future, they may want a use such as mini-storage and are agreeable to covenant at this time.

Norm Minard asked what land uses are permitted in the C-3 zone.

The Senior Planner quoted the permitted uses of the C-3 zone at per the bylaw.

Mr. Pires stated that he also owns the properties at 1720 and 1730 Whidley Road and he has constructed oil/water separators to help protect the water source. Mr. Pires outlined the location of the aquifer noting that it includes a portion of the subject property. Mr. Pires also stated that some of his wells are artesian from this aquifer and concluded that he is concerned about the potable water in the area.

Kathy Minard asked what the RDN would do if the property was sold.

The Senior Planner stated that if there was a section 219 covenant registered on title, this covenant would run with the land and the next owner would be subject to any restrictions.

The applicant's agent stated that the only thing they would do would be storage, but they do not want their hands tied. The applicant's agent stated that it was the RDN who requested the zoning.

Kathy Minard asked if it is the RDN that wants the zoning.

The Senior Planner stated that she did not know the history of the conversation, but often the Regional District does not encourage split zoned parcels.

The applicant's agent stated that there would just be a warehouse or storage use of the property.

Terry Whidley asked would there be sawdust around from the production.

The applicant's agent explained that they use plastic and not wood in the manufacturing process.

Norman Joyce stated that there is no security fence along the west side and asked if the owner be removing the vegetation to build a fence. Mr. Joyce also asked if the owner will be building a fence across the back of the property.

The applicant's agent stated that the owner will build a fence across the middle of the property to the rear of the building only.

Mr., Pires referred to the fencing on the east side and some existing ditching that needs some upgrading. Mr. Pires stated that he will work with the applicant to improve the ditching.

The Senior Planner asked if there were any other questions or comments.

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

The Senior Planner asked a final time if there were any other questions or comments.

Being none, the Senior Planner thanked those in attendance and announced that the public information meeting was closed.

The meeting concluded at 7:05 pm.

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Susan Cormie  
Recording Secretary



**Attachment No. 4  
Proposed Amendment Bylaw No. 1285.16, 2011**

**REGIONAL DISTRICT OF NANAIMO  
BYLAW NO. 1285.16**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO  
ZONING AND SUBDIVISION BYLAW NO. 1285, 2002**

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

- A. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 1285.16, 2011.
- B. The "Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285.16, 2011", is hereby amended as follows:
  - 1. By rezoning the lands as shown in heavy outline on the attached Schedule No. '1' and legally described as

**Part of LOT 1, SALVATION ARMY LOTS, NANOOSE DISTRICT, PLAN 32429**

from T-1 (Institutional/Community Facility 1) and R-3 (Village Residential 3) to C-3 (Commercial 3).

Introduced and read two times this \_\_\_ day of \_\_\_\_\_ 2011

Public Hearing held this \_\_\_ day of \_\_\_\_\_ 2011

Read a third time this \_\_\_ day of \_\_\_\_\_ 2011

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this \_\_\_ day of \_\_\_\_\_ 2011

Adopted this \_\_\_ day of \_\_\_\_\_ 2011

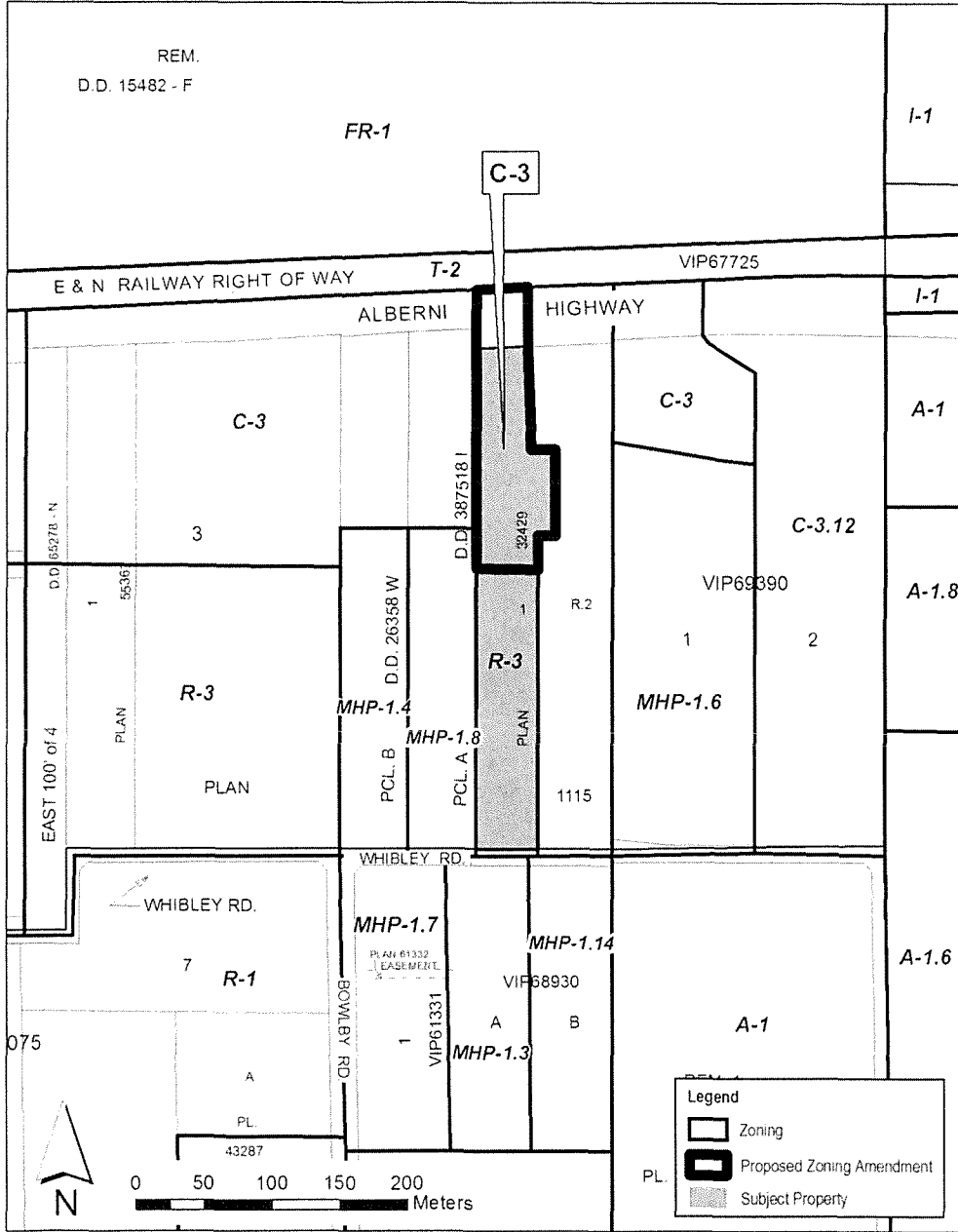
\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Sr. Mgr., Corporate Administration

Schedule No. '1' to accompany "Regional District  
 of Nanaimo Zoning and Subdivision Amendment  
 Bylaw No. 1285.16, 2011"

Chairperson

Sr. Mgr., Corporate Administration



BCGS MAPSHEET 92F 039 1 1



CAO APPROVAL	
EAP	✓ Feb 8 '11
COW	
RHD	
BOARD	

# MEMORANDUM

**TO:** Dale Lindsay  
Manager, Current Planning

**DATE:** January 27, 2011

**FROM:** Lainya Rowett  
Planner

**FILES:** PL2010-159, PL2010-160  
& PL2010-198

**SUBJECT:** Official Community Plan Amendment Application No. PL2010-160, Zoning Amendment Application No. PL2010-159 and Development Permit Application No. PL2010-198 - Fern Road Consulting Ltd.  
Lot A, DL 33, Newcastle District, Plan 3455 - 6120 Island Highway West  
Electoral Area 'H'

## PURPOSE

To consider the proposed applications concurrently for an Official Community Plan (OCP) Amendment, Zoning Amendment and Development Permit to permit the development of a thirty-site recreational vehicle park.

## BACKGROUND

The subject property is approximately 2.1 ha in area and is split-designated by the Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003. The western portion of the property designated as Rural Lands, and the eastern portion is designated as Village Centres (*see Attachment No. 1* for location of subject property and *Attachment No. 2* for OCP Land Use Designations). This property is also split-zoned Rural 1, Subdivision District 'D' (RU1D), and Commercial 5, Subdivision District 'B' (CM5B), in accordance with the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (*see Attachment No. 3* for existing zoning).

There is an existing pub (Crown and Anchor) located in the eastern portion of the property, fronting the Island Highway, and a cabin is located further west within the property. The parcel is bound by the Island Highway to the east, the E&N Railway to the west and undeveloped resource lands within the Agricultural Land Reserve to the north and south. The properties located across the Island Highway contain rural residential and commercial uses (e.g., restaurant and tourist accommodation).

### *Proposed Development*

The applicant proposes to re-designate the western portion of the property from Rural Lands to Resort Commercial Lands. Additionally, the following zoning amendments are proposed for portions of the subject property (*see Attachment No. 4 for proposed zoning amendments*):

- rezone a portion of the property from Rural 1, Subdivision District 'D' (RU1D) to Comprehensive Development (CD42);
- rezone a portion of the property from Rural 1, Subdivision District 'D' (RU1D) to Commercial 5, Subdivision District 'K' (CM5K);
- rezone a portion of the property from Commercial 5, Subdivision District 'B' (CM5B) to Comprehensive Development (CD42); and,

- rezone another part from Commercial 5, Subdivision District 'B' (CM5B) to Commercial 5, Subdivision District 'K' (CM5K).

Furthermore, the applicant proposes a development permit to regulate the form and character of the proposed recreational vehicle park within a development permit area.

## ALTERNATIVES

1. To approve the proposed Official Community Plan Amendment, Zoning Amendments and Development Permit application, to re-designate the property from Rural Lands to Resort Commercial Lands and to rezone portions of the subject property from Rural 1 (RU1D) and Commercial 5 (CM5B) to Commercial 5 (CM5K) and Comprehensive Development (CD42), for first and second reading.
2. To deny the Official Community Plan Amendment, Zoning Amendments and Development Permit application as submitted.

## LAND USE IMPLICATIONS

### *Official Community Plan*

The subject property is split-designated as "Village Centres" (east half) and "Rural Lands" (west half) in the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan No. 1335, 2003." The relevant policies of the OCP support a mix of land uses such as commercial and recreational in the Qualicum Bay Village Centre, and recognize the importance of growth in this centre as a tourist destination. The Official Community Plan (OCP) also supports the consideration of amendment applications, to the Resort Commercial use, based on individual merit, environmental considerations and the compliance of the proposal with OCP objectives and policies. The proposed recreational vehicle park would provide a recreational facility for the traveling public and local residents in a recognized tourist destination. Therefore, staff are of the opinion that the proposed development complies with the intent of the OCP.

The proposed OCP amendment is also consistent with the Regional District of Nanaimo Regional Growth Strategy (RGS), which encourages tourism opportunities in this community.

### *Zoning Implications*

The existing zoning boundary transects the subject property but does not mirror, and it does not follow the OCP land use designations boundary. In order to simplify the zoning boundary, the applicant proposes four zoning amendments (see *Attachment No. 6 for Proposed Amendment Bylaw No. 500.367, 2010*). Collectively, these amendments would separate the use of the proposed recreational vehicle park from the existing pub use, and establish a boundary along which the applicant proposes to subdivide in the future (see *Schedule No. 2 Existing and Proposed Development Concept Plan*). The proposed amendments to the Subdivision District also reflect the ultimate plan to subdivide the parent parcel into two lots.

The parent parcel is very long and narrow with road frontage limited to the Island Highway. The proposed CD42 Zone addresses these site constraints by limiting the permitted uses and adapting the setback requirements to accommodate the proposed campsites and internal access road. Unless otherwise noted in the proposed zone, the campground will meet the minimum requirements in accordance with Schedule '3C' "Campground Regulations and Standards" of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

As noted above, the applicant plans to subdivide this property into two parcels to separate the campground and pub uses. Because the parcel is long and narrow and has limited road frontage, the existing pub (built in 1921) blocks most of this frontage and results in a narrowed access to the campground behind the pub. The applicant proposes a shared access easement for the pub and campground via a panhandle access from the Island Highway. The width of this panhandle would require a frontage relaxation; however, the proposed subdivision and associated frontage relaxation variance will be considered under a separate development application in the future. The Ministry of Transportation and Infrastructure is supportive of this shared access arrangement, and staff recommends support in principle of the frontage relaxation. A formal resolution will be required upon consideration of a separate application.

### ***Development Permit Implications***

The subject property is located within the designated Development Permit Areas (DPA) for: Environmentally Sensitive Features – Watercourse Protection (15 metre); Fish Habitat Protection (30 metre); Village Centres; and, Hazard Lands. Together these DPAs regulate the form and character of development to protect the natural environment and ensure quality urban design and public safety.

To address the Environmentally Sensitive Features – Watercourse Protection (15m) and the Fish Habitat Protection (30 metres) DPAs, the applicant has provided a Riparian Areas Assessment prepared by Steve Toth and dated April 4, 2010. The report concluded there are two watercourses affecting the property within the Ridgewil/Nash Creek Watershed, one located in the northwest corner of the property and another located approximately across the middle of the parcel. The assessment determined that the Streamside Protection and Enhancement Area (SPEA) for both watercourses are 10 metres.

The proposed CD42 Zone would establish the minimum setbacks in accordance with this RAR assessment (i.e., a 10-metre watercourse setback), with the allowance for a zero-metre setback to an existing pedestrian foot bridge and internal road access that currently crosses one of the creeks. As a condition of development permit approval, the applicant will be required to provide a Section 219 Restrictive Covenant to ensure the recommendations of the RAR Assessment are noted on title.

To address the Village Centres DPA form and character guidelines the applicant has submitted a detailed Development Concept Plan and building elevations showing how the proposed RV Park will:

- complement the existing pub development on-site;
- incorporate natural materials in building design (e.g., cedar siding and wooden logs);
- ensure that outdoor refuse/recycling areas are adequately screened;
- be designed to protect riparian areas and encourage storm water management best practices;
- avoid the use of high intensity lighting, and provide a light at the road access for each campsite and by the washroom facility;
- mitigate fire hazards with the provision of fire containment rings and water standpipes in each camping space, and the retention of fire-resistant vegetation (Salal) throughout the site; and,
- retain a buffer along the property lines adjacent to ALR lands (see *Schedules No. 2 and No. 3*).

The proposed camping spaces will be used by RVs or tents, and will be oriented towards a single internal access road that will terminate in a cul-de-sac at the west end of the property. A washroom facility/ electrical building and a picnic shelter are also proposed (*see Schedule No. 3 for elevation details*), and an existing cabin will be retained near the campground entrance.

In terms of signage, the applicant proposes to modify an existing free-standing sign located near the site entrance off the Island Highway. The design will incorporate horizontal cedar boards and down-facing

low wattage lighting, using the existing sign base. Other directional signage will be provided within the campground and will incorporate cedar logs and native vegetation.

To address the Hazard Lands DPA, the applicant submitted a report prepared by Ground Control Geotechnical Engineering Ltd. and dated August 17, 2010, that concluded the property is safe for the intended use. It is noted that the DPA includes only the eastern portion of the property, and the proposed development is located outside of this area. All requirements of this DPA have been met.

### ***Public Consultation Implications***

A Public Information Meeting was held on November 4, 2010, at the Lighthouse Community Centre. Notification of the meeting was advertised in the Parkville/Qualicum newspaper and on the RDN website, along with a direct mail-out to all property owners within 200 metres of the subject property. No persons from the public attended this meeting. The proceedings of this meeting are summarized in *Attachment No. 5 - Summary of the Public Information Meeting*. If the proposed applications receive first and second reading, the proposal will then proceed to Public Hearing.

### ***Sustainability Implications***

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. The following sustainability implications were identified through the review of this application:

- minimal hard surfaces are proposed to maximize rainwater infiltration and groundwater recharge (e.g., blue chip gravel to surface the proposed internal road);
- native vegetation and green space will be retained throughout the development;
- mature vegetation will be retained to buffer adjacent ALR lands;
- invasive species will be removed, and native and drought tolerant plants will be planted;
- natural materials will be recovered on site from clearing (e.g., bark chips to cover pathways);
- the proposed washroom facilities will be handicap accessible and equipped with low flow toilets;
- the proposed use will provide sought after tourist accommodation within the village centre;
- the existing pub and nearby businesses will benefit from increased opportunities for patronage;
- local workforce will be employed to develop the campground and sewer and water systems; and,
- efforts to mitigate fire hazards will include individual fire containment rings and water standpipes, and the retention of fire-resistant vegetation (Salal).

### **SUMMARY**

The applicant is proposing to amend Bylaws No. 1335, 2003 and 500, 1987, in conjunction with a development permit, in order to re-designate and rezone the subject property to permit the development of a thirty-site recreational vehicle park and related amenity buildings and structures. A Public Information Meeting was held on November 4, 2010, and the summary of the meeting is attached (see *Attachment No. 5*).

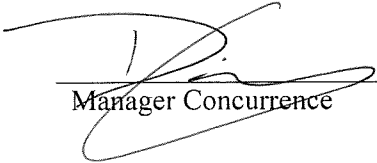
Given that the proposed OCP Amendment, Zoning Amendments and Development Permit comply with the current OCP, staff support these applications, subject to the conditions set out in *Schedule No. 1*, and recommend that the associated OCP amendment and zoning amendment bylaws receive first and second reading and proceed to public hearing. The proposed development permit will be brought back to the RDN Board of Directors upon consideration of final adoption of the associated amendment bylaws.

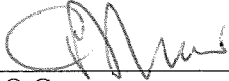
**RECOMMENDATIONS**

1. That the Summary of the Public Information Meeting held on November 4, 2010, be received.
2. That Application No. PL2010-160 to re-designate the westerly portion of the subject property from Rural Lands to Resort Commercial Lands be approved.
3. That Application No. PL2010-159 to rezone portions of the subject property from Rural 1 (RU1D) and Commercial 5 (CM5B) to Commercial 5 (CM5K) and Comprehensive Development (CD42) be approved.
4. That Application No. PL2010-198 for a Development permit in relation to the proposed rezoning for the subject property be approved subject to the conditions included in *Schedule No. 1*.
5. That "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Amendment Bylaw No. 1335.05, 2010", be introduced and read two times.
6. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.367, 2010", be introduced and read two times.
7. That the Public Hearing on "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Amendment Bylaw No. 1335.05, 2010", and "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.367, 2010", be delegated to Director Bartram or his alternate.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

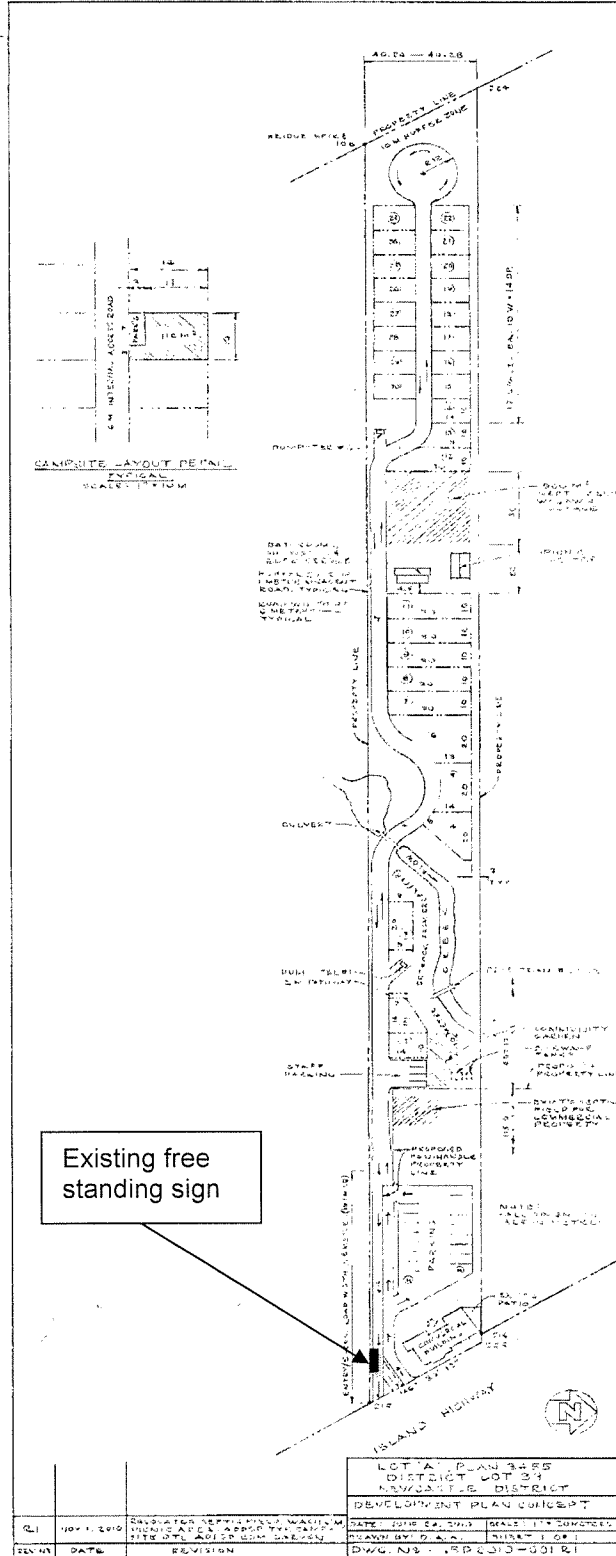
**Schedule No. 1**  
**Conditions of Approval**  
**Development Permit Application No. PL2010-198**

**Proposed Construction:**

1. The proposed development shall be sited in accordance with the Development Concept Plan prepared by Dennis A. Ahola and dated June 29, 2010, and revised December 2010, attached in *Schedule No. 2*.
2. The proposed development shall be constructed in accordance with the building elevations prepared by Dennis A. Ahola and dated October 2010, and attached in *Schedule No. 3*.
3. The proposed development shall be constructed in accordance with the recommendations noted in the RAR Assessment prepared by Steve Toth and dated April 4, 2010.
4. The proposed signage shall be located within the subject property in accordance with the Development Concept Plan prepared by Dennis A. Ahola and dated June 29, 2010, and revised December 2010, attached in *Schedule No. 2*. Furthermore, no new signage shall be installed prior to a subdivision approval and plan registration for the subject property.



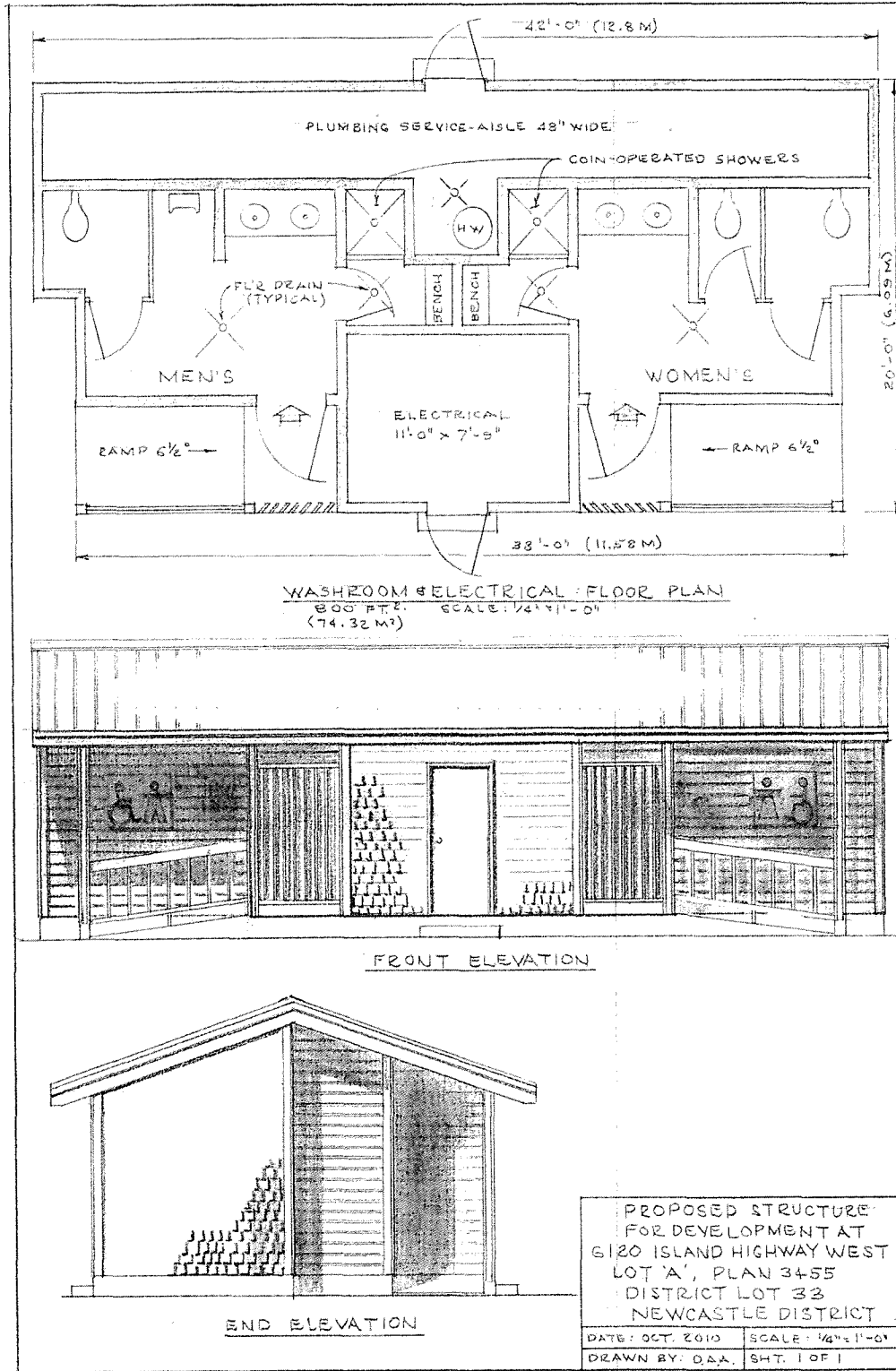
Schedule 2  
 Proposed Development Permit No. PL2010-198  
 Existing and Proposed Development Concept Plan



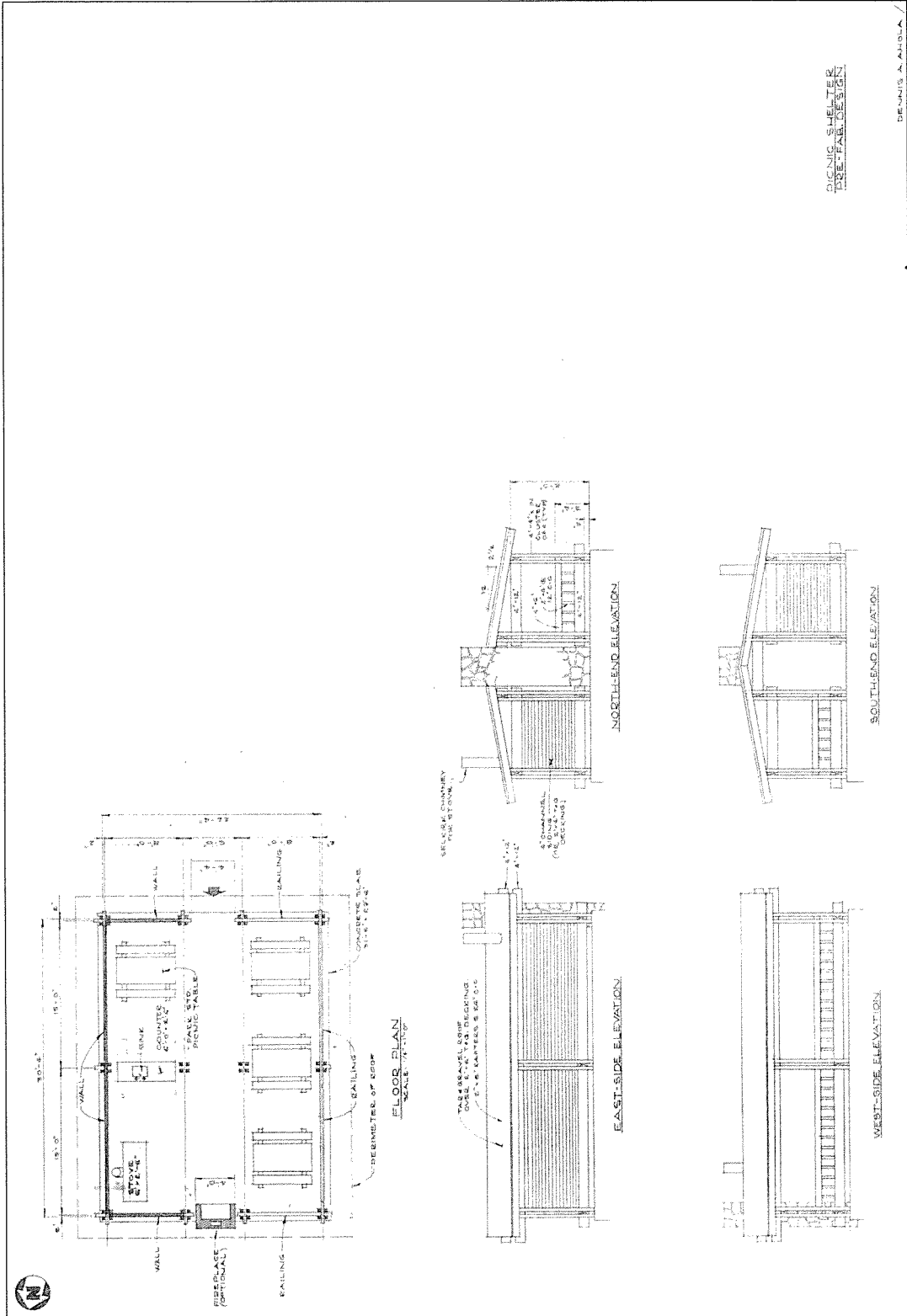
Existing free standing sign

LOT A PLAN SHEET		DATE: 2010.04.03	SCALE: 1" = 20'
DISTRICT: 34		DATE: 2010.04.03	SCALE: 1" = 20'
DEVELOPMENT DISTRICT		DATE: 2010.04.03	SCALE: 1" = 20'
DEVELOPMENT PLAN CONCEPT		DATE: 2010.04.03	SCALE: 1" = 20'
REV#	DATE	REVISION	DWG. NO. - SP2010-001 R1

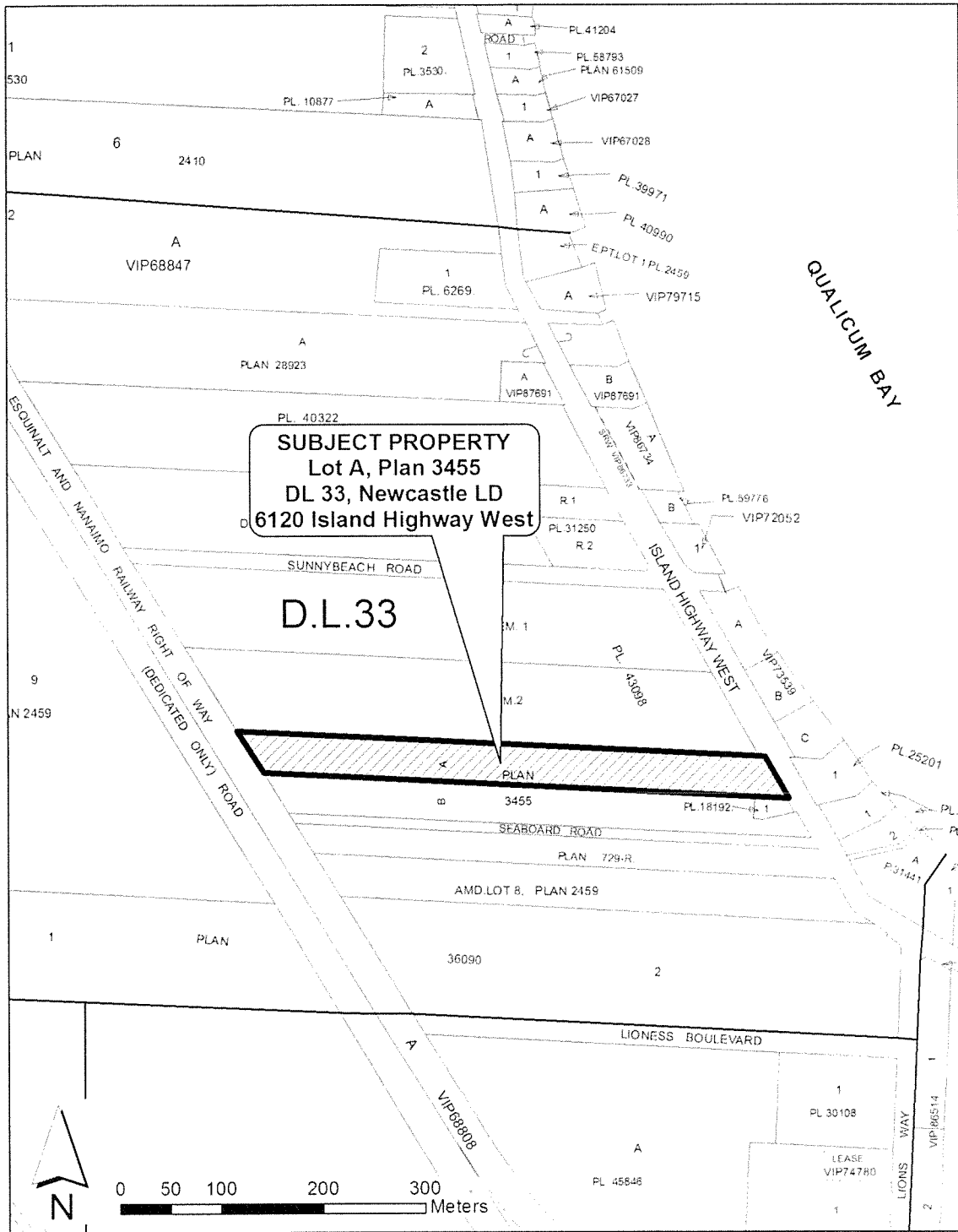
**Schedule 3**  
**Proposed Building Elevations**  
**Washroom Facility/Electrical Building (1 of 2)**



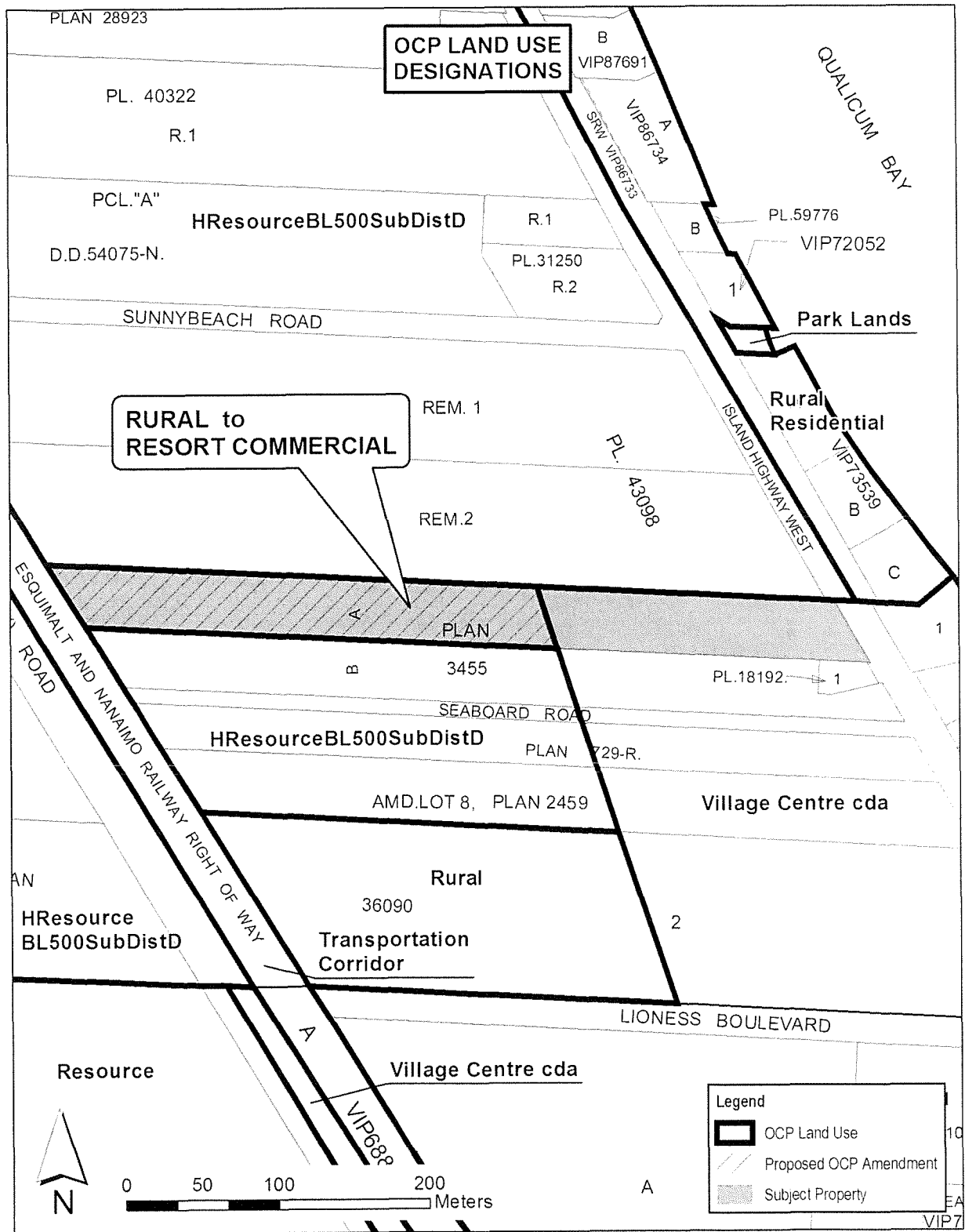
### Schedule 3 Proposed Building Elevations Picnic Shelter (2 of 2)



**Attachment No. 1**  
**Location of Subject Property**

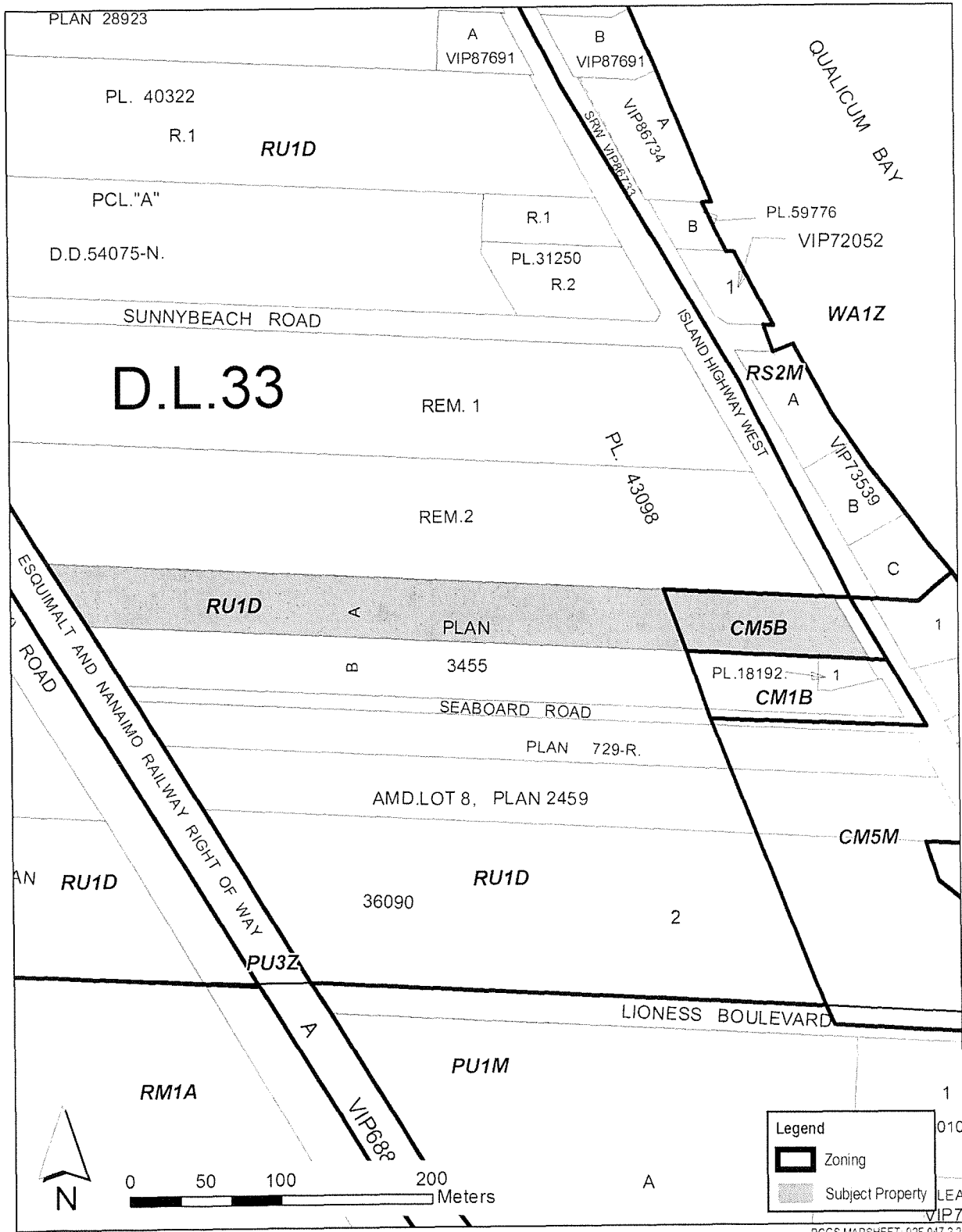


**Attachment No. 2**  
**OCP Land Use Designations**



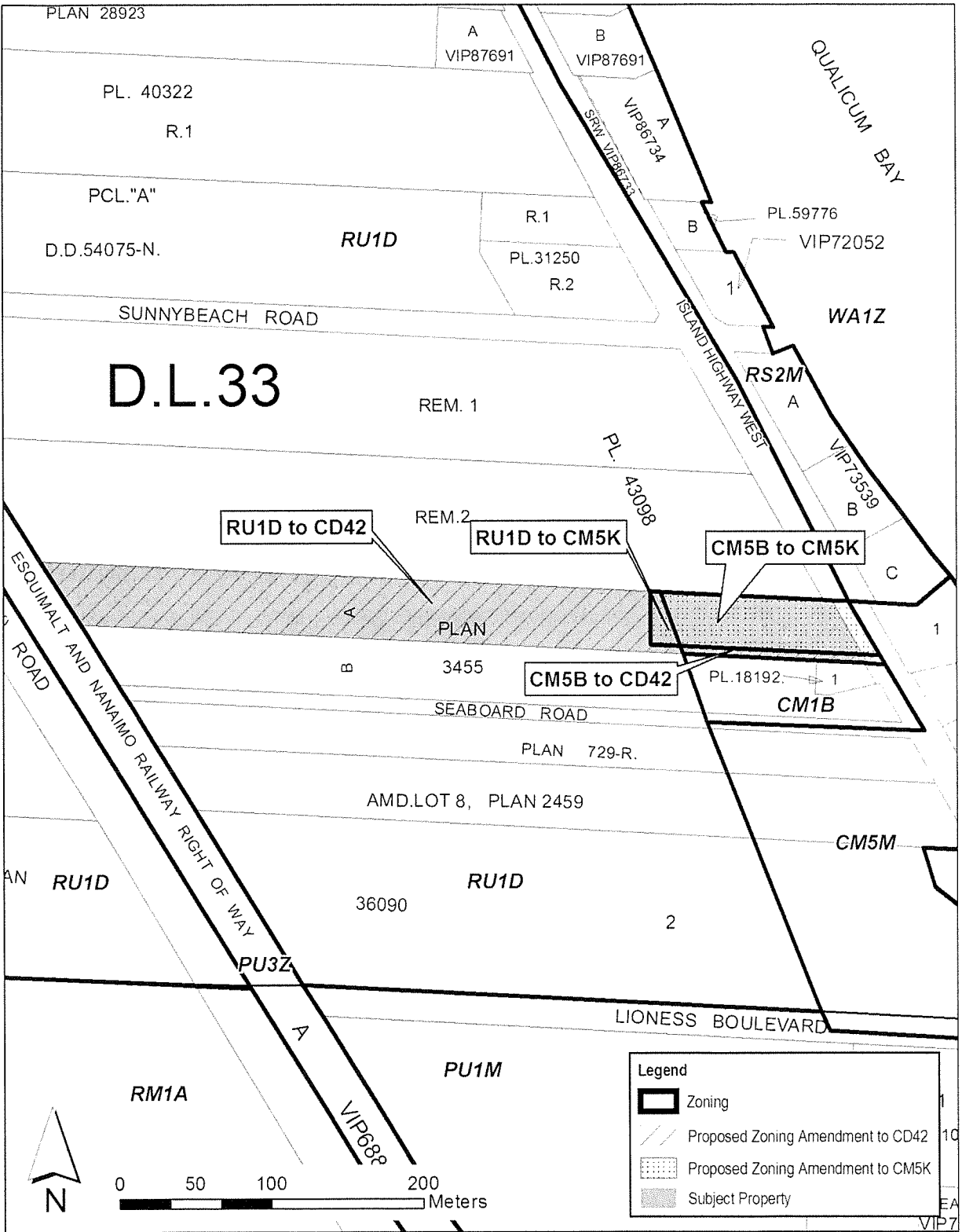
BCGS MAPSHEET 92F 047 2.2

**Attachment No. 3  
 Existing Zoning**



BCGS MAPSHEET: 92F 047 2.2

**Attachment No. 4  
 Proposed Rezoning of Subject Property**



BCGS MAPSHEET 92F 047.2.2

**Attachment No. 5**  
**Summary of the Public Information Meeting**  
**Held at the Lighthouse Community Centre, 240 Lions Way, Qualicum Beach**  
**November 4, 2010 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.*

No members of the public attended this meeting.

**Present for the Regional District of Nanaimo:**

Director Dave Bartram, Electoral Area 'H' (the Chair)  
Lainya Rowett, Planner

**Present for the Applicant:**

Helen MacPhail Sims, Fern Road Consulting Ltd. and Sims Associates Land Surveying  
Mike Marks, Property Owner

The Chair opened the meeting at 6:35 pm, outlined the evening's agenda, and introduced the RDN staff in attendance. The Chair then stated the purpose of the public information meeting and requested the Planner, Lainya Rowett, provide background information concerning the development applications. Lainya Rowett gave a brief outline of the OCP/Zoning Amendment and Development Permit applications and background, applicable regulations, and supporting documents provided by the applicant.

The Chair invited the applicant to give a presentation of the development applications concerning the proposed Recreational Vehicle Park.

Helen Sims, Fern Road Consulting presented an overview of the proposal:

- Provided a brief description of the existing and proposed OCP/zoning boundaries, and the proposed site servicing. There was some discussion about how these boundaries do not align.
- Confirmed the existing Crown and Anchor pub (built in 1921) would be retained.
- Explained the intent for a future subdivision along the proposed zoning boundary, and a pending request for a frontage relaxation.
- Discussed the recommendations of an RAR assessment, including a reduced watercourse setback (10 metres) to align with the SPEA, and support for the retention of an existing trail and pedestrian bridge located within the SPEA. It was noted that an existing culvert within the creek and SPEA is to remain, possibly be enlarged in the future.
- Described a variance request to increase the maximum permitted distance between the washroom facilities and some of the proposed camping spaces.
- Described measures to mitigate fire hazards.
- Expressed the owner's need to expedite the application timeline.

Mike Marks inquired about the need to rezone to a Comprehensive Development (CD) Zone instead of Commercial 5 (CM5) Zone, as initially proposed.



Helen Sims explained that a CD Zone allows more flexibility for the proposed use and variances requested.

Lainya Rowett also noted that a CD Zone would limit the use(s) of the property to what is proposed and suitable for the subject property. Other uses in the CM5 Zone (e.g. hotel, marina, resort condominium, public assembly, recreation facility, etc.) are not suitable or feasible on this property.

Further discussion followed concerning the need for rezoning to a CD Zone not a CM5 Zone.

Helen Sims illustrated the proposed variances:

- to increase the maximum distance between the washroom facilities and camping spaces;
- to reduce the setback from the internal road to the south property line;
- to reduce the watercourse setback from 15m to 10m for new development, and from 15m to 0m to recognize an existing pedestrian bridge.

The Chair asked staff (Lainya Rowett) to confirm if this application could be expedited to a Special EAPC meeting following the inaugural board meeting.

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 7:20 pm.

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Lainya Rowett  
Recording Secretary

**Attachment No. 6  
Proposed Amendment Bylaw No. 500.367, 2010**

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 500.367**

**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. 500.367, 2010”.
- 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:

Crown and Anchor Campground  
Comprehensive Development Zone (CD42)

2. By adding Section 3.4.142 (CD42)  
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 parts of Lot A, District Lot 33, Newcastle District, Plan 3455
- from Rural 1 (RU1) Zone, Subdivision District ‘D’ to Comprehensive Development (CD42) Zone; and,
- from Rural 1 (RU1) Zone, Subdivision District ‘D’ to Commercial 5 (CM5) Zone, Subdivision District ‘K’; and,
- from Commercial 5 (CM5) Zone, Subdivision District ‘B’ to Comprehensive Development (CD42) Zone; and,
- from Commercial 5 (CM5) Zone, Subdivision District ‘B’ to Commercial 5 (CM5) Zone, Subdivision District ‘K’.

Introduced and read two times this \_\_\_\_ day of \_\_\_\_\_ 2011.

Public Hearing held this \_\_\_ day of \_\_\_\_\_ 2011.

Read a third time this \_\_\_ day of \_\_\_\_\_ 2011.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this \_\_\_ day of \_\_\_\_\_ 201\_\_.

Adopted this \_\_\_ day of \_\_\_\_\_ 201\_\_.

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Chairperson

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Sr. Mgr., Corporate Administration

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Chairperson

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Sr. Mgr., Corporate Administration

Section 3.4.142

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**CROWN AND ANCHOR CAMPGROUND  
COMPREHENSIVE DEVELOPMENT ZONE (42)**

---

**CD42**

**Section 3.4.142.1 Permitted Principal Uses**

- a) *Recreational Vehicle Park*

**3.4.142.2 Permitted Accessory Uses**

- a) *Accessory Buildings and Structures*  
b) *Accessory Office and Retail Store*  
c) *Accessory Dwelling Unit*

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**3.4.142.3 Maximum Number and Size of Buildings and Structures**

Dwelling units/parcel	One maximum floor area 35 m <sup>2</sup> )
Accessory Office and Retail Store	A maximum combined gross floor area of 100 m <sup>2</sup>
Height	8.0 m
Parcel coverage	40%

---

**3.4.142.4 Minimum Setback Requirements**

For all buildings and structures unless otherwise set out in subsection 3.4.142.5:

All lot lines 3.0 m

Except where:

- a) An internal access road is located within the property then the minimum setback from the lot line may be reduced to 1.0 metre;
- b) Any part of a parcel is adjacent to or contains a watercourse then the minimum setback shall be 10 metres for buildings and structures, and 0 metres for an existing pedestrian bridge and internal road crossing; and,
- c) The adjoining parcel is zoned industrial or commercial then the setback from the common interior side lot line may be reduced to zero.

---

**3.4.142.5 Other Regulations**

- a) Notwithstanding Schedule '3C', 'Campground Regulations and Standards' of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", washroom facilities shall be located a maximum of 200m from any camping space and a minimum of 4.5 metres from any camping space.
- b) The recreational vehicle park shall be developed in accordance with Schedule '3C', 'Campground Regulations and Standards' of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", except as varied in this amendment bylaw.

**3.4.142.6 Parking Requirements**

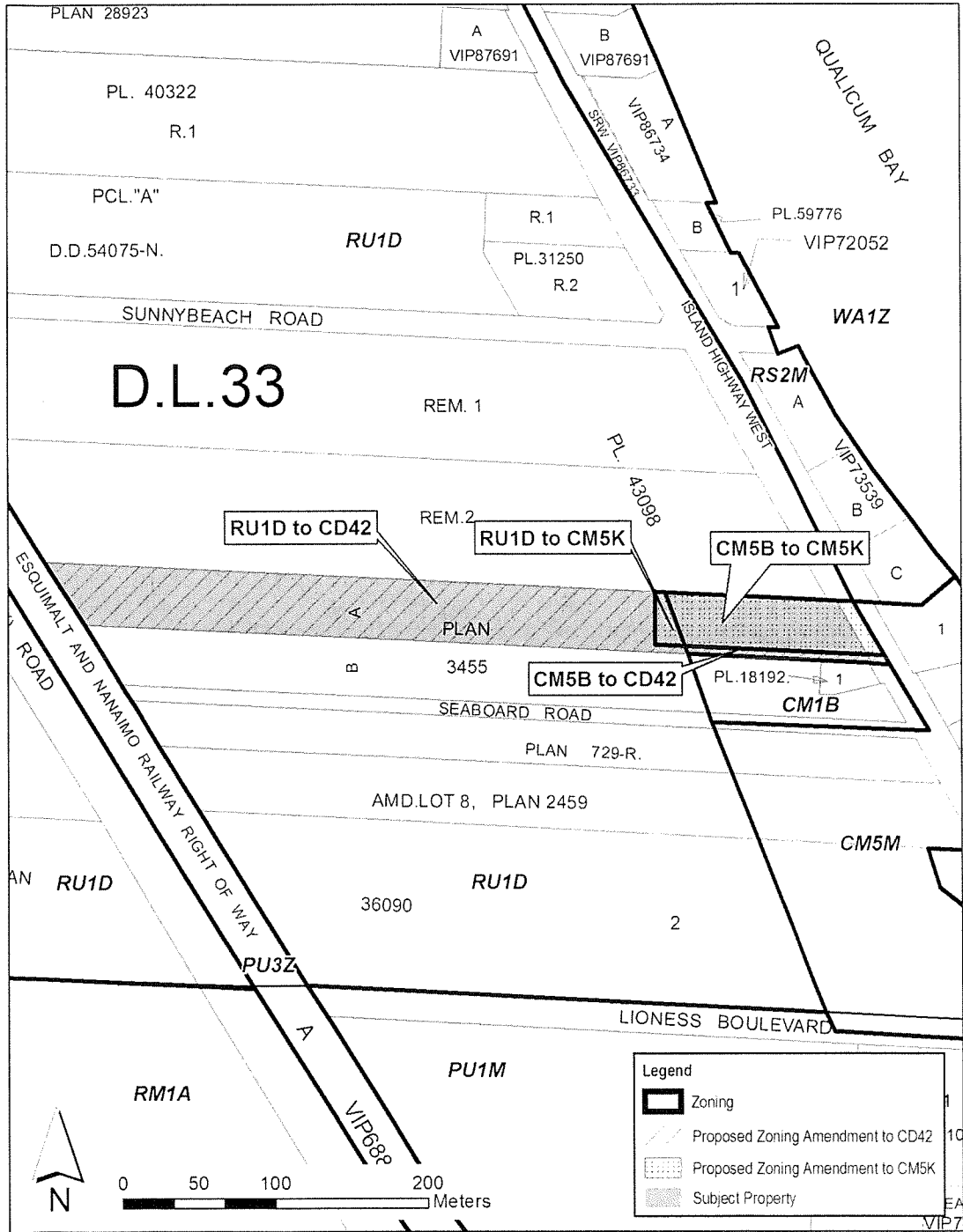
- a) Parking shall be provided in accordance with Schedule '3C', 'Campground Regulations and Standards' of Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.
-

Schedule '2' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.367, 2010."

Chairperson

Sr. Mgr., Corporate Administration

Schedule '2' Map



BCGS MAPSHEET 92F 047 2.2

**Attachment No. 7  
Proposed Amendment Bylaw No. 1335.05, 2010**

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1335.05**

**A BYLAW TO AMEND “REGIONAL DISTRICT OF NANAIMO ELECTORAL AREA ‘H’  
OFFICIAL COMMUNITY PLAN BYLAW NO. 1335, 2003”**

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

- A. This Bylaw may be cited as “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Amendment Bylaw No. 1335.05”.
- B. Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335.05”: is hereby amended as set out in Schedule ‘A’ to this Bylaw.

Introduced and read two times this \_\_\_ day of \_\_\_\_\_ 2011.

Public Hearing held this \_\_\_ day of \_\_\_\_\_ 2011.

Read a third time this \_\_\_ day of \_\_\_\_\_ 2011.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this \_\_\_ day of \_\_\_\_\_ 2011.

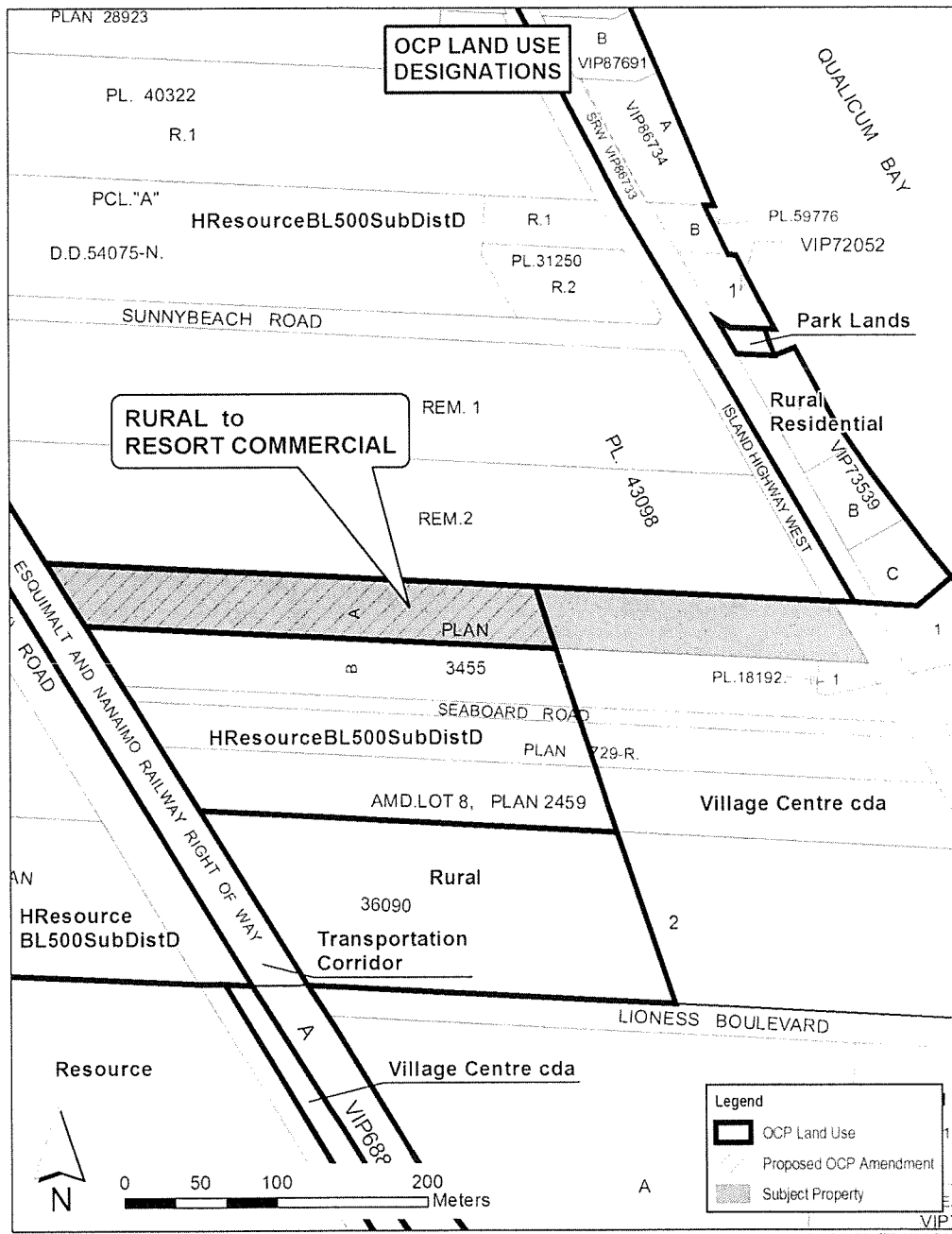
Adopted this \_\_\_ day of \_\_\_\_\_ 2011.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Sr. Mgr., Corporate Administration

**BYLAW No. 1335.05, 2010**  
**Schedule 'A'**

1. "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" is hereby amended as follows:
  - a) On "Map No. 5 Land Use Designations," by re-designating the lands legally described as part of Lot A, District Lot 33, Newcastle District, Plan 3455 from "Rural Lands" to "Resort Commercial Lands" as illustrated in the map below and contained in this Schedule.





RDN REPORT	
CAO APPROVAL	
EAP	✓ Feb 8 '11
COW	
RHD	
BOARD	

**MEMORANDUM**

**TO:** Dale Lindsay  
Manager of Current Planning

**DATE:** January 26, 2010

**FROM:** Kristy Marks  
Planner

**FILE:** PL2011-003

**SUBJECT:** **Development Permit and Site Specific Exemption Application No. PL2011-003  
Fern Road Consulting Ltd.  
Lot 1, District Lot 181, Nanoose District, Plan VIP71847 - Mariner Way  
Electoral Area 'G'**

**PURPOSE**

To consider an application for a Development Permit and a Site Specific Exemption to “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006” to allow the construction of a dwelling unit on the subject property.

**BACKGROUND**

The Regional District of Nanaimo has received an application from Fern Road Consulting Ltd. on behalf of Steven and Joan Bentley to permit the construction of a dwelling unit. The subject property is 0.169 ha in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is bound by developed residential parcels to the northwest and southeast, Mariner Way to the southwest, and the Strait of Georgia to the northeast. The property is currently vacant aside from a rock retaining wall which is to be removed as part of this application.

The proposed development is subject to the Environmentally Sensitive Features for Coastal Protection and Hazards Lands Development Permit Areas as per "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008".

The Board will recall that the applicants made a previous application (PL2010-109) for a Development Permit with Variances to permit the construction of a dwelling unit with variances to the height and setback from the interior side lot line. This application was denied on October 26, 2010. The applicants have revised their plans and are not requesting any variances as part of this new application.

***Proposed Development and Site Specific Exemption Application***

The applicant is requesting approval to construct a dwelling unit on the subject property. In addition, the applicant is requesting a Site Specific Exemption from the minimum setback of 15.0 metres from the natural boundary of the sea as per the “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006” (Floodplain Management Bylaw).



Site Specific Exemption Applications allow property owners to obtain exemptions from floodplain setbacks or flood level elevation requirements. This type of application was previously approved by the Ministry of Environment until 2003, in 2004 this authority was granted to local governments. As Section 922 of the *Local Government Act* does not permit variances to a floodplain, the applicants must instead apply for a Site Specific Exemption.

## **ALTERNATIVES**

1. To approve the Development Permit and Site Specific Exemption Application No. PL2011-003 subject to the conditions outlined in *Schedules No. 1 - 3*.
2. To deny the Development Permit and Site Specific Exemption Application No. PL2011-003.

## **DEVELOPMENT IMPLICATIONS**

The applicant is proposing to construct a dwelling unit on the subject property. The location of the proposed dwelling unit is shown on *Schedule No. 2* and building elevations are shown on *Schedule No. 3*.

The applicant has provided a report prepared by Toth and Associates Environmental Services dated October 1, 2010, which includes a re-vegetation / vegetation enhancement plan for the area between the natural boundary and the dwelling. This plan includes a variety of native trees, shrubs and groundcover as well as recommendations for temporary silt fencing to be placed along the toe of the slope to prevent runoff from entering the marine environment once the retaining wall is removed. Development of the property in accordance with the recommendations contained in this report is included in the Conditions of Approval set out in *Schedule No. 1*.

With respect to the Hazard Lands Development Permit Area guidelines and Site Specific Exemption requirements, the applicant has submitted a Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated August 16, 2010, in accordance with the requirements of the Floodplain Management Bylaw and DPA guidelines. This report concludes that “the proposed development is considered ‘safe’ for the intended use, provided the recommendations in [the] report are followed”. As per the Site Specific Exemption Application and DPA requirements, staff recommends that the applicant be required to register a Section 219 covenant that registers the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of potential hazards.

### ***Sustainability Implications***

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. This proposal represents the development of an existing residential parcel. The applicant is proposing to install two underground cisterns to recycle rainwater for irrigation purposes and has provided a coastal re-vegetation plan which includes a variety of native species.

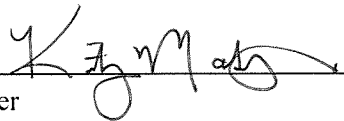
**SUMMARY**

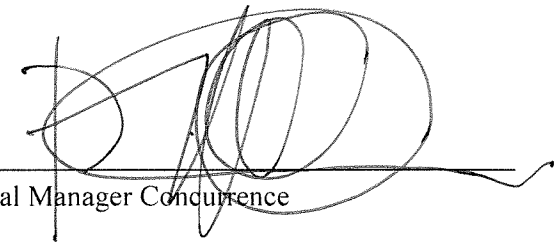
This is an application for a Development Permit and a Site Specific Exemption from the Floodplain Bylaw to allow the construction of a dwelling unit on the subject property.

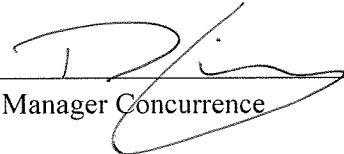
The applicant has submitted a site plan, building elevations, biologist's report and Geotechnical Hazards Assessment prepared by a Geotechnical Engineer in support of the application. In staff's assessment, this proposal is consistent with the guidelines of the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" Environmentally Sensitive Features and Hazard Lands Development Permit Areas and the Specific Exemption Application requirements of the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006".

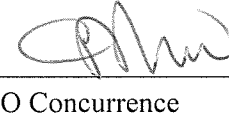
**RECOMMENDATION**

That Development Permit and Site Specific Exemption Application No. PL2011-003 to permit the construction of a dwelling unit be approved subject to the conditions outlined in *Schedules No. 1- 3*.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
Manager Concurrence

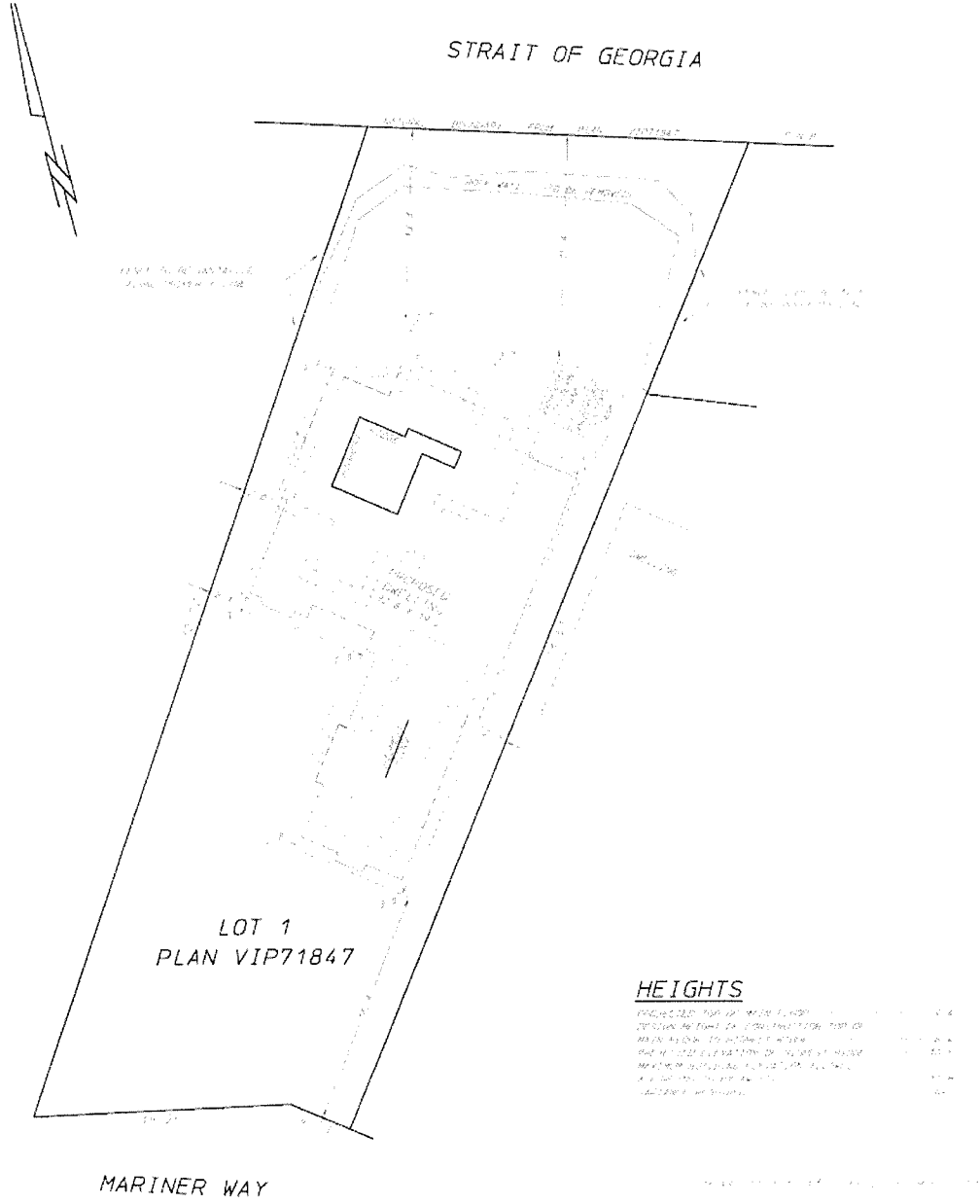
  
\_\_\_\_\_  
CAO Concurrence

**Schedule No. 1**  
**Conditions of Development Permit and Site Specific**  
**Exemption Application No. PL2011-003**

***Conditions of Approval:***

1. The dwelling unit shall be sited in general accordance with the site plan prepared by Sims Associates dated December 17, 2010, attached as *Schedule No. 2*.
2. The dwelling unit shall be constructed in general accordance with the elevation drawings prepared by Sirius Design & Drafting, attached as *Schedule No. 3*.
3. The subject property shall be developed in accordance with the recommendations established in the Environmental Review report prepared by Toth and Associates Environmental Services dated October 1, 2010.
4. The dwelling unit shall be constructed in accordance with the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated August 16, 2010.
5. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 covenant that registers the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated August 16, 2010, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.

**Schedule No. 2  
 Site Plan  
 (Page 1 of 2)**

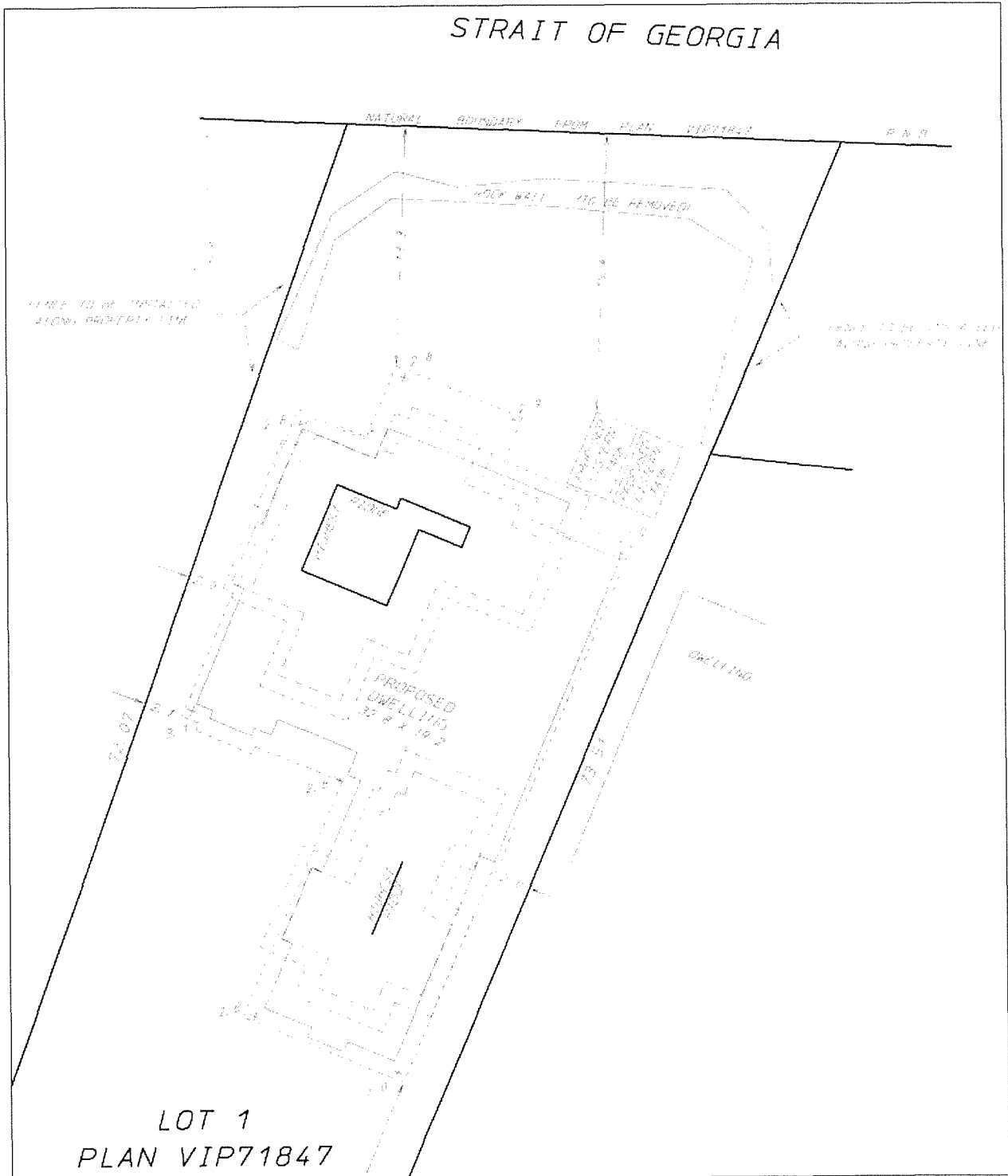


**HEIGHTS**  
 HEIGHTS SHALL BE LIMITED TO 12 METERS (39.4 FEET) AT ALL TIMES UNLESS OTHERWISE SPECIFIED IN THE PERMIT.  
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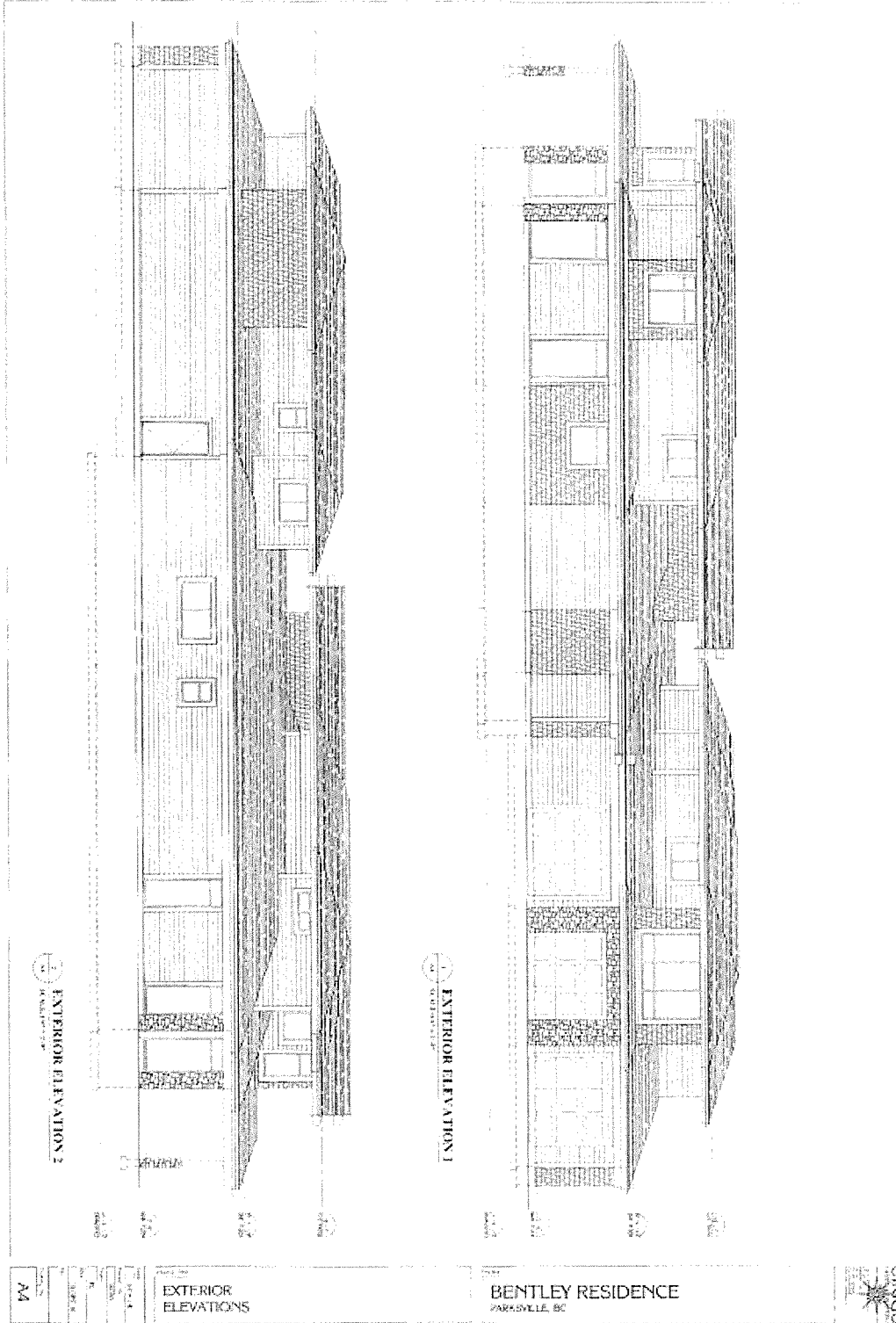
LEGEND

SIMS ASSOCIATES  
 4801 ...

**Schedule No. 2**  
**Site Plan - Detail**  
**(Page 2 of 2)**



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



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

The image contains five architectural drawings of exterior elevations for a building, arranged in two columns. Each drawing is a detailed line drawing showing the facade of the building with windows, doors, and rooflines. The drawings are labeled as follows:

- EXTERIOR ELEVATION 1**: Located in the top right, showing a side elevation with a gabled roof and a large window.
- EXTERIOR ELEVATION 3**: Located in the middle right, showing a side elevation with a gabled roof and a large window.
- EXTERIOR ELEVATION 4**: Located in the bottom right, showing a side elevation with a gabled roof and a large window.
- EXTERIOR ELEVATION 5**: Located in the top left, showing a side elevation with a gabled roof and a large window.
- EXTERIOR ELEVATION 6**: Located in the middle left, showing a side elevation with a gabled roof and a large window.

At the bottom of the page, there is a title block and a logo. The title block includes the text "EXTERIOR ELEVATIONS" and "BENTLEY RESIDENCE PARKVILLE, SC". The logo for "SIRIUS" is located in the bottom right corner.







RDN REPORT	
CAO APPROVAL	
EAP	✓ Feb 8 '11
COW	
RHD	
BOARD	

## MEMORANDUM

**TO:** Dale Lindsay  
Manager of Current Planning

**DATE:** January 27, 2011

**FROM:** Kristy Marks  
Planner

**FILE:** PL2011-015

**SUBJECT:** **Development Permit Application No. PL2011-015 - James & Tracey Newlands Strata Lot 254, District Lot 251, Alberni District, Strata Plan VIS5160 Together with An Interest in the Common Property in Proportion To The Unit Entitlement of the Strata Lot As Shown On Form V – 2754 Dendoff Point Road Electoral Area ‘H’**

### PURPOSE

To consider an application for a Development Permit to allow the construction of a main floor addition and an upper loft on an existing single storey recreational residence (cabin).

### BACKGROUND

The Regional District of Nanaimo has received a Development Permit application from James & Tracey Newlands to construct a main floor addition and an upper loft on an existing single storey cabin. The subject property is approximately 786 m<sup>2</sup> in area and is zoned Horne Lake Comprehensive Development Zone 9 (CD9) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.” The property is bound by developed recreational parcels to the north and south, Common Property and Dendoff Point Road to the east, and Horne Lake to the west (*see Attachment No. 1 for location of the subject property*).

The subject property is designated within the Environmentally Sensitive Features for Watercourse Protection and Fish Habitat Protection Development Permit Areas (DPA) pursuant to "Regional District of Nanaimo Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”. The Ministry of Natural Resource Operation (formerly Ministry of Environment) has indicated that since there is no further expansion to the existing footprint within 15 metres of the natural boundary of Horne Lake the proposed development is exempt from the Provincial Riparian Areas Regulation. Therefore, a Riparian Areas Assessment (RAA) is not required and the proposed development is exempt from the Fish Habitat Protection DPA guidelines. A portion of the proposed development is however subject to the requirements of the Watercourse Protection DPA guidelines.

### *Proposed Development*

The applicant is proposing to construct a main floor addition with an approximate floor area of 7.5 m<sup>2</sup>. The total floor area of the main floor will not exceed the maximum permitted 70 m<sup>2</sup> and this addition will be located greater than 15 metres from the natural boundary of Horne Lake. The upper loft addition is proposed to have a maximum floor area of approximately 35 m<sup>2</sup> or 50% of the main floor area.

**ALTERNATIVES**

1. To approve the Development Permit Application No. PL2011-015 as requested, subject to the conditions outlined in *Schedules No. 1 - 2*.
2. To deny the Development Permit Application as requested.

**LAND USE IMPLICATIONS**

The applicant is proposing to construct a minor main floor addition and an upper loft on an existing single storey cabin. The location of the existing cabin and general location of the proposed additions are shown on *Schedule No. 2*.

In keeping with the Watercourse Protection DPA guidelines, the applicant has submitted a Development Recommendation Report prepared by Streamline Environmental Consulting Ltd. dated January 19, 2011. The report states that there are no adverse environmental impacts anticipated provided the recommendations of the report are followed and it includes recommendations for sediment runoff control, vegetation retention, and replanting any exposed soils upon completion of construction. These recommendations are included in the Conditions of Approval set out in *Schedule No. 1*.

***Sustainability Implications***

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. In staff’s opinion there are no sustainability implications resulting from this proposal.

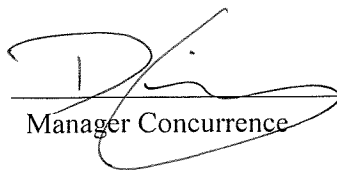
**SUMMARY**

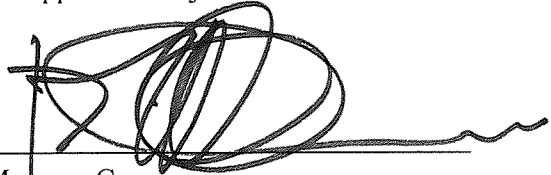
This is an application for a Development Permit with Variance to permit the construction of a minor main floor addition and an upper loft on an existing single storey cabin within 15 metres of the natural boundary of Horne Lake. The applicant has submitted a site plan and Development Recommendations Report in support of the application. In staff’s assessment, this proposal is consistent with the guidelines of the applicable Development Permit Area.

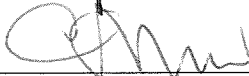
**RECOMMENDATION**

That Development Permit Application No. PL2011-015, to permit the construction of a main floor addition and an upper loft on an existing single storey cabin be approved subject to the conditions outlined in *Schedules No. 1 – 2*.

\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
General Manager Concurrence

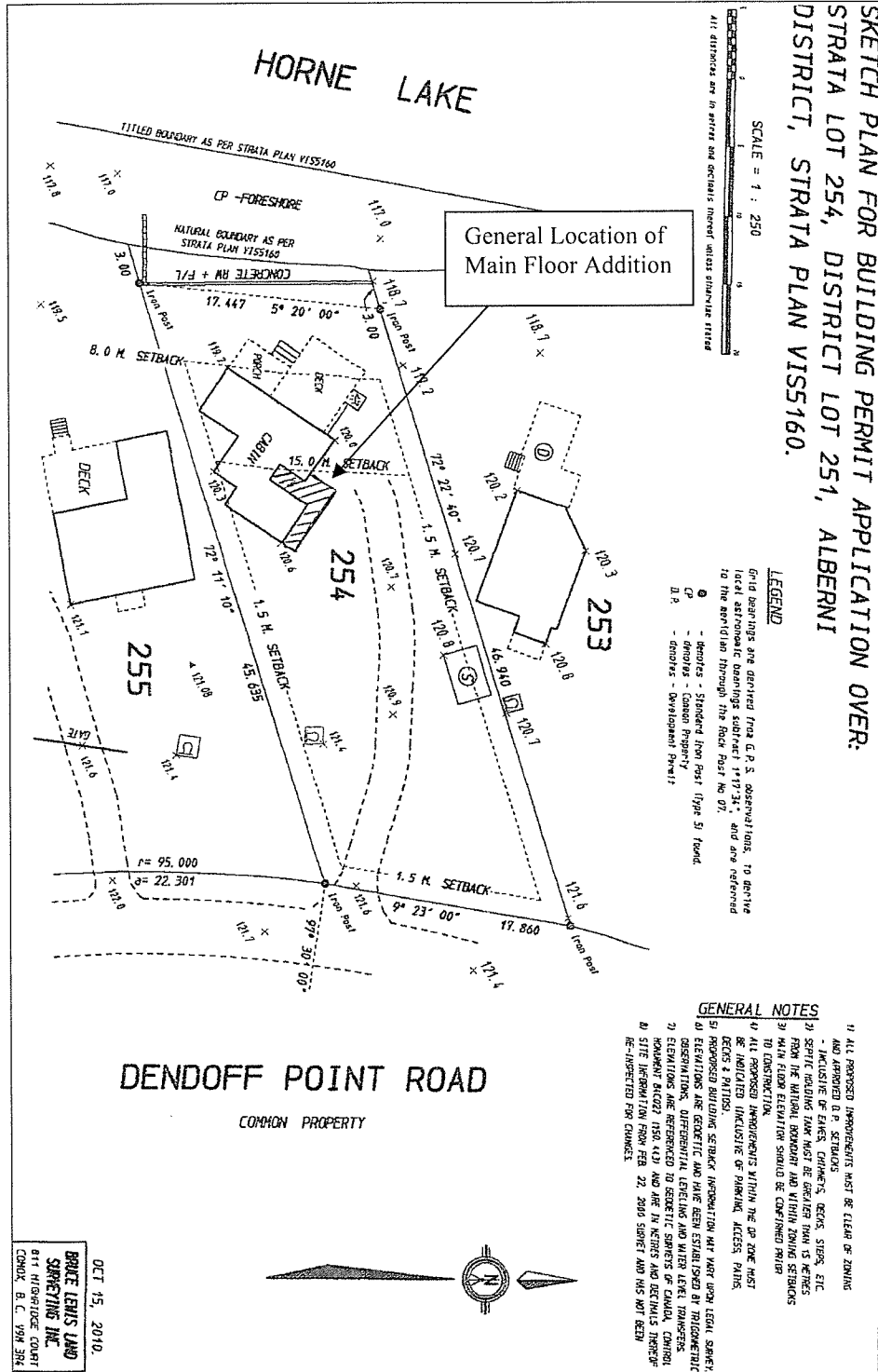
  
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CAO Concurrence

**Schedule No. 1**  
**Conditions of Development Permit Application No. PL2011-015**

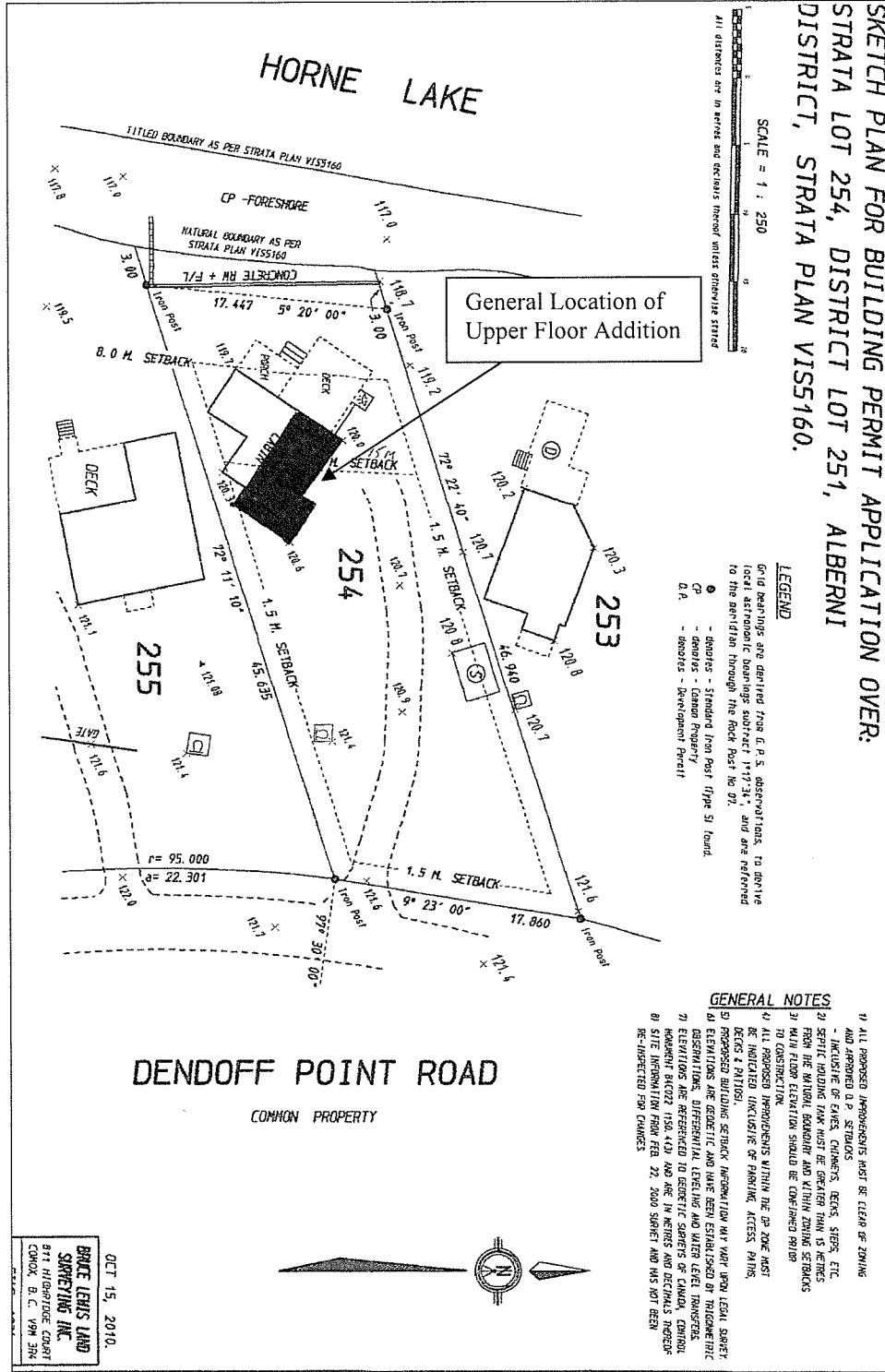
***Conditions of Approval:***

1. The main floor and upper loft additions are to be sited in general accordance with the site plan as submitted by the applicant, attached as *Schedule No. 2*.
2. The subject property shall be developed in accordance with the recommendations established in the Development Recommendation Report prepared by Streamline Environmental Consulting Ltd. dated January 19, 2011.

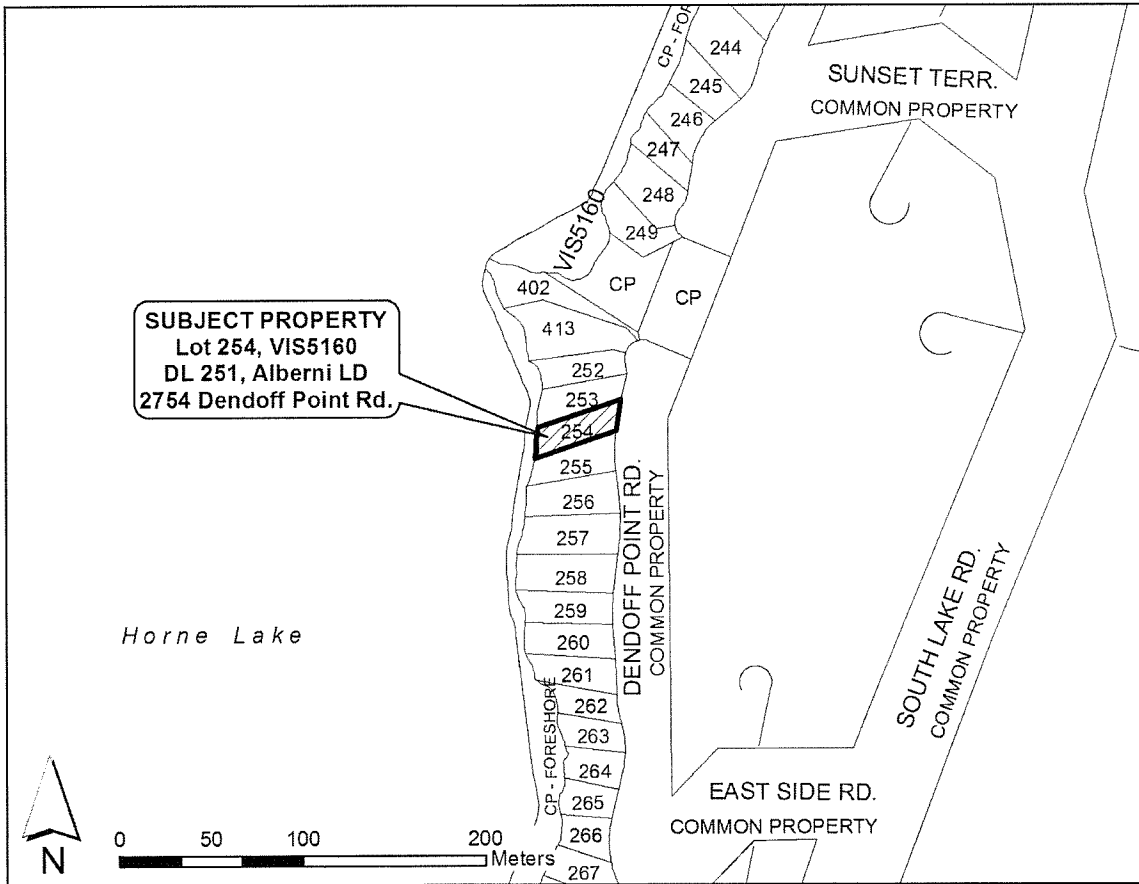
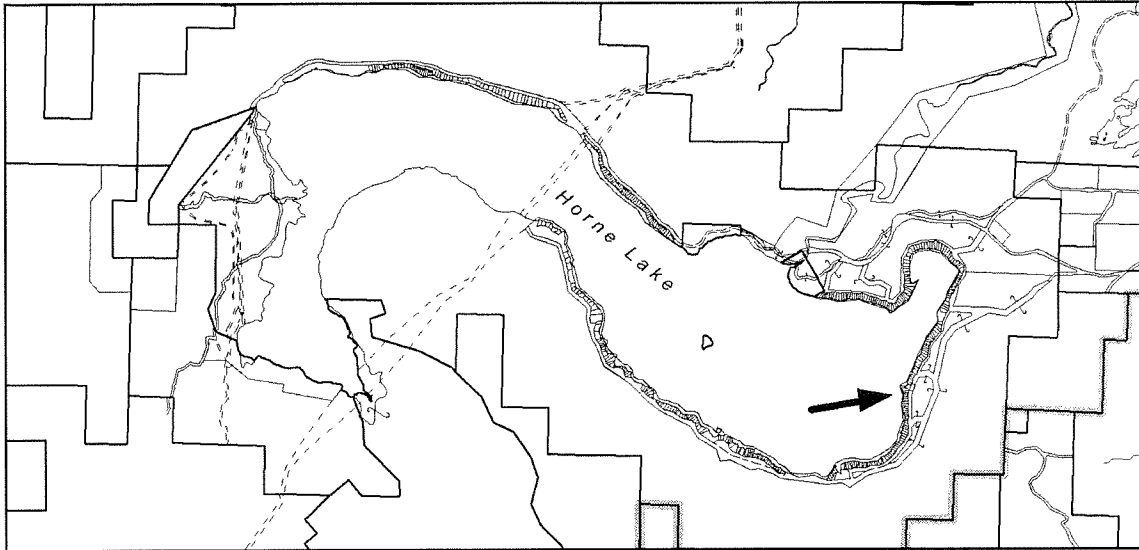
Schedule No. 2  
 Site Plan – General Location of Main Floor Addition  
 (Page 1 of 2)



Schedule No. 2  
 Site Plan – General Location of Upper Loft Addition  
 (Page 2 of 2)



**Attachment No. 1**  
**Location of Subject Property**



BCGS MAPSHEET: 92F 037.1 4



CAO APPROVAL	
EAP	✓ Feb 5 '11
COW	
RHD	
BOARD	

**MEMORANDUM**

**TO:** Dale Lindsay  
Manager, Current Planning

**DATE:** January 26, 2011

**FROM:** Elaine Leung  
Planner

**FILE:** PL2009-024

**SUBJECT:** Development Permit with Variance No. PL2009-024 - Peter Mason  
Lot 2 of District Lot 33, Newcastle District and of the Bed of the  
Strait of Georgia, Plan 31250, Except Part in Plan VIP59776  
6162 Island Highway West, Electoral Area 'H'

**PURPOSE**

To consider an application for a Development Permit with Variance to vary the minimum setback from a watercourse, and the minimum setback to a lot line, in order to permit an addition to an existing building.

**BACKGROUND**

The Regional District of Nanaimo has received an application from Peter Mason on behalf of Heinz Karthaus. The subject property is 6232 m<sup>2</sup> (0.62 ha) in area and supports an existing mobile home and accessory building (*see Attachment No. 1 for location of the subject property*). There is a wetland located on the subject property. The applicants have requested a variance in order to permit an addition to the accessory building which they are intending to convert to a dwelling.

The subject property is zoned Rural 1 (RU1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

The proposed development is subject to the Watercourse Protection and Fish Habitat Protection Development Permit Areas as per "Regional District of Nanaimo Electoral Area 'E' Official Community Plan Bylaw No. 1400, 2005."

*Proposed Development and Variances*

The applicant proposes to vary the following from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," in order to permit an addition to an existing accessory building which is intended to be converted to a dwelling unit.

- *Section 3.4.81 – Minimum Setback Requirements; All other buildings and structures; all Lot Lines* is requested to be varied from 8.0 metres to 6.8 metres (*see Schedule No. 2*)
- *Section 3.3.9 – General Regulations 1 – Setbacks – Watercourses, excluding the Sea* is requested to vary the minimum setback from 15.0 metres horizontal distance from the top of the slope or the first significant and regular break in the slope, to 8.6 metres (*see Schedule No. 2*).

## **ALTERNATIVES**

1. To approve Development Permit with Variance No. PL2009-024 application as requested subject to the Conditions outlined in *Schedules No. 1 - 3*.
2. To deny Development Permit with Variance No. PL2009-024 as submitted.

## **LAND USE IMPLICATIONS**

### ***Development Implications***

The applicant proposes to remove the existing mobile home, construct an addition to the accessory building and convert the accessory building into a dwelling unit. The accessory building does not comply with the minimum southern lot line setback, and to the minimum setbacks to watercourses, and therefore requires a variance. Staff note that as the subject property is less than 2.0 hectares in area, only one dwelling unit is permitted in the RU1 zone.

The Fish Habitat Protection DPA and Watercourse Protection DPA is defined as 30.0 meters as measured from the top of the bank. The applicant has submitted a Riparian Areas Regulation Assessment Report, noting that the existing accessory building is located within the 15.0 metres Streamside Enhancement Protection Area (SPEA) to the wetland. The report notes that as the majority of the subject property is covered by the wetland, there is limited buildable area remaining, towards the eastern portion of the property, by the road. As a result, due to the wetland, accommodating setbacks to lot lines, and watercourse setbacks, would leave little area for the applicant to build. Therefore, the applicant is requesting variances in order to permit the conversion of an existing accessory building into a dwelling unit.

The report has included a letter of support from the Department of Fisheries and Oceans (DFO) to authorize a reduction in the SPEA from 15.0 metres to 7.0 metres for the proposed development. DFO has noted that requests for adjustments are justified where the application of the riparian setbacks will impose an unreasonable restraint or unnecessary hardship on the use or development of the property. Further, the report states that considering the small scale of the development, and low potential for impacts presented by the development proposal, case monitoring is not necessary, however a post development report is mandatory.

### ***Public Consultation Implications***

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

### ***Sustainability Implications***

In keeping with RDN Board policy, the applicant has completed the "Sustainable Community Builder Checklist." No sustainability implications were identified through the review of this application.




**SUMMARY**

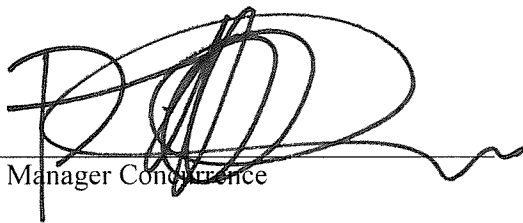
This is an application for a Development Permit with Variance to permit an addition to an existing accessory building, by varying the minimum setbacks from the top of bank from 15.0 metres to 8.6 metres, and varying the minimum setbacks for buildings and structures to lot lines from 8.0 metres to 6.8 metres. The applicants have provided a Riparian Areas Assessment in support of their application.

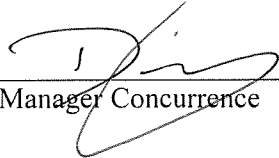
The application is consistent with the applicable Development Permit Guidelines and is not expected to negatively impact the adjacent neighbours. Staff recommend approval of the Development Permit with Variance.


**RECOMMENDATIONS**

1. Staff be directed to complete the required notification, and
2. Development Permit with Variance No. PL2010-206 be approved subject to the conditions outlined in *Schedules No. 1- 3*.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

**Schedule No. 1**  
**Term of Development Permit with Variance Application No. PL2009-024**

The following sets out the terms and conditions of Development Permit with Variance No. PL2009-024.

***Bylaw No. 500, 1987 – Requested Variances***

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

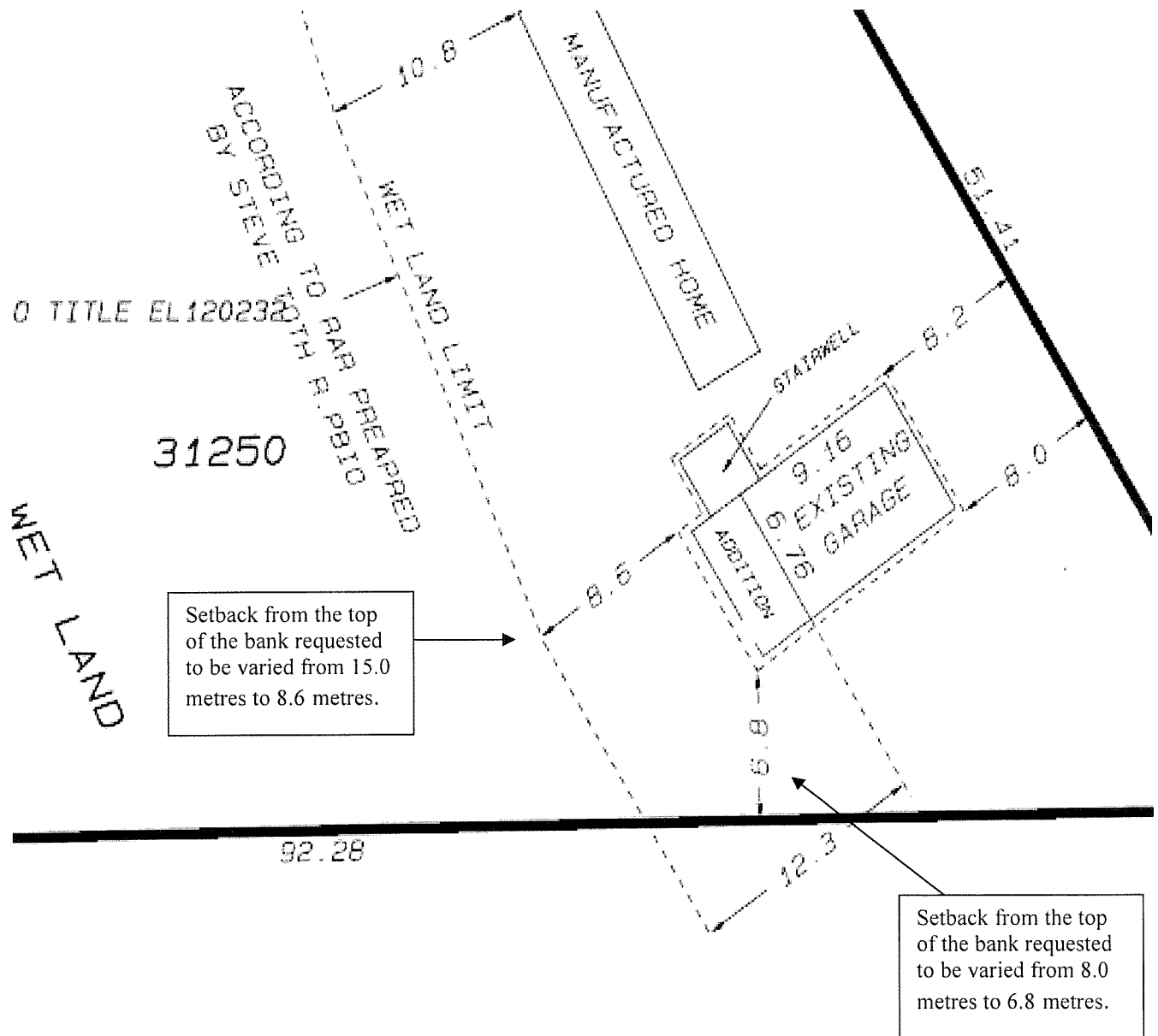
1. **Section 3.4.81 – Minimum Setback Requirements; All other buildings and structures; All Lot Lines** : By varying the minimum lot line setbacks from 8.0 metres to 6.8 metres, as shown on *Schedule No. 2*.
2. **Section 3.3.9 General Regulations; Setbacks – Watercourses, excluding the Sea**: By varying the minimum setback from 15.0 metres horizontal distance from the top of the slope or the first significant and regular break in the slope, to 8.6 metres, as shown on *Schedule Nos. 2 and 3*.

***Conditions of Permit:***

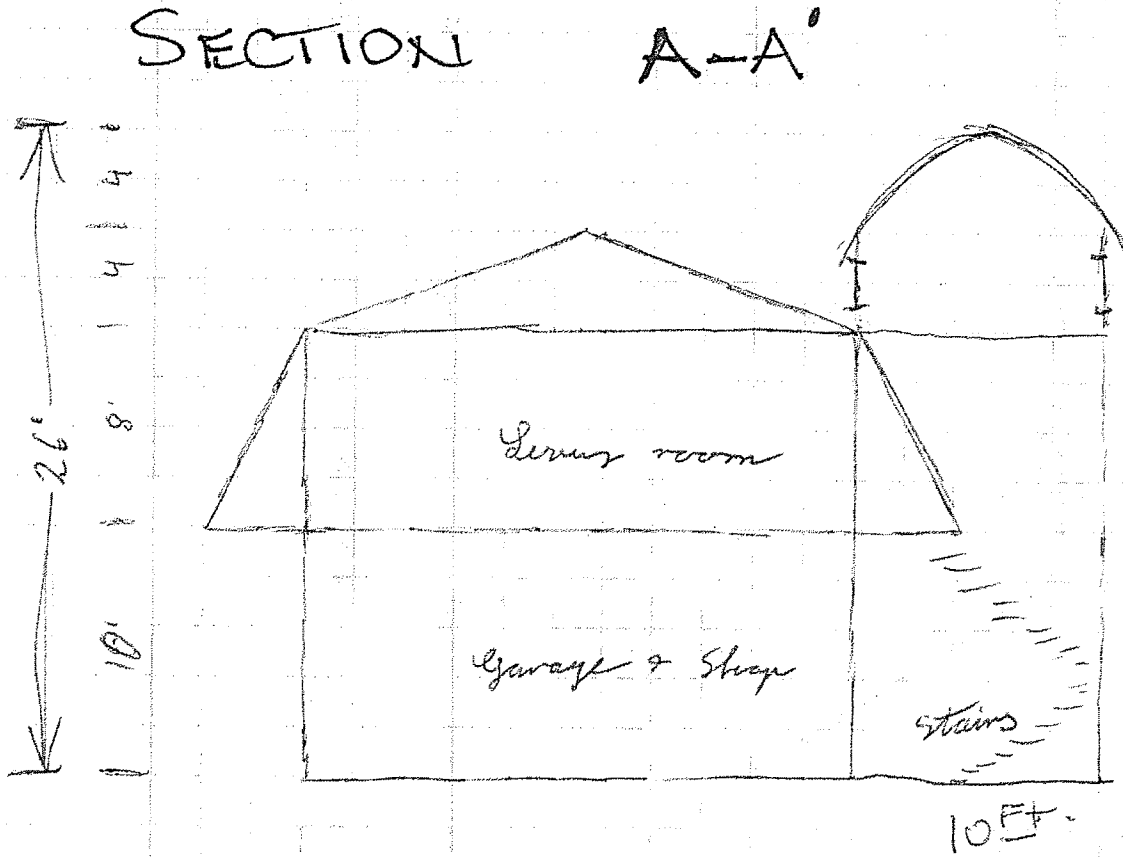
1. The proposed dwelling unit and addition shall be sited in accordance with the site plan prepared by Peter Mason, dated November 30, 2009, attached as *Schedule No. 2*.
2. The accessory building shall be constructed in accordance with the building elevations submitted by the applicant attached as *Schedule No. 3*.
3. The applicant is to remove the existing mobile home.
4. The applicant shall complete the recommendations concerning environmental monitoring as set out in Section 5 of the Riparian Area Assessment Report, prepared by Toth & Associates, dated June 3, 2009, to the satisfaction of a Qualified Environmental Professional.



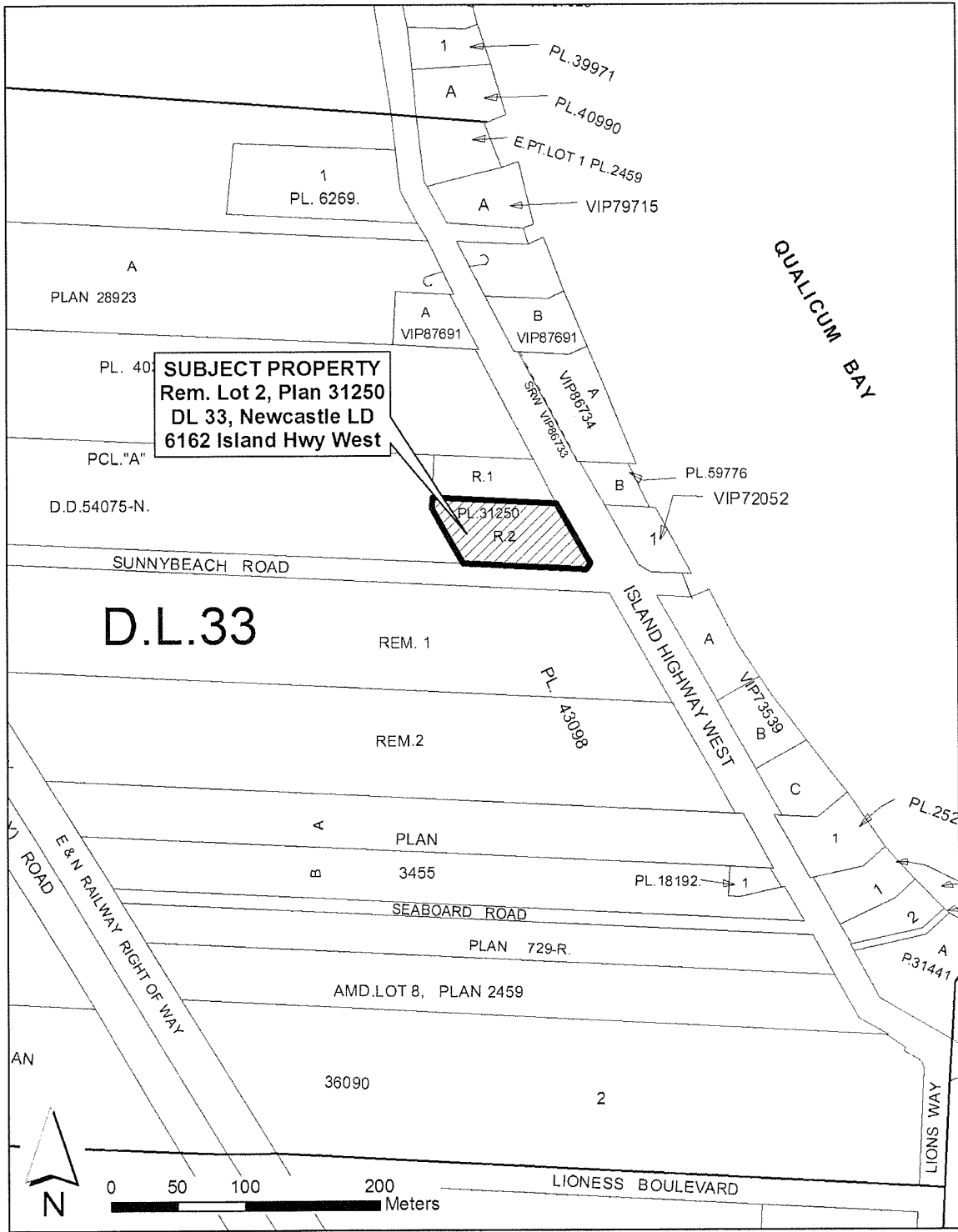
Detailed Site Plan



Schedule No. 3  
Building Elevations



**Attachment No. 1**  
**Location of Subject Properties**





CAO APPROVAL <i>CW</i>	
EAP	<input checked="" type="checkbox"/> Feb 8 '11
COW	
RHD	
BOARD	

# MEMORANDUM

**TO:** Dale Lindsay  
Manager of Current Planning

**DATE:** January 28, 2011

**FROM:** Kristy Marks  
Planner

**FILE:** PL2010-090

**SUBJECT: Development Permit with Variance Application No. PL2010-090 - Elaine Cowan Lot 1, District Lot 67, Nanoose District, Plan 31996 - 2502 Blokker Road Electoral Area 'E'**

## PURPOSE

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

## BACKGROUND

The Regional District of Nanaimo has received an application from Elaine Cowan to allow the construction of a single storey dwelling unit with a variance to the maximum permitted height. The subject property is approximately 1.97 ha in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is traversed by a small pond and is bound by residential parcels to the east and west, Blokker Road to the north, and Nanoose Bay to the south. The property is currently vacant and vegetation on the southern portion has recently been cleared. The northern portion of the lot, above the pond is vegetated and contains a driveway access.

The proposed development is subject to the Watercourse Protection Development Permit Areas as per "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005". Although the dwelling unit is proposed to be sited greater than 30 metres from the natural boundary of the pond, works related to the development of the property including vegetation removal and construction of a driveway access have taken place within the designated Development Permit Area.

Recent clearing on the north and south sides of the existing pond as well as the placement of fill in a portion of the pond to provide a driveway access have taken place on the property. The applicant has submitted a Riparian Areas Assessment and Fish Habitat Rehabilitation Plan in order to offset adverse effects on fish habitat and to satisfy the Watercourse Protection Development Permit Guidelines and the Department of Fisheries and Oceans Canada (FOC).

In addition, the applicant is required to obtain a Section 9 Approval or Notification from the Ministry of Natural Resource Operations prior to conducting any in-stream works required in order to restore connectivity between the pond and downstream fish habitat.

The subject property is also located within a known archaeological site. The applicant has submitted an Archaeological Impact Assessment prepared by Madrone Environmental Services Ltd. dated June 21, 2010 and has obtained a Site Alteration Permit from the Provincial Archaeology Branch.

### ***Proposed Variance***

The applicant is requesting approval to construct a single storey dwelling unit with a 1.9 metre variance to the maximum permitted dwelling unit height (*see Schedule No. 1 for proposed variance*).

### **ALTERNATIVES**

1. To approve the Development Permit with Variance Application No. PL2010-090 subject to the conditions outlined in *Schedules No. 1 - 3*.
2. To deny the Development Permit with Variance Application No. PL2010-090.

### **DEVELOPMENT IMPLICATIONS**

The applicant is proposing to construct a single storey dwelling unit on the subject property. A variance to the maximum permitted dwelling unit height is required for the proposed dwelling. The location of the proposed dwelling unit is shown on *Schedule No. 2* and building elevation is shown on *Schedule No. 3*.

The applicant has provided a Riparian Areas Assessment prepared by Toth and Associates Environmental Services dated May 2, 2010. This report establishes a Streamside Protection and Enhancement Area (SPEA) of 15 metres for areas north, east and west of the pond and 30 metres on the south side of the pond. As shown on the attached site survey, the dwelling unit is proposed to be located approximately 47 metres from the natural boundary of the pond and therefore the construction of the dwelling itself is exempt from the requirements of the Riparian Areas Regulation (RAR). Given that extensive vegetation removal has occurred within the SPEA, this report includes a number of recommendations for the protection and maintenance of the SPEA, environmental monitoring during construction, and post development reporting. Development of the property in accordance with the recommendations contained in this report is included in the Conditions of Approval set out in *Schedule No. 1*.

In order to satisfy the requirements of the Riparian Areas Assessment and the requirements of Fisheries and Oceans Canada (FOC) the applicant has submitted a Fish Habitat Rehabilitation Plan prepared by Streamline Environmental Consulting Ltd. dated October 27, 2010. This report provides recommendations for culvert installation required in order to restore connectivity between the pond and downstream fish habitat in addition to an extensive vegetation rehabilitation plan. The rehabilitation plan includes a variety of native trees and shrubs in two planting areas, north and south of the pond. The replanting requirements have been secured through a deposit in the amount of \$12,812.80. The deposit will be held until the rehabilitation requirements have been met to the satisfaction of the RDN. Development of the property in accordance with the recommendations contained in this report is included in the Conditions of Approval set out in *Schedule No. 1*.

The applicant has provided two letters of support from adjacent property owners and the following justification for the requested variance:

- The proposed dwelling unit is a one storey rancher and would meet the maximum permitted height if it was not required to meet the Flood Construction Levels (FCL) above the natural boundary of the sea and the pond outlined in the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" (Floodplain Bylaw);
- Given that the existing pond elevation is approximately 1.0 metre above the natural grade of the proposed building site, significant elevation of the dwelling is required in order to meet the minimum FCL of 1.5 metres above the natural boundary of the pond;
- The applicant has indicated they have spoken with some of the adjacent property owners and they have no concerns with the requested variance;
- There are no anticipated view or aesthetic impacts related to the requested height variance.



***Sustainability Implications***

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. This proposal represents the development of an existing residential parcel and a proposed building site with significant constraints. The applicant has submitted a Habitat Rehabilitation Plan in order to enhance native vegetation within the SPEA and restore fish habitat and has obtained a Site Alteration Permit.

***Public Consultation Process***

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

**SUMMARY/CONCLUSIONS**

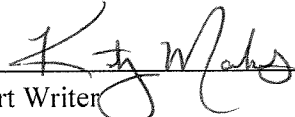
This is an application for a Development Permit with Variance to allow the construction of a single storey dwelling unit with a 1.9 metres height variance on the subject property.

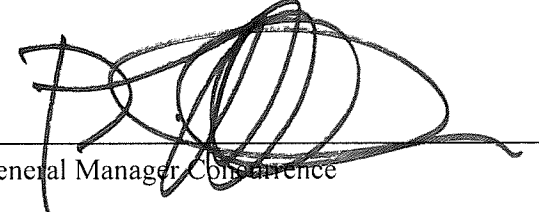
The applicant has submitted a site plan, building plans, Riparian Areas Assessment, Fish Habitat Rehabilitation Plan, and justification for the requested variance in support of the application. In staff’s assessment, this proposal is consistent with the guidelines of the “Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005” Watercourse Protection Development Permit Area. Given that the proposal is for a one storey dwelling unit and there are no anticipated view or aesthetic impacts related to the requested variance, staff are in support of the application as submitted.

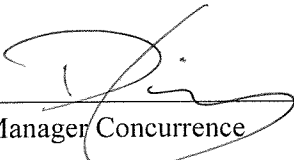
**RECOMMENDATION**

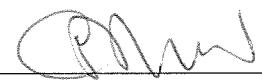
That:

1. Staff be directed to complete the required notification, and
2. The Development Permit with Variance Application No. PL2010-090 to permit the construction of a dwelling unit with a variance to the height be approved subject to the conditions outlined in *Schedules No. 1- 3*.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

**Schedule No. 1**  
**Conditions of Development Permit with Variance Application No. PL2010-090**

***Bylaw No. 500, 1987 – Variance***

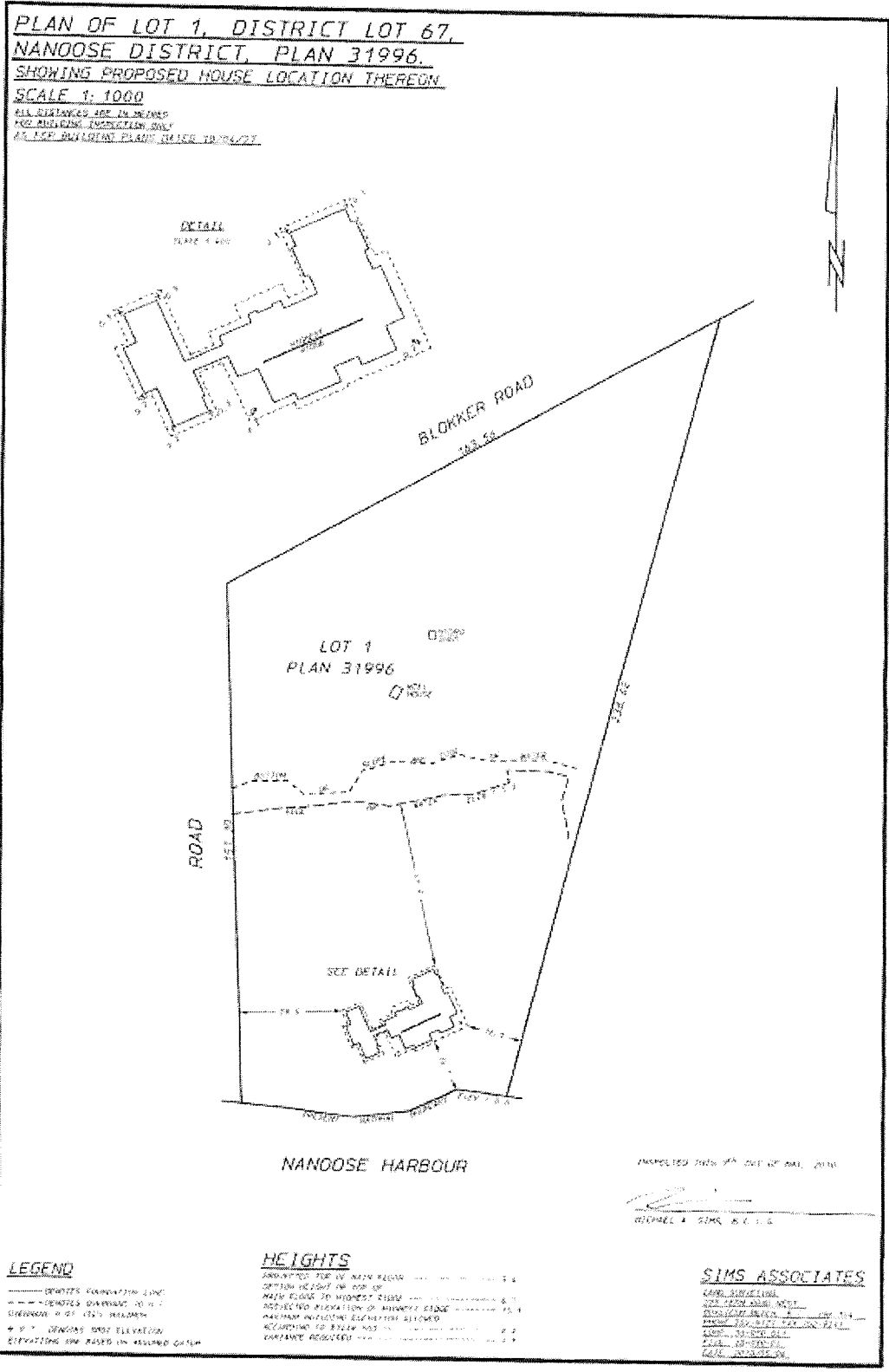
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:

1. **Section 3.4.61 Maximum Number and Size of Buildings and Structures – Height** is requested to be varied by increasing the maximum dwelling unit height from 8.0 metres to 9.9 as shown on *Schedule No 2*.

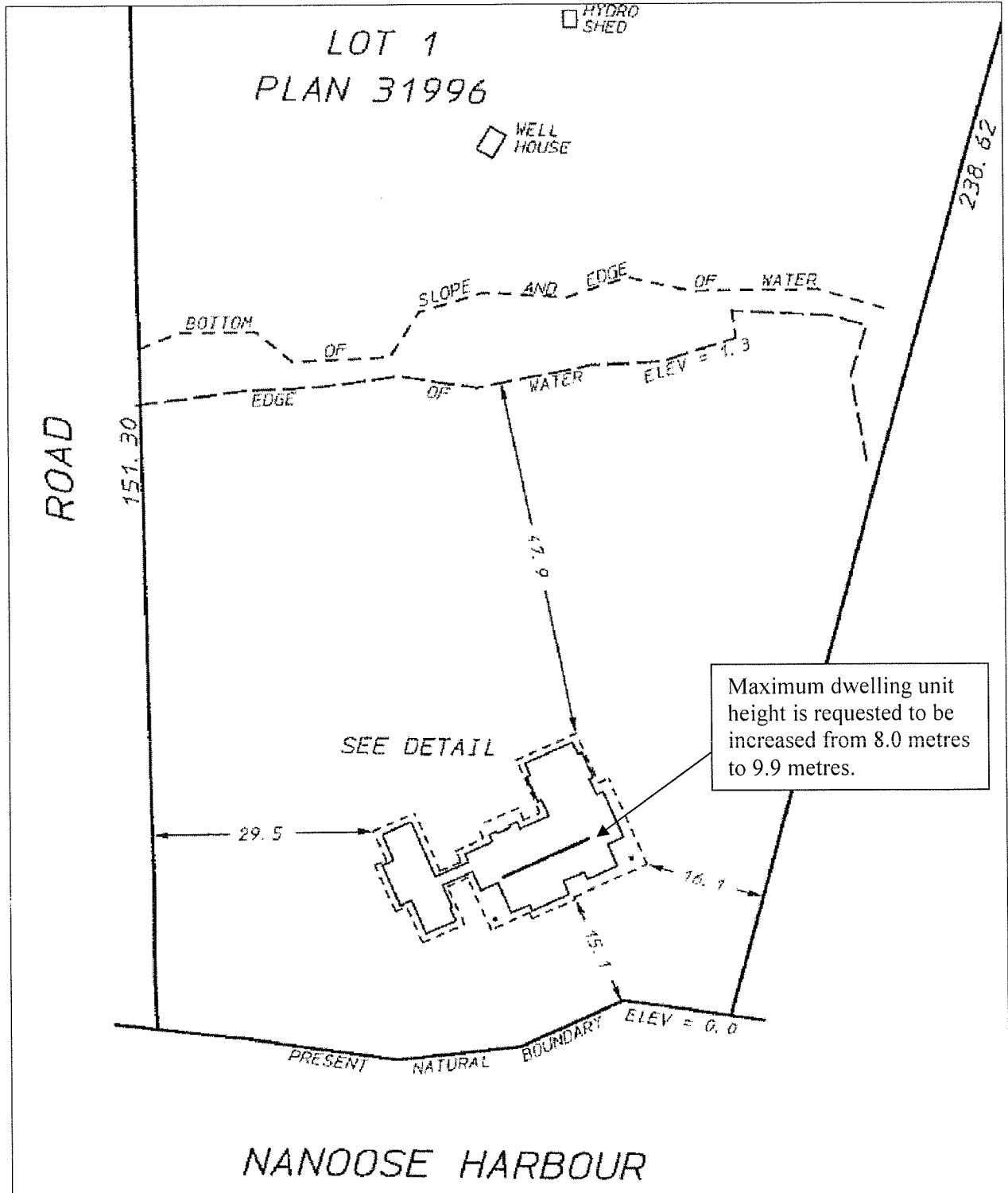
***Conditions of Approval:***

1. The dwelling unit shall be sited in general accordance with the site plan prepared by Sims Associates Land Surveying dated May 7, 2010, attached as *Schedule No. 2*.
2. The dwelling unit shall be constructed in general accordance with the elevation plan prepared by J Kerrigan Sproule Architecture dated April 27, 2010, attached as *Schedule No. 3*.
3. The subject property shall be developed in accordance with the recommendations established in the Riparian Areas Assessment prepared by Toth and Associates Environmental Services dated May 2, 2010.
4. The subject property shall be developed in accordance with the recommendations established in the Fish Habitat Rehabilitation Plan prepared by Streamline Environmental Consulting Ltd. dated October 27, 2010.
5. The security deposit in the amount of \$12,812.80 shall be held until the requirements of the Fish Habitat Rehabilitation Plan prepared by Streamline Environmental Consulting Ltd. dated October 27, 2010, have been completed to the satisfaction of the RDN.

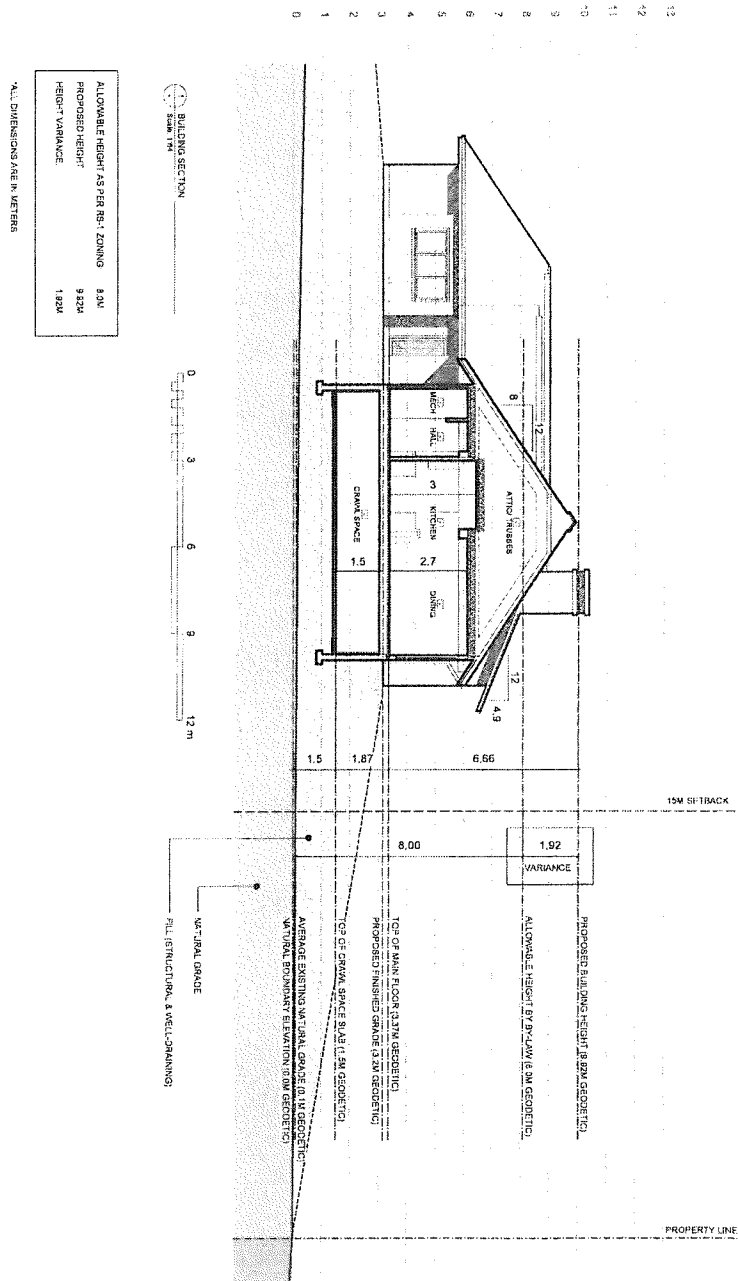
**Schedule No. 2  
 Site Plan  
 (Page 1 of 2)**



Schedule No. 2  
Site Plan - Detail  
(Page 2 of 2)



### Schedule No. 3 Building Elevation



J. KENDRICK PROLE  
 ARCHITECTURE  
 1111 W. 4TH AVE. #100  
 VANCOUVER, BC V6H 2M6  
 TEL: 604-681-1111  
 FAX: 604-681-1112  
 WWW.JKENDRICKPROLE.COM

DATE: 1/28/11  
 DRAWN BY: J. KENDRICK  
 CHECKED BY: J. KENDRICK  
 PROJECT: 1288

CLIENT:  
 ELAINE COVANN

2802 SLOVEN ROAD  
 VANCOUVER, BC  
 V6N 1Y1  
 PROJECT NO. 1288  
 LOT 1, D.S. STANHOPE  
 DISTRICT PLAN 7198

**ENLARGED SECTION FOR HEIGHT VARIANCE APPLICATION**

1288 20

**Attachment No. 1**  
**Location of Subject Property**





RDN REPORT	
CAO APPROVAL <i>[Signature]</i>	
EAP	✓ Feb 8 '11
COW	
RHD	
BOARD	

**MEMORANDUM**

**TO:** Dale Lindsay  
Manager, Current Planning

**DATE:** January 28, 2011

**FROM:** Susan Cormie  
Senior Planner

**FILE:** PL2010-100

**SUBJECT:** **Development Permit with Variance Application No. PL2010-100  
Anderson Greenplan Ltd.  
Lot 1, Section 13, Range 1, Cedar District, Plan 8955 - 1907 Cedar Road  
Electoral Area 'A'**

**PURPOSE**

To consider an application for a Development Permit with Variance in conjunction with the redevelopment of the subject property.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received a Development Permit application from Anderson Greenplan Ltd., on behalf of Barry Worms in conjunction with the redevelopment of the above-noted property (*see Attachment No. 1 for location of subject property*).

The subject property, which is 1659 m<sup>2</sup> in size, is zoned Industrial 1 (IN1) as per the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The property currently supports an unoccupied building and is surrounded by Hemer Road and a recreational zoned parcel to the north; a commercially zoned parcel to the north east; Cedar Road and residentially zoned parcels to the east; and residentially zoned parcels to the south and west. The subject property is situated with the Cedar Urban Containment Boundary.

The proposed development is designated within the Cedar Village & Cedar Commercial/Industrial Property Development Permit Area (DPA) No. 3 as per the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" for the form and character of industrial development.

***Proposed Development***

The applicant is redeveloping the subject property to locate a tire retail and service/repair business. The proposal is to utilize the existing building as tire storage and construct a three bay garage as the service area. In addition, the parking and loading areas are proposed to be redeveloped and fencing in addition to the existing fencing is proposed along the west property line. The applicant is also requesting a number of variances to Bylaw No. 500, 1987 for the parking areas, landscaping provisions, and setback relaxation for the new building.

The parcel is being served with community water and an existing private septic disposal system.

## **ALTERNATIVES**

1. To approve Development Permit with Variance No. PL2010-100 subject to the conditions outlined in Schedule No. 1.
2. To deny the Development Permit with Variance No. PL2010-100 and provide further direction to staff.

## **DEVELOPMENT IMPLICATIONS**

### ***Ministry of Transportation and Infrastructure Implications***

Ministry staff has indicated that as part of the commercial access permit, proposed parking space 7 and 8 cannot be located as shown on the submitted site plan. Despite the removal of these spaces, the bylaw requirement for off-street parking spaces will still be able to be met.

### ***Site Specific Implications***

With respect to the existing free-standing sign, as the structure and location of this sign is not proposed to be changed, it is considered to have non-confirming status and therefore the use of the sign may continue. It is noted that the applicant is proposing to change the lighting of the sign to direct light which is in keeping with the development permit guidelines.

### ***Requested Variances***

Siting options for the proposed addition are limited due to the existing structures, site configuration, and the intended use. The proposed addition requires a variance from the other lot line (in this case, the south lot line) from 5.0 metres to 3.25 metres.

The proposed variances to the parking area will not reduce the number of spaces, but rather allow the parking to be located within the setback areas.

Landscaping areas are limited due to the parcel being almost entirely paved. The proposed landscaping is along Cedar Road outside the existing chain link fence. The applicant is requesting a variance to the landscaping width from 5.0 metres to 1.5 metres. The plant material will be comprised of low shrubs and ground cover so as not to interfere with visibility at the access and the adjacent intersection.

### ***Sustainability Implications***

In keeping with Regional District of Nanaimo Board policy, the applicant has submitted the “Sustainable Community Builder Checklist”. The proposed development is within the Cedar Village land use designation and the Urban Containment Boundary where commercial and industrial businesses are encouraged to locate.

### ***Public Consultation Process***

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



**SUMMARY**

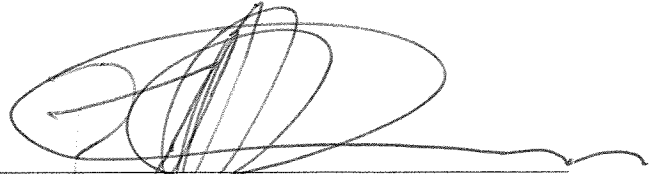
Prior to the development of the subject property, a Development Permit with Variance is required. As the application is consistent with the applicable Development Permit Guidelines, staff recommends approval of the Development Permit with Variance.

**RECOMMENDATIONS**

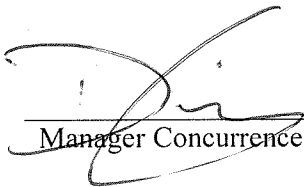
1. That staff be directed to complete the required notification.
2. That Development Permit with Variance Application No. PL2010-100 be approved subject to the conditions outlined in *Schedule No. 1*.



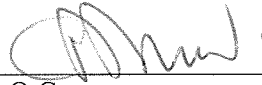
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

**Schedule No. 1**  
**Development Permit with Variance Application No. PL 2010-100**  
**Conditions of Approval / Proposed Variances**

The following sets out the conditions of approval with respect to Development Permit No. PL2010-100:

**Conditions of Approval:**

**Development of the Site:**

1. The subject property shall be developed in substantial compliance with the Site Plan entitled Site Plan of Lot 1, Section 13, Range 1, Cedar District, Plan 8955 and dated stamped Dec 21, 2010 as shown on *Schedule No. 2* (to be attached to and forming part of Development Permit with Variance No. PL2010-100).
2. The proposed garage bay building shall be constructed in substantial compliance with the elevation drawing titled Cedar Tire Shop and dated 25 March 2010 as shown on *Schedule No. 3* (to be attached to and forming part of the Development Permit with Variance).
3. The existing building front facing Cedar Road shall be upgraded with Hardi-plank siding and fascia to match the proposed garage bay building.
4. The existing building front facing Hemer Road will be painted and the existing signage removed.

**Landscaping and Fencing:**

5. Landscaping shall be provided in substantial compliance with *Schedule No. 4* (to be attached to and forming part of the Development Permit with Variance).
6. Solid wood fencing shall be constructed adjacent to the residential zoned parcels in the locations as shown on *Schedule No. 2*.
7. Security for landscaping shall be submitted in an amount and form acceptable to the Regional District prior to the issuance of the development permit.

**Signage:**

8. The existing free-standing sign shall not be expanded in size or height and shall not be back lit or lit with neon lighting. Direct lighting may be incorporated into the existing structure provided the size and shape of the signage is not increased.
9. The proposed fascia sign shall be in the location and size as shown on *Schedule No. 5* (to be attached to and forming part of this Development Permit with Variance). There shall be no lighting of this sign. No other fascia signs shall be erected on the property.

**Off-Street Parking and Loading Areas:**

10. The off-street parking spaces shall be located as shown on *Schedule No. 2* and shall be clearly delineated with painted lines. Bumper curbs shall be used as necessary.
11. The off-street loading space shall be located as shown on *Schedule No. 2* and shall be clearly delineated with painted lines and clearly marked with the words "Loading Space Only".

**Refuse Containers:**

12. Refuse containers shall be located within the buildings.

**Ministry of Transportation and Infrastructure:**

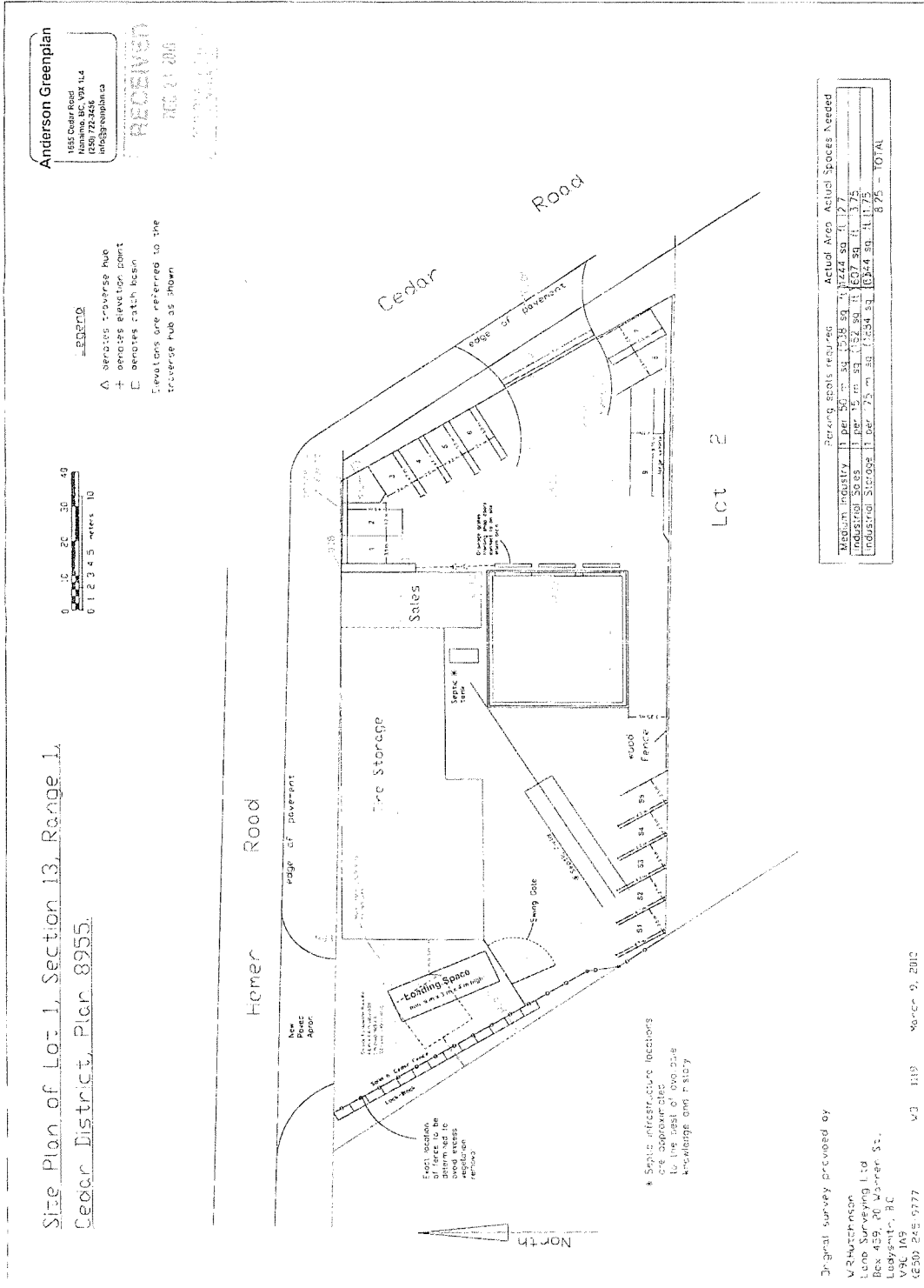
13. The applicant shall obtain a valid access permit to the satisfaction of the Ministry of Transportation and infrastructure.

**Proposed Variances – Bylaw No. 500, 1987**

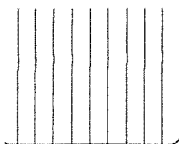
The following variances are proposed:

1. The requirements of Section 3.4.31 Minimum Setback Requirements are proposed to be varied by relaxing the minimum setback requirements for the other lot line (in this case, the south lot line adjacent to residentially zoned parcel) from 5.0 metres and 3.25 metres to accommodate the proposed garage bay building as shown in the location on Schedule No. 2.
2. The requirements of Section 3.4.31 Minimum Setback Requirements are proposed to be varied by relaxing the minimum setback requirements for the front lot line and the other lot lines (in this case, the north lot line adjacent to Hemer Road and south and west lot lines adjacent to residentially zoned parcels) from 8.0 metres and 5.0 metres respectively to 0 metres to accommodate the off-street parking spaces as shown in the location on Schedule No. 2.
3. The requirements of Part 2.1 of Schedule No. '3F' – Landscaping Regulations and Standards are proposed to be varied by reducing the provision of a landscape buffer adjacent to Cedar Road from 5.0 metres to 1.5 metres.

**Schedule No. 2**  
**Development Permit No. PL2010-100**  
**Proposed Site Plan**



Schedule No. 3  
 Proposed Elevation Plan of Garage Bay Building

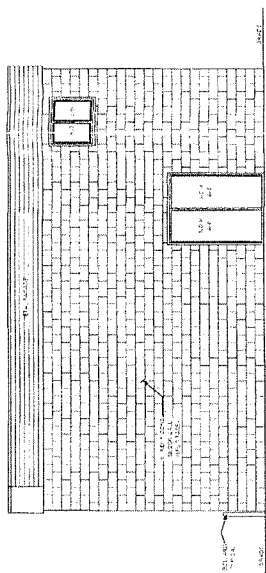


CEEDAR FIRE  
 SHIP

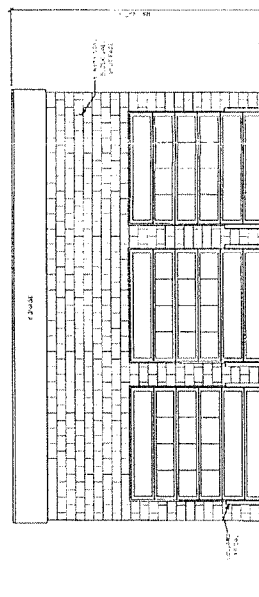
Anderson Greenpla  
 1825 S. 4th St.  
 Norman, OK 73061  
 (405) 732-8484  
 andersongreenpla.com

DATE: 12/10/10  
 PROJECT: 100  
 SHEET: 1/2  
 ELEVATION: 018

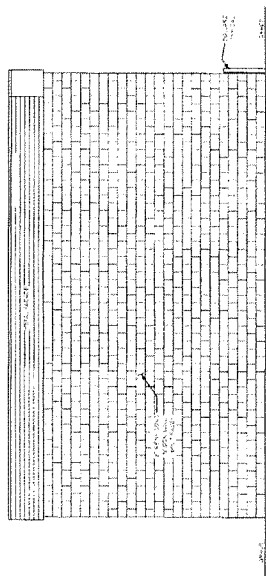
A-1/2



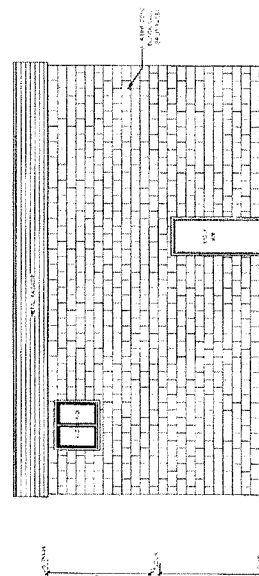
RIGHT ELEVATION  
 SCALE: 1/4" = 1'-0"



FRONT ELEVATION  
 SCALE: 1/4" = 1'-0"



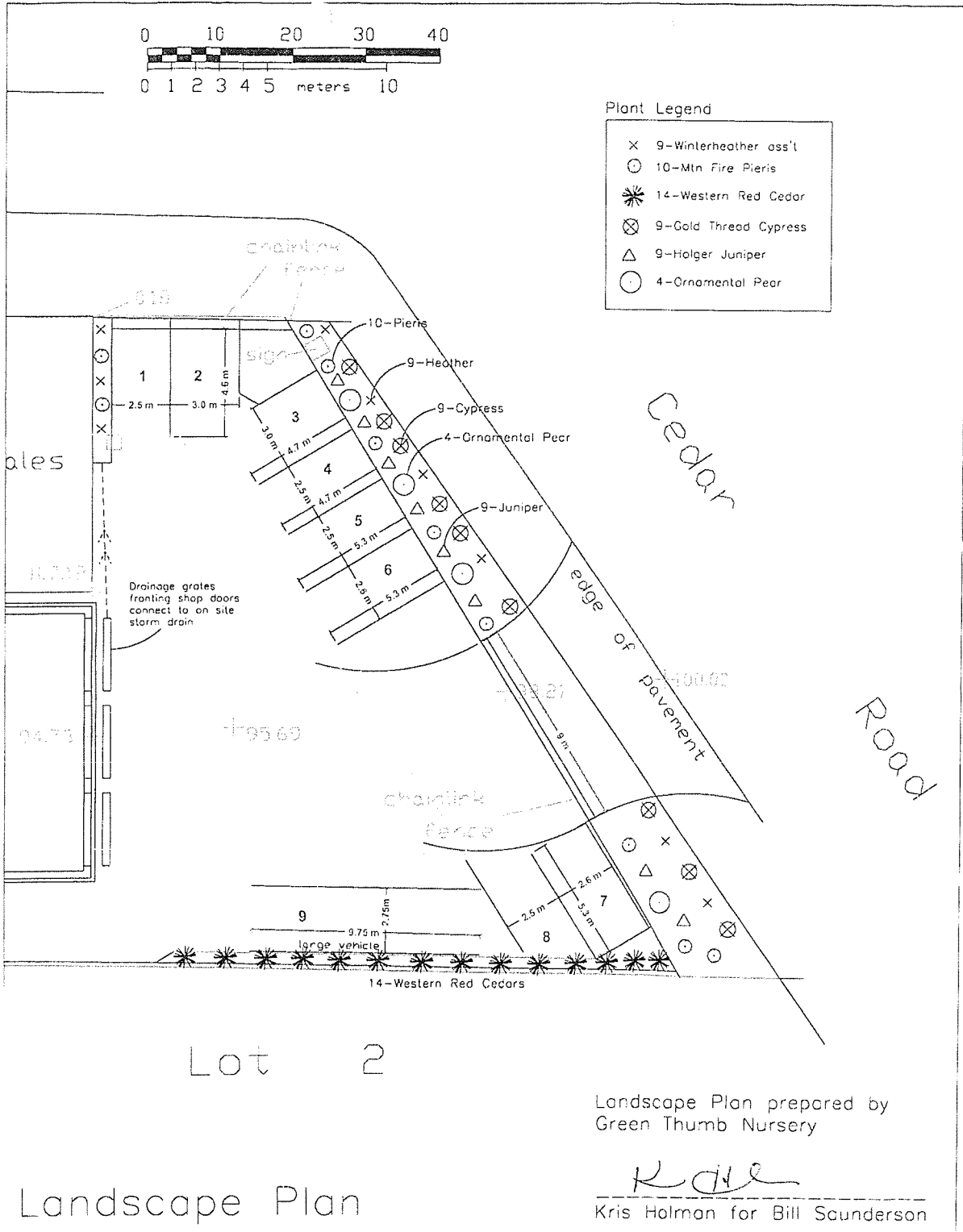
LEFT ELEVATION  
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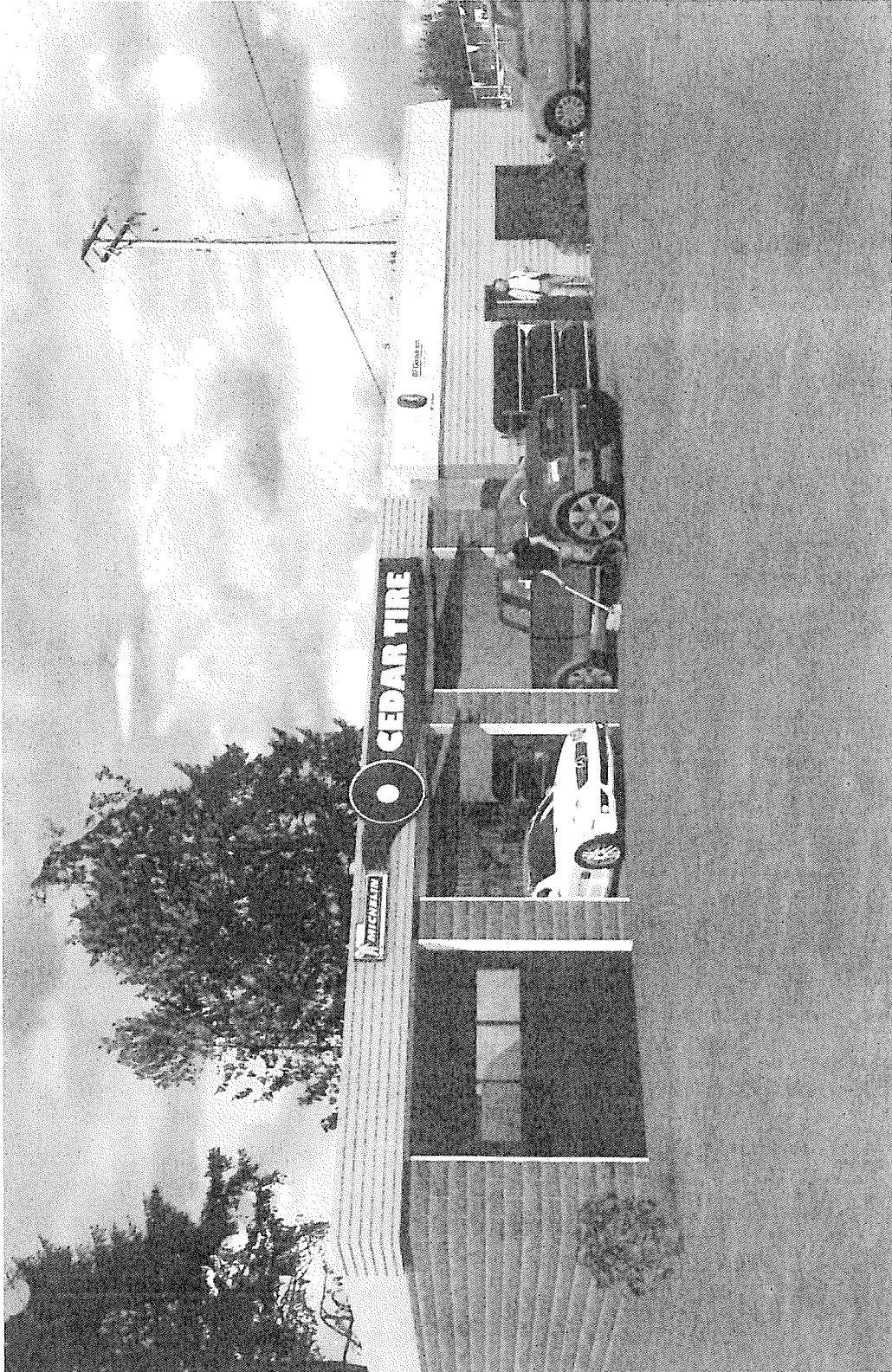
BACK ELEVATION  
 SCALE: 1/4" = 1'-0"

RESIDENTIAL DRAWINGS  
 NOT FOR CONSTRUCTION

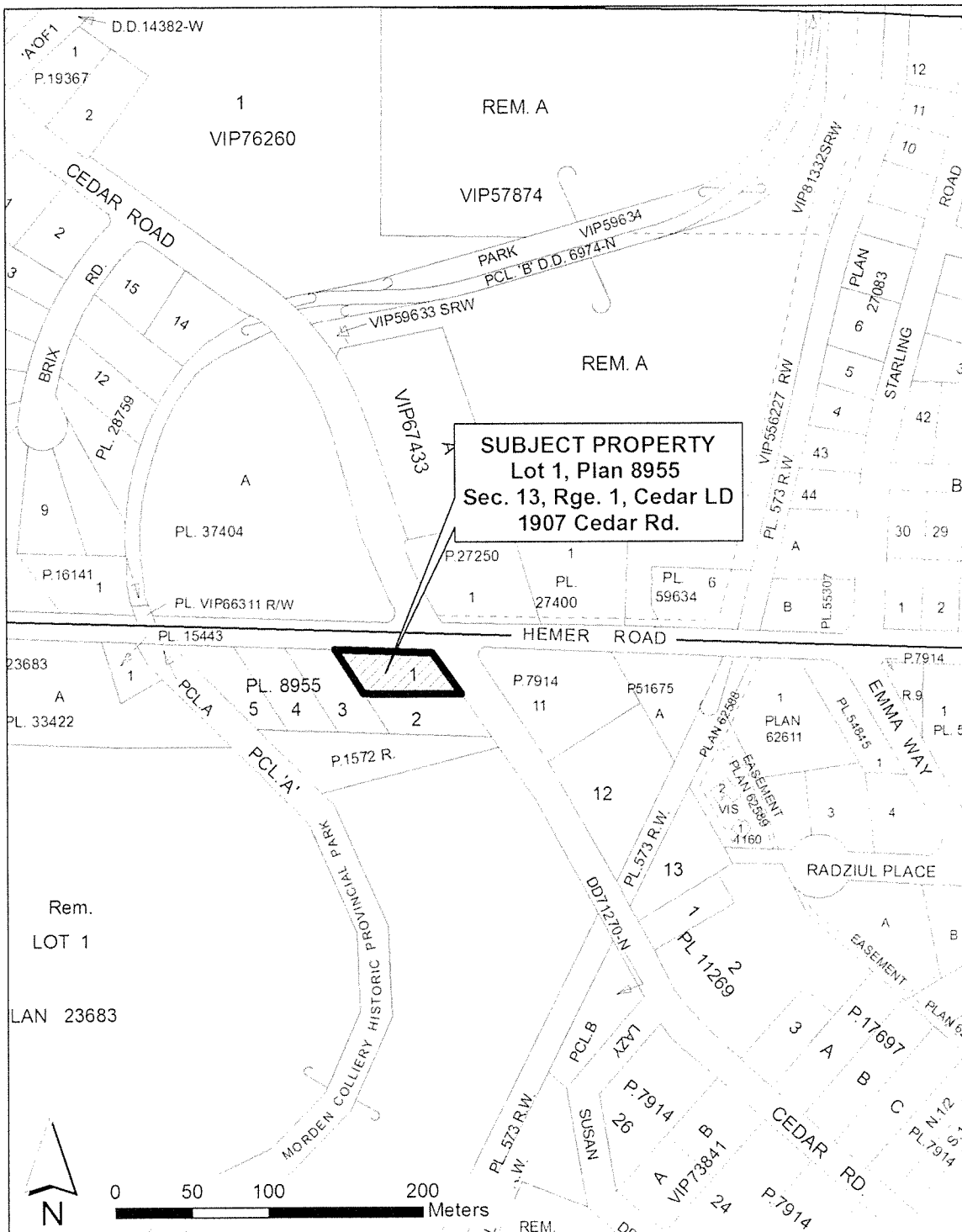
### Schedule No. 4 Landscaping Plan



**Schedule No. 5  
Proposed Fascia Sign**



**Attachment No. 1**  
**Location of Subject Property**







RDN REPORT		
CAO APPROVAL <i>CW</i>		
EAP	<i>✓</i>	<i>Feb 8 11</i>
COW		
RHD		
BOARD		

**MEMORANDUM**

**TO:** Dale Lindsay  
Manager, Current Planning

**DATE:** January 14, 2011

**FROM:** Elaine Leung  
Planner

**FILE:** PL2010-206

**SUBJECT:** Development Permit with Variance No. PL2010-206 – John & Elaine Curran  
Lot 20, District Lot 30, Nanoose District, Plan VIP57407  
3366 Rockhampton Road  
Electoral Area ‘E’

**PURPOSE**

To consider an application for a Development Permit with Variance to vary the minimum setback from a watercourse, in order to legalize an existing deck.

**BACKGROUND**

The Regional District of Nanaimo has received a Development Permit with Variance application from Elaine and John Curran to legalize the siting of an existing deck. The subject property is 1900 m<sup>2</sup> (0.19 ha) in area and contains an existing dwelling (*see Attachment No. 1 for location of the subject property*).

The subject property is zoned Residential 1 (RS1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” bordered by residential properties, and Dolphin Lake to the south.

The proposed development is subject to the Watercourse Protection and Fish Habitat Protection Development Permit Areas as per "Regional District of Nanaimo Electoral Area ‘E’ Official Community Plan Bylaw No. 1400, 2005."

***Proposed Development and Variance***

The applicants propose to vary minimum setbacks from a watercourse by varying Section 3.3.9; Land Use Regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” as follows:

- *General Regulations – Setbacks – Watercourses, excluding the Sea:* By varying the minimum setback from 9.0 metres horizontal distance from the top of the slope or the first significant and regular break in the slope, to 16.9 m from the natural boundary of the watercourse.

**ALTERNATIVES**

1. To approve Development Permit with Variance No. PL2010-206 application as requested subject to the Conditions outlined in *Schedules No. 1 - 2*.
2. To deny Development Permit with Variance No. PL2010-206 as submitted.

## LAND USE IMPLICATIONS

### *Development Implications*

With respect to the Watercourse Protection and Fish Habitat Protection Development Permit Areas (DPA), the applicants have submitted an Environmental Assessment prepared by Steve Toth Environmental Services, dated November 17, 2010. The report notes that an inventory was previously conducted in 2009 for Dolphin Lake as part of the Fairwinds Development, noting that Dolphin Lake neither provided or flowed to fish habitat. Further, the report notes that the existing deck is outside of the typical 15.0 metre Streamside Enhancement Area (SPEA) setback to Dolphin Lake, as established by RAR guidelines.

The applicants have also provided a Geotechnical Assessment, prepared by Lewkowich Engineering Associates, dated October 12, 2010, in support of their application.

A variance was granted in 2000 (DP No. 0012) for the construction of the existing dwelling unit. This variance established a setback from the top of the bank from 9.0 metres to 0.0 metres. The existing deck has since been constructed, with a portion extending further into the setback. The location is outlined on *Schedule No. 2*. The deck is constructed on post footings, rather than hard surfacing or ground cover onto the forest cover, leaving the terrain generally undisturbed.

The applicants have indicated that due to the steep topography, limiting the buildable space at the rear of the dwelling, and existing mature vegetation located at both sides of the dwelling, has resulted in expanding the deck at this location. Accordingly, the applicants request a variance in order to legalize the deck. If the Board approves the requested variance, a building permit will be required.

### *Public Consultation Implications*

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

### *Sustainability Implications*

In keeping with RDN Board policy, the applicant has completed the "Sustainable Community Builder Checklist". No sustainability implications were identified through the review of this application.


## SUMMARY

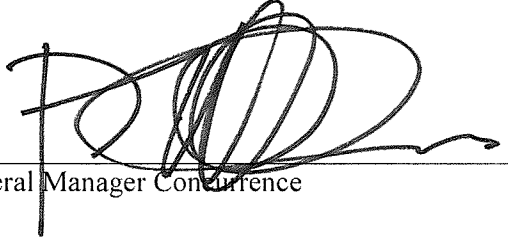
This is an application for a Development Permit with Variance to legalize an existing deck, by reducing the minimum setbacks from the top of bank from 9.0 metres from the top of bank to 16.9 m from the natural boundary. The applicants have provided an Environmental Assessment and Geotechnical Assessment in support of their application.

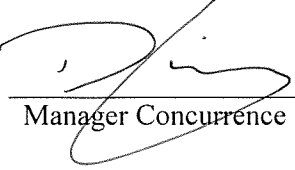
As the application is consistent with the applicable Development Permit Guidelines and is not expected to negatively impact the adjacent neighbours. Staff recommend approval of the Development Permit with Variance.


**RECOMMENDATION**

1. Staff be directed to complete the required notification, and
2. Development Permit with Variance No. PL2010-206 be approved subject to the conditions outlined in *Schedules No. 1 - 2*.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

**Schedule No. 1**  
**Term of Development Permit with Variance Application No. PL2010-206**

The following sets out the terms and conditions of Development Permit with Variance No. PL2010-206.

***Bylaw No. 500, 1987 – Requested Variance***

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

1. **Section 3.3.9 General Regulations; Setbacks – Watercourses, excluding the Sea:** By varying the minimum setback from 9.0 metres horizontal distance from the top of the slope or the first significant and regular break in the slope, to 0.0 metres, as shown on *Schedules No. 2 & 3*.

Schedule No. 2

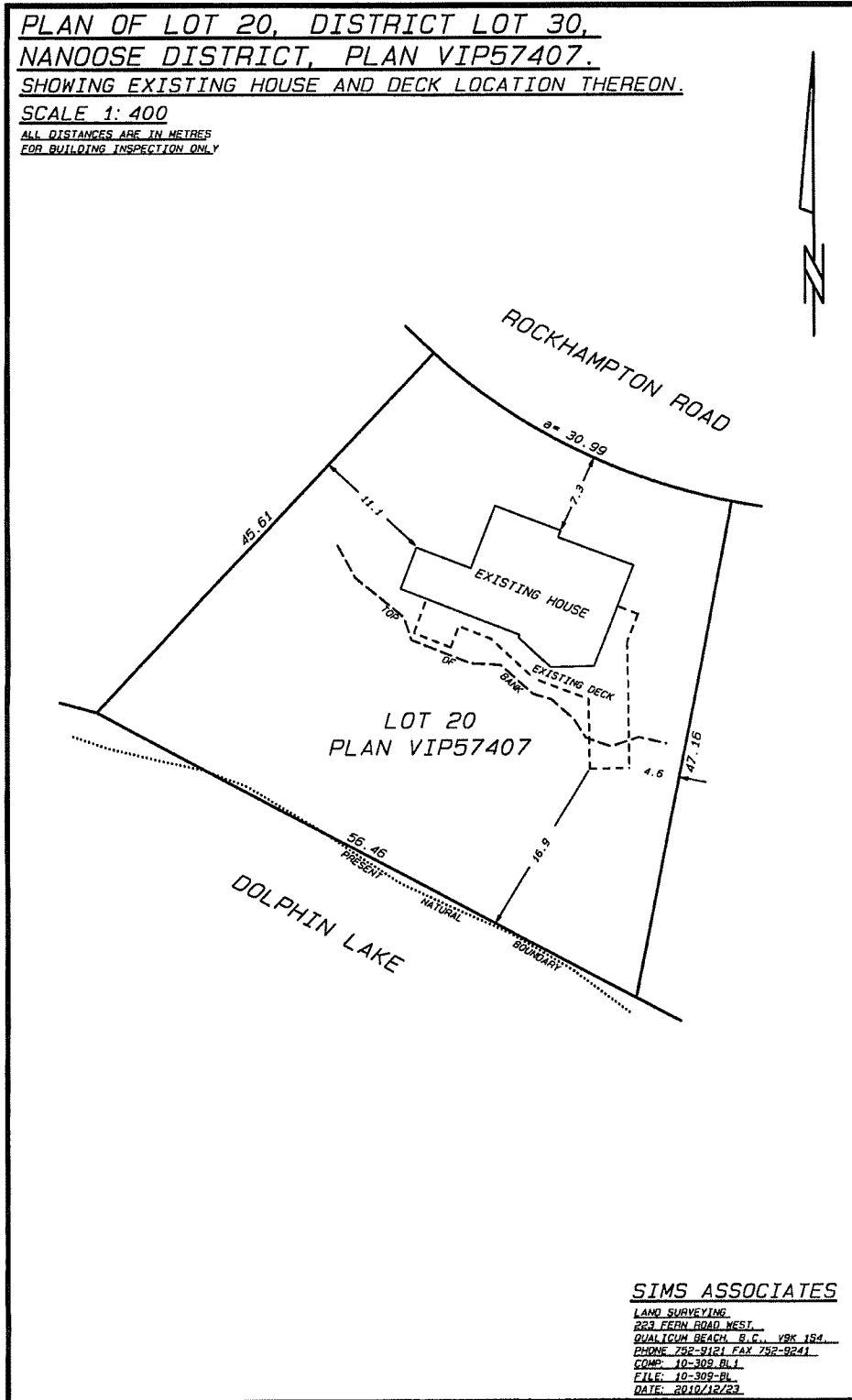
Site Plan

Page 1 of 2

PLAN OF LOT 20, DISTRICT LOT 30,  
NANOOSE DISTRICT, PLAN VIP57407.  
SHOWING EXISTING HOUSE AND DECK LOCATION THEREON.

SCALE 1:400

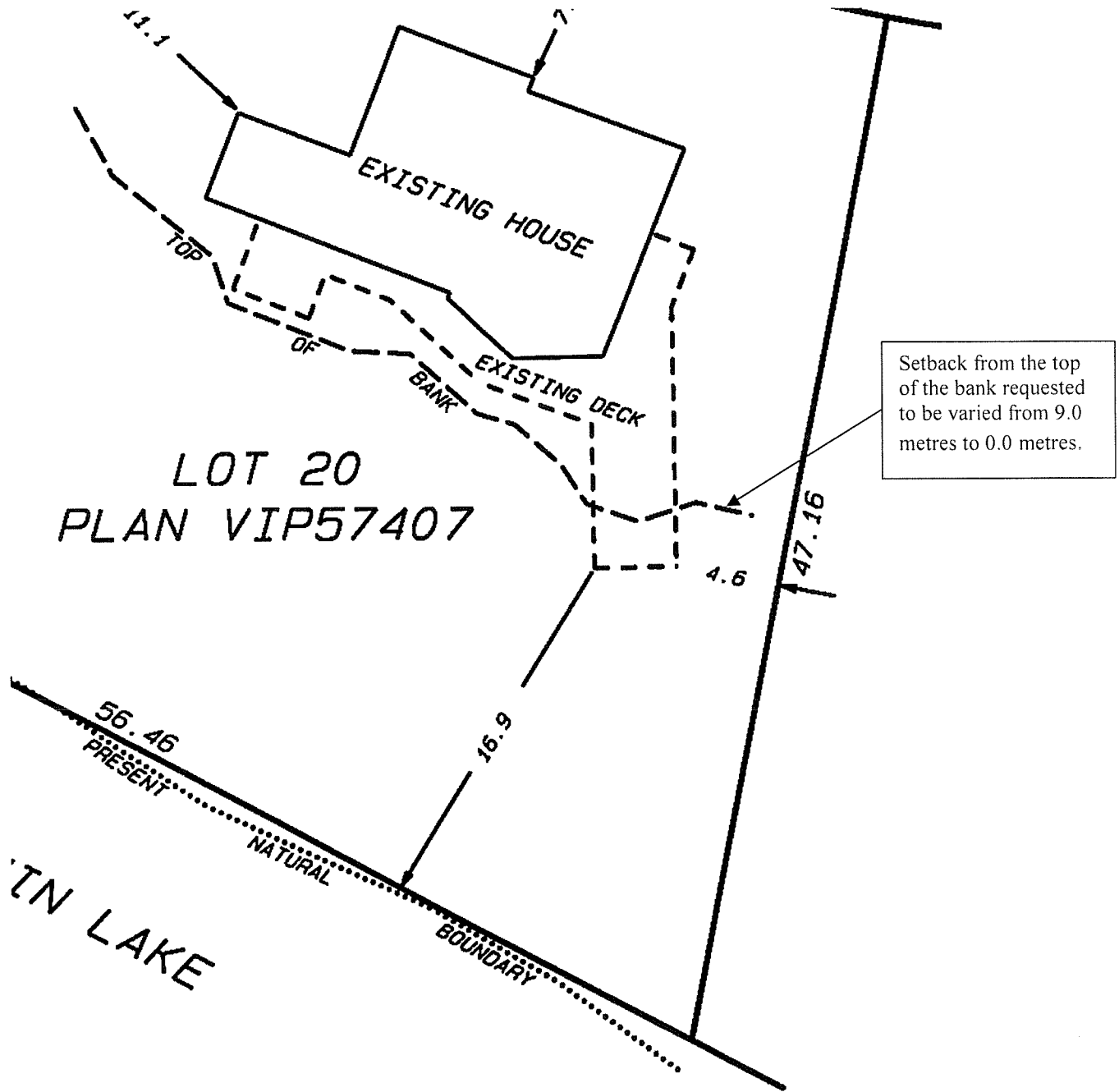
ALL DISTANCES ARE IN METRES  
FOR BUILDING INSPECTION ONLY



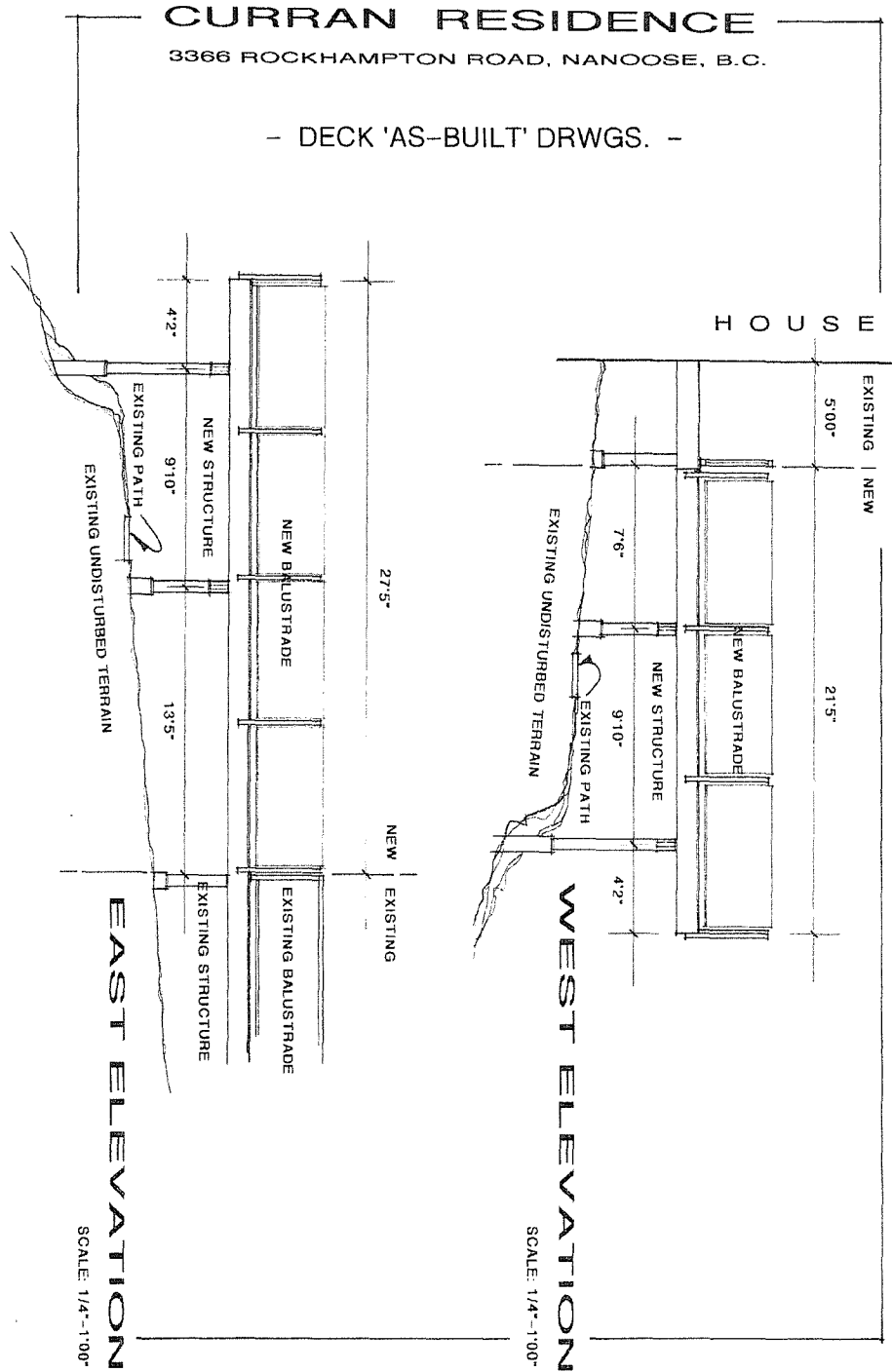
**SIMS ASSOCIATES**

LAND SURVEYING  
223 FERN ROAD WEST  
QUALICUM BEACH B.C. V8K 1S4  
PHONE 792-9121 FAX 792-9241  
COMP. 10-302-BL1  
FILE 10-302-BL1  
DATE: 010/12/23

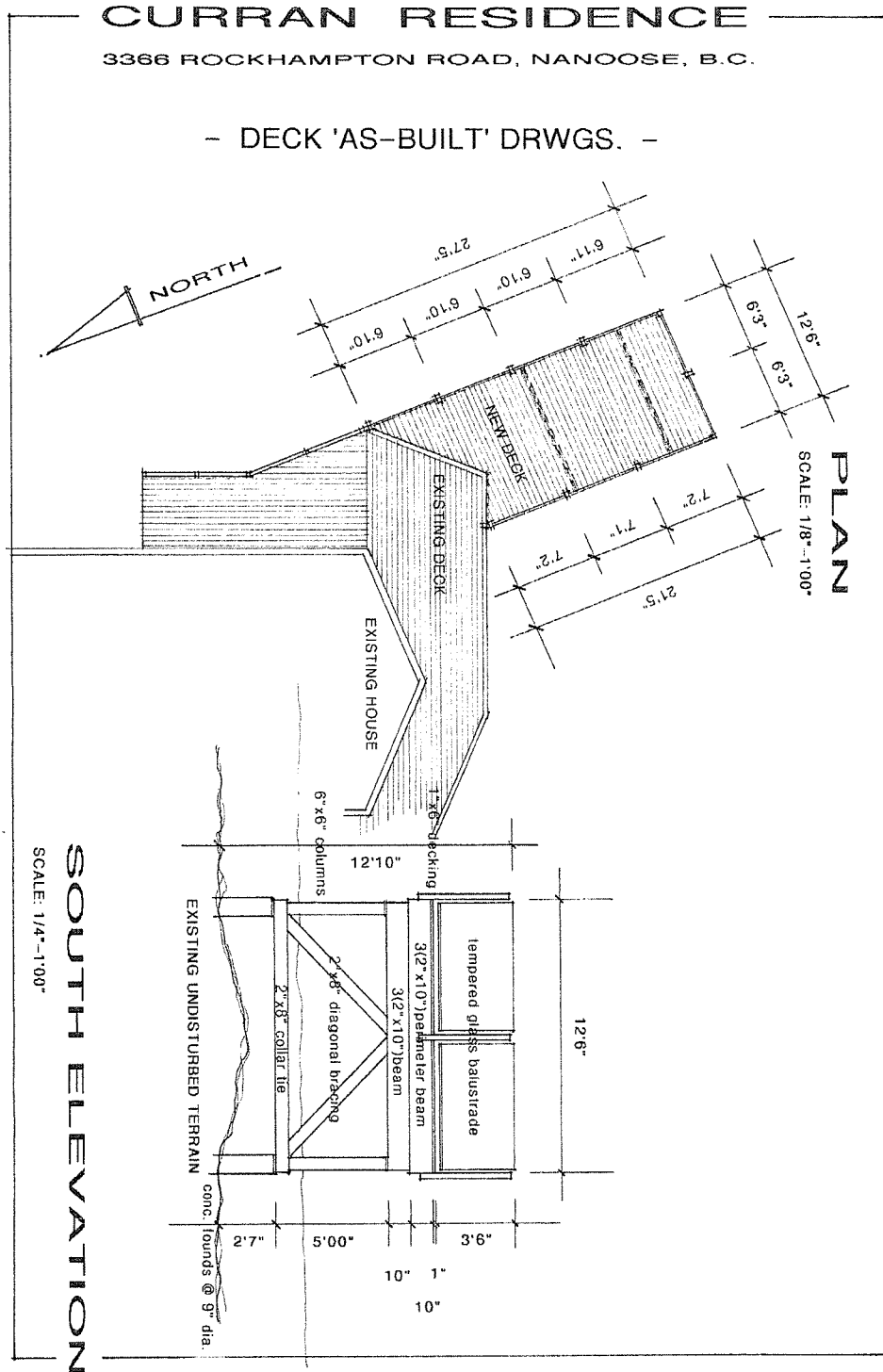
Schedule No. 2  
Detailed Site Plan  
Page 2 of 2



Schedule No. 3  
Deck Elevations  
Page 1 of 2

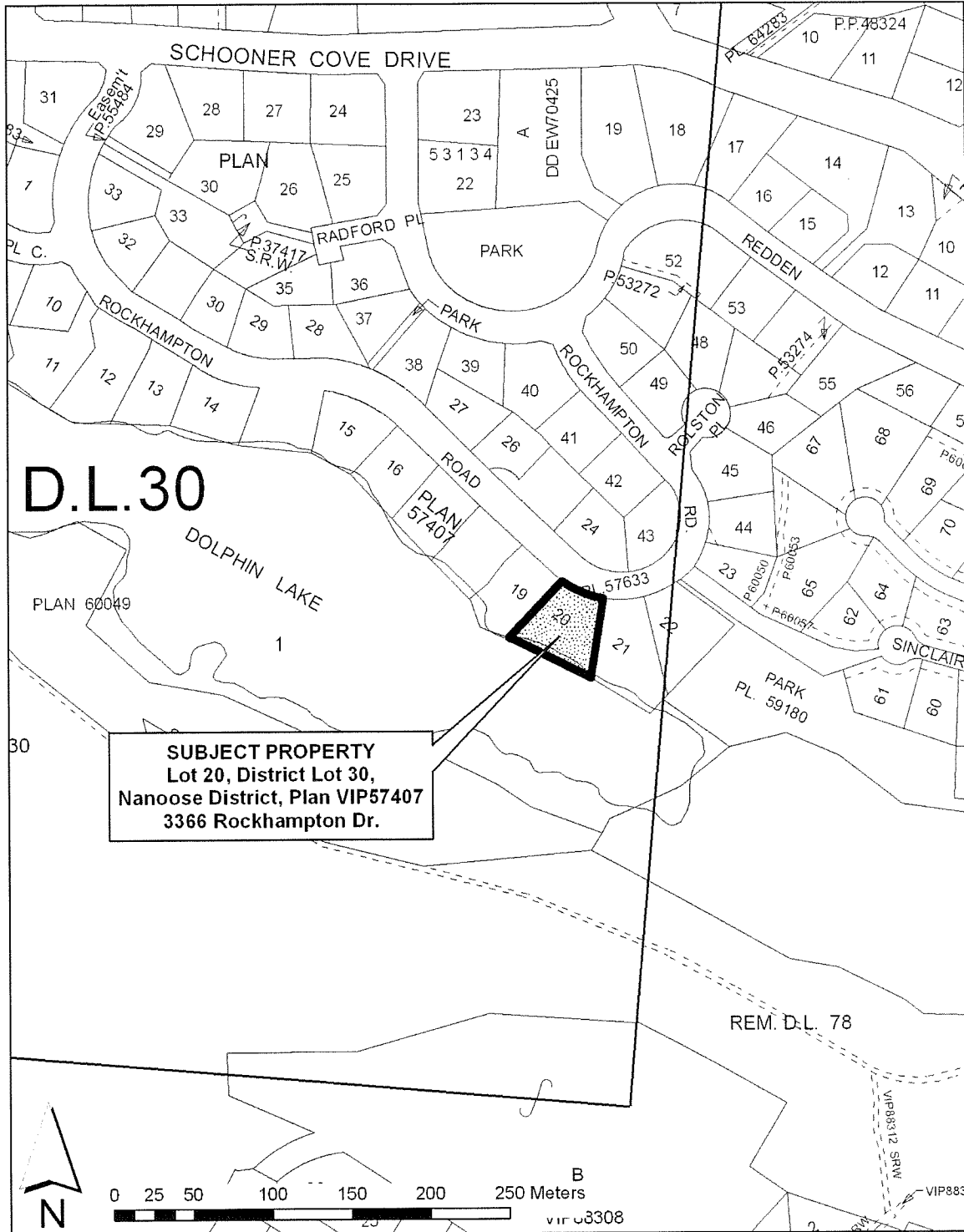


Schedule No. 3  
 Deck Elevations  
 Page 2 of 2





**Attachment No. 1**  
**Location of Subject Properties**





RDN REPORT	
CAC APPROVAL <i>CM</i>	
EAP	✓ Feb 8 '11
COW	
JAN 27	
RHD	
BOARD	

**MEMORANDUM**

**TO:** Dale Lindsay  
Manager of Current Planning **DATE:** January 26, 2011

**FROM:** Kristy Marks  
Planner **FILE:** PL2010-209

**SUBJECT: Development Permit with Variance Application No. PL2010-209  
J. Waring & H. Milne  
Strata Lot 38, District Lot 251, Alberni District, Strata Plan VIS5160 Together with  
an Interest in the Common Property in Proportion to the Unit Entitlement of the  
Strata Lot as Shown on Form V - 3732 Horne Lake Caves Road  
Electoral Area 'H'**

**PURPOSE**

To consider an application for a Development Permit with Variance to permit the construction of a lower storey on an existing single storey recreational residence.

**BACKGROUND**

The Regional District of Nanaimo has received a Development Permit with Variance application from James Waring and Helen Milne to raise an existing recreational residence (cabin) in order to facilitate the construction of a second, lower storey within 15 metres of the natural boundary of Horne Lake. The subject property is approximately 1060 m<sup>2</sup> in area and is zoned Horne Lake Comprehensive Development Zone 9 (CD9) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The property is bound by Common Property and Horne Lake Caves Road to the north, recreational properties to the east and west, and Horne Lake to the south (*see Attachment No. 1 for location of the subject property*).

The subject property is designated within the Environmentally Sensitive Features for Watercourse Protection and Fish Habitat Protection Development Permit Areas (DPA) pursuant to "Regional District of Nanaimo Area 'H' Official Community Plan Bylaw No. 1335, 2003". The Ministry of Natural Resource Operation (formerly Ministry of Environment) has indicated that since there is no further expansion to the existing footprint, the proposed development is exempt from the Provincial Riparian Areas Regulation. Therefore, a Riparian Areas Assessment (RAA) is not required and the proposed development is exempt from the Fish Habitat Protection DPA guidelines. The proposed development is however subject to the requirements of the Watercourse Protection DPA guidelines.

***Proposed Development and Requested Variance***

The applicant is proposing to raise an existing single storey cabin with an approximate floor area of 67 m<sup>2</sup> to allow the construction of a lower storey with an approximate floor area of 33 m<sup>2</sup>. The existing cabin is located on the old railway right-of-way approximately 10.8 metres from the natural boundary of Horne Lake. The cabin has a vaulted ceiling and is currently supported by 6x6 posts on pier blocks and concrete

retaining walls. The applicant is requesting approval for a variance to the maximum permitted cabin height from 6.1 metres to 7.85 metres (*see Schedule No. 1 for proposed variance*).

## **ALTERNATIVES**

1. To approve the Development Permit with Variance Application No. PL2010-209 as requested subject to the conditions outlined in *Schedules No. 1 - 2*.
2. To deny the Development Permit with Variance as requested.

## **LAND USE IMPLICATIONS**

The applicant is proposing to raise an existing single storey cabin in order to construct a lower storey with a floor area of approximately 33 m<sup>2</sup>. The location of the existing cabin is shown on *Schedule No. 2*.

In keeping with the Watercourse Protection DPA guidelines, the applicant has submitted a Development Recommendation Report prepared by Streamline Environmental Consulting Ltd. dated January 14, 2011. This report states that there are no adverse environmental impacts anticipated as part of the proposed development and it includes recommendations for sediment runoff control, vegetation retention, and replanting any exposed soils upon completion of construction. These recommendations are included in the Conditions of Approval set out in *Schedule No. 1*.

The applicant has submitted two letters of support from the adjacent property owners and has provided the following justification for the requested variance:

- The lower storey addition will provide the property owners with a more accessible and secure enclosed space for the storage of kayaks, recreational toys, outdoor furniture, solar inverter, and backup generator.
- The existing cabin was constructed with a steep roof pitch in order to assist in the shedding of debris from the surrounding trees and given the steep roof pitch of the existing cabin it would not be possible to construct a lower storey without a variance to the height.
- There is no anticipated view or aesthetic implications related to the requested variance.

### ***Sustainability Implications***

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. In staff’s opinion there are no sustainability implications resulting from this proposal.

### ***Public Consultation Process***

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

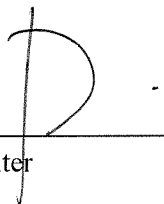
## SUMMARY

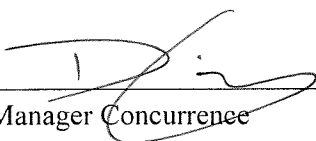
This is an application for a Development Permit with Variance to permit the construction of a lower storey on an existing single storey recreational residence within 15 metres of the natural boundary of Horne Lake. The applicant has submitted a Development Recommendations Report and justification for the requested variance in support of the application. In staff's assessment, this proposal is consistent with the guidelines of the applicable Development Permit Area.

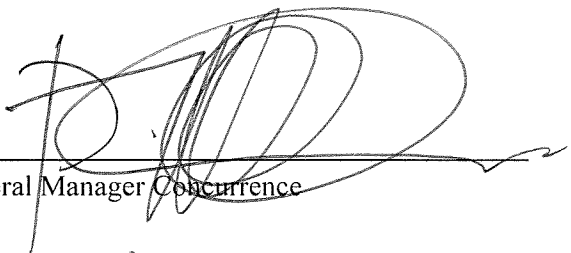
## RECOMMENDATION

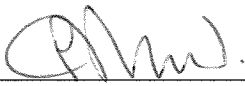
That:

1. Staff be directed to complete the required notification, and
2. That Development Permit with Variance Application No. PL2010-209, to permit the construction of a lower storey on an existing single storey cabin with a variance to the maximum permitted cabin height be approved subject to the conditions outlined in *Schedules No. 1 – 2*.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

**Schedule No. 1**  
**Conditions of Development Permit with Variance Application No. PL2010-209**

*Bylaw No. 500, 1987 – Variances*

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

1. **Section 3.4.107 Maximum Number and Size of Buildings and Structures** is requested to be varied by increasing the maximum permitted recreational residence height from 6.1 metres to 7.85 metres for a cabin as shown on *Schedule No 2*.

*Conditions of Approval:*

1. The subject property shall be developed in accordance with the recommendations established in the Development Recommendation Report prepared by Streamline Environmental Consulting Ltd. dated January 14, 2011.

Schedule No. 2  
 Site Plan  
 (Page 1 of 2)

SKETCH PLAN FOR BUILDING PERMIT APPLICATION OVER:  
 STRATA LOT 38, DISTRICT LOT 251, ALBERNI  
 DISTRICT, STRATA PLAN VIS5160.

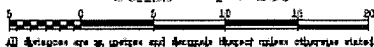
Dec 10, 2010.

**LEGEND**

Grid bearings are derived from GPS observations to derive local astronomic bearings subtract 1°17'34", and are referred to the meridian through the Back Sight to OY.

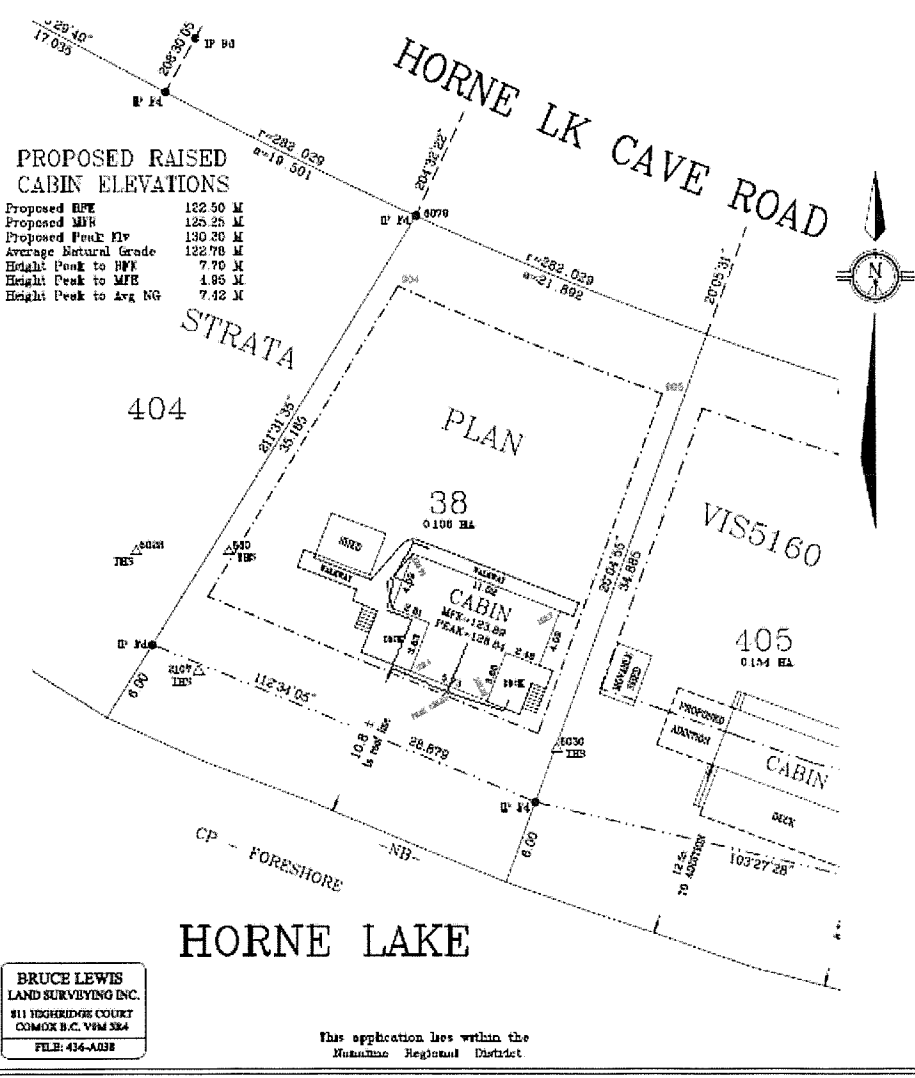
- O - denotes - Standard Iron Post
- HFE - denotes - Basement Floor Elevation
- CP - denotes - Common Property
- D.P. - denotes - Development Permit
- PEB - denotes - Present Natural Boundary
- MFE - denotes - Main Floor Elevation

SCALE = 1 : 250

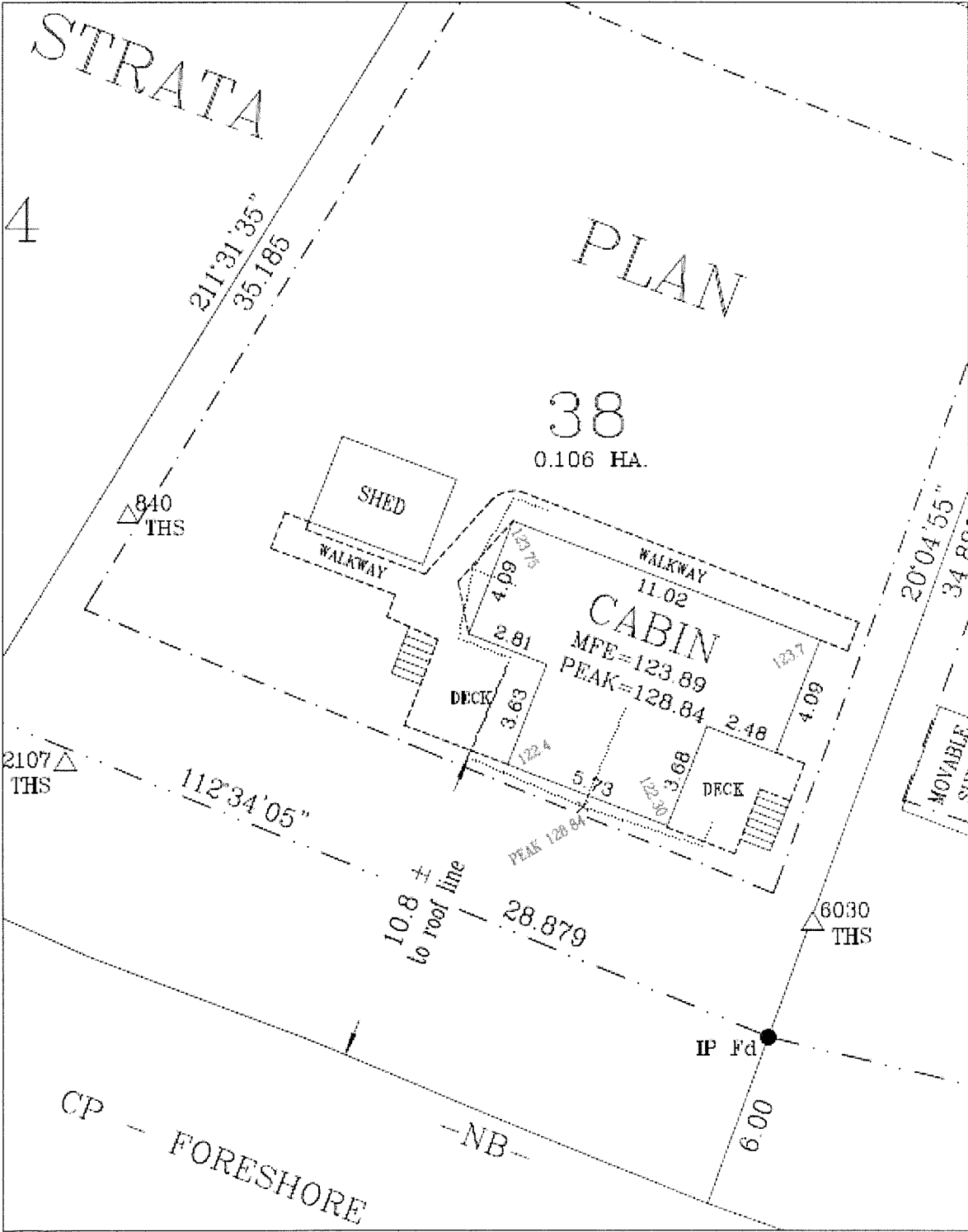


**GENERAL NOTES**

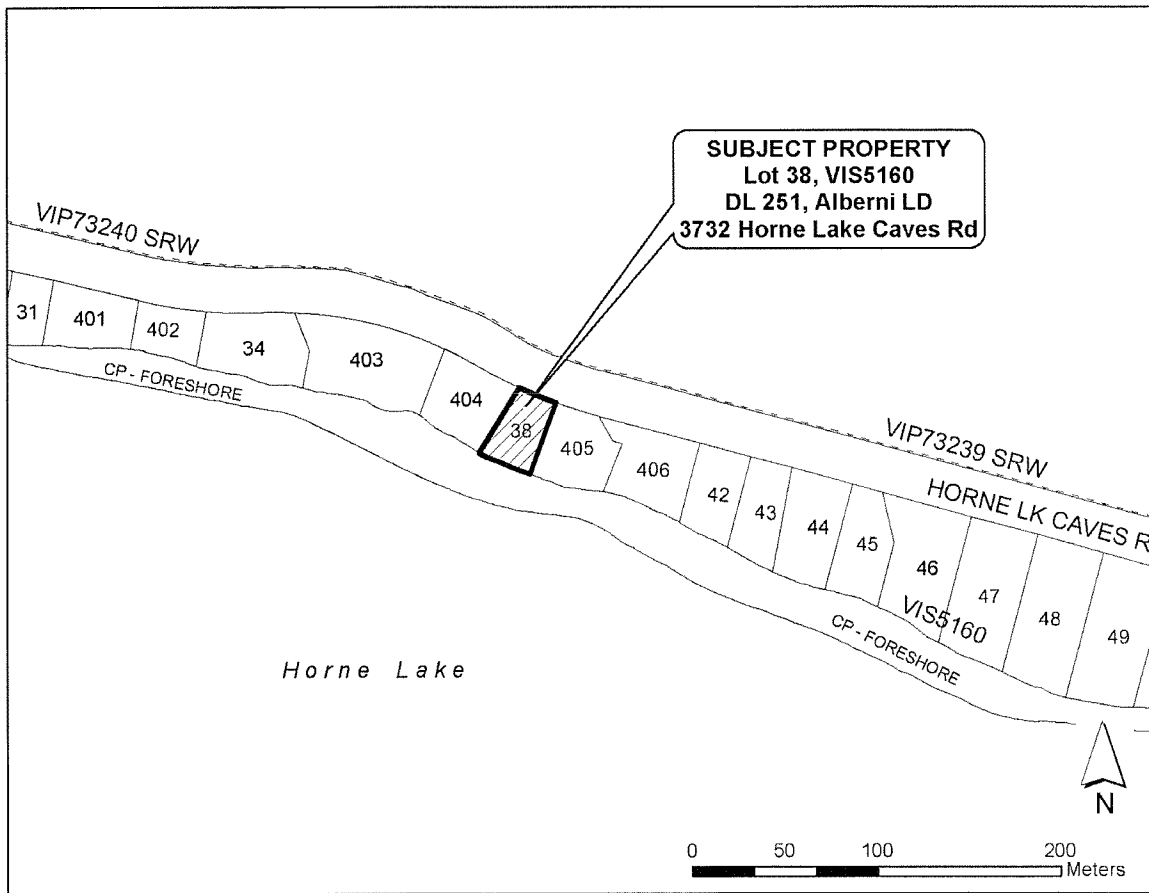
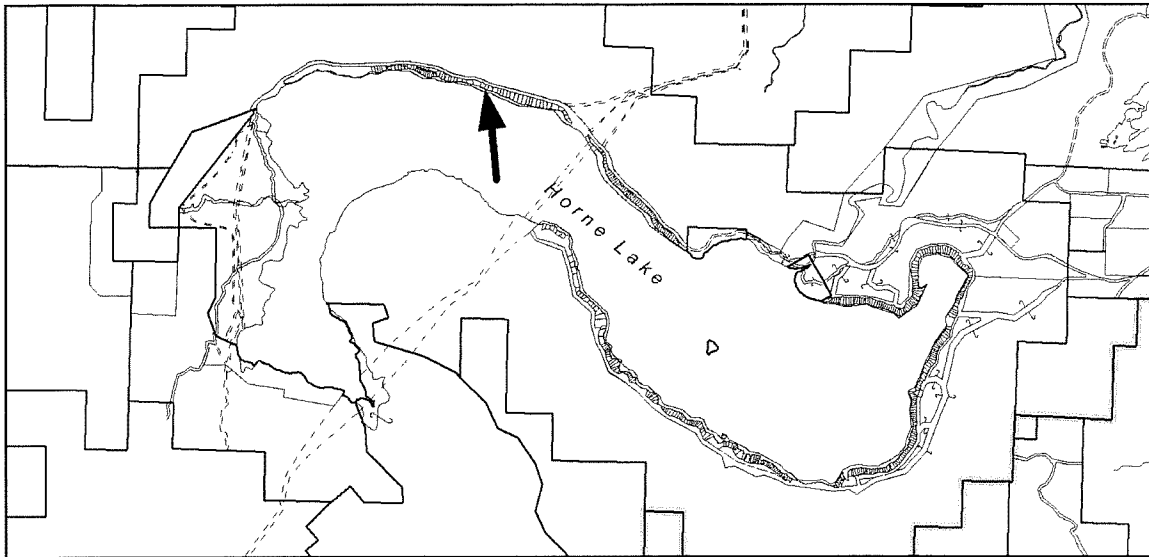
- 1) ALL PROPOSED IMPROVEMENTS MUST BE CLEAR OF ZONING AND APPROVED D.P. SETBACKS - DRIVEWAY, OR PATIO, CHIMNEY, PORCH, DECK, ETC.
- 2) SHEDS BUILDING LANE MUST BE SUFFICIENT TO BE MEASURED FROM THE NATURAL BOUNDARY AND WITHIN ZONING SETBACKS.
- 3) MAIN FLOOR ELEVATIONS MUST BE CONSIDERED FROM TO CONSTRUCTION.
- 4) ALL PROPOSED IMPROVEMENTS WITHIN THE EX ZONE MUST BE INDICATED (DRIVEWAY OF PARKING, ACCESS, PATIO, DECKS & PATIOS).
- 5) PROPOSED BUILDING SETBACK INFORMATION MAY VARY FROM LEGAL SURVEY.
- 6) ELEVATIONS AND GRADIENTS AND DATA HEREIN EMPLOYED BY PROFESSIONAL CONSULTANTS, CONTRACTORS, SETTLERS AND VARIOUS OTHER PARTIES.
- 7) ELEVATIONS ARE REFERENCED TO GEODETIC SURVEYS OF CANADA CONTROL METERING SURFACE (150 443) AND ARE IN METERS AND DECIMALS THEREOF.
- 8) SEE EXPLANATIONS EMPLOYED FROM PLAN 22, 2010 SURVEY.



Schedule No. 2  
Site Plan  
(Page 2 of 2)



**Attachment No. 1**  
**Location of Subject Property**



BCGS MAPSHEET: 92F.037.1.4





RDN REPORT	
CAO APPROVAL <i>OK</i>	
EAP	<i>✓ Feb 8 '11</i>
COW	
RHD	
BOARD	

**MEMORANDUM**

**TO:** Dale Lindsay  
 Manager of Current Planning

**DATE:** January 25, 2011

**FROM:** Susan Cormie  
 Senior Planner

**FILE:** PL2010-230

**SUBJECT: Development Permit with Variance Application No. PL2010-230  
 Fern Road Consulting Ltd.  
 That Part of Lot 6, Plan 2410, Lying to the West of the Island Highway, Except That Part Shown Coloured Red on Plan 95RW; Lot 1, Plan 3530 Except That Part Thereof Lying East of the Island Highway; Parcel A (DD26007W) of Lot 4, Composite Plan 2410, all of District Lot 21, Newcastle District; and Lot A District Lot 33 Newcastle District, Plan VIP68847  
 6224, 6266, 6280, & 6290 Island Highway West  
 Electoral Area 'H'**

**PURPOSE**

To consider an application for a Development Permit with Variance and a request to relax the minimum 10% perimeter frontage requirement in conjunction with a lot line adjustment subdivision proposal.

**BACKGROUND**

The Regional District of Nanaimo has received a Development Permit with Variance application in conjunction with a lot line adjustment subdivision proposal from Fern Road Consulting Ltd., on behalf of Norene Wilson.

The subject properties, which total 29.9 ha in size, are zoned Rural 1 (RU1) and are situated within Subdivision District 'D' (*2.0 ha minimum parcel size with or without community services*) as per the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (*see Attachment No. 1 for location of subject property*).

The subject properties are situated within the Provincial Agricultural Land Reserve. The parent parcels currently support a number of buildings and structures as follows:

- Proposed Lot A - a dwelling unit, a mobile home and accessory buildings;
- Proposed Lot B - a dwelling unit, accessory buildings, and a kennel building;
- Proposed Lot C - a dwelling unit, agricultural buildings, and accessory buildings; and
- Proposed Lot D - agricultural buildings (*see Schedule No. 2 for the location of existing buildings and structures*).

Surrounding land uses include rural zoned properties situated in the Provincial Agricultural Land Reserve (ALR) to the north and south, the Island Highway No. 19A to the east, and the E&N Railway Corridor to the west. In addition, there are streams, including Nash Creek, and wetlands located within the subject properties.

The subject property is designated within the following development permit areas as the Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003:

- Environmentally Sensitive Features DPA for the protection of lakes, wetlands, ponds, watercourses and streams as measured 15.0 metres from the natural boundary and top of the bank;
- Fish Habitat Protection DPA for the protection of fish habitat and their riparian areas.

It is noted that proposed Lot D will meet the exemption provisions as set out in the Development Permit Guidelines.

### ***Proposed Development & Requested Variances***

The applicant is proposing a lot line adjustment between the parent parcels resulting in four new parcels being greater than the minimum parcel size requirements (*see Schedule No. 2 for Proposed Plan of Subdivision*). The parcels are proposed to be served with community water service and individual private septic disposal systems.

As part of the application process, the applicant has submitted Riparian Assessment Report. The applicant is requesting a number of variances for some of the existing buildings from existing lot lines. These variances are outlined in Schedule No. 1.

### ***Minimum 10% Perimeter Frontage Requirement & Minimum Panhandle Width***

Proposed Lots A and B, as shown on the submitted plan of subdivision, do not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontages are as follows:

<b><i>Proposed Lot No.</i></b>	<b><i>Required Frontage</i></b>	<b><i>Proposed Frontage</i></b>	<b><i>% of Perimeter</i></b>
Lot A	79.4 m	55.7 m	6.9 %
Lot B	84.4 m	3.9 m	0.05 %

Therefore, as these proposed parcels do not meet the minimum 10% parcel frontage requirement pursuant to section 944 of the *Local Government Act*, approval of the Regional District Board of Directors is required.

In addition, as the panhandle portion of Lot B, which is proposed to be 3.9 metres in width, does not meet the minimum 6.0 metre width panhandle provision as per Bylaw No. 500, 1987, a variance is required.

### **ALTERNATIVES**

1. To approve Development Permit with Variance No. PL2010-230, subject to the conditions outlined in *Schedule No. 1* and to approve the request for relaxation of the minimum 10% perimeter frontage requirement for the proposed Lots A and B.
2. To deny the Development Permit with Variance No. PL2010-230 and the request for relaxation of the minimum 10% frontage requirement (and provide further direction to staff).

## DEVELOPMENT IMPLICATIONS

### *Agricultural Land Reserve Implications*

In keeping with the guidelines of the Agricultural Land Reserve Commission to *not* extend roads into the ALR as well as the requirements of the *Land Title Act* to limit roads being extended into ALR lands, there is a limited amount of road frontage to provide access to the proposed Lots A and B. The Provincial guidelines and regulations support the requested frontage relaxation to serve these proposed parcels.

### *Minimum Frontage / Ministry of Transportation and Infrastructure Implications*

Ministry staff has indicated that the proposed frontage for the proposed Lots A and B are acceptable to the Ministry. Despite the reduction in the frontage, the parcels will be able to continue to support residential and agricultural uses.

The panhandle proposed to serve proposed Lot B has been in place for many years serving as access to the larger parent parcel (Lot 1). Therefore, as there are no changes to the historical panhandle and the parcel size is being reduced, staff supports the variance to reduce the minimum width of the panhandle.

### *Development Permit Implications*

With respect to the Riparian Assessment, the report, which establishes a 10.5 metre Streamside Protection Environmental Area (SPEA) for Nash Creek; a 10.0 metre SPEA for the Nash Creek Tributary; and a 5.0 metre SPEA for the ditch and pond, concludes that, as there is no subdivision-related development activity to occur within the SPEAs, there are no impacts and post monitoring required.

### *Proposed Variances / Existing Land Use & Building Implications*

As part of this Development Permit with Variance application, the applicant is requesting a number of variances to recognize some of existing buildings which the applicant's agent has indicated are in good condition and legalize the existing pan handle width on proposed Lot B.

#### *Proposed Lot A:*

##### *Existing Dwelling Unit:*

- **Section 3.4.81 Minimum Setback Requirements subsection 2.** is proposed to be varied by relaxing the minimum setback for the north lot line from 8.0 metres to 2.7 metres in order to recognize the siting of the existing dwelling unit.

##### *Existing Mobile Home:*

- **Section 3.4.81 Minimum Setback Requirements subsection 2.** is proposed to be varied by relaxing the minimum setback for the north lot line from 8.0 metres to 7.7 metres in order to recognize the siting of the existing mobile home.

##### *Existing Sheds Labeled 1 and 2:*

- **Section 3.4.81 Minimum Setback Requirements subsection 2.** is proposed to be varied by relaxing the minimum setback for the north lot line from 8.0 metres to 1.9 metres and 2.8 metres respectively in order to recognize the siting of the existing accessory buildings labeled shed 1 and shed 2.

**Proposed Lot B:**

*Proposed Panhandle:*

- **Section 4.5 Parcel Shape and Dimensions subsection 3) b)** is proposed to be varied by relaxing the minimum 6.0 m width panhandle requirement to 3.9 m width panhandle to allow the creation of Proposed Lot B.

**Proposed Lot C:**

*Existing Coop and Shed:*

- **Section 3.4.81 Minimum Setback Requirements subsection 2.** is proposed to be varied by relaxing the minimum setback for the south lot line from 8.0 metres to 4.0 metres and in order to recognize the siting of the existing accessory buildings labeled shed and the existing Agricultural Building labeled Coop.

As the requested variances to legalize existing conditions will, in staff's opinion, not negatively impact adjacent properties or result in unreasonable setbacks, staff recommends that the variances be approved.

**PUBLIC IMPLICATIONS**

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

**SUSTAINABILITY IMPLICATIONS**

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

**SUMMARY**

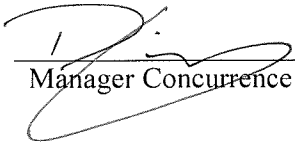
Prior to the development of the subject property, a Development Permit with Variance and relaxation of the minimum 10% perimeter frontage requirement for two of the proposed parcels is required. The subject properties are designated within the Fish Habitat Protection and Environmentally Sensitive Features Development Permit Areas (DPAs) for the protection of watercourses and their riparian areas as per the Electoral Area 'H' OCP. The applicant has provided a Riparian Assessment Report which concludes that, as there is no subdivision-related development activity to occur within the SPEAs, there are no impacts or mitigation required.

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


**RECOMMENDATIONS**

1. That staff be directed to complete the required notification.
2. That Development Permit with Variance Application No. PL2010-230 in conjunction with a lot line adjustment subdivision be approved subject to the conditions outlined in *Schedule No. 1*.
3. That the request to relax the minimum 10% perimeter frontage requirement for proposed Lots A and B be approved.

\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

**Schedule No. 1**  
**Development Permit with Variance Application No. PL2010-230**  
**Conditions of Approval/Proposed Variances**

The following sets out the conditions of approval with respect to Development Permit No. PL2010-230:

**1. Subdivision**

The subdivision of the lands shall be in substantial compliance with *Schedule No. 2* (to be attached to and forming part of Development Permit with Variance No. PL2010-230).

**2. Riparian Assessment**

The Riparian Area Assessment No. 1875 prepared by Steve Toth and dated May 26, 2010 (to be attached to and forming part of the Development Permit with Variance as *Schedule No. 3*) applies only to the lot line adjustment subdivision of the parent parcels requiring no associated subdivision related works within the SPEAs. If any subdivision related works, including drainage works or driveways, are to occur in the SPEAs or if there is any future development proposed to occur within the SPEAs, a further riparian area assessment prepared by a Qualified Environmental Professional and registered with the Ministry of Environment will be required.

The following sets out the proposed variances with respect to Development Permit with Variance No. PL2010-230 (as shown on Proposed Plan of Subdivision prepared by Sims Associates, BCLS and dated revision 2010/12/03):

***Proposed Lot A:***

*Existing Dwelling Unit:*

- **Section 3.4.81 Minimum Setback Requirements subsection 2.** is proposed to be varied by relaxing the minimum setback for the north lot line from 8.0 metres to 2.7 metres in order to recognize the siting of the existing dwelling unit.

*Existing Mobile Home:*

- **Section 3.4.81 Minimum Setback Requirements subsection 2.** is proposed to be varied by relaxing the minimum setback for the north lot line from 8.0 metres to 7.7 metres in order to recognize the siting of the existing mobile home.

*Existing Sheds Labeled 1 and 2:*

- **Section 3.4.81 Minimum Setback Requirements subsection 2.** is proposed to be varied by relaxing the minimum setback for the north lot line from 8.0 metres to 1.9 metres and 2.8 metres respectively in order to recognize the siting of the existing accessory buildings labeled shed 1 and shed 2.

***Proposed Lot B:***

*Proposed Panhandle:*

- **Section 4.5 Parcel Shape and Dimensions subsection 3) b)** is proposed to be varied by relaxing the minimum 6.0 m width panhandle requirement to 3.9 m width panhandle to allow the creation of Proposed Lot B.

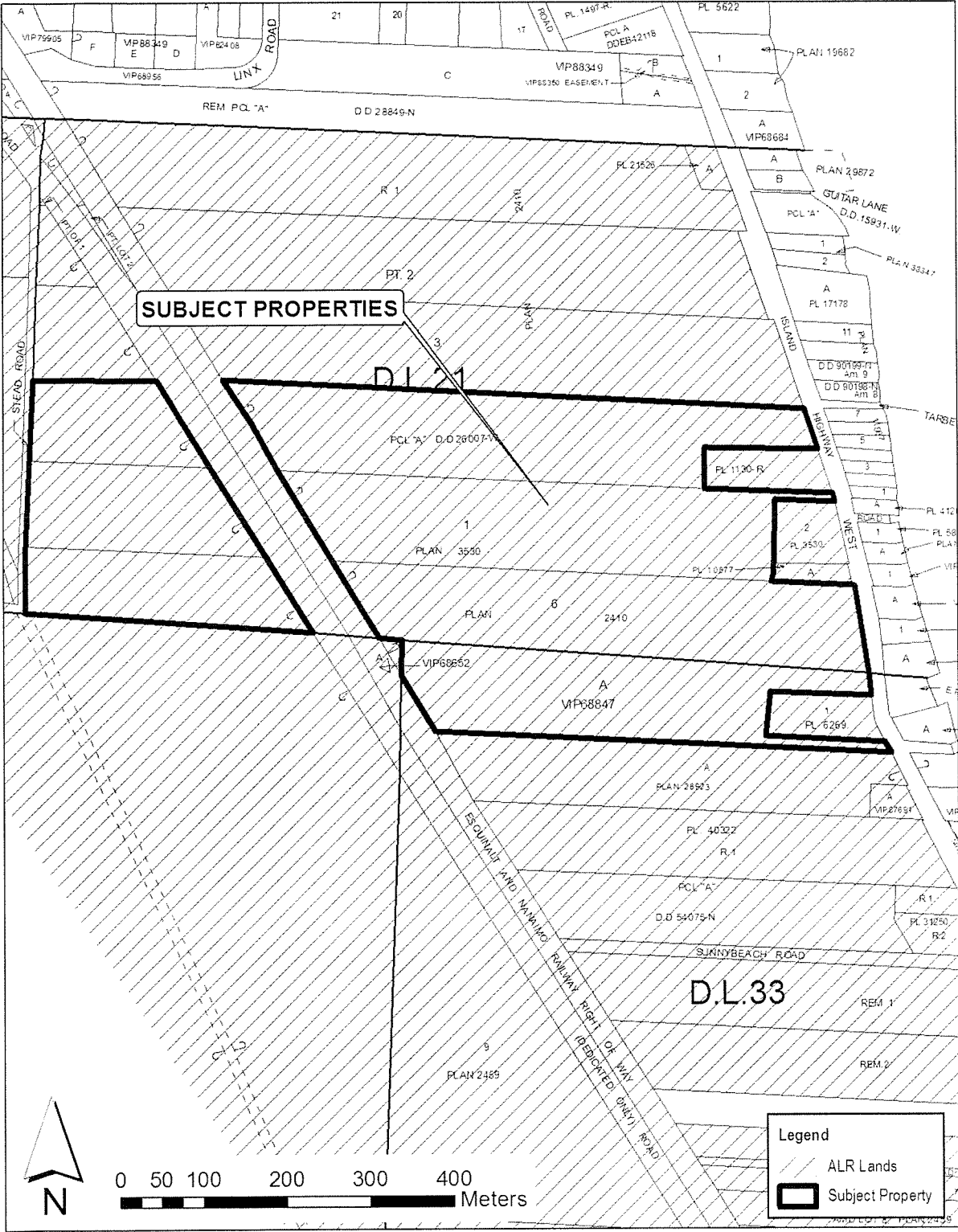
***Proposed Lot C:***

*Existing Coop and Shed:*

- **Section 3.4.81 Minimum Setback Requirements subsection 2.** is proposed to be varied by relaxing the minimum setback for the south lot line from 8.0 metres to 4.0 metres and in order to recognize the siting of the existing accessory buildings labeled shed and the existing Agricultural Building labeled Coop.



Attachment No. 1  
Location of Subject Properties



BCGS MAPSHEET 92F 047 2.2





RDN REPORT	
CAO APPROVAL <i>(Signature)</i>	
EAP	✓ Feb 8 '11
COW	
JAN 24 2011	
RHD	
BOARD	

**MEMORANDUM**

**TO:** Dale Lindsay  
Manager of Current Planning

**DATE:** January 24, 2011

**FROM:** Elaine Leung  
Planner

**FILE:** PL2011-011

**SUBJECT:** Development Variance Permit No. PL2011-011 – Philip Muise  
Lots 21 and 22, Block 1, Section 16, Range 8, Cranberry District, Plan 2041  
1638 and 1640 Elm Road  
Electoral Area ‘A’

**PURPOSE**

To consider an application for a Development Variance Permit to legalize the siting of a concrete retaining wall between the subject properties.

**BACKGROUND**

The Regional District of Nanaimo has received an application for a Development Variance Permit from Philip Muise on behalf of Brian Muise, Troy McLaren and Glenn Van Camp to legalize the siting of a concrete retaining wall between the subject properties. Both lots are zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The subject properties are approximately 900 m<sup>2</sup> in area and slope significantly to the northeast. Lot 21 currently supports an existing dwelling unit. There is a wetland to the rear (north) of the properties.

*Proposed Variance*

The applicant proposes to vary the following from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” in order to permit the construction of a concrete retaining wall.

- *Section 3.4.62 – Minimum Setback Requirements; Interior Side Lot Line* is requested to be varied by reducing the interior side lot line from 2.0 metres to 0.0 metres.

**ALTERNATIVES**

1. To approve the Development Variance Permit No PL2011-011 subject to the conditions outlined in *Schedules No. 1-2*.
2. To deny the Development Variance Permit No. PL2011-011 and provide further direction to staff.

**LAND USE AND DEVELOPMENT IMPLICATIONS**

Lot 21 presently supports a dwelling unit. The applicant is currently in the process of constructing a dwelling unit on Lot 22. In conjunction with the construction of a dwelling unit currently underway on Lot 22, a retaining wall has been constructed between the subject properties. The wall is greater than 1.0 metres in height above natural grade and as such, is considered a structure and therefore subject to the 2.0

metres yard setback. As the wall is constructed on the common property line, a variance is required from 2.0 metres to 0.0 metres for both properties in order to legalize the existing retaining wall.

The applicant has provided a Geotechnical Assessment for the proposed retaining wall and has applied for a building permit.

### SUSTAINABILITY IMPLICATIONS

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


### SUMMARY/CONCLUSIONS

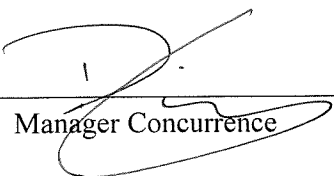
This is an application for a Development Variance Permit to legalize the siting of a concrete retaining wall, by reducing the minimum interior side lot line setbacks from 2.0 metres to 0.0 metres on both of the subject properties.

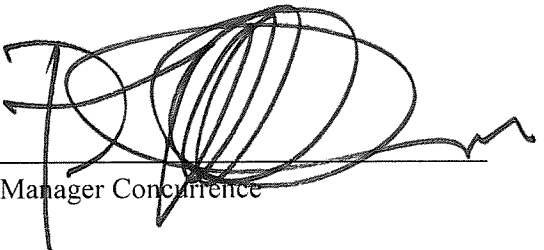
The requested variance is not anticipated to have a negative impact on surrounding lands. Staff recommend approval of the Development Variance Permit.

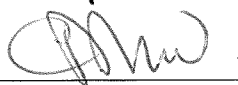
### RECOMMENDATION

That Development Variance Permit No. PL2011-011, to legalize the siting of a concrete retaining wall, be approved subject to the conditions outlined in *Schedules No. 1-2*.

  
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Report Writer

  
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Manager Concurrence

  
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General Manager Concurrence

  
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CAO Concurrence

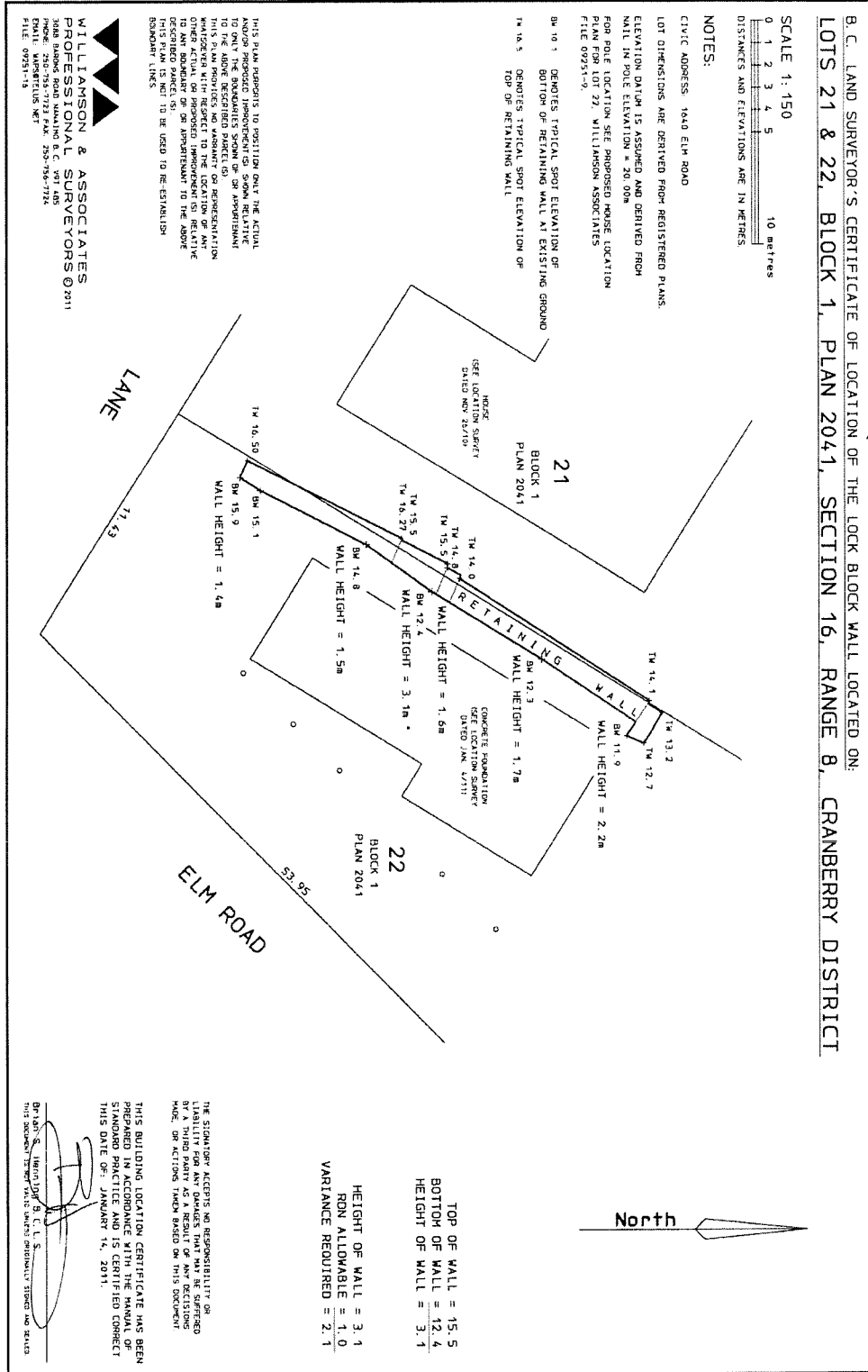
**Schedule No. 1**  
**Terms of Development Variance Permit No. PL2011-011**

***Bylaw No. 500, 1987 – Requested Variance***

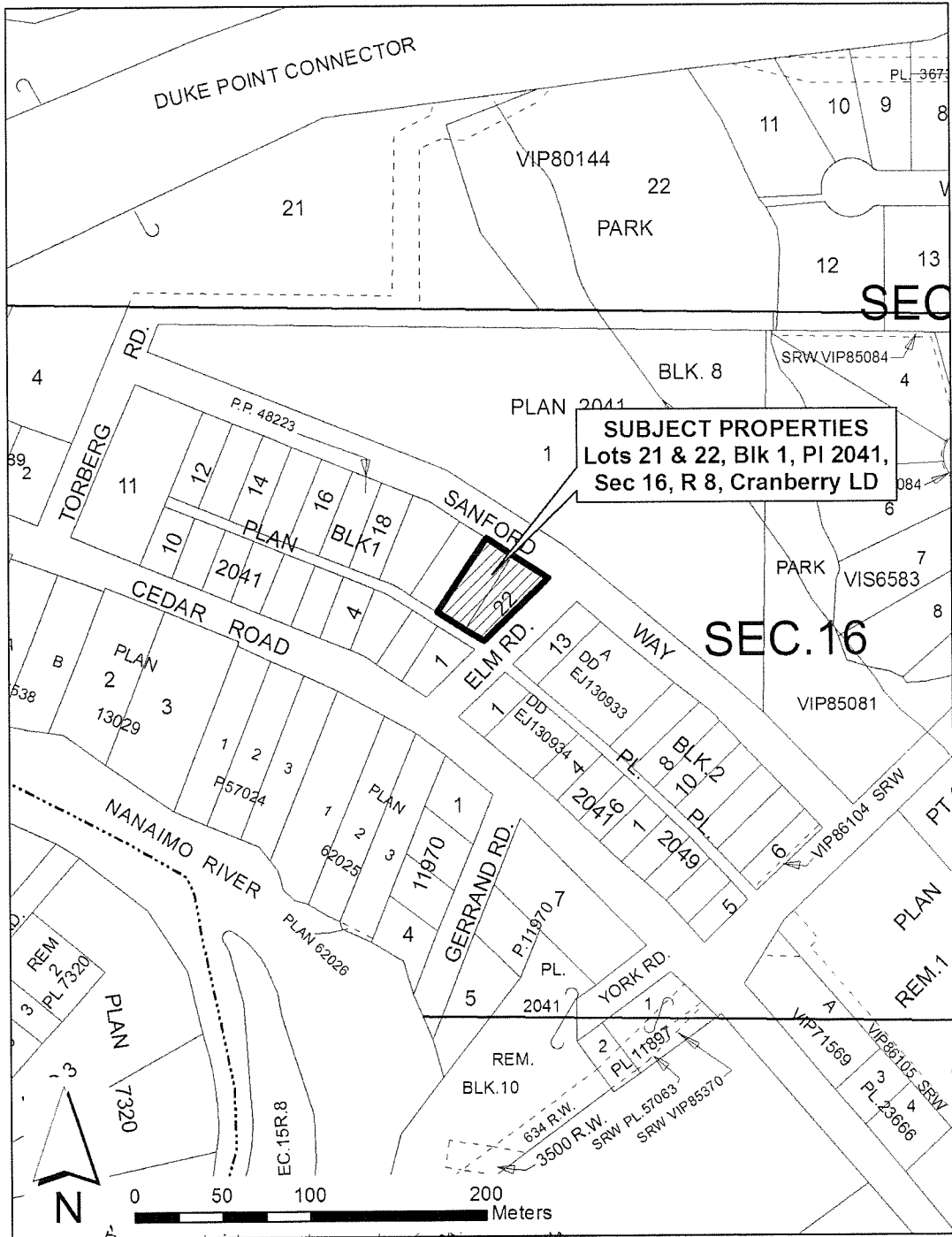
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is requested to be varied as follows:

1. **Section 3.4.62 Minimum Setback Requirements; Interior Side Lot Line** – by varying the minimum lot line setback from 2.0 metres to 0.0 metres, as shown on Schedule No. 2.

**Schedule No. 2  
 Site Plan**



**Attachment No. 1**  
**Location of Subject Property**



BCGS Map Sheet 92G.011.2.1



RDN REPORT	
CAO APPROVAL <i>CM</i>	
EAP	✓ Feb 8 '11
COW	
JAN 26 2011	
RHD	
BOARD	

**MEMORANDUM**

**TO:** Dale Lindsay  
Manager, Current Planning

**DATE:** January 26, 2011

**FROM:** Kristy Marks  
Planner

**FILE:** PL2010-162

**SUBJECT:** Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement  
Fern Road Consulting Ltd.  
Lot 1, District Lot 100, Newcastle District, Plan VIP76141 and Lot 2,  
District Lot 76, Newcastle District, Plan VIP76141 - Allgard Road  
Electoral Area 'G'

**PURPOSE**

To consider a request to relax the minimum 10% perimeter frontage requirement for the subject properties in conjunction with a boundary adjustment between the subject lands.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received a request to relax the minimum 10% perimeter frontage requirement in conjunction with a lot line adjustment subdivision proposal from Fern Road Consulting Ltd. on behalf of Donald McMillan and the Estate of John McMillan (*see Attachment No. 1 for location of subject properties*).

The subject parcels, which have a combined lot area of 41.6 ha in size, are zoned Rural 1, Subdivision District 'D' (RU1D) (*2.0 ha minimum parcel size with or without community services*) as per "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The parcels are currently vacant and heavily forested. A portion of Lot 1 and all of Lot 2 is located within the Agricultural Land Reserve (ALR). The applicants have applied to the Agricultural Land Commission to include the all of Lots 1 and 2 within the ALR. Surrounding land uses include developed residential lots, ALR land and Allgard Road to the north, rural zoned parcels to the east and west, and rural parcel and the Little Qualicum River to the south.

***Proposed Development***

The applicant is proposing to adjust the existing lot line between Lots A and B to increase the size of the smaller lot. Proposed Lot A would be 31.2 ha in area and proposed Lot B would be 10.4 ha in area (*see Schedule No. 1 for Proposed Plan of Subdivision*). The parcels are proposed to be serviced by individual private wells and septic disposal systems. The parent parcels are within the RDN Building Services area.

***Minimum 10% Perimeter Frontage Requirement***

Proposed Lot A, as shown on the submitted plan of subdivision, does not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the ***Local Government Act***. The requested frontage relaxation is as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
Lot A	318 m	75.4 m	2.4 %

As the proposed parcel does not meet the minimum 10% parcel frontage requirement pursuant to section 944 of the *Local Government Act*, approval of the RDN Board of Directors is required.

**ALTERNATIVES**

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

**DEVELOPMENT IMPLICATIONS**

Despite the reduced frontage for proposed Lot B, there is sufficient buildable site area available to support intended uses. With respect to access, Ministry of Transportation and Infrastructure (MOTI) staff indicated that they have no issues with the proposed minimum frontage relaxation.

**SUSTAINABILITY IMPLICATIONS**

In keeping with RDN Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. Staff notes that this is a lot line adjustment subdivision application and no new parcels are being created. In addition, both proposed parcels are well above minimum 2.0 ha parcel size required in the RUID zone and the applicant has noted that increasing the size of existing Lot 2 will allow more room for agricultural activities.

**SUMMARY**

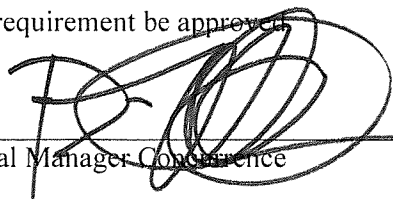
Prior to the boundary adjustment of the subject properties, the relaxation of the minimum 10% perimeter frontage requirement for one (1) of the proposed lots is required. Despite the reduced frontage, proposed Lot A will be able to accommodate the proposed rural uses permitted in the zoning. MOTI staff verbally indicated that they have no objection to the request for relaxation of the frontage for these parcels.

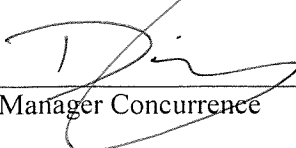
As the reduced frontage will not negatively impact the intended uses of the proposed parcel, staff recommends approval of the request to relax the minimum 10% perimeter frontage requirement.


**RECOMMENDATION**

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

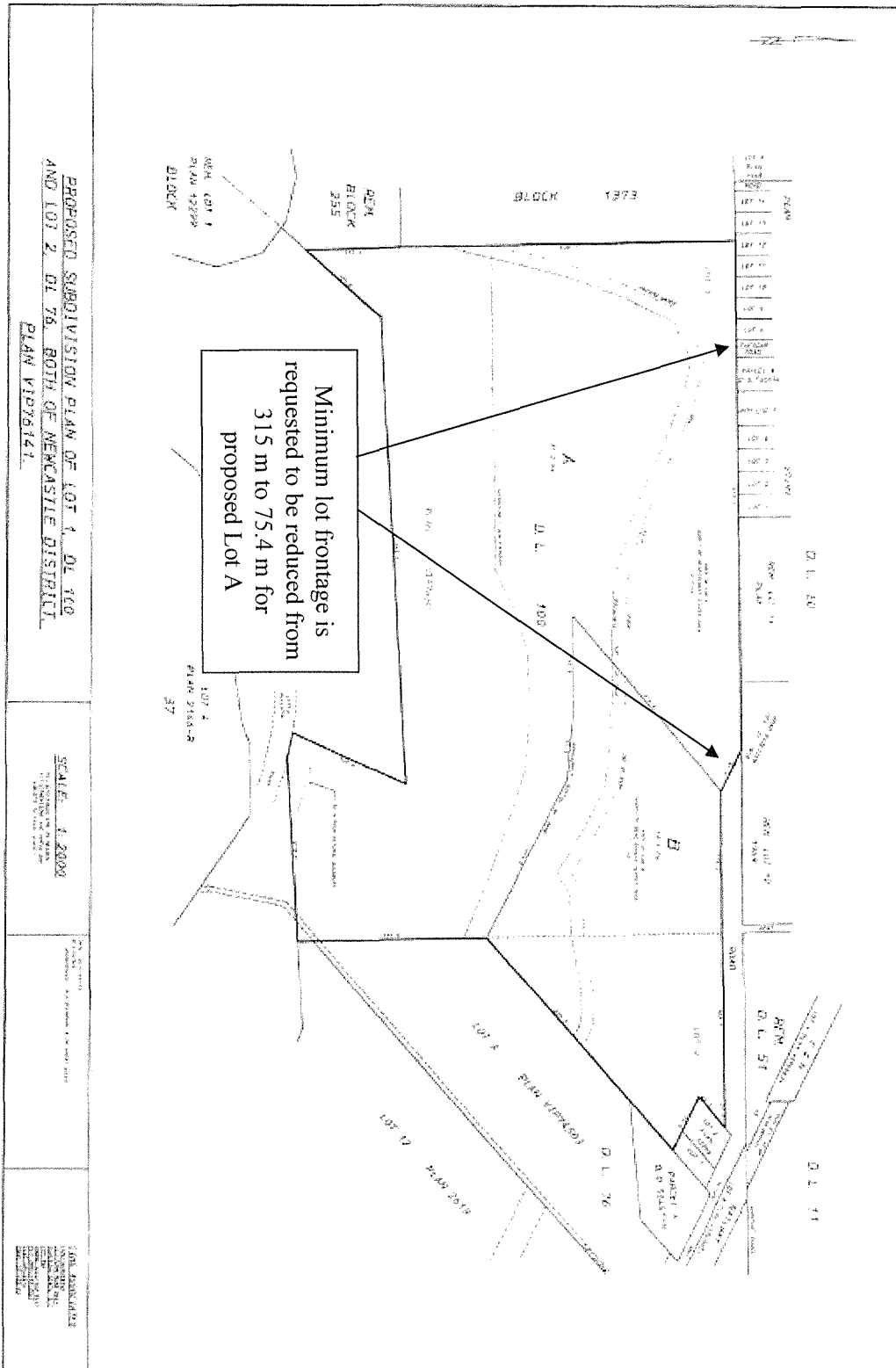
  
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 General Manager Concurrence

  
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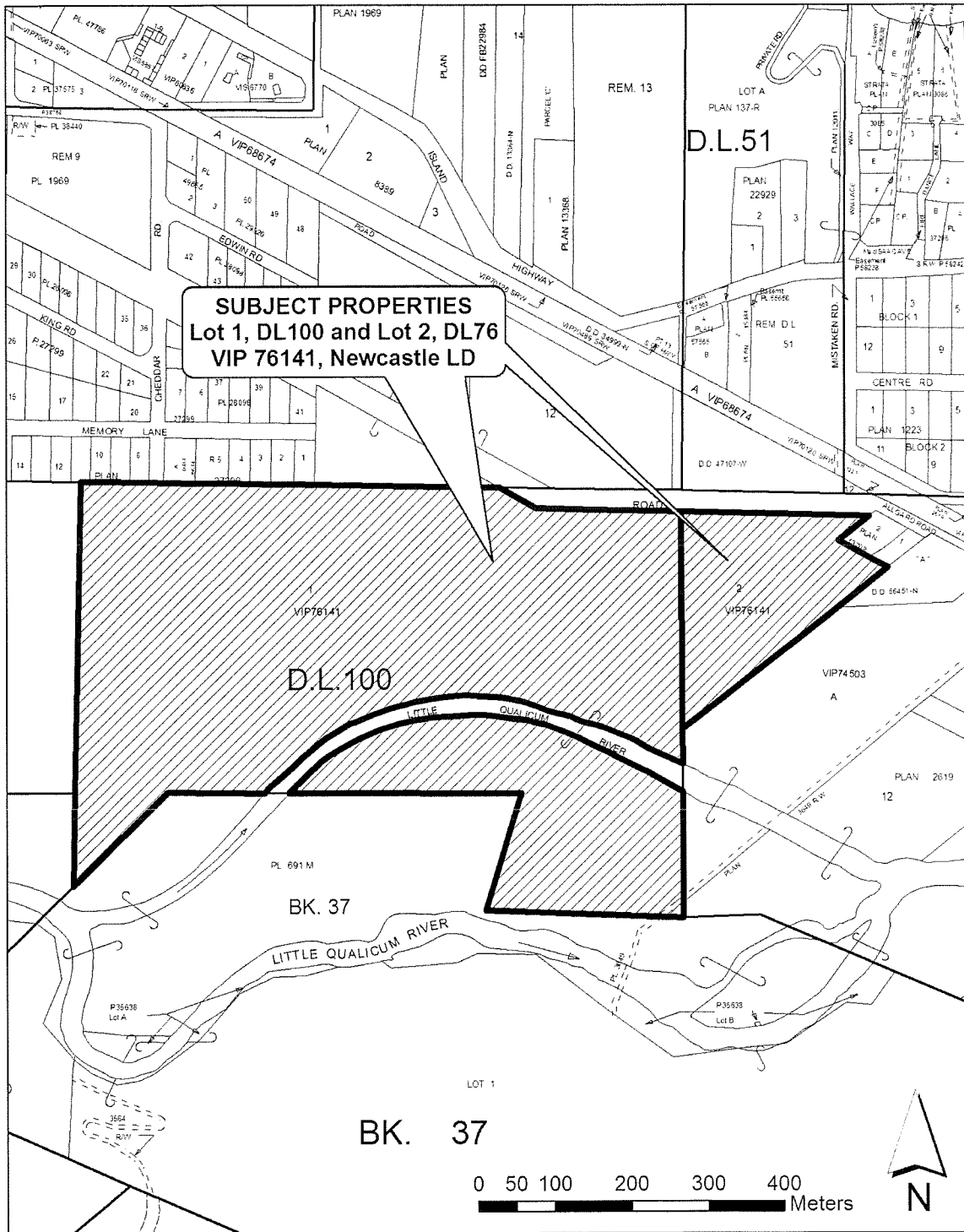
  
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 CAO Concurrence

**Schedule No. 1**  
**Plan of Proposed Subdivision/Lot Line Adjustment**





**Attachment No. 1**  
**Location of Subject Properties**





NEW RECORD	
CAO APPROVAL <i>CAW</i>	
EAP	✓ Feb 8 11
COW	
JAN 27 2011	
RHD	
BOARD	

**MEMORANDUM**

**TO:** Paul Thompson  
Manager of Long Range Planning

**DATE:** January 26, 2011

**FROM:** Greg Keller  
Senior Planner

**FILE:** 6480 01 EAA

**SUBJECT:** Electoral Area 'A' Draft Official Community Plan – Bylaw No. 1620, 2011  
All Electoral Areas

**PURPOSE**

To provide a summary of the process used for the preparation of the draft Electoral Area 'A' Official Community Plan (OCP) and to introduce the draft OCP and corresponding bylaw (1620, 2011) for 1<sup>st</sup> and 2<sup>nd</sup> reading and refer the bylaw to a Public Hearing.

**BACKGROUND**

The Electoral Area 'A' Official Community Plan review process was initiated in May 2008 with a community forum where participants were tasked with providing input on what they wanted included in the OCP review. The resulting OCP review process was intended to result in a rewrite of the existing Electoral Area 'A' OCP. The OCP review process has included a number of opportunities for public input and involvement. A summary of the OCP review process to date including opportunities for public participation is provided in Appendix 1.

**DISCUSSION**

The OCP review process has allowed for the creation of a draft OCP which reflects the ideas and input of the Electoral Area 'A' Citizen's Committee and the general community who participated in the review process. As a complete rewrite of the current OCP, the draft OCP proposes a number of significant changes which are intended to contribute towards the goals of the Regional Growth Strategy (RGS) and help the community become more environmentally, socially, and economically sustainable. The result is a draft OCP which includes a much more comprehensive approach to community planning than what is included in the current OCP. The following highlights the significant changes proposed by the draft OCP. Appendix 2 provides a more detailed description as well as the concerns and issues that are yet to be resolved.

Significant changes proposed by the draft OCP include:

- the draft OCP is based on a new community vision, sustainability principles, and community goals;
- new provisions addressing current issues and requirements pertaining to climate change, greenhouse gas emissions, food security, and peak oil;
- additional protection for the environment is provided through the use of policies and Development Permit Areas;
- support for expanding the Urban Containment Boundary (UCB) in Cedar and Cassidy;
- a new land use designation in Cedar called 'Cedar Main Street' which supports the creation of a pedestrian-friendly vibrant rural community core;

- stronger agricultural policies to encourage local food production;
- a comprehensive strategy for improving and obtaining park land and trails and providing for Active Transportation;
- an area is identified for potential future expansion of the South Wellington Light Industrial and Commercial Area;
- a new approach for land use management is proposed for the Nanaimo Airport Lands;
- new provisions for Temporary Use Permits;
- a small neighbourhood commercial area is supported in South Wellington;
- a new Development Permit Area is proposed along the coastline to protect the integrity of coastal ecosystems;
- environmentally sensitive ecosystems are proposed to be protected through the use of a new Development Permit Area;
- a new farm land protection Development Permit Area is proposed to reduce the impact of non-farm use on agricultural operations; and,
- a new Development Permit Area is proposed to protect groundwater levels in the Yellow Point Aquifer.

From a growth management perspective, the draft OCP continues to support opportunities for the creation of compact complete communities on lands within the Urban Containment Boundary (UCB). For lands located outside the UCB, the draft OCP continues to support the status quo except for a few new policies that support alternative rural land use and development patterns which are intended to preserve lands for agricultural and resource use, maximize green space, and preserve rural character while limiting the number of additional lots and/or dwelling units to that which is allowed by the current zoning.

## **GROWTH STRATEGY IMPLICATIONS**

Once a Regional Growth Strategy is adopted, all bylaws and services undertaken by a Regional District, including OCP's, must be consistent with the Regional Growth Strategy. The draft OCP is consistent with the goals and intent of the current and draft Regional Growth Strategy (RGS). However, it is noted that the draft OCP contains policies that may require an amendment to the Regional Growth Strategy before they can be implemented.

Appendix 3 provides a summary of the policies in the draft Official Community Plan which may not be consistent with the current RGS policies, but which work towards achieving the RGS Goals.

## **PUBLIC CONSULTATION AND PROCEDURAL IMPLICATIONS**

The Board has adopted a policy and a Public Consultation Framework for public consultation processes for major RDN projects. In addition, the *Local Government Act* specifies the minimum public consultation provisions for the adoption of OCPs. The Board approved a public consultation strategy as part of the OCP Terms of Reference in July 2008. The public consultation strategy was developed based on input received from the Community at the Community Forum. The Electoral Area 'A' OCP process has included a variety of public participation methods and an extensive number of opportunities throughout the OCP review process to obtain community input. The OCP review has far exceeded the minimum requirements of the Board policy, Public Consultation Framework, and the *Local Government Act*.

OCP's are adopted by local governments by bylaw. The process to adopt an OCP bylaw generally includes the following steps as outlined in Section 882 of the *Local Government Act*:

1. 1<sup>st</sup> and 2<sup>nd</sup> reading;
2. referrals to various agencies and stakeholders;
3. a Public Hearing,
4. 3<sup>rd</sup> reading;
5. approval by the Minister of Community, Sport, and Cultural Development; and,
6. adoption (4<sup>th</sup> reading) of the new OCP.

The following outlines the required procedural actions and recommended public consultation actions after the bylaw is given 1<sup>st</sup> and 2<sup>nd</sup> reading.

#### *Required Procedural Actions*

- formal referrals requesting comments on the draft OCP must be sent to the Agricultural Land Commission to fulfill the requirements of the *Local Government Act*. The OCP must also be referred to other agencies specified in the OCP Terms of Reference requesting comments on the draft OCP;
- notification of the public hearing in accordance with the *Local Government Act*; and,
- a public hearing must be held in accordance with the *Local Government Act*;

#### *Recommended Public Consultation Actions*

In addition to the minimum required procedural actions identified above, staff recommends the following public consultation occur:

- open house(s) or similar public event prior to the Public Hearing to provide information and answer questions related to the draft OCP;
- additional Citizen's Committee meeting(s), if required, to discuss outstanding issues and/or new issues that arise during the bylaw adoption process;

### **INTERGOVERNMENTAL IMPLICATIONS**

Staff have been in contact with City of Nanaimo staff and Snuneymuxw and Stz'uminus First Nations to discuss the draft OCP. Should the Board grant 1<sup>st</sup> and 2<sup>nd</sup> reading to the draft OCP, formal referrals will be sent to the City of Nanaimo, First Nations, and other agencies identified in the OCP Terms of Reference.

### **FINANCIAL / WASTE MANAGEMENT IMPLICATIONS**

Pursuant to the *Local Government Act*, the Draft Plan has been referred to the Regional and Community Utilities and Finance and Information Services departments for consideration in relation to the Regional District's Financial Plan as well as its Liquid Waste Management Plan.

### **SUMMARY/CONCLUSION**

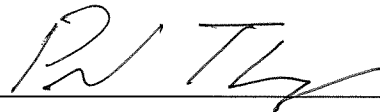
Following an extensive public consultation process, staff is pleased to present a draft Electoral Area 'A' OCP for the Board's consideration for 1<sup>st</sup> and 2<sup>nd</sup> reading. In response to community input, the draft OCP includes a number of significant changes which contribute towards the goals of the RGS and would assist the community in becoming more environmentally, socially, and economically sustainable.

**RECOMMENDATIONS**

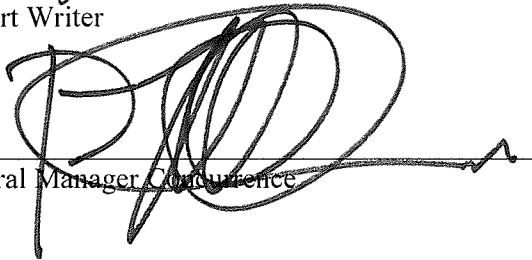
1. That "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.
2. That "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011" has been considered in conjunction with the Regional District of Nanaimo's Financial Plan and Liquid Waste Management Plan and Regional Growth Strategy to ensure consistency between them.
3. That "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011" proceed to Public Hearing.
4. That the Public Hearing on "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011" be delegated to Director Burnett or his alternate.
5. That staff proceed with the recommended public consultation actions identified in this report.



Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

## Appendix 1 - Opportunities for Community Engagement

### A Shared Community Vision Opportunities for Community Engagement

The Electoral Area 'A' OCP review involved an extensive public consultation program which provided numerous opportunities for public engagement at all stages of the review process. The following table provides a list of the public events for community engagement during the development of the draft OCP.

	Event	Purpose/Subject	Date(s)	Location
1	Community Forum	<ul style="list-style-type: none"> <li>Opening Ceremony</li> <li>Input towards the OCP Terms of Reference and review process.</li> </ul>	May 10, 2008	<ul style="list-style-type: none"> <li>Cranberry Hall</li> </ul>
2	Three Open Houses	<ul style="list-style-type: none"> <li>Present Terms of Reference</li> <li>Provide background information on Area 'A'</li> </ul>	September 15, 16, and 17, 2008	<ul style="list-style-type: none"> <li>Western Maritime Institute</li> <li>Cranberry Hall</li> <li>Cedar Hall</li> </ul>
3	Three Community Mapping Sessions	<ul style="list-style-type: none"> <li>Share local knowledge</li> <li>Assist with the creation of a community map</li> </ul>	October 16, 20, 27, 2008	<ul style="list-style-type: none"> <li>Western Maritime Institute</li> <li>Cranberry Hall</li> <li>Cedar Hall</li> </ul>
4	Active Transportation Plan Workshop	<ul style="list-style-type: none"> <li>illustrate key transportation linkages, routes and facilities</li> <li>obtain community input</li> </ul>	October 25, 2008	<ul style="list-style-type: none"> <li>Cranberry Hall</li> </ul>
5	Sustainability Principles Workshop	<ul style="list-style-type: none"> <li>develop the Sustainability Principles.</li> </ul>	November 17, 2008	<ul style="list-style-type: none"> <li>Cedar Hall</li> </ul>
6	Visioning Workshop	<ul style="list-style-type: none"> <li>develop the Community Vision for Area 'A'</li> </ul>	December 6, 2008	<ul style="list-style-type: none"> <li>Cedar Secondary School Library</li> </ul>
7	Four Community Workshops	<ul style="list-style-type: none"> <li>develop goals and objectives that help us achieve '<i>A Shared Community Vision</i>'.</li> </ul>	January 31, 2009 and February 21, 2009 (two workshops per day)	<ul style="list-style-type: none"> <li>Cedar Hall</li> <li>Cranberry Hall</li> </ul>
8	Five Committee Speaker Series Sessions	<ul style="list-style-type: none"> <li>To bring in specialists in different areas to provide presentations to the community and Committee</li> <li>To obtain input on policy options through the creation of five workbooks</li> </ul>	March 9 and 23, April 6 and 20, May 4 (all of 2009)	<ul style="list-style-type: none"> <li>North Cedar Improvement District Office</li> </ul>
9	Community Development Forum	<ul style="list-style-type: none"> <li>invitation to developers to present and discuss their proposals for possible inclusion into the OCP</li> </ul>	June 15, 2009	<ul style="list-style-type: none"> <li>Cedar Hall</li> </ul>
10	Two Community Meetings	<ul style="list-style-type: none"> <li>One meeting in Cassidy and one meeting in South Wellington to discuss issues and ideas in each community.</li> </ul>	November 12, and 23 <sup>rd</sup> (2009).	<ul style="list-style-type: none"> <li>Western Maritime Institute and Cranberry Hall</li> </ul>
11	Three Open Houses	<ul style="list-style-type: none"> <li>To present the first draft</li> </ul>	September 11, 20, and 22 (2010).	<ul style="list-style-type: none"> <li>Cranberry Hall, Cedar Hall and Western Maritime Institute</li> </ul>

**Electoral Area 'A' OCP Review Citizen's Committee**

A Committee, comprised of 17 Board appointed members from the Plan Area, was established to supplement input from the community at large and provide non-binding recommendations to the Regional Board on various topics in the OCP. In addition, the Committee was intended to act as resource personnel in the community to disperse and share information about the OCP review.

The Committee represented the Plan Area geographically with members from each of the core areas including: Cedar, Cassidy, South Wellington, Yellow Point, and Boat Harbour/Cedar by the Sea. The Committee also represented various community interests including business, industry, agriculture, environment, social, as well as citizens at large.

All Committee meetings were advertised on the project website and were open to the general public. Non-committee attendees were provided opportunities to participate in the discussion, ask questions, and voice their ideas and concerns. The Committee met once monthly, on the second Monday of the month. In addition to the regularly scheduled meetings, a number of additional meetings were held in response to the needs of the OCP review.

The following provides a schedule of Citizen's Committee meetings held during the OCP review.

	<b>Meeting Date</b>		
1	December 1, 2008	27	September 13, 2010
2	January 12, 2009	28	October 18, 2010
3	February 9, 2009	29	November 8, 2010
4	March 9, 2009	30	January 10, 2011
5	March 23, 2009		
6	April 6, 2009		
7	April 20, 2009		
8	May 4, 2009		
9	May 30, 2009		
10	June 8, 2009		
11	June 10, 2009		
12	July 13, 2009		
13	August 10, 2009		
14	September 14, 2009		
15	October 19, 2009		
16	November 9, 2009		
17	December 14, 2009		
18	January 11, 2010		
19	January 25, 2010		
20	February 8, 2010		
21	February 22, 2010		
22	March 8, 2010		
23	April 14, 2010		
24	May 10, 2010		
25	June 14, 2010		
26	July 19, 2010		

## **Other Opportunities and Methods to Obtain Community Input**

The following provides a summary of the other opportunities and methods of obtaining community input and keeping the community informed on the OCP review process.

### **Meetings with individuals and community groups**

Throughout the OCP review process staff had numerous meetings with community groups and individuals to provide information, answer questions, and to obtain input and ideas on the draft Official Community Plan.

### **Newsletters**

To ensure that the community was informed on the OCP review and were aware of how to participate in the process, two newsletters were mailed to all properties in Electoral Area 'A'. The first newsletter was sent near the beginning of the process to provide information and invite the community to participate in the review. The second newsletter was sent after the 1<sup>st</sup> draft of the OCP was available and provided a summary of the draft OCP, requested input on the draft, and advertised upcoming open houses.

### **Project website**

A comprehensive project website was established [www.ahsaredcommunityvision.ca](http://www.ahsaredcommunityvision.ca) which contains extensive information on the OCP review process, results of the public process, public notices, information on how the community can participate in the review, and the draft OCP.

### **Consistent Advertising**

All public meetings were advertised in both the Take 5 magazine and the Nanaimo News Bulletin as requested by the community at the Community Forum held at the beginning of OCP review process. Local bulletin boards were also used when available to advertise events related to the OCP review.

### **Email alert system**

A user controlled email alert system was established which allows interested people to subscribe to receive notifications by email. This system was used to send notification of upcoming meetings and updates to the project website.

### **Project email**

A dedicated email address [areaaocpreview@rdn.bc](mailto:areaaocpreview@rdn.bc) was established to provide a direct contact with Regional District of Nanaimo staff for people who have questions or concerns regarding the draft OCP.

### **Media Coverage**

The local media have published several news articles on subjects related to the OCP review.



## APPENDIX 2

### SUMMARY OF PROPOSED CHANGES AND CONCERNS

While many policies are proposed to stay the same as in the current OCP, the draft OCP also includes a number of significant changes in response to community input. The following is a general summary of key changes proposed by the draft OCP as well as a summary of the main concerns and issues that were identified as they relate to each section of the draft OCP. In addition, significant policies which are proposed to stay the same as in the current OCP are identified below.

#### **Overall Growth Management Strategy**

The draft OCP continues to support focusing future growth in well-defined areas on lands within the Urban Containment Boundary (UCB). The draft OCP also continues to support limits on additional growth on lands located outside the UCB.

#### **General Look and Feel**

The draft OCP includes a more comprehensive approach to community planning that covers a greater number of topics related to sustainability than provided in the current OCP. As a result, the draft OCP is longer and contains more policies and guidelines which are required to achieve the community vision. In addition, the draft OCP is organized differently than the current OCP. At the beginning of each section of the draft OCP are sustainability implications which explain how that section helps address relevant sustainability issues such as climate change, food security, the environment, and social and economic issues.

OCP's are planning policy documents which require implementation. Implementation includes actions, programs, and decisions outside of the OCP which are required to achieve the Plan's vision, goals, and objectives. The draft OCP reorganizes the way in which implementation actions are presented to create a closer link between the policies and required actions after the OCP is adopted.

#### **Section 1.0 - Definitions**

##### ***What is proposed to change:***

This is a new section that provides definitions for a number of terms used in the draft OCP.

##### ***Concerns:***

Some community members have expressed concern that the definitions of Community Water and Community Sewer include systems owned and operated by the private sector. The draft definitions were developed to ensure consistency with the RGS and Liquid Waste Management Plan. Both are currently under review and support these definitions. The definitions recognize the existing servicing situation and therefore include private operators because there are strata developments and mobile home parks that are currently operating treatment systems. In addition, the draft OCP includes policies which require that for new development in Cassidy, community water and sewer is to be provided from a system owned and operated by or on behalf of the RDN.

## **Section 2.0 - Introduction**

### ***What is proposed to change:***

#### *Introduction of Greenhouse Gas Reduction Targets, Policies, and Actions*

In accordance with Section 877(3) of the *Local Government Act*, an OCP must include targets for the reduction of greenhouse gas (GHG) emissions and policies and actions with respect to achieving the targets. The draft OCP includes a new section addressing greenhouse gas emissions reductions which specifies generic targets, policies, and actions which are consistent with the Provincial GHG emissions reduction target of 33% reduction from 2007 levels by 2020 and 80% reduction from 2007 levels by 2050. This section is also intended to assist the RDN in meeting its obligations as a signatory to the Climate Action Charter.

### ***Concerns:***

It has been suggested by some community members that the proposed GHG reduction targets are difficult if not nearly impossible to achieve. That being said, the draft OCP supports the provincial GHG reduction targets which are believed by the world's leading scientists to be what is required if we are to avoid the most catastrophic impacts of climate change. These targets have been included in the draft OCP with the understanding that more work and research is needed to further refine the GHG emissions reductions strategy supported by the OCP so it better reflects the Plan Area's GHG emissions reduction potential.

## **Section 3.0 – Vision, Principles, and Goals**

### ***What is proposed to change:***

#### *A Shared Community Vision*

The draft OCP includes a new community vision titled: '*A Shared Community Vision*'. A Shared Community Vision was the title selected by the Citizen's Committee for the new Community Vision. It has also become the slogan for the draft OCP. The Vision was developed based on input from the community through a visioning session and was then further refined by the Citizen's Committee and through public input. The community vision paints a picture of what Electoral Area 'A' residents want their community to be like by the year 2033. The vision places emphasis on creating sustainable communities, preserving functional rural landscapes and rural character, and becoming leaders in environmental protection and local food production.

#### *Sustainability Principles*

The draft OCP includes nine sustainability principles developed with input from the sustainability principles workshop and further refined by the Citizen's Committee and community input. The sustainability principles form the foundation for the Plan's goals, objectives and policies. In addition the principles are intended to provide guidance to the RDN Board, staff, and other government and non-government agencies, stakeholders, developers, and community members in making recommendations and decisions that help achieve the community vision and result in a positive impact to Electoral Area 'A'.

#### *Community Goals*

The draft OCP includes 18 new community goals developed through a series of four community workshops which were further refined by the Citizen's Committee and further community input. The purpose of the goals is to provide general direction on how the community would like to achieve its vision.

## **Section 4.0 – Protecting the Natural Environment**

### ***What is proposed to change:***

The draft OCP includes a much more comprehensive approach to environmental protection and as such contains more policies than the current OCP. Environmental protection was a topic that stood out during the OCP review as something the community wanted more of in the draft OCP. The following provides an overview of the key changes proposed by the draft OCP in Section 4.

- The draft OCP places more emphasis on the protection of the Plan Area's environmentally sensitive ecosystems and species of concern.
- A new section on freshwater management is included in the draft OCP. This section includes general policies and policies related to development adjacent to freshwater ecosystems.
- A new section on coastal zone management is included in the draft OCP. This section includes a number of policies aimed at minimizing the impact of development, preserving public access, and protecting coastal ecosystems and natural shoreline processes.
- A new section on drinking water protection and groundwater resources is included in the draft OCP. This section includes the recommendations of the Electoral Area 'A' Groundwater Vulnerability Study. This section also includes a number of policies that apply at the time of subdivision and rezoning to ensure that groundwater resources are protected.
- A new section on rain water management is included in the draft OCP. This section includes policies which support onsite storm water management to reduce the impact of storm water runoff and encourage natural infiltration.
- A new section on encouraging sustainable development is included in the draft OCP. This section includes policies which encourage the use of green design, building materials, and proven technologies which improve the efficiency of and reduce the ecological footprint of the built environment.
- A new section on hazard management is included in the draft OCP. This section includes policies which help identify hazards and mitigate risks to life and property.

### ***Concerns:***

In response to a stated need to collect more data on local groundwater resources which came from both the Electoral Area 'A' Groundwater Vulnerability Study and local area residents, Section 4.4 of the draft supports the installation of groundwater monitoring wells throughout the Plan Area. In addition, this section supports the RDN requesting an applicant for a subdivision, rezoning, or Development Permit, where a groundwater assessment is being conducted, to install a groundwater monitoring well when recommended by a qualified professional.

This policy and implementation action was not supported by a small number of individuals. However, based on the stated need and community desire to ensure that additional development does not affect groundwater supplies of existing residents, the stated policies have been included in the draft OCP.

## **Section 5.0 – Creating a Local Food System**

### ***What is proposed to change:***

Throughout the OCP review process there was strong community support for the draft OCP to encourage agriculture and local food production. In response, the draft OCP includes a new section which supports agriculture and local food production and addresses sustainability issues such as climate change, food security, and groundwater resources.

A new land use designation called 'Agriculture' is included in the draft OCP. The Agriculture land use designation applies to all lands located in the Agricultural Land Reserve and includes a number of policies which are intended to support agriculture and make it more viable.

An ongoing concern is the amount of existing development potential on lands within this designation which generally have a 2.0 ha minimum parcel size specified by the current zoning. There was general concern and discussion over the impact on agriculture if all properties were allowed to be subdivided to a 2.0 ha minimum parcel size many of which would likely not be used for farming. Although it was suggested that farming is possible on smaller parcels, it was also suggested that allowing smaller parcel sizes limits the types of agricultural activities that can successfully be done on a property. In addition, there was support for the OCP to support alternative land use patterns and tenures to help address the challenges associated with an aging farming community. In response and subject to being in compliance with the RGS, the draft OCP supports alternative forms of more compact residential development provided that the overall number of parcels and dwelling units does not exceed what is permitted by the current zoning, there is a significant agricultural component, and the proposal satisfies a number of other policies intended to ensure that the proposal benefits agriculture in the region. In addition, this policy is also intended to preserve large parcels of land for future agricultural use, help preserve functioning rural landscapes and rural character, and minimize the cost and extent of infrastructure required to service new development.

***What is proposed to stay the same***

The draft OCP continues to support an 8.0 ha minimum parcel size on all lands within the Agriculture designation. The draft OCP continues to support implementation of the minimum parcel size supported by the OCP by increasing the minimum permitted parcel size under the zoning bylaw to 8.0 ha. This is consistent with the current and prior OCP's. With respect to minimum parcel size implementation, the draft OCP supports conducting a public process to obtain further community input.

**Section 6.0 – Creating Complete Communities**

***What is proposed to change:***

Section 6 includes policies which apply to lands located inside the Urban Containment Boundary.

*Section 6.2 Cedar Main Street land use designation*

The draft OCP includes a new land use designation called 'Cedar Main Street' which applies to lands located along Cedar Road between MacMillan and Hemer Roads. The proposed land use designation supports the creation of a mixed use commercial residential corridor which is intended to create a vibrant place for area residents to live, shop, access services, socialize, and participate in recreational activities. The OCP also supports the preparation of a village plan for Cedar which, among other things, would include a design charrette for the Cedar Main Street land use designation.

*Section 6.3 Suburban Residential land use designation*

The draft OCP includes some changes to the Suburban Residential Land use designation to support opportunities for a limited amount in infill residential development. Although the draft OCP continues to support a minimum parcel size of 2000 m<sup>2</sup>, the draft OCP supports rezoning to permit a minimum parcel size of 1000 m<sup>2</sup> or where a clustered development is proposed a density of 15 dwelling units per hectare. The Suburban Residential land use designation also supports secondary suites following the completion of a village plan which includes a secondary suite review.

### *Section 6.4 Cassidy Rural Village*

The draft OCP proposes to rename the Cassidy Village Centre as Cassidy Rural Village. The Cassidy Rural Village land use designation supports a minimum parcel size of 2000 m<sup>2</sup>. This land use designation supports opportunities for infill residential development through the rezoning process to allow a minimum size of 1000 m<sup>2</sup> or where a clustered development is proposed a density of 15 dwelling units per hectare. In addition, manufactured home park at a density of 20 units per hectare is supported through the rezoning process.

### *6.5 Cassidy Rural Village Expansion Area*

The OCP review process identified a need to consider options for creating a more complete community in Cassidy. Currently, Cassidy faces a number of challenges in becoming a more complete community which include:

- no community parks, trails, or recreational opportunities;
- no school;
- no community water or sewer services despite the fact that it has the highest residential density of any Electoral Area Village Centre in the RDN and is located above an aquifer highly vulnerable to surface contamination;
- there are very limited opportunities within the current village boundaries to support development at a scale that could contribute towards Cassidy becoming a more complete community and reasonably be required to contribute towards providing significant community amenities; and,
- few opportunities for local employment.

A proposal intended to address some of the identified community needs by expanding the Cassidy Rural Village land use designation to include lands located south of the existing village boundary was brought forward by a property owner at the Community Development Forum. Following the forum, the proposal was presented to the community at a number of developer sponsored open houses in Cassidy. In addition, the RDN hosted a meeting to discuss the proposal and to obtain community input. The proposal was also reviewed by the Citizen's Committee who recommended that it be included in the draft OCP.

Community members have expressed both support and opposition to the proposal. However, overall there have been more community members that support the proposal.

The draft Cassidy Rural Village Expansion Area land use designation supports an expansion to the UCB in Cassidy to include the lands within the proposed Cassidy Rural Village Expansion Area. This land use designation supports a comprehensive development which includes a mix of residential uses, light industrial, commercial, and recreational uses. This land use designation includes a number of policies to ensure that the proposed development contributes towards providing for the identified needs of Cassidy including the provision of water and sewer servicing, local employment, opportunities for a broader range of housing, local services, and provision of recreational opportunities.

Aquifer protection is recognized as a top community priority in Cassidy. Therefore, this land use designation does not support uses which pose a threat to the aquifer and includes a number of policies intended to protect groundwater resources.

## **Section 7.0 – Protecting Rural Integrity and Functioning Rural Landscapes**

### ***What is proposed to change:***

#### *Section 7.2 Rural land use designation*

Subject to being consistent with the RGS, the Rural land use designation includes a policy which supports the clustering of rural residential development provided that the number of parcels and/or dwelling units does not exceed that which is allowed by the current zoning. This policy also includes a number of conditions that ensure the proposed development contributes towards agricultural production or resource use and helps maintain rural character and functioning rural landscapes.

#### *Section 7.4 Ecoforestry*

The draft OCP includes a new land use designation called Ecoforestry which applies to the Wildwood Ecoforest. In recognition of historic uses and the desire of the property owner to permit ecotourism on the property, this section supports up to 3 small cabins for temporary accommodation. The draft OCP supports the creation of a new Ecoforestry zone which would be considered as part of the OCP implementation process.

#### *Section 7.5 Kirkstone Place*

The draft OCP includes a new land use designation called Kirkstone Place which applies to one property located off of Kirkstone Way in Cedar. The developer of the Kirkstone Way property presented a proposal to the community at the Community Development Forum. The project was well received by the community and there has been general support to include provisions for it in the draft OCP. The Citizen's Committee has reviewed the proposal and recommended that it be included in the draft OCP.

The Kirkstone Place land use designation supports an opportunity for a model sustainable residential neighbourhood in Electoral Area 'A'. The proposed land use designation supports ground-oriented residential densities of up to 20 units per hectare. The draft OCP includes rigid policies that ensure that development incorporates green principles, materials, and designs that reduce the impact of residential development.

It should be noted that an amendment to the UCB is required in order for the development supported by this land use designation to proceed. The OCP envisions that the UCB expansion would be considered as part of overall UCB expansion in Cedar supported by the OCP.

### ***What is proposed to stay the same***

While the draft OCP supports alternative land use forms in some land use designation, it continues to support the same minimum parcel sizes as in the current OCP. It should be noted that the OCP supports minimum parcel sizes that are larger than permitted by the current zoning. This inconsistency between the OCP and zoning identifies a need to consider implementing the OCP policies by increasing the minimum parcel sizes allowed by the zoning to be consistent with what the OCP supports.

## **Section 8.0 - Creating a Vibrant and Sustainable Economy**

### ***What is proposed to change:***

#### *Section 8.4 South Wellington Light Industrial and Commercial land use designation*

In response to community input in support of shifting future industrial development in South Wellington away from heavy industrial towards light industrial and commercial, the draft OCP renames the South

Wellington Industrial Commercial Area to South Wellington Light Industrial and Commercial land use designation. The proposed land use designation supports light industrial, business and commercial uses which enhance the area and do not have a negative impact on the environment and groundwater resources. This land use designation includes policies which are intended to protect the environment and promote compatibility between land uses.

The South Wellington Light Industrial and Commercial land use designation also supports a future expansion to include lands adjacent to Kipp Road. It is noted that the proposed expansion requires an amendment to the RGS. The OCP requires that prior to an expansion being supported, an RDN initiated region-wide industrial commercial needs assessment is required. Support for expansion is contingent upon the assessment identifying a need for more industrial lands in South Wellington.

***Concerns:***

The community appears to be split on the draft OCP supporting a future expansion of the South Wellington Light Industrial and Commercial land use designation. While the South Wellington and Area Residents Association does not generally support industrial expansion at this time, the property owners proposing the expansion have collected numerous signatures from community members and local business owners in support of the proposed expansion. The Citizen's Committee has reviewed the proposal and has had meetings to discuss this issue and has recommended that the expansion be included in the draft OCP.

From a land use perspective the subject properties are not considered attractive for residential use due to the noise and odor associated with being in close proximity to the Trans Canada Highway and Kipp Road which is used by heavy truck traffic. In addition, the RDN is aware that the a number of the trees in the existing buffer separating the Trans Canada Highway from the subject properties are infected with root rot and will likely have to be removed for safety reasons to protect power lines.

The draft OCP includes a rational approach to planned industrial growth and represents a compromise between two opposing community views.

***Section 8.8 Nanaimo Airport***

In response to recent case law and legal opinion on local government's role in regulating land use on airport lands, the draft OCP includes a new land use and planning strategy which focuses on cooperation between the Nanaimo Airport Commission and the RDN in future land use planning and servicing on airport lands. The draft OCP supports a separate process to identify and respond to community concerns with respect to the airport. Potential outcomes of this process may include the development of an accord, an amendment to the OCP, or the enactment of airport zoning.

***Concerns:***

There is ongoing community concern which has previously been brought to the Board's attention. Community members want more local control and certainty over future land use on airport lands. The draft OCP supports a process aimed at providing more certainty over future uses on airport lands and to better define the RDN's role in regulating these uses.

***Section 8.9 Temporary Use Permits***

Temporary Use permits provide flexibility for the Board to consider uses that are not permitted by the current zoning on a temporary basis (3 or fewer years). Temporary Use permits are a valuable planning tool which provide opportunities for flexibility in an otherwise inflexible zoning regulation by allowing uses to be temporarily established to respond to community needs and/or to allow for operational

efficiencies. The *Local Government Act* was recently amended to allow Temporary Use Permits to be issued for any use not permitted by the zoning bylaw.

The draft OCP supports Temporary Use permits on any parcel subject to a number of conditions which are intended to reduce potential land use conflicts and minimize impacts on the environment. This OCP also supports requiring security and/or an undertaking from an applicant to secure the conditions of a permit.

#### *Section 8.10 South Wellington Rural Community Centre*

A proposal was brought forward by a group of community members to include a village centre in South Wellington. In response, the RDN worked with the South Wellington and Area Community Association (SWACA) and held a community meeting to develop and refine a proposal. As a result of these efforts, the draft OCP supports a new land use designation titled South Wellington Rural Community Centre which includes a small number of parcels in South Wellington focused on the intersections of Morden and South Wellington Roads. The purpose of the proposed land use designation is to create a focal point for the community where residents can go to obtain local goods and services geared towards local area residents. The draft OCP supports a range of uses which are not intended to be provided with community water or community sewer. This section also includes a number of policies which are intended to ensure high quality rural development that is functional, attractive, and has minimal environmental impact.

#### **Concerns:**

The community engagement process identified that there are residents who support the creation of a compact complete community in South Wellington through the establishment of a new Village Area within a new UCB. There are also residents who support a limited amount of growth and others who strongly oppose growth in South Wellington. The draft OCP represents a compromise between these different community views.

### **Section 9.0 – Supporting A Multi-modal Transportation and Mobility System**

The OCP review process identified a community desire for the draft to support non-vehicular modes of transportation and the integration of various modes of transportation. Concern was also raised over the condition of local roads for non-vehicular use. The draft OCP includes policies related to both non-vehicular and vehicular modes of transportation.

#### ***What is proposed to change:***

##### *Section 9.1 Active Transportation Network*

The draft OCP includes a new section on Active Transportation. This section is a result of the Active Transportation Plan which was prepared as background information as part of the OCP review. This section includes the recommendations from the Active Transportation Plan which are aimed at encouraging Active Transportation. In the context of the draft OCP, Active Transportation is any human-powered self-propelled form of transportation that makes use of both on and off-road facilities. This section of the draft OCP also identifies community priorities and actions for improving and encouraging Active Transportation in Electoral Area 'A'.

#### **Concerns:**

A small number of community members were concerned that the draft OCP supports, as recommended by the Active Transportation Plan, a trail and blueway along the Nanaimo River. Concern was primarily the



impact of public access on the river and potential environmental concerns related to trail construction. There was also concern over the OCP identifying these desirable amenities on a Map as it was suggested by these individuals that this may cause people to believe that these trails already exist and could lead to trespass on private property.

With respect to the concerns over support for a trail along the Nanaimo River, these concerns have been addressed in the draft OCP by removing the potential trail from the map as it is clearly described in the text of the document and by clarifying that a trail may be supported along the Nanaimo River or portions thereof only where it can be shown that it would have minimal environmental impact. In addition, the OCP supports a study prior to any trail development along the Nanaimo River or any other water feature to determine how the lands could be used appropriately by the community and if public use is not considered appropriate due to unavoidable impacts the OCP does not support proceeding with a trail.

With respect to the concerns over the potential Nanaimo River Blueway, these concerns have been addressed in the draft OCP by removing the potential Blueway from the map as it is clearly described in the text of the document. It should be noted that the Nanaimo River is currently a popular recreational destination for residents from across the region. The River is already being used for the uses supported by the OCP. The OCP supports enhancing and providing facilities that support these uses to lessen their impact on the environment and adjacent property owners.

#### *Section 9.2 Improving Mobility*

This section of the draft OCP has been amended to include policies in support of multi-modal transportation including air, rail, sea, and road. This section also includes policies in support of public transit.

### **Section 10 – Enhancing and Maintaining Park Land, Green Space, Natural Areas, Recreational Opportunities, and Culture**

The draft OCP includes two sections related to parks, recreation, and culture. Section 10.1 contains policies related to the types of park and recreational facilities and opportunities which are desirable. Section 10.2 provides a strategy for how park land, green space, and natural areas should be acquired.

#### ***What is proposed to change:***

##### *Section 10.1 Creating Opportunities for Parks, Trails, Outdoor Recreation, and Culture*

This section of the draft OCP includes recommendations from the 2005 Community Trails Study, other existing parks plans, and input from area residents. The draft supports the provision of park land in all land use designations provided the land satisfies one or more objectives identified by the Plan.

##### *Section 10.2 Acquisition of Park Land, Green Space, and Natural Areas*

The draft OCP includes a new section which includes policies on how land should be acquired for public use. The draft focuses on rezoning, subdivision, and private donation as potential means to acquire lands.

#### ***Concerns:***

A small number of area residents were concerned with the draft OCP mapping the location of desirable parks and trails. It should be noted that Section 877 of the *Local Government Act* requires that an OCP designate the approximate location of future recreational land uses. In addition, an OCP does not commit the Board to acquiring any lands identified as potential or desirable for park or trail. To address these concerns an introductory sentence has been added to the draft OCP stating that the Board currently

supports the policy of availability by acquisition meaning that the Regional District of Nanaimo will only consider sites for public use where there is a willing seller or donor of land, access, tenure, or covenant.

## **Section 11 – Institutional Uses and Improving Servicing Efficiency**

### **What is proposed to change:**

#### *Section 11.2 Institutional land use designation*

The draft OCP includes a new Institutional land use designation which applies to existing institutional uses such as schools, churches, and cemeteries.

#### *Section 11.3 Community Water Services*

The draft OCP includes a new section on Community Water services. The draft OCP supports the provision of community water for the purpose of facilitating additional development to properties located inside the UCB. The draft OCP also includes a map which defines water service planning areas which coincide with the UCB.

#### *Section 11.4 Community Sewer Services*

The draft OCP includes a new section on community sewer servicing which includes the recommendations from the Electoral Area 'A' community sewer servicing strategy prepared as background information for the OCP review. This section supports the provision of community sewer for the purpose of facilitating additional development to properties located inside the UCB. The draft OCP also includes a map which defines sewer service planning areas which coincide with the UCB.

This section of the draft Official Community Plan also specifies general preferences for community sewer servicing in Cedar and Cassidy based on the community sewer servicing strategy mentioned above.

## **Section 12 – Development Permit Areas**

There was strong community support for the OCP to provide additional environmental protection through the use of both policies and Development Permit Areas (DPA). In addition, there was community support to ensure that industrial and commercial development was conducted in an appropriate manner. As a result, the draft OCP includes a much more comprehensive approach to the use of Development Permit Areas than the current OCP. The draft proposes more DPA's and more guidelines which are intended to ensure that development is conducted in a manner which helps achieve the community vision, is consistent with the sustainability principles, and works towards the community goals.

The following provides a summary of the changes included in this section of the draft OCP.

#### *Section 12.1 Environmentally Sensitive Features Development Permit Area*

The draft OCP includes a new DPA for the purpose of protecting the natural environment, its ecosystems, and biological diversity. The DPA applies to:

1. all coastal areas within 15 metres of the natural boundary;
2. all lands identified in the provincial Sensitive Ecosystem Inventory;
3. lands within a 60 metre radius of eagle nesting trees;
4. lands within a 100 metre radius of heron nesting trees; and,
5. known locations of rare and endangered species

It should be noted that the current OCP designates DPA's on eagle and heron nesting trees. This DPA includes a number of guidelines which are intended to minimize the impacts of development on the Plan Area's most sensitive ecosystems. It is also a critical component of the OCP's overall growth management strategy and is needed to ensure that development is conducted in a manner which helps achieve the community vision.

***Concerns:***

There was a small group of individuals who were concerned with the proposed coastal DPA. Throughout the process, these concerns were partially addressed by providing information and discussing the importance, purpose, and applicability of DPA's in achieving the community vision. The draft Official Community Plan also addresses these concerns by including a number of DPA exemptions to allow certain activities to occur within the DPA without a permit.

*Section 12.2 Watercourse and Fish Habitat Protection Development Permit Area*

This DPA applies to all of the Plan Area's streams, lakes, rivers, and wetlands. This DPA combines the current OCP's Streams, Nesting Trees, and Nanaimo River Floodplain and Fish Habitat Protection DPA's. The draft DPA introduces additional exemptions for streams subject to the Riparian Areas Regulations (RAR). The draft DPA includes guidelines that apply to streams which are subject to the RAR and to streams which are not subject to the RAR. The draft DPA continues to satisfy the requirements of the RAR.

*Section 12.3 Nanaimo River Floodplain Development Permit Area*

The draft OCP continues to support a DPA designated on properties within the Nanaimo River floodplain. However, the draft OCP proposes to designate a separate standalone DPA in lieu of the current Streams, Nesting Trees, and Nanaimo River Floodplain DPA.

*Section 12.4 Farm Land Protection Development Permit Area*

The draft OCP proposes a new Farm Land Protection DPA which applies to all lands not in the Agricultural Land Reserve and within 15 metres of land located in the Agricultural Reserve. The purpose of the DPA is to reduce potential land use conflicts between agricultural and rural residential use in support of the community vision to become leaders in local food production. The DPA requires the establishment and/or maintenance of a vegetated buffer located on the non-farm land. The provision of a buffer between farm and non-farm use is supported by the Ministry of Agriculture as a desirable method of protecting against nuisance claims that negatively affect agricultural potential.

*Section 12.5 South Wellington Industrial – Commercial Development Permit Area*

There was community support to strengthen the existing South Wellington DPA to provide more rigid DPA guidelines for environmental protection and form and character in the South Wellington Industrial–Commercial DPA. In response, this DPA includes additional environmental protection and form and character guidelines.

*Section 12.6 Cedar Main Street Development Permit Area*

The draft OCP includes a new Cedar Main Street DPA which applies to all lands located within the Cedar Main Street land use designation. The purpose of the DPA is to provide basic form and character guidelines for commercial and multi-unit residential development prior to the completion of the Cedar

Village Plan and more detailed guidelines. The Cedar Main Street DPA also includes groundwater protection guidelines.

*Section 12.7 Cassidy Development Permit Area*

In response to community concerns over aquifer protection and a desire to ensure that development is functional and aesthetically pleasing, the draft OCP includes an amended version of the existing Cassidy DPA which includes additional groundwater protection and form and character guidelines.

*Section 12.8 Cedar Development Permit Area*

The draft OCP includes a new Cedar DPA which applies to a small number of multi-residential, intensive residential, and industrial zoned parcels in Cedar. This DPA includes guidelines pertaining to environmental protection, form and character, energy and water conservation, and the reduction of greenhouse gases. Most of the properties subject to this DPA are within the Cedar Village and Cedar Urban Containment Boundary Commercial Industrial DPA in the current OCP which no longer exists in the draft OCP.

*Section 12.9 Yellow Point Aquifer Protection Development Permit Area*

Throughout the OCP review process, groundwater protection was identified as a high priority by the community. The community has expressed concern over protection of groundwater resources from surface contamination and the preservation of groundwater levels to protect the water supplies of existing residents. This was seen to be especially important given the uncertainties regarding changing temperatures and precipitation patterns as a result of climate change. Recently, new information from the Ministry of Environment, the groundwater vulnerability study, and reports on local well conditions from area residents has been brought to our attention. Overall, the data suggests that water levels in the Yellow Point Aquifer may be declining.

The current zoning of lands above the Yellow Point Aquifer supports significant additional development which would result in an increase in the number of people who must draw water from the Yellow Point Aquifer. There was strong support for the OCP to include water conservation measures to ensure that new development would not have a negative impact on the Yellow Point aquifer which in turn could affect the drinking water supplies of existing residents.

In response to these concerns, the draft OCP includes a DPA for the purpose of water conservation. The draft DPA includes guidelines to minimize the impact of additional development and reduce groundwater use including:

- In the case of subdivision where more than 3 lots are being created, a groundwater assessment is required to ensure that the proposed subdivision would not have a negative impact on the aquifer. Advice from a professional Hydrogeologist was used in developing the criteria for the assessment.
- For the construction of a new dwelling or addition to an existing dwelling of greater than 70 m<sup>2</sup> of living space, the installation of a rainwater harvesting system with a minimum capacity of 18,000 litres is required. This volume is estimated to be enough to supply 30% of an average household's use for a 90 day period without rain.

Because of the cost associated to fulfill the requirements of the draft Yellow Point Aquifer Protection DPA guidelines, a number of exemptions have been included so that only larger subdivisions (in the context of Electoral Area 'A'), the construction of a new dwelling unit, and major additions of living space

to an existing dwelling unit require a DP. Other improvements such as the construction of a barn, garage, or other accessory building, adding a carport, maintenance, etc. are exempt from the DPA guidelines. In addition, new dwelling units that propose to satisfy 100% of their water needs with rainwater are exempt from the DPA guidelines.

***Issues to be resolved***

North Cedar Improvement District has requested that the draft OCP include policies and a DPA to provide protection for its community water supply system. A wellhead protection strategy has been developed which includes the use of a DPA, wellhead protection policies which apply at the time of subdivision and rezoning, and policies which support the acquisition of lands surrounding the wellhead locations. The Citizen's Committee is in the process of working with staff to review the strategy and provide a recommendation on whether to include it in the draft OCP.

**Appendix 3  
Draft OCP Policies which may not be consistent with the RGS**

<b>Draft OCP Policy/ Section</b>	<b>Summary of Proposed OCP Policy</b>	<b>Rationale</b>
4.1.8	This policy supports the creation of parcels smaller than the minimum parcel size supported by the OCP for the purpose of permanently protecting an environmentally sensitive feature provided that the overall number of parcels and number of dwelling units is consistent with what the current zoning allows.	<p>To provide an incentive for developers to protect significant environmentally sensitive features by supporting alternative forms of rural development which require reduced infrastructure, cost less to maintain, and contribute towards the preservation of natural areas and green space.</p> <p>Although this policy is not consistent with the current RGS policy, it is consistent with the general intent of the RGS as it would not result in additional parcels and/or dwelling units located on lands outside of the Urban Containment Boundary. In addition, this policy would not take effect unless it is supported by the RGS.</p>
4.7.2	This policy supports the creation of parcels smaller than the minimum parcel size supported by the OCP for the purpose of protecting development from natural hazards provided that the overall number of parcels and number of dwelling units is equal to or less than what the current zoning allows. This policy includes a number of conditions that are intended to ensure that development satisfies the intent of the policy, which is to mitigate risk to life and property. In addition, this policy does not apply to lands located in the Agricultural Land Reserve.	<p>To support alternative land use patterns which minimize the need and/or desire to develop lands located within areas subject to natural hazards such as flooding and steep slopes.</p> <p>Although this policy is not consistent with the current RGS policy, it is consistent with the general intent of the RGS as it would not result in additional parcels and/or dwelling units located on lands outside of the Urban Containment Boundary. In addition, this policy would not take effect unless it is supported by the RGS.</p>

<b>Draft OCP Policy/ Section</b>	<b>Summary of Proposed OCP Policy</b>	<b>Rationale</b>
5.1.13	<p>This policy is intended to encourage local food production and agricultural activities, by supporting density neutral residential clusters which may include smaller parcels. This policy applies to lands located in the Agricultural Land Reserve. The policy specifies that the development must not result in more lots and or dwelling units than permitted by the current zoning based on the buildable area of the subject property. The draft OCP includes a number of conditions to ensure that the intent of the policy is met including, but not limited to, the proposal must include a significant agricultural component, the preparation of a farm plan and protection of the remainder against further subdivision and non-agricultural uses.</p>	<p>This policy is intended to:</p> <ul style="list-style-type: none"> <li>• respond to a community desire to support a variety of methods that encourage agriculture and local food production;</li> <li>• encourage creative and cooperative opportunities for local food production;</li> <li>• address the aging farming community and a desire to support alternate forms of land tenure; and,</li> <li>• preserve large tracts of lands for future agricultural use while continuing to support opportunities for a limited amount of additional development equivalent to what the current zoning permits.</li> </ul> <p>This policy is consistent with the intent of the RGS goal to encourage agriculture and only takes affect if the RGS supports it.</p>
Section 6.5	<p>Section 6.5 – The Cassidy Rural Village Potential Expansion Area land use designation identifies lands located southeast of the existing Cassidy Village for future village expansion. This section supports an amendment to the RGS to expand the Urban Containment Boundary to help Cassidy become a more complete and sustainable community. Support for the expansion is subject to a hydrological assessment, a commercial industrial needs assessment, and an environmental assessment. This section supports a comprehensive development which includes a mix of uses including residential, recreational, light industrial, and commercial. In response to the vulnerability of the upper Cassidy Aquifer to surface contamination, this section contains policies which require very high standards for environmental protection, restrictions of the types of uses that may be supported, and a requirement for community water and sewer servicing. This section also provides direction on the type and extent of community amenities which are desirable in conjunction with development through the use of amenity zoning.</p>	<p>The OCP review process identified a need to consider options for creating a more complete community in Cassidy. The developer presented a preliminary design concept to the community at the Community Development Forum held as part of the OCP review process. Since then there have been additional opportunities for the community and the Citizen's Committee to review and provide comments on the proposal.</p> <p>Currently, Cassidy faces a number of challenges in becoming a more complete community which include:</p> <ul style="list-style-type: none"> <li>• no community parks, trails, or recreational opportunities;</li> <li>• no school;</li> <li>• no community water or sewer services despite the fact that it has the highest residential density of any Electoral Area Village Centre in the RDN and is located above an aquifer highly vulnerable to surface contamination;</li> <li>• there are very limited opportunities within the current village boundaries to support development at a scale that could contribute towards Cassidy becoming a more complete community and reasonably be required to contribute towards providing</li> </ul>

Draft OCP Policy/ Section	Summary of Proposed OCP Policy	Rationale
		<p>significant community amenities; and,</p> <ul style="list-style-type: none"> <li>• few opportunities for local employment.</li> </ul> <p>As this policy requires an extension to the UCB an amendment to the RGS is required before it can proceed. Although this policy is not consistent with the RGS policy, it would help to achieve the broader RGS goal of creating compact complete communities that provide a range of housing types and sizes, local employment and services, and recreational opportunities.</p>
7.2.4	<p>This policy supports the creation of density neutral compact residential clusters through a rezoning on lands within the Rural land use designation. The policy contains a number of conditions to ensure that development preserves rural character, and contributes towards agricultural production or resource uses which contribute towards the rural economy.</p>	<p>To encourage rural land use patterns at a density equivalent to that which is supported by the current zoning which maximize land use efficiency, help preserve rural character, require less infrastructure, and contribute towards agricultural production and other resource uses which contribute towards the rural economy.</p> <p>Although not consistent with the current RGS policy, this policy is consistent with the RGS goal of protecting and strengthening the region's rural economy and lifestyle.</p>
7.2.6	<p>For lands designated Rural Residential in the RGS and Rural by the draft OCP, this policy supports the creation of an eco-village. The OCP requires that the primary focus of the development is sustainable agricultural production on a property with agricultural potential which coincides with the agricultural uses being proposed. The policy limits residential development to non-traditional forms of housing which must be accessory to the principle agricultural use.</p>	<p>The purpose of this policy is to support alternative forms of sustainable development and to provide an opportunity for the development of a local demonstration project. It is anticipated that the type of development envisioned by this policy would benefit the community by providing educational opportunities in a variety of topics such as green building construction and sustainable food production.</p> <p>Although this policy is not consistent with the current RGS policy, it helps work towards the RGS goals of protecting the environment and rural integrity by supporting sustainable forms of development and creating opportunities for local examples of sustainable rural development and education.</p>
7.4 Ecoforestry	<p>Section 7.4 is a newly proposed land use designation which applies to the Wildwood Ecoforest. In recognition of historic uses and the desire of the property owner to permit ecotourism on the property, this</p>	<p>Wildwood Ecoforest was established in 1938 and is now owned by The Land Conservancy of British Columbia. Historically, the properties had 3 cabins which provided temporary accommodation. The owner has requested that</p>



<b>Draft OCP Policy/ Section</b>	<b>Summary of Proposed OCP Policy</b>	<b>Rationale</b>
	<p>section supports up to 3 small cabins for temporary accommodation. The draft OCP supports the creation of a new Ecoforestry zone which would be considered as part of the OCP implementation process.</p>	<p>the draft OCP recognize this historic use as a form of ecotourism in support of the ecoforestry operations.</p>
<p>7.5 Kirkstone Place</p>	<p>Kirkstone place is a newly proposed land use designation. This designation supports an amendment to the Urban Containment Boundary.</p>	<p>The Kirkstone Place land use designation supports an opportunity for a model green neighbourhood in Electoral Area 'A'. The draft OCP includes rigid policies that ensure that development incorporates green principles, materials, and designs that reduce the impact of residential development.</p> <p>The project was well received by the community and there has been general support to include provisions for it in the draft OCP.</p> <p>This designation requires an amendment to the Urban Containment Boundary.</p>
<p>8.4.10</p>	<p>The proposed South Wellington Light Industrial and Commercial Area land use designation supports an expansion to this designation to include lands adjacent to Kipp Road.</p> <p>The OCP requires that prior to an expansion being supported, an RDN-initiated region-wide industrial commercial needs assessment is required. Support for expansion is contingent upon there being a stated need for more industrial lands identified by the study.</p>	<p>See comments on Map No. 3 - <b>South Wellington Light Industrial and Commercial Area</b> below.</p>
<p>8.10.5</p>	<p>The proposed South Wellington Rural Community Centre land use designation includes a policy which supports the RGS recognizing the lands within this designation as a local neighbourhood centre where a limited amount of local commercial uses could be developed and which are not intended to be serviced with community water and/or community sewer.</p>	<p>To support a local neighbourhood centre where a limited amount of unserved local commercial and residential uses could be established. The OCP review has identified community support for a small-scale neighbourhood centre aimed at providing local goods and services.</p> <p>Although this policy is not consistent with the RGS land use designations, it helps work towards the RGS goal of creating complete communities in a rural context and supports opportunities for economic development by supporting a small-scale unserved rural neighbourhood which provides a focal point in the community and opportunities for limited</p>

Draft OCP Policy/ Section	Summary of Proposed OCP Policy	Rationale
		commercial services and housing.
Map No. 3 Land Use Designation	<p><b>Suburban Residential land use designation in Cedar</b></p> <p>The draft OCP supports an expansion to the Urban Containment Boundary in Cedar to recognize historic development patterns and provide an opportunity for a limited amount of infill development.</p> <p><b>South Wellington Light Industrial and Commercial Area</b></p> <p>The draft OCP supports an expansion to the South Wellington Light Industrial and Commercial Area to include the lands adjacent to Kipp Road on the west side of the Trans Canada Highway.</p>	<p><b>Suburban Residential land use designation in Cedar</b></p> <p>The purpose of the proposed expansion is to ensure that the UCB better reflects historic development patterns, to provide opportunities to meet future residential demand through infill development, and to reduce potential land use conflict between rural and suburban residential properties located on lands inside the UCB.</p> <p>This policy is consistent with the RGS goal of limiting sprawl and providing efficient services by recognizing historic development patterns, providing opportunities for infill development on lands located inside the UCB, and creating a distinct separation between what is considered urban and what is considered rural in the context of Electoral Area 'A'.</p> <p><b>South Wellington Light Industrial and Commercial Area</b></p> <p>This originated from a request from the property owners. Support for the proposal was shown by some local area residents and business owners.</p> <p>From a land use perspective the subject properties are not considered attractive for residential use due to the noise and odor associated with being in close proximity to the Trans Canada Highway and Kipp Road which is used by heavy truck traffic. In addition, the RDN is aware that a number of the trees in the existing buffer separating the Trans Canada Highway from the subject properties are infected with root rot and will likely have to be removed for safety reasons and to protect power lines.</p> <p>Although this policy is not consistent with the RGS land use designation, it helps work towards achieving the RGS goal of supporting strategic opportunities for industrial development which minimize potential conflicts with surrounding uses and have minimal environmental impact.</p>

Attachment No. 1

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1620, 2011**

**A BYLAW TO ESTABLISH THE ELECTORAL AREA 'A'  
OFFICIAL COMMUNITY PLAN**

WHEREAS under section 876 of the *Local Government Act* the Board may adopt an Official Community Plan by bylaw.

WHEREAS the Board or the Regional District of Nanaimo wishes to adopt an Official Community Plan applicable to Electoral Area 'A' of the Regional District of Nanaimo.

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

1. This Bylaw may be cited as "Regional District of Nanaimo ELECTORAL AREA 'A' OFFICIAL COMMUNITY PLAN BYLAW NO. 1620, 2011".
2. Regional District of Nanaimo ELECTORAL AREA 'A' OFFICIAL COMMUNITY PLAN BYLAW NO. 1620, 2011" is comprised of Schedule 'A' and Maps No. 1 through 10 (inclusive), which are attached to and form an integral part of this Bylaw.
3. "Regional District of Nanaimo ELECTORAL AREA 'A' OFFICIAL COMMUNITY PLAN BYLAW NO. 1240, 2001", and its respective amendments are repealed.

Introduced and read two times this XX day of XXXX, 2011.

Considered in conjunction with the Regional District of Nanaimo Financial Plan and any applicable Waste Management Plans this XX day of XXXX, 2011.

Public Hearing held pursuant to Section 890 of the *Local Government Act* this day of , 2011.

Read a third time this day of , 2011.

Received approval pursuant to Section 882 of the *Local Government Act* this day of , 2011.

Adopted this day of , 2011.

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Chairperson

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Sr. Mgr., Corporate Administration