

**REGIONAL DISTRICT OF NANAIMO**

**ELECTORAL AREA PLANNING COMMITTEE**

**TUESDAY, FEBRUARY 11, 2014**

**6:30 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**MINUTES**

2-6 Minutes of the regular Electoral Area Planning Committee meeting held Tuesday, January 14, 2014.

**BUSINESS ARISING FROM THE MINUTES**

**COMMUNICATIONS/CORRESPONDENCE**

**DEVELOPMENT PERMIT APPLICATION / STRATA CONVERSION**

7-14 Building Strata Conversion Application No. PL2012-159 – Development Permit Application No. PL2012-163 – Walton/Fern Road Consulting – 319 Allsbrook Road, Electoral Area 'G'.

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**ADJOURNMENT**



REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE MEETING  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, JANUARY 14, 2014 AT 6:30 PM IN THE  
RDN BOARD CHAMBERS

In Attendance:

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

Also in Attendance:

P. Thorkelsson	Chief Administrative Officer
J. Harrison	Director of Corporate Services
D. Trudeau	Gen. Mgr. Transportation & Solid Waste
G. Garbutt	Gen. Mgr. Strategic & Community Development
R. Alexander	Gen. Mgr. Regional & Community Utilities
T. Osborne	Gen. Mgr. Recreation & Parks
P. Thompson	Mgr. Long Range Planning
J. Hill	Mgr. Administrative Services
C. Golding	Recording Secretary

**CALL TO ORDER**

The Chairperson called the meeting to order.

**ELECTORAL AREA PLANNING COMMITTEE MINUTES**

MOVED Director Stanhope, SECONDED Director McPherson, that the minutes of the Electoral Area Planning Committee meeting held Tuesday, November 12, 2013 be adopted.

CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

**Wendy and Stephen Jessen, re Zoning Amendment Application No. PL2013-089 – Bylaw No. 500.390, 2013 – Obradovic – 3389 Jingle Pot Road, Electoral Area ‘C’.**

MOVED Director Veenhof, SECONDED Director Stanhope, that the correspondence received from Wendy and Stephen Jessen, regarding Zoning Amendment Application No. PL2013-089 – Bylaw No. 500.390, 2013 – Obradovic – 3389 Jingle Pot Road, Electoral Area ‘C’, be received.

CARRIED

**Dennis Shaw, re Zoning Amendment Application No. PL2013-089 – Bylaw No. 500.390, 2013 – Obradovic – 3389 Jingle Pot Road, Electoral Area ‘C’.**

MOVED Director Veenhof, SECONDED Director Stanhope, that the correspondence received from Dennis Shaw, regarding Zoning Amendment Application No. PL2013-089 – Bylaw No. 500.390, 2013 – Obradovic – 3389 Jingle Pot Road, Electoral Area ‘C’, be received.

CARRIED

**ZONING AMENDMENT APPLICATIONS**

**Zoning Amendment Application No. PL2013-089 – Bylaw No. 500.390, 2013 – Obradovic – 3389 Jingle Pot Road, Electoral Area ‘C’.**

MOVED Director Young, SECONDED Director McPherson, that the summary of the Public Information Meeting held on November 20, 2013, be received.

CARRIED

MOVED Director Young, SECONDED Director McPherson, that the conditions set out in Attachment No. 2 of the staff report be completed prior to Bylaw No. 500.390 being considered for adoption.

CARRIED

MOVED Director Young, SECONDED Director McPherson, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.390, 2013", be introduced and read two times.

CARRIED

MOVED Director Young, SECONDED Director McPherson, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.390, 2013", be chaired by Director Young or her alternate.

CARRIED

**Zoning Amendment Application No. PL2013-054 – Bylaw No. 500.391, 2014 – Oswald – 3030 Yellow Point Road, Electoral Area ‘A’.**

MOVED Director McPherson, SECONDED Director Young, that the Summary of the Public Information Meeting held on December 11, 2013, be received.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that the conditions set out in Attachment 4 of the staff report be completed prior to Bylaw No. 500.391, 2014 being considered for adoption.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.391, 2014", be introduced and read two times.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.391, 2014", be chaired by Director McPherson or his alternate.

CARRIED

**Zoning Amendment Application No. PL2013-114 – Bylaw No. 1285.20, 2014 – Fern Road Consulting – Springhill Road, Electoral Area 'F'.**

MOVED Director Fell, SECONDED Director Stanhope, that the summary of the Public Information Meeting held on Thursday, December 19, 2013, be received.

CARRIED

MOVED Director Fell, SECONDED Director Stanhope, that the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 1285.20 being considered for adoption.

CARRIED

MOVED Director Fell, SECONDED Director Stanhope, that "Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.20, 2014", be introduced and read two times.

CARRIED

MOVED Director Fell, SECONDED Director Stanhope, that the Public Hearing on "Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.20, 2014", be chaired by Director Fell or his alternate.

CARRIED

**OTHER**

**Secondary Suites Community Engagement Summary and Program Proposal – Bylaws No. 500.389, 2014, and 1285.19, 2014.**

MOVED Director Stanhope, SECONDED Director Fell, that the online questionnaire results attached as Appendix F and the public consultation summary attached as Appendix G be received.

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that 1st and 2nd reading be given to "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.389, 2014".

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that 1st and 2nd reading be given to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.19, 2014".

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that staff proceed with further community engagement as identified in the staff report.

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.389, 2014" proceed to Public Hearing.

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.389, 2014" be delegated to Director Stanhope or his alternate.

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.19, 2014" proceed to Public Hearing.

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that the Public Hearing on "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.19, 2014" be delegated to Director Fell or his alternate.

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that staff be directed to review the existing building permit, development cost charges, and utility fee structure and prepare a report on options for providing incentives for secondary suites.

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that the proposed Secondary Suite Policy be referred back to staff for discussions with the Electoral Area Directors prior to the January 28, 2014 Board meeting.

CARRIED

**Proposed Yellow Point Aquifer Protection Development Permit Area Update and Proposed Bylaw Amendments – Bylaw No. 1620.02, 2013 – Electoral Area 'A'.**

MOVED Director McPherson, SECONDED Director Young, that "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1620.02, 2013" be given 1st and 2nd reading.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1620.02, 2013" has been considered in conjunction with the Regional District of Nanaimo's Financial Plan and Liquid and Solid Waste Management Plans.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that staff proceed with the recommended public consultation actions identified in this report.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1620.02, 2013" proceed to Public Hearing.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that the Public Hearing on "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1620.02, 2013" be delegated to Director McPherson or his alternate.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 6:48PM

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CHAIRPERSON

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CORPORATE OFFICER



RDN REPORT	
CAC APPROVAL <del>###</del>	
EAP	✓
COW	
FEB 03 2014	
RHD	
BOARD	

**MEMORANDUM**

**TO:** Jeremy Holm  
Manager of Current Planning

**DATE:** January 30, 2014

**FROM:** Angela Buick  
Planner

**FILE:** PL2012-159 & PL2012-163

**SUBJECT:** Building Strata Conversion Application No. PL2012-159  
Development Permit Application No. PL2012-163 Walton/Fern Road Consulting  
Lot 7, Block 419, Nanoose District, Plan 30113 – 319 Allsbrook Road  
Electoral Area ‘G’

**PURPOSE**

To consider a request to approve a request to amend a building strata conversion pursuant to Section 242 of the *Strata Property Act* and an aquifer protection development permit, in order to permit the creation of two residential building strata lots.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received a building strata conversion application from Fern Road Consulting Ltd. on behalf of David and Caroline Walton. The property is zoned Rural 1 (RU1) and is situated within Subdivision District ‘D’, (2.0 ha minimum parcel size) as per the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment 1). Given that the subject property is 2.02 hectares in area, the zoning would permit a density of two dwelling units.

The subject property currently contains one dwelling unit and three greenhouses. The dwelling unit was completed in 2004 under RDN Building Permit No. PR22338-26391. Surrounding land uses include rural residential to the east, west, north and south. The property is bound by Allsbrook Road to the south and the Inland Island Highway to the north.

Pursuant to “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw 1540, 2008”, the proposed development is subject to the Environmentally Sensitive Features Development Permit Area for Aquifer Protection. In order to permit the proposed strata subdivision the applicant has submitted a development permit application concurrently.

These applications were considered previously by the Board and approved at the March 26, 2013 Board meeting. At that time, the proposed plan of subdivision had included the removal of the three existing greenhouses prior to registration of the subdivision plan. As such, the conditions of approval included removal of the greenhouses. The property owner has since decided to retain the greenhouses within limited common property to proposed Strata Lot A (see Attachment 3) and has requested an amendment to the approval conditions to allow the greenhouses to remain. This amendment to the subdivision plan does not affect the requirements of the Aquifer Development Permit Guidelines,



therefore, no amendments to the Hydrogeological Report are required. There are no variances proposed as part of the revised plan.

### ***Proposed Development***

The applicant proposes to create two building strata lots. Proposed Strata Lot A includes the existing single storey dwelling unit while proposed Strata Lot B includes the siting for a second dwelling unit which is currently under construction (see Attachment 3 for proposed building strata subdivision plan). The proposed building strata units are to be serviced with their own individual wells and septic disposal systems. The existing greenhouses are proposed to remain as limited common property to strata Lot A through registration of the strata conversion subdivision plan. Vehicular access will be from Allsbrook Road. The applicant has provided complete building strata conversion application; proposed building strata plan; a completed site profile; and professional engineer's reports related to the existing dwelling unit and potable water supply. As part of the development permit area requirements for aquifer protection, the applicant has also submitted a preliminary hydrogeological impact review.

### **ALTERNATIVES**

1. To approve the request for Building Strata Conversion Application No. PL2012-159 and Development Permit Application No. PL2012-163 as submitted, subject to the conditions outlined in Attachments 2 and 3.
2. To deny the request for Building Strata Conversion Application No. PL2012-159 and Development Permit Application No. PL2012-163.

### **LAND USE IMPLICATIONS**

#### ***Official Community Plan Implications***

Pursuant to the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008", the subject property is located within the Rural Residential 2 land use designation. The objectives of this designation are to protect and maintain the recreational, agricultural, forestry and aggregate land based activities, without negatively impacting the environment, and to provide for continued residential opportunities without contributing to rural sprawl. The Rural Residential 2 Land Use Designation Policy No. 12 supports:

- A minimum parcel size of 2.0 hectares, at the same time recognizing that there are existing parcels smaller than 2.0 hectares.

The proposed building strata conversion would not facilitate the creation of any new parcels smaller than 2.0 hectares based on the definition of 'parcel' in Zoning Bylaw 500 that is applicable to the RU1 zone. As such, the proposed strata conversion subdivision complies with OCP policy and the building strata conversion may be supported.

#### ***Strata Property Act***

Section 242 of the *Strata Property Act* provides for the conversion of previously occupied buildings into strata lots subject to the approval of the RDN Board as the approving authority. The *Strata Property Act* specifies that the Board must consider the following criteria in its decision:

- The priority of rental accommodation over privately owned housing in the area;
- Any proposals for the relocation of persons occupying a residential building;
- The life expectancy of the building;
- Projected major increases in maintenance costs due to the conditions of the building;
- Substantial compliance of the BC Building Code with applicable bylaws.

In addition to the above required criteria, the Board may also consider any other matters that, in its opinion, are relevant. Approval of the proposed strata conversion subdivision is at the Board's discretion.

### ***Development Implications***

The proposed building strata conversion meets the criteria that the Board must consider in accordance with Section 242 of the *Strata Property Act*. With respect to the priority of rental accommodation over privately owned housing in the area, the neighborhood where the subject property is located is characterized by owner-occupied single dwellings situated on rural and rural residential parcels. As a result, the priority of rental accommodation is not considered to be significant. Furthermore, the owners currently occupy the building to be stratified so there is no relocation of tenants involved.

With respect to the life expectancy of the building, the applicant submitted an engineering report prepared and certified by Paul Mullen, P.Eng. and dated August 10, 2012. The report concludes that the existing dwelling unit constructed in 2004 substantially complies with building code as of August 2012; therefore, no building upgrades are required for the proposed strata conversion. The report certifies that the existing dwelling unit substantially complies with building code, is in good condition, and would not require any significant maintenance when compared to a new building.

For the purposes of this strata conversion application, it has been confirmed to the satisfaction of RDN Building Inspection staff that the existing greenhouses, which are now proposed to be retained within limited common property to strata Lot A, are in substantial compliance with the British Columbia Building Code. Further, the existing greenhouses comply with Regional District of Nanaimo Bylaws.

To address the development permit area guidelines for aquifer protection, the applicant has submitted a Preliminary Hydrogeological Impact Review, written by Shelly Bayne of Waterline Resources Inc. dated November 27, 2012 and amended February 18, 2013. The report considered potential impacts to the aquifer and nearby water sources as a result of the proposed residential use. The report concluded that the proposed strata conversion subdivision represents a low risk of adverse impact to adjacent properties or the underlying aquifers. Therefore, the applicant has, adequately addressed the development permit area requirements for aquifer protection.

### ***Building Strata Conversion Policy Guidelines***

In addition to the building strata conversion criteria outlined above in the *Strata Property Act*, the Board may consider "any other matters that, in its opinion, are relevant" in making its decision to approve or deny the requested strata conversion. The Board's Strata Conversion Policy and Guidelines (Policy No. B1.7) is intended to guide the Regional District in its review and evaluation of these applications. This policy requires confirmation of waste water disposal, proof of potable water supply, evaluation of the life expectancy of existing building(s) and a measure of compliance with relevant bylaws and building codes. To address this policy, the applicants have provided the following information:

- Proposed strata subdivision plan;
- Professional Engineer's report of existing dwelling unit and its conformity to building codes;
- Copy of septic filing and confirmation of compliance;
- Detailed well records and Certificate of Analysis;
- Confirmation of Septic Certificate to construct a system and filing for authorization to operate a sewage disposal system;
- Preliminary Hydrogeological Impact Review;
- Site Profile form.

With respect to waste water disposal, the engineering report prepared by Paul Mullen, P. Eng., dated August 10, 2012, certifies that the existing septic disposal system substantially complies with the applicable regulations in place at the time the system was built. The Preliminary Hydrogeological Impact Review prepared by Waterline Resources Inc. dated November 27, 2012 notes that a new septic system and disposal field will need to be designed and installed for proposed Strata Lot B to suit its intended use.

With the respect to potable water supply, the applicant submitted a Preliminary Hydrogeological Impact Review by Waterline Resources Inc. dated November 27, 2012 amended February 18, 2013. which concludes that the creation of proposed strata Lot B would not adversely impact to the adjacent properties or the underlying aquifer. The report also concluded that a year round potable water supply of 3.5 m<sup>3</sup>/d can be provided for each proposed strata lot in accordance with the subdivision regulations of zoning Bylaw 500. Staff recommend that as a condition of Board approval of the strata conversion the applicant is required to provide proof of potable water by way of separate well for each strata lot (see attachment 2).

### ***Intergovernmental Implications***

The Ministry of Transportation and Infrastructure have reviewed the proposed building strata conversion plan and confirmed they do not have any concerns with respect to the existing or proposed accesses.

### ***Strategic Plan Implications***

In support of the Board's direction for environmental protection, the applicant has demonstrated that the proposed strata conversion subdivision will not negatively impact the underlying aquifer. No additional strategic plan implications were identified through the review of this application.

### **SUMMARY/CONCLUSIONS**

The applicant is requesting a building strata conversion to create separate titles for an existing single dwelling unit and a proposed second dwelling unit, which is permitted under the existing zoning (RU1) within the parent parcel. At its meeting of March 26, 2013, the Board previously approved the strata conversion and development permit applications subject to the removal of the existing greenhouses as a condition of approval. The applicant has since decided to retain the existing greenhouses within limited common property to proposed strata Lot A. As such, the original conditions of approval must be amended. The applicant has provided confirmation that the existing greenhouses substantially comply with existing building code and bylaw in accordance with the requirements of the *Strata Property Act*. As such, the Board may consider approval of the strata conversion and development permit applications as amended to exclude the condition of removal of the existing greenhouses prior to registration of the subdivision. The applicant has submitted an Aquifer Protection Development Permit application concurrent with the strata conversion application. Provided the recommended conditions of approval

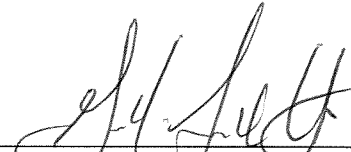
are met, the application will meet the minimum requirements for the approval of a building strata conversion as set out in the *Strata Property Act* and RDN Board Strata Conversion Policy B1.7. The proposed development has also been demonstrated to meet Aquifer Protection Development Permit Area Guidelines. Therefore, staff recommends the Board approve the building strata conversion and development permit application subject to the conditions set out in Attachment 2 and 3.

**RECOMMENDATIONS**

1. That the request for the Building Strata Conversion Application No. PL2012-159 be approved subject to the conditions being met as set out in Attachment 2 and 3.
2. That Development Permit Application No. PL2012-163 to permit the proposed strata conversion subdivision be approved subject to the conditions outlined in Attachments 2 and 3.



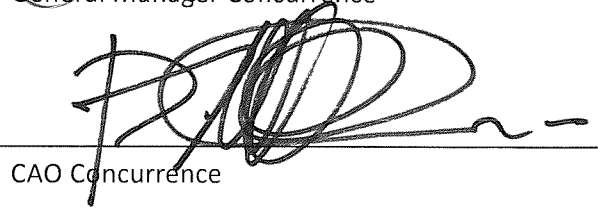
Report Writer



General Manager Concurrence

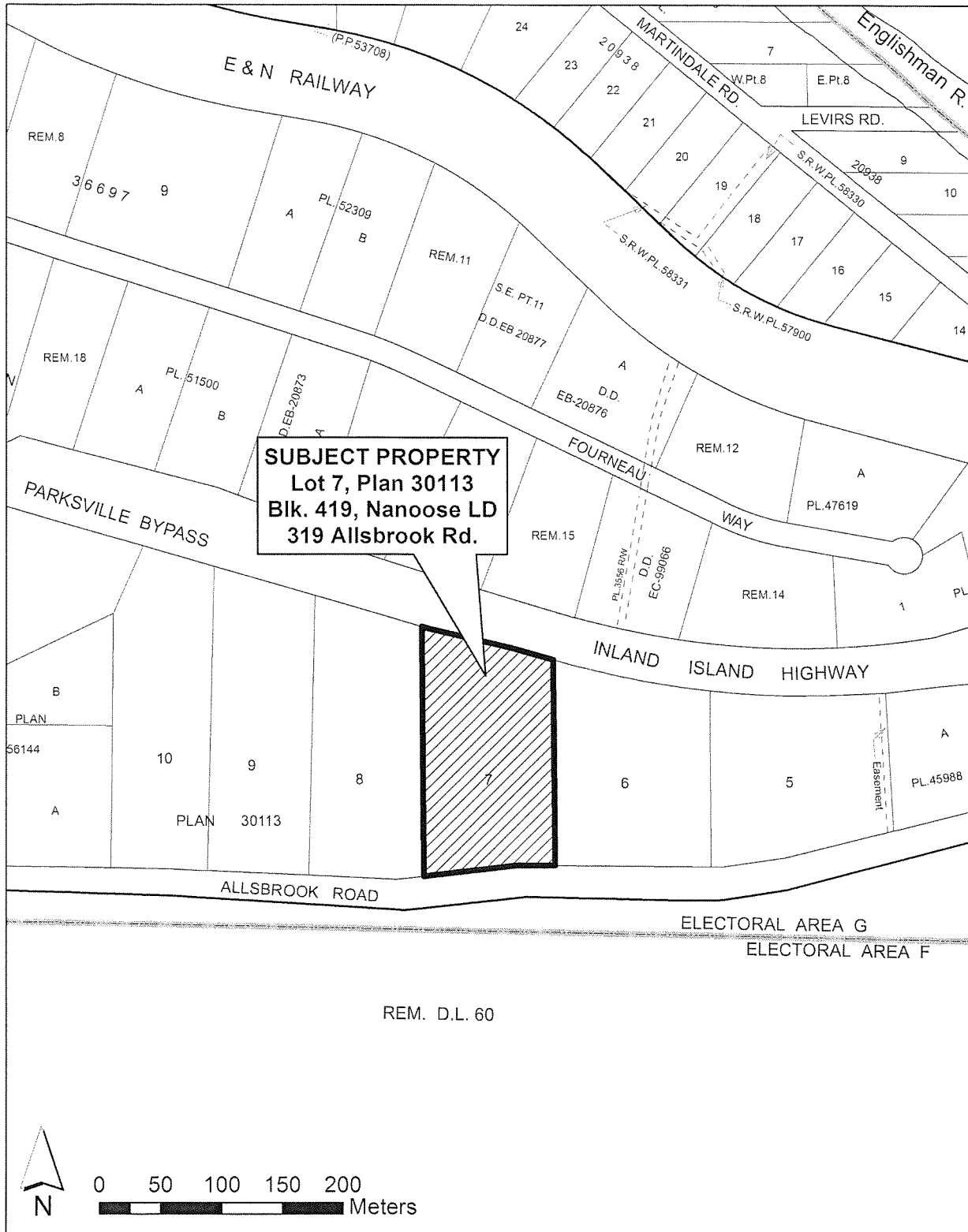


Manager Concurrence



CAO Concurrence

Attachment 1  
Location of Subject Property



**Attachment 2  
Conditions of Approval**

**Conditions of Approval for Building Strata Conversion and Development Permit Application PL2012-163:**

The following conditions are to be completed as part of the Building Strata Conversion PL2012-159 and Development Permit Application PL2012-163:

1. The building strata conversion shall be in substantial compliance with the plan of strata conversion, attached as Attachment 3.
2. Prior to RDN's approval of the final strata conversion plan, the applicant shall provide proof of potable water supply necessary to service each strata lot in accordance with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 – Part 4 Subdivision Regulations" to the satisfaction of the General Manager of Strategic and Community Development.

Attachment 3  
 Proposed Building Strata Subdivision Plan

