

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, OCTOBER 14, 2014

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

3-5 Minutes of the regular Electoral Area Planning Committee meeting held Tuesday, September 9, 2014.

BUSINESS ARISING FROM THE MINUTES

DEVELOPMENT PERMITS

6-13 Development Permit Application No. PL2014-107 – Pennell – 5481 Deep Bay Drive, Electoral Area ‘H’.

14-21 Development Permit Application No. PL2014-115 – FMC Holdings Ltd. – 1890 Schoolhouse Road, Electoral Area ‘A’.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

22-30 Development Variance Permit Application No. PL2014-102 – Ryan & Kara Malcolm – 2962 Ridgeway Road, Electoral Area ‘C’.

31-38 Development Variance Permit Application No. PL2014-064 – Lindsay – 2410 Shady Lane, Electoral Area ‘H’.

39-48 Development Variance Permit Application No. PL2014-100 – Wheeler – 1403 Marina Way, Electoral Area ‘E’.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

49-59 Development Permit with Variance Application No. PL2014-032 – Parksville Redi-Mix Ltd. – 10 Nanaimo River Road, Electoral Area ‘A’.

60-66 Development Permit with Variance Application No. PL2014-089 – Johnson – 235 Driftwood Road, Electoral Area ‘H’.

67-72 Development Permit with Variance Application No. PL2014-118 – Haggarty – 1318 Lanyon Drive, Electoral Area ‘G’.

OTHER

- 73-77 Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement Subdivision Application No. PL2014-046 – Lost Lake Properties Ltd. – Sumar Lane, Electoral Area 'G'.
- 78-82 Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement Subdivision Application No. PL2014-077 – Giuriato – 2909 Turnbull Road, Electoral Area 'H'.
- 83-106 Amendments to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987; Regional District of Nanaimo Electoral Area 'F' Zoning & Subdivision Bylaw No. 1285, 2012; and Board Policy B1.5 – Electoral Areas 'A', 'C', 'E', 'F', 'G', 'H'.

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, SEPTEMBER 9, 2014 AT 6:30 PM IN THE
RDN BOARD CHAMBERS**

In Attendance:

Director J. Stanhope	Chairperson
Director A. McPherson	Electoral Area A
Director M. Young	Electoral Area C
Alternate	
Director F. Van Eynde	Electoral Area E
Director J. Fell	Electoral Area F
Director B. Veenhof	Electoral Area H

Regrets:

Director G. Holme	Electoral Area E
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Also in Attendance:

P. Thorkelsson	Chief Administrative Officer
J. Hill	A/Director of Corporate Services
R. Alexander	Gen. Mgr. Regional & Community Utilities
G. Garbutt	Gen. Mgr. Strategic & Community Development
J. Holm	Mgr. Current Planning
C. Golding	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order.

ELECTORAL AREA PLANNING COMMITTEE MINUTES

Minutes of the regular Electoral Area Planning Committee meeting held Tuesday, July 8, 2014.

MOVED Director Veenhof, SECONDED Director Van Eynde, that the minutes of the regular Electoral Area Planning Committee meeting held Tuesday, July 8, 2014 be adopted.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2014-084 – Shepherd – 853 Miller Road, Electoral Area ‘G’.

MOVED Director Young, SECONDED Director Veenhof, that Development Permit No. PL2014-084 to permit a subdivision and future residential construction on proposed Lots A and B in the Hazard Lands and Environmentally Sensitive Features (Aquifer Protection) DPA's be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

Development Permit Application No. PL2014-075 – 0873123 BC Ltd. – Forgotten Drive, Electoral Area ‘G’.

MOVED Director Young, SECONDED Director Veenhof, that Development Permit No. PL2014-075 to permit the construction of a dwelling unit within the Hazard Lands Development Permit Area be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2014-091 – Molnar/Pope – 3031 Park Place, Electoral Area ‘E’.

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

CARRIED

MOVED Director Van Eynde, SECONDED Director McPherson, that Development Variance Permit No. PL2014-091 to permit the construction of a dwelling unit on an existing foundation be approved subject to the conditions outlined in Attachments 2 to 5.

CARRIED

Development Variance Permit Application No. PL2014-024 – Ball – Lot 7, Block 359, Newcastle District, Plan VIP64696 – Electoral Area ‘F’.

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

CARRIED

MOVED Director Fell, SECONDED Director McPherson, that Development Variance Permit No. PL2014-024 to reduce the required lot frontage from 40.0 metres to 20.0 metres for the proposed subdivision be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

OTHER

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement – Subdivision Application No. PL2014-053 – Sylvia and Terry Birkholz – 2881 Ashcraft Road, Electoral Area ‘E’.

MOVED Director Van Eynde, SECONDED Director Fell, that the request to relax the minimum 10% perimeter frontage requirement for the remainder lot be approved.

CARRIED

ADJOURNMENT

MOVED Director Van Eynde, SECONDED Director McPherson, that this meeting terminate.

CARRIED

TIME: 6:39 PM

CHAIRPERSON

CORPORATE OFFICER



RDN REPORT		
CAO APPROVAL		
EAP	✓	
COW		
SEP 24 2014		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: September 22, 2014

FROM: Robert Stover
Planning Technician

FILE: PL2014-107

SUBJECT: Development Permit Application No. PL2014-107 – Pennell
Lot 37, District Lot 1, Newcastle District, Plan 20442 – 5481 Deep Bay Drive
Electoral Area ‘H’

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Rina Knoesen on behalf of Lois Pennell to permit the construction of an addition to a dwelling unit on the subject property. The subject property is approximately 0.142 hectares in area and is zoned Residential 2 (RS2) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment 1 for location of subject property).

The subject property contains a dwelling unit, and is bordered by residential parcels to the east and west. The Strait of Georgia lies to the north, and Deep Bay Drive to the south. The proposed development is subject to the Hazard Lands Development Permit Area (DPA) pursuant to “Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”.

Proposed Development

The applicant is requesting a Development Permit to facilitate the construction of an addition to an existing dwelling unit on the subject property within the Hazard Lands DPA. The proposal includes the enclosure and conversion of a covered patio area on the north side of the house into a sunroom, and the enclosure of a front porch to create a foyer with a coat closet. These enclosures will not extend beyond the existing building footprint, and new concrete slabs will be poured within these areas to match the floor elevation of the house (see Attachments 3 and 4 for site plan and building elevations).

ALTERNATIVES

1. To approve the Development Permit No. PL2014-107 subject to the conditions outlined in Attachments 2 to 4.
2. To deny the Development Permit No. PL2014-107.

LAND USE IMPLICATIONS

Development Implications

The main floor of the house does not conform to the minimum floor elevation requirement of 1.5 metres above the natural boundary of the sea as required by the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" (Floodplain Bylaw). The proposed works constitute an addition of less than 25% of the floor area of the non-conforming main floor of the dwelling unit, and will be located greater than 15.0 metres from the natural boundary of the Strait of Georgia. As a result, the addition is exempt from the minimum flood construction level (FCL) requirements of the Floodplain Bylaw.

In order to address the Hazard Lands DPA guidelines, the applicant has provided a Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated September 8, 2014. The report assesses the potential for coastal flood risk in accordance with professional practice guidelines established by the Association of Professional Engineers and Geoscientists of BC (APEGBC). The report concludes that the site is safe for the intended use of a house addition, and will not result in detrimental impacts on the subject property or adjoining properties provided the recommendations of the report are followed. In accordance with the Hazard Lands DPA guidelines, staff recommend that the applicant be required to register a Section 219 covenant that registers the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of potential flood hazard. Development of the property in accordance with the recommendations of this report is included in the Terms and Conditions of Approval set out in Attachment 2.

Strategic Plan Implications

Staff have reviewed the application and note that the proposal will result in development in a safe manner which promotes more resilient communities in accordance with the 2013 - 2015 Board Strategic Plan.

SUMMARY/CONCLUSIONS

This is an application for a Development Permit to facilitate the construction of an addition to the dwelling unit on the subject property within the Hazard Lands DPA. The addition to the house will be completed by enclosing an existing covered patio and front porch. These additions will not extend beyond the existing building footprint, and are exempt from the provisions of the Floodplain Bylaw.

The applicant has supplied a Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated September 8, 2014 to address the Hazard Lands DPA guidelines. The report concludes that the site is safe for the intended use, and will not result in detrimental impacts on the subject property or adjoining parcels. Staff recommend that the applicant be required to register a Section 219 covenant that registers the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of potential flood hazard.

RECOMMENDATION

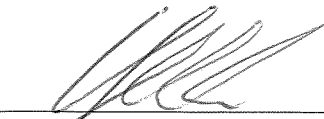
That Development Permit No. PL2014-107 to permit the construction of an addition to a dwelling unit within the Hazard Lands DPA be approved subject to the conditions outlined in Attachments 2 to 4.



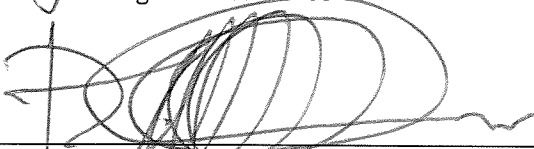
Report Writer



General Manager Concurrence

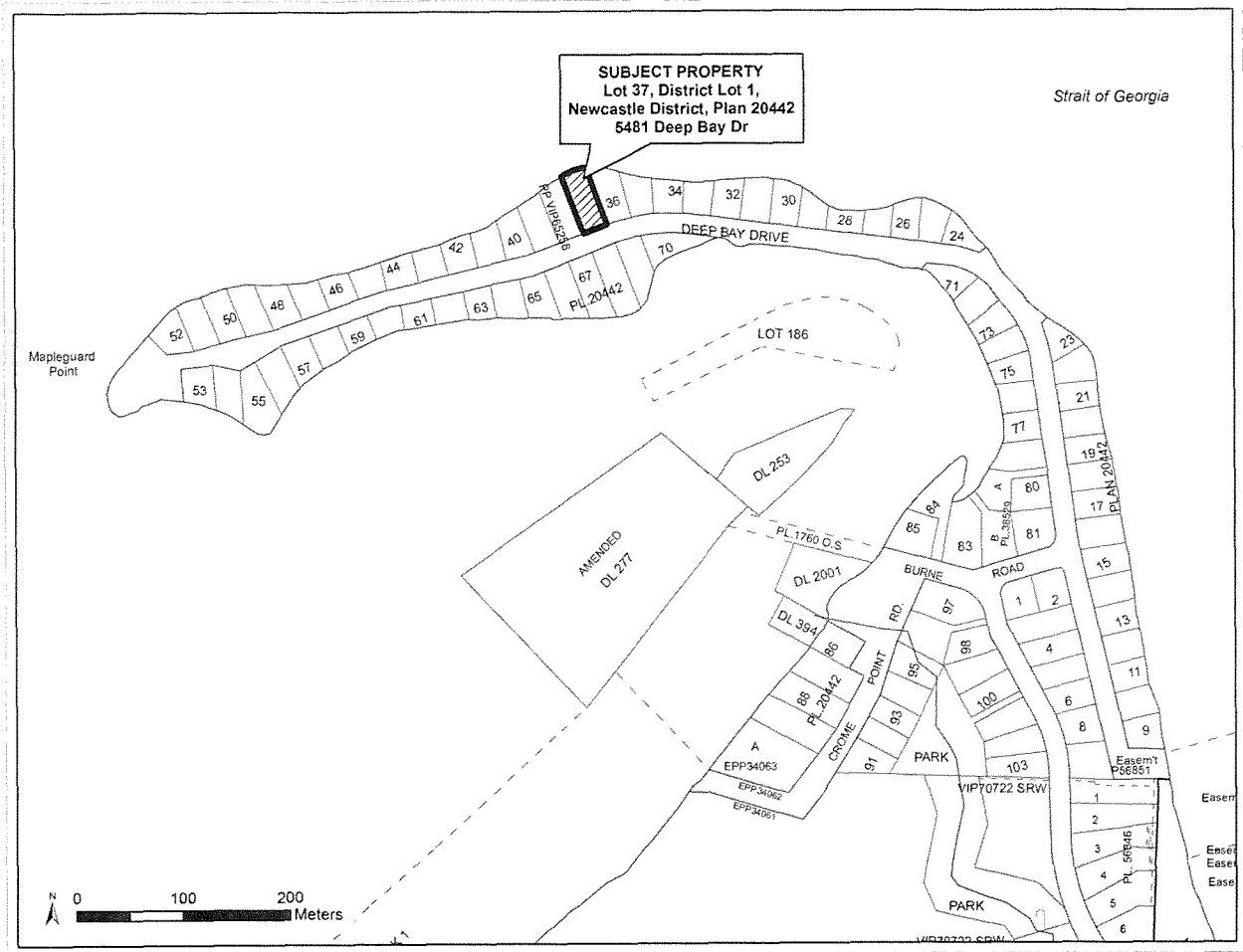


Manager Concurrence



CAO Concurrence

Attachment 1 Subject Property Map



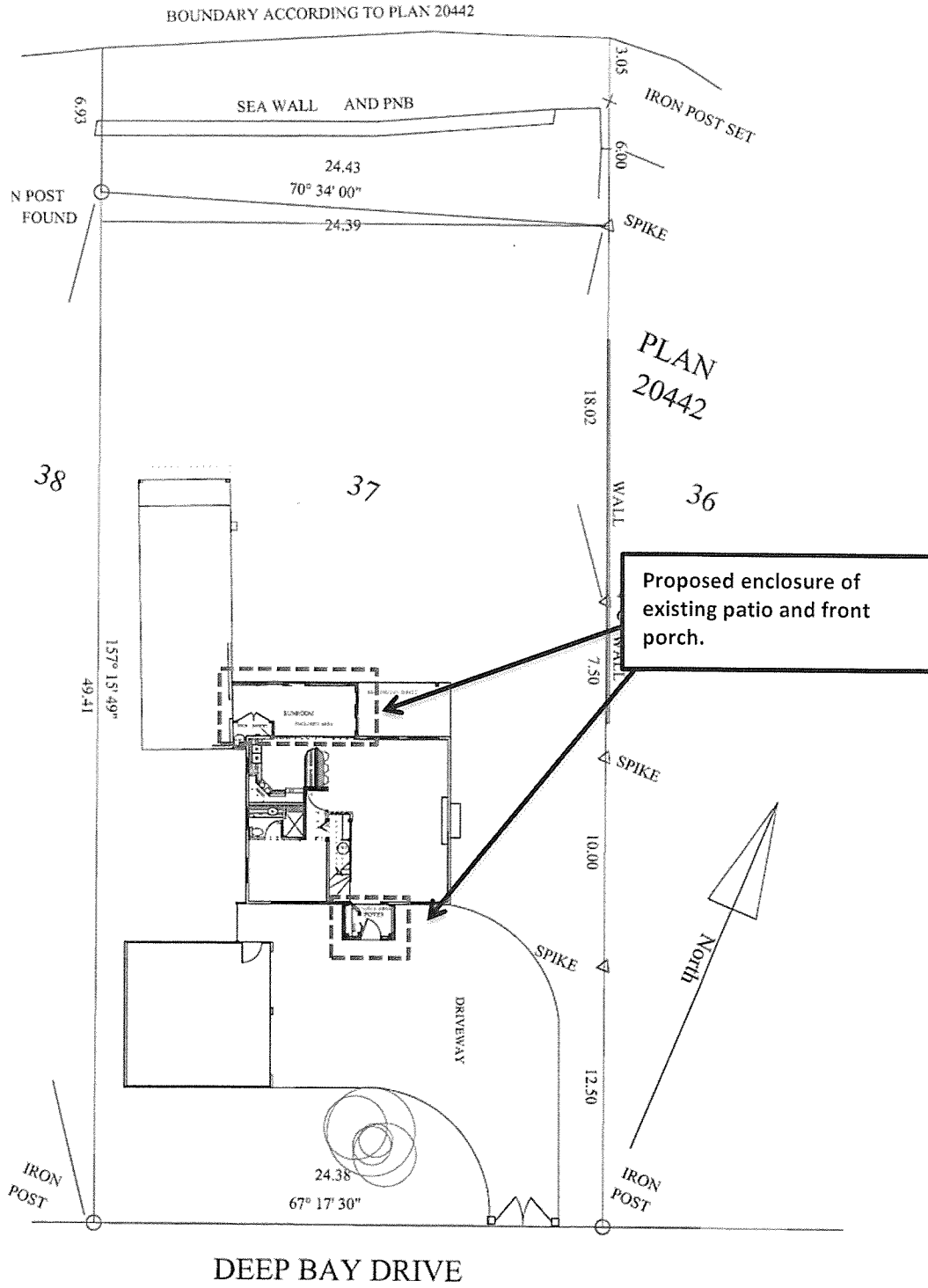
**Attachment 2
Terms and Conditions**

The following sets out the terms and conditions of Development Permit No. PL2014-107:

Conditions of Approval

1. The site be developed in accordance with the Site Plan prepared by Peter Mason dated August 21, 2014.
2. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.
3. The property shall be developed in accordance with the recommendations of the Geotechnical Hazard Assessment Report prepared by Lewkowich Engineering Associates Ltd. dated September 8, 2014.
4. Staff shall withhold issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 restrictive covenant containing the Geotechnical Hazard Assessment Report prepared by Lewkowich Engineering Associates Ltd. dated September 8, 2014, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of potential flood hazard.

Attachment 3 Site Plan



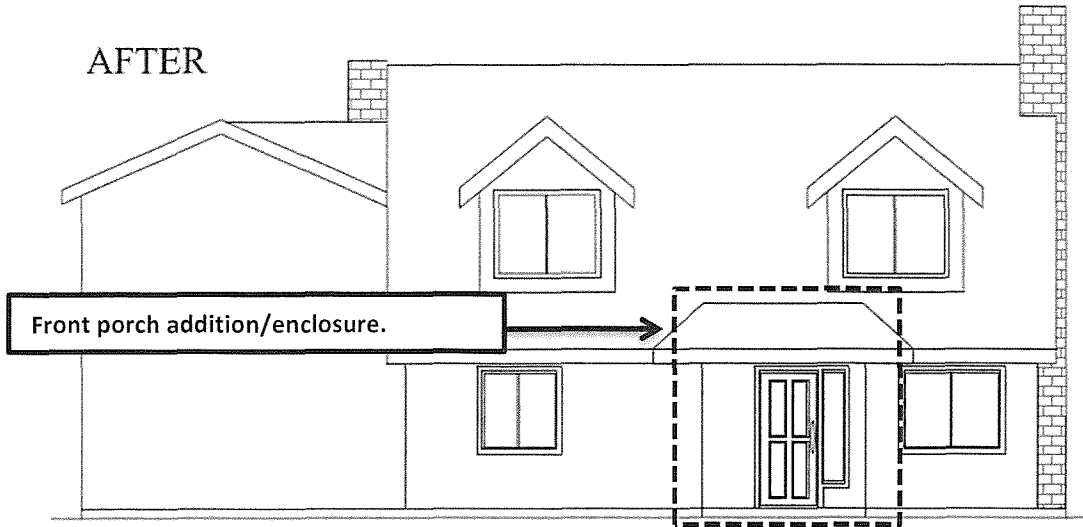
Attachment 4
Building Elevations (Page 1 of 2)

BEFORE

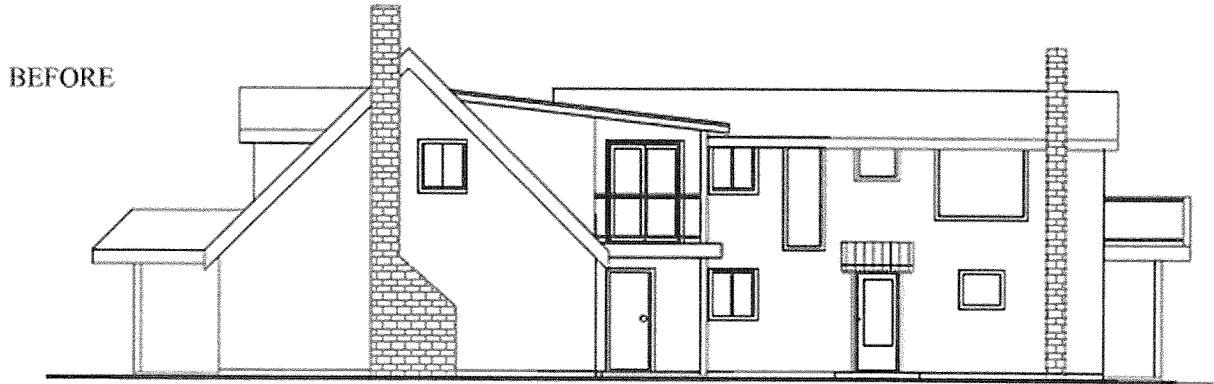


SOUTH EAST ELEVATION

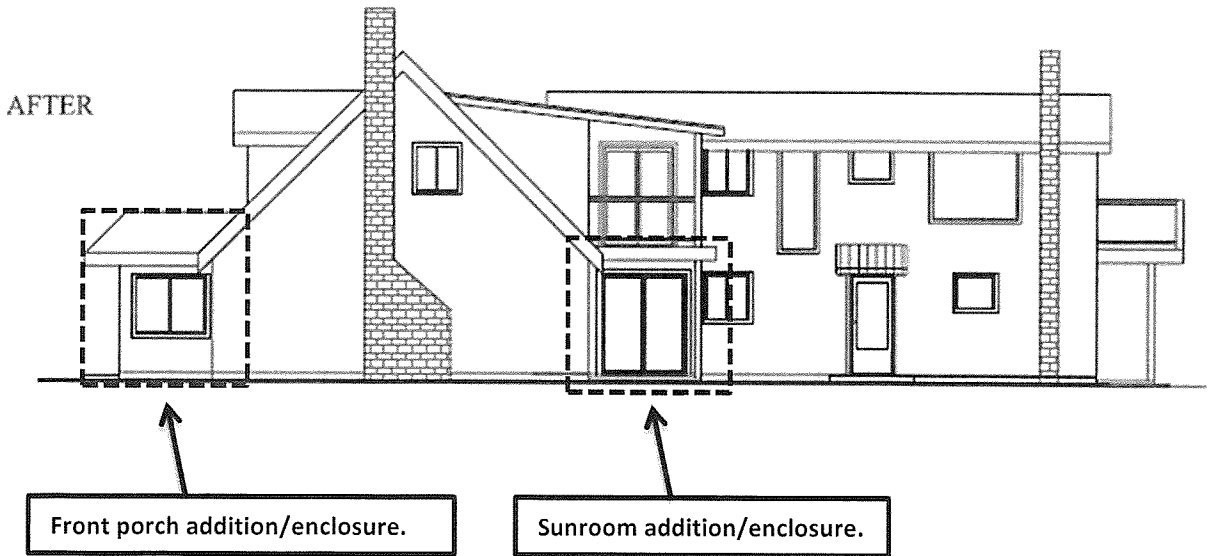
AFTER

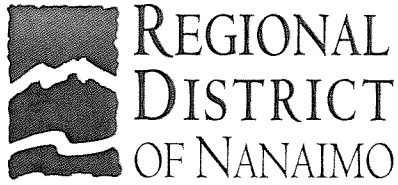


Attachment 4
Building Elevations (Page 2 of 2)



NORTH EAST ELEVATION





RDN REPORT		#/#/#
CAO APPROVAL		
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
OCT 08 2014		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

MEMORANDUM

TO: Jeremy Holm
 Manager of Current Planning

DATE: October 7, 2014

FROM: Tyler Brown
 Planner

FILE: PL2014-115

SUBJECT: Development Permit Application No. PL2014-115 - FMC Holdings Ltd.
 Lot A, Section 14, Range 6, Cranberry District, Plan 7057
 1890 Schoolhouse Road - Electoral Area 'A'

PURPOSE

To consider a Development Permit application to amend previously issued Development Permit with Variance No. PL2012-166, which was for the redevelopment of an industrial property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Kianna Horstmann on behalf of FMC Holdings Ltd. to amend previously issued Development Permit with Variance No. PL2012-166 which was required to address the South Wellington Industrial - Commercial Development Permit Area (DPA) as per the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011". Bound by Fielding Road and Schoolhouse Road to the west, rural residential acreages to the north and east, and industrial designated lots to the south, the subject property is approximately 2.0 ha in area and is zoned Industrial 1 within Subdivision District 'Z' (IN1Z) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 – Subject Property Map).

Proposed Development

Through previously issued Development Permit No. PL2012-166, the applicant submitted site plans, landscaping plans, servicing reports, building elevations and environmental assessments to address the development permit (DP) guidelines. Through this current application, the applicant is proposing to amend the previous DP by making aesthetic changes to the building entrance, increasing the number of windows on the southern and northern faces of the building, removing one exterior set of stairs, and replacing a fascia sign with a freestanding sign (See Attachment 3 – Site Plan, Attachment 4 – Previously Approved Building Elevations, Attachment 5 – Proposed Building Elevations, and Attachment 6 – Proposed Free Standing Sign).

ALTERNATIVES

1. To approve Development Permit No. PL2014-115 for the relocation and improvements of an existing industrial shop subject to the conditions outlined in Attachments 2 to 6.
2. To deny Development Permit No. PL2014-115

LAND USE IMPLICATIONS

Development Implications


The applicant is proposing only minor aesthetic changes to the primary building and no additional variances are being requested. Moreover, the proposal is consistent with the Development Permit guidelines. New building elevations as well as a rendering of the sign have been submitted in support of the amendment application. The new application has been reviewed by staff and no negative development implications are anticipated.

SUMMARY/CONCLUSIONS

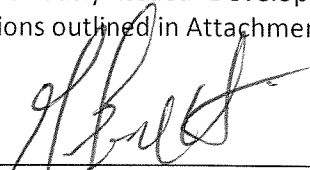
This is an application for a Development Permit to amend previously issued Development Permit with Variance No. PL2012-166. The applicant is proposing to amend the previous Development Permit by making aesthetic changes to the building entrance, increasing the number of windows on the southern and northern faces of the building, removing one exterior set of stairs, and replacing a fascia sign with a free standing sign. The new proposal does not require additional variances and is consistent with the development permit guidelines. Therefore, staff recommend approval pending the outcome of consultation/statutory notification.

RECOMMENDATION


That Development Permit No. PL2014-115 to amend previously issued Development Permit with Variance No. PL2012-166 be approved subject to the conditions outlined in Attachments 2 to 6.



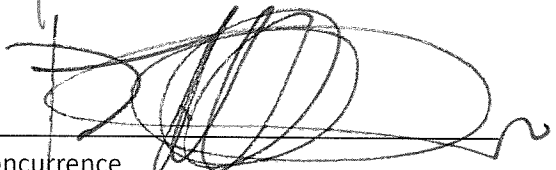
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

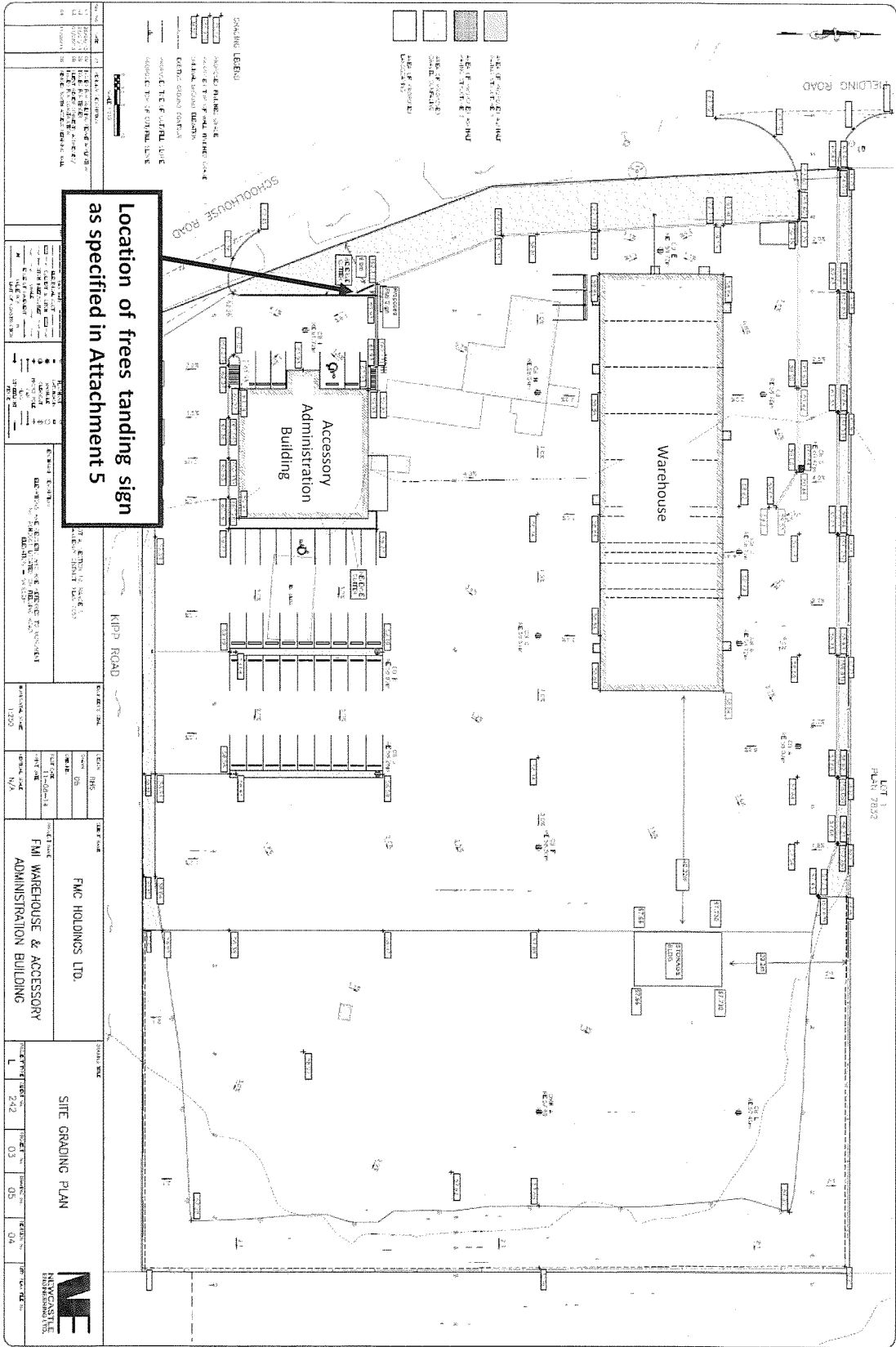
Attachment 2
Conditions of Approval

The following conditions are to be completed as part of Development Permit No. PL2014-115 and are in addition to, and supersede in the event of conflict, the Conditions of Approval of Development Permit with Variance No. PL2012-166:

Conditions of Approval

1. The subject property shall be developed in substantial compliance with the Site Grading Plan prepared by Newcastle Engineering Ltd., dated August 11, 2014, attached as Attachment 3.
2. The proposed building shall be constructed in accordance with the elevations drawings prepared by Studio 2009 Architecture Ltd. dated January 28, 2014, as shown in Attachment 5.
3. The proposed free standing sign shall be constructed in accordance with the specifications and rendering prepared Scott Signs Ltd. attached as Attachment 6.
4. The applicant shall obtain any necessary building permits.

Attachment 3
 Proposed Site Plan



Attachment 4
 Previously Approved Building Elevations

West Elevation
 SCALE: 1/8" = 1'-0"

East Elevation
 SCALE: 1/8" = 1'-0"

North Elevation
 SCALE: 1/8" = 1'-0"

South Elevation
 SCALE: 1/8" = 1'-0"

Annotations:
 Sign to be removed
 Entrance way revised
 Stairs to be removed
 Windows to be revised

MATERIALS LEGEND:
 (A) DRYWIT SUPER WHITE 101 - SAND PEBBLE FINISH
 (B) DRYWIT MOUNTAIN FOG 112 - SAND PEBBLE FINISH

North East Perspective
 South West Perspective
 South East Perspective

see new window layout

**Primary Watchhouse - Accessory Administration Building,
 1890 Schoolhouse Road, Nanaimo, B.C.**

Elevations, Perspectives

STUDIO 2009 ARCHITECTURE LTD.
 ARCHITECTS
 1100 S. BROADWAY
 VANCOUVER, BC V6Z 1Y1
 TEL: 604-255-1100
 WWW.STUDIO2009.COM

Professional Seal:
 ARCHITECT
 BRITISH COLUMBIA
 1100 S. BROADWAY
 VANCOUVER, BC V6Z 1Y1
 TEL: 604-255-1100
 WWW.STUDIO2009.COM

Project Information:
 Project Name: Primary Watchhouse - Accessory Administration Building, 1890 Schoolhouse Road, Nanaimo, B.C.
 Date: November 2, 2013
 Drawing No.: AA-4
 Sheet: 01 of 8
 Issued For Construction: August 1, 2013

Attachment 5
 Proposed Building Elevations

North Elevation
 SCALE: 1/8" = 1'-0"

South Elevation
 SCALE: 1/8" = 1'-0"

West Elevation
 SCALE: 1/8" = 1'-0"

East Elevation
 SCALE: 1/8" = 1'-0"

Materials Legend:
 (A) DRYVIT SUPER WHITE 101 - SAND PEBBLE FINISH
 (B) DRYVIT MOUNTAIN FOG 132 - SAND PEBBLE FINISH

North West Perspective

South West Perspective

South East Perspective

Elevations, Perspectives

Project: Primary Warehouse - Accessory Administration Building, 1890 Schoolhouse Road, Nanaimo, B.C.

Client: [Redacted]

Architect: Studio 2009 Architecture Ltd., 4800 Westside Avenue, Nanaimo, B.C. V9T 2K7

Submitted For D.P. Amendment: January 28, 2014

City of Nanaimo: [Seal]

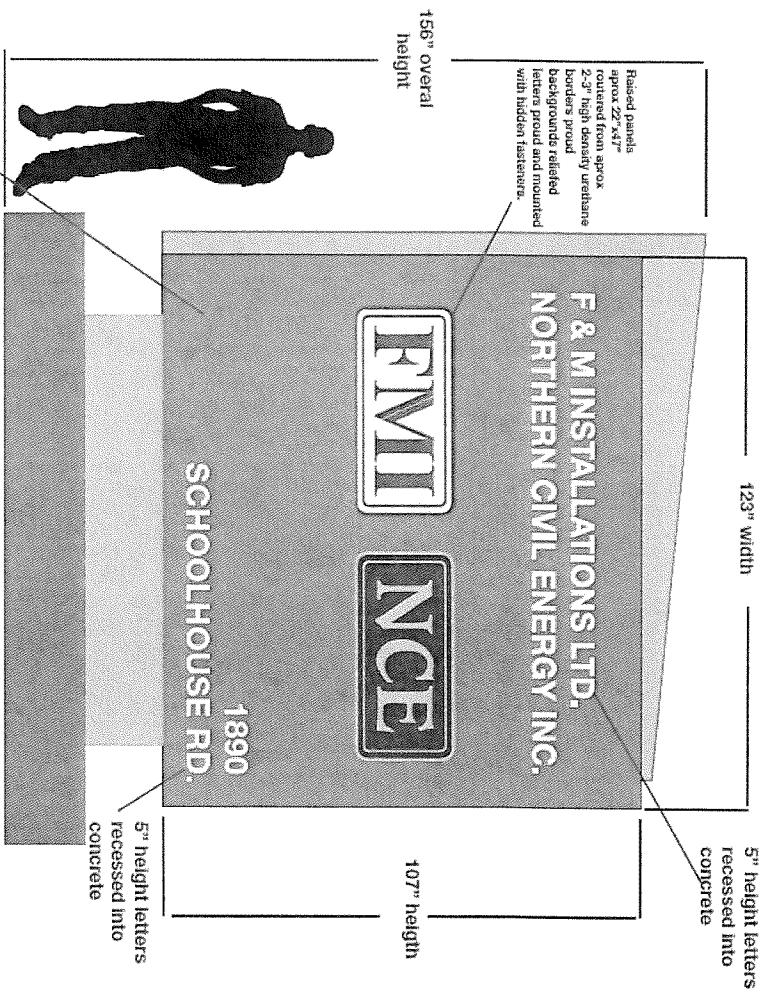
Scale: 1/8" = 1'-0"

Sheet: AA-4

Attachment 6
 Proposed Free Standing Sign

CUSTOMER MSE Precast

PROJECT Concrete sign



PLEASE READ CAREFULLY!

- SAMPLE REQUESTED** Please produce a colour sample of this design to review before final production is approved.
- REVISIONS REQUIRED** The following revisions are required before authorization for a sample or production is approved.
- COMMENCE PRODUCTION** I have read and accept the responsibility disclaimer and authorize final production of this design without producing a final sample to approve.

All designs are copyright © Scott Signs Ltd. This form releases Scott Signs Ltd. from all responsibility due to any change, colour variation, media variation, omission, addition, error or spelling mistake discovered after written authorization for production.

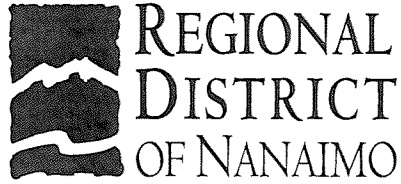
SIGNATURE _____

All projects require a 50% Deposit to begin and payment on completion unless otherwise agreed upon by Scott Signs Ltd.



SCOTT SIGNS LTD.

Ph: 250.248.3015
 Fax: 250.248.3016
 Email: scottsigns@shaw.ca
 www.scottsigns.ca



RDN REPORT		11/11
CAO APPROVAL		
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
OCT 03 2014		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: October 3, 2014

FROM: Lainya Rowett
Senior Planner

FILE: PL2014-102

SUBJECT: Development Variance Permit Application No. PL2014-102 – Ryan & Kara Malcolm Lot B, Section 11, Range 4, Mountain District, Plan EPP26342 – 2962 Ridgeway Road Electoral Area 'C'

PURPOSE

To consider an application for a Development Variance Permit to increase the maximum permitted height and floor area for an accessory building to permit a secondary suite to be contained within a detached building that is under construction within the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Ryan and Kara Malcolm to vary the height and floor area requirements for an accessory building that is under construction and is proposed to contain a secondary suite. The subject property is approximately 0.8 ha in area and is zoned Rural 1 Zone (RU1), Subdivision District 'F' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 for location of subject property). The property has access from Ridgeway Road and is surrounded by other rural residential zoned parcels.

In March 2014, building permits were issued for the construction of a single dwelling unit and a detached accessory building (garage) within the subject property (see Attachment 3 - Site Plan). Secondary suites were not yet permitted in the zoning, although the bylaw amendments to allow suites had received third reading, so the owners proceeded to construct the accessory building with floor area above the garage hoping to convert the space to a suite pending the adoption of the secondary suites bylaw. The accessory building complies with the requirements of the Rural 1 Zone, including the maximum height and floor area for accessory buildings.

In May 2014, the RDN adopted amendments to Bylaw 500 to allow suites in most residential zones, including the Rural 1 Zone. The owners intended to proceed with finishing the accessory building with a secondary suite above the garage. However, upon further review it was determined that the accessory building exceeded the height and floor area limitations for a detached building containing a suite. The owners indicated that they misinterpreted the calculation of floor area for a building containing a suite and thought that it excluded the garage floor space. The owners propose to vary the height and floor

area restrictions to allow the existing accessory building to remain as constructed and to be used as a detached building containing a fully compliant secondary suite.

Proposed Development and Variance

The applicants propose to increase the maximum permitted height and floor area of an accessory building by varying the following sections in “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **General Regulations – Secondary Suites, Section 3.3.16 e) ii)** to increase the maximum height of an accessory building containing a suite from 8.0 m to 8.4 m; and
- **General Regulations – Secondary Suites, Section 3.3.16 e) iii)** to increase the maximum floor area of an accessory building containing a secondary suite from 90 m² to 121 m², to contain a suite that is 63 m² in floor area.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2014-102 subject to the conditions outlined in Attachment 2 to 4.
2. To deny Development Variance Permit No. PL2014-102.

LAND USE IMPLICATIONS

Development Implications

The property zoning (RU1) allows a secondary suite, and the property meets the minimum site area requirement (8,000 m² without community water or sewer) to allow a secondary suite in a detached building. Given the habitable floor of the principal dwelling (323 m²) which is currently under construction, the bylaw allows up to 90 m² for a detached accessory building containing a suite. The total floor area of the accessory building currently under construction is 121 m², including 58 m² for the garage. Only 63 m² would be used to accommodate a one-bedroom suite above the garage, which represents 52% of the accessory building floor area and 20% of the principal dwelling floor area. Therefore, the proposed variance is to increase the maximum permitted floor area of an accessory building containing a suite from 90 m² to 121 m², an increase of 31 m², in order to allow the existing structure to remain as constructed and provide functional living space above the garage.

The suite would have a separate entrance through an internal stairwell in the accessory building with no interior access or connection to any other part of the accessory building in which it would be located (see Attachment 4 – Building Elevations). As the proposed suite and principal dwelling are under construction concurrently, there is potential for the buildings to be stratified by a BC Land Surveyor under the *Strata Property Act* as previously unoccupied buildings, which would be contrary to the zoning bylaw. To address this concern, a section 219 covenant will be required as a condition of building permit issuance for the suite, and in accordance with Board Policy B1.22, to prohibit the subdivision of the detached suite from the principal dwelling unit (see Attachment 2 - Conditions of Approval). The applicants will also be required to obtain the necessary building permits to convert a portion of the accessory building to a suite.

The applicants have also demonstrated that the suite would have adequate off-street parking with direct access to Ridgeway Road, so there are no impacts anticipated with parking. The proposed suite would be located within a building that is well-integrated with the architecture of the principal dwelling and would provide a suitable sized suite and a compatible accessory use to the principal residential use.

In consideration of building height, the accessory building was constructed below the maximum permitted height (9.0 m) in the RU1 Zone; however, the new zoning regulations for secondary suites (adopted in May 2014) restrict a detached building containing a suite to 8.0 m in height. Given that the construction of this building is near completion, the applicant is requesting a variance to increase the maximum permitted height from 8.0 m to 8.4 m to allow the building to remain as constructed without onerous and costly modifications to comply with the zoning regulations, which were adopted after construction began. The perimeter of the property is densely treed and there are significant changes in grade from adjoining parcels; as well the accessory building is located beyond the required setbacks, so it would not negatively impact views or privacy of neighboring properties (see Attachments 3 and 4 - Site Plan and Building Elevations).

Inter-governmental Implications

The applicants have provided written confirmation from a Wastewater Practitioner that the existing septic system has adequate capacity to support the dwelling unit and a secondary suite, and a septic filing has been received by the Island Health Authority.

Strategic Plan Implications

Staff have reviewed the application in the context of the Board's 2013-2015 Strategic Plan and note that, if approved, the variances would accommodate a fully compliant secondary suite of new construction within an existing parcel, and would provide an opportunity for affordable housing.

Public Consultation Process

Pending the Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the application.

SUMMARY/CONCLUSIONS

The applicants began construction of a dwelling unit and accessory garage in early 2014. In May 2014, the RDN Zoning Bylaw 500 was amended to permit secondary suites in detached buildings, with height and floor area restrictions. The accessory building was constructed in compliance with the Rural 1 Zone but exceeds the height and floor area provisions for a detached building containing a suite, as these regulations were adopted post-construction. The applicants propose to increase the maximum permitted height from 8.0 m to 8.4 m and to increase the maximum permitted floor area of the accessory building from 90 m² to 121 m² in order to allow the building to remain as constructed and permit a fully compliant suite. The secondary suite portion of the accessory building would be 63 m², the garage making up the remaining 58 m² of floor area.

The applicants will be required to register a section 219 covenant as a condition of building permit issuance for the suite to prohibit any potential subdivision of the detached suite from the principal dwelling unit under the *Strata Property Act*.

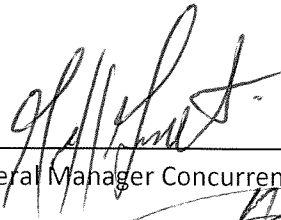
Given that the applicant has demonstrated that the suite would meet all other zoning requirements, including the provision of off-street parking and sewage disposal, and there are no anticipated impacts on neighbouring properties, staff recommend that the Board approve the variances as proposed.

RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2014-102 to increase the maximum permitted height and floor area for an accessory building containing a secondary suite be approved subject to the conditions outlined in Attachment 2 to 4.



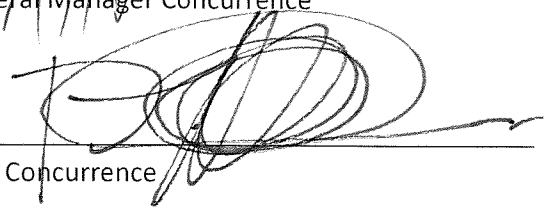
Report Writer



General Manager Concurrence

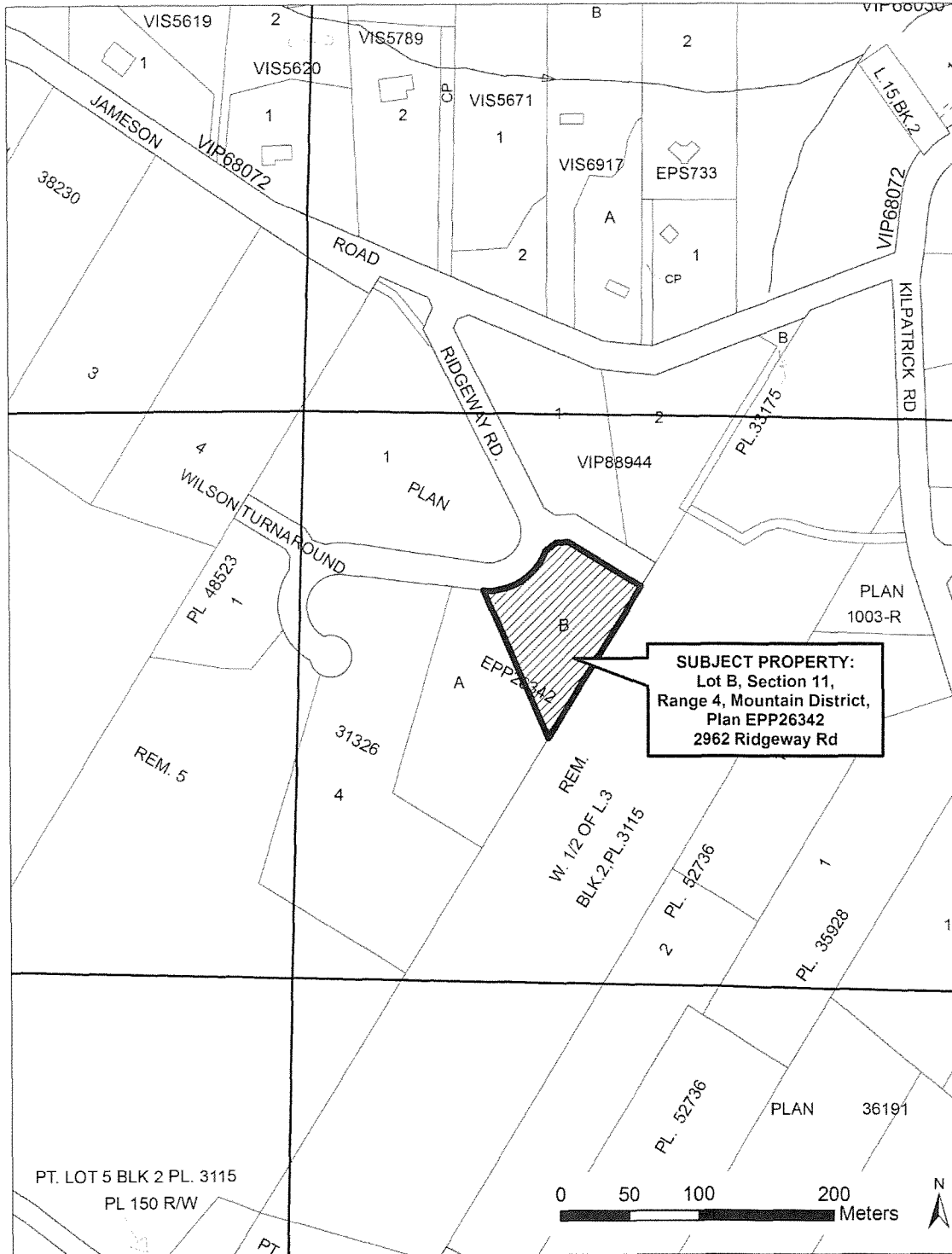


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2014-102:

Bylaw No. 500, 1987 Variances:

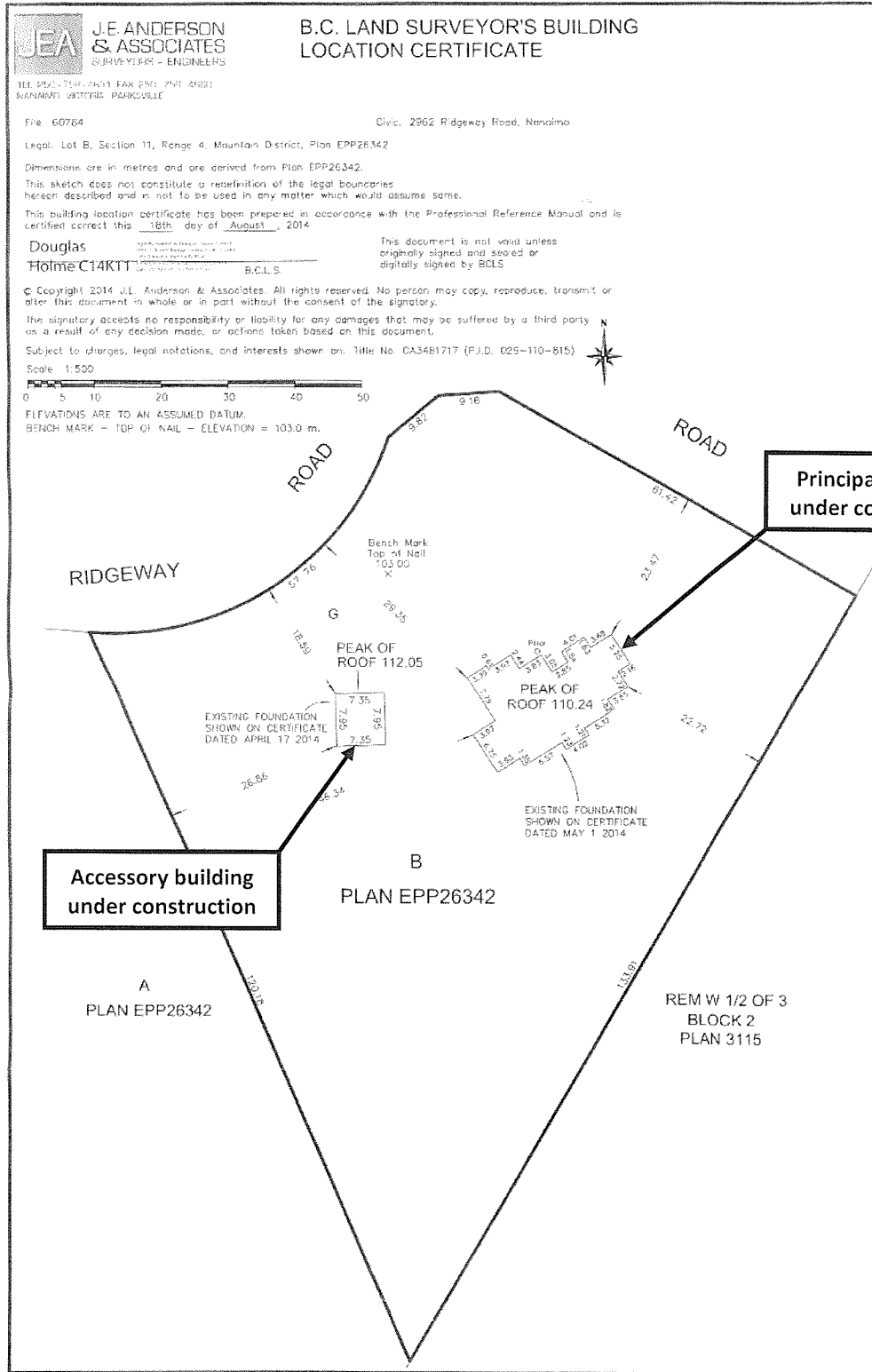
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. **General Regulations – Secondary Suites, Section 3.3.16 e) ii)** to increase the maximum height of an accessory building containing a suite from 8.0 m to 8.4 m; and
2. **General Regulations – Secondary Suites, Section 3.3.16 e) iii)** to increase the maximum floor area of an accessory building containing a secondary suite from 90 m² to 121 m², to contain a suite that is 63 m² in floor area.

Conditions of Approval:

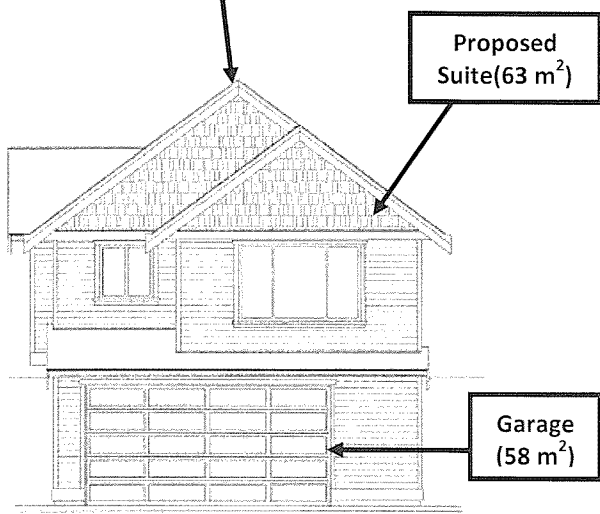
1. The property owner shall register a section 219 covenant, as a condition of building permit issuance for the secondary suite, to prohibit the subdivision of the detached suite from the principal dwelling unit under the *Strata Property Act*.
2. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3 Proposed Site Plan

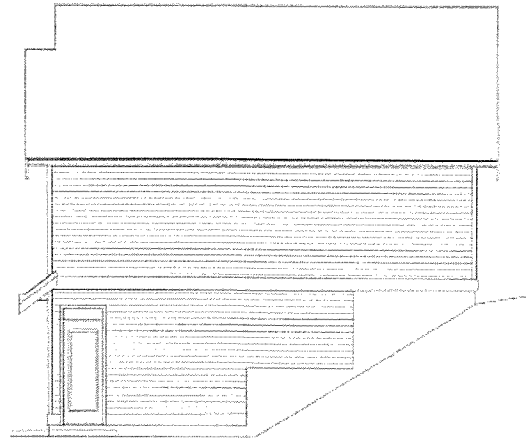


Attachment 4
Building Elevations & Proposed Variances (Page 1 of 2)

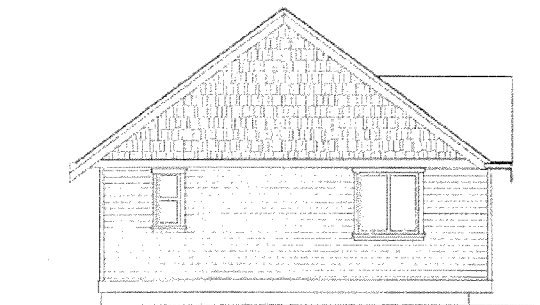
Proposed variances to increase accessory building height (to contain a secondary suite) from 8.0 m to 8.4 m and to increase permitted floor area from 90 m² to 121 m².



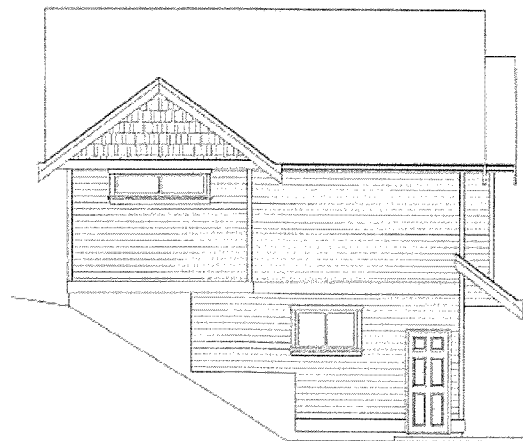
FRONT ELEVATION



RIGHT ELEVATION

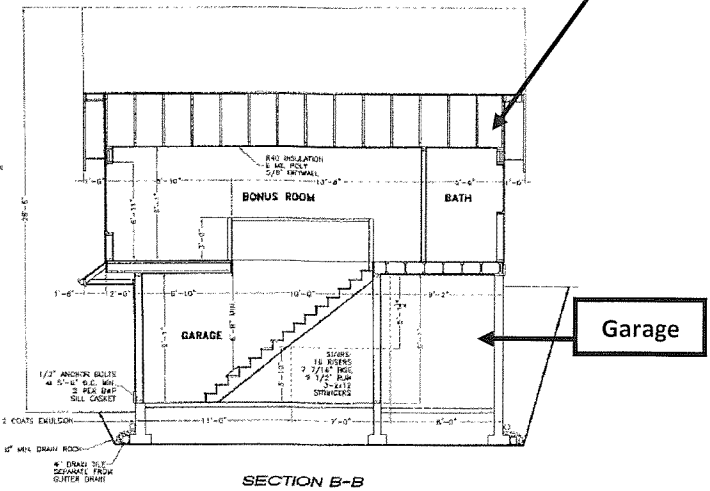
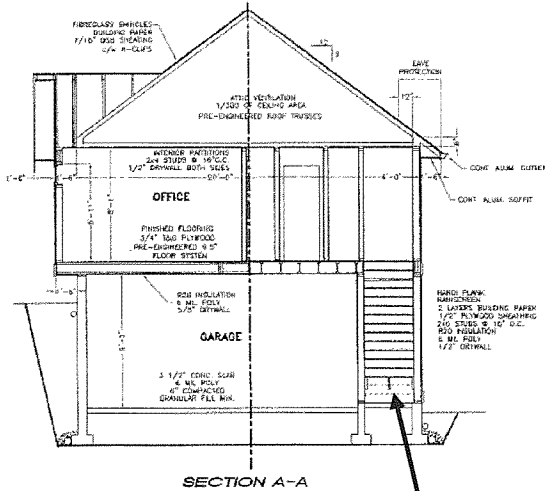
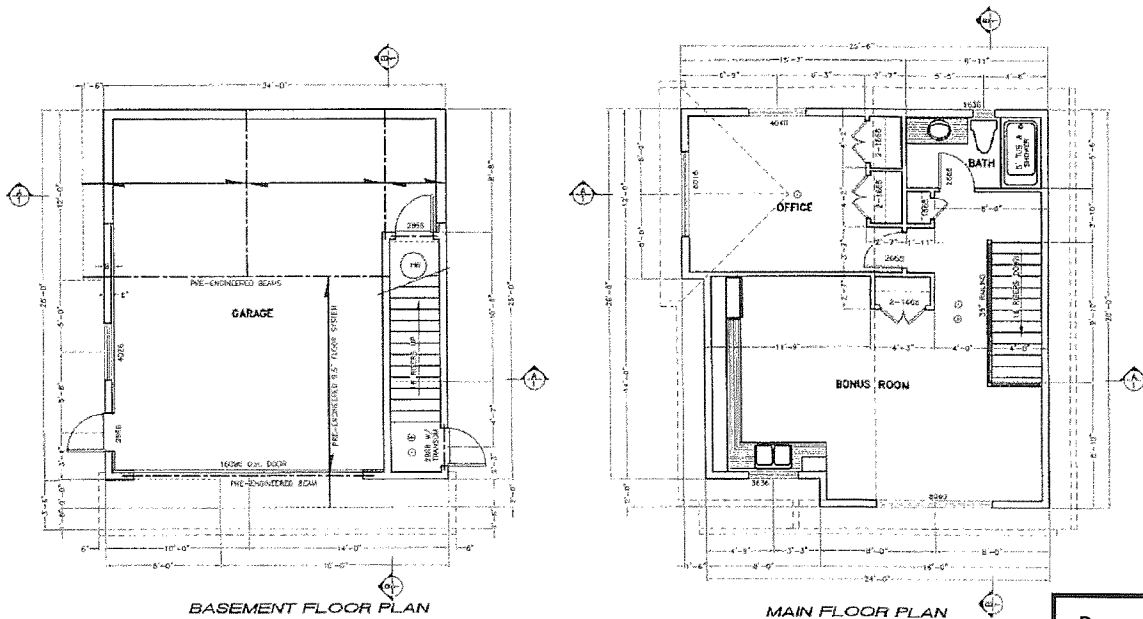


REAR ELEVATION



LEFT ELEVATION

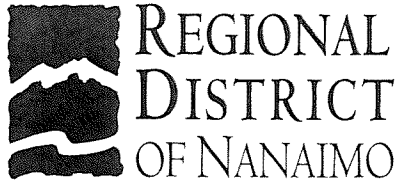
Attachment 4
Building Elevations & Proposed Variances (Page 2 of 2)



Proposed Suite

Garage

Suite to be accessed by an internal separate entrance which is not connected to or accessible from the garage.



RDN REPORT		[Signature]
CAO APPROVAL		
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
OCT 01 2014		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: September 11, 2014

FROM: Tyler J. Brown
Planner

FILE: PL2014-064

SUBJECT: Development Variance Permit Application No. PL2014-064 – Lindsay
Strata Lot 334, 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 – 2410 Shady Lane
Electoral Area ‘H’

PURPOSE

To consider an application for a Development Variance Permit to reduce the setback to a watercourse to permit the construction of a two-storey addition to a cabin on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from David Regehr on behalf of owners Daniel and Jacqueline Lindsay to permit the construction of a two-storey addition to an existing cabin at Horne Lake. The subject property is approximately 0.108 ha 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” (see Attachment 1 – Subject Property Map).

The subject property currently contains a cabin, an accessory building, and two sheds. If the variance proposal is approved, one shed is to be removed to create area for a proposed porch (see Attachment 3 – Proposed Site Plan and Variances). The subject property is bound by common property to the east and west, Horne Lake to the north and Shady Lane to the south. A small watercourse runs south to north within the common property to the west of the subject property.

Proposed Development and Variance

The applicant is proposing a variance to both Section 3.3.8 a) i) – Setbacks – Watercourses, excluding sea and Section 3.4.107.4 – Minimum Setback Requirements – All watercourses, except Horne Lake to reduce the setback to a watercourse from 15.0 metres to 6.2 metres for the construction of a two-storey addition with porch to an existing cottage (see Attachment 2 – Terms and Conditions of Permit) (see Attachment 3 – Proposed Site Plan and Variances). Both regulations prescribe the same setback of 15.0 metres from the natural boundary of a watercourse. The 15.0 metre setback was previously varied from 15.0 metres to 8.0 metres in 2001 under Development Permit No. 0120. The proposed addition will expand the floor area of the existing cottage; add a porch, a four piece bathroom, storage areas, and an entrance door. The building elevations for the proposed additions are shown in Attachment 4.

ALTERNATIVES

1. Approve Development Variance Permit No. PL2014-064 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2014-064.

LAND USE IMPLICATIONS

Development Implications

Staff have reviewed the applicant's variance request to construct an addition to a cottage and note that the proposed addition is in compliance with the zoning setbacks to property lot lines. If the development variance application is approved, the property owner will be required to obtain the necessary permits in accordance with Regional District of Nanaimo Building Regulations.

Environmental Implications

A 1.5 metre Streamside Protection and Enhancement Area (SPEA) has been established for the small watercourse which runs south to north within the common property to the west of the subject property. The proposed edition is well outside of the SPEA and therefore no environmental implications are anticipated.

Strategic Plan Implications

Staff have reviewed the application and note that the proposal has no implications related to the Board's 2013 – 2015 Strategic Plan.

Public Consultation Process

Pending the Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the application. Horne Lake Strata Corporation will also receive a direct notice of the proposal due to the proximity of common property.

SUMMARY/CONCLUSIONS

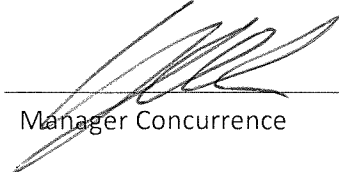
This is an application to consider a Development Variance Permit to permit the construction of a two-storey addition to an existing cabin at Horne Lake. Given that no development or environmental implications are anticipated, staff recommend the Board approve the requested variance, pending the outcome of public notification and subject to the terms and condition outlined in Attachment 2.

RECOMMENDATIONS

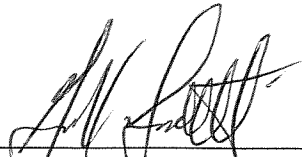
1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2014-064 to reduce the setbacks to a watercourse from 15.0 metres to 6.2 metres be approved subject to the conditions outlined in Attachments 2 to 4.



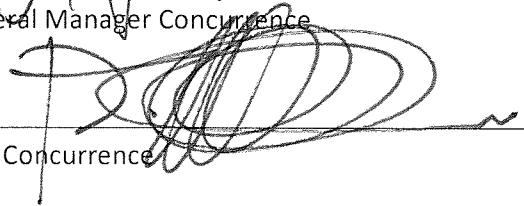
Report Writer



Manager Concurrence

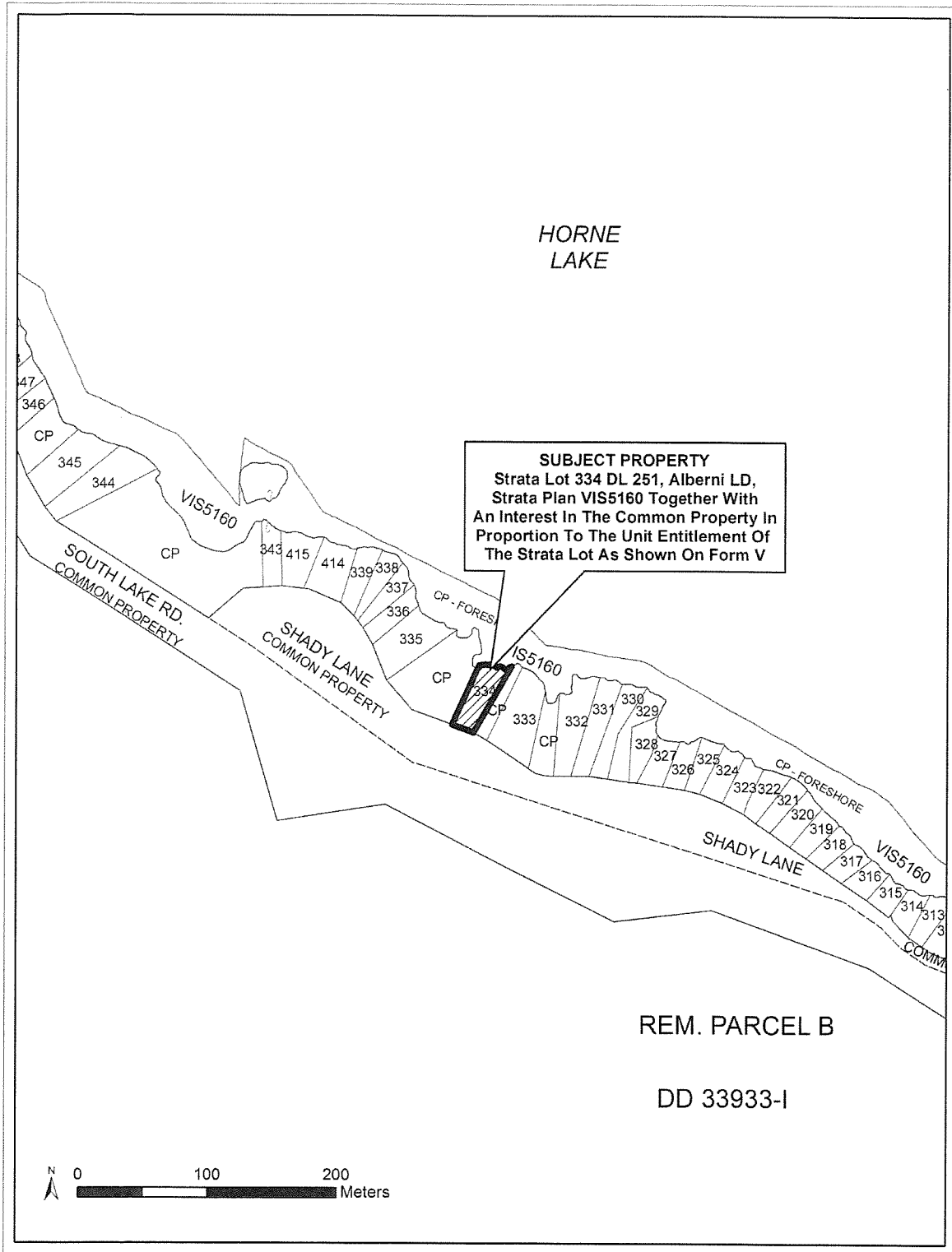


General Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2014-064:

Bylaw No. 500, 1987 Variances:

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

1. Section 3.3.8 a) i) – Setbacks – Watercourses, excluding the Sea to reduce the minimum setback requirement from 15.0 metres horizontal distance from the natural boundary to 6.2 metres for the construction of an addition to an existing cottage.
2. Section 3.4.107.4 – Minimum Setback Requirements – All watercourses, except Horne Lake to reduce the minimum setback requirement from 15.0 metres horizontal distance from the natural boundary to 6.2 metres for the construction of an addition to an existing cottage.

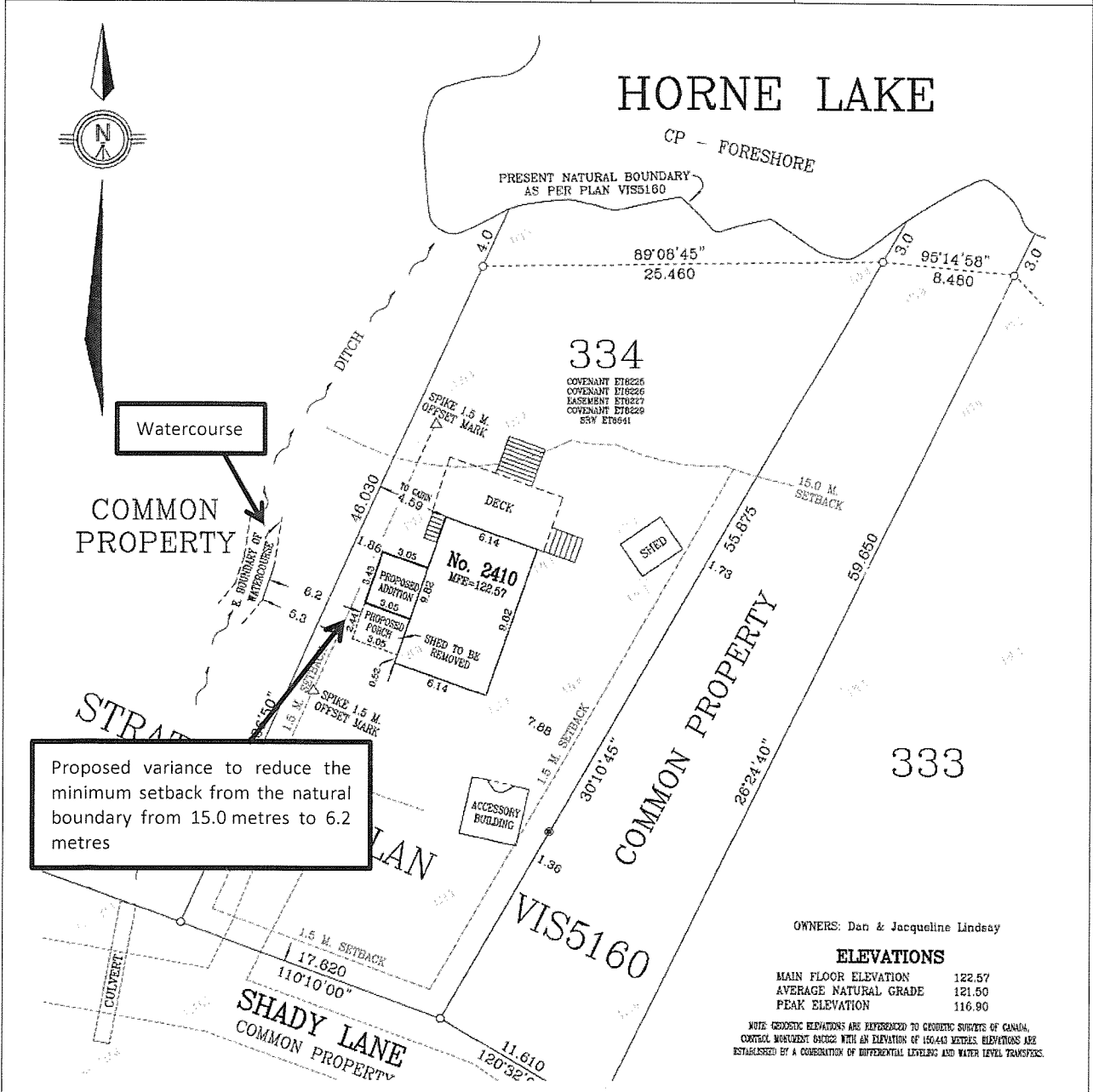
Conditions of Approval:

1. The proposed dwelling unit is sited in accordance with the Proposed Site Plan prepared by Bruce Lewis Land Surveying Inc. and dated June 12, 2014.
2. The property owner shall obtain the necessary permits in accordance with Regional District of Nanaimo Building Regulations.

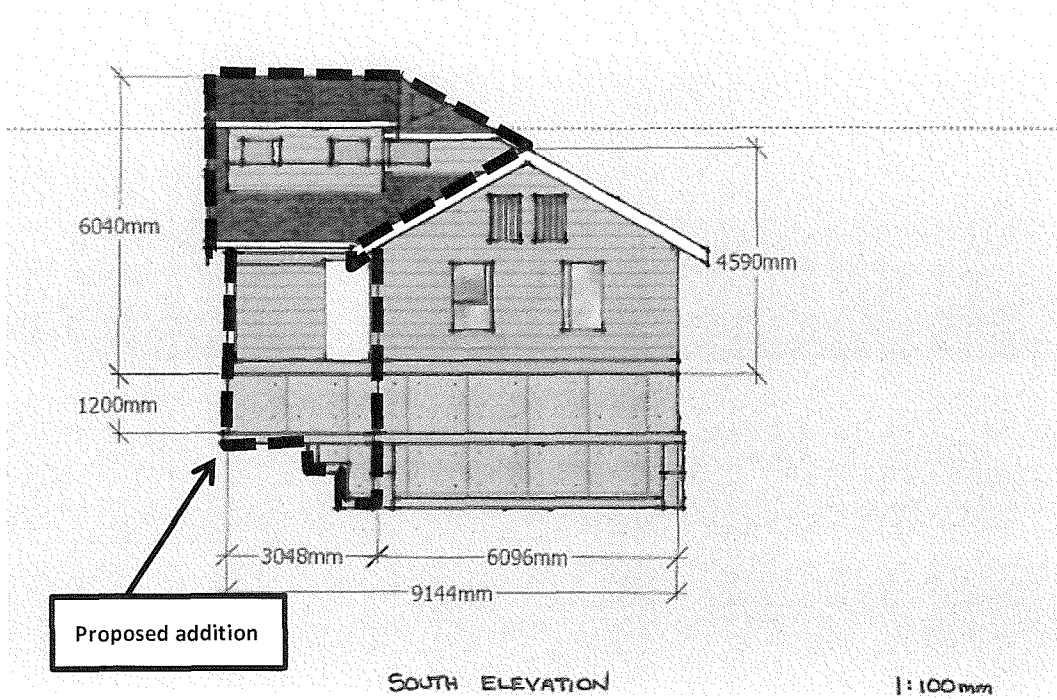
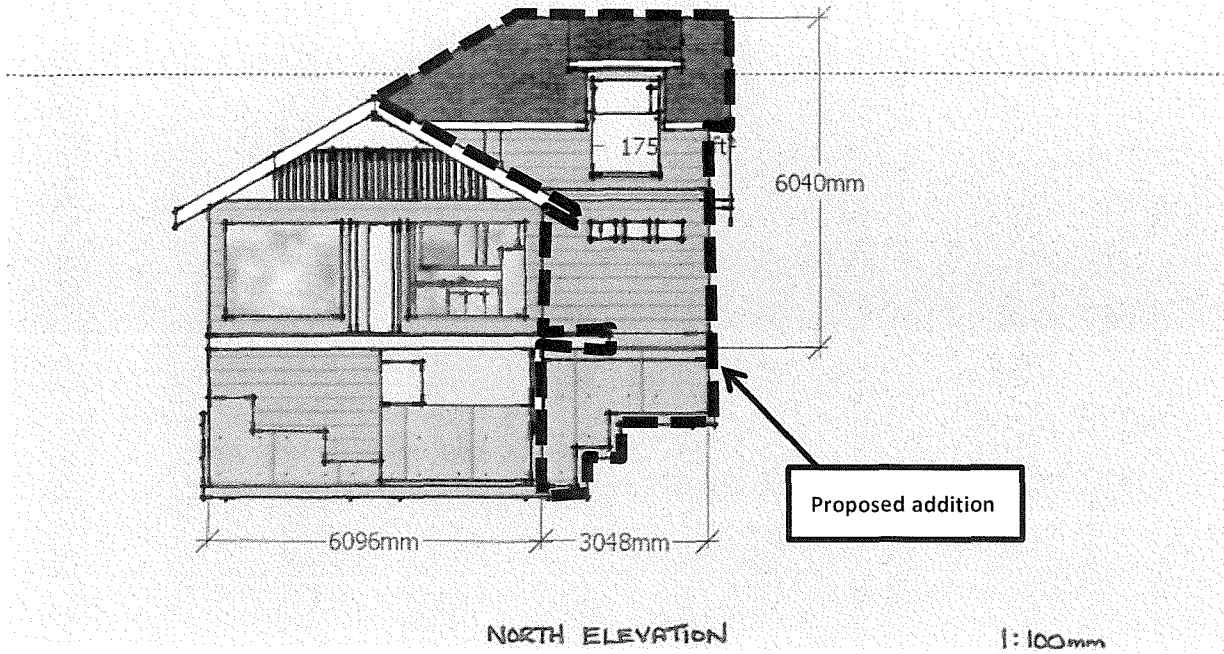
**Attachment 3
Proposed Site Plan and Variances**

**Section 3.3 8 a) i) – Setbacks – Watercourses, excluding the Sea; and
Section 3.4.107.4 – Minimum Setback Requirements – All watercourses, except Horne Lake**

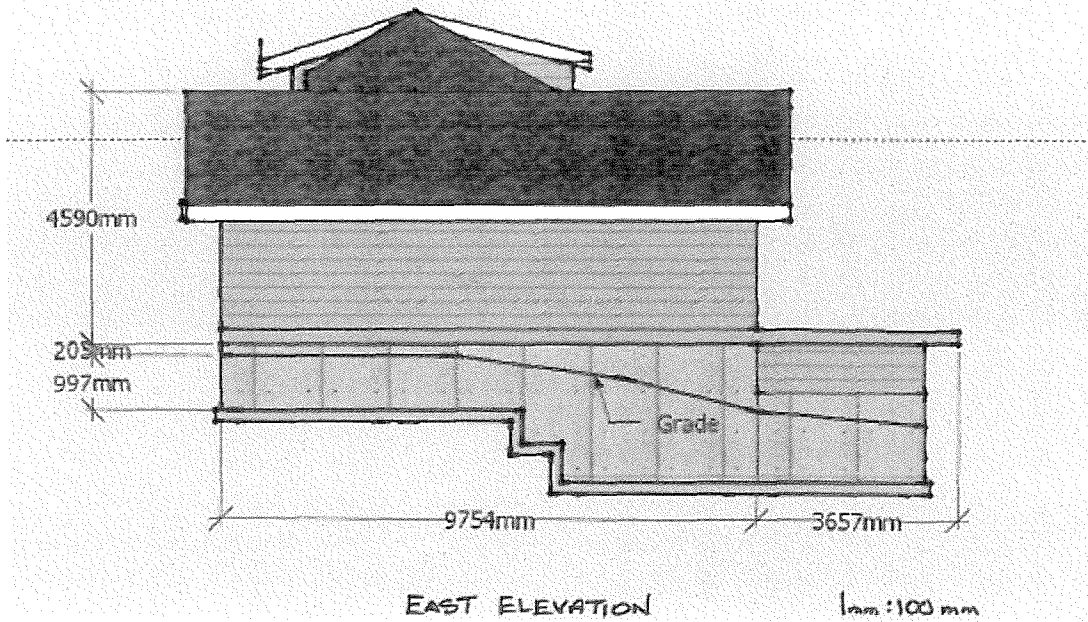
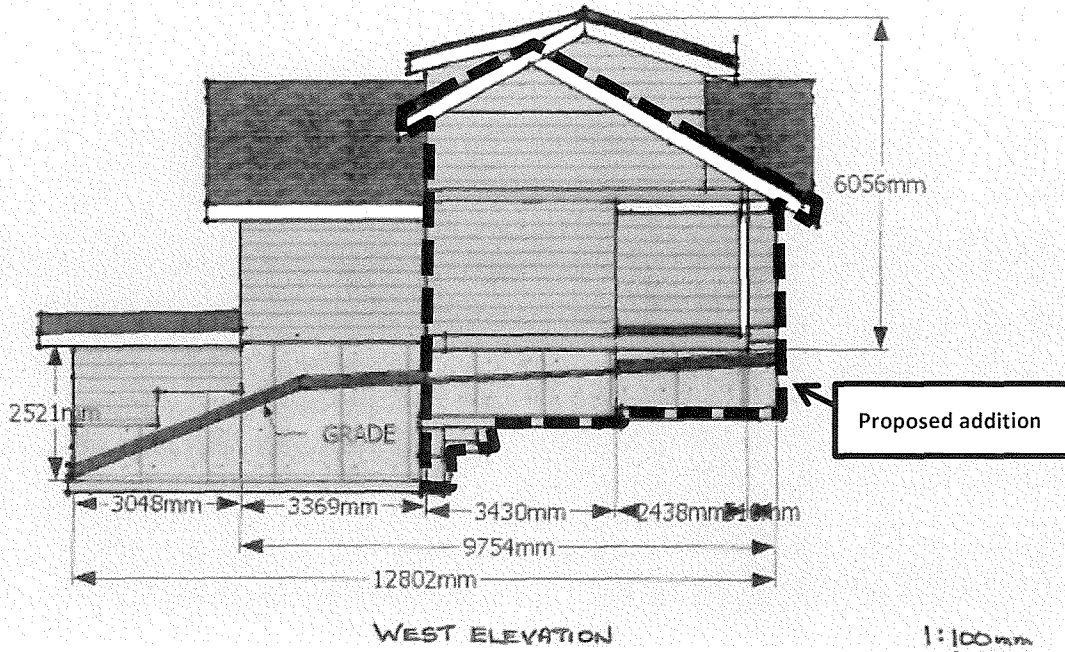
Structure	Required Setback by Bylaw	Proposed Setback	Requested Variance Amount
Proposed Cottage Addition	15.0 metres	6.2 metres	8.8 metres



Attachment 4
Building Elevations (Page 1 of 2)



Attachment 4
Building Elevations (Page 2 of 2)





RDN REPORT		###
CAO APPROVAL		
EAP	✓	
COW		
OCT 07 2014		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
 Manager, Current Planning

DATE: October 6, 2014

FROM: Angela Buick
 Planner

FILE: PL2014-100

SUBJECT: Development Variance Permit Application No. PL2014-100 – Wheeler
 Lot 16, Block A, District Lot 38, Nanoose District, Plan 10777 – 1403 Marina Way
 Electoral Area ‘E’

PURPOSE

To consider an application for a Development Variance Permit to reduce the eastern and western interior side lot lines, the setback to the sea (natural boundary and the top of slope) and to increase the maximum allowable height in order to legalize an existing dwelling unit and allow renovations to proceed.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Tim Rann of Vectis Ventures Ltd. on behalf of Edward Kenneth Wheeler to reduce the eastern and western interior side lot lines and the setback to the sea (natural boundary and the top of slope), and to increase the maximum allowable height in order to legalize the siting of an existing dwelling unit and allow renovations to proceed. The subject property is approximately 0.16 ha in area and is zoned Residential 1 (RS1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment 1 for location of subject property).

The subject property currently contains a dwelling unit and a non-conforming cottage. The lot slopes down from the road toward the sea and is bordered by developed residential parcels to the northwest and southeast, Marina Way to the northeast, and the Strait of Georgia to the southwest.

The original portion of the existing dwelling unit was constructed in 1978 under a building permit from the RDN, however, a location certificate was not submitted at that time and therefore the siting of the dwelling unit in relation to parcel boundaries was not confirmed. Subsequent additions to the dwelling unit were made without a building permit. According to the applicant, neighbours have confirmed that a roof addition was constructed in the 1980’s. The original house which was constructed in 1978 under a building permit did not meet the required yard setbacks, and the roof addition in the 1980’s without a building permit exceeded the allowable height as set out in the zoning bylaw. The current owner purchased the property in 2013 and began extensive renovations in 2014 without initially obtaining a building permit. Upon submission of a building permit application for the current renovations the setback encroachments and non-permitted construction were identified.

Proposed Variances

The applicant has undertaken extensive renovations to an existing dwelling unit where the building does not meet the setbacks to interior side lot lines, setbacks to the sea (natural boundary and the top of slope) and the maximum allowable height as set out in the zoning bylaw (See Attachment 2 for the Terms and Conditions of Permit, Attachment 3 for the Proposed Site Plan and Variances and Attachment 4 for Building Elevations). The required setback to the sea is 8 m from the top of slope and/or 15 m from the natural boundary whichever is greater. Given the complex topography of the subject property, in this case both the top of bank setback and the natural boundary setback requirements apply to the dwelling unit and a variance is required to each of these bylaw provisions as outlined in the variance summary table below.

The requested variances from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Bylaw 500) are summarized in the following table:

Section 3.4.61 – Minimum Setback Requirements – Interior Side Lot Line			
Structure	Required Setback by Bylaw	Current Setback	Requested Variance Amount
Western portion of Dwelling Unit (Point A)	2.0 metres	0.4 metres	1.6 metres
Eastern portion of Dwelling Unit (Point B)	2.0 metres	0.7 metres	1.3 metres
Section 3.4.61 – Maximum Number and Size of Buildings and Structures – Dwelling Unit Height			
Dwelling Unit (Point C)	8.0 metres	11.7 metres	3.7 metres
Section 3.3.9 – Setbacks – Sea (Setback from Top of Slope)			
Dwelling Unit (Point D)	8.0 metres	6.7 metres	1.3 metres
Section 3.3.9 – Setbacks – Sea (Setback from the Present Natural Boundary)			
Dwelling Unit (Point E)	15.0 metres	11.0 metres	4.0 metres

ALTERNATIVES

1. To approve Development Variance Permit No. PL2014-100 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2014-100.

LAND USE IMPLICATIONS

Development Implications

The applicant has requested variances to legalize the siting and height of an existing dwelling unit and to accommodate renovations to an existing dwelling unit where the original portion of the dwelling unit

was constructed under a building permit in 1978. At this time, the property owners were required to meet the side yard setback of 1.5 metres as outlined in the Residential II zone and the flood control setback to the sea of requirement of 7.6 metres from the natural boundary pursuant to "The Regional District of Nanaimo Zoning By-law No. 53, 1973" (Bylaw No. 53, 1973). While the dwelling unit did not meet the side yard lot line setback requirements of Bylaw No. 53, 1973 at the time it was constructed, it did meet the 7.6 metre setback to the sea requirements of the bylaw at that time. The current setback to the sea requirements of Bylaw 500 are more restrictive than those of Bylaw No. 53, 1973. As such, the applicant is requesting variances to the setback to the sea requirements of Bylaw 500 to protect the siting of the dwelling unit. Additions to the dwelling unit were made without a building permit in the 1980's. This included the addition of an upper, middle and lower decks. The decks, which encroach further into the required setback to the sea than the dwelling unit, are not proposed to be legalized as part of this development variance permit application.

The current renovations do not expand the footprint or height of the existing dwelling unit. Much of the renovations are internal and structural and the applicant is in the process of completing the necessary permits for the renovations in accordance with Regional District of Nanaimo Building Regulations. Spatial separation requirements, as set out in the BC Building Code will be addressed during the Building Permit application review. There are no records of formal complaints from neighbouring property owners since the time of original construction in 1978. The applicant has provided letters from the owners of 1388 and 1401 Marina Way indicating that they do not object to the proposed variances to legalize the existing dwelling unit and allow the renovations to proceed. As the renovations are substantially internal and do not result in any expansion of the building envelope or increase in building height beyond existing, no negative implications to adjacent properties are anticipated as a result of the proposed variances.

Environmental Implications

A Geotechnical Report in the form of a Schedule 'B' by Lewkowich Engineering Associates Ltd., was submitted in order to confirm the bearing capacity of the soil and as part of the current building permit process. No geotechnical or structural concerns with the proposed additions and renovations were noted by the applicant's geotechnical Engineer. If the development variance application is approved, the property owner will be required to obtain the necessary permits in accordance with Regional District of Nanaimo Building Regulations. The shoreline is a steeply sloped rock bluff and elevated well above the natural boundary of the sea. As the renovations are not increasing the floor area of the existing dwelling unit, the applicant is exempt from the requirement to meet the floodplain bylaw setback requirements.

Strategic Plan Implications

Staff have reviewed the application and have not identified any strategic plan implications.

Public Consultation Process

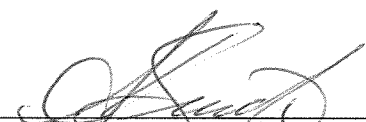
Pending the Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variances prior to the Board's consideration of the application.

SUMMARY/CONCLUSIONS

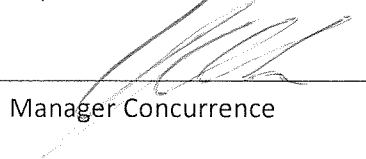
This is an application for a development variance permit to reduce the minimum setbacks from the side lot lines, the setbacks to the sea (natural boundary and the top of slope) and to increase the maximum building height to permit renovations and legalize the siting of an existing dwelling unit. The applicants have submitted a site plan, building elevation plans and a geotechnical report in support of the application. Given that renovations and repairs are contained within the existing dwelling unit footprint, the proposal does not further increase the existing height, and that there are no geotechnical concerns or anticipated view implications for adjacent properties anticipated, staff recommends the Board approve the requested variances pending the outcome of public notification.

RECOMMENDATIONS

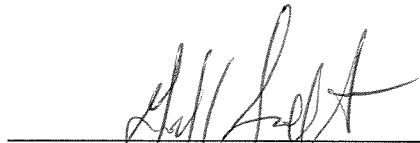
1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2014-100 to reduce the setbacks to the interior side lot lines, setback to the sea and increase the maximum allowable height to legalize the siting of an existing dwelling unit, be approved subject to the conditions outlined in Attachments 2 to 4.



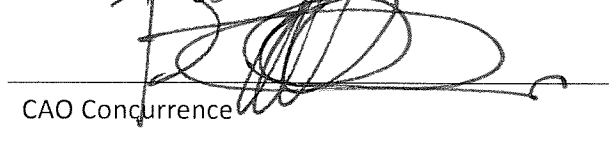
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2014-100:

Bylaw No. 500, 1987:

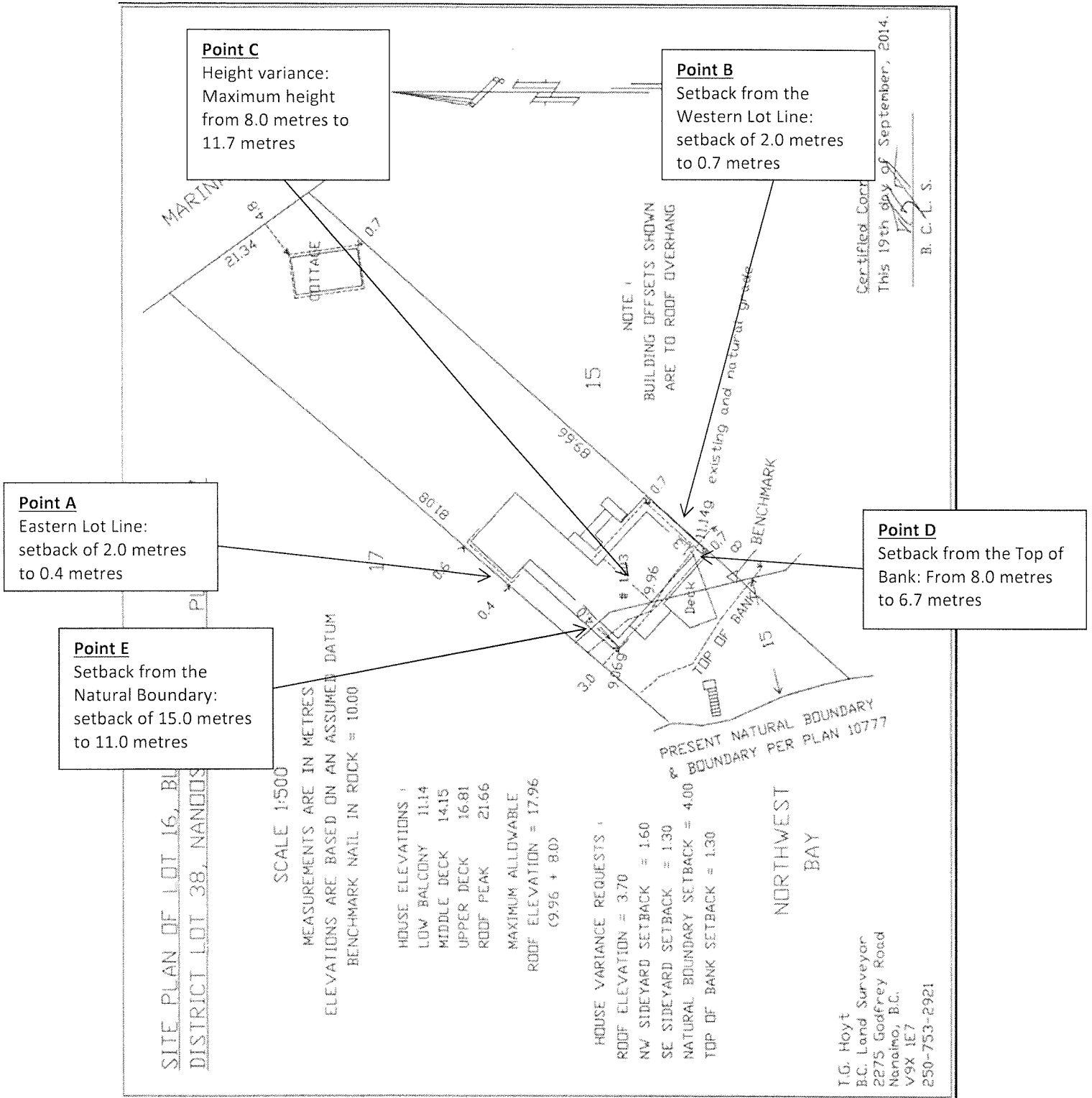
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. Section 3.4.61 to reduce the minimum setback requirement from 2.0 metres to 0.7 metres for the eastern boundary of the dwelling unit, 2.0 metres to 0.4 metres for the northern boundary of the dwelling unit.
2. Section 3.4.61 to increase the maximum building height of the dwelling unit from 8.0 metres to 11.7 metres.
3. Section 3.3 9) – Setbacks – Sea to reduce the minimum setback requirement from the top of a slope 30% or greater from 8.0 metres horizontal distance inland to 6.7 metres for the dwelling.
4. Section 3.3 9) – Setbacks – Sea to reduce the minimum setback requirement from 15.0 metres horizontal distance from the natural boundary to 11.0 metres for the dwelling unit.

Conditions of Approval:

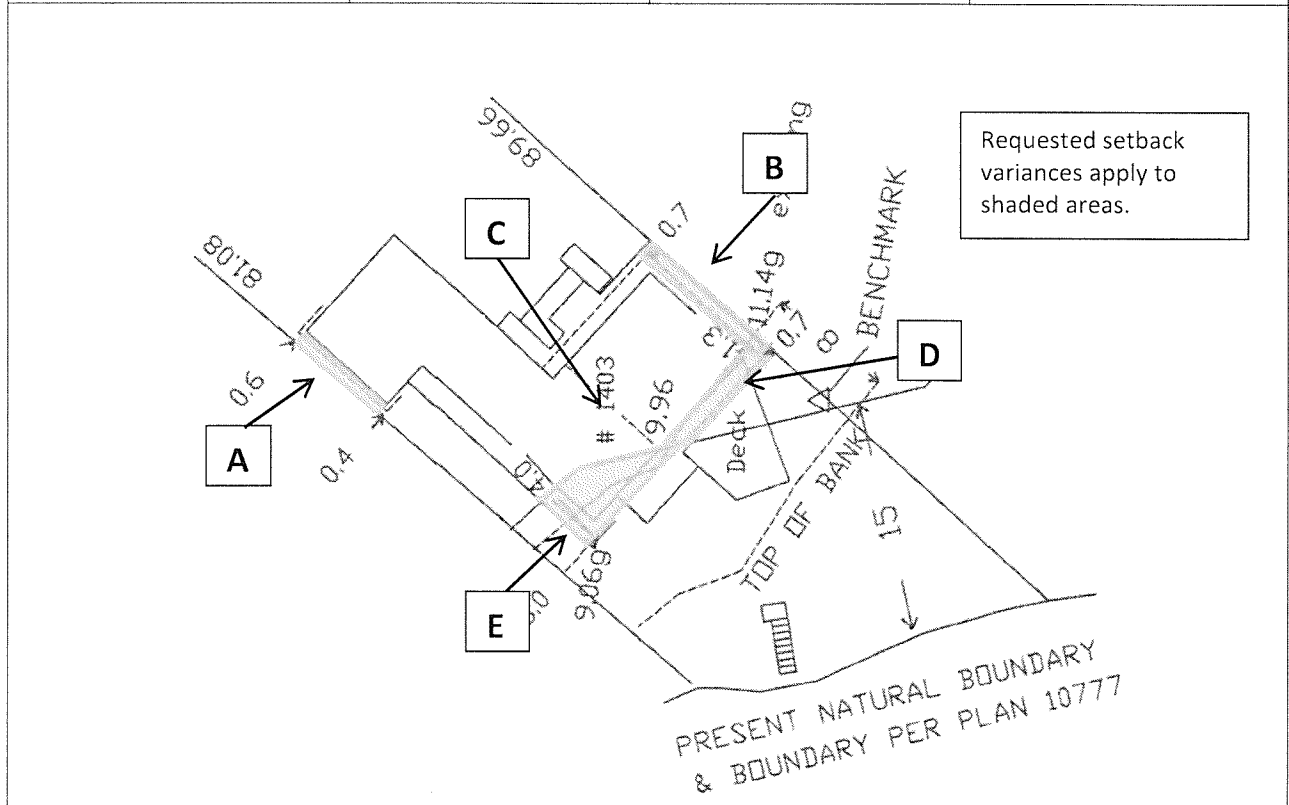
1. The dwelling unit shall be renovated in general accordance with the site plan prepared by T.G. Hoyt, BCLS dated August 11, 2014, attached as Attachment 3.
2. The dwelling unit shall be renovated in general accordance with the elevation drawings prepared by Jorgensen Osmond Ltd. dated September 9, 2014, attached as Attachment 4 for the portions of the building and structures to which the variances apply.
3. The property owner shall obtain the necessary permits for renovations in accordance with Regional District of Nanaimo Building Regulations.

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

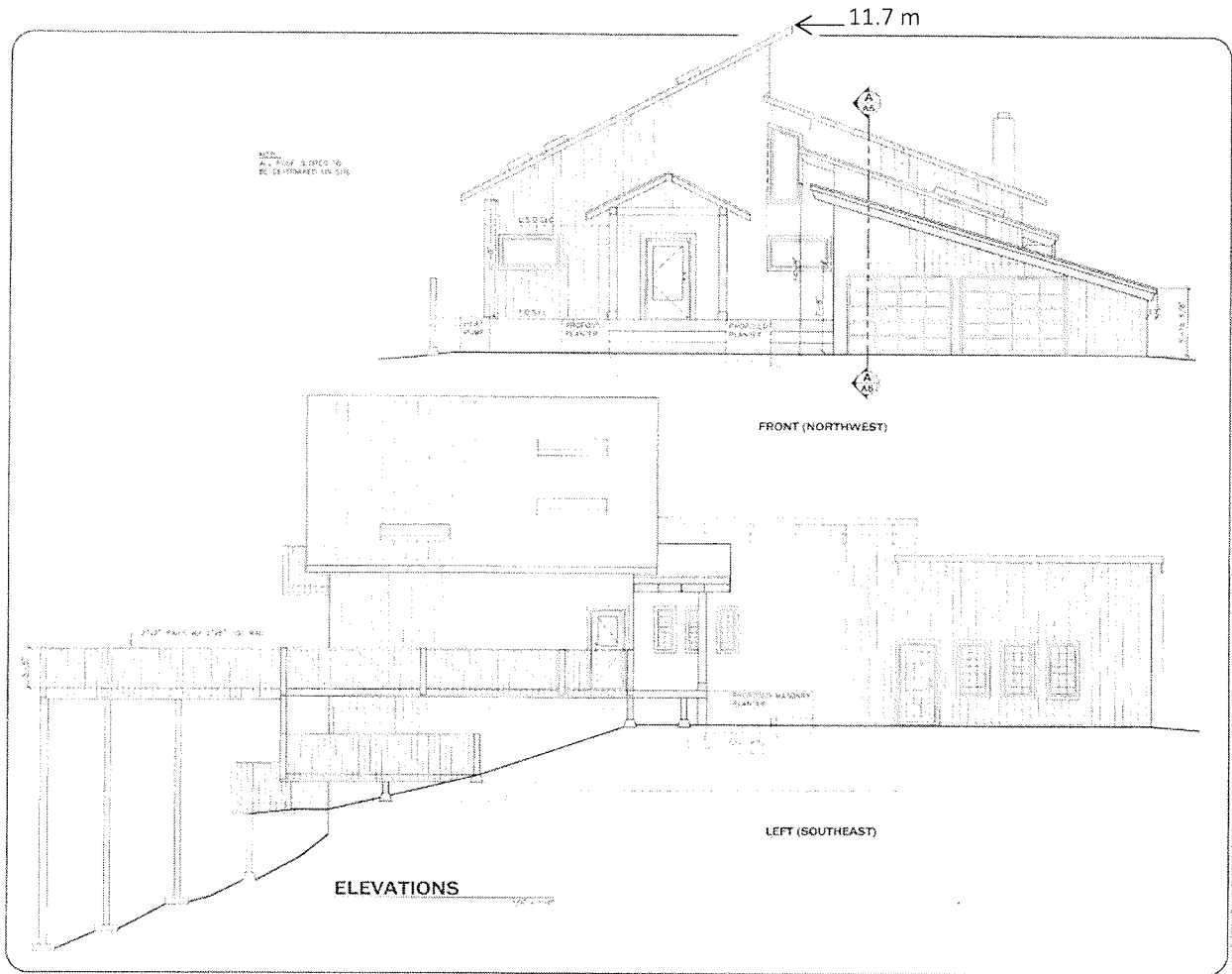


**Attachment 3
Proposed Site Plan and Variances (Page 2 of 2)**

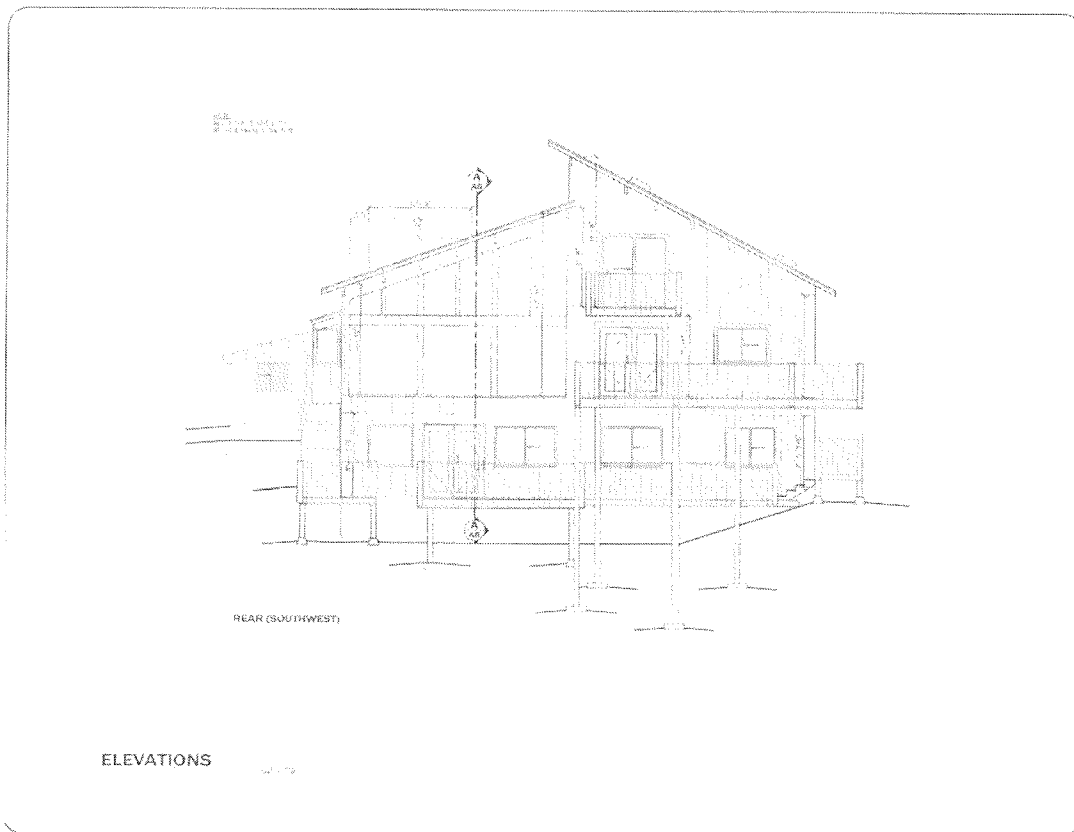
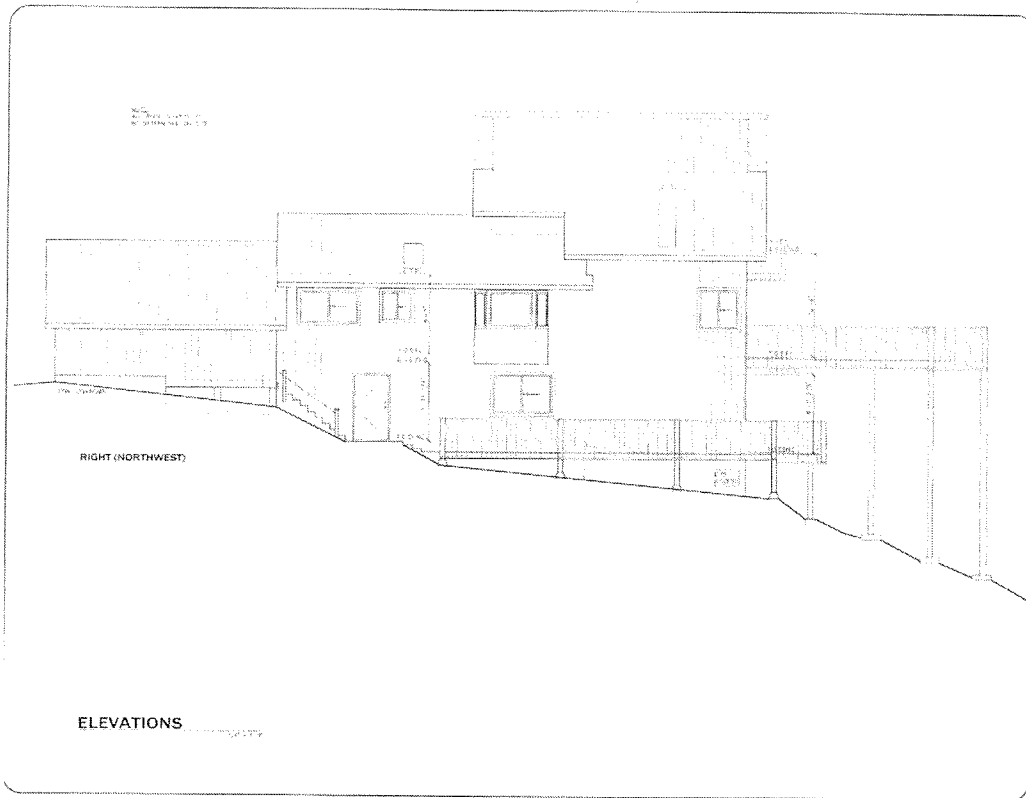
Section 3.4.61 – Minimum Setback Requirements – Interior Side Lot Line			
Structure	Required Setback by Bylaw	Current Setback	Requested Variance Amount
Western portion of Dwelling Unit (Point A)	2.0 metres	0.4 metres	1.6 metres
Eastern portion of Dwelling Unit (Point B)	2.0 metres	0.7 metres	1.3 metres
Section 3.4.61 – Maximum Number and Size of Buildings and Structures – Dwelling Unit Height			
Dwelling Unit (Point C)	8.0 metres	11.7 metres	3.7 metres
Section 3.3.9 – Setbacks – Sea (Setback from Top of Slope)			
Dwelling Unit (Point D)	8.0 metres	6.7 metres	1.3 metres
Section 3.3.9 – Setbacks – Sea (Setback from the Present Natural Boundary)			
Dwelling Unit (Point E)	15.0 metres	11.0 metres	4.0 metres

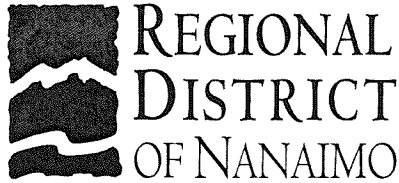


Attachment 4
Building Elevations (Page 1 of 2)



Attachment 4
Building Elevations (Page 2 of 2)





RDN REPORT		[Handwritten initials]
CAO APPROVAL		
EAP	✓	
COW		
OCT 03 2014		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: October 1, 2014

FROM: Tyler Brown
Planner

FILE: PL2014-032

SUBJECT: Development Permit with Variance Application No. PL2014-032
Parksville Redi-Mix Ltd.
Parcel A (DD G95323) of Lot 3, Section 6, Range 7, Cranberry District, Plan 10423
10 Nanaimo River Road
Electoral Area 'A'

PURPOSE

To consider an application for a Development Permit with Variance to allow for the construction of a concrete batch plant on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Herold Engineering Ltd. on behalf of Parksville Redi-Mix Ltd. in order to permit the construction of a concrete batch plant on the subject property. The subject property is approximately 2.01 ha in area and is zoned Industrial 2 (IN2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The subject property sits atop an elevated rock plateau approximately 7.0 metres higher than South Wellington Road and currently contains a Telus Communications tower on the north east portion of the lot and a metal industrial building in the centre of the lot (approved under Development Permit No. 60523 in 2005). The subject property is irregularly shaped and is bordered by a resource management zoned property to the west and south. The E&N Rail Corridor which parallels South Wellington Road borders the property to the east and access to the parcel is from Nanaimo River Road (see Attachment 1 – Subject Property Map).

The proposed development is subject to the South Wellington Industrial-Commercial development permit area as per "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011". The purpose of the South Wellington Industrial-Commercial development permit area is for the protection of the natural environment, the establishment of objectives to promote water and energy conservation, and to guide the form and character of commercial or industrial development.

Proposed Development and Variances

Proposed development for the property includes the placement of an ATCO trailer of approximately 40 m² in area near the entrance of the lot to serve as a site office, a two-storey batch office in the north west portion of the parcel of approximately 55 m² in area to monitor and control the batch mixing process, a one storey storage building in the north west portion of the lot of approximately 91 m² in size, an aggregate hopper and conveyor belt, and a reclaiming pad used for water recovery when unloading cement trucks.

In addition, the applicant proposes to vary “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” Section 3.4.32 – Minimum Setback Requirements to relax the minimum setback requirement from 10.0 metres to 5.0 metres to accommodate four lock-block tent structures used for aggregate storage and Section 3.4.32 – Maximum Number and Size of Buildings and Structures to increase the maximum permitted height from 8.0 metres to 11.8 metres to accommodate two concrete mixing silos (see Attachment 2 – Terms and Conditions of Permit and see Attachment 3 – Proposed Site Plan and Variances).

Where possible, existing tree clusters will be maintained to help shield the proposed industrial activity from the nearby road networks. To assist with shielding, the applicant is proposing to plant cedar trees as hedging along a portion of the eastern lot line. Cedar trees were selected to provide year round buffering between the proposed industrial activity and possible view lines from the surrounding road networks (see Attachment 4 – Site Sections).

In accordance with the requirement of Bylaw No. 500, the applicant is proposing 12 parking stalls adjacent to the proposed office which will be constructed from engineered gravel. Moreover, per the engineer’s comments of September 25, 2014, the parking stalls will be designed to limit dust production and potential drainage from the parking stalls will be incorporated into the overall site drainage plan.

ALTERNATIVES

1. Approve Development Permit with Variance No. PL2014-032 subject to the conditions outlined in Attachments 2 to 4.
2. Deny Development Permit with Variance No. PL2014-032.

LAND USE IMPLICATIONS

Development Implications

The applicant has submitted an Aquifer Assessment, prepared by Levelton Consultants Ltd. and dated July 22, 2014, to satisfy the development permit guidelines pertaining to groundwater protection. The report concludes that the development of the site with the proposed concrete batch plant is unlikely to stress the aquifer. In addition, the report makes several recommendations for developing the site; one of which includes a long-term pumping test at a rate of 0.36 L/s. With regard to the recommendation for a long-term pumping test, the applicant has submitted a Long Term Pumping Test Assessment, prepared by Levelton Consultants Ltd. and dated September 12, 2014, which concludes that the underlying aquifer can sustainably support the intended use for the site and will have no discernible adverse impacts on groundwater levels. Staff recommend that the applicant be required to register a *Section 219*

covenant that registers both the Aquifer Assessment and Long Term Pumping Test Assessment reports on the property title with a clause requiring the site to be developed in accordance with the recommendations of both reports (see Attachment 2 – Terms and Conditions of Permit).

The applicant has also submitted a Civil Engineering Conceptual Design Report, prepared by Herold Engineering Ltd. and dated September 22, 2014, to address the development permit guidelines pertaining to rainwater management. The report states calculations for pre-development surface water flow on the site and approximates the post development flow. A stormwater collection system, consisting of catch basins, oversized storm sewers and an oil water separator will be utilized to reduce post development flows to pre-development levels and limit potential contaminants from entering the environment. Moreover, the engineer recommends grading the site to direct water runoff away from the buildings to an overland drainage system to ensure no flooding occurs at the buildings or surrounding areas. Additional recommendations include that throughout construction, berms and/or silt fencing are to be installed on the downhill areas below construction works in order to contain runoff and eliminate silt from exiting the site.

Staff recommend that the applicant be required to register a *Section 219* covenant that registers the conceptual design report for surface water on the property title with a clause that all development is to be done in general accordance with the recommendations of the report. In addition, per the development permit guidelines, staff recommend that the applicant be required to register a *Section 219* covenant on the property title with a commitment to a maintenance schedule, prepared by a qualified engineer, for the proposed oil water separator.

The proposed buildings and cement silos are proposed to be sited on the parcel where the view implications from adjacent roadways can be minimized (see Attachment 4 – Site Sections). The proposed industrial use, a concrete batch plant, is permitted by the zoning. However, the 8.0 metre height restriction of the zone is not suitable for the operational requirement of concrete mixing silos. Therefore, the applicant is requesting a variance to increase the maximum permitted height from 8.0 metres to 11.8 metres to accommodate the two proposed concrete mixing silos. The applicant is also requesting a variance to relax the minimum setback requirement from 10.0 metres to 5.0 metres to accommodate four lock-block tent structures which are to be used for aggregate storage. The variance is being requested to provide greater area to maneuver cement trucks and other equipment onsite. The applicant is proposing to retain existing tree clusters on site. To help shield and buffer the proposed industrial development from any site lines associated with the nearby road networks, the applicant is proposing a hedge of cedar trees (see Attachment 4 – Site Sections). Cedar trees will be used to provide a significant buffer all year while requiring minimal maintenance (see Attachment 3 – Proposed Site Plan and Variances). The proposed landscaping will be secured through a landscaping security deposit (see Attachment 2 – Terms and Conditions of Permit).

Strategic Plan Implications

Staff have reviewed the proposed development and note that the proposal is in line with the strategic priority of self-sufficiency as the proposal will generate economic opportunities within the region.

Inter-governmental Implications

The application was referred to both the local fire department and the Ministry of Transportation and Infrastructure (MOTI). The local fire department indicated that they received the referral and do not have any concerns with the proposal. MOTI has no concerns with the proposed industrial use and has extensively reviewed the site to ensure access to the site is safe. A traffic safety Engineer reviewed the site and confirmed that access is sufficient for the posted speed limit and that site distances greatly exceeded MOTI's requirements. A valid access permit from MOTI will be required. MOTI has advised that the access permit will require the installation of truck turning/warning signs above and below the exits and improvements to the gravel surface where the access driveway joins Nanaimo River Road.

Public Consultation Process

Pending the Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the application.

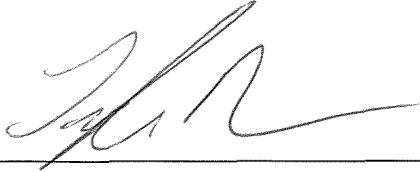
SUMMARY/CONCLUSIONS

This is an application to consider a Development Permit with Variance to permit the construction of a concrete batch plant on the subject property. The applicant has provided a comprehensive Site Plan, a Civil Engineering Conceptual Design Report, an Aquifer Assessment report and Long Term Pumping Test Assessment Report in support of the application. The reports outline protective measures to ensure any potential contaminants from the industrial activity will not be harmful to the natural environment. The recommendations of all the reports are proposed to be secured through restrictive covenants as conditions of approval (see Attachment 2 – Terms and Conditions of Permit).

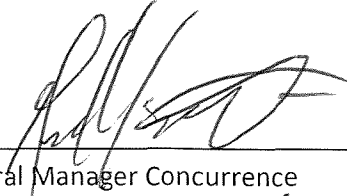
The applicant has applied to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" Section 3.4.32 – Minimum Setback Requirements to relax the minimum setback requirement from 10.0 metres to 5.0 metres to accommodate four lock-block tent structures used for aggregate storage and Section 3.4.32 – Maximum Number and Size of Buildings and Structures to increase the maximum permitted height from 8.0 metres to 11.8 metres to accommodate two concrete mixing silos (see Attachment 2 – Terms and Conditions of Permit and see Attachment 3 – Proposed Site Plan and Variances). The applicant proposes to buffer the industrial development by augmenting natural vegetation. Cedar trees are proposed to provide year round buffering between the proposed industrial activity and possible view lines from the surrounding road networks (see Attachment 4 – Site Sections). MOTI has confirmed safe access to the site and the proposal is consistent with the Development Permit guidelines. Staff recommend approval pending the outcome of consultation/statutory notification.

RECOMMENDATIONS

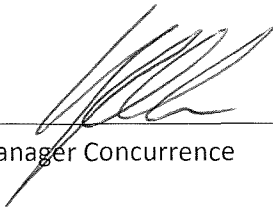
1. That staff be directed to complete the required notification.
2. That Development Permit with Variance No. PL2014-032 to permit the construction of a concrete batch plan be approved subject to the conditions outlined in Attachments 2 to 4.



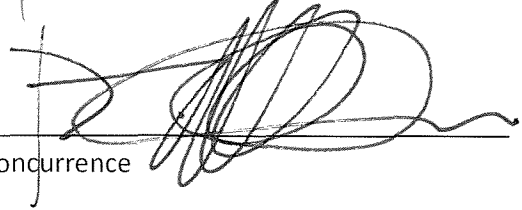
Report Writer



General Manager Concurrence

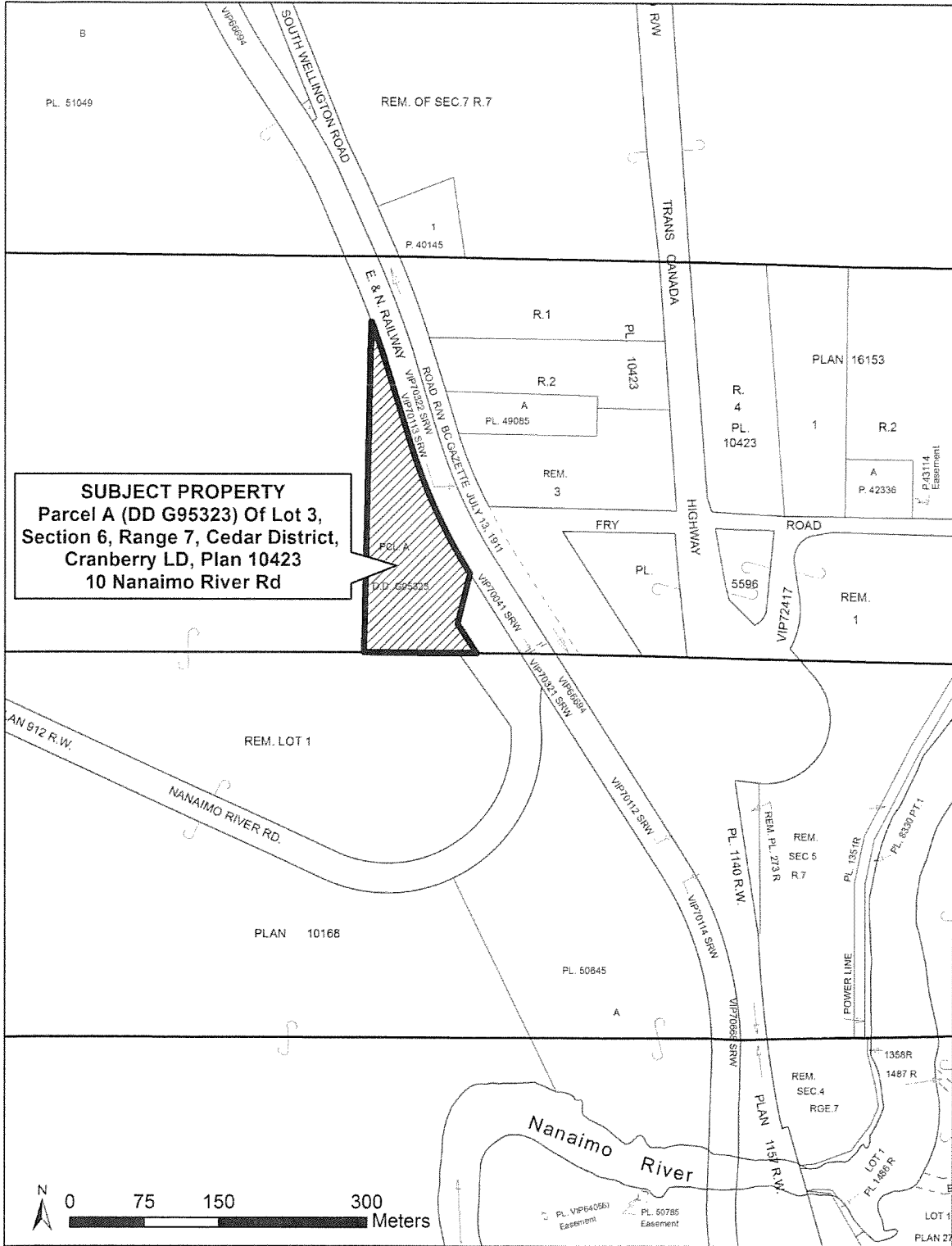


Manager Concurrence



CAO Concurrence

Attachment 1 Subject Property Map



Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2014-032:

Bylaw No. 500, 1987:

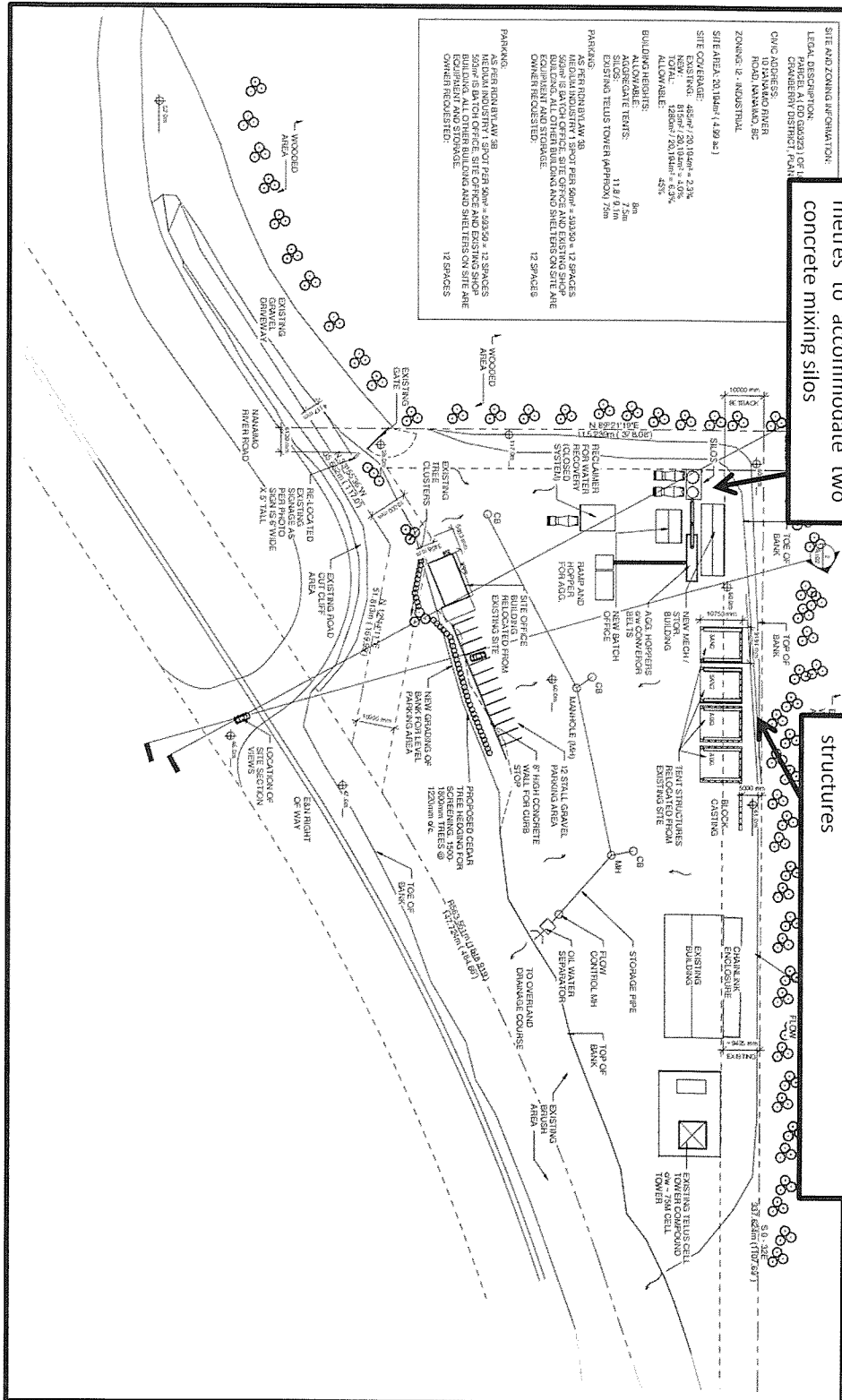
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. Section 3.4.32 – Minimum Setback Requirements to relax the minimum setback requirement from 10.0 metres to 5.0 metres to accommodate four lock-block tent structures.
2. Section 3.4.32 – Maximum Number and Size of Buildings and Structures to increase the maximum permitted height from 8.0 metres to 11.8 metres to accommodate two concrete mixing silos.

Conditions of Approval:

1. The proposed development is sited in accordance with the Site Plan prepared by Herold Engineering Ltd, dated September 4, 2014, and attached as Attachment 3.
2. The applicant shall register a *Section 219* covenant registering the Aquifer Assessment, prepared by Levelton Consultants Ltd. and dated July 22, 2014, and the Long Term Pumping Test Assessment, prepared by Levelton Consultants Ltd. and dated September 12, 2014, on the property title which includes a clause requiring the site to be developed in accordance with the recommendations of both reports.
3. The applicant shall register a *section 219* covenant registering the Civil Engineering Conceptual Design Report, prepared by Herold Engineering Ltd. and dated September 22, 2014, on the property title which includes a clause requiring the site to be developed in accordance with the recommendations of the report.
4. The applicant shall register a *Section 219* covenant on the property title with a commitment to a maintenance schedule, prepared by a Qualified Engineer, for the proposed oil water separator.
5. The proposed landscaping shall be provided and maintained in accordance with the landscaping proposal submitted by Herold Engineering Ltd., dated August 26, 2014, and shown on the Site Plan prepared by Herold Engineering Ltd., dated September 4, 2014, attached as Attachment 3.
6. The applicant shall provide a landscaping security in the amount of \$2,300.00.
7. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.
8. The applicant is to obtain a valid access permit from the Ministry of Transportation and Infrastructure

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



Proposed variance to increase the maximum permitted height from 8.0 metres to 11.8 metres to accommodate two concrete mixing silos

Proposed variance to reduce the minimum setback from the lot line from 10.0 metres to 5.0 metres to accommodate four block tent structures

SITE AND ZONING INFORMATION:
LEGAL DESCRIPTION: PARCEL A1 CD 68223 LOT 11
CHIC AGGREGATE BINDER ROAD NANAIMO BC
ZONING: I-2 INDUSTRIAL

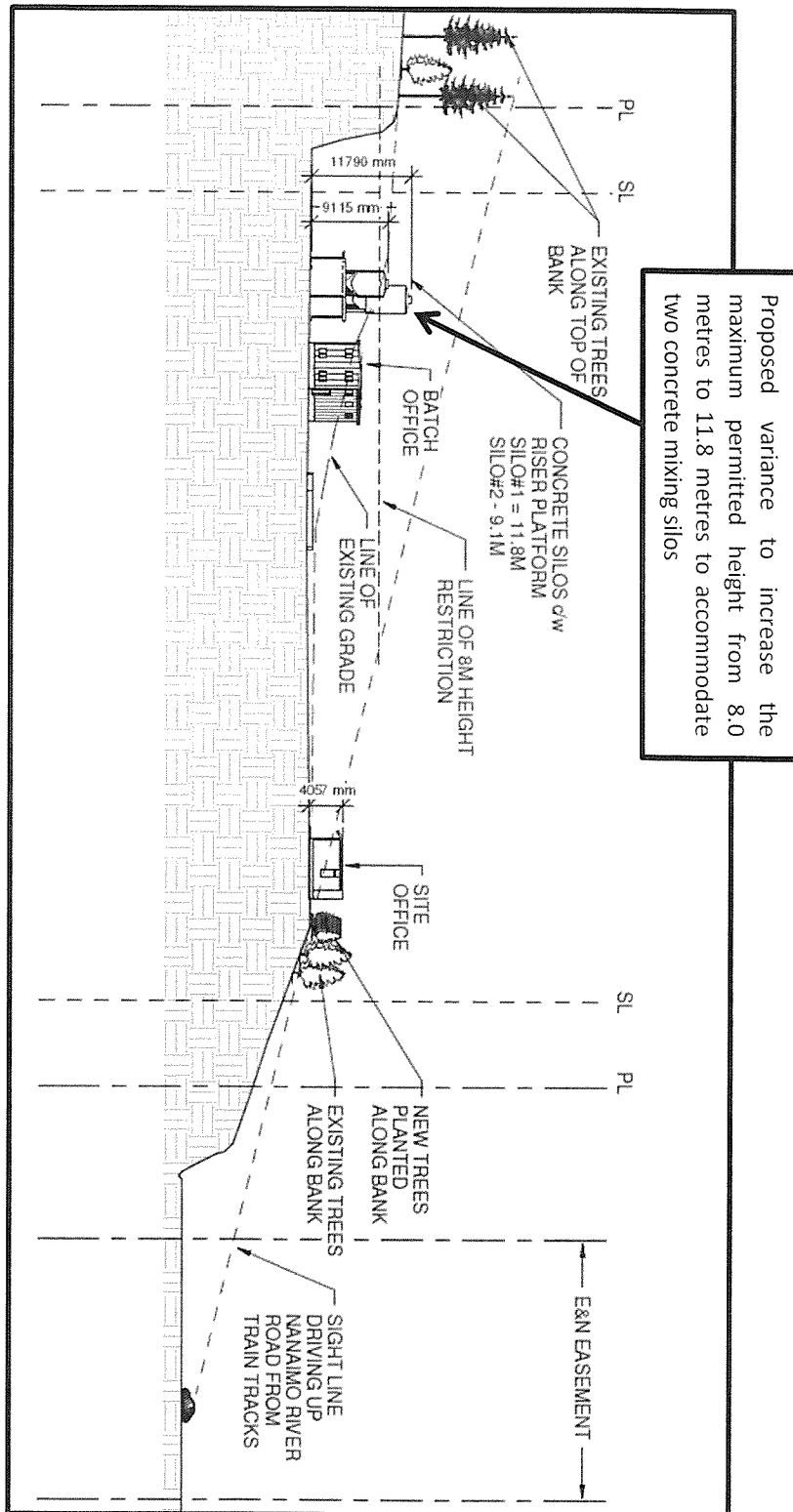
SITE AREA: 20,184m² (4.99 ac.)

SITE COVERAGE: 48m² / 20,184m² = 2.3%
NEW: 815m² / 20,184m² = 4.0%
TOTAL: 1280m² / 20,184m² = 6.3%
ALLOWABLE: 45%

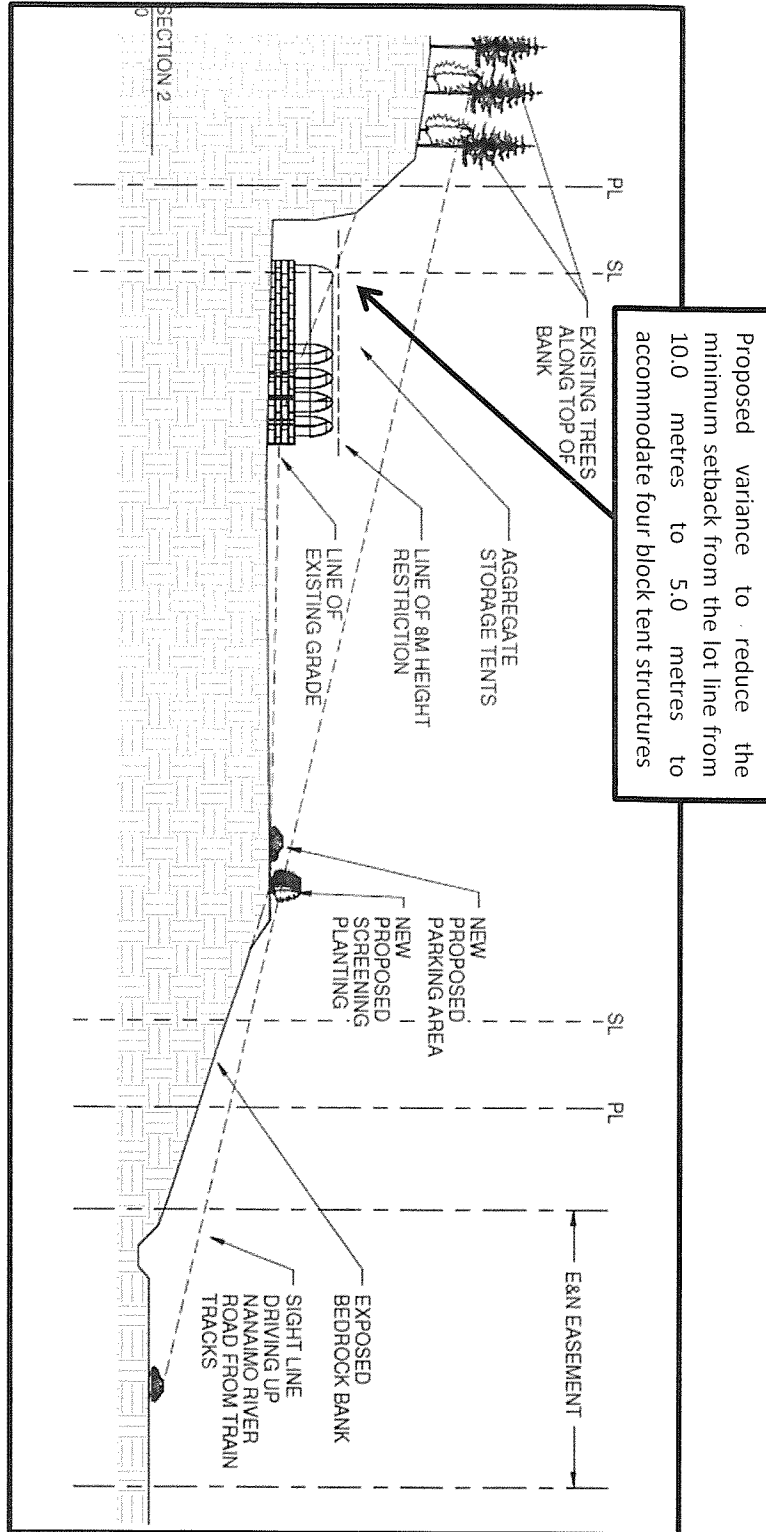
BUILDING HEIGHTS: 8m
AGGREGATE TOWER: 11.8 / 7.2m
EXISTING TELUS TOWER (APPROX): 7.2m

PARKING: AS PER HOURLY LAW 48
MEDIUM INDUSTRIAL SPOT PER 50M² = 433.50M² 12 SPACES
BUILDING, ALL OTHER BUILDING AND SHELFERS ON SITE ARE EQUIPPED AND STORAGE 12 SPACES
CUMULATIVE REQUESTED 12 SPACES

Attachment 4
Site Sections (Page 1 of 2)



Attachment 4
Site Sections (Page 2 of 2)





RDN REPORT	
CAO APPROVAL	
EAP	✓
COW	
OCT 03 2014	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: September 12, 2014

FROM: Tyler J. Brown
Planner

FILE: PL2014-089

SUBJECT: Development Permit with Variance Application No. PL2014-089 – Johnson Lot 1, District Lot 81, Newcastle District, Plan 16060 – 235 Driftwood Road Electoral Area 'H'

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of owners Vera and Fred Johnson in order to legalize the siting of an existing dwelling unit and permit the construction of an addition to the dwelling unit on the subject property. The subject property is approximately 0.45 ha in area and is zoned Rural 1 (RU1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The subject property is bordered by the Strait of Georgia to the north, a similarly zoned RU1 parcel to the east, Lasqueti Road to the south, and unconstructed Driftwood Road to the west (see Attachment 1 – Subject Property Map). Existing buildings on the property include a house constructed in 1965, three sheds and a shop. Evidence from a recent survey illustrates that the western most corner of the dwelling unit encroaches 1.1 metres into the unconstructed Driftwood Road allowance. In addition, the three sheds (one of which is proposed to be removed) and shop also encroach into the road allowance (see Attachment 3 – Proposed Site Plan and Variances).

The proposed development is subject to the Hazards Lands Development Permit Area pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" for protection of development from a steep slope.

Proposed Development and Variances

The applicant is proposing two small additions to the existing dwelling unit: an expansion of the master bedroom and an additional bedroom. Both additions are proposed on the southern side of the existing dwelling unit and well away from the top of the steep slope (see Attachment 4 – Survey Plan). As outlined in the Background of the report, the western most corner of the existing dwelling unit encroaches into the unconstructed Driftwood Road allowance. As such, to legalize the siting of the existing dwelling unit, a variance to reduce the lot line setback from 8.0 metres to 0.0 metres is being

requested. If approved, the proposed variance would legalize the siting of the dwelling in relation to the western property line and also accommodate the proposed bedroom addition (see Attachment 3 – Proposed Site Plan and Variances).

The applicant is not proposing a variance for the three sheds or shop that are located within the property lot line setback area through this application. The applicant has indicated that the outbuildings appear to have been in existence since the late 60's. Compliance with setback requirements would be required through any substantial future reconstruction or alteration to these accessory buildings requiring a building permit.

The applicant has submitted a Geotechnical Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. and dated June 13, 2014, which concludes that the site is considered safe and suitable for the intended purposes. The report satisfies the guidelines of the Hazards Lands Development Permit Area as outlined in the Electoral Area 'G' Official Community Plan (OCP). The report makes various recommendations pertaining to the proposed addition. Recommendations include: structural fill is to be used where fill is required to raise areas to support buildings, slabs or pavement; provisions and specifications for type of fill to be used and compacting measures; exterior footings are to be provided with a minimum 0.6 metre depth of ground cover for frost protection purposes; and any dwelling unit addition should be at a distance 8.0 metres or greater from the slope crest to the building footings. Staff recommend that applicant be required to register the Geotechnical Hazard Assessment Report on title as a Section 219 restrictive covenant which also includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of potential slope hazard (see Attachment 2 – Terms and Conditions of Permit).

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2014-089 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Permit with Variance No. PL2014-089.

LAND USE IMPLICATIONS

Development Implications

The applicant has submitted a geotechnical site evaluation, prepared by Lewkowich Engineering Associates Ltd. and dated June 13, 2014, to satisfy the Hazard Lands Development Permit Area guidelines. The assessment concludes that the site is geotechnically safe and suitable for the intended use. The report makes numerous recommendations to develop the site in a safe manner.

Both RDN Planning and Building staff have reviewed the applicant's variance request, to reduce the lot line setback from 8.0 metres to 0.0 metres in order to legalize the siting of the existing dwelling unit and accommodate a proposed bedroom addition, and do not note any negative implications that would be associated with the approval of Development Variance Permit Application No. PL2014-055.

Strategic Plan Implications

Staff have reviewed the application and have not identified any strategic plan implications.

Inter-governmental Implications

The applicant has submitted a Permit, issued by the Ministry of Transportation and Infrastructure (MOTI), to Authorize Existing Structures Constructed Within the Right-of-way of a Provincial Public Highway. The permit allows the use and maintenance of the dwelling unit and four accessory buildings which encroach into the unconstructed Driftwood Road allowance (see Attachment 4 – Survey Plan).

Public Consultation Process

Pending the Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board’s consideration of the application.

SUMMARY/CONCLUSIONS

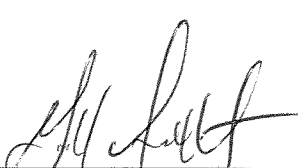
This is an application to consider a Development Permit with Variance to legalize the siting of an existing dwelling unit and permit an addition to the dwelling unit within the Hazards Land Development Permit Area for steep slope considerations. A variance to reduce the lot line setback from 8.0 metres to 0.0 metres is being requested to legalize the dwelling unit and accommodate a proposed bedroom addition. The applicant has provided a geotechnical report providing comment that there are no concerns with stability of the existing dwelling unit and that the subject property can safely accommodate the proposed addition. Given that the requested variance is to legalize existing structures and accommodate a proposed addition, which has been determined geotechnically safe, staff recommend the Board approve the requested development permit with variance, pending the outcome of public notification and subject to the terms and condition outlined in Attachment 2.

RECOMMENDATIONS

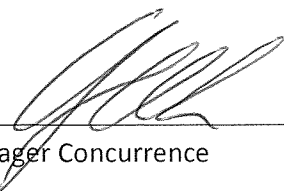
1. Staff be directed to complete the required notification.
2. Development Permit with Variance No. PL2014-089 to legalize the siting of an existing dwelling unit and permit an addition to the dwelling unit within the Hazards Land Development Permit Area be approved subject to the conditions outlined in Attachments 2 to 4.



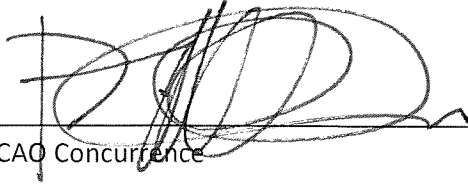
Report Writer



General Manager Concurrence

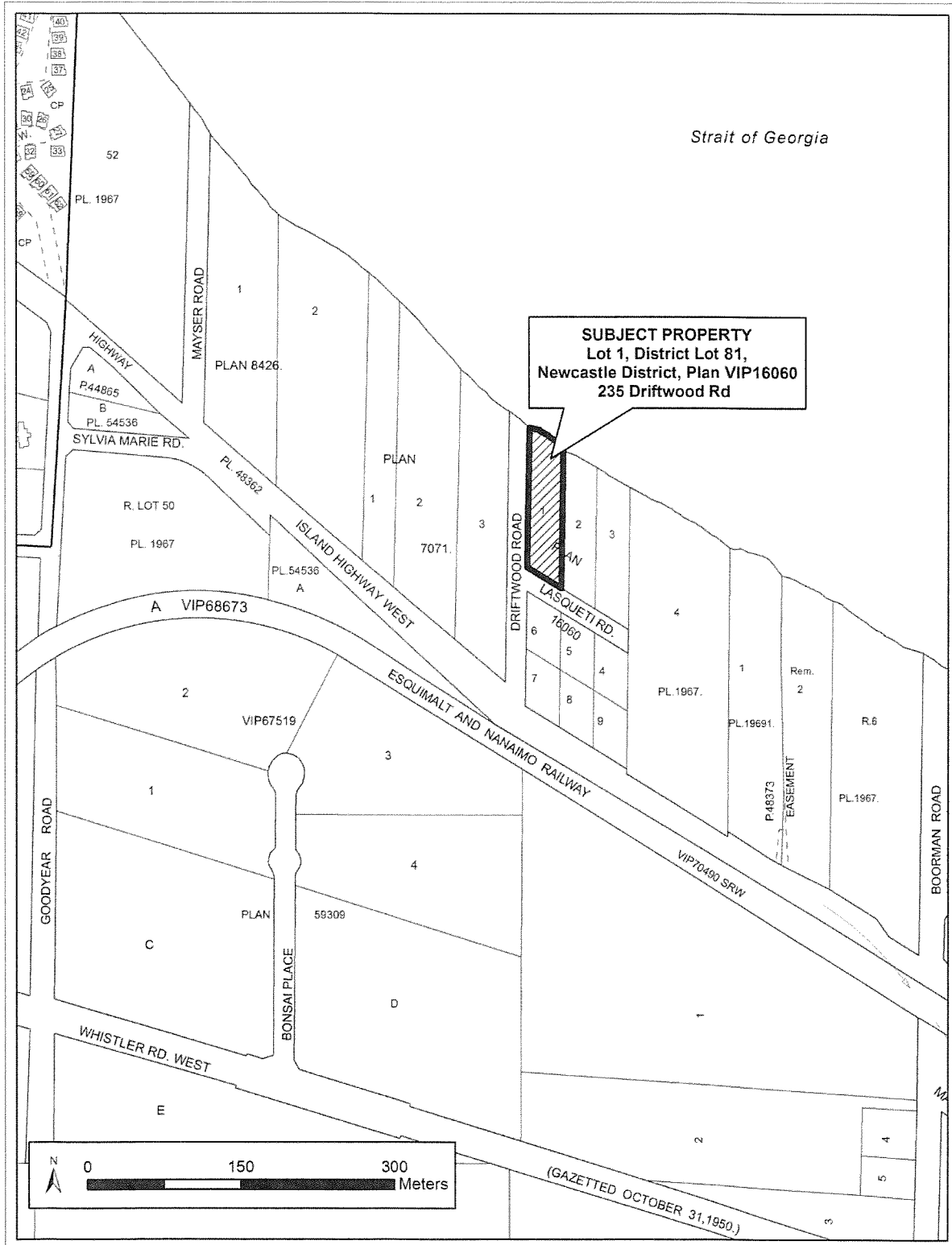


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2014-089:

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:

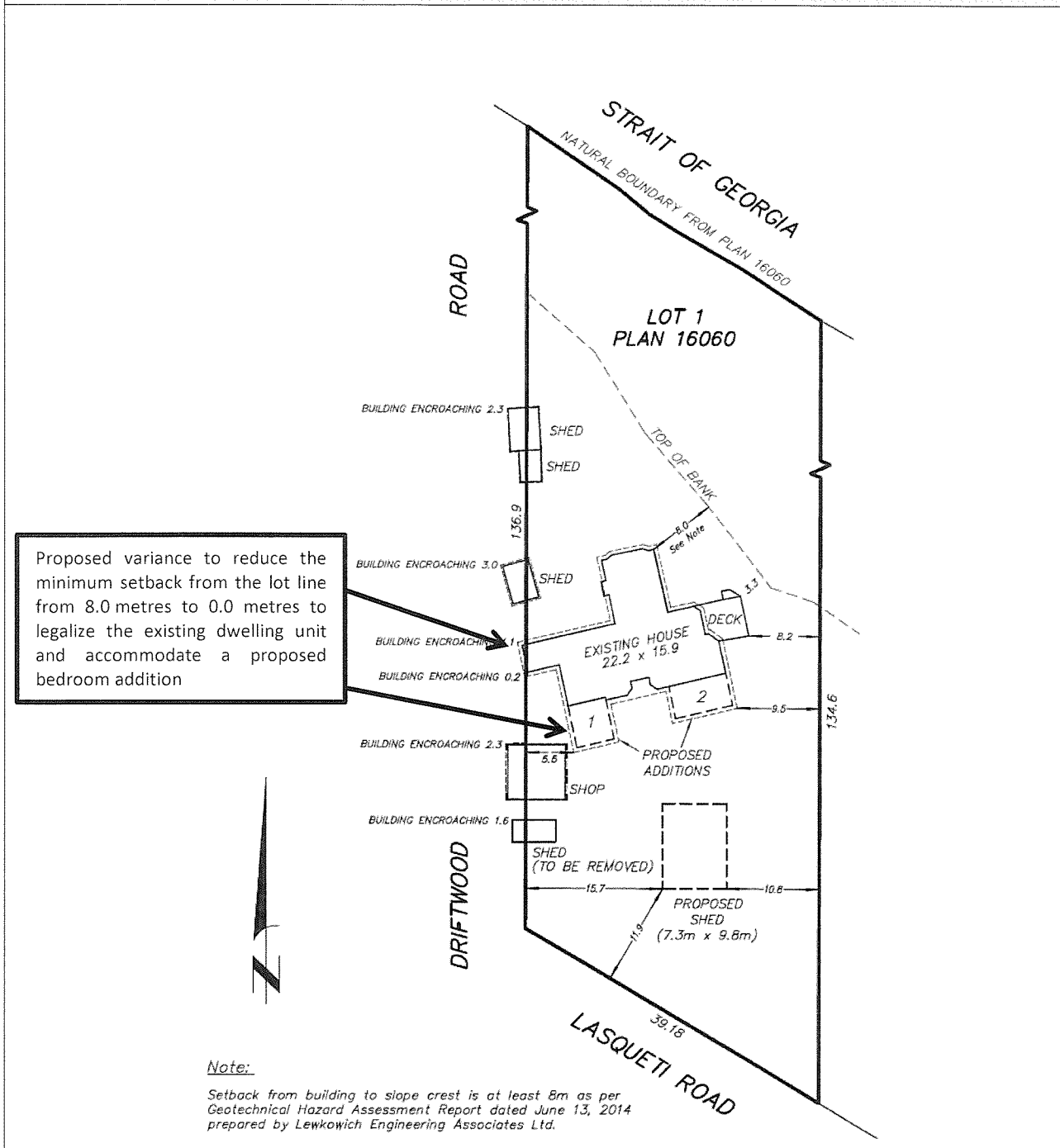
Section 3.4.81 – Minimum Setback Requirements to reduce the minimum setback requirement from 8.0 metres to 0.0 metres to legalize the existing dwelling unit and accommodate a proposed bedroom addition to the dwelling unit as shown on the Survey Plan prepared by Sims Associates Land Surveying Ltd. dated August 11, 2014 and attached as Attachment 4.

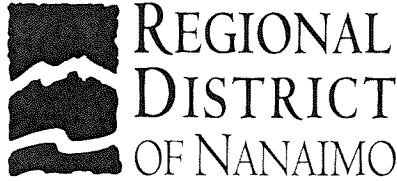
Conditions of Approval:

1. The proposed development is site in accordance with the Survey Plan prepared by Sims Associates Land Surveying Ltd. dated August 11, 2014, and attached as Attachment 4.
2. The property shall be developed in accordance with the recommendations of the Geotechnical Hazards Assessment prepared by Lewkowich Engineering Associates Ltd. dated June 13, 2014.
3. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 covenant that registers the Geotechnical Hazards Assessment, prepared by Lewkowich Engineering Associates Ltd. and dated June 13, 2014, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.
4. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3
Proposed Site Plan and Variances

Section 3.4. 81 – Minimum Setback Requirements





RDN REPORT		
CAO APPROVAL		###
EAP	✓	
COW		
OCT 08 2014		
RHD		
AGZONES		

MEMORANDUM

TO: Jeremy Holm
 Manager, Current Planning

DATE: October 6, 2014

FROM: Robert Stover
 Planning Technician

FILE: PL2014-118

SUBJECT: Development Permit with Variance Application No. PL2014-118 – Haggarty Lot 10, District Lot 49, Nanoose District, Plan 34716 – 1318 Lanyon Drive Electoral Area 'G'

PURPOSE

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

BACKGROUND

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

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

Proposed Development and variances

The applicant has applied for a variance to Section 3.4.61 – Minimum Setback Requirements – from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” to reduce the front lot line setback from 8.0 metres to 3.0 metres to permit the construction of a garage on the subject property (see Attachment 3 for site plan).

The existing dwelling is oriented towards Lanyon Drive, which serves as the access for the property. The applicant wishes to construct a garage in the yard space behind the dwelling unit. This area of the property is constrained by the setback requirement of the front lot line, and the Farmland Protection DPA. The applicant wishes to construct in this area to retain existing landscaping features, and make use of an existing driveway access to the rear of the lot.

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2014-118 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Permit with Variance No. PL2014-118.

LAND USE IMPLICATIONS

Development Implications

The applicant has requested a variance to permit construction of a garage (see Attachment 3 for site plan). The 8.0 metre setback requirement in relation to the southern parcel boundary is unusually restrictive relative to adjacent parcels as the subject property happens to front onto an undeveloped road right-of-way. In the context of neighbouring properties, the required setback for neighbouring Lot 11 to the west is 5.0 metres, and neighbouring Lot 9 to the east is 2.0 metres from the southern boundaries of these parcels. Staff have reviewed the applicant's request and have not identified any view implications for neighbouring properties or any other negative land use implications that would be associated with the approval of Development Permit with Variance Application No. PL2014-118.

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

Strategic Plan Implications

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

Inter-governmental Implications

The applicant has submitted a Setback Permit Application to the Ministry of Transportation and Infrastructure (MOTI) concurrently with this application. Ministry staff have provided preliminary comments, and indicate that they support the setback reduction in principle.

Public Consultation Process

Pending the Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board’s consideration of the application.

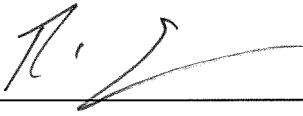
SUMMARY/CONCLUSIONS

To consider an application for a Development Permit with Variance to reduce the front lot line setback from 8.0 metres to 3.0 metres to permit the construction of a garage on the subject property within the Farmland Protection DPA. Access to the property is from Lanyon Drive, and the property is constrained by the setback requirements of the front lot line setback and Farmland Protection DPA. The applicant is proposing to erect a 2.0 metre high cedar fence along the southern property boundary to enhance the existing vegetative buffer to adjacent ALR land. Staff have evaluated the proposal and have determined that the proposed fence and vegetation will provide a reasonable buffer to nearby ALR land, thereby satisfying the requirements of the Farmland Protection DPA.

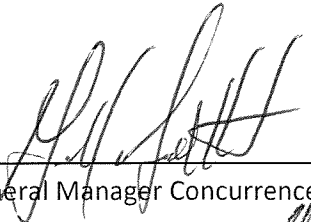
As there are no anticipated view implications or land use concerns associated with the proposed variance, staff recommend the Board approve the requested variance, pending the outcome of public notification, subject to the terms and conditions outlined in Attachment 2.

RECOMMENDATIONS


1. That staff be directed to complete the required notification.
2. That Development Permit with Variance No. PL2014-118 to permit the construction of an accessory building be approved subject to the conditions outlined in Attachments 2 and 3.




Report Writer



General Manager Concurrence

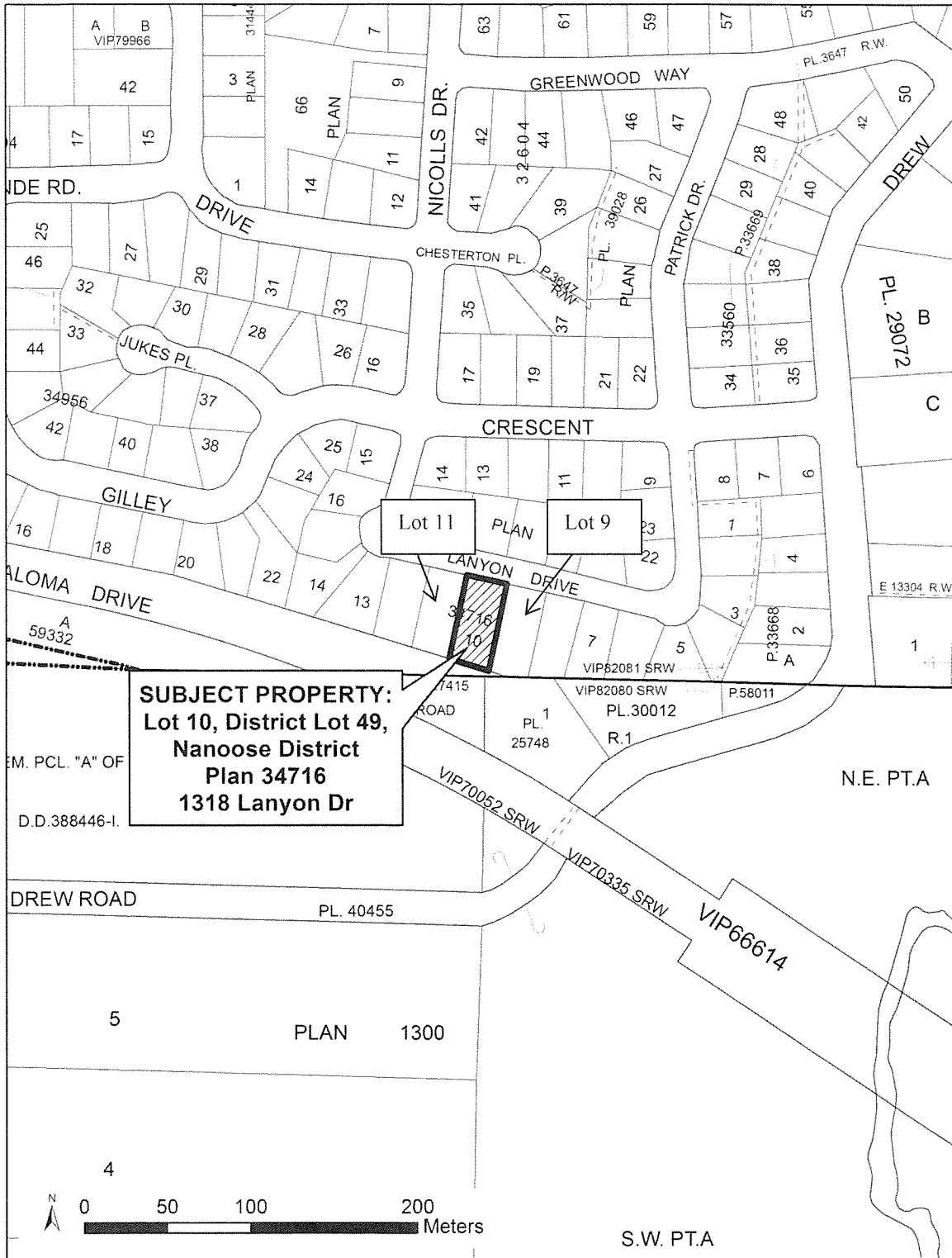


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2014-118:

Bylaw No. 500, 1987:

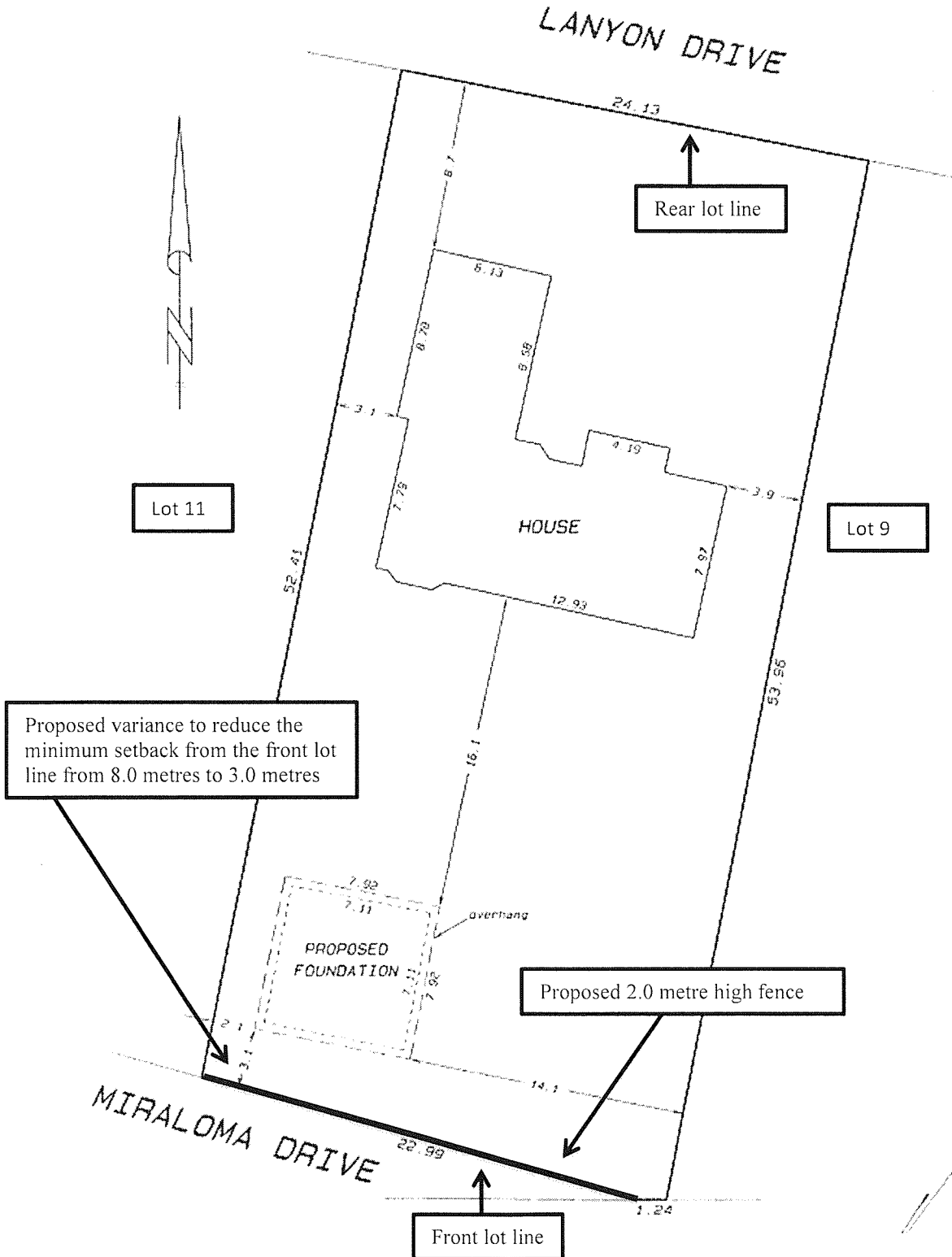
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. Section 3.4.61 to reduce the minimum setback requirement from the front lot line from 8.0 metres to 3.0 metres to permit construction of a garage.

Conditions of Approval:

1. The proposed garage and fence shall be sited in general accordance with the site plan prepared by Charles O. Smythies & Associates, attached as Attachment 3.
2. The property owner shall obtain the necessary permits for construction in accordance with the Regional District of Nanaimo Building Regulations.

Attachment 3
Proposed Site Plan and Variances





RDN REPORT		###
CAO APPROVAL		
EAP	✓	
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OCT 03 2014		
RHD		
BOARD		
		DATE:

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

September 29, 2014

FROM: Tyler J. Brown
Planner

FILE: PL2014-046

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement Subdivision Application No. PL2014-046 – Lost Lake Properties Ltd.
Lots 26 to 31, District Lot 28, Nanoose District, Plan VIP79152 – Sumar Lane Electoral Area ‘G’

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo (RDN) has received a subdivision application from Fern Road Consulting Ltd. on behalf of Lost Lake Properties Ltd. for an eight lot subdivision. The subject property is approximately 0.63 ha in area and is zoned Residential 1 (RS1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment 1 – Subject Property Map). The Island Highway borders the southern lot line, RS1 zoned parcels surround the property to the north and west, and a Commercial 3 zoned parcel shares the eastern lot line. Access to the property is off of Sumar Lane to the north.

The subject property currently contains no structures and the proposed lot sizes meet the minimum parcel size pursuant to the “Regional District of Nanaimo’s Land Use and Subdivision Bylaw No. 500, 1987”, with community water and sewer provided. As the proposed subdivision creates fewer than three additional lots and park was dedicated through a previous subdivision in 2005, the applicant will not be required to dedicate park as part of the current subdivision application.

Proposed Development

The applicant proposes to reconfigure six fee simple lots into eight fee simple lots (see Attachment 2 – Proposed Plan of Subdivision). The proposed parcel sizes range from approximately 700 m² to 856 m² and are proposed to be serviced with both community sewer and water. However, due to the configuration of the proposed lots, the applicant requires a frontage relaxation to accommodate proposed Lot B. A panhandle access of 6.0 m is proposed for Lot B. While proposed Lots A, G and H have adequate frontage on the Island Highway, the Ministry of Transportation and Infrastructure will not grant access to the lots from the Island Highway. Therefore, the proposed access for lots A, G, and H is through access easements to Sumar Lane.

Minimum 10% Perimeter Frontage Requirement

Proposed Lot B (829 m²) does not meet the minimum 10% parcel frontage requirement for subdivision. The frontage for the proposed remainder is as follows:

<i>Proposed Lot Perimeter</i>	<i>Required Frontage (10%)</i>	<i>Proposed Frontage</i>	<i>Approximate % of Perimeter</i>
200.6 m	20.1 m	6.0 m	3.0%

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 Regional District Board of Directors is required to allow exemption from the requirements of Section 944.

ALTERNATIVES

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

LAND USE IMPLICATIONS***Development Implications***

With regards to the relaxation for proposed Lot B, adequate road frontage (6.0 m) is provided to accommodate a driveway and no negative development implications are anticipated. The lot configuration as proposed will meet minimum parcel size requirements and provide adequate site area to support the permitted uses of the RS1 zone.

Strategic Plan Implications

Staff have reviewed the proposed development and note that Strategic and Community Development Goal 2 – Implement the Regional Growth Strategy – promotes higher density residential development on lands within growth containment boundaries. The applicant proposes to reconfigure six fee simple lots into eight fee simple lots within the French Creek Rural Village Centre.

Inter-governmental Implications

The Ministry of Transportation and Infrastructure staff have indicated that they have no concerns with the proposed frontage relaxation, and the subdivision proposal will be subject to a Preliminary Layout Approval by the Ministry. As a condition of subdivision, the Ministry will be requiring easements and covenants on proposed Lots A, G, and H to secure access from Sumar Lane and restrict access from the Island Highway.

SUMMARY/CONCLUSIONS

The applicant has requested the relaxation of the minimum 10% perimeter frontage requirement for proposed Lot B within a proposed subdivision of the subject property. All proposed parcels will meet the minimal parcel size requirements and provide adequate site area to support the permitted residential land uses. Despite the reduced frontage, no negative land use implications are anticipated. Ministry of

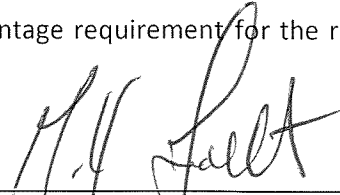
Transportation and Infrastructure have indicated that they have no objection to the request for a frontage relaxation.

RECOMMENDATION

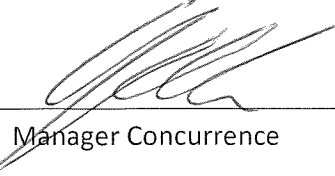
That the request to relax the minimum 10% perimeter frontage requirement for the remainder lot be approved.



Report Writer



General Manager Concurrence

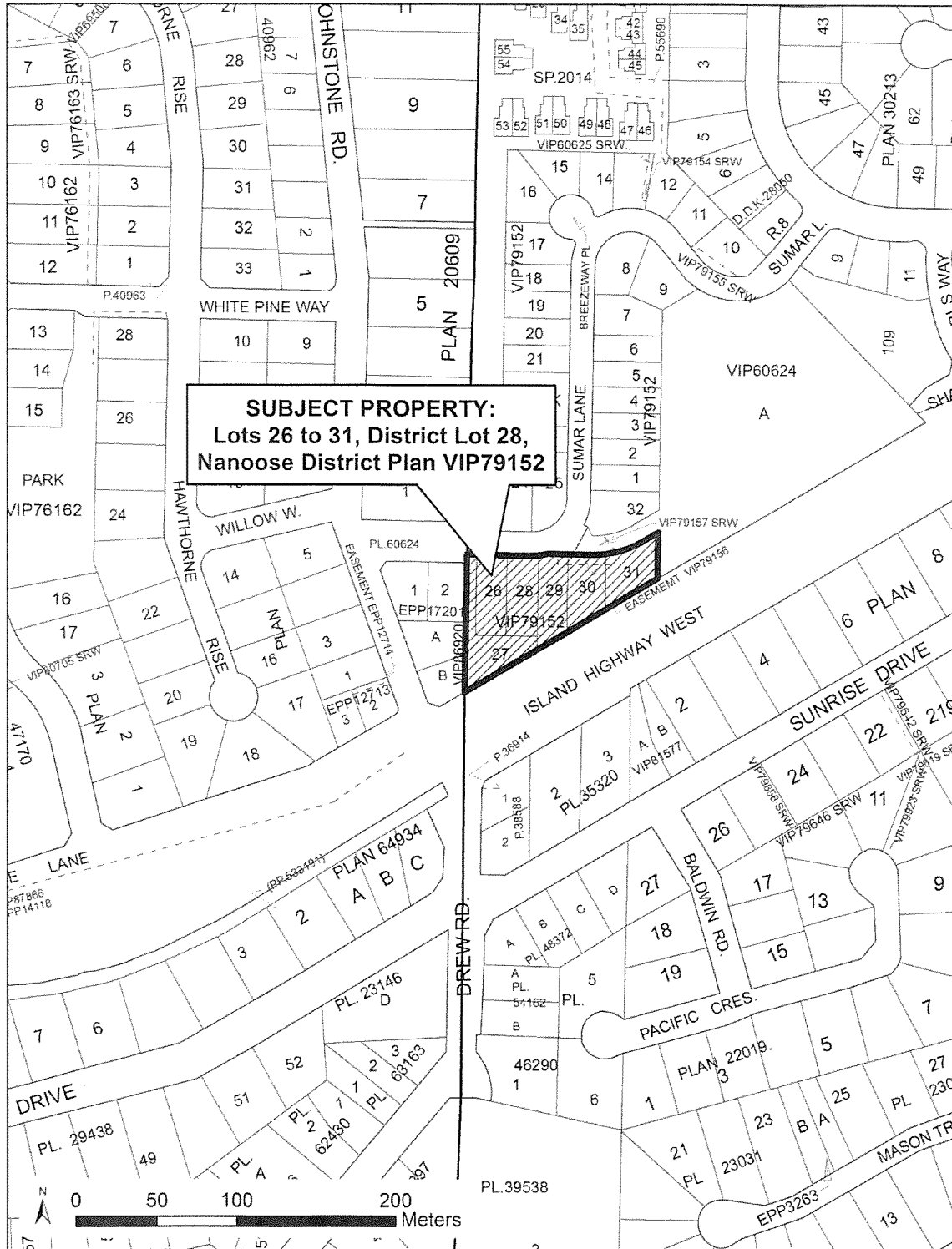


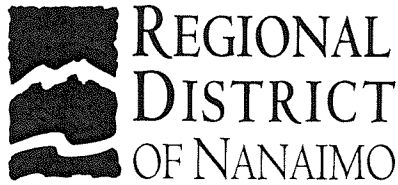
Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map





RDN REPORT		[Signature]
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EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
OCT 03 2014		
BHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	
		DATE:

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

September 23, 2014

FROM: Tyler J. Brown
Planner

FILE: PL2014-077

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement
Subdivision Application No. PL2014-077 – Giuriato
Lot 12, Block 360, Alberni District, Plan 35982 – 2909 Turnbull Road
Electoral Area ‘H’

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of owners Louis and Elizabeth Giuriato for a three lot subdivision (including remainder). The subject property is approximately 8.1 ha in area and is zoned Rural 1 (RU1), Subdivision District ‘D’ (2.0 ha minimum parcel size), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment 1 – Subject Property Map).

The subject property does not contain any structures. The parcel is surrounded by Rural 1 zoned parcels and access is from Turnbull Road which runs the length of the western lot line.

Proposed Development

The applicant is proposing a three lot subdivision. All parcels will be accessed from Turnbull Road (see Attachment 2 – Plan of Subdivision). The applicant proposes a frontage relaxation for a 10.0 m panhandle driveway which will provide access to proposed Lot 3. A panhandle not narrower than 10.0 m is required where further subdivision of the proposed parcel is possible.

The proposed lot sizes meet the minimum parcel size pursuant to the “Regional District of Nanaimo’s Land Use and Subdivision Bylaw No. 500, 1987”. There is a registered covenant on title (EM33087) which limits proposed parcels less than 4.0 ha to one dwelling unit each; whereas the existing zoning would permit two dwellings.

Minimum 10% Perimeter Frontage Requirement

Proposed Lot 3 does not meet the minimum 10% parcel frontage requirement for the subdivision. The frontage for the proposed lot is as follows:

<i>Proposed Lot Perimeter</i>	<i>Required Frontage (10%)</i>	<i>Proposed Frontage</i>	<i>Approximate % of Perimeter</i>
1069.1 m	106.91 m	10 m	0.9%

The proposed parcels do not meet the minimum 10% parcel frontage requirement pursuant to Section 944 of the *Local Government Act*. Therefore, approval of the Regional District Board of Directors is required to allow exemption from the requirements of Section 944.

ALTERNATIVES

1. Approve the request for relaxation of the minimum 10% perimeter frontage requirement for the proposed Lot 3 as shown in Attachment 2.
2. Deny the request for relaxation of the minimum 10% frontage requirement.

LAND USE IMPLICATIONS

Development Implications

A significant relaxation of the perimeter frontage for the proposed Lot 3 is required. However, no negative development implications are anticipated. Through a previous rezoning process, the RDN registered a covenant (EM33087) on the property title. The covenant proposes a lot configuration similar to the plan of subdivision currently presented by the applicant and prohibits the future subdivision of proposed Lot 3 to parcels less than 4.0 ha in size if a road frontage relaxation would be required (zoning prescribes a 2.0 ha minimum parcel size). The lot configuration as proposed will meet minimum parcel size requirements and provide adequate site area to support the permitted uses on all three parcels.

Strategic Plan Implications

Staff have reviewed the proposed development and have not identified any Strategic Plan Implications.

Inter-governmental Implications

The Ministry of Transportation and Infrastructure staff have indicated that they have no concerns with the proposed frontage relaxation. The subdivision proposal will be subject to a Preliminary Layout Approval by the Provincial Approving Officer.

SUMMARY/CONCLUSIONS


The applicant has requested the relaxation of the minimum 10% perimeter frontage requirement for a lot within a proposed subdivision of the subject property. All three parcels will meet the minimal parcel size requirements and provide adequate site area to support the permitted land-uses. Despite the reduced frontage, no negative land-use implications are anticipated. Ministry of Transportation and Infrastructure have indicated that they have no objection to the request for relaxation of the frontage for proposed Lot 3.

RECOMMENDATION


That the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 3 be approved.



Report Writer



Manager Concurrence

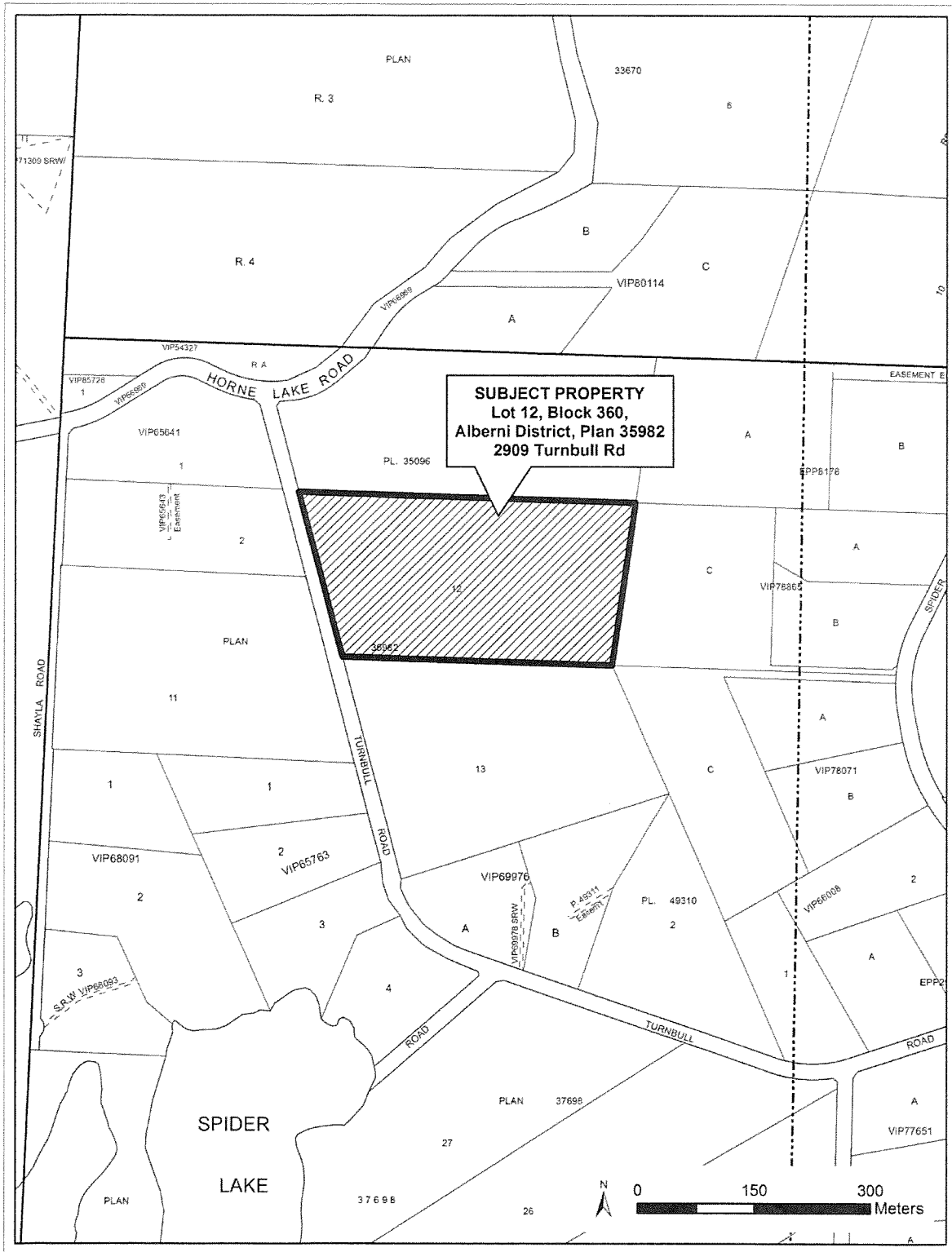


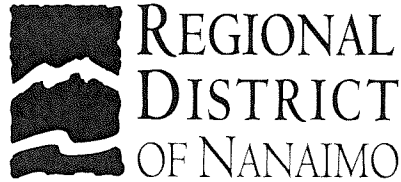
General Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map





RDN REPORT		###
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BOARD	<input type="checkbox"/>	

MEMORANDUM

TO: Chris Midgley
 Manager, Energy & Sustainability

DATE: October 6, 2014

FROM: Lainya Rowett
 Senior Planner

FILE: 3900-02 GBBA

SUBJECT: Amendments to Regional District of Nanaimo Land Use & Subdivision Bylaw No. 500, 1987;
 Regional District of Nanaimo Electoral Area 'F' Zoning & Subdivision Bylaw No. 1285, 2002; and Board Policy B1.5
 Electoral Areas 'A', 'C', 'E', 'F', 'G', 'H'

PURPOSE

To consider amendments to Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500 and Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285, and updates to Board Policy B1.5 to support green building features, systems and technologies on properties located within the Regional District of Nanaimo (RDN) Electoral Areas.

BACKGROUND

In June of 2014, staff initiated a collaborative, interdepartmental project involving Current Planning, Long Range Planning, Building Inspection and Energy and Sustainability to review Zoning Bylaws 500 and 1285 for barriers to green building features; to identify bylaw precedents from within the Region and beyond; and to propose bylaw amendments that would remove identified barriers. This undertaking was included in the 2014 work plan for the Energy and Sustainability department as part of ongoing implementation of the *RDN Green Building Action Plan*:

Action 6: Reduce Regulatory Barriers and Provide Incentives for Green Buildings

- a) RDN staff will review RDN existing building bylaws and planning regulations, and adapt best practices from elsewhere to streamline the development process and reduce regulatory barriers to green building in the region. (RDN Green Building Action Plan, 2010, p. 2)

The review narrowly focused on building related features, and deliberately excluded regulations relating to landscaping and zoning provisions such as density, parking requirements and other planning tools more focused on general community form and scale or land use. This focus was in the interest of addressing more immediate barriers in a timely and more impactful way at the site scale to property owners and developers.

Table 1 lists the existing barriers to green building features identified upon staff review of Zoning Bylaws 500 and 1285.

Table 1: Current Green Building Barriers in Bylaw 500, 1987 and Bylaw 1285, 2002

Green Building Feature	Bylaw 500 Barriers	Bylaw 1285 Barriers
Renewable Energy Systems <ul style="list-style-type: none"> • Solar • Wind 	Definition of height includes exemptions but does not include renewable energy systems. Wind turbines not contemplated in setback regulations.	Height exemptions do not include renewable energy systems. Wind turbines not contemplated in setback regulations.
Passive Design Features <ul style="list-style-type: none"> • Over-hangs • Thick Walls 	Exterior space and uninhabitable perimeter walls included in definition of floor area. This penalizes thick walls, and large over-hangs.	Uninhabitable perimeter walls included in the definition of floor area. This penalizes thick walls.
Rainwater Harvesting	Rainwater harvesting equipment and apparatus are not permitted within setback areas.	Rainwater harvesting equipment and apparatus are not permitted within setback areas.

Fortunately, the barriers identified in Table 1 can be addressed through amendments to the *General Regulations* and *Definitions* sections of both bylaws, and zone-specific amendments are not required.

Proposed Bylaw Amendments

The proposed amendments to overcome the barriers listed in Table 1 are summarized below. The detailed text amendments are provided in Attachment 1: Proposed Amendment Bylaw No. 500.396, 2014, and Attachment 2: Proposed Amendment Bylaw No. 1285.22, 2014.

For Bylaw 500, 1987:

- New height exemptions to permit solar systems to exceed maximum permitted height up to 60 cm, with roof coverage provisions for the over-height portion relating to parcel size; and one micro wind turbine per parcel to be up to twice the maximum permitted height.
- A revised section on setbacks adds provisions for micro wind turbines to ensure minimum distances from parcel boundaries and eagle and heron nesting trees.
- The existing definition of floor area is replaced with a definition that measures floor area from the inside surface of the outer perimeter walls of a structure.
- For clarity, a definition for ‘*micro wind turbine*’ is added to the *Bylaw Definitions*.

For Bylaw 1285, 2002, the proposed amendments include:

- Revised height exemptions to permit solar systems to extend up to 1.0 m above the highest point of the roof, with roof coverage provisions for the over-height portion relating the parcel size; one micro wind-turbine per parcel to be up to twice the maximum permitted height; and one small wind-turbine per parcel to exceed the maximum permitted height to up to 30 m in height.

- A revised section on setbacks adds provisions for micro and small-wind turbine systems that ensure minimum distances from parcel boundaries and eagle and heron nesting trees.
- Setback exemptions are revised to allow components of rainwater harvesting systems to encroach into setback areas, provided height and volume constraints are met.
- The existing definition of floor area is replaced with a definition that measures floor area from the inside surface of the outer perimeter walls of a structure.
- For clarity, 'micro wind turbine' and 'small-wind turbine' are added to the *Bylaw Definitions*.

Policy B1.5

Board Policy B1.5 *Development Variance Permit, Development Permit with Variance & Floodplain Exemption Application Evaluation* is a policy that guides RDN planning staff and elected officials on land use justifications for allowing variances to established zoning regulations.

Through the review of Bylaws 500 and 1285, it was recognized that the proposed amendments would represent incremental steps towards removing barriers to green building. The implication of this precautionary approach is that some variances from zoning regulations for green building features, systems and technologies will remain necessary, even if the proposed amendments proceed.

To signal in-principle Board support for community investment in renewable energy systems that meet on-site energy needs, and rainwater harvesting systems that provide for on-site water use, a new land use justification is proposed to be added to Board Policy B1.5, as follows:

1. d) viii: The inclusion of a renewable solar or wind energy system, or a rainwater harvesting system proposed for the operation of a building or structure results in the building or structure exceeding maximum height restrictions, or encroaching into a setback area. In such a case, a height variance or setback variance may be recommended where the impacts of the variance are considered acceptable.

The revised draft of Board Policy B1.5 is provided as Attachment 3 for Board consideration.

ALTERNATIVES

1. To proceed with the proposed amendments to Zoning Bylaw No. 500 and Zoning Bylaw 1285 in consideration of first and second reading of Amendment Bylaw No. 500.396 and Amendment Bylaw No. 1285.22 and proceed to Public Hearing, and to proceed with the proposed revision to Board Policy B1.5 *Development Variance Permit, Development Permit with Variance & Floodplain Exemption Application Evaluation*.
2. To not proceed with the Amendment Bylaws readings and Public Hearing, or provide alternate direction to staff, and to not proceed with the proposed revision to Board Policy B1.5, or provide alternate direction to staff.

FINANCIAL IMPLICATIONS

If the bylaw amendments and revision to Board Policy B1.5 proceed as proposed, financial implications are anticipated to be minimal. The statutory consultation process, including public hearing and formal readings of the Amendment Bylaws will require staff time for Current Planning and Energy and Sustainability staff. This is accommodated in the operational budgets for both departments.

The intent of the proposed amendments is to remove regulatory barriers to green building in the region, which may result in fewer Development Variance Permit applications in the future. The potential loss in permit fee revenues is anticipated to be negligible as there are not currently a large number of variance applications relating to green building technologies.

LAND USE IMPLICATIONS

Development Implications

The proposed amendments are intended to be practical, reasonable, achievable and impactful, and to ensure that green building features otherwise supported in existing RDN community plans and Board policies are also permitted in land use and zoning regulations.

For example, the proposed amendment to introduce height exemptions for specific renewable energy systems will add clarity and consistency to RDN interpretations of the applicable land use regulations. It is anticipated that this will result in more streamlined review of proposals for alternative energy systems.

The proposed amendments also ensure that the RDN zoning provisions take into consideration industry best practices and accommodate the practical and functional requirements to allow renewable energy systems to be viable energy sources for property owners.

While the amendments are intended to address the most typical scenarios, there will be cases where a variance is still necessary to ensure the viability of a green building feature or system. The proposed revision to the Board Policy B1.5 will include a new land use justification for green building related variances, indicating Board support in-principle for green building projects, and give the Board the flexibility to consider variances beyond the provisions proposed by these amendments.

Staff will monitor development applications received and, if necessary, may recommend further bylaw amendments for the Board's consideration in future.

Public Consultation Implications

Public Information Meetings (PIMs) were held on September 16 in Electoral Area 'A', September 17 in Electoral Area 'C', and September 18 in Electoral Area 'F'. In total, eight members of the public attended these meetings (see Attachments 4, 5 and 6 – Summary of Minutes). Surveys were distributed at the PIMs to gather public comment on the proposed amendments.

Notification of the meetings was advertised in the Nanaimo News Bulletin and Parksville Qualicum Beach News. Printed copies of the notice were distributed to community halls and local libraries throughout the region, and in Electoral Area 'C' notices were also posted near community mailboxes.

Social media (Facebook and Twitter) were used to publicize the meetings, and information was made available to the public on the RDN website, and by email to a network of residents and green building professionals who are involved in the RDN green building program.

While generally supportive, feedback received through the Public Information Meetings was limited, and cannot be generalized to represent the majority of residents in the region. The recurring critique was an interest to see consistency between Bylaws 500 and 1285. However, it is important to recognize that Bylaw 500 covers a larger, more diverse area with different constraints and considerations when compared to Bylaw 1285. As a result, the proposed amendments to Bylaw 1285, for Electoral Area 'F' only, include additional amendments to allow for small wind turbine systems and setback exemptions for rainwater harvesting systems.

If the Amendment Bylaws receive first and second reading, they will then proceed to Public Hearing pursuant to Section 890 of the *Local Government Act*. It is anticipated that this hearing would be scheduled following the inaugural Board meeting in 2015.

Strategic Plan Implications

This project advances the Strategic Priorities of *Self-Sufficiency* and *Economic Viability* in the 2013-2015 Board Strategic Plan, and fulfils actions identified for Strategic and Community Development.

For *Self-Sufficiency*, the Board Strategic Plan generally aims to encourage and enable residents to take responsibility for their own needs. This includes the objective "to support efficiency measures that reduce water and energy consumption, and develop innovative, clean and renewable energy supplies throughout the region," (Regional District of Nanaimo (2012), *Board Strategic Plan 2013-2015, Working Together For a Resilient Future*, p. 18). Similarly, for *Economic Viability*, the Strategic Plan seeks to build local expertise in green building, renewable energy technologies, materials and processes.

The project also fulfils the strategic goal for Strategic and Community Development to "promote initiatives and policies that contribute to regional sustainability and community resilience," by moving forward with the action to "Implement the *Green Building Action Plan* to promote innovation and efficiency in the construction sector and to advance skill development in the region" (Regional District of Nanaimo (2012), *Board Strategic Plan 2013-2015, Working Together For a Resilient Future*, p. 25).

Inter-governmental Implications

The proposed bylaw and policy amendments were referred for information and comment to member municipalities, neighbouring regional districts and the Ministry of Transportation and Infrastructure. No comments have been received at this time. The proposed amendments will also be referred for information to local First Nation governments including Snuneymuxw, Snaw-Naw-As and Qualicum.

SUMMARY/CONCLUSION

The purpose of the proposed amendments to Bylaws 500 and 1285 and Board Policy B1.5 is to provide more clarity on the interpretation of the applicable zoning regulations for green building features, systems and technologies, and to remove barriers to these sustainable features and systems. The Amendment Bylaw would introduce a new definition of floor area to support passive design features, and to allow over-height solar and wind energy systems on properties located within Electoral Areas 'A', 'C', 'E', 'F', 'G', and 'H', as well as rainwater harvesting systems in the setback area in Bylaw 1285 only.

Public information meetings were held on September 16, 17, and 18 where members of the public, including green building experts, provided their comments on the proposed amendments. Attendees were unanimously supportive of the proposed amendments, and urged the RDN to continue with policy initiatives of this sort.

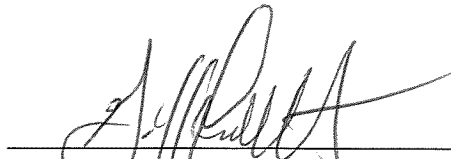
Given that the proposed amendments advance the goals of the Board Strategic Plan and represent implementation of the *RDN Green Building Action Plan*, staff recommend the Board proceed with readings of the proposed Amendment Bylaws 500.396 and 1285.22 and the proposed revision to Board Policy B1.5.

RECOMMENDATIONS

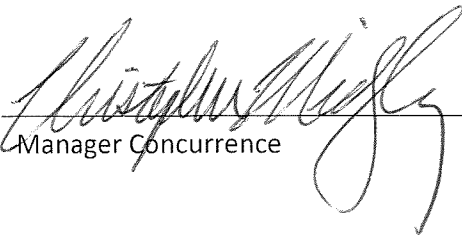
1. That the Summaries of the Public Information Meetings held on September 16, 17 and 18, 2014, be received.
2. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.396, 2014”, be introduced and read two times.
3. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.396, 2014”, be chaired by Director Stanhope or his alternate.
4. That “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.22, 2014”, be introduced and read two times.
5. That the Public Hearing on “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.22, 2014”, be chaired by Director Fell or his alternate.
6. That the Board approve the revision as proposed to Board Policy B1.5 *Development Variance Permit, Development Permit with Variance & Floodplain Exemption Application Evaluation*.



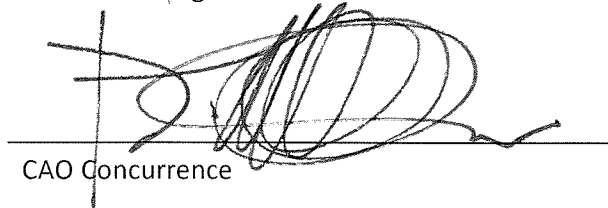
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

**Attachment 1
Proposed Amendment Bylaw No. 500.396, 2014**

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500.396

**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. 500.396, 2014”.
- B. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:

1. **Part 2 Interpretation, Section 2.1 Definitions**, by deleting the definition of “floor area” and replacing with the following:

floor area means the sum total of the gross horizontal area of each floor of a building as measured from the inside surface of the outermost exterior walls.

2. **Part 2 Interpretation, Section 2.1 Definitions**, by deleting the following text from the definition of “height”:

“but specifically excludes chimney, mast aerial, church spire, flag pole, watertank, observation and transmission tower, mechanical devices necessary for the operation of a building, and agricultural buildings or structures where permitted in the applicable zone.”

3. **Part 2 Interpretation, Section 2.1 Definitions**, by inserting the following definition after “medium industry”:

micro wind turbine system means a wind energy conversion system consisting of a wind turbine, associated structures and mechanical devices with a nameplate rated capacity of not more than 1 kW.

4. **Part 3 Land Use Regulations, Section 3.3 General Regulations**, by renaming subsection 10) Setbacks - Agricultural Buildings to:

10) Setbacks – Buildings and Structures

and replace the text in subsection 10) with the following:

- a) Agricultural Buildings

All buildings and structures for housing animals, other than pets, and for the storage of manure shall be a minimum of 30.0 metres from a watercourse or any property line adjoining a residential zone.

b) Micro wind turbine systems

- i) For a system installed on the ground, the minimum setback from all parcel boundaries shall be equal to the height of the system as measured from the natural grade at the base of the wind turbine tower to the top of the highest vertical extension of the wind turbine at the top of the rotor blade arc; or
- ii) For a system installed on a rooftop or side of a building, the minimum setback from all parcel boundaries shall be equal to the height of the system as measured from the lowest point of the micro wind turbine system to the top of the highest vertical extension of the wind turbine at the top of the rotor blade arc.
- iii) No such system shall be located within 60 metres of any eagle or heron nesting tree, as determined by a Qualified Environmental Professional (QEP), measured from the base of the nesting tree to the base of the wind turbine system.

5. **Part 3 Land Use Regulations, Section 3.3 General Regulations**, by inserting the following text as a new subsection 11) and renumbering subsections 11) through 16) in sequential order:

11) Height Exemptions

The following structures, mechanical devices or parts of buildings may exceed a height restriction under this Bylaw:

- a) Chimney stacks, mast aerals, church spires, flag poles, water tanks, observation and transmission towers, mechanical devices necessary for the operation of a building, and agricultural buildings or structures.
- b) Components of solar photovoltaic or solar thermal systems where:
 - i) On a parcel less than 5,000 m² in area
 - a. the over-height portion of such system is limited to 50% of the roof width to which the system is attached; and
 - b. no portion of such system exceeds 0.6 metre above the maximum permitted height.
 - ii) On a parcel 5,000 m² or greater in area, no portion of such system exceeds 0.6 metre above the maximum permitted height.
- c) One over-height micro wind turbine system per parcel provided that no such system exceeds twice the maximum permitted height, as measured from the natural grade

at the base of the wind turbine tower to the top of the highest vertical extension of the wind turbine at the top of the rotor blade arc.

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

Public Hearing held this ___ day of _____ 20__.

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

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

Adopted this ___ day of _____ 20__.

Chairperson

Corporate Officer

Attachment 2
Proposed Amendment Bylaw No. 1285.22, 2014

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1285.22

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

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

- A. This Bylaw may be cited as "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.22, 2014".
- B. The "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002", is hereby amended as follows:

1. **Section 5 Definitions**, by deleting the definition of "floor area" and replacing with the following:

floor area means the sum total of the gross horizontal area of each floor of a building as measured from the inside surface of the outermost exterior wall.

2. **Section 5 Definitions**, by inserting the following definition after "Medical Marihuana Production":

Micro Wind Turbine System means a wind energy conversion system consisting of a wind turbine, associated structures and mechanical devices with a nameplate rated capacity of not more than 1 kW.

3. **Section 5 Definitions**, by inserting the following definition after "Silviculture":

Small Wind Turbine System means a wind energy conversion system consisting of a wind turbine, a wind turbine tower and associated equipment, machinery, and structures with a nameplate rated capacity of greater than 1 kW but not more than 10 kW.

4. **Section 2 General Regulations**, by renaming subsection 2.9 Setbacks to:

2.9 Setbacks – Buildings and Structures

and add the following text after d):

- e) Micro wind turbine systems

- i) For a system installed on the ground, the minimum setback from all parcel boundaries shall be equal to the height of the system as measured from the

natural grade at the base of the wind turbine tower to the top of the highest vertical extension of the wind turbine at the top of the rotor blade arc; or

- ii) For a system installed on a rooftop or side of a building, the minimum setback from all parcel boundaries shall be equal to the height of the system as measured from the lowest point of the micro wind turbine system to the top of the highest vertical extension of the wind turbine at the top of the rotor blade arc.
 - iii) No such system shall be located within 60 metres of any eagle or heron nesting tree, as determined by a Qualified Environmental Professional (QEP), measured from the base of the nesting tree to the base of the wind turbine system.
- f) Small wind turbine systems
- i) The minimum setback from all parcel boundaries shall be equal to the height of the small wind turbine system as measured from natural grade at the base of the wind turbine tower to the highest vertical extension of a wind turbine at the top of the rotor blade arc.
 - ii) No such system shall be located within 100 metres of any eagle or heron nesting tree, as determined by a Qualified Environmental Professional (QEP), measured from the base of the nesting tree to the base of the wind turbine system.

5. **Section 2 General Regulations, subsection 2.11 Setback Exemptions**, by adding the following text after h):

- i) rainwater harvesting structures, equipment and apparatus, including rain barrels and cisterns which are 2.0 metres or less in height and 4,546 litres or less in volume.

6. **Section 2 General Regulations, subsection 2.12 Height Exemptions**, by adding the following text after i):

- j) Components of solar photovoltaic and solar thermal systems where:
 - (i) On a parcel less than 5,000 m² in area
 - a. the over-height portion of such system is limited to 50% of the roof width to which the system is attached; and
 - b. no portion of such system exceeds 1.0 metre above the highest point of the roof to which the system is attached.
 - (ii) On a parcel 5,000 m² or greater in area, no portion of such system exceeds 1.0 metre above the highest point of the roof to which the system is attached.

- k) One over-height micro wind turbine system per parcel provided that no such system exceeds twice the maximum permitted height, as measured from the natural grade at the base of the wind turbine tower to the top of the highest vertical extension of the wind turbine at the top of the rotor blade arc.

- l) One over-height small wind turbine system per parcel provided that no such system exceeds 30 metres in height as measured from the natural grade at the base of the wind turbine tower to the highest vertical extension of a wind turbine at the top of the rotor blade arc.

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

Public Hearing held this ___ day of _____ 20__.

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

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

Adopted this ___ day of _____ 20__.

Chairperson

Corporate Officer

Attachment 3
Draft Revised Board Policy B1.5
REGIONAL DISTRICT OF NANAIMO
DRAFT POLICY

SUBJECT:	<i>Development Variance Permit, Development Permit with Variance & Floodplain Exemption Application Evaluation</i>	POLICY NO: B1.5 CROSS REF.:
EFFECTIVE DATE:	March 8, 1994	APPROVED BY: Board
REVISION DATE:		PAGE: 1 of 4

PURPOSE

This policy is to provide staff with guidelines for reviewing and evaluating development variance permit applications, development permit applications that include bylaw variances, and site-specific exemptions to the Floodplain Bylaw.

PART A – DEVELOPMENT VARIANCE PERMIT AND DEVELOPMENT PERMIT WITH VARIANCE APPLICATION EVALUATION

1. Demonstration of Land Use Justification

- a) An application should demonstrate that the proposed variance is necessary and is supported by an acceptable land use justification; such as:
 - i. the ability to use or develop the property is unreasonably constrained or hindered by having to comply with the bylaw requirement; or,
 - ii. there is a net benefit to the community or immediate area that would be achieved through the variance approval.
 - iii. the proposed variance would allow for more efficient and effective use and development of the subject property.
- b) Failure to provide an acceptable land use justification as outlined in Part A, Section 1(a) may be grounds for staff to recommend that the application be denied by the Board.
- c) If an acceptable land use justification is identified the applicant should demonstrate that a reasonable effort has been made to avoid the need for, or reduce the extent of, the requested variance. If such efforts are not made this may be grounds for staff to recommend that the application be denied by the Board.
- d) Examples of acceptable land use justifications are as follows:

- i. A physical constraint such as a steep slope, watercourse, or rock outcrop results in an unreasonably small building site when setbacks are applied. In such a case a setback variance may be recommended where the impact of the variance is considered acceptable by planning staff.
 - ii. A man-made constraint such as an archaeological site, odd shaped lot, restrictive or conservation covenants, easement, or right-of-way results in an unreasonably small building site when setbacks are applied. In such a case a setback variance may be recommended where the impact of the variance is considered acceptable by planning staff.
 - iii. A hazardous condition exists that requires that the underside of the floor joists be raised to meet floodplain elevations. This may result in an average designed building or structure exceeding the maximum height restrictions. In such a case a height variance may be recommended where the impact of the variance is considered acceptable by planning staff.
 - iv. A topographical constraint such as a depression or sloped area results in an average designed building or structure exceeding maximum height restrictions. In such a case a height variance may be recommended where the impact of the variance is considered acceptable by planning staff.
 - v. An environmentally significant feature such as a stand of Garry Oak trees, a watercourse, or sensitive ecosystem exists on site that the applicant is proposing to avoid, preserve, and/or enhance, which restricts potential building sites on a lot. In such a case a setback variance may be considered where the proposed variance will reduce the impact to the Environmentally Sensitive Area and any other impact considered acceptable by the reviewing planning staff member.
 - vi. The only building site on a lot will block a significant view for area residents. In such a case a setback variance may be considered to allow the relocation of the building to allow the preservation of that view, where the impact of the variance is acceptable.
 - vii. Where a longstanding existing building or structure does not conform to siting or height requirements a variance may be considered to legalize that structure where the impact of the variance is acceptable and the use of the building or structure conforms to the current zoning regulations.
 - viii. The inclusion of a renewable solar or wind energy system, or a rainwater harvesting system proposed for the operation of a building or structure results in the building or structure exceeding maximum height restrictions, or encroaching into a setback area. In such a case, a height variance or setback variance may be recommended where the impacts of the variance are considered acceptable.
- e) Part A, Section 2(d) is not intended to be an exhaustive or definitive list of acceptable land use justifications for a variance application. Staff are to use their judgment in evaluating the specific circumstances involved in each application.

2. Impact Evaluation

- a) Where a land use justification for a proposed variance has been demonstrated, the application shall then be evaluated based upon the impact(s) (positive or negative) of the variance. Impact(s) may be classified into the following three general categories:
 - i. Aesthetic impact. This includes the impact of the proposed variance on the streetscape, the views from adjacent properties, compatibility with neighbourhood design standards, etc.
 - ii. Functional impact. This includes the impact of the proposed variance on the function of the property for the permitted uses and the potential impact of the variance on the function of adjacent properties, or road right-of-ways.
 - iii. Environmental impact. This includes the impact of the proposed variance on the long term sustainability of the natural environment or the direct impact on a specific feature of the natural environment.
- b) An unacceptable impact, as evaluated by planning staff, is grounds for staff to recommend that the application be denied by the Board.
- c) An applicant should demonstrate that a reasonable effort has been made to minimize any and all potential negative impacts associated with a variance. If such efforts are not made this would be grounds for staff to recommend that the application be denied by the Board.
- d) Part A, Section 2(a) is not intended to be an exhaustive or definitive list of potential impacts. Staff are to use their judgment in identifying and evaluating all potential impacts associated with the specific circumstances involved in each application.

3. Specific Impact Evaluation by Application Type

- a) Height variance requests for a residential use may not be supported where; in the opinion of planning staff:
 - i. the applicant is requesting a height variance to accommodate a third storey;
 - ii. the applicant has not made a reasonable effort to reduce the height of the proposed building or structure by reducing the roof pitch, reducing ceiling height, minimizing the crawl space, etc.;
 - iii. the appearance of the proposed structure from the street will appear out of character with the height of buildings in the immediate neighbourhood;
 - iv. the proposed height variance will result in a notable reduction in a neighbouring properties view of a significant viewscape; or
 - v. the proposed height variance will result in a notable shading of, or lack of privacy for, a neighbouring property.
- b) Lot line relaxation, ocean setback relaxation, and watercourse setback relaxation requests may not be supported where; in the opinion of Planning Staff:

- vi. the applicant has not made a reasonable effort to reduce the need for a setback variance by amending the house design or finding an alternative building site;
 - vii. the proposed setback variance will result in an unreasonable reduction in a neighbouring properties view of a notable viewscape;
 - viii. the proposed setback variance will result in the building or structure appearing to extend closer to the ocean or other watercourse than other houses in the immediate vicinity;
 - ix. the proposed setback variance may result in a geotechnical or flooding hazard;
 - x. the proposed setback variance may result in a negative impact on the natural environment;
 - xi. the proposed setback variance may have a negative impact on an archaeological site; or
 - xii. the proposed setback variance is contrary to senior government legislation (e.g. **Transportation Act, Fish Protection Act, Water Act, Land Title Act**, etc.).
- c) Parking Variance requests for Commercial, Industrial, or Institutional uses may not be supported where:
- i. the proposed variance would interfere with internal traffic flow, loading and unloading, access and egress, pedestrian safety, etc.;
 - ii. the applicant is not proposing to provide adequate parking spaces constructed to Regional District of Nanaimo standards on a hard durable dust free surface; or
 - iii. the proposed variance, in staff's opinion, does not provide an adequate number of parking stalls for the intended use.
- d) Signage variance requests may not be supported where:
- i. the proposed variance would result in an increased appearance of "sign clutter" on the subject property (sign consolidation should be encouraged);
 - ii. the proposed variance creates a visual obstruction which interferes with the safe movement of pedestrians and/or traffic on and off site; or
 - iii. the illumination of a proposed sign is not compatible with the surrounding neighbourhood or would create an unreasonable aesthetic impact on the adjacent properties.

PART B – FLOODPLAIN EXEMPTION APPLICATIONS

1. Demonstration of Land Use Justification

- a) An applicant must demonstrate that the proposed exemption is necessary and is supported by an acceptable land use justification; such as:
- i. there are no other practical building sites located on the subject property;
 - ii. the applicant has exhausted all other options including amendments to zoning setback and height requirements; or
 - iii. it is not practical to develop the subject property without a site specific exemption.

2. Demonstration that the Exemption is Advisable

- a) Where an acceptable land use justification has been demonstrated, the applicant must demonstrate that the proposal is in compliance with provincial guidelines and / or provide a report prepared by a professional engineer or geoscientist experienced in geotechnical engineering that the land may be used safely for the use as proposed. Where the report contains restrictions, conditions, or warnings related to the safe use of the site that covenant shall be required to be registered on title.
- b) All reports identified in Part B, Section 2(a) must also discuss the land use justifications in identified in Part B, Section 1 of this policy.
- c) An application must be processed and evaluated in a manner consistent with the provincial Flood Hazard Area Land Use Management Guidelines, May 2004, as amended, and Floodplain Management Bylaw No. 1469, 2006.
- d) Failure to meet any of the above conditions is grounds for staff to recommend the Board deny a floodplain exemption application.

PART C - TERMS OF USE OF THIS POLICY

1. This policy is intended to apply to staff evaluation of development variance permits, development permit applications that include bylaw variances, and site specific exemptions to the Floodplain Bylaw.
2. The Board of the Regional District of Nanaimo is not in any way bound by this policy and is free to apply, or not apply, any evaluation criterion it deems appropriate in its consideration of applications.

Attachment 4
Summary of Minutes of a Public Information Meeting
Held at Cedar Heritage Centre
1144 Macmillan Road, Cedar
Tuesday, September 16, 2014 at 6:00 pm

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

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

Present for the Regional District of Nanaimo:

Director McPherson, Electoral Area 'A' (the Chair)
Chris Midgley, Manager, Energy & Sustainability
Jeremy Holm, Manager, Current Planning
Lainya Rowett, Senior Planner
Ting Pan, Sustainability Coordinator

Prior to the meeting start, members of the public viewed presentation boards and materials and dialogued with staff asking questions about the proposed amendments.

The Chair opened the meeting at 7:03 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 asked RDN staff to provide background information concerning the proposed amendments.

Lainya Rowett provided a brief summary of the bylaw amendment process and the information made available for public viewing in support of the proposed amendments.

The Chair invited staff to give a presentation of the proposed bylaw and policy amendments.

Chris Midgley, RDN, presented an overview of the proposed amendments to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987; Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002; and Regional District of Nanaimo Board Policy B1.5. Questions and comments were invited from the audience throughout the presentation.

The following comments and questions were expressed throughout the presentation of amendments to Zoning Bylaw No. 1285:

Laurie Gourlay, 2689 Cedar Road, asked if the proposed amendments would limit the number of ground-mounted solar energy systems permitted on a parcel.

Chris Midgley confirmed there is no limit on the number of ground-mounted systems on a parcel which are less than the maximum permitted height in the zoning; however, systems over 1.0 metre in height are considered structures and must meet setback requirements in the zoning. Setbacks requirements are also proposed for micro-wind turbine systems.

Laurie Gourlay, 2689 Cedar Road, expressed concern that people may cut down eagle or heron nesting trees in order to build homes or install wind turbines and avoid the additional setback requirements. Lainya Rowett commented that nesting trees would still be protected under the *Wildlife Act*.

Jack Anderson, 1653 Cedar Road, asked if there is evidence of eagles being disturbed by wind turbines.

Chris Midgley said there is really no data but staff consulted biologists and confirmed that the proposed setback requirements are reasonable.

Jack Anderson, 1653 Cedar Road, said in his experience he had not observed any impact of a micro-wind turbine on a nearby eagle nesting tree.

Laurie Gourlay, 2689 Cedar Road, asked for clarification on the number of micro-wind turbines permitted per parcel, for example if there were two residences on a parcel.

Chris Midgley explained that only one over-height micro-wind turbine system is permitted per parcel in the proposed bylaw amendment.

Jack Anderson, 1653 Cedar Road, commented that this amendment would facilitate only one efficient wind turbine system per parcel.

Chris Midgley said if a variance is needed to accommodate a more efficient system the proposed revision to the Board Policy would support the consideration of such a variance. The revised Policy is intended to address unforeseen situations.

Jack Anderson, 1653 Cedar Road, commented that it would also be helpful to exclude isolated sunspace (sunroom) from the floor area calculation, using a minimum required ratio of 1.5 times the glass area to the footprint of the room to qualify as a sunspace.

Laurie Gourlay, 2689 Cedar Road, said it would be nice to have requirements to accommodate renewable energy systems in new building construction (e.g. solar readiness).

Chris Midgley said this would not be required through zoning.

Lainya Rowett explained how some jurisdictions use density-bonusing as a way to achieve higher construction standards, but there is no incentive in rural development to offer density-bonusing.

Jack Anderson, 1653 Cedar Road, suggested that accessory agricultural buildings (e.g. greenhouses) be exempt from parcel coverage to encourage food production.

Jeremy Holm explained that staff are also working on the implementation of the RDN Agricultural Area Plan and there will be considerations of bylaw amendments in support of agriculture.

Jack Anderson, 1653 Cedar Road, said he would like consideration given to allowing rainwater harvesting systems in the setback area with the proposed amendments to Bylaw 500, similar to what is proposed in Bylaw 1285. He also suggested increasing the allowable volume for a cistern in the setback area from 1,000 gallons to 2,000 gallons, which is more commonly used.

Laurie Gourlay, 2689 Cedar Road, said that screening should be required around cisterns in the setbacks.

Chris Midgley also explained that a property owner could have more than one cistern at the maximum permitted volume within the setback area in the proposed amendment to Bylaw 1285.

The following comments and questions were expressed throughout the presentation of amendments to Zoning Bylaw No. 500:

Jack Anderson, 1653 Cedar Road, said that the proposed limit of 50% roof coverage for over-height solar energy systems is not critical and 100% coverage should be permitted.

Laurie Gourlay, 2689 Cedar Road, asked if the proposed amendment to the definition of floor area included any consideration of the ratio of floor area to lot size, parcel coverage.

Jeremy Holm explained that no changes to the calculation of parcel coverage are proposed, and setbacks would still be measured to the overhang of a building.

Laurie Gourlay, 2689 Cedar Road, asked if the proposed amendments are in response to observed problems or if these are proactive changes to the bylaws.

Chris Midgley explained the bylaw amendments are intended to bring clarity and consistency to understanding and interpretations of regulations for green building features, systems and technologies, to remove barriers, and to allow opportunities for such systems where there is an interest.

Jack Anderson, 1653 Cedar Road, congratulated the RDN for taking the initiative and suggested the proposed amendments could be even more progressive, as it may be several years before further bylaw amendments are proposed.

Laurie Gourlay, 2689 Cedar Road, asked if the proposed amendments would apply to commercial and industrial buildings.

Chris Midgley confirmed that the proposed amendments would apply broadly to all zones.

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

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 7:45 pm.



Lainya Rowett
Recording Secretary

Attachment 5
Summary of Minutes of a Public Information Meeting
Held at Extension Community Hall
2140 Ryder Street, Extension
Wednesday, September 17th, 2014 at 6:00 pm

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

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

Present for the Regional District of Nanaimo:

Director Maureen Young, Electoral Area 'C' (the Chair)
Chris Midgley, Manager of Energy and Sustainability
Ting Pan, Sustainability Coordinator

The Chair opened the meeting at 6:20 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 asked RDN staff to provide background information concerning the proposed amendments.

Chris Midgley provided a brief summary of the bylaw amendment process and the information made available for public viewing in support of the proposed amendments.

The Chair invited staff to give a presentation of the proposed bylaw and policy amendments.

Ting Pan, presented an overview of the proposed amendments to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987; Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002; and Regional District of Nanaimo Board Policy B1.5.

The following comments and questions were expressed throughout the presentation of amendments to Zoning Bylaws No. 1285 and No. 500:

Sharon Bennett, 2505 Godfrey Road, asked about restrictions on ground-mounted solar energy systems.

Chris Midgley said that ground-mounted systems are permitted and not restricted in number unless they exceed the maximum permitted height.

Sharon Bennett, 2505 Godfrey Road, commented that larger wind turbines should be allowed if the RDN is serious about supporting sustainable energy.

Sharon Bennett, 2505 Godfrey Road, asked if the proposed setbacks for wind turbines considered protecting other species of birds.

Chris Midgley said that species other than eagles and herons (nesting trees) were not considered and there is no evidence of impacts on birds for this scale of wind turbines.

Sharon Bennett, 2505 Godfrey Road, asked for clarification that wind turbines would not be allowed on urban sized lots.

Chris Midgley agreed that given the setback requirements wind turbines would not be feasible on narrower urban sized lots.

Sharon Bennett, 2505 Godfrey Road, asked why small wind turbine systems are not proposed to be allowed in Bylaw 500.

Chris Midgley explained that Bylaw 500 regulates a much larger, diverse area than Bylaw 1285 and these systems may be acceptable in some areas but not in others. It is difficult to achieve consensus broadly, so the approach to allowing small wind turbine systems in Bylaw 500 would be through a variance in consideration of Board Policy.

Sharon Bennett, 2505 Godfrey Road, asked what staff meant by the term 'super insulation' in discussion of floor area calculation.

Ting Pan explained that this refers to insulation above and beyond what is required by Building Code.

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

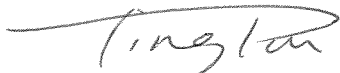
Sharon Bennett, 2505 Godfrey Road, asked why fewer changes were proposed for Bylaw 500 than for Bylaw 1285 and commented that it would be nice to have consistency across the region. She also commented that she was glad to see the RDN was moving forward with these changes. She would like to see the public information meetings and proposed changes publicized better.

Malcolm Macdonald, 2169 Bramley Road, commented the changes were benign and well-intentioned. He agreed with and supported the proposed changes.

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 7:17 pm.



Ting Pan
Recording Secretary

Attachment 6
Summary of Minutes of a Public Information Meeting
Held at Bradley Centre
957 Shearman Road, Coombs
Thursday, September 18, 2014 at 6:00 pm

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

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

Present for the Regional District of Nanaimo:

Director Fell, Electoral Area 'F' (the Chair)
Chris Midgley, Manager, Energy & Sustainability
Lainya Rowett, Senior Planner

The Chair opened the meeting at 6:18 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 asked RDN staff to provide background information concerning the proposed amendments.

Lainya Rowett provided a brief summary of the bylaw amendment process and the information made available for public viewing in support of the proposed amendments.

The Chair invited staff to give a presentation of the proposed bylaw and policy amendments.

Chris Midgley, RDN, presented an overview of the proposed amendments to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987; Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002; and Regional District of Nanaimo Board Policy B1.5. Questions and comments were invited from the audience throughout the presentation.

The following comments and questions were expressed throughout the presentation of amendments to Zoning Bylaw No. 1285.

Randy Marston, Box 443 Parksville, asked how many micro wind turbines would be permitted to exceed the maximum building height with the proposed amendment to Bylaw 1285.

Chris Midgley confirmed that one over-height micro wind turbine would be permitted per parcel, and there are no restrictions on the number of micro wind turbines that are less than the maximum permitted height.

Randy Marston, Box 443 Parksville, asked if the height exemption for micro wind turbines would also apply on commercially zoned properties.

Chris Midgley confirmed that the proposed amendment for height exemption would apply broadly within the Bylaws and would apply to commercial lots.

Randy Marston, Box 443 Parksville, asked for clarification of the proposed amendment to the definition of floor area in Bylaw 1285, and how thick a wall could be before the floor area would no longer be calculated from the inside of the wall.

Chris Midgley explained that the proposed amendment does not include a threshold for wall thickness, but the finishing must clearly be part of the wall system to be excluded from the floor area calculation.

The following comments and questions were expressed throughout the presentation of amendments to Zoning Bylaw No. 500.

Syd Lee, 1268 Seadog Road, in discussing views, asked if a neighbour's sight line across your property is considered as a "view".

Chris Midgley confirmed this would be considered as part of the view.

Syd Lee, 1268 Seadog Road, explained that he had to apply for a development variance permit application because his micro wind turbine was deemed to be a structure and didn't meet the height or setback requirements. He said he didn't understand why the maximum height of the turbine was related to the maximum height for an accessory building even though the turbine wasn't a building.

Lainya Rowett, clarified that staff would interpret the turbine to be a "structure" requiring setbacks, and the definition of "building" includes "structures", so the height of the turbine was related to the maximum permitted height of an accessory building. With the proposed amendment, however, micro wind turbines would be exempt from building height up to twice the permitted height.

Derrick Grimmer, 1418 Memorial Avenue, suggested the regulations reference best practices for wind loading on solar systems. The regulations could also reference best practices on tip speed for wind turbines, to reduce potential damage to birds and bats. He said he has no concerns with the proposed amendments in Bylaw 500 for passive design features and rainwater harvesting cisterns.

Syd Lee, 1268 Seadog Road, said that a fixed tip speed would render the most commonly used micro-turbines impractical.

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

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

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

The meeting was concluded at 6:47 pm.



Lainya Rowett
Recording Secretary