

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, APRIL 14, 2015

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

3-4 Minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, March 10, 2015.

BUSINESS ARISING FROM THE MINUTES

DEVELOPMENT PERMIT APPLICATIONS

5-9 Development Permit Application No. PL2015-035 – 902 Barclay Crescent South, Electoral Area 'G'.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATION

10-21 Development Permit with Variance Application No. PL2015-028 – 5509 Deep Bay Drive, Electoral Area 'H'.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

22-28 Development Variance Permit Application No. PL2015-020 – 403 & 395 Lowry's Road, Electoral Area 'G'.

29-35 Development Variance Permit Application No. PL2015-013 – 1005 Coldwater Road, Electoral Area 'G'.

36-42 Development Variance Permit Application No. PL2015-030 – 85 Blackbeard Drive, Electoral Area 'H'.

43-49 Development Variance Permit Application No. PL2015-034 and Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement Subdivision Application No. PL2014-134 – 3389 Jingle Pot Road, Electoral Area 'C'.

ZONING AMENDMENT APPLICATIONS

50-62 Zoning Amendment Application No. PL2014-087 – Horne Lake Road and Inland Island Highway, Electoral Area 'H' – Amendment Bylaw 500.398 – 1st and 2nd Reading.

63-72 Zoning Amendment Application No. PL2015-021 – 2790/2800 Benson View Road, Electoral Area 'C' – Amendment Bylaw 500.399 – 1st and 2nd Reading.

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, MARCH 10, 2015 AT 6:32 PM IN THE
RDN BOARD CHAMBERS**

In Attendance:

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

Also in Attendance:

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

CALL TO ORDER

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

DELEGATIONS

Leifka Vissers, Altus Group / Telus, re Proposed Telus Communications Tower – 1421 Sunrise Drive, Electoral Area ‘G’.

Leifka Vissers provided an overview of the outcome of public consultation, the siting of the proposed communications tower, and asked for a show of support from the Board which the applicant can present to Industry Canada to receive approval for this site.

ELECTORAL AREA PLANNING COMMITTEE MINUTES

Minutes of the Electoral Area Planning Committee meeting held Tuesday, February 10, 2015.

MOVED Director Rogers, SECONDED Director McPherson, that the minutes of the Electoral Area Planning Committee meeting held Tuesday, February 10, 2015, be adopted.

CARRIED

REPORTS

Proposed Telus Communications Tower – 1421 Sunrise Drive, Electoral Area ‘G’.

MOVED Director Stanhope, SECONDED Director McPherson, that staff be directed to advise Industry Canada and the proponent of the telecommunication tower proposed at 1421 Sunrise Drive that:

- a. TELUS has satisfactorily completed its consultation with the Regional District of Nanaimo;
- b. The Regional District of Nanaimo is satisfied with TELUS' public consultation process; and
- c. The Regional District of Nanaimo will provide a letter of concurrence to Telus.

CARRIED

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement – 3119 Jameson Road, Electoral Area ‘C’.

MOVED Director Young, SECONDED Director McPherson, that the request to relax the minimum 10% perimeter frontage requirement for the proposed lot be approved.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:52 PM

CHAIRPERSON

CORPORATE OFFICER



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

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: March 31, 2015

FROM: Robert Stover
Planning Technician

FILE: PL2015-035

SUBJECT: Development Permit Application No. PL2015-035
Lot 82, District Lot 28, Nanoose District, Plan 26472
902 Barclay Crescent South – Electoral Area ‘G’

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo has received an application from Guy Robertson to permit the construction of a dwelling unit on the subject property. The subject property is approximately 1063 m² in area and is zoned Residential 1 (RS1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property currently contains a manufactured home, which is proposed to be removed and replaced with the proposed house. An accessory building was also constructed on the subject property following the issuance of a Development Permit with Variance (PL2012-143) in January of 2013.

The subject property is surrounded by residential zoned properties to the north, east and south; Barclay Crescent South lies to the west (see Attachment 1 – Subject Property Map). The proposed development is subject to the Hazard Lands Development Permit Area (DPA) as per the “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”.

Proposed Development

The applicant proposes to remove an existing manufactured home and replace it with the proposed dwelling unit as shown on Attachment 3. A Development Permit approval is required for construction of the house, as the subject property is designated in the Hazard Lands DPA for flood risk associated with French Creek.

ALTERNATIVES

1. To approve Development Permit No. PL2015-035 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Permit No. PL2015-035.

LAND USE IMPLICATIONS

Development Implications

The applicant has provided a Geotechnical Floodplain Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. dated March 27, 2015, to satisfy the Hazard Lands DPA guidelines. The report concludes that the property is safe and suitable for the proposed development, and the proposal will not have a detrimental impact on the environment or adjacent properties provided the recommendations in the report are followed. The geotechnical engineering report was prepared in accordance with Association of Professional Engineers and Geoscientists of BC's (APEGBC) Professional Practice Guidelines for Legislated Flood Assessments in a changing climate in BC. The applicant will be required to register a Section 219 Restrictive Covenant on the property title that includes the Geotechnical Floodplain Hazard Assessment and a save harmless clause that releases the Regional District of Nanaimo from all losses and damages to life and property as a result of potential geotechnical and flood hazards. This requirement is included in Attachment 2 – Terms and Conditions of Permit.

The "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" (Floodplain Bylaw) requires a minimum flood construction level (FCL) of 3.0 metres above the natural boundary of French Creek. The present elevation of the natural boundary of French Creek is 47.1 metres and the top of the foundation footings for the proposed dwelling unit will be 50.4 metres (0.3 metres above the minimum required FCL). This proposed FCL is consistent with the requirements of the Floodplain Bylaw and the Geotechnical Floodplain Hazard Assessment provided by the applicant.

SUMMARY/CONCLUSIONS

This is an application for a Development Permit to permit the construction of a dwelling unit within the Hazard Lands Development Permit Area. The applicant has provided a Geotechnical Floodplain Assessment, prepared by Lewkowich Engineering Associates Ltd. dated January 21, 2015, to satisfy the Hazard Lands DPA guidelines. The proposal is consistent with the Floodplain Bylaw and the recommendations of the Geotechnical Floodplain Assessment. As such, staff recommend the Board approve the Development Permit.

RECOMMENDATION

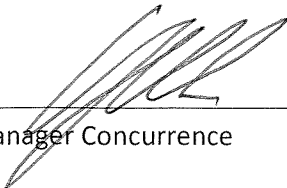
That Development Permit No. PL2015-035 to permit the construction of a dwelling unit be approved subject to the conditions outlined in Attachments 2 and 3.



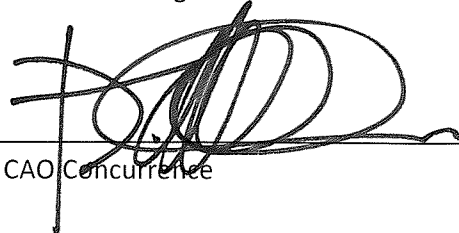
Report Writer



General Manager Concurrence

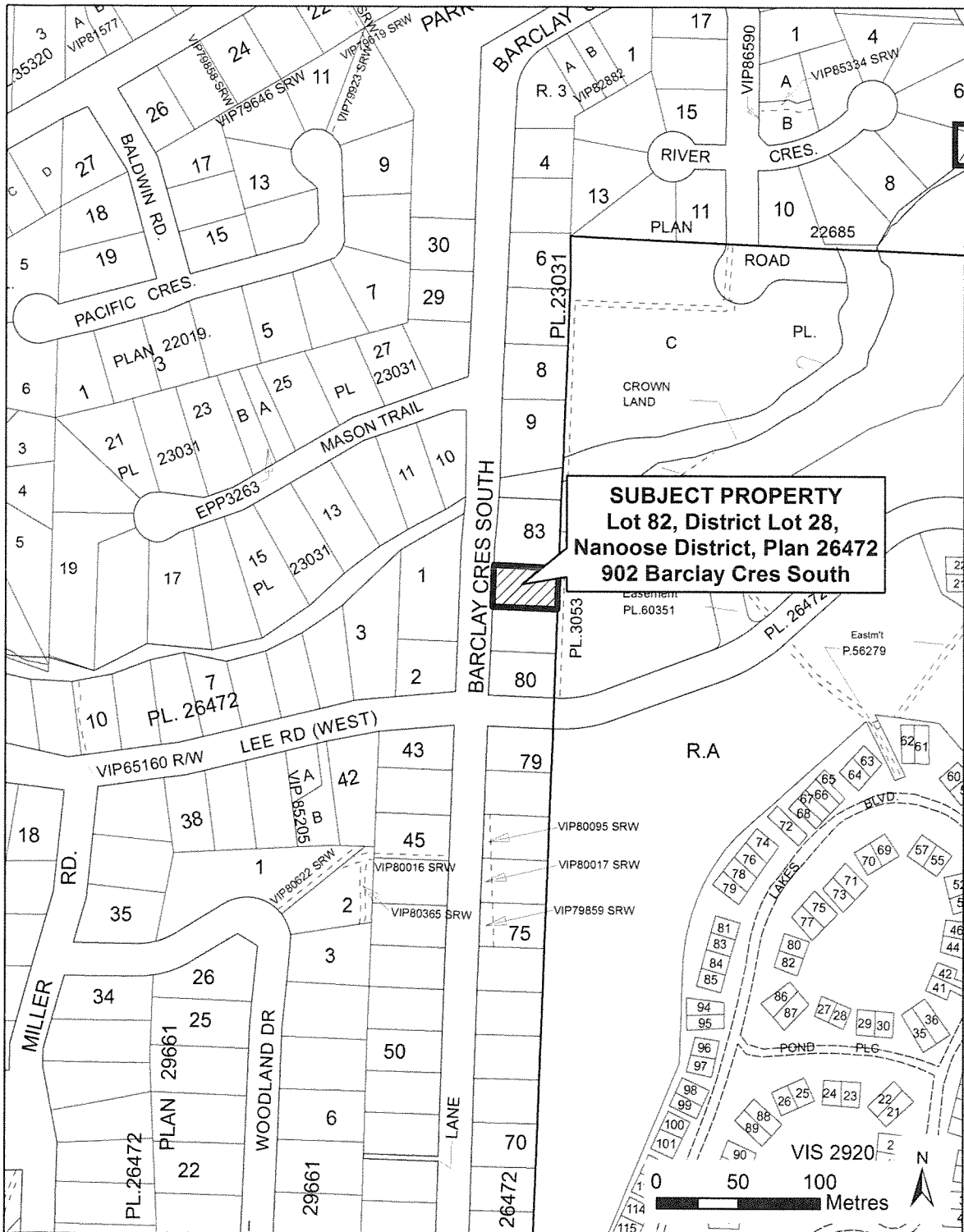


Manager Concurrence



CAO Concurrence

**Attachment 1
Subject Property Map**

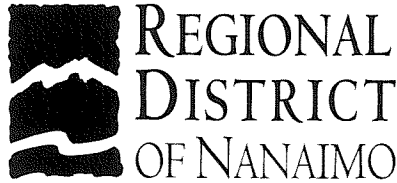


Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit No. PL2015-035:

Conditions of Approval:

1. The site is developed in substantial compliance with the Survey Plan prepared by Sims Associates Land Surveying Ltd., dated December 17, 2014 and attached as Attachment 3.
2. The Lands shall be developed in accordance with the Geotechnical Floodplain Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. and dated March 27, 2015.
3. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 covenant that registers the Geotechnical Floodplain Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated March 27, 2015, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.
4. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.



RDN REPORT		#11
CAO APPROVAL		
EAP	<input checked="" type="checkbox"/>	
COW		
APR 02 2015		
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BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: April 2, 2015

FROM: Robert Stover
Planning Technician

FILE: PL2015-028

SUBJECT: Development Permit with Variance Application No. PL2015-028
Lot 44, District Lot 1, Newcastle District, Plan 20442
5509 Deep Bay Drive – Electoral Area ‘H’

PURPOSE

To consider an application for a Development Permit with Variance to reduce the setback to the sea and front lot line setback to permit an addition and renovation to a dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Garry Bentham on behalf of Joan Robertson and John Carnegie to permit an addition and renovation to a dwelling unit on the subject property. The subject property is approximately 849.8 m² in area and is zoned Residential 2 (RS2), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property currently contains a dwelling unit, and is bordered by RS2 zoned lots to the east and west; the Strait of Georgia lies to the north, and Deep Bay Drive to the south (see Attachment 1 – Subject Property Map).

The proposed development is subject to the Hazard Lands and Environmentally Sensitive Features (ESF) – Coastal Development Permit Areas (DPAs) as per the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”. The relatively shallow depth of the parcel creates setback constraints for new construction.

Proposed Development and Variance

The proposal includes interior renovations to the dwelling unit, the placement of a new roof over the existing house, the addition of bay windows to the front and rear elevations and an extension to the attached garage (see Attachment 3 for site plan and variances). The proposal is subject to the Hazard Lands DPA due to the expansion of the building envelope and land alteration required to undertake the work in an area of potential coastal flood risk. The proposal is also subject to the ESF – Coastal DPA due to footings and structural posts necessary to support the new roof structure being expanded towards the coast. The outermost extent of the existing house (i.e., the eaves) is currently sited approximately 7.0 metres from the natural boundary of the Strait of Georgia which is non-conforming to the 8.0 metre required setback from the sea.

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

- **Section 3.4.62 – Minimum Setback Requirements** to reduce the minimum required setback from the front lot line from 8.0 metres to 2.5 metres for a portion of the dwelling unit as shown on Attachment 3.
- **Section 3.3.9) – Setbacks – Sea** to reduce the minimum required setbacks from the top of slope of 30% or greater from 8.0 metres to 6.0 metres for a portion of the dwelling unit as shown on Attachment 3.

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2015-028 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Permit with Variance No. PL2015-028.

LAND USE IMPLICATIONS

Development Implications

The Hazard Lands DPA guidelines require that the applicant provide a report by a Professional Engineer to confirm that the proposed construction is considered safe for its intended use, and that the development will not have detrimental impacts on adjoining properties or the environment. The applicant has submitted a geotechnical engineering report prepared by Emerald Sea Engineering dated April 2, 2015, that satisfies this requirement. The Geotechnical Engineer has not established a recommended flood construction level (FCL), as the proposal does not include any additional habitable floor area. The applicant will be required to register a Section 219 restrictive covenant on the property title that includes the geotechnical engineering report and a save harmless clause that releases the Regional District of Nanaimo from all losses and damages to life and property as a result of potential geotechnical and flood hazards. This requirement is included in Attachment 2 – Terms and Conditions of Permit.

The proposal is exempt from the setback requirements of “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006” (Floodplain Management Bylaw), as no new structural support or fill required to support a floor system is proposed to be sited within 15.0 metres of the natural boundary of the ocean. Additionally, the proposal is exempt from the minimum flood construction level requirements of the Floodplain Bylaw, as the garage extension, which is the only additional floor area, constitutes less than 25% of the area of the non-conforming floor level of the dwelling that existed on or prior to February 11, 1992.

While the proposal is not exempt from the Environmentally Sensitive Features – Coastal DPA, the scope of work necessary to complete the project on the coastal side of the property is limited to the excavation of existing footings and structural posts to support the new roof structure. The new roofline represents an aerial encroachment and expansion of non-habitable floor space into an area of previously developed landscaping (lawn and concrete patio). As such, a report from a Qualified

Environmental Professional (QEP) was not required, as the proposal will not result in any detrimental impacts on the environment within the Coastal DPA.

The applicant has indicated that the requested variances are the result of constraints created by the shallow depth of the parcel when factoring the required setbacks from the natural boundary of the ocean and front lot line. Setbacks are measured from the outermost portion of any structure; as the proposed roof line extends further than the existing one, setbacks must be measured from this further extension of the roofline. The requested variances are outlined on Attachment 3 – Proposed Site Plan and Variances.

Staff have evaluated the proposal and have not identified any negative land use implications related to the approval of this application. Given that the applicant has provided sufficient rationale, and the variances are not anticipated to result in any negative implications for adjacent properties, the applicants have made reasonable efforts to address Policy B1.5 guidelines for evaluating Development Permit with Variance applications.

Strategic Plan Implications

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

Inter-governmental Implications

The applicant has obtained a permit from the Ministry of Transportation and Infrastructure (MOTI) to reduce building setback to less than 4.5 metres from the property line fronting a provincial public highway in relation to the garage addition (MOTI Permit No. 2014-00466).

The property is within the boundary of known archaeological site Dis-7. The applicant has confirmed with the Archaeological Branch of the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) that the proposal will not require a Section 12 Site Alteration Permit, as it is anticipated that no original ground surface will be disturbed by the excavation of backfilled soil.

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 50.0 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 Permit with Variance to reduce the setback to the sea and front lot line to permit an addition and renovation to an existing dwelling unit within the Hazard Lands and ESF Coastal DPAs on the subject property. The applicant has indicated that the shallow depth of the lot results in constraints which have resulted in the need to request setback relaxations to undertake construction.

The applicant has provided a geotechnical engineer's report, prepared by Emerald Sea Engineering dated April 2, 2015, to satisfy the Hazard Lands DPA guidelines. The proposal is exempt from the requirements of the Floodplain Management Bylaw, and has met the applicable requirements of the

Ministry of Transportation and Infrastructure and the Archaeological Branch. While not exempt from the Environmentally Sensitive Features – Coastal DPA, the scope of the works do not include the addition of habitable floor space on the ocean side of the property. As such, a report from a QEP was not required for this proposal.

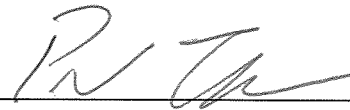
Given that the DP guidelines have been satisfied, and no negative impacts are anticipated as a result of the proposed variances, staff recommend the Board approve the application pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.

RECOMMENDATIONS

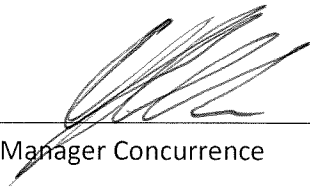
1. That staff be directed to complete the required notification for Development Permit with Variance PL2015-028.
2. That Development Permit with Variance No. PL2015-028 to permit an addition and renovation to a dwelling unit on the subject property be approved subject to the conditions outlined in Attachments 2 and 3.



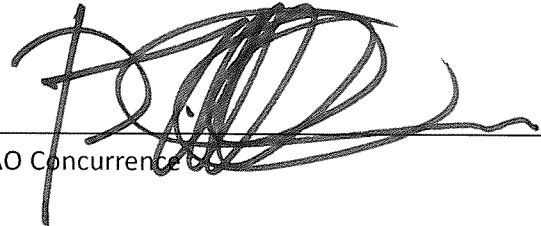
Report Writer



A/ General Manager Concurrence



Manager Concurrence



CAO Concurrence

Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2015-028:

Bylaw No. 500, 1987 Variances:

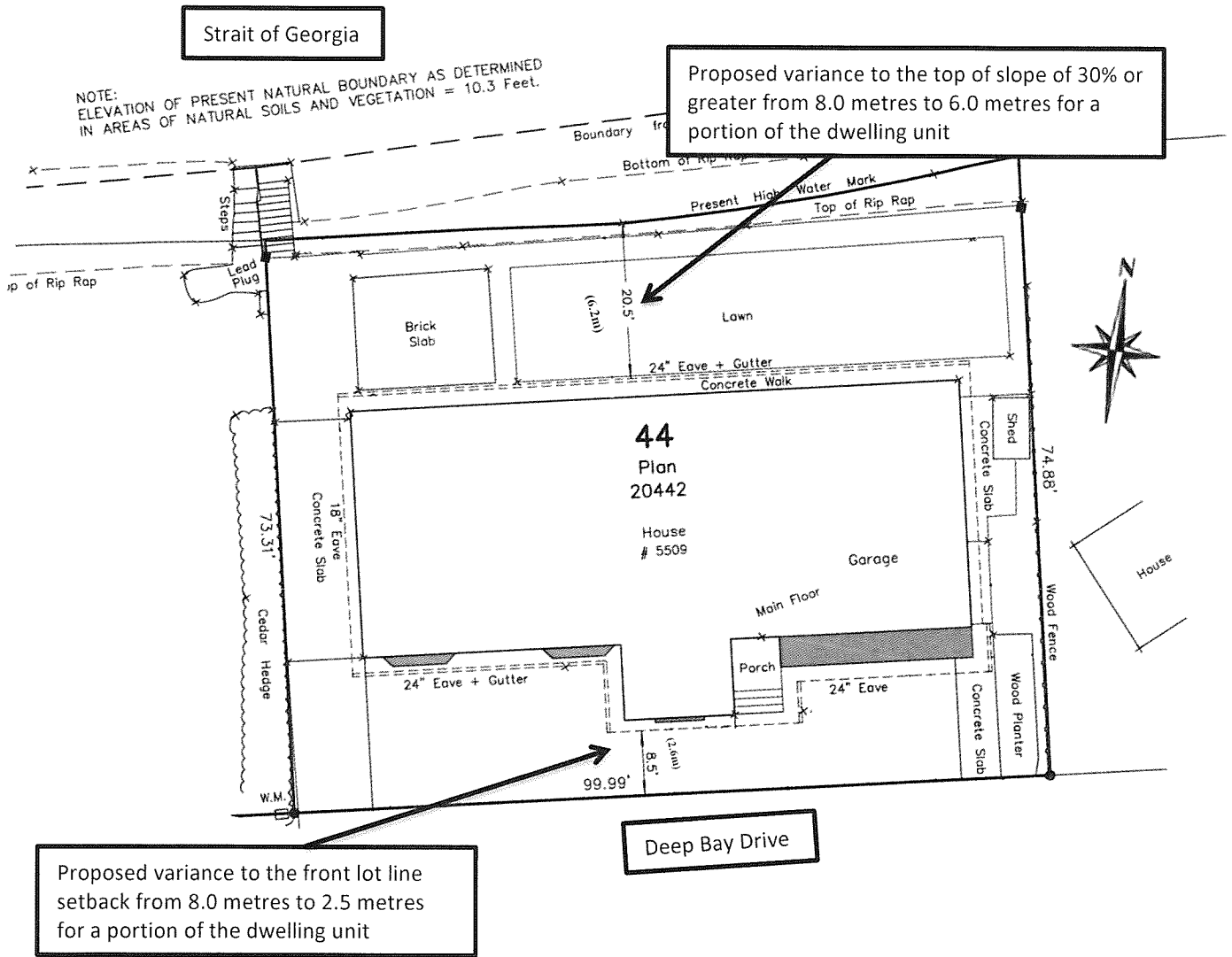
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. **Section 3.4.62 – Minimum Setback Requirements** to reduce the minimum required setback from the front lot line from 8.0 metres to 2.5 metres for a portion of the dwelling unit as shown on Attachment 3.
2. **Section 3.3 9) a) i) – Setbacks – Sea** to reduce the minimum required setbacks from the top of slope of 30% or greater from 8.0 metres to 6.0 metres for a portion of the dwelling unit as shown on Attachment 3.

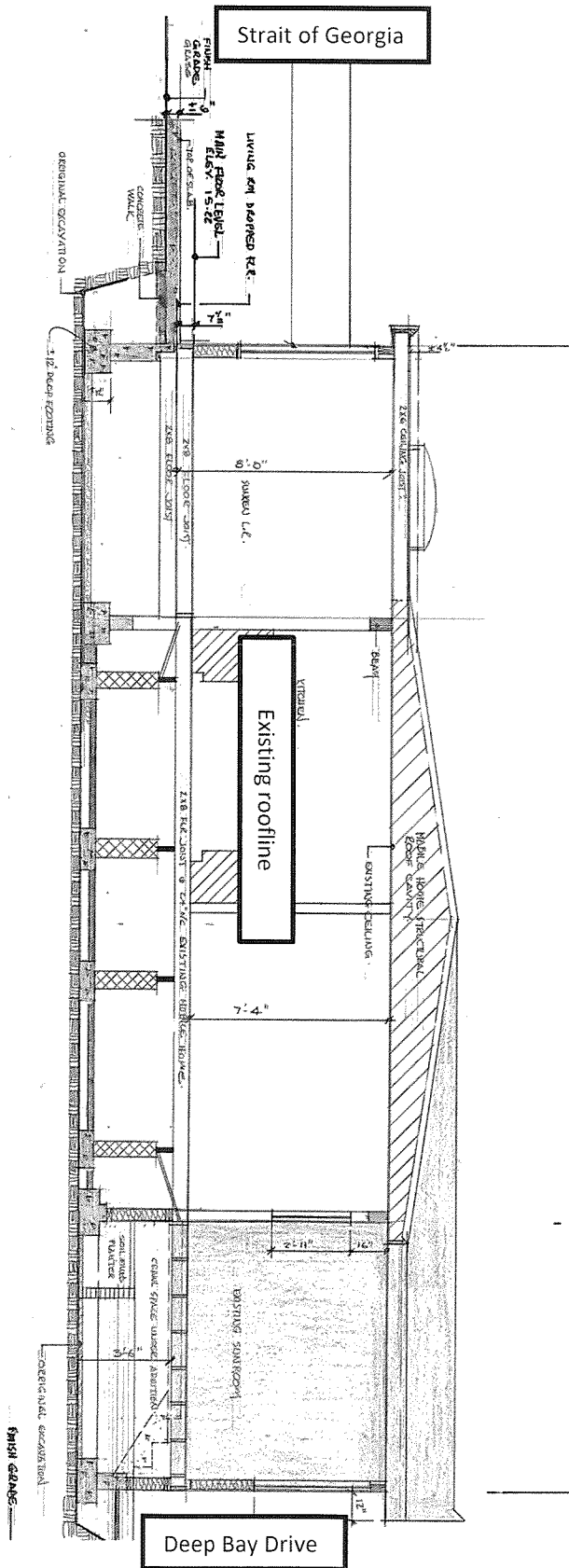
Conditions of Approval:

1. The site is developed in accordance with the Survey Plan prepared by JE Anderson & Associates, dated March 17, 2015, and attached as Attachment 3.
2. The applicant will be required to register a Section 219 restrictive covenant on the property title that includes the geotechnical engineering report prepared by Emerald Sea Engineering dated April 2, 2015 including a save harmless clause that releases the Regional District of Nanaimo from all losses and damages to life and property as a result of potential geotechnical and flood hazards.
3. The site be developed in substantial compliance with building details and elevations included as Attachments 4 and 6 to 8.
4. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

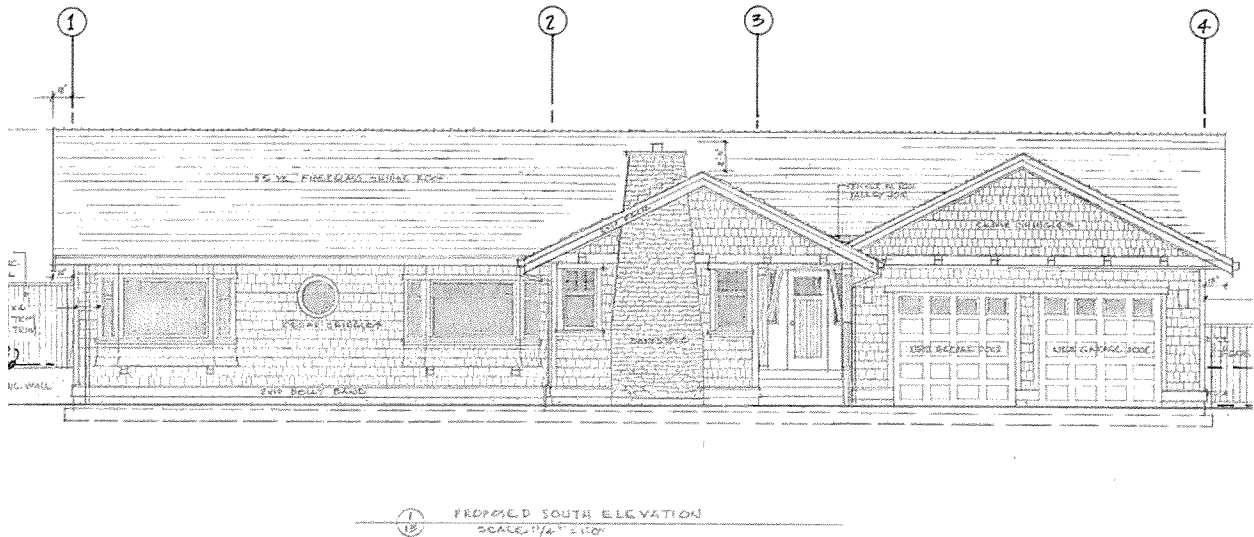
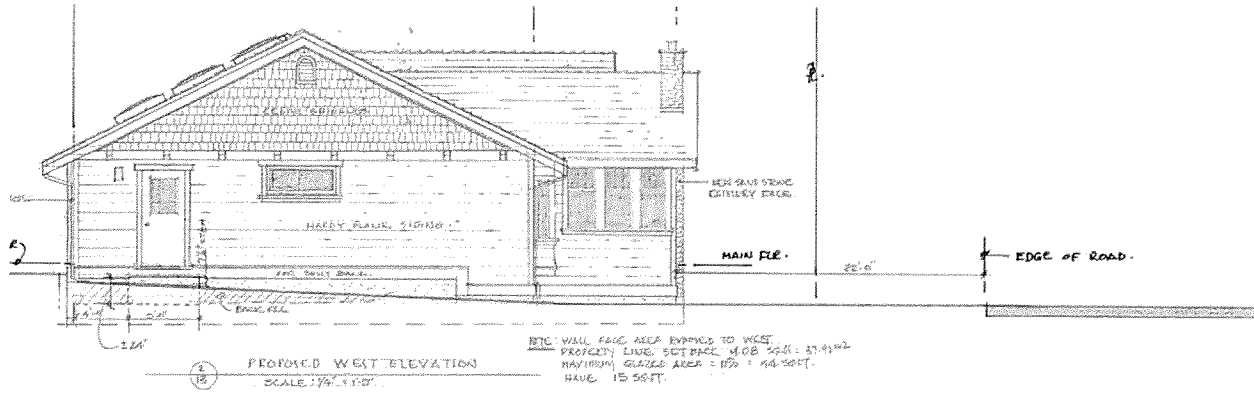
Attachment 3 Proposed Site Plan and Variances

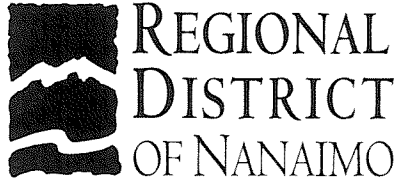


Attachment 5 Existing Roofline Section Viewed from the West



Attachment 7 Proposed West and South Building Elevations





RDN REPORT	
CAO APPROVAL	#/1
EAP	✓
COW	
APR 01 2015	
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BOARD	
DATE:	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

March 3, 2015

FROM: Robert Stover
Planning Technician

FILE: PL2015-020

SUBJECT: Development Variance Permit Application No. PL2015-020
Lot 2, District Lots 19 & 83, Nanoose District, Plan EPP16024 – 403 & 395 Lowry’s Road
Electoral Area ‘G’

PURPOSE

To consider an application for a Development Variance Permit to reduce the 30.0 metre lot line setback requirement for buildings housing livestock to facilitate construction of a dairy barn on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Clarke and Nancy Gourlay on behalf of Morningstar Springs Farm Ltd. (the site of Little Qualicum Cheeseworks) to permit the construction of a dairy barn within the 30.0 metre setback for buildings housing livestock. The subject property is approximately 35.6 ha in area and is zoned Rural 1 (RU1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment 1 Subject Property Map).

The subject property is currently occupied by a dairy farm, and is surrounded on all sides by rural zoned properties designated within the Agricultural Land Reserve (ALR). A previous Development Variance Permit (DVP No. 90312) was granted in 2003 for an existing agricultural building that did not meet the 30.0 metre setback as a result of the creation of new lot lines through subdivision of the parent parcel. The previous variance relaxed the setback requirement for the livestock building from 30.0 metres to 23.0 metres.

Proposed Development and Variance

The applicants have applied for a variance to Section 3.4.81 Minimum Setback Requirements – Buildings and structures for housing livestock or for storing manure of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” to relax the minimum required setback from 30.0 metres to 24.0 metres in order to replace an existing silo with a new dairy barn (see Attachment 3 – Proposed Site Plan and Variance). The requested variance is in relation to a north-westerly lot line abutting a neighbouring parcel. The applicants have provided a site plan of the existing farm configuration for information as shown on Attachment 4.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2015-020 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Variance Permit No. PL2015-020.

LAND USE IMPLICATIONS

Development Implications

The applicants have requested a setback variance to facilitate the replacement of an existing silo with a new dairy barn on the subject property. The applicants advise that the combination of the existing layout of agricultural buildings and the operational need to have the proposed dairy barn in close proximity to an existing cheese plant limits the choices for building locations on the site. As such, a setback variance is being requested to accommodate the building in its proposed location as shown on Attachment 3. The subject property and neighbouring parcel are both designated within the ALR.

The proposed siting of the barn is consistent with the recommended setbacks for buildings used for livestock and milking facilities (15 to 30 metres from parcel boundaries) as outlined in the Ministry of Agriculture's Guide for Bylaw Development in Farming Areas. The proposed barn will be sited greater than 30.0 metres from the neighbouring property's wellhead. Staff have reviewed the application and have not identified any environmental or land use implications that would arise from the approval of Development Variance Permit No. PL2015-020.

Strategic Plan Implications

Staff have reviewed the application and note that the proposal is consistent with the 2013-2015 Board Strategic Plan objective of strengthening the local agricultural economy so that local food systems are productive and viable, and contribute to the cultural identity of the region.

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 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the application.

SUMMARY/CONCLUSIONS

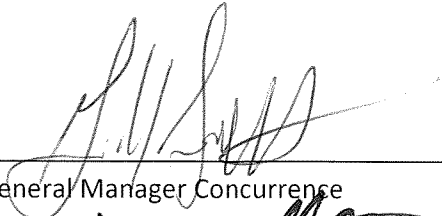
This is an application for a Development Variance Permit to reduce the 30.0 metre setback requirement of the RU1 zoning from 30.0 metres to 24.0 metres for a proposed dairy barn on the subject property. The applicants have indicated that the current building configuration and operational requirements of the dairy farm require that the proposed barn be sited in the location as outlined on Attachment 3. Given that the proposed barn has no anticipated environmental or land use implications, staff recommend the Board approve the requested variance, pending public notification and subject to the terms and conditions outlined in Attachments 2 and 3.

RECOMMENDATIONS

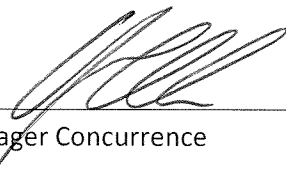
1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2015-020 to reduce the required setback for buildings housing livestock from 30.0 metres to 24.0 metres be approved subject to the conditions outlined in Attachments 2 and 3.



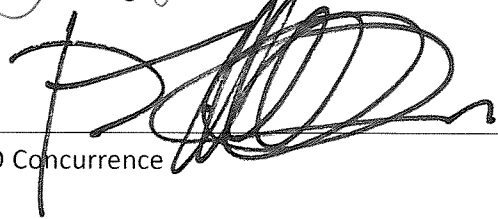
Report Writer



General Manager Concurrence

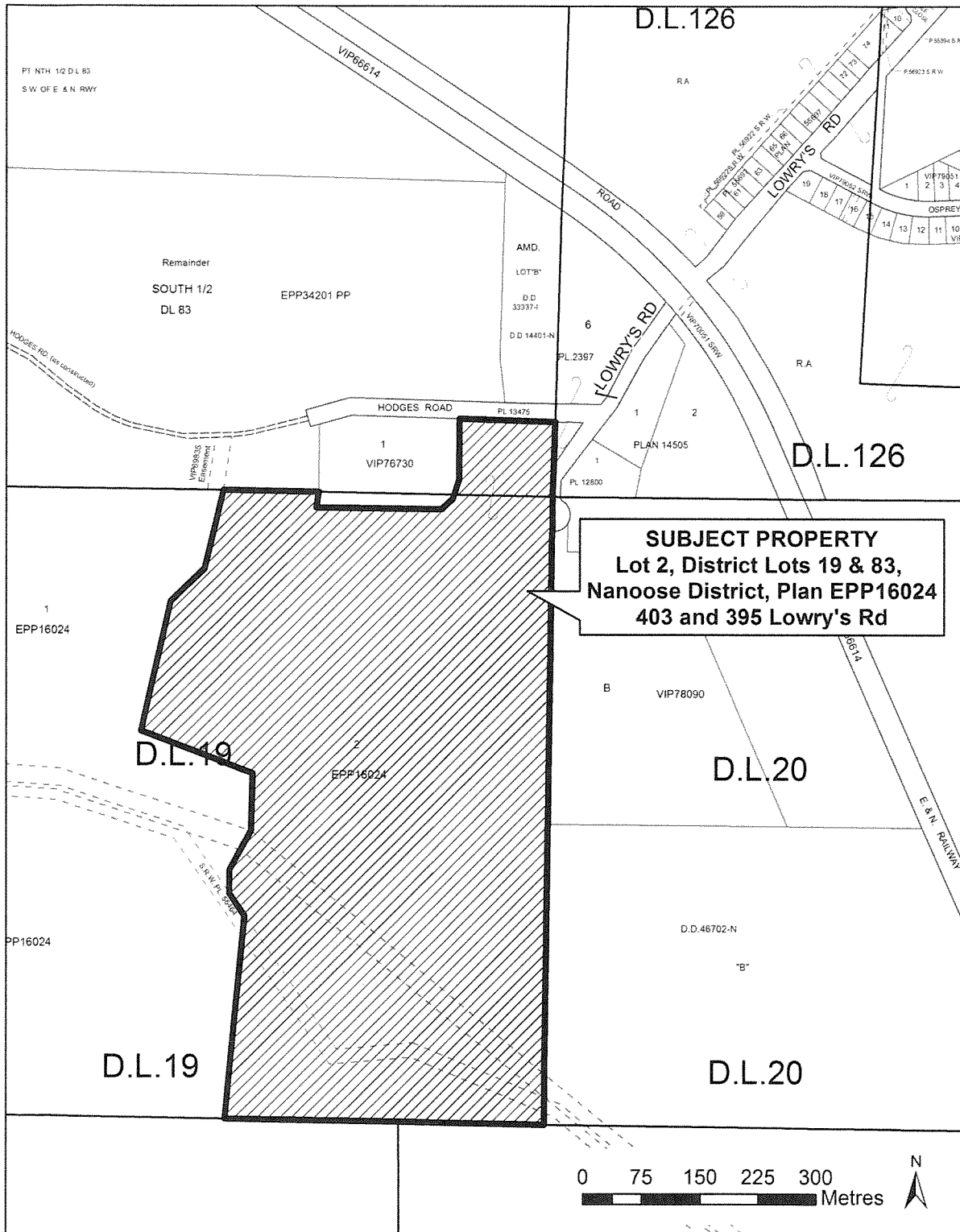


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2015-020:

Bylaw No. 500, 1987:

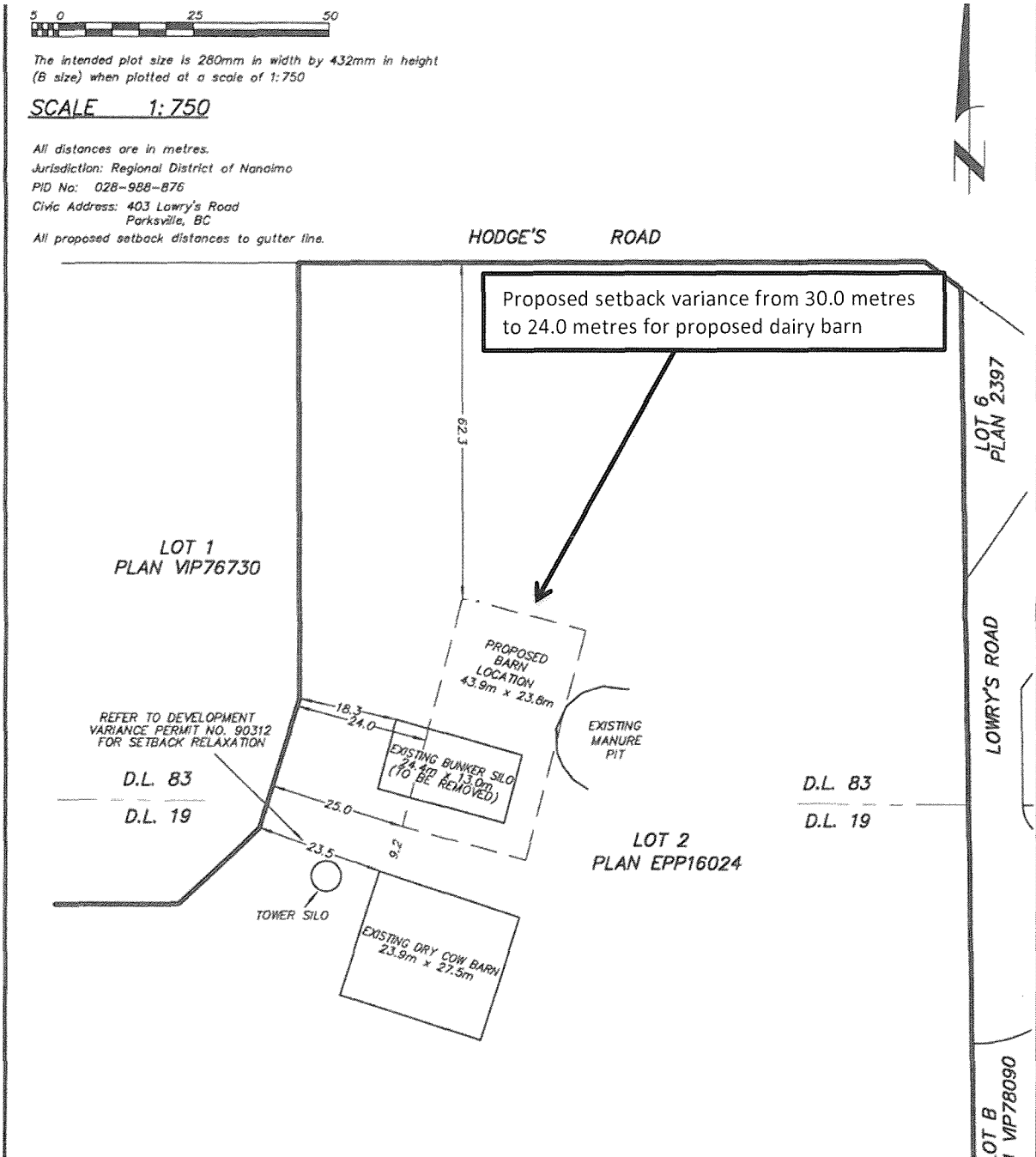
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

Section 3.4.81 Minimum Setback Requirements – Buildings and structures for housing livestock or for storing manure to reduce the minimum setback requirement from 30.0 metres to 24.0 metres to permit the construction of a dairy barn on the subject property.

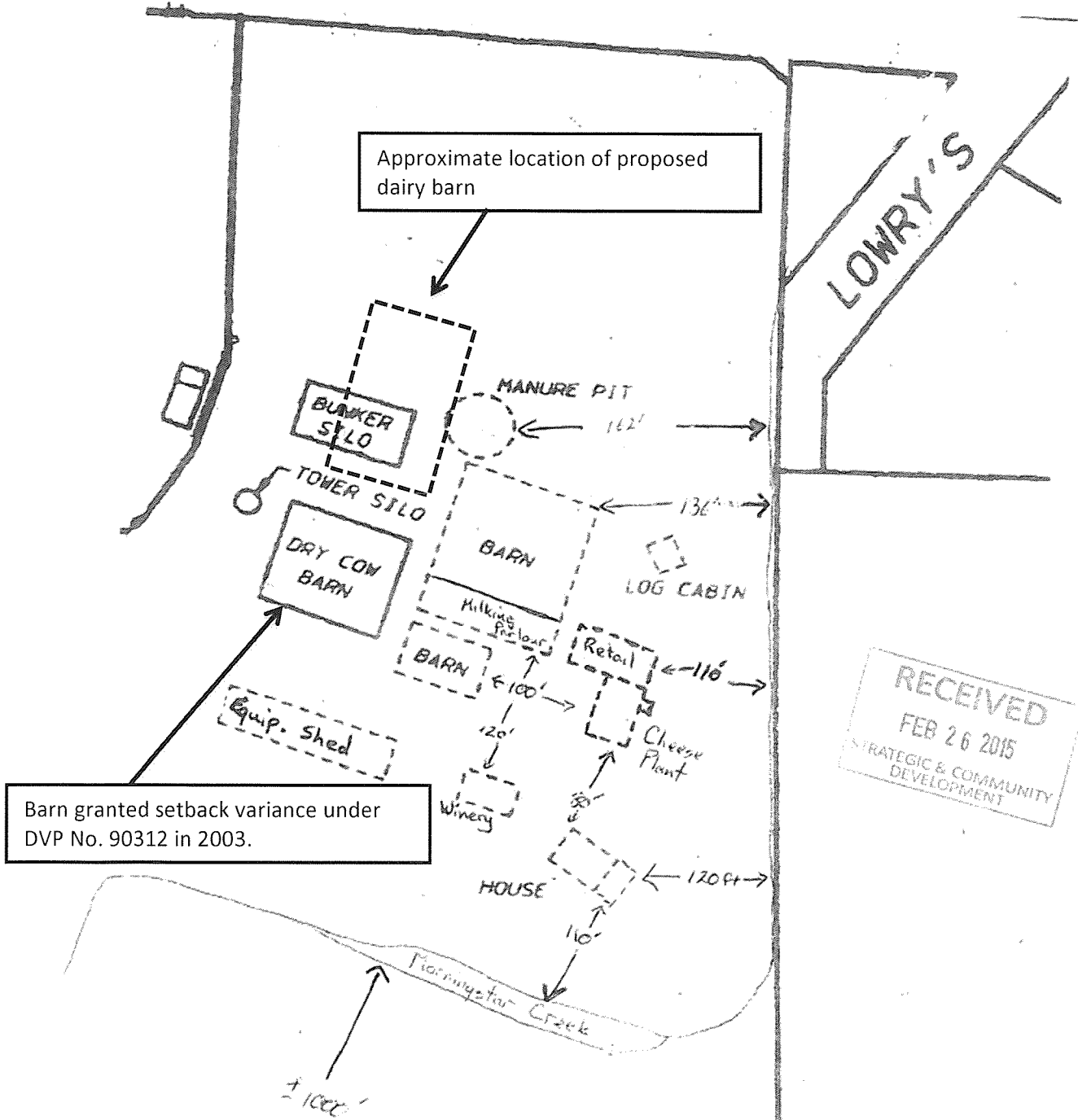
Conditions of Approval:

1. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.
2. The property shall be developed in general accordance with the survey plan, prepared by Sims Associates Land Surveying Ltd. dated February 23, 2015, as show on Attachment 3.

Attachment 3 Proposed Site Plan and Variance



Attachment 4
Current Farm Configuration





RDN REPORT		[Handwritten initials]
CAO APPROVAL		
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
APR 01 2015		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	
		DATE:

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: March 26, 2015

FROM: Tyler Brown
Planner

FILE: PL2015-013

SUBJECT: Development Variance Permit Application No. PL2015-013
Strata Lot A, Block 1438, Nanoose District, Strata Plan VIS6573 – 1005 Coldwater Road
Electoral Area 'G'

PURPOSE

Consider an application for a Development Variance Permit to reduce the side lot line setback from 8.0 metres to 2.0 metres to permit the construction of an accessory building on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Mona and Robert McRae, owners of Strata Lot A of Strata Plan VIS6573, who are also applying on behalf of Greg Medves and Stacy Cuzzocrea, owners of Strata Lot B of Strata Plan VIS6573, to reduce the side lot line setback from 8.0 metres to 2.0 metres to permit the construction of a detached garage/shop. The entire subject property, which includes both Strata Lots A and B, is approximately 2.0 ha in area and is zoned Rural 1 (RU1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". Pursuant to the *Strata Property Act*, the subject property has been split into two strata lots (the dwellings) each with approximately 1.0 ha of designated Limited Common Property (identified as private yard on the strata plan). The applicant is proposing to construct an accessory building to be used as a garage/shop on the Limited Common Property associated with Strata Lot A (see Attachment 1 – Subject Property Map). For the purpose of this report, the subject property will only be a reference to and discuss Strata Lot A, and its associated private yard (Limited Common Property), of Strata Plan VIS6573.

The northern and eastern side of the subject property is bisected by the E & N Railway which is planned as a future pedestrian trail. Moreover, the subject property is bordered by RU1 zoned properties to the south and west, the E & N Railway and a RU1 zoned parcel to the north, an Industrial 1 zoned parcel to the east and access to the parcel is from Coldwater Road. Although the RU1 zone permits Agriculture, Aquaculture, Home Based Business, Produce Stand, Residential Use, Silviculture and Secondary Suite, a covenant (EX43874) registered on the property title prohibits the Agriculture, Aquaculture and Produce Stand uses.

Proposed Development and Variance

The applicants have applied for a variance to Section 3.4.81 – Minimum Setback Requirements – from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" to reduce the north

westerly lot line setback from 8.0 metres to 2.0 metres (measured to the eaves) for the construction of a detached garage/shop (see Attachment 3 – Proposed Site Plan and Variance). The proposed accessory building is approximately 158 m² in floor area, a single story and will be designed with architectural features and roof lines similar to the existing dwelling.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2015-013 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Variance Permit No. PL2015-013.

LAND USE IMPLICATIONS

Development Implications

The applicants have requested a variance to reduce the north westerly side yard setback from 8.0 metres to 2.0 metres for the construction of an accessory building. Tree removal on the property is restricted to 50% of the tree cover on the land due to covenant EX43874 which is registered on the title of the subject property and also the surrounding properties along Coldwater Road. With the existing limitations on tree removal and considering the rural context of the area, no view implications for the adjacent properties are anticipated as a result of the applicant's proposal. In addition, the applicant has provided written statements in support of the proposed variance from the neighbouring property owners, including the property to the north west which would be impacted the most by the proposal (1025 Coldwater Road).

The proposed location of the garage/shop will allow the applicants to best utilize the existing driveway, and avoid tree removal and construction near the septic field south of the dwelling unit (see Attachment 3 – Proposed Site Plan and Variance). With respect to the proposed pedestrian trail way along the E & N Railway corridor, the applicant is citing security concerns in locating the accessory building well away from the trail. RDN Parks Staff reviewed the application and did not note any concerns or issues with the proposal.

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 Variance Permit to vary the north westerly lot line setback from 8.0 metres to 2.0 metres for a proposed garage/shop. The applicants are proposing to utilize the existing driveway and limit tree removal by siting the garage/shop on the north side of the existing dwelling. Moreover, the proposed variance would allow the proposed structure to be well removed and buffered from the E & N railway corridor that bisects the subject property. Given that the applicants are avoiding unnecessary tree removal, providing a buffer distance to the E & N Railway corridor and that no negative development implications are anticipated as a result of the proposal, staff

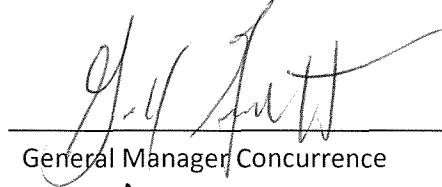
recommend the Board approve the requested variance pending the outcome of public notification and subject to the Terms and Conditions outlined in Attachment 2.

RECOMMENDATIONS

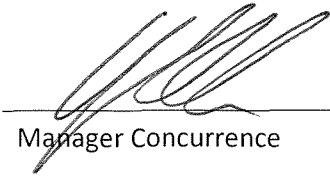
1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2015-013 to reduce the north westerly side yard setback from 8.0 metres to 2.0 metres to permit the construction of an accessory building be approved.



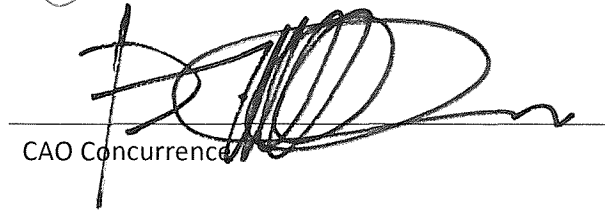
Report Writer



General Manager Concurrence

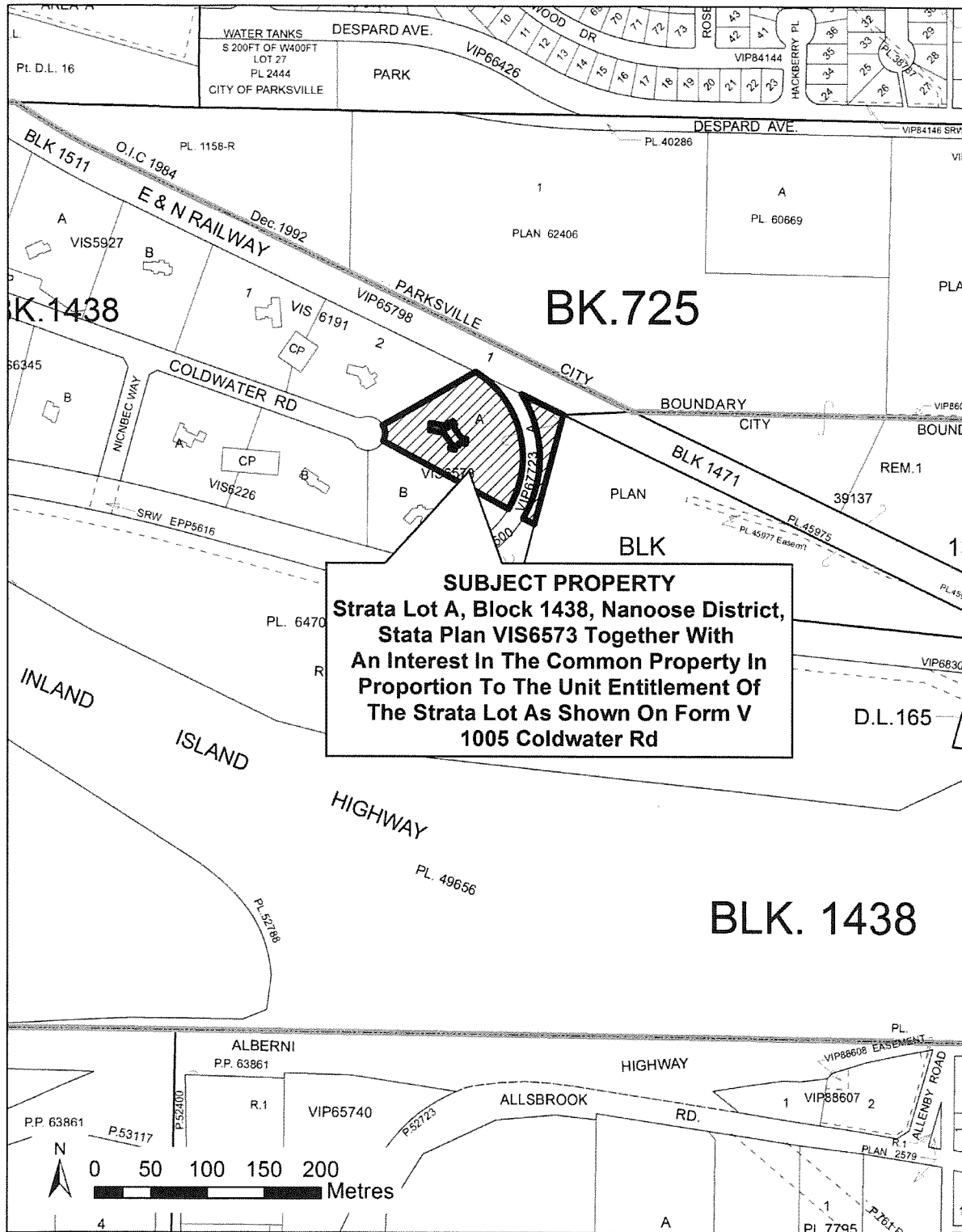


Manager Concurrence



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. PL2015-013:

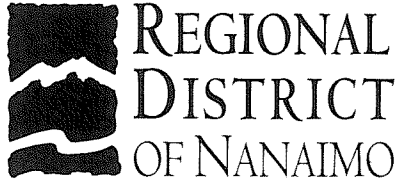
Bylaw No. 500, 1987 Variances:

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

Section 3.4.81 – Minimum Setback Requirements – All lot lines – to reduce the north westerly lot line setback from 8.0 metres to 2.0 metres (measured to the eaves) for the construction of a detached garage/shop.

Conditions of Approval:

The proposed siting of the garage/shop is in accordance with the Proposed Site Plan prepared by J.E. Anderson & Associates, dated March 12, 2015.



RDN REPORT		
CAO APPROVAL		
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
APR 01 2015		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: March 27, 2015

FROM: Tyler Brown
Planner

FILE: PL2015-030

SUBJECT: Development Variance Permit Application No. PL2015-030 - Filmer
Lot 55, District Lot 40, Newcastle District, Plan 21776
85 Blackbeard Drive – Electoral Area ‘H’

PURPOSE

To consider an application for a Development Variance Permit to reduce the watercourse setback on the subject property so it is consistent with the established Streamside Protection and Enhancement Area (SPEA).

BACKGROUND

The Regional District of Nanaimo has received an application from Brad Filmer to reduce the setback from the watercourse on the property to be consistent with the established SPEA. The subject property is approximately 0.2 ha in area and is zoned Residential 2 (RS2), pursuant to the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is surrounded by RS2 zoned parcels and access to the subject property is from Blackbeard Drive to the west (see Attachment 1 – Subject Property Map).

A watercourse (stream), running parallel to Blackbeard Drive, bisects the subject parcel and restricts the building envelope to the rear of the lot. With the exception of driveway access, which includes a bridge constructed with provincial approvals and spanning the watercourse on the property, the subject property is undeveloped (see Attachment 3 – Site Plan and Proposed Variance). In accordance with provincial regulations, a Riparian Areas Regulation Assessment Report was previously completed for the watercourse on the property which established a 10.0 metre SPEA.

Proposed Development and Variance

The applicant has applied for a variance to Section 3.3.8 a) i) – Watercourses, excluding the Sea from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" to reduce the setback from the watercourse on the subject property from 18.0 metres from the stream centre line to 10.0 metres from the present natural boundary. The variance is requested in order to provide a setback of 10.0 metres from the present natural boundary of the watercourse on the subject property which is consistent with the SPEA under the Provincial Riparian Area Regulations (RAR).

ALTERNATIVES

1. To approve Development Variance Permit No. PL2015-030 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Variance Permit No. PL2015-030.

LAND USE IMPLICATIONS

Development Implications

The applicant has requested a variance to reduce the minimum required setback from the stream on the subject property from 18.0 metres from the stream centre line to 10.0 metres of the present natural boundary. The variance request is to expand the constrained building envelope for the future construction of a dwelling unit on the subject property. Board Policy B1.5 for evaluation of Development Variance Permit Applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board's consideration. In this case the building envelope of the property is constrained by a watercourse on the subject property. As a result of zoning and RAR SPEA setbacks from the watercourse, the building envelope is constrained to the rear of the parcel. The applicant's proposal is to provide a consistent setback of 10.0 metres from the present natural boundary of the watercourse by varying the zoning setback requirement to match the established SPEA and provide an adequate building envelope for a future dwelling unit on the subject property.

Any future dwelling units or other proposed structures not exempt from the requirements of the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" (Floodplain Bylaw) will be required to meet flood construction level and the prescribed minimum 15.0 metre setback from the present natural boundary of the watercourse unless exempted through a future application to the RDN Board. If approved, the variance will permit the construction of a garage, carport, recreational structure or other structure or building that does not house toxic materials, materials that may harm the natural environment or goods damageable by flood water in accordance with the Floodplain Bylaw to within 10.0 metres from the present natural boundary of the watercourse. Any proposed structure within 30.0 metres of the present natural boundary will be subject to a development permit for Fish Habitat Protection pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003." The property owner is actively marketing the property and does not have any specific development plans for the property at this time. The variance, if approved, will reduce the building constraints for the property and allow a prospective purchaser to consider development of the parcel in a manner consistent with the SPEA, Floodplain Bylaw and Fish Habitat Protection Development Permit Area Guidelines without the need for and uncertainty of a variance. As the lot is fairly level and forested, no view implications or other negative land-use implications are anticipated as a result of the proposed variance.

Environmental Implications

The applicant previously proposed a dwelling unit on the subject property and a Riparian Areas Regulation Assessment Report was completed for the watercourse which established a 10.0 metre SPEA. As the last assessment report was completed in 2009, the applicant has submitted a memorandum dated February 27, 2015, from a Qualified Environmental Professional which reconfirms the 10.0 metre SPEA. The current application does not trigger the Riparian Areas Regulation as no physical development is being proposed. However, any future development within 30.0 metres of the watercourse will trigger

the Riparian Areas Regulation and an updated assessment report, prepared by a Qualified Environmental Professional, and a development permit for fish habitat protection will be required.

Public Consultation Process

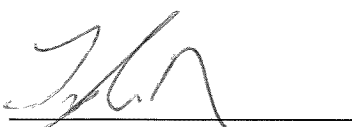
Pending the Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive 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

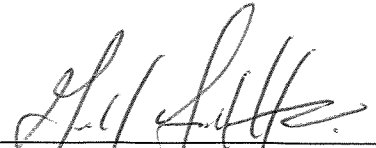
This is an application to vary the setback from the watercourse on the subject property from 18.0 metres from the stream centre line to 10.0 metres from the present natural boundary to expand the building envelope on the subject property. The potential building envelope for future structures on the subject property is constrained by a stream that bisects the property. The potential to construct a dwelling on the subject property is limited to the rear of the lot. A SPEA has been established on the subject property and the proposed variance would harmonize the zoning setback with the SPEA. The applicant has provided a memo from a Qualified Environmental Professional reaffirming the established 10.0 metre SPEA. The property owner is actively marketing the property and does not have any specific development plans for the property at this time. If approved, the variance will reduce the building constraints for the property and allow a prospective purchaser to consider development of the parcel in a manner consistent with the SPEA, Floodplain Bylaw and Fish Habitat Protection Development Permit Area Guidelines without the need for and uncertainty of a variance. Given that the subject property has a constrained building envelope, the applicant has provided a memo from a Qualified Environmental Professional reaffirming the 10.0 metre SPEA and that no negative land-use implications are anticipated from the proposed variance, staff recommend the Board approve the requested variance pending the outcome of public notification and subject to the Terms and Conditions outlined in Attachment 2.

RECOMMENDATIONS

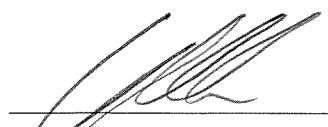
1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2015-030 to reduce the setback from the watercourse on the subject property from 18.0 metres from the stream centre line to 10.0 metres from the present natural boundary be approved subject to the conditions outlined in Attachments 2 and 3.




Report Writer



General Manager Concurrence

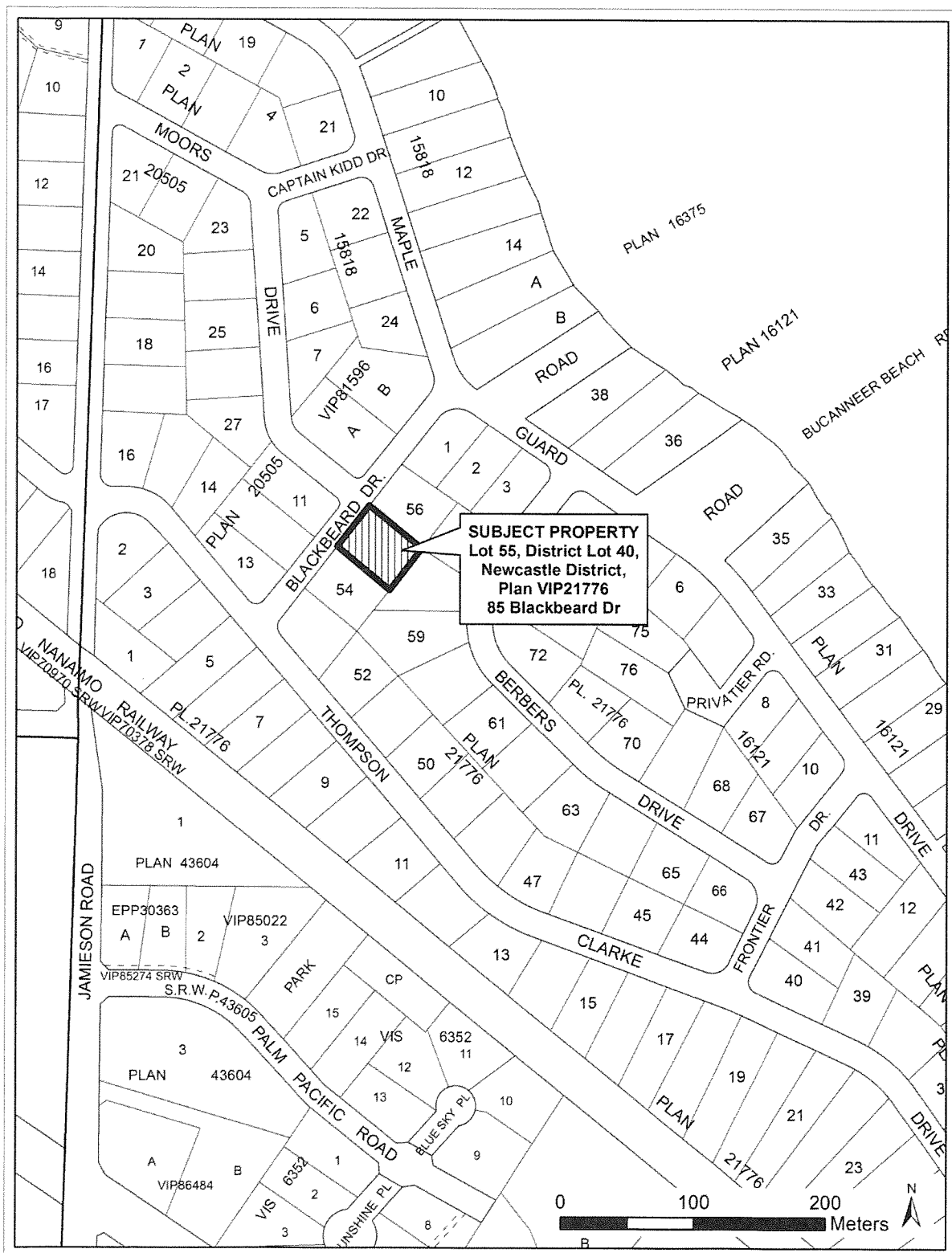


Manager Concurrence



CAO Concurrence

Attachment 1 Subject Property Map



Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2015-030:

Bylaw No. 500, 1987 Variance:

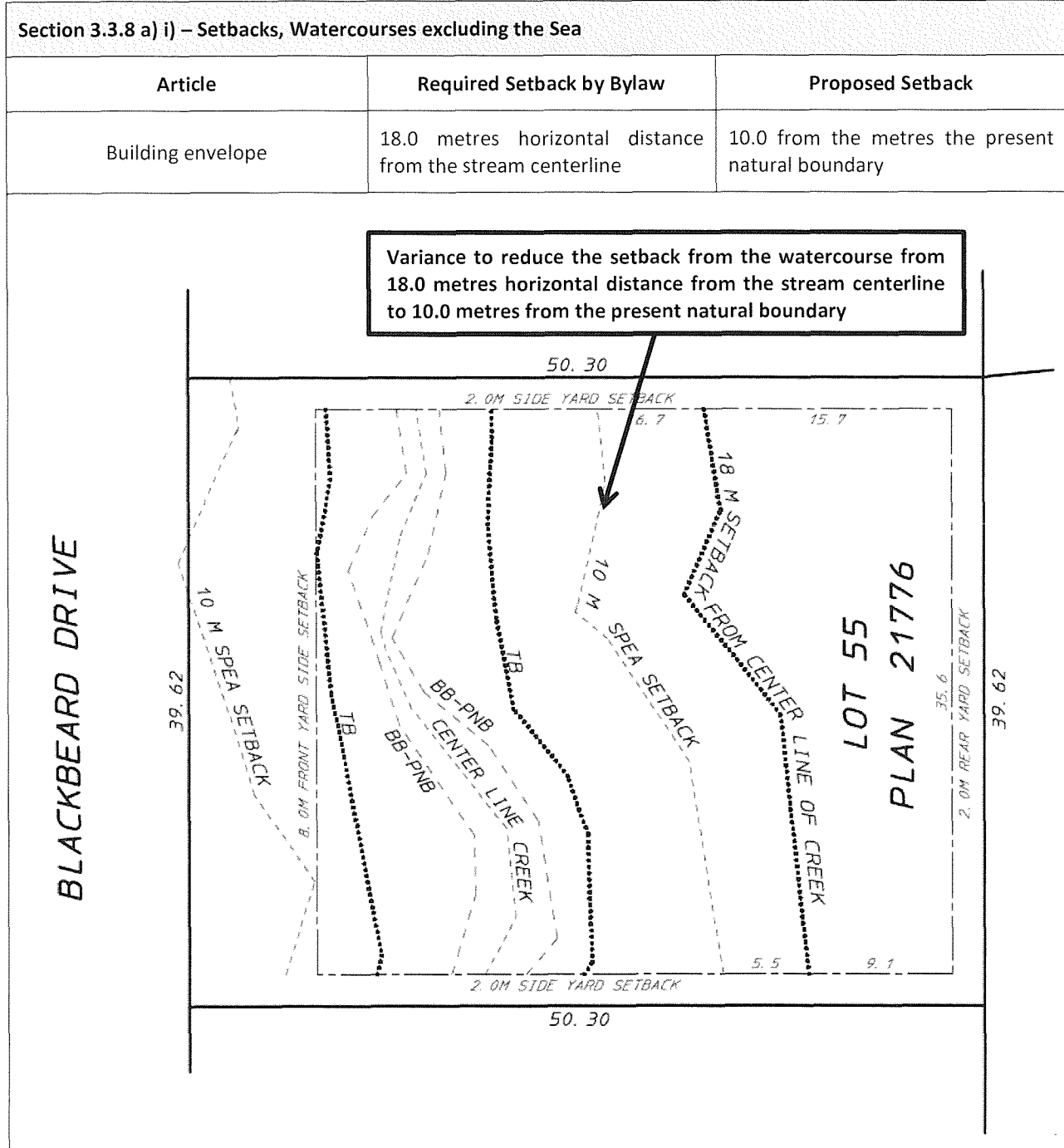
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

Section 3.3.8 a) i) – Setbacks, Watercourses excluding the Sea – to reduce required setback distance from the water course on the subject property from 18.0 metres horizontal distance from the stream centerline to 10.0 metres horizontal distance from the present natural boundary.

Conditions of Approval:

The building envelope is in accordance with the Site Plan prepared by Sims Associates Land Surveying Ltd., as shown in Attachment 3.

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





RDN REPORT		###
CAO APPROVAL		
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COW	<input type="checkbox"/>	
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RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: March 31, 2015

FROM: Tyler Brown
Planner

FILE: PL2015-034
PL2014-134

SUBJECT: Development Variance Permit Application No. PL2015-034 and Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement Subdivision Application No. PL2014-134 – Gigi and Robert Obradovic Lot C, Section 15, Range 3, Mountain District, Plan VIP68636 3389 Jingle Pot Road – Electoral Area ‘C’

PURPOSE

To consider a request to relax the minimum 10% perimeter frontage requirement in conjunction with a two lot subdivision application and to consider an application for a Development Variance Permit to permit a parcel depth greater than 40% of the perimeter on both proposed parcels.

BACKGROUND

The Regional District of Nanaimo has received an application from Gigi and Robert Obradovic for a two-lot subdivision (PL2014-134). The proposed parcel configuration results in each lot requiring a relaxation of the minimum 10% parcel frontage requirement as well as a variance to permit the parcel depth for proposed Lot 1 and Lot 2 to exceed 40% of the length of the perimeter of the parcel (see Attachment 3 – Proposed Variances and Plan of Subdivision).

The subject property is approximately 2.02 ha in area, contains an existing dwelling and greenhouse, and is zoned Rural 1 (RU1), Subdivision ‘F’ pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is surrounded by developed RU1 lots and is bordered by Jingle Pot Road to the east (see Attachment 1 – Subject Property Map). The proposed lot sizes (approximately 1.01 ha) meet the minimum parcel size pursuant to the “Regional District of Nanaimo’s Land Use and Subdivision Bylaw No. 500, 1987”, and each lot will contain a well and septic wastewater disposal system.

Proposed Development and Variance

The proposed subdivision of the subject parcel would result in two parcels, each approximately 1.01 ha in area. The applicant has applied for a variance to Section 4.5.1 – Parcel Shape and Dimensions from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" to increase the permitted parcel depth for proposed Lot 1 from 40% to 43% of the length of the perimeter of the parcel and for proposed Lot 2 from 40% to 44% of the length of the perimeter of the parcel. Parcel depth is the measured linear distance between the midpoint of the front lot line and the most distant part of the

rear lot line. The applicant is proposing a parcel depth of 248.04 metres for Lot 1 and 237.25 metres for Lot 2. A summary of the proposed variance is as follows:

<i>Proposed Lot</i>	<i>Proposed Perimeter</i>	<i>Permitted Maximum Parcel Depth (40%)</i>	<i>Proposed Parcel Depth</i>	<i>Proposed Parcel Depth as a % of Parcel Perimeter</i>
1	577.77 m	231.12 m	248.04 m	43%
2	535.76 m	214.30 m	237.25 m	44%

Minimum 10% Perimeter Frontage Requirement

Both of the proposed lots do not meet the minimum 10% parcel frontage requirement for subdivision. The frontage for the proposed parcels is as follows:

<i>Proposed Lot</i>	<i>Proposed Perimeter</i>	<i>Required Frontage (10%)</i>	<i>Proposed Frontage</i>	<i>Approximate % of Perimeter</i>
1	577.77 m	57.78 m	44.32 m	7.7%
2	535.76 m	53.58 m	42.18 m	7.9%

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

ALTERNATIVES

1. To approve Development Variance Permit No. PL2015-034 and the request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lots 1 and 2 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Variance Permit No. PL2015-034 and the request for relaxation of the minimum 10% perimeter frontage requirement.

LAND USE IMPLICATIONS

Development Implications

The applicant has requested a variance to increase the permitted parcel depth for proposed Lot 1 from 40% to 43% of the length of the perimeter of the parcel and for proposed Lot 2 from 40% to 44% of the length of the perimeter of the parcel. The applicant is also requesting a relaxation to the minimum 10% parcel frontage requirement for both of the proposed lots. The variance request and the request for relaxation to the minimum 10% frontage requirement are to permit subdivision of the existing parcel into two lots. Board Policy B1.5 for evaluation of Development Variance Permit Applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board's consideration. In this case the subdivision of the parent parcel will create two long linear lots. As a result, the length of the parcel greatly exceeds the width. The applicant's proposal avoids the need for a

panhandle configuration while providing two parcels approximately 1.0 ha in area which have suitable site area for the uses permitted in the RU1 zone. Further, the applicant's proposal retains the existing dwelling unit on proposed Lot 1 while providing an adequate building envelope on proposed Lot 2 for a future dwelling without the need for lot line setback variances. However, due to the current shape and dimensions of the existing parcel, a variance is required to address parcel depth. The proposed lots are consistent with the rural acreages in the area and no view or other negative land-use implications are anticipated.

Inter-governmental Implications

The application, was referred to the local fire department, Vancouver Island Health Authority and the Ministry of Transportation and Infrastructure (MOTI) during the rezoning of the subject property (PL2013-089). None of these agencies expressed concern with the proposed development and MOTI has issued Preliminary Layout Approval for the proposed subdivision (MOTI file 2014-05576).

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.

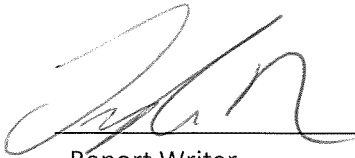
SUMMARY/CONCLUSIONS

The applicant has requested the relaxation of the minimum 10% perimeter frontage requirement and a variance to increase the permitted parcel depth for proposed Lots 1 and 2 (from 40% to 43% and 44% respectively) to permit a two-lot subdivision. Both parcels will meet the minimum parcel size requirements and provide adequate site area to support the permitted land-uses in the Rural 1 zone. Despite the reduced frontage and variances, no negative land-use implications are anticipated.

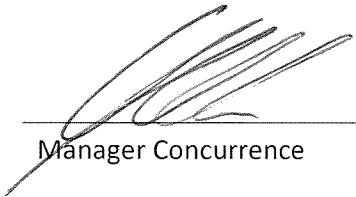
The Ministry of Transportation and Infrastructure has issued Preliminary Layout Approval for the proposed subdivision and have indicated that they have no objection to the request for relaxation of the frontage for proposed Lot 1 and 2. Given that the existing parcel is of an irregular shape that prevents subdivision in compliance with the bylaw parcel depth and frontage requirements, and that the applicant's proposal is not anticipated to negatively impact neighbouring properties, staff recommend the Board approve the frontage relaxation request and the requested variance pending the outcome of public notification and subject to the Terms and Conditions outlined in Attachment 2.

RECOMMENDATIONS


1. That staff be directed to complete the required notification for Development Variance Permit No. PL2015-034.
2. That Development Variance Permit No. PL2015-034 to increase the permitted parcel depth for proposed Lot 1 from 40% to 43% of the length of the perimeter of the parcel and for proposed Lot 2 from 40% to 44% of the length of the perimeter of the parcel be approved subject to the conditions outlined in Attachments 2 and 3.
3. That the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 1 and proposed Lot 2 in relation to subdivision application PL2014-134 be approved.



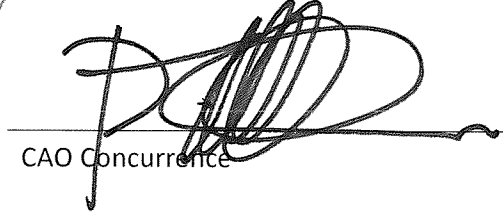
Report Writer



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. PL2015-034:

Bylaw No. 500, 1987 Variances:

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

Section 4.5.1 – Parcel Shape and Dimensions – to increase the permitted parcel depth for proposed Lot 1 from 40% to 43% of the length of the perimeter of the parcel and for proposed Lot 2 from 40% to 44% of the length of the perimeter of the parcel as shown on Attachment 3.

Condition of Approval:

The site shall be developed in accordance with the Proposed Subdivision Plan prepared by Sims Associates Land Surveying Ltd., dated November 11, 2014.



RDN REPORT	
CAQ APPROVAL	
EAP	✓
COW	
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BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: April 1, 2015

FROM: Angela Buick
Planner

FILE: PL2014-087

SUBJECT: Zoning Amendment Application No. PL2014-087 – Huock Estate Developments Ltd., Inc.
No. BC0962085
Lot 1 District Lot 90 Newcastle District Plan EPP41641
Horne Lake Road and Inland Island Highway - Electoral Area 'H'
1st and 2nd Reading Report - Amendment Bylaw No. 500.398, 2015

PURPOSE

To consider an application to rezone the subject property from Rural 1 (RU1) zone, Subdivision District 'D' to Rural 6 (RU6) zone, Subdivision District 'B'.

BACKGROUND

An application has been received from Fern Road Consulting Ltd. on behalf of Huock Estate Developments Ltd., Inc. No. BC0962085 to rezone the subject property in order to facilitate a five-lot subdivision. The parcel is approximately 13.5 ha in area and is comprised of four pieces of land intersected by Horne Lake Road and the Inland Island Highway. Moreover, the subject property is surrounded by Rural 1 zoned parcels within the Agricultural Land Reserve (ALR) (see Attachment 1 - Subject Property Map).

Agricultural Land Commission (ALC) permitted the exclusion of the subject property from the ALR subject to the approval and registration of a four-lot subdivision (PL2013-024), which occurred on January 28, 2015. This zoning amendment application now proposes rezoning of the subject property to allow a five-lot rural residential subdivision.

Proposed Development

The applicant proposes to rezone the subject property from Rural 1 (RU1) zone, Subdivision District 'B' to Rural 6 (RU6) zone, Subdivision District 'D' in order to permit a five lot subdivision (see Attachment 3 – Proposed Plan of Subdivision). The Permitted Uses within the RU1 zone are identical to the proposed RU6 zone. However, the RU1 zone permits two dwelling units per parcel for parcels greater than 2.0 ha in size, whereas the RU6 zone limits the number of dwelling units per parcel to one regardless of the parcel size.

ALTERNATIVES

1. To proceed with Zoning Amendment Application No. PL2014-087, consider first and second reading of the bylaw and proceed to public hearing.
2. To not proceed with the Bylaw readings and public hearing.

LAND USE IMPLICATIONS

Official Community Plan Implications

The subject property is designated within the Rural Lands pursuant to the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”. Pursuant to this designation, a parcel may be considered for rezoning to a 2.0 ha minimum parcel size if the proposal is consistent with the following criteria (OCP Policy 5.3.4):

- a) Only one dwelling unit per parcel is permitted;
- b) A bare land strata subdivision is not proposed;
- c) No road frontage relaxation is required;
- d) No further road dedication to accommodate parcel frontage or additional parcels;
- e) A comprehensive plan for subdivision of the area being rezoned is provided with a report from a recognized professional with a geotechnical and hydrogeological experience indicating an assessment of the environmental suitability of the subdivision.

Through the proposed concept plan of subdivision and the information submitted in support of the application, the applicant has demonstrated that compliance with these criteria can be achieved. In order to satisfy these OCP criteria, the applicant is amending the zoning from RU1 to RU6 and thereby limiting the number of dwelling units to one dwelling unit per parcel. To further satisfy the OCP criteria, a Section 219 restrictive covenant shall be registered on the title requiring that the development be in general compliance with the proposed Plan of Subdivision; that no Bare Land Strata subdivision as per the Strata Property Act shall be permitted; and, no parcel less than 2.0 hectares in area be created through subdivision of the lands (see Attachment 2 – Conditions of Zoning Amendment).

Through consultation with the Ministry of Agriculture and pursuant to Policy 5 of the OCP, Staff recommends that the following items be secured through registration of a *Land Title Act* Section 219 Covenant on the title to the subject property:

- a. preservation of a 30.0 metre minimum setback from the ALR boundary for all habitable buildings and;
- b. No vegetation removal within a 15 metre buffer along the northern lot line adjoining the ALR boundary (this will apply to proposed Lot E only following subdivision approval).

In keeping with the objectives of the OCP with regards to transportation, Section 4.3.4, for the protection of the Inland Island Highway Corridor, it is recommended that the applicant be required to register a Section 219 covenant requiring a 15 metre setback from the Highway for buildings and structures.

Development Implications

The existing RU1 zoning of the subject property allows agriculture, aquaculture, home-based business, produce stand, silviculture, and residential use (up to two dwellings per parcel greater than 2.0 ha). The RU6 zone permits identical uses to the RU1 zone, however, the RU6 zone permits only one dwelling unit per parcel regardless of size. This proposed reduction in density by rezoning to RU6 is consistent with OCP policy in support of this application (see Attachment 6 — Proposed Amendment Bylaw 500.398, 2015).

In recognition of the increased development potential that would be achieved through re-zoning the subject property, the applicant, through consultation with the RDN, Ministry of Transportation and Infrastructure (MOTI), and the local community, is offering a community amenity contribution in the form of 0.2 ha of land or an alternate cash contribution of \$5,000 toward park improvements as explained below. The land is proposed to be dedicated as road with the intended future use being a rest area. The proposed location of the area of dedicated road is shown on Attachment 4. However, dedication of the land as road is subject to the approval of the Provincial Approving Officer (POA). As such, the applicant has offered an alternative community amenity contribution of \$5,000 towards local parks improvements in the event that land proposed for dedication cannot be provided in a satisfactory location or within the subdivision approval process.

Although no improvements to the proposed rest area dedication will be provided through this zoning amendment, the current owner of the subject property has requested that future improvements include garbage receptacles, community signage, washroom facilities and that the land not be developed as a “park-and-ride” while the subject property remains zoned for residential use. To this end, the limited size of the area offered by the applicant is intended to limit the scale of the future use to a relatively small rest area. MOTI controls the use of roads and would require a permit for any improvements to the dedicated area. Future consultation between MOTI, RDN and the community would be required prior to any improvements of the land taking place and the improvements could be designed such that use of the area will function as a rest area, rather than as a “park-and-ride”. Funding options for future improvements will also require board considerations at a later date and the nature of the improvement would be considered at that time. The applicant has offered the following two community amenity contribution options with the final community amenity contribution to be determined based on the outcome of the subdivision application review and provided prior to final approval of the subdivision:

1. A portion of land in the amount of 0.2 ha in size for the intended future use as a rest area, where the preferred location of the land is as identified on Attachment 4, or in a location as otherwise mutually agreed upon by the property owner, the Regional District of Nanaimo and the Ministry of Transportation and Infrastructure, or
2. A cash contribution of \$5,000 towards park improvements within Electoral Area ‘H’ in the Horne Lake area.

Should provision of land as outlined in Option 1 prove not to be feasible within the subdivision approval timeline, the applicant will provide \$5,000 cash for area park improvements prior to subdivision final approval as outlined in Option 2. Staff recommends that the Board support the proposed community amenity contribution options and that the proposed community amenity contribution be secured through registration of a *Land Title Act* Section 219 covenant as a Condition of Approval as outlined in Attachment 2.

Environmental Implications

In order to satisfy Board Policy B1.21 Groundwater - Application requirements for rezoning of un-serviced lands, the applicant has submitted a preliminary hydrogeological assessment which concludes that the proposed five-lot subdivision would have negligible impact on the drinking water aquifer in this area and that the additional wells would not have a significant impact on the groundwater resource. The report anticipates that groundwater wells in this area will be able to meet the minimum required volume of 3.5 m³ per day due to the nature of the aquifer. The recommendations in the report are consistent with Island Health's standard Subdivision Regulations for providing safe distances between groundwater wells and septic systems. Policy B1.21 requires that prior to final adoption of the amendment bylaw a Section 219 covenant must be registered on title which will require that the wells be constructed and tested, and a report submitted to the RDN prior to final approval of subdivision. The report must comply with the requirements as outlined in Policy B1.21.

Public Consultation Implications

A Public Information Meeting (PIM) was held on January 26, 2015. Twenty-eight people attended this meeting in addition to the land owners, the agent and RDN staff (see Attachment 5 - Summary of PIM Minutes). If the proposed Amendment Bylaw receives first and second reading the proposal will proceed to Public Hearing pursuant to Section 890 of the *Local Government Act*.

Strategic Plan Implications

Staff have reviewed the proposal and have identified no Strategic Plan implications.

Inter-governmental Implications


The Ministry of Transportation and Infrastructure has reviewed the proposed amendment and have the following comments, no direct access shall be granted to the Inland Island Highway and no additional drainage shall be directed toward the Inland Island Highway's drainage system. The application has also been referred to Island Health and the Local Fire Chief and neither expressed concerns with the proposal. The proposal was also submitted to the Ministry of Agriculture for its review and comments on lands adjacent to ALR lands. The referral comments from the Ministry of Agriculture are discussed under Official Community Plan Implications.

SUMMARY/CONCLUSION

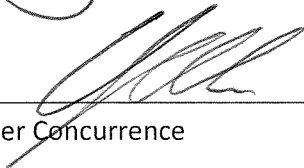
The applicant proposes to rezone the subject property from Rural 1 zone, Subdivision District 'B' to Rural 6, Subdivision District 'D' in order to permit a five-lot subdivision. The applicant has submitted a Preliminary Hydrogeological Assessment which concludes that the land can support the proposed five-lot subdivision in order to satisfy Policy B1.21. As the lands are in close proximity to ALR lands, the applicant will be required to register a Section 219 covenant on all proposed lots, requiring a 30.0 metre minimum setback from all ALR boundaries for all habitable buildings and on proposed Lot E only, to ensure the retention and maintenance of a 15 metre vegetative buffer to be maintained in accordance with the Ministry of Agriculture's - Guide to Edge Planning. The applicant has offered 0.2 ha of land for use as a "Rest Area" or in lieu of this, \$5,000 toward parks improvements as a community amenity contribution to be confirmed at the time of subdivision. As the application is consistent with established OCP and Board policies; staff recommend that the Board support first and second reading of "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.398, 2015.

RECOMMENDATIONS

1. That the Summary of the Public Information Meeting held on January 26, 2015, be received.
2. That the conditions set out in Attachment 2 of the staff report be completed prior to Bylaw No. 500.398, 2015", being considered for adoption.
3. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.398, 2015", be introduced and read two times.
4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.398, 2015", be chaired by Director Veenhof or his alternate.



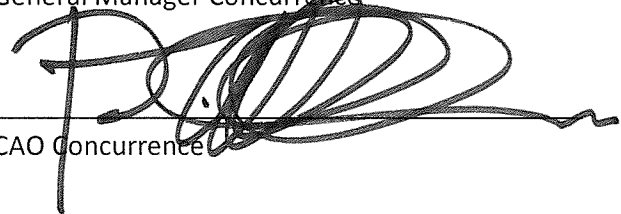
Report Writer



Manager Concurrence

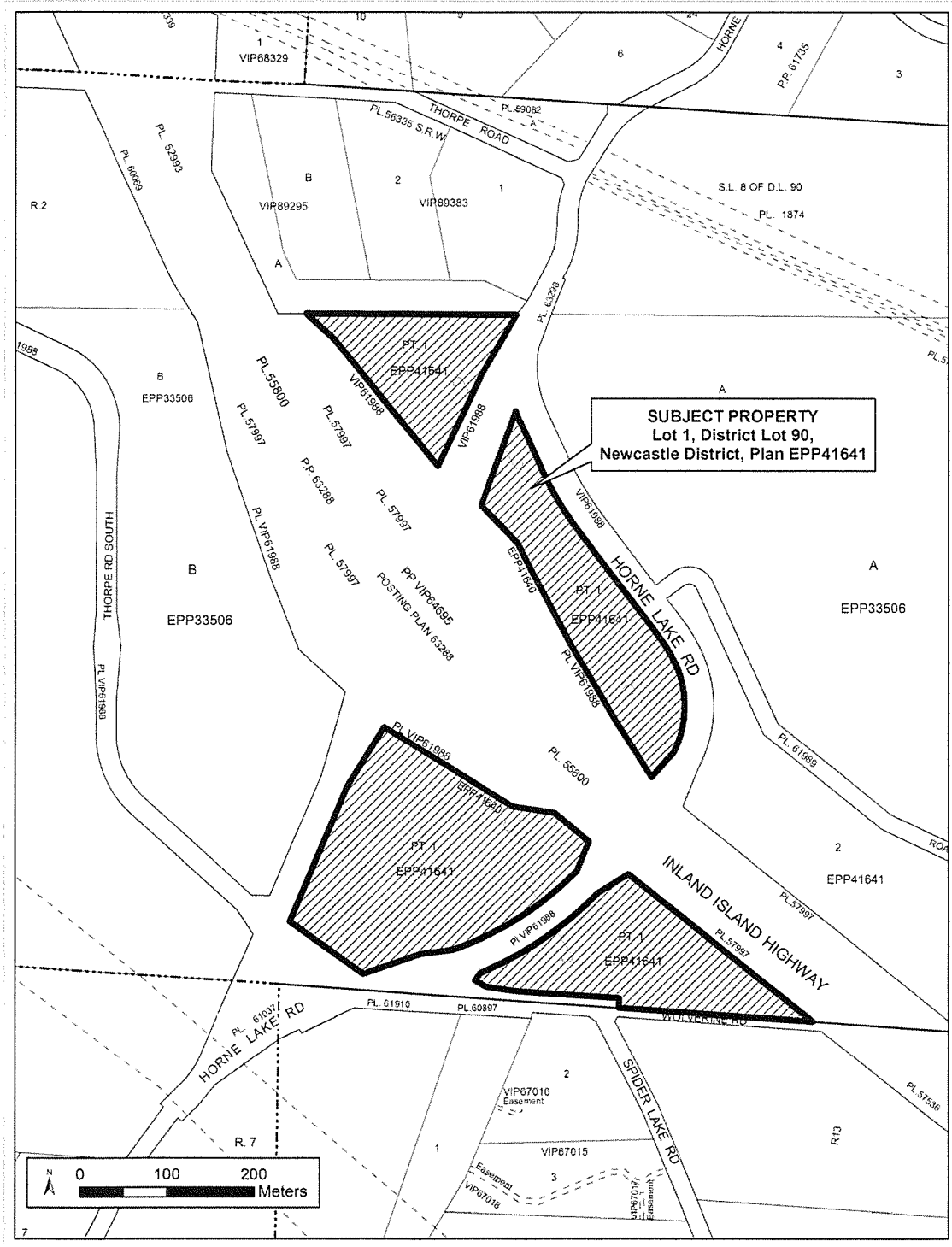


General Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



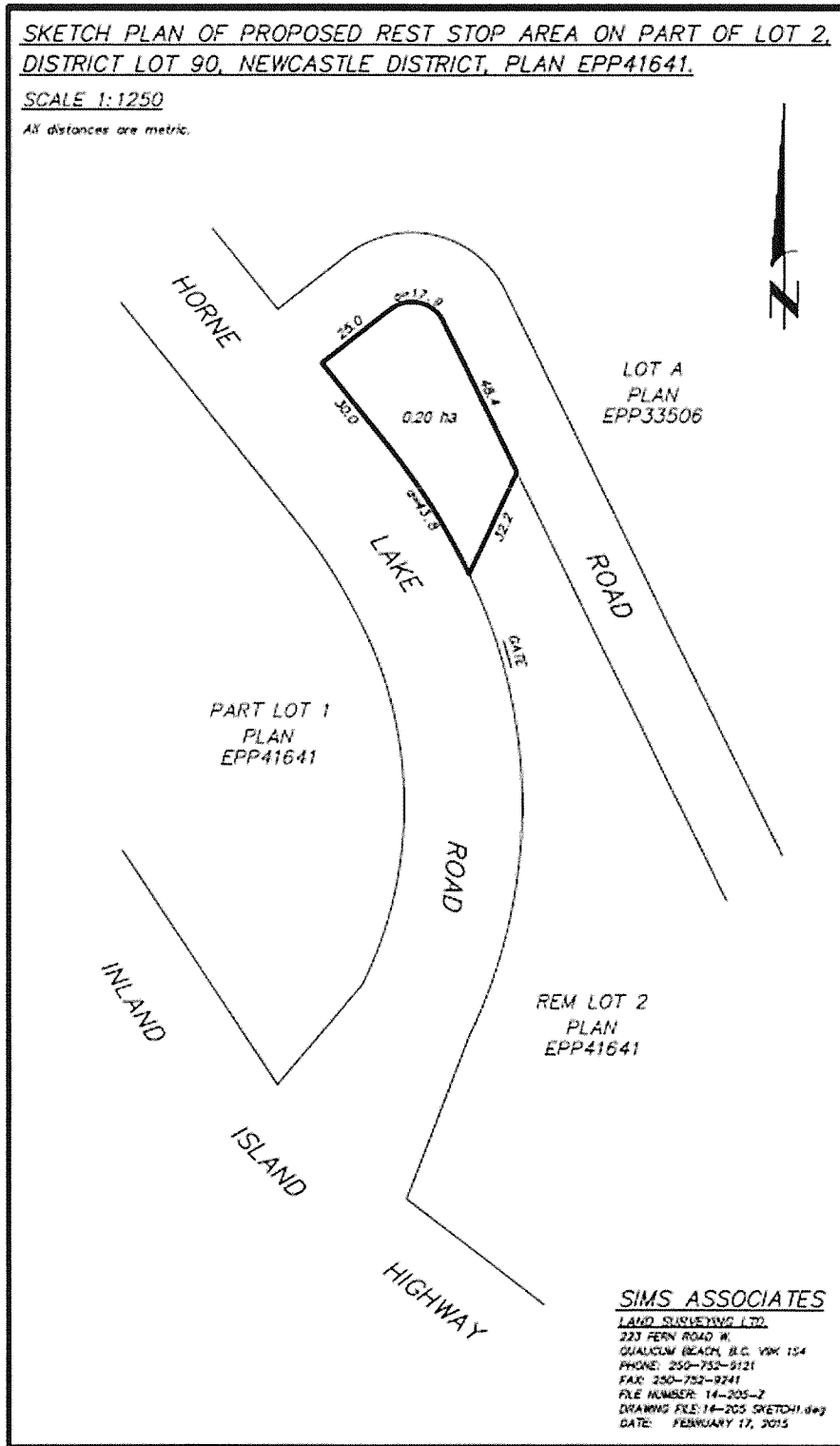
Attachment 2 Conditions of Zoning Amendment

The following is required prior to the “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.398, 2015” being considered for adoption:

1. The following items must be secured through registration of a *Land Title Act* Section 219 Covenant on the title of all lots adjoining ALR lands:
 - a. No habitable buildings shall be constructed within 30 metres of the ALR boundary.
 - b. No vegetation removal and maintenance of a 15 metre buffer along the northern lot line adjoining the ALR boundary (this will apply to proposed Lot E only following subdivision approval), and;
 - c. The covenant is to include a disclosure statement, in accordance with the Ministry of Agriculture's Guide to Edge Planning, indicating the potential for nearby farming activity on ALR lands.
2. The applicant shall register a Section 219 covenant on the property title requiring a 15 metre setback for all buildings and structures (with the exception of sound attenuation fencing) along property boundaries adjacent to the Inland Island Highway (Hwy 19).
3. The applicant shall register a Section 219 covenant on the property title requiring that the development shall be in general compliance with the proposed Plan of Subdivision, that no Bare land Strata subdivision as per the *Strata Property Act* shall be permitted and that no parcel less than 2.0 hectares in area be created through subdivision of the lands. Notwithstanding this, the permitted land uses and further subdivision of the lands are subject to change based on future amendments to the Area ‘H’ Official Community Plan and/or Zoning Bylaws. In such circumstances, the covenant shall not restrict the Owners from any uses and further subdivision (including bare land Strata) that are in compliance with the amended Area H OCP and applicable zoning regulations, and the parties agree to modify the covenant accordingly.
4. The applicant shall register a Section 219 covenant on the property title requiring that wells be constructed and tested consistent with RDN Policy B1.21, on each new parcel, and a report submitted to the RDN, prior to final approval of subdivision.
5. The applicant shall register a Section 219 Covenant on title to the subject property and Lot 2, EPP41641 as required to secure the following community amenity contribution options with the final community amenity contribution to be determined through subdivision application review:
 - a. A portion of land in the amount of 0.2 ha in size for the intended future use as a rest area is to be provided concurrent with final approval of subdivision, where the preferred location of the land is identified on Attachment 4, or as otherwise mutually agreed upon by the property owner, the Regional District of Nanaimo and the Ministry of Transportation and Infrastructure, or
 - b. \$5,000 towards park improvements within Electoral Area ‘H’ in the Horne Lake area prior to final approval of subdivision.

Attachment 4

Proposed location of Land to be donated as a Community Amenity Contribution



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

**Summary of Minutes of a Public Information Meeting
Held at Qualicum Bay Lions Club, 280 Lions Way, Qualicum Beach
January 26, 2015, 6:30 p.m.**

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 28 members of the public in attendance at this meeting.

Present for the Regional District of Nanaimo:

Director Bill Veenhof, Electoral Area 'H' (the Chair)
Angela Buick, Planner
Jeremy Holm, Manager of Current Planning

Present for the Applicant:

Helen Sims and Rachel Hamling, Agents, Fern Road Consulting Ltd.
Ed Hughs and Mike Warlock, Subject Property Owners

The Chair opened the meeting at 6:30 pm, outlined the evening's agenda, and introduced the Regional District of Nanaimo (RDN) staff and the applicants in attendance. The Chair then stated the purpose of the Public Information Meeting and asked RDN staff to provide background information concerning the development application.

Angela Buick provided a brief summary of the proposed Zoning Amendment application, supporting documents provided by the applicant, and the application process.

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

Rachel Hamling, Fern Road Consulting Ltd. presented an overview of the proposal.

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

Dick Stubbs, 6920 Island Highway West, questioned if parcels will be limited to one dwelling unit and suites.

Staff clarified zoning and dwelling limitations.

Keith Nickerson, 255 Kenmuir Road, expressed concerns relating to water and asked if there was a professional hydrogeological study provided.

Staff explained a Preliminary Hydrogeological Report was conducted and submitted to address the proposed use and is available for viewing.

Tuesday Riviere, 714 Spider Lake Road, inquired as to how many dwelling units in total?

Staff stated 5 dwellings and 5 suites.

A few residents posed questions relating to the rest stop and if it would become a park and ride, if it would be 24 hour open access.

John Farris, Spider Lake Road, questioned how much land will it use?

Barry Bartsen, 1195 Spider Lake Road, inquired about zoning.

Rachel Hamling, agent to applicant, provided an overview of the proposal.

Anna Campbell, 1025 Spider Lake Road, stated that she felt the community amenity contribution was a generous offer as it was to include a toilet, a garbage receptacle based on all the illegal dumping in the area.

Bud Clark, asked if there would be minimal smoke during the land clearing process.

Ed Hughs, Applicant, Stated harvesting was completed and they adhered to the regulations and respected the residents.

John Farris, Spider Lake Road, raised concerns with the rest stop as he is an adjacent land owner.

Tuesday Riviere, 714 Spider Lake Road, inquired to the process for completion.

Staff explained process. The estimated time would be approximately 11 months to complete the subdivision.

Lyle Campbell, 1025 Spider Lake Road, stated he felt that a designated stop, with garbage receptacle would be valuable and then people would use it.

Rob Neale, Spider lake Road, stated even if there was proper disposal, people will continue to illegal dump.

Barry Bartsen, 1195 Spider Lake Road, supports proposal.

John Farris, Spider Lake Road, supports rural uses in proposal but does not support a rest stop in the area.

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 7:10 pm.



Angela Buick
Recording Secretary

**Attachment 6
Proposed Amendment Bylaw No. 500.398, 2015**

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.398, 2015**

**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. 500.398, 2015”.
- B. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:
 - 1. By rezoning the lands shown on the attached Schedule ‘1’ and legally described as:

Lot 1 District Lot 90 Newcastle District Plan EPP41641

From Rural 1 (RU1) Subdivision District ‘B’ to Rural 6 (RU6) Subdivision District ‘D’

Introduced and read two times this ___ day of _____ 2015.

Public Hearing held this ___ day of _____ 20XX.

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

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

Adopted this ___ day of _____ 20XX.

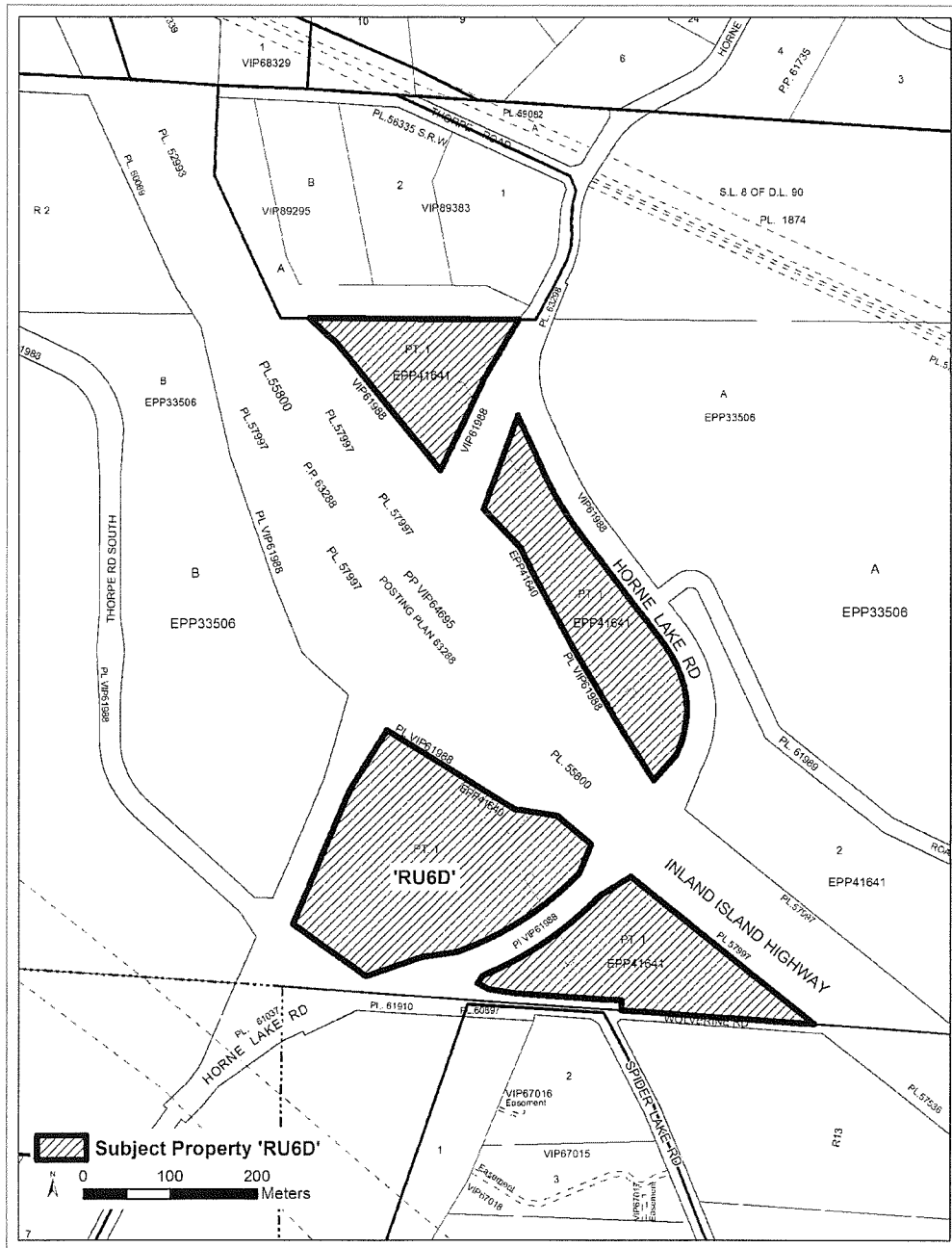
Chairperson

Corporate Officer

Chairperson

Corporate Officer

Schedule '1'





RDN REPORT	
CAO APPROVAL	
EAP	
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APR 01 2015	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: April 1, 2015

FROM: Tyler Brown
Planner

FILE: PL2015-021

SUBJECT: Zoning Amendment Application No. PL2015-021 – J.E. Anderson & Associates
Lot 7, Sections 9 and 10, Range 4, Mountain District, Plan 36191
2790/2800 Benson View Road – Electoral Area ‘C’
Amendment Bylaw 500.399 – 1st and 2nd Reading

PURPOSE

Consider an application to rezone the subject property from Rural 1 Zone (RU1), Subdivision District ‘D’ to Rural 1 Zone, Subdivision District ‘F’ in order to permit a subdivision of the property into two approximately 1.0 ha lots.

BACKGROUND

A Zoning Amendment Application has been received from J.E. Anderson & Associates on behalf of owner Allan Pennington to rezone the subject property in order to permit a two lot subdivision. The property is approximately 2.04 ha in area and contains two existing dwellings, a detached shed, and human-made channel and ponds. The two dwellings are currently served by a single septic system and a single well. The property is surrounded by developed RU1 lots and is bordered by Benson View Road to the south (see Attachment 1 – Subject Property Map).

Proposed Development

The applicant proposes to rezone the property from Rural 1 Zone (RU1), Subdivision District ‘D’ (2.0 ha minimum parcel size) to Rural 1 Zone, Subdivision District ‘F’ (1.0 ha minimum parcel size) (see Attachment 2 – Conditions of Approval and Attachment 5 – Proposed Amendment Bylaw No. 500.399, 2015).

The requested amendment would permit a proposed two lot subdivision pursuant to the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The proposed lots will be approximately 1.0 ha in area and limited to one dwelling unit per parcel (see Attachment 3 – Proposed Plan of Subdivision).

ALTERNATIVES

1. To proceed with Zoning Amendment Application No. PL2015-021, consider first and second reading of the Amendment Bylaw and proceed to public hearing.
2. To not proceed with the Amendment Bylaw readings and public hearing.

LAND USE IMPLICATIONS

Official Community Plan Implications

The subject property is designated Rural Residential in the “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997.” This designation supports the subdivision of a parcel that existed prior to the adoption of the Official Community Plan (OCP) to a parcel size less than 2.0 ha but not less than 1.0 ha in area.

As OCP policy does not permit new parcels less than 1.0 ha area and Bylaw No. 500 contains parcel averaging provisions, staff recommend that the applicant be required, prior to the final adoption of the amendment bylaw, to register a Section 219 restrictive covenant requiring any new parcels to be greater than 1.0 ha in area (see Attachment 2 – Conditions of Approval). As the proposed plan of subdivision would create two parcels, each with an approximate area of 1.0 ha with neither proposed parcel permitting more than one dwelling unit. The proposed amendment is consistent with the OCP policies.

Development Implications

The existing zoning (Rural 1) of the subject property allows agriculture, aquaculture, home-based business, produce stand, silviculture, and residential use with two dwellings currently permitted on the parcel as it exceeds 2.0 ha in area. The property has sufficient site area to subdivide into two 1.0 ha parcels with a single dwelling per parcel permitted. The applicant’s proposal will not result in an increase in the overall residential density or a change to permitted land-use.

As per Board Policy B1.21 (Groundwater – Application requirements for rezoning of un-serviced lands), the applicant will be required, prior to final adoption of the amendment bylaw, to register a covenant on title requiring the wells to be constructed and tested, and a report submitted to the RDN prior to final approval of subdivision (see Attachment 2 – Conditions of Approval). The applicant has submitted a preliminary hydrogeological assessment completed by a qualified professional which indicates that another well can be constructed on the subject property and that the proposed well has a high probability of achieving a minimum yield of 3,500 litres per day. The report notes that signs of aquifer stress have been reported in the area and recommends the following to ensure any new well can adequately supply the proposed lot with sufficient water quantity:

- An aquifer pump test should be completed during the late summer to accurately determine the new well yield;
- If practicable, neighboring wells should be monitored during the pumping test to detect inter-well interference drawdown;
- The well driller should provide the pump installer a well log indicating the depths of water bearing fracture zones;
- The supply pump should be installed at a depth preventing the main water-bearing zones from being dewatered; and
- The new well should be set back at least 30 metres from any sewage disposal system.

With consideration of these recommendations, staff recommend that the applicant be required, prior to the final adoption of the amendment bylaw, to register a Section 219 restrictive covenant registering the Groundwater Capability Assessment for 2790/2800 Benson View Road, prepared by GW Solutions Inc. and dated February 6, 2015, on the property title which includes a clause requiring that any new well is to be constructed and tested in accordance with recommendations of the report and in a manner consistent with Board Policy B1.21.

Public Consultation Implications

A Public Information Meeting (PIM) was held on March 26, 2015. Two members of the public attended and no written submissions were received prior to the PIM (see Attachment 4 – Summary of Minutes of the Public Information Meeting). No public comments or questions were received by the two members of the public in attendance.

Environmental Implications

The applicant has submitted a preliminary hydrogeological assessment which indicated that the construction of a new well on the subject property should have no adverse impact on the surrounding wells provided development on the new parcel follows the recommendations of the report. The applicant has also submitted a letter from a Qualified Environmental Professional which concludes that the water feature on the subject property does not meet the definition of Stream under the provincial *Riparian Areas Regulations*.

Strategic Plan Implications

Staff have reviewed the application in consideration of the Board's 2013-2015 Strategic Plan and have not identified any implications.

Inter-governmental Implications

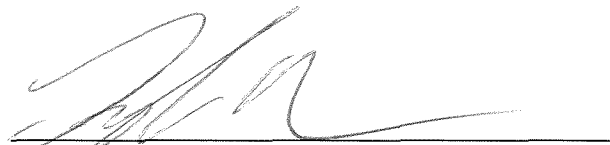
The Ministry of Transportation and Infrastructure (MOTI), Island Health and the local Fire Chief have reviewed the proposed amendment and confirmed that they do not have any concerns.

SUMMARY/CONCLUSION

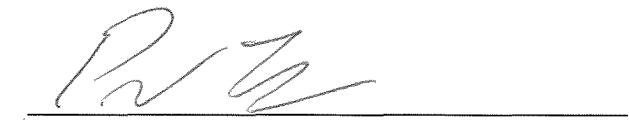
The applicant proposes to rezone the subject property from Rural 1 Zone, Subdivision District 'D' to Rural 1 Zone, Subdivision District 'F' in order to permit a subdivision of the property into two lots. The proposed development is consistent with the OCP policies. The proposed lot sizes will provide adequate site area for the intended use and subdivision. Given that the proposed amendment is consistent with the OCP and the applicant has submitted a preliminary hydrogeological assessment, staff recommend that the proposed Zoning Amendment Bylaw No. 500.399, 2015, receive first and second reading and proceed to public hearing.

RECOMMENDATIONS


1. That the Summary of the Public Information Meeting held on March 26, 2015, be received.
2. That the conditions set out in Attachment 2 of the staff report be completed prior to Bylaw No. 500.399 being considered for adoption.
3. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.399, 2015", be introduced and read two times.
4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.399, 2015", be chaired by Director Maureen Young or her alternate.



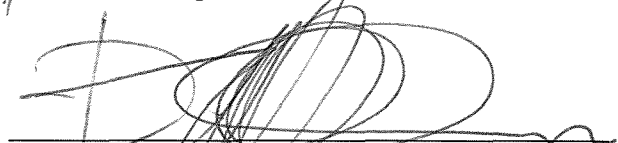
Report Writer



A/General Manager Concurrence

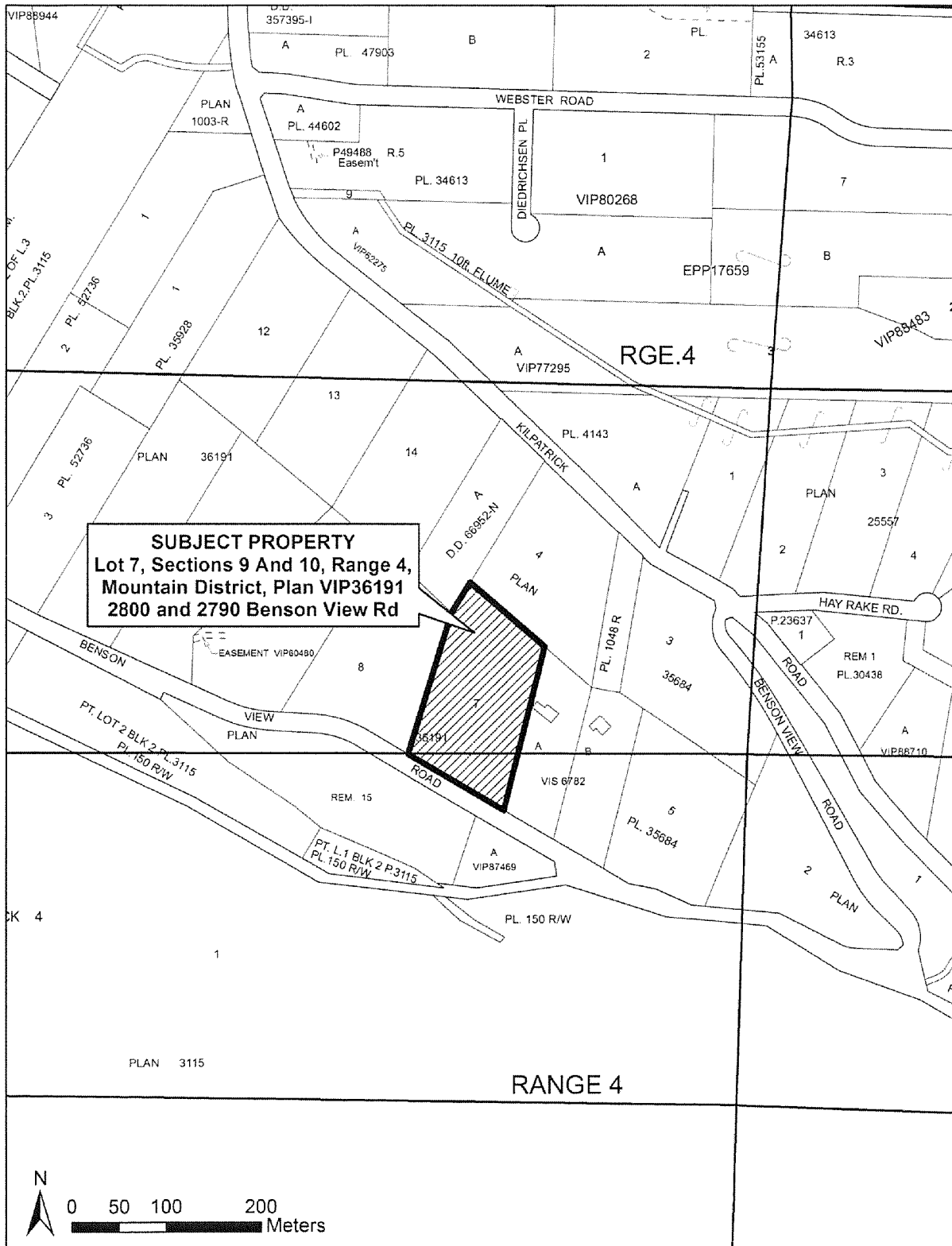


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



Attachment 2
Conditions of Approval

The following is required prior to the “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.399, 2015” being considered for adoption:

Conditions of Approval

1. The applicant shall register a Section 219 restrictive covenant requiring any new parcels created through subdivision to be greater than 1.0 ha in area.
2. The applicant shall register a Section 219 restrictive covenant requiring that wells be constructed and tested for each new parcel, and a report is to be submitted to the RDN, prior to the final approval of subdivision in accordance with Board Policy B1.21.
3. The applicant shall register a Section 219 restrictive covenant registering the Groundwater Capability Assessment for 2790/2800 Benson View Road, prepared by GW Solutions Inc. and dated February 6, 2015, on the property title, which includes a clause requiring that any new well is to be constructed and tested in accordance with recommendations of the report.

**Attachment 4
Summary of Minutes of a Public Information Meeting
Held at Beban Social Centre
2300 Bowen Road, Nanaimo
Thursday, March 26, 2015 at 6:00 PM**

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

There were 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)
Tyler Brown, Planner, handling the development application
Jeremy Holm, RDN Manager of Current Planning

Present for the Applicant:

Doug Holme, Agent

The Chair opened the meeting at 6:00 pm, outlined the evening's agenda, and introduced the RDN staff and the applicant's agent in attendance. The Chair then stated the purpose of the Public Information Meeting and asked RDN staff to provide background information concerning the development application.

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

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

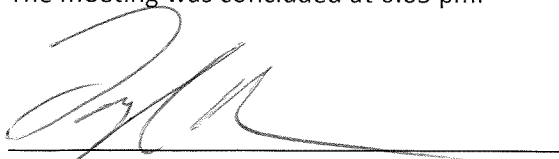
Doug Holme presented an overview of the proposal.

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

No public comments or questions were received.

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 6:05 pm.



Tyler J. Brown
Recording Secretary

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.399**

**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. 500.399, 2015”.
- B. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:

By rezoning the lands shown on the attached Schedule ‘1’ and legally described as:

Lot 7, Section 9 and 10, Range 4, Mountain District, Plan 36191

from Rural 1 Zone, Subdivision District ‘D’ to Rural 1 Zone, Subdivision District ‘F’.

Introduced and read two times this 28th day of April 2015.

Public Hearing held this ___ day of _____ 2015.

Read a third time this ___ day of _____ 2015.

Adopted this ___ day of _____ 2015.

Chairperson

Corporate Officer

Chairperson

Corporate Officer

Schedule '1'

